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

PLEDGE OF ALLEGIANCE

INTRODUCE MEMBERS OF THE BOARD

PRESENT: Richard (Dick) Marshall (Chairman), Tom Walsh (Vice-Chairman), Paul Scarpetti, David Boutin, Christopher Stelmach, Matt Reed, and Robert Duhaime (Town Council Rep.)

ALTERNATES: David Russell

EXCUSED: Brett Scott (Alternate)

STAFF: Nicholas Williams (Town Planner)

APPROVAL OF MINUTES OF NOVEMBER 18, 2019

November 18, 2019 Meeting – D. Boutin motioned to approve the minutes of the November 18, 2019 meeting. Seconded by C. Stelmach. T. Walsh abstained due to not being present at the November 18, 2019 meeting. Motion carried unanimously with a vote of 6-0.

PUBLIC HEARING

1. PROPOSED ZONING AMENDMENTS
   11 lots on Benton Road: Performance Zone to Medium Density Residential
   7 lots on Londonderry Turnpike: Medium Density Residential to Commercial

D. Marshall: Two amendments are being proposed:

Amendment No. 1

Are you in favor of Zoning Amendment #1, as proposed by the Hooksett Planning Board, to re-zone the following lots from Medium Density Residential to Commercial:

Map 31, Lot 29; Map 32, Lot 24; Map 32, Lot 25; Map 32, Lot 26; Map 32, Lot 23; Map 32, Lot 25-1; Map 32, Lot 25-2.
The proposed re-zoning will convert the above mentioned lots from medium density residential to commercial for the purpose of creating uniformity in zoning along Londonderry Turnpike, south of Farmer Road, one of Hooksett’s main commercial corridors.

Open public hearing

Barry Nielsen (259 Londonderry Turnpike, Map 32, Lot 24): At the last meeting one of neighbors asked if our real estate taxes will be affected. You said they will not.

D. Marshall: You will be taxed as a residential use. Nothing needs to be done.

B. Nielsen: Is the Board voting if this gets onto the ballot?

D. Marshall: Yes, for March.

B. Nielsen: If this gets approved and it gets rezoned to commercial, will I have to sell it to a commercial use?

D. Marshall: You can sell it to commercial or residential and if it is a residential use they would be grandfathered.

Close public hearing.

D. Boutin motioned to move Warrant Amendment No. 1 to the voters. Seconded by D. Marshall. Motion carried unanimously with a vote of 7-0.

Amendment No. 2

Are you in favor of Zoning Amendment #2, as proposed by the Hooksett Planning Board, to remove the following lots from the Performance Zone and to subsequently rezone said lots from Commercial to Medium Density Residential:

Map 30, Lot 1; Map 30, Lot 2; Map 30, Lot 10; Map 30, Lot 11; Map 30, Lot 12; Map 30, Lot 13; Map 30, Lot 58; Map 30, Lot 59; Map 30, Lot 60; Map 30, Lot 61; Map 30, Lot 62

The proposed re-zoning will remove the performance zone layer from the above mentioned lots and subsequently re-zone these lots from commercial to medium density residential for the purpose of maintaining the residential character of Benton Road.

D. Marshall: All of those who have houses on these commercial lots are, in reality, non-conforming but they are grandfathered. You can sell them, you can live there. If this gets passed on to the voters and gets changed to medium density residential, your house will be medium density residential, and your house is there. It may be non-conforming in some senses in the fact that the side and front yards may be different than what they are today, but you are grandfathered. You can sell your land as residential, you will be taxed as residential as you are today.

Open public hearing
Nicole Letendre (26 Benton Road): I looked up the real estate listing of where the sports done is allotted to go. It described the property and talks about the performance zone saying the performance zone will allow for nearly all commercial uses. To me the all commercial uses was alarming in the sense that we just went through the sports dome issue. I know you are reevaluating the architectural design standards, but none of us ever thought that this bubble would come in either. There are things that are not being thought of now that may come along in the future. The fact that they are advertising that this performance zone can be used for nearly all commercial uses, I am concerned that if it stays commercial who knows what could go in there. There was discussion about keeping the lots that are closest to the turnpike commercial, who knows what would go in there. My concern is to keep the whole character of the road residential. My other concern is when the sports dome was taking place, my neighbors and myself spent two days walking around the general neighborhood talking to our neighbors and everyone was shocked that the sports dome was even being considered. We had over 100 signatures that said we do not want commercial properties on this road. I think this should go to the town and let them decided if this is an appropriate place for more commercial properties.

D. Marshall: The intent of this proposal is to remove the performance zone and rezone from commercial for medium density residential.

N. Letendre: I am encouraging the Board to let the town make that decision.

Attorney John Arnold (Hinckley Allen/Representing Joyland Associates): I am here with Michael Sydney of Joyland Associates. I submitted a letter for distribution to the Board last Friday. I am concerned that the public notice is legally deficient. I believe it has confusing and conflicting information in it. Specifically by saying that the permitted uses set-back, lot coverages, etc. will not change for the current uses if the zoning goes forward. All of those requirements will change for the properties uses if they do go forward. I believe that the public notice is confusing and misleading and that if you decide you want to move forward with the proposal, one way or another, it should be corrected and re-noticed so that members of the public and the affected property owners have an opportunity to understand what the rezoning is about and participate in the hearing.

D. Marshall: What you are saying is wrong. It doesn’t change. Those lots will have houses on them that were approved by the Planning Board with the demential requirements that were in affect at the time and they are grandfathered. We do not change that.

Attorney Arnold: I don’t want to belabor this but I think that drawing the technical distinction between what the zoning requirements are and what is protected grandfathering is a complicated issue and I do not think the people that received this public notice or are looking at the public notice are going to understand what that distinction is. I fear that by saying the zoning requirements will not change I disagree with you and don’t believe that is legally correct. Setting that aside most people reading this notice would be confused.

D. Marshall: Would anyone who owns one of these lots stand up.

The public who owns the lots stood up. D. Marshall asked if they were confused. The public that were standing stated they were not confused.
Attorney Arnold: Under state law zoning has to follow and implement the goals that have been set forth in the town’s master plan. In this case the town’s master plan identifies this corridor as an area that is important for future economic development. The performance zone has a statement of purpose and that states that it is implemented and created to further the goals that are set forth in the master plan and the traffic study that was conducted. The current zoning gives the board wide latitude to use flexible requirements to minimize the impact associated with economic development in this area including enhanced landscaping, bonus incentives, and variable setbacks. The proposed zoning amendment is at odds with the goals of the master plan. I urge the Board to pause and reconsider what those goals and objectives are in the master plan and the reasons for this proposal. It strikes me as problematic that the proposal is coming on the heels of the sports dome approval. This Board has an obligation to approach zoning in a fair and consistent manner. If a Board approaches rezoning on a project by project basis, or in response to certain developments, it runs the risk of not only violating state law but also depriving property owners and members of the public of the predictability and stability that the zoning regulations are designed to afford.

D. Marshall: Case in point. The sports dome is grandfathered. You have been approved. There is nothing that will change that approval. It can go forward. During that whole discussion the people that live there suddenly realized they were sitting on commercial land and they have requested these changes be made.

Attorney Arnold: I understand this is a proposal, not a citizens petition.

D. Marshall: It is not a citizens petition, but we act to citizen input.

D. Boutin: I was happy to see the sports dome approved. This proposed zoning amendment does not affect that property in any way. I am not sure why you are arguing this point.

Attorney Arnold: A property that is zoning compliant is in a much different status than a property that is protected with a grandfathered use. As a grandfathered use there are a number of zoning restrictions that prevent the changes that happen with that property, how that property is used, and the grandfathered status can be lost.

D. Boutin: That is not a grandfathered status.

D. Marshall: The site plan for that property is grandfathered.

D. Boutin: That is different than saying the property is grandfathered in terms of use. It is grandfathered to the extent it was approved by the Board. It won’t change unless the applicant proposes a change to the site plan.

Attorney Arnold: I disagree with that to the extent that the site plan approval has been granted and I agree it has vested protection and is potentially grandfathered if it moves forward within the required timelines, but if you look in your zoning there is an entire section on non-conforming uses that are very restrictive in terms of how non-conforming use can be modified, expanded, changed, or discontinued.

D. Boutin: It is a conforming use. Why do you call it a non-conforming use? It is on a commercial site.
Attorney Arnold: If the rezoning goes forward it will become a residential property.

D. Boutin: No its not.

D. Marshall: Yes it is. It becomes residential, but the plan is grandfathered.

D. Boutin: I thought those lots were being left out.

D. Marshall: No it isn’t.

D. Boutin: I thought it was. I argued for that last time. I cannot support this then.

Attorney Arnold: Joyland Associates and its principals have been in Hooksett for a long time. They have done a lot of developments in this town. Setting aside the sports dome project for purposes of this discussion, projects have been successful and well regarded. We are concerned with the process and substance of this rezoning. We urge you to step back, look at the goals set forth in the master plan for this area, and to consider the purposes behind this rezoning. I would hope that once you do that you have second thoughts about why you are moving forward with this. To the extent that you don’t and you still believe it should move forward, I would urge you to reissue a new public notice to remove the inaccuracies and confusing statements that are in it. There is a lot at stake here for the property owners on Benton Road, especially Joyland Associates, who owns half of the property.

D. Boutin: With regards to this being grandfathered, currently under state law and in our regulations, if you reach a year, you have a right to ask for an extension. To that extent does that grandfathered provision affect that right?

D. Marshall: No.

N. Williams: It is two years from the date of signing.

D. Boutin: Is the grandfathered status protected in the same way that other development regulations are protected when an applicant comes in and asks for an extension on a project?

N. Williams: That would be a question for our legal counsel.

D. Boutin: I think we need to get an answer to that before we vote on this.

D. Marshall: Active and substantial progress has not been made. After two years it is null and void and you start from ground zero in seeking approvals.

D. Boutin: That is not what he said. He said he does not know if they have the same rights as another development company where the property is zoned properly and they want to request an extension. If they retain the same rights I have no issue with this.

D. Marshall: If there is any doubt you can pull those lots right now and we will go to a third public hearing.
T. Walsh: I agree with your position. If we have time for a third public hearing, do we not just have the time to get the advice of legal counsel without pulling it an putting it back on?

N. Williams: The latest we can post for a third and final hearing is January 1, 2020. I have to have these turned into the clerk by February 4, 2020.

D. Marshall: So we would submit this to our legal counsel, to see if the same rights apply, and if he says no, then we withdraw them before that hearing. We cannot withdraw them in the third hearing. If you withdraw them in the third hearing, you need a fourth hearing.

D. Boutin: I think we should wait a year and get a correct answer to this before we substantially affect someone’s development rights.

D. Marshall: What about all of the residents concerned about their properties being commercial?

D. Boutin: Most of these properties are residential.

D. Marshall: They are not. Currently they are commercial. They are asking for them to be changed to residential.

**D. Boutin motioned to remove Map 30, Lots 1 and Map 30, Lot 2 (9 and 13 Benton Road).**

P. Scarpetti: We still have time to get the opinion of legal counsel.

D. Marshall: As long as you make a motion tonight that we are seeking legal counsel and if legal counsel says the same rights apply to those two lots, those two lots will remain in the package. If they say they do not, they will be removed before the notice for the third hearing has to go out.

D. Boutin: Do we have the time to do that?

N. Williams: The notice for the third and final hearing must go out by January 1, 2020.

D. Boutin: We, as a Board, need to have something in writing from legal counsel on how he arrived at his decision. Legal counsel may or may not be accurate. My preference would be to see this removed and dealt with next year.

Board discussion ensued on getting the opinion of legal counsel and the timing of the hearings.

Close public hearing.

*T. Walsh motioned to send Warrant Amendment 2, as it is, to the voters. Seconded by R. Duhaime. Opposed by D. Boutin. Motion carries with a vote of 6-1.*

**EXTENSION OF APPROVAL**

2. **VWI TOWERS, LLC #19-28**
   180 Londonderry Turnpike, Map 43, Lot 4
**Extension request for cell tower approval**

Earl Duval (Duval and Klasnick): This project has not yet commenced. There have been merger discussions between T-Mobile and Sprint and we are waiting for the anchor tenant. There are no changes to what has been approved.

D. Marshall read N. Williams comments into the record: “The applicant is requesting a one year extension on this project, which was granted conditional Planning Board approval in December of 2018. As the wireless communication facility is located within a commercial zone, the applicant applied for and was granted a special exception by the ZBA on 11/13/18. The applicant has been advised in writing that special exceptions granted by the ZBA are in effect for a period of two years from the date of granting, and in the absence of any active and substantial improvements to the site as defined under our development regulations by 11/13/20, that ZBA entitlement will be considered void, and the applicant will need to reapply for the special exception before beginning site work.” Applicant’s legal counsel submitted a request, dated 11/07/19.

**P. Scarpetti motioned to grant the extension request for cell tower approval for VWI TOWERS, LLC #19-28, 180 Londonderry Turnpike, Map 43, Lot 4 until 11/13/20. Seconded by Matt Reed. Motion carries unanimously with a vote of 7-0.**

**COMPLETENESS REVIEW AND PUBLIC HEARING**

3. **DESAULNIERS #19-23**
   147 Whitehall Road and 20 Bowtie Lane, Map 20, Lots 19&23
   Lot line adjustment

Open public hearing.

Attorney John Roy: I represent the petitioners. This is a basic situation where one brother is trying to help another brother. They are adjoining lot owners. The grantee would like to have his swimming pool on his own land, rather than on his brothers. No new lot of record would be created. While the petitioners property is subject to a variance, that variance has nothing to do with this and will not be affected by the granting of this request.

D. Marshall read an email into the record from Attorney Serge to Matt Lavoie dated November 12, 2019. “After considering this situation, I do not feel a variance is needed to allow the garage structure to remain within the side setbacks. Although it is unclear when the garage was built, I believe you said it has been in the same place for many years (decades). Because there is already a side setback encroachment, the lot line adjustment is really irrelevant and does not change that fact. The owner would argue that the garage is a lawful non-conforming structure, and he may well be correct. Regardless, the fact that the Town has apparently never questioned the structure makes it very difficult to pursue. So, the bottom line is to leave the garage alone. With respect to lot size, this particular lot has historically been two smaller lots, which are pre-existing lots of record. While the lot (post-lot line adjustment is still technically a non-conformity, it is being improved and made less non-conforming. Thus, there is not cause for a variance under the circumstances.”
D. Boutin motioned for completeness for Desaulniers, #19-23, 147 Whitehall Road and 20 Bowtie Lane, Map 20, Lots 19&23. Seconded by T. Walsh. Motion carries unanimously with a vote of 7-0.

Open to public comments.
No public comments
Close public comments.

Close public hearing.

D. Boutin motioned to grant the lot line adjustment for Desaulniers, #19-23, 147 Whitehall Road and 20 Bowtie Lane, Map 20, Lots 19 & 23, lot line adjustment. Seconded by T. Walsh. Motion carries unanimously with a vote of 7-0.

4. S&H LAND SERVICES, LLC #19-30
141 Londonderry Turnpike, Map 43, Lot 24
2 lot subdivision

T. Walsh stepped down. D. Russell will be a voting member.

D. Boutin motioned for completeness for S&H Land Services, LLC #19-30, 141 Londonderry Turnpike, Map 43, Lot 24, 2 lot subdivision. Seconded by P. Scarpetti. Motion carried unanimously with a vote of 7-0.

Open public hearing.

Tom Hewett (One of the owners of S&H Land Services, LLC): I am here with my business partner Pete Stoddard. Pete and I have this property tied up under agreement. This is currently a four acre piece with a residential house that fronts on Londonderry Turnpike. The entire lot is currently zoned commercial. We are proposing to sub-divide of an approximately 37,000 sq. ft. lot where the existing house is and convert that to a professional office building for a land surveying company. If approved we will be moving our office into that building, rehabilitating it and coming before you with a site plan. We have gone to the Zoning Board last week to get a variance to allow a residential use on the remainder three acre lot for a single one family home. The reason for that is Joanne Drive is residential drive. We obtained that variance. Some of the abutters asked if we could put a no-cut buffer behind their houses. We have agreed to a 20’ buffer with a gentlemen that came to talk with us, and sent an updated plan to the ’Town Planner with the updated buffer that would run behind those houses. Both lots would be serviced by on site septic and there is public water at the streets. Even though we got the variance we were asked by the town to put this on the warrant to change the residential lot in the back to a residential use as a housekeeping issue.

D. Boutin: Where is the buffer?

T. Hewett showed the buffer.

P. Scarpetti: We can extend the buffer if necessary and go all the way to Cindy Drive. That is not an issue.
D. Marshall: Can we step back to rezoning.

N. Williams: The variance they have secured on what will be the sub-divided property to the rear does not preclude them from developing that commercially and that is not in the best interest of anyone on Joanne Drive. They have been advised that the property zoning should go on the warrant. We still have time to do a public hearing on this issue.

Open to public comments.
No public comments.
Close to public comments.

Close public hearing.

D. Boutin motioned to approve a 2 lot subdivision for S&H Land Services, LLC #19-30, 141 Londonderry Turnpike, Map 43, Lot 24, subject to the 20’ buffers all the way to Cindy Drive.

P. Scarpetti: Because you are going from residential to commercial, you have a buffer between your office and that house. Do you think it is wise to put a buffer on the west side of the property that abuts your office?

T. Hewett: Pete talked to Nicholas about that and we are willing to work with the Board. The driveway for that lot likely has to come in pretty close to the lot line, but we would be happy to put some kind of buffer where we can there.

P. Stoddard: We could do that at the site plan review.

P. Scarpetti: You could put some of the natural buffer on residential portion and have it on the deed for the house.

R. Duhaime: Welcome to town. I think that the no cut would be a good idea. This looks like a good plan. I think adding something on that side would help with the sale of that lot.

P. Scarpetti added to the motion a 25’ no cut buffer on the west side of the property with the exception of being able to grade for the installation of the driveway and to approve the subdivision. Seconded by C. Stelmach. Motion carried unanimously with a vote of 7-0.

R. Duhaime motioned to hold the first public hearing for a 2 lot subdivision for S&H Land Services, LLC #19-30, 141 Londonderry Turnpike, Map 43, Lot 24, on January 6, 2020. Seconded by P. Scarpetti. Motion carried unanimously with a vote of 7-0.

T. Walsh returned.

M. Reed stepped down.

5. SPRUCE MOUNTAIN ASSOCIATION, LLC #19-29
   1794 Hooksett Road, Map 6, Lot 114
   27 lot residential subdivision
N. Williams: The plans are complete. There is the potential to request a waiver for sidewalks.

Doug MacGuire (Dubay Group): I would like to request a waiver for sidewalks.

Discussion ensued regarding a formal waiver request for the sidewalk requirement. D. MacGuire stated that he will file that formal waiver request.

**D. Boutin motioned to waive the sidewalk requirement for a 27 lot residential subdivision for Spruce Mountain Association, LLC #19-29, 1794 Hooksett Road, Map 6, Lot 114. Seconded by D. Marshall. R. Duhaime opposed. Motion carries with a vote of 6-1.**

M. Reed returned. D. Russell is no longer a voting member.

**D. Boutin motioned to find the plan complete for a 27 lot residential subdivision for Spruce Mountain Association, LLC #19-29, 1794 Hooksett Road, Map 6, Lot 114. Seconded by P. Scarpetti. M. Reed abstained due to not being in the room at the time of discussion. Motion carries unanimously with a vote of 6-0.**

Open public hearing.

D. MacGuire: With me is the applicant, Rob Starace of Strategic Contracting. We came before this Board conceptually, showing a layout similar to this, to get feedback. This is approximately 40 acres. The front 10 acres is the existing Webster Woods. We are proposing to subdivide off of that 10 acres. They will remain as their own association and the remaining 30 acres will be developed as proposed on this plan. We went to the Zoning Board and received a variance to allow residential units utilizing the urban development regulations for lot size. The primary access will be off of Bernice Street which is an existing town roadway which extends directly to our property and dead ends without any cul-de-sac. Our proposal would be to extend off of Bernice Street. Sheet 9 are the grading and drainage plans. We received feedback from the Board and town staff on how to access this property with regard to Bernice Street. In the late 1950’s, early 1960’s, it was proposed that Bernice Street was to be extended all the way to Granite Street. There is an existing parcel of land, which is owned by the town, which has been held in fee and undeveloped, most likely because there is not a need for development unless the property was extended as we are now proposing. We are proposing to work within the extension within the existing right-of-way to extend Bernice Street to Granite Street. Bert Street will become a stop condition, as Bernice will extend through and into the property. We are following the existing utility corridor with our proposed roadway. The existing easement that we have with all the utilities goes right through. There is sewer, water, and gas. We are proposing to put in a series of streets to break up this property to individual residential lots. One of the concerns of this Board and the Zoning Board were the ravines on both sides of the property. This was originally proposed as an extension of Webster Woods. That plan was maximized and right to the edge of the steep slopes. The Zoning Board requested that we don’t include those areas within the individual lots. We made the lots in the areas of the ravens stop before we got into the steep area and are proposing the remaining land to be non-buildable and deed restricted. There is some additional land in the back that could be used for walking or a public access. We are going to prepare a homeowners association to handle that open space so that it will not been the towns responsibility. Drainage also falls into that area and so the association will also maintain the detention system. We have a proposed emergency access point which will connect to the Webster Woods proper-
ty for mutual benefit. It will be gated for emergency vehicles only. Grading wise we did a prototypical grading plan on every single lot. There is a 5 1/2 percent grade. All of the houses will have walk out’s and flat back yards. Due to the nature of the site we were able to grab all of the water and put it into one location in an area that is flat and we will meter it to meet the requirements. We will have areas with vegetative buffers and access to the open space will be available to the homeowners.

D. Boutin: What will the ownership be?

D. MacGuire: It will be a condoized association with all 27 properties having access to the open space. The open space will be deed restricted as an open space, non-buildable lot.

D. Boutin: Is there a note on the plan that shows that will be protected?

D. MacGuire: We will add a restriction note to the plans.

R. Duhaime: Sheet 11, Lot 6114-13 and 14 shows the corner dropping. Will that be filled?

D. MacGuire: We are working well with the ravine in that area. We tucked the house into that so the low part of the ravine will be the walkout basement area.

R. Duhaime: On Sheet 10, Lot 6114-2, I see lines. How many feet of drop is that. Will that get leveled?

D. MacGuire: It looks like a 10 foot drop in the existing topography. We are holding our grade. From 480 you are only dropping 2’ of the entire area. That is what I was talking about when I said we were utilizing the area.

R. Duhaime: I thought you were showing the as-builts.

R. Sterace: It is prototypical depending on what the homeowner would want. We are spec builders. I don't like to pre-sell. We are going to do a walk-out wherever we can.

T. Walsh: A quarter of Lot 6114-5 is a ravine. Is that problematic?

D. MacGuire: That is our tightest lot, but it is not an issue. There would be a garage and the advantage of a walk-out. The contours are tying into grade underneath the deck and there would be a useable flat area in the yard. The concern the Webster Woods community had was making it so there was no usable land. In Webster Woods some of the properties you step out and there is the ravine.

P. Scarpetti: Your wetland setbacks are in a few of the lots. I would ask for a no-cut restriction on those lots. Especially on No. 5. If they cut that there will be an erosion problem.

D. MacGuire: We have no problem putting a restriction on that. On the steep corner there is no development opportunity. It will not be able to be flattened out. For the houses you mentioned we can put restrictions on that.
P. Scarpetti: I can see a homeowner trying to build a stone wall and then there will be an issue. If it is in their deed it is noted.

C. Stelmach: I did not see a landscape plan. Are there shrubs or plantings that will be blocking the existing Webster Woods buildings?

D. MacGuire: We are not proposing anything, but there is a decent amount of pre-existing growth there.

D. Boutin: This is not the plan you are going to record with the registry of deeds?

D. MacGuire: No.

D. Boutin: So it could change?

D. MacGuire: Yes.

D. Boutin: The access road doesn’t make any sense. Why do they need a separate road with a gate?

D. MacGuire: I went to the TRC meeting without the emergency access. The Fire Department wanted to see that connection to provide a second means of access.

D. Boutin: That is only for emergency vehicles.

D. MacGuire: Yes.

D. Boutin: It doesn’t make any sense. There are a lot of way to access.

D. MacGuire: I would rather not put it in. If it was the pleasure of the Board that could be reviewed with the Fire Department.

N. Williams: You can’t get out of the sub-division without another access. There needs to be two means of access.

R. Duhaime: Are you keeping an access easement?

D. MacGuire: Yes.

R. Duhaime: There is a safety issue. There is no off-site parking. If someone has a party there is no place to park. There is usually an access to a wooded area. I was thinking there would be one to the north. Is that on the plan?

D. MacGuire: There is an existing easement in place which will still be in effect. Where we are putting in a public right of way. Between Lots 17 and 18 we are proposing to have an actual access drive. We would put in 12 inches of compacted gravel and loam and seed it.

T. Walsh: What is the slope of the ravine on 6114-5?
D. MacGuire: It is mostly 2:1. Some are a little steeper. There is vegetation. It is not an open cliff.

T. Walsh: How much would the access road cost?

P. Stoddard: Approximately $60,000.

D. MacGuire: There are a series of streets, but the primary access is Bernice Street. If a huge tree went down on Bernice Street there would be no access.

T. Walsh: I don’t agree with the access road.

C. Stelmach: Who would maintain the road and trash?

D. MacGuire: This is a public road. The town would maintain it.

D. Boutin: There are many sub-divisions and they do not have a special lane for fire trucks.

R. Duhaime: When you first come into the sub-division instead of following the natural curve you straightened the road.

D. MacGuire: To minimize any impact to the abutters we are leaving it the way it is. That is how the existing road dead-ends. We are holding grade in that area and proposing to do an overlay. It is already working and functioning.

T. Walsh: As far as the condo association, is there another example of what you like to do in town?

D. MacGuire: Not in town, but I have done them in other communities and it was a request from staff.

T. Walsh: Has anyone considered turning it over to the town as conservation land instead of an association?

P. Stoddard: We liked that idea and offered it.

N. Williams: The request came from the DPW and had to do with the detention pond.

M. Reed: There is a condo fee on Post Road. It is $150 per year.

Open to public comments

Don Ingalls (4 Hickory Court): I heard remarks about two types of ownership, one for individual lots being owned by the homeowner and the common area being condoized. How will that be recorded in the deed? If something is condoized it is subject to RSA 356B. If this common land that is condoized will there be an RSA that this will be subject to?

D. Marshall: It will have to pass inspection by our attorneys and state law.
Marian Kolesar (21 Cedar Street): We did not talk about the land that is adjacent to Webster Woods. What would the buffer be and the square footage of a buffer? If the gate is proposed it comes off of Chester Street which is in Webster Woods. Who would keep that clear?

D. MacGuire: Your ordinance requires a minimum of 50’ between a building and a 55+ development. The 55+ has to buffer. We wanted to give ample buffer to the existing Webster Woods and meet the requirement. There is no property line there now. We are proposing one. We put it 35’ off of the rear of the existing Webster Woods buildings and there is an additional 15’ setback. We created a 50’ buffer. Someone could disturb up to that 30’, but they cannot have their house closer to an additional 15’.

M. Kolesar: Would the buffer be a tree line or berm?

D. MacGuire: When Rob develops those lots he can decide if there will be fencing. There is a fair amount of vegetation in that area. It is about 15’ now.

M. Kolesar: It is about 30’.

D. MacGuire: We can look at that. As far as the road, we are proposing that area to be the association’s land. Webster Woods owns this asphalt to the gate. My hope was there could be a compromise. One of the concerns of Webster Woods was the placement of snow. My hope is that Webster Woods would enjoy the benefit of a place to put the snow, but they would maintain that piece of the access. I offered to flip it and say this was a public right of way, and that did not go far. It was the practicality of it. It is more realistic for Webster Woods to take care of it due to the equipment they have to move the snow. We are proposing to put a Webster Woods private property sign on our side of the gate so it is clear that people cannot use that as a walkway. You as a private community would be able to walk the other way.

M. Kolesar: We have a problem now with people coming into Webster Woods with their dogs. If their association were to agree to that it would have to be blocked.

D. MacGuire: This is not going to look like a main access way. I can understand your annoyance with your private property and the dogs coming on and doing their business. That is private access and it not allowed. You will be able to access this property and use it.

M. Kolesar: There won’t be any sidewalks.

D. Marshall: We need to revisit the issue of the gate.

D. Boutin: Do you think that by January 6 you could let us know?

T. Walsh: Your lots and the new ones which have a 30’ buffer plus the 15’ set-back, that is a close place to draw a line in the sand. I want to make sure the Webster Woods community is happy with that.

M. Kolesar: We have been working closely with them.

R. Duhaime: After the storms the Fire Department goes around and services their water tanks. Did they ask you to put the road in and pave it and then take it off of your property?
D. MacGuire: We had shown the potential for a connection. It had come up who would maintain it. I suggested that the town maintain it. It was a logistical concern for the DPW and they thought it would be easier for Webster Woods to maintain it.

R. Duhaime: The Fire Department has a couple of utility trucks that clear the snow.

D. MacGuire: I was not aware of that. We could request that be town land. We would have to cut it open so that it was within the right-of-way of the town.

Robert Miller (50 Granite Street): Where I live abuts the road that would be coming into the Bernice Street extension. Wouldn’t it make more sense to use Bert Street which is the larger road as the entrance?

R. Duhaime: Before the connector road went in Granite Street was a highway. Trying to get out onto DW highway would be harder.

R. Miller: Bert Street is a wider road. It seems silly to put in another road when there is one already there. I would now have a road 30’ from my land.

T. Walsh: Do you pay taxes on that road?

R. Miller: I do not know that.

T. Walsh: There seems like there has been confusion over the years.

R. Miller: I asked and was told it was a paper road. I have seeded and mulched around the trees. Using Bert Street would not include contending with Post Road trying to get out onto DW Highway.

Christine Murray (13 Bernice Street): Are you going to widen Bernice Street?

D. MacGuire: No. Some fences are in the right-of-way. We are proposing to hold the same roadway. We are coming down a little bit lower. If you are having any water issues this will help. We are not sending any water in your direction. It will be going away.

C. Murray: When utilities are put in will anything be dug out?

D. MacGuire: The only thing you will notice is we will be putting a fire hydrant near the front of your property which will lower your property insurance.

D. Boutin: Has the town engineer reviewed this plan?

N. Williams: Yes and he has submitted a memorandum. One comment was regarding the sewer.

D. MacGuire: I have addressed any comments that he has had. We have access to water from Bernice Street and Webster Woods. Whatever the Water Department wants us to do we can most likely accommodate it.
Fred Royer (47 Granite Street): I agree with Mr. Miller. Post Road is not a safe road. Granite Street is very narrow and 47 Granite Street is across from it. I don’t need the snow or the headlights. Have there been any traffic impact studies on this?

D. Marshall: No but we have time to ask for it.

C. Stelmach: Has the state mentioned any road improvements?

R. Duhaime: There is no state permit.

Clifford Jones (1 Bert Street): Is the connection next to my property a right-of way?

D. Marshall: Bert Street and Granite Street are owned by the town in fee simple so they own the land outright. It is not a paper street and was never a paper street. It is a strip of land owned by the town in three deeds and can be used by the town for whatever.

C. Jones: With regard to the RSA I was stating, we had the town give us a letter by the Town Administrator who had talked to the attorney that said the property was ours. Then there was a separate letter from the town attorney saying it was ours, and the local government center, which has been renamed, the on-staff attorney there told us it was ours per the RSA.

D. Marshall: They were given the wrong information. They were not given the deeds.

C. Jones: That is the information I am trying to look for. Why this RSA doesn’t apply.

D. Marshall: The letter from the attorney will explain it.

C. Jones: If you have a fire structure at the main entrance they need to get emergency personnel to the person. They have one access in and they need two. As far as existing zoning problems, driveways cannot be within 100’ of an intersection. The road frontage is 90’. The abutter back here has 85’.

D. Marshall: He doesn’t have a conforming lot because he doesn’t own that land.

C. Jones: I work for Stantec part time. An engineering traffic study needs to be done. I would like a copy of the application bundle.

N. Williams: I can get that for you.

R. Duhaime: Is the cul-de-sac in the condo docs or is that town property?

D. MacGuire: The way you have your cul-de-sac design, the right-of-way goes around the outside so you own the middle. It was requested by the DPW that we eliminate any curb on the inside radius to assist them in plowing. We removed that and the water now goes to the grass so we need to have a collection point. We added that one basin but that would be town maintained property.
D. Boutin: We have heard more and more about traffic. I think it would behoove us to have a traffic study.

D. MacGuire: This is a low volume generator. I would be looking from clarification as to the level of detail.

D. Marshall: The intersection function at Granite Street, Bert Street and Route 3, and the issues of Bernice Street extension with Granite Street. Full counts.

Gerry Ouellette (11 Dogwood Drive): I am one of the direct abutters to this project. I have no problem as long as you say what you are going to do, you do. I just question that I might be losing some of the trees. I was not aware you were creating a lot line. That gives us more property and more cost to maintain. Couldn’t you just keep that deeded to the town?

D. MacGuire: There are benefits to the retirement community due to fire access and snow storage. The towns position is they would feel better having the private association maintain it. I am going to have that discussion with your association and staff. I was not aware the Fire Department had the means to maintain it.

G. Ouellette: As far as snow we don’t have room to push it.

D. MacGuire: With this you will have the room.

G. Ouellette: Why can’t this be your responsibility?

D. MacGuire: Everybody has a different thought and that is what needs to be discussed.

G. Ouellette: I am trying to take the cost out of our pockets. Other than that I have no problem.

Al Garland (46 Granite Street): Those roads cannot handle that traffic. Sometimes people go 50 miles per hour down Granite Street. As far as the piece of land I have been maintaining that for 40 years. If they put a road in there I am going to have a hard time mowing my lawn.

Joshua Hadley (13 Bernice Street): Are you going to go through with the traffic study? Cars fly down Bert Street and go into the woods. You are going to have a lot of problems. I would like to make sure the traffic study goes through.

D. Marshall We will do it.

D. MacGuire: From a staff standpoint they are good with these plans, pending AOT.

*D. Boutin motioned to have the public hearing for a 27 lot residential subdivision for Spruce Mountain Association, LLC #19-29, 1794 Hooksett Road, Map 6, Lot 114 continued until February 3, 2020. Seconded by R. Duhaime. Motion carried unanimously with a vote of 7-0.*
D. Marshall: The public has been notified that the public hearing for Spruce Mountain Association, LLC #19-29, 1794 Hooksett Road, Map 6, Lot 114, 27 lot residential subdivision, will be continued on February 3, 2020.

GROUNDBWATER RESOURCE CONSERVATION DISTRICT

6. SEASONS CORNER MARKET
   1663 Hooksett Road, Map 14, Lot 1-9
   Removal of aquifer designation from property

This item was moved to Number 3 for this evening.

Present was Attorney Andy Sullivan and Ken Milender, Geologist, Miller Engineering.

N. Williams: A site plan has not yet been submitted. The site in question is within the groundwater conservation resource district. Within the zoning regulations that strictly prohibits fueling stations in those districts. It will be within their site planning process to include a fuel station there. They went to the Conservation Commission with Mr. Milender’s report which concluded that the site is not within the aquifer. The Conservation Commission required a third party review. That was done by Stantec which concurred with Mr. Milender’s report.

D. Boutin motioned to grant the removal of aquifer designation from property for Seasons Corner Market, 1663 Hooksett Road, Map 14, Lot 1-9. Seconded by T. Walsh. R. Duhaime abstained. Motion carries with a vote of 6-0 and one abstention.

OTHER BUSINESS

7. 2020 Meeting Schedule

D. Boutin motioned to approve the 2020 meeting schedule. Seconded by T. Walsh. Motion carried unanimously with a vote of 7-0.

8. Architectural Design Guidelines Subcommittee Recommendations

Not discussed.

BOARD DISCUSSION

None.

ADJOURNMENT

D. Boutin motioned to adjourn. Seconded by P. Scarpetti. Motion carried unanimously with a vote of 7-0.

The meeting was adjourned at 8:38 pm.
Respectfully submitted by,

AnnMarie White
Recording Clerk