

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, March 4, 2019**

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

PLEDGE OF ALLEGIANCE

INTRODUCE MEMBERS OF THE BOARD

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

ALTERNATES: Matt Reed

EXCUSED: T. Prasol

STAFF: Nicholas Williams (Town Planner)

APPROVAL OF MINUTES OF FEBRUARY 4th, 2019

February 4, 2019 Meeting – *D. Boutin motioned to approve the minutes of the February 4, 2019 meeting. Seconded by D. Boutin. T. Walsh and P. Scarpetti abstained due to not being in attendance at the February 4, 2019 meeting. Motion carried unanimously.*

EXTENSION REQUEST

- 1. KASSAS REAL ESTATE #19-04
1461 Hooksett Road, Map 18, Lot 49-C
Amended site plan for bank**

R. Duhaime motioned to approve the one-year extension for the amended site plan for bank for Kassar Real Estate, #19-04, 1461 Hooksett Road, Map 18, Lot 49-C. Seconded by T. Walsh. Motion carried unanimously.

CONTINUED PUBLIC HEARING

- 2. OSBORNE'S AGWAY #18-15
1220 & 1224 Hooksett Road, Map 34, Lots 29 & 30-3
Office space and Farm and Garden Center**

Nathan Chamberlin (Fieldstone Land Consultants): We are ironing out issues with an abutter and have addressed the engineering reviews. We have also provided what the Planning Board requested.

D. Marshall read a letter from Bruce A. Thomas, Town Engineer, dated February 27, 2019 which stated items that still need to be addressed.

D. Marshall: Do you have any of the items mentioned in the letter?

N. Chamberlin: We have not pursued those yet.

D. Marshall: You are looking for a conditional approval?

N. Chamberlin: Yes.

Discussion ensued on reclamation v. a surety estimate.

T. Walsh motioned to put a reclamation in place as opposed to 30% for a surety estimate based on the recommendation of the Town Engineer. Seconded by P. Scarpetti. Motion carried unanimously.

D. Boutin: Would you get state or town public works department approval?

N. Chamberlin: The DOT is the governing authority.

D. Boutin: Has the sign been addressed?

N. Chamberlin: We provided a sign design.

D. Boutin: What is the status of the voluntary lot merger?

N. Williams: That needs to be signed by the Chairman but there needs to be a motion.

D. Boutin: Will there be a separate sign or will your sign be part of Cinemagic's sign?

N. Chamberlin: A separate sign.

D. Boutin: Where is it going?

N. Chamberlin: We have not determined that yet.

D. Boutin: I suggest you speak with Cinemagic regarding the location of your sign.

P. Scarpetti: How high is the Cinemagic sign?

N. Chamberlin: I am guessing 12' high but that is on a mound and we are down lower, so our sign and the Cinemagic sign will probably appear to be the same height.

D. Boutin motioned to motioned to conditionally approve office space and Farm and Garden Center for Osborne's Agway #18-15, 1220 & 1224 Hooksett Road, Map 34, Lots 29 & 30-3, subject to evidence that the applicant has obtained the items listed on the February 27, 2019 memorandum from

Bruce A. Thomas, Town Engineer: *1) A Driveway Permit is required from the Public Works Department. Other appropriate approvals should be obtained from the Manchester Water Works, Liberty Utilities, the New Hampshire Department of Transportation, and the New Hampshire Department of Environmental Services; 2) An Excavation Permit from the State Department of Transportation (NHDOT) will be required for the utility connections in the State R.O.W; 3) A wetland permit is required from the New Hampshire Wetland Board; 4) Surety Bonds Required: (a) A landscape bond estimate needs to be provided to the Town Engineer for review. Once approved, a landscape bond needs to be submitted to the Planning Division; (b) An on-site surety estimate (30% of the complete site work estimate) needs to be provided to the Town Engineer for review. Once obtained they will come back before the Planning Board for approval. Seconded by R. Duhaime. Motion carried unanimously.*

D. Boutin *motioned to approve the voluntary lot merger for Osborne's Agway #18-15, 1220 & 1224 Hooksett Road, Map 34, Lots 29 & 30-3. Seconded by T. Walsh. Motion carried unanimously.*

PUBLIC HEARING

**3. SUZANNE BRUNELLE & CONNOR CROWLEY, ATTORNEYS AT LAW #19-01
15 West Alice Avenue, Map 41, Lot 94**

Request to remove the consolidation restriction on the .651 acre parcel marked as "area to be consolidated with Map 41, Lot 86" on MCRD plan#14371

Open public hearing.

Attorney Suzanne Brunelle (Devine Millimet): We represent Peter J. Kiriakoutsos is the trustee of the Charles B. Sullivan, Jr. Revocable trust. In 1998 the town approved a sub-division and consolidation plan. There was a note on there that the .651acre lot was to be consolidated with Tax Map 41-86. That never happened. We were notified of this by Southern New Hampshire University who has been paying taxes on that lot even though it is owned by Peter K. We are looking to correct that issue, however, there is a notation on the plan that it was supposed to be consolidated with the adjoining lot which is Lot 86. We contacted the owners as the intention was that small portion be consolidated with Lot 86. We prepared a deed, a release and contacted their attorney numerous times. We got no response. We finally got a statement that the abutter was not interested and was suspicious of someone being willing to give them a piece of property. We were left with this lot floating around. I believe the town has corrected the tax issue so that SNHU is no longer paying for that portion, but we are looking to have that restriction removed so we are free to do whatever Peter K would like to with that property. C.B. Sullivan conveyed the property to SNHU but under an LLC. He chose not to convey that parcel to SNHU but I do not know that reason. It was confirmed that parcel did not go with the deed to SNHU.

T. Walsh: It isn't owned by anyone?

Attorney Brunelle: It is owned by Peter K.

T. Walsh: It seems like there should be more to this.

Attorney Brunelle: I don't have those answers.

D. Boutin: In 1998, did the recording of this consummate the lot merger?

Attorney Brunelle: No. They would have to transfer the title of the deed but this obscures the title.

D. Boutin: What is it that you want this Board to do if the actual deed transfer never happened?

Attorney Brunelle: We are asking for something from the Board that states that you are rescinding the consolidation restriction.

D. Boutin: I think you will still have a title problem. You will have something that states the Board rescinded it's action but it still shows the merger.

D. Marshall: This would be appended to what was already filed?

Attorney Brunelle: If you approve this it will refer to this plan. It will state the restriction was removed.

C. Stelmach: Who is currently paying taxes on this 1/2 acre?

Attorney Brunelle: SNHU was. I believe the town now has Peter K. paying.

T. Walsh: Is there a third party?

Attorney Brunelle: No.

T. Walsh: I am not prepared to vote for anything on this tonight. It is nothing personal. I just think this should be looked into further. Once upon a time there was an issue with wetlands and the owner had been forced to give up some of his real estate with wetlands and trade. I know that was part of the conversation somewhere between 1978 and 1998. I am questioning that maybe the reason this has not been conveyed is that it is caught up in that whole thing. It may be a piece of EPA owned property.

Attorney Brunelle: I am not aware that when we ran the title that anything popped up with regard to EPA. There is nothing in the file to assist with this but we did look into that.

D. Boutin: Is this property owned by Verres Financial Corp.

Attorney Brunelle: That is who we are supposed to be conveying it too but they don't want it. If I see something that We put a lot of thought into this. We offered it to the person who should take this but they are suspicious of why we would be giving away free land.

D. Marshall: Who is the building behind this owned by?

Attorney Brunelle: SNHU.

D. Marshall: All of the land formerly owned by Mr. Rondeau is now owned by who?

Attorney Brunelle: I don't know.

D. Marshall: Do you have a buyer?

Attorney Brunelle: No. This was brought to our attention when SNHU did not want to pay taxes on it.

D. Marshall: We have SNHU, a holding company, and a small piece of land. We have not heard from the holding company.

Attorney Brunelle: This plan is on record saying it should have been consolidated with this property.

D. Marshall: If the restriction gets removed does it automatically go to the original C.B. Sullivan property?

Attorney Brunelle: When C.B. Sullivan sold to SNHU that parcel was not included.

D. Marshall: This is a landlocked lot of record?

Attorney Brunelle: Yes, owned by Peter K.

P. Scarpetti: Verres has a title to their property and this is separately deeded?

Attorney Brunelle: It has not been deeded.

P. Scarpetti: Are they listed as two separate pieces of property?

Attorney Brunelle: Yes.

T. Walsh: The only piece he conveyed was due to the wetlands. Mr. Rondeau was in the business of growing property, not selling.

R. Duhaime: I think that the records should be looked at.

Attorney Brunelle: Verres Financial Corp submitted this plan.

D. Boutin: This lot cannot be used unless it is used with a lot that has frontage.

Attorney Brunelle: We are requesting that the restriction that is be merged with the Verres lot be removed.

D. Marshall: If we removed the restriction we are creating a lot that is landlocked. That would require a variance for frontage.

Attorney Brunelle: We need some solution. I cannot force Verres to take the lot.

D. Marshall: What happens if we don't do this?

Attorney Brunelle: Peter K. could refuse to pay taxes. We are going to have to go before the Probate Court and close this out and this could be problematic.

D. Marshall: If we don't remove the restriction this land is in limbo and the town could take it.

D. Boutin motioned to grant the request to remove the consolidation restriction on the .651 acre parcel marked as "area to be consolidated with Map 41, Lot 86" on MCRD plan#14371 for Suzanne Brunelle & Connor Crowley, Attorneys at Law #19-01, 15 West Alice Avenue, Map 41, Lot 94.

Attorney Brunelle: I have a client who has a piece of property they can't do anything with. We are here attempting to do the right thing. You are leaving us with no recourse.

T. Walsh: I would like more information.

Attorney Brunelle: I can not tell you why it was not conveyed to Verres when it was C.B. Sullivan's.

D. Marshall: At the time this requirement was put in to consolidate this lot, the property was owned by C.B. Sullivan?

Attorney Brunelle: I don't know that.

T. Walsh: I would like to see the chain of events.

D. Boutin: Do you have the deed when the property was conveyed?

Attorney Brunelle: When Peter K. conveyed the property the SNHU that property was not conveyed. They were aware because that parcel was supposed to go to Verres. I cannot force Verres to take or do anything with this land. Their attorney said they are very suspicious of someone trying to give them land.

D. Boutin: When SNHU bought this property it would have been better if that took that property but they did not.

T. Walsh: That lot was created but not conveyed.

No public comments.

T. Walsh motioned to table the request to remove the consolidation restriction on the .651 acre parcel marked as "area to be consolidated with Map 41, Lot 86" on MCRD plan#14371 for Suzanne Brunelle & Connor Crowley, Attorneys at Law #19-01, 15 West Alice Avenue, Map 41, Lot 94, to an indefinite time in order to research and obtain more information surrounding this matter. Seconded by P. Scarpetti.

Attorney Brunelle: We are happy to assist but we have given you what we have.

T. Walsh: I may even call you for more information.

D. Boutin opposed. Motion carried.

T. Walsh stepped down.

COMPLETENESS REVIEW AND PUBLIC HEARING

4. JOYLAND ASSOCIATES #19-02

11 Martins Ferry Road and 5 McAllister Street, Map 30, Lots 21 & 22

Lot line adjustment

Open public hearing.

Jim O'Neil (TF Moran): TF Moran surveyed some land for Joyland and found some issues that you are seeing on the plan. There is a garage over the lot-line by roughly 5'. We have communicated and made the adjustment to get the maintenance area to be on the new lot. We are moving the lot line but there is no transfer of land. It will make Map 30, Lot 22 larger and, hopefully, more conforming. There is a gain and loss but not an equal swap.

T. Walsh returned.

No public comments.

Close public hearing.

D. Boutin motioned to approve the lot line adjustment for Joyland Associates, #19-02, 11 Martins Ferry Road and 5 McAllister Street, Map 30, Lots 21 & 22. Seconded by P. Scarpetti. T. Walsh abstained due to missing the discussion. Motion carried unanimously.

5. SMART STORAGE SOLUTIONS #19-03

1176 Hooksett Road, Map 39, Lot 3

Amended site plan for storage units

Open public hearing.

Joseph Wichert (Joseph M. Wichert, L.L.S., Inc.): A site plan was approved in 1988 and last revised in 1998. My office did an amended as built in 1997. There are no physical changes to the building. They want to use the area as a storage area. The front is now Smokers Haven, there is a gym towards the middle, and a garage that is undergoing permitting to occupy. This is a low intensity use. There will be no employees and no traffic. We are asking for waivers. We are not planning to change impervious, lighting, or drainage.

T. Walsh: Do you own the building?

Brett Scott: Yes.

T. Walsh: Are 23 spaces is enough for four businesses?

B. Scott: Yes. This is not permitted for parking.

T. Walsh: What about fencing?

B. Scott: There is currently no fencing. These will not be any old rusty containers. There will be boxes for people moving from one place to another.

R. Duhaime: As a landscape contractor I would like this to be conforming. How high will the pods be? There is no landscaping plan. There is a residential home park behind you. Are you interested in adding anything to this?

B. Scott: Since I have purchased this I have done a lot to this building. We renovated the outside and inside of the building. My vision was to break up the space and make it look nice. That is part of our business model.

R. Duhaime: I would like to see something added to the front of this building.

B. Scott: As far as adding trees I would be more inclined to do that to the rear of the property. I don't think it would be fair to me to agree to add something in the front of the building because I want the businesses to be visible.

D. Boutin: What is the access to the rear of the property?

J. Wichert: There is a curb cut and a drive that runs east/west along the front of the building. The storage units will be vacant on the site.

D. Boutin: How will you access the two pods in the corner?

B. Scott: Those are more of an overflow.

D. Boutin: What is the nature of the site?

J. Wichert: It is undeveloped. There is a drop-off.

C. Stelmach: You are going to transport the pods to the person and then back to your site.

B. Scott: Yes. They are empty all the time. We are not storing any items inside the pods on our site.

T. Walsh: Graffiti could be a concern. Would doing a chain link fence along the front be a deal breaker?

B. Scott: I am not opposed to that.

P. Scarpetti: I think you might have instances where you might have to bring the pods back full.

B. Scott: We want to utilize the properties that we have. In the beginning we will have a limited service.

R. Duhaime mentioned that he would like to see some landscaping incorporated on the property.

D. Marshall: Do you intend to operate at night because, if so, we will require a lighting plan?

B. Scott: I would like the option to in the event we would like to at some point.

No public comments.

Close public hearing.

D. Boutin motioned to approve the waivers for the amended site plan for storage units for Smart Storage Solutions, #19-03, 1176 Hooksett Road, Map 39, Lot 3: 1. Part 3.02 — Drainage Design or Grading plan; 2. Part 3.04 — Landscaping Design Criteria; 3. Part 3.08 — Wetlands; 4. Part 3.09 — Fire Prevention & Protection; 5. Part 3.13 — Utilities; 6. Part 3.14 — Lighting Plan; 7. Checklist Item 24 — Buildings within 200'; 8. Checklist Item 27 — Site Specific Soil Map; 9. Checklist Item 37 — Topography. Seconded by T. Walsh.

R. Duhaime mentioned that the Performance Zone should be conforming and to get new applicants to understand it would be in their best interest to start to work towards the ordinance.

Motion carried unanimously.

D. Boutin motioned to approve the amended site plan for storage units for Smart Storage Solutions, #19-03, 1176 Hooksett Road, Map 39, Lot 3. Seconded by T. Walsh.

Discussion ensued on adding landscaping between the properties.

J. Wichert: Brett is moving forward with the TRC for the automotive use. We would like to make the cut but have a smaller strip approved.

*R. Duhaime opposed. **Motion carried unanimously.***

OTHER BUSINESS

None.

ADJOURNMENT

*P. Scarpetti motioned to adjourn. Seconded by C. Stelmach. **Motion carried unanimously.***

The meeting was adjourned at 8:06 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**