

**Official**

**HOOKSETT PLANNING BOARD MEETING  
HOOKSETT TOWN HALL CHAMBERS (Room 105)  
35 Main Street  
Monday, March 18, 2019**

**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), T. Prasol, Christopher Stelmach, David Boutin, Paul Scarpetti, and Robert Duhaime (Town Council Rep.)**

**ALTERNATES: Matt Reed**

**EXCUSED: None.**

**STAFF: Nicholas Williams (Town Planner)**

**APPROVAL OF MINUTES OF MARCH 4, 2019**

**March 4, 2019 Meeting – T. Walsh motioned to table the minutes of the March 4, 2019 meeting. Seconded by R. Duhaime. Motion carried unanimously.**

**WAIVERS**

**1. DAVID WARDWELL & DIANE CHRISTIAN #19-06**

**34 Pearl Drive, Map 16, Lot 78-3**

**Waiver for subdivision requirement of installation of Fire Sprinkler System**

N. Williams: Steve Colburn from the Fire Department could not be here tonight. There is a concern with the size of the home?

D. Marshall: How large is the home?

Diane Christian: 2,400 sq. ft.

N. Williams: Matt Lavoie calculated the home to be about 6,100 sq. ft.

D. Christian: Do you have the plans?

N. Williams: I have a copy of them in my office.

D. Boutin: Why don't you get those so we can refer to them.

T. Walsh: Is there anything in state code that has square footage that would supersede our ordinance?

N. Williams: It is over 5,000 sq. ft. total.

D. Marshall: Anything over 5,000 sq. ft. the Fire Department can require sprinklers.

D. Christian: Matt Lavoie called me. He thought it was over 5,000 sq. ft. The house is 2,400 sq. ft. finished. Less than 3,000 sq. ft. unfinished. I emailed him those plans a week and a half ago. He said it is under 3,000 sq. ft. so I was all set. I don't understand where that is coming in.

N. Williams: If there is unfinished square footage it would not count towards the 5,000 sq. ft.

D. Christian: It is all under 3,000 sq. ft.

T. Walsh: Does that plan confirm what is finished and unfinished because it sounds like you are confirming there is no problem approving this waiver.

N. Williams: If it comes to light later on that the home is over 5,000 sq. ft. then the waiver won't come into effect because the fire department would require them to sprinker it.

D. Marshall: The portion of this house that is finished is how many square feet?

D. Christian: 2,400.

D. Marshall: And you have an additional unfinished bonus room?

D. Christian: Unfinished bonus room and unfinished attic. It is less than 3,000 sq. ft.

D. Marshall: You are not sitting with 3,000 sq. ft. waiting to be finished at a later date?

D. Christian: No.

D. Boutin: Is there a stairway up to the attic?

D. Christian: The attic is on the second floor. No stairway. Matt Lavoie called me confused as well. He asked me to email him the plans because he had not seen them so I did. We are not expanding the home.

N. Williams: We have no problem with the waiver, but I believe the unfinished square footage added up to over 6,000 sq. ft. I can go to my office and get the measurements.

R. Duhaime: If we have the plans I would like to see them for clarification.

***D. Boutin motioned to table the waiver request for subdivision requirement of installation of Fire Sprinkler System, for David Wardwell & Diane Christian #19-06, 34 Pearl Drive, Map 16, Lot 78-3***

**until N. Williams brought the plans to the Board. Seconded by R. Duhaime. Motion carried unanimously with a vote of 7-0.**

**2. POTENTIAL PROPERTIES CORP #19-07**

**6 Rowes Corner, Map 15, Lot 72**

**Waiver for underground utilities**

Matt Peterson (Hillside Design Group): This is a fill in lot. It is not part of any sub-division or site plan. The homes next to us have overhead electric. Based on your requirements I believe the strict conformity of your requirements would cause an unnecessary hardship. Due to the surrounding houses having overhead electric the extra construction would be an unnecessary hardship to the applicant.

M. Peterson referenced a regulation regarding sub-divisions and underground utilities.

T. Walsh: I believe as a precedent I have seen this type of waiver before. If it is a fill in lot and all of the neighbors have overhead utilities, we have done this before.

***T. Walsh motioned to approve the waiver request for underground utilities for Potential Properties Corp., #19-07, 6 Rowes Corner, Map 15, Lot 72. Seconded by R. Duhaime.***

P. Scarpetti: I agree with this.

T. Walsh: I am familiar with the neighborhood and there is nothing underground.

**Motion carried unanimously with a vote of 7-0.**

***T. Prasol motioned to remove the waiver request for subdivision requirement of installation of Fire Sprinkler System, for David Wardwell & Diane Christian #19-06, 34 Pearl Drive, Map 16, Lot 78-3 from the table. Seconded by D. Boutin.***

N. Williams: The finished area is under 5,000 sq. ft.

T. Walsh: With the bonus room would it still be under 5,000.

D. Christian: Yes. It is under 3,000.

T. Walsh: If that is confirmed I will make a motion.

***T. Walsh motioned to grant the waiver request for subdivision requirement of installation of Fire Sprinkler System, for David Wardwell & Diane Christian #19-06, 34 Pearl Drive, Map 16, Lot 78-3. Seconded by D. Boutin.***

R. Duhaime: This is a beautiful home. You might want to consider sprinklering it just to protect the home.

**Motion carried unimously with a vote of 7-0.**

**COMPLETENESS REVIEW**

**3. NHSD HOLDINGS, LLC #18-18**  
**13 Benton Road, Map 30, Lots 1&2**  
**Site plan for a Sports Dome Complex**

D. Marshall: The public hearing will be on April 1, 2019.

N. Williams: The plans are complete. There is an amended waiver form that I have given to all of you. The original waiver would have released the applicant from all of the requirements under the development regulations and the zoning ordinance for signage. I don't believe that was the intent. It was to have the signage rendering provided at a later date. N. Golan is here if he would like to explain.

Nick Golan (TF Moran): The sign package is being done by an independent sign vendor who will have it available for the April 1, 2019 Planning Board meeting. Due to it being done by an alternate vendor we didn't have it available at the time of submittal.

D. Marshall: The waiver is to allow him to present this at a later date?

N. Golan: Yes.

R. Duhaime: Do you have a location?

N. Golan: Yes. It is shown on the site layout plan.

D. Boutin: The updated one is Section 7?

N. Golan: Correct.

D. Boutin: The explanation asking for a waiver specifically says the applicant will provide an acceptable sign submittal package for the proposed use to the Planning Board prior to construction. The site plan process will be completed prior to construction. The site plan process will be completed.

N. Golan: That is the typical terminology that we use for all of our requests. I could amend that to say "prior to the public hearing".

D. Marshall: Change that from "prior to submittal" to "prior to the public hearing".

***D. Boutin motioned to approve the waiver request for the site plan for a Sports Dome Complex for NHSD Holdings, LLC #18-18, 13 Benton Road, Map 30, Lots 1&2 provided that that language on line 23 of the request be changed from "prior to construction" to "prior to the public hearing on April 1, 2019". Seconded by T. Prasol. Opposed by R. Duhaime. Motion carries with a vote of 6-1.***

***D. Boutin motioned for completeness of the site plan for a Sports Dome Complex for NHSD Holdings, LLC #18-18, 13 Benton Road, Map 30, Lots 1&2. Seconded by T. Walsh.***

R. Duhaime: There is a driveway site line. I am looking for road elevations.

N. Golon: We will have those for completion.

**Motion carried unanimously with a vote of 7-0.**

### **CONTINUED PUBLIC HEARING**

#### **4. OSBORNE'S AGWAY #18-15**

**1220 & 1224 Hooksett Road, Map 34, Lots 29 & 30-3**

**Office space and Farm and Garden Center sign location**

**R. Duhaime motioned to approve the office space and Farm and Garden Center sign location for Osborne's Agway, #18-15, 1220 & 1224 Hooksett Road, Map 34, Lots 29 & 30-3. Seconded by T. Walsh.**

D. Boutin: The plan says there is an optional stone base. Are you going to do that?

Thomas Osborne: If it is in the budget.

D. Boutin: Will it be the same height?

T. Osborne: Yes.

C. Stelmach: Coming from the south, will your sign over impose the Cinemagic sign?

T. Osborne: The top of the sign will be about 12' because it will be set down. We have submitted the sign to Cinemagic and have not heard anything negative.

**Motion carried unanimously with a vote of 7-0.**

### **BOARD DISCUSSION**

#### **5. DEVELOPMENT REGULATIONS REVIEW**

D. Marshall: There are three items that need to be reviewed on our development regulations. Staff has not prepared anything because they want to hear the thoughts of the Board.

#### **Bonds/Surety's**

N. Williams: Once there is an approved and signed site plan, the applicants project engineer would provide us with an estimate for the site bond, which would then be reviewed by the Town Engineer, who would then provide some type of documentation to the applicant and the applicant's engineer with the final amount of the surety. According to the development regulations the site bonding is 30%. That, as well as the landscape surety, are submitted to the Town prior to issuance of a CO. The development regulations specify that the site bonding be on file with us for a maximum of 48 months. The landscape surety is on file with finance for one to two years post planting.

D. Marshall: It is my understanding the Board would like the discussion centered around that 30% and what I got the feeling that the Board wanted to change. How would the Board like that changed?

T. Walsh: I don't remember and don't know if there is anything on record of how this used to be calculated. At one time the DPW was doing it, then our Town Engineer was doing it. When you look at the 30% that was under the assumption that perhaps we were going to be finishing people's projects and that is never going to happen. The 30% included street lights, curbs, pavement, etc. It was agreed to years ago that, in essence, the only thing we really need is some money in a bond, in case a project fails, where we could make it safe until something happens which could be fencing. We are not finishing anyone's project. We never understood where that 30% came from. If you look at some of these projects, that is a lot of money locked up for four years. I don't know if there are any records on what used to be used for a formula.

P. Scarpetti: If it is a road that is a standard situation. For private property, I dealt with Leo when I did one of my projects, and we had the agreement where it was mainly to take care of the landscaping so you don't have erosion and to take of siltation and fencing, which were minor things, as well as making sure the utilities are capped. Depending on what has been done it can be a gray area on how to make something safe.

T. Walsh: I hesitate to change a regulation that leaves it in the hands of the Town Engineer or consultant. I think every project is different. I don't know how you would do it any differently.

R. Duhaime: This is pro-business. I know a few people on the Board want to work with businesses but, again, that is one of those things that when you know you have a surety bond that you are paying it. No one likes to let the project drag on because they want the bond released. That would be evident with the MTS project which took maybe 10 years when the pavement was finally paved and, of course, when you look at the percentage of the pavement, and what we had kept on the bond for the pavement, what was left on that bond paving prices had doubled and tripled. We could not have possibly paved that parking lot if we kept that bond. I remember when they came to the Town they wanted to make sure we were going to release it at the Town Council so that they could use that money because of how expensive it was. Once you start messing with someone's bonds, as far as the time line or expense, where is the motivation.

P. Scarpetti: You set a timeline on it where it is good to a certain point and they have to come back in to see us. That is a different project. It depends on the scope of the project. Some projects you know when they start a project, they are going to finish unless something catastrophic happens. I don't think we have to touch the landscape bond and the two year regulation. If something has to be replaced, you replace it. That one isn't that much money. The surety bond is expensive.

D. Boutin: Why don't we have one number for the entire site, whether it is landscaping or pavement? There is nothing in the regulations that says if a tree dies it has to be replaced, correct?

P. Scarpetti: There is in the two years. There are two separate bonds. There is the surety bond and the landscaping bond.

N. Williams: They are separate bonds that require two sets of paperwork. That has to be collected by the applicant at the time of or before the pre-construction meeting.

D. Marshall: At what point in time does the amount of bond have to be determined?

N. Williams: That is the next step after the plans are approved and signed. They would provide me with their estimate before we review it, and that has to be collected before the pre-construction meeting with means it is permitting.

D. Marshall: The Board should remember that once we approve the plans we don't see that bond and do not know what that amount is.

T. Walsh: What are the chances of looking back on the projects we have approved and how much that bond is in percent terms for the last six years? That may give us a number on what the average has been.

N. Williams: I would expect that the development regulations have been followed.

T. Walsh: We have been granting waivers on this for quite a while. I don't remember the last one we have passed for 30%.

P. Scarpetti: If you look up Regency, I negotiated that with Leo. It was mentioned that depending on whether we have our own Town Engineer or if someone is hired from the outside that can change. I think it is a good idea to come up with a percentage.

T. Walsh: It may give us a direction.

P. Scarpetti: Right. It won't be 100% but it will give us enough that it will protect the property.

D. Marshall: If you set a percentage then it is one size fits all regardless of the scale of the development. The advantage to being able to reach an agreement with our Town Engineer, or whoever is functioning as the Town Engineer, is that person has to bring it to somebody else for approval. Who would our Town Engineer submit the amount of the bond to?

N. Williams: They have been providing us with an estimate first for review by the Town Engineer who then will review it with them directly, and they will come to some kind of agreement.

D. Marshall: You are allowing the Town Engineer to do the negotiating?

N. Williams: Yes.

D. Marshall: If you are satisfied with that it seems to be the simplest way to handle the situation.

N. Williams: The term "negotiate" is being used pretty loosely. Bruce does stick to the development regulations pretty strictly.

D. Marshall: So he is doing the 30%? We need to change that. Our regulations stipulate the amount is "to be determined by."

N. Williams: That verbiage is included in the section for the landscape surety only. If you look back the site bonding stipulated that the amount shall be 30%.

D. Marshall: That is where we need to change the wording so the two bonds follow the same procedure.

N. Williams: That will be better because it is confusing for the applicants especially those from out of state who do work all over the country and deal with many different towns. There is a lot of push back due to the confusion.

D. Marshall: Is it the consensus of the Board that is the direction you would like to go in?

R. Duhaime: What is the percentage that we would be setting?

D. Marshall: We would not be setting a percentage. It would be a negotiated item.

R. Duhaime: We would stick to 30% subject to negotiation?

N. Williams: I think what I am hearing is that the verbiage would read something to the effect that “the site bond estimate shall be provided to the Town Engineer and, similar to the verbiage of the landscaping bond, to determine an appropriate sum for the surety”.

R. Duhaime: The idea is still to be pro-business but protect the Town of Hooksett. All I can think of is in the Town of Northfield, they put that large five or six acre steel building up and the roof is on part of it. If you don't put the roof on the steel needs to come down, now the steel is corroding, the foundation needs to be dug up. At first it seems like you are not exposing us to anything, but I can remember when Granite Heights, the sub-division boom in 2008, there were foundations that were set up empty for at least several years. Two or three of them, I believe at the end when they started to sell the units again, some of the foundations had been heaved because they are designed to have a building sitting on them so when there is no weight on them the frost cracks them and some of the foundations had to be removed.

T. Walsh: We are not going to....

R. Duhaime: That is not our issue but again.

N. Williams: So I am assuming verbiage along the lines that the applicant's project engineer will work with the Town Engineer to determine an appropriate sum for the surety.

T. Walsh: For reclamation and or mediation, or something along those lines. We are not trying to finish the project. We are never going to finish it. I don't know what other towns do but that is worth looking into.

R. Duhaime: It is interesting how we just had the college come in for those surety bond releases. They waited years for some of those projects that were four to five years old.



N. Williams: I will also reference that some of the larger sub-divisions that we have approval for from about a year ago are always coming in. The large surety for the site bond, leaving it at 30%, puts us in a position where we have to go through this long drawn out complicated process doing partial releases. I think that if we can eliminate that it will diminish the time it takes to get through some of this.

T. Walsh: Just to get an approval they have to do an estimate.

D. Boutin: I am okay with that but there is one side of me that is always leery about bureaucracy. What if you get an engineer who goes rouge on a certain project because they don't like it or something like that. I would suggest we get a quarterly report of the summary of the bonds that have been filed so we have a sense of if all of the applicants are paying around the same amount, percentage wise, just to have that oversight to make sure it doesn't get out of control.

T. Walsh: If any applicant disputes our Town Engineer's estimate they could also come talk to the Planning Board.

D. Boutin: That is true but I think that if we just see the data to know that it is within bounds with the projects that have been approved that's find. It is just for oversight.

D. Marshall: Do you want to write that into the regulations?

D. Boutin: Yes.

N. Williams: That is fine. The only other way I can think to do this, and how I have seen it done elsewhere, is where the bond is determined by staff the Planning Board has to make a motion to approve the bond.

P. Scarpetti: That could hold them up. I think if it is in the regulation, and people read it, they will know they have the option to come to the Planning Board if they don't agree with the bond and they don't have to just deal with the Town Engineer.

D. Marshall: They would have the option that when the amount is determined they can consult with the Town Engineer but if it is disputed they have the option to come to the Planning Board.

D. Boutin: That is a good way to handle it.

N. Williams: I will provide some updated verbiage at the next meeting.

### **Limitations on Extension Requests**

T. Walsh: Have you looked at an average?

N. Williams: I have seen that in other places and other states five single year extensions.

T. Walsh: That is better than what we have right now.

N. Williams: At the end of that it would require they to go back to square one.

T. Walsh: If we put five just so that we don't have the argument of the potential court case if we decide not to do it after, for example, nine, we can always grant a waiver for extenuating circumstances, such as a long recession, beyond that five if we so choose. Correct? At least we would have something in writing that states we don't have to approve the extension after five.

N. Williams: Yes.

D. Marshall: Is everyone in agreement with that?

***It was a Board consensus to have the regulations be changed to read five one year extensions would be allowed.***

R. Duhaime: I think it is long overdue. Some of us remember a few slowdowns. It is interesting to make sure they were vested and even on large sub-divisions making sure they get their wetland improvements done. You have to have something to move them along. Regulations change but these guys are going to come in on things that are 10 or 15 years old. How are you going to tell your staff to go, oh yeah, look back at the books we had 10 years ago. It doesn't make sense.

### **Non-Residential Permitting**

N. Williams: Discussion got started with this regarding Mr. Owen's building on Londonderry Turnpike. I sent out some information via email about the masonry around the bottom of the building. That was provided to the Board at the time of the approval. I ran it by the attorney who determined it was very important to have something in writing in either your Motion or Notice of Decision letter. The issue with this particular property was that it seemed there was some sort of disconnect between what was conceived to have been approved and what Code Enforcement was looking for on the site. I talked to Matt Lavoie about it. Randy is not done with this building. There is not actual masonry. It is veneer so it could be added at a later time. Specific to what we are discussing, there is not much in the development regulations with permitting and esthetics. I was not sure which direction the discussion was going at the last Planning Board meeting.

P. Scarpetti: I was questioning it. I should have asked what the safeguards are that are in place so that we know that if we approve something here and it isn't doesn't get built five years from now, how does Matt know what is actually taking place and if he knows the wishes of the Planning Board and what the approvals were. We also learned a lesson that when we go to make a motion to approve a non-residential building we word it with specifics of what they are going to be using for materials and what the building will look like per the plans that were submitted to us. I don't think we need to change the regulations. Whatever we approve we just have to make sure there are specifics stated. I was asking that whatever comes in, they refer to you. Who does the research and what is the follow-up?

N. Williams: This happens infrequently. If we have something approved prior to staff turnover several years after the fact, I would say that if we are going to put something in the development regulations, I would say that if an applicant is sitting on top of an approved site plan and they have gone through the extension process several times, there should be some type of requirement for a refresher meeting with staff of what was approved so that everybody is on the same page. We could type some verbiage in with regard to this.

T. Walsh: Owen's wasn't that long ago. We made him go through the process because he was filling up his property with boats and other things.

P. Scarpetti: Staff may want to have some type of internal checklist.

N. Williams: I think this is best tackled administratively. If a what is in a notice of decision letter or what was voted on is not being done that is a site plan violation. If something is in a picture but not in writing there is no teeth for enforcement.

R. Duhaime: This one of those things as to why I am on the Town Council. Conditional approvals, pre-approvals, all of these waivers that are granting ahead of time. The Town of Bow you don't have anything on your application, don't even knock on the door. They have an Assistant Planner they've had for ten years, long before Hooksett. They have plenty of staff. It ain't ready, they just walk out the door and say thanks for coming in. Yeah their pro-business, yeah they put a sewer line a water line down in there, but at the same time they never run out of surety. This is where sometimes this Board, or at least some of the members on this Board have moved things ahead and what they have done is it's a come from behind. It makes it harder for the staff. This is why our staff got tripped up. This is what happens. It is unfortunate. Look at that Regency building. Beautiful brick building. Maybe a million dollars. Beautiful building. How would you feel if you own that building and they were building that steel building next to your place. You would go what is going on in this town. Who allowed that? How did this happen? Whose fault is that? Well first it comes to the Planning Board. Then the Council asks me well how'd this happen and I go well who's at the top? Council's at the top. We instruct the Town Administrator, he instructs the staff this has happened. The whole idea of having enough staff is this should never have fallen through and this is stuff that has been going on for years.

T. Walsh: What fell through? We are talking about a facade of stone and now we are finding out it is quite clear it could have been veneer. It can be remedied. The fact that it is a metal building wasn't a fall through because you can still build metal buildings in the Town of Hooksett.

R. Duhaime: That is correct. You can but the whole point is pictures. This is the consistency of that. Look it. Especially in this manner. These pictures. It should have made sure. Especially with a little bit like the Heritage Bank we were just talking about. Look it. If you are going to have people put in an infrastructure at least.... Picture Northeast Credit Union, right now if you had that Merrimack Savings Bank and they hadn't done all that landscaping would it matter what you had at Northeast Credit Union? Are they going to match it? It's a flow. It's a view. You break it up. It all flows the same. The whole point is to be consistent to everybody. The whole point is picture on that consistency that's exactly it. Where was that consistency lost? Where did it happen? Is it anybody on this Board's fault? No. The whole idea is a picture this Board thought that the bottom four feet of that building was going to be masonry. Is that correct?

T. Walsh: I don't know. That's not even an issue.

R. Duhaime: That's not even an issue. Alright. Okay.

T. Walsh: What is an issue is for the eight years I have been on this Planning Board it is a fine line between what the people of this Town expect through the development regulations and the ordinance and

the property rights of the people that own these properties. That is why metal buildings are probably still legal here because if you are going to tell everybody they can't build a metal building, you need to spend about \$200,000 to \$300,000 more if you want to do business in Hooksett. To me that is equivalent to a taking. That is the consistency we need. Applying the regulations consistently is what we need, not telling everybody their buildings have to be two or three times more expensive than they need to be.

R. Duhaime: I think that is the point. Remember it is a consistency. Look, if you drive down to Wyndham and you look at what they did down at Wyndham, what'd they do? Put trees in the middle of the road. Instead of the DW Highway we have they have a road that they have made a point of consistency of applying to every sub-division that comes in. The same with Bedford when they went through the Performance Zone. It is a period of over several years' time and if you are consistent over that period of years' time then everybody just falls in. If you keep doing a well this building, well this guys a nice guy he's a good guy, he's a builder, we should be nice. No it's a consistency thing. If you look at that CMC building across the street they did a nice job putting it in.

D. Marshall: Are you saying or even hinting at the fact that anyone on this Board said well this guys a nice guy so we will treat him different? Are you even thinking that?

R. Duhaime: I am saying so people are being pro-business. I don't know what you're saying.

D. Marshall: What you just said was essentially saying that we make decisions based on whether or we like the guy or not.

R. Duhaime: Where the business is located. I would think that over the years maybe you have thought that on occasion.

D. Marshall: The hell I have.

R. Duhaime: Well then I guess I'm mistaken.

D. Marshall: Well you certainly are and I don't like the accusation.

R. Duhaime: I just assumed that you did business and that uh I don't know at times I thought that the inconsistency was just my thought, but maybe it should have been clarified at the time I guess.

P. Scarpetti: The thing is Rob, that we all talk together. First of all, we have all been respectful to each other. I haven't been here that long but it's been factual. When I vote here it is facts as well as I think everybody else has and I think that it is not emotions. Not towards the applicant or towards anyone on the Board. It's about facts. That's how it should be for the benefit of the Town. That's what I'm thinking. But the thing is we have corrected some stuff on our ordinance because there was no teeth for the building and we fixed that. We all saw there were some holes so we fixed it. We are moving in the right direction to do that, and the thing is, I respect everybody on this Board. I have learned a lot from everybody here because I have never been on a Board before and I think we have done a great job here. The Owen's Marine thing we couldn't deny it. If we denied it we'd be spending money at the court system because we didn't have the teeth. You look at the minutes. I am the one that approved it. I made the mistake. I thought it was brick when I looked at it, but I was new on the Board. I thought if it was

on the plan it would be on the building. That is how I do business and I expected them to do the same thing. You bring something to the Board you say what you are going to say you are going to do. Some people don't and Nicholas showed me, after I brought it to his attention, that we don't have the teeth so now I know if I make a motion I will be cautious about what we put on the outside. I think we are moving in the right direction but you can't be attacking people.

R. Duhaime: I am not attacking. He is defending himself. I have mentioned to him before in the past as far as pictures, whether he swayed the Board or moved the Board in one direction or another with all the information that he has. It depends which one you apply and in which manner. So there's lots of different rules. It's which one you choose to enforce and how you choose to enforce it. Anyone can enforce it.

D. Boutin: First of all, the Town of Hooksett is very lucky to have the leadership it gets from Mr. Marshall who has been on this Board for 47 years and, as a testament to his leadership skills and his even handedness, that each year he gets reelected unanimously by the Board to be the Chairman of the Planning Board. I think you owe Mr. Marshall an apology.

R. Duhaime: I don't know what for.

D. Boutin: You made an accusation.

R. Duhaime: He said I made an accusation.

D. Boutin: You did. Everybody else heard it.

R. Duhaime: I am just saying that as far as Dick swaying the Board....

D. Boutin: He doesn't sway the Board.

D. Marshall: Over a period of 47 years who had more knowledge than Mr. Marshall?

P. Scarpetti: He does but he doesn't sway the Board. Dick, have we always voted with you? No.

D. Marshall: Heck no.

R. Duhaime: I think we are getting off the case.

D. Boutin: You made an accusation.

R. Duhaime: He brought it up that I am accusing him. That's what he said.

D. Boutin: You did.

R. Duhaime: Who's been on here longer than Dick? Nobody.

D. Boutin: You accused him of swaying the Board and that is inappropriate.

R. Duhaime: Okay David, if you say so I accused him. It's inappropriate. I'm sorry Mr. Marshall. Is that gonna do it?

D. Boutin: Well you said it.

R. Duhaime: That is what you're saying.

T. Walsh: I make a motion to adjourn.

D. Marshall: We have one more item. Gentlemen, what we have done in the past, and we probably haven't done it enough, is we used to get a lot of renderings from architects and engineers, etc. Often, especially with architects who have a tendency to add a lot of nice little things, and it looks so nice, but when it's finally built it still might look nice but it isn't what was in their renderings. What you need to do when looking at a set of plans when they give the renderings for the buildings is it needs to be part of the record that says "and so what you have shown us on these renderings is what is going to be in place when it is finally constructed." That works both ways. If, all of a sudden the building isn't broken up right or something, you can't go back. You have already approved this. If you are not happy you can change the renderings and say that is what we expect to see. Without changing the renderings we need to watch what we approve.

D. Boutin: A good example was tonight with Osborne. I asked a question about what is on the base and he said they might not do that. We approved it knowing it might or might not be there. I do agree, some of these drawings look really nice, but I also think in most cases people are honest about what they are doing and they give us honest drawings. At the end of the day the applicant, the applicant's engineers, and the applicant's lawyer's reputations are on the line if they try to hoodwink us, and when they come back three years from now and they want to expand their site people aren't going to forget. Mr. Chairman, I can tell you that I have the greatest amount of respect for your leadership on this Board and I have not, at any time, since I have been on this Board felt that you have tried to sway my thinking. As a matter of fact, Mr. Chairman, I can't remember since I have been on this Board, that you were the one that made the motion. You have always allowed the Board members to have a full discussion and Board members make the motion.

T. Walsh: Good job Dave and I do agree a hundred percent, and for me, I can say it for the last eight years because I believe I got on this Board in 2011.

D. Marshall: Okay, so we won't touch the regulations on the non-residential permitting.

## **6. POTENTIAL ZONING AMENDMENT**

### **Removal of Performance Zone**

T. Walsh: It was my suggestion to discuss this and I would like to table this until the next meeting.

## **ADJOURNMENT**

***D. Boutin motioned to adjourn. Seconded by P. Scarpetti. Motion carried unanimously.***

**The meeting was adjourned at 7:19 pm.**

**Respectfully submitted by,**

**AnnMarie White  
Recording Clerk**