

**Official  
As of 3/03/08**

**HOOKSETT  
PLANNING BOARD  
Workshop Meeting  
Tuesday, January 29, 2008**

**Hooksett Public Library**

**CALL MEETING TO ORDER**

Chairman Marshall called the meeting to order at 7:15 pm

**ATTENDANCE**

Chair D. Marshall, P. Rueppel, B. Ehlers, D. Dreffs, R. Duhaime

J. Duffy, Town Planner

20 members of the public

(2 Councilors, 3 Economic Development members, 1 ZBA, 1 Heritage Commission, 2 Developers, 1 Kiwanis, 2 Town employees, 2 Budget Committee, 2 SNHPC)

**PUBLIC HEARING-GROWTH MANAGEMENT ORDINANCE AND  
ALTERNATIVES**

P. Herr reviewed the history of the adoption of Growth Management Ordinance (GMO). The town voters passed a GMO, which was presented by petition, but subsequently found to be illegal by the court system. C. Watson drafted a new Growth Management Ordinance. We are now looking at other alternatives and how to handle the growth.

Power Point presentation by P. Herr (see file)

The major concerns are taxes and traffic.

Case law in NH states it's ok to adopt a GMO provided it only applies to slow growth in unusual circumstances but it can't make the town grow more slowly than it always has. We can't craft an ordinance, which would frontally slow the growth of the town to where it wouldn't be otherwise.

There are other tools that will temper the concerns of growth and might temper the effects of the growth. The Master Plan articulates an array of tools of that kind. None that have been addressed as aggressively as the town could.

Currently there is a lull in the housing market. The choices are:

- Should the Town adopt a GMO now?
- Should the Town pursue the other initiatives now?

## Public Input

Public: With regard to taxes per resident, I find it distressing that the Town of Bow isn't included. I would have thought that the assessed property divided by the tax base would have been better.

P. Herr: The picture would have been the same either way.

D. Demers: If you take Allenstown, it is per resident. In Hooksett, how many households are two person households vs. 8-10 person households. We all know that Allenstown has more people per unit and their graph is lower.

P. Herr: We are raising the issue that we are hurting because of taxes. I looked at communities that abut Hooksett. I wanted to see if there was anything unusual in Hooksett and there was nothing unusual.

Public: Are the figures adjusted for inflation?

P. Herr: No, they are straight figures.

Hooksett's Growth - the rectangle is what was covered in the first bar chart with more history and an effort to look more broadly.

Zoned - looks at land based on history and zoning.

Managed - the reality the land and zoning will allow it to grow until it has a population, which is equal to Concord (based on your zoning). If that's right, leave it as is.

If you don't want it to be that big, instead of regulating ourselves to accommodate a population of 44,000, what if we cut that in half, which would be the managed number. To illustrate the difference between a GMO and managed. With a GMO, you end up with the green line or blue line with leveled out bumps. If you change zoning densities, you change where you end up. It has a difference that begins almost immediately, which is why the slowing down begins to occur much earlier.

Public: There is a draft GMO that was put together by the former Town Planner and after review by the Planning Board it says:

This applies if Hooksett's current growth is faster than the Town's average over prior five (5) years or faster than the average for abutting municipalities and also Hooksett's capital costs per the CIP are projected to exceed 15% of the taxes levied in one (1) or more of the next six (6) years. If the burden doesn't exceed some number in this range, then there is no problem with growth.

The lower you put the percentage, the more difficult the GMO is to defend.

What is slow enough growth? One is that you are not growing faster than your own history or the towns around you. Perhaps we could scale back the growth so that the cost of growth won't exceed this 15% threshold. The ordinance says we will look at two things, schools and roads. When the Planning Board sets a sustainable rate of growth, it will not excessively add to schools or the roads. That gives you a rational basis to support the growth.

School capacity test – the number of school children per dwelling units has not changed. That is unusual.

Traffic capacity test- the ordinance will say there are five (5) major streets where we will test if the traffic is too much. We will put these test where there is mostly local traffic rather than through traffic.

This wouldn't apply to elderly or replacement units.

There would be exemptions for affordable units.

The way it is drafted now regardless of the developments, you are allowed at least five (5) units per year; up to 12 of all the units in a development over 80 units.

Small developments would have no constraint at all and large developments would be spread over 8-9 years.

#### Growth Pacing Option

Many communities have adopted this phasing plan. That is not a GMO, it is growth phasing and the legality of this is much more flexible. That may be the way to go for this town and could be done right now. That is worth considering and would be much easier.

P. Loiselle: The guidelines relative to the initial draft of the GMO and using these parameters would this past the test of the courts?

P. Herr: I'm not a lawyer but I think this would pass.

#### Other Master Plan Initiatives

- Lower the build-out capacity, change the rules and you have the consequence of changing the development in the future
- Manage the location of where development occurs. It isn't just the number, its taxes, and traffic and destroying habitat that are of concern. By managing location you can reduce the impact
- Design of development to lower impact

#### Lower build out capacity

List things you can do to reduce capacity (see hand out)

#### Use location to lower impacts

Traffic, much of the traffic is reduced if you put things near where people need them. By using location, you can lower impact on traffic, natural resources and serve the town well.

Raise the density in areas served by wells and lower the density where it is not. One of the notions is that you regulate land not only to regulate the building, but you might regulate building so that you can't generate a certain amount of traffic. Leave it up to the owner to solve that problem.

Use the design to lower impacts as was done with the Performance Zone.

Public Input:

The public was asked to list the things that have positively impacted the town:

- First new school built in 40 years
- Convenience at Exit 10
- Local shopping
- Commercial development added to the Town keeps the tax base down
- Traffic at Lindsay and Route 3 has been greatly improved.
- Improvements in the quality of police and fire
- Improved image of the Town
- Size and scope of the town has given it more legitimacy and we can position our selves for more growth in a managed way
- We have an excellent school system

The public was asked to list the things that have negatively impacted the town:

- Route 3 and 3A traffic
- There is an increase of emergency traffic heard on Rte 3A
- Increase noise level is up due to traffic and emergency vehicles
- Tractor trailer traffic to by pass the tolls (limit residential will not change that)
- Loss of natural areas

Public: Under the formula for the CIP, with 15%, are we at a disadvantage because streets are owned by DOT and that reduces our annual expenditure and are we being penalized?

We have had an advantage for years in which we didn't have to maintain those streets.

P. Herr: Most municipalities don't make major expenditures on road. The major expense is for schools and municipal buildings. The expenses and improvements of roads are not carried as capital expenditures, so I don't think that is significant.

Public: You're saying the CIP is all the towns' expenditures but only the school and road numbers are used?

P. Herr: Those are the ones that are directly related to the residential growth.

Public: What about controlling the water supply?

P. Herr: Their connection fees are scaled to cover the cost. They have a cash flow problem but they need to figure out how to finance rather than a growth problem. Don't under estimate the burden of doing the annual work in having a defensible ordinance. I don't think you should burden this town with an ordinance.

B. Sirak: I get the impression that you don't feel we will ever meet the thresholds?

P. Herr: That is true at 15%, but if you put it to 12%, you will meet it quit often. The effect of the long-term growth on the town is minimal.

B. Sirak: There are better ways, but should we go forward because we are invested?

P. Herr: The chart that shows the difference between managed growth and the other three (3); the important thing is you adopt management measures to get the Town to where you think it should be. If you zone the Town to look like Concord, how can you be surprised when it ends up like Concord?

The Master Plan does what most do and takes growth as a given, and has a series of recommendations, that if implemented, will greatly slow down the growth.

D. Preece: I agree with your assessment, and within your Master Plan you have techniques to control growth. The phasing option is a successful and easy way to control growth. Bedford has a Performance Zone, which controls the type of growth. You want a sustainable growth, and you want the type of growth that will be sustained for 15 to 20 years, that you will be proud of. You have school and traffic impact fees. Those fees are to adequately assess the impact. I urge you to look at those and see if you are really addressing the true cost.

D. Marshall: The school recently adjusted the school impact fees.

D. Marshall: One thing we should make people understand, the Planning Board has been torn by the GMO for several reasons. We don't think it is a long-term solution and was never intended to do that. Secondly, the administration of it is a nightmare and given that it is difficult to increase staff, the current staff cannot keep up.

We have the report from Phil Herr and Jeff Taylor and the audit of the regulations. We believe the way to go is to change our development regulation and accomplish the result. We can change the Development Regulations by holding public hearing rather than waiting. Some may believe that is a power struggle on the part of the Planning Board. Like Bedford, they kept a tight control on the growth. We need the support of the public in the actions we take. In the Performance Zone, we made an error and didn't take it all the way to Allenstown, and when we went back to the voters to correct it, the developers bombarded the voters and we lost. We will move forward based on the recommendation of the audit and Mr. Herr. We will hold public meetings, and I compliment you on attending, but with the changes needed to manage growth. We need to get more involvement from the community than this.

We have Campbell Hill and the senior development. The Planning Board will take action on approving a medical facility and the people who come are the people of Campbell Hill whose view will be hurt. The fact remains there is entitlement for the development and the community will get a medical facility. We need the support of the community.

T. Barrett: Can the Planning Board put some guidelines together and publicize those guidelines?

D. Marshall: We will put together the items that are in the Master Plan that can be implemented, and then we can hold a hearing and take some action. That will take about a month to put together.

D. Demers: I'm in favor of the transfer of development rights. I may not agree to where the transfer is made, but if you would agree, that would be a good way of shifting the concentration. I don't mind driving the sewer 1000 feet if I know I will get some impact back for going by someone's home. Now, Hooksett Sewer says you are at your own risk. I wish this community, like others, would help with that.

D. Marshall: We have no say over Water and Sewer. They are set up as separate entities.

P. Herr: There is a disconnect between the Master Plan and what people want. If you want to address the concerns, you must address the other mechanisms. The Master Plan is a good document.

D. Marshall: You have as much rule in this State as the State Legislature gives you. We need to be careful how we do things. There are several court decisions that say there is no vested right. It is a careful procedure.

M. Sorel: I understand there are two (2) avenues of approach; one is the GMO, which is expensive and complex, and the other is phasing.

P. Herr: No, we are saying either GMO or do we pursue other Master Plan initiatives or do we do both. You could do the GMO in case you need it. The phasing is something that isn't listed because it is an easy thing to do. This phasing should be done through your Town Meeting.

D. Preece: The phasing plan applies to existing lots and the new lots. The Planning Board can do this through the Development Regulations.

P. Herr: I think the Town should adopt this so that it will have weight to it.

M. Sorel: We have 2000 units that are already vested, and another 430 that will be vested. Will those be vested as in GMO?

P. Herr: Those vested rights don't last forever.

J. Duffy: There are 1200 units vested including Heads Pond. Those are vested as long as they start substantial development within 12 months. Heads Pond is looking at phasing over eight (8) years.

M. Sorel: Phasing is attractive to me, and is a beginning for the Town to control and manage growth.

J. Duffy: There is another development, Beaver Brook, where the developer has voluntarily agreed to a phasing plan.

D. Marshall: Phasing would be easier for us to get a handle on growth. I will go back to the full board to take action on that. They will decide if they will go through the Development Regulations or go to the voters. We have a short window to go to the voter. Town Meeting is only once a year, and running a town on a once a year cycle is difficult. We can possibly do the phasing, but the items in the Master Plan will take more time and require a public hearing and the board to implement.

J. Pieroni: There may be lack of support from the public because the Planning Board is suppose to look out for the good of the Town. The perception out there is the Planning Board is on the side of the developers.

D. Marshall: The goal of the Planning Board has always been to meet a balance of residential, commercial, and industrial growth. We now have a Deliberative Session rather than a Town Meeting. The Zoning Amendments are not up for discussion at the Deliberative Session, so we hold a public hearing, but few attend. We have had extraordinary support at the polls, and the few amendments we have lost have been by major efforts on the part of the developers to fight them. They have the money to do that. We don't have the money or time to do that. We depend on the voters to support us. Housing has taken over and that is not our goal.

D. Pearl: Is the 44,000 a real number or a goal in the Master Plan?

P. Herr: That was a number determined from a number of "Build Out" studies based on the land that is to be developed based on current zoning.

T. Barrett: What are surrounding towns doing?

P. Herr: Many towns have GMOs, and many were adopted some time ago.

### **ADJOURNMENT**

The meeting was adjourned at 9:50 PM

Respectfully submitted,

Lee Ann Moynihan