

Unofficial  
As of 3/4/17/08

**HOOKSETT PLANNING BOARD MEETING**  
**MINUTES**  
**HOOKSETT MUNICIPAL BUILDING**

**Monday, March 3, 2008**

**(PUBLIC HEARING – ZONING AMENDMENTS)**

**MEETING CALLED TO ORDER**

The meeting was called to order at 6:11 PM

**INTRODUCE MEMBERS OF THE BOARD**

Chair D. Marshall, D. Dreffs, P. Rueppel, J. McHugh, Y. Nahikian, B. Ehlers, B. Sullivan, [R. Duhaime](#) and D. Hemeon.

[Excused: J. Gryval and R. Guay.](#)

**APPROVAL OF MINUTES OF 1/28/08, 1/29/08 and 2/04/08**

*P. Rueppel motioned to approve the minutes of January 28, 2008. Seconded by B. Ehlers.*

*Vote unanimously B. Sullivan abstained*

*D. Dreffs motioned to approve the minutes of January 29, 2008. Seconded by B. Ehlers*

*[Correction: Page 1, excused J. McHugh](#)*

*Vote ~~unanimously~~unanimously in favor. ~~(excuse J. McHugh)~~ B. Sullivan abstained*

*P. Rueppel motioned to approve the minutes of February 4, 2008. Seconded by D. Dreffs*

*Vote unanimously in favor.*

**1<sup>st</sup> PUBLIC HEARING FOR PROPOSED ZONING CHANGES 2008**

**Article #2**

**Amendment #1**

[Are you in favor of Amendment No. 1, as proposed by the Hooksett Planning Board?](#)

[This would amend the Hooksett Zoning Ordinance, Article 7, Section B.3. Density Limitations a\), Elderly, Older Person and Handicapped Housing:](#)

The Zoning Board of Adjustment may allow a density of six (6) dwelling units per acre overall for a single development. Soil conditions, slope, the suitability of the land for such construction, or its location may dictate less than the maximum density;

and Article 22, Definitions, Dwelling, Multi-Family by changing the definition to read: An apartment house, condominium, or building containing three (3) or more dwelling units, but in no event more than twenty-four (24). The criteria governing three (3) or more units can be found in the Development Regulations.

*The purpose of this amendment is to reduce the density of Elderly, Older Person and Handicapped Housing from 15 units per acre to 6 units per acre for a single development, and to restrict any one multi-family building to a maximum of 24 units.*

D. Marshall read ~~Read into~~ the amendment into the record.

Open Public Hearing

M. Farwell: It looks like this is two separate issues and if I'm in favor of one and not the other, what do I do. In one, you are talking about elderly and the other is a general housekeeping issue.

Why are they not two separate amendments?

J. Duffy: We were trying to cut down on the number of amendments on the ballot.

D. Marshall: I would like to hear your objections.

M. Farwell: If I would like 12 units rather than 24 units, but I'm ok with the number for the elderly, how would I vote?

B. Sullivan: There must be some balance between limiting the growth and stopping someone from developing. 24 units are was common for this area. Manchester has many buildings units with 24 units.

M. D. Bittetto: I had discussions with the Planner regarding assisted living. We don't have a definition for assisted living in the ordinance. This would be an appropriate place to consider it. This would be different than a full nursing facility. It is would provide for a transition between private more transitional between home and nursing care. The concern under this ordinance housing, would be a 24 or 12 unit limitation would preclude an assisted living situation because of the requirements for staff in these housing units. I would hope the Bboard would consider adjusting the amendment.

D. Marshall: This would require a separate amendment and there is no time to hold for two (2) hearings.

J. Duffy: Everything must be submitted to the to the newspaper newspaper by 9 AM Tuesday to meet the deadline for posting m for the second hearing. All changes must be made tonight.

D. Marshall: I have no objection to the assisted living consideration, but I think it would be for consideration next year.

M. Sorel: At the last Planning Board meeting, 24 units per building was suggested, and I agree with that. It which is better than what we have now, which is no limit to the number of units per building.

I request the Planning Board split these issues into two (2) amendments because there are two (2) decisions that the voters need to make. I don't believe this is in the best interest of the voters to pick one over the other. These are two issues and should be considered separately.

B. Sullivan: Why is there a concern of one or the other? Is this a situation where you want to reduce the number of ~~single family~~ single-family dwellings over all? Or do you want to control multi-family.

M. Sorel: They are two (2) different issues. One is for what a multi-family dwelling multi-family dwellings, which currently has not limit and the other issue is for elderly housing is. We have an ordinance now with no limit. The other issue is elderly housing. They are two (2) separate issues and the voter should have the opportunity to look at them individually.

B. Sullivan: Lets look at our ordinance and try and do better. As was the case with the Performance Zone. This is an effort to make things better. It is not a perfect ordinance, but it puts a limit that is a reasonable limit.

~~M. Sorel: I think they are two separate issues and two separate decisions. Last year you had a singular decision on Article 22 definitions. Why can it not be by itself this year.~~

D. Marshall: The RS Article does not say you can't have 1A and 1B. I suggest Lets split splitting the article into two (2) articles, one for multi-family and one for elderly.

M. Farwell: I like the language in the first part. Is there any reason why that same language can't be applied to the bottom?

D. Marshall: Yes, because it is in the definitions.

***-P. Rueppel motioned to divide this Amendment article into 1A & 1B. Seconded by B. Ehlers.  
This is housekeeping only and this amendment will not go to a second hearing.  
Vote unanimously in favor***

Close Public Hhearing closed

***J. McHugh motioned to place amendment 1A and 1B on the ballot. Seconded by P. Rueppel. seconded.***

*Vote unanimously in favor.*

**Amendment #2**

[Are you in favor of Amendment No. 2](#), as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 7, Section B.4 Parking b), Elderly, Older Person and Handicapped Housing: In addition to these off-street parking requirements, other appropriate provisions of the Site Plan Review process shall apply. The purpose of this amendment is to remove any reference to Article 17, Parking Requirements, which is no longer included in the Zoning Ordinance, but can be found in the Development Regulations.

[D. Marshall read the amendment into the record.](#)

Open public [hearing](#)

No [comments](#)

[ne](#)

Close [Public Hearing](#)

*P. Rueppel motioned to place [Amendment #2](#) on the ballot. [S](#)seconded by J. McHugh  
*Vote unanimously in favor**

**Amendment #3**

[Are you in favor of Amendment No. 3](#), as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 26, Non-Conforming Uses and Buildings by adding a new Section D. (and renumber remainder sequentially) Non-Conforming Uses and Buildings: A nonconforming building or structure which is destroyed by fire or other hazard may be restored to its former dimensions, provided that it was not destroyed voluntarily and restoration is begun within twelve (12) months after the act of destruction; and by amending, Article 26, by eliminating Section C. 3. Non-Conforming Uses and Buildings. Any legally non-conforming use or structure may not be extended or enlarged by more than fifty (50) percent of the original gross floor area; and eliminating Section C.4.: Any extension or enlargement of less than fifty (50) percent of the gross floor area of a legally non-conforming use shall not occur without the granting of a Special Exception by the Zoning Board of Adjustment. And by amending, Article 26, by adding a new Section C.3., Non-Conforming Uses and Buildings: All single family lots which conformed to the Zoning Ordinance at the time they were created and approved by the Planning Board, may expand the single family residence, as long as the expansion of the single family residence will conform to all setback requirements, and overlay district requirements, and single family residences are currently permitted in that district. On all other lots, any extension or enlargement of the gross floor area of a legally non-conforming structure shall not occur without the granting of a Special Exception by the Zoning Board of Adjustment. The purpose of this amendment is to further clarify allowable expansions and reconstruction of structures on pre-existing non-conforming lots.

[D. Marshall read the amendment into the record.](#)

Open Public [Hearing](#)

No [comments](#)

Close Public [Hearing](#)

***J. McHugh motioned to place [Amendment #3](#) on the ballot. Seconded by R. Duhaime. Vote unanimously in favor.***

#### **Amendment #4**

[-Are you in favor of Amendment #4, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 22, Definitions, Junk: Means any old metals, old bottles, cotton, woolen or other mill waste, unfinished mill yarns, old paper or rubber products, discarded lumber, more than one \(1\) unregistered/ uninspected vehicles, old iron metal, glass, paper, cordage, or other waste or discarded or secondhand materials, or parts which have been a part, or intended to be a part, of any motor vehicles, discarded machinery, or scrap metal, and any second hand articles the accumulation of which is detrimental or injurious to the neighborhood. The purpose of this amendment is to restrict more than one \(1\) unregistered/uninspected vehicle on parcels of land.](#)

[D. Marshall read the amendment into the record.](#)

D. Marshall: [Currently, t](#)The word “uninspected” is not in the ordinance. We are finding junk in the town and the process to get rid of these is difficult without the word uninspected.

Open Public [Hearing](#)

[No comments](#)

Close Public [Hearing](#)

***B. Ehlers motioned to place [Amendment #4](#) on the ballot. Seconded by J. McHugh. Vote unanimously in favor.***

#### **Amendment #5**

[Are you in favor of Amendment #5, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance as follows: Change the Zoning of Map 1, lots 4, 6, 7, 8, 9 and Map 5, lots 7, 9, 53 and 54 from Industrial to Medium Density Residential.](#)

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[These parcels are located on Edgewater Drive.](#)

[D. Marshall read the amendment into the record.](#)

J. Duffy: Map 1, ~~L~~lot 7 ~~is~~ to be removed. It doesn't exist. The purpose of rezoning these lots is because they are now being used as residential homes.

R. Duhaime: I own lot 53 and I asked to not have that included in this amendment.

Mrs. Slempp: I came before this ~~B~~board in the past with a Conservation member that heard a rumor that a developer wanted to develop that property. [I do not want my land changed to residential.](#)

D. Hemeon: Why would you want to keep that land industrial? ~~?~~ Wouldn't you be concerned that the lots next to you would be ~~used as~~ industrial?

~~It has been changed to residential.~~

[Owner of Lot 54: I own ~~am~~ Llot 54 and ~~have~~ run Edgewater ~~R~~entals. If it changes to residential, my business will ~~ould~~ be pushed out. I depend on that business for my income.](#)

J. Duffy: The type of business [currently](#) being run doesn't fall under ~~I~~industrial use.

D. Marshall: Your business would be grandfathered.

~~Owners of R. Duhaime was correct,~~ Map 5 lot 53, 54, [and](#) 9 do not want to change from industrial [to residential.](#)

D. Marshall: What if we changed those lots to commercial. Industrial land is taxed at a higher rate.

J. Duffy: They are taxed at the use rate, ~~however,~~ if they sold that house, ~~they couldn't~~ put up another house.

Mrs. Slempp: I don't see any reason to change my property. We bought it this way and we want it to stay that way.

J. Duffy: Lot 49 is ~~I~~industrial, if you want to change 49 as ~~well, that~~[well, which](#) would be a good idea.

Close ~~P~~ublic [Hearing](#)

Rewrite of Amendment #5

Map 1, Lots 4, 6, 8, 9 will change from Industrial to MDR

Map 5, Lots 7 will change from Industrial to MDR

Map 5, Lots 49, 53, and 54 will change from Industrial to Commercial

*J. McHugh motioned to send [the Amendment #5 as rewritten](#) ~~is~~ to a second hearing. Seconded by B. Ehlers.  
Vote unanimously in favor.*

**Amendment #6**

[Are you in favor of Amendment #6](#), as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance by inserting the provisions of Article 3, General Provisions, (which is an existing Article), shall apply, when applicable, to the following Districts:

[Low Density Residential, Medium Density Residential, Urban District Residential, High Density Residential, Elderly, Older Person & Handicapped Housing, Cluster, Commercial; US Route 3 Performance Zone, Industrial; Mixed Use District 1, Mixed Use District 2, Mixed Use District 3, Mixed Use District 4, Mixed Use District 5, Article 18, Wetlands, Prime Wetlands, and Groundwater Conservation District.](#)

[The purpose of this amendment is to ensure that all provisions of existing Article 3, General Provisions, of the Zoning Ordinance apply to all zoning districts, when applicable.](#)

[D. Marshall read the amendment into the record.](#)

Open Public [Hearing](#)

J. Duffy: Article 3 has been around for years as the [Ggeneral Pprovisions](#) ~~but~~ ~~and some~~ apply to the zoning ordinances but when you look up your zone, they don't always go to the ~~general provisions~~. This will direct people to [refer to the Ggeneral Pprovisions from the Ordinance](#).

Close Public [Hearing](#)

*J. McHugh motioned to place [Amendment #6](#) on the ballot. Seconded by B. Ehlers.  
Vote unanimously in favor.*

**Amendment #7**

[Are you in favor of Amendment #7](#), as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 3, General Provisions, by inserting the following:

[I.3. The parking of one \(1\) travel trailer or manufactured home on a property, wherein the existing single family or two family residence has been damaged by fire or other catastrophic event, may be maintained for a period of six \(6\) months during the repair of the residence. Said temporary housing shall be secured to the ground by means of hurricane tie-downs, or equal, and must be set on the property in accordance with the minimum yard setbacks for the zone. All necessary applicable permits shall be required. A maximum of one \(1\) extension to the time limit, requested in writing, may be granted](#)

[by the Code Enforcement Official not to exceed six \(6\) months. This provision shall not apply to any multi-family or commercial structure.](#)

[The purpose of this amendment is to allow a temporary trailer or manufactured home in all residential districts, on a temporary, nature in the case of fire or a catastrophic event.](#)

[D. Marshall read the amendment into the record.](#)

Open Public [Hearing](#)

No [comments](#)  
[ne](#)

Close [Public Hearing](#)

***J. McHugh motioned to place [Amendment #7](#) on the ballot. Seconded by P. Rueppel  
Vote unanimously in favor.***

#### **Amendment #8**

[Are you in favor of Amendment #8, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, regarding percentage of lot coverage by removing this reference from the following districts of the Zoning Ordinance and inserting amended language into the Development Regulations: Article 4, Low Density Residential; Article 5, Medium Density Residential; Article 5-A and Urban Residential District; Article 6, High Density Residential; Article 7, Elderly, Older Person and Handicapped Housing; Article 8, Cluster Housing; Article 9, Manufactured Housing Parks; Article 10, Commercial; Article 10-A, US Route 3 Corridor Performance Zone; Article 11, Industrial; Article 12, Mixed Use District 1; Article 13, Mixed Use District 2; Article 14, Mixed Use District 3; Article 15, Mixed Use District 4; and Article 16, Mixed Use District 5.](#)

[All references to building coverage and percentage of allowed impervious surface will be removed from the Zoning Ordinance and alternative language will be inserted into the Development Regulations](#)

[D. Marshall read the amendment into the record.](#)

Open Public [Hearing](#)

E. Mitchell representing [various](#) landowners in town, [Are these percentages already in the Zoning Ordinances?](#)

J. Duffy: No.

E. Mitchell: Will these automaticallly go into the [Development Regulations](#), [s](#) or will there be hearings?



The larger lot, the less ~~you are allowed for~~ impervious is allowed. The ~~aquifer~~aquifer zone allows 10% already where it is already restricted but on a two (2) acre lot, you're only allowing 5%. The ~~S~~Shoreline Protection allows up to 30% if you use ~~stormwater~~Storm water Management. If they don't now exist, you should allow them to come in during the review ~~process.~~ ~~o~~ ~~o~~ Or allow higher numbers based on storm water relief.

D. Tatem: When we drafted the numbers, because there weren't specific numbers, we looked at surrounding towns and had discussions with R. Corriveau. He felt the number was too low as well. and he thought that was low as well. He also thought the 5% would be more applicable at 7.5% or 10%. We did say half an acre at 20%. I think we need to discuss the square footage numbers more when they are written into the Development Regulations, they go into the development regs.

B. Sullivan: Does Impervious include just driveways or all concrete like basketball courts and surrounding pools? is that just driveways, or is it any concrete like basketball?

D. Tatem: Impervious includes everything. That's all included in impervious!

B. Sullivan: How is that enforced? How do you enforce that.

D. Tatem: I spoke to Auburn and they have the 5% on all acres of 2 acres or more. There 5% is in the Zoning regulations. They indicated it was it was not ~~it is not~~ typically an issue.

We need to ~~fine tune~~fine-tune the numbers, but ~~there~~their needs to be something established

J. Duffy: Why can't we just have the amendment say "Take it out of zoning and put it in the Development Regulations and work it out when you rewrite the Development Regulations.

Close Public Hearing

*J. McHugh motioned to place Amendment #8 on the ballot as reworded. Seconded by D. Dreffe ~~seeonded.~~  
Vote unanimously in favor*

#### **Amendment #9**

Are you in favor of Amendment #9, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, by omitting Article 8, Cluster Housing Ordinance, and replacing the entire text with new text, adopted under RSA 674:21, Innovative Land Use Controls, entitled Conservation Subdivision. The purpose of this amendment is to replace the current outdated Cluster Housing Ordinance.

D. Marshall read the amendment into the record.

Open [Public Hearing](#)

E. Mitchell: [On Page 2 of the ordinance](#), you are defining passive and active recreation ~~and stating that active recreation -and down through the lot-~~ can't be counted ~~as in~~ open space. What is the rationale for that?

J. Munn: The [Planning Board](#) discussed this [issue](#) at the first public hearing. ~~Tand~~ there was concern that active and passive [recreation](#) needed to be defined and the new ~~lot~~ ~~which was active recreational land~~ ~~lot, which was active recreational land,~~ would be part of the ~~d~~development and not part of the open space.

E. ~~Mitchell~~Mitchell: [On Page 4](#), ~~O~~open ~~S~~space must now be 50% and the recreation cannot be part of it. I thought cluster [development](#) was to have recreation and open space. The innovative process isn't there. The more restrictive ~~it is~~ ~~in you impose~~, the less likely this will be used. ~~Trail~~ ~~so develop trails, which~~ are not allowed in open space but pedestrian walks are encouraged. Active recreation, ~~if not part of the open space, as part of the open space, people~~ won't be done ~~it~~. If it were all included, the [Planning Board](#) could look at what best fits that site. The [Planning Board](#) should have the ability to see what best suits the site.

J. Munn: Regarding 50% open ~~space, that~~ ~~space that~~ was discussed with [Planning Board](#) because the intent was to increase the open space. Recreation was an option, not a requirement. The [Planning Board](#) would still have the flexibility ~~to~~ work with the developer. ~~and~~ it was [in](#) the best public interest to have more open space.

Regarding the trail, I agree with [Mr. Mitchell](#). ~~er~~ ~~T~~, trails should be allowed in open space areas. That should be changed.

J. Duffy: ~~Y~~; We can remove the word trails.

E. Mitchell: [For Open Space, you are](#) ~~There is a requirement that the open space, you are~~ adding the component of half of that [land](#) -must be good land. This increased the open space. When you look ~~at the density and divide by the minimum~~ lot size, it won't change. When you go to 50%, the way you put the lots on the site is different. The more you ratchet up the percentages, the less ability to design the project. The ~~100-foot~~ [100-foot](#) buffer that exists today, cannot be part of the lot. If these are residential houses, ~~if~~ you have ~~100-foot~~ [100-foot](#) buffers that you can't use. ~~This, that~~ forces the roads to go where you won't like. ~~If you~~ ~~look~~ at taking out the 100 foot buffer, that could be a 100 foot setback. This buffer restricts where the road should go.

B. Sullivan: ~~;~~ We have seen a lot of cluster developments in town and they aren't what we had hoped. I understand maximizing your property, but the way Hooksett is going, there are large homes going on small lots. We believe that cluster ~~developments~~ ~~homes~~, need to be in favor of the [T](#)own. We want developers to go back to the other development. You represent a developer. You think they are too restrictive. When you

say we should reduce the size of the land, you are missing the point. If I could, I would eliminate clusters ~~all together~~. I think it is too beneficial to developers. The open space is ~~unaccessable~~~~inaccessible~~ and unusable. Although I understand your concerns, ~~y~~You don't understand our goal.

E. Mitchell: Open space development is a tool to someone who wants to develop their property. Open space has a beneficial quality. Not every piece of property is worth clustering, but for everyone to have a ~~two~~ (2) acre lot that is not being used and can never be put into open space planning is a waste. Certain properties ~~are~~ ~~worth~~ ~~are~~ worth preserving. ~~This is a tool, and it is a tool.~~ You are making it ~~difficult~~ ~~hard~~, and you will restrict people ~~from~~ ~~to~~ having ~~the~~ ~~choice~~, even if this is worth doing.

B. Sullivan: How many [developments](#) have come in that are not cluster?

J. Duffy: None

B. Sullivan: Show me a cluster where open space was maximized and contiguous. You speak of planning and understand the value of cluster homes, however, it has not occurred often where a development has come in that has a plan that works for the ~~T~~town and the developer.

J. Duffy: The ~~100-foot~~100-foot perimeter was in our old ordinance and is an outdated idea. The diagram shows the lots going to the property. I think you wan-t to encourage having the development 100 feet off the street, ~~but~~ I don't know if you need it around the entire perimeter of the track.

J. Munn: That is currently in your ordinance ~~now~~. I have seen it in other communities where it is an issue after the subdivision came in. I think you can provide some flexibility where the developer and the [Planning Board](#) can work together. We can come back for a second hearing on this.

J. Duffy: This ~~amendment~~~~title~~ is being adopted under the [Innovative L](#)and [U](#)se [Ce](#)ontrols and the [Planning Board](#) has the ability ~~to~~ grant waivers under this [A](#)rticle.

~~R. Duhaime; I appreciate your input but with the topography of Hooksett, most developers have taken advantage and that is why the PB is being reactive.~~

B. Sullivan: Conservation development is attractive, I like the open land, ~~but~~ ~~but~~ ~~Dale~~has ~~a~~point, there is a lot of benefit to two (2) accesses rather than two cul-de-sacs.

J. Munn: It is a trade off, to get the open space and protect the ~~drainage~~~~drainage~~; you will end up with a cul-de-sac. You will have the waiver process to address that.

D. Hemeon: We ~~E~~ are not in the real estate business in Hooksett. Every piece of land doesn't have to have a home on it. We have to ~~consider~~~~think of~~ the ~~T~~town's image.

Close [Public Hearing](#)

*J. McHugh motioned to send to [Amendment #9](#) to a second hearing. Seconded by P. Rueppel.  
Vote unanimously in favor*

**Amendment #10**

[Are you in favor of Amendment #10](#), as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, by omitting Article 19, Groundwater Resource Conservation District, and replacing the entire text with new text.

[The purpose of this amendment is to bring the Town's Groundwater Resource Conservation District Ordinance into compliance with the NH DES Model Groundwater Protection Ordinance and the Town's recently adopted Wellhead Protection Program to the Town's stratified drift aquifers and the public water supply and water quality at Pinnacle Pond.](#)

[D. Marshall read the amendment into the record.](#)

Open [Public Hearing](#)

J. Duffy: There is a mistake on page 2, last paragraph, “under the advisement of the [Conservation Commission](#)” should stay.

D. Marshall: That [is-is a housekeeping issue](#).

E. Mitchell: We had a TRC, which talked of septic setbacks, and I didn't see it in here.

D. Tatem: That is [in current setbacks](#).

Close [Public Hearing](#)

*J. McHugh motioned to place [Amendment #10](#) on the ballot. Seconded by R. Duhaime  
Vote unanimously in favor.*

**Amendment #11**

[Are you in favor of Amendment #11](#), as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance by eliminating Article 18, Wetlands Conservation Overlay District, Section G.2.a) A twenty-five (25) foot setback from the wetland boundary is to remain in its natural, undisturbed state, and eliminating b) A forty (40) foot setback shall be required from the wetland boundary to any structure or any paved area 2,400 square feet or larger in size and inserting a new a) to read: [A forty \(40\)](#)

[foot setback shall be required from the wetland boundary to any structure or any paved area 2,400 square feet or larger in size, and shall remain in its natural, undisturbed state. The purpose of this amendment is to eliminate the 25' undisturbed wetland setback and maintain an undisturbed 40' setback from the wetlands.](#)

[D. Marshall read the amendment into the record.](#)

Open [Public Hearing](#)

E. Mitchell: Why go from 25 [feet](#) to 40 [feet](#)?- Doing roadway design, we have ~~stormwater~~[Storm water](#) ~~Protection~~ that must go along with roads. The best place to put them may be in the wetland. Could treatment swales be allowed in the buffer?-

D. Tatem: When you go to the wetland buffer you need a waiver. ~~If you show that, it would be interpreted as part of the road.~~ There is a ~~25-foot~~[25-foot](#) no disturb buffer now; they would be looked at the same way.

~~D. Tatem:~~The setback says any structure or paved area 2400 ~~feet~~ or larger. I don't [know](#) where that came from. I would propose to remove 2400 [feet](#) and say "any structure or paved area".

Close [Public Hearing](#)

*J. McHugh motioned to send [Amendment #11](#) to a second public hearing. Seconded by R. Duhaime.*

*Vote ~~uanimoulsy~~[unanimously](#) in favor*

#### **Amendment #12**

[Are you in favor of Amendment No. 12, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 5-A, Urban Residential District, by adding B. Uses Permitted by Special Exception, 2. Two-Family Dwellings, provided they are served by municipal sewer and municipal water, consist of at least 18,000 square feet of area, provide two \(2\) onsite parking spaces per unit, and result in no increase in footprint of existing structure?](#)

[And amend Article 27, Accessory Apartments, B. Where Allowed, insert Urban Residential District. And amend C. General, 3., municipal sewer and municipal water required for Urban Residential District.](#)

[The purpose of this amendment is to allow two-family dwellings and accessory apartments in the Urban Residential District with certain restrictions.](#)

[D. Marshall read the amendment into the record.](#)

Open [Public Hearing](#)

[No comments](#)

Close [Public Hearing](#)

*J. McHugh motioned to place [Amendment #12](#) on the ballot. Secoded by R. Duhaime*

*Vote ~~unanimously~~[unanimously](#) in favor*

**Amendment #13**

[Are you in favor of Amendment No. 13](#), as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, by inserting Article 31, Phasing Requirement, which would provide for the phasing of development to avoid adverse effects on public health, safety or welfare, due to a sudden demand on service(s) which cannot be provided for by a reasonable expenditure of public funds.  
*The purpose of this amendment is to require all subdivisions greater than 12 lots, unless exempt, to submit a phasing plan.*

[D. Marshall read the amendment into the record.](#)

D. Marshall: This [amendment is based on the presentation made by a consultant who was hired to develop a GMO for the Town.](#)~~was based on a consultant that we hired and had public informational meetings.~~ We have been under pressure to develop a GMO [after the passage of a GMO by the voters.](#)~~That was passed by the voters a few years ago and was then found illegal by the courts.~~ We have gone through several variations or drafts of GMO's trying to develop one that was sue proof, and we finally found that we could get one. [It's a GMO, which like other communities, have that](#) have triggering mechanisms. ~~It was determined that those~~[Those](#) triggering devices would never have been triggered. We hired P. Herr, and his job was to research GMO's and he came back and asked if we were sure we needed one. He recommended we implement a phasing plan. Subdivisions must submit phasing plans if they are greater than 12 lots, unless they are exempt in the case of elderly and handicap [housing](#). The public was invited to informational meetings and the ~~PB~~[conseensus of the Planning Board](#) was we needed to move forward with the phasing plan because it was easy to enforce and not confusing to the general public. The details [of this requirement were](#) available in the Planning office.

Open [Public Hearing](#)

M. Sorel: ~~The posting in the banner indicated a full text of the ordinance would be available at the town hall. You indicated this was a draft. My question is what we have in the handout, the ordinance that will be put in the Hooksett Zoning Ordinance, lacks what was presented by Mr. Herr.~~ I support what Mr. Herr presented at the library for [Phasing](#). He said this was a good idea fo-r the [T](#)town to do in conjunction with other things like [C](#)onservation [D](#)eeds etc. I support the phasing as a beginning. Is the draft ordinance that P. Herr presented going to go on the books referring to time limitation, a sunset portion, none of which were available?

J. Duffy: That draft is available in its entirety.

M. Sorel: It is my request that the entire ordinance be put on the ballot so that the people understand [what is being proposed](#).

D. Marshall: We will check with the attorney, [and if it is not possible, we can see if we can have it fun in the banner-include the entire wording in the amendment.](#)

B. Sullivan: At a minimum, the text should be available at the polls.

J. McHugh [requested that the Town Council send out a newsletter prior to the election.](#)  
~~:- Originally, there was a suggestion made that the Council send out a newsletter. I don't know who will read this entire article. We had discussed asking the Council to send a newsletter and include this text.~~

J. Duffy is to contact the [T](#)own's [A](#)ttorney to [includechange](#) the wording.

Y. Nahikian: I suggest we change the [restriction](#) in phase two to not allow the cutting of the trees.

E. Mitchell: Is this an innovative land use control?~~-~~

J. Duffy: Yes.

E. Mitchell: Your [D](#)evelopment [R](#)egulation will have to be changed to see how the ~~the~~ lots will be spread out.

J. Duffy: I want to insert the language of the RSA into the article itself because that effects how it will be managed.

D. Marshall: It is in the draft~~?~~ If you print the whole thing, it will be in there.

J. Duffy: I don't think there is anything prohibiting the insertion of the entire article. There was a challenge made to Bedford that not enough information was in so they change the RSA to say you must put something topical. I don't think there is anything saying you can't put the entire article in.

B. Sullivan: There is nothing in the amendment that says you have a control in phase II.

D. Marshall: We just said that will go in the development regulations. The Development Regulations will govern ~~the~~ phase II.

J. Duffy: RSA Land Use Controls to be added.

Close Public [Hearing](#)

~~J. McHugh~~ **McHugh** motioned to place Amendment #13 on the ballot. Seconded by **B. Ehlers**  
Vote 8:1 (P. Rueppel)

**Amendment #14**

Are you in favor of Amendment #14, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance by amending Article 20, Signs, to include design requirements for permanent signs and add signage definitions. The purpose of this amendment is to include design requirements for permanent signs and add signage definitions.

D. Marshall read the amendment into the record.

D. Marshall: This will prevent sign pollution.

Open Public Hearing

D. Tatem: ~~Article~~ Article 10A is the Pperformance Zzone and Article 20 is the sign ordinance. We took the criteria for permanent signs from 10A to Aarticle 20. ~~Performance~~ Performance Zzone standards for signs will now govern the entire town. ~~There is a chart showing size of signs allowed and there was not accommodation for 2<sup>nd</sup> floor tennacts. Or Sign allowance for 4 or more tenants has increase from 10 to 15.~~

Close Ppublic Hearing

**R. Duhaime** motioned to place Amendment #14 on the ballot. Seconded by **J. McHugh**.  
8:1 (Dale Hemeon)

**Amendment #15**

Are you in favor of Amendment #15, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, by inserting a new Article 20-A, Route 3A Sign Ordinance. The purpose of this amendment is to provide separate sign regulations along the Route 3A Corridor from the Manchester City line to the Bow Town line, and from the intersection of Route 3A and Hackett Hill Road up to and including Map 13, lots 62 and 58 along Hackett Hill Road, and from the intersection of Route 3A and Cross Road up to and including Map 17, lots 34 and 37, which are comparable to the US Route 3 Corridor Performance Zone, adopted in May 2007, resulting in less intense signage

D. Marshall read the amendment into the record.

D. Tatem : This taking the Performance Zone Ssign Ordinance ~~an put and puts iting~~ in the 3A corridor without making it a Performance Zone-zone.



Close [Public Hearing](#)

*J. McHugh motioned to place [Amendment #15](#) on the ballot. [Seconded by R. Duhaime](#). ~~e-seconded.~~  
Vote unanimously in favor.*

**Amendment #16**

[Are you in favor of Amendment #16](#), as proposed by the Hooksett Planning Board?  
[This would amend the Hooksett Zoning Ordinance, by amending Article 10-A, US Route 3 Corridor Performance Zone, by amending Table of Performance Zone Sign Standards, by inserting, "Identification Sign, Building, "In a building with more than two \(2\) tenants, with multiple floors, each tenant with a separate public entrance shall be permitted to have one \(1\) building sign, not to exceed sixteen \(16\) square feet and each second floor tenant with common access shall be permitted to have one \(1\) building sign, not to exceed twelve \(12\) square feet. And by inserting, "Center Identification Sign, Freestanding, "Maximum sign area for four \(4\) or more tenants one-hundred \(100\) square feet per sign face, maximum sign height, fifteen \(15\) feet above grade." And by inserting note #2, "All building mounted sign areas shall be determined by the square footage of the letters and symbols if they are directly mounted to the building. If there is a distinctive border around the sign's lettering and symbols, that border will be restricted to the allowable square footage." And by inserting note #3, "All free-standing sign areas shall be determined by the face of the sign and will not include the base or the side posts supporting the sign face." And by inserting Section 6 into Article 10-A I., Performance Zone: 6\) Directional signs which do not exceed four square feet \(4 s.f.\) and bear no advertising or site identifying information are subject to approval of the Planning Board. And by adding definitions for: Indirect Lighting, Direct Lighting, Internally Lit and Directory Sign.](#)  
[The purpose of this amendment is to allow buildings with multiple tenants on multiple floors to have signs, and to allow buildings with four or more tenants to have signs that do not exceed 100 square feet/15 feet high, and allow directional signs in the Performance Zone when shown on a site plan, and add signage definitions](#)

[D. Marshall read the amendment into the record.](#)

Open [Public Hearing](#)

[No comments](#)

Close [Public Hearing](#)

*J. McHugh motioned to place [Amendment #16](#) on the ballot. [Seconded by R. Duhaime](#)  
Vote 7:2 ([Elhers](#), [Hemeon](#))*

**UPDATE ON SCHOOL LAND**

—P. Dr. Littlefield, Superintendent of Schools, Dan Bisson, Team Design (Team Design) & Joanne McHugh, School Board Chair

J. McHugh: The purpose of this presentation is to bring everyone up to date on the search of a viable piece of land for a school site.

D. Campbell had sent a letter to the Planning Board a few years ago, in that proposal he listed some of the public benefits. #6, as a public benefit, was the commitment to work with the School District. Since that time, the prime wetlands were taken out and passed. It then Then it went to litigation. A few years passed before we got back into the process of working with D. Campbell. Again, a letter was sent by Mr. Campbell. Mr. Campbell sent a letter to the Town Council with his commitment. The School Board came to the Planning Board to ask if it was the School Board's responsibility to find that land. We have been working with the past Planner, Charles Watson, Town Administrator, David Jodoing, and MS&G. Over the past year, we have been actively working to find that land. Last November, we walked a piece of land owned by MS&G to determine if it would be a possible land that was a possible school site. That property, located by the future town common was in the area of the town pond. Later, it was realized it was committed to Fish and Game. We started the process again. In the last 4 or 5 months, another parcel was identified, which was located behind Legends. We walked the property with and brought Dan, Bisson, R. Corriveau, and P. Littlefield. From there, we needed to get into the site and evaluate if it was a viable site. The responsibility as the School District is to identify the site and bring it to the Planning Board to be negotiated. We have also worked with PSNH.

D. Bisson: We walked the site and then new we needed expertise and hired a soil scientist and an engineer from Appledore. The Department of ed requires a minimal acreage. We also met with Diane Montheith from PSNH, and she gave us findings of the power lines. We had the concerns with concerns with of two major power lines. She told us they were rated as at in the rating that it is the second heaviest used power lines. Those are detriments. It is a large site. We walked and saw the back area is slated for a road, which would be difficult to move because of the river. We found prime wetlands on the site as well. There is We have a brook running through as well as a flood plain. We took the overlay, and put a building for with 1000 students with and parking and with fields and ran out of space. We looked at the adjoining adjoining land - land. To the south is town land. The power lines destroy and area of the site. One issue with the Dept. of Ed is you need two (2) means of egress. The issues of coming into the site with power lines has issue of coming into the site with power lines has always been a difficult sell with the public. This is a difficult site and would require major retaining walls.

D. Dreffs: We had been discussing the need for a new elementary school and this addresses a high school.

J. McHugh: This was an offering with a good central location for a high school.

P. Littlefield: When the third elementary school comes on line, it would be the goal for the School Board to place it in the north end of town. At some point in the future, the

community may need a High School. When we first looked at a centrally located site, we thought we could take this and place it aside until needed. We were very excited at first view, but then the road, ~~was an issue, the~~ flood plain and wetlands were an issue. The egress became an issue [as well](#). For what it would cost the community to construct a 1000 student building, it would not be a good investment. If we did take the site and the [adjacent town property](#) adjacent site and a third adjacent site, we would max out the site and have no room for growth. Our more immediate need is ~~for an~~ [for an](#) elementary school. ~~a~~ smaller site but in the north end of town.

B. Sullivan: What about looking at the other side of the river, ~~which~~ which has the potential to explode.

J. McHugh: We looked at ~~T~~ town owned parcels on the other side of the river. We looked at property in the Pinnacle area. Based on the study done by the NH ~~S~~ schools [Administrators](#), and the demographic study, it is the recommendation that we have something in the northern section of ~~T~~ town.

D. Bisson: This MS&G parcel is a little over 30 acres.

D. Marshall: This ~~B~~ board thought you were seriously looking for a north end elementary school because of [the](#) 3A development and MS&G development. You will be faced with having to buy an expensive piece of land.

[D. Bisson: You need approximately 20 acres for a school.](#)

~~D. Bisson: Buildable acre 16 acres or 20 acre piece.~~

J. McHugh: The need is [now](#) more dire, because [the MS&G plan, with the golf course was not going to attract school age children. This revised plan will bring more school age children into that development, they were originally not looking at school age children with the golf course plan. Now, I believe that has changed.](#)

J. Duffy: If you want to have a discussion with MS&G with regard to land, you should do that soon since those plans are now being reviewed.

B. Sullivan: I suggest we bring MS&G in as soon as possible to solve this problem.

### **WAIVER**

#### **G & M COOPERATIVE, INC**

32-A Gary Avenue, Map 24, Lot 14

Waiver of Section III.1.01.5 of the Non-Residential Site Plan Regulations, which requires Site Plan review

Proposed repair and replacement of existing culvert

J. Duffy: I recommend granting of the s the waiver, ~~be grantede contingent~~ contingent upon the completion of a on technical review by Stantec, similar to the review done with MS&G on Legends

***P. Rueppel motioned to grant the waiver with the condition that Stantec review and approve the plan. Secoded by B. Sullivan***  
***Vote unanimously in favor***

### **COMPLETENESS**

#### **CATAMOUNT MANAGMENT**

5 Lindsay Road, Map 25, Lot 18-3B  
Non-Residential Site Plan for a 2-story, 11,450 s.f. office building.

J. Duffy: There were a few minor issues to be addressed as of Friday.

D. Tatem: They are complete.

***J. McHugh motioned to find the plan complete. Secoded by R. Duhaime***  
***Vote unanimously in favor***

***Public Hearing scheduled for April 7<sup>th</sup>***

### **COMPLETENESS AND PUBLIC HEARING**

#### **CKS REALTY & SJB DEVELOPMENT**

16 Scott Avenue, Map 24, Lots 29-2 & 30-1  
Lot Line Adjustment (No new lots)

***B. Sullivan motioned to find the plan complete. Secoded by D. Hemeon***  
***Vote unanimously in favor***

D. Duval: This is a lot line adjustment adjacent to some commercial condos. This is to take land from those condos and giving it to the abutting property owned by Scott Bussierre.

Open [Public Hearing](#)

J. Duffy: We would like written easements for the swale that will now be on the house parcel as well as the garage that is on Scott ~~Bussierre's~~ father's [propertyhouse](#). These easements would be from his father.

D. Tatem: He would be granting the easement from two ownerships. The encroachment waiver and the swale easement also says the legal language with ~~barrings~~barring and distances.

D. Tatem ~~recommended approval with the following :-~~ Conditions:

- All review fees are paid in full
- 2 Mylars, 11 Paper copies and 1 digital mylar
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (See March 3<sup>rd</sup> letter from Stantec) ~~Comments from march 3 addressed~~
- Amendment for the septic is approval by DES and submitted to the Town
- Required easements are submitted to the Town for legal review ~~view to the town.~~
- All approved waivers are noted on the plan.

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~~We support the The-Waiver requests for waivers:-~~ topography, septic, ~~trees -trees,~~ location of houses and temporary and permanent erosions.  
~~We support the six waivers.~~

*J. McHugh motion to approve the waivers. ~~SD. Hemeon~~ seconded by D. Hemeon.  
Vote unanimously in favor*

*J. McHugh motioned to approve the plan with the above stated conditions. Seconded by D. Hemeon.*

D. Tatem: The applicant met with us and I would like to commend him on a job well done.

*Vote unanimously in favor.*

### CONTINUED PUBLIC HEARING

#### WEBSTER WOODS PHASE II (Continued to April 7)

Hooksett Road, Map 6, Lot 114  
Site Plan for 46 Duplex units and 7 single units, 55 & older person housing

Continued to April 7<sup>th</sup>

#### **JOAN ELLIOTT**

39 Pine Street, Map 7, Lot 3  
3 Lot Residential Subdivision

J. Duffy: The Village Water Precinct has a concern with the setbacks for Pinnacle Pond.~~re is a concern with the Pinnacle Pond setback with Village water precinct. A letter from the Village Water Precinct and . The letter sent by them said, "read from letter...a A-second letter from B.J. Branch, representing the Precinct was read into the record. The letter from Mr. Branch referenced an easement, which was not included in the letter, was sent by B.J. Branch regarding the easements. There were no easements attached.~~

D. Duval: They are ~~eluding~~alluding to the north well, and there is no protective radius. They are agreeable to a ~~40-foot~~40-foot radius. At the last meeting, the recommendation was to ~~hireget a~~ a ~~soiled~~ scientist. This was done and a letter was submitted by Peter Schauer, and did so and submitted a letter from P. Shouer. The client has agreed to extend the Town Water Line to service these lots. We have given the ~~engineer~~ theengineer the plans. We must send our plans to Geosphere ~~and it says the client.~~ They also suggested that a pamphlet be provided to the new homeowners when the property is sold.~~re are other items suggested that when the houses are sold, the pamphlets be provided to the home owners.~~

There are also a few housekeeping items with regard to the water extension.

D. Hemeon: They originally wanted the sewer line extended. I want to know where the water line is running on Pine Street. There is ~~moratorium~~moratorium on repaving that road if it is disturbed~~broken~~.

D. Tatem: ~~I recommended to Dale that in note 30 of my comments....~~  
It would be a condition of approval that a bond be in place for that road.

D. Duval: We could stay within the driveway easement. We can note it will stay in the access/water service easement.

D. Tatem: As long as the water service stays in the ROW or the easement.

~~D. Tatem: At Comments: the~~The last hearing, ~~the~~ Planning Board waived wetland mapping where the site was not likely. We received the letter from P. Schauer, which is good, and it supports what the Board wanted but isn't shown on the plan. We recommend that be added to the plan.~~, P. Schauer "~~

~~I think the letter is good and it supports what the board wanted but doesn't show on the plan. We recommend that be added to the plan.~~ If someone opts to build by Pinnacle Pond, it would be that person's responsibility to check that back lot.

The trench didn't match the Blue Book detail.

The elevation must be based on permanent benchmarks ~~and not geo~~.

The grading, the joint driveway has an easement over it. That easement must be expanded.

On the easements, there are no barring and distances on the new easements and they need to be put them on the plan.

The well radius should be noted.

These plans are sheet 1 of 3 and now there is also water design so it must be 2 of 6 and be part of the set.

D. Hemeon: Is this project mandated to get water. It is silly to extend the water main. This is near the Pinnacle, so there is plenty of water for a well.

D. Tatem: This was requested by Village Water.

D. Tatem: If D. Duval agrees to address all the comments, you could conditionally approve the plan.

J. McHugh: I don't agree with conditional approvals. I thought we had a consensus from this Bboard to not grant these conditional approvals.

B. Sullivan: After some members went to a seminar, the Boardwe changed that philosophy.

D. Tatem recommended approval with the following conditions:~~Conditions:~~

- All review fees are paid in full~~Review fees~~
- 2 Mylars, 11 p~~Paper~~ copies and 1 digital copy mylar
- All outstanding comments from Stantec are addressed to Stantec's satisfaction  
(See March 3<sup>rd</sup> letter from Stantec)~~Comments within mar 3 addressed~~
- Letter is submitted from Village Water approving extension and T~~technical~~.  
Design P~~p~~lans
- A Bond is submitted prior or at the preconstruction meeting to be reviewed and approved by highway for the possible reconstruction of Pine Sstreet.
- The Applicant agrees to a preconstruction meeting prior to install~~all~~ation.

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*R. Duhaime motioned to approve the plan with the above listed conditions. Seconded by D. Dreffs*

*Vote 7:2 (P. Rueppel ~~at~~ and J. McHugh ~~Ann~~)*

**FRANK MADZIARZ**

25 Jacob Avenue Map 48 Lot 47  
Lot Line Adjustment and one (1) Lot Subdivision

J. Duffy: I was not at the last meeting where Mr. Mitchell was instructed to submit additional information with regard to the Ttown owning the entire 30 foot ROW. I didn't hear from anyone from his office. I met with Mr. Pinard and I still have t~~e~~the opinion that the Ttown doesn't owne the full 30 feet ~~foot~~ and this cannot move forward.

J. Crownin, Attorney for~~hired~~ by Mr. Madziarz~~Madjors~~: I reviewed the road issue with regard to frontage and I spoke with the Ttown's Attorney, Bart, Bart Mayer as well. There is confusion with the plan. Mr. Mitchell ~~an speaking to Mr. Mayer, he questions this reserve strip~~. It is my understanding that the 30 feet ~~this~~ is the area claimed by the

abutter as his property. We failed to point out this note. This section has not [been](#) disputed and the title is clear. This lot, which is a [Madziarzjers](#) lot, is a straight bound. The question is whether the paved surface makes the entire layout of the ROW. The dash and the space of 7 feet is the area in question. Everyone is [focused](#) on title and we contend it is frontage, [which is actually the issue](#). ~~In History from~~ 1915, there were 15 people that petitioned the layout of the road. You have to assume the people on both sides of the road wanted ~~that~~ layout ~~of the road~~. The layout and dimension was deferred to the [Selectman](#). In 1939, there were 30 ~~residen~~[residentsee](#) to accept and layout the road. Two years later, there was [an](#)-appropriations to pave it. ~~In N~~-the [y60's](#), the [T](#)own approached the [Madziarzjers](#) and asked to remove the wall [to accommodate](#) ~~for~~ snow storage. ~~The wall was taken downy take it down~~. The question of ownership isn't who owns it, but frontage. It is clear they have frontage on the ROW. Most roads in NH are by easement. The ownership may be important when the road is discontinued. Another concern was the abutter appeared at the last meeting [and](#) submitted a survey to show his ownership. Our engineer asked for this document, and it appears the surveyor for Mr. Pinard says it belongs to Mr. Pinard. It is signed, but there was some alteration to the plan. [I don't know who altered the plan](#). There was an alteration of [the](#) language. A certain reference for a surveyor was removed. The question I want to ask is when was this plan altered and who altered it and what language was removed. Mr. Mitchell stated that Mr. [Madziarzjers](#) had frontage.

J. Duffy: ~~The language you are speaking about~~, the notes on the Jacob Ave plan ~~which~~ was done by the same surveyor. One the Beaver Brook plan, it says the layout of the road is .....now he is using words like "apparent and assumed". I don't think it is fair to have all this thrown on the [B](#)oard or the abutter tonight. We have a rule that all documentation be presented a week in advance. I also don't think he should take [it](#) upon himself to call the [T](#)own's [A](#)ttorney.

D. Marshall: When I see something in black and white from our [A](#)ttorney, we will move forward

M. Pinard: That [plan](#) was altered by me, and I told Mr. Mitchell I did that because the [rey](#) were typos and ~~they have been initialed by the surveyor~~ [the surveyor has initialed them](#). The [B](#)oard asked me to get a plan, and I got a plan that shows my boundary to the road.

D. Marshall suggested all parties get together with all documents.

M. Pinard: I have been honest and made all the contacts required. ~~Am I obligated to provide his clients attorney~~.

***B. Sullivan motioned to continue [the public hearing](#) to April 7. Seconded by R. Duhaime.***

***Vote unanimously in [favor](#).***

Continue to April 7



**BEAVER BROOK DEVELOPMENT**

Bypass 28 and Jacob Avenue, Map 49, lots 49 and 58 and Map 48, lot 26  
87 Lot Residential Cluster Housing Subdivision

~~J. Duffy: When this was owned by Rockport, they gave a conservation easement. Now they are saying they want conservation protection for the cottontails. Now it is questionable whether they can take the land. Conservation is now looking for fee-in-lieu of land.~~

*J. McHugh motioned to extend to March 17. Seconded by R. Duhaime.  
Vote unanimously in favor.*

**BROOKVIEW SR. HOUSING** ~~(Continued to March 17, 2008)~~

1631 Hooksett Road, Map 14, lot 32  
Non-Residential Site Plan for 60 Unit 55+ Housing Development

[Continued to March 17, 2008](#)

**NEW PUBLIC HEARING**

**9. — AMBROSE REALTY, LLC (Continued to April 7, 2008)**

1399 Hooksett Road, Map 18, Lot 13  
Non-Residential Site Plan Amendment for the layout and site improvements associated with the creation of a display area and a gravel equipment storage area

[Continued to April 7<sup>th</sup>.](#)

**OTHER BUSINESS**

There was a business ~~that wants to move into a building located on the corner of Route 3 and Industrial Park Drive, which is~~ owned by ~~John~~ Kelly, ~~that wants to move in to this building.~~ They have enough parking for the ~~interior~~ interior, ~~which will be. It would be~~ used for offices. Being that I'm now on the Economic Development Committee, these are the type of businesses that are being encouraged.

They don't have enough parking if they rent out the second use, which is for of warehousing. I recommend it is not a change in use for this section, but it would be a change in use for the warehouse section. They will be required to go through the Fire Department for the required ~~the necessary~~ inspections.

D. Tatem: How do you prevent the back area of the building from being used in the future? ~~you enforce that the back area of the building stays empty.~~

J. Duffy: The intent was to rent out the space in the future, so that company would need to come to the building department for a fit up.

D. Tatem: How do you restrict half of the building?

D. Tatem: You should rRequire the extra parking for the warehouse, -which would only be four (4) spaces.

J. Duffy: If they come to the Planning Board, in the Performance Zone-zone, they will need to do landscaping and parking.

D. Marshall: They don't need to submit and plan, -but we could require a six (6) month inspection.

This is being considered not a change of use with a condition that they be inspected every 6 months by the Code Enforcement officer~~the Code Enforcement officer inspects them every 6 months.~~

#### ADJOURNMENT

The meeting was adjourned at 9:47 PM by Chairman Marshall~~Chairman Marshall adjourned the meeting at 9:47 PM.~~

Adjourned at 9:45

Respectfully submitted,

Lee Ann Moynihan~~Revised: 2/20/2008~~

The Board reserves the right to close the meeting at 10:00 p.m. and continue any unheard items to the next Board meeting.

**~~AMENDMENT #1. Are you in favor of Amendment No. 1, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 7, Section B.3. Density Limitations a), Elderly, Older Person and Handicapped Housing: The Zoning Board of Adjustment may allow a density of six (6) dwelling units per acre overall for a single development. Soil conditions, slope, the suitability of the land for such construction, or its location may dictate less than the maximum density; and Article 22, Definitions, Dwelling, Multi-Family by changing the definition to read: An apartment house, condominium, or building containing three (3) or more dwelling units, but in no event more than twenty-four (24). The criteria governing three (3) or more units can be found in the Development Regulations.~~**

*The purpose of this amendment is to reduce the density of Elderly, Older Person and Handicapped Housing from 15 units per acre to 6?? units per acre for a single development, and to restrict any one multi-family building to a maximum of 24 units.*

**~~AMENDMENT #2. Are you in favor of Amendment No. 2, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 7, Section B.4 Parking b), Elderly, Older Person and Handicapped Housing: In addition to these off-street parking requirements, other appropriate provisions of the Article 17 of~~**

this Ordinance, and others as may be required as a result of the Site Plan Review process shall apply.

*The purpose of this amendment is to remove any reference to Article 17, Parking Requirements, which is no longer included in the Zoning Ordinance, but can be found in the Development Regulations.*

**AMENDMENT #3.** *Are you in favor of Amendment No. 3,* as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 26, Non-Conforming Uses and Buildings by adding a new Section D. (and renumber remainder sequentially) Non-Conforming Uses and Buildings: A nonconforming building or structure which is destroyed by fire or other hazard may be restored to its former dimensions, provided that it was not destroyed voluntarily and restoration is begun within twelve (12) months after the act of destruction; and by amending, Article 26, by eliminating Section C. 3. Non-Conforming Uses and Buildings, Any legally non-conforming use or structure may not be extended or enlarged by more than fifty (50) percent of the original gross floor area; and eliminating Section C.4.: Any extension or enlargement of less than fifty (50) percent of the gross floor area of a legally non-conforming use shall not occur without the granting of a Special Exception by the Zoning Board of Adjustment.

And by amending, Article 26, by adding a new Section C.3., Non-Conforming Uses and Buildings: All single family lots which conformed to the Zoning Ordinance at the time they were created and approved by the Planning Board, may expand the single family residence, as long as the expansion of the single family residence will conform to all setback requirements, and overlay district requirements, and single family residences are currently permitted in that district. On all other lots, any extension or enlargement of less than fifty (50) percent of the gross floor area of a legally non-conforming structure shall not occur without the granting of a Special Exception by the Zoning Board of Adjustment.

*The purpose of this amendment is to further clarify allowable expansions and reconstruction of structures on pre-existing non-conforming lots.*

**AMENDMENT #4.** *Are you in favor of Amendment #4,* as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 22, Definitions, Junk: Means any old metals, old bottles, cotton, woolen or other mill waste, unfinished mill yarns, old paper or rubber products, discarded lumber, more than one (1) unregistered/ uninspected vehicles, old iron metal, glass, paper, cordage, or other waste or discarded or secondhand materials, or parts which have been a part, or intended to be a part, of any motor vehicles, discarded machinery, or scrap metal, and any second hand articles the accumulation of which is detrimental or injurious to the neighborhood. Junk shall not include unregistered/uninspected motor vehicles and the parts thereof which are in the process of being restored, or are being used in a restoration project, provided that such vehicles, parts and restoration activities are confined within a fully enclosed structure, and provided further, that the vehicles and parts are owned by the resident of the property on which they are legally maintained.

*The purpose of this amendment is to restrict more than one (1) unregistered/uninspected vehicle on parcels of land.*

~~AMENDMENT #5. Are you in favor of Amendment #5, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance as follows: Change the Zoning of Map 1, lots 4, 6, 7, 8, 9 and Map 5, lots 7, 9, 53 and 54 from Industrial to Medium Density Residential. These parcels are located on Edgewater Drive.~~

~~AMENDMENT #6. Are you in favor of Amendment #6, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance by inserting the provisions of Article 3, General Provisions, (which is an existing Article), shall apply, when applicable, to the following Districts: Article 4, Low Density Residential, Article 5, Medium Density Residential, Article 5A, Urban District Residential, Article 6, High Density Residential Article 10, Elderly, Older Person & Handicapped Housing, Cluster, Commercial; US Route 3 Article 10 A, Performance Zone Article 11, Industrial; Article 12, Mixed Use District 1, Article 13, Mixed Use District 2, Article 14, Mixed Use District 3, Article 15, Mixed Use District 4, Article 16, Mixed Use District 5, Article 18, Wetlands Article 18-A, Prime Wetlands, and Article 19, Groundwater Conservation District. The purpose of this amendment is to ensure that all provisions of existing Article 3, General Provisions, of the Zoning Ordinance apply to all zoning districts, when applicable.~~

~~AMENDMENT #7. Are you in favor of Amendment #7, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 3, General Provisions, by inserting the following: I.3. The parking of one (1) travel trailer or manufactured home on a property, wherein the existing single family or two family residence has been damaged by fire or other catastrophic event, may be maintained for a period of six (6) months during the repair of the residence. Said temporary housing shall be secured to the ground by means of hurricane tie downs, or equal, and must be set on the property in accordance with the minimum yard setbacks for the zone. All necessary applicable permits shall be required. A maximum of one (1) extension to the time limit, requested in writing, may be granted by the Code Enforcement Official not to exceed six (6) months. This provision shall not apply to any multi family or commercial structure. The purpose of this amendment is to allow a temporary trailer or manufactured home in all residential districts, on a temporary, nature in the case of fire or a catastrophic event.~~

~~AMENDMENT #8. Are you in favor of Amendment #8, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, regarding percentage of lot coverage by removing this reference from the following districts of the Zoning Ordinance and inserting amended language into the Development Regulations: Article 4, Low Density Residential; Article 5, Medium Density Residential; Article 5-A and Urban Residential District; Article 6, High Density Residential; Article 7, Elderly, Older Person and Handicapped Housing; Article 8, Cluster Housing; Article 9,~~

Manufactured Housing Parks; Article 10, Commercial; Article 10-A, US Route 3 Corridor Performance Zone; Article 11, Industrial; Article 12, Mixed Use District 1; Article 13, Mixed Use District 2; Article 14, Mixed Use District 3; Article 15, Mixed Use District 4; and Article 16, Mixed Use District 5.

*All references to building coverage and percentage of allowed impervious surface will be removed from the Zoning Ordinance and alternative language will be inserted into the Development Regulations.*

~~**AMENDMENT #9.** *Are you in favor of Amendment #9*, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, by omitting Article 8, Cluster Housing Ordinance, and replacing the entire text with new text, adopted under RSA 674:21, Innovative Land Use Controls, entitled Conservation Subdivision. *The purpose of this amendment is to replace the current outdated Cluster Housing Ordinance.*~~

~~**AMENDMENT #10.** *Are you in favor of Amendment #10*, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, by omitting Article 19, Groundwater Resource Conservation District, and replacing the entire text with new text.~~

~~*The purpose of this amendment is to bring the Town's Groundwater Resource Conservation District Ordinance into compliance with the NH DES Model Groundwater Protection Ordinance and the Town's recently adopted Wellhead Protection Program to the Town's stratified drift aquifers and the public water supply and water quality at Pinnacle Pond.*~~

~~**AMENDMENT #11.** *Are you in favor of Amendment #11*, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance by eliminating Article 18, Wetlands Conservation Overlay District, Section G.2.a) A twenty-five (25) foot setback from the wetland boundary is to remain in its natural, undisturbed state, and eliminating b) A forty (40) foot setback shall be required from the wetland boundary to any structure building or any paved area 2,400 square feet or larger in size and inserting a new a) to read: A forty (40) foot setback shall be required from the wetland boundary to any structure or any paved area 2,400 square feet or larger in size, and shall remain in its natural, undisturbed state.~~

~~*The purpose of this amendment is to eliminate the 25' undisturbed wetland setback and maintain an undisturbed 40' setback from the wetlands.*~~

~~**AMENDMENT #12.** *Are you in favor of Amendment No. 12*, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, Article 5-A, Urban Residential District, by adding B. Uses Permitted by Special Exception, 2. Two-Family Dwellings, provided they are served by municipal sewer and municipal water, consist of at least 18,000 square feet of area, provide two (2) onsite parking spaces per unit, and result in no increase in footprint of existing structure? And amend Article 27, Accessory Apartments, B. Where Allowed, insert Urban Residential District. And amend C. General, 3., municipal sewer and municipal water required for Urban Residential District.~~

*The purpose of this amendment is to allow two family dwellings and accessory apartments in the Urban Residential District with certain restrictions.*

**AMENDMENT #13. Are you in favor of Amendment No. 13,** as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, by inserting Article 31, Phasing Requirement, which would provide for the phasing of development to avoid adverse effects on public health, safety or welfare, due to a sudden demand on service(s) which cannot be provided for by a reasonable expenditure of public funds.

*The purpose of this amendment is to require all subdivisions greater than 12 lots, unless exempt, to submit a phasing plan.*

**AMENDMENT #14. Are you in favor of Amendment #14, as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance by amending Article 20, Signs, to include design requirements for permanent signs and add signage definitions.**

*The purpose of this amendment is to include design requirements for permanent signs and add signage definitions.*

**AMENDMENT #15. Are you in favor of Amendment #15,** as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, by inserting a new Article 20 A, Route 3A Sign Ordinance.

*The purpose of this amendment is to provide separate sign regulations along the Route 3A Corridor from the Manchester City line to the Bow Town line, and from the intersection of Route 3A and Hackett Hill Road up to and including Map 13, lots 62 and 58 along Hackett Hill Road, and from the intersection of Route 3A and Cross Road up to and including Map 17, lots 34 and 37, which are comparable to the US Route 3 Corridor Performance Zone, adopted in May 2007, resulting in less intense signage.*

**AMENDMENT #16. Are you in favor of Amendment #16,** as proposed by the Hooksett Planning Board? This would amend the Hooksett Zoning Ordinance, by amending Article 10-A, US Route 3 Corridor Performance Zone, by amending Table of Performance Zone Sign Standards, by inserting, "Identification Sign, Building, "In a building with more than two (2) tenants, with multiple floors, each tenant with a separate public entrance shall be permitted to have one (1) building sign, not to exceed sixteen (16) square feet and each second floor tenant with common access shall be permitted to have one (1) building sign, not to exceed twelve (12) square feet. And by inserting, "Center Identification Sign, Freestanding, "Maximum sign area for four (4) or more tenants one hundred (100) square feet per sign face, maximum sign height, fifteen (15) feet above grade." And by inserting note #2, "All building mounted sign areas shall be determined by the square footage of the letters and symbols if they are directly mounted to the building. If there is a distinctive border around the sign's lettering and symbols, that border will be restricted to the allowable square footage." And by inserting note #3,

~~“All free-standing sign areas shall be determined by the face of the sign and will not include the base or the side posts supporting the sign face.” And by inserting Section 6 into Article 10 A I., Performance Zone: 6) Directional signs which do not exceed four square feet (4 s.f.) and bear no advertising or site identifying information are subject to approval of the Planning Board.~~

~~And by adding definitions for: Indirect Lighting, Direct Lighting, Internally Lit and Directory Sign.~~

~~The purpose of this amendment is to allow buildings with multiple tenants on multiple floors to have signs, and to allow buildings with four or more tenants to have signs that do not exceed 100 square feet/15 feet high, and allow directional signs in the Performance Zone when shown on a site plan, and add signage definitions~~