

**Official
As of 04/05/10**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING - CHAMBERS
Monday, March 8, 2010**

CALLED TO ORDER

Chairman J. Gryval called the meeting to order at 7:04pm.

ATTENDANCE

Chair J. Gryval, Vice-Chair D. Marshall, Town Council Rep. N. VanScoy, F. Kotowski, B. Sullivan, and Y. Nahikian.

Excused: Town Administrator, C. Granfield, M. Cannata, J. Mudge, R. Duhaime, and D. Hemeon.

Representing the Town of Hooksett

Town Planner, Jo Ann Duffy.

J. Gryval: Alternate Yervant Nahikian is voting tonight.

2010 PROPOSED ZONING ARTICLES

ARTICLE 2

The proposed amendments for the SECOND public hearing consist of the following:

Amendment No. 1

Are you in favor of the adoption of Amendment No. 1, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to add a new Article 16-B for a Mixed Use Village District, which will encourage a blend of residential, personal services and small scale commercial, office and medical uses consistent with the character of a village center, in accordance with RSA 674:21 I (h) and (i) relative to Innovative Land Use Controls.

The purpose of Amendment No. 1 is to create a new zone for the "Village" area of town. This zone will allow for a mixed-use of residential and small-scale businesses in order to begin to recreate the Village as the center of the community.

The full text of this Ordinance, along with a District Boundary Map, will be available for inspection at the Community Development Department, Town Hall and at the polling station.

J. Gryval: Most of the audience here tonight was at the 1st public hearing.

D. Marshall: Because we made changes to the proposed amendment at the 1st hearing, there was a need for a 2nd hearing.

J. Duffy: We took banks/financial out of the first paragraph. For uses that were permitted under the Conditional Use Permit, we removed: banks and other financial institutions, commercial theaters and halls, & membership clubs and gyms, and private recreational facilities, hotels, motels, tourist courts, cabins, including retail businesses within these buildings which are conducted for the convenience of the residents or guests. We changed the size of restaurants to not more than 3,000 sq ft total and not more than 2,000 sq ft for the seating area. In the end we cleaned up the language for the size of signs and added in square footage. As for the boundary lines of the district, we removed all of Merrimack Street and the east side of Main Street. We took into consideration recommendations from the 2/18/10 Village meeting. The building height is now 35 ft max to the peak of the roof with a pitch of no more than 7/12.

N. VanScoy: I like the idea of a Village District, but is there a reason this has to go on this year? Couldn't we wait until next year to create a finely written ordinance vs. rushing to put it on this year? Staff comments?

J. Duffy: I don't think there is any rush to do this, but we (Village Committee) have spent a year going over this. We are trying to introduce a new zoning to this area of the Town, and perhaps over time increase the district boundaries. The intent is to have the district become an actual "Village" area with small businesses and have the "Village" gelled together. Some thought the Merrimack River by Lambert's Park should be included and some that live in that area said no.

N. VanScoy: A restaurant like TGI Fridays or something like that that would ruin the character of the Village.

J. Duffy: We have addressed that by limiting the size of the building. At the last meeting we discussed the square footage for restaurants and now they can be no bigger than 3,000 sq ft total with the seating section no more than 2,000 sq ft.

N. VanScoy: There could be a hardware store larger than what the residents want. A developer could buy multiple lots for his business.

J. Gryval: They wouldn't meet the parking criteria for something like TGI Fridays.

J. Duffy: There could be a neighborhood retail store via the Conditional Use Permit (CUP), however that would have a 3,000 sq ft maximum. The Planning Board would have the final say, because it is a CUP. I think we are pretty covered to allow those types of businesses. Signage also has to be approved by the Planning Board.

D. Marshall: The Village district is part of the Master Plan and we have had charrettes. This Board has been accused by some of its own members of not planning well. Now with the Village district we have a good plan. Bedford had something similar for their

Walgreens design, but then Walgreens conformed to what that Board required. You can plan, but you will still make changes in the future to adapt to the economy, public majority, etc. I am in favor of going ahead with this one.

Y. Nahikian: We can still fine-tune this amendment a little bit to describe the character of the Village. I would like to understand the CUP process. Does that mean any project in the Village is under the CUP approval process?

J. Duffy: No. Referred to Article 16-B Mixed Use Village District – MUVD. Section D Permitted Uses lists those uses that do not require a CUP. Section E Uses Permitted by Conditional Use Permit Standards lists those use that require a CUP. The CUP would be part of the site plan process.

Y. Nahikian: We didn't define the architectural character for the "Village".

J. Duffy: That would go in the Development Regulations, not in the Zoning Ordinances.

Y. Nahikian: Dick, does this mean next year we can make changes to this? I don't agree with the boundaries now. We should be looking at 15-20 yrs from now.

F. Kotowski: There was the Mt. St. Mary's library vignette. People in Town began to talk about a lack of Town character and a lack of Town center. We saw designs on maps; example is the connector road divider with a new village in keeping with the "Village" character. This amendment is a way to put something on the books. In a year or two when a developer comes before this Board for a restaurant or small cleaning establishment, Yervant, as part of the Aesthetic Committee with Rob, will make sure in people in the Village area will not be disappointed. Perhaps zones need to be shrunk or moved out. It may not be perfect, but it is in the right direction.

J. Duffy: We will be applying for a grant for sidewalks for the south side of the Connector Road. If successful with the grant, we will use impact fee money for the Town's share so it won't cost the taxpayers anything.

D. Marshall: Section F CUP section #1 Conditions: "In granting a CUP . . . the Planning Board may impose conditions . . ." The "Village" concept is in the Master Plan. I think you have all the tools to assure the Village is maintained as a New England town center.

J. Gryval: This amendment is very restrictive and it is covered very well.

Open 2nd Public Hearing

Lee Ann Moynihan, 4 Short Ave.: I wanted to express my concern for this whole district. I am opposed to this. You are invading a residential neighborhood with commercial mixed use. I moved into the Beauchesne development 20 yrs ago. It is all residential except for the school and playgrounds. Most of you (Board) live in residential neighborhoods. All of Main St. has a traffic issue. Convenient stores and restaurants, I

don't want these. I understand Robies, but to say you are bringing up this district to Main St.? There are no businesses on Main St. I am curious from the Planning Board why take Main St.?

D. Marshall: This community, not this Board, worked 2 ½ years on the Master Plan. The community pushed for a Village District. The public wanted this. It was not the idea of this Board. They looked at the community as a whole. There were people from the Village area who worked on this. They had charrettes. None of this opposition ever came out. Now all of a sudden some people are opposed.

L. Moynihan: In theory, a historic Village district with walking paths and shops sounds wonderful, but not in my neighborhood. I should feel bad because I don't want that in my neighborhood; I am not going to apologize. I don't support it at all. Jo Ann mentioned maybe they would expand these boundaries. We have a nice neighborhood over there. The other side of the river, maybe they want it. Dick you live in the Sherwood neighborhood, would you want this in your neighborhood? For Peterbrook you (Board) did not want mixed use residential and commercial on Rte 3., but you are willing to do this to Main St. I am here to speak my piece. If this is on ballot, I will petition against it. And the sidewalks not cost anything? What about maintaining them? Dale can't keep up with what he has now.

F. Kotowski: I know where you are coming from. Down on Main St. there is Spotlight Video and the dentist office is next door to them. For anyone coming to the Planning Board and ZBA, those Boards would look at the kind of things permitted and would be thinking about Lee Ann's concerns and the concerns of the neighborhood. Lamberts Market was in the Village district not too long ago, as well as a slaughterhouse. If there is open land, what happened in the vignettes? People all over Town said this is what we would like in the Village district. I personally don't live there, and I can understand Lee Ann's concerns. The way our regulations are set up today, this assures the very fears you have won't come true.

J. Duffy: In the Village area within the Master Plan and the Village charrette, the district was much larger than what this amendment proposes. Additionally, Dale has been involved 100% with the Connector Road sidewalks and is in favor of them.

Vincent Lembo, Jr., 56 Main St.: Is Spotlight Video a legit permitted business? It seems like the business sign went up without people in the area being involved. I am sorry the gentleman from SNHPC is not here tonight. He made a statement at the 1st public hearing night that my neighborhood is dying. I took offense to that. I don't see a house in my area that isn't occupied.

J. Gryval: The gentleman from SNHPC?

V. Lembo: Yes, I told him I take offense to what he said. How would I go about taking Main St. out of the Village district?

J. Duffy: Main St. (east side) has already been taken out.

V. Lembo: Can I get the change made for taking out all of Main St. (both sides of the road)?

Wayne (Northrup), 31 & 34 Merrimack St.: Did the people on the committee live in the Village district?

J. Duffy: I don't know where people live. The Village Committee members include: myself, Jack Munn and Mary Brundage from SNHPC, Alden Beauchemin, Tom Barrett, Kathie Northrup, Heather Shumway, Nancy VanScoy, Eileen Ehlers, and John Gryval.

Wayne (Northrup): How many people on this Board live in the Village? I respect your judgments, but I don't respect the process. Merrimack St. has been taken off the district now, but could be put on in the future. For sidewalks, it sounds like you say we know better than you what to do with your own property. If you want to beautify this Town, start on Rte 3 where businesses are boarded up. I like where I live, and I don't like having a Village district in my area. There are many small homes and you want to tear them up for a Village district.

J. Gryval: It is not us (Board), it is the Town's people who want this Village district.

Wayne (Northrup): This amendment doesn't show something. As for the Catholic Church at the end of Main St., that is my church. If I am too late to say this, please don't do it (Village district) in our neighborhood. Fix everything else with the Town.

B. Sullivan: You seem to have missed something. For the last 6 yrs this Board has been working on both sides of the river and Rte 3. The Village district is supposed to provide us an access. I appreciate you are here tonight. Any time you would like my sit on this Board, take it. Please get involved with the Town. We are just looking at what the people of this Town want us to do. The Master Plan has two major thorough ways to move traffic around. People in the Village want to live in the Village. You are talking to someone who doesn't believe in sidewalks, but there is a Library up the street and kids will use that sidewalk. I hear what you are saying. Please get involved with the Town. We need all the help we can get. This is what we have to work with and it is pretty mild. This is a Planning Board and like Mr. Marshall said 99% of the time we need to react to situations. Help us build a better plan for next year; get involved. 12 months is not a lot of time to wait to propose changes to this amendment.

Wayne (Northrup): Why don't we shelve this amendment for 12 months. It is transparent.

B. Sullivan: In the Master Plan, the Village district has a very New England look to it. There may be boat tours, and people would come to the Village to take advantage of that. Maybe we can do a little bit better. 3,000 sq ft is not a lot (100 x 30) of building. I understand the strain.

Wayne (Northrup): How many people want a boat show or planes landing in their area? Cabellas I heard is still kind of there. How many people want planes landing in front of their house?

J. Gryval: There is already a water plane on the river.

B. Sullivan: You have raised some good points.

Wayne (Northrup): Right now I think I can make this Town better by saying take this amendment off.

Dick Sullivan, 7 Morgan Dr.: When the charrettes were going on, I had just arrived in Town about 7 yrs ago. The major drive at that time was SNHPC talked about pie in the sky stuff. This amendment is a little more down to earth. If there is activity on the river, that is a great thing. People mention Rte 1 in Saugus and other communities right up through where we are. If you don't do any planning, the community breaks down little by little and you have something you don't like. This gentleman has a burr under his saddle. This Board works hard. Most of this Town wants a Village district. These folks are angry as hell, but don't just crab about it do your homework. At any rate, planning is necessary, so that the character of the area is not lost.

Roger Hebert, 27 Merrimack St.: I have lived in Hooksett for 85 years. I was born here and still live here. For upgrades to the Village, where will they be? The flood of 1936 took a whole Town out along Merrimack St. There is not a lot of room from Merrimack St. to the river. I own a piece of land on Merrimack St. and since the 1936 flood, I don't have a foot left to the river.

J. Duffy: Merrimack St. is no longer included on the Village district map.

R. Hebert: Even around Robies, where are all these things being put at?

J. Duffy: They will only be put in if there is space for them and they meet the setback requirements. If the lot is not feasible, that wouldn't work.

Mary Northrup, 31 & 34 Merrimack St.: We were told we would get a listing of where there are empty lots. I have not seen this list. How I found out about this district was at Old Home Day I took the trolley ride with Kathie Northrup. Kathie pointed out my property and said there would be benches and a walking area on the river side of Merrimack St. You (Board) get your little claws in this, then all of a sudden Merrimack St. will be included in the Village district. Is any of the Village district already zoned commercial?

D. Marshall: Something is missing with this discussion tonight. This amendment says what is allowed in the district, not what gets built. If you and another neighborhood

collectively decide to sell your properties someone may build a restaurant. As for eminent domain, the Town Council doesn't like to get involved, because it is a taking of property.

M. Northrup: But can eminent domain be done?

D. Marshall: There has been only one case in 37 yrs I have been on this Board. For the public good, this State has protection against that.

M. Northrup: At the first Village meeting (2/18/10) SNHPC said eminent domain can't be done, then John Gryval said yes it can be done. We own land on the east side of Merrimack St. and across the street on the river side.

J. Duffy: We do have a list of vacant parcels; there are about 20. The intent of this district is not to put buildings on vacant properties. It is for the existing larger homes to allow a small craft shop or tea house. It is not that we were looking to build a new building. As far as taking your land and putting benches and walkways along Merrimack St., that was never discussed with the Village Committee.

L. Moynihan: Dick said there is nothing to stop two neighbors or one neighbor who wants to sell their land. That is why we have residential zones and that is why I am protected. Now you are saying if your neighbor wants to sell, you have changed their zoning. I don't know why you are so against residential. I want to maintain my neighborhood as a residential zone so I am protected. What if my neighbor is in a bind and sells his property, then more neighbors sell their properties? There goes the whole strip. Mr. Sullivan said we already have commercial. Churches are not commercial. Spotlight Video is a home business at the other end of Main St. Mr. Sullivan is saying "you're here to late". I thought I had a voice. This is a public hearing.

J. Gryval: It is a 2nd public hearing because we made changes to this amendment at the 1st hearing. The Village area has light commercial.

L. Moynihan: You mention a tea shop or coffee shop, but there is no stopping a florist business. What happens when these go out of business? I don't think this Board is being receptive to the residents.

V. Lembo: What if this is changed to a mixed-use district? How will this affect my taxes?

J. Gryval: It is not a mixed-use district. It is its own Village district.

J. Duffy: It won't affect your tax rate. Rates are based on your property use.

V. Lembo: The Assessor won't increase my property value if a restaurant is put in next to me?

J. Duffy: No. There is a tax increase only if you have a view of something like mountains.

Wayne (Northrup): For the ballfields, can these be taken and changed over?

D. Marshall: The baseball and soccer fields don't belong to the Town. They are owned by the State of NH for the Town to use up to 99 yrs. If we refuse the property after 99 yrs, then any State agency can lay claim to it.

Wayne (Northrup): Can the Town sell the field lots when the Town owns it after the 99 yrs?

B. Sullivan: The Town currently has to have so much recreational areas. If we lose Donati, we would have to purchase land to replace it. The chances of those fields going away in 99 yrs is very slim.

Close 2nd Public Hearing

D. Marshall motioned to send Amendment No. 1 to the voters. Seconded by N. VanScoy.

Four in favor. B. Sullivan and N. VanScoy opposed. Motion carried.

Amendment No. 2

Are you in favor of the adoption of Amendment No. 2, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to add definitions for Bed and Breakfast, Conditional Use Permit, Farmer's Market, Personal Service Establishments and Small Scale Neighborhood Oriented Retail in Article 22, Definitions?

The purpose of Amendment No. 2 is to add five new definitions to Article 22.

The complete text of the amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website.

J. Duffy: For this amendment we eliminated accessory buildings and that is why it is back on for a 2nd hearing.

Open 2nd Public Hearing

No comments.

Close 2nd Public Hearing

D. Marshall motioned to send Amendment No. 2 to the voters. Seconded by F. Kotowski.

Vote unanimously in favor.

Amendment No. 6

Are you in favor of the adoption of Amendment No. 6, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to replace Article 16-A, Workforce Housing, with new verbiage to be consistent with the State Statute?

The purpose of Amendment No. 6 is to amend the Workforce Housing Ordinance so that it is compliant with the current State Statute.

The complete text of the amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website.

J. Duffy: Amendments No. 6 & 7 go hand-in-hand. I recommend you not go with both amendments and withdraw one of them. SNHPC is giving us numbers on our workforce housing. I had a meeting with them today; 20% down on a 30 yr. mortgage @ 5.3% = we have 67% single-family that qualifies now (10% down = 55.8%, and 5% down = 51.4%). The numbers today are based on the assessed value, current tax rate, and current mortgage rates. Either go with Amendment No. 7 to eliminate the workforce housing ordinance all together (remove what is there now), **OR** go with Amendment No. 6 that has the proposed new language to look at each project on a case-by-case basis. This is only based on single-family. We also have to include rentals, but I don't have that information yet from SNHPC. For rentals, it is very hard to get numbers. NHHFA mainly keeps track of Manchester and other cities, but for towns the numbers are sporadic. Amendment No. 6 gives you the option that if there is ample workforce housing in Town, you can tell the applicant it is not needed right now. So either take the workforce housing ordinance out completely or say we have enough.

D. Marshall: What we have now is weak, and leaves us a little more open in court. Amendment No. 6 sets some definitions and criteria and we would have more teeth to say to a developer that we have enough workforce housing. It lets us differentiate between the types of workforce housing; rentals vs. sales. I am more in favor of Amendment No. 6, because with the statute we need something in our ordinance to meet state requirements. Or we can say don't send either Amendment No. 6 & 7 and keep what we have now.

B. Sullivan: My understanding with Amendment No. 6 is that it has a trigger to allow us to shut off workforce housing.

J. Duffy: Referred to Amendment No. 6 full text section Article 16-A D (5) If the Planning Board finds the ordinances and regulations . . . under RSA 674:59 . . . the Town shall not be in violation of its obligation under RSA 674:59 . . . the Board may decline to grant a Conditional Use Permit (CUP) to the authority of this Article."

B. Sullivan: If there are sufficient single-family dwellings at this particular level, then we don't have to proceed. For multiple dwelling workforce housing, the Development Regulations have some specific requirements for buildings more than 3 units. I don't see how any developer can get around that?

D. Marshall: Through a variance.

B. Sullivan: Workforce housing is determining the size of the property for a piece of land. The Granite Hills project is 9 properties on a 2-acre lot. I still think the variance should be controlled.

J. Duffy: Paragraph 5 of this amendment allows the Planning Board to not grant dimensional waivers, because the Board reached the conclusion that Hooksett has met their share.

B. Sullivan: I would suggest the Board look at a better set of Development Regulations to allow us to refuse or slow down workforce housing. 3,4, or 5 yrs down the road based on economic growth, we may need workforce housing. On the other hand, since we are already at a high volume, we can rely on these particular rules that we see no reason for this. I recommend sending forward Amendment No. 6.

J. Gryval: We went through all of that work to find out how much workforce housing we have. If we feel we have enough, I think we should say we don't need anymore. The legislature has to determine what is our fair share, and they haven't done that yet.

D. Marshall: I recommend we send Amendment No. 6 to the voters and remove Amendment No. 7.

F. Kotowski: This amendment came to light, because of what happened in Concord. If we adopt Amendment No. 6, it is going to give us a crutch to say "we have looked at this, we have seen the State's regulations, and we have enough workforce housing".

Y. Nahikian: I have to better understand workforce housing. At the Aesthetic Committee, the approved workforce housing project (Holt) was the best quality building. What is affordable housing? Shouldn't workforce housing cost per square foot less than a normal house?

D. Marshall: I was not here for the vote on the Holt project, but I believe the Board voted to approve because those are going to be rental units and we didn't have a lot of those under workforce housing vs. the other workforce housing project would sell single-family homes. That was the difference. Definitions of words like sustainable and affordable depends on what decade you are in. The definition by the Federal Government is a certain percentage of the median income. Sales and rentals can only be within a certain amount. The NeighborWorks project falls under the workforce housing.

J. Duffy: There is a limit for what a family can earn.

J. Gryval: For rental properties it is the combined rental and utilities.

J. Duffy: For a 4-person household, they can't make more than \$72,000-\$74,000 to purchase workforce housing.

Open 2nd Public Hearing

Dick Sullivan, 7 Morgan Dr.: Will there be any section 8 housing under workforce housing?

J. Gryval: No.

Close 2nd Public Hearing

D. Marshall motioned to send Amendment No. 6 to the voters. Seconded by B. Sullivan.

Vote unanimously in favor.

The proposed amendments for the **FIRST** public hearing consist of the following:

Amendment No. 7

Are you in favor of Amendment No. 7, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to eliminate Article 16-A, Workforce Housing Ordinance.

The purpose of Amendment No. 7 is to eliminate the Workforce Housing Ordinance that was adopted in 2009, since it appears that Hooksett has their fair share of Workforce Housing.

D. Marshall: If this amendment goes in and the voters are in favor, then we will have no workforce housing ordinance.

Open 1st Public Hearing

No Comments.

Close 1st Public Hearing

D. Marshall motioned to send Amendment No. 7 to the voters. Seconded by N. VanScoy.

F. Kotowski in favor. Five opposed. Motioned failed.

Amendment No. 8

Are you in favor of Amendment No. 8, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Articles 4, Low Density Residential, 5, Medium Density Residential, 5A Urban Residential and 6 High Density Residential, E.5. to read: On any lot, an accessory building greater than 200 sq ft may be erected and maintained only with building setbacks in accordance Sections 1,2,3 and 4 of this item. An accessory use structure, less than 200 sq ft and no higher than 17', may not be constructed within 10' of the property nor between a line drawn parallel to the street and passing through the closest edge of the primary building.

The purpose of Amendment No. 8 is to amend the setback requirements for accessory buildings.

J. Gryval: I know we can't change Amendment No. 8 tonight, but we should clarify it to add the word "10' of the property line nor between . . ." and "passing through the closest front edge . . .".

Y. Nahikian: How can the building be as high as 17 ft.? That is pretty high for an accessory building. Example: a 15' x 15' building with a pitch can't reach 17 ft; it would reach 12-13 ft.

J. Gryval: Sheds, private garages, carports, non-commercial greenhouses all have a maximum height of 17 ft. to the roof peak. The front building line must be at or behind the front boundary line of the primary structure.

Board consensus: Put in "line" and "front" words to this amendment as a housekeeping item.

Open 1st Public Hearing

No comments.

Close 1st Public Hearing

D. Marshall motioned to send Amendment No. 8 to the voters. Seconded by B. Sullivan. Vote unanimously in favor.

OTHER

OEP Annual Spring Planning & Zoning Conference

J. Duffy: The conference is May 8th at the Radisson in Nashua. If you are interested in going, contact Donna to register you.

F. Kotowski: At that conference, the subject of new urbanism will be discussed.

N. VanScoy: I attended last year's conference and it was very informative. I intend on attending this year.

Planning Board Member Attendance

J. Gryval: Remember to contact Donna in the event you will be unable to attend a Planning Board Meeting. She needs to know in advance to assure we have a quorum.

B. Sullivan motioned to adjourn at 8:50pm. Seconded by D. Marshall. Vote unanimously in favor.

ADJOURNMENT

Chairman J. Gryval declared the meeting adjourned at 8:50pm.

Respectfully submitted,
Donna J. Fitzpatrick
Planning Coordinator