

**Official
As of 12/17/12**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, December 3, 2012**

CALLED TO ORDER

Chair J. Gryval called the meeting to order at 6:00pm.

ATTENDANCE – PLANNING BOARD

Chair John Gryval, Vice-Chair Dick Marshall, Town Administration Rep. Leo Lessard (DPW Director), Tom Walsh, Donald Winterton, David Rogers, Frank Kotowski, and Thomas Prasol.

Excused: Town Administrator, Dr. Dean E. Shankle, Jr., Martin Cannata, Town Council Rep. Susan Lovas Orr, and Robert Duhaime.

REPRESENTING TOWN OF HOOKSETT

Jo Ann Duffy, Town Planner.

APPROVAL OF MINUTES OF 11/19/12

D. Marshall motioned to approve the minutes of 11/19/12. Seconded by D. Rogers. Vote unanimously in favor.

J. Gryval: Alternate Thomas Prasol will be voting tonight in place of Martin Cannata.

**PUBLIC HEARING – MODIFICATION OF PRIOR APPROVAL AND
WAIVER REQUEST**

1. GREEN VIEW MANAGEMENT, LLC (#04-15)

“University Heights Subdivision”

Hooksett Rd. US Rte. 3, Map 14, Lots 1-13-29, 30 & 31

Alumni Drive was not approved for construction as part of the original Planning Board approval in 2006. Applicant requesting modification to that approval to allow the construction of the roadway to include the following waiver request:

- **Waiver Request** – Development Regulations Section 11.11 2) cul-de-sacs shall not be less than 500 ft.

Jeff Burd, RJB Engineering, LLC: We are requesting a waiver request for one of our roads at the University Heights subdivision. An easement is provided for a future extension to the abutting property (proposed school site).

Ron Corriveau, MS&G Project Manager: The Head’s Pond project has been going on for multiple years. We always said we would work with the Town and schools for land for a

future school. In 2008 we came back for school land in Head's Pond; referred to colored plan - yellow is land to the Town. At the top of the hill was the original plan for a potential school site, however back in 2008 that school land was not large enough. For the University Heights subdivision approval there was a conservation easement deeded to the Town for use of a roadway. Using that corridor we found we could come in off the collector road to College Park Drive and relocate the access to the school site at a 2% grade in 2009. The second means of egress came up similar to Farmer Road for the Cawley school. We worked with University Heights for a second egress. We have a spot through one of University Heights lots (Map 14, Lot 1-13-19) access and egress. University Heights is coming in tonight with a waiver request to build the cul-de-sac with less than 500 ft. of roadway and then to relocate Map 14, Lot 1-13-19. We want to lock down the future use of a parcel for a school. We have the easements that were issued and each one of the easements show that the Town has the right to access the buffer area and use it pending Planning Board approval. There is no wetland impact to do this. This is a simple encroachment on an open space and buffer.

J. Burd: I present my client Greenview Management for the University Heights project. Jo Ann set-up a meeting with the school superintendent for a second means of access. Where this access is placed runs through one of our lots (Map 14, Lot 1-13-19). We don't mind giving up that lot for access to a school site, but we would like to relocate it to the Alumni Drive cul-de-sac. In 2006 we asked for a waiver for the 500 ft. cul-de-sac, but it was denied. We would like to resubmit the waiver and relocate the lot at this cul-de-sac. We met with Leo (DPW Director) and he is on board with this. The reason it is only 300 ft. long is because if we went further with the roadway, we would run into wetland impacts.

J. Duffy: After 1 year+ looking into this, I think it is a real win for Head's Pond to allow them to meet one of their conditions for their Development Agreement: 1) parcel of land to school district, and 2) school district to accept it. They are scheduled to meet with School Board tomorrow evening and hopefully they will accept it. It is a win for University Heights, because they will get back the three lots for the total 400 units. It is a win for the Town and school district, because we won't have to wait 20 years since there will be a definite dedication ROW. Everyone wins all around. It has been the cooperation of the Town, school district, and developers on how this came to be.

F. Kotowski: Leo, what is your perception of this linking of the road?

L. Lessard: I have no problem with it. It has a cul-de-sac so we can get in and around it. It is a win-win for both the developers, the Town and the school district.

D. Marshall: I think this is a good solution for everyone. My only concern is that our regulations wouldn't allow this road. It (waiver) would need to be something different than before, or the next guy coming in will want this too.

Peter Holden, Holden Engineering: It is a permanent cul-de-sac and the road is a short distance. It is shown on the University Heights subdivision plan as a potential connection

to the Granite Hill property. It is a temporary 300 ft. road that will eventually connect to the Granite Hill property.

J. Duffy: Tonight he (Jeff) is only here for a waiver of the 500 ft. for the cul-de-sac. He will need to come back in for the reconfiguration of Map 14, Lot 1-13-19. If it changes to a future ROW instead it should be noted on the plan. Those types of note "intent" tend to get loss down the road for when he comes back in.

J. Burd: And the waiver being requested is to minimize wetland impacts.

L. Lessard: If we grant the waiver, it should be noted that the lot in question will not have a deed restriction to prevent the roadway construction.

T. Walsh: Why do we have 500 ft. roadway regulation for a cul-de-sac?

J. Duffy: Robert Pantel, former DPW Director, required 500 ft. or roadway and/or at least five (5) house lots, because less than that is not cost effective. The Fire Dept. does not have a concern with this waiver request for a 300 ft. roadway.

D. Marshall: If it is not an issue with less than 500 ft. of roadway, then it should be taken out of our regulations.

Tom Prasol: I live in University Heights, but I am not an abutter. I don't plan on recusing myself as a voting member tonight.

Open public hearing

No comments.

Close public hearing

Waiver Request #1 – Development Regulations Section 11.11 2) cul-de-sacs shall not be less than 500 ft.

*F. Kotowski motioned to grant waiver #1 above conditional that the lot (Map 14, Lot 1-13-19) in question will not have a deed restriction to prevent the roadway construction. Seconded by D. Rogers.
Vote unanimously in favor.*

Waiver above per RSA 674:36 (II) (n)

J. Burd: What you voted on tonight will allow for the construction of Alumni Drive and allow for the three lots there. We are going to put together a plan to relocate the other lot (Map 14, Lot 1-13-19), and come back to the Board for that approval.

Board Consensus: These are good ideas you have presented.

DISCUSSION AND VOTE ON CIP PLAN FY 2013-2019

**2. CAPITAL IMPROVEMENT PROGRAM (CIP) COMMITTEE 2013-2014 -
6 YEAR (Fiscal Years 2013-2019) CIP PLAN PRESENTATION TO
PLANNING BOARD**

Tom Walsh, Chair CIP Committee and Marc Miville, Vice-Chair CIP Committee.

T. Walsh: We completed our CIP Committee meetings last week. Do you want to go over each CIP item line-by-line? Most of the items are the same as last year. We moved ½ dozen of them around to come up with a level bottom line.

M. Miville: The larger font numbers on the spreadsheet are the ones we changed. The rest are honored per the submission by the department heads. I have information to bring to the Planning Board that may alter this a bit. At the Budget Committee meeting last Thursday, School Board Chairman Argo stated that at their meeting tomorrow they would be reviewing their CIP Plan, and they may consider removing two of their items for 2013-14 so they would only have teacher contracts on the ballot. When I heard that, it puts the whole six year CIP plan in ruins. What happens if a department head decides not to include their CIP plan as approved by the Planning Board? For the School Board, the Town Council doesn't approve/disapprove their warrant articles.

D. Marshall: It is nice to see the schools here, but there is no reason it has to be. The schools result in a town-wide impact. It is a shame if they do make changes.

M. Miville: If the schools do change, 2013-14 would go from a bottom line of \$989,364 to \$673,364.

D. Marshall: The schools may say they will push everything out one year.

M. Miville: I wanted to make the Planning Board aware of information I received at last Thursday's Budget Committee meeting.

L. Lessard: Can I vote on this CIP Plan? My department CIP plan is in there.

J. Duffy: I don't think you should vote Leo.

L. Lessard: OK I recuse myself.

D. Marshall motioned to adopt the CIP spreadsheet format dated 11/27/2012 as configured by the CIP Committee. Seconded by F. Kotowski. Vote 7 in favor. L. Lessard recused.

THE BUSINESS

**3. RAVINIA COLD STORAGE, LLC (#12-23)
East Point Dr., Map 49, Lot 4**

Acceptance of applicant notification of withdrawal of 11/21/2012 Planning Board

application for Amended site plan for a warehouse that will be built all at once. The first section of the building will be 35' tall and the second half will be 45' tall. There is no change in the amount of office space and there is a reduction in the total warehouse square footage to 341,000 sq. ft. due to removal of the freezer storage section.

J. Duffy: At the last meeting, Ravinia was on the Planning Board agenda for modifications to their previously approved site plan #07-04. Ravinia owns the site, but this newest applicant #12-23 is Design Group Facility Solutions. At the last meeting they asked to be continued to December 3rd. Then they asked to withdraw their application #12-23. The State Liquor Commission has a 20 yr. contract and their storage facility is now located in Nashua. Had Design Group Facility Solutions won the State bid, they would have constructed the new liquor storage facility off the by-pass here in Hooksett. However, a company from Ohio won the State bid and will build a new storage facility in Bow, NH. Accepting the withdrawal for this new application #12-23 will not change the initial site plan approval for Ravinia #07-04 from 6/18/2007.

***D. Marshall motioned to accept the withdrawal request for application #12-23 Design Group Facility Solutions. Seconded by T. Walsh.
Vote unanimously in favor.***

4. DISCUSSION ON POTENTIAL ZONING CHANGES 2013

Matt Labonte, CEO is here tonight.

1ST DRAFT -- Proposed Zoning Changes for Planning Board Review

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 amend Article 30, Impact Fee Ordinance, Section F.8., which currently reads, "The total impact fee, as calculated from the applicable fee schedule, is to be assessed to the applicant if a new development is created on vacant land or on land wherein there has been a structure and/or use that has been vacated for a period of one (1) year or more. If a new development replaces an active, operating use, then the assessed fee is to be calculated as the net fee between that of the former use and that of the replacement use," and replace it with, "The total impact fee, as calculated from the applicable fee schedule, is to be assessed to the applicant if a new development is created on vacant land or on land wherein there has been a structure. If a new development replaces an existing use, then the assessed fee is to be calculated as the net fee between that of the former use and that of the replacement use.

The purpose of Amendment No. 1 is to remove the requirement that a new structure must pay an impact fee if the former building was vacant for more than one (1) year.

D. Marshall: If a place is vacant a couple years, no impact fees are assessed?

J. Duffy: Bruce Mayberry wrote the original ordinance and it did not have this statement. CEO stated they lose grandfathering if more than a 1 year vacant. Then they must pay

impact fees again. Bruce said that is not the case, because that structure was calculated in there.

D. Marshall: The new structure may generate twice as much traffic.

J. Duffy: For non-residential structures, they pay the difference in impact fees based on square footage. For residential, it is what it is.

M. Labonte: For a mobile home being replaced by a single-family home, it is mitigated.

J. Duffy: Mobile homes are treated a little differently. Staff met once so far to discuss potential zoning changes for 2013. This is the first draft to share with you.

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 amend Article 30, Impact Fee Ordinance, Section H., which currently reads, “1) A party aggrieved by a decision made by the Code Enforcement Officer regarding the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board/ 2) A party aggrieved by a decision of the Planning Board under this Section may appeal such decision to the Merrimack County Superior Court as provided by RSA 676:5, III and RSA 677:15, as amended,” and replace it with, “1) A party aggrieved by a decision made by the Planning Board regarding the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board; 2) Upon denial of the appeal, a party aggrieved by a decision of the Planning Board under this Section may appeal such decision to the Merrimack County Superior Court as provided by RSA 676:5, III and RSA 677:15, as amended.

The purpose of Amendment No. 2 is to clarify that jurisdiction of impact fee decisions fall under the Planning Board and not the Code Enforcement Officer.

J. Duffy: We changed the language for this ordinance because it is the Planning Board’s responsibility to enforce per statute vs. CEO.

Amendment No. 3

Are you in favor of the adoption of Amendment No. 3, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to rezone a portion of Map 25, lot 18-1 as shown on a plan entitled “Lot Line Adjustment Plan – Boundary Survey, Map 25, Lots 18-1 & 18-2, John M. Kelly & Stephanie L. Roy, Hooksett, Merrimack County, New Hampshire” dated July 7, 2011 and last revised August 16, 2011 prepared by Holden Engineering & Surveying, Inc. and recorded on even or near date herewith. This property contains approximately 17,226 square feet or 0.395 acres. The property is to be rezoned from Medium Density Residential to the US Route 3 Corridor Performance Zone.

The purpose of Amendment No 3 is to amend a portion of a parcel of land located on the corner of Lindsay Drive and Route 3 formerly owned by Stephanie Roy and now

owned by Heritage Credit Union. This area was annexed from the Roy parcel and joined with the Heritage Credit Union parcel.

J. Duffy: HFCU is in favor of doing this rezone.

Amendment No. 4

Are you in favor of the adoption of Amendment No. 4, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 18 Wetlands Conservation Overlay District, Section G. Special Provisions, 2.a., which currently reads “a forty (40) foot setback shall be required from the wetland boundary to any structure or any paved area and shall remain in its natural undisturbed state,” and replace it with “A forty (40) foot setback shall be required from the wetland boundary and shall remain in its natural, undisturbed state.”

The purpose of Amendment No. 4 is to provide for a forty (40) feet natural, undisturbed buffer surrounding all wetlands of one (1) or more acres.

J. Duffy: We are proposing removing the 40 ft. setback structure or paved area language.

M. Labonte: This rewording makes this ordinance clearer.

Amendment No. 5

Are you in favor of the adoption of Amendment No. 5, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 7, Elderly, Older Person and Handicapped Housing, Section A.2., which currently reads, Older Person Housing – housing intended for, and 100% of the units are occupied solely by, persons fifty-five (55) years of age or older, and replace with, “Housing intended for, and 100% of the units are occupied solely by, persons fifty-five (55) years of age or older, or any dependent 21 years of age or older having an impairment which is expected to be of long, continued, and indefinite duration, is a substantial impairment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions.”

The purpose of Amendment No. 5 is to allow for someone 21 years of age or older to reside at a 55 plus community if they require handicapped housing.

Note: HUD Definition defines age-restricted housing as housing under any state or federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state federal program. This type of housing is intended to be occupied by persons 62 (sixty-two) years of age or older or occupied by at least one person 55 (fifty-five) years or older per unit.

J. Gryval: Is this something Jensen’s was looking for?

J. Duffy: This new language allows a 55 yr. old with a spouse that is 45 yrs. old if he/she is disabled or a child dependent is disabled as long as they are over 21 yrs. old, then they could live there.

J. Gryval: What about a person who is older than 62 yrs. old and is disabled and needs someone younger to help them?

J. Duffy: We didn't address this scenario. He could just be living there and not really taking care of the elder. It is self-enforcement in these types of developments. If you want to explore your scenario, we could look at Windham's ordinance.

T. Walsh: What happens when the elderly person dies? Do you then have to kick out the one caring for them?

J. Duffy: If the parent died and left the unit to their child who was living there and taking care of them, now they have to put the unit up for sale and who knows if they will make an effort to sell it.

F. Kotowski: We should not become a social service.

T. Walsh: What if an impaired dependent has their own kids?

J. Gryval: I would like to take a look at this further for 62 yrs. with an adult child caring for them.

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 amend Article 4, Section A.2.; Article 5, A.4.; Article 5-A, Section A.2.; Article 6, Section A.2.; Article 13, Section G.3.d); and Article 16, Section G.4.d); to eliminate any reference to "churches, synagogues and parish houses" and replace with "places of worship". *The purpose of Amendment No. 6 is to identify religious institutions generically.*

J. Duffy: We are replacing specific religious names with religious institutions generically.

Amendment No. 7

Are you in favor of the adoption of Amendment No. 7, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 20, Signs, Section C.1 & 2. to reference Sections 16.10 Illuminated Signs and 16.11 Electronic Signs in the Development Regulations.....**ADDITIONAL WORK NEEDED TO COORDINATE THESE TWO DOCUMENTS.**

J. Duffy: This ordinance is about signage and we need more work on this. The Development Regulations has a little section of signs for illumination and movement and it conflicts with zoning. Maybe we take-out those sections from the Development Regulations and put them into zoning. We didn't know if the Board wanted us to pursue signage changes.

M. Labonte: For the Performance Zone (PZ) and sign issues, those are waivers to the Planning Board. If not in the PZ, then it is a variance with the ZBA.

D. Marshall: Illumination was put in the Development Regulations, so that we wouldn't have another variance like Merchants Motors signage. We are getting a lot of complaints, however the recent article in the banner by Ginger stated it was nice to see they (Town) are doing something about signs. Sign companies want bigger and higher than your sign.

T. Walsh: In the same newspaper 6 months ago they wanted to know why Cowabunga's did not have a bigger sign.

Amendment No. 8

Are you in favor of the adoption of Amendment No. 8, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to eliminate Article 11, Section A., Industrial Parks, "All industrial establishments located in the Hooksett Industrial Park shall abide by the protective covenants standards of the New Hampshire Industrial Development Authority?"

The "New Hampshire Industrial Authority" ceased to exist in May of 1992 and was replaced with the "NH Business Finance Authority" with the sole purpose of facilitating financing for industrial development.

M. Labonte: We are just going to delete this section, because it doesn't exist.

Amendment No. 9

Are you in favor of the adoption of Amendment No. 9, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to Amend Article 3, General Provisions, by adding a new Section Q. to read, "Change of Use Review. For a proposed change of use of an existing site, the Town staff will determine if the proposed change of use will increase the intensity of use, require additional parking, revisions to the street access, etc. If the change of use is determined to increase the intensity of use, the proposed project will be required to go through the complete Site Plan Approval process with the Planning Board.

This procedure is currently outlined in the Development Regulations; however, it belongs in the Zoning Ordinance. The Development Regulations will be amended accordingly.

J. Duffy: Currently there is a portion of the above paragraph in the Development Regulations, but it should be in the zoning ordinances. We are proposing changing the wording slightly and putting in the zoning ordinances.

Other miscellaneous proposed zoning amendments

D. Marshall: Are there any more proposed zoning ordinances?

M. Labonte: Chickens have become a popular thing to have; they fly, they don't know where the property line is, and they don't use a bathroom. Other towns are responding to

this. I live in Bow and they have a specific number of chickens per zone. This is a response to a trend.

D. Marshall: The reason I asked if there are any more proposed zoning ordinances is we get criticized with the number of items before the voters all at once. Most times you (voter) read them you don't understand the full impact, because you are not working with this day in and day out. Voters need to know if they are correcting something wrong, or something regulated.

J. Gryval: January 14, 2013 6:00pm is a Planning Board workshop on proposed zoning ordinances with the ZBA and Conservation Commission.

5. CHANGE OF USE

1. Hooksett Tool Rental, 1368 Hooksett Road (former Woodmaster Bldg), Map 18, lot 41. Approved for use of existing vacant space for wholesale equipment rental.

J. Duffy: They will use two spaces in the former Woodmaster building. They would have some flatbed trailers with equipment on it in a designated area. For most of their business they deliver. There are not a lot of people going in and out of the site.

Other previously discussed change of use

D. Marshall: The old Sparklynn site is now the Twin Smoke Shop.

F. Kotowski: What is happening on the side they are not using at 4 Pleasant Street?

J. Duffy: It will remain a landscape business.

F. Kotowski: I sense we will hear more about them.

D. Rogers: Now it is shielded so you can't see what is going on there.

T. Walsh: Amatis is moving to where the golf cart business is next door. No auto repairs at their old site?

J. Duffy: I think they did get approval for auto repairs where they are now.

Shooter's Outpost

D. Marshall: The new gun shop, they were parked on Rte. 3 and both sides of Zachary Drive.

M. Labonte: Today was their grand opening.

D. Marshall: You may need to watch them.

Sprinkler Systems

D. Winterton: I talked with Jo Ann & Dean about a warrant article about sprinklers.

J. Duffy: You can do a warrant article to have it added to the zoning ordinance, but you can't do a warrant to take it out of the Development Regulations.

D. Winterton: Only 8 other towns have this item. I would like to see a change to the Development Regulations to change the requirement for sprinklers. In the last situation we still have a mess. It is prudent and appropriate that new roads without public water should have cisterns. Requiring people to spend thousands and thousands of dollars for sprinklers, as a Planning Board, we really don't understand what we want the public to do. In my 2,592 sq. ft. house, I have 44 sprinkler heads and another 14 in the basement for a total of 58 sprinkler heads. NFPA 13D does not require sprinkler heads in every closet, however expansion by Hooksett Fire Dept. requires sprinklers in every closet with a light bulb. It is those issues plus without a generator if power is out, it is not a working sprinkler system. A generator is a taxable item. I don't think it is proper to ask the people to do that. The State has spoken loudly and clearly. Hooksett is out of step. I think we should hold a public hearing and vote on it. Our Town Administrator has said he doesn't like waivers. Waivers will keep coming forward and a precedent has been set.

D. Marshall: For a warrant article the public hearing is held here and the dozen that show up is not necessarily the cross-section of the public. I am sure you would show up and muster a 1/2 dozen others.

D. Winterton: Every vote taken in the legislature by a person elected by Hooksett voters voted to take out sprinklers in HB109 and SB91.

T. Walsh: I agree with Mr. Marshall that the public hearing may not be a cross-section of the voters, however 95-5 at the legislatures said yes to remove it. Why not give it as a warrant?

D. Marshall: It may be a petition by a group of citizens.

D. Winterton: To Tom's point, if zoning is past as discussed above, are we compelled to take it out of the Development Regulations?

F. Kotowski: If people speak, you are talking to all of us.

D. Marshall: There must be something if zoning ordinances and Development Regulations conflict?

J. Duffy: The more restrictive rules. Don, would you like to help me the wording for the warrant article on sprinklers?

D. Winterton: Yes, we could use the Town of Salem as an example. It drives me crazy to hear a developer say he is putting in sprinklers. I have not repaired the holes in my ceiling; you are welcome to see them.

T. Walsh: Usually when you impose a regulation, you look at how many fatalities, etc., but that came up with zero chance.

J. Duffy: Referred to Atkinson v. Malborn Realty Trust litigation 8/17/12 “if the local fire chief finds specific site conditions that make access difficult, sprinklers may be required for one and two-family structures despite the prohibition in RSA 153:5 against such a requirement”.

***F. Kotowski motioned to adjourn at 7:10pm. Seconded by T. Walsh.
Vote unanimously in favor.***

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 7:10pm.

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator