

Official
As of 02/12/13

**HOOKSETT PLANNING BOARD WORKSHOP WITH
ZONING BOARD OF ADJUSTMENT (ZBA) &
CONSERVATION COMMISSION**

PROPOSED ZONING AMENDMENTS 2013

MEETING MINUTES

HOOKSETT MUNICIPAL BUILDING

CHAMBERS

Monday, January 14, 2013

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 Administrator, Dr. Dean E. Shankle, Jr., Town Council Rep. Susan Lovas Orr, Town Administration Rep. Leo Lessard (DPW Director), Donald Winterton, David Rogers, Frank Kotowski, and Tom Walsh.

Excused: Thomas Prasol.

Absent: Robert Duhaime.

ATTENDANCE – ZONING BOARD OF ADJUSTMENT (ZBA)

Phil Denbow and Jackie Roy.

ATTENDANCE – CONSERVATION COMMISSION

None.

REPRESENTING TOWN OF HOOKSETT

Town Planner, Jo Ann Duffy and CEO, Matt Labonte.

J. Gryval: D. Winterton will be voting tonight in place of open slot (M. Cannata).

2013 NH COMMUNITY PLANNING GRANT APPLICATION – TDR PROJECT

Jack Munn, SNHPC: I am here tonight to discuss the transfer of development rights (TDR) project for the master plan goal of economic development and conservation. The Economic Development Chapter (EDC) has ten (10) goals to promote economic development. A new TDR ordinance would provide a good way for the Town of Hooksett to pursue the 2013 NH Community Planning Grant application. The grant application is due February 12, 2013. Hooksett is ideally suited for a TDR ordinance. A lot of green space in Hooksett is on the outside of town with the development being in the interior. March 4th is the public hearing for EDC to be adopted into the master plan. NHHFA is awarding these grants for innovative zoning. It is a \$15,000 grant with a 25%

match. 25% of the 25% has to be a cash payment of \$975.00. Town staff could be volunteers on an advisory committee. The TDR project is to find ways to help developers find incentives. Example of incentives could be credits for open space, incentives for Conservation Commission to find other monies for conservation land easements and/or acquisitions. It could be a transfer fee or bonus. SNHPC could examine the Rte. 3 corridor to see what is and what isn't working for incentives to developers. We could meet with a lot of local developers to see if the new ordinance is viable. Incentives in the Rte. 3 corridor could be reducing building setbacks, increasing density, having shared parking, having credits for water & sewer, and having off-site parking. I will keep the two (2) maps I prepared for you here at Town Hall: 1) green infrastructure map, and 2) advisory committee.

S. Lovas Orr: Who is providing the funding?

J. Munn: \$1,000,000 will be granted statewide with a maximum per grant of \$35,000 via NHHFA.

S. Lovas Orr: What is NHHFA looking for from us?

J. Munn: NHHFA is looking to provide the grant for communities who will enhance the living community and economic growth; projects that would help with zoning or site plan regulations.

S. Lovas Orr: Will the Conservation Commission carry-out the expectations of the grant? Or will it also be the Planning Board and ZBA?

J. Munn: The Planning Board will be the majority with some input from the Conservation Commission. There will be an advisory committee.

S. Lovas Orr: What is the cost?

J. Munn: It is a 1 year project at \$15,000 with the grants awarded in March 2013 and work must be completed in June 2014.

J. Gryval: I would like to hear from staff.

J. Duffy: Steve Couture and I had discussions about the TDR to be added to the zoning ordinances. He discussed obtaining and protecting conservation land specifically along the river. Developer incentives would be to purchase another parcel of land that the Town agreed is important to preserve and donate that land to the Town and then they get a bonus. When I first heard about the TDR I thought it was for the residential areas, but it is strictly for commercial development. Another incentive could be more impervious coverage on a lot.

J. Munn: It is a 1:1 value ratio; development incentive and the amount of land protected. That is where we (SNHPC) would come in.

J. Duffy: The cash match is \$1,000 in-kind funds. This is the second round of state grants. The first we were awarded was the Neighborhood Heritage District and we used a consultant. For this grant we would use the regional planning commission (SNHPC). The Conservation Commission brought this up at their last meeting. Dover, Lee, and Bedford use this now. Jack thought we had a pretty good chance to receiving this grant.

T. Walsh: They could buy a piece of land that the Conservation Commission is interested in and we relax our regulations. Which regulations would we look at negotiating?

J. Munn: The Planning Board and advisory committee will look at the TDR in more detail.

J. Duffy: This would be a separate article in the zoning ordinances.

D. Winterton: You mentioned you would look at what is and isn't working in the Performance Zone (PZ). We had discussed this previously ourselves.

J. Munn: That will help shape what property owners want to take advantage of with this opportunity.

D. Marshall: When is the grant application due?

J. Munn: February 12, 2013.

D. Marshall: We have to post the zoning amendments soon before our next scheduled Planning Board meeting on 2/11/13.

J. Duffy: There is no cost to apply. If the Town of Hooksett is awarded the grant, the Town does not have to accept it. This grant came up at the last minute. Ultimately the authority for accepting the grant is through the Town Council.

J. Gryval: Do we have enough information tonight to move forward with the grant application?

S. Lovas Orr: Applying and receiving funding doesn't commit us to any procedure. In my humble opinion we should apply for the grant. The Planning Board and Town Council have the authority to continue with it and make changes as necessary. I agree to applying for the grant.

T. Walsh: If we get it we can't refuse it.

S. Lovas Orr: We don't have to accept the grant if we get it.

F. Kotowski: The advisory board will work together and establish the rules and regulations. I have no quarrel for applying for the grant.

D. Marshall: If the TDR is a zoning ordinance, it still has to be passed by the voters.

J. Duffy: The new TDR ordinance would go to the voters in May 2015.

D. Marshall motioned to move forward with SNHPC applying for the TDR grant on behalf of the Town of Hooksett. Seconded by S. Lovas Orr. Vote 8 in favor. L. Lessard opposed. MOTION CARRIED.

DISCUSSION (WORKSHOP) – PROPOSED ZONING ARTICLES FOR 2013.
DISCUSSION FACILITATED BY THE PLANNING BOARD CHAIR AND TOWN PLANNER.

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.

Explanation: 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.

S. Lovas Orr: What precipitated this change?

M. Labonte: One instance is a mobile home on-site that was vacated for more than 12 months. At the time the impact fees formula was determined it included mobile homes. It seems unfair for them to pay a full impact fee as if the site was raw land. Impact fee cataloguing included the mobile home.

NO CHANGES TO AMENDMENT NO. 1 AS PRESENTED; PUBLIC HEARING 2/11/13.

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.

Explanation: 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.

D. Shankle: How is this done now?

J. Duffy: The Planning Dept. assesses the fees on behalf of the Planning Board when the Board approves the application. The Building Dept. collects the money and they give them an invoice.

D. Shankle: We have not been doing how the ordinance is written now? Was there a reason it was written that way?

J. Duffy: In the State law the Planning Board assesses the impact fee not the CEO.

D. Rogers: Aggrieved by Planning Board decision they would appeal to the Planning Board?

J. Duffy: The Planning Board would have assessed “x” dollars for impact fees. Then the Planning Board is an appeal board at that point.

NO CHANGES TO AMENDMENT NO. 2 AS PRESENTED.

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 would be rezoned from Medium Density Residential to the US Route 3 Corridor Performance Zone.

Explanation: 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.

P. Denbow: Where is this parcel located?

J. Gryval: Strip of land along north side of Lindsay for entrance to the credit union.

T. Walsh: The width was only 25 ft. or something like that.

***NO CHANGES TO AMENDMENT NO. 3 AS PRESENTED; PUBLIC HEARING
02/11/13.***

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.”

Explanation: 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: The Conservation Commission unanimously supports this article.

F. Kotowski: The Conservation Commission at their last meeting had lots of discussion and are OK with it.

S. Lovas Orr: It was written before with a 40 ft. setback, and is now written with a 40 ft. setback?

D. Marshall: The difference is it was a setback “from the wetland boundary to any structure or any paved area”, and now reads “from the wetland boundary”.

P. Denbow: Why is it 1 or more acres?

M. Labonte: That is the size of the wetland.

D. Marshall: To be a wetland it has to be 1 acre.

M. Labonte: The preface is 1 acre or more is a wetland.

***NO CHANGES TO AMENDMENT NO. 4 AS PRESENTED; PUBLIC HEARING
02/11/13.***

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.”

Explanation: 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.

D. Shankle: I don't understand how the note applies to the amendment. Even after we amend it, it doesn't comply with federal law.

J. Duffy: Currently in our zoning both parties have to be 55+ years. You first had all parties 62+ years. A few years ago we went with 55+ years for all parties instead of just one party (federal law). Since the 55+ years have been built in Town the most concerns are “I am married and my spouse is less than 55 years old and/or disabled and there was no relief the Board could grant. Now we are proposing changing one party 55+ years and the other party to 21+ years to cover not only a spouse, but also a dependent adult child with a disability. Federal law states only one party 55+ years. Example my wife is 44 years old and husband is 60 years old. The husband dies and then you have the 44 year old wife living there.

S. Lovas Orr: The way it is written, it is specifically geared to someone under 55 years old with a disability. In previous Board conversation we discussed a couple needing assistance and having their adult child live with them. I am not sure how this is written that it covers that. It is not just an adult child with a disability, but also an adult child to provide home care vs. placing his/her parent in a facility. I am not comfortable with how this is written.

P. Denbow: How about if the caretaker now has children?

J. Duffy: If all three (3) are living there (caretaker and parents) and then the parents are deceased, the caretaker could stay there and have children.

S. Lovas Orr: Not true, one person living there has to be 55 years old. An adult child would have to move.

J. Duffy: How would the Town enforce someone to sell their home (condo), if they are not 55 years old?

S. Lovas Orr: They give them a notice.

D. Marshall: It is the condo association that polices its people.

D. Winterton: What if a 21 year old dependent has a kid? Do we have to educate that kid?

T. Walsh: There is elderly care and disability care. The way we have it written does enforce it. If changes and allowances are made where people are already living, it may not be where they will want to continue to live.

P. Denbow: At Berry Hill most want 55+ years' individuals. With the proposed changes you could have 21+ years with drug problems living next to 55+ years. In other states the 55+ year communities are now becoming something else.

Tom Flanders, Jensen Communities: We raised the issue previously with the Board, because we see the same thing you see. Older people are being forced to leave their home, because they need some care. We have a requirement in our communities that the head of the household has to comply with income verification, etc. There have been some instances when someone passes and they leave the house to someone else and those people don't qualify to live there. These are few and far between. You have to have requirements. It is something for everyone to talk about.

D. Rogers: Is it the municipality or the Homeowner Association's responsibility to monitor the residency requirements?

T. Flanders: We have leased land in different scenarios. We would want them to comply with residency requirements. In Hooksett we go by your ordinance. We don't want to let things go into gray areas.

D. Rogers: The court will look at things skeptically if you treat people differently.

T. Flanders: The only 55+ year community in NH that we have is in Hooksett. We do business in eight (8) other eastern states.

D. Rogers: Who is the Town enforcement responsibility?

F. Kotowski: There is no perfect solution. Maybe there is a way to deal with this. There are a lot of folks staying in their homes vs. institutions or hospitals. Could we design something when a scenario comes up that is on a case-by-case basis?

J. Gryval: How long do you let it go?

F. Kotowski: Example is I have been a good person in my community for 30+ years. Now I am 70 years old and all of a sudden I am sick. Isn't there a way to have one of my children come live with me?

D. Shankle: There are enough questions on this not to move forward. Hooksett is clear on how this works. Moving forward we should do something to address specific issues and comply with the federal law.

D. Winterton: What is the definition of occupied? The State of NH has a problem with the definition of occupied, domicile, or residential.

T. Flanders: Worst case scenario a good citizen of 30 years we may have some flexibility. However, we are trying to minimize "troubled Johnny" moving in.

J. Gryval: Who defines a 21 year old with an impairment? This subject is too wide open.

MORE RESEARCH IS NEEDED FOR AMENDMENT NO. 5 AS PRESENTED; NO PUBLIC HEARING AT THIS TIME.

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".

Explanation: The purpose of Amendment No. 6 is to identify religious institutions generally.

D. Shankle: What is the definition of places of worship? If I pray in my house is it a place of worship?

J. Duffy: We can provide a definition for places of worship.

S. Lovas Orr: For "places of worship" check if they have a tax exempt status. Also use "legal zoom".

D. Marshall: You need to avoid using the term "tax exempt status", because some places of worship don't apply for that status.

MORE RESEARCH IS NEEDED FOR AMENDMENT NO. 6 AS PRESENTED; NO PUBLIC HEARING AT THIS TIME.

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 by referencing Sections 16.10 Illuminated Signs and 16.11 Electronic Signs of the Development Regulations?

Explanation: A note will be added to the Zoning Ordinance cross-referencing additional sign regulations included in the Development Regulations.

M. Labonte: The Development Regulations already has 16.10 & 16.11. This is just a housekeeping issue for enforcement.

NO CHANGES TO AMENDMENT NO. 7 AS PRESENTED; PUBLIC HEARING 02/11/13.

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?”

Explanation: 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: This is a housekeeping item. The entire paragraph was created for an authority that no longer exists.

D. Shankle: Does it now not tie to anything? No successor?

M. Labonte: Nothing succeeded it that I could find.

NO CHANGES TO AMENDMENT NO. 8 AS PRESENTED; PUBLIC HEARING 02/11/13.

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.”

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

D. Shankle: I don't think it belongs anyplace including the zoning ordinances. I don't believe Town staff should be making these decisions.

J. Duffy: They used to treat every single business that replaces an existing business through the Building Dept. as a tenant fit-up and the Building Inspector would decide if it had to go for a full site plan review with the Planning Board. A couple of years ago we started a change of use staff meeting to determine if there was enough of a change with the new tenant for a site plan review or if just required the OK by the Fire Dept. and Building Inspector. The change of use process allows for a paper trail, forms, and an approval sign-off. All of the change of uses are then brought to the Planning Board and there is a written update in the Town Planner report. The current process saves time and money for the applicant. The current system seems to be working very well.

S. Lovas Orr: That is an important piece of the process. New businesses that are taking over an existing space, not all businesses are comparable. There could be a need for more traffic and a need for parking. Question to the Town Administrator, do you propose someone else should be doing this?

D. Shankle: I think it should be the Planning Board decision. The current process gives too much opportunity for staff to make decisions. Now if there is a question on intensity, it comes to the Planning Board. If it is put in the zoning ordinances, it is then a ZBA issue. Every time someone disagrees with a staff decision, it would be an appeal to the ZBA and I am not sure that makes sense either. Since I have been here staff, not necessarily present staff, have made decisions that should have gone to the Planning Board.

S. Lovas Orr: Instead of Town staff making the change of use decision would it be the Planning Board who would overturn it?

D. Shankle: I understand the current process keeps people from spending money on full site plan reviews. From a Planning Board perspective they had no opportunity to make a decision on the new business. People not living in Town should not be making these decisions.

J. Duffy: An example of a recent change of use is the New England's Tap House Grille that is in a strip mall. The strip mall was previously approved by the Planning Board. Normally they wouldn't come back to the Planning Board to occupy a unit within the

strip mall. They came through staff to see what they could do. Another example of a change of use is the Deerhead Club who wanted more outdoor recreational use. It was a very minor expansion of what they were already doing.

D. Shankle: The perfect example is the Deerhead Club. That should have come back to the Planning Board. They could affect the neighbors. There were no abutter notices. Now it is too late for the Planning Board.

J. Roy: Wouldn't staff need to abide by setbacks and what the Town allows?

D. Shankle: There is a lot of technical criteria for a site plan.

J. Duffy: Another example is the old Teach and Learn building is now turning into Gerber Dental office. If the Planning Board were to make a decision on the change of use we would have to do abutter notices.

D. Shankle: Exactly my point; we are getting around abutter notices.

T. Walsh: Someone from the Planning Board should be on the change of use committee. It would be a delayed decision if the change of use applicant waited until it is before the Planning Board. The current change of use process is business friendly and better for staff.

D. Rogers: We could have the change of use be subject to the Planning Board final OK or approval vs. the committee final word.

J. Gryval: Would it be possible to get the change of use list before they meet with the committee?

J. Duffy: We (change of use committee) could be a recommendation committee and still complete an abutter notice requirement for a Planning Board decision.

S. Lovas Orr: We still have to be respectful of existing neighbors. I could have a child napping in the afternoon and would have liked to have had the opportunity to comment on a change of use. It is important to notify abutters. I know it delays the process and we are trying to be business friendly, but we can't alienate existing residents.

T. Walsh: They (Deerhead Club) still have outdoor functions and outdoor bands, but the change is they are just going back about 100 ft. in the woods instead of being on pavement or dirt.

D. Marshall: What do we hire professional staff for? This Board is ordinary citizens. The professional staff will determine important things that need to come before the Planning Board. I have looked at the change of use list. If there was something that triples the traffic and doubles parking spaces they are using, then it would not be approved through the change of use and come here to the Board. A guy with a mom &

pop grocery store that now becomes a sewing shop doesn't need to come here. We need to use common sense. We hire professional staff to do a professional job. Nobody on this Board is going to analyze drainage or review technical details that a professional looks at. You have to use common sense. If you want to make yourself non-development friendly then delay them. NH has a limited seasonal time to get things done.

F. Kotowski: I think I know where Dean is coming from. The Planning Board should have a yes or no on everything. We have professional staff. I would like to see a listing of recommendations from the change of use committee for our (Board) blessing. I think Jo Ann and staff do a terrific job.

T. Walsh: We usually have two meetings a month. If it is in the zoning ordinances would it fall under the Planning Board?

D. Shankle: If you move the change of use process to the zoning ordinances it is harder for the Planning Board to have input.

D. Marshall: I would agree it doesn't belong in the zoning ordinances.

AMENDMENT NO. 9 TO BE REMOVED AS A PROPOSED ZONING ORDINANCE.

Amendment No. 10

Are you in favor of the adoption of Amendment No. 10, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to Amend the following Articles: Article 4, LDR, D.2.; Article 5, MDR, D.2.; Article 5-A, UDR, D.2.; Article 6, HDR, D.2.; Article 7, Elderly, B.2.d.c. and Article 8, Conservation Subdivision, D.7.; Article 13, Mixed Use District 2, H.2.c.; Article 16, Mixed use District 5, H.3. to change the following language from: "Building height shall not exceed thirty-five (35) feet when a Hooksett Fire Department ladder truck is unavailable. If a Hooksett Fire Department ladder truck is available, no building shall exceed seventy-five (75) feet in height", to "Building Height shall not exceed thirty-five (35) feet in height?"

Explanation: This amendment would reduce the height of buildings from seventy-five (75) feet in all residential zones to thirty-five (35) feet.

M. Labonte: The residential zones limit for height would change to 35 ft.

J. Duffy: It would only impact residential or MUD areas where it talks about residential. It does not impact commercial or industrial.

D. Winterton: In the past you could have a building height of 75 ft. if the ladder truck was available?

J. Duffy: Yes.

***NO CHANGES TO AMENDMENT NO. 10 AS PRESENTED; PUBLIC HEARING
2/11/13.***

Sprinkler Systems

J. Duffy: I was asked to prepare a warrant article to insert the following language into the Zoning Ordinance: Article 3, General Provisions, Q.: Sprinklers shall not be required in any single-family or two-family dwelling or manufactured housing unit.

The Town of Salem recently adopted a change to their Life Safety Code, Chapter 216, whereby they inserted: Notwithstanding any other provisions of this chapter, sprinklers shall not be required in any single family or two family dwelling or manufactured housing unit. The Life Safety Code is a Municipal Code adopted by the 1986 Town Meeting and amended accordingly.

The Town of Hooksett's Other Ordinances, which are adopted by the Town Council, include 00-2 – Building Code and 00-29 – Fire Lane Ordinance.

It appears that 00-2- Building Code contained in Other Ordinances would be a much more appropriate place for this statement. If this amendment is adopted by the Town Council, it should then be removed from the Development Regulations, and further text should be added regarding the installation of cisterns, per HB-109.

D. Winterton: I asked Jo Ann to prepare this and mostly because the citizens of Hooksett should weigh in on this issue. Every time this issue has been before voters the voters have voted not to require sprinkler systems in the State of NH for single-family and two-family houses. Hooksett is one (1) of nine (9) towns in the State that requires them. Example if Hooksett has no municipal water and Auburn has no municipal water: 1) in Auburn there is no impact fee and no sprinkler requirement, and 2) in Hooksett it costs \$8,419 in impact fees and another \$8,000 for a sprinkler system. It doesn't make sense to me. People should be allowed to put them in at their choice. Elected bodies in NH voted not to put in sprinklers. I want to put a warrant on the ballot for voters.

D. Shankle: Staff is suggesting not to have it in the zoning ordinances, but rather have it in the building codes in "other ordinances". I should check with the Town attorney to see where it is appropriate.

J. Duffy: I did a little more research on towns that require sprinklers. Most have it in their life safety & fire codes. In the Town of Salem they voted to put it in their life safety codes. I couldn't find any town that had it in their zoning ordinances. I remember when it was first put into the Development Regulations at the request of the Fire Chief at the time. I am not sure why it is not in our "other ordinances".

D. Winterton: These sprinklers don't work without electricity. The only way to guarantee it works is to put in a generator for another \$5,000, and the Town will tax you on the generator. Part of the Town of Hooksett taxes goes toward fire safety. People should be able to put one in if they want. I researched this extensively. There are a million houses built in America every year. A million houses x \$10,000 each for a sprinkler system is a heck of a lobby.

F. Kotowski: If I were a Fire Chief I would have public safety on my mind and I would recommend anything and everything to make safer homes; that is my job. I have listened to all debates in Concord and listened to other Towns (not just the nine (9) that have it now). There is no end to safety features that we can put in houses. I would rather spend for a granite counter top and make my wife happy (vs. spending on sprinklers). I can understand why the Fire Dept. would recommend it; that is their job. It should be my choice and not the Town's or big brothers'. There are good detection systems to get you out of the house. In winter if I go to Florida I would have to drain it (sprinkler tank). We were going to buy at Berry Hill, but then my wife said "what is that big plastic thing and pump in the basement"? There is no law that says you have to take care of it after it is put in. I am all for doing away with this requirement and having people make their own choice.

T. Walsh: It should go to voters wherever it belongs in our regulations. Let the people decide once and for all on this debate.

P. Denbow: You can't make a home too safe. It is a cost standpoint. You shouldn't have to have it.

Deputy Chief Hoisington: As State Representative Kotowski said it is my job for safety. I have no vested interest. Most people die at home in bed with a fire. If the electrical system goes out the smoke detectors don't work. We don't require a homeowner to put in a generator. Dr. Shankle said staff had made a mistake, but now let's move on. If a Police Officer stops you and you get a ticket and then the next speeder doesn't get a ticket, do we throw out the speed limits?

L. Lessard: If we did away with sprinklers in houses and someone built a house on Hackett Hill Road that is already an existing road, would the Fire Dept. require they put in a cistern, because there are no sprinklers?

Deputy Chief Hoisington: We would ask the Planning Board for more water. It is more maintenance for a cistern.

L. Lessard: One house gets away with it, now the other homes would need a cistern.

D. Winterton: The maintenance of cisterns is required on new roads. If house on one side of the street that has been there for 20 years and a house is built in the lot right across the street, where was the protection and concern for their fire protection?

L. Lessard: What if a fire jumps or it is dry season? Who pays for the cistern? Is it the homeowner?

D. Winterton: The Town has a larger tanker truck.

Deputy Chief Hoisington: I am not saying every house needs a cistern, however at some point in a new development a cistern would need to go in. I am not saying it is the first house or the fifth house that determines when it is put in.

J. Gryval: Who pays for the cistern? Does homeowner #1 pay for the other homes?

J. Roy: Impact fees should pay for this. Is there any area in Hooksett that can't be received in kind for life safety?

Deputy Chief Hoisington: The Town Council has used impact fees based on response time issues. The Council has a study on that.

J. Roy: Areas that can't be responded to well enough get coverage.

J. Gryval: Where do you stop in a new development to say you now have to put in a cistern to cover everybody else? Who pays?

S. Lovas Orr: I support laws that are for life safety. There is a reason for the seatbelt law. My concern is we have a law that is only partially enforceable. My huge concern is that we require a homeowner to put in a sprinkler system with no cistern, but then that homeowner doesn't have to maintain it. Now there is no back up to the sprinkler system in that area. As much as I believe sprinklers are a really good idea, the way we have it written is not enforceable in the long run. I agree it is a bigger egg than just us. It has to go to the voters.

T. Walsh: We are all interested in life safety. In looking at passing laws and ordinances you hope they are for a good reason. It would cost \$10,000 and after amortized \$30,000 for sprinkler system. In 6 years we had one fatal fire at a 150 year old home. We have 3,912 homes in Hooksett that calculates at zero chance something will happen. This should go to the voters. It is a lot of money to tell people they have to spend.

D. Winterton: When I insured my house, with no public water, the insurance company asked if I was within 5 miles of a fire station. If I put in a sprinkler system, I would save \$20.00 a year for a \$10,000 system. For multi-family houses where you don't have control over what is happening, that is different.

P. Denbow: I work in the business of boiler systems. In this economy maintenance goes out the window due to cost. You would put in a sprinkler system and spend all the money and you don't know if it will work.

Deputy Chief Hoisington: I can't require them to maintain sprinkler systems or smoke detectors either. An old home in Town did burn. Remember that every new home eventually becomes an old home. Thank you.

J. Duffy: I don't know whether you will decide tonight to put it into something. If it goes into Other Ordinances that is governed by the Town Council. Should we check with

our Town Attorney first like Dr. Shankle recommended? Do you want to take it off this year completely? You can sit here all night and argue the sprinkler systems.

J. Gryval: It should go to the voters.

D. Marshall: If it goes to the voters, then it has to go into the zoning ordinances. You have to notice for first public hearing on the zoning amendments for the February 11th prior to our next Board meeting. We need to make decisions tonight.

D. Winterton: We can send this to the voters or we as a Planning Board can remove it from the Development Regulations.

FURTHER RESEARCH NEEDED WITH TOWN ATTORNEY.

Size of Signs in the Performance Zone (PZ)

J. Duffy: It is 32 sq. ft. for a building sign in the PZ. The size can be adjusted if the building is further back from the roadway. In other towns some base the sign size on the percentage of the size of the building. An example of a PZ sign is Cowabunga's.

M. Labonte: Linear footage for a 30 ft. high wall size of sign would increase vs. a 12 ft. high establishment. Most retail strip malls are 30 ft. with 12 ft. high for a 36 sq. ft. sign. The tenant now that gets penalized is the 120 ft. Cowabunga's façade. The sign size is way too small proportionately; 32 sq. ft. sign is not appropriate.

J. Duffy: Do you want us to pursue signage this year?

D. Marshall: Are we going to be ready in time? Should you delve into this subject? Yes, but you should bring in people to discuss it first. We should exam that entire ordinance.

J. Gryval: Everyone wants as big a sign as they can get. Where do we end it? Like Dick says, I don't think we have time this year.

D. Marshall: There needs to be a compromise between Merchants Motors signage and the small signs. There is the other side of Merchants Motors for the three (3) signs and building size. Something still needs to be done.

T. Walsh: Do you think we enough time to get something done this year?

J. Duffy: For building signage yes, but not for the entire ordinance.

CREATE NEW AMENDMENT NO. AND LANGUAGE FOR BUILDING SIGNAGE ONLY; PUBLIC HEARING 02/11/13. Note: In the future the entire signage ordinance needs further research to include speaking with business owners in the community.

OTHER BUSINESS

Charter Changes

D. Marshall: There is a charter change for the Planning Board to be reduced from 9 to 7 full members (and 3 alternates). The non-appointed member would be a member of the Town Council.

S. Lovas Orr: The Town Administrator & DPW Director would still come to the meetings as advisory members and not voting members.

FEBRUARY 11, 2013 FIRST PUBLIC HEARING ON ZONING AMENDMENTS 2013.

D. Winterton motioned to adjourn at 8:00pm. Seconded by S. Lovas Orr. Vote unanimously in favor.

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 8:00pm.

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator