

**Official**

**HOOKSETT PLANNING BOARD MEETING  
HOOKSETT TOWN HALL CHAMBERS (Room 105)  
35 Main Street  
Monday, February 18, 2015**

**MEETING CALLED TO ORDER AT 6:05 P.M.**

**PLEDGE OF ALLEGIANCE**

**INTRODUCE MEMBERS OF THE BOARD**

**PRESENT: D. Rogers (Chairman), Dick Marshall (Vice-Chairman), T. Prasol, Frank Kotowski, P. Scarpetti, T. Walsh, and D. Winterton (Town Council Rep.)**

**ALTERNATES: Muamer Durakovic (Alternate), and Michael DiBitetto (Alternate).**

**STAFF: JoAnn Duffy (Town Planner), and Carolyn Cronin (Assistant Town Planner).**

**APPROVAL OF MINUTES OF 1/5/15**

**January 5, 2015 Regular Meeting – F. Kotowski motioned to approve the January 5, 2015 regular meeting minutes, with amendments. Seconded by T. Walsh. Motion carried unanimously.**

**PRESENTATION**

**1. NH ARMY NATIONAL GUARD**

**1227 Hooksett Rd., Map 34, Lot 4**

Informational presentation by Col. David Mikolaities on proposed 28,000 square foot Field Maintenance Shop

D. Rogers: Once the presentation has been made to the Board I will open this up for public comment, even though this is not a public hearing.

Col. David Mikolaities (Chief Engineer for the New Hampshire Army National Guard, Concord): We just purchased 19.6 acres in Hooksett. We are building a field maintenance shop because our current field maintenance shop at the Manchester Armory on Canal Street was built in 1935. It is used to maintain the old army jeeps that we no longer have in our inventory. It is so outdated, when we perform maintenance on those vehicles we deflate the tires to get them into the maintenance bed. \$10.6 million in fiscal year '17 has been appropriated for us to build a replacement field maintenance shop. With the ease of highway access, we chose Hooksett because of it's proximity to the Manchester Armory and our Concord facility. Our state capital appropriation allowed us to purchase the land. This is a fiscal year '17 project so in federal fiscal year '17, we are supposed to fund this project. You have a four page information package. It talks about the property for sale from a private developer. The second page is an information page on solicitation for a request for proposal from a design architect. The third and fourth pages are concepts only. We have only done a concept to ensure that the parcel of land that we purchased would accommodate the needs that we have. We have not begun or ordered a design. We

will be starting the design process probably in the next 3-4 months. It is mandated that we buy a minimum of 15 acre parcels of land to accommodate whatever facility we place on it. We are only building a 25,000 sq. ft. maintenance facility for 20 full time employees. It will have five maintenance work bays and a 10,000 sq. ft. administrative area. It is more or less a basic level maintenance facility of which it is currently zoned the same as a place you would take your personal automobile.

F. Kotowski: Are there plans to expand beyond this in the future?

Col. Mikolaities: Technically yes, fiscally no. It is cost prohibitive which will prevent us from building anything in the future. It has the appropriate acreage but the topography does not allow for anything else.

M. DiBitetto: Have you done a geotech on it? Will there be a lot of blasting?

Col. Mikolaities: We do not physically have that information yet. I think the blasting would be limited based upon us trying to stay away from that high ground.

D. Winterton: Across the street they have issues with the water table. Are there any issues on this site related to water or ground water?

Col. Mikolaities: I don't think so. In the back part of the parcel there is an existing wetland in which we will keep an appropriate buffer. There is one ravine or swail that divides the parcel in half. I don't think it is going to be an issue. Once we have a design we will come back to the town for a courteous review to make sure we meet any terms you have. Today we don't have any further design.

D. Rogers: Do you have a sense of how long it will take to construct the facility?

Col. Mikolaities: We are currently constructing a \$30 million facility in Pembroke and it has taken about 18 months. I would think for this size facility we are looking at one calendar year.

D. Rogers: It would begin in fiscal year 2017 and complete when it completes?

D. Mikolaities: Yes.

T. Walsh: Is this still in purchase and sales or has it been bought?

Col. Mikolaities: It was approved last Wednesday and we close on the parcel on Friday.

P. Scarpetti: Everything to the right on the plan, are you planning on doing any other blasting or this is the scope of work right now? You say you are not going put buildings, but will you use that for parking?

Col. Mikolaities: No.

**Open to Public**

George Asselin (5 Harvest Drive): I looked at this property. I live near there. My main concern is the blasting. All of Harvest Drive borders that property. Another concern is the location. There is a lot of land on 3A and sand pits all over the place from Hooksett to Concord. When I first moved here 40+ years ago, Hooksett Rd. was almost like a war zone. You have done a nice job, having businesses landscaped and things are looking up. I don't want to go back to where it was before. I know a lot of people who are on vacation, and were not approving of this. On 3A, where there is so much available land and sandpits, why do they have to do that corner, where it covers Harvest Drive, Presidential and that whole area. I don't know if the government has approved it, but I would think they would reconsider. I was a member of the National Guard and I don't have anything against something like this, but I feel there is so much available land between here and Concord, to pick that spot does not make any sense.

Nelson Charest (Harvest Drive): I am wondering what benefit this has to the Town of Hooksett. I am sure it is a non-taxable entity. You won't have any tax revenue from this property.

D. Rogers: That is correct.

N. Charest: As far as developing that property, it will be a phenomenal cost. The original survey done by Home Depot showed they were going to take the ledge down 25', 100' from my property; 25' all the way to Rt. 3. When they built Space Center they spent 3-6 months drilling and blasting. I am probably the closest abutter and am against this proposal.

Jane Lazar (1220 Hookett Road): Where is the entrance going to be, and what will happen to my well if there is blasting?

Col. Mikolaities: The entrance will be about a quarter mile past the Cinemagic entrance. A lot of concerns have to do with blasting. We don't have the geotech yet. The Home Depot is a 100,000 sq. ft., 300 parking spot box store. We are building a quarter of the size of that facility. The blasting will be minimal. Yes it is a concern, but I think a box store never moved in there because of the high cost of site work. Our footprint is extremely small and it accommodates the site.

J. Lazar: How late will you be working in the evening?

Col. Mikolaities: That may not be determined until about a year from now. The terms of the contract are by the State Department of Administrative Services, Bureau of Public Works. They are the contract administrator. They will dictate the operations which are usually from 7:00-3:00 or 7:30-3:30 to accommodate the needs of the municipality.

J. Lazar: Will you be working on helicopters?

Col. Mikolaities: No. Concord only.

J. Lazar: I wish the entrance was near Cinemagic, because I cannot get out of my driveway, so was hoping there might be a light.

Col. Mikolaities: That will be determined during the development process.

Mike Horne (Monroe Drive): I served 28 years in the National Guard. I am pleased to see Hooksett stepping up to the plate, although not by choice, but because the National Guard selected them. Different communities have done it over the years, and it is nice to see Hooksett taking a turn. My experience for the operations may be 8-5. We won't have the light pollution and the noise. I think they will be great neighbors. If there are ever any problems the Adjutant General is a very willing listener. I am pleased to see that a piece of property that has a sign up will be developed and kept in a professional manner.

M. DiBietto: What is the approval process?

D. Rogers: There is no approval process. It has been decided outside of our purview. We do not have control over this. We can conduct these hearings, and when the conceptual plan becomes more of a reality, with drawing and geotech, there will be additional meetings and hearings that the public will be notified of and invited to. However, we are not tasked with determining, voting, or approving any site plans, driveways, traffic studies, or any other associated things that go with the site plan.

M. DiBietto: Does the building inspector do any permitting or review of the construction?

D. Rogers: That is all done on the federal level.

M. DiBietto: Does the state have any oversight over the curb cut or access driveway?

Col. Mikolaities: The State Fire Marshall's office will review the plans and specifications to make sure we meet all state code requirements. The State DOT will authorize a curb cut. When we do additions for our existing facilities or do something of significance, we have an informal meeting with the town engineer or the town planner to ensure any of their concerns are taken into account in order to be a good neighbor.

Dave MacPherson (28 Springwood Drive): Colonel, thank you for your service. Will the building on Canal Street and the Hillsboro facility be closing or still be operational?

Col. Mikolaities: They will stay open. We have two functions. We have a redness center, which people refer to as armory's like the Manchester Armory. We have hundreds of soldiers who show up for a weekend a month drill. Manchester has two functions. The top three floors are administrative space and in the basement there is a maintenance garage. That maintenance garage that functions in Hillsboro and Manchester gets relocated to Hooksett and the existing space gets converted over to administrative space.

D. MacPherson: What type of maintenance will be going on? Will there be live ammunition and what types of vehicles will be there?

Col. Mikolaities: There will be no ammunition. I would equivalent this to a Jiffy Lube. We do two

levels of maintenance, like owner initiated maintenance, which includes tire rotations and oil changes. The higher level of maintenance is done in Concord at an existing facility. It would Humvee's and some of our larger vehicles. They are all certified for DOT worthiness. The load of the vehicles will not cause damage to the streets.

D. MacPherson: Would the purpose of the facility change if the air national guard was activated by the state?

Col. Mikolaities: Technically, yes. Reality, no. It is not an armory or a location where our soldiers can show up to get their equipment. There will be no equipment stationed there.

**Close to public.**

**DISCUSSION**

**2. CONSERVATION COMMISSION**

**Steve Couture, Chair, Conservation Commission**

Proposal of codifying the Conservation Stewardship Fee in the Development Regulations

Steve Couture (6 Pleasant Street): In the past when an open space subdivision has come through the Planning Board, and the Conservation Commission was going to assume an easement as part of that development, there was a recognition that there was long term monitoring that has to occur. It is a requirement, legally. We requested a stewardship fee and that has been supported by the Planning Board in the past, but it has always been on an ad hoc basis. Over the years we tried to become more organized and formal so we looked to LCHIP which has provided lots of funding for conservation easements over the years, as a state entity. As of late, we used their guidelines in our calculations. The thought was now that we have this formula that makes sense and is a standard, and that the Planning Board has been supportive of this acknowledging that we have a responsibility when we accept easements on behalf of the town, that maybe we should codify this so that it is clear, the expectations are up front, and it is a procedure that we follow and everyone understands at the on-set. That is the background and how we got to this point. What is the mechanism to make that happen? One thought was that we have the administrative fee table. This proposal is a way that it could be incorporated into your administrative fee table. That is the summary and the fact sheet is straight-forward.

D. Rogers: JoAnn, is there anything you would like to add?

J. Duffy: I spoke with Steve about making sure that where it says, “the percentage of the assessed value” that it be more specific to say, “at the time that the land is provided” versus “once it is in conservation use.” It would be at the time the land is donated. He agreed with that.

D. Rogers: At this point, if there is no further input we will move it into the regulations for warrant.

J. Duffy: In your development regulations, you talk about a fee schedule, but the actual schedule is a separate document not included in the regulations. We have always kept that separate because, if there is a change than we don't have to redo the whole regulation book. We could post a hearing to amend your fee schedule and adopt it that way if that is what you would prefer, just like the other fees.

D. Rogers: It think that makes sense, unless someone feels differently. We could post it for a future meeting and have public input.

D. Marshall: This is action by the Board, not the voters?

J. Duffy: Yes. You have been doing it all along, it just hasn't been written out with an actual schedule set.

D. Rogers: I think that is how we will approach it and notify you with a future hearing.

T. Prasol: In recent New Hampshire Forest Society's forest notes our Conservation Commission was highlighted as part of their 50<sup>th</sup> anniversary of conservation commissions noting all of the hard work they have done and how they have conserved about 25% of our land in Hooksett. I wanted to say thank you for all of the work they have done.

S. Couture: I appreciate that and I know the other Conservation Commission members do too. I will highlight that the focus of the article was that Hooksett used the planning process which includes the Planning Board and others in town, and that is why we have been as successful as we have been.

### **ZONING AMENDMENTS WORKSHOP**

#### **3. PROPOSED ZONING AMENDMENTS FOR 2015**

Discussion facilitated by the Planning Board Chair and Town Planner

**NOTE:** The 1<sup>st</sup> public hearing for the proposed zoning amendments 2015 is tentatively scheduled for Monday, March 9, 2015 at 6:00pm in Town Hall Chambers.

J. Duffy: We have strict regulations as to meeting certain deadlines for the zoning changes and bringing it forward to the voters. Our schedule has fallen behind due to the snow. We would normally have two hearings; a public hearing the first time and if anything were to change, we would have a second hearing. Unfortunately, our charter has different dates to meet deadlines than the state law guidelines. The last date they need to post the warrant is March 20<sup>th</sup>, but they need everything by the 11<sup>th</sup> to put it together. Our first hearing is now scheduled for March 9, and the 2<sup>nd</sup> was supposed to be March 30<sup>th</sup>. Now we can't have the 2<sup>nd</sup> hearing. Please take a careful look at this tonight, this is your last chance to change anything. If anything gets changed at the hearing, we have to throw it out and wait until next year. Amendment 1 has to do with phasing. Someone came in with a petition for a growth management ordinance. It was thrown out and then the Board worked with someone and they decided to do a phasing plan, but it had a sunset clause on it which has already expired. It is still sitting in the ordinance and we would like to remove that article. Carolyn worked on Article 2 with Matt. We have had some issues with individuals who are contractors who bring home certain types of vehicles at night and then the vehicles are parked there. Some of these have gone to the Zoning Board because eventually the person ends up asking for a variance. We tried to look at this and be fair to say that someone might come home with a van that they use for their business, or someone could come home with a dump truck. This article is trying to address that.

C. Cronin: Code enforcement was looking for a definition that it could stand by because we don't currently have any definition for commercial vehicle. After doing research, this is one we came up with, excluding what is not a commercial vehicle. Something that you might have at home that you

might use for commercial purposes, but is not actually a commercial vehicle would still be allowed. The goal of this was to be fair in defining what is and is not a commercial vehicle.

M. DiBietto: What areas are commercial vehicles prohibited from overnight parking?

J. Duffy: Residential areas. If you have a commercial vehicle for your home occupation, it has to be either in a garage or have a fence around it.

M. DiBietto: I thought there might be a weight class that might be defined. I am not sure whether a water district truck would be excluded under this because it is a public agency. Would someone next door with a plumbing van with lettering be able to park?

J. Duffy: Public agency would be excluded.

M. DiBietto: That is my point. You could have the same vehicle and one neighbor would be precluded from parking and the other one would be permitted. Is it not an issue of the weight class of the vehicle more so than than the lettering?

C. Cronin: In the sections we are looking to amend on home occupations, it was included in red and under section F of each of those home occupations so that it is clear that if someone does have a home business there are weight requirements. It says no vehicle more than 10,000 lbs. could be parked overnight.

M. DiBietto: That is not going to cover all commercial vehicle definitions.

C. Cronin: Correct. It would only be for home occupations.

M. DiBietto: So someone that works for a plumber could take the van home. I have a lot of neighbors that commute in a company pick-up and we tend to be more permissive than restrictive in our homeowners association. A dump truck or tractor trailer may be an issue, but light vehicles are not.

J. Duffy: I got the state definition for commercial vehicle and it is anything over 26,000 lbs.

F. Kotowski: I am wondering if I worked for a company such as Comcast or PSNH, or I was on-call, and I was required to have my vehicle at home to service the public at 2:00 am, would we be restricting those people from parking that vehicle, or would we require them to get a permit from the town? I don't think so.

T. Walsh: At some point the line needs to be drawn. I can understand tractor trailers or things like that, but to say just because the vehicle has lettering on it you can not bring it to your home to park it, so a person can get some sleep, is not reasonable.

J. Duffy: Someone had a home occupation which was a contracting business. They were parking their dump truck and some other equipment for a lengthy period of time, overnight. They said it was there because they were working on their yard, but it was just sitting there. The Code Enforcement Officer

cited them and said they were in violation of the home occupation section, which says you cannot have a commercial vehicle in plain site, and you can only have one. They said this did not apply because they were working on their property. He wound up having to go to the Zoning Board for a variance, in which they worked out a deal. In the meantime, we thought that because this has come up in the past, we should come up with a way to fix it. In the home occupation section it already talks about commercial vehicles, but our definitions don't define what a commercial vehicle is, so we were trying to define it.

D. Marshall: Across the street from me I have a person who works for a drain cleaning company and his van is always parked in the driveway, fully lettered, and it has never been a problem. Is he in a home occupation or an agent of another company that is based someplace else and he uses that to go back and forth to work? Is he going to be restricted? We have someone else who parks an 18-wheeler in his driveway, and no one in the neighborhood has ever complained about it and I don't think anyone would, but if this is passed, now he will be earmarked as a problem.

J. Duffy: This only says the definition of what is and is not considered a commercial vehicle.

D. Marshall: What it says is a commercial vehicle which is licensed as a for hire vehicle. That 18-wheeler vehicle is for hire. Then you get down to the home occupations, he isn't running a home occupation, but the truck is there. He contracts to some other company, and they are using his truck. He just happens to commute in an 18-wheeler.

T. Walsh: Is this rampant or stemming from one repeated person and one neighbor complaining?

J. Duffy: It started with that one issue recently and there have been a few in the past, but it is not rampant.

M. DiBitetto: It appears this only relates to a home occupation and if you don't have a home occupation and you bring home your company vehicle, we don't restrict that.

J. Duffy: Correct. This is only definition.

M. DiBitetto: This is only under home occupation. It is not a general restriction. That addresses a bit of my concern of people who do not have a home occupation but drive their company truck home. That won't be affected by this?

J. Duffy: No but, looking at the future, if you had a neighbor that drove the truck home, and another neighbor continuously complained then we would have to research whether that person did have a home occupation. This town does not require home occupations to register, so it gets tricky.

F. Kotowski: I would be concerned about discriminating between people who have a home occupation and people who don't. I think this is really about the definition of commercial vehicle in the event that the zoning ordinance person has to answer a complaint. If you put a weight limit on it, I think that would satisfy it.



P. Scarpetti: A plow truck or a tow truck is a truck for hire, whether or not it has letters, how far can or should we go with this?

J. Duffy: If you wanted to strike Amendment 2 and amend Amendment 3 which is the home occupation ordinance, there are three of them listed because they are slightly different in each zone, you could do that and say, no vehicle more than 10,000 gross vehicle weight may be parked overnight. Did you say that is too light?

T. Walsh: That is a one ton truck.

M. DiBietto: A home use occupation is not intended to be a trucking depot. It is intended to be the uses that are laid out. A light truck would not be unusual for a home occupation.

T. Walsh: For example, a person who does plumbing could be a home occupation if he had his office there as well. Some of the larger sprint vans, I would guarantee they weigh over 10,000 lbs. If we go down this road, now he has to build a garage. I can't agree with the direction this is going.

M. DiBietto: The status now is we prohibit commercial vehicles but don't define it. The CEO is looking for relief at least in definition. Right now he could say a half ton pick-up is a commercial vehicle if it is lettered. I am not sure he wants to be that restrictive. I think he is looking for clarity. Could we ask the CEO to give some guidance on this?

D. Rogers: I would assume he has already had input.

J. Duffy: He worked with Carolyn on it.

D. Marshall: I have no objections to Amendment 2. It is how you apply it in the other articles. There needs to be a definition of commercial vehicle. It appears that is an adequate definition. Now the question is when you get down to the home occupation, what is going to be done with it. I think we are talking about two different things.

F. Kotowski: To be consistent, I think we need to find out what the state's definition is for a commercial vehicle and adopt that.

J. Duffy: The state's definition is that GVWR over 26,000 lbs. are considered commercial.

P. Scarpetti: That dump truck would not have been in that person's yard?

J. Duffy: Correct.

P. Scarpetti: That would have given the CEO some leverage.

J. Duffy: The other issue with the home occupation, and why it is before you, is that contractors are not listed as a home occupation. Then there was an argument about whether a contractor and his office is allowed. One of the things we tried to do is list contractor to say they can have an office within their

home. They just cannot have all of their equipment there.

T. Walsh: Why not? What if they have a garage or barn for it. I cannot believe the Town of Hooksett is going down this road with this kind of restriction with people who are trying to make a living. Especially when there are minimal complaints. This is not a rampant problem.

D. Winterton: I spent a career in sales and had an office in my basement and had a company car in the driveway. Is that a home occupation? I agree with Mr. Walsh. I don't think we need to worry about this if it is not a real problem. I don't mind defining it, but I don't want to put it into any restrictions.

T. Walsh: I cannot see going down this road for a non-problem.

J. Duffy: We can handle it on a case-by-case business.

D. Rogers: It will be left to the discretion of the CEO, unless it becomes a rampant problem.

***There was a unanimous consensus of the Board to remove Amendment Number 2.***

M. DiBetto: I think we need to revisit the home occupation issue as it relates to contractor, which is clearly not intended to be a home occupation. I think we need to look at that provision and define it.

D. Rogers: In my experience, when you start to list different types of vehicles something will be missed and problems can arise. Sometimes a broader definition is better.

J. Duffy: Amendment 3 is the home occupation. Do you want to strike that as well?

D. Rogers: It may be worth revisiting based on the consensus we just took.

***There was a unanimous consensus of the Board to remove Amendment Number 3.***

J. Duffy: Amendment 4 refers to political signs. Last year when we amended the sign ordinance, we failed to address the political signs. We wanted that to refer to the RSA because the town doesn't have any say over the political signs, themselves. We wanted to take out the wording that was there and say: "Please refer to RSA 664:17."

***No comments on Amendment 4***

J. Duffy: Amendment 5 is in reference to the state approving a new law about the alternative treatment centers for marijuana. Currently we do not have anything in our ordinance that would address these types of facilities. Technically, someone could come in and want to site one in the commercial or performance zone and say it falls under a medical facility. We thought we should put together a definition saying what they are, and that is what Amendment 5 does. This definition was taken word for word from the statute. Amendment 6 would allow these facilities in the industrial zone with a special exception. They would have to go to the Zoning Board and meet the criteria for a special exception along with everything the state statute requires. We have a new attorney and this went through her for

review. The attorney is from the same law firm we had before and her name is Christine Fillmore. She was working for the Municipal Association for a number of years and does a lot of the law lectures. She looked this over. Her first response was that it is all new and has not been tested yet. She was unclear as to whether the town can be as restrictive as saying this can only go in certain places, however, she said this has not been challenged. She compared it to the statute on the energy law where the law is specific and the town can't say where they can go. She said you can try it and say this can only go in the industrial zone. If someone wanted to site one somewhere else, and pushed it, and the town said it can only go in industrial and they took us to court, it would be up to the court to decide. She said the way it is written now it looks fine, but she doesn't know if it would stand up in court because it is new.

D. Marshall: You have defined it as an alternate treatment center and want to allow a commercial use in the industrial district by special exception. Does that imply that I can locate one of these in the commercial district anyway?

J. Duffy: No. It would only be permitted in the industrial section.

D. Marshall: It says it will be allowed in the industrial district by special exception. It does not say it will be excluded from anyplace else.

J. Duffy: That is the only zone we would say under the special exception.

D. Marshall: So someone comes in who is not cultivating, but is packaging, disbursing, selling, etc. A purely commercial enterprise, a store, which has some restriction by state law, you are going to say he can't open in a commercial district? That will be a challenge. I think you are approaching the industrial district correctly, by special exception. Commercial uses are allowed in the industrial district by special exception. A secondary definition of this alternate treatment center is a commercial enterprise, by inference.

J. Duffy: You are saying because it would be treated as a drug store, per se?

D. Marshall: Yes.

F. Kotowski: There is no treatment of any kind that goes on in an alternative treatment center. There will be four in the state of New Hampshire in different locations. The customers will be people who have been recommended by a doctor, they will have to go to the state and be approved, and they will be assigned the treatment center, one of four, where they will get cannabis in the amounts they need. The alternative treatment center is a growing, packaging, and distribution center, for those who are authorized to use for medicinal purposes only. Every community in the state that has been approached to place one of these, has done exactly what JoAnn is saying. They fear the consequences of having one of these facilities being located next to a school or someplace similar. To prevent that from happening they are telling towns to identify those areas where they believe they should be located. It is a commercial enterprise so you want to do business with them. That is why defining where they should be located is important.

T. Walsh: I understand they cannot be separated.

F. Kotowski: Correct.

D. Marshall: You have defined this which is the same definition as state law, and then you are saying you are allowing them in the industrial district by special exception. I think you have to word that to say they are only allowed in the industrial district and by special exception.

J. Duffy: I can check with the attorney tomorrow. She looked at this and said it was okay, but I will mention that.

D. Marshall: Give her the alternate that was presented saying that you have not excluded it as a commercial enterprise. With that I am fine with this.

***There was a consensus that Amendment 5, the definitional amendment, is acceptable because it is state prescribed.***

***There was a consensus that changes to Amendment 6 will be reviewed by the town attorney.***

J. Duffy: Amendment 7 is a result of Mr. DiBitetto bringing the matter of building height that is allowed in the MDR district for multi-family projects up last year. Currently, the building height allowed in that district is 35' and he thought that was too low for a multi-family building. I contacted Matt Labonte and we found some notes from last year. He recommended 50' in height.

D. Rogers: Is that an issue for the fire department?

J. Duffy: It was when they did not have a ladder truck, but it is not an issue now.

M. DiBitetto: It was 75' and got dropped to 35' except in HDR, where it is still 75'. Conservation sub-division defines building height as opposed to referring to the underlying zoning building height. That is permitted and is not part of this. I was thinking we might want to look at that or put it on the agenda for next year to see whether building height in the conservation sub-division should refer to the height permitted in the underlying zoning district as opposed to just setting it at 35'.

T. Walsh: In MDR why do we need 50' high buildings. I don't see a multi-story apartment building being considered medium density. That is high density.

M. DiBitetto: It is. University Heights was under medium density zoning. A 3-story, garden style building is permissible in MDR. The problem is you get into an architectural issue with the roof. You could do a flat roof but we don't permit that under the review standards. A 3-story standard garden building, without a lot of gyrations, cannot meet that. We ran into that in the high density district before it was changed with the proposal on Mammoth Rd. It seems to me to be contradictory. A single family home is 35'. When you get into multi-family it is not workable. It was 75' before Matt recommended lowering it to 35'. We had an extensive discussion after the dates had passed, and he realized with the roof configuration that is defined under the design regulations it is problematic.

***J. Duffy read Matt Labonte's comments:***

“Generally you can squeak a cost effective 4 story wood framed multi-family in at 40’, although it will mean a flat roof and be an architectural eyesore. Changes in the building code now allow a cost effective 4 story wood over 1 story steel that could be built to 50’. After that there is a cost premium to go higher as the structure would be concrete or steel and unless you are in an urban environment with high land costs, the premium to go vertical is tough to justify in Hooksett. The 35’ height limitation keeps a multi-family limited to 3 stories depending on how height is measured. The cost effective sweet spot for multi-family wood framed construction is really 4 stories, and allowing a pitched roof in the height limitation on top of that can only provide for a more attractive building.”

***The consensus of the Board is to move Amendment 7 through.***

J. Duffy: Nick Golon and Jeff Larrabee are here to look at the possibility of rezoning some of Jeff's land on Hackett Hill Road and he missed the deadline for a petitioned article. I told him we were having this meeting and they are here to describe what they would like to do. It would have to be put on by the Planning Board as an article for our hearing.

N. Golon (TF Moran): Jeff owns a fair amount of land off of Exit 11. We had the opportunity to bring the Lilac Center project before you and Jeff's long term vision. In regard to that property, two of those lots are zoned LDR. The patch pattern areas are areas we are looking to rezone from LDR to commercial. Whenever you are looking at the potential of rezoning parcels of land, there is a concern for spot zoning or the potential use not keeping with the neighborhood. We propose to rezone lots 13-56 and 52 to commercial. They abut existing commercial area. Jeff is also facilitating a lot line adjustment with the neighbor with Lots 17-5 and 17-7 to acquire approximately 2 ½ additional acres of land. Should the Board consider this rezoning, this would provide for better opportunity for the development of the project, which is a commercial project. When we look at our abutters and the potential impact to them, the ones that currently abut the commercial land would continue to abut commercial land. There would be no change. The long term vision that was previously brought forth to the Planning and Zoning Boards as part of the signage that has been approved for the Lilac Center showed the overall master plan which proposed a hotel and other commercial uses in this vicinity. Our plan was that would be a variance with the Zoning Board, and I think that was made clear as part of this process. This evening, we have the opportunity to forgo the potential of a variance if this area was to be rezoned. Our timing is not perfect, but seeing as we have this opportunity we wanted to put it before you, see if there were questions or comments, and see if this made as much sense to you as it does to us and if you would consider it.

D. Marshall: Under the state law, what is the requirement to notify abutters of zoning changes? That has been changed significantly. In a case like this, where it is localized, we may have to notify all of the abutters of these properties. For the hearing that is going to be held, there is no time.

J. Duffy: The hearing is not until the 9<sup>th</sup>, but we have to have 12 days of clearance. That includes the day of mailing and the day of the hearing.

D. Marshall: You would have to make sure your listing was all inclusive.

N. Golon: Our request is to seize the opportunity for this to move forward, knowing that this is something that may not pass further down the line. In the interest of the master plan, it seems this would be an opportunity for us to do this cleaner as opposed to requesting a variance.

J. Larrabee: Part of what prompted this is the hotel and restaurant that was proposed to border these five acres. I have a restaurant party that is interested, but they want to be closer to the barn. We would like to keep the barn the way it looks now, but making it functional on the inside. We also want to bring the hotel closer so everything would be centered around the barn and the botanicals, and it would be more like a campus.

N. Golon: The concept is still in tact relative to what we brought forth. This is just a different methodology of the permitting of it.

D. Rogers: JoAnn, do you have anything else to add?

J. Duffy: Referencing the new law, it leaves the existing notice requirement intact, but adds further requirements in certain circumstances: First, if the proposed amendment would change a boundary of a zoning district, and the change would affect 100 or fewer properties, notice of the hearing must be sent by first-class mail to the owner of each affected property. Second, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, notice must be sent by first-class mail to the owner of each property in the district. It appears to be the property owners themselves, not the abutters. Previously you could change the zoning of someone's property without notifying them. This is now saying the town must notify you if your property is affected by a zoning change.

*Changes to district boundaries.* Applying these requirements should (we hope) be fairly straightforward. For an amendment that changes a zoning district boundary, which is a relatively infrequent occurrence, it will be necessary to determine how many properties are moved from one district to another. If 100 or fewer properties are affected (regardless of how many properties are in the old or new district(s)), notice to each affected property owner is required, in addition to newspaper publication and posting of public notice. If more than 100 properties are affected, only the newspaper publication and the public posting are required.

***Reference to: New Hampshire Town And City, New Requirements, Deadlines for Town Meeting Season, New Hampshire Town and City, September/October 2014, By Cordell Johnston, Government Affairs Counsel***

***<https://www.nhmunicipal.org/TownAndCity/Article/587>***

D. Winterton: The people that need to be notified are the owners of Lots 52 and 56 and Lots 5 and 7-1.

***D. Winterton motioned to move this forward and provide notice to the affected parcels. Seconded by T. Prasol. Opposed by D. Marshall due to the timing constraint. Motion carried.***

J. Duffy: Jackie Roy who is appointed to SNHPC has resigned due to her moving out of the Town of

Hooksett. It will be necessary for this Board to make a recommendation to the Town Council for someone else to be appointed to that position. We can appoint a Planning Board member or someone else. They meet on the 4<sup>th</sup> Tuesday of the month at 11:30 am.

M. DiBitetto: Is she the only representative that we have?

J. Duffy: No. We have three. Dick Marshall, Mike Jolin, and now there is an opening.

D. Rogers: Is there anyone that would be interested and available for those meetings?

*No response.*

D. Rogers: Due to the fact that we do not have any potential nominees we will revisit this at a later meeting.

D. Marshall: It would be nice to have someone from the ZBA or the Conservation Commission to have balance.

### **CHANGE OF USE**

J. Duffy: I will bring that forward at the February 23, 2015 meeting.

### **BOARD DISCUSSION**

C. Cronin: Regarding the gentleman that is concerned with the connector road and had some claim to the property, I heard back from him again requesting to come before the Board. His brother is also requesting to come before the Board on the same matter. They brought up that the ownership issue is now under investigation with the DES permits. We sent it to the town attorney who drafted a letter to them. This was discussed between myself, JoAnn Duffy, Dean Shankle, and Dave Rogers, who the letters were addressed to. It is saying that until the other outstanding issues they brought up are resolved the Planning Board cannot do anything and will not hear them at a meeting.

### **OTHER BUSINESS**

- **Approval of Stantec Invoice**

***F. Kotowski made a motion to approve the Stantec invoices. Seconded by D. Marshall. Motion carried unanimously.***

### **ADJOURNMENT**

***T. Prasol motioned to adjourn. Seconded by T. Walsh. Motion carried unanimously.***

**The meeting was adjourned at 7:35 pm.**

**Respectfully submitted by,**

**AnnMarie White**  
**Recording Clerk**