

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, January 4, 2016**

MEETING CALLED TO ORDER AT 6:00 P.M.

PLEDGE OF ALLEGIANCE

INTRODUCE MEMBERS OF THE BOARD

PRESENT: D. Marshall (Chairman), Tom Walsh (Vice-Chairman), T. Prasol, Muamer Durakovic, F. Kotowski, and D. Winterton (Town Council Rep.)

ALTERNATES: Denise Grafton

EXCUSED: P. Scarpetti and Michael DiBitetto (Alternate)

STAFF: Carolyn Cronin (Assistant Town Planner) and Matt Lavoie (Code Enforcement Officer).

APPROVAL OF MINUTES OF 12/7/15

December 7, 2015 Regular Meeting – *M. Durakovic motioned to approve the minutes of the December 7, 2015 meeting. Seconded by D. Winterton. T. Walsh abstained due to not being in attendance at the December 7, 2015 meeting. Motion carried unanimously.*

EXTENSION REQUEST & PUBLIC HEARING

AUTUMN FROST (plan #13-20)

Summerfare St., Map 35, Lots 1-8, 1-9 & 7

18-lot residential subdivision with lot line adjustments to lots 1-8 and 1-9. Application conditionally approved on 3/3/14 and expired on 3/3/15. Applicant received a 1-year extension to 3/3/16 on 3/2/15. Applicant is requesting a 2nd 1-year extension.

- **Extension Request** – Development Regulations (6/4/2012) Section 10.03, 2) Time Limits for Fulfilling Conditions.

D. Marshall: Is staff recommending the extension?

C. Cronin: Yes.

F. Kotowski motioned to grant the extension request – Development Regulations (6/4/2012) Section 10.03, 2) Time Limits for Fulfilling Conditions for Autumn Frost (plan #13-20), Summerfare St., Map 35, Lots 1-8, 1-9 & 7. Seconded by T. Prasol.

Open public hearing.

Patricia Shedd (41 Autumn Run): Have the plans changed?

David Scarpetti: No. We are asking for the extension because we are working with two of the abutters that are doing lot-line adjustments. We have an attorney working on both of them. We cannot get the plans signed until those lot-line adjustments have been corrected.

P. Shedd: Are there one or two?

D. Scarpetti: They are the two abutters on Summerfare.

Close public hearing.

Motion carried unanimously.

CHANGE OF USE (OCCUPANCY REVIEW)

C. Cronin:

1. Bobevan Communications, LLC, 1292 Hooksett Road, Map 25, lot 70 – Existing Use – Santander Bank. Proposed Use – Verizon Wireless Retail Store – approved.
2. Brian Goodridge, 1368 Hooksett Road, Map 18, lot 41- Existing Use – auto repair. Proposed use – auto repair – approved.
3. Paradigm Plumbing and Heating, 1316 Hooksett Road, Map 25, lot 65 – Current use – boat repair/sales (Owen’s Marine). Proposed use plumbing offices/warehouse – approved.
4. John Leavitt, 1348 Hooksett Road, Map 25, lot 5 – Existing use – used car lot. Proposed use – used car lot – approved.
5. Mark and Brandie Biron, 45 Londonderry Turnpike, Unit #4 – proposed use – florist – approved.

BOARD DISCUSSION

None.

OTHER BUSINESS

None.

PROPOSED ZONING AMENDMENTS WORKSHOP

C. Cronin: We came up with seven amendments/changes to review. The first is the keeping of chickens. We have had a lot of requests from residents regarding this matter. Currently it is not regulated. We are proposing an article that would allow people to be able to keep chickens at their homes for personal use. We worked with other city and town ordinances and looked to the UNH cooperative extension for guidelines.

D. Marshall: This is proposed to make something legal that is currently not enforced?

C. Cronin: Correct. We would like to have guidelines because a lot of people come to the office to ask about it, and also we get complaints from people about free-range chickens going onto their property.

D. Grafton: What would the guidelines enforce?

C. Cronin: How many, what type of enclosure they should be in, and standard set-backs.

D. Winterton: Part D of the ordinance says that any chicken keeping in existence should be considered grandfathered. How would you know?

C. Cronin: Technically we would not. Anyone who has them now can keep them as they are. People will have to come in to get a building permit for their chicken coops.

D. Marshall: So those that have roosters can keep them until they die, but cannot replace them?

C. Cronin: Correct.

F. Kotowski: The new caveat is that if you already have them you cannot slaughter them on premises?

C. Cronin: Correct. You can take them to a proper facility to have them slaughtered.

T. Walsh: Have there been a lot of complaints?

M. Lavoie: Yes.

T. Walsh: Why could this not be covered under general farming?

M. Lavoie: This happens mainly in MDR, not LDR. LDR general farming is allowed.

C. Cronin: The next is regarding wireless communication facilities/cell towers. In the Fall, Joanne, Matt, and I went to the NH Municipal Association conference and they talked about things to be looking at as far as zoning ordinances. There was a change in federal regulations on time-lines for reviewing cell towers. Those are currently not included in our regulations and we would like to include that for clarity. It doesn't change anything, it just gives up-to-date information.

D. Marshall: Does it put more time restriction on us?

C. Cronin: No. We don't run into problems with reviewing cell towers. It is more for someone reading our ordinance to have the information included.

M. Lavoie: It is mainly for new towers, and I don't believe we would be getting applications for that. We just need to update our ordinance.

C. Cronin: The next is home occupations. We have had a lot of issues with this in the past. We are trying to make it clearer, include more types of home occupations, and add restrictions that would protect neighbors and abutters. The one big change is adding contractors offices to home occupation. We have a lot of those in town. We have issues with neighbors complaining. This is a way to protect the offices, but they would be restricted from having heavy equipment in the driveway or on the street. We are looking to have that amended in all of the residential zones that have home occupations.

D. Marshall: What would you classify as construction equipment? How will construction equipment be defined?

M. Lavoie: The state defines a commercial vehicle as anything over 21,000 lbs.

D. Marshall: I would suggest staff discuss this and see if some wording can be added to define what would and would not be allowed.

M. Lavoie: It would be something to define whether or not it is related to a home business.

D. Grafton: There also has to be consideration for something like bobcats used for personal use.

M. Lavoie: The Zoning Board and I have dealt with this. We have had neighbor disputes. The homeowner can say they bought a bobcat for personal use, even though their contracting business has that same equipment. How can I prove that bobcat was purchased for the business or the home? I am not getting into how they are running their business. A landscaper is not listed as a permitted use and a landscaper might have that equipment. I am trying to protect the carpenter, plumber, painter, or electrician that has an office in their home. If it is not defined it is not allowed.

C. Pearson (Chairman of the Zoning Board): We have a lot of people that work out of their homes and have construction vehicles. It can be contentious. This is a blue collar town. We had a neighbor dispute, not long ago, on whether or not equipment was part of the business or not.

M. Lavoie: We researched other towns and the wording is similar to what they are using.

T. Walsh: Can we take an out-of-sight approach? It is important to let people use their land, but at the same time it is important to not diminish the neighbors property value.

C. Pearson: The sound of vehicles was an issue as well.

C. Cronin: We will revisit this and bring back something different at the next workshop.

D. Marshall: Will these be sent to the town attorney?

C. Cronin: Yes, once we have the final wording. Next is the conservation sub-division. Tom and Paul helped JoAnn and I with this. Currently the conservation sub-division prohibits any home occupation. We are proposing striking that and letting home occupations be allowed. There were a lot of changes that we looked at without being too burdensome such as adding that developable (unconstrained land)

surrounded by constrained land shall not be included in the open space calculation. If the town will be owning it and doing the stewardship for it, it should be usable land. Paul also recommended that when calculations are made for the number of units, the area of all steep slopes greater than 25% should be subtracted, as well as changing the minimum lot areas based on whether or not there are utilities and based on the number of bedrooms. When this ordinance was first written, it required that municipal sewer and water was needed. It was petitioned to have that taken away. Now there are small lots where people are trying to put in a buildable lot with septic, leech field, and well, and it is getting tight to where they are not real pieces of property. If you don't have utilities, or have one or the other, the minimal lot area should be slightly bigger than what is happening now. Regarding connectivity, we added that the proposed streets shall be laid out so that they can be extended to adjacent developed or undeveloped areas in order to improve connectivity between areas and facilitate emergency vehicle access. A temporary cul-de-sac shall be provided at the terminus of all dead-end streets. The following note shall be added to the subdivision plan: "Future access connection for adjacent development, to be removed upon the extension of the street."

D. Marshall: Whenever you have this cul-de-sac, and the road will be extended, the cul-de-sac is going away, the issue has to be addressed as to who will own the land.

C. Cronin: That would be on a case-by-case basis on how it is designed.

D. Marshall: Mention should be made on the disposal of the land.

C. Cronin: We added a note for clarity stating that "if open space is deeded to the Town of Hooksett, the fee shall be determined by the Stewardship Fee Calculation in the Planning Board Administrative Fee Schedule." The next is regarding the sidewalks. Currently, sidewalks are required by the development regulations in residential areas. In the research we did we found a waiver so are proposing a revision to state: "Sidewalks are required per the Hooksett Development Regulations (06/04/2012). The sidewalk requirement may be waived in order to allow for a trail system as a means of providing pedestrian access. A trail must be a minimum of 5 (five) feet in width and shall be constructed as a sidewalk when located within the right-of-way. The trail system shall provide sufficient pedestrian access throughout the subdivision and connect with nearby trails or sidewalks."

D. Marshall: Who would be maintaining the trail?

C. Cronin: A homeowners association is required in the article, so I would assume they would.

T. Walsh: Isn't there still a way to not have sidewalks in a residential development.

C. Cronin: You can request a waiver.

T. Walsh: Isn't there another way?

D. Marshall: Hasn't their been a section that said if there is no sidewalk you have to provide a grass panel?

T. Walsh: There might be a difference in the road width. There is a way to not have them.

C. Cronin: We will look into it to try to give more options. It is stated in the regulations that the minimum acreage allowable for a conservation subdivision development is twenty (20) acres. We may want to revisit this because other cities and towns have much smaller acreage requirements.

T. Walsh: That is a great idea.

C. Cronin: As far as requirements Applicable to Internal Design Features in the Case of Free Standing Lots (fee simple lots) we revised the section to read: “When served by municipal water and/or sewer, the minimum lot area per dwelling unit shall be half an acre (21,780 sq. ft.) in size. When served by neither municipal water nor municipal sewer, the minimum lot area per dwelling unit shall be three quarters of an acre (32,670 square feet) in size. Refer to table below:

Minimum Lot Sizes:

# of Bedrooms	2 BR	3 BR	4+ BR
When served by water and/or sewer	0.5 acre (21,780 sf)	0.75 acre (32,670 sf)	1 acre (43, 560 sf)
When served by neither water nor sewer	0.75 acre (32,670 sf)	1 acre (43, 560 sf)	1.25 acre (54,450 sf)

D. Marshall: If a sub-division comes in, and there will be all three types of housing, would they have to identify what types of home would be on which lot.

C. Cronin: I asked Paul about that and wondered if this would be too complicated. He said the way it would regulate itself is it would be in the condominium documents.

D. Winterton: What would happen if someone wanted to add a bedroom?

C. Cronin: There would be a note on the plan to see if it is allowed or not.

D. Grafton: I like this because if you have a young married couple and they like the neighborhood they are in, this type of development structure allows them to grow with their family and stay in the same school district.

C. Cronin: It also allows for downsizing. Regarding the review procedure, applicants would come here first and show all the existing conditions, where the steep slopes and wetlands are, if there any areas of environmental concern, do a yield plan to show how many lots would fit on that acreage under a conventional sub-division, and should not be allowed to do any more lots than under that lot acreage. Then they would go to the Planning Board. We would recommend a site walk, and once the applicant

and the Planning Board get a good feel for what is happening, they would go to TRC and engineering discussions would take place. This is a longer process, but will be a smoother process.

T. Walsh: On the review procedure, not only should we do this for conservation sub-divisions, but for any development. It should come to the Planning Board and then to the TRC to save on expenses.

C. Cronin: As far as the rezoning of the Lindsey Road houses. They are currently zoned commercial and got a variance for residential for marketing purposes. They got a sub-division approved and are putting up a couple of single family houses. They are a residence that is in the Performance Zone, so every time they want to make a change they have to go to the Zoning Board for a variance. We think it makes sense to rezone those residential properties to MDR. This would help out the homeowners. The only downside would be if the residences don't sell and they want to change them to a business, they would have to get a variance. In Article 25, Enforcement, in Section E it talks about what is required to get their Certificate of Occupancy. There is a clause in there that says it shall be unlawful to occupy any structure or lot for which a Building Permit is required herein without the owner applying for and receiving from the Code Enforcement Officer a Certificate of Use and/or Occupancy. Failure of the Code Enforcement Officer to act within ten (10) days shall be considered approval. "Failure of the Code Enforcement Officer to act within ten (10) days shall be considered approval" should be removed. Matt was also looking for some language regarding solar panels. We don't have any regulations regarding them. We will have something drafted at the next meeting.

C. Pearson: There are some homes that have enormous panels in their front yard. You may want to think of size and scope for residential.

D. Marshall: The solar companies are saying that solar panels won't work, and only free standing panels will, so there has to be caution as to how restrictive the regulations are.

M. Lavoie: It is about property values adjacent to solar rays. I think we need to have special exception screening and a site plan process to provide guidance to build these.

D. Marshall: I am cautioning that those selling solar heat, will not take kindly to any restrictions.

M. Lavoie: In August I was doing between five and eight permits per week on solar panels for electricity. They were mainly residential, but there has been talk that there may be some commercial applications.

T. Walsh: Maybe a set-back angle could be an option.

ADJOURNMENT

T. Walsh motioned to adjourn. Seconded by D. Winterton. Motion carried unanimously.

The meeting was adjourned at 6:52 pm.

Respectfully submitted by,

AnnMarie White
Recording Clerk