

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, January 25, 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, F. Kotowski, and D. Winterton (Town Council Rep.)

ALTERNATES: Denise Grafton and Michael DiBitetto

EXCUSED: P. Scarpetti and Muamer Durakovic

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

APPROVAL OF MINUTES OF 1/4/16

January 4, 2016 Regular Meeting – T. Walsh motioned to approve the minutes of the December 7, 2015 meeting. Seconded by D. Winterton. Motion carried unanimously.

PROPOSED ZONING AMENDMENTS WORKSHOP

C. Cronin: Tonight you will once again review and comment on the proposed amendments. The first item is regarding the proposed article regarding chickens. LDR currently permits farming.

D. Winterton: I read a memorandum that was distributed regarding someone who's chickens grew to a very large population, and they are invading a neighbor's yard. For issues like this, I think there is a need for an ordinance.

J. Duffy: There are a lot of people who want to raise chickens for the eggs, and a lot of people who are not respectful of their neighbor's property. Matt has gotten a lot of calls regarding large numbers of chickens going onto people's property.

M. Lavoie: The goal of this zoning ordinance is to protect property values, especially in URD and HDR areas.

J. Duffy: We are going to get a legal opinion from our town attorney regarding this matter.

M. DiBitetto: These are not commercial chicken operations and residential neighborhoods are not

designed for agricultural uses.

M. Lavoie: I had a resident come in asking to put chickens in the village. This ordinance would allow the use, but contain the use.

T. Walsh: Are you going to inspect people's chicken coups?

M. Lavoie: Yes, if they are new. It is an accessory building, like a shed, and they would have to be permitted.

R. Duhaime: A lot of people are getting certified organic and their coops are very nice. I know a property that has over 100 chickens and they sell the eggs. Would someone need to get a permit that has an existing coop?

M. Lavoie: No. Only if you are adding an accessory building. If you are buying a chicken coop or converting a shed into a chicken coop and putting it on your property, you would need a permit.

D. Winterton: The keeping of chickens can be generational and a family activity. The Agway has courses and seminars on the keeping of chickens that I am sure that information would fit inside this ordinance.

F. Kotowski: I can understand where Matt needs a tool to take care of complaints he receives.

M. Lavoie: I won't be inspecting how the chickens are raised. Only the set-back and placement of the coop, and making sure there is protection from them wandering onto other people's property.

Gerald Hyde (member of The Town of Hooksett Zoning Board): I raise chickens. We hatch and slaughter them. I have a lot of issues with this proposed ordinance. I feel the entire article is an offensive overreach of government authority. My chickens were free range and I fenced them in. I believe you should be able to talk to your neighbor and come up with a resolution. We live in a town, not a city. I believe you are harming the fair use of the chicken keepers themselves and pitting neighbor against neighbor. A complaint made to the CEO about a rooster crowing is already covered in the noise ordinance. If I cannot keep roosters, I cannot keep producing chickens. I will not be able to keep my own fresh and local food. I would have to order my chicks from elsewhere. A family of four is not well served by a flock of six hens. How will larger families feed their families? We don't want chickens going into other people's yards. I think we would be better off changing the entire ordinance by just including the fenced in portion.

T. Walsh: Matt, how many complaints do we get?

M. Lavoie: Last year we got between 8 and 12 from different people regarding different instances. Also, when someone comes into ask if they can keep chickens, we have no guidelines.

T. Walsh: Is the major complaint chickens in other people's yards?

M. Lavoie: Yes, about 75%. The rest is regarding noise.

C. Cronin: Regarding home occupations, at the last meeting there was a discussion about construction equipment. JoAnn and I reached out to other towns. You have the language from Goffstown, Stratham, and Temple for language options to review.

D. Marshall: What section was this originally in?

C. Cronin: It appears in the different residential zones. The purpose of the language would be to allow contractors to have a home office, but also protect the neighbors.

D. Marshall: The major issue was the definition of construction equipment.

J. Duffy: Contractors are using their homes for their offices. Some of them are bringing the equipment onto their property. I don't think it bothers anyone if it is screened. Having it on front lawns is what bothers others.

D. Winterton: Have there been several situations where this has been a problem?

M. Lavoie: Yes.

T. Walsh: The only time this is an issue is if someone complains.

R. Duhaime: We had an issue come up with trucks in Hooksett, however trucks are very common in Hooksett. I think if you can provide screening that would be a solution.

C. Cronin: Other cities and towns don't define construction equipment. They try to screen it.

M. DiBietto: We have a definition of home business and it doesn't include contractors.

M. Lavoie: The contractor's offices would be added to that list, not a contractor's yard.

D. Marshall: If you allow the contractor to be part of that list, in many cases the equipment come's with it, so do you just list contractor's office?

M. Lavoie: The contractor's office is the issue. If I look up someone's business that I have a complaint for, and the business is listed to the home address, it is currently a violation. The main goal of this is to allow contractors to have a home office, with lettered construction vehicles/equipment screened from public view.

C. Cronin: The next item is conservation sub-division.

M. DiBietto: I reviewed the tables and believe there would be a problem when it comes to MDR. If you look at the MDR zone, you can build any size house, conventionally, on 3/4 of an acre if you have sewer and water. I think when you are granting the fee and the lot, it should be for any building that is

legally allowed on that lot. To set it up this way, the ZBA will eventually be dealing with a lot of variances. I think it would be better to deal with each zone that deals with conservation sub-division, and create the lot sizes in those individual zones that are consistent with the underlying density that is allowed. The other ones are permissive. I would recommend that we leave the current lot size definition for MDR with sewer and water as it is.

D. Marshall: What is the lot size if you have one or the other?

M. Lavoie: Water and sewer is 32,670 sq. ft. When served by either one or the other it is one acre.

M. DiBitetto: This is irrespective of bedroom numbers.

M. Lavoie: If a developer has MDR already, he would just develop it as MDR, so there is no bedroom restriction.

M. DiBitetto: We don't want to create a disincentive.

D. Marshall: I don't think the number of bedrooms is an issue unless you have water or sewer. If a septic system malfunctions, you need to have another location on that lot for another one. If you have both water and sewer, bedrooms don't make a difference.

F. Kotowski: Doesn't the state approve a septic system based on the number of bedrooms?

M. Lavoie: Yes.

C. Cronin: The next item is connectivity. The Conservation Commission had input and solidified some language. Some language was changed on the alternative trail system regarding sidewalks. It was reworded, but means the same thing. The minimum acreage allowed for the total project is currently 20 acres which is bigger than any city or town. Conservation suggested five acres, but nothing would fit, so we split the difference and that is ten acres.

T. Walsh: I am not a proponent of cluster sub-divisions. If we go from 20 acres to 10 acres we would be inviting more opportunity for these.

C. Cronin: There would be more allowed, but on a much smaller scale.

D. Marshall: What is the purpose of the conservation sub-division? If it is any size it would provide open space. When it arrived at 20 acres that was a reasonable amount of property where you could see open space. My opinion would be to not reduce it.

M. DiBitetto: I agree that the 20 acres was fine.

C. Cronin: Under the review procedure we clarified that the applicant would come to the Planning Board first with a conceptual, and that is was under the agenda item "Discussion" so they do not have to provide abutters notices. Regarding the proposal for solar, we came up with a one page sheet

defining lower energy systems and putting some limitations on ground mounted solar energy. Most of this would be for commercial use.

D. Marshall: The ground mounted panels would be the problem, especially in a residential community. We don't get an opportunity to site plan review that. Matt, if someone wants to put one on their property or their roof do they have to go to you?

M. Lavoie: Yes.

D. Marshall: What restriction can you place on that?

M. Lavoie: The state electrical code requires an engineering study on the roof and an electrical permit. I don't see local electrical contractors doing this. The bigger companies are doing this. People are leasing the systems and paying a lower rate for their electricity.

D. Marshall: What if the panel is in the yard?

M. Lavoie: They do not need an engineering study. They need the electrical permit and it has to meet set-back. It is a case-by-case basis and it is evaluated more by the tech or engineer at the solar companies than in my office.

D. Marshall: You have no way to protect a neighbor?

M. Lavoie: Not other than set-back's.

M. DiBitetto: These are for residential applications?

M. Lavoie: We are looking to clarify residential and non-residential.

M. DiBitetto: What is the purpose of the set-back?

M. Lavoie: To limit glare for neighbors and people driving by.

D. Winterton: It says that you would have to have a letter of acceptance from an electrical company. What if they live off the grid?

C. Cronin: That is more for non-residential. There is also a decommissioning clause at the bottom.

M. DiBitetto: I think we should separate residential/commercial for clarity.

CHANGE OF USE

None.

BOARD DISCUSSION

None.

OTHER BUSINESS

Southern Leg of Parkway

J. Duffy: Jim Donison reached out to Southern New Hampshire University and they are asking what type of meeting you would like to have and when.

D. Marshall: A workshop meeting with us and we would also like a closer look at their overall Master Plan.

PB Alternate Application

J. Duffy: We have one alternate position available and two applicants: Christopher Stelmach and Anne Sorensen. Mr. Stelmach is present tonight and we got Ms. Sorensen's application today.

C. Stelmach: I have been a town resident all of my life. I have 20 years of construction experience and have been on a lot of big jobs, such as Walmart/Lowes, from start to finish. I saw how they did the septic system, parking lot, all of the drainage work, swails, and retention pond work. I have experience with all areas of construction, and would like to learn more from being a part of the Board. The town is growing and I would like to help to make sure it goes in the right direction.

D. Marshall: We would like to invite Ms. Sorensen to the next meeting, and then we can make a recommendation to the Town Council.

J. Duffy: There is a new operator for Robie's and it should be opening at the end of February.

ADJOURNMENT

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

The meeting was adjourned at 7:37 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**