

**Official**

**HOOKSETT PLANNING BOARD MEETING  
HOOKSETT TOWN HALL CHAMBERS (Room 105)  
35 Main Street  
Monday, February 22, 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), Muamer Durakovic (arrived at 6:28 pm), and D. Winterton (Town Council Rep.)**

**ALTERNATES: Denise Grafton and Michael DiBitetto**

**EXCUSED: T. Prasol, F. Kotowski, and P. Scarpetti.**

**STAFF: Carolyn Cronin (Assistant Town Planner), Jim Donison (Town Engineer/Assistant Public Works Director), and Matt Lavoie (Code Enforcement Officer).**

**APPROVAL OF MINUTES OF 1/25/16 & 2/1/16**

**January 25, 2016 Regular Meeting – D. Grafton motioned to approve the minutes of the January 25, 2016 meeting. Seconded by T. Walsh. Motion carried unanimously.**

**February 1, 2016 Regular Meeting – D. Winterton motioned to approve the minutes of the February 1, 2016 meeting. Seconded by D. Grafton. T. Walsh abstained due to not being in attendance at the February 1, 2016 meeting. Motion carried unanimously.**

**WAIVER REQUEST & PUBLIC HEARING**

**JK MULLIKIN & SON HOMES, LLC (#16-03)**

**16 Bowtie Ln, Map 20, Lot 18**

- **Waiver Request** from Development Regulations (06/04/2012), Section 11.13, 3) Private Water System to allow the well radius to extend beyond the property line.

John Mullikin: I went over the line by 9' into the road right-of-way and am requesting a waiver.

C. Cronin: Staff has no problems. This is a corrective measure for the plan.

**Open public hearing.**

No public comments.

**Close public hearing.**

***T. Walsh motioned to grant the waiver from Development Regulations (06/04/2012), Section 11.13, 3) Private Water System to allow the well radius to extend beyond the property line for JK Mullikin & Son Homes, LLC (#16-03), 16 Bowtie Ln, Map 20, Lot 18. Seconded by D. Winterton. Motion carried unanimously.***

## **2. First Public Hearing For Proposed Zoning Changes 2015**

***D. Marshall explained the process and procedures of the public hearing.***

### **Amendment No. 1**

D. Marshall: 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 28, Wireless Communications Facilities, to include the following to Section P. 2., Review Procedures for Co-location: “3. Following an application for collocation from the applicant, the state or local government will have thirty (30) days to determine whether the application complies with its requirements. The compliance notification shall be in writing and clearly and specifically delineate all missing documents or information. 4. After supplemental submission from the applicant, the state or local government will have ten (10) days to determine whether the submission complies with its incompleteness notice. Grounds for incompleteness are limited to those in the original notice of incompleteness. 5. The applicant must file a notice in writing stating that the review period has expired (accounting for any tolling) and that the application has been deemed granted”?

***The purpose of Amendment No. 1 is to include regulations from a FCC order, dated May 18, 2015, regarding new telecommunication shot clocks for co-location.***

### **Open public hearing on Amendment No. 1.**

No public comments.

C. Cronin: Staff has no changes.

### **Close public hearing on Amendment No. 1.**

***D. Winterton motioned to move Amendment No. 1 to the voters. Seconded by T. Walsh. Motion carried unanimously.***

### **Amendment No. 2**

D. Marshall: Are you in favor of the adoption of Amendment No. 2, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to rezone Map 25, Lots 18-3A, 18-3B and 18-3B-2 from Performance Zone (PZ) to Medium Density Residential (MDR)?

***The purpose of Amendment No. 2 is to rezone parcels on Lindsay Road, which were zoned PZ but received variances for residential use.***

### **Open public hearing on Amendment No. 2.**

No public comments.

C. Cronin: Staff has no changes.

**Close public hearing on Amendment No. 2.**

*T. Walsh motioned to move Amendment No. 2 to the voters. Seconded by D. Winterton. **Motion carried unanimously.***

**Amendment No. 3**

D. Marshall: Are you in favor of the adoption of Amendment No. 3, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 25, Enforcement, by striking the second sentence of Section E., which reads “Failure of the Code Enforcement Officer to act within ten (10) days shall be considered approval.”

*The purpose of Amendment No. 3 is to remove the 10-day limit for enforcement of establishments operating without a Certificate of Occupancy.*

**Open public hearing on Amendment 3.**

No public comments.

C. Cronin: Staff has no changes.

**Close public hearing on Amendment 3.**

*D. Winterton motioned to move Amendment No. 3 to the voters. Seconded by D. Grafton. **Motion carried unanimously.***

**Amendment No. 4.**

D. Marshall: Are you in favor of the adoption of Amendment No. 4, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to adopt a new article, Keeping of Chickens?

**ARTICLE 37  
KEEPING OF CHICKENS**

**PURPOSE AND INTENT**

The purpose of this article is to allow for the keeping of chicken hens in residential areas for the sole use and enjoyment of the residents of the lot on which such animals are kept. It is also the intent of this article to protect and promote the health, safety, and welfare of residents by not allowing chickens of a number and type that would otherwise constitute a nuisance or menace to the public health and safety or cause disturbance by noise, odor, or other adverse impacts in neighborhoods. It is the intent of this article is to help preserve Hooksett’s rural character and provide for fresh, local food sources.

**LIMITATIONS**

- The keeping of chickens is permitted in the LDR, MDR, URD and HDR. As the LDR permits “all

general farming and forestry activities,” the following limitations and yard and enclosure requirements apply to the MDR, URD and HDR zones only.

- Domestic chickens are allowed as an accessory use on any lot which is at least one half (1/2) acre in size.
- The keeping of chickens shall be accessory to and on the premises of a single family detached dwelling and shall be for personal use only.
- No person shall sell eggs or engage in chicken breeding or any commercial activity related to the keeping of the chickens.
- Slaughter of chickens is permitted only in the MDR and LDR.
- A maximum of 6 (six) hens may be kept.
- Keeping of roosters is prohibited.
- Building permit must be obtained for chicken enclosures.

#### **YARD & ENCLOSURES REQUIRED**

- Setbacks apply per zoning district requirements.
- Chickens shall be kept within secure enclosures or fenced areas at all times and shall not be permitted to roam free.
- Enclosures must provide a minimum of three (3) square feet per hen.
- Enclosures shall be enclosed on all sides and shall provide adequate protection for the chickens from weather and wild or domestic animals.
- Enclosures must provide adequate ventilation, be kept in a neat and sanitary condition at all times, and in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

#### **GRANDFATHERED USE**

- Any chicken keeping in existence prior to the adoption of this article shall be considered grandfathered.

***The purpose of Amendment No. 4 is to adopt a new article to allow and regulate the keeping of chickens in MDR, URD, and HDR.***

C. Cronin: The only recommendation that staff has, at this time, is from the town attorney and that is to remove the clause d) grandfathered use because, under the zoning ordinance, it would already be grandfathered if you had chickens at this time.

M. DiBitetto: Does that mean that the number of chickens and mix that a person currently has is grandfathered? Meaning, what a person currently has would be able to be maintained?

C. Cronin: Correct, unless a complaint arises that needs to be addressed. At that time the ordinance would have to be addressed and conformed to. This is the same as any zoning amendment.

M. DiBitetto: This not only pertains to zoning but also with health and welfare issues. I don't want to represent to anyone they can always have the same number of chickens they currently do even if there is a complaint or determination there is a health issues, as an example.

**Open public hearing on Amendment No. 4.**

Christina Knickerbocker (45 Lantern Lane): I have a question about the grandfathering clause. It is my understanding that the current flock is grandfathered, but not any additional flocks. I have 14 chickens, 3 are roosters. Only two are laying. What this process is saying is that I can only have 6 chickens so I cannot renew my flock. This means I have 14 chickens that I have to wait to die in order to replace those chickens with egg laying chickens, and I can only replace them with 6. Am I misunderstanding the grandfathering clause? Is it my current flock what is grandfathered and when I go to renew that flock I can only have 6 more once the 14 are gone or, am I, as a person who is farming, grandfathered so I can continue to have 14 chickens as I go forward unless someone complains, and then I am no longer grandfathered?

C. Cronin: That is an excellent question for our town attorney and I will get the answer for you.

C. Knickerbocker: Thank you. A minimum of 6 chickens is one of my biggest concerns. I am a family of 6. I have 4 children. It is our main goal to feed our family healthy, wholesome, local food that does not have chemicals in it. We do not feed our chickens pellets that are not organic. We feed our chickens free range food. We also feed them organic food that we grow ourselves. By giving us only 6 chickens, they are not guaranteed to lay an egg each day. One chicken lays an egg every 26 to 28 hours. 6 chickens might give us 4 eggs each day. A family of 6, on one morning, could eat a dozen eggs if every person ate two eggs. That tells me that we would be at a deficit of eggs before mid-week. That is assuming we do not use any eggs to bake with. My eggs are highly nutritious. When you buy an organic egg at the store it is not the same nutrition. They are not allowed to free range. 6 hens is not enough. Federal guidelines state that 2 hens per person in a family is an average to help maintain enough eggs to feed a family. Free ranging helps to keep our ticks and grubs down and the chickens eat the infestation of pests of our gardens in the summer. If we have to coop our chickens we will have to have our property sprayed so that the ticks don't get on my animals or children. If we have our property sprayed we can no longer garden because the chemicals get into our plants and water supply which means we will have to get a different water filtration system in our home to filter out the chemicals that get into our water table. Free ranging our chickens helps us to maintain that local, healthy, and non-chemical food. My other issue regarding the neighbors. I live in a neighborhood with great neighbors, and it is my concern that a few calls, which we do not know how many, result in the Council not encouraging neighbors to talk to each other. We are a town, not a city. We should be a town that encourages neighbors to talk to each other and builds a community that people want to be a part of. We

should not be fostering more separation of neighbors and Hooksett should be a place where we can solve these issues on a neighborhood level rather than bringing it to a vote and creating more legislation for a town, from a government, on how we eat and grow our own food.

D. Marshall: Where does your free range end?

C. Knickerbocker: Our chickens stay primarily in our yard.

D. Marshall: “Primarily” is what the Planning Board has been dealing with. What if we said the only necessary thing was that you have to fence your free range?

C. Knickerbocker: I would have a problem with the fencing. If it was reworded as “having a border that could not be crossed by your chickens”, I would be okay with that. I would rather put hedges up than a fence to create better property value. If my neighbors came to me saying they were having a problem with my chickens in their yard I would offer to find a solution and put up a border. I would like my neighbors to talk to me if there was an issue.

Brigitte Koren (41 Prescott Heights Road): Any ordinance that is passed will affect every one of us sooner or later. Any law that is passed is always to restrict people in some way or some form. We have to be careful about what we are doing and think it through as to what the consequences are. What is fundamental is our liberty. Our Constitution was set up to give the people the right to direct the government. We the people must maintain those rights. Unless there is compelling reason, it is best not to make changes. These are uncertain times. We don't know what will happen in the coming years which is probably why our Governor has signed legislation called the Farm to Plate bill declaring the encouragement and support of local food production. The local government is to weigh this policy when adopting and enforcing any local ordinances. We do not want to give up our liberties that have always been our rights. Why would anyone want to set up unfavorable ordinances for the future of their own offspring. They may need to grow food in their own yards in the future. We must preserve the basic rights to grown one's own food for us and for them. It is a natural birth right that no one should take away. I would say that most of the people here agree that we do not want this ordinance. I am asking you to please rescind this ordinance and let us preserve this God given right to grow our own food on our own property.

D. Marshall: This Board does not pass the ordinances. We propose the ordinances and the town voters say yes or no. If the voters vote no there is no ordinance.

B. Koren: Why would we set up an ordinance like this if we do not have a need?

D. Marshall: I am explaining what the process is. This Board does not make the zoning ordinances. The citizens of the town do.

B. Koren: It says the purpose of this Article is to allow for the keeping of chickens. There is no need to allow that because it has always been allowed in all zones in Hooksett for the last 193 years. That has never been challenged or interfered with. At the present moment it is our right from God and nature to raise our own food. No written word can improve on that. The complaints that come in can be handled

by a restraining ordinance, such as a fence, and a noise ordinance. Those are the tools that should be used, not taking away the liberties from the people who have nothing to do with the complaints.

D. Marshall: Am I hearing correctly that if this ordinance only stated that you have to define the area in which your chickens will be kept, that is all that is necessary? If you are going to use your entire lot to free range your chickens you would need a fence?

B. Koren: I agree. I believe in fencing in your own property.

James Koren (41 Prescott Heights Road): It seems to me that this article came about because of complaints. On Feb. 19, I called the office and was told that there was no log or record kept of complaints and the complaints can come in by email, telephone, person, or anonymous. I think that there needs to be a record kept of the complaints, who they are from, and to make sure one person is not making multiple complaints.

Doug Pauly (33 Prescott Heights Road): If we haven't logged the complaints, how do we know if it is one person doing the complaining or different people making the complaints about one person. I am also concerned about only being able to keep 6 chickens and the rooster issue. How many complaints come in about barking dogs? I also don't agree with having a fence and restricting it. We don't need to be allowed to do it because it has been allowed. The people who did the complaining are not here. All of the people who are against the ordinance are here but the people for the ordinance are not.

Stephanie Wilson (1844 Hooksett Road): I live on a little over 5 acres in an area considered mixed density residential. For us to have to downsize our flocks to 6 hens would be crazy. Hens do not lay one egg a day, maybe every other day under excellent conditions. Without roosters there are no baby chicks. My children have been so educated by watching that process. It is farm to plate. In every hatching we end up with more roosters. Some roosters are exemplary and others are not. We harvest them at home humanly. That is poultry we have raised as a family that have eaten ticks in our yard and prevented us from contracting Lyme Disease. It is important to teach children that food isn't something that only comes in cellophane and styrofoam. Have any of the complaints been about roosters crowing? I believe it was mostly hens going into other people's yards. We have a coy pond and our neighbors dog occasionally comes over, but as soon as we mentioned it to our neighbor the dog does not come over anymore. I could have called the police, but it is about neighbors working things out and making sure that we are in a community and township. That is important to preserve the rural character of our town. I don't understand why slaughtering is an issue in mixed density residential.

M. Lavoie: As far as slaughtering, we have not had any complaints regarding it. We got that information from other town ordinances in similar towns.

S. Wilson: You used a boiler plate document and fit it to Hooksett, even though it wasn't made for Hooksett?

M. Lavoie: I did not write the ordinance.

S. Wilson: How did the Board get the boiler plate?

M. Lavoie: In a lot of the complaints that come in, the people want to remain anonymous, therefore, we cannot log those complaints. I am not the only one that receives the complaints. Most of the time people come in and want to remain anonymous. They don't want the town to intimidate their neighbor and have it come back to them. There are many complaints we have not documented due to that. We have had complaints on roosters and that has happened in the past year. It is under a noise ordinance, but why waste the time of the police department and myself when our services could be rendered someplace else?

S. Wilson: How many calls have you been on for roosters?

M. Lavoie: Three or four in 2015. It is not uncommon to have free range chickens in neighbor's yards.

S. Wilson: I do not have an issue with a border to keep chickens contained. I do that for my own.

M. Lavoie: That is where the need for this came about. If it is not expressly written in the ordinance, it is not allowed. Article 37 permits the keeping of chickens in all zones. We are open to discuss the details.

S. Wilson: The number of chickens is a big concern. That number can fluctuate and not every egg will be fertile. I want to be able to harvest our own chickens. I do it myself and I do it humanely. I want to know the meat we are eating has not suffered and had a good life. I have had to go on antibiotics as a precaution against Lyme Disease and I had a dog recently die from complications of Lyme disease, so having the chickens to control the ticks is important. My son wrote a statement that he wanted me to read: "Without roosters, hens cannot have chicks." Do you ever write an ordinance and table it until it becomes an issue? Could it be condensed?

D. Marshall: These go to the voters once per year per state law, so there is an opportunity once per year to correct these situations.

S. Wilson: If people don't want it, then do you just not write it.

D. Marshall: In the next couple of weeks this Board will have a decision to make as to whether this does or does not go to the voters. If it does not go to the voters it is a dead issue for the next year. You have no objections to fencing your entire property?

S. Wilson: My chickens are fenced in. I have over 10,000' that is fenced in. The other thing about roosters is that they protect the hens from any aerial assault. Roosters also let hens know where they should be eating.

Gerald Hyde (49 Prescott Heights Road/Member of the Zoning Board): It was stated in the minutes that I had suggested that we only keep the ordinance to a limitation on pen size and coop size. My suggestion was pen size. I only responded to the coop size after being asked a question. That was not, technically, my recommendation from the Zoning Board point of view. It was just the pen size using the UNH guidelines. I also have a question for Code Enforcement. Matt, it was my impression that



under a certain size building there are no set-back's?

M. Lavoie: That is incorrect. Under 200 sq. ft. you are allowed to be within 10' of the property line. If it is over 200 sq. ft. you have to go by the setbacks in that zone.

G. Hyde: I am not sure how we go from 8 to 12 complaints per year talking about wandering chickens and random rooster crows to such a draconian ordinance. I think that we ought to take the complaints as they come in and write whatever the Board or Planner feels is appropriate, based on those complaints, and then let the town decide what they want. I think this is an over reach of even local government. We have 14 hens and used to have 2 roosters. Last week I lost both of my roosters to hawks. They sacrificed themselves to keep the hens safe. I understand why we have zoning ordinances, as a whole, to protect people's property rights. For fair disclosure, I have an issue with all zoning ordinances. To speak to this zoning ordinance, I believe that if we are writing a zoning ordinance to keep the fair use of a neighbor's property, we also have to take into consideration the fair use of the keeper's property. I feel that the article, as written, while protecting the neighbor's fair use of their property, is grossly infringing on my fair use of my property.

Acadia Knickerbocker (45 Lantern Lane): The maximum of 6 chickens per house will not feed my family of 6. It won't give us enough eggs for the week because they do not lay every day. If we were to keep broiler chickens we would eat 2 a month, leaving us with 4 laying hens giving us anywhere from 16-20 eggs a week – less than 2 dozen for a family of 6. We would be out of chickens inside of 4 months and out of eggs inside of a couple of days. Also, what happens when the chickens stop laying? They can live for many years after they stop laying. I would have to kill my chickens, which I love as pets, so I can have fresh eggs from new chickens. Is this fair? When my chickens die, I cannot immediately get more because there is only a limited time when chickens mate. If my chickens die in winter, I have to wait almost a whole year for a new chicken to be raised and to mature to lay eggs. Free ranging my chickens keeps them healthy and keeps the ticks down. If you were to decrease the population of chickens and keep them contained the amount of ticks would explode exponentially. Our chickens would live and die in containment and never really be happy. They wouldn't get all the nutrients from the bugs they naturally eat. They also eat the grubs helping our gardens thrive. By preventing free ranging, we have to use chemicals to prevent the ticks, then we would not have a garden and every time I go out to play I would be playing on a lawn with a bunch of chemicals. How do I prevent my other pets from dying if there are constantly chemicals in my yard to kill the ticks? You are forcing us to buy food for our families because we won't be able to eat the food grown in our gardens due to the chemicals used to kill the ticks. We would have to breathe toxic air from the spraying of the chemicals to kill the ticks, making us sick. The egg selling. There are times we have an abundance of eggs, and selling the extra eggs allows me to make money since I cannot work until I am 18. I take care of these chickens, and I spend money for food and their hay and coop, and I also spent my own money to buy these chickens. I should be able to make that money back with the profit of selling the extra eggs, if there are any. If we were not allowed to have roosters how would we breed chickens? Roosters are also used as show chickens. How could I be involved in the showing of roosters? Who would protect our flock? I have had to get rid of my rooster, which I bought and paid for with my own money. He was the main protector of the flock and since his leaving our flock hasn't been as happy and we lost a couple of chickens because he wasn't there to protect them. Had he still been here, perhaps those chickens wouldn't have died and would still be with us.

Aurora Knickerbocker (45 Lantern Lane): I would not like Article 37 to be passed. I love these chickens as pets and family. It is like owning a dog or cat. You put money, work, and time into them. Free ranging is important to the chickens' health and my health. The ticks and other bugs that the chickens eat are very annoying. If our chickens aren't allowed to free range we have to call a company to spray a harmful pesticide which kills the bees and butterflies and prevents them from coming back the following year. Free ranging helps give us healthier, fresher eggs, which are better for you, your health, and your happiness. Roosters are a big part of owning chickens. If you want to expand your flock, they are the best and cheapest way to do that. If I purchase eggs to incubate and one is a rooster, is it fair to kill it simply for it being a rooster? I have seen roosters who are quiet and peaceful and well mannered. What if we want to breed a certain type? A lemon cuckoo or Rhode Island Red? Why should I have to buy those chickens when I can make them for free? This article is preventing me from sustainability. Also, some roosters are very beautiful and bred for show. Why should we give up loving roosters because they are male? A maximum of 6 chickens is crazy. It would be an uninformed decision. What about the families that need to raise both broiler and egg laying, and the ones who keep them as pets, and for show chickens? Put yourself in their shoes. Imagine getting a new pet, then someone decides it would be a good idea to get rid of over half of your pets. Wouldn't you be upset if something you loved were taken away? Why take away what we love? Although you will not require us to get rid of our current chickens, when they die and we need to get more, we can only have 6. When they are done laying we have to wait for them to die to get more fresh eggs, and that is ridiculous. What happens if we buy 6 chicks and not all are hens? Or if some of them die? There is only one season for chicks. We cannot increase the flock at any time other than that time of year.

Brenda Hinz (41 Prescott Heights Road): The Governor has addressed the need for more self-sufficiency and agriculture in the state of New Hampshire. This article is in direct opposition to what is being requested from our Governor. All state agencies are encouraging and supporting the grow local, eat local revolution. How can you get more local than your own backyard. You are supposed to be encouraging and supporting local food production.

Janet Cupples (17 Goonan Road): Responsible chicken keeping and keeping them on your own property I am for. Your Article says 6 chickens and you have to have a minimum of a half an acre. What about the people that have 2 and 3 acres? Could that be manipulated so that if you have a larger piece of land you can have a larger flock? I would also like to address the size of the chickens. I have Seramas and they are less than one pound. I keep Bantams and they are all about a pound and a half. I have a large yard. They are enclosed, they do not free range. A little rooster makes a tiny crow and you can't hear him. I can see banning nuisance roosters. I don't think it should be boiler plated to say you can't have any. I would also be concerned with the neighbor complaints. How would you determine if that complaint was legitimate? There should be some protection for an innocent party.

Greg Collins (17 Goonan Road): For the last 10 years I have run Chicken Swaps of NH at every tractor supply throughout the state. I have run over 50 swaps all summer long where we sell chickens, rabbits, ducks, goats, pigs, etc. I have had tons of children who raise their own chickens. They come to the swaps and sell their own chicks. It is a learning experience and has been great. I worked with Dr. Crawford, at the Department of Agriculture, and helped form a lot of the rules that the state follows. I am against this. We fought with the City of Manchester. What town gave you the boiler plate?

C. Cronin: We looked at ordinances from Manchester, Concord, Pembroke, Allenstown, and Bow.

G. Collins: The only one listed with the Department of Agriculture about slaughter is the City of Manchester. They have had a war going on for the last three years because they set a regulation, even for residential, that if you had less than an acre of land you could only have one chicken; one acre per chicken. By setting these guidelines you are following the big city and the big city has been stomping on the children learning in this state. If I understand correctly, this Board decides whether or not this article is worth going to vote. You have roomful of people who are saying they don't want this. I have had many meetings to contest these kind of rules. This a very rural town. I grew up in Auburn. We had 100 broilers every fourteen weeks that we slaughtered. If you know how to process animals, it is a very humane thing. All of these things you are doing are limiting the growth of your town. There are a lot of people in the town, including people who work in the town hall, who have bought chickens at my chicken swap for their own houses and they have a lot more than six. If you pass this so that it goes to vote, I think you are limiting the entire town to their freedoms and the education of their children. You can stop this now by saying it is not worth going to vote. If you go to court in front of a judge and the other party doesn't show up, you win by no contest. You have a room full of people that say they do not want this.

D. Marshall: I have been on this Planning Board for 44 years, and when it comes to getting public input the people who show up are the ones that are against something.

G. Collins: Aren't they the ones that count?

D. Marshall: They count but you represent less than 2 percent of this population. We will consider all of your input and we have to make a decision to proceed or not to proceed. If we decide to proceed it is up to the voters. If you feel the community is this strong about it then you have no confidence they will defeat it? Or you don't want to take the risk that that they will pass it? The voters will decide if it goes forward, not us. We are listening to what you have to say.

G. Collins: I ran these events for almost 10 years. We sold thousands of chickens throughout the state. About 80 percent of them were to people who wanted to start the process with their young children and we sold a lot of animals. This is a strong and educational industry. When you weigh that decision, please take that into consideration.

B. Hinz: Regarding the 6 chicken limit, customarily what happens is the chickens lay the best for 2 or 3 years and then you have a choice to replace or keep them as pets. If you can only have 6 when they become 2 or 3 years old, what normally happens is you start to grow another 6 and some people will slaughter the older ones when the newer ones become of age. With a limit of 6, I don't know how people will replace them. You either keep them for 10 years, because that is how long they can live, and you have pets and no eggs. With 6 you have no opportunity to grow a replacement flock at the same time. That would be a concern for all chicken owners. You may force people to destroy their animals that otherwise would not.

Karen Bishop (27 Bartlett Street): I live on a small lot. Three sides are surrounded by woods. It is only

three eighths of an acre. If I have to keep my chickens penned and they are not allowed to free range, what difference does it make if I have a half acre? I don't think it makes sense to restrict the number if you have to have them in a cage all the time anyway.

Jennifer Lawyer (103 Goffstown Road): I am a little different than most people here tonight because I live in LDR with an existing farm, but I am here to support them. I believe in this town and love this town. I moved here from Manchester 22 years ago because of the rural character and that I could provide fresh food for my family. I think the biggest thing that a lot of people here are emphasizing is that they are responsible farmers that are invested in the community. These are the people who have kids in schools, who come to these meetings, and help support local events, whereas, we don't know where the anonymous complaints are coming from. What is bothering me about this is that my "chicken people" who live on the other side of the river are being limited and a lot of them have huge lots of land. I think the guidelines in this article are vague, cookie cutter, and look like Manchester's. I moved out of Manchester because of things like this. I think a lot of the concerns of the people complaining are already covered under the zoning ordinances. For roosters there is a noise ordinance. There are a lot of things you can do as the owner of a rooster to help follow a noise ordinance. If you have a coop you don't let him out until a certain time of the day. The free ranging is no different than a dog. I don't expect other people's dogs on my property, I would not expect other people's chickens on my property. It is your responsibility to keep an animal on your property and there are ordinances in place for that. There is a leash law pertaining to dogs, but I think it comes down to the same things for any animal. There are a lot of ordinances that are not followed. A lot of people have things on their front lawn and that is a visual violation, as far as I am concerned. It is one of those things where you talk to your neighbors and try to maintain the sense of community that you have. I believe that Hooksett still has that. I don't think we are at the point where we will become like a larger city. There are a lot of misconceptions and I think that is where a lot of these people are having issues with a standard vote. People who don't raise poultry don't know about them so decisions would be made without education on what is actually happening. Anyone who practices proper husbandry with whatever they raise it is not an issue and is on an individual basis, same with the lot size. They even have no crow collars for roosters for higher density residences, not that I believe in that. There are other options without compromising on the rights of people that have them. I have spoken with Dorothy Perkins who is the extension field specialist of food and agriculture for UNH. She has worked with a lot of the local towns on helping to establish appropriate responsible guidelines. She is on the Governor's task force for the humane treatment of animals. I don't think, from what I am hearing and reading in the article, that this is on the humanity. It is more about the inconvenience being posed on other members of the community, which I understand and the same rules should apply for anything. You keep your things to yourself. If that means that for you to control your animals you need to put up a fence that is what you have to do. If you don't do that then you need to decide where your responsibility falls as the resident, not as this broad spectrum, almost punishment, put on everybody. Dorothy stated what she highly recommends is having an actual AG Commissioner for the town, which is usually set up of residents who are in the farming community in your town, to help make suggestions or provide information based on the UNH cooperatives recommendations, and have decisions or guidance put forth by people who are in the situation the article is proposing to change. As far as a decision to keep animals on your own property, I don't think it matters what the animal is. If you are making things about a specific kind of animal, it is already there in the form of what you would call a leash law. What she talked to me about is how we need to make decisions that are not so broad

spectrum so it doesn't affect future generations. There are a lot of people in MDR that have huge pieces of property, 25 and 30 acres of land. In the future their families may want to start a farm. It seems as if it is too vague for so many different situations. I understand the resources of the town can only go so far to help each person, but I know I pay a lot of taxes and I am sure everyone else does too. We are part of a town where people get involved and everyone makes decisions for all the residents instead of just one group. Even though this may not affect my family it makes me nervous for something like this to pass because maybe in the future it will bump out further and we will have rules like Manchester.

B. Koren: Free ranging does not necessarily mean ranging on your neighbors property. You can free range on your own property. That means they are contained on your property but you are not keeping them in a coop. Regarding 2) Domestic chickens are allowed as an accessory use. What gives someone the right to keep a domestic dog but not a domestic chicken on a certain lot size? If it is domestic it is domesticated. Isn't that then a pet? Three dogs are permitted on any lot, any size dog, but 3 chickens come with a prerequisite? That doesn't make sense. Why are chickens being singled out? You should make that about all animals. Someone living in a duplex can have a bunch of dogs but no chickens? Some of the dogs can be as big as a horse. The other thing I have an issue with is 4) The selling of eggs is not prohibited in any zone. It says it is permitted in LDR but not prohibited anyplace. If it is not prohibited than it is a natural right and it is allowed. It is also my understanding that commercial activity is already covered under the zoning ordinance. Do we really want to legislate the selling of surplus? The average chicken lays about 200 eggs per year, most of which happens in the summer. Chickens don't lay in the winter. That is the reason why surplus selling was always permitted. You collect honey in the summertime and in the fall you have a surplus. You are allowed to sell your surplus. It should be the same with eggs when you have a lot in the summertime so that in the winter when you have to buy eggs, you use that money to buy them and still feed your chickens.

D. Marshall: In the zoning ordinance it goes zone by zone. If it is not specifically allowed it is not permitted. If you look at our zoning ordinances each district tells you what is allowed within that district. If you look at the LDR it says that agricultural uses are an allowed use.

B. Koren: It has to be allowed before we are doing it? In other words gardening has to be allowed?

D. Marshall: The definition of an agricultural use is that you are raising and selling. You are in business, in a sense. You are raising a crop and selling the surplus. You are raising chickens and you may end up selling them in LDR. In the MDR and HDR, where there are tight developments, is isn't specifically allowed, but for generations in this town, it has happened and it has been ignored. That may be the way the Board decides for it to continue, but it makes the life of a Code Enforcement Officer miserable. If he is brought into the situation, by something like two neighbors not being able to agree, he has to have a law that he can enforce. Technically speaking, right now, he can say agriculture is not a permitted use within the MDR. If he enforces it with one neighbor, all that neighbor has to do is ask is why he is not enforcing it with the person down the street, and the reason is he does not have a law to stand on other than it is not a permitted use.

B. Koren: Have there been any complaints about anyone selling eggs to their neighbors?

M. Lavoie: Number 4 is saying that this it is not considered a home business in the zoning ordinance.

B. Koren: Do we want to enforce selling a dozen eggs to your neighbor or a couple of tomatoes?

D. Marshall: That is what we are trying to decide.

B. Koren: I have never sold my eggs, but I see no problem if my neighbor wants to sell them. It is a piece of Americana that you sell to your neighbor. Put out a little sign that you have some extra eggs and people usually appreciate that. I would like to buy some extra honey. Does that person have to have a license when he has a beehive? Does he have to have a building permit or setback for that beehive and does he have to have permission?

D. Marshall: Only if he is in the business and it so indicates that he is in the business of producing honey.

B. Koren: He may be producing it for himself and just have more than he needs. I think this is redundant and is not for the people. It is not something that anyone should worry about, especially in the government. People should be left alone on those little matters and, in my opinion, those are little matters.

James Koren: You said if it is not allowed in the zone it is prohibited. Do we have a legal opinion on that?

D. Marshall: Yes.

J. Koren: I have the feeling this Board is trying to look for some middle ground. I am not a spokesman for the rest of the people and don't wish to speak for them, but I have to agree with the Board that your chickens have to be kept on your property. I think Article 37 can boil down to something to the affect that it is against the law to let your chickens free roam and must be contained to your property.

D. Marshall: Essentially it would say that the free ranging of chickens is allowed on your property provided that it is limited to your property. Somehow it would have to written that it would have to be fenced in some way.

J. Koren: In my opinion I think that this Article 37 should be boiled down to the restricting of chickens to your own property.

A. Knickerbocker: Just because we are Hooksett and we have our own Zoning Board and laws, we are still part of America and we are still a free country and we are not letting our chickens be free in a free country. If we are to have a motto Live Free or Die I think that should apply to everyone, even our pets and chickens. I think somewhere in everybody's mind we are all thinking the same question and asking, "Article 37, where and what is our future and where would this law hit next and why?"

D. Marshall: I really appreciate the fact that you have come up and testified. Often when you are in school you will find this is a home ruled state. Your home rule is only those rules that the state legislature allows you to have. That is how we function. We function under state law and those laws

that are given to us by the voters of this town. From time to time, we have to adjust those regulations because growth becomes to rapid or there isn't enough growth in commercial versus industrial versus residential so we have to make constant changes which all go to the voters that you, when you are 18, will be voting on as your parents vote on now. There are racks of books loaded with laws and someone would find something they find offensive, but it is the law and what we live under. I have also said to the young people if you don't like the law work to get it changed because that is what this country is about. Make those changes that you disagree with. We try to make laws that are not offensive to everybody, not just to small groups. We have looked at the community as a whole. This Board will take into consideration everything that has been said tonight and if we decide to go forward it is up to the voters. If we decide to not go forward it will be a dead issue. Please keep following to see what happens with this.

AnnMarie White (323 Hackett Hill Road): I have had the pleasure of taking the minutes for this Board and have sat here through numerous meetings. I also take the minutes for the Zoning Board. I love the Town of Hooksett and I love my job. Through the couple of years that I have been employed here I have seen that both the Planning and Zoning Boards are for the people of this town and they want to make the people of this town happy. I have had the not so pleasurable experience of being in meetings where people come in, neighbor against neighbor, one of which went on for a couple of hours. As much as I would love to say that we can go to our neighbor, fix issues, come together, and make it work, I have personally witnessed that is not always the case. I have seen Matt struggle with different issues of his job, following the ordinances while also trying to make people happy, and it is not easy. If Matt, at this point, gets a complaint from a neighbor regarding chickens, and he goes out to an area that is other than LDR, if he finds that complaint founded, he will be forced to make those chicken owners get rid of their chickens because currently they are not supposed to have them in the first place. I know that neither Matt, nor anyone on this Board, wants to have that happen. I am not saying the proposed Article 37 is the way it should be based on what everyone has said tonight, but I do think that something needs to be done to protect the people in the zones other than LDR so that if, by chance, there is a complaint by someone because of chickens or some reason other than chickens, when Matt goes out and if there is nothing founded he won't have to make those people get rid of those chicken's because he will have some foundation to stand on to allow you to keep them. I am hearing what everyone is saying and I think there has to be some kind of middle ground where everyone can keep their chickens, if they are following good practice, and Matt has grounds to say that you can keep your chickens because you will then be in compliance.

#### **Close public hearing on Amendment No. 4.**

***D. Winterton motioned to return this article to staff to be amended for a second hearing. Seconded by T. Walsh.***

D. Winterton: Thank you to everyone who came tonight. This is a public hearing and we have heard from the public. I don't think the ordinance written is what we need in Hooksett. I hope the public understands this is not a contentious situation. I don't keep chickens and don't know much about them. I know a lot more about them now than I did 4 weeks ago. As a member of the Planning Board and the Town Council my job is to ask why we are doing something and then to listen. Clearly I have listened and learned a lot. I think that it is very important that we give our CEO some teeth in what he does for

his job. If we had an ordinance that said your chickens need to be confined on your property, and if you have a noisy rooster that violates our local noise ordinance he could enforce that in some logical and judicial manner. That is the kind of CEO that we as a Town Council have directed our Town Administrator to employ. Someone that deals with our citizens in a logical, reasonable, not heavy handed manner, but in an agreeable manner and that is the kind of person we have now. Therefore, it is the responsibility of this Board and the Town Council to listen to the citizens but give him the power to do his job. The reason we have Boards and laws is because sometimes neighbors don't get along as much as we would like it to be. The reason for my motion is to hope that staff can come back with an updated ordinance that gives our CEO some power to regulate abuses and includes any type of animal, person, or item that is not yours but is on your property and you don't want it there. I would like to have that regulated if my neighbor is not agreeable. I think that is reasonable. I have listened to you and understand what you are saying. I have been very impressed by the passion and knowledge. At the first meeting we had regarding this, I had said that my understanding of raising chickens was that it is beneficial to the education of children and that has been reinforced tonight. I have been impressed by the presentations, especially by the people that are not eligible to vote yet.

M. DiBitto: I recognize this ordinance is not workable the way it is drafted. Too many variables have not been addressed. I heard from some of the speakers that they have large lots, and 6 chickens on a half acre piece is not logical. I think at this point we could redraft this, as suggested, so that it has the most limited guidelines as far as encroachment, such as fencing or something else to keep the chickens within boundaries. If there is a need to talk about numbers or ratios we can talk about that for next year. That needs more time to discuss. For now we can get an ordinance that at least permits the keeping of chickens in these zones so that those that have them currently are within the law, where there is a risk to the residents being outside of the law. This also dictates the responsibility of the chicken raising community to be good neighbors.

T. Walsh All we need is to make them allowed and some type of wordage to keep them on the owner's property.

D. Marshall: I was born and raised in Boston, but I spent summers on a chicken farm in Boscawen. The chickens were all free range. I appreciated the effort, need, and purpose that it served so I do have a good understanding of chickens.

**Motion carried unanimously.**

D. Marshall: We have instructed staff to redraft the amendment and the second hearing will be on March 7, 2016. At that time, we don't have any other choices. When a redraft is presented to the Board we cannot make any changes, so it will either be sent to the voters or not at that point in time. I expect staff will be presenting an ordinance that is much different than what it is currently.

**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 8, Conservation Subdivision? *(Full text available online and at Town Hall)*



*The purpose of Amendment No. 5 is to amend Article 8, Conservation Subdivision in regard to minimum lot size, review procedure, open space requirements and other changes.*

**Open public hearing on Amendment No. 5.**

No public comments.

C. Cronin: Staff has a change on removing the negotiation bid on frontage.

**Close public hearing on Amendment No. 5.**

D. Marshall: That will be sufficient enough to move to the next hearing.

*T. Walsh motioned to move Amendment No. 5 to the second public hearing. Seconded by D. Grafton.*

M. DiBietto: We talked about the possibility for providing for community water and sewer systems in that cluster and it might be an alternative to public water and sewer.

D. Marshall: Under state law I believe community is considered public and it would fall under that.

**Motion carried unanimously.**

**Amendment Number 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 adopt a new article, Solar Energy Systems? (*Full text available online and at Town Hall*)

*The purpose of Amendment No. 6 is to adopt a new article to allow and regulate solar energy systems on residential and non-residential properties.*

**Open public hearing on Amendment No. 6.**

No public comments.

C. Cronin: After going over this with the Town Planner and Town Attorney, we have a few additions under Section B general requirements (1) We are adding roof mounted units shall not be considered a structure. Under (4) the attorney recommended listing the permits that would be required. We are also adding that an engineered stamped letter is needed certifying that the roof can accommodate the load.

M. Lavoie: You should add that a plumbing permit may be required.

C. Cronin: Under Section C (2) perimeter fencing may be required. They struck “around all or some of the system components.”

**Close public hearing on Amendment No. 6.**

*M. DiBietto motioned to move Amendment No. 6 to a second hearing. Seconded by T. Walsh.*

**Motion carried unanimously.**

**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 4, Low Density Residential District - LDR, Section A.5.; Article 5, Medium Density Residential District - MDR, Section A.6.; and Article 5-A, Urban Density Residential District - URD, Section A.3. to include “contractors office” as an allowed home occupation and include the provision that “outdoor storage of equipment and materials shall be screened.” (*Full text available online and at Town Hall*)

***The purpose of Amendment No. 7 is to amend Home Occupations in the LDR, MDR, and URD to allow contractors’ offices.***

**Open public hearing on Amendment No. 7.**

No public comments.

C. Cronin: After looking at the Town Attorney's opinion which says that in court in New Hampshire a contractors business is not recognized as a home occupation, we still want to allow an office where they do the books and use that address as their business address. To highlight that it is more about their office being located there, we recommend including contractors in the list of offices but making it the first profession listed. That way it is obvious it is for an office and not a contractor's yard. The other change was under (D) to remove “unless screened from roads and surrounding properties by natural or structural needs.” It will say: “no outdoor storage of equipment.”

**Close public hearing on Amendment No. 7.**

***D. Winterton motioned to move to a second hearing. Seconded by D. Grafton. Motion carried unanimously.***

**OTHER BUSINESS**

➤ **Recommendation to Council on Planning Board Alternate Applications**

D. Marshall: We talked with both applicants for alternate positions on the Planning Board and we need to send a recommendation to Town Council.

D. Grafton: I recommend Christopher Stelmach.

T. Walsh: I agree based on his knowledge and background.

***D. Grafton motioned to submit Christopher Stelmach's name to Town Council for a alternate position on the Planning Board. Seconded by T. Walsh. D. Winterton abstained due to future voting as a Town Council member. Motion carried unanimously.***

**ADJOURNMENT**

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

The meeting was adjourned at 8:11 pm.

Respectfully submitted by,

AnnMarie White  
Recording Clerk