

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, March 7, 2016**

MEETING CALLED TO ORDER AT 6:02 P.M.

PLEDGE OF ALLEGIANCE

INTRODUCE MEMBERS OF THE BOARD

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

ALTERNATES: Denise Grafton and Michael DiBitetto

EXCUSED: None.

STAFF: Carolyn Cronin (Assistant Town Planner) and Jim Donison (Town Engineer/Assistant Public Works Director).

APPROVAL OF MINUTES OF 2/22/16

February 22, 2016 Regular Meeting – D. Winterton *motioned to approve the minutes of the February 22, 2016 meeting. Seconded by D. Grafton. P. Scarpetti and F. Kotowski abstained due to not being in attendance at the February 22, 2016 meeting. Motion carried unanimously.*

SECOND PUBLIC HEARING FOR PROPOSED ZONING CHANGES 2016

Amendment #4

D. Marshall: We had seven amendments proposed to potentially be moved to the voters. Amendments No. 1, 2, and 3 were voted by the Board at the last meeting to advance to the voters. We will be starting with Amendment No. 4.

Amendment No. 4

KEEPING OF CHICKENS

PURPOSE AND INTENT

The purpose of this article is to allow for the keeping of chickens, including roosters and hens of any breed, 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 the health, safety, and welfare of residents and prevent a nuisance or menace to the public health or cause disturbance by noise, odor, or other

adverse impacts to neighborhoods. It is the intent of this article is to help preserve Hooksett's rural character and provide for fresh, local food sources, including eggs and poultry meat.

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 only to the MDR, URD and HDR zones.
- 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.
- Roadside stands or other commercial activity related to the keeping of the chickens is prohibited.

YARD & ENCLOSURE REQUIRMENTS

- Building permits are required for chicken enclosures. Setbacks for enclosures apply per zoning district requirements.
- Enclosures should provide a minimum of three (3) square feet per hen.
- Chickens shall not be permitted to free-range beyond the property boundaries of the lot on which they are kept.

Open public hearing.

Brigitte Koren (41 Prescott Heights): I am disappointed in the new proposed article. I believe everyone would have been happy with just fencing their chickens in and the size of the chicken coop. Most people have their chickens fenced in and the coop usually has ample space. I think the rest of this is not fair. If you go to Tractor Supply, buy a chicken coop, and take it home in the back seat of your car, you really need a building permit for that? You can set that coop in the middle of your property and once the inspector leaves you can put it where ever you want because it is not a permanent structure. Mr. DiBietto, you explained that up to now chickens are not allowed and they are just condoned. Is that correct?

M. DiBietto: They are only permitted in the agricultural zone and not elsewhere. That is the Building Inspector/Code Enforcement Officer's interpretation.

B. Koren: He decides whether a chicken is a pet or a farm animal? Is a dog allowed?

D. Marshall: Yes, dogs are allowed.

B. Koren: Why are dogs allowed and not chickens?

D. Marshall: The purpose of this article is to allow for the keeping of chickens including roosters and

hens of any breed in residential areas for the sole use and enjoyment of the residents of the lot on which the animals are kept. There is no limitation on the number of chickens or the roosters. We are only saying you cannot free range them beyond your property. As far as the chicken enclosures, if you buy one from Tractor Supply and you let the building inspector know and it meets the requirements of 3 sq. ft. per hen, you don't need a building permit. However, you have to put it in a position such that it meets the guidelines within your district, such as so many feet from the side and back lines, and the set-back's.

B. Koren: Who will keep it there?

D. Marshall: Right now this proposed ordinance is the bare minimum we can go and we are trusting the chicken owners to do the right thing. Should a neighbor complain that your coop is sitting right on your property line and he doesn't like it, then the CEO will have to go look at it.

B. Koren: Does that go for a rabbit hutch?

D. Marshall: Rabbits are normally kept as pets but they can be for food. If you are going to put them in a pen, the same requirements will have to be met.

C. Cronin: Even if it is a pre-made structure for the enclosure, it still requires a building permit because that is how they know how to look for the set-back. It is the same as if someone were to buy a pre-fab shed. It is considered a structure so it requires a permit.

B. Koren: Why are chickens that people have as pets treated so different from dogs, cats, rabbits, and other pets? Why is the ordinance just about chickens?

D. Marshall: Based on complaints that the CEO received we were asked to develop an ordinance which satisfies "keeping the peace." I think we have done an excellent job in coming up with something the CEO can use to do his job and also will satisfy the members of the public which is to fence or enclose the chickens.

B. Koren: We all agree to that, it is just some of the other things. For the most part I think you have done a good job.

D. Marshall: Thank you and we appreciate your comments.

James Koren (41 Prescott Heights): The proposed ordinance says the keeping of chickens is only allowed for families with single family detached dwellings. Does that rule out the people that live in a duplex with a yard?

D. Marshall: That is an interesting question. Does anyone present own a duplex?

(A member of the audience mentioned they have neighbor's that own a duplex that would like to have chickens).

D. Marshall: At the last meeting we mentioned that we would come back with an amendment article and if it passes by the voters then it can be looked at to be modified if there are violations or some other criteria comes up. We cannot make changes after tonight on this proposed ordinance. It either goes to the voters or it doesn't.

J. Koren: You cannot strike anything out at this point?

D. Marshall: No.

J. Koren: I thought that some people might like to have a chicken for a pet and they own their property and a house but because it is a duplex they won't be allowed according to this ordinance.

Aurora Knickerbocker (45 Lantern Lane): Thank you for changing the article so we can keep our large flock of chickens and our roosters as long as we keep them on our property in a nice living space.

D. Marshall: I really appreciate your comments.

Christina Knickerbocker (45 Lantern Lane): Thank you for considering the needs of the families. We are thrilled to be able to enjoy our chickens and our way of life. Thank you for allowing us to choose our flock size according to our needs and to choose our boundary styles according to our style for our homes, which also helps our income level in not having to put in an expensive fence. I only had a couple of concerns. The keeping of chickens in a dwelling other than a single family detached home should be up to the property owners like any pet situation. My husband and I considered purchasing an income property and we would have no reservations of the tenants owning chickens if the property had a yard. The limits of ownership of chickens to those not in a duplex should also fall under the ownership and landlord guidelines as most pets do. We were unclear about the building permits such as if any size enclosure needed a building permit, however, you answered that question. That includes a dog house size chicken coop. Whether it is a movable structure or permanent structure it still needs a permit.

D. Marshall: Correct.

Karen Gagnon (1228 Smith Road): I have a question on the yard enclosure requirements. The previous version of this stated that this was grandfathered. Are our current enclosures grandfathered?

D. Marshall: Anything that is in existence is grandfathered.

K. Gagnon: What if I modify my enclosure?

D. Marshall: If you are going to expand it then you would.

K. Gagnon: If we wanted to expand inside would it require a permit?

D. Marshall: That would not require a permit.

K. Gagnon: My children sell extra eggs. Would that be a problem?

D. Marshall: We don't care if you sell them privately, but it would not be allowed to put up a sign or roadside stand.

M. DiBitetto: This Board crafts the ordinances and submits it to the people at the town meeting to vote on. The CEO is empowered with enforcing the ordinances. When in doubt call Code Enforcement and I am sure he will be more than reasonable.

Acadia Knickerbocker (45 Lantern Lane): Thank you for reducing this ordinance to what is only needed. I would like to thank you for letting us keep our flock the size the we like it and I appreciate that.

D. Marshall: Your welcome.

Close public hearing.

F. Kotowski motioned to move Amendment No. 4 to the voters.

F. Kotowski: People seem to be happy with what we have done and we strive to do what they would like us to do provided that it won't bother neighbors. Thank you for coming in and expressing your opinion.

*Seconded by T. Prasol. **Motion carried unanimously.***

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?

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.

No public comments.

Close public hearing.

C. Cronin: It was struck that the applicant would be able to negotiate the frontage with the Planning Board.

*T. Walsh motioned to move Amendment No. 5 to the voters. Seconded by P. Scarpetti. **Motion carried unanimously.***

Amendment No. 6

Are you in favor of the adoption of Amendment No. 6, as proposed by the Hooksett Planning Board,

for the Hooksett Zoning Ordinance to adopt a new article, Solar Energy Systems?

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.

D. Marshall: Were there any changes?

C. Cronin: The list of permits required was added as well as: “fencing may be required to restrict unauthorized access.” Before it said: “fencing on some of all the property to restrict unauthorized access.”

Close public hearing.

*F. Kotowski motioned to move Amendment No. 6 to the voters. Seconded by D. Grafton. **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 under section (a) and include in section (d) “and no outdoor storage of materials or equipment.”

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

Open public hearing.

C. Cronin: There was an original proposal that outdoor materials had to be screened and we removed that.

D. Marshall: The provision was removed?

C. Cronin: Correct.

D. Marshall: So there would be no outdoor storage of materials or equipment.

Close public hearing.

T. Prasol motioned to move Amendment No. 6 to the voters. Seconded by D. Grafton.

T. Walsh: I can predict a few possible issues in the future, but for now it is a good step and it goes in the right direction.

Motion carried unanimously.

COMPLETENESS & PUBLIC HEARINGS

KENT SEPTIC (#16-05)

220 Whitehall Rd./4 Crane Way, Map 15, Lot 86-2

Amended site plan for an additional building, parking and the associated drainage, grading and utility improvements.

J. Donison: Pertaining to the review memorandum dated February 26, those items are still outstanding.

John Rokeh (Rokeh Consulting): I got the review memorandum and we don't have any issue with addressing everything on it.

D. Marshall: You understand that if the Board approves this it would be conditional?

J. Rokeh: Yes.

J. Donison: The existing paved driveway is shown as being off the property.

J. Rokeh: The entrance into the site is off the property. I am not sure how long it has been there.

J. Donison: My suggestion was to get an easement on the abutting property that will allow the use.

J. Rokeh: During the TRC we said that most of the traffic will be entering from the back.

D. Marshall: Nevertheless it will be used by someone. Jim, you want a letter of agreement with the abutter.

J. Donison: Either a letter of agreement or an agreement to abandon it and turn it into grass.

J. Rokeh: I could not agree to abandon it without that being looked into.

D. Marshall: Either a letter of agreement or abandonment would be a condition of any approval.

J. Donison: There were some minor changes on the septic plan and the water, some minor notes on the lighting standards and the sign. There was also a request to put landscaping on Whitehall Terrace in addition to where they are proposing to put it on site, figuring that people would be using that front entrance. That is consistent with what we require other commercial applicants to do. Also, the subsurface approval.

M. DiBitetto: We don't have a property line survey. Is that required?

J. Donison: We have one.

M. DiBitetto: That shows the encroachment?

J. Donison: Yes.

*P. Scarpetti motioned to find the amended site plan for an additional building, parking and the associated drainage, grading and utility improvements complete for Kent Septic (#16-05), 220 Whitehall Rd./4 Crane Way, Map 15, Lot 86-2. Seconded by T. Walsh. **Motion carried unanimously.***

Open public hearing.

No public comments.

Close public hearing.

T. Walsh motioned to conditionally approve the amended site plan based on all of the requirements of the memorandum dated February 26, 2016 from Jim Donison be shown on the corrected plan and a letter be submitted from the abuttee showing no objection to the use of the driveway, abandoning the driveway, or relocating the driveway so that it is on the property. Seconded by T. Prasol.

P. Scarpetti: Have you been before the Fire Department?

J. Rokeh: They were part of the review meeting and we are going to have a sprinkler system in the building.

J. Donison: One of the comments in my memorandum was to have the Fire Department sign off on this.

D. Marshall: If the Board passes this, I will not sign the plans until Jim tells me that the conditions have been met.

Motion carried unanimously.

BEAVER BROOK (#06-18)

Londonderry Tpke., Map 49, Lots 49 & 58

Amended subdivision plan for modifications to the grading, drainage and erosion control of the original approved plan set in order to satisfy current NHDES Alteration of Terrain regulations for an updated permit.

- **Waiver Request** from Completeness Checklist

D. Marshall: This item will be moved to the March 21, 2016 meeting.

PUBLIC HEARING

BLUEBIRD SELF STORAGE (#15-07)

7 College Park Dr., Map 14, Lot 1-10

Site plan for a 2-story, 80,000 square foot storage facility.

- **Waiver Request** from Development Regulations (06/04/12) Section 11.11 Roadway Requirements

P. Scarpetti stepped down.

John Cronin (Cronin, Bisson & Zalinsky, P.C.): The plan before you proposes to construct and develop a 2-story, 80,000 sq. ft. state of the art temperature controlled storage facility on Rt. 3. During the conceptual of this plan, this came before you with one large building and two smaller buildings in the rear. There was also a principal curb cut directly onto Rt. 3. Due to the feedback from this Board and the TRC, the plan has been changed to remove the two rear buildings and reconfigure the access way. The curb cut no longer exists. Access to the site is gained via Campus Drive and through an easement with the existing property owner. The access will provide rights for passage and easement rights for the delivery of water service to capture treat the drainage on site. The site meets the criteria for lot coverage and floor area ratios. It sits on the natural grade that slopes down from Granite Hill. It is a building that is steeped in the sense that it is at grade in the front entryway. Access to the upper floor is gained from the rear of the building and that will also be at grade. It allows us to avoid the need for an elevator. These types of facilities are low traffic generators. There has been a traffic report that was submitted. The traffic will not have any bearing on the regular flow of traffic. All of the traffic will go through a controlled intersection. The roadway will be constructed by the means of ingress and regress for the additional lots that may be built by the current owner in the future. It provides a delivery system for the traffic. The buildings are remarkably different from what we see in standard storage facilities. It is a self-contained building rather than the individual boxes. The goal is for temperature and humidity control. The design of the building is part of a branding effort. This is not my clients first facility. They are attempting to have a presence in the storage business in Southern New Hampshire. They have operating facilities in Rochester and Greenland. Construction is underway in Manchester and Bedford and there is another facility on the boards in Epping. They have done their market research, have identified a need, and have tried to identify locations where this a win-win for the community and their business plan. The initial design called for warehouse type doors. There were some comments about those so they have been redesigned to allow for sliding doors. Typically the people who use these facilities are moving extra things from basements or garages or providing temporary storage between moves. In most cases the items are moved by people's own vehicles. They will drive up to the entrance. There would be carts available for people to use. The trips are short in duration and infrequent. The minority could be sales people that need to visit more often. Around the back there are the same type of sliding doors. The hours of operation would be Monday through Friday from 6am-9pm, Saturday 6am-6pm, and Sunday 6am-4pm. There would be one staff member on site at all times, sometimes 2 or more during busy times. It is not a high labor staffing requirement. There will be code access to a gate but only during the morning hours between 6 and 8:30am before someone arrives. After 9pm there will be no nighttime code access. The building is fully sprinklered and meets all life safety code requirements. It has a closed circuit television system for security. There will be cameras on the outside and inside of the units that will be accessible from the managers cell phones. There would be approximately 520 units. The market demand is in the smaller sizes such as the 5x5's. The largest unit would be a 10x30. Pricing has not been established. The parking grade is classified as a warehouse. The Rochester facility operates with 5 spaces, Greenland has 7 spaces, Manchester has 14. This facility will have 20 spaces provided with 4 handicapped which exceeds the requirements. There is open drainage. Some is captured in a culvert in a closed drainage system to bring to a treatment swail that sits on the south side of the property. It will be treated and discharged. In that drainage easement there is also a swail and treatment facility on the next northern lot. It is on the plan set and is part of the master drainage plan.

The facilities will be serviced by a municipal water system which will come via an easement and will be piped along the road. There will be stubs that will be provided for the other two lots so they will have access when it is time for them to build out. I noted a comment on the staff review regarding why there is a septic but not a connection into the municipal sewer system and that is because the demands are so minor. Bruce Kudrick thought it would be appropriate, based on the conditions, to do a small septic in the front. The lighting plan meets the regulations and criteria and is very well contained. There will be 7 street lights on the access road coming in, 18 building lights, and zero spill at the respective lot lines. The landscaping plan calls for 36 street trees. This seems like a lot of trees and a few of them will have to be removed when there is access to the other two lots. My suggestion is that the 36 be changed to not less than 30. There will be 34 plantings around the monument sign and 79 shrubs distributed around the property. There will be 6 decorative grasses that will be used, as well as 43 perennials and 10 ground cover plantings. For signage there will be a wall sign that will follow the branding plan and meets the regulations. There will also be an internally lit monument sign that will be available for turning around.

J. Donison: All of the comments have been addressed. The only outstanding items are the permits, letters from the Fire Department, and a request that the Sewer Commission provide a letter saying they are in agreement with the septic system rather than tying into the sewer.

D. Marshall: What about Village Water?

J. Donison: They are proposing to connect to Village Water.

D. Marshall: Is there an approval letter from them?

J. Donison: They will need one. Still outstanding is the Alteration of Terrain permit, wetlands permit, subsurface permit for their proposed leech field, and a letter from the Sewer Commission saying they are okay with them not connecting to the sewer system, a letter from the Hooksett Village Water Precinct agreeing to the water connection, and the Fire Department for their review of the circumference.

D. Winterton: Will there be any storage of motorcycles or small cars?

J. Cronin: Not small automotive vehicles, but there will be motorcycles.

J. Donison: There is a waiver request that there be 12" bank run gravel, 6" crushed gravel for the driveway.

D. Marshall: You are recommending that it be approved?

J. Donison: Yes.

D. Winterton: Will the applicant maintain and plow that driveway?

J. Cronin: It is part of the easement. There will be some sharing between the 3 lots and they will all

benefit from it.

Open public hearing.

No public comments.

Close public hearing.

*F. Kotowski motioned to approve the waiver request from completeness checklist for Beaver Brook (#06-18), Londonderry Tpke., Map 49, Lots 49 & 58. Seconded by T. Walsh. **Motion carried unanimously.***

*T. Prasol motioned to conditionally approve the site plan for a 2-story, 80,000 square foot storage facility subject to the receipt of the Alteration of Terrain permit, wetlands permit, subsurface permit for their proposed leech field, a letter from the Sewer Commission saying they are in agreement with not connecting to the sewer system, a letter from the Hooksett Village Water Precinct agreeing to the water main connection, a letter from the Fire Department for their review of the circumference, and before a building permit is issued a signed application must be in place for Beaver Brook (#06-18), Londonderry Tpke., Map 49, Lots 49 & 58. Seconded by D. Winterton. **Motion carried unanimously.***

CHANGE OF USE

None.

BOARD DISCUSSION

➤ **Merrimack Reserve Reclamation Bond**

J. Donison: A pre-construction meeting was held on this project. The majority of the site has an on-site private driveway and then some improvements as part of the town cul-de-sac. Typically the town requires a 30% bond be provided for the off-site improvements. The developer has requested that a reclamation bond to the value of \$15,000 be in place rather than a 30% bond. It is my recommendation that we go forward with that. Precedent was set on a previous project.

*D. Winterton motioned to defer to the recommendation of our Engineer. Seconded by T. Prasol. **Motion carried unanimously.***

P. Scarptetti returned.

OTHER BUSINESS

C. Cronin: JoAnn and I had a meeting at SNHPC about the possibility for the town to apply for a grant. New Hampshire Housing has provided \$50,000 to Plan NH to fund the first year of this program. It is under the NH Municipal Technical Assistance Grant Program and the purpose is to look at housing diversity and housing options in Hooksett. There has been a need in the market for smaller housing options. It would be working with a consultant to do a regulatory review which would include an audit of our ordinance to see if it is prohibitive to that kind of development, accessory dwelling units because

legislation is being passed that would require those by right to be allowed, and housing trends for elderly populations and SNHU grads. They are looking for support from the Planning Board before making any decisions on whether or not to move forward. The application for the grant is due less than a month from now. The grant money received could go up to \$10,000. SNHPC recommended asking for \$5,000 to \$6,000. We would have to put up a match of approximately \$1,200 which, with your permission, could be taken from the master plan account.

D. Marshall: Is this part of the community development block grant?

C. Cronin: No. This is not a federal grant.

F. Kotowski: I think it is a good idea to take advantage of opportunities, when we have the chance, in order to learn about the communities needs. In the event we have to do something down the road we are prepared rather than have to delay doing something because we don't have the information at hand.

T. Walsh: I think we are familiar in what we have for an inventory of housing opportunities in this town. In terms of the accessory dwelling legislation that is most likely going to pass, I think we are capable of getting through that ordinance ourselves. I don't see the harm but I don't see the need.

M. DiBitetto: We have had the tenancy to expand our lot sizes and allow for bigger houses. There is a trend toward smaller homes. I would recommend we apply for the grant.

P. Scarpetti: Once the study is done, is that for the public?

C. Cronin: A component of this grant that is required is to have a steering committee of volunteers and 5 percent of the money they grant has to be used on public outreach. It would be a very transparent process. It is also a requirement that it needs to be a community wide focus.

F. Kotowski motioned to apply for the grant. Seconded by P. Scarpetti.

F. Kotowski: I think it is time we look at this and find out what is out there. It is one thing to have a lot of housing and another thing to see what is actually available for those who want to downsize.

D. Winterton: There was a proposal that was switched from 55+ housing to all age housing. The reason was because there was not enough need for 55+ housing. Maybe this study would tell us that, but the marketplace told us that.

T. Prasol: I have some reservations with conducting a study and having something on the books suggesting what type of housing we need in Hooksett rather than letting the market figure that out for itself.

C. Cronin: This grant would be to get the input of the community to see what they want to see and if there is a need. The consultants would look at our zoning ordinance and let us know if there are any changes we should be making.

D. Marshall: The end result of a study like this could be, if this Board determines if there is a need for

smaller units, changing the zoning ordinance to accommodate that.

T. Walsh: I think the market takes care of this. As far as changing the ordinance, if we were approached by someone that is interested in building some of these homes in the future we can adjust for it at the time. I don't see the value of the study.

Roll Call

- T. Prasol - No
- D. Winterton - No
- P. Scarpetti - Yes
- T. Walsh - No
- F. Kotowski - Yes
- D. Grafton - No
- D. Marshall – Yes

Vote 4 - 3

Motion Fails.

C. Cronin: SNHPC has one current commissioner vacancy and in the Fall they will have two vacancies.

D. Marshall: My term is up in June. They meet once per month on the 4th Tuesday of the month. It is from 11:30am to 1:00pm I would be willing to take another term but there still will be two vacancies available. Anyone could hold the position.

ADJOURNMENT

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

The meeting was adjourned at 7:11 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**