

**Official**

**HOOKSETT PLANNING BOARD MEETING  
HOOKSETT TOWN HALL CHAMBERS (Room 105)  
35 Main Street  
Monday, April 15, 2019**

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

**PLEDGE OF ALLEGIANCE**

**INTRODUCE MEMBERS OF THE BOARD**

**PRESENT: Dick Marshall (Chairman), Tom Walsh (Vice-Chairman), P. Scarpetti, T. Prasol, David Boutin, Christopher Stelmach, and Robert Duhaime (Town Council Rep.)**

**ALTERNATES: Matt Reed**

**EXCUSED: None**

**STAFF: Nicholas Williams (Town Planner) and Bruce Thomas (Town Engineer)**

**APPROVAL OF MINUTES OF APRIL 1, 2019**

**April 1, 2019 Meeting – D. Boutin motioned to approve the April 1, 2019 Planning Board minutes, with amendments. Seconded by C. Stelmach. P. Scarpetti abstained due to not being in attendance at the April 1, 2019 meeting. Motion carried unanimously with a vote of 7-0.**

**CONCEPTUAL DISCUSSION**

**1. SPRUCE MOUNTAIN ASSOCIATION, LLC  
1794 Hooksett Road, Map 6, Lot 114  
27 lot residential subdivision**

D. Marshall: This item is for discussion only and is not a public hearing, however, if the proposed developer would like to hear from the public that will be allowed. Abutters were notified as a courtesy. There is no site plan in front of us at this time.

The proposed developer noted that he would like to hear from the public.

Doug McGuire (The Dubai Group, Inc.): We wanted to have this meeting to get a temperature of the Board specific to a couple of items. We had come before this Board several months ago. We were doing a sub-division from the existing Webster Woods community from the rest of the parcel. We decided it may make more sense to incorporate both processes at the same time so we withdrew that application. This would be a bit of a hybrid. We were proposing to do a standard sub-division with Urban Density. The ZBA was looking for us to create some protected and open space. This will be handled as a conventional sub-division plan with optional voluntary open space non-buildable areas. As far as ac-

cess, we have two options. Our plan is to come in off of Bernice Street. We have a 50' right-of-way that go the property. We had talked about creating a paper street. This would eliminate that. We would be coming in with one application so that we can extend the proposed roadways. Currently Bernice dead ends to Bert Street and turns up. Another option would be to extend Bernice Street to Granite Street. That is currently a paper right-of-way. There are advantages and disadvantages to that. We met with staff conceptually and there were some benefits to extending to Granite Street due to it being a thru way street. It would eliminate the 90 degree turn from Bernice to Bert. I believe Bernice was always anticipated to be extended to that spot. If we were to come in through Bert Street would be almost 1,600'. Coming from Granite Street extending up through to that same point would be 880'. We would need to know if we would need a variance for the length. We would be providing a second emergency access through Webster Woods.

D. Marshall: Has the current paper street researched?

N. Williams: We are in the process of looking at the Deeds. We are fairly certain that is a paper street that was deeded to the town.

D. McGuire: We found the deed where the original owner deeded certain tracts of lane of which that right-of-way parcel is to the town. We did not find anything that would outdate that. If the public can find anything different we would like to see that.

D. Marshall: If Bernice Street cannot be extended, that still does not impact your development. Correct? You would just have to access from Bert Street.

Doug McGuire: Correct.

D. Marshall: If you proceed this Board will have to have actual proof that is a paper street.

D. McGuire: Absolutely.

Discussion ensued between D. McGuire and D. Boutin on the point of access, distance, Webster Woods, and if a waiver would be needed. It was stated that D. McGuire has been in discussion with the Webster Woods Condominium Association.

P. Scarpetti: Would this be an association separate from Webster Woods?

D. McGuire: This would be it's own tract of land separately sub-divided.

P. Scarpetti: Would these be town maintained roads?

D. McGuire: Yes.

P. Scarpetti: Is the paper road south of Bert Street versus the one going into the sub-division?

D. McGuire: The piece of Bernice that goes to the sub-division is already constructed. The piece between the four homes is the piece in question.

R. Duhaime: This is not a cluster sub-division?

D. McGuire: No. We would voluntarily be putting in open space, non-buildable parcels to safe guard the ravine areas from the deeds and to provide natural buffer.

R. Duhaime: You could give some of that to conservation or drainage easement.

D. McGuire: Correct.

R. Duhaime: We would have to get clarification of where Bernice and Bernie streets start and end and if you would need a variance.

D. McGuire: We went to back to the original plan and this was intended to be Bernice. When researching that parcel of land, we went back to an actual deed from the original owner where those pieces of the right-of-way were deeded to the Town of Hooksett. I have provided that information to Nicholas. We could not find anything where the town voluntarily returned that land to the owner. The parcel owner deeds of all four of the parcels have the exact boundary shown except exclusive of the right-of-way piece. What the Board has to decide is if you want to see Bernice extended. It was extended to this tract of land because this piece was to be developed. If Bernice was intended to go from Granite Street to the property, then you have to decide if you would like us to do that. It would more of a cost to the developer to do that off-site development but we would like to know what the town would like to see.

D. Marshall: Are you proposing municipal water and sewer?

D. McGuire: Yes. Municipal sewer goes through Bernice now. Webster Woods. has the sewer go through their property so we would slightly realign and extend that.

D. Marshall: Are there structures on the paper street?

D. McGuire: No. The question is if it is still a paper street owned by the Town of Hooksett.

D. Marshall: If this was a public hearing, we give the public 30 days to prove that a piece of land is owned by someone.

### Open to Public

Don Ingalls (4 Hickory Court): We have no objection to the plan to develop. We are concerned about the open space. Will there be a homeowners association that will dictate the open space and how it will be assessed?

D. Marshall: Since this will not be a cluster, I believe that open space will have to be deeded to the town.

D. Ingalls: By Bernice there is a drainage filtering structure that was installed in 2013 due to water build-up and debris. The water collects and goes below Bernice. Someone has to take responsibility to maintain that. I recommend that Lots 1 and 4 be eliminated. The reason for Lot 4 is that the land slopes

very sharply. Eventually that may have to be repaired. Lot 1 has twice as much frontage along the ravine than any other lot which makes that land subject to erosion.

Dennis Teravainen (2 Bert Street): My concerns are the adverse impact on Bernice Street. At the onset of the meeting it was stated access was granted. If that happened by the original developer, it would be my understanding that all grants associated with that were null and void. The new developer has to start from ground zero for access to Bernice Street.

D. Marshall: On an approved sub-division once the plan is recorded that right-of-way is there forever. The question is if that right-of-way was specifically deeded to the town.

D. Teravainen: What if the the access way was created by another developer.

D. Marshall: That doesn't change it.

D. Teravainen: The primary access should be through Webster Woods. That is where it was supposed to be before the previous plans did not go through. I believe there will be an adverse impact to Bernice.

D. Boutin: Does the town maintain that portion of Bernice Street?

D. Teravainen: Up to the blue line only, but there is no road there.

D. Boutin: Both Bernice and Bert are town roads?

D. Teravainen: Yes.

Marian Kolesar (21 Cedar St., President of Webster Woods): I have been President for nine years. As far as the entrance from Webster Woods, that is a private community and we pay for everything. The town does not pay for anything. The intent was to separate and there was supposed to be an access through Bernice. There is a gate that will be placed for the emergency access that we have talked to the developers about. There would berm or plantings to separate the properties. The majority of the residents of Webster Woods are in favor of this and we will be working with Rob and Doug, but access is not an option through Webster Woods.

D. Boutin: Are you are okay with a locked fence with a Knox box so the Fire Department only will have access?

M. Kolesar: If that is mandated. If the Board feels that it is not needed we are okay with that as well. We will work with the developer with what is needed.

D. Boutin: Are there drainage issues?

M. Kolesar: Yes. There is erosion. Some of the drainage heads are at the end of the property. We would like to know who would be responsible for that? Water is a concern for Webster Woods.

Close to Public

D. Marshall: I would encourage you that extending Bernice is the way to go.

D. McGuire: We were hoping to hear from more abutters that are directly next to this property.

S. Bussiere: Mr. Valencourt lives at an abutting property. He said he had documentation about owning the road. He provided an excerpt from the RSA code about the merger of right-of-ways.

Discussion ensued on potential access to the proposed development.

D. Boutin: Will they be required to put in underground utilities?

D. Marshall: Yes.

D. Boutin: I think the issue that has the residents concerned is the drainage.

D. Marshall: The Town Engineer will be working on those issues.

R. Duhaime: There was interest about walking trails in this area. On those lots that if you had access you could go through the property. I don't know if you want to approach Kiwanis about trail access.

D. McGuire: That would be a good usable area for the residents and abutting residents to utilize. I will reach out to Kiwanis.

D. Boutin: If there is a trail access there an easement should be shown on the plan with an easement to the town.

## **REQUEST FOR IMPACT FEE RELIEF**

### **2. OSBORNE'S AGWAY #18-15 1220 & 1224 Hooksett Road, Map 34, Lots 29 & 30-3 Relief from impact fees**

Paul Osborne: Our family was dairy farmers and we built a store 38 years ago. It is a family owned business. We don't have a lot of funds and we are hoping for some relief.

Tom Osborne: We have been in this town for 32 years. We are simply looking to relocate. We feel like we should have some relief. We feel our new development will provide tax revenue to the town. The state statute states specific capital improvements should be made by the impact of the new development. What is the town going to gain by us moving a half mile away. We are going to be on a private road so the town won't be plowing our access. What capital improvement will be made by us moving down the road?

D. Marshall explained that impact fees are a part of the Town of Hooksett and how they are used. He also stated that when he read the letter provided by Mark H. Puffer from PretiFlaherty he was surprised and stated that the town is not in violation of the RSA's.

T. Osborne: Can we get credit back for our current location or the home on the land we will be using?

D. Marshall: What I have read is they would be close to \$57,000 but, after juggling of uses, it got reduced to \$46,000.

T. Osborne: How about credit back?

D. Marshall: We don't give credit back. Impact fees would not have been paid when your current site was utilized.

***R. Duhaime motioned to reduce the impact fee by \$8,000 for a total of \$38,395.68 for Osborne's Agway, #18-15, 1220 & 1224 Hooksett Road, Map 34, Lots 29 & 30-3. Seconded by T. Walsh.***

T. Walsh: A couple of years ago we started talking about the matrix of the impact fees. When I started looking at them I almost had a stroke myself. We are talking about a lot of money. Unfortunately, that was when we had our previous Town Planner so the research and planning to redo the matrix may have gotten lost. Nothing has been done with it since, but it has been talked about several times on this Board. That is why I am happy to second the motion. Anything we can do in the interim because I recommend we look at that matrix again to give the businesses in the area another reason to do business in Hooksett. I think the fees are exorbitant.

D. Boutin: I don't think impact fees are an issue as this is the first applicant, since I have been on the Board, that has come forward with this.

D. Boutin referenced the letter provided by Mark H. Puffer and did not agree with the content in relation to the rules of the Town of Hooksett.

P. Osborne: If you change the matrix in the next couple of years would there be a refund back?

D. Marshall: No.

T. Osborne: You have different matrix's for different categories and they don't correspond. There don't seem to be as many categories on public safety as everything else.

D. Marshall: If you study the matrix's of the other 13 communities in this state that collect them, you will find that it is similar. There are more possibilities within other categories as opposed to public safety.

**Motion was carried unanimously with a vote of 7-0.**

D. Boutin stepped down.

### **COMPLETENESS REVIEW AND PUBLIC HEARING**

- 3. RT 28 BYPASS, LLC #19-09  
253 Londonderry Turnpike, Map 35. Lot 25-2  
Site plan for commercial building**

**4. RT 28 BYPASS, LLC #19-08  
253 Londonderry Turnpike, Map 35, Lot 25  
3 lot subdivision**

**Open public hearing.**

D. Marshall: We are going to take the sub-division and completeness first.

N. Williams: Mr. Bussiere requested that we look at the site plan first.

D. Marshall: I won't approve the site plan first because that lot doesn't exist.

Scott Bussiere: There is a variance on this entire property and that is why I want to do it first. I don't have a problem with it as long as the variance goes with the existing mother lot. The reason for doing the site plan first is because I want to use the variance.

D. Marshall: Do you understand the situation you have put this Board in? It is a commercial use on a residential property.

S. Bussiere: I have the variance for it.

D. Marshall: I know you do.

S. Bussiere: So what is the issue?

D. Marshall: Once it is sub-divided the other two lots are residential.

S. Bussiere. Correct and I don't have a problem with that.

P. Scarpetti: That goes against the spirit of the ordinance.

D. Marshall: Have we been advised that doing the sub-division first puts the site plan at risk?

N. Williams: I did advise Mr. Bussiere that because of the variance that if we sub-divided the variance would stick with the parent lot which is true. That was reason we decided to look at the site plan first.

Tim Bernier (T F Bernier, Inc., Surveyor): When we presented the site plan for the variance for the use we notified the ZBA that it was going to be sub-divided and the variance would be just for this lot.

D. Marshall: Why didn't you go for a sub-division here before going to the ZBA which required no variances?

S. Bussiere: We notified the ZBA that it would be sub-divided. We didn't know how much land we needed. This property is on the town master plan to be zoned commercial. I was going to come in to rezone this corner as commercial on my own, but was told that commercial is what the town it is going to do down the road so I didn't bother doing my own rezoning. That corner should be commercial due

to it's location. I would have tried to rezone on my own but was advised not to. For some reason, you tabled all of By-pass 28.

D. Marshall: It came in front of us without us knowing about it.

S. Bussiere: I would have brought my piece in myself but was advised not to because it was on the master plan and the town was going to do it. I have the variance on that lot. If this Board says the variance goes to the main lot, do the sub-division first. If not do the site plan first and then I will sub-divide.

D. Marshall: As long as there is a consensus of the Board that if I go ahead with the sub-division first there is no question in anybody's mind on the Board that we are dealing with the correct lot when it comes to the site plan and it has a variance even in it's new form as an independent lot.

***It was a consensus of the Board that the variance will follow the large parent lot which is Tax Map 32, Lot 25.***

T. Bernier listed the lots and sizes and stated that they have all of the state approvals.

D. Marshall: Does staff find the plan complete?

N. Williams: Yes.

***T. Walsh motioned to find the site plan complete for commercial building for Rt 28 Bypass, LLC #19-09, 253 Londonderry Turnpike, Map 35. Lot 25-2. Seconded by P. Scarpetti. Motion carried unanimously with a vote of 6-0.***

Open to public comments.

Lori Paquette (Owner of 17 Woodstone Terrace): Auburn Road is becoming a major problem with traffic. My concern, for safety reasons, is placement of and how many cutouts, traffic flow, and if there has been a traffic study done.

D. Marshall: At this point we are talking about the sub-division so we have to treat it as if there is nothing there. The traffic will be discussed with the site plan.

Deidre Theodore (11 Auburn Road): This property was residential when we moved in 20 years ago. I wanted a residential neighborhood.

D. Marshall: The only lot we are talking about is the large one. The other two are still residential. The only reason the large lot would be commercial is because the ZBA granted that.

D. Boutin returned.

D. Theodore: That is one. I see two more coming down the road.

D. Marshall: We hope that does not happen.



D. Theodore: Now I will have to deal with the traffic, lights, and all of the things that come with commercial land.

D. Marshall: They could offer you a buffer.

Barry Nielsen (259 Londonderry Turnpike): I have no problem with this being commercial property. I think my own property will be rezoned commercial. I do have a couple of issues. There is a property marker that has been there for a long time. I would be interested to know what that is. I saw one of their drawings that was marked in red at the ZBA. I don't see it on the drawing that is provided here but I have pictures of it. I notice where they have the property line and have enclosed the pond in this development. My understanding was that I own the pond. Somebody else was trying to develop this and I have a drawing they put together that shows the pond on my property. That is something that should be ironed out before a building is put too close to a line.

T. Bernier: The pipe is a tail pipe that is stuck in the ground. It is not called for in the deeds. All of the land from Farmer Road to Auburn was owned by one person. This was the first piece that was sold. There were no monuments. When you own a piece of property the first person has senior rights.

D. Marshall: Even though the deed says it is his?

T. Bernier: It does not.

D. Marshall: Is your's a ground survey?

T. Prasol stepped down.

B. Nielsen: I am not sure. One of them does not show the pond. I was sold the property with the understanding the pond was mine. The previous owners used the pond for recreation of their own for 60 years and when they sold the property I was told I own the pond. I have not been able to find any pins along my frontage. That is why I am looking for clarification. I understand his point, but this pond was used for many decades as part of my land.

D. Marshall: If we approve this the pond will be belong to them, so if you have proof the pond is yours you need to show that to us.

T. Bernier: The pond is not of any value to commercial use.

B. Nielsen: What would matter is where the commercial building would be located.

T. Bernier: If you really want the pond I would suggest talking to Scott. Maybe a lot line adjustment could be done. From a legal standpoint there was no other way I could determine that line.

B. Nielsen: So even though what I have shows the pond on my property that may not be necessarily true.

S. Bussiere: It is an areal map with a tax map laid over it.

Close to public comments.

T. Prasol returned.

R. Duhaime: On the north property line going from Farmer Road to 28-bypass, the exact measurement is on the deed?

T. Bernier: I don't recall if it's less or more. It was off a little bit. There is a call for an abutter and a call for distance. The call for a boundary marker is over a call for distance. In this case Zapora held both pieces of property and it did not call for a monument. He sold off a piece with frontage on Londonderry Turnpike. There are conflicting title owners. The pond is on a wetland and is connected to a wetland system that splits two lots in half. It goes in the middle of the well and then there is a set-back. There is a lot of land that you can't do anything with.

T. Walsh: I appreciate you trying to work this out. Wouldn't giving the pond away affect your frontages on Lot 25?

T. Bernier: There is plenty there.

T. Walsh: Did you say you have already gone for your driveway permit?

T. Bernier: Yes.

T. Walsh: I usually agree when they try to T things off, but this is one location that I don't think I can agree with T'ing things off. When you come out of Zapora Drive trying to take a left, you don't want to risk anything. I think this is a crazy place for a driveway in this particular case.

T. Bernier: The state made us move it from where we originally proposed to have it. They wanted it farther down. If the zoning is changed to commercial use they will look at it again because there will be the potential for more traffic.

D. Marshall: I am exceptionally displeased with the ZBA that got us into this mess. This is zoning by variance. The people in this town voted to make all of this land residential. The voters did that and no Board has a right to override the voters. In this case the ZBA did just that. They granted a variance for a commercial use on residential property. For all intensive purposes, that is forcing the Board into an untenable position. I am not happy that there is conflict in this sub-division and you presented it. I would like to ask the Board to not take action on the sub-division tonight if that is agreeable.

***D. Boutin motioned to table the 3 lot subdivision for Rt 28 Bypass, LLC #19-08, 253 Londonderry Turnpike, Map 35, Lot 25. Seconded by T. Walsh.***

D. Marshall: The fact that an abutter raised an issue is enough to give him 30 days to prove to us where his property lines are.

S. Bussiere: This was on a master plan to be rezoned 10 years ago. I have a certified engineer standing here legally. I don't feel you have the right to table it.

D. Marshall: This is why we ask abutters to speak. Is it your intent that you want possession of that pond?

B. Nielsen: I don't want to cause a problem. I just want clarification. I don't like the feeling of being taken advantage of, and if I didn't raise the question I would always wonder.

***P. Scarpetti and R. Duhaime against. Motion carries with a vote of 4-3.***

S. Bussiere: The reason I bought this property was because there was already a variance before I bought it. I made the variance bigger. There was an 8,000 sq. ft. variance and I went to 12,000 sq. ft. 11,700 to be exact.

D. Marshall: The 8,000 sq. ft. variance is still valid. If you are granted this one, that will disappear.

N. Williams stated that the plans are complete.

***D. Boutin motioned to find the site plan for commercial building for Rt 28 Bypass, LLC, #19-09 253 Londonderry Turnpike, Map 35. Lot 25-2 complete. Seconded by P. Scarpetti. Motion carried with a vote of 7-0.***

John Rokeh (Rokeh Consulting, LLC): We prepared the site plan design and application. Currently we are requesting an 11,700 sq. ft. building, however, there are plans to eventually do a bigger development so we have shown the ghosted in buildings to show what is planned for the overall site. For the beginning those areas will be paved parking until the site is rezoned or gets additional variances. The drainage goes to the southerly side. We have the leach field that has been designed for all three buildings. We applied for AOT and the State of NH driveway permit. This is similar to the other buildings that Mr. Boussiere owns around Hooksett. The rear 40' is garage bays with one story of office space in the front. We set aside space for parking. We have put together the lighting and landscaping plans. We meet all of the wetland setbacks.

R. Duhaime: This is not a phasing plan, but I am not clear on what areas will be paved.

J. Rokeh explained where the catch basins and closed drainage systems are. He stated he could break it so there is an intermediate berm.

T. Walsh: Are Maps 36, Lots 1-3 and Lot 36 zoned residential?

J. Rokeh: Yes.

T. Walsh: I noticed these drawings were put up 7/28/2018 and show all the limits of clearing and the existing tree lines as proposed by this project. Obviously since then there isn't a stick standing. Did the property line get cut as proposed?

S. Bussiere: No. There is still plenty of land to the wetlands and in the back of the wetlands. There is probably 50' to 100' of trees left. I only cut 50' from the wetlands on this side, then you have the wetlands, then you have more trees.

T. Walsh: I will have to take your word for it but it doesn't look like that. It is a straight line of cut.

S. Bussiere: I am 50' from the wetland edge of cut.

T. Walsh: I want to make sure there is still a natural buffer there.

S. Bussiere: There is.

P. Scarpetti: As far as the buildings, you say you are going to build them like the other one on Rt. 3A.

S. Bussiere: Correct.

P. Scarpetti: Will there a 5 or 6 pitch roof?

S. Bussiere: There is.

P. Scarpetti: You have split block face on them.

S. Bussiere: The front will have it.

P. Scarpetti: You did full height on the ones on Rt. 3A.

S. Bussiere: I want to do half. I think it looks better.

P. Scarpetti: If we approve this, it will be 4' high?

S. Bussiere: Yes.

P. Scarpetti: and the pitch on the roof?

S. Bussiere: 4/12.

P. Scarpetti: That will mimic what you have on Rt. 3A?

S. Bussiere: Yes.

D. Boutin: Are you setting up as commercial or office?

S. Bussiere: About 15% warehouse and 85% office, but I would change to all office if someone wanted.

D. Boutin: You show landscape in the parking lot isles. What I find on the weak side is the frontage on Londonderry Turnpike. It does not show any plantings.

J. Rokeh: We can put in some street trees and flower beds.

D. Boutin: I cannot read part of the plan. Please add that it says “future proposed development” to the plan.

R. Duhaime: Is there a proposed retaining wall?

J. Rokeh: Yes. For site distance and drainage.

D. Boutin: Will there be road signage?

J. Rokeh: There is a proposed development sign.

D. Boutin: Have you submitted anything for that yet?

J. Rokeh: No.

S. Bussiere: I would like a small directory sign.

D. Boutin: You have to show that. If this plan was approved with no sign you would have to come back.

S. Bussiere: We will add it. It will be the same concept as the Giovanni’s sign.

D. Marshall: Bruce, have the 25 items been addressed?

B. Thomas: No.

**Open to public comments.**

No public comments.

**Close to public comments.**

**D. Boutin motioned to table to the May 6, 2019 meeting. Seconded by T. Prasol. Motion carried unanimously with a vote of 7-0.**

*D. Boutin motioned to take sub-division off of the table. Seconded by R. Duhaime.*

S. Bussiere stated that he has no use for the pond.

*D. Boutin removed his motion to take the sub-division off of the table.*

**CONTINUED PUBLIC HEARING**

- 5. NHSD HOLDINGS, LLC #18-18  
13 Benton Road, Map 30, Lots 1&2  
Site plan for a sports dome complex**

D. Marshall stated that the applicant has submitted a supplemental report which includes the information that was requested by the Board. D. Marshall read a summary of the report into the record and to the public.

D. Marshall: What produces a 38 decibel sound?

N. Golon: A bedroom at night or a library.

The Planning Board was provided with a petition signed by 91 Hooksett residents that was read into the record by D. Marshall. Attachments accompanied the petition. D. Marshall stated that the attachments do not show cause and effect. N. Golon also presented an on-line petition in which there were 730 supporters.

D. Marshall: Regarding the residents in the immediate area. The Planning Board has regulations that were voted on by the residents of this town. Other regulations were developed by the Board for the health, safety and well-being of the residents. We ask any developer or any person to follow the regulations. It is difficult for a Board to deny a sub-division, site plan, or anything else if all of the existing rules are met. The fact that you don't like it is not a justification. The regulations may not be perfect but, to get any change, the regulations would have to change and we have had no impetus to change the regulations for a specific project. This Board is open to hear anybody who wishes to speak. I will hear a resident first and a developer next to be fair.

Jeffrey Ingalls (29 Benton Road): I understand that if this meets all of the qualifications your hands are tied. I ask that there be a third party as far as the traffic study. With the wildlife consideration, we have animals that will be relocated into residential areas. As far as the decibels for the noise was that generator or fan?

N. Golon: The noise was for everything. To say this is sole source report is not accurate. It was prepared by TF Moran for this development and has gone to your Town Engineer and Bill O'Donnell at DOT. Mr. O'Donnell has stated they have no reservations even though this is not in their jurisdiction. The intent with our team is to provide the facts. If there was a need or desire for a third party I would have thought that would have been addressed early on in the project. We did a scoping meeting where we established the criteria. Nicholas Williams, Bill O'Donnell, and Bruce Thomas were on that email chain where it was determined how the traffic study would be done and we have met that with this report.

Mark Chagnon (President of Hooksett Youth Athletic Organization): There is a need for a facility like this in this town. Five sports programs would be using it mostly in the off-season. Travel teams will use this facility. A recreation team would not necessarily be using a facility like this due to cost. I am the head referee in a couple of indoor facilities, Bow being one of them. I am hearing there is a concern about games and the numbers that would be flowing through. I don't think a facility like this with no bleachers or viewing area will impact the way you think it would. At maximum even if hypothetically a game was played, there would be no more than 40 people in that building at one time. If I was a parent I would drop my kid off, they would train for an hour, and I am going to go run some errands or go to eat. That creates income for the community.

M. Chagnon listed the approximate number of children that would be using the facility.

D. Boutin: What do you mean by travel team?

M. Chagnon: For example, with soccer there are teams. Some are on a recreational level, some programs travel within the state, and others play out of state.

D. Boutin: Based on representations and documentation, it was stated this would be a training facility and then scrimmages were added in. There was no request to make this a facility for games. What is Manchester West was playing against another school.

M. Chagnon: SAU teams would use this facility to train if the SAU had the funds to pay this establishment. They would not play those games indoors.

D. Boutin: What do you say to the applicant who wants to have games?

N. Golon read the updated plans regarding usage and asked the Board if they felt the applicant was provided to much opportunity based on the what the Board would like to see.

D. Boutin: You have representing this was going to be a training facility. In the report both training facility and league games are mentioned.

N. Golan: We see no distinguishment. Official school games seems to be the lingo that is being used. We are not proposing any tournaments. We would be happy to amend this to state no official school games to rectify that. If for some reason that is desired or possible in the future, then perhaps we could revisit the Board for such a request.

D. Boutin: You talked about 40 people being in the facility and parents dropping off and coming back. If you have a high school level game on a Saturday afternoon, you will have the 40 plus people, plus the parents.

M. Chagnon: I officiated at every level in NE. I don't know of any SAU that has held an indoor game. The SAU's do not have the money. I think the distinction is league play. I don't see this facility getting to the point of Bow. We cap out everyday at league games. If there is an hour to spare this facility would be used for training. It takes time and money to form a league.

T. Prasol: It sounds like you are referring to, for example, a Babe Ruth, league. The sports that they are referring to are outdoor sports. However, I don't think we should take that opportunity away from them.

D. Boutin: I played in a leagues and that was different schools playing different teams. I need to know what league play is.

M. Chagnon: Say one of the travel soccer teams is scheduled to play a game and there had been monsoon. The fields get shut down. In that case those two teams may seek a resolution to get that game in. The home team may say we have a home facility we can use.

D. Boutin: Will the parents want to go to the game?

M. Chagnon: Yes

D. Boutin: There is no place in the facility to accommodate the parents.

M. Chagnon: Correct.

D. Boutin: I would not be happy if I were the parents.

M. Chagnon: They need to fulfill the obligation to the parents to get these games in.

T. Prasol: We are missing a point that we are not here as a Board to tell leagues when or where they can seek to hold a game.

D. Boutin: The issue is that from day one this applicant has presented this is a training facility. League games are totally different.

T. Prasol: Do you have a study that says there will be more traffic?

D. Boutin: That is not what this is about. This is about what the facility will be used for.

N. Golon: We have stated this will be a commercial recreational only sports training facility meaning that we will not have gun shows, boat shows, or any other shows. If the Board does not want games we want to know that.

R. Duhaime: The issue is if this is the correct site for this. There are limitations to this site based on the location.

N. Golon: This is an allowable use on this facility.

R. Duhaime: You border against a residential neighborhood.

D. Marshall read a letter from Nicholas Golon to Richard Marshall Chair, re NHSD Training Complex (18-18), dated April 9, 2019 into the record.

Robert E. Duval (Traffic Engineer, TF Moran): The only spectators will be the parents who are bringing the kids in the first place so there are no additional spectators. That includes games and practices. The type of use and game play we are referring to is generating as a practice. The ITE says that for a facility of this size, in the am peak hour is 20 and in the pm 16. We are saying 20. On a Saturday the number is 36 in the mid-day. We are saying 40. Those numbers are the basis for this report. This is what was used for the traffic study. We anticipate growth. That is included in background growth and that is what this facility would be. We do not see any significant traffic impact. Even to be conservative we did a worst case analyses per your Town Planner. It went from a two second delay to a four second delay.

R. Duhaime: This is a narrow town road. Would a turn lane or widening of the road make this intersection safer?



N. Golon: There is plenty of reserve capacity with one lane.

R. Duhaime: If you could make one improvement what would you do?

R. Duval: With these levels of traffic extraordinary measures are not necessary. You are asking if widening a road would make it safer. A wider road encourages people to travel faster. A narrow road causes people to travel slower.

R. Duhaime: Unless I consult with Town Council first I will not be able to support this decision.

Open to public comments.

Susan Marden (28 Benton Road): We have gone over the traffic report. You said there were only 40 cars in 15 minute increments. You did the study on a day where there was a two hour school delay. My neighbors and I went to visit the Milford Dome. On April 11 they had six games played between 8 and 10 pm. This is a big concern. I urge the Board to have another neutral party do a traffic study when there is full traffic during school hours. In the petition from the applicant there is proof that there are people that are not Hooksett residents and some people as far away as New York. As far as snow the Milford Dome did collapse.

S. Marden also stated that residents on Benton Road did their own traffic study which shows more cars than than the traffic study done by the traffic engineer.

Mark Miville (42 Main Street): I think there is confusion with the traffic study and it is disrespectful to tell the citizens of Hooksett that they are confused. I feel for them because I live across from Donati. The traffic counts should be doubled. What kind of facility doesn't allow the parents to stay. I think you are making this stuff up. An engineer should have more solid results, not estimates. We did the Martins Ferry survey when I was a Town Councilor. It has been said the interest is the kids, but the parents are not even watching the kids. Several houses are still considered PZ houses. Why are those residents no longer MDR? Why didn't the Board change those properties back to MDR? This property came here because they were within the PZ but they are really not. The Board should have changed that.

D. Marshall: The PZ is an overlay. The houses are grandfathered in to be MDR but if they are sold and destroyed they are zoned PZ. They cannot be rebuilt residential.

Michael Sydney (75 Ledgwood Road, owner of Merchants): We have been in Hooksett for close to 50 years and have paid millions to the Town of Hooksett. Our property has been trespassed. When we are asked to contribute to the town we do. When the house and yard of 18 Benton Road was full of trash I was the one to clean it up. I hired an attorney to find the owner. I have helped to widen Route 3 and Benton Road. We have worked with DOT on the water issues. Merchants Fleet is expanding and we decided to stay in Hooksett. We want Hooksett to be a place families and business want to be. I think the SportsDome would benefit the town. The project team has worked tirelessly on this project. This would create a tax base for the town. I request your approval for acceptance for the Sports Dome.

R. Duval: I am looking 591 trips on Benton Road and 470 on Martins Ferry Road and thousands on Hooksett Road. We compared our counts to the ITE and our numbers were conservative. The only estimates are those of the facility which is consistent with any facility.

N. Golon: The applicant is willing to forego league games and if the Board agrees to that we would rewrite the use of the facility, but I would like that to be a future item we could ask for. We would like to amend our request to state that league games would not be played at this time.

Andy Janosz (39 Main Street): Since the last meeting I called the company that manufactured domes and he said that noise would have an impact on a residential neighborhood. He said they have ways to lessen the noise. They take out one unit and replace them with smaller units. I want to see that in the plans. I asked him if it would go a half mile. He said not that far, but if you were close you would hear it. My concern is the 99 and the Tap Room hearing this. I also don't think their bathrooms are adequate. I question that parents are going to drop off their kids and leave. Grandparents will go to. I haven't heard anything about the opaque lighting.

Nichole Letendre (26 Benton Road): There was a letter from an attorney that stated residential uses of the neighborhood are being phased out and I took offense to that. If the attorney and the person representing this company thinks the residents are being phased out then what comes next. It was talked about at previous meetings not to put up convenience stores or something similar, but according to everybody here it is zoned for that purpose. I would hate to see that happen. When doing research on the PZ standards, I found that page 42 and 43 of the zoning ordinance state that anything going in shall not produce negative impacts on surrounding properties. I fail to see how this would not produce negative impacts on our surrounding properties. It also says that no building or structure should be erected, enlarged, altered, relocated, or any existing lot size be changed or newly created in the US Rt. 3 corridor, Performance Zone District, except in accordance with the dimensional standards. When you consult that table, it says that without public water and sewer the maximum building height is only 35'. They are proposing 72'. There maximum impervious is 50%. It has been addressed several times that there is a lot of impervious surface. They are also proposing to have a well and sewer, I fail to see how this falls into PZ standards.

D. Boutin: There are four lots in that area. If you want the zoning changed, have a petition warrant put together to change the zoning on those lots.

N. Letendre: Why does Table 10A state that without public water and sewer their maximum building height is only supposed to be 35' and they are proposing 72'.

N. Golon: I reviewed this with the Code Enforcement Officer and was told that because this is PZ the height of the structure is up to the determination of the Planning Board. Relative to that sub-category, it says a building of 75' is allowable with public water and sewer. We are not providing that. The height of our structure does exceed the 35'. Due to this being PZ the Planning Board makes the determination as to what is acceptable. We had this discussion at length to make sure the rules are being followed correctly. I am sure the Code Enforcement Officer would be able to provide that confirmation to the Board.

N. Letendre: The ordinance is clearly stated.

D. Marshall: Except the PZ it within the power of the the Planning Board to grant waivers on anything.

N. Letendre: In my personal opinion I would urge you not to grant that waiver. It talks about no diminished value to adjoining properties. I consulted a realtor and was told that there would be diminished value to the immediate homes in the area and our taxes would need to be reassessed to compensate for that diminished value. You want to allow something that is not cohesive with the neighborhood and are going to make an exception when it is against the rules.

N. Golon: We are not asking for a waiver. The height requirement does not fit our project. The Planning Board has the authority to approve the height.

N. Letendre: The Board needs to follow the rules.

D. Bouton: The PZ allows the Board more discretion. We doing what we are allowed to do under the regulations.

N. Letendre: I also question the viability of the business if parents are not allowed to stay and there are no concessions.

M. Sydney: We still own the houses. The houses were there, the town changed the zoning.

Tyrone Nelson (15 Sherwood Drive): I understand that your property is being impeded by this, but there are a lot of people that can benefit from this facility. I hear a lot of people that are against it. I am all for this. I will also be affected by traffic, but I am all for it.

Mike Downer (15 Park Lane): I don't envy the position you are in. These are Hooksett people doing something to benefit Hooksett people. There is a downside to the people on Benton Road, but the ability to have a facility of this scope is of a benefit. I have been all over the US and Canada and I see the benefit that this can potentially bring. I have also seen this applicant agree to what the neighbors want. These people are not millionaires. I think this is a tremendous value and these applicants are willing to work with us. When you hear what Merchant's has done for this town we want more people like that here and these applicants are committed to our town. That is what we want. I would urge the Board to take that into consideration and approve this.

D. Marshall: Bruce, are there any outstanding issues?

Bruce Thomas: I reviewed the site plan from a technical standpoint and any issues I have had have been addressed.

### **Close public hearing.**

***D. Boutin motioned to approve the site plan for a sports dome complex for NHSD Holdings, LLC #18-18, 13 Benton Road, Map 30, Lots 1&2 with the following stipulations: 1) hours of operation will be 8:00 am to 10:00 pm; 2) this will be used as a trainig facility for recreational and school athletics; This does not include approval for league sport games; 3) The decibel level on the site shall not exceed 45 within 400' of the site; 4) The clubhouse area will be limited to bathroom facilities and vending machines; 5) The subject plan approval shall be noted on the site plan; 6) Site lighting shall***

***not spill onto any adjacent properties included the south side of Benton Road; 7) The document that was provided to us about documents and requests for more information is made and appended to the site plan approval for future reference. Seconded by T. Prasol.***

R. Duhaime: Nothing against the applicant. I went over the book that was provided and none one of the examples look like they are next to a wetland in a residential neighborhood. I wish the town had more experience with this type of building. I wish there was a turning radius for this residential neighborhood. There is also a petition in front of me. This is a great idea. I think it would work someplace in town, just not at this location.

P. Scarpetti: The domes I have seen are white. Is there any other possibility it can be white on the inside and another color color on the outside?

N. Golon: The intent is that this will be an opaque structure so it does not reflect light. We created a 3-D movie on how this will look. As presented it is white with an opaque structure so that it would not reflect light. That is the color selection.

C. Stelmach: I would love to have Mr. Abbott here tonight. He was vague about the snow. I have a lot of paperwork on domes that have come down including Milford and Franklin Pierce University. There are a lot of safety factors concerning these types of buildings. There was one in NY that came down and there was a lawsuit regarding that.

N. Golon: Those are different types of structures. Egress ability and emergency procedures were provided. This needs to meet site plan and building code. We have had correspondence with the Fire Department and they are going to make sure that it is safe. The size of the perimeter is the building department's job. It takes one minute and eight seconds to evacuate the building. That is part of the building permit process. We are here today for the site plan.

C. Stelmach: So someone is going to be on site to babysit this structure?

N. Golon: Someone will be on site that knows how to take care of this.

T. Prasol: I am excited about this project. I hope this Board approves this. It is in the PZ zone and it fits this property.

T. Walsh: This is a tough one. Part of me says to approve because they have done everything we have asked them to do. The other side of me says that that the PZ gives us flexibility. I love the project just not the location.

D. Boutin: You can't say you like the project but not the location.

T. Walsh: It was a poor choice of words.

D. Boutin: This applicant has gone through great depth. The manuals have addressed concerns. A copy should be made of the manuals and addressed to the site plan when it is recorded.

R. Duhaime: This is a residential road. I did not see any locations in the manuals that fit this location. It fits the site but not the location.

D. Boutin: This project is a legal use and the applicant has met all of the requirements. There is no good reason to deny this. Save your town a law suit and do the right thing.

R. Duhaime: You are representing the Town of Hooksett. This is not the best use for this.

**Roll Call**

**D. Boutin: Yes**

**P. Scarpetti: Yes**

**T. Prasol: Yes**

**R. Duhaime: No**

**T. Walsh: No**

**C. Stelmach: No**

**D. Marshall: No**

**Motion denied with a vote of 4-3.**

D. Marshall: I don't agree because 1) The ordinance for PZ says the structure can only be 35' in height and this is higher. Our Code Enforcement Officer does not have the right to say it can be higher. That is a violation and they need a waiver to go higher than the required height; 2) I believe Benton Road is unsafe as it is and unless something is changed to make it safer I cannot support this.

T. Walsh: I concur on the safety on Benton Road. I am not satisfied with the traffic counts we were given. We don't know what the use is so how can we get an accurate traffic count. I also have concerns as far as the decibels.

C. Stelmach: There is an unusual safety concern with the dome and it doesn't fit where they want to put it in correspondence with the surrounding houses.

R. Duhaime: We have been given a petition for 100 citizens that I need to move forward to the Town Council to see if they want to do a traffic study. As a Board member I feel it does impact the homes on Benton Road being right in the residential neighborhood.

***T. Prasol motioned to table the site plan for a sports dome complex for NHSD Holdings, LLC #18-18, 13 Benton Road, Map 30, Lots 1&2. Seconded by D. Boutin.***

**Roll Call**

**D. Boutin: Yes**

**P. Scarpetti: Yes**

**T. Prasol: Yes**

**R. Duhaime: No**

**D. Marshall: Yes**

**T. Walsh: No**

**C. Stelmach: No**

**Motion carries by a vote of 4-3.**

**6. DEVELOPMENT REGULATIONS REVIEW**

- Bonds/Surety's**
- Limitations on Extension Requests**
- Non-Residential Permitting**

Not reviewed.

**OTHER BUSINESS**

**7. POTENTIAL ZONING AMENDMENT**

- Removal of the Performance Zone**

Not discussed.

**ADJOURNMENT**

***T. Prasol motioned to adjourn. Seconded by T. Walsh. Motion carried unanimously with a vote of 7-0.***

**The meeting was adjourned at 10:39 pm.**

**Respectfully submitted by,**

**AnnMarie White  
Recording Clerk**