

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT TOWN HALL CHAMBERS
35 Main Street
Monday, May 20th, 2019**

CALL TO ORDER

Chair Marshall called the meeting to order at 6:00 pm.

PROOF OF POSTING

MEMBERS OF THE BOARD

Present: David Boutin, Paul Scarpetti, Brett Scott, Dick Marshall, Robert Duhaime (Council Representative), Christopher Stalmach, and Matt Reed.

Absent: Thomas Walsh and Tom Prasol

PLEDGE OF ALLEGIANCE

Chair Marshall called for the Pledge of Allegiance.

APPROVAL OF MINUTES OF May 6th, 2019

C. Stalmach: A discussion which I had with Roger Duhaime regarding Bass Pro Shop is not included.

N. Williams: The person preparing the draft minutes was filling in for the regular clerk and was instructed to record only motions. I can ask her to include that conversation.

P. Scarpetti motioned to table the minutes of the May 6, 2019 meeting. D. Boutin seconded the motion.

Voted unanimously in favor.

APPOINTMENTS

**1. ECONOMIC DEVELOPMENT ADVISORY COMMITTEE
Discussion of proposed rezoning of Londonderry Turnpike and updates to Impact Fees**

David Scarpetti: The Economic Development Advisory Committee has been discussing zoning, rezoning and impact fees. We have talked about the rezoning of Londonderry

Turnpike and would like to see the commercial zone extended all the way to Farmer Road. It now stops at J. P. Noonan Trucking. That would include the property being developed by Scott Bussiere and Sapporos. At the corner of Wayne's Way, there is a question about what to do with the two houses there. One fronts on the By-pass and the other fronts on Wayne's Way.

Chair Marshall: Six homes are entrapped.

D. Boutin: There is a business at the end of the street, someone who works out of his home. It is an overhead garage door business.

Rob Duhaime: What is the density in that area?

N. Williams: It is medium density residential (MDR).

D. Boutin: Where the purple ends, what is the green area?

N. Williams: That is industrial.

P. Scarpetti: Commercial is allowed by special exception

Rob Duhaime: That is odd; it doesn't belong there.

P. Scarpetti: It is creating a hardship for residential houses in terms of the setback.

N. Williams: Someone has built a huge garage at the end of the street.

D. Boutin: That is the guy with the overhead garage door business.

Chair Marshall: Does he have a variance for that?

Roger Duhaime: No. I haven't seen them in for one.

D. Scarpetti: No one wants to live near a trucking business. The highest and best use is commercial.

N. Williams: I had a letter from Ms. Holleran of 42 Whitehall. She opposed the rezoning last year on the basis of aesthetics. She wants to keep the area behind Berry Road residential. B

N. Williams: I want to point out that our GIS has not been updated yet to include Bussiere's three-lot subdivision.

D. Scarpetti: The EDAC has also started talking about impact fees and how ours should be comparable to other towns. We don't want to eliminate them. We know of two companies who could look at them for us.

N. Williams: The impact fees were last updated in 2008.

Chair Marshall: We can't compare our situation with those without impact fees.

D. Boutin: Of the eight communities with impact fees, we are the only one with commercial and industrial impact fees. Our fees are reasonable. I don't know what we could improve on.

Chair Marshall: Hudson has commercial and industrial impact fees. Bedford is residential only.

M. Reed: I think it needs to be updated, but we need to compare total fees, whether or not they have impact fees. Anything should be looked at after 13 years.

Chair Marshall: Should we hire someone to take a look at them?

D. Boutin: I don't think it's going to change that much.

D. Scarpetti: Poultry Products moved to Londonderry. They charge thirteen cents per square foot for commercial and nineteen cents per square foot for industrial. Some communities like Auburn have no impact fees.

P. Scarpetti: At \$8,400 for a single-family, stand-alone home, we are the highest for residential impact fees. Do we charge for offsite improvements?

N. Williams: Concord has no impact fees but high permitting fees; ours are negligible.

D. Marshall: Prior to impact fees, there was no uniformity. There were the three E's: Enaction, Extraction and Extortion. The advantage now is you know what it's going to cost because impact fees are uniform. The funds go to transportation improvements, and funds not used must be returned to the developer at the end of six years.

Rob Duhaime: I think we should hold off on reviewing impact fees until the highway widening work is done. We have three corridors where we collect impact fees. More development means more infrastructure. We didn't fare well with getting the by-pass.

D. Marshall: It can wait a bit.

Rob Duhaime: The Town Council is constantly looking at impact fees and making sure they are used. They work well in our town because we have mostly state roads. This benefits the town. We have a new town administrator with lots of experience in economic development. You will have a chance to meet him in early June.

D. Scarpetti: A lot of things can be put on hold until the new town administrator begins. He will do a fabulous job. He has 30 years of experience.

P. Scarpetti: Some businesses are not being charged enough and some too much.

D. Scarpetti: We want to talk with you about the performance zone, the overlay on parts of the commercial zone. Should it be eliminated or restructured?

P. Scarpetti: I have read about the performance zone and it has a lot of good things. It should be strengthened. We should look at the percentage of visibility from the street of steel buildings. It has to be tightened up. We should give the people who are in it a copy of it. Town Attorney Matt Serge talked to us about the deficiencies but not now to fix them. Do we need a second opinion?

D. Boutin: Sometimes we have to make tough decisions. The purpose of the performance zone is to create incentives for flexibility. The performance zone isn't the problem. The dome was an anomaly to which architectural standards didn't apply. The performance zone did what it was intended to do. It gave flexibility. We are able to grant waivers. For developers, if you do certain things, you get a break somewhere else. Not much land is available on Hooksett Road.

Roger Duhaime: I disagree. The main road in Hooksett used to be DW Highway. We have buildings that look like they don't belong. Hooksett is defined by its rural nature.

Chair Marshall: That is too broad.

D. Boutin: It is not rural. We don't have a good handle on architectural standards.

Roger Duhaime: Does it go with the spirit of the town?

Chair Marshall: We can put architectural standards in the performance zone. We will be accused of not welcoming development. The standards will say 'shall' and 'will.' We need to put teeth in and grant waivers, not variances.

D. Boutin: The ZBA is approving variances in residential areas. Does that make sense?

Chair Marshall: No.

Mark Shagenon: What about mixed-use property where Legends is? How does that work with a performance zone?

Rob Duhaime: That is a valid point. Mixed use is not addressed. We want quality. Look at how Bedford did it.

D. Boutin: We should create a subcommittee to work with Nick. We don't have to reinvent the wheel. We could use the Southern NH Regional Planning Commission. Do we have a Chamber of Commerce?

R. Duhaime: No. We have Kiwanis.

M. Shagenon: There is a Hooksett Chamber of Commerce.

Joanne McHugh: I read that you would be talking about zoning regulations tonight. Some developers say they have a hardship. They agree to do things but a lot of them haven't done what they promised, or they have done something totally different. I live at Presidential Park. There has to be a way to check that the developers do what they promised. It is good for the Planning Board and the ZBA to be working together. The school system benefits from impact fees because they can plan for an increase in the number of school children. Thank you for allowing me to speak.

D. Boutin: This problem is everywhere. Code enforcement officers and building inspectors are inundated, especially during the summer. Towns don't have the personnel they need to follow up and inspect.

Karin Goyette, 17 Benton Road: How will you change the zone designation you discussed tonight?

Chair Marshall: It will be presented as a warrant article at the town meeting in March. The residents will vote on it.

K. Goyette: Does it require a two-thirds vote?

D. Boutin: No, it is just a simple majority.

Chair Marshall: Another way to do this is with a citizens' petition.

K. Goyette: How many signatures are needed?

D. Boutin: You need the signatures of 25 registered voters.

Chair Marshall: In 47 years on the Planning Board, I have seen four of these petitions make it to the ballot and only one passed. It is better for you to come to us with your ideas.

Chair Marshall: In summation, Nick will draft a warrant article regarding the zoning change. We will hold off on looking at impact fees until we have met with the new town administrator. We will ask Mr. Garron for suggestions about who should sit on subcommittee regarding the performance zone.

D. Scarpetti: Representatives of the Fairfield are interested in buying out the Firebird, which is adjacent to their facility

N. Williams: The asking price is \$200,000 more than what they wish to pay. They are looking for an abatement.

D. Boutin: Architectural standards should apply to all commercial properties, not just those in the performance zone.

PUBLIC HEARING

1. DEVELOPMENT REGULATIONS REVIEW

- **Bonds/Sureties**
- **Limitations on Extension Requests**

Chair Marshall opened the public hearing at 7:10 pm.

Chair Marshall: Per Board discussion at the Planning Board meeting of 03/18/2018, the following amendments to the Development Regulations are proposed:

Article I Section 10.03 (2): Time Limits for Fulfilling Conditions

Conditional approval shall be null and void unless all conditions necessary for release and recording of the plan are fulfilled within one year of the Board's granting of conditional approval. The Board may grant a maximum of five one-year extensions for a single application, upon written request filed with the Board at least thirty days prior to the expiration of conditional approval, stating the requested extension and the extenuating circumstances justifying an extension. Board consideration of extensions shall be noticed and shall include a public hearing. The applicant will be notified via certified mail of this hearing.

Chair Marshall: Currently there is no limit on the number of extensions. This sets a limit of five one-year extensions.

D. Boutin: In the second to last sentence we should add "one-year" before extensions.

Rob Duhaime motioned to close the public hearing at 7:14 pm. M. Reed seconded the motion. Motion carried unanimously.

Chair Marshall opened the public hearing on the Five-Year Vesting Period at 7:14 pm.

Article I Section 22.02: Five-Year Vesting Period

The Board may grant a maximum of five one-year extensions, upon written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period, stating the requested one-year extension and the extenuating circumstances justifying an extension. Board consideration of extensions shall be noticed and shall include a public hearing. The applicant will be notified via certified mail of this hearing.

D. Boutin: This is duplicative.

N. Williams: Yes, it is, but it is in another section of the Regulations.

D. Boutin: I would make the same correction to this paragraph. In the second to last sentence we should add “one-year” before extensions.

D. Boutin motioned to close the public hearing at 7:16 pm. C. Stelmach seconded the motion. Motion carried unanimously.

Chair Marshall opened the public hearing on Bond/Surety Requirements at 7:16 pm.

Chair Marshall: Per Board discussion at the Planning Board meeting of 03/18/2018, the following amendments to the Development Regulations are proposed:

Article I Section 18.05: Surety Amount

Site Plan Improvements with No Buildings or Only One Building Requiring A Certificate Of Occupancy (CO):

a) On-site Improvements – The surety estimate shall be provided by the Town Engineer or the Town’s Consulting Engineer. An acceptable form of surety shall be submitted at the preconstruction meeting for site restoration, erosion control, and necessary site clean-up and safety measures. The amount shall be determined by the Town Engineer or the Town’s consulting engineering service.

Site Plan Improvements with Multiple Buildings Requiring a Phased Completion or Separate CO:

a) On-site Improvements – The surety estimate shall be provided by the Town Engineer or the Town’s Consulting Engineer. An acceptable form of surety shall be submitted at the preconstruction meeting for site restoration, erosion control, and necessary site clean-up and safety measures. The amount shall be determined by the Town Engineer or the Town’s consulting engineering service, per phase, depending on the phasing approach provided by the Developer.

D. Boutin: I questioned the inclusion of “Town’s engineer/consulting engineer” because the town now has a Town engineer.

Rob Duhaime: We still do use consulting engineers, especially on multi-phase projects.

P. Scarpetti: We would also need a consulting engineer if the Town Engineer resigned.

Chair Marshall: I suggest “Town Engineer/Town’s Consulting Engineering.”

D. Boutin: I suggest separating these two articles.

N. Williams: That might be confusing to the voters.

M. Reed motioned to close the public hearing at 7:24 pm. D. Boutin seconded the motion.

Voted unanimously in favor.

Chair Marshall opened the public hearing on the Two-Year Post-Construction Surety at 7:24 pm.

Article I Section 18.08: 2 – Year Post-Construction Surety

The 2-year post-construction surety shall be provided to the Town by the Developer.

1) Purpose and Procedure - The purpose of this surety is to provide funds to repair or reconstruct infrastructure which has become damaged and for discovered latent defects during a two year post-construction period To insure against infrastructure damage and latent defects, the Developer shall provide the Town with a post-construction surety. The start date of the two-year post-construction surety period shall be the date of the Planning Board vote to accept the post-construction surety for the project. The estimated surety value shall remain unchanged and in effect for the entire two-year period. After the two-year period, the DPW Director or designee shall visit the project to determine if any damage or defects exist that require repair. The value of the post-construction surety shall be ten (10) % of the original total value of the surety.

2) 2-Year Post Construction Surety Release - The Town Council shall release the Surety upon a recommendation from the Planning Board.

N. Williams: This is separate from landscaping, although they could be combined. It could be about drainage. We have never collected for this, according to the Finance Director.

Rob Duhaime: This would give code enforcement some teeth. It will encourage property owners to maintain their properties.

D. Boutin: I don't see the benefit. If you didn't find it in the final inspection, why would you find it later? The town could take the property owner to task for anything.

P. Scarpetti: A drainage problem could result in property sinking.

Rob Duhaime: Maybe we should leave it alone and talk with the new Town Administrator about it.

D. Boutin motioned to strike this section. P. Scarpetti seconded the motion.

Chair Marshall: If we leave it, we should start using it.

N. Williams: We already get pushback for the bonds we already collect. Maybe we could combine all three bonds into one.

P. Scarpetti: If something is built incorrectly, will see in a year or two.

B. Scott: If we leave it in, we need to be specific about what is included. There should be limitations.

Motion defeated (6-1).

D. Marshall: If we feel strongly, we should find out what other communities do. Mr. Williams can do some research on that.

ADJOURNMENT

*D. Boutin motioned to adjourn at 7:43 pm. M. Reed seconded the motion.
Voted unanimously in favor.*