

**Official**

**HOOKSETT PLANNING BOARD MEETING  
HOOKSETT TOWN HALL CHAMBERS (Room 105)  
35 Main Street  
Monday, November 18, 2019**

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

**PLEDGE OF ALLEGIANCE**

**INTRODUCE MEMBERS OF THE BOARD**

**PRESENT: Richard (Dick) Marshall (Chairman), P. Scarpetti, David Boutin, Christopher Stelmach, and Robert Duhaime (Town Council Rep.) arrived at 6:32).**

**ALTERNATES: Brett Scott**

**EXCUSED: Tom Walsh (Vice-Chairman) and Matt Reed**

**STAFF: Nicholas Williams (Town Planner)**

**PROPOSED ZONING AMENDMENTS**

**11 lots on Benton Road: Performance Zone to Medium Density Residential**

**5 lots on Londonderry Turnpike: Medium Density Residential to Commercial**

D. Marshall moved this item to the beginning of the agenda due to the public notice stating the public hearing was to begin at 6:00 pm. The item was duly posted and copies of the text were available to the public. Two amendments are being proposed:

**Amendment No. 1**

Are you in favor of Zoning Amendment #1, as proposed by the Hooksett Planning Board, to re-zone the following lots from Medium Density Residential to Commercial:

Map 31, Lot 29; Map 31, Lot 54; Map 31 Lots 53-3A & 3B, Map 31 Lots 53-4A& 4B, Map 31 Lots 53-5A-5A & 5B, Map 32, Lot 24; Map 32, Lot 25; Map 32, Lot 26; Map 32, Lot 23; Map 32, Lot 25-1; Map 32, Lot 25-2.

The proposed re-zoning will convert the above mentioned lots from medium density residential to commercial for the purpose of creating uniformity in zoning along Londonderry Turnpike, south of Farmer Road, one of Hooksett's main commercial corridors.

Open public hearing

Lynne O'Brien (267 Londonderry Turnpike): How would going commercial affect the taxes?

D. Marshall: They would still stay residential.

Scott Bussiere: Lot 25 has been sub-divided into three lots, Lots 25, 25-1, and 25-2. Should they be added in that manner?

D. Boutin: They are.

D. Boutin recommended Lot 54 and 53 stay residential due to the other lots around the house being residential.

Jonathan Hardy (Pembroke, NH 298 Londonderry Turnpike): That property is my fathers. We don't feel the same way as you do. This year is the 100th year the Hardy's have lived in that home. I moved to town when I was two years old. Change has happened and that won't stop happening. We feel the turnpike has been broken up willy nilly. No more traffic can fit on that road.

Close public hearing.

***D. Boutin motioned to accept Amendment No. 1, exclusive of Map 31, Lot 54, and Map 31 Lots 53 3A, 3B, 53-4A, 4B, & 53-5A, 5B.. Seconded by D. Marshall.***

D. Boutin: I respect Mr. Hardy's comments, but everything around that intersection is residential, whereas the other lots are abutting commercial properties. I think it would behoove us to keep that lot residential for the time being.

D. Marshall: This will require a second public hearing due to the change.

**Motion carried unanimously with a vote of 5-0.**

### **Amendment No. 2**

Are you in favor of Zoning Amendment #2, as proposed by the Hooksett Planning Board, to remove the following lots from the Performance Zone and to subsequently rezone said lots from Commercial to Medium Density Residential:

Map 30, Lot 1; Map 30, Lot 2; Map 30, Lot 10; Map 30, Lot 11; Map 30, Lot 12; Map 30, Lot 13; Map 30, Lot 58; Map 30, Lot 50; Map 30, Lot 60; Map 30, Lot 61; Map 30, Lot 62

D. Marshall: Although the posting said Map 30, Lot 50, it should have read Map 30, Lot 59. The proposed re-zoning will remove the performance zone layer from the above mentioned lots and subsequently re-zone these lots from commercial to medium density residential for the purpose of maintaining the residential character of Benton Road.

Open public hearing

Michael Sydney (75 Ledgewood Road, Hooksett): My family has been running a business for close to 60 years. We bought the properties because they were zoned commercial or performance zone. We own 6 of those 11 lots and I would think someone would have contacted us personally before this. It

says that there will be no changes to our property. In my mind the rezoning is negated by what is in the letter. I am not sure what your intent is or why you are doing this. I want to keep this the way it is and exclude our properties from being part of the rezoning.

Nicole Letendre (26 Benton Road): I appreciate that you are taking the rezoning under consideration. The character of the road is residential. When the Sports Dome was approved certain stipulations were approved. My concern is if it isn't changed to residential something could come in the future. The road is busy enough as it is. I am concerned about the performance zone properties across from me. I would hate to see something else be developed on that land and would like to keep it residential.

Close public hearing.

There was discussion on the lots that Mr. Sydney owns.

N. Williams pointed out which lots are vacant and which have houses.

Karin Goyette (17 Benton Road): Mr. Sydney said he owns Map 30, Lot 60. We own that, which is 17 Benton Road. We live next door to 13 Benton Road and Merchants owns that one.

D. Boutin: In the overall scheme of this neighborhood Lots 2 and 61 are put together and it would be more proper for their use to stay in the Performance Zone and rezone the other lots to residential.

M. Sydney: Some of the lots are already in play with the Sports Dome Complex.

D. Marshall: That approval is not taken away by this action. It is grandfathered in.

D. Boutin: I think Map 30, Lots 1, 2 and 61 should be taken off the list. Why would you take a conforming lot and make it non-conforming?

***D. Boutin motioned to approve Amendment No. 2 with the removal of Map 30, Lots 1, 2, and 61. Seconded by B. Scott. Opposed by P. Scarpetti, D. Marshall, and C. Stelmach. Motion fails with a vote of 2-3.***

B. Scott: What about removing Lots 1 and 2 and skipping 61? Lot 2 is closer to Hooksett Road. Lot 1 is already going to be the Sports Dome. You can separate off those two but then you don't have something commercial being built right behind Lots 60 and 62.

P. Scarpetti: If the Sports Dome doesn't take place then we are faced with what is going to happen to Benton Road again.

D. Marshall: Anything of any real scale built on those two lots is going to really impact Benton Road.

B. Scott: If I was the owner of that property and I bought it with the impression of being able to use it for commercial use I would be disappointed to see that large of a lot converted to residential.

D. Marshall: We have always been taught there are no guarantees.

D. Marshall: This has to go to a second public hearing due to the notice stating Tax Map 30, Lot 50 which should have been Tax Map 30, Lot 59.

***P. Scarpetti motioned to submit the proposal for Amendment No. 2 to a second public hearing. D. Boutin opposed. Motion carries with a vote of 4-1.***

N. Williams will notify the property owner of Map 30, Lot 59.

**There will be a second public hearing for both of these items on December 16, 2019.**

## **APPROVAL OF MINUTES OF NOVEMBER 4, 2019**

**November 4, 2019 Meeting – D. Boutin motioned to approve the minutes of the November 4, 2019 meeting. Seconded by C. Stelmach. Vote of 5-0. Motion carried unanimously.**

## **APPOINTMENTS**

### **1. ANDRÉ GARRON, TOWN ADMINISTRATOR Proposed Development at Exit 11**

There was discussion on the current approval that is in place at the Exit 11 property. At the TIF meeting it was stated that the Town is working with consultants regarding the Exit 11 area. A. Garron asked the Board the permitted uses, what they would like to see in that area, and how would they would like it to be done. P. Scarpetti stated he would like to see a mixed use type of set up with a Master Plan so there is continuity throughout the entire property. D. Boutin stated the TIF Advisory Committee has a proposal for a sewer line and they would have to work with the state to get an easement to go across Cross Road and wants to wait to see how that unfolds. A. Garron stated he is not looking to propose anything, however, the closer it gets to any determination as far as infrastructure in that entire area, whether Exit 10 or 11, it would be good to be able to give feedback. D. Marshall stated that everything that has come before the Board has been commercial and if the sewer was in place we might be looking at different things. It is a valuable area and needs to be treated well. D. Boutin stated that Hooksett is well on its way to water development on the west side of Hooksett, which should be unfolded in the beginning of December. The committee is working on some details with DES. R. Duhaime stated that the idea of some rezoning of that area was due to the location between 3A and 93. In the past the question was if the west side of 93 was really needed. The pit was supposed to be opened and then closed. Now forty years later we are looking at development. A. Garron stated that with the incoming infrastructure it raises the potential of development in that area and the expectations are heightened. More concepts are being put out there such as distribution due to it's proximity to Rt. 93. The interest level is up due to the infrastructure. This conversation is to get a sense as to what the Board and community would like to see. D. Marshall stated that as things you progress discussion will need to be carried on. There is a zoning issue and if it is decided to go to a planned development there would have to be preparations. R. Duhaime stated that one of the reasons the Town Council agreed to A. Garron being the Town Administrator is the experience he has with infrastructure and that the Council is looking forward to that in the future.

## **WAIVERS**

**2. DAR BUILDERS, LLC #19-25**  
**Map 12, lots 24-17, 24-20, 24-25, 24-26, 24-27, 24-31 & 24-32**  
**Waivers for well radius**

Waiver of Item 11.13.3 - private Water Systems.

D. Marshall: This is for the same development, different builders.

N. Williams: This is a waiver of a requirement within the development regulations to have the 75' well radius be contained entirely within the subject lot which cannot be achieved due to the lot size.

P. Scarpetti: Are you saying that all of these lots are 150' wide?

Nicholas Morrow: Four of the lots are exactly 150' in width. Lots 17-20, 31 and 32 will go over no matter where you put it.. The reason I put 25, 26, and 27 is it is possible to have that well radius go over depending on where the septic is placed.

D. Boutin: Will all of the lots be 25' over?

N. Morrow: No. They will probably be less than a foot over the properties.

P. Scarpetti: How wide are the ones that are not 150'?

N. Morrow: I don't have that with me.

P. Scarpetti: My recommendation is to exclude those. Those should be set. The only reason we would be giving these to you is because it is impossible to put the well within the 150'. If you stake it out with a surveyor you will get within the 2' on those lots. We have to put some kind of a guideline on this. That is my opinion.

N. Morrow: With those three lots it is around 150' right at the road and extends wider at the end of the lots. We don't know where the wells or septic are going at this time. If the wells are closer to each other it might cause the well radius to go over the property line. We can exclude those until the plan is created. This was to prevent having to come for each individual lot.

D. Marshall: I cannot believe that you laid out lots so tight that you would have to pinpoint the well location and have to have designed and located the septic system. If you haven't designed it we don't know where it is. We have a guess. If you guess the 150' may not be valid anywhere on the lot.

N. Morrow: I did not develop the development.

D. Marshall: You have seven lots listed.

N. Morrow: Four will go over. Three are in question.

C. Stelmach: When this was surveyed were measurements done from dead center rather than the side of the casing?

N. Morrow: They have to take them from the edge of the casing which is an automatic 4". Instead of having it over two lots we are extending it as much as we can so it is exactly on the property line on one side and a little over on the other side.

***D. Boutin motioned to grant the waiver of the requirements of Item 11.13.3 - Private Water Systems for Dar Builders, LLC #19-25, Map 12, lots 24-17, 24-20, 24-31, & 24-32, waivers for well radius, subject to encroaching no more than two feet of the property line. Seconded by P. Scarpetti.***

Clark Karolian (District 5 Councilor): We had some issues due to bonds and the 75' radius. I subsequently met with NH DES. There is a sequence with waivers being given out. The state does not give waivers. They give releases that the contractor is signing that releases the state of NH and the abutters on the property from any liability if anything were to happen to their well. The radii does not have to be within the property. The applications and releases are coming in and getting recorded with the Registry of Deeds. Then it comes here to get a waiver so they can get a CO. That well can be moved and be off. The proper way to do it is to have a plan from the well contractor that now knows it can't be there, then it goes to the contractor or land owner, and they submit the plan for the well. It indicates that the well can be off center, outside that perimeter, and encroach by 10' as long as that well gets dug down into bedrock with extra casing, extra depth and the casing is sealed. It costs a minor amount more. It should be asked by the Planning Board before giving out waivers if the well contractor put in the well the way the state requires them to do. If that is done they are in compliance with state law. I would ask the contractor if they are aware of how to drill a well under special construction. I would also ask for the bond to still be requested. Once they show that the special construction was done they get their money back for the bond even if the radii is off. I found it was necessary to find out from DES what can be done.

D. Marshall: Everything you have mentioned has to deal with state regulation. In our case waivers are our regulations. Once an approved plan leaves the Planning Board it is out our hands and in the hands of Code Enforcement which must do the things that you have said. They are coming to us to waive our regulation, not the state's regulations. We are stuck with the waiver and the Council can still require that bonds be issued.

C. Karolian: I don't know the building code in the Hooksett Rules and Regulations regarding what wells require. I can only hope they mirror the state when it comes to well drilling and well water.

N. Morrow: In order to get our building approval it has to be sent to the town for approval and then it goes to the state for approval. If any changes needs to be done the state will talk to the engineer.

P. Scarpetti: The well company are the ones that are liable. They have to submit everything and be in compliance. It is all on record.

N. Williams: When a waiver is granted here for the well radius requirement, which is in our development regulations, there is a release form that is for disclosure purposes and is required to be signed off on by the property owner and the abutters and is recorded with the deed. That way all future property owners are made aware. The only thing that mirrors the state regulation is the 75' regulation. It doesn't include anything about special construction.

***Opposed by R. Duhaime and D. Marshall. Motion carries with a vote of 4-2.***

**3. SUMMIT VIEW OF HOOKSETT, LLC #19-26  
Map 12, Lots 24-4 through 24-16  
Waivers for well radius**

Waiver of Item 11.13.3 - Private water systems

*D. Boutin motioned to grant the waiver from the requirement of Item 11.13.3 private Water Systems for Summit View of Hooksett, LLC #19-26, Map 12, Lots 24-4 through 24-16, waivers for well radius. Motion fails for lack of a 2nd.*

D. Boutin: Why would you not approve this if you approved the last one.

P. Scarpetti: The lots have not been examined.

Keith Martell: I would like to withdraw the approvals for all lots except for Lots 4, 9, and 14.

R. Duhaime: I would like to see the full plan with the house and driveway location.

Keith Martell: There is a conflict in the regulations that make it impossible to do that. We have supplied a topographical map that shows our well locations when this was first approved. This is a matter of frontage.

D. Marshall: As long as you can meet the requirements for septic and well the house and driveway can move.

*D. Boutin motioned to grant the waiver from the requirement of Item 11.13.3 - Private Water Systems for Summit View of Hooksett, LLC #19-26, Map 12, Lots 4, 9, and 14, waivers for well radius, subject to encroaching no more than 2' on the property line. Seconded P. Scarpetti. Opposed by R. Duhaime. Motion carries with a vote of 5-1.*

**PUBLIC HEARING**

**4. PROPOSED ZONING AMENDMENTS  
11 lots on Benton Road: Performance Zone to Medium Density Residential  
5 lots on Londonderry Turnpike: Medium Density Residential to Commercial**

Moved to the beginning of the agenda.

**BOARD DISCUSSION**

None.

**ADJOURNMENT**

*P. Scarpetti motioned to adjourn. Seconded by C. Stelmach. Motion carried unanimously.*

**The meeting was adjourned at 7:39 pm.**

**Respectfully submitted by,**

**AnnMarie White  
Recording Clerk**