

Official

HOOKSETT PLANNING BOARD MEETING

**Hooksett Municipal Building
35 Main Street
Council Chambers, Room 105
Monday, July 6, 2020
6:00 PM**

MEETING CALLED TO ORDER AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

INTRODUCE MEMBERS OF THE BOARD

PRESENT: Richard (Dick) Marshall (Chairman), Tom Walsh (Vice-Chairman), Christopher Stelmach, Matt Reed, Paul Scarpetti, and David Boutin (Town Council Representative)

ALTERNATES: Brett Scott

EXCUSED:

STAFF: Nicholas Williams (Town Planner)

APPROVAL OF MINUTES OF JUNE 15, 2020

June 15, 2020 Meeting – D. Boutin motioned to approve the minutes of the June 15, 2020 meeting with amendments. Seconded by T. Walsh.

T. Walsh: Line 294 should read “recommend” instead of “appoint”.

Motion carried unanimously with a vote of 7-0.

1. OFFICER NOMINATIONS AND APPOINTMENTS

D. Marshall: I would like to continue as Chairman as long as the Vice-Chairman is Tom Walsh.

D. Boutin motioned to have Richard Marshall continue in the position as Chairman and Tom Walsh to continue in the position of Vice-Chairman. Seconded by P. Scarpetti. Motion carries with a vote of 5-0. D. Marshall and T. Walsh abstained.

D. Marshall: I say I want Tom Walsh because he represents a good balance and I have a great deal of respect for his opinion.

CONTINUED PUBLIC HEARING

1. SPRINGWOOD HOMES AND DEVELOPMENT CORP. #2020-14

47 **Goffstown Road, Map 22, Lot 32**
48 **6 lot subdivision**
49

50 Tim Bernier (T. F. Bernier, Inc.): This is a continuation of a meeting from last month. Any outstanding
51 issues with the driveways have been dealt with. We have submitted revised plans and coordinated with
52 Bruce, Earl and Nick. Nick went to look over the site distance issue. There is only small brush that will
53 be part of routine work. The driveways are designed to the house sites. All of the lots are good size.
54 There is one common driveway that is steep off of the road. It is a 20 percent slope. We had to do a
55 common driveway to get to the building envelope. The first lot has a wetland crossing and there is an
56 application into ZBA and Wetlands Board. There is road drainage. A culvert was installed on the next
57 lot up and the flow is channelized. In the woods there is another small crossing of forested wetlands.
58 There is a total of just over 500 sq. ft. of wetlands impact. There are no other wetlands on the entire
59 sub-division. We have received state sub-division approval for the lots that are under five acres.
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61 D. Boutin: Would it be appropriate for the Board to vote on the special exception this evening?
62

63 D. Marshall: We need to send a letter to the ZBA.
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65 ***D. Boutin motioned to send a letter to the ZBA indicating that the Planning Board has no objections***
66 ***to the special exception. Seconded by T. Walsh.***
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68 T. Walsh: It seems like an insignificant impact on the wetlands.
69

70 **Motion carries unanimously with a vote of 7-0.**
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72 D. Marshall: This conditional approval is strange. Under normal circumstances we are under pressure
73 to make a decision within a specified time period. Technically speaking, the plan has changed and the
74 time period is gone. If you decide to conditionally approve, the ZBA meets next month but I am
75 assuming they are going to request comments from the Conservation Commission and they don't meet
76 until August. The plans won't get signed until September.
77

78 D. Boutin: All the lots have 200' of site distance. The overall design of the lots is appropriate and the
79 wetlands are being addressed.
80

81 ***D. Boutin motioned to continually approve the 6 lot subdivision for Springwood Homes and***
82 ***Development Corp.#2020, 14 Goffstown Road, Map 22, Lot 32, subject to the receipt of approval of***
83 ***ZBA and Conservation Commission. Seconded by P. Scarpetti.***
84

85 T. Walsh: I am fine with the site distance. As far as driveways, is a condition going to be approval from
86 the Fire Department of the width and hammerheads?
87

88 T. Bernier: Some driveways are shorter than the 14' width requirement. All of them meet the length
89 requirement. Once you get behind the steepness the lots have a lot of room. It didn't make sense to
90 design a turn around due to the amount of land. We put a note on each one of the driveways that the
91 builder should meet with the Fire Department regarding an adequate turn around.
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93 T. Walsh: I am okay with that if you are okay with it.

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Motion carried unanimously with a vote of 7-0.

BOARD DISCUSSION

**2. STARBUCKS AT MERCHANTS PLAZA
1275, 1277 AND 1279 Hooksett Road, Map 25, Lot 46 & Map 31, Lot 1
Impact fee appeal**

D. Marshall: The applicant submitted a letter requesting that the impact fee be reduced. It is up for discussion on what would this Board would like to do with a request for an appeal?

T. Walsh: I read in a letter we received that municipalities are not permitted to assess impact fees from state highways. I don't believe that to be true.

D. Marshall: We had two projects that were state funded projects. One third of the responsibility of funding was the town. There was no question from the state that we would be using impact fees. On most projects there is involvement with a town road project intersecting with a state highway.

T. Walsh: We have approved the site plan to not allow left hand turns coming out of that site. Is there a plan to extend the median? What are the chances that the town would have to make those improvements?

D. Boutin: We have an impact fee ordinance. It is a logically developed ordinance consistent with state statute. I believe we have to stand our ground. If we open the door to this applicant, every applicant after that will ask for a waiver and there will be no purpose to having an impact fee.

T. Walsh: I respect what you are saying and want to support and apply the ordinance, but I believe we have given abatements to the impact fees. Unfortunately, a precedent has already been set.

N. Williams: Agway was given an abatement of the impact fee in the amount of what we impose for a single family residential.

Attorney John Sokul, Jr. (Hinkley Allen): I am representing Merchants Plaza. I am not asking for a waiver. I believe that under the impact fee ordinance a netting needs to be done for the buildings to be torn down and applied as a credit against the new use. Section 8 of the impact fee ordinance states that if a new development replaces an existing use the assessed fee is to be calculated as the net fee between that and the former use and not the replaced use. I think the Board is treating these existing buildings as being abandoned. We feel we are being penalized by waiting for a good use when the ordinance requires a netting of the new impact against the former uses. When I submitted the application I did not ask for a full waiver. I asked for a reduction of the fee. I went by the square footage of the buildings being torn down and asked for a credit of the traffic impact fee.

D. Marshall: The New Canton building was never assessed an impact fee. Had you converted the building it might be a different situation.

Attorney John Sokol: We could reoccupy those buildings without paying an impact fee at all. That is

141 why the ordinance requires the netting. The buildings have not been abandoned. The tenant is choosing
142 to not use the buildings. I am requesting that the ordinance be applied as written.

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144 ***D. Boutin motioned to keep the impact fees as assessed for Starbucks at Merchants Plaza 1275, 1277***
145 ***AND 1279 Hooksett Road, Map 25, Lot 46 & Map 31, Lot 1. No second. Motion fails.***

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147 ***T. Walsh motioned to continue the impact fee appeal for Starbucks at Merchants Plaza 1275, 1277***
148 ***and 1279 Hooksett Road, Map 25, Lot 46 & Map 31, Lot 1. Seconded by P. Scarpetti.***

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150 T. Walsh: This is not because I disagree. I want to look into this deeper based on the comments of the
151 applicant's attorney.

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153 Attorney Sokul: RSA 674:21, Subsection K, towards the end of Section K, has language about an
154 amendment to the state ordinance amended in 2012. There is also an article written by the New
155 Hampshire Municipal Association by Christine Filmore called Demystifying Impact Fees where she
156 talks about this at the end of her article. There is no case law interpreting the statute.

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158 D. Boutin: Attorney Sokul, what is fairness in your mind? What do you want to pay for an impact fee?

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160 Attorney Sokul: \$14,327.

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162 D. Boutin: That is one third of the impact fee that was assessed.

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164 B. Scott: I think it is fair that we all do more research on this.

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166 P. Scarpetti: We never addressed the plan as to directing the cars to go north instead of south. If it
167 becomes the town responsibility and it becomes a problem we don't have the funds to do that. Will the
168 Singers step up and take the responsibility for that if we give them an abatement on the impact fees to
169 make sure people go to north as opposed to cutting across.

170
171 Attorney Sokul: They are planning to sign that so that no one can take a left hand turn.

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173 D. Marshall: A sign is not going to do it. No one pays attention to signs. This Board said you must stop
174 that move. If they come back to us with just a sign, you are wasting your time.

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176 Attorney Sokul: We are at the DOT as well.

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178 D. Marshall: The DOT controls driveway permits. This Board can say that you cannot do that
179 driveway and override the DOT.

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181 Attorney Sokul: We intend to abide by the approval.

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183 N. Williams: I have not seen the revised plans.

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185 T. Walsh: I think that is a perfect opportunity to continue. If we are stuck doing the expense on that
186 median that changes everything.

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188 D. Marshall: Nick, has an engineer been assigned to this?
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190 N. Williams: I have not heard anything about that.
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192 D. Boutin: Abatement is not an appropriate word to use. It will never end. At that point you might as
193 well get rid of the impact fee ordinance.
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195 Attorney Sokul: I am not asking for an abatement or waiver. I am asking that Section 8 be applied to
196 this matter.
197

198 **Roll Call**

199 **D. Boutin: No**

200 **B. Scott: Yes**

201 **P. Scarpetti: Yes**

202 **T. Walsh: Yes**

203 **C. Stelmach: Yes**

204 **M. Reed: Yes**

205 **D. Marshall: Yes**
206

207 **Motion carries with a vote of 6-1.**
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209 **3. PRESENTATION OF CAPITAL IMPROVEMENTS PLAN**
210

211 Andre Garron (Hooksett Town Administrator): An effort was made to upgrade the CIP process in its
212 totality. The first phase was to look at the CIP projects throughout the town. Our department heads
213 determined what their capital needs are. A few more projects were identified. Those will be more
214 complete once the master plan is complete. Christine Soucy, our Finance Director, is present. As we
215 look towards the second phase, we are looking to expand the committees to have more representatives.
216 Projects will be prioritized and numbers will be attached.
217

218 Andre discussed new projects as well as studies that have been done within the town.
219

220 Discussion ensued regarding the vehicles that are being proposed, the necessity of them, and how they
221 will be paid for. It was suggested to have the subject of the vehicles standardized. The Planning Board
222 requested additional information on why the vehicles were being replaced, leasing versus purchasing,
223 who services the vehicles, and the protocol for caring for and servicing the vehicles.
224

225 ***D. Boutin motioned to table.***
226

227 T. Walsh: You say this is an advisory plan. How can I vote in favor of it when I don't agree with all of
228 it?
229

230 D. Marshall: Under normal circumstances the Planning Board would approve this, then it would go to
231 the Town Council, and then the Budget Committee. In the past we had two Planning Board members
232 and three or four at-large members. Specific interviews were conducted with each department and they
233 had to justify everything they were requesting. What was causing the Planning Board grief was the
234 time they spent and what came out of the Budget Committee didn't even look like what went to the

235 Town Administrator. It got disheartening and that is how the Town Administrator got it. I can see why it
236 should go back to the way it was before. What went to the Town Council was a good document. We
237 need to take action by the next meeting. Based on what this Board is saying they would like to see
238 Police, Fire, and Public Works here at the next meeting.

239
240 D. Boutin and M. Reed volunteered to speak with Police, Fire, and Public Works during the next week.

241
242 A. Garron: I can also have the department heads available at the next meeting.

243
244 **ADJOURNMENT**

245
246 *D. Boutin motioned to adjourn at 7:26 pm. Seconded by C. Stelmach.*

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

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250 **The next meeting of the Planning Board will be held July 20, 2020 at 6:00 pm.**

251
252 **Respectfully submitted by,**

253
254 */s/ AnnMarie White*

255
256 **AnnMarie White**
257 **Recording Clerk**