

Official

AGENDA
HOOKSETT PLANNING BOARD MEETING
ZOOM Meeting
Monday, February 1, 2021
6:00 PM

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

PLEDGE OF ALLEGIANCE

INTRODUCE MEMBERS OF THE BOARD (VIA ROLL CALL)

PRESENT: Richard (Dick) Marshall (Chairman), Chris Stelmach, Mike Somers, and David Boutin (Town Council Representative)

ALTERNATES: Don Winterton and Denise Prichette Volk

EXCUSED: None

NOT PRESENT: Tom Walsh (Vice-Chairman) (joined at 6:12 pm), Matt Reed, Paul Scarpetti, and Robert Duhaime (Alternate).

STAFF: Nicholas Williams (Town Planner)

D. Winterton and D. Prichette Volk will be voting members at this meeting.

APPROVAL OF MINUTES OF JANUARY 4, 2021

January 4, 2021 Meeting – D. Boutin motioned to approve the minutes of the January 4, 2020 meeting. Seconded by C. Stelmach.

D. Winterton - Line 175 should read: "I am not sure waiving the buffer zone would be favorable to the abutters."

Roll Call

C. Stelmach - Yes

M. Somers - Yes

D. Winterton - Yes

D. Prichette Volk - Yes

D. Boutin - Yes

D. Marshall - Yes

44 **Motion carried unanimously with a vote of 6-0.**

45
46 **NEW PUBLIC HEARING**

47
48 **WAIVERS**

- 49
50 **1. ANTHONY FRANCIOSA, COMPASS POINT PROPERTIES, LLC #2021-01**
51 **5 Whitehall Road, Map 31, Lot 91-1**
52 **Waiver from Article 10-A Section E: Permitted uses within the Performance Zone to al-**
53 **low 2 residential duplexes consisting of a total of 4 dwelling units containing 3 bedrooms**
54 **each for a total of 12 bedrooms.**
55

56 **C. Stelmach stepped down**

57
58 A. Franciosa: The site plan includes one driveway, tastefully built units, and screening for headlights.
59 Much of existing tree line and buffers would be left. This is the highest and best use for this property. It
60 is bordering the MDR to the east, an existing two family to the west on Whitehall Road, and a drug-
61 store across the street. This makes sense with the current existing commercial conditions in the com-
62 mercial market and e-commerce. This property is best suited for residential and is a tough location for
63 any other use. We feel it would be advantageous to the abutters to have more residential use rather than
64 a commercial use that would have more traffic flow.
65

66 D. Boutin: Will there be garages with the units?

67
68 A. Franciosa: Yes. There would be a front entrance for each and a bay per unit. Space may allow two
69 additional spaces per unit.
70

71 Tom Walsh joined the meeting.

72
73 N. Williams: If this is approved, site specific items will be reviewed at a forthcoming date.
74

75 M. Somers: Where are the wetlands?

76
77 A. Franciosa showed the location of the wetlands.
78

79 M. Somers: What is behind the buildings?

80
81 A. Franciosa: Vacant land. The stone house is on Rt. 3 and quite far away. Everything to the south is
82 vacant land that belongs to the stone house lot and everything to the east is MDR.
83

84 A. Franciosa: This parcel is serviced by municipal sewer and water.
85

86 N. Williams: As a follow up to the wetlands question, when the Board reviewed the sub-division, the
87 new lot line was purposely placed down the center of that wetland in the rear of the property.
88

89 T. Walsh: In my 10 years on this Board I have frowned upon the ZBA zoning by variance. Granting
90 this in the PZ is the same thing. We extended this to our public hearings and now we are faced with the
91 same question and why? I will not be a hypocrite. I don't disagree with this, but do not like the proce-
92 dure. The applicant had his opportunity to bring this to the public and did not do so. If we grant the
93 waiver on the change of use we will be granting a waiver in the density requirements. We either follow
94 our rules or we don't. I am a solid no on this.

95
96 D. Marshall: I share Tom's view about zoning by variance. If you would like to try to rezone that
97 would go to the public. I believe they should have the opportunity to change the zoning if they want to.
98

99 D. Boutin: I disagree. At one point this property, as a whole, was zoned commercial and after the sub-
100 division now you have a property that is not suitable for commercial development. It is unlikely any
101 community development will occur there. If you look at the neighborhood this sits between two resi-
102 dential properties and eastbound on Whitehall Road is all residential. We have the authority to grant
103 waivers on this Board because it makes more sense for this property to be developed residential than
104 commercial. I agree, we don't want to grant zoning by variances. We would be granting a waiver to the
105 use and to a use that is most suitable for that property. I think we would be spiting ourselves if we
106 voted against it because it is a waiver to a use.
107

108 D. Marshall: I disagree because zoning by variance and zoning by waiver is the same thing. I have
109 never agreed with it. If we grant this waiver you can go all around the PZ and start granting waivers for
110 use. If people are dissatisfied they can go for a zoning change. Tony had the opportunity to do that and
111 he decided to not go that route. That is his choice.
112

113 D. Boutin: Why do we have the authority under the PZ to grant waiver if we won't do it?
114

115 D. Marshall: We can grant waivers for almost everything else.
116

117 D. Boutin: Can we grant waivers for use?
118

119 D. Marshall: I don't believe we can.
120

121 A. Franciosa: I went to the owner and we tried to negotiate to come to an approach from a rezoning
122 standpoint. We could not come to an agreement on how to make that work for both parties. I made the
123 effort to move forward with the rezoning end of the deal and it did not work out.
124

125 D. Marshall: Why didn't you try to take it to the public?
126

127 A. Franciosa: We did. When I talked to the owner, in order to achieve the density in the MDR, we
128 would have to change the lot lines. The area would have fallen short. We would have had to add area
129 and we could not agree how to do that and have two conforming lots in the MDR.
130

131 Open public hearing
132

133 Jim Walsh We live across the street from this. I understand the hesitancy to do this. Having it rezoned
134 would have been the cleanest way. if there are going to be issues with rezoning I would support the
135 Board acting in favor of this. In the 37 years we have been living at this location that property has been

136 for sale and has had issues with ledge and wetlands. The townhouses looks like a nice use for that prop-
137 erty. There have been attempts to put in strip malls and business which did not happen. We would pre-
138 fer to see a residential use on this property and it would be best for this property.

139
140 D. Boutin: You are in favor of the Planning Board granting the waiver?

141
142 J. Walsh: I understand best practices and what I am hearing is that this might not be the best practice,
143 but I think you need to look at the sprint and intent of what is being done and the best interest of the
144 neighborhood. This is the best use for this property and the most favorable use placed before us as
145 abutters in 37 years. I would not want to see this project go away and have it developed for business
146 use. We would support a waiver by this Board for this property.

147
148 TJ Potter (Real Estate Agent for J. Walsh): I have represented a lot of people trying to market this
149 property We sought after someone like Tony to try to make this work. I would love to not have the
150 Walsh's have to worry about what will be going there. I think this is the best thing for all parties, even
151 if it has to be done by waiver.

152
153 Close public hearing

154
155 ***D. Boutin motioned to approve the waiver from Article 10-A Section E: Permitted uses within the***
156 ***Performance Zone to allow 2 residential duplexes consisting of a total of 4 dwelling units containing***
157 ***3 bedrooms each for a total of 12 bedrooms for Anthony Franciosa, Compass Point Properties, LLC***
158 ***#2021-01, 5 Whitehall Road, Map 31, Lot 91-1. Seconded by D. Volk.***

159
160 D. Boutin: In this instance, I believe the Board should look beyond the variance issue and at the best
161 use for this property. The residential use fits in nicely with the neighborhood and will bring tax dollars
162 to the town. When we talk about housing in Hooksett we have a shortage and this would add to the
163 availability. The right thing to do is to grant the waiver and allow the residential development.

164
165 T. Walsh: I agree this is a good use for the property but I cannot go against my core beliefs. Even if
166 this application isn't satisfied they could have gone to the ZBA for the density issue. If it was not done
167 correctly this year it can be done next year. Procedures are procedures and why are they there if we are
168 not going to follow them.

169
170 D. Boutin: Waivers are part of the PZ and the ordinance allows us to grant them. In this instance it
171 makes sense, fits the neighborhood and the abutters agree with it. Once we get to the site plan we can
172 talk about the rest. If we are not going to grant waivers we ought to take them out of the PZ ordinance.
173 The waivers are there to facilitate good development.

174
175 T. Walsh: I understand the waiver process and am flexible when they are legitimate waivers. This is
176 going against what the voters and citizens of the town decide which is the zoning and density. A few
177 people on the Board should not change something that is serious.

178
179 D. Marshall: I am against any waiver for the use of the property. The Board members should keep in
180 mind the Planning Board sets precedent whereas the ZBA does not.

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182 **Roll Call**

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- T. Walsh - No**
- M. Somers - No**
- D. Winterton - No**
- D. Prichette Volk - Abstain**
- D. Boutin - Yes**
- D. Marshall - No**

Motion fails with a vote of 4-1.

I have been on the Board for a couple of weeks. I seconded the motion to hear more but do not think I have enough experience to vote on something like this yet.

C. Stelmach returned.

**2. JR HOELL, GENESIS SYSTEMS #2021-02
1143 Hooksett Road, Map 39, Lot 28
Waiver from buffer requirements under Article 22 for a lot in the Performance Zone**

JR Hoell made a presentation of the area and made reference to the zoning ordinance and a required 50' buffer. He stated the road is level and rises in elevation to 380. His recommendation is to put the buildings parallel to the slope, have a buffer around them, and parking in between the buildings with garages facing each other in the middle buildings and the one on the street side not being visible. He said that a buffer zone requirement makes the land non-developable.

C. Stelmach: Has the Fire Department said anything about getting around the building?

JR Hoell: I have chosen to not invest time into that until I know it is a possibility that there can be a waiver. You can get around on three sides.

D. Marshall: Do you have any intention on installing sprinklers?

JR Hoell: Two of the buildings would be. The one to the west would be a building on slab for garage storage.

D. Boutin: Three sided building access has to be sprinklered.

JR Hoell: I am pretty sure that if it will be used for office space it would have to be sprinklered. I have no problem putting in sprinklers in the two buildings.

- Open public hearing
- No public comments
- Close public hearing

JR Hoell: Article 22 of the zoning ordinance there is a clause regarding building height and setbacks. Having a decorative roofs is nicer but hurts the setbacks.

227 D. Marshall: That cannot be brought up tonight but can be in the site plan.

228

229 D. Winterton: If we were to grant this waiver and he isn't able to build the building or chooses not to,
230 does the waiver stay with the property?

231

232 N. Williams: With the PZ it is a gray area. I will ask our town attorney.

233

234 JR Hoell: This has been on the market for two years and had been overgrown so much you could not
235 even find the sign.

236

237 N. Williams: There can always be a stipulation within the motion to be specific to Mr. Hoell's devel-
238 opment.

239

240 JR Hoell: I am the proposed buyer of this property. We have a signed purchase and sale agreement but
241 it has not gone through because we did not know if we could get the waiver.

242

243 *D. Winterton motioned to grant the waiver from buffer requirements under Article 22 for a lot in the*
244 *Performance Zone for JR Hoell, Genesis Systems #2021-02, 1143 Hooksett Road, Map 39, Lot 28*
245 *with the condition that the waiver stays only with this application. Seconded by C. Stelmach.*

246

247 D. Winterton: I had asked what the abutters opinions were and we have not heard any so I am going to
248 assume they are fine with this.

249

250 **Roll Call**

251

252 **T. Walsh - Yes**

253 **C. Stelmach - Yes**

254 **M. Somers - Yes**

255 **D. Winterton - Yes**

256 **D. Prichette Volk - Yes**

257 **D. Boutin - No**

258 **D. Marshall - Yes**

259

260 **Motion carries with a vote of 6-1.**

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262 **DISCUSSION**

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264 **3. NHDOT Corridor Study Program Application for Route 3A/Hackett Hill Road Corridor**
265 **Study**

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267 N. Williams: NH DOT is starting a new program to conduct corridor studies. They are trying to secure
268 a third party consultant. Bruce Thomas has been looking to pursue this at the Hackett Hill/3A and Main
269 St./3A intersections. We intend to submit an application this summer. Depending on what actions the
270 ZBA takes with the proposals at Exit 11, it would be important for the Planning Board to work with the
271 consultant studying how both intersections work in tandem.

272 **OTHER BUSINESS**

273

274 None

275

276 **ADJOURNMENT**

277

278 *D. Boutin motioned to adjourn at 7:05 pm. Seconded by D. Winterton.*

279

280 **Roll Call**

281

282 **T. Walsh - Yes**

283 **C. Stelmach - Yes**

284 **M. Somers - Yes**

285 **D. Winterton - Yes**

286 **D. Prichette Volk - Yes**

287 **D. Boutin - Yes**

288 **D. Marshall - Yes**

289

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

291

292 **The next meeting of the Planning Board will be held March 1, 2021 at 6:00 pm.**

293

294 **Respectfully submitted by,**

295

296 */s/ AnnMarie Scott*

297

298 **AnnMarie Scott**

299 **Recording Clerk**