

1 **Official**

2 **AGENDA**

3 **HOOKSETT PLANNING BOARD MEETING**
4 **HOOKSETT TOWN HALL CHAMBERS (Room 105)**

5 **35 Main Street**

6 **Monday, December 6, 2021**

7 **6:00 PM**

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

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12 **PROOF OF POSTING**

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14 **PLEDGE OF ALLEGIANCE**

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16 **INTRODUCE MEMBERS OF THE BOARD**

17
18 **PRESENT: Tom Walsh (Chairman), Chris Stelmach (Vice-Chairman), Don Winterton, Matt**
19 **Reed, M. Somers, and David Boutin (Town Council Representative)**

20
21 **ALTERNATES: Sheena Gilbert and Denise Pichette Volk**

22
23 **EXCUSED: Paul Scarpetti and Robert Duhaime**

24
25 **NOT PRESENT:**

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

28
29 **S. Gilbert will be a voting member this evening.**

30
31 **APPROVAL OF MINUTES OF NOVEMBER 15, 2021**

32
33 **November 15, 2021 Meeting – D. Boutin motioned to approve the minutes of the November 15, 2021**
34 ***meeting. Seconded by D. Winterton. M. Somers and S. Gilbert abstained due to not being present at***
35 ***the November 15, 2021 meeting. Motion carried with a vote of 5-0.***

36 Line 441 – “Vote of 4-0” should read “vote of 5-0.”

37
38 Line 103 – “a butter” should read “an abutter.”

39
40 Line 158 – “C. Pearson” should be changed to “C. Stelmach.”

41
42 **SCHEDULED APPOINTMENTS**

43
44 **1. JULIE BUSSIERE**

45 **Request to rezone Map 24, Lot 29-2 from Commercial to Medium Density Residential**

46
47 T. Walsh: She could not make it to the last meeting and asked us to put it on the agenda for tonight.
48 She is not in attendance at this time but will hear her application if she comes to the meeting.
49

50 **PERFORMANCE ZONE WAIVER REQUEST AND PUBLIC HEARING**

51
52 **2. PAQUETTE & SONS POOLS AND SPA #21-30**
53 **Map 34 Lot 26; 1204 Hooksett Road**
54 **Performance Zone Waiver Request**
55 **Request for Relief from Required Side Yard Setback**
56

57 T. Walsh read a letter into the record from Mr. Paquette stating that he is withdrawing his application
58 and will reapply when he has more information on the project. No action is needed from the Planning
59 Board.
60

61 **CONCEPTUAL DESIGN REVIEW/PROJECT PROPOSAL**

62
63 **3. JOE WICHERT, LLS.**
64 **Map 18 Lot 29; 3 Dartmouth Street**
65 **14 Units Age-Restricted Housing**
66

67 Attorney John Cronin (Cronin, Bisson, and Zalinsky) was present.
68

69 J. Wichert: Siron has purchased the property. We have gone through different scenarios. Southeast of
70 The Brickhouse has single family lots that are three acres in size. They are zoned PZ with municipal
71 sewer and water. There is sewer on Hunt Street by Rt. 3 and up by Iron Wood Circle, not in front of
72 property. There is water on both streets, but the water precincts want us to come in off Hunt Street. We
73 settled on this proposal. The units would have a two-car garage on a private road from Hunt Street to
74 Dartmouth. We tried to squeeze units into the road. The Rt. 3 parcel is more likely to be developed for
75 commercial use. We were struggling to find some way to do commercial use. There is a 66' buffer to
76 that lot line. There is a 25 or 30' buffer to allow the development of the parcel to the west. Rt. 3 has
77 frontage, so they do not have to account for a buffer on that property. These would be one story build-
78 ings. We could account for 30' of building height on the other property. There is a park to the north and
79 east. This mirrors that one. The driveways on that property are side loads. We have front loads but are
80 negotiable to changing that. We are not opposed to a landscape buffer on the west side. We would like
81 to keep the age-restricted units opened.
82

83 Norris Viviers: If this was changed to residential it would make sense to keep the house if this could be
84 a traditional neighborhood. To sub-divide this land and put in houses in the \$400,000 to \$500,000 price
85 range did not make sense. There are single family homes, duplexes, and commercial buildings between
86 Hunt Street and this property so putting in a traditional sub-division did not work. The trend in the PZ
87 seems to be that the back land is being reconsidered. Behind McDonalds was rezoned from PZ to
88 MDR. This fits in the theme of the board looking at the back land of rezoning the PZ. Putting in tradi-
89 tional construction houses would not fit this neighborhood. I thought of doing something more in the
90 affordability range. We would be proposing to do housing so that the people could own the land in
91 common. Those houses would be in the \$300,000 range. If the board is open to allowing families, I am
92 open to that. The Brookridge Community is what is predominantly in the neighborhood. These would

93 be premanufactured homes on set foundations with two car garages. The market will not support a PZ
94 use with Covid. Office buildings are being turned into homes.

95
96 T. Walsh: How come this parcel is divided into six?

97
98 J. Wichert: That is the old deed track lines.

99
100 T. Walsh: It is up to us if we would grant the age-restriction or not. We have to consider traffic getting
101 in and out. The glass is probably full. How many bedrooms would these be?

102
103 N. Viviers: We would like to see three.

104
105 T. Walsh: The size?

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107 N. Viviers: We would put in a typical size. We would look at the placement and setbacks. This is wide
108 open and a different proposal than anything done out there now.

109
110 T. Walsh: It is different. It is not conservation or conventional. I am not sure what it is and if it is in
111 our regulations. I want to look into that.

112
113 N. Viviers: It is owning the land in common versus a rental situation.

114
115 T. Walsh: You referred to us making changes on a lot of the back lands. I am not sure how true that is.
116 We have looked at a couple of them. The backlands were included in the PZ due to the understanding
117 that, for any decent commercial endeavors, they need bigger lots than what is provided on Rt. 3. The lot
118 behind McDonalds, was rezoned it because it did not make sense commercially, with the crest in the
119 road. The only other one that I know of, as far as backlands on the PZ, was the Animal Cracker house.
120 That person bought the property when it was residential. It changed to commercial, and then PZ, while
121 he possessed it. The owner owned that property for over 20 years and took a bath on it. He also put the
122 residences back to where they were when he initially bought the property. I hesitate to make changes to
123 a plan that is working, even though we have outside circumstances. Right when we think we should
124 make a decision, something happens that goes along with our plan. Legends was just bought. It is going
125 to be a light manufacturing company with government contracts. The other property that apartment
126 company was looking at, over by Post Road, has been purchased and they are going to maintain com-
127 mercial opportunities with an assisted living proposal. Park Place is now being developed. Dominos is
128 coming in. Every time I hear someone say commercial is gone I am not convinced.

129
130 D. Boutin: I do not recall planned unit developments (PUD's) being in our zoning ordinance.

131
132 T. Walsh: I don't either.

133
134 D. Boutin: That brings into question the legality of this project. I think that is a serious issue if this is
135 not a legal use.

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137 ***D. Boutin motioned to table so that the Planning Board can get a legal answer about the zone. Se-***
138 ***conded by M. Reed.***

139

140 M. Reed: I think the maximum was nine units.

141

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

143

144 N. Viviers: What is the difference between a condo and a PUD?

145

146 Attorney Cronin: We would like to get the feedback from the board and hear the good, bad, and the
147 ugly. That might lead Norris to change course or move forward.

148

149 T. Walsh: We are tabling for now so that we can do our due diligence.

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151 **OTHER BUSINESS**

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153 **4. DEVELOPMENT REGULATIONS – AMENDMENTS**

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155 **A) New Residential Construction – Fire Access, Alarms, Turnarounds, and Sprinklers**

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157 T. Walsh: In 2019, this board approved a sub-division on Old Goffstown Road with five or six lots.
158 The plan details were consistent with our ordinance in terms of the driveway width and slope, etc. Our
159 development regulations say driveways have to be 12’ wide, over 300’, and goes up to 14’. That is for
160 utility vehicles because, in some cases, it is needed. Since then, a person bought one of these lots and
161 built it with a construction loan. They followed our regulations, got a permit, and follow the plans that
162 were approved by this board. When they went to get their CO, the fire department said they would not
163 sign off on the driveway because it needed to be 20’ wide. They had a meeting and the fire department
164 said they would take 16’. That is still above our regulations. We received a paper titled “Requirements
165 for New Residential Structures/Additions that is misleading. It says “the following are fire access flow
166 and driveway requirements for residential structures required by NH state fire code and Hooksett devel-
167 opment regulations. That is not accurate. We have not changed the regulations and we are the only ones
168 that can do it. This paper states what the fire department is saying needs to be in our development regu-
169 lations to be compliant with the NH state fire code. I do not find that to be the case. Right now, the fire
170 department is claiming that any driveway in excess of 150’ is now considered a fire access road. Chap-
171 ter 18 in the NFPA 1 2015 edition, is related to fire access roads. It talks about gates, lock boxes, etc.
172 An example of a fire access road is the gated road between Berry Hill Estates and Nancy Lane. The
173 definition of a building in RSA 153.1, paragraph 2 excludes family homes from the definition of build-
174 ing. Single family and two-family dwellings are given their own definition in RSA 153.1, paragraph
175 10. Chapter 18 in the fire code refers to buildings. In our statute, any reference to buildings in the fire
176 code does not refer to a single-family home or a two-family dwelling. I cannot find anything in the fire
177 code that refers to private individual driveways, so I called the Fire Marshall and asked him the follow-
178 ing questions: 1) Is there any chapter in NFPA 1 2015 that defines and regulates the size of residential
179 driveways? He said “No.” 2) Is there a stipulation, or anything, in NFPA 1 2015 that states any drive-
180 way that is over 150’ will now be classified as a fire access road? He said “No.” He said that he recom-
181 mends to most of his departments that 12’ is an adequate number, and the only exception would be if
182 there was a regulation or ordinance for a hammerhead or turn around after so many feet because that
183 works with the oil trucks, Amazon vans, and plow trucks. I was told by our fire department that the
184 document we received was taken from the changed laws. The laws have not changed. Currently there is
185 a bill that has been introduced to adopt NFPA 2018, but that has not occurred yet. Once it gets re-
186 viewed, if the changes are onerous, there is a chance that it may not get passed. I have an issue with do-
ing things like this in advance, or assuming something will happen. Does anyone have questions?

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D. Boutin: I find this to be problematic. We do not require sprinkles in single family residences, and am disturbed they are trying to put this in the state fire code. I think the Requirements for New Residential Structures/Additions should go in the trash can.

T. Walsh: I think it is terrifying to have an AHJ Authority having jurisdiction. Those are done by groups of people.

D. Winterton: Where in our regulations is the AHJ?

T. Walsh: That is in our codes. The understanding I got is that in most cases within the towns it is the fire chief or code enforcement officer.

D. Winterton: That is scary and a lot of power in someone's hands.

T. Walsh: That is a lot on one person, and a lot of cost on citizens, that might not be justifiable.

M. Reed: Is this given to anyone who wants an occupancy permit?

T. Walsh: This just started being handed out assuming these regulations will pass. I have not seen 2018. This is presumptuous. I will be looking at the comparison between 2015 and 2018.

S. Gilbert: When are they voting on the state level changes?

T. Walsh: That is just beginning and will have to go through the whole legislative process.

D. Pichette Volk: In general, any document like this being used should have an effective date.

T. Walsh: We have a conflict between the Fire Marshall and the AHJ. This property was built, and this happened, when the homeowner went for the CO. They even went to TRC to.

C. Stelmach: That is not fair to the homeowner.

D. Boutin: I think we should have the fire department come in and explain to us their thought process. After that we can toss it away if we don't agree.

C. Stelmach: Why the one house out of a half a dozen?

D. Boutin motioned to reach out to have the Hooksett town planner reach out to the Hooksett fire department to have them attend the January 3, 2022 Planning Board meeting. Seconded by C. Stelmach. Motion carried unanimously with a vote of 7-0.

**5. AMAZON DISTRIBUTION FACILITY
Map 29 Lot 64-6B; 400 Technology Drive
Request for Temporary Structure Permit**

233 T. Walsh: This did not get built when they got their CO. They said they could not get the building ma-
234 terial. Now it has been two years and they would like the community development to issue them a tem-
235 porary structure permit. The office wanted to get our feedback.

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237 M. Reed: I do not see how we can approve an adjustment to the site plan.

238
239 T. Walsh: They do not need a new site plan. They are looking for a temporary structure permit. I asked
240 how long an applicant has to fulfill a site plan and I am waiting on that answer.

241
242 D. Boutin: How did they get their occupancy permit when they did not comply. I think they should
243 come here and address our concerns about their non-compliance with their site plan.

244
245 ***D. Boutin motioned to have a representative from the Amazon Distribution Facility, located on Map***
246 ***29, Lot 64-6B, 400 Technology Drive, come to the January 3, 2022 Planning Board meeting to ad-***
247 ***dress the Planning Board's concerns regarding the applicant's request for a temporary structure***
248 ***permit. Seconded by D. Winterton.***

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250 D. Winterton: The applicant's note said they would be happy to answer any questions.

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

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254 **6. YEAR END TOWN DEVELOPMENT UPDATE**

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256 Not discussed.

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258 **OTHER BUSINESS**

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260 None.

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262 **ADJOURNMENT**

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264 ***M. Reed motioned to adjourn at 7:01 pm. Seconded by D. Boutin. Motion carried unanimously***
265 ***with a vote of 7-0.***

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267 A special meeting of the Planning Board to discuss the Town of Hooksett's Master Plan will be held
268 December 13, 2021, at 6:00 pm.

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270 **The next regularly scheduled meeting of the Planning Board will be held January 3, 2021, at 6:00**
271 **pm.**

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273 **Respectfully submitted by,**

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275 **/s/ AnnMarie Scott**

276
277 **AnnMarie Scott**
278 **Recording Clerk**