

1 **Official**

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3 **MINUTES**

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

6 **35 Main Street**

7 **Monday, December 4, 2023**

8 **6:00 PM**

9

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

11

12 **PLEDGE OF ALLEGIANCE**

13

14 **PROOF OF POSTING**

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16 **NOMINATIONS & APPOINTMENTS**

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18 None

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20 **INTRODUCE MEMBERS OF THE BOARD**

21

22 **PRESENT: Chris Stelmach (Chairman), Mike Somers (Vice-Chairman), D. Winterton, Robert**  
23 **Duhaime, and James Sullivan (Town Council Representative)**

24

25 **ALTERNATES: David Russel**

26

27 **EXCUSED: Sheena Gilbert, Paul Scarpetti, and Denise Pichette Volk (Alternate)**

28

29 **NOT PRESENT:**

30

31 **STAFF: Elizabeth Robidoux (Town Planner) and Dana Pendergast (Code Enforcement Officer)**

32

33 **D. Russel will be a voting member this evening.**

34

35 **APPROVAL OF MINUTES 11/20/2023**

36

37 *M. Somers motioned to approve the minutes of the November 20, 2023, Planning Board meeting.*  
38 *Seconded by D. Winterton. R. Duhaime and C. Stelmach abstained due to not being at the November*  
39 *20, 2023 Planning Board meeting. Motion carried unanimously with a vote of 4-0.*

40

41 **APPOINTMENT**

42 **1. BERRY HILL discussion with Bruce Thomas, Town Engineer, Map 25, Lot 26**

43 B. Thomas: There is a resident who lives at 15 Berry Hill who has a complaint about stormwater coming  
44 into his property from the development at Berry Hill. The Board asked me to look into that and re-

45 port back. I walked with the resident and a few people from the Berry Hill Association from his prop-  
46 erty to the area where the water is coming from. It was inconclusive due to no rain. I reviewed the  
47 stormwater management report for the site. Some of the drainage goes to his property. The entire drain-  
48 age area is broken up into sections, however, the conclusions are not broken up into those sections for  
49 the entire drainage area. The drainage summary notes an offsite area with a post development increase  
50 that goes through a large, wooded area before it gets to a roadway. The report states the effect of the  
51 increase would not be noticed. The stormwater report does not break out the flows from the individual  
52 sub-drainage areas. The green flow line on the post development map leads to where the resident says  
53 the water is coming from. It ends up almost exactly at the same spot; the water is going through a stone  
54 wall. The report doesn't say the water is going there. I met with another consultant unrelated to this  
55 project, and asked his advice. He thought that now a days that conclusion would not have flown with  
56 AOT and even at the time the drainage was created, it was not good practice the way it was done. A  
57 portion of the site was done by the previous developer. The current developer said he doesn't feel re-  
58 sponsible. I have not spoken to previous developer or engineer who designed it. I did put the current  
59 developer on notice this increase in drainage needs to be addressed. I spoke to the resident and he is  
60 willing to install 60' of pipe to get the water from one area to another. The next step is to contact the  
61 town attorney and get some advice on how to proceed. My question is if the current developer pur-  
62 chased the entire development or just a part of it. I don't believe the work was formally accepted, alt-  
63 hough we do have bonds. We didn't accept the roadways.

64  
65 R. Duhaime: The new developer built with the old approvals but now he doesn't want to do the up-  
66 dates that come with the development?

67  
68 B. Thomas: The current developer verbally told me he does not feel like he should be responsible; he  
69 has not responded to my email.

70  
71 R. Duhaime: Is there a bond on the property?

72  
73 B. Thomas: Yes. The resident at 15 Berry Hill has been living there since 2004 and in 2010 he started  
74 to get additional water. It seems as if the additional stormwater is the result of this development. I can't  
75 make any specific determinations about it.

76  
77 R. Duhaime: We are not going to get rid of the bond until this is taken care of.

78  
79 **2. HOOKSETT HERITAGE COMMISSION – Proposed Revision to Demolition Regula-**  
80 **tions**

81  
82 J. Sullivan: I am a member of the Heritage Commission. The Chairman could not attend this evening.  
83 Under Section 17 of the Demolition Regulations, the Heritage Commission voted to increase the re-  
84 view from 5 to 10 business days to allow additional time to research the importance of a structure.  
85 There are nine criteria that need to be met and the chairman of the committee may need to have consul-  
86 tations to determine the importance. If it is found the structure is not significant, they need to contact  
87 the planning department. If it meets significance criteria, that prompts a public hearing. The 10 days  
88 give more time for clarification and to allow the chairman to sign off without a public hearing if the  
89 structure is not significant.

91 C. Stelmach: This change says the chairman could make a decision if it falls under the criteria?  
92 Shouldn't that be the whole board?

93  
94 E. Robidoux: The demolition review committee has three members and two alternates. They can't al-  
95 ways pull together a quorum to review the applications to see if they meet the criteria. They want to  
96 delegate authority to the chairman or his designee. This would mean one person would receive the ap-  
97 plication, look at it, see if it meets the criteria for a structurally important building. If that person thinks  
98 it may meet the criteria, then they will move through the process. This change will help them in their  
99 process.

100  
101 J. Sullivan: There is criteria to help with the determination of importance. There have only been three  
102 times he is aware of they found a building to be of significance.

103  
104 C. Stelmach: Isn't that the same thing Dana does now?

105  
106 D. Pendergast: No. It comes to me, and I say it needs to go to the Heritage Commission. I get it back  
107 and we go from there.

108  
109 E. Robidoux: If no one has changes we can provide a public hearing date at our next meeting.

110  
111 There were no suggested changes.

112  
113 **SCHEDULE PUBLIC HEARINGS**

114  
115 **E. Robidoux: There are five amendments before the Board this evening with suggested dates for**  
116 **public hearings. These changes have been reviewed during workshops and meetings and the**  
117 **Board has had the changes before it for a clean reading.**

- 118  
119 **3. Proposed amendment to the Town of Hooksett Development Regulations, Part I, General**  
120 **Development Regulations, 11.12 (4)(g) and Part III, Site Plan Regulations, 3.05, Commer-**  
121 **cial Architecture Requirements, Roof Materials and Roof Pitch.**

122  
123 *D. Winterton motioned to schedule a public hearing for December 18, 2023, to review proposed*  
124 *amendments to the Town of Hooksett Development Regulations, Part I, General Development Regu-*  
125 *lations, 11.12 (4)(g) and Part III, Site Plan Regulations, 3.05, Commercial Architecture Require-*  
126 *ments, Roof Materials and Roof Pitch. Seconded by M. Somers. Motion carried unanimously with*  
127 *a vote of 6-0.*

- 128  
129 **4. Proposed amendment to the Town of Hooksett Development Regulations, Part IV, Appen-**  
130 **dices, to add Appendix VII, Hooksett Post-Construction Stormwater Management Stand-**  
131 **ards**

132  
133 *D. Winterton motioned to schedule a public hearing for December 18, 2023, to review and adopt the*  
134 *Town of Hooksett Post Construction Stormwater Management Standards. Seconded by M. Somers.*  
135 **Motion carried unanimously with a vote of 6-0.**

- 137 **5. Proposed amendment to the Town of Hooksett Zoning Ordinance, Article 2, Districts, to**  
138 **amend the Zoning Map, by moving Map 33, Lot 3, 53 Martin’s Ferry Road from the**  
139 **Mixed Use 4 District to the Medium Density Residential District.**  
140

141 *D. Winterton motioned to schedule a public hearing for December 18, 2023, to review a proposed*  
142 *changes to the Town of Hooksett Zoning Ordinance, to amend Article 2, Districts, Zoning Map, by*  
143 *moving Map 33, Lot 3, 53 Martin’s Ferry Road, from the Mixed Use District 4 to the Medium Den-*  
144 *sity Residential District. Seconded by R. Duhaime. Motion carried unanimously with a vote of 6-0.*  
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- 146  
147 **6. Proposed amendment to the Town of Hooksett Zoning Ordinance, Article 3, General Pro-**  
148 **visions, Section J, to require building lots to have contiguous frontage on a public street.**  
149

150 *D. Winterton motioned to schedule a public hearing for December 18, 2023, to review proposed*  
151 *changes to the Town of Hooksett Zoning Ordinance, Article 3, General Provisions, Section J, to re-*  
152 *quire all building lots to have contiguous frontage on a public street for. Seconded by M. Somers.*  
153 **Motion carried unanimously with a vote of 6-0.**  
154

- 155 **7. Proposed amendments to the Town of Hooksett Other Ordinance #00-7, Floodplain Devel-**  
156 **opment Ordinance, as necessary to comply with the requirements of the National Flood**  
157 **Insurance Program.**  
158

159 *D. Winterton motioned to schedule a public hearing for December 18, 2023, to review proposed*  
160 *changes to the Town of Hooksett Ordinance #00-7, Floodplain Development Ordinance, as neces-*  
161 *sary to comply with the requirements of the National Flood Insurance Program. Seconded by R.*  
162 *Duhaime. Motion carried unanimously with a vote of 6-0.*  
163

164 **PUBLIC HEARINGS**

- 165 **1. HIP PEAS FARM, LLC**  
166 **191 West River Road**  
167 **Map 24 Lot 30**  
168 **Consideration of Revocation of Site Plan (Approved 05/13/2021)**  
169

170 E. Robidoux: Code Enforcement requested the Planning Board consider revocation of the site plan ap-  
171 proved by the Board in May, 2021 for the Oscar Barn Event Center. Code Enforcement has issued two  
172 notices of violation citing the owners are in violation of the approved site plan he cited the reasons. On  
173 the 6th of November this year Dana met with the Planning Board to discuss the course of action. It was  
174 agreed the town would move forward with the revocation process as to date, there had not been compli-  
175 ance with the notices of violation. The owner’s attorney (Attorney Allard) has corresponded with Com-  
176 munity Development and is requesting the scheduled revocation hearing be tabled for a few months.  
177 The owner of the property would like to prepare and present to the planning board an amended site plan  
178 application relative to outdoor music, gatherings, etc., they would like to host on the property. As the  
179 intent of the notice of violation is to seek compliance with the approved site plan and all applicable  
180 town ordinances, staff recommends the Board table the public hearing until February 5, 2024. This  
181 would allow the owner of the property time to begin the site plan amendment process. If substantial  
182 progress has not been made, the Board can move forward with the revocation hearing in February. I  
183 would suggest that substantial progress, in this instance, includes submission of an amended site plan to

184 staff for conceptual discussion up to and including a TRC meeting if the TRC committee feels that one  
185 is warranted. This would give the property owner time to submit an amended site plan application for  
186 one of the March meetings, if not sooner. If there is no substantial progress made by our February 5,  
187 2024, meeting, the Board has every right to continue with the revocation hearing. Per our procedures,  
188 the abutters list is attached to staff report. In your packets you have the staff report, abutters list, a letter  
189 from Attorney Allard, minutes from the November 6, 2023 meeting, the two notices of violations in-  
190 cluding the police reports, email complaints, a Fire Department report from one of the events, and an  
191 approved site plan diagram that shows what was approved by the Board in March of 2021 as opposed  
192 to what is on the site right now, per an as-built survey that was done. The number of approved parking  
193 spaces is 62 for this event center. Just below the function hall and existing farm home there are 29  
194 spaces. To the right of that are four areas outlined in red. There should have been 18 parking spaces on  
195 gravel. That area is now encumbered by three storage containers. There is an additional employee park-  
196 ing area, with three groups of five each. Those areas are also encumbered in some places by storage  
197 containers. Parking has not been occurring in the areas it was approved The assembly permit is for  
198 about 150 people which would make sense given the number of approved parking spaces. Dana and  
199 Attorney Allard are here this evening.

200  
201 Attorney Brett Allard (Shaughnessy Allard, PLLC)(Daniel Lagueux and Valerie Vanasse were also  
202 present): This matter came to my attention a few weeks ago. I spoke with Attorney Serge about poten-  
203 tial avenues moving forward from here. One would be a more adversarial revocation process, where  
204 what we propose is a more collaborative amended site plan process. They are requesting this hearing  
205 be tabled without prejudice to their position. We don't believe there have been any material violations  
206 of the site plan with regard to the outdoor activity. We think this would be more collaborative to move  
207 forward with an amended site plan so that the Board can review everything, and the public has an op-  
208 portunity to comment as to what is happening outside of the structure. We think it is premature at this  
209 juncture to hold a revocation hearing without exploring other options. It was not my client's intention  
210 to violate anything as alleged. There was some representation that they were ignoring communication.  
211 There is a string of emails going back and forth between my client's staff and Town staff about what  
212 needs to be done to get into compliance. It fell off everyone's radar. There was no notice to my clients  
213 that a revocation hearing was going to happen. We would like to move forward with a revised site plan  
214 application instead of a revocation so that everyone has a voice.

215  
216 D. Pendergast: I reached out to them, and they received two notices of violation; neither one was re-  
217 sponded to. They did receive them. The email referenced was to Dan with regard to the storage con-  
218 tainers that were not permitted on the site. They are not on the site plan. I emailed multiple times and  
219 got some response on that matter. There has been no response to the notices of violation that are in your  
220 packet.

221  
222 Discussion ensued on the procedures of taking public comment at this time due to the applicant request  
223 to move forward with an amended site plan.

224  
225 E. Robidoux: The matter before the board now is the revocation hearing. That is what the comments  
226 would be about. You could open the floor for comment on the revocation hearing, however, comments  
227 and concerns regarding the amended site plan should wait until there is a plan in front of us that every-  
228 one can reference.

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230 R. Duhaime: Is the applicant aware of the allegations?

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Attorney Allard: Yes. The amended site plan would be beyond the containers and parking. We are aware of the allegations, and we are working toward solutions to solve them.

J. Sullivan: It would be my intention to have the hearing on February 5, 2024. That will be another opportunity for the public to speak. I suggest we also provide some opportunity now. Perhaps we entertain 15 to 20 minutes today on the revocation only with a condition there will be another hearing on February 5.

E. Robidoux: You can move to open the public hearing and the Board has the option to limit speakers to three minutes with no repeats.

Open public hearing and comments.

Attorney Allard: I will withhold my presentation until February 5 as that would be longer than 15 minutes.

Georgette Peltek (15 Barberry Street): I work at New England Tap House Grill as Valerie’s administrative assistant. Back in June, I initiated conversation with the town regarding the noise ordinance as it was reflected to us there was concern from the neighbors about noise. We made sure the noise was subsided and ended by 10:00 pm. Looking at the November 6 meeting, Dana mentioned his comment “fell on deaf ears.” Back in June I started conversation about this. He was copied. I have three or four emails and I have the documentation he was copied on. Regarding the containers, I have a copy of a check that I gave to the town for the containers for a permit for them to be on the property. I am confused about the process. We have been trying to do things by protocol of what you are requesting. You cashed the check and gave them the approval for the containers, and then it became an issue. There seems to be a lot of going back and forth and no consistency. I was taken aback because this questioned the integrity of the owner of the company when Dana said it fell on deaf ears because it did not.

C. Stelmach: We would like copies of what you have, and Dana is taking notes on what you said. He will get together with you later.

Maegan Gorton (150 West River Road): I am the closest residential neighbor to Hip Peas Farm and the Oscar Barn on Rt. 3A. I vividly remember the first time I met Dan and Val. It was when I was coming home to visit my parents and they told me about a new restaurant opening in town. I thought great another chain monstrosity. Then I found out this was a locally owned and operated restaurant. I thought this was exactly with this town needed. When Mr. Dufour was the proprietor of this location I was disheartened when his son said he no longer wanted to take care of the property. I was worried that space was going to turn into another strip mall with empty space. Dan stepped in and maintained the integrity of an iconic barn and farm. As the first eighth grade graduation class from Cawley Middle School in 2004, I was not able to go on a field trip to a locally owned farm that provided produce for a local restaurant. That did not exist at the time I was growing up in Hooksett. To see someone from out of town come in and work tirelessly to do nothing but better this town. He has created numerous jobs both at The Tap House and the event venue. He has supported other locally owned businesses by hiring them for contract work. The list goes on and on. He has done incredible things for the town of Hooksett, hosting 100’s of events at his barn space which has brought thousands of people who otherwise thought Hooksett, NH was just a dot on a map north of Manchester. Those people came to town, stayed,

278 shopped, ate, and brought a lot of money to the town. On top of being great people, I think it is a shame  
279 to see what is going on here. He has done a lot to try and better the town. I have attended events at the  
280 barn and have seen firsthand how respectful Dan and his employees are to town policies at his own ex-  
281 pense at a time when he could move the party inside and keep it going, he has been a respectful neigh-  
282 bor. This is about being a respectful neighbor and it is unfortunate to see he is not being met with the  
283 same.

284  
285 Chris Pearson (3 Jamie Lane): I would like to echo everything that has been said about what the  
286 Lagueux family has done for this town. I hope the people who do not live in this town, the staff, can  
287 appreciate that. I am glad the Lagueux family has offered to provide a new site plan. I spent 17 years  
288 sitting in these seats for this town, and I was disappointed that the go to position of this board and staff  
289 was to move to shut down a business. A business, a person, and a family that has done a lot for this  
290 town. That really bothered me. There was very little data that you talked about before you went this  
291 route. I respect a lot of you and was very disappointed with this group for bringing us all here for this.  
292 Reaching out to Dan, asking for site plan improvements, working with the neighbors would have been  
293 a better way than taking one of our better businessmen in this town, with one of the better families in  
294 this town, that gives so much back to this town, and immediately go to we are going to put them out of  
295 business. I am extremely disappointed with this group, and I respect a lot of you. I hated to come up  
296 here and say that.

297  
298 Brian Lacerte (3 Gullane Road): I am speaking for a group of people here to avoid repeats. What dis-  
299 appoints me is I was here for the entire process of the Hip Pea Farm. I was told out in the hallway and  
300 assured that they would not be having exterior music. I was told that we would be having berms built  
301 with 8' trees. We were placated into agreeing, out in the hallway, that we would not oppose the plan to  
302 the Planning Board. When we got into the meeting, the Planning Board was told we were going to have  
303 acoustic music with no outside music. Maybe an acoustic trio. Now we have speakers out on the deck.  
304 We can hear the music two and three houses over thumping. I have nothing against the farm. I think it  
305 is beautiful. We all think it is beautiful. We just think they should follow the original plan that they  
306 agreed to which was no exterior music. I guess what the town needs to do is choose their lawsuit. Al-  
307 low the exterior music or don't.

308  
309 John Kelly (5 Gullane Road): I cannot believe the arrogance that is going on here. We have called the  
310 police department and fire department 15, 20, 30, 40 times. The police have come to my house. Even  
311 the Sergeant said wow you're right, you get the worst of it here. Saying they do not go past 10:00 pm is  
312 an absolute lie. It is unbelievable what these people do. I am shaken. All these people came up and talk  
313 highly of them. Where do they live? I would like them to come by my house and have their children be  
314 woken up four nights a week because the noise is so loud. They go until 11:45 pm then use the excuse  
315 it is in the white house. They run that white house. It is absurd. The police have been to my house four  
316 times. I have been in front of them. They are arrogant. It is ridiculous. You should do something. I ob-  
317 ject to any postponement. I am going to Florida. I should not have to fly back in February. Get rid of  
318 them, that is what should be done here, and save the eight families from the monstrosity of what is go-  
319 ing on here.

320  
321 Nick Brattan (Manchester): I have a commercial property in Hooksett so I pay taxes here. I also own a  
322 small cut flower business. Dan is my landlord. I lease land and grow flowers that are sometimes sold in  
323 Hooksett. I have had a business of 40 years and have retired and have never met such an outstanding,  
324 young businessman as Dan. Very fair and understanding. There is some major communication issue

325 here. I watched the last hearing and there was a gentleman in this room who said lets pull his site per-  
326 mit so he is out of business. Not quite the words but he knew he would put Dan and a lot of people, in-  
327 cluding myself, out of business if he did this. What kind of town is this, that is not friendly to busi-  
328 nesses. I understand the noise. I am sure Dan will take care of that. We all have to get along. Be human.  
329 Whoever that was that spoke at that meeting I was appalled by that reaction. You need small busi-  
330 nesses. Don't screw them up.

331  
332 Katelin Kelly (10 Gullane Road): I live directly behind the site behind the farm and Oscar Barn. I am  
333 all about small businesses in Hooksett. I work at one and want Hooksett to thrive and grow. It is great  
334 that everyone is here to support them, but I am the one that has small children. My children are being  
335 kept up at night when these functions are going on. The first few times I tried to let it go. Then it was a  
336 school night and my son, who has ADHD, was being kept up. He has to be on a stringent schedule or  
337 else things do not go well. I tried to go to be neighborly and speak with Valerie. She wanted nothing to  
338 do with it. She was in the tent and completely blew me off, and told me pretty much she was going to  
339 do whatever she wants and there is nothing I could do about it. It was raining that night and the speak-  
340 ers were amplified on the back deck. I don't know if the rain made it extra amplified, but my whole  
341 house was vibrating, and all I wanted her to do was turn it down a little so I could put my child to bed  
342 on a school night. She mocked me and laughed at me. I left feeling not in a good way. This is not how I  
343 wanted things to go. I was hoping to work things out neighborly and in a nice fashion and it didn't  
344 work out that way. Since then, there have been several occasions that have been so loud that I can feel  
345 the vibration and hear the words to the songs. Everyone in my cul-de-sac, aside from my father who  
346 lives next door and Brian, has small children that are affected by this. It should not have gotten this far,  
347 and they should have stuck to the original site plan. No one wants them to go out of business. That is  
348 not the goal. We want everyone to keep their jobs, but why should all of the neighbors suffer and all of  
349 the children be kept up at night because of this. If they stuck to their original site plan and kept the mu-  
350 sic at a reasonable level, we would not be here. About a month ago I was woken up out of a dead sleep  
351 at 11:45 pm to bass music. At first it was so loud I thought it was a car on the highway. It was not and  
352 it kept going on. I looked out and there was a raging bonfire. I am not happy. I feel like they were given  
353 several violations. We are here for a revocation because they did not respond to the violations.

354  
355 Lea Vanasse (Oldest daughter of property owners): I have worked at the Oscar Barn since we opened.  
356 I bartend there. Our events only go until 10:00 pm. Last call for drinks is 9:25 pm. I am confused about  
357 what this meeting is really about. I am sad to see the level of stress that my family has been going  
358 through these last few weeks when the first board meeting talked about shutting our business down.  
359 They have done a lot for this community. I would hate to see us go out of business. I think they have  
360 worked too hard for that for a few noise complaints.

361  
362 Scott Bussiere (16 Scott Avenue): Dan is a great guy. Dan promised us as neighbors and the Planning  
363 Board there would be no outside music. It is recorded in the minutes. He has been warned, at least ten  
364 times, by the police, by the Planning Board, and by the building inspector there is to be no outside mu-  
365 sic. He says screw you when he keeps doing it. That is why we are here and why the revocation is here.  
366 What do you do with a great man who keep screwing the neighbors? Who wants a wedding in their  
367 backyard every weekend? We work hard every day. When we get home we want to relax, not hear  
368 people getting married, talking, screaming, and hollering. That is the only reason we are here. I don't  
369 care if the containers are parking in the wrong spot. A new site plan is not going to solve that. We are  
370 here because Dan promised us no outside music. He promised us and the Board that. It is in the ap-  
371 proval in the minutes. If he says Scott there will be no more outside music. I'm happy. He said string



372 quartet or violinist. We don't want to shut him down. Just tell him to do what he is supposed to do.  
373 Dana has gone as far as he can. That is why the plan is being revoked.

374  
375 Donna Vallee (40 Gurtner Street/Director of events for the Oscar Barn): Our events end at 10:00 pm.  
376 The DJs are notified when they walk in about the noise. We have told them they have to keep it down;  
377 we turn speakers inside, we know what the decibel level is, and we follow that rule. Weddings are not  
378 held every weekend. I have been with the Barn for two years. Out of the two years, we have held over  
379 200 events and under 30 have been weddings. This year there were three tented weddings. There is not  
380 noise every weekend. I read every one of the police reports and we have not received a violation on any  
381 of them. They all have said, and every officer that I have talked to, in the reports has said they found no  
382 violation, we followed the rules, and the noise has been turned down when they asked. At the last wed-  
383 ding, they are referring to noise at 11:45 pm. That was not the Oscar Barn. It was the people renting the  
384 house. That is where the noise was coming from. We recently held an event and I personally feel this is  
385 harassment, for me especially. I have to ask people to inspect our tent and I need to give them a list of  
386 ten things in fourteen days. Out of nowhere for an event, two weeks ago, we have the Code Inspector  
387 and Ian (Captain/Fire Department) seeing if I know what the rules are. Guess what, I did. I am a proud  
388 manager and knew what to do inside the barn. They are going after really great people. Today I was  
389 packing food that Dan and Val are giving to the local nurses. Thousands of meals that are going out.  
390 These are amazing people. The farm, the barn is amazing. We might have four events in a week. This  
391 week we do. They are over at 9:00 pm. If you are going to tell me the Kiwanis is making a lot of noise  
392 and keeping your kids up there is a problem. We have worked hard. This year we have won three  
393 awards. That speaks very loud of our business and organization. Our world is so divided and there is so  
394 much hatred and anger out there, it blows my mind the little town of Hooksett, NH that this is happen-  
395 ing to two great business owners. They are not only business owners they are my friends.

396  
397 Nancy Comai (Past Councilor of Hooksett): I work for Dan and Val. I helped them build the venue  
398 from scratch before Donna was hired. I put together a packet to back up everything that was said to-  
399 night with police reports and everything from not 10:00 pm, to Dana's words from the November 6  
400 meeting that he was phoned at 9:30. To me it is nothing. You have nothing to stand on. Why are we  
401 here tonight? I understand Mr. Bussiere's comments. They make total sense. However, music is not in-  
402 cluded in the conditions of your site plan approval based on a document I have here from May 21,  
403 2020. Starting with that, all of this other backup is a moot point. I agree we do need to do something  
404 about more talking back and forth with the town and working more toward compliance the way you  
405 want to see it, but we have documents here that refute many statements made in the November 6 meet-  
406 ing. I transcribed all of the conversations. I also have with me the minutes from the November 20,  
407 meeting and the very first page has discrepancies and you just approved it as if it was fine. I really wish  
408 you would read the minutes before you approve them, and if they do need to be revised based on what  
409 actually happened, please do so.

410  
411 Nicola Peno (24 Park Lane): I consider Valerie and Dan to be pillars in our community. They have  
412 been there to support every single time anyone has reached out, fundraisers, supporting local teams,  
413 etc. What an honor and privilege it was to hold an event at the Oscar Barn in the summer of 2021. My  
414 husband and I were able to celebrate our 25th wedding anniversary there and we had the most beautiful  
415 afternoon/evening where all of our family and friends could come together and celebrate a milestone in  
416 our life. More recently we have been working towards planning a wedding for our oldest daughter  
417 scheduled for September, 2024. As Hooksett residents we were thrilled to have somewhere in our  
418 hometown to bring these out of town, out of state, and out of country guests to Hooksett. We have been

419 to many events and got to witness firsthand the professionalism and level of respect that I have seen at  
420 that venue. It was disturbing to hear that at the last Board meeting the go to action was to revoke their  
421 site plan. They have done some wonderful things and they provide us, as Hooksett residents, a great  
422 opportunity to have somewhere fabulous in our own town to host events. I hope we continue to do that.  
423

424 Phil Denbow (8 Nancy Lane): We talked a little bit about Kiwanis and their party Wednesday night. I  
425 think I am the youngest one there. I think the things that come to mind are Spike Lee, do the right thing  
426 and can't we all just get along. To Chris's point earlier, I think on most of the boards here we usually  
427 give people a chance to either work with their neighbors and those types of things. I appreciate you are  
428 giving them the opportunity to step back for a couple of months and that you are trying to work with  
429 them. Dan and Val are awesome folks. They don't do the things they do to get credit, they do them be-  
430 cause they are good people.  
431

432 *J. Sullivan motioned to continue the public hearing to February 5, 2024, for Hip Peas Farm, LLC,  
433 191 West River Road, Map 24 Lot 30 in order for the owners of Hip Peas Farm to submit an  
434 amended site plan and address the issues brought up today. Seconded by D. Russel. Discussion fol-  
435 lowed.*  
436

437 J. Sullivan: Staff was taking notes. Clearly if there are additional calls the police receive regarding this  
438 that are not noted, they should be included. We need clarification on the noise ordinance (32), we were  
439 told the Oscar Barn cuts the DJ off at 10:00 pm, however, we need clarification on how the house on  
440 the property works into the plan and how that is addressed, and the parking issue. I think if there is doc-  
441 umentation on the points that were made that would be helpful for our discussion.  
442

443 C. Stelmach: Thank you for coming out tonight. There were a lot of good points on both sides.  
444

445 **Motion carried unanimously with a vote of 6-0.**  
446

## 447 **BOARD DISCUSSION**

### 448 **2. REVIEW OF ZONING AMENDMENT SUBCOMMITTEE ZONING AMENDMENT** 449 **RECOMMENDATIONS - First Reading** 450

451 E. Robidoux: Several proposed zoning amendment changes have been prepared by the Zoning Amend-  
452 ment Subcommittee for the Board to consider. In the first draft is a new article that deals with portable  
453 storage structures, a review of language correcting duplications, and tweaks based on review from our  
454 town attorney. Our town attorney is fine with the amendments as they stand now. If there are no Board  
455 changes, we can move forward to a second reading and public hearing.  
456

457 C. Stelmach: Who keeps track of when the portable storage units land on a piece of property and  
458 leave?  
459

460 E. Robidoux: They need to submit a building permit once this Article is approved.  
461

462 D. Pendergast: They need to meet all zoning setbacks for the zone they are going in. If you put con-  
463 tainers on the property while building, that is understandable as long as they are gone by the CO. If it is  
464 for residential there needs to be a permit, or for commercial use, it has to be on the site plan.  
465

466 D. Russel: Are there set guidelines? Some are permanent.

467

468 D. Pendergast: If this gets approved anyone that has them on their property now will be grandfathered  
469 in and they will be taxable. For the enforcement side we would reach out at the end of six months and  
470 advise the six months is up. Usually that is with a phone call. If that doesn't happen, they will get a no-  
471 tice of violation to remove them within 30 days or a fine will be issued.

472

473 J. Sullivan: For the portable storage units in commercial districts, it says only one per property. There  
474 are 30 at Walmart.

475

476 There was discussion about various storage containers, the numbers on specific sites, and their use  
477 throughout town.

478

479 M. Somers: They can have more than one if it is part of the site plan.

480

481 D. Russel. No. 6 says they have to be on pavement or other impervious surface? How do we define  
482 that?

483

484 D. Pendergast: Impervious means water can't go through it. The containers cannot be on gravel. On  
485 residential they can go on anything.

486

487 **3. REQUEST TO AMEND ZONING MAP, 16 SCOTT AVENUE - MOVE LOT FROM**  
488 **COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL**

489

490 E. Robidoux: The assessing and tax records for this property say it has been MDR as far back as they  
491 have records. The zoning map says it is commercial. I have not yet looked to see when the commercial  
492 zone was enacted. As far as we know, there are no metes and bounds in the description for the district  
493 boundary. There is a 1980s zoning map prepared by SNHPC that shows the districts outlined by a thick  
494 line, and you cannot see which properties are creating the boundary of the zone. Legal advice obtained  
495 from NHMA, indicates staff can officially make a determination that the property is zoned commercial  
496 and the landowner can do an administrative appeal to the ZBA who can approve the appeal. We can  
497 then adjust the map that CAI does for us. It would not have to be taken to the voters.

498

499 D. Pendergast: The garage is already in MDR. Historically this was commercial. The garage off Scott  
500 Ave. is in MDR. That used to be attached to his father's house. I don't know when that was built, but at  
501 some point in time that was switched into commercial.

502

503 M. Somers: It sounds like a clerical error.

504

505 R. Duhaime: I am assuming the commercial line went down to the river. The top and bottom lots were  
506 farmland and zoned commercial. It was one big lot that was sub-divided.

507

508 J. Sullivan: Let zoning handle this.

509

510 **OTHER BUSINESS**

511

512 **4. AMERICAN ASPHALT PAVING, 253 LONDONDERRY TURNPIKE**

**Continued Discussion of Proposed Phasing Plan**

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John Rokeh (Rokeh Consulting): I will pass out what the building will look like. It will be a stick built building. Keith Morrissey is going to build it starting in March. He will do the septic, well, and building. This will be done by the end of June including paving the site.

D. Pendergast: The area for phase 1 has been completed. He will be allowed to use that section providing there is no use of the dirt and gravel section, and that section will be blocked off. Where is the owner with regard to the containers?

J. Rokeh: There is nothing going on at the site for the winter. Once construction starts, he won't be able to use that area.

D. Pendergast: I recommend approval of the phasing, but I want the gravel area for Phase II blocked off with boulders. The containers, office trailer, and any junk on the property need to be removed and there should be no storage of gravel or hot top. Everything needs to be removed prior to CO.

M. Somers: We said he needed to settle his taxes prior to any approvals we make.

J. Rokeh: He texted me and said he paid it online.

D. Pendergast: The owner can keep the trucks on site.

***J. Sullivan motioned to approve the phase approach as proposed for American Asphalt Paving, 253 Londonderry Turnpike, Map 32, Lots 25-2. Prior to the issuance of final CO the following conditions shall be met: 1) blocking off the gravel area to the rear (blue on the plan) to provide no access to that area; 2) removal of containers, office trailer, any junk, or anything else; and 3) no storage of gravel or hot top on site as per the original approval. Seconded by R. Duhaime. Motion carried unanimously with a vote of 6-0.***

## **5. TOWN PLANNER UPDATES**

E. Robidoux has no updates.

***J. Sullivan motioned to accept the resignation of D. Winterton effective January 1, 2024. Seconded by D. Winterton. Motion carried unanimously with a vote of 6-0.***

***J. Sullivan nominated D. Russel to be appointed as a full time Planning Board member.***

## **ADJOURNMENT**

***J. Sullivan motioned to adjourn at 8:06 pm. Seconded by M. Somers. Motion carried unanimously with a vote of 6-0.***

**The next regularly scheduled meeting of the Planning Board will be held December 18, 2023, at 6:00 pm.**

**Respectfully submitted by,**

560

561 /s/ **AnnMarie Scott**

562

563 **AnnMarie Scott**

564 **Recording Clerk**

565

566 **Reviewed by E. Robidoux**