

**Official**

**MINUTES**

**HOOKSETT PLANNING BOARD MEETING**  
**HOOKSETT TOWN HALL CHAMBERS (Room 105)**  
**35 Main Street**  
**Monday, March 6, 2023**  
**6:00 PM**

**MEETING CALLED TO ORDER AT 6:03 P.M.**

**PROOF OF POSTING**

**PLEDGE OF ALLEGIANCE**

**INTRODUCE MEMBERS OF THE BOARD**

**PRESENT:** Chris Stelmach (Vice-Chairman), Mike Somers, Don Winterton, Paul Scarpetti, and Denise Pichette Volk

**ALTERNATES:** Sheena Gilbert, Wayne Russell, and Robert Duhaime

**EXCUSED:** Tom Walsh (Chairman)

**NOT PRESENT:** David Boutin (Town Council Representative)

**STAFF:** Andre Garron (Town Administrator)

**S. Gilbert and Wayne Russell will be voting members this evening.**

**APPROVAL OF MINUTES OF FEBRUARY 6, 2023**

*D. Winterton motioned to approve the minutes of the February 6, 2023 meeting. Seconded by M. Somers. P. Scarpetti abstained due to not being at the February 6, 2023 meeting. **Motion carried unanimously with a vote of 6-0.***

Andre Garron: Nicholas is unable to be here this evening, so I am filling in. He is resigning effective March 17, 2023. Nicholas has done a tremendous job in his position as Town Planner and will be missed. He has been working hard to get the Master Plan completed and I am hoping we can do that before he leaves.

**PUBLIC HEARING**

Mike Somers recused himself due to knowing one of the principles of Lucky Dog Properties, LLC. R. Duhaime will be a voting member for this matter.

**1. LUCKY DOG PROPERTIES, LLC represented by ROKEH CONSULTING, LLC**  
**5 Crane Way**  
**Tax Map 15 Lot 85-2**  
**Industrial Site Plan Application – 8 Contractor Bay Units**

Jon Rokeh (Rokeh Consulting): Crane way has been developed and this is a vacant lot. There was a letter issued by the ZBA on this lot. Lucky Dog bought this and has done some grading. They had a cease and desist and this is to clean up a zoning issue. They are proposing a commercial building. It is a typical contractor small office and large garage. They are proposing to have a single building with a parking lot out front for employee and guest parking with two spots in front of each garage door. There would be a closed drainage system to get the water into a detention pond and treatment swale. We received a letter from Bruce Thomas and with four items. I can take care of those items. I worked with the Fire Department and there was no way we could not do sprinklers. The building is going to be sprinklered. There would be gravel parking out back and outdoor storage. A plumbing and heating company is proposing to go into this space. There is a bit of a buffer in the back of the property that was disturbed. By restoring everything we are going to put the buffer back in. The grading is outside of the buffer area. We are going to do plantings to restore the buffer to its original state and there will be guardrails. The only permits that is needed is for septic and driveway from Hooksett.

C. Stelmach: The closest residents are on Heron View Drive?

J. Rokeh: Yes, the wetland and trees are all there. There is a decent buffer all around.

R. Duhaime: Are you going to replant in the wetlands?

J. Rokeh: In the wetland buffer to a certain degree.

R. Duhaime: What are you going to be planting?

J. Rokeh: The wetland scientist gave me a note to put on the plan.

J. Rokeh read the note from the wetland scientist that includes the suggested plantings.

C. Stelmach: Are the stumps still there?

J. Rokeh: Yes. There was some clearing in the buffer and that will be restored with what the wetland scientist told me to plant.

P. Scarpetti: I am concerned about the well in the driveway. You don't have any detail as far as sealing it.

J. Rokeh: A catch basin structure goes over it that is like a sealed manhole cover.

P. Scarpetti: Manholes are not waterproof as far as water getting in. Is the state going to require you to do a seal on the well head itself?

J. Rokeh: I can put a specification on there that it needs to be a sealed manhole cover.

P. Scarpetti: I think you should. It will be a problem later on.

J. Rokeh: I will put that on the plan as part of the conditions of approval.

C. Stelmach: If the well is out back you could get your 75' set back.

J. Rokeh: Peter Stoddard and I have gone back and forth with the owner. This is one of the only places we can get the septic away from the closed drainage. We can move it closer to the septic but no place where we are away from the pavement in order to not have to request a well radius waiver.

D. Winterton: Sheet 3 shows snow storage. How do you get the snow there?

J. Rokeh: There is direct access to it.

A. Garron: Most of my comments have been addressed. You covered the comments made by the town engineer. The zoning is for uses that are industrial. Commercial uses that would require a ZBA approval for a commercial use in an industrial zone.

R. Duhaime: Is this building going to be the exact elevation and colors that are shown?

J. Rokeh: The building yes but we are not sure about the colors.

R. Duhaime: Help me out with the spaces that are in front of the doors.

J. Rokeh: The pictures are an existing site in Hooksett that is located on Smyth Road. Whoever is parked in front of the garage door is going to be the owner or an employee. There is also a decent size parking lot off to the side.

P. Scarpetti: You will remove the curb stops?

J. Rokeh: There should not be curb stops. Those are the garage doors.

R. Duhaime: Is this a steel building?

J. Rokeh: Yes. They might have a window to the rear but no rear doors.

R. Duhaime: Is the rear being elevated?

J. Rokeh: Yes.

C. Stelmach: Where is the signage going to be?

J. Rokeh: They did not tell me where they wanted it. I think the best spot would be in the crook.

C. Stelmach: There would be nothing on Whitehall?



J. Rokeh: No.

Open public hearing.

John Littlefield (6 Farwood Drive): The part where they have started the construction and filled it in abuts my property. It is much closer than alluded. Probably six weeks before the cease and desist they brought in skidders to clear cut and a silt fence was put in. By the time that happened I applied for the cease and desist but it was too late. They contracted with Hooksett Paving and were bringing in maybe 100 truckloads of material. The spot they filled in was a ravine and it is now a mountain. They brought in a rotary trammel and excavators and completely filled to the wetland. In July you can't walk in there. That buffer zone has been filled. I am concerned with how this process has already been started. The trees were cut down to the property line, and materials and fills have been brought in from off site. Hooksett Paving was doing this after hours on the side. They were working on Saturdays and Sundays until 9:00 pm using a rotary trammel with the excavation material. Most of the material stayed there. They were using the better material closest to the site and driveway. The waste material was going over the banking into the buffer zone. That buffer zone is a wetland. They are talking about replanting in the wetlands. Article 11, Part 4 for industrial districts is not complex. It talks about location and not disturbing anything within 100' of a property line to an abutting district.

J. Littleton read Article 11, Part 5(d) regarding the buffer zone.

This drops off from the elevation of the building to my property and that is now clear cut. Planting 8' tall shrubs would have to be done at the guardrail height. A lot of this has already been done without your approval. I am the direct abutter to that. This time of year you can see right through. There are big piles of dirt and a storage container and materials stored outside of the shipping container. I am concerned about the increase to noise and light. The industrial part abuts Farwood Drive. Casey Drive is 1000' or more to the west. Heron View Drive is another 1,500' from there. All of those industrial places abut Farwood Drive, American Crane, and the clothing place.

S. Gilbert: Andre, do we know if permits were pulled for the excavation?

A. Garron: Not that I am aware. There was activity happening that prompted a cease and desist.

C. Stelmach: Can you clarify?

J. Rokeh: A wetland scientist delineated the wetlands, and we added a 40' wetland buffer onto that.

R. Duhaime: You added 35' in elevation from his home. I need to see a screen of evergreen and a more improved landscape plan.

S. Gilbert: Has Bruce been out there?

J. Littlefield: Dana was there. He got back in touch with me after the cease and desist.

R. Duhaime: When you do an excavation job you need someplace to dump it.

J. Littlefield: I am concerned with the ground water table. If you did a site visit after the snow was gone you would see that is knee deep black muck.

R. Duhaime: In an industrial zone with a clear wetland buffer there is no foliage that can't be used as the buffer. You gave us the 40' but you added the elevation.

J. Rokeh: I don't know if anything was cut in the wetland itself. I believe it was just in the buffer.

J. Littlefield: There are 12' or bigger trees in the wetland. They met with a contractor that was looking to get rid of fill to fill in the ravine. It was not buildable the way it was before. The 8' will not do me any good when they are 20' below the parking lot and 24' below the parking lot. That is what I would be looking at from my house.

D. Pichette Volk: The cease and desist was put forth but let's say there was no intended development. What would the net effect be? Is there any mitigation required at far as the cease and desist. Does the abutting homeowner have any recourse? What would happen if there was no plan? Can the planning board force mitigation onto the perpetrator?

P. Scarpetti: I don't have an answer to that.

R. Duhaime: Once he started filling it nothing can grow. You have to stop the erosion. A bond would have to be put in place until it was fixed.

J. Littlefield: I don't have any recourse. Just to go for the cease and desist and wait for this to play out. It is not a neighborly thing to do. The property was surveyed and there are new painted rebars that were placed at my property corners. Twenty-two or twenty-three years ago markers had already been placed. His markers are next to mine. They had contracts in place with Hooksett Paving. This was an operation.

D. Pichette Volk: It feels like this proposal from Lucky Dog is an attempt to mitigate this plan.

J. Littlefield: I think with the cease and desist they would like to move forward the right way, but I don't trust them. They have already filled the wetland. It is difficult to undo 100 years of sediment that turns it into what it was.

R. Duhaime: This is spot zoning and spot zoning comes back to haunt.

J. Littlefield: It is my understanding when the permit was given for Farwood and Crane they did not know the abutter was zoned industrial.  
sediment

A. Garron: Did this encroach upon the wetland or the wetland buffer area?

J. Rokeh: I was told by the wetland scientist there is no fill in the wetland or the wetland buffer. The cease and desist required them to move forward with the site plan. They thought they needed to fill it in before they did the site plan, but they were wrong.

A. Garron: If the wetlands were not disturbed our focus is if the buffer is being maintained.



J. Rokeh: They cut trees in the wetland buffer.

A. Garron: So this is a matter of what it gets replaced with. There was some suggestions from the wetland scientist.

R. Duhaime: Fifty percent is required. If this was a flat site, we would grant some evergreens or taller trees to buffer that side of the building.

J. Littlefield: I would invite the board to go on the site, stand on the site, and look at my home.

D. Pichette Volk: Did the cease and desist include the filing of an application of a site plan?

J. Rokeh: Yes. They said they were going to build on it anyway, so the site plan was filed.

P. Scarpetti: How close can the leach field be to the building?

J. Rokeh: At least 15 to 20'. It is farther than that.

P. Scarpetti: There is additional filling that would need to go past Farwood. I would recommend they move that closer to the building. You can't do the 100' line. We could require them to do an inventory of the stumps to see what is out there.

J. Littlefield: They are all buried. There is a lot more burying in that buffer zone that this gentleman is alluding to. I am not a wetland scientist but even in July and August there is standing water and cabbagey things.

J. Rokeh: I want to talk with the wetland scientist. It was not staked out when I was there. I would like to go out with the wetland scientist and stake out the buffer line to get you some photos.

R. Duhaime: I would like to see something on the plan that has to be maintained.

C. Stelmach: Could Mr. Littlefield go with him?

J. Littlefield: I would do that. It is in my best interest.

D. Winterton: Would you have historical photos?

J. Rokeh: The Crane Way property was all treed.

J. Littlefield: It was all wooded prior to this. The whole property going to Crane Way was forest. Now there are big piles of dirt shipping containers and irrigation hose.

J. Rokeh: That goes almost back to the cease and desist.

J. Littlefield: This was a staging area. Everything was operating off of this site for more than a year now.

D. Pichette Volk: Is there benefit in closing the public hearing and agreeing to not take action but have the applicant come back.

C. Stelmach: You had concerns about the lighting?

J. Littlefield: I did get a lighting plan. The clothing bin people had added lighting which I have been dealing with. The direction they aimed I have to keep my bathroom door closed because it lights up my bedroom. I am working on that with that property owner.

C. Stelmach: Do you have any other concerns?

J. Littlefield: What will be in the bays? What could be there that could disrupt my groundwater. I also have concerns with the disruption of the groundwater around this site during the construction phase.

R. Duhaime: Our town engineer would look at that.

J. Littlefield: I am also concerned about after-hours noise.

S. Gilbert: What would the best-case scenario be for you in terms of the buffer area?

J. Littlefield: In my opinion, the elevation of the 50' buffer should start at the elevation of the guardrail. If you start the buffer in a hole that does not do much good. I would like to see the buffer at an elevation that would do buffering.

D. Winterton: Would it be better placed for him to put the evergreens at the guardrail?

J. Rokeh: We would not be able to do that. We could put a couple trees up top but it would not be a buffer.

J. Littlefield: Maybe they could have six bays instead of eight. I would like to see the buffer at an elevation that would do me good. If it is done at that elevation, they might lose a bay.

R. Duhaime: That is up to the engineer to make it work.

J. Rokeh: It is a lot of record as an industrial site and no matter what the end result would have been the same thing.

Close public hearing.

S. Gilbert: I would like to get our town engineer out there to look at the site. I would like to see what was changed and what might need to be addressed. I am disappointed that someone in our town had to come forward for a cease and desist. This is the second applicant that has done this with wetlands. It is really disappointing.

***R. Duhaime motioned to continue the industrial site plan application for 8 Contractor Bay Units for Lucky Dog Properties, LLC represented by Rokeh Consulting, LLC, 5 Crane Way, Tax Map 15 Lot***



**85-2 until the March 20, 2023 planning board meeting. Seconded by D. Winterton. Motion carried unanimously with a vote of 7-0.**

It was a board consensus to have the town engineer visit the property focusing on the intrusion of the wetland and wetland buffer and if there is opportunity between the wetland and the wetland buffer to put in trees.

M. Somers returned.

## **BOARD DISCUSSION**

### **2. JACK & CINDY GAGNE**

**26 Hale Avenue**

**Tax Map 45 Lot 21**

**Application for Special Exception – ZBA Request for Review**

Jack Gagne: I was approved to build the garage because I was encroaching on town property. I built that myself. Things are in progression for a second floor to be put in. The criteria for the setbacks have been approved. I have never had any problem with the abutters, and they support this. We have spent \$35,000 in landscaping on the property. All of the things I have done is to make things look better. I am here to make what was supposed to be a storage area into an apartment. This would increase the footprint of living space in my house to the national average. The apartment would be approximately 800 sq. ft. The water and sewer will be connected to the town system.

R. Duhaime: If you add another unit you will have to pay a fee.

J. Gagne: I am aware of that. So far, the ZBA has passed everything. This is a courtesy so that you know what is going on.

P. Scarpetti: We allow ADU's so what is the problem with this? Is this an issue with the special exception? Do you have an existing photo of the elevation of the house?

D. Winterton: Is this attached or detached.

J. Gagne: We have a ranch and one garage. Next to that is the garage with storage that we would like to build an apartment over. You cannot walk to the garage with storage from the ranch.

R. Duhaime: You are adding onto the water and sewer system so you will pay a system impact fee. There is also a residential impact fee.

D. Winterton: This isn't a cheap town to do housing construction.

**It was a board consensus to send a letter of support to the ZBA regarding an application for special exception – ZBA Request for Review for Jack & Cindy Gagne, 26 Hale Avenue, Tax Map 45 Lot 21.**

D. Winterton: This is creating a duplex. I would be prepared to go see the sewer commission



**C. Stelmach wrote two letters regarding Councilor David Boutin and read them into the record. Both letters are dated March 6, 2023. One is addressed to Town Council Chairman Jim Sullivan and the other is addressed to Town Planner Nicholas Williams. Members of the Planning Board and the Planning Board Recording Clerk signed both letters along with Vice-Chairman Stelmach. The letters are attached to these minutes.**

## **MASTER PLAN DRAFT REVIEW**

### **Chapter 7 – Economic Development**

#### On-Going

Promote the prioritization of infrastructure improvements in areas of potential economic development.

It was a board consensus to add TIF to the above.

Advocate for the development of a reasonable supply of affordable housing in order to provide housing for employees of potential new business.

It was board consensus to leave as written.

Designate staff/EDAC members to fully implement the Hooksett Business Ambassador Program as previously envisioned.

It was board consensus to leave as written.

Promote existing development incentives as adopted previously, including the Economic Revitalization Zones, the Community Revitalization Tax Incentive, and TIF.

It was board consensus to leave as written.

Continue to facilitate an efficient low-cost development review process for new businesses.

It was a board consensus to delete the words “Continue to”.

Streamline the Occupancy Review Process.

It was board consensus to leave as written.

#### Short-Term

Conduct a comprehensive build-out analysis of all commercial and industrial lands; consider conducting a floor area analysis as part of this study.

It was board consensus to leave as written.

Identify specific commercial and industrial sectors which the Town wants to attract.

It was a board consensus to add “Town Administration” to Plan Partners.

Define new focus areas to direct economic development opportunities, such as the Miracle Mile Revitalization Corridor on DW Highway and both of the Town’s industrial parks.

It was a board consensus to add “Town Administration” and “Community Development” to Plan Partners.

Adopt the provisions of the Commercial and Industrial Construction Exemption Tax Incentive.

It was a board consensus to replace the word “Adopt” with “Continue” and move to “on-going.”

#### Mid-Term

Advocate for the creation of an Economic Development Coordinator position to advance Economic Development initiatives and research grant opportunities.

It was board consensus to leave as written.

Develop alternative scenarios for the development of vacant commercial/industrial properties at Exit 11.

It was board consensus to remove “Exit 11.”

Develop a partnership with Southern New Hampshire University to implement a business incubator program for student entrepreneurs.

It was a board consensus to remove.

Where appropriate, promote the development of mixed-use districts to facilitate walkable live-work communities.

It was board consensus to leave as written.

Formalize a Town Economic Development Program with qualified staff and a devoted EDAC website to inform the community on new development activities and incentives.

It was board consensus to change “Formalize” to “Research.”

Identify a strategy to promote the adaptive reuse of vacant, historic, or otherwise underutilized structures to provide incentives for new businesses to inhabit these existing spaces.

It was board consensus to change “Identify a strategy” to “Continue”.



Provide for intensification and densification of Commercially zoned lands in at the south end of DW Highway adjacent to the Manchester line.

Replace “Provide for intensification and densification” with “Allow for the increased density”.

Establish and periodically review a list of vacant commercial/industrial properties and advertise in various locations for the local business community.

It was board consensus to leave as written.

Consider conducting a review of the impact fee ordinance to ensure the Town’s fees remain competitive with similar communities in the region.

Replace “Consider conducting” with “Conduct”.

Actively take part in Southern New Hampshire Planning Commission’s Brownfield Assessment Program to create an inventory of brownfield sites which might support commercial/industrial development.

It was board consensus to replace “Actively” with “Engage” and move to “short-term”.

### **ADJOURNMENT**

*M. Somers motioned to adjourn at 8:48 pm. Seconded by P. Scarpetti. **Motion carried unanimously with a vote of 7-0.***

**The next regularly scheduled meeting of the Planning Board will be held March 20, 2023 at 6:00 pm.**

**Respectfully submitted by,**

**/s/ AnnMarie Scott**

**AnnMarie Scott**

**Recording Clerk**

March 6, 2023

To Nicholas Williams

Nicholas, I am writing this letter to apologize for the comments by a member of this board in his response to the announcement of your leaving your position as Hooksett Town Planner.

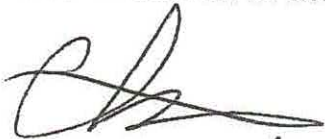
The response was unprofessional, inappropriate, rude, and reflects negatively on the members of this board and the Town of Hooksett. I am sorry that this happened and wanted to express thanks from the board for your work as town planner.

I wish you nothing but success in your new endeavor.

Respectfully,

Christopher Stelmach

Vice-Chairman of the Hooksett Planning Board





March 6, 2023

Dear Chairman Sullivan,

This is a letter to request that the Town Council revoke the appointment of Councilor David Boutin to the Planning Board. His behavior at Planning Board meetings has been unprofessional, argumentative, and incredibly rude to the Chair, other Board members, and to applicants and abutters. His actions have disrupted the decorum that members of the Board, applicants, and citizens of Hooksett expect from elected and appointed officials.

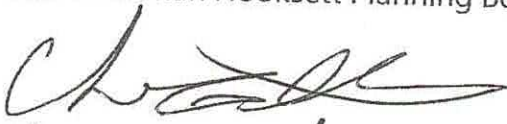
Councilor Boutin's comments to the Town Planner on his resignation "**The town is fortunate that you are leaving. You will not be missed.**" are so unprofessional and just rude. His actions have been a huge detriment to the functioning of the Planning Board and an embarrassment to the citizens of Hooksett, especially those who volunteer to try to continue to move Hooksett forward.


Please consider this request as soon as possible and appoint a councilor to the Planning Board that will bring a seriousness to this important town Board. The citizens of Hooksett, other volunteers and prospective applicants deserve this.

Respectfully,

Christopher Stelmach

Vice-Chairman Hooksett Planning Board

  
D. Gilbert  
Wayne S. Russell  
Robert Aubaine  
Phil [unclear]

  
Dad R. [unclear]  
Ann Marie Scott