

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, November 20, 2023**

8 **6:00 PM**

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

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12 **PLEDGE OF ALLEGIANCE**

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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**

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

24

25 **ALTERNATES: Denise Pichette Volk**

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27 **EXCUSED: Chris Stelmach (Chairman) and David Russel (Alternate)**

28

29 **NOT PRESENT:**

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31 **STAFF: Elizabeth Robidoux (Town Planner)**

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33 D. Pichette Volk will be a voting member this evening.

34

35 **APPROVAL OF MINUTES 11/6/2023**

36

37 *J. Sullivan motioned to approve the minutes of the October 16, 2023, Planning Board meeting. M.*
38 *Somers and R. Duhaime abstained due to not being at the October 16, 2023, Planning Board*
39 *meeting. Seconded by D. Winterton. Motion carried unanimously with a vote of 5-0.*

40 **REVIEW AND ADOPTION OF PLANNING BOARD RULES OF PROCEDURE**

41

42 *J. Sullivan motioned to approve the second reading of the Planning Board Rules of Procedure and*
43 *adopt them as of November 20, 2023. Seconded by D. Winterton. Motion carried unanimously with*
44 *a vote of 7-0.*

45

46 **REVIEW OF TOWN OF HOOKSETT POST CONSTRUCTION STORMWATER**
47 **MANAGEMENT STANDARDS – First Reading**

48
49 E. Robidoux: The draft document has been prepared by The Rockingham Planning Commission and
50 the University of New Hampshire Stormwater Center as well as Community Development Staff. It has
51 been reviewed by DPW and the Town Engineer. It is not currently adopted by the Town of Hooksett.

52
53 Discussion ensued regarding proposed amendments and the first reading. The goal is to establish mini-
54 mum stormwater management provisions. E. Robidoux confirmed the definition of ‘storm water run-
55 off’ is in the Development Control Regulations. The Board had no changes to the document.

56
57 **Draft (1) November 07, 2023**

58
59 **PROPOSED AMENDMENT TO THE TOWN OF HOOKSETT DEVELOPMENT**
60 **REGULATIONS, PART I, GENERAL DEVELOPMENT REGULATIONS, 11.12 (4)(g)**
61 **AND PART III, SITE PLAN REGULATIONS, 3.05, COMMERCIAL ARCHITECTURE**
62 **REQUIREMENTS, ROOF MATERIALS AND ROOF PITCH – First Reading**

63
64 E. Robidoux: The purpose of the amendments is to bring the Town of Hooksett’s Development Regu-
65 lations into compliance with the EPA MS4 Permit. The Town is in year 5 of the Permit. The first
66 change allows the applicant to submit a proposal to allow the harvesting of excess stormwater for non-
67 potable use. The second change allows the applicant to propose a green roof. The caveat is that the
68 applicant would need to submit a stamped, engineered structural design proving the roof could support
69 the weight of the green roof and the snow load.

70
71 Discussion ensued regarding proposed amendments and the first reading. The Board had no suggested
72 changes to the proposed amendments.

73
74 **2024 PLANNING BOARD MEETING SCHEDULE**

75
76 Discussion ensued regarding the Master Plan. The goal is to have the Master Plan move forward for
77 adoption at the end of February or the beginning of March 2024.

78
79 January 8, 2024, is going to be added to the meeting schedule to accommodate zoning amendment pub-
80 lic hearings.

81
82 *P. Scarpetti motioned to adopt the 2024 Planning Board meeting schedule. Seconded by D. Winter-*
83 *ton. **Motion carried unanimously with a vote of 7-0.***

84
85 **BOARD DISCUSSION**

86
87 **1. Zoning Amendment Recommendations from Zoning Amendment Subcommittee**

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89 Discussion ensued regarding portable storage containers. S. Gilbert confirmed the Subcommittee
90 would like to have the suggested changes for ADU requirements, Sign requirement in the Performance
91 Zone, and the new Article containing provisions for portable storage containers to be on the ballot this
92 year.

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2. Discussion to Amend Fees for Planning Board Applications (Map 12, Lot 14-2)

E. Robidoux: The Planning Board will be receiving an application to amend a subdivision approved by the Board in 2016. The only change to the plan is remove one of the conditions of approval. This has been ordered by the Court. Staff has not been delegated the authority to make changes to the set fees, and it did not seem fair and equitable to charge them the amount of money required. It is suggested the applicant only have to pay the application and notification fee and any applicable recording fees associated with any future approval.

P. Scarpetti motioned to waive the \$1,000 engineering fee for the Map 12 Lot 14-2 sub-division plan. Seconded by S. Gilbert. Motion carried unanimously with a vote of 7-0.

OTHER BUSINESS

**3. SCOTT BUSSIERE/RAVENWOOD, 249 LONDONDERRY TURNPIKE
Discussion of Impact Fees**

Attorney John Cronin (Cronin, Bisson, and Zalinsky): Back in 2016 there were questions about the impact fees. We looked at the ordinances and how they are drafted. Very old data was being used. They use a square foot method for non-residential buildings. In the case of storage, the use doesn't generate a significant relationship to the impact. Before you get to the development you have to go to the statute to see if it is appropriate. This is on a state highway and the state is in control of it. The state said he needs to do a turn lane going south. There was a \$75,000 bond posted to do that work. That is an improvement necessitated by the project. Hooksett looks at the public service impacts and puts a number on the development. He has reviewed the balance sheet for impact fees, and the Town is holding over a million dollars in impact fees. When we came in with BlueBird Self Storage and looked at the impact, we stated the trips per day for this type of use are very small. There is a problem as to how the impact fee was applied in this case. In 2016 the board indicated they needed to revisit the ordinance. It is in your budget again this year and I think it needs to be updated. We are asking for the same treatment you provided to Blue Bird which was a percentage discount. He has already paid the full impact fees on the other two buildings at 237 Londonderry Turnpike which he could have challenged.

P. Scarpetti: What was imposed?

Attorney Cronin: \$31,460 for Phase 1; \$40,074 on Phase 2, for a total of \$71,534. We are proposing to pay \$34,500.

D. Winterton: When Blue Bird first came in, I asked what is the most you paid in a community for a similar building. You gave us a number of what you were paying in other communities, and we worked a number based on that. In reality, cars do not go in there all the time. This relates to our original proposal for a storage area for boats/rv's because there wasn't going to be a lot of activity. I think it would be a good thing to come up with a reasonable number.

S. Gilbert: In the past, have we considered location with regard to impact fees? There is no light, and it is a heavily travelled area. That presents a risk.

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D. Winterton: It is not our road.

S. Gilbert: Have we ever set a precedent for location?

E. Robidoux: There are three traffic zones we use. Depending on the zone in which the property is located, the amount assessed will change. This is Zone 3 and we assessed the traffic impact at \$.74 per sq. ft.

S. Gilbert: Attorney Cronin, what is the zone for Bluebird? It is a different zone.

Attorney Cronin: We didn't get into that too much. This is state owned and maintained.

Attorney Cronin referred to the statute stating: "Upgrading of existing facilities and infrastructures, the need of which is not created by the new development, shall not be paid for by impact fees." If you are not going to grant relief, I would ask you to give me specific findings of what improvements were necessitated by this project and what are their costs and how much of that debt has not be retired. In fairness to the town, you might be leaving some money on the table and not getting what you fully deserve for someone that has a heavy duty impact using such a generic formula. A lot of towns give you a broad way to do it, relate to the statute, and give the discretion to the members of the Planning Board on a case by case basis. This impact fee ordinance is dated and generic, and is not a fair application of the statute.

R. Duhaime: Impact fees for the zone are so the fees apply to that zone. I look at where the buildings are located and how much they will cost the town. This is not going to cost the town much.

S. Gilbert: I think we have set a precedent. How do we move forward without being unfair.

M. Somers: Liz, do you concur with that number?

E. Robidoux: I think it is fair.

D. Winterton: You are paying to have the extra lane added to the state highway.

Attorney Cronin: Yes. There is a bond for \$75,000 but we do not know the actual cost.

J. Sullivan motioned to adjust the impact fees for Scott Bussiere/Ravenwood, 249 Londonderry Turnpike to \$35,000 for phase 1 and phase 2. Seconded by D. Winterton. Motion carried unanimously with a vote of 7-0.

**4. AMERICAN ASPHALT PAVING, 253 LONDONDERRY TURNPIKE
Discussion of Proposed Phasing Plan**

E. Robidoux: American Asphalt is located adjacent to the Ravenwood project. There has been ongoing construction on the site. There are a few items of note. One of the conditions of approval for the project was all taxes needed to be paid in full. There is still an outstanding balance. The code enforce-

185 ment officer requesting the board not make a decision on phasing until that is taken care of. The deci-
186 sion to discuss the phasing request would be at the pleasure of the Board; the Board has a request be-
187 fore it.

188
189 Jon Rokeh (Rokeh Consulting): The detention pond is built, the grading had to be reworked, the drive-
190 way had to be pulled out and redone but that is completed, the septic system is designed and approved
191 for the commercial building, the entrance and drainage is paved to where the septic is going to be and
192 the rest is graveled back. We are asking for time to get to the spring at which time we are going to put
193 in the septic, well, and foundation and pave the rest of the area. The dumpster pad will go in with the
194 enclosures. Everything will be done except for the building being constructed. We are trying to build
195 the site without going into debt. We are moving the project forward. We wanted to have the building
196 done in 2024 but by the time he gets the funds in line and the building ordered he might not get it until
197 the end of 2024. The building should be up in the spring of 2025. In Spring of 2024 everything will be
198 done other than that.

199
200 J. Sullivan: From the time the Planning Board approves a project is there a time it must be complete?
201

202 E. Robidoux: Not as long as there is a bond in place. This should be one ongoing construction project
203 and he is asking to phase it.

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205 J. Sullivan: Could they phase it without us approving the phasing?
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207 E. Robidoux: He wants to operate from this site.
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209 R. Duhaime: He has been operating from this site without the building.
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211 Robert Stewart (owner of American Asphalt Paving): I bought the property not realizing what I had to
212 do. I went in front of the Planning Board and got it approved. When I went in front of the Planning
213 Board I didn't know I had to do all of these things and do them right away. I have been trying to fix it
214 and move forward.

215
216 J. Sullivan: What are the cons of not approving a phased approach?
217

218 M. Somers: It is risky if they don't do the extra phases.
219

220 R. Stewart: If I get the building sooner I would like to get it in sooner.
221

222 M. Somers: We don't know what the future holds and circumstances could impact the phasing.
223

224 R. Duhaime: He doesn't have a building. He is operating on the site and now wants to have a phasing
225 plan. I want something standing that he is paying taxes on.

226
227 P. Scarpetti: What is owed and what is it for?
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229 E. Robidoux: There is a balance of \$1,209.23 for taxes.
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231 P. Scarpetti: What was Dana's response for this?

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E. Robidoux: He suggested we not approve a phasing plan until those taxes are paid. That was a condition of the approval, and he is concerned about operation on the site without a building. He is concerned about how the well would go in.

R. Duhaime: He is operating and does not have a taxable commercial building, only a lot.

S. Gilbert: Have there been notices about the taxes?

E. Robidoux: Yes.

S. Gilbert: How long have you been in business?

R. Stewart: 20 years.

S. Gilbert: On the sites your company works on, do your clients have site plans you need to follow?

R. Stewart: I have my sales people or engineers do that.

D. Pichette Volk: When was the original approval?

J. Rokeh: 2020. There was another approval in 2023.

R. Duhaime: Is there something temporary he can put up with a bathroom and an office. The idea is to have a CO.

E. Robidoux: Dana will only approve what is on the site plan.

M. Somers: There was discussion about access to the well.

J. Rokeh: S&H did the septic and we fixed those issues. We moved it to the front side of the swale and it is approved.

E. Robidoux: Did Bruce approve the change for the location of the septic?

J. Rokeh: Peter Stoddard did the well on the front side.

M. Somers: The well on the plan we are looking at is not where the well will be going?

J. Rokeh: Correct.

P. Scarpetti: If the board agrees to do the phasing for you, I would ask you to come back to look at the building. Metal buildings are not a part of our architectural standards. If you are coming back for a change we should be able to ask you to approve the style of the building.

J. Sullivan: If we do nothing what happens?

279 E. Robidoux: Dana will move forward with action. He cannot continue operating on this site. If you
280 are going to entertain a phasing plan, Dana would want boulders at the end of the pavement so nothing
281 can go on the gravel. He also wants all the containers off the property.

282
283 J. Sullivan: I think we should get clarification from Dana on what is going on with the property. The
284 question is, what is under our rules.

285
286 S. Gilbert: They are doing the occupancy without completion.

287
288 J. Rokeh: What if we put together the building plan of what the building will look like, and we put in a
289 smaller building?

290
291 P. Scarpetti: That would be another site plan.

292
293 R. Duhaime: For phasing the idea is you can only have a CO for what has been done. We want this fi-
294 nalized.

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296 E. Robidoux: Dana will be here at the next meeting.

297
298 *J. Sullivan motioned to continue the discussion of the proposed phasing plan for American Asphalt*
299 *Paving, 253 Londonderry Turnpike to the December 4, 2023, meeting. Seconded by R. Duhaime. D.*
300 *Pichette Volk abstained.*

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302 D. Pichette Volk: I am presuming good will on the part of applicant. I would like to hear from the code
303 enforcement officer before I can sort through this. If the vote had been tonight, I think I would have
304 voted for a phasing approach.

305
306 **Motion carried with a vote of 6-1.**

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308 **5. TOWN PLANNER UPDATES (E. Robidoux)**

309
310 There has been a request to have another Planning Board representative for EDAC.

311
312 D. Winterton stated he will be resigning from the Planning Board as of January 1, 2024.

313
314 The Town received an abutter notice from the Town of Candia. Someone wants to build on North Road
315 which is a Class VI road. The public hearing will be on November 27, 2023. S. Gilbert wanted to con-
316 firm if this property is located near Clay Pond.

317
318 The Planning Board has received an advisory notice about our dues from SNHPC; those are due in
319 July.

320
321 The Board has been copied on email correspondence with a request from Jolene Archambeault to come
322 before the Planning Board to ask the Planning Board to require the applicant to install a buffer. The
323 Planning Board has no statutory authority to do that. It is part of the construction sequence. The town
324 will not release any bonds, or issue COs for that portion of the site until that buffer is installed. The site
325 is being actively marketed. They are also marketing the units in the strip mall. 1461 Hooksett Road is

326 actively being marketed. No tenants are proposed at this time for the contractor bays. Any tenants will
327 have to complete an Occupancy Review request form. Community Development and other Department
328 heads review those requests. None have been received to date. There was a short discussion on appli-
329 cations that will require Board review as staff felt there was an increase in the intensity of use.

330
331 The Board requested a monthly copy of the Occupancy Review requests and the building permit list.

332
333 Per the Board's request, a copy of the Town of Hooksett enforcement process has been provided. Dis-
334 cussion ensued.

335
336 **ADJOURNMENT**

337
338 *J. Sullivan motioned to adjourn at 7:54 pm. Seconded by D. Winterton. **Motion carried***
339 **unanimously with a vote of 7-0.**

340
341 **The next regularly scheduled meeting of the Planning Board will be held December 4, 2023, at**
342 **6:00 pm.**

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344 **Respectfully submitted by,**

345
346 **/s/ AnnMarie Scott**

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348 **AnnMarie Scott**
349 **Recording Clerk**

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351 **Reviewed by E. Robidoux**