

1 **Official**

2
3 **MINUTES**

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

6 **35 Main Street**

7 **Monday, March 18, 2024**

8 **6:00 PM**

9
10 **MEETING CALLED TO ORDER AT 6:00 PM**

11
12 **PROOF OF POSTING**

13
14 **PLEDGE OF ALLEGIANCE**

15
16 **INTRODUCE MEMBERS OF THE BOARD**

17
18 **PRESENT:** Chris Stelmach (Chairman), Mike Somers (Vice-Chairman), Robert Duhaime,
19 Sheena Gilbert, David Russel, Paul Scarpetti, and James Sullivan (Town Council
20 Representative)

21
22 **ALTERNATES:** Denise Pichette Volk

23
24 **EXCUSED:**

25
26 **NOT PRESENT:**

27
28 **STAFF:** Elizabeth Robidoux (Town Planner)

29
30 **APPROVAL OF MINUTES 03/04/24**

31
32 *M. Somers motioned to approve the minutes of the March 4, 2024 Planning Board meeting.*
33 *Seconded by S. Gilbert. P. Scarpetti abstained due to not being present at the March 4, 2024*
34 *Planning Board meeting. Motion carried with a vote of 6-0.*

35
36 **APPOINTMENTS**

37
38 None.

39
40 **COMPLETENESS REVIEW & PUBLIC HEARING**

41 **1. WICKASEE PROPERTIES**

42 **6 Leonard Avenue**

43 **Map 41, Lot 93**

44 **Waiver Request from the terms of Zoning Ordinance, Article 10-A, Section E,**
45 **Permitted Uses, to allow residential use of the property.**

46

47 E. Robidoux: On September 18, 2023, the Board reviewed an application for 6 Leonard to
48 subdivide the property into two lots; this was approved. One lot, containing an existing three story
49 residential home totaled 1.017 acres. This lot is known as 6 Leonard Avenue. The newly created
50 lot totals 3.043 acres of vacant land and is not part of this application. For this application, the
51 Board does not need to determine regional impact. The lot is located in the Performance Zone,
52 where residential use is not permitted by right. Pre-existing uses are considered “grandfathered”
53 and may continue until such time as the use ceases for a period of 12 months (see Zoning
54 Ordinance, Article 26, Section A (4)). The Code Enforcement Officer deemed the residential use
55 at 6 Leonard abandoned and the information contained with the application before the Board
56 supports that as it has been stated the residential structure has been unoccupied since January 1,
57 2023. The applicant would like to reestablish the residential use of the property.

58
59 Attorney John F. Griffin, Jr. (Primmer Piper Eggleston & Cramer PC): This property was sub-
60 divided in 2023 and marketed. There was no intention of abandoning the residential use,
61 however, there were concerns the residential use had been abandoned. It is suitable as a
62 residence. Without waiving any rights this is the quickest way to get it back to residential. The
63 applicants have someone who wants to buy it. We would request the board understand our
64 position, grant the waiver, and let the tenants move in.

65
66 **2. J. Sullivan motioned to accept jurisdiction of the waiver request from the terms of**
67 **Zoning Ordinance, Article 10-A, Section E, Permitted Uses, to allow residential use of**
68 **the property for Wickasee Properties, 6 Leonard Avenue, Map 41, Lot 93. Seconded by**
69 **P. Scarpetti. Motion carried unanimously with a vote of 7-0.**

70
71 Open public hearing.
72 Open public comments.
73 No public comments.
74 Close public comments.

75
76 R. Duhaime: Was this was always a residential property?

77
78 Attorney Griffin: My clients owned it for 7 years and during that time it was used as a residence.
79 The tenant left December 31, 2022. They tried to get another tenant and they couldn't. It was never
80 used as a business.

81
82 R. Duhaime: This gentleman purchased this knowing it was in the PZ. We are not looking for
83 commercial development in the PZ. Already granting the sub-division I don't see any reason why
84 we wouldn't move forward with this.

85
86 Close public hearing.

87
88 After review of the waiver request, the Board finds that specific circumstances relative to the plan,
89 or conditions of the land in such plan will properly carry out the spirit and intent of the regulations.

90
91 **P. Scarpetti motioned to grant a waiver request from the terms of Town of Hooksett Zoning**
92 **Ordinance, Article 10-A, Section E, Permitted Uses to allow the residential use as a single-family**
93 **home to be re-established for Wickasee Properties, 6 Leonard Avenue, Map 41, Lot 93. Seconded**

94 **by S. Gilbert. Motion carried unanimously with a vote of 7-0.**

95

96 **3. HIP PEAS FARM LLC**

97 **191 West River Road**

98 **Map 24, Lot 30**

99 **Site Plan Amendment (clarification of intended uses on the site)**

100

101 E. Robidoux: Hip Peas Farm was originally approved by the Planning Board on May 3, 2021, as
102 a multi-use function hall. The site had pre-existing agricultural use. During the May, 2021
103 discussion, the applicant noted there would be no fireworks, and the facility would follow the
104 Hooksett Noise Ordinance. There would be no bands, nor a DJ outside, unless it was for
105 ambiance music. The intention was to have up to a 2 man stringed instrument group only; they
106 did not intend to have a full party outside. [May 3, 2021 minutes Lines 121-125]

107

108 On November 06, 2023, the Code Enforcement Officer held a discussion with the Planning
109 Board looking for guidance on an enforcement issue he was having with the facility. He
110 reported there had been complaints and noise violations. He had sent two (2) Notices of
111 Violation and had not received a response with regard to compliance. The event center had
112 employed DJs for several of the events and the noise was disturbing the neighborhood, as
113 evidenced by the phone calls to the Police Department and Code Enforcement. He asked
114 permission of the Board to move forward to the next enforcement level, which would be
115 revocation of the site plan. The Board agreed to move forward with a revocation hearing, as
116 members of the Board recalled testimony that there would not be loud music at the site.

117

118 On December 04, 2023, the Board opened a public hearing to revoke the Hip Peas site plan. The
119 Board had received a request from the applicant's legal counsel to continue the hearing in order
120 to provide the Board with an amended site plan. The Board took testimony from abutters that
121 evening and agreed to continue the revocation hearing to February 05, 2024. It was understood
122 that the applicant and the applicant's representatives would have a conceptual discussion with
123 Town staff, to determine if a TRC meeting was required and that an amended site plan would be
124 submitted to the Board. The amended site plan was to outline all existing uses on the property to
125 include the use of the farmhouse as an Airbnb. The conceptual meeting took place (January 18,
126 2024) and a TRC meeting was held on the afternoon of February 05, 2024.

127

128 During the TRC meeting the applicant stated he was finalizing a sound study and did not yet
129 have the final report. The TRC plan needed to be revised per the staff comments. Given the
130 timing, the Board agreed at its February 05 meeting to continue the revocation hearing to March
131 18, 2024, to allow the property owner time to address TRC comments and submit the amended
132 site plan to the Board.

133

134 The Community Development office received an amended site plan application on February 26,
135 2024. The amended site plan did not include the proposed 15 space gravel employee parking area
136 off the left-hand side of the function hall that had been proposed on the TRC plan. Several of the
137 green houses were shown to be relocated as proposed, the future Farmer's Market area is noted
138 on an existing gravel parking area, portable toilet locations are noted, storage containers that had
139 encumbered the existing gravel parking areas were shown in a different location, freeing up
140 those parking spaces.

141
142 Hooksett Village Water Precinct asked and continues to request that the plan notes be amended
143 to clarify potential water supply concerns. It is recommended a note be added to the plan stating,
144 “The onsite water supply well is connected to the existing farmhouse and is not connected to the
145 function hall or the public water system. The public water system will not be connected to the
146 house, tent, or other site infrastructure without prior written approval of the Hooksett Village
147 Water Precinct.” The lot is currently served by a septic system. The Fire Department had no
148 comments on the plan as the proposed amendments do not change conditions for that
149 department.

150
151 The list of uses on the property has been updated. The original plan referenced the 150 seat
152 function hall and the addition of a greenhouse, bringing the greenhouse total to six (6). The
153 amended plan notes the following uses: 150 seat function hall (1641 sf); proposed tent (3000 sf)
154 – note tent is used in place of the function hall, applicant states two events do not occur on site at
155 the same time; proposed farmers market area; use of the farmhouse as an Airbnb (website states
156 maximum of 16 guests); supporting infrastructure; existing greenhouses and agritourism
157 activities.

158
159 The parking calculation is based on “Places of Assembly” which is the closest analogous use to
160 “event center” which does not have a calculation in the current regulations. The requirement is
161 1:3 persons. With a maximum number of guests at 150 the required amount of parking is 50
162 spaces; this does not account for staff at the events. The original plan had a total of 32 spaces on
163 the gravel parking area to the right in front of the greenhouses and abutting Route 3A, with
164 another 30 paved spaces grouped in front of the existing farmhouse. The amended plan
165 reconfigures the parking on the gravel surfaces and adds an additional 5 spaces. Total parking
166 for the site is proposed at 68 spaces where 62 spaces was originally approved.

167
168 With regard to sound there are two regulations to consider. The Hooksett Development
169 Regulations, Part II, Section 3.12, Noise, states that noise levels are not to exceed 5 decibels
170 (dBA) over the ambient background level. Violations of this Regulation fall under the
171 jurisdiction of Code Enforcement. The location of the facility directly abuts Route 3A, which
172 has an annual average daily traffic level 14,000 vehicles per day (2019 – last numbers available).
173 The time of day and the level of traffic will affect the ambient noise level. The Sound Survey
174 prepared by Aries Engineering for the applicant (January 2024) states the ambient level around
175 3:30 pm on January 11, 2024 (Thursday) on the site had a maximum reading of 67.9 dBA. With
176 music playing the decibel levels at various property lines ranged from 53.7 to 62.7 dBA. Decibel
177 levels at 10 feet from the DJ’s speaker ranged from 84 – 90.8 dBA. The study time period on
178 January 11, 2024, was from just after 12 PM to 3:39 PM. Per the development regulations, the
179 maximum decibel level should not exceed 72.5 dBA on the property.

180
181 A supplemental sound study was conducted on February 23, 2024, between the hours of 5:00 PM
182 and 10:00 PM. The town received a copy of that on March 08 which is within the 7 day
183 guideline. Results of the study indicate the ambient sound levels on the site during that time
184 period ranged from 48.4 dBA to 56.6 dBA. The report notes that during the study period, traffic
185 was almost constant and heavy on Route 3A between the hours of 5 and 8:30 PM. Given the
186 ambient decibel levels found during the supplemental survey, as compared to the results when
187 music was playing on site, the consultant recommends mitigation measures be taken. The results

188 indicate when music is playing, the property owner may be in violation of the Hooksett
189 Development Regulations. Suggested mitigation measures include the erection of sound
190 deadening walls close to the tent or area producing sound; planting rows of trees and shrubs and
191 lowering the volume.

192
193 The Town of Hooksett also has an Other Ordinance 32, Noise (OO-32). Violations of this
194 Ordinance fall under the jurisdiction of the Hooksett Police Department. The purpose of this
195 ordinance is to protect against prolonged noise that is unusual and unnatural at its time, place, and
196 use. The Ordinance specifically states in Section 3 (B) that the use and operation of any
197 receiver, instrument, phonograph, machine, or device by a commercial establishment between
198 the hours of 10:00 PM and 7:00 AM, in such a manner as to be plainly audible within a
199 residential area at a distance of 50 feet from the lot line, structure or vehicle in which [the
200 originating noise] is located is a violation of this particular section of the Ordinance. It should be
201 noted the function hall is located (at its closest point) 50 feet from the commercial units to the
202 left, but over 200 feet to the rear property line; the farmhouse is over 90 feet from the front
203 property line; the tent location is about 100 feet from the rear property line and about 300 feet
204 from the right side property line. These distances do not negate the noise complaints received by
205 the town. It also should be noted that a property owner, under this Ordinance, may apply for a
206 special permit through the Building/Code Department or Town Administrator for a special
207 permit to allow relief from the noise prohibition set forth in Section 3, for special circumstances
208 of temporary duration. The special permit may be granted with conditions but shall not be issued
209 for a Sunday.

210
211 Your packets contain the following information: Staff report, regional impact memo, suggested
212 motion, minutes relating to the property dated 2021-to current, copy of Section 3.12 of the
213 Development Regulations and a copy of OO-32, the Sound Study, and the proposed Amended
214 Site Plan with an abutters list. You also have a copy of the March 15 letter from Attorney Cronin
215 requesting the Board continue this application so abutters can evaluate the reports and respond to
216 the proposal to expand the current operations. Also provided is a copy of the approved site plan
217 from 2021.

218
219 The application does not appear to be missing any of the checklist items required for the Board
220 to consider the application complete. For those items that are not provided, a waiver has been
221 requested. I don't feel this project is a project of regional impact for the reasons outlined in the
222 Regional Impact Memo. I would recommend the Board accept the revised plans, accept
223 jurisdiction, and vote on regional impact. It is highly recommended the Board at that time move
224 to continue the public hearing to April 15 which will allow abutters the time to obtain copies of
225 the sound study from the Planning office and to have time to adequately review materials and
226 provide any information they would like the board to consider. I would remind the board and
227 those present that additional information needs to be received no later than 7 days prior to the
228 public hearing in order to be considered. If the hearing is continued to April 15, additional
229 materials should be provided to the planning office not later than April 08.

230
231 I would note, as requested by the Code Enforcement Officer, that the facility is currently
232 operating under the approval granted in 2021, which means there should be no outdoor DJs.
233 There are existing violation notices still in effect.

234

235 Two letters were received: 1) from Attorney John Cronin to Elizabeth Robidoux, Town Planner
236 and Dana Pendergast, Code Enforcement, dated March 15, 2024 on behalf of the abutters; and 2)
237 from Jamie Filipowicz (resident at 2 Sunrise Boulevard) to the Board of Directors dated March
238 15 2024.

239
240 ***M. Somers motioned to find the Site Plan Amendment for Hip Peas Farm LLC, 191 West***
241 ***River Road, Map 24, Lot 30 to be complete, acknowledging that a waiver has been requested***
242 ***for those items that are not provided. Seconded by P. Scarpetti.***

243
244 P. Scarpetti: How can we find it complete if we don't have any mitigation?
245

246 E. Robidoux: Our checklist does not contain mitigation.
247

248 **Motion carried unanimously with a vote of 7-0.**
249

250 ***J. Sullivan motioned to find that Hip Peas Farm LLC, 191 West River Road, Map 24, Lot 30***
251 ***has no regional impact. Seconded by M. Somers. P. Scarpetti opposed. Motion carries with a***
252 ***vote of 6-1.***

253
254 ***J. Sullivan motioned to continue the public hearing for the Site Plan Amendment for Hip Peas***
255 ***Farm LLC, 191 West River Road, Map 24, Lot 30 until April 15, 2024 to allow for the Board***
256 ***and interested parties to review the information provided by the applicant. Seconded by M.***
257 ***Somers. Motion carried unanimously with a vote of 7-0.***

258
259 J. Sullivan: Where would the public be able to access this information?
260

261 E. Robidoux: I have five copies now. Additionally, they can reach out to the planning office
262 directly for a copy.
263

264 **PUBLIC HEARING (CONTINUED)**

265 **4. HIP PEAS FARM, LLC**

266 **191 West River Road**

267 **Map 24 Lot 30**

268 **Consideration of Revocation of Site Plan (Approved 05/13/2021)**
269

270 E. Robidoux recommended the board move to continue the revocation hearing to April 15, 2024
271 as this matter is tied to the amended site plan.
272

273 ***S. Gilbert motioned to continue the consideration of revocation of site plan (approved***
274 ***05/13/2021) for Hip Peas Farm, LLC, 191 West River Road, Map 24 Lot 30. Seconded by M.***
275 ***Somers. Motion carried unanimously with a vote of 7-0.***

276
277 **OTHER BUSINESS**

278 **5. CONTINUED DISCUSSION OF PROPOSED PHASING**

279 **GRANITE WOODS/PORT ONE**

280 **Hackett Hill Road**

281 **Map 17, Lot 7**

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E. Robidoux: On March 04, 2024, the Planning Board held a discussion with Peter Bartash, CEO of Port One, the owner of the property. During the discussion, Mr. Bartash updated the Board on the progress to date with regard to the approved site plan. The Board previously approved a project which outlines the construction of a 500,000 square foot commercial building. During the March 04, 2024, meeting, Mr. Bartash asked if the Board would consider phasing construction of the building. The Board asked that a phasing plan be submitted for their consideration. It was acknowledged that the property owner was looking for the flexibility connected to phasing the construction. There is the possibility that the entire 500,000 square feet will be constructed at once.

Phase I proposes constructing the first 203,000 sf and installing a temporary paved access drive connecting loop road to the truck court for circulation purposes. The utility rooms would be relocated to a new, permanent location at the end of Phase I, as would the vehicle loading ramp. Portions of the retaining wall would also be constructed in Phase I.

The future phase would remain unbuilt and unpaved. During Phase I, this area would be rough graded to subgrade elevations, all underground drainage (unless specific to a future phase) would be installed, water and sewer mains connected to the offsite infrastructure work would be installed and the building pad would be sloped as required, along with any required drainage for stormwater management.

Phase II allows for the construction of a temporary paved access drive connecting the truck loop road to the truck court in the event the remaining 297,000 sf of building needs to be constructed in sub parts.

M. Somers: Is there intent that Phase I would be built, then Phase II would all be built, or is Phase II potentially Phases II, III, and V?

E. Robidoux: Phase I is the first 203 and the remainder of the building could be done in two additional phases. It may all go at once. For marketing, my understanding is that when you have a large building where there may be sub-leases it is sometimes easier to market it in a way where once you get the one you get the rest. It could be that is all comes at once.

Discussion ensued on the road placement.

J. Sullivan: As of now this won't impact that agreement.

E. Robidoux: We are waiting on one final answer from Mr. Bartash. He was pretty specific when he said this would not affect the agreement.

J. Sullivan: A decision tonight would not impact that?

E. Robidoux: No.

Discussion ensued regarding the phasing and timeline.

329 ***S. Gilbert motioned to approved the phased plan for Granite Woods/Port One, Hackett Hill***
330 ***Road, Map 17, Lot 7 with the condition that within 18 months of the completion of the first***
331 ***phase the second phase would begin. Seconded by D. Russel. Motion carried unanimously***
332 ***with a vote of 7-0.***

333
334

335
336 S. Gilbert mentioned that Old Dominion Freight Liner, a trucking company, approached the
337 Conservation Commission with a conceptual regarding the property off of Technology Drive that
338 they want to develop. She stated this would be on the other side of Amazon and would have
339 substantial wetland impact. The Conservation Commission asked Old Dominion to come back
340 with something else. Discussion ensued.

341

342 6. TOWN PLANNER UPDATES

343

344 E. Robidoux reminded that Board there is a master plan workshop on March 26, 2024 at the
345 Library in the Hebert Room. She also stated that a Planning Board representative is needed on
346 the capital improvements committee. R. Duhaime advised that he is designated as the Sewer
347 Commission representative and is willing to also be the representative for the Planning Board. E.
348 Robidoux will verify this is not a conflict of interest. She also mentioned that another Planning
349 Board member is still needed for EDAC. P. Scarpetti advised he attends when he is available but
350 they are still looking.

351

352 E. Robidoux informed the Board that a copy of the Goffstown master plan is in the one drive and
353 each member of the Board has been given a monthly building permit report for commercial and
354 residential.

355

356 E. Robidoux also informed the Board that Community Development is running an average of 2
357 to 3 conceptual meeting per week for potential development in Hooksett and that there are a lot
358 of good things coming but this will be a slow process. She stated that one of the developments is
359 Old Dominion who is committed to coming to Hooksett, wants to purchase the property, and are
360 from the Richmond Group. She advised they want to extend the road and this would be the same
361 lot but above Amazon. D. Russel asked how may exit points there are in that area and how many
362 trucks there would be. S. Gilbert stated they are requesting 102 bays with 2+ trips per bay per
363 day and is curious as to where the trucks will be registered as this would be a distribution
364 facility.

365

366 Discussion ensued on truck registrations.

367

368 E. Robidoux requested that when going through site plan reviews, if board members have
369 questions or need information from other departments they go through the Planner or Chairman
370 as that is the process per the rules and regulations.

371

372 M. Somers asked if/when approvals expire on approved residential units and if some sort of
373 horizon can be attached so there is a plan in place. Discussion ensued.

374

375 On March 21, 2024 at 6:00 pm there will be a meeting at Cawly Middle School regarding the Rt.
376 3 expansion.

377

378 **ADJOURNMENT**

379

380 *S. Gilbert motioned to adjourn at 7:10 pm. Seconded by P. Scarpetti. **Motion carried***
381 **unanimously with a vote of 7-0.**

382

383 **Respectfully submitted by,**

384

385 **/s/ AnnMarie Scott**

386

387 **AnnMarie Scott**

388 **Recording Clerk**