

1 **Official**

2  
3 **MINUTES**

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

6 **35 Main Street**

7 **Monday, April 15, 2024**

8 **6:00 PM**

9  
10 **MEETING CALLED TO ORDER AT 6:05 PM**

11  
12 **PROOF OF POSTING**

13  
14 **PLEDGE OF ALLEGIANCE**

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16 **INTRODUCE MEMBERS OF THE BOARD**

17  
18 **PRESENT:** Chris Stelmach (Chairman), Mike Somers (Vice-Chairman), Robert Duhaime,  
19 Sheena Gilbert, David Russel (arrived at 6:33 pm), and James Sullivan (Town Council  
20 Representative)

21  
22 **ALTERNATES:** Denise Pichette Volk

23  
24 **EXCUSED:** Paul Scarpetti

25  
26 **NOT PRESENT:**

27  
28 **STAFF:** Andre Garron (Town Administrator), Elizabeth Robidoux (Town Planner), and  
29 Dana Pendergast (Code Enforcement Officer)

30  
31 **Matt Serge (Town Attorney)**

32  
33 **D. Pichette Volk will be a voting member.**

34  
35 **APPROVAL OF MINUTES 03/26/24, 04/01/24**

36  
37 *M. Somers motioned to approve the minutes of the March 26, 2024 Planning Board meeting.*  
38 *Seconded by S. Gilbert. Motion carried with a vote of 6-0.*

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40 *J. Sullivan motioned to approve the minutes of the April 1, 2024 Planning Board meeting.*  
41 *Seconded by S. Gilbert. Motion carried with a vote of 6-0.*

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43 **APPOINTMENTS**

44  
45 None

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**PUBLIC HEARING**

**1. MASTER PLAN**

E. Robidoux - The last update of the Master Plan occurred in 2004. Since 2018, the following has occurred: The Board formed an update subcommittee, held a visioning session, in the spring of 2020 did a comprehensive update to the CIP which complements the Master Plan, held numerous workshops to review and refine the chapters contained within the document, developed an implementation matrix and updated the language in the plan based on 2020 census data and the result of the regional Housing Needs Assessment. The Master Plan is a living document and not something that should sit on a shelf until the next required update. NH RSA 674:1 states the duty of every Planning Board is to prepare and amend from time to time a master plan to guide the community. Before you is the culmination of over 6 years of effort by this board and various community volunteers. It is not perfect and some of the data may be slightly outdated but this document represents a good vision for the Town of Hooksett moving into the next ten years. This is not a legal document but it provides the legal basis for zoning and development regulations in the town. I would like to commend the Board on its focused effort over the last months to finalize the plan and the vision for the Town of Hooksett. My recommendation would be to open and hold the public hearing, and then adopt the Master Plan as drafted with the inclusion of any suggested non substantial changes this evening. Substantial changes would be things like the deletion of a chapter, or a change to the matrix. Changes such as the removal of data the Board feels is out of date would not be considered substantial in my opinion as removal of language of that type would not affect the vision or scope of the plan. The plan has references to a community survey. The document we have on the website includes a copy of the 2013 survey. There was a community survey done in 2019. We had a hard time finding it. We got it today so we can swap that out. Page 4 notes the survey results should be included in the appendix. I would like to suggest swapping out the 2019 data for the survey for 2013. Let me know if you would like it noted as appendix or addendum.

S. Gilbert: I think appendix is more appropriate.

Open public hearing.

David Ross (56 Sherwood Drive): Was this published and when?

E. Robidoux: This has been on the town website since the last meeting. Subsequent to that it was made available at the Town Clerk’s office and the Library. There were also copies available from the Town Planner’s office.

D. Ross: They weren’t on the town bulletin board. It sounds like you are premature voting on this until more people are made aware of it.

E. Robidoux: The notice of the public hearing was posted on the bulletin board, the website, and in the newspaper.

D. Ross: The website isn’t available to some people.

94  
95 R. Duhaime: How many pages is the master plan?

96  
97 E. Robidoux: It is 296 pages.

98  
99 R. Duhaime: That is a lot to put on the bulletin board.

100  
101 Close public hearing.

102  
103 D. Pichette Volk: What is the next step?

104  
105 E. Robidoux: We received comments at the last meeting from members of the public and  
106 corrections were made.

107  
108 ***D. Pichette Volk motioned to adopt the Town of Hooksett 2024-2035 Master Plan in accord***  
109 ***with the amendments. Seconded by S. Gilbert.***

110  
111 R. Duhaime: This is a workable document that can be changed at the towns or voters will.

112  
113 **Motion carried unanimously with a vote of 6-0.**

114  
115 **PUBLIC HEARING (CONTINUED)**

116  
117 **2. HIP PEAS FARM LLC**  
118 **191 West River Road**  
119 **Map 24, Lot 30**  
120 **Site Plan Amendment (clarification of intended uses on the site)**

121  
122 E. Robidoux - Hip Peas Farm was originally approved by the Planning Board on May 3, 2021, as  
123 a multi-use function hall. The site had pre-existing agricultural use. During the May, 2021  
124 discussion, the applicant noted there would be no fireworks, and the facility would follow the  
125 Hooksett Noise Ordinance. There would be no bands, nor a DJ outside, unless it was for ambiance  
126 music. The intention was to have up to a 2 man stringed instrument group only; they did not intend  
127 to have a full party outside. [May 3, 2021 minutes Lines 121-125] Please refer to the March 18,  
128 2024 staff report for the history of the enforcement and revocation proceedings. During the TRC  
129 meeting held on February 05, 2024, the applicant stated he was finalizing a sound study and did  
130 not yet have the final report. The TRC plan needed to be revised per the staff comments. Given  
131 the timing, the Board agreed at its February 05 meeting to continue the revocation hearing to  
132 March 18, 2024, to allow the property owner time to address TRC comments and submit the  
133 amended site plan to the Board. The Community Development office received an amended site  
134 plan application on February 26, 2024. The amended site plan did not include the proposed 15  
135 space gravel employee parking area off the left-hand side of the function hall that had been  
136 proposed on the TRC plan. Several of the green houses were shown to be relocated as proposed,  
137 the future Farmer's Market area is noted on an existing gravel parking area, portable toilet  
138 locations are noted, storage containers that had encumbered the existing gravel parking areas  
139 were shown in a different location, freeing up those parking spaces. Hooksett Village Water  
140 Precinct asked and continues to request that the plan notes be amended to clarify potential water

141 supply concerns. It is recommended a note be added to the plan stating, “The onsite water supply  
142 well is connected to the existing farmhouse and is not connected to the function hall or the public  
143 water system. The public water system will not be connected to the house, tent, or other site  
144 infrastructure without prior written approval of the Hooksett Village Water Precinct.” The lot is  
145 currently served by a septic system. The Fire Department had no comments on the plan as the  
146 proposed amendments do not change conditions for that department. The list of uses on the  
147 property has been updated. The original plan referenced the 150 seat function hall and the  
148 addition of a greenhouse, bringing the greenhouse total to six (6). The amended plan notes the  
149 following uses: 150 seat function hall (1641 sf); proposed tent (3000 sf) – note tent is used in  
150 place of the function hall, applicant states two events do not occur on site at the same time;  
151 proposed farmers market area; use of the farmhouse as an Airbnb (website states maximum of 16  
152 guests); supporting infrastructure; existing greenhouses and agritourism activities. The plan also  
153 notes two 8’ x 20’ ‘converted containers’, which enforcement staff had been told would be used  
154 to store items such as dishes. The current use of those structures is not clear and it needs to be  
155 clarified that they have not been converted to outdoor bars. It should be noted that the Assembly  
156 Permit for the Oscar Barn, as approved by the Fire Department is for an occupant capacity of 76  
157 with tables and 163 with chairs only. Per 2018 NFPA 101, with tables and chairs, occupancy is  
158 determined at 15 square feet per person; with chairs only, the calculation is 7 square feet per  
159 person. The parking calculation is based on “Places of Assembly” which is the closest analogous  
160 use to “event center” which does not have a calculation in the current regulations. The  
161 requirement is 1:3 persons. With a maximum number of guests at 150 (per the plan) the required  
162 amount of parking is 50 spaces; this does not account for staff at the events. The original plan  
163 had a total of 32 spaces on the gravel parking area to the right in front of the greenhouses and  
164 abutting Route 3A, with another 30 paved spaces grouped in front of the existing farmhouse.  
165 The amended plan reconfigures the parking on the gravel surfaces and adds an additional 5  
166 spaces. Total parking for the site is proposed at 68 spaces where 62 spaces was originally  
167 approved. With regard to sound there are two regulations to consider. The Hooksett  
168 Development Regulations, Part II, Section 3.12, Noise, states that noise levels are not to exceed 5  
169 decibels (dBA) over the ambient background level. Violations of this Regulation fall under the  
170 jurisdiction of Code Enforcement. The location of the facility directly abuts Route 3A, which  
171 has an annual average daily traffic level 14,000 vehicles per day (2019 – last numbers available).  
172 The time of day and the level of traffic will affect the ambient noise level. The Sound Survey  
173 prepared by Aries Engineering for the applicant (January 2024) states the ambient level around  
174 3:30 pm on January 11, 2024 (Thursday) on the site had a maximum reading of 67.9 dBA. With  
175 music playing the decibel levels at various property lines ranged from 53.7 to 62.7 dBA. Decibel  
176 levels at 10 feet from the DJ’s speaker ranged from 84 – 90.8 dBA. The study time period on  
177 January 11, 2024, was from just after 12 PM to 3:39 PM. Per the development regulations, the  
178 maximum decibel level should not exceed 72.5 dBA on the property. A supplemental sound  
179 study was conducted on February 23, 2024, between the hours of 5:00 PM and 10:00 PM.  
180 Results of the study indicate the ambient sound levels on the site during that time period ranged  
181 from 48.4 dBA to 56.6 dBA. The report notes that during the study period, traffic was almost  
182 constant and heavy on Route 3A between the hours of 5 and 8:30 PM. Given the ambient decibel  
183 levels found during the supplemental survey, as compared to the results when music was playing  
184 on site, the consultant recommends mitigation measures be taken. The results indicate when  
185 music is playing, the property owner may be in violation of the Hooksett Development  
186 Regulations. Suggested mitigation measures include the erection of sound deadening walls close  
187 to the tent or area producing sound; planting rows of trees and shrubs and lowering the volume.

188 The Town of Hooksett also has an Other Ordinance 32, Noise (OO-32). Violations of this  
189 Ordinance fall under the jurisdiction of the Hooksett Police Department. The purpose of this  
190 ordinance is to protect against prolonged noise that is unusual and unnatural in its time, place,  
191 and use. The Ordinance specifically states in Section 3 (B) that the use and operation of any  
192 receiver, instrument, phonograph, machine, or device by a commercial establishment between  
193 the hours of 10:00 PM and 7:00 AM, in such a manner as to be plainly audible within a  
194 residential area at a distance of 50 feet from the lot line, structure or vehicle in which [the  
195 originating noise] is located is a violation of this particular section of the Ordinance. It should be  
196 noted the function hall is located (at its closest point) 50 feet from the commercial units to the  
197 left, but over 200 feet to the rear property line; the farmhouse is over 90 feet from the front  
198 property line; the tent location is about 100 feet from the rear property line and about 300 feet  
199 from the right side property line. These distances do not negate the noise complaints received by  
200 the town. It also should be noted that a property owner, under this Ordinance, may apply for a  
201 special permit through the Building/Code Department or Town Administrator for a special  
202 permit to allow relief from the noise prohibition set forth in Section 3, for special circumstances  
203 of temporary duration. The special permit may be granted with conditions but shall not be issued  
204 for a Sunday. The amended application plan provides for the addition of H9 Acoustic Barriers on  
205 three sides of the event tent. The barriers, per the manufacturer's information states the barriers  
206 decrease sound by up to 43 dBA. Given the maximum recorded decibel level during the sound  
207 study was 90 dBA at the sound source, theoretically, with the barriers in place, the sound level  
208 would be reduced to 47 dB, which would be below the Development Regulation's maximum of  
209 72.5 dBA. Your packets contain the following information: Staff report, suggested motion,  
210 minutes relating to the property dated 2021-to current, copy of Section 3.12 of the Development  
211 Regulations and a copy of OO-32, the Sound Study and the proposed Amended Site Plan with an  
212 abutters list; a letter from Attorney Bisson dated April 8, 2024; letters from residents (Paul  
213 Scarpetti 4/3/24; Don Winterton 4/3/24; Jamie Filipowicz 3/15/24; John Kelly 3/15/24); a letter  
214 from Shaughnessy Allard requesting the recusal of Board Member Scarpetti; a professional  
215 opinion from Realtor Cynthia Anderson; and a picture of drainage running offsite to the Bussiere  
216 property submitted by Mr. Bussiere (Map 24 Lot 29-2). Mr. MacGuire of The Dubay Group  
217 indicated this is an existing point source discharge (see email dated 4/5/2024).

218  
219 ***M. Somers motioned to accept the revised plans for a site plan amendment for Hip Peas Farm***  
220 ***LLC, 191 West River Road, Map 24, Lot 30. Seconded by S. Gilbert. Motion carried***  
221 **unanimously with a vote of 6-0.**  
222

223 Attorney Brett Allard (Shaughnessy Allard; Attorney for landowner and applicant): This  
224 property is situated in the commercial district on a state highway. There is an average daily  
225 traffic count of about 14,000 vehicles driving by the site. In May, 2021 this Board approved the  
226 site plan for a multi-use function hall. The site also had a preexisting agricultural use at that time  
227 which still remains. After that initial approval my client began operating a wedding and general  
228 event venue, with an incidental short term rental Airbnb and some of the agritourism uses. This  
229 property abuts residential uses but is a commercial use approved in a commercial zone. The town  
230 started receiving a few noise complaints about a year ago. Those were primarily related to 2  
231 events; one in September of 2023 and one in January of 2023. The town reached out to my client  
232 and over the summer there was some back and forth by some of my clients employees and town  
233 staff. As we got into the Fall it fell off everyone's radar until the second event in September of  
234 2023 where folks started talking about what was going on. In November of 2023 the Code

235 Enforcement Officer appeared before this Board and requested the Board schedule a revocation  
236 hearing. We proposed the amended site plan in order to bring the property current in terms of  
237 what my clients are trying to do there. We are hoping to solve any issues through the amended  
238 approval process rather than through the revocation. The big issue is the tent and outdoor music  
239 component of the proposal. Since November of 2023 when the Code Enforcement Officer  
240 brought these issues to this Boards attention, my client has retained legal counsel, a civil  
241 engineer, Bernie Mazoula (noise control engineer who prepared the sound study), we attended a  
242 conceptual staff meeting, developed our amended site plan, developed a noise control study,  
243 attended a TRC meeting, submitted our final site plan and noise control study, and attended  
244 multiple public hearings including tonight. During the amended site plan process I filed a request  
245 asking Board Member Scarpetti to recuse himself. There was a letter submitted by him in his  
246 capacity as a resident. I would ask that the Board disregard Mr. Scarpetti’s letter for the reasons  
247 stated in my letter. There are no major revisions to the plan from what was before the Board in  
248 2021. We are clarifying intending uses. There is nothing structural beyond the proposal of the  
249 tent and some mitigation for sound. In terms of parking only 50 spaces were required with 62  
250 originally approved. We have added 6 spaces and are proposing 68. We were 12 over the  
251 minimum requirement and now we will be 18 over. We have added the designated use area for  
252 the farmers market which happens in connection with the agritourism on site. There are some  
253 relocated storage containers. The central component is the outdoor events and music which  
254 happens a few times every year. The vast majority of events are indoor. There is no immediate  
255 inclination that is going to change. In 2021 when the Board granted the original approval we  
256 were in the middle of covid. The gatherings were smaller, restricted, and more limited. As we got  
257 back to normalcy gatherings started to reach pre-pandemic levels. The two applicable regulations  
258 are Noise Ordinance 32 which limits excessive noise between 10:00 pm and 7:00 am and Section  
259 3.12 of the site plan regulations that states noise generated from a site shall not exceed five  
260 decibels above the ambient background noise at all times of the day. My client hired Aries  
261 Engineering to perform the sound study. Those reports have been submitted. Through that  
262 process we learned that the way Section 3.12 is written is almost impossible to comply with. If  
263 you take a noise reading of decibels for just the ambient that is in a constant state of flux. We  
264 took ambient readings at the northeast, southeast, and southwest lot lines. The ambient levels  
265 ranged from 50-68 decibels. Normal conversation with a couple of people in a room falls around  
266 60 decibels. When we were at the conceptual staff meeting the Code Enforcement Officer took a  
267 decibel reading on his phone. With a couple of us talking over a conference table that was at 68  
268 decibels. If you have an ambient reading of 55 but you are chatting with someone at the lot line  
269 and you are at 68, you are in noncompliance with this regulation. It is extraordinarily restrictive,  
270 but we think we have done everything we can to have achieved compliance.

271  
272 Doug MacGuire (The Dubai Group): The site plan we are proposing is an as built of the current  
273 conditions. We did an updated survey of the property to reflect the existing conditions. Whereas  
274 the previous plan that was approved reflected certain conditions such as the detention pond and  
275 areas that are being proposed for the new parking lot, all of that is reflected on this plan. There  
276 isn’t anything proposed from an engineering prospective (no additional drainage or parking  
277 areas). The additional parking that we achieved is in a configuration of moving some of the  
278 existing containers and reflecting what is built as far as gravel area. There is no proposed  
279 expansion to gravel areas. The intent is to clarify some of the uses, many of which were  
280 discussed at the previous approval. These were the 150 seat function hall and the existing  
281 farmhouse being used as an Airbnb. That is still the intent. I am not sure if the farmers market

282 was discussed. That is something we want to put on this plan. It would be on the gravel area  
283 adjacent to the greenhouses. There would be temporary 10x10 pop up tents on days there isn't an  
284 event going on. Dan has historically done a farmers market in this space and where he is  
285 comfortable having it allocated to. There are existing greenhouses, farming areas, and gardens on  
286 site that were discussed previously and are currently being used for production and agritourism  
287 for various events for increasing education. We are showing the tent on the plan where it is  
288 proposed and has been in the past. It is shown as a 30x100 tent. The intent is not to increase the  
289 capacity of the venue but to provide an alternative location on the property. The property is  
290 approved for a 150 seat venue. The same 150 seats could potentially be accommodated in the  
291 tent. Two events would not be going on at the same time so there would not be a parking issue.  
292 Walls would not necessarily be on the tent structure if there were to be music outside that could  
293 be projected. We have our noise consultant, Bernie, here with us to speak to any technical  
294 questions. The process of the testing was three perimeter locations that were chosen adjacent to  
295 the closest abutters within the property lines. The noise levels were measured at that location  
296 from an ambient prospective as well as physically playing music to measure what the differences  
297 of sound were. When the music was being played it was set at a specified decibel level with  
298 readings at 90 decibels. Some of the events that happened that has a noise complaint or problems  
299 were not regulated by a set decibel level and could have been exceeded. We are proposing to  
300 have a set decibel level. The owner and owner's staff would be trained to have a calibrated  
301 decibel level meter at the property to ensure the actual decibel level is in kind with the way the  
302 testing was performed. If you have a DJ or band they would check through the equipment prior  
303 to the event happening so they can get to a consistent baseline. Without it being regulated it is  
304 possible that the decibel levels perceived at the property line were higher than some of the results  
305 obtained at the time of our testing. We don't know because we didn't have a decibel meter there  
306 at that time. We locked the 90 decibel level because it seemed reasonable. It is loud at the source  
307 but maintainable and able to be regulated. The study obtained ambient levels. This was done in  
308 the afternoon and why there are two separate studies. The ambient levels were calculated during  
309 the afternoon, then the DJ, and then the direct comparison. Staff wanted to know if ambient is the  
310 same at 2 or 3 in the afternoon as it is at 8 or 10 at night. The secondary study was to obtain  
311 ambient levels which turned out to be slightly lower than the original ambient levels calculated  
312 as part of the first study. The ambient baseline levels at the event time ranged from 48.4 decibels  
313 to 56.6 decibels. With the DJ music playing the measurements averaged a range from 59 to 61.4  
314 decibels. That is not a significant increase over ambient. The largest decibel reading increases  
315 were 11 decibels, 7.5 decibels, and 4.8 decibels. From one location trying to meet the strict  
316 compliance criteria of Section 3.12 of your regulations they are 5 decibels above ambient and are  
317 in compliance in at least one location. They are 1.5 decibels over in another location and 6  
318 decibels over in another. Recognizing there is a slight increase, 59 to 61 decibels at the property  
319 line is not a nuisance sound level. The conversation we are having now is similar to 60 decibels.  
320 It doesn't mean that the music is not able to be heard. It is the volume of what is perceived is not  
321 going to be obtrusive at that level. The owner, with assistance from his noise consultant, looked  
322 into some products that could potentially help. The Town Planner mentioned the Echo Barrier  
323 H9. This product is intended for temporary occurrences of elevated sound to be mitigated. It is  
324 essentially used if somebody is jackhammering in the middle of the street in a heavy  
325 neighborhood. There is a lot of technology that goes into that. They directly state the closer you  
326 can bring the barrier to the source the better. They have independent lab testing where they have  
327 had up to a 43 decibel reduction of a noise source from these panels with their noise absorbent  
328 composite and some other pieces. We are proposing to have strict guidelines in place where any

329 event within the tent that would have any form of music would be in the same lower location  
330 where the testing was performed. That area would have the echo barrier adjacent to the outside  
331 of that set up in that corner for every event. The band would be located in an 8x8 area within that  
332 corner of the venue. The barrier would be on the outside of the tent at the walls of the tent in that  
333 location in both directions forming a 90 degree angle. It would be completely blocking the  
334 source speaker from the property to the northeast which had some of the higher values based on  
335 the study we performed. We believe that based on the data we obtained and the proven  
336 specifications of this barrier that adding this will bring us well into compliance. There would be  
337 implementation of some strict procedures setting limits to what volume the music can be at, the  
338 barrier system, and set locations of where the music be would be consistent for every event. If  
339 someone wants to use the venue they would have to sign an agreement that says where the music  
340 will be located, has a layout of the tent, and a set volume limit. The DJ or band would have to be  
341 professional and adhere to those policies. Staff would be trained to be aware of those  
342 requirements as well.

343  
344 D. Pichette Volk: Were the complaints originated before the tent was in place? Is the tent there  
345 now?

346  
347 D. MacGuire: The tent has been in place. I believe there were complaints of noise when the tent  
348 was not being used because the speakers were elevated on the back deck. Everything would be  
349 elevated with the orientation with the speakers in that location.

350  
351 D. Pichette Volk: Are there mitigation plans for around the deck which is attached to the barn?

352  
353 D. MacGuire: There is no intent to have a DJ or anything set up in that location.

354  
355 D. Pichette Volk: Whether or not that has happened in the past that is not the go forward  
356 intention?

357  
358 D. MacGuire: Correct.

359  
360 D. Pichette Volk: Is the tent intended to be a year round set up structure?

361  
362 D. MacGuire: No. The majority of events that have been held are not outdoor events. The are  
363 certain events during warmer times of the year where there would be a desire to have an outdoor  
364 event. Per Dan, the tent is not an ideal situation from a business standpoint because someone that  
365 is having an event in the Oscar Barn and wanting to see the river does not want to look through a  
366 permanent big tent in the way of the views. His intention is to put the tent up for that event and  
367 then take it down. It would not be a permanent structure.

368  
369 D. Pichette Volk: That would mean the sound mitigation panels would go up and be taken  
370 down?

371  
372 D. MacGuire: Yes. These are designed to do that which is why this product was chosen.

373  
374 D. Pichette Volk: Is there a floor in the tent?

375



376 Dan Lagueux (Principal of Hip Peas Farm): There is sometimes a dance floor set up.

377  
378 D. Pichette Volk: Is the tent intended to be used with the flaps rolled up even in the rain?

379  
380 D. Lagueux: Yes.

381  
382 S. Gilbert: Is this the intended look of the acoustical barriers or would they be white?

383  
384 D. Lagueux: The acoustical side of it is black. The panels of the tent would be put over that so if  
385 you were standing outside you wouldn't see it.

386  
387 S. Gilbert: In the event that it was exceptionally warm that day and you wanted to open the tent  
388 this is what your neighbors would see?

389  
390 D. Lagueux: Those panels would be covered by the corner of the tent. It is not specifically for  
391 the neighbors. It is for picture taking and people walking the property.

392  
393 S. Gilbert: Will you be owning these?

394  
395 D. Lagueux: We already own them so we can speak with knowledge. We have done testing with  
396 the panels.

397  
398 S. Gilbert: In the event you hosted something in the barn, would you be willing to set these up  
399 on the deck to avoid any overflow sound?

400  
401 D. Lagueux: That was one event during ice fest. If there was a need for panels we have 12 of  
402 them. I would like to be able to have resolution with the neighbors. We don't have animosity and  
403 I want to solve this. It won't be amicable, but I hope at least rational. Those panels are going to  
404 be utilized in order to mitigate future problems.

405  
406 R. Duhaime: The walls seem like a great idea but it sounds like they would only be targeting the  
407 sound in one direction. You are not going all the way around the music. There are only two  
408 sections so if you are south of here the music is still going out. You are saying by the time it gets  
409 to the property line of the neighbors to the south it has already been mitigated?

410  
411 D. MacGuire: Even if it not directly blocking the music the barrier will have a direct effect. It is  
412 a sound absorbing material. Our calculated data showed, in some cases, there were higher levels  
413 from road noise to the abutter closest to Rt. 3A. There was a negligible difference between  
414 ambient and the music because of other sources contributing to the noise. When we situated this  
415 we were closest to the northeast abutting property line. The home on that property is several  
416 hundred feet further away. We were looking to try to resolve the issues at the closest to our event  
417 which is why we situated it the way we did. That was the one that had the most observed ambient  
418 change from before to after.

419  
420 D. Lagueux: Walking through crushed stone spiked up by about 5 decibels above ambient. If we  
421 had ambient level of 61 maximums I saw the whole thing jack up to 68 to 72 if someone walked  
422 by. I had to reset multiple times because the birds on the neighbor's property were 50 to 75 feet

423 away chirping and it would spike up to 90 decibels. It took a lot to get to that accurate level  
424 because of the spikes happening everywhere around.

425  
426 R. Duhaime: There is no addition to the landscape?

427  
428 D. MacGuire: A supplemental part of the original site plan was to do additional arborvitae along  
429 the southern property line. We did a number of trees that are still growing today. There was an  
430 implementation of trees which our sound readings are not be reflective of because we weren't in  
431 their yard. We were on our side of the property.

432  
433 D. Lagueux: We weren't accommodating that because we were refused to go onto their property  
434 to take the measurements.

435  
436 R. Duhaime: Some of the hedge has been implemented?

437  
438 D. Lagueux showed where the hedge has been implemented on the southwest property line.

439  
440 R. Duhaime: That has all been installed?

441  
442 D. Lagueux: Yes.

443  
444 R. Duhaime: All the way to the corner?

445  
446 D. Lagueux: No.

447  
448 R. Duhaime: There has been no addition since that?

449  
450 D. MacGuire: Nothing beyond that.

451  
452 R. Duhaime: Nothing has been added on the east side?

453  
454 D. Lagueux: No. The reason Dan chose this site as a potential wedding venue was the  
455 enjoyment of the views of the river. To block that view with additional plantings would not be an  
456 ideal situation for the venue.

457  
458 R. Duhaime: The property is northeast of here. It would not be a bad thing to put plantings on  
459 the northeast corner of the tent where that home is. On the south side you are already 2/3 of the  
460 way down. You could place a few around the tent. Even if you are not having outdoor music  
461 plants would absorb some of the sound if people are talking.

462  
463 D. Lagueux: The tent is located is on the leach field so we couldn't plant there. There are a few  
464 trees that are not on the leach field.

465  
466 D. MacGuire: We could not do plantings directly adjacent to the tent. Abutters or other  
467 concerned people might say they know it was loud. I am not denying that fact. The volume could  
468 have been at 110 decibels on the elevated deck facing a certain direction. That could create a  
469 much more perceived volume than what we are proposing. It is a combination of not just the

470 mitigating items but also locking down the process of where it is going to be and what volume it  
471 will be restricted to. That will make the overall difference to this process. We are not saying  
472 what was there before was fine. It probably wasn't. This is a new proposal to address those  
473 concerns.

474  
475 M. Somers: It looks like the tent will be about 3,000 square feet. The existing structure is 1,600  
476 square feet. The tent is not quite double the size and you are only going to have the same number  
477 of people in the tent as you have in the facility?  
478

479 D. Lagueux: Correct. The maximum we have had outside so far is 120 people. That many  
480 people cannot fit inside with tables, chairs, buffet, dance floor, and DJ. In order to accommodate  
481 120 people and up to 150 people we have to have 3,000 square feet. Even with that size tent 150  
482 people is pushing it.  
483

484 M. Somers: In fine print it says converted containers between the barn and Airbnb. What are  
485 they converted to?  
486

487 D. Lagueux: The one perpendicular to the road was a sound barrier due to noise coming in from  
488 the road. We could not have any ambient music there without having issues with the jake breaks  
489 of the trucks. We have trees as a privacy barrier to remove the look of the container. The other  
490 container that is parallel to the house is a heating station where we bring the food from the  
491 restaurant for the catering and put it in hot boxes. There are also refrigerators in there so we can  
492 keep the food hot or cold. There is a side that opens that can be used as bar. We also have a  
493 mobile bar. Those have been approved by the liquor commission.  
494

495 C. Stelmach: The reason you are here is for the noise mitigation, correct?  
496

497 D. MacGuire: Yes and to clarify the other uses.  
498

499 C. Stelmach: How many events do you think justifies the tent?  
500

501 D. Lagueux: This year we have four scheduled in the tent.  
502

503 C. Stelmach: As time goes on do you feel more people will come in saying they have more than  
504 150 people and ask what can you do for them?  
505

506 D. Lagueux: I would prefer not. The logistics of setting everything up for the tent and having  
507 mobile bathrooms is a nightmare. If I had my choice and the cash flow I would tear down the  
508 house and put in a closed wedding venue for 150 people and rework some of the parking lot.  
509 That is not going to happen today.  
510

511 C. Stelmach: I was going to suggest that you could add onto the barn because that is the main  
512 function of the whole place. People want to be in the barn, not in a tent. I am trying to picture an  
513 elderly person trying to maneuver in a portable toilets. As far as the noise, the two barriers are  
514 absorbing, but where would most of the sound go? Towards the south and Rt. 3A?  
515

516 D. MacGuire: The speakers would be facing diagonally into the tent. The greenhouses, existing  
517 buildings, and some of the existing vegetation provide a natural buffer. Based on the sound  
518 study, if we had noted more significant volume in that direction we would have looked to  
519 address the sound differently. Looking at the southeast and southwest with the music and  
520 absorption box the decibel level was between 56 and 61.

521  
522 C. Stelmach: As far as the Airbnb house, there is no staff there all night. Who would police the  
523 noise if they started their own party after hours.

524  
525 D. Lagueux: It is like every other Airbnb. The one time this happened was a frat party. I heard  
526 there was an issue at our second meeting. According to the neighbor it was extremely loud and I  
527 sincerely apologize. That is not the intent.

528  
529 C. Stelmach: I have seen cars parked way down in back on the property line toward the hill.  
530 With the parking up front will you have cars parked back there again?

531  
532 D. Lagueux: That was a political event with 125 people maxed out capacity We asked someone  
533 from the organization to have a counter come in. At that time the code enforcer and fire  
534 department came in because there were cars everywhere. There was also police dispatch, the NH  
535 State Police, and secret service on the property. They along with the local police said we did  
536 what we could. There are a lot of places where political events happen where 125 people show  
537 up and there is a total of 12 or 15 parking spaces and people park on the side of the road. When  
538 we did the ice fest we asked for police detail so we did not have a problem with traffic and  
539 people parking on the outside. We collaborated with Tri-Town to get off-site parking and bring  
540 people in. After the Code Enforcement Officer did his review he let us know we were in non-  
541 compliance having parking in another location even though we had permission and had people  
542 taxied back and forth. Political events happen every four years and I am not changing my  
543 parking situation for any candidate.

544  
545 C. Stelmach: As far as the tent with the events you have had so far, were most of them in the  
546 afternoon or at night?

547  
548 D. Lagueux: Mostly evening dinners from 5-9:50 pm. We do not exceed 10:00 pm. I did exceed  
549 once and got a polite phone call from the northeast neighbors. That my own personal party. At  
550 the time I had speakers on top of the deck which have since been disconnected and removed. I  
551 thought music was playing inside but it was playing outside.

552  
553 J. Sullivan: There are regulations that have to be adhered to. In your original site plan only  
554 acoustical music would be allowed. There have been DJ's which is a violation. Now you are  
555 looking for events outside. You have had noise violations and cannot exceed the decibel levels  
556 on the property. You can't go beyond 10:00 pm and 7:00 am. You are looking for approvals for  
557 outside and are restricted on the amount of parking spaces. This is not stopping you from getting  
558 a special permit exception for some events. I know the impact of a business on neighbors. Could  
559 we put a restriction on outdoor hours of operation?

560

561 E. Robidoux: I have a concern about limiting the times they can have an outdoor tent because  
562 you would be putting limits on the business which the Board should not be doing. You can say  
563 no tent or if they want a tent do a special permit.  
564

565 J. Sullivan: I don't want to get into a situation where we say 4 events and then they have 5.  
566

567 E. Robidoux: That is why I would caution you to either permit the tent or not.  
568

569 R. Duhaime: Plants on the border have a value to them and don't move. Who is going enforce  
570 and regulate noise on the property? You have green giants blocking your neighbor to the north.  
571 They are screened in and look great. A few of those on the northeast corner, and the south side  
572 down to the end of the property line would help mitigate noise. I like the idea of the sound  
573 barrier but thought it would be more than two walls. I am sure it works for some effect but there  
574 is human error. The idea is to have happy neighbors in Hooksett.  
575

576 S. Gilbert: The intention of any business is to grow. What does an optimal year look like for you  
577 when this business is where you want it to be? In 5 years if this could have this be exactly what  
578 you want it to be what does it look like?  
579

580 D. Lagueux: It looks like what we are now times 3 to 4 where we have events practically every  
581 day. I am looking to get a niche because of the size of our venue. There is a need for us to grow  
582 so we can't say no right now because we are in the first 2 years and cash flow is important. I  
583 would like to have a farmers market outdoors every 2 to 3 days every summer with permanent  
584 accommodations. The agritourism part is with the schools. We bring in kids from the schools 2  
585 to 3 times a year and MPAL kids. We feed unfortunate kids lunch and educate them on the  
586 property. I am not looking to get agrotourism where I sell tickets to come and see things on the  
587 farm. My intention is education for the community. We had a \$200,000 budget for a small venue  
588 to bring people to Hooksett and keep them in Hooksett to have their gatherings and spend their  
589 money at the rest of the businesses in Hooksett.  
590

591 Attorney Allard: It is not on the plan now but if it got to the point where there were 15 or 25  
592 outdoor events per year and the cash flow was there they would be looking at a bigger permanent  
593 structure. Tents are a temporary fix. The goal is not to have 20 tented events per year. That  
594 would not be ideal for anyone.  
595

596 Open public comment.  
597

598 Susan Marquis (1465 Hooksett Road, Unit 286): In am in favor of what this business is  
599 proposing. They have invested a lot into Hooksett and have developed some desirable locations  
600 to go to in Hooksett. They have done a lot of things for students and underprivileged people. I  
601 believe the owners live in Hooksett and for the owners to invest in the town they live in means a  
602 lot to me as a long term resident of Hooksett. They about their staff, the people of Hooksett, and  
603 giving back. I don't know them personally but I know as my observation as a resident and  
604 patron. I would love to have the opportunity to attend an event there. In the summer you have  
605 later bedtimes for children. Would 9:00 pm be a reasonable end time for an event? Please think  
606 favorably for this proposal.  
607

608 Georgette Peltek (15 Barberry Street): As a resident I am confused about the topic of noise and  
609 trees. On the 4<sup>th</sup> of July the fireworks at Donati Park go off after 9:00 pm and they are loud for  
610 about an hour. They are probably louder than the music that is coming from the venue. If this  
611 business owner is willing to do something to address that, we should respect what they are trying  
612 to do. I heard about parking tonight. I drive by the Sportsman Club and there are multiple times  
613 where cars that are not parked in parking spots. For Old Home Day there are people parking all  
614 over the grass. If you are going to set an example with one business you need to look at some of  
615 the others. It is unfair you are using this one as a scapegoat. As an employee I was involved in  
616 sending emails to Kathy Lawrence questioning the topic of needing to amend our site plan. I  
617 asked why and included the Code Enforcement Officer on some of those emails. He never  
618 reached out to me. As a town if you have someone who is looking for guidance to resolve a  
619 problem the Code Enforcement Officer should reach out and help the individual. I hope those  
620 things are taken into account when you make your decision.

621  
622 Theresa McKeon (1465 Hooksett Road, Unit 380): I have had an event at the Oscar Barn. They  
623 follow the rules and are strict. They may have had a couple of events that didn't go their way but  
624 haven't we all had situations where things didn't go our way. This is a business that has done a  
625 lot for this town. They are giving you what you want, providing the information you requested,  
626 and being forthright and upcoming and not trying to hide things. We should be making an  
627 example of the people that are trying to hide things. These people have brought good economy,  
628 jobs to the town, and a great place for people to go. I hope you vote yes.

629  
630 Michael Hauptly-Pierce (359 Orange Street, Manchester): I am on the board for the New  
631 Hampshire Coalition Against Domestic and Sexual Violence and on their events board. Dan and  
632 Val have generously donated time, services, space, staff, and food. They have created a place  
633 where we can raise unsolicited funds and are one non-profit charity they support. They don't tell  
634 anyone about that. They are trying to make accommodations despite adversity. This is not an  
635 appropriate opportunity to tie their hands.

636  
637 Donna Vallee (40 Gurtner Street, Manchester): I am the director of the Oscar Barn wedding  
638 venue. We were awarded the best small wedding venue in New Hampshire last week and last  
639 year. Last year we also won the New Hampshire magazine readers' pole. There are so many  
640 rumors going around about this and it affects me and my business, selling, and what we are  
641 doing. We need to squash this. This wedding venue needs to continue. There is not one event that  
642 goes past 10:00 pm. At 9:45 pm I tell the DJ to play the song that says go home. I already have  
643 contracts with clients. The Hooksett town ordinance is says 10:00 pm for noise which we follow.  
644 We have a few tented weddings planned this year. Two are using the tent for dinner and going  
645 upstairs to dance. The event that had contention last year was at 11:45 pm with the people  
646 staying at the house and not the Oscar Barn. We shouldn't have to police the house. If there is a  
647 problem call the cops. It is their duty to take care of that, not ours. When it comes to tents I work  
648 with Ian Tewksbury and follow the guidelines that consistently change. For one event, we got  
649 approval an hour before. A lot of stress is put on me and my bride and groom. That is unfair. To  
650 date I have 119 events coming to Hooksett. People from everywhere are coming here, staying in  
651 our local hotels, and eating at our restaurants which will bring a lot of revenue to our town. I am  
652 not done selling and I will continue selling. We are going to grow this barn to be exactly what  
653 Dan wants. We are a 5 star venue. You can go on Facebook and google and read about us. You  
654 are not going to hear a bad word about us.

655

656 Amy Mayo (1465 Hooksett Road, Unit 90): I am the president of a non-profit HR board and  
657 there are no more compliant people than my people. I can't even tell you the support that Dan  
658 and Val have given to us. Our networking events usually double as a fundraiser and help us  
659 support other charities in the area such as The Boys and Girls Club, the Food Bank, and Easter  
660 Seals. We couldn't afford to have our events at other places. They have done so much for  
661 Hooksett. There is no question about the rules. You have a DJ and when it is done it is done and  
662 they send you on your way. It would be such a disappointment to not have that venue and  
663 opportunity in Hooksett anymore.

664

665 Jayna Stevens (5 Thistle Lane): As a resident, this has been confusing to watch. I feel it was  
666 lopsided and all the facts were not put out for the community to understand. It has been dragged  
667 on which causes stress for potential people holding events at the Oscar Barn, never mind the  
668 employees and families. I hope that you can end this tonight and vote to let them continue. As  
669 the retired former director of MPAL I have been able to bring kids there who have not had the  
670 opportunity to experience fresh vegetables right off the vine learn about organic food,  
671 vegetables, and nutrition. The owners of the property have come to MPAL to help out in many  
672 ways. I hope you will vote to let them continue.

673

674 Maegan Gorton (150 West River Road): I am the fourth generation at 150 West River Road and  
675 the closest residential neighbor to the Oscar Barn. I want to thank those that brought up the issue  
676 setting a 9:00 pm sound ordinance in a town that has a 10:00 pm ordinance. I enjoyed the idea of  
677 planting trees along that line. When I was moving back to Hooksett it was because of seeing  
678 what the Lagueux family has added to the town. I thought the ice fest was a lovely event that  
679 gave the Bedford Village Inn a run for their money. The Bedford Village Inn holds events that are  
680 well known, as well as presidential events with Fox news during election years. They hold an ice  
681 fest and do not run into the same issues. They are currently adding a housing development to the  
682 Bedford Village Inn property. They have done a good job with bringing events in similar to the  
683 Oscar Barn. The Oscar Barn has turned into such an establishment in this area. Someone is  
684 tirelessly trying to build something like this in Hooksett and it is something we need. It is a way  
685 to keep Hooksett people in Hooksett spending dollars at local businesses. It was refreshing to  
686 walk up Rt. 3A and go to an ice fest event. I was out of there by 10:00 pm. It is nice to see the  
687 Lagueux's give other towns a run for their money. They have added a lot of beauty and value to  
688 this town.

689

690 Robert Lownie (7 Winter Drive): Those stores would be empty if the Tap House wasn't there. I  
691 was a wedding DJ from 1985 to 2000 and the house DJ at big venues. The lady that said she is in  
692 charge of the Oscar Barn will enforce the code. DJ's don't want to violate the rules because they  
693 want to come back. They want to be on the list for recommendations. If you violate the rules you  
694 don't come back. That is how it gets enforced.

695

696 Jessica Lapaglia (67 Stirling Ave.): We had a wonderful event at the Oscar Barn for our  
697 daughter and son-in-law. We had out of town guests that came and spent time here. I wouldn't  
698 change a thing or want to go to another town or see this business somewhere else. Seeing this is  
699 in jeopardy is impactful. I hope you will take into consideration what everyone had shared today.  
700 This is good business for the town.

701

702 Eric Peno (24 Park Lane): I keep hearing a lot of termination. My daughter is getting married at  
703 the Oscar Barn in September. She is using the tent. Am I in jeopardy of her not getting a tent?  
704 We have family coming from England, Wales, and Maine to enjoy this. I don't want to have to  
705 tell people we are shutting down at 9:00 pm. I had my 25th wedding anniversary party there as  
706 well. It would be a shame to do this to my friends.

707  
708 David Ross (56 Sherwood Drive): What got my interest in this is an issue having to do with  
709 governmental operations in this town. I was on the council for many years and know how things  
710 are supposed to work. One of my concerns is a complaint that was brought up at the initial  
711 meeting and the desire to put them out of business. No one in this town, especially an employee,  
712 should be allowed to make that kind of a threat to any business in this town. What happened with  
713 that revocation? I thought that was something in front of the Board and have not heard a word  
714 about it since. Now I see it as a new site plan application and am all for that. I know these people  
715 well and am familiar with the Oscar Barn. It is as nice of a venue as you will ever get. It is  
716 professional, safe, and clean. As far as having a few neighbors complain, look at the noise I get  
717 from SNHU all the time. I see the lights and hear the noise and music on Sunday afternoon in my  
718 backyard. I hear the firing range but that is the police and I am okay with that but we hear it. One  
719 of the things about living on any waterfront property is sound travels. I can't get over that  
720 statement being entertained and not squashed the first moment it was uttered. What happened  
721 with that motion that was made to revoke?

722  
723 C. Stelmach: That is on the agenda after this.

724  
725 D. Ross: You are voting to approve a new site plan and then revoke it? This is over a few noise  
726 complaints from neighbors and it blows my mind when there are far more egregious issues in  
727 town that are ongoing and have been ongoing for years that the town is aware of. What gets me  
728 is this whole process. What you have put these people through is not reasonable.

729  
730 J. Sullivan: Mr. Chairman, when everyone has spoken can we make the public aware of the  
731 process so they know we are following it.

732  
733 C. Stelmach: Yes.

734  
735 Scott Bussiere (16 Scott Ave.): I am not against the wedding venue. I am against outside music.  
736 Have the outside tent with ambient music and go inside and crank the music. The abutters are  
737 upset about the outside music. Where I abut the property the town can't tell me if that is  
738 residential or commercial. The paper all says residential. The town tax map says commercial. I  
739 have a meeting with the ZBA next month to figure this problem out. My lawyer says if the  
740 property is being used as residential it should be treated as residential. I want a buffer on my  
741 property line. You are supposed to buffer land for commercial and residential. In regard to the  
742 noise, everyone deserves peace and quiet on their own property. During the wedding last year,  
743 the people were louder than the music. The police report says they could hear it three  
744 neighborhoods over. They keep saying the tent will be used 4 times this year but the potential is  
745 there to have parties 3 to 4 nights a week at least 6 months out of the year if not eight months.  
746 The noise study report says they can't comply. They have events on Thursday nights instead of  
747 Saturday nights. On Saturday nights there is less traffic on Rt. 3A. They say the panels are going



748 to stop up to 43 percent of the noise. The panels might work if there was a ceiling but there is no  
749 ceiling. The noise will go up and over it.

750  
751 Katelin Kelly (10 Gullane Road): Just because their plan may change that doesn't mean they  
752 will do what they are supposed to do. The reason why the revocation went in is because they  
753 didn't do what the site plan was approved for. None of the neighbors want them to go out of  
754 business but I refuse to live behind a music hall. I pay a lot of money in taxes and this is  
755 affecting my property values. The plants on my side of the property have not been maintained  
756 since they have been put in the ground. I can see the greenhouses. Now they have added storage  
757 containers that I have to look at. They are also parking vehicles such as their ATV's next to it.  
758 The way the sounds travels into my house is not level to the ground. It is coming into my  
759 upstairs. It keeps my children awake. The sound of the bass music rattles my house. That is not  
760 going to be mitigated with plants, the greenhouses, or my fence. I feel like I am being pushed out  
761 of my house. The peace and enjoyment of my property is being severely affected. This will affect  
762 the value of my property because of what I have to disclose as to why I don't want to live in  
763 Hooksett anymore. It is unbearable and makes me feel uncomfortable. We are going to reward  
764 them for not sticking with what they said they were going to do to begin with. Everyone in my  
765 neighborhood has small children. The neighbor at the top of Sunrise, the furthest house away,  
766 can hear this and it wakes her children. That is not ambient sound. There are 20 houses closer  
767 than the one on Rt. 3A. They should have to stick to their original site plan. I am not opposed to  
768 the farmers market but have concerns about where the cars will be parked. I want to make sure  
769 they are not against my property line. What time will the farmers market be and how often? I  
770 need to know these things because it is against my property.

771  
772 Attorney John Bisson (Cronin, Bisson, and Zalinsky): I represent the Bussiere's and Kelly's.  
773 Currently the site is being threatened with revocation. The applicant is here looking to expand  
774 the business which is concerning. You heard a lot of folks who speak highly of the applicants  
775 and their business. We are not here to talk about that. The Bussiere's and Kelly's are the closest  
776 neighbors to the site. They will disproportionately bear the consequences of what you decide.  
777 They have heard the noise and will continue to hear it. We have heard that the tent is supposed to  
778 be an alternative to the venue and they will only have 4 events a year. Make those conditions of  
779 approval. Put legitimate restrictions on this business to hold them to the promises they have  
780 made, then deal with enforcement. Your ordinance is clear with the standard. Their own expert  
781 has said they don't comply. We heard the 4 events could go up to 15 events. When there is  
782 music, people, and good food that can be quite loud. If Ms. Kelly in her home nearby, whose  
783 child is trying to sleep should she have to deal with that? As a Planning Board you are supposed  
784 to balance the restrictions of your ordinance so they apply fairly to everyone. I have been at  
785 events at the venue and eaten at the restaurant. This business is great. That is not the issue. The  
786 issue is should it be allowed to expand, and continue to make more noise, when we are hearing  
787 they can put walls up that may help with the problem. The problem with a noise violation is once  
788 it's happened you can't unwring the bell.

789  
790 S. Bussiere: Who enforces the ordinance? The police can't. The Code Enforcement Officer  
791 sends letters that go unanswered. The Planning Board does nothing.

792  
793 C. Stelmach: The rules we have are enforced by code enforcement. If he can't do it is goes to the  
794 police if it is an ongoing issue.

795

796 S. Bussiere: The police can't enforce civil matters. There is a revocation hearing because he  
797 broke the rules. He lied to the Planning Board. We went through the whole system and nothing is  
798 happening. The revocation hearing should have been held and you should have revoked the plan  
799 or said you will give them one more chance to do it right. The guy brings a new plan in and you  
800 are looking at it. You set a precedent. Come in front of the Planning Board, lie, and no one is  
801 going to enforce it. He is only allowed 66 cars and there were 150 cars parked down Rt. 3A  
802 when Nikki Haley was here. If he has an outside tent he is not limited by people anymore  
803 because the fire department doesn't care. The parking you approved is a joke. As far as logistics,  
804 let's say 150 are going to a party, you think there are going to be 3 to a car. Some will have 2 and  
805 some will have 1. You have already set the guy up to fail. Regarding depreciation, if there is  
806 outside noise it will devastate property values. People are going to abate their taxes. You have a  
807 letter from a realtor saying this will drop property values. Have an outside tent, have ambient  
808 music, and go inside and party. He has already had an outside festival. If he stayed with his  
809 original plan no one would have any problems. He needs a state highway permit if he wants to  
810 put a farmers market there. That is the law. Also, after regrading his property, he has forced all  
811 the water onto my property. I provided pictures.

812

813 C. Stelmach: Dana have you been there?

814

815 D. Pendergast: I have not but the town engineer might have been.

816

817 S. Bussiere: The town engineer has not. I was told to bring it in front of the Planning Board.

818

819 Close public comment.

820

821 D. MacGuire: The events that happened before were unregulated and we don't know what the  
822 decibel levels were. It was not enclosed in a tent and there were no barriers. It was angled in a  
823 more aggressive direction. It is not a surprise those events were more concerning. In our proposal  
824 we are comfortable limiting the sound to the 90 decibel level which is what we based our study  
825 on. We could add 10 additional green giant arborvitae on that edge not to block the direct  
826 perpendicular views of the river, but to block the venue from the abutters property. I don't think  
827 that is needed with the panels and other provisions but is something the owner would be willing  
828 to have as a condition of the potential amended plan.

829

830 R. Duhaime: What about the south side?

831

832 D. MacGuire: We don't feel that is as necessary because of the greenhouses heavy natural  
833 vegetation buffer as you go further to the east along that line.

834

835 D. Lagueux: There is a 50 to 60 foot buffer along the road that is natural vegetation.

836

837 M. Somers: How high is that vegetation?

838

839 D. Lagueux: They are full grown maples and birch that are 75 to 100 feet high.

840

841 M. Somers: How tall are the evergreens that you planted?

842

843 D. Lagueux: There is maintenance on them. We have fertilized them and put them up on the  
844 berm 6 feet high and chose 8 to 10' high for those. Two died last year and we replaced them with  
845 two new ones. What we put there is still growing. We discussed there would not be a full edge  
846 from day one when we put them in. They are 8-10 footers 4-5 feet across.

847

848 R. Duhaime: On the Gullane roadside there was an access I was concerned about. I am thinking  
849 about the people on the other side of the road because it slopes downhill towards them. I am  
850 wondering if something needs to be added on the southeast side. The big deal is destination  
851 weddings. I can see this spreading so this Board needs to get this right. I was surprised that on  
852 the initial plan the abutters didn't want additional trees.

853

854 D. Lagueux: It was requested that we need to put 13 8 to 10 foot arborvitaes on that side.

855

856 R. Duhaime: I was surprised that it wasn't requested on the east side.

857

858 R. Duhaime: The Airbnb is not being regulated with a camera or motion sensor. As the owner  
859 you are responsible. This is your site plan and you are going to be held accountable.

860

861 D. Russel: What is the spacing of the arborvitaes?

862

863 D. Lagueux: About 8 feet apart.

864

865 D. Russel: It could take another 10 years for those to grow. Are they staggered? Is there a way  
866 of bringing something else in.

867

868 D. MacGuire: Our landscape engineer uses the sleep, creep, leap analogy. The first year you  
869 plant they barely grown. The second year they get the rooting and get acclimated. The year after  
870 there is more regular growth. The green giants are known to grow over a foot or two a year in  
871 width and height. You don't want them to get stifled by being too close together at start because  
872 they won't grow as high. It won't take 10 years for them to lock in. It may be another 2 or 3  
873 years.

874

875 D. Lagueux: The ones we put in to prevent the noise from the road are now 15 to 16' feet high  
876 with full edge.

877

878 S. Gilbert: For town staff, I am looking at the zoning. It is remarkably checkered in that area.  
879 How long has it been this way? Was this property commercial before or after the houses in the  
880 MDR were put in?

881

882 E. Robidoux: There has been a long history of varied zoning there. It was originally zoned  
883 agricultural. There were various warrant articles put forward to the town to make this all  
884 commercial. By vote year to year, it was spotted as MDR.

885

886 S. Gilbert: For the applicant, regarding the sound mitigation system, can that system mitigate  
887 bass? You mention it was absorbing?

888

889 D. MacGuire: Yes. It is designed to absorb sound.

890

891 S. Gilbert: What is the sound of a party without music versus the sound of a party with music on  
892 top of that? Was compound noise considered?

893

894 D. MacGuire: As part of the testing no. They used varied music to try to see if different types of  
895 songs would have different decibel readings that is why they are averaged. At the 90 decibel bass  
896 you weren't getting high decibel levels at the property lines. They may have been slightly over  
897 the 5 decibel level above ambient. There is inherent flaw with that regulation. Anything you do  
898 on a property will go over that. If someone gets their trash gets picked or they start a truck that is  
899 over 5 decibels and they would be in violation.

900

901 D. Lagueux: Driving over crushed stone makes the decibels go higher than ambient.

902

903 S. Gilbert: Currently you exceed the required parking spaces. I have been to events where I am  
904 the only person in that vehicle. I would like to see a more comprehensive understanding of how  
905 you would mitigate that at larger events.

906

907 D. MacGuire: The vast majority of the events have sufficient parking. Dan is aware of the  
908 implications of the parking issues at bigger events and would probably plan them differently. We  
909 tried to increase the parking on site but were met with some opposition from the fire department  
910 because they could not turn a fire truck around. It wasn't physically possible to work through  
911 that.

912

913 M. Somers: For staff, currently the parking is set for the size of the Oscar Barn. If they have an  
914 event for 150 people in a tent do they hit the threshold?

915

916 E. Robidoux: There would either be an event in the tent or the Oscar Barn. They are using 150  
917 people for their parking calculation.

918

919 D. MacGuire: Dan stated that currently he hasn't had a wedding larger than 120 people due to  
920 the seating and associated things. However, the site was originally approved as a 150 seat venue.  
921 They are not looking to add to the venue as originally approved.

922

923 D. Lagueux: When the fire department came by they told us the permit of assembly was for 78  
924 people sitting down with tables and chairs and 147 for chairs only. We were approved for the  
925 parking and septic for 150 people.

926

927 M. Somers: You are talking about a 90 decibel standard. How would that be enforced? We have  
928 to answer to the abutters.

929

930 D. Lagueux: Decibel readers.

931

932 M. Somers: You can tell us it was 90 decibels but that doesn't mean we can enforce that.

933

934 E. Robidoux: If there is a complaint on the weekend or late at night it is hard to enforce that. I  
935 don't believe the police have decibel meters. The applicant said they would have the decibel

936 meters on site and internally police that with on-site staff to ensure the music was not going  
937 above the decibel level.

938  
939 M. Somers: Could we say that for the outdoor events they could only have acoustic and  
940 everything else could be done inside?

941  
942 E. Robidoux: You can put conditions on the site plan.

943  
944 M. Somers: Was the plan to have a live band in the tent?

945  
946 D. Lagueux: I would appreciate that.

947  
948 M. Somers: You can't turn a drum set up or down. That is anywhere between 90 and 130  
949 decibels.

950  
951 J. Sullivan: Why are we doing a re-site over a revocation plan. Can you clarify so the citizens  
952 can understand?

953  
954 E. Robidoux: On any approved site plan if there is a violation of the site plan code enforcement  
955 enforces that. When we are aware there is a violation and a notice of violation goes out to the  
956 landowner, or the owner of the site, they have 30 days to respond. If there is no response or there  
957 hasn't been mitigation another letter goes out. The next action after that is you can either do a  
958 summons or move to revocation. In this instance the Code Enforcement Officer came to the  
959 Planning Board and asked what they would like him to do. The Planning Board opted to move  
960 forward with the revocation process. The purpose of that was to bring the site into compliance  
961 and address the noise issues. The Planning Board allowed the applicant to bring an amended site  
962 plan in because that is way to get into compliance. The revocation hearing is still in process but  
963 has been continued. There is no 65 day clock for a revocation hearing so procedurally we are  
964 okay for that. For this application the Board has been good about allowing the applicant to gather  
965 information and extend hearings so they have the best information to make the most informed  
966 decision possible for this plan. A suggestion is you have heard from the public. At this point the  
967 Board can close the public hearing if that is the Board's pleasure. We are still within our 65 day  
968 clock. You may want to take an opportunity to meet with legal counsel, but not this evening. If  
969 you wish to do that my suggestion would be that you close the public hearing and continue the  
970 hearing until May 20 which would be 63 days. That allows you time to meet in non-public with  
971 legal counsel to address any questions the Board members have. When you are considering  
972 revoking a plan it is a big deal. It might behoove the Board to make sure that all of your  
973 questions are answered so you are handling everything in the best manner possible. Move  
974 forward as you wish but that would be my suggestion.

975  
976 J. Sullivan: This has been going on for a while and we have extended it for additional public  
977 comment.

978  
979 D. Russel: We have to be smart about it too.

980  
981 D. Pichette Volk: I am not in favor of delaying. I can't imagine what information I would get  
982 from legal counsel that I don't have now.

983  
984 Close public hearing.

985  
986 Board deliberation ensued.

987  
988 J. Sullivan: It looks like there are three suggested changes to the approval: 1) additional trees;  
989 2) monitoring of the outside sound; and 3) have only acoustic outside and allow the DJ or band  
990 indoors.

991  
992 S. Gilbert: I am in favor of more trees and screening. This is an unusual property where it does  
993 technically about MDR. It is an odd layout so buffering the property is a good solution for both  
994 the abutters and applicant. I agree anything amplified should be inside especially if they are  
995 going to be using the barn and it has the capacity for 150. Have your dinner, do what you like  
996 outside, when the sun is coming down move the party inside to conceal the noise. I think decibel  
997 monitoring would be tough to monitor. If they have agreed to have the monitor on site we can  
998 put it in as a condition of approval.

999  
1000 M. Somers: The minutes from the original site plan stated there will be no bands outside, two  
1001 man band strings only, no DJ's outside unless it for ambiance music, and they will not be  
1002 looking to have the full party outside. That was the standard we agreed to originally. I think that  
1003 should be maintained.

1004  
1005 S. Gilbert: To clarify my prior comment, 147 people are allowed inside without tables and chairs  
1006 and 76 people with tables and chairs. If the party is outside why do you need tables and chairs  
1007 inside.

1008  
1009 R. Duhaime: I would like code enforcement have our town engineer to look at the water going  
1010 off site.

1011  
1012 M. Somers: I would like to know more about that issue and how it might be addressed.

1013  
1014 E. Robidoux: My understanding is there is existing drainage that was noted on the existing  
1015 conditions site plan from 2021. There is existing drainage that goes off site that was there prior to  
1016 Mr. Lagueux taking ownership of the property. We will have the town engineer look at it. There  
1017 may be extenuating circumstances as to why that water has increased. There is existing drainage  
1018 on the site plan. It could be a function of all of the rain this year.

1019 ***J. Sullivan motioned to grant a waiver from the Development Regulations, Part III, Section***  
1020 ***2.0, Completeness Criteria to not include all of the required information on the amended site***  
1021 ***plan as the information was included on the plan originally approved by the Board,***  
1022 ***specifically waiving checklist items: 13, 14, 21, 22, 25, 28, 31, 38, 42, 46, 49, 50, 51, and 57.***  
1023 ***After review of the waiver request, the Board finds that strict conformity to the regulations***  
1024 ***would pose an unnecessary hardship to the applicant and the waiver would not be contrary to***  
1025 ***the spirit and intent of the regulations. Seconded by M. Somers. Motion carried unanimously***  
1026 ***with vote of 7-0.***

1027  
1028 **Findings of Fact**

1029

1030 The Board finds the plan as presented meets provisions and standards provided in Part I of the  
1031 Development Regulations, by means of details on the plan, the granting of the waiver, and/or  
1032 outstanding items that are presented as a condition of approval; the Board finds the plan  
1033 provides adequate parking for the site and meets the parking density requirements for the use.

1034

1035 ***M. Somers motioned to agree with the above noted findings of fact for Hip Peas Farm LLC,***  
1036 ***191 West River Road, Map 24, Lot 30, Site Plan Amendment (clarification of intended uses on***  
1037 ***the site). Seconded by J. Sullivan. Motion carried unanimously with a vote of 7-0.***

1038

1039 Board deliberation ensued.

1040

1041 ***After review and deliberation of the application before the Board for Hip Peas Farm LLC,***  
1042 ***Map 24, Lot 30, located at 191 Hooksett Road, M. Somers motioned to approve the site plan,***  
1043 ***pursuant to RSA 676:4, I, Completed Application with the following conditions:***

1044

1. ***All applicable review fees are paid in full.***

1045

2. ***A single (22" x 34") mylar, 6 paper copies (22" x 34"), 1 paper copy (11' x 17"), and  
1046 1 digital PDF copy (CD, email, or flash drive), of the final plan are submitted to the  
1047 Office of the Town Planner within the Community Development Department. If the  
1048 applicant wishes to retain a signed copy, include additional copies. The above-  
1049 mentioned copies shall be retained for Town records.***

1050

3. ***All outstanding comments from the Town Engineer shall be addressed to the Town  
1051 Engineer's satisfaction.***

1052

4. ***The note suggested by Hooksett Village Water Precinct is added to the plan as follows:  
1053 The onsite water supply well is connected to the existing farmhouse and is not  
1054 connected to the function hall or the public water system. The public water system  
1055 will not be connected to the house, tent, or other site infrastructure without prior  
1056 written approval of the Hooksett Village Water Precinct.***

1057

5. ***Note all approved waivers on the plan.***

1058

6. ***Add any additional notes to the plan set as required with regard to time limits for  
1059 operation of the site.***

1060

7. ***Add any additional note to the plan set as required with regard to the mitigation of  
1061 sound.***

1062

8. ***Add a note to the plan that the event tent will not be used when the function hall is in  
1063 use and vice versa.***

1064

9. ***Note the use of the two 'converted containers' each measuring 8' x 20'.***

1065

10. ***The Town of Hooksett's standard conditions subsequent related to items required by  
1066 the applicant prior to construction and the issuance of a certificate of occupancy are  
1067 inherent in this motion, as applicable.***

1068

11. ***Plant an additional 10 trees on the northeast corner of the property and 7 trees on the  
1069 southeast corner of the property.***

1070

12. ***Only non-amplified acoustic music will be played outdoors. Seconded by S. Gilbert.***

1071

1072 **Roll Call**

1073

**J. Sullivan - No**

1074

**R. Duhaime - Yes**

- 1075 **M. Somers - Yes**
- 1076 **S. Gilbert - Yes**
- 1077 **D. Pichette Volk - No**
- 1078 **D. Russel - No**
- 1079 **C. Stelmach - Yes**

1080

1081 **Motion passes with a vote of 4-3.**

- 1082
- 1083 **3. HIP PEAS FARM, LLC**
- 1084 **191 West River Road**
- 1085 **Map 24 Lot 30**
- 1086 **Consideration of Revocation of Site Plan (Approved 05/13/2021)**

1087

1088 *J. Sullivan motioned to withdraw consideration of revocation of the site plan (Approved*

1089 *05/13/2021) for Hip Peas Farm, LLC, 191 West River Road, Map 24 Lot 30. Seconded by M.*

1090 *Somers. **Motion carried unanimously with a vote of 7-0.***

1091

1092 **COMPLETENESS REVIEW & PUBLIC HEARING**

- 1093 **4. 1461 HOOKSETT LLC**
- 1094 **51 Thames Road**
- 1095 **Map 18, Lot 49-D**
- 1096 **Site Plan Amendment – Thames Road Residential**

1097

1098 J. Sullivan stepped down due to being a quasi-abutter

1099

1100 E. Robidoux: The proposal is a 16 unit, three story, multifamily residential building with a

1101 footprint of 6,000 square feet for a total of 18,000 square feet. The project is proposed for the lot

1102 formerly considered for a 30 stall school bus parking lot. A variance was granted on September

1103 21, 2021, to allow impacts on the 40 foot wetland buffer. The variance is vested and still valid

1104 for this project. There is an existing easement, granted to the applicant by the Villages at Granite

1105 Hill Condominium Association (The Villages) (Book 1818, Page 1108), which grants rights and

1106 easements over a portion of land owned by The Villages to construct, reconstruct, maintain, use,

1107 inspect, repair, replace, relocate, and remove driveways and/or parking areas, and any

1108 appurtenances thereto, to be used in connection with the construction, maintenance, operation

1109 and/or use of any and all buildings constructed, maintained and/or operated as of [the date of the

1110 easement] now or in the future on the easement area. This includes the right to pass and repass,

1111 and to do what needs to be done to meet the regulations of the Town of Hooksett for

1112 development purposes of the easement area. The original easement was granted for the purpose

1113 of constructing a day care facility and elderly housing. The recorded easement document

1114 (Section III, 1) states that the easement is not limited to those specific proposed uses and if those

1115 particular uses were not constructed or ceased to exist, the easement was still in place. This

1116 applies to any heirs or assigns of the Grantee. Subdivision of the property is not being

1117 contemplated at this time. Hooksett Wastewater has reviewed the plan and is satisfied. A

1118 NHDES Sewer Connection permit is outstanding. Central Hooksett Water Precinct had several

1119 comments and requests, but no issues with the overall plan submittal. A road patch will not be

1120 necessary for the utility construction as the plan is to bore under the existing roadway. The Fire



1121 Department had specific comments and requests, which are noted in the proposed conditions of  
1122 approval. While the Performance Zone does not specifically require it, the plan was reviewed  
1123 with an eye to compliance with multifamily criteria (Development Regulations Part III, Section  
1124 3.19. The waiver requested for residential use in the PZ applies to the proposal as presented and  
1125 additional waivers are not required for other portions of the Development Regulations. The  
1126 proposed roof pitch is 7/12. The required 10/12 pitch would add unnecessary perceived building  
1127 height of over 7 feet.

1128  
1129 Doug MacGuire (The Dubay Group): This lot was the contemplated location for the school bus  
1130 parking area that was withdrawn. We received a lot of feedback from the Board and abutters  
1131 with concerns for that use. When looking how to utilize this property we felt a residential use  
1132 made sense as there is a mobile home park to the southeast and this is within the Granite Hills  
1133 Development.

1134  
1135 D. MacGuire showed an overview of the entire site as fully developed.

1136  
1137 D. MacGuire: We are looking to amend the previous site plan to incorporate this residential use.  
1138 It is proposed to be a 3 story, 16 unit building. We are using the same drainage pond system that  
1139 was contemplated for the last plan. This is overall less impervious. We intended to meet all the  
1140 applicable requirements, which includes the landscaping per the PZ standards, and also things  
1141 not directly linked to the PZ such as parking requirements. We meet that standard on the size.  
1142 Access would be provided through Thames Road. There are two access points for fire and  
1143 delivery vehicles. The landscaping plan is robustly designed to meet the standards in the PZ that  
1144 are mentioned on the site plan. We are proposing over 50 trees and 130 shrubs. We opted to use  
1145 deciduous trees, a lot of which are evergreen trees. We also mixed in evergreens in the frontage  
1146 along Thames Road. The drainage has the same layout of where the pond was. There is a  
1147 different area draining to it bringing water in from the site to the north and connecting to sewer  
1148 that goes through a portion of the easement. Electric would be brought in by horizontally boring  
1149 that as not to impact Thames Road. Lighting would be standard full cut off LED to limit light  
1150 pollution to the southern abutter so there is zero spillage.

1151  
1152 D. MacGuire showed a series of views.

1153  
1154 D. MacGuire: All of the landscaping correlates to the exact plantings proposed, however, they  
1155 are not at full height. The evergreen shrubs grow to 20' to 30'. They will grow in and provide  
1156 more buffering. The esthetics of the building meet the architectural standards. There is a flat  
1157 platform in the back for utilization by the residents.

1158  
1159 M. Somers: Is that existing greenery in the top right corner?

1160  
1161 D. MacGuire: We are tucked into the existing tree line and that is in the preserved wetland area.

1162  
1163 S. Gilbert: Do you have less buffer impact?

1164  
1165 D. MacGuire: Yes. We are well within the buffer. We had some impacts with the commercial  
1166 and some impacts on this side but they are not worse in this scenario.

1167

1168 S. Gilbert: Are the 16 units age specific?

1169

1170 D. MacGuire: No. They would be market rate garden style units. They are intended to be two  
1171 bedroom apartments.

1172

1173 S. Gilbert: Is the white fence exactly as depicted?

1174

1175 D. MacGuire: Yes.

1176

1177 C. Stelmach: Would the residents be allowed to use the amenities across the street?

1178

1179 D. MacGuire: No.

1180

1181 R. Duhaime: We do a lot of different applications. The last one you had was a major impact.  
1182 This building is attractive to the front side. The side to the west is a hip roof and you limited the  
1183 windows on that side. That eve being that high makes it disproportionate to the homes.

1184

1185 D. MacGuire: Your architectural standards make the pitch even steeper which seems excessive  
1186 for this building.

1187

1188 R. Duhaime: The hip roof on that side takes the height of the building down.

1189

1190 D. MacGuire: We were focusing on the front facade where we are stepping the roof.

1191

1192 Alan Villeneuve: We could put an eyebrow across that would do that same thing.

1193

1194 ***S. Gilbert motioned to accept jurisdiction for the 16 Unit Multifamily Residential Site plan***  
1195 ***before the Board for 1461 Hooksett, LLC, Map 18, Lot 49-D, 51 Thames Road. Seconded***  
1196 ***by D. Russell. Motion carried unanimously with a vote of 6-0.***

1197

1198 ***M. Somers motioned that pursuant to RSA 36:56, the Board finds the proposal as presented at***  
1199 ***this time meets the definition of a development of regional impact. Seconded by S. Gilbert.***  
1200 ***Motion fails unanimously with a vote of 6-0.***

1201

1202 Open public hearing.

1203 Open public comment.

1204

1205 Ben Nardi (5 Heartwood Lane, Concord): I am a licensed real estate broker and did work on  
1206 Thames Road. I was hired by a lender and spent a lot of time on Thames Road and the abutter  
1207 influence. I looked at the impact the bus depot would have with the abutters. I commend the  
1208 town and developers for coming forward with this. They came up with the highest and best use  
1209 for this property. It will help the town and the property. There are a lot of people that can't find  
1210 apartments. I have seen the growth and a lot of businesses need help. This can help house them.  
1211 This is a beautiful plan.

1212

1213 Allyson Moore (Granite Hill Association): We appreciate the detailed plan that is before the  
1214 Board. There is an easement with Granite Hill but a lack of signage indicating that this is not part

1215 of the Granite Hill Association. That might cause confusion. The easement, based on the plan,  
1216 indicates there is an area that has been dedicated for a dumpster. The language of the easement  
1217 has been allowed for multiple easements, entrances, and different uses. This is one proposed use;  
1218 a 16 unit, 3 floor building. We question whether this could be a smaller development so these  
1219 residents would be able to use their own land to have amenities on their own site. The plan  
1220 indicates a few small areas for snow storage. Could that be further away from Thames Road?

1221  
1222 Allan O'Brien: The Association is not objecting to this concept. The objection is to the plan. We  
1223 talked about there being two entrances. Are two entrances required?

1224  
1225 E. Robidoux: I would have to search the regulations but I don't think it is a requirement in this  
1226 zone but it may make sense.

1227  
1228 A. O'Brien: The plan is attached to the easement. When the original elderly housing was  
1229 proposed there was only one entrance. Reducing the number of units would provide recreational  
1230 space. Where will these people recreate, walk their dogs, or have kids play? The people will  
1231 migrate to the Association. It isn't that we don't welcome neighbors. The concept of a  
1232 neighborhood should be all inclusive for the residents. They have used up all of their green space  
1233 with parking. What happens on Christmas with parking? The Association is not opposed to the  
1234 concept but they are to the plan.

1235  
1236 Jarrod Williams (1465 Hooksett Road, Unit 347): This is a major step in the right direction. We  
1237 want to compromise and get this done.

1238  
1239 Jolene Archambeault (46 Gary Avenue): I feel this is fair for our community. With some  
1240 adjustments I think we can come to some compromises and a harmonious community. Along  
1241 Gary Ave. there is a section between house 40 and 42 that has an embankment buried with  
1242 asphalt, junky material, and old metal pipes. I asked the Town Engineer to come out and he  
1243 confirmed that all needs to be removed. I would like that to be put on the plan as a condition. It is  
1244 on the property line and feel it will pollute. I would also like an 8' privacy fence installed. When  
1245 people drive above the lights come onto our property. There is only a 15.5 buffer zone proposed.

1246  
1247 Phillis West (45 Gary Avenue): I would like this staked out on this property. This doesn't show  
1248 how big it will be. It is an odd shaped property and is within 5' of the neighbors. The parking lot  
1249 is in my backyard. We don't have any trees. It says stockpile as necessary. I have been looking at  
1250 a pile of dirt and rock for 9 months now. They said no increased parking. That would be 32 cars  
1251 plus deliveries. Where are people going to park when they are plowing this. There is no extra  
1252 parking. The snow will go into my backyard and be contaminated with salt. I want a fence. We  
1253 came home from vacation and there were two teenagers having a cigarette on my picnic table.  
1254 How much light will be in our bedrooms? I can already see the light from the pool. I am  
1255 concerned about the number of apartments going up in this town for the police, fire, and extra  
1256 children in our schools. The budget has already been cut.

1257  
1258 Sally Gehris (1465 Unit 387): Is there going to be an onsite manager? People will be playing on  
1259 their scooters and walking their dogs in the field. The pool is locked and we all have our own  
1260 keys.

1261

1262 Robert Desrochers (39 Gary Avenue): There is going to be a lot of rainwater and snowmelt  
1263 going into the brook. What happens when the brook floods and the water and snow comes off of  
1264 the parking lot. I am concerned if we have a flood it will go into Extra Care Auto. We need an 8'  
1265 fence from one end to the other.

1266  
1267 Holly Drazen (1465 Hooksett Road, Unit 342): We were supposed to get shrubbery for the  
1268 buffer as part of the agreement with the warehouse that is at the end of Thames Road. We did not  
1269 get that. The housing proposal is much better for our community than the buses, but I have great  
1270 concern for the landscaping as we did not get what was promised with regard to the buffer. Are  
1271 we going to get what we deserve for our property?

1272  
1273 Philip Fitanides (1407 Hooksett Road): There is no way this drainage plan is going to stop the  
1274 rain. Off of Thames Road is Maiden Pond. When the water comes in from the property it fills up  
1275 Maiden Pond where the workshop is and floods Gary Ave. With these plans it doesn't look like  
1276 the drains will handle it if there is a rain event. The dandy bags are for silt and sand.

1277  
1278 David Ross: The committees aren't part of this process anymore. The runoff isn't clean water. I  
1279 don't know why the Conservation Commission hasn't been involved with this. The change of  
1280 name and ownership is a big deal.

1281  
1282 Tim Sheehan (1465 Hookset Road, Unit 341): Could you please show the back view?

1283  
1284 P. Fitanides: I would like them to stop using 1461 Hooksett Road. That address is no longer  
1285 viable. People are still trying to find that address. I will have to put barricades or chains up. It  
1286 showed 4 or 5 boulders. Now the elevation is 12' up with over a thousand truckloads of fill. The  
1287 elevation is not shown on the plans. They put a rock wall there. When the Town Engineer went  
1288 there he was almost kicked off the property. They were instructed to fill it up with sand and it is  
1289 a danger. The workers said they need to come onto my property and tear up my parking lot. They  
1290 told the Town Engineer they weren't going to do it. They were supposed to do plantings. What  
1291 they have done to my land is mind boggling.

1292  
1293 E. Robidoux: That is in relation to the 7-unit contractor bays.

1294  
1295 J. Archambeault: The snow pile is less than 30' from our homes and the erosion of the banking  
1296 area is over our boundary area. If it sits it smells and we will have and critters. Will the town  
1297 been changing the zoning? We are going to be able to hear the decibels of the people. I would  
1298 like the lighting reduced or something different done. We would like to have a more robust  
1299 landscape plan. In your ordinance it says there needs to be a 25' buffer zone. We would like that.

1300  
1301 A. Moore: It would be our request that all landscaping be required prior to a CO so that the  
1302 landscaping issue does not occur again. Regarding the plans, think back to when you did a site  
1303 visit to see what trees were there at that time.

1304  
1305 Susan Marquis (1465 Unit 286): I am not in disagreement with this. My concern is with the  
1306 visual presentation of existing trees that are not there. I would suggest a site visit to see what is  
1307 there. How can we trust what is proposed based on the history of this landowner when there was  
1308 a total lack of respect for the community and our time when we had to go over details that were

1309 inaccurately portrayed to you? How do we hold them accountable? It is a disrespect for a  
1310 community, environment, and your time as well from the people presenting to you.

1311  
1312 Close public comment.

1313  
1314 D. MacGuire: With regard to the site plan, we are genuinely looking to put our best foot forward  
1315 with the landscaping and positioning of the building, etc. If you look at the site plan the proposed  
1316 building is set back 60.7' from the southerly point. It is a 1:1 ratio based on building height with  
1317 a setback of 30'. In the PZ 31' is the required building height and this is 31'. The buffer is not a  
1318 no disturb buffer. The regulations for the PZ have a section for buffering and screening. There is  
1319 nothing in the regulations that requires an official buffer. We took that into consideration and  
1320 have 18 evergreen trees. There is a large expense in landscaping. If the consensus is a fence I  
1321 would like to have that in lieu of the landscaping. There is no requirement for a fence in this  
1322 case.

1323  
1324 S. Gilbert: I think a lot of people are under the assumption that when the buffer is put in place is  
1325 when we move forward.

1326  
1327 D. MacGuire: The word buffer is a misnomer in this case. A 15.5 foot landscape buffer means  
1328 there is no pavement within 15.5'. It is a greenspace non-perimeter buffer per the plan. We have  
1329 green space behind the building that is flat and large. You are allowed up to 65 percent  
1330 impervious. We have 42 percent with everything. We purposely designed the drainage to  
1331 incorporate infiltration ponds. The rain events are being fully contained. All of these systems are  
1332 designed in size to meet the 50 year storm events. The water will be collected and routed to not  
1333 back up at all and surcharge. AOT requires treatments for channel and peak runoff. We went to  
1334 the Conservation Committee with regard to the special exception that was obtained. We have  
1335 less impact to the wetlands and have addressed those concerns in the plan set. Signage items and  
1336 clarifications is something we can put up. These units will be rentals and have a rental  
1337 management company. There will be rules in the rental agreement with stipulations such as  
1338 where they can and cannot park. We have to be reasonable to what the rules are. The 15.5' buffer  
1339 we put in was our choice while still meeting the PZ requirements. If we put in a fence we would  
1340 put in a handful of trees on our side. I think the amount of plantings we have would be  
1341 reasonable but that is open to discussions.

1342  
1343 C. Stelmach: Would the residents be allowed to have pets?

1344  
1345 D. MacGuire: We haven't discussed that yet. All residents would be made aware of where the  
1346 limits of their property are and that they are not part of the Granite Hill development.

1347  
1348 C. Stelmach: What would the address be?

1349  
1350 E. Robidoux: 51 Thames Road.

1351  
1352 D. MacGuire: That is per the fire department. This is a new site plan for just this portion of the  
1353 property. This is not replacing the commercial site plan that is already approved. This is solely  
1354 for the lower portion of the property.

1355

1356 R. Duhaime: The applicant has to build to code. I would love to see the dumpster moved but  
1357 cannot see another location. Maybe the abutters can put a fence on their property. It can't be all  
1358 on this property owner. Something is going to be put on this property and this is not that huge of  
1359 an impact. This is minimal compared to 40 yellow buses. There is going to be growth and this is  
1360 the direction things are going. You have to live with some of this and there is no way to avoid all  
1361 of it. This meets all of the regulations.

1362  
1363 D. Pichette Volk: I would not trade in trees for a fence. I am concerned with the buried asphalt  
1364 and pipes.

1365  
1366 D. MacGuire: The owner is aware of that and will remove at least the visible pieces. We do not  
1367 want to disturb the vegetation.

1368  
1369 R. Duhaime: There is a two year bond. If he puts something in and it dies he has to replace it.

1370  
1371 S. Gilbert: As far as amenities we are a town and offer these things. There is dog park a couple  
1372 of miles from here, places for hiking, and a lot of other things. We have a lot of conservation  
1373 land. We have a great dog recovery. It is part of our town. The homes on Gary Ave. are closer  
1374 than this is going to be. I would like some type of signage to make it easier for the trucks. As far  
1375 as the Conservation Committee I do not see a significant wetland impact. You have mitigated all  
1376 of the concerns. You are bridging the commercial and residential. This is mitigated very well.

1377  
1378 Close public hearing.

1379  
1380 ***M. Somers motioned to grant a two waivers: 1) from the Development Regulations, Part IV,***  
1381 ***Appendix III, Checklist to not include all of the required information on the site plan sheet as***  
1382 ***the information is shown on supplemental sheets in the plan set more clearly and in more***  
1383 ***detail After review of the waiver request, the Board finds that strict conformity to the***  
1384 ***regulations would pose an unnecessary hardship to the applicant and the waiver would not be***  
1385 ***contrary to the spirit and intent of the regulations; and 2) from the Town of Hooksett Zoning***  
1386 ***Ordinance, Article 10-A, Section E, Permitted Uses to allow residential use in the***  
1387 ***Performance Zone. After review of the waiver request the Board finds that specific***  
1388 ***circumstances relative to the plan, or conditions of the land in such plan will properly carry***  
1389 ***out the spirit and intent of the regulations. Seconded by S. Gilbert. Motion carried***  
1390 **unanimously with a vote of 6-0.**

1391  
1392 **Findings of Fact**

1393  
1394 The Board finds the plan as presented meets provisions and standards provided in Part I of the  
1395 Development Regulations, by means of details on the plan, the granting of the waivers, or  
1396 outstanding items will be presented as a condition of approval.

1397  
1398 The plan provides safe and efficient vehicular/pedestrian access and the design and construction  
1399 proposed are adequate to accommodate the anticipated volume of traffic proposed by the  
1400 development.

1401  
1402 The Board finds the plan provides adequate parking for the site and meets the parking density

1403 requirements for the use.

1404

1405 The Board finds the landscape plan meets the intent of the regulations.

1406

1407 The Board finds the stormwater management plan as proposed is designed to control the post  
1408 development run off so that it does not exceed predevelopment runoff, or the stormwater plan  
1409 adequately mitigates the increase.

1410

1411 The Board finds the utility construction standards are met.

1412

1413 The Board finds the exterior lighting, solid waste storage, and snow storage provisions, are  
1414 adequate for the proposed development.

1415

1416 The Board finds the erosion and sediment control plan meets the Town regulations and  
1417 requirements.

1418

1419 The Board finds the architectural design requirements have been met.

1420

1421 ***M. Somers motioned to agree with the above noted findings for the 16 Unit Multifamily***  
1422 ***Residential Site plan before the Board for 1461 Hooksett, LLC, Map 18, Lot 49-D, 51 Thames***  
1423 ***Road. Seconded by R. Duhaime. Motion carried unanimously with a vote of 6-0.***

1424

1425 ***S. Gilbert motioned to assess \$76,000 in impact fees for the 16 Unit Multifamily Residential***  
1426 ***Site plan before the Board for 1461 Hooksett, LLC, Map 18, Lot 49-D, 51 Thames Road.***  
1427 ***Seconded by R. Duhaime. Motion carried unanimously with a vote of 6-0.***

1428

1429 ***S. Gilbert motioned to approve the 16 Unit Multifamily Residential Site plan before the Board***  
1430 ***for 1461 Hooksett, LLC, Map 18, Lot 49-D, 51 Thames Road with the following conditions:***

1431

- 1432 1. All review fees are paid in full.
- 1433 2. A single (22" x 34") mylar, 6 paper copies (22" x 34"), 1 paper copy (11' x 17"),  
1434 and 1 digital PDF copy (CD, email, or flash drive), of the final plan are  
1435 submitted to the Office of the Town Planner within the Community  
1436 Development Department. If the applicant wishes to retain a signed copy,  
1437 include additional copies. The above-mentioned copies shall be retained for  
1438 Town records.
- 1439 3. All outstanding comments from the Town Engineer shall be addressed to the  
1440 Town Engineer's satisfaction.
- 1441 4. All outstanding State and local permits (as applicable) shall be received and  
1442 noted on the plan. [NHDES Sewer Connection Permit; AoT]
- 1443 5. Written confirmation from the Hooksett Central Water Precinct and the  
1444 Hooksett Wastewater Department shall be provided indicating that final utility  
1445 print submissions have been reviewed and approved by their respective  
1446 commissions and/or consulting engineers, and all applicable fees paid in full.
- 1447 6. Comply with the March 21, 2024 letter from Hooksett Central Water Precinct.
- 1448 7. Address is corrected on all plan sheets and associated documents to 51 Thames  
1449 Road.

- 1450 8. Locate the fire hydrant on the site - location to be confirmed as acceptable, in  
1451 writing, by Hooksett Fire Department.  
1452 9. Note location of the FDC and Fire Alarm/Sprinkler Room on the plan.  
1453 10. Update the pavement markings to show the "no parking area" as per Fire  
1454 Department comments dated April 02, 2024 (see file)  
1455 11. Revise landscaping adjacent to the building per the Fire Department comments  
1456 dated April 02, 2024. If shrubs or trees are removed, find an alternative location  
1457 on the site to move them.  
1458 12. Note approved waivers on the plan.  
1459 13. Work with NH DOT to correct the timing at the signalized intersection of  
1460 Thames Road and US Route 3.  
1461 14. The Town of Hooksett's standard conditions subsequent related to items  
1462 required by the applicant prior to construction and the issuance of a certificate of  
1463 occupancy are inherent in this motion.  
1464

1465 ***Seconded by R. Duhaime. Motion carried unanimously with a vote of 6-0.***  
1466

1467 M. Somers: Can you make sure the shrubbery has been placed on the commercial piece.  
1468

1469 Allen Villeneuve: Bruce asked me to place more shrubs and that was accomplished. There is  
1470 nothing missing from the plan.  
1471

1472 J. Sullivan returned.  
1473

1474 **OTHER BUSINESS**  
1475

1476 **5. TOWN PLANNER UPDATES**  
1477

1478 E. Robidoux will present the town planner updates at the May 6, 2024 Planning Board meeting.  
1479

1480 **ADJOURNMENT**  
1481

1482 ***S. Gilbert motioned to adjourn at 11:11 pm. Seconded by M. Somers. Motion carried***  
1483 ***unanimously with a vote of 7-0.***  
1484

1485 **Respectfully submitted by,**  
1486

1487 **/s/ AnnMarie Scott**  
1488

1489 **AnnMarie Scott**  
1490 **Recording Clerk**