

## Town Council Zoning Authority Charter Amendment Subcommittee

Thursday, November 04, 2021 4:30 pm

**Membership in Attendance:** Councilor David Boutin, Councilor Timothy Tsantoulis, Councilor Randall Lapierre

**Other Attendees:** Nicholas Williams, Planner; Sheena Gilbert, Planning Board; Alex Walczyk, Councilor; André Garron, Town Administrator; Tom Walsh, Planning Board Chair; Kathie Northrup, Heritage Commission Chair; Antonio Lacasse, ZBA

Councilor Boutin opened the meeting at 4:34 pm.

**Councilor Boutin:** This subcommittee is looking at the approval process for zoning amendments and zoning map amendments.

**Councilor Tsantoulis:** I want to recognize that Councilor Alex Walczyk is present. I see this as an opportunity to learn more about land use boards. We are in the early stages and want to share the ideas we are looking at. We also want to know what members of the audience have to contribute. I plan to save my decision until the end of this process and hope everyone else will do that.

**Councilor Boutin:** In several NH towns, the town councils address all ordinances, per their charters. The power to adopt ordinances rest solely with their town councils. These include Bedford, Derry, Durham, Merrimack, Newmarket and Londonderry. They seek advisory opinions from their planning boards. We are looking at amending Section 3.6F of Hooksett's Town Charter, which addresses the adoption or amendments of ordinances related to zoning, historic districts and building codes, per RSA 675:2 II & 675:7.

**Councilor Lapierre:** Would you restate the goal of this subcommittee?

**Councilor Boutin:** Our goal is to analyze the advantages and disadvantages of amending the town Charter so that the Town Council, as opposed to the voters at Town Meeting (via warrant articles), approve zoning amendments.

**Councilor Lapierre:** Section 4.10 of the Administrative Code defines the roll of the Planning Board and designates the 'local legislative body' as the decision-making body. Is that the Council or the voters?

**Councilor Boutin:** That refers to the voters at Town election.

**Alex Walczyk, 7 Heritage Drive:** I understand that this change would make the process more flexible. What are the consequences of having the Town Council decide zoning amendments instead of at Town Meeting once a year?

**Councilor Boutin:** One benefit is timeliness. It can take 12 to 14 months under the current process.

**Alex Walczyk:** What is the downside?

**Councilor Boutin:** To me, there is only an upside.

**Councilor Tsantoulis:** The word "consequences" has a negative connotation. I favor bringing 'business thought' to our deliberations and decisions. Time is money for developers, and they may not want to

wait several months for a zoning amendment. We can grow in an orderly and timely fashion that is good for Hooksett.

**Councilor Boutin:** Also, the Planning Board can ‘put on the brakes’ with any proposal, and Councilors are elected by their constituents and are expected to listen to them.

**Alex Walczyk:** I favor 30 days for the public input process. That is a good amount of time. Seven days is too short.

**A. Garron:** Generally, the public hearing process will take at least a month. There must be at least seven days between each step.

**Councilor Boutin:** One question is this: Should we amend the Administrative Code or put the timeframe in the Charter amendment?

**A. Garron:** The timeframe language should be in the Charter, not the Administrative Code.

**Councilor Lapierre:** The Planning Board has all of the power granted by State law.

**A. Garron:** In Londonderry, the planning board has a hearing and then the Council has a hearing. The only difference is that the Council makes the decision – not the voters. This would not take power from the Planning Board.

**K. Northrup:** Why wouldn’t these developers just get a variance?

**Councilor Boutin:** They would be forever limited by that variance.

**K. Northrup:** Members of the Planning Board and ZBA attend training frequently. Would the Town Councilors do that? There are lots of regulations for land use. Would the council be overextending itself?

**Councilor Boutin:** The Town Council meets every two weeks and deals with many issues. Training is available.

**K. Northrup:** Who votes on the proposed zoning amendments?

**Councilor Boutin:** The voters, as warrant articles.

**A. Garron:** Zoning amendments are introduced by the Planning Board, as part of the Master Plan process, and are presented once each year. An example is Goffstown. They limit the number of zoning amendments on the ballot so as not to overwhelm the voters. The proposed change would allow more opportunities to present amendments. The Council is not trying to be the Planning Board.

**Councilor Lapierre:** One question is this: How far we can go without violating State law?

**A. Garron:** The difference is shifting the vote to the Council from the voters. It doesn’t change what the Planning Board does.

**Councilor Lapierre:** It seems clear that the Town Council can change how the town deals with zoning amendments.

**Alex Walczyk:** How many of these do you deal with per year? With this flexibility, the number might increase.

**Councilor Boutin:** It is between eight and ten. The voters now deal with all of these in one day.

**A. Garron:** I believe Londonderry has had this system since its charter was first written. And, if the Town Council approves this change, the voters will vote on it as a warrant article at the Town Election.

**T. Walsh:** From a blanket approach, I am never in favor of taking more decisions away from the citizens. Can you provide examples of businesses that are struggling with timely approval? Why is this change needed? I respectfully disagree that Councilors represent all of the people. It is not a constant connection. They have a direct say under the current process.

**P. Scarpetti:** I am a Planning Board member, and I opposed this Charter change. The ZBA and Planning Board are the planners and the two forums provide checks and balances.

Councilor Boutin adjourned the public meeting at 5:20 pm.

Respectfully submitted,

*Kathleen Donnelly*

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Recording Clerk