

Official
As of 2/14/06

**HOOKSETT
ZONING BOARD OF ADJUSTMENT
MINUTES
January 10, 2006**

HOOKSETT MUNICIPAL BUILDING

The Zoning Board of Adjustment met with Counsel at 6:00 pm to discuss various issues.

CALL MEETING TO ORDER AT 7:00 p.m.

INTRODUCE MEMBERS OF THE BOARD

Chairman, Tracy Murphy Roche, Alan Rozwadowski, Chris Pearson, Dan Belanger, Ron Savoie, and Dick Johnston.

CONTINUED PUBLIC HEARINGS

3A DEVELOPMENT

**Hooksett Road, Map 14, Lots 14-1, 14-1-4 thru 14-1-21, 13-1 thru 13-148
Variance from Article 31 from the requirements of the Growth
Management Ordinance.**

Toni Marts representing 3A Development.

A. Rozwadowski: We would like to know if you have received a denial yet?

Toni Marts: We have read the ordinance and understand, like everyone else on the agenda that we need a variance per your ordinance. We understand that you were going to speak with Counsel.

A. Rozwadowski: We heard what you said last month and have talked to Counsel. Is there anything more you need to share with us?

Toni Marts: You have not heard our argument on the variance, and if there is no procedural issue, we are ready to move forward. We have not made a presentation on our request for a variance and you have not held a public hearing.

A. Rozwadowski: We are here for appeals only and it is my opinion we do not have jurisdiction.

D. Belanger: The variance you are looking for relief may not be in existence when you need your permits.

R. Savoie: Has anyone upstairs, Mr. Watson or anyone told you to come here?

T. Marts: Yes, we have spoken with J. Duffy and C. Watson and it is our understanding that we are grand fathered. Per the minutes of the last meeting with the Town Council, we discussed with DOT and Council present, we had the same discussion. Why is our position different from anyone with a 3-lot subdivision that wants a 2-lot subdivision?

D. Belanger: We are at a ' we say, they say'.

Dan Belanger motioned, we are an appellate body and we have no need for an appeal.

T. Marts: I want the record to reflect you will not hear our variance.

D. Belanger: There is no need to hear this variance because you have not been denied and by the time you need the variance, the variance may not be needed.

*Dick Johnston seconded the motion.
4 in favor and 1 opposed. Motion carries.*

MELISSA DUNHAM

54 Main Street, Map 11, Lot 40

Special Exception from Article 26, Section C4 to allow for a 28X28 addition, which exceeds the 50%, gross floor area.

No one at the meeting to present

*C. Pearson motioned to continue to February. Seconded by A. Rozwadowski.
Voted unanimously in the affirmative.*

AFFORDABLE GARAGES

11 Hale Ave, Map 45, Lot 98

Special Exception from Article 26, Section C4 to expand a legally non conforming structure with the addition of dormers.

D. Johnston stepped down on this issue.

R. Bowen: Read from the file for Special Exception (see file)

We went to apply for a permit and were told by the building department that we need a special exception.

Favorable letter received and submitted from the Planning Board.

A. Rozwadowski went on the site walk and believes that it would improve the appearance and would fit in with the surrounding neighborhood. C. Pearson and T. Murphy-Roche agreed.

C. Pearson motioned to grant the special exception from Article 26, Section C4 to expand a legally non-conforming structure with the addition of dormers because it will improve the surrounding neighborhood and is consistent with the neighborhood. Seconded by R. Savoie. Voted unanimously in the affirmative.

DENNIS DEMERS

Laurel Road & Spruce Ct, Map 21, Lot 15

Special Exception from Article 18, Section E.1.a to allow for interior roadways to be constructed that will impact two areas of jurisdictional wetlands.

Site walk was not done.

Site Walk - Rescheduled for Saturday, January 21st at 8:00 am at Spruce Court

GILLES CHALIFOUX

6 Phyllis Dr, Map20, Lot 18

Appeal from an Administrative Decision from Article 5, Section C.1.C to allow a single-family home to be built on a lot with no frontage

Mr. Chalifoux: I did a title search. Two months ago I came here and was told to do a title search. I've been paying taxes on this land and now I am told that I can't build on this land. As far as I know, it is a private driveway. I have a deed and a title search.

ZBA questions: Is it a legal subdivision. How would the road be built? There has to be 150 feet of road frontage to build.

A. Rozwadowski: We have no road and therefore, we have no frontage.

RSA 674 deals with building on a Class 6 road. We suggest that you meet with Michelle Bonsteel and Charles Watson to review your options.

You may be able to use this to help you build. This board is not in a position to grant you the right to build.

Mr. Chalifoux: I pay taxes and now I can't build?

T. Murphy-Roche instructed Mr. Chalifoux to speak with the Building and Planning Departments relative to RSA 674. This could be a vehicle to develop your land.

Open public hearing:

Abutters:

Penny Desaulniers: We were under the impression that those lots were unbuildable because they were part of an illegal subdivision. My father-in-law did the plans when he purchased the land.

The other two lots, I don't know what happened with them. I have minutes from a meeting in 1975/76 in which he gave a piece to his son, and he had to get the piece back to get the land and that is how the right of way was put there. We were told it was an illegal subdivision.

P. Desaulniers: What is a class 6 road?

T. Murphy-Roche: It is a road not maintained by the town.

P. Desaulniers: There is another owner, Goldner on that road. If Chalifoux gets approved then Goldner will want to develop his road. Nothing meets town specs today.

T. Murphy-Roche: If he were able to build on his land, he would have to bring the road to town spec, and it could be a private road. There would have to be maintenance agreements but this is not for this board to decide.

D. Belanger: We are guaranteeing nothing. We see no frontage to build on now.

P. Desaulniers: They need to go to the building and planner to get an approved road?

R. Savoie: We don't know if they will approve or not.

Norman Desaulniers:

I was told it was an illegal subdivision. The Planning Board approved a right of way and I made that happen. They also have three feet of water. They should go back to the Planning Board.

Close public hearing

*A. Rozwadowski motioned to deny the appeal. Seconded by D. Belanger.
Voted unanimously in the affirmative.*

NEW PUBLIC HEARING

RICHARD & LORRAINE PILOTTE

Off Hooksett Road, Map 6, Lot 15

Variance from Article 10, Section A to allow a residential use on a commercial lot.

J. Cronin representing Mr. And Mrs. Pilotte: This property (highlighted in pink) is adjacent to the new Carriage Hill development. The Pilottes did not get noticed on this subdivision? They are land locked. Mr. Campbell who is here, helped forge a plan. We were directed to come here by the Planning Department. Currently, the lot is zoned commercial without frontage or access. It is clear that it soon will be a fancy residential usage but we don't believe granting this will diminish the value.

Alan Rozwadowski: How did this become land locked?

David Campbell: It was a paper road. There is a paper road that runs up from Route 3 but it will no longer be able to be built. With the ledge cut, I think it was laid out on a grid without knowing what the topography was. It comes to a point just off the roadway.

J. Cronin: We intend to meet the requirements of the ordinance for frontage.

D. Campbell:

When we went for a lot line adjustment, it was going to be 110 ft. Since the only way to access is from a residential road, it should be a residential zoning. It is not appropriate to have a commercial use off a residential area.

T. Murphy-Roche questioned that they were not properly notified.

J. Cronin: Not an issue.

T. Murphy-Roche: Then why bring it up?

J. Cronin: A letter from Brian Martel, Appraiser, gave expert opinion that there was no impact to the surrounding property values.

C. Pearson: What is lot 16, 17, and 18 zoned.

J. Cronin: It is zoned commercial; it is Blakes Farm, and Toll. . Without this variance, that land is unproductive and this makes it useful.

J. Cronin: Read from application (see file)

D. Campbell: This meets the spirit of why you have a variance. This property will never be able to be accessed through Route 3. There is an opportunity to do a simple lot line adjustment to make it a residential lot.

D. Belanger: Other than being Commercial, it will meet size, frontage and there are no other exceptions to make it a building lot.

T. Murphy-Roche: Does Mr. Pilotte work for Martel?

J. Cronin: No

Alan Rozwadowski: How long have you owned the property?

Richard Pilotte:

My brother bought in the middle to late 60's because a development was going in. Mr. Gerard was first and he was the second one in. I found the layout at the Merrimack registry. It was never an approved or a signed subdivision. The people in the area didn't want it because of the topography and the water issues. He was then stuck with this lot. He passed away and I inherited it. I tried to sell but couldn't because it was land locked.

T. Murphy-Roche: Is there something on lot 17 and 18?

J. Cronin: I can pull the tax map and try and determine what it is.

R. Savoie: Blakes is on lot 16 and a house on 18.

Kathy Hamil: We are lot 11. We have an 1850 historical house that we are trying to restore. We just bought it. We are putting a lot of money in and we would like to restore and open it up to the town. It is a late 1800 barn. It is commercial property and it is grand fathered. We are concerned that with all the residential in the area, we will have a problem going to commercial. We want to open to the public and do something with the Historical Commission.

D. Belanger: You have to give up your right. You are grand fathered.
Once you give up that residential use, you would have to come back for a variance.

T. Murphy-Roche: You will always be commercial.

Kathy Hamil: I have walked the property but there are no feet on the road.

D. Campbell: We will do a lot line adjustment to make it conforming for frontage for all three lots, the abutters on each side and this lot.

T. Murphy-Roche: Does anyone know what is going on with Lot 10, commercially zoned.

D. Belanger left the meeting.

Abutters:
None

General public:
None

Close public hearing.

Alan Rozwadowski: I generally have a hard time transferring commercial property to residential property, however, in this case, it is clear it is the only suitable use for the property due to the situation and it being land locked.

R. Savoie motioned to allow the residential use on a commercial lot.

D. Johnston seconded.

Voted unanimously in the affirmative.

APPROVAL OF MINUTES OF – December 20th & December 13th

D. Johnston motioned to accept the minutes of December 13th. Seconded by C. Pearson.

Voted unanimously in the affirmative.

Alan Rozwadowski motioned to accept the minutes of December 20th as submitted. Seconded by R. Savoie.

Voted unanimously in the affirmative.

ADJOURN

Chair, T. Murphy-Roche declared the meeting adjourned

Respectfully submitted,

Lee Ann Moynihan

