

**HOOKSETT
ZONING BOARD OF ADJUSTMENT
MINUTES
June 13, 2006**

HOOKSETT MUNICIPAL BUILDING

CALL TO ORDER

Chairman Tracy Murphy-Roche called the meeting to order at 7:00 pm.

INTRODUCE MEMBERS OF THE BOARD

Alan Rozwadowski, Tracy Murphy Roche, David Boutin, Dan Belanger, Ron Savoie, and Dick Johnston

CONTINUED PUBLIC HEARINGS

ZYACORP INC

Hooksett Road, Map 34, Lot 30

Special Exception from Article 18 Section E to allow for a 16 Screen Stadium Movie Theater that impact 2,500 sq ft of wetlands

Tracy Murphy Roche recused herself

A. Rozwadowski: The Planning Board tabled this.

M. Bonsteel: The Planning Board was waiting for the Conservation Commission's comments and those have been provided. You do not have a letter from Planning Board, however.

R. Savoie: I feel we should continue. We have done the site walk and we have the Conservation Commission's input.

A. Rozwadowski: We are supposed to have input from the Planning Board.

D. Boutin: The issues the Planning Board will deal with have nothing to do with what we are dealing with it. It is a permitted use therefore we should move forward.

A. Rozwadowski: The Planning Board issues were also minimal impact. How they would change that view based on the Conservation Commission's comments is unknown.

This has gone for TRC.

A. Rozwadowski: I have no objection to going forward

M. Bonsteel: The Planning Board's discussion was prompted by the engineer's recommendation to minimize the impact with a retaining wall.

***D. Boutin motioned to hold the hearing tonight. Seconded by R. Savoie.
Unanimously in favor***

Jim Hood, representing Cinemagic (project on Route 3).

This is a 3-lot subdivision with 18 ½ acres. Our current plan is to divide the property into 3 parcels. One is the theatre parcel with the access road and the back land. The second piece is a 2 ½ acre parcel and a third 2-acre parcel.

The plan is for a 16-plex state-of-the-art digital theatre that will sit in the back of the property with 582 parking spaces.

The second project is unknown, possibly a daycare or restaurant with 34 parking spots.

The third lot has the house. It could be the headquarters for Zycorp Inc.

We are here because this project is good for Hooksett. Mr. Adam has built these theatres in Merrimack, Salisbury, and Saco Maine. Pictures of the complex were distributed. The photos show a quality product and a family oriented business. We are seeking a special exception with respect to minimal wetland impacts in two places.

One wetland is a small, isolated, nonfunctioning wetland per NH experts. This was once a farm and is hayed once or twice a year. It is not connected to any other wetlands.

The second is important and has a significant buffer. We have designed all lots to minimize the impact on wetlands. All total, there are 83,500 sf of wetlands on the property and we are impacting 2500 sf because of a dedicated turn lane on Hooksett Road. That is the only impact. Environmentally and engineering wise, we have minimized the impact. This is a permitted use.

D. Belanger: Where would the proposed retaining wall be?

J. Hood:

The letter indicated that two impacts were necessary and a retaining wall might allow us to impact 50% less of the strip. Our view, because this is isolated, non functioning, this is just a flat area, putting in a retaining wall (4 feet with a guard rail) would be unsightly and would cost more than 30,000 dollars. The ordinance talks about minimizing impact as long as they are reasonable alternatives. There is no absolute requirement in any ordinance to never touch wetlands.

D. Belanger: What is the whole cost of the project?

M. Adam: We don't disclose that. It is in the millions.

J. Hood: We have tried to engineer the project around the wetland and the slope. That field, for most of the year, is a grassy field that does get mowed. We think the plan we presented meets the criteria under your ordinance for a special exception and we would like to move forward and start construction in November for a spring opening. We are at a point to submit our final site plan. The Planning Board did table this due to comments not received from the Conservation Commission. You have a positive recommendation from the Conservation Commission. In your ordinance, there is a requirement for a Conservation Commission's recommendation but there is no such requirement to have a recommendation from the Planning Board.

You, as a board, have what you need in front of you to approve this exception.

C. Branon read criteria (see file)

Mitigation is only required over 10,000 sf, so there are no plans to reconstruct on site.

Public:

Mark Adam, CO with Zycorp: On behalf of my company, I want to say how excited we are to have this project. A few years ago, I was involved in the development of the cinema at exit 10. We are pleased to develop this family entertainment unit. A local architect also designs it. On behalf of the company, and myself, I ask you to consider our request and move it along expeditiously.

R. Savoie motioned to grant the special exception to Article 18, section E to allow a 16 theatre movie complex with no more than 2500 sf of wetland impact to make sure that any wetland restoration that is required is taken care of. Second by D. Johnston.

Vote 4 favor and 1 opposed.

Motion carries

NEW PUBLIC HEARING

GILLES MONTMINY

19 Whitehall Terrace, Map 26, Lot 93

Variance from Article 5 Section E.1 to add a farmers porch that does not meet front setback. Special Exception from Article 26 Section C4 to build onto a legally non-conforming lot.

T. Murphy-Roche: This is for a special exception and a variance.

M. Bonsteel: If the addition is less than 50% of the total, it's a special exception and more than 50% is a variance. This is complicated and must go to the Planning Board before you can rule on it. I recommend visiting the site while waiting for the Planning Board's comments.

D. Belanger suggested scheduling a site walk and reviewing at the next meeting.

Site walk June 21st at 6:00 pm

HOOKSETT TOP CHOICE BUILDERS

99 Mammoth Rd, Map 41, Lot 36

Special Exception from Article 18 Section E to allow two 12-unit buildings that impact wetlands

B. Khan: The project is for a wetland exception for tax map 41, lot 36.

This building has been under construction for a long time and my client purchased it last year and wishes to complete the project. This calls for two similar buildings at the back of the property. The impact is 9900 sf total for the road and some storm water management for the back of the property.

We would like to schedule a site walk with the board.

We filed our plans with the Planning Board and we still need to go before the Conservation Commission and the Planning Board.

D. Belanger: This is the one that the roadway is extremely close to the first building and closer to the second.

B. Khan: The previous owner filed a plan and that plan was for townhouses on the back part of the property with similar roadway and wetland impacts. That was approved.

The abutters have only been noticed of the wetland impact of 9900 ft and not the wetland setbacks. This must be renoticed. There are three separate special exceptions needed.

T. Murphy-Roche requested the minutes of the prior meeting where this property was approved be available at the next meeting.

Site walk scheduled for June 21st 6:30 pm

A. Rozwadowski asked for backup on the property value impact is provided.

Abutter:

George Folley, 103 Mammoth Road. I was never notified of the previous approval from the prior owner.

T. Murphy-Roche: We will provide the minutes of that meeting next month.

Alician Bowdell: If the scientists say it will not be an impact, do you have to grant this?

In the paper today there was an article on how to limit growth and there are legal issues on how to limit growth. If you want to limit growth, just say you can't impact wetlands.

D. Belanger: If they meet all the criteria, the law requires approval. They have to show factual evidence that your property value will not be effected.

1663 HOOKSETT RD LLC

1701 Hooksett Rd, Map 14, Lot 1-2

Variance from Article 6 Section A to build a single building with 70 units.

Continued because proper notice was not given to abutters
They would like to schedule a joint meeting with the Planning Board.

D. Belanger: I have never been a proponent for a joint meetings.

The consensus of the Zoning Board was not to have a joint meeting.
The Zoning Board will reschedule to July 11th, 2006.

APPROVAL OF MINUTES OF – May 9, 2006

*D. Boutin motioned to approve the minutes of May 9, 2006. Seconded by Al Rozwadowski.
Voted unanimously in the affirmative.*

ADJOURN

Chairman Tracy Murphy-Roche declared the meeting adjourned.

Respectfully submitted,

Lee Ann Moynihan