

**HOOKSETT
ZONING BOARD OF ADJUSTMENT
MINUTES
July 11, 2006**

HOOKSETT MUNICIPAL BUILDING

CALL MEETING TO ORDER

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

INTRODUCE MEMBERS OF THE BOARD

Tracy Murphy Roche, Chris Pearson, Dick Johnston, Ronald Savoie, Larry Abruzzesa, Roger Duhaime, David Boutin, Roger Duhaime, and Paul Loiselle, Acting Council Rep.

ELECTION OF OFFICERS

R. Savoie motioned to appoint Tracy Murphy-Roche Chair. Seconded by D. Johnston.

Vote unanimously in the affirmative

R. Savoie motioned to appoint C. Pearson. Seconded by D. Johnston.

Vote unanimously in the affirmative

CONTINUED PUBLIC HEARINGS

GILLES MONTMINY

19 Whitehall Terrace, Map 26, Lot 93

Variance from Article 5 Section E.1 to add a farmer's porch that does not meet front setback.

Site walk was done by C. Pearson, T. Murphy-Roche, and R. Savoie.

Gilles Montminy: I'm looking to build a farmer's porch and don't have enough land.

The farmer's porch does not meet the front setbacks.

G. Montminy read criteria (see file)

The stairs stick out 6 feet and it will be an 8-foot deck. The overall dimensions are 36 x 8 feet. The zoning requires a 35 feet from front setback.

Public:

None

Close public

*P. Loiselles motioned to grant the variance. Seconded by D. Johnston.
Voted unanimously in the affirmative.*

Special Exception from Article 26 Section C4 to build onto a legally non-conforming lot.

Public
None
D. Marshall pointed out that if you measure from the edge of the right of way, he will only be 10 feet away and if that road is ever widened it will be into his porch.

D. Boutin: The likelihood that the town would widen the road beyond where it is now is slim. It is not inconsistent with the rest of the neighborhood, therefore I am in favor.

*R. Savoie motioned to approve special exception. Seconded by C. Pearson.
Voted unanimously in the affirmative.*

**1663 HOOKSETT RD LLC
1701 Hooksett Rd, Map 14, Lot 1-2
Variance from Article 22 to build a single building with 70 units.**

T. Murphy-Roche recused herself.
D. Boutin (alt.) will be voting.

C. Pearson: First issue is that 1663 did not properly notify all the abutters.
They did submit an outdated application and referenced a high-density district.

P. Holden: We thought we addressed the abutter's issue. We will continue to 8/8/06 and submit a new application and a new abutters list.

C. Pearson: To accommodate the high number of citizens in attendance, the August 8th meeting will be held at the Hooksett Library.

D. Boutin: I want the applicant to understand that they supply the abutter's list and must amend the application.

M. Farwell submitted a letter, for the record, from the Library Board of Trustees

C. Pearson read into the record (see file)

**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**

Baba Khan: Last month, we presented to the ZBA and appeared before the Planning Board, and the Conservation Commission. The Conservation Commission and the ZBA did a site walk. The Conservation Commission has submitted comments.

Gary Flaherty, wetland scientist is here.

D. Boutin: The Conservation Commission indicates that they support the application provided they address water runoffs.

B. Khan: We are preparing a dredge and fill plan.

We will also look at infiltration on the site. We haven't designed the project to address these yet.

D. Boutin: The Conservation Commission only approved if they address runoff, which is still being studied. We need to wait until that is complete.

B. Khan: I understand that we need to do a dredge and fill and we will then go back to the Conservation Commission. We are looking for a special exception from the ZBA and we have agreed to research and do further evaluations based on that. We can only propose methods. The Conservation Commission will have their own ideas.

C. Pearson: We want to know what you will enact. Without that information from Conservation Commission, we can't be onboard.

D. Johnston: We want to see the final plan.

B. Khan: We will send you the final plan.

M. Bonsteel: Our engineer does not have the information tonight. I will check with Rene LaBranche.

T. Murphy-Roche: Is this the right process without the plans?

M. Bonsteel: You should wait for Conservation Commission's comments, which are ambiguous.

C. Person: I walked the site and it was very wet. I want to wait for the feedback from the engineers and the Conservation Commission.

B. Khan: When we submitted plans to the Planning Board engineer, they submitted a letter for a favorable approach, which I have with me. (That letter was given to the board)

Letter From Stantec to C. Watson read into the minutes (see file)

P. Loiselle: Has this been addressed by DES?

B. Khan: Not yet.

The process, per TRC is ZBA for special exception, then Planning Board and Conservation Commission, and then backs to ZBA. Then we file for site plan review and state permits (dredge, site specific, dam etc.).

M. Bonsteel: Often these are done in tandem. What's important is that I have these documents when they come for a building permit.

P. Loiselle: Why wouldn't it be required for ZBA?

M. Bonsteel: We are unusual; most towns don't have ZBA boards looking at wetlands.

D. Boutin: It is clear in article 18 section E, 5 that we are suppose to receive Conservation Commission approval. In this case, we received a conditional approval, therefore I don't think the board can act tonight.

T. Murphy-Roche: The Conservation Commission is in favor, however they requested further research be done. Is anyone from the Conservation Commission present?

If we need to have an opinion from another board, it should be specific and they should be here. It is not fair to the applicant or the board. That should be a requirement.

M. Bonsteel: That is a site plan issue. The law requires no addition runoffs resulting from the construction. He must do that to a 100-year storm. I'm assuming that Rene LaBranche reviewed the application with a 100-year storm.

L. Abruzzesa: Everyone is concerned about the alternatives. Is there an alternative to lessen the impact on the wetlands.

M. Bonsteel: The flavor of the condition is to minimizing runoff, not impact to wetlands. They are not just talking about impact to wetland but impact to neighboring properties and runoffs.

D. Johnston: From my site walk, this doesn't say anything specific. It's not final.

M. Bonsteel: We need to trust our engineer, Stantec.

R. Savoie: What if we tabled for 30 days to work this out with the Conservation Commission. What would that do to your schedule?

B. Khan: The comments from the Conservation Commission were made by a member who is also a member of the Planning Board. He made this recommendation for when the Planning Board looks at the site plan that there be no additional runoff. How this got to your memo, I don't know.

P. Loiselle: Since you have to go through DES, I don't know what the problem is.

C. Pearson: Without knowing the alternatives, we don't know what the impact on the wetlands will be.

M. Bonsteel will contact the town engineer for input at the next meeting.

T. Murphy-Roche requested a Conservation Commission member, that was at the site walk, be at ZBA meetings.

D. Boutin recommended tabling this until all the information is available.

*P. Loiselle motioned to table to August 8, 2006. Seconded by R. Savoie
Voted unanimously in the affirmative.*

NEW PUBLIC HEARING

JAMES MURPHY

36 Main Street, Map 11 Lot 20

Variance from Article 5 Section E1 to add a porch that does not meet the front setback. Variance from Article 26 Section C.3 to enlarge structure over 50% of the existing non-conforming structure.

James Murphy:

This application is for an addition to my property, which is a non-conforming lot(I don't have 35 feet) There is no certified plot plan. It is now being surveyed. A preliminary plot plan is in the application.

There is an existing porch.

The house, which dates back to the early 30's has a partial foundation.

The other side has a rubble stone foundation. I want to have the house raised and pour a new foundation and put an addition on the back, which is 24 feet wide, and 2 stories. The south side has a 3-season porch, which will be taken down for the foundation and made 8 feet wide. A garage will be added that will be 24 x12 feet.

R. Savoie: That is a State road. How accurate are your estimates for the setbacks?

C. Pearson: The new addition is the only part that infringes on the setback, correct.

James Murphy: Anything I do to a non-conforming structure needs a variance.

I'm not getting any closer to the road with anything.

T. Murphy-Roche: I would like to see a certified plot plan and detail drawings with dimensions.

J. Murphy: The information on the addition is provided in the application. (section 5)

The dimensions of the existing structure are from the tax maps.

D. Boutin:

The chair is saying you need a certified plot plan from a surveyor that shows the edge of the right of way from where you are measuring the set back and shows the dimensions of the building. You should show the existing plans with dimensions and the proposed plan with dimensions.

T. Murphy-Roche: I also think we should do a site walk.

J. Murphy: The survey should be done within a week.

C. Pearson motioned to continue to August 8, 2006 and schedule a site walk for August 1, 2006 at 6 pm and obtain all necessary documents. Seconded by P. Loiselle.

Voted unanimously in the affirmative.

D. Boutin requested that staff guarantee that certified plot plans are available prior to being placed on the agenda.

MICHELLE GAGNON

71 Whitehall Road, Map 26 Lot 114-1

Special Exception from Article 26 Section C4 to add a 17x20 family room onto a legally non-conforming use.

T. Murphy-Roche: Is this a certified plot plan?

I. Gagnon: No, I went by the zoning map.

T. Murphy-Roche: We need a certified plot plan and the dimensions.

R. Savoie: I believe we have one on file when the subdivision was done.

D. Boutin: You must be consistent and if you require a certified plot plan, you must hold to that. A subdivision plan is not a certified plot plan.

D. Boutin motioned to table to August 8, 2006 and the applicant is to provide a certified plot plan and all dimensions. Seconded by L. Abruzzesa.

Voted unanimously in the affirmative.

BROX INDUSTRIES

1500 Hooksett Rd, Map 18 Lot 7

Excavation Permit Revision

T. Murphy-Roche made public that she has a client that is employed by Brox.

There were no objections.

George Hall: We would like to make an amendment to the excavating permit and plan. The overview drawing shows Route 3 with the common intersection at Granite Hills, as well as the Merrimack, Sewer Plant, Memorial School, and Lehoux Drive. Note the future connection with Lehoux Drive.

The concept with MSG is to extend Lehoux Drive (MSG is extending and adding three new lots) to tie in with the exiting entrance road to a loop with a large industrial park with a lighted intersections.

On our application, dated June 14th, the parcel, highlighted in yellow, adjacent to the Sewer Plant shows one acre which was conveyed to the town in 2005 and was deducted from the property.

In March 2005, we purchased three acres from MSG on the southerly boarder of our property at Lehoux Drive. The reason was through common excavation; we ended up with a high burm. We would like to do excavation in this 80-foot strip. We planted trees quit a few years ago and they are now nice trees and to facilitate the connection to Lehoux drive, we must remove them. The connection is for the future Lehoux Drive with a 30-40 foot burm. We would like to then revegitate it.

The other issue is when we were here some years ago; the design of the floor was to match MSG. A few years ago, they excavated another 10 feet; we want to remove another 10 feet to be at the same elevation. The other additional grading is in the 80-foot strip we added from MSG.

Also we want to expand in the Quarry area 6 acres.

R. Savoie: How much more excavating are you going to do in the ledge.

G. Hall: 2-3 million yards of material and 200,000 per year.

R. Savoie: Do you plan to combine the area, which you purchased as the Dolly Dimple.

G. Hall: Our intent is to mine all the way through but excavate the rock behind it.

When this gets developed, this burm will develop into industrial lots.

We are mining up to a point where we're asking approval to equal the asphalt plant.

The lot of land at the Dolly Dimple is difficult to develop and that's a long time in the future.

L. Abruzzesa: Are there any wetland issues?

G. Hall: No, they were addressed in the original plan.

D Johnston: You are going 10 feet to level with MSG for how big an area?

G. Hall: About 15 acres are a guess.

D. Boutin: What is the approval for?

G. Hall: We started in 1987. At that time, the ZBA was the agency charged with controlling excavating. We have an approved excavating plan

from the ZBA and the condition was that whenever we moved to a new phase, we come back to see if we were maintaining our permit requirements. I am also here to amend the plan and get you're approval.

D. Boutin: I see nothing in the zoning ordinance addressing that.

M. Bonsteel: It is in *other ordinances* and ZBA does have jurisdiction.

Public;

P. Fitanides: When you say mining, are you talking blasting or digging.

G. Hall: We blast in the quarry and at the 10 foot section is only digging. The blasting will remain the same. I know you are close and you have had issues. We are trying to do small, more frequent blast.

GE is also concerned with their instrumentation and we are trying to minimize that. We welcome comments and concerns.

Nancy Desrochers, 39 Gary Ave: Is all that stuff going to be down behind the tower.

G. Hall: The tower is behind the Dolly Dimple and we only have permit to excavate 400 feet above the tower.

Nancy Desrochers: Our concern is sometimes it gets very dusty. In the spring and summer, when it is windy, you can see it coming up the street.

G. Hall: Mr. Ward, the plant manager is here and if you see that come you should speak to him so it can be addressed.

Close public

D. Boutin: Do we have comments from the Conservation Commission. The regulation states we need input on any application.

G. Hall:

The only modification we are asking for is an area, which already had approval for excavation by MSG that we then purchased from MSG.

M. Sorel: Did you inherit the rights and permits in the purchase and was that part of the deed process.

G. Hall: We are not going outside of the area already excavated but we didn't have this in our original permit.

M. Bonsteel stated that the town and Planning Board were notified. She assumes that Conservation Commission was notified. It is a clerical process.

T. Murphy-Roche stated that it is possible that the proper agencies were not notified.

Site walk scheduled for July 25th at 6 pm at main entrance across from Granite Hill entrance.

Conservation Commission must be notified of the site walk.

MTS ASSOCIATES- CONTINUED TO AUGUST 8TH

West River Road Map 17 Lot 37

Variance from Article 19 Section 8.D to allow a sales & service facility in the Groundwater Resource Conservation District.

HOKSETT DEVELOPMENT

Thames Road, Map 14 Lots 14-58 & 34

Special Exception from Article 18 Section E, which impacts 15,710 sq ft of wetlands to build Granite Heights South.

D. Boutin recused himself as a resident

T. Murphy-Roche announced she has a client in this development.

No one had an issue.

Mark Verostick, VHB, civil engineering firm

Nancy Rendall, Blue Moon

Mark Feugere

M. Verostick: Granite Heights is to the East of Rt3, existing Granite Hill to the south.

The project is 300 acres. Two parcels make this up. The proposed development consists of 179 proposed units and 91 single-family house lots.

This also includes the construction of a private road. Thames Road is currently paved. There is an elderly component that is a future component and is discussed as part of the storm water drainage design only.

Nancy Rendall with Blue Moon environmental: The wetland flagging was done for Granite Heights in 2003 and 2005.

The ZBA application has all the site plans, the overall existing condition and proposed wetland impacts. There are 86 wetlands in the project area. (Granite Heights South)

1. Wetland summary table show the wetland # (assigned a wetland classification code and size and value)

We went out in the spring of 2005 and 2006 for vernal pools. Those are listed.

Of the 86 wetlands, representing 56 acres of wetland and 18.6% of 301 acres within both parcels. Wetland 34 is a total of 37.7 acres alone. (over 50% of the total wetland on the site) The applicant tried to keep all the development on the west side of the wetland. It is one of the most significant wetlands in the Hooksett area.

After the spring vernal pool study, I came back with a recommendation and a list of priority wetlands in an effort to minimize wetlands. On all others, we requested a 100-foot buffer. Also, most of the vernal pools had a proposed road, which was moved. It also keeps the open space area in an area that abuts University Heights.

2. Wetland impact Table

The table labels the wetlands and references back to the application.

Total impact is 14710 sq ft.

This design has minimized the impact and protects the more critical sites.

There were some concerns with a paper road planned and that was removed last week.

One of the members of the Conservation Commission wanted us to look at stream crossings and use the Massachusetts guidelines. The only stream crossing on the project is at wetland 10 and 33 and it isn't a perennial stream.

The HB worked with me to come up with a redesign of the crossing to make it closely fit the Massachusetts standards. The 4th sheet shows the detail grading. Originally, there was a 15-inch culvert with a 14% grade difference.

Now there is a 48-inch culvert underground so the flow is restricted to a smaller area.

In order to make the grade as gentle as possible (2% grade, in doing that the culvert comes out on the downstream side. Because the wetlands are greater than 5000 sq ft, the state requires mitigation.

We have proposed putting 109-acre piece into a conservation easement. In addition, NH Fish and Game do not normally take easements but in this case because of the proximity of concern, they are considering this.

T. Murphy-Roche: Do the critters go through the culvert?

Nancy Rendall: There are none observed but if there were, they could cross there. To direct them to just that spot will be difficult. We were responding to the Conservation Commission's concern and we did this design the best that we could.

C. Pearson: How close are the proposed houses to the prime wetland.

N. Rendall: There is at least a 100-foot buffer with maybe one exception.

Vernal pool definition: A depression in the land that held water in the spring.

The definition used here is that it holds water for a long enough length of time to support indicator species such as wood frogs, salamander, etc.

True vernal pools aren't deep enough to support fish.

In order to do a site walk, we need access to all impact areas.

Public:

None

P. Fitanides: Did you submit the final calculations to the town engineers?

B. Hamil, Stantec:

I met with the project engineers yesterday and spoke to Nancy today and we have some problems with the entire site including the roadways, which will change the impact.

Looking at the slopes, which are at 2:1, we are not convinced they are stable. We suggested mitigating walls, packed granite walls and slopes.

There are dozens of water quality solutions. We can do better on wetland impacts. This is a very large site with significant wetlands. They did a

good job to avoid major wetlands but some could use a tweak.

P. Fitanides: Did you correct the unfragmented time line map?

Nancy Rendall: That will get updated at a later time.

It was a figure to show the value of the easement area relative to other lands. The aerial photography it was based on was 10 years old. The green is unfragmented area and shows the proposed conservation easement from University Heights.

P. Fitanides: Did you answer the question on impervious land asked by the Conservation Commission? Do you have that information?

Mark Feugere: It's approximately 12 %. Our drainage is 2 year, 3 year, 5year, and 50 year study.

P. Fitanides: There is a stream that goes through Goodnight's Trailer Park.

During the last storm, water came down this area and contributed to a pond that has an overflow spill way that drops 30 feet and goes into the old R&R and then goes straight through Goodnight's Trailer Park and then to Diesel Land and to the Merrimack River. This was a raging torrent and it was flooded and the only way in and out of the trailer park was through Dartmouth Street. My concern this is there's a lot of impervious being added to a wetland and this will be a problem downstream. I want to know what the runoff calculations are downstream.

Mark Feugere: We've designed storm water detention ponds for that reason to meet the current storm water runoff rates. We are collecting the increase runoff and storing in the ponds and slowly releasing that. That analysis is being checked by Stantec to make sure the numbers add up.

Close Public

C. Pearson: Stantec? Would the locations of the impact change?

Stantec: No, the horizontal location won't change but the ups and downs will.

They need to look at the 100-year storm event. They have some substantial work to do on this site yet.

Site walk July 25th 6:30 pm at the Granite Hill Tennis Courts. If necessary will continue on August 1st at 6:30 pm

Continue hearing to August 8th, 2006

REVIEW OF CORRESPONDENCE

APPROVAL OF MINUTES OF – June 13, 2006

**D. Johnston motioned to approve the June 13, 2006 minutes as submitted. Seconded
by R. Savoie**

Voted unanimously in the affirmative.

ADJOURN

T. Murphy-Roche declared the meeting adjourned.

Next meeting scheduled for August 8th at Hooksett Library on August 8th at 6 pm.

Respectfully submitted,

Lee Ann Moynihan