

Official
As of 11/14/06

**HOOKSETT
ZONING BOARD OF ADJUSTMENT
MINUTES
October 10, 2006
HOOKSETT TOWN HALL**

CALL TO ORDER

Chairperson, T. Murphy-Roche called the meeting to order at 7:06 p.m.

ATTENDANCE

Chairperson, T. Murphy-Roche, C. Pearson, D. Johnston, R. Savoie, J. Levesque, D. Boutin and R. Duhaime
L. Abruzzesa arrived at 7:11 pm

CONTINUED PUBLIC HEARINGS

MICHELLE GAGNON

71 Whitehall Road, Map 26 Lot 114-1

Special Exception from Article 26 Section C4 to add a 17 1/2x20 family room onto a legally non-conforming use.

M. Gagnon, 71 Whitehall Road
Read from criteria (see file)

M. Gagnon: This is to add a 17.5x20 family room and farmer's porch, which will go along side the existing porch.

T. Murphy-Roche: How old is the existing garage and was a special exception needed?

M. Gagnon: No, it is 2 or 3 years old.

Site walk was done by D. Boutin and L. Abruzzesa.

Open Public Hearing:
None
Close Public Hearing

***D. Boutin motioned to approve the special exception from Article 26 Section C4 at 71 Whitehall Road to add a 17.5 x 20 family room to a legal non-conforming use. Seconded by C. Pearson.
(Voting members: T. Murphy-Roche, C. Pearson, D. Boutin, R. Savoie, L. Abruzzesa)
Vote unanimously in favor.***

MTS ASSOCIATES

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.

Marc Vanson, TF Moran representing D. McCurdy with MTS Associates:

We are here with a variance application before you for property known as tax map 17 lot 37 about an 11 acre parcel located at the north west corner of W. River Road, Route 3A, and Cross Road. I will give a brief overview because most of you have heard this before. We are proposing to develop a portion of that property on about 6 or 6 1/2 acres here with a 20,000-footprint building for MTS Associates. As most of you know, MTS Associates is a golf cart dealership and service area located on Route 3 in Bow and they are looking for a bigger and better facility and they'd like to move down to here. The plan is a product of TRC consideration, zoning review conceptualizing, or even a preliminary layout rating drainage, how the facility will work. In a nutshell, we have a driveway access off of Cross Road, we have the building shown here, we have the required parking as defined under zoning for parking requirements for site plan if you will, it's really in access of what this particular use would need.

They have these darker gray areas which show paved parking or storage areas, exterior for these golf cars or carts, as some of us call them, personal transport vehicles etc.

MTS, also as a component of their business services fairly small number in the course of a year, forklifts, pallet jacks, those types of small-motorized vehicles for equipment storage and handling...warehouse, etc. The site plan, as a whole, has been under review by Stantec and TRC. We think Stan's is a good concept.

The issue before you now is the use, as defined under your Ground Water Resource Conservation District ordinance that vehicle, automotive vehicle service is not allowed in this GWRCD. So that's the core of what we're here to consider before you. At the last meeting, there was considerable discussion about the workings of this operation. What might happen inside here, what Dave does that is the heart of the variance. Just real briefly, inside this area, it's not unlike your automobile shop, a little less dense where golf carts are brought in, oils may be drained. There's minor repairs done, engines, things like that. But the primary focus is also that he does pressure washing of the vehicles, inside, outside; clean the dirt and debris off as they come off a golf course. As you can imagine, they need clean up at the end of the season. So, we have proposed inside here, a contained area with floor drains, and some mechanisms for dealing with this pressure washing. It's not to be done exterior, it's not going to enter the outside environment, paved or unpaved areas. As discussed at some length at the last meeting, at the core of this whole thing is this boiler type unit that was presented to you as a mitigative measure to contain the wash water from the pressure washing operation and bring it into what we call the Samsco Evaporator Unit.

The factory rep for that isn't able to be here tonight but last time he spoke on how the thing works. In a real layman's terms, the water that gets generated from this pressure washer goes into a floor drain system, pumped into a holding tank, which sits adjacent to the unit. This photograph is actually of an installation in Hudson that I think one of the board members was down there on a field walk, we will talk about that in a moment. (C & M Machine Shop) Water goes into the unit under a controlled environment, boils it down to maybe 3, 4, 5 percent of its' original volume. Inside this evaporator unit, these are the controls, and then that gets drained off. You can't see in this photograph, but that gets drained off into a containment vessel if you will. It ends up being a capped drum and that drum gets taken away from the site.

So it's pretty much a closed system, with that waste water, which is to us important to present to you because we think it really does mitigate or negate any potential effect or threat to the ground water, the aquifer, the outside environment.

Another photograph in your packet, a couple of photographs actually, this is a site that is located in Concord and has an evaporator unit here. You can just see from the look of it and the color, it has some age into it. These things are not very pretty, this is a pressure-washing unit. This is a containment tank that ultimately leads to the evaporator unit. This happens to be in a shop that does forklift repairs, maintenance, has a floor drain system in it. The one that we envision in MTS's shop, at least in the pressure washing area will be considerable smaller than this, but the same idea, gravity drains into a pump system, into this evaporator unit. It's good for Dave's operation, it keeps his disposal cost down, much less frequent which is important. There's considerable investment in this technology if you will. And a by product to the atmosphere is water vapor. The last photograph is from the Hudson operation. You can see it in a real world environment. This is a machine shop which is a much more oily environment but the area is relatively clean. This is where the oils and wastewater from the machine shop get into the tank, and that in turn gets fed into the evaporator unit, which does the boil off operation. We understand that that owner was down at the site with Mr. Duhaime and he can certainly speak to it, was a satisfactory installation for that owner operator and we seek to do a similar thing here for Dave. So that's the brief overview of the core or the technology.

The other part of this, you will remember we discussed the waste oil, which gets removed from the golf carts as they get serviced, about a quart each or so. These are small engine units; they're not big like a car or a truck. And that gets put right inside the building into a tank that mixes with the fuel oil and feeds into the furnace for heating the building. That handles that kind of oil as well, number 2 oil.

And that's a nice closed thing again, the oil doesn't even have to leave the site, it doesn't even get outside the door. There's enough capacity being designed to handle seasonally, the few hundred gallons that Dave would generate and that itself would be in a protected spill contain concrete pad containment area, so even in the event of a leak, erupt or some physical damage, there are containment systems built into that, or will be detailed or designed to again protect the

environment, to protect Dave, to protect the property. It goes in everybody's interest.

We discussed those things with Burt Hamill at Stantec and we seemed to be on the same page on what's good practice and good ideas. So that's the technology side and the other side that's been considered in this whole argument or presentation is the definition of these golf cars or low speed vehicles. Are they registered or they not in State definitions.

The attorney with project, Pat Pantiacco has put together a one page letter that I believe you would have, hopefully is in the packages there, that simply says, in simple terms, here's what we seek, we've been seeking, kinda from the beginning, but puts it into a simple digestible form. We realized in going through that and preparing that, that there's a lot of things that are superfluous. You know, how does the federal government define a car? Does the State of New Hampshire register them on the roads, or this and that? In a way, those things don't actually matter here in the sense that this bullets if you will define the limitation of these vehicles, i.e. Not to exceed 25 mph.

There's some other information in there about meeting a certain federal standard that outlines that definition nicely. It's a nice traceable regulation, which is also attached to the letter. It says four (4) wheels on the ground, which is simplest form. That's what the discussion in that federal memorandum is. That's the core of it. I don't want to go on any further. I'd like to get to any questions or considerations.

R. Savoie:

As far as the golf carts go, I don't have a problem with the golf carts. I think you'd have probably had a better idea if you had gone to prove where the aquifer zone is over in that area. But I do know that Samsco System and it's a maintenance headache. That drum you got over there, if that's got oil in it, that drum is brand new because oil will clog the inside of that plastic drum and turn it black.

You have to clean that thing and I'm sure you know you're going to have to clean that thing once a week. You're going to have to have Clean Harbor haul those drums away and I can't see somebody paying \$300.00 a drum once a week to haul that stuff away. The big drum that you got there, that also collects sludge and sediment. The big one, the white one, you have to drain that at least once a month. Those probes get dirty, you got to clean them. Those air-operated pumps break down. That thing is a maintenance headache and it's prone to spills and everything else. It's not the system that you should be trying to push forward over there, I don't think. That's my personal opinion and I've worked with those things for ten (10) years. I'll tell you it's not cost effect. That's gas operated I presume.

That fan housing, if you use any acid or anything to clean the vehicles or even the soap that you use will eat that fan housing out, it'll eat the chimney out. Even though that thing is stainless steel, I don't see a stainless steel pan out of them. I wouldn't be happy with that machine at all. Not at all.

M. Vanson: Dave's been working closely with the factory rep. We've seen the installed units. It was acknowledged there are things they have to be cleaned. Fortunately for Dave's operation, if I may say, it's really not an oil environment like an engine shop or a machine shop. There's really more sediment involved and that will take some cleaning and draining of that, and Dave is prepared to.....

R. Savoie: How do you propose to drain that tank, the tank from the evaporator? Do you have to pump that out or are you going to drain it out to the floor?

M. Vanson: No, of course not.

R. Savoie: The drain is on the bottom.

M. Vanson: I'll be honest with you; I personally don't know how it drains. I understand that from the site walk....

R. Savoie: There's a four (4) inch drain that comes off the bottom of that tank, and there's a three (3) inch drain that comes off the big white tank.

M. Vanson: The white tank has pumps and drains. In fact, I think that's what you're seeing here is the bottom clean-out arrangement here. As far as how the water gets from here and a clean-out operation, I don't know, but I do know that it's contained from the environment. Perhaps Dave, if you like, could address that.

D. McCurdy:

I spoke to the people who run this system who've had it for quite some time and theirs isn't set up the way I would have set it up however when they do need to

clean the sludge, it's this tank and this tank. The company that recycles that comes in and sucks it out. They have a closed system that they come in, open up the cover, suck that out, reach in this tank, from the top, suck that out. I was thinking, in my design, I may raise this up so that gravity will feed it into the drum. But again, the company that picks it up can suck it out with their trucks that they have.

R. Savoie:

Everything you're doing, one, is to control spills and damage, but two is also you have a prohibitive cost in there and at what point do you yourself say, well I can't afford to pump this thing anymore or I can't afford to have these guys coming down twice a week to pump this thing. That's my concern.

D. McCurdy: The people that I've talk to with this system, their operation is a lot more than I would and they tell me that it's probably once or twice a year that they have to have this system cleaned out.

R. Savoie: Once or twice a year? I do mine once a week.

D. McCurdy:

I met with these guys a couple times and asked them about the system before I proposed putting this in and they said that the system doesn't operate correctly if too much sludge gets built up.

R. Savoie: That's right.

D. McCurdy: So you can't use it. They said it's only once or twice a year they need to.

R. Savoie:

There's stainless steel heating tubes in there with the furnace on the end that throws you're heat through and if you're sludge builds up too much, the machine doesn't work.

D. McCurdy: They're real happy with their system. It does everything that he was told it would do. The same with the Hudson people, they have...you can ask Roger; he spoke to some of the people.

R. Duhaime: I don't know if there's any better available technology out there.

T. Murphy-Roche: Do you use this in your current business?

D. McCurdy: No, I do not.

T. Murphy-Roche: Because you don't do what, your not going to be doing the same thing?

D. McCurdy: The pressure washing for the golf carts is really, not unlike washing your car in your driveway.

M. Vanson: He's not in a ground water protective zone. It's not a requirement. Dave's in a temporary facility, so this is not built into it. It's not his building. That's why he's seeking to build this facility.

B. Hamill, Stantec: I was on the Hudson site walk and the operation has been in operation for nine (9) months. The owner didn't indicate any problem with the equipment. There are other units that do similar things.

This particular model that was selected, whether or not it's the best model available but it beats the alternative of taking the waste water/oil mix and just picking up drum after drum after drum for 2000 golf carts.

The quantity that would generate and have taken away, if you can evaporate even a small portion of that, it will reduce their removal cost and it's better for the

environment.

T. Murphy-Roche: Plus it's better for the overall environment in the world or just Hooksett, New Hampshire?

B. Hamill: I can't speak for the world but it's better for Hooksett.

R. Savoie: Your looking at a system that's nine (9) months old, I'm looking at something that's nine (9) years old. What happens in the future? I don't care about six (6) months from now. That system will be working fine if they maintain it. If they maintain it. What happens down the road?

J. Duffy: I think Mr. McCurdy originally came here and said this is a system we are looking at and the board said ok lets go take a field trip. I don't know that that is part of the application that specifically.... part of the plan.

M. Vanson: This is what we're submitting. If there's a suggested alternative in your experience, we're certainly open too the suggestion. Obviously there is maintenance to mechanical devices like this, pumps cleaning, evaporation, and consumption of a fuel stopper.

R. Savoie: Tell me one piece of equipment that Murphy's Law prevails on.

M. Bonsteel: Did they dike the system in those other locations?
My concern would be transferring fluids from one container to another, from that container to a truck, spillage.

M. Vanson: I'm not sure I know what you mean by "to a truck". The transfers are kind of internal, you know localized.

M. Bonsteel: What Dave was saying was that if the truck has to come to remove the sludge, that they can vacuum it out or it can drain from the base into another....I'm not liking what I'm seeing down there as far as a compound bucket.

D. McCurdy: What, this bucket right here?

M. Bonsteel:
Ya, so my concern would be only that, not necessarily the unit itself being the cause of the spill but in transferring these materials to another truck or to another container that that is really danger for spillage.

M. Vanson: That truck, or the clean out truck can be driven right into the facility, it would be right next to the unit so it wouldn't have to be manhandled or carried in some open container or something outside the facility.
The truck can come in because this is a big sort of garage like environment, overhead doors, so it's direct accesses for that outside cleaning operation. As far as your discussion of containing this area further, that's a good idea Michelle. You do need pedestrian access quickly, you don't need a barrier in your way so it may be depressed, and has it's own drain and if anything goes out of it and then goes into the system maybe a thought.

R. Savoie: I assume, that to go along with that system, you're going to have a trench system like that where you wash? Not as big as that but something comparable to that because that has to feed back into your main tank.

M. Vanson: Absolutely.

R. Savoie: What are you going to do when you clean that trench.
There's going to be at least some grease and oil that comes off the golf carts that's going to end up in that trench.

M. Vanson: Some things, I assume, will have to manually be put into a container and taken away. David can you illuminate that?

D. McCurdy: I'm sure, in that instance too, again were not talking about the amount of sludge that...but that can be vac'd out as well because it's in the same area as the rest of the system.

J. Levesque:

I'm kind of getting off the track of this, I think the real ground water issue is the fact that there was an advertisement I saw in the paper, Monday, October 2nd. According to the advertisement, it says they provide product and services along with sales and service of forklifts and heavy equipment also. It says heavy equipment and forklifts. We brought up the issue before and we never got answers on how much oil is in a forklift. If you do a hydraulic oil change, how much? Also, if you're going to heat waste oil, how much oil, how many gallons of oil do you need to heat that building every year?

D. McCurdy: I need more heating oil than I will the oil that I'll be generating.

M. Vanson: And servicing heavy equipment, that's a mis-statement. I'm not sure where that comes from.

D. McCurdy: Because what we're talking about is our forklift equipment. I do not service heavy equipment. I don't service excavators or bulldozers or anything like that.

T. Murphy-Roche: Your ad said they also provide partial service along with sales and service of forklifts and heavy equipment.

D. McCurdy: Ya, I'm not even sure....

M. Vanson: That's an article, right?

D. McCurdy: You can come down to the site any day of the week; you won't see heavy equipment in there. My feeling is my general manager, who's taken that over recently, when he redid that ad, he probably hadn't change any of the wording, but I have never serviced heavy equipment.

T. Murphy-Roche: Ok, this isn't an article, this is an ad.

M. Vanson: I see it.

T. Murphy-Roche: I assume your company is paying for this? Is that correct?

D. McCurdy: Right, that's what I'm saying, is that the general manager whose taken that over recently, placed that ad and left that verbiage in there. You can come to the shop any day of the week, there's no excavators or dump trucks. We're not set up for that, I don't have the mechanics. The mechanics that I have are trained in golf carts and forklifts.

M. Vanson: And I would submit to you that the...from day one, the verbiage, the thing your looking for, clearly would take that off the table. We're not talking large equipment. You could say no loaders, no dump trucks, you could run a list. But it's not being asked for.

J. Levesque: Do you do off site service too?

D. McCurdy: I do, for forklifts and golf carts.

J. Levesque: If you change the oil in the forklift, what do you do with the used oil?

D. McCurdy: Bring it back.

J. Levesque: Do you do skid stairs too?

D. McCurdy: No, I don't service them. We have skid stairs that we use in the operation. I'm not a dealer for skid stairs.

T. Murphy-Roche: Your ad also mentioned utility vehicles. I'm not sure what that's referencing.

D. McCurdy: That's a golf cart with a box on the back; they call it a utility vehicle.

C. Pearson: Ya, we discussed it last time.

T. Murphy-Roche:

You mentioned that the access oil, that waste oil from these golf carts is how much on an annual basis, that's going to be stored on site to heat the place with?

M. Vanson:

We were talking about, in the neighborhood of, well it depends on the season, a lot of the cleaning work that Dave does is in the fall and in the Spring while the heating season is still going on.

So an annual generation of waste oil may be say 800 gallons, 500 gallons, 800 gallons, in that range, but it won't be all stored at once. The tank that we're talking about, the combination fuel oil and oil storage for the furnace will be in the range of 800 to a maximum of 1000 gallons in a contained area, custom made, plate steel tank. Not unlike, the top would be like a workbench.

Like a 4 x 12 tank, 3, 3 1/2 feet high serve as a workstation and also that would be contained in an adequate size perimeter lip if you will, for emergency containment of any leakage or spillage. I hope I've answered what you've asked.

R. Savoie: Did you just say you were going to take a thousand gallon oil tank and contain it and use it as a work station?

M. Vanson: Yes that is what Dave said to me that he was looking to do. It's a concept that we were discussing. If the fabricator can do it, we'll do so.

R. Duhaime: With a wall?

M. Vanson: With a containment wall.

R. Duhaime: A dike?

M. Vanson: Dike. That's what we discussed with Burton and we're in agreement with that. If it's sized adequately, that if the whole thing drained it wouldn't go anywhere.

T. Murphy-Roche: I wasn't here last meeting, did you go through the criteria?

C. Pearson: Yes, we did.

Open Public Hearing:

Paul Loiselle: Just one question, from 3A, is it visible, the facility, from 3A, because I understand it sits pretty high up on the embankment. Is there a plan to cut that embankment or are you going to leave it at that level and come in from Cross Road? Looking from 3A?

M. Vanson: It's both, cut from the peak of the elevation that it is now, but not all the way down anywhere near the Route 3A level, we're gonna be some probably 30 feet or so above street level out here in that range, maybe even a little more in the back. Our goal is to keep some vegetation along that

embankment on that slope in the front so to say it will be completely hidden, no.

To say it will be screened to a large extent, we could say that, and looking up from the roadway, no. You'd be lucky to catch the peak of the roof type of thing just because of the terrain.

Paul Loiselle: Question number two is, is this board, do you feel comfortable with Cross Road, because that's a very narrow road. I'm assuming that you're going to have golf carts coming up on probably flat beds, in multiple numbers. And trying to access that entryway. It seems like a rather challenging scenario if you will. Cross Road is a pretty narrow road.

M. Vanson: We've taken a field walk with the Highway Department manager, with Bert, and one or two others. Cross Road is about 25 feet wide, recently reconstructed. So it's a pretty much standard Town Road, State Road dimension, open shoulder. So there is adequate room for tractor-trailers, for flatbeds to make this turn. The key with something like that from traffic point of view is adequate turning radius so that the vehicles don't track over off onto the shoulder. We'll be providing that

P. Loiselle: There are no plans to widen the road?

M. Vanson: We discussed that with those fellas out on the site and it didn't appear to be necessary. At most, we may harden the three (3) or four (4) foot shoulder, you know, on this side, but that even, from the feedback, didn't seem to be necessary. But those are details we'll get into with the site plan review.

P. Loiselle: Has there been any safety studies done relative to having a turning lane going in?

M. Vanson: No.

P. Loiselle: There have been no requests or requirements for one?

M. Vanson: We would still need to go to a detailed planning review process where some of those things would be addressed.

M. Sorel:

To build on Mr. Loiselle's question, is there going to be, or is there now, with the driveway location as proposed on this plan, a line of site deficiency going up and down Cross Road with respect to the underpass which is unlit underneath, and the narrowness of the road that Mr. Loiselle referred to, how close in feet, is the entrance to site going to be to the underpass and line of site deficiencies are going to occur. Traffic going up and traffic coming down with respect to, if there are going to be tractor-trailers going in and out. And that's a safety issue; I raise that to your attention.

I have another question, is there a single-family residence on the property at this time. Am I correct in understanding that? And what is going to be the deposition of that single-family residence?

M. Vanson: I can answer those questions.

Again, based on our field inspection with the Highway manager, Bert, our own profession view of this thing, we have adequate distance from the bridge abutment here to the driveway intersection. That there is adequate site distance including under the overpass to the other side. There's several hundred feet before the road turns out of view vertically or horizontally. We deliberately pushed this driveway down a bit so that the bridge abutment doesn't block the line of site. Looking down the road here, it's a fairly steady slope and it's wide open. There's no site distance problem whatsoever there. It's probably 400 feet or so. Sorry I lost the other question...the house.

The house, this smaller building up here will be demolished immediately.

The second building will be used as a residence for Dave so he can oversee and manage his construction. There is an overlap time but by the time this goes for any type of CO, or other operational approval, that's when this would need to come down.

That's what we proposed in this and discussed with Michelle and she seemed to be acceptable to that.

M. Sorel:

The driveway access to that single family residence, which the applicant is telling us is going to go away, what will happen to the existing driveway access, the curb cut, that that single family residence enjoys now?

M. Vanson: We're proposing to abandon it, not use it.

We're not contemplating it if this is the heart of where you're at, for future access to this property here. That's not to say we're not taking it off the table, but we're not proposing it right now.

We've conceptually discussed with the TRC providing access and we're showing that adequate access off of this driveway to essentially be an easement, common driveway.

M. Sorel: Madame Chair, does the property enjoy a slope easement from the Everett Turnpike. Some properties that abut the Everett Turnpike have slope easements. Does this property have a slope easement?

M. Vanson: I believe that it does because most all of the properties along the 93, the original purchases, in taking, if you will, have that kind of language in it.

M. Sorel: And if that property does have a slope easement, how does it affect the applicant's use of the property? How does it affect the site plan? The ability to use so many square feet and so on and so forth...

M. Vanson: That is why we have the set back here, to allow for grading, for slopes. We're not up against the right of way.

M. Sorel:

One last question, Madame Chair, it's my understanding at the last meeting the ZBA had last month with this applicant, the ZBA voted to uphold the Code Enforcement Officer's denial of a building permit to this applicant, based on the ground water conservation district.

M. Bonsteel: No, that is incorrect. It's the definition of motor vehicle repair shop that's upheld.

M. Sorel: This board voted to uphold the Code Enforcement Officer's interpretation of that.

M. Bonsteel: That's correct.

M. Sorel: And now the applicant is before you with a variance. And is it my understanding that the variance has to meet the five (5) criteria. Are all of the members that are going to vote on this this evening were present last month when those five criteria were discussed and presented by the applicant?

T. Murphy-Roche: I was not.

M. Sorel: Does the applicant need to, for the benefit of everyone that's going to vote this evening, address those five (5) criteria.

T. Murphy-Roche: Sure, we can do that again.

M. Vanson: We can if you like. They're in writing before you as well and they've been discussed in a public hearing format, so, that part of it has been satisfied. Certainly whatever you'd like Madam Chair.

M. Sorel: Thank you.

T. Murphy-Roche: Did you just say that Mr. McCurdy is going to live on site while this is being built? Is that correct?

M.Vanson: That's what he's proposing to do. In this house that exists here.

T. Murphy-Roche: Is that allowed?

M. Bonsteel: It's a legal non-conforming use. He is maintaining the legal non-conforming use. A year has not elapsed since the current abandoning the property and the new resident moving in. He's allowed to continue the non-conforming use.

T. Murphy-Roche: To live in it during construction of a conforming use?

M. Bonsteel:

And in my discussions with the applicant's representative, we've talked about a drop-dead date when the residential use will be abandoned and the existing residence demolished. So that the non-conforming use would go away.

T. Murphy-Roche: Within a year?

M. Bonsteel: Is it a year from certificate of occupancy or building permit?

D. McCurdy: It's says within 6 months of occupancy.

J. Duffy: Ultimately, you're dividing this into two lots aren't you, so technically that house can stay on that lot as long as there's still a house. Once the house is removed, you can't build another house.

Steve Korzinowski, 329 W. River Rd.: I've been a resident of Hooksett since 1986.

I spent a period of time as a volunteer, much like many of you creating a non-profit entity called CEDCOH which still exists and I applaud all of you for spending you're time and doing your volunteer work here, I know it's not easy and I appreciate you doing due diligence on this project, however, I have to say that the process that's involved here with getting something like this approved is arduous and it's difficult for a business to go through month after month of delays to get a project started. This is a very small businessperson who's trying to get something going here. And from what I see, this would be a very beneficial project for the town. Perhaps bring in jobs, and further economic activity which is what we need and it is bringing value to the community. Taxable value that will go on the tax roll. I understand all your concerns about oil and wastewater and they're doing a good job from what I can see here in addressing these concerns. And may I remind you that the town dump is a mile away and all of us, including myself bring waste oil there every day and leave it on the ground in an open container. And it's not just oil, its batteries and everything that we throw away.

I would like to recommend that the process that we have here to attract businesses to our community change. And if you would, go to the Town Council and find a way to make it easier for businesses like this gentleman's business to come into our community. And I see we have a couple of Town Councilors here, I would urge you to go back and report to them in a positive way to make some changes to this process. Thank you.

D. Boutin: Move the question, Madam chair. I'm asking for a vote

T. Murphy-Roche: We're still in public input.

I don't think there is anyone on this board that doesn't welcome new businesses to Hooksett so quite frankly, I'm not certain that that's what this is about, and moreover, I don't bring oil to the town dump and leave it there open or the batteries, so, for the record, I'm one resident that doesn't do that. Not all of us do.

Close Public session

L. Abruzzesa: I appreciate everyone's comments and input, but what we have up here is a very difficult job. There's two things that you learn when you're working with the government, that if something happens, and the governments involved with it, people say, why didn't the government leave it alone and everything would be ok, the other side of the coin is if something happens and the government is not involved, the people will say, where's the government, they should be controlling it. So we're basically between a rock and hard place. We're trying to do the right thing for the town. Attracting businesses without attracting businesses that are going to create problems down the road. That is the concern of this board right here. This thing is sitting on an aquifer, is that

correct.

We want to know what is going to happen with this piece of property and how it's going to be maintained and how it's going to have an affect on our aquifer in the future.

Not six (6) months from now, but a few years down the road. We have people that come before us and are honest and do the right thing. There are some people that are not honest that are very honest and do the right thing, the majority of them.

And then there are times we get information, disinformation from applicants that is not exactly what they're going to do or their intentions are. So this board has to weed through all that information to find out what's going on.

So not any reflection on you, you guys are doing a great job of giving a nice presentation, but the board has concerns. It might seem like a tedious process but they're trying to make the right decision. Thank you.

T. Murphy-Roche:

I think because I was not here and Dick Johnston wasn't here last week, people that should vote that heard the presentation, which should be C. Pearson, D. Boutin, L. Abruzzesa, R. Duhaime, and J. Levesque. Those are the people that are voting.

C. Pearson motioned to approve the variance from Article 19, Section 8D to allow sales and service in the Ground Water Resource Conservation District to MTS Associates, and they must place a containment dike around the Samco evaporator system and the sales and service is restricted to golf carts, utility vehicles and forklifts.

L. Abruzzesa: Can we do that legally? If this becomes a repair facility, is it a repair facility for anything?

T. Murphy-Roche: Ya, you can put conditions on it.

***Seconded by R. Duhaime.
2 in favor 3 opposed, motion failed.***

D. Boutin: The reason I'm voting no on this variance is not because of the application.

I'm voting no because I think it's inappropriate to encumber this property with the variance.

I know that the board voted to support the Code Enforcement Officer's decision, but I don't think that a golf cart or a forklift is an automobile.

T. Murphy-Roche: So now we need another motion for....denial?

M. Bonsteel: The motion was to approve and it didn't carry.

J. Duffy: You need a motion for denial.

L. Moynihan: And a reason.

J. Levesque motioned to deny to operate the repair shop for Article 19, section 8D because I believe it's still going to be a repair shop.

R. Murphy-Roche: Did they meet the five (5) criteria?

J. Duffy:

I think the board needs to understand the applicant understands that the board took Michelle's view when they said it was an automobile shop and that's why they're here for a variance. That's the whole purpose of applying. So the fact that you think this is an automobile that has fluids is the reason that there here. The reason they need to come before you.

If I could just bring to the board's attention that back in May of 06, the town's people voted in a new zone which is called the Performance Zone, which is along

the Route 3 corridor.

And all the properties along the Route 3 corridor that were zoned commercial are now called Performance zoned under article 10 a of the zoning ordinance. That zone, if you look in your zoning ordinance, under permitted uses, they still left in sixteen (16) years later, after the GWRCD became part of the zoning ordinance they still left in automotive as a permitted use with the exception that they have to abide by the ground water issues. The ground water issues from sixteen (16) years ago; there have been many improvements in technology, where as now you have best management practices and State and Federal guidelines.

So I think that the Planning Board and the towns people took that into consideration because if they didn't they wouldn't have allowed that in a brand new zone that just went into affect this year.

I think you need to that in the back of your head that the town has not said we are not allowing automotive use and repair in the ground water district. But we are allowing someone to come in and present their plan on a case-by-case basis and they do need a variance in both cases in the Performance zone and the commercial district. If you just weigh that into your consideration.

Who polices this?

M. Bonsteel:

It's code enforcement's...the ground water protection ordinance has specific rules and regulations that apply to whatever use is being applied in that area.

There is some contention as to what exactly is an automotive use. Last month, the Zoning Board upheld my interpretation that it was an automotive repair because these are propelled, in the absence of the definition, go to Webster's and Webster's defines it, and our attorney backed me up on that, that they are self-propelled vehicle.

That allowed the applicant to go forward and seek a variance with certain mitigation, whatever you want to call it, for the containment of oils and batteries and fuels and all the rest of it on site in a way that it would not be a potential hazard or end up in the river, basically, bottom line

This would be inspected then?

M. Bonsteel:

Well, unfortunately, my position is a reactive one and not a proactive one. It's like the cop can't stop you because he thinks you're going to go through a stop sign. That's more your job. The way you structure your conditions for approval or denial based on the information that you've been provided by the applicant. If you are not satisfied with what the applicant has provided you in the way of mitigation then you have an obligation to the town to deny the application. If on the other hand, the board believes the applicant has provided adequate mitigation, and this is not going to be an issue, and it is not going to disturb the aquifer or pollute the river, then you have that option. That would be up to you.

J. Duffy:

Just to add to that, I think you all have a letter from Stantec, our engineer, which says they are in support of the variance because they believe the applicant had met the criteria.

C. Pearson:

If you're uncomfortable with something and you want some sort of record keeping that would make you more comfortable, from the applicant, we can certainly do that. We've done that in the past. We can put that as an added condition if that makes you more comfortable. We have already agreed that it is a service station in there so you need to concentrate on the criteria.

M. Vanson: We have containment on all the oils...

T. Murphy-Roche: My concern is based on a board member's experience with what's being proposed, this cleanup is not maybe the best alternative. I don't know that first hand, but based on Ron's experience, I don't see that you were able to address that very well. How much experience do you have with this, any of you?

C. Pearson: My only point to that is it is an acceptable piece of equipment that's used, I guess fairly common in any industry. There are people that have looked at it; certain engineering groups have looked at this, so it is.

T. Murphy-Roche: They have? You know that?

C. Pearson: I don't know that, but it is an acceptable...Burt

Bert Hamill, Stantec: There are 400 installations of this particular piece out there.

I won't say it's the best model out there, I won't say it the worst model out there. It is one methodology. The key is environmental. This is part of the processing of the waste oil materials.

What they have to provide, not just the process, but they have to provide a secondary containment system, even a tertiary containment system, dikes, trench drains, holding tanks, monolithic construction, all those items, which will contain the oil within the building. Nothing will get outside, all processing; all work is done inside these containers if you will, buckets, where nothing gets away from them on the site. Ya, they may have a little spill or a drip, I don't know anyone that can change their oil in their car without having a drip at some point. It goes into their system, they keep it.

R. Savoie: Can I clarify something, the machine will work, don't get me wrong.

The machine will work, the problem with the machine is that it's a machine and it needs maintenance. Constant maintenance and that's the thing that worries me, not six (6) months down the road, like that thing right there, which I think they said was nine (9) months old. In a year or two (2) years it will look like this one, here, which is all full of grease and oil. That's where your problem comes in, the machine will work. It's the human factor is what bothers me. Forklifts, you're going to work on forklifts. You drain all the hydraulic fluid out of a forklift; you get what, five (5) to seven (7) gallons.

D. McCurdy: Ya, there can be five (5) gallons. We'll say that's a rare occasion that we drain...

R. Savoie:

Your engineer made a statement that you're going to take, and build a special oil tank and then use it as a service station, a work area to work on an oil tank. I don't know anybody in the garage business that would work on top of an oil tank.

I mean with hammers, with torches, anything, because you never know what you're going to hit. It's things like that. It's no so much the equipment and what you're proposing, but what you're proposing to do after the fact.

D. McCurdy: That was just a concept to use the tank as a workbench.

The reason was that in the waste oil furnace business, the tanks that they provide are designed to be workbenches.

R. Savoie: Maybe some of them, not all of them. We've got three (3) of them and I haven't seen one yet that's been designed as a workbench.

D. McCurdy:

I'm not saying that every tank that's used for waste oil is a workbench style tank, the companies that build waste oil furnaces provide an option for a tank that is a workbench. Again, that was a concept, if it makes the board feel uncomfortable, I don't need it.

R. Savoie: But it's something that was stated at this meeting, that's the point we're trying to make, ok. It creates an impression that this board doesn't seem to like. I understand where you're coming from, but from my perspective only, I'm not speaking for the rest of the members, I would never work on an oil tank. It just doesn't make sense.

D. McCurdy: That was just an idea from the waste oil furnace companies. It's not a necessity for my business. It was a concept. I don't need it. It was again, just an idea that the waste oil company had suggested.

Attorney Pantiacco: I just have a couple of suggestions.

I think what I'm hearing is that member Savoie is concerned about Mr. McCurdy maintaining a maintenance schedule. I guess I have a question too as to what particular unit Mr. Savoie has installed. If I understand it correctly, it's a little bit older than some of the other units that have been presented this evening. Perhaps we could look into that in a little more detail, perhaps to find out how the technology may have been improved since the time your unit was installed. Perhaps maybe propose a maintenance schedule to which he might adhere. Perhaps have a report sent in to assure the board that he is indeed staying on top of the concerns that have been raised here. I'm not sure how to quantify it and how to address that but just an idea to hopefully address the concerns, which I hear you, sometimes people do tend to have all good intentions in the beginning and perhaps don't follow through and that maybe worth a comparison.

R. Savoie: My unit is nine (9) years old, it's old but everything gets old.

The thing is the maintenance of that unit, cleaning, sludge disposal, cleaning the main tank, cleaning the trench that feeds the main tank, sludge disposal. If you have Clean Harbors take those drums away, that's going to cost you \$300 to \$400 a drum. If you do it on a maintenance schedule, and I don't know how much water they're going to generate, that's a thousand (1000) gallon tank right there, in that picture. If you fill that up once a week, it don't take that long to fill that up, you're going to run that evaporator three (3) days to boil that down.

Attorney Pantiacco:

And I certainly don't understand the technology in detail but perhaps would like to have the opportunity before the board would use that as the only reason that perhaps is raising concern to deny the application, perhaps the applicant could take this opportunity to look into it more deeply. Perhaps a comparison and identify the differences, and perhaps if there are real problems to address the concerns that have been raised. Because is something new that we're hearing. We didn't have this information before. So that's what I'm suggesting we do.

R. Duhaime: Do you have an inspection fee?

M. Bonsteel: No, not for that. The only fees I have are for building fees, electrical permits, and things like that. That would be something that I would have to take to the voters in March.

C. Pearson: They can submit reports and inspection records to you.

M. Bonsteel:

In cases like that, property owners must maintain records for examination by either me and fire. If at any time we go in to those premises and those records are not available and we can see that the maintenance isn't being conducted in the proper way, we can essential shut him down until he can produce them. I get the sense from the applicant that he would like to table this until he can get you the information that you need.

C. Pearson:

My issue is there are about 400 of these units and whether or not they need maintenance or not, I believe what Ron has to say, but this is a system that is in use. It is on that the applicant is willing to invest in.

If he's willing to keep up with the maintenance, and put the records in place, I think that's all we can ask of the applicant. It's a service station, and he's trying to do all the right things and to keep drawing this out from month to month, I don't think is fair to the applicant.

C. Pearson motioned to reconsider the first motion, however, I would like to add the amendment that the applicant keep the maintenance record.

L. Moynihan, point of order, you can't motion to reconsider unless you were in the majority. Only someone who voted no on the previous motion can move to reconsider.

D. Boutin motioned to table to provide more regarding the system maintenance.

T. Murphy-Roche: Is that the only issue that the board has?

Any other issues that they need to be aware of? The motion remains to table to obtain more information about that system right there. That's it.

Seconded by Larry Abruzzesa
3 favor, 2 opposed
Motion carries

PAUL MARCHESE

5 Kennedy Drive, Map 11 Lot 76

Special Exception from Article 26 Section C.4 to add a 15.5x15.5 deck onto a structure that sits on a non-conforming lot.

T. Murphy-Roche: C. Pearson, D. Boutin, T. Murphy-Roche, L. Abruzzesa, and D. Johnston will vote

P. Marchese, 5 Kennedy Drive: The plan is to add a deck and enclose in a couple of years to make it a four-season room. I don't plan to enclose it right now. I haven't even planned it out yet. Now, my intent is to put a deck and enclose it within a couple of years. The criteria was reviewed last month.

D. Boutin: In the memo from Stantec, it talked about special exceptions and expansions and more than one bite of the apple. I'm not sure where this all comes from, but in this case, the footprint for the future change or the addition of the non-conforming use is the deck. The memo suggested that the plan that we got, if it was going to be different down the road, would show that as future, but in this case it's already the future because that's going to be the footprint. So I think in this case we'd be ok.

L. Abruzzesa:

What we looking at is that someone keeps adding 50% and then another 50% so we need to always look at the original footprint was, and 50% of that, so if he puts a deck out there, the footprint already in. So if he encloses the deck it will be within that footprint.

M. Bonsteel:

Understand, for clarification, our zoning states that any addition, in any direction, whether vertical or horizontal, may not increase the footprint of the structure, but you add a second floor, that's an increase under our zoning.

So even if you haven't gone into the setbacks any further, or increased the footprint, you've still increased the structure plus or minus 50%. That's the problem with our zoning.

Public:

None

Close public

D. Boutin motioned to approve the special exception Article 26, Section C4 to add a 15 ½ deck to a structure that sits on a non-conforming lot at 5 Kennedy Drive, Map 11, lot 76. Seconded by L. Abruzzesa. Voted unanimously in the affirmative.

P. Marchese requested reconsideration on the future plan to enclose the deck.

M. Bonsteel explained the rational behind allowing future plans and setting a time frame.

D. Boutin: You have an agenda item that has been posted to the public and then you are changing those items. We said that if this was a change, it must get reposted.

T. Murphy-Roche: Why don't we post this for next meeting, since that was the applicant's request. Be very specific and resubmit with plans next month.

D. Boutin: Could we, in the agenda item, can we have something that says a certain size house, and 50% expansion is allowed, (30% allowed). The maximum build out should be specified. Can that be part of the agenda package as well as a note? On this particular item, there was a certified plot plan done, so we can know that this is the official record of what will happen. If they want to expand later, we have a benchmark.

M. Bonsteel: You can triple a house. If the expansion is more than 50%, it is a variance. The building department must maintain records. You want it on the survey of the original square footage at the time of the application.

D. Boutin: We need a baseline.

CLIFFORD JONES

1 Bert Street Map 6 Lot 95

Special Exception from Article 26 Section C.4 to enclose an existing deck on a non-conforming lot. Also in the future add a second floor and enlarge garage.

C. Jones, owner:

I also would like to add a second floor in the future but I don't have specifics right now but I would like something so that if I want to come back in a few years for an addition.

D. Boutin: What is the base square footage of the house?

C. Jones: 1800 sf (including 600 finished basement)

T. Murphy-Roche: Your assessing card says 950 sf. Did you pull a permit on the finished basement?

D. Boutin: You'd be allowed to go to 50%, 2700 for a special exception

C. Jones: The deck is 11 x 12.

D. Boutin: The addition would be substantial to go over 50%.

C. Jones: It would be an entire second floor.

D. Boutin: So you would need to come back for a variance. Today, it is strictly for enclosing the existing deck.

T. Murphy-Roche: We have a requirement for a certified plot plan. Your application doesn't have that in here. You have one but it's not certified. Also, you're assessor card talks about a first floor and an unfinished basement.

My thoughts are that you should come back with a certified plot plan and an understanding that if you're looking for future expansion, we need to know what you have now.

C. Jones: I don't know what a certified plot plan will tell you?

T. Murphy-Roche: It is what this board requires.

Last month you should have been asked for a certified plot plan so that is what you need for next months meeting.

C. Jones: I don't know what I will do because I am a part time inspector in Allenstown and I can't miss any more meetings. I've already missed two meetings.

T. Murphy-Roche: Someone else can represent you next month or we can make a decision without you being here. You need clarification on square footage and a plot plan.

D. Boutin: If Mr. Jones wants to apply for the second floor, he will need an architectural drawing, or some kind of drawing.

C. Pearson: He just wants the opportunity to come back at a later date.

D. Boutin: I don't understand the concept of one bite of the apple.

M. Bonsteel: They are trying to discourage people from coming back for a number of special exceptions and never come for a variance.

D. Boutin: If the future plans are to be approved they must submit plans.

L. Abruzzesa: If he goes over 50%, it's a special exception.

C. Jones: I don't know what I'll do; I may never do any future expansion. I was told I only get one bite at the well. Hooksett is one of the few towns that make people come to the zba for non-conforming lots.

Sixty (60) percent of the lots in town are non-conforming. I want to enclose this for safety reasons and now I have to come back for a third month.

1663 HOOKSETT RD LLC

1701 Hooksett Rd, Map 14, Lot 1-2

Variance from Article 22 to build a single building with 72 units.

The applicant has not shown up and they didn't go to TRC. We don't have any new information.

D. Boutin:

I believe that this town and this board and the abutters have demonstrated a great deal of patience and have given the applicant more than one chance to present the information to TRC and the board, and didn't even demonstrate any level of respect that they weren't coming tonight

D. Boutin motioned that the variance to article 22 be denied without prejudice. D. Johnston seconded. Voted unanimously in the affirmative.

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NEW PUBLIC HEARING

BRIAN SOUCY

1 Mountain View Rd, Map 12 Lot 14-3-3

Variance from Article 27, Section C.4 to increase the size of the accessory unit more than 30% of the primary structure.

B. Soucy: I am requesting a variance to increase the size of an accessory unit more than 30%.

Read criteria (see file)

This is already built without a kitchen. In the original structure, it was going to be a wet bar for my parents. Now that my parents will be living with me, we would

like a kitchen.

T. Murphy-Roche: All this got built without the proper permits?

B. Soucy: I did get the permits for the interior walls.

M. Bonsteel: There are four conditions to a dwelling, food preparation, sanitation, separate entry, and sleeping area. He has an accessory dwelling, and he wants to add a kitchen. This triggers the variance. If there were no kitchen, he could have that space and it wouldn't be a separate dwelling unit.

B. Soucy: The original permit was in late June.

Originally, they (my parents) were going to share the kitchen but now we've decided to make this a separate space. It will have a connection to the main house and it will have a staircase.

L. Abruzzesa: This is allowed without the kitchen, but if his parents move out in the future and if approved, he could then rent this out?

M. Bonsteel: Yes

L. Abruzzesa: We are then looking to approve an accessory apartment, which will exceed 30%.

T. Murphy-Roche: My problem is that this is already done. How did we not know this was going to be done?

B. Soucy: Michelle Bonsteel, the building inspector didn't come out to do framing inspection until lately. When we drew up the plans, I know we talked about three bedrooms.

M. Bonsteel: I went out and you had only 3 bedrooms.

What threw me off was going in and expecting to see a big empty room and I saw outlets halfway up the walls, which is indicative of a kitchen.

B. Soucy: I did not know I needed a permit for interior walls. I got my electrical permit and plumbing permit.

R. Savoie: Taking the two diagrams, what was the original diagram for?

M. Bonsteel: I would have to go back to the file.

D. Boutin:

This sounds like Goonan Road again. We don't have a plan with any real dimensions. The applicant stated that there will be stairs, is that going to be within the side yard. The original plan shows a concrete patio. I think we need to table and have the applicant come back with a detail plan.

L. Abruzzesa: Can we also understand what permits were pulled at first and what permits are now requested. Also we need to understand the issue of too many bedrooms for the existing septic.

M. Bonsteel:

The DES considers anything with a closet to be a bedroom so he has removed closets and made them into an excise room for example which allows a bedroom in another location.

T. Murphy-Roche: We need a plot plan for the stairs.

*D. Boutin motioned to table. Seconded by L. Abruzzesa
Voted unanimously in the affirmative.*

APPROVAL OF MINUTES OF – September 2006

*D. Boutin motioned to approve as amended. Seconded L. Abruzzesa.
Voted unanimously in the affirmative.*

R. Duhaime attended the Conservation Commission meeting and they did a test of the Peterbrook stream and have issues with that area.

ADJOURN

The meeting was declared adjourned by the chair.

Respectfully submitted,

Lee Ann Moynihan