

Unofficial as of
5/09/07

**HOOKSETT
ZONING BOARD OF ADJUSTMENT
MINUTES
MAY 8, 2007**

CALL MEETING TO ORDER

The meeting was called to order by Chair Tracy Murphy-Roche at 7:00 P.M.

INTRODUCE MEMBERS OF THE BOARD

Chair Tracy Murphy-Roche, Chris Pearson, Dick Johnston, Larry Abruzzesa, Jim Gorton, Richard Bariam, and Robert Duhaime

DISCUSSION

MTS – Excavation Plan

J. Levesque: At the Planning Board of March 6, 2007, it was stated that the applicant must adhere to all ordinances. Ordinance 14 states there shall be no removal of sod or clay without appearing before the Zoning Board?

J. Duffy: Excavation, in conjunction with a subdivision or Site Plan, gets Planning Board approval and does not come before the Zoning Board. Page 24 of Other Ordinances, "No owner shall permit any removal of sod, loam, clay, sand, gravel or other natural or inorganic material from his premises without an excavation permit unless such removal is 1) incidental to the lawful construction or alteration of a building or structure, or the lawful construction of a parking lot or way (including driveway) on a portion of the premises where removal occurs; ..." It is incidental because it is to prep the site for his building. The plans were review by the Town Engineer and approved by Stantec and the Planning Board.

A public hearing will be held on May 14th on the Development Regulation changes and all changes will be available.

**NEW PUBLIC HEARING
NORMAND LEEDS**

217 Hackett Hill Road, Map 22, lot 44 and Map 23, lot 13

Variance from Article 4, Section C.1. to allow for lot 13 to have access with only 50' of frontage

D. Duval, representing Norman Leeds: Mr. Leeds has two parcels of land, one purchased in 1984 and one in 1995; Parcel 13 with no access. He would like to create a 50-foot strip to access the back lot. There are eight acres in the back with 2-3 buildable acres.

J. Levesque: Is this going to be a one-house lot?

D. Duval: I don't want to say that but it looks like that is all that is possible. As the piece stands alone, there is only one house lot possible on 2.5 acres.

C. Pearson: Have you looked at all possibilities for access?

D. Duval: Yes, there is a pond in the back with a large wet area.

J. Duffy: If a town road went in they would need 50 feet. Also there was another parcel in 2003, owned by Dion which was approved.

L. Abruzzesa: Can we put a stipulation that there only be one house on that lot if this is approved?

Open Public Abutters:

Jim Donaher, 209 Hackett Hill Road: I don't think that plan shows my house but it is on that property line. I'm concerned if someone tries to develop the 60 acres, and if a major road went in there, how close would it be to my property?

D. Duval: They could build the road right up to the property line.

If someone tried to put a road in there they would have to go to the Planning Board for approval and they would have difficulty putting in a town road to town standards.

J. Donaher: The only place you could put a road is a foot from my house.

N. Leeds: Because their house was right on my property, I was going to sell them 20 feet of my property. It was agreed to by the Planning Board but the swap of land never took place because the money was never paid.

That should be corrected with the Assessing Department so the correction can be made on the tax map.

J. Donaher: How close can that road be to my house?

D. Duval: Legally, they can put it right up to the property line.

L. Abruzzesa: As the property current stands, there is not a problem for the abutter's property. We need to be cautious on what we approve. Should we stipulate what can be developed? There should be a stipulation that a driveway and one house is all that is allowed.

B. Scarponi, 225 Hackett Hill Rd.: I have no issue with what Mr. Leeds would like to do.

J. Donaher: I have no issue with what Mr. Leeds wants to do with the land; I'm just concerned with how close it will be to my property.

D. Duval read from application (see file)

C. Pearson: I disagree with the statement that it doesn't diminish property value in the case of the above abutter.

D. Duval: I spoke with Jo Ann Duffy to see if the Planning Board would agree to a triangle to meet the letter of the law. Jo Ann Duffy agreed this was the better way to go.

J. Duffy: New regulations state that lots shall be arranged so that they are radial and in geometric shape acceptable to the Planning Board.

R. Duhaime: I recommend a site walk prior to making a decision.

Site walk is scheduled for Saturday, May 12 at 8:15 am.

MORRISSETTE 2000 TRUST

7 Meadowcrest Road, Map 18, lot 5 and Map 17, lot 28

Variance from Article 4, Section C.1. to allow for a lot line adjustment of two pre-existing non-conforming lots.

D. Duval, presenting the Morrissettes: This is a variance for a lot line adjustment. The Morrissette house is located on the river. Part of the retaining wall for the pool got built on his second lot. This is to move the lot line to keep all the structures on one lot. The lot line comes down the wrong side of the retaining wall. We could either request an easement or move the lot line and it was decided to move the lot line to make it cleaner.

J. Duffy: Ask to change Note 7 to Note 6 by the retaining wall.
Currently the pool is not conforming.

D. Duval read from application (see file)

Bryan Haaker, 8 Meadowcrest: We are concerned that a house will go on the adjacent lot and we are concerned that this lot will be developed.

G. Harrington: It is not an available lot. He built on these two lots and he doesn't have a seconded building lot. This will change the character of the neighborhood.

J. Duffy: An easement could be granted to make it a viable lot.
Even if this proposal didn't get approved, an easement could be granted and this still would be a buildable lot.

D. Duval: The lot line adjustment is the cleaner way to do it.

Continue to June.

PHILIP KAFKOULAS

47 Stirling Avenue, Map 19, lot 11-26

Variance from Article 27, Section C.4. to legitimize an existing accessory apartment which exceeds the 30% maximum by 12%.

P. Kafkoulas: I have a purchase and sale agreement with the owners of the property who built an accessory apartment, which is over the legal limit by 12%. We are looking to put a kitchen in to make it an accessory unit.

L. Abruzzesa: How did this come about?

Armand Bergeron: We built this for my father in law without a kitchen.
We didn't realize that the extra square footage was added. They are buying the house to watch over their parents and there will be no additional structure.

Mrs. Bergeron: Craig Samson built our home and we had my mother living with us and then there was an issue because it wasn't handicap accessible. We built an addition to the house and had it inspected. There is no kitchen; there is no sink or stove. We have a new house, which we would like to move into and we are selling our home to the Kafkoulas but their parents would like to move in as well.

T. Murphy: What was the purpose of the addition?

Bergeron: It is handicap accessible.

J. Duffy: An addition was put onto the house and it turned into an apartment minus a kitchen. The new owners wants to make it an official accessory apartment without increasing the footprint.

The building file is to be made available.

CHRIS MASTRIANO (Continue to June 14)

1135 Hooksett Road, Map 41, lots 3 and 10

Variance from Article 10-A, Section E. to allow a two-family dwelling to be constructed in the Performance Zone.

OTHER BUSINESS

A letter was received from SNHU for a dredge and fill.

They were going to mitigate for the wetland crossing. They went back to the Conservation Commission after approval from this board and there is a new system called "Fee in Lieu" to put money, rather than additional land, for the mitigation. The Planning Board and the Conservation Commission received this letter and is being placed on record with the Planning Board's acknowledgement and further states that this change may be handled administratively. It is the Conservation Commission who first asked for this money and would like it to go for the Clay Pond project. The money is sent to the State and then must be requested by the town.

We are in the process of arranging a joint meeting with the Planning Board, Conservation Commission and the Zoning Board on June 20th at the Hooksett Public Library. This will be an open forum and we are looking for suggestions for agenda items. The Conservation Commission suggested how to better coordinate site walks, updating the zoning ordinances, ground water protection ordinance (the state has put out a draft), the cluster ordinance needs updating, and the disconnection between the three boards.

APPROVAL OF MINUTES

R. Duhaime motioned to approve the minutes of April 10, 2007. Seconded by J. Levesque.

Voted unanimously in the affirmative.

ADJOURNMENT

The chairman declared the meeting adjourned.

Respectfully submitted,

Lee Ann Moynihan