

**HOOKSETT
ZONING BOARD OF ADJUSTMENT
MINUTES
JUNE 12, 2007**

CALL MEETING TO ORDER

The Chair called the meeting to order at 7:00 pm.

INTRODUCE MEMBERS OF THE BOARD

Chairman Tracy Murphy-Roche, Roger Duhaime, Ronald Savoie, Richard Bariam and Town Council Rep. James Gorton.

CONTINUED PUBLIC HEARINGS

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: The board has completed a site walk and their concern was the proximity of the right of way. There has been an agreement to institute the original lot line agreement from 1991. Norm Leeds was present at the meeting and confirmed that the parties have a verbal agreement.

R. Duhaime: If he has 250 feet of frontage with a 50-foot right-of-way, can he subdivide?

D. Duval: Mathematically yes, but practically no because of the wetlands.

We will submit new plans to the Planning Board.

J. Duffy: If everyone is happy, it seems to be a viable solution. There is no guarantee the Planning Board will approve it.

R. Savoie: Will you have to pull that out of files to see when the lot line adjustment was approved. I believe it was recorded.

J. Duffy: I can get it from the registry if it was recorded.

T. Murphy-Roche: Per JoAnn's notes, you mentioned that the Planning Board has concerns with the 50-foot right of way becoming access because this abutters has a larger parcel.

J. Duffy: That was the ZBA's concerns at the last meeting.

The abutter was concerned that a road would be constructed in the 50-foot right-of-way with traffic affecting this lot.

T. Murphy-Roche: We discussed not allowing any subdivision of this property.

J. Duffy: You can put that on the plan but I don't know how legal it is.

You can try it but I don't know if they could get the note changed in the future. I don't think it will have any legal standing in the future.

Is there any other access to that lot?

D. Duval: Yes, there is a 50-foot strip, which provides frontage for this whole parcel.

R. Savoie:

If we approve this as a private driveway now, anyone that wants to have this subdivided in the future will have to present the improvements to make that an approved road to town standards.

Open Public Hearing

No comments received

Close Public Hearing

R. Savoie motion to approve the variance from Article 4, Section C.1. to allow for lot 13 to have access with only 50' of frontage which includes the lot line adjustment on Nov. 20, 1991. Turk seconded.

Voted unanimously in the affirmative

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: When Mr. Morrisette developed his house lot he constructed a retaining wall, which carried over to the abutter lot. We are trying to adjust the lot line so that all structures are within the lot.

The question of the structures has been resolved, as they only need to meet the 4-foot setback requirement.

T. Murphy-Roche: The owners are not interested in doing an easement?

D. Duval: It is a cleaner process to do a lot line adjustment.

T. Murphy-Roche: That lot as it exists currently does not meet the zoning. We are going to make it more non-conforming with this change.

D. Duval: We are making the lot smaller by 1400 sf.

Open Public:

G. Harrington, 10 Meadowcrest: I raised an objection at the last meeting and I now recognize that this was an error. Understanding the circumstances, I withdraw my objection.

Close Public

R. Duhaime motion to approve the variance from Article 4, Section C.1. to allow a lot line adjustment of two pre-existing non-conforming lots. Seconded by R. Savoie.

Voted unanimously in the affirmative.

ARMAND AND NANCY BERGERON (Kafkoulis)

47 Stirling Avenue, Map 19, lot 11-26

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

A. Bergeron: We are looking for a variance to legitimize an existing accessory apartment, which exceed the 30% maximum by 12%.

J. Duffy: There was an existing in-law apartment which was added after the house was built minus a kitchen. The buyers wanted to put a kitchen in and legitimize the structure. After the last meeting, the buyers (Kafkoulas) withdrew from the Purchase and Sale Agreement and the owners would like to proceed with the variance.

We reviewed the records and found the paperwork submitted to the Building Department said in-law apartment. Ken Andrews said no kitchen allowed but allowed the apartment.

What should have been said was this area is too big for an in-law apartment and had them go forward for a variance. From the sketch, it is obviously an apartment. They want to sell the house with an accessory apartment.

Open Public

Mark Murgio: Realtor in this situation. The buyers wanted to let the parents have a kitchen. This is a hardship for this family. This family attempted to do everything above board. The Home Doctor of Bedford milked the owners for money and then went under. I think it makes sense for the town to do the right thing and approve this.

J. Duffy: The kitchen cannot be completed until the addition is legitimized.

R. Savoie motioned to approve the variance from Article 27, Section C.4. to allow an accessory apartment which exceeds the 30% maximum by 12%, which already exists.

NEW PUBLIC HEARINGS

CHRIS MASTRIANO – Withdrawn 6-11-07

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.

LESLIE NEPVEU

6 Orchard Drive, Map 16, Lot 38

Special Exception specified in Article 26 Section C.4

Any extension or enlargement of less than 50 percent of the gross floor area of a legally non-conforming lot.

L. Nepveu: We have a pre existing non-conforming lot and do not meet the two acre requirement. We would like to add a 3 car garage. During the survey, we found we do not meet the setback on Orchard Drive. We are a corner lot. The house sits askew and the driveway will have a better line of site in the new location. I also have a letter from Dale Hemeon supporting this driveway change.

J. Duffy: She will apply for a variance for the next meeting so all issues may be addressed at the next meeting.

June 16, 2007 at 8:00 am for a site walk.

All abutters are welcome to join the board at the site walk.

PIERRE BOIS & LINDA MEDAGLIO

365 Hackett Hill Road, Map 28, Lot 19-2

Special Exception specified in Article 26 Section C.4

Any extension or enlargement of less than 50 percent of the gross floor area of a legally non-conforming lot.

Pierre Bois: We are proposing to construct a two story solarium sunroom. It is a non-conforming pre existing lot. My house sits back from the road 800 feet but only has 68 feet of road frontage. This is only expanding the exiting room and no footprint will be increased. The existing deck will be removed and a foundation will be put in its place.

June 16, 2007 at 8:15 am for a site walk.

P. Bois: That puts me out another 4 weeks.

T. Murphy-Roche: This is a zoning issue and is required by code.

APPROVAL OF MINUTES

R. Duhaime motioned to approve the minutes of May 8, 2007 as presented. Seconded by Richard Bairam.

Vote unanimously in the affirmative.

ADJOURN

The chairman declared the meeting adjourned.

Respectfully submitted,

Lee Ann Moynihan