

BOARD OF ZONING ADJUSTMENT

MINUTES FOR NOVEMBER 13TH, 2007 AT 7:00 pm
HOOKSETT TOWN HALL
16 MAIN STREET, HOOKSETT

CALL MEETING TO ORDER AT 7:05 P.M.

INTRODUCE MEMBERS OF THE BOARD

Present: Tracy Murphy Roche, Chair
Richard Johnston
Roger Duhaime
James L. Gorton, Town Council Liaison
Chris Pearson
Ronald Savoie
James Levesque, Alt
Richard Bairam, Alt;
Absent: Gerald Hyde, Alt.

NEW BUSINESS, New Public Hearings:

Mark Brassard; 29 Stirling Avenue,

Map 19 Lot 11-17, located in the MDR, Medium Density Residential District, for an area VARIANCE from Article 5.E.2. to construct a twelve (12) foot wide addition to the attached garage to provide a single bay in conjunction with a new in-law apartment that will be located to the rear of the existing residence, compliant with zoning regulations. The existing side yard is twenty-one point two (21.2') feet where fifteen (15') feet is required.

The garage addition is twelve (12') feet, thus decreasing the distance to the side yard to nine point two (9.2') feet, a deficiency of approximately five point eight (5.8') feet. The applicant came before the Board on October 16th, 2007 and received a variance, which was a miscalculation of the actual needed area variance.

Mark Brassard – 29 Sterling Avenue

Requesting a Variance for 4ft x 4 inches total 5ft 10 inches

Clarke Goodrich, father-in-law for the applicant, **Mark Brassard** (also present), read from the application the main points.

Savoie

- So, what happened was you were granted a variance for the 12x22 addition in October and found out that after the fact that you needed more room to complete this. Can you dismiss a granted variance and replace it with another?

Code Inspector- Yes. You would vacate the original variance(s) and grant a new one.

Savoie- Okay. So, this revised variance request you are requesting 4ft 4inches. Making it a total of 5ft 10 inches.

All – discussion on granting the variance

Code Inspector – technically it wasn't Mr. Brassard's fault for the miscalculation. It was a difficult survey to read.

Mark Brassard – described what the issue was with the mistake with the old variance

Chair –Any further questions

Savoie - Makes the motion to vacate the original variance.

Johnson - seconds it

All aye

Savoie

– makes the motion to approve the variance to allow a total side yard of nine point two feet, a deficiency of five point eight feet.

Johnson – seconds

Majority voted aye and the Chair voted nay. Motion carried.

Edgewater Investments; 50-54 Edgewater Drive,

Map 5 Lots 6, 7 & 8, located in the I, Industrial Zoning District, for a use VARIANCE from Article 11. B. 1, to permit an accessory residential use not listed as a permitted use in the zone, and Article 11. B. 3, to permit such use on lots that do not meet the minimum area and frontage standards for the zone.

The lots are before the Planning Board for realignment and are to be deeded permanently to four (4) residential lots located across Edgewater Drive from these lots, which front on the Merrimack River.

Jennifer McCourt, PE, represented the applicant Kenneth Scarpetti (also present) -Described the map and points out the various zoning districts industrial and residential, in the area.

- Four new residential lots are across the street from four small lots, currently zoned Industrial
- Most likely it would be used as docks as accessory uses to the new lots across the street
- Read from application the points for the variances
- Would like to keep as the uses residential, consistent with surrounding properties.
- Fairly useless land due to the small areas to the river
- It will grant the four new residential lots water access. There will be no accessory structures other than docks
- Will be in keeping with the rural area

Savoie – Discusses issues with river bank erosion.

Expressed concerns about the lots not lining up with the accessory lots (for lack of a better expression).

Code Inspector – This is a unique situation

Pearson – I have seen something similar to this in another town

Code inspector – I believe there are some in Laconia

Discussion on precedent and a warrant article to change the zoning from Industrial to Medium Density Residential

Code Inspector – change of use must be by warrant article.

Savoie – will the the Town plow that road

Code Inspector- the road is plowed by the Town

Savoie- Manchester Water Works is an industrial use in that area. Could the property be used for Industrial purposes?

Code Inspector– The question in a variance is whether or not the applicant can have reasonable use of the land

Chair – nothing is a guarantee

Duhaime – do we have a lawyers view on this?

Chair – states concerns about repercussions of not enough information

Dan Plouride – Plouride Sand and Gravel is located on the on the other side of the train tracks

Jason Hyde – (abutter) its not 90% of MDR it is 100% MDR on Edgewater Drive. Supports combining the lots for residential uses

Joe Slemp - abutter – the prior landowner lied about what they planned on doing with the land

Chair – is this true?

Joe – it was to be their retirement home, and before that a Christmas tree farm

Johnson – because of the railroad it was zoned industrial

Jason Hyde – My house was industrial until four years ago

Code Inspector- we have gotten smarter too, we are trying to eliminate previous spot zoning, and many towns are trying to be consistent.

Ken Scarpetti – when I bought it was all MDR

Joe Slemp– it was to be a retirement home, and before that a Christmas tree farm

Pearson – if it were MDR then we wouldn't it be an issue

Duhaime- whose land is that on the end (pointing to an area adjacent to the proposed “accessory lots”)?

Code Inspector – that belongs to the town

Chair - Any question or comments?

Pearson – it makes sense to approve the variance

Levesque – I agree

Duhaime - Discussion on if it should be pending the planning board.

Code Inspector – do they need that land for a conforming lot?

Jen McCourt- “No.”

Pearson – I would like to make a motion to approve the request for Article 11. B. 1

Chair –would like them to like to be specific as to uses; no structures other than docks for river access

Johnson – second it

All AYE

Pearson – would like to make a motion to approve the request for Article 11. B. 3

Johnson – second it

All AYE

Discussion on proposed zoning board changes

Chair -Motion to adjourn

Pearson – so moved

Savoi – Second

All AYE

Closed at 8:30 pm