

**Unofficial
As of 4/09/08**

**HOOKSETT ZONING BOARD OF ADJUSTMENT
MINUTES
APRIL 8, 2008
HOOKSETT MUNICIPAL BUILDING**

CALL TO ORDER

Acting Chair C. Pearson called the meeting to order at 7:02 PM.

ATTENDANCE

Vice Chair C. Pearson, R. Bairam, D. Johnston, and Council Rep. J. Gorton.
G. Hyde arrived at 7:45 pm

C. Pearson stated that three affirmative votes are required for Board approval and with only three (3) voting members present at the start of the meeting, a unanimous vote would be required. Applicants were given the option to continue to the next scheduled meeting. No applicants came forward to continue at this time.

CONTINUED PUBLIC HEARING

PENNICHUCK WATER

16 Springer Road, Map 5, Lot 116
Medium Density Residential

Special Exception from Article 5.b. to erect a new pumping station in a new location on the property and to replace an existing pumping station

Don Ware, Pennichuck Water provided a copy of the easement. A site walk was done and the cart path was added to the plan as requested.

C. Pearson: Is the cart path on the easement?

D. Ware: Most of the cart path is on the easement.

Open Public:
None
Close Public

C. Pearson commended Pennichuck Water for listening and responding to the concerns of the neighbors.

***D. Johnston motioned to grant a Special Exception from Article 5.b. to erect a new pumping station in a new location on the property and to replace an existing pumping station. Seconded by R. Bairam.
Vote unanimously in favor.***

NEW PUBLIC HEARINGS

RON LUCCI

Merrimack Street, Map 9, lots 67 and 68
Medium Density Residential
Variance from Article 5, Sections:

- C. Required Lot Area
- D. Percentage of Lot Coverage
- E. Yards Required

For the purpose of subdividing Map 9, lot 68 into two single-family lots and to subdivide Map 9, lot 67 into three lots each having water frontage on the Merrimack River.

Peter Holden, Holden Engineering: This is a piece of property located on Merrimack Street and Granite Street. There are two buildings on the same lot. Across the street, between Merrimack and the river is a red barn and adjacent is land that use to be Lamberts Store. He has been trying to sell these properties as a group, but has been unsuccessful. He wants to subdivide the land and sell each lot individually. The two lots that would be created would be non-conforming. We created a straight line between the buildings. Across the street, the neighbor has no place to park. He would like to create a lot so that the neighbor can purchase this property for parking as well as parking for the new lots being created. The lot with the barn would be subdivided for parking. A variance is needed for side setbacks, frontage and area.

C. Pearson: Has this gone before the Planning Board for subdivision approval?

P. Holden: Once we have the variance, we will go before Planning Board.

P. Holden: Note #4 on the plan states what is required for a variance.

J. Duffy: Are those two buildings in the right of way for Merrimack Street and is that a State Road?

P. Holden: Yes

J. Duffy: Do you need permission from State DOT even though they are existing structures?

P. Holden: No.

J. Duffy: Will you be removing any trees on the lot designated for parking?

P. Holden: Possibly one or two. There are not many trees on that lot. It has been used as a parking lot.

C. Pearson: Are any of these lots conforming now?

P. Holden: No.

P. Holden: The existing building is a house.

R. Bairam: Is the area for parking going to be paved?

P. Holden: We hadn't given it much thought. It is now gravel. That will be addressed with the Planning Board.

P. Holden read from the application (see file).

C. Pearson: I would like the Planning Board's input on this proposal.

Jeannette Gagne, 51 Merrimack Street: I'm Lambert's Market and I abut this property. I know he is having a hard time selling because no one wants to buy a lot with two houses.

Gary Bell, 50 Merrimack Street: I am across the street from the barn. This gives me more space to park.

M. Sorel: Do the two (2) houses located on one (1) lot have separate water and sewer with separate meters?

R. Lucci: Yes, each house has it's own service and meters.

M. Sorel: Will that apply to the lots on the west?

P. Holden: They will not be buildable lots.

C. Pearson: Is there power to the barn?

R. Lucci: No, there was at one time, but the power is old and there is no power there now.

***D. Johnston motioned to continue to May 13. Seconded by R. Bairam.
Vote unanimously in favor***

Site walk scheduled for Monday, April 28th at 5:00 pm at the parking lot next to the red barn on Merrimack Street.

Input requested from the Planning Board prior to the next scheduled meeting.

RAYMOND AND JANE DUBOIS

130 Farmer Road, Map 26, lot 44

Medium Density Residential

Variance from Article 5, Section E.1. and Article 27, Section C.4. to allow for construction of a 26'x30' attached two-stall garage with an in-law apartment, which does not meet the front setback requirement by approximately 3' and the accessory apartment exceeds the 30% requirement (maximum is 288 sf/proposed is 780 sf)

Raymond Dubois, 130 Farmer Road: This application is to build a two-stall garage with an in-law apartment. When Farmer Road was extended, it cut into our driveway; therefore we are a couple feet short of the setback. We also need a variance for the square footage. We would like to build large enough to accommodate a handicap entrance for future accessibility. We don't meet the setback in one corner. It is three (3) feet short because of the way they cut the road.

C. Pearson: We will need a certified plot plan.

Mr. Dubois' daughter read from the application (see file).

J. Duffy: They will conform to the new zoning change, which says if you were on a lot that conformed to the size when the lot was created, and approved as part of a subdivision, then you don't need a special exception. They will still need a variance for the setbacks.

Open Public

None

***D. Johnston motioned to continue to May 13th. Seconded by R. Bairam.
Vote unanimously in favor***

C. Pearson requested a certified plot plan be submitted as part of the application.

HOMES FOR LIFE/JOAN ELLIOTT/STEPHEN AUSTIN

Hackett Hill Road/South Bow Road, Map 12, lot 13

Low Density Residential

Special Exception from Article 18, Section E. for construction of access roads; driveways, water impoundments and drainage ways at proposed subdivision "Austin Woods"

C. Pearson: We are specifically reviewing wetland impacts only. All other issues are to be presented to the Planning Board.

The Board acknowledged receipt of letters from both the Conservation Commission and Stantec. The Conservation Commission requested the Zoning Board not act on this until the applicant presents to them. Stantec also indicated a number of concerns with the plan.

Jim Coughlin, Attorney: This is the first leg of the Special Exception for Article 18. We are proposing a Conservation Subdivision on 126.5 acres. We are presenting two (2) parcels tonight, although there are actually three (3) parcels of land. There is a house on lot 53-1. That will be subdivided off providing access off of South Bow Road. There will be three (3) separate applications: a lot line adjustment, a consolidation plan, and a subdivision plan. There is another piece of property, which will be included and filed jointly on an application for the Planning Board. This parcel will be divided into lots with 200 feet of frontage. They will have access through South Bow Road. This is zoned Low Density Residential. The plan is proposed for the Conservation Subdivision, which is being voted on at the May meeting. All wetlands are flagged and test pits done, but soil mapping is not yet complete. There will be underground utilities. The lots range for 40,000 sf to 1.5 acres or larger. There is 58% open space. The features on the site are stonewalls with a walking path. There is a cemetery off of Maryann Road. There is pedestrian access at all location off the road, which is required for the Open Space. We are proposing three (3) cisterns and three (3) retention ponds. There are five (5) wetland impact crossings. There are eight (8) areas where there is an impact on the 80-foot buffer. The blue line represents the 40-foot setbacks. We originally did this plan as a grid subdivision. We then read the Master Plan, which recommended Open Space.

The Conditions of Article 18 were reviewed.

J. Coughlin read from the application (see file)

J. Duffy: There has been a rewrite to the cluster subdivision, which will affect lot size and will have stricter requirements. That is going to the voters on May 13. This application should be continued until June, at which time we will have the results of the vote.

Impacts:

Jiri Hajek, Eric Mitchell's Office: There are five (5) wetland impact crossings. In addition, there is a portion of wetland that will be filled due to slope and buffer impact along the road because it is in the 40-foot do not disturb buffer. There are two (2) locations that are only buffer impacts. We can go steeper with the slope, but it is higher maintenance. We will submit to DES for wetland crossing but DES has no jurisdiction regarding the buffer. As we go through the process with the Wetland Board, the requirement is to minimize the slope, and based on that, we will do more protection. The crossing size is now only based on flow. We will go through the steps and then submit the final result. Conservation and DES may decide the size should be greater.

J.Coughlin: The total effect of wetland is 6%.

J. Duffy: Are you infringing on the 40-foot buffer on the roadway? If so, that will need a variance. If you are infringing on the 40-foot buffer, any impact at all requires a variance.

J. Duffy: I would like to point out two (2) lots that you should look at. This is the buildable area. If that lot remain this way, you cannot get a driveway in without impacting the buffer.

J. Coughlin: There is one lot, which is an issue, the other lot was removed.

Open public

Frank Gray, 17 South Bow Road: Can we discuss the roads that impact on the wetlands? In the initial comments, they stated that in 2005, they had permission to go from South Bow through the wetland but in 2006 they were denied access because of the wetlands. We need to look at the slope and the wetlands; the slope down below is so low that there would be a tremendous amount of run off from the wetland to present a problem. And I don't think they are close to the actual amount of wetlands that is in there. The setback is now 40 feet. My understanding is if they propose it now, they must use the 40-foot and if it is denied in May they will revert to the 25-foot setback. There is a stone bridge that is over 100 years old and a dam that has an impact on the wetlands. The definition of wetlands is an aquifer that is part and parcel of the wetland, and unless the aquifer is mapped, how do we know where it is? There are many unanswered questions and the Conservation Commission had no knowledge of this. The Heritage Commission maybe interested in this bridge. I'm not happy with what has been done. Surveyors have already been there with markings on the road without permission to go through there. When we are talking about the housing that will be put in, there are some statements on our rules for cluster that requires open land that is to benefit the townspeople. There is plenty of land that is buildable.

C. Pearson: Many things you mentioned are procedural issues, which we will address.

C. Coughlin: There is an existing stone bridge and a row at Maryann Road. There is a stone bridge culvert that now exists. The road must be at a certain plateau. I didn't understand what was denied. We never applied for permits

John Hillis: From the Hooksett Zoning meeting of Nov. 2005, it states there was an exception granted at that meeting. Subsequent to this meeting, was a Planning Board meeting where it was ruled incomplete in 2005. If it went to the Planning Board, and there were problems then, I want to state that this must be looked at seriously. The aquifer is important. I am on a well and we need to preserve that water. I have a copy of a letter that was sent to the ZBA members. Reference to J. Duffy's comments, what is the 16.4 acres referencing? What impact does it have on the wetlands?

J. Coughlin: The 16.5 is a separate lot.
The houses will be on separate wells and septic systems.

J. Hillis: What will be the impact of 43 lots with septic? Will the homes be on sprinkler systems?

J. Coughlin: No, there will be cisterns. This water is tanked in for the cisterns and will be separate.

John Hillis: Will there be blasting, which could impact the aquifer and impact my well.

J. Coughlin: There are some ledge areas and there will be blasting. We haven't completed our test pits. There is an aquifer map available and we are not in those.

John Hillis: Exceptions are for hardships. There is a lot of land here, and looking for exceptions for buffers is not a hardship when there are abutting properties. Granting exceptions when they are not hardships; I have issue with that.

J. Coughlin: A special exception doesn't require a hardship, but a variance does.

John Hillis: Are the cemetery, the stone bridge and the wall going to remain?
This arch crosses the stream. (Pictures were provided)

C. Pearson: Does the Planning Board consult with the Heritage Commission on these structures?

J. Duffy: The Heritage Commission gets a copy of the Planner's comments.

C. Pearson: Conservation Commission and ZBA will do a comprehensive site walk and review the impact. There will be a lot of feedback from the Conservation Commission.

John Hillis: Have you looked at the salt, which will feed into the aquifer from the roads.

J. Hajek: At the Planning Board level, they have the option of a no salt zone. We are planning to design a partially closed system. This is required by the site-specific permit. There is a multi-stage protection process.

The water goes to detention and then is slowly discharged. They are open and eventually become wetlands.

Ann Hill: The subdivision is contingent on the road which I understand isn't approved and when they came before this Board, was to service six (6) lots for a cul-de-sac off a cul-de-sac, which then went to the Planning Board and was not approved. When do the two (2) developments get married up.

J. Duffy: If this will be one Planning Board application, why aren't you showing all the wetlands. They told me that the wetland impact on the other piece was approved. Last I knew, that subdivision was with our legal counsel. To be safe, I would ask our legal counsel if that needs to go back to the Board and what is the timeframe for expiration.

J. Coughlin: It was approved, November 8, 2005 for 880-foot wetland.

J. Duffy: Because the plan has changed, we need a legal interpretation, when the wetland permit will expire and when the State issued that permit.

J. Coughlin: We can amend our application to include that section, and then go to the Planning Board with a joint application.

J. Duffy: If he amends his application to include that, he is starting over and it would be combined into this approval.
They would have to also go back to DES.

J. Coughlin: If you could check with legal counsel and see if it were still valid, we wouldn't need another approval.

Todd Auger: I received a letter, but I don't know how I fit in. Is that additional piece contingent on this plan.

J. Coughlin: You are an abutter along the stream.

F. Gray: We have a lot of wildlife in this area including moose and bear. The wildlife lives in the wetland. What is that impact?

J. Coughlin: 72 acres will remain Open Space.

C. Pearson: The Town has always considered the wildlife and provided for protection by requiring critter crossings.

J. Hajek: As a part of our DES application, we must provide a baseline report of all historic sites and we may get denied due to species and wildlife.

John Hillis, 19 South Bow Road: The LDR zoning that was discussed, I was going through the Jan 10 minutes of TRC that said 10 lots are in the MDR district. This is an LDR zone. Is this going to be rezoned MDR? I would like clarification on the number of pools possible in Austin Acres or Austin Woods. Where will that water come from. I'm concerned about the replenishment of the well source.

Was the wetland mapping and flagging completed in March?

J. Hajek: We will not do soil samples. We have scientist that will identify the species as indicators as well as trees. This certified by them and reviewed by DES. This was done in March of 2007.

J. Duffy: In the amendments proposed for the Conservation Subdivision, the applicant would have to obtain an special use permit and one criteria is they must maintain rural character,.....including wildlife habitat and water resource. The Planning Board may request a wildlife study.

M. Sorel: The applicant was lead to this by the Master Plan. I ask what chapter referred them to this? Please require them to give you, in writing, the wording in the Master Plan and the chapter that lead them to this application. Are there any streams or brooks presented and are they seasonal, annual or intermittent?

C. Pearson: That is missing from the application and will be provided at the next meeting.

M. Sorel: On Hackett Hill, we have streams and in the 100-year storm events, we have seen those brooks breach and cause damage. I hope you will require a complete study of hydrology. What is happening uphill will impact what is below and those studies must be done. Two subdivisions in the Hackett Hill area were withdrawn after a hydrology study was done and walks were done by those boards. The soils are good in those areas, but there are water issues that contribute to the wetlands. In my opinion, you should ask for finite topo maps so you can identify any driveways will be below the level of those streams. There is substantial wildlife that can be documented by Fish and Game and the residents, including moose and turkey. It is a great area. There is an opportunity for a great subdivision if it is done correctly.

J. Coughlin: We do provide hydrology and topo maps for review by Stantec.

Close Public

Site walk to be scheduled at the May meeting.

Input is requested from legal counsel, the Conservation Commission and Stantec.
We need to discuss including Mountain View.
What Chapter of the Master Plan lead the applicant to submit this subdivision plan.
This application needs to be amended to include the variance.

***D. Johnston motioned to continue to May 13th. Seconded by R. Bairam.
Vote unanimously in favor***

SANDRA NOLET

30 Morrill Road, Map 40, lots 2 and 3

Medium Density Residential

Variance from Article 5, Section C.1.b. to allow for a new lot that does not have adequate frontage

J. Duffy: Don Duval did the survey and said there were two (2) lots and our tax maps show two lots as well. He thought they wanted a lot line adjustment to make line 3 lot go away. I researched the plans and found a consolidation plan that consolidated lot 2 and 3. It shows one lot and one tax bill. Don Duval did that plan, and these two lots were consolidated in 1990. They have one large lot now and wants to subdivide off into two (2) lots.
Map 40, Lot 3 is the entire lot.

S. Nolet: I have enough land, and have municipal water and a private septic. 175 feet of frontage is required.

J. Duffy: Lot 3 would be 120 feet of frontage requiring a variance. New lot 2 would have 235 feet of frontage, which would be ok.
This needs a variance for 55 feet of frontage and would need a separate septic system.

S. Nolet read from application.

S. Nolet: Our purpose is to sell the land for financial reasons.

J. Duffy: A condition of approval should be to verify the frontage. This cannot be determined from the plan provided by D. Duval.

Open Public

Abutter, 28 Morrill Rd: When they surveyed the property, there is an old stone pipe in the ground. They didn't survey from my property. Once this is done, will they put stone markers in? There is a pipe in the middle of the stonewall. I came to see what the frontage will be. What will be the numbering of the road? I'm 28 Morrill Road and they are 30 Morrill Road. Can they just put another house in the middle?

C. Pearson: That is determined by the building department.

Lee Heron: When this is done, I want to be sure that the water drainage doesn't change.

Donna Lopointe, Debbie Street: I don't have a problem with the two (2) lots if there is only one house allowed.

***D. Johnston motioned to continue to May 13th. The applicant to provide the actual frontage certified by a surveyor. Seconded by R. Bairam.
Vote unanimously in favor***

APPROVAL OF MINUTES

February 19, 2008

D. Johnston motioned to approve the minutes of February 19, 2007. Seconded by R. Bairam.

Vote unanimously in favor

March 11, 2008

R. Bairam motioned to approve the minutes of March 11, 2007. Seconded by D. Johnston.

Vote unanimously in favor

ADJOURN

Adjourned at 9:35 pm

Respectfully submitted,

Lee Ann Moynihan