

**OFFICIAL
AS OF 9/09/08**

**HOOKSETT ZONING BOARD OF ADJUSTMENT
MINUTES
TUESDAY, AUGUST 12, 2008
HOOKSETT MUNICIPAL BUILDING
35 Main Street**

CALL TO ORDER

Chairman Pearson called the meeting to order at 7:02 PM

INTRODUCTION OF THE BOARD

C. Pearson, Chair, R. Duhaime, Vice Chair, D. Johnston, J. Levesque, R. Bairam, T. Murphy Roche, and J. Gorton, Town Council Rep.

CONTINUED PUBLIC HEARING

LEO DOYON

67 Chester Turnpike, Map 15, Lot 43

Low Density Residential

Variance from Article 4, Section C.1 to subdivide existing lot 43 into two lots, with one lot having inadequate frontage. (200' required)

D. Duval representing Leo Doyon: We are here for a 2-lot subdivision on Chester Turnpike. This will have one (1) parcel non-compliant with 147 feet of frontage and 4.78 acres and a second parcel compliant with 200 feet of frontage and 2.04 acres. Test pits have not been done. Peter Schauer marked the wetlands and they are so indicated on the plan.

C. Pearson: In June, you came before the Board with a plan that had two (2) non-conforming lots. Now you have one (1) in compliance and one (1) non-compliant.

R. Duhaime: Are most of the other lots in the area conforming?

D. Duval stated that most of the lots in the surrounding area have 1.5 acres.

C. Pearson: Where will the proposed building be located?

D. Duval: He is proposing to build a house for his son. The exact location has not been determined.

C. Pearson: Are you suggesting a shared driveway?

D. Duval: No, the larger lot will keep an easement over the lot we are creating. It is not being proposed as a shared driveway. The existing driveway will stay on this newly created lot as an easement. It could, in the future, be a shared driveway. He could put in a parallel driveway.

C, Pearson: Is it ok to do an easement for a driveway?

P. Rowell: The fewer curbs cuts, the better. If people want to share driveways, that's good.

D. Hemeon, Highway Superintendent: They are not very common in Hooksett, but I don't believe they are prohibited by the regulations.

D. Duval read from the application (see file)

Open Public Hearing
No public comments
Close Public Hearing

P. Rowell: Per the Development Regulations, only one access is allowed for driveways. The Planning Board would review that. That was established to prevent the horseshoe driveways with dual access.

Voting alternate R. Bairam

R. Bairam motioned to grant the variance from Article 4, Section C.1 to subdivide existing lot 43 into two lots, with one lot having inadequate frontage. (200' required). Seconded by D. Johnston.

Vote unanimously in favor

Note to Planning Board regarding shared driveways.

DOUG ROSE (Bob & Lois Willard)

70 Farmer Road, Map 26, Lot 34

Medium Density Residential District

Variance from Article 5, Section E.5 to allow the construction of a detached two-car garage which would encroach on the required 20 foot side setback by 15 feet.

E. Willard: I've lived here for 39 years and I would like to build a garage.

D. Duval: They are proposing a 24 x 24 garage on the right of their house, five (5) feet off the property line. It is the only place that she can place it and have access.

Photos were distributed.

D. Duval: This is proposed as a two-car garage.

D. Johnston: This is not doing justice in the proposed location. You will not be able to exit the garage door. If you put it further back you would have a direct line, however this would eat up the entire back yard.

E. Willard: We could cut into our deck if necessary.

C. Pearson: It is a difficult placement and there must be other options.

E. Willard: If we down size, does that solve the problem?

C. Pearson: I don't know why it can't be placed on the left side. You wouldn't have a setback problem and you wouldn't use your entire backyard.

E. Willard: I would prefer to down size.

D. Johnston: You would still infringe on the setbacks.

C. Pearson: I understand you've switched buildings, so my suggestion is to discuss this with your builder. We are all uncomfortable with this plan and there are other options that could be discussed with your builder.

E. Willard: I don't want to go through this process again and I think the Board knows what they will allow me to build.

C. Pearson: We can only vote on this application. I think it is in your best interest to come back with a new proposal after discussing your options with Mr. Pelletier, your builder.

E. Willard submitted a proposal for a 20 x 24 garage.

R. Duhaime: We are here for relief; but if there is an alternative to the proposal, we will not allow the encroachment on the setbacks.

Open Public Hearing
Letter from E. Jacobs acknowledged by the Chair.

E. Jacobs, 74 Farmer Road: I do think this would be better used on the other side instead of infringing on this side. There is another entrance to the house and I have issues with the property lines as well. The markers are missing and buried. There is a small garden that can be removed and they have a u-shaped driveway.

D. Duval: We located three (3) of the four (4) markers.

D. Johnston motioned to continue the hearing to September 9, 2008. J. Levesque seconded.

Vote unanimously in favor

V. NEW PUBLIC HEARINGS

PIKE INDUSTRIES, INC.

38 Hackett Hill Road, Map 7, Lots 20, 23-25; Map 12, Lots 7, 11, 12; Map 13, Lots 59-61, 67-1, 69, 69-2

Renewal of existing Permit#G-04 for the quarry, aggregate processing operation and Hot Mix Asphalt facility and amend the permit to include a new 9.2 acre gravel pit excavation on the existing property.

Ted Johnson, representing Pike Industries: The entire parcel is shown. We are looking for renewal of the current quarry operation permit. The quarry has been permitted for 75 acres. They are required to renew the mining sequence. This is the existing area that is permitted. They are showing the projections, which is required. The purpose of this is to show the plan for the next five (5) years.

They use sand to make their hot top mix. They have found sand on site. There is 9.2 acres and a man made pond, which has some associated wetland with it so they will have a 40-foot setback with it. There is a man made pond with fish in it. There are associated wetlands, which were delineated. They will maintain a 5-foot separation and 5 feet above the ground water. This will reduce the number of truck by 1900 per year. This is significant for traffic and fuel consumption. This expansion will provide 6-7 years of product that will be stock piled on site and used in their asphalt hot mix. They now have an irrevocable letter of credit for \$127,000, which is automatically renewable. We haven't heard from any abutters regarding complaints. Pike works hard with abutters. The closest point of excavation from a residence is about 250 – 300 feet. There are good buffers and noise will not be an issue.

Reclamation: Pike has been aggressive in working with the Conservation Commission and is aggressive in rehab. It makes good sense. They remove the trees and grub as needed. The

debris is buried on site. They stabilize the soil through stabilization and maintain a 50-foot buffer from all property lines. The 40-foot setback from wetlands is maintained. There is a 5-foot separation from pit floor to ground water. It is a naturally internally drained site. In terms of reclamation, within 12 months they will reclaim and maintain a 3-1 slope and use the NRCS guidelines and USDA conservation service. They have a long history of being cooperative and successful in reclamations. Any deviation from the notes would need approval from the Board and NRCS.

C. Pearson: How deep will they dig for sand?

T. Johnson: The pond elevation is about 265 feet and the highest point is 289 so it's about 25 feet. We have had a wet year, so we have a high water level.

C. Pearson: Do you know which way the wetland empties out?

T. Johnson showed the Board and the public the drainage and the flow of water. There is a Conservation Easement and the water flows naturally in that direction.

D. Johnston: Sheet #4 shows a well.

T. Johnson: Yes, there are a number of wells. These will not be affected by the excavation.

Open Public Hearing:

Ronald Desharnais, 5 Saw Hill Road: What is the setback from the property?

T. Johnson: There is a 250-foot setback from the residential and there will be no blasting. This is all sand.

Ronald Desharnais: Will there be blasting now or in the future?

T. Johnson: No, that is not the plan.

Close Public Hearing.

J. Gorton: What is the length of the extension of the permit?

T. Johnson: It is renewable every five (5) years per your ordinance.

R. Duhaime: Has anything been reclaimed?

T. Johnson: None that I'm aware of.

P. Rowell: I did a site visit today, but they have been reclaiming some slopes on the quarry and they are actively redoing it.

T. Johnson: There was excavation years ago and some is growing back.

D. Hemeon, 10 Cate Road: I worked for Plourde in the '80s and they didn't have the equipment they have now, and in my opinion, they are doing a good job now.

C. Pearson: The Board should do a site walk.

T. Johnson: It is walk able. Conservation has been notified twice. Per Jodi Pinard, they have the plans and will review it.

C. Pearson requested input from the Conservation Commission.

**A site walk has been scheduled for Thursday, August 28th at 5:30 PM.
The board requested that the town's engineer review and comment on this project.**

SEVERINO TRUCKING INC.

39 Pine Street, Map 7, Lot 3 & 3-2
Excavation Permit

Chris Tymula, MHF Design: This site is located on Pine Street, Map 7, Lot 3 and Lot 3-2 near Route 93. The parcels is a 9.1 acres and in the MDR district and in the Ground Water Conservation District. Also located on the westerly portion is a PSNH easement. Along the front of the parcel is a single family dwelling with septic and well. In April of 2008, the Planning Board approved a subdivision for this parcel. At that time a driveway and grading easement was given. Severino is proposing excavating 6.7 acres, which will be used on the I93 project. The proposal includes grading in the easement and the dwelling unit. In the application is a letter from PSNH, which states they are agreeable. The slope is 3-1, and 5-1. We are trying to manage the storm water flow patterns. There is a catch basin in the front and a drain to Pinnacle Pond. Severino is looking to start in the fall of 2008 with reclamation by the summer of 2010. We have submitted for alteration of terrain to DES. Page 10 has operation notes and procedure and reclamation notes. This provides time of operation and amount of material being removed and best management practices. There will be a line of silt fence delineating and inlet protection on the northern parcel. Because this is in the wetland protection area, we must stay above 8 feet. We have done the test pits to show the 8-foot separations.

C. Pearson: You indicate there will be 10 to 15 trucks traveling on Pine Street per hour. That is a lot of traffic on Pine Street.

C. Tymula: Yes, 10-15 trucks per hour but there would be 15 different types of trucks. These will be coming out of the existing access. We show a 24-foot wide stabilization exit. These will be heading south to Exit 11.

T. Murphy-Roche: What is the traffic there now?

C. Tymula: I don't know the everyday traffic there. This would start this fall and full reclamation by spring of 2010 so approximately 1.5 years.

R. Duhaime: When will they start building the homes.

C. Tymula: They have no desire to build at this time. The goal is to excavate the lot to make it a saleable, buildable lot. By lowering and grading, you create an elevation of 292 and the building pad would be 30 feet below that berm and makes a buffer for the sound of the highway. This will make a more appealing lot. With the current market, there is no immediate plan to build.

T. Murphy Roche: Is this road able to handle the load of these trucks?

D. Hemeon: If this were approved, I'd ask for a bond. This road can't handle this and it is a narrow street of 22 feet at the most.

Severino: As part of the subdivision, the Planning Board has us bringing the 6-inch water line up that roadway so we will post a bond on the road.

D. Hemeon: That is a request from the Village Water Precinct.

C. Pearson: We would like input from Conservation, Stantec, and Planning. There are a lot of factors including the road, water, and Pinnacle Pond.

Severino: We estimate 4000 trips on average to remove the material. We will be working from 7 am to 5 pm. We understand that the road cannot handle the trucks and that is why we are here. We are prepared to repair any damage. I understand this road will need to be repaired and we will obtain the necessary bond. Normally, when RSA:155.E is imposed, no local permit is needed. We decided to go through local Boards anyway. We have a reputation for doing jobs well. We want to keep the barn and have a pasture. Our goal is to make this a better picture at the end of the day. I own Severino truck and the parcel.

C. Pearson: We want the feedback from other Boards and consultants to make a better decision. We must look out for the neighbors.

Severino: RSA:155.E says we are exempt from other permits. When it is through the use of other highways, we are not required to get the boards permission.

The board requested consultation with counsel.

T. Murphy Roche: I thought that the Town could impose any restrictions above and beyond the State requirements.

P. Rowell: Is it possible to put a temporary ramp onto the highway?

Severino: It is possible, but we didn't want to go that route yet. It would mean more disruption of the land. We restore areas and we've done work in Dover and I can get letters from our work there. Time is of the essence.

Site walk scheduled at 6:45 PM (following the Pike site walk) at the house on Lot 3.

Open Public

Frank Gray: I had the same problems, if you went directly onto the highway that would elevate the traffic on Pine street. If you looked at it to see from a monetary standpoint, is it possible?

Severino: We will talk to the turnpike person and look into the feasibility of doing that now that we have heard your concerns.

R. Corriveau, S. Bow Road: There were three (3) active excavations going on in Bow. Those pits are now shut down and this is much less than that and they were running over 20 trucks an hour for several years.

**The Hearing is continued to September 9th.
A meeting will be set up with all member of the TRC to review this application and obtain input.**

12 MONROE DRIVE

12 Monroe Drive, Map 31, Lot 63

Medium Density Residential

Special Exception as required by Article 26 Non-Conforming Uses and Buildings, Section C.3. to allow the construction of a carport and 12 x 12 additions which is within the required setbacks.

R. Bairam recused himself.

D. McKenna: We would like to remove the existing structure and replacing it with a carport, which doesn't meet the setback. The new proposal is 11.2 feet from the corner and 14.5 for the side. This is also encroaching on the front setbacks.

J. Levesque: The "B" shown on the plan is going to be a closed in room?

D. McKenna: It will be part of the dining room.

J. Levesque: Is there a mudroom?

D. McKenna: This will have a mudroom and will be built on sona tubes.
The existing screen porch is 12' x 10'. The proposal will be slightly smaller.

J. Levesque: The construction of "A" shown on the plan will encroach on the front set backs and the side setback.

D. McKenna read from application (see file)

Open Public Hearing
Close Public Hearing.

A Site walk is scheduled for a 5:00 PM on August 28th.

HOMES FOR LIFE/JOAN ELLIOTT/STEPHEN AUSTIN

South Bow Road & Mary Ann Road, Map 12, Lot 14-4

South Bow Road & Mary Ann Road, Map 12, lot 13*

South Bow Road, Map 16, Lot 53*

Low Density Residential

Special Exception from Article 18, Section E.1 for construction of access roads; driveways, water impoundments and drainage ways at proposed subdivisions "LaBonville" and "Austin Woods"

*Variance from Article 18, Section G.2.a that requires a 40-foot setback from the wetland boundary to any structure or any paved area and shall remain in its natural, undisturbed state.

J. Levesque recused himself

James Coughlin, attorney representing Homes for a Lifetime: A month ago we had a joint meeting with the Conservation Commission and we tried to establish rules. Last Wednesday, we met with the Conservation Commission. Tonight, we are here for a Special Exception for wetland impacts and wetland buffer impacts.

At the last meeting, you had requested we respond to Stantec's letter. We have submitted that response and made the necessary changes on the plan. They stated that the ZBA should ask for an environmental impact study and a wetland and habitat study. We provided that. The calculations are noted. The 11 x 17, page x1, has individual wetland impacts and wetland buffers.

P. Rowell: After speak with J. Duffy, there is a concern with how this is coming off Mountain View Road. That is not an approved subdivision.

J. Coughlin: Read from proposal (see file)

R. Duhaime: Lot 18 and 17; you had lots in those areas but now they are gone. Is this a poor area for soils?

J. Hajek: There is a deep glacial tile. This is often characterized by the topography. There is ledge further up. A glacial tile is usually smooth and round and it runs down the slope. I also did the wildlife assessment. Much of what is there is due to the soils and the vegetation.

Open Public Hearing

Frank Gray, South Bow Road: With regard to the area, I've lived there for 40 years and we use to hunt that area. When I saw the map, I thought there were more wetlands than what was shown. The wildlife impact is more as well. Saw Hill was developed and I'd like the definition of productive use. I am opposed to this and you know I've always been a proponent to developers but those with high integrity. I don't think this developer meets any of those requirements.

C. Pearson: Keep comments to wetland impact only. You can address other concerns with the Planning Board.

F. Gray: There is a road that became a public way because the general public used it. That road cuts down through there and I don't know if they have taken that public access road into consideration. It is not Maryann Road. It is north of 19 South Bow Road. It is a trail, not a road. I'm referring to a legal definition of what has been used for 40 years.

John Hillis, 19 S. Bow Rd: You mentioned no dredging in Prime Wetland. Are there Prime Wetlands here? Will there be any dredging in any wetlands?

J. Coughlin: What is dredging? There will be construction along the roadway and we referenced crossing in the wetland. We will be working in the area for building lots.

John Hillis: How will that affect the aquifer?

J. Coughlin: There has to be zero run off to the down stream. We will have two (2) or three (3) detention ponds and they will not be in the wetland impact areas.

Soil Scientist: To impact an aquifer you need an aquifer. There isn't an aquifer here. It will affect recharge and how wetland and streams get into our ground water. The aquifer to this is well down stream.

J. Hillis: Article 18, protect the aquifer recharge system. You must have an aquifer to recharge it.

Soil Scientist: A function of a wetland is groundwater discharge and for recharge there are two (2) characteristics. Recharge to an aquifer, but we don't have an aquifer. Some is serving as discharge. There are ravines that discharge into the ravines. Fill will impact recharge at a very small amount. We are not directly impacting recharge to any great degree.

J. Hillis: With regard to construction, what is the effect of blasting on the aquifer. Windham for example had ground water impacts as a result of blasting for a school.

Soil Scientist: I don't know what blasting will take place but we don't have an aquifer.

J. Coughlin: There will be no blasting.

J. Hillis: For roads, there will be salt and runoff that will affect the area.

Soil Scientist: The State takes runoff very seriously and this is a zero runoff. The design will detain the run off. The State does a site specific that is specific to drainage control and it is very strict.

J. Hillis: They address the salt discharge as well? That is contradictory to the discharge you spoke of.

J. Coughlin: There is no run off to the drainage water. The detention ponds hold the water until they can be released through a treatment swale, which makes it better for that area.

J. Hillis: What is an existing water supply? Is it my well for example?

J. Coughlin: I don't think I used the term existing water supply.

J. Hillis: With my well, they are looking to come down with an 8% grade and looking at the elevation, there is going to be runoff. I can't believe there is a zero run off.

J. Hajeck: The only run off will be from our fill. The goal is zero impact and water management. We will not have detentions in the buffers and this is regulated by State requirement. These wetland crossings are open culvert; natural open culvert so wildlife can pass through. We are not excavating or filling. Only one will have a pipe. That is minimizing the wetland impact.

F. Gray: I would like an answer to my question regarding the definition of productive use.

J. Coughlin: The law allows the use of property in the most productive use. The law says you can't destroy the land to get the maximum use. You can go across wetlands for reasonable use of your property. Productive use means this property has value and is productive. A conventional subdivision isn't the answer. Reasonable use is a conservation subdivision.

J. Hillis: The calculations involve the DES wetlands. What is the area on the 128 acres? How much is NHDES wetlands?

J. Coughlin: it is 27.33 acres total. The roads, easements and the wetlands are included. It is around 18 acres of total wetlands.

J. Hillis: I thought it was 2-acre minimum and now the cluster subdivision was included. If you had to conform to a 2-acre buffer around each lot, it would minimize the lots.

J. Coughlin: The conventional subdivisions are 2-acre lots and would impact more wetlands. It is not a 2-acre buffer.

Close Public Hearing.

C. Pearson: We rely on input from Conservation and wetland experts. This is a process and we will take every step necessary to educate ourselves prior to any decision being made.

Site walk scheduled for September 3rd at 5:00 PM corner of Maryann and South Bow.

APPROVAL OF MINUTES OF July 8, 2008 and July 29, 2008

J. Levesque motioned to approve the minutes of July 8, 2008. Seconded by R. Duhaime. Vote unanimously in favor.

J. Levesque motioned to approve the minutes of July 8, 2008. Seconded by D. Johnson. Vote unanimously in favor.

ADJOURNMENT

The chair adjourned the meeting at 9:20 PM.

Respectfully submitted,

Lee Ann Moynihan