

**Official
10/14/08**

**HOOKSETT ZONING BOARD OF ADJUSTMENT
MINUTES
TUESDAY, SEPTEMBER 9, 2008
HOOKSETT MUNICIPAL BUILDING
35 Main Street**

CALL TO ORDER

Chairman, C. Pearson, called the meeting to order at 7:00 PM

INTRODUCTION OF THE BOARD

Chris Pearson, Chair, Roger Duhaime, Vice Chair, Richard Bairam, James Levesque, and Tracy Murphy Roche.

G. Hyde arrived at 7:30 PM.

CONTINUED PUBLIC HEARING

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 on a legally non-conforming lot.

Amended to within 10 feet of side setbacks.

C. Pearson: You have submitted a new proposal for a narrower garage, which is within 10 feet of the setbacks. Have you investigated placing the garage in another area on your property?

L. Willard: Yes, I have but I have a few trees that I don't want to lose and it would not be feasible.

J. Levesque: I think there is a better way to comply with the setbacks. There is enough property to fit a garage.

C. Pearson: Has your builder, Mr. Pelletier looked at the property to determine if there is another way to put the garage at a different angle?

R. Pelletier: I don't see where on the property, other than the other side of the house, to place it. There is no egress anywhere else from the home.

C. Pearson: You are proposing a side entrance?

R. Pelletier: There will be one side entrance to the garage and an overhead door.

R. Duhaime: What is the distance from this garage to the house?

R. Pelletier: It is pretty small. I don't have the exact distance.

R. Duhaime: It seems to me that the garage would be better placed further back.

R. Pelletier: Walking and distance is an issue as well as snow removal. There will be a pitch roof but it will be tight.

R. Duhaime: Peter, (Peter Rowell, Code Enforcement Officer), what should the distance be between the deck and the garage?

P. Rowell: This doesn't warrant any fire separation. They could connect the deck to the garage if they wanted.

R. Pelletier: I don't think they were looking to incorporate these two structures because they were looking at a monolithic slab.

L. Willard read criteria (see file)

Open Public Hearing

E. Jacobs, abutter: I would like the boundaries done to assure that they are a minimum of 10 feet from the property line and I would like markers set.

Close Public Hearing

T. Murphy Roche motioned to grant a Variance from Article 5, Section E.5 to allow the construction of a detached 14' x 40' detached garage that would encroach 10 feet on a legally non-conforming lot and the boundaries be marked by a professional normally engaged in the business which include both front and back to insure the garage is no more than 10 feet into the setback.

Seconded by R. Bairam.

Vote 4:1 motion carried

Voting members C. Pearson, R. Duhaime, J. Levesque, R. Bairam, T. Murphy-Roche

12 MONROE

12 Monroe Drive, Map 31, Lot 63

Medium Density Residential

Variance from Article 5, Section E.1 which requires a front set back of 35 feet where 21 is proposed and Article 5, Section E.2 which requires a side set back of 15 feet where 12.5 is proposed for the construction of a carport and 12 x 12 additions on a legal non-conforming lot.

R. Bairam recused himself

C. Pearson: A site walk was done although not necessary since a variance is needed. I had no problems with this application.

Open Public

None

Close Public

T. Murphy Roche motioned to grant a Variance from Article 5, Section E.1 which requires a front set back of 35 feet where 21 is proposed and Article 5, Section E.2 which requires a side set back of 15 feet where 12.5 is proposed for the construction of a carport and 12 x 12 additions on a legal non-conforming lot, with the condition that the exterior portion of this project must be completed within 6 months. Seconded by J. Levesque.

Vote unanimously in favor

Voting members C. Pearson, R. Duhaime, J. Levesque, T. Murphy-Roche, and G. Hyde.

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.

C. Pearson: Myself, T. Murphy Roche, R. Bairam and R. Duhaime completed a site walk on August 28th. (All will vote)
The site walk showed what Pike wanted to accomplish and the time frame.

T. Murphy Roche: There was a question on abutters being properly notified. The most current owners may not have been notified.

T. Johnson: We can continue to next month and renote all the abutters.

***R. Duhaime motioned to continue the hearing to October 14, 2008 in order to properly verifies and notice all abutters. Seconded by T. Murphy Roche.
Vote unanimously in favor***

Voting members C. Pearson, J. Levesque, T. Murphy Roche, R. Bairam and R. Duhaime

SEVERINO TRUCKING INC.

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

P. Rowell: A Variance is needed for this project because they are infringing on the Wellhead Protection Area more than was originally shown on the plan. The Town Council adopted a larger area than this showed.

C. Pearson: We received several correspondences, which we requested. Conservation is waiting for more information before giving feedback. Village Water wanted to have a hydraulically study done.

P. Rowell: The plan should accurately show the Well Head Protection area.

*Copies were given to the applicant of all correspondence received today.

C. Pearson: We did the site walk but now there are a number of issues regarding the Wellhead Protection Area. These are late correspondence to use with questions from Stantec concerning the drainage. They question the disturbance area which you had outlines. I understand you haven't seen this correspondence so you are not prepared to respond. The Planning Board also has concerns regarding the same correspondence. At this point we are looking for correspondence with Stantec and Village Water and the applicant.

P. Rowell: When they apply for the Variance, everyone will have an opportunity to weigh in on the issues. They can seek an excavation permit at the same meeting.
Any hydrology studies will have to be done by the water districts and Planning will need to weigh in as well.

C. Tymula: The line shown here is not the ground water protection line, it is the well line for the Hooksett Village Water well. The entire site is in the overlay district.

P. Rowell: There are two districts, the Overlay Protection District and the Wellhead Protection District.

C. Tymula: We were going to discuss issues tonight but we understand you want to continue for the Variance. We did submit the plans to Stantec a few months ago. My client has talked to Village Water.

C. Pearson: Why wasn't the applicant copied on any of this correspondence?

R. Duhaime: Are there any different plans of what you will do with the site once excavated?

C. Tymula: The plan is to make a single-family dwelling. We have a copy of the bond estimate, which were submitted to Stantec. (Distributed to the Board)

J. Levesque: Note 5 – is confusing. It states there will be 10-15 loads per hour and the number of vehicles?

C. Tymula: That is the number of different types of vehicles.

R. Duhaime: It is an average of 4000 loads.

C. Tymula: In the Ground Water Resource District, there is an area for a Special exception. Do we need that?

P. Rowell: You need a Variance.

C. Tymula read from the Water Resource District where it states the need for a Special Exception.

P. Rowell will follow up with C. Tymula tomorrow.

R. Duhaime motioned to continue the excavation portion of this application. Seconded by T. Murphy Roche

Vote unanimously in favor

Voting members C. Pearson, J. Levesque, T. Murphy Roche, R. Bairam and R. Duhaime

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 which requires a 40-foot setback from the wetland boundary to any structure or any paved area and shall remain in its natural, undisturbed state.

R. Duhaime motioned to cancel this application. The applicant will be required to renotify all abutters and the hearing will continue from this point informationally. Seconded by R. Bairam.

Vote unanimously in favor

Voting members C. Pearson, J. Levesque, T. Murphy Roche, R. Bairam and R. Duhaime

REHEARING

SANDRA NOLET

30 Morrill Road, Map 40, lots 2 and 3

Medium Density Residential

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

Rehearing requested as a result of wetlands not being shown on the submitted plans.

D. Duval: We are here because we received a Variance for this lot configuration and at that time there was no topography done. I didn't realize there were wetlands on the property. After

Planning Review, we had Peter Schauer, Wetland Scientist, do the topography. We are here to show that wetland on the plan. We have subdivision approval from the State and are scheduled before the Planning Board next week. The lot with poorly drained soils is already developed with a house. The second lot, with the shortage on the frontage is a 5-acre lot and 2 acres of contiguous dry land. In talking to a potential developer, the proposed location for the building is toward the front of the lot. We are here to present accurate plans because initially, we didn't realize the wetlands were that extensive. I originally saw a culvert crossing Morrill Road. The Town had asked for a culvert and an easement was requested which was verbal only. The contributing factor to the wetland is the culvert put in by the Town. It was never our intent to mislead the Board.

C. Pearson: We received late correspondence from Stantec. The applicant has not seen this correspondence. They required 40-foot setback not shown on the plan.

P. Rowell: Stantec gives input to plan review. This does not preclude the Zoning Board from giving relief for a Variance. This could be misleading to the applicant because giving the Variance does not give permission to subdivide. The Planning Board could look at this plan even with the Variance and deny the subdivision.

C. Pearson: A comment from Stantec is relative to side setback. Not sure what this will do to the plan.

C. Pearson: We approve variances in hopes that applicants don't have to come back before us or grant variance, which will result in difficult building lots.

T. Murphy Roche: This is an application that was approved without all the accurate information regardless of the Planning Board information.

R. Duhaime: What is the buildable area of the new lot?

D. Duval: It is about an acre. This lot has municipal water and septic. There is a well on the property but they are no longer using it and are connected to town water. The new lot will be served by town water as well.

T. Creamer, abutter's email was read into the record (see file)

C. Pearson: Where will the septic go?

D. Duval: This is 700 feet from her property line and will not affect her property. The septic will be within the rectangle shown. (75' x 100').

C. Pearson: Does it show that you are 40 feet from the non-disturbance buffer?

D. Duval: It is not shown as 40 foot but it is 40 feet. It is 40 feet off the wet. It doesn't affect anything. I can extend the 25-foot out to 40 feet.

Close Public

R. Bairam: We did approve this previously.

R. Duhaime: I don't like how the wetlands are placed on this property. This creates an issue with the wetland and is not a good property to subdivide.

D. Duval: They would be building up front to prevent a long driveway.

C. Pearson: We have had issues in this area with drainage.

R. Duhaime: We start the process by allowing it although Planning will review down the road.

G. Hyde: It seems they meet what they are suppose to meet. Why should we care if they build in the front or the back?

C. Pearson: I had concerns and this came up at a meeting we had. I do agree with R. Bairam that we did agree with this subdivision before. We didn't have the wetlands depicted but they are building outside that area.

G. Hyde: They are building outside the wetland area and we previously approved this so why wouldn't we approve it again.

T. Murphy Roche: We didn't have all the information originally.

R. Duhaime: We now have a lot that will be created on a lot that has wetland which will have leach fields, paving, foundations, and that will affect the water. If it were a dry lot, I'd look at this differently.

G. Hyde: It seems to me we already decided that Map 40, Lot 3 was ok for frontage and the new lot is within our setbacks.

G. Hyde motioned to grant a Variance from Article 5, Section C.1.b. to allow for a new lot that does not have adequate frontage. Seconded by R. Bairam.

Vote 4:1 motion carries.

Voting members C. Pearson, J. Levesque, G. Hyde, R. Bairam and R. Duhaime

NEW PUBLIC HEARINGS

ST. PIERRE

5 Main Street, Map 8, Lot 71

Urban Residential District

A Variance from Article 5-A, Section E.2 which requires a side setback of 15 feet where 5 feet is being proposed for the construction of a 30' x 50' steel garage on a legally non-conforming lot.

D. St. Pierre: I am here for a Variance to build a garage.

C. Pearson: We require a certified plot plan. It appears you used an older mortgage/real estate plan. You are on Main Street and all the dimensions were taken from the tax maps. This is a tight area where you are looking to put up a substantial garage.

T. Murphy Roche: It states that the dimensions were taken from the tax property maps.

D. St. Pierre: I believe that came from the certified property survey when my dad bought the home.

P. Rowell: The plot plan contains the same disclaimers that most surveys have.

T. Murphy Roche: This clearly states that the boundaries were taken from the town tax maps for the purpose of seeing where the house was set and not the boundaries.

The one that you can hardly see is in discrepancy with the other drawing. This might be a legitimate plot plan but it is not accurate or readable. The frontage is different as well.

C. Pearson: You are asking for a very big garage in a very tight area so we need something more accurate.

J. Levesque: We need something that has an actual measurement.

T. Murphy Roche: We ask for this from all applicants. We need to be sure that the property is what is being shown. We have two plans that are contrary to each other. Have a surveyor do an accurate plan.

R. Duhaime: Is there a picture of what will be built?

D. St. Pierre: It will be a metal building painted red with white trim.

T. Murphy Roche motioned to continue the application for a Variance from the side setback for a garage to October 14, 2008. Seconded by R. Bairam.

Vote unanimously in favor

Voting members C. Pearson, J. Levesque, T. Murphy Roche, R. Bairam and R. Duhaime

HARD ROCK DEVELOPMENT

Kimball Drive & Quality Drive, Map 29, Lot 64-2 & 64-3

A Variance from Article 14.1 to allow residential use in MUD3 Zoning District

Variance from Article 14.C for lot frontage of 150 feet where 200 is required and lot area of 1.2 acres where 2 acres is required.

Variance from Article 14.G for the required buffer zone

D. Brewster, TFMoran: We are talking about a piece of land adjacent to the Merrimack River. From the highway, Interstate 93 runs on the north side, Exit 10 interchange and Technology Drive are to the north and Quality Drive is to the south. Kohl's and BJ are there but you may not realize there is a residential area along the river. Access is west of the interchange from Kimball Drive, which goes under the interchange and along the river. There is another road, which accesses a commercial property, which accesses three (3) residential properties. There is MUD 3 and an MDR zone to the north. There is residential property adjacent to the river. Through the rezoning of the MUD3 zone, we had the under lining parent track that went to the river which was rezoned to this MUD3. In excavating, they worked with the commercial property and subdivided from the parent track into what you see today. There are two remaining tracks that remain undeveloped. There is Lot 64 -2 and 64-3. There has always been the discussion on the original plan to develop these lots into residential and blend this residential into the neighboring properties. We are here to continue those discussions with the Town. The property is also the drainage area located between the beverage and hockey rink. There is drainage that runs into the river, west of the existing homes. The topography of the lots: Quality Drive is high at the beginning and there is a natural berm on the south side of Quality Drive. As you drive towards the river, it drops down to Kimball and then down again to the river. We will present a nice residential area, while buffering from the commercial zone to the north. The new site plan, subdivision plan, is to take the 3.3 acres adjacent to Kimball and the 7.45 acres north of Kimball Drive, between the two residential areas that have significant depth and goes to Quality Drive. Proposed commercial projects have been discussed including a marina. Arleigh Greene wants to keep the residential characteristics of the area. What do we need to do to blend this into the surrounding area? The Master Plan says to have different zones blend together. We have a commercial zone bisected by two residential zones. On Kimball Drive, there are a total of 15 lots, which vary from 5000 to 4400 sf. We could provide 5 lots adjacent on the other side of the road with driveway on Kimball Drive. There is a turnaround for plow truck where we can connect Quality Drive with Kimball Drive. We spoke with Fire Department and they were not opposed to this connection, but asked that some hydrants be added to Kimball and that the radius accommodate the fire apparatus. The remained of the thicker portion of the lots would come off Quality Drive (4). The other characteristic important to maintain between residential and commercial is we would buffer from commercial and move the buffer directly along Quality Drive and provide berming. If you look down Quality Drive, it rises up 10 feet. The homes along the river can't see the commercial development. The new homes could possible see it from the second floor.

C. Pearson: You are going to use the current berm as the buffer?

D. Brewster: Yes, we will keep the berm and maybe add some trees. We work with the topography by driving the garage below grade to the first floor and having the second floor above.

C. Pearson: You are saying there is a berm and want to use this as the buffer and not change anything although you are putting in these homes? You are asking for a variance for a buffer zone?

D. Brewster: The zoning says a buffer between zone lines. You could keep that buffer and put the homes near the commercial. The spirit is to buffer the commercial from the residential. There are 4 items that need relief from this board.

C. Pearson: You have the new house and the buffer for them is something that is already there?

D. Brewster: The buffer technically is on the zone line. The zone line will remain the same with residential use allowed. But to stay consistent in buffering the commercial, we will move the buffer. It would be smaller and we would provide a berm, which is what a buffer, should be.

C. Pearson: What would you provide as a buffer?

D. Brewster: On the Commercial side, there is a hill and it comes down to Kimball and is flat to the river. We propose keeping the hill, as much as possible, and bring the house below. Keep the natural feature, which is so effective as a buffer. The natural feature is wonderful for a buffer.

T. Murphy Roche: You are moving the buffer from the road to the back area?

R. Duhaime: Wasn't there a house there at one time?

D. Brewster: There is residential up further on Kimball.

R. Duhaime: What is the vertical?

D. Brewster: 25 feet

C. Pearson: She is asking for a buffer line movement to where BJ's and the Ice Den are and make it smaller.

J. Levesque: Where Kimball enters onto Quality Drive, isn't there a roadway that goes to those 3 lots?

D. Brewster: These lots go from pavement to dirt. There is an easement. We are proposing discontinue that and reestablish connection to Quality Drive. A homeowners association of the three (3) homes will maintain the private drive.

J. Levesque: On these lots, you are proposing a berm between Quality Drive and these?

D. Brewster: We can.

J. Levesque: It can't be penetrated either.

D. Brewster: A "Buffer" is between zone lines. The existing property adjacent to Kimball Drive and go to the river and stop and then is picked up adjacent to another residential area and stops. Technically, no buffer is required, but as part of proposing a residential area, we want to connect these areas.

You can work with Planning to enhance a buffer with individual characteristics but a buffer should be provided. With regard to some of the different aspects, MUD 3 requires a minimum of 200' of frontages with 1.5 acres. We propose 150' frontage. There are 15 lots on 5 acres. We are trying to be consistent with the State requirements. All these lots are around 1.2 acres. On Kimball Drive, it goes from .6 to 1.5; the state requirement for septic.

This will have public water and septic. There is a 125' setback from the river.

R. Bairam: How far from the berm to the shore. You will need to meet Shoreline Protection's requirements.

D. Brewster: There is a 250' line shown on the plan.

C. Pearson: If I go lot by lot across the plan, the first one to the left doesn't meet the acreage or frontage.

D. Brewster: We do not meet any requirement for the 200 feet of frontage on any of the lots.

J. Levesque: Even in MDR, they would be required to have 175 feet of frontage and 43,560 sf of area. I would like to see dimensions for each lot on the plan.

Open Public

Joe Darrah, 71 Kimball Drive: You keep talking about a natural berm, which is there but they will dig into this berm from Kimball Drive. So the driveway for these lots will be on Kimball. Kimball isn't much wider than a car width. If you open this to Quality Drive, it is 50 feet wide and into the dirt drive, which is 50 feet. By my house, it is a car and half in width. In the winter, there is no place for snow with property lines up to the road. There is no way to pass if the plow is on the road. To put a marina, it is excluded under Mixed Use, Article 13. Everyone on Kimball has a well. They will have leach beds on small lots and they will run down and contaminate our well. The lots were there long before there were zoning boards and they are very small. We have had prior dealings with this company and before BJ's was put in, there were berms and promises made which were never kept. Someone else came in and straightened it out.

D. Brewster: The front yard setback will be kept at 35 feet as in the commercial zone. We would be no closer than 35 feet from the road. With regard to the sewer, we would be submitting to the State for subdivision approval and each lot would need individual approvals.

T. Murphy Roche: That is always said to this board, but I know there are huge drainage problem at Great State Beverage, and I m sure all the engineers said it was ok. When we go home, these people are still left to deal with these issues. The last time these people were here, the abutters say promises were made but not kept. You are not doing us favors.

Joe Darrah: See where the new Lowes is and look at Goonan Road. They have a terrible situation there.

D. Brewster: Drainage for Great Beverage where you observed a problem coming off the hill at the entrance would be an important item to look at.

R. Duhaime: Isn't their public sewer on Quality Drive?

D. Brewster: No. Just water.

D. Brewster: There is an existing water line on Quality Drive but we haven't discussed that.

Irene Darrah, 69 Kimball Drive: There is a natural berm. The natural berm is where they want to put the houses. There are existing houses 50 to 60 feet wide. If you drive by the houses on the

right, starting with the brown house, you will see a natural berm on the left hand side. At my house, the road is 18 feet wide. I passed a truck and had to go off the road to pass. My land is under the pavement and that is why it is 18 feet wide. The road is extremely narrow and now they are proposing bringing Quality Drive down Kimball Drive. People will travel down there to avoid the light. That is my biggest complaint. The town trucks nix the trees and there is no place to put the snow now. I think it would be nice for the owners at the end of the road to get a private road. I grew up where Kohl's is and I am very familiar with the area. I would be glad to walk you through the area.

Clair Sanfason, 65 Kimball Drive: There are a lot of trucks up there and they can't close that road. One truck had to back out of Kimball Drive because he couldn't turn around.

C. Pearson: Have you addressed the impact on the road?

D. Brewster: We haven't had a chance to talk to Dale Hemeon. We have spoken to Fire Department. We thought people would like that connection to prevent a truck having to backup. The only people going on Kimball would be residents. We can look at that when we are out there. These are just our thoughts.

Joe Darrah: When Great State Beverage sees he can go on Kimball rather than the light....

Ralph Compagna, 55 Kimball Drive: I have been praying someone will develop this land. Kimball Drive can be widened and isn't that bad. It is a beautiful place to live. The trucks can be held up so they don't go on the road. I think the town should look into this deeply. I have two (2) lots that I haven't been able to do anything with.

Robert Arel, 61 Kimball Drive: At one time, BJ wanted to put gas pumps at their store. They never paved the road or planted trees. Everything they said hasn't come true. They were going to bring water too.

James Buteau, 59 Kimball: I believe a new law was passed about the number of trees that can be cut (250). I took my tape and will they cut 175 feet more. The drainage will be a hassle as well.

Paul Godbout, 73 Kimball: I am a direct abutter, and my concern is the buffer zone. When I bought the property, this was all trees and one day I came out and there were no trees left. If I walk out of my house in the winter, you see lights. If they put houses, they will take a berm down and will do more clearing. We will feel like we will be in a commercial zone.

Matt Griffin, 57 Kimball Drive: I'm concerned about more noise and litter. When they built BJ, the litter came down to our yard. There was a lot of noise with doors slamming and beeping trucks. The litter was a problem.

Close Public

P. Rowell: There is a Shoreline Protection issue being addressed for revegetation.

T. Murphy Roche: Could we get minutes of the approval for BJ's.

Joe Darrah: We were more affected by the Ice Rink and the Beverage Company.

C. Pearson: We need a TRC and we need input from Stantec, and the Conservation Commission. Shoreline issues need to be discussed. I'm concerned about the buffer zone and how that will affect those already living there. I also think we need to do a site walk.

P. Rowell: There is a \$2500 fee for a few for technical review.

A Site Walk is scheduled for Monday, September 22nd at 5:00 PM at the cul-de-sac at the end of Kimball Drive. Invitations to Conservation, Planning, and Stantec. Letters from all Boards and Stantec are requested prior to the meetings.

Stantec to review as it pertains to zoning with regard to the berm, and the drainage.

T. Murphy Roche: We need plans that are easier to interpret.

***R. Bairam motioned to continue to November 12, 2008. Seconded by T. Murphy Roche
Vote unanimously in favor***

Voting members C. Pearson, J. Levesque, T. Murphy Roche, R. Bairam and R. Duhaime

APPROVAL OF MINUTES of August 12, 2008

***J. Levesque motioned to approve the minutes of August 12 as presented with one correction. (Severino) Seconded by R. Bairam
Vote unanimously in favor***

ADJOURNMENT

Chairman Pearson adjourned the meeting at 10:00 PM.

Respectfully submitted,

Lee Ann Moynihan