

**OFFICIAL
AS OF 11/12/08**

**HOOKSETT ZONING BOARD OF ADJUSTMENT
MINUTES
TUESDAY, October 14, 2008
HOOKSETT MUNICIPAL BUILDING
35 Main Street**

CALL TO ORDER

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

INTRODUCTION OF THE BOARD

C. Pearson, R. Duhaime, T. Murphy Roche, D. Johnston, J. Levesque, J. Gorton, R. Savoie, and R. Bairam.

G. Hyde arrived at 7:30 PM

CONTINUED 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.

Brian Donovan, Pike Industries: Everyone was appropriately renoticed.

First is to review the existing quarry. Every five (5) years, we come to the Zoning Board for a permit renewal. Secondly, we would like to expand on what we are doing now and permit a 9.2-acre ledge source. We currently have approximately 450 acres. The mining plan for the past five (5) years and the next five (5) years are on the plan. Mr. Rowell has visited the site.

Relative to the renewal, we are not requesting any expansion or change to the existing permit. We have a rock crusher and asphalt plant currently.

R. Duhaime: What are the plans for after five (5) years?

B. Donovan: We have no plan to change in the following (five) 5 years. After we are done mining, we will look at the current zoning and do something that is conducive to the zoning.

With the gravel pit, we will reclaim it and it will re-vegetate itself. We estimate 3-7 years for completion. We don't feel there will be great demand in the next few years because of the economic slow down. We stumbled on this site when we were looking for long term plans and found this as useable property.

C. Pearson: At one time you came before us for a 70-acre increase.

B. Donovan: That was on the other side of the power line and we may be back at some point for that.

R. Savoie: How close are you to an abutter's property?

B. Donovan: The closest is 450 feet. Through the trees you can barely see the roofline.

J. Levesque: Map 17, Lot 2-4; you will be 450 feet from the corner of the property?

B. Donovan: No, that would be from the building. We are allowed to be within 50 feet from the property line. We will be about 90 feet from the property line.

Open Public Hearing

Eric Moreau, 7 Saw Hill: With respect to sand and gravel, will this feed the other side of the facility?

B. Donovan: You will see a decrease in the amount of trucks, approximately 2000 less loads per year.

Eric Moreau: What are your reclamation plans?

B. Donovan: It will be returned to a 3:1 slope and reseeded. The timeframe is 5 to 7 years based on the average demand.

E. Moreau: With the economy, could it be 15-20 years?

B. Donovan: Even with the economy, it wouldn't be more than 10 years. It would not be 20 years.

E. Moreau: You are definitely not adding a crusher?

B. Donovan: No, no crusher.

E. Moreau: Do you have other places we could contact for a reference.

B. Donovan: We have existing operation in New England and we can provide those references.

B. Donovan: If approved, we would begin to extract the sand as early as next spring.

E. Moreau: For digging, what are the hours?

B. Donovan: 7 AM to 5 PM, which is the existing schedule.

E. Moreau: Will there be an impact on water tables?

B. Donovan: We will stay five (5) feet above the high water table.

E. Moreau: The newly noticed abutters would like the opportunity to go on a site walk of the property.

B. Donovan: We will be happy to arrange a site walk for the abutters.

B. Donovan: There will be no blasting; it is just sand and gravel excavation.

Close Public session

C. Pearson: Can you show how you will go into the zone?

B. Donovan: We have existing roadways and stockpiles. We will come in from the west and go west to east.

Site Walk October 18 at 8:00 AM for all abutters who were not properly notified

D. Johnston motioned to continue to November 12th. Seconded by J. Levesque.

Vote unanimously in favor

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 would like to put a 30' x 50' garage on one side of my property. My plan shows all my abutters, which are not too close to the property line. I cannot place the garage lengthwise because of an existing underground propane tank, which has a 10-foot setback. Placing the garage sideways across the lot would cut off my lot. The right side is landscaped with fruit trees and a silver maple in the middle of the yard. The garage will have 4 stalls. This is for vehicles and storage. This will be personal vehicles and a camper. The eaves will be 14 feet and it is a steel building.

J. Levesque: Is there anyway to move that away from the property line?

D. St. Pierre: I tried, but I wouldn't be able to turn with the angle of my driveway.

R. Savoie: What is the purpose of a 30-foot garage?

D. St. Pierre: I have a 28-foot camper.

R. Duhaime: Will there be any windows in the garage?

D. St. Pierre: No

J. Levesque: From the property line to the garage face is approximately 50 feet.

C. Pearson: Five (5) feet is very tight and this is a big garage.

D. St. Pierre: There is a stone wall that is 24 inches along the side. I might need to move a little of the wall.

D. Johnston: The foundation is five (5) feet from the property line with a one-foot overhang.

C. Pearson: Have you thought of turning the garage?

D. St. Pierre: That would cut off some of my fruit trees.

R. Duhaime: Do you currently have a garage?

D. St. Pierre: There is a one (1)-car garage under, which is being used for storage.

R. Savoie: Could those fruit trees be moved?

D. St. Pierre: They have been there 14 years.

R. Duhaime: We think five (5) feet is very close. The Board is here for relief. This is a very large garage. You could move the propane tank and the fruit trees.

C. Pearson: I had two (2) trees moved today, so I know the trees can be moved to allow a little more space.

J. Levesque: You have 50 feet in front of the garage. In fairness, you should try to comply with the 15-foot setback.

Open Public:

C. Northrup, Chair of the Heritage Commission: When we learned of this application, we discussed it at our last meeting. The Village is a Historic area in Town and your home is very well know and beautifully kept. We didn't have details of the proposal at the time. While we take no position at this time, bear in mind that if a structure is allowed, it should be in keeping with the architectural character of the neighborhood.

R. Duhaime: This is relative to the windows. Without windows, it will appear like a warehouse.

D. St. Pierre: The eave wall is 16 feet and 21 feet at the peak.

Close Public

J. Levesque: I would still like to see 10-feet from the property line.

R. Duhaime: I agree.

R. Savoie: I think the applicant has more options.

C. Pearson: If you can move a few trees and give some relief to your neighbors...

D. St. Pierre: I want my property to be attractive and be sellable.

C. Pearson: And that goes for your neighbors as well.

D. St. Pierre read from the application (see file)

R. Savoie motioned to deny the variance because there appears to be more options available to the applicant. Seconded by R. Duhaime.

Vote unanimously in favor

5:0 Motion passes.

SEVERINO TRUCKING INC.

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

R. Severino: We are working with Village Water to work out their concerns, so we are requesting a continuance. We will have everything ready for next month.

R. Savoie motioned to grant continuance to Nov. 12th Seconded by J. Levesque

Vote unanimously in favor

NEW PUBLIC HEARINGS

COVENANT CHRISTIAN CHURCH

45 Londonderry Turnpike, Map 49, Lot 7
Industrial District

A Variance from Article 11 Section B1.

Permitted Uses, to allow a church in an industrial zone

S. Jenkins: We are seeking a variance to move our church to 45 Londonderry Turnpike. This is a new building, which has a variety of tenants including a salon and a dentist. We would meet on the weekend and in the evening. This is a 2500 square foot unit.

J. Levesque: You are seeking a use variance within the Industrial zone?

S. Jenkins: Yes
Open Public

Close Public

J. Jenkins read from the application (see file)

R. Savoie motioned to grant the variance from Article 11 Section B1 to allow a church in an Industrial Zone with the condition that he meets all Planning requirements for parking. Seconded by J. Levesque. Vote unanimously in favor

WALMART REAL ESTATE BUSINESS TRUST

3 Commerce Drive, Map 37, Lot 43
Mixed Use 3

Special Exception from Article 14 Section B.3 for an amendment of Special Exception for outdoor sales in the Groundwater Resource Conservation District

Article 19, Section F for any use which may be allowed by Special Exception in the underlying zoning district (Ground Water Conservation District) must be found by the Zoning Board of Adjustment, in written finding of fact, that all 6 conditions listed are found to exist.

Variance from Article 17 Section A.5 to allow the installation of 777 parking spaces, where the ordinance would require 814 spaces, a variance of thirty-seven (37) spaces.

A. Manzelli: I am here as an attorney representing Wal-Mart. Also present are Steve DeCoursey, Emi Gwinn, and Jeff Barnard. Our request is pertaining to the amendment for the Special Exception request and the parking variance request.

An overview of the hearings before other agencies: We have already gone before the Conservation Commission who voted unanimously to support the wastewater treatment plant. We went to TRC and received several suggestions. Tonight, we are here to request action on our parking variance. We understand you can act on that tonight. We are also here to review, but ask for no action, on the Special Exception request. This is an amendment of the Special Exception. We already have to move our garden center.

We are on the Planning Board agenda for Oct. 20 and we will return with that input to your Board for action on the Special Exception. We ask that you waive the site walk requirement.

R. Savoie: Why is Lowes opening this Saturday and you are just starting construction now?

A. Manzelli: Are largest delay is Wal-Mart's strategy to change their green decisions. At the end of last year, we came back with a smaller redesigned store. Mr. DeCoursey will show how a smaller store is more efficient. We had all our Town approvals and then Wal-Mart, on a Nationwide Level to be more *Green*, moved to change their wastewater treatment plants to save the groundwater. Wal-Mart wants to protect the groundwater and in order to do that, would like to build a wastewater treatment plant, and the wastewater leaving the plant will be odorless and clear and will then enter the system you looked at in 2005. That subsystem will remain the same. That treatment plant will take up some parking.

We originally had a variance to reduce 109 parking spots. Then we decreased the size of the store, which changed the parking requirement and allowed for additional parking spaces. But this treatment plant will now take up some of that parking.

We submitted full applications for both requests. We addressed each criteria and we will incorporate that criteria in our presentation. Although the treatment plant is the reason for our presence, because it displaces parking, we will be addressing this in great detail with the Planning Board.

S. DeCoursey, Civil Engineer: Bohler Engineering: We will review our original approval and the data and talk of the Special Exception for relocating outdoor sales. The area outlined in red is the edge of the pavement and the original approval for the square footage of the building. The 162,000 sf building was proposed and approved. The requirement for parking was 814 spaces and we had 821. We are looking for a variance to install a wastewater treatment plant, which is a 50 x 68 foot building. We will take the waste from the building and treat it and the clean will be pumped out into the leach field. In going through the original variance request, with the 220,000 sf, we needed 1100 spaces and we had a parking of 4.25 per thousand. We now have 821 and loss 44 and have a 4.78 ratio.

The top and bottom tables (which were distributed to the board) represents parking counts and parking ratios to give an idea of the parking ratios at different locations in other towns. The lowest ratio is just over 2:1000 and the highest 4.62:1000. The bottom version shows a lot of different size stores. The other item (see table) represents sites in New Hampshire that show the parking approved by different municipalities. We contacted officials in the communities to see if they have problems with deficient parking at those sites. The two Hooksett sites had no data because it is not built. This is the same data on stores stored by ratio and store size. Because the site work was done before the building, there isn't any place to put 36 extra spaces. If there was a way to fit spaces, we don't think we need them and we don't want to increase the blacktop. At the TRC, the question came up, "How will you serve the same number of people with less parking?" Wal-Mart concluded, that to serve areas like Hooksett, they don't need a 220,000 sf building and can be more efficient with a smaller store. The operations and delivery systems are different. More items are put directly on the self. With the 224,000 sf, the sales is 35,000 sf. With the 162,000 sf, 127,000 is dedicated to sales. If they run more efficiently, they can better serve the community.

R. Savoie: The store currently in Hooksett, is one mile from the Interstate and five (5) miles from Manchester, this new one is directly off the Interstate and a half-mile from Manchester. That will impact the store.

S. DeCoursey: I'm confident that Wal-Mart has done the research and know what they need for facilities. The amendment, relative to outdoor sales - as part of the original approval, we received approval for outdoor sales. The new plan mirrors the old and we are asking to take the same size area and move it from one side of the parking lot to the other side.

C. Pearson: On outdoor sales, we put a stipulation that we limit the time to seasonal only.

A. Manzelli: We are not looking to change that condition. I did review the record and the rationale was to prevent the outdoor sales during the busy times, from April to October.

R. Duhaime: You don't have the ratios for Manchester or Bedford?

A. Manzelli: The data is from projects we, or our office personally worked on. The most comparable number is the Plymouth store; it is about the same size and has outdoor sales.

R. Duhaime: The Bedford store is also on the Manchester line as well.

J. Levesque: What is the size of the Concord Store?

A. Manzelli: We think it is akin to the original proposal of 220,000 sf, so this will be much smaller?

R. Duhaime: When we approved the outdoor center before, was it using parking?

S. DeCoursey: It was 150' x 140' and took up 81 parking spaces. The new area will take up two less spaces, but it is the same size area.

A. Manzelli: The plans we presented show the area of the newly designed area. We feel 777 parking spaces is adequate and relocated the outdoor sales is consistent with the Conservation water district. In 2005, there was, and still is, a concern that there will be too much parking. Because there is area within the ground water district, we do not want more paved area than needed.

A. Manzelli read from the criteria (see file)

A. Manzelli: I would request that the site walk be waived. It would be a time saver for us and redundant for many of you, but we are willing if the Board so wishes.

R. Duhaime: You are proposing to build a wastewater treatment plant in the groundwater conservation district?

A. Manzelli: The black dotted line shows the water district and everything on the side with the bulk of the store is not in the groundwater district.

R. Duhaime: How large is the plant? Is it self-operational?

A. Manzelli: It is 50' x 68' which is small relative to the size of the store. All water flows into the plant and is treated by separating liquids from solids. Clean liquids go to the leach field and solids are trucked out. We will be reviewing sound, odor and frequency of pickup of solids with the Planning Board. The Conservation Commission wanted to know how much longer a traditional septic system would last with such a treatment plant. That answer is pending.

C. Pearson stated that a site walk is required for a Special Exception and he doesn't feel this can be waived. We can still act on this next month after receiving comments from the Planning Board.

Open Public Hearing
No comments
Close Public Hearing

***R. Savoie motioned to approve the variance for parking to 777 parking spaces. Seconded by D. Johnston.
Vote unanimously in favor***

A site walk is scheduled for Friday, October 17, at 5:00 PM

Continue to November 12th.

REVIEW OF CORRESPONDENCE

The Board requested that a letter be drafted in response to Omni-Point's letter stating that the Zoning Board is resolved in their decision to require 10,000 in escrow and that until the funds are provided to the Town, this application will not move forward.

APPROVAL OF MINUTES of September 9, 200

***J. Levesque motioned to approve the minutes as presented. Seconded by D. Johnston.
Vote unanimously in favor.***

ADJOURNMENT

The chair adjourned the meeting at 9:35 PM.

Respectfully submitted,
Lee Ann Moynihan