

Unofficial
As of 11/13/08

**HOOKSETT ZONING BOARD OF ADJUSTMENT
MINUTES
WEDNESDAY NOVEMBER 12, 2008
HOOKSETT MUNICIPAL BUILDING
35 Main Street**

CALL TO ORDER

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

INTRODUCTION OF THE BOARD

Chris Pearson, Jim Levesque, Richard Bairam, Dick Johnston, Ron Savoie, and James Gorton, Council Rep.

Excused: T. Murphy Roche

CONTINUED PUBLIC HEARING

Hard Rock Development

R. Savoie motioned to continue the public hearing for Hard Rock Development to December 9th, 2008. Seconded by D. Johnston.

Vote unanimously in favor

PIKE INDUSTRIES

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: We are here for expansion of our excavation and increase of activity. The tour was completed with the abutters. Jason, Pike Industries met with Conservation Commission. The Conservation Commission voted to approve the project.

No correspondence had been received from the Conservation Commission.

Open Public

NA

Close Public

R. Savoie motion to approve the 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. Seconded by D. Johnston.

Vote unanimously in favor

SEVERINO TRUCKING INC.

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

Excavation Permit

Variance from Article 19, Section D.11 for the establishment of a new excavation site within the Wellhead Protection Area.

Tom Severino, Severino Trucking: Also present is Ron Severino, Severino Trucking, Chris Tymula, MHF Design and Kirk Trombley, attorney.

At the previous meeting, the board had concerns with regard to the roadway, traffic, water precinct and the ground water.

C. Pearson: We received a letter today from Village Water (see file) stating they remain opposed to the project because they just received the Hydrolic Study yesterday and they have issued to be reviewed.

T. Severino: I would like to go through those points. There is a pattern that has developed. Letters are submitted to this board at the last minute and we don't have time to respond. We met with them, (Village Water) at their meeting on Monday night, Oct. 27 at the Precinct and they had two requests: 1. Their own recommended Hydo geologist although we had already hired someone; we agreed. 2. What our trucking would do to the water mains. We agreed to put up a bond for that. Mr. Branche, attorney for the precinct was there and confirmed those were the only issues. We agreed on Geosphere. Then their secretary set up a meeting. We knew their concerns and Ray from Geosphere relayed to them that he review his own study and our report and there would not be an adverse effect. We all agreed at the table. Severino agreed to put the bond up. We sent an estimate to Stantec. We met their requirement and agreed they would provide a letter to the ZBA before today and the letter was suppose to say they don't oppose this project. I am shocked at this letter coming in the final hour. We have no time to respond. We have letter from their attorney saying this is what they agree to. We thought we were on a path to working this out.

Letter from Mr. Branche to Severino was distributed to the Board (see file).

C. Pearson: The letter says they didn't receive a letter for bonding of Pine Street.

T. Severino: The water main bond was done the day I walked the site with Joe (water precinct). We got Stantec's response today. We hired their geologist that they hand picked.

Ron Severino: We started this process back in August. Tom has been to their office (water precinct) a number of times and has walked the site with them. We have spent a month trying to brief them. Then they say they know nothing about this.

C. Pearson: We are frustrated because their letter states "they are opposed and will not attend any further meetings until this is resolved."

R. Severino: Our attorney got involved and we met with them at their Monday night meeting in October, and the only thing that came from that was the need for a bond and a Hydro geological study. We had someone doing that and then we got correspondence and a recap of the meeting saying they wanted to pick the Hydro geologist. They should have said that initially. One month later, we find this out, but we hire another Hydro geologist and Friday, Nov. 7 we met at their office to insure we were all in agreement and we hammered this out. We agreed to bond the site and the water main. There were no other concerns. We just need to verify the amount for the bond. At that point, we think everything is fine and now we find out there is another problem. We are a seasonal business and this isn't fair. We gave Stantec a bond estimate in August.

R. Savoie: Looking at the Stantec letter, they met with the water precinct on the 7th; it says they don't recommend approval because of the outstanding issues. Would that have any influence on the water precinct?

R. Severino: Every town we deal with that has Stantec always issues these letters at the last minute.

T. Severino: I went through these issues with Rene LaBranche, Stantec. The comments are ambiguous. It states, "There appears to be site distance issues". "There appears to be numerous driveways with site distance issues". What do I have to do with other people's driveways? I went over this with Rene in hopes to respond before the meeting so I can get an approval letter not a denial letter three (3) hours before the meeting. This is the third meeting. We've addressed any issues that the precinct and Stantec have raised. I don't know where to go from here.

R. Duhaime: I have had issues with Stantec as well with regard to time and cost. You are doing a commercial application in a residential area. That is the way I am looking at this. Water is an issue. I have seen homeowners do worse than what you will do. You will be putting commercial traffic in a residential neighborhood. We can't do much on our end.

R. Severino: We have one house lot, where we want to do some excavation. The concern here is water quality. We spent a lot on reports. We can go over eight (8) feet of the water table and we are going 20 feet above the water table.

R. Duhaime: It will be an excavation site for a year and a half.

T. Severino: We just set that as a timetable. It is one season worth of work.

R. Savoie: Stantec's comments, which are an issue, are the police department's report on traffic.

T. Severino: We told them we spoke to the Police Department and 20 mile an hour is acceptable and there would never be more than two (2) trucks in cue. I asked the police chief for a letter and he said he wouldn't write a letter but if anyone had a concern they could contact him. I can't force him to write a letter or say I spoke to him.

R. Severino: There are two (2) points, a variance and an excavation application. The Stantec issues should be addressed as part of the excavation permit, not the variance. The things in the variance do not go against the traffic. The issue is how much is incidental to allow the excavation. For Stantec to say "don't grant the variance" means we can't even get to the excavation permit. What does Rene LaBranche's concerns with site distance have to do with the variance?

C. Pearson: R. LaBranche brings up many points other than traffic. He doesn't point to why he doesn't recommend. They did submit the letter late, and this is frustrating for us as well but we must consider these issues.

T. Severino: I understand you need that recommendation in order to vote and we need to continue again. We need more of a paper trail for you. The residents are here. We were right there with the Water Precinct and now we must go back. Without the Precinct and Stantec's letter, you can't vote.

Kirk Trombley distributed a letter from BJ Branche saying the precinct had no issue.

T. Severino: Then there is a letter from the precinct saying they do object. We are confused between two (2) pieces of correspondence.

Kirk Trombley distributed the letter from Geosphere stating their findings dated 11/11/08.

J. Gorton: I have no voting authority on this Board but this applicant has provided everything that has been asked. My recommendation is grant the variance and let the departments straighten this out later. This is unfair to the applicant.

P. Rowell: The Severinos were also in my office several times trying to get these issues resolved.

C. Pearson: we contract Stantec and to get this correspondence at the eleventh hour is not right.

C. Tymula, MHF Design: I spoke with Dan Tatem and Rene LaBranche, and although there are seven (7) comments, the first three (3) are the same. The Police Department is ok with this now. In my opinion, the first three (3) issues, with regard to traffic have been taken care of. We received our alteration permit from the State and the application fee for Shoreline is 2000 dollars so we are waiting to see how we do before filing. Our plan incorporates environmental protection and procedures. I don't believe there is anything in the ordinance asking for a statement of compliance.

C. Pearson: The Shoreline protection permit, what is that for?

C. Tymula: There is a 250-foot set back for Shoreline protection. This is only grading. If we think they have a problem at Shoreline Protection, we would remove that grading from the area. We have shaded that area out of our plan. We would stay 250 feet away. We are willing to eliminate it. There are no wetlands, so no wetlands permit required.
I met with a natural specialist to insure there were no endangered species.

R. Savoie: How many trucks per day?

T. Severino: It would be 4 – 6 trucks an hour. We have been removing gravel from the AV Hooksett site. It would be the same. We will enforce 20 mile per hour on the road. The trucks take an hour so 10 trucks an hour. The trucks will be on the road 30 seconds (Pine Street) from 7 to 4 pm. We end our job sites at 4:00 PM so 3:30 would be our last truck.

R. Savoie: What about school buses?

T. Severino: We check the bus schedule and we work around that schedule. We avoid those situations. We are new in the neighborhood. We want to make this lot nice. This is going to be a nuisance to the neighbors but no worse than if we imported fill. If they want us to come at 7:30 AM instead of 7:00 AM to avoid the buses, we can do that. We will follow any restriction imposed on us by the Town.

R. Severino: We want to do this in the winter when windows are closed and kids aren't out.

T. Severino: We have already had to buy material from off site. We have bought from Continental and we didn't want to go to the State for a permit. We are not mining it down to an inch; we want it to be a usable lot.

C. Tymula: This will not be a pit when done. It will be a graded site with a pasture. It won't be a typical rock quarry. There is a big knoll in the back and we need to flatten the pinnacle out to make a level lot.

Public abutters:

Claire Forest, 18 Pine Street: How many trucks per hour?

T. Severino: About ten (10) trucks per hour.

Claire Forest: Have you considered going directly through the liquor store?

T. Severino: We looked at going over the bridge and making a temporary construction access but because this wasn't for that area, it wasn't an option with the State but we did try.

Claire Forest: We have school buses going up and down the street and we don't want to see this.

C. Pearson: Are there bus stops?

T. Severino: We have trucks on the road every day and we deal with these issues every day.

Eileen Ehlers, 14 Ardon Drive: School bus stops a predictable but children are not. We have no sidewalks. I have been there 25 years and we have never had that density of trucks. If you go on 3A, there is a hazardous turn. If someone is getting fuel delivered or mail, we must wait to go by. I know you have many legal issues but don't minimize the impact on the residents.

T. Severino: If we get past the variance, we would address these concerns. There are trucks on all roads and we want this to be as painless as possible. Trucks are allowed on this road.

Bill Messier, 24 Pine Street: We are all frustrated. Over the last eight (8) years, there has been a lot of development and increase traffic and traffic at a high rates of speed. You are adding another element.

T. Severino: I think you will have more problems with the teenager doing 50 mph than our drivers doing 20 mph. Our drivers will be the most courteous drivers. My trucks get a lectured from me on what to do and what speed. We build subdivisions and roads everywhere and in residential areas. This is new for you but this isn't something we take lightly. It does get done everyday by us, so we are aware of it and make it a concern for use daily.

R. Savoie: Would it be beneficial to put a part time police officer on set during school times?

T. Severino: It is such a small amount of traffic.

R. Savoie: The issue is their safety and concerns and if that make them feel more comfortable... 50 mph out of Bow does happen.

R. Severino: Signage could be posted.

Jim O'Brien, 4 Hummingbird Lane: I use this street daily and am a construction professional. I recommend that you shouldn't move forward on the variance and move cautiously on the excavation permit. I'm concerned with the conditions of the trucks dropping the sand on the road. The best civil engineers design wheel washers. That road is difficult in the winter and snow removal isn't effective and the road gets smaller in the winter. This will result in rear-ending accidents. I think the best option is 2 -3 flaggers and effective use of radio controls. I have seen Severino Trucks in action at SNHU but I have seen debris fall off their trucks. A sweeper doesn't always do it. Who is going to take personal responsibility at two (2) or three (3) hour intervals all day long? That is what you need to look at. These gentlemen are in the business and do a good job but there should be some conditions placed on the permit.

Susan Sylvestre, Representing parents at 13 Ardon Dr: They are concerned with the intersection at Pine Street. Even at a slow rate, to turn, you need to creep out and it is a narrow road.

T. Severino: Maybe we could put an officer at that intersection.

Bill Haywood, 21 Pine: There will be rear end accidents. Today I walked up and down the hill. If something isn't done with people coming right over the hill, trucks will get hit.

T. Severino: We could hire an officer to do radar check to curtail the speed and minimize speeders on the road.

C. Forest: Do you work Saturday?

T. Severino: Only if we were behind due to rain and it would be from 7:00 AM to noon only. We have not worked a Saturday all year, but if we are behind we will do it. We put it on because it is possible but unlikely.

Bob Ehlers, 14 Ardon Dr.: This is incidental to the permitted use. What is the permitted use?

T. Severino: Residential.

B. Ehlers: What equipment will be on site?

T. Severino: An excavator and a loader; 90% of the time a loader. There might be a screener because we don't know how bony the material is. We might also have a crusher. We haven't been into the material to know what there is.

Donald Johnson, 36 Pine St.: I'm directly across from the property. There are school bus stops. You said you would fix the road, when it happens, or when the project is done? If there are potholes, when will they be repaired?

T. Severino: If there are potholes as we go, we need to maintain the road. We will repair it and it is our responsibility.

Bill Messier: If there is damage to a water pipe and the damage branches out beyond the road to a residence, does your liability go beyond the main?

R. Severino: I don't know how that would happen but if we break something, we will fix it.

Claire Forest: Is there a bond for the sewer?

R. Severino: That is part of the road bond.

Steve Hamil: If something is broken, how long to fix it?

T. Severino: That same day.

S. Hamil: Is that in writing?

T. Severino: You have better than writing, you have my word.

S. Hamil: Will you replace the trees?

T. Severino: No, we will make a pasture.

Bryan. Currier, 38 Pine Street: The trees being cut down, will that affect the highway noise?

R. Severino: The hill is noisy but when you go down the bottom it is quieter. The tree buffer along the highway will remain. That buffer of trees along the highway will be untouched.

Bryan Currier: I will hear that work from 7-4 every day?

R. Severino: You shouldn't hear our trucks over the trucks running up and down 93 and Route 3A. Our trucks are new and modern.

Bob. Ehlers: When you go onto Pine Street, will you go at an angle or 90 degrees?

R. Severino: 90 degrees, we will use the paved apron.

Jim O'Brien: I'm serious about the debris falling off the truck and I want a number to call if I see debris falling.

T. Severino: I am also a rider and I use a special sweeper (Hale sweeper) to abide by our letter of the law and we have someone on top of it. I have a good reputation and you do need to be on top of it. My people are not perfect but we strive for that and take pride in that. We care about that and I want to show people we will accomplish what we say.

Close public hearing

R. Savoie: Do we want to put any inclusions.

C. Pearson: Yes, I would prefer DOT Flaggers to slow down the traffic.

T. Severino: I agree and they will sweep as well.

R. Duhaime: My issue is the snow. It is a narrow street. People have a big snow banks. Would you remove those banks?

T. Severino: We wouldn't haul a lot if there was a lot of snow but if you wanted a condition that if there was excessive snow banks we would maintain that.

R. Savoie motioned to approve a Variance from Article 19, Section D.11 for the establishment of a new excavation site within the Wellhead Protection Area. Seconded by J. Levesque. Vote 4:1

C. Pearson: I feel it is the burden of the applicant to come up with a traffic control plan.

R. Severino: We need a traffic control plan that should be reviewed by the Police Chief and tell the residence honestly what they will expect. The Police chief will outline the requirement and I will speak to the residents and make sure the plan is acceptable to the residents.

R. Savoie motioned to approve the excavation permit along with a comprehensive plan to be presented by the contractor and the Police Department. This plan will include snow removal and maintenance of the road, and all required bonds. This to be limited to 18 month or they must return to the ZBA for a continuation (June 30 2010). Seconded by D. Johnston. Unanimously in favor.

WALMART REAL ESTATE BUSINESS TRUST

3 Commerce Drive, Map 37, Lot 43

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.

Amy Manzelli, counsel for Wal-Mart: We came for an amendment for a Special Exception to move the outdoor sales from one side of the parking lot to the other. We had three (3) members do a site walk and we appeared before the Planning Board for a Special Exception. The Planning Board submitted a letter of approval.

Open Public Hearing

Non

Close Public Hearing

C. Pearson: I saw the filtration plan and did the site walk.

***R. Savoie motioned to approve the Special Exception from Article 14 Section B.3 for an amendment of Special Exception for outdoor sales in the Groundwater Resource Conservation District Seconded by R. Duhaime.
Vote unanimously in favor.***

***R. Savoie motioned to approve 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. Seconded by R. Duhaime.
Vote unanimously in favor***

NEW PUBLIC HEARINGS

SUZANNE CALLEY

199 Hackett Hill Road, Map 22, Lot

Variance from Article 26, Section C.3 to allow the construction of a two stall attached garage which will encroaches 15.3 feet within the required 35 foot front setback requirement of a legally non-conforming lot.

Suzanne Calley: I would like a variance to build an attached garage that will encroach on my front setback.

C. Pearson: The proposed garage will be 19.3 feet from Hackett Hill Road.

S. Calley: I can't put it back behind my house because my leach field is there.

S. Calley read the application into the record (see file).

Open Public Hearing

None

Close Public Hearing

***R. Duhaime motioned to approve the Variance from Article 26, Section C.3 to allow the construction of a two stall attached garage which will encroaches 15.3 feet within the required 35 foot front setback requirement of a legally non-conforming lot. Seconded by J. Levesque.
Vote unanimously in favor***

APPROVAL OF MINUTES of October 14, 2008

***D. Johnston motioned to approve the minutes of October 14, 2008 as presented.
Seconded by R. Savoie.
Vote unanimously in favor.***

REVIEW OF CORRESPONDENCE

Correspondence was reviewed.

ADJOURNMENT

The Chair adjourned the meeting at 9:15 PM.

Respectfully submitted,

Lee Ann Moynihan