

**OFFICIAL
AS OF 1/13/09**

**HOOKSETT ZONING BOARD OF ADJUSTMENT
MINUTES
TUESDAY, DECEMBER 9, 2008
HOOKSETT MUNICIPAL BUILDING
35 Main Street
7:00 PM**

CALL TO ORDER AT 7:00 PM

Chairman Pearson called the meeting to order at 7:02 pm.

INTRODUCTION OF THE BOARD

Chairman C. Pearson, D. Johnston, R. Bairam, R. Savoie, J. Levesque, J. Gorton Council Rep. and R. Duhaime.

Excused: T. Murphy Roche

G. Hyde arrived at 7:10 pm

CONTINUED PUBLIC HEARING

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

***R. Savoie motioned to continue to January 13th, 2008. Seconded by J. Levesque.
Vote unanimously in favor***

CHARLES & DEBORAH HOLT

313 Londonderry Turnpike, Map 25, Lot 39

Medium Density Residential

Variance from Article 5, Section A to allow certain limited commercial uses in a new building to be constructed on the property in a medium density residential district. Permitted uses would be limited to passive, low impact commercial uses including general, professional and/or medical office space, personal care providers and/or service companies such as mortgage companies or day care providers.

The application was withdrawn by the applicant.

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 6 feet is being proposed for the construction of a 30' x 50' steel garage on a legally non-conforming lot.

D. St. Pierre, 5 Main Street: The garage has been moved so it is angled and back from the property line 6 feet. I've moved the shed so that I am now 23 more feet closer to the garage.

R. Duhaime: Do you have pictures of the garage. Have windows been added as requested?

D. St. Pierre: I am looking to put a few windows in the rear of the building.
Read from the application (see file)

J. Gorton: On the map you indicate there was an underground propane tank. Is that the same as the one shown behind the shed?

D. St. Pierre: The one by the shed is gone.

R. Savoie: You had to position the garage to get the trucks in. What about the propane tank? That will cut down the turning radius?

D. St. Pierre: The end stall is the narrowest but will fit a car.

R. Savoie: What is the distance to the trees?

D. St. Pierre: It is close to 20 feet to the trees. By moving the garage, everything changed.

R. Savoie: What precautions will you take to protect the propane tank?

P. Rowell recommended that the following conditions be included in the approval:

- The propane tank shall be protected.
- The dimensions of the garage be clearly indicated on the plan and the approval
- A certified plot plan is provided to the building department once the foundation is poured.

Public Hearing:

None

Close Public

J. Levesque: This will change the characteristic of the historical downtown neighborhood.

D. St. Pierre: We are not zoned for a historical district and this should not be considered.

R. Duhaime: Will you be doing anything to change the aesthetics of the building?

D. St. Pierre: The building will be painted red.

R. Duhaime motioned to grant the Variance from Article 5-A, Section E.2 which requires a side setback of 15 feet where 6 feet is being proposed for the construction of a 30' x 50' steel garage on a legally non-conforming lot with the following conditions: steel bulwarks are placed around the propane tank, a minimum of two (2) windows are placed in the rear of the garage and a certified plot plan is provided once the foundation is poured.

Seconded by R. Savoie.

Vote 4:1 motion carries.

NANCY LANE

Nancy Lane, Map 25, Lot 21-2

A Special Exception from Article 5, Section B.3 to allow housing for older person residents on a 6.2-acre build able area (units allowed=6.2 ac x 6 units per acre = 37.2 units). The second and third floors of the building will consist of living space with garage floor located beneath.

C. Pearson explained the process for Special Exception, which requires a site walk and input from the Planning Board prior to the ZBA taking any action. As a result, no decisions will be made on this application tonight.

Greg Michael, attorney for applicant: I will provide a basic overview of the proposal in order to receive comments from the Board. We are scheduled to go before the Planning Board on the

15th of December. We are looking at a parcel of land, which is 15 acres, and we are using 6.2 acres of usable land. We are proposing 36 units of older person housing. We have worked out an agreement with Berry Hill to utilize their pump station. This is a three-story building with parking underneath. This is 175 feet from the nearest boundary. This is an allowable use by Special Exception in a Medium Density Residential District.

Mr. Ouellette, the developer is here to respond to questions.

C. Pearson asked if the applicant could provide a depiction of the final building.

G. Michael: We do but we do not have it available now.

C. Pearson asked for this to available at the site walk.

P. Rowell: Multi-family housing is limited to 25 units per building per our ordinance. Article 7 page 20 B; A through G must be answered in addition to the Special Exceptions. The ordinance makes reference to trails and I understand there are trails at Berry Hill. It would be nice to have this project tie into these trails. Deed restrictions should be addressed and there is a requirement that 10% of the units must meet ADA.

R. Duhaime: There is no actual outside parking? Has the Fire Department looked at this?

G. Michaels: The parking is all under the building. There is an excess of 50 spaces under the building.

JR Ouellette: My engineer, Bob Rook is on vacation but has had some correspondence with the Fire department and has discussed the fire suppression system.

R. Savoie: Outside the Special Exception, have you tied up your water situation or the sewer system?

G. Michaels: We got information today from Berry Hill Estate. There was concern with the tank and the piping. Mr. Branch, attorney for Central Water, stated he was all set with that but had an agreement with Berry Hill on the use of the pump station.

Read from a letter from Berry Hill Estates regarding an agreement to use the water system and pump station.

We believe we will be able to meet the water requirements. I do not have information from the Sewer Department but I understand we need this to go forward with the project.

R. Savoie: What about drainage and water run off?

G. Michaels: Our engineer did this plan and we are confident that they will meet the Town's requirements. Tonight we are only discussing the project, and then it will go to Planning Board to review for input. The Planning Board generally looks at those issues.

R. Savoie: We have no say over water and sewer but we must consider those issues.

P. Rowell stated that you could require the developer to supply a letter from the water and sewer departments stating their approval prior to granting this Special Exception. The detail of the drainage belongs with the Planning Board, however you can put conditions on the site for drainage.

Open Public Hearing -Abutters

Sean Darby, 14 Nancy: Could you explain the procedure for the Special Exception?

C. Pearson: Tonight we will get an overview of the proposed project from the applicant. We will then schedule a site walk, which is open to the public, and the application is sent to the Planning Board for their input. The applicant will go before the Planning Board on the 15 of December and subsequently send a letter to the Zoning with their comments and/or recommendations. The applicant will return next month for a second public hearing with Zoning Board. At that time, after the Zoning Board has completed a site walk and received input from the Planning Board may make a decision on this application or may continue the hearing if the board feels they need more information.

S. Darby: On question #2 of the Special Exception, the applicant stated there is no factual evidence of property values being diminished. What research has been done by the applicant and by what qualified firm to make that determination? Is that information available?

G. Michaels: I was not here to present the 5 criteria for granting a Special Exception tonight. I am familiar with the criteria and will establish that when we come back next month. I can review that tonight if that is the wish of the Board.

C. Pearson: If you are not prepared tonight to answer these questions, we can postpone but the abutters have a point.

S. Darby: There are 5 questions that they are not prepared to answer.

John Auger, 10 Nancy Lane: You stated there are similar communities. I haven't seen evidence of this in Hooksett and if there are areas similar, what came first the 35 unit complexes or the residential homes? I'm concerned with lighting requirements. I know that neighbors abutting ball fields don't want lights from the fields in their neighborhood. What lighting would be in this? neighborhood. I would like these issues addressed.

Larissa Dunkler, 37 Virginia Court: How many times can an applicant come here unprepared? We've been here before regarding water and had no answers.

C. Pearson: We will move as expeditiously as possible and require the applicant to move forward as well. There are new questions, which may come up that the applicant may need time to answer. If the applicant is unprepared, it will work to his disadvantage.

Resident, Virginia Court: I didn't move here to have an apartment building. I live on Virginia and now we look at a medical center. Now this gentleman isn't prepared for information. There are lighting and traffic issues. I can't enjoy the scenery. I'm going to have less water pressure. Do we have a say that we don't want this.

C. Pearson: This is not a decision meeting. This is to review the proposal only.

Del Denbow, 8 Nancy Lane: Where this is 55 and older, has the developer done any study about buildings being vacant? We have Brook Ridge, Berry Hill and Webster Woods, which are all built land vacant. With the current economy, these buildings are lying dormant.

Sherry Bordalo, 43 Virginia Court: As an abutter, I didn't get a letter. I have a concern. Since this is 55 and over, what about the health service impact on the town and the taxes? What will that do for traffic, noise and light pollution in the area?

William Clifford, 21 Virginia: I am against this.

Resident, Burbank: I'm concerned about the traffic and want to know if there will be a traffic study done?

Karen Nadeau, 27 Virginia Court: The set back is 175 feet to the closest lot line. What will be the open space around the building?

G. Michael: The distance from the edge of our area is 175 feet from the lot line.

Jr. Ouellette: There will roughly be 100 feet.

Victoria Silver, 29 Virginia Court: You are building at the peak of the hill? The parking garage is under, so this is three (3) stories?

G. Michaels: The living space is on the second and third story. The garage is the first level.

Victoria Silver: What are the elevations of the building and are there pictures of the building.

Laurel Manning 12 Nancy Lane: At this time, with the economy the way it is, it is a poor time to look at this. It is going to affect our tax rate. It will impact water, sewer, fire and police services. It will not increase the tax base. When I bought my house ten (10) years ago, I bought because it was zoned residential. Changing to a three (3) story building will devalue my property and I want to know what the response will be. If you knew five (5) months ago there were concerns with the water flow, why wasn't there a study done?

G. Michaels: We will conform to the water precinct's regulations.

C. Pearson: the Fire Department and the Planning Board will review this proposal.

Laurel Manning: How will that affect the current residents that have poor water flow? You will look for that study. What about an environment study? There are wetlands on top of that hill as well.

John Auger: Will an association govern this or will it be their own property?

JR Ouellette: It will be their own.

John Auger: I'm concerned with snow removal and water runoff. I would like to know about snow removal requirements.

P. Rowell: The Planning Board does a very thorough analysis of drainage and snow storage areas.

Sean Darby: I don't want to make light of the property value and the applicant has clearly stated that values will not decline with this development. I have brought a real estate appraisal book. Within the book, appraisers must consider a progression and regression analysis and conformity. In the 80's, when Campbell Hill was first developed, it was considered upper level homes. Then, they built the next phase a little bigger and a little nicer and followed conformity, meaning similar to other homes in the area. The third builder made more quality and bigger homes. They have progressed. History will show with the sale analysis that the costs have consistently gone up. They sell higher than the median sale price. They haven't regressed. If this goes against the value principals, we will go background with making a glorified apartment complex. There is nothing wrong with that, but there is a place for that. There is a reason why there is zoning in different parts of town. This is to maintain the value and integrity of the areas. To arbitrarily say there is no effect on property values is ludicrous. I've appraised two to three hundred, fifty-five and older units and they are garden style apartments. They clear out all the trees, I was at one today, and I took pictures.

C. Pearson: Let's not make assumptions on what the developer will propose.

We take property values very serious. We often ask for 3rd party appraisals. The applicant should be prepared for that.

Laurel Manning: Ron (Savoie), are you aware of Campbell being of any historical value and have you done any research on that?

R. Savoie: No.

Larissa Dunkler. 37 Virginia Court: You are not aware, that on your new website, I read that Laura Bush awarded Hooksett a historical award. Campbell Hill is historic. When I was talking to the former Town Planner, (Charles Watson) and my real estate agent told us when we were buying our house that nothing will go behind us. We now have a tier and slope. This tier is in the back of our houses.

Laura Larkin, 13 Nancy Lane: Berry Hill was going to do blasting and they did videotapes of our homes. This will be even closer.

M. Sorel, Planning Board: They are encouraging developers to come before us with a conceptual presentation. This is a presentation for a recommendation.

G. Michael: This will be conceptual presentation.

M. Sorel: Please communicate in writing the concerns and the issues raised. We would like to have that information before the meeting Monday night.

Close Public Hearing

C. Pearson: In order to address the property value, we will need an appraisal done by a third party appraiser. We will recommend three (3) agencies and the applicant can chose from the three and report to this Board the findings. If that cannot be completed by the next meeting, please notify the Board.

A Site Walk is schedule for January 3rd at 8:30 am in the Nancy Lane cul-de-sac.

C. Pearson requested a conceptual drawing of the building be provided prior to the site walk.

R. Savoie motioned to continue the public hearing to January 13th, 2009. Seconded by J. Levesque. Vote unanimously in favor.

APPROVAL OF MINUTES of NOVEMBER 12, 2008

***D. Johnston motioned to approve the minutes of November 12, 2008. Seconded by J. Levesque
Vote unanimously in favor***

OTHER BUSINESS

Request by Council to meet with the Zoning Board.

J. Gorton: The Council has requested a meeting with all the Board in Town to review direction, issues, and information. Any problems can be presented to the Council at that time as well. The Zoning Board is scheduled for January 28th at 6:30.

C. Pearson was asked to meet with Councilor Loiselle, Stantec and Planning. Planning would like to have a joint meeting as well. If we are going to do this, we want a collaborative meeting and not a meeting where they take us to school on issues.

I would prefer an open meeting with a mediator. We need an agenda with specifics laid out. I don't want a joint meeting because the Planning Board sits as chair per RSA. If it's not going to be a fruitful meeting, it's a waste of time.

ADJOURNMENT

Chairman Pearson declared the meeting adjourned at 9:30 pm.

Respectfully submitted,

Lee Ann Moynihan