

**Unofficial  
As of 4/15/09**

**HOOKSETT ZONING BOARD OF ADJUSTMENT  
MINUTES  
Tuesday, April 14, 2009  
HOOKSETT MUNICIPAL BUILDING  
35 Main Street**

**CALL TO ORDER**

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

**INTRODUCTION OF THE BOARD**

Chair C. Pearson, R. Duhaime, J. Absent Tracy and Ron

**APPROVAL OF MINUTES**

March 10, 2009

*J. Levesque motioned to approve the minutes of March 10, 2009 as presented.*

*Seconded by D. Johnston.*

*Vote unanimously in favor*

**CONTINUED PUBLIC HEARINGS**

**CHARLES & DEBORAH HOLT**

313 Londonderry Turnpike, Map 25, Lot 39 and 39-1

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 and similar low impact uses.

R. Bairam voting alternate.

A letter was received from the applicant stating that due to illness, they are requesting a continuance of this application.

*J. Levesque motioned to continue to May 19, 2009. Seconded by R. Bairam.*

*Vote unanimously in favor*

**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. J. Hyde will be voting member

Jim Coughlin representing Homes for Lifetime. (Larry Wister): The last meeting was August of last year. We are here for a Special Exception for the construction of access road and access ways in the LDR District.

We are also here for a variance for working within the buffer.

At the last meeting, I read the requirement for the Special Exception and the variance into the record. We are proposing a Conservation Subdivision for approximate 125 acres with 67 acres of open space. The Zoning Board and the Conservation Commission did a site walk.

C. Pearson: Since our last meeting, you have been in front of the Planning and Conservation Commission. Has anything changed?

J. Coughlin: We did get two letters from the Conservation Commission, one in September of 2008 indicating they had no issue with the location and the second noting the trails and all the crossings should have open-end box culverts with one exceptions. We met with Planning Board for the first time last week. We have filed for the wetland permit with DES and the alteration of terrain. We are finalizing the wildlife impact report. The Planning Board couldn't comment until we meet again. We had a completion application and they want more information, which we are preparing. They did request an environmental impact statement, which we have not completed.

C. Pearson: Is there a timetable for that? We need their input before we can move forward. I saw the impact study requirement in the Planning Board minutes.

P. Rowell: Lot 26, will you need a wetland impact for a driveway.

J. Coughlin: No, there will be common driveways on Lot 25. There are some lots, which have wetlands. The conservation easement to the town will include the easements on those lots. There will be a separate plan so everyone will see the wetland on those lots and each deed will be subject to a conservation easement, which will be filed with the state.

P. Rowell: I have seen wetlands marked with permanent monumentation in other towns.

J. Coughlin: Yes, we agree. We have 4 x 4 aluminum plates that can be nailed to a tree.

C. Pearson: On behalf of Conservation, do you Mike Sorel have any other concerns?

J. Coughlin: The red lines are markings for trails. They also wanted parking spaces off the road so the trails can be used. We chose a few locations indicated on the map. There will be a gravel road to service the detention area. The Conservation Commission didn't want anyone driving down there. There will be two (2) spots at the hammerhead. There will be gravel parking spaces and a gate to mark off the detention area. The Conservation Commission will set up a meeting with the developer and Pike because there are conservation easements which Pike has given. The blue is Pike's land and there is a possibility to connect those lands.

M. Sorel read from his notes.

J. Coughlin: This was just communicated to us tonight so we will address this later.

John Hillis, 19 South Bow Road: When I read Article 18, Section 3, this is to protect the aquifer and water supply for the area, I have concerns for the entire system. On the site walk, you said there would be a 12-foot section and I was told there was a zero run off. When the wetland is down hill, it is difficult without a clear more finalized plan to say if this is going to be good. The effect is we will have a bowl in our back yard. Since our well is there, it will affect the water quality.

J. Coughlin: I don't know of a 12-foot wall.

Engineer: The road is at grade and as it slopes around there is fill. The wall he is talking about is a proposed retaining wall to pull in the earthwork and limit the wetland. They are four feet and they are staggered.

J. Coughlin: There is wildlife corridor so the wildlife will go there. Stantec will review this. We are trying to make a natural corridor for the wildlife. There are three 4-foot sections.

John Hillis: During the site walk, you said the grade would be at 12 feet. Now, from our deck, rather than seeing things that are natural, we will see fill and stone rock that is substantially steep.

J. Coughlin: We can bring in the topography map.

Engineer: Once we have the 120-foot platform, the road does slope down. The topography does slope down and we are doing what we can to meet the requirements of the town.

J. Coughlin: Our pre water must be the same as the post water.

Engineer: Our post development run off will be no greater than the pre run off. This will be reviewed by the engineers. We are not prepared to address all those questions tonight.

J. Coughlin: I don't know if there will be blasting.

Bruce Philmore: I've been doing test pits all the way down the road, and for the road construction there is no blasting requirement yet.

Ann Hill, 10 Mountain View Road: I live at the end of the cul-de-sac. Since 2005 we have talked about the Labonville subdivision. This is not an approved subdivision and we still see this same plan and everyone knows there are better plans. I'm concerned with the road when S. Bow Road isn't even shown and the rest of the Labonville plan isn't shown. I'm concerned the plan moves forward without approvals. This road off of S. Bow Road is not the right plan. They affect the two streams that go across my property. There was extensive work for the drainage.

C. Pearson: These concerns should go to Planning.

J. Coughlin: The wetlands weren't marked on her lot because they are not part of our plan.

Jason Perry 5, Mountain View: I'm new. Are there any wetland impacts that go on the current Mountain View Road? I haven't had time to look at the plan. We get a letter and hear things from neighbors. Looking at it, I don't see our current development. I know there are wetlands back there. Are there any crossings there?

When I was looking at the different section of the Article it says "No other options are available. When I spoke to the engineer they said it could go to another area in Bow but there was a rock wall. Is that accurate? That's what I found from the minutes. There was a six-lot subdivision. I'm looking at the impact on Mountain View. My concern is if there are other options and other towns have rejected it, why are we allowing it. Looking at the different sections for wetland impact, it seems difficult to justify those steps.

Close Public

All concerns need to be addressed and communicated to both Planning and the Conservation Commission.

C. Pearson: We need the latest concerns from the Conservation as well as the Planning Board's recommendation.

***D. Johnston motioned to continue to May 19. Seconded by R. Duhaime.  
Vote unanimously in favor***

### **NEW PUBLIC HEARINGS**

**JENSENS, INC**

3 Mailhouse Road, Map 19, Lot 4-1

An Appeal of Administrative Decision issued on March 16, 2009 by the Code Enforcement Officer which stated “the remaining 8 units in your 91 unit ‘older persons’ [over 55] must meet Article 7 section 3.f in that 10% of the dwelling units meet Americans with Disabilities Act requirement for accessibility.

Public Notice did not include a request for a variance. The applicant may present their Appeal of Administrative Decision only.

The applicant requested a continuance in order to present both the Appeal of Administrative Decision and the request for a variance at the same time.

***R. Bairam motioned to continue the public hearing to May 19<sup>th</sup>. Seconded by R. Duhaime.***

***Vote unanimously in favor***

**RONZELLO (PROPOSED SUPERMARKET)**

54 & 58 West River Road & 1 Central Park Drive, Map 37, Lots 2-3, 3, 4, 5

For a proposed development of a 74,575 square foot supermarket, 373 parking spaces, utilities including an on-site septic system and storm water infiltration basins, and a multiple-egress point driveway for emergency access and safety, which will require the following variances:

Article 18.G.2.to would allow for work within a 40-foot wetland setback to construct multiple driveway egress points for safety and emergency access.

Article 18.D.1 to allow the altering of the natural surface configuration by the addition of fill or dredging within poorly drained soils.

Article 19.E.10 to allow for earth removal within 8 vertical feet of the seasonal water table.

Article 19.E.11 to allow for an infiltration system within 4 vertical feet of the seasonal high water table.

Don Gartrell, attorney representing Mr. Ronzello: I will give a brief history of the site. This site was disturbed by the development of Rte 93 and Rte 293. There is a huge pile of rock on the northerly side of this project. This highway affects the site. There are some minor wetlands and intermittent streams, which is quite a ravine. It has flow most of the year and a deep depth. There is disturbance closer to Rte 3A and we have inherited land with topographic issues. We have tried to create a connected road from Central Park so there would be a connected way to move through the site from Rte 3A across from the Interstate exit ramp. That entrance at Rte 3A is part of the deal with the State. Central Park is a private road and this would allow traffic to get to a signaled intersection and help with safety issues and fire protection. We have also talked to PSNH because there is a right of way laid out 135 feet that carries a single pole with a capacity for more. We need to relocate that and move it up the site to clear a platform for the proposed supermarket. Also, in designing a roadway to connect with Central Park, there were topographical issues and we had to remove rock and dealing with the elevation, we needed a gradient on the site that wasn't too severe. We were dictated by the topography. We need to connect to Central Park because we exceed the cul-de-sac and by having a

road that connects and bring the traffic to a signal intersection would be beneficial. Developing this application, we were looking at what seemed to be all the Variance and Special Exception in your ordinance. We chose to go the variance route to meet the higher criteria. Under a power line, you might have a Special Exception to allow us to do that, but we kept our application with the Variance request and we did discuss changing that request and are open to what remedies are appropriate. I introduce Bob Clark, our engineer involved on this site.

Bob Clark from Allen and Majors, Civil Engineers: I want to show the audience where the site is. The site is located at Rte 3A and Rte 93 at Exit 10. The site is 28 acres and combines 4 parcels into one. A requirement for DOT was to pull these sites together. The supermarket is proposed to be 76,000 sf. Part of the restrictions on the site is the curb cut, which is just under 5% grade on the site. The Zoning allows for 4% max. and this is 3% proposed. We are proposing infiltration and there are pockets. These are drainage sites. There is a PSNH easement. The thought was to push the buffer zone. We did look at crossing the perennial stream but couldn't get the numbers to work. We have maintained the 40-foot set back and the only impact is in this location. We are requesting 4 variances; 1) is to work in the buffer zone. 2) Impact the 25-foot setback on the isolated wetlands. 3) Filling and excavating within 8 feet of the seasonal high water. This site does meet the state requirements and we would request proprietary requirements. We will utilize the town infrastructure for water and we would include the relocation of the power easement and lets us develop the site.

Reasons for the request

There is an existing swale on Route 3A and everything will be treated with proprietary devices. The points on the application are it does promote a better connection for life safety with two access points. The benefit for the town is they wouldn't need an additional intersection. It promotes a tax base for the site and the issues are the isolated pockets. The perennial stream rotates down to the site.

C. Pearson: Did they capture what they needed to capture in their variances?

P. Rowell: I referenced in the letter that I needed more information on the seasonal high water table and this is all in the conservation district.

B. Clark: We did 12 test pits and submitted them to the Board. We also did 3 additional test pits today. The bottom of the basin is 236 and the seasonal high is 3 feet down to the bottom. To get around that 8-foot separation, the topo is 20 to 30 feet from this point. If we start to move the site, we would impact pockets. That dictated the slope and it dictated where the developable land was. We do have seasonal high water table at 3 to 4 feet. All the pits have it within 3 to 4 feet. Photos from today will be submitted and we do have good sand and gravel. We also have a large knob that goes to 260 and that will be removed down and lowered.

Jim Lamp representing Mr. Ronzello: This is a very big cut site so we have made every effort to get this up in the air as much as possible. We have been working to get those grades up. We have had a few pits, which haven't hit those seasonal tables. You are

digging 16 to 17 feet and not hitting water. We will have a high and dry site. We won't increase any run off rates. This is a very sandy site. We have to match the runoff pre and post development.

100 x 40 feet will be graded out for the septic system.

P. Rowell: On test pit #9, on top of the knoll, you are removing 8 feet of material. That would be a gravel excavation, for which you requested a variance. Where is the seasonal high water table in that?

J. Lamp: I'm not hitting any seasonal high there and we did not hit ledge there. This was a disturbed site. This has been a disturbed site.

J. Levesque: On the plan, we have shows the retention pond and on the other map it shows a retail site?

Engineer: In Planning, we want to permit for traffic only and possibly later remove this and there is 10 acres to the north for a hotel proposal as well. But now the only thing on the table is the Supermarket.

J. Lamp: We tried to do a master plan for the entire site. We put some uses in but in this economy it doesn't make sense. There is no one out there willing to pay the million dollars but we are just looking at a master plan.

#### Open Public Hearing

M. Sorel: The Conservation Commission said the impact to the wetland was minimal.

#### Close Public Hearing

R. Duhaime stated he would like to view the site. Particularly if the site might be further developed.

P. Rowell it might be appropriate to make water a condition.

C. Pearson requested input from the Planning Board and site walk with an invitation to Planning and the Conservation Commission.

J. Levesque requested a copy of the presentation material.

P. Rowell: There may be a ground water impact study? The excavation is supposed to be 8 feet and they are looking for relief to 3 feet. There may be some impact.

C. Pearson requested the applicant provide that prior to the next meeting.

C. Pearson: The 75-foot buffer zone for the power line?

P. Rowell: The Zoning Ordinance states a 75-foot zone of natural vegetated zone and a dense screen of 15 feet must be maintained.

B. Clark: We will have a 15-foot dense buffer and we are negotiating with PSNH and will present to the Planning Board.

J. Lamp: This was a concern and we met with the Planner and the question is do we meet the intent and the Planner stated that the 15 feet is needed and the 75 feet is more of a clear buffer. No variances were required.

P. Rowell: On the power line, they are not going to impact the wetland, but clearing vegetation is only 8 feet wide and we allow work in poorly drained soil with best management practices. They can clear the vegetation under the power line without a Variance or Special Exception. They asked for variance, which will cover them no matter what. If these were lots of record prior to establishing the Conservation District, they could work within the setback with a Special Exception but I don't know when these were established or when the Ground Water District was enacted and they are requesting variances so I think they are covered and if the buffer was handled with planning staff, a variance to cut timber in the power lines would cover their needs.

Request a letter from Planning that we are ok with the buffer zone.

J. Lamp: What would you be looking for in the Ground Water Impact Study?

P. Rowell: I would look for a hydro geologist to state that this type of impact to the Conservation district and removal of the overburden would not affect the ground water recharge area.

Site Walk scheduled for 6:00 pm on Thursday, May 30<sup>th</sup> at the end of Central Park Drive.  
(At the top of the hill)

***R. Duhaime motioned to continue the public hearing to May19th. Seconded by D. Johnston.***

***Vote unanimously in favor***

### **ADJOURNMENT**

The chair declared the meeting adjourned at 9:30 PM.

Respectfully submitted,  
Lee Ann Moynihan