

**Unofficial
As of 6/10/09**

**HOOKSETT ZONING BOARD OF ADJUSTMENT
MINUTES
Tuesday, JUNE 9, 2009
HOOKSETT MUNICIPAL BUILDING
35 Main Street**

CALL TO ORDER

R. Duhaime called the meeting to order at 7:05 pm.

INTRODUCTION OF THE BOARD

D. Johnston, R. Bairam, J. Levesque, R. Duhaime, G. Hyde and J. Gorton Council Rep.
Excused: Chris Pearson

APPROVAL OF MINUTES

May 19, 2009

*J. Levesque motioned to approve the minutes of May 19, 2009. Seconded by R. Bairam.
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.

Bruce Marshall, representing the Holts stated that he was available for questions.

*D. Johnston motioned to hear the application based on the fact that there are substantial differences. Seconded by J. Levesque.
Vote unanimously in favor*

Bruce Marshall, representing the Holts request that the Variance be heard after the 30-day appeal process has expired.

*D. Johnson motion to continue to July 14, 2009 to allow 30 days for appeal. Seconded by J. Levesque.
Vote unanimously in favor*

Attorney Serell representing the Hollerans, stated that there is no need for a continuance because he does not believe there is a 30-day appeal period for this decision.

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.

The Chair stated that only four (4) Zoning Board members were available to vote and offered the applicant the opportunity to continue.

Eric Mitchell, representing the applicant requests a continuance due to the fact that only four (4) members would be hearing and voting on the application.

R. Bairam motioned to continue the hearing to July 14, 2009. Seconded by D. Johnston.

Vote unanimously in favor

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.

Variance from Article 7 Section B.3.f which states within any elderly or older person housing developments, a minimum of ten (10) percent of the dwelling units shall be compliant with the requirements of the American with Disabilities Act (ADA)

Input not received from Planning Board.

D. Johnston motioned to continue the hearing to July 14, 2009. Seconded by G. Hyde.
Vote unanimously in favor

GREEN MOUNTAIN REALTY

180 West River Road, Map 24, Lot 57

For a proposed development of a 13,446 square foot building (5346 SQ. Ft. Office and 8100 SQ. FT. Warehouse) with 38 parking spaces. Utilities include On-Site Septic and Municipal Water (Village) on 3 acres of commercial land.

Special Exception from Article 18, Section E.1 to allow a wetland crossing for the construction of a driveway.

Variance from Article 18, Section D to allow the filling of 2100 sq. ft. of wetlands for the purpose of constructing a parking area for a new office/warehouse building.

Variance from Article 18, Section D to allow the disturbance of 100 sq. ft of wetlands and the 40' wetland buffer for the purpose of installing drainage piping and rip rap for site drainage.

Jack Szemplinski, Benchmark Engineering: We are requesting a Special Exception for wetland issues. This property is 42 acres and we want to construct a 13,446 square foot building (5346 SQ. Ft. Office and 8100 SQ. FT. Warehouse) with 38 parking spaces. This property is unique because it was a sand pit and much of material has been removed. There is a seasonal brook that traverses the property. The unique feature of the brook is it is above the road and above the site. We had a site walk and have recommendations from both the Conservation Commission and the Planning Board. The Special Exception is for the driveway. This will be adjacent to another piece of land.

The second Special Exception is for an area adjacent to route 3A for a detention pond at the intersection of the driveway. We have to run a 15-inch culvert to that area.

J. Szemplinski Read from the criteria. See file

J. Gorton: I believe this is in an aquifer area per the Master Plan. After NERR first moved in, there were two (2) occasions where the water was bubbling and going across the street to the abutting neighborhood. This seems like it is on the fast track. I spoke to someone from Conservation and we believe the Boards should slow down and take a look at the runoff in this area. I know NERR built a retention pond in that area and either it didn't work or it was under designed. Route 3A was shut down two (2) times due to runoff. I know NERR went back and did a lot of work but if we are going to add a lot of impervious material, we should take our time reviewing this. I spoke with David Ross from the Conservation Commission who could not be here and discussed looking into this before granting any Special Exceptions or Variances. I am speaking on behalf of a Conservation Commissioner's request. Our Master Plan should be reviewed as well to make sure we are adhering to the requirements.

P. Rowell: Is that best handled by the ZBA or the Planning Board? The applicant will be required to meet all the Development Regulation per the Planning Board.

J. Gorton: History has shown that whatever was done to the original design was not up to par because the runoff from that driveway and the hillside on the north side of the driveway looked like Niagara Falls as well as further north on Route 3A, almost to Duford's property, the water was coming from the hillside and across Route 3A. If the water is coming off that property, that says to me there are water problems.

J. Szemplinski: In conversations with the owner, I was told that when the record retention went in, they didn't put in any drainage. They ended up having to rip up that road and put in an extensive drainage system. This Board cannot review all the drainage. We will submit plans for the drainage, which will be reviewed by Stantec. We are putting a huge infiltration system east of the proposed building. It will have 2 ½ foot chambers. There is a lot of design work that will go into this project. The project will not be constructed without Planning Board approval.

Open Public Hearing

M. Sorel: I am member of the Planning Board and the liaison for the Conservation Commission and I am here speaking as a citizen.

I was asked as the liaison for Conservation Commission to be available for a site walk and did that with David Hess. The comments are for your consideration, as the letter from Conservation stated that we thought they were asking for a disturbance for 100 feet of wetlands and the agenda states that they want to fill wetlands. You might want to get clarification on the letter from the Conservation Commission before you move forward. This could be a good site but it will need engineering and money. There is a substantial subdivision across the street and the Town is currently struggling with a water issue in the Beauchesne development and the taxpayers are looking at fixing that. When the road was built for NERR, they did it twice because it was done incorrectly and flooded Route 3A. Each time there are heavy rains and spring runoff, water boils out of the seasonal brook and goes down into the subdivision. When we had the Mother's Day flood and last year's storm it went down into the neighborhood. This property has been substantially mined and not reclaimed. It may be in the best interest of the applicant and the Town to get all the information on this site. In a site down the road where there is a proposed Supermarket, the Code Enforcement Officer requested a study and test wells for bedrock. There are issues that may want to be looked into and questions to be asked and I support J. Gorton's request to slow this down and ask Peter (Code Enforcement Officer) to support the test wells.

R. Duhaime: If you look at the plans, the small retention pond on the site feeds back into the wetland. Is that correct?

Jack Szemplinski: It goes into the culvert and the perennial stream.

R. Duhaime: Because of the height of the drain, he can't put his pipe there.

J. Szemplinski: I think the Town Regulation say you can have zero increase in runoff. This Special Exception has nothing to do with that. You should ask the Conservation Commission for clarification on the filling of the wetlands. Do you want a full presentation on drainage at the ZBA level or are you leaving that to the Planning Board and Stantec to review?

P. Rowell: The owner received a Special Exception for the roadway, which we cannot find in our files. The Conservation Commission only weighs in on the Special Exception.

The Variance is the filling and disturbance. We need to tell the applicant what you want to see. Do you want Planning or the Planner to review this?

J. Gorton: That culvert was in existing when the applicant came to the board to build the shredding facility. It was put in many years ago.

J. Szemplinski: To get across the brook, there was always a culvert there. NERR put in a new culvert because he planned to develop the whole site in phases.

J. Gorton: He did get a Variance to make improvements to the existing culvert.

J. Szemplinski: In order to evaluate the drainage, you must look at the entire picture. I think the Planning Board is more equipped to handle that and Stantec will be reviewing this as well.

M. Sorel: The Code Enforcement Officer requested monitoring wells for the Supermarket.

P. Rowell: On the Supermarket, we were looking for the top of the aquifer. What they found was the bedrock was so high, and there was no aquifer. The bedrock is so high there is no storage capacity to create the aquifer

J. Szemplinski: There were 20 test pits on this site recently. All the test pits are 12 feet or more deep and there were no signs of water.

M. Sorel: Do those criteria of above bedrock apply to this site?

P. Rowell: They are not doing the same excavation on this site. The question is are we affecting the aquifer and drainage. Do you want it review here, at the Planning Board or in a joint meeting. This lot is not subdivided yet either. The lot could be made larger or could be moved to another spot on NERR's property.

J. Szemplinski: The Conservation Commission will get all the wetland permits, which were filled with DES.

Close Public Hearing

D. Johnston motioned to table until more information is received on the aquifer and the water situation in the area. Seconded by J. Levesque.

Vote: 3:2 motion carries

Clarification requested from the Conservation Commission on the Variance and input from Planning on the existing drainage and what was improved. Has there been past drainage issues and what are the future plans.

D. Johnston motioned to remove from the table. Seconded by J. Levesque.

Jack Szemplinski distributed a copy of the test pit log.

R. Bairam motioned to approve Special Exception from Article 18, Section E.1 to allow a wetland crossing for the construction of a driveway. Seconded by G. Hyde. Vote unanimously in favor

R. Bairam motioned to approve the Variance from Article 18, Section D to allow the filling of 2100 sq. ft. of wetlands for the purpose of constructing a parking area for a new office/warehouse building and Article 18, Section D to allow the disturbance of 100 sq. ft of wetlands and the 40' wetland buffer for the purpose of installing drainage piping and rip rap for site drainage. Seconded by G. Hyde. Vote 4:0 - 1 abstention Motion carries

NEW PUBLIC HEARINGS

SCRIBNER

477 West River Road, Map 5, Lot 43

To reconstruct the existing barn into a one (1) bedroom, 1 ¾ bath single family dwelling. Variance from Article 5, Section C. 3:b which requires two (2) acres for every two (2) dwelling units to allow ¾ of an acre.

Variance from Article Section C. 3. c which requires multi-family dwellings have no less than 200 feet of frontage to allow no frontage.

Variance from Article 5, Section E. which requires a side setback of 15 feet to allow a 2.8 foot setback.

Kim Scribner, speaking on behalf of her mother-in-law, Irene Scribner: We would like to convert the existing barn into a home.

R. Duhaime stated that he is familiar with the property and has been plowing for this applicant and the property is out of view from the road.

Peter Scribner read from the Variance Application. (See file)

J. Levesque: Will the existing structure be torn down?

Peter Scribner: Yes, it is unsound.

R. Duhaime: Is it currently a two-story structure?

P. Scribner: Yes.

P. Scribner stated that he has approval letters from both Sewer and Water.

J. Levesque: The setback will be 2.8 feet?

P. Scribner: Yes, the existing structure is 2.8 feet. We might be able to move that a little when the structure is taken down, if we were to receive approval. That setback is a result of the taking by the State.

J. Levesque: Is there room to move that building to get a little more setback?

P. Scribner: Possibly.

Open Public Hearing
None
Close Public Hearing

*J. Levesque motioned to allow the reconstruct of the existing barn into a one (1) bedroom, 1 ¾ bath single family dwelling and grant the Variance from Article 5, Section C. 3:b which requires two (2) acres for every two (2) dwelling units to allow ¾ of an acre and a Variance from Article Section C. 3. c which requires multi-family dwellings have no less than 200 feet of frontage to allow no frontage, with the stipulation to increase the setback if possible. Seconded R. Bairam.
Vote unanimously in favor*

ADJOURNMENT

The Chair declared the meeting adjourned at 8:30 pm.

Respectfully submitted,

Lee Ann Moynihan