

Official

**HOOKSETT ZONING BOARD OF ADJUSTMENT
MINUTES
Tuesday, September 8, 2009
HOOKSETT MUNICIPAL BUILDING
35 Main Street**

CALL TO ORDER

Chairman Pearson called the meeting to order at 7:03 pm.

INTRODUCTION OF THE BOARD

C. Pearson, R. Duhaime, R. Bairam, J. Levesque, alternate D. Pare and Town Council Rep. Jim Gorton.

APPROVAL OF MINUTES

August 11, 2009

J. Levesque motioned to approve the minutes of August 11, 2009 as presented. Seconded by R. Bairam.

Vote unanimously in favor

NEW PUBLIC HEARINGS

HARMONY PLACE

1621 Hooksett Road, Map 14, Lot 27

A Variance from Article 5, Section C:3.b which states the density cannot exceed two (2) units per every two (2) acres to allow the construction of 63 multi-family units in 3 buildings with 148 parking spaces on 12.87 acres.

J. McCourt, Engineer representing Harmony Place, Sonny Sell, and Attorney Andrew Sullivan

A. Sullivan: The Planning Board approved this plan on March 15, 2009 for 63 elderly housing units. They all have 26 underground and 70 outside parking spaces. We request approval for 63 non-age restricted units. The building configuration will be the same. The traffic study shows a minimal change. This is the same plan except it is non-age restricted.

J. McCourt: We received a Special Exception from the Zoning Board for Elderly Housing and we met the density criteria.

J. McCourt: This project is located north of Rte 3 and the intersection at Main Street. The project has been approved with the driveway in this location. DOT, Stantec and the Planning Board have looked at this with a reverse drive. The

only difference between this plan and the other plan is the number of parking spaces required. The additional parking spaces have been put on the plan. This plan includes the upgrades in the drainage for Beauchesne. We will be providing access to an existing water tower. We are pulling the sewer up from Beauchesne Drive. In the packet, there should have been a memo from Steve Pernaw regarding the increase in traffic. This Special Exception was granted in 2003 for 76 units and then changed to 63 units. The original design improvements were done for elderly housing, which was for one (1) person taking a left hand turn at peak hours. There is a right hand turn out and a left turn out and a deceleration lane. From Steve's memo, this design is still not warranted. It does not meet the State and the ITE's recommendations for a full left hand turn lane, but we are still doing that. These will all be two (2) bedroom units. The units are 1000 sq. ft., which minimizes the number of people in this development.

We will keep existing trees and will be planting additional trees. The landscaping has been through the aesthetics review. This has already been through review.

J. Levesque: Why not do 55+ housing?

A. Sullivan: There was federal funding a few months ago, which stopped.

S. Sell: The Federal Funding, which was available for 55+, was pulled. All that is available is workforce and conventional funding. For us to move forward, we have to change it.

C. Pearson: Is this a different loan?

S. Sell: This is a conventional loan.

P. Rowell: The Zoning Ordinance allows 2 units for every 2 acres of buildable area, therefore 12 units would be allowed.

A. Sullivan: We are asking for a variance in an allowed use. It meets the hardship. I think we met the criteria. It is a project that was approved but we lost the funding.

P. Rowell: If you look at elderly housing, you are allowed much more density. It is now a site plan for a multi family.

A. Sullivan: J. Duffy's letter, which stated the Planning Board has no issue with conventional housing, was read into the record.

J. Levesque: What is the impact on the school system?

A. Sullivan: We will be paying an impact fee of \$5000. per unit for schools.

J. McCourt: The studies show this will yield 15 kids. Two bedroom units do not yield many school age children.

The traffic study submitted was for the conventional housing and they are saying there will be an increase of 5 trips from the elderly. Steve Pernaw did the traffic study.

A. Sullivan: The infrastructure is the same and the traffic study is insignificant. It is an allowed use. The use cannot be done without the variance. We meet all the criteria because we meet all the other parameters. We are solving the Beachesne drainage problem. This meets the spirit of the ordinance.

C. Pearson: This is a much greater magnitude than what is allowed.

A. Sullivan: The hardship is I don't have the dimension and because of the economy and the lack of federal funding we can't do the project. We have been working on this since 2003.

P. Rowell: The Ordinance allows him use of his property and allows him to put 12 multi-family units.

The applicant read the criteria into the record.

Richard Hutsburger, appraiser's opinion that the change from elderly to conventional housing will not adversely affect the area was read into the record.

J. Levesque: This will have an impact on the schools. The \$5000 which you stated that would be paid in impact fees doesn't even pay to educate a child for one year. We are being asked to bend the rule too much. This will have young people, which will have a greater drain on the police and fire.

J. McCourt: These are two bedroom units and they will have empty nesters that will be both young and old. You won't have the police calls because they will police themselves. These will be condominiums. They are only 1000 square foot units. They are not going to be attractive to families.

R. Bairam: How many stories?

J. McCourt: Three (3) stories with an underground garage, which will make them 47 feet high.

J. Levesque: You can't get financing for 55+ but you can get a conventional loan? Why don't you use a conventional loan and then make it age restricted?

A. Sullivan: That is not allowed. It is against the law to use conventional financing to build age-restricted housing. It is discriminatory

S. Sell: There are no banks that will fund age restricted housing.

D. Pare: Will this be built 100% or as they sell. If you build one (1) building and they don't sell will you continue to build?

S. Sell: You have to finish the project before you can sell?

J. Gorton: I'm worried about the references that have been made of cases and judges and I think it would be in the Board's best interest for the Board to get legal advise before they make a decision.

C. Pearson: This is a new application and it is not elderly housing.

Abutters:

Roselle Gagnon, 1623 Hooksett Road. We don't have a problem with it. It will be more towards Hooksett Road and Granite Hill.

Christopher Lampron, 1617 Hooksett Road: I was at the town meetings in 2003 when we were discussing the proposed elderly development and then I was concerned about the traffic. I'm the second driveway from the blinking yellow light. At that point, they made the statement that they were going to widen Route 3, which would use some of my yard. Currently, there is a concern for the drainage, and I know they will be addressing the issues at Beauchesne. They are putting in the taps and I'm on private sewer and any change in the water table will worsen my condition. There is 30 feet of wooded area between the proposed development and me. They were originally talking about taking that down and planting vegetation. If the woods get taken down, it opens up my yard. There is a noise concern. Originally, this was elderly and now there will be children. Children will bring noise. I have concerned about blasting. I think we are on bedrock and if they have to blast to get the foundation for the garage, I'm concerned with what that will do to my house. In 2003, they did research and said there was no impact to property value with an elderly complex. I don't know the impact if it is conventional housing. The guys from Village Water were changing my meter and they said they would be digging up the pipe, which is in my yard to do the water.

J. McCourt: We are not taking any of his property. We will be working in the right of way. There is an easement that Village Water has that contains a water line that is old and needs to be replaced. We will be replacing that line for them and doing improvements at the tower itself. We will take the traffic that goes through his driveway to the tower and putting it on our property and take the gravel road out. We are not taking as many woods down as before because the original special exception was for town houses. We won't be taking down as many trees that are on our property and we will plant trees to add to the buffer. Blasting, yes there will be blasting and pre-blasting surveys will be done. Noise from the kids,

the buildings are on top of the hill past the water tower so I don't see where noise from kids would be an issue. The lighting requirements are the same for elderly and conventional. We are only lighting what needs to be lit. There is an infiltration pond and detention pond so there will be less flow. The peak flow from the site will be less.

Close Public session.

J. Levesque: They do mention many case studies which are not provided to us. We should have our legal counsel review this and provide input.

C. Pearson requested the following information be provided to the Board.

- Information regarding financing
- Feedback from the Planning Board regarding the viability of this site
- Verify impact fees
- Concerns with the impact on traffic, police, schools, and fire as a result of the age restriction change to the plan.
- Legal information regarding cases and rulings cited by the applicant.

R. Duhaime motioned to continue the hearing to October 13th. Seconded by R. Bairam. Vote unanimously in favor

KEYLAND ENTERPRISE

10 Scott Avenue, Map 24, Lot 9

A variance from Article 26, Section C.3 to allow the removal and reconstruction of a single family home on the existing foundation with the expansion of 2.5 feet which will increase the non-conforming front setback from 18.4 feet to 17 feet where 35 feet is required.

Alden Beauchesne, Keyland on behalf of Doug and Cindy Nye: This is an application for a variance. They have an existing house and they want to remove that house and rebuild on the existing foundation. This will increase the non-conformity by 2.5 feet. The small portion, which is the entrance porch, is the increase to the setback. We comply with the rear setback. The deck has been moved in the back, which meets the town setbacks.

A. Beauchemin read the criteria into the record.

Open public hearing

N/A

Close public hearing

R. Bairam motioned to grant the variance from Article 26, Section C.3 to allow the removal and reconstruction of a single-family home on the existing foundation with the expansion of 2.5 feet, which will increase the

***non-conforming front setback from 18.4 feet to 17 feet where 35 feet is required. Seconded by J. Levesque
Vote unanimously in favor***

ADJOURNMENT

J. Levesque motioned to adjourn at 8:45 pm. Seconded by R. Bairam. Vote unanimously in favor.

Respectfully submitted,

Lee Ann Moynihan