

HOOKSETT ZONING BOARD OF ADJUSTMENT
Tuesday, March 9, 2010
HOOKSETT MUNICIPAL BUILDING
35 Main Street

CALL TO ORDER

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

ATTENDANCE

Chairman C. Pearson, R. Duhaime, J. Levesque, R. Bairam, D. Pare, P. Denbow and Town Council Representative J. Gorton.
G. Hyde: Excused

APPROVAL OF MINUTES

February 16, 2010

J. Levesque motioned to approve the minutes of February 16, 2010. Seconded by R. Bairam.

Vote unanimously in favor

CONTINUED PUBLIC HEARINGS

PETERBROOK MOTEL

1373-1375 HOOKSETT ROAD

Map 18A, Lot 34 and 33

A request for a Variance from Article 10-A:Section E to redevelop the property using a mixed-use approach consisting of general office and retail space along the Route 3 corridor, along with twelve (12) apartment-style residential units (located in three (3) relocated and reconfigured buildings) to the rear of the parcel.

C. Pearson asked if the applicant had anything new to add.

Ari Pollak stated he had nothing to add and would answer any questions of the Board.

P. Morin stated that three meetings have been held on this application and any information needed could be provided if the Board had any questions.

Open Public

None

Close Public

J. Levesque stated that he would like to insure that the town is protected if this proposal is approved. He proposed that the Board only approve 8 of the requested 12 units and the balance of 4 units could be approved when the Commercial is approved and started.

C. Pearson stated the proposal was to approve 12 units with the limitation that units 9-12 could not begin construction until the Commercial development has begun.

R. Duhaime agreed with the proposal.

R. Bairam stated that this will protect the town for the commercial.

R. Duhaime stated this would be the only way to meet the spirit of the ordinance.

C. Pearson stated this would allow the applicant to do something on the property.

J. Levesque motioned to grant the Variance from Article 10-A:Section E to redevelop the property using a mixed-use approach consisting of general office and retail space along the Route 3 corridor, along with twelve (12) apartment-style residential units not to exceed 7500 square feet (located in three (3) relocated and reconfigured buildings) to the rear of the parcel, allowing eight (8) units to be built immediately and units 9-12 can be built once a Certificate of Occupancy is issued on the commercial piece of the property. Seconded by R. Bairam.

Vote unanimously in favor.

NEW PUBLIC HEARINGS

ALL OR NOTHING, LLC

Map 17, Lot 36

254 West River Road

A request for a Variance from Article 19, Section E.11 to construct two (2) detention ponds within four (4) feet of the seasonal high water mark.

C. Pearson left the meeting at 7:20 pm.

R. Duhaime assumed the Chair.

Alternate Phil Denbow will be voting in C. Pearson's absence.

Matt Peterson, Woodland Design: The first sheet of the plan (1 of 4) is the existing conditions plans which shows the existing Pizza Man located on the west side of West River Road and south of Cross Road. This site is currently gravel, pavement and grass with a slope in the back, which slopes up to some residential and commercial property. The size of the property is 2.294 acres. We are served by gas, water, and on site septic service. The second sheet in the plan set (2 of 4) outlines what the applicant has gone to the Planning Board for. The submitted plans got accepted but going through review and one item (item 9) needed a variance. This should have come to the ZBA first but unfortunately it went to Planning but we did not realize we needed the Variance until after Stantec did their review. The applicant would like to keep the existing Pizza Man Restaurant and redevelop the site. With the Plan coming forth, this will help to clean up the site and add a few features which will improve the site add a 5000 sf ballet studio

who is relocating from the K-Mart Plaza. We will have a secondary access off Cross Road. Sheet 4 address why we are here tonight. This addresses the drainage and grading of the site. The Regulations have an entire Article dedicated to the Ground Water District. There are multiple pages of items that must be addressed. We are working with an existing building, existing curb cuts and existing grades and most of the material already removed from the front of the site as we started. We looked at trying to meet the Ground Water district requirements. We are here tonight for a Variance to the distance between the seasonal high water and the bottom of our detention pond. You require 4 feet between the bottom of the detention pond for infiltration of the ground water and the seasonal high water. We dug two test pits and we had six feet from existing grade to seasonal high water, which isn't bad for this state. We had to get the water to these different points. Typically you put in catch basins, unfortunately once you put in a catch basin, you are down 3 feet instantly because you have to have pipe come out of the bottom of it. You got the distance of the pipe, so you loose a lot of grade by putting in catch basin, so you don't have as much distance between the seasonal high water and the bottom of the pond. So we took the high point at the middle of the site where the sheet flow to two different detention basins. Currently, there is no treatment on the site. The run off goes to a catch basin, under and out and down towards the river. We felt it would be good to get some detention basins and storage on the site. We also met with Stantec and there are multiple requirements for the aquifer district that we have met. We've installed fore bays in our detention basins, which are basically sediment fore bays basically to remove as much sediment as we can prior to going to the infiltration basins on the two sides. With the sheet flows across we lost about a foot and half of depth at about 1%, 1.5% to get the water to these two detention basins. We lose about a foot and half from what we started with. Once we got to the fore bays themselves, we put the fore bays in, then your requirement is for the 100 year storm, you have to have one foot of free board for your detention pond in the Ground Water District. We loose a foot right there for free board storage. We came across the site, we lost 1.5 feet, then we had a foot of free board for the 100-year storm, then we designed these basins to handle the water, we had to handle the ground water. They are only a foot deep. Met all the other requirements and Stantec signed off on them, however at that point we were only left with 2 feet to the seasonal high water. We're physically unable to get the 4 feet and design 99% of the items that we put in and met the ground water for this site. We didn't know about it, I should have found it somewhere but there were multiple things we met and I didn't see that one. The reason Stantec found it was they needed to get into a full review before they could say, yes or no on the drainage portion. That's how we got to the two feet. We have infiltration now, we have sediment, fore bays, we have the ponds and the grass, and we met the 100-year elevation, the foot of free board. The main thing we are trying to do is redesign this site. The last plan we did is we used Randy Knowles of Knowles Design, who is a landscape Architect out of Goffstown. He put together a plan that continues the redevelopment of this site and adds real nice features with the building. I have test pit logs on the two we dug if anyone wants a copy. They basically show is the ground water is at the six-foot mark, 72 inches. The Variance is from Article 19 E-11, permitted uses, Ground Water District. That requires 4 feet of vertical separation between the seasonal high water and the detention basin.

Applicant read criteria (see file)

J. Levesque: When the detention becomes full, will it drain to the existing drain that the run off is going to now?

M. Peterson: Correct. We have .7 that stays in the pond and slowly infiltrates over time.

P. Rowell: Do you use that for the 100-year event or is that the 25 years?

M. Peterson: We design for all the events. We design for the 25-year event but we need other criteria for the 100-year, like the free board.

R. Duhaime: What is going to be in the pond?

M. Peterson: It will be just grass.

Open Public

None

Close Public

J. Levesque: I think this is a good use because it will be better than what is there now.

R. Bairam motioned to grant the Variance from Article 19, Section E.11 to construct two (2) detention ponds within four (4) feet of the seasonal high water mark. Seconded by J. Levesque.

Vote unanimously in favor.

CRANTON VERNON, LLC

8 Avon Road

Map 14, LOT 14-3

An Appeal of Administrative Decision was requested for the Planning Board's determination that the subdivision application related to a workforce housing project is incomplete, and a Variance is requested from Article 5 Section C(1)(a) of the Zoning Ordinance to permit the construction of a workforce housing project consisting of seven (7) separate lots, with lot sizes of the seven lots ranging from 3,617 square feet to 13,361 square feet where 32,670 is required and frontage on six of the seven lots ranging from 16 feet to 82.53 feet where 150 feet is required.

P. Rowell: They applied for an appeal of Administrative Decision and a Variance for the dimensional variance. The Administrative Decision should be placed with the Merrimack Court and the Variance could be ruled on by the ZBA

Mark Derby, Representing Plus 55 LLC and Cranton Vernon: I agree with Mr. Rowell regarding the procedural posture. We plan to file a straight appeal to the court for the Administrative Decision. We disagree with the Town and the Planning Board about whether or not this particular issue should be decided by the ZBA or Planning Board, but

we are here today for the Variance without prejudice to our legal argument. But if we turn out to be wrong, we want to start the Variance process through the ZBA. The Variance is for lot size and frontage. We reserve the right to address the legal issues with respect to whether or not we need the Variance or whether it was the Planning Board with respect to single-family workforce housing had the authority to administer the statute. I turn things over to Brian Anderson to walk you through the physical aspects of the property and I will address the criteria.

Brian Anderson: The property is at the northwest corner of the intersection of Avon Road and Thames Road in the Granite Height/Granite Hill Area. Aerial photo of the property shows the site. The project we're proposing is taking the property which is a 4.7 acre lot and subdividing into 7 homes lots with one remainder lot for future development. The lots we are proposing range from a 1/10 of an acre to 3/10 of a acre, with 7 home units and 7 lots and the two units down to the bottom will have a shared driveway out to Avon Road; two units would have their own driveways out to Avon Road; two units would have a shared driveway out to Thames Road; one unit would have a driveway to Thames Road. We designed this to meet the pre-imposed development flow rates as required by the Town regulations. We are looking at providing on site wells for water supply with connection for sewer to the public sewer system. If you need more information, I can provide it.

R. Bairam: Will each individual lot have a well or will it be a common well?

Brian Anderson: The way we have it designed now, each individual lot will have a well, a couple of the lots will have an off lot well, and there would need to be easements that we would be providing. It would all be within the properties but some of the wells would be on an abutting property that we're proposing due to the topography and the area available.

Mark Derby: To clarify, we're not here today..that is just background information about the water. There is another issue about allocation water rights from another development so that they plug into the town water systems. In terms of completeness in front of the Planning Board, because there was ambiguity based upon the recent bankruptcy of Hooksett Development LLC, we put the wells in to meet the completeness requirement for the Planning Board but that issue could change.
The Variance Criteria was read into the record (see file)

R. Duhaime: We are here for relief. We're not here for speculation on designing lot to be workforce housing. That, I don't think is a route we need to travel. That's not what we're here for.

You are trying to tell me that you need 7 houses on this property to make it viable and that's your hardship?

Mark Derby: That is a hardship component. I anticipated you would have this objection. The statutes RSA 674:58 requires that towns have reasonable lot size-zoning requirements so that they can allow workforce housing. My argument is, your hardship analysis, through the variance criteria needs to be strongly informed by the workforce housing statute because the statute requires that workforce housing be given relaxed standards. If you were to say, I am going to hold you to the exact same zoning variance requirements that I would hold any other market rate development project, I'm going to treat this like a regular variance and ignore the workforce statute, I would argue that you would be violating 674:59 which requires that there be reasonable opportunities for workforce housing. You may disagree with that but you do have to be informed in your analysis. You can't just say we will treat this like market rate housing.

R. Duhaime: This property may not be the best situation for that.

Mark Derby: When you present a use that is allowed in the district, which this is, single family residential, I would say that the ZBA has to look at this project as presented and it is presumptively reasonable. *Boccia vs. City of Portsmouth* talks about how, you couldn't say, well could you do 5 houses, could you do single story houses, could you do a row of townhouses, could you reconfigure it in such a way, I would suggest you look at the project as is presented and not look at some other alternative when we're talking hardship clause.

P. Denbow: You were going to have some wetlands but not as much as in another instance.

Mark Derby: In this case, you could because multi family is permitted we could do a bank of townhouses but you would have to put all the houses together with pavement for sufficient parking, it would be hard to do it without having more of an impact in the wetland areas. That goes back to the public good, the single-family option is preferred because it minimizes wetland impacts.

P. Denbow: How do those single family homes relate to the other lot sizes of the single family homes in the area? Are they similar?

Mark Derby: I would concede, if you look at the chart, they are clustered. If you look at the map, on Dove Road they are pretty close together. Whether they are individual lots or clusters, I'm not sure. I think the residents of these homes are here. If you look at these homes and they are clustered and are close together and then you drive a few steps over and you have townhouses of different sizes and varieties, which are much closer together. If you look at some of those lots, I don't think it is too dramatically out of character. It stays consistent with the overall look of the neighborhood.

Peter Rowell: The other two subdivisions were done as clusters with open space in accordance with the clustering ordinance.

Mark Derby: I think that the undo hardship analysis is strongly informed by the economics of providing workforce housing. You can't physically get to the price point with the quarter acre lot and the 150 feet of frontage. It's not possible to do. It basically double the land development and acquisition cost and doesn't provide a meaningful opportunity to develop workforce housing. You have your Zoning Ordinance, but I would suggest that the State Statute and Article 16A, which is part of your zoning ordinance, modify and give you the flexibility to waive those standards for workforce housing.

Substantial justice would be done and comply with the letter and spirit of the workforce and is a use that is allowed in MDR. It wouldn't affect the character so that goes to the public policy

Spirit of the Ordinance: Section 16A is enacted pursuant to State Statute RSA 674:58 Section 3 of which says you must reasonable and realistic opportunities for development workforce housing means opportunity to develop economically viable workforce housing within the framework of a municipalities ordinances and regulations. Article 16A is to "encourage and provide for the development of workforce housing". 674:59:1 requires that opportunity be "reasonable and realistic". I think it is unrealistic, and I think we have demonstrated the unrealistic nature of it that you can't do single family workforce development with a ¼ acre and 150 feet of frontage. All the Zoning Ordinances have is their purpose to group similar uses together and allow the harmonious use of land. This is residential and is in a residential area and it's where it belongs and I would say that this proposal is well within the framework of your existing zoning. If you look at the framework of your existing zoning, you have in MDR; you have the availability of multi-family buildings and the availability of single-family developments. It is more in that framework. It is more spread out and diffused than a multi-family building would be, but the lot sizes are smaller than a fully conforming single-family group of lots would be. So you would be well within your spirit of your ordinance as informed by the workforce housing statute and the ordinance itself to approve these smaller lots and frontage requirements because it is within the framework. Your framework includes these two particular types of housing in MDR. We've presented a hybrid that does comply with the workforce housing ordinance and I think that I would respectfully suggest that if the board goes straight to the same criteria and not take into consideration the workforce housing aspect of this project, it would not be fulfilling it's duty under 674:59 to provide reasonable and realistic opportunities. We requested these variances without prejudice to our appeal rights to the court because it is the Planning Board that should done this. We reserve the right to offer rebuttal after public testimony

Open Public

Abutters:

Brian Gehris, 6 Avon: I am the only one here directly abutting this property. This was not my plan when I purchased this property about 2.5 years ago. This is the wrong situation for what is up there. These lots were pre approved for 2 single-family homes. And even that I think would be tight. This land is extremely wet. It is in my backyard. They have already gone in and plowed the first driveway, which is where it is showing the two units, and my lot is the next one just below it, the trapezoid unit. You can see from the size of my lot and what they are trying to cram in there, they are not equal size lots, not even close, one of them being lot 36-17 which is 1/10 of what the requirements are. This is a busy intersection with the townhouses on the height. These people come flying down this road and turn that right corner. There is no stop sign there. This is going to add even more confusion with additional driveways. I was at the Planning Board meeting and there are also issues with the water. The location is wrong. The wetlands are a big issue. This is not just standing water. This is drainage comes across under Avon Road from the right bottom side of Dove Road, under my yard and there is a culvert that comes out and drains around the back of my lot and comes back under Avon Road. So under heavy rain like we just had, this area is flooded out. The silt fence they put up to plow in that driveway, the water was creeping up. Just to get in the driveway, they've maxed out. I have no idea how they are going to get the other lots in there. Their difference between standing pool and wetland distinctions, I know there is a clause in there on what you can fill in and what you can't. This has everything you can talk about in this corner. I have a big concern with property value. Dove Road is a nice development. Myself, at 6 Avon Road, neighbor just below me and my neighbor across the street. We are the only three (3) that are on Avon Road and are not part of any other group in there. We are not part of Dove Road community and we are not part of Granite Hill. We pay some access fees for Avon Road for plowing with Granite Heights through the Granite Hills group. We are not part of that. When we bought the house, the idea was there were pre-approved lots up to the end of Avon. I don't think jamming 7 small house, some of them being connected is the answer for that corner. I disagree with the comments on sale price. I had two realtors in, one was a family member who is currently retired and another member who has actively put my house on the sale block partially due to this project. I'm dabbling with in what the value is worth. If I go, I'm a lifetime resident of Hooksett. This is my third house, I've moved up and renovated and created this home and now I'm facing a decrease in value due to this project. Some of the prices they are

talking about are unrealistic in this market. My house on the market, I'd be lucky to get \$300,000 for it. I have a 2200 sf colonial on a little over $\frac{3}{4}$ acre with a market value of 300,000. There are other locations in Hooksett where they can do it. I was at the Planning Board meeting where they approved the project across from the Deerhead. It made sense and the neighbors stood up and liked the idea. No one stood up here to say they like this project. There is a lot of concern with the value of this property. I don't like the idea of putting that many units in that corner due to the fact that it doesn't put profit in their pocket. There are other ways to make money. I'm in the construction business, you figure out other ways to do it and you make it right. You don't chop up somebody's neighborhood. I don't think anyone in this room would be happy if this was put in their backyard. The traffic was another concern. I wish everyone would take a close look at it and there is a fine line between a reasonable and working with them. If this was a matter of taking a full size zoned lot and taking a couple thousand feet off it, or taking the frontage that you need and taking a few feet off it, but these are really tight and literally you have zigzag lines/property lines between buildings. There is no room. This is going to be directly in my sight. I met with the developer on sight and this isn't a good situation. (Pointed on map his lot)

J. Levesque asked the abutter to point out his house on the map provided by the applicant.

Brian Gehris: Dove Road is a nice community and the Hamlet is nice as well even though they are tight. There are single-family homes with condos below. But as you come up through the development it is a nice development. The townhouses are located up beyond the single-family homes, out of the way. There are a lot of trees. It is a different feel. This is not in the spirit of the ordinance. The road is busy now and my kids have to run across the road to visit their friends. This will just add to that traffic. It is not a good layout.

Tony Parenti, 1 Dove Road: My wife and I are directly across from the property. We concur and we sent a letter to the Planning stating our concerns. 1 Dove was the first home built on Dove in 2000. All these items for the proposed dwelling are small. We are 2500 so to almost 3000 with a finish basement. Weather wise, we are ongoing getting these weather conditions, which is a problem with the drainage. On the corner, where we are, is a wetland that builds up and goes nowhere. There is a pipe, when they built it they raised the road up and the water goes nowhere. I have a 5-6-water drain sitting on my corner of Dove and Avon. Now you're going to put more homes over on the other side and that's just going to cause more problems because where does all this water go. As we all know, we are getting unusual weather that's not going to change. The value is an issue. The numbers they are talking in this economy doesn't make sense. Traffic is huge. When the construction of the condominiums was going on, it was like, frankly you should have had the police to control the traffic. The traffic is none stop. The traffic is a concern. On Dove and Avon, there are children. Construction noise, when the houses were built, the agreement was there would be no work on the weekend. He was approved for two houses so he started construction last fall, and of course there is no signage saying what was going to be built there. There is nothing. I've held off calling code enforcement and originally I was told one to two homes. One to two homes are different than 7 and down the road 29 more. I don't think this what we're looking for in the area. At the end of the day, we are all in this together, I appreciate you taking the time to listen to us but the concern isn't that we don't want workforce housing, it is about this is not the right fit.

John Mookken, 4 Avon Road: This property abuts this development. I have two points. I bought the house in 2006 and when we bought it, they said Thames Road would be completed and Avon was going to be blocked off and it would be a dead end street. With this development, I don't see that ever happening. The attorney said there was no negative impact on our homes. I don't believe that. You have condos at a certain price level and single family homes with 2300 to 3000 square feet and now you are introducing a third price home. This will definitely have an impact on the value of the larger houses. I think this is just a story about a developer trying to squeeze as many houses as he can into a four-acre lot and try and make the most money out of it. It isn't in the spirit of the neighborhood.

R. Duhaime: We want to hear your input. We are here for you.

Ed Randle, President of the Homeowner's Association at Granite Heights and a Homeowner at Granite Heights: A comparison was made to Granite Heights. When you look at the layout of the high-density housing, the average condo has near a ½ acre with the common area not 1/10 as we are talking below. Also, the gentleman would have us believe that wherever they want to plop down workforce housing, it's appropriate and you should make the variance for them. I don't find that to be the truth. There is the appropriate place for workforce housing, not in that particular area there. It is a dangerous corner and it will impact the property value in that area.

Al O'Brien, Cedar Management: I've been to the Planning Board meeting and TRC meeting. We are talking about 7 units. The reality is we're talking over 35 units. 7 units for phase I and phase II was taken off the plans. I agree with everything stated up to this point. The major issue is there is land that is not conducive to workforce housing because of the topography and wetlands. Check the workforce-housing requirement that states clearly that there are tracks of land that is not conducive due to topography, wetlands and the cost of the site work. You heard testimony by the builder that it's \$70,000 per unit for site work, and if they do it the other way with single family homes its \$140,000. The bottom line if you're going to spend \$70,000 a unit on the site work and they have to parole these homes for \$240,000, it does not make sense. The Planning Board for the town and the Zoning Board for the town and all the other parties that have dealt with this are under no obligation to grant these variances. Lastly, we have heard comparison after comparison to Granite Hill condominium to Dove Road, to Granite Heights Development; also another property in the area is the Hamlet. One thing to keep in mind, every one of these properties, when they were developed has covenant in the restrictions within the document and the deeds. I have heard no covenants or restrictions set on this proposed housing to insure the value is kept up with these and the maintenance is kept up with these and that you don't end up with trash, heaps of dead cars or whatever laying in the front yards of these homes. There's been no talk of covenants or restriction to assure these people who are adjacent to these properties can have their properties and maintain the values of their properties. The discussion of a 1400 square foot home for \$240,000 and calling it workforce housing is totally ridiculous.

Craig Cheesman, President of Granite Hill condominium Association: I'm here to express the association's opposition for the previously stated reasons. I ask the board to consider the spirit of Workforce housing that I've heard described at the price structure based on a family of four moving into these homes. A family of four means to me 2 adults, 2 kids. Where are these kids going to play, there are no yards. These lots are 3000 to 13000 square feet. The kids will migrate to surrounding property and become a nuisance perhaps to the residents of Granite Hill, the Hamlet, Granite Heights and Dove Road. There are no facilities for these kids to play, except in the road, otherwise they're in the wetland and we've already discussed there is a traffic issue up there. It's a dangerous corner. I just don't see where it works. I think it will affect the value of homes. You have a woodland setting up there and an open setting and now you're going to jam 7 homes on lots that are approved for 2 homes. It doesn't work.

Aaron McIntire, 8 Dove Road, President of the Homeowners Association for Dove: In speaking with our neighborhood of 15 houses and I have 14 of the 15 opposed for the reason already stated. Dove is a cluster style development with 3 different areas of common land that we share and utilize. We have an open Gazebo in the cul-de-sac. We have areas between our houses where we can have group barbeque. Drainage, adjacent under Avon is a large wetland. That drains across all our properties on Dove. Plopping houses will push more water onto our properties. As a representative of the neighborhood, we have 14 nay votes.

Ben Abrams, 5 Dove Road: I don't believe that the proposed project is complimentary to what exists there now. If you drive the neighborhood, you will see single-family homes, condominiums and townhouses, and all of these uses are complimentary. They are buffered from each other by common ground or roadways or just distance. If you look at this, people that live next to this project are concerned that there is no buffer, which is different from what exists in the

neighborhood. The attorney for the project said that this project fits in generally speaking in the neighborhood. But this is a new project. These are much smaller homes on much smaller lots. The initial concern that the attorney discussed which was a loss in value, I think because of the density and property type, I think those values will be diminished.

Gary Lee, 21 Trent Road (Hamlet): I have sat on a zoning board and I know how difficult the job can be. You only need to consider one thing; this is the wrong piece of property.

Jay Gagne: 1 Trent: I am president of the association and lived in the neighborhood for 10-12 years and a real estate broker. I am not an expert on workforce housing but I did read some of the material recently. What I learned is the intent is to provide opportunity for affordable housing close to the community where they work. It is for a municipal environment like Manchester. It is to minimize expense for commuting to work. It is more geared for a municipal environment like Manchester. It is to minimize the amount of expense they'd have to commute to their work. The type of housing in there without the appropriate open space is not in keeping with the character of the neighborhood. It is the wrong location and no one bought their properties with the impression this would be coming forth. The attorney said it would be reasonable and realistic. I don't think it is either to put this there. There is undue hardship but it's not to the people looking for workforce housing, it is only to the developer to maximize profit.

Mark Derby: With respect to expectation when someone buys property, there is no right to have an undeveloped piece of property remain undeveloped in perpetuity based on the zoning. When it comes to the drainage issues, I don't think we are here today for these issues because the Planning process can require the work be done to deal with drainage. When you have a larger development, you have a larger budget to handle those issues that you might not have when you are handling one or two houses. The other comment was \$75,000 was just site development and that also includes land acquisition. There was a comment, if you put a type of housing in a development where there a single family houses in \$300,000 and townhouses in the \$200,000, I don't see how if you put something in between those two price points, I don't see how that diminishes either of those two properties. Customarily, when you talk about diminishing value, your talking about putting in a use, a use that is not there and not allowed like a gravel pit. The use here is perfectly consistent. The comment that there are 35 more units out there, that is not before you today. There are only 7 units. If you were to base a decision on what may or may not happen in the future, rather than just look at what is before, that would be erroneous. There were comments about construction noise. Construction noise is a temporary issue and there are subdivision regulations that can be put in and govern it that would address those issues and concerns. Everyone dealt with this when they bought new houses and at some point it comes to an end. Reasonable and realistic, and encourage, you must look at Section 16 A which says the purpose is to encourage the development of workforce housing. If you go to the Statute, the encouragement comes from providing a profit incentive to developers to develop this kind of land. That is why the subdivision requires a full economic analysis be done to show that this is the type of project that can be done. When you talk about developer profit that is what the statute aims at, to create incentives to create this type of housing. It is the focal point of the whole statute.

J. Levesque: The variance listing, it says the lot size required is 32,670 square feet with 150 feet of frontage but they are looking for wells which requires 43,000 square feet and 175 feet of frontage. I know that workforce housing, the ordinance can be relaxed but going from 175 feet of frontage to 16 on one piece of property is really relaxed.

Mark Derby: There is an issue with the water and reassigning water rights from the town water control by Land Acquisition LLC, there is an issue of Hooksett Development LLC being in bankruptcy and if you were to grant this variance based on the variations we asked for, we would be amendable to a condition that requires that we make alternative arrangements from wells.

If you wanted to make that a condition...

R. Duhaime: We are looking at a plan in front of us that includes wells for 7 units.

Mark Derby: Regardless what the initial amount was, based on the economics of the project, this is the lot sizes and frontages needed to provide realistic single family workforce housing which must be provided in a majority of the town's residential zones. That is in the statute. You don't have to have it everywhere but you do need to have in the majority of places and single-family workforce housing has to be one of those options under the statute.

Peter Rowell: At the TRC meeting, there was some concern with the closeness of the buildings for fire safety purposes and they were told they would need to get a variance from the Fire Marshall's office.

Mark Derby: We have that. If the buildings are within 30 feet of each other we will put sprinklers in.

R. Duhaime: All the developments surrounding this property are cluster subdivisions and have open space. You have the property to do a cluster subdivision, why isn't there any open space with this project. The only open space is wetland and I'm concerned with the kids and driveway. This doesn't seem to fit into the whole area. You are surrounded by cluster subdivisions.

Mark Derby: You have to look at unit for unit, house for house, building for building because these are single lots that stand-alone. You visually compare it with what's in the area. I think it fits in between the single family and townhouses. Part of keeping the cost down is not using the entire lot and just using part of the lot. That's how you keep the land acquisition and land development cost down and keeps it at that price point.

R. Duhaime: If you were doing more units, but your leaving out a section. Sometimes when you do more units, you get more accomplished at the same time so then you can do that. The picture I'm looking at is not something that I think will work at this corner. You are only subdividing a portion of the property and leaving the left open, not open space and planning future subdivisions.

Mark Derby: I'm not sure what's going to happen in the future. We don't know what will happen in the future. That would not be restricted or connected to these lots.

R. Duhaime: In Granite Heights, only a portion is built. There will be more traffic in the future.

Ed Randle: There are 324 are approved and 88 are built.

R. Duhaime: There will be a lot more traffic on that road in time. This is workforce housing so there will be children. The space for these children and space to do anything on a busy corner is limited. We will be tripling the traffic on that corner.

Mark Derby: There will be a stop sign on the corner

R. Duhaime: That is fine but there is no space for these children to go.

M. Derby: In most of Granite Hill, as I understand it, the speed limit is like 15 –20 mph with speed bumps.

R. Duhaime: But you're not giving children anywhere to play except in the street.

Mark Derby: You're assuming that each one of those houses will have two children. In my understanding, that's not necessarily true.

R. Duhaime: There could be more, I don't know.

Mark Derby: There could be less. The studies show that there could be one child on average. There could be units with no kids.

R. Duhaime With regard to diminution of value, we can request a study if the board wishes.

R. Bairam: I'm concerned with the wetlands issue. If there are wetlands, that will limit the area even more.

R. Duhaime: What is the impervious soil and what do you plan to do for drainage?

Bryant Anderson: With the impervious areas, we will put gravel trench drain with a sand filter so the majority water coming off the impervious surface will go down into the ground through the sand filter and whatever can't go into the ground will come out and be discharged into the lower points of the wetlands. There will obviously be an increase of impervious area and with these trench drains we will try to put the under drains to slow the water down provide detention with it.

R. Duhamel: There will be no water retention?

B. Anderson: The water will go into these stone trench along driveways and then get stored in stone, go through a sand filter to treat the water and be collected by under drains whatever can't go into the ground and then be discharged into the wetlands that are on the site.

Public: There is no open land because that everything that is available if wetland. I request that if this goes forward, I request that Conservation Commission could be involved to at least walk the site.

R. Duhaime: Has conservation looked at this?

Mark Derby: No

Tony Parenti, 1 Dove Road: Across from the area proposed is a huge wetland with no drainage. Where is the water going to go? If you go see that area, there is no area for the water to go. There is none stop water flow even when it isn't raining. At the corner of Dove and Avon, there is 5-6 feet of water in that corner that doesn't go anywhere, so where will the rest of this water from across the street going to go. I agree that Conservation should look at this as well. We tried to get some of the culverts from conservation and they designated it all wetlands and wouldn't let us fill it in to put a pipe. We were told that was all wetlands. The water has to come down the hill and go somewhere.

Public: I'm concerned with the issue of 30 feet building separation. Are the fire Marshall and the fire department aware that these sprinkler systems would be coming off a well? I work for a fire department and you would need a 300-gallon tank with a pump inside a house to do 1200 square foot home to do a sprinkler system.

Mark Derby: I don't know how to answer that because the plans we submitted to the Fire Marshal shows wells.

Peter Rowell: it was pointed out at TRC that it will be wells and representatives from the Fire Department were there. But there was also talk at that meeting that they would get municipal water.

Mark Derby: We will try to get municipal water but there are issues allocation, water rights and precincts as well as bankruptcies that have complicated the assignment of town water. Not a bankruptcy of these entities but of neighboring entities.

J. Levesque: I think we should do a site walk possibly with Conservation. I'd like to see a better drawing on setbacks and how much we are laxing the ordinance. I know some of the houses in the Hamlet have sprinkler systems, pumps, and tanks in the basement. They have a reserve tank in the back with a fire pump.

P. Denbow: Is Sewer addressed

Applicant: There is municipal sewer.

Peter Rowell: In the workforce housing ordinance, it says that "no portion of this ordinance shall nullify provisions of other town ordinances in relation to the environmental protection, water supply, sanitary disposal, traffic safety and life safety." That is clearly spelled out in the ordinance and it also talks about architectural compatibility in the ordinance. The ordinance was written and is new for the board. The ordinance was written so you would have a portion of the subdivision would be workforce housing, like there would be 20 homes and 5 would be built for workforce and the rest would be for market value. That is spelled out in general requirements.

Close Public

D. Duhaime stated that a site walk would be scheduled.

R. Bairam requests Conservation Commission be involved.

R. Duhaime asked if the Planning Board had done a site walk?

Mark Derby: I'm not sure they have. We believe the Planning Board as effectively denied the application by declaring it to be incomplete, the subdivision application and I doubt they've taken a walk of the property.

Mark Derby: There was a question regarding the frontage from house #1 to house #7. The engineer added it up and it's about 450 feet.

1. Proposed use would not diminish surrounding property values.
5 members state that it will diminish property value.
2. Granting would benefit the public interest.
It would provide workforce housing but this is the wrong location
5 members stated this is not the right location
3. Undo hardship
This is not the only use for this property.
5 members stated there is no hardship
4. Granting the variance would do substantial justice.
It is not the correct location and could be a hazard.
5 members stated this would not do substantial justice.
5. Use is not contrary to the spirit of the ordinance
If you are talking about 16A they are allowed to be lax on the ordinance but these are asking a lot of exception. In some cases they are asking for 1/10 of the required frontage.
The other lot is a common driveway. What if there are issues with plowing? They are stretching the ordinance too far.

P. Denbow motioned to grant the variance from Article 5 Section C(1)(a) of the Zoning Ordinance to permit the construction of a workforce housing project consisting of seven (7) separate lots, with lot sizes of the seven lots ranging

from 3,617 square feet to 13,361 square feet where 32,670 is required and frontage on six of the seven lots ranging from 16 feet to 82.53 feet where 150 feet is required. Seconded by R. Bairam

Vote unanimously opposed for reasons stated in the 5 criteria above.

ADJOURNMENT

J. Levesques motioned to adjourn at 9:00 pm. Seconded by R. Bairam.

Vote unanimously in favor.

Respectfully submitted,

Lee Ann Moynihan