

Official

HOOKSETT ZONING BOARD OF ADJUSTMENT Tuesday, September 11, 2012 Meeting Minutes

CALL TO ORDER

R. Duhaime called the meeting to order at 6:30 pm.

ATTENDANCE

Richard Bairam, Roger Duhaime, Gerald Hyde

Alternates: Phil Denbow, Jacqueline Roy and Michael Simoneau

Code Enforcement Officer: Matt Labonte

Excused: D. Pare, C. Pearson

APPROVAL OF MINUTES

August 14, 2012 – *R. Bairam moved to approve the August 14, 2012 minutes. Motion seconded by G. Hyde. Motion carried unanimously.*

CONTINUED HEARING

NEURO RESTORATIVE OF NEW HAMPSHIRE

33 Prescott Heights

Map 42 Lot 13

Special Exception

A Special Exception per Article 5:B.3 to allow handicap housing in the Medium Density Residential District.

Variances

- A Variance from Article 7:B.2(a) to allow the conversion of a single family dwelling with 3.15 acres into a home for the handicap where 4 acres are required.
- A Variance from Article 7:B.2(c) to allow a handicap housing development on a lot with 50' of frontage where 200 feet is required.
- A Variance from Article 7:B.5 to allow a handicap housing development on a property with a private and well and septic where public water and sewer is required but not available.

Steve Miller, Operations Director, Neuro Restorative: We want to talk to you about the special exception as well as the 3 variances. Our purpose is to answer any question you may have regarding the use of the home and the 3 variances.

R. Duhaime: I have some concerns with putting limitations on what you could do on the property, sticking to neuro and no drug or alcohol rehabilitation. It's not going to be a medical facility just basically, housing, right?

Lisa Saba, Neuro Restorative: Yes, if you read the letter (from Dan & Linda Morehouse-attached) that was distributed, you'll get a little bit of the picture of the type of support and services that folks receive.

M. Simoneau: Right from the very beginning I've stated that this is an honorable act and a good thing but I keep going back to a lot of concerns neighbors have on drainage, water and septic issues. I heard there was issue with drainage. I want to make sure that is taken care of and addressed.

S. Miller: This is a house were people would live. Nothing will be done that will change the drainage.

M. Simoneau: I understand it's from 5-6 people to "X" number of people. And it's going to be constant use.

S. Miller: It's my understanding there has been as many as seven people living there for an extended period of time. Our folks don't use any more water than anyone else.

M. Labonte: They do have a new septic system. It's been approved by DES for the intended use. All those issues have been addressed. The well, I can't speak to.

S. Miller: Nothing will happen in this house that is foreign to single-family living as far as water drainage.

J. Roy: If we have the special exception noted as a NH licensed post-acute rehabilitation facility for adults with brain and spinal cord injuries. Is that specific enough to you, which would prevent other types of industries coming in after.

L. Saba: That language fits.

R. Duhaime: Do you have any information about the well?

The Builder/Project Manager stated they haven't checked the depth of the well. Drilled wells in the area range between 400-600 feet deep.

P. Denbow: At the last joint meeting, one of the things the Town Planner brought up was usually, these types of uses were done near shopping stores, etc. where people can easily get what they need. We've heard that people sometimes stay there permanently. Is it going to be a place where people come in, get better and leave or is it going to be a place where people would stay for 20 years?

L. Saba: Generally, there is a mix. About 75% do need a level of support for the rest of their lives but we do have some people come in, be able to progress and learn from the opportunities and hopefully, be able to move into his own apartment.

S. Miller: About the statement brought up that generally population such as this, are put into areas close to stores, I would disagree with that. Our model is based on nestling people into a neighborhood similar to where they came from before injuries. Our people don't go out by themselves. We take them where they need to go.

J. Roy: Have you considered all of these items for your clients, such as shopping, food, clothes, medical supplies, etc. Those were considered before you submitted your application?

L. Saba: Absolutely. A lot of our homes are in rural areas.

The floor was opened to the public.

Mark L'Heureux, 17 Beacon Hill: I've come to all the meetings and went to the site walk. Overall, I still oppose the project. I think it's a noble project but I believe it's going in the wrong area. It makes me uncomfortable there is special exception. Special exemptions stay with the property and licensing is with the business. The property is deep within a residential zone. It's at a summit of a steep hill in all directions. I don't think it's an advantage for them in that regard. They want to have employees there 24 hours a day. During the winter, those hills are very difficult to navigate. I think you can do more diligence of find other properties that do not need all the variances. As far as property values, I live across the street from a water tank. I bought the place knowing it had a negative impact on the property. I get an assessment deduction for having that tank in front of my property. When you have a multi-unit behind with a special exception that could be a negative impact. An applicant shouldn't have to apply for so many variances to make a project work. I think it's excessive.

M. Labonte: The density clause is set up for multi-family situation. They allow up to 2 persons per bedroom. It didn't fit into the density requirements. It's designed more for a multi-unit situation, i.e., assisted care, etc. where, there is one kitchen there but it is large and designed to accommodate up to 6 people. I was comfortable with it.

James Tondreau, 31 Prescott Heights Road: I want to know how this board can give a variance when they don't meet the criteria. They don't meet the Town standards. It is a business within a residential area. They are supposed to have town water and town sewage. There's only well and septic. There will be lots of traffic. Trucks will be coming in for deliveries. What happens if one of them gets out to my property get hurt and/or do damage. Who will be responsible? My water level has gone down when they built all these houses. If you want them in this community why not have them in your own community? Why change ours? It's residential and that's how it should stay.

Don Armstrong, 9 Prescott Heights Road: We've owned that property for 65 years. The 2 gentlemen who spoke previous have owned their properties for over 30 years. It's not a matter of coincidence that all 3 properties are absolutely manicured. All of the efforts that has gone into

that neighborhood to make it a thoroughly residential area. We've attended the meetings and I'd like to recap. I know some of these have been touched on this evening. Some people don't feel comfortable coming up here and expressing the same thing. A drainage broke and mid-summer this year, there is still water running down. We've had a hellish time having water there. I'm well aware of one property that was sold because after drilling a well and spending all that money, the owners could use the water. These people have resorted to shallow well, drainage is an issue. I don't agree with Mr. Miller when he said there is no difference between those 6 people living in there with their guardians versus a mom and dad and a small family and not have to be there 24 hours a day. The residents of this home would be. The noise, it's not the noise from the number of traffic but from vehicular noise. Property value, there's no way property values can't be absolutely plummeting if this were to happen. I don't mean this in a nasty way. This is not a "Mother Theresa" sort of effort. This is a money-making business presenting a shopping list of variances to the code. If we have a code, why do we have it? Why not just get rid of it and you won't have to worry about variances. I would ask the board to seriously consider triggering off a series of reaction this will have for anyone in the future seeking variances, let alone three of them at a time.

Erin Hall, 33 Castle Drive: I currently work at a non-profit Brain Injury Association of NH. I currently work with an individual who lives at a facility currently run by Neuro Restorative. He actually has a job. He walks to work. He spends money in the community. He pays taxes. We're talking about people living in a home. There are a lot of folks with brain injury who live with a family. They don't need to go for any variances. I've never seen an issue with Neuro Restorative. Staffing is set on a regular basis. They have lawn maintenance. You have all of that. They are putting money into the community. I understand the fears. I wouldn't mind having the facility next to my home.

L. Saba read a letter into the record (attached).

Judy Sullivan, 42 Bert Street: I'm also an employee of Brain Injury Association of NH and work with brain injured adults. It is 9/11, a lot of vets are coming home with brain injuries. These are vets who might end up in Hooksett. They are no different from you and I. I support this kind of endeavor.

S. Miller: I just want to point out on Article 7 under the stated purpose, "*to establish provisions under which elderly and/or handicapped housing developments may be authorized as a special exception use in a medium and high density residential districts*". This tells me that there is a pathway to allow this, rather than seeing it as too many variances.

P. Denbow: Will the exterior have to be modified, extra lighting needed?

S. Miller: Nothing will be changed and no extra lighting. We specifically stay away from that.

L. Saba: It's really their home so we don't want it to look any different than other homes.

S. Miller: Our goal is to find these places that are large enough to do what we need to do on the inside. This is not any different than a neighbor who had a stroke or a spinal cord injury and

now their home is going to be modified, wider doorways, i.e. for better accessibility. They do their own laundry and cooking and able to live as independently as they can. We make a vast improvement in every neighborhood we come to. We make sure these places are top notch with gardens and nice landscaping. The concerns we've heard are valid concerns from people who don't know. Once they learn who we are and begin to know our folks as neighbors, it changes everything.

The realtor (working with Neuro Restorative) worked with them on the Loudon property. She stated nothing is different from the outside. They never changed the exterior look of the home just the interior. As far as property values, people who look for homes, usually look for the location and if the house meet their needs. There's a lot of people who do not know who's living around them. They are not hiding who they are and what they're doing.

Public input session was closed.

Board discussion ensued.

G. Hyde pointed out some buffer concerns.

S. Miller: We have no problem adding some green buffer.

Discussion on road conditions during snow storms and how it would affect employees and emergency vehicles trying to get to the facility.

S. Miller: When we do the market analysis, we take all that into consideration. There are some programs in other state that are more medically inclined. We bring that balance to them. We've endured Katrina, Isaac, ice storms, etc. We are very good at taking care of it ourselves.

J. Roy: Do you have the authority to say you can no longer provide care for a client?

L. Saba: We have to look at other alternatives. It winds up being a group decision between caretakers and family members.

G. Hyde: The most important for me is water and sewer. We provide that they have to have town water and sewer so we never have to have someone coming up saying "my well is dry". It's already a non-conforming lot. We've had big variances on this lot. It drives this lot wildly out of conformance. The way the real estate market is now, every little thing that a buyer can pick on, is just one more concern.

J. Roy: There's enough opposition. There's no concern with sewer. As far as water usage, I don't know how that will affect the neighborhood. The neighborhood is having problems now.

R. Duhaime: We want to see something like this in the community but I'm not sure if this is the best area for it.

P. Denbow: People are generally worried about the unknown.

J. Roy: I'm a little hung up on the emergency vehicles and the water usage.

Deliberations ensued.

J. Roy: If this was purchased for a family with 8 kids, no modifications are needed?

M. Labonte: Yes, other than the septic.

G. Hyde pointed out Article 7:B.3.e, "*The maximum number of bedrooms shall not exceed two (2) per dwelling unit.*"

M. Labonte: It requires Section a, which allows 3 dwelling units per acre and 2 persons per dwelling. Using the formula, 3 acres X 2 X 3, 18 people.

R. Bairam moved to grant a special exception per Article 5:B.3 to allow handicap housing in the Medium Density Residential District. Motion seconded by P. Denbow. Motion carried.

J. Roy suggested amending the motion to grant a special exception specific to NH licensed post-acute adult rehabilitation facility for people with brain and spinal cord injuries.

R. Bairam moved to reconsider the motion. Motion seconded by P. Denbow. Motion carried.

Discussion on the 5 Criteria for Special Exception.

G. Hyde disagreed with all 5.

M. Simoneau moved to allow a special exception for a NH licensed post-acute rehabilitation facility for adults with brain and spinal cord injuries only. Motion seconded by R. Bairam.

Planning Board will have an opportunity to address the details.

3 in favor and 1 (G. Hyde) opposed. R. Duhaime abstained. Motion carried.

Variances:

R. Bairam moved to grant a variance from Article 7:B.2(a) a variance from Article 7:B.2(a) to allow the conversion of a single family dwelling with 3.15 acres into a home for the handicap where 4 acres are required. Motion seconded by M. Simoneau. Motion carried unanimously.

R. Bairam moved to grant a variance from Article 7:B.2(c) to allow a handicap housing development on a lot with 50' of frontage where 200 feet is required and provide buffer on both sides of the driveway subject to what the Planning Board recommends. Motion seconded by P. Denbow. 3 in favor and 1 (G. Hyde) opposed. R. Duhaime abstained. Motion carried.

S. Miller: We're proposing to change the size of the septic system based on the number of bedrooms, this many gallons water used per day. That calculation is based on the size of the septic tank. It doesn't mean you are using that much water.

R. Duhaime: Your sewer bill is based on your water usage.

M. Simoneau: This is the only thing I'm worried about. I don't want to see an issue down the road.

Discussion ensued.

P. Denbow moved to grant a variance from Article 7:B.5 to allow a handicap housing development on a property with a private well and septic where public water and sewer is required but not available. Motion seconded by R. Bairam. 2 in favor and 3 opposed. Motion failed.

S. Miller: Anytime we have an option between putting our capital into a bigger septic tank or tapping onto a sewer line, we tap sewer line every time.

R. Duhaime: I don't think sewer is an issue, water is. Have you checked into getting town water?

S. Miller: No. I am not aware of where your nearest tap is. We'll check into that.

M. Labonte suggested checking with Manchester Water Works.

They'll need to get back to get a variance for sewer only if water could be tapped from Manchester Water Works.

NON-PUBLIC

R. Bairam moved at 8:36 pm to enter into non-public session per RSA 91-A:3, II (e) "Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph."

Motion seconded by G. Hyde. Motion carried unanimously.

R. Bairam moved at 8:55 pm to exit the non-public session. Motion seconded by P. Denbow. Motion carried unanimously.

The board announced that they voted to seal the minutes of the non-public session.

ADJOURNMENT

The meeting adjourned at 8:57 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant