

Official

HOOKSETT ZONING BOARD OF ADJUSTMENT Meeting Minutes Tuesday, February 12, 2013

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

PLEDGE OF ALLEGIANCE

PRESENT: Richard Bairam, Roger Duhaime, Gerald Hyde and Don Pare

EXCUSED: Phil Denbow, James Levesque, Chris Pearson, Jackie Roy, Michael Simoneau,

STAFF: Matt Labonte (Code Enforcement Officer)

APPROVAL OF MINUTES

January 8, 2013 – ***R. Bairam moved to approve the minutes of January 8, 2013. Motion seconded by D. Pare. Motion carried.***

NEW PUBLIC HEARING

Potential Properties Corp. - Case # 13-1

19 Prescott Heights, Map 43, Lot 42

MDR

A variance from the square footage and frontage requirements of the Hooksett Zoning Ordinance Article 5 (C) (1) (c)

CEO's Comments

Granting of these variances would still require Code Enforcement to evaluate the viability of the development on a non-conforming lot based on septic design, well radius, building and septic area setbacks, etc. prior to issuing permits per Article 26.B.2. The driveway required to provide access to Lot 2 would create a condition whereby 3 residential driveways would converge.

Conrad Cascadden, Shaheen & Gordon: The lots we're dealing with are lots 1 and 2. What we're asking to do is a preliminary request. There's going to be a driveway where the red square is that would lead to a house to be built on lot 2. I don't think the setbacks are going to be a problem. It's going to need septic and well. This is a very preliminary request to know if we could build on it. We don't want to spend a lot of money then find out we can't build on it. That's why we're here today. We've already been to the Planning Board. The original approved site plan from 1967 contains language that stated lot 2 needs frontage and access to be built on. Planning Board denied our request to modify the language and told us we need a variance from the ZBA. We are looking to annex 20 feet from lot 1 and give it to lot 2, which would provide enough space for a driveway for lot 2. We have enough space to meet set back requirements.

G. Hyde stated he would like to discuss a matter with the board but he does not feel comfortable discussing it in a public session.

NON-PUBLIC SESSION

G. Hyde moved to enter into non-public session under RSA 91-A:3, II (c), "Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting."

Motion seconded by R. Bairam. Roll call vote carried unanimously.

R. Bairam moved to exit the non-public session. Motion seconded by G. Hyde. Roll call vote carried unanimously.

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

Public Session

G. Hyde requested to be recused for personal reasons.

C. Cascadden: This is a preliminary request on whether or not this plan is workable. As it exists right now, lot 1 does not have the frontage. It says 210.74 feet on this map. It's not a buildable lot because of the frontage issue. That's why we're looking for a variance from you today. There are also issues with the well and septic.

R. Duhaime: Before you get a variance for a lot, make sure that the lot is buildable. Here's my issue, you're going to come back and say, now we can't get the septic in there. From a zoning perspective, this is what zoning is trying to eliminate.

Mike Gallo: The chances of getting septic in there are very good. It's on an acre lot and it's not wet.

R. Duhaime: You haven't done anything as far as well and septic.

M. Gallo: No.

R. Duhaime: Basically, you want to put a driveway on this lot. The tax maps shows 2 lots?

C. Cascadden: It's on one map. It was an involuntary merger. To make accounting easier, the Town merges properties to have one tax bill. The state statute allows for owners to have them unmerged and there's only a five year window to get it done. We are asking for a lot line adjustment from lot 1 to lot 2.

The "Satisfaction of Criteria for Granting a Variance" was read into record (attached).

C. Cascadden: Building a new home will not be out of place in this area.

R. Duhaime: What would be the hardship to the owner (applicant)?

C. Cascadden: Without this variance, lot 2 is unusable as an independent lot. It's in a residential district, it's supposed to have a residential home. If, you're not allowed to have a residential home, that's the hardship. Without a variance, there's no way to do it, there's no access behind it.

D. Pare: Going into it, you knew what you had.

LDR requires 1.5 acres for no water and sewer. The 2 lots combined are 1.71 acres.

R. Duhaime: It is a conforming lot right now. We're basically making 2 non-conforming lots.

Public hearing was opened.

Keith Morency, 20 Prescott Heights: I'm an abutter directly across the street. It's a brand new house, part of the Beliezna subdivision. There were 5 lots subdivided. One of which, they decided to keep. The other 4 got split up between myself and Donald Winterton. Mine is 2.18 and 2.25 acres. Don has two 2 - acre lots. He combined the two lots into one. He has no intention of building on it. There's no new construction going up on that side road. The Beliezna's are in the process of subdividing 3 more lots on Smyth Road. There's plenty of opportunity to buy one of those to build a house. Being in the same business, I have plenty of respect for what he is trying to do but he knew when he bought it, it was 1.71 acres with 210 feet of frontage. After the sale was completed was when this separation of lots process

started. Coming from Manchester and seeing this happen over and over around me. That was my intention for moving and building a house in Hooksett. I bought 2 conforming lots, over 2 acres with 293 feet of frontage. The lots going down the street are all 200 feet. We all know Prescott Heights was trademarked as “Misery Hill” from the 1940’s due to the number of car accidents on that hill. Obviously, DPW of today is not like the DPW back then. The road is treated in a better manner but it’s still a dangerous road. If you get too many driveways stacked up on top of each other, there’s going to be problems. You’ll have 3 driveways within 60 feet of each other. By taking this lot and basically, turning it into 2 non-conforming lots, is not in the best interest of the neighborhood. It’s going to be a hazard the way driveways are configured.

Steven Carrigan and Susan Pivin, 17 Prescott Heights: If you allow him to put a house in the back of that house that will put it right next to my backyard. I don’t think that’s going to increase the value of my property. I don’t have a \$200,000 house but I have a nice enough house and I don’t want a house right next to my backyard. So my voice is against it.

R. Duhaime read Don Winterton’s (10 Prescott Heights) e-mail into the minutes.

“I am replying to the notice I received in reference to the variance requested at 19 Prescott Heights Road. I am not be able to attend in person as the Planning Board meeting was re-scheduled to Tuesday, 2/12. I am opposed to the waiver as it would create 2 non-conforming lots in terms of the requirement for frontage on Prescott Heights Road.”

Public hearing was closed.

D. Pare: I don’t think it’s good for the neighborhood at all. You’re taking 1.71 acre lot and turning it into 2 lots. It doesn’t make sense.

R. Duhaime: Basically, from what I’m looking at, I agree with you. I don’t see creating 2 non-conforming lots when there are other properties available in the area. Property value is an issue. I don’t see how that could add value to either one of those homes, left or right, when you’re putting another home behind them. They both seem to have big backyards, if you look at the picture. Especially the one on the left, he’s got a huge backyard.

R. Bairam moved to deny the variance from the square footage and frontage requirements of the Hooksett Zoning Ordinance Article 5 (C) (1) (c). Motion seconded by D. Pare. Motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:37 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant