

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, June 11, 2013

HOOKSETT MUNICIPAL BUILDING

CALL TO ORDER

Acting Chair Roger Duhaime called the meeting to order at 6:30 pm.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Michael Simoneau, Gerald Hyde, Richard Bairam, Roger Duhaime, Jackie Roy, James Levesque, Council Rep (arrived at 6:34)

EXCUSED: Chris Pearson, Don Pare, Phil Denbow

STAFF: Matt Labonte, Code Enforcement Officer

APPROVAL OF MINUTES

May 14, 2013 Regular Meeting – *R. Bairam moved to approve, G. Hyde seconded, Motion carried.*

CONTINUED PUBLIC HEARINGS

Paul Scarpetti

Case # 13-07

27 Londonderry Turnpike

Map 49

Lot 10-2

IND

A special exception from Article 11, Section B.2.a to permit a commercial office building that would house the offices of a general medical practice with up to 4 practitioners. Co-located in the building would be some adjunct health services to serve that practice and the community. This would include a satellite laboratory (actual specimens shipped out to the main lab for testing) and perhaps a physical therapy service.

Opened Public Hearing

No Public Comments

Closed Public Hearing

R. Bairam moved to grant exception to Article 11, Section B.2.a to permit a commercial office building that would house the offices of a general medical practice of 4 practitioners in its industrial zone. G. Hyde seconded. Motion carried unanimously.

NEW PUBLIC HEARINGS

Phillip & Patricia Burton Case # 13-08

12 University Circle Map 14 Lot 1-20-1

MUD-2

A variance from cluster housing subdivision plan for University Heights dated 2/17/03 and revised 7/15/04, which requires 15' setback to permit a 10' rear property line setback due to heavily wooded lot.

Phillip Burton: We are here to request a variance for installation of a swimming pool at 12 University Circle. We determined the footage after we came to get the permit was short of 5 feet. The property is in an area with no development to the back of us where the pool would be and no homes are to the north. The setback is currently 15 feet. We were under the impression it was going to be ten feet.

M. Labonte: The pool exceeds the 200 feet threshold so it is no longer an accessory structure.

R. Duhaime: Could you go through the facts supporting this quest.

The application was read into records (see file).

J. Levesque: If you turn the pool 90 degrees wouldn't it fit on the property better?

Patricia Burton: We would have to take down more trees and remove stumps.

R. Duhaime: Would the pool would be on the side of the home or in the back?

Patricia Burton: We have a small deck on the back of the house and it would come off of that straight back perpendicular to the house.

R. Duhaime: From the pictures it shows the pool will be on the side of the house.

Phillip Burton: The pool is going on the back of the house off of the deck. The drawing is not correct. I apologize.

R. Duhamine: So the pool will not be on the side of the house it will be behind the house where the dirt has been flattened out in the pictures.

J. Marshall (Gibraltar Pools): Anything we try to do, we are just going to hit trees and stumps and we'll have to tear the whole place apart.

R. Duhaime: Matt, what kind of verification would we need on this with the pool? Do we need it surveyed since it is going to be so much on the line, or a better picture?

M. Labonte: The bounds are pretty well marked with granite and it can be easily verified.

R. Duhaime: That is something somebody would do?

M. Labonte: Yes and it will require a permit and inspections.

Opened Public Hearing

No Public Comments

Closed Public Hearing

G. Hyde moved to grant a variance from cluster housing subdivision plan for University Heights dated 2/17/03 and revised 7/15/04, which requires 15' setback to permit a 10' rear property line setback due to heavily wooded lot. R. Duhaime seconded. Motion carried unanimously.

EXTENSION REQUESTS

Timeline for Reclamation Plan

Hefron Asphalt Corp. Case # 11-13

Hackett Hill Road Map 13, Lots 57 & 58 and Map 17, Lot 7

N. Golon: We came before you last about this property due to an outstanding notice of violation and to give you our plan for restoring the property. There were specific dates that were outlined and submitted to this board. This board provided a memorandum to the Planning Board to assist Jeff in having his lot line adjustment approved to move forward with trying to develop the site. Another project, Ritchie Bros. Auctioneers, was going on across the street. That was a driving force for Jeff's project, to have the site constructed as well as for competing uses. Because of the delays seen with the Ritchie Bros. project we also saw delays with our project. You have an updated letter that Jeff has crafted with TF Moran as well as contractors that provides some new dates for how we perceive the restoration of this property. We are here at request of JoAnn Duffy. We do have some stockpiling operations that are taking place at the property for the future restoration of the property. We are here as a condition of that approval to provide you with updated dates and information, to review those dates and to hear your feedback as to our intent to restore the property and the time line we propose to do so.

J Roy: Is this exactly what the previously submitted plan is with updated dates or are there differences?

N. Golon: It was a narrative not a hard copy plan to restore the property via new development.

There are no formal development plans. We are still in the negotiation phase. Jeff is under contract with TF Moran to prepare the site plans. You have an updated letter of our restoration plan which shows several dates that were met and completed but there are several dates that are outstanding. The new dates are for trying to accomplish the development of the site which you would see hard copy plans, for the intent of the development of the property.

J. Roy: What was previously submitted?

N. Golon: The restoration plan that was submitted was a narrative letter that described the intent on how the site was going to be restored. There was no formal plan that shows how the site would be built.

J. Roy: Do we have a copy of that?

N. Golon: Yes. The original letter was December 27, 2011 and another May 23, 2013.

J. Roy: The letter from 2011 had nothing to do in conjunction with Ritchie Bros. I think it was an assumption that it was going to go in conjunction, but you never put that in the letter, correct?

J. Larrabee: Yes. Even our user negotiations people backed off while across the highway there was a question mark.

R. Duhaime: You are stock piling on property. Have you talked with the code enforcement officer to see how far you are going with it or how much you are bringing on that fill?

N. Golon: We discussed the project in general with zoning and were told that we've been charged with restoring it and we need to go ahead and do it. There was no formal internal town review or approval required.

M. Labonte: At the time of the December letter there was no zoning officer in place. Did you have a discussion with Joanne or someone else?

N. Golon: I can read through files. We did review with Joanne and Donna as part of process. We do have correspondence that can be provided.

R. Duhaime: My concern is that if you are working on the property someone should inspect what is going on. I thought that the code enforcement officer was aware of the work being done and he is not. I know you are waiting to develop the property while you are working on it, but there should be some coordination with the code enforcement officer.

N. Golon: That is one of the things we were trying to achieve with this letter and previous correspondence to keep everybody in the loop. As a stockpiling operation they are not working an existing slope and they need a big base in order to build the stockpile. There is no formal restoration activity taking place. They have the opportunity for marketing material to get onto the site and we are trying to take advantage of that.

J. Larrabee: The material that is there will be moved. The plan is to build it up and have it available. I did not realize I was going to get that much material. I think it is good for the town because I am going to get a substantial amount of material to do a great restoration. We needed to build that base to go upwards.

R. Duhaime: My concern is to keep the code enforcement officer in the loop.

N. Golon: Jeff will have planned shipments to make sure someone will be given a call.

J. Larrabee: I know Pike did speak with JoAnn every time they came in and she was apprised beforehand.

J. Roy: Are you working on your site plan?

N. Golon: We are in the process of developing those concepts so that Jeff has the ability to market them and get people under agreement so we can have something concrete that we can try to permit and build.

J. Roy: So you are confident you will have something to submit for the September 26 date?

N. Golon: Yes I am. If we see dates slipping we need to get in contact with you more readily than we have in the past.

J. Levesque: Will the stockpile be removed from the site?

N. Golon: It will be redistributed on the site and that will be part of our site plan and restoration. Prior to the material being redistributed we would get approval. As we are moving forward with the site plan one of the opportunities is for a winery and restaurant. Part of the facility would be located in a low density residential area. We would be coming back before this board in regard to a variance. We have an old historic barn and the ability to tie in a winery and restaurant to the historical nature of the site is of great interest to Jeff. In order to do so those uses need to be in close proximity. We would be interested in feedback from the board as to moving forward with such a proposition.

R. Duhaime: I am not comfortable without seeing some sort of plan. Sometimes towns have a site pre-approved by the Planning Board so it can be marketable, without having obstructions, so that you know what you are offering your client and you have the approvals in place. You would have to request that variance before we can discuss it. As far as an extension, my only issue would be for you to let the zoning officer know what is going on.

N. Golon: From a DPW perspective, Leo Lessard was informed of what is going on.

J. Larrabee: I have been taking to him about moving the driveway.

J. Roy: Will your site plan include how your materials will be redistributed and properly compacted so when they inspect they will have an idea of what is redistributed?

N. Golon: We have a surface for what existed prior and we can survey that pile. Jeff is getting information from the contractor as to the amount of material so we should have it in that format as well.

J. Roy: Please include that in your site plan for proper redistribution and compacting.

R. Duhaime: What are you looking for an extension?

N. Golon: March of 2014 to mobilize for construction.

M. Simoneau: What we are doing is updating the milestones?

R. Bairam: You have done no restoration at all?

N. Golon: That is a fair statement.

J. Roy: If we decide to make a motion can you contact the health enforcement officer and other departments within the town so they can inspect so we have an update when you come before the board again by September 26 so we can see that the site plan is in action and submitted rather than letting it go until 2014.

M. Simoneau: So it will be contingent based on those two items?

R. Duhaime: Yes. We will see the site plan in September and that they are keeping in the loop with code enforcement.

N. Golon: The September date is associated with the TRC meeting taking place the first Thursday of October so we can get their feedback and update the plans for an October submission for the November Planning Board meeting.

J. Roy: If you are submitting in September you should have something ready for an October Zoning Board meeting.

J. Roy moved to extend the time line for reclamation for Case# 11-13, Hefron Asphalt Corp., Hackett Hill Road, Map 13, Lots 57 & 58 and Map 17, Lot 7M., for the restoration plan subject to a site plan being submitted by September 26, 2013 which includes the restoration plans along with the amount of imports and how they will be restored and an updated zoning board submittal for the October date as to your status and code enforcement will be made aware of all actions for what is taking place currently and ongoing on that site. M. Simoneau seconded. R. Bairam opposed. Motion carried.

ADJOURNMENT

The meeting adjourned at 7:10 pm.

Respectfully submitted by,

AnnMarie White

Recording Clerk