

**Official**

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, March 11, 2014

HOOKSETT MUNICIPAL BUILDING

**CALL TO ORDER**

Co-Chair Roger Duhaime called the meeting to order at 6:41 pm.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Michael Simoneau, Don Pare, Richard Bairam, Roger Duhaime, and James Levesque, Council Rep.

**EXCUSED:** Chris Pearson, Gerald Hyde, Jackie Roy, and Phil Denbow

**STAFF:** Matthew Lavoie, Code Enforcement Officer

**APPROVAL OF MINUTES**

**February 11, 2014 Regular Meeting** – *R. Bairam motioned to approve the February 11, 2014 regular meeting minutes, with amendments. Seconded by M. Simoneau. Motion carried unanimously.*

**CONTINUED PUBLIC HEARING**

**JEFFREY LARRABEE**  
Hackett Hill Road  
COM

**Case #14-01**  
**Map 17, Lot 7**

**A Variance is requested from Article 20 Section E, 3 & 4 of the Zoning Ordinance to permit (1) 750 SF sign approximately 40 feet high as shown on submitted plan for various commercial uses including conference center, festival grounds and botanical park.**

M. Lavoie read an email dated March 10, 2014 from Nick Golon of TF Moran into record, stating that due to unforeseen scheduling conflicts they would like to continue Jeff Larrabee's variance application to the April 8 meeting.

***R. Bairam motioned for a continuance until April 8, 2014 for Case #14-01, Jeff Larrabee, Hackett Hill Road, Map 17, Lot 7. Seconded by D. Pare. Motioned carried unanimously.***

**NEW PUBLIC HEARING**

**SNHU**

**North River Road**

**MUD4**

**Case #14-02**

**Map 33, Lot 67 / Map 38, Lots 6, 7 & 8-1**

**A Special Exception is requested as specified in Article 18 Section E.1.(a) and G.2.(a) of the Zoning Ordinance to permit (2) wetland crossings and impact within the 40' setback buffer for development of a connector road, sidewalk and underground utilities from East Side Drive (SNHU Campus) to West Alice Avenue.**

J. Kevan (TF Moran): We have two applications in front of you. There are two projects that SNHU is moving forward with. The original parking lot has been separated off to a side parking lot. The road comes around to the dormitories and a parking lot was constructed in that area. The dormitory, Tuckerman Hall, was completed. They have purchased a couple of buildings out at West Alice Ave. and are looking to construct a connector road from East Side Dr. out to West Alice. The proposal was that would be gated to be used for internal circulation. They are looking at a couple of different uses for these buildings. One may be for a fine arts theater and people from campus could drive there. We will put a parking lot on the inside of the gate so they could access it. People from off-campus could come in from Rt. 3 and access the site from that side but we would not have interconnection. This road is proposed to be constructed to have vertical granite curb, sidewalk, lighting, cameras, emergency call boxes and so forth. It would be constructed to the exact same standard as the loop they have built. They are striving to make the campus for more pedestrian use. Right now the older portion of the campus is on the west side of North River Rd., on the east side is the dining hall, the library that is under construction and targeted to be complete by this August, as well as the operations center and the dormitories. They have put in a path system so that can be a cut through and ultimately they are looking at taking out the main parking lot and making that into a common area. The first application is for that project that would punch that road through. There is an intermittent stream. Water comes between two buildings, crosses the road, follows its way back down, crosses North River Rd. and there is 36' pipe. The second project consists of taking down a series of old dormitory apartments next to the river, that are in tough shape, and they are proposing to build a dormitory next to the large parking lot. They chose this location so they do not have to build a new parking lot, however, in doing so, there is a little bit of buffer we are impacting as part of that project. We are not impacting any wetlands.

R. Duhaime: Are those dormitories going to be built with this road?

J. Kevan: There are two separate projects. The goal is that construction on the dormitories would be starting this spring or as fast as we can get it permitted. As soon as that is on line they would tear the old units down and the kids would move into the new building.

R. Duhaime: Ok.

J. Kevan: Over the past several years we have been in for projects on a regular basis. Initially we came in for the dining facility and worked with the Conservation Commission and the town. Originally, we were going to provide a conservation easement on Messer Brook. That was about the same time the state adopted the in-lieu fee mitigation form. Partway through the process the Conservation Commission thought the in-lieu fee would provide a better avenue for mitigation. When we built the east side parking lot last year, the EPA hit us for putting a deed restriction on that same easement area. Along Messer Brook, there is now a conservation easement to the top of the bank that is significant; it is to the top of the hillside. We paid the in-lieu fee and provided a deed restriction on that area. We have done a dining facility, the operation facility, we put the footbridge in coming from the dormitory, and we had about 400 sq. feet of impact which we paid in-lieu fee for. The state has a running tally. You cannot do 9000 sq. ft. and not have to do mitigation this year, and do 9000 sq. ft. next year. It is cumulative over a 5 year period. Once you cross the threshold of 10,000 sq. ft. you pay. We paid in-lieu fee for all the projects to date including the east parking lot, which is complete, and Depot Rd., which is under construction. The way we perceived this, and we have talked to the state, is that we would be paying in-lieu fee for the impacts for the wetlands crossings. The application in front of you is a special exception for the roadway. I provided a handout that shows that roadway. When we built the connection for East Side Dr., there was a bio-retention system that we build and we found good soil. We got a good infiltration rate. For the initial portion of the road, the storm-water is collected in a closed drainage system, discharged over to a fore-bay to pull out sediment, and we have expanded that bio-retention system to accommodate that additional flow. The first sheet of crossings do not have any wetlands or buffer impacts. The second two sheets show the crossing of an intermittent stream. We have put in twin pipes so that there is no restriction. All the water passes through it. We are not detaining water. As you come up closer to W. Alice Ave., we are putting in for this last section of road. We have that culvert crossing with twin pipes. Just above that we are putting in a gravel wetland. We chose to do that because it is a shallow water table. Normally, if I do a bio-retention system, I have to have 4' separation so you get treatment in the soil. If you don't have that 4' you can't use that method of treatment. In this case it is closer to the water table so we put in gravels and forced the run-off through the gravels before it leaves the basin. It can't leave the pond without being filtered through the gravels. This is the second or third gravel wetland that we have done. There is some standing water and some wetlands plant type growth, but the treatment is within the soils, within the basin itself. Pre-treatment, captures some sediment in the catch basins, a fore-bay removes sediment before it goes into the gravel wetland, and treatment is in the gravel wetland. There is no increase in run-off. We have analyzed the points of discharge. One of them is a 36 in. culvert that crosses North River Rd. in one direction and in the other direction is Messer Brook. We don't have any change or increase. Those are dealt with on site.

R. Duhaime: You are going to put the wetlands in here? (*reference to an area on the presentation*)

J. Kevan: Yes. It is like a basin and the only way for water to leave that basin is to go through the gravels, up and out.

R. Duhaime: So you are not creating any runoff into the wetlands?

J. Kevan: There are wetlands, but it is treated by the time it gets there. We have a special exception for the impact for those two crossings and the buffer associated with it. For the two crossings, there are 12,620 sq. ft. of wetlands impact and 21,530 sq. ft. of buffer impact. We are maintaining the purpose and function of that channel which is to convey runoff. It is an intermittent stream right now. It dries up from time to time but it runs a good part of the year. There is no way around crossing this. The first steps we have to prove to the state is that there is no alternative where I can avoid crossing these because I have a fixed point at West Alice and have to get to East Side Dr. in some location. There is no way to get from point to point without crossing that stream. That takes care of that criteria from the states perspective. It is an appropriate use. This will provide a connector road which will prevent students from having to go out and through the neighborhoods to get around to the other part of the facility. It will provide access to other buildings the university owns. It is crossings that are necessary to get from one point to the other from one upland to the next. No factual evidence is found that the property value in the district will be reduced due to the impact. All functions and values are being maintained. There will be no reduced value and there will be an increased value of the property, in that the university will be able to access all of their buildings a little easier.

R. Duhaime: Does the sidewalk follow the road?

J. Kevan: Yes. It is right up against the curb line. No nuisance or hazard will be created. It reduces traffic on the other roadways. It will be gated so it won't draw new traffic or thru traffic. It will not create any noise for the neighbors. SNHU owns the land surrounding this roadway. Adequate and appropriate facilities will be provided for the operation of the proposed use. This road is built to a very high standard; vertical granite curb, sidewalk, lighting is downcast and is the same lighting you will see along the roadways or parking lot. It should not create any hazard or nuisance for surrounding properties. There are adequate facilities for the operation of the college and the road. The requested use will not impair the integrity or character of the district. This will enhance the value of this property and it is an allowed use within the district. The two wetlands crossings won't have any negative impact to the district. That is the criteria for a special exception.

R. Duhaime: For the special exception we have to do a site walk.

J. Kevan: I brought in a couple of sets of pictures to show of what you might see depending on how much ice and snow is out there. We have filed with the wetlands bureau. They are attempting to move as far as schedule goes. They have priced it and have a contractor lined up. They are trying to accelerate the schedule as much as possible.

**Open public hearing.**

Chelsea Collins (owner of the property at Tax Map 11-1): We live at the closest property to this proposed road. We have a lot of concerns being on the corner. We are pretty sure that we are going to be able to see this road from our property especially in the winter. We are concerned about noise pollution and light pollution. He said that it will cut down on traffic on Donati but I'm not sure about that. I can see people coming off of Rt. 93 off of Exit 9S and using that as a thru road to get over to this road. You say it is gated now but, in the future, this could be a main access point for SNHU.

R. Duhaime: That is more of a planning issue. What we are addressing is the wetlands crossings for this road. Do you have concerns as far as wetlands or water or something along those lines?

C. Collins: We want to make sure the new wetlands won't cause any flooding to our property.

J. Kevan: Their house is about 500' to the road itself. The corner of their property, which is a triangular shape, is about 350' to give you a perspective of the scale. For the gate, their intention is to not get people driving through campus and to not have that gate open in the future as a main access point. I can only speak for what their intention is right now. The flow of the gravel wetland flows away from your property and there will be no impact to you based on the wetlands crossings, the storm water, or anything like that.

C. Collins: I guess the other issues would have to wait?

R. Duhaime: We cannot address them. Planning would be able to do more as far as buffers, vegetation, and the construction of the road. We want to hear your concerns on what we are looking at, but I would advise you to attend Planning Board meetings.

J. Kevan: If you would like to give me your name and number I am sure SNHU would like to meet with you and address your concerns.

R. Duhaime: There are sidewalks on that side of the road but there are no sidewalks on West Alice, are there?

J. Kevan: No. We have provided a crosswalk. Right now the tenant is still in there and operating. Whenever they change that use we will have to come before the Planning Board and show a sidewalk that would get to the building from this crosswalk.

R. Duhaime: There are no wetlands up there correct?

J. Kevan: No. If you are looking at the third sheet, you can see we proposed the gate. We are waiting to get the sidewalk through on the back side of the gate. You walk down the sidewalk, crosswalk, another crosswalk, and then we will have to do some type of sidewalk on this property to get to the front door of the building.

**Close public hearing.**

R. Duhaime: Would you like to schedule a site walk?

D. Pare: How about April 8?

J. Kevan: There is no way to accelerate that?

R. Duhaime: We have to do it before the next meeting. Are you saying you would like us to vote on it tonight?

J. Kevan: I would.

R. Duhaime: That is up to the Board but I don't think so. We want to walk it first.

D. Pare: How about Tuesday, April 1?

R. Duhaime: That sounds good. What time?

D. Pare: 6:00 pm.

J. Kevan: I would suggest we meet off of West Alice and walk in that way.

D. Pare: That is good and we can look at Chelsea's property at the same time.

M. Lavoie: I will send a reminder out to everybody.

R. Duhaime: Has Conservation walked this?

J. Kevan: No. We met with them last night. They voted to support this application.

R. Duhaime: We can invite them to the site walk.

M. Lavoie: I will invite them as well.

R. Duhaime: We can invite Planning as well. Whoever wants to come. That will save you questions down the road.

M. Simoneau: Where are we meeting?

R. Duhaime: The corner of Donati and West Alice.

J. Kevan: There is a parking lot at that corner building. Pull in and park closest to the corner.

R. Duhaime: The public is invited as well.

**SNHU  
North River Road  
MUD4**

**Case #14-03  
Map 33, Lot 67**

**A Variance is requested from Article 18 Section G.2.(a) of the Zoning Ordinance to permit impact within the 40' setback buffer along the connected wetland to construct a paved drive aisle, retaining wall, utilities and graded slope adjacent to a proposed dormitory.**

J. Kevan: If you turn to the last sheet in the packet I handed out, there is a layout plan for the proposed dormitory. What they started with is the same building they built at Tuckerman Hall. They are proposing to take down apartments at the other side of the campus. The building changed configuration a little bit in order to accommodate apartment style living. They are four beds, sometimes there are two bedrooms, sometimes there are four individual bedrooms, a living room, and a kitchen associated with each unit. They are looking to get approximately 325 students in the building. The picture shows the proposed road that we just talked about. East Side Dr. is the road that takes the curve across the upper left hand corner of the page. The parking lot just below that is the 430 car parking lot that was just constructed. We looked at an ideal location and you have your parking already built, a dormitory being put up with enough access and some parking for the resident director and some ADA parking, but not a lot of parking. We used the new roadway as one of the fire accesses. You would have to be about 30' from the building for it to qualify as access for that side of the building, so we paralleled the building to the new roadway. We have utilities stubbed for the new road and this dormitory. The only utility that is a bit more difficult is sewer. We have to pump from this building up to Tuckerman and the last one because that is the closest gravity sewer we have. What we are looking at doing for drainage is to take the roof runoff and cross the road to that same bio-retention system. It flows directly down to Messer Brook after it is treated. That seemed to be a much easier drainage area for me to work with as far as meeting flows. The 36 in. culvert going under North River Rd. has always been difficult for me to get numbers to balance. We would capture the roof runoff and just have to deal with the runoff from the outside loop road and a little bit of parking. They are proposing some green areas. Right now the kids utilize the the green in front of Tuckerman heavily. With this number of students to have an open lawn works very well. The lower center of the page is the buffer area that we are talking about. That is the lowest point on site where this runoff would naturally flow. I am looking to put a bio-retention system down in that area. That is the area of buffer that we are requesting the variance for. Between the grading of the road coming around the end of that building and the drainage system we are looking for approximately 6000 sq. ft. of buffer impact, no wetlands impact at all.

R. Duhaime: Where is the retaining wall?

J. Kevan: Originally we were tighter to it and were proposing a retaining wall but we have been able to pull away towards the roadway and not put in a retaining wall in that corner.

R. Duhaime: Ok.

J. Kevan: The proposed impact to the buffer won't diminish surrounding property values. This is well away from all surrounding properties. This is a 250' per inch scale. From the properties on Donati this is about 1200' away. In the range of a little less than a quarter of a mile. The closest property would be approximately 800' or 900' away. As you move toward Rt. 93 the operations center is there. This will be a natural buffer that will never be touched between them and the highway. I don't think you will ever see anything go back in that area. This section of land is about 210 acres and this is just about in the center of it. Granting the variance would be of benefit to the public. From our standpoint, where we are using the parking and so forth, there is less disturbance and less impact. If I had to move that building I'd probably end up building more parking and taking trees down for that associated work. The buffer that we are impacting is a forested type of buffer area. We will have lawn in there that provides a good buffer treatment for storm-water runoff. There is very little runoff associated with this project. We take the roof runoff to that bio-retention system. The storm-water treatment is mitigated through what we construct. Granting the variance would do substantial justice. It uses the best use of the property. Utilizing the parking that is already there and getting the dormitories in one area will help to create more pedestrian access within the inner part of the campus. The use is not contrary to the spirit of the ordinance. The spirit of the ordinance is to provide a buffer or storm-water treatment for the wetlands. Those functions are being mitigated by our storm-water system and the lawn area and plantings that we will put back in that surrounding area.

R. Duhaime: What is the back area, the sidewalks and the back road, going to be mitigated with?

J. Kevan: A bio-retention area. We will have lawn and do plantings along that wetland area. One of the other standard requirements is for us to put up signs every 50' to 75' stating that it is a wetland buffer and you are not supposed to impact or cut more than you are supposed to.

R. Duhaime: We need those at conservation sub-divisions, I don't know about this, but it is still good to do.

J. Kevan: They put them up all around this east parking lot and I think it has been required the last couple times we have done projects where we are pushing up against that buffer.

R. Duhaime: Ok.

J. Kevan: No fair and substantial relationship exists between the general public purpose of the ordinance and the specific application. The purpose of the ordinance is to maintain and protect the value of the wetlands itself and the environment around it. Those functions we will mitigate by the plantings and the storm-water system we are putting in. The proposed use is a reasonable one. The college has shown, from the last several projects they have done, that this allows them to improve their facilities, work towards this walking campus, and work around some of the wetlands that are there, by providing storm-water systems, and so forth, that off-set those. The



college looks for new and innovative programs and they have called on us. We had a student coming to our office and working with certain things. They have a group that is looking at the storm-water systems and they had a graduate program that was looking at the MS4, which is the state wide storm-water program that monitors discharges to wetlands and the river. They were looking at how they could apply it on campus in that area. They are aware of the environmental regulations, how they apply, and how they can work with them.

**Open public hearing.**

No public comments.

**Close public hearing.**

R. Bairam: Did Conservation look at this?

J. Kevan: They looked at it but felt they needed additional information before they would weigh in. They were looking for more of a design of that bio-retention system. We have done a number of them on campus. Especially if you go back to the operations center, there are three or four bio-retention systems that are functioning very well. There is no standing water. You get some water in them during the event but they are supposed to drain with 72 hours at the longest. You are getting the treatment of pollutants within the soils and the plants as they move through. This is a good application for it. It is a small area.

R. Duhaim: Do you want to wait to vote on this at the next meeting so Conservation can have more information and then we can do them both at the same time?

M. Simoneau: When is the Conservation Committee meeting on this?

J. Kevan: We met with them yesterday. This is not a state application so we haven't scheduled to go back to them at this point.

D. Pare: Why don't we vote on it and, as long as it agrees with Conservation, they can move forward.

***M. Simoneau motioned for approval, Case #14-03, SNHU, North River Road, Map 33, Lot 67, for a variance from Article 18 Section G2.(a) of the Zoning Ordinance to permit impact within the 40' setback buffer along the connected wetland to construct a paved drive aisle, retaining wall, utilities and graded slope adjacent to a proposed dormitory, subject to the review and acceptance of the Conservation Committee. Seconded by R. Bairam. Motion carried unanimously.***

***R. Bairam motioned to adjourn. Seconded by D. Pare. Motion carried unanimously.***

**ADJOURNMENT**

The meeting adjourned at 7:32 pm.

Respectfully submitted by,

AnnMarie White  
Recording Clerk