

Official

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, June 9, 2015

HOOKSETT MUNICIPAL BUILDING

CALL TO ORDER

Richard Bairam called the regular meeting to order at 6:33 pm.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Michael Simoneau, Richard Bairam, and Phil Denbow.

STAFF: Matt Lavoie, Code Enforcement Officer

EXCUSED: Chris Pearson (Chairman), Roger Duhaime (Vice-Chairman), Gerald Hyde, Don Pare, and Jim Levesque, Council Rep.

APPROVAL OF MINUTES

May 12, 2015 – *M. Simoneau motioned to approve the May 12, 2015 regular meeting minutes, with amendments. Seconded by P. Denbow. Motion carried unanimously.*

NEW PUBLIC HEARING

Deborah Bowler **Case # 15-05**
45 Autumn Run Map 43, Lot 53-6
MDR

A variance is requested from Article 5, Section A.6.C of the Zoning Ordinance to permit the use of 721.02 SF of residential unit to be utilized for a pre-school/daycare home occupation where only 500 SF is allowed.

R. Bairam: Would you like to wait until we have a full Board to proceed?

Deborah Bowler: No thank you. I am in the process of applying for a family childcare home license with the NH Department of Health and Human Services. I am planning on starting a family childcare, preschool, and kindergarten called Willow Tree Preschool and Kindergarten, LLC. in late August or early September. I will be providing education, meals, and childcare for six preschoolers/kindergarteners, ages 3 to 5 from 7 am – 5:30 pm Monday thru Friday. According to NH licensing rules, I will only be allowed to have six children attend full time. I am also allowed to provide before and after school care for an additional three children attending a full day school program for up to five hours per day on school days and all day during school

holidays. As stated by Hooksett's zoning ordinance, a home occupation is only allowed to utilize 500 sq. ft. of a home. I would like to use approximately 715 sq. ft. of my home. My finished basement is 555 sq. ft. This part of our home is a playroom for our children. It is a great space and will allow me to incorporate a variety of developmentally appropriate learning centers and activities for the children. I would also like to utilize my kitchen to prepare and serve nutritious meals and snacks as well as provide cooking activities for the children in my care. For this purpose, I would like to use my eating area in my kitchen, which adds an additional 114 sq. ft. There will be no signs posted or anything that will change the residential feel of our home or neighborhood. It will keep looking the same. We love our home and we will not have anything inside or outside that will drop property values and/or become an eyesore in the neighborhood. The only thing that will change is that there will be at least six extra vehicles dropping off and picking up children in the morning and early evening. Also, I will not be utilizing my home business space as a tax write-off. My family and I love this space and we will continue to use it with our eight children. If I am not able to get a variance for the additional 215 sq. ft., I will utilize the largest 500 sq. ft. in my finished basement. Starting a preschool/kindergarten has been a dream of mine for many years. If things take off and go well with a home-based preschool/kindergarten, I will consider opening a large center somewhere in the community. I want to begin small.

M. Simoneau: I know the Fire Department needs to do an inspection, but with the increased sq. footage does that require anything?

M. Lavoie: I am not sure. You would have to check with them.

D. Bowler read the application into record.

P. Denbow: Does DHHS have sq. footage requirements?

D. Bowler: I have to have 40 sq. ft. for each child in my care, so this more than covers that.

Open public hearing.

Keith Knight (43 Autumn Run): Our home abuts the Bowler's on the left side of their property, which would be the main entrance of the day care, which is their driveway. Is this variance for an approval for the day care? Has it already been approved? Is this to allow the additional sq. footage, or is this to allow the business to operate out of that address?

R. Bairam: It is to allow the additional sq. footage?

K. Knight: Has she already been approved for 500 sq. ft.?

M. Lavoie: This type of use is allowed under the zoning ordinance. It is a residential home business.

K. Knight: We have lived there for almost three years and we were not sure if the ordinance allowed that or she already did that prior to this and we were not aware of it. We have put all of our heart and soul into our property, and we put an addition on to accommodate our family. We understand that people need to make a living. She is allowed under state law to have six children, under the ordinance?

M. Lavoie: One of the allowed home occupations under the ordinance are day care facilities.

K. Knight: It allows her to have six full time children?

M. Lavoie: The only restriction is the sq. footage of the home business.

K. Knight: If she goes from the 500 sq. ft. to the 712 sq. ft. she will be allowed the six?

M. Lavoie: She is allowed the six either way.

K. Knight: Would she be allowed more with the 712 sq. ft.?

M. Lavoie: The state has restrictions on that.

K. Knight: On the packet that Mrs. Bowler handed out, it says an additional three children attending a full day program, up to five hours per day. She can have six, but an additional three for up to five hours per day for a total of potentially nine children in and out per day?

P. Denbow: Those are DHHS rules, not zoning rules, that are already in place and she is quoting them.

K. Knight: So she is allowed to do that no matter what?

P. Denbow: Correct. The usage is not changing. She just wants to utilize the additional square footage.

K. Knight: I have gone for variances before, but I have never done anything like this. They are very nice people and our children play together.

Julie Burke: (43 Autumn Run): As far as street parking, are there any rules?

P. Denbow: As far as the ordinance, there is no parking overnight.

K. Knight: If the business is doing well and she wants to enlarge the amount of children, would she have to go through this process again?

P. Denbow: She would have to go through the state.

J. Burke: If it were to grow, would she have to go for a variance to add more sq. footage?

R. Bairam: She is limited to six full-time and three part-time.

J. Burke: If she wanted to care for more children, would she go to the town or the state?

R. Bairam: She would have to go to the state. The town has a say in the sq. footage, not the amount of children.

K. Knight: We don't have a problem with what the ordinance is allowing, we just got the information in the mail and had questions.

Close public hearing.

M. Simoneau motioned to grant a variance from Article 5, Section A.6.C of the Zoning Ordinance to permit the use of 721.02 SF of residential unit to be utilized for a pre-school/daycare home occupation where only 500 SF is allowed for 45 Autumn Run, Map 43, Lot 53-6, MDR. Seconded by P. Denbow. Motion carried unanimously.

Eric Somerset Case # 15-06
8 Mammoth Road Map 47, Lot 31
MDR

Appeal from an Administrative Decision not to allow a food truck to be parked on the property.

R. Bairam: Would you like to wait until we have a full Board to proceed?

Eric Somerset: No. I will forgo that option.

E. Somerset read the application into the record.

M. Lavoie: This started as a Hawkers and Peddlers permit. He told me that he wanted to park the truck on his property and it was either this or ask for a variance.

Open public hearing.

Richard Lambert (12 Mammoth Rd.): I live at the closest property where the truck would be parked. Eric is out in the back of my property. My back frontage is 104', but I have a hill that dips down so I cannot see the property. You don't hear anything that is happening on his property. You cannot see the truck from the road due to the way it sits in the back of the property. I don't see a problem with it. He is not doing anything except for parking it overnight. The property is so well protected with the hill that it is very secluded.

Close public hearing.

P. Denbow: The houses are spread out in that area.

P. Denbow motioned to grant the appeal from an Administrative Decision not to allow a food truck to be parked on the property for Eric Somerset, Case # 15-06, 8 Mammoth Road, Map 47, Lot 31, MDR. Seconded by M. Simoneau. Motion carried unanimously.

M. Lavoie: Dr. Shankle would like to give the opportunity to provide comment on reappointments.

P. Denbow: I would like to be reappointed.

R. Bairam: I would like to be reappointed.

M. Simoneau: I would like to make a recommendation that P. Denbow and R. Bairam be reappointed to the same positions as they hold now.

M. Lavoie: We need to do another walk through of the mines in Hooksett. Brox was wondering if you would be available on June 27 at 8:00 am?

M. Simoneau: Could you do a mass invite?

M. Lavoie: Yes.

M. Lavoie: I have not heard back from Severino or Pike. Severino's permit is about to expire. I will touch base with them.

R. Bairam: I would like to do them all in one morning.

P. Denbow motioned to adjourn. Seconded by M. Simoneau. Motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:04 pm.

Respectfully submitted by,

AnnMarie White
Recording Clerk