

Official

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, November 10, 2015

HOOKSETT MUNICIPAL BUILDING

CALL TO ORDER

Vice-Chairman Roger Duhaime called the regular meeting to order at 6:30 pm.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Roger Duhaime (Vice-Chairman), Gerald Hyde, Richard Bairam, and Jim Levesque, Council Rep.

ALTERNATES: Phil Denbow and Michael Simoneau

STAFF: Matt Lavoie, Code Enforcement Officer

EXCUSED: Chris Pearson (Chairman) and Don Pare

APPROVAL OF MINUTES

June 9, 2015 – *R. Bairam motioned to approve the minutes of the June 9, 2015 meeting. Seconded by P. Denbow. Motion carried unanimously.*

October 13, 2015 – *R. Bairam motioned to approve the minutes of the October 13, 2015 meeting, with amendments. Seconded by M. Simoneau. Motion carried unanimously.*

CONTINUED PUBLIC HEARING

Pike Industries, Inc. **Case #15-11**
38 Hackett Hill Road Map 13, Lot 59
COM

Pike Industries, Inc. is requesting to amend and expand their Excavation Permit #G-04.

Ryan Crosby (Pike Industries): There have been a number of issues brought up and we are hoping to address those. Dick Fraiser is helping with the Alteration of Terrain and land permitting process. Timothy Rath is an expert in the area of blasting, operations, and physical effects that might be felt.

Timothy Rath: We are going to talk about blast control of ground vibration and air blasts. I will give some basics and show charts that give the amount of ground vibration that has been

produced during blasting at the Hooksett quarry over the last six years. Ground vibration is a wave motion that is generated by an explosive detonation. It diminishes as it moves away from the point of origin, because the further away it gets the more area it is impacting. A well designed blast uses its energy in breaking the rock. We do have ground vibration produced, but controlling it is imperative because it makes economic sense and it doesn't bother the neighbors. The first two waves that are produced are body waves which are in the ground, and P waves which are compression waves that compress in the direction of travel, much like a coil spring. S waves follow and those are trans-versed, such as holding a rope at each end and snapping it back and forth to get a wave motion. Surface waves have a subset. Rayleigh waves and Q waves travel along the outer surface of the rock. They don't penetrate far into the rock. These are larger than the body waves. They are slower, have a lower frequency, and are the ones that have the vibration problems and carry the most energy. When the detonation happens the rock is compressed by the P waves. Rock is strong in compression but it is weak in tension. The vibration waves are reflecting off any discontinuities in the rock. When they strike the surface they create the surface waves. There are three components of the waves. Displacement is the distance the particle moves up and down or back and forth. It is measured in fractions of inches. For a normal blast the actual movement is about the thickness of a piece of paper. The velocity and frequency are important in controlling vibration. Velocity is the speed the particle moves back and forth. The maximum rate is the Peak Particle Velocity. This indicates the energy that is moving out. The frequency is the number of times the particle is moved back and forth in one second. The motion of up, down, and back is considered one cycle. The number of times that happens in a second is measured in hertz and that is the frequency. Low level buildings, such as homes, have a structural resonance in the range of 4-20 Hz. This is the rate at which the structure would want to vibrate. If you hit that structure with a low frequency vibration the structure can move. If you hit it with a high frequency vibration it is like a buzz. If you hit it with the same frequency as the resident frequency the effect will be to amplify that vibration. High frequency is good, low frequency is bad. High peak particle velocity is bad, low peak particle velocity is good. More complaints are made because of low frequency because people can feel it. Earthquakes have low frequencies but much more energy than any blast because they are moving parts of a continent. There is a range of residential criteria of effects based on Peak Particle Velocity which is the speed and distance that particle vibrates. The Bureau of Mines says 2 inches per second at 40 Hz is a widely accepted limit for residences near construction and quarry blasting. The average, good condition, house can take over 5 inches per second. The recommendations are very conservative. *(A scale printout of what the velocity would look like after a blast was shown.)* Blasts are timed to fire in sequence. We looked at everything that was done in the last six years and it is excellent. Ground vibration attenuates over distance because it has a larger area it has to influence the further it gets from the point of origin and because energy is being used every time it has to cross a seam or a crack, it is using up energy. Typically, when the distance doubles from the point of origin to a structure, the vibration will attenuate or lose energy to $\frac{2}{3}$ of its former value. There is a spacial effect on vibration. The positions of the individual blast holes will have an effect on the vibration to some structures. Imagine a structure to the right of the blast is on the same level. There are two holes in a blast timed to fire together, but they are 100' apart. Imagine the shock wave moves at

10,000' per second through the rock. The shock waves are going to arrive at the structure 10 milliseconds apart. Even though they fired at exactly the same time, the effect on the building is if they were fired separately. (*Graphs with actual PPV Records – GME with a PPV Range in Hooksett from 2010 – 2015 were shown.*) Between 2010 and 2015 the values were extremely low to reach the recommended limit and several did not trigger. The highest amplitude from 2010 – 2015 was .270 inches per second, which is still low. Another part of blasting is called air over pressure which is called air blast. It is an air pressure that is additional to the normal atmospheric pressure. It is generated by the blast. The pressure waves travel through the air. We measure air over pressure in decibels. Human hearing ranges from 20 hz to 20,000 hz. The air wave coming from a blast can be a lower frequency than you can hear. A microphone needs to be used beyond the range of normal hearing. There are several ways to get air movement from a blast. One is face movement or a pulse. It is low frequency. If there is a mud seam and some explosive gas vents out the face that would be high frequency. All of the face movement pulse because some may be too low of a frequency, however, the seismograph will record it. It can be felt underground. Another cause of air over pressure might be stemming release pulse. Stemming is crushed stone that is loaded at the top of a blast hole on top of the explosives. This is to contain the explosive gas long enough for the face to move. If you get a gas release pulse from stemming ejection it could be high frequency. Additional causes of air over-pressure are ground movement as the blast bulks up around blast-holes (low frequency). Ground movement from seismic waves vibrating along the ground are typically insignificant. Explosives on the surface are not done here. (*A drawing was shown about ground vibration and air blast and sending the vibration and air blast away from the neighbors.*) Factors affecting air blast are atmosphere, time of day, public relations, topography, delay interval and orientation, and the type of explosive. 140 dB was long considered a safe level of application. You need to get up to 0.1 psi to get occasional window breakage. This is comparable to a 60 mph wind. For every increase of 6 dB the air over-pressure in psi doubles. (*The formula used which was created by one of the research scientists at the Bureau of Mines to determine the similarity was shown.*)

D. Frasier: I worked at Pike Industries from 1997 – 1999. Pike is proactive in selling non-performing assets. Tilton Sand and Gravel used to be at Exit 20 on Rt. 93. Pike owned 355 acres, ran out of resources, and sold it. Now there is a building erected on the site which is J. Jill Group Distribution Center. It is an eight acre development. They owned a sand and gravel site in Thornton, NH that Owls Nest Resort and Golf Club is expanding onto. Pike leased and subsequently sold that property to them. A few years back Pike has their corporate offices at Exit 20. They sold that and moved to their Belmont facility. That is occupied by Staples, BJ's, VIP Auto, Dunkin Donuts, a bank, diner, and filling station. In Northfield, Pike attempted to develop an industrial park. They have three lots sold out of six. The area in Tilton by the Tanger outlets was owned by Pike. In Loudon, at the NH motor speedway, Pike owned acreage to the north and south that was leased to the raceway and later sold to the race track. It is now used for parking. In Haverhill, NH, property owned by Old Castle which is a parent company to Pike, sold to the Cottage Hospital, and they opened a professional facilities building that provided a need for the community. There are other small examples as well. The properties are being used to increase employment and tax base. Over 2,300 acres transferred to other industrial use companies. Pike

is focused solely on their core business. They don't hold onto properties. If there is a use they will find someone to develop it to be of use in the community.

R. Duhaime: What is the average blast at one time?

T. Rath: The blaster doesn't think he exceeded 800 lbs. of delay. In the 1960's research was done on how to reduce damage to homes. If charges were detonated at 8 milliseconds apart the effect to the house was like it would be with a single hole. They arrive one at a time.

R. Duhaime: What is the average amount of charges they will set off at once?

T. Rath: I talked to the blaster that has been blasting this year, and he said he does not believe he exceeded 800 lbs. of delay. In the 1960's the Bureau of Mines did a lot of research. They wanted to find out how they could reduce damage to homes. They found that if they had the charges detonating at least 8 milliseconds apart or more, the effect on the house was like the vibration of a single hole, 62 times, separated by however many milliseconds. They arrive one after the other to the site so there is no damage. There is an equation where you can calculate the peak particle velocity.

R. Duhaime: So it seems like a large blast, but it is a quick continued blast.

T. Rath: Correct. It is called firing in order. That is how you control the vibration that gets to a building. The highest decibel reading for an air blast was in 2010 at 128.5 dB. For every 6 dB the psi doubles.

P. Denbow: These are blasts that have happened in the past?

T. Rath: Yes.

P. Denbow: How will you estimate what will happen if the quarry is expanded and is gets closer to the homes?

T. Rath: A mining engineer was able to scale the distances. He got a satellite map and plotted the distances to the houses that are close. The closest they will be is 2,200'.

P. Denbow: The last time they amended their permit they asked for 30 acres and this time they are tripling the amount of their amendment. I am trying to figure out how this would be an amendment rather than a new request.

R. Duhaime: That is why we are asking what will be reclaimed and how big the mining area will be. You are essentially tripling the size, correct?

R. Crosby: I am not sure about that. There is a sand and gravel operation and because there is

no hard rock involved we have to reclaim it and that is in process.

R. Duhaime: It seems as if nothing is getting reclaimed and it is just expanding.

R. Crosby: The state views it as exposed ledge behind non-erodible and as a reclaimed stake. The existing size is 50 acres. We are asking for an expansion that is twice that size. The expansion is 100 acres.

R. Duhaime: So there would be 150 acres?

R. Crosby: Correct.

P. Denbow: You are on a hill with trees. When they are done with the 150-acre quarry, there is 150 acres of rock. Now there is a hill with rock instead of trees.

R. Duhaime: We would like to see some reclamation. It is almost like a ridge-line protection. We don't know what this will look like when it is finished. We are just looking to see if it will be a blast area or will something be done. We are trying to make conservation land and don't want it looking into a pit.

Dick Frasier: The active mining areas will be reclaimed as the quarry grows. Per the application, the plan is not to clear cut large areas of the expansion area. They have been working this site for 32 years. They are going to cut the area planning for mining in the foreseeable future. Trees will remain for many years.

R. Crosby: The rock walls will be benched and those areas will reclaim naturally with vegetation over time.

J. Levesque: Do you have a master plan on this entire operation?

R. Crosby: As far as after the excavation is completed?

J. Levesque: What you are doing now and what you envision in the future.

R. Crosby: We have an approach of which faces we are going to excavate next. It is hard to plan too far out. We have several different phases and a lot depends on the economy. We feel that within 50 years we will have all of the lateral extent completed.

R. Duhaime: When you are done you will have an open quarry and it will create a reservoir.

D. Frasier: That will not happen on this site because there is additional acreage. There are some experts from the Hooksett quarry sites here. I would welcome anyone to ask them any questions.

R. Bairam: Will this be done in phases?

R. Crosby: Restoration won't be done until the blasting is done.

D. Fraiser: We will be doing monitoring of the wetlands. The state, federal, permits have conditions that go along with them. A lot have to do with water quality and wetlands. We will be under a microscope for this facility and will attend to any restoration. At the end of the lifetime we will get to the point where any non-disturbed areas will be reclaimed.

R. Duhaime: With my concern of a reservoir, are you going below water level?

R. Crosby: No. The water running off is storm water.

R. Duhaime: Maybe Hooksett could use a reservoir.

R. Crosby: That could be an end-of-life option. The bottom of our quarry is above ground water level. There will be storm water but that can be addressed.

R. Bairam: Given the height of the existing quarry, how much deeper will you go based on the existing roads and surface?

R. Crosby: The quarry floor will be where it is now and will stay the same going across. Each one has a 10' difference. At the southern end there is less of an impact and we will be close to the floor. It looks like Hackett Hill is right about the 300' contour, maybe 100' down from our entrance.

J. Levesque: Matt, do you have anything the towns people can come to look at to see what is happening?

M. Lavoie: No.

J. Levesque: I think that is something the town should have, as this Board could change over time.

R. Duhaime: We would like to let people know what we approved which is why it would be nice to have a master plan.

D. Frasier: We show a reclamation plan on sheet 3. The idea is to continue the quarry site to the north/northwest. It will be an industrial site with heavy equipment moving throughout.

R. Bariam: 106 acres is a lot to grant a permit for at one time. We lose a lot of control over the project.

R. Duhaime: That is why the phased approach was being discussed.

D. Frasier: The regulators have a lot of power. It is a matter of the will of the Board to exercise that power. I believe you do an annual inspection. Matt goes down more than once a year. It is the responsibility of the Board to ensure the the people who are issued permits do what they are supposed to be doing.

J. Levesque: Is this going to be worked on simultaneously or will it be done in phases.

R. Crosby: We will not be able to do the whole thing at once. From the existing quarry we will work outwards. There are sections to the northeast that we need to take out. At the same time we will be pushing to the west into the expansion area. That will be as demand allows us. There might be occasion to get up to the higher elevation portion and do some preliminary excavation up top and some stripping down to have a good mix of the different qualities of rock. We may have two or three different areas we are taking from, but we will not deforest the 106 acres at one time. The state would not allow us to do that. It will be done in chunks. Possibly five acres at a time.

J. Levesque: If we had a master plan it could be done in phases and permission could be granted in phases.

R. Crosby: The project will naturally go in phases. We cannot overextend ourselves and the state would not allow that much of an impact. They will be checking on us regularly. They have given us permission to impact the entire area, and we will be checking with them and they will be checking in on us regularly. There are a lot of safeguards on this project and it is unlike any in the state due to the scrutiny we are under, for the wetlands impacts in addition to the other aspects of this project.

R. Duhaime: How many tons of material was pulled out of the site this year as compared to last year and how long will it take to complete the project?

R. Crosby: It was in the 500,000-550,000 ton range. It was higher in 2007 before the recession.

R. Duhaime: It is going down.

R. Crosby: It has stabilized, but our plan is to go higher.

R. Duhaime: Over time, how long would it take to excavate all of the material? How many tons would this quarry be?

R. Crosby: It is based on market demand. We have been working on this quarry for 32 years. The state was interested on how long it will take to impact all of the wetlands, and we came up

with an estimate of 50 years.

D. Fraiser: This has gone through numerous permit processes and the Conservation Commission has been part of the dialogue. Under all of the application processes, what we gave you we have given to all of the other agencies.

R. Duhaime: What is the distance from the blast to the monitoring devices?

Scott Rielly: The closest blast to the nearest occupied dwelling would be 2,200'.

R. Duhaime: There was a resident that came in with concerns.

R. Crosby: The closest point that we are going to be to that home is just under 3,000'. It will be even further from Cate Rd. where our data was taken from.

R. Duhaime: His house is on ledge and he had cracked windows. You don't do any measurements there because it is so far away?

R. Crosby: Correct.

R. Duhaime: After hearing the comments on blasting, I understand there is not much energy when it is that far away.

R. Crosby: Correct.

R. Duhaime: We would like to see some sort of phasing plan.

R. Crosby: If we do that and are where we said we would be after a period of time, will that be a problem? What if we have to go farther? I cannot predict where we will be. This is the scrutiny we are under. You will be seeing this on an annual basis. We have been upfront with where we are, you have done a site walk, you can ask about the reclamation efforts and other things. You are welcome there at any time. I don't know what powers you have once the approval is done.

R. Duhaime: Enforcement.

J. Levesque: We have had other quarries come back for not meeting their time table, and we have worked with them.

G. Hyde: I think we would be more comfortable with a smaller amount of acreage.

R. Crosby: One of our conditions we have to do for our Alteration of Terrain and wetlands permits is every five years we have to provide them with an update as to what we have done, and what we plan to do over the next five years. We could come back to this Board every five

years and provide an update as a courtesy.

R. Duhaime: The problem is that zoning changes.

G. Hyde: Matt, is there an expiration date on the permit.

M. Lavoie: They have to renew their entire permit once every ten years in front of the Board.

G. Hyde: They would have to renew the entire 106 acres unless they amend it down.

M. Lavoie: I think they are asking for 106 acres is because they had to get the wetland permits.

R. Crosby: By asking for the extent that we can, taking into consideration the wetland impact mitigation, that secures that resource for our use for a long time and gives us security that is important to the company. The wetland impacts have taken over 40 acres. We have trimmed this project down as much as we can to feel secure that we will be set for a long time.

G. Hyde: When they have to come back in ten years, does that require another wetlands survey? There is the potential that wetlands could change. Is it just a permit or the whole process?

R. Crosby: As far as the wetlands, we are going to be giving them updates, but this project will be up for renewals every five years at the state and federal level. The Army Core and the EPA will also be looking at this. We are going to do our best to stay within what we are supposed to be doing. If there are impacts to wetlands, we have corrective action plans already in place.

Open public hearing.

No public comments.

Close public hearing.

P. Denbow motioned to grant a request for Pike Industries, Inc., Case #15-11, 38 Hackett Hill Road, Map 13, Lot 59 to amend and expand their Excavation Permit #G-04. Seconded by R. Bairam.

R. Crosby: Map 13, Lot 59 is not correct.

P. Denbow motioned to grant a request for Pike Industries, Inc., Case #15-11, 38 Hackett Hill Road, Map 7, Lots 20, 23, 24, and 25 and Map 12, Lot 7 to amend and expand their Excavation Permit #G-04. Seconded by R. Bairam. Motion carried unanimously.

NEW PUBLIC HEARINGS

**76-80 Terrace Road, LLC
4 Pleasant Street**

**Case #15-12
Map 6, Lot 116-1**

COM

A variance is requested from Article 10, Section A of the Zoning Ordinance to permit a residential use within a commercial district.

Matt Peterson (Hillside Design Group): At one point this was a landscape use with a residential house that was used as an office for a landscape business. It has been vacant for a couple of years. The owner would like to rent it as a residential home. Staff told us that it is not allowed because it switched back and forth and then sat vacant.

Matt Peterson read the criteria into record.

R. Duhaime: Will this be single family?

M. Peterson: Yes.

P. Denbow: Is it in the Performance Zone?

M. Lavoie: It is north of the Performance Zone and is considered commercial.

M. Simoneau: Is the goal to sell it?

M. Peterson: We would like it to stay commercial, but have it be used as residential until another use can be found.

Open public hearing.

Marian Kolesar (21 Cedar): Is it only the house they are asking about? Are they just going to resume the residency?

R. Duhaime: Yes.

Close public hearing.

R. Duhaime: Are there are other properties in town that have both uses?

M. Lavoie: Yes. This has a site plan and most of those don't.

R. Duhaime: Do you have any issues?

M. Lavoie: It would need a Certificate of Occupancy and there need to be permits issued.

R. Bairam motioned to grant a request from Article 10, Section A of the Zoning Ordinance to permit a residential use within a commercial district for 76-80 Terrace Road, LLC, Case #15-12,

4 Pleasant Street, Map 6, Lot 116-1. Seconded by P. Denbow. Motion carried unanimously.

Brian Goodridge

1 Farrwood Drive
LDR

Case #15-13

Map 18, Lot 86-6

An appeal from an administrative decision is requested with regards to a Cease and Desist Order issued and a decision that wholesale auto dealer is not a profession or home occupation within the meaning of the Zoning Ordinance.

Charles Cleary: I am representing Brian Goodridge. We had two interpretation issues with this. The first is regarding Article 3 of the ordinance. It states that no junk, as defined in Article 22, shall be maintained in any district. The definition of junk includes unregistered or uninspected motor vehicles. Our issue is with the word maintain. We acknowledge the Town of Hooksett does not want unregistered or uninspected cars on properties. Our issue is that there are occasions that, for a day or two, Mr. Goodridge has a car that may be uninspected or unregistered on his property. He is in the auto wholesale business and goes to auctions out of state. On occasion he has other dealers go with him, leave their cars at his property, and take their dealer plates with them to purchase another vehicle. We would ask the Board to put some clarification on that section of the ordinance. What does “no junk shall be maintained in a district” mean. Is there some time frame for people to inspect their cars or have an unregistered car at their house? There needs to be more within the purpose of the statute. We believe there is some time frame associated with that statute beyond what Mr. Goodridge has been doing on this site. The second issue is also an interpretation issue and this is regarding the home occupation ordinance under Article 4. That is the ordinance that allows residences in this district to use property for certain uses and includes a list. There are limitations that follow. In that list it seems the intent of the ordinance is to pick occupations that are not intense uses. They are typical home type uses. They are professions where a lot of the work is done inside. An auto wholesale dealer is a phone/computer use type business. He buys cars on the internet and sells them to other retailers. They are not stored on his property and he does not transact business on his property. We are looking for clarification on your home occupation ordinance that treats auto wholesale dealer as a use compatible with the list.

R. Duhaime: Matt, how many cars have you seen on this property?

M. Lavoie: Four to five at some points, but they do fluctuate.

J. Levesque: How you been by numerous times?

M. Lavoie: Yes. The number of cars fluctuates.

J. Levesque: How often do you go to auctions?

B. Goodridge: Twice per week. Usually people are parked on Tuesdays. Sometimes one person

will leave his car for one to two days per week.

P. Denbow: Does a wholesaler have to go through the Code Enforcement Officer?

M. Lavoie: If Mr. Goodridge let his license lapse it would have to be approved again.

P. Denbow: Do you show people the vehicles at your home?

B. Goodridge: I have cars on Craigslist. What is the difference between that versus a coffee table?

P. Denbow: Because you are in the business. When you are in wholesale you sell dealer to dealer.

B. Goodridge: I do both. I do retail at another site. I have a wholesale plate and a supplemental plate.

C. Cleary: I am looking at the intent of the ordinance. These are temporary cars on this property.

R. Duhaime: The Board will have to look at the ordinance.

J. Levesque: Is your retail lot and wholesale close?

B. Goodridge: Yes.

J. Levesque: Could you leave the cars at that lot?

B. Goodridge: Yes.

J. Levesque: Was the issue because there was more than one unregistered car on the property?

M. Lavoie: The issue is the registered business is at 1 Farrwood. That is part of why the violation letter was issued and also this is not listed in the zoning ordinance as an allowed use.

P. Denbow: Could you change your business address to your retail address?

C. Cleary: The ordinance says "or other recognized professions or occupations." This is a good time to look at this ordinance. Are we going to discriminate? Matt needs guidance. This is profession just the ones listed.

P. Denbow: We cannot change them tonight. Things are changing and a lot of people are working out of their houses. Last year we talked about this. This would be an easy fix for you.

We can work on the ordinance at a later time.

B. Goodridge: I have been in the car business for over 20 years and have everything under that address.

P. Denbow: If you changed the address to your commercial address it would solve this issue.

C. Cleary: He is still doing the use in the house.

P. Denbow: The use is different because he is not doing repairs and having unregistered vehicles on the property.

B. Goodridge: Let's assume you say you can only run your auto wholesale business as long as it complies with the restrictions in Article 4 using only the phone and computer. That is what we are looking for.

Open to abutters.

C. Cleary: This complaint did not come to Matt from abutters. It came from people who had contract issues with Mr. Goodridge as a car dealer and it is in litigation.

R. Duhaime: We are only here for this issue.

Mark Somerville (3 Farrwood Drive): I see what Mr. Goodridge does on a daily basis. I have no issue with what he does. There are a number of individuals on Farrwood Drive that run businesses. There is some activity with people visiting his house, but I have no issue with him or what he does on his property.

Jay Littlefield (6 Farrwood Drive): Mr. Goodridge maintains his property well. There is an occasional car outside but most business is done inside the garage. There is a lift but that was there before he bought the house. He is a great neighbor. He even fixed up the sign that says "Farrwood Drive" himself. I have no issue with him doing what he does. There are a lot of businesses run out of the house on that road.

R. Duhaime: What is the condition of the cars?

J. Littlefield: All of the cars are newer. They may not have a plate but they are not there any more than one or two days. He goes to auction one to two times a week but doesn't buy a car at each auction.

Close to abutters.

Open public hearing.

Alex Hall (Concord resident): I purchased a vehicle from Mr. Goodridge in June. I ask that you deny his appeal to the cease and desist order. I looked at a vehicle and purchased it on Mr. Goodridge's. It was advertised with pictures from his property.

David Hall (Concord resident): My son is Alex Hall. I was with him when he purchased the vehicle from Mr. Goodridge's property. My son has a list of 16 vehicles that he has sold at his property. He is not holding them for other people and is conducting an entire business from his property. It is zoned as residential not commercial.

Jeff Ortiz (Manchester, NH): I purchased a vehicle on Mr. Goodridge's property. I brought my vehicle to his property to be repaired three times. I have text messages stating that the mechanic he employed was not able to come to take care of the vehicle on the property. At the time I bought the vehicle there were four other vehicles on the property, in addition to two more that were in the garage and a scooter. He is operating a business. He has a wholesale license and am now finding out he did not have a dealers license. He does have a dealer's plate because I used it to test drive the vehicle. All of this was done at his home. He has a large sign in his business stating that it is Goodridge Motors. He operates the entire business on his property.

Kim Hugh (Manchester): I was with Mr. Ortiz on the date of purchase of his vehicle. Mr. Goodridge gave us a plate to test drive the vehicle. There were several cars being worked on in his garage and his personal driveway and he was fixing a scooter as well.

Kristen Goodridge: Shawn Hennessy (direct abutter) and Matt Amaro were here but had to leave. They wanted me to state that have no issues.

C. Cleary: We are here regarding the cease and desist order. The abutters have no issues. The district court will address any other issues.

Close to public.

R. Duhaime: From the neighbors, it sounds like there are unregistered vehicles on the property, but not junk, and they are not there very long.

R. Bairam: If he is selling wholesale cars on his property, that is not allowed.

R. Duhaime: We have proof he was selling from his home.

R. Bairam: It isn't allowed?

R. Duhaime: You can't sell wholesale cars from your personal property.

G. Hyde: The wholesale business vs. selling wholesale is the difference.

J. Levesque: He is running a business and has a way to get around it by selling at his retail location. He cannot sell wholesale vehicles from his personal property.

P. Denbow: We need to try to balance and be reasonable. The neighbors don't have any issues. We also need to satisfy Mr. Lavoie and give him direction.

B. Goodridge: 220 Whitehall Road is where most of the cars are now. I don't bring anyone to the house now.

R. Duhaime: Matt, what would you suggest so that you are able to enforce this?

M. Lavoie: It is up to you to decide if the wholesale dealers license can be at the residence. I think the address listed at Farrwood can be an issue. If you grant the appeal it may not be an issue.

P. Denbow: It is the appearance and how it is perceived.

B. Goodridge: I don't want to sell on my property.

J. Levesque: The wholesale license is allowed to be out of your residence. Is that an RSA law?

G. Hyde: Yes, but you also have to go through the Code Enforcement Officer. It is also subject to town zoning.

C. Cleary: It is RSA 259-29A.

R. Duhaime: How long have you been at that residence?

B. Goodridge: Ten years and nine years a dealer.

R. Duhaime: Ken Andrews approved it initially.

G. Hyde: My thought is to not grant relief from the cease and desist but grant the relief for the wholesale office.

M. Lavoie: They are here to appeal the cease and desist order. They are together as one. Junk, as it states in the zoning ordinance, is one unregistered vehicle. That will stay that way if they get the appeal or not.

C. Cleary: We are looking for the Board's interpretation that the internal auto wholesaler business, phone and computer, is a home occupation.

G. Hyde: We cannot do that without a variance because it is not specifically in the ordinance.

M. Lavoie: Appealing this decision will essentially do that in this case.

J. Levesque: Is there any record that Ken Andrews approved this?

M. Lavoie: There is nothing in the file.

B. Goodridge: I have a letter from Ken Andrews stating that there are no vehicles to be displayed in the yard.

J. Levesque: You are guilty of not complying with “none.”

B. Goodridge: He never told me I could not have multiple cars there. It was never an issue until recently. I can put the cars in the garage.

M. Lavoie: I would not make a decision based on what was done in the past, as the zoning was more than likely different then.

C. Cleary: Currently the town interprets the home occupation ordinance that only those eight occupations listed are permitted in the house?

R. Duhaime: That is what is in our zoning now and what our CEO has to enforce.

C. Cleary: The ordinance also says “or other recognized professions or home occupations.”

G. Hyde: If we grant the cease and desist order he can have one car on his property?

R. Duhaime: Correct.

P. Denbow motioned to grant an appeal, as it relates to Case #15-13, with regard to Article 4, Section A5: “residences may be used to house uses by one owner as offices for doctors, engineers, architects, lawyers, or other recognized professions or other home occupations such as hair dressers, barber shops, day care facilities, kindergartens, dress makers, manufacturing craft products, except for the number of persons employed at one location shall not be not more than four persons including the owner and tenant. The owner and tenant must occupy the house as their primary residence” , but not grant the appeal for Article 3, Section B: “no junk, as identified in Article 22, shall be maintained in any district.”

Roll Call

P. Denbow: Yes

R. Duhaime: Yes

M. Simoneau: Yes

G. Hyde: Abstained due to the motion not being split into two votes.

R. Bairam: No

Motion carries.

Harmony Place, LLC **Case #15-14**
1621 Hooksett Road Map 14, Lot 27
MDR

A variance is requested from Article 5, Section C.3.b of the Zoning Ordinance to permit 63 two-bedroom units in three buildings of multi-family housing.

Jennifer McCourt: This project has a long history with Hooksett. I started working on this in 2003. We are asking for the same density which was approved previously with the special exception which is the 63 units. The buildings will stay the same with 2 bedrooms. The parking on site will be increased slightly. There will be parking under all three buildings. The project is located on Daniel Webster Highway. The proposal previously approved for senior housing was for upgrading Daniel Webster Highway by adding a left hand turn lane both ways and a D-cell lane into the property. The intersection would have a left and right hand turn out. It is about 1,600' up to the property. There is an elevation change of 100'. The property is steep. The top, where there buildings are, is a flatter area and provides a buffer to the residences on Daniel Webster Highway. We have agreed to upgrade the drainage down Beauchesne Drive. There are small culverts and drainage problems that we going to fix as part of this project. We are also providing an access to the village water precinct water tower. Currently their access is up a steep gravel road that washes out. This will be a paved road. We will also be providing sidewalks along our frontage and up the driveway to the units. From the site line it is 677' from Daniel Webster Highway to the closest building. That elevation change is about 92'. You have to look up through the trees to see it.

R. Duhaime: How tall will the buildings be?

J. McCourt: Two and a half stories. Buildings A and B have an under garage so they will look like they are three stories but the roof is flatter. The road going up is a 24' wide. We had a traffic engineer look at this. The improvements that we were required to do per the Hooksett Planning Board for the entrance were far and above what was required per the Department of Transportation. We would not have to do any more improvements per DOT. We have not reached the level for the traffic. These improvements will accommodate the traffic if it went to multi-family.

J. McCourt read the application into record.

R. Duhaime: You are saying this is consistent with University Heights and the traffic plan won't change. When this was done it was for 55+ which would be less people. Now there will be people with families and more traffic. University Heights is spread over a big area. How many units would this be?

J. McCourt: There would still be 63 units that would be garden style apartment condominiums. The exact same unit that would have been used for the 55+. None of the building layout has changed. There would be two bedrooms in each one and the handicapped units. In 2009, a traffic study was done regarding the increase and a statement was done stating that the proposed mitigation for the current development proposal far exceeds the engineering requirements for a development of this size and type. There would be five additional trips during the peak hours. They are only going to be two bedroom apartments. You will mainly get couples. There won't be many children because the units are small.

R. Duhaime: University Heights is over a much larger area than 12 acres.

J. McCourt: We have 12.87 acres and 63 units. That is .2 to .25 acres per unit for a two bedroom unit. University Heights has three to four bedrooms on .27 acres.

R. Duhaime: They have a lot of open area and that is a whole different sub-division.

J. McCourt: Across the street we have lots with 2-4 bedrooms on .4 acres.

R. Duhaime: That is not an apartment building.

J. McCourt: You get a lot of density in there as well.

P. Denbow: Do you have a depiction of what the buildings will look like?

J. McCourt showed the layout of the buildings.

R. Duhaime: I think this would be an improvement. I don't have an issue with the improvements, only the density. I am trying to keep it to the area.

J. McCourt: That is why it is so far back and they are 2 bedroom units.

R. Duhaime: What is the square footage of the units?

Sonny Sell: 1,100 sq. ft.

J. McCourt: There is a walking trail and a lot of open space.

R. Bairam: Are there wetlands?

J. McCourt: There are wetlands on site, but we avoided them.

J. Levesque: Is the parking going below ground level?

J. McCourt: The ends of the buildings will be where they have to enter and there will be

retaining walls to bring it back up. The front of two buildings are at the first floor level and on another, you will see the garage because it slopes off.

J. Levesque: On the 15 unit building, is the community room making the difference?

J. McCourt: Yes.

Open public hearing.

Chis Lampron (1617 Hooksett Rd.): I like the layout. I have a concern with the traffic. I have lived in my home for 14 years and have been very close to being t-boned many times. No one does the speed limit. I have an issue with increasing the area by 200 people. I have been talking to the Department of Transportation about putting up mirrors. From my driveway you can't see what is coming from the north because of the hill which is right in front of the property, and you can't see the other way due to the curve. I heard you say this won't affect property values. I thought having an apartment building next door could have an impact. My main concern is the traffic.

S. Sell: I think the turn lanes will slow the traffic down.

J. McCourt: The other thing that will slow them down is people turning to go into the site.

S. Sell: It won't slow it down a hundred percent of the time, but it will improve it.

J. Levesque: In the application it mentions the Beauchesne development.

S. Sell: We have allocated \$150,000 to the Beauchesne development to take care of their drainage so their basements would be dry. That money goes to the Town of Hooksett and they will be doing the work or have someone do the work. We are going to put a road in that cuts the hill off and they won't be coming in off Rt. 3. They will come in through the development. We have allocated a lot of money to the town to help out.

R. Duhaime: You have been working on this for a long time.

S. Sell: Since 2004. I am to around \$1.4 million into the job.

G. Hyde: There is an impact fee of \$5,000 per unit for schools. Given that this is six years later and the budget for the schools has gone up, is their impact fee going up?

S. Sell: You don't pay the impact fee for 55+ but that will be calculated now. I already own the sewerage and that has been paid for. I wrote a check to the Town of Hooksett for \$80,000 or \$90,000 in 2004 and it is still sitting there.

R. Duhaime: I think it would be beneficial to get feedback from the Planning Board.

R. Bairam motioned to continue Harmony Place, LLC, Case #15-14, 1621 Hooksett Road, Map 14, Lot 27 to the next Zoning Board meeting and get feedback from the Planning Board. Seconded by P. Denbow. Motion carried unanimously.

P. Denbow motioned to adjourn. Seconded by R. Bairam. Motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 10:12 pm.

Respectfully submitted by,

AnnMarie White
Recording Clerk