

**Official**

**HOOKSETT ZONING BOARD OF ADJUSTMENT**

Tuesday, April 12, 2016

HOOKSETT MUNICIPAL BUILDING

**CALL TO ORDER**

Chairman Chris Pearson called the regular meeting to order at 6:30 pm.

**PLEDGE OF ALLEGIANCE**

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

**ALTERNATES:** Michael Simoneau

**EXCUSED:** Phil Denbow

**STAFF:** Matt Lavoie (Code Enforcement Officer) and Jim Donison, (Town Engineer/Assistant Public Works Director).

**APPROVAL OF MINUTES**

**March 8, 2016** – R. Bairam *motioned to approve the minutes of the March 8, 2016 meeting, with amendments. Seconded by G. Hyde. Motion carried unanimously.*

**CONTINUED PUBLIC HEARING**

**Harmony Place, LLC**                      **Case # 16-01**  
1621 Harmony Place                      Map 14, Lot 27  
MDR

A Special Exception is requested from Article 5 Section B.1 of the Zoning Ordinance to allow the construction of a water tank on the property.

Jennifer McCourt (McCourt Engineering): Neil Helberg from Lewis Engineering and Sonny Sell are here with me. The Hooksett Village Water Precinct, on the low side, services 24% of Hooksett. Combined with the high tower it is about 30% of Hooksett, total. The existing tower and the one we are proposing fill the high tower. The tank is 60 years old. The population of Hooksett has risen from 2,800 people to 14,000 people in that time frame. DES is recommending we replace it. The average demand of the tank is 550,000 gallons per day. The existing tank is 200,000 gallons. When DES requires the sizing of a tank, the average daily flow is doubled and some is added for fire flow. The wells are on the west side of the river and the tank is on the east side. If there was a disaster 1.5 million gallons would be needed. We have

the 1 million gallon tank that is in service, and if there is another 1 million gallon tank put in service there is room for expansion in the future. The 200,000 gallon tank is filled 4-5 times per day. We are looking to have the new one filled once per day at off-peak hours. Instead of having all 3 wells being pumped into it, we want to use one well at a time. That would help with the well source and with keeping the infrastructure whole. By putting the tank on this property, once the old tank is taken down, there would be a place to put another new tank, in the future, for storage. The infrastructure for the piping is at this location. With the development we would get full access to the tank without having to put in extra infrastructure. This tank would also service 5 out of the 10 critical facilities of the town; Station 1 of the Fire Department, NH DOT Highway Garage, Hooksett Highway Department, the Hooksett Municipal Building, and Hooksett Memorial School. The design criteria has been increased to better tanks than what they were 60 years ago, the location is far away from the abutters, and we did the best we could to tuck it into the trees.

R Duhaime: Will it be white?

J. McCourt: Sonny asked that it be painted a grayish brown to match the trees.

**Open public hearing.**

Michael Heidorn (Superintendent of the Hooksett Village Water Precinct): I agree with everything Jen said. She is not aware that we just received a statement from NH DES.

***M. Heidorn read the statement from Rick Scaring from NH DES, dated April 12, 2016, into record.***

**Close public hearing.**

C. Pearson: I did the site walk and had no concern. I liked where it was situated. It was a decent proposal.

R. Duhaime: I would like to see it back further, but due to wetlands that is not possible.

M. Simoneau: I thought the location was fine and it is doable.

***R. Duhaime motioned to grant the special exception from Article 5 Section B.1 of the Zoning Ordinance to allow the construction of a water tank on the property for Harmony Place, LLC, Case # 16-01, 1621 Harmony Place, Map 14, Lot 27, MDR. Seconded by R. Bairam. Motion carried unanimously.***

Harmony Place, LLC  
1621 Harmony Place  
MDR

Case # 16-02  
Map 14, Lot 27

A Variance is requested from Article 5 Section C.3.b of the Zoning Ordinance to permit 76-two bedroom units in four buildings of multi-family housing. The building facility and improvement layout will be similar as the previously approved 63-unit 55 and older age restricted development.

Jennifer McCourt (McCourt Engineering): We went to the Planning Board and a lot of comments, questions and concerns came up. We are asking to go from 63 to 76 two-bedroom units. That would give us a density going from 6 units per acre to 7.2 units per acre. In the other zones in Hooksett where higher density is allowed for multi-family, HDR, MUD2 and MUD5, the density is 12 units per acre, 8 units per acre, and 18 units per acre and the number of bedrooms is not specified. This density is not unheard of in Hooksett per the regulations. The site itself is 100' vertical distance. To the front of the closest biggest building is 700'. Closest to the townhouse is 560'. What we agreed to is 1,250' of roadway improvements to Rt. 3 including left and right hand turn lanes into the development. Steve Pernaw is here to answer any traffic questions regarding this. As far as public interest, we are extending the center lane from the curve. That allows for 6 residential homes to be able to make safer left hand turns into their properties. We are also donating \$150,000 towards the upgrading of drainage on Beauchesne Drive. Stantec did a study when this project had 76 elderly housing units. The upgrade goes from Rt. 3 across and into the field and underneath the access drive to the fields. It is affecting 9 homes directly and up to 11 homes indirectly as well as the driving public to help mitigate flooding. A lot of those pipes are broken, the drainage is in disrepair, and some pipes that were replaced were undersized. We are proposing to connect both abutters to the sewer system on the north and south side and connecting Chris Lampron's lot into our driveway for safer access onto Rt. 3. We are also looking at putting in a 62' diameter, 45' wall height, 1 million gallon water tank and we would charge for the use of that land and provide access to the tank through our driveway. You would not see the water tank from Rt. 3, but driving up the road it would be seen. Town of Hooksett site plan regulations require that when a multi-family building is put it includes architectural features to alleviate big, long expanses such as this. The Hooksett Village Water Precinct will work with us to mute the color of it on the walls. The dome will still be white. It is a 45' wall with the dome being an additional approximate 5'. Contrary to public interest we are doing a lot of work by putting the tank in. We are trying to alleviate some of that by not charging for the leasing of the land and working with the Water Department as much as we can. I tried to find an apartment in Hooksett and could not. I was put on a 3 month waiting list. There is a great need in Hooksett for apartments. Your Economic Development Committee is active to get businesses to come in. For businesses you need a workforce and apartments is one of the major places where a lot of the workforce lives. Going through the criteria for the variance, all of the 6 issues I brought up go to each one of those along with the issue of the MUD districts and those criteria's that are looking at doing public good. If you look as those with the higher densities for the multi-families they are mixed unit zones. Where this is located there is single-family, this adds multi-family, and the commercial districts are down the road. They are different properties, but if you look at it without lot lines, we are doing the same thing. We took a hard look at the numbers and we know that with the 13 extra units we can

make a viable development. This project has been on the books for a long time. I have a letter from the realtor regarding the water tower and why it depreciates the units.

C. Pearson: During the site walk we were told that the site lines from the top of the tower will be at the same height as the bottom floor level of the apartments. Is that correct?

J. McCourt: From the apartments they will look down on the dome. You will see the tank every time you drive up.

J. Levesque: What is the configuration of the buildings?

J. McCourt: Two with 24 units, one with 23 that has a public room and security, and one with 5 units. The 23 and 24 unit buildings will look the same.

J. Levesque: How many elevators will there be?

J. McCourt: Two elevators in the middle.

D. Pare: I have a question for Stephen Pernaw. This traffic study was done 6.5 years ago?

Stephen Pernaw (Pernaw and Company): Our involvement started in 2003. We did an update in 2009 and another update on March 23, 2016. Tonight I was asked to bring in an update of the auxiliary turn lane warrants analysis. That required us to do new traffic counts which we did last month.

D. Pare: I'm not sure the study is accurate due to the amount of traffic.

S. Pernaw: The study is accurate and I can put up charts to show you.

D. Pare: Rt. 3 to 3A at 8:00 am is bumper to bumper for at least an hour. You said 39 cars would be added to that?

S. Pernaw: 39 trips during the morning peak hour, 8 arrivals and 31 departures. Typical peak hour varies from day to day. The volumes we are talking about are an hourly flow rate. The afternoon peak hour 47 trips which is higher. We did an afternoon peak count on Rt. 3. On that day in March, the peak hour was 4:45 to 5:45. The two way traffic volume on Rt. 3 was 1,278 vehicles. That is a lot of traffic for a two lane road. We did a projection for 2016, which is an opening year projection, and a horizon year which is 10 years into the future which is 2026. We took the 47 trips, broke it down between in-bound and out-bound, and analyzed where they are going. During the peak afternoon hour there were 8 southbound left turns into the site, 23 northbound right turns into the site, and exit and distribution is shown as well. The primary purpose of the report was to look at the need for auxiliary turn lanes. There are three answers to let turn treatment. In a low volume situation left hand turns can happen from the through

lane (shared lane). Another outcome is the need to widen the shoulder (by-pass lane). The third outcome is a full exclusive left-turn lane (left-turn pocket). Looking at the analysis of the 2016 numbers, no treatment is needed. The 10-year projection shows that treatment is needed. Long range there should be a left-hand pocket for this development.

R. Duhaime: If you are heading south there will not be a by-pass lane?

S. Pernaw: There will be an exclusive turn lane.

R. Duhaime: Built with this project?

S. Pernaw: Yes. The maximum is being proposed. The developer said that they would do it up front. A right turn lane for northbound vehicles entering the site is needed now and in the future and that is being proposed. As far as the exiting of site traffic, one lane is needed. Per the plans there is an exclusive left turn lane and an exclusive right turn lane for site traffic. This would be an advantage for people who live there. It is an over design but we are recommending it to minimize delay and maximize the egress capacity of the driveway. This project is doing everything up front.

R. Duhaime: The next best thing would be a traffic light?

S. Pernaw: No. To put in a traffic light at this driveway you would have to meet one of the signal warrants in the Manual on Uniform Traffic Control Devices. That manual sets up minimum traffic volume criteria. If you are below the criteria it should not be considered. If you are above the threshold then the advantages and disadvantages can be considered. Traffic lights are only put in where they are needed. To take a left hand turn out of this driveway during the afternoon peak hour in 2016 there is a long delay. We also know there are enough gaps. In 2026 the delay will be worse due to growth on the highway. That is the reason for going to two approach lanes instead of one. The appropriate form of traffic control for this intersection is stop sign control and two exit lanes. That is the best that can be done. For this level of development a signal warrant would not be met.

G. Hyde: How do you come up with the 47 trips?

S. Pernaw: These estimates come from the Institute of Transportation of Engineers Trip Generation Manual. When we do studies on state highways, that is the gospel per the DOT. 47 occurs in that one hour period. Not everyone comes home or leaves at the same time. That is why there might be some confusion between the number of units and the number of trips. We are up to the 9th edition of the ITE Trip Generation Manual and that land use code, apartments, has not moved much. It is a stable number to use.

R. Duhaime: What would be the next best thing other than a light?

S. Pernaw: This is the best and maximum that can be done.

R. Duhaime: This driveway, as far as conforming to the area, you are surrounded by single-family homes with driveways. You are doing a lot of improvements at the intersection, but you are in an area where an intersection like this would not be built. It is good but does not fit the area. I thought the 63 units was a reach for the size of the property and now there is a request to add more units, traffic, and impact to an area surrounded by single family homes. I don't see how it meets the criteria for this area.

J. McCourt: We would extend the center lane which adds a left hand turn lane for property owners. If you look at Carriage Manor, they have single family homes around them and a multi-family development in the middle. That road that it goes onto is not as busy as this road, but the advantage to this is it is providing improvements to help other property owners get in and out of their properties. This road is almost like a commercial use main corridor road. DOT will not build this to help people to get in and out of their driveways. The few extra units we want to add won't add that much more especially with all of the improvements we are willing to make.

S. Pernaw: The majority of traffic is to and from the south. The next increase during the afternoon peak hour is 35 vehicles in both directions. That is one additional vehicle every two minutes. It will not make much of a difference and is not detectible. In terms of impact on a neighborhood, things would be better having the center turn lane for people entering those other driveways. They would have a safe refuge area. This is a benefit for this section of the corridor. The other developments that were mentioned have hundreds of buildings near them and they met the criteria for the signal. DOT would not allow a signal to go in without meeting that criteria.

**Open to abutters.**

Christopher Lampron (1617 Hooksett Rd.): I have been working with the traffic issues for a while. Harmony Place granted me an easement into their driveway which would allow me to turn in onto Hooksett Road to the north. I would be able to see the traffic coming. My daughter will be driving soon and my biggest concern is how I will get her onto the road safely. I have no concerns with the proposal and all of my concerns have been addressed.

**Close to abutters.**

**Open public hearing.**

M. Heidorn: I would like to speak to the public benefit of this. We were able to identify some other sites that had potential. While the owners are willing to talk with us, in looking at the cost associated with that, we believe this site would save us between \$200,000 and \$400,000 in terms of additional construction, acquisition cost, and long-term maintenance.

**Close public hearing.**

C. Pearson: If you go back in time to this location, this is MDR and originally 2 acres which would have granted them 10 units. The applicant came to us with the 55+ proposal. At the time this Board struggled with it because of the extra traffic which was alleviated to us in some respects because of the age restriction and the lower impact on the peak hours and the lower impact of 55+ of the community in general. That passed. We had already expanded the envelope of what was allowed, where it was situated, the houses that surrounded it, the amount of traffic, and the 10 units vs. 63 units of 55+. That is substantial. We moved forward in time, the applicant came back last December, and we granted the ability to do the 63 non-age restrictive units. Now we are being asked again to take a 10-unit site and expand it again by another 13 units. In the spirit of the ordinance, how can you come to us and say that is in the spirit of the ordinance when we have already worked with you twice to help this property. In the spirit of the ordinance how is that justified?

R. Duhaime: We understand the positive things you are trying to do. We are trying to weigh the balance of the additional units and the public good.

J. McCourt: It would be 10 4-bedroom units which would be non-age restrictive. We came to you for a special exception for 76 units and that was granted. The ordinance changed and we amended it down to 63 units to meet the current ordinance. That is what I did my final design on. The 76 units was 4-unit buildings in townhouses wrapping up the snake drive to the top.

C. Pearson: You showed that to us but never asked us to act on it.

J. McCourt: We got a special exception for the 76 senior housing units and we did not go forward with the final design due to construction costs and in the interim your zoning ordinance changed. The density changed. That is when we came back with the 63 units with the three buildings up top. Had I known we were going to have a 1,000,000 gallon water tank sitting in front of these buildings, I would have only come to you once with the 76 non-age restrictive units. We will not come before you again to expand the units. I know the spirit and all the good things we are doing. As far as the traffic, adding the additional 13 units is 8 additional afternoon trips which would not be noticed. As far as the school system, we will be paying the school impact fee. These are only 2-bedroom units. Those are .21 to .24 children per unit which is not a lot of children. I think the spirit of the ordinance is the same as it was for 63 units. We are just trying to make this work.

S. Sell: The original plan was 76 units and it was approved. Those town houses did not work so we came back after the zoning ordinance was changed.

R. Duhaime: The original 76 was for 55+.

S. Sell: Correct.

G. Hyde: I have two issues. The first “The variance will not be contrary to public interest.” The issue I have is separating the project as a whole and the improvements they would be making for the town. How much have we considered moving this project because of everything they are doing for the town? Is it the improvements that are not contrary to the public interest or the project itself? As much as I like the improvements, I am not sure that granting the additional 13 units on top of what we have already granted is in the public interest. My other thought is about the hardship. I am not sure the applicant has proven a hardship given the relationship between the water tower and the project itself.

R. Duhaime: Does this fit the essential character of the neighborhood?

G. Hyde: We have already granted 63 units. Would granting another 13 units really make a difference?

R. Duhaime: We are fixing one driveway, but creating issues elsewhere. then There is also the question of viability. I don’t see a hardship.

R. Bairam: I don’t think 13 units is that much more.

C. Pearson: We have put ourselves in this situation by allowing the 63 units at 55+ and then the 63 non-age restrictive units. They have the 63 and now they are asking for another 13 units with improvements to the town. Is the value they would be adding to the town worth the extra 13 units?

S. Sell: We are making up to 8 driveways 100% safer.

***R. Bairam motioned to grant the variance from Article 5 Section C.3.b of the Zoning Ordinance to permit 76-two bedroom units in four buildings of multi-family housing. The building facility and improvement layout will be similar as the previously approved 63-unit 55 and older age restricted development for Harmony Place, LLC, Case # 16-02, 1621 Harmony Place, Map 14, Lot 27, MDR. Seconded by C. Pearson.***

**Role Call**

**D. Pare - No**

**G. Hyde - No**

**R. Bairam - Yes**

**R. Duhaime: No**

**C. Pearson - Yes**

**Vote 3-2 against.**



**Motion fails.**

**NEW PUBLIC HEARING**

**SNHU**

**Case # 16-03**

Victory Lane & East Side Drive

Map 33, Lot 67

MUD 4

A Variance is requested from Article 18, Section G, 2, (a) of the Zoning Ordinance to permit crossing of the 40 feet wetland buffer with an 8” sewer line and a 2” gas line, with approximately 970 SF of temporary buffer impact. The ground surface in the area of temporary impact will be restored to its condition existing prior to this construction activity.

Gordon Leedy (VHB): The proposal, which is now in front of the Planning Board, is to construct a new athletic facility for SNHU. The access to the facility would be via East Side Drive to Victory Lane. The disturbed area for the site would incorporate a 1500 seat grandstand with a building that houses locker rooms, offices for athletic staff, and some small function rooms with an NCAA track, turf field, areas for track and field activities, jumps, and an area for throws. Along with the athletic facility we are proposing to construct 310 parking spaces and an access road that comes in off of Victory Lane. There would be six competition tennis courts which would supplement the courts they already have. Basically we would be relocating the major varsity athletic facility. There are a number of wetlands and a drainage area that goes to Messer Brook. We were able to develop this facility without any wetland impact and with very minimal buffer impact. As far as the buffer impact that is proposed, there is an existing woods road that goes across and connects from the parking lot of the existing dormitory. There is a sewer line that goes from the dormitory to the interceptor that is by the brook. We are proposing to not impact the wetland, but we need to bring the sewer out to connect to the existing line. There is also gas service by the existing dormitory that we are proposing to tie into as well. We would be coming down the middle of the woods road with an 8” sewer line and a 2” gas line. The total impact would 970 sq. feet. Utility crossings within the wetland are an allowed use as long as the surface is restored to its pre-existing condition. However, in Section 18G-2A, where it talks about the 40’ buffer, such disturbance is not allowed.

***G. Leedy read the criteria into the record.***

C. Pearson: Will there be a walkway from the bottom parking lot to the track?

G. Leedy: Yes. We have been in discussion with the Planning Board. This 310 parking spaces is more than enough to meet the daily demand. There are three conditions, daily demand, SNHU game day situation, and special events.

C. Pearson: For the tournaments, parking and the flow of traffic has been a problem.

G. Leedy: The commuter parking lot is relatively new. We have done an analysis based on passed events and anticipated future events and have determined that between these two

parking lots and the available parking in that other lot, there would be ample parking for the large events they are anticipating.

R. Duhaime: What is the acreage of the property that you would like to develop?

G. Leedy: The cleared portion of this site is roughly 15 acres. The intent to clear what we have to but leave as much possible. There are extensive landscape and storm water management plans that are being proposed. The run-off would be approximately 16 gallons.

C. Pearson: After it is treated?

G. Leedy: Yes, treated and infiltrated.

G. Hyde: What is the proposed use of Victory Lane. Will that be opened?

G. Leedy: That has not been determined. We have done a traffic analysis. We are not adding any additional traffic so there are no required off-site improvements. We are examining whether it might be advisable to request to open that for special events.

C. Pearson: Everything will move to the new facility?

G. Leedy: The varsity athletic facility department will move to this area, except for basketball.

G. Hyde: I thought that when Victory Lane was approved, we were told that there were no plans to have that opened.

G. Leedy: That is being discussed with the Planning Board, and my understanding is that it is their authority to allow or not allow us to open it.

R. Duhaime: Is that field permeable?

G. Leedy: Not 100%, but yes.

R. Duhaime: What is happening to the old facility?

G. Leedy: That will stay for inter-mural sports and practice.

G. Hyde: Will that be open to the public?

Lawrence Yassanye (Southern New Hampshire University): We don't have plans for that at this time, but it could be.

G. Leedy: The Hooksett Conservation Commission unanimously recommended approval for this.

**Open public hearing.**

No public comments.

**Close public hearing.**

G. Hyde: My only concern was Victory Lane.

J. Levesque: Is that a seasonal stream?

G. Leedy: Yes.

***R. Duhaime motioned to grant a variance from Article 18, Section G, 2, (a) of the Zoning Ordinance to permit crossing of the 40 feet wetland buffer with an 8" sewer line and a 2" gas line, with approximately 970 SF of temporary buffer impact with the ground surface in the area of temporary impact being restored to its condition existing prior to this construction activity for SNHU, Case # 16-03, Victory Lane & East Side Drive, Map 33, Lot 67, MUD 4. Seconded by R. Bairam. Motion carried unanimously.***

***R. Bairam motioned to adjourn. Seconded by G. Hyde. Motion carried unanimously.***

**ADJOURNMENT**

The meeting adjourned at 8:00 pm.

Respectfully submitted by:

AnnMarie White  
Recording Clerk