

Official

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, May 10, 2016

HOOKSETT MUNICIPAL BUILDING

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Roger Duhaime (Vice-Chairman), Don Pare, Gerald Hyde, and Richard Bairam.

ALTERNATES: Michael Simoneau

EXCUSED: Chris Pearson (Chairman), Phil Denbow, and Jim Levesque, Council Rep.

STAFF: Matt Lavoie (Code Enforcement Officer)

APPROVAL OF MINUTES

April 12, 2016 – R. Bairam *motioned to approve the minutes of the April 12, 2016 meeting. Seconded by G. Hyde. Motion carried unanimously.*

NEW PUBLIC HEARING

Barker, Kim & Scott

Case # 16-04

14 Rosedale Street

Map 8, Lot 57

URD

A Variance is requested from Article 5-A Section E. 2 & 4 of the Zoning Ordinance to permit the installation of an 18 x 36 kidney shaped in-ground pool 7.5 feet from the side property line where 15 feet is required and 12 feet from the rear property line where 15 feet is required.

Scott Barker: We would like to put in an 18 x 36 Oasis kidney shaped pool in the back yard. In that area the yards are tight so we are looking for a variance inside of the 15'. Our two neighbors in the rear would be approximately 8' and from the back property would be approximately 12'. There would not be any structures. It will be visible above ground. We have had it surveyed for property lines.

S. Barker read the zoning application into record.

R. Duhaime: All of the fill would be removed?

S. Barker: Yes.

M. Simoneau: My concern was with the abutters. How will you get a back-hoe in there?

S. Barker: My rear abutter is my mother so we would bring it in through there.

M. Lavoie: The application is complete. In my comments I said what they had to do to comply to the building code and they said they would make that happen.

Open to abutters.

No abutter comments.

Close to abutters.

Open to public.

No public comments.

Close to public.

M. Simoneau motioned to approve the variance from Article 5-A Section E. 2 & 4 of the Zoning Ordinance to permit the installation of an 18 x 36 kidney shaped in-ground pool 7.5 feet from the side property line where 15 feet is required and 12 feet from the rear property line where 15 feet is required for Barker, Kim & Scott, Case # 16-04, 14 Rosedale Street, Map 8, Lot 57, URD. Seconded by R. Bairam. Motion carried unanimously.

Hebert, Carl J., Sr.

Case # 16-05

3 Londonderry Tpke.

Map 49, Lot 40

9 Londonderry Tpke.

Map 49, Lot 41

IND

An appeal from an administrative decision dated April 20, 2016, of the Code Enforcement Officer with regards to storage of vehicles on the property.

R. Duhaime: Was there a variance on this property in the past?

M. Lavoie: In 1987 there was a special exception to allow commercial use in an industrial zone.

Carl Hebert: A. The motor vehicles are not started up after arrival. B. No contaminants are emitted. The vehicles are brand new. C. There are no neighbors within a 1/2 mile living in a domicile. D. Vehicles are to be distributed to Maine, New Hampshire, Vermont, and New York for summer camp use. E. Camps will open early this season with disbursement of the vehicles being in another two weeks.

R. Duhaime: You have approval to sell cars on this property?

C. Hebert: I am not selling these vehicles. They belong to Merchant's Motors and they are being disbursed for summer camp use.

R. Duhaime: The issue is with storage of vehicles on the property. How many vehicles could you put on this lot if you were selling them?

C. Hebert: These are not being sold. They are being leased to summer camps by Merchant's Motors.

R. Duhaime: How many approved parking spaces do you have on the property?

C. Hebert: When I was selling vehicles that was one thing. This is different. There is an open field. The vehicles are there for a short time and they are not staying there.

R. Duhaime: You would like to store vehicles on this property for a limited amount of time?

C. Hebert: Yes.

R. Duhaime: Could you give me an idea of the time frame.

C. Hebert: They have been there for approximately 4 to 6 weeks and are starting to be disbursed.

R. Duhaime: How long do you plan to store the vehicles on the property?

C. Hebert: Not more than another 2 or 3 weeks.

R. Duhaime: Matt, what is the issue?

M. Lavoie: One issue is that he had no site plan for 3 Londonderry Turnpike which the vehicles have been removed from. The other issue is that on his lot at 9 Londonderry Turnpike there are spaces for only 30 vehicles. There are no fire lanes to gain access. The way the vehicles are parked there are no isles. It appears there are in excess of 60 vehicles on the property. This is a violation of site plan at this moment.

R. Bairam: This is for No. 9?

M. Lavoie: Yes. Number 3 is a lot that was used for road construction. There was a house on it that was torn down. That was full of vehicles until a couple of weeks ago.

G. Hyde: He could bring this back to conformance by having 25 vehicles?

M. Lavoie: Yes. To park the vehicles in parking spots and have isles.

R. Duhaime: To come into compliance is 25 or 30 vehicles?

M. Lavoie: There are 25 spaces. On the site plan there are 4 spaces reserved for clients.

C. Hebert: There are no fire lanes at Auto Wholesalers storage area. They have the same type of storage, vehicles, and parking.

M. Lavoie: Fire lane has to do with the building not the parking lot.

D. Pare: What is the note about a bank check held in escrow?

C. Hebert: Before pre-approval a bank check was held by the Town of Hooksett until such time lane construction finished the paving, curbs, and lines. That was in 1991.

D. Pare: Was it on the application dated 4/22/16.

C. Hebert: I did not make an application. Who signed it?

D. Pare: Carl Hebert, Sr.

C. Hebert: Was that for a special exception?

D. Pare: For a variance.

C. Hebert: There is nothing held in escrow. That was in 1991 when I did the engineering and paving. That paving has not moved and still drains well.

R. Bairam: Where does the lot drain?

C. Hebert: Onto a gravel and dirt area in the back. It is a buffer of approximately 25' to 30'.

R. Bairam: Into the soil?

C. Hebert: Yes and it has since it was approved.

Open to abutters.

M. Lavoie read a letter from Manchester Water Works addressed to Chris Pearson, Chairman into the record. The letter is signed by John O'Neil, Watershed Forester for Manchester Water Works.

Close to abutters.

Open to public.

No public comments.

Close to public.

G. Hyde: The trucks have been sitting there for at least 3 weeks. If we are going to take the applicant at his word they should be out of there in another 3 weeks.

M. Lavoie: My main concern was 3 Londonderry Turnpike with those vehicles being on gravel and having no containment for spills. These vehicles are on pavement but there is no fire lane for that building which is an issue because we have a fire lane ordinance in Hooksett. I cannot say how many vehicles will be okay because I do not know how many vehicles can fit on that site and maintain a fire lane.

C. Hebert: There is a fire hydrant across the street and I am tapped into it. To the right hand side of my house a fire truck could pull in there.

R. Bairam: My concern is that they do not come back again. The lot was approved for 25 vehicles.

C. Hebert: That was when I had my auto, truck, RV business. I used to do consignment and held some of the titles. Even though I did not own the vehicles it was a rule by the State of NH that I be a licensed bonded dealer which I was. I did away with the retail sales in 2009.

R. Bairam: This is a change-of-use.

G. Hyde: The 25 vehicles doesn't apply to the cease and desist because it became a storage facility.

R. Duhaime: Matt, is there any difference between selling and storing vehicles?

M. Lavoie: There is but as far as the site plan there is not. Parking lots have parking spaces and vehicles have to park in the parking spaces.

G. Hyde motioned, with regard to Case # 16-05, to grant a temporary appeal from an administrative decision dated April 20, 2016, of the Code Enforcement Officer with regards to storage of vehicles on the property, with the condition that the applicant comply with the signed site plan limit of 25 vehicles on the lot by June 1, 2016. Seconded by D. Pare. Motion carried unanimously.

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

ADJOURNMENT

The meeting adjourned at 7:05 pm.

Respectfully submitted by:

AnnMarie White
Recording Clerk