

Official

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, August 9, 2016

HOOKSETT MUNICIPAL BUILDING

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ALTERNATES: Michael Simoneau

EXCUSED: Chairman Chris Pearson, Gerald Hyde, Phil Denbow, and Don Pare.

STAFF: Jim Donison (Town Engineer/Assistant Public Works Director)

APPROVAL OF MINUTES

July 12, 2016 – M. Simoneau *motioned to approve the minutes of the June 14, 2016 meeting. Seconded by R. Bairam. Motion carried unanimously.*

NEW PUBLIC HEARING

Thomas A. & Carol A. Bemis

Case # 16-11

5 Vista Drive

Map 10, Lot 4

URD

A Variance is requested from Article 5-A Section E. 2 of the Zoning Ordinance to permit the building of a 2 stall attached garage with no living space 2 feet 4 inches into the side property line setback, where 15 feet is required.

R. Duhaime: We do not have a full Board this evening. You can either present your request or wait until a future date when we have a full Board.

Carol Bemis: This is a 3 bedroom ranch on 100 x 100 lot. We are looking to add on an attached two-car garage to the existing house. Our house sits back on the property and is 24 x 44. We would like it to be 24' wide and come out 30'.

Thomas Bemis: We are on a steep grade so are trying to extend it to cut out the hill.

C. Bemis: There would be no living space above the building. We would like the roof line to be slight higher than the existing roof but not more than 3’.

C. Bemis read the application into record.

R. Duhaime: Is one of your neighbors in the back?

T. Bemis: We have people who live behind us but there is footage there. We need the footage on the front right corner.

Open public hearing.

No public comments.

Close public hearing.

R. Bariam motioned to grant a variance from Article 5-A Section E. 2 of the Zoning Ordinance to permit the building of a 2-stall attached garage with no living space 2 feet, 4 inches into the side property line setback, where 15 feet is required for Thomas A. & Carol A. Bemis, Case # 16-11, 5 Vista Drive, Map 10, Lot 4, URD. Seconded by M. Simoneau. Motion carried unanimously.

Supreme Industries

Case # 16-12

Hackett Hill Road

Map 17, Lot 7

COM

A Special Exception is requested from Article 18 Section G. 2. a) of the Zoning Ordinance to permit wetland buffer impacts of 7,350 sf. to provide access to their proposed regional office, contractor’s yard and mulch sale area on a portion of said lot.

Also, a Variance is requested from Article 18 Section G. 1. a) of the Zoning Ordinance to permit prime wetland buffer impacts to improve an existing woods road on the subject parcel to serve as the site driveway for a proposed regional office, contractor’s yard and mulch sales location.

N. Golon (TF Moran): There are two parts to the application. A request for a variance and a special exception. The email from the Town Attorney states that one cannot ask for a special exception for a prime wetland buffer impact. We are requesting a variance for those impacts. There is a secondary impact which is what the special exception is for. That is on the far south end of the property and is considered a normal wetland. We presented the applications before the Conservation Commission. There were no concerns raised and they were supportive of what is being proposed. Relative to the intensity of use and the location it is a good fit. There is a question of whether or not we need the variance. We identified the area as a potential prime wetland buffer impact. The town’s regulations are clear as to what constitutes the buffer to a prime wetland. The problem is identifying where the prime wetland is. There was a report that was put together in the mid to late 90’s that says this is a prime wetland. When we look at the

wetland delineation that has been performed there is a very clear line of demarkation at the southern limit and it leads to a channel. It is clear where the prime wetland ends. There is a defined stream channel. At that point it becomes the normal wetland and the 40' setback applies. To the west side of the prime wetland body there is a land peninsula that projects across that wetland and provides a divide between one portion and the larger mass. It is clearly defined on the tax map. The question is if that is part of the prime wetland or not. When you look at the GIS or use the overlays that are available it says no, but we don't know the accuracy of those. We are going to send our wetland scientist back out into the field. He will review the functional values of that pocket wetland, and determine whether or not it is consistent with the report that has been provided that defines this wetland as prime. If it does not have all those characteristics then it is not a prime wetland. If the impact is not 100' and is only 40' there is no impact at all. We wanted to have the opportunity to go through this and see if the ZBA wanted to do a site walk.

R. Duhaime: A site walk between the ZBA, Planning Board, and Conservation Commission would be a good idea.

N. Golon: I agree. One of the primary components is how a company like Supreme Industries fits into the Lilac Park project. Supreme does a lot of work on utility corridors. They are the preparatory contractor. They also have a mulch business, and do some site work related items. Supreme Industries would be interval to the reclamation of the site and as we transition into the park component they could be the caretaker.

Jeff Larrabee: The two basic components of this project were the reclamation and putting in a botanical/small concert festival park. I am trying to get a piece of the Lilac Bridge to go there to put along the Lilac trail. Supreme Industries is a perfect operational and financial partner for me and the COO became a partner in Granite Woods. His company, Supreme Industries, will be the operational arm. They will be involved with the reclamation and helping to put in the park. They are also a large supplier of mulch.

N. Golon: There is a section approximately 50' in width in-fee parcel property that leads to the larger portion of the lot. There is an existing driveway that comes out to Hackett Hill Road and a network of logging roads that criss cross the property. The driveway which is just outside the property margin would be relocated centrally on that property. We would provide a driveway that would be into the large portion of the lot. There are some neighbors that are in close proximity to where the driveway would be. One of our primary efforts is to make sure the design considerations we use for that driveway meet their expectations to the extent that we can. Our vision is to have a retaining wall with a stockade fence on top of it, and plantings to provide as clear of a divide as we can. The driveway will be used for employees and small residential type pick-up's of mulch. Larger oversized loads would go through a secondary egress that goes through the gravel pit. The access driveway crosses over what could potentially be the 100' prime wetland buffer impact. One of the design philosophies we used is to make sure the new road is no closer than the existing road. As far as designing this access way we looked at that

setback. If it is 100' we have an impact. If it is 40' there is no impact and that would allow our application to move forward under either consideration. Working our way south into the larger portion of the site there would be some employee parking that would most likely be paved. Going up to what we are calling the gravel contractors yard, this would be used for the storage of the swamp mats. For preliminary purposes, we have defined an area for mulch sales. Relative to the building, locating a regional office here provides them with an instant project on this property the opportunity to extend their services. We are foreseeing 10-15 new employees for a 15,000 sq. ft. building. The front portion which is 150' x 30' would be the office building. The rear proportion will be a 5-bay car port to store trailers and trucks in an environmentally safe place. In association with that there will be gas or diesel storage on premise. It will be required to have a secondary containment. There would be a spill prevention control encounter measure plan that goes with it. Supreme is familiar with this and has this at their other facilities. Working southerly across the property is where the proposed wetland buffer impact is. It is just over 7,000 sq. ft. There is an existing timber bridge that crosses the wetland. The wetland is small. Both abutments are out of the wetland. The grade in that area is flat. It works well with the exception of the slope leaving that area is extremely steep. Our preliminary design shows that in order to provide a smooth vertical curve, the likelihood is that we could get as close as within 10' of that wetland. I would assume we would be able to taper that at the abutments. As we taper away from that grade to the tree-line I would envision there would be a smaller impact. We foresee the 7,350 sq. ft. as our worst case scenario. That portion is narrow. Beyond that timber bridge is the gravel pit. The existing access road leads to Hackett Hill Road.

R. Duhaime: How would larger vehicles access that road?

N. Golon: It is appropriate for the type of vehicles they are going to use as well as for emergency vehicles. The intent would be for that to be a secondary means of access but would be part of the protocol for those types of vehicles to use this access way. It would be desirable to not send that through the residential portion of this project. As far as stormwater management, this will be a level flat site with sandy soils. I believe there would be open infiltration basins and we would be able to know if it is working the way it is supposed to be. In the area closest to the wetland we would elevate one side of the drive, pitch it back toward the interior of the property, and would have the opportunity to put in an LID type bio-retention area that could overflow to a larger system. We would like to carve it out into sections so there isn't channelized flow. We are proposing a 50' tree buffer along the westerly property from a topography sense. Our proposal is to bring down the elevation of this site as far as practical to make sure the storm water still works. Within the area that is the potential prime wetland buffer we would like to add in additional vegetation such as low growing shrubs. Sandy soils are great for drainage but are highly erosive so we want to put something there to maintain that bank.

R. Duhaime: What is the amount of material that will be moved?

Pat LeClerc (Supreme Industries): Approximately 80,000 yards.

R. Duhaime: Pat, how long have you been in business?

P. LeClerc: 34 years. We work for Eversource and National Grid. We have done numerous project in NH, MA and the northeast. We also work for larger electrical contractors that work for Eversource and National Grid that we subcontract with. We have been in this area for 5 years but work throughout Pennsylvania, West Virginia, Ohio, and New Jersey. We also do land clearing.

R. Duhaime: How many locations do you have?

P. LeClerc: We have four field offices. Our headquarters are in Connecticut. We have 250 employees. We are starting divisions of bio power plants. We are building a plant in Connecticut that will go on-line and provide power for 1,000 homes for breaking down food waste. That is the first on the northeast of it's kind.

Open public hearing.

Tom Thibeault (66 Hackett Hill Road): I am trying to understand what will be happening with the road. You are planning to go through the road at Hackett Hill Road and it goes back around to what land is adjacent to the pit?

N. Golon: Yes.

T. Thibeault: The intent is to build a headquarters for the corporation and there is some change in wetland which I understand. It will have sales for mulch and other things?

P. LeClerc: We will possibly sell mulch out of that yard.

T. Thibeault: Will we still have access to the wetlands we have access to today?

N. Golan: Relative to the wetland, Lot 17-4 is on the opposite side of Hackett Hill Road opposite Lot 17-7-1. The vast majority of this wetland resides on two parcels. The parcel we are discussing tonight and Parcel 17-1-1. They may be coming on the northern edge of that wetland. That is off-site and owned by someone else and it would be up to that owner whether or not to allow access. As far as the portion that resides south of there, which is the area we are looking to develop, there will be an existing buffer that will be maintained. I do not know of their intent to sign it for no trespassing but it can be something that we discuss as we get into the site plan review portion of this project and we will make note of it.

Tom Asci (93 Hackett Hill Road): I am an abutter of that access road. Back in late 70's, early 80's we went before a Board in the old Town Hall about this right-of-way. When they had the right-of-way coming through there the land was locked and it was the only way for anyone to get in

and out of there. They said that the road would not be used and it was a paperwork transaction. Where that access road comes out is one of the worst spots on Hackett Hill Road to access. That access right-of-way is right on a turn. The gentlemen on that Board said that would never be an active right-of-way. I was granted a right-of-way to that property. It is a residential road and will be a safety hazard.

R. Duhaime: I encourage you to go to the Planning Board regarding this. We are here for the zoning on the wetlands.

N. Golon: Relative to the location that Tom mentioned, that is owned land, in-fee property providing frontage for that parcel onto Hackett Hill Road that is owned by Jeff Larrabee. It is not a right-of-way. Relative to the terminology, that is something I went over in-depth with our surveyors. That came up when we went forward for the variance for the signage.

R. Duhaime: I encourage you to search for that information.

Tom Ascj: I will do my research.

N. Golon: Relative to the concerns you raised, we will address those issues with the Planning Board as part of any application to them.

Judith Ascj (93 Hackett Hill Road): I would like the vote to be delayed because the three member Board is not sufficient enough to vote on this tonight. This has been a residential area. I would like you to draw your attention to the barn that is on that property. I believe the mulch, propane, and heavy trucking will be exposing a terrible looking place. Out in the hall I heard that they were planning to build a wall at the right-of-way. To me that is not acceptable and I object to that.

R. Duhaime: The public does have the right to request a full Board.

N. Golon: We agreed that this should not be voted on today.

Close public hearing.

R. Bairam: Would the mulch be grinded on site or trucked in?

P. LeClerc: Trucked in.

R. Duhaime: Where is it processed?

P. LeClerc: In Connecticut. It would not be visible to the abutters. The access would be from the gravel pit.

N. Golon read the application into record.

R. Duhaime: The issue is not that this is commercial. It is commercial that is encroaching on residential.

N. Golon: I would think that it would have more to do with it if we were asking for a usage variance. This is how the use impacts the property. How it impacts the abutters is a Planning Board issue.

R. Duhaime: We are in zoning, however, all of these things are getting added and the road needs to be addressed. That needs to go before the Planning Board.

A site walk was scheduled for Monday, August 22, 2016 at 6:00 pm. The Planning Board and Conservation Commission will be invited.

R. Bairam motioned to table Supreme Industries, Case # 16-12 until September 13, 2016. Seconded by M. Simoneau. Motion carried unanimously.

M. Simoneau motioned to adjourn. Seconded by R. Bairam. Motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:48 pm.

Respectfully submitted by:

AnnMarie White
Recording Clerk