

Unofficial

HOOKSETT ZONING BOARD OF ADJUSTMENT
Tuesday, September 13, 2016
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), Don Pare, Gerald Hyde, Richard Bairam, Jim Levesque, Council Rep.

ALTERNATES: Phil Denbow

STAFF: Matt Lavoie, Code Enforcement Officer

EXCUSED: Chris Pearson (Chairman)

APPROVAL OF MINUTES

August 9, 2016 – R. Bairam motioned to approve the minutes of the August 9, 2016 meeting. Seconded by P. Denbow. Motion carried unanimously.

CONTINUED PUBLIC HEARING

Supreme Industries	Case # 16-12
TFMoran, Inc., Representative	
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.

Nick Golon (TF Moran): This is regarding the third phase of the Lilac Park project. Jeff Larrabee is in the audience. Supreme provides the opportunity to partner with

Jeff Larrabee to help with the reclamation of the gravel pit and be the operational arm of the park itself on-site. There are two areas being impacted. The southeast corner of the property and the northeast corner of the site which is existing timber bridge area of the wetland buffer impact.

R. Duhaime: Are there plans with the project to start with the reclamation of the rest of the sand pit?

N. Golan: Supreme will help with the reclamation.

P. Leclerc (Supreme Industries): We will help to reclaim the land and will provide the physical labor.

R. Duhaime: There is concern that you are starting on another site that is wooded and not disturbed. Is the loam that is left going to be removed?

N. Golan: We are going to stockpile and reuse any loam. The remainder of what is there is sand and gravel.

N. Golan read the special exception into the record.

R. Duhaime: Have we heard from the Planning Board and Conservation Commission?

M. Lavoie: The Planning Board voted to recommend the request as presented. I have not received anything from the Administrator of the Conservation Commission.

N. Golan: They provided a recommendation as a Board. They have a mitigation policy for impacting the buffer and we provided them with our mitigation proposal.

Open public hearing.

No public comments.

Close public hearing.

R. Duhaime: The road and impacts is a gray area and can be of concern.

R. Bairam: What is the access road going to be used for?

N. Golan: We want to limit the Hackett Hill Road driveway. Large vehicles would be required to use the back entrance. Having the secondary access allows us to use that during construction so the roadway does not have to be built until after construction.

J. Levesque: The driveway will be adjacent to residential property. A concern is the dust. Will the road be paved?

N. Golan: Yes.

J. Levesque: Are there going to be limitations placed on the traffic that travels on that driveway?

N. Golon: With the site plan application we are going to be proposing limitations on that driveway that will be included in the condominium documents. We submitted the site plan today. Our driveway is on the outside radius. I agree the road itself has had its issues.

J. Levesque: That is a dangerous curve.

R. Duhaime: How long will the wood bridge last?

N. Golon: The timber mat bridges are used extensively. We would like to eventually replace the timber mat bridge with something more substantial.

R. Bairam: How wide will the road be?

N. Golon: 24' wide which is the town requirement.

R. Bairam: What will be considered a large truck?

N. Golon: We need to work with the Planning Board and our abutters to determine that.

P. Denbow: With the special exception and the variance will there be more reclamation at the site than there is now?

N. Golon: Yes. We have had a contractor out there that has been trying to assist us and we would like to move faster on that. We can do that with the help of Supreme Industries.

R. Duhaime: You understand the restrictions on the wetlands. We are anxious to see this reclaimed. How long has the bridge been there?

N. Golon: I am not sure but can find out.

R. Duhaime: Would five years be a reasonable time frame to plan to have a permanent bridge?

P. LeClerc: Yes.

R. Bairam motioned to grant the special exception 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. Seconded by G. Hyde. R. Duhaime abstained. Motion carried unanimously.

N. Golon: Our road is not closer than the existing logging road. We would be regrading that area that has limited vegetation.

N. Golon read the application into the record.

R. Duhaime: The concern is that road can impact the health, safety, and welfare of the public.

N. Golon: We are asking to impact the buffer. It is based off of the character of the existing buffer. The value will not be diminished by what we are proposing. It is tough to separate the location of the access road. Our application is in regards to the buffer, not the location of the road. I am concerned for the health, safety, and welfare of the public and I do not plan to jeopardize that. There is storm water that flows uncontrolled on the hillside and drains into the abutters yard. We will be able to incorporating the closed drainage system. There will be catch basins that will catch the water and the water will no longer shield toward the abutter's home. The road may be inconvenient but this is what is is zoned for. The Planning Board approved this access to this parcel in 1979.

R. Duhaime: I would like to see the minutes from 1979. There are other ways to access this property than that driveway. You can reasonably access the property from the other access.

N. Golon: It is an undue burden for staff to access the regional office by going over a gravel driveway and a timber mat bridge.

R. Duhaime: Zoning has changed and there is a lot more traffic on Hackett Hill Road than there was in 1979.

G. Hyde: If we did not accept the variance what would happen?

N. Golon: The project would not be feasible. It was hard to find an appropriate place to put Supreme Industries on the property. We discussed putting a strip mall in which would generate more income, however, it would also have more traffic. This use is the least invasive use we could find that works financially. This access is needed for the regional office. It is the access that has been approved. The secondary access point was an agreement with our neighbors and is a possible solution to make things better for our neighbors. We have to look at whether the site plan use would work with the mulch sales. We have no interest in using the secondary access as the primary access. It does not work for this project.

G. Hyde: I am missing the distinction between hardship and unnecessary hardship. We already granted you a large wetlands impact buffer on one side and now you are asking for another.

N. Golon: When we talk about how to get to Hackett Hill Road. There is 3,000 liner feet from the existing driveway. The secondary access can handle the larger traffic. It is a burden to have to travel that distance and on the gravel for passenger vehicles. We would have to redesign that road so it was suitable to passenger vehicles. I understand proximity is a concern. We are proposing a retaining wall and a stockade fence which we will discuss with the Planning Board. We are asking to impact the buffer that had previously been impacted regarding what it is being used for.

G. Hyde: Will there be vegetation?

N. Golon: In a limited area. We are trying to create a driveway that works for our passenger vehicles and preserve some of the existing vegetation that is there. We need to see if there is additional landscape screening that can be provided. We are being conscious to the need for vegetation.

Open public hearing.

No public hearing.

Close public hearing.

G. Hyde motioned to grant a variance 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. Seconded by R. Bairam. R. Duhaime and R. Bairam opposed. Motion carries.

NEW PUBLIC HEARING

Auto Wholesalers of Hooksett, Inc. Case # 16-13
1311 Hooksett Road Map 25, Lot 56
PZ

A Variance is requested from Article 10-A Section E. of the Zoning Ordinance to permit the use of two empty car wash bays as a body shop/spray booth.

Paul Miller: We own most of the abutting properties and we sent letters out to them. I have a letter from D. Winterton recommending the project. It would be enclosed and brings no further traffic to this parcel. It brings no further burden. There would be less signage than is on the property currently.

P. Miller read the application into record.

R. Duhaime: Do you currently have a body shop?

P. Miller: I rent another location approximately 5 miles down the street. I use two bays there. The property would be up-to-day, up to code, enclosed, and secluded. There would be no impact to the surrounding properties and any of my abutters. This would keep my costs and travel time down and would be more productive.

R. Bairam: Matt, is that an allowed use in the area?

M. Lavoie: It is not a specified use for the Performance Zone as an auto body shop. That is why he is here.

R. Bairam: You would be using two of the bays?

P. Miller: Yes. One for prep and one for spray. I keep everything in-house and have one employee. We have reasonable hours until 8pm. The spray booth will be inside one of the bays and enclosed with fans and filters. This would work better than the car wash for Auto Wholesalers as far as convenience and it would be less of an eye sore in that corner. The one car wash bay and the vacuums would stay.

J. Levesque: The prep work would be done in the furthest bay?

P. Miller: Yes.

J. Levesque: Will that disturb your other tenant?

P. Miller: It will be completely enclosed, ventilated, and vented through the roof.

Open public hearing.

No public comments.

Close public hearing.

P. Denbow: As far as the enclosed booths, are they self-contained and do they meet our requirements? Do you have experience with them?

M. Lavoie: I do have experience with them. I have not had a chance to review it against the codes, however, the Fire Department requires a system that will dump fire retardant. They will also require a mixing booth with the same kind of ventilation.

P. Miller: I am not going to be mixing my own paint. I will buy it pre-mixed and have it delivered.

R. Duhaime: I cannot see how you are going to operate with just two stalls.

P. Miller: I do not buy a lot of cars that I have to do extensive body work. If cars have been in accidents I do not buy them. I do not do entire paint jobs. I currently have two bays and I move approximately two to three cars per day up and down Rt. 28.

G. Hyde: It is just the two bays, however, they can convert the entire building into a body shop in the future. Is that regulated on the parking spaces?

M. Lavoie: Yes.

G. Hyde: How much could that change?

M. Lavoie: The site plan would have to be approved by the Planning Board and it would be a significant change. Because they own all of the properties in that area I would be careful how it is worded because lot lines could disappear and could be a problem for a code enforcement officer down the road.

P. Denbow motioned to grant the variance from Article 10-A Section E. of the Zoning Ordinance to permit the use of two empty car wash bays as a body shop/spray booth as requested which would be the two furthest bays from the existing rental properties. Seconded by R. Bairam. Opposed by R. Bairam. Motion carried unanimously.

Rick & Linda Girard
James Gregoire, Representative
4 Alderwood Court
LDR

Case # 16-14
Map 26, Lot 3-9

A Variance is requested from Article 18 Section G. 2. a) of the Zoning Ordinance to permit disturbance within the forty (40) foot buffer from the wetland boundary, to construct a 30FT x 30FT garage.

James Gregoire: We are proposing an attached two bay garage. The original garage they wanted to be built would be 40' in length with a breezeway and impacting the wetland buffer by 18'. We settled on a 30x30 design without a breezeway. It impacts the wetland buffer in a 6x6 triangle, approximately 18 sq. ft.

J. Gregoire read the application into record.

R. Duhaime: You will remove the asphalt?

J Gregoire: Correct.

R. Duhaime: How many feet?

M. Lavoie: 9 sq. ft.

J. Gregoire: We need a 4' stair landing.

Open public hearing.

No public comments.

Close public hearing.

P. Denbow motioned to grant the variance from Article 18 Section G. 2. a) of the Zoning Ordinance to permit disturbance within the forty (40) foot buffer from the wetland boundary, to construct a 30FT x 30FT garage for Rick & Linda

Ordinance to permit 2 wetland crossings, one of which will impact 1,350 SF over the extension of Jamie Lane, which straddles proposed Tax Map 36, Lots 21-3-2 and 21-3-3, and the other which will impact 900 SF for a driveway leading into proposed Tax Map 36, Lot 21-3-1.

A Variance is requested from Article 18 Section G. 2. a.) of the Zoning Ordinance to permit the disturbance of 435SF into the 40FT wetland buffer to build a permanent lateral support for a new Jamie Lane cul de sac on the eastern side of the cul de sac, and also to permit the disturbance of 1,133SF into the 40FT wetland buffer to build a permanent lateral support for a new Jamie Lane cul de sac on the western side of the cul de sac.

John Rokeh (Rokeh Consulting, LLC): This is at the end of Jaime Lane. We discovered the existing cul-de-sac is not in a road right-of-way. We are proposing to extend the cul-de-sac out 250' to 300'. We are going to remove the existing pavement and leave a driveway. There would be a closed drainage system that will go into a retention pond in the center of the cul-de-sac, and into an existing wetland. We met with JoAnn Duffy and Jim Donison and went over four different layouts to come up with a road to do a sub-division. This is the only version that was agreed upon and what they would like to see go to the Planning Board. When we go into the cul-de-sac it is wedged into two wetland buffer area and there is no impervious surface. The grading along both edges needs to disturb the wetland buffer. It is all closed drainage so all of the water is contained. There is no prime wetland on the site. The Conservation Commission voted to recommend approval to the Planning Board and ZBA.

Attorney Andrew H. Sullivan: This is regarding the three top lots. Whether there is a driveway or a road those wetlands would have to be crossed. There is no impervious surface impacting the wetlands. It will be grass slopes. There is a small wetland impact of 1,133 sq. ft. and the other one is 435 sq. ft. There are minimal impacts being addressed tonight.

Attorney Sullivan read the request for the special exception into record.

R. Duhaime: Is there sufficient fronting for the two lots on Jaime Lane.

J. Rokeh: No. It comes down to the end. We need the road to do the sub-division. The frontage that we have is almost to the exact amount except for a foot for the three lots.

Attorney Sullivan: Creating new lots adds value to the area.

R. Duhaime: The runoff is concerning the roads, not the houses or the driveways?

Attorney Sullivan: Correct.

R. Duhaime: When we go to the site walk we will see this better. I understand you

are trying to maximize the area and understand the cost of building a road.

D. Pare: What is the size of the lots?

J. Rokeh: Two are 1.5 acres and one is 5.2 acres, however the buildable area is just along the edge. We are attaching onto an existing road for future development.

P. Denbow: Is there current construction going on?

J. Rokeh: Yes. A house is being built.

Attorney Sullivan: There is an orphan piece of lot at the end that allowed for the frontage.

Attorney Sullivan read the variance into the record.

R. Duhaime: My concern that that the roads are handled but not the rest of the area and then there are neighbors with problems.

Attorney Sullivan: We are only creating a slope.

R. Duhaime: I am talking about the three houses and wetlands.

J. Rokeh: During the site plan and sub-division review the calculations of future houses are taken into consideration. We will have to do analysis if this is approved and we have to go to the Planning Board.

Attorney Sullivan: Overall we are adding value. The Conservation Commission has given their blessing on the special exception and we have not heard back from the Planning Board.

It was a Zoning Board consensus to vote on both items after the site walk is completed.

Open public hearing.

Dan Huberty (8 Quarry Road): We are the smallest and least affected abutter. This year we have a drought. On normal years you cannot walk back there without deep boots. The trees suck up water. When those trees are cut that water is coming to our houses. In the future I would like to use more of my backyard. I feel it is damp now, but I will have a swimming pool that I did not buy.

Meredith Huberty: When we moved in we were told this was denied to more building due to wetlands. We don't see our neighbors now. I understand the economics, however, I think it will affect us. I talked to our realtor about diminished property value and I was told I would lose up to \$25,000 of value on my property. I cannot

understand that the hardship is that some property that was bought did not work for building.

R. Duhaime: I encourage you to go the Planning Board meetings as well. You know this land and where the water runs.

D. Huberty: There are a lot of deer back there and that is the area that leads them to the big woods. There is no other way for them.

R. Duhaime: We want to preserve the integrity of the neighborhood and we will see that on the site walk.

Lisa Raiche (6 Quarry Road): A big selling point to our house was the woods out back. Part of the appeal is the wildlife that comes through our back yard. According to this map it will affect us the most. It appears that a house will be in our back yard. I do not want to see someone's house when I am outside having dinner with my family.

R. Duhaime: I have people 34 years later saying that people would never move there. It makes it hard for us but we do not have some of the old records. We want to hear people's views.

L. Raiche: We were never told whether the back woods could or could not be developed.

Michael Raiche (6 Quarry Road): There are a lot of wetlands and being a conservationist, any time wetlands are developed it upsets me. I could inherit some of that moisture on my property when it is disturbed. It seems as if the access road was brought west it would not affect the wetlands as much. I do not want to see any of this happen.

R. Duhaime: When we go out to the site walk we will look at that. They are trying to design this for their maximum use.

M. Raiche: Moving the road may reduce this to two buildable lots.

L. Raiche: I don't feel this is consistent with our neighborhood.

R. Duhaime: There are other sub-divisions in the area but they are not infringing on wetlands.

Jeff Cohen (2 Jaimie Lane): With the removal of the cul-de-sac what is the impact to drainage once the new road and cul-de-sac are built?

John Rokeh: All of the impervious surface goes away. The impervious will be treated and released to the wetland. The existing drainage will continue to pass through the site and there will be less because some of the pavement will be taken away.

John Lewis (4 Quarry Road): I am insulted to hear that these men are telling us that this will improve the value of our homes. I am trying to figure out how far the cul-de-sac will be to my property line.

J. Rokeh: Approximately 200' away with wetland area that cannot be touched.

John Mullikan (Developer): Nothing will be clear cut. I leave buffers. On the bottom I left a 35' buffer.

J. Lewis: Why wouldn't the property be approached by Auburn Road and not Jaimie Lane.

J. Rokeh: There is a home and the center of a wetland that would prevent that from happening.

J. Lewis: In my opinion, you are impacting the value of the homes on Jamie Lane significantly.

R. Duhaime: Do you have where the septic and wells would be going?

J. Rokeh: We have not designed the houses.

J. Lewis: I am not comfortable with the project the way it is designed and do not have confidence in it. I heard you will do a site walk. I would ask that you drive through the entire neighborhood and get a sense for it. All of the homes have buffers and it is part of the appeal of the homes.

John Young (4 Jaime Lane): Our driveway slopes down into the cul-de-sac. I am concerned that it will make for a slip and slide and I want to get a feel for the change to impervious surface and how will it will affect drainage on my land.

J. Rokeh: We are proposing to take the pavement out and have your driveway continue the way it is down Jaimie Lane.

J. Young: The water at the end of my driveway goes in both directions. Will the curbing trap the water into my lawn?

J. Rokeh: It breaks and will go along the back. Any of the drainage will go along the edge and under a dry culvert.

Close public hearing.

The site walk was scheduled for September 21, 2016 at 5:00 pm.

R. Duhaime: Please invite the Conservation Commission, Planning Board, Town

Engineer, and the public.

G. Hyde motioned to continue the public hearing for J.K. Mullikin & Sons, LLC, Case # 16-16, 87 & 88 Auburn Road, Map 36, Lots 22-3, 22, & 61 to October 11, 2016. Seconded by R. Bairam. Motion carried unanimously.

Eversource Energy
TFMoran, Inc., Representative
13 Legends Drive
IND

Case # 16-17
Map 25, Lot 80

A Special Exception is requested from Article 11 Section B. 2. b) of the Zoning Ordinance to permit the installation of a 120FT tall telecommunications tower to be located on existing CT&M Facility property.

N. Golon (TF Moran): We are proposing to site this tower off the the northwest corner of the existing building. It would be adjacent to an overhanging roof, but offset from the building enough that if they ever want to expand that warehouse it would not be encumbered. We are sited where we are proposing to locate this tower.

R. Duhaime: It is almost in the middle of the property.

N. Golon: The CTM facility is a secure yard and has a barbed wire fence that is locked. One of the criteria for a telecommunications tower is that it be behind a secure fence and this entire facility is behind a fence.

R. Duhaime: How tall is it?

N. Golon: It is 120' tall with a 20' antenna.

R. Duhaime: What does it do?

Alan Topliff (Eversource): It communicates will full time switches in the immediate Hooksett area for sensing and switching and to minimize customer outages.

N. Golon read the application into record.

N. Golon: Alan, could you please discuss the NH Reliability Enhancement Project.

A. Topliff: Almost all of our customers are fed through the power lines that you see on most streets. We use those lines to connect our sub-stations together and to drive power to our customers. When we have an outage the protective relay/circuit breakers are the sub-stations. We have several thousand customers between sub-stations so when something happens there are a lot of people without power. The company approached the Public Utilities Commission and said that they had this project in mind to put isolation switches on the poles and design them so that they are spaced between every 500 customers. Wireless communication can monitor and

determine where the fault is when it occurs, the switches can be opened on either side of the fault, the other switches can be closed, and the two sub-stations can be reenergized. Instead of several thousand customers without power there are only 500. About 25 new bay stations will be put in this year around the state. Almost all will be co-located on existing towers. There was not anything in the immediate Hooksett area that met our needs and that is why we proposed the Legends Drive location to service the switches that are in this immediate area.

R. Duhaime: How far can the switches be away from the tower?

A. Topliff: 8 to 10 miles is the maximum. The radio system gain is low so we have to space the antenna's close together.

Open public hearing.

No public comments.

Close public hearing.

The site walk was scheduled for September 21, 2016 at 4:30 pm.

G. Hyde motioned to continue Eversource Energy, Case # 16-17, 13 Legends Drive, Map 25, Lot 80, IND until October 11, 2016. Seconded by G. Hyde. Motion carried unanimously.

M. Lavoie: We have a meeting date on the national election day so I am suggesting that be moved.

G. Hyde motioned to move the November 8, 2016 ZBA meeting to November 15, 2016

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

ADJOURNMENT

The meeting adjourned at 9:39 pm.

Respectfully submitted by,

AnnMarie White
Recording Clerk