

Official

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, October 11, 2016

HOOKSETT MUNICIPAL BUILDING

CALL TO ORDER

Chairman Chris Pearson called the regular meeting to order at 6:32 pm.

PLEDGE OF ALLEGIANCE

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

ALTERNATES:

EXCUSED: Phil Denbow and Don Pare

STAFF: Matt Lavoie (Code Enforcement Officer)

APPROVAL OF MINUTES

September 13, 2016 – R. Bairam *motioned to approve the minutes of the September 13, 2016 meeting, with amendments. Seconded by G. Hyde. Motion carried unanimously.*

R. Duhaime informed the applicants that there was a limited Board and left it up to them if you would like to proceed or continue to the next meeting.

CONTINUED PUBLIC HEARING

Chris Pearson stepped down

J.K. Mullikin & Sons, LLC

Case # 16-16

Atty. Andrew H. Sullivan, Representative

87 & 88 Auburn Road

MDR

Map 36, Lots 22-3, 22, & 61

A Special Exception is requested from Article 18 Section E. 1. a.) of the Zoning 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.

Attorney Andrew H. Sullivan: We went over the points of the special variance at the last meeting. The record is what I submitted. There was a site walk done. Nothing affects prime wetlands. There are two wetland buffers that encroach into the 40'. One is to the top of the cul-de-sac and the other is at the bottom. They are at the 12 o'clock and 6 o'clock positions. There are two wetland crossings. One for the extension of Jaime Lane and one for the driveway coming down at the 7 o'clock position. The Planning Board and Conservation Commission have indicated they are okay with this. At the site site walk it was shown there is plenty of tree buffer to block vision of the new houses.

R. Duhaime: Is one of the special exceptions for a driveway?

Attorney Sullivan: Yes. The one at the 7 o'clock position coming into the driveway. There is no way to do this without crossing a wetland. The developer thought about having three separate driveways but by doing it this way they can get rid of the "illegal" cul-de-sac on the lot on the top right.

Open public hearing.

Chris Pearson (3 Jaime Lane): Are there any changes to the plan?

Attorney Sullivan: No. This is the same plan from last time.

C. Pearson: We talked on the site walk as to how you are going to flow the water from the current side of the road, through the cul-de-sac, and back around.

Bernie Temple (Rokeh Consulting): Currently the drainage runs into this wetland. We are trapping everything in a closed drainage system with curbing. The roadway drainage will continue to flow in the same direction and will be separated with a closed drainage system. The non-roadway with the houses on each side will run around the perimeter and continue to the wetlands.

C. Pearson: Will there be a culvert underneath the driveway?

B. Temple: There may be a culvert underneath the first driveway.

Attorney Sullivan: What about the 7 o'clock position driveway?

B. Temple: Yes. On the culvert crossing.

C. Pearson: There will be a culvert on the first driveway?

John Mullikin: Wherever culverts are needed I will put them in.

J. Levesque: Is there anything in writing from the Conservation Commission and the Planning Board?

M. Lavoie: It is in the minutes.

Mike Raiche (6 Quarry Road): One of the proposed houses is directly in line of sight with the back of my house. I am concerned with the tree buffer that will be left to minimize the impact of seeing that house. The more trees that are left the better.

R. Duhaime: That is a Planning Board issue. We are here to look at the wetlands. I encourage you to go to the Planning Board as far as that matter. The builder may agree to speak to that now.

J. Mullikin: I always leave a buffer around the houses. I believe you have approximately 75' to 100' of woods.

M. Raiche: It is between 65' and 70' of woods.

J. Mullikin: Any trees that are 60' tall I do not want to leave the around the house because that could be a danger. I will be leaving a buffer.

M. Raiche: I am concerned when I see the first house that you have already started. There is not much of a buffer there. It is cleared all the way to the wall.

Tom Huot (S & H Land Services): The 2 Quarry Road house cleared all of the trees on their lot. It looks worse because there were no trees on the abutting lot. In this case there are approximately 7' of trees from your lot to where the anticipated house would be.

M. Raiche: By moving that access road a bit west you could avoid impacting that first wetland.

T. Huot: This is the only thing that will fit due to design regulations that we have to adhere to. If we could avoid the wetland we would because it would save us time and money with the town and state. We looked at every option and this is the only way we can make it work.

M. Raiche: That is the only way to be able to put three houses in.

R. Duhaime: They have met the frontage and a lot of the other requirements. As far as the wetland, to get what they want they have the area. They are doing it right by handling all of the water considering, currently, there is nothing there to handle it.

C. Pearson: Is there any language to protect the historic rock wall?

J. Mullikin: I will not be touching that.

R. Duhaime: If it is on a boundary line it cannot be touched.

C. Pearson: I would like to see language stating that there is a culvert that continues to flow that water through that driveway and out into the area you are stating. My basement has flooded three times. It gets really wet off of the hill. Anything that will stop water from the natural flow to get it across Quarry will be a problem.

T. Huot: The design gets reviewed. The way it is designed now is to direct the water towards the cul-de-sac, around the cul-de-sac, and into the low lying wetlands.

J. Mullikin: The drainage will continue along the perimeter.

C. Pearson: I did not see the flow of water on the plans.

T. Huot: It will be on the final plans. If approval is granted tonight, when we submit to Planning it will have a full design set that the town engineer will review with a pre and post drainage summary.

Close public hearing.

R. Bairam motioned to grant the special exception from Article 18 Section E. 1. a.) of the Zoning 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 for J.K. Mullikin & Sons, LLC, Case # 16-16, 87 & 88 Auburn Road, MDR, Map 36, Lots 22-3, 22, & 61. Seconded by G. Hyde. Motion carried unanimously.

R. Bairam motioned to grant the variance 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 for J.K. Mullikin & Sons, LLC, Case # 16-16, 87 & 88 Auburn Road, MDR, Map 36, Lots 22-3, 22, & 61. Seconded by G. Hyde. 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.

Nick Golon (TF Moran): This telecommunications tower will provide tremendous benefit to the public. We met with the Planning Board. They provided a letter to the Board dated September 13, 2016 stating they recommend to vote in favor of this as presented. A site walk was done and it was determined this would not alter the character of the area.

Open public hearing.

No public comments.

Close public hearing.

R. Duhaime: What is this for?

N. Golon: It is part of a larger project called the New Hampshire Reliability Enhancement Project. It allows for automated switching. If there is a outage at a pole, that area can be isolated to reroute power so that less people will be without power. It provides an automated device for those purposes.

G. Hyde motioned to grant the special exception 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 for Eversource Energy, Case # 16-17, 13 Legends Drive, IND, Map 25, Lot 80. Seconded by R. Bairam. Motion carried unanimously.

NEW PUBLIC HEARING

Michael Tremblay **Case # 16-18**
Alden Beauchemin/Keyland Entp., LLC, Representative
1123 Hooksett Road
PZ Map 41, Lot 14

A Variance is requested from Article 20 Section B.3. Of the Zoning Ordinance to permit the placement of a proposed business sign on a proposed easement directly adjacent to the property.

A. Beauchemin: I am here on behalf of Michael Tremblay. To my right is Dr. Donna Chase, DVM. This site is an existing house. It was used as a dentist office. We got approval for the change-of-use of the site plan. It was discussed conceptually and approved with the sign on the

building. We would like to have a free standing sign on an area of grass that has been used in the past for signs. The property owners thought that area was their property but it is not. Donna has worked it out with the car wash owner to have an easement to allow the sign to be placed in that area. We are looking for the ability to place the sign off-site on this area. To comply with your regulations we need a variance. The property is in the Performance Zone.

R. Duhaime: Isn't there a veterinary clinic already in that area?

Dr. Chase: Yes. I have already talked with him. We will be complimenting each other. My business is small animal rehabilitation and we are not competition to each other.

A. Beauchemin read the application into the record.

Open public hearing.

No public comments.

Close public hearing.

R. Duhaime motioned to grant the variance from Article 20 Section B.3. Of the Zoning Ordinance to permit the placement of a proposed business sign on a proposed easement directly adjacent to the property for Michael Tremblay, Case # 16-18, 1123 Hooksett Road, PZ, Map 41, Lot 14. Seconded by G. Hyde. Motion carried unanimously.

Michael King, One Bemis Road Realty, LLC Case # 16-19

Bass Pro Shops, Monica Matthias, Representative

2 Commerce Drive

MUD #3

Map 37, Lot 43-1

A variance is requested from Article 20 Section D.4. of the Zoning Ordinance to permit the proposed freestanding signage (95 foot single pole with Bass Pro Shops logos) in conjunction with the Bass Pro Shops Sportsman's Center. Previous variance Case # 13-12 requested 81 feet.

Bob Pope (Bass Pro Shops/Manager): We applied for a variance in August, 2013. We were looking to erect a ranger tower that would be 95' high with a sign on four sides of it. In place of that we are proposing a sign that is a pylon with a size of 28' wide, 18.9' high, with the total height being 95'.

C. Pearson: That ranger tower was sold to us as something that would be a calling card of Hooksett NH. That was one of the main reasons we approved this project. It was going to fit the landscape and something that the town could look at and be proud of. For me to see this is completely different from the nature and intent of what it was supposed to be. We were flexible with you as far as all of the signage you requested and granted everything. The ranger tower was well received by myself and the other members of the Board, at the time, as a nice fea-

ture to Hooksett and something you would be giving to Hooksett. I do not understand why you are moving away from what you had promised us in the beginning. I am surprised it has not been put up yet.

R. Duhaime: Why the change?

B. Pope: The major reason is cost. This is significantly less expensive but still entices people from the highway to pull off.

R. Duhaime: Is it lighted?

Joy Frazier (Elemoose Sign Company): Yes and double sided.

B. Pope: About 4 months ago we were lucky enough to add attraction signs at the blue signs. They resulted in increased traffic. This sign would further that cause. We need the signage.

C. Pearson: It is counter to the spirit of what was promised to the town. It was the biggest sticking point of those meetings. Historically I think this is an ugly sign compared to what was supposed to be there. I understand it is added cost but Bass Pro is a big company. For me the big point was the ranger tower and I am disappointed that it has not been put up yet. This is so far removed from that.

J. Levesque: The tower sign went along with the idea of Hooksett. I am disappointed that you are not going to put the tower up and I think the Town Council will be disappointed as well when I bring my report to them. This is coping out on what you sold us. We gave you every sign you wanted without question.

R. Duhaime: We did this as a whole package and this is completely different from what we thought we were getting. The sign was exciting to us and this change is something we had hoped to avoid.

J. Levesque: This is a plain commercial sign. There is no uniqueness to it.

R. Duhaime: Do you have any other suggestions?

B. Pope: This is what we have at this time.

R. Duhaime: What is the difference in cost?

Rob McIntyre (New England Signs): When they went out to look at doing the tower they were looking at soil samples, wind loads, and the rock. I believe it is all ledge in that area. When dealing with something of this height national building codes have to be dealt with. The structure of the tower itself will include cross beams, struts, and pylons, and the foundation type work is

astronomical. Also of concern is the certification of the welders that are needed and putting the sub-structure together. When you are dealing with a free-standing sign you are dealing with tiers and a one foundation factor compared to a four foundation factor. This sign is \$230,000. The cost difference is approximately \$200,000.

R. Duhaime: The tower will cost almost a half a million dollars?

R. McIntyre: Yes.

C. Pearson: For me cost should not be an issue because this was proposed to us by Bass Pro and I do not believe it would have been proposed had it not been possible. Cost had to have been factored in at that point because Bass Pro would have done their homework. To try to save costs at the town's expense now does not hold water for me personally. I am very disappointed to see this versus what you originally proposed.

G. Hyde: Given that you already have a variance, you are going to have to sell that hardship real hard to get us to change our minds.

J. Levesque: A lot of people in town ask when the tower is going to be erected. It has not been forgotten and a lot of people will be disappointed.

C. Pearson: We did not have to grant having a sign there at all and what we gave was a ranger tower sign.

R. Duhaime: You are saying that there is a hardship due to the cost of the tower sign and now you want to change it?

R. McIntyre: The hardship is we need the advertisement with a sign to bring the general public into the location.

B. Pope: I do not have privy to the finances at our corporate office. This is what they presented to us as an alternative to the tower to get something erected. I understand people were here prior to me making promises for a tower. I am not here to argue that.

C. Pearson: That variance was passed with very specific language. It was exact language specific to a tower. We passed every sign that way.

R. Duhaime: What was the amount of signage that was on the tower? There were going to be four signs on the tower.

R. McIntyre: 424 total sq. footage for the signs.

R. Duhaime: How big is this sign?

R. McIntyre: The overall sign is 504 sq. ft. and it would be one sign.

R. Duhaime: Quite a bit of square footage would be added.

G. Hyde: Would that have to be redone due to added square footage?

C. Pearson: We approved the tower with signage.

M. Lavoie read the previous motion into record:

“J. Roy motioned for a variance for case #13-12, Bass Pro Shops, a variance is requested from Article 20-A, Sections B.10 to permit a freestanding signage (“ranger tower”) in conjunction with the proposed Bass Pro Shops Sportsman’s Center subject to final placement with proper fall zone approved by the Planning Board and proper surety for dismantling the tower by Bass Pro Shops with the tower to be attached only to the Bass Pro Shops business. Seconded by R. Bairam. Motion carried unanimously.”

J. Frazier read the application into record.

R. Duhaime: What we are trying to do is what is in the best interest of the public and the spirit of the ordinance in trying to keep the town looking nice. What can be done to make the tower happen?

B. Pope: On behalf of the company there is no guarantee I can make anything happen.

R. McIntyre: Going up Rt. 93 there is a high-rise sign that advertises The Home Depot and BJ’s. There had to be approval for that.

C. Pearson: I understand you are trying to prove a hardship, but we approved something that was dramatic and welcoming to the town. We gave you a sign that otherwise may not have even gotten approval for a pole sign. We approved something that was beneficial to the applicant and the town.

Open public hearing.

No public hearing.

Close public hearing.

R. Duhaime: Are there any signs elsewhere like this?

J. Frazier: There is one.

B. Pope: We are in the unique situation where we are off the road. We know that without signage we are missing out on quite a bit of traffic. We were hoping this would be a way to meet in the middle where we cannot do the ranger tower at this time.

G. Hyde: I understand a sign needs to be erected, however, I do not feel a hardship has been proven.

R. Bairam motioned to grant a variance from Article 20 Section D.4. of the Zoning Ordinance to permit the proposed freestanding signage (95 foot single pole with Bass Pro Shops logos) in conjunction with the Bass Pro Shops Sportsman’s Center for Michael King, One Bemis Road Realty, LLC, Case # 16-19, Bass Pro Shops, Monica Matthias, Representative, 2 Commerce Drive, MUD #3, Map 37, Lot 43-1. Seconded by R. Duhaime.

Roll Call

GH - No

RB - No

RD - No

CP - No

Motion fails.

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

ADJOURNMENT

The meeting adjourned at 7:46 pm.

Respectfully submitted by:

AnnMarie White
Recording Clerk