

Unofficial

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, December 13, 2016

HOOKSETT MUNICIPAL BUILDING

CALL TO ORDER

Chairman Chris Pearson called the regular meeting to order at 6:02 pm.

PLEDGE OF ALLEGIANCE

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

ALTERNATES:

EXCUSED: Gerald Hyde, Phil Denbow, and Jim Levesque, Council Rep.

STAFF:

APPROVAL OF MINUTES

November 15, 2016 – R. Bairam *motioned to approve the minutes of the November 15, 2016 meeting. Seconded by D. Pare. Motion carried unanimously.*

C. Pearson informed the applicants that there were four Board members present and there would need to be a vote of three affirmative for a motion to carry. He left it up to the applicants if they would like to proceed or continue to the next meeting.

NEW PUBLIC HEARING

Corson, Matthew R.

21 Leonard Ave.

PZ

Case #16-21

Map 41, Lot 1

Application for Variance:

- i. A waiver is requested from Article 10-A Section E of the Zoning Ordinance to permit a new residential lot to be created.
- ii. A waiver is requested from Article 10-A F 1 to permit the two lots, which are not served with either municipal water or sewer, to be created with slightly less than 2 acres as required in the PZ zone.
- iii. A waiver is requested from Article 10-A F 1 to permit new map 41 lot 1-1 to be created with 160 feet of frontage where 200 feet is required in the PZ zone.

- iv. A waiver is requested from Article 10-A F 1 to permit new map 41 lot 1 and new map 41 lot 1-1 to be created with such set back deficiencies as shown on variance plan submitted to the Town of Hooksett, Community Development, 35 Main St. Hooksett NH.

Attorney Andrew Sullivan: This is in the performance zone but it is a dead end, residential neighborhood. The character of the neighborhood is mostly residential use despite it's zone. The subject lot is the largest lot in the neighborhood. There are 16 lots with frontage on Leonard Avenue. Eleven of these lots are single family detached residential homes. Of the 16 lots, two lots at the corner of Hooksett Road have commercial uses. The character of the neighborhood is residential despite being in the performance zone. The home on Lot 1 was built around 1924 and is located 823' back from Hooksett Road. In 2012, at 11 Leonard Avenue, there was a no-condition variance granted for a single family detached lot. We are requesting to subdivide Lot 1 into two lots.

R. Duhaime: Is this a 4 acre lot?

Attorney Sullivan: It is 4.3 acres with 495' of frontage. In 2012, a new lot was created on this street in this same zone. It was 1.3 acres in size. Both of the lots with this application would be greater than 1.9 acres. Both of the lots would meet the set-back requirements of the MDU zone and, where applicable, the prime wetland set-backs. Lot 1 would be 4.926 acres with 331.9' of frontage the new Lot 1-1 would have 1.917 acres with 160' of frontage. The applicant is agreeing to widen the road to make the curb bigger, at the request of the town, and will be giving up .122 acres in order to do this.

Tom Huot: Both of the lots will be serviced by on-site wells and septic systems. We met with JoAnn and Jim and they requested that we widen the road closer to 50'. Typically a 4K area is shown and a state sub-division approval is obtained as part of the Planning Board approval, but because this is in a commercial zone the applicants agreed, if this moves to Planning, to move forward to get a state approved septic design to show feasibility on the lot. Both lots are basically 1.9 acres parent lot will have an excess of frontage. The new lot would have 160' as opposed to 200'. What we are proposing is based on what a residential lot would be as opposed to commercial.

Attorney Sullivan read the application into record and referenced the exhibits.

C. Pearson: Where is the building plan?

Attorney Sullivan: A building plan will be made based on what is presented to you. This can be built anywhere east of the 4K area.

C. Pearson: I would like to see a building plan.

T. Huot: I can hand out plans that have the 4K map. If we get through tonight and move on to Planning, we will design the house with the septic system prior to going to Planning. We will show a feasibility sketch and do an actual septic design going to Planning if we got approval tonight. At Planning it would have the house, yard, grading, driveway, etc.

Attorney Sullivan: At this level the variance is showing the parallel set-back as if it were in the MDU zone which is what we are proposing.

R. Duhaime: There will be more traffic added to this road. Is it because of the driveway there would be so much frontage on the other lot?

T. Huot: It is partially because of the driveway and also so it doesn't creep that set-back too close to the existing house that is on the lot, and to preserve landscaping.

C. Pearson: You are trying to create a new lot. The existing lot is already residential.

Attorney Sullivan: Correct. In my opinion, no one would create a new lot and put a commercial use there.

Open to abutters.

Mark Wefers (11 Leonard Avenue): I was not the applicant four years ago for the sub-division that is at 11 Leonard Avenue. I bought it approximately six months later. My concern is the septic systems. My well is close to the property line. The proposal is to install a new septic system. I have concerns about my well water. I have a letter from Adam Louis Gaudet, who is a Broker with 603 Birch Realty, which states:

“At your request, I have considered the details of the waiver request regarding 21 Leonard Avenue in Hooksett scheduled to be heard by the Zoning Board of Adjustment on December 13, 2016 at 6:30 pm. Additionally, as you know, I am familiar with your property at 11 Leonard Avenue, and with the neighborhood. It is my opinion that the granting of the variance request and the resultant division of 21 Leonard Avenue into two lots and construction of a home on the second lot could result in a reduction in the value of your property on 11 Leonard Avenue.”

I would take issue with Attorney Sullivan's analysis that no harm could come to others in the neighborhood. There is a question of increased density. I would like the Board to consider waiting until paperwork has been filed with the Department of Environmental Services to see what if they feel there would be any impact with proximity to my well.

T. Huot: With regard to the septic system, with any new lot, state sub-division approval is required. If we get approval tonight we have to move on to Planning and we will have to submit plans to NH DES. We would not be allowed to create a lot that infringes on any of their rules with regard to the new septic system. Typically, in the town of Hooksett, you do not need to get

an approved septic design. You just need state approval, however, the applicant is volunteering to get that septic design approved by the state if we proceed on to Planning. When your lot was approved, and the septic design was done, placement of your well should not have encroached onto their lot. The location of your well would be part of the Planning Board submittal to make sure it does not fall within the radius. We can fit a 4K area which is 4,000 sq. ft. showing a suitable leaching system. 25 to 35' long by about 12' wide. The actual system would be a quarter of that size. This would have to go through the Town, the Building Department, and NHDES. We will not be allowed to get sub-division approval if we cannot prove the lot can sustain a septic system. It is a single family home on almost two acres. The soils support it, the radius fits. There is nothing, at this point, that would indicate that we would not get that approval.

Attorney Sullivan: These will be some of the largest lots on that street and I do not believe this will have any impact on density in that area.

R. Duhaime: Are there wetlands on that property?

M. Wefers: No.

C. Pearson: Where is the location of your well?

R. Duhaime: It has to be 75' from the property line.

Close to abutters.

Open public hearing.

No public comments.

C. Pearson: Where is the hardship? You are asking us to grant the ability to add a lot and grant a situation where there would be hardship when this lot is currently existing fine at 4 acres.

Attorney Sullivan: A hardship is if you have a reasonable use and cannot attain that reasonable use without a waiver. We have ample evidence to show that the proposed use is a reasonable use. No one will build anything here unless it is residential. We are trying to create another lot to accommodate a family need and use the lot in a manner that is reasonable and fits in with this residential neighborhood. We are trying to maintain a frontage that accommodates both lots. The reasonable use cannot be accommodated without the waiver. We cannot change anything except perhaps pushing one lot over.

R. Duhaime: You are going from 200' from 160' and then someone else will want to go down to 150'. You could get 200' on both lots and you would not have to get the variance. When you start putting the house closer to the neighbor it makes it tighter by keeping that frontage.

T. Huot: If we push the line to get 200' of frontage, that is where the garage is. The driveway would have to be moved and the garage would have to be reoriented. It could not be pushed enough to get the 200' because the set-back would be into the existing house. Part of the reason we do not have the area is because of what we are giving to the town.

Attorney Sullivan: We could do the 200' and do a driveway easement.

R. Duhaime: We would rather not do that.

C. Pearson: We do not like to create non-conforming lots. I get the premise of chopping it up but when you bring things in tight you affect the neighborhood and 11 Leonard Ave. The hardship is being created by you asking to create potential problems down the road and it is getting tight to a neighbor that had a 4 acre parcel next to his land. The town did not create this hardship. You are asking us to create a lot that you say has hardship, which I do not see.

Attorney Sullivan: Area 2 had less area. The variety of aspects of both the lots are non-conforming with less area and more frontage.

C. Pearson: We would like to be shown more detail. We want to help you and the neighbor.

Attorney Sullivan: Can we table this and come back with what you want in terms of your analysis?

R. Duhaime: I think having an idea of a general area of where the house would be would be helpful.

R. Bairam: They are asking to make a non-conforming lot in the Performance Zone and we do not know what will be going there.

D. Pare: What about moving the lot line? I understand someone would have to do work to the driveway.

R. Duhaime: If you could get closer to the lot line that would help even if work needs to be done to the driveway.

C. Pearson: I care about how this will fit in this community and with the neighbor.

T. Huot: To clarify, you are asking for a feasibility study with the house, driveway, and septic. I can provide you with the septic design, without the approval, to save the applicant the fee to the state.

C. Pearson: I want to see the footprint.

Close public hearing.

R. Duhaime motioned to table Corson, Matthew R., Case #16-21, 21 Leonard Ave., Map 41, Lot 1, PZ to January 10, 2017. Seconded by R. Bairam. Motion carried unanimously.

Ruggio, Thomas & Herbert-Ruggio, Kelly Case #16-22
21 Highland Street Map 6, Lot 53/54
URD

A variance is requested from Article 5A Section E of the Zoning Ordinance to permit the re-pair/replacement of an existing porch as well as an additional extension of that porch, 8 feet by 15 feet that will wrap around the side of the house.

Thomas Ruggio: We have a deck attached to our house that we would like to add on to. We will not be going any closer to the street. We own Lots 53 and 54. The deck is only 20’ from the road instead of 25’.

C. Pearson: Do you meet the side set-backs?

T. Ruggio: Yes. Lots 53 and 54 were merged. This would be the same 20’ from the road the current deck is. We are only adding 8’ x 15’ back and towards the second property that we merged together.

T. Ruggio read the application into record.

R. Duhaime: The porch has 25’ of frontage. I think you mean set-back.

T. Ruggio: Correct. The porch/deck is staying the same. We are making a wrap around porch. It is enclosed now, but it will not be.

Open public hearing.

No public comments.

Close public hearing.

D. Pare motioned to grant the variance from Article 5A Section E of the Zoning Ordinance to permit the repair/replacement of an existing porch as well as an additional extension of that porch, 8 feet by 15 feet that will wrap around the side of the house for Ruggio, Thomas & Herbert-Ruggio, Kelly, Case #16-22, 21 Highland Street, Map 6, Lot 53/54, URD. Seconded by R. Duhaime. Motion carried unanimously.

CMI LEASING, CORP. Case #16-23
1500 Hooksett Road Map 18, Lot 7
IND
Brox Industries, Inc.

Applicant is requesting a renewal of current excavation permit.

Erik Stevenson (Brox Industries): With me is Bob Norkiewicz. This is our 5 year renewal process with the Town.

C. Pearson: We have to set up a site walk.

The Board scheduled a site walk for December 21, 2016 at 3:00 pm.

R. Bairam motioned to continue the request for renewal of current excavation permit for CMI Leasing, Corp., Case #16-23, 1500 Hooksett Road, Map 18, Lot 7, IND, Brox Industries, Inc. until January 10, 2016. Seconded by D. Pare. Motion carried unanimously.

D. Pare motioned to adjourn. Seconded by R. Bairam. Motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:31 pm.

Respectfully submitted by:

AnnMarie White
Recording Clerk