

1                                   **HOOKSETT ZONING BOARD OF ADJUSTMENT**  
2                                   **Tuesday, February 14, 2023**  
3                                   **HOOKSETT MUNICIPAL BUILDING**  
4                                   **35 Main Street**  
5                                   **Meeting Minutes**  
6                                   **6:30 pm**

7  
8    **CALL TO ORDER**  
9

10 Anne Stelmach (Chairman) called the regular meeting to order at 6:54 pm.

11    **PLEDGE OF ALLEGIANCE**  
12

13    **ATTENDANCE:** Anne Stelmach (Chairman), Richard Bairam (Vice-Chairman), Timothy Stewart,  
14 and Roger Duhaime (Town Council Representative).

15    **ALTERNATES:** Alex Glennon

16    **EXCUSED:** Phil Denbow

17    **NOT PRESENT:** Gerald Hyde and Tony Lacasse (Alternate)

18    **STAFF:** None

19    **APPROVAL OF MINUTES:** January 10, 2023

20    *R. Bairam motioned to approve the minutes of the January 10, 2023 meeting. Seconded by A.*  
21    *Glennon. Motion carried unanimously with a vote of 5-0.*  
22

23 Alex Glennon will be a voting member this evening.  
24

25 A. Stelmach informed the applicants that there are four members of the board present and if  
26 there is a tie vote their application will fail. Each applicant had the option to have their matter  
27 postponed.  
28

29    **CONTINUED PUBLIC HEARING:**  
30

31    **Silver City NH LLC #Z20-12**  
32    **39 Hackett Hill Road, Map 13 Lot 51**  
33    **COM**

34    **APPLICATION FOR EXCAVATION PERMIT:**

35    OO-#14  
36

37 A. Stelmach: Dana Pendergast received an email from Roy Tillsley dated February 9, 2023 re-  
38 questing a continuance until May 9, 2023 as this matter is still under appeal with the Supreme  
39 Court.

40

41 ***A. Glennon motioned to approve a continuance for Silver City NH LLC #Z20-12, 39 Hackett Hill***  
42 ***Road, Map 13 Lot 51, COM, application for excavation permit: OO-#14 until the May 9, 2023***  
43 ***planning board meeting. Seconded by R. Bairam. Motion carried unanimously with a vote of***  
44 ***4-0.***

45

46 **Jack & Cindy Gagne #Z22-18**

47 **26 Hale Ave, Map 45 Lot 21**

48 **URD**

49 **APPLICATION FOR A VARIANCE:**

50 From **Article 5-A Section B.2** of the Zoning Ordinance to permit: Existing space looking to finish  
51 for an apartment. In 2021 addition of a 2<sup>nd</sup> garage with a bonus room above was approved. No  
52 increase in footprint of existing structure should result.

53

54 A. Stelmach: At the last meeting we went through your application and offered you the oppor-  
55 tunity to come back to focus on your hardship.

56

57 Jack Gagne was present. Cindy Gagne re-read the application into the record.

58

59 R. Duhaime: There will be a deck on the back? Were stairs approved?

60

61 C. Gagne: Yes. Stairs were approved.

62

63 Open public hearing.

64

65 Matt St. Pierre (1257 Smyth Road): We are familiar with how hard it is to plan for your home  
66 when in the urban district. This lot is unique due to the size of it which is only a 29' width. It is  
67 configured in a long and narrow space. I think this is a good project and do not think it will neg-  
68 atively affect anyone.

69

70 Close public hearing.

71

72 It was a board consensus there is no regional impact.

73

74 **Criteria 1 & 2 - The variance will not be contrary to Public Interest & the Spirit of Ordi-**  
75 **nance will be observed.**

76 It was a board consensus this variance will not be contrary to public interest & the spirit of ordi-  
77 nance will be observed.

78

79 **Criteria 3 (Substantial Justice is done)**

80 It was a board consensus substantial justice is done.

81 **Criteria 4 (The value of surrounding properties will not be diminished)**

82 It was a board consensus that surrounding properties will not be diminished and this project  
83 may increase the value of surrounding properties.

84

85 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Un-**  
86 **necessary Hardship)**

87 There was a board consensus that there is a hardship for the following reasons: 1) This is a small  
88 lot and there isn't much else they can do with it; 2) The garage is already there; and 3) the lot has  
89 a unique shape described as a "bowing alley."

90

91 ***A. Glennon motioned to approve an application for a variance from Article 5-A Section B.2 of***  
92 ***the Zoning Ordinance to permit existing space for an apartment (in 2021 addition of a 2<sup>nd</sup> gar-***  
93 ***age with a bonus room above was approved and no increase in footprint of existing structure***  
94 ***should result) for Jack & Cindy Gagne #Z22-18, 26 Hale Ave, Map 45 Lot 21, URD. Seconded by***  
95 ***R. Bariam. Motion carried unanimously with a vote of 4-0.***

96

97 **Jack & Cindy Gagne #Z22-19**

98 **26 Hale Ave, Map 45 Lot 21**

99 **URD**

100 **APPLICATION FOR A VARIANCE:**

101 From **Article 5-A Section B.2** of the Zoning Ordinance to permit: An apartment over existing  
102 garage. The lot will not be impacted any further as the building is already built. The lot size re-  
103 quired for a Two-Family consists of at least 18,000sqft., where our lot size is 12,624.4sqft.

104

105 Open public hearing.

106

107 Matt St. Pierre (1257 Smyth Road): Slowly people are widdling away their property. Someone  
108 was allowed to sell off the back portion this property and the applicants are left with this lot. If  
109 that wasn't sold off the property would be over 18,000 sq. ft. It was deeded to the town when  
110 it could have been done as a easement.

111

112 Close public hearing.

113

114 It was a board consensus there is no regional impact.

115

116 **Criteria 1 & 2 - The variance will not be contrary to Public Interest & the Spirit of Ordi-**  
117 **nance will be observed.**

118 It was a board consensus this variance will not be contrary to public interest & the spirit of ordi-  
119 nance will be observed.

120

121 **Criteria 3 (Substantial Justice is done)**

122 It was a board consensus substantial justice is done.

123 **Criteria 4 (The value of surrounding properties will not be diminished)**

124 It was a board consensus that surrounding properties will not be diminished.

125

126 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Un-**  
127 **necessary Hardship)**

128 There was a board consensus that there is a hardship for the following reasons: 1) This is a small  
129 lot and there isn't much else they can do with it; 2) The garage is already there; 3) the lot has a  
130 unique shape described as a "bowing alley"; and 4) The zoning ordinance stifles this lot.

131

132 ***R. Bairam motioned to approve the application for a variance from Article 5-A Section B.2 of***  
133 ***the Zoning Ordinance to permit an apartment over existing garage (the lot will not be im-***  
134 ***pacted any further as the building is already built and the lot size required for a two-family***  
135 ***consists of at least 18,000 sq. ft., where this lot size is 12,624.4 sq. ft.) for Jack & Cindy Gagne***  
136 ***#Z22-19, 26 Hale Ave, Map 45 Lot 21, URD. Seconded by A. Glennon. Motion carried unan-***  
137 ***imously with a vote of 4-0.***

138

139 **Jack & Cindy Gagne #Z22-20**

140 **26 Hale Ave, Map 45 Lot 21**

141 **URD**

142 **APPLICATION FOR A SPECIAL EXCEPTION:**

143 From **Article 5A Section B.2** of the Zoning Ordinance to permit: To an existing 2 car garage we  
144 are looking to add a one bedroom apartment with approx. 800sqft.

145

146 C. Gagne read the application into the record.

147

148 ***R. Bairam motioned to waive the site walk for an application for a special exception from Arti-***  
149 ***cle 5A Section B.2 of the Zoning Ordinance to permit the addition of a one bedroom apart-***  
150 ***ment with approx. 800 sq. ft. over an existing 2 car garage for Jack & Cindy Gagne #Z22-20,***  
151 ***26 Hale Ave, Map 45 Lot 21, URD. Seconded by A. Glennon. Motion carried unanimously***  
152 ***with a vote of 4-0.***

153

154 Open public hearing.

155 No public comments.

156 Close public hearing.

157

158 ***Motion to continue the application for a special exception from Article 5A Section B.2 of the***  
159 ***Zoning Ordinance to permit the addition of a one bedroom apartment with approx. 800 sq. ft.***  
160 ***over an existing 2 car garage for Jack & Cindy Gagne #Z22-20, 26 Hale Ave, Map 45 Lot 21,***  
161 ***URD until March 14 in order to receive input from the planning board pursuant to Article***  
162 ***24(d)(3). Seconded by T. Stewart. Motion carried unanimously with a vote of 4-0.***

163

164 **NEW PUBLIC HEARING:**

165

166 **Derek Armstrong & Lisa Lowe #Z23-01**

167 **16 Cindy Dr, Map 43 Lot 57-1**

168 **MDR**

169 **APPLICATION FOR A VARIANCE:**

170 From **Article 5 Section A.2** of the Zoning Ordinance to permit: To permit a 2 family Dwelling  
171 (Duplex) on a lot this is not served by municipal sewer.

172

173 D. Armstrong asked for a continuance due to there being a limited number of board members  
174 present.

175

176 *A. Glennon motioned to continue an application for variance from Article 5 Section A.2 of the*  
177 *Zoning Ordinance to permit a 2 family dwelling (duplex) on a lot this is not served by municipi-*  
178 *pal sewer until the March 14, 2023 ZBA meeting for Derek Armstrong & Lisa Lowe #Z23-01,*  
179 *16 Cindy Dr, Map 43 Lot 57-1, MDR. Seconded by R. Bairam. Motion carried unanimously*  
180 *with a vote of 4-0.*

181

182 **Derek Armstrong & Lisa Lowe #Z23-02**

183 **16 Cindy Dr, Map 43 Lot 57-1**

184 **MDR**

185 **APPLICATION FOR A VARIANCE:**

186 From **Article 5 Section C.2.b** of the Zoning Ordinance to permit: To permit a 2 family Dwelling  
187 (Duplex) on a lot with only 178 feet of frontage where 200 is required.

188

189 *A. Glennon motioned to continue an application for a variance from Article 5 Section C.2.b of*  
190 *the Zoning Ordinance to permit a 2 family dwelling (duplex) on a lot with only 178 feet of*  
191 *frontage where 200 is required for Derek Armstrong & Lisa Lowe, #Z23-02, 16 Cindy Dr, Map*  
192 *43 Lot 57-1, MDR until the March 14, 2023 ZBA meeting. Seconded by R. Bairam. Motion car-*  
193 *ried unanimously with a vote of 4-0.*

194

195 ***TMCH Real Estate LLC #Z23-04 was heard prior to TMCH Real Estate LLC #Z23-03.***

196

197 **TMCH Real Estate LLC #Z23-03**

198 **100 Technology Dr, Map 29 Lot 76-4**

199 **MUD3**

200 **APPLICATION FOR A VARIANCE:**

201 From **Article 14 Section A** of the Zoning Ordinance to permit: To permit the outdoor display of  
202 motorcycles in connection with the proposed motorcycle dealership.

203

204 Allison McGregor (Orr and Reno): Anytime there are vehicles there will be an outdoor display.  
205 The motorcycles will be brought out and be brought back in each day. This is on a dead end  
206 road and not visible. The motorcycles that will be brought out are just to show what they do for  
207 a business.

208

209 A. McGregor read the application into the record.

210

211 A. McGregor: Addressing the traffic, this property allows easy access to and from the highway  
212 and traffic will not have to proceed through the entire town.

213

214 Matt Laughlin (500 Upland Street, Manchester): I believe very little of the impact will be on  
215 the Hooksett side. It will centered on going on and off the highway.

216

217 A. Stelmach How many bikes would you put out?

218

219 M. Laughlin: Ten to twenty.

220

221 A. Stelmach: Do you put bikes out in Manchester?

222

223 M. Laughlin: We have different locations because our lot isn't very big and cannot fit them all  
224 inside. We would be able to fit all of the motorcycles in the building but would put some used  
225 bikes outside for esthetics.

226

227 A. Glennon: I picture a lot of glass frontage. This will look nice.

228

229 A. Stelmach: Will there be any clothing outside?

230

231 M. Laughlin: No.

232

233 R. Bairam: Do you sell any off-road vehicles?

234

235 M. Laughlin: No. Only Harley Davidson products.

236

237 A. Stelmach: Do you take in trades such as vehicles?

238

239 M. Laughlin: Yes, but we have a network of dealers, wholesalers, and auctions. We do not re-  
240 sell them. Before they come in we have someone who is ready to take them.

241

242 Open public hearing.

243 No public comments.

244 Close public hearing.

245

246 It was a board consensus there is no regional impact.

247

248 **Criteria 1 & 2 - The variance will not be contrary to Public Interest & the Spirit of Ordi-**  
249 **nance will be observed.**

250 It was a board consensus this variance will not be contrary to public interest & the spirit of ordi-  
251 nance will be observed.

252

253 **Criteria 3 (Substantial Justice is done)**

254 It was a board consensus substantial justice is done.

255 **Criteria 4 (The value of surrounding properties will not be diminished)**

256 It was a board consensus that surrounding properties will not be diminished.

257

258 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Un-**  
259 **necessary Hardship)**

260 There was a board consensus that there is a hardship for the following reasons: 1) The lot is a  
261 unique shape; 2) Not all of the acreage on the property is usable; and 3) there is limited visibil-  
262 ity.

263

264 *R. Bairam motioned to approve an application for a variance from Article 14, Section A of the*  
265 *Zoning Ordinance to permit the outdoor display of motorcycles in connection with the pro-*  
266 *posed motorcycle dealership for TMCH Real Estate LLC #Z23-04, 100 Technology Dr., Map*  
267 *29 Lot 76-4, MUD3. Seconded by A. Glennon. Motion carried unanimously with a vote of 4-*  
268 *0.*

269

270 **TMCH Real Estate LLC #Z23-04**

271 **100 Technology Dr, Map 29 Lot 76-4**

272 **MUD3**

273 **APPLICATION FOR A VARIANCE:**

274 From **Article 14 Section A** of the Zoning Ordinance to permit: To permit a motorcycle dealership  
275 in the Mixed Use 3 district (MUD3), where such use is prohibited.

276

277 A. Stelmach asked for clarification regarding an administrative appeal.

278

279 A. McGregor: We are here for the variance.

280

281 Allison McGregor (Orr and Reno, PA): We are looking to put in a Harley store. This is catego-  
282 rized as a car dealership, but dealerships operate differently. The bikes are rolled out during  
283 store hours for display and put back in during the night. 100 Technology Dr. is on a short dead  
284 end road and has a vegetation buffer with small visibility. It's location makes it secluded from  
285 passer by traffic. The lot size is 12 1/2 acres but not all of that is available space for use. A  
286 smaller business does not want to pay for the extra land which creates a hardship.

287

288 A. McGregor read the application into the record.

289

290 Matt Laughlin (500 Upland Street, Manchester): We also sell apparel, licensing, and parts. We  
291 would probably be one of the larger retail businesses in the area.

292

293 R. Duhaime: Will there be any changes to the building?

294

295 M. Laughlin: Yes. We will be making an addition and it will be significantly changed.

296

297 It was a board consensus there is no regional impact.

298

299 A. Stelmach: Is there a wetland crossing?

300

301 M. Laughlin: It seems like there is a stream that comes down the hill but I do not think it goes  
302 down to Technology Drive.

303

304 R. Duhaime: There is a retention pond on site and planning will go over that.

305

306 A. Glennon: Are you planning to use this location for motorcycle instruction?

307

308 M. Laughlin: I don't know if the grade and size of the lot would meet the requirements for that  
309 but we would look to do that if it was suitable or potentially do that someplace else. As of right  
310 now no.

311

312 Open public hearing.

313 No public comments.

314 Close public hearing.

315

316 **Criteria 1 & 2 - The variance will not be contrary to Public Interest & the Spirit of Ordi-**  
317 **nance will be observed.**

318 Discussion ensued regarding a potential increase in motorcycle traffic. It was a board majority  
319 this variance will not be contrary to public interest & the spirit of ordinance will be observed. T.  
320 Stewart has a concern about an increase in motorcycle traffic.

321

322

323

324

325 **Criteria 3 (Substantial Justice is done)**

326 It was a board majority that substantial justice is done. T. Stewart has a concern about an increase  
327 in motorcycle traffic.

328

329 **Criteria 4 (The value of surrounding properties will not be diminished)**

330 It was a board consensus that surrounding properties will not be diminished.



331  
332  
333

**Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Un-necessary Hardship)**

334 There was a board consensus that there is a hardship for the following reasons: 1) The lot is a  
335 unique shape; 2) Not all of the acreage on the property is usable; and 3) there is limited visibility.  
336

337 *A. Glennon motioned to approve an application for a variance from Article 14 Section A of the*  
338 *Zoning Ordinance to permit a motorcycle dealership in the Mixed Use 3 district (MUD3),*  
339 *where such use is prohibited for TMCH Real Estate LLC #Z23-04, 100 Technology Dr., Map*  
340 *29 Lot 76-4, MUD3. Seconded by R. Bairam. Motion carried unanimously with a vote of 4-0.*  
341

342 **OTHER BUSINESS**

343  
344 A. Stelmach: The rehearing for Cigna at the Housing Board was held today. It will be about two  
345 to three weeks for a decision.  
346

347 Discussion ensued on working on clarifying the language on some of the ordinances.  
348

349 **ADJOURNMENT**

350  
351 *R. Bairam motioned to adjourn at 8:42 pm. Seconded by T. Stewart. Motion carried unani-*  
352 *mously with a vote of 5-0.*  
353

354 The next meeting of the Zoning Board of Administration will be held March 14, 2023 at 6:30 pm.  
355 Application deadline is February 22, 2023.  
356

357 Respectfully submitted by:

358  
359 /s/ AnnMarie Scott

360  
361 AnnMarie Scott  
362 Recording Clerk