

1 **HOOKSETT ZONING BOARD OF ADJUSTMENT**
2 **Tuesday, June 13, 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 6:30 pm.

11 **PLEDGE OF ALLEGIANCE**
12

13 **ATTENDANCE:** Anne Stelmach (Chairman), Richard Bairam (Vice-Chairman), Timothy
14 Stewart, Gerald Hyde (arrived at 6:49 pm), and Roger Duhaime (Town Council Representative)

15 **ALTERNATES:** Alex Glennon, Matt St. Pierre, and Tony Lacasse

16 **EXCUSED:** Phil Denbow

17 **NOT PRESENT:**

18 **STAFF:** Dana Pendergast (Code Enforcement Officer)

19 A. Glennon and T. Lacasse will be voting members.

20 **APPROVAL OF MINUTES:** April 11, 2023 and May 9, 2023

21 *R. Bairam motioned to approve the minutes of the April 11, 2023 meeting. Seconded by T.*
22 *Stewart. Motion carried unanimously with a vote of 5-0.*
23

24 *R. Bairam motioned to approve of the minutes of the May 9, 2023 meeting. Seconded by T.*
25 *Stewart. Motion carried unanimously with a vote of 5-0.*
26

27 **NEW PUBLIC HEARINGS:**
28

29 **Derek Dumas #Z23-08**

30 **1 Kappa Court, Map 30 Lot 61**

31 **MDR**

32 **APPLICATION FOR Variance**

33 **From Article 18 Section G. N. & A. of the Zoning Ordinance**

34 Encroachment of secondary wetland approx., 25ft for driveway turnaround as required by
35 Hooksett Fire Department for driveways exceeding 300ft in length.
36

37 Derek Dumas: I would like to expand the driveway to put in a turn-around area. Currently the
38 driveway looks terrible and is in a bad spot. It is hard to maintain. Moving it would interfere with
39 a 40' wetland setback by 25'.

40

41 A. Stelmach: This is currently in the center of your property?

42

43 D. Dumas: Yes. It has been approved by the fire department. The fire department liked it in the
44 setback but I could not do it there.

45

46 D. Dumas read the application into the record.

47

48 T. Stewart: Where is the house on the map?

49

50 D. Dumas showed the house on the map.

51

52 T. Stewart: How long is the driveway?

53

54 D. Dumas: 380'. 350' down the driveway and then the turnaround.

55

56 A. Stelmach: You said you would not tar the turnaround?

57

58 D. Dumas: Correct.

59

60 A. Stelmach: The Planning Board did not want it tarred. The Conservation Commission wants
61 you to direct the runoff away from the wetland.

62

63 T. Stewart: Is this a street or a private driveway?

64

65 D. Dumas: It is a private driveway I named.

66

67 A. Glennon: Were there any other options to moving the driveway?

68

69 D. Dumas: Yes, but they were not good options.

70

71 A. Stelmach: Is that area in the winter or spring any more wet? Do you have extra issues?

72

73 D. Dumas: I have not noticed anything. It is wet earth. It is a stump hole that collects water.

74

75 Open public hearing.

76 No public comments.

77 Close public comments.

78 **Criteria 1 & 2 - The variance will not be contrary to Public Interest and the Spirit of Ordinance will be observed.**

79

80 It was a board consensus this variance will not be contrary to public interest, the spirit of ordinance will be observed, and will not alter the character of the neighborhood.

81

82

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

84 It was a board consensus the driveway is currently an eye sore and substantial justice is done.

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

86 It was a board consensus the value of surrounding properties will not be diminished.

87

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

90 It was a board consensus that a hardship exists due to the length, size, and topography of the cur-
91 rent driveway as well as the fire department mandate of putting in a turn around.

92

93 *A. Glennon motioned to grant the variance from Article 18 Section G. N. & A. of the Zoning*
94 *Ordinance - encroachment of secondary wetland approx., 25ft for driveway turnaround as re-*
95 *quired by Hooksett Fire Department for driveways exceeding 300ft in length for Derek Dumas*
96 *#Z23-08, 1 Kappa Court, Map 30 Lot 61, MDR with the condition that the turn-around will*
97 *not be tarred and the run-off will be directed away from the wetland. Seconded by R. Bairam.*
98 *T. Stewart opposed. Motion carried with a vote of 4-1.*

99

100 G. Hyde is present. A. Glennon will no longer be a voting member.

101

102 **Lloyd & Linda Kaplan #Z23-09**

103 **16 Hale Ave, Map 45 Lot 105**

104 **URD**

105 **APPLICATION FOR VARIANCE:**

106 **From Article 5a Section e.1 of the Zoning Ordinance**

107 For the construction of a front deck to set back 16.65 ft where 25 ft front setback is required

108

109 Lloyd Kaplan gave verbal permission for Tim O'Regan to speak on his behalf.

110

111 Tim O'Regan (Contractor): Where their house sits from their driveway to the house is a concrete
112 patio. There is already a concrete patio there. This would be building it up to be a raised plat-
113 form. There is a metal roof that makes an ice dam. We want to make it so the roofer can put the
114 metal roof beyond this and redo the patio so they have a safe place to get to the garage.

115

116 A. Stelmach: Is the current concrete coming up?

117

118 T. O'Regan: Yes.

119

120 T. O'Regan read the application into the record.

121

122 A. Stelmach: Would they have needed a variance to put the pad down?

123

124 D. Pendergast: Ingress and egress concrete stairs are exempt from zoning. You can have those in
125 the setback. They are increasing their nonconformity by adding a bigger deck. This house is in
126 the oldest part of town and there are a lot of nonconformities in that area.

127

128 T. Stewart: Coming out of the edge of the house, is it going 8'?

129

130 T. O'Regan: Yes.

131

132 T. Stewart: Is it going to be in front of the garage?

133

134 T. O'Regan: No. There is a jut.

135

136 L. Kaplan showed a slide of the house and described the proposed project. He stated that every-
137 thing falls from the roof and snow has become a hazard. He also stated that due to health reasons
138 it is hard to move the snow. He stated the snow has become a hazard.

139

140 T. O'Regan: The driveway juts in in front of the house that is where the 8' in front of the drive-
141 way is. It kicks in as it is and has a 3 to 4' walkway and goes out another 4'. It is not pushing
142 any further into the driveway than the way it is already.

143

144 R. Bairam: Is it going to be like a covered deck?

145

146 T. O'Regan: Yes.

147

148 A. Stelmach: Did you put up the garage in or was it there?

149

150 T. O'Regan: It was there.

151

152 T. Lacasse: You are here because by adding this extra structure this is going to increase the non-
153 conformity of the structure? Correct?

154

155 T. O'Regan: Yes. This is the only way you can pull a permit. The only way to do this is to get
156 the variance and pull the permit because it is nonconforming.

157

158 T. Stewart: When was this section of the house built?

159

160 L. Kaplan: To the best of my knowledge in 1931 with the house. That is how I bought it.

161

162 Open public hearing.

163

164 Mark Dion (27 Elmer Ave.): I am support of this application. We are the neighbors on the east.

165

166 Close public hearing.

167

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

170 It was a board consensus this variance will not be contrary to public interest and the spirit of or-
171 dinance will be observed.

172
173 **Criteria 3 (Substantial Justice is done)**

174 It was a board consensus substantial justice is done.

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

176 It was a board consensus the value of surrounding properties will not be diminished.

177
178 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Un-**
179 **necessary Hardship)**

180 It was a board consensus that a hardship exists due to the entire neighborhood being non-con-
181 forming.

182
183 *G. Hyde motioned to grant the variance from Article 5a Section e.1 of the Zoning Ordinance*
184 *for the construction of a front deck to set back 16.65 ft where 25 ft front setback is required for*
185 *Lloyd & Linda Kaplan #Z23-09, 16 Hale Ave, Map 45 Lot 105, URD. Motion carried unani-*
186 *mously with a vote of 5-0.*

187
188 **CONTINUED PUBLIC HEARING: N/A**

189
190 **REVIEW NEW APPLICATIONS FOR IMPACT TO REGIONAL PLANNING per RSA**
191 **36:56 Review Required**

192
193 **Additional Items for Discussion: Excavation – Site Walk Schedule**

194
195 D. Pendergast: The site walks the ZBA requested have been booked.

196
197
198
199
200
201 **OTHER BUSINESS**

202
203 Dana Pendergast and the board discussed the following:

204
205 P. Denbow will be stepping down from being a full board member to an alternate board member
206 and A. Glennon will be stepping up from being an alternate board member to a full board mem-
207 ber. This will be voted on by the Town Council on June 28, 2023.

208
209 State law allows the ZBA to have five full board members and five alternates. The charter origi-
210 nally stated there could be three alternatives, however, the ZBA is now authorized to have five
211 alternate board members. There are two vacancies so all are encouraged to apply.

212

213 D. Pendergast encouraged the board members to go through the ZBA Rules of Procedure to see
214 if there is anything they might like to see updated.

215
216 The Housing Appeals Board overturned their previous decision regarding the CIGNA building
217 and the ZBA prevailed.

218
219 The Supreme Court hearing date for Silver City got pushed to the end of the month.

220
221 There is a sub-committee being put together between the Planning Board, ZBA, and Conserva-
222 tion Commission to take a comprehensive look at the zoning ordinance and start the overhaul
223 process. Any proposed changes will have to go before the public. The best way to handle the
224 project is to make a priority list and work our way down. T. Lacasse and A. Stelmach will serve
225 on the sub-committee as ZBA representatives.

226
227 **ADJOURNMENT**

228
229 ***G. Hyde motioned to adjourn at 7:54 pm. Seconded by R. Bairam. Motion carried unani-***
230 ***mously with a vote of 5-0.***

231
232 **Next meeting July 11th. Application Deadline June 21st**

233
234 Respectfully submitted by:

235
236 /s/ AnnMarie Scott

237
238 AnnMarie Scott
239 Recording Clerk