

1                   **HOOKSETT ZONING BOARD OF ADJUSTMENT**  
2                   **Tuesday, July 11, 2023**  
3                   **HOOKSETT MUNICIPAL BUILDING**  
4                   **35 Main Street**  
5                   **Meeting Minutes**  
6                   **6:30 pm**

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8    **CALL TO ORDER**

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10 Anne Stelmach (Chairman) called the regular meeting to order at 6:30 pm.

11   **PLEDGE OF ALLEGIANCE**

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13   **ATTENDANCE:** Anne Stelmach (Chairman), Richard Bairam (Vice-Chairman), Timothy  
14 Stewart, Alex Glennon, Gerald Hyde (arrived at 7:14 pm), and Roger Duhaime (Town Council  
15 Representative)

16   **ALTERNATES:** Phil Denbow, Matt St. Pierre, Colin Merritt, and Tony Lacasse (arrived 6:44  
17 pm).

18   **EXCUSED:**

19   **NOT PRESENT:**

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

21 P. Denbow will be a voting member.

22   **NOMINATIONS**

23   *R. Bairam nominated A. Stelmach to the position of Chairman of the Hooksett Zoning Board*  
24 *of Adjustment. Seconded by P. Denbow. Motion carried unanimously with a vote of 5-0.*

25   *P. Denbow nominated A. Glennon as Vice Chairman of the Hooksett Zoning Board of*  
26 *Adjustment. Seconded by A. Stelmach. Motion carried unanimously with a vote of 5-0.*

27   *A. Stelmach nominated T. Stewart as Secretary of the Hooksett Zoning Board of Adjustment.*  
28 *Seconded by A. Glennon. Motion carried unanimously with a vote of 5-0.*

29   **APPROVAL OF MINUTES: June 13, 2023**

30   *R. Bairam motioned to approve the minutes of the June 13, 2023 meeting. Seconded by T.*  
31 *Stewart. Motion carried unanimously with a vote of 5-0.*

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33   **Distribution Oasis LLC #Z23-10**

34   **11 Bemis Rd, Map 37 Lot 44**

35   **MUD3**

36 **APPLICATION FOR Variance**

37 **From Article 14 Section B. of the Zoning Ordinance**

38 Limited development and use of a portion of the property as an Automotive Paint and Body Shop  
39 as permitted under MUD3

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41 Jeffrey Sandler: This was purchased to use for parking purposes. Amazon has almost finished  
42 their lot at Technology Drive and will be moving by the end of the year. That will leave the prop-  
43 erty largely empty and will impact our bottom line as Amazon will no longer be paying rent. We  
44 are looking for ways to develop the land. The building is 50 years old and is not in good condi-  
45 tion. We are looking for tenants. Maaco approached us to open a franchise on the front of the  
46 property where the loading dock is. We feel it will be an improvement and provide us with an  
47 anchor tenant to develop the property. The garage is functioning in the wash bay building. We  
48 will move the garage to the second part of the property once we install sprinklers and wash bins.  
49 If we can negotiate a lease with a company like this it would be a 15 year lease and would  
50 accelerate the pace we can develop this property. We did not get any objections from abutters.  
51 Maaco is not an intense collision shop and we do not anticipate there would be an environmental  
52 impact. They do paint and dents. We are willing to buffer but there is not much to buffer. With  
53 the vans leaving it would be a much less intensive impact. We think this will provide the town  
54 with better tax revenues.

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56 A. Stelmach: I looked up the last variance. In September of 2022 it was for the maintenance gar-  
57 age for Amazon.

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59 J. Sandler: That is owned by a private company that provides services for Amazon. We have a  
60 contract with Amazon to deliver packages?

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62 A. Stelmach: Do you still need that variance?

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64 J. Sandler: Yes.

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66 A. Stelmach: Usually a variance covers one lot. You have a variance for one piece of a building  
67 and you are asking for a variance for another piece of the building.

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69 J. Sandler: I understand where you are coming from with it going with the land. We are asking  
70 for the variance to do the paint and body work. The building is very large and was pieced to-  
71 gether over the years. We are trying to bring it up to code and make it available to other busi-  
72 nesses for the public and the town that is positive.

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74 James Dowd: The garage was approved and is doing well. We are trying to develop the property  
75 in stages. Amazon vans get into accidents now and then and the garage can fix them and other  
76 vehicles. We think those businesses compliment each other. We have met with the engineer that  
77 would demolish the building. We think that it would be beneficial to have small businesses like  
78 plumbers and electricians on this site.

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80 A. Stelmach: It is not common to put two variances on one lot. Suppose Maaco comes and goes?

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82 J. Sandler: We would be agreeable to having a stipulation if that were to happen we would come  
83 back and let you know what is going on with it.

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85 J. Dowd: It is two different variances but they are automotive related. They are similar busi-  
86 nesses.

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88 A. Stelmach: Dana, couldn't this be considered a service? The first variance was to permit  
89 maintenance and service. It went on to talk about no discharge of hazardous material. Does that  
90 fit the Maaco mold?

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92 J. Sandler: Yes.

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94 J. Dowd: Maaco has a spill plan and disposal of waste.

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96 A. Stelmach: If you got rid of the first variance and just went with this it would be cleaner.  
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98 J. Dowd: It is a complementary business if you own a fleet of vehicles that need maintenance  
99 and body work. Amazon regulates the body shop work. This is on a plateau and would not be a  
100 eyesore. It would not be that impactful.

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102 R. Duhaime: We are not here to make sure this is profitable. It is interesting but a partial plan.  
103 We are not supposed to make sure your plan works. We do not want to keep seeing you but I  
104 want you to be successful. I do not see this as a hardship. You have a unique location where a  
105 body shop would not be an eye sore. You are asking to try this but we can not have you keep  
106 coming back and asking for things. We need a plan for this whole property. You are looking for  
107 this to get the ball rolling. Once Amazon is gone where is this going. It seems like you are trying  
108 to make this into an automotive facility which is great.

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110 J. Dowd: We are looking at demolishing a large portion of the building and putting in smaller  
111 units. We have have met with demolition and steel companies.

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113 J. Sandler: There is a plan for the whole development. We think the body shop would make it  
114 viable. We are not going to have tenants soon and we need to have a plan to make this work.

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116 R. Duhaime: The land use boards like to work together. I would recommend you go talk to the  
117 Planning Board. We don't want to keep doing variance after variance.

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119 J. Sandler: I think this would be our last request, but I do not mind meeting with the Planning  
120 Board.

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122 D. Pendergast: What he is asking for would have to go to planning. I would like to have our at-  
123 torney weigh in. We do not want to make an error that could cause issues. Body shops are only  
124 allowed in one zone. There will be some screening that will be required and we cannot have disa-  
125 bled and dismantled vehicles left outside.

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127 P. Denbow: A lot of body shop work is environmental.

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D. Pendergast: There are a lot of issues when it comes to body shop. Even if you gave them the variance they would have to go to Planning Board.

A. Stelmach: I agree with talking with our town attorney.

D. Pendergast: They need to have a site plan for the Planning Board. This is not an allowed use in this zone. We have a question about the two variances. My recommendation is to make a trip for a site plan to the Planning Board. With the multi-uses it seems like they need to master plan that lot.

J. Dowd: We can come back with as-builds and the current condition.

R. Duhaime: I would recommend a joint site walk. It is a unique piece of property.

A. Stelmach: The goal is not to delay this. I would rather work this out so it is done right.

T. Lacasse: I am trying to understand the process behind the original request. It sounds like you have come here to ask for a variance and you are working on a master plan that would require another variance?

J. Dowd: We are going to demolish what is there except for the cooler building. There is interest to put a Maaco on the property. The variance we have does not cover an auto body shop and we are trying to get one. I have been working with an engineer to develop this. We are planning to come forward to the Planning Board with an as-built and current conditions. Maaco would eliminate the hardship of having a big empty building so we could get more tenants.

***A. Glennon motioned to continue the application for variance from Article 14 Section B. of the Zoning Ordinance: Limited development and use of a portion of the property as an Automotive Paint and Body Shop as permitted under MUD3 for Distribution Oasis LLC #Z23-10, 11 Bemis Rd, Map 37 Lot 44, MUD3 until the September 12, 2023 ZBA meeting. Seconded by R. Bairam. Motion carried unanimously with a vote of 5-0.***

**Lisa Mahan #Z23-11**  
**11 Prescott Heights, Map 43 Lot 45-1**

**MDR**  
**APPLICATION FOR VARIANCE:**  
**From Article 5 Section 5.e. of the Zoning Ordinance**

For the construction of a 12 x 8 shed in the front yard

Lisa Mahan: We ordered an 8x12 shed through Agway and are looking to have it placed in front of the house. The lot is tree lined and has a rock wall. Last year we cut into the hemlocks and rock wall and put the house in. The lot is sloped and we would like to put the shed to the left of the driveway, tucked into the woods, and behind the rock wall.

L. Mahan read the application into the record.

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R. Duhaime: It is 15' from the road?

L. Mahan: He marked it 15' but it is 20' from the curb and 17' from the driveway.

M. St. Pierre: Would it take away from the flat space if you placed it in the side yard?

L. Mahan: My children play soccer and I flattened that area for them to use.

T. Lacasse: Why is she here?

A. Stelmach: They don't normally allow sheds in the front of the house.

D. Pendergast: The ordinance for buildings under 200' does not allow them beyond the parallel of the front of the house.

Open public hearing

D. Winterton (10 Prescott Heights Road): I am across the street from this and am in favor of it. There is no other abutter that will be able to see this. This area is hilly and they leveled it out for this house. One of the stipulations of her lot was that the trees would have to remain. If that was not a stipulation she might have other options as to where to put this. She has done a nice job with her land.

Close public hearing.

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

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

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

It was a board consensus substantial justice is done.

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

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

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

It was a board consensus that a hardship exists due to the slopes, trees, stone wall, and grading of the land. They are being forced to keep the trees.

215 *A. Glennon motioned to approve the application for variance from Article 5 Section 5.e. of the*  
216 *Zoning Ordinance for the construction of a 12 x 8 shed in the front yard for Lisa Mahan*  
217 *#Z23-11, 11 Prescott Heights, Map 43 Lot 45-1, MDR. Seconded by R. Bairam. Motion car-*  
218 *ried unanimously with a vote of 5-0.*

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220 **CONTINUED PUBLIC HEARING: N/A**

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222 **REVIEW NEW APPLICATIONS FOR IMPACT TO REGIONAL PLANNING per RSA 36:56 Review Re-**  
223 **quired**

224  
225 None.

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227 **Additional Items for Discussion: Excavation – Site Walk Schedule**

228 Bow Gravel/Continental Paving, Inc.

229 531 West River Rd

230 July 19<sup>th</sup> @ 5pm

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232 D. Pendergast stated that Central Hooksett Water and Hooksett Village Water Precinct re-  
233 quested to attend the site walk. Discussion ensued regarding the location of the site.

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235 **OTHER BUSINESS**

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237 Discussion ensued regarding the most recent decision of the Housing Board of Appeals regard-  
238 ing the Cigna building.

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240 **ADJOURNMENT**

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242 *P. Denbow motioned to adjourn at 7:37 pm. Seconded by R. Bairam. Motion carried unani-*  
243 *mously with a vote of 5-0.*

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245 **Next meeting August 8, 2023. Application Deadline July 19, 2023.**

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247 Respectfully submitted by:

248  
249 /s/ AnnMarie Scott

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251 AnnMarie Scott  
252 Recording Clerk