

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

11 **PLEDGE OF ALLEGIANCE**
12

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

15 **ALTERNATES:** Matt St. Pierre, Colin Merritt, and Thomas Chesnard

16 **EXCUSED:** Timothy Stewart, Gerald Hyde and Phil Denbow (Alternate).

17 **NOT PRESENT:** Tony Lacasse (Alternate)

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

19 T. Chesnard and C. Merritt will be voting members this evening.

20 **APPROVAL OF MINUTES: October 10, 2023**

21 *R. Bairam motioned to approve the minutes of the October 10, 2023 meeting.*
22

23 *R. Bairam withdrew his motion.*
24

25 *R. Bairam motioned to table the minutes of the October 10, 2023. Seconded by A. Glennon.*
26 **Motion carried unanimously with a vote of 5-0.**
27

28 **UNFINISHED BUSINESS:**
29

30 **CONTINUED PUBLIC HEARING:**
31

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

33 **11 Bemis Rd, Map 37 Lot 44**

34 **MUD3**

35 **APPLICATION FOR Variance**

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

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

39
40 A. Stelmach read an email dated November 8, 2023 from Jeff Sandler, Granite State Dispatch
41 LLC, to Dana Pendergast stating the applicant would like to withdraw the application for a vari-
42 ance from Article 14 Section B. of the Zoning Ordinance for Distribution Oasis LLC #Z23-10,
43 11 Bemis Rd, Map 37, Lot 44, MUD3.

44
45 **NEW PUBLIC HEARINGS:**

46
47 **Alana & Dennis Demers Z23-21**
48 **68 Laurel Road, Map 21 Lot 15-26**

49 **LDR**
50 **APPLICATION FOR Variance**
51 **From Article 27 Section C. 3 of the Zoning Ordinance**

52 A basement ADU without a shared common entry.

53
54 A. Stelmach: I realize this is vacant land. I have a lot of concerns with the application. It looks
55 like it is missing things. What is lacking is focusing on the criteria. You have to show us why
56 your land is unique so much that the zoning is treating you differently than the zoning around
57 you. I would suggest you take an opportunity to revise this. There is a not a lot here to go by.

58
59 Dennis Demers (169 Clear Creek Way, Manchester, NH/Part Owner of 68 Laurel Road, Map 21
60 Lot 15-26): I thought I was thorough in meeting your five items.

61
62 A. Stelmach: Your application is not answering the question about the hardship. Maybe you
63 could work with code enforcement. For an example, some homes are so old they structurally
64 cannot do this. With hardship it specifically asks the special conditions of your property. I don't
65 see anything about why your property is so strapped by the zoning you can't do anything else
66 with it but this. I don't see anything about the land and what is putting you at a disadvantage
67 from anyone else.

68
69 D. Demers: I am trying to put in a basement apartment. I expanded the area of housing to some-
70 what comply. According to the CEO I need a second egress. This issue comes up often and it
71 may be in a zoning change in this coming election. Other towns allow it but Hooksett does not.

72
73 A. Stelmach: I am happy to move forward, but you have to prove a hardship.

74
75 D. Demers: The hardship is we will be living there and it could be for our kids that live in other
76 parts of the country. As we age our caretaker will be living with us. It would have walk out capa-
77 bilities. It will be mostly for family.

78
79 A. Stelmach: The law doesn't look at peoples personal circumstances. The law looks at your
80 property and your land. Your application states your personal needs and not the land. You have
81 to prove why is this zoning really making it difficult for you to do anything else that your neigh-
82 bors could do. This is a vacant piece of land.

83
84 R. Duhaime: Isn't this about the egress?

85
86 D. Pendergast: What makes this unique is why he cannot add the second egress. Is it the land?
87

88 D. Pendergast and the applicant stepped out.
89

90 D. Demers: We would like to continue.
91

92 A. Stelmach: Could you blow up the lot sizes? The lot size is something to focus on.
93

94 D. Demers: I will submit an enlargement of the lot and focus on the ADU and why it has to be
95 done this way.
96

97 *A. Glennon motioned to continue the application for a variance from Article 27 Section C. 3*
98 *of the Zoning Ordinance for a basement ADU without a shared common entry for Alana &*
99 *Dennis Demers Z23-21, 68 Laurel Road, Map 21 Lot 15-26, LDR to December 12, 2023. Se-*
100 *conded by R. Bairam. Motion carried unanimously with a vote of 5-0.*
101

102 **DISCUSSION OF ANY IMPACT TO REGIONAL PLANNING per RSA 36:56 Review Required**
103

104 None.
105

106 **NEW BUSINESS:**
107

108 **1: Extension Request (2 year) for applications Z21-20, Z21-21, Z21-22 & Z21-23**
109 **35 & 36 Edgewater Dr.**
110 **Map 5 lot 54**
111 **Ken & Paul Scarpetti**
112

113 P. Scarpetti: We got our shoreland permit and and did a septic. We are waiting to get our final
114 approvals.
115

116 *A. Glennon motioned to approve an extension request (2 year) for applications Z21-20, Z21-*
117 *21, Z21-22 & Z21-23, 35 & 36 Edgewater Dr., Map 5 lot 54 until November 14, 2025 for Ken*
118 *& Paul Scarpetti. Seconded by R. Bairam. Motion carried unanimously with a vote of 5-0.*
119

120
121 **2: Petition Request to Rehear, Britney Sebastien, 17 Harmony Lane**
122 **Z23-15**

123 **11 Harmony Lane, Map 31 Lot 15-23**

124 **MDR**

125 **APPLICATION FOR Variance**

126 **From Article 5 Section E.4 of the Zoning Ordinance**

127 Construction of an addition to the rear of 11 Harmony, which will extend 4 ft beyond the exist-
128 ing deck 4 feet into the setback of 17 Harmony Ln. *The addition to the existing structure at 11
129 Harmony will be in the back yard of the property, and faces the back yard of the abutment at 17
130 Harmony.

131
132 A. Stelmach read a letter from the Sebastiens dated October 13, 2023 requesting a rehearing to
133 this application.
134
135 A. Glennon: I recall them saying the neighbors were in favor of the project.
136
137 C. Merritt: I recall that as well.
138
139 A. Stelmach: I recall asking them about this neighbor.
140
141 M. St. Pierre: We don't have a survey to actually know the proximity.
142
143 A. Stelmach: We are stuck with what they filed. Is it fair to have the applicant come in to de-
144 fend this again when this abutter could have made some arrangements?
145
146 D. Pendergast: In order to issue a new hearing you have to ask: 1) Is there any overwhelming
147 evidence of a technical issue the board made for you to say this warrants a second look? and/or
148 2) Do you feel there is enough evidence in the letter from the abutter to warrant a new hear-
149 ing?
150
151 A. Glennon: What about the criteria about being contrary to public interest?
152
153 C. Merritt: Property is going up. If you want to sell your property you can. I don't know if it
154 would hurt the property value.
155
156 D. Pendergast: Did they provide any evidence their value will drop? The abutter didn't submit a
157 letter from the real estate agent. We don't know the value unless we have evidence. You have
158 to look at the criteria and ask if the Board reheard this would it change your judgment?
159
160 A. Stelmach: I thought we heard that by putting it this way they wouldn't be able to stare in
161 and it would be a better barrier with more privacy.
162
163 R. Bairam: It is only 4'. They are not going to be right on the line. I don't think we made a mis-
164 take.
165
166 A. Stelmach: There is no new compelling evidence that wasn't available at the time of the hear-
167 ing.
168
169 T. Chesnard: In the letter from the abutter they inquire about this project and mention the let-
170 ter at the post office. The project was on their radar. To me that suggests then knew the mail
171 was not some mystery letter from the town. They were inquiring about this project specifically.
172 The date and the agenda are on line. If you are inquiring about the project it narrows what they
173 anticipate what the letter is in relation to.

174

175 ***T. Chesnard motioned to deny the motion for rehearing for failure to meet the requirements***
176 ***under RSA 677-3. Seconded by C. Merritt. Motion carried unanimously with a vote of 5-0.***

177

178 **COMMUNICATIONS & MISCELLANEOUS**

179

180 I handed out the training information again. All members are required to take the training or
181 they are not allowed to sit on the board.

182

183 Discussion ensued regarding the zoning amendment changes.

184

185 **MOTION TO ADJOURN:**

186

187 ***C. Merritt motioned to adjourn at 7:33 pm. Seconded by R. Bairam. Motion carried unani-***
188 ***mously with a vote of 5-0.***

189

190 **Next meeting December 12 application deadline November 22**

191

192 Respectfully submitted by:

193

194 /s/ AnnMarie Scott

195

196 AnnMarie Scott

197 Recording Clerk