

1 HOOKSETT ZONING BOARD OF ADJUSTMENT

2 Tuesday, October 10, 2023

3 HOOKSETT MUNICIPAL BUILDING

4 35 Main Street AGENDA

5 6:30 pm

6 **CALL TO ORDER**

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

8 **PLEDGE OF ALLEGIANCE**

9 **ATTENDANCE**

10 Anne Stelmach (Chairman), Richard Bairam (Vice-Chairman), and Roger Duhaime (Town Council
11 Representative), Gerald Hyde, Alex G,

12 **ALTERNATES:** Matt St. Pierre, Colin Merritt, and Thomas Chesnard, Phil Denbow (Alternate)

13 **NOT PRESENT:** Timothy Stewart, Tony X

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

15 **APPROVAL OF MINUTES**

16 Richard B motioned to approve the minutes of the September 12, 2023, meeting. Seconded by Colin M
17 **Motion carried unanimously with a vote of 5-0.**

18 **CONTINUED PUBLIC HEARING**

19 **Silver City NH LLC #Z20-12**

20 **39 Hackett Hill Road, Map 13 Lot 51 COM**

21 APPLICATION FOR EXCAVATION PERMIT: OO-#14

22 Roy Tilsley from Bernstein on behalf of Silver City, we have an appeal pending at the NH Supreme Court
23 on the need for a variance. We had oral arguments a week ago and await a decision. I asked Kathy for a
24 couple month extension.

25 Gerald H motioned to continue the Public Hearing until December 12,2023; seconded by Richard B

26 **Motion carried unanimously**

27
28 **Distribution Oasis LLC #Z23-10 11 Bemis Rd, Map 37 Lot 44 MUD3**

29 **APPLICATION FOR Variance**

30 **From Article 14 Section A. of the Zoning Ordinance**

31 Limited development and use of a portion of the property as an Automotive Paint and Body Shop as
32 permitted under MUD3.

33

34 Gerald H motioned to continue the Public Hearing until November 14,2023; seconded by Phil D.

35 **Motion carried unanimously**

36 **NEW PUBLIC HEARINGS**

37 **Celine Boutin #Z23-13 80 Granite St, Map 6 Lot 77 URD**

38 **APPLICATION FOR Variance**

39 **From Article 5-A Section E.5 of the Zoning Ordinance**

40 Placement/building of an 80sqft shed that is <10 ft from property line. (Abuts one neighbor)

41 C. Boutin 80 Granite St- I'm applying for a variance for a shed that is closer to the property line than law
42 allows. Per law should be 10 ft, I am requesting a variance to go 4ft from the property line. I am in an urban
43 residential lot. The previous shed was a foot from the property line. But because I want to go with a larger
44 footprint I have to go with a variance. The new shed will be 20 square feet bigger. I also measured other
45 sheds in the neighborhood, and they were 3ft and 1.5ft from the property line and they were
46 grandfathered in. I have talked to my neighbors if they had any concerns, and they did not. I also have an
47 easement in my backyard. The house is a ranch but in the back, it is almost 2 stories based on the amount
48 of slope, and it is typical for the neighborhood.

49 A. Stelmach- please read into the record the questions on page 2 and your answers.

50 C. Boutin- **Criteria 1 - The variance will not be contrary to Public Interest** because the proposed with be
51 consistent with the existing structure my home on the property and other structures and homes and sheds
52 in the neighborhood. The structure will be minimally visible from the road, it will also increase the
53 property's value.

54 **Criteria 2- the Spirit of Ordinance will be observed** because the structure will not limit any of my
55 neighbor's use of their own property. I also plan to leave 4 ft between the shed and the property line to
56 allow for maintenance. It will not threaten public safety or welfare.

57 **Criteria 3 (Substantial Justice is done)** because the proposed will be a similar distance from the property
58 line as existing structures on abutting properties. The benefit if this structure should not cause harm to
59 the general public.

60 **Criteria 4 (The value of surrounding properties will not be diminished)** because the proposed structure
61 will not obstruct views for any of the surrounding properties and it will not interfere with the abutters use
62 of their properties.

63 **Criteria 5** no fair and substantial relationship exists between the general public purpose of the ordinance
64 provision and the specific application of that provision of the property and because of hardship due to lot
65 size, slope existing trees and a 10x100 ft easement on the property. Criteria a2 the property use is a
66 reasonable one because the proposed structure will not alter the character of the neighborhood. The
67 proposed use is an acceptable one for storage of items that cannot be used in the home. Criteria 5b if the
68 criteria in sub paragraph A are not established a unnecessary hardship will be deemed to exist if and only
69 if owing to special conditions of the property that distinguish it from other properties in the area. The
70 property cannot be reasonably used in strict conformance with the ordinance and a variance is necessary

71 to establish a reasonable use of it. As above hardship exists due to lot size, slope, existing trees and a large
72 easement there is no other area on the lot for the shed.

73 Close public hearing.

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

76 There was a board consensus that this variance will not be contrary to public interest & the spirit of
77 ordinance will be observed.

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

79 There was a board consensus that no harm will be done to general public and substantial justice is done.

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

81 There was a board consensus that the value of surrounding properties will not be diminished, and value
82 may be added.

83 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Unnecessary**
84 **Hardship)**

85 It was a board majority that the following hardships exist: Easement, grandfathered, slope.

86 ***Alex G motioned to grant the application for variance to Celine Boutin #Z23-13 80 Granite St, Map 6 Lot***
87 **77 URD APPLICATION FOR Variance from Article 5-A Section E.5 of the Zoning Ordinance**
88 **Placement/building of an 80sqft shed that is <10 ft from property line. (Abuts one neighbor); seconded**
89 **by Gerald H Motion carried with a vote of 5-0.**

90 ***Z23-14 was withdrawn**

91

92 **Alec Derian #Z23-15**

93 **11 Harmony Lane, Map 31 Lot 15-23 MDR**

94 **APPLICATION FOR Variance**

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

96 Construction of an addition to the rear of 11 Harmony, which will extend 4 ft beyond the existing deck 4
97 feet into the setback of 17 Harmony Ln. *The addition to the existing structure at 11 Harmony will be in
98 the back yard of the property and faces the back yard of the abutment at 17 Harmony.

99 Alec Derian and Sarah Derian 11 Harmony Lane- we are replacing your deck with an enclosed addition.
100 We are looking to do this because our properties are close together. We can see and hear everything.
101 There is a fence between each home, but our decks face each other. By adding this it is removing site lines
102 and adding an acoustical barrier and hopefully improving our backyard experiences.

103 Matt St. Pierre, you noticed the plans in the naming convention say approved variance. Did you also
104 prepare plans for if the variance is not approved?

105 A. Derian- possibly.

106 S. Derian- we have the plans but it changes the project significantly and we don't know if it is worthwhile
107 to pursue.

108 S. Derian- we are very limited due to the wetlands. And we can only build on the deck. We want to increase
109 our living space and the deck needs to be updated.

110 Alex G- how will the site line change?

111 A. Derian- with a wall instead of an open deck it is an acoustic barrier. As far as site line we have a slider
112 that faces their slider. What this would do is put up an exterior wall, and we would put in transom windows
113 that would remove the site line and increase privacy.

114 A. Derian read the application and criteria into the record.

115 Open public hearing.

116 No public comments.

117 Close public hearing

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

120 There was a board consensus that this variance will not be contrary to public interest & the spirit of
121 ordinance will be observed.

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

123 There was a board consensus that no harm will be done to general public and substantial justice is done.

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

125 There was a board consensus that the value of surrounding properties will not be diminished, and value
126 may be added.

127 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Unnecessary**
128 **Hardship)**

129 It was a board majority that a hardship exists.

130 **Gerald H motioned to grant the application for variance for Alec Derian #Z23-15 11 Harmony Lane, Map**
131 **31 Lot 15-23 MDR APPLICATION FOR Variance From Article 5 Section E.4 of the Zoning Ordinance**
132 **Construction of an addition to the rear of 11 Harmony, which will extend 4 ft beyond the existing deck**
133 **4 feet into the setback of 17 Harmony Ln. *The addition to the existing structure at 11 Harmony will be**
134 **in the back yard of the property and faces the back yard of the abutment at 17 Harmony.; seconded by**
135 **Richard B**

136 **Motion carried with a vote of 5-0.**

137

138 **63 LT, LLC #Z23-16**

139 **63 Londonderry Tpk, Map 49 Lot 2 IND**

140 **APPLICATION FOR Variance**

141 **From Article 11 Section B(3) of the Zoning Ordinance**

142 To permit a lot in the IND (Industrial) Zone with less than 200' of frontage (+/- 50 ft) to redeveloped with
143 a zoning-compliant vehicle storage warehouse facility.

144 Representing-Roy Tilsley, Bernstein Shur, Matt Peterson, Keach Nordstrom, Charie Morgan, Owner

145 Roy- I'm presenting on the variance. We are here for 63 Londonderry Tpk, Map 49 Lot 2. My client is a
146 potential buyer. This is a preexisting non-conforming lot without the 250 ft of frontage. We are proposing
147 a vehicle storage warehouse facility. The property is a 12.6-acre lot, it is developed so to speak with an
148 open-air dilapidated garage along the property line. As well as residential home built in the 60's that is
149 uninhabitable. The challenge here is access to the property through a private ROW. We are proposing a
150 variance to allow us to access through the private ROW. It is a well-established ROW that has always
151 provided access to this property. We have met with the DOT to bring the driveway up to specs as well as
152 town code.

153 Matt P we are preparing to build this driveway to DOT standards.

154 Roy- once we have the variance we can talk further with the abutters and make everyone happy. The
155 variance is simple, we want to use a private ROW to access the property. It's been on maps and plans since
156 the 80's.

157 Phil D- legally what frontage of the road do you have?

158 Matt P- 45.20.

159 Phil D- has there been any attempt to work with the abutters to acquire some property to increase the
160 frontage?

161 Roy- we have suggested swapping some land but that hasn't gone further.

162 R. Duhaime- I know this property and it is a hot mess. The hill is steep, and it is a bad road. I can see the
163 need here for it, and I think it is a great redevelopment of the property.

164 Charles Morgan- I'd like to get through this and build this property. It will be a challenge for me. It is a
165 benign use; I am going to pay a lot of taxes. It will be clean; I look forward to your support.

166 Roy read the application and criteria into the record.

167 Open public hearing.

168 No public comments.

169 Close public hearing

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

172 There was a board consensus that this variance will not be contrary to public interest & the spirit of
173 ordinance will be observed.

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

175 There was a board consensus that no harm will be done to general public and substantial justice is done.

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

177 There was a board consensus that the value of surrounding properties will not be diminished, and value
178 may be added.

179 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Unnecessary
180 Hardship)**

181 It was a board majority that the hardships exists.

182 ***Gerald H motioned to grant the application to 63 LT, LLC #Z23-16 63 Londonderry Tpk, Map 49 Lot 2 IND
183 APPLICATION FOR Variance From Article 11 Section B(3) of the Zoning Ordinance to permit a lot in the
184 IND (Industrial) Zone with less than 200' of frontage (+/- 50 ft) to redeveloped with a zoning-compliant
185 vehicle storage warehouse facility; seconded by Richard B. Motion carried with a vote of 4-1.***

186 Roy- I ask for the Administrative Appeal be continued then my plan would be to withdraw that once we
187 get 30 days out from this.

188 ***Gerald H motioned to continue #Z23-17 to December 12, 2023; seconded by Richard B.***

189 ***Motion carried with a vote 4-1.***

190 **63 LT, LLC #Z23-17**

191 **63 Londonderry Tpk, Map 49 Lot 2 IND**

192 **APPLICATION FOR Appeal from an Administrative Decision: Article Section of the Zoning Ordinance in
193 question: Article 26(B)(2)**

194

195 **Gina and David Nault #Z23-18**

196 **2 Bullard Dr, Map 6 Lot 32**

197 **URD**

198 **APPLICATION FOR Variance**

199 **From Article 27 Section C.3 of the Zoning Ordinance**

200 Not having an interior door directly into the ADU, where Article Ordinance states “The ADU shall have a
201 means of ingress and egress through a common space such as a shared hallway to an exterior door. An
202 interior door shall be provided between the principal dwelling unit and the accessory dwelling unit” We
203 are able to have the common space/shared hallway as seen on proposed plan. Unfortunately, we have no
204 feasible way to have a second door going directly into the ADU.

205 David Nault 2 Bullard Dr and Caitlyn Boulanger 149 Electric St Manchester NH

206 C. Boulanger- we are in the process of trying to purchase my parents house and build this addition and to
207 do so we had some plans made up and we don't have a door that goes directly into the ADU, we only have
208 a common area space. It is a very small lot and there is no feasible way to do that. The pictures show were
209 we are trying to build, it won't be protruding past the fence. We have a utility easement on the other side
210 so that is not an option. Where we have it is the only place, we can put it.

211 C. Boulanger read the application and criteria into the record.

212 D. Pendergast- I have worked with them on this project and this is the best configuration that we could
213 come up with.

214 Open public hearing.

215 No public comments.

216 Close public hearing

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

219 There was a board consensus that this variance will not be contrary to public interest & the spirit of
220 ordinance will be observed.

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

222 There was a board consensus that no harm will be done to general public and substantial justice is done.

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

224 There was a board consensus that the value of surrounding properties will not be diminished, and value
225 may be added.

226 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Unnecessary**
227 **Hardship)**

228 It was a board majority that the hardships exist with the special condition of a small lot, an easement and
229 placement of house.

230 *Alex G motioned to approve application for Gina and David Nault #Z23-18 2 Bullard Dr, Map 6 Lot 32*
231 *URD APPLICATION FOR Variance From Article 27 Section C.3 of the Zoning Ordinance Not having an*
232 *interior door directly into the ADU, where Article Ordinance states "The ADU shall have a means of*
233 *ingress and egress through a common space such as a shared hallway to an exterior door. An interior*
234 *door shall be provided between the principal dwelling unit and the accessory dwelling unit" We are able*
235 *to have the common space/shared hallway as seen on proposed plan. Unfortunately, we have no*
236 *feasible way to have a second door going directly into the ADU; with the condition that the ADU match*
237 *750 sq ft; seconded by Gerald H.*

238 *Motion carries 5-0.*

239

240 **Gina and David Nault #Z23-19**

241 **2 Bullard Dr, Map 6 Lot 32**

242 **URD**

243 **APPLICATION FOR Variance**

244 **From Article 5A Section E.2 of the Zoning Ordinance**

245 The proposed ADU construction is 6' from the line. The Ordinance states "On each interior lot under Sec
246 C.1.a) 2 & 3 each side yard shall have a minimum width of 15ft. All side yards shall be measured from the
247 adjoining lot line to the foundation of the structure.

248 C. Boulanger- we would like to go to 6ft vs the 15ft. We want to have a backyard and we would lose our
249 window in the bathroom.

250 D. Pendergast- I worked with them to try to shift things over, we tried working with a 2nd floor, we tried
251 everything possible without eating up their backyard.

252 C. Boulanger read the application and criteria into the record.

253 Open public hearing.

254 No public comments.

255 Close public hearing

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

258 There was a board consensus that this variance will not be contrary to public interest & the spirit of
259 ordinance will be observed.

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

261 There was a board consensus that no harm will be done to general public and substantial justice is done.

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

263 There was a board consensus that the value of surrounding properties will not be diminished, and value
264 may be added.

265 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Unnecessary**
266 **Hardship)**

267 It was a board majority that the hardships exists with the special condition of a small lot, an easement
268 and placement of house.

269 ***Gerald H motioned to approve the application for Gina and David Nault #Z23-19 2 Bullard Dr, Map 6 Lot***
270 ***32 URD APPLICATION for Variance From Article 5A Section E.2 of the Zoning Ordinance the proposed***
271 ***ADU construction is 6' from the line. The Ordinance states "On each interior lot under Sec C.1.a) 2 & 3***
272 ***each side yard shall have a minimum width of 15ft. All side yards shall be measured from the adjoining***
273 ***lot line to the foundation of the structure; seconded by Richard B.***

274 ***Motion carries 5-0.***

275 **Karalyn Connolly #Z23-20**

276 **7 Spruce Ct, Map 26 Lot 3-23**

277 **LDR**

278 **APPLICATION FOR Variance**

279 **From Article 27 Section C.3 of the Zoning Ordinance**

280 To permit an ADU without ingress and egress through interconnected door between proposed ADU and
281 primary dwelling.

282 Karalyn Connolly 7 Spruce Court- similar topic, interior door for a proposed ADU. Same situation as the
283 last applicant.

284 D. Pendergast- same sort of issues, we tried to add a wall and change a door, and it just was not working.
285 We did look at multiple ways to work this and looked at all avenues.

286 K. Connolly read the application and criteria into the record.

287 Open public hearing.

288 No public comments.

289 Close public hearing

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

292 There was a board consensus that this variance will not be contrary to public interest & the spirit of
293 ordinance will be observed.

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

295 There was a board consensus that no harm will be done to general public and substantial justice is done.

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

297 There was a board consensus that the value of surrounding properties will not be diminished, and value
298 may be added.

299 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Unnecessary**
300 **Hardship)**

301 It was a board majority that the hardships exist.

302 ***Alex G motioned to approve the application for Karalyn Connolly #Z23-20 7 Spruce Ct, Map 26 Lot 3-23***
303 ***LDR APPLICATION FOR Variance from Article 27 Section C.3 of the Zoning Ordinance to permit an ADU***
304 ***without ingress and egress through interconnected door between proposed ADU and primary dwelling;***
305 ***seconded by Richard B. Motion carries 5-0.***

306 **MOTION TO ADJORN**

307 **Richard B motioned to adjourn at 9:24 pm. Seconded by Alex G**

308 **Motion carried unanimously with a vote of 5-0.**

309

310 *Respectfully submitted,*

311 *Alicia Jipson*

312 *Recording Clerk*

313
