

1 **HOOKSETT ZONING BOARD OF ADJUSTMENT**
2 **Tuesday, February 13, 2024**
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 6:34 pm.

11 **PLEDGE OF ALLEGIANCE**
12

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

15 **ALTERNATES:** Thomas Chesnard and Matt St. Pierre

16 **EXCUSED:** Colin Merritt (Alternate) and Phil Denbow (Alternate).

17 **NOT PRESENT:** Alex Glennon

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

19 Tony Lacasse has resigned as an alternate of the ZBA.

20 Matt St. Pierre will be a voting member this evening.

21 **APPROVAL OF MINUTES:** October 10, 2023 and December 12, 2023

22 *R. Bairam motioned to approve the minutes of the December 12, 2023 ZBA meeting. Seconded*
23 *T. Stewart. **Motion carried unanimously with a vote of 6-0.***

24
25 *R. Bairam motioned to approve the minutes of the October 10, 2023 ZBA meeting, as*
26 *amended. Seconded by G. Hyde. R. Bairam withdrew his motion.*
27

28 **5: UNFINISHED BUSINESS:**
29

30 None.

31
32 **6: CONTINUED PUBLIC HEARING:**
33

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

35 **39 Hackett Hill Road, Map 13 Lot 51**

36 **COM**

37 **APPLICATION FOR EXCAVATION PERMIT:**

38 OO-#14

39 **email received 2/5/2024 requesting Public Hearing be continued to 4/9/2024

40

41 *G. Hyde motioned to continue the application for excavation permit OO-#14 for Silver City*
42 *NH LLC #Z20-12, 39 Hackett Hill Road, Map 13 Lot 51, COM until the April 9, 2024 ZBA*
43 *meeting. Seconded by R. Bairam. Motion carried unanimously with a vote of 6-0.*

44

45 **8: DISCUSSION OF ANY IMPACT TO REGIONAL PLANNING per RSA 36:56 Re-**
46 **view Required**

47

48 **9: NEW BUSINESS:**

49 **Delbert P Denbow Jr & Lynn M Denbow #Z23-22**

50 **8 Nancy Lane, Map 25 Lot 19-25**

51 **MDR**

52 **APPLICATION FOR VARIANCE:**

53 From Article 5 Sec E.2 of the Zoning Ordinance to permit 10.5 foot side yard where 15 is re-
54 quired.

55

56 D. Denbow: I would like to extend the roof line and add an additional bay.

57

58 D. Denbow read the application into the record.

59

60 A. Stelmach: Do your neighbors have the same wetlands?

61

62 D. Denbow: In different spots.

63

64 Open public hearing.

65 Open public comments.

66

67 Mayank Kapadia (10 Nancy Lane): I support this.

68

69 Close public comments.

70 Close public hearing.

71

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

74 It was a board consensus that the variance will not be contrary to Public Interest & the Spirit of
75 Ordinance will be observed.

76

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

78 It was a board consensus that the variance will not harm the general public.

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

80 It was a board consensus that the variance will not diminish the value of surrounding properties.

81
82
83

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

84 R. Bairam stated this is the only place the applicant can put this due to the shape of his lot. A.
85 Stelmach stated there is hardship due to the wetlands, shape of the lot, and placement of the
86 chimney. It was a board consensus that the literal enforcement of the provisions of the ordinance
87 would result in an Unnecessary Hardship.

88
89
90

It was a board consensus that there is no regional impact for this application.

91 ***G. Hyde motioned to approve the application for variance from Article 5 Sec E.2 of the Zoning***
92 ***Ordinance to permit 10.5 foot side yard where 15 is required for Delbert P Denbow Jr & Lynn***
93 ***M Denbow #Z23-22, 8 Nancy Lane, Map 25 Lot 19-25, MDR. Seconded by R. Bairam. Mo-***
94 ***tion carried unanimously with a vote of 6-0.***

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Corey & Jenna Bridgett #Z24-01
4 Heritage Dr, Map 26 Lot 57
MDR

99

APPLICATION FOR VARIANCE:

100 **From Article 5 Sec E.2 of the Zoning Ordinance to permit the construction of an unfinished**
101 **addition to rear of existing garage. The corner of the addition will sit 8.5 ft from property**
102 **line where 20 ft is required**

103

104 D. Pendergast: A 15' setback is required not a 20' setback.

105

106 Corey Bridgett: We would like to build a structure that would be used as a shed. It would con-
107 nect to the back of an existing garage. Lot 53 would be the closest property to this. The sidewalk
108 would still be maintained. There would still be 10' of my yard until you get to the wooded area.

109

110 R. Bairam: What do you mean by unfinished?

111

112 C. Bridgett: It is attached to my garage. The outside will be finished.

113

114 C. Bridgett read the application into the record.

115

116 R. Duhaime: What is the size of this?

117

118 C. Bridgett: 16 x 11.

119

120 R. Duhaime: Is the garage already in the setback?

121

122 D. Pendergast: It is. It has probably been there since the house was built. There is already an im-
123 pact. This is less of an impact.

124

125 Open public hearing.

126 Open public comment.

127

128 Phil Denbow: The existing structure already goes into the set-back.

129

130 Close public comment.

131 Close public hearing.

132

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

134

135 It was a board consensus that the variance will not be contrary to Public Interest & the Spirit of Ordinance will be observed.

136

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

138

139 It was a board consensus that substantial justice is done.

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

141 It was a board consensus that the variance will not diminish the value of surrounding properties.

142

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

144

145 G. Hyde stated there is a hardship due to the location of the house and the lot is already non-conforming. A. Stelmach stated this is a reasonable use. R. Bairam stated this is no other place else the applicant can put this structure. It was a board consensus that the literal enforcement of the provisions of the ordinance would result in an Unnecessary Hardship

149 *M. St. Pierre motioned to approve the application for variance from Article 5 Sec E.2 of the Zoning Ordinance to permit the construction of an unfinished addition to rear of existing garage. The corner of the addition will sit 8.5 ft from property line where 15 ft is required for Corey & Jenna Bridgett #Z24-01, 4 Heritage Dr, Map 26 Lot 57, MDR. Seconded by G. Hyde.*

150 **Motion carried unanimously with a vote of 6-0.**

151

152

153

154 **Distribution Oasis LLC #Z24-02**

155 **11 Bemis Rd, Map 37 Lot 44**

156 **MUD3**

157 **APPLICATION FOR VARIANCE:**

158 **From Article 14 Sec A of the Zoning Ordinance to permit the establishment of an auto repair and painting (auto body) facility, in the MUD3 district, where this is not a permitted use**

159

160 A. Stelmach: The applicant requested this application be continued due to illness.

161

162

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166

167 *G. Hyde motioned to continue the application for variance from Article 14 Sec A of the Zoning Ordinance to permit the establishment of an auto repair and painting (auto body) facility, in the MUD3 district, where this is not a permitted use for Distribution Oasis LLC #Z24-02, 11 Bemis Rd, Map 37 Lot 44, MUD3 until the March 12, 2024 ZBA meeting. Seconded by R. Bairam. Motion carried unanimously with a vote of 6-0.*

172
173 **Distribution Oasis LLC #Z24-03**
174 **11 Bemis Rd, Map 37 Lot 44**
175 **MUD3**

176 **APPLICATION FOR VARIANCE:**

177 From Article 14 Sec C of the Zoning Ordinance to permit the occupation of six separate commercial uses on a single lot that contains 4.84 acres and has 687.38 feet of frontage in the MUD3 district, where 87,120 sf (2 acres) and 200 feet of frontage is required for each use.

180
181 A. Stelmach: The applicant requested this application be continued due to illness.

182
183 *G. Hyde motioned to continue the application for variance from Article 14 Sec C of the Zoning Ordinance to permit the occupation of six separate commercial uses on a single lot that contains 4.84 acres and has 687.38 feet of frontage in the MUD3 district, where 87,120 sf (2 acres) and 200 feet of frontage is required for each use for Distribution Oasis LLC #Z24-03, 11 Bemis Rd, Map 37 Lot 44, MUD3. Seconded by R. Bairam. Motion carried unanimously with a vote of 6-0.*

189
190 **Distribution Oasis LLC #Z24-04**
191 **11 Bemis Rd, Map 37 Lot 44**
192 **MUD3**

193 **APPLICATION FOR VARIANCE:**

194 From Article 14 Sec E of the Zoning Ordinance to permit the redevelopment of an existing commercial site resulting in 67% impervious coverage in the MUD3 district, where up to 50% is allowed

197
198 A. Stelmach: The applicant requested this application be continued due to illness.

199
200 *G. Hyde motioned to continue the application for variance From Article 14 Sec E of the Zoning Ordinance to permit the redevelopment of an existing commercial site resulting in 67% impervious coverage in the MUD3 district, where up to 50% is allowed for Distribution Oasis LLC #Z24-04, 11 Bemis Rd, Map 37 Lot 44, MUD3. Seconded by R. Bairam. Motion carried unanimously with a vote of 6-0.*

205
206 **10: COMMUNICATIONS & MISCELLANEOUS**

207
208 D. Pendergast stated that the ZBA need to assess regional impact and described the process and procedure. SNHPC put out criteria regarding regional impact. Discussion ensued.

210
211 D. Pendergast stated that with the recent proposed budget that is going forward it was asked if the ZBA would be agreeable to electronic board packets. The board packets cost \$170 to send

213 out. It was a board consensus to have the board packets delivered electronically with a paper
214 copy to be available at the meeting.

215
216 D. Pendergast stated that after each case and prior to deliberations the ZBA needs to do summar-
217 ies of the case and findings of the fact as they are required by law. D. Pendergast described the
218 process. Discussion ensued.

219
220 **11: MOTION TO ADJOURN:**

221
222 ***R. Bairam motioned to adjourn at 7:51 pm. Seconded by T. Stewart. Motion carried unani-***
223 ***mously with a vote of 6-0.***

224
225 **Next meeting March 12, 2024 application deadline February 21**

226
227 Respectfully submitted by:

228
229 /s/ AnnMarie Scott

230
231 AnnMarie Scott
232 Recording Clerk