

1 **HOOKSETT ZONING BOARD OF ADJUSTMENT**
2 **Tuesday, March 12, 2024**
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 6:37 pm.

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

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

16 **EXCUSED:**

17 **NOT PRESENT:** Phil Denbow (Alternate)

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

19 **APPROVAL OF MINUTES:** February 13, 2024

20 *R. Bairam motioned to approve the minutes of the February 13, 2024 ZBA meeting with*
21 *amendments.*

22
23 *Line 17: Alex Glennon was “excused” as opposed to “not present”.*

24 *Line 23: Vote was 5-0.*

25 *Line 43: Vote was 5-0.*

26 *Line 94: Vote was 5-0.*

27 *Line 153: Vote was 5-0.*

28 *Line 171: Vote was 5-0.*

29 *Line 188: Vote was 5-0.*

30 *Line 204: Vote was 5-0.*

31 *Line 223: Vote was 5-0.*

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33 *Seconded G. Hyde. Motion carried unanimously with a vote of 5-0.*

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35 **UNFINISHED BUSINESS:**
36

37 None.
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39 **CONTINUED PUBLIC HEARING:**

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Distribution Oasis LLC #Z24-02

11 Bemis Rd, Map 37 Lot 44

MUD3

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

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

It was a board consensus to hear the application prior to deciding regional impact in order to make an appropriate determination.

Dan Lorenz (SFC Engineering Partnership, Inc. representing Distribution Oasis LLC): In the audience is Jamie Doud, one of the owners of Distribution Oasis. We have three variance applications before you. The property was purchased in Fall of 2021. This used to be the home of Poultry Products Northeast. It included two buildings from the 1950's with several modifications over the years. Currently they store and serve delivery vehicles. The owners proposed to upgrade and improve the property. The older portions of the buildings have been raised to make room for the work they are planning. In September of 2022 they received a variance for maintenance and service for automotive. In July and October, they were here for an automotive paint and body shop. The request was made to come back with a master plan. The existing conditions plan was prepared by Keach Nordstrom Associates. It includes a stamped boundary of the property. It is 4.84 acres which in the MUD 3 district. The property abuts Manchester along the southerly side. It also abuts Rt. 293. It contains two commercial buildings. It is a flat developed site and slopes down in three places. Water is supplied by Manchester Water Works and has on-site septic with leach fields. The proposed site plan shows what they are looking to do. The existing building will be rehabilitated. There is an area for auto service, first floor retail, and second floor office to accommodate a tire service. Another building would be rehabilitated into 3,400 sq. feet of office/warehouse space. There would be a new 10,100 sq. foot building housing Maaco which would require the first variance; a new building that would have eight units and be office and warehouse; a new building that would be two units of 3,000 sq. feet with bays for a small office with warehouse space for storage. The plan cleans up the lot. We are able to cut back pavement, introduce landscape areas, and better define the entrance and exit to the site. We provide ample isles for trucks to drive through. We require 91 parking spaces and this plan provides 117. The idea is to redevelop the site into a campus type development with multiple commercial uses in keeping with each other. It is bordering Manchester and the highway but tucked away by itself. If we are successful tonight with the requested variances, we will be designing the site and going to the Planning Board for site plan review.

R. Duhaime: Will the old part of the front of the building be redeveloped?

D. Lorenz: Yes. It has already been torn down. We have the opportunity to make this site much better.

86 D. Lorenz read the application into the record.

87

88 A. Stelmach: If this site expands do you have to go to Manchester Water Works and get a permit
89 to do the expansion?

90

91 D. Lorenz: We will be doing a full site plan application package which will include all utilities,
92 stormwater, septic, and water that will be reviewed at the town level as well as through Manches-
93 ter Water Works.

94

95 Discussion ensued regarding Regional Impact. D. Pendergast stated that if the ZBA determines
96 there is regional impact this would go to SNHPC to weigh in, there would be a meeting, and
97 Manchester would be notified through SNHPC. G. Hyde mentioned the wording, “reasonably be
98 expected to impact” and stated this has 200’ of frontage, is an auto body shop, is not sure how
99 much traffic would change vs. what Poultry Products was doing, emissions would not be more
100 than what was previously there, regarding aquifers this is 67 percent impervious, and he is not
101 convinced there would have an impact. R. Duhaime stated that previously things were not done
102 up to code and this whole site needs a reinvestment which would bring it up to code and make it
103 less of an impact.

104

105 D. Lorenz: We will not be adding more demand on Manchester with regard to municipal ser-
106 vices. This is just commercial buildings on a commercial site. We are not over developing from
107 what is there today.

108

109 ***G. Hyde motioned that the proposed application before the Board for 11 Bemis Rd, Map 37***
110 ***Lot 44 does not have potential regional impact. Seconded by R Bairam.***

111

112 **Roll Call**

113 ***G. Hyde: Yes***

114 ***R. Bairam: Yes***

115 ***T. Stewart: No***

116 ***A. Glennon: Yes***

117 ***A. Stelmach: Yes***

118

119 **Motion carries with a vote of 4-1.**

120

121 Open public hearing.

122 Open public comments.

123 No public comments.

124 Close public comments.

125 Close public hearing.

126

127 **Criteria 1 & 2 - The variance will not be contrary to Public Interest & the Spirit of Ordinance will be observed.**
128

129 A. Glennon stated this could not be better suited for this site. R. Bairam stated this will take care
130 of any pollution. It was a board consensus that the variance will not be contrary to Public Interest
131 & the Spirit of Ordinance will be observed.

132

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

134 It was a board consensus that the variance will not harm the general public and substantial justice
135 is done.

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

137 A. Glennon stated the abutters of the property are aware of what is happening and if they be-
138 lieved it would damage their property they would be at the meeting. It was a board consensus
139 that the variance will not diminish the value of surrounding properties.

140

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

143 Board discussion ensued and it was a board consensus that a hardship exists due to the lot being
144 challenging, poor visibility, lot size, and topography.

145

146 **Findings of Fact**

147

- 148 • The use is fitting;
- 149 • It is tucked away from the general area;
- 150 • The use will not diminish property values;
- 151 • There is a general hardship due to the lot being challenging, poor visibility, lot size, and
152 topography;
- 153 • The paint would be self-contained in the building and the state would have oversight.

154

155 *Based upon the findings of fact that meet the criteria, G. Hyde motioned to grant the applica-
156 tion for variance from Article 14 Sec A of the Zoning Ordinance to permit the establishment
157 of an auto repair and painting (auto body) facility, in the MUD3 district, where this is not a
158 permitted use for Distribution Oasis LLC #Z24-02, 11 Bemis Rd, Map 37 Lot 44, MUD3. Se-
159 conded by R. Bairam. Motion carried with a vote of 5-0.*

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161 **Distribution Oasis LLC #Z24-03**

162 **11 Bemis Rd, Map 37 Lot 44**

163 **MUD3**

164 **APPLICATION FOR VARIANCE:**

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

168

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

171 Board discussion ensued and the following was stated: 1) Part of the building was demolished
172 and they are adding more buildings; and 2) This is in an appropriate area to maximize the use of
173 the land given its bordering neighbors are Bass Pro Shop, the interstate, and the storage facility.
174 It was a board consensus that this variance will not be contrary to Public Interest & the Spirit of
175 Ordinance will be observed.

176
177 **Criteria 3 (Substantial Justice is done)**

178 R. Duhaime stated that no one from the neighborhood was present to dispute the application. It
179 was a board consensus that the variance will not harm the general public and substantial justice is
180 done.

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

182 Board discussion ensued. The following was stated: 1) This will be a “one stop shop” with the
183 six different uses; 2) this will be broken up between warehouses and offices; 3) this does not take
184 away value; 4) This is a lot of buildings in a small area, however, this is tenant driven and the
185 business may be relative to the others which could work out well; 5) The landowners have a
186 vested interest that this is laid out correctly; 6) This plan makes sense due to the shape of the
187 back section; and 7) This is by itself and so high up no one will see it.

188
189 It was a board consensus that the variance will not diminish the value of surrounding properties.

190
191 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Un-**
192 **necessary Hardship)**

193 Board discussion ensued and it was a board consensus that a hardship exists for the following
194 reasons: 1) there are special conditions of the land; 2) nothing can be done with the back part of
195 the lot; 3) They have more parking spaces than are required; 4) Each of these buildings is a sup-
196 port mechanism for the other; 5) The shape of the lot, topography, lack of visibility, size, buffer
197 by the highway, and the wedge in the back limits commercial; and 6) There is only one way into
198 this property.

199 **Findings of Fact**

- 200
- 201 • The proposed use will not diminish property values;
 - 202 • Special conditions of the property are topography, shape, and size;
 - 203 • The applicant proposed 6 separate commercial uses on a single lot that contains 4.84
204 acres and has 687.38 feet of frontage where 2 acers and 200 feet of frontage is required
205 for each use;
 - 206 • The applicant presented arguments in each criteria and the board discussed as follows:
 - 207 (a) Criteria 1 and 2 - The board found the spirit of the ordinance upheld and
208 would not be contrary to the public interest.
 - 209 (b) Criteria 3 - the spirit of the ordinance was upheld and substantial justice will
210 be done.

211 (c) Criteria 4 - The board found that surrounding property values will not be di-
212 minished by an additional use added to the site. R. Bairam thought the prop-
213 erty may become crowded but did not feel that would affect the surrounding
214 property values.

215 (d) Criteria 5, the board found that due to the shape of the lot, lack of visibility,
216 and topography the applicant demonstrated a hardship.

- 217 • The lot, as it exists, has sufficient pavement.

218

219 R. Duhaime stepped out at 7:47 pm.

220 *Based upon the findings of fact that meet the criteria, G. Hyde motioned to grant the applica-*
221 *tion for a variance from Article 14 Sec C of the Zoning Ordinance to permit the occupation of*
222 *six separate commercial uses on a single lot that contains 4.84 acres and has 687.38 feet of*
223 *frontage in the MUD3 district, where 87,120 sf (2 acers) and 200 feet of frontage is required*
224 *for each use for Distribution Oasis LLC #Z24-03, 11 Bemis Rd, Map 37 Lot 44, MUD3. Se-*
225 *conded by R. Bairam. Motion carried unanimously with a vote of 5-0.*

226

227 **Distribution Oasis LLC #Z24-04**

228 **11 Bemis Rd, Map 37 Lot 44**

229 **MUD3**

230 **APPLICATION FOR VARIANCE:**

231 From Article 14 Sec E of the Zoning Ordinance to permit the redevelopment of an existing com-
232 mercial site resulting in 67% impervious coverage in the MUD3 district, where up to 50% is al-
233 lowed

234

235 A. Stelmach: If this goes forward do will you have to go to Manchester Water Works for the ad-
236 ditional use?

237

238 D. Lorenz: We will be doing a full site plan application that will be reviewed here as well as by
239 Manchester Water Works.

240

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

243 Board discussion ensued and it was a board consensus that the variance will not be contrary to
244 Public Interest & the Spirit of Ordinance due to more grass and trees being added.

245

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

247 It was a board consensus that the variance will not harm the general public and substantial justice
248 is done.

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

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

251

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

254 Board discussion ensued and it was a board consensus that a hardship exists for the following
255 reasons: Board discussion ensued and it was stated: 1) This lot was already non-conforming, the
256 non-conformance will be lessened, and is getting it closer to 50 percent; 2) A. Stelmach asked
257 why there was so much pavement to begin with? R. Bairam stated this was easier to maintain due
258 to dirt and mud being a problem and this way the drainage and grading will be redone; 3) Poultry
259 Products had a lot of employees and trucks; and 4) The site existed with the pavement before this
260 applicant bought the property which is a hardship because they have to dig it up which is more
261 money and expense.

262 **Findings of Fact**

- 263 • The applicant presented arguments to add 17 percent of impervious area where 50% is
264 allowed;
- 265 • Due to the variance not being contrary to public interest and the spirit of the ordinance is
266 observed substantial justice will be done;
- 267 • Property values will not be diminished;
- 268 • As the lot consists of 70 percent of impervious area as it existed before the applicant pur-
269 chased it a hardship does exist.

270
271 *Based upon the findings of fact that meet the criteria, A. Glennon motioned to grant the appli-*
272 *cation for a variance from Article 14 Sec E of the Zoning Ordinance to permit the redevelop-*
273 *ment of an existing commercial site resulting in 67% impervious coverage in the MUD3 dis-*
274 *trict, where up to 50% is allowed for Distribution Oasis LLC #Z24-04, 11 Bemis Rd, Map 37*
275 *Lot 44, MUD3. Seconded by G. Hyde. Motion carried unanimously with a vote of 5-0.*
276

277 **NEW BUSINESS:**

278
279 **Investment Alternatives, LLC #Z24-05**
280 **191 Londonderry Tpk, Map 36 Lot 42-3**

281 **COM**

282 **APPLICATION FOR VARIANCE:** Requested from Article 20 Section D of the Zoning Ordi-
283 nance to permit Motorcar Alternatives to install a smaller (3x7) digital sign to replace the lower
284 half of the current sign measuring 4x8. The standard maximum sign area for this one tenant
285 building is 32 sq/ft per sign face. The existing sign is 82.9 sq/ft. The top section is 48.2 sq/ft and
286 will not change. The bottom section reader board is now 34.7 sq/ft. The proposed new digital
287 reader board would be 32 sq/ft. The total sign area would change from 82.9 sq/ft to 80.9 sq/ft
288

289 Frank Mesmer: I am working with Rick Morin of Motor Car Alternatives which is a car repair
290 and service business on by-pass 28 (Londonderry Turnpike). I am also working with Investment
291 Alternatives which owns the real estate that houses the car repair business. The top part of the
292 sign is grandfathered and the bottom part will be compliant at 32 sq. feet. We are addressing Ar-
293 ticle 20, Section D of the ordinance that has a sign size standard for a one unit business at 32 sq.
294 feet on both sides of the sign. There is already a sign there and has been there since 1986 when it

295 was put up by the predecessor. The top part of the sign has the name of the business and the bot-
296 tom is a reader sign that that has plastic letters that can be swapped out. The new proposed bot-
297 tom sign is electronic and can be operated from inside the business.

298
299 **** DISCUSSION OF ANY IMPACT TO REGIONAL PLANNING per RSA 36:56 Review Re-**
300 **quired**

301
302 There was board discussion regarding any potential impact to regional planning for this applica-
303 tion.

304
305 ***G. Hyde motioned the application before the board for Investment Alternatives, LLC #Z24-05,***
306 ***191 Londonderry Tpk, Map 36 Lot 42-3, COM does not have the potential for regional impact.***
307 ***Seconded by R. Bairam. Motion carried unanimously with a vote of 5-0.***

308
309 F. Mesmer read the application/criteria into the record.

310
311 T. Stewart: How bright will the sign be?

312
313 R. Moran: The ordinance requires the sign to be dimmed at night. We plan on complying with
314 any ordinance that may be.

315
316 Casey Southwell (Sousa Signs): The sign being proposed is a Watchfire. They source their parts.
317 No one in America makes LED's. They are out of Danville, IL. This sign has a temp sensor and
318 is a web based program. The brightest it will ever be is when it is in direct sunlight. As the sun
319 goes down it will dim. If you see the sign and it is bright he can go inside the settings and make
320 it dimmer. At night you stick to darker colors.

321
322 F. Mesmer: My intention is the keep the spirit of the letter board we have been doing for so
323 many years and just have the thoughtful witty presentations we have been doing for almost three
324 decades now.

325
326 Open public hearing.

327 Open public comments.

328 No public comments.

329 Close public comments.

330 Close public hearing.

331
332 **Criteria 1 & 2 - The variance will not be contrary to Public Interest & the Spirit of Ordi-**
333 **nance will be observed.**

334 Board discussion ensued and it was a board consensus that the variance will not be contrary to
335 Public Interest & the Spirit of Ordinance will be observed.

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

338 Board discussion ensued and it was a board consensus that the variance will not harm the general
339 public as leaving the signed the way it is could be harmful.

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

341 Board discussion ensued and it was a board consensus that the variance will not diminish the
342 value of surrounding properties.

343

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

346 Board discussion ensued and it was a board consensus that there is a hardship due to: 1) The
347 grandfathering of the sign; 2) Changing the words on the highway is dangerous; and 3) The cost
348 of replacing the entire sign is a hardship due to the cost.

349 **Finding of Facts**

350 The applicant presented arguments to install a smaller lower portion of an existing sign reducing
351 the overall total portion of the sign area from 82.9 square feet to 80.9 square feet. The board
352 heard the arguments and discussed as follows:

- 353 • The variance is not contrary to the public interest and the spirit of the ordinance is ob-
354 served; therefore, substantial justice would be done;
- 355 • Leaving the signed the way it is could be harmful to the general public;
- 356 • The surrounding property values would not be diminished by granting the variance;
- 357 • The current sign is grandfathered and any change to the sign immediately creates a hard-
358 ship; replacing a larger sign to make a grandfathered sign more conforming or completely
359 conforming is an additional hardship.

360

361 *Based upon the findings of fact that meet the criteria, G. Hyde motioned to grant the applica-*
362 *tion for the variance requested by Investment Alternatives, LLC #Z24-05, 191 Londonderry*
363 *Tpk, Map 36 Lot 42-3, COM for relief from Article 20 Section D of the Zoning Ordinance to*
364 *permit Motorcar Alternatives to install a smaller (3x7) digital sign to replace the lower half of*
365 *the current sign measuring 4x8. The standard maximum sign area for this one tenant building*
366 *is 32 sq/ft per sign face. The existing sign is 82.9 sq/ft. The top section is 48.2 sq/ft and will not*
367 *change. The bottom section reader board is now 34.7 sq/ft. The proposed new digital reader*
368 *board would be 32 sq/ft. The total sign area would change from 82.9 sq/ft to 80.9 sq/ft. Se-*
369 *conded by R. Bairam. Motion carried unanimously with a vote of 5-0.*

370

371 **R. Duhaime returned at 8:18 pm**

372

373 **Cate Road, LLC #Z24-06**

374 **3 Cate Road, Map13 Lot 62**

375 **COM**

376 **APPLICATION FOR VARIANCE:** Requested from Article 10 Section A of the Zoning Ordi-
377 nance to permit users to allow an Industrial Use in a Commercial Zone

378

379 David Martin (GTS Recycling, Owner): We will be taking in glass from the State of NH and
380 turning it into a product for the roads. We will be doing this from the inside of the building. We

381 would need a variance to go from a warehouse to manufacturing. DES and the NRA are working
382 with me to work with all of the towns for clean glass and pickup for all the towns. It has been a
383 problem where there are piles of glass everywhere. Everything is contained inside the building.
384 There is some storage outside but mostly everything is done inside.

385

386 A. Stelmach: Are you going to lease this from the current owner?

387

388 D. Martin: Yes.

389

390 T. Stewart: Is the building vacant?

391

392 D. Martin: Yes.

393

394 A. Stelmach: Do you do this in any other towns?

395

396 D. Martin: We do this in Ireland. In Europe it is more pronounced than it is in America. It is be-
397 coming more of a problem now at a state level so I would like to bring it here.

398

399 A. Stelmach: Do you pick up the glass from Hooksett already?

400

401 D. Martin: No. I am working with the town. They use the glass as landfill and legislation prohib-
402 its that now so it is piling up.

403

404 R. Duhaime: Can you explain the process?

405

406 D. Martin: It is patented process. Once it is sorted it goes through another process of finalized
407 sorting with lasers. It is all dry. There are no chemicals or water. It takes the product and breaks
408 it up into a finer product that can be used as patios, stones, and bricks. You can't tell the differ-
409 ence between that and concrete. It is used as an aggregate product with two or three applications,
410 even hot top. Pike Industries is behind us.

411

412 A. Stelmach: Do you crush it down to a sand?

413

414 D. Martin: Yes. It is that fine. It has taken about 7 or 8 years for us to get it like this.

415

416 A. Stelmach: Where are you going to store it? Are the bins on your plan contained? Will the
417 glass be put in those bins as it comes in and then sort it?

418

419 D. Martin: It gets brought inside the building and the machine sorts it. If there is any metal or
420 plastic caps there are containers inside the building that it goes into as it gets sorted and crushed.

421

422 A. Stelmach: Where does the product get stored when it is in the new state?

423

424 D. Martin: In the bins outside and then brought inside to be processed. There is a conveyer belt
425 that comes out of the right side of the building that is a finished product. We left it uncovered be-
426 cause it is sand and will be used in an outside application.

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R. Duhaime: Is this mixed with gravel?

D. Martin: No. It is a sand/gravel type product. We live on a sand belt but it is all gone and is approximately \$28 a ton right now. We are closer to \$10 to \$12 a ton which is more affordable for people to get their septic systems done. During the process, it is glass so it is heated up to 2,000 degrees so it is melted. The silica comes out of it and it is no longer airborne and bad for your lungs. It is stronger once it is crushed. For a septic system that fails after 7 to 10 years this is proven that the septic system can be almost infinite. In the concrete applications, the lime leaches out of the concrete on the sidewalks and they break up. The glass is a solid matter now and has a hard surface all the way around. Due to that it doesn't leach water and never gets weak. On a scale of hardness, sand is a 2 and this is a 4. A diamond is 5. In concrete this will hold up 3 times longer and if you are cutting this it is not bad for your lungs. We are getting certified with OSHA. Inside buildings people can't work with concrete without HEPPA filters and respirators now. Hopefully this helps solve a lot of problems.

A. Stelmach: Do you have to do any state permitting or DES?

D. Martin: No. Just the manufacturing. I was looking at a couple of different towns and this was close and right off the highway. I'm not bothering anybody. The machine is 60 decibels which is not much lower than a car but is inside the building and the door stays shut.

A. Stelmach: How much glass does it take to make a ton?

D. Martin: 200,000 pounds. If we bring 200,000 pounds maybe 1,800 pounds go out as a gravel sand to whoever wants it. The machine can get it down to a granular size of whatever the customer wants. The state, when they are salting the roads, they want a different speck and NH DOT wants a different speck for their material.

A. Stelmach: How much do you think you are going to store on this lot as product?

D. Martin: Between 300 to 400 tons a day on site because the machine processes it so fast. There is such a high demand for the after flow it won't sit. It is gone almost as fast as it comes in.

A. Stelmach: Will this be year round?

D. Martin: Yes.

A. Stelmach: Does it freeze?

D. Martin: No. This never holds water.

A. Stelmach: Will you use a loader?

D. Martin: Yes.

- 473 A. Stelmach: Do you have your own trucks.
474
- 475 D. Martin: The towns have their own trucks and they will come to get it.
476
- 477 R. Duhaime: How tall are the bins?
478
- 479 D. Martin: Four to six feet and we did an idea of what we might want for width. I am going to
480 get an engineer involved to do a real plan.
481
- 482 R. Duhaime: Do you have a process anywhere in the country where we can see this happening?
483
- 484 D. Martin: This is the first one in the United States. It is patented. No one is taking the glass so it
485 is building up. They are putting a lot of restrictions on recycling because no one is taking the
486 glass and doing anything with it so it is going into the landfill. The state is behind me and if I
487 will enforce it they will enforce it.
488
- 489 R. Duhaime: You have to have a certain amount of recycled asphalt.
490
- 491 D. Martin: The same thing with concrete and hot top. It will be in all of these products and bring
492 the number higher and hopefully the concrete can be a much higher number with the recycled.
493
- 494 A. Stelmach: You wanted access to the highway?
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- 496 D. Martin: I didn't want any extra truck traffic bothering anybody.
497
- 498 A. Stelmach: What are you going to do with the house?
499
- 500 D. Martin: Not sure. Maybe an office. Maybe have the foreman live on site in the house.
501
- 502 D. Pendergast: It just got remodeled. The house is outside of the fence.
503
- 504 R. Duhaime: Will you run this 24/7 as this buffers residential?
505
- 506 D. Martin: The hours will be 9-5 or 7-4. We only take in what we can process for the day. At
507 night the machine needs to be worked on.
508
- 509 A. Glennon: How long does it take to refine the material?
510
- 511 D. Martin: 2-3 minutes.
512
- 513 A. Stelmach: How does the glass get to you?
514
- 515 D. Martin: The towns would bring it to me.
516
- 517 A. Stelmach: How did you get into this?
518

- 519 D. Martin explained how he got into this business.
520
521 R. Duhaime: I would like some sort of screening as this buffers a residential area.
522
523 D. Martin: We are starting fresh to have landscaping and curb appeal.
524
525 A. Stelmach: Do you need ventilation?
526
527 D. Martin: No because there is no silica.
528
529 A. Stelmach: What about generators?
530
531 D. Martin: It is all electric and runs down the street on the poles which I am paying for. It is
532 quiet.
533
534 T. Stewart: How many parking spaces are there?
535
536 D. Martin: There will be 6 or 7 employees. Whatever parking you want we will do.
537
538 T. Stewart: Can you expand?
539
540 D. Martin: Yes. We just don't want to crowd the property. The boxes outside looks like retain-
541 ing walls. The entrance was small enough you can't really see. The original site plan had trees.
542 They just have to get planted.
543
544 D. Pendergast: This still needs Planning Board approval. He is here for the use.
545
546 A. Stelmach: Not knowing how tall the crusher is, could you put in a second crusher?
547
548 D. Martin: No. One takes up the whole inside of the building.
549
550 A. Stelmach: What happens if the glass gets wet and it goes into the crusher?
551
552 D. Martin: It dries it. That is part of the process.
553
554 ***G. Hyde motioned the application for variance before the board for Cate Road, LLC #Z24-06,***
555 ***3 Cate Road, Map13 Lot 62, COM does not have a potential for regional impact. Seconded by***
556 ***R. Bairam. Motion carried unanimously with a vote of 5-0.***
557
558 D. Martin read the application/criteria into the record.
559
560 Open public hearing.
561 Open public comments.
562
563 Corey Myers (8 Cate Road): There are multiple kids on the road. What is the amount of noise
564 and the time of day? Is there a way to include the hours in the approval which limits this from

565 being a 24 hour facility? I understand maintenance has to be done after hours. How much noise.
566 will there be with trucking, staff, and machinery required to fix the machine?
567

568 D. Martin: There are parts and materials used to fix the machine. The only trucking at night may
569 be an emergency load. If it is 4:00 or 5:00 pm someone might be doing a last load. That is as late
570 as we would go unless there is an emergency or we need a service truck on site. The door might
571 need to be open for repairs. I promise we will keep the noise down. I want you to feel like you
572 can come over and say anything to me.
573

574 R. Duhaime: With Pike the biggest problem is tail gate slamming.
575

576 D. Pendergast: The hours of operation can be listed but the Planning Board can handle that. We
577 also have a noise ordinance.
578

579 C. Myers: What is the construction of the warehouse?
580

581 D. Martin: It is a steel building the R19 batting. If they work on the machines past 5:00 pm the
582 doors will be closed. I think the noise will be the trucks during the day.
583

584 C. Myers: How is the loading and unloading of glass handled?
585

586 D. Martin: It is on a roll off so it is tilted back and put it to the ground to keep the noise as low
587 as possible. It has a swing gate so there won't be any slamming of tail gates. I would be happy to
588 have the walls go 8 to 10' high for the containers to keep the noise in. The truck traffic will all be
589 at the main gate. We are going to have a company come and fence it with a privacy fence.
590

591 R. Duhaime: At least they left the trees in the back.
592

593 D. Martin: There should be bushes in between the trees.
594

595 R. Duhaime: That was on the original plan.
596

597 A. Stelmach: Will the gate be locked?
598

599 D. Martin: Yes. It will be locked every night and there will be cameras.
600

601 C. Myers: I believe this is uphill from where our well is. I would like to see any environmental
602 impact studies you have or evidence of environmental impact. We are trying to be self-sustaining
603 on our property and have a ton of garden beds and don't want to have any impact into that.
604

605 D. Martin: Everything we are doing is inside the building. It is just the outside storage. As far as
606 the rainwater, everything is already existing. Most of the water looks like it kept on site.
607

608 R. Duhaime: I have never seen any water leave that site. I have never seen the retention pond fill
609 up because it is sand.
610

611 A. Stelmach: With the crusher would you have any spillage?

612

613 D. Martin: There is no oil, diesel, or exhaust. It is all electric.

614

615 R. Duhaime: It paved in that building. There is no concrete.

616

617 D. Martin: I will have to get steel plates.

618

619 A. Stelmach: Would drainage be required?

620

621 D. Pendergast: That will go through planning. There is a detention pond that is graded. Bruce
622 Thomas will review it.

623

624 Leeanna Larochelle (8 Cate Road): Does the processing create dust?

625

626 D. Martin: No and if it does it is inside the building and contained.

627

628 L. Larochelle: Where will the traffic come from?

629

630 D. Martin: We are not using any back roads. It will come from the main road. We are putting the
631 fence in to ensure that.

632

633 Close public comments.

634

635 R. Duhaime: How loud is the processing machine when the door is opened?

636

637 D. Martin: The DEF system and the loader itself it quiet.

638

639 Close public hearing.

640

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

643 It was a board consensus that the variance will not be contrary to Public Interest & the Spirit of
644 Ordinance will be observed for the following reasons: 1) Everything will be contained; 2) There
645 is already truck traffic; and 3) The building will look better.

646

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

648 There was a concern raised by the neighbors regarding noise and operating hours. The board stated
649 this is valid and it was a board consensus that if operating hours are restricted the substantial justice
650 is done and the variance will not harm the general public.

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

652 It was a board consensus that the variance will not diminish the value of surrounding properties
653 and this application will make the property look better.

654
655 **Criteria 5 (Literal enforcement of the provisions of the ordinance would result in an Un-**
656 **necessary Hardship)**

657 It was a board consensus that there is a hardship due to the following: 1) This is close to an in-
658 dustrial business, industrial lot, and a commercial lot; 2) The zoning of the area; 3) Accessibility
659 to interstate highways; and 4) Limiting this area to just commercial creates a hardship.

660 **Findings of Fact**

- 661 • The applicant presented an application allow an Industrial Use in a Commercial Zone to
662 make recycled glass into an aggregate product. The board found:
- 663 • Granting the variance will not be contrary to public interest and the spirit of the ordinance
664 will be observed;
- 665 • Reasonable operating hours would be an appropriate condition for an affirmative motion
666 i.e. M-F 7:00 am-8:00 pm, Saturday – 8:00 am – 5:00 pm, and Sundays - no work. Sub-
667 stantial Justice would be done by granting the variance with this condition;
- 668 • This application and use would not diminish surrounding property values given the use of
669 surrounding properties, the location to major highways, and only allowing a commercial
670 use places a hardship on the property;
- 671 • The applicant’s proposed use is a reasonable one.

672
673 *Based upon the findings of fact that meet the criteria, A. Glennon motioned to grant the appli-*
674 *cation for a variance requested from Article 10 Section A of the Zoning Ordinance to permit*
675 *users to allow an Industrial Use in a Commercial Zone for Cate Road, LLC #Z24-06, 3 Cate*
676 *Road, Map13 Lot 62, COM, with the condition that the hours of operation will not exceed the*
677 *following: M-F 7:00 am-8:00 pm, Saturday – 8:00 am – 5:00 pm, and Sundays - no work. Se-*
678 *conded by G. Hyde Motion carried unanimously with a vote of 5-0.*

680 **COMMUNICATIONS & MISCELLANEOUS**

681
682 New members are required to have OSI training. The link will be sent out to the board members
683 with the update. The spring conference is coming up in May.

684
685 **MOTION TO ADJOURN:**

686
687 *R. Bairam motioned to adjourn at 9:27 pm. Seconded by T. Stewart. Motion carried unani-*
688 *mously with a vote of 6-0.*

689
690 **Next meeting April 9 2024 application deadline March 20**

691
692 Respectfully submitted by:

693
694 /s/ AnnMarie Scott

695
696 AnnMarie Scott

697 Recording Clerk