



# TOWN OF HUDSON

## Zoning Board of Adjustment

Normand Martin, Chairman

Marilyn McGrath, Selectmen Liaison



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### MEETING MINUTES – JUNE 22, 2017

The Hudson Zoning Board of Adjustment met Thursday, June 22, 2017, in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall. Chairman Martin called the meeting to order at 7:30 PM and made the announcements to turn off all cell phones, that there is no smoking in or near the building, that there is a curfew but with only one application before the Board it should not be a concern, and asked that any who wish to address the Board to please do so at either the lectern or at the table and to begin by stating their name and address.

Clerk Houle took a roll call. Members present were: Kevin Houle (Alt.), Normand Martin (Ch.), Maurice Nolin (Alt.), James Pacocha (Reg.), Michael Pitre (Alt.), Donna Shuman (Reg.) and Alternate Selectmen Liaison David Morin. Also present were Bruce Buttrick, Zoning Administrator, and Louise Knee, Recorder. Excused were: Charlie Brackett (V-Ch.), Maryellen Davis (Reg.) and Selectmen Liaison Marilyn McGrath. Chairman Martin appointed Alternates Houle and Nolin to sit in place of Mr. Brackett and Ms. Davis.

#### **I. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD**

1. Case 252-060 (6-22-17): Joan Natola, 8 Potter Road, Hudson, NH, requests a Home Occupation Special Exception to produce baked goods. [Map 252, Lot 060, Zoned R-1 Residential; HZO Article VI §334-24, Home Occupations.]

Clerk Houle read the Case into the record. Mr. Buttrick stated that the applicant had asked for a zoning determination and per the Zoning Ordinance, a Special Exception is required.

Joan Natola introduced herself, stated that she resides at 8 Potter Road and thanked the Board for the deference granted from the May meeting as that was the same night her son was receiving an award at the High School. Ms. Natola read the questions and her answers from the application. In brief, the information provided included:

- The home Occupation is to allow her to produce baked goods from her regular kitchen that have been pre-ordered for scheduled customer pick-up.
- The home is her primary residence for herself and family of five (5).
- The intent is to produce a second income
- The business will be conducted within the existing kitchen of her residence
- There will be no storefront – all sales will be pre-ordered – and there will be no exterior indications that she is running a business.
- There will be no signage.

Approved 8/24/2017 as edited and amended.

- Supplies will be kept inside her home – there will be no exterior storage for supplies
- Traffic will be minimal – there will be no delivery service
- No additional parking is required, her customers will utilize her driveway for pickups
- Business will not grow beyond what she herself can produce from her home kitchen

At 7:41 PM, Chair Martin opened the Public Hearing and asked those who support to address the Board first. Sharon Miller, 32 Mary Jane Road, Franklin, MA, stated that she has been friends with Joan Natola for many years, knows her to be a good person and supports her in this endeavor. Being no one else to address the Board, Chair Martin closed the Public Hearing at 7:41 PM and opened up the meeting to Board questions.

Mr. Nolin asked if there would be any commercial equipment involved in the operation and Ms. Natola stated that she would only be using her everyday kitchen appliances/equipment. Mr. Pacocha asked if there was any special licensing required for this type of business and if so, what address would be on the license. Ms. Natola responded that she inquired, she was informed that she could operate without a license provided she does not reach a certain level of income from the business and that there are certain products she will not be able to offer without a license (cheesecakes etc) and added that this is really her first step and desires to check it out before applying for a license.

**Motion** to grant the application made by Mr. Pacocha and seconded by Mr. Nolin. Mr. Pacocha stated that the applicant has satisfactorily answered the questions and meets the criteria necessary for the granting of a Special Exception. Mr. Nolin noted that there have been no abutter objections and no negative comments received. Mr. Martin offered an example of his wife's friend who operates a very similar business in another town and unless one walked into her kitchen to see a few cakes waiting for pickup, no one would know she was running a business out of her home and added that this is a very un-intrusive impact to a neighborhood.

**Vote was 5:0.** Motion passed. Case granted.

Chair Martin explained to Ms. Natola that a Notice of Decision would be issued in seven to ten days and noted that there is a thirty-day appeal period where someone with standing could oppose the Board's decision and file an appeal. Once the thirty-day appeal period has passed unchallenged, Ms. Natola is free to pursue her Home Occupation.

## **II. REVIEW OF MINUTES**

Item read into the record and it was noted that there were no Minutes available for review.

## **III. REQUEST FOR REHEARING**

Item read into the record and it was noted that there were no Requests for Rehearing received.

#### **IV. OTHER**

1. Chapter 143 ZBA by-laws review and revisions.

Mr. Martin read the item into the record and stated that it would be addressed at a special meeting scheduled for the second Thursday of August, the tenth at 7:00 PM and that he would email the Members the suggestions received to date.

2. Discussion of any Town/State activity of interest to the Board.

Mr. Martin read the item into the record. Mr. Buttrick stated that the Legislature has been discussing several issues and those that could affect Hudson include:

- a. Chaptered Law: HB123 allows ZBA to continue public hearing w/o further notice.

Mr. Buttrick stated that Hudson has been following this procedure and that the proposed legislation codifies it. Comment made that it is a good housekeeping measure.

- b. Pending Legislation: HB86 individual votes on 5 separate variance conditions

Mr. Buttrick stated that this is still in Committee. If it passes, the Board will need to vote individually on each criteria to determine whether the criteria has been satisfied. Mr. Martin stated that if it does pass, the Board should look at the application to ensure that an Applicant addresses each criteria. Ms. Shuman noted that if it passes the decision sheet the Members complete on each vote would be moot. Mr. Pacocha noted that if one of the criteria is not met, the variance would/could not be approved.

- c. HB265 Accessory Dwelling Units

Mr. Buttrick noted that it has been Chaptered, so it is signed into law. The Bill authorizes a Municipality to limit the right to have an accessory dwelling unit for certain single-family dwelling and prohibits condominium conveyance of an accessory dwelling unit. In essence, condominiums are not being considered single-family units and are not eligible to have accessory dwelling units. Mr. Buttrick stated that it is now effective. Mr. Houle noted that the current Zoning Ordinance is fairly comprehensive regarding accessory dwelling units.

- d. HB173 Accessory Dwelling Units may not be used for short-term rentals

Mr. Buttrick stated that this Bill has been discussed and recently shot down. Mr. Houle noted that the current Zoning Ordinance is silent on rentals of Accessory Dwelling Units.

- e. The dog training business

Mr. Pitre asked if the proposal is being pursued and Mr. Buttrick responded that the application has been withdrawn.

f. Proposed Zoning Ordinance Amendments

Mr. Martin noted that ZORC (Zoning Ordinance Review Committee) did not meet last month due to lack of quorum, have met once in the last three (3) months primarily due to the Town Planner and expressed concern that the matter is not being addressed and noted that the Town has a Zoning Administrator, Bruce Buttrick, that whatever amendments get proposed still has to undergo full Planning Board review and acceptance before even being presented for adoption and that generally the review process by the Planning Board begins in September. Mr. Martin asked Selectmen Representative Morin whether he should raise the concern with the Select Board or pursue with the Town Administrator. Mr. Morin stated that he would address the issue with the Town Administrator tomorrow and bring it up at the next Selectmen meeting. Mr. Martin stated that he would attend to support.

**Motion** made by Mr. Nolin, seconded by Ms. Shuman and unanimously voted to adjourn the meeting. The June 22, 2017 ZBA meeting adjourned at 7:55 PM.

Respectfully submitted,

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Normand Martin, ZBA Chairman