



TOWN OF HUDSON

Zoning Board of Adjustment



Maryellen Davis, Chairman

Thaddeus Luszey, Selectmen Liaison

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HUDSON ZONING BOARD OF ADJUSTMENT MEETING MINUTES November 10, 2016

I. CALL TO ORDER

Chairman Davis called this meeting of the Hudson Zoning Board of Adjustment to order at 7:30 PM on Thursday, November 10, 2016, in the Paul Buxton Meeting Room in the Town Hall basement. Chairman Davis then requested Mr. Houle to call the roll. Representatives of the Hudson Zoning Board of Adjustment were as follows:

Members Present: Maryellen Davis, Donna Shuman, Charles Brackett, Normand Martin, Jim Pacocha

Alternates Present: Gerald Dearborn

Staff Present: Bruce Buttrick, Zoning Administrator

Excused: Selectmen Liaison Ted Luszey
Maurice Nolin

Recorder: Mary-Ellen Marcouillier

II. SEATING OF ALTERNATES AND ANNOUNCEMENTS

For the benefit of all attendees Chairman Davis noted that copies of the agenda for the meeting, as well as an outline of the rules and regulations governing hearings before the Zoning Board of Adjustment were available at the door of the meeting room. She noted the outline includes the procedures that should be followed by anyone who wished to request a rehearing in the event the Board's final decision was not felt to be acceptable.

The curfew for the meeting is 11 PM. Chairman Davis does not anticipate this to be a problem for this session. In the event that a case is not heard by 11 PM, it will be postponed until the next meeting. If a case is in process, it will be heard until midnight then continued at the next meeting.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD

1. **Case 128-006 (11-10-16):** Pearson Hudson NH, LLC, 169 D.W. Highway, Nashua, NH, requests a Wetland Special Exception to construct a water main extension from the Route 3A (Webster St.) right-of-way onto 288 Webster St., Map 128/Lot 006. This water main

will run through an abandoned railroad corridor, which is partially located within a 50-foot wetland setback. The proposed project impacts 2,435-sf of wetland buffer. [Map 128, Lot 006, Zoned R-2; HZO Article XIII A §334-35, Uses within Wetland Conservation District.]

Patrick Colburn, P.E for Keach-Nordstrom Associates, testified on behalf of Pearson Hudson NH, LLC. The previously approved project proposed a municipal water main extension within the Town right-of-way. The original route of the extension crossed an existing historic stone culvert. Since there are no records of the depth of the top slab or footings of the existing culvert, deep directional drilling would be required. This method is not preferred by the Town Engineer who would rather Pearson Hudson NH, LLC use open trench construction where possible. Additionally, the Fire Department would prefer the municipal water extension over the use of cisterns and private wells. Running over private property, to avoid directional drilling provides a good alternative to reach the same end point. Therefore, it is essential to the reasonable use of land outside the Wetlands Conservation District. The proposed water main extension does not adversely affect the Wetland Conservation District because it is simply utility construction under a previously disturbed gravel road. Upon completion of the project, the gravel surface will be reestablished. This is the only reasonable alternative that does not require directional drilling, which the Town engineer would prefer us to avoid. The design, construction, and maintenance methods for the project, including those involving the wetland buffer impacts, have been designed by the applicant's project engineer, Keach-Nordstrom Associates, Inc. Work previously proposed is nearly identical to what Pearson Hudson NH, LLC proposes now, the only difference being that we are outside the right-of-way. The Town Engineer would prefer open utility work for future access reasons and has requested that we try to avoid directional drilling. The project applicant and owner of Lot 6 worked out a trade, one easement for another, making it possible to meet his request. No impacts to wildlife access corridors are expected as this is simply utility construction and the gravel surface will be restored to its current condition upon completion.

Chairman Davis asked if anyone in the audience wished to speak in favor of the application, no one came forward. Chairman Davis then asked if anyone in the audience wished to speak neutrally or in opposition of the application. No one came forward.

Chairman Davis asked if there were any questions, comments, or concerns from the Board.

Mr. Pacocha inquired into the project boundaries. Mr. Colburn responded that there was a flaw in the N.H. Natural Heritage Bureau on line data base. It is a data check tool whereby you would go in and define your project area, once you finish drawing your poly line it generates a kick back of whether or not you have potential impacts. Sometimes when it generates the kick back it will shift the closed poly line.

Mr. Pacocha made a motion to grant, seconded by Mr. Martin.

Mr. Brackett inquired as to who would be responsible for maintaining the culvert and water way.

Mr. Colburn responded that he did not know who was responsible. The easement is for access to the Town's water line and they are not responsible for maintaining the culvert in any way. Mr. Colburn also testified that the Selectman approved the original alignment and he was currently working with the Town Engineer on the current alignment.

Chairman Davis asked the Clerk to call the roll. Vote as follows:

Jim Pacocha Grant with Conservation Stipulations
Normand Martin Grant with Conservation Stipulations
Charles Brackett Grant with Conservation Stipulations
Donna Shuman Grant with Conservation Stipulations
Maryellen Davis Grant with Conservation Stipulations

Vote: 5-0 Grant Case 128-006 with Conservation Stipulations

2. **Case 197-145 (11-10-16): Paul and Kimberly Joviak, 5 Hemlock Street, Hudson, NH, request a Special Exception for an Accessory Living Unit (ALU) to be constructed within the existing single-family dwelling. [Map 197, Lot 145, Zoned TR; HZO Article XIII A §334-73.3, Accessory Living Unit.]**

Kimberly Joviak and Mark Pederzini, builder, testified that they were proposing to attach the ALU to the existing home on the left hand side of the property. Proposed ALU will not be free-standing, it will be attached to the existing house. Proposed size will be 620 square feet. The proposed addition will be occupied by Kimberly Joviak's parents; Raymond and Marlene Watts. There will be access through the mud room into the existing home. There are front and rear doors in the mud room that allow you to go outside. There is also egress in the back left corner of the sitting area of the bedroom which has a six foot sliding glass door. In the front left corner of the proposed addition, will be the front door. There will not be separate utilities. There is currently off street parking for six vehicles; three are currently used and one will be occupied by Raymond and Marlene Watts upon approval of proposed ALU. Proposing 621 square feet. Aware that a building permit needs to be approved and issued prior to the construction of the ALU.

Chairman Davis asked if anyone in the audience wished to speak in favor of the application, no one came forward. Chairman Davis then asked if anyone in the audience wished to speak neutrally or in opposition of the application. No one came forward.

Chairman Davis asked if there were any questions, comments or concerns from the Board.

Mr. Brackett asked if it was a legal driveway. Mrs. Joviak testified that there were currently four cars parked in the driveway; her car, her husband's, her son's and her daughter-in-law's. Her parents do drive and upon approval of the ALU there would be five cars parked in the driveway.

Mr. Brackett also inquired as to how they would turn back the dwelling to one unit after her parent's vacate the property. Mrs. Joviak replied that the mud room could be converted into a large family room.

Chairman Davis asked how her parents would enter the proposed ALU. Mrs. Joviak replied that a gradual step up would need to be constructed.

Mr. Pederzini testified that the paved portion of the driveway is 2 vehicles wide by 2 vehicles deep.

Chairman Davis asked where her son and daughter-in-law live in the house. Mrs. Joviak replied that they live in the basement. The basement has a bedroom only and they share the kitchen upstairs.

Motion made by Mr. Brackett to grant the application with three stipulations.

1) Front door in the ALU to be eliminated and the second means of egress to be determined by Inspectional Services.

- 2) Off street parking will be provided for all vehicles in the existing driveway.
- 3) No further driveway spaces created.

Motion seconded by Mr. Pacocha.

Chairman Davis asked the clerk to call the roll. Vote as follows:

Charles Brackett	Grant with 3 Stipulations
Jim Pacocha	Grant with 3 Stipulations
Donna Shuman	Grant with 3 Stipulations
Normand Martin	Grant with 3 Stipulations
Maryellen Davis	Grant with 3 Stipulations

Vote: 5-0 Grant Case 197-145 with 3 Stipulations Specified

IV. OTHER

- 1. Review and approval of 2017 meeting dates.
Chairman Davis wants to be sure that the room will be available if they should need it for an additional meeting. December 7, 2017 needs to be changed to December 14, 2017.
- 2. Discussion of any Town/State activity of Interest to the Board.
Mr. Buttrick made the Board aware that “Tiny Homes” could be an issue for the ZBA in the future.

V. ADJOURNMENT

Mr. Martin made a motion to adjourn and Ms. Shuman seconded the motion. All in favor, the motion passed unanimously. Chairman Davis declared the meeting adjourned at 8:38 PM.