



TOWN OF HUDSON

Zoning Board of Adjustment



Maryellen Davis, Chairman

Thaddeus Luszey, Selectmen Liaison

12 School Street · Hudson, New Hampshire 03051 · Tel: (603) 886-6008 · Fax: (603)594-1142

HUDSON ZONING BOARD OF ADJUSTMENT MEETING MINUTES September 29, 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, September 29, 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, Maurice Nolin, Kevin Houle

Staff Present: Bruce Buttrick, Zoning Administrator

Excused: Selectmen Liaison Ted Luszey

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 hearing 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 136-001 (9-29-16):** Joseph A. Miara Jr., Trustee, 12 Bockes Road, Hudson, NH, requests the following:
 - a. A Variance to allow the existing non-conforming use to expand the parking area (storage), loading area and construction of 2,430 sq. ft. maintenance building addition.

[Map 136, Lot 001, Zoned R-2, HZO Article VIII §334-29, Extension or Enlargement of Non-Conforming Uses.]

- b. A Wetland Special Exception to allow the proposed storage expansion area of approximately 56,000 sq. ft. to impact a wetland and buffer area of 37,250 sq. ft. in order to provide access and maneuverability for trucks and other company vehicles through the site. [Map 136, Lot 001, Zoned R-2; HZO Article IX §334-35B, Uses within Wetland Conservation District.]**

Chairman Davis asked the Board their preference in hearing the case. Did they want to hear (a) and (b) together or hear each one individually. The Board requested to hear each one individually.

a. Attorney Brad Westgate testified on behalf of Joseph Miara:

It is in the public interest to permit reasonable expansion of existing business properties in the Town to demonstrate vitality among the town's businesses and prevent stagnation and deterioration of business properties if constrained to existing conditions.

The spirit of the ordinance is partially derived from the purposes of the ordinance. If the Variance is granted, it will permit a reasonable improvement to the Applicant's property and Miara Transportation's operations encouraging the most appropriate use of land by allowing natural expansion of the parking (storage) and loading area in the most isolated portion of the property and allowing improvements and expansion of the maintenance building, consistent with the general purposes of the Zoning Ordinance.

Substantial justice is done by granting the Variance since it permits the possibility that the project can go forward (provided the other necessary approvals are obtained) which would allow an upgrade to the facility and, demonstrate vitality of the business.

Permitting a modest addition to the maintenance building in the center of the property several hundred feet from Bockes Road, together with an expansion of the parking (storage) and loading area to the rear of the property, adjacent to undeveloped land, will not diminish the value of surrounding properties.

The property is located in close proximity to a main thoroughfare NH Route 111 – Central Street. This permits the vehicles leaving the facility to access Route 111 without the need to go through residential neighborhoods and be on local roads for only a brief period of time. The property is located across the street from the G-1 zoning district which permits a wide variety of uses, including numerous commercial and industrial uses (including warehouse and a transportation of freight terminal). It is a logical location for Miara Transportation's operation and for the proposed expansion to enhance those operations. Miara Transportation is, in effect, a specialty transporter and warehouse. The expansion will accommodate business needs and potential expansion, including the ability to park a greater number and variety of specialty flatbed trailers and box trailers. It is only because of the change in the zoning district, after the original site plan application was first filed (in 1984) that this Variance is required.

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 wish to speak neutrally or in opposition of the application, no one came forward.

Chairman Davis asked if any Board Members had any questions. Mr. Dearborn asked Mr. Chisholm if there was a high water table on the property. Mr. Chisholm replied that there was a monitoring well that

would be relocated. The planning design will incorporate the relocation. Mr. Dearborn asked the distance between the closest houses to the property. Mr. Chisholm measured 200 feet to the property line. Mr. Chisholm further stated that there would be a landscape buffer.

Mr. Brackett asked Mr. Chisholm if the current gravel area would stay gravel. Mr. Chisholm stated that they would keep it gravel. Mr. Brackett asked where the trailers were being stored presently. Mr. Chisholm responded that the trailers are either on the road, parked here or stored in Wilmington, MA. He also stated that the trailers presently stored here are specialty trailers and would be stored for months at time.

Mr. Martin asked if they were boxed trailers. Chris Cleaver, Operating Manager at Hudson Facility stated that most were flat beds. Chairman Davis asked if they had any refrigerators that would require the trailers running all night. Mr. Cleaver answered no. The only movement would be the cabs of the trucks going in and out.

Mr. Cleaver testified that their hours of operation were Monday – Friday, 8:00 AM to 4:30 PM and typically they tried their best to stay within those hours.

Chairman Davis declared the matter before the Board.

Mr. Martin made a motion to Grant, seconded by Mr. Brackett.

Chairman Davis asked the clerk to poll the Board.

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| Normand Martin | Grant |
| Charles Brackett | Grant |
| Jim Pacocha | Grant |
| Donna Shuman | Grant |
| Maryellen Davis | Grant |

Vote: 5-0 Grant Variance

Before hearing case (b), Mr. Brackett disclosed that he did vote on the Planning Board side. Chairman Davis asked the Applicant if there was any issue with Mr. Brackett hearing the case. Attorney Westgate replied that there was no issue.

b. Paul Chisholm, Project Engineer testified:

In order to access the upland areas, the finger wetland must be impacted. The trailers require a larger area than most commercial sites require for maneuvering into or out of the proposed storage areas, which are located outside of the wetland area. Michael Grenier, CWS, determined that the finger wetland area has a low function and value with insignificant wildlife habitat. The proposed onsite storm water features will provide adequate storm water treatment, detention and discharge controls. The proposed conveyance swale will recreate the function of the existing finger wetland, which was identified as its only function.

The project’s design, permitting, construction and maintenance methods will be designed by a Licensed Professional Engineer and LEED accredited professional with specialty in neighborhood development. General construction sequencing and erosion control practices have been implemented according to the State of New Hampshire, Department of Environmental Services (NHDES) Best Management Practices as described in the manual for Storm Water Management and Erosion and Sediment Control Handbook for

Urban and Developing Areas in New Hampshire. The expansion is simply proposed in the only area onsite with enough space to accommodate it.

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

Chairman Davis asked if any Board Members had any questions. Mr. Brackett asked if the cabs were on all the trailers. Mr. Chisholm stated that they were only parking trailers and specialty trailers.

Chairman Davis declared the matter before the Board.

Mr. Pacocha made a motion to Grant with stipulation from Conservation Commission, seconded by Mr. Martin.

Chairman Davis asked the clerk to poll the Board.

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| Jim Pacocha | Grant with stipulation |
| Normand Martin | Grant with stipulation |
| Charles Brackett | Grant with stipulation |
| Donna Shuman | Grant with stipulation |
| Maryellen Davis | Grant with stipulation |

Vote: 5-0 Grant Wetland Special Exception with Stipulation

IV. REVIEW OF MINUTES

July 28, 2016 minutes were reviewed. Motion made by Mr. Martin to approve as amended and seconded by Ms. Shuman. All in favor. Vote: 5-0.

August 25, 2016 minutes were reviewed. Motion made by Ms. Shuman to approve as amended and seconded by Mr. Pacocha. All in favor. Vote: 4-0-1. Mr. Martin abstained from voting because he wasn't present at the meeting.

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 8:50 PM.

Maryellen Davis, Chairman