



# 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 July 28, 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, July 28, 2016, in the Paul Buxton Meeting Room in the Town Hall basement. Chairman Davis appointed Alternate Nolin to replace Mr. Pacocha as voting Member and appointed Alternate Dearborn to replace Mr. Houle as Clerk. Chairman Davis then requested Mr. Dearborn 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

##### Members

**Absent:** Jim Pacocha (excused)

##### Alternates

**Present:** Gerald Dearborn, Maurice Nolin

##### Alternates

**Present:** Kevin Houle (excused)

##### Staff

**Present:** Bruce Buttrick, Zoning Administrator

##### Selectman

**Liaison:** Ted Luszey (excused)

**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 the 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 165-118 (7-28-16): Lori Rankin, 13 Grand Avenue, Hudson, NH, requests a Special Exception to allow an in-home daycare with up to 6 unrelated children, as defined as a “Family Day-Care Home,” in a Town Residence (TR) zoning district. [Map 165, Lot 118, Zoned TR, HZO Article II §334-6, Definitions - Family Day-Care Home.]**

Mr. Nolin made a motion to defer the case until August 25<sup>th</sup>. Discussion took place on the motion. The applicant, through no fault of her own, submitted the wrong application. It was determined that a new application for a Special Exception for a Home Occupation was needed. It was also determined that six abutters were not notified and needed to be notified before the hearing could take place. The decision was made as follows: 1) Town of Hudson would re-notice and include the six missing abutters from the original list. (2) The applicant would not be charged for the re-notice. (3) The applicant would submit a new application for a Special Exception – Home Occupation. (4) The case would be scheduled to be heard first on August 25, 2016. Mr. Brackett reminded the applicant that she should come prepared to speak on her husband’s business.

Mr. Nolin’s original motion to defer until August 25<sup>th</sup> was seconded by Mr. Brackett. Vote as follows:

|                  |       |
|------------------|-------|
| Maurice Nolin    | Defer |
| Charles Brackett | Defer |
| Donna Shuman     | Defer |
| Normand Martin   | Defer |
| Maryellen Davis  | Defer |

Vote: 5-0                      Defer Hearing Case 165-118 until August 25, 2016

- 2. Case 110-039 (7-28-16): SLC Development, LLC, 8 Christine Drive, Hudson, NH, requests a Variance to expand the existing, non-conforming facility, by 3,200 square-feet of additional office space and 4,800 square-feet of additional manufacturing space. [Map 110, Lot 039, Zoned B; HZO Article VIII §334-29, Extension or Enlargement of Non-Conforming Uses.]**

Patrick Colburn testified that he was the project manager, speaking on behalf of the applicant to request an expansion of the existing SL Chasse Steel Facility, which is a pre-existing non-conforming industrial use in the Business-B Zoning District. Allowing the existing SL Chasse Welding & Fabricating operation reasonable growth will create jobs for the area and additional tax base, which directly benefits the Town of Hudson. The character of the surrounding land uses is in keeping with that of SL Chasse Steel, as Christine Drive, although in the Business District, is an industrial park. The subject parcel is located in a small piece of Business Zone that is comprised of primarily industrial uses and is situated away from the Route 102

commercial corridor. Therefore, granting the variance is not contrary to the spirit of the ordinance. SL Chasse Steel is an AISC Certified Steel Fabricator with an excellent safety record. The facility is situated in an industrial park where SL Chasse is the primary tenant. The site is located away from any heavily traveled corridors and is within an industrial park surrounded by other industrial uses similar in nature to the use proposed. The developed portions of the site are located the required distance away from the adjacent residential uses and separated by a substantial vegetated buffer. The limits of work for the proposed expansion are even further from the nearest residential use. The general purposes of the Zoning Ordinance set forth in Section 334-2 encourage the most appropriate use of land and conserving property values. In this case, there is no fair and substantial relationship between these general purposes and the specific restrictions because the most appropriate use of the site is an industrial use, given the surrounding land uses and the proximity to any high traffic flows. Failure to grant the requested variance would contradict the general purpose of the ordinance, to encourage the most appropriate use of the land, again, given the general character of the Christine Drive area.

Chairman Davis asked if anyone wanted to speak in favor of the Variance. No one came forward. Chairman Davis then asked if anyone wanted to speak neutrally or in opposition of the Variance. No one came forward.

Mr. Martin commented that the application was straight forward and believed it was a great plan that he would support.

Chairman Davis declared the matter before the Board.

Motion was made by Mr. Martin to grant and seconded by Mr. Brackett. Mr. Brackett made the comment that the hardship would be not to grant the Variance allowing the applicant to grow his business. He further commented that it is in the public interest to grant the Variance. Vote as follows:

|                  |       |
|------------------|-------|
| Normand Martin   | Grant |
| Charles Brackett | Grant |
| Donna Shuman     | Grant |
| Maurice Nolin    | Grant |
| Maryellen Davis  | Grant |

Vote: 5-0 Grant Variance to expand the existing, non-conforming facility by 3,200 square-feet of additional office space, and 4,800 square-feet of additional manufacturing space.

#### **IV. REVIEW OF MINUTES**

05-26-16 Minutes were reviewed. Motion made by Normand Martin to approve as amended and seconded by Donna Shuman; all in favor. Vote: 5-0.

06-09-16 Minutes were reviewed. Motion made by Normand Martin to approve as amended and seconded by Maurice Nolin; all in favor. Vote: 5-0.

06-23-16 Minutes were reviewed. Motion made by Maurice Nolin to approve as amended and seconded by Normand Martin; all in favor. Vote: 5-0.

#### **V. OTHER**

File was received from Ms. Shuman with notes and procedures for the ZBA. Discussion took place on some of the items in the file.

## **VI. ADJOURNMENT**

Mr. Nolin made a motion to adjourn and Mr. Martin seconded the motion. All in favor, the motion passed unanimously. Chairman Davis declared the meeting adjourned at 9:01 PM.

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