



# 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 June 9, 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, June 9, 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, Kevin Houle

##### Alternates

**Present:** Gerald Dearborn, Maurice Nolin

##### Staff

**Present:** Bruce Buttrick, Zoning Administrator

##### Selectman

**Liaison:** Ted Luszey (Excused)

**Transcriptionist:** 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 THIS BOARD

**1. Case 191-108 (6-9-16) (Deferred from 5-26-16): Melissa Corson, 9 Coll Street, Hudson, NH requests a Variance to allow the construction of an 80-square foot addition to the front of the existing, non-conforming, single-family structure. [Map 191, Lot 108, Zoned B; HZO Article VIII §334-31A, Alteration and Expansion of Nonconforming Structures.]**

Melissa Corson testified that her house is a non-conforming structure, which was built before the 1900's and is closer to the road than current standards. Her house needs to be updated and repaired. The front portion of the house is a cement porch entering to the kitchen. Below the kitchen is an entry door to the basement. She wants to increase the kitchen size to replace the cement porch and basement entry way. This will give her more kitchen space without going beyond the house's original structure.

Ms. Corson further testified that her proposed updates would not negatively impact any neighbors in any way; she was not looking to go any closer to the road, updating her house would improve the value of the neighborhood. Without the variance, her front steps and kitchen would continue to fall into disrepair and be an eye sore to the neighbors.

Chairman Davis asked if anyone wanted to speak in favor of the application. Mr. Peter Tekin testified that he was in construction and was asked by Ms. Corson to look at the house and give his recommendation. Mr. Tekin believes the repairs Ms. Corson is proposing will not only improve the looks of the house but will also give Ms. Corson peace of mind. Paula Drouin testified that she was very much in favor of the repairs as Ms. Corson's house has been an eye sore for years.

Chairman Davis asked if anyone wanted to speak neutrally or in opposition of the application. No one came forward. The case was brought before the Board.

Members of the Board commended the applicant for coming forward to request the variance. Mr. Brackett made the motion to grant. Mr. Pacocha seconded the motion. Vote as follows:

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

Vote: 5-0 Grant Variance

**2. Case 124-060 (6-9-16): Alan & Nadine Lambert, 4 Terra Lane, Hudson, NH request a Special Exception for an Accessory Living Unit (ALU) to be constructed within the proposed 24' x 28' addition, attached to the existing single-family dwelling. [Map 124, Lot 060, Zoned R-1; HZO Article XIII A §334-73.3, Accessory Living Unit.]**

Alan Lambert testified that the existing home is a one family dwelling in an area with other single family dwellings. The ALU would include 720 SF of living space and will be directly attached to the existing dwelling. Ann Boucher, mother of owner Nadine Lambert, will occupy the ALU. There will not be any entrance into the ALU from the street. The footprint and roof line of the ALU will basically mirror the opposite side of the existing home. There will be a hall and entry into the ALU from the existing home. The second egress will be in the back onto the deck. Electric service will be shared and the ALU will be heated by propane from a shared tank. There are two driveways on the property; the front driveway holds

3 cars and the other would hold 7-8 cars. The GLA of the ALU will be 720 SF. The GLA of the main house is 1764 SF; the ALU is 40.8% of the size of the principle structure. The ALU will have smoke detectors in each room and the basement will have an interconnect smoke detector between the main house and ALU.

Chairman Davis asked if anyone wanted to speak in favor of the application. No one came forward.

Chairman Davis then asked if anyone wanted to speak neutrally or in opposition of the application. No one came forward. The case was brought before the Board.

Chairman Davis noted that the structure itself was 24 x 30 and that the living area is 24 x 28. The legality of two driveways was discussed. Mr. Lambert testified that upon purchasing the property in 1990 there were two driveways. The 2<sup>nd</sup> driveway was added when the previous owner added an addition to the house. Mr. Brackett added that the driveway was a separate issue from the ALU and that the ALU had everything he wanted. Ms. Shuman noted that a separate letter was needed from Mr. and Mrs. Lambert declaring that a relative would indeed be living in the ALU. The letter would need to be given to Mr. Buttrick within 30 days if the Special Exception for an ALU was granted this evening.

Members of the Board commended the applicant for his due diligence with the application before them. Mr. Brackett made the motion to grant. Mr. Pacocha seconded the motion. Vote as follows:

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

Vote: 5-0 Grant Special Exception for an ALU

- 3. Case 207-004 (6-9-16): Michael R. Jarry & Rebecca B. Jarry, 143 Bush Hill Road, Hudson, NH request a Variance to allow the frontage of the proposed two-lot subdivision to have 106 feet of frontage on the existing Lot 4 and 30 feet of frontage on the proposed Lot 4-1, where a minimum of 200 feet is required. [Map 207, Lot 004, Zoned G-1; HZO Article VII §334-27, Table of Dimensional Requirements.]**

Brad Westgate testified that the applicants were looking to subdivide a parcel of land (approximately 52 acres in size) into two lots, each having less than 200 feet of frontage. Mr. Westgate continued by stating that it is not contrary to the public interest to grant a variance to permit a 52 acre parcel to be subdivided into two parcels serviced by a common or shared driveway entrance. Permitting a 52 acre parcel to be subdivided into two lots promotes efficiency and economy in the process of development and also conserves property values. It maintains the rural character of the area and allows very modest use without the need for new public improvements, such as a subdivision road.

Michael Jarry testified that he believed a variance was before the ZBA in 1970 but was never acted upon. He also stated that this current request for a variance was the first time before the ZBA.

Mr. Westgate testified that he believed in 1985 a variance was requested for a 2 acre lot. A 10 minute recess was granted at 8:30 PM so the parties involved could research what was previously before the ZBA. The ZBA meeting resumed at 8:40 PM.

Mr. Westgate passed out paperwork which showed that a variance was granted in 1986 for a lot without frontage. The variance was approved creating a 1 acre lot. However, the paperwork trail showed that the variance never went before the Planning Board for implementation. Mr. Westgate further stated that the 1986 request is now null and voided and that request for a variance has no impact on the current application before the board.

Chairman Davis asked if anyone wanted to speak in favor of the application. No one came forward.

Chairman Davis then asked if anyone wanted to speak neutrally or in opposition of the application. No one came forward. The case was brought before the Board.

Mr. Dearborn inquired if this variance were to be approved if there would be a public easement? Mr. Westgate responded that it is not a public easement but a private driveway. The applicant does not want a public road.

Mr. Dearborn asked what the footage would be for the common driveway. Mr. Westgate responded that the common driveway would be for less than a 100 feet.

Mr. Brackett inquired about the lot line of the stone wall. Mr. Westgate responded that the lot line was through ownership of lots 4 and 5 and that the stone wall divided the two lots which are currently owned by the applicant. Mr. Jarry testified that the stone walls are the original lot lines and the frontage is the same that it has always been since the 1960's.

Mr. Pacocha inquired as to the reasoning for a shared driveway. Mr. Westgate responded that it was a steep road and the applicant felt that it was necessary to make changes for better visibility.

Due to a second round of testimony, Chairman Davis asked if anyone wanted to speak in favor of the application. No one came forward. Chairman Davis then asked if anyone wanted to speak neutrally or in opposition of the application. No one came forward. The case was brought before the Board.

Motion was made by Mr. Brackett to grant variance. Mr. Pacocha seconded motion with the following stipulation: If lot 4 were to be further sub-divided with access off of Bush Hill Road, then lot 4-1 shall be made conforming. Vote as follows:

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

Vote: 5-0 Grant Variance with Stipulation

- 4. Case 165-153 (6-9-16): Robin M. Lawrence, 100 Derry Road, Hudson, NH requests a Variance to add a second floor addition with a stairway and front porch to the existing nonconforming structure. [Map 165, Lot 153, Zoned B; HZO Article VII §334-27, Table of Minimal Dimensional Requirements. Articles VIII §334-29 & §334-31, Extension or**

**Enlargement of Nonconforming Uses, and Alteration and Expansion of Nonconforming Structures.]**

Robin Lawrence testified that he was seeking a variance to permit the extension / enlargement / alteration / expansion of the existing non-conforming structure to add a second floor, a stairway and front porch. The requested variance would not alter the essential character of the neighborhood or surrounding properties, which is currently a mix of single family homes, multifamily homes and businesses. Permitting an addition to a single family home not only conserves property values, but may enhance property values as well, preserves and enhances the quality of life for the occupants and maintains the character of the area. If the variance is granted, the general public would be served by a modest tax increase. Building a second floor addition on a single family one story home will not diminish the values of surrounding properties; it will most likely enhance the value of surrounding properties and the value of the subject property. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.

Chairman Davis asked if anyone wanted to speak in favor of the application. No one came forward.

Chairman Davis then asked if anyone wanted to speak neutrally or in opposition of the application. No one came forward. The case was brought before the Board.

Clarification was needed for the following: Kitchen – applicant testified that the kitchen would not have outside access. Stairs to dog house – applicant testified that the bulkhead would be changing to a dog house and would not have access to inside the house.

Mr. Martin made the motion to grant. Mr. Brackett seconded the motion. Vote as follows:

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

Vote: 5-0 Grant Variance

**5. Case 197-116 (6-9-16): Edwin Brackett & Scott Brackett, 8 Cedar Street, Hudson, NH request the following;**

- a) **A Variance to allow the construction of an attached garage within the side-yard setbacks; 15-feet required, 6.5-feet proposed. [Map 198, Lot 168, Zoned TR; HZO Article VII §334-27, Table of Dimensional Requirements.]**
  
- b) **A Special Exception for an Accessory Living Unit (ALU) to be constructed within the space above the proposed attached garage. [Map 248, Lot 016, Zoned G-1; HZO Article XIII A §334-73.3, Accessory Living Unit.]**

Mr. Martin stepped down. Chairman Davis appointed Mr. Dearborn to replace Mr. Martin as Member.

Due to conflicting information on the notification a motion was made by Mr. Dearborn to hear the case and seconded by Mr. Brackett. Vote as follows:

Gary Dearborn	Hear Case
Charles Brackett	Hear Case
Donna Shuman	Hear Case
Jim Pacocha	Hear Case
Maryellen Davis	Hear Case

Vote: 5-0            Hear Case

Scott Brackett testified that he was seeking a Variance on behalf of his father, Edwin Brackett, to encroach 8.5 feet into the required 15 foot side setback; having 6.5 feet from edge of building to property line. The structure being added is for the purpose of housing Scott Brackett and his wife while they are providing care and assistance to Edwin, age 80 and his wife, age 78 with dementia and diabetes. The intent of the request is to preserve and enhance the quality of life for the Brackett's while adding value to the property and avoiding undue population. It will provide much needed help and support for Edwin and his wife who currently needs around the clock supervision and care. The variance will not turn the dwelling into a two family but remain a single family dwelling while adding value to the property. Due to the positioning of the house on the lot, the only reasonable solution is to build the new space over the proposed garage.

Chairman Davis asked if anyone wanted to speak in favor of the application. No one came forward.

Chairman Davis then asked if anyone wanted to speak neutrally or in opposition of the application. No one came forward. The case was brought before the Board.

Board deliberated without any major issues. Motion was made by Mr. Brackett to grant and seconded by Mr. Dearborn. Vote as follows:

Charles Brackett	Grant
Gary Dearborn	Grant
Jim Pacocha	Grant
Donna Shuman	Grant
Maryellen Davis	Grant

Vote: 5-0            Grant Variance

Scott Brackett testified that he was seeking a Special Exception for an Accessory Living Unit (ALU) on behalf of his father, Edwin Brackett, to be constructed within the space above the proposed attached garage. The ALU will conform based that the dwelling in question is a single family and that it will be a continuation of the main structure and will have a communal entrance. Scott Brackett and his wife will be the residents of the ALU to provide care and assistance for his parents. The structure will look like a single family residence with a two car garage and will have an outside entrance added to the rear of the dwelling which will act as the second egress. An electrical sub panel will be used to power the ALU per code and use existing water and sewer hook ups. Onsite parking will be accomplished with the use of the garage structure allowing for two cars to be parked inside and off the street. There is more than 2000 SF of living space at the proposed residence and the proposed ALU is under 1000 SF. A fire detection system will be installed in accordance with all town fire codes and building codes.

Chairman Davis asked if anyone wanted to speak in favor of the application. The following abutters sent letters in favor: Paul and Kimberly Joviak, Tamara Brown, John and Victoria Beike, Charles and Barbara

Zaverson, Joseph Dufoe, Richard Sutherland, Georgia Jarrell and Gayle Towle. All letters will become part of the record.

Chairman Davis asked if anyone wanted to speak neutrally or in opposition of the application. No one came forward. The case was brought before the Board.

There was discussion about the closet and the car port. Keith Morency, Builder for the applicant, testified that the reasoning for the deck was to keep square footage down so they can get the plumbing the drop needed to get to the basement.

Ms. Shuman questioned the square footage – Keith Morency and Scott Brackett both agreed to make the necessary adjustments to stay within the 1000 SF.

Motion was made by Mr. Brackett to Grant with the following stipulation: ALU must be under 1000 SF and verified as such by Town of Hudson. Mr. Dearborn seconded motion. Vote as follows:

Charles Brackett	Grant with Stipulation
Gary Dearborn	Grant with Stipulation
Jim Pacocha	Grant with Stipulation
Donna Shuman	Grant with Stipulation
Maryellen Davis	Grant with Stipulation

Vote: 5-0 Grant ALU with Stipulation

Normand Martin resumed his place as Member and Mr. Dearborn resumed his place as Alternate.

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

- a) 12-10-15 Minutes
- b) 05-12-16 Minutes

December 10, 2015 minutes were reviewed. Motion made by Mr. Brackett to approve as amended and seconded by Ms. Shuman. All in favor. Vote 5-0

May 12, 2016 minutes were reviewed. Motion made by Mr. Martin to approve as amended and seconded by Ms. Shuman. All in favor. Vote 5-0.

#### **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 10:55 PM.