



TOWN OF HUDSON

Zoning Board of Adjustment



J. Bradford Seabury, Chairman

Marilyn McGrath, Selectmen Liaison

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HUDSON ZONING BOARD OF ADJUSTMENT MEETING MINUTES September 24, 2015

I. CALL TO ORDER

Acting Chairman Martin called this meeting of the Hudson Zoning Board of Adjustment to order at 7:30 PM on Thursday, September 24, 2015, in the Paul Buxton Meeting Room in the Town Hall basement. Acting Chairman then requested Clerk Dearborn to call the roll. Those persons present along with various applications, representatives and interested citizens were as follows:

Members

Present: Normand Martin, Donna Shuman, Maryellen Davis, Charles Brackett, Maurice Nolan

Members

Absent: J. Bradford Seabury, Jim Pacocha

Alternates

Present: Gary Dearborn

Mr. Martin seated Mr. Nolan for Jim Pacocha and Mr. Brackett for Mr. Seabury.

Mr. Martin further explained Mr. Dearborn was present as a non-voting member but could participate in the discussions.

Staff

Present: David Herbert, Acting Zoning Administrator, Marilyn McGrath, Selectman Liaison

Recorder: Elizabeth Garrett

II. SEATING OF ALTERNATES AND ANNOUNCEMENTS

For the benefit of all attendees Acting Chairman Martin announced 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. He stated 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.

Acting Chairman Martin pointed out the meeting has a curfew of 11:00 PM. In the event that a case is not heard by 11:00 PM, it will be postponed until the next meeting. If a case is in the process, it will be heard until midnight then continued at the next meeting.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THIS BOARD

- 1. Case 210-010 (9-24-15) (Deferred from 8-27-15): Dan Lamb c/o Presentation of Mary Academy, 182 Lowell Road, Hudson, NH requests a Variance to construct a compliant gym addition that includes a stair and elevator tower to serve all floors of the existing non-compliant structure that will exceed 38 feet in height. [Map 210, Lot 010; Zoned R-2, HZO Article III & VIII, Section 334-14 & 334-31, Building Height & Alteration and expansion of nonconforming structures.]**

Clerk Dearborn read aloud the posted notice as recorded above.

Ms. Davis explained she was not present at the meeting on August 24, 2015 when this case was first heard; therefore, she was stepping down and Mr. Dearborn stepped in. Mr. Martin then read a letter from Fire Chief Robert Buxton stating the fire department does not have an objection or issues with this variance application. A few of the factors the fire department took into account were:

- a. The fire department would be able to service the proposed height of 57 feet with the Hudson Fire Department Ladder truck which has a reach of 100 feet.
- b. The proposed addition will also provide a better access to the interior of the building. The addition of the elevator and stair tower will be a tremendous upgrade to the facility
- c. The new addition will also be supported with a fire sprinkler system which will assist if the building needed to be evacuated.

VOTE: Mr. Dearborn made a Motion to Approve; Second Mr. Brackett

Mr. Dearborn – Approve
Mr. Brackett – Approve
Ms. Shuman – Approve
Mr. Nolan – Approve
Mr. Martin – Approve

Acting Chairman Martin declared that the vote was 5-0, the Motion carried. Mr. Martin explained there is a 30 day appeal period so it would be a good idea to not start construction until a letter from the Board is received.

Ms. Davis returned to the table as a voting member and Mr. Dearborn returned to being a non-voting member.

- 2. Case 252-044-001 (9-24-15) (Deferred from 8-27-15): Anthony and Stephanie Sabetti, 15 Nicole Drive, Lowell, MA requests a Special Exception for an Accessory Living Unit (ALU)**

to be constructed within the basement of the existing single-family dwelling located at 32 Pine Road, Hudson, NH. [Map 252, Lot 044-001, Zoned G-1; HZO Article XIII A §334-73.1, Accessory Living Unit.]

Mr. Martin stated the Board is in receipt of a letter written by Mr. Sabetti but it did not have a date on it. Mr. Martin provided the letter back to Mr. Sabetti to provide the date.

Mr. Sabetti reported to the Board he is currently living in the house and has taken ownership of the dwelling on 32 Pine Road, Hudson, NH which wasn't the case back in August. He also stated he has decided to leave the driveway currently gravel in that condition.

Selectman McGrath asked for clarification in the matter stated the real issue was an added garage as it could create additional living space and addressed that question to Mr. Hebert. Mr. Herbert stated he has reviewed the drawings and it meets requirements.

Ms. Davis asked how the ALU would be accessed so Mr. Sabetti reviewed the drawings with Ms. Davis and explained access would be gained through the basement. Ms. Davis further asked about wetlands in the area and it was determined the wetlands are not near this house but further down the road.

Mr. Sabetti then went through his application and answered all the questions appropriately before the Board.

The Board also asked who would be living in the ALU and Mr. Sabetti said it would be his in-laws, Louis and Linda Hunter.

Mr. Martin then asked the Board if there were any further questions. There weren't any questions so Ms. Davis made a Motion to approve the variance with the following stipulations:

- Only a gravel driveway will be allowed
- The ALU will have proper egress to be built
- The second garage to be built will only be used for storage and cars; no living area

Second – Mr. Brackett

Selectman McGrath asked for clarification in regard to the driveway. The gravel driveway will be allowed on the extension leading to the second garage. Ms. Davis stated the Variance meets the criteria of an ALU but the concern of the Board is the second garage and the paved driveway. She believes her Motion with the Stipulations will satisfy the Board.

Vote:

Ms. Davis – approve
Mr. Brackett – approve
Mr. Nolan – approve
Ms. Shuman – approve
Mr. Martin – approve

Variance granted – Mr. Martin explained the home owners will receive a letter from the Board in approximately one week confirming this evening’s vote.

Mr. Sabetti provided the letter to Mr. Martin with a date of September 24, 2015 provided.

3. Case 154-033 (9-24-15): Stacey Kulas, 22 Sullivan Road, Hudson, NH requests a Special Exception for an Accessory Living Unit (ALU) to be above the detached garage of the existing single-family dwelling [Map 154, Lot 033, Zoned G-1; HZO Article XIII §334-73.3, Accessory Living Unit.]

Mr. Herbert explained the building permit for the garage was provided in 1981; the Town received a complaint in 2012 but the process was never completed and the ALU was dismantled.

Mr. Martin states it was brought to his attention that when he does an ALU there is an application and statements have to be initialed and it is an incomplete packet because the Board does not have completed documents. Ms. Davis asked if the correct application was being used for what Ms. Kulas is trying to accomplish. Ms. Davis suggested the case be deferred to meet the criteria of an ALU.

Mr. Martin explained the Town would assist her with obtaining the correct application and she would not have to pay additional money. The Board asked Mr. Herbert to be the contact for Ms. Kulas to ensure the correct application is provided to Ms. Kulas.

Mr. Martin explained Ms. Kulas would need to obtain an application for a Special Exception ALU.

Ms. Davis made a Motion to defer this matter at no extra cost to Ms. Kulas and Mr. Herbert would be available to assist Ms. Kulas through the process.

4. Case 190-165 (9-24-15): Keith and Selena Langis, 9 Oak Avenue, Hudson, NH requests a Variance to demolish an existing nonconforming 30 x 12 ft garage and replace with a new 18 x 24 ft garage. [Map 190, Lot 165, Zoned TR: HZO Article VIII §334-31, Alteration and expansion of nonconforming structures.]

Mr. Herbert explained why the application was before the Board – Architect Tony Basso from Keach-Norstrom Associates presented the Board with letters from all the abutters of 9 Oak Avenue stating they are in agreement with the Variance. The current garage is an “eye sore” to the community and all welcome it being torn down. One of the abutters, Mr. Wagner came forward to speak with the Board directly, stating he is in complete agreement and favors the current garage being torn down and a new garage being installed.

Selectman McGrath suggested the homeowners obtain an equitable waiver for their protection when they go to sell the house. The property owners felt it wasn’t necessary to obtain the waiver but after discussion with Selectman McGrath and the Board the owners decided it would be in their best interest to do so.

Ms. Davis Motion to grant the equitable waiver; Second Mr. Brackett.

Ms. Davis - approve

Mr. Nolan – approve
Ms. Shuman – approve
Mr. Brackett – approve
Mr. Martin – approve

Ms. Davis Motion to Grant the Variance to demolish the existing garage and replace with a new 18 x 24 garage. Second: Mr. Brackett

Ms. Davis – approve
Mr. Brackett – approve
Ms. Nolan – approve
Ms. Shuman – approve
Ms. Martin - approve

The variance passed; Mr. Martin explained there is a 30 day appeal period so asked the home owners to hold off on any construction until after the 30 days.

The Board took a 5 minute recess.

Meeting resumed at 8:45PM

IV. APPROVAL OF MEETING MINUTES

The Board had a discussion with regard to review and approval of past minutes. The Board reviewed and made changes to the minutes from May 28, 2015, June 25, 2015, July 23, 2015 and August 27, 2015.

May 28, 2015 – Corrections were discussed.

Motion by Ms. Davis to approve the Minutes of May 28, 2015 as amended; Second Ms. Shuman

Ms. Davis – approve
Ms. Shuman - approve
Mr. Brackett – approve
Mr. Nolan – approve
Mr. Martin – approve

Motion Granted

June 25, 20155 – Corrections were discussed.

Motion by Ms. Davis to approve the Minutes of June 25, 2015 as amended; Second Mr. Brackett

Ms. Davis – approve
Mr. Brackett – approve
Mr. Nolan – approve

Ms. Shuman – approve
Mr. Martin – approve

Motion Granted

July 23, 2015 – Corrections were discussed.

Motion by Mr. Martin to approve the Minutes of July 23, 2015 as amended; Second Ms. Davis

Mr. Martin – approve
Ms. Davis - approve
Mr. Brackett – approve
Mr. Nolan – approve
Ms. Shuman – approve

Motion Granted

August 27, 2015 – Corrections were discussed.

Motion by Ms. Davis to approve the Minutes of August 27, 2015 as amended; Second Ms. Shuman

Ms. Davis – approve
Ms. Shuman – approve
Mr. Brackett – approve
Mr. Nolan – approve
Mr. Martin – approve

Motion Granted

V. CLOSING DISCUSSIONS

Ms. Davis asked for a status with regard to violations for the Residents at Old Derry Road and Robinson Road. Mr. Hebert explained he has forwarded 2 letters without a response. He will forward one more letter and then seek legal counsel.

Ms. Shuman made a Motion to Adjourn – Second Ms. Davis

Ms. Shuman – approve
Ms. Davis – approve
Mr. Brackett – approve
Mr. Martin – approve
Mr. Nolan – approve

Motion Granted – Meeting adjourned at 10:10 PM.

DRAFT