



# 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 July 23, 2015

#### I. CALL TO ORDER

Chairman Seabury called this meeting of the Hudson Zoning Board of Adjustment to order at 7:30 pm on Thursday, July 23, 2015, in the Paul Buxton Meeting Room in the Town Hall basement. Chairman Seabury then requested Clerk Dearborn to call the roll. Those persons present along with various applicants, representatives and interested citizens, were as follows:

##### **Members**

**Present:** Normand Martin, J. Bradford Seabury, Maryellen Davis, Donna Shuman, Jim Pacocha

##### **Members**

**Absent:** None

##### **Alternates**

**Present:** Charles Brackett, Maurice Nolin, Clerk Gerald Dearborn

##### **Alternates**

**Absent:** Kevin Houle

##### **Staff**

**Present:** Dave Hebert, Town Liaison (Acting Code Enforcement Officer)

##### **Other**

**Absent:** Marilyn McGrath, Selectman Liaison

**Recorder:** None present. Later transcribed by Melissa Mack

#### II. SEATING OF ALTERNATES AND ANNOUNCEMENTS

For the benefit of all attendees, Chairman Seabury 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. He 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.

Chairman Seabury pointed out that the Board allowed re-hearings only if collectively convinced by a written request that the Board might have made an illogical or illegal decision or if there were positive indications of new evidence that for some reason was not available at the hearing.

The curfew for the meeting is 11 pm.

Chairman Seabury advised there is no smoking inside the building. Please turn off cell phones or put them on vibrate.

### **III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THIS BOARD**

- 1. Case 217-005 # (7-23-2015): Alan and Theresa Boissonneault, Living Trust, PO Box 2431, 1016 Yate Road, Oak Harbor, WA, requests a Use Variance for property designated as 13 Mark Street to allow access to the proposed lot without the proper frontage; 120' required, 0' proposed. [Map 217, Lot 005, Zoned R-2, HZO article VII, Section 334-27, Table of Dimensional Requirements.] [Note this request was originally denied on March 22, 2012, but has been remanded by the court for rehearing on the grounds that it was not clear why the Board denied the request.]**

Chairman Seabury noted that Ms. Shuman would step down as a voting member and Mr. Dearborn would be seated in her place as a voting member.

Clerk Dearborn read aloud the posted notice, as recorded above.

A letter was read and reviewed from the Town's Attorney and discussion followed.

Mr. Martin made a motion to withdraw with prejudice.

Ms. Davis seconded the motion.

VOTE: Chairman Seabury asked Clerk Dearborn to poll the Board on the motion and to record the members' votes, which were as follows:

Mr. Martin	To withdraw
Ms. Davis	To withdraw
Mr. Pacocha	To withdraw
Mr. Dearborn	To withdraw
Mr. Seabury	To withdraw

Chairman Seabury declared that there having been five votes to zero, the motion is withdrawn with prejudice.

- 2. Case 235-009 (7-23-2015): St. Kathryn's Church, 4 Dracut Road, Hudson requests a Use Variance to allow a small religious goods store to its campus, currently not zoned for retail use. [Map 235, Lot 009, Zoned R-2; HZO Article III §334-10, Mixed or Dual Use on a Lot.]**

Clerk Dearborn read aloud the posted notice, as recorded above.

Chairman Seabury advised that Mr. Dearborn will return to his seat as an alternate and Ms. Shuman will return to her seat as a voting member.

Father Joseph Cooper from St. Kathryn's Church approached the podium and addressed the five requirements pertaining to the request. A 16' x 20' room is proposed to sell religious goods. The hours will be Monday through Thursday 8 am to 4 pm, Saturday 5 pm to 6 pm, Sunday 9:30 am to 10:30 am and 11:30 am to 12:30 pm.

After discussion, Ms. Davis made a motion to approve the Variance with a stipulation, that being: If the business of selling religious goods exceeds the current room footprint or the office work is diminished by the increased sales activity or additional building space is needed then a Planning Board site review will be required.

Mr. Pacocha seconded the motion with stipulation.

VOTE: Chairman Seabury asked Clerk Dearborn to poll the Board on the motion and to record the members' votes, which were as follows:

Ms. Davis	To approve
Mr. Pacocha	To approve
Mr. Martin	To approve
Ms. Shuman	To approve
Mr. Seabury	To approve

Chairman Seabury declared that, there having been five votes to zero, the motion is carried.

#### **IV. APPROVAL OF MEETING MINUTES**

No previous meeting minutes were available for review.

#### **V. CLOSING DISCUSSIONS**

No closing discussions or announcements.

#### **VI. ADJOURNMENT**

Mr. Martin makes a motion to adjourn.

Ms. Davis seconds the motion.

VOTE: All members voted in favor. The motion passed unanimously.

Chairman Seabury declared the meeting to be adjourned at 8:15 PM.

Date: July 23, 2015

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Normand Martin, Acting Chairman