



TOWN OF HUDSON

Zoning Board of Adjustment



J. Bradford Seabury, Chairman Ben Nadeau, Selectmen Liaison

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HUDSON ZONING BOARD OF ADJUSTMENT MEETING MINUTES March 12, 2015

I. CALL TO ORDER

Chairman Seabury called this meeting of the Hudson Zoning Board of Adjustment to order at 7:37pm on Thursday, March 12, 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: Donna Shuman, and J. Bradford Seabury

Members

Absent: Normand Martin (Excused), Jim Pacocha (Excused), and Mike Pitre (Absent)

Alternates

Present: Maryellen Davis, Gary Dearborn, Kevin Houle, Marilyn McGrath, and Maurice Nolin

Alternates

Absent: None

Staff

Present: Kevin Desmond, Zoning Administrator

Recorder: Trish Gedziun

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 included 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.

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Chairman Seabury pointed out that the Board allowed rehearings 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.

Chairman Seabury seated Ms. McGrath in place of Mr. Pitre and Mr. Nolin in place of Mr. Pacocha, and Mr. Houle in the place of Mr. Martin who were not in attendance.

Chairman Seabury stated for the record that Ms. McGrath had not yet been sworn in as one of the new Selectmen in the Town of Hudson. He also said that once Ms. McGrath was sworn in she would no longer be able to be a sitting alternate member of the Board.

Ms. McGrath stated that she was hoping to be a liaison to both the Planning Board and the Zoning Board of Adjustment.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD

1. **Case 247-052 (03/12/15): Adam Michaleas, 27 Eayers Pond Road, Hudson, requests a Special Exception for an Accessory Living Unit (ALU) to be constructed within the basement of the existing single-family dwelling. [Map 247, Lot 052, Zoned TR; HZO Article XIII A §334-73.1, Accessory Living Unit.]**

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

Chairman Seabury asked Mr. Desmond to explain why the matter was before the Board. Mr. Desmond explained that the applicant was requesting a Special Exception to construct an ALU within the structure of the existing home that his mother would occupy.

Chairman Seabury stated that there were requirements for an ALU that the applicant had gone through and had indicated in writing how he felt he satisfied each one. He also said that the applicant had initialed all of the associated conditions which included such things like in the event that the ALU was granted and subsequently was no longer needed as an ALU it would become part of the single family household. Chairman Seabury also stated that the applicant had indicated that he was aware of provisions that had to be made in the event the property was to be sold.

Chairman Seabury asked Mr. Michaleas, the applicant, to summarize what he wanted and how he felt he would satisfy the conditions of the Accessory Living Unit.

Mr. Michaleas stated that the Accessory Living Unit was for his mother. He further stated that he had met with an architect and an engineer to make sure that it met all of criteria and in particular wanted to make sure the egresses were up to code. He said that the proposed ALU was being constructed directly below an addition that had been approved by the town. He further said that the 26' x 26' addition was not part of the original house.

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Chairman Seabury asked if the applicant had included a letter which identified the occupant of the proposed ALU. Mr. Michaleas replied that he had included a letter as part of the application.

Mr. Michaleas stated that front face of the dwelling would not be changed and there would be a common interior access into the proposed ALU. He further stated that there would not be a separate utility service and that the existing driveway was sufficient and he also had plenty of off-street parking.

Mr. Nolin said that the dimensions of the first floor there was 1,777 square feet and asked what the actual size of the proposed ALU would be. Mr. Michaleas replied that the proposed ALU was 26' x 26'. He also said that there would be a different entrance where the bulkhead was.

Chairman Seabury stated that he only saw one means of egress on the plan. Mr. Michaleas replied that there was an egress window. Chairman Seabury said that he had difficulty picturing the applicant's mother jumping out of a casement window and asked how she would have gotten out in case of a fire. Mr. Michaleas replied that it was an egress window and he thought his mother could have gotten out. He also said that she could have gotten out through the stairs up through his house.

Chairman Seabury asked Mr. Desmond if he felt the egress requirements were in compliance. Mr. Desmond replied that he was satisfied with the requirements.

Mr. Nolin stated that he was still stuck a little bit the measurements. He said the bathroom and the utility room had to be part of the proposed ALU and the square footage of those rooms was not reflected on the drawing. He further stated that it was difficult for him to put those two rooms in addition to the 676 square feet that the 26' x 26' encompassed.

Chairman Seabury stated that the utility room was shared with the family that lived upstairs.

Mr. Dearborn stated that the applicant had said that there was plenty of parking and that pictures would be provided at this meeting. He asked how many cars could fit in the driveway. Mr. Michaleas replied that four cars could fit in the driveway as well as a two-car garage. Mr. Dearborn asked how many vehicles would be parked on the property. Mr. Michaleas replied there would be three cars parked on the property. He also said that there was plenty of off-street parking.

Ms. McGrath asked if the fire department had looked at the proposed egress. Mr. Michaleas replied that they did not. Ms. McGrath stated that the fire department had submitted a letter with the last application that was similar to this concerning the egress. Ms. McGrath stated that she felt the fire department should inspect the egress.

Chairman Seabury stated that the easiest way to do that was to make it a requirement as part of the ordinance.

Ms. McGrath stated that the plot plan submitted did not show setback lines and asked Mr. Desmond if he looked at the property to determine that it was not in the setbacks. Mr. Desmond replied that the property was located at the end of his street and was very familiar with it and that there was plenty of room.

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Ms. Davis said that she was struggling with the dog house bulkhead in the back that looked like a separate entrance although it was not visible from the street and the ability to shut off the inside access to the other house because it could have become a separate living unit.

Chairman Seabury said that was always a possibility.

Ms. McGrath asked if there was a stamped plan on file. Mr. Michaleas replied that there was.

Mr. Nolin made a motion to approve the request for an Accessory Living Unit.

Mr. McGrath seconded the motion with the stipulation that the fire department look at the proposed egress within the next couple of days to determine the safety of it.

Mr. Desmond replied that it would be done tomorrow.

Mr. Michaelas asked if the application would be approved as long as he did whatever the fire department requested. Chairman Seabury replied that it was always possible for someone to request a rehearing within 30 days.

Ms. McGrath asked that the fire department's determination should be in writing and requested that a copy be placed in the file.

Mr. Nolin stated that he accepted that stipulation as part of the motion.

Mr. Nolin, speaking on his motion, stated that he felt the applicant had met all of the criteria for an ALU.

Ms. McGrath, speaking on her second, stated that she agreed with Mr. Nolin's comments and also said there was no negative abutter testimony.

VOTE: Chairman Seabury asked Clerk Dearborn to poll the Board on the motion to approve the request for an Accessory Living Unit, with the noted stipulation, and to record the members' votes, which were as follows:

Mr. Nolin	To approve
Ms. McGrath	To approve
Ms. Shuman	To approve
Mr. Houle	To approve
Mr. Seabury	To approve

Chairman Seabury declared that, there having been five votes to approve the request for an Accessory Living Unit, with the noted stipulation, the motion had carried.

VI. ADJOURNMENT

All scheduled items having been processed, Ms. Shuman made a motion to adjourn the meeting.

Ms. McGrath seconded the motion.

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

Chairman Seabury declared the meeting to be adjourned at 8:20 pm.

Date: March 28, 2015

J. Bradford Seabury, Chairman

Recorder: Trish Gedziun