



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 September 25, 2014

I. CALL TO ORDER

Acting Chairman Martin called this meeting of the Hudson Zoning Board of Adjustment to order at 7:31pm on Thursday, September 25, 2014, in the Paul Buxton Meeting Room in the Town Hall basement. Acting Chairman Martin 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, Mike Pitre, and Donna Shuman

Members

Absent: J. Bradford Seabury, and Jim Pacocha (Excused)

Alternates

Present: Gary Dearborn, Marilyn McGrath, and Maurice Nolin

Alternates

Absent: Maryellen Davis, and Kevin Houle (Excused)

Recorder: Trish Gedziun

II. SEATING OF ALTERNATES AND ANNOUNCEMENTS

For the benefit of all attendees, Acting Chairman Martin 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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Acting Chairman Martin 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.

Acting Chairman Martin seated Ms. McGrath in place of Mr. Pacocha and Mr. Nolin in place of Mr. Seabury, who were both excused.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD

1. **Case 118-038-000 (09/25/14): Phil & Jodi Hardcastle, 26 David Drive, Hudson, NH, request a Special Exception to allow an Accessory Living Unit (ALU) to be built per attached plans, connected to the principal dwelling by one common interior doorway, second means of egress will be located on the right side per plans. [Map 118, Lot 038, Zoned G1; HZO Article XIII A, Section 334-73.3 Accessory Living Units.**

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

Acting Chairman Martin stated that the applicant was building an addition onto their home and wished to have an Accessory Living Unit.

Acting Chairman Martin asked who was present to speak in favor with regard to the application.

Ms. Jodi Hardcastle, the applicant, addressed the Board, and summarized the application for an Accessory Living Unit as follows:

1. *An ALU is allowed only in one-family dwellings. An ALU is not allowed in a two-family or multi-family dwellings, or any non-residential uses. An ALU is expressly prohibited in an Open Space Development. This site will conform to this requirement by: The principal property is a one-family dwelling.*
2. *An ALU is not allowed as a free-standing, detached structure or as part of any structure which is detached from the principal dwelling. This site will conform to this requirement by: The ALU will be connected to the current one-family dwelling per attached plan.*
3. *An ALU is to be occupied only by immediate family members (by blood or marriage) of the owner of record of the principal dwelling. An ALU is not allowed in any principal dwelling in which the owner of record of the principal dwelling does not personally reside. This site will conform to this requirement by: The ALU will be occupied the owner's mother.*

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4. *The front face of the principal dwelling structure is to appear as a one-family dwelling after any alterations to the structure are made to accommodate an ALU. This site will conform to this requirement by: The exterior access to the ALU will be through the side entrance, the front face of principal dwelling will maintain a one-family appearance.*
5. *At least one common interior access between the principal dwelling unit and an ALU must exist. A second means of egress from an ALU must exist and be located at the side or rear of the structure. This site will conform to this requirement by: The ALU will be connected to the principal dwelling by one common interior doorway; second means of egress will be located on the right side per attached plans.*
6. *Separate utility service connections and/or meters for the principal dwelling unit and an ALU shall not exist. (This does not preclude using a type of heating system for an ALU different from the type for the principal dwelling unit. This site will conform to this requirement by: The principal dwelling and ALU will both be serviced by one electric meter and will share private well and septic connections. The ALU will have a separate heating system.*
7. *Off-street parking shall be provided to serve the combined needs of the principal dwelling unit and an ALU. This site will conform to this requirement by: The driveway of the principal dwelling provides off-street parking for up to five vehicles.*
8. *The gross living area (GLA) of an ALU shall not be less than 350 square feet, and shall not exceed fifty percent of the principle structure or 1,000 square feet, whichever is less. The above-grade GLA of the principal dwelling shall not be reduced to less than 850 square feet in order to accommodate the creation of an ALU. This site will conform to this requirement by: The GLA of the principal dwelling will remain 1,371 square feet; GLA of the proposed ALU is 554 square feet.*
9. *A Building Permit for an ALU must be approved and issued prior to the construction of an ALU. The ALU shall have an interconnected smoke alarms per Section R313.2.1 of the 2009 IRC Building Code. This site will conform to this requirement by: Smoke alarms in the principal dwelling will be hard-wired and interconnected with those of the ALU.*

Ms. Hardcastle acknowledge that she and her husband, Mr. Phil Hardcastle had read, initialed, and understood the remaining paragraphs on page 8 and page 9 of the application.

Acting Chairman Martin informed the applicant that the house number for the ALU would not be determined by the Hudson Fire Department and that it would remain the same.

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Acting Chairman Martin asked if there were anyone else present who wished to speak in favor, in opposition, or neutrally with regard to the application. No one else came forward.

Acting Chairman Martin declared the matter before the Board.

Mr. Pitre stated that he had assumed that the abutter notification list covered not only the direct abutters but the indirect 200-foot abutter as well. Ms. Hardcastle replied that was correct.

Mr. Pitre asked if the applicant was planning on going through the basement through the existing house. Ms. Hardcastle replied that was correct. She further said that there would not be an exterior doorway. Mr. Pitre stated that he felt it was well designed.

Mr. Dearborn commented that the Board had seen a number of ALU requests and that he felt the proposed package was one of the best he had seen.

Ms. McGrath stated that she echoed Mr. Dearborn's comments with one caveat. She further stated that she felt the plan was in too small of a print and it was very difficult to read.

Mr. Pitre asked if the applicant had informed any neighbors of the proposed construction of the ALU. Ms. Hardcastle replied that the neighbors that would be most affected by the ALU had been notified and that they were in favor of it.

Acting Chairman Martin noted that Mr. Kevin Desmond was in attendance as an observer and that as of Monday, September 29, 2014, he would be the new Zoning Administrator for the Town of Hudson.

Ms. McGrath made a motion to approve the request for an Accessory Living Unit.

Mr. Pitre seconded the motion.

Ms. McGrath, speaking on her motion, stated that she felt the plan met all of the criteria for an ALU; the applicant had acknowledged that they had read all of the conditions that apply to this and that they agreed to them and would abide by them. She also said that absent any negative abutter questions or concerns that she felt it was an appropriate use of the property.

Mr. Pitre, speaking on his motion, stated that he agreed with everything Ms. McGrath had said and he felt it was one of the best applications he had seen in terms of an ALU.

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VOTE: Acting Chairman Martin asked Clerk Dearborn to poll the Board on the motion to approve the request for an Accessory Living Unit and to record the members’ votes, which were as follows:

Ms. McGrath	To approve
Mr. Pitre	To approve
Ms. Shuman	To approve
Mr. Nolin	To approve
Mr. Martin	To approve

Acting Chairman Martin declared that, there having been five votes to approve the request for an Accessory Living Unit, the motion had carried.

IV. APPROVAL OF MEETING MINUTES

The following changes/edits were made to the meeting minutes of the July 24, 2014, meeting minutes:

1. Page 5 – “there having been five votes to approve” was changed to “there having been three votes to approve” – Shuman
2. Page 7 – “Chairman Seabury declared the meeting to be adjourned at 8:19 p.m.” was changed to Acting Chairman Martin declared the meeting to be adjourned at 8:19 p.m. - Shuman

Ms. Shuman made a motion to approve the minutes from the July 22, 2014, meeting, as amended by the Board.

Ms. McGrath seconded the motion.

Acting Chairman Martin called for a verbal vote, and he then declared that all of the voting Board members were in favor of approving the minutes from the July 22, 2014, meeting, as amended by the Board.

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VII. ADJOURNMENT

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

Ms. Shuman seconded the motion.

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

Acting Chairman Martin declared the meeting to be adjourned at 7:48 pm.

Date: October 11, 2014

Normand Martin, Acting Chairman

Recorder: Trish Gedziun