



# TOWN OF HUDSON

## Zoning Board of Adjustment



J. Bradford Seabury, Chairman

Ben Nadeau, Selectmen Liaison

---

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6000 • Fax: 603-594-1142

### HUDSON ZONING BOARD OF ADJUSTMENT MEETING MINUTES November 8, 2012

#### I. CALL TO ORDER

Chairman Seabury called this meeting of the Hudson Zoning Board of Adjustment to order at 7:30pm on Thursday, November 8, 2012, in the Paul Buxton Meeting Room in the Town Hall basement. Chairman Seabury then requested Acting Clerk Nolin to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

#### **Members**

**Present:** Normand Martin, Jim Pacocha, Mike Pitre, Donna Shuman, and J. Bradford Seabury

#### **Members**

**Absent:** None (All Present)

#### **Alternates**

**Present:** Gary Dearborn and Maurice Nolin

#### **Alternates**

**Absent:** Maryellen Davis, Kevin Houle, and Marilyn McGrath

#### **Staff**

**Present:** Bill Oleksak, Zoning Administrator

**Recorder:** Trish Gedziun

**November 8, 2012**

## **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. 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 stated that Mr. Nolin would assume the role as Clerk in place of Mr. Houle, who was excused.

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

1. **Case 173-007 and 008 (11/8/12): Susanne Lindquist, Trustee, 44 Webster Street, Hudson, NH, requests the following:**

- A. An extension of an un-activated Variance to allow the residential use of four proposed building lots within the Business Zoning District for property located at 50 and 58 Webster Street, Hudson, NH. [Map 173, Lots 007 and 008, Zoned Business and Town Residence, HZO Article V, Section 334-21, Table of Permitted Principal Uses.]
- B. An extension of an un-activated Variance for the proposed creation of four residential building lots within the Business Zoning District to have dimensional deficiencies of less than 150 feet of frontage for proposed lots 1, 2, & 4 and less than 30,000 square feet of buildable area within proposed lots 1, 2, & 4 for property located at 50 & 58 Webster Street, Hudson. Proposed buildable area of lot #1 is 15,924 square feet with 90-feet of frontage, lot #2 is 25,157 square feet with 120.58 feet of frontage, and lot #4 is 19,052 square feet with 95.04 feet of frontage. [Map 173, Lots 007 and 008, Zoned Business and Town Residence, HZO Article VII, Section 334-27, Table of Dimensional Requirements.]

Acting Clerk Nolin read aloud the posted notice, as recorded above.

Chairman Seabury asked Mr. Oleksak to explain why the matter was before the Board. Mr. Oleksak explained that the Board had initially approved the requests for both

## **HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes**

**November 8, 2012**

Variances in 2008 and that the applicant had returned in 2009 as well as in 2010 – each time requesting extensions to the Variances. Mr. Oleksak further explained that the last extension granted by the Zoning Board (in 2010) was for a period of two years. He said that the applicant had been having a difficult time selling the property and was present at this meeting to request another extension.

Chairman Seabury asked Mr. Oleksak if he was aware of any changes on the property. Mr. Oleksak replied that he knew of no changes to the property or the environment in that area.

Chairman Seabury asked who was present who wished to speak in favor with regard to the application

Ms. Susanne Lindquist, the applicant, addressed the Board, stating that it had been difficult to sell the property due to what she felt was the bad economy.

Ms. Lindquist reminded the Board that the Planning Board had approved the subdivision in 2008 and it had been recorded in the Hillsborough County Registry of Deeds along with the Heritage Trail Easement that had been given to the Town of Hudson.

Chairman Seabury 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.

Chairman Seabury declared the matter before the Board.

Mr. Martin asked if the applicant had to obtain extensions from the Planning Board as well. Ms. Lindquist replied that she did not believe so as the information had already been recorded in the Registry of Deeds.

Chairman Seabury stated that he strongly recommended that the applicant confirm that with Mr. John Cashell.

Mr. Martin said that §674:39 of the Hudson Zoning Ordinance stated that, in part, “for a period of five years after the date of approval - active and substantial development or building has begun on the site by the owner or the owners successor in interests in accordance with an approved subdivision plot within 24 months.”

Chairman Seabury said although that was true, the applicant had to appear before the Zoning Board on a yearly basis to request extensions.

## HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

November 8, 2012

Mr. Pitre asked if the shed presented located on lot #3 was going to be removed. Ms. Lindquist replied that the shed would be removed when the property was sold.

Mr. Pitre asked if the applicant was presently residing in the house which would eventually become lot #4. Ms. Lindquist replied that they did not, and had no future plans to reside on the property.

Mr. Martin made a motion to approve both requests for extensions of the un-activated Variances (A and B) for a period on one-year, subject to all of the original stipulations applied by the Zoning Board. Mr. Martin also stated that he felt the applicant should seek advice as to whether or not an extension was needed from the Planning Board as well.

Mr. Pitre seconded the motion suggesting that the extension should be for a period of two years.

Chairman Seabury stated that he would not be in favor of approving the request beyond one year.

Mr. Pitre withdrew his suggestion to approve the extension for a period of two years.

Chairman Seabury read aloud from the Decision to Grant a Variance, dated November 18, 2010, from the Hudson Zoning Board of Adjustment summarized as follows:

*On November 18, 2010, the members of the Hudson Zoning Board of Adjustment heard Case 173-007 and 008, concerning a request by Susanne Lindquist, for an extension of an un-activated Variance for the proposed creation of four residential building lots within the Business Zoning District to have dimensional deficiencies of less than 150 feet of frontage for the proposed lots 1, 2, and 4 and less than 30,000 square feet of buildable area within proposed lots 1, 2, and 4 for property located at 50 and 58 Webster Street, Hudson, NH. The proposed buildable area of lot 1 is 15,924 square feet with 90 feet of frontage, and lot 4 is 19,052 square feet with 95.04 feet of frontage.*

*Following review of the testimony and deliberation, a majority of the members of this Zoning Board voted that the Variance should be granted with the following stipulations:*

- 1. One-year extension through November 30, 2013.*
- 2. Wetland markers shall be placed at every lot line and across the wetland buffer at 50-foot intervals.*

## HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

November 8, 2012

3. *The existing shed on proposed lot #3 shall be relocated inside the building envelope.*
4. *The existing shed on proposed lot #4 shall be relocated outside of the 50-foot wetland buffer.*
5. *No additional structures are to be built within the side or rear setbacks.*
6. *No further subdivision of newly created lot #3 shall be allowed.*

Mr. Martin, speaking on his motion, stated that he felt the applicant had testified that nothing had changed on the property and the extension was being requested due to the negative economic condition, and he said he felt the applicant had met all of the criteria for a Variance, and therefore felt the request should be approved.

Mr. Pitre, speaking on his second, stated that he too felt that the applicant had testified that nothing had changed on the property and felt it was appropriate to approve the request.

Chairman Seabury asked Acting Clerk Nolin to poll the Board on the motion to approve both requests for extensions of the un-activated Variances (A and B) for a period of one-year, with the noted stipulations, and to record the members' votes, which were as follows:

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

Chairman Seabury declared that, there having been five votes to approve both requests for extensions of the un-activated Variances (A and B) for a period of one-year, with the noted stipulations, the motion had carried.

### IV. APPROVAL OF MEETING MINUTES

The following changes were made to the minutes of the September 27, 2012, meeting:

Page 3 – “Mr. Martin agreed to make that part of his motion” was added –  
Chairman Seabury

## **HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes**

**November 8, 2012**

Page 5 – Last line - “they” was changed to “he” – Chairman Seabury

Page 8 – the word “ensure” was changed to “assure” – Chairman Seabury

Page 13 – the last sentence on the page was deleted – Ms. Shuman

Page 14, 3<sup>rd</sup> paragraph – “Ferry Street” was changed to “Greeley Street” – Mr. Dearborn

Page 15, 2<sup>nd</sup> paragraph – “No second being brought forward,” was added to the first sentence – Chairman Seabury

Page 19 – 4<sup>th</sup> paragraph – the word “siting” was changed to “stating” – Chairman Seabury

Mr. Martin made a motion to approve the minutes from the September 27, 2012, meeting, as amended by the Board.

Ms. Shuman seconded the motion

Chairman Seabury called for a verbal vote and he then stated that all of the sitting Board members were in favor of approving the minutes from the September 27, 2012, meeting as amended by the Board.

### **VI. ADJOURNMENT**

All scheduled items having been processed, Mr. Martin made a motion to adjourn the meeting.

Ms. Shuman seconded the motion.

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

Chairman Seabury declared the meeting to be adjourned at 8:16pm.

Date: October 11, 2012

---

J. Bradford Seabury, Chairman

Recorder: Trish Gedziun