



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 June 23, 2011

I. CALL TO ORDER

Chairman Seabury called this meeting of the Hudson Zoning Board of Adjustment to order at 7:35pm on Thursday, June 23, 2011, in the Community Development Meeting Room in the Town Hall basement. Chairman Seabury then requested Clerk Davis to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: J. Bradford Seabury, Normand Martin, and Donna Shuman

Members

Absent: Mr. Pacocha and Mr. Pitre (both Excused)

Alternates

Present: Bill Abbott, Maryellen Davis, Gary Dearborn, and Marilyn McGrath

Alternates

Absent: Kevin Houle (Absent)

Staff

Present: William Oleksak, 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. Chairman Seabury pointed out that the Board allowed rehearsals 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 sat Ms. McGrath in place of Mr. Pitre and Mr. Abbott in place of Mr. Pacocha, who were both excused.

III. PUBLIC HEARING FOR PROPOSED AMENDMENT OF ZBA BYLAWS (HTC §143)

Chairman Seabury opened the hearing by asking if there were any members of the public present who had questions or comments with regard to the proposed amendment at 7:37pm. Chairman Seabury closed the hearing at 7:38pm with no one coming forward.

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD

1. **Case 175-091 (6/23/11): Leo and Karen Graham, 12 Alpine Avenue, Hudson, NH, requests an Equitable Waiver to allow the existing deck, garage, and single-family dwelling to remain within the setbacks. [Map 175, Lot 091, Zoned R-2, HZO Article VIII, Section 334-28, Nonconforming Uses, Structures and Lots.]**

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

Chairman Seabury asked Mr. Oleksak to explain why the matter was before the Board. Mr. Oleksak replied that the applicant wanted to obtain a lot-line

adjustment. He further replied that he informed the applicant that an Equitable Waiver was needed prior to obtaining the lot-line adjustment.

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

Mr. Michael Grainger, from MJ Grainger Engineering, representing the applicant, addressed the Board, stating that the house was built in 1955 and was approximately 20 feet off of the property line. He said that the garage which was built sometime in the 1980's, encroached approximately 3 feet into the 30-foot setback, and the deck which was added to the property in the early 1990's encroached approximately 6 feet into the setback.

Ms. McGrath pointed out that there was a shed within the setback (which was very close, if not on the property line) located on Lot 90 (6 Alpine Avenue) and that would also require action. She further stated that she felt the applicant should submit a new application which included remedies for Lot 90 in addition to Lot 91.

Mr. Abbott stated that he felt the request before the Board at this meeting was with regard to Lot 91.

Ms. Shuman also stated that she felt the present request was with regard to Lot 91 and not Lot 90.

Mr. Martin asked if the shed was on blocks. Mr. Grainger replied that the existing 8 x10 shed was on blocks and that he would ask the applicant to move it into compliance –not less than 5 feet from the property line.

Mr. Martin asked if the corner of Lot 90 was in the setback. Mr. Grainger replied that although it was very close to the setback, it was not.

Ms. McGrath suggested that she felt the application should either be withdrawn or deferred and that the applicant should return with an amended application including both lots.

Chairman Seabury stated that he agreed with Ms. McGrath's suggestion.

Mr. Grainger submitted a hand-written note to the Board, on behalf of the applicant, requesting that the Application for an Equitable Waiver be withdrawn.

Mr. Martin made a motion to accept the request for the withdrawal of the Application for an Equitable Waiver without prejudice.

Ms. McGrath seconded the motion noting that re-notification should be sent to all abutters via first class mail.

VOTE: Chairman Seabury asked Clerk Davis to poll the Board on the motion to approve the request for a withdrawal without prejudice and to record the members' votes, which were as follows:

Mr. Martin	To approve the request for a withdrawal
Ms. McGrath	To approve the request for a withdrawal
Ms. Shuman	To approve the request for a withdrawal
Mr. Abbott	To approve the request for a withdrawal
Mr. Seabury	To approve the request for a withdrawal

Chairman Seabury declared that, there having been five votes to approve the request for a withdrawal, without prejudice, the motion had carried.

Mr. Oleksak stated that the next scheduled meeting would be on Thursday, July 28, 2011.

V. PROPOSED AMENDMENT OF ZBA BYLAWS (HTC §143)

The Board discussed several changes to the Bylaws of the Zoning Board of Adjustment.

Mr. Martin made a motion to approve the changes to the Bylaws as discussed and amended by the Board.

Ms. Shuman seconded the motion.

Chairman Seabury called for a verbal vote, and he then stated that all of the Board members were in favor of approving the changes to the Bylaws as discussed and amended by the Board.

VI. APPROVAL OF MEETING MINUTES

The following changes were made to the minutes of the May 26, 2011, meeting:

Page 8, 4th paragraph – “Acting Chairman Pitre” was changed to “Chairman Seabury” – Martin

Mr. Martin made a motion to approve the minutes from the May 26, 2011, meeting as amended by the Board.

Ms. McGrath 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 May 26, 2011, meeting as amended by the Board.

VII. ADJOURNMENT

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

Mr. Martin seconded the motion.

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

Chairman Seabury declared the meeting to be adjourned at 8:45pm.

Date: July 12, 2011

J. Bradford Seabury, Chairman

Recorder: Trish Gedziun