

**HUDSON ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
November 18, 2010**

**I. CALL TO ORDER**

Chairman Seabury called this meeting of the Hudson Zoning Board of Adjustment to order at 7:34pm on Thursday, November 18, 2010, in the Community Development Meeting Room in the Town Hall basement. Chairman Seabury then requested Clerk Houle to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

**Members**

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

**Members**

**Absent:** Normand Martin (Late arrival)

**Alternates**

**Present:** Kevin Houle and Marilyn McGrath

**Alternates**

**Absent:** None (All present)

**Staff**

**Present:** William Oleksak, Zoning Administrator

**Liaison**

**Present:** Ben Nadeau (Excused)

**Recorder:** Trish Gedziun

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## **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 Ms. McGrath would be seated in place of Mr. Martin, who was excused. (Mr. Martin would have a late arrival) Note: Ms. McGrath moved to the opposite side of the room where the other voting Board members sat.

## **III. PUBLIC HEARINGS FOR SCHEDULED APPLICATIONS**

1. **Case 222-005 (11/18/10, Deferred from 10/28/10): Rick Wheeler and Brian Wheeler, DBA Hudson Cycle, P.O. Box 196, 71 Bridge Street, Pelham, NH, requests the following:**
  1. **An Appeal from an Administrative Decision issued by the Zoning Administrator dated August 2, 2010, which stated that a Variance is required for an off-premises sign for property located at 225 Lowell Road, Hudson, NH. [Map 222, Lot 005, Zoned B, HZO Article XII, Section 334-60 (B), General Requirements.]**
  2. **A Variance to allow 2 Flagstone Drive, Hudson, NH, off-premises advertisement on the sign located at 225 Lowell Road, Hudson, NH. [Map 222, Lot 005, Zoned B, HZO Article XII, Section 334-60 (B), General Requirements.]**

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

Chairman Seabury stated that this case had been deferred from the October 28, 2010, meeting because there were some members of the Board that felt the sign in question was

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an allowed sign in as much as it was a sign for the Industrial Park and he had been asked to consult with the Town Attorney. He said that the Town Attorney felt that the sign was not a park sign and the park was not even an Industrial Park but an industrial parcel which had been used for industrial purposes.

Chairman Seabury stated that the sign was permitted by a previous Zoning Administrator in 2000. Chairman Seabury further stated that the attorney indicated that the question before the Board at this meeting was whether the Board felt that the sign being proposed was allowed by the permit that was granted in 2000.

Chairman Seabury stated that when the Board decided to defer the case at the last meeting, the applicant had asked to do something about the fact that they no longer had a sign - ignoring the fact that they had been getting along without a sign for several years. Chairman Seabury further stated that the Board had agreed that the applicant could temporarily put a sign up until the Board made its final decision. Chairman Seabury said that it was not the Boards understanding, however, that the sign being put up was in gross violation of the town's Zoning Ordinance.

Chairman Seabury stated that the Planning Board, in conjunction and cooperation with the Chamber of Commerce, had gone through a two-year process on the best way to handle electronically changing message signs. He further stated that it was decided that electronically changing signs would be allowed with a number of stipulations. Chairman Seabury said that the sign in question violated almost every one of those stipulations.

Chairman Seabury asked who was present who wished to speak in favor with regard to the application. No one came forward.

Mr. Oleksak stated that the applicant was not present.

Ms. McGrath asked Mr. Oleksak if he had any communications with the applicant. Mr. Oleksak replied that he had been under the impression that the applicant would be attending the meeting.

Ms. McGrath made a motion to defer the case until later in the evening in the hopes that the applicant would arrive.

Mr. Pacocha seconded the motion.

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Chairman Seabury called for a verbal vote and he then stated that all of the Board members were in favor of deferring the case until later that evening.

- 2. Case 173-007 and 008 (11/18/10): Susanne Lindquist, Trustee, 44 Webster Street, requests the following:**
  - 1. 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.]**
  - 2. 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, NH. 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 & 008, Zoned Business and Town Residence, HZO Article VII, Section 334-27, Table of Dimensional Requirements.]**

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

Chairman Seabury asked Mr. Oleksak to explain why the matter was before Board. Mr. Oleksak replied that the applicant had been before the Board on several occasions – once for the original application and once for an extension. Mr. Oleksak stated that the applicants were having trouble finding buyers for the land and was present to request another extension.

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 she had previously been before the Board to request an extension and was present to request an additional one-year extension “due to the continued severe economic downfall.”

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Ms. Lindquist stated that it was important to note that there were no changes made to the property since the original Variance was granted in 2008. Mr. Oleksak confirmed that there were no changes made to the property since the original Variance was granted in 2008.

Chairman Seabury asked if there were anyone else present who wished to speak in favor with regard to the application. No one else came forward.

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

Chairman Seabury declared the matter before the Board.

Ms. McGrath asked the applicant how actively the property was being marketed. Ms. Lindquist replied that there were signs in front of the property and it was advertised on Craigslist.

Ms. McGrath asked if the applicant was using a Real Estate Agency to assist with the sale. Ms. Lindquist replied that she was not.

Chairman Seabury asked if there were any other members of the Board who had questions or comments. There were none.

Ms. McGrath made a motion to approve both requests for extensions of Variances (A and B) for a period of \*two years – to expire in November of 2012

Mr. Pitre seconded the motion and stated that he felt the Board should approve the extension for a period of two years rather than one to enable the applicant ample time to sell the property. \*Ms. McGrath stated that she agreed to that.

Ms. McGrath asked Mr. Russo, Chairman of the Planning Board, who was present in the audience, if there were any anticipated zoning changes that would affect the property. Mr. Russo replied that he did not anticipate any changes at this time.

Ms. McGrath, speaking on her motion, stated that she felt approving the request for an extension was the right thing to do due to the state of the economy.

Mr. Pitre, speaking on his second, stated that he felt the applicant was doing the right thing on their end and that the ZBA should grant the Variance.

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VOTE: Chairman Seabury asked Clerk Houle to poll the Board on the motion to approve both requests for extensions for Variances (A and B), for a period of two years, and to record the members' votes, which were as follows:

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

Chairman Seabury declared that the decision having been five votes to approve both requests for extensions for Variances (A and B), for a period of two years, the motion had carried.

- 3. Case 234-038, 039, and 040 (11/18/10): Julie L. Jette, 4069 Trinidad Way, Naples, FL, requests a Special Exception to allow an outdoor paintball field within the Business Zoning District, for the property located at 282, 284, and 286 Lowell Road, Hudson, NH. [Map 234, Lots 038, 039, and 040, Zoned B, HZO Article V, Section 334-20, Table of Permitted Uses.]**

Clerk Houle 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 a paintball field was classified under an outdoor commercial recreation and it required Special Exception.

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

Mr. Mark Hogue, representing the applicant, addressed the Board, stating that he wanted to utilize the property to run an outdoor paintball field on the weekends – Saturdays and Sundays. He further stated that he was “looking for the Board to provide him with the requirements needed such as setbacks and sanitation.”

Chairman Seabury stated that there were general requirements which were as summarized as follows:

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- A. *The use requested was listed as permitted by Special Exception.*
- B. *The proposed use meets all of the applicable established requirements.*
- C. *The proposed use is consistent with the purpose and intent of the district in which it is proposed to be located.*
- D. *The proposed use is compatible with the character of the surrounding neighborhood.*
- E. *The property was of a non-residential use.*

Chairman Seabury asked if there were anyone else present who wished to speak in favor with regard to the application. No one else came forward.

Chairman Seabury asked if there were anyone present who wished to speak in opposition or neutrally with regard to the application.

Ms. Maryellen Davis, 14 Nathaniel Drive, Hudson, NH, commented that the applicant wished to operate an outdoor paintball facility on an 11-acre parcel of land that was in a typical neighborhood situation (even though it was located in the Business Zone) and she said she felt it was “pushing the envelope” as far as space and use of the land went.

Ms. Davis asked the applicant to describe what the activity of an outdoor paintball facility would be. She stated that there were comparable paintball facilities in New Hampshire but that they were typically on larger lots.

Ms. Davis also commented that she felt there were wetlands on the property that needed to be considered and that the activity surrounding the paintball field may affect the nearby residences. She also commented that she had concerns with the potential increased traffic.

Mr. Pitre stated that he mirrored the comments made by Ms. Davis.

Mr. Hogue replied that there were two occupied properties on the lot – one was a business and one was a residence. He further replied that he was interested in utilizing the back portion of the property (away from the existing buildings as well as the road) for the proposed paintball facility. He said that proposed playing field would be behind the water line.

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Mr. Hogue stated that the staging area, parking area, and the check-in area would all be east of the water line.

Mr. Hogue said that there could be as many a fifty customers or as little as no customers and that patronage was not consistent.

Mr. Hogue said that the staging area would be separate from the playing field and that there would be a net approximately 12-20 feet high to keep the rounds from flying back into the staging area.

Mr. Hogue stated that he felt cautionary signage indicating that there was a paintball field in use would be needed as there were several trails in the vicinity that were used for 4-wheeling.

Mr. Hogue also stated that the proposed parking for the facility would be located to the west of the existing “main” house.

Chairman Seabury asked what the nature of the game was. Mr. Hogue replied that the game was “like playing tag, hide and seek, and chess all at once and that trees, logs and ditches were used for cover.”

Mr. Hogue mentioned that he was an acquaintance of Mr. Pitre as he and/or family members had used a paintball facility that he owned on a few occasions. Mr. Pitre stated that he did not feel he needed to step down from the case because of that.

Chairman Seabury asked the applicant how many people he anticipated to play on any given day. Mr. Hogue replied that it would be a “big day” if 50 people were to show up with a total of 30 – 40 cars. Mr. Hogue also replied that there would be approximately 8 – 10 players per referee.

Chairman Seabury asked the applicant if most of the customers would be youths. Mr. Hogue replied that approximately 55-60% of the players would be between the ages of 12 and 21. Approximately 25% of the players would be between the ages of 21 and 35 with the remaining percentage being aged 35 and up.

Chairman Seabury asked how the applicant planned to advertise the business. Mr. Hogue replied that he advertised through the Internet, Facebook, and word of mouth.



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Chairman Seabury asked the applicant if he planned on having any sort concessions. Mr. Hogue replied that he did not plan on selling or grilling any food items but that he did plan on selling/renting markers, paint balls, air tanks (compressed air and CO2), and clothing out of a mobile van.

Mr. Hogue stated that he would prefer all of his customers to use compressed air because it was better for the equipment as well as the environment. Chairman Seabury asked Mr. Hogue, if by that comment, he meant that the CO2 was not good for the environment. Mr. Hogue replied that he felt CO2 was alright for the environment.

Chairman Seabury asked the applicant how he would ensure that the participants of the game would not be physically playing or shooting the paint balls onto other peoples' property. Mr. Hogue replied that it was the referees' job to ensure that the players stayed within the boundaries. He also stated that he would put tape around the perimeter of the property.

Ms. McGrath stated that she felt the applicant would have to seek site plan approval from the Planning Board should the ZBA approve the request.

Chairman Seabury asked if there were anyone else who wished to speak in opposition or neutrally with regard to the application.

Mr. Richard Cockerline, an abutter from 4 Davenport Road, asked how the applicant planned on the paint ball players crossing the Brook. He also stated that if the players did not stay within the boundary lines the residents would not know it because the boundary lines were in the woods.

Ms. McGrath asked if the actual paint balls would be hazardous to the wetlands if they landed in them. Mr. Hogue replied that the ingredients in the paint balls were all biodegradable.

Ms. McGrath commented that any foreign agent that went into a wetland was a potential hazard. She further commented that if the ZBA had approved the request, she wanted the Conservation Commission advised of it.

Ms. McGrath asked the applicant how the players would cross the wetland – which was a brook.

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Mr. Hogue replied that he was aware that he would probably have to speak with the Conservation Commission as well as the Planning Board. He further stated that he was not sure what would and would not be allowed.

Ms. McGrath asked the applicant if he had planned on putting some type of structure over the brook. Mr. Hogue replied that was correct – he wanted something that would be able to handle not only the paint ball players but perhaps a 4-wheeler with a trailer attached it to haul trash.

Chairman Seabury stated that he felt the applicant needed a Wetland Special Exception, and prior to the ZBA granting the Wetland Special Exception, a favorable recommendation had to be received from the Conservation Commission.

Mr. Pitre stated that he felt that it was appropriate for the applicant to make a request for the use first and then request a Wetland Special Exception.

Ms. McGrath asked where the restroom facilities would be located. Mr. Hogue replied that he anticipated the restroom facilities to be where the players registered. He further replied that he had planned on using Dave's Sanitation for the restroom facilities.

Ms. McGrath stated that she felt the potential damage to the wetlands was getting bigger by the minute.

Ms. McGrath asked if the proposed business would be seasonal and what the intended hours of operation would be. Mr. Hogue replied that the hours of operation would be 8:00am - 4:30pm on Saturdays and Sundays (the last game going out at 3:30pm) through approximately mid April through mid November.

Ms. McGrath asked if the residence on the property was occupied. Mr. Hogue replied that it (as well as the machine shop) was occupied by renters – not the owner of the property.

Mr. Pitre asked if the applicant would be amenable to a 50-foot setback around the entire perimeter of the property. Mr. Hogue replied that he would be agreeable to that.

Mr. Pacocha asked if a vehicle was really needed to transport the trash. Mr. Hogue replied that he would like to use a 4-wheeler to transport the proposed 55-gallon trash barrels back and forth from the area.

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Mr. Pacocha asked how wide the stream was. Mr. Hogue replied that he had seen it as wide as 20 feet and as narrow as 5 feet depending on the water flow.

Ms. McGrath stated that she felt the Conservation Commission should be consulted prior to the ZBA making a decision.

Chairman Seabury pointed out that although he agreed with Ms. McGrath's comments, the applicant wanted to know whether or not there was any point in pursuing matter.

Ms. McGrath asked how an emergency vehicle would get onto the property in the event it was needed. Chairman Seabury replied that they would get onto the property the same way the portable toilets would get onto the property.

Mr. Stuart Schniederma, a resident, asked the applicant how much each paint ball weighed. Mr. Hogue replied that each paint ball weighed 1.2 grams.

Mr. Schniederma also asked if the main filler ingredient in the paint ball was anti-freeze. Mr. Hogue replied that was correct.

Mr. Schniederma asked how many paint balls were issued to each player. Mr. Hogue replied that each marker would carry anywhere from 200 – 250 rounds and each player would be buying the paint balls either by the bag which consisted of 500 paint balls or by the case which consisted of 2,000 paint balls.

Mr. Schniederma stated that every single player would be shooting approximately a pint of anti-freeze into the wetland. Chairman Seabury replied that it would not be a problem as long as it was at least 50 feet away from the wetland.

Ms. Davis commented that the paint balls typically went farther than 50 feet and furthermore, she said she did not feel that a 12-year old child would be able to control where the paint balls went.

Mr. Pacocha asked if the owner was aware of the application. Mr. Hogue replied that the property owner was aware of the application but he had not yet spoken to the actual renters of the property.

Chairman Seabury commented that although there may be some future issues that would need to be addressed, he personally did not feel there was any reason why the Board should deny the application.

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Ms. McGrath commented that she had a lot of concerns with the application and most of her concerns would have to be addressed by the Planning Board.

Ms. McGrath also commented that she was concerned with the potential impact on traffic.

Mr. Pacocha made a motion to approve the request for a Special Exception with the following stipulations:

- *That the applicant has to seek a favorable recommendation from the Conservation Commission.*
- *That the applicant has to obtain site plan approval from the Planning Board.*

Ms. McGrath seconded the motion.

Mr. Pacocha, speaking on his motion, stated that he felt it was a secondary use that was permitted in this zone, the proposed use met all of the applicable requirements established in the ordinance, the proposed use was consistent with the purpose and intent in the district in which it was proposed to be located, and it was compatible with the character of the surrounding neighborhood.

Ms. McGrath, speaking on her second, stated that she concurred with what Mr. Pacocha had indicated and that she was satisfied with the stipulations that the applicant had to appear before the Conservation Commission and the Planning Board.

VOTE: Chairman Seabury asked Clerk Houle to poll the Board on the motion to approve the request for a Special Exception, with the noted stipulations, and to record the members' votes, which were as follows:

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

Chairman Seabury declared that the decision having been five votes to approve the request for a Special Exception, with the noted stipulations, the motion had carried.

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Chairman Seabury stated that since Mr. Martin had arrived at the meeting, he would assume his role as full voting member of the Board and Ms. McGrath returned to her seat as a non-voting alternate member of the Board.

Chairman Seabury noted that the time was close to 9:30pm and the applicants for the first case (#222-005 Rick Wheeler and Brian Wheeler, DBA Hudson Cycle) had still not arrived.

Chairman Seabury pointed out that the Board would not take any public testimony as the applicants were not present.

Chairman Seabury stated that what was before the Board was an unfinished Zoning Appeal from a Zoning Administrators' Decision and a Variance case that had not been taken up. He further stated that the choice the Board had to make was to either defer it to a future date when the applicant would be present or to summarily deny the request.

Ms. McGrath asked if the applicant had been cited for the (sign) violations.

Chairman Seabury commented that he felt the applicant should be told to turn the sign off the next morning in addition to being cited for the violations.

Mr. Martin asked Chairman Seabury if he had consulted with the Town Attorney. Chairman Seabury replied that the attorney's recommendation with respect to the Appeal from the Zoning Administrator's Decision was to determine whether or not the proposed sign was in accordance with the original sign.

Chairman Seabury stated that the Board had to determine whether to uphold the Zoning Administrator's Decision or to reverse it. He further stated that applicant could request a Variance if the Board decided to agree with the Zoning Administrator's Decision

Mr. Martin made a motion to defer the case, date specific, to the December 9, 2010, meeting with the stipulation that the sign was to be turned off immediately.

Mr. Pacocha seconded the motion.

Ms. McGrath stated that she had a few questions about the Boards' initial vote to allow the sign to be kept on in the interim. She said she was puzzled as to why the Board felt they had a right to make that determination. She also said she felt it was not within the purview of the Zoning Board of Adjustment to make that decision.

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Chairman Seabury commented that the Board did not know it was an illegal sign when the decision was made to allow it to be turned on in the interim.

Ms. McGrath pointed out, at the last meeting, that Mr. Hammar indicated that the applicant would be making changes to sign.

Ms. McGrath commented that she was concerned with the precedent that the Board set by allowing it.

Mr. Martin, speaking on his motion, stated that that the reason he had voted to defer the case and allow the sign to remain on in the interim was because the sign that was there previous to the “flashing one that is there now” simply said Hudson Cycle with the phone number and an arrow.

Mr. Pacocha, speaking on his second, stated that he had voted to allow the sign to remain because the Board had delayed the decision and he felt that the applicant was entitled to use the sign until the final decision was made.

VOTE: Chairman Seabury asked Clerk Houle to poll the Board on the motion to defer the case, date specific, to the December 9, 2010, meeting, with the noted stipulation, and to record the members’ votes, which were as follows:

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

Chairman Seabury declared that the decision having been five votes to defer the case, date specific, to the December 9, 2010, meeting, with the noted stipulation, the motion had carried.

- 4. Case 112-011 (11/18/10): Louis and Dawn Pilat, 2 Marie Lane, Hudson, NH requests a Variance to allow the existing shed to remain to the front of the main building. [Map 112, Lot 011, Zoned G-1, HZO Article VII, Section 334-27.1 (C), General Requirements.]**

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

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Chairman Seabury asked Mr. Oleksak to explain why the matter was before the Board. Mr. Oleksak explained that he noticed that the shed on the property was located on the front portion of the dwelling. He further explained that the applicant was informed that a Variance was needed if the shed was to remain where it was.

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

Mr. Louis Pilat, the applicant, addressed the Board, stating that he did not know a Variance was needed when the shed was built.

Mr. Pilat also stated that there was no other reasonable location in which to put the shed due to power lines crossing the front, the septic system and the leach field.

Mr. Pilat read aloud a portion of the Application for a Variance as summarized as follows:

- 1. Granting of the requested Variance will not be contrary to the public interest because our home is on a small street with six other homes. Most homes on our street have sheds for additional storage.*
- 2. The proposed use will observe the spirit of the ordinance because we suppose the “spirit” of this ordinance is to discourage erecting an unsightly and potentially unsafe structure in front of one’s house. The shed doesn’t take away from the appearance of our home and, in our opinion – actually looks like it belongs there.*
- 3. Substantial justice would be done to the property-owner by granting this variance because our property has an easement due to its proximity to the power lines. This easement renders about half of our one-acre lot unusable. Due to our lot configuration, and working around our septic system and leach field, our choices were limited.*
- 4. The proposed use will not diminish the values of the surrounding properties because we built our shed by hand and finished it to match our house including vinyl siding, shingled roof and shutters.*

Chairman Seabury asked if there were anyone present who wished to speak in opposition or neutrally with regard to the application.

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Mr. Gregory Gush, 50 Kienia Road, a friend and neighbor, addressed the Board, stating that he felt the shed that the applicant had built was nicer than some of the homes in Hudson. He also stated that he felt the shed complimented the applicant's home.

Chairman Seabury asked if there was anyone else present who wished to speak in favor with regard to the application. No one else came forward.

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

Chairman Seabury declared the matter before the Board.

Mr. Pitre asked the applicant what the size of the shed was. Mr. Pilat replied that the shed was 12' x 16'.

Chairman Seabury commented that he felt the shed was a very well built structure.

Mr. Pitre made a motion to approve the request for a Variance.

Mr. Martin seconded the motion.

Mr. Pitre, speaking on his motion, stated that he felt the shed was not intrusive, it was not injuring any public rights, and it would provide the applicant with due justice.

Mr. Martin, speaking on his second, stated that he agreed with everything Mr. Pitre had said.

Chairman Seabury commented that because of the position of the shed no one except the applicant's immediate neighbors would even see it – noting that there were no opposing abutters present.

VOTE: Chairman Seabury asked Clerk Houle to poll the Board on the motion to approve the request for a Variance, and to record the members' votes, which were as follows:

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



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Chairman Seabury declared that the decision having been five votes to approve the request for a Variance, the motion had carried.

## V. OTHER BUSINESS

1. **Case 241-061 (11/18/10, Request for Rehearing):** Heather Bucknam, 40 Dracut Road, Hudson, NH, requests a Variance to allow a proposed garage to be constructed within the front-yard setback. 50 feet required, 35.6 feet proposed. [Map 241, Lot-061, Zoned R-2, HZO Article VII, Section 334-27, Table of Dimensional Requirements.]

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

Chairman Seabury read aloud a letter addressed to the Zoning Board of Adjustment, from Ms. Heather L. Bucknam, dated November 15, 2010, as summarized as follows:

*I write this letter of appeal to your recent denial of my variance, Case 241-061. Several matters have come to my attention which will hopefully reverse your previous denial.*

1. *I have no keyed entrance to the back of my house. A garage in the back would force me to walk around to the front through the sleet and snow. I have already fallen several times on the black ice.*
2. *Placing the garage in the back would double the amount of driveway, thereby doubling the cost of replacing the driveway after garage construction.*
3. *Snow removal would also double.*
4. *Placing the garage in the back would interfere with the existing shed because the dimensions of the garage would need to change.*
5. *Placing the garage in the back may destroy a 21-year old wedding tree that provides an abundance of shade to the east side of the house, reducing the need for cooling in the summer.*
6. *All other homes bordering my home or across the street are less than 50 feet from the road.*

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- 7. Finally, a variance was granted in 1990 to the family at 1 Brookfield Road allowing them to build a garage/family room at a 41-foot setback from Dracut Road. This family is my direct neighbor. I feel that it is definitely within the spirit of the ordinance to ask for the same thing that my neighbor was granted. I enclose a copy of that variance.*

Chairman Seabury stated that the Board needed to determine whether or not the applicant's request convinced them that an improper decision had been made or whether there was new evidence that would have led the Board to a different conclusion.

Mr. Martin stated that he felt the information with regard to the Variance granted to the family at 1 Brookfield Road was new evidence and that he felt the Board should rehear the case.

Mr. Pacocha stated that he did not feel that there was any new evidence presented and he still did not feel there was a hardship on the property. He further stated that each case had to be taken on its own merit.

Chairman Seabury commented that he agreed with Mr. Pacocha.

Mr. Martin made a motion to rehear the case.

Chairman Seabury declared that the motion died due to the lack of a second.

Mr. Pacocha made a motion not to rehear the case.

Mr. Pitre seconded the motion.

Mr. Pacocha, speaking on his motion, stated that he did not feel there was any new evidence presented to warrant rehearing the case.

Mr. Pitre, speaking on his second, stated that he still did not feel there was a hardship on the property and did not feel there was any new evidence presented to warrant rehearing the case.

Chairman Seabury pointed out that the property located at 1 Brookfield Road was a common lot which had an entirely different set of circumstances surrounding it which did not pertain to this case.

**HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes  
November 18, 2010**

VOTE: Chairman Seabury asked Clerk Houle to poll the Board on the motion to deny the Request for a Rehearing, and to record the members' votes, which were as follows:

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

Chairman Seabury declared that the decision having been four votes to deny the Request for a Rehearing, and one vote to approve the request, the motion had carried.

Chairman Seabury commented that the 2011 schedule for ZBA meetings was approved by the Board.

**VI. ADJOURNMENT**

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

Mr. Pacocha seconded the motion.

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

Chairman Seabury declared the meeting to be adjourned at 10:21pm.

Date: December 3, 2010

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J. Bradford Seabury, Chairman

Recorder: Trish Gedziun