

**HUDSON ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
January 14, 2010**

I. CALL TO ORDER

Chairman Seabury called this meeting of the Hudson Zoning Board of Adjustment to order at 7:31pm on Thursday, January 14, 2010, in the Community Development Meeting Room in the Town Hall basement. Those members of the Board present were as follows:

Members

Present: Normand Martin, Jim Pacocha, Michael Pitre,
and J. Bradford Seabury

Members

Absent: William McInerney (Excused)

Alternates

Present: Kevin Houle and Donna Shuman

Alternates

Absent: Marilyn McGrath (Excused)

Staff

Present: William Oleksak, Building Inspector (Excused)

Liaison

Present: Ben Nadeau (Excused)

Recorder: Trish Gedziun

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II. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Seabury did not make any announcements as the entire function and purpose of this meeting was solely for the purposes of reviewing the Zoning Board of Adjustment's Board's By-Laws.

Chairman Seabury announced that Mr. Houle would be seated in place of Mr. McInerney, who was excused.

III. DISCUSSION AND CHANGES TO THE BY-LAWS

1. 143-6 – Conduct of Hearings

- a. The first sentence of sub-section (i) was moved to the end of the paragraph of sub-section (d). The remainder of sub-section (i) was deleted. The final sub-section (d) read as follows after the edit:

The applicant or his/her representative shall present his/her reasons for the hearing. At this time, a lesser request than that advertised may be accepted by the Chairman. The applicants shall have a maximum of thirty minutes to present his/her case and more time may be allotted if the applicants are unfamiliar with the zoning process. Additional time shall only be granted by the Chairman of the Board. The Chairman at his/her discretion may limit the time of any speaker, either for or against the requested relief.

2. 143-10 – Request for Rehearings

Mr. Pacocha made a motion to put a period after allowed and delete the following from sub-section (b) "unless a member of the Board wishes to ask a question."

Mr. Houle seconded the motion. The Board concurred and decided to continue looking for possible changes.

- a. The last portion of sub-section (b) was deleted. The final sub-section (b) read as follows after the edit:

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All requests for rehearings will be discussed by the Board during a public meeting, with this discussion being a matter before the Board. No applicant or abutter testimony shall be allowed.

- b. Chairman Seabury added sub-section (e) as follows:

Following a vote not to rehear, the Board shall not accept any further request(s) to rehear.

3. 143-11 – General Rules

- a. Chairman Seabury added (**Note:** each sitting member must vote either for or against a motion; no abstentions shall be allowed.) to the end of sub-section (d). The final sub-section (d) read as follows after the edit:

In the event that the matter is before the Board, and the member has heard the deliberations and feels that he/she cannot make a decision in the matter, that member shall step down, and the Chairman shall appoint an alternate member of the Board to sit in place of the stepped-down member for that particular case. (**Note:** each sitting member must vote either for or against a motion; no abstentions shall be allowed.)

- b. The sentence “Enough time shall be given to allow re-notification to be made to abutters and in a paper with circulation throughout the Town of Hudson” was deleted from sub-section (e-1). The final sub-section (e-1) read as follows after the edit:

In the event that any one or more cases take longer to be processed than would be reasonably expected, the following limits shall apply:

- 1) Whatever hearing is in progress at 11:00pm will be the last hearing to be heard that evening – that is, no new hearings shall be initiated after 11:00pm. If any other cases on that evening’s agenda are waiting to be heard, they will be deferred to a date certain, to be designated by the Board at that time. The declaration of deferral to a date certain shall be construed to constitute full notice to interested parties and members of the public.

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- b. The sentence “No hearing will be continued beyond 11:30pm” was changed to “No hearing will be continued beyond 12:00 midnight” under sub-section (e-2). The final sub-section (e-2) read as follows after the edit:
- 2) No hearing will be continued beyond 12:00 midnight, and any hearing in progress at that time will be deferred to a date certain, to be designated by the Board at that time.
- c. The portion of the sentence “In the event that any applicant not needing to go before the Planning Board has not initiated that process within one hundred eighty days following ZBA approval, or any applicant” was deleted under sub-section (f). The final sub-section (f) read as follows after the edit:

If no subsequent Planning Board action is necessary, decisions granting variances or special exceptions shall be valid for a grace period of one calendar year following approval by the Zoning Board of Adjustment. If subsequent Planning Board action is necessary, as so ruled either by the Zoning Board of Adjustment or the Zoning Administrator, this grace period shall be changed, provided that the applicant gains Planning Board acceptance within three hundred and sixty-five days following approval by the Zoning Board of Adjustment, such that decisions granting variances and special exceptions shall be valid for one calendar year following approval by the Planning Board of the applicable subdivision/site plan. In the event that any applicant obtaining subsequent Planning Board approval is found not to have completed substantial development within a period of time in compliance with RSA 674:39, as applicable, the variance(s) or special exception(s) shall be held to have expired, with all rights and/or privileges owing to the property in question thereby reverting to whatever status would pertain if no such decision(s) had been made.

Mr. Pitre excused himself from the meeting at 8:32pm and Chairman Seabury seated Ms. Shuman in his place.

- d. The final sub-section (h) read as follows after the edit:

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It shall be the responsibility of the Vice Chairman of the Board to maintain a file of decisions rendered by the Board and to review said decisions one year following their adjudication, as determined by the time of the actual decision of the Board. The purpose of said review shall be administrative only, intended only to bring to the attention of the Zoning Administrator of the Town of Hudson with respect to any variances, special exceptions or other decisions, that expiration has occurred.

- e. “A rehearing or for any new hearing aimed at obtaining” was deleted from the first sentence in sub-section (i). The final first sentence in sub-section (i) read as follows after the edit:

In the case of any request for an extension or renewal of an expired permit, the Chairman shall first try to seat those same members who were sitting for the testimony and deliberation of the original hearing.

4. 143-12 – Motions for Reconsideration

- a. The words “or special” and “within twenty days” was deleted from the first sentence under section 143-12. The final first sentence in section 143-12 read as follows after the edit:

Any motion for reconsideration must be made and acted upon at or before the next regular meeting following the original decision.

5. 143-13 – Appeals of Building Permits

Chairman Seabury deleted the text up until sub-section (e) on. Sub-section (e) on was added to the end of section **143-11 – General Rules.**

- a. The words “and shall become a part of this chapter” was deleted.

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IV. ADJOURNMENT

All scheduled items having been processed, Mr. Martin 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 9:52pm.

Date: January 27, 2010

J. Bradford Seabury, Chairman

Recorder: Trish Gedziun