

**HUDSON ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
February 14, 2008**

**I. CALL TO ORDER**

Chairman J. Bradford Seabury called this meeting of the Hudson Zoning Board of Adjustment to order at 8:00 p.m. on Thursday, February 14, 2008, in the Community Development Meeting Room in the Town Hall basement. Chairman Seabury then requested Clerk Martin to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

**Members**

**Present:** Maryellen Davis, William McInerney, James Pacocha, and J. Bradford Seabury

**Members**

**Absent:** Michael Pitre (Excused)

**Alternates**

**Present:** Normand Martin, Marilyn McGrath, and Kevin Houle

**Alternates**

**Absent:** None (All present)

**Staff**

**Present:** William Oleksak – Building Inspector  
(Attended in place of Sean Sullivan)

**Liaison**

**Present:** Doug Robinson, Member, Board of Selectmen

**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 seated Mr. Houle in place of Mr. Pitre, who was excused.

**III. PUBLIC HEARINGS FOR SCHEDULED APPLICATIONS**

**1. Case 198-25 (2/14/08, Deferred from 1/17/08): Aranosian Oil Company, Inc., c/o Robert Welts, Esq., PO Box 507, Nashua, NH, requests an Appeal from an Administrative Decision issued by the Community Development Director dated August 21, 2007, which states that the electronically-changing, freestanding sign located at 72 Lowell Road is in violation of the Hudson Zoning Ordinance. [Map 198, Lot 24, Zoned B, HZO Article XII, Section 334-60 H, Electronic-Changing signs.]**

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

Chairman Seabury read aloud a portion of a letter dated January 13, 2008, addressed to the Zoning Board of Adjustment, from Robert B. Welts, Esq., as follows:

*On behalf of my clients, I hereby respectfully request a continuance of the above case which was scheduled for your meeting on February 14, 2008.*

*The reason for the continuance request is that Sean Sullivan, Community Development Director, who is an essential person involved in this matter, informed me yesterday that he would not be able to attend the meeting.*

Ms. Davis made a motion to defer the case, date specific, to February 28, 2008.

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 to February 28, 2008.

**2. Case 236-18 (2/14/08): Steven W. Mithen, 6 Stable Road, Hudson, NH, requests a Home Occupation Special Exception to allow a window treatment business with the existing home. Previously granted on January 25, 2007, for a period of one year. [Map 236, Lot 18, Zoned R-2, HZO Article VI, Section 334-24, Home Occupation Special Exception.]**

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

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

Mr. Steven Mithen, owner and applicant, addressed the Board, stating that he was present to extend his Home Occupation Special Exception permanently.

Mr. Mithen stated that the biggest issue some neighbors had had with his in-home business were the deliveries made via tractor-trailer trucks. Mr. Mithen stated that he had taken care of that problem by personally picking up any stock that was needed.

Mr. Mithen stated that there was approximately one delivery made to his home per day via UPS. Mr. Mithen also noted that UPS made deliveries to his neighbors on a daily basis as well.

Mr. Mithen then stated that the business did not create any excess noise, that in the course of a week they were only in their home office one-third of the time, and that his only employees were his two sons, Corey and Casey, who lived in the residence.

Mr. Mithen concluded his testimony by stating that he had complied with everything that the town had asked him to do.

Chairman Seabury asked if there were anyone else present who wished to speak in favor with regard to the application.

Mr. Helmut Boml, an abutter, addressed the Board stating that he felt Mr. Mithen was very particular with his in-home business and he had no objections.

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Mrs. Karen Boml, also an abutter, addressed the Board and stated that she had absolutely no problem with the applicant's in-home business.

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 then declared the matter before the Board.

Ms. Davis asked Mr. Oleksak if there had been any code enforcement issues on the property in the past year. Mr. Oleksak replied that there had been none.

Ms. Davis asked the applicant to confirm that the hours of operation were the same, that his two sons lived in the residence, and that the access to the accessory unit was from the existing driveway.

Mr. Mithen replied that both of his sons were employed by him and did live in the residence, that the unit was accessed by the existing driveway, and the hours of operation were from 8:00a.m. to 5:00p.m.

Chairman Seabury stated that he had consulted with a neighbor of the applicant and that neighbor had stated that, although they had previously felt that the in-home business would be a problem, it was not a problem at all.

Chairman Seabury also stated that the only concern that was raised by some of the neighbors, as well as some members of the Board, was that the additional unit that the applicant built was remarkably larger than anyone had anticipated. Chairman Seabury emphasized that no one was allowed to live in the building at any time.

Mr. Mithen testified that he was aware that no one could live in the building.

Ms. Davis made a motion to approve with the following stipulations:

1. Signage shall only be permitted in accordance with Article XII, Section 334-67.
2. An inspection shall be performed by the Zoning Administrator.
3. That the conditional use special exception shall terminate upon the sale of the premises to any other party.

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4. There shall be no person employed by the business that is not a resident of the home.
5. Deliveries shall only occur on Monday through Friday, between the hours of 8:00a.m. - 5:00p.m.
6. There shall be no more than two deliveries per day, and those deliveries will only arrive via UPS, Federal Express, or DHL.
7. There shall be no deliveries via tractor-trailer trucks.
8. No additional driveway or access should be installed or used to gain access from Stable Road to the accessory building.

Mr. Pacocha seconded the motion.

Ms. Davis, speaking on her motion, stated that the applicant had demonstrated that the in-home business had been operated in good faith, that all of the abutters who had very negative testimony one year prior were not at the meeting to oppose, and that she felt the applicant deserved to have the permanent use.

Mr. Pacocha, speaking on his second, stated that he felt the applicant had conducted his business in such a way that it was not a detriment to the neighbors, and he felt the in-home business should become a permanent use.

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

Ms. Davis	To approve
Mr. Pacocha	To approve
Mr. McInerney	To approve
Mr. Houle	To approve
Mr. Seabury	To approve

Chairman Seabury reported that, there having been five votes to approve, the motion had carried.

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**IV. ADJOURNMENT**

All scheduled items having been processed, Ms. Davis 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 8:34p.m.

Date: February 3, 2008

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J. Bradford Seabury, Chairman

Recorder: Trish Gedziun