



TOWN OF HUDSON

Zoning Board of Adjustment



Charlie Brackett, Chairman

Marilyn E. McGrath, Selectmen Liaison

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6008 · Fax: 603-594-1142

MEETING MINUTES – March 12, 2020 - approved

The Hudson Zoning Board of Adjustment met on March 12, 2020, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Vice Chairman Dearborn called the meeting to order at 7:01 PM and invited everyone to stand for the Pledge of Allegiance.

Clerk Daddario took the roll call. Members present were Gary Daddario (Regular/Clerk), Gary Dearborn (Regular/Vice Chair), Brian Etienne (Regular) and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder, and Marilyn McGrath, Selectman Liaison. Excused was Charlie Brackett (Regular/Chair). Ms. McGrath clarified her role on the ZBA and noted that even though she may participate in the discussion on any Case, she does not vote and added that she would be recusing herself from one Case. For the record, all four (4) Members voted.

Mr. Daddario read the Preamble into the record, identified as Attachment A of the Board's Bylaws, that included the procedure and process for the meeting, that copies of the Agenda and Application for Rehearing are on the shelf by the door, the importance of the 30-day time period for appeal as well as housekeeping items regarding cell phones, smoking and talking.

Mr. Dearborn stated that the presence of five (5) Members present constitutes a Full Board and a Quorum is a minimum of three (3) Members and that only four (4) Members are present for this meeting. One Case (246-001) has opted to wait for the regular meeting scheduled for March 26th with the hope that there will be a Full Board present. Another Case (251-001) has requested to be withdrawn as the Zoning Amendment was voted in at the March 10, 2020 Town Vote and the Variance is no longer needed. As a result Mr. Dearborn reordered the Agenda to hear the Cases in the following order: (1) Case #251-001; (2) Case #246-001; and (3) Case #234-041.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 234-041 (03-12-20): Komma Holding, LLC, 28 Winding Rd., Bedford, NH requests a Special Exception for 288 Lowell Rd., Hudson, NH to redevelop the property by demolition of the existing structure and construction of a new 7,000 SF one story veterinary clinic with associated access, parking, and other site improvements. [Map 234, Lot 041-000; Zoned Business (B); HZO Article VI, §334-23, Special Exceptions, General Requirements].

Mr. Buttrick read the Case into the record and referenced his Staff Report signed 2/24/2020 and Zoning Determination dated 2/6/2020, noted that the Zoning Ordinance requires a Special Exception and added that the proposal would also need Site Plan Review by the Planning Board. Ms. McGrath recused herself and left the Board table.

Jeff Merritt, PE, Granite Engineering, LLC, 250 Commercial Street, Manchester, NH, introduced himself and Dr. Sudha Komma, the Applicant, and Denise Langley of Langley Construction, the General Contractor for the project. Mr. Merritt stated that a Special Exception for a veterinary clinic at 288 Lowell Road is required per the Zoning Ordinance as it is in the Business Zone/District. Currently, the Applicant operates a veterinary clinic on the other side of Lowell Street, at #279 Lowell Street, and has been there for a number of years. The proposal is to allow Dr. Komma to create a new state-of-the-art facility and move her practice from 279 Lowell Road to 288 Lowell Road.

Mr. Merritt referenced the Existing Conditions Plan for 288 Lowell Road, prepared by KNA, Keach-Nordstrom Associates, Bedford, NH, dated 1/16/2020 and made the following notations: lot is approximately 1.4 acres in size; there is a median in this section of Lowell Road and this property has access to the northbound lane; the property is fully located in the Business (B) Zone; lot is developed with a two-family residential structure, a pre-existing Use, now a non-conforming Use in the B zone; there exists two (2) curb cuts off Lowell Road; existing building is partially located in the front setback and the existing two-story deck is totally in the front setback.

Mr. Merritt next referenced the Proposed Plan prepared by his office and dated 2/4/2020, noted that the existing building and pavement would be removed, the curb cut onto Lowell Road would be reduced to one (1), and the new proposed one-story seven thousand square foot (7K SF) facility would be out of the front setback and twenty four (24) parking spaces, with one as handicap, to meet requirements, a loading dock, a dog run and a relocated leach field. The proposed Architectural Plan of the new Animal Clinic facility was also posted for viewing.

Mr. Merritt next addressed the criteria for the granting of a Special Exception. The following information was shared:

- A. *use is permitted by Special Exception per Zoning Ordinance*
 - met, per Table of Permitted Principal Uses item D.2
- B. *proposed use meets all other applicable requirements*
 - met, project complies with minimum lot area, minimum frontage and applicable setbacks, front, rear and side building setbacks
 - proposed project eliminates current/existing non-conformance
 - project subject to Site Plan Review by Planning Board
- C. *proposed use is consistent with purpose & intent of B zone*
 - B Zone established to include such items as services, hospitals and business/professional offices to which the proposed use of a veterinary clinic is related
 - proposed use, with the Special Exception, is more conforming than the existing grandfathered non-permitted two-family use
- D. *proposed use is compatible with character of neighborhood*
 - surrounding uses include a mix of residential and commercial uses – to the south are residential properties and Pete’s Gun and Tackle shop – across the street is a residential community – to the north include more residences, a machine shop and Dr. Komma’s existing veterinary clinic at 279 Lowell Street
 - proposed use compatible with the character of the surrounding neighborhood, especially since it exists already in a smaller facility in the neighborhood
- E. *nonresidential principal uses in residential districts must have primary access from arterial or collector roads*
 - not applicable, location is in Business Zone

Public testimony opened at 7:21 PM. No one addressed the Board.

Mr. Pacocha and Mr. Etienne stated that they are satisfied with the presentation, that it was a good presentation and that the criteria for the granting of a Special Exception have been addressed and met. Mr. Daddario agreed and added that the existing non-conformities have been eliminated. Mr. Dearborn also agreed and added that the reduction of the existing two (2) curb cuts onto Lowell Road being reduced to one (1) curb cut is also beneficial and noted that there were no comments or concerns received from the Town Engineer or Town Planner and that the proposal would require Site Plan Review and approval by the Planning Board.

Motion made by Mr. Pacocha, seconded by Mr. Daddario and unanimously voted 4:0 to grant the Special Exception as all the requirements have been

satisfactorily addressed. Special Exception granted. The 30-day appeal period was noted.

2. Case 251-001 (03-12-20): BAE Systems, LLC, 65 Spit Brook Rd., NNH01, Nashua, NH requests a Variance for 65 River Rd., Hudson, NH to allow the construction of a 37,100+/- SF high bay building addition, with a maximum occupiable building height of 50 feet where 38 feet is allowed. [Map 251, Lot 001-000; Zoned Industrial (I); HZO Article III, §334-14, Building Height].

Mr. Buttrick read the Case into the record and referenced the email received 3/4/2020 from Earl Blatchford, Senior Project Manager, Hayner/Swanson, Inc., 3 Congress Street, Nashua, NH requesting either: (1) deferment to the March 26th meeting for a Full Board if the Proposed Zoning Amendment does not pass at the 3/10/2020 Town Vote; or (2) withdrawal of the application without prejudice if the Proposed Zoning Amendment passes at the 3/10/2020 Town Meeting. The Proposed Zoning Amendment pertaining to building height was passed by Town Vote; therefore, Variance not needed.

Motion made by Mr. Etienne, seconded by Mr. Pacocha and unanimously voted (4:0) to accept the Applicant's request to withdraw the application without prejudice.

3. Case 246-001 (03-12-20): Dr. Warren Barclay, 24 Chalifoux Rd., Hudson, NH requests two variances for 2 Stonemill Dr., Hudson, NH: 1) To permit the construction of an approx. 1,155 sq. ft. accessory one-story building to be used as a chiropractic office accessory to the primary residential use and; 2) To permit the location of the building to be within the front yard setback of 30 ft. where 50 ft. is required. [Map 246, Lot 001-000; Zoned Residential-Two (R-2); HZO Article III, §334-10 D, Mixed or dual use on a lot and HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].

Mr. Buttrick read the Case into the record and referenced the email dated 3/10/2020 from Thomas J. Leonard, Esq., Welts, White & Fontaine, PC, 29 Factory Street, Nashua, NH, that acknowledged that a Full Board would not be present at this meeting and requested to postpone the hearing of the Case until the next available meeting (3/26/2020).

Motion made by Mr. Etienne, seconded by Mr. Pacocha and unanimously voted (4:0) to accept the applicant's request and defer the hearing to the next Regular Zoning Board meeting scheduled for 3/26/2020.

IV. OTHER

1. ZBA Membership

Mr. Dearborn read into the record a request from Chairman Brackett to Town Administrator Steve Malizia regarding the vacancies on the Zoning Board and the impact of having no Alternates when a Regular Member is excused for a meeting. Mr. Dearborn noted that tonight's meeting is an example of this impact where two of the three Cases opted to not be heard without a Full Board present.

Ms. McGrath stated that she was at the polls Tuesday and got to speak with a prior ZBA Member, Kevin Houle, and stated that he would consider returning to the Board as his work duties have changed. Mr. Dearborn stated that he too also ran into Mr. Houle and noted that there are five (5) vacant Alternate positions that should be filled.

Motion made by Mr. Etienne, seconded by Mr. Pacocha and unanimously voted to adjourn the meeting. The 3/12/2020 ZBA meeting adjourned at 7:27 PM.

Respectfully submitted,

Charles J. Brackett, Chairman