



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

---

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

### **MEETING MINUTES – August 26, 2021 – approved**

The Hudson Zoning Board of Adjustment met Thursday, August 26, 2021 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**

Chair Daddario called the meeting to order at 7:02 PM and invited everyone to stand for the Pledge of Allegiance. Clerk Etienne took attendance. Members present were Gary Daddario (Regular/Chair), Brian Etienne (Regular/Clerk), Leo Fauvel (Regular) and Jim Pacocha (Regular/Vice Chair). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused was Marcus Nicolas (Regular). Absent was Ethan Severance (Alternate).

### **III. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

1. **Case 176-021/022/023 (08-26-21):** Bluebird Self Storage, LLC, Attn: Bill Goodison, General Manager requests a Variance for a proposed 3 lot consolidation of **196, 200 & 202 Central St., Hudson, NH** to allow a proposed 3 story, 40,000 sqft footprint building for an indoor self-storage warehouse where the use is not permitted in the Business District. [Map 176, Lots 021-000 & 022-000 & 023-000; Zoned Business (B); HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses].

Mr. Buttrick read the Case into the record, noted that a Staff Report has been prepared and that he had alerted the Applicant that there would not be a full Board at this meeting and that he received a request to defer and that they are available for a meeting on September 9, 2021. Mr. Buttrick stated that the written request to defer was in the Supplemental Folder along with the comments received from the Town Planner.

Mr. Etienne made the motion to defer the hearing to Thursday, September 9, 2021. Mr. Pacocha seconded the motion. Vote was 4:0. Motion passed. Case deferred to 9/9/2021. Mr. Buttrick noted that the meeting would start at 7:00 PM.

Mr. Daddario noted that there were individuals present, explained that the Case was deferred and asked if any were present for this Case. Todd Boyer, 2 Merrill Street, stated that he is a direct abutter to 194 Central Street.

Mr. Fauvel questioned the building setback difference between the Industrial Zone and the Business Zone and whether there were specific requirements/setbacks for industrial/commercial Uses abutting residential properties, like two hundred feet (200'). Mr. Buttrick stated that there is no such requirement in the Zoning Ordinance but are part of Site Plan Review (SPR) regulations under the purview of the Planning Board and added that this proposal would require SPR approval for the Change of Use as well as the Variance to allow a classified Industrial Use in the Business District. Mr. Daddario noted that the Town Engineer Review Comment also stated that it would require SPR.

With regard to the adjacent residential lot, Mr. Buttrick posted an aerial view, noted that the lot had a four-unit multifamily grandfathered non-conforming Use on it which has burned down and by right would be allowed to rebuild the non-conforming residential Use and added that it would not be on the exact same footprint as a rebuild would need to comply with the front setback requirement.

#### **IV. REQUEST FOR REHEARING:**

No requests were presented for Board consideration.

#### **V. REVIEW OF MINUTES: 07/22/21 edited Minutes**

Mr. Etienne made the motion to approve the 7/22/2021 Minutes as edited. Mr. Pacocha seconded the motion. Vote was 4:0.

#### **VI. OTHER:**

1. Registration Now Open: 2021 Municipal Land Use Law Virtual Conference- Saturday, 9/18/2021 from 9:00 AM- 3:00 PM

Mr. Daddario read the item into the record. Mr. Buttrick referenced the information included in the Meeting Packet and noted that online access will remain available for six months to everyone who registers

2. NH Municipal 80<sup>th</sup> Annual Conference and Exhibition- Wednesday, 11/17/21 through Friday, 11/19/21. Registration to open September 13<sup>th</sup>.

Mr. Buttrick provided an overview of what is generally covered in these sessions. Mr. Pacocha asked if this would also be virtual. Mr. Buttrick responded that it is unknown, that details are not yet available and added that this notice is more of a "save the date" and noted that the dates fall the week before Thanksgiving.

3. ZBA membership/attendance.

Mr. Buttrick utilized attendance at this meeting as an example of not having a full Board of five (5) Members present and the importance of a full Board especially since a motion requires three (3) votes to be passed.

Mr. Fauvel stated that there is a Selectmen Representative on the Planning Board who does get to vote and asked if ZBA's Selectmen Liaison could also be a Voting Member. Mr. Buttrick responded that statutorily the Planning Board has an ex-officio Selectman Representative and that ZBA's Selectmen Representative is a Liaison and does have the right to participate in discussion but does not have Voting rights. Mr. Buttrick stated that ZBA Selectmen Liaison did bring to the Select Board's attention this past Tuesday that ZBA is in need of Alternate Members and cited attendance at this meeting as an example plus situations when a Regular Member has a need to recuse themselves and there is no Alternate to create a five (5) voting Member Board.

Mr. Buttrick read an excerpt from the "What is the Zoning Board of Adjustment (ZBA)" that begins with identifying the ZBA as a quasi judicial body who acts as "constitutional safety valve" for the Zoning Ordinance ... consists of ten (10) Members appointed by the Board of Selectmen to three (3) year terms ... five (5) Members are "regular" Members ... five (5) Members are "alternate" Members

With regard to time commitment needed to be a ZBA Member, Mr. Buttrick stated that in Hudson, the ZBA meets regularly on the fourth Thursday of every month, from 7:00 PM – 11:00 PM with a possibly carry-over meeting on the second Thursday of a month; that meeting/application material are mailed the Members prior to the meeting and generally require a half hour of review per Case plus a drive-by prior to the meeting; that occasionally a Site Walk that may be scheduled; plus review of the Minutes. The estimated time anticipated for Board Members ranges from eight hours to fifteen hours per month (8-15 hrs/mo).

Members voiced general consensus regarding the time line presented and offered a couple of suggestions. Mr. Daddario suggested eliminating the third point on the types of applications because it is not needed and could raise too many questions that could prompt dismissal. Mr. Fauvel suggested to add contact information, specifically Mr. Buttrick. General consensus was the Mr. Buttrick's write up, as edited, should be used to help solicit additional Members.

Discussion focused on how to reach out to solicit additional Board Members. Suggestions voiced included the official Town's website, the Town's official Facebook, the two (2) Town's Facebook Groups and HCTV. Mr. Fauvel suggested to have some kind of notice in the Clerk's Office as residents go there at least twice a year to pay property taxes and register vehicles. Mr. Daddario suggested that a plug should be made/considered to every applicant because, from personal experience, that is why he joined the Board.

Mr. Buttrick stated that the Board's Bylaws, Section 143-6, addresses Board attendance, specifically that three (3) consecutive unexcused absences require action. The concern is with regard to the Board's Alternate Member, Ethan Severance, who has missed the past three (3) meetings with no contact. Question asked if there has been any contact with Mr. Severance. Mr. Buttrick stated that he has sent emails, that the last email included a notice as to whether the email has been read/received and that email has not been received/read by Mr. Severance. Concerns expressed, regarding the well being of Mr. Severance and the apparent discord of the Bylaws requiring termination when the Board is in need of Alternates. Suggestion made to reach out one more time to Mr. Severance, via the telephone.

4. Proposed/suggested zoning amendment to submit.

Mr. Buttrick stated that Hudson had a ZORC (Zoning Ordinance Review Committee) comprised of three (3) Members from the Planning Board and three (3) Members from the Zoning Board, but it has not convened in the past couple of years. Mr. Buttrick reference a list he drafted identifying nine (9) potential Zoning Ordinance amendments for ZBA to review, agree and prioritize.

Board discussed each proposed amendment in detail and Members submitted their individual ranking. In brief the following were considered high priority: daycare Special Exception Home Occupation separate section; sheds less than one hundred square feet (100 SF) can have a ten foot (10') setback in the TR Zone; and road Classification/Category. Agreement reached to remove the mention that cell towers needing a Special Exception, as a Site Plan from the Planning Board is required. Consensus reached to continue requiring a Sign Variance for multiple signs for corner lots. Suggestion made to change the prohibition for "up-lit" sign lighting from total prohibition to specifying a limitation in lumens

Motion made by Mr. Etienne, seconded by Mr. Pacocha and unanimously voted to adjourn the meeting. The 8/27/2021 ZBA meeting adjourned at 8:34 PM

Respectfully submitted,

---

Gary M. Daddario, ZBA Chairman