



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 – June 23, 2022 - approved

The Hudson Zoning Board of Adjustment met on Thursday, June 23, 2022 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Chairman Gary Daddario called the meeting to order at 7:00 PM and invited everyone to stand for the Pledge of Allegiance. Mr. Daddario dispensed with the reading of the meeting's procedure as there were no Cases before the Board, and there was no public in attendance.

Clerk Normand Martin took attendance. Members present were Gary Daddario (Regular/Chair), Gary Dearborn (Regular), Brian Etienne (Regular), Normand Martin (Alternate/Clerk), Marcus Nicolas (Regular) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused were Dean Sakati (Alternate) and Jim Pacocha (Regular/Vice Chair). Mr. Daddario appointed Alternate Thompson to vote.

III. PUBLIC HEARING:

Proposed ZBA Bylaws amendments 1st reading:

Mr. Buttrick read the item into the record, noted that it has undergone extensive review by both the Board and Staff and that this is the first of two (2) Public Hearings required to modify the Bylaws and added that the Bylaws are also part of the Town Code and should be identical.

Mr. Buttrick read the summary of each change proposed as the Board followed along in the 'Working Copy' of the Bylaws with the proposed changes in red ink and only a few received additional comments/questions from the Board.

- Global revision of gender terms to gender neutral terms throughout document;
- Added §143-3.B gender neutral inclusion statement;

Not Official until reviewed, approved and signed.

Approved 7/28/2022 as edited.

- Amended §143-5.C Clerk, preferably Alternate member, elected annually and use Appendix “B” Clerk Duties;
- Deleted §143-5.C Clerk...“read cases into the record” (Zoning Administrator reads case into record);
 - Mr. Dearborn noted that Appendix B also states that the Clerk takes notes during the meeting and questioned whether that task should also be identified in §143-5.C. Mr. Etienne stated that it would be redundant to include. No change made.
- Amended §143-6.E “and Zoning Administrator” notify regarding member absences;
- Amended §143-7.D(2) on Alternate status as full Board member for continued/deferred cases;
- Amended §143-7.E by adding “Recusals”;
- Amended §143-7.E(2)(g) striking “then” and adding “currently”;
- Added §143-7.E(2)(h) direct or indirect abutter as disqualification;
- Amended §143-7.E(3) striking “shall” and adding “may”;
- Added §143-7.F. (4)(a), (5), (7)(a), (7)(b) pertaining to Order of Business;
- Amended §143-8.A(2) Appeal from Administrative Decision filed within “35” days;
- Amended §143-8.B(2) previously shown as §143-8.B(3);
 - Mr. Buttrick stated that this renumbering change is to match Town Code
- Added §143-8.B(3) Property/Site location Notification Sign of Public Hearing;
 - Mr. Buttrick stated that this is a new section/requirement and noted that the size of the Sign is the maximum allowed by the Town’s Zoning Ordinance.
 - Mr. Martin asked if the fee/cost for the sign would be paid by the applicant and Mr. Buttrick responded that it initially it would not be but that could change in the future.
 - Mr. Etienne suggested adding a QR code to the sign notice to facility inquiring minds who seek additional information
- Deleted §143-8.C(12) regarding Finding of Facts form in Appendix C;
- Amended §143-9.E by adding “per RSA 677:2”;
- Amended §143-11 to “RSA 677:3”

Mr. Thompson asked and received confirmation that the dates identified as “xx-xx-2022” would represent that date of the Public Hearing that adopted the amendments/addition to the Bylaws.

The first required Public Hearing on the proposed amendments to the ZBA Bylaws concluded. Second Public Hearing to be set.

IV. REQUEST FOR REHEARING:

Mr. Buttrick stated that at the last meeting the Board granted a Rehearing to Case 183-006 on the Variance granted at 102 Central Street for the garage to encroach 21.8' into the required 30' setback leaving 8.2' to Vinton Street and reported that since the Variance was granted the Town Engineer and the Property Owner worked together, rotated the garage ninety (90) degrees, eliminated the second driveway and reduced the needed Variance for encroachment leaving 12.5' to Vinton Street and that because the resulting encroachment is less than what was granted by the Variance it is approvable from the Zoning Administrator's viewpoint and, as a result, a Rehearing would not be necessary.

Board discussion ensued. Mr. Daddario noted that even though it was the Town Engineer who initiated the Rehearing request and the question was raised whether the Town Engineer had standing, the Board decided to grant the Rehearing based on the 'inherent authority' the RSA grants ZBA to re-evaluate their own decisions.

Mr. Daddario stated that his concerns have been alleviated with the proposed new plan. Mr. Nicolas and Mr. Martin agreed that the new plan also addresses many of their concerns. However, concerns were raised regarding the lack of a proper paper trail regarding the new plan.

Mr. Dearborn stated that a Rehearing is also necessary in order *not* to set a precedent regarding the Property Owners' resistance to any change because what they had proposed was "convenient" to them and offered the example that the Zoning Ordinance prohibits sheds in the front yard but could grant a variance because the front yard is "convenient" to the Property Owner(s).

Mr. Thompson pointed out that there is a second floor to the garage, for a proposed rec room, and the connection of the garage to the house is the "convenience" the Property Owners seek to avoid having to go outside to access.

Mr. Etienne stated that the Board voted to Rehear the Variance and the plan that was configured between the Town Engineer and the Property Owners is a new plan and that new plan should be documented for the sake of a proper "paper trail". Mr. Dearborn agreed, to be procedurally correct and tie up loose ends.

Board consensus was that the Rehearing should proceed with the new plan. Mr. Buttrick was asked to do the needed notifications.

V. REVIEW OF MINUTES: 05/26/22 edited Draft Minutes

Motion by Mr. Dearborn, seconded by Mr. Nicolas and unanimously voted to adopt the 5/26/2022 Minutes, as edited.

VI. OTHER:

No other business was brought before the Board.

Motion by Mr. Etienne, seconded by Mr. Nicolas and unanimously voted to adjourn the meeting. The 6/23/2022 ZBA meeting adjourned at 7:41 PM.

Respectfully submitted,

Gary M. Daddario, Chair