



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – JUNE 22, 2023 – approved

The Hudson Zoning Board of Adjustment met on Thursday, June 22, 2023 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level Hudson Town Hall, 12 School St., Hudson, NH,

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ATTENDANCE**

Chairman Gary Daddario called the meeting to order at 7:01 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board's Bylaws) regarding the procedure and process of the meeting.

Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate), Tim Lanphear (Alternate), Normand Martin (Regular/Vice Chair), Jim Pacocha (Regular), Dean Sakati (Regular) and Edward Thompson (Alternate/Clerk). Also present were Bruce Buttrick, Zoning Administrator, Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote), and Chris Sullivan, New Zoning Administrator. Excused was Marcus Nicolas (Regular). Alternate Dion was appointed to vote.

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

- 1. Case 151-009 (05-25-23):** Mari Fontaine, VP, Timber & Stone Outdoor Spaces, 96 Allen St., Manchester, NH requests a Variance for **30 Barretts Hill Road, Hudson, NH** to build a proposed 35 ft. x 8 ft. covered farmers porch on an existing non-conforming structure which further encroaches into the front yard setback an additional 8 feet leaving 8.6 feet where 50 feet is required. [Map 151, Lot 009-000, Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Mr. Sullivan read the case into the record, referenced his Staff Report initialed 6/9/2023 and noted that the Case was continued from the 5/25/2023 meeting to allow the Applicant to provide elevations and show distances of the porch to the property line and roofline and eave.

Mr. Martin stated that the Applicant had addressed the details of the application and the Variance Criteria at the 5/25/2023 meeting and questioned whether it needed to be readdressed at this meeting noting that Alternate Lanphear voted on the Case at the May meeting and Alternate Dion would be voting at this meeting. In response to

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Mr. Daddario, Mr. Dion stated that he did hear the Applicant's testimony and participated in Board discussion at the May meeting and felt confident to vote and agreed that there is no need to re-represent the application and focus on the new information.

Mari Fontaine addressed the Board and referenced the four (4) sheets submitted 6/9/2023:

- (1) Elevation View showing the proposed deck roof with its eave 7.5' to the property line and the proposed deck 8.6' to the property line
- (2) A pictorial rendition of the proposed deck
- (3) A Plan view
- (4) A pictorial rendition of the Plan view showing the porch roof alignment to the house roofline.

Ms. Fontaine noted that in each rendition, it is clear that the porch and eave do not extend to the existing bump-out of the main building and that the proposed porch roof overhang is thirteen inches (13") past the porch.

Mr. Dion asked if the plans were to scale and noted that the front stairs of the porch extend beyond the overhang. Ms. Fontaine responded that the measurements are not exact but very close and that the Zoning Ordinance excludes open steps and added that just the foundations are considered in a building's assessment.

Mr. Daddario asked if the porch roof overhang would be the furthest point out from the existing house and Ms. Fontaine responded that the thirteen inch (13") porch roof overhang would be the furthest point out from the porch, excluding the stairs, but would still be less of an encroachment than the existing building has.

Public testimony opened at 7:18 PM. No one addressed the Board.

Mr. Dion stated that he had concerns about the roofline and appreciated the additional information. Mr. Martin agreed and added that the pictures present a more impressive and appealing porch.

Mr. Dion made the motion to grant the Variance with no stipulations. Mr. Pacocha seconded the motion. Mr. Dion stated that the granting of the Variance does not impede or harm the public, nor affect or harm the neighborhood, that the original house was located prior to Zoning and too close to the road, that the granting of the Variance would not diminish property values, that the inclusion of a porch would not increase encroachment into the front setback than what already exists and that a porch is reasonable. Mr. Pacocha noted that there would be no greater intrusion into the front setback than what currently exists, that there is no harm to the general public, that new construction would only enhance property values and that the hardship criteria is due to where the existing house is located and noted that it was built in 1800, before the Town implemented a Zoning Ordinance and established setback requirements.

Mr. Martin stated that there are no public rights injured, that the spirit of the Ordinance is observed and substantial justice done, and no proof has been given that this project will diminish property values and that the hardship is that the house was

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built prior to the existence of the Zoning Ordinance and that the proposed porch is a reasonable use, as presented on the plans. Mr. Sakati concurred and stated that there is no threat to public health, does not conflict with the spirit of the Ordinance, that justice would be done as it is difficult to add anything onto this house due to its age, location and changes to Zoning over the years, that property values will likely increase, that hardship is satisfied due to the location of the house based on changes made to Zoning and that the proposed use is a reasonable use. Mr. Daddario stated that the proposed porch is consistent with the character and does not harm the public and does not encroach further than the existing encroachment and is a reasonable use, that no evidence or testimony suggests diminution of property values and that the hardship is that the house pre-dates zoning setbacks and does not further encroach.

Roll call vote was 5:0. Variance granted. The 30-day appeal period was noted

V. REQUEST FOR REHEARING:

No request received for Board Consideration.

VI. REVIEW OF MINUTES:

05/11/23 edited Draft Minutes

Mr. Martin questioned the wording on Page 4. Consensus reached to change the word “diminish” to “diminution”. Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to adopt the 5/11/2023 Minutes as edited and amended.

5/25/23 edited Draft Minutes

Motion made by Mr. Martin, seconded by Mr. Pacocha and unanimously voted to adopt the 5/25/2023 Minutes as edited.

VII. OTHER

Selectmen inquiry

Mr. Buttrick stated that Selectman Chair McGrath is interested in finding out which ZBA Member received Zoning Education in the past year. Brief discussion arose on the value of education.

Upcoming Site Walk

Mr. Buttrick reminded the Board that the Site Walk for Case 147-016 has been scheduled for July 8th at 181 B Street and Public Hearing set for July 13th.

ZORC – Zoning Ordinance Review Committee

Mr. Buttrick stated that Mr. Martin and Mr. Lanphear volunteered to represent ZBA and suggested that roofline definition be considered as well as foundation, especially with consideration to calculation of distances to property line.

Thank You and Welcome

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Mr. Martin thanked Mr. Buttrick for his 7.5 years of service and welcomed Mr. Sullivan as the new Zoning Administrator. The sentiment was shared by every Member and Mr. Buttrick was wished a happy retirement.

Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to adjourn the meeting. The 6/22/2023ZBA meeting adjourned at 7:38 PM.

Respectfully submitted,

Gary M. Daddario, ZBA Chairman