



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

MEETING MINUTES – April 25, 2024 – approved

The Hudson Zoning Board of Adjustment met Thursday, April 25, 2024, 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

At 7:05 PM Chairman Daddario announced that they would wait a few more minutes before starting the meeting. At 7:09 PM, Mr. Daddario called the meeting to order, 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 for the meeting.

III. ATTENDANCE

Clerk Dion called the attendance. Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate/Clerk), Tim Lanphear (Regular), and Dean Sakati (Regular). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Excused was Normand Martin (Regular/Vice Chair). Marcus Nicolas (Regular) has resigned. All Members present voted.

IV. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

- 1. Case 168-097 (04-25-24):** Marc and Mary Fauteux, **13 Frenette Drive, Hudson, NH** requests an Equitable Waiver of Dimensional Requirement to allow a 10 ft. x 12 ft. shed to remain in its current location which completely encroaches the side & rear yard setbacks where 15 feet is required in both setbacks. [Map 168, Lot 097, Sublot-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]

Mr. Sullivan read the Case into the record, referred to his Staff Report initialed 4/16/2024 and noted that the aerials included showed the shed existed in 2005 and that the Zoning violation was noticed on the plot plan submitted for the Building Permit #2023-01422 to do renovations on 11/6/2023.

Marc Fauteux introduced himself as the owner of 13 Frenette Drive with his wife, noted that they actually live at 8 Frenette Drive, that they bought the property in September 2023 with the intent of doing renovations and selling it. Mr. Fauteux stated that he submitted a certified plot plan prepared by M. J. Grainger

Not Official until reviewed, approved and signed.

Approved 5/23/2024 as edited

Engineering, Inc., dated 10/18/2023 with the Building Permit application to do the renovations that showed the shed in the rear of the property in the back corner within the setbacks and another shed within the setback that has no walls, just a roof on poles, close by the house. That was when he first heard, via a letter from the Town, that he was in violation. Both structures existed on the property when it was purchased in 2023. The shed closest to the house will be removed next week. The shed in the rear corner is a nice looking shed tucked in with the evergreens so as not to be visible to his neighbor and added that the back of his lot has a chain link fence, that the lot behind his is owned by the Town and that his property has a steep drop off. Mr. Fauteux stated that there would be a high correction cost to relocate the shed as it rests on post footings which would need to be installed in another location and the shed would need to be taken apart to relocate.

Mr. Daddario asked when the shed was placed in the back corner. Mr. Fauteux stated that it existed when he bought the property and that the prior owners were Mr. and Mrs. Mike Millette. Mr. Sullivan stated that BP # 2004-574 to construct a 10'x12' shed dated 5/6/2004 was denied based on the proposed location to be in violation of the Zoning Ordinance and that it appears a revised location outside of the setbacks was selected and referenced Exhibit C of his Staff Report and noted that the then proposed location is not in agreement with the Certified Plot Plan. It was also noted that the shed has existed in violation of the setbacks for more than ten (10) years.

Mr. Daddario opened the meeting to Public testimony at 7:24 PM. Mary Fauteux, co-owner of 13 Frenette Drive, stated that she is in favor of granting this waiver, that the shed is a nice looking shed and not a bother and existed in its current location when they bought the property. Being no one else to speak, Mr. Daddario closed the public hearing at 7:25 PM.

Mr. Lanphear made the motion to approve the request and grant the Equitable Waiver of Dimensional Requirement. Mr. Sakati seconded the motion. Mr. Lanphear spoke to his motion stating that it has existed for more than ten (10) years and has received no complaints for its existence and does not create a nuisance as it is well shielded with greenery and presents a high correction cost to relocate. Mr. Sakati spoke to his second noting that the shed is tucked in the back with the greenery and that he is in full agreement with Mr. Lanphear on why this request should be granted.

Mr. Dion voted to grant for the same reasons, that the criteria have been satisfied. Mr. Daddario voted to grant noting that the shed has existed since 2005, that it has presented no nuisance and that there is a high correction cost to relocate as the shed is built on post footings.

Roll call vote was 4:0. Motion passed, Equitable Waiver granted. The 30-day Appeal Period was noted.

When questioned, Mr. Daddario stated that in order for a request to be granted, it requires three (3) affirming votes, that Mr. Dion voted which brought the count to a

maximum of four (4) and the motion presented received affirmation from all four (4) voting Members.

V. REQUEST FOR REHEARING:

No requests were presented for Board consideration.

VI. REVIEW OF MINUTES:

03/28/2024 edited draft Meeting Minutes

Mr. Lanphear stated that he found that no edits were needed. Mr. Daddario stated that he only found one grammatical error where “Mr.” was represented as “Mt.”. Mr. Lanphear made the motion to approve the 3/28/2024 with Mr. Daddario’s edit. Mr. Sakati seconded the motion. Vote was unanimous at 4:0. The 3/28/2024 Minutes were approved as edited.

4/11/2024 draft Meeting Minutes

Mr. Lanphear stated that he found that no edits were needed. No one else had edits either. Mr. Lanphear made the motion, seconded by Mr. Sakati, to approve the 4/11/2024 as is. Vote was unanimous (4:0). The 4/11/2024 Minutes were approved.

VII. OTHER:

OSI Conference: Reminder: **2024 NH Office of Planning and Development’s Spring 2024 Planning and Zoning Conference.** Free full day online conference on **Saturday, May 11, 2024 from 8:45 AM to 3:30 PM.** Registration is open. See details on flyer or visit the website link: <https://www.nheconomy.com/office-of-planning-and-development/what-we-do/municipal-and-regional-planning-assistance/osi-planning-and-zoning-conferences/>

Mr. Dumont stated that these sessions are very helpful and encouraged each Member to attend. Mr. Sullivan noted that registration is required, that registration is now open and the link is provided above.

Resignation of Marcus Nicolas

Mr. Daddario announced that Regular Member Marcus Nicolas resigned a couple of weeks ago and thanked him for his service.

ZBA Members needed:

Mr. Daddario noted that the ZBA is in need of more Members and addressed the general public asking that they consider joining the Board.

VIII. ADJOURNMENT

Motion made by Mr. Lanphear, seconded by Mr. Sakati and unanimously voted to adjourn the meeting. The 4/25/2024 ZBA meeting adjourned at 7:30 PM.

Respectfully submitted,

Gary M. Daddario, ZBA Chairman