



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – April 11, 2024 - approved

The Hudson Zoning Board of Adjustment met Thursday, April 11, 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

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 for the meeting.

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

IV. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

Case 173-022 & 014 (04-11-24): Bruce J. Marshall, Esq., 48 Grandview Rd., Ste. 3, Bow, NH requests an Appeal from an Administrative Decision for **15 & 14 Tolles St., Hudson, NH**. The applicant is appealing a letter dated November 30, 2023 from Zoning Administrator, Chris Sullivan, that the uses are limited to the confines of the building, the use of 14 Tolles St. and the inference that a variance may be required for said uses given the historic use of the property. [Map 173, Lots 022 & 014, Sub lots 000; Zoned Town Residence (TR); HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-30, Changes to or discontinuance of nonconforming uses.]

Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 4/1/2024, provided a recap of events that included the conditional granting of

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three (3) Variances by the ZBA on 6/7/2018, an extension granted on 7/23/2020 setting a new deadline of 3/31/2021 to file Site Plan Review (SPR) with the Planning Board (PB), the lack of SPR filing with the PB, the notice of Variance invalidation due to lack of SPR filing and how a request for clarification does not reset the 30-day Appeal clock and that the Variances previously granted in 2018 have expired and are no longer valid.

Mr. Sullivan stated that the last Zoning Determination #22-135 was issued on 11/01/2022 for 15 Tolles Street, Notice of Variance Expirations was issued 8/22/2022, and noted that the Property Owner is in litigation with the Town and it appears that they are seeking re-litigation on previously determined actions. Mr. Sullivan stated that the Town Engineer has noted that there are no Spill Prevention Measures or drainage structures to prevent or contain any accidental spills considering that a significant amount of the operation in question is within a 250-foot shoreline protection buffer.

Mr. Sullivan stated that his letter dated 11/30/2023 letter is just a reiteration of prior Zoning Determinations and does not restart the clock on prior decisions and that, in his opinion, this appeal should be denied because it seeks to effectively appeal the prior decision and therefore it is not timely filed.

Mr. Dumont and Mr. Sakati questioned whether there is any leniency to be found and noted that a SPR application had been submitted to the Planning Board. Mr. Sullivan responded that the SPR Application was incomplete and not accepted by the Planning Board and noted that the 30-day Appeal period is counted in Calendar Days and was not timely filed. Mr. Martin agreed noting that even if the thirty day clock began in November 2023 and not from the Zoning Determination #23-028 letter it was referring to, the Appeal was not filed until January 2024, after the 30-day Appeal Period.

Mr. Martin made the motion to not accept the Appeal from the Administrative Decision for 14 & 15 Tolles Street as it was not timely filed. Mr. Lanphear seconded the motion.

Mr. Martin spoke to his motion citing the clarity in RSA 677:2 Appeals allowing appeals to be filed within 30 calendar days from date of decision and as stated in the Zoning Ordinance in Article XV Section 334-81 Appeals and noting that the appeal request from the Administrative Decision dated 11/30/2023 was not timely filed within thirty (30) days. Mr. Lanphear spoke to his second citing the RSA 677:2 and the lack of a timely filing. Both voted for the motion not to accept the Appeal request as it was not timely filed.

Mr. Sakati voted not to accept the Appeal request as it was not timely filed as required by RSA 677:2. Mr. Daddario voted not to grant the Appeal as it was not timely filed as required for Appeals by RSA 677:2 and ZO XV:334-81

Roll Call vote was 4:0 to not accept the Appeal from an Administrative Decision dated 11/30/2023. Motion carries. The 30-day Appeal period was noted.

V. REQUEST FOR REHEARING:

No requests were received for Board consideration.

VI. REVIEW OF MINUTES: 02/22/2024 edited draft ZBA Meeting Minutes

Discussion arose on whether the Minutes were approved or just reviewed in the 3/28/2024 meeting. The draft 3/28/2024 Minutes were not in the supplemental folder to verify. Mr. Martin made the motion made to approve the 2/22/2024 Minutes as edited/amended in the 3/38/2024 meeting. Mr. Lanphear seconded the motion. Vote was unanimous. Minutes approved.

VII. ADJOURNMENT

Mr. Martin made the motion to adjourn. Mr. Lanphear seconded the motion. Vote was unanimous. The 4/11/2024 meeting adjourned at 7:27 PM

Respectfully submitted,

Gary M. Daddario, ZBA Chairman