



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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MEETING MINUTES – March 27, 2025 - draft

The Hudson Zoning Board of Adjustment met Thursday, March 27, 2025, 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

Acting Chair Normand Martin 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.

III. ATTENDANCE

IV. SEATING OF ALTERNATES

Clerk Dion called the attendance. Members present were Tristan Dion (Regular/Clerk), Tim Lanphear (Regular), Normand Martin (Regular/Acting Chair) and Zachary McDonough (Alternate). Excused was Dean Sakati (Regular). Also present were Louise Knee, Recorder (remote), Chris Sullivan, Zoning Administrator, and Dillon Dumont, Selectman Liaison. Alternate McDonough was appointed to vote. Mr. Martin noted that there would only be four (4) Voting Members where there would normally be five (5) and offered the Applicant the opportunity to defer their case to the next meeting in hopes there would be five (5) Members present.

V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 197-177 (03-27-25):** William J. Coyne, 22 Fairway View Lane, Norton, MA requests a Variance for **8 Spruce Street, Hudson, NH** to reconstruct & expand a previous approx. 4 ft. x 5 ft. front stair structure to a current 6 ft. x 8 ft. deck where a nonconforming structure may not be altered or expanded, except by variance. The new deck encroaches the front yard setback 2.5 feet leaving 27.5 feet where 30 feet is required. [Map 197, Lot 177, Sublot-000; Zoned Town Residence (TR); HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31 A., Alteration and expansion of nonconforming structures and HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Mr. Lanphear read the Case into the record, as Mr. Sullivan is recovering from surgery on his tongue, and referred to the Zoning Administrator's Staff Report initialed 3/13/2025.

Not Official until reviewed, approved and signed.

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Mr. Coyne introduced himself, noted that the need for a variance came as a result of a Certified Plot Plan prepared by Gate City Survey Land Surveying & Civil Engineering dated 12/12/2024 that shows the house close to the setback line and the existing stairs into the front setback. Mr. Coyne proceeded to address the criteria for the granting of a variance. The information shared included:

- (1) *not contrary to public interest*
 - increasing the safety of the deck without changing the character of the neighborhood and the house
- (2) *will observe the spirit of the Ordinance*
 - not changing the depth
- (3) *substantial justice done to property owner*
 - the wider deck will allow better accessibility for a mobility challenged resident and with any ambulatory care
- (4) *will not diminish surrounding property values*
 - the updated curb appeal helps with the look of the neighborhood which will increase home values
 - the proposed deck will blend in with the house and will resemble several other decks in the neighborhood
- (5) *hardship*
 - the deck width would make it extremely hard for an older person to get in and out of the house
 - the old deck has rotten wood and cracked and has sunk into the ground
 - the width of the proposed deck will make it safer to use

Meeting opened to receive comment either in favor, neutral or opposed from the public at 7:13 PM. No one addressed the Board.

Mr. Lanphear made the motion to grant the Variance. Mr. Dion seconded the motion.

Mr. Lanphear spoke to his motion stating that the granting would not be contrary to public interest as the increased size is better for the safety of entrance to the building, that it is an improvement to the old porch that is in bad shape and will provide an improvement for mobility, that it will not diminish surrounding property values and that the proposed use is a reasonable one. Mr. Lanphear voted to grant.

Mr. Dion spoke to his second stating that it is not contrary to public interest, that it will not threaten public safety, noted that as he drove through the neighborhood there appeared to be several houses on the setback line, that it will not change the character of the neighborhood, that it does not harm the general public, that it will not diminish surrounding property values, that the placement of the house so close to the setback line is the hardship and that the proposed use is a reasonable use. Mr. Dion voted to grant.

Mr. McDonough voted to grant noting that the granting is in line with the purpose of the Ordinance and in line with the character of the neighborhood, that it will observe the spirit of the Ordinance and will increase safety to/for those accessing

the property, that the homeowner would gain justice that is not outweighed by harm to the public as no one would be reasonably harmed, that it would increase property values and aesthetics to the neighborhood, that there is no fair reason the variance shouldn't be approved as the existing deck is within the setback and any change would require a Variance, and the proposed Use is reasonable and good for the neighborhood.

Mr. Martin voted to grant stating that the granting would not be contrary to public interest, that it will observe the spirit of the Ordinance, that substantial justice would be done to the homeowner, that it will not diminish values of surrounding properties, that literal enforcement of the Zoning Ordinance would not allow for a wider deck and a safer deck and that the proposed use is a reasonable use.

Vote was 4:0 to grant the Variance. The 30-day Appeal period was noted.

VI. REQUEST FOR REHEARING: (Board Discussion Only, No Public Input)

1. **Case 245-012 (01-23-2025):** Bradford Baker Sr., **23 Fairway Drive, Hudson, NH** by and through its counsel, Gottesman & Hollis, P.A requests a rehearing of an Equitable Waiver of Dimensional Requirement, a request which was denied on 01/23/2025 by the Zoning Board of Adjustment. The request was to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I., Equitable Waiver of Dimensional Requirement.]

Mr. Lanphear read the Request into the record. Mr. Martin noted that the request is for Board consideration only with regard to the rehearing material submitted and would not receive any public input at this meeting.

Mr. Nartin nted that there are four (4) factors to be considered in the granting of a rehearing: (1) new evidence presented that was not available at the original hearing; (2) there was an error made in law; (3) there was a procedural error made; and (4) there is good reason stated in the Applicant's Motion to Rehear.

Mr. Dion norted that there is more information and requires review and noted the comparisons within in the neighborhood. Mr. Dumont noted the full Appraiser's report and the traffic study. Mr. Martin referenced RSA 674:33 and read the criteria required for the granting of an Equitable Waiver and commented how the additional information pertains to a variance and what is before the Board is an Appeal on an Equitable Waiver determination and recapped the sequence of events noting that the burden is not upon the Town to grant an Equitable Waiver because of the high correction cost that was increased by the Applicant not following procedure again.

Mr. Martin cautioned the Board regarding Pandora's Box. Mr. Dumont disagreed that there is no concern regarding Pandora's Box as the Board reviews each request on a Case by Case basis and added that the traffic study presented links directly to safety which was a consideration when the Board rendered the decision not to grant the Equitable Waiver.

Discussion continued. Prior Cases were referenced. Field operations and potential for field error do exist but when compared to the number of Building Permits pulled, the percentage is rather slight. It was noted that only one (1) criteria needs to be satisfied in order to consider granting a Rehearing.

Mr. Dion made the motion to grant the Rehearing as new information has been presented that addressed the public nuisance concerns raised in the initial hearing and noted that there were no errors made, in either law or in procedure, by the Board in the initial hearing. Mr. Dion voted to grant the Rehearing.

Mr. McDonough seconded the motion and stated that new evidence has been presented that needs to be considered, that good reason for reconsideration was presented and that there was no error made by the Board either procedurally or in law. Mr. McDonough voted to grant the Rehearing.

Mr. Lanphear voted to grant based on the new evidence presented and noted that there were no errors made by the Board, either procedurally or in law.

Mr. Martin voted to grant based on the new evidence presented and noted that there were no errors made by the Board, either procedurally or in law, and reserves comment on whether good reason was stated.

Vote was 4:0 to grant the Rehearing.

VII. REVIEW OF MINUTES:

02/27/2025 edited draft Meeting Minutes

Motion made by Mr. Lanphear, seconded by Mr. Dion and unanimously voted to approve the Minutes as edited.

VIII. OTHER BUSINESS:

- Save the date for the **NH Office of Planning and Development's Spring 2025 Planning and Zoning Online Conference, Saturday, May 10, 8:45 AM - 3:30 PM**. Each session will be recorded and available after conference. The cost is free. **Registration Opens: April 4**

Enthusiasm was expressed on the value of the conference and the fact that it is virtual attendance with availability of review after. Members encouraged to let Mr. Sullivan know their intent for registration.

- **ZORC** – Zoning Ordinance Review Committee

Not Official until reviewed, approved and signed.

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Mr. Sullivan and Mr. Dumont spoke on the value of the Committee and their gratitude that it is slated to begin end of April to allow more time for review and asked Members to consider joining the Committee. In response to questions, Mr. Sullivan responded that they usually meet once a month

IX. ADJOURNMENT:

Motion made by Mr. Dion, seconded by Mr. Lanphear and unanimously voted to adjourn the meeting. The 3/27/2025 ZA meeting adjourned at 7:44 PM.

Respectfully submitted,

Louise Knee, Recorder

Normand G. Martin, Acting ZBA Chairman