



TOWN OF HUDSON

Zoning Board of Adjustment



J. Bradford Seabury, Chairman Ben Nadeau, Selectmen Liaison

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6000 • Fax: 603-594-1142

HUDSON ZONING BOARD OF ADJUSTMENT MEETING MINUTES February 26, 2015

I. CALL TO ORDER

Chairman Seabury called this meeting of the Hudson Zoning Board of Adjustment to order at 7:32pm on Thursday, February 26, 2015, in the Paul Buxton Meeting Room in the Town Hall basement. Chairman Seabury then requested Clerk Dearborn to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: Normand Martin, Donna Shuman and J. Bradford Seabury

Members

Absent: Jim Pacocha (Excused) and Mike Pitre (Absent)

Alternates

Present: Maryellen Davis, Gary Dearborn

Alternates

Absent: Kevin Houle, (Excused) Marilyn McGrath, (Excused) and Maurice Nolin (Excused)

Staff

Present: Kevin Desmond, Zoning Administrator

Recorder: Trish Gedziun

II. SEATING OF ALTERNATES AND ANNOUNCEMENTS

For the benefit of all attendees, Chairman Seabury noted that copies of the agenda for the meeting, as well as an outline of the rules and regulations governing hearings before the Zoning Board of Adjustment, were available at the door of the meeting room. He noted the outline included the procedures that should be followed by anyone who wished to request a rehearing in the event the Board's final decision was not felt to be acceptable.

Chairman Seabury pointed out that the Board allowed rehearings only if collectively convinced by a written request that the Board might have made an illogical or illegal decision or if there were positive indications of new evidence that for some reason was not available at the hearing.

Chairman Seabury seated Mr. Dearborn in place of Mr. Pitre, who was absent.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD

1. Case 222-018 (02/26/15): Demoulas Super Markets, 212 Lowell Road, Hudson, requests the following:

- A. A Variance from the literal provisions of the Hudson Zoning Ordinance, Article VIII & IX of HTC §334-31(A) & §334-35 in order to permit the following changes or uses:

§334-31 – permit the alteration and expansion of a non-conforming structure where a small portion of it is located in the wetland buffer portion of the Wetland Conservation District. The alteration and expansion involves (1) a proposed addition on the easterly side of the existing structure into the wetland buffer and a portion of an addition to the north of the building would be located in the wetland buffer.

§334-35 – to permit (I) additions to the existing structure (as detailed above) to be situated in the wetland buffer portion of the Wetland Conservation District and (II) permit parking spaces, parking areas, drive aisles and related improvements to be located in the wetland buffer. [Map 222, Lot 018, Zoned B; HZO Article VIII & IX of HTC §334-31(A) & 334-35.]

- B. A Wetland Special Exception from Article IX, §334-35 for the proposed wetland and wetland buffer impacts to make the associated improvements to the parking areas, drive aisles, walkways, traffic circulation improvements and service entrances at the site with improvements together with the possible future modest building additions necessitate wetland and wetland buffer impacts. Approximately 3,800 square feet of the wetlands and approximately 47,221 square feet of the wetland buffer (including approximately 14,067(+/-) square feet of impact area existing on-site today) would be impacted by the work. [Map 222, Lot 018, Zoned B; HZO Article VIII & IX of HTC §334-31(A) & §334.35.]

Clerk Dearborn read aloud the posted notice, as recorded above.

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes
February 26, 2015

Ms. Davis stated that, for full disclosure, her brother-in-law was a manager at Market Basket and that her son also worked at Market Basket on a part-time basis at this particular site.

Attorney Westgate replied that Ms. Davis' relatives working at Market Basket had no bearing on this particular case.

Chairman Seabury stated that he had a report from the Conservation Commission that described the Wetland Buffer Impact Plan and the work to be performed in accordance with what was just read by Mr. Dearborn. He said with four members present there was a vote to forward it to the Zoning Board of Adjustment with a favorable recommendation with the following stipulations:

1. Construction and restoration shall comply with: BEST MANAGEMENT PRACTICES TO CONTROL NON-POINT SOURCE POLLUTION: A GUIDE FOR CITIZENS AND TOWN OFFICIALS (NH Department of Environmental Services – Current Issue.)
2. During construction and restoration, erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.

Chairman Seabury stated that the motion was made and seconded with all four members present having voted in favor.

Chairman Seabury asked who was present to speak in favor with regard to the application.

Attorney J. Bradford Westgate from Winer & Bennett, LLP, representing the applicant, addressed the Board stating that Mr. Patrick Colburn of Keach Nordstrom Associates would walk through the existing conditions of the site and the proposed improvements to the site including the proposed change in the Lowell Road access to the site and the three-way traffic signalization as contemplated on Lowell Road as well as the on-site improvements that the plans depicted. He said once that was done he would distinguish what elements of the project required the Variance and what elements required the Wetland Special Exception and then walk through the criteria of each.

Mr. Patrick Colburn from Keach-Nordstrom Associates, Inc. addressed the Board and read aloud the titles of plans shown on the wall. He said the first two pages was existing conditions plan, a wetland and wetland buffer impact plan, noting that there was also a copy signed by Jim Maddox, Chairman of the Conservation Commission, and lastly there was a plan entitled conceptual site layout plan.

Mr. Colburn started with the existing conditions plan. He said the existing site was approximately 14 acres in area and that the building itself was approximately 80,000 square feet in area. He said that the site was located in the Business Zoning District and today the plaza consisted of Market Basket, the N.H. State Liquor Store, a dry cleaner, a hair salon and a Rite-Aid Pharmacy. He also said that there was a 426 space parking lot on the site. Mr. Colburn stated that there were two points of access to the site; one at Wason Road and the other went out onto Lowell Road across from the southerly exit and entrance drive to Haffner's Service Station.

Mr. Colburn said that they were present at this meeting because there was a joint effort between three commercial property owners to construct a new signalized intersection along Lowell Road. He said that

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

February 26, 2015

several years ago he and Mr. Tony Basso had designed and permitted an expansion project for the Fairview Nursing Home which was located across the street and that project resulted in a remaining piece of vacant land which was next to Haffner's Service Station. He said that during the design of that project and the considerations for the use of the vacant property the owners of Fairview had recognized the issues along Lowell Road. He said that those issues were a result of the location of the Market Basket drive as it relates on Lowell Road to the southerly drive of Haffner's and the heavy traffic congestion in and out of both of those sites and the existing traffic flow along Lowell Road. He said that the accident history for that intersection showed twelve accidents on average in a single year. He also said that there had been rumblings of the town extending a raised median strip down the center of Lowell Road in the area and that would impact Market Basket's site and traffic flow in and out of their site. Mr. Colburn stated that when Fairview was considering the use of their remaining vacant land the traffic on Lowell Road was a consideration. He said that he had suggested that they meet with their neighbors, Market Basket and Haffner's and attempt to come up with a plan that would solve issues for the group and that's exactly what they did. He said that Mr. Basso had helped them and engaged a traffic consultant who performed a corridor study and discovered that the solution to many of the issues was that a shared signalized intersection that will serve Haffner's and eliminate Haffner's northerly driveway, Market Basket would close their existing driveway and relocate it approximately 300 feet to the north, and then also it will serve any future use of the vacant land owned by Fairview Nursing Home. He said that he had prepared conceptual plans with a traffic consultant and Mr. Basso brought those plans to the Board of Selectmen and the Board of Selectmen unanimously voted to accept those plans and authorize Mr. Basso and the joint venture of the three property owners to move forward with construction of that signal. He further said that when Market Basket agreed to entering into that joint venture they wanted to consider the cost of the traffic signal improvement, the cost of their on-site improvements, and wanted to reserve the right for potential future building expansions as well. He said that the intent of the signal was to help traffic flow and customer access and egress to their site and pedestrian safety with the end goal being an increase in customer base. He said that the plan showed a completely reconstructed parking lot and the overall number of parking spaces was 514. Mr. Colburn stated that the plan proposed several small building additions about 11,000 square feet to the north and 3,500 square feet to the east as well as two small main entrance additions along the west. He said along with the parking improvements the applicant was considering improvements to the stormwater management systems on-site, the site lighting would be improved to LED fixtures, new vide surveillance systems, site landscaping, ADA accommodations, etc. He further said that those improvements necessitated the buffer and wetland impacts, noting that there would be 38,000 square feet of wetland impact, 550 square feet to the east of the building, the larger piece was 3,000 square feet to the north of the building and 47,000 square feet of buffer impact. Mr. Colburn stated that the applicant had sub-consulted the services of Stable Growth Environmental, who was the wetland consultant who delineated the wetlands in the first place. He said that they performed a function and value assessment on the existing wetland complex and found that there was a single continuous wetland complex that existed on the property which separated Market Basket from the Holly Lane Residential Development to the east and was also on the northerly border of the property. He said that the wetland was a product of stormwater flow from Holly Lane and points east of Holly Lane via sheet flow and concentrated flow culverts under Holly Lane. He further said that there were two outlets to the wetland, one was under Hardy Road and a second was at the northeast corner of the building. He said that both of those outlets were elevated considerably above the actual water elevation so significant ponding occurred in the wetland on-site before the water was outlet off. Mr. Colburn stated the function and evaluation assessment proved that the value of this existing wetland was low. He said that there were thirteen criteria that were evaluated in terms of functions and values and this particular wetland did not meet any of the values but it did result in the fact that the wetland did

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

February 26, 2015

provide several functions which included flood flow attenuation, ground water recharge, sediment retention and removal, and nutrient retention and removal. Mr. Colburn further stated that the proposal was to first reduce the

amount of stormwater that today entered a closed pipe system and flowed to the Town of Hudson's Municipal Separate Storm Source System which flowed directly into the Merrimack River so the overall acreage of the impervious surface draining to it would be reduced and a portion of that stormwater would be redirected as well as all of the stormwater generated over new impervious surfaces into one of two new stormwater treatment facilities. He said the applicant was proposing a large subsurface detention and infiltration system under the parking lot and an above water stormwater detention and treatment facility as well so we would be able to improve the stormwater quality directed toward the wetland and reduce and improve the stormwater quality and quantity discharged to the MS4 and further, to the Merrimack River.

Mr. Colburn, referring to another plan shown, said that the proposed plan did not come forth without consideration for alternatives, He said that he and Mr. Basso had taken the conceptual plan to the Planning Board. He said that this plan proposed a reduction in the overall width of every parking space, noting that Hudson's parking space dimensions were 10' x 20' and that Market Basket's standard and the standard for many other municipalities in the southern New Hampshire was a 9' wide space. He said the applicant wanted to see what the impact would have been if 9' spaces were proposed instead of 10' spaces and that would have reduced the footprint of the impervious surface area by approximately 10%. He further stated that unfortunately the Planning Board had voted not to favor the alternative plan siting that they would not be in favor of granting a waiver from that site plan requirement and suggested that we move forward with the Hudson standard 10' x 20' parking space layout and that was the plan that was being proposed at this meeting. He also said that on November 12, 2014, the Hudson Planning Board had voted to forward correspondence to the Zoning Board of Adjustment, citing that the Planning Board concurred with the favorable recommendation of the Conservation Commission relative to the Wetland Special Exception.

Attorney Westgate addressed the Board, stating that under the Variance application, there were technically two components and one was more of a technical provision. He said §334.31 of the Zoning Ordinance says that building additions in a non-conforming building, strictly speaking cannot be added to, expanded to, or altered without a Variance. He said that because the building existed prior to the adoption of the Wetland Conservation District provision, about 600 feet of the existing building was within the wetland buffer so technically the building was non-conforming today.

Attorney Westgate then read aloud from the application for a Variance and a Wetland Special Exception into the record.

Attorney Westgate submitted and read aloud a favorable analysis from Mr. Randy Turmel, a Principal Broker with Keller-Williams Realty in Nashua, dated February 19, 2015. **I don't know if this was an e-mail or a letter as I did not receive a copy so I called it a favorable analysis.**

Attorney Westgate stated that the Market Basket plaza was at first a significant developed retail property prior to the adoption of the Wetlands Conservation District provisions. He said that secondly, it was at the intersection of two roads; Lowell Road where there have been significant increases in traffic volumes over this 30-year period of time. He also said that thirdly, even though Market Basket would have liked to operate with a parking space width standard that was more industry standard, that the Planning Board was inclined to stick with the code provisions with a 10' wide space. He said although the property did have wetlands that the function and values test indicated that the functions and values the property had were somewhat limited and

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

February 26, 2015

primarily dealt with stormwater management elements but that it dovetailed into the improvements that we would like to make.

Attorney Westgate stated that the analysis of the Lowell Road entrance change was such that this was the only viable place to put the proposed new driveway along Lowell Road to allow for the 3-way access of Haffner's, the Fairview lot and the Market Basket Plaza. He said if that was the one place to put the new intersection and the signalization then there was no reasonable alternative that would place it in another location that somehow minimized impact in the Wetland Conservation District.

Attorney Westgate stated that the function value assessment indicated a relatively limited functionality and that report indicated that there were no fish in the wetland area and the regarding wildlife habitat was a limited corridor because the developed area was limited. He also said that in addition to that, the Natural Heritage Bureau was notified and had replied that they found no endangered species in the area.

Chairman Seabury asked if there were anyone else present who wished to speak in favor, in opposition, or neutrally with regard to the application. No one else came forward.

Chairman Seabury declared the matter before the Board.

Ms. Davis asked if the reconstruction of the stormwater system in the front was just servicing Market Basket.

Mr. Colburn replied that the system had recently been rebuilt. He said that the Town of Hudson had rebuilt Flagstone Drive and had replaced much of the stormwater under it. He further said that it served the industrial development that was Flagstone Drive and carried the stormwater through the industrial park and down to the river.

Ms. Davis asked if there would be any improvements on the opposite side of the street at the Dunkin Donuts and at Haffner's.

Mr. Colburn replied that as part of the joint venture effort, Market Basket, Haffner's, and Fairview; the Haffner's site driveway entrance would be reconstructed so their existing stormwater improvements would be evaluated but that they were not affiliated with the adjacent Burger King and Dunkin Donuts.

Ms. Davis said that Dunkin Donuts picked up so much water to the point where they lose parking spaces.

Mr. Tony Basso, Principal Land Surveyor from Keach-Nordstrom Associates, addressed the Board, stating that treatment and stormwater management would be provided where none exists. He also said that the flooding that happened was not related to the project because they were not overtopping Lowell Road or surface draining.

Ms. Davis what the proposed addition on the back of the building would be.

Mr. Basso replied that he believed it would have been the whole dairy section of Market Basket.

Ms. Davis asked if the existing loading and unloading dock would be changed.

Mr. Basso replied that it would not change. He also said that there was a beat up stockade fence that would be replaced with an 8' tall insulated barrier.

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

February 26, 2015

Ms. Davis said that her concern was with the abutters in terms of whether or not the loading or unloading but it sounds like it would not.

Ms. Davis asked if Mr. Basso knew how the proposed project would play into the proposed new fire station.

Mr. Basso replied that he had met with Chief Buxton regarding the proposed project a couple of times and the proposed project was related to why he wanted to put the fire station there.

Mr. Dearborn stated that Mr. Colburn had mentioned the entrance would be moving 300 feet to the north and that would bring it closer to the existing light or the piece of land that the Warrant Article was proposing to build a \$2 million fire station.

Mr. Basso replied that there would not be a light at the fire station.

Mr. Dearborn asked how close the new entrance was going to be to the existing light at Fairview Nursing's driveway.

Mr. Basso replied that it would be about 1,000 feet from Hampshire Drive.

Mr. Dearborn asked Mr. Basso to explain what he meant by "construct a stabilized construction exit on Wason Road."

Mr. Basso replied that it was a temporary erosion control method. He said a stone entrance was placed and when the trucks were entering it would clean off their tires so dirt would not be tracked so much into the road. He further stated that when the entrance was paved it would be gone.

Mr. Martin asked if the north side of the wetland was treed in.

Mr. Basso replied that it was wooded.

Mr. Martin asked where they stored their snow.

Mr. Basso replied that the snow was stored in the field and not the wetland.

Chairman Seabury asked where the snow would be stored in the future since parking spaces would be in the field.

Mr. Basso replied that they were going to have to dispose of the snow off-site. He further replied that whatever they store in the parking lot would melt and go into the system and be treated as opposed to now where it went off of that field into the wetland untreated.

Chairman Seabury stated that he felt 14 of the 88 new proposed parking spaces would be in the wetland buffer and that was one of the reasons a Variance was being requested. He asked why 500 parking spaces would not be sufficient.

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

February 26, 2015

Mr. Colburn replied that there was a code requirement for 499 spaces and that 514 were being proposed with 11 of them serving as a carriage corral which left 503 parking spaces which was 4 more than the code required.

Chairman Seabury asked what the code requirement was that brought the number of parking spaces up to 499.

Mr. Basso replied that Market Basket required 1 space per 200 square feet for retail. He also said that all of it was 1 space per 200 feet except for the hair salon which was 3 spaces per operator. He said the total added up to 499 parking spaces.

Chairman Seabury stated that Mr. Basso had made a point that Market Basket was reserving the right to expand in the future and asked where would they expand if all of the parking spaces were filled up?

Mr. Basso replied that Market Basket was not reserving the right for further expansion but that the proposed plan was the expansion.

Variance

Ms. Davis made a motion to approve the Variance to allow for both the alteration and expansion of a non-conforming structure and to permit the additions of the existing structure and the proposed parking spaces to be within the Wetland Conservation District.

Chairman Seabury stated if a Variance was granted according to the way Ms. Davis had described it, that it included what the Board was talking about for the Wetland Special Exception.

Ms. Davis stated that she felt they were intertwined and she said she did not feel that it made a difference.

Chairman Seabury asked if Ms. Davis wanted to add any stipulations to her motion.

Ms. Davis replied that she did not want to add any stipulations to the request for a Variance.

Mr. Martin seconded the motion.

Ms. Davis, speaking on her motion, stated that she felt the application had met all of the criteria for a Variance. She said that she did not feel it would diminish any surrounding property values, that the

benefits of the expansion were a benefit to the public and that substantial justice would be done to not only the property owner but to the surrounding community and the town as a whole.

Mr. Martin, speaking on his second, stated that he agreed with everything Ms. Davis had stated.

Chairman Seabury stated that he would reluctantly vote in favor of the request because he said he did not like the idea of having parking spaces at the corner of the building in the wetland buffer. He said that once you set a precedent and then add to it; it becomes much harder to say that we do not think that it is good.

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

February 26, 2015

Ms. Davis stated that the Board took each case on its' own merit.

Chairman Seabury stated that while he agreed with Ms. Davis, he said he felt it would have still put a lot of pressure on the Board.

VOTE: Chairman Seabury asked Clerk Dearborn to poll the Board on the motion to approve the request for a Variance and to record the members' votes, which were as follows:

Ms. Davis	To approve
Mr. Martin	To approve
Ms. Shuman	To approve
Mr. Dearborn	To approve
Mr. Seabury	To approve

Chairman Seabury declared that, there having been five votes to approve the request for a Variance, the motion had carried.

Wetland Special Exception

Ms. Davis made a motion to approve the request for the Wetland Special Exception with two stipulations as stated below:

1. Construction and restoration shall comply with: BEST MANAGEMENT PRACTICES TO CONTROL NON-POINT SOURCE POLLUTION: A GUIDE FOR CITIZENS AND TOWN OFFICIALS (NH Department of Environmental Services – Current Issue.)
2. During construction and restoration, erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.

Mr. Martin seconded the motion.

Ms. Davis, speaking on her motion, stated that she felt the applicant met the criteria for a Wetland Special Exception, there was minimal impact to the permanent wetlands, there was a benefit to the general public,

alternatives would affect the proposed light signalization and the improved traffic flow. She further stated that she did not feel there was a reasonable way to accomplish what the applicant was requesting without impacting the Wetland Conservation District. Ms. Davis stated that she did not feel the application was based primarily based on economic considerations and that there would be benefits to the town as well as the general public with the improved traffic flow, the improved run-off water and the storm management system.

Mr. Martin, speaking on his second, stated that he agreed with everything Ms. Davis had said.

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

February 26, 2015

VOTE: Chairman Seabury asked Clerk Dearborn to poll the Board on the motion to approve the request for a Wetland Special Exception with the noted stipulations, and to record the members' votes, which were as follows:

Ms. Davis	To approve
Mr. Martin	To approve
Ms. Shuman	To approve
Mr. Dearborn	To approve
Mr. Seabury	To approve

Chairman Seabury declared that, there having been five votes to approve the request for a Wetland Special Exception, with the noted stipulations, the motion had carried.

Chairman Seabury declared a break at 8:55 p.m., calling the meeting back to order at 8:59 p.m.

- 2. Case 190-007 (02/26/15): St. Mary's Bank (Sign Placement) – 3 Winnhaven Drive, Hudson, requests a Variance from the literal provisions of the Hudson Zoning Ordinance Article XII of HTC §334-64 C (6) in order to have the placement of the proposed sign allowed within the 200-foot radius of any residential buildings that are in the Commercially Zoned District. The two properties are at 48 Lowell Road and 54 Lowell Road. [Map 190, Lot 007, Zoned B; HZO Article XII, §334-64 C (6)]**

Clerk Dearborn read aloud the posted notice, as recorded above.

Ms. Shuman stated that she would step down from the case as she had a conflict.

Chairman Seabury stated that there would only be four sitting members after Ms. Shuman stepped down and there was a requirement for the applicant to receive three positive votes. He further stated that the applicant had the option of proceeding with four members or to wait until the next meeting assuming there will be more than four members.

Chairman Seabury asked Mr. Desmond to explain why the matter was before the Board. Mr. Desmond explained that the applicant was present simply because the proposed sign was within the 200-foot mark of two units that are determined to be residences.

Chairman Seabury asked who was present to speak in favor with regard to the application.

Mr. Benjamin Barr, from Watchfire LED Signs, addressed the Board, stating that Mr. Jason Gagnon from Sousa Signs was also in attendance. He also stated that he was there to represent the applicant, St. Mary's Bank.

Mr. Gagnon stated that the new proposed sign did follow St. Mary's Bank new branding package for all of their other branches. He said they wanted to add an EMC which was an Electronic Message Center. He also said that the location of the proposed sign was within the setbacks of Winnhaven Drive and Lowell Road and the

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

February 26, 2015

reason it was moving closer to the Winnhaven side was because of the visibility of the message center from both ends of Lowell Road's traffic both north and southbound. Mr. Gagnon said that the existing signage was a

little dated and did not follow the corporate branding. He said the new proposed sign would incorporate modern technology in getting promotional material out onto the roadway, public service announcements such as time and temperature, and products and services that were offered within the parcel. He also said that the existing sign was a little bit brighter of a sign and the new sign would bring in a darker color contrast so just the name would be lit. Mr. Gagnon said that one proposed location would be to the left of the St. Mary's sign and said one of the structures that fell within the 200-foot radius was a structure of a mixed use/commercial/residential home that had some commercial uses and that there was one small out parcel that was being used as residential and it was primarily covered with foliage and trees so the intrusion was minimal. Mr. Gagnon stated that the primary location which fell within the 200-foot spectrum within the site line of that sign would be identified in green which was on the monitor and that the location as the area developed, could have been used in both a commercial and residential manner. He said the last time the property was inspected was in 2006 and that the property has sat dormant for a number of years. He further said that was where the applicant's challenge came into play within the application.

Mr. Gagnon then read aloud from the application for a Variance into the record. He noted that the proposed sign followed the square footage allowances and met the characteristics of the parcel. He said that the proposed sign would be in a mixed use commercial area and that the sign would only operate during business hours in reference to the electronic portion of the sign.

Chairman Seabury asked how late the bank was open.

Mr. Gagnon replied that the hours were Monday through Friday from 8:30 a.m. to 5:00 p.m. and closed at 4:30 p.m. on Saturday.

Chairman Seabury asked if the sign would be illuminated at night.

Mr. Gagnon replied the electronic portion of the sign would not be illuminated. He also stated that the brightness of the sign could be set and controlled from within the sign and that to minimize the brightness the Nits would be between 700 and 1,000 but that it would not exceed 1,000.

Chairman Seabury stated that the ordinance only allowed four lines of text and the samples provided shoed two lines and three lines. Mr. Gagnon replied that was correct.

Mr. Nolin asked who he would call if the light were too bright and complaints were received. Mr. Gagnon replied that typically the bank would be called and it could be corrected.

Ms. Davis stated that she wanted it to be clear for the record that the only advertisement that could be on the sign would have to do with St. Mary's Bank or publicly supported information like the weather and time.

Mr. Gagnon replied that he understood that.

Mr. Martin asked which properties were located in the residential zone.

Mr. Gagnon replied that the properties were 48 and 54.

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

February 26, 2015

Chairman Seabury asked if there were anyone else present who wished to speak in favor, in opposition or neutrally with regard to the application. No one else came forward.

Ms. Davis stated that she felt if the sign was allowed there could not be another sign within 150 feet.

Ms. Davis asked if the sign was the only sign on the ground other than directional.

Mr. Gagnon replied that it was.

Ms. Davis made a motion to approve the request for a Variance with no stipulations.

Mr. Dearborn seconded the motion.

Ms. Davis, speaking on her motion, stated that she felt the applicant had proven that it met the criteria of the ordinance. She also said that she felt the sign would have minimal impact, if any, to the residence that was within the 200 feet of the sign and that justice was done to the applicant.

Mr. Dearborn, speaking on his second, stated that he agreed with everything Ms. Davis had said and also that there was no opposition.

VOTE: Chairman Seabury asked Clerk Dearborn to poll the Board on the motion to approve the request for a Variance, and to record the members' votes, which were as follows:

Ms. Davis	To approve
Mr. Martin	To approve
Mr. Dearborn	To approve
Mr. Martin	To approve
Mr. Seabury	To approve

Chairman Seabury declared that, there having been five votes to approve the request for a Variance, the motion had carried.

Chairman Seabury stated that Ms. Shuman had returned to her seat as a full voting member of the Board and returned Mr. Dearborn to his seat as a non-voting alternate member of the Board.

IV. APPROVAL OF MEETING MINUTES

The following changes/edits were made to the meeting minutes of the January 22, 2015, meeting minutes:

1. Page 3 – “2.3 acres” was changed to “.23 acres” – Shuman
2. Page 4 – “January 18, 2015” was added – Shuman

Ms. Davis made a motion that anything that was typed in italics in the meeting meetings shall be verbatim.

Chairman Seabury seconded the motion.

Chairman Seabury called for a procedural vote and he then said that all of the sitting Board members were in favor.

3. Page 4 – “and would like to call me or e-mail me please do” was added - Shuman
4. Page 4 – “an unidentified member” was changed to “Ms. Cossette’s son” - Shuman
5. Page 4 and 5 – Take out italics - Shuman
6. Page 9 – “as amended” was removed – Shuman

Mr. Martin made a motion to approve the minutes from the January 22, 2015, meeting, as amended by the Board.

Ms. Davis seconded the motion.

Chairman Seabury called for a verbal vote, and he then declared that all of the voting Board members were in favor of approving the minutes from the January 22, 2015, meeting, as amended by the Board.

V. ADJOURNMENT

All scheduled items having been processed, Mr. Martin made a motion to adjourn the meeting.

Ms. Seconded seconded the motion.

VOTE: All members voted in favor. The motion passed unanimously.

Chairman Seabury declared the meeting to be adjourned at 10:11 pm.

Date: March 22, 2015

J. Bradford Seabury, Chairman

Recorder: Trish Gedziun