

TOWN OF HUDSON

Zoning Board of Adjustment



Charlie Brackett, Chairman

Marilyn E. McGrath, Selectmen Liaison

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

MEETING AGENDA – September 26, 2019

The Hudson Zoning Board of Adjustment will hold a meeting on September 26, 2019, in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall (please enter by ramp entrance at right side). The public hearings for applications will begin at 7:00 PM, with the applications normally being heard in the order listed below.

SUITABLE ACCOMMODATIONS FOR THE SENSORY IMPAIRED WILL BE PROVIDED UPON ADEQUATE ADVANCE NOTICE BY CALLING 886-6008 OR TDD 886-6011. The following items before the Board will be considered:

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 208-001 (deferred/continued from 7-25-19): Richard and Robin Sevigny, 161 Bush Hill Road, Hudson, NH requests an Appeal From An Administrative Decision of a Notice of Violation dated May 24, 2019 citing violations of two provisions in the Hudson Zoning Ordinance: §334-15B (2) Parking prohibited and §334-13 Junkyards prohibited; outdoor storage. [Map 208, Lot 001-000; Zoned General-One (G-1); HZO Article III, §334-15B(2) & §334-13].
2. Case 191-135 (9-26-19): Adam Gidley, owner of Salem Manufactured Homes LLC, Salem, NH, requests a prior Variance amendment for 3 Bay Street, Hudson, NH to correct clerical errors of a replacement manufactured home from 72 ft. x 16 ft. to 76 ft. x 16 ft. yielding a total square footage of 1,216 rather than 1,152 as previously stated on the Variance granted on 7/25/19. This Variance request is also to address the proposed site built decks of 4 ft. x 6 ft. and 10 ft. x 12 ft. [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].
3. Case 198-038 (9-26-19): Victor A. Cote, 8 B St., Hudson, NH requests a Variance to allow an installed 12 ft. x 24 ft. above ground pool to remain, which encroaches ~ 6 ft. into the rear setback leaving ~ 9 ft. where 15 ft. is required. [Map 198, Lot 038-000; Zoned Town Residence (TR); HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].
4. Case 222-039 (9-26-19): Margaret McQueeney, 3 Colson Rd., Hudson, NH requests a Variance to allow a second separate driveway for an existing Accessory Dwelling Unit. [Map 222, Lot 039-000; Zoned Residence-Two (R-2); HZO Article XIII A Accessory Dwelling Units, §334-73.3G, Provisions].
5. Case 174-079-005 (9-26-19): Don Dumont, owner of Posey Investments, LLC., 195R Central St., Hudson, NH requests an Equitable Waiver of Dimensional Requirement for 7 Lee Way, Hudson, NH to allow a newly built foundation to encroach 6 inches into the side yard setback leaving 14.5 ft. where 15 ft. is required. [Map 174, Lot 079-005; Zoned Town Residence (TR); HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].

6. Case 165-036 (9-26-19): John Colby, 11 Kenyon St., Hudson, NH requests a Variance to build an Accessory Dwelling Unit (ADU), porch and sunroom onto an existing nonconforming house/structure. The new porch addition encroaches 17.7 ft. leaving 12.3 ft. of front yard setback. The new ADU & sunroom encroaches 8.1 ft. leaving 21.9 ft. of front yard setback where 30 ft. is required. [Map 165, Lot 036-000; Zoned Town Residence (TR); HZO Article VIII, §334-31 Alteration and expansion of nonconforming structures and HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].

IV. PUBLIC HEARING:

3rd Reading of proposed bylaws amendments.

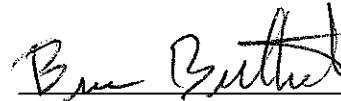
V. REVIEW OF MINUTES:

1. 08/22/19 Minutes

VI. REQUEST FOR REHEARING: None

VII. OTHER:

1. Update of Zoning Ordinance Amendments proposed to Planning Board as result from 8/29/19 ZBA workshop mtg.



Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report Meeting Date: September 26, 2019

NOTE:

**** → This is a continued hearing from 7-25-19 and a subsequent site walk held July 29, 2019.**

Case 208-001 (7-25-19): Richard & Robin Sevigny, 161 Bush Hill Rd, Hudson, NH requests an Appeal of an Administrative Decision. [Map 208, Lot 001, Zoned G-1; HZO Article III General Regulations, §334-15 B (2), Parking, and §334-13 Junkyards prohibited, outdoor storage].

Address: 161 Bush Hill Rd

Zoning district: General One (G-1)

Summary:

Applicant requests the appeal of Notice of Violation dated 5/24/19 alleging violations of:

- 1) Ordinance 334-15B(2) Outside Parking or Storage of Vehicles or Trailers used in commerce at Residential Sites with a Gross Vehicles weight Greater than 13, 000 pounds, and
- 2) Ordinance 334-13 Outdoor storage of Junk.

Property description:

This is a developed lot of record: Having almost 8.0 Acres where 2 Acres are required. The frontage on Bush Hill Rd is 684 ft where 200 ft required. The existing structure (house) does not appear to satisfy the required front setback.

HISTORY:

Assessing: Listed as a Two Family residence (permitted use in G-1 district).

Building Permits: #2017-00332: replacement of A/G 500 gal propane tank, #2011-00674: install a 43' x 16' canvas structure, #312-98: construct 345 sq ft shed.

Easement found: Drainage easement to Town for the brook /drainage maintenance.

ZBA: 2/28/2019 Variance request denied to allow the parking of box truck (over 13,000 GVW) to be used to clean up the junk and debris cited in 2018 Code Enforcement violation.

Code Enforcement:

2012: *"owner burning plywood/trash"*.

2018: *"owner @ 167 Bush Hill logged complaint(s): easement/ driveway access, litter, unregistered vehicles, and parking of the over-sized truck"*.

2019: Notice of Violation dated 5/24/19 alleging violations of: §334-15B(2) *Outside Parking or Storage of Vehicles or Trailers used in commerce at Residential Sites with a Gross Vehicles weight Greater than 13, 000 pounds, and §334-13 Outdoor storage of Junk.*

Attachments:

"A" Assessing record.

"B" 2019 ZBA Variance denial.

"C" 2018/2019 Code Enforcement (Notice of Violations).

"D" Code Enforcement Officer's 7-15-19 statement of facts in response to applicants' appeal, which includes MuniSmart (Code Enforcement case history).



APPLICATION FOR APPEAL FROM AN ADMINISTRATIVE DECISION

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by Land Use Division personnel

Case No. 208-001
Date Filed 6/20/19

Name of Applicant Richard Sevigny and Robin Sevigny Map: 208 Lot: 001-000 Zoning District: G-1

Telephone Number (Home) 603-508-7535 (Work) _____

Mailing Address 161 Bush Hill Road, Hudson, NH 03051

Owner Richard and Robin Sevigny

Location of Property 161 Bush Hill Road
(Street Address)

Richard Sevigny
Signature of Applicant

6-18-19
Date

Richard Sevigny
Signature of Property-Owner(s)

6-18-19
Date

NOTE: Fill in all portions of the Application Form(s) as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate. If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak on his/her/their behalf or that you have permission to seek the described appeal from an administrative decision.

Items in this box are to be filled out by Land Use Division personnel

COST:

Application fee: \$130.00
10 Direct Abutters x \$4.05 = 40.50
1 Indirect Abutters x \$0.55 = 0.55
Total amount due: ~~\$130.00~~

\$ 171.05

Date received: 6/20/19

Amt. received: \$ 171.05

Receipt No.: 555,881

Received by: TSG

By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
<u>RS+RS</u> By KMB	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
<u>RS+RS</u> By KMB	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>RS+RS</u> By KMB	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, (Appeal from an Administrative Decision) and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>RS+RS</u> By KMB <u>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u> <u>N/A</u>
<u>RS+RS</u> By KMB	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>RS+RS</u> By KMB	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>RS+RS</u> By KMB	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>RS+RS</u> By KMB W3 N/A	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

Kent M. Barker


From: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Sent: Monday, June 17, 2019 4:38 PM
To: Kent M. Barker
Subject: RE: Sevigny Admin Appeal

Unless you are contesting or proposing a permanent structure with a physical "location", a site plan would not be required.

Regards,

Bruce

Bruce Buttrick, MCP
Zoning and Code Enforcement



Town of Hudson
Land Use Division
12 School Street
Hudson, NH 03051
Ph: (603) 886-6008
F: (603) 594-1142

From: Kent M. Barker [mailto:KBarker@winerbennett.com]
Sent: Monday, June 17, 2019 4:35 PM
To: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Subject: Sevigny Admin Appeal

Hi Bruce;

I'm still working on the administrative decision appeal for the Sevigyns. We discussed that a plot plan would NOT be required for this appeal. Kindly confirm that when you have a moment.

Thanks,

Kent Barker

Kent M. Barker



111 Concord Street, P.O. Box 488
Nashua, New Hampshire 03061-0488
Telephone: (603) 882-5157

OWNERS AND APPLICANTS			
208	001-000	Richard Sevigny Robin J. Sevigny	161 Bush Hill Road Hudson, NH 03051

DIRECT ABUTTERS

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
208	010-000	Raymond J. Michaud, Jr. Mary-Ellen Michaud	170 Bush Hill Road Hudson, NH 03051
214	013-000	Robert Paul Boutin	167 Bush Hill Road Hudson, NH 03051-4404
219	003-000	Town of Hudson	12 School Street Hudson, NH 03051
208	002-000	Beau J. Bergeron	155 Bush Hill Road Hudson, NH 03051
208	011-000	Public Service of New Hampshire dba: Eversource Energy	P.O. Box 270 Hartford, CT 06141-0270
208	007-000	Anthony Cote Natasha A. Cote	164 Bush Hill Road Hudson, NH 03051
208	006-000	Farrell T. Woods Nancy A. Leblanc	162 Bush Hill Road Hudson, NH 03051
208	003-000	David L. Clark Wendy W. Clark	151 Bush Hill Road Hudson, NH 03051
208	005-000	Robert White Kathleen White	160 Bush Hill Road Hudson, NH 03051

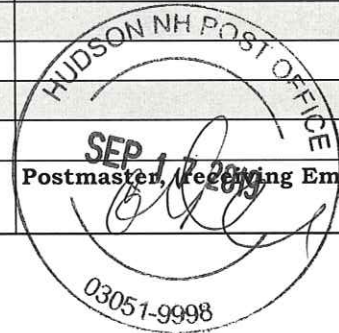
INDIRECT ABUTTERS

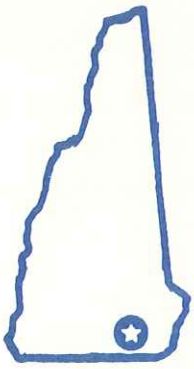
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
208	004-000	Virginia Steeves	152 Bush Hill Road Hudson, NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 208-001 Appeal From An Administrative Decision 161 Bush Hill Rd Map 208/Lot 001-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting (Deferred from 07/25/19)
1	7018 2290 0001 3001 9036	SEVIGNY, RICHARD & ROBIN J. 161 BUSH HILL ROAD, HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT
2	7018 2290 0001 3001 9043	MICHAUD JR., RAYMOND J. & MARY-ELLEN 170 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	7018 2290 0001 3001 9050	BOUTIN, ROBERT PAUL 167 BUSH HILL ROAD, HUDSON, NH 03051 - 4404	ABUTTER NOTICE SENT
4	7018 2290 0001 3001 9067	BERGERON, BEAU J. 155 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
5	7018 2290 0001 3001 9074	PUBLIC SERVICE OF NH DBA:EVERSOURCE ENERGY PO BOX 270, HARTFORD, CT 06141-0270	ABUTTER NOTICE SENT
6	7018 2290 0001 3001 9081	COTE, ANTHONY & NATASHA A. 164 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
7	7018 2290 0001 3001 9098	WOODS, FARRELL T. ; LEBLANC, NANCY A. 162 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
8	7018 2290 0001 3001 9104	CLARK, DAVID L.& WENDY W. 151 BUSH HILL RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
9	7018 2290 0001 3001 9111	WHITE, ROBERT & KATHLEEN 160 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
10	7018 2290 0001 3001 9128	KENT M. BARKER, ESQUIRE; WINER AND BENNETT, LLP P.O. BOX 488, NASHUA, NH 03061-0488	APPLICANT/OWNER-NOTICE SENT
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office 10	Postmaster, (receiving Employee) <i>Paula Angeles</i>



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 208-001 Appeal From An Administrative Decision 161 Bush Hill Rd Map 208/Lot 001-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting (Deferred from 07/25/19)
1	N/A-mailed First Class	STEEVES, VIRGINIA	ABUTTER NOTICE SENT
		152 BUSH HILL ROAD, HUDSON, NH 03051	
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 1	Total number of pieces rec'vd at Post Office <i>[Signature]</i>	Postmaster, (Regular Employee) <i>[Signature]</i>





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



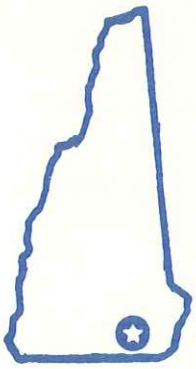
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 208-001 (deferred/continued from 7-25-19): Richard and Robin Sevigny, 161 Bush Hill Road, Hudson, NH requests an Appeal From An Administrative Decision of a Notice of Violation dated May 24, 2019 citing violations of two provisions in the Hudson Zoning Ordinance: §334-15B (2) Parking prohibited and §334-13 Junkyards prohibited; outdoor storage. [Map 208, Lot 001-000; Zoned General-One (G-1); HZO Article III, §334-15B(2) & §334-13].**

Please be advised, the above notice is being sent to all abutters listed on the application. You, or a representative, are expected to attend the hearing, and make a presentation.

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this Application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator

For any appeal, the application form must be properly filled out. The application form is intended to be self-explanatory, but be sure that you show:

1. Who owns the property? If the applicant is not the owner, please include a statement from the owner that you have permission to speak on his/her behalf.
2. Where the property is located.
3. What you propose to do. Supply twelve copies of an 8.5" x 11" or 11" x 17" scale plan which gives lot area, frontage, side and rear lot lines, natural features, existing and proposed structures, alteration to the lot, and distance to lot lines or wetlands. Pictures and construction plans are helpful.
4. Why your proposed use requires an appeal. Please fill out the attached appeal forms completely. Include why the appeal should be granted.
5. List of abutters, per NH RSA 672:3. This includes property and the name(s) of the owner(s) of properties which physically touch the subject property, across the street and kitty-corner to the subject property.

Prepare a list of all abutting property owners using the Assessing Office records, and attach it to your application. **The accuracy of the list is your responsibility. If the list is found to be incorrect, you may be required to appear before the ZBA a second time, at your expense.**

6. Deliver the completed application, with all attachments, to the office of the Zoning Administrator. A fee is charged sufficient to cover the cost of preparing and mailing the legally required notices. If paying by check, make the check payable to the Town of Hudson and submit with your application.

The Zoning Office will schedule a public hearing within thirty (30) days of receipt of your **properly-completed** application. Applications are scheduled on a first come, first serve basis. **Only completed applications will be scheduled for a hearing.** Public notice of the hearing will be posted and printed in a newspaper, and a notice will be mailed to you, all abutters and other parties whom the Board may deem to have an interest.

After the public hearing, the Board will reach a decision. You will be sent a Notice of Decision.

If you believe that the Board's decision is wrong, you have the right to appeal. Any party affected has the right to appeal the decision of your case. To appeal, you just first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The motion must be made within thirty (30) days of the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in its' opinion, good reason is stated in the motion. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

See **NH RSA Chapter 677** for more detail on rehearing and appeal procedures.

Requests before the Board may require connection to the municipal sewer system. Please contact the Town Engineer prior to submittal of this application to determine if connection is required, and the procedures for such application.

APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance.

Decision of the Zoning Administrator to be reviewed:

Notice of Violation dated 05/24/19 alleging violation of Ordinance 334-15 B (2) Outside
Parking or Storage of Vehicles or Trailers used in Commerce at Residential Sites with Gross
Vehicle Weight Greater than 13,000 Pounds and 334-13 Outdoor Storage of Junk.

(Also see attached)

DATE: 05/24/19 ARTICLE: III SECTION: 334-13 334-15(B) 2 and

of the Zoning Ordinance in question:
334-15 B (2) and 334-13

NOTE: If you are appealing an Administrative Decision, a copy of the decision appealed must be attached to your application.

**ATTACHMENT TO APPLICATION FOR APPEAL
FROM AN ADMINISTRATIVE DECISION**

(Appeal of Notice of Violation)

Richard Seigny and Robin Seigny
161 Bush Hill Road
Hudson, New Hampshire 03051
Map 208, Lot 001-000

This Attachment is appended to the Appeal from an Administrative Decision. This Attachment provides background information regarding the subject property and sets forth independent rationale for dismissing the Notice of Violation.

Background

Richard Seigny and Robin Seigny own the land, single-family dwelling and related improvements at 161 Bush Hill Road (Map 208, Lot 001-000) (the "Premises"). The Seignys purchased the Premises from Eugene P. Dunn and Eleanor J. Dunn, receiving title by deed dated March 6, 2017 and recorded with the Hillsborough County Registry of Deeds at Book 8951, Page 1309. The Premises are currently depicted as Lot 1004-001 on Hillsborough County Registry of Deeds Plan No. 10390.

The Premises are subject to an easement (for access) in favor of Lot 1004-002 as shown on Plan No. 10390. Lot 1004-002 is currently owned by Robert Paul Boutin, Sr. The easement in favor of Lot 1004-002 is limited to the so-called present tote road layout on the Premises (owned by the Seignys). The so-called tote road layout means the layout as of July 31, 2002, the date of the deed to Mr. Boutin of Lot 1004-002.

Situated on the Premises is a so-called BSP Trailer, approximately 45 feet long with four rear wheels (eight tires) and front metal legs (the "Trailer"). The Trailer is not registered for over the road use.

It is the Seignys understanding that the Trailer has been situated at the Premises since at least 1998 (approximately). The Trailer is located on the southeasterly side of the tote road.

The Trailer has historically been used for storage, generally for household items, including toys, "knick knacks", tools and paper products.

Notice of Violation

On May 24, 2019, Bruce Buttrick, Zoning Administrator/Code Enforcement Officer, issued a Notice of Violation to the Seignys, a copy of which is attached. The Notice of Violation cites alleged violations of two provisions in the Hudson Zoning Ordinance – Section 334-15B (2) and Section 334-13. For the independent reasons set forth below, the Notice of Violation should be dismissed.

Jurisdiction

The Zoning Board of Adjustment (the "ZBA") has jurisdiction over this appeal by virtue of RSA 674:33, I (a) (1) which provides that zoning boards of adjustment may hear appeals of alleged errors in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance. The Notice of Violation is such an order, decision or determination made by an administrative official, e.g. the Zoning Administrator/Code Enforcement Officer.

Section 334-81 of the Zoning Ordinance also grants the ZBA authority to hear this appeal. In fact, the Notice of Violation advises the Seignys that they may appeal the Notice of Violation to the ZBA within 30 days, pursuant to Section 334-81.

Rationale for Dismissal of Notice of Violation

A. Section 334-15B (2)

1. Under Weight and No Commercial Use. Section 334-15B (2) prohibits the outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds. (emphasis added). The Trailer's gross vehicle weight is less than 13,000 pounds. This is evidenced by the Standard Freight Trailer Guide published by the Cerasis Corporation.

In addition, the Trailer is not used in commerce. As mentioned, the Trailer has been located at the Premises since approximately 1998. To the Seignys' knowledge, the Trailer never left the Premises once it was originally brought to the Premises. Obviously, it is not used in commerce. In addition, as mentioned, it has been used to store household items.

Therefore, Section 334-15B (2) does not apply to the Trailer, it neither being in excess of 13, 000 pounds (gross vehicle weight) nor being used in commerce. As a result, the Seignys are not in violation of Section 334-15B (2).

2. Intent of Section 334-15B (2).

Not only does Section 334-15B (2) not apply by its own terms, Section 334-15B (2) was not intended to apply to a storage trailer used for household or personal items.

Review of the Town Report of 1995 indicates on P. 77, paragraph #7., that a vote of 914 to 573 favored the Zoning Ordinance Amendment "to prohibit the overnight parking and storage of those commercial vehicles and trailers that are larger than pickup trucks or with a gross vehicle weight of 13,000 pounds or greater." Clearly, the intent of the Amendment was to provide relief to those thickly settled parts of the town where long haul truck drivers would park their tractors and trailers in the driveways of neighborhood houses.

This case is distinguished from the situation that the Amendment sought to address. The Trailer has not been on the road for twenty years. It is not near any dwellings. As such, the Seignys are not in violation of 334-15B (2).

B. Section 334-13

The Notice of Violation alleges that the Sevignys are violating Section 334-13 (2) [sic]. The Notice of Violation is apparently referring to Section 334-13B (2) which prohibits the outdoor storage of “any quantity of waste, refuse, junk or ashes.”. Specifically, the Notice of Violation states that “the outdoor refuse and junk needs to be removed.”.

The Notice of Violation does not specify what items constitute “outdoor refuse and junk”. As of the date of this Appeal, there are a modest amount of outdoor items at the Premises. Given the lack of specificity in the Notice of Violation, the Sevignys cannot be held in violation of Section 334-13 of the Zoning Ordinance.

C. Notice of Violation Deficient for Lack of Specificity and No Citation of Underlying Circumstances

The Notice of Violation fails to provide even a minimum basis for the alleged violations of the two provisions in the Zoning Ordinance. This lack of specificity fails to put the Sevignys on notice as to the exact conduct alleged to violate the Zoning Ordinance.

In addition, the Notice of Violation fails to provide a factual basis for violations either under Section 334-15B (2) (relative to the outdoor parking of the Trailer) or Section 334-13 (relative to the outdoor storage of refuse and junk).

First, with respect to the Trailer, there is no factual basis or even allegations demonstrating that the Trailer either weighs over 13,000 pounds or was used for commercial use. With respect to the outdoor refuse and junk, there is no specificity as to the items of refuse and junk which purportedly need to be removed. The Sevignys can hardly be deemed to be in violation of either section of the Zoning Ordinance if the Notice of Violation itself fails to specify the nature, details and extent of the violations.

Conclusion

For the reasons set forth above, the Notice of Violation should be dismissed. The Sevignys reserve the right to provide additional documentation and information at the hearing on this appeal.



TOWN OF HUDSON

Land Use Division



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

Notice of Violation

Case # 2018-00054

May 24, 2019

Certified: 7016 2710 0000 0595 2292
& USPS

Richard and Robin Sevigny
161 Bush Hill Rd
Hudson, NH 03051

Re: 161 Bush Hill Rd Map 208 Lot 001-000
District: General One (G-1)

Dear Mr. & Mrs. Sevigny,

Violation:

Hudson Zoning Ordinance 334-15B (2): Parking prohibited. Parking or storing of vehicles in excess of the amounts specified in this section is prohibited. (2) *“Outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds.”*

The parking/storage of the T/T trailer needs to be removed.

Hudson Zoning Ordinance 334-13: Junkyards prohibited; outdoor storage. (2) *“outdoor storage of any quantity of waste, refuse, junk”.*

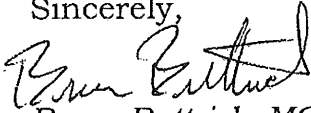
The outdoor refuse and junk needs to be removed.

NOTE: this notice may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this notice. §334-81.

You must **abate** the above violations immediately, and abate/remove said violations **no later than June 15, 2019** and please contact this office for a follow-up compliance inspection.

If these violations are not abated, the Town will likely pursue legal action for compliance. **Note: this is your last and final notice.**

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

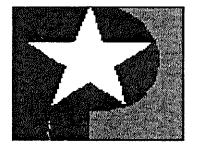
cc: Public Folder
Complainant
File

NOTE: this notice may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this notice. §334-81.

208 001 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRAISED: 371,900 / 371,900
USE VALUE: 371,900 / 371,900
ASSESSED: 371,900 / 371,900



Patriot
Properties Inc.

USER DEFINED

Prior Id # 1:	0019
Prior Id # 2:	0001
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

PROPERTY LOCATION

No	Alt No	Direction/Street/City
161		BUSH HILL RD, HUDSON

OWNERSHIP

Owner 1:	SEVIGNY, RICHARD	AV
Owner 2:	SEVIGNY, ROBIN J.	
Owner 3:		
Street 1:	161 BUSH HILL ROAD	
Street 2:		
Twn/City:	HUDSON	
St/Prov:	NH	Cntry
Postal:	03051	Own Occ:

PREVIOUS OWNER

Owner 1:	DUNN, EUGENE P. -
Owner 2:	DUNN, ELEANOR J. -
Street 1:	161 BUSH HILL ROAD
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains 7.981 ACRES of land mainly classified as TWO FAM with a TRI LEVEL Building built about 1978, having primarily VINYL Exterior and 2703 Square Feet, with 2 Units, 3 Baths, 0 3/4 Bath, 1 HalfBath, 10 Rooms, and 6 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	G1	GENERAL		water	9	PRIV WATER
				Sewer	0	SEPTIC
				Electri		
Census:				Exmpt	V1	VET CREDIT
Flood Haz:		C				
D				Topo	3	BEL ST
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	Spec Land	J Code	Fact	Use Value	Notes
104	TWO FAM	1.1	1		SITE ACRE	SITE		0	110,000.	1.05	RE		LOCATIC	-5					114,950					115,000	SITE/USE
104	TWO FAM	1.1	6.981		ACRES	EXCESS		0	4,750.	1.17	RE		TOPO	-10					38,641					38,600	TOPO

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	
104	7.981	204,600	13,700	153,600	371,900	
Total Card		7.981	204,600	13,700	153,600	371,900
Total Parcel		7.981	204,600	13,700	153,600	371,900
Source:		Market Adj Cost	Total Value per SQ unit /Card:		137.58	/Parcel: 137.58

Legal Description	
Entered Lot Size	
Total Land: 7.981	
Land Unit Type:	
AC	

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	104	JB	204,600	13700	7.981	153,600	371,900	371,900	Year End Roll	5/8/2019
2018	104	FV	204,600	13700	7.981	153,600	371,900	371,900	Year End Roll	8/27/2018
2018	104	JB	204,600	13700	7.981	153,600	371,900	371,900	Year End Roll	5/9/2018
2017	104	FV	204,600	13700	7.981	153,600	371,900	371,900	Year End Roll	10/26/2017
2017	104	PV	204,600	13700	7.981	153,600	371,900	371,900	Year End Roll	8/28/2017
2017	104	JB	217,800	18700	7.981	144,200	380,700	380,700	Year End Roll	5/10/2017
2016	104	FV	217,800	18700	7.981	144,200	380,700	380,700	Year End Roll	8/30/2016
2016	104	JB	217,800	18700	7.981	144,200	380,700		Year End Roll	5/11/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
DUNN, EUGENE P.	8951-1309	1	3/6/2017	NO EXPOSURE	338,000	No	No		sold in AS IS condition, not sold via MLS
	2551-801		8/19/1977			No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descip	Comment
4/12/2017	2017-00332			C				

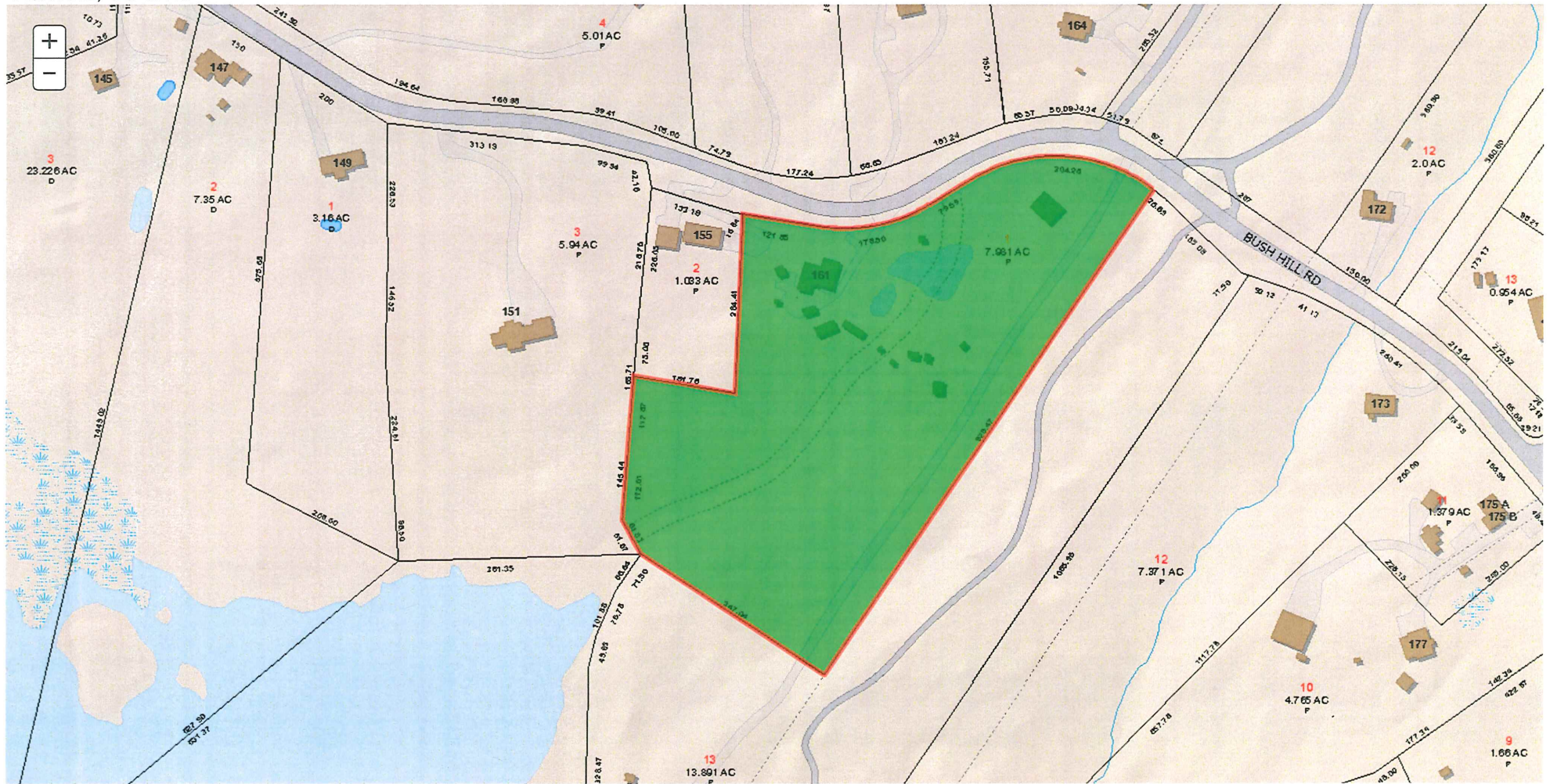
ACTIVITY INFORMATION

Date	Result	By	Name
6/30/2017	Field Review	12	TECH ASMNT
6/1/2017	Sale Data V	12	TECH ASMNT
4/25/2016	Bldg Inacc	12	TECH ASMNT
10/4/2010	Meas/Inspect	14	APPR TECH 4
11/18/2006	Meas/Inspect	6	RB
7/21/2001	Inspected	0	PATRIOT
6/8/2001	Left Notice	0	PATRIOT
5/18/1991	Inspected	2	AVITAR

Sign: _____

Total AC/HA:	7.98100	Total SF/SM:	347652	Parcel LUC:	104	TWO FAM	Prime NB Desc:	RES AVG	Total:	153,591	Spl Credit:		Total:	153,600
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-71.377012, 42.745418



0 100 200ft
Town of Hudson, NH - GIS



TOWN OF HUDSON

Zoning Board of Adjustment



Charlie Brackett, Chairman

Marilyn E. McGrath, Selectmen Liaison

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

SITE WALK MEETING MINUTES – July 29, 2019

The Hudson Zoning Board of Adjustment members met for a Site Walk Review at 161 Bush Hill Rd., Hudson, NH on Monday, July 29, 2019,

Meeting opened at 6pm EDT

Present were:

Mr. Daddario

Mr. Dearborn

Mr. Pacocha

Mr. Etienne

Ms. Davis

Chairman Brackett

Atty. Kent Barker (Applicant's Attorney)

Mr. and Mrs. Boutin (Abutter 167 Bush Hill Rd)

Mr. Robert Davis (member of the public)

Mr. Beau Bergeron (Abutter 155 Bush Hill Rd)

Ms. Robin Finnegan (member of the public)

Excused were:

Mr. Buttrick (Zoning Admin/Code Enforcement)

Ms. McGrath (Selectman Liaison)

Ms. Knee (Recorder)

Notes:

Purpose of the meeting was to walk the property for a 1st hand review in consideration of an Appeal from a Zoning Determination that a 45' trailer needs to be removed from the site and that the on-site trash needs to be cleared up and removed.

The Board discussed the trailer on site and measured the size to be 45' L x 8'6" H x 8' W.

The trailer is leaning to the right side (away from the driveway), is in poor condition (noted rot and holes) and was filled with items such as tires, pallets, shelving and plastic storage containers.

No one entered the trailer nor was the weight of the contents estimated as it did not appear safe to do so.

There was a discussion on the boundaries, the area in question. The general area on both sides of the driveway (used by the abutters at 167 Bush Hill Rd under an easement agreement) included various items (pictures attached) that included broken glass, glass or mirrored panels, wood, wooden pallets that were broken up, a rusted trailer and the 45' trailer. The 45' trailer also had debris in, around and under it.

There was also a green Jeep to the side of the driveway (within the easement) that had a current registration on the plates of March 2020 but no inspection sticker. It also had 2 flat tires and was covered in dust and pine needles. There was a question as to the ownership of the Jeep and the address of whom it was registered to- this would need to be resolved by the HPD by running the plates.

The Board viewed up to the boundary line of the property located at 167 Bush Hill Rd - this was marked as +/- 30' beyond the PSNH pole marker 49B 5R.

A view from the driveway into the property at 161 Bush Hill Rd showed a clearing/field that was to the side of the property; this was overgrown but there wasn't any debris/discarded items that were visible.

The Board then viewed 155 Bush Hill Rd (opposite abutter) and noted a tent/canopy to be 12' from the side setback where 15' is required.

There was an impassable makeshift fence installed with pallet that is within the 15' setback along with trash from 161 Bush Hill Rd that has spilled over to 155 Bush Hill Rd.

The meeting was adjourned at 6:52pm.

Respectfully submitted,

Maryellen Davis, ZBA Clerk

161 Bush Hill Rd interior of 45' trailer



161 Bush Hill Rd Glass Panels; discarded, RUSTED TRAILER



161 Bush Hill Rd interior of 45' trailer



161 Bush Hill Rd Glass Panels; discarded, RUSTED TRAILER



161 Bush Hill Rd Broken glass panel OR MIRROR



161 Bush Hill Rd Discarded wooden Figure / Wood



161 Bush Hill Rd
Broken Pallets



161 Bush Hill Rd STRUCTURE in SETBACK between 155 Bush Hill



161 Bush Hill Rd Field on actual property, overgrown but no trash
NOT in easement area.

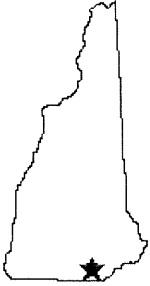




TRAILER side w/ debris underneath
161 Bush Hill Rd Hudson, NH 03051

inside trailer 161 Bush Hill Rd Hudson NH





TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: September 26, 2019 *BB 9.16.19*

Case 191-135 (9-26-19): Adam Gidley, owner of Salem Manufactured Homes LLC, Salem, NH, requests a prior Variance amendment for 3 Bay Street, Hudson, NH to correct clerical errors of a replacement manufactured home from 72 ft. x 16 ft. to 76 ft. x 16 ft. yielding a total square footage of 1,216 rather than 1,152 as previously stated on the Variance granted on 7/25/19. This Variance request is also to address the proposed site built decks of 4 ft. x 6 ft. and 10 ft. x 12 ft. [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].

Address: 3 Bay Street

Zoning district: Business (B)

Summary:

Applicant had received variance on 7/25/19 to replace an existing non-conforming 924 sqft residential manufactured home with a 1,152 sqft residential manufactured home on this parcel. The paperwork/application submitted had clerical error and did not describe the proposed improvements correctly as depicted on the submitted plot plan. The actual (correct) proposed size of the replacement manufactured home is to be 76 ft x 16 ft = 1,216 sqft. The prior application also failed to include the front stoop of 4 ft x 6 ft (24 sqft) and rear deck of 10 ft x 12 ft (120 sqft). This proposal is an expansion of an existing non-conforming use.

Property description:

This is an existing non-conforming developed lot of record: Having 0.320 Acre = 13,939 sqft, which is less than the required minimum of 30,000 sqft, and frontage of 78 ft where 150 is required. The current/existing manufactured home is in the front setback.

HISTORY:

Assessing: Listed as a Single Family residence (existing non-conforming use in B district).

ZBA: 08/24/2000 Use Variance granted to replace MH with new MH.

07/25/19 Use Variance granted for MH replacement and into setback compliance.

Building Permits: #2002-96: install a 14 x 66 MH.

Attachments:

- "A"** Assessing record.
- "B"** 08/24/2000 Use Variance (meeting minutes)
- "C"** Building Permit #2002-96
- "D"** Plot plan for B.P. #2002-96
- "E"** Proposed plot plan for 2019 installation
- "F"** Minutes of 7/25/19 ZBA mtg
- "G"** Notice of Decision granted 7/25/19

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2018	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2018	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2017	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2017	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2017	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2016	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2016	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2015	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2015	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2014	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2014	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2013	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2013	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2012	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2012	103 - MOBILE HM	35,000	4,400	111,400	0.32	0.00	150,800
2011	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2011	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2010	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2010	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2009	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2008	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2008	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2007	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2007	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2006	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2006	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2005	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2005	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2004	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2004	103 - MOBILE HM	38,800	4,500	63,700	0.32	0.00	107,000
2003	103 - MOBILE HM	38,800	4,500	63,700	0.32	0.00	107,000
2003	103 - MOBILE HM	32,700	4,500	63,700	0.32	0.00	100,900
2002	103 - MOBILE HM	32,700	4,500	63,700	0.32	0.00	100,900
2002	103 - MOBILE HM	32,700	4,500	63,700	0.32	0.00	100,900
2001	103 - MOBILE HM	11,300	0	38,200		0.00	49,500
2000	101 - ONE FAMILY	9,300	2,000	38,200	0.32	0.00	49,500
1999	101 - ONE FAMILY	9,300	2,000	38,200	0.32	0.00	49,500

"A"

VOTE: Chairman Seabury asked the Clerk to poll the Board on the motion and to record the members' votes, which were as follows:

Frank Carr	To uphold
James Pacocha	To uphold
Leo Fauvel	Not to uphold
Richard Botteron	Not to uphold
Brad Seabury	To uphold

Chairman Seabury reported that, there having been three votes to uphold the Zoning Administrator's decision to deny a building permit, the motion had carried. He then stated that written notification to that effect would be mailed to the applicant from the Zoning Administrator's office within the next seven to ten days.

B. Case 49-68 (08/24/00): Salem Manufactured Homes LLC, Post Office Box 54, Salem NH, requests a Use Variance for the replacement of a manufactured housing unit with a new unit, residential being a non-permitted use in the Business Zone. [Map 49, Lot 68; Zoned B; HZO Article V, Section 334-21; 3 Bay Street.]

Atty. Bernard Campbell, representing the applicant, asked that information in the previous case be incorporated into this case. He stated that the site was located in the Business zone, that the application was a request to replace a mobile home that was in poor condition with a new unit that would be placed in a conforming location on the site. He noted that his previous appeal was not granted, and the decision that had been made by the Board was that this request needed a variance.

Atty. Campbell pointed out that this was a business zone, with residential homes not being permitted, but that a business would be allowed on this site. He then referenced a plan prepared by M.J. Grainger Engineering, reporting that the lot was approximately 1400 square feet, and he then identified the surrounding lot uses.

In addressing the five criteria necessary for obtaining a variance, Atty. Campbell stated that the proposed use would not diminish surrounding property values because the replacement and upgrading of this site by the placement of a new manufactured house in a conforming location would increase the value of the existing site as well as increase the value of surrounding properties. He said that there was public benefit in that the centering of this unit would allow clearance between this unit and the lot line, and granting this variance would increase the value of the property and would have an increase in tax revenue for the Town of Hudson. He said that denial of the variance would result in unnecessary hardship created to the property primarily because the existing zoning was business in nature, and permitted uses that would be allowed in that area would be detrimental to the area as a whole. He said that the reasonable use of this property was residential

"B"

in nature. He said that granting the variance would do substantial justice, would allow upgrading of this property, enhancing the neighborhood, and that to allow a business use of this property, consistent with its zoning would be an injustice to the neighbors and abutters. He stated that the use was not contrary to the spirit of the ordinance, saying that what was being requested was a waiver from the business regulation and that the purpose of the use regulation was to prevent incompatible uses which would conflict with the surrounding properties. Atty. Campbell then concluded his initial presentation by asking the Board for a positive consideration of the application.

Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in favor of this application. No one coming forth, Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in opposition to this application. Mr. Jay Lynch, of Prolyn Corporation, stated that he was opposed, adding that he would not be opposed if a one-family detached dwelling was constructed.

Mr. Baxter Byrd, 5 Bay Street, an abutter, stated that the existing mobile home had a foundation under it, but he also added that there was a great deal of asbestos on the property, and that any demolition on the property would have to be done safely. Mrs. Byrd said that she would prefer to see a single-family home on the site, rather than a business.

Chairman Seabury stated that there would be a second round of testimony, and he asked if there were any questions from members of the Board at this time. Mr. Carr asked how long had the property been abandoned.

Atty. Campbell stated that the property was acquired by the applicant in November, 1999, through a foreclosure situation. Mr. Gidley stated that the property was never abandoned, stating that the owner had passed away, and that all furnishings had remained in the home until he purchased the property.

Mr. Pacocha said that it seemed to him that, in addition to the use variance being requested, a request should also be to allow a manufactured house on the site.

Atty. Campbell said that the request was to allow a residential use, stating that the reason that the applicant was before the Board was to allow this home in a business zone. He claimed that the vested use was still there, and he read from RSA 674:32, which referenced the ability to locate manufactured housing in different locations within a community. Mr. Gidley said that he would work with the Building Inspector as to the type of foundation that would be installed.

No further input being brought forward, Chairman Seabury declared the matter before the Board.

Mr. Fauvel contended that the Hudson ordinance did not allow manufactured housing to be placed on individual lots, and he voiced

"B₂"

concern that this lot did not have 100 feet of frontage nor was it a 15,000 square foot lot, as required by the ordinance.

During the deliberation process, discussion evolved on the facts that the non-conforming structure was to be replaced by a unit that would conform with the setback requirements, and further that the manufactured home on the site had been in that location for 40-plus years and therefore had some vested rights.

Mr. Fauvel again expressed concern about the fact that this was to be a manufactured housing unit, which under this town's ordinance was limited to manufactured housing parks. Mr. Seabury stated that he understood Mr. Fauvel's concern and normally would agree, but that he felt this particular case was different because of the fact that this was to be a continuation of a long-standing use, with significant benefit to the neighborhood because of the conformity with setbacks and the unquestionable improvement over the existing situation. He then pointed out that the Board had denied replacement of a manufactured housing unit with a newer unit a year ago for the same reasons being raised by Mr. Fauvel but that the matter had been taken to court and the judge had overruled the Zoning Board's decision on the grounds that an existing unit was being replaced by a similar unit, adding that he had no doubt that a similar decision would be handed down in the event that this case went to court, since a manufactured home had been on this property for nearly 50 years. Chairman Seabury then pointed out that a business use could not be placed on this lot, since Hudson's site plan regulations required that there be a 100-foot buffer between the business use and adjoining residential properties, whereas this property was only 76 feet wide to start with. He then referenced the Belanger vs. Nashua case, expressing a belief that the Town could not insist on a business use on this property, since it was surrounded by residential uses. He said that he agreed with Atty. Campbell that this was a vested use that had existed on this property for nearly half a century, and he further commented that the proposed use would bring this lot into a much more conforming situation that would clearly enhance the value of nearby properties.

Mr. Carr made a motion to grant the variance with the following stipulations: that a permanent foundation be put in place, to be subject to the approval of the Building Inspector, and that the site have two parking spaces.

Mr. Pacocha seconded the motion.

Speaking on his motion, Mr. Carr said that the requirements of the ordinance for a variance had been met by the applicant. He said that this was a long-standing use that was to be modified, which would bring the structures more in conformance with the Zoning Ordinance. He said he had been concerned that the proposed expansion was substantial but he felt that it appeared to be the best solution for the neighborhood. He then added that the zoned use for the property did not seem appropriate in a residential neighborhood.

B₂

Speaking on his second, Mr. Pacocha said that the mobile home was in a residential area, and a variance should be granted to establish the use of the lot. He said that the size of the proposed structure met the minimal square footage for a dwelling unit, and the proposed unit would be conforming with setbacks.

Chairman Seabury added that it was clear that the proposed use as modified by the Board's stipulations would apply a positive value for the properties in the neighborhood as opposed to what existed there now. He said that the only problem that he had with this case was whether it was contrary to the spirit of the ordinance, because of the intent of the ordinance to restrict manufactured housing to appropriate housing parks, but that he would approve this particular case, as this was a use that had been on that lot for close to half a century. He said that he would be very strongly opposed to approving this request if it concerned a lot across the street that had a house on it, or even a buildable lot without a house, but that in this case this lot had had a manufactured home on it for many years, and the Board was merely continuing the use while making it better.

Mr. Fauvel said that he would be voting in favor, but that he would do so with many concerns. He said that he believed the new structure would make the appearance of the neighborhood much better, but he voiced concern that this decision might set a precedent of allowing manufactured housing into single-family areas.

VOTE: Chairman Seabury asked the Clerk to poll the Board on the motion and to record the members' votes, which were as follows:

Frank Carr	To grant
James Pacocha	To grant
Leo Fauvel	To grant
Richard Botteron	To grant
Brad Seabury	To grant

Chairman Seabury reported that, there having been five votes to grant, the motion had carried unanimously. He then stated that written notification to that effect would be mailed to the applicant from the Zoning Administrator's office within the next seven to ten days.

C. Case 7-72 (08/24/00): Bonnie McCarthy, of 3 Ridgecrest Drive, Hudson NH, requests a Special Exception for an in-home Day Care, for a maximum of 12 children. [Map 7, Lot 72; HZO Article 334-24; Zoned R-2; 3 Ridgecrest Drive.]

Mrs. McCarthy read from her application, addressing the requirements for a Home Occupation Special Exception. She stated that she would be in full compliance with all requirements. She stated that she would have the assistance of her two daughters, who were 17 and 19 years of age and

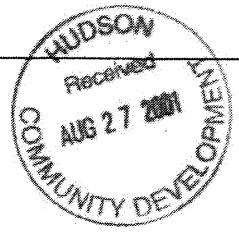
"B"
B₄

2008-96



TOWN OF HUDSON — Building/Zoning

APPLICATION FOR
PLAN EXAMINATION AND
BUILDING PERMIT
886-6005



MAP 49 LOT 68 STREET 3 BAY ST

IMPORTANT — Applicant to complete all items in sections I, II, III, IV, and IX.

I. LOCATION OF BUILDING

AT (LOCATION) 3 BAY ST. (INO) (ISTREET)

BETWEEN Melendy AND BAY ST (CROSS STREET) (CROSS STREET)

SUBDIVISION Melendy PLAT 1985 MAP 49 LOT 68 LOT SIZE 13,944 #

ZONING DISTRICT BUSINESS DISTRICT

II. TYPE AND COST OF BUILDING — All applicants complete Parts A-D

<p>A. TYPE OF IMPROVEMENT</p> <p>1 <input type="checkbox"/> New Building</p> <p>2 <input type="checkbox"/> Addition (If residential, enter number of Bdrm/Baths added, if any, in Sec. III, Part L.)</p> <p>3 <input type="checkbox"/> Alteration (See 2 above)</p> <p>4 <input checked="" type="checkbox"/> Repair replacement <u>manufactured home</u></p> <p>5 <input type="checkbox"/> Wrecking (If multi-family residential, enter number of units in building in Part D, 13)</p> <p>6 <input type="checkbox"/> Moving (relocation)</p> <p>7 <input type="checkbox"/> Foundation only</p>		<p>D. PROPOSED USE - (For "Wrecking" most recent use)</p> <p>Residential</p> <p>12 <input checked="" type="checkbox"/> One family</p> <p>13 <input type="checkbox"/> Two family</p> <p>14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____</p> <p>15 <input type="checkbox"/> Garage</p> <p>16 <input type="checkbox"/> Carport</p> <p>17 <input type="checkbox"/> Multi-Family - Townhouse, Apartment, etc (enter number of residential units)</p> <p>18 <input checked="" type="checkbox"/> Other - Specify <u>(shed, pool, fireplace)</u></p> <p><u>Replacement Manufactured Home Per enclosed Plan</u></p>		<p>Non-Residential</p> <p>18 <input type="checkbox"/> Amusement, recreational</p> <p>19 <input type="checkbox"/> Church, other religious</p> <p>20 <input type="checkbox"/> Industrial</p> <p>21 <input type="checkbox"/> Parking garage</p> <p>22 <input type="checkbox"/> Service station, repair garage</p> <p>23 <input type="checkbox"/> Hospital, institutional</p> <p>24 <input type="checkbox"/> Office, bank, professional</p> <p>25 <input type="checkbox"/> Public utility</p> <p>26 <input type="checkbox"/> School, library, other educational</p> <p>27 <input type="checkbox"/> Stores, merchantile</p> <p>28 <input type="checkbox"/> Tanks, towers</p> <p>29 <input type="checkbox"/> Other - Specify _____</p>	
<p>B. OWNERSHIP</p> <p>8 <input checked="" type="checkbox"/> Private (individual, corporation, nonprofit institution, etc.)</p> <p>9 <input type="checkbox"/> Public (Federal, State, or local government)</p>					

<p>C. COST</p> <p>10 Cost of improvement <u>\$ 40,000.00</u></p> <p>To be installed but not included in the above cost</p> <p>a. Electrical <u>500.00</u></p> <p>b. Plumbing <u>500.00</u></p> <p>c. Heating, air conditioning _____</p> <p>d. Other (elevator, etc.) _____</p> <p>11. TOTAL COST OF IMPROVEMENT <u>\$ 41,000.00</u></p>		<p>(Omit cents)</p> <p>Nonresidential - Describe in detail proposed use of buildings, e.g., food processing, machine shop, laundry building, schools, college, parking garage, rental office building, industrial plant.</p> <p>If use of existing building is being changed, enter proposed use.</p> <p><u>14 x 46 mobile home</u></p>	
---	--	--	--

III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete Parts E-L; for wrecking, complete only Part J, for all others skip to IV.

<p>E. PRINCIPAL TYPE OF FRAME</p> <p>30 <input type="checkbox"/> Masonry (wall bearing)</p> <p>31 <input type="checkbox"/> Wood Frame</p> <p>32 <input type="checkbox"/> Structural steel</p> <p>33 <input type="checkbox"/> Reinforced concrete</p> <p>34 <input type="checkbox"/> Other - Specify <u>manufactured home "H.V.D. code"</u></p>		<p>G. TYPE OF SEWAGE DISPOSAL</p> <p>40 <input checked="" type="checkbox"/> Town or private company</p> <p>41 <input type="checkbox"/> Private (septic tank, etc.) (#40 requires town permit)</p>		<p>J. DIMENSIONS</p> <p>48. Number of stories <u>1</u></p> <p>49. Total square feet of floor area all floors, based on exterior dimensions <u>984</u> #</p> <p>50. Total land area, sq. ft. <u>13,944</u> #</p>	
<p>F. PRINCIPAL TYPE OF HEATING FUEL</p> <p>35 <input checked="" type="checkbox"/> Gas 35a <input type="checkbox"/> Undergrnd</p> <p>36 <input type="checkbox"/> Oil 36b <input type="checkbox"/> Tank</p> <p>37 <input type="checkbox"/> Electricity</p> <p>48 <input type="checkbox"/> Coal</p> <p>49 <input type="checkbox"/> Other - Specify _____</p>		<p>H. TYPE OF WATER SUPPLY</p> <p>42 <input checked="" type="checkbox"/> Public or private company</p> <p>43 <input type="checkbox"/> Private (well, cistern)</p>		<p>K. NUMBER OF OFF-STREET PARKING SPACES</p> <p>51. Enclosed <u>1</u></p> <p>52. Outdoors <u>2</u></p>	
		<p>I. TYPE OF MECHANICAL</p> <p>Will there be central air conditioning?</p> <p>44 <input type="checkbox"/> Yes 45 <input checked="" type="checkbox"/> No</p> <p>Will there be an elevator?</p> <p>46 <input type="checkbox"/> Yes 47 <input checked="" type="checkbox"/> No</p>		<p>L. RESIDENTIAL BUILDINGS ONLY</p> <p>53. Total Bedroom Capacity { Finished <u>2</u> Unfinished _____</p> <p>54. Number of bathrooms { Full <u>1</u> Partial <u>1</u></p>	

5

SALEM MANUFACTURED HOMES, L.L.C.

72 SOUTH BROADWAY
P.O. BOX 54
SALEM, NEW HAMPSHIRE 03079
(603) 898-2144



Town of Hudson
ATTN: Building Department
Hudson, NH 03051

RE: 3 Bay Street


Dear Sir,

Please find enclosed application for building permit to replace the existing mobile home with a new home per variance that was granted on August 24, 2000.

Since there was an appeal that was later dismissed, see attached letter and decision from court, we would like to continue and replace the home.

Please contact me at 898-2144 with any questions you may have.

Sincerely,


Glenn N. Gidley
Business Manger

GNG:nad

Enclosure

C₂

TAX MAP 48 / LOT 94

TAX MAP 49 / LOT 67

TAX MAP 49 / LOT 65

TAX MAP 49 / LOT 64

TAX MAP 53 / LOT 7

TAX MAP 53 / LOT 8



PLAN REFERENCES:

- 1) MELBY PLAT, HUDSON, NH OWNED BY ALBERT LAOROIX, MANCHESTER, NH SCALE: 1" = 40', DATED: MAY 1925 BY E.N. SHEPHERD AND RECORDED AT THE H.C.R.D. AS PLAN NO. 540.
- 2) PLAN OF LOT "A" BAY STREET, HUDSON, NH SURVEYED FOR CHARLES & FLORENCE LEFEBVRE SCALE: 1" = 20', DATED: FEBRUARY 1969 BY W. ROBERT NOLTE & ASSOCIATES, RECORDED AT H.C.R.D. AS PLAN NO. 4047.

DEED REFERENCE: BOOK 6182 PAGE 0868

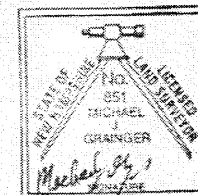
AREA OF LOT 68 IS 13,944 SF OR 0.320 ACRES.

TAX MAP 49 / LOT 68
 PROPOSED NEW USE
 PLOT PLAN
 3 BAY STREET
 HUDSON, N.H.

PREPARED FOR: SALEM MANUFACTURED HOMES, LLC
 C/O BERNARD H. CAMPBELL
 1 STILES ROAD SUITE 107
 SALEM, N.H. 03075

JUNE 1, 2000

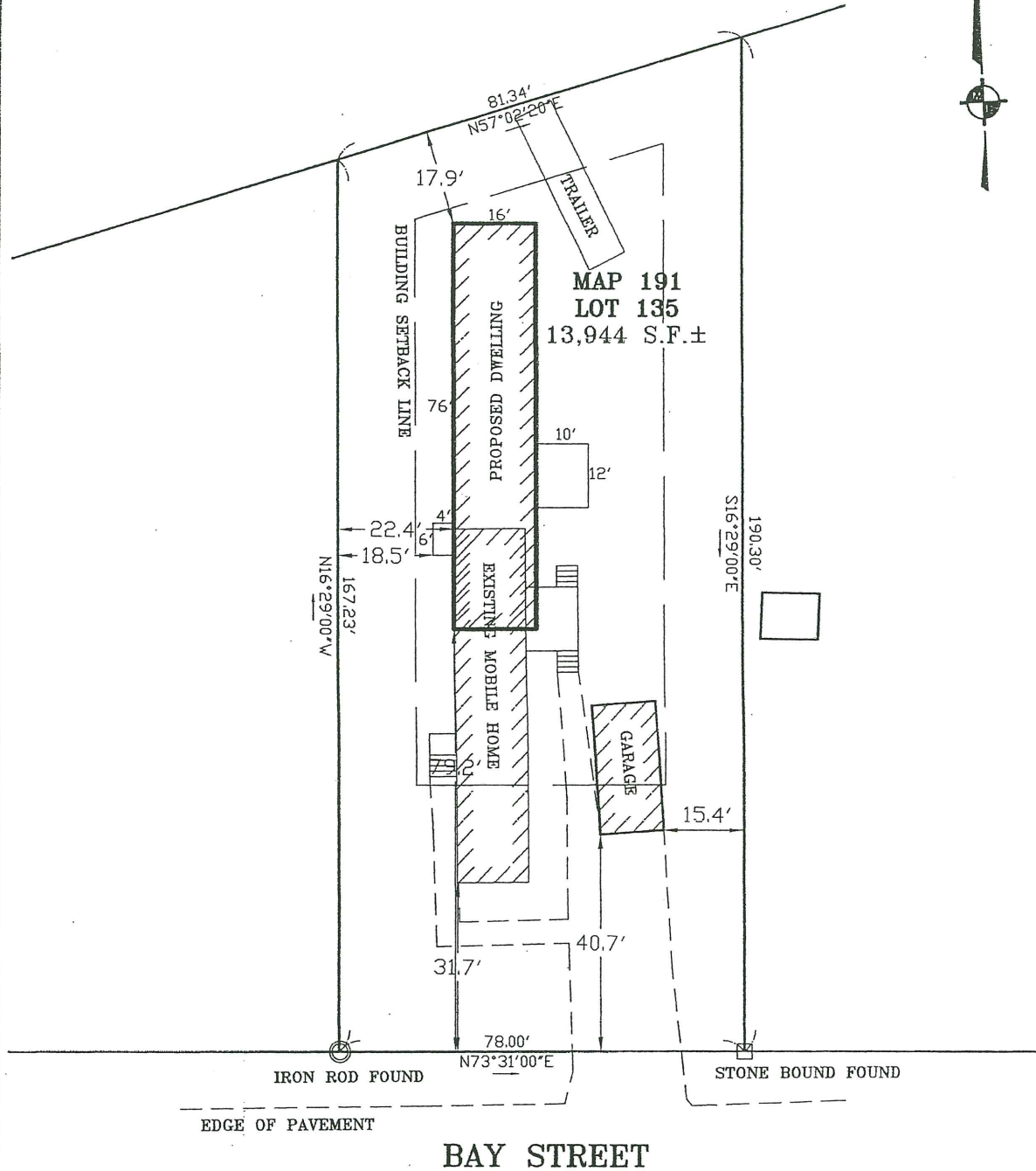
SCALE: 1" = 20'



I CERTIFY THAT THIS PLAN WAS PREPARED IN PART FROM THE BOUNDARY INFORMATION SHOWN ON THE ABOVE REFERENCED PLANS AND IN PART FROM A SURVEY MADE IN THE FIELD - MAY 2000.

M. J. GRAINGER, ENGINEERING, INC.
 PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
 220 DERRY ROAD, HUDSON, N.H. (603) 882 - 4389

CERTIFIED PLOT PLAN
 3 BAY ST.
 HUDSON, NH 03051



REFERENCE PLAN:

"PLAN OF LOT "A" BAY STREET-HUDSON, N.H."
 PREPARED BY W. ROBERT NOLTE & ASSOCIATES.
 DATED FEBRUARY 1969 AND RECORDED IN THE RCRD
 AS PLAN #4047.

CERTIFICATION:

"I HEREBY CERTIFY THAT THE CONTENTS OF THIS
 PLAN ARE ACCURATE BASED ON PLANIMETRIC
 EVIDENCE & FIELD INSTRUMENT SURVEY PERFORMED
 IN NOVEMBER 2018."

SCALE : 1" = 20'
 DATE : NOVEMBER 6, 2018
 © 2018 MEISNER BREM CORP.

3 BAY ST.
HUDSON, NH
 PREPARED FOR:
SALEM MAN HOMES
 P.O. BOX 54
 SALEM, NH 03079
 JOB NO. 8137

ZONE DISTRICT: B
 MIN. BUILDING SETBACKS:
 FRONT = 50 FEET MIN.
 SIDE = 15 FEET
 REAR = 15 FEET



MEISNER BREM CORPORATION
 202 MAIN STREET, SALEM, NH 03079 · (603) 893-3301
 142 LITTLETON ROAD, SUITE 16, WESTFORD, MA 01886 · (978) 692-1313



"E"

that the new Variance would need to contain something different. Ms. Davis suggested that the applicant withdraw the application without prejudice and work with Mr. Buttrick taking into consideration all the concerns the Board has raised. Mr. Daddario agreed and noted that he would be looking for changes that addressed the second driveway, the intensity of use and the violations in the setback. Mr. Brackett added the pool setback should also be considered and would like to see the leach field being protected.

Mr. Dearborn made the motion to deny the Variance. Mr. Etienne seconded the motion. Before Mr. Dearborn could speak to his motion, Mr. Girard asked to withdraw his application. Ms. Davis made the motion to accept the Applicant's verbal request to withdraw the Variance application without prejudice. Mr. Daddario seconded the motion. No discussion. Vote was 5:0. For the record, Mr. Dearborn withdrew his motion to deny and Mr. Etienne withdrew his second to that motion.

3. Case 191-135 (7-25-19): Bernard Campbell of Beaumont & Campbell, Prof. Ass'n. of 1 Stiles Road, Suite 107, Salem, NH representing Salem Manufactured Homes LLC, 3 Bay Street, Hudson, NH requests a Variance to expand the existing non-conforming use (residential structure) from 924 sq. ft. to 1,152 sq. ft. [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].

Clerk Davis read the Case into the record. Mr. Buttrick referenced his Zoning Determination dated 7/28/2019 and his Staff Report dated 7/25/2019 and shared the following information: site is an existing non-conforming lot of record with a 924 SF (Square Foot) Manufactured Home; site previously received a Variance to place the Manufactured Home on site as the lot is in the Business Zone which prohibits residence; the non-conformity also applies to the size of the lot being substandard; the current Manufactured Home encroaches the front setback; the proposed replacement of the Manufactured Home is 1,152 SF thereby expanding an existing non-conformity; and the replacement Manufactured Home will satisfy all setbacks.

Atty. Bernard Campbell of Beaumont & Campbell Professional Association in Salem, NH, introduced himself as representing the property owner, Salem Manufactured Homes, LLC, and introduced its principal Glenn Gidley and his son, Adam Gidley and noted that Adam Gidley is also the occupant of 3 Bay Street, the site for the requested variance.

Atty. Campbell stated that this lot has an existing Manufactured Home that was placed there as a result of a prior Variance that ZBA granted many years ago [8/24/2000] and his client would like to replace it with an upgraded version and according to current housing standards, instead of the 940 SF this new version is 1,152 SF, an increase of approximately 200 SF. Because this is

a residential house lot in the Business District, it is non-conforming and the Zoning Ordinance does not permit an expansion of a non-conformity without Board approval.

Atty. Campbell addressed the criteria for the granting of a Variance. The information shared included:

(1) *not contrary to public interest*

- lot has a long history of non-conforming residential use
- the placement of the new Manufactured Home will meet all setback requirements [not infringe into the front setback]
- there is no impact to the health, welfare or safety to the community
- will not change the character of the neighborhood, being a residential neighborhood in the Business Zone
- is located in an established residential neighborhood
- will improve character of the neighborhood but will not change essential character as an “in-kind” replacement
- site is serviced by Municipal water and sewer

(2) *will observe the spirit of the Ordinance*

- this section of the Business District has numerous single family homes and to comply with the Ordinance and replace the Manufactured Home with a business would observe the Ordinance but be disruptive to the neighborhood
- minimal expansion, approximately 200 SF, is the result of complying with current industry standards

(3) *justice would be done*

- when considering the main question of what would be gained by the community by denial of the variance versus the harm to the applicant if not granted, there is impact on the community with the granting of the variance
- the replacement will honor current Zoning setbacks
- front setback from prior variance (year 2000) was 30’ and today (year 2019) the front setback is 50’
- the applicant benefit includes updated unit with less expected maintenance costs

(4) *will not diminish values of surrounding properties*

- use is already a previously allowed manufactured housing unit
- replacement should enhance the neighborhood and raise property values

(5) *unnecessary hardship*

- property has history of prior non-conforming residential use
- insistence on compliance with Business District uses would impose neighborhood impacts on surrounding residential properties

- replacement of existing manufactured housing unit is reasonable given the age and changes in standards since initial unit placement
- the zone classification of Business causes the hardship, the neighborhood is all residential

Glenn Gidley, Principal Owner of Salem Manufactured Homes introduced himself and distributed pictures of the replacement. Mr. Gidley stated that the new unit is sixteen feet (16') wide as opposed to the existing home that is fourteen feet (14') wide. Mr. Gidley noted that the manufactured home has all the features of a single-family home with the shingled roof, the vinyl siding, the trim, bay window and a dormer.

Public testimony opened at 8:58 PM. No one addressed the Board.

Mr. Dearborn stated that on the map there is a trailer shown to be in the rear setback. Mr. Gidley stated that there is a currently a camper trailer RV there and added that back in the fall a substantial tree limb came down and damaged it. Mr. Gidley stated that it is their intention to remove the trailer from the site at the time they remove the existing home.

Mr. Brackett questioned the foundation for the new unit. Mr. Gidley stated that the home will be placed on a permanent foundation, as defined by the State of NH, which is essentially a slab, and once placed, the axles and wheels are removed and siding will be completed down to the slab so as to have the appearance of a typical single-family home.

Ms. Davis asked the Board's indulgence to question an expert on an unrelated matter. Ms. Davis asked Mr. Gidley if he is seeing a lot of tiny homes. Mr. Gidley stated that his company deals primarily in manufactured and modular homes and according to the code requirements, the minimum size for a manufactured home four hundred square feet (400 SF); they have seen some interest but it is cost prohibitive and most customers end up opting for a bigger home and added that in the last decade they have sold maybe a half dozen that satisfy the manufactured home codes. Mr. Gidley stated that there does not appear to be any standard code for building "tiny homes", that it seems to be a slippery slope and despite the numerous inquiries/requests they receive, they have not sold many.

Mr. Brackett stated that he noted the trailer when he drove by and wondered if it was a second home on the site and it relieved to learn that it is not and that it will be removed from the lot and appreciates that the new unit will comply with the current setback requirements.

Mr. Dearborn noted that this is the second case tonight of a residence located in the Business Zone.

Mr. Dearborn made the motion to approve the variance with the stipulation that the travel trailer/camper currently in the rear setback and damaged be removed from the lot before or at the time the manufactured home is replaced. Ms. Davis seconded the motion. Mr. Dearborn spoke to his motion. Ms. Davis stated that this request meets all five (5) criteria: it is not going to be contrary to public interest; it is in the spirit of the Ordinance and the applicant is placing the new unit out of the current setback; substantial justice is done to the property owner; it will improve property values; and there are special conditions that include the Business Zone overlaid onto a residential neighborhood and the replacement is in like-kind with a two foot difference in width. Mr. Brackett noted that there is no permitted use in the Business Zone that could come to this site without an impact to the neighborhood. Mr. Etienne noted that the Board previously granted a variance for a residential use of this lot. Vote was 5:0. Motion passed. Variance granted. The 30-day appeal period was noted.

IV. PUBLIC HEARING:

1st Reading of proposed bylaws amendments.

Mr. Brackett opened the hearing at 9:19 PM. Mr. Buttrick stated that this is the first of two required Public Hearings required to affect a change to the Rules of Procedure and proceeded to define the changes being proposed that included a change in the Clerk position / duties, the addition of the Recorder position / duties, unexcused absences, order of business and the standardization of the opening statements, referred to as the Preamble. Ms. Davis noted that the curfew should be part of the Preamble. Discussion ensued. Question asked if the curfew was part of the Bylaws and search discovered that it was not and suggestions were made where to include. Voice vote was 5:0 to include the curfew in both the Bylaws and the Preamble with a statement noting that the last Case can be opened no later than 11:00 PM.

Hearing closed at 9:27 PM

V. REVIEW OF MINUTES:

1. 06/27/19 Minutes

Board reviewed the edited version presented and made no changes. Motion made by Mr. Dearborn, seconded by Mr. Daddario and voted 3:0:2 to approve the 6/27/2019 Minutes as edited and presented. Mr. Brackett and Ms. Davis abstained as they had not attended the meeting.

A43 Hudson

FEES:	10.50
SURCHARGE:	2.00
CASH:	—

Zoning

Send recorded copy to:

TOWN OF HUDSON
ZONING BOARD OF DJUSTMENT
12 School Street, Hudson, New Hampshire 03051

NOTICE OF DECISION

Map 191, Lot 135, Zone B (Business), Case # 191-135

ZBA Decision 07/25/2019

Variance – GRANTED, with stipulation

Property Owner & Address: Salem Manufactured Homes, LLC, Glenn Gidley, Business Manager
72 South Broadway, PO Box 54, Salem, NH 03079

Property Location: 3 Bay Street, Hudson, NH 03051

Legal Representative: Bernard H. Campbell, Esq., Beaumont & Campbell PA
1 Stiles Road, Suite 107, Salem, NH 03079

Action sought: Variance to expand an existing non-conforming use by replacing existing manufactured residence in like kind increasing from 924 SF to 1,152 SF to be relocated out of the current front setback.

Zoning Ordinance Articles: VIII §334-29, Extension or enlargement of nonconforming uses

Action granted: After review of the testimony; review of the Certified Plot Plan dated 11/6/2018 by Meisner Brem Corp., 202 Main Street, Salem, NH 03079, and noting the relocation of the proposed dwelling out of the front setback; and review of the Variance criteria and determining that each criteria has been met, motion made, seconded and unanimously voted 5:0 to grant the variance as requested with the stipulation that the existing damaged recreational trailer vehicle currently in the rear setback be removed from the site when the existing manufactured home is removed; or sooner.

NOTE: All representations of fact or intention made by the applicant or his agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.



Charles J. Brackett, ZBA Chairman

8/22/19

Date



Bruce Buttrick, Zoning Administrator

8-20-19

Date

"G"

TOWN OF HUDSON

SEP 10 2019

Zoning Department

APPLICATION FOR A VARIANCE

Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel

Case No. 191-135 (9-26-19)

Date Filed 9/10/19

Name of Applicant Salem Manufactured Homes LLC Map: 191 Lot: 135 Zoning District: B

Telephone Number (Home) 603 234 5165 (Work) 603 898 2144

Mailing Address PO Box 54 Salem NH 03079

Owner Salem Manufactured Homes LLC

Location of Property 3 Bay St
(Street Address)

[Signature] Signature of Applicant 9-9-19 Date

[Signature] Signature of Property-Owner(s) 9-9-19 Date

NOTE: Fill in all portions of the Application Form(s) as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate. If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak on his/her/their behalf or that you have permission to seek the described variance.

Items in this box are to be filled out by Land Use Division personnel

COST:

Application fee:	\$130.00
<u>6</u> Direct Abutters x \$4.05 =	<u>24.30</u>
<u>19</u> Indirect Abutters x \$0.55 =	<u>10.40</u>
Total amount due:	\$164.70

Date received: 9/10/19

Amt. received: \$ 164.70

chk #
28192

Receipt No.: 566,733

Received by: [Signature]

By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:

Engineering Fire Department Health Officer Planner

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
<u>AG</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG.</u>
<u>AG</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>—</u>
<u>AG</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG.</u>
<u>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>AG</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG .</u>
<u>AG</u>	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>AG</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

AG


PLOT PLAN-

Except for requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted):

TG

- a) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. TG
- b) The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d) The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.) TG
- e) The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements. TG
- f) The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. TG
- g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) The plot plan shall indicate all parking spaces and lanes, with dimensions. TG.

The applicant has signed and dated this form to show his/her awareness of these requirements.


Signature of Applicant(s)

9-9-19
Date

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

ALL DIRECT ABUTTERS

List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
191	136	John T. Katsirebas, Trustee	35 Melendy Road Hudson, NH 03051-2815
191	111	Warren F. Fitch	39 Melendy Road Hudson, NH 03051
191	112	Benjamin J. Norton	4 Bay Street Hudson, NH 03051
191	134	Baxter F. Byrd, Jr.	5 Bay Street Hudson, NH 03051
191	132	Prolyn Corporation	5 Lawrence Corner Road Pelham, NH 03076
		Salem Manufactured Homes, LLC	72 S. Broadway Salem, NH 03079
		Bernard H. Campbell, Esq.	Beaumont & Campbell, PA 1 Stiles Road, Suite 107 Salem, NH 03079
		Meisner Brem Corporation	202 Main Street Salem, NH 03079

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
191	146	James J. Hickey	34 Melendy Road Hudson, NH 03051
191	144-8	Laurie A. Saad	45 Roosevelt Ave Hudson, NH 03051
191	113	Alan R. Gilbert	11 Coll Street Hudson, NH 03051
191	114-6	Mark A. Wolf	41 Roosevelt Avenue Hudson, NH 03051
165	012	Donna I. Thorn, Trustee	12 Grouse Lane Litchfield, NH 03052
191	144	Lance J. McAdam	28 Melendy Road Hudson, NH 03051
191	114-1	Jennifer Ladue	31 Roosevelt Ave. Hudson, NH 03051
191	114-2	Nancy J. Gibson	33 Roosevelt Ave Hudson, NH 03051
191	114-3	Mary Ann Dorocak	35 Roosevelt Ave Hudson, NH 03051
191	133	Norman Boyer	65 Plateau Ridge Road Loudon, NH 03307-0711
191	114-7	Cheryl Graf	43 Roosevelt Ave Hudson, NH 03051
191	109	Thomas Siracusa	3 Coll Street Hudson, NH 03051
191	114-9	Cheryl Yiatras	47 Roosevelt Ave Hudson, NH 03051

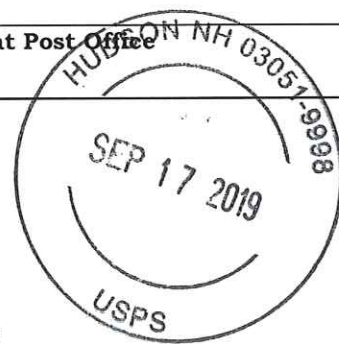
SEE ADDITIONAL SHEET OF INDIRECT ABUTTERS

ALL INDIRECT ABUTTERS WITHIN 200 FEET

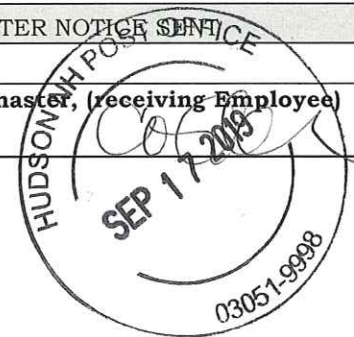
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
191	110	Antonio Dos Santos	41A Melendy Road Hudson, NH 03051
191	114-5	Alyssa Holdsworth	37 E Dunstable Road Nashua, NH 03060
191	145	James M. Pinard	32 Melendy Road Hudson, NH 03051
191	114-4	Cheryl J. Zamoida, Trustee	37 Roosevelt Avenue Hudson, NH 03051
191	114	Franklin D. Estates Condos	45 Roosevelt Ave Hudson, NH 03051
191	108	Melissa Corson	9 Coll Street Hudson, NH 03051

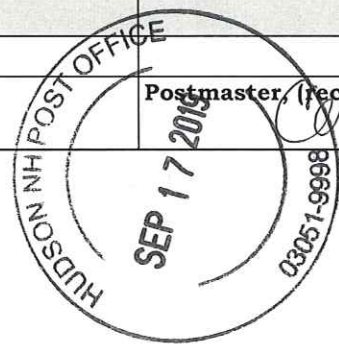
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 191-135 Variance 3 Bay Street Map 191/Lot 135-000	1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting		
1	7018 2290 0001 3001 9012	SALEM MANUFACTURED HOMES, LLC - <i>Adam Gidley</i> 72 S. Broadway, Salem, NH 03079	APPLICANT/OWNER-NOTICE SENT	
2	7018 2290 0001 3001 8961	KATSIREBAS, JOHN T., TR. & JANIS E., TR.; KATSIREBAS REVOCABLE TRUST 35 MELENDY RD., Hudson, NH 03051-2815	ABUTTER NOTICE SENT	
3	7018 2290 0001 3001 8978	FITCH, WARREN F. & LAURIE B. 39 MELENDY ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	7018 2290 0001 3001 8985	NORTON, BENJAMIN J.; STONE, CORINA M. 4 BAY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
5	7018 2290 0001 3001 9029	BYRD, JR., BAXTER F. & BETTY C. 5 BAY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
6	7018 2290 0001 3001 9005	PROLYN CORPORATION 5 LAWRENCE CORNER ROAD, PELHAM, NH 03076	ABUTTER NOTICE SENT	
7				
8				
9				
10				
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster, (receiving Employee) <i>Paula Angeli</i>	

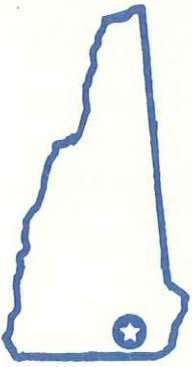


SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 191-135 Variance 3 Bay Street Map 191/Lot 135-000	1 of 2
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting	
1	N/A-mailed First Class	HICKEY, JAMES J. & JANET L. 34 MELENDY ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
2	N/A-mailed First Class	SAAD, LAURIE A. 45 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
3	N/A-mailed First Class	GILBERT, ALAN R. & PATRICIA M. 11 COLL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	N/A-mailed First Class	WOLF, MARK A; SEILHAN, LUCINDA B. 41 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
5	N/A-mailed First Class	THORN, DONNA I., TR.; THORN REV TRUST OF 2013 12 GROUSE LANE, LITCHFIELD, NH 03052	ABUTTER NOTICE SENT	
6	N/A-mailed First Class	MCADAM, LANCE J. & KAREN E. 28 MELENDY ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
7	N/A-mailed First Class	LADUE, JENNIFER 31 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
8	N/A-mailed First Class	GIBSON, NANCY J. 33 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
9	N/A-mailed First Class	DOROCAK, MARY ANN 35 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
10	N/A-mailed First Class	BOYER, NORMAN 65 PLATEAU RIDGE RD., LOUDON, NH 03307-0711	ABUTTER NOTICE SENT	
11	N/A-mailed First Class	GRAF, CHERYL 43 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
	Total Number of pieces listed by sender 11	Total number of pieces rec'vd at Post Office 11	Postmaster, (receiving Employee)	



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 191-135 Variance 3 Bay Street Map 191/Lot 135-000	2 of 2
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting	
1	N/A-mailed First Class	SIRACUSA, THOMAS 3 COLL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT	
2	N/A-mailed First Class	YIATRAS, CHERYL 47 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
3	N/A-mailed First Class	DOS SANTOS, ANTONIO; SILVA, LEIDE DOS SANTOS 41A MELENDY RD., HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	N/A-mailed First Class	HOLDSWORTH, ALYSSA & DAWN M. 37 E DUNSTABLE RD., NASHUA, NH 03060	ABUTTER NOTICE SENT	
5	N/A-mailed First Class	PINARD, JAMES M. & JENNIFER L. 32 MELENDY ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
6	N/A-mailed First Class	ZAMOIDA, CHERYL J., TR.; ZAMOIDA REVOCABLE TRUST 37 ROOSEVELT AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT	
7	N/A-mailed First Class	FRANKLIN D. ESTATES CONDOS 45 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
8	N/A-mailed First Class	CORSON, MELISSA 9 COLL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
9				
10				
11				
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office	Postmaster, (receiving Employee) <i>[Signature]</i>	





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



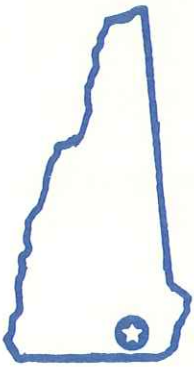
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 191-135 (9-26-19): Adam Gidley, owner of Salem Manufactured Homes LLC, Salem, NH, requests a prior Variance amendment for 3 Bay Street, Hudson, NH to correct clerical errors of a replacement manufactured home from 72 ft. x 16 ft. to 76 ft. x 16 ft. yielding a total square footage of 1,216 rather than 1,152 as previously stated on the Variance granted on 7/25/19. This Variance request is also to address the proposed site built decks of 4 ft. x 6 ft. and 10 ft. x 12 ft. [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].**

Please be advised, the above notice is being sent to all abutters listed on the application. You, or a representative, are expected to attend the hearing, and make a presentation.

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 191-135 (9-26-19): Adam Gidley, owner of Salem Manufactured Homes LLC, Salem, NH, requests a prior Variance amendment for 3 Bay Street, Hudson, NH to correct clerical errors of a replacement manufactured home from 72 ft. x 16 ft. to 76 ft. x 16 ft. yielding a total square footage of 1,216 rather than 1,152 as previously stated on the Variance granted on 7/25/19. This Variance request is also to address the proposed site built decks of 4 ft. x 6 ft. and 10 ft. x 12 ft. [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].**

Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this Application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VIII of HZO Section(s) 334-29 in order to permit the following change or use:

Replacement of an existing non-conforming
~~924~~ 924 sq. ft. manufactured housing unit (
allowed by prior variances) with a new unit
of 1216 sqft, conforming to setbacks, an
expansion of a non-conforming single family
residential use in the Business District
In addition to on site constructed decks of 24 sqft
and 120 sqft per deck

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (b), as follows:

I. "The Zoning Board of Adjustment shall have the power to:

(b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:

- (1) The variance will not be contrary to the public interest;**
- (2) The spirit of the ordinance is observed;**
- (3) Substantial justice is done;**
- (4) The values of surrounding properties are not diminished; and**
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and**
- (ii) The proposed use is a reasonable one.**

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

1. Granting of the requested variance will not be contrary to the public interest, because:
(Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)

The property has a long history of non-conforming residential use. The current existing manufactured housing unit was placed by variance. The new unit, while slightly bigger, will be placed to conform with setbacks. Use will have no impact on health, safety or welfare, will improve character of neighborhood, but will not change essential character as an “in-kind” replacement. Replacement likely will increase assessments and tax revenue.

2. The proposed use will observe the spirit of the ordinance, because:
(Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)

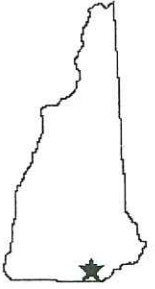
The applicable ordinance provisions (Business) do not allow single family residential, but this section of the zone has numerous single family residential uses, and proposed residential use will have less impact on character of neighborhood than a change to business use.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

There is no apparent “harm” to the community by granting the variance. The property will remain residential and likely provide an affordable housing option that might otherwise not exist. Replacement increases zoning compliance by meeting setbacks. Applicant benefit includes updated unit with less expected maintenance costs.

4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

Use is already a previously allowed manufactured housing unit. Replacement unit should enhance character of neighborhood and raise property values.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-073R

September 10, 2019

Adam Gidley
Salem Manufactured Homes
72 S. Broadway
Salem, NH 03079

Re: **3 Bay Street Map 191 Lot 135-000**
District: Business (B)

Dear Mr. Gidley,

This is a revision to my previous Zoning Determination #19-073 dated June 18, 2019.

Zoning review / Determination:

The proposed manufactured home is 76' long x 16' wide as depicted on the plot plan dated 11/6/18 as submitted with the prior 7/25/19 ZBA application. The building permit application mistakenly listed the home as 72' x 16 (1,152 sq. ft.), and the 7/25/19 ZBA application also listed the incorrect square footage as 1,152 sq. ft. where it should be 1,216 sq. ft. (76'x16'). The 7/25/19 application also did not address the proposed site built decks of 4'x6' and 10'x12' as shown on the 11/6/18 plot plan submitted at the 7/25/19 ZBA Hearing.

The public notices for the 7/25/19 ZBA Hearing were sent out with the inaccurate dimensions thus, I would recommend that you resubmit an application to the ZBA to be heard again with the corrections/clarifications to the variance previously granted on 7/25/19.

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth – Town Planner
File

NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-073

June 18, 2019

Adam Gidley
Salem Manufactured Homes
72 S. Broadway
Salem, NH 03079

Re: 3 Bay Street Map 191 Lot 135-000
District: Business (B)

Dear Mr. Gidley,

Your request for zoning review and determination regarding the replacement of a larger Manufactured Home.

Zoning review / Determination:

This lot comprises of 0.320 Acre = 13,939 sqft, which is less than the required minimum of 30,000 sqft, thus is an existing non-conforming lot of record.

The existing 14 x 66 (924 sqft) M.H. appears to be within the front setback (having 28.8 ft), where 50 ft is required, thus the structure is existing non-conforming.

Your proposed plot plan indicates a 16 x 72 (1,152 sqft) M.H. in compliance with setbacks however, you cannot increase the "Footprint Area" of the residential use (a non-conforming use). This would require a Variance to Hudson Zoning Ordinance §334-29 Extension or enlargement of non-conforming uses. The increased footprint of the M.H. has extended/enlarged the non-conforming use (of the existing footprint).

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

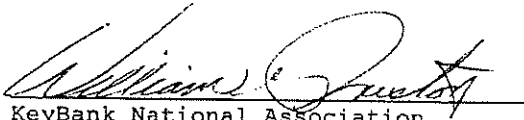
cc: Public Folder
R. Buxton – Fire Chief
B. Groth – Town Planner
File

NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

FORECLOSURE DEED

KeyBank National Association, successor in interest to KeyBank, holder of a mortgage from Dorothy Ann Otis, by power conferred by said mortgage and every other power available to KeyBank National Association, for \$41,000.00 paid, grants to Salem Manufactured Homes, LLC, a New Hampshire Limited Liability Company with a mailing address of P.O. Box 54, Salem, New Hampshire, and a street address of 72 South Broadway, Salem, New Hampshire, the premises conveyed in said Mortgage more particularly bounded and described in Exhibit A attached hereto and subject to all easements, restrictions, unpaid taxes, prior liens or other encumbrances of record to the extent they may affect the premises and together with appurtenant rights and easements benefitting all or any of the premises.

EXECUTED this 12th day of November, 1999.



KeyBank National Association
By: William G. Preston, Banking Officer

STATE OF NEW YORK
COUNTY OF ALBANY

Personally appeared before me the above-named William G. Preston, a duly authorized agent of KeyBank National Association, and gave solemn oath that the content of the foregoing document is true and accurate to the best of his/her knowledge and belief this 12th day of November, 1999.

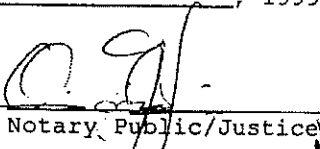
STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION REAL ESTATE TRANSFER TAX

***** THOUSAND 6 HUNDRED AND 15 DOLLARS

11/19/1999 408918 \$ *****615.00

VOID IF ALTERED


Notary Public/Justice

ORIN CRITEN
Notary Public, State of New York
No. 016182PG0868
Qualified in Albany County
Commission Expires March 25, 2000

BK6182PG0868

EXHIBIT A

LEGAL DESCRIPTION OF THE PREMISES

A CERTAIN TRACT OR PARCEL OF LAND with the building, including trailers thereon, situated in Hudson, County of Hillsborough and State of New Hampshire, being shown as Lot "A" on a certain plan of land entitled "Plan of Lot "A", Bay Street, Hudson, N.H., surveyed for Charles & Florence Lefebvre, Scale: 1" = 20', February, 1969, W. Robert Nolte & Associates, Land Surveyors, Nashua, N.H.", and being further bounded and described as follows:

BEGINNING at a point in the Northerly side of Bay Street, so-called, which is 100.00 feet South 73 degrees 31' 00" West from Melendy Road;

THENCE continuing (1) South 73 degrees 31' 00" West by said Bay Street, Seventy-Eight and no/100ths (78.00) feet, to a point at other land of Grantors;

THENCE (2) North 16 degrees 29' 00" East by said other land of Grantors, One Hundred Sixty-Seven and Twenty-Three Hundredths (167.23) feet, to land of Robert F. Levesque;

THENCE (3) North 57 degrees 02' 20" West by said Levesque land, Eighty-One and Thirty-Four Hundredths (81.34) feet to still other land of Grantors;

THENCE (4) South 16 degrees 29' 00" East by said Grantors' land (lots 1 thru 8), One Hundred Ninety and Thirty-One Hundredths (190.30) feet to the place of BEGINNING.

CONTAINING 13,944 square feet, more or less, and all according to said Plan. Being Lots 9, 10, 11, and a portion of 12 as shown on a plan entitled "Melendy Plat, Hudson, N.H., owned by Albert W. Lacroix, Manchester, N.H., Scale: 1" = 40', May 1925, E.N. Sheffield, traced from original, Ned Spaulding".

BEING the same premises conveyed to Lloyd Ellis Otis and Dorothy Ann Otis by Deed of Charles Lefebvre and Florence Lefebvre dated March 10, 1969 recorded in Book 2020 page 263.

BK 6182 PG 0869

AFFIDAVIT OF SALE

I, William G. Preston, a Banking Officer of KeyBank National Association, successor in interest to KeyBank and Grantor in the foregoing deed, on my oath say that the obligations to KeyBank National Association secured by the mortgage referred to in the foregoing deed were not performed when due, and that I caused to be published on the 1st, 8th and 15th of September, 1999, in the Manchester Union Leader, a newspaper published in the Town of Manchester in the County of Hillsborough, said newspaper being one of general circulation in the State of New Hampshire, a true copy of the notice which is attached as Exhibit A.

And I further on oath say that KeyBank National Association caused a copy of said notice to be sent by certified mail, return receipt requested on August 23, 1999, to the following:

1. Michael Sheehan, Esquire, Executor, Estate of Dorothy Ann Otis, 58 Pleasant Street, Concord, New Hampshire 03301.
2. Cecile Y. Nichols, Tax Collector, Town of Hudson, 12 School Street, Hudson, New Hampshire 03051.

And I further on oath say that pursuant to said notice, KeyBank National Association on September 22, 1999, the noticed date of the sale, sold the mortgaged premises at public auction to Salem Manufactured Homes, LLC, a New Hampshire Limited Liability Company, for \$41,000.00, said bid being the highest bid at the mortgaged premises at the foreclosure sale.

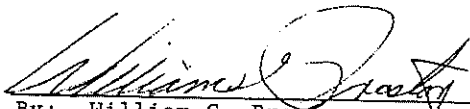
And I further on oath say that no service of petition to enjoin the sale was served on KeyBank National Association.

BK6182PG0870

And I further on oath say that KeyBank National Association has no knowledge that the mortgagor is in the military service as defined by the Soldiers and Sailors Civil Relief Act of 1940 as amended, and further that no person in interest was in the military service at the time of the foreclosure or within three (3) months prior to the foreclosure.


Executed this 12th day of November, 1999.

KEYBANK NATIONAL ASSOCIATION


By: William G. Preston
Its Banking Officer

STATE OF NEW YORK
COUNTY OF ALBANY

Personally appeared before me the above-named William G. Preston and gave solemn oath that the content of the foregoing document is true and accurate to the best of his knowledge and belief this 12th day of November, 1999.


Notary Public/Justice of the Peace
My Commission Expires:

CRIN GRIFFIN
Notary Public, State of New York
No. 01482647653
Qualified in Albany County
Commission Expires March 25, 2000



BK6182PG0871

Exhibit A

Legal Notice

NOTICE OF FORECLOSURE
BY VIRTUE AND PURSUANT TO the statutory power of sale granted in a certain Mortgage given by Dorothy Ann Otis to KeyBank National Association dated February 27, 1998 and recorded in the Hillsborough County Registry of Deeds at Book 5912, Page 1425 (the "Mortgage"). KeyBank for breach of condition(s) of said Mortgage and for the purpose of foreclosing same, will sell at PUBLIC AUCTION on September 22, 1999 at 11:00 a.m., at the mortgaged premises located at 3 Bay Street, Hudson, New Hampshire, as more particularly described below, all portions of the mortgaged premises ("Premises") situate on certain tracts of land more particularly bounded and described as follows:

A CERTAIN TRACT OR PARCEL OF LAND with the building, including trailers thereon, situated in Hudson, County of Hillsborough and State of New Hampshire, being shown as Lot "A" on a certain plan of land entitled "Plan of Lot 'A', Bay Street, Hudson, N.H., surveyed for Charles & Florence Lefebvre, Scale: 1" = 20', February, 1989, W. Robert Nolte & Associates, Land Surveyors, Nashua, N.H.", and being further bounded and described as follows:

BEGINNING at a point in the Northerly side of Bay Street, so-called, which is 100.00 feet South 73 degrees 31' 00" West from Melendy Road;

THENCE continuing (1) South 73 degrees 31' 00" West by said Bay Street, Seventy-Eight and no/100ths (78.00) feet, to a point at other land of Grantors;

THENCE (2) North 18 degrees 29' 00" East by said other land of Grantors, One Hundred Sixty-Seven and Twenty-Three Hundredths (167.23) feet, to land of Robert F. Levesque;

THENCE (3) North 57 degrees 02' 20" West by said Levesque land, Eighty-One and Thirty-Four Hundredths (81.34) feet to still other land of Grantors;

THENCE (4) South 16 degrees 29' 00" East by said Grantors' land (lots 1 thru 8), One Hundred Ninety and Thirty-One Hundredths (190.30) feet to the place of BEGINNING.

CONTAINING 13,944 square feet, more or less, and all according to said Plan. Being Lots 9, 10, 11, and a portion of 12 as shown on a plan entitled "Melendy Plat, Hudson, N.H., owned by Albert W. Lacroix, Manchester, N.H., Scale: 1" = 40', May 1925, E.N. Sheffield, traced from original, Ned Spaulding".

BEING the same premises conveyed to Lloyd Ellis Otis and Dorothy Ann Otis by Warranty Deed recorded in Liber 2020 page 263 on March 10, 1989.

Date, Time and Place of Sale. The sale shall take place on September 22, 1999 at 11:00 a.m. at the Premises in Hudson, New Hampshire.

Town, County and Street of the Premises. The Premises are located at 3 Bay Street, Hillsborough County, Hudson, New Hampshire.

Location Where Original Mortgage Instrument(s) and Security Agreement(s) May Be Examined. The original mortgage instruments may be examined by any interested person at the office of Cleveland, Waters and Bass, P.A., Two Capital Plaza, Concord, New Hampshire 03301 (contact: Mr. William B. Pribis, Esquire at 603-224-7761).

Terms. The Premises will be sold subject to all unpaid taxes and other assessments and liens thereon, and all other liens, restrictions, easements, improvements, covenants, tenancies, rights, encumbrances and matters of any kind and every nature

which may be entitled to precedence over the Mortgage.

The Premises will be sold "AS IS, WHERE IS." Except for warranties arising by operation of law, if any, the conveyance of all or any part of the Premises will be made by KeyBank National Association and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any WARRANTY OF MERCHANTABILITY, any WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, and any representations or warranties as to the accuracy of any statement contained in the aforesaid description of the Premises or the descriptions contained in the Mortgage.

In order to qualify to bid for the Premises at the foreclosure sale, interested persons must present to KeyBank National Association or its agent at the time of sale a \$3,000.00 deposit, in cash or by certified cashier's, treasurer's or bank check, or other funds satisfactory to KeyBank National Association, payable to KeyBank National Association ("Satisfactory Funds").

The successful bidder or bidders shall be required to sign a Memorandum of Sale at the conclusion of the public auction and must pay the balance of the bid price, in full and Satisfactory Funds within thirty (30) days after the sale. Further terms may be announced at the time of sale.

KeyBank National Association reserves the right to (i) cancel or adjourn and continue the foreclosure sale to such later date or dates that KeyBank may deem necessary or desirable; (ii) bid upon and purchase the Premises, or any part thereof, at the foreclosure sale without producing any deposit; (iii) reject any and all bids at the foreclosure sale for all or any part of the Premises; (iv) amend or change the terms of the sale set forth herein by announcement, written or oral, made before or during the foreclosure sale, which such change(s) or amendment(s) shall be binding upon all bidders; or (v) convey the Premises or any part thereof to the second highest bidder should the high bidder default.

Inquiries regarding the auction sale should be addressed to William B. Pribis, Esquire, Cleveland, Waters and Bass, P.A., Two Capital Plaza, P. O. Box 1137, Concord, New Hampshire 03302-1137, 603-224-7761.

To the mortgagor and any and all persons claiming by, from or under them: **YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.**

KEYBANK NATIONAL ASSOCIATION
By its attorneys,
CLEVELAND, WATERS AND BASS, P.A.

Date: 8/23/99
By: William B. Pribis
Two Capital Plaza
P. O. Box 1137
Concord, NH 03302-1137
603-224-7761
(UL - Sept. 1, 8, 15)

BRK 6182PG0872

A43 Hudson

FEES:	10.50
SURCHARGE:	2.00
CASH:	—

Zoning

Send recorded copy to:

TOWN OF HUDSON
ZONING BOARD OF DJUSTMENT
12 School Street, Hudson, New Hampshire 03051

NOTICE OF DECISION

Map 191, Lot 135, Zone B (Business), Case # 191-135

ZBA Decision 07/25/2019

Variance – GRANTED, with stipulation

Property Owner & Address: Salem Manufactured Homes, LLC, Glenn Gidley, Business Manager
72 South Broadway, PO Box 54, Salem, NH 03079

Property Location: 3 Bay Street, Hudson, NH 03051


Legal Representative: Bernard H. Campbell, Esq., Beaumont & Campbell PA
1 Stiles Road, Suite 107, Salem, NH 03079

Action sought: Variance to expand an existing non-conforming use by replacing existing manufactured residence in like kind increasing from 924 SF to 1,152 SF to be relocated out of the current front setback.

Zoning Ordinance Articles: VIII §334-29, Extension or enlargement of nonconforming uses

Action granted: After review of the testimony; review of the Certified Plot Plan dated 11/6/2018 by Meisner Brem Corp., 202 Main Street, Salem, NH 03079, and noting the relocation of the proposed dwelling out of the front setback; and review of the Variance criteria and determining that each criteria has been met, motion made, seconded and unanimously voted 5:0 to grant the variance as requested with the stipulation that the existing damaged recreational trailer vehicle currently in the rear setback be removed from the site when the existing manufactured home is removed, or sooner.

NOTE: All representations of fact or intention made by the applicant or his agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.



Charles J. Brackett, ZBA Chairman

8/22/19

Date



Bruce Buttrick, Zoning Administrator

8-20-19

Date

191 135 000
MAP LOT SUB

1 of 1 MANF HOUSING
CARD Hudson

Total Card / Total Parcel
APPRAISED: 131,800/ 131,800
USE VALUE: 131,800/ 131,800
ASSESSED: 131,800/ 131,800

PROPERTY LOCATION

No	Alt No	Direction/Street/City
3		BAY ST, HUDSON

OWNERSHIP

Owner 1: SALEM MANUFACTURED HOMES, LLC	Unit #:
Owner 2:	
Owner 3:	
Street 1: PO BOX 54	
Street 2:	
Twn/City: SALEM	
SVProv: NH	Cntry
Postal: 03079	Type:

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
SVProv:	Cntry
Postal:	

NARRATIVE DESCRIPTION

This parcel contains .32 ACRES of land mainly classified as MOBILE HM with a MOB HOME Building built about 1981, having primarily ALUMINUM Exterior and 924 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 0 HalfBath, 5 Rooms, and 2 Drms.

OTHER ASSESSMENTS

Code	Descrip/No.	Amount	Com. Int
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PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z		water	3			TOWN WATE
o		Sewer	2			TOWN SEWE
n		Electri				
Census:		Exmpt				
Flood Haz:	C					
D		Topo	1			LEVEL
s		Street				
t		Gas:				

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	Spec Land %	J Code	Fact Use Value	Notes
103	MOBILE HM		0.32		SITE ACRE SITE			0-110,000.	2.49/RE								87,563				87,600	

Total AC/HA:	0.32000	Total SF/SM:	13939	Parcel LUC:	103	MOBILE HM	Prime NB Desc:	RES AVG	Total:	87,560	Spl Credit:	Total:	87,600
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IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	
103	0.320	36,800	7,400	87,600	131,800	
Total Card	0.320	36,800	7,400	87,600	131,800	
Total Parcel	0.320	36,800	7,400	87,600	131,800	
Source:	Market Adj Cost	Total Value per SQ unit /Card:		142.64	/Parcel:	142.64

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	103	JB	36,800	7400	.32	87,600	131,800	131,800	Year End Roll	5/8/2019
2018	103	FV	36,800	7400	.32	87,600	131,800	131,800	Year End Roll	8/27/2018
2018	103	JB	36,800	7400	.32	87,600	131,800	131,800	Year End Roll	5/9/2018
2017	103	FV	36,800	7400	.32	87,600	131,800	131,800	Year End Roll	1C/26/2017
2017	103	PV	36,800	7400	.32	87,600	131,800	131,800	Year End Roll	8/28/2017
2017	103	JB	30,600	5900	.32	83,600	120,100	120,100	Year End Roll	5/10/2017
2016	103	FV	30,600	5900	.32	83,600	120,100	120,100	Year End Roll	8/30/2016
2016	103	JB	30,600	5900	.32	83,600	120,100		Year End Roll	5/11/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
KEY BANK/FORECL	6182-0868		11/12/1999	BUSINESS	41,000	No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Las: Visit	Fed Code	F. Descrip	Comment
9/27/2001	2002-96	DWELLING	41,000	C				

ACTIVITY INFORMATION

Date	Result	By	Name
12/13/2011	Measured	14	APPR TECH 4
8/17/2007	Measured	6	RB
8/15/2003	Info By Phon	3	ASMNT TECH
8/14/2003	Permit Visit	3	ASMNT TECH
11/14/2001	Permit Visit	0	PATRIOT
4/20/2001	Left Notice	0	PATRIOT
5/15/1991	Inspected	2	AVITAR

Sign: VERIFICATION OF VISIT NOT DATA



Patriot Properties Inc.

USER DEFINED

Prior Id # 1:	0049
Prior Id # 2:	0068
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

PRINT
Date Time
07/08/19 15:21:42
LAST REV
Date Time
08/25/17 14:40:56
anym
6824

Parcel ID 191-135-000

16824!

Date Time

Date Time

Date Time

anym
6824

Year:

Land Reason:

Bld Reason:

Civil District:

Ratio:

ASR Map:

Fact Dist:

Reval Dist:

Year:

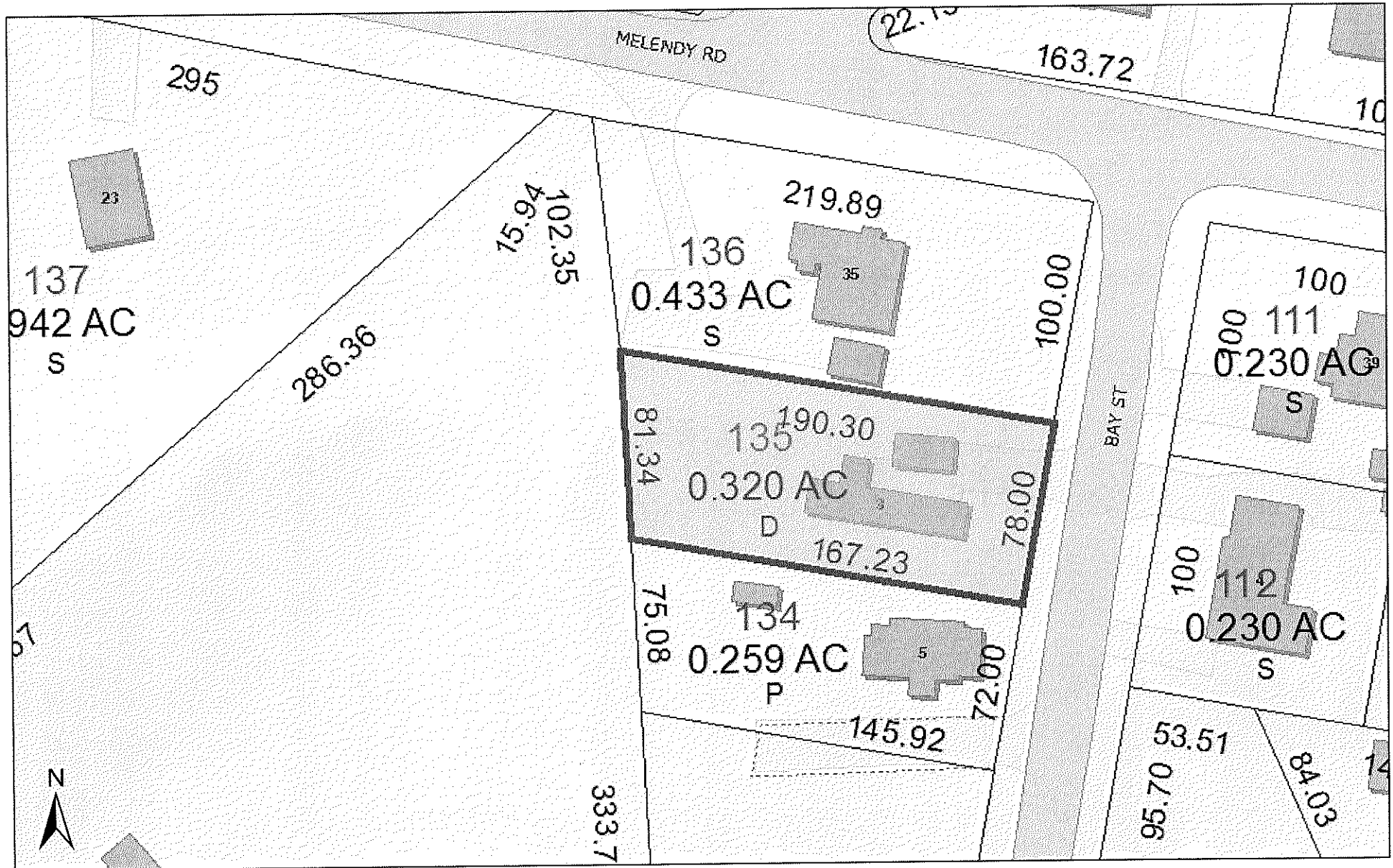
Land Reason:

Bld Reason:

Civil District:

Ratio:

3 Bay Street (Map/Lot 191-135-000)

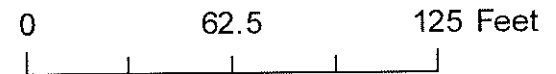


September 10, 2019

1 inch = 58 feet

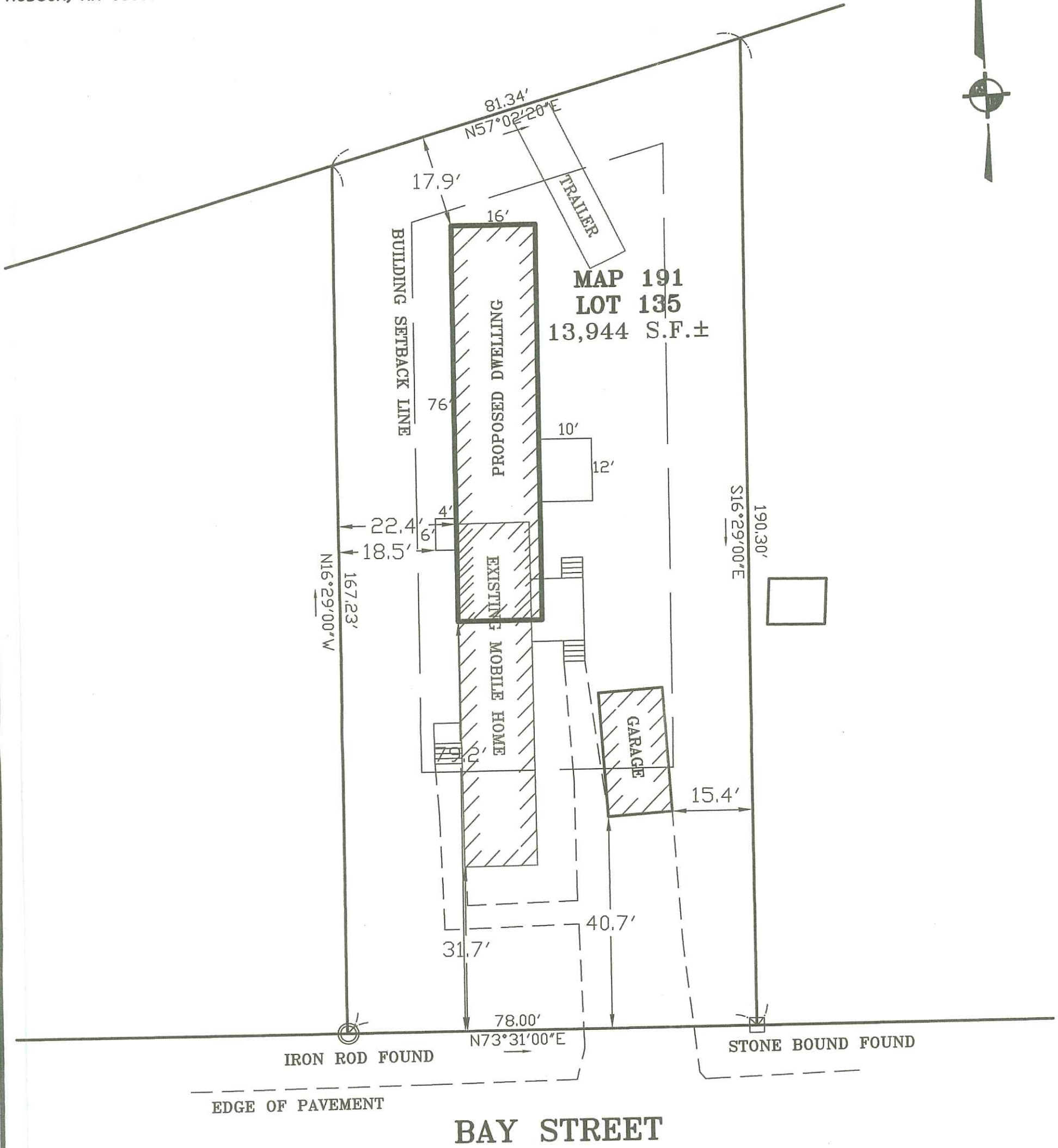
----- Easement_Lines

▭ Parcels



CERTIFIED PLOT PLAN

3 BAY ST.
HUDSON, NH 03051



MAP 191
LOT 135
13,944 S.F.±

REFERENCE PLAN:
"PLAN OF LOT "A" BAY STREET-HUDSON, N.H."
PREPARED BY W. ROBERT NOLTE & ASSOCIATES.
DATED FEBRUARY 1969 AND RECORDED IN THE RCRD
AS PLAN #4047.

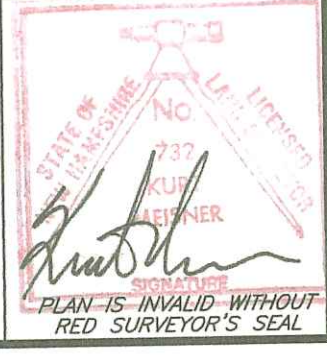
CERTIFICATION:
'I HEREBY CERTIFY THAT THE CONTENTS OF THIS
PLAN ARE ACCURATE BASED ON PLANIMETRIC
EVIDENCE & FIELD INSTRUMENT SURVEY PERFORMED
IN NOVEMBER 2018.'

SCALE : 1" = 20'
DATE : NOVEMBER 6, 2018
© 2018 MEISNER BREM CORP.

3 BAY ST.
HUDSON, NH
PREPARED FOR:
SALEM MAN. HOMES
P.O. BOX 54
SALEM, NH 03079
JOB NO. 8137

ZONE DISTRICT: B
MIN. BUILDING SETBACKS:
FRONT = 50 FEET MIN.
SIDE = 15 FEET
REAR = 15 FEET

MEISNER BREM CORPORATION
202 MAIN STREET, SALEM, NH 03079 · (603) 893-3301
142 LITTLETON ROAD, SUITE 16, WESTFORD, MA 01886 · (978) 692-1313



Printed
9/10/2019
9:02AM
Created
9/10/2019
8:59 AM

Transaction Receipt

Receipt# 566,733
tgoodwyn

Town of Hudson, NH
12 School Street
Hudson, NH 03051-4249

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning-Variance Application 3 Bay street Ma/Lot 191-135-000 Variance App Fee	0.00	164.7000	0.00
			Total:	164.70

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Salem Manufactured Homes LLC	CHECK	CHK # 28192	164.70	0.00	164.70
			Total Due:		164.70
			Total Tendered:		164.70
			Total Change:		0.00
			Net Paid:		164.70

SALEM MANUFACTURED HOMES LLC

28192

\$ 164.70



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: September 26, 2019 *27 9 16 19*

Case 198-038 (9-26-19): Victor A. Cote, 8 B St., Hudson, NH requests a Variance to allow an installed 12 ft. x 24 ft. above ground pool to remain, which encroaches ~ 6 ft. into the rear setback leaving ~ 9 ft. where 15 ft. is required. [Map 198, Lot 038-000; Zoned Town Residence (TR); HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].

Address: 8 B Street

Zoning district: Town Residence (TR)

Summary:

Applicant requests a Variance – to maintain an existing (recently installed) 12 ft x 24 ft above ground pool. Leaving 9 ft of rear setback where 15 ft is required.

Property description:

This is an existing conforming (developed) lot of record: Having 0.230 Acre = 10,028 sqft, where 10,000 sqft is required, and frontage of 100 ft where 90 ft is required.

HISTORY:

Assessing: Listed as a Single Family residence.

Building Permits: #2014-00758: remove/replace existing closed in porch 10' x 40' porch.

Attachments:

“A” Assessing record.

“B” Building Permit #2014-00758.

“C” GIS “aerial view” showing lot lines.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	101 - ONE FAMILY	183,300	0	84,600	0.23	0.00	267,900
2018	101 - ONE FAMILY	183,300	0	84,600	0.23	0.00	267,900
2018	101 - ONE FAMILY	183,300	0	84,600	0.23	0.00	267,900
2017	101 - ONE FAMILY	183,300	0	84,600	0.23	0.00	267,900
2017	101 - ONE FAMILY	140,700	0	80,700	0.23	0.00	221,400
2017	101 - ONE FAMILY	183,300	0	84,600	0.23	0.00	267,900
2016	101 - ONE FAMILY	137,900	0	80,700	0.23	0.00	218,600
2016	101 - ONE FAMILY	137,900	0	80,700	0.23	0.00	218,600
2015	101 - ONE FAMILY	134,900	0	80,700	0.23	0.00	215,600
2015	101 - ONE FAMILY	134,900	0	80,700	0.23	0.00	215,600
2014	101 - ONE FAMILY	134,600	0	80,700	0.23	0.00	215,300
2014	101 - ONE FAMILY	134,600	0	80,700	0.23	0.00	215,300
2013	101 - ONE FAMILY	134,600	0	80,700	0.23	0.00	215,300
2013	101 - ONE FAMILY	134,600	0	80,700	0.23	0.00	215,300
2012	101 - ONE FAMILY	134,600	0	80,700	0.23	0.00	215,300
2012	101 - ONE FAMILY	158,500	0	107,700	0.23	0.00	266,200
2011	101 - ONE FAMILY	142,300	0	107,700	0.23	0.00	250,000
2011	101 - ONE FAMILY	142,300	0	107,700	0.23	0.00	250,000
2010	101 - ONE FAMILY	142,300	0	107,700	0.23	0.00	250,000
2010	101 - ONE FAMILY	142,300	0	107,700	0.23	0.00	250,000
2009	101 - ONE FAMILY	142,300	0	107,700	0.23	0.00	250,000
2008	101 - ONE FAMILY	142,300	0	107,700	0.23	0.00	250,000
2008	101 - ONE FAMILY	142,300	0	107,700	0.23	0.00	250,000
2007	101 - ONE FAMILY	142,300	0	107,700	0.23	0.00	250,000
2007	101 - ONE FAMILY	142,000	0	80,700	0.23	0.00	222,700
2006	101 - ONE FAMILY	142,000	0	80,700	0.23	0.00	222,700
2006	101 - ONE FAMILY	142,000	0	80,400	0.22	0.00	222,400
2005	101 - ONE FAMILY	142,000	0	80,400	0.22	0.00	222,400
2005	101 - ONE FAMILY	142,000	0	80,400	0.22	0.00	222,400
2004	101 - ONE FAMILY	142,000	0	80,400	0.22	0.00	222,400
2004	101 - ONE FAMILY	111,200	0	61,300	0.22	0.00	172,500
2003	101 - ONE FAMILY	111,200	0	61,300	0.22	0.00	172,500
2003	101 - ONE FAMILY	111,200	0	61,300	0.22	0.00	172,500
2002	101 - ONE FAMILY	111,200	0	61,300	0.22	0.00	172,500
2002	101 - ONE FAMILY	111,200	0	61,300	0.22	0.00	172,500
2001	101 - ONE FAMILY	74,100	0	40,300		0.00	114,400
2000	101 - ONE FAMILY	74,100	0	40,300	0.22	0.00	114,400
1999	101 - ONE FAMILY	74,100	0	40,300	0.22	0.00	114,400





Town of Hudson, NH
Building Permit

Hudson Fire - Inspectional Services Division
12 School Street
Hudson, NH 03051
603-886-6005

Permit Number
2014-00758
Date of Issue
10/23/2014
Expiration Date
4/21/2015

Owner: COTE, VICTOR A.

Applicant: COTE, VICTOR A.

Location of Work: 8 B ST
(No. and Street) (Unit or Building)

Description of Work: Remove/replace existing closed in 10' x 40' porch

ZONING DATA: District: TR Map/Lot: 198-038-000

REMARKS:

DECK ATTACHMENT TO HOUSE MUST BE VISIBLE FOR INSPECTION

Required inspections

Decks:

- dug holes for depth determination (frost depth is considered 48"). The closest property line should be clearly marked for setback determinations.
- Attachment to the building by lag bolts not more than 24" on center spacing
- Rails not less than 36" high for residential with no space greater than 4"
- Stairs with a maximum rise of 7 5/8" & a minimum tread depth of 10"

ALL CONSTRUCTION MUST BE LOCATED 15 FEET FROM THE SIDE AND REAR PROPERTY LINES.

Building Permit Issuance Conditions are as follows:

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
- THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
- APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
- NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
- WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
- WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE.
- ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

Permit Holder: COTE, VICTOR A.

(Taking Responsibility for the Work)

Company/Affiliation: Owner

Job Site Phone Number:

Constr Cost:	\$3,500	Permit Fee:	\$85.00	Check No.:		Cash:	\$0.00
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The Permit Card Shall be Posted and Visible From the Street During Construction

THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

Code Official

Permit Holder

10/23/2014

Date

"B"



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-886-6005

RECEIVED

OCT - 1 2014

HUDSON FIRE DEPT
INSPECTIONAL SERVICES DIVISION

BUILDING PERMIT APPLICATION - PLEASE PRINT

Address: <u>8 B Street</u> Unit # _____	Office use: Map <u>196</u> Lot <u>030</u> Zone <u>TR</u> Permit # <u>2014-00758</u>
Site/Sub Plan: _____ HCRD _____	

- Residential**
- Single family detached
 - Modular Homes
 - Duplex
 - 3+ family dwelling (# of units _____)
 - Other _____

- Type of Improvement**
- New Building
 - Addition
 - Alteration/Renovation
 - Repair/Replacement
 - Conversion of +/- dwelling units
 - Other _____
- Deck
 - Shed
 - Swim Pool
 - Garage
 - Carport

- Commercial**
- Office/Bank/Professional
 - Hospital/Medical
 - Industrial/Warehouse
 - Restaurant
 - Other _____
 - Garage
 - School
 - Store
 - Utility

- Type of Improvement**
- New Building
 - Addition
 - Alteration/Renovation
 - Repair/Replacement
 - Conversion from residential to commercial space
 - Other _____
 - Deck
 - Shed
 - Swim Pool
 - Interior Demo

Total Cost of Project
Excluding plumbing, electrical, mechanical, fire suppression, elevator, etc.
\$ 3500

General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use.
Remove and Replace closed in Porch/shed on Back of House 10' x 40'

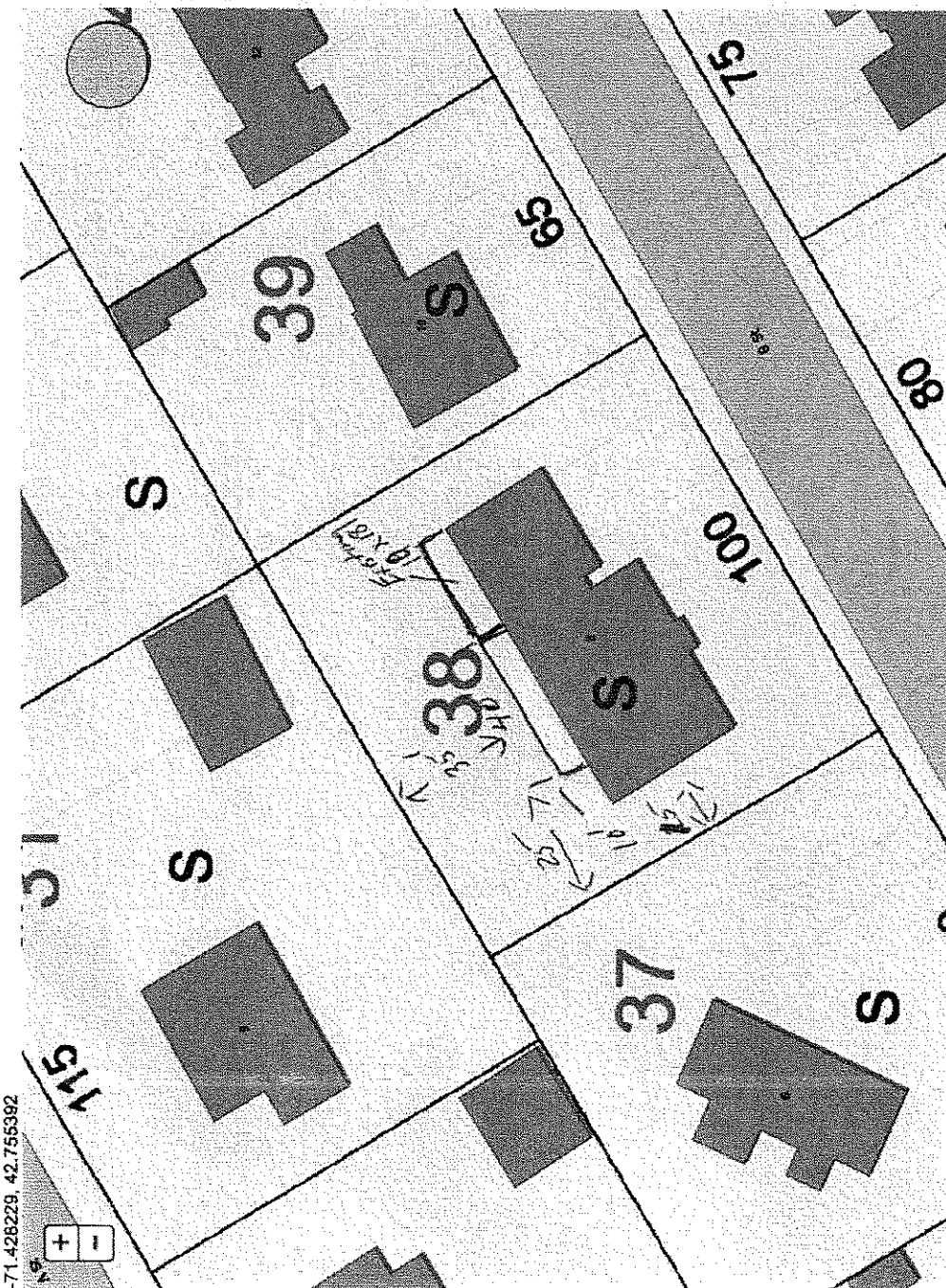
Square Footage Footprint 10x40 Renovated/added 10x40 Number of stories 1
Living area of new home (exclude unfinished areas and garage) _____ Total area of bldg 10x40

- Principal Type of Frame**
- Masonry (wall bearing)
 - Wood Frame
 - Structural steel
 - Reinforced concrete
 - Other-Specify _____

- Type of Sewage Disposal**
- Town or private company (requires Town permit)
 - Private (septic tank, etc.)

- Type of Water Supply** Town Private (well, cistern)
- Type of Heat Source** Gas Oil Electric Other N/A

" B "



RECEIVED

OCT - 1 2014

HUDSON FIRE DEPT
INSPECTORAL SERVICES DIVISION

71-428229, 42-756392



"B3"



TOWN OF HUDSON

FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISION



12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

Emergency 911
Business 603-886-6005
Fax 603-594-1142

Robert M. Buxton
Chief of Department

February 10, 2015

Victor Cote
8 B St
Hudson, NH 03051

Re: 8 B St, Hudson (Map/Lot 198-038)

Dear Mr. Cote:

Your building permit #2014-00758 was issued on 10/23/14 to remove/replace existing closed in 10' x 40' porch.

Inspections are required for the above listed permit and to date our records show that an inspection has not been completed. Please contact me at your earliest convenience to schedule the required inspection(s) at 603-816-1272. Otherwise, the permit listed above will be invalid and cancelled.

Sincerely,

Julie Kennedy, P.T.

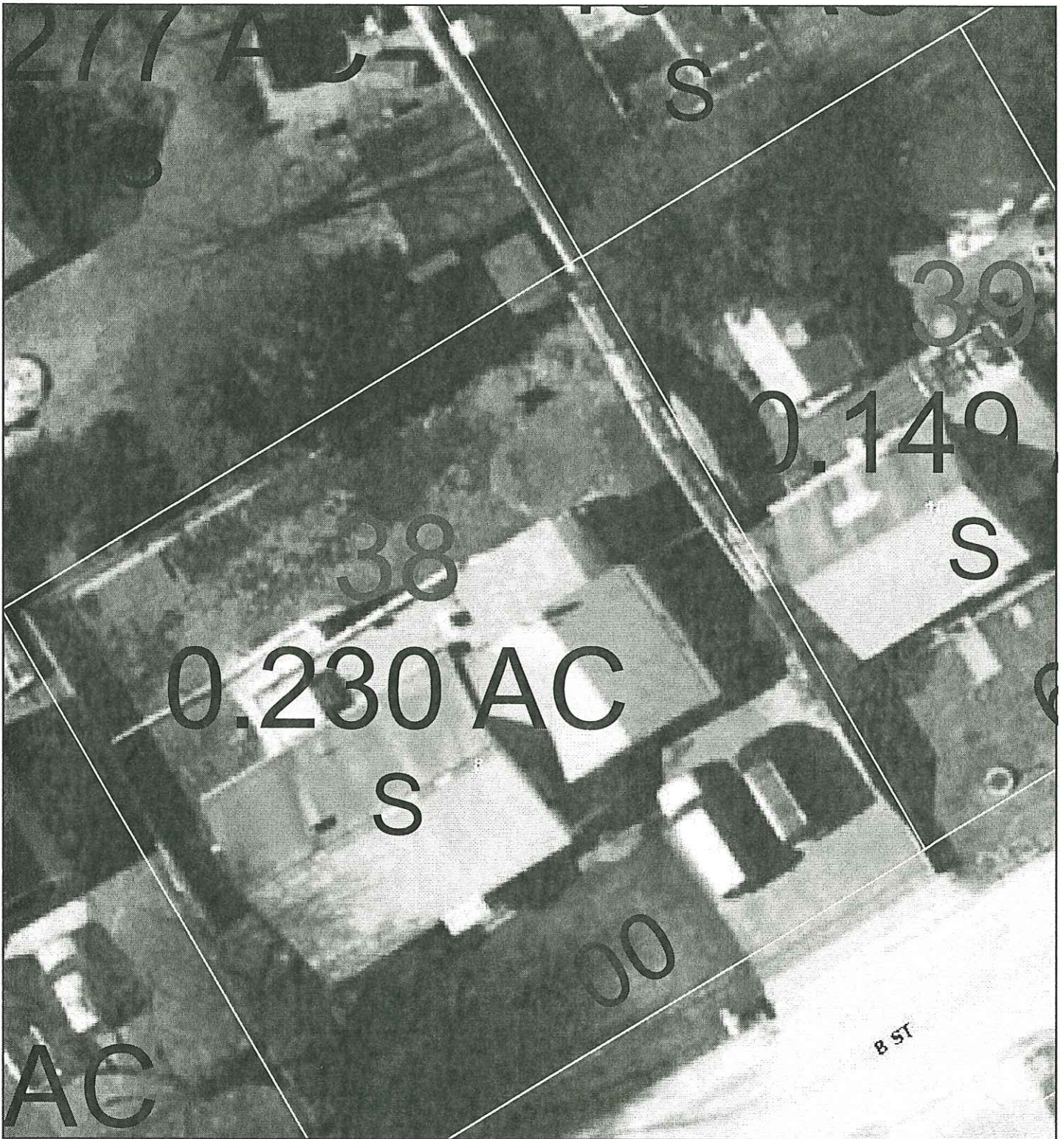
Julie Kennedy
Permit Technician
Inspectional Services Division

*2-18-15 spoke w/owner
deck is not complete
will call for an inspection
when done*

JK

"B5"

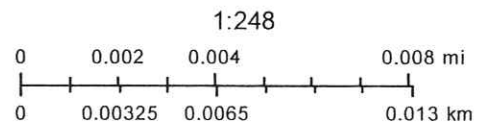
8 B St property lines



September 15, 2019

Legend

-  Parcels - Aerials
-  Parcels



"C"



TOWN OF HUDSON

SEP 04 2019

Zoning Department

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 198-038(9-26-19)
Date Filed 9/4/19

Name of Applicant Victor A Cote Map: 198 Lot: 038⁻⁰⁰⁰ Zoning District: TR

Telephone Number (Home) 603-320-5462 (Work) _____

Mailing Address 8 B St Hudson, N.H. 03057

Owner Victor A. Cote

Location of Property 8 B St. Hudson, N.H. 03057
(Street Address)

[Signature] _____ Date 9-1-19
Signature of Applicant

[Signature] _____ Date 9-1-19
Signature of Property-Owner(s)

NOTE: Fill in all portions of the Application Form(s) as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate. If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak on his/her/their behalf or that you have permission to seek the described variance.

Items in this box are to be filled out by Land Use Division personnel

COST:		Date received: <u>9/4/19</u>
Application fee:	\$130.00	
<u>9</u> Direct Abutters x \$4.05 =	<u>36.45</u>	
<u>21</u> Indirect Abutters x \$0.55 =	<u>11.55</u>	
Total amount due:	<u>\$178.00</u>	Amt. received: \$ <u>178.00</u>
		Receipt No.: <u>566,170</u>
Received by: <u>[Signature]</u>		

By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

Cash #
7414

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
<u>VC</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u> · 9/4/19 OK.
<u>VC</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u> ·
<u>VC</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u> ·
<u>VC</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u> · OK
<u>VC</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u> ·
<u>VC</u>	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u> ·
<u>VC</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u> ·
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u> ·

PLOT PLAN-

____ Except for requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted):

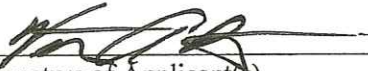
N/A
↓

- a) _____ The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) _____ The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) _____ The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) _____ The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)
- e) _____ The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements.
- f) _____ The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g) _____ The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) _____ The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) _____ The plot plan shall indicate all parking spaces and lanes, with dimensions.

TG-
GES-OK

N/A
↓

The applicant has signed and dated this form to show his/her awareness of these requirements.


Signature of Applicant(s)

9-1-19
Date

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

8-B-St-GIS-abutters

D/I	ParcelID	Owner1	Owner2	Owner3	BillingAddress	City	Sta	Zip
D	198-031-000	PEARCE, RICHARD A.	PEARCE, DONNA		9 A ST	HUDSON	NH	3051
I	198-050-000	CORBIT, SHIRLEY M., TR.	CORBIT, CARDIN L., TR.	CORBIT FAMILY REVOCABLE TRUST	2 VERONA ST	NASHUA	NH	3060
D	198-030-002	O'KEEFE-SILVERMAN, CHERYL, TR.	SILVERMAN, ROBERT, TR.	O'KEEFE-SILVERMAN LIVING TRUST	13B A ST	HUDSON	NH	3051
D	198-030-001	GOMES, RANDALL K.			13A A ST	HUDSON	NH	3051
I	191-052-000	SHARP, CYNTHIA L.	ECHEVARRIA, MOISES		18 A ST	HUDSON	NH	3051
I	191-047-002	KING, DAVID G.			22 RIVER RD.	PEPPERELL	MA	01463-1645
I	191-047-001	PRUDHOMME, BRIAN	HUGHES, JENNIFER		15A A ST	HUDSON	NH	3051
I	198-033-000	VELAZQUEZ, DEBRA M.			3 A ST	HUDSON	NH	3051
I	191-123-002	CIMON, RICHARD V., JR.	CIMON, JO-ANNE		2 D ST	HUDSON	NH	3051
D	198-045-000	TIDD, MICHAEL A.	TIDD, DONNA		9 B ST	HUDSON	NH	3051
D	198-047-000	COUTURE, DENISE A., LIFE ESTATE	COUTURE, GERALD R., TR.	COUTURE, TRACY K., TR.	5 B ST	HUDSON	NH	3051
I	191-123-001	KEEFE, ALISA M.	HAIGLER, BRIAN R.		8 A ST	HUDSON	NH	3051
I	198-035-000	MATTHEWS, DOROTHY F.			2 B ST	HUDSON	NH	3051
D	198-038-000	COTE, VICTOR A.			8 B ST	HUDSON	NH	3051
D	198-046-000	WILSON, DANIEL R.	WILSON, KATHLEEN		7 B ST	HUDSON	NH	3051
I	198-048-000	DON RAY REALTY LLC			195R CENTRAL ST	HUDSON	NH	3051
I	198-032-000	LYNCH, BRIAN T.			7 A ST	HUDSON	NH	3051
I	198-044-000	PEREZ-ROLON, MERCEDES			11 B ST	HUDSON	NH	3051
I	191-048-000	PRIESTLEY, DAVID	PRIESTLEY, LORRAINE		16 A ST	HUDSON	NH	3051
I	198-049-000	KAY'S REALTY INC			46 LOWELL RD	HUDSON	NH	3051
I	198-040-000	SULLIVAN, LORICE K.- LIFE EST			12 B ST	HUDSON	NH	3051
I	198-043-000	BREEN, LANA D.			4 E ST	HUDSON	NH	3051

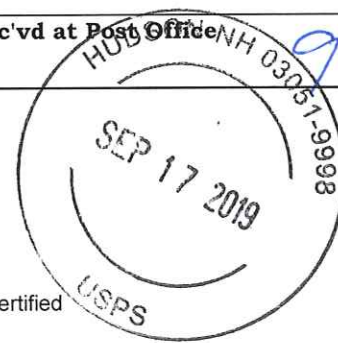
8-B-St-GIS-abutters

D/I	ParcelID	Owner1	Owner2	Owner3	BillingAddress	City	Sta	Zip
D	198-037-000	BARRETT, BRETT C.			6 B ST	HUDSON	NH	3051
I	198-036-000	LANDRY, PAUL M., TR.	LANDRY, ARLENE E., TR.	LANDRY FAMILY REV TRUST	4 B ST	HUDSON	NH	3051
I	198-051-000	GREEN, JOHNATHAN E.			10 BELKNAP RD	HUDSON	NH	3051
I	191-046-001	BUCCHIO, ERIC			8A E ST	HUDSON	NH	3051
I	191-046-002	ARREDONDO, MARCIALICED ARMENTA			8B E ST	HUDSON	NH	3051
I	198-041-000	BOUCHARD, STEVEN F.			14 B ST	HUDSON	NH	3051
I	198-052-000	LAGASSE, PAUL M.	LAGASSE, CYNTHIA		12 BELKNAP RD	HUDSON	NH	3051
D	198-039-000	LOWE, THOMAS L.			10 B ST	HUDSON	NH	3051

D 9
I 21

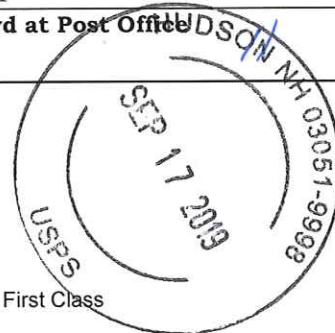
D=Direct
I= Indirect

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 198-038 Variance 8 B Street Map 198/Lot 038-000	1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address		09/26/19 ZBA Meeting	
1	7018 2290 0001 3001 8862	COTE, VICTOR A. 8 B STREET, Hudson, NH 03051		APPLICANT/OWNER-NOTICE SENT	
2	7018 2290 0001 3001 8879	PEARCE, RICHARD A. & DONNA 9 A STREET, HUDSON, NH 03051		ABUTTER NOTICE SENT	
3	7018 2290 0001 3001 8886	O'KEEFE-SILVERMAN, CHERYL, TR.; SILVERMAN, ROBERT, TR.; O'KEEFE-SILVERMAN LIVING TRUST 13B A STREET, HUDSON, NH 03051		ABUTTER NOTICE SENT	
4	7018 2290 0001 3001 8893	GOMES, RANDALL K. 13A A STREET, HUDSON, NH 03051		ABUTTER NOTICE SENT	
5	7018 2290 0001 3001 8909	TIDD, MICHAEL A. & DONNA 9 B STREET, HUDSON, NH 03051		ABUTTER NOTICE SENT	
6	7018 2290 0001 3001 8916	COUTURE, DENISE A., LIFE ESTATE; COUTURE, GERALD R., TR.; COUTURE, TRACY K., TR. 5 B STREET, HUDSON, NH 03051		ABUTTER NOTICE SENT	
7	7018 2290 0001 3001 8923	WILSON, DANIEL R. & KATHLEEN 7 B STREET, HUDSON, NH 03051		ABUTTER NOTICE SENT	
8	7018 2290 0001 3001 8930	BARRETT, BRETT C. 6 B STREET, HUDSON, NH 03051		ABUTTER NOTICE SENT	
9	7018 2290 0001 3001 8947	LOWE, THOMAS L. 10 B STREET, HUDSON, NH 03051		ABUTTER NOTICE SENT	
10					
Total Number of pieces listed by sender 9		Total number of pieces rec'vd at Post Office		Postmaster, (receiving Employee) <i>Paula Angeli</i>	

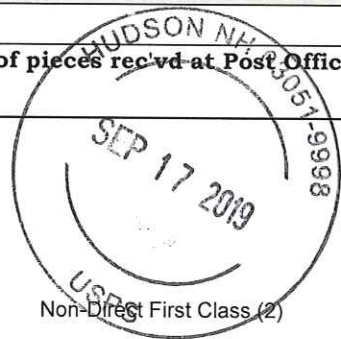


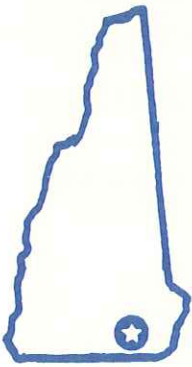
Direct Certified

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 198-038 Variance 8 B Street Map 198/Lot 038-000	1 of 2
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting	
1	N/A-mailed First Class	CORBIT, SHIRLEY M. & CARDIN L., TR.; CORBIT FAMILY REVOCABLE TRUST 2 VERONA STREET, NASHUA, NH 03060	ABUTTER NOTICE SENT	
2	N/A-mailed First Class	SHARP, CYNTHIA L.; ECHEVARRIA, MOISES 18 A ST., HUDSON, NH 03051	ABUTTER NOTICE SENT	
3	N/A-mailed First Class	KING, DAVID G. 22 RIVER RD., PEPPERELL, MA 01463-1645	ABUTTER NOTICE SENT	
4	N/A-mailed First Class	PRUDHOMME, BRIAN; HUGHES, JENNIFER 15A A STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
5	N/A-mailed First Class	VELAZQUEZ, DEBRA M. 3 A STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
6	N/A-mailed First Class	CIMON, RICHARD V., JR.; CIMON, JO-ANNE 2 D ST., HUDSON, NH 03051	ABUTTER NOTICE SENT	
7	N/A-mailed First Class	KEEFE, ALISA M.; HAIGLER, BRIAN R. 8 A STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
8	N/A-mailed First Class	MATTHEWS, DOROTHY F. 2 B STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
9	N/A-mailed First Class	DON RAY REALTY LLC 195R CENTRAL ST, HUDSON, NH 03051	ABUTTER NOTICE SENT	
10	N/A-mailed First Class	LYNCH, BRIAN T. 7 A STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
11	N/A-mailed First Class	PEREZ-ROLON, MERCEDES 11 B ST., HUDSON, NH 03051	ABUTTER NOTICE SENT	
	Total Number of pieces listed by sender 11	Total number of pieces rec'vd at Post Office	Postmaster, (receiving Employee) <i>PEA</i>	



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 198-038 Variance 8 B Street Map 198/Lot 038-000	2 of 2
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting	
1	N/A-mailed First Class	PRIESTLEY, DAVID & LORRAINE 16 A STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
2	N/A-mailed First Class	KAY'S REALTY INC 46 LOWELL ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
3	N/A-mailed First Class	SULLIVAN, LORICE K. - LIFE EST 12 B STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	N/A-mailed First Class	BREEN, LANA D. 4 E STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
5	N/A-mailed First Class	LANDRY, PAUL M. & ARLENE E., TR.; LANDRY FAMILY REV TRUST 4 B STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
6	N/A-mailed First Class	GREEN, JOHNATHAN E. 10 BELKNAP RD., HUDSON, NH 03051	ABUTTER NOTICE SENT	
7	N/A-mailed First Class	BUCCHIO, ERIC 8A E STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
8	N/A-mailed First Class	ARREDONDO, MARCIALICED ARMENTA 8B E ST., HUDSON, NH 03051	ABUTTER NOTICE SENT	
9	N/A-mailed First Class	BOUCHARD, STEVEN F. 14 B ST, HUDSON, NH 03051	ABUTTER NOTICE SENT	
10	N/A-mailed First Class	LAGASSE, PAUL M. & CYNTHIA 12 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
11				
	Total Number of pieces listed by sender 10	Total number of pieces rec'd at Post Office	10	Postmaster, (receiving Employee) PCA





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



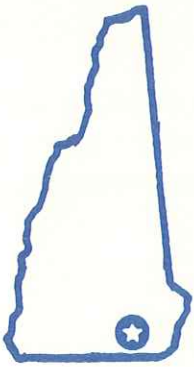
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 198-038 (9-26-19): Victor A. Cote, 8 B St., Hudson, NH requests a Variance to allow an installed 12 ft. x 24 ft. above ground pool to remain, which encroaches ~ 6 ft. into the rear setback leaving ~ 9 ft. where 15 ft. is required. [Map 198, Lot 038-000; Zoned Town Residence (TR); HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].**

Please be advised, the above notice is being sent to all abutters listed on the application. You, or a representative, are expected to attend the hearing, and make a presentation.

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this Application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VII of HZO Section(s) 334-27 in order to permit the following change or use:

To allow the install and placement of a 12' x 24' above ground pool.

The resultant rear set back would be approx. 10 ft from the rear property line

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (b), as follows:

I. "The Zoning Board of Adjustment shall have the power to:

(b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:

- (1) The variance will not be contrary to the public interest;**
- (2) The spirit of the ordinance is observed;**
- (3) Substantial justice is done;**
- (4) The values of surrounding properties are not diminished; and**
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

1. Granting of the requested variance will not be contrary to the public interest, because:
(Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)

A pool is a reasonable and extremely common use at a residential property. The proposed pool location fails to meet the literal requirement of a sole dimensional set back provision. The pool is approx. 10 ft from the rear lot line.

2. The proposed use will observe the spirit of the ordinance, because:
(Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)

While the proposed pool would be less than 15 ft from the rear lot line, it will not present any intrusion or obstacle to neighbors. In fact, it is expected most neighbors (except #9A st) will not even have a direct line of sight to the pool.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The proposed location of the pool allows the property owner reasonable use of their property and a safe location for the pool. It is substantial justice to allow the applicant to make reasonable use of their property in a manner which does not harm others. The proposed pool does not present an intrusion to the public.

4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

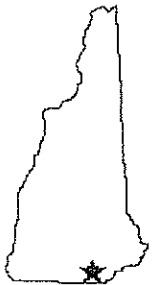
This pool as proposed should have no impact on surrounding property value, it would actually increase property values as a taxable property improvement. The presence of a pool on residential property is extremely common improvement. Although a variance is sought with respect to the set back from the rear yard lot line, the proposed location is not intrusive to the adjoining property

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:

(Explain why you believe this to be true—keeping in mind that you must establish that, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* that you must establish that the special conditions of the property cause the proposed use to be reasonable. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.)

This lot is an existing lot of record, and our house and garage set in the middle of the lot. Any location for a pool would be into the set backs requiring a variance, thus our proposed location and variance request has the least impact on set backs and the neighbors

Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer’s Office prior to submittal of this application to determine if connection is required or will be allowed, together with the procedure for such application.

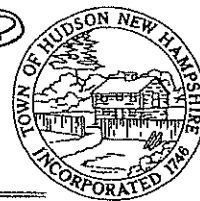


SCANNED

7-29-19 (TG)

TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-088 Building Permit application # 2019-00603 Denial

July 29, 2019

Victor Cote
8 B Street
Hudson, NH 03051

Re: **8 B Street Map 198 Lot 038-000**
District: Town Residence (TR)

Dear Mr. Cote,

Based on the information you provided to me for your building permit application: to install a 12' x 24' above ground pool

Zoning Review / Determination:

It appears you only have 8 ft of required setback, thus:

You would need to apply for a variance from the Zoning Board of Adjustment to allow the pool to encroach within the required 15 ft setback, per Hudson Zoning Ordinance: §334 – Table of Minimum Dimensional Requirements.

Sincerely,


Bruce Buttrick, MCP
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
Chief Buxton, Inspectional Services
D. Hebert, Building Inspector
File

NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.



TOWN OF HUDSON

Land Use Division



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

**Zoning Determination #19-076
Request for more information
Building Permit application # 2019-00603**

June 26, 2019

Victor Cote
8 B Street
Hudson, NH 03051

Re: 8 B Street Map 198 Lot 038-000
District: Town Residence (TR)

Dear Mr. Cote,

I am requesting more information for your building permit application: to install a 12' x 24' above ground pool.

Zoning Review / Determination:

Our GIS records indicate that you have approx. 28 ft from the edge of your existing deck to your rear property line, after subtracting the required setback of 15 ft, that leaves you with 13 ft to install the 12 ft wide pool, not taking into consideration of any exterior deck/platforms. **Can you please provide the details of the pool and detailed "layout dimensions" of this proposed site layout of this installation?**

You would need to apply for a variance from the Zoning Board of Adjustment to allow the pool (and associated decks) to encroach within the required 15 ft rear setback, per Hudson Zoning Ordinance: §334 – Table of Minimum Dimensional Requirements.

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Chief Buxton, Inspectional Services
D. Hebert, Building Inspector
File

NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

198 038 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

APPAISED: 267,900/
USE VALUE: 267,900/
ASSESSED: 267,900/
Total Card / Total Parcel
267,900 / 267,900
267,900 / 267,900
267,900 / 267,900



Patriot
Properties Inc.

USER DEFINED

Prior Id #1:	0046
Prior Id #2:	0036
Prior Id #3:	0000
Prior Id #1:	
Prior Id #2:	
Prior Id #3:	
Prior Id #1:	
Prior Id #2:	
Prior Id #3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

PROPERTY LOCATION

No	Alt No	Direction/Street/City
8		B ST, HUDSON

OWNERSHIP

Owner 1:	COTE, VICTOR A.
Owner 2:	
Owner 3:	
Street 1:	8 B STREET
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

PREVIOUS OWNER

Owner 1:	COTE, VICTOR A. -
Owner 2:	COTE, ALICE D. -
Street 1:	8 B STREET
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION
This parcel contains .23 ACRES of land mainly classified as ONE FAMILY with a RANCH Building built about 1967, having primarily VINYL Exterior and 1200 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 1 HalfBath, 6 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Descr/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z		water	3			TOWN WATE
o		Sewer	2			TOWN SEWE
n		Electri				
Census:		Exmpt				
Flood Haz:	C					
D		Topo	4			ROLLING
s		Street				
t		Gas:				

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth/PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		0.23			SITE ACRE SITE			0 110,000.	3.34	RE									84,590						84,600	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.230	183,300		84,600	267,900
Total Card	0.230	183,300		84,600	267,900
Total Parcel	0.230	183,300		84,600	267,900
Source:	Market Adj Cost	Total Value per SQ unit /Card:		223.25	/Parcel: 223.25

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	101	JB	183,300	0	.23	84,600	267,900	267,900	Year End Roll	5/8/2019
2018	101	FV	183,300	0	.23	84,600	267,900	267,900	Year End Roll	8/27/2018
2018	101	JB	183,300	0	.23	84,600	267,900	267,900	Year End Roll	5/9/2018
2017	101	FV	183,300	0	.23	84,600	267,900	267,900	Year End Roll	10/26/2017
2017	101	PV	183,300	0	.23	84,600	267,900	267,900	Year End Roll	8/28/2017
2017	101	JB	140,700	0	.23	80,700	221,400	221,400	Year End Roll	5/10/2017
2016	101	FV	137,900	0	.23	80,700	218,600	218,600	Year End Roll	8/30/2016
2016	101	JB	137,900	0	.23	80,700	218,600		Year End Roll	5/11/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
COTE, VICTOR A.	8423-0477	2	4/16/2012	DIVORCE		No	No		
COTE, VICTOR A.	7689-2919	2	4/25/2006	FAMILY TRANS		No	No		
RODIER, ESTELLE	5457-0843		7/29/1993		93,000	No	No		

BUILDING PERMITS

Date	Number	Descr	Amount	C/O	Last Visit	Fed Code	F. Descr	Comment
10/23/2014	2014-00758	PORCH	3,500	C				REPLACE 10X40 PORC

Legal Description

Entered Lot Size	Total Land: 0.23
Land Unit Type:	AC

PAT ACCT.

Parcel ID	198-038-000
63451	
jmichaud	

ACTIVITY INFORMATION

Date	Result	By	Name
3/27/2017	Measured	16	CCAG-R
3/24/2016	Permit Visit	15	APPR TECH 5
3/25/2015	Permit Visit	15	APPR TECH 5
10/7/2011	Meas/Inspect	14	APPR TECH 4
8/4/2007	Meas/Inspect	6	RB
8/3/2006	New Maps	7	DC
4/3/2001	Measured	0	PATRIOT
5/18/1991	Inspected	2	AVITAR

Sign: VERIFICATION OF VISIT NCT DATA

Total AC/HA:	0.23000	Total SF/SM:	10019	Parcel LUC:	101 ONE FAMILY	Prime NB Desc:	RES AVG	Total:	84,590	Spl. Credit:		Total:	84,600
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EXTERIOR INFORMATION

Type: 19 - RANCH
 Sty Ht: 1 - ONE STY
 (Liv) Units: 1 Total: 1
 Foundation: 1 - CONCRETE
 Frame: 1 - WOOD
 Prime Wall: 04 - VINYL
 Sec Wall: %
 Roof Struct: 1 - GABLE
 Roof Cover: 1 - ASPH SHING
 Color: WHITE
 View / Desir:

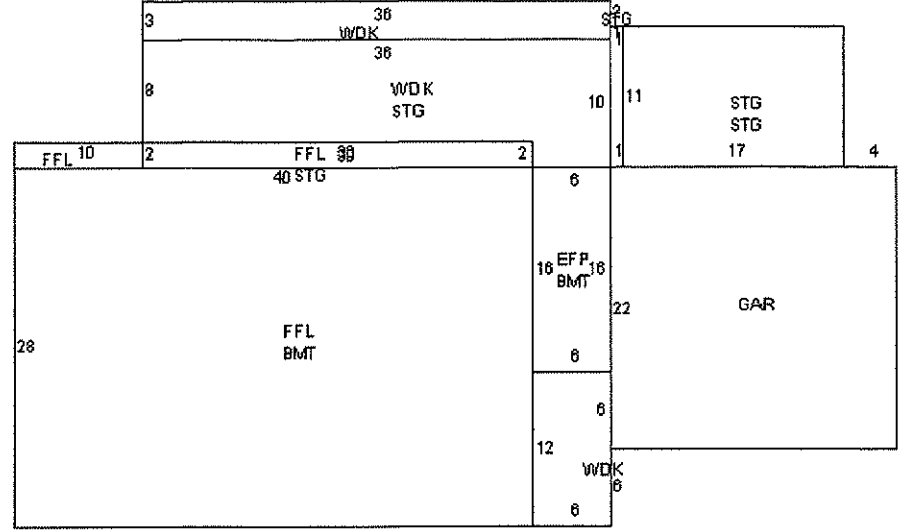
BATH FEATURES

Full Bath: 1 Rating: AVERAGE
 A Bath: Rating:
 3/4 Bath: Rating:
 A 3QBth: Rating:
 1/2 Bath: 1 Rating: AVERAGE
 A HBth: Rating:
 OthrFix: 2 Rating: AVERAGE

COMMENTS

WET BAR AND EXTRA SINK=OTHFIXS.

SKETCH



GENERAL INFORMATION

Grade: C - AVERAGE
 Year Blt: 1967 Eff Yr Blt:
 Alt LUC: Alt %:
 Jurisdic: Fact:
 Const Mod:
 Lump Sum Adj:

OTHER FEATURES

Kits: 1 Rating: AVERAGE
 A Kits: Rating:
 Frpl: Rating:
 WSFlue: Rating:

CONDO INFORMATION

Location:
 Total Units:
 Floor:
 % Own:
 Name:

RESIDENTIAL GRID

1st Res Grid Desc: CONV # Units: 1
 Level FY LR DR D K FR RR BR FB HB L O
 Other:
 Upper:
 Lvl 2:
 Lvl 1:
 Lower:
 Totals: RMS: 6 BRs: 3 Baths: 1 HB: 1

REMODELING

Exterior:
 Interior:
 Additions: 2015
 Kitchen:
 Baths:
 Plumbing:
 Electric:
 Heating:
 General:

RES BREAKDOWN

No Unit	RMS	BRS	FL
1	6	3	M
Totals			
1	6	3	

INTERIOR INFORMATION

Avg H/FL: STD
 Prim Int Wal: 1 - DRYWALL
 Sec Int Wal: %
 Partition: T - TYPICAL
 Prim Floors: 03 - HARDWOOD
 Sec Floors: 04 - CARPET 33%
 Bsmnt Fir: 12 - CONCRETE
 Subfloor:
 Bsmnt Gar:
 Electric: 3 - TYPICAL
 Insulation: 2 - TYPICAL
 Int vs Ext: S
 Heat Fuel: 2 - GAS
 Heat Type: 3 - FORCED HW
 # Heat Sys: 1
 % Heated: 100 % AC: 100
 Solar HW: NO Central Vac: NO
 % Com Wal % Sprinkled

DEPRECIATION

Phys Cond: AG - Avg-Good 30.0%
 Functional: %
 Economic: %
 Special: %
 Override: %
 Total: 30.4%

CALC SUMMARY

Basic \$ / SQ: 105.00
 Size Adj: 1.25000000
 Const Adj: 0.99313200
 Adj \$ / SQ: 130.349
 Other Features: 5300
 Grade Factor: 1.00
 NBHD Inf: 1.00000000
 NBHD Mod:
 LUC Factor: 1.00
 Adj Total: 261667
 Depreciation: 79547
 Depreciated Total: 182120

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ: AvRate: Ind.Val				
Juris. Factor:		Before Depr:		130.35
Special Features: 1200		Val/Su Net:		43.43
Final Total: 183300		Val/Su SzAd		152.75

SUB AREA

Code	Description	Area - SQ	Rate - AV	Un depr Value	
BMT	BASEMENT	1,216	31.940	38,841	
FFL	FIRST FLOOR	1,200	130.350	156,418	
STG	STORAGE	745	39.100	29,133	
GAR	GARAGE	484	35.720	17,288	
WDK	WOOD DECK	480	13.030	6,255	
EFP	ENC PORCH	96	87.820	8,431	
Net Sketched Area:		4,221	Total:	256,366	
Size Ad	1200	Gross Area	4221	FinArea	1200

SUB AREA DETAIL

Sub Area	% Usbl	Descrp	% Type	Qu #	Te
BMT	100	RRM	85	AG	

MOBILE HOME

Make: Model: Serial # Year: Color:

SPEC FEATURES/YARD ITEMS

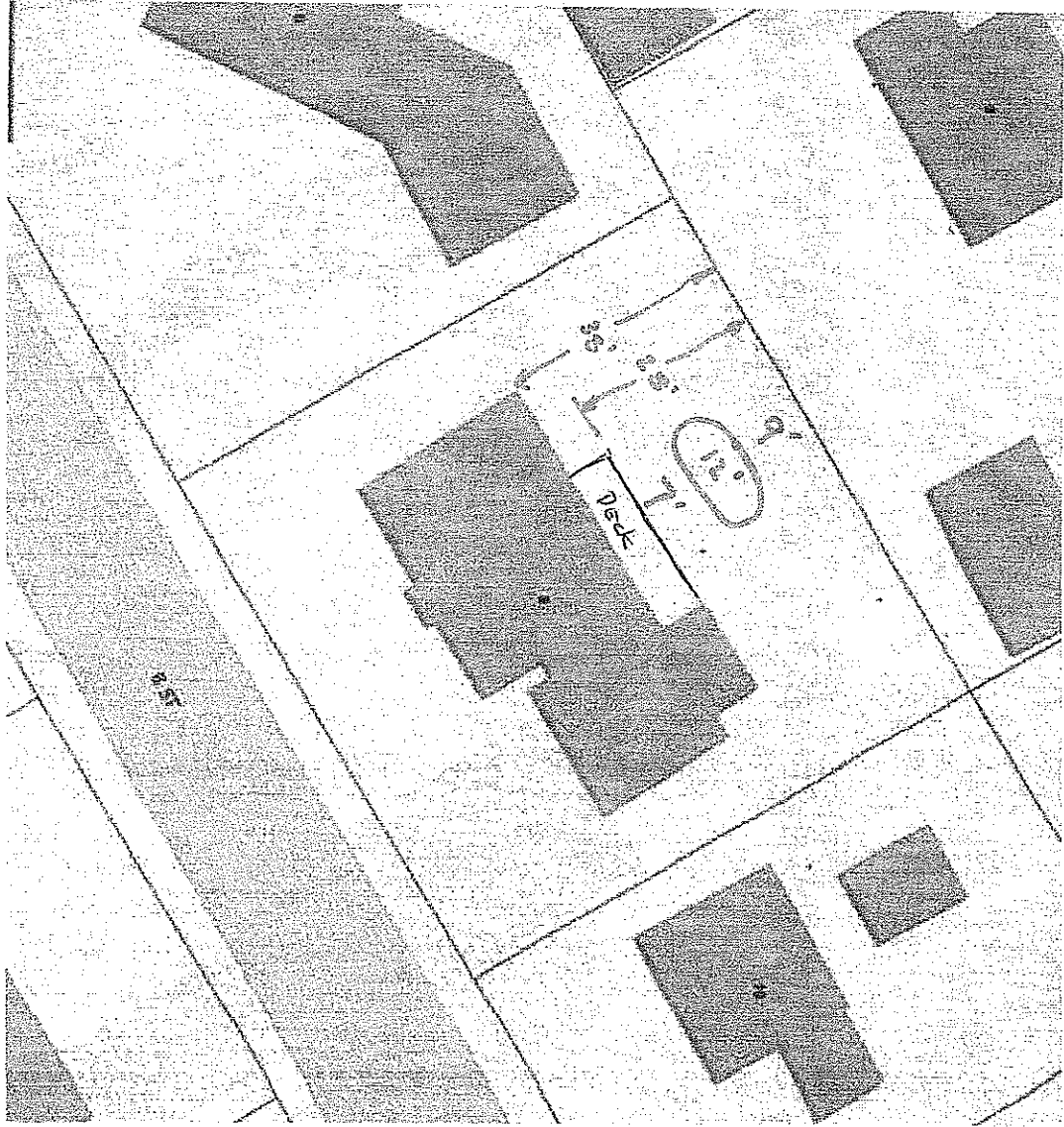
Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
03	SHED-PLASTIC	D	Y	16x5	AV	AV	1967	0.00	T	40	101						
96	HOT TUB	D	S	14	AV	AV	1967	500.00	T	40	101			1,200			1,200

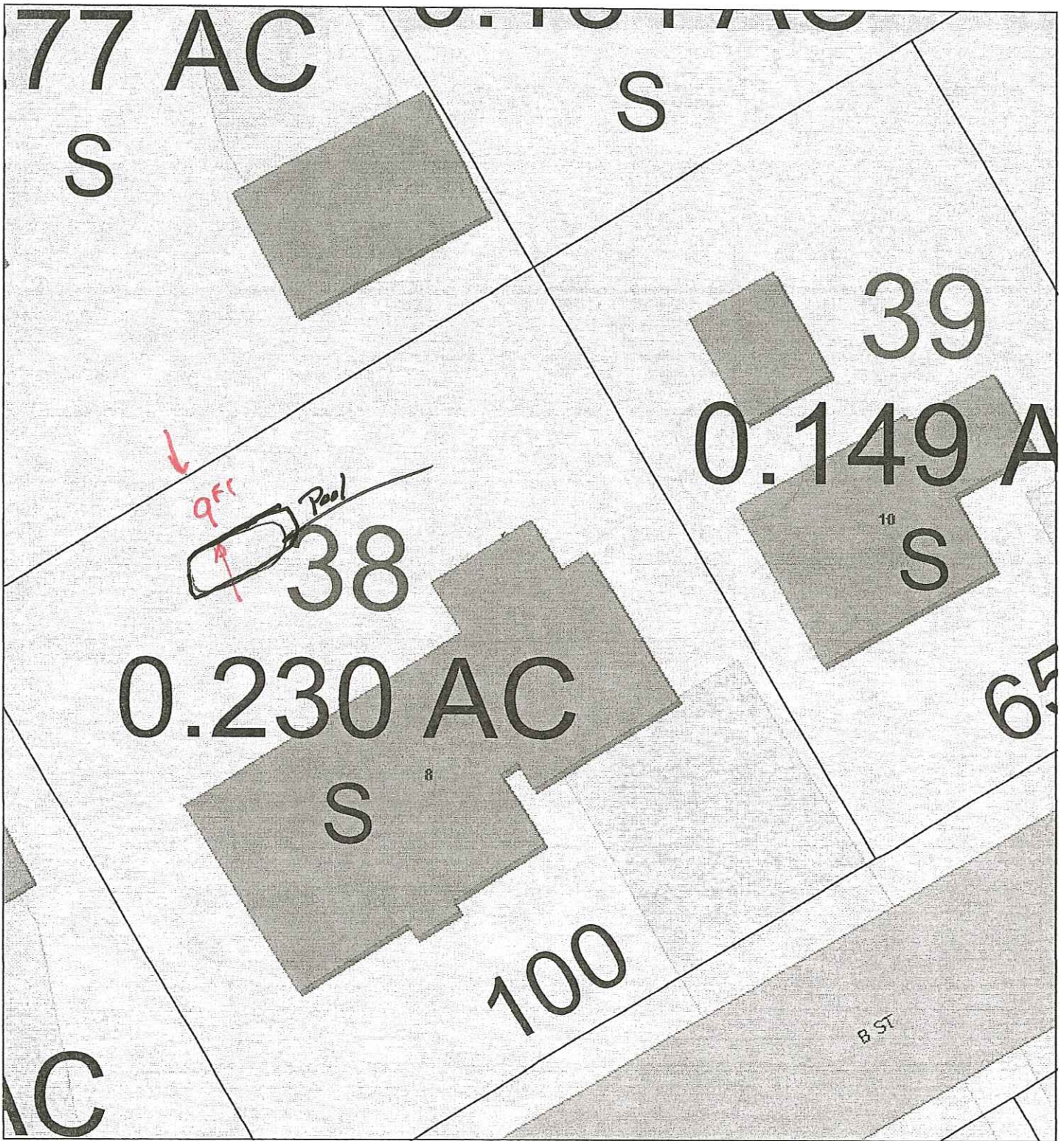
More: N Total Yard Items: Total Special Features: 1,200 Total: 1,200

IMAGE

AssessPro Patriot Properties, Inc





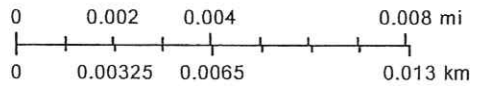


August 27, 2019

1:248

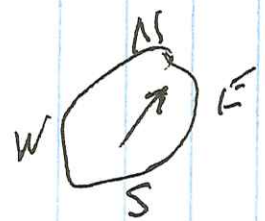
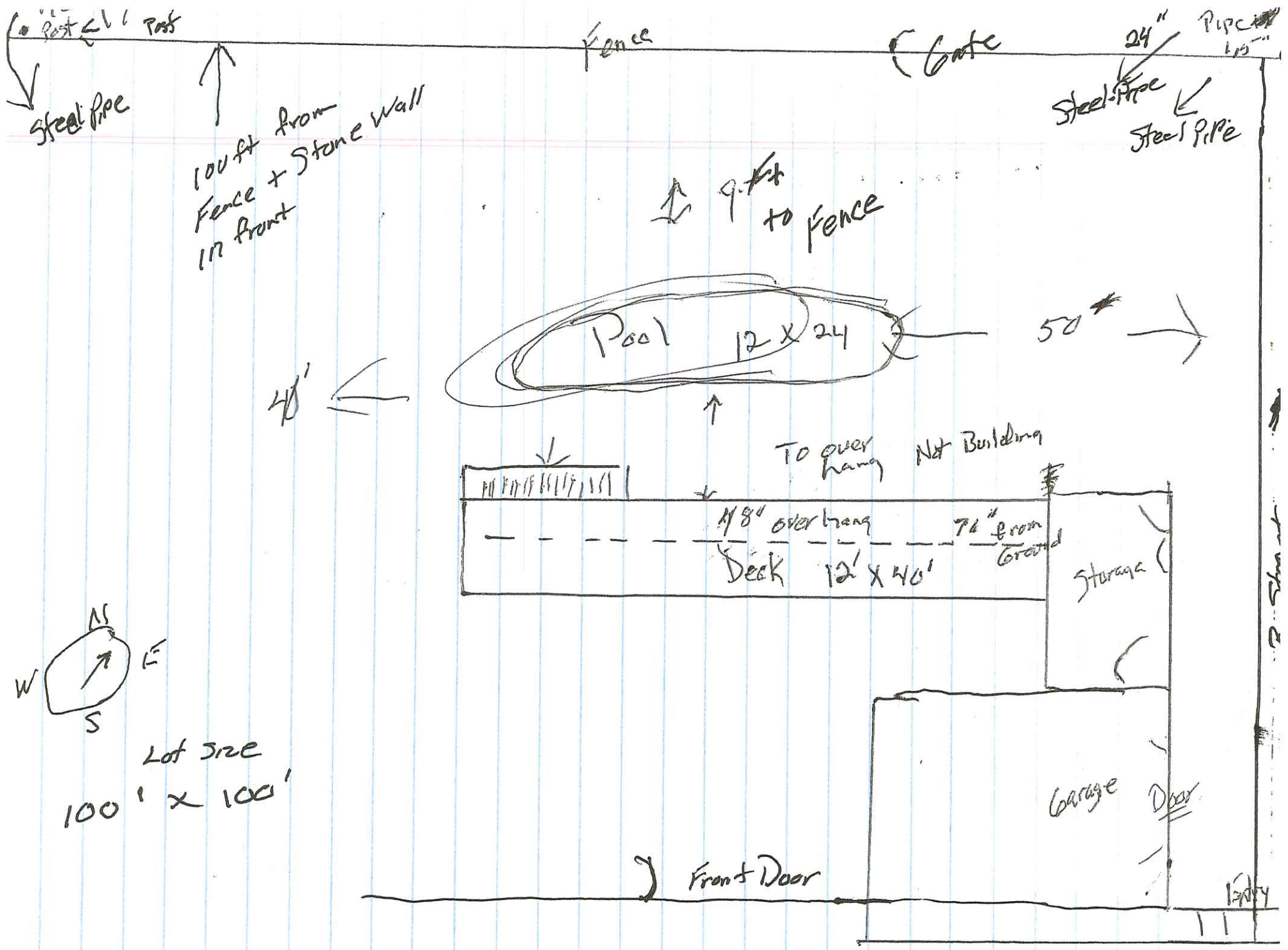
Legend

 Parcels



42





Lot size
 100' x 100'

Printed
9/04/2019
12:28PM
Created
9/04/2019
12:24 PM

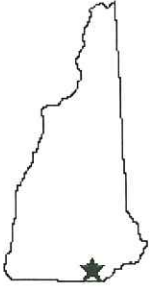
Transaction Receipt

Town of Hudson, NH
12 School Street
Hudson, NH 03051-4249

Receipt# 566,170
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning-Variance Application 8 B Street Map/Lot 198-038-000 TR-Zone Variance Application	0.00	178.0000	0.00
			Total:	178.00

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Bartending Services By Mr. Carol, Inc.	CHECK	CHK# 7414	178.00	0.00	178.00
			Total Due:		178.00
			Total Tendered:		178.00
			Total Change:		0.00
			Net Paid:		178.00



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: September 26, 2019 3Bq-16-19

Case 222-039 (9-26-19): Margaret McQueeney, 3 Colson Rd., Hudson, NH requests a Variance to allow a second separate driveway for an existing Accessory Dwelling Unit. [Map 222, Lot 039-000; Zoned Residence-Two (R-2); HZO Article XIII A Accessory Dwelling Units, §334-73.3G, Provisions].

Address: 3 Colson Rd

Zoning district: Residential Two (R-2)

Summary:

Applicant requests a Variance – to maintain an existing 2nd driveway (approved by Planning Board temporarily) to existing ADU approved by ZBA. Note: R-2 zone allows two family/duplex (with separate driveways).

Property description:

This is an existing conforming (developed) lot of record: Having 1.068 Acre = 46,522 sqft, where 43,560 sqft is required for single family, (60,000 sqft for 2 family) and frontage of 150 ft where 120 ft is required.

HISTORY:

Assessing: Listed as a Single Family residence with ALU.

ZBA: Notice of approval for ALU January 27, 2000.

3/25/10 granted Home Occupation Special Exception for child care.

Planning Board: 11/28/2001 granted waiver for temp 2nd driveway to expire in 4 yrs from recording @ HCRD = 1/3/06.

02/08/2006 granted extension of temp 2nd driveway till 02/10/2010.

Building Permits: # 0302-01 dated Nov 15, 2000 to construct SFR w/ in-law apt.

#2019-00021 remodel kitchen, bathroom in exist ALU.

Septic system approval 5/6/19 for 3 bedroom house w/ 2 bedroom ALU.

Attachments:

“A” Assessing record.

“B” Jan 27, 2000 ZBA meeting minutes and Notice of Approval for ALU.

“C” Building permit #0302-01 for SFR w/ in-law apt issued Nov 15, 2000.

“D” Jan 4, 2001 memo from Town Engr about temp driveways.

“E” Sept 13, 2001 letter to owner about 2 driveways.

“F” Nov 13, 2001 memo from Planner to CD Director.

“G” Nov 28, 2001 Planning board minutes.

“H” HCRD recorded Jan 3, 2002 for temporary 2nd driveway agreement.

“I” Feb 8, 2006 Planning Board Mtg minutes and Notice of Decision to extend 2nd “temporary” driveway for ALU until Feb 10, 2010.

“J” June 17, 2009 letter to Owners about ALU requirements.

“K” March 25, 2010 ZBA approval for Home Occupation S.E. - childcare.

“L” January 09, 2019 B.P. to remodel existing ALU.

“M” May 6, 2019 State of NH septic approval.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	107 - ALU	280,600	0	104,900	1.07	0.00	385,500
2018	107 - ALU	255,200	0	104,900	1.07	0.00	360,100
2018	107 - ALU	255,200	0	104,900	1.07	0.00	360,100
2017	107 - ALU	255,200	0	104,900	1.07	0.00	360,100
2017	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2017	107 - ALU	255,200	0	104,900	1.07	0.00	360,100
2016	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2016	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2015	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2015	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2014	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2014	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2013	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2013	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2012	107 - ALU	232,800	0	100,300	1.07	0.00	333,100
2012	107 - ALU	240,800	0	133,500	1.07	0.00	374,300
2011	107 - ALU	240,800	0	133,500	1.07	0.00	374,300
2011	107 - ALU	240,800	0	133,500	1.07	0.00	374,300
2010	107 - ALU	241,700	0	133,500	1.07	0.00	375,200
2010	107 - ALU	241,700	0	133,500	1.07	0.00	375,200
2009	107 - ALU	241,700	0	133,500	1.07	0.00	375,200
2008	107 - ALU	241,700	0	133,500	1.07	0.00	375,200
2008	107 - ALU	241,700	0	133,500	1.07	0.00	375,200
2007	107 - ALU	241,700	0	133,500	1.07	0.00	375,200
2007	107 - ALU	241,600	0	115,900	1.07	0.00	357,500
2006	107 - ALU	241,600	0	115,900	1.07	0.00	357,500
2006	107 - ALU	241,600	0	115,600	1.01	0.00	357,200
2005	107 - ALU	241,600	0	115,600	1.01	0.00	357,200
2005	107 - ALU	241,600	0	115,600	1.01	0.00	357,200
2004	107 - ALU	241,600	0	115,600	1.01	0.00	357,200
2004	107 - ALU	206,800	0	88,100	1.01	0.00	294,900
2003	101 - ONE FAMILY	206,800	0	88,100	1.01	0.00	294,900
2003	101 - ONE FAMILY	206,800	0	88,100	1.01	0.00	294,900
2002	101 - ONE FAMILY	220,000	0	88,100	1.01	0.00	308,100
2002	101 - ONE FAMILY	220,000	0	88,100	1.01	0.00	308,100
2001	101 - ONE FAMILY	69,500	0	52,900		0.00	122,400
2000	101 - ONE FAMILY	0	0	52,900	0.71	0.00	52,900
1999	101 - ONE FAMILY	0	0	48,100	0.71	0.00	48,100

A

Chairman Seabury reported that, there having been five votes to grant, the motion had carried unanimously. He then stated that written notification to that effect would be mailed to the applicant from the Zoning Administrator's office within the next seven to ten days.

- C. Case 10-41 (01/27/2000) Wendy Bagley, of Hamblett Avenue, Apt. #20, Nashua NH, requests a Special Exception for the construction of an Accessory Living Unit when the single family dwelling is constructed at 3 Colson Road. [Map 10, Lot 41; Zoned R-2; HZO Article XIII A, Section 334-73.3.]

Zoning Administrator Snide stated that the applicant was building a home and was requesting permission to construct an accessory living unit for the benefit of her mother.

Atty. Robert M. Shepard, representing the applicant, read aloud from the Application for an Accessory Living Unit, which detailed the specifics as to the applicant's claim of conformance to the ordinance.

Atty. Shepard stated that he wished the Board members to understand that not only was Ms. Bagley's mother going to live in the ALU, but the son and daughter would be living there, as well.

Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in favor of this application.

Mr. Henry Wristen, 15 Wason Road, said that he was in favor of this request.

Mr. Gerard Rozett, 6 Colson Road, spoke in favor of the request.

No one else coming forward, Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in opposition to this application. No one coming forward, he declared the matter before the Board.

Chairman Seabury asked if any of the Board members had any questions. Mr. Fauvel referenced Paragraph 4, noting that the building appeared to have two front entries; he stated that this made it look more like a duplex rather than a single family. Atty. Shepard stated that many homes had dual front entrances. Mr. Fauvel pointed out that the intent of this ordinance was to have ALUs appear like single-family homes. Mr. Fauvel then expressed a belief that Atty. Shepard's client undoubtedly would have no objection to relocating the door to another location.

Mr. Fauvel noted that the driveway was proposed to be widened for accommodations of cars, and he asked for a description to be given as to what this meant, adding that he was asking for a plot plan. Atty. Shepard said that they did not have a plot plan. He then showed a

"B,"

non-approved septic plan to Mr. Fauvel, which showed the general location of the house and the proposed septic system. When Mr. Fauvel identified the relevant setback requirements, however, Atty. Shepard stated that he did not know, after this information, if they had room or not. Considerable discussion evolved on the capability of parking cars on the site, and the location and width of driveway.

Mr. Brackett stated that when this ordinance was written, it was quite clear that two separate entrances in the front of the building would not be allowed, because of the appearance being given that it was a duplex. He said that he did not know how the other voting members felt, but in his mind that other entry had to be eliminated. He explained to the applicants that the issue and concern was that, if this home were to be sold in the future, it could be sold as a duplex.

Mr. Brackett made a motion to grant the ALU request, subject to the stipulations (1) that the front door which appeared on the plan for the ALU be removed and (2) that access be either on the side or at the rear as stipulated in the ALU ordinance. He added that the plans that were presented this evening would be on file in the office should be changed to have the front door removed, allowing the Building Inspector to be aware of this stipulation when making his final inspection. Mr. Pacocha seconded the motion.

Speaking on his motion, Mr. Brackett said that this plan showed the exterior as being a family room over the garage. By removing one of the front doors, he said, there could be no mistake in the future by future owners about turning this into a rental property. He said that the presentation given was that this unit would be used by family members, adding that this was the purpose for which the ordinance was created.

Mr. Pacocha spoke on his second, stating that, with the stipulation that was added, all the requirements in the ordinance had been met.

VOTE: Chairman Seabury asked the Clerk to poll the Board on the motion and to record the members' votes, which were as follows:

Charles Brackett	To grant
James Pacocha	To grant
Leo Fauvel	To grant
Frank Carr	To grant
Brad Seabury	To grant

Chairman Seabury reported that, there having been five votes to grant, the motion had carried. He then stated that written notification to that effect would be mailed to the applicant from the Zoning Administrator's office within the next seven to ten days.

"B₂"

NOTICE OF APPROVAL

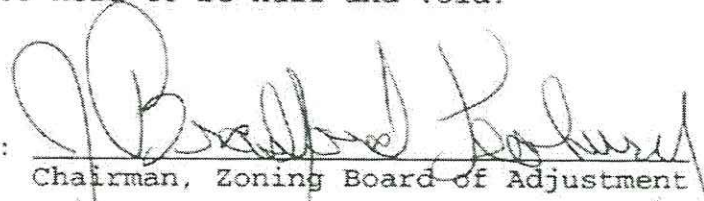
On January 27, 2000, the Hudson Zoning Board of Adjustment heard case 10-41 (01/27/2000), pertaining to a request by Wendy Bagley, of Hamblett Avenue, Apt. #20, Nashua NH, for the construction of an Accessory Living Unit when the single family dwelling is constructed at 3 Colson Road. [Map 10, Lot 41; Zoned R-2; HZO Article XIII A, Section 334-73.3.1]

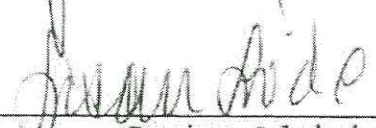
A majority of the members sitting on the Zoning Board of Adjustment for this hearing voted to grant the request, finding that it satisfied all requirements.

For specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

All representations of fact or intention made by the applicant or any applicant's representative during testimony before the Zoning Board of Adjustment relative to the obtaining of this special exception shall be considered conditions of that special exception, regardless of the fact that such facts or intentions were not specifically stated as part of the motion to grant.

In the event that the requested use subsequently is found by the Hudson Zoning Administrator to demonstrate deliberate or preventable lack of compliance with any applicable stipulation or restriction, including the verbally specified restrictions described in the preceding paragraph, such use shall be held to be in violation of the covenant made with this Board, and the approval shall be held to be null and void.

Signed:  Date: 02-06-00
 Chairman, Zoning Board of Adjustment

Signed:  Date: 2/2/2000
 Zoning Administrator

BK 6254 PG 0700

"B₃"

BUILDING PERMIT

AMOUNT PAID

MAP 10, LOT 41

VALIDATION

DATE NOVEMBER 15, 2000 PERMIT NO. 0302-01
APPLICANT GRONDIN POOLE ASSOC., LLC ADDRESS 38 BUSH HILL ROAD (STREET) (NO.) (CONTR'S LICENSE)

PERMIT TO CONSTRUCT RESIDENCE (TYPE OF IMPROVEMENT) 2 (NO.) STORY SINGLE FAMILY RESIDENCE (PROPOSED USE) NUMBER OF DWELLING UNITS 1

AT (LOCATION) 3 COLSON ROAD (NO.) (STREET) ZONING DISTRICT _____
BETWEEN _____ (GROSS STREET) AND _____ (GROSS STREET)

SUBDIVISION _____ LOT 41 BLOCK 10 LOT SIZE _____

BUILDING IS TO BE _____ FT. WIDE BY _____ FT. LONG BY _____ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION _____ (TYPE)

REMARKS: CONSTRUCT 2-STORY, 5-BEDROOM SINGLE FAMILY RESIDENCE W/IN-LAW APARTMENT. ALL CONSTRUCTION TO BE DONE TO HUDSON TOWN CODES.

AREA OR VOLUME _____ (CUBIC/SQUARE FEET) ESTIMATED COST \$ 165,000.00 PERMIT FEE \$ 25.00

OWNER WENDY COLSON BY [Signature]
ADDRESS 3 HAMBLETT DRIVE, APT. 20, NASHUA, NH 03060

(Affidavit on reverse side of application to be completed by authorized agent of owner)



TOWN OF HUDSON — Building/Zoning

RECEIVED
SEP 07 2000

APPLICATION FOR
PLAN EXAMINATION AND
BUILDING PERMIT
886-6005

*to submit setback sketch
septic approval submitted*

TOWN OF HUDSON

IMPORTANT — Applicant to complete all items in sections I, II, III, IV, and IX.

I. LOCATION OF BUILDING

AT (LOCATION) LOT # 41 Colson Road #3 ZONING DISTRICT _____

BETWEEN Wason Road AND Holly Lane

SUBDIVISION _____ MAP 10 LOT 41 LOT SIZE 50,179 SF

II. TYPE AND COST OF BUILDING — All applicants complete Parts A-D

A. TYPE OF IMPROVEMENT

1 New Building

2 Addition (If residential, enter number of Bdrm/Baths added. If any, in Sec. III, Part L.)

3 Alteration (See 2 above)

4 Repair, replacement

5 Wrecking (If multi-family residential, enter number of units in building in Part D, 13)

6 Moving (relocation)

7 Foundation only

B. OWNERSHIP

8 Private (individual, corporation, nonprofit institution, etc.)

9 Public (Federal, State, or local government)

D. PROPOSED USE - (For "Wrecking" most recent use)

Residential

12 One family w/1 window apt.

13 Two family

14 Transient hotel, motel, or cormitory - Enter number of units _____

15 Garage

16 Carport

17 Multi-Family - Townhouse, Apartment, etc (enter number of residential units) _____

18 Other - Specify (shed, pool, fireplace) _____

Non-Residential

18 Amusement, recreational

19 Church, other religious

20 Industrial

21 Parking garage

22 Service station, repair garage

23 Hospital, institutional

24 Office, bank, professional

25 Public utility

26 School, library, other educational

27 Stores, merchantile

28 Tanks, towers

29 Other - Specify _____

C. COST

(Omit cents)

10 Cost of improvement _____ \$

a. Electrical

b. Plumbing

c. Heating, air conditioning _____

d. Other (elevator, etc.) _____

11. TOTAL COST OF IMPROVEMENT \$ 165,000

Nonresidential - Describe in detail proposed use of buildings, e.g., food processing, machine shop, laundry building, schools, college, parking garage, rental office building, industrial plant.
If use of existing building is being changed, enter proposed use.

No garage at this time

basement unfinished, 13x12 sundeck,

12x12 sundeck

2 1/2 x 3/4 in-law apt attached, 2 bedrooms,

kitchen, 1 bathroom, living room + dining room

III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete Parts E-L; for wrecking, complete only Part J, for all others skip to IV.

E. PRINCIPAL TYPE OF FRAME

30 Masonry (wall bearing)

31 Wood Frame

32 Structural steel

33 Reinforced concrete

34 Other - Specify _____

F. PRINCIPAL TYPE OF HEATING FUEL

35 Gas 35a Undergrnd

36 Oil 36b Tank

37 Electricity

48 Coal

49 Other - Specify _____

G. TYPE OF SEWAGE DISPOSAL

40 Town or private company

41 Private (septic tank, etc.) (#40 requires town permit)

H. TYPE OF WATER SUPPLY

42 Public or private company

43 Private (well, cistern)

I. TYPE OF MECHANICAL

Will there be central air conditioning?

44 Yes 45 No

Will there be an elevator?

46 Yes 47 No

J. DIMENSIONS

48. Number of stories 2

49. Total square feet of floor area all floors, based on exterior dimensions 2,592

50. Total land area, sq. ft. _____

K. NUMBER OF OFF-STREET PARKING SPACES

51. Enclosed 0

52. Outdoors 3

L. RESIDENTIAL BUILDINGS ONLY

53. Total Bedroom Capacity 5

54. Number of bathrooms 2

MAP STREET 101

Handwritten mark: a circle with '2' inside.



TOWN OF HUDSON

PACKET 1124101

12 School Street

Hudson, New Hampshire 03051

603/886-6005



MEMORANDUM

TO: Steve Griffin
Planning Board Interim

FROM: Michael Gospodarek *mk*
Town Engineer

DATE: January 4, 2001

RE: Temporary Driveways

I am in receipt of your memorandum dated December 22, 2000 to the Planning Board (enclosed), I am a bit confused since I did not forward any temporary driveways nor have I had a request for one. In any event I have the following comments to this issue:

- A temporary driveway is one, which lasts for a short time. I have been administering these types of driveways for quite some time now. An example of one would be a building of a new house behind the existing house that would be eventually demolished. The parcel would have 2 driveways only during the construction period and once completed, one driveway would be removed. I charge a driveway fee for this permit.
- Who is requesting a temporary driveway and why?
- Under item 2 within the permit it discusses the driveway shall be removed upon 30 days notice by the Planning Board etc. First does this mean that the driveway will remain active until the Planning Board notice, if so, I suggest this is a permanent driveway and falls under the current regulations. Second, if they chose not to remove it what enforcement action will take place, fining, court, demolition by Public Works or a hired contractor.

"D."

Steve Griffin
Temporary Driveways
January 4, 2001
Page 2

These enforcement actions require the appropriate line items to cover the expenses of legal or hiring of a contractor and will place an additional burden on Town staff.

- From a practical view second driveways are very difficult to enforce. Any Board member can probably drive around their neighborhood and find at least one parcel of land utilizing a part of their frontage routinely for something and they probably do not have a permit. Any parcel with a flat enough un-obstructed front yard can create a second driveway at a moment's notice. You can deny them the second driveway but short of actually obstructing them from entering that area they will be able to use it. You also can spend lawyer fees and fine them but who will really win this battle if in the end the owner can still drive into his front lawn.
- If the Town reconstructs a roadway while the temporary permit is in effect does that mean the Town may be liable to restore this driveway during construction.
- Is their going to be a time limit for the temporary driveway permit.

Enclosure

pc: Kevin Burns, Road Agent
Paul Sharon, Town Administrator

"D₂"



TOWN OF HUDSON

PACKET 10/10/01

12 School Street

Hudson, New Hampshire 03051

603/886-6005



Ms. Wendy Bogley
3 Colson Road
Hudson, NH 03051

September 13, 2001

Re: Two Driveways, 3 Colson Road

Dear Ms. Bogley:

Please be advised that the structure located at 3 Colson Road is currently occupied without an Occupancy Permit having been issued by the Town of Hudson. Be advised that an Occupancy Permit is required prior to people moving in to the structure. You are required to obtain an Occupancy Permit from the Town of Hudson Building Inspector.

Additionally a site inspection on September 11, 2001 revealed that two driveways are evident at 3 Colson Road where only one driveway is allowed. Chapter 193-10.G of the Hudson Town Code provides in part that only one driveway per parcel is allowed. Therefore you are directed to remedy this situation within seven (7) days of receipt of this letter. Failure to do so will result in a civil complaint being filed in Nashua District Court which will seek a \$275.00 fine for each day in which the violation(s) exist.

It is strongly recommended that you contact the Community Development Department to schedule a meeting at which time we can advise you what needs to be completed at 3 Colson Road.

Sincerely,

Town of Hudson

Sean T. Sullivan
Director of Community Development

PC: William A. Oleksak, Building Inspector/Health Officer
Attorney Stephen Buckley

"E"

TOWN OF HUDSON INTEROFFICE MEMORANDUM

TO: SEAN SULLIVAN
FROM: KATHY MCKENNA, TOWN PLANNER *pm*
SUBJECT: SECOND DRIVEWAY WAIVER REQUEST / 3 COLSON
DATE: 11/13/01
CC:

A second driveway waiver for 3 Colson Road is currently before the Planning Board. [To refresh your memory: The owners have an accessory living unit for their mother; are living there without a C.O.; mother is very ill and needs her own access; driveway is hard-pack.]

The Planning Board deferred this item so that it could be handled in a similar fashion to a request at 15 Pelham Road. In the case of Pelham Road the Board authorized a temporary second driveway for 3 years with a written agreement to be prepared by Town staff and recorded.

From the files it appears that a draft temporary driveway permit was prepared and the language reviewed by Mike Gospodarek. No further action was taken.

Please advise me and the Planning Board of an acceptable temporary driveway agreement that could be recorded and that would put the burden of removal on the resident and not the Town. (The resident in this case says a removal bond would be a financial hardship.)

This item is scheduled for the November 28th meeting.

Thank you.

attachments

"F"

DRAFT

Planning Board Minutes/Decisions
November 28, 2001
Page 6

S. Quinlan discussed voting against because there is no reliable way to track temporary driveway. R. Charbonneau discussed voting against 2nd unit because it has a full kitchen therefore applicant doesn't need assisted living.

Vote: 4-2 (R. Charbonneau, S. Quinlan opposed). Motion carried.

R. Maddox moved to send Zoning Administrator to investigate second temporary driveway at 15 Pelham Road and start civil proceedings if not in compliance. Seconded by J. Barnes. All in favor. Motion carried.

VII. NEW BUSINESS/PUBLIC HEARINGS

- A. Hudson Wholesale (Amended) 6 Stuart Street
SP# 21-01 Map 8/Lot 61

Purpose of plan: To replace the existing paved area for vehicle storage with a 36' x 40' covered storage building. Application Acceptance & Hearing.

Applicant requested application be withdrawn. No action taken by Board.

- B. Verizon Wireless Trigate Road
SP# 23-01 Map 12/Lot 36

Purpose of plan: Addition of antennas on existing wireless communications structure. Application Acceptance & Hearing.

Discussion re: lack of signature of the landowner makes the plan, per staff's opinion, premature for application acceptance. Deadline for appeal of zoning determination that site plan review is necessary would be up today. Applicant's authorized representative believes deadline is up tomorrow.

R. Maddox moved to defer this item date specific to the 12-12-01 Planning Board Meeting to determine if appeal to ZBA has been filed.

Seconded by S. Quinlan. Vote: 6-0-1 (D. White abstained)

"G2"

RECEIVED AND RECORDED
 HILLSBOROUGH COUNTY REGISTRY OF DEEDS
Judith A. MacDonald
 JUDITH A. MACDONALD, CPO, REGISTRAR

14.34
 2
 —

546 Hudson PB

TEMPORARY SECOND DRIVEWAY PERMIT AGREEMENT

This agreement is entered into between Wendy and James Willard (Applicant/Property Owner) of 3 Colson Road, Hudson, New Hampshire and the Town of Hudson at 12 School Street, Hudson, New Hampshire. It represents the understanding of the parties regarding the issuance of a Temporary Second Driveway Permit for property located at 3 Colson Road, Hudson, New Hampshire pursuant to the conditions below.

WHEREAS, the Planning Board of the Town of Hudson is authorized to regulate and permit driveways on Town Roads per Hudson Code Section 193, Town of Hudson Driveway and Other Access Regulation;

WHEREAS, Wendy and James Willard have completed and submitted a Driveway Waiver Request for property located at 3 Colson Road in Hudson, New Hampshire, also identified as Tax Assessor's Map 10 Lot 41.

WHEREAS, the Applicant / Property Owner is seeking a temporary second driveway due to conditions unique to a personal temporary condition stated in correspondence from Alana Bagley dated September 18, 2001.

WHEREAS the Applicant / Property Owner has provided the Planning Board with sufficient plans and drawings to identify the location and design of the temporary second driveway, on file at the Community Development Department; The temporary second driveway shall be located to the east of the existing driveway to allow access from Colson Road to the in-law apartment on the east side of the residence.

NOW THEREFORE, the Hudson Planning Board grants a temporary permit with the following conditions:

1. This permit is effective only upon execution and recording at the Hillsborough County Registry of Deeds.
2. The Temporary Second Driveway Permit is issued for a period of 4 years from the date of recording. The Permit is issued to the Applicant / Property Owner named above for the property named above and is non-

"H"

transferable.

3. The temporary second driveway shall have a temporary surface of hard pack.
4. Applicant / Property Owner shall, by the date of expiration of this permit remove the temporary second driveway and restore the public right-of-way to its appropriate condition to the Community Development Department's satisfaction and be fully financially responsible for such.
5. Failure of Applicant / Property Owner to timely and adequately remove the temporary second driveway by the date of expiration of this permit and comply with the terms of this permit will result in a civil complaint being filed in Nashua District Court which will seek a \$275 per day fine for each day the applicant is in violation of this agreement and legal fees.
6. By signature the Applicant / Property Owner acknowledges that this permit provides no continuing driveway rights to the property and that this permit may be withdrawn without cause by the Planning Board.
7. Applicant / Property Owner agrees to pay all legal fees associate with the enforcement of the Town's rights under this agreement.

Execution of this agreement authorized by majority vote of the Hudson Planning Board on November 28, 2001.

Wendy Willard
Applicant / Land Owner - Wendy Willard

[Signature]
Witness

George R. Hall, Jr.
Planning Board Chairman
George R. Hall, Jr.

[Signature]
Witness

1/3/02
Date

"H2"

VII. OLD BUSINESS

A. Extension Request for ALU Second Driveway

Jim Willard
3 Colson Road – Map 222/Lot 39

R. Maddox moved to defer until later in the evening, should applicant appear. Seconded by J. Rider. Vote: 5-2 (SQ, MM) Motion carried.

R. Maddox moved to extend temporary driveway permit until 02-10-10. The existing "Temporary Second Driveway Permit Agreement" shall be revised to reflect this extension and subsequently recorded at the HCRD.

Seconded by J. Rider. Vote: 5-1 (GH)-1 (SQ). Motion carried.

B. Hudson House of Pizza
SP# 11-05

Map 198/Lot 020
Lowell & County Roads

Purpose of Plan: To convert the existing residence into a 39-seat restaurant and the existing garage into a retail ice cream stand along with a new 15 space parking lot. Hearing. Deferred Date Specific from the 01-11-06 Planning Board Meeting.

Discussion regarding parking spaces, garage to be designated as storage by note on plan, second floor to be designated as storage, handicap ramp to be shown on plan, fence between site and abutter.

R. Maddox moved to grant waiver of 100' buffer between business use and residential property line.

- 1) because abutter is in business zone
- 2) applicant will put 6 ft. fence on a 10 ft. wide x 3 ft. high earthen berm with plantings along residential property line.

M. McGrath seconded for discussion. R. Maddox withdrew motion.

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VIII. OLD BUSINESS

A. Jim Willard

Map 222/Lot 39
3 Colson Road

Purpose of Plan: Extension Request for ALU Second Driveway.

Chairman Barnes read aloud the published notice, as repeated above.

Mr. Cashell said he thought the applicant was in the audience. Chairman Barnes addressed the audience to solicit a response from the applicant, but there was no response. Chairman Barnes then expressed a belief that the applicant was not in attendance.

Mr. J. Bradford Seabury, Chairman of the Zoning Board of Adjustment, speaking as a member of the public, stated that he was concerned about the request, because it was his understanding that an ALU was not allowed to have a second driveway based on a recent addition to a Town ordinance restricting ALUs from having second driveways. Chairman Barnes explained that this request had been approved more than four years ago and had a definite expiration date.

Selectman Maddox moved to defer this item until later in the evening, in case the applicant should appear. Mr. Rider seconded the motion.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members present voted in favor, except for Ms. Quinlan and Ms. McGrath, who voted in opposition, and Chairman Barnes declared the motion to have carried (5-2).

B. Hudson House of Pizza
SP# 11-05

Map 198/Lot 020
Lowell & County Roads

Purpose of Plan: To convert the existing residence into a 39-seat restaurant and the existing garage into a retail ice cream stand, along with a new 15 space parking lot. Hearing. Deferred Date Specific from the January 11, 2006, Planning Board Meeting.

Chairman Barnes read aloud the published notice, as repeated above. Chairman Barnes asked Mr. Cashell if the plan had been modified to remove the ice cream stand from the plan. Mr. Cashell answered in the affirmative.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, posted a copy of the plan, dated November 4, 2005, last revised January 30, 2005, on the meeting room wall. Mr. Maynard noted that the revision date of January 30, 2005, on the plans was incorrect and would be corrected to read January 30, 2006.

-- FILE COPY --

VOTE: Chairman Barnes called for a hand vote on the motion. All members present voted in favor except for Mr. Russo, Mr. Rider, Selectman Maddox, and Mr. Barnes, who voted in opposition, and Chairman Barnes declared the motion to have failed (3-4).

Ms. McGrath moved to defer the public hearing on the Hudson House of Pizza, date specific, to the March 8, 2006, meeting. Ms. Quinlan seconded the motion.

Selectman Maddox asked Mr. Maynard to take a look at moving the driveway 70 to 80 feet to the south. Mr. Maynard said the most that it could be moved would be 50 feet to the south. Mr. Hall said he could not see what good that would do. Selectman Maddox said it would provide more room for stacking at Birch Street.

VOTE: Chairman Barnes called for a verbal vote on the motion. All members present voted in favor, and Chairman Barnes declared the motion to have carried (7-0).

Chairman Barnes declared a break at 8:57 p.m., calling the meeting back to order at 9:10 p.m.

A. Jim Willard (Continued)

**Map 222/Lot 39
3 Colson Road**

Purpose of Plan: Extension Request for ALU Second Driveway.

Chairman Barnes read aloud the published notice, as repeated above.

Having arrived at the meeting, Mr. Jim Willard, 3 Colson Road, said he was told that he had to ask for an extension for a second driveway after four years, so that was why he was at the meeting. He said he was still living at 3 Colson Road, as was his mother. He asked the Board for a second driveway extension for as long as his mother was living at 3 Colson Road, noting that he had not paved the driveway and had no intention to pave the driveway.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward, he asked if there were any questions or comments from members of the Board.

Mr. Russo asked Mr. Willard if he would mind coming back in four years to ask for another extension if the second driveway were still needed. Mr. Willard said that would not be a problem.

Selectman Maddox moved to grant the extension for a temporary driveway permit until February 10, 2010 with the provision that the existing "Temporary Second Driveway Permit Agreement" shall be revised to reflect this extension and subsequently shall be recorded at the HCRD.

Mr. Rider seconded the motion.

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-- FILE COPY --

VOTE: Chairman Barnes called for a verbal vote on the motion. All members present voted in favor except for Ms. Quinlan who voted in opposition, and Mr. Hall who abstained, and Chairman Barnes declared the motion to have carried (5-1-1).

C. Julia Grauslys Subdivision
SB# 16-05

Map 106/Lots 44 & 45
Boyd Road

Purpose of Plan: To consolidate and subdivide existing Lots 44 & 45 into six lots.

Chairman Barnes read aloud the published notice, as repeated above.

Mr. Cashell said he had the site distance easements for the plan but they would have to be favorably reviewed by Atty. Buckley prior to the endorsement of the plan.

Ms. Cynthia Boisvert, of Cuoco & Cormier Engineering Associates, representing the applicant, posted Sheets C1, **Consolidation and Subdivision Plan**, and Sheet C3, **Proposed Development Plan**, of the plan, last revised on January 26, 2006, and Sheet C2, **Existing Conditions Plan**, with no changes, on the meeting room wall. She said the revisions were that the driveway was now shown on the plan for Lot 44, and the subdivision approval from the State of NH was shown on the plan as Note 17.

Ms. McGrath asked Mr. Cashell if he had a signed copy of the plan. Mr. Cashell answered in the affirmative.

Mr. Hall asked which sheets would be recorded. Mr. Cashell said C1 would be recorded. Mr. Hall said the easements would have to be shown on Sheet C1. Ms. Boisvert said they were shown on C1. Ms. Boisvert read the deed verbiage relating to the easement. Mr. Hall asked if Ms. Boisvert had done the same thing for Lot 44-2. Ms. Boisvert said she did not write the easement description for that lot, because it had to go before the Town attorney for approval. She described the easements to Mr. Hall by referencing the plan.

Mr. Rider asked Mr. Cashell if the easements would be granted to the Town. Mr. Cashell expressed agreement, saying the easements were in accordance with language that had been approved in the past. Mr. Hall concurred. Ms. Boisvert expressed agreement, saying that was how the easement was written. Mr. Cashell said it did have the language that Atty. Buckley had used in the past, but he noted that Atty. Buckley needed to approve the easements for the plan.

Mr. Rider said the plan needed to include dimensions for the driveway. Ms. Boisvert expressed agreement and described the driveways while referencing the plan. Mr. Rider asked about the easement for Lot 44. Ms. Boisvert stated that was an existing easement.

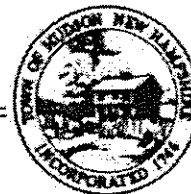
Selectman Maddox referenced Lot 44-3 and asked Ms. Boisvert if it had 2.1 acres on which to build. Ms. Boisvert answered in the affirmative. Selectman Maddox stated that the well for Lot 44-3 was right up against the wetland buffer, and he asked Ms.

" I "



TOWN OF HUDSON
PLANNING BOARD

NOTICE OF DECISION



12 School Street

Hudson, New Hampshire 03051

603/886-6005

February 10, 2006

Owner or Applicant: Wendy & James Willard
3 Colson Road
Hudson, NH 03051

Alana Bagley
3 Colson Road
Hudson, NH 03051

On Wednesday, February 8, 2006 the Hudson Planning Board heard the following correspondence item:

SUBJECT: Extension Request for ALU Second Driveway

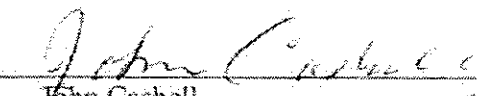
LOCATION: 3 Colson Road – Map 222/Lot 39

Concerning the subject letter presented before the Planning Board, you are hereby notified of the following action:

The Planning Board voted to extend the temporary driveway permit until 02-10-10. The existing "Temporary Second Driveway Permit Agreement" shall be revised to reflect this extension and subsequently recorded at the HCRD.

For specific discussion relative to this decision, please consult the public minutes recorded during this Hearing.

Signed:


John Cashell
Town Planner

Date:

2-10-06

"I"



TOWN OF HUDSON
COMMUNITY DEVELOPMENT DEPARTMENT
ACCESSORY LIVING UNIT
NOTIFICATION



12 School Street • Hudson, New Hampshire 03051 • 603-886-6005 • Fax 603-594-1142

June 17, 2009

James and Wendy Willard
3 Colson Rd.
Hudson, NH 03051

Re: 3 Colson Rd., Hudson, NH (Map222 / Lot 039)

Dear James and Wendy Willard:

This letter is to notify you that although there is an existing Zoning Board of Adjustment approval for the Accessory Living Unit (ALU) in your home, continued use as an ALU will require Zoning Board of Adjustment approval. Please see Town Ordinance §334.73.4, section (B) which states:

If a new owner of record of the principal dwelling desires to maintain the existence of previously approved ALU, application for a new special exception approval to benefit the new owner of record must be made within 60 days of the property's conveyance to the Zoning Board of Adjustment

For your convenience, please find attached an application complete with instructions for your review. Please contact this office with any questions.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

William Oleksak
Zoning Administrator

cc: Zoning Board of Adjustment
Planning Board
Board of Selectmen
Assistant Town Assessor
Zoning File

WOSf

Camela D. Coughlin

Hudson Town Hall
Hudson Zoning Board
12 School Street
Hudson, NH 03051

FEES:	18.44
SURCHARGE:	2
CASH:	0

A43

Town of Hudson

Zoning Board of Adjustment

Decision to Approve a Request for a Home Occupation Special Exception

On **3/25/10**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, **Case 222-039**, heard a request by **Wendy Willard, 3 Colson Road, Hudson** for a Home Occupation Special Exception **to allow a childcare for a maximum of 12 children within the existing dwelling.** [Map 222, Lot 039; Zoned R-2, HZO Article VI, Section 334-24, Home occupations.]

The Board heard a presentation on the proposal by the applicant, wherein she noted that she understood and had agreed to all of the listed requirements and that she would be in compliance. Following review of that testimony and subsequent deliberation, the members noted that the applicant had filled out the application for the Home Occupation, and had complied (or would comply) with all of the listed requirements and that there were no problems or concerns.

Following this deliberation, a majority of the members of this Zoning Board voted to approve the request for a Home Occupation Special Exception for a childcare with the following stipulations:

1. That a nonintrusive inspection shall be performed by the Zoning Administrator or delegate six months following the posting of the decision, with the Zoning Administrator to provide a report back to this Board with respect to any findings, that this initial and any future subsequent examinations shall be performed by the Town at its convenience on or after the dates specified, with no impact on the applicant's continuation of business, until such time as this Board receives and responds to any reports

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(with the understanding that this Board may withdraw this home occupation special exception or terminate it at that time in the event that any inspection shows a lack of compliance and/or suggests that the operation of this business has produced or is producing damage or potential damage to the environment or to the surrounding neighborhood.)

2. That a similar inspection shall be performed six months later (i.e., one year following granting of this approval) by the Zoning Administrator or delegate, and then every two years thereafter, until such time as some future Zoning Board of Adjustment declares that these inspections are no longer necessary for this site.
3. That this conditional use special exception shall terminate upon sale of the premises to any other party, or in the event that the current applicant becomes a resident in any other dwelling, in or out of Hudson, or following a period of twelve months of non-operation of this business, with this business not to be continued by any other person except by the granting of a new conditional-use special exception by the Hudson Zoning Board of Adjustment specifically to that person following processing of a new application submitted by the person, including the weighing of the balance of all factors made known to the Board during the hearing(s) pertaining to that process.
4. The hours of business, as specified by the applicant, shall be from 7:00 a.m. to 5:30 p.m., Monday through Friday. No weekends.

In addition, the applicant expressed understanding that the sign permitted for this business would be no greater than three square feet, located at least 15 feet behind the front lot line, with only the basic information and the street address (no additional banner work).

The members of the Board approved this motion by a majority vote, concurring that this intended use appeared to be an acceptable home occupation, with all requirements for such an activity having been satisfactorily addressed.

For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

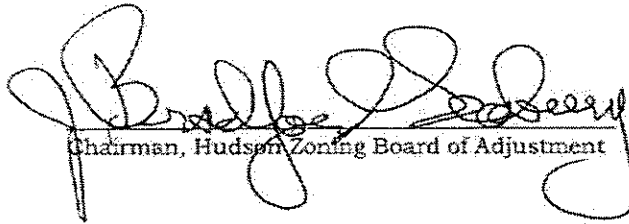
All representations of fact or intention made by the applicant or any applicant's representative(s) during testimony before the Zoning Board of Adjustment relative to the obtaining of this Home Occupation permit

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shall be considered conditions of the Special Exception, regardless of the fact that such facts or intentions were not specifically stated as part of the motion to grant.

In the event that the requested use subsequently is found by the Hudson Zoning Administrator to demonstrate deliberate or preventable lack of compliance with any applicable stipulation or restriction, including the verbally specified restrictions described in the preceding paragraph, such use shall be held to be in violation of the covenant made with the Board, and corrective action(s) will be enforced under N.H. R.S.A. 676:17, Fines and Penalties, which allows a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue, as well as recovery of costs and reasonable attorney's fees.

Signed:


Chairman, Hudson Zoning Board of Adjustment

Date:

04-02-10

Signed:


Zoning Administrator

Date:

4-5-10

"K"
3



Town of Hudson, NH
Building Permit

Hudson Fire - Inspectional Services Division
12 School Street
Hudson, NH 03051
603-886-6005

Permit Number
2019-00021
Date of Issue
1/09/2019
Expiration Date
7/08/2019

Owner: MOLLOY, STEPHEN MOLLOY, MERIDITH D.

Applicant: Derek Management

Location of Work: 3 COLSON RD
(No. and Street) (Unit or Building)

Description of Work: Remodel kitchen, bathroom and laundry room, move wall in bedroom and install new skylight in existing ALU

ZONING DATA: District: R-2 Map/Lot: 222-039-000

CONTRACTOR: Derek Management 231-7344

REMARKS:

A FINAL INSPECTION IS REQUIRED BY THE INSPECTIONAL SERVICES DEPARTMENT PRIOR TO OCCUPANCY

Building Permit Issuance Conditions are as follows:

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE.
ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

INSPECTION APPROVALS

Building / / Date
Plumbing / / Date
Electrical / / Date
Fire Sprinklers (rough) (final)
Other / / Date

Permit Holder: Derek Management
(Taking Responsibility for the Work)
Company/Affiliation: Contractor Job Site Phone Number:

Constr Cost: \$50,000 Permit Fee: \$129.60 Check No.: Cash: \$0.00

The Permit Card Shall be Posted and Visible From the Street During Construction

THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

Code Official Permit Holder Date 1/09/2019

Handwritten mark resembling 'Li'



TOWN OF HUDSON
FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-894-1142

BUILDING PERMIT APPLICATION - PLEASE PRINT

Address: <u>3 Colson Rd</u> Unit # _____	Office use: Map <u>222</u>
Site/Sub Plan: _____ HCRD _____	Lot <u>39</u>
	Zone <u>A-2</u>
	Permit # <u>2019-00021</u>

Residential <input checked="" type="checkbox"/> Single family detached <u>ALL</u> <input type="checkbox"/> Modular Homes <input type="checkbox"/> Duplex <input type="checkbox"/> 3+ family dwelling (# of units _____) <input type="checkbox"/> Other _____	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion of +/- dwelling units <input type="checkbox"/> Other _____	<input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input type="checkbox"/> Garage <input type="checkbox"/> Carport
--	---	---

Commercial <input type="checkbox"/> Office/Bank/Professional <input type="checkbox"/> Hospital/Medical <input type="checkbox"/> Industrial/Warehouse <input type="checkbox"/> Restaurant <input type="checkbox"/> Other _____	<input type="checkbox"/> Garage <input type="checkbox"/> School <input type="checkbox"/> Store <input type="checkbox"/> Utility	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion from residential to commercial space <input type="checkbox"/> Other _____	<input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input type="checkbox"/> Interior Demo
---	--	---	--

Will the applicant/owner manufacture, assemble or produce any product, regardless of water use?
 Yes (Need IDA Form) No (Need IDA Checklist) *Please consult the Town Engineer at 886-6008 with any questions

Total Cost of Project: <u>\$50,000</u>	General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use. <u>REMODEL KITCHEN, BATHROOM, LAUNDRY ROOM</u> <u>NEW FLOORING, MOVE WALL IN BEDROOM</u> <u>ADD 1 SKYLIGHT, REPLACE 2 ENTRANCE DOORS</u>
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Square Footage Footprint _____ Renovated/added 264 Number of stories 1
 Living area of new home (exclude unfinished areas and garage) _____ Total area of bldg _____

Principal Type of Frame
 Masonry (wall bearing) Wood Frame Structural steel
 Reinforced concrete Other-Specify _____

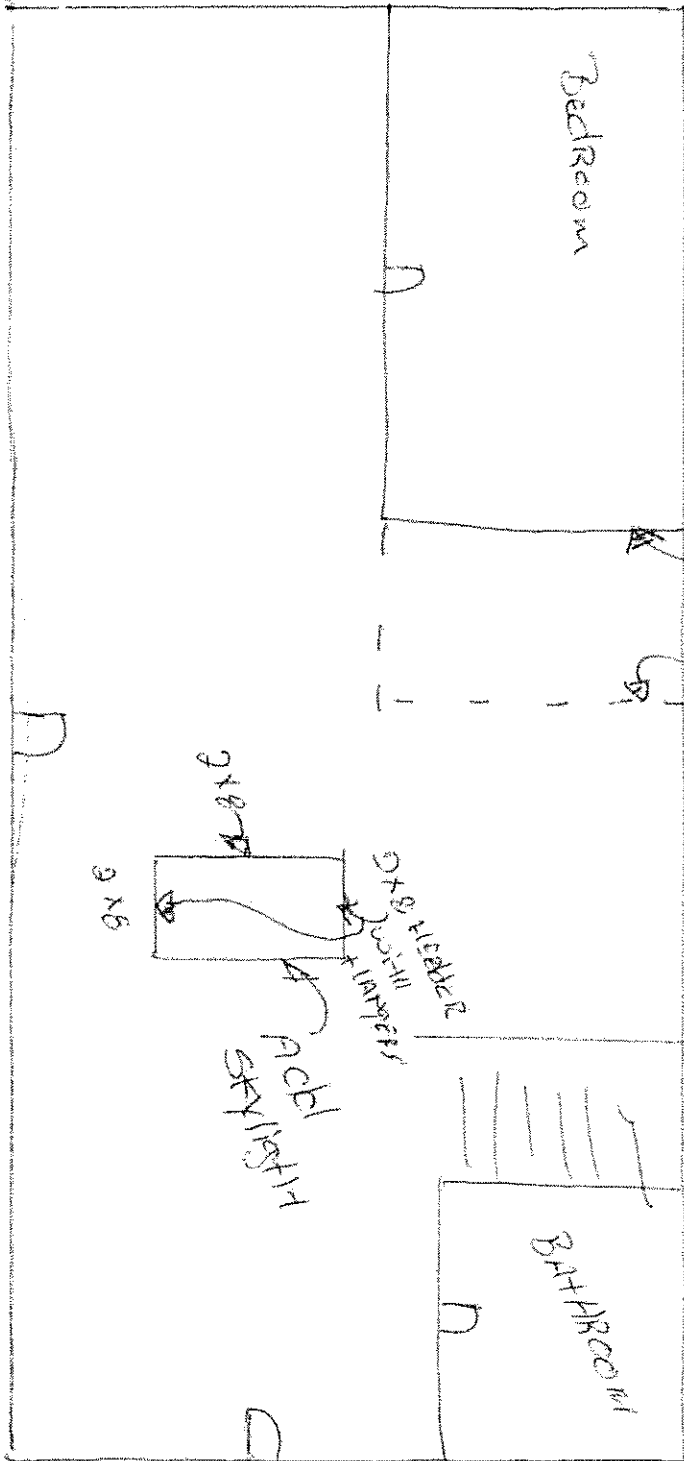
Type of Sewage Disposal
 Town or private company (requires Town permit)
 Private (septic tank, etc.)

ALL 36' x 24'

RECEIVED
 JAN - 8 2019
 HUDSON FIRE DEPARTMENT
 INSPECTIONAL SERVICES DIVISION

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24



WALL TO BE REMOVED

NEW WALL

BENCH STAIRS

Bedroom

BATHROOM

SINK
 TOILET
 SHOWER
 FLOOR
 WALL
 30x6
 24x6

36x24

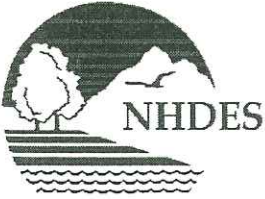
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JAN - 8 2019

HUDSON FIRE DEPARTMENT
INSPECTIONAL SERVICES DIVISION

3



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

**APPROVAL FOR CONSTRUCTION
OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)**

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

APPLICATION APPROVAL DATE: 5/6/2019

APPROVAL NUMBER: eCA2019050617

I. PROPERTY INFORMATION

Address: 3 COLSON ROAD
HUDSON NH 03051
Subdivision Approval No.: 2145
Subdivision Name:
County: HILLSBOROUGH
Tax Map/Lot No.: 222/039

II. OWNER INFORMATION

Name: MEREDITH MOLLOY
Address: 3 COLSON ROAD
HUDSON NH 03051

III. APPLICANT INFORMATION

Name: JOSEPH MAYNARD
Address: 5 BAILEY RD
SALEM NH 03079

IV. DESIGNER INFORMATION

Name: JOSEPH MAYNARD
Address: 5 BAILEY RD
SALEM NH 03079
Permit No.: 01135

V. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Construction

A. TYPE OF SYSTEM: STONE AND PIPE

B. NO. OF BEDROOMS: 5

C. APPROVED FLOW: 750 GPD

D. OTHER CONDITIONS AND WAIVERS:

1. This approval is valid for 90 days from date of approval, per Env-Wq 1004.20.
2. This approval is based on complying with Env-Wq 1004.21 "When Installation of a replacement ISDS is Required".
3. The following waivers have been approved:
 - A. Rule: Env-Wq 1008 Section: 04 Minimum Distances
 - B. Rule: Env-Wq 1010 Section: 08 Pipe to Tank Connections
 - C. Rule: Env-Wq 1010 Section: 06 Septic Tank Design Requirements
 - D. Rule: Env-Wq 1010 Section: 03 Watertightness of Septic Tanks

Darren K. King
Subsurface Systems Bureau

NOTES:

- THE PURPOSE OF THIS PLAN
 - TO DESIGN A SEPTIC SYSTEM PLAN (PIPE & STONE) THAT MEETS NHDES AND LOCAL REGULATIONS FOR THE EXISTING 3 BEDROOM SINGLE FAMILY DWELLING & 2 BEDROOM ACCESSORY APARTMENT (PREVIOUS NHDES APPROVAL #CA2006084668)
- TOTAL PARCEL AREA= 1.08 ACRES +/- (FROM INFO OF RECORD)
- PERMITS
 - PREVIOUS NHDES CONSTRUCTION APPROVAL: CA2006084668
 - NHDES SUBDIVISION APPROVAL NUMBER: 2145
- THE MAJORITY OF THIS SITE LIES WITHIN THE W6A SCS SOILS GROUP AS SHOWN ON THE NRCS SOILS MAP FOR HUDSON NH
W6A - WINDSOR LOAMY SAND
- SYSTEM LOADING CALCULATIONS:
 - TOTAL NUMBER OF EXISTING BEDROOMS = 5
 - 3 BEDROOM HOME + 2 BEDROOM ACCESSORY = 750 GPD
 - PERCOLATION RATE: 8 MIN./INCH
 - NHDES MINIMUM LEACHING FIELD SIZE = 1,255 SQ. FT.
- USE 35' X 38' PIPE AND STONE SYSTEM FOR A TOTAL OF 1,330 SQ. FT.
- DESIGN INTENT: BOTTOM OF THE PROPOSED LEACHING FIELD SHALL BE 3.3 FEET BELOW THE EXISTING GRADE ON THE UPSLOPE SIDE. NOTE DESIGN COMPLETED USING NHDES ENV-WQ 1014.08(C)
- SEPTIC TANK
 - RE-USE EXISTING 1,500 GALLON PRECAST CONCRETE SEPTIC TANK AS SHOWN ON CA2006084668
- DISTRIBUTION BOX: UTILIZE (1) 8 OUTLET PRECAST CONCRETE D-BOX AS MANUFACTURED AND DISTRIBUTED BY PHEONIX PRECAST, OR APPROVED EQUAL.
- NEAREST NEIGHBORING WELL OR GROUP 6 SOIL ARE ALL GREATER THAN 75 FEET AWAY FROM THE PROPOSED SYSTEM. NEAREST HYDRIC B SOIL IS GREATER THAN 50' FROM THE PROPOSED SYSTEM
- SHOULD FAILURE OCCUR THIS SYSTEM SHALL BE REBUILT IN-PLACE
- PIPES LEADING TO AND EXITING FROM THE EXISTING SEPTIC TANK, PUMP CHAMBER AND DISTRIBUTION BOX SHALL BE SEALED WITH AN APPROVED METHOD AS TO MAKE THE JOINTS WATER TIGHT IN ACCORDANCE WITH ENV-WQ 1010
- PRIOR TO THE START OF CONSTRUCTION ALL BENCHMARKS SHALL BE VERIFIED FOR ACCURACY.
- FOUNDATION DRAINS: NONE OBSERVED, NO FOUNDATION DRAINS SHALL BE INSTALLED WITHIN 15 FEET OF THE PROPOSED SEPTIC SYSTEM OR WITHIN 5 FEET OF THE PROPOSED SEPTIC TANK.
- NO GARBAGE DISPOSAL IS PROPOSED WITH THIS DESIGN. SHOULD THE PROPOSED HOMEOWNER CHOOSE TO ADD A GARBAGE DISPOSAL THEN THE DESIGN WILL NEED TO BE AMENDED TO INCREASE THE SEPTIC TANK CAPACITY BY 50%. (ENV-WQ 1010.01(c))
- NO SEWAGE GRINDER IS PROPOSED WITH THIS DESIGN. SHOULD THE HOMEOWNER CHOOSE TO ADD A SEWAGE GRINDER THEN THE TANK SIZE SHALL BE TWICE THE SIZE REQUIRED, THIS SHALL BE ACCOMPLISHED BY TANK DUPLICATION OR COMPARTMENTALIZATION. (ENV-WQ 1010.01(d))
- JOINTS ARE TO BE BELLED PVC OR STANDARD SLIP COLLARS.
- 2' OF COVER OVER THE FIELD SHALL BE PROVIDED WHERE MOTOR VEHICLE TRAFFIC WILL PASS OVER THE SEPTIC SYSTEM.
- FILL SHALL NOT BE OF SATURATED MATERIAL.
- ALL TREES, ROOTS, TOPSOIL AND ORGANIC MATERIAL MUST BE REMOVED FROM THE AREA TO BE FILLED, OUT TO AND INCLUDING THE AREA UNDER THE IMPERMEABLE SOIL BARRIER. FILL MATERIAL TO BE OF CLEAN MEDIUM TO COURSE SAND, FREE OF TOPSOIL, HUMUS, DREDGINGS OR STONES OVER 6" IN DIAMETER.
- INSTALLER TO PROVIDE MEASURED TIES TO THE PROPERTY OWNER OF THE LOCATION OF THE SEPTIC TANK ACCESS COVERS.
- ANY DISCREPANCIES OR UNUSUAL CONDITIONS SHALL BE REPORTED TO THE DESIGNER BEFORE CONTINUING WITH THE INSTALLATION.
- INSTALLER TO CONTACT DIG-SAFE A MINIMUM OF 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
- WATER SOFTENERS, JACUZZI TUBS OR SIMILAR AMMENITIES SHALL NOT BE DISCHARGED DIRECTLY INTO THE PROPOSED FIELD. IF SUCH AMMENITIES ARE PROPOSED THE IN THE STRUCTURE THEN THE CONTRACTOR SHALL NOTIFY THE DESIGNER AND AN ALTERNATIVE FOR THESE SERVICES WILL BE DEVISED AND INSTALLED.
- THERE ARE NO KNOWN BUREL SITES OR CEMETERY'S ON THE LOT OR WITHIN 100 FEET OF ANY PART OF THE SEPTIC SYSTEM IN ACCORDANCE WITH ENV-WQ 1003.13(A)(3)

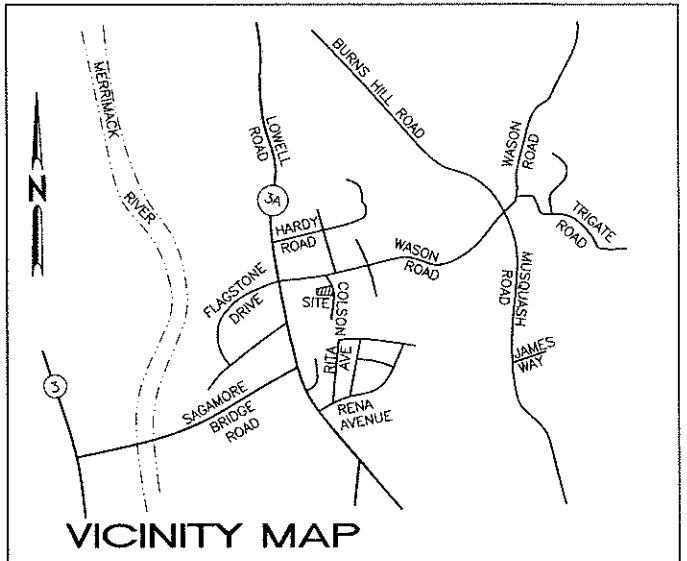
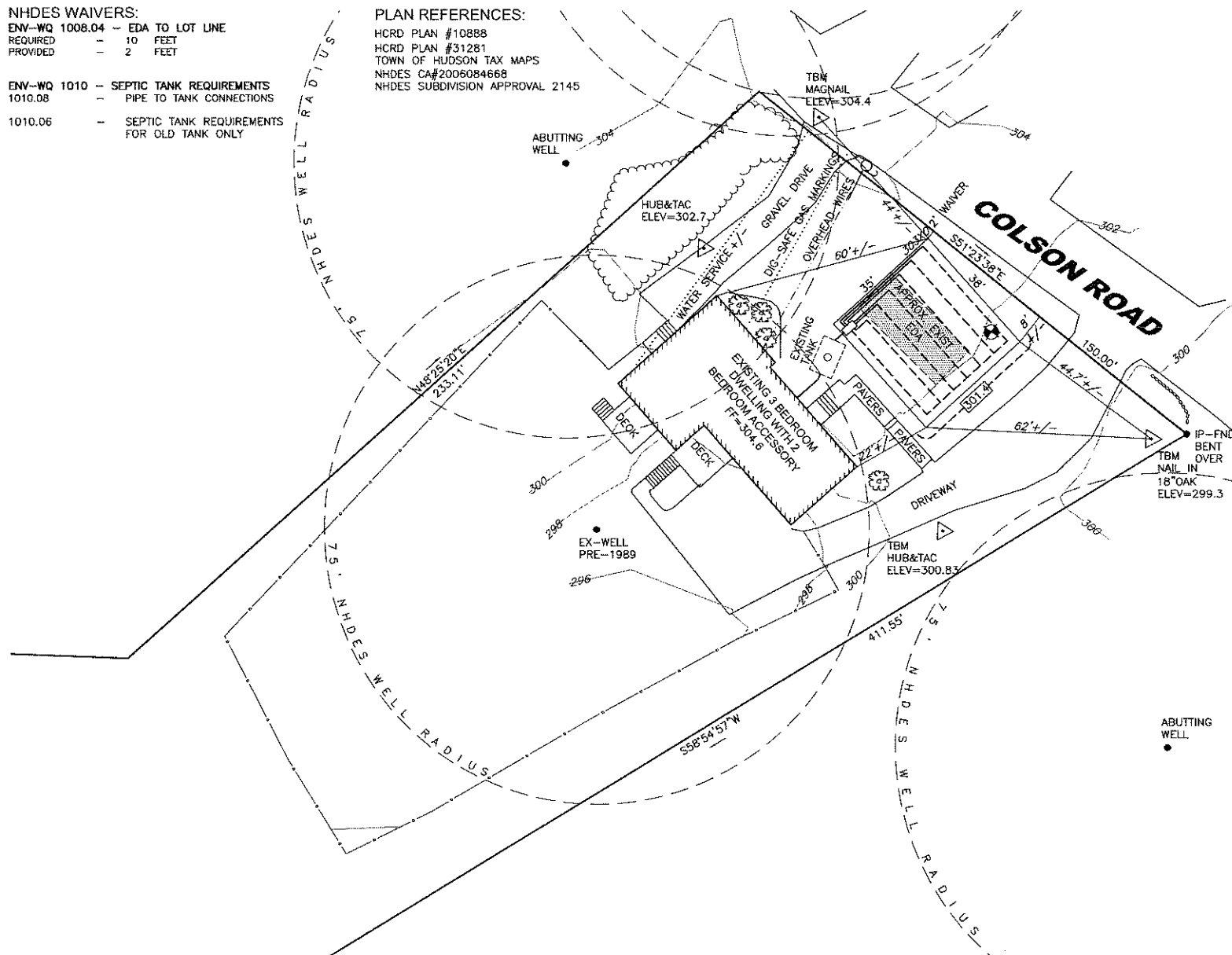
NHDES WAIVERS:

ENV-WQ 1008.04 - EDA TO LOT LINE
 REQUIRED - 10 FEET
 PROVIDED - 2 FEET

ENV-WQ 1010 - SEPTIC TANK REQUIREMENTS
 1010.08 - PIPE TO TANK CONNECTIONS
 1010.06 - SEPTIC TANK REQUIREMENTS FOR OLD TANK ONLY

PLAN REFERENCES:

HCRD PLAN #10888
 HCRD PLAN #31281
 TOWN OF HUDSON TAX MAPS
 NHDES CA#2006084668
 NHDES SUBDIVISION APPROVAL 2145



TEST PIT A
 (CONDUCTED JULY 12, 2006-CA#2006084668)
 FIELD VERIFIED ON MAY 03, 2019

- 0-9" TOPSOIL (10YR 3/3) DARK BROWN FINE LOAMY SAND, GRANULAR, FRIABLE.
- 9"-17" LOAMY SAND FILL
- 17"-31" (2.5Y 6/6) OLIVE YELLOW SANDY LOAM GRANULAR, FRIABLE.
- 31"-42" (2.5Y 6/4) LIGHT YELLOWISH BROWN SANDY LOAM, GRANULAR, FRIABLE
- 42"-70" (2.5Y 6/3) LIGHT YELLOWISH BROWN LOAMY SAND, GRANULAR, FRIABLE.

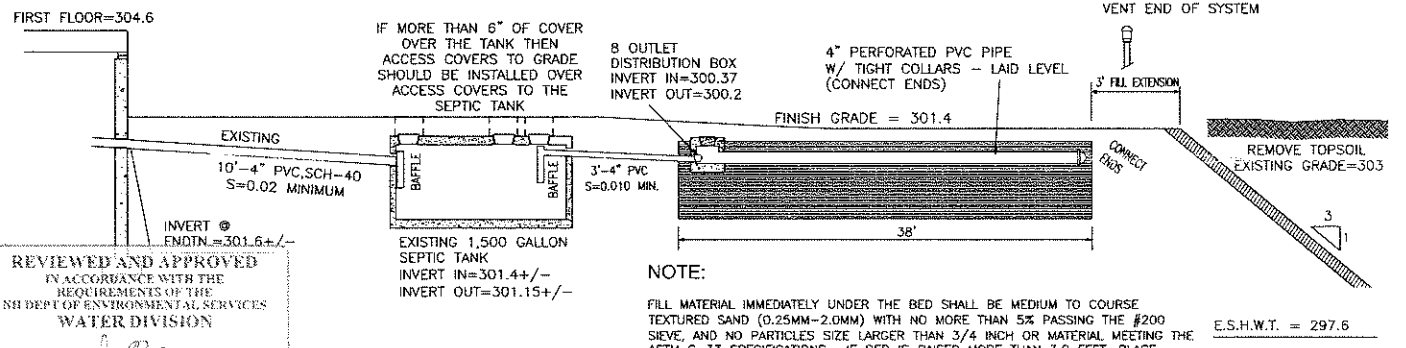
ESHW: NONE OBSERVED @ 64"
 NO WATER OBSERVED
 RESTRICTIVE LAYERS: NONE
 PERC. RATE: 8 MIN./INCH

SEPTIC STONE REQUIREMENTS:

CONTRACTOR TO VERIFY INVERT AT SEPTIC TANK PRIOR TO THE START OF CONSTRUCTION ANY DISCREPANCIES SHALL BE REPORTED TO THE DESIGNER BEFORE STARTING CONSTRUCTION OF THE SYSTEM

ENV-WQ 1016.04(b) APPROVED SEPTIC STONE SHALL BE CLEAN, UNIFORMLY-SIZED CRUSHED STONE, WASHED ROCK OR SIMILAR AGGREGATE, 1.5 INCH, FREE OF FINES WITH A RANGE OF 0.75 INCHES TO 2.5 INCHES IN ACCORDANCE WITH ENV-WQ TABLE 1014-2

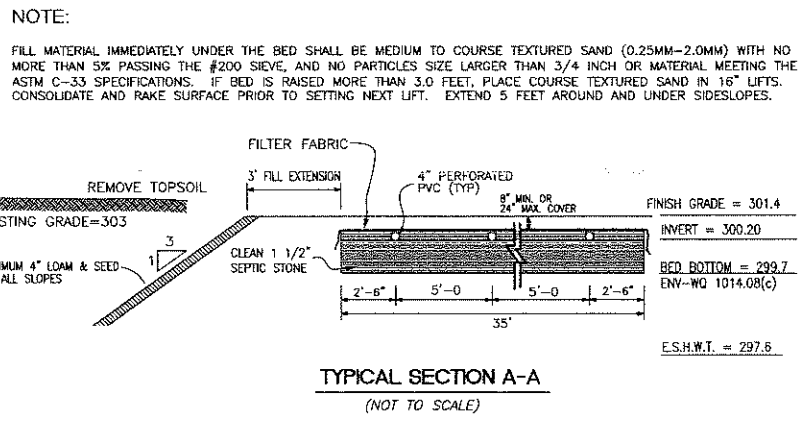
ENV-WQ 1016.04(c) APPROVED SEPTIC STONE SHALL MEET THE SIEVE SIZE AND PERCENT PASSING BY WEIGHT REQUIREMENTS IN ACCORDANCE WITH AASHTO, 27TH EDITION, TEST METHOD T011-85, WHICH REPLACES AASHTO 17TH EDITION TEST METHOD T11-85, AND WHICH APPLIES TO SEPTIC STONE AVAILABLE FOR RETAIL PURCHASE, AS SET FORTH IN ENV-WQ TABLE 1014-2



REVIEWED AND APPROVED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NH DEPT. OF ENVIRONMENTAL SERVICES WATER DIVISION
 Date: 5/6/2019
 #eCA2019050617

NOTE:
 FILL MATERIAL IMMEDIATELY UNDER THE BED SHALL BE MEDIUM TO COURSE TEXTURED SAND (0.25MM-2.0MM) WITH NO MORE THAN 5% PASSING THE #200 SIEVE, AND NO PARTICLES SIZE LARGER THAN 3/4 INCH OR MATERIAL MEETING THE ASTM C-33 SPECIFICATIONS. IF BED IS RAISED MORE THAN 3.0 FEET, PLACE COURSE TEXTURED SAND IN 16" LIFTS. CONSOLIDATE AND RAKE SURFACE PRIOR TO SETTING NEXT LIFT. EXTEND 5 FEET AROUND AND UNDER SIDESLOPES.

E.S.H.W.T. = 297.6



NOTE:
 FILL MATERIAL IMMEDIATELY UNDER THE BED SHALL BE MEDIUM TO COURSE TEXTURED SAND (0.25MM-2.0MM) WITH NO MORE THAN 5% PASSING THE #200 SIEVE, AND NO PARTICLES SIZE LARGER THAN 3/4 INCH OR MATERIAL MEETING THE ASTM C-33 SPECIFICATIONS. IF BED IS RAISED MORE THAN 3.0 FEET, PLACE COURSE TEXTURED SAND IN 16" LIFTS. CONSOLIDATE AND RAKE SURFACE PRIOR TO SETTING NEXT LIFT. EXTEND 5 FEET AROUND AND UNDER SIDESLOPES.

**SEPTIC SYSTEM PLAN
 MAP 222 LOT 039**

**#3 COLSON ROAD
 HUDSON, NEW HAMPSHIRE 03051**

PREPARED FOR/ OWNER OF RECORD:
 MEREDITH & STEPHEN MOLLOY
 3 COLSON ROAD
 HUDSON, NEW HAMPSHIRE 03051
 HCRD BOOK 9131/PAGE 0384

SCALE: 1"=20' SHEET 1 OF 1 APRIL 27, 2019

REVISIONS	DATE

TOWN OF HUDSON
 SEP 06 2019

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
 Zoning Department
 Town of Hudson

Entries in this box are to be filled out by
 Land Use Division personnel
 Case No. 222-039 (9-26-19)
 Date Filed 9/6/19

Name of Applicant Margaret McQueeney Map: 222 Lot: 39 Zoning District: A-2

Telephone Number (Home) 603.703.3055 (Work) same

Mailing Address 3 Colson Rd, Hudson, NH 03051

Owner Meridith + Stephen Molloy

Location of Property 3A Colson Rd, Hudson
 (Street Address)

Margaret McQueeney 9.4.19
 Signature of Applicant Date

Stephen Molloy Meridith Molloy 9.4.19
 Signature of Property-Owner(s) Date

NOTE: Fill in all portions of the Application Form(s) as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate. If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak on his/her/their behalf or that you have permission to seek the described variance.

Items in this box are to be filled out by Land Use Division personnel

COST:		Date received: <u>9/6/19</u>
Application fee:	<u>\$130.00</u>	
<u>6</u> Direct Abutters x \$4.05 =	<u>24.30</u>	
<u>6</u> Indirect Abutters x \$0.55 =	<u>3.30</u>	
Total amount due:	<u>\$157.60</u>	Amt. received: <u>\$157.60</u>
		Receipt No.: <u>566,428</u>

Received by: TSG

By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

chk #
1029

3 Colson Rd.
Hudson, NH 03051
September 4, 2019

Town of Hudson
12 School St.
Hudson, NH 03051

To Whom It May Concern:

I give permission to Margaret +
Mike McQueeney to represent me
Stephen Molloy + my wife, Meredith
Molloy, in requesting a variance
for adding and additional driveway to
our single family home for their
ADU.

Sincerely,

Meredith Molloy + Steve Molloy

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
<u>wh</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u> 13
<u>mf</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>wh</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e. <u>Variance</u> , Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>✓ TG</u>
<u>mf</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A TG</u>
<u>mf</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u> Aver's 5160
<u>mf</u>	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>AY</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A TG</u>

PLOT PLAN-

- NK Except for requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted): TG
- a) my The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. TG
- b) NK The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- my The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d) NK The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.) TG
- e) my The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements. TG
- f) my The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. TG
- g) my The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) my The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) my The plot plan shall indicate all parking spaces and lanes, with dimensions. TG

The applicant has signed and dated this form to show his/her awareness of these requirements.

Margaret McSweeney
Signature of Applicant(s)

9.4.19
Date

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

ALL DIRECT ABUTTERS

List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
222	039	Stephen + Meredith Molloy	3 Colson Road
222	038	Dilbert + Jennifer Cintron	5 Colson Road
222	034	Kenneth + Carol Jones	4 Colson Road
222	040	Jare + Nancy Snader	11 Wason Road
222	033	Alan + Cynthia O'Dea	15 Wason Road
222	041	Manuel + Kathleen Sousa	c/o Sousa Realty 46 Lowell Road

ALL INDIRECT ABUTTERS WITHIN 200 FEET

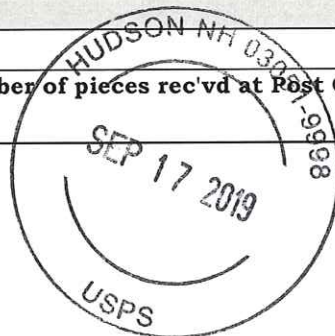
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

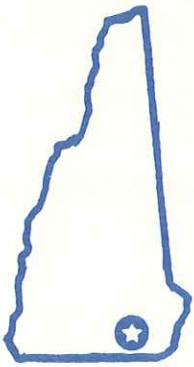
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
222	044	Dept. of Transportation State of NH PO Box 483, Concord	P.O. Box 483 Concord, NH 03302-0483
222	024	Jarrold Fitzgerald + Krystin Maille	16 Wason Rd.
222	019	Stephen Banville	2 Holly Lane
222	032	Ryan + Thais Demers	17 Wason Rd.
222	035	Joanne Rozett	6 Colson Rd.
222	037	David + Cindy Dillavou	7 Colson Rd.

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 222-039 Variance 3 Colson Road Map 222/Lot 039-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting
1	7018 2290 0001 3001 8800	STEPHEN & MEREDITH MOLLOY; <i>Margaret McQueeney</i> 3 COLSON ROAD, HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT
2	7018 2290 0001 3001 8817	DILBERT & JENNIFER CINTRON 5 COLSON ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	7018 2290 0001 3001 8824	KENNETH & CAROL JONES, TR 4 COLSON ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
4	7018 2290 0001 3001 8831	JARE & NANCY SNADER 11 WASON ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
5	7018 2290 0001 3001 8848	ALAN & CYNTHIA O'DEA 15 WASON ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
6	7018 2290 0001 3001 8855	MANUEL & KATHLEEN SOUSA; C/O SOUSA REALTY AND DEVELOP. 46 LOWELL ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
7			
8			
9			
10			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office <i>6</i>	Postmaster, (receiving Employee) <i>Paula Angeli</i>



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 222-039 Variance 3 Colson Road Map 222/Lot 039-000	1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting	
1	N/A-mailed First Class	STATE OF NH DEPT OF TRANSPORTATION PO BOX 483, CONCORD, NH 03302-0483	ABUTTER NOTICE SENT	
2	N/A-mailed First Class	JARROD FITZGERALD; KRYSTIN MAILLE 16 WASON RD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
3	N/A-mailed First Class	STEPHEN BANVILLE 2 HOLLY LANE, HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	N/A-mailed First Class	RYAN & THAIS DEMERS 17 WASON RD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
5	N/A-mailed First Class	JOANNE ROZETT 6 COLSON RD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
6	N/A-mailed First Class	DAVID ALAN DILLAVOU, SR.; CINDY E. DILLAVOU 7 COLSON RD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
7				
8				
9				
10				
11				
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office	6	Postmaster, (receiving Employee) PDA





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



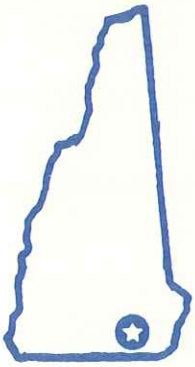
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 222-039 (9-26-19): Margaret McQueeney, 3 Colson Rd., Hudson, NH requests a Variance to allow a second separate driveway for an existing Accessory Dwelling Unit. [Map 222, Lot 039-000; Zoned Residence-Two (R-2); HZO Article XIII A Accessory Dwelling Units, §334-73.3G, Provisions].**

Please be advised, the above notice is being sent to all abutters listed on the application. You, or a representative, are expected to attend the hearing, and make a presentation.

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this Application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article XIII A of HZO Section(s) 334-73.3 G. in order to permit the following change or use:

A separate driveway for an ADU

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (b), as follows:

I. "The Zoning Board of Adjustment shall have the power to:

(b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:

- (1) The variance will not be contrary to the public interest;**
- (2) The spirit of the ordinance is observed;**
- (3) Substantial justice is done;**
- (4) The values of surrounding properties are not diminished; and**
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and**
- (ii) The proposed use is a reasonable one.**

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

1. Granting of the requested variance will not be contrary to the public interest, because:
(Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)

- The ADU is located in R2 zoning
- The home across the street is a two family. It has two driveways.
- An indirect abutter, 16 Wason St., is an ADU with two driveways
- A home across the street has a circular driveway with two curb cuts.
- Emergency Personnel will be safer accessing the unit.

2. The proposed use will observe the spirit of the ordinance, because:
(Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)

- The additional driveway will provide those living in the ADU easier, safer access to their living quarters.
- The current driveway only allows access to the main home.
- From the existing driveway to the ADU it is 80 feet.
- The ADU has had an unpaved driveway which is icy, slushy + dangerous during the winter months.
- There is no direct access to the ADU for emergency personnel.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

- The driveway would provide safety to the ADU residents, would help reduce chance of falls.
- It would provide emergency personnel better + safer access to the ADU.

4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

This home is in an R-2 residential area. The current dirt driveway is an eye sore. It would improve the value of the surrounding homes.

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:

(Explain why you believe this to be true—keeping in mind that you must establish that, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* that you must establish that the special conditions of the property cause the proposed use to be reasonable. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.)

Literal enforcement of the ADU law results in an unnecessary hardship because the driveway to this home does not extend to the ADU. It is 80 feet away from the ADU's entrance. Eighty feet is too far to walk for some elderly people. It is also unreasonable to expect emergency personnel to access the ADU from the main home. Accessing through the main home would cause unnecessary stress on the children living there. The existing driveway cannot extend to the ADU because the septic system is in the front yard and there is a well in the back yard.

By paving the ^{existing} dirt driveway next to the ADU, the residents would be provided with a safe entry way which can easily be cleared of snow + slush. It would help prevent falls thereby keeping its residents out of nursing homes. It will help allow the residents to keep their independence. It will not change the character of this lovely neighborhood. It will only improve it.

Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer's Office prior to submittal of this application to determine if connection is required or will be allowed, together with the procedure for such application.

Hardship reason(s) for granting this waiver:

1. The side entrance to the ALU is not easily accessed from the driveway.
 - a. The distance from the current driveway to the ALU is approximately 80 feet.
 - b. Safety of aging parents, currently 70 and 77, is an issue walking that distance in the snow and on ice.
2. There are medical reasons for requesting this waiver.
 - a. It will be easier, faster, and safer for emergency workers to access the unit from the side entrance if a driveway is there.
 - b. The distance to access the unit would be significantly less than 80 feet.
 - c. Accessing the ALU in an emergency unit through the main home will cause stress and fear for the grandchild/children.
3. Prior to purchasing this home in December 2018, a dirt driveway had been in use; and we would like to continue using it but would like to make it safer.
 - a. Currently it gets muddy in the spring, and during the winter it is full of snow and ice.
 - b. There are ruts in which cars get stuck.
 - c. During the winter, it is not safe to walk in this area because of the ice and snow.
4. The character of the neighborhood will not be changed with this second driveway.
 - a. The home across the street is a two-family home with two driveways.
 - b. The home next to it is a single-family home with two driveways.
 - c. There is another two-family home on the street with two driveways.
 - d. In speaking with our neighbors, none has objected to us paving the second driveway.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-082

July 18, 2019

Meridith McQueeney
3 Colson Rd
Hudson, NH 03051

Re: **3 Colson Rd Map 222 Lot 039-000**
District: Residential Two (R-2)

Dear Ms. McQueeney,

Your request: Do you need a Variance to construct a second driveway for the ADU in this house on this lot?

Zoning Review / Determination:

A second driveway for the ADU is not permitted per the Zoning Ordinance §334-73.3G: "...*There shall not be a separate driveway for the ADU.*"

You would need an approval of a Variance from the Zoning Board of Adjustment to allow the second driveway.

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public File
E. Dhima, Town Engineer
B. Groth, Town Planner
File

NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

222 039 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPAISED: 387,300 / 387,300
USE VALUE: 387,300 / 387,300
ASSESSED: 387,300 / 387,300



USER DEFINED

Prior Id # 1:	0010
Prior Id # 2:	0041
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

PROPERTY LOCATION

No	Alt No	Direction/Street/City
3	-3A	COLSON RD, HUDSON

OWNERSHIP

Owner 1:	MOLLOY, STEPHEN
Owner 2:	MOLLOY, MERIDITH D.
Owner 3:	
Street 1:	3 COLSON ROAD
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

PREVIOUS OWNER

Owner 1:	WILLARD, JAMES F. III -
Owner 2:	WILLARD, WENDY J. -
Street 1:	3 COLSON ROAD
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains 1.068 ACRES of land mainly classified as ALU with a COLONIAL Building built about 2000, having primarily VINYL Exterior and 2592 Square Feet, with 2 Units, 2 Baths, 0 3/4 Bath, 1 Half Bath, 9 Rooms, and 4 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RES2 TWO		water	3	TOWN WATE
o				Sewer	0	SEPTIC
n				Electri		
Census:				Exmpt		
Flood Haz:	C					
D				Topo	4	ROLLING
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
107	ALU		1		SITE ACRE	SITE		0	110,000.	0.95	RE			LOCATIO	-5					104,500						104,500	ALU
107	ALU		0.068		ACRES	EXCESS		0	4,750.	1.12	RE			TOPO	-10					363					400		

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
107	1.068	282,400		104,900	387,300		3961
							GIS Ref
							GIS Ref
							Insp Date
							11/05/10
							!1258!

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	107	JB	280,600	0	1.068	104,900	385,500	385,500	Year End Roll	5/8/2019
2018	107	FV	255,200	0	1.068	104,900	360,100	360,100	Year End Roll	8/27/2018
2018	107	JB	255,200	0	1.068	104,900	360,100	360,100	Year End Roll	5/9/2018
2017	107	FV	255,200	0	1.068	104,900	360,100	360,100	Year End Roll	10/26/2017
2017	107	PV	255,200	0	1.068	104,900	360,100	360,100	Year End Roll	8/28/2017
2017	107	JB	232,800	0	1.068	100,300	333,100	333,100	Year End Roll	5/10/2017
2016	107	FV	232,800	0	1.068	100,300	333,100	333,100	Year End Roll	8/30/2016
2016	107	JB	232,800	0	1.068	100,300	333,100		Year End Roll	5/11/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
WILLARD, JAMES	9131-0384	1	12/3/2018	DIVORCE	420,000	No	No		
WILLARD, JAMES	7228-2634	2	5/4/2004	FAMILY TRANS		No	No		
WILLARD, JAMES	6744-1628	1	8/12/2002	BUSINESS	75,000	No	No		
BAGLEY, WENDY,	6451-1859		7/6/2001	FAMILY TRANS		No	No		
LECLAIR, ETHELY	6146-0706		8/16/1999	FAMILY TRANS		No	No		
	2394-0450		4/14/1975	FAMILY TRANS		Yes	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
2/8/2019	2019-00021	PLUMBING	5,000	C				
2/8/2019	2019-00021	MECHANIC	1,000	C				
2/1/2019	2019-00021	ELECTRIC		C				
1/9/2019	2019-00021	INT RENO	50,000	C				

ACTIVITY INFORMATION

Date	Result	By	Name
7/3/2019	Sale Data VI	12	TECH ASMNT
6/26/2019	Sale Data V	12	TECH ASMNT
5/29/2019	HFD Letter	1	CHIEF ASSESS
4/11/2019	Measured	18	KRT1
4/2/2019	Permit Visit	12	TECH ASMNT
11/5/2010	Inspected	14	APPR TECH 4
10/26/2010	Measured	14	APPR TECH 4
6/24/2007	Measured	6	RB
5/7/2003	Fieldrev-Chg	3	ASMNT TECH

Total AC/HA: 1.06800 Total SF/SM: 46522 Parcel LUC: 107 ALU Prime NB Desc: RES AVG Total: 104,863 Spl Credit: Total: 104,900

EXTERIOR INFORMATION

Type:	06 - COLONIAL
Sty Ht:	2 - TWO STY
(Liv) Units:	2 Total: 2
Foundation:	1 - CONCRETE
Frame:	1 - WOOD
Prime Wall:	04 - VINYL
Sec Wall:	%
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	YELLOW
View / Desir:	

GENERAL INFORMATION

Grade:	B- - GOOD/AVG
Year Bilt:	2000
Alt LUC:	
Jurisdic:	
Const Mod:	
Lump Sum Adj:	

INTERIOR INFORMATION

Avg Ht/FL:	STD
Prim Int Wall:	1 - DRYWALL
Sec Int Wall:	%
Partition:	T - TYPICAL
Prim Floors:	03 - HARDWOOD
Sec Floors:	04 - CARPET 30%
Bsmnt Flr:	12 - CONCRETE
Subfloor:	
Bsmnt Gar:	2
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S
Heat Fuel:	2 - GAS
Heat Type:	1 - FORCED AIR
# Heat Sys:	2
% Heated:	100 % AC: 100
Solar HW:	NO Central Vac: NO
% Com Wal:	% Sprinkled

BATH FEATURES

Full Bath:	1 Rating: AVERAGE
A Bath:	1 Rating: VERY GOOD
3/4 Bath:	Rating:
A 3QBth:	Rating:
1/2 Bath:	1 Rating: GOOD
A HBth:	Rating:
OthrFix:	1 Rating: VERY GOOD

OTHER FEATURES

Kits:	1 Rating: AVERAGE
A Kits:	1 Rating: VERY GOOD
Frpl:	Rating:
WSFlue:	Rating:

CONDO INFORMATION

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

DEPRECIATION

Phys Cond:	VG - Very Good	13.1%
Functional:		%
Economic:		%
Special:		%
Override:		%
Total:		13.8%

CALC SUMMARY

Basic \$ / SQ:	94.00
Size Adj.:	0.84722221
Const Adj.:	0.99371994
Adj \$ / SQ:	79.139
Other Features:	32998
Grade Factor:	1.20
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	327583
Depreciation:	45206
Depreciated Total:	282376

COMMENTS

ALU REMOD 2019.

RESIDENTIAL GRID

1st Res Grid	Desc:	Line 1	# Units:	1
Level	FY LR DR D K FR RR BR FB HB L O			
Other				
Upper				
Lvl 2				
Lvl 1				
Lower				
Totals	RMs:	9	BRS:	4
	Baths:	1	HB:	1

REMODELING

Exterior:	
Interior:	2019
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

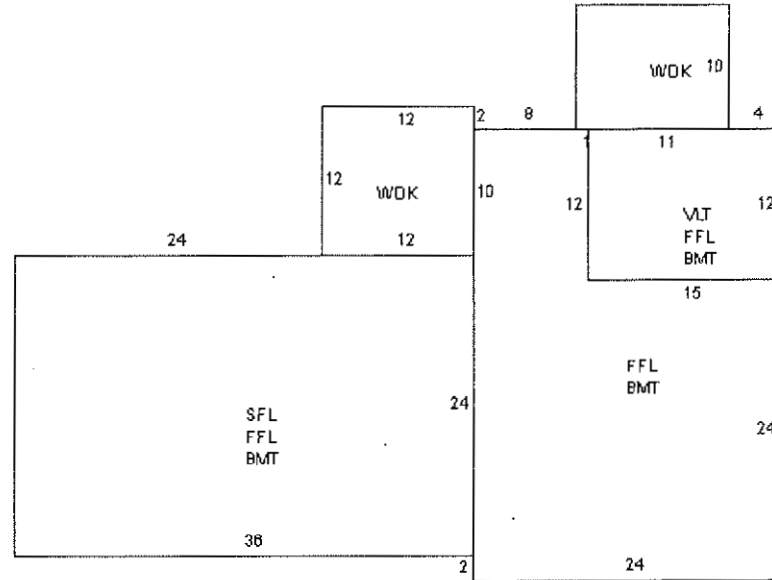
RES BREAKDOWN

No Unit	RMS	BRS	FL
1	6	3	M
1	3	1	M
Totals			
2	9	4	

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:			AvRate:	Ind.Val
Juris. Factor:			Before Depr:	94.97
Special Features:	0		Val/Su Net:	59.28
Final Total:	282400		Val/Su SzAd:	108.95

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	
BMT	BASEMENT	1,728	17.490	30,222	
FFL	FIRST FLOOR	1,728	79.140	136,752	
SFL	SECOND FLR	864	79.140	68,376	
WDK	WOOD DECK	264	14.870	3,926	
VLT	VAULTED CEIL	180	3.960	712	
Net Sketched Area:		4,764	Total:	239,988	
Size Ad	2592	Gross Area	4764	FinArea	2592

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu #	Ten
BMT	100	RRM	70	AV	

MOBILE HOME	Make:	Model:	Serial #:	Year:	Color:
-------------	-------	--------	-----------	-------	--------

SPEC FEATURES/YARD ITEMS

Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
------	-------------	-------	-----	----------	------	-----	------	------------	-----	-----	-----	------	-------	------------	------	-------	--------------

PARCEL ID 222-039-000

IMAGE



More:	N	Total Yard Items:		Total Special Features:		Total:	
-------	---	-------------------	--	-------------------------	--	--------	--

3-3A Colson Road (Map/Lot 222-039-000)

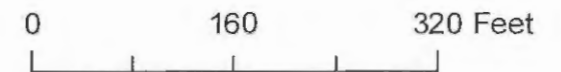


July 16, 2019

1 inch = 147 feet

----- Easement_Lines

□ Parcels



3 A Drive Way
Existing dirt driveway when home was
purchased



Existing Current dirt driveway



15 Wason Road

Two family - two driveway,



3-3A Colson Road

View from 15 Wason Road



15 Wason Road -
View from 3 - 3A Colson Road



3-3A Colson Road
view from 4 Colson Road

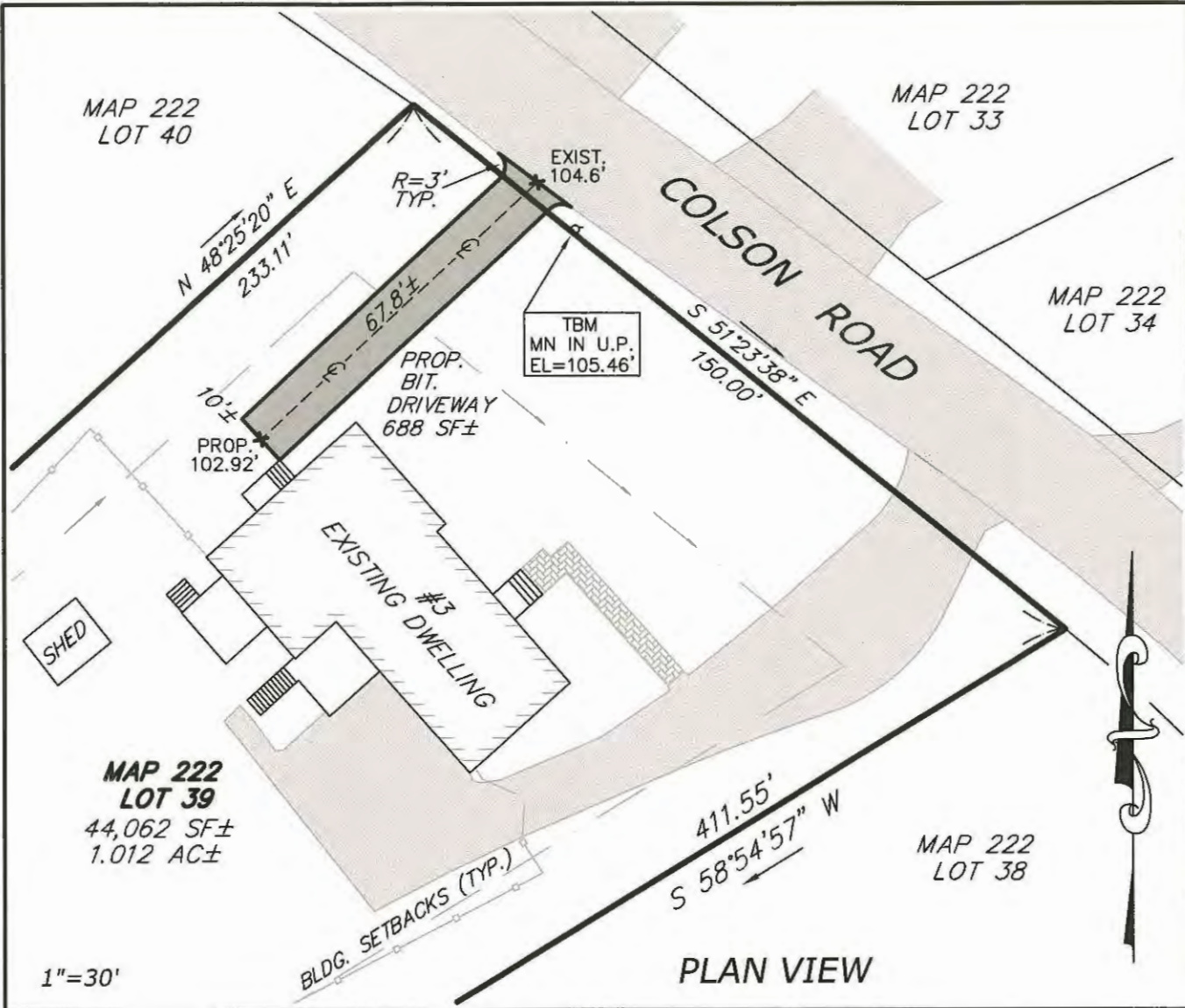


4 Colson Road

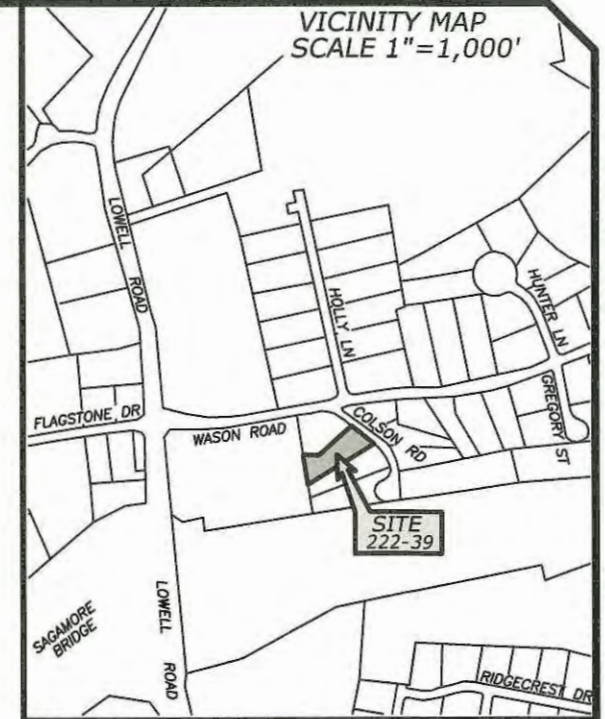
view from 3-3A Colson Rd.



PROPOSED DRIVEWAY WORKSHEET 3 COLSON ROAD, HUDSON, NH MAP 222 LOT 39



- NOTES:
- 1) PLAN PURPOSE IS TO ILLUSTRATE THE PROPOSED DRIVEWAY ON LOT 222-39, HUDSON, NH.
 - 2) ALL PROJECT ELEVATIONS ARE ASSUMED
 - 3) REFERENCE HUDSON ZONING DETERMINATION 19-082.



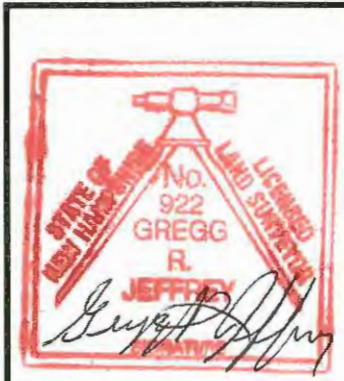
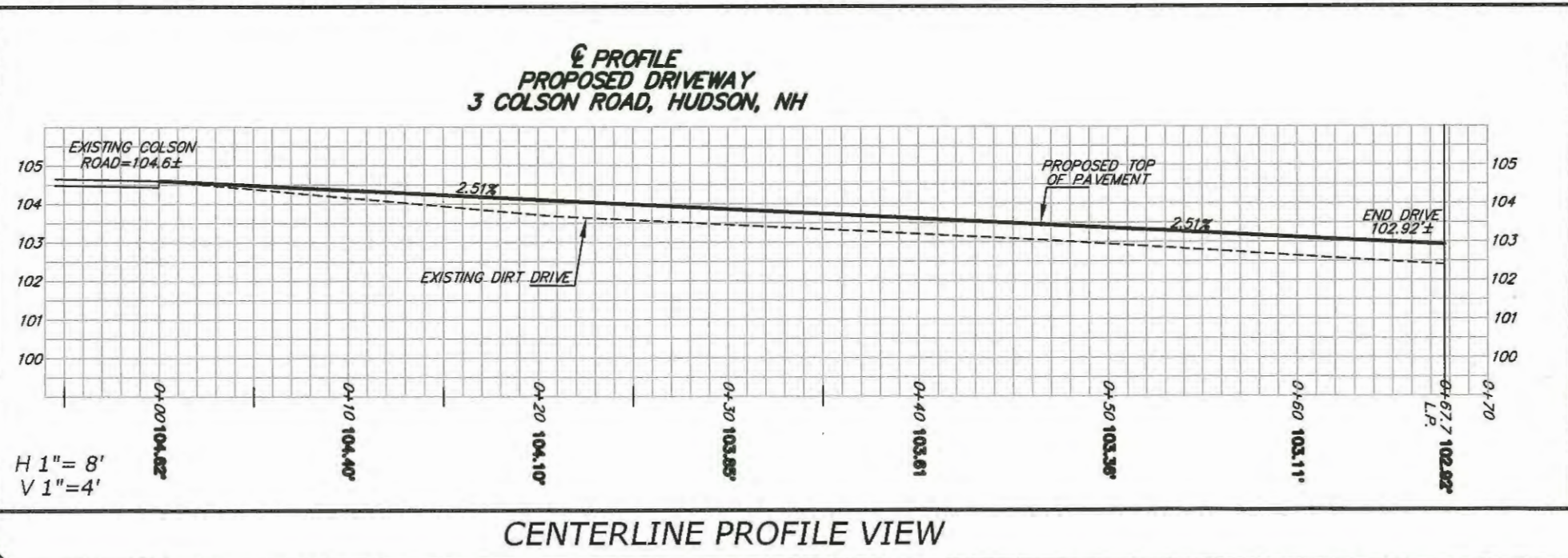
REV. 2		BY:
REV. 1		BY:

ZONING DISTRICT: RES-2
REQUIRED SETBACKS:
FRONT - 30 FEET
SIDE - 15 FEET
REAR - 15 FEET

DEED REF: BK. 9131 PG. 384
PLAN REF.: HCRD PL. 31281

PLAN SCALE: AS NOTED
DATE: JULY 2019

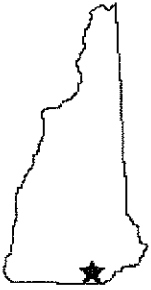
JOB REF.: 019-067-MALL
XREF.:



I HEREBY CERTIFY:
THAT THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY AND THAT ALL MEASUREMENTS HEREON ARE TO BE CONSIDERED TRUE AND ACCURATE.

JEFFREY LAND SURVEY LLC
1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089





TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: September 26, 2019 *7/16/19*

Case 174-079-005 (9-26-19): Don Dumont, owner of Posey Investments, LLC., 195R Central St., Hudson, NH requests an Equitable Waiver of Dimensional Requirement for 7 Lee Way, Hudson, NH to allow a newly built foundation to encroach 6 inches into the side yard setback leaving 14.5 ft. where 15 ft. is required. [Map 174, Lot 079-005; Zoned Town Residence (TR); HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].

Address: 7 Lee Way

Zoning district: Town Residence (TR)

Summary:

Applicant requests an Equitable Waiver of Dimensional Requirement – to maintain a recently poured foundation that encroaches 6” into the side yard setback.

Property description:

This is an existing conforming (under construction) lot of record: Having .47 Acre = 20,462 sqft, where 10,000 sqft is required and frontage of 98 ft where 90 ft is required.

HISTORY:

Assessing: Listed as Vacant: currently under construction for SFR.

Building Permits: #2019-00442-1-FD Foundation Only issued 6/21/2019

Attachments:

“A” Assessing record.

“B” Building Permit # 2019-00442-1-FD “Foundation Only” issued 6/21/2019.

“C” Certified plot plan dated Sept 5, 2019 showing “as built” with 6” encroachment into side yard setback.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	130 - VAC RESD	0	0	43,400	0.59	0.00	43,400
2018	130 - VAC RESD	0	0	43,400	0.59	0.00	43,400
2018	130 - VAC RESD	0	0	43,400	0.59	0.00	43,400
2017	130 - VAC RESD	0	0	0	0.59	0.00	0





Town of Hudson, NH
FOUNDATION ONLY

Hudson Fire - Inspectional Services Division
12 School Street
Hudson, NH 03051
603-886-6005

Permit Number
2019-00442-1-FD
Date of Issue
6/21/2019
Expiration Date
12/18/2019

Owner: POSEY INVESTMENTS, LLC

Applicant: Derek Management Company LLC

Location of Work: 7 LEE WAY
(No. and Street) (Unit or Building)

Description of Work: Foundation Only

ZONING DATA: District: TR Map/Lot: 174-079-005

CONTRACTOR: Derek Management Company LLC 231-7344

REMARKS:

A CERTIFIED FOUNDATION PLAN IS REQUIRED PRIOR TO ISSUANCE OF A FRAMING PERMIT

• **Building Permit Issuance Conditions are as follows:**

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
- THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
- APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
- NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
- WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
- WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE.
- ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

INSPECTION APPROVALS

Building	_____ / _____ / _____	Date	_____
Plumbing	_____ / _____ / _____	Date	_____
Electrical	_____ / _____ / _____	Date	_____
Other	_____ / _____ / _____	Date	_____

Permit Holder: Derek Management Company LLC
(Taking Responsibility for the Work)
Company/Affiliation: Contractor **Job Site Phone Number:** 231-7344

Constr Cost: \$200,000 **Permit Fee:** \$100.00 **Check No.:** 3759 **Cash:** \$0.00

The Permit Card Shall be Posted and Visible From the Street During Construction

THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

	6/21/2019
Code Official	Permit Holder Date

B₁



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-594-1142

BUILDING PERMIT APPLICATION - PLEASE PRINT

Address: 7 LEE WAY Unit # _____

Site/Sub Plan: ARNE LLC, map 174/479 HCRD, 39423

Office use:
 Map 174
 Lot 079-005
 Zone TR
 Permit # _____

Residential

Single family detached
 Modular Homes
 Duplex
 3+ family dwelling (# of units _____)
 Other _____

Type of Improvement

New Building
 Addition
 Alteration/Renovation
 Repair/Replacement
 Conversion of +/- dwelling units
 Other _____

____ Deck
 ____ Shed
 ____ Swim Pool
 ____ Garage
 ____ Carport

Commercial

____ Office/Bank/Professional
 ____ Hospital/Medical
 ____ Industrial/Warehouse
 ____ Restaurant
 ____ Other _____

____ Garage
 ____ School
 ____ Store
 ____ Utility

Type of Improvement

____ New Building
 ____ Addition
 ____ Alteration/Renovation
 ____ Repair/Replacement
 ____ Conversion from residential to commercial space
 ____ Other _____

____ Deck
 ____ Shed
 ____ Swim Pool
 ____ Interior Demo

Will the applicant/owner manufacture, assemble or produce any product, regardless of water use?
 Yes (Need IDA Form) No (Need IDA Checklist) *Please consult the Town Engineer at 886-6008 with any questions

Total Cost of Project: \$800,000

General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use.
NEW CONSTRUCTION 34 X 42
3 Bedroom 2 1/2 BATH NEW HOME SINGLE FAMILY

Square Footage Footprint 34 X 42 Renovated/added _____ Number of stories 2
 Living area of new home (exclude unfinished areas and garage) 1912 Total area of bldg 1428

Principal Type of Frame

Masonry (wall bearing) Wood Frame Structural steel
 Reinforced concrete Other-Specify _____

Type of Sewage Disposal

Town or private company (requires Town permit)
 Private (septic tank, etc.)

RECEIVED

MAY 23 2019



TOWN OF HUDSON
SEP 09 2019

Zoning Department

APPLICATION FOR AN EQUITABLE WAIVER

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by Land Use Division personnel

Case No. 174-079-005(9-26-19)

Date Filed 9/9/19

Name of Applicant POSEY INVESTMENTS LLC Map: 174 Lot: 079-005 Zoning District: TR

Telephone Number (Home) _____ (Work) 603-231-7344

Mailing Address 195 R Central St

Owner POSEY INVESTMENTS LLC

Location of Property 7 Lee way Hudson, NH
(Street Address)

[Handwritten signatures in blue ink]

Signature of Applicant _____ Date 9-5-19

Signature of Property Owner(s) _____ Date 9-5-19

NOTE: Fill in all portions of the Application Form(s) as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate. If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak on his/her/their behalf or that you have permission to seek the described equitable waiver.

Items in this box are to be filled out by Land Use Division personnel

COST:

Application fee:	\$130.00	Date received: <u>9/9/19</u>
<u>7</u> Direct Abutters x \$4.05 =	<u>28.35</u>	
<u>14</u> Indirect Abutters x \$0.55 =	<u>7.70</u> ²¹⁵	
<u>13</u> Total amount due:	<u>\$166.05</u>	Amt. received: \$ <u>165.50</u>
	<u>165.50</u>	Receipt No.: <u>566,561</u>

Received by: TSG

By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
(DST)	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	TG. 2/2/19
(DST)	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	TG.
(DST)	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
(DST) N/A	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	N/A.
(DST)	* Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	Missing TG 2/2/19
(DST)	* A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office) * Single sided, please.	TG 2/2/19 Missing
(DST)	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	TG
(DST) N/A	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	N/A

PLOT PLAN-

10/1 Except for requests pertaining to above-ground pools, sheds, decks and use variances, TG.
the application must include a copy of a certified plot plan from a licensed land
surveyor. The required plot plan shall include all of the items listed below. Pictures and
construction plans will also be helpful. (NOTE: it is the responsibility of the applicant
to make sure that all of the requirements are satisfied. The application may be deferred if
all items are not satisfactorily submitted):

a) 10/1 The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North TG.
pointing arrow shown on the plan.

b) 10/1 The plot plan shall be up-to date and dated, and shall be no more than three years old. TG

c) 10/1 The plot plan shall have the signature and the name of the preparer, with his/her/their TG
seal.

d) 10/1 The plot plan shall include lot dimensions and bearings, with any bounding streets and TG
with any rights-of-way and their widths as a minimum, and shall be accompanied by a GIS ✓
copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at
the Land Use Division.)

e) 10/1 The plot plan shall include the location and dimensions of existing or required services, TG
the area (total square footage), all buffer zones, natural features, any landscaped areas,
any recreation areas, any safety zones, all signs, streams or other wetland bodies, and
any drainage easements.

f) 10/1 The plot plan shall include all existing buildings or other structures, together with their TG
dimensions and the distances from the lot lines, as well as any encroachments.

g) 10/1 The plot plan shall include all proposed buildings, structures, or additions, marked as TG
"PROPOSED," together with all applicable dimensions and encroachments.

h) 10/1 The plot plan shall show the building envelope as defined from all the setbacks required TG
by the zoning ordinance.

10/1 The plot plan shall indicate all parking spaces and lanes, with dimensions. N/A

The applicant has signed and dated this form to show his/her awareness of these requirements.

[Signature]
Signature of Applicant(s)

9-5-19
Date

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

ALL DIRECT ABUTTERS

List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

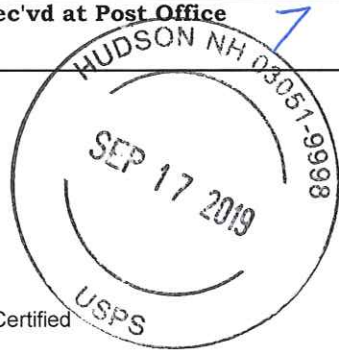
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
174 174 174 174	86 79-3 79-5 79-4	Posey Investments LLC	195R Central St
174	76	John K. Abbott	9 Haverhill St
174	79-1	Marcy A. Norse	15 Haverhill St
174	91	Jeremiah A Smith and Aime L. Smith	24 Highland St
174	90	Lloyd D. Surplus	20 Highland St
174	89	Paul J. Labonte and Judith A. Labonte	16 Highland St
174	88	Michael Reney	12 Highland St

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
174	67	Angela R. Lamothe and Jeffrey S. Lamothe	10 Haverhill St
174	58	Norman A Whitaker and Eleanor L Whitaker	12 Haverhill St
174	96	Geoffrey Standbridge and Janet L. Standbridge	17 Haverhill St
174	95	John Cantara	19 Haverhill St.
174	92	Jason M. Jussif and Alan A. Jussif	24 North Policy St. Salem, NH 03079
174	77	Frank B. Kupchunas	29 Derry St
174	84	Richard Morgan and Blanche Morgan	8 Highland St
174	87	Richard Scott Teal	10 Highland St
174	85	Scott Herbert and Herbert Revocable Trust	4 Foster Rd Merrimack, NH 03054
174	78	Genghe Zheng and Isabel Cecilia Chin Yi Chac	3 Ricky Dr
174	79-2	Robert H. Young and Barbara Ellen Chirone Young	25 Derry
174	80	Richard Kenneth and Catherine Richard	21 Derry St
174	68	Shawn Butler	8 Haverhill St

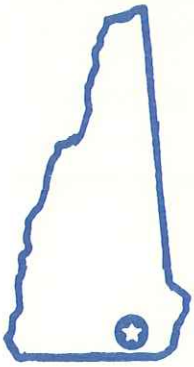
SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 174-079-005 Equitable Waiver of Dimensional Requirement 7 Lee Way Map 174/Lot 079-005	1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting	
1	7018 2290 0001 3001 8732		POSEY INVESTMENTS, LLC 195R CENTRAL ST., HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT	
2	7018 2290 0001 3001 8749		ABBOTT, JOHN K.;QUIGLEY, PRISCILLA 9 HAVERHILL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
3	7018 2290 0001 3001 8756		LABONTE, PAUL J. & JUDITH A. 16 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	7018 2290 0001 3001 8763		NORSE, MARCY A. 15 HAVERHILL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT	
5	7018 2290 0001 3001 8770		RENEY, MICHAEL 12 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
6	7018 2290 0001 3001 8787		SMITH, JEREMIAH A. & AIMEE L. 24 HIGHLAND ST, HUDSON, NH 03051	ABUTTER NOTICE SENT	
7	7018 2290 0001 3001 8794		SURPLUS, LLOYD D. 20 HIGHLAND ST., HUDSON, NH 03051	ABUTTER NOTICE SENT	
8					
9					
10					
		Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office 7	Postmaster, (receiving Employee) <i>Paula Anjeli</i>	



Direct Certified

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051		Case# 174-079-005 Equitable Waiver of Dimensional Requirement 7 Lee Way Map 174/Lot 079-005 1 of 2
		US POSTAL SERVICE - FIRST CLASS MAIL	
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting
1	N/A-mailed First Class	BUTLER, SHAWN 8 HAVERHILL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	CANTARA, JOHN 19 HAVERHILL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	HERBERT, SCOTT K., TR.; HERBERT REVOCABLE TRUST 4 FOSTER RD., MERRIMACK, NH 03054	ABUTTER NOTICE SENT
4	N/A-mailed First Class	JUSSIF, JASON M., TR; JUSSIF, ALAN A., TR.; JMC REALTY TRUST 24 NORTH POLICY ST., SALEM, NH 03079	ABUTTER NOTICE SENT
5	N/A-mailed First Class	KUPCHUNAS, FRANK B., JR 29 DERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
6	N/A-mailed First Class	LAMOTHE, ANGELA R. & JEFFREY S. 10 HAVERHILL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
7	N/A-mailed First Class	MORGAN, RICHARD & BLANCHE, TR.; MORGAN FAMILY REV TRUST 8 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
8	N/A-mailed First Class	RICHARD, KENNETH & CATHERINE 21 DERRY ST., HUDSON, NH 03051-4007	ABUTTER NOTICE SENT
9	N/A-mailed First Class	STANDBRIDGE, GEOFFREY & JANET L. 17 HAVERHILL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
10	N/A-mailed First Class	TEAL, RICHARD SCOTT 10 HIGHLAND ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
11			
	Total Number of pieces listed by sender 10	Total number of pieces rec'd at Post Office 10	Postmaster, (receiving Employee) PCH





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



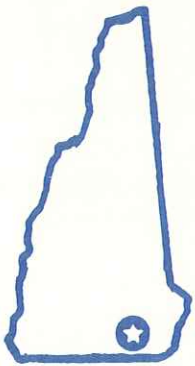
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 174-079-005 (9-26-19): Don Dumont, owner of Posey Investments, LLC., 195R Central St., Hudson, NH requests an Equitable Waiver of Dimensional Requirement for 7 Lee Way, Hudson, NH to allow a newly built foundation to encroach 6 inches into the side yard setback leaving 14.5 ft. where 15 ft. is required. [Map 174, Lot 079-005; Zoned Town Residence (TR); HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].**

Please be advised, the above notice is being sent to all abutters listed on the application. You, or a representative, are expected to attend the hearing, and make a presentation.

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 174-079-005 (9-26-19): Don Dumont, owner of Posey Investments, LLC., 195R Central St., Hudson, NH requests an Equitable Waiver of Dimensional Requirement for 7 Lee Way, Hudson, NH to allow a newly built foundation to encroach 6 inches into the side yard setback leaving 14.5 ft. where 15 ft. is required. [Map 174, Lot 079-005; Zoned Town Residence (TR); HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].**

Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this Application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator

For any appeal, the application form must be properly filled out. The application form is intended to be self-explanatory, but be sure that you show:

1. Who owns the property? If the applicant is not the owner, please include a statement from the owner that you have permission to speak on his/her behalf.
2. Where the property is located.
3. What you propose to do. Supply twelve copies of an 8.5" x 11" or 11" x 17" scale plan which gives lot area, frontage, side and rear lot lines, natural features, existing and proposed structures, alteration to the lot, and distance to lot lines or wetlands. Pictures and construction plans are helpful.
4. Why your proposed use requires an appeal. Please fill out the attached appeal forms completely. Include why the appeal should be granted.
5. List of abutters, per NH RSA 672:3. This includes property and the name(s) of the owner(s) of properties which physically touch the subject property, across the street and kitty-corner to the subject property.

Prepare a list of all abutting property owners using the Assessing Office records, and attach it to your application. **The accuracy of the list is your responsibility. If the list is found to be incorrect, you may be required to appear before the ZBA a second time, at your expense.**

6. Deliver the completed application, with all attachments, to the office of the Zoning Administrator. A fee is charged sufficient to cover the cost of preparing and mailing the legally required notices. If paying by check, make the check payable to the Town of Hudson and submit with your application.

The Zoning Office will schedule a public hearing within thirty (30) days of receipt of your **properly-completed** application. Applications are scheduled on a first come, first serve basis. **Only completed applications will be scheduled for a hearing.** Public notice of the hearing will be posted and printed in a newspaper, and a notice will be mailed to you, all abutters and other parties whom the Board may deem to have an interest.

After the public hearing, the Board will reach a decision. You will be sent a Notice of Decision.

If you believe that the Board's decision is wrong, you have the right to appeal. Any party affected has the right to appeal the decision of your case. To appeal, you just first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The motion must be made within thirty (30) days of the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in its' opinion, good reason is stated in the motion. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

See **NH RSA Chapter 677** for more detail on rehearing and appeal procedures.

Requests before the Board may require connection to the municipal sewer system. Please contact the Town Engineer prior to submittal of this application to determine if connection is required, and the procedures for such application.

APPLICATION FOR AN EQUITABLE WAIVER

Equitable Waivers are granted for area violations of the ordinance and which have existed for a long period of time without negatively impacting the community. The following criteria must meet the satisfaction of the Zoning Board of Adjustment:

1. **INNOCENT MISTAKE.** Please explain how long the structure has been built, and under what circumstances was it permitted to be built in violation of the dimensional requirements of the ordinance:

The foundation is newly built. The excavation company mis-located the left rear corner of the foundation 6" over the set back of the property

2. **DISCOVERED TOO LATE.** Please explain when it was discovered that the structure was built in violation.

The measurement error was discovered after the foundation was poured by the survey required for the framing permit



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-104

September 5, 2019

Don Dumont
Posey Investments, LLC
195R Central St
Hudson, NH 03051

Re: 7 Lee Way Map 174 Lot 079-005
District: Town Residence (TR)

Dear Mr. Dumont,

After the site visit of today and review of the certified plot plan, the current construction of your foundation is in violation of the required 15ft setback required per §334-27 Table of Minimum Dimensional Requirements.

Zoning Review / Determination:

Please cease the construction of the structure and apply for an Equitable Waiver of Dimensional Requirement from the Zoning Board of Adjustment to allow the foundation in the setback area.

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
D. Hebert – Building Official
File

NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

174 079 005
 MAP LOT SUB

1 of 1
 CARD

Hudson

Total Card / Total Parcel
 APPRAISED: 43,400/ 43,400
 USE VALUE: 43,400/ 43,400
 ASSESSED: 43,400/ 43,400



Patriot Properties Inc.

PROPERTY LOCATION

No	Alt No	Direction/Street/City
7		LEE WAY, HUDSON

OWNERSHIP

Owner 1:	Unit #:
POSEY INVESTMENTS, LLC	
Owner 2:	
Owner 3:	
Street 1:	195R CENTRAL ST.
Street 2:	
Wn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051
Own Occ:	Type:

PREVIOUS OWNER

Owner 1:	POSEY INVESTMENTS, LLC -
Owner 2:	-
Street 1:	195R CENTRAL ST.
Wn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

NARRATIVE DESCRIPTION
 This parcel contains .588 ACRES of land mainly classified as AC RESD with a N/A Building built about, having primarily 1/4 Exterior and Square Feet, with 0 Unit, 0 Bath, 0 3/4 Bath, Half Bath, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	TR	TOWN RES		water	3	TOWN WATE
o				Sewer	2	TOWN SEWE
n				Electri		
Census:				Exmpt		
Flood Haz:		C				
D				Topo	1	LEVEL
s				Street		
t				Gas:		

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
130	0.588			43,400	43,400
Total Card		0.588		43,400	43,400
Total Parcel		0.588		43,400	43,400
Source:		Market Adj Cost	Total Value per SQ unit /Card: N/A		/Parcel: N/A

Legal Description

Entered Lot Size
 Total Land: 0.588
 Land Unit Type: AC

User Acct

11716
 GIS Ref
 GIS Ref
 Insp Date

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	130	JB		0	.588	43,400	43,400	43,400	Year End Roll	5/8/2019
2018	130	FV		0	.588	43,400	43,400	43,400	Year End Roll	8/27/2018
2018	130	JB		0	.588	43,400	43,400	43,400	Year End Roll	5/9/2018
2017	130	FV		0	.588				Year End Roll	10/26/2017

Parcel ID 174-079-005

110402!

PRINT

Date	Time
09/05/19	14:39:16

LAST REV

Date	Time
08/21/19	09:21:43

amym 10402

SALES INFORMATION

TAX DISTRICT

PAT ACCT.

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
POSEY INVESTMEN	9198-0067		8/12/2019			No	No		Homeowners Maintenance Covenant
POSEY INVESTMEN	9145-1218	6	2/4/2019	EASEMENT		No	No		
ARNE LLC,	9107-0818	1	9/6/2018	MULTI PID	75,000	Yes	No		
ARNE LLC,	9005-0846	1	9/8/2017	NO SEP ASSMT	245,000	No	No		subdivision recorded after april 1, 2017

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
6/24/2019	2019-00442	H2O hook		C				
6/24/2019	2019-00442	SEWER		C				
6/21/2019	2019-00442	FOUNDATI	200,000	O				
6/5/2019	2019-00482	DRIVEWAY		C				

ACTIVITY INFORMATION

Date	Result	By	Name
5/24/2019	HFD Letter	1	CHIEF ASSESS
3/26/2018	Field Review	12	TECH ASMNT

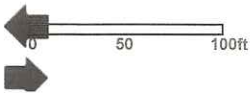
Sign: VERIFICATION OF DISTRICT CODE: / /

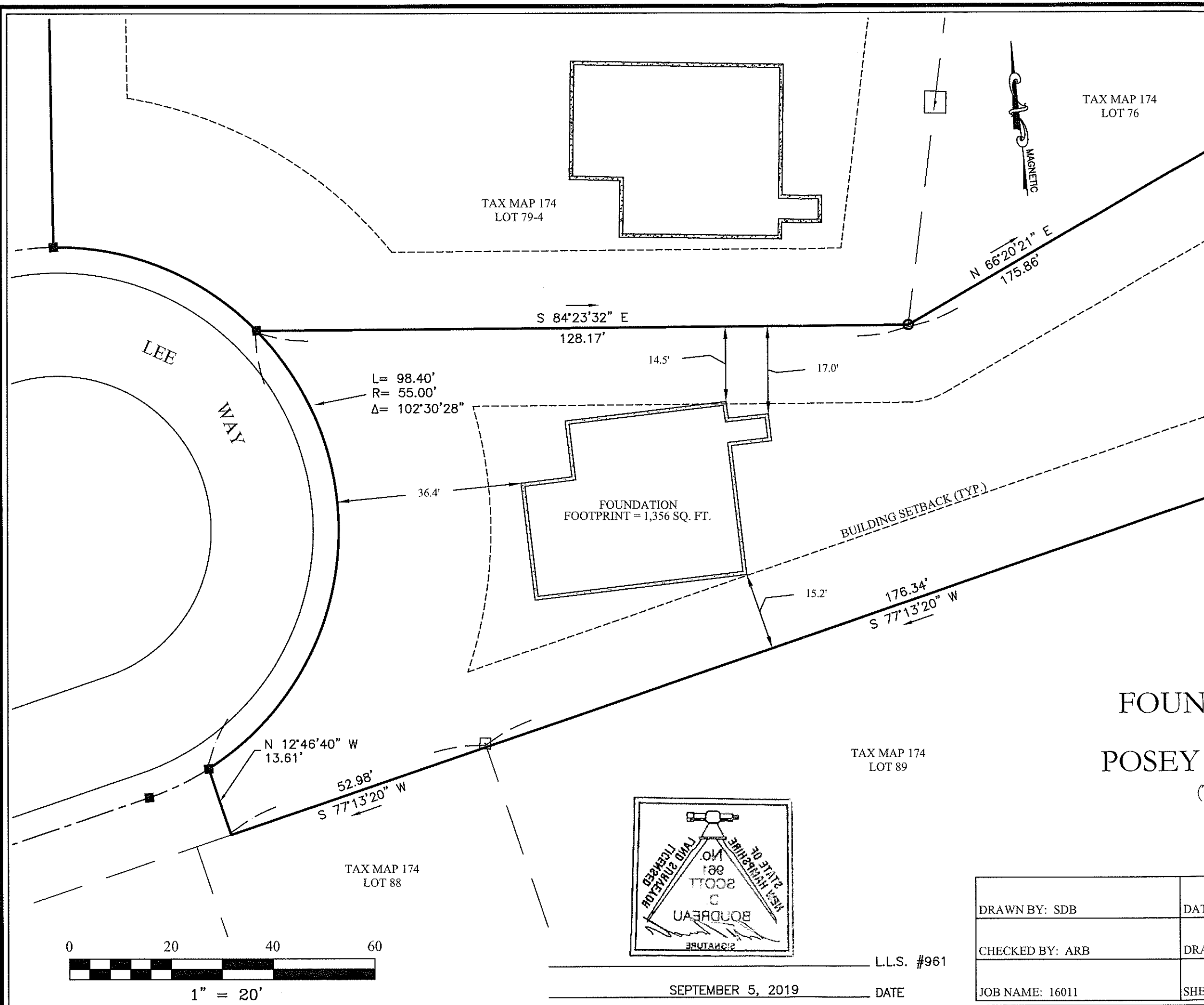
LAND SECTION (First 7 lines only)

Jse Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class %	Spec Land	J Code	Fact	Use Value	Notes
130	VAC RESD	0.9	0.588		SITE ACRE SITE			0.110,000.	0.67	RE				DEVELO	-50		43,382					43,400	

Total AC/HA: 0.58800 Total SF/SM: 25613 Parcel LUC: 130 VAC RESD Prime NB Desc RES AVG Total: 43,382 Spl Credit Total: 43,400

-71.438128, 42.769037





NOTES:

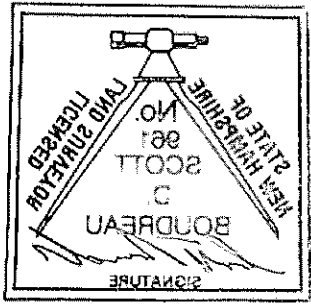
1. REFERENCE: TAX MAP 174 LOT 79-5
H.C.R.D. BOOK 9107 PAGE 818
7 LEE WAY, HUDSON, NH
2. EXISTING PARCEL AREA: 20,462.6 SQ. FT. OR 0.47 AC.
3. OWNER OF RECORD: POSEY INVESTMENTS, LLC
195R CENTRAL STREET
HUDSON, NH 03051
4. ZONE: TR-TOWN RESIDENTIAL
DIMENSIONAL REQUIREMENTS:

MINIMUM LOT AREA	10,000 sf.
MINIMUM FRONTAGE	90 ft.
MINIMUM FRONT SETBACK	30 ft.
MINIMUM SIDE SETBACK	15 ft.
MINIMUM REAR SETBACK	15 ft.
MAXIMUM BUILDING HEIGHT (PER SECTION 334-14 OF THE HUDSON ZONING ORDINANCE)	38 ft.
5. HORIZONTAL DATUM IS BASED ON PLAN REFERENCE 1.
VERTICAL DATUM IS ASSUMED. TO CONVERT TO NAVD88, ADD
52.82' TO ALL ELEVATIONS SHOWN.
6. THE INTENT OF THIS PLAN IS TO SHOW THE AS-BUILT
LOCATION OF THE FOUNDATION IN REFERENCE TO THE
RECORD BOUNDARY.

PLAN REFERENCES:

1. PLAN TITLED "SUBDIVISION PLAN PREPARED FOR ARNE, LLC"
DATED JULY 18, 2017, PREPARED BY THIS OFFICE, H.C.R.D. PLAN
39423 DRAWER 182.
2. "PLAN SHOWING LOT LINE ADJUSTMENT BETWEEN TAX MAP
174 LOT 79-5 & LOT 86 PREPARED FOR POSEY INVESTMENTS,
LLC" DATED 7-22-2019, PREPARED BY THIS OFFICE, H.C.R.D.
PLAN 40238 DRAWER 184.

PLAN SHOWING
FOUNDATION AS-BUILT
 PREPARED FOR
POSEY INVESTMENTS, LLC
 (TAX MAP 174 LOT 79-5)
 7 LEE WAY
 HUDSON, NH



L.L.S. #961

SEPTEMBER 5, 2019 DATE

DRAWN BY: SDB	DATE: SEPTEMBER 5, 2019
CHECKED BY: ARB	DRAWING NAME: 16011P
JOB NAME: 16011	SHEET 1 OF 1

**Boudreau
Land
Surveying P.L.L.C.**
 SCOTT D. BOUDREAU, L.L.S. #961
 2 BEATRICE LANE
 NEWMARKET, NH 03857
 (603) 659-3468

ABUTTERS:
DIRECT ABUTTERS:
 MAP 174 LOT 76
 JOHN K. ABBOTT
 PRICILLA OUGHEY
 9 HAVERHILL STREET
 HUDSON, NH 03051
 MAP 174 LOT 79-1
 MARCY A. NORSE
 15 HAVERHILL STREET
 HUDSON, NH 03051
 TAX MAP 174 LOT 79-4
 POSEY INVESTMENTS, LLC
 195R CENTRAL STREET
 HUDSON, NH 03051
 MAP 174 LOT 80
 KENNETH & CATHERINE RICHARD
 21 DERRY STREET
 HUDSON, NH 03051
 MAP 174 LOT 85
 SCOTT K. HERBERT REVOCABLE TRUST
 SCOTT K. HERBERT, TRUSTEE
 4 FOSTER ROAD
 MERRIMACK, NH 03054
 MAP 174 LOT 87
 RICHARD SCOTT TEAL
 10 HIGHLAND STREET
 HUDSON, NH 03051
 MAP 174 LOT 88
 MICHAEL RENEY
 12 HIGHLAND STREET
 HUDSON, NH 03051

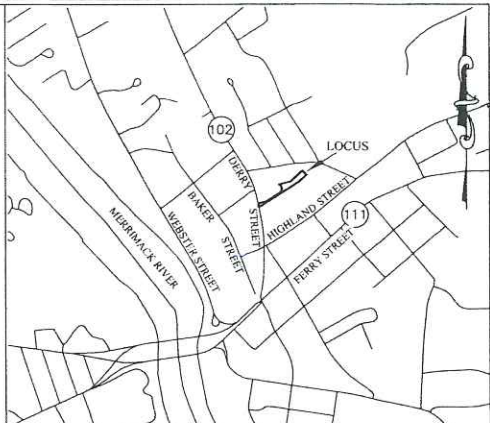
MAP 174 LOT 89
 PAUL J. & JUDITH A. LABONTE
 16 HIGHLAND STREET
 HUDSON, NH 03051
 MAP 174 LOT 90
 LLOYD D. SURPLUS
 70 HIGHLAND STREET
 HUDSON, NH 03051
 MAP 174 LOT 91
 JEREMIAH A. & AIMEE L. SMITH
 24 HIGHLAND STREET
 HUDSON, NH 03051
 PROPERTY OWNERS WITHIN 200 FT:
 MAP 174 LOT 79-2
 ROBERT HUGH & BARBARA ELLEN
 CHIKONY YOUNG
 25 DERRY STREET
 HUDSON, NH 03051
 TAX MAP 174 LOT 79-3
 POSEY INVESTMENTS, LLC
 195R CENTRAL STREET
 HUDSON, NH 03051
 MAP 174 LOT 78
 GENGHE ZHENG
 ISABEL CYLIA CHIN YI CHAC
 128 CHANDLER COURT
 HUDSON, NH 03051
 MAP 174 LOT 77
 FRANK B. KUPCHUNAS, JR.
 HUDSON, NH 03051

MAP 174 LOT 4
 FRANCIS C. CORCORAN
 ROB C. CROWLEY
 5 HIBBICUS WAY
 NASHUA, NH 03062
 MAP 174 LOT 5
 ROGER D. & ELAINE M. MEUSE
 18 DERRY STREET
 HUDSON, NH 03051
 MAP 174 LOT 6
 TIMOTHY W. MELANSON
 20 DERRY STREET
 HUDSON, NH 03051
 MAP 174 LOT 7
 ZACHARIAS ANDRE-NEITO
 MARIA ELIZABETH Z. ANDRE
 22 DERRY STREET
 HUDSON, NH 03051
 MAP 174 LOT 8
 JUSTINE MARY HOLDINGS, INC.
 214 CENTRAL STREET
 HUDSON, NH 03051
 MAP 174 LOT 22
 THOMAS J. & MARY C. DONAHUE
 1 LESLIE STREET
 HUDSON, NH 03051
 MAP 174 LOT 23
 26 DERRY ROAD REALTY HOLD, LLC
 26 DERRY STREET
 HUDSON, NH 03051
 MAP 174 LOT 24
 ROBERT I. & MARY A. MARTIN

30 DERRY STREET
 HUDSON, NH 03051
 MAP 174 LOT 34-1
 DONALD L. & MICHELLE L. WHITNEY
 2 ABBOTT STREET
 HUDSON, NH 03051
 MAP 174 LOT 32-5
 LOVEWELL STREET TRUST
 MARIE HANDLEY, TRUSTEE
 2025 PLAINFIELD DR SW
 VERO BEACH, FL 32968
 MAP 174 LOT 32-6
 LOVEWELL STREET TRUST
 MARIE HANDLEY, TRUSTEE
 2025 PLAINFIELD DR SW
 VERO BEACH, FL 32968
 MAP 174 LOT 56
 BARON WRIGHT
 3 VERNON STREET
 HUDSON, NH 03051
 MAP 174 LOT 57
 CHRISTINE A. NOVICK
 1 VERNON STREET
 HUDSON, NH 03051
 MAP 174 LOT 58
 NORMAN A. & ELEANOR WHITAKER
 12 HAVERHILL STREET
 HUDSON, NH 03051

MAP 174 LOT 67
 ANGELA R. & JEFFREY L. AMOTHE
 10 HAVERHILL STREET
 HUDSON, NH 03051
 MAP 174 LOT 68
 SHAWN BUTLER
 8 HAVERHILL STREET
 HUDSON, NH 03051
 MAP 174 LOT 75
 JAMES COTE
 KELLY DORGAN
 6 HAVERHILL STREET
 HUDSON, NH 03051
 MAP 174 LOT 81
 ROBERT & JENNIFER YOUNG-HUSBAND
 19 DERRY STREET
 HUDSON, NH 03051
 MAP 174 LOT 84
 THE MORGAN FAMILY REVOCABLE
 TRUST OF 2014
 RICHARD AND BLANCHE MORGAN,
 TRUSTEES
 8 HIGHLAND STREET
 HUDSON, NH 03051
 MAP 174 LOT 92
 JMC REALTY TRUST
 JASON M. & ALANA J. BISSIE, TRUSTEES
 24 NORTH POLICY STREET
 SALEM, NH 03079

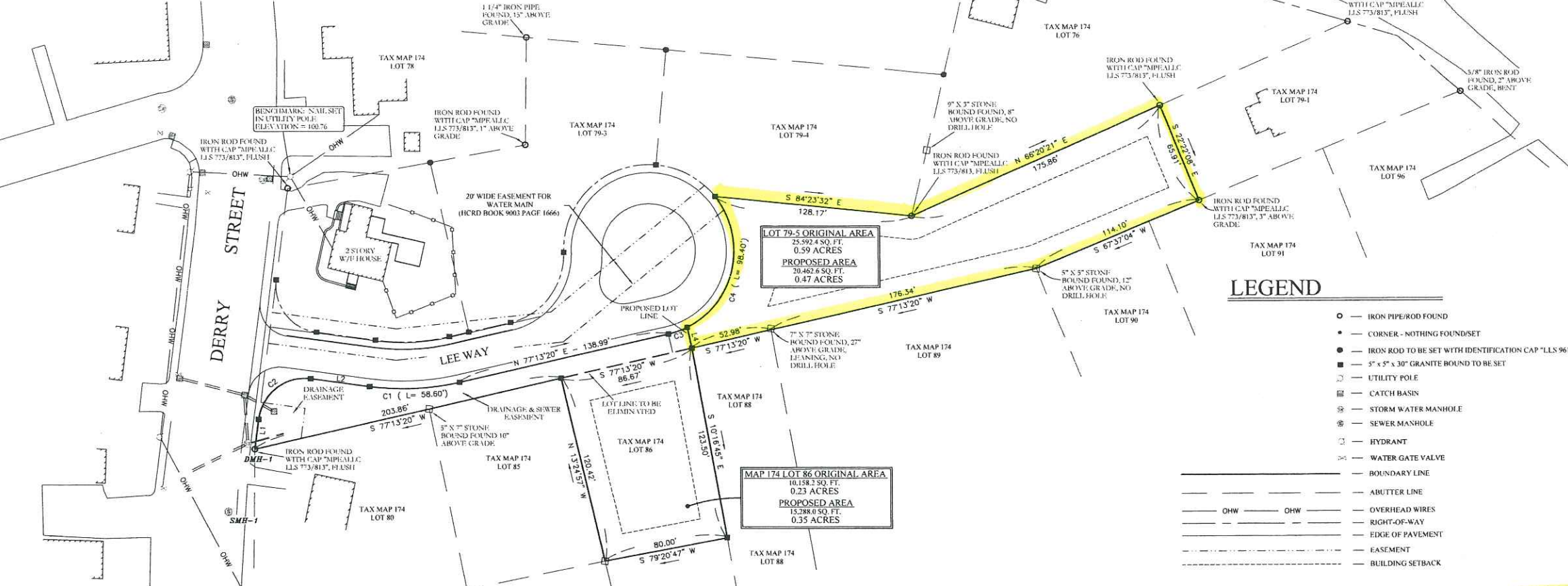
MAP 174 LOT 94
 JAMES D. CAILLOUTTE & IRENE M.
 BEAL-CAILLOUTTE
 21 HAVERHILL STREET
 HUDSON, NH 03051
 TAX MAP 174 LOT 95
 JOHN CANTARA
 19 HAVERHILL STREET
 HUDSON, NH 03051
 MAP 174 LOT 96
 GEOFFREY & JANET L. STANDBRIDGE
 17 HAVERHILL STREET
 HUDSON, NH 03051
 MAP 174 LOT 97
 GLENN T. & LISA O. GUIMOND
 16 HAVERHILL STREET
 HUDSON, NH 03051
 MAP 174 LOT 98
 DARRELL B. & JENNIFER E. ROBCHAUD
 18 HAVERHILL STREET
 HUDSON, NH 03051
 MAP 174 LOT 99
 CARLA M. & MICHAEL A. SHEEHAN
 20 HAVERHILL STREET
 HUDSON, NH 03051



NOTES:
 1. REFERENCE: TAX MAP 174 LOT 79-5
 H.C.R.D. BOOK 9107 PAGE 818
 7 LEE WAY, HUDSON, NH
 TAX MAP 174 LOT 86
 H.C.R.D. BOOK 9174 PAGE 1140
 10R HIGHLAND STREET, HUDSON, NH
 2. EXISTING PARCEL AREAS: TAX MAP 174 LOT 79-5 25,592.4 SQ. FT. OR 0.59 AC.
 PROPOSED PARCEL AREAS: 20,462.6 SQ. FT. OR 0.47 AC.
 TAX MAP 174 LOT 86 10,158.2 SQ. FT. OR 0.23 AC.
 15,288.0 SQ. FT. OR 0.35 AC.
 3. OWNER OF RECORD: POSEY INVESTMENTS, LLC
 195R CENTRAL STREET
 HUDSON, NH 03051

4. ZONE: TR-TOWN RESIDENTIAL
 DIMENSIONAL REQUIREMENTS:
 MINIMUM LOT AREA 10,000 sq. ft.
 MINIMUM FRONTAGE 90 ft.
 MINIMUM FRONT SETBACK 30 ft.
 MINIMUM SIDE SETBACK 15 ft.
 MINIMUM REAR SETBACK 15 ft.
 MAXIMUM BUILDING HEIGHT (PER SECTION 334-14
 OF THE HUDSON ZONING ORDINANCE) 38 ft.
 5. HORIZONTAL DATUM IS BASED ON PLAN REFERENCE 1. VERTICAL DATUM IS ASSUMED.
 TO CONVERT TO NAVD83, ADD 52.82' TO ALL ELEVATIONS SHOWN.
 6. THE INTENT OF THIS PLAN IS TO SHOW A LOT LINE ADJUSTMENT BETWEEN PROPERTY
 OF TAX MAP 174 LOT 79-5 AND PROPERTY OF TAX MAP 174 LOT 86.
 7. THERE ARE NO WETLANDS ON SITE.
 8. NO PART OF THIS LOT FALLS WITHIN THE 100 YEAR FLOOD ZONE, AS SHOWN ON N.F.P.
 F.L.R.M. COMMUNITY PANEL 330110514E, EFFECTIVE 4-18-2011.
 9. FOR MORE INFORMATION PERTAINING TO THIS SUBDIVISION, PLEASE REFER TO PLAN
 REFERENCE 3.
 10. CONSTRUCTION ACTIVITIES INVOLVING THE PROPOSED UNDEVELOPED LOTS SHALL
 BE LIMITED TO THE HOURS BETWEEN 7:00 A.M. AND 7:00 P.M., MONDAY THROUGH
 SATURDAY. NO EXTERIOR CONSTRUCTION ACTIVITIES SHALL OCCUR ON SUNDAY.

PLAN REFERENCES:
 1. PLAN TITLED "SUBDIVISION PLAN TAX MAP 174 LOT 79-25 DERRY STREET HUDSON, NEW
 HAMPSHIRE" DATED JULY 13, 2012, PREPARED BY MAYNARD & PAQUETTE ENGINEERING
 ASSOCIATES, L.L.C. H.C.R.D. PLAN 37562.
 2. PLAN TITLED "RIGHT-OF-WAY PLANS FEDERAL AID PROJECT STP-X-0005(216) NH
 PROJECT NO. 12460, NH ROUTE 102", DATED 7-20-2006, PREPARED BY NHDOT.
 3. PLAN TITLED "SUBDIVISION PLAN PREPARED FOR ARNE, LLC" DATED JULY 18, 2017,
 PREPARED BY THIS OFFICE. H.C.R.D. PLAN 39423 DRAWER 182.



LOT 79-5 ORIGINAL AREA
 25,592.4 SQ. FT.
 0.59 ACRES
 PROPOSED AREA
 20,462.6 SQ. FT.
 0.47 ACRES

MAP 174 LOT 86 ORIGINAL AREA
 10,158.2 SQ. FT.
 0.23 ACRES
 PROPOSED AREA
 15,288.0 SQ. FT.
 0.35 ACRES

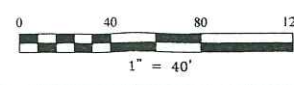
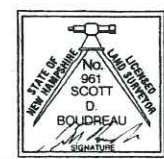
- LEGEND**
- — IRON PIPE/ROD FOUND
 - — CORNER - NOTHING FOUND/SET
 - — IRON ROD TO BE SET WITH IDENTIFICATION CAP "LLS 961"
 - — 5" x 5" x 30" GRANITE BOUND TO BE SET
 - — UTILITY POLE
 - ⊕ — CATCH BASIN
 - ⊗ — STORM WATER MANHOLE
 - ⊕ — SEWER MANHOLE
 - ⊕ — HYDRANT
 - ⊕ — WATER GATE VALVE
 - — BOUNDARY LINE
 - — ABUTTER LINE
 - — OVERHEAD WIRES
 - — RIGHT-OF-WAY
 - — EDGE OF PAVEMENT
 - — EASEMENT
 - — BUILDING SETBACK

LINE BEARING	DISTANCE
L1 N 07°34'21" E	19.25'
L2 S 82°25'40" E	38.42'
L3 N 12°46'40" W	12.06'
L4 S 12°46'40" E	13.61'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	58.60'	165.00'	20°21'00"	N 87°23'50" E	58.30'
C2	47.12'	30.00'	89°59'40"	N 52°34'30" E	42.42'
C3	13.01'	55.00'	13°33'14"	N 79°28'43" E	12.98'
C4	98.40'	55.00'	102°30'28"	N 12°24'52" E	85.79'

PURSUANT TO RSA 676:18, III
 "I CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION PURSUANT TO THIS
 TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR
 PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE
 SHOWN."
 I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY
 DIRECT SUPERVISION AND FALLS UNDER THE URBAN SURVEY CLASSIFICATION OF THE
 NH CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND
 SURVEYORS. I CERTIFY THAT THIS SURVEY IS THE RESULT OF AN ACTUAL FIELD
 SURVEY USING A TOTAL STATION, HAVING A RELATIVE ERROR OF CLOSURE OF LESS
 THAN 1 FOOT IN 15,000 FEET, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE
 AND BELIEF.

NO.	DATE	DESCRIPTION	BY
1	7-22-19	ADDED NOTE 10 AND APPROVAL BLOCKS	SDB



APPROVED BY THE HUDSON, NH PLANNING BOARD
 DATE OF MEETING: 10-26-19
 SIGNATURE: [Signature]
 SIGNATURE DATE: 8/1/19
 SIGNATURE DATE: 8/1/19
 SUBDIVISIONS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING
 FINAL APPROVAL. FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT
 CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE
 ZONING ORDINANCE, SEE NH RSA 674:39.

PURSUANT TO THE SITE
 REVIEW REGULATIONS OF THE
 HUDSON PLANNING BOARD,
 THE SITE PLAN APPROVAL
 GRANTED HEREIN EXPIRES
 TWO YEARS FROM DATE OF
 APPROVAL.
 OWNER SIGNATURE: [Signature]
 DATE: 8/1/19

PLAN SHOWING LOT LINE ADJUSTMENT

BETWEEN
TAX MAP 174 LOT 79-5 & LOT 86
 PREPARED FOR
POSEY INVESTMENTS, LLC
 7 LEE WAY & 10R HIGHLAND STREET
 HUDSON, NH

DRAWN BY: SDB	DATE: JUNE 3, 2019
CHECKED BY: ARB	DRAWING NAME: 16011H
JOB NAME: 16011	SHEET 1 OF 1

**Boudreau
 Land
 Surveying P.L.L.C.**
 SCOTT D. BOUDREAU, L.L.S. #961
 2 BEATRICE LANE
 NEW MARKET, NH 03857
 (603) 659-3468

Plan# 40238



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: September 26, 2019 *BB 9-16-19*

Case 165-036 (9-26-19): John Colby, 11 Kenyon St., Hudson, NH requests a Variance to build an Accessory Dwelling Unit (ADU), porch and sunroom onto an existing nonconforming house/structure. The new porch addition encroaches 17.7 ft. leaving 12.3 ft. of front yard setback. The new ADU & sunroom encroaches 8.1 ft. leaving 21.9 ft. of front yard setback where 30 ft. is required. [Map 165, Lot 036-000; Zoned Town Residence (TR); HZO Article VIII, §334-31 Alteration and expansion of nonconforming structures and HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].

Address: 11 Kenyon Street

Zoning district: Town Residence (TR)

Summary:

Applicant requests a Variance to build an Accessory Dwelling Unit (ADU), porch and sunroom onto an existing nonconforming house/structure (in the front setback).

The new porch addition encroaches 17.7 ft. leaving 12.3 ft. of front yard setback, where 30 ft is required.

The new ADU & sunroom encroaches 8.1 ft. leaving 21.9 ft. of front yard setback where 30 ft. is required.

Property description:

This parcel is a developed conforming parcel of record, with area of 28,000 sq. ft., where 10,000 sq. ft. is required, and 280 ft. frontage where 90 ft. is required respectively.

This house is an existing non-conforming structure, (built approx. 1900), which is encroaching into the front yard setback ~ 17.7', leaving 12.3' of setback where 30' is required.

HISTORY:

Assessing: Listed as a Single Family residence.

Building Permits: no records

Attachments:

“A” Assessing record.

“B” Proposed plot plan dated 8/13/19

Previous Assessments

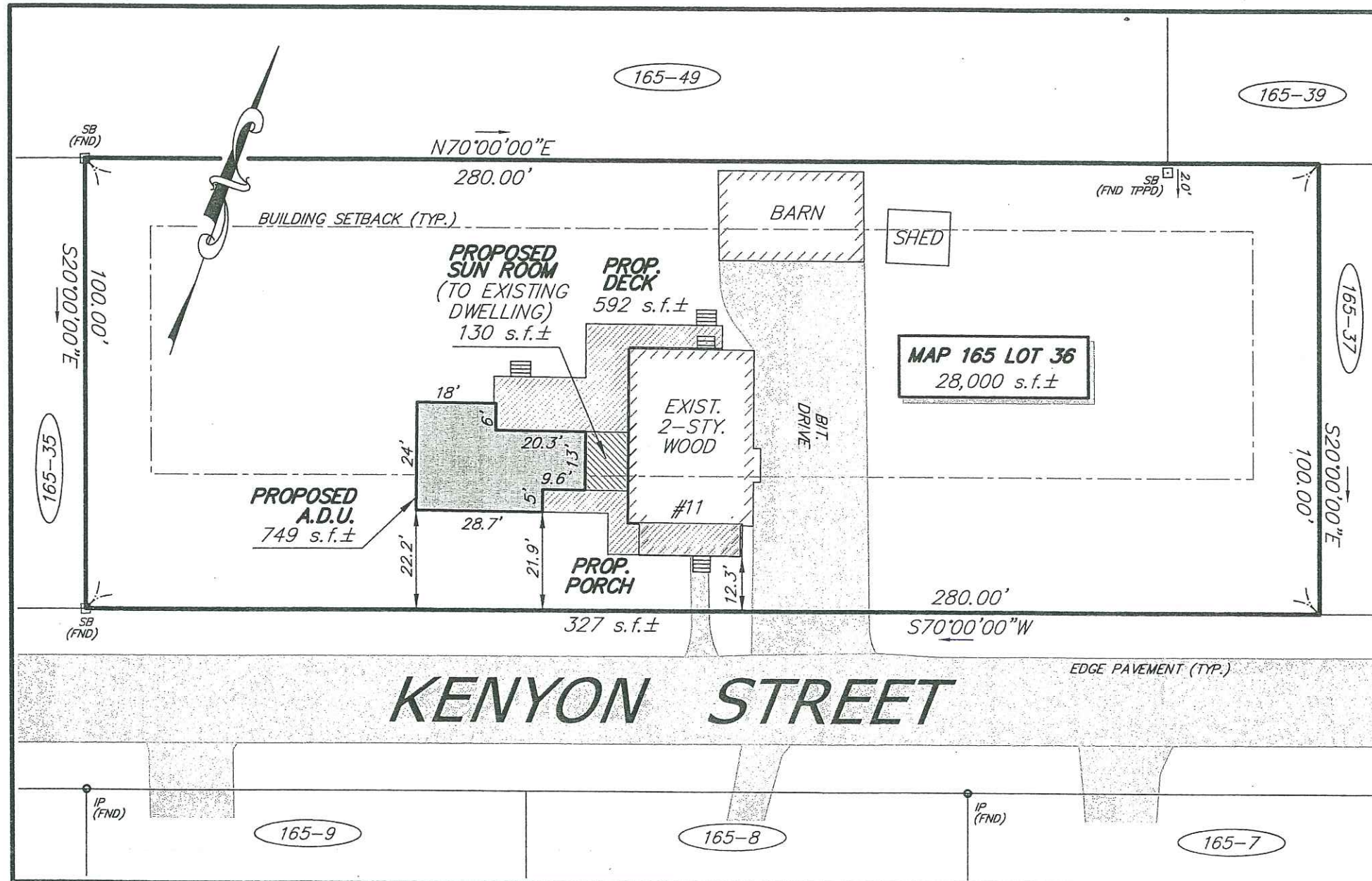
Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	101 - ONE FAMILY	153,300	1,600	119,900	0.70	0.00	274,800
2018	101 - ONE FAMILY	153,300	1,600	119,900	0.70	0.00	274,800
2018	101 - ONE FAMILY	153,300	1,600	119,900	0.70	0.00	274,800
2017	101 - ONE FAMILY	153,300	1,600	119,900	0.70	0.00	274,800
2017	101 - ONE FAMILY	116,200	500	115,400	0.70	0.00	232,100
2017	101 - ONE FAMILY	153,300	1,600	119,900	0.70	0.00	274,800
2016	101 - ONE FAMILY	116,200	500	115,400	0.70	0.00	232,100
2016	101 - ONE FAMILY	116,200	500	115,400	0.70	0.00	232,100
2015	101 - ONE FAMILY	116,200	500	115,400	0.70	0.00	232,100
2015	101 - ONE FAMILY	116,200	500	115,400	0.70	0.00	232,100
2014	101 - ONE FAMILY	116,200	1,300	115,400	0.70	0.00	232,900
2014	108 - IN-LAW	121,800	1,100	115,400	0.70	0.00	238,300
2013	108 - IN-LAW	121,800	1,100	115,400	0.70	0.00	238,300
2013	108 - IN-LAW	121,800	1,100	115,400	0.70	0.00	238,300
2012	108 - IN-LAW	121,800	1,100	115,400	0.70	0.00	238,300
2012	108 - IN-LAW	160,000	1,000	147,200	0.70	0.00	308,200
2011	108 - IN-LAW	160,000	1,000	147,200	0.70	0.00	308,200
2011	108 - IN-LAW	160,000	1,000	147,200	0.70	0.00	308,200
2010	108 - IN-LAW	160,000	1,000	147,200	0.70	0.00	308,200
2010	108 - IN-LAW	160,000	1,000	147,200	0.70	0.00	308,200
2009	108 - IN-LAW	160,000	1,000	147,200	0.70	0.00	308,200
2008	108 - IN-LAW	160,000	1,000	147,200	0.70	0.00	308,200
2008	108 - IN-LAW	160,000	1,000	147,200	0.70	0.00	308,200
2007	108 - IN-LAW	160,000	1,000	147,200	0.70	0.00	308,200
2007	108 - IN-LAW	152,200	700	95,400	0.70	0.00	248,300
2006	108 - IN-LAW	152,200	700	95,400	0.70	0.00	248,300
2006	108 - IN-LAW	152,200	700	95,400	0.70	0.00	248,300
2005	108 - IN-LAW	152,200	700	95,400	0.70	0.00	248,300
2005	108 - IN-LAW	152,200	700	93,700	0.64	0.00	246,600
2004	108 - IN-LAW	152,200	700	93,700	0.64	0.00	246,600
2004	101 - ONE FAMILY	112,400	800	66,900	0.64	0.00	180,100
2003	101 - ONE FAMILY	112,400	800	66,900	0.64	0.00	180,100
2003	101 - ONE FAMILY	112,400	800	66,900	0.64	0.00	180,100
2002	101 - ONE FAMILY	112,400	800	66,900	0.64	0.00	180,100
2002	101 - ONE FAMILY	112,400	800	66,900	0.64	0.00	180,100
2002	101 - ONE FAMILY	112,400	800	66,900	0.64	0.00	180,100
2001	101 - ONE FAMILY	74,300	0	48,700		0.00	123,000
2000	101 - ONE FAMILY	71,800	2,500	48,700	0.64	0.00	123,000
1999	101 - ONE FAMILY	71,800	2,500	48,700	0.64	0.00	123,000

**PLAN OF LAND
11 KENYON STREET
HUDSON, NH
MAP 165 LOT 36
AS PREPARED FOR
JOHN COLBY, OWNER**

HUDSON TAX MAP 165
SCALE: 1"=500'

PLAN NOTES:

- PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED IMPROVEMENTS AT HUDSON LOT 165-36.



REV. 2		BY:
REV. 1	ADU, DECKS, PORCH	8/13/19 BY: GRJ

ZONING DISTRICT: TR
REQUIRED SETBACKS:

- FRONT - 30 FEET
- SIDE - 15 FEET
- REAR - 15 FEET

DEED REF: BK. 8656 PG. 1068
PLAN REF.: HCRD PL. 407
PLAN SCALE: 1"=30'
DATE: JUN 2019
JOB REF.: 019-052-COLB

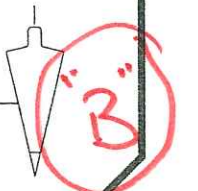
I HEREBY CERTIFY:

THAT THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY AND THAT ALL MEASUREMENTS HEREON ARE TO BE CONSIDERED TRUE AND ACCURATE.



JEFFREY LAND SURVEY LLC

1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089



TOWN OF HUDSON
SEP 09 2019

APPLICATION FOR A VARIANCE

Zoning Department

Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 165-036 (9-26-19)
Date Filed 9/9/19

Name of Applicant John Colby Map: 165 Lot: 036 Zoning District: TR

Telephone Number (Home) 603 548 0441 (Work) Same

Mailing Address 11 Kenyon St

Owner John, Sonya Colby

Location of Property 11 Kenyon St
(Street Address)

Signature of Applicant [Signature] Date 9-6-19

Signature of Property-Owner(s) [Signature] Date 9-6-19

NOTE: Fill in all portions of the Application Form(s) as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate. If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak on his/her/their behalf or that you have permission to seek the described variance.

Items in this box are to be filled out by Land Use Division personnel

COST:		Date received: <u>9/9/19</u>
Application fee:	\$130.00	
<u>8</u> Direct Abutters x \$4.05 =	<u>32.40</u>	
<u>5</u> Indirect Abutters x \$0.55 =	<u>2.75</u>	
Total amount due:	<u>\$165.15</u>	Amt. received: \$ <u>165.15</u>

chk#
1944

Received by: [Signature]

By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG.</u>
	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG.</u>
<u>JC</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e. <u>Variance</u> , Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG.</u>
<u>JC</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>JC</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG.</u>
<u>JC</u>	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG.</u>
<u>to</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	_____
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A.</u>

PLOT PLAN-

- X Except for requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted): TG.
- a) X The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. TG.
- b) XC The plot plan shall be up-to date and dated, and shall be no more than three years old. TG.
- c) X The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG.
- d) XC The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.) TG.
GIS-OK
- e) XC The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements. TG.
- f) XC The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. TG.
- g) XC The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG.
- h) X The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG.
- i) XC The plot plan shall indicate all parking spaces and lanes, with dimensions. TG.

The applicant has signed and dated this form to show his/her awareness of these requirements.

John W
Signature of Applicant(s)

9-6-19
Date

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

ALL DIRECT ABUTTERS

List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER *	MAILING ADDRESS
165	036	John , Sonya Colby	11 Kenyon st Hudson Nh 03051
165	009	Jeffrey, Karen Hodgins	12 Kenyon st Hudson Nh 03051
165	006	Paul, Donna Thorn	12 Grouse LN Litchfield Nh 03052
165	008	Eric , Tina Bates	10 Kenyon st Hudson Nh 03051
165	039	Donald, Lisa Fitzgerald	100 Webster st Hudson Nh 03051
165	037	Alexander James Galloway	3 Kenyon st Hudson Nh 03051
165	049	Jack Atkinson	36 Cambello st Hudson Nh 03051
165	035	John, Cynthia Toton	13 Kenyon st Hudson Nh 03051
165	010	Paul, Donna Thorn	12 Grouse LN Litchfield Nh 03052
165	007	Paul, Donna Thorn	12 Grouse LN Litchfield Nh 03052

owner

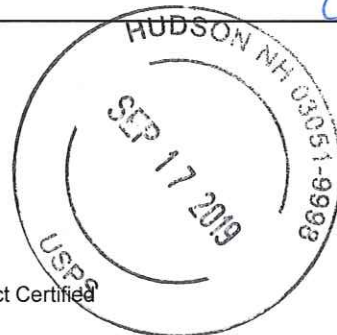
ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
165	011	Gail Kazlouskas	18 Kenyon St Hudson NH 03051
165	034	Fabian Galindo Trujillo Roslaura Galindo	15 Kenyon St Hudson NH 03051
165	014	William, Linda Maciel	7 Gambia St Hudson NH 03051
165	013	Nicole Dobek	9 Gambia St Hudson NH 03051
165	015	Christine Garveatt	5 Gambia St Hudson NH 03051
165	012	Paul, Donna Thorr	12 Grass Ln Litchfield NH 03052
165	038	Hudson, Town of	12 School St Hudson NH 03051
165	005	Hudson, Town of	12 School St Hudson NH 03051
165	004	Hudson, Town of	12 School St Hudson NH 03051
165	003	Hudson, Town of	12 School St Hudson NH 03051
165	016	Hudson, Town of	12 School St Hudson NH 03051

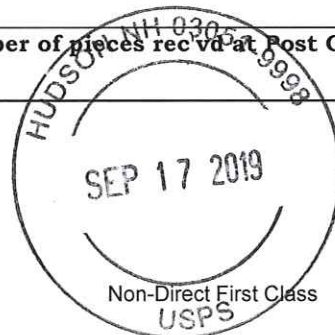
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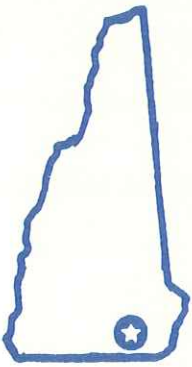
SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 165-036 Variance 11 Kenyon Street Map 165/Lot 036	1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting		
1	7018 2290 0001 3001 8657	COLBY, JOHN R. & SONYA J. 11 KENYON ST., HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT		
2	7018 2290 0001 3001 8664	HUDGINS, JEFFREY E. & KAREN J. 12 KENYON STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT		
3	7018 2290 0001 3001 8671	THORN, PAUL D. & DONNA I. 12 GROUSE LANE, LITCHFIELD, NH 03052	ABUTTER NOTICE SENT		
4	7018 2290 0001 3001 8688	BATES, ERIC A. & TINA L. 10 KENYON STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT		
5	7018 2290 0001 3001 8695	FITZGERALD, DONALD R. & LISA Y. 100 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT		
6	7018 2290 0001 3001 8701	GALLOWAY, ALEXANDER C. 3 KENYON ST., HUDSON, NH 03051	ABUTTER NOTICE SENT		
7	7018 2290 0001 3001 8718	ATKINSON, A. JACK, TR.; ATKINSON REVOCABLE TRUST 36 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT		
8	7018 2290 0001 3001 8725	TUTON, CYNTHIA & JOHN 13 KENYON ST., HUDSON, NH 03051	ABUTTER NOTICE SENT		
9					
10					
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office	<i>8</i>	Postmaster, (receiving Employee) <i>Paula Angeli</i>	



Direct Certified

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-036 Variance 11 Kenyon Street Map 165/Lot 036 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/26/19 ZBA Meeting
1	N/A-mailed First Class	KAZLOUSKAS, STANLEY & GAIL 18 KENYON STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	TRUJILLO, FABIAN GALINDO; GALINDO, ROSALVA 15 KENYON STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	MACIEL, WILLIAM A. & LINDA J. 7 GAMBIA STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
4	N/A-mailed First Class	DOBEK, NICOLE N. 9 GAMBIA STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
5	N/A-mailed First Class	GORVEATT, CHRISTINE 5 GAMBIA ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 5	Total number of pieces rec'd at Post Office 5	Postmaster, (receiving Employee) PEA





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



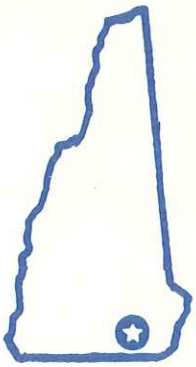
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 165-036 (9-26-19): John Colby, 11 Kenyon St., Hudson, NH requests a Variance to build an Accessory Dwelling Unit (ADU), porch and sunroom onto an existing nonconforming house/structure. The new porch addition encroaches 17.7 ft. leaving 12.3 ft. of front yard setback. The new ADU & sunroom encroaches 8.1 ft. leaving 21.9 ft. of front yard setback where 30 ft. is required. [Map 165, Lot 036- 000; Zoned Town Residence (TR); HZO Article VIII, §334-31 Alteration and expansion of nonconforming structures and HZO Article VII, §334-27 Table of Minimum Dimensional Requirements].**

Please be advised, the above notice is being sent to all abutters listed on the application. You, or a representative, are expected to attend the hearing, and make a presentation.

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/26/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this Application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VII of HZO Section(s) 334-27 in order to permit the following change or use:

Build an ADU that encroaches the front yard setback leaving 21.9 feet where 30 feet is required.

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I(b), as follows:

- I. "The Zoning Board of Adjustment shall have the power to:
 - (b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:
 - (1) The variance will not be contrary to the public interest;
 - (2) The spirit of the ordinance is observed;
 - (3) Substantial justice is done;
 - (4) The values of surrounding properties are not diminished; and
 - (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - (A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (ii) The proposed use is a reasonable one.
 - (B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

1. Granting of the requested variance will not be contrary to the public interest, because:
(Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)

Our proposed addition will not negatively impact the character of the neighborhood because with the layout of our yard and our home's proximity to the road there will still be plenty of open space between it and other properties.

2. The proposed use will observe the spirit of the ordinance, because:
(Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)

The proposed addition will be further back (7ft) than the existing porch and more than 30ft from street. It will create a higher level of safety for our kids as well as neighbor kids than any other place on the property. It will create a more private area by giving us a backyard. The addition as proposed will also tie in aesthetically to give the appearance of one house rather than two separate dwellings.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The way our home is set on property now there is not much privacy. If the proposed variance is granted the ADU will provide a private backyard. We plan to open up the existing front porch and tie it in with proposed additions front porch to create one long farmer's porch. This will open up the front of our home and give it much more curb appeal than exists now.

4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

Our home is the least updated and least visually appealing in the neighborhood. Since purchasing our home we have been trying slowly to improve it. It hadn't been updated or upkeep for many years. This addition will increase the value and enhance the character of the home and neighborhood.

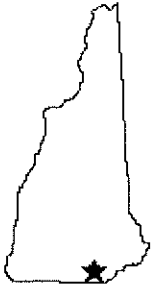
5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:

(Explain why you believe this to be true—keeping in mind that you must establish that, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* that you must establish that the special conditions of the property cause the proposed use to be reasonable. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.)

After much discussion, brainstorming and planning we have concluded that any other placement of the addition on the property would negatively affect the set up and practical usage of our home. We evaluated many other spots on the property and for the many factors already mentioned (privacy, safety of our children, eye-appeal, etc) this is the best placement.

The original structure built in 1900 preceded and therefore does not meet the present day requirement of 30ft. set back. As a pre-existing condition it would be an unnecessary hardship to insist that the addition not be allowed. The proposed addition would be 7ft further back than the existing home and attempts in all possible ways to reasonably and fairly conform to all other requirements have been done while still maintaining the character and best use of the property.

Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer's Office prior to submittal of this application to determine if connection is required or will be allowed, together with the procedure for such application.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-105

September 10, 2019

John Colby
11 Kenyon Street
Hudson, NH 03051

Re: **11 Kenyon Street** **Map 165 Lot 036**
District: Town Residence (TR)

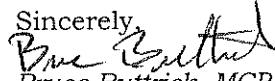
Dear Mr. Colby,

Your request: What approvals do you need to build a new Accessory Dwelling Unit (ADU), porch and sunroom attached to the existing building in the front setbacks as shown on attached plan dated 8/13/19?

Zoning Review / Determination:

This parcel is a developed conforming parcel of record, with area of 28,000 sq. ft., where 10,000 sq. ft. is required, and 280 ft. frontage where 90 ft. is required respectively. This house is an existing non-conforming structure, (built approx. 1900), which is encroaching into the front yard setback ~ 17.7', leaving 12.3' of setback where 30' is required.

Your proposed construction (addition) would need a Variance per: §334-31 Alteration and expansion of non-conforming structures: to expand an existing non-conforming structure and a Variance from: §334-27 Table of Minimum Dimensional Requirements: to encroach within the required front setback. The new porch addition encroaches 17.7' leaving 12.3' and the new ADU & sunroom encroaches 8.1' leaving 21.9' of front yard setback respectively.

Sincerely,

Bruce Buttrick, MCP
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

165 036 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

APPRaised: 274,800/
USE VALUE: 274,800/
ASSESSed: 274,800/ 274,800

Total Value / Total Parcel
274,800 / 274,800



Patriot
Properties Inc.

PROPERTY LOCATION

No	Alt No	Direction/Street/City
11		KENYON ST, HUDSON

OWNERSHIP

Owner 1:	COLBY, JOHN R.
Owner 2:	COLBY, SONYA J.
Owner 3:	
Street 1:	11 KENYON ST.
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

PREVIOUS OWNER

Owner 1:	DUBE, KATHLEEN J.
Owner 2:	-
Street 1:	11 KENYON ST.
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION
This parcel contains .695 ACRES of land mainly classified as ONE FAMILY with a NEW ENGLANDR Building built about 1900, having primarily VINYL Exterior and 2150 Square Feet, with 1 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 9 Rooms, and 4 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	TR	TOWN RES		water	3	TOWN WATE
				Sewer	2	TOWN SEWE
				Electrl		
				Exmpt		
				Topo	4	ROLLING
				Street		
				Gas		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		0.695		SITE ACRE SITE			0	110,000.	1.31	RE						99,935						99,900	
101	ONE FAMILY		200		FRONTAGEEXPANSION			0	100.	1.00	RE						20,000						20,000	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.695	153,300	1,600	119,900	274,800
Total Card	0.695	153,300	1,600	119,900	274,800
Total Parcel	0.695	153,300	1,600	119,900	274,800
Source: Market Adj Cost		Total Value per SQ unit /Card:		127.81	/Parcel: 127.81

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	101	JB	153,300	1600	.695	119,900	274,800	274,800	Year End Roll	5/8/2019
2018	101	FV	153,300	1600	.695	119,900	274,800	274,800	Year End Roll	8/27/2018
2018	101	JB	153,300	1600	.695	119,900	274,800	274,800	Year End Roll	5/9/2018
2017	101	FV	153,300	1600	.695	119,900	274,800	274,800	Year End Roll	10/26/2017
2017	101	PV	153,300	1600	.695	119,900	274,800	274,800	Year End Roll	8/28/2017
2017	101	JB	116,200	500	.695	115,400	232,100	232,100	Year End Roll	5/10/2017
2016	101	FV	116,200	500	.695	115,400	232,100	232,100	Year End Roll	8/30/2016
2016	101	JB	116,200	500	.695	115,400	232,100	232,100	Year End Roll	5/11/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
DUBE, KATHLEEN	8656-1068	1	4/30/2014		170,000	No	No		
DUBE, KATHLEEN	8656-1456	4	4/26/2014	QUIET TRANS		No	No		
GILMAN, ANN MAR	8547-0704	3	4/9/2013	ESTATE SALE		No	No		
GOULET, SUSAN	8547-0702	2	1/22/2013	QUIET TRANS		No	No		
DUBE, DORIS J.,	316-2010-ET-	9	9/28/2012	COURT SALE		No	No		
DUBE, NORMAND A	7413-1214	2	2/19/2005	FAMILY TRANS		No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descr	Comment

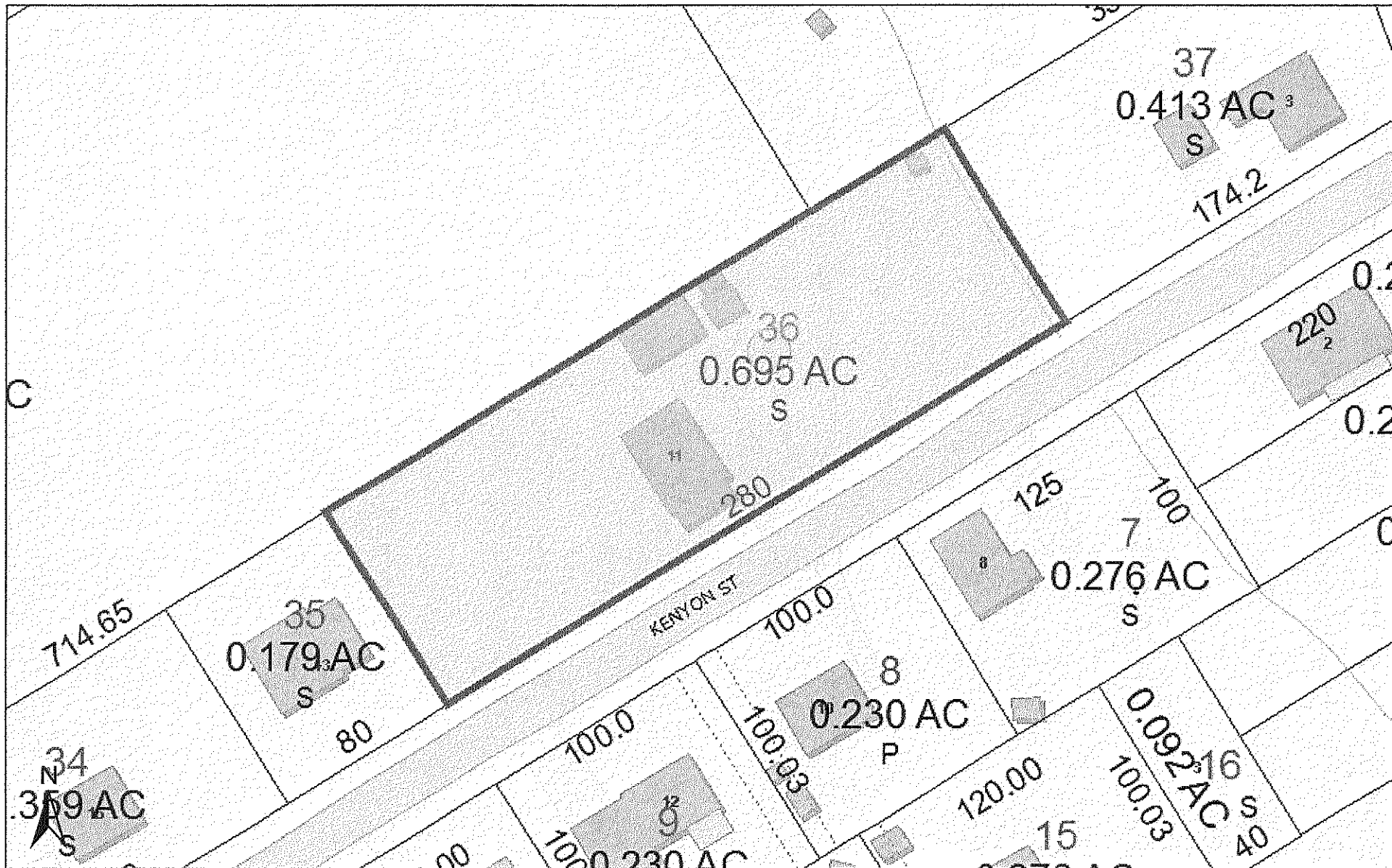
ACTIVITY INFORMATION

Date	Result	By	Name
11/18/2014	Measured	11	DRA
6/16/2014	Sale Data VI	12	TECH ASMNT
6/10/2014	Meas/Inspect	15	APPR TECH 5
4/26/2006	Meas/Inspect	8	ASMNT TECH I
7/19/2005	New Maps	1	CHIEF ASSESS
3/19/2001	Meas/Inspect	0	PATRIOT
1/23/1991	Inspected	2	AVITAR

Sign: VERIFICATION OF VISIT NCT DATA

Total AC/HA: 0.69500 Total SF/SM: 30274 Parcel LUC: 101 ONE FAMILY Prime NB Desc: RES AVG Total: 119,935 Spl Credit Total: 119,900

11 Kenyon St.

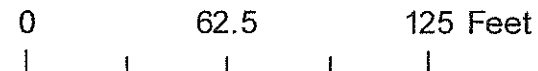


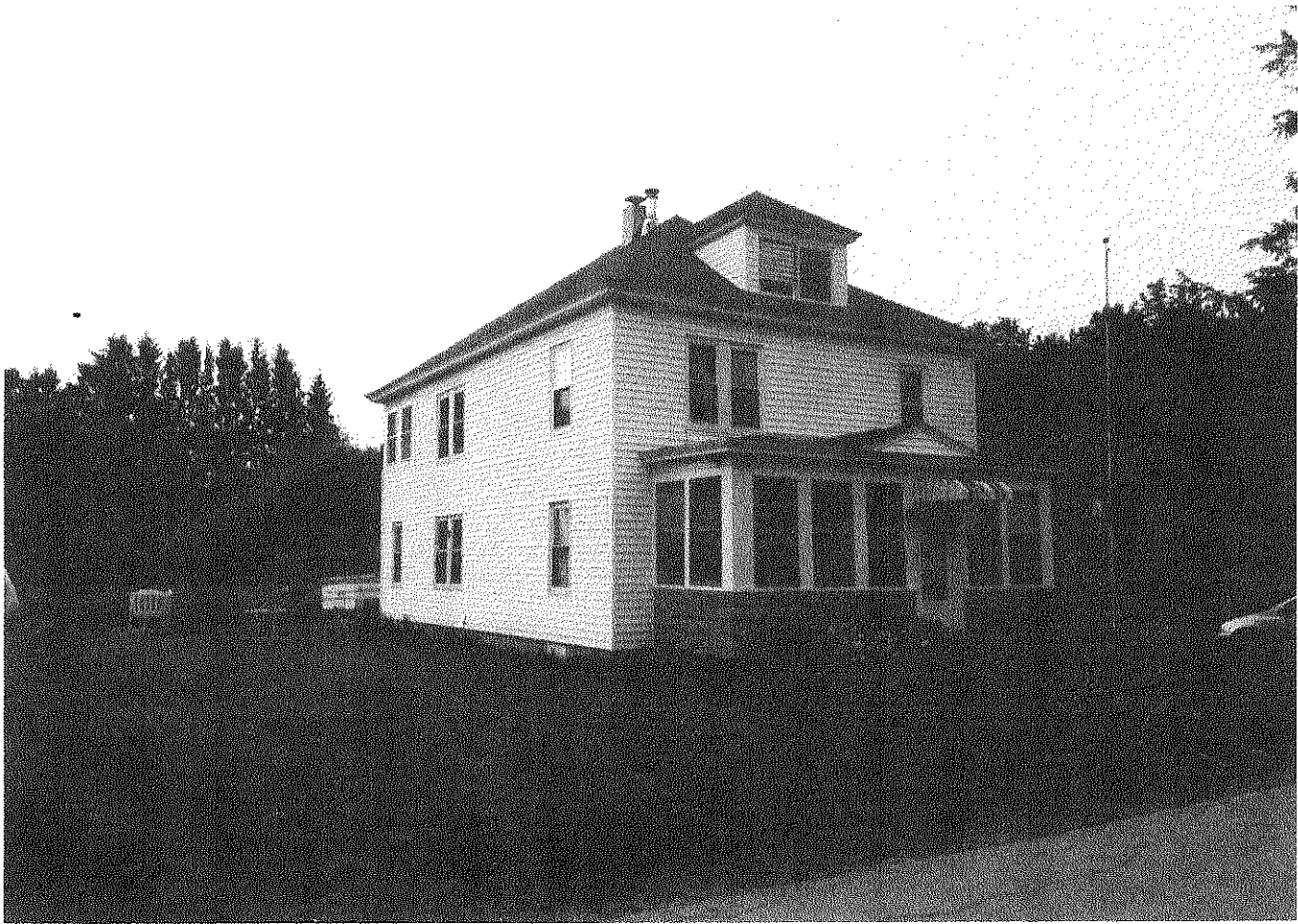
September 6, 2019

1 inch = 59 feet

----- Easement_Lines

▭ Parcels



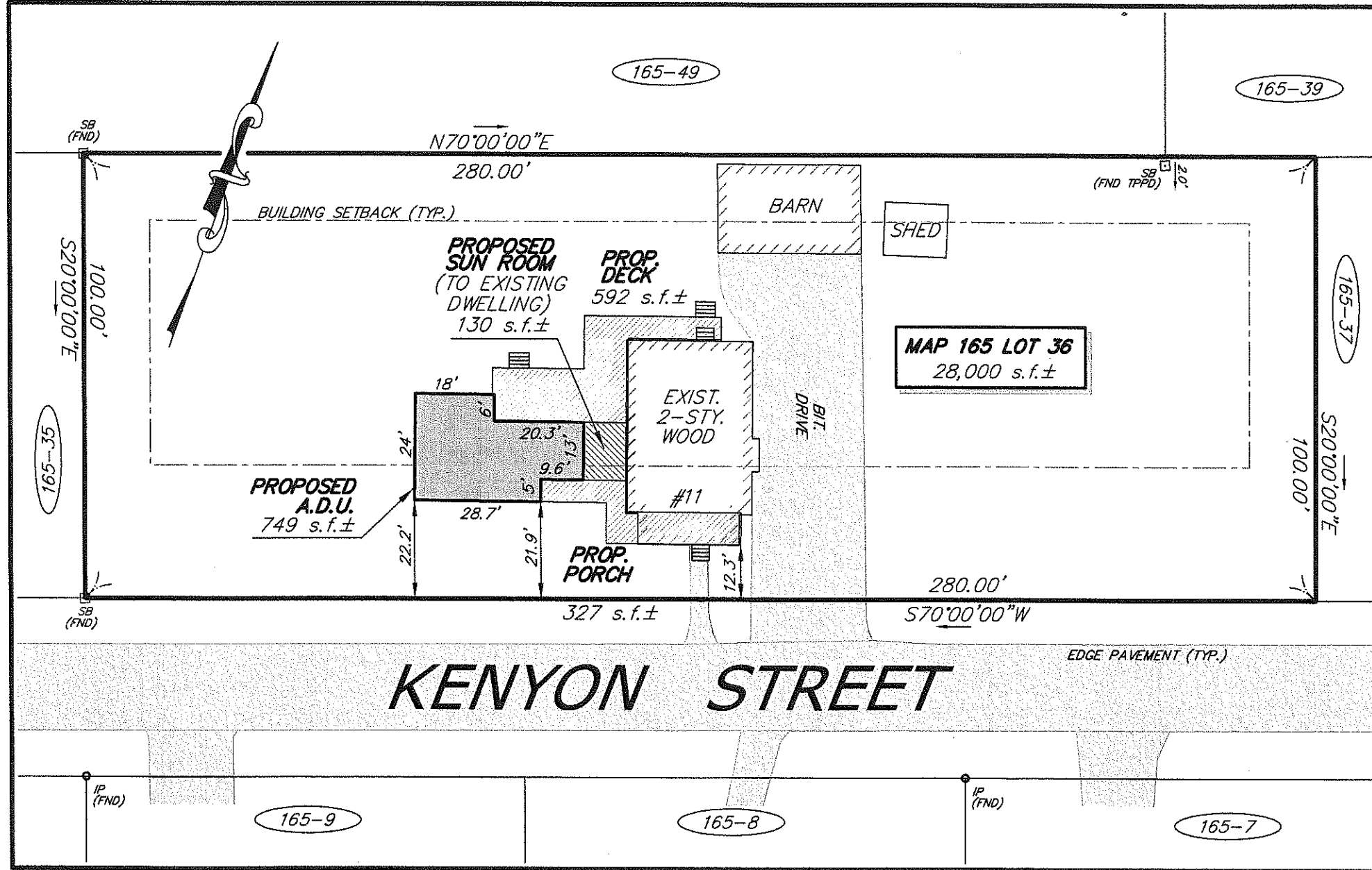
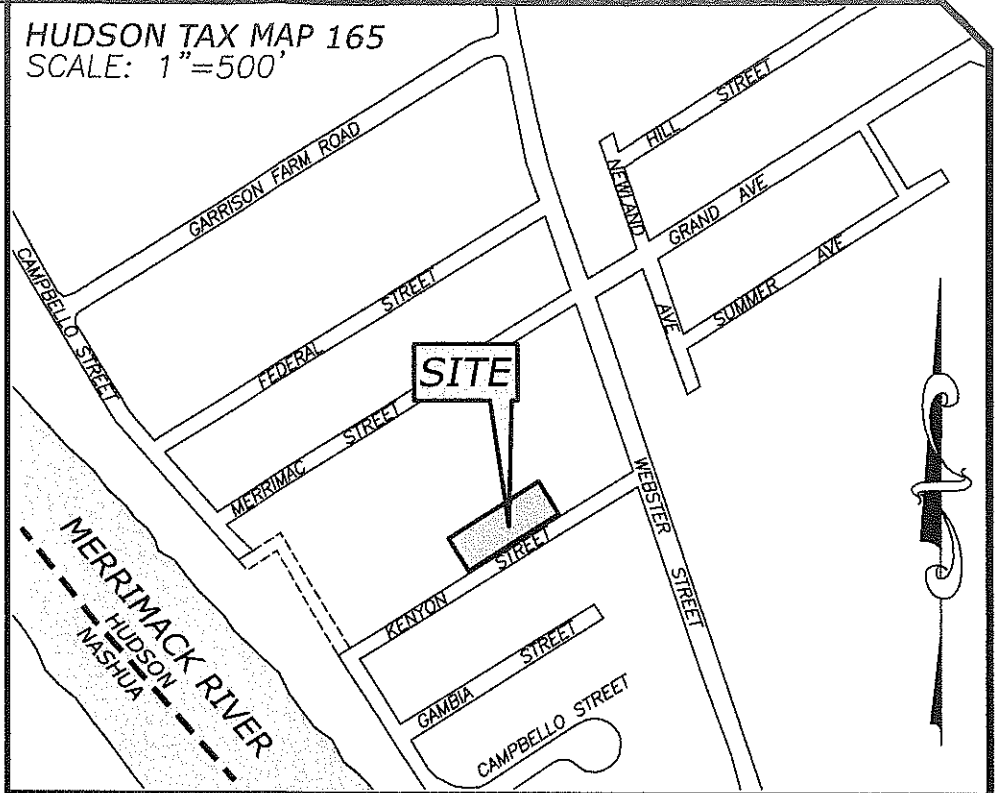


**PLAN OF LAND
11 KENYON STREET
HUDSON, NH
MAP 165 LOT 36
AS PREPARED FOR
JOHN COLBY, OWNER**

HUDSON TAX MAP 165
SCALE: 1"=500'

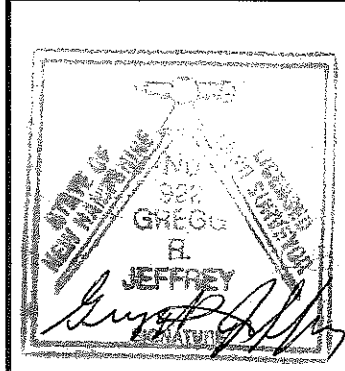
PLAN NOTES:

- PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED IMPROVEMENTS AT HUDSON LOT 165-36.



REV. 2		BY:
REV. 1	ADU, DECKS, PORCH	8/13/19 BY: GRJ

ZONING DISTRICT: TR
REQUIRED SETBACKS:
FRONT - 30 FEET
SIDE - 15 FEET
REAR - 15 FEET
DEED REF: BK. 8656 PG. 1068
PLAN REF.: HCRD PL. 407
PLAN SCALE: 1"=30'
DATE: JUN 2019
JOB REF.: 019-052-COLB



I HEREBY CERTIFY:
THAT THIS PLAN IS THE RESULT
OF AN INSTRUMENT SURVEY
AND THAT ALL MEASUREMENTS
HEREON ARE TO BE CONSIDERED
TRUE AND ACCURATE.

JEFFREY LAND SURVEY LLC

1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089



Town of Hudson, New Hampshire Bylaws
Zoning Board of Adjustment

~~(Revised as of April 11, 2019)~~
3rd Reading 9-26-19

Chapter 143

- 143.1 History
- 143.2 Authority
- 143.3 Purpose
- 143.4 Amendments
- 143.5 Officers
- 143.5A Recorder
- 143.6 Members and Alternates
- 143.7 Meetings
 - 1. Regular Meetings
 - 2. Quorum
 - 3. Disqualification
 - 4. Order of Business
- 143.8 Application Process
 - 1. Applications
 - 2. Forms
 - 3. Public Notice
 - 4. Public Hearing
- 143.9 Decision Process
- 143.10 Deferment and Withdrawal
- 143.11 Reconsideration by the Board
- 143.12 Motions for Rehearing
- 143.13 Records
- 143.14 Waivers
- 143.15 Joint Meetings and Hearings

143.1 History

12-14-1978: Adopted by the Zoning Board of Adjustment of the Town of Hudson

06-23-1988: Amended in its entirety,

06-23-2011: Amended again in its entirety.

Subsequent amendments noted where applicable.

10-12-17: Amended in entirety.

04-11-19: Subsequent amendments noted where applicable.

09-26-19: Added Recorder; revised Clerk; unexcused absences; order of business; pledge of allegiance, introduction and 11:00pm curfew; 30 day re-hearing note and attachment "A".

143.2 Authority

These bylaws of the Hudson Zoning Board of Adjustment, hereinafter referenced simply as the Board, are adopted under the Authority of NH-RSA (New Hampshire Revised Statutes Annotated) 676:1. In the event of a difference between these bylaws and the applicable NH-RSAs, the NH-RSAs take precedence over these Bylaws.

143.3 Purpose

The purpose of these bylaws is to ensure an orderly procedure in the execution of the duties of the Board.

143.4 Amendments

These bylaws may be amended by a majority vote of the voting members at a regular meeting of the Board provided such amendments are read at two successive public meetings.

143.5 Officers

1. A Chairman shall be elected annually by a majority vote of the Board at the first meeting in the month of January.

The Chairman shall preside over all meetings and hearings, appoint such committees as directed by the Board and shall affix his/her signature in the name of the Board.

2. A Vice-Chairman shall be elected annually by a majority vote of the Board at the first meeting in the month of January.

The vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters which come before the Board during the absence of the Chairman.

3. A Clerk shall be elected annually by a majority vote of the Board at the first meeting in the month of January.

The clerk shall ~~maintain a record of all meetings, transactions and decisions of the Board, and perform such other duties as the Board may direct by resolution.~~ take attendance, read cases

into the record, and process the member decision sheets for a summary of decision made. [9-26-19]

4. All officers shall serve for one year and shall be eligible for re-election.

143.5A Recorder

The Recorder is not a Member or Alternate. The Recorder shall transcribe the minutes and notices of decisions in accordance with State RSA requirements. The Recorder shall have minutes available for members to accept. The Recorder shall have notice of decisions available for the Chairman and Zoning Administrator. [9-26-19]

143.6 Members and Alternates

1. Five Regular Members shall be appointed by the Board of Selectmen attend all meetings, and sit as voting members

2. Five Alternate Members shall be appointed by the Board of Selectmen, attend all meetings to familiarize themselves with the workings of the Board and stand ready to serve whenever a regular member of the Board is unable to fulfill his/her responsibilities.

3. A Selectman Liaison may be appointed by the Board of Selectman to act as a liaison between the two Boards and should attend all meetings but shall have no voting powers nor the ability to sit in place of any regular member not in attendance.

4. At meetings of the Board, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the Chairman to temporarily fill the unexpired term of a vacancy may participate with the Board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, ask questions and interact with other Board members, the applicant, abutters and the public. Alternates shall not be allowed to make or second motions. Once the Board moves into deliberations, alternates shall remove themselves from any further deliberations with the Board. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the Chairman shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

5. All members and alternates must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairman as soon as possible. Members, including the Chairman and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration. Three (3) consecutive unexcused absences by a member or alternate shall be reported to the Board of Selectmen through the Town Administrator, to take appropriate action. [9-26-19]

143.7 Meetings

1. Regular meetings (for appeals and Hearings) shall be held at Hudson Town Hall, at

7:00pm on the fourth Thursday of each month in accordance with RSA 676:5-7 and RSA 91-A:2. The Chairman may schedule additional overflow meetings, or reschedule meetings after consultation with the Zoning Administrator (or designee).

2. Other meetings may be held on the call of the Chairman, or a majority vote of the Board in accordance with RSA 91-A: 2II.

All Board members shall be given notice of meetings by mail or email one week prior to the meeting date.

3. Quorum: A quorum for all meetings of the Board shall be three members, including alternates sitting in place of members.

a. The Chairman shall make every effort to ensure that all five members, and one or two alternates, are present for the consideration of any appeal or application.

b. If any regular Board member is absent from any meeting or hearing, or disqualifies himself from sitting on a particular case, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member, and such alternate shall be in all respects a full member of the Board while so sitting.

c. Alternates shall generally be activated on a rotating basis from those present at a particular meeting. When an alternate is needed, the Chairman shall select the alternate who has not been activated for the longest time.

d. If there are less than five members (including alternates) present, the Chairman shall give the option to proceed or not to the applicant. Should the applicant choose to proceed with less than five members present that shall not solely constitute grounds for a rehearing should the application fail.

3. Disqualifications: If any member finds it necessary to disqualify himself from sitting in a particular case, as provided in RSA 673:14, he shall notify the Chairman as soon as possible so that an alternate may be requested to sit in his place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the Board may request the Board to vote on the question of disqualification. Any such request shall be made before the public hearing gets underway. The vote shall be advisory and non-binding.

Determining the threshold of disqualification can be difficult. To assist a member in determining whether or not they should step down (recuse themselves) Board members should review the questions which are asked of potential jurors to determine qualification (RSA 500-A: 12). A potential juror may be asked whether he or she:

- a. Expects to gain or lose upon the disposition of the case;
- b. Is related to either party;
- c. Has advised or assisted either party;
- d. Has directly or indirectly given an opinion or formed an opinion;
- e. Is employed by or employs any party in the case;

- f. Is prejudiced to any degree regarding the case; or
- g. Employs any of the counsel appearing in the case in any action then pending in the court.

Either the Chairman or the Member disqualifying himself/herself before the beginning of the public hearing on the case shall announce the disqualification. The disqualified shall step away from the table during the public hearing and during all deliberation on the case as they so choose.

4. Order of Business

The order of business for regular meetings shall be as follows:

- a. Call to order by the Chairman
- b. Pledge of allegiance [9-26-19]
- c. Introduction/order of business. Attachment "A". [9-26-19]
- ~~a.~~
- ~~b.~~d. Roll call by the clerk
- ~~c.~~e. Unfinished Business (Continued or Deferred Hearings)
- ~~d.~~f. New Hearing(s) **Board will not hear new cases after 11:00pm [9-26-19]**
- ~~e.~~g. Requests for Rehearing
- ~~f.~~h. Approval of Minutes from Previous Meeting (s)
- g. New Business
- h. Communications and items of interest to the Board, Other Business
- i. Adjournment

(Note: Although this is the usual order of business, the Board may wish to hold the hearings immediately after the roll call in order to accommodate the public, based on a positive vote of the Board.)

143.8 Application Process

1. Applications

- a. Each application for a hearing before the Board shall be made on forms provided by the Board and shall be presented to the Zoning Administrator (or designee) who shall record the date and time of receipt.

Application deadline for meeting is 12:00 noon, 12 business days (Monday-Friday including Holidays) prior the scheduled meeting date.

Only complete and accurate applications will be submitted for agenda action, incomplete or inaccurate applications will not be submitted for agenda action.

- b. Appeals from an administrative decision taken under RSA 676:5 shall be filed within 30 days of the decision or when such decision becomes known or reasonably could have been known by the petitioner as determined by the Board.
- c. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these rules of procedure

2. Public Notice

- a. Public notice of hearings on each application shall be given in general newspaper and shall be posted at Town Hall, Town Public Library and the Post Office not less than five (5) days before the date fixed for the hearing. Notice shall include the name of the applicant, description of property to include tax map identification, action desired by the applicant, provisions of the zoning ordinance concerned, the type of appeal being made, and the date, time and place of the hearing.
- b. Personal notice shall be made by certified mail to the applicant and all direct abutters and regular mail for indirect abutters within 200' not less than five (5) days before the date of the hearing.
- c. The applicant shall pay for all required notice costs in advance.

3. Public Hearing

The conduct of public hearings shall be governed by the following rules:

- a. The Chairman shall call the hearing in session by instructing the clerk to report on the first case.
- b. The Zoning Administrator shall report why the case has been brought before the Board.
- c. Members and Alternates of the Board, and any party to the case, may ask questions at any point during testimony once recognized by the Chairman.
- d. Each person who appears shall be required to state his/her name and address for the record and indicate whether he/she is a party to the case or an agent or counsel of a party to the case.
- e. The applicant shall be called to present his appeal.
- f. Those appearing in favor of the appeal shall be allowed to speak.
- g. Those in opposition or neutral to the appeal shall be allowed to speak.
- h. The applicant and those in favor shall be allowed to speak in rebuttal.
- i. Those in opposition to the appeal shall be allowed to speak in rebuttal.
- j. Any person who wants the Board to compel the attendance of a witness shall present his request in writing to the Chairman in accordance with RSA 673.15
- k. The Board of adjustment will hear with interest any evidence that pertains to the facts of the Case or how the facts relate to the provisions of the zoning ordinance and state zoning law.
- l. The Chairman shall present a summary setting forth the facts of the case and the claims made for each side (see Findings of Facts form in Appendix C). Opportunity shall be given for correction from the floor.
- m. The public hearing on the Case shall be declared closed and the Case will be declared to be before the Board. The Board will deliberate and make its decision.

- n. All subsequent cases shall then be heard in the order they were presented.

143.9 Decision Process ~~[04-11-19]~~

Before deliberations begin, the Chairman shall allow non-sitting alternates, the Selectmen's Liaison, if present, and the Zoning Administrator or his/her replacement to ask questions and give input, if they so desire.

Once this phase is completed, the Chairman shall declare the matter before the Board and the sitting members present who are voting will raise any further questions they may have and then deliberate all concerns in order to reach a decision on the request.

The Board shall vote on each of the applications for which testimony was given, after adequate deliberations

For the granting of variances: the Board will consider a "vertical" (member) method of voting on each request. ~~[04-11-19]~~

The Chairman shall announce all decisions after the vote has been taken, and explain that the appeal/Re-Hearing process is available to all aggrieved w/in 30 days of the meeting vote. ~~[9-26-19]~~

143.10 Deferment and Withdrawal

After public notice has been given, each application presented to the Board for consideration may be deferred or withdrawn only by action of the Board, following receipt of written notice to the Zoning Administrator or to the Board, itself, by the applicant. A sitting member must make a motion to defer until the next regular meeting or a date specific, that motion must be seconded and voted on by the sitting members of the case in question, and abutter notice shall be presumed to have been accomplished by the decision of the Board's vote.

In the event that a deferred applicant is not ready when the case comes back before the Board, the Board may initiate withdrawal of the application, with or without prejudice, where "with prejudice" means that any new application (unless substantially changed) cannot be filed for a period of one year. Filing fees shall not be returned for withdrawn cases that have been reviewed and processed by staff with public notice of a scheduled hearing having been posted.

Moreover, once an application has been withdrawn, any re-application shall be considered a new application and the applicant shall be required to pay all applicable fees for consideration. In the event of a Board-initiated deferment, because members felt it necessary for more information or other reason, a sitting member must make a motion to defer until the next regular meeting or a date specific, that motion must be seconded and voted on by the voting members of the case in question, and abutter notice shall be presumed to have been accomplished by the decision of the Board's vote, but in some rare instances the Board may require that notification fees be paid again for deferred cases in order to ensure that abutters are properly notified. In the event of the Board's acceptance of a request for deferment by the applicant at the meeting, the request shall be handled in the same manner as a Board-initiated deferment. In the event that the applicant is not ready when the case comes back before the Board, the Board may initiate withdrawal of the application, with or without prejudice, as described above.

143.11 Reconsideration by the Board

The Board may reconsider a decision to grant or deny an application or grant or deny a motion for rehearing provided such reconsideration is within the appeal period of the original decision as per RSA 667:3

143.12 Motions for Rehearing

If the Board grants a motion for rehearing, the new public hearing shall be held within 30 days of the decision to grant the rehearing provided all notice fees are paid and an updated abutters list is submitted by the party requesting the rehearing. Notification of the rehearing shall follow the procedures set forth in RSA 677:2. [October 2012]

143.13 Records

1. The records of the Board shall be kept by the Zoning Administrator and made available for public inspection at Hudson Town Hall in accordance with RSA 673:17.
2. Final written decisions will be placed on file and available for public inspection within 5 business days after the decision is made. RSA 676:3
3. Minutes of all meetings including names of Board members, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection within 5 business days of the public meeting. RSA 91-A:2 II

143.14 Waivers

Any portion of these rules of procedure may be waived in such cases where, in the opinion of the Board, strict conformity would pose a practical difficulty to the applicant and a waiver would not be contrary to the spirit and intent of the rules. A majority of the Board present shall vote any waiver.

143.15 Joint Meetings and Hearings

1. RSA 676:2 provides that the Board of Adjustment may hold joint meetings or hearings with other "Land Use Boards," including the Planning Board, the Historic District Commission, the Building Code Board of Appeals, and the Inspector of Buildings, and that each Board shall have discretion as to whether or not to hold a joint meeting with any other land use Board.
2. Joint business meetings with any other land use Board may be held at any time when called jointly by the Chairman of the two Boards.
3. A public hearing on any appeal to the Board of Adjustment will be held jointly with another Board only under the following conditions:
 - a. The joint public hearing must be a formal public hearing on appeals to both Boards regarding the same subject matter; and
 - b. If the other Board is the Planning Board, RSA 676:2 requires that the Planning Board Chairman shall chair the joint hearing. If the other Board is not the Planning Board, then the Board of Adjustment Chairman shall chair the joint hearing; and
 - c. The provisions covering the conduct of public hearings, set forth in these rules, together with such additional provisions as may be required by the other Board, shall be followed; and
 - d. The other Board shall concur with the above.

Attachment “A” [9-26-19]

Chairman’s introduction/order of business

Good evening ladies and gentlemen. Welcome to the (Date) Hudson Zoning Board of Adjustment. I call this meeting to order (state the time).

If you could please stand and join me in the Pledge of Allegiance.....

We will proceed with cases in the order they appear on tonight's agenda unless the Board deems it appropriate to take a case out of order. No new case will be heard after 11:00pm. Any carryover cases will be heard at the next carryover meeting usually the 2nd Thursday. State law and local ordinances set out the criteria that must be met in order for this Board to grant a request before the Board. These minimum requirements are outlined on application forms in the Town’s Land Use Office. Applicants should proceed with this format to provide adequate justification for the Board to grant their request.

The Chairman will open the Hearing to hear testimony either for or against the request. The order of testimony will first be the applicant presenting their case as why it should be approved; next testimony from those supporting the applicant will be heard; and last will be testimony from those either neutral to or against the proposed case. If necessary a second round of testimony will be heard to respond to those in opposition and subsequent rebuttal.

All discussions will be between the applicant and the Board. Please be respectful of all and in interest of time refrain from repeating previous testimony. New documentation will be accepted by the Board for consideration this evening, but may cause the case to be continued or deferred. The Board reserves the right to ask for additional testimony at anytime.

After hearing the facts from all parties the Chairman will close the public hearing and the Board will deliberate and vote either to approve, deny or defer the request before moving on to the next case.

Handouts are at the back of the room: consisting of the agenda for tonight, and re-hearing request for those that feel aggrieved and wish to appeal any decision the Board may have made. Please be aware of the 30 day time period.

All those that wish to speak are asked to come either to the lecturn or the adjacent table, speak clearly, state your name and address. Please spell your last name for the recorder.

Before we begin a few housekeeping items:

- Turn off your cell phones
- There is no smoking in the building
- Please refrain from talking amongst yourselves as it distracts from hearing the testimony of the case

Will the Clerk please call for attendance.....



TOWN OF HUDSON

Zoning Board of Adjustment



Charlie Brackett, Chairman Marilyn E. McGrath, Selectmen Liaison

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

MEETING MINUTES – August 22, 2019 - edited

The Hudson Zoning Board of Adjustment met on August 22, 2019, in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall.

I. CALL TO ORDER **II. PLEDGE OF ALLEGIANCE**

Chairman Brackett called the meeting to order at 6:59 PM and invited everyone to stand for the Pledge of Allegiance. Vice Chair Dearborn read the Preamble into the record, identified as Attachment A of the Board’s Bylaws, that included the procedure and process for the meeting, that copies of the Agenda and Application for Rehearing are on the shelf by the door, the importance of the 30-day time period as well as housekeeping items regarding cell phones, smoking and talking. Clerk Davis took the roll call.

Members present were Charlie Brackett (Regular/Chair), Gary Daddario (Regular), Maryellen Davis (Regular/Clerk), Gary Dearborn (Regular/Vice Chair), Brian Etienne (Alternate) and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder and Marilyn McGrath, Selectmen Liaison. For the record, all Regular Members voted.

Ms. McGrath addressed the public and noted that she is a ~~Selectmen-Selectman~~ and the ~~Selectmen-Selectman~~ Liaison to the Zoning Board and that even though she may participate in the discussion, she does not vote.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 208-001 (deferred to 8-22-19): Richard and Robin Sevigny, 161 Bush Hill Road, Hudson, NH requests an Appeal From An Administrative Decision of a Notice of Violation dated May 24, 2019 citing violations of two provisions in the Hudson Zoning Ordinance: §334-15B (2) Parking prohibited and §334-13 Junkyards prohibited; outdoor storage. [Map 208, Lot 001-000; Zoned General-One (G-1); HZO Article III, §334-15B(2) & §334-13].

44 Clerk Davis read the Case into the record. Mr. Buttrick stated that he received
45 a request to continue the hearing to the September 26th meeting as the Property
46 Owners' attorney is not able to attend this meeting. Mr. Buttrick noted that this
47 Case was deferred from last month's meeting in order for the Board to conduct
48 a Site Walk, which was held on Monday, 7/29/2019 6:00 PM and noted that the
49 Site Walk write-up and pictures were in the supplemental packet.

50

51 Public testimony opened at 7:04 PM. No one addressed the Board.

52

53 Discussion ensued. Ms. Davis stated that she would be willing to make a motion
54 to continue to next month but with the understanding that the Board would
55 reach a decision and not allow another continuance. Procedure aspects were
56 discussed. Public input already received. Case continued to hold a Site Walk.
57 ~~Site Walk held.~~—No one present at this meeting. Public testimony opened.
58 Technically, hearing closed. Is a re-advertisement and a re-notification to
59 abutters of another possible continuation required, especially if the meeting
60 would be opened for input regarding the Site Walk? General consensus: as a
61 precaution, Mr. Buttrick asked to re-notice and re-advertise and that the ZBA
62 would incur the cost to advertise & notice, -not the applicant.

63

64 Motion made by Ms. Davis, seconded by Mr. Dearborn and unanimously (5:0)
65 voted to defer to the 9/26/2019 meeting for a Re-Hearing with the understanding
66 that the ZBA would render a decision at the 9/26/2019 meeting and that the
67 cost to re-notice and re-advertise come from the ZBA budget and not the
68 applicant.

69

70 2. Case 168-012 (8-22-19): Attorney Christopher J. Fischer of Boynton
71 Waldron Doleac Woodman & Scott, P.A., 82 Court St., Portsmouth, NH
72 representing Peter and Kimberly Heilman, 8 Madison Drive, Hudson,
73 NH, requests an Appeal From An Administrative Decision of a Notice of
74 Violation dated June 12, 2019 citing violations of two provisions in the
75 Hudson Zoning Ordinance: §334-16 Building permits and §334-8
76 Certificate of Occupancy. [Map 168, Lot 012-000; Zoned Residential
77 Two (R-2); HZO Article III, §334-16 & §334-8].

78

79 Clerk Davis read the Case into the record. Mr. Buttrick stated that the Case
80 began as a complaint received with the residence being used as an Air BnB being
81 run without proper permits; upon his investigation, the premise was being
82 operated and was lacking the proper Building Permits and Occupancy Permit
83 was issued by the Town for such a use.

84

85 Atty. Christopher Fischer of Boynton Waldron Doleac Woodman & Scott, PA, in
86 Portsmouth, NH introduced himself and the property owner, Peter (Logan)
87 Heilman and noted that his wife Kimberly and their infant daughter were in the
88 audience.

89

90 Atty. Fischer stated that his clients bought the property in February of this year
91 (2019). Logan Heilman stated ~~that~~ they moved to the area in February from ~~St.~~
92 ~~Louise-St. Louis~~, Missouri, that he graduated ~~from~~ college two (2) years ago and
93 recently took a job with MIT Lincoln Labs stationed at Hanson Air Force Base
94 and that he is a cyber forensic and cyber security engineer and manager for
95 various sponsors and DOD (Department of Defense) research. Mr. Heilman
96 stated that he has a direct line ~~and~~ reports to the Colonel and supports the
97 Department of Homeland Security, the Secret Service, the National Security
98 Agency, FBI, FAA and the DOD.

99
100 Atty. Fischer stated that, as laid out in the appeal file, they take exception to the
101 two (2) grounds laid out as Land Use violations. Atty. Fischer distributed
102 additional Exhibits that should have been included in their original appeal
103 packet. The documents distributed included: two (2) Notices of Violation dated
104 11/3/1994 and 8/25/2010; and a 9/15/2010 finding. Mr. Brackett noted that
105 the documents were included in ~~the ZBA Board's~~ ~~their~~ meeting packets.

106
107 Atty. Fischer stated that the first violation refers to an unlawful Air BnB
108 advertisement rental with a parenthetical reference to operating a Bed &
109 Breakfast and the second reference refers to an unlawful rental unit above the
110 garage. Atty. Fischer stated that with regard to the rental unit, the documents
111 he just distributed demonstrates that the Town of Hudson had known the
112 existence of the dwelling unit as far back as 1994 and acknowledge that he
113 doesn't know what happen to the disposition of the 1994 violation but does know
114 that the 8/25/2010 Notice of Violation citing an ~~assessor~~ ~~accessory~~ dwelling unit
115 that there was a disposition because approximately the Town of Hudson stated
116 that there was no violation, that the space and the use were not in violation.
117 Atty. Fischer stated that it is possible that there were actions not memorialized
118 in the public records but the fact remains that his client relied on these public
119 notices when he purchased the property in February 2019 – that there was an
120 allegation that an unlawful rental unit above the garage existed and that the
121 Town determined that there was no violation. Atty. Fischer stated that “fast
122 forward” to today, his client finds that there is a violation and that he has to
123 mediate it, get a building permit or tear it down etc.

124
125 Atty. Fischer stated that municipal estoppele exists, that the Town of Hudson
126 knew of the apartment back in 2010 and stated that it was not in violation and
127 that the Town cannot switch positions especially when it results in a detrimental
128 affect upon one of its citizens.

129
130 Atty. Fischer stated that, according to the Zoning Ordinance: a dwelling unit has
131 to have living, cooking, sleeping and sanitation facilities, that duplexes are
132 permissible in this Zone and this unit qualifies as a duplex because the
133 independent living areas are individual units that are attached. The word
134 “transient” is not defined in the Zoning Ordinance and therefore ambiguous and
135 that is problematic, especially since it does not define the number of days and is

136 subject to interpretation. Rentals are a permitted use in this zone because
137 people are allowed to rent their homes. NH is a title state and technically every
138 home that carries a mortgage declares the bank as the owner and the occupant
139 a renter. The Hudson Zoning Ordinance does not define and there is an enabling
140 act that authorizes Hudson to amend their Zoning Ordinance.

141
142 With regard to the Air BnB, Atty. Fischer stated that there is nothing in the
143 Zoning Ordinance that ties occupancy or use of a unit as a dwelling unit relative
144 to time – it could be three days or a one-year tenant – and to construe the Zoning
145 Ordinance to embrace that sort of regulation is stretching the language to an
146 impermissible scope.

147
148 Public testimony opened at 7:29 PM. The following individuals addressed the
149 Board:

150
151 (1) William Barry, attorney from Barry & Honorow, PLLC, law firm at 161
152 Kinsley Street in Nashua, NH, introduced himself as representing the
153 abutters and stated that the occupant of 8 Madison Drive is running a
154 business out of their residence and, according to Town records, this
155 residence is listed as a single-family residence. The applicants wrote a
156 letter to his clients, the abutters, after the complaint was made and in
157 that letter it stated that they are renting two of their extra bedrooms,
158 not that the bedrooms are in a separate space altogether, above their
159 24'x24' garage that is connected to their home by a breezeway. The
160 sequence of construction was that the prior owner built a detached
161 garage with internal steps to the space above, then constructed a
162 breezeway connecting the garage to the house and then at some point
163 converted the space of-over the garage into a separate dwelling unit.
164 The letter also states that their guests typically stay one to four (1-4)
165 days per stay. The neighbors have accounted an additional twenty (20)
166 cars over the past two (2) months. Their conclusion is that in the past
167 sixty (60) days, it has been rented out twenty (20) times.

168
169 Atty. Barry stated that the R2 Zone does allow duplexes and noted that
170 under Commercial Uses in the Zoning Ordinance, a Bed and Breakfast
171 is specifically a denied use in the R2 Zone. Atty. Barry referenced the
172 Heilman's Air BnB advertisement and noted that an Air BnB is
173 commonly known as a Bed & Breakfast.

174
175 Atty. Barry stated that if the building wants to become a duplex, it
176 requires a Building Permit (BP) and once completed, it gets investigated
177 inspected and a Certificate of Occupancy (CO) is issued. Safety is a
178 factor, for the resident, for the public, for First Responders. There is
179 no BP or CO for the second dwelling unit. Transient lodging can be
180 defined as one to four (1-4) nights.

181

182 Atty. Barry referenced the 7/11/2019 letter written by Building
183 Inspector David Hebert to Mr. Heilman citing findings from his
184 7/10/2019 inspection of the living unit above the garage and noted the
185 following safety violations: no second means of escape; smoke detectors
186 not hardwired; no guardrail on the second floor landing; no handrail on
187 the stairs to the dwelling unit above the garage; no venting to the roof,
188 aka stink pipe; no fire separation between the garage and the dwelling
189 unit; and joists visible. These are recognized serious life safety issues.
190 There is no BP for the dwelling unit, there was no inspection and there
191 is no CO and without a CO, the rooms cannot be used.

192
193 Atty. Barry stated that Atty. Fischer made a statement that his clients
194 could have an Air BnB; that the Town has been on notice, that there is
195 Municipal Estoppel; and that in 2010 the Code Enforcement Officer
196 responded that there was no violation. Atty. Barry stated that what
197 was omitted was that the Code Enforcement Officer responded to a
198 complaint of a second dwelling unit on the premise and when he went
199 to investigate discovered only one (1) kitchen, therefore only one (1)
200 dwelling unit and stated there was no violation. Yet there is a second
201 living unit today with its' own kitchen and it is illegal, there is no BP,
202 there have been no inspections and there is no CO. Municipal estoppel
203 does not exist. The Zoning Ordinance allows a two-family / duplex in
204 the R2 Zone. It is common knowledge that a Bed & Breakfast is short-
205 term transient occupancy. A B&B is not permitted in the R2 Zone. A
206 variance would be needed to operate a Bed & Breakfast.

207
208 Atty. Barry concluded by stating that there haves been twenty (20)
209 people over the past two (2) months; that this is a neighborhood; that
210 B&Bs are allowed in Town (as a Commercial Principal Use), just not in
211 the R2 Zone because it is not suitable; that there is concern for First
212 Responders and the safety of the occupants; and that the Zoning
213 Administrator made the correct call and asked that it be upheld
214 because it is supported by the evidence, the facts, the logic

215
216
217
218 (2) Robert Kerouac, 2 Jefferson Drive, stated that he hired Atty. Barry and
219 wanted to note that that twenty (20) rentals does not equate to twenty
220 (20) people, that according to their advertising it is a minimum of two
221 (2) night rental stays that equates to forty (40) nights, added that the
222 people there now are going on three (3) nights and questioned why it
223 has not stopped, why it is still being rented when the Town issued a
224 Cease and Desist Order, that they are running a business and added
225 that there have been time when he has smelled his leach field and
226 expressed concern for the nearby pond. Mr. Kerouac stated that he

227 would not be opposed to a duplex but he is opposed to transient people
228 in his neighborhood.
229

230 Public testimony closed at 7:48 PM
231

232 Atty. Fischer responded. There is nothing in the Zoning Ordinance regarding
233 “transient”, it is an ambiguous term. Building Code violations are improper, not
234 warranted and not within the scope or purview of the Zoning Board’s mandate
235 as set forth by the Law and should not factor into the Board’s decision. Atty.
236 Barry referenced stoves and refrigerators and need for individual circuits yet the
237 Ordinance just says “cooking” and raises who actually has jurisdiction of what
238 issues. The ZBA’s purview is the land use and whether Air BnB is okay to use.
239 Atty. Fischer noted that Atty. Barry referenced additional information that he,
240 his client nor his office received and that raises the question of what are the
241 “public facing” records, not the notes in a file that the public cannot access? His
242 client did his due diligence and requested documents regarding his property and
243 all he received were the Notice of Violation and a letter stating that there was no
244 violation upon inspection. The notes from Mr. Buttrick’s predecessor were not
245 provided to his client. That is inherently problematic. The reference that the
246 rentals are a business to pay off his mortgage applies to everyone in Town who
247 rents property.
248

249 Public testimony opened at 7:52 PM. Atty. Barry addressed the Board and stated
250 that there is no Building Permit (BP) to make this property a two-family and
251 when a BP is pulled it leads to an inspection and the inspection leads to a
252 Certificate of Occupancy (CO). There is no CO for a second family unit for this
253 property. The Zoning Ordinance identifies a duplex and a Bed n Breakfast. The
254 property owner should have come to the ZBA seeking a Bed n Breakfast, but did
255 not. A determination is proper, the information is correct, the Town’s records
256 are fine and the Zoning Administrator made the correct decision for the property
257 owner, the renters and First Responders.
258

259 No one else addressed the Board. Public testimony closed at 7:53 PM
260

261 Mr. Pacocha stated that it seems to boil down to past illegality and whether there
262 was or was not an ALU (Accessory Living Unit) at the time it was inspected, there
263 was no kitchen so there was no ALU violation. If a variance for an ALU was
264 required then, it was not sought; however, a Building Permit has always been
265 required and was not pulled for an ALU, neither was an electrical nor plumbing
266 permit. Mr. Buttrick stated that a BP was pulled in 2008 to construct a garage
267 and that he did not find any sub-permits for electrical or plumbing.
268

269 Ms. Davis stated that what is before the Board is the Zoning Determination by
270 Mr. Buttrick but began with complaints received for the transient use. The
271 normal course of action is to investigate the complaints and that is when the
272 discovery was made that there is no Building Permit or Certificate of Occupancy

273 for the second living unit. It does not matter who did what or when it was done,
274 the fact is that there is nothing on record to allow the second dwelling unit or
275 that use.

276
277 Mr. Brackett stated that some of the testimony received seems to be based on
278 past inspections but the fact remains that both in 1994 and 2010, there was
279 never an application filed for an ALU; therefore it was never approved for an ALU,
280 BnB or short term rental.

281
282 Mr. Buttrick stated that there are three (3) elements involved: past owners; past
283 Code Enforcement Officers; and current property owner with current Code
284 Enforcement Officer. Mr. Buttrick stated there is no CO for transient type use,
285 BnB, and neither a BP.

286
287 Mr. Dearborn stated that Atty. Barry placed a lot of emphasis on inspectional
288 services regarding the violations. The property does not meet current setbacks
289 for frontage or square footage so it is non-conforming. Mr. Dearborn referenced
290 Elvis Dhima, PE, Town Engineer 7/30/2019 email where he states that they
291 have received complaints relating to strong septic odor and discovered that the
292 Town has no record/plan of the septic system and also questioned whether there
293 is enough parking to accommodate the current use. Mr. Dearborn also noted
294 Brian Groth's 8/5/2019 email where short-term, or transient, rental is not a
295 permitted use and that the property is not a duplex but a single-family residence
296 with an illegally constructed accessory dwelling unit.

297
298 Ms. Davis and Mr. Daddario expressed concern regarding testimony received
299 that the property owner continues the business operation (rental) since the
300 Cease & Desist Order was issued. Mr. Heilman addressed the allegation and
301 stated that he and his wife just had a baby and family and friends have been
302 coming and denied allegations that he is still renting or has rented since the
303 Cease & Desist Order was received.

304
305 Mr. Brackett stated that what is before the Board is the Appeal to the Zoning
306 Administrator's determination that the second floor of the garage is being used
307 as living quarters in violation of the Zoning Ordinance without a BP or a CO.

308
309 Mr. Daddario stated that the use is now a rental unit without a CO. Mr. Buttrick
310 stated that Zoning Ordinance Section 334-20 states that "Any uses not
311 specifically listed in the Table of Permitted Principal or Accessory Uses are hereby
312 expressly prohibited." Ms. Davis stated that if/when a BP and CO are obtained,
313 then a variance would be required to operate a Bed and Breakfast in the R-2
314 Zone. Mr. Buttrick stated that if the unit above the garage is to be lived-in, it
315 needs a CO and if the property owner wishes to operate a BnB would suggest
316 that the variance be obtained first as there may be dimensional issues with
317 square footage and lot size as it is a non-conforming existing lot of record. Ms.

318 Davis added that the expansion of use on a non-conforming lot may also need to
319 be addressed.

320

321 Mr. Brackett referred to NHMA (NH Municipal Association) paper on Short-term
322 Rentals from their Spring 2019 Conference and noted their reference to RSA 48-
323 A and RSA 78-A that defines short-term rentals as less than 30 consecutive days.
324 Mr. Etienne stated that if a person does not receive mail or have his driver's
325 license identified at the address, that means the person is transient at that
326 address. Mr. Daddario added that it has been advertised as such (short term
327 rental/transient) on their webpage.

328

329 Mr. Pacocha referenced the Assessor's and noted that in 2000 it was listed as
330 one-family and from 2001 to 2018 it listed it as two-family and switched back to
331 one-family in 2019 and asked why. Mr. Buttrick stated there are many reasons
332 for a change, that an on-site internal inspection could have been made to cause
333 the change and added that it is essentially a "snap shot in time". Ms. Davis
334 pointed out that the Assessor's records are not the Zoning records which are
335 based on Building Permits. Mr. Buttrick added that BPs can trigger inspections,
336 that there are cyclical inspections performed and sale of property can also invoke
337 an inspection.

338

339 Ms. Davis made the motion to uphold the Zoning Administrator's 6/12/2019
340 decision. Mr. Dearborn seconded the motion. Ms. Davis spoke to her motion
341 stating that there have been multiple code enforcement complaints and abutter
342 complaints, there is nothing in the record to indicate that any of it has been
343 permitted, that the use is not an allowed use in the Zone and agrees with the
344 Zoning Administrator's decision. Mr. Dearborn concurred and added that there
345 are so many violations on the property and liability risks and a business is being
346 operated in a residential neighborhood and the use does not fit into the Zone.
347 Mr. Brackett noted that there has been no BP or CO issued for that living space.
348 Vote was 5:0. Zoning Administrator's decision upheld. Appeal denied.

349

350 Board took a break at 8:15 PM while the room cleared. Mr. Brackett called the
351 meeting back to order at 8:19 PM.

352

353 **IV. PUBLIC HEARING:**

354

355 2nd Reading of proposed bylaws amendments.

356

357 Mr. Brackett opened the Public Hearing at 8:19 PM. Mr. Buttrick noted that
358 this is the second public hearing of the required two that are required to affect
359 a change to the ZBA By-Laws. The proposed changes include: the addition of
360 and definition for a Recorder, the change in duties for the Clerk, the action
361 required for three consecutive unexcused absences, that additional meetings
362 may be called, the order of business to now include the Pledge of Allegiance

363 and a standardized introduction, the decision process, the 11:00 PM curfew
364 and the 30-day re-hearing note.

365
366 Board reviewed the proposed changes. Discussion arose on the 11:00 PM
367 curfew. Consensus reached to add “unless otherwise approved by the Board”.
368 Mr. Buttrick to schedule another public hearing.

369
370 Ms. McGrath raised the concern with an applicant submitting evidence in a
371 meeting without having enough copies for everyone at the table and raised
372 tonight as an example of the unfairness. Members agreed. Comment made
373 that if there are not enough copies, the material/information should be
374 rejected. Mr. Buttrick stated that the application form spells out the
375 requirement that twelve (12) copies along with the original are required.

376
377 Public Hearing closed at 8:29 PM

378
379 **V. REQUEST FOR REHEARING:**

380
381 No requests were presented for Board consideration.

382
383 **VI. REVIEW OF MINUTES:**

384
385 1. 07/25/19 Minutes

386
387 Board reviewed the edited version presented. Ms. Davis apologized for not
388 providing any edits. Mr. Brackett made one amendment noting that Selectmen
389 McGrath was excused, not absent, from the meeting. Mr. Dearborn made the
390 motion, seconded by Mr. Daddario to approve the 7/25/2019 Minutes as
391 edited and amended. Vote was unanimous at 5:0. Minutes approved.

392
393 **VII. OTHER:**

394
395 1. Possible Zoning Ordinance Amendments

396
397 Mr. Buttrick referenced the Proposed Zoning Amendments from the 7/11/2019
398 workshop and noted that the next workshop is scheduled for 8/29/2019. Mr.
399 Brackett asked Members to review and if unable to attend on 8/29, to please
400 forward their comments to Mr. Buttrick beforehand. In response to Ms.
401 McGrath’s question, Mr. Brackett stated that Town Planner Brian Groth is
402 aware of the proposed changes and has not been as involved as last year. Mr.
403 Buttrick stated that Mr. Groth has been focused on the Zoning Map lines as
404 many parcels are split ~~Z~~zoned or mis-zoned. Mr. Brackett noted that the
405 Planning Board (PB) is also engaged in proposed Zoning amendments. Mr.
406 Buttrick stated that the two (2) Boards have different perspectives, that the
407 ZBA tends to rely on the number of variances to indicate changes and the PB
408 tends to take a more global view, and that the desire is to limit the number of
409 Warrant Articles for Town Vote to six (6). Ms. McGrath suggested that Mr.

410 Groth be invited to attend next week's ZBA workshop and that the PB share
411 their proposed amendments with the ZBA.

412

413 Ms. McGrath commented on the proposed House Bill committee relative to
414 establishing a Housing Board of Appeal for workforce housing appeals that
415 would seem to circumvent the current procedure. To be discussed at the
416 workshop.

417

418 2. Land Use Conference

419

420 Mr. Buttrick noted that this year it has been scheduled for Saturday,
421 10/5/2019. Mr. Brackett asked that any Member interested in attending to
422 contact Mr. Buttrick for registration and added that the Town will pay the fee.

423

424 Motion made by Ms. Davis, seconded by Mr. Daddario and unanimously voted
425 to adjourn the meeting. The 8/22/2019 ZBA meeting adjourned at 8:46 PM.

426

427 Sincerely,

428 Louise Knee, Recorder

429 ~~Adjourned: 8:46pm~~

AS edited

Prioritized Master List

As of Sept 6:				
<u>Priority</u>	<u>Z.O. Section</u>	<u>Topic</u>	<u>Discussion</u>	<u>Comments</u>
1		Backyard Farming/animals	New section, Working with Hudson's ACO	90 % ZBA complete for PB consideration
1		Day Care - Special Exception	Needs to address outdoor activities associated	Done ZBA, for PB consideration
1		Doggie day care/Training	Add to kennel, include fostering	Done ZBA, for PB consideration
1	334-43 (M)	Manufactured Homes/Parks	BOCA code reference	Not necessary (obsolete)
1	T-334-21	Table of Permitted Uses	Review for completeness	HOLD OFF: Major overhaul
1	334-31 (A)	Non-conforming structures		Interpretation issue
1		Equitable Waivers	"old" ZBA process for such	Z.O. definition
2		Trailers - definition	RV's, utility, TT boxes	Time limits for "occupied" RV's, to PB
2		Lighting on signs	signage: turn off nights/downcast etc	Bruce: add to existing Z.O.
2		Storage (ocean) containers	Permits? Time limits?	Bruce: add to existing Z.O.
2	334-60; 334-62	EMC/Electronic signs	Streamline to uncomplicate	HOLD OFF: Major overhaul
3	334-120	Alternative energy (on-residences)	Windmill/pv on residential	To clarify such is not business
3		campgrounds	Define / where permitted	Need to address?
3		Town Right of Way	Parking/activities in the ROW	N/A for ZBA
3		Tiny Homes	<u>We address by default</u>	Must meet minimum 850 sqft in Z.O.
?	334.91-334.107	Wireless communication facilities	Approval as C.U. by P.B.	To streamline process
?	334.33-334.41	Wetland Conservation District	Approval as C.U. by P.B.	To streamline process
?	334-15	Off street parking	To eliminate parking in front/yard setbacks	Is addressed in Driveway reg's
?	334-15	Driveways	Eliminate from Z.O.	Is addressed in Driveway reg's