

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

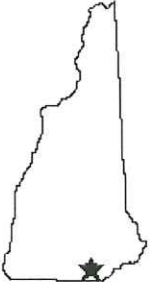
MEETING AGENDA – October 24, 2019

The Hudson Zoning Board of Adjustment will hold a meeting on October 24, 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 222-039 (deferred to 10-24-19): 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 Residential-Two (R-2); HZO Article XIII A Accessory Dwelling Units , §334-73.3G, Provisions].
 - 2. Case 163-007 (10-24-19): Josie Roy, requests a Home Occupation Special Exception for 59 Sullivan Rd., Hudson, NH to allow a staffing agency business office. [Map 163, Lot 007-000; Zoned Residential-One (R-1); HZO Article VI, §334-24, Special Exceptions, Home Occupations].
 - 3. Case 209-001 (10-24-19): Karl Dubay, authorized agent for Dakota Partners, Inc., 1264 Main St., Waltham, MA 02451, requests a Wetland Special Exception on behalf of 5 Way Realty Trust for 161 Lowell Rd., Hudson, NH to allow Wetland Conservation District (WCD) Buffer Work relating to roadway improvements to widen the existing Friars Drive to 32 ft. The WCD Buffer area impacted is 35,756 sqft. [Map 209, Lot 001-000, Split districts: Zones General (G), Business (B), and Industrial (I); HZO Article IX, §334-35.B, Uses within Wetland Conservation District and §334-38, Special Provisions].
- IV. REVIEW OF MINUTES:**
09/26/19 Minutes
- V. REQUEST FOR REHEARING:**
Case 168-012- 8 Madison Drive, Hudson, NH; Appeal From An Administrative Decision- Denied 8/22/19.
- VI. OTHER:**
Bylaws revision discussion agenda number of cases.

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: October 24, 2019 *88 10-15-19*

Case 163-007 (10-24-19): Josie Roy, requests a Home Occupation Special Exception for 59 Sullivan Rd., Hudson, NH to allow a staffing agency business office. [Map 163, Lot 007-000; Zoned Residential-One (R-1); HZO Article VI, §334-24, Special Exceptions, Home Occupations].

Address: 59 Sullivan Rd

Zoning district: Residential One (R-1)

Summary:

Applicant requests a Home Occupation Special Exception to allow a staffing agency business office from her residence.

Property description:

This is an existing conforming lot of record: Having 1.88 Acre = 81,892 sqft, where 43,560 sqft is required and frontage of 193 ft where 120 ft is required. Legal existing two family use.

HISTORY:

Assessing: Listed as two family.

Building Permits: #252-88 issued Dec 1, 1987 to create the two family; #177-97 issued Oct 31, 1996 to reconstruct two family due to fire.

Attachments:

“A” Assessing record.

“B” Building Permit # 252-88 issued Dec 1, 1987 to create the two family.

“C” Building Permit #177-97 issued Oct 31, 1996 to reconstruct two family due to fire.

“D” Occupancy Permit # 3419 issued Feb 20, 1997 (B.P.# 177-97).

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	104 - TWO FAM	265,200	3,600	126,700	1.88	0.00	395,500
2019	104 - TWO FAM	265,200	3,600	126,700	1.88	0.00	395,500
2018	104 - TWO FAM	265,200	3,600	126,700	1.88	0.00	395,500
2018	104 - TWO FAM	265,200	3,600	126,700	1.88	0.00	395,500
2017	104 - TWO FAM	265,200	3,600	126,700	1.88	0.00	395,500
2017	104 - TWO FAM	248,800	2,500	111,600	1.88	0.00	362,900
2017	104 - TWO FAM	265,200	3,600	126,700	1.88	0.00	395,500
2016	104 - TWO FAM	248,800	2,500	111,600	1.88	0.00	362,900
2016	104 - TWO FAM	248,800	2,500	111,600	1.88	0.00	362,900
2015	104 - TWO FAM	248,800	2,500	111,600	1.88	0.00	362,900
2015	104 - TWO FAM	248,800	2,500	111,600	1.88	0.00	362,900
2014	104 - TWO FAM	248,800	0	111,600	1.88	0.00	360,400
2014	104 - TWO FAM	248,800	0	111,600	1.88	0.00	360,400
2013	104 - TWO FAM	248,800	0	111,600	1.88	0.00	360,400
2013	104 - TWO FAM	248,800	0	111,600	1.88	0.00	360,400
2012	104 - TWO FAM	248,800	0	111,600	1.88	0.00	360,400
2012	104 - TWO FAM	246,500	0	146,600	1.88	0.00	393,100
2011	104 - TWO FAM	246,500	0	146,600	1.88	0.00	393,100
2011	104 - TWO FAM	246,500	0	146,600	1.88	0.00	393,100
2010	104 - TWO FAM	246,500	0	146,600	1.88	0.00	393,100
2010	104 - TWO FAM	246,500	0	146,600	1.88	0.00	393,100
2009	104 - TWO FAM	219,200	0	146,600	1.88	0.00	365,800
2008	104 - TWO FAM	219,200	0	146,600	1.88	0.00	365,800
2008	104 - TWO FAM	219,200	0	146,600	1.88	0.00	365,800
2007	104 - TWO FAM	219,200	0	146,600	1.88	0.00	365,800
2007	104 - TWO FAM	230,100	0	110,100	1.88	0.00	340,200
2006	104 - TWO FAM	230,100	0	110,100	1.88	0.00	340,200
2006	104 - TWO FAM	230,100	0	110,100	1.88	0.00	340,200
2005	104 - TWO FAM	230,100	0	110,100	1.88	0.00	340,200
2005	104 - TWO FAM	230,100	0	110,100	1.88	0.00	340,200
2004	104 - TWO FAM	230,100	0	110,100	1.88	0.00	340,200
2004	104 - TWO FAM	182,400	0	84,600	1.88	0.00	267,000
2003	104 - TWO FAM	182,400	0	84,600	1.88	0.00	267,000
2003	104 - TWO FAM	182,400	0	84,600	1.88	0.00	267,000
2002	104 - TWO FAM	182,400	0	84,600	1.88	0.00	267,000
2002	104 - TWO FAM	182,400	0	84,600	1.88	0.00	267,000
2001	104 - TWO FAM	166,500	0	60,100		0.00	226,600
2000	104 - TWO FAM	166,500	0	60,100	1.88	0.00	226,600
1999	104 - TWO FAM	128,200	0	60,100	1.88	0.00	188,300

Map 32 lot 65

BUILDING PERMIT

AMOUNT PAID _____

DEPT. FILE COPY

VALIDATION _____

DATE December 1 19 87 PERMIT NO. 252-88

APPLICANT Richard Roy ADDRESS 59 Sullivan Road Hudson, N. H. 03051

PERMIT TO add 2 car garage with family room plus add 26' X 52' modular home to make duplex (CONTR.'S LICENSE)

(TYPE OF IMPROVEMENT) (NO.) STORY (PROPOSED USE) NUMBER OF DWELLING UNITS

AT (LOCATION) 59 Sullivan Road ZONING DISTRICT C

(NO.) (STREET)

BETWEEN Clement AND Lawrence

(CROSS STREET) (CROSS STREET)

SUBDIVISION _____ LOT 65 BLOCK 32 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: Add two (2) car garage with family room above plus 26' X 52' modular home to create duplex on property.

AREA OR VOLUME _____ (CUBIC/SQUARE FEET) ESTIMATED COST \$ _____ PERMIT FEE \$ 207.00

OWNER Richard Roy
ADDRESS 59 Sullivan Road Hudson, N. H. 03051

BUILDING DEPT. BY Edmond Malin

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

"B"

FORM NO. BOCA-BP 1969

A CERTIFICATE OF OCCUPANCY WILL BE REQUIRED FOR THIS RECONSTRUCTION. PLEASE APPLY FOR C.O. A MINIMUM OF THREE WEEKS PRIOR TO DATE YOU WILL NEED IT. REFERENCE ATTACHED RADON CONTROL CONSTRUCTION SYSTEM GUIDE.

BUILDING PERMIT

DEPT. FILE COPY

AMOUNT PAID

MAP 32 LOT 65

VALIDATION

DATE OCTOBER 31, 19 96 PERMIT NO. 177-97
APPLICANT MATTHEW ERICKSON / ERICKSON CONSTRUCTION ADDRESS 38 DAVID DRIVE HUDSON NH 889-0098
(NO.) (STREET) (CONTR'S LICENSE)

RECONSTRUCT TWO-
PERMIT TO FAMILY DWELLING (1 1/2) STORY RESIDENTIAL NUMBER OF DWELLING UNITS TWO
(TYPE OF IMPROVEMENT) NO. (PROPOSED USE)

AT (LOCATION) 59 SULLIVAN ROAD ZONING DISTRICT _____
(NO.) (STREET)
BETWEEN _____ AND _____
(CROSS STREET) (CROSS STREET)

SUBDIVISION _____ LOT 65 BLOCK 32 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: RECONSTRUCT TWO-FAMILY DWELLING, WOOD FRAME, OIL HEAT, WELL/SEPTIC, TWO-CAR GARAGE UNHEATED, 3 FINISHED BEDROOMS, 1 FULL BATHROOM. ELECTRICAL AND PLUMBING PERMITS ARE REQUIRED. SEE ATTACHED 'FIRE DEPARTMENT REQUIREMENTS'.

AREA OR VOLUME 3,486 SQUARE FEET ESTIMATED COST \$ 139,000.00 PERMIT FEE \$ 349.00
(CUBIC/SQUARE FEET)

OWNER RICHARD AND RUTH ROY BUILDING DEPT. BY *Charles Madigan*
ADDRESS HUDSON NH

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

"C"

FORM NO. BOCA - BP 1994

TOWN OF HUDSON



3419

OCCUPANCY PERMIT

MATTHEW ERICKSON

Owner or Builder

MAP 22 LOT 65

59 SULLIVAN ROAD

BUILDING PERMIT NO. 127-97

Address of Building

PERMISSION IS HEREBY GRANTED TO OCCUPY THIS BUILDING:

Date FEBRUARY 20, 19 97

Edward P. Madigan
Building Inspector's Approval

No person shall occupy this building until Inspector's approval.

"D"

TOWN OF HUDSON

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

OCT 07 2019

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 163-007 (10-24-19)

Date Filed 10-7-19

Name of Applicant Josie Roy Map: 163 Lot: 007 Zoning District: R-1

Telephone Number (Home) 603 566-9337 (Work) _____

Mailing Address 59 Sullivan Rd Hudson NH 03051

Owner Ruth and Robert Roy

Location of Property 59 Sullivan Rd Hudson NH 03051
(Street Address)

Josie Roy
Signature of Applicant

10/2/19
Date

Ruth E Roy
Signature of Property-Owner(s)

10/2/19
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 home occupation special exception.

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

COST:

Application fee:	\$130.00
<u>10</u> Direct Abutters x \$4.05 =	<u>40.50</u>
<u>11</u> Indirect Abutters x \$0.55 =	<u>6.05</u>
Total amount due:	<u>\$176.55</u>

Date received: 10-7-19

Amt. received: \$ 176.55
CK # 1523
Receipt No.: 569,627

Received by: [Signature]

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

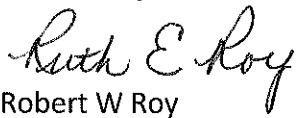
October 2, 2019

To Whom it may concern,


We the Owners of 59 Sullivan Rd. Ruth E Roy and Robert W Roy Give permission for Josie Roy to seek the described home occupational special exception.

Sincerely,

Ruth E Roy



Robert W Roy



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>AK</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>AK</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>MR</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, <u>Home Occupation Special Exception</u> , 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>AK</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>AK</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>AK</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>Single sided</u> .	<u>TG</u>
<u>AK</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>AK</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>

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
163	025	William and Margbeth Broussard	62 Sullivan Rd Hudson NH 03051
163	034	Lisa Henderson	60 Sullivan Rd Hudson NH 03051
163	033	Gordan W Hadyk	131 DW Highway Nashua NH 03060-5004
163	032	Peter Bedard	56 Sullivan Rd Hudson 03051
163	006	Keith W Green, Shannon E Green	61 Sullivan Rd Hudson 03051
163	002	Carlos Schulze	14 A Hedgerow Dr. Hudson NH 03051
163	002	Scott R. TR. Dionne, Marlene Y TR	628 Fox Hollow Dr Hudson 03051
163	001	David Hutcheson, Jessica Perkins	13 ^A Hedgerow Dr Hudson NH 03051
163	001	Kimberly A James, T Duallam	13B Hedgerow Dr Hudson NH 03051
163	008	Joyce Urban	PO Box 4064 Windham NH 03087 4064
163	007	Robert W. Roy, Ruth E. Roy	59 Sullivan Rd Hudson NH 03051

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
163	031-000	Steven Alan Achilles.	54 Sullivan Rd Hudson, NH 03051
163	009-000	Leon and Jacqueline Brouillard	55 Sullivan Rd Hudson NH 03051
163	005-000	Demetria A Vanessa A Nadeau	18 Hartson Cir Hudson NH 03051
162	054-002	Lori A Olin	11B Hedge row DR Hudson 03051
162	054-001	Harry M and Nicole L Lawson	14014 White Loan Road ^{Inv. 46783}
162	056-002	Rhannon Sian Davies	29 Perkins Rd Londonderry NH 03053
162	056-001	Gabriel E. ISAZA and Claudia Gonzalez	57A Lund DR Hudson 03051
162	069-000	Roger J TR, Linda J TR Pellerin	65 Sullivan Rd Hudson NH 03051
162	070-000	Kevin and Donabel Chartrand	63 Sullivan Rd Hudson NH 03051
163	004-000	Brian T and Michelle M. Allene	15 Hartson Cir Hudson NH 03051

SENDER: TOWN OF HUDSON
 12 SCHOOL STREET
 HUDSON, NH 03051

US POSTAL SERVICE - CERTIFIED MAIL

Case# 163-007 Home Occupation Special Except.
 59 Sullivan Road
 Map 163/Lot 007.000 1 of 1

ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/24/19 ZBA Meeting
1	701B 2290 0001 3001 9524 ROY, RUTH E., LIFE EST; ROY, ROBERT W., <i>Tosie Roy</i>	APPLICANT/OWNER-NOTICE SENT
2	701B 2290 0001 3001 9531 HENDERSON, LISA	ABUTTER NOTICE SENT
3	701B 2290 0001 3001 9548 60 SULLIVAN RD., HUDSON, NH 03051 HADYK, GORDON W.	ABUTTER NOTICE SENT
4	701B 2290 0001 3001 9555 131 D.W. HIGHWAY, #123, NASHUA, NH 03060-5224 BEDARD, PETER C., TR.; BEDARD, GINETTE T., TR. BEDARD REVOCABLE TRUST	ABUTTER NOTICE SENT
5	701B 2290 0001 3001 9562 56 SULLIVAN ROAD, HUDSON, NH 03051 GREEN, KEITH W. & SHANNON E.	ABUTTER NOTICE SENT
6	701B 2290 0001 3001 9579 61 SULLIVAN RD., HUDSON, NH 03051 SCHULZE, CARLOS	ABUTTER NOTICE SENT
7	701B 2290 0001 3001 9586 14A HEDGEROW DR., HUDSON, NH 03051 DIONNE, SCOTT R. & MARLENE Y., TRUSTEES; 14 HEDGEROW DR REALTY TRUST	ABUTTER NOTICE SENT
8	701B 2290 0001 3001 9593 628 FOX HOLLOW DR., HUDSON, NH 03051 HUTCHESON, DAVID L.; PERKINS, JESSICA A.	ABUTTER NOTICE SENT
9	701B 2290 0001 3001 9609 13A HEDGEROW DR., HUDSON, NH 03051 DUNHAM, KIMBERLY A. & JAMES T.	ABUTTER NOTICE SENT
10	701B 2290 0001 3001 9616 13B HEDGEROW DRIVE, HUDSON, NH 03051 URBAN, JOYCE	ABUTTER NOTICE SENT
	PO BOX 4064, WINDHAM, NH 03087-4064	
Total Number of pieces listed by sender 10		Total number of pieces rec'd at Post Office <i>10</i>
		Postmaster (receiving Employee)



Direct Certified

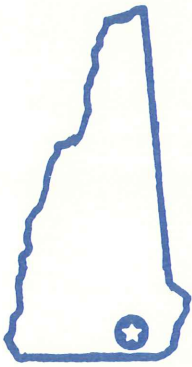
SENDER: TOWN OF HUDSON
 12 SCHOOL STREET
 HUDSON, NH 03051

US POSTAL SERVICE - FIRST CLASS MAIL

Case # 163-007 Home Occupation Special Except.
 59 Sullivan Road
 Map 163/Lot 007-000 1 of 1

ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/24/19 ZBA Meeting
1	N/A-mailed First Class BROUSSARD, MARYBETH G. & WILLIAM 62 SULLIVAN ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class ACHILLES, STEVEN ALAN 54 SULLIVAN RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class BROUILLARD, LEON V. & JACQUELINE 55 SULLIVAN ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
4	N/A-mailed First Class NADEAU, DEMETRIA A. & VANESSA A. 18 HARTSON CIRCLE, HUDSON, NH 03051	ABUTTER NOTICE SENT
5	N/A-mailed First Class OLIN, LORI A. 11B HEDGEROW DRIVE, HUDSON, NH 03051	ABUTTER NOTICE SENT
6	N/A-mailed First Class LAWSON, HARRY M. & NICOLE L. 14014 WHITE LOON PASS, ROANOKE, IN 46783	ABUTTER NOTICE SENT
7	N/A-mailed First Class DAVIES, RHIANNON SIAN 29 PERKINS RD, LONDONDERRY, NH 03053	ABUTTER NOTICE SENT
8	N/A-mailed First Class ISAZA, GABRIEL E., GONZALEZ, CLAUDIA P. 57A LUND DRIVE, HUDSON, NH 03051	ABUTTER NOTICE SENT
9	N/A-mailed First Class PELLERIN, ROGER J. & LINDA J., TRUSTEES; PELLERIN FAMILY REV TRUST 65 SULLIVAN ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
10	N/A-mailed First Class CHARTRAND, KEVIN & DONABEL 63 SULLIVAN ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
11	N/A-mailed First Class AHERNE, BRIAN T. & MICHELE M. 15 HARTSON CIRCLE, HUDSON, NH 03051	ABUTTER NOTICE SENT
Total Number of pieces listed by sender 11		Total number of pieces rec'd at Post Office 1 /

HUDSON NH 03051
 Postmaster (Receiving Employee)
 OCT 15 2019
 USPS



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



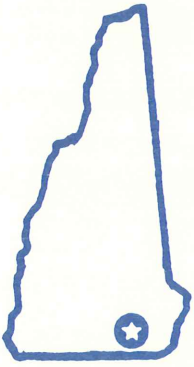
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **10/24/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 163-007 (10-24-19): Josie Roy, requests a Home Occupation Special Exception for 59 Sullivan Rd., Hudson, NH to allow a staffing agency business office. [Map 163, Lot 007-000; Zoned Residential-One (R-1); HZO Article VI, §334-24, Special Exceptions, Home Occupations].**

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, **10/24/19** 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.

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

A home occupation is a sales or service operation for goods produced or services provided on-site and is permitted only as a special exception upon approval by the Zoning Board of Adjustment. In granting such an exception, the Board must find the home occupation to be in full compliance with the requirements listed below.

Please explain, in detail, the nature of your home business.

I am interested in opening up a staffing agency. Making calls to Nurses, and LNA's and place them in Nursing facilities. All work will be done by phone or email.

Is the home occupation secondary to the principal use of the home as the business owners' residence? Please explain.

yes it will be secondary to the use of the home as a business.

Will the home occupation business be carried on within the residence and/or within a structure accessory to the residence? Please explain.

yes it will be carried on within the residence. I will work out of the family room or kitchen as I will just be working with my computer or making calls.

Other than the sign(s) permitted under Article XII, will there be exterior display or other exterior indications of the home occupation? Will there be any variation from the primarily residential character of the principal or accessory building? Please explain.

No there will not be any exterior display or indications of home occupation. Also no variation from the primarily residential character of the principal or accessory building.

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

Will there be exterior storage and will it be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area? In situations where a combination of existing foliage and/or long distances to neighboring views provide screening, the fencing requirements may be waived at the discretion of the Board. Please explain how you will comply.

There will not be any exterior storage.

Will there be noise, vibrations, dust, smoke, electrical disturbances, odors, heat or glare produced? Please explain, and if there will be electrical disturbances, describe the frequency.

N/A - Just phone calls or email.

Will the traffic generated by the home occupation activity be substantially greater in volume than would normally be expected in the neighborhood? Please explain the expected traffic to your business.

N/A - No traffic will be generated. All work will be by phone or email - time cards will be mailed.

Where will customer/client parking for the home occupation be located? Please explain.

No home visits - interviews will be held off site.

Who will be conducting the home occupation? Please explain.

I Josie Roy will be conducting occupation.

Will there be a vehicle(s) for the home occupation? Please explain the type and number of vehicle(s).

N/A - No vehicle for occupational use - Will work strictly from home.

10/3/2019

I Josie Roy

Am asking for your signature for a petition to have a staffing business from home.

There will not be any traffic back and forth as it will all be done over the phone.

I thank you in advance for you cooperation.

Josie Roy

Date

Ruth E Roy 59 Sullivan

Ruth Green

Frank Green } 61 Sullivan

Nicholas Chestnut } 63 SULLIVAN ROAD

Kevin Chestnut }

Rosa Pellier } 65 SULLIVAN RD

Freda Pellier }

GABRIEL JONES 57A LUND DR.

Nick Jones 11A Hedgerow Dr

David Hutchison 13A Hedgerow Dr.

Cecilia Hutchison 14A Hedgerow Dr.

~~3-A~~ 15 Hartson Circle

Michele Thorne 15 Hartson Circle



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-116

September 30, 2019

Josie Roy
59 Sullivan Rd
Hudson, NH 03051

Re: **59 Sullivan Rd Map 163 Lot 007**
District: Residential One (R-1)

Dear Ms. Roy,

Your request if you can operate an "on-line" business at this address, has been completed.

Zoning Review / Determination:

Your Primary Principal Use allowed is residential per the Zoning Ordinance Table of Permitted Uses §334-21.

The use as a home occupation (as benign as this is) would need a Home Occupation Special Exception from the Zoning Board of Adjustment per §334-24.

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.



Patriot
 Properties Inc.

USER DEFINED
 Prior Id # 1: 0032
 Prior Id # 2: 0055
 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:
 Bid Reason:
 Cmidistrict:
 Ratio:

PROPERTY LOCATION

No	Alt No	Direction/Street/City
59		SULLIVAN RD, HUDSON

OWNERSHIP

Owner 1:	ROY, RUTH E. LIFE EST	Unit #:
Owner 2:	ROY, ROBERT W.	
Owner 3:		

Street 1: 59 SULLIVAN ROAD
 Street 2:
 Town/City: HUDSON
 S/P/Prov: NH Chtry/ Own Occ: Type:
 Postal: 03051

PREVIOUS OWNER

Owner 1:	ROY, RUTH E.
Owner 2:	ROY, ROBERT W.
Street 1:	59 SULLIVAN ROAD
Town/City:	HUDSON
S/P/Prov:	NH Chtry/
Postal:	03051

NARRATIVE DESCRIPTION
 This parcel contains 1.88 ACRES of land mainly classified as TWO FAM with a SPLIT LEVEL. Building built about 1997, having primarily VINYL Exterior and 3020 Square Feet, with 2 Units, 2 Baths, 2 3/4 Baths, 0 HalfBath, 10 Rooms, and 5 Bedrooms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int
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PROPERTY FACTORS

Item Code	Description	%	Item	Code	Description
Z R2	RESID TWO		water	9	PRIV WATER
0			Sewer	10	SEPTIC
n			Electri		
Census:					
Flood Haz: C					
D			Exmpt	V1	VET CREDIT
S			Topo	4	ROLLING
			Street		
			Gas.		

LAND SECTION (First 7 lines only)

Code	Description	UUC	No of Units	Depth/ Pice/Units	Unit Type	Land Type
104	TWO FAM	1.1	1		SITE ACRE SITE	
104	TWO FAM	1.1	0.88		ACRES EXCESS	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
104	1.880	265,200	3,600	126,700	395,500
Total Card	1.880	265,200	3,600	126,700	395,500
Total Parcel	1.880	265,200	3,600	126,700	395,500

Source: Market Adj Cost Total Value per SQ unit /Card: 130.96 /Parcel: 130.96

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes
2019	104	FV	265,200	3600	1.88	126,700	395,500	395,500	Year End Roll
2018	104	JB	265,200	3600	1.88	126,700	395,500	395,500	Year End Roll
2017	104	JB	265,200	3600	1.88	126,700	395,500	395,500	Year End Roll
2016	104	JB	248,800	2500	1.88	111,600	362,900	362,900	Year End Roll

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
ROY, RUTH E.	8847-1501	4	4/14/2016	QUIET TRANS		No	No		
ROY, RICHARD	8797-0175	2	10/5/2015	FAMILY TRANS		No	No		
	2478-0552		8/31/1976			No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
7/19/2017	2017-00755	MECHANIC	1200	C				
11/15/2013	2013-00737	MECHANIC	3,000	C				GAS PIPING FOR HW INSTALL GENERATOR
7/25/2012	2012-00446	ELECTRIC	3,000	C				

ACTIVITY INFORMATION

Date	Result	By	Name
10/28/2014	Permit Visit	15	APPR TECH 5
1/21/2010	Other Change	10	APPRAISER II
7/28/2009	Measured	10	APPRAISER II
6/12/2006	Measured	6	RB
6/12/2001	Inspected	0	PATRIOT
6/5/2001	Left Notice	0	PATRIOT
4/16/1997	Inspected	2	AVITAR

LAND SECTION (First 7 lines only)

LT	Base Value	Unit Price	Adj	Neigh	Neigh Mod	Neigh Infr 1	%	Neigh Infr 2	%	Neigh Infr 3	%	Apraised Value	Alt Class	Spec Land Code	Fact Use Value	Notes
	0 110,000	1.10 RE										121,000			121,000	
	0 4,750	1.38 RE										5,748			5,700	

TOTALS

Total ACH/A: 1.88000	Total SFS/SM: 81893	Parcel UUC: 104	TWO FAM	Prime NB Desc/RES AVG	Total: 126,748	Sol Credit:	Total: 126,700
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Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: Assesspro - HudsonNH amvm

EXTERIOR INFORMATION

Type: 18 - SPLIT LEVEL	Full Bath: 2	Rating: AVERAGE
Sy Ht: 1 - ONE STY	A Bath: 1	Rating: AVERAGE
(Lvl) Units: 2	3/4 Bath: 2	Rating: AVERAGE
Foundation: 1 - CONCRETE	A 3/4Bth: 1	Rating: AVERAGE
Frame: 1 - WOOD	1/2 Bath: 1	Rating: AVERAGE
Prime Wall: 04 - VINYL	A Hbth: 1	Rating: AVERAGE
Sec Wall: 1 - GABLE	Other/Fix: 1	Rating: AVERAGE
Roof Struct: 1 - ASPH SHING	Other/Fix: 1	Rating: AVERAGE
Roof Cover: 1 - ASPH SHING	Other/Fix: 1	Rating: AVERAGE
Color: WHITE	Other/Fix: 1	Rating: AVERAGE
View / Desir: 1	Other/Fix: 1	Rating: AVERAGE

BATH FEATURES

Grade: C - AVERAGE	Location: 1	Rating: AVERAGE
Year Bilt: 1997	Total Units: 1	Rating: AVERAGE
All LUC: 1	Floor: 1	Rating: AVERAGE
Jurisdct: 1	% Own: 100	Rating: AVERAGE
Const Mod: 1	Name: 1	Rating: AVERAGE
Lump Sum Adj: 1	Phys Cond: AV - Average	Rating: AVERAGE

INTERIOR INFORMATION

Avg HWFL: STD	Functional: 1	Rating: AVERAGE
Prim Int Wall: 1 - DRYWALL	Economic: 1	Rating: AVERAGE
Sec Int Wall: 1	Special: 1	Rating: AVERAGE
Partition: T - TYPICAL	Override: 1	Rating: AVERAGE
Prim Floors: 04 - CARPET	Total: 1	Rating: AVERAGE
Sec Floors: 05 - LINOLIN/NTL	Basic \$ / SQ: 107.00	Rating: AVERAGE
Bsmnt Flr: 12 - CONCRETE	Size Adj: 10.79801321	Rating: AVERAGE
Subfloor: 1	Const Adj: 10.97804004	Rating: AVERAGE
Bsmnt Gar: 2	Adj \$ / SQ: 83.512	Rating: AVERAGE
Electric: 3 - TYPICAL	Other Features: 23850	Rating: AVERAGE
Insulation: 2 - TYPICAL	Grade Factor: 1.00	Rating: AVERAGE
Int vs EXIS: 1	NBHD Int: 1.00000000	Rating: AVERAGE
Heat Fuel: 4 - PROPANE	NBHD Mod: 1.00	Rating: AVERAGE
Heat Type: 3 - FORCED HW	LUC Factor: 1.00	Rating: AVERAGE
# Heat Sys: 2	Adj Total: 353571	Rating: AVERAGE
% Heated: 100	Depreciation: 88393	Rating: AVERAGE
Solar HW: NO	Depreciated Total: 265178	Rating: AVERAGE
% Com Wall	Model: 1	Rating: AVERAGE

DEPRECIATION

Phys Cond: AV - Average	25%
Functional: 1	25%
Economic: 1	25%
Special: 1	25%
Override: 1	25%
Total: 1	25%

REMODELING

Exterior: 1	No Unit	RMS	BRS	FL
Interior: 1	1	4	2	M
Additions: 1	1	6	3	
Kitchen: 1				
Baths: 1				
Plumbing: 1				
Electric: 1				
Heating: 1				
General: 1				
Totals	2	10	5	

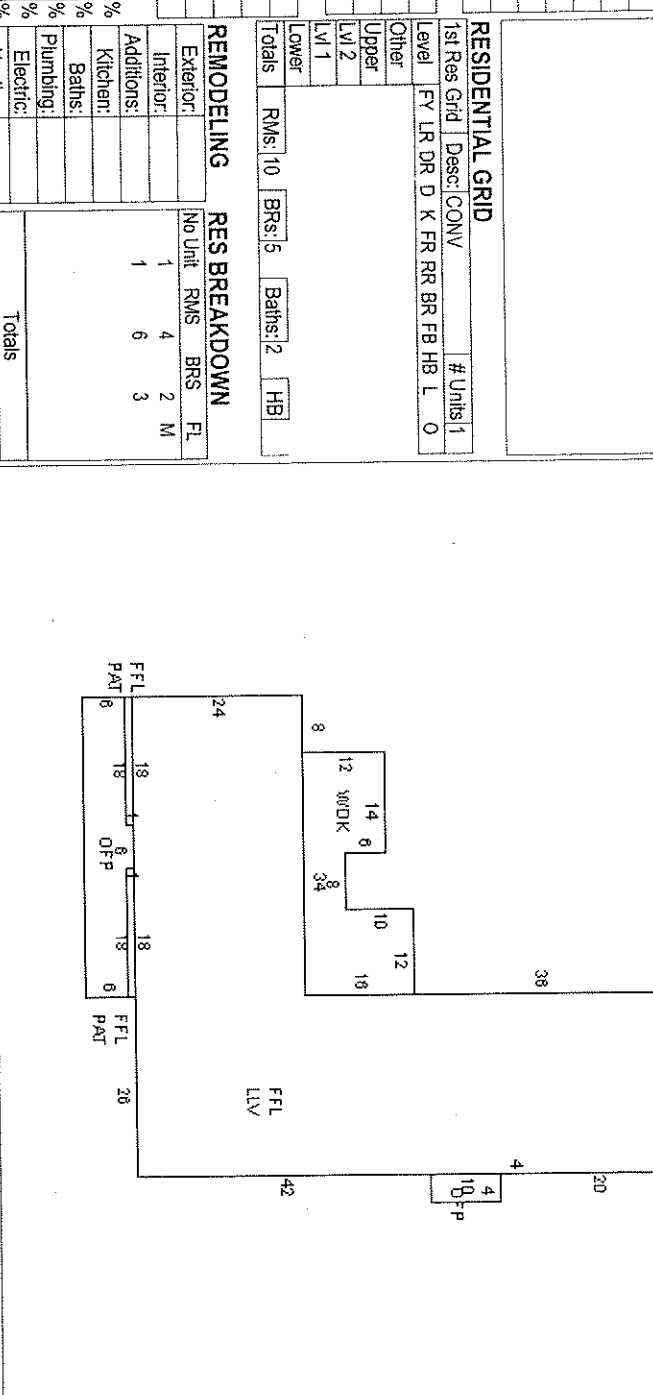
COMPARABLE SALES

Parcel ID	Typ	Date	Sale Price
WAWS/SQ:	AVRate:	Ind Val	
Jurs. Factor:	Before Depr:	83.51	
Special Features: 0	Val/Su Net:	39.31	
Final Total: 265200	Val/Su SzAd:	87.81	
Serial #:	Year:		

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 1		
Lvl 2		
Lower		
Totals	RMS: 10 BRS: 5 Baths: 2 HB	

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Underpr Value	Sub Area Usbl	% Descrpt	% Type	Qu # Ten
FFL	FIRST FLOOR	3,020	83.510	252,207	LIV	100	FLA	35 FR
LVL	LOWER LEVEL	2,984	21.170	63,172	LIV	100	FLA	35 FR
WDRK	WOOD DECK	408	13.430	5,479				
OPF	OPEN PCH	298	27.970	8,337				
PAT	PATIO	36	14.600	526				
Total:		6,746		329,721				

SUB AREA DETAIL

Code	Description	Area - SQ	Rate - AV	Underpr Value
FFL	FIRST FLOOR	3,020	83.510	252,207
LVL	LOWER LEVEL	2,984	21.170	63,172
WDRK	WOOD DECK	408	13.430	5,479
OPF	OPEN PCH	298	27.970	8,337
PAT	PATIO	36	14.600	526
Total:		6,746		329,721

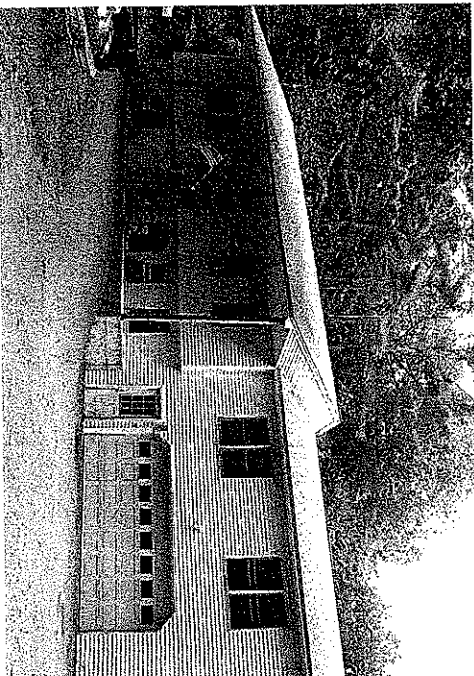
MOBILE HOME

Code	Description	A Yrs	Qty	ShearDim	Qual	Con	Year	Unit Price	DIS	Dep	LUC	Fact	NB	Fa	Appr	Value	JCod	JFac	Jurs	Value
GEN	GENERATORR	D	Y	1	10	AV	EX	2012	380.00	T	5	104			3,600					3,600

PARCEL ID

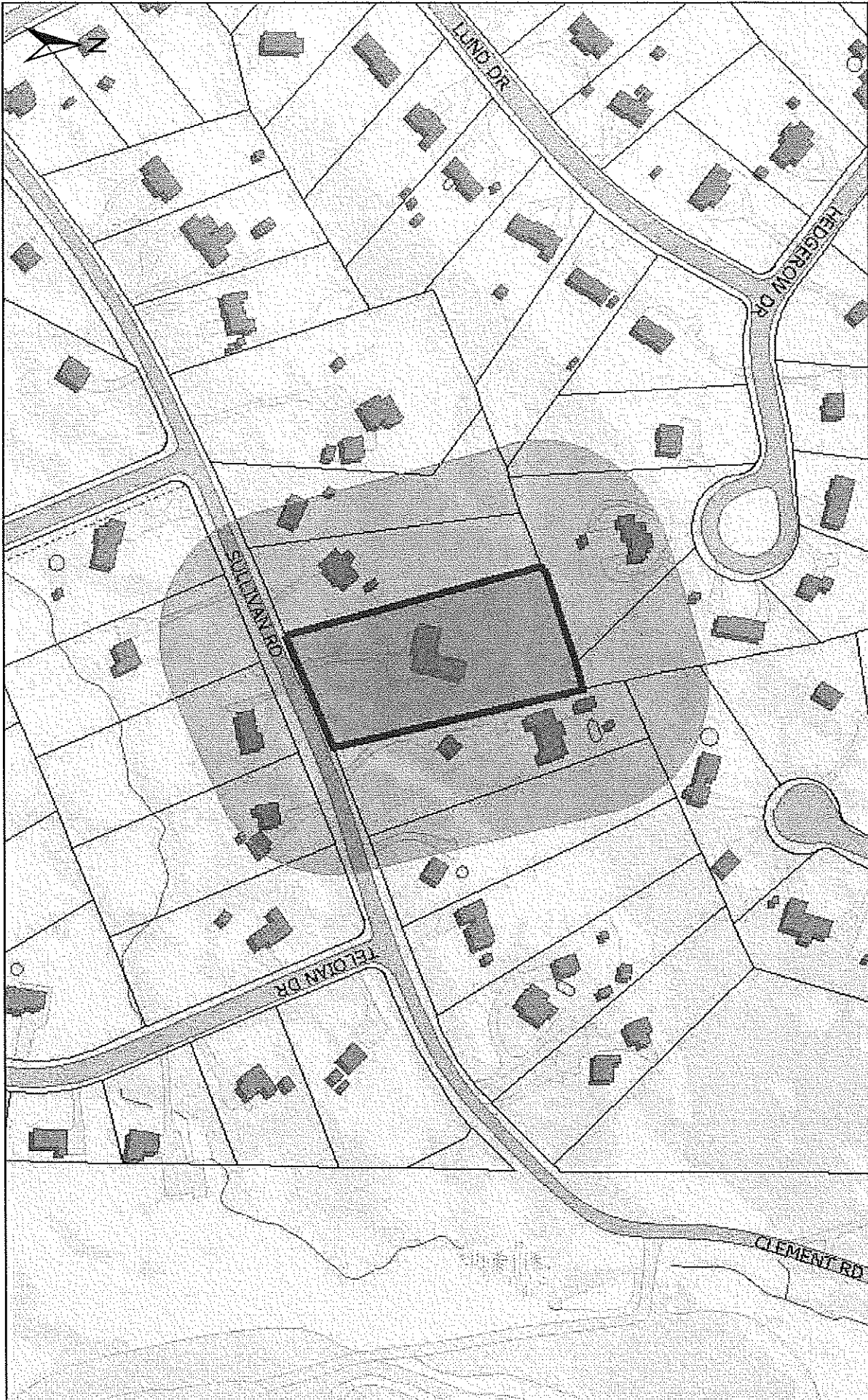
Parcel ID	163-007-000
Year	
Color	
Serial #	
Model	
Year	
Color	
Serial #	
Model	
Year	
Color	
Serial #	
Model	

More: N Total Yard Items: 3,600 Total Special Features: Total: 3,600



AssessPro Patriot Properties, Inc

59 Sullivan Rd

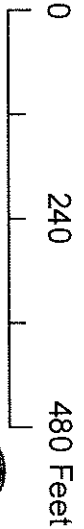


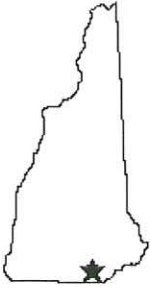
October 2, 2019

----- Easement_Lines

▭ Parcels

1 inch = 221 feet





TOWN OF HUDSON

Land Use Division



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

Staff Report - Zoning Administrator

Meeting Date: October 24, 2019

BR 10-16-19

Case 209-001 (10-24-19): Karl Dubay, authorized agent for Dakota Partners, Inc., 1264 Main St., Waltham, MA 02451, requests a Wetland Special Exception on behalf of 5 Way Realty Trust for 161 Lowell Rd., Hudson, NH to allow Wetland Conservation District (WCD) Buffer Work relating to roadway improvements to widen the existing Friars Drive to 32 ft. The WCD Buffer area impacted is 35,756 sqft. [Map 209, Lot 001-000, Split districts: Zones General (G), Business (B), and Industrial (I); HZO Article IX, §334-35.B, Uses within Wetland Conservation District and §334-38, Special Provisions].

Address: 161 Lowell Road

Zoning districts: General (G), Business (B), and Industrial (I).

Property description: This is an existing un-developed lot (of record) w/88.8 Acres having 3 zoning districts bisecting this property. Frontage is 758 ft along Lowell Rd where 150 ft is required.

Summary: Applicant received PB approval to subdivide the lot into 2 lots with the proposed “new” back lot by obtaining the required frontage off Friars Drive. This proposal is to rebuild and widen Friars Dr. to 32 ft, whereas the prior approval was for 24 ft wide. This Wetland Special Exception is for the disturbance and encroachment within the Wetland Buffer of 35,756 sqft on an existing roadway (Friars Drive). Per Zoning Ordinance §334-35B, The ZBA shall conduct a review and finding of facts for acting upon a Wetland Special Exception, with input reviews from the Conservation Commission and Planning Board.

Town Staff in-house review/comments:

Town Planner: Yes Town Engineer: None

HISTORY:

Assessing: Listed as vacant commercial and industrial.

ZBA: Prior ZBA approval (05/23/2019) for Wetland Special Exception.

Attachments:

“A” Assessing record.

“B” 05/23/2019 ZBA Granted Wetland Special Exception.

“C” 2019 Town in-house review comments (same as 05/23/19 application).

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2019	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2019	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2019	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2018	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2018	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2018	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2018	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2017	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2017	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2017	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2017	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2017	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2017	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2016	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2016	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2016	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2016	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2015	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2015	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2015	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2015	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2014	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2014	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2014	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2014	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2013	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2013		0	0	2,849,400	86.86	0.00	2,849,400

A

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
	440 - VAC IND LAND						
2013	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2013	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2012	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2012	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2012	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2012	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2011	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2011	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2011	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2011	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2010	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2010	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2010	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2010	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2009	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2009	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2008	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2008	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2008	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2008	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2007	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2007	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2007	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2007	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2006	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2006	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2006	390 - VAC COM	0	0	600,000	2.00	0.00	600,000

"A"

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2006	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2005	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2005	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2005	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2005	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2004	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2004	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2004	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2004	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2003	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2003	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2003	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2003	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2002	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2002	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2002	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2002	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2001	390 - VAC COM	0	0	2,569,100		0.00	2,569,100
2000	CI - N/A	0	0	2,569,100	88.87	0.00	2,569,100
1999	CI - N/A	0	0	3,681,700	88.87	0.00	3,681,700

"A"
A₃

For Registry of Deed use only:

Doc # 9026262 Jun 27, 2019 2:07 PM
Book 9182 Page 1572 Page 1 of 1
Register of Deeds, Hillsborough County

A743
Hudson Zoning

FEES:	10.00
SURCHARGE:	2.00
CASH:	

Send recorded copy to:

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

NOTICE OF DECISION

Map 209, Lot 001, Zones G (General), I (Industrial) & B (Business), Case # 209-001

ZBA Decision 05/23/2019

Wetland Special Exception - APPROVED

Property Owner: 5 Way Realty Trust, Peter Horne, Trustee, PO Box 1435, North Hampton, NH 03862

Applicant: Dakota Partners, LLC, Mark Pilotte, 1254 Main St., Waltham, MA 02451

Legal Counsel: Thomas J. Leonard, Welts, White & Fontaine, P.C., 29 Factory St., Nashua, NH 03060

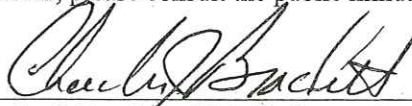
Property Location: 161 Lowell Road, Hudson, NH 03051

Action sought: Wetland Special Exception to allow Wetland Conservation District buffer work relating to roadway improvements to the existing Friars Drive. The wetland buffer area impacted is 19,200 SF.

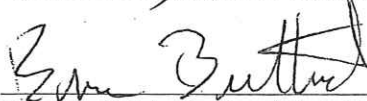
Zoning Ordinance Articles: IX §334-35.B Uses within Wetland Conservation District
IX §334-38 Special Provisions

Action granted: After review of the recommendations to grant by the Conservation Commission and the Planning Board; consideration of the comments provided by the Town Planner and noting the extension of Friars Drive resulted from Planning, Engineering and Fire Departments' feedback during the Design Review Phase; testimony received from the Applicant's representatives; and review of the Zoning Ordinance criteria, the motion was made, seconded and voted 5:0 to grant the Wetland Special Exception as requested with the stipulation that the applicant shall use industry recognized and acceptable design mitigation and restoration Best Management Practices during all Phases of the Project.

NOTE: All representations of fact or intention made by the applicant and representatives 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, Town of Hudson Signature

6-7-19
Date


Bruce Buttrick, Zoning Administrator, Town of Hudson Signature

6-5-19
Date

"B"

Buttrick, Bruce

From: Groth, Brian
Sent: Wednesday, May 15, 2019 10:40 AM
To: Buttrick, Bruce
Cc: Goodwyn, Tracy S
Subject: Case 209-001 161 Lowell Rd

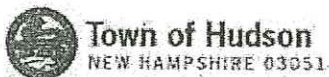
Bruce, the following are my comments regarding Case 209-001, Wetland Special Exception:

1. The special exception is required for the extension of a Town road, Friars Drive. It is not needed for the multi-family site plan application.
2. The extension of Friars Drive requires development within the 50-foot buffer but not within the wetland itself.
3. The extension was previously planned for by the Planning Board in 1997 as part of a subdivision application made by Presstek, Inc.
4. The extension involves improving an existing, paved driveway to Town standards.
5. The extension is a benefit to Access Management & Traffic Mitigation on Lowell Road, as it essentially takes the Friary property off of Lowell Road and puts it on Friars Drive.
6. The extension is consistent with planning principles of connectivity for purposes of traffic management, efficient public utility layout, emergency response and general wayfinding.
7. The alternative is a series of dead-end streets and multiple curb cuts along Lowell Road that would have a more detrimental impact to traffic and safety.
8. The extension facilitates the ability to limit left-turning traffic onto Lowell Road, which was a safety concern raised by the Engineering Dept.
9. The extension came about during the Design Review Phase in response to feedback from the Planning, Engineering and Fire Departments as well as investigation into past strategic planning efforts.

Please let me know if you have any questions or would like further clarification.

Regards,
Brian

Brian Groth
Town Planner



12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Fax: (603) 594-1142
bgroth@hudsonnh.gov

TABLE OF CONTENTS

1. ZBA Wetland Special Exception Application
2. Memo to Hudson ZBA dated Oct. 8, 2019
3. Memo to Hudson Planning Board dated Oct. 8, 2019.
4. Planning Board Notice of Recommendation
5. Memo to Town Engineer & Con. Comm. dated Oct. 8, 2019
6. Con. Comm. Notice-pending 10/21 meeting outcome
7. Conservation Commission Application
8. Pictures
9. Plans

TOWN OF HUDSON

APPLICATION FOR A WETLAND SPECIAL EXCEPTION

OCT 08 2019

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 209-001 (10-24-19)

Date Filed 10/8/19

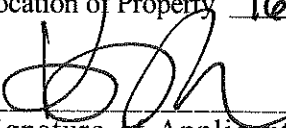
Name of Applicant DAKOTA PARTNERS, INC. Map: 209 Lot: 1 Zoning District: BUSINESS & GEN

Telephone Number (Home) _____ (Work) 781-889-4002

Mailing Address 1264 MAIN STREET, WALTHAM, MA 02451

Owner 5 WAY REALTY TRUST, PETER HORNE, TRUSTEE

Location of Property 161 LOWELL ROAD
(Street Address)


Signature of Applicant KARL DUBAY 10/08/2019
AUTHORIZED REPRESENTATIVE Date

(SEE ATTACHED AUTHORIZATION)
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 wetland special exception.

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

COST:

Application fee:	\$130.00
<u>38</u> Direct Abutters x \$4.05 =	<u>153.90</u>
<u>18</u> Indirect Abutters x \$0.55 =	<u>9.90</u>
Total amount due:	<u>\$293.80</u>

Date received: 10/8/19

Amt. received: \$293.80

Receipt No.: 569,883

Received by: 

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

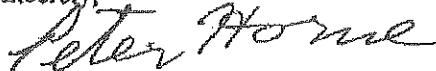
March 21, 2019

RE: 161 Lowell Road, Hudson, NH/Dakota Partners, LLC

To Whom It May Concern:

I, Peter Horne, am Trustee of the 5 Way Realty Trust which is owner of the above-referenced property. Please accept this letter as written authorization for Dakota Partners, LLC and any of their representatives, including Mark Pilotte and/or Roberto Arista, to sign applications and other documents and otherwise proceed with land use permitting for a multifamily rental project at 161 Lowell Road, Hudson, NH. I will be unavailable for the month of April and wish to authorize Dakota Partners, LLC to sign all applications and proceed as necessary.

Sincerely,

A handwritten signature in cursive script that reads "Peter Horne".

Peter Horne

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>KD</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>KD</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>—</u>
<u>KD</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>KD</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>KD</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>KD</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>(ON FILE - AMENDMENT)</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>(PENDING)</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.	<p><u>pending</u> 10/21/19 Con. Comm Mtg.</p>

X	209-002-000	55 EXECUTIVE DR	FARLEY WHITE HUDSON, LLC			1 BEDFORD FARMS DR, SUITE 200	BEDFORD	NH	03110
X	209-004-000	22 FRIARS DR	INTEGRA BIOSCIENCES CORP			2 WENTWORTH AVE	HUDSON	NH	03051
X	209-005-000	17 FRIARS DR	HATTAYAN, HARRY M., TR			17 FRIARS DRIVE	HUDSON	NH	03051
X	210-005-000	175 LOWELL RD	CDC REALTY GROUP, INC.			175 LOWELL ROAD	HUDSON	NH	03051
X	210-007-000	173 LOWELL RD	GREGOIRE, PAUL E.			173 LOWELL ROAD	HUDSON	NH	03051
X	210-008-000	171 LOWELL RD	171 JMI REALTY LLC			171 LOWELL RD.	HUDSON	NH	03051
X	210-009-000	162 LOWELL RD	BOYER, ROSEMARIE J., TR			65 PLATEAU RIDGE ROAD	LOUJON	NH	03307-0711
X	210-010-000	182 LOWELL RD	PRESENTATION OF MARY CONVENT			182 LOWELL ROAD	HUDSON	NH	03051
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X	209-011-000	12 WILLARD ST	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	03051
X	209-014-000	40 ATMWOOD AVE	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	03051
X	209-027-000	6 HICKORY ST	BLOCKER BRIAN B			6 HICKORY STREET	HUDSON	NH	03051
X	209-043-000	41 COTTONWOOD DR	TAVARES, DAVID J.			41 COTTONWOOD DRIVE	HUDSON	NH	03051
X	209-056-000	17 HICKORY ST	MARTIN, JOSEPH			17 HICKORY ST.	HUDSON	NH	03051
X	209-104-000	15 HICKORY ST	DELUCA, KATTYIN PEARL			15 HICKORY ST.	HUDSON	NH	03051
X	209-105-000	13 HICKORY ST	GARNEAU, JENNIFER			13 HICKORY ST	HUDSON	NH	03051
X	209-115-000	11 HICKORY ST	SCANLON, MARK J.			11 HICKORY STREET	HUDSON	NH	03051
X	204-074-000	152 LOWELL RD	C/O R AND M REALTY			1 CONTINENTAL DRIVE	LONDONDERY	NH	03053
X			MARTINEZ, MICHAEL			636 DW HIGHWAY	MERRIMACK	NH	03054
						1264 Main Street	Waltham	MA	02451
Applicant	Mark Pilote								
Attorney	Thomas J. Lencard								
Civil Eng	Karl Dubay					29 FACTORY STREET	NASHUA	NH	03060
Surveyor	Trin Sutherland					84 Range Road	Windham	NH	03087
Wet Sci	Luke Hurley					8 Continental Drive, Bldg 2, Unit H	Exeter	NH	03833

Page 2 of 2

Abutter Notification Labels

**October 8, 2019
161 Lowell Road, Hudson NH 3051
Parcel 209-001**

Page 1 of 2

Town of Hudson
12 School Street
Hudson, NH 03051

Richard W. Olson
Lisa A. Olson
18 Hickory Street
Hudson, NH 03051

Pamela M. Chartrand
Donald J. Chartrand
24 Hickory Street
Hudson, NH 03051

Gregory Al Nelson
Lee Ann Nelson
8 Hickory Street
Hudson, NH 03051

Charles Boissonneault
Mary Boissonneault
20 Hickory Street
Hudson, NH 03051

Victor Gomez
26 Hickory Street
Hudson, NH 03051

Philip J. MacSweeney
Joan M. MacSweeney
10 Hickory Street
Hudson, NH 03051

Donald H. Ouellette
Deborah Ouellette
22 Hickory Street
Hudson, NH 03051

Jonathan D. Davis
Dorothy A. Davis
7 Juniper Street
Hudson, NH 03051

Todd R. Newcombe
Dina M. Fagundes-Newcombe
12 Hickory Street
Hudson, NH 03051

Thomas J. Leonard, Esq.
Welts, White & Fontaine, P.C.
29 Factory Street
Nashua, NH 03060

Dale Seiberg
Susan Seiberg
5 Juniper Street
Hudson, NH 03051

Timothy Coulter
Barbara Coulter
14 Hickory Street
Hudson, NH 03051

Evan C. Goduco
43 Cottonwood Drive
Hudson, NH 03051

James F. Queenan
Sheila A. Queenan
47 Cottonwood Drive
Hudson, NH 03051

James M. Hulse, Trustee
Denise M. Hulse, Trustee
Hulse Joint Revocable Trust
16 Hickory Street
Hudson, NH 03051
DBV, Inc.
c/o Walter Flowers
15 Court Square, #340
Boston, MA 02108

Joseph W. Schmitt, Trustee
Schmitt Revocable Trust
19 Hickory Street
Hudson, NH 03051

John J. Creeden, III Trustee
Arlene M. Creeden, Trustee
Creeden Living Trust
17 Murphy Circle
Middletown, RI 02842

Michael P. Rice
9 Hickory Street
Hudson, NH 03051

Lowell Road, LLC
PO Box 1435
North Hampton, NH 03862

Fox Hollow Condo Assoc.
c/o Great North Property Mgmt
PO Box 65434
Houston, TX 77210-5434

Zachary S. Phillips
7 Hickory Street
Hudson, NH 03051

Patrick I. Cowan
153 Lowell Road
Hudson, NH 03051

Rosemarie J. Boyer Rev. Trust
Rosemarie J. Boyer Trustee
65 Plateau Ridge Road
Loudon, NH 03307

Rupert & Alice Tate, Trustees
Rupert E. Tate and Alice E. Tate RT
7 Prince Drive
Hudson, NH 03051

Yue Yun Zheng
Zhou Deng Zheng
4 Paula Circle
Hudson, NH 03051

Boyer Associates
65 Plateau Ridge Road
Loudon, NH 03307

David J. Lafond, President
Fox Hollow Condo Assoc.
421 Fox Hollow Drive
Hudson, NH 03051

Joseph Martin
Lindsay Lemieux
17 Hickory Street
Hudson, NH 03051

Integra Biosciences Corp
2 Wentworth Drive
Hudson, NH 03051

Farley White Hudson, LLC
1 Bedford Farms Drive, Suite 200
Bedford, NH 03110

Jennifer Garneau
13 Hickory Street
Hudson, NH 03051

CDC Realty Group, Inc.
175 Lowell Road
Hudson, NH 03051

Harry M. Haytayan, Trustee
Harry M. Haytayan Revocable Trust
17 Friars Drive
Hudson, NH 03051

Richard & Mark Charbonneau
c/o R and M Realty
1 Continental Drive
Londonderry, NH 03053

171 JMJ Realty LLC
171 Lowell Road
Hudson, NH 03051

Paul & Jean Gregoire
173 Lowell Road
Hudson, NH 03051

David Tavares
41 Cottonwood Drive
Hudson, NH 03051

Presentation of Mary Convent
182 Lowell Road
Hudson, NH 03051

Mark & Carol Scanlon
11 Hickory Street
Hudson, NH 03051

Katlyn Pearl Deluca
Nicholas Adam Burns
15 Hickory Street
Hudson, NH 03051

Brain B Blocker
6 Hickory Street
Hudson, NH 03051

Michael Martinez
Great North Property Management
636 DW Highway
Merrimack, NH 03054

5 Way Realty Trust
Peter Horne, Trustee
PO Box 1435
North Hampton, NH 03862

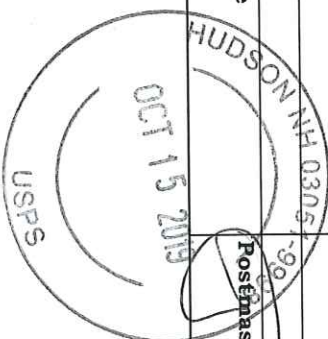
Dakota Partners LLC
Mark Pilotte
1264 Main Street
Waltham, MA 02451

Karl Dubay, PE
The Dubay Group, Inc.
84 Range Road
Windham, NH 03087

Tim Sutherland, LLS
The Dubay Group, Inc.
84 Range Road
Windham, NH 03087

Luke Hurley, CWS
Gove Environmental Services Inc.
8 Continental Drive, Bldg 2, Unit H
Exeter, NH 03833

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 209-001 Wetland Special Exception 161 Lowell Rd Map 209/Lot 001-000 1 of 4
ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/19 ZBA Meeting	
1	701B 2290 0001 3001 9142 5 WAY REALTY TRUST C/O WALTER FLOWER; PETER HORNE, TRUSTEE PO BOX 1435, NORTH HAMPTON, NH 03862	APPLICANT/OWNER-NOTICE SENT	
2	701B 2290 0001 3001 9517 MARK PILOTTE, DAKOTA PARTNERS LLC 1264 MAIN STREET, WALTHAM, MA 02451	APPLICANT/OWNER-NOTICE SENT	
3	701B 2290 0001 3001 9159 NELSON, GREGORY A. & LEE ANN 8 HICKORY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	701B 2290 0001 3001 9166 MACSWENEY, PHILIP J. & JOAN M. 10 HICKORY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
5	701B 2290 0001 3001 9173 NEWCOMBE, TODD R, FAGUNDES-NEWCOMBE, DINA M. 12 HICKORY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
6	701B 2290 0001 3001 9180 COULTER, TIMOTHY & BARBARA 14 HICKORY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
7	701B 2290 0001 3001 9197 HULSE, JAMES M, TR. & DENISE M, TR.; HULSE JOINT REVOCABLE TRUST 16 HICKORY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
8	701B 2290 0001 3001 9203 OLSON, RICHARD W. & LISA A. 18 HICKORY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
9	701B 2290 0001 3001 9210 BOISSONNEAULT, CHARLES & MARY 20 HICKORY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
10	701B 2290 0001 3001 9227 OUELLETTE, DONALD H. & DEBORAH 22 HICKORY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT	
Total Number of pieces listed by sender 10		Total number of pieces rec'vd at Post Office 10	

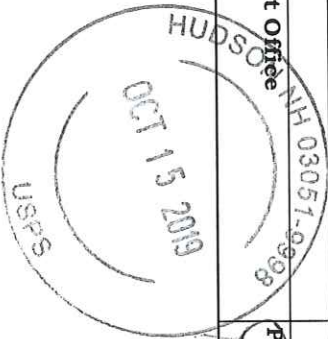


SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 209-001 Wetland Special Exception 161 Lowell Rd Map 209/Lot 001-000 2 of 4
ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/19 ZBA Meeting	
1	701B 2290 0001 3001 9234 CHARTRAND, PAMELA M. & DONALD J.	ABUTTER NOTICE SENT	
2	701B 2290 0001 3001 9241 24 HICKORY STREET, HUDSON, NH 03051 GOMEZ, VICTOR	ABUTTER NOTICE SENT	
3	701B 2290 0001 3001 9258 26 HICKORY STREET, HUDSON, NH 03051 DAVIS, JONATHAN D. & DOROTHY A.	ABUTTER NOTICE SENT	
4	701B 2290 0001 3001 9265 7 JUNIPER ST., HUDSON, NH 03051 SEIBERG, DALE & SUSAN	ABUTTER NOTICE SENT	
5	701B 2290 0001 3001 9272 5 JUNIPER ST., HUDSON, NH 03051 QUEENAN, JAMES F. & SHEILA A.	ABUTTER NOTICE SENT	
6	701B 2290 0001 3001 9289 47 COTTONWOOD DRIVE, HUDSON, NH 03051 CREEDEN III, JOHN J. TR. & ARLENE M. TR.; CREEDEN LIVING TRUST	ABUTTER NOTICE SENT	
7	701B 2290 0001 3001 9296 17 MURPHY CIR., MIDDLETON, RI 02842 GODDUCCO, EVAN C.	ABUTTER NOTICE SENT	
8	701B 2290 0001 3001 9302 43 COTTONWOOD DRIVE, HUDSON, NH 03051 SCHMITT, JOSEPH W., TR., SCHMITT REVOCABLE TRUST	ABUTTER NOTICE SENT	
9	701B 2290 0001 3001 9319 19 HICKORY STREET, HUDSON, NH 03051 RICE, MICHAEL P.	ABUTTER NOTICE SENT	
10	701B 2290 0001 3001 9326 9 HICKORY STREET, HUDSON, NH 03051 PHILLIPS, ZACHARY S.	ABUTTER NOTICE SENT	
	7 HICKORY STREET, HUDSON, NH 03051		
Total Number of pieces listed by sender 10		Total number of pieces rec'd at Post Office	Postmaster (receiving Employee)

ID



SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 209-001 Wetland Special Exception 161 Lowell Rd Map 209/Lot 001-000 3 of 4
ARTICLE NUMBER	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/19 ZBA Meeting	
1	701B 2290 0001 3001 9333	LOWELL ROAD, LLC PO BOX 1435, NORTH HAMPTON, NH 03862	ABUTTER NOTICE SENT	
2	701B 2290 0001 3001 9340	COWAN, PATRICK I. 153 LOWELL ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
3	701B 2290 0001 3001 9357	TATE, RUPERT E., TR. REV. TRST, TATE, ALICE E., TR., REV. TRST 7 PRINCE DR., HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	701B 2290 0001 3001 9364	DBV, INC., C/O WALTER FLOWERS 15 COURT SQ. STE 340, BOSTON, MA 02108	ABUTTER NOTICE SENT	
5	701B 2290 0001 3001 9371	ZHENG, YUE YUN & ZHOU DENG 4 PAULA CIR., HUDSON, NH 03051	ABUTTER NOTICE SENT	
6	701B 2290 0001 3001 9388	FOX HOLLOW CONDOMINIUM ASSOC., C/O GREAT NORTH PROPERTY MGMT PO BOX 65434, HOUSTON, TX 77210-5434	ABUTTER NOTICE SENT	
7	701B 2290 0001 3001 9395	LAFOND, DAVID J., PRESIDENT, FOX HOLLOW CONDOMINIUM ASSOCIATION 421 FOX HOLLOW DRIVE, HUDSON, NH 03051	ABUTTER NOTICE SENT	
8	701B 2290 0001 3001 9418	BOYER ASSOCIATES 65 PLATEAU RIDGE RD, LOUDON, NH 03307-0711	ABUTTER NOTICE SENT	
9	701B 2290 0001 3001 9425	FARLEY WHITE HUDSON, LLC 1 BEDFORD FARMS DR. SUITE 200, BEDFORD, NH 03110	ABUTTER NOTICE SENT	
10	701B 2290 0001 3001 9432	INTEGRA BIOSCIENCES CORP 2 WENTWORTH AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
Total Number of pieces listed by sender 10		Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)	



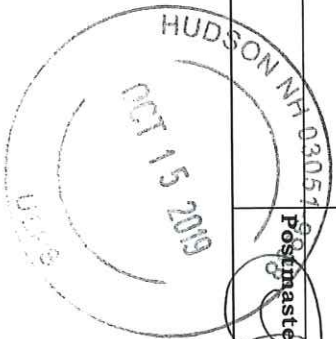
SENDER: TOWN OF HUDSON
12 SCHOOL STREET
HUDSON, NH 03051

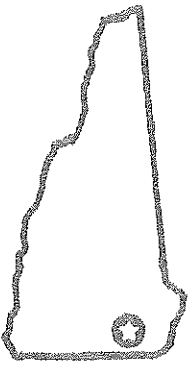
US POSTAL SERVICE - FIRST CLASS MAIL

Case# 209-001 Wetland Special Exception
161 Lowell Rd
Map 209/Lot 001-000 1 of 1

ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/19 ZBA Meeting
1	N/A-mailed First Class BLOCKER, BRIAN B. 6 HICKORY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class TAVARES, DAVID J. 41 COTTONWOOD DRIVE, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class MARTIN, JOSEPH ; LEMIEUX, LINDSAY 17 HICKORY ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
4	N/A-mailed First Class DELUCA, KATLYN PEARL; BURNS, NICHOLAS ADAM 15 HICKORY ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	N/A-mailed First Class GARNEAU, JENNIFER 13 HICKORY ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
6	N/A-mailed First Class SCANLON, MARK J. & CAROL A. 11 HICKORY ST., HUDSON, NH 03051 CHARBONNEAU, RICHARD H.; CHARBONNEAU, MARK; C/O R AND M REALTY	ABUTTER NOTICE SENT
7	N/A-mailed First Class 1 CONTINENTAL DRIVE, LONDONDERRY, NH 03053 KARL DUBAY, THE DUBAY GROUP, INC. 84 RANGE ROAD, WINDHAM, NH 03087 TIM SUTHERLAND, THE DUBAY GROUP, INC. 84 RANGE ROAD, WINDHAM, NH 03087 LUKE HURLEY, GOVE ENVIRONMENTAL SERVICES, INC. 8 CONTINENTAL DRIVE, BLDG. 2, UNIT H, EXETER, NH 03833	ABUTTER NOTICE SENT ABUTTER NOTICE SENT ABUTTER NOTICE SENT ABUTTER NOTICE SENT ABUTTER NOTICE SENT
9	N/A-mailed First Class	ABUTTER NOTICE SENT
10	N/A-mailed First Class	ABUTTER NOTICE SENT
11		
Total Number of pieces listed by sender 10		Postmaster (receiving Employee)
Total number of pieces rec'd at Post Office		

7018 2290 0001 3001 9623





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION



12 School Street Hudson, New Hampshire 03051 603/886-6008

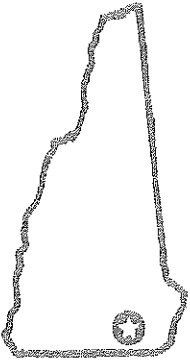
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **10/24/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 209-001 (10-24-19): Karl Dubay, authorized agent for Dakota Partners, Inc., 1264 Main St., Waltham, MA 02451, requests a Wetland Special Exception on behalf of 5 Way Realty Trust for 161 Lowell Rd., Hudson, NH to allow Wetland Conservation District (WCD) Buffer Work relating to roadway improvements to widen the existing Friars Drive to 32 ft. The WCD Buffer area impacted is 35,756 sqft. [Map 209, Lot 001-000, Split districts: Zones General (G), Business (B), and Industrial (I); HZO Article IX, §334-35.B, Uses within Wetland Conservation District and §334-38, Special 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, **10/24/19** 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.

APPLICATION FOR A WETLAND SPECIAL EXCEPTION

Please describe the proposed use, indicating the impact to the wetland and its buffer. Your statement should include justification for the special exception as outlined in the Zoning Ordinance Article IX.

(PENDING
FOR
AMENDMENT)

Do not forget to include your decisions from the Conservation Commission and the Planning Board regarding your special exception request for a wetland and its buffer encroachment.

(SEE ATTACHED MEMO)

(N/A)

Please note your proposal may require State Wetland Board Approval prior to any action taken by the Hudson Zoning Board of Adjustment. Please consult with the Town Engineer or the Zoning Administrator for further clarification.



WCD WORK AREAS



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-119

October 10, 2019

Thomas J Leonard, Esq.
Welts, White & Fontaine P.C.
29 Factory Street
P.O. Box 507
Nashua, NH 03061

Re: 161 Lowell Rd Map 209 Lot 001-000
District: split- Business (B) and General (G)

Dear Att'y Leonard,

Your request/inquiry: To expand the existing street known as Friars Drive to have a pavement width of 32'. You believe you need a Wetland Special exception because the construction will require work in the WCD - buffer area.

Zoning Review / Determination:

That is correct, your proposed construction/alteration of the existing roadway of construction activity within the Wetland Conservation District would require a Wetland Special Exception per Article IX, §334-35 B.

Sincerely,

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

cc: Public Folder
Brian 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 #19-012

January 23, 2019

Thomas J Leonard, Esq.
Welts, White & Fontaine P.C.
29 Factory Street
P.O. Box 507
Nashua, NH 03061

Re: 161 Lowell Rd Map 209 Lot 001-000
District: split- Business (B) and General (G)

Dear Att'y Leonard,

Your requests: Based on Drawing: "Conceptual Area Density Calculations" dated Dec 28, 2018 rev 4 1/18/19 and Att'y Leonard request for Zoning Determination dated January 23, 2019.

Zoning Review / Determination:

This is an existing lot (of record) w/88.8 Acres having 2 zoning districts bisecting this property. Frontage is 758 ft along Lowell Rd where 150 ft is required. The front zone being Business zone district having ~ 480,587 sqft of area.

Question #1: *Whether land in the general zone may be used for purposes of calculation density when no building or other improvement is proposed for the land in the general zone?*

Answer: My determination is no, you cannot apply another zone for calculation purposes, because it's the business district that requires the density calculation, and there is no provision in the Zoning Ordinance to allow calculations from other districts. The density requirement is prescribed in the Table of Minimum Dimensional Requirements §334-27, as a foot note #2, and only applies/allowed in the B zoning district.

Question #2: *How does the Town calculate the size of a residential living unit? Specifically, we understand that to determine the multifamily unit size in order to determine compliance with Section 334-1 6.C(2)(d), the calculation is done by taking the total gross area of the building and dividing by the number of units to determine the multifamily unit size.*

Answer: By gross dimensions of the footprint, for example based on your submitted plan indicating 48 units per building the total sqft footprint would need to be 750 sqft x 48 = 36,000 sqft building, if you have 3 floor levels: 36,000 sqft / 3 floor = 12,000 sqft footprint.

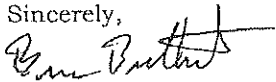
Let me answer your last unnumbered request in your letter, about future plans to subdivide. The resultant frontage of 150 ft of frontage along Lowell Road would satisfy §334-27

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

Table of Minimum Dimensional Requirements referenced in §334-27.2 Lot requirements for subdivision of land, please note: "The minimum lot area shall be contiguous land and shall not be separated by a wetland, a waterway, or a right of way. The minimum lot area shall not contain wetland, as defined by the Hudson Zoning Ordinance, and shall contain no slopes in excess of 25%". It appears from the submitted drawing that there is wetland/wetland buffers and future/proposed ROW within the newly created lot in the rear, and would possibly need a Wetland Special Exception from the ZBA for development.

There appears to be some parking area within the building setback area which would need relocating or a waiver from the Planning Board. There may be other required items in the Hudson Site Plan regulations that apply for this proposed development, please contact Brian Groth the Town Planner (603) 886-6008 for details and the process for the required Site Plan approval from the Planning Board.

Sincerely,

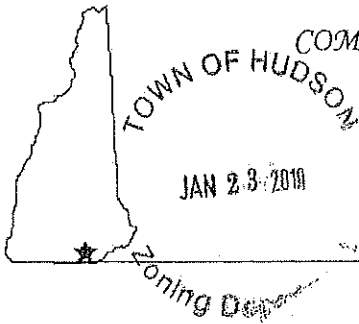


Bruce Buttrick, MCP
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
Brian 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.

#19-12



COMMUNITY DEVELOPMENT DEPARTMENT

12 School Street
Hudson, NH 03051
(603)886-6005
www.hudsonnh.gov



JAN 23 2019

Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 01/23/2019

Property Location 161 Lowell Road

Map 209 Lot 1

Zoning District if known General

Type of Request

- Zoning District Determination
- Use Determination
- Set-Back Requirements
- Process for Subdivision/ Site Plan if required
- Other

Description of request / determination: (Please attach all relevant documentation)

Confirm Zoning requirements:

- 1) Whether land in the General zone may be used for purposes of calculation density when no building or other improvements is proposed for the land in the general zone.
- 2) How does the Town calculate the size of a residential/multi family living unit ?
- 3) Land will be subdivided. 1. Proposing to leave approx. 150 ft along Lowell Road+addtl access/frontage. Review access to lot.

Applicant Contact Information:

(Representing Dakota Partners, LLC)

Name: Welts, White & Fontaine, P.C. Attorneys at Law
 Address: 29 Factory Street, Nashua, NH 03061
 Phone Number: 603-883-0797

For Office use

ATTACHMENTS: TAX CARD

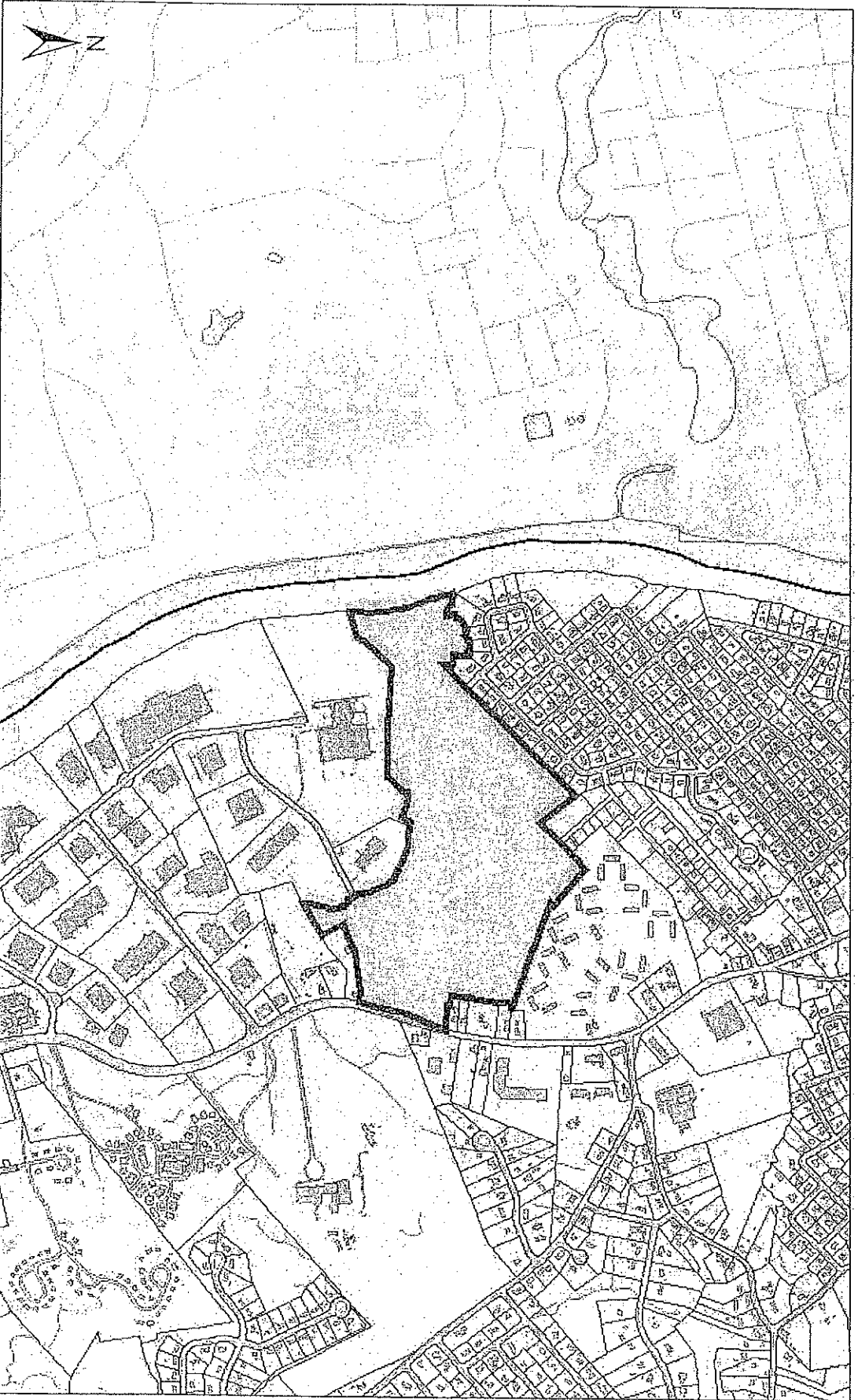
GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: 1-23-19

\$ via E-mail

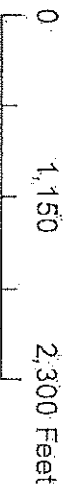
161 Lowell Road



January 23, 2019

Parcels

1 inch = 1,118 feet



209 001 000
MAP LOT SUB

1 of 1
HUDSON CARD

Total Card / Total Parcel
APPRAISED: 5,007,600 / 5,007,600
USE VALUE: 5,007,600 / 5,007,600
ASSESSED: 5,007,600 / 5,007,600



Patriot
Properties Inc.

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description
440	88,860			3,957,600	3,957,600	Entered Lot Size
390	2,000			1,050,000	1,050,000	Total Land: 88,865
				Total Value per SQ unit/Card: N/A		Parcel: N/A
				Total Value per SQ unit/Card: N/A		Parcel: N/A
				Total Value per SQ unit/Card: N/A		Parcel: N/A

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Assesd Value	Notes
2018	043	FV	0	0	88,865	5,007,600	5,007,600	5,007,600	Year End Roll
2017	043	FV	0	0	88,865	5,007,600	5,007,600	5,007,600	Year End Roll
2016	043	FV	0	0	88,865	5,007,600	5,007,600	5,007,600	Year End Roll
2015	043	FV	0	0	88,865	5,007,600	5,007,600	5,007,600	Year End Roll

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif
CENTURY PARK, L	6046-1132		12/29/1998	DIV INT	1,250,000	Yes	No	
DIGITAL EQUIPME	5878-0940		11/25/1997		2,500,000	No	No	
	2826-0213		3/6/1981			No	No	

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
6/15/2017	Field Review	PVA	
5/15/2012	Field Review	PVA	
7/11/2007	Vacant Lot	PVA	
9/18/2001	Vacant Lot	PATRIOT	
12/4/1990	Inspected	AVITAR	

PROPERTY FACTORS

Item Code	Description	%	Item Code	Description
Z GD	GENERAL		water 3	TOWN WATE
0			Sewer	
n			Electri s	SEWERAC
Census:				
Exmpt				
Flood Haz: AE				
D			Topo	
s			Street	
t			Gas:	

LAND SECTION (First 7 lines only)

Use Code	Description	LUC	No of Units	Depth / Price/Units	Unit Type	Land Type	LT	Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infru	Neigh Mod	Neigh Infr 1	%	Infr 2	%	Infr 3	%	Appraised Value	Alt Class	%	Spec Land Code	Fact Use Value	Notes
390	VAC COM		2		SITE ACRE COMM SITE				0 525,000.		1.00	ML1									1,050,000				1,050,000	
440	VAC IND LAN		15		SITE ACRE IND SITE				0 250,000.		0.72	IS									2,700,000				2,700,000	
440	VAC IND LAN		71.86		ACRES IND EXCESS				0 25,000.		0.70	IS									1,257,550				1,257,550	

Total AC/H/A: 88.86000 Total SF/SM: 3870742 Parcel LUC: 043 IND-COMM Prime NB Desc: C-LOWELL Total: 5,007,550 Spl Credit: Total: 5,007,600

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro - AssessPro mikep 2019



The Dubai Group, Inc.

84 Range Road, Windham, NH 03087

(603) 458-6462 thedubaygroup.com

M E M O R A N D U M

To: Hudson Planning Board Date: October 8, 2019

From: Karl Dubay Re: Friars Drive Improvements on Lot 209-1
ZBA Special Exception for WCD Buffer Work

We have proposed the Friars Drive reconstruction plans to reflect the 32-foot curbed width as recommended by the Town Engineer and coordinated with this Board. The revision also includes a sidewalk and improved drainage/treatment provisions. The project now accommodates a pre-plan for appropriate access to the future developable property in the rear, as requested by the Planning Board and Staff. This application is not intended to replace or modify the earlier approval. It is a new request to authorize the property owner to build the road to the standards recommended for future access.

There are no wetlands impacts. The roadway WCD buffer impacts are limited (refer to the plans and associated materials for data) and will be loamed/seeded and allowed to grow in and naturalize.

With this application, we are required to re-file with the ZBA for the temporary upland buffer WCD special exception, and also are amending the previously-issued AOT permit that is in place. We have also refiled with the Conservation Commission, as the input from both the Planning Board and Conservation Commission is required by the ZBA.

The work involves reclaiming the old road base, supplementing the gravels to town standard, reshaping, and repaving to the new width. The shoulders and swales will be repaired and revegetated to a natural state. We are adding curbing, walks, and catch basins. We are providing proper drainage management areas and treatment provisions in meeting Hudson and NHDES AOT criteria. All work will be performed in accordance with NHDOT, NHDES, and Town of Hudson requirements.

We look forward to working with the Town in completing the project.



TOWN OF HUDSON
PLANNING BOARD

NOTICE OF RECOMMENDATION



12 School Street Hudson, New Hampshire 03051 603/886-6008

October 15, 2019

Owner or Applicant: DAKOTA PARTNERS, INC.
1264 MAIN STREET
WALTHAM, NH 02451

On Wednesday, October 9, 2019, the Hudson Planning Board heard subject case ZI# 01-19, "Friars Court Site Plan Amended Wetland Special Exception" (ZBA Input Only)

SUBJECT: PURPOSE OF PETITION: AS PART OF A WETLAND SPECIAL EXCEPTION APPLICATION, THIS APPLICATION IS DESIGNED TO SOLICIT INPUT FROM THE PLANNING BOARD. THE APPLICANT IS SEEKING A WETLAND SPECIAL EXCEPTION AS PART OF THE EXTENSION OF FRIARS DRIVE WHICH INCLUDES THE RECONSTRUCTION PLANS TO REFLECT THE 32-FOOT CURBED WIDTH AS RECOMMENDED BY THE TOWN ENGINEER AND PLANNING BOARD.

LOCATION: 161 LOWELL ROAD - MAP 209/LOT 001

You are hereby notified of the subject ZBA Input Only item presented before the Planning Board and the following action:

At its October 9, 2019 meeting, the Planning Board voted to forward correspondence to the ZBA concerning the Wetland Buffer Impact associated with the extension of Friars Drive which includes the reconstruction plans to reflect the 32-foot curbed width for Map 209/Lot 001. The Planning Board recommended that the Wetland Special Exception be granted provided the applicant follow Best Management Practices.

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

Signed: Brian Groth Date: 10/15/19
Brian Groth
Town Planner

cc: The Dubay Group, Inc.
Bruce Buttrick, Zoning Administrator
Elvis Dhima, Town Engineer



The Dubai Group, Inc.

84 Range Road, Windham, NH 03087
(603) 458-6462 thedubaygroup.com

M E M O R A N D U M

To: Hudson Town Engineer &
Conservation Commission

Date: October 8, 2019

From: Karl Dubay

Re: Friars Drive Improvements on Lot 209-1

We are pleased to submit, for your review, the reconstruction plans to existing Friars Drive. The design provides improved access master planning for restoring its connection to Lowell Road, provides proper access to the rear of the property for future development, and reflects the scope of roadway improvements recommended by the Planning Board and Town Staff. This application is not intended to replace or modify the earlier approval. It is a new request to authorize the property owner to build the road to the standards recommended for future access.

The improvements essentially widen the road to 32 feet (matching the existing rear portions of Friars width), provide curbing and catch basins, and related drainage/treatment facilities in accordance with AOT criteria. The AOT permit we have in place will be correspondingly amended. All work will be performed in accordance with NHDOT, NHDES, and Town of Hudson requirements.

There are no wetlands impacts. The buffer impacts are limited to the roadway rebuild and required drainage treatment areas (refer to the plans for data). The WCD buffer work will require a new (revised) ZBA Special Exception to that previously granted this past Summer. The closed drainage design will provide improved treatment from the previously-approved design which was completely open swales and sheet flow. The street drainage design now only captures the pavement flow and does not intermix/dilute nonpavement flows, thus creating a more efficient treatment management package. Catch basins will have intercept sumps, none are stringed together, all outlets are protected with proper forebays and flow settling areas where needed.

Refer to the plans, details, report from our wetlands/soils scientist, and forms for additional information.

We look forward to working with the Town in completing the project.

Conservation Commission- Notice
(Pending 10/21/19 meeting outcome- will be in supplement folders)

TOWN OF HUDSON CONSERVATION COMMISSION AGENDA APPLICATION

Name of Property Owner: 5 WAY REACTY TRUST Phone # 781-889-4002
PETER HORNE, TRUSTEE (DAKOTA PARTNERS, INC.)

Address: PO BOX 1435, NORTH HAMPTON, NH 03862

Engineering by: KARL DUBAY, PE - THE DUBAY GROUP, INC. Phone # 603-458-6462

Address: 84 RANGE ROAD, WINDHAM, NH 03087

Email address: KARL@THEDUBAYGROUP.COM

Assessor's Map 209 Lot # 1 Zone BUSINESS & GENERAL

Please check the boxes that apply: (It is possible that I, II and III could be checked on a single application)

I. Request for Wetlands Special Exception - Available from Hudson Planning Department
Applies whenever a wetland area is impacted; Wetlands are identified by your Wetland specialist.
For details see Article IX chapter 334-33 thru 39 of the Hudson Zoning Ordinance.

II. State Wetlands Permit Application - www.des.state.nh.us/wetlands/

III. Boat Dock (Requires both Wetlands Special Exception and State Wetlands Bureau Approval)

IV. Other

Description of proposed project: EXTEND FRIBES DRIVE TO LOWELL ROAD
VIA RECONSTRUCTION OF EXISTING PAVED ROAD.
REFER TO ATTACHED MEMOS.

Wetland: Prime Other Name(s) THIRD BROOK. EXISTING CULVERT ALREADY IN PLACE.

Flagged by certified soil scientist (name) LUKE HURLEY, CWS, GOVE ENVIRONMENTAL SVCS, INC.

Impacts (sq. ft.): Wetland Temporary Permanent Buffer Temporary Permanent

Dredge (NONE) Fill (NONE)

Proposed mitigation: WET POND, DISSIPATION AREAS, OUTLET CONTROLS,
FOREBAYS, TREATMENT SWALES, ISOLATION OF PAVEMENT
FLows VIA CURBING & CATCH BASINS, DEEP SUMPS,
NO SERIALIZED CB FLOWS.

RECOMMENDATION: HUDSON CONSERVATION COMMISSION

Unfavorable Favorable Favorable with Conditions

Signature for HCC: _____ Date: _____

Town of Hudson
Conservation Commission

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

CHECKLIST

Date Completed 10/08/2019

Project address 161 LOWELL ROAD

Sheet(s) 209-1 Lot(s) 209-1 Property

Name(s) of wetland/buffer impact THIRD BROOK

Owner 5 WAY REALTY TRUST,
 PETER HORNE, TRUSTEE Applicant DAKOTA PARTNERS, INC.

SUPPLY A NARRATIVE REPORT FOR INFORMATION ON THE CHECKLIST
 Check off Yes, No, or Not Applicable in the appropriate circle regarding the documentation provided
 THIS CHECKLIST IS TO BE ATTACHED TO THE HCC APPLICATION FORM

Yes	No	NA	Questions/Information Needed	HCC Comments
-----	----	----	------------------------------	--------------

NARRATIVE REPORT

Existing Conditions

- | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Has a DES Dredge and Fill Permit been issued for any part of this site? If yes, provide number, date, and description. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is there evidence of altered wetlands or surface waters on site? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All prime and other wetlands in the vicinity, plus any wetlands/watersheds past the immediate vicinity affected by this project |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | • Description of each wetland and associated values |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Wetland mapping results -- Including the flagging date and technique plus the name, company and qualifications of the wetland scientist |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Was property surveyed? If yes, the date of survey. (Please attach the survey plan) |

National Wetland Inventory

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | • Vegetative cover types |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | • Existence of vernal pools and associated habitat |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | • Unique geological and cultural features |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | • NH Natural Heritage inventory -- For list of rare and endangered species, contact the NH Division of Forests and Lands (603)271-3623 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | • Wildlife and fauna species, including estimated number and locations (large projects) |

Yes	No	NA	Questions/Information Needed	HCC Comments
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NARRATIVE REPORT

<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	• Public or private wells located within the vicinity	
<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	• Monitoring well(s) located on site	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	• Current land use and zoning district	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Photos of existing area (please use color photos)	

Proposed Project Description

<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Entire project and associated activities	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Time table of project and anticipated phasing	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Land use	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Grading plan	

Impact to Wetlands and/or Buffers

<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	• Depending on size and proposed impacts, a report from a biologist may be appropriate	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Removing, filling, dredging, or altering (Area square ft. and locations) <i>(BUFFER ONLY - TEMPORARY)</i>	
<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Intercepting or diverging of ground or surface water (Locations and size)	
<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	• Change in run-off characteristics	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Delineation of drainage area contributing to each discharge point	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Installation of drainage, sewage, and water systems (Locations of impact)	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Estimated water quality characteristics of runoff at each point of discharge for both pre- and post-development	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Erosion control practices	
<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	• If using rip-rap, attach documentation explaining why other erosion control methods are not feasible <i>(OUTLETS ONLY FOR AOT CRITERIA)</i>	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	• How storm water runoff will be handled	
<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	If backyards or lots include a buffer area, buffer restriction wording shall be included in each deed (A physical marker may be requested to designate buffer boundaries at site)	

Mitigation

<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Square footage of mitigation – wetland and upland areas	
<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	Wetland or upland plants identified to replace any losses	
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	• Restoration plan for planting and vegetation	

Yes	No	NA	Questions/Information Needed	HCC Comments
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NARRATIVE REPORT

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conservation easements, including location and aesthetic, wildlife and vegetative values	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• If easement is on or added to the site(s), a copy of the legal document shall be given to the HCC (HCC conservation easement markers may also be required along the easement)	

CONCEPTUAL SITE PLAN/DRAWING

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Locus map depicting project site and vicinity within approximately ½ mile and also on a larger scale	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All prime and other wetlands in the vicinity	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wetland(s) impacted (identified as prime or other) and the wetland boundaries with 50' buffer areas highlighted in color	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property boundaries and names of abutters	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project, subdivision and/or owner's name	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assessor's sheet(s), lot(s), and property account number(s)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Date of plan	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roadways, showing street/road name	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed structures	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Square footage listed for temporary and permanent impact	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Erosion control plan (Suggested: Biodegradable silt fences so area won't be disturbed again and no hay to avoid invasive species)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Topographical map with contours	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Storm water treatment swales and basins highlighted in color if in buffer area	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conservation and utility easements	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grading plan	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Culvert, arch, bridge - sizes, material, etc.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vegetative cover types	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vernal pools	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed stone walls, tree lines, and unusually large, rare or beautiful trees, and other notable site features	

QUESTIONS TO CONSIDER BEFORE SUBMITTING

- Will the increased discharge cause erosion and channelization? **NO**

- Is there potential for off-site flooding? **NO**

- Does the decreased infiltration in the drainage area cause vegetation stress due to reduced or increased ground water or surface water discharge into wetland? **NO**

- Will the nutrients in the runoff increase eutrophication potential in downstream water bodies? **NO**

- Do you own any adjacent parcels or easements for roadways across adjacent parcels which could be used for access to avoid a wetland crossing **N/A - SEE MASTER SITE LAYOUT PLANS**

- Does a wetland crossing occur where it will result in the least amount of alteration to a wetland? **N/A (ALREADY EXISTING)**

- Is preservation of upland areas adjacent to the impacted wetland a priority? **YES. THIS IS AN EXISTING PLANNED CROSSING.**

- Can using an alternative crossing design such as a bridge, retaining wall, etc. decrease the width or area of wetland alteration? **N/A**

- Does a proposed road crossing of a wetland exceed the minimum width acceptable to the Planning Board and can this be negotiated downwards? **N/A, ROAD WIDTH DEPICTED IS PER TOWN STAFF & RMG B.L.P.**

- Have you established that no reasonable alternative access from a public way to an upland is possible? **YES, EXISTING CROSSING.**

- Can the parking lot spaces be decreased? **N/A**

- Is the roadway designed in such a way that does not restrict the flow of water? **CORRECT (EXIST CULVERT UNCHANGED)**

- Is additional information needed to assess water quality impacts due to runoff? **N/A**

- Is there an increase in other pollutants (e.g., heavy metals, turbidity, coli form) from streets and parking lots? **NO.**

- Is there a need to restrict or prohibit the use of pesticides and fertilizers? **N/A, TEMP IMPACTS WILL BE SEEDING TO NATURALLY GROW IN.**

- Is there a need to restrict the use of roadway salting? **(PER TOWN ROAD POLICIES)**



Karl Dubay
The Dubay Group Inc.
84 Range Road
Windham, NH 03087

Subject: Lowell Road Hudson
Re: Town Application

Dear Mr. Dubay:

Per your request, I have completed the required review of the Town of Hudson Conservation Commission Checklist.

No recent evidence of any NH Des wetland Permits exist on the NH DES website query. It is my understanding that this road has been in since the mid 1970's.

No direct evidence of wetlands disturbance appears to be onsite within the area or the proposed project. An obvious wetland crossing exists on the far side of the site for Friar's Drive.

The wetland system to the rear of the site is part of Third Brook, a perennial stream. The wetland immediately adjacent to the site has no stream system and is not a prime wetland, as the Town of Hudson does not have prime wetland designations.

The wetland adjacent to the proposed project is classified as PEM/SS1E. This wetland is a seasonally saturated emergent and scrub shrub wetland. Significant functions and values are flood flow attenuation, wildlife habitat, and sediment and toxicant retention. The proximity to the existing roadways and surrounding commercial uses has the potential for runoff from the area to enter the wetlands. The dense scrub shrub habitat is habitat to many small songbird species. Wetland vegetation consists of highbush blueberry, winterberry, dogwood and sweet pepper bush in the shrub layer and multiple species of sedges and grasses in the herbaceous layer. Wetlands were delineated based on the following standards.

1. US Army Corps of Engineers Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: North central and Northeast Region, Technical Report ERDC/EL TR-12-19 (Oct 2012).
2. Field Indicators of Hydric Soils in the United States, A Guide for Identifying and Delineating Hydric Soils, Version 7.0. United States Department of Agriculture (2010).
3. North American Digital Flora: National Wetland Plant List, Version 2.2.1 (2009).
4. Classification of Wetlands and Deepwater Habitats of the United States. USFW Manual FWS/OBS-79/31 (1979).

No vernal pools are in this wetland system, as no permanent standing water exists. Recent NH NHB records indicate no rare, threatened or endangered species or exemplary natural communities exist on site.



GOVE ENVIRONMENTAL SERVICES, INC.

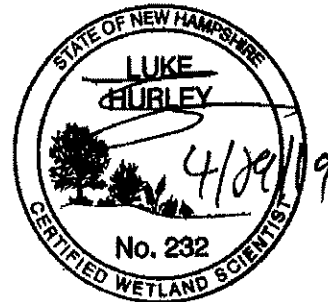
A formal flora and fauna study has not been conducted for the project.

Photos of the site are included. Any wetland impacts associated with the upgrade of the existing through road will have a mitigation as is necessary, should the proposed impacts dictate the need. The Town of Hudson does not have prime wetland designations.

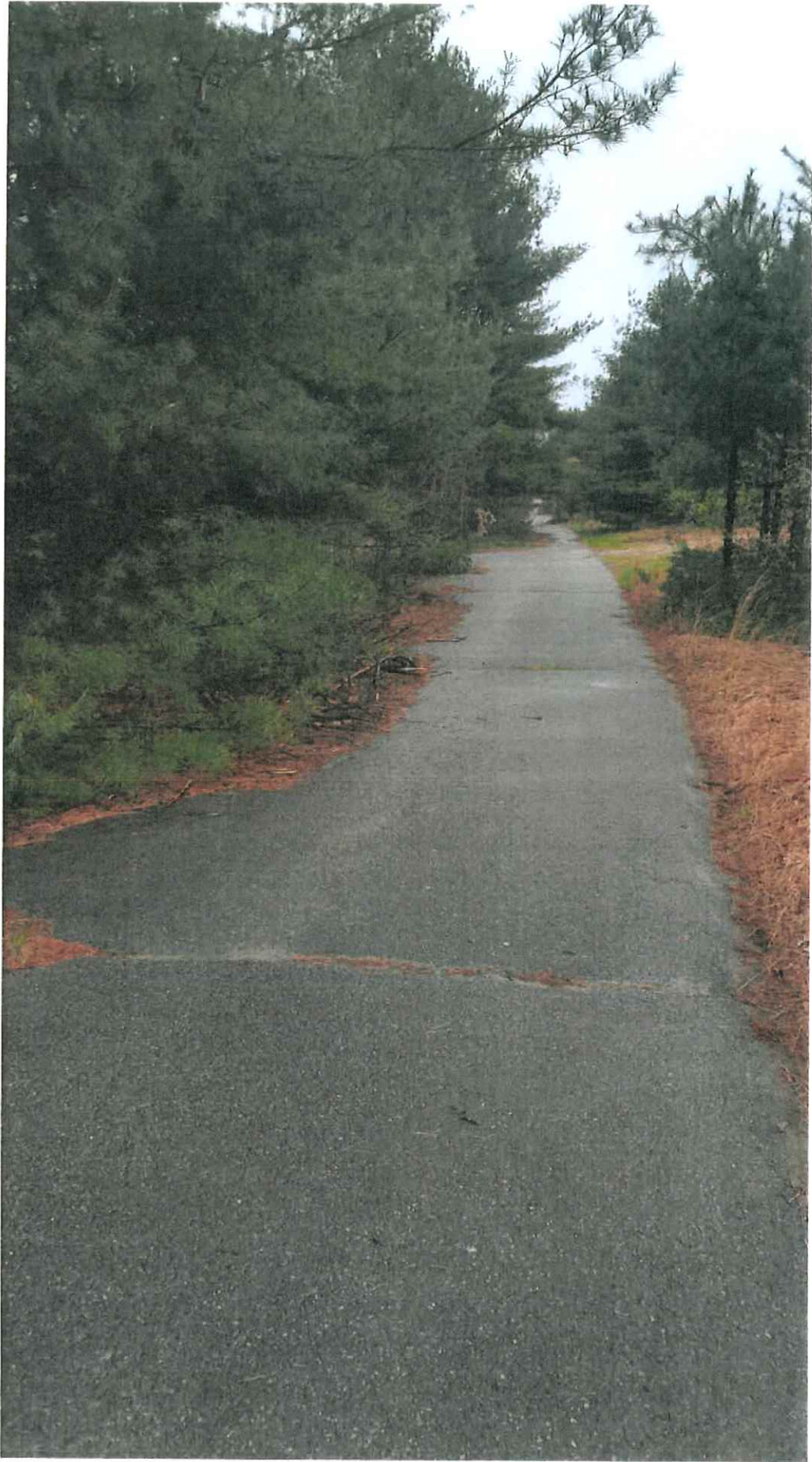
Please let me know if you have any questions or need anything else.

Sincerely,

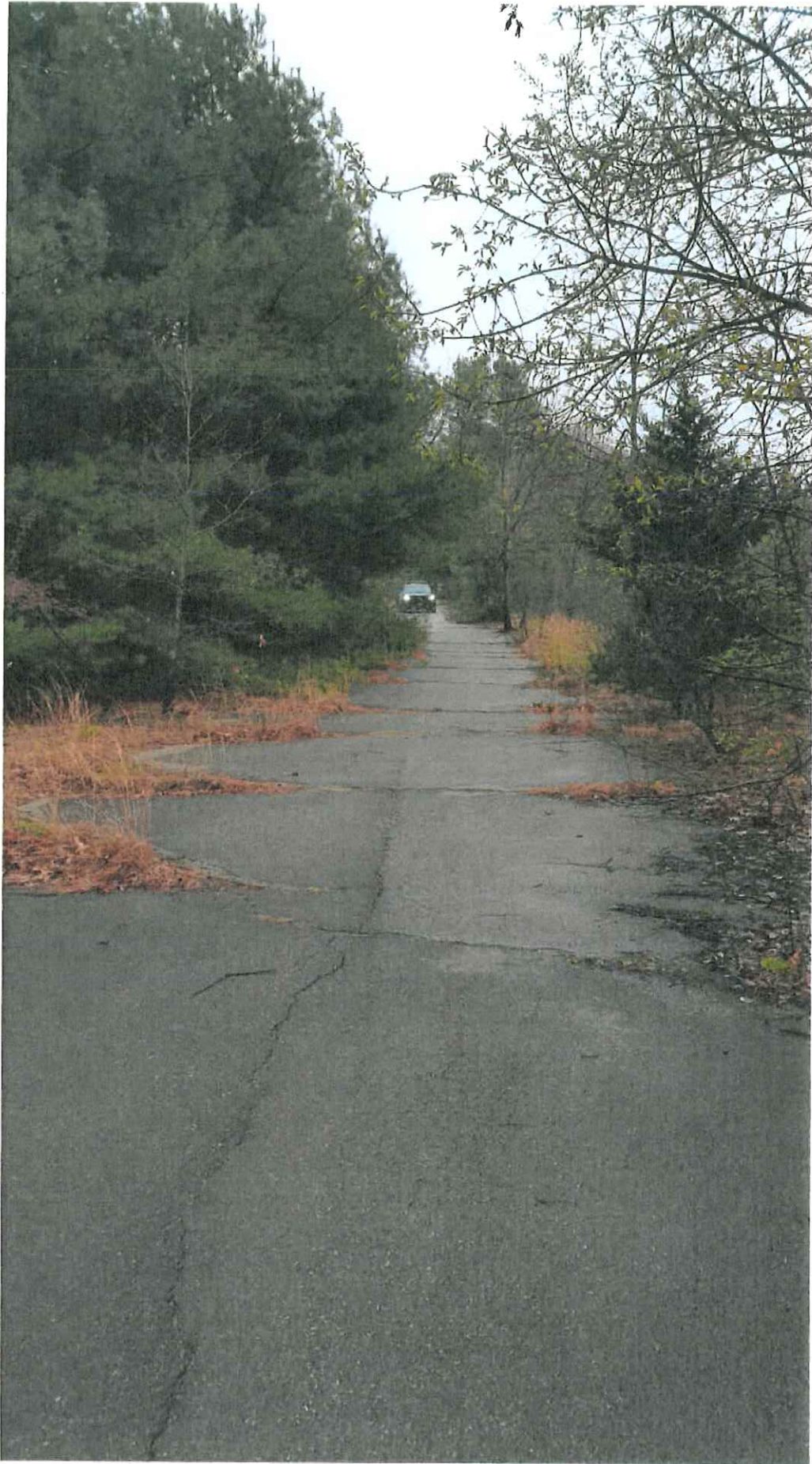
Luke D. Hurley, CWS, CSS
Vice President
Gove Environmental Services, Inc.

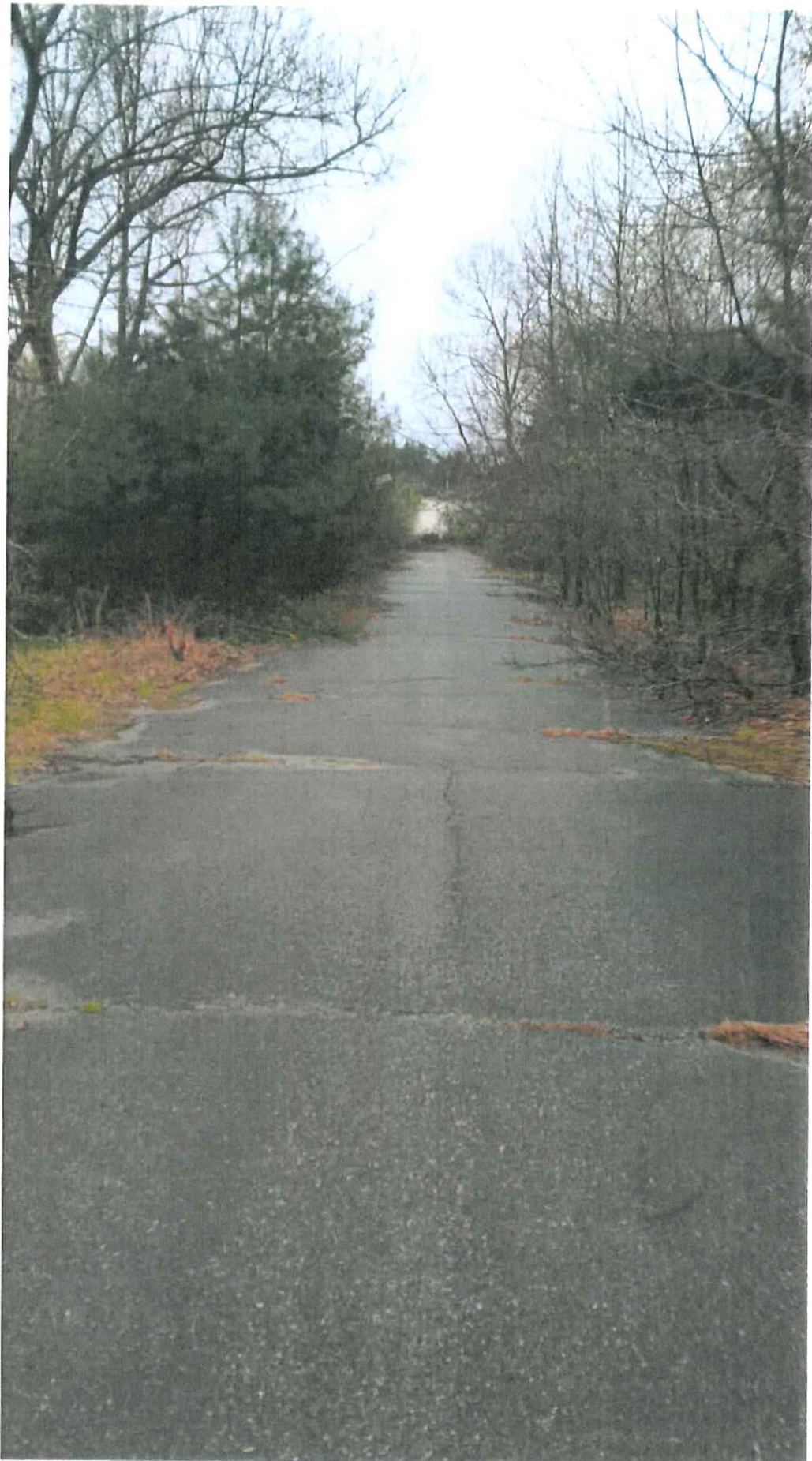


8 Continental Dr Bldg 2 Unit H, Exeter, NH 03833-7526
Ph (603) 778 0644 / Fax (603) 778 0654
www.gesinc.biz
info@gesinc.biz



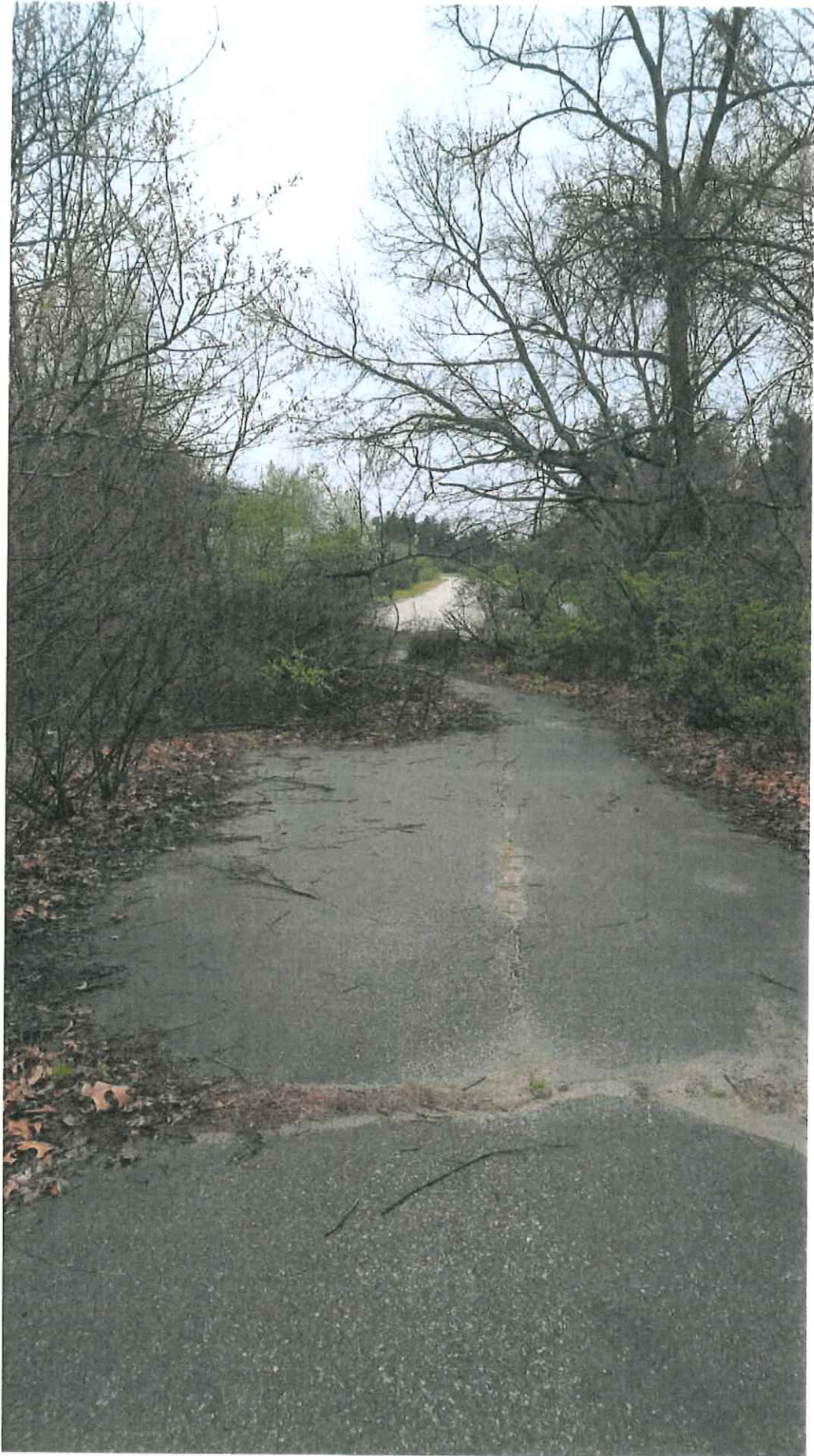








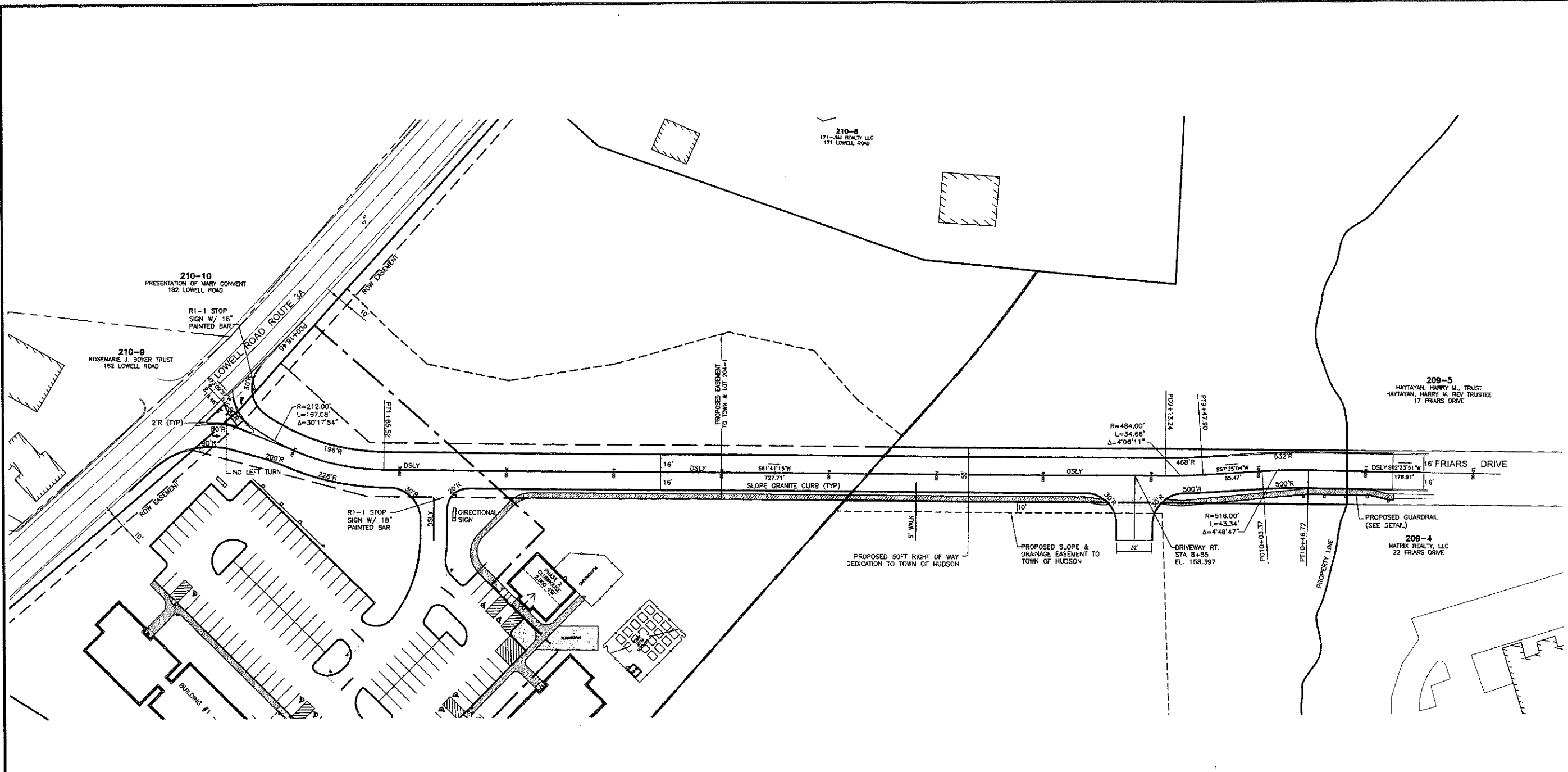








N:\PROJECTS\357-Dakota Lowell Rd Hudson\DWG\CURRENT\357-ROAD LAYOUT.dwg



PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL.

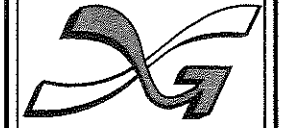
APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: _____

CHAIRMAN _____ SIGNATURE DATE: _____

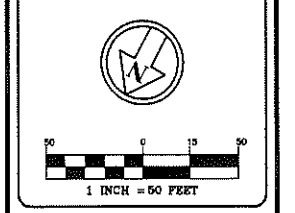
SECRETARY _____ SIGNATURE DATE: _____

SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

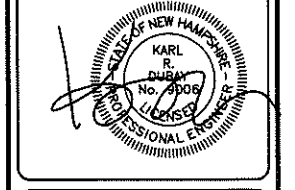


The Dubai Group, Inc.
 84 Range Road
 Windham, NH 03087
 603-458-6462

Engineers
 Planners
 Surveyors
 TheDubayGroup.com



1 INCH = 50 FEET



KARL R. DUBAY
 No. 9908
 LICENSED PROFESSIONAL ENGINEER

REVISIONS:			
REV.	DATE:	COMMENT:	BY:

DRAWN BY: SJK
 CHECKED BY: KRJ
 DATE: OCT. 8, 2019
 SCALE: 1"=50'
 FILE: 357-ROAD LAYOUT
 DEED REF: _____

PROJECT:

**FRIARS COURT
 MAP 209 LOT 1**
 161 LOWELL ROAD
 HUDSON, NH

FOR

**DAKOTA
 PARTNERS, INC.**
 1264 MAIN STREET
 WALTHAM, MA 02451

SHEET TITLE:

**ROADWAY
 LAYOUT**

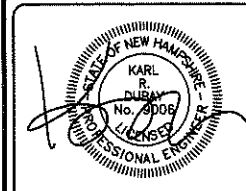
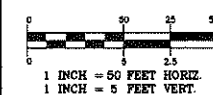
PROJECT #357 SHEET R2



The Dubai Group, Inc.

84 Range Road
Windham, NH 03087
603-458-6462

Engineers
Planners
Surveyors
TheDubayGroup.com



REVISIONS:			
REV.	DATE	COMMENT	BY

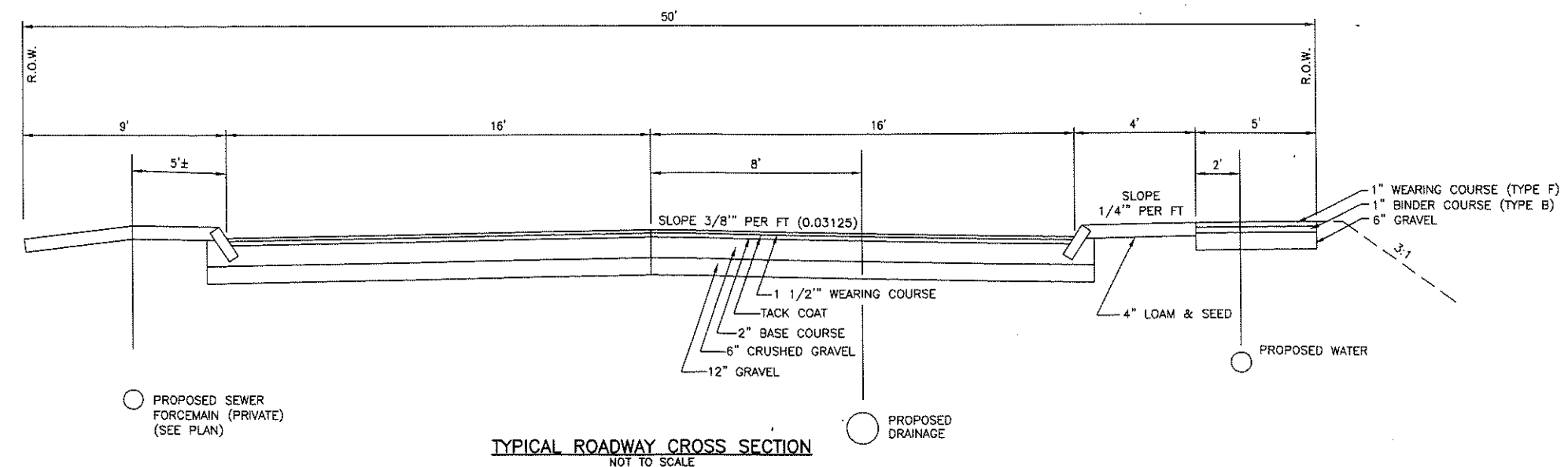
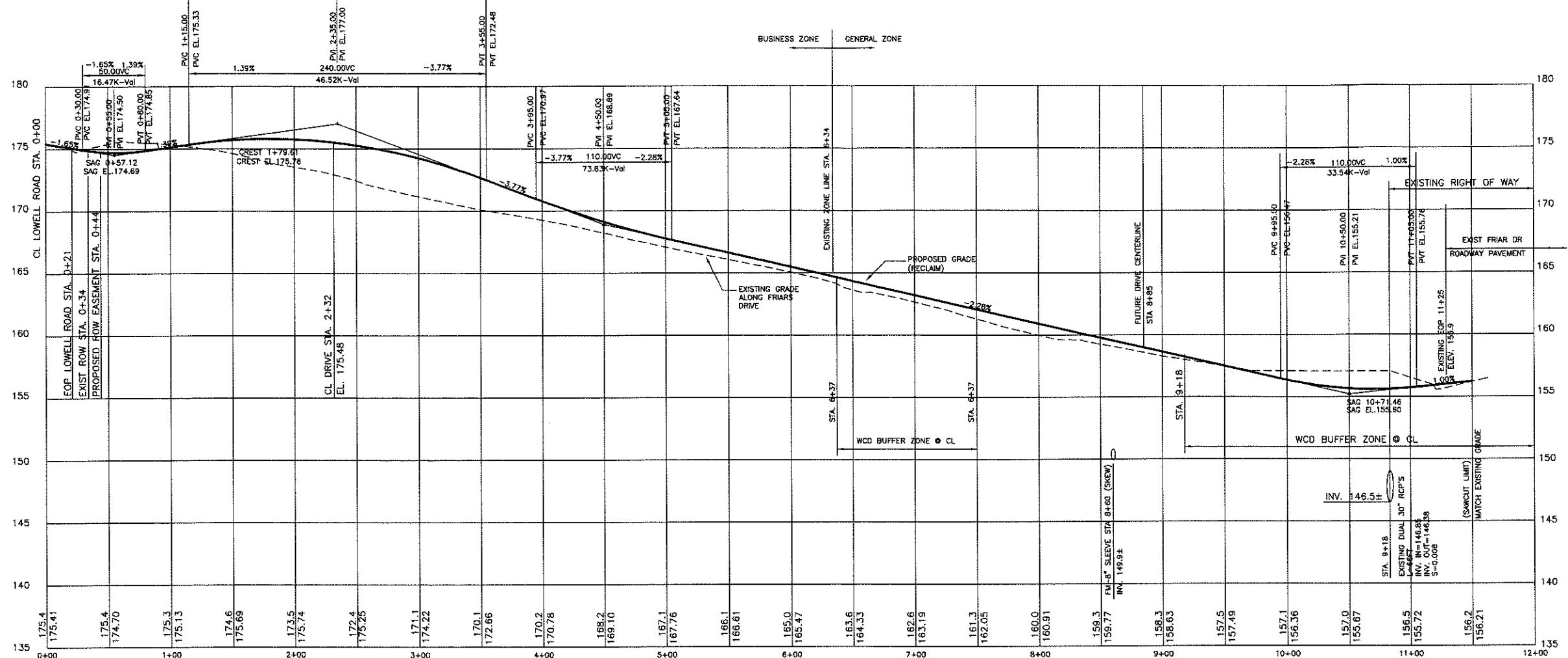
DRAWN BY: SJK
CHECKED BY: KRJ
DATE: OCT. 8, 2019
SCALE: 1"=50'H, 5'V
FILE: 357-ROADPROFILE
DEED REF: -

PROJECT:
**FRIARS COURT
MAP 209 LOT 1**
161 LOWELL ROAD
HUDSON, NH

FOR
**DAKOTA
PARTNERS, INC.**
1264 MAIN STREET
WALTHAM, MA 02451

SHEET TITLE:
**ROAD
RECONSTRUCTION
PROFILE
&
TYPICAL SECTION**

PROJECT #357 SHEET R3



PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL.

CONSERVATION COMMISSION CHAIRMAN
RANDALL BROWNRIGG

DATE OF MEETING: _____

APPROVED BY THE HUDSON, NH PLANNING BOARD

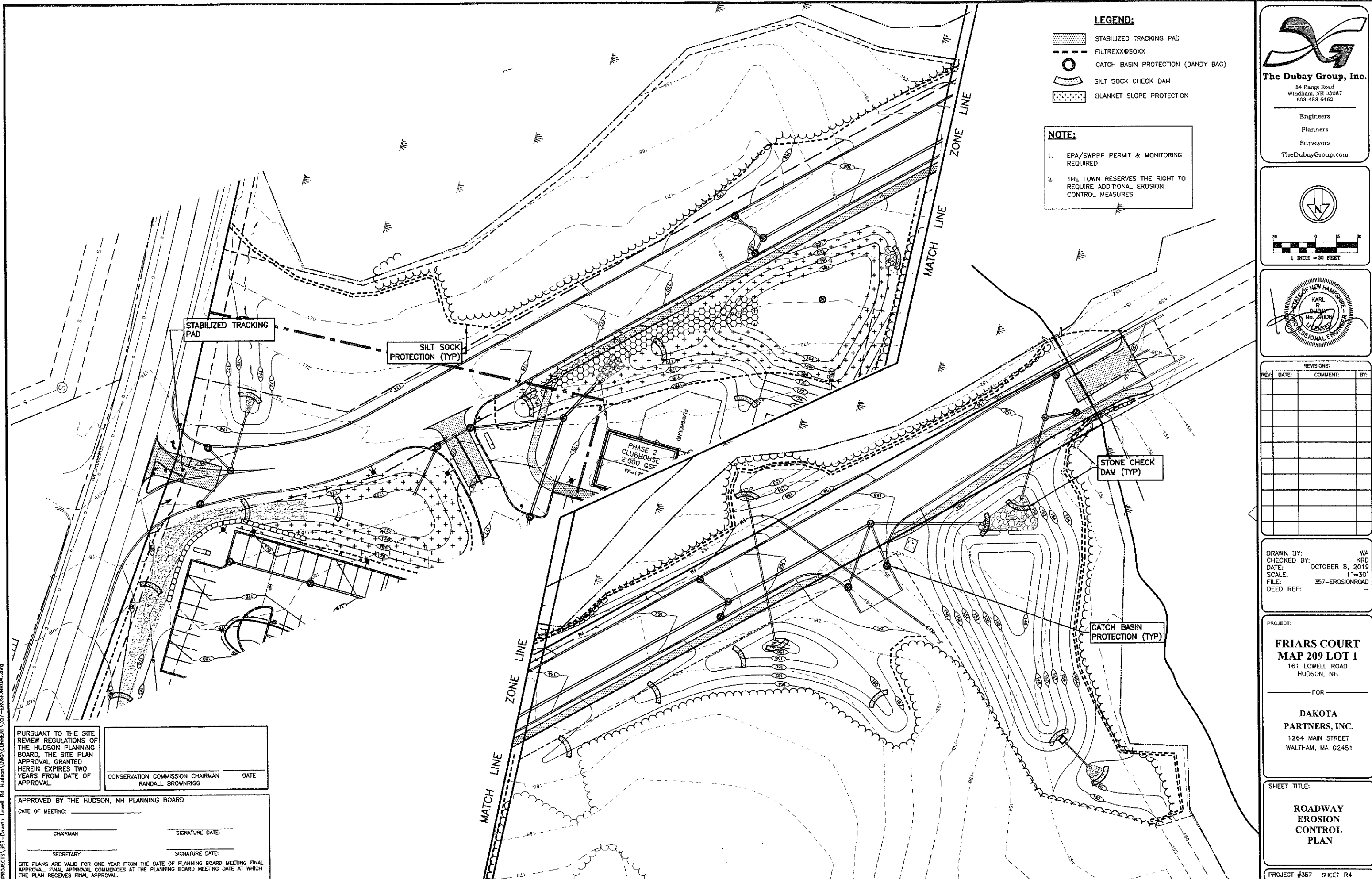
CHAIRMAN: _____ SIGNATURE DATE: _____

SECRETARY: _____ SIGNATURE DATE: _____

SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

N:\PROJECTS\357-Dakota Lowell Rd Hudson\DWG\CURRENT\357-ROADPROFILE.dwg

TYPICAL ROADWAY CROSS SECTION
NOT TO SCALE



LEGEND:

- STABILIZED TRACKING PAD
- FILTRETXX@SOXX
- CATCH BASIN PROTECTION (DANDY BAG)
- SILT SOCK CHECK DAM
- BLANKET SLOPE PROTECTION

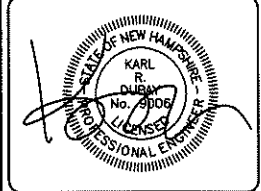
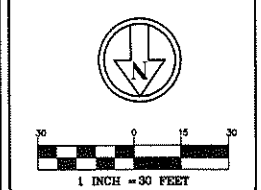
NOTE:

1. EPA/SWPPP PERMIT & MONITORING REQUIRED.
2. THE TOWN RESERVES THE RIGHT TO REQUIRE ADDITIONAL EROSION CONTROL MEASURES.



The Dubay Group, Inc.
 84 Range Road
 Windham, NH 03087
 603-458-6462

Engineers
 Planners
 Surveyors
 TheDubayGroup.com



REVISIONS:			
REV:	DATE:	COMMENT:	BY:

DRAWN BY: WA
 CHECKED BY: KR
 DATE: OCTOBER 8, 2019
 SCALE: 1"=30'
 FILE: 357-EROSIONROAD
 DEED REF: -

PROJECT:
**FRIARS COURT
 MAP 209 LOT 1**
 161 LOWELL ROAD
 HUDSON, NH

FOR
**DAKOTA
 PARTNERS, INC.**
 1264 MAIN STREET
 WALTHAM, MA 02451

SHEET TITLE:
**ROADWAY
 EROSION
 CONTROL
 PLAN**

PROJECT #357 SHEET R4

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL.

CONSERVATION COMMISSION CHAIRMAN _____ DATE _____
 RANDALL BROWNRIIG

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: _____

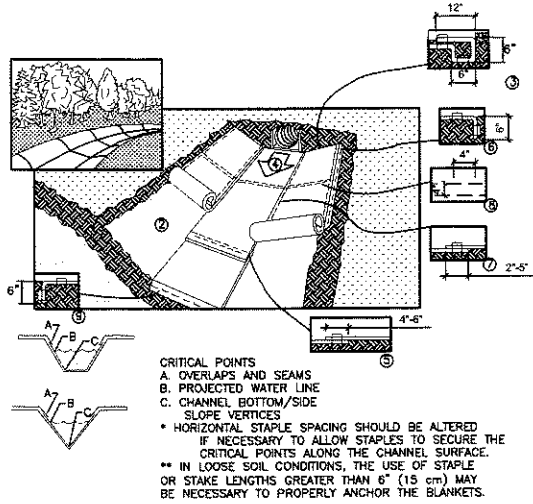
CHAIRMAN _____ SIGNATURE DATE: _____
 SECRETARY _____ SIGNATURE DATE: _____

SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

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CHANNEL INSTALLATION SPECIFICATIONS

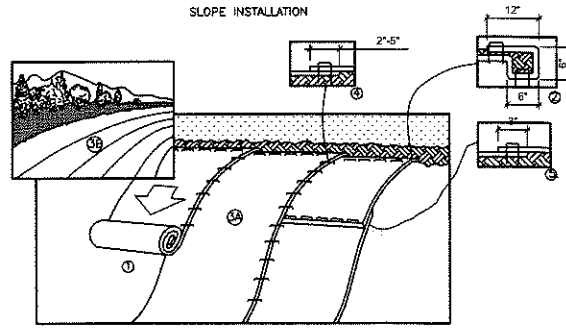
1. INSTALL PRODUCT IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS
 2. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL-O-SEED, DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH THE PAPER SIDE DOWN.
 3. BEGIN AT THE TOP OF THE CHANNEL BY ANCHORING THE BLANKET IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF BLANKET EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE BLANKET WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" PORTION OF BLANKET OVER SEED AND COMPACTED SOIL. SECURE BLANKET OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE BLANKET.
 4. ROLL CENTER BLANKET IN DIRECTION OF WATER FLOW IN BOTTOM OF CHANNEL. BLANKETS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL BLANKETS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING OPTIONAL DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
 5. PLACE CONSECUTIVE BLANKETS END OVER END (SHINGLE STYLE) WITH A 4"-6" OVERLAP. USE A DOUBLE ROW OF STAPLES STAGGERED 4" APART AND 4"(10") ON CENTER TO SECURE BLANKETS.
 6. FULL-LENGTH EDGE OF BLANKETS AT TOP OF SIDE SLOPES MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
 7. ADJACENT BLANKETS MUST BE OVERLAPPED APPROXIMATELY 2"-5" (DEPENDING ON BLANKET TYPE) AND STAPLED TO ENSURE PROPER SEAM ALIGNMENT. PLACE THE EDGE OF THE OVERLAPPING BLANKET (BLANKET BEING INSTALLED ON TOP) EVEN WITH THE COLORED SEAM STITCH ON THE BLANKET BEING OVERLAPPED.
 8. IN HIGH FLOW CHANNEL APPLICATIONS, A STAPLE CHECK SLOT IS RECOMMENDED AT 30' TO 40' INTERVALS. USE A DOUBLE ROW OF STAPLES STAGGERED 4" APART AND 4" ON CENTER OVER ENTIRE WIDTH OF CHANNEL.
- THE TERMINAL END OF THE BLANKETS MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.



ROLLED EROSION CONTROL MATTING
NOT TO SCALE

(THIS DETAIL IS PROVIDED FOR AREAS THAT MAY REQUIRE ADDITIONAL PROTECTION BASED ON FIELD CONDITIONS.)

SLOPE INSTALLATION



MATTING INSTALLATION NOTES

1. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE BLANKET IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF BLANKET EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE BLANKET WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" PORTION OF BLANKET BACK OVER SEED AND COMPACTED SOIL. SECURE BLANKET OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE BLANKET.
3. ROLL THE BLANKETS (A.) DOWN OR (B.) HORIZONTALLY ACROSS THE SLOPE. BLANKETS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL BLANKETS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING OPTIONAL DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
4. THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 2"-5" OVERLAP DEPENDING ON BLANKET TYPE. TO ENSURE PROPER SEAM ALIGNMENT, PLACE THE EDGE OF THE OVERLAPPING BLANKET (BLANKET BEING INSTALLED ON TOP) EVEN WITH THE COLORED SEAM STITCH ON THE PREVIOUSLY INSTALLED BLANKET.
5. CONSECUTIVE BLANKETS SPLICED DOWN THE SLOPE MUST BE PLACED END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART ACROSS ENTIRE BLANKET WIDTH.
6. IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" MAY BE NECESSARY TO PROPERLY SECURE THE BLANKETS.
7. INSTALL PRODUCT IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
8. MATTING IS REQUIRED ON ALL SLOPES STEEPER THAN 3:1.

SLOPE PROTECTION EROSION CONTROL MATTING

NOT TO SCALE

(THIS DETAIL IS PROVIDED FOR AREAS THAT MAY REQUIRE ADDITIONAL PROTECTION BASED ON FIELD CONDITIONS.)

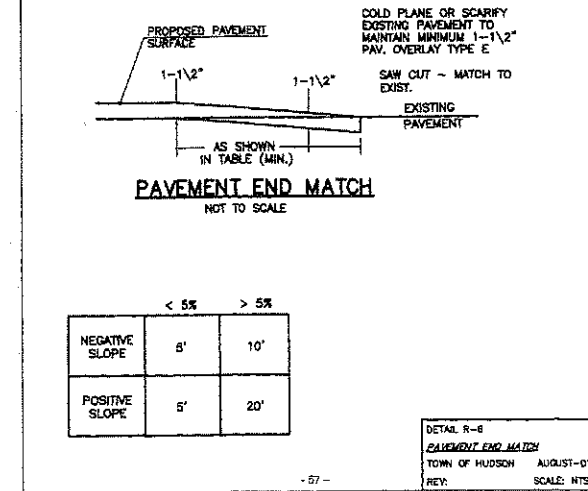
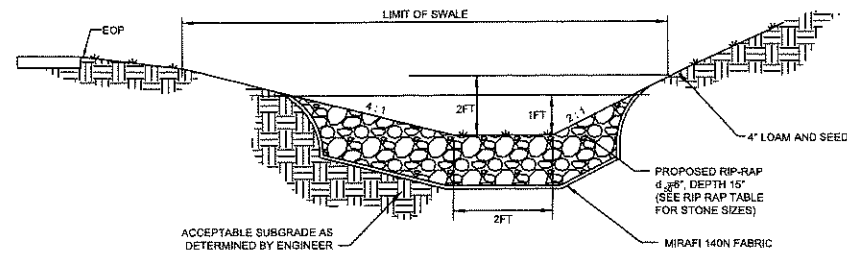


TABLE 7-24 - RECOMMENDED RIPRAP GRADATION RANGES

% OF WEIGHT SMALLER THAN THE GIVEN SIZE	SIZE OF STONE
100	1.5 TO 2.0 φ
85	1.5 TO 1.8 φ
50	1.0 TO 1.5 φ
15	0.3 TO 0.5 φ



TYPICAL RIPRAP LINED SWALE DETAIL
NOT TO SCALE

(THIS DETAIL IS PROVIDED FOR AREAS THAT MAY REQUIRE ADDITIONAL PROTECTION BASED ON FIELD CONDITIONS.)

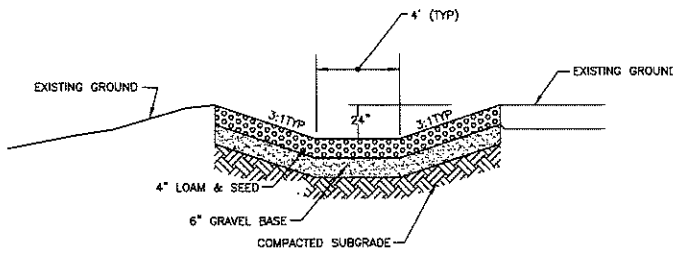
PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL.

CONSERVATION COMMISSION CHAIRMAN: RANDALL BROWN RIGG
 DATE: _____

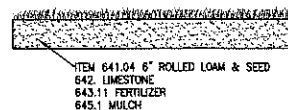
APPROVED BY THE HUDSON, NH PLANNING BOARD
 DATE OF MEETING: _____

CHAIRMAN: _____ SIGNATURE DATE: _____
 SECRETARY: _____ SIGNATURE DATE: _____

SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

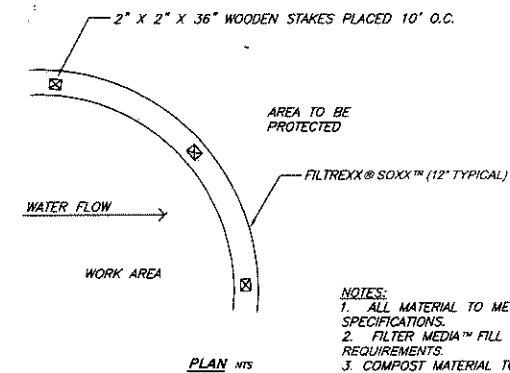
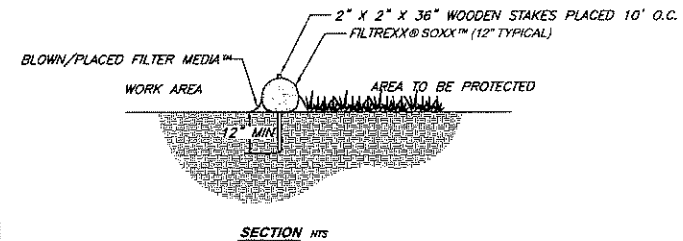


TYPICAL GRASS LINED SWALE
NOT TO SCALE



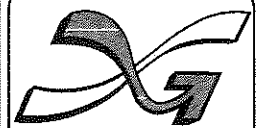
LOAM & SEED DETAIL
NOT TO SCALE

(FOR PERMANENT STABILIZATION OF AREAS, TYPICALLY LOCATED AROUND PERIMETER OF FINAL EXCAVATION WORK LIMITS.)



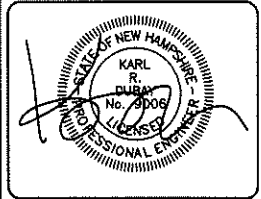
- NOTES:**
1. ALL MATERIAL TO MEET FILTREXX® SPECIFICATIONS.
 2. FILTER MEDIA™ FILL TO MEET APPLICATION REQUIREMENTS.
 3. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.

FILTREXX® SEDIMENT CONTROL
NTS



The Dubay Group, Inc.
 84 Range Road
 Windham, NH 03097
 603-458-6462

Engineers
 Planners
 Surveyors
 TheDubayGroup.com



REVISIONS:			
REV.	DATE	COMMENT	BY

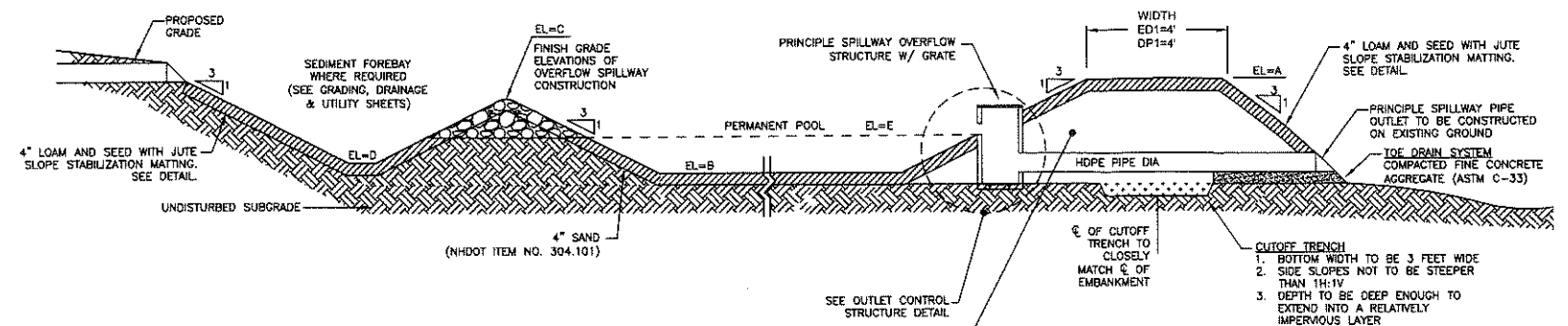
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 DATE: OCTOBER 8, 2019
 SCALE: AS SHOWN
 FILE: 357-DETAILSROAD
 DEED REF: -

PROJECT:
FRIARS COURT
MAP 209 LOT 1
 161 LOWELL ROAD
 HUDSON, NH

FOR
DAKOTA
PARTNERS, INC.
 1264 MAIN STREET
 WALTHAM, MA 02451

SHEET TITLE:
DETAILS - 1

PROJECT #357 SHEET R5



POND	A	B	C	D	E
WET POND (WP1)	154.00	146.00	150.00	148.00	150.00

EMBANKMENT MATERIAL TO BE FREE OF DETRIMENTAL AMOUNTS OF SOD, ROOTS, FROZEN SOIL, STONES MORE THAN 6", AND OTHER OBJECTIONABLE MATERIAL.

TO BE PLACED IN 8" LIFTS AND COMPACTED TO 95% MODIFIED PROCTORS

CONSTRUCTION CRITERIA:

- FOUNDATION PREPARATION** - THE FOUNDATION AREA SHALL BE CLEARED OF TREES, LOGS, STUMPS, ROOTS, BRUSH, BOULDERS, SOD, AND RUBBISH. IF NEEDED TO ESTABLISH VEGETATION, THE TOPSOIL AND SOD SHALL BE STOCKPILED AND SPREAD ON THE COMPLETED DAM AND SPILLWAYS. FOUNDATION SURFACES SHALL BE SLOPED NO STEEPER THAN 1:1. THE FOUNDATION AREA SHALL BE THOROUGHLY SCARIFIED BEFORE PLACEMENT OF THE MATERIAL. THE SURFACE SHALL HAVE MOISTURE ADDED OR IT SHALL BE COMPACTED IF NECESSARY SO THAT THE FIRST LAYER OF FILL MATERIAL CAN BE COMPACTED AND BONDED TO THE FOUNDATIONS.

THE CUTOFF TRENCH AND ANY OTHER REQUIRED EXCAVATIONS SHALL BE DUG TO THE LINES AND GRADES SHOWN ON THE PLANS OR AS STAKED IN THE FIELD. IF THEY ARE SUITABLE, EXCAVATED MATERIALS SHALL BE USED IN THE PERMANENT FILL.

EXISTING STREAM CHANNELS IN THE FOUNDATION AREA SHALL BE SLOPED NO STEEPER THAN 1:1 AND DEEPEMED AND WIDENED AS NECESSARY TO REMOVE ALL STONES, GRAVEL, SAND, STUMPS, ROOTS, AND OTHER OBJECTIONABLE MATERIAL AND TO ACCOMMODATE COMPACTION EQUIPMENT.

FOUNDATION AREAS SHALL BE KEPT FREE OF STANDING WATER WHEN FILL IS BEING PLACED ON THEM.
- FILL PLACEMENT** - THE MATERIAL PLACED IN THE FILL SHALL BE FREE OF DETRIMENTAL AMOUNTS OF SOD, ROOTS, FROZEN SOIL, STONES MORE THAN 6 INCHES IN DIAMETER (EXCEPT FOR ROCK FILLS), AND OTHER OBJECTIONABLE MATERIAL.

SELECTED BACKFILL MATERIAL SHALL BE PLACED AROUND STRUCTURES, PIPE CONDUITS, AND ANTISEEP COLLARS AT ABOUT THE SAME RATE ON ALL SIDES TO PREVENT DAMAGE FROM UNEQUAL LOADING.

THE PLACING AND SPREADING OF FILL MATERIAL SHALL BE STARTED AT THE LOWEST POINT OF THE FOUNDATION AND THE FILL BROUGHT UP IN HORIZONTAL LAYERS OF SUCH THICKNESS THAT THE REQUIRED COMPACTION CAN BE OBTAINED. THE FILL SHALL BE CONSTRUCTED IN CONTINUOUS HORIZONTAL LAYERS EXCEPT WHERE OPENINGS OR SECTIONALIZED FILLS ARE REQUIRED. IN THOSE CASES, THE SLOPE OF THE BONDING SURFACES BETWEEN THE EMBANKMENT IN PLACE AND THE EMBANKMENT TO BE PLACED SHALL NOT BE STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL. THE BONDING SURFACE SHALL BE TREATED THE SAME AS THAT SPECIFIED FOR THE FOUNDATION SO AS TO INSURE A GOOD BOND WITH THE NEW FILL.

THE DISTRIBUTION AND GRADATION OF MATERIALS SHALL BE SUCH THAT NO LENSES, POCKETS, STREAKS, OR LAYERS OF MATERIAL DIFFER SUBSTANTIALLY IN TEXTURE OF GRADATION FROM THE SURROUNDING MATERIAL. IF IT IS NECESSARY TO USE MATERIALS OF VARYING TEXTURE AND GRADATION, THE MORE IMPERVIOUS MATERIAL SHALL BE PLACED IN THE CENTER AND UPSTREAM PARTS OF THE FILL. IF ZONED FILLS OF SUBSTANTIALLY DIFFERING MATERIALS ARE SPECIFIED, THE ZONES SHALL BE PLACED ACCORDING TO THE LINES AND GRADES SHOWN ON THE DRAWINGS. THE COMPLETE WORK SHALL CONFORM TO THE LINES, GRADES, AND ELEVATIONS SHOWN ON THE DRAWINGS OR AS STAKED IN THE FIELD.
- MOISTURE CONTROL** - THE MOISTURE CONTENT OF THE FILL MATERIAL SHALL BE ADEQUATE FOR OBTAINING THE REQUIRED COMPACTION. MATERIAL THAT IS TOO WET SHALL BE DRIED TO MEET THIS REQUIREMENT, AND MATERIAL THAT IS TOO DRY SHALL HAVE WATER ADDED AND MIXED UNTIL THE REQUIREMENT IS MET.
- COMPACTION** - CONSTRUCTION EQUIPMENT SHALL BE OPERATED OVER THE AREAS OR EACH LAYER OF FILL TO INSURE THAT THE REQUIRED COMPACTION IS OBTAINED. SPECIAL EQUIPMENT SHALL BE USED IF NEEDED TO OBTAIN THE REQUIRED COMPACTION.

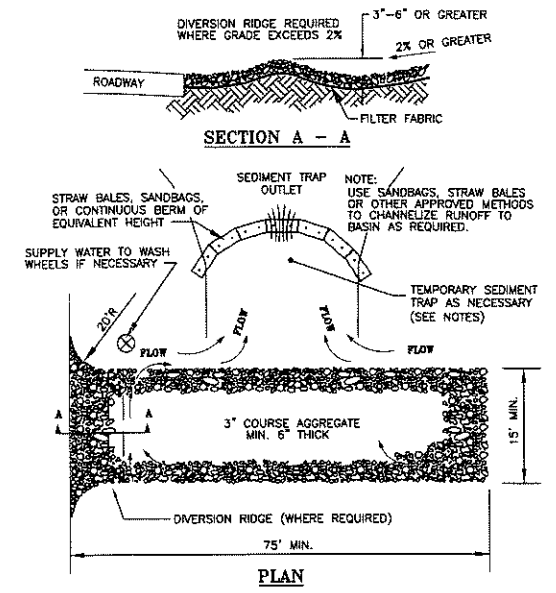
IF A MINIMUM REQUIRED DENSITY IS SPECIFIED, EACH LAYER OF FILL SHALL BE COMPACTED AS NECESSARY TO OBTAIN THAT DENSITY.

FILL ADJACENT TO STRUCTURES, PIPE CONDUITS, AND ANTISEEP COLLARS SHALL BE COMPACTED TO A DENSITY EQUIVALENT TO THAT OF THE SURROUNDING FILL BY MEANS OF HAND TAMPING OR MANUALLY DIRECTED POWER TAMPER OR PLATE VIBRATORS. FILL ADJACENT TO CONCRETE STRUCTURES SHALL NOT BE COMPACTED UNTIL THE CONCRETE IS STRONG ENOUGH TO SUPPORT THE LOAD.
- PROTECTION** - A PROTECTIVE COVER OF VEGETATION SHALL BE ESTABLISHED ON ALL EXPOSED SURFACES OF THE EMBANKMENT, SPILLWAY, AND BORROW AREA IF SOIL AND CLIMATIC CONDITIONS PERMIT. IF SOIL OR CLIMATIC CONDITIONS PRECLUDE THE USE OF VEGETATION AND PROTECTION IS NEEDED, NON-VEGETATIVE MEANS, SUCH AS MULCHES OR GRAVEL, MAY BE USED. IN SOME PLACES, TEMPORARY VEGETATION MAY BE USED UNTIL CONDITIONS PERMIT ESTABLISHMENT OF PERMANENT VEGETATION. THE EMBANKMENT AND SPILLWAY SHALL BE FENCED IF NECESSARY TO PROTECT THE VEGETATION.

SEEDBED PREPARATION, SEEDING, FERTILIZING, AND MULCHING SHALL COMPLY WITH THE APPROPRIATE VEGETATIVE BMPs.
- CONCRETE** - THE MIX DESIGN AND TESTING OF CONCRETE SHALL BE CONSISTENT WITH THE STRENGTH REQUIREMENTS OF THE JOB. MIX REQUIREMENTS OR NECESSARY STRENGTH SHALL BE SPECIFIED. THE TYPE OF CEMENT, AIR ENTRAINMENT, SLUMP, AGGREGATE, OR OTHER PROPERTIES SHALL BE SPECIFIED IF NECESSARY. ALL CONCRETE IS TO CONSIST OF A WORKABLE MIX THAT CAN BE PLACED AND FINISHED IN AN ACCEPTABLE MANNER. NECESSARY CURING SHALL BE SPECIFIED. REINFORCING STEEL SHALL BE PLACED AS INDICATED ON THE PLANS AND SHALL BE HELD SECURELY IN PLACE DURING CONCRETE PLACEMENT. SUBGRADES AND FORMS SHALL BE INSTALLED TO LINE AND GRADE, AND THE FORMS SHALL BE MORTAR TIGHT AND UNYIELDING AS THE CONCRETE IS PLACED.
- DO NOT DISCHARGE SEDIMENT-LADEN WATERS FROM CONSTRUCTION ACTIVITIES (RUNOFF, WATER FROM EXCAVATIONS) TO INFILTRATION BASINS.
- DO NOT TRAFFIC EXPOSED SOIL SURFACE WITH CONSTRUCTION EQUIPMENT. IF FEASIBLE, PERFORM EXCAVATIONS WITH EQUIPMENT POSITIONED OUTSIDE THE LIMITS OF THE INFILTRATION BASIN.
- AFTER THE BASIN IS EXCAVATED TO FINAL DESIGN ELEVATION, THE FLOOR SHOULD BE DEEPLY TILLED WITH A ROTARY TILLER OR DISC HARROW TO RESTORE INFILTRATION RATES, FOLLOWED BY A PASS WITH A LEVELING DRAG.
- VEGETATION SHOULD BE ESTABLISHED IMMEDIATELY.
- DO NOT PLACE SYSTEMS INTO SERVICE UNTIL CONTRIBUTING AREAS HAVE BEEN FULLY STABILIZED.

MAINTENANCE:

- MAINTENANCE IS NECESSARY IF DETENTION/RETENTION BASINS ARE TO CONTINUE TO FUNCTION AS ORIGINALLY DESIGNED. A LOCAL GOVERNMENT, A DESIGNATED GROUP SUCH AS A HOMEOWNERS' ASSOCIATION OR SOME INDIVIDUAL MUST BE ASSIGNED RESPONSIBILITY FOR MAINTAINING THE STRUCTURES AND THE BASIN AREA. A MAINTENANCE PLAN SHOULD BE DEVELOPED THAT OUTLINES THE MAINTENANCE OPERATIONS AND A SCHEDULE FOR CARRYING OUT THE PROCEDURES.
- THE FOLLOWING ARE SOME ITEMS WHICH SHOULD BE CONSIDERED IN FORMULATING A MAINTENANCE PLAN.
- EMBANKMENT** - THE EMBANKMENT SHOULD BE INSPECTED ANNUALLY TO DETERMINE IF RODENT BURROWS, WET AREAS, OR EROSION OF THE FILL IS TAKING PLACE.
 - VEGETATION** - THE VEGETATED AREAS OF THE STRUCTURE SHOULD BE PROTECTED FROM DAMAGE BY FIRE, GRAZING, TRAFFIC, AND DENSE WEED GROWTH. LIFE AND FERTILIZER SHOULD BE APPLIED AS NECESSARY AS DETERMINED BY SOIL TESTS. TREES AND SHRUBS SHOULD BE KEPT OFF THE EMBANKMENT AND EMERGENCY SPILLWAY AREAS.
 - INLETS** - PIPE INLETS AND SPILLWAY STRUCTURES SHOULD BE INSPECTED ANNUALLY AND AFTER EVERY MAJOR STORM. ACCUMULATED DEBRIS AND SEDIMENT SHOULD BE REMOVED. IF PIPES ARE COATED, THE COATING SHOULD BE CHECKED AND REPAIRED AS NECESSARY.
 - OUTLETS** - PIPE OUTLETS SHOULD BE INSPECTED ANNUALLY AND AFTER EVERY MAJOR STORM. THE CONDITION OF THE PIPES SHOULD BE NOTED AND REPAIRS MADE AS NECESSARY. IF EROSION IS TAKING PLACE THEN MEASURES SHOULD BE TAKEN TO STABILIZE AND PROTECT THE AFFECTED AREA OF THE OUTLET.
 - SEDIMENT** - SEDIMENT SHOULD BE CONTINUALLY CHECKED IN THE BASIN. WHEN SEDIMENT ACCUMULATIONS REACH THE PREDETERMINED DESIGN ELEVATION, THEN THE SEDIMENT SHOULD BE REMOVED AND PROPERLY DISPOSED OF.
 - SAFETY INSPECTIONS** - ALL PERMANENT IMPROVEMENTS SHOULD BE INSPECTED BY A QUALIFIED PROFESSIONAL ENGINEER ON A PERIODIC BASIS. IF THERE IS A POTENTIAL FOR SIGNIFICANT DAMAGE OR LOSS OF LIFE DOWNSTREAM, THEN THE INSPECTION SHOULD BE CARRIED OUT ANNUALLY. THE DESIGNATED INDIVIDUAL OR GROUP SHOULD ALSO MAKE INSPECTIONS AFTER EVERY MAJOR STORM EVENT.



TEMPORARY CONSTRUCTION EXIT

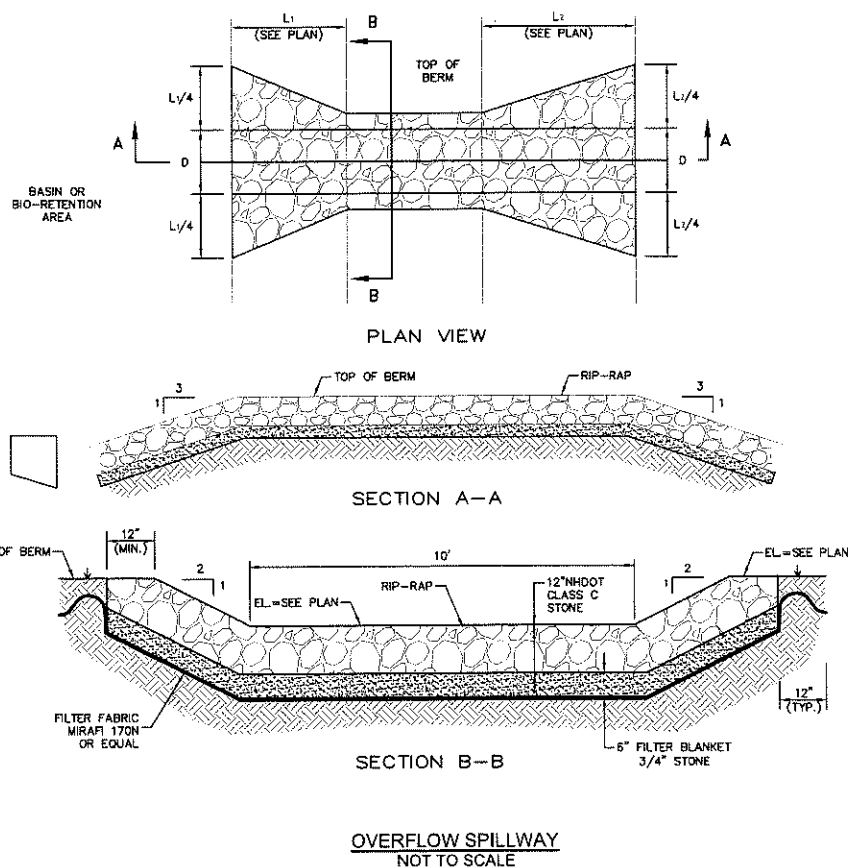
- THE MINIMUM STONE USED SHALL BE 3-INCH CRUSHED STONE.
- THE MINIMUM LENGTH OF THE PAD SHALL BE 75 FEET, EXCEPT THAT THE MINIMUM LENGTH MAY BE REDUCED TO 50 FEET IF A 3-INCH TO 6-INCH HIGH BERM IS INSTALLED AT THE ENTRANCE OF THE PROJECT SITE.
- THE PAD SHALL EXTEND THE FULL WIDTH OF THE CONSTRUCTION ACCESS ROAD OR 15 FEET, WHICHEVER IS GREATER.
- THE PAD SHALL SLOPE AWAY FROM THE EXISTING ROADWAY.
- THE PAD SHALL BE AT LEAST 6 INCHES THICK. A GEOTEXTILE FILTER FABRIC SHALL BE PLACED BETWEEN THE STONE PAD AND THE EARTH SURFACE BELOW THE PAD.
- THE PAD SHALL BE MAINTAINED OR REPLACED WHEN MUD AND SOIL PARTICLES CLOG THE VOIDS IN THE STONE SUCH THAT MUD AND SOIL PARTICLES ARE TRACKED OFF-SITE.
- A STABILIZED CONSTRUCTION EXIT CONSISTS OF A PAD OF STONE AGGREGATE PLACED ON A GEOTEXTILE FILTER FABRIC, LOCATED AT ANY POINT WHERE TRAFFIC WILL BE LEAVING A CONSTRUCTION SITE TO AN EXISTING ACCESS ROAD WAY OR OTHER PAVED SURFACE. ITS PURPOSE IS TO REDUCE OR ELIMINATE THE TRACKING OF SEDIMENT ONTO PUBLIC ROADS BY CONSTRUCTION VEHICLES. THIS HELPS PROTECT RECEIVING WATERS FROM SEDIMENT CARRIED BY STORMWATER RUNOFF FROM PUBLIC ROADS.
- ONLY CONSTRUCTION TRAFFIC LEAVING THE SITE SHALL USE THE TEMPORARY STABILIZED EXIT. CONSIDER PROVIDING A SEPARATE, UNPROTECTED, ENTRANCE FOR TRAFFIC ENTERING THE SITE. THIS WILL INCREASE THE LONGEVITY OF THE STABILIZED EXIT BY ELIMINATING HEAVY LOADS ENTERING THE SITE AND REDUCING THE TOTAL TRAFFIC OVER THE DEVICE.
- LOCATE CONSTRUCTION ENTRANCES AS SHOWN ON THE PLAN.
- THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND, AND REPAIR AND/OR MAINTENANCE OF ANY MEASURES USED TO TRAP SEDIMENT.
- THE EXIT SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY.
- WHEN THE CONTROL PAD BECOMES INEFFECTIVE, THE STONE SHALL BE REMOVED ALONG WITH THE COLLECTED SOIL MATERIAL, REGRADED ON SITE, AND STABILIZED. THE ENTRANCE SHALL THEN BE RECONSTRUCTED.
- THE CONTRACTOR SHALL SWEEP THE PAVEMENT AT EXITS WHENEVER SOIL MATERIALS ARE TRACKED ONTO THE ADJACENT PAVEMENT OR TRAVELED WAY.
- WHEN WHEEL WASHING IS REQUIRED, IT SHALL BE CONDUCTED ON AN AREA STABILIZED WITH AGGREGATE, WHICH DRAINS INTO AN APPROVED SEDIMENT-TRAPPING DEVICE. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERWAYS.
- NATURAL DRAINAGE THAT CROSSES THE LOCATION OF THE STONE PAD SHALL BE INTERCEPTED AND PIPED BENEATH THE PAD, AS NECESSARY, WITH SUITABLE OUTLET PROTECTION.
- THESE REQUIREMENTS MAY BE ADJUSTED TO SPECIFIC SITE CONDITIONS PER THE DIRECTION OF JURISDICTIONAL TOWN AND STATE AUTHORITIES, PER SWPPP INSPECTION/MANAGEMENT PROCESSES, AND PER BEST MANAGEMENT PRACTICES.

TEMPORARY CONSTRUCTION EXIT DETAIL

NOT TO SCALE

TYPICAL POND SECTION & PRINCIPLE SPILLWAY PROFILE DETAIL

NOT TO SCALE



OVERFLOW SPILLWAY

NOT TO SCALE

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL.

CONSERVATION COMMISSION CHAIRMAN: RANDALL BROWNRIGG

DATE: _____

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: _____

CHAIRMAN: _____ SIGNATURE DATE: _____

SECRETARY: _____ SIGNATURE DATE: _____

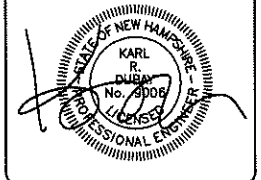
SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.



The Dubai Group, Inc.
 84 Range Road
 Windham, NH 03087
 603-458-6462

Engineers
 Planners
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REVISIONS:

REV.	DATE	COMMENT	BY:

DRAWN BY: SJK
 CHECKED BY: KRJ
 DATE: OCTOBER 8, 2019
 SCALE: AS SHOWN
 FILE: 357-DETAILSROAD
 DEED REF: -

PROJECT:

**FRIARS COURT
 MAP 209 LOT 1**
 161 LOWELL ROAD
 HUDSON, NH

FOR _____

**DAKOTA
 PARTNERS, INC.**
 1264 MAIN STREET
 WALTHAM, MA 02451

SHEET TITLE:

DETAILS - 2

PROJECT #357 SHEET R6

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EROSION CONTROL NOTES

CONSTRUCTION SEQUENCE

1. AN INITIAL PRE CONSTRUCTION MEETING(S) SHALL TAKE PLACE WITH THE CONTRACTOR, OWNER AND TOWN AGENTS.
2. THIS SITE WILL REQUIRE A USEPA NPDES PERMIT FOR STORMWATER DISCHARGE FOR THE SITE CONSTRUCTION SINCE THE DISTURBANCE EXCEEDS ONE ACRE. THE CONSTRUCTION SITE OPERATOR SHALL DEVELOP AND IMPLEMENT A CONSTRUCTION STORM WATER POLLUTION PREVENTION PLAN (SWPPP), WHICH SHALL REMAIN ON SITE AND MADE ACCESSIBLE TO THE PUBLIC. A COMPLETED NOTICE OF TERMINATION (NOT) SHALL BE SUBMITTED TO NPDES PERMITTING AUTHORITY WITHIN 30 DAYS AFTER EITHER OF THE FOLLOWING CONDITIONS HAVE BEEN MET: FINAL STABILIZATION HAS BEEN ACHIEVED ON ALL PORTIONS OF THE SITE FOR WHICH THE PERMITTED IS RESPONSIBLE; OR ANOTHER OPERATOR/PERMITEE HAS ASSUMED CONTROL OVER ALL AREAS OF THE SITE THAT HAVE NOT BEEN FINALLY STABILIZED.
3. PRIOR TO ANY EARTH MOVING OPERATION INSTALL PERIMETER CONTROLS, I.E SILT FENCE AND/OR SILT/SOXX AROUND THE LIMITS OF DISTURBANCE OR OTHER EROSION CONTROL DEVICE (SO AS SHOWN ON THE EROSION CONTROL PLAN, EDGE OF CONSERVATION OVERLAY DISTRICT AND NON-DISTURBANCE (NO-CUT) ZONES SHALL BE DELINEATED IN THE FIELD WITH WETLAND MARKERS PRIOR TO CONSTRUCTION.
4. CONSTRUCT TEMPORARY CONSTRUCTION EXIT.
5. CLEAR AND GRUB WITHIN AREAS OF SHOULDER DISTURBANCE UNLESS OTHERWISE DIRECTED.
6. REMOVE MATERIALS AS REQUIRED.
7. PERFORM SHOULDER AREA SHAPING, DITCHES, AND/OR SWALES.
8. INSTALL DRAINAGE SYSTEMS.
9. DRAINAGE SYSTEMS SHALL BE CONSTRUCTED AND STABILIZED PRIOR TO DIRECTING ANY FLOW TO THEM. ALL SIDE SLOPES SHALL BE STABILIZED WITHIN 72 HOURS.
10. RECLAIM EXISTING PAVEMENT, RESHAPE, AND PREPARE SUBBASE, PER DIRECTION OF TOWN ENGINEER.
11. FINISH GRADE SITE, BACKFILL ROAD SUBBASE GRAVELS IN LIFTS, INSTALL CURBING, PROVIDE TEMPORARY EROSION PROTECTION TO DITCHES AND SWALES WHERE APPLICABLE, IN THE FORM OF MULCHING, JUTE MATTING OR STONE CHECK DAMS.
12. PAVE BASE COURSE.
13. ANY PERMANENT DITCHES AND SWALES SHALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM.
14. PLACE BINDER LAYER OF PAVEMENT.
15. PREPARE AND STABILIZE FINAL SITE GRADING BY ADDING TOPSOIL, SEED, MULCH AND FERTILIZER.
16. CONSTRUCT ASPHALT WEARING COURSE.
17. REMOVE TRAPPED SEDIMENTS FROM COLLECTION DEVICES AS APPROPRIATE, AND THEN REMOVE TEMPORARY EROSION CONTROL MEASURES UPON COMPLETION OF FINAL STABILIZATION OF THE SITE.

GENERAL CONSTRUCTION NOTES

1. THE TEMPORARY BMPs ASSOCIATED WITH THIS PROJECT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR AND LANDOWNER, WHO WILL BE RESPONSIBLE FOR INSPECTION, OPERATION, AND MAINTENANCE.
2. EROSION CONTROL PROCEDURES SHALL CONFORM TO SECTION 645 OF THE "STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION OF THE NHDOT". EROSION CONTROL SHALL BE INSTALLED DOWNHILL OF ALL AREAS WHERE WORK WILL EXPOSE UNPROTECTED SOIL TO PREVENT SEDIMENT FROM ENTERING CATCH BASINS, DRAINAGE STRUCTURES AND/OR DRAINAGE WAYS. INSTALL TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES PRIOR TO ANY EARTH MOVING OPERATIONS. THE CONTRACTOR SHALL MANAGE THE PROJECT IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER AGR 3800 RELATIVE TO INVASIVE SPECIES.
3. EROSION CONTROL DEVICES SHALL BE INSTALLED WHERE REQUIRED PRIOR TO ANY ON-SITE GRADING OR DISTURBANCE OF EXISTING SURFACE MATERIAL. EROSION CONTROL MEASURES SHALL BE MAINTAINED DURING DEVELOPMENT AND SHALL BE CHECKED PERIODICALLY AND EXCESS SILT SHALL BE REMOVED.
4. ALL DISTURBED AREAS WHICH ARE FINISH GRADED SHALL BE LOAMED (6" MINIMUM) AND SEED. SEE SEEDING AND FERTILIZER SPECIFICATION. SEE SLOPE DESIGN AND/OR LANDSCAPE PLAN FOR ADDITIONAL INFORMATION.
5. ANY DISTURBED AREAS WHICH ARE TO BE LEFT TEMPORARILY, AND WHICH WILL BE REGRADED LATER SHALL BE MACHINED STRAW MULCHED AND SEEDED WITH SLOPE STABILIZATION SEED MIXTURE TO PREVENT EROSION. STRAW MULCH SHALL BE APPLIED AT A RATE OF 2 TONS/ACRE.
6. ALL DRAINAGE SYSTEMS (DITCHES, SWALES, DRAINAGE PONDS/BASINS, ETC.) SHALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM. STORMWATER FLOWS ARE NOT TO BE DIRECTED TO THESE SYSTEMS UNTIL CONTRIBUTING AREAS HAVE ALSO BEEN FULLY STABILIZED.
7. CONTRACTOR SHALL PROVIDE DUST CONTROL MEASURES IN ACCORDANCE WITH NHDES, EPA & TOWN REQUIREMENTS FOR THE DURATION OF THE PROJECT. WATER FOR DUST CONTROL SHALL BE PROVIDED ON SITE. FUGITIVE DUST IS CONTROLLED IN ACCORDANCE WITH ENV-A 1000.
8. ALL EROSION CONTROLS ARE TO BE INSPECTED WEEKLY AND AFTER 0.5" OR GREATER OF RAINFALL WITHIN A 24 HOUR PERIOD.
9. ALL FILLS SHALL BE PLACED AND COMPACTED TO 90% MODIFIED PROCTOR DENSITY IN LAYERS NOT EXCEEDING 18 INCHES IN THICKNESS UNLESS OTHERWISE NOTED. FILL MATERIAL SHALL BE FREE FROM STUMPS, WOOD, ROOTS, ETC. AND SHALL NOT BE PLACED ON FROZEN FOUNDATION SUBGRADE.
10. SILT FENCES AND/OR SILT/SOXX SHALL BE PERIODICALLY INSPECTED DURING THE LIFE OF THE PROJECT AND AFTER EACH STORM. ALL DAMAGED SILT FENCES AND/OR SILT/SOXX SHALL BE REPAIRED. SEDIMENT DEPOSITS SHALL PERIODICALLY BE REMOVED AND DISPOSED IN A SECURE LOCATION.
11. PAVED AREAS MUST BE KEPT CLEAN AT ALL TIMES.
12. ALL DEWATERING OPERATIONS MUST DISCHARGE DIRECTLY INTO A SEDIMENT FILTER AREA.
13. THE SMALLEST PRACTICAL AREA SHALL BE DISTURBED DURING CONSTRUCTION, BUT IN NO CASE SHALL EXCEED 5 ACRES AT ANY ONE TIME BEFORE DISTURBED AREAS ARE STABILIZED. ALL DISTURBED AREAS SHALL BE STABILIZED WITHIN 72 HOURS AFTER FINAL GRADING. EXPOSURE OF UNSTABILIZED SOILS SHALL BE TEMPORARILY STABILIZED AS SOON AS POSSIBLE BUT NO LATER THAN 45 DAYS OF INITIAL DISTURBANCE.

14. WINTERIZATION EFFORTS FOR AREAS NOT STABILIZED BY NOV. 1ST SHALL BE MADE BY THE APPROPRIATE USE OF MATTING, BLANKETS, MULCH AND SEEDING.
15. AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:
 - A. BASE COURSE GRAVELS HAS BEEN INSTALLED IN AREAS TO BE PAVED;
 - B. A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED;
 - C. A MINIMUM OF 3" OF NON-EROSIVE MATERIAL SUCH AS STONE OR RIP RAP HAS BEEN INSTALLED; OR
 - D. EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED.
16. IF, DURING CONSTRUCTION, IT BECOMES APPARENT THAT ADDITIONAL EROSION CONTROL MEASURES ARE REQUIRED TO STOP ANY EROSION ON THE CONSTRUCTION SITE DUE TO ACTUAL SITE CONDITIONS, THE CONTRACTOR SHALL BE REQUIRED TO IMMEDIATELY INSTALL AND MAINTAIN THE NECESSARY EROSION PROTECTION.

SEEDING SPECIFICATION

1. TEMPORARY SEED
 - A. TEMPORARY VEGETATIVE COVER SHOULD BE APPLIED WHERE EXPOSED SOIL SURFACES WILL NOT BE FINAL GRADED WITHIN 45 DAYS.
 - B. SEED BED PREPARATION SHALL BE IN ACCORDANCE WITH THE NHDES STORMWATER MANAGEMENT MANUAL, VOLUME 3, TEMPORARY VEGETATION SECTION.
 - C. SEEDING MIXTURE

MIXTURE	SPECIES	POUNDS PER ACRE	POUNDS PER 1,000 SQ. FT.
	WINTER RYE	112	2.50
	OATS	80	2.00
	ANNUAL RYEGRASS	40	1.00
	PERENNIAL RYEGRASS	30	0.75
	TOTAL	262	6.25

2. SEEDING SCHEDULE
 - A. SPRING SEEDING USUALLY GIVES THE BEST RESULTS FOR ALL SEED MIXES OR WITH LEGUMES.
 - B. PERMANENT SEEDING SHOULD BE COMPLETED 45 DAYS PRIOR TO THE FIRST KILLING FROST. IF SEEDING CANNOT BE DONE WITHIN THE SPECIFIED SEEDING DATES, MULCH ACCORDING TO THE NEW HAMPSHIRE STORMWATER MANAGEMENT MANUAL, VOLUME 3, CONSTRUCTION PHASE EROSION AND SEDIMENT CONTROLS AND DELAY SEEDING UNTIL THE NEXT RECOMMENDED SEEDING PERIOD.

3. ESTABLISHING A STAND OF GRASS
 - A. STONES AND TRASH SHOULD BE REMOVED FROM LOAMED AREAS SO AS NOT TO INTERFERE WITH THE SEEDING PROCESS.
 - B. WHERE THE SOIL HAS BEEN COMPACTED BY CONSTRUCTION OPERATIONS, LOOSEN SOIL TO A DEPTH OF 2 INCHES BEFORE APPLYING FERTILIZER, LIME AND SEED.
 - C. IF APPLICABLE, FERTILIZER AND ORGANIC SOIL AMENDMENTS SHOULD BE APPLIED DURING THE GROWING SEASON.
 - D. APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TEST RECOMMENDATIONS. IF SOIL TESTING IS NOT FEASIBLE ON SMALL OR VARIABLE SITES, OR WHERE TIMING IS CRITICAL, FERTILIZER MAY BE APPLIED AT THE RATE OF 600 POUNDS PER ACRE OR 13.8 POUNDS PER 1,000 SQUARE FEET OF LOW PHOSPHATE FERTILIZER (N-P2O5-K2O) OR EQUIVALENT. APPLY LIMESTONE (EQUIVALENT TO 50 PERCENT CALCIUM PLUS MAGNESIUM OXIDE) AT A RATE OF 3 TONS PER ACRE (138 LB. PER 1,000 SQUARE FEET).
 - E. FERTILIZER SHOULD BE RESTRICTED TO A LOW PHOSPHATE, SLOW RELEASE NITROGEN FERTILIZER

4. SEED SHOULD BE SPREAD UNIFORMLY BY A METHOD MOST APPROPRIATE FOR THE SITE. METHODS INCLUDING HAND, CYCLONE SEEDER, DRILL, CULTIPACKER TYPE SEEDER OR HYDROSEEDER.
 - A. INOCULATE ALL LEGUME SEED WITH THE CORRECT TYPE AND AMOUNT OF INOCULANTS.
 - B. NORMAL SEEDING DEPTH IS FROM 1/4 TO 1/2 INCH. HYDROSEEDING THAT INCLUDES MULCH MAY BE LEFT ON SOIL SURFACE. SEEDING RATES MUST BE INCREASED 10% WHEN HYDROSEEDING.
 - C. WHERE FEASIBLE, EXCEPT WHERE EITHER A CULTIPACKER TYPE SEEDER OR HYDROSEEDER IS USED, THE SEEDBED SHOULD BE FIRMED FOLLOWING SEEDING OPERATIONS WITH A ROLLER, OR LIGHT DRAG.
 - D. THE GRADE "A" OF SEEDING MIXTURE SHOULD BE USED WITH THE FOLLOWING SEEDING RATES, BASED ON THE SEEDING GUIDE.

MIXTURE	SPECIES	POUNDS PER ACRE	POUNDS PER 1,000 SQ. FT.
A	TALL FESCUE	20	0.45
	CREeping RED FESCUE	20	0.45
	BERTOP	2	0.05
	TOTAL	42	0.95

MIXTURE	SPECIES	POUNDS PER ACRE	POUNDS PER 1,000 SQ. FT.
A	TALL FESCUE	20	0.45
	CREeping RED FESCUE	20	0.45
	BERTOP	2	0.05
	TOTAL	42	0.95

5. ALTERNATE PERMANENT SEEDING FOR AREAS NOT RECEIVING LAWN OR LANDSCAPING SHALL BE AS FOLLOWS:
 - A. THE NEW ENGLAND EROSION CONTROL/RESTORATION MIX CONTAINS A SELECTION OF NATIVE GRASSES AND WILDFLOWERS DESIGNED TO COLONIZE GENERALLY MOIST, RECENTLY DISTURBED SITES WHERE QUICK GROWTH OF VEGETATION IS DESIRED TO STABILIZE THE SOIL SURFACE. THIS MIX IS PARTICULARLY APPROPRIATE FOR DETENTION BASINS WHICH DO NOT NORMALLY HOLD STANDING WATER. THE PLANTS IN THIS MIX CAN TOLERATE INFREQUENT INUNDATION, BUT NOT CONSTANT FLOODING. IN NEW ENGLAND, THE BEST RESULTS ARE OBTAINED WITH A SPRING OR EARLY FALL SEEDING. SUMMER AND FALL SEEDING CAN BE SUCCESSFUL WITH A LIGHT MULCHING OF WEED-FREE STRAW TO CONSERVE MOISTURE. LATE FALL AND WINTER DORMANT SEEDING REQUIRE A SLIGHT INCREASE IN THE SEEDING RATE. FERTILIZATION IS NOT REQUIRED UNLESS THE SOILS ARE PARTICULARLY INFERTILE.
 - B. APPLICATION RATE: 35 LBS/ACRE 1245 SQ FT/LB
 - C. SPECIES: SWITCHGRASS (PANICUM VIRGATUM), CREEPING RED FESCUE (FESTUCA RUBRA), VIRGINIA WILD RYE (ELYMUS VIRGINICUS), FOX SEDGE (CAREX VULPINOIDEA), CREEPING BENTGRASS (AGROSTIS STOLONIFERA), SILKY WILD RYE (ELYMUS VILLOSUM), NODDING BUR-MARIGOLD (BIDENS CERNUA), SOFT RUSH (JUNCUS EFFUSUS), GRASS-LEAVED GOLDENROD (SOLIDAGO GRAMINIFOLIA), SENSITIVE FERN (ONOCLEA SENSIBILIS), JOE-PYE WEED (EUPATORIUM MACULATUM), BONESET (EUPATORIUM PERFOLIATUM), FLAT-TOP ASTER (ASTER UMBELLATUS), NEW YORK ASTER (ASTER NOV-BELGII), BLUE VERVAIN (VERBENA HASTATA).

WINTER NOTES

1. ALL PROPOSED VEGETATED AREAS WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS ON SLOPES GREATER THAN 3:1, AND SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE, SECURED WITH ANCHORED NETTING, ELSEWHERE. THE INSTALLATION OF EROSION CONTROL BLANKETS OR MULCH AND NETTING SHALL NOT OCCUR OVER ACCUMULATED SNOW OR ON FROZEN GROUND AND SHALL BE COMPLETED IN ADVANCE OF THAW OR SPRING MELT EVENTS.
2. ALL AREAS TO BE PLANTED WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED TEMPORARILY WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS.
3. AFTER NOVEMBER 15TH, INCOMPLETE SURFACES TO BE PAVED, WHERE WORK HAS STOPPED FOR THE WINTER SEASON, SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHDOT ITEM 304.3 OR CRUSHED STONE.

MAINTENANCE AND PROTECTION

1. THE CONTRACTOR SHALL TAKE WHATEVER MEASURES ARE NECESSARY TO PROTECT THE GRASS WHILE IT DEVELOPS.
2. TO BE ACCEPTABLE, SEEDING AREAS SHALL CONSIST OF A UNIFORM STAND OF AT LEAST 90 PERCENT ESTABLISHED PERMANENT GRASS SPECIES, WITH A UNIFORM COUNT OF AT LEAST 100 PLANTS PER SQUARE FOOT.
3. SEEDING AREAS WILL BE FERTILIZED AND RE-SEEDING AS NECESSARY TO INSURE VEGETATIVE ESTABLISHMENT.
4. THE SWALES WILL BE CHECKED WEEKLY AND REPAIRED WHEN NECESSARY, UNTIL ADEQUATE VEGETATION IS ESTABLISHED.
5. THE SILT FENCE AND/OR SILT/SOXX BARRIER SHALL BE CHECKED AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL.
6. SILT FENCE AND/OR SILT/SOXX SHALL BE REMOVED ONCE VEGETATION IS ESTABLISHED, AND DISTURBED AREAS RESULTING FROM SILT FENCE AND/OR SILT/SOXX REMOVAL SHALL BE PERMANENTLY SEEDING.

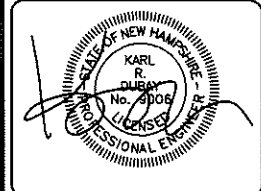
GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE TOWN OF HUDSON, AND SHALL BE BUILT IN A WORKMANLIKE MANNER IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.
2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE HIMSELF WITH THE SITE AND ALL EXISTING CONDITIONS SURROUNDING IT AND THEREON. THE CONTRACTOR SHALL ADVISE THE APPROPRIATE AUTHORITY OF HIS INTENTION AT LEAST 48 HOURS IN ADVANCE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS, PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION AND APPROPRIATE REMEDIAL ACTION BE AGREED TO BY THE ENGINEER BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTACT "DIGSAFE" (800-344-7233) AT LEAST 72 HOURS BEFORE DIGGING.
4. THE CONTRACTOR SHALL COORDINATE MATERIALS AND INSTALLATION SPECIFICATIONS WITH THE INDIVIDUAL UTILITY AGENCIES/COMPANIES, AND ARRANGE FOR ALL INSPECTIONS.
5. CONSTRUCTION SHALL CONFORM TO THE TYPICAL SECTIONS AND DETAILS SHOWN ON THE PLANS, AND SHALL MEET LOCAL STANDARDS AND THE REQUIREMENTS OF THE LATEST NHDOT STANDARD SPECIFICATIONS FOR ROADS AND BRIDGE CONSTRUCTION AND THE N.H.D.O.T. STANDARD STRUCTURE DRAWINGS UNLESS OTHERWISE NOTED.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL EROSION AND SEDIMENT CONTROL DEVICES AS SHOWN IN THE PLANS THROUGHOUT THE DURATION OF THE PROJECT IN ACCORDANCE WITH APPLICABLE NHDES STANDARDS. THE DETAILS PROVIDED SERVE AS A GUIDE ONLY.
7. ALL EXCAVATIONS SHALL BE THOROUGHLY SECURED ON A DAILY BASIS BY THE CONTRACTOR AT THE COMPLETION OF CONSTRUCTION OPERATIONS IN THE IMMEDIATE AREA.
8. LIMITS OF WORK ARE SHOWN AS APPROXIMATE. THE CONTRACTOR SHALL COORDINATE ALL WORK TO PROVIDE SMOOTH TRANSITIONS.
9. THE CONTRACTOR IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR THE CONDITIONS AT THE SITE. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT DISCREPANCIES TO THE ENGINEER.
10. ALL WORK IN THE RIGHT OF WAYS SHALL BE PERFORMED PER THE DIRECTION OF THE TOWN, IRRESPECTIVE OF PLAN INFORMATION.
11. EXISTING UTILITIES TO BE PROTECTED & COORDINATED WITH UTILITY COMPANIES.

NOTE: ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH TOWN OF HUDSON SPECIFICATIONS AND NHDOT/NHDES SPECIFICATIONS, AND AS DIRECTED BY TOWN ENGINEER



The Dubay Group, Inc.
 84 Range Road
 Windham, NH 03087
 603-458-6462
 Engineers
 Planners
 Surveyors
 TheDubayGroup.com



REVISIONS:			
REV#	DATE	COMMENT	BY

DRAWN BY: SJK
 CHECKED BY: KR D
 DATE: OCTOBER 8, 2019
 SCALE: AS SHOWN
 FILE: 357-DETAILS.RWD
 DEED REF: -

PROJECT:
FRIARS COURT
MAP 209 LOT 1
 161 LOWELL ROAD
 HUDSON, NH

FOR _____
DAKOTA
PARTNERS, INC.
 1264 MAIN STREET
 WALTHAM, MA 02451

SHEET TITLE:
DETAILS - 3

PROJECT #357 SHEET R7

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL.

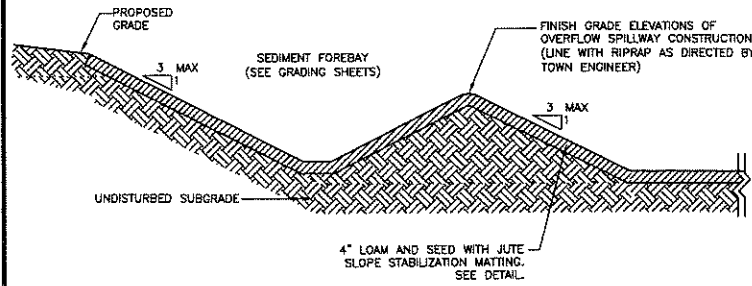
CONSERVATION COMMISSION CHAIRMAN _____ DATE _____
 RANDALL BROWN RIGG

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: _____

CHAIRMAN _____ SIGNATURE DATE: _____
 SECRETARY _____ SIGNATURE DATE: _____

SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.



TYPICAL POND SECTION & PRINCIPLE SPILLWAY PROFILE DETAIL
NOT TO SCALE

MAINTENANCE:

MAINTENANCE IS NECESSARY IF DETENTION/RETENTION BASINS ARE TO CONTINUE TO FUNCTION AS ORIGINALLY DESIGNED. A LOCAL GOVERNMENT, A DESIGNATED GROUP SUCH AS A HOMEOWNERS' ASSOCIATION OR SOME INDIVIDUAL MUST BE ASSIGNED RESPONSIBILITY FOR MAINTAINING THE STRUCTURES AND THE BASIN AREA. A MAINTENANCE PLAN SHOULD BE DEVELOPED THAT OUTLINES THE MAINTENANCE OPERATIONS AND A SCHEDULE FOR CARRYING OUT THE PROCEDURES.

THE FOLLOWING ARE SOME ITEMS WHICH SHOULD BE CONSIDERED IN FORMULATING A MAINTENANCE PLAN.

1. EMBANKMENT - THE EMBANKMENT SHOULD BE INSPECTED ANNUALLY TO DETERMINE IF RODENT BURROWS, WET AREAS, OR EROSION OF THE FILL IS TAKING PLACE.
2. VEGETATION - THE VEGETATED AREAS OF THE STRUCTURE SHOULD BE PROTECTED FROM DAMAGE BY FIRE, GRAZING, TRAFFIC, AND DENSE WEED GROWTH. LIME AND FERTILIZER SHOULD BE APPLIED AS NECESSARY AS DETERMINED BY SOIL TESTS. TREES AND SHRUBS SHOULD BE KEPT OFF THE EMBANKMENT AND EMERGENCY SPILLWAY AREAS.
3. INLETS - PIPE INLETS AND SPILLWAY STRUCTURES SHOULD BE INSPECTED ANNUALLY AND AFTER EVERY MAJOR STORM. ACCUMULATED DEBRIS AND SEDIMENT SHOULD BE REMOVED. IF PIPES ARE COATED, THE COATING SHOULD BE CHECKED AND REPAIRED AS NECESSARY.
4. OUTLETS - PIPE OUTLETS SHOULD BE INSPECTED ANNUALLY AND AFTER EVERY MAJOR STORM. THE CONDITION OF THE PIPES SHOULD BE NOTED AND REPAIRS MADE AS NECESSARY. IF EROSION IS TAKING PLACE THEN MEASURES SHOULD BE TAKEN TO STABILIZE AND PROTECT THE AFFECTED AREA OF THE OUTLET.
5. SEDIMENT - SEDIMENT SHOULD BE CONTINUALLY CHECKED IN THE BASIN. WHEN SEDIMENT ACCUMULATIONS REACH THE PREDETERMINED DESIGN ELEVATION, THEN THE SEDIMENT SHOULD BE REMOVED AND PROPERLY DISPOSED OF.
6. SAFETY INSPECTIONS - ALL PERMANENT IMPOUNDMENTS SHOULD BE INSPECTED BY A QUALIFIED PROFESSIONAL ENGINEER ON A PERIODIC BASIS. IF THERE IS A POTENTIAL FOR SIGNIFICANT DAMAGE OR LOSS OF LIFE DOWNSTREAM, THEN THE INSPECTION SHOULD BE CARRIED OUT ANNUALLY. THE DESIGNATED INDIVIDUAL OR GROUP SHOULD ALSO MAKE INSPECTIONS AFTER EVERY MAJOR STORM EVENT.

CONSTRUCTION CRITERIA:

1. FOUNDATION PREPARATION - THE FOUNDATION AREA SHALL BE CLEARED OF TREES, LOGS, STUMPS, ROOTS, BRUSH, BOULDERS, SOD, AND RUBBISH. IF NEEDED TO ESTABLISH VEGETATION, THE TOPSOIL AND SOD SHALL BE STOCKPILED AND SPREAD ON THE COMPLETED DAM AND SPILLWAYS. FOUNDATION SURFACES SHALL BE SLOPED NO STEEPER THAN 1:1. THE FOUNDATION AREA SHALL BE THOROUGHLY SCARIFIED BEFORE PLACEMENT OF THE MATERIAL. THE SURFACE SHALL HAVE MOISTURE ADDED OR IT SHALL BE COMPACTED IF NECESSARY SO THAT THE FIRST LAYER OF FILL MATERIAL CAN BE COMPACTED AND BONDED TO THE FOUNDATIONS.

THE CUTOFF TRENCH AND ANY OTHER REQUIRED EXCAVATIONS SHALL BE DUG TO THE LINES AND GRADES SHOWN ON THE PLANS OR AS STAKED IN THE FIELD. IF THEY ARE SUITABLE, EXCAVATED MATERIALS SHALL BE USED IN THE PERMANENT FILL.

EXISTING STREAM CHANNELS IN THE FOUNDATION AREA SHALL BE SLOPED NO STEEPER THAN 1:1 AND DEEPEMED AND WIDENED AS NECESSARY TO REMOVE ALL STONES, GRAVEL, SAND, STUMPS, ROOTS, AND OTHER OBJECTIONABLE MATERIAL AND TO ACCOMMODATE COMPACTION EQUIPMENT.

FOUNDATION AREAS SHALL BE KEPT FREE OF STANDING WATER WHEN FILL IS BEING PLACED ON THEM.

2. FILL PLACEMENT - THE MATERIAL PLACED IN THE FILL SHALL BE FREE OF DETRIMENTAL AMOUNTS OF SOD, ROOTS, FROZEN SOIL, STONES MORE THAN 6 INCHES IN DIAMETER (EXCEPT FOR ROCK FILLS), AND OTHER OBJECTIONABLE MATERIAL.

SELECTED BACKFILL MATERIAL SHALL BE PLACED AROUND STRUCTURES, PIPE CONDUITS, AND ANTISEEP COLLARS AT ABOUT THE SAME RATE ON ALL SIDES TO PREVENT DAMAGE FROM UNEQUAL LOADING.

THE PLACING AND SPREADING OF FILL MATERIAL SHALL BE STARTED AT THE LOWEST POINT OF THE FOUNDATION AND THE FILL BROUGHT UP IN HORIZONTAL LAYERS OF SUCH THICKNESS THAT THE REQUIRED COMPACTION CAN BE OBTAINED. THE FILL SHALL BE CONSTRUCTED IN CONTINUOUS HORIZONTAL LAYERS EXCEPT WHERE OPENINGS OR SECTIONALIZED FILLS ARE REQUIRED. IN THOSE CASES, THE SLOPE OF THE BONDING SURFACES BETWEEN THE EMBANKMENT IN PLACE AND THE EMBANKMENT TO BE PLACED SHALL NOT BE STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL. THE BONDING SURFACE SHALL BE TREATED THE SAME AS THAT SPECIFIED FOR THE FOUNDATION SO AS TO INSURE A GOOD BOND WITH THE NEW FILL.

THE DISTRIBUTION AND GRADATION OF MATERIALS SHALL BE SUCH THAT NO LENSES, POCKETS, STREAKS, OR LAYERS OF MATERIAL DIFFER SUBSTANTIALLY IN TEXTURE OR GRADATION FROM THE SURROUNDING MATERIAL. IF IT IS NECESSARY TO USE MATERIALS OF VARYING TEXTURE AND GRADATION, THE MORE IMPERVIOUS MATERIAL SHALL BE PLACED IN THE CENTER AND UPSTREAM PARTS OF THE FILL. IF ZONED FILLS OF SUBSTANTIALLY DIFFERING MATERIALS ARE SPECIFIED, THE ZONES SHALL BE PLACED ACCORDING TO THE LINES AND GRADES SHOWN ON THE DRAWINGS. THE COMPLETE WORK SHALL CONFORM TO THE LINES, GRADES, AND ELEVATIONS SHOWN ON THE DRAWINGS OR AS STAKED IN THE FIELD.

3. MOISTURE CONTROL - THE MOISTURE CONTENT OF THE FILL MATERIAL SHALL BE ADEQUATE FOR OBTAINING THE REQUIRED COMPACTION. MATERIAL THAT IS TOO WET SHALL BE DRIED TO MEET THIS REQUIREMENT, AND MATERIAL THAT IS TOO DRY SHALL HAVE WATER ADDED AND MIXED UNTIL THE REQUIREMENT IS MET.

4. COMPACTION - CONSTRUCTION EQUIPMENT SHALL BE OPERATED OVER THE AREAS OR EACH LAYER OF FILL TO INSURE THAT THE REQUIRED COMPACTION IS OBTAINED. SPECIAL EQUIPMENT SHALL BE USED IF NEEDED TO OBTAIN THE REQUIRED COMPACTION.

IF A MINIMUM REQUIRED DENSITY IS SPECIFIED, EACH LAYER OF FILL SHALL BE COMPACTED AS NECESSARY TO OBTAIN THAT DENSITY.

FILL ADJACENT TO STRUCTURES, PIPE CONDUITS, AND ANTISEEP COLLARS SHALL BE COMPACTED TO A DENSITY EQUIVALENT TO THAT OF THE SURROUNDING FILL BY MEANS OF HAND TAMPING OR MANUALLY DIRECTED POWER TAMPER OR PLATE VIBRATORS. FILL ADJACENT TO CONCRETE STRUCTURES SHALL NOT BE COMPACTED UNTIL THE CONCRETE IS STRONG ENOUGH TO SUPPORT THE LOAD.

5. PROTECTION - A PROTECTIVE COVER OF VEGETATION SHALL BE ESTABLISHED ON ALL EXPOSED SURFACES OF THE EMBANKMENT, SPILLWAY, AND BORROW AREA IF SOIL AND CLIMATIC CONDITIONS PERMIT. IF SOIL OR CLIMATIC CONDITIONS PRECLUDE THE USE OF VEGETATION AND PROTECTION IS NEEDED, NON-VEGETATIVE MEANS, SUCH AS MULCHES OR GRAVEL, MAY BE USED. IN SOME PLACES, TEMPORARY VEGETATION MAY BE USED UNTIL CONDITIONS PERMIT ESTABLISHMENT OF PERMANENT VEGETATION. THE EMBANKMENT AND SPILLWAY SHALL BE FENCED IF NECESSARY TO PROTECT THE VEGETATION.

SEEDBED PREPARATION, SEEDING, FERTILIZING, AND MULCHING SHALL COMPLY WITH THE APPROPRIATE VEGETATIVE BMPs.

6. CONCRETE - THE MIX DESIGN AND TESTING OF CONCRETE SHALL BE CONSISTENT WITH THE STRENGTH REQUIREMENTS OF THE JOB. MIX REQUIREMENTS OR NECESSARY STRENGTH SHALL BE SPECIFIED. THE TYPE OF CEMENT, AIR ENTRAINMENT, SLUMP, AGGREGATE, OR OTHER PROPERTIES SHALL BE SPECIFIED IF NECESSARY. ALL CONCRETE IS TO CONSIST OF A WORKABLE MIX THAT CAN BE PLACED AND FINISHED IN AN ACCEPTABLE MANNER. NECESSARY CURING SHALL BE SPECIFIED. REINFORCING STEEL SHALL BE PLACED AS INDICATED ON THE PLANS AND SHALL BE HELD SECURELY IN PLACE DURING CONCRETE PLACEMENT. SUBGRADES AND FORMS SHALL BE INSTALLED TO LINE AND GRADE, AND THE FORMS SHALL BE MORTAR TIGHT AND UNYIELDING AS THE CONCRETE IS PLACED.

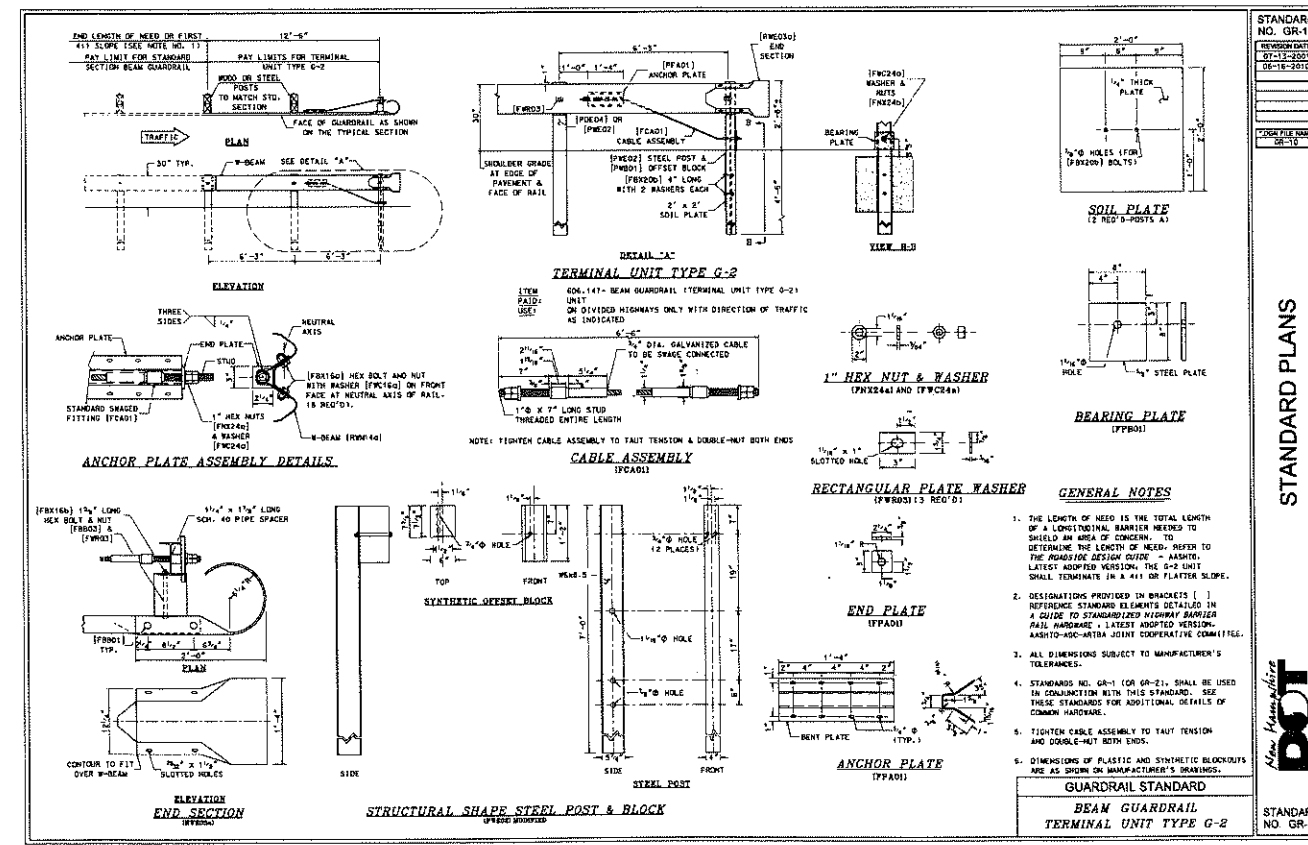
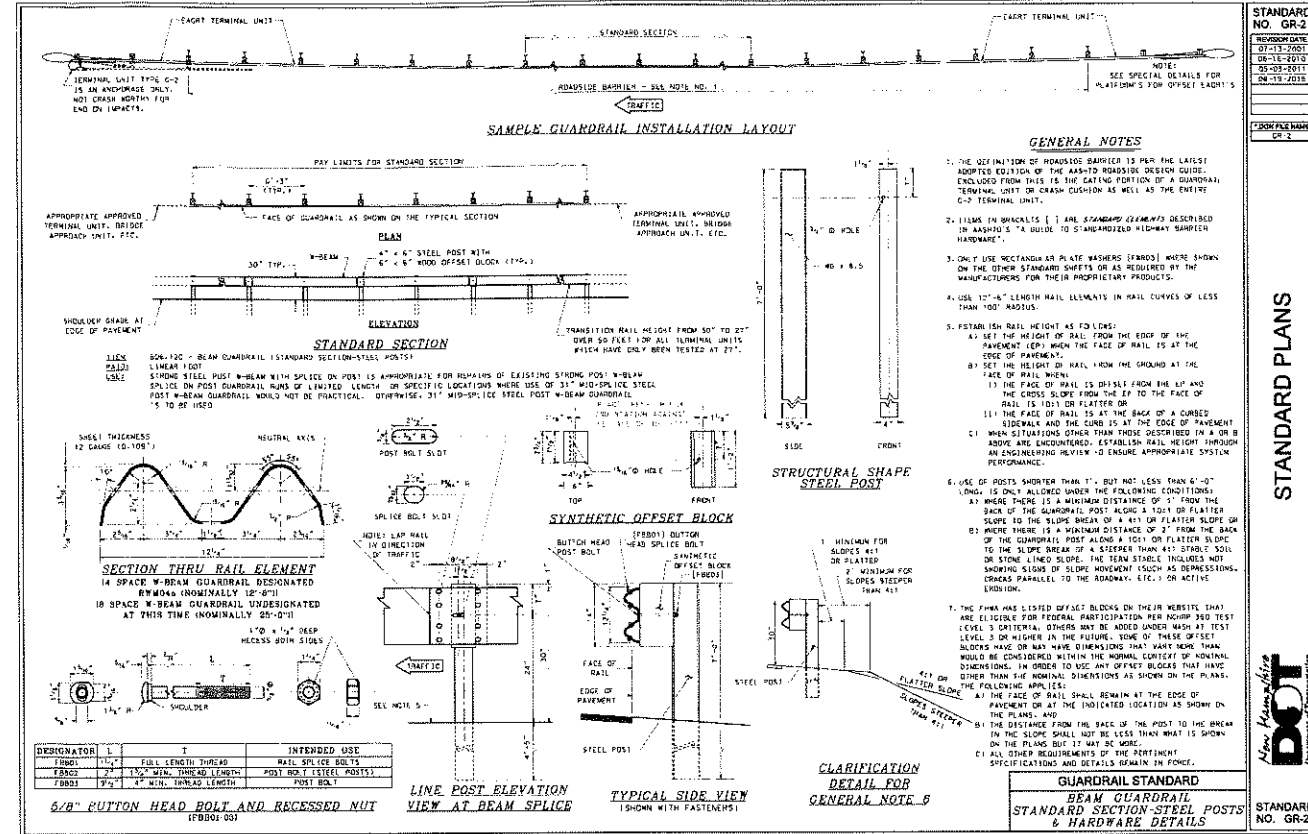
7. DO NOT DISCHARGE SEDIMENT-LADEN WATERS FROM CONSTRUCTION ACTIVITIES (RUNOFF, WATER FROM EXCAVATIONS) TO INFILTRATION BASINS.

8. DO NOT TRAFFIC EXPOSED SOIL SURFACE WITH CONSTRUCTION EQUIPMENT. IF FEASIBLE, PERFORM EXCAVATIONS WITH EQUIPMENT POSITIONED OUTSIDE THE LIMITS OF THE INFILTRATION BASIN.

9. AFTER THE BASIN IS EXCAVATED TO FINAL DESIGN ELEVATION, THE FLOOR SHOULD BE DEEPLY TILLED WITH A ROTARY TILLER OR DISC HARROW TO RESTORE INFILTRATION RATES, FOLLOWED BY A PASS WITH A LEVELING DRAG.

10. VEGETATION SHOULD BE ESTABLISHED IMMEDIATELY.

11. DO NOT PLACE INFILTRATION SYSTEMS INTO SERVICE UNTIL CONTRIBUTING AREAS HAVE BEEN FULLY STABILIZED.



STANDARD NO. GR-2
REVISIONS:
07-13-2001
08-11-2010
05-23-2011
08-13-2018

STANDARD PLANS

STANDARD NO. GR-2

STANDARD NO. GR-10
REVISIONS:
07-13-2001
05-18-2010

STANDARD PLANS

STANDARD NO. GR-10

The Dubay Group, Inc.
84 Range Road
Windham, NH 03087
603-458-6462

Engineers
Planners
Surveyors
TheDubayGroup.com

KARL R. DUBAY
No. 0009
PROFESSIONAL ENGINEER

REVISIONS:			
REV.	DATE	COMMENT	BY:

DRAWN BY: SJK
CHECKED BY: KRJ
DATE: OCTOBER 8, 2019
SCALE: AS SHOWN
FILE: 357-DETAILSROAD
DEED REF: -

PROJECT:
FRIARS COURT
MAP 209 LOT 1
161 LOWELL ROAD
HUDSON, NH

FOR _____

DAKOTA PARTNERS, INC.
1264 MAIN STREET
WALTHAM, MA 02451

SHEET TITLE:
DETAILS - 4

PROJECT #357 SHEET RB

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL.

CONSERVATION COMMISSION CHAIRMAN
RANDALL BROWN/RRG

DATE _____

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: _____

CHAIRMAN _____ SIGNATURE DATE: _____

SECRETARY _____ SIGNATURE DATE: _____

SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

N:\PROJECTS\357-Dakota Lowell Rd Hudson\DWG\CURRENT\357-DETAILSROAD.dwg

LAW OFFICES

**BOYNTON WALDRON DOLEAC
WOODMAN & SCOTT, P.A.**

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WILLIAM G. SCOTT
FRANCIS X. QUINN, JR.*
CHRISTOPHER E. GRANT*†△
CHRISTINE WOODMAN CASA*
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CHRISTOPHER J. FISCHER
MICHAEL H. DARLING †

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PORTSMOUTH, NEW HAMPSHIRE 03801
TELEPHONE (603)436-4010
FAX (603)431-9973

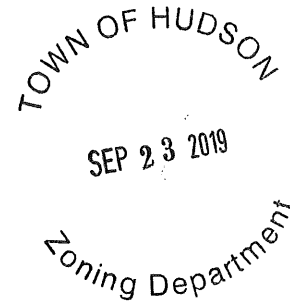
www.boyntonwaldron.com

JEREMY R. WALDRON
(1921-2012)

WYMAN P. BOYNTON
(1908-1997)

* ALSO MEMBER OF MAINE BAR
† ALSO MEMBER OF MASSACHUSETTS BAR
△ ALSO MEMBER OF VERMONT BAR

September 19, 2019



Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
Town of Hudson
12 School Street
Hudson, NH 03051

**RE: Appeal of Peter and Kimberly Heilman
8 Madison Drive, Hudson, NH**

Dear Mr. Buttrick:

Enclosed please find a Motion for Rehearing on the Town of Hudson's Notice of Decision dated August 22, 2019.

Thank you for your attention to this matter. Please call me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "CJF".

Christopher J. Fischer

CJF/met
Enclosure
cc: Peter & Kimberly Heilman

TOWN OF HUDSON

SEP 23 2019

Zoning Department

STATE OF NEW HAMPSHIRE

COUNTY OF HILLSBOROUGH, SS

TOWN OF HUDSON ZONING
BOARD OF ADJUSTMENT

MOTION FOR REHEARING

**IN RE: PETER AND KIMBERLY HEILMAN
CASE # 168-012**

NOW COME the Petitioners, Peter and Kimberly Heilman, of 8 Madison Drive, Hudson, NH 03051, by and through their attorneys, and hereby state as follows:

1. The Petitioners are the owners of the land and buildings at 8 Madison Drive in Hudson, NH (the "Property").

2. On August 22, 2019, the Town of Hudson Zoning Board of Adjustment (the "ZBA") considered the Petitioners' appeal from an administrative decision dated June 12, 2019 that cited two violations of zoning laws.

3. On August 22, 2019, the ZBA voted to deny the Petitioners' appeal, and said notice of decision was received by the Petitioners' counsel on or about September 3, 2019.

4. The actions of the ZBA in denying the Petitioners' appeal were unlawful and unreasonable, and it is respectfully requested that the ZBA grant a rehearing on this matter for the following reasons:

a. The Property is a duplex under zoning ordinance, the Petitioners' use of the Property was consistent with lawful uses of a duplex, and duplexes are permitted as a matter of right in the zoning district where the Property is situated. Accordingly, the ZBA's denial of the Petitioners' appeal is unlawful and unreasonable.

b. The ZBA improperly considered evidence and testimony concerning building code issues even though such matters are outside the purview of its jurisdiction and scope of appellate review. Therefore, the ZBA's decision, as well as how it carried out its appellate review, was unreasonable and unlawful.

c. The ZBA improperly disregarded the significance of tax records associated with the Property, and it overlooked the Petitioners' estoppel argument. The Property has been taxed a duplex by the Town of Hudson for many years. The ZBA ignored the tax records on the grounds that the assessing department is separate from the ZBA's zoning/code enforcement department. At the same time, however, the ZBA allowed building code issues to dictate the outcome of the Petitioners' appeal even though the inspectional services department, like the assessing department, is also separate from the zoning/code enforcement department. In other words, the ZBA cherry-picked information from one of its departments while disregarding evidence from another department that supported the Petitioners' appeal. Consequently, the ZBA's actions at the hearing and ultimate decision were unlawful and unreasonable.

d. The ZBA's consideration of matters outside the public-facing record related to the Property also renders its decision unlawful and unreasonable. More specifically, prior complaints about an unlawful apartment at the Property resulted in a finding that there was no violation. These public-facing records fail to provide constructive notice of anything beyond the fact that there is no unlawful apartment at the Property. What is more, the assessor's records for the Property described and taxed the land and buildings as a duplex at the time of the complaint, the time of the investigation, and the time of the

decision finding that there was not an unlawful apartment at the Property. The ZBA appears to have completely ignored these facts. Indeed, the ZBA appears to looked to internal, non-public notes from the investigation into the aforementioned complaint instead of giving weight to the Town of Hudson's inter-departmental public records that impart constructive notice to residents like the Petitioners. The foregoing represents the epitome of unlawful and unreasonable decision-making by a municipality.

e. The ZBA's interpretation of the zoning ordinance as prohibiting short-term rentals is unconstitutional. In the absence of a specific amendment addressing short-term rentals, the ZBA's construction of its zoning ordinance as prohibiting rentals of a certain duration implicates, and indeed violates, the constitutional doctrine of void for vagueness.

f. The ZBA erroneously sustained a notice of violation that equated the Petitioners' permitted use to that of a bed and breakfast. The Petitioners are not operating a bed and breakfast, and the ZBA was not presented with any evidence of a bed and breakfast operation at the Property. The ZBA lacked sufficient factual and legal bases to sustain this categorically erroneous notice of violation.

g. The ZBA's decision constitutes selective, arbitrary and/or discriminatory enforcement in violation of the Petitioners' property rights and land use jurisprudence in New Hampshire. The zoning ordinance does not distinguish permitted and prohibited rentals based the duration of rental periods. As noted above, the Property had been taxed as a duplex for many years, and the complaints prompting the notice of violation did not rise to the level of constituting a nonconforming use of a duplex in Zone

R2. Moreover, the evidence and testimony presented to the ZBA did not include substantiated health and welfare concerns; instead, the opposition to the Petitioners' appeal merely raised hypothetical scenarios that could implicate a municipality's police powers. Therefore, the ZBA's denial of the Petitioners' appeal violates the constitutional prohibition against arbitrary, selective and discriminatory zoning enforcement.

h. The fact that the Town of Hudson styled its zoning ordinance as "permissive zoning" does not buoy the ZBA's decision from the depths of unlawful and unreasonable land use regulation. Renting property to non-owners is clearly permitted in the Zone R2 even though it is not expressly authorized by the zoning ordinance. So long as the property in question remains a dwelling unit there can be no zoning violation regardless of an occupant's length of stay. At all relevant times, the Property was used in a manner consistent with the definition of a dwelling unit. Because dwelling units and duplexes are expressly permitted, and because lengths of stay immaterial to these classifications, the distinctions between "permissive zoning" and "prohibitive zoning" have no bearing on whether the ZBA's decision was lawful and reasonable.

i. And, notwithstanding the manifest errors outlined above, renting the Property on a short-term basis is a permitted accessory use of a duplex. Accordingly, the Petitioners lawfully engaged in a permitted accessory use when they allowed short-term renters at their Property. Consequently, the ZBA should have granted the Petitioners' appeal on the alternative grounds of a lawful accessory use.

5. The foregoing demonstrates that the ZBA misconstrued pertinent facts and misapprehended applicable law in denying the Petitioners' appeal. Therefore, the ZBA

should grant this motion for rehearing to undo this unlawful and unreasonable denial of the Petitioners' appeal.

Respectfully submitted,


Peter and Kimberly Heilman

By their attorneys,

BOYNTON, WALDRON, DOLEAC,
WOODMAN & SCOTT, B.A.

Dated: 9/19/2019

By: _____


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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 – September 26, 2019 - edited

The Hudson Zoning Board of Adjustment met on September 26, 2019, in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall at 7:00 PM.

I. CALL TO ORDER II. PLEDGE OF ALLEGIANCE

Chairman Brackett called the meeting to order at 6:58 PM and invited everyone to stand for the Pledge of Allegiance. Mr. Brackett noted the 11:00 PM curfew and with six (6) Cases before the Board the possibility exists that all may not be addressed and added that they will endeavor to hear them all.

Selectman McGrath went to the podium and presented on behalf of the Board of Selectmen Certificates of Appreciation to Jim Pacocha for seventeen (17) years of volunteer service to the Town of Hudson, to Charles Brackett for eighteen (18) years of service and to Maryellen Davis for seventeen (17) years of volunteer service to the Town of Hudson. Ms. McGrath also added her personal thanks to the entire Board.

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 unless ~~recised~~recused. Mr. Pacocha stated the he would recuse himself from the first Case.

Ms. McGrath addressed the public and noted that she is the Selectman Liaison to the Zoning Board and that even though she may participate in the discussion, she does not vote.

44
45 **III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE**
46 **BOARD:**
47

- 48 1. Case 208-001 (deferred/continued from 7-25-19): Richard and Robin
49 Sevigny, 161 Bush Hill Road, Hudson, NH requests an Appeal From An
50 Administrative Decision of a Notice of Violation dated May 24, 2019
51 citing violations of two provisions in the Hudson Zoning Ordinance:
52 §334-15B (2) Parking prohibited and §334-13 Junkyards prohibited;
53 outdoor storage. [Map 208, Lot 001-000; Zoned General-One (G-1);
54 HZO Article III, §334-15B(2) & §334-13].
55

56 Clerk Davis read the Case into the record. Mr. Pacocha recused himself as he
57 was not present at the July meeting. Alternate Etienne appointed to sit and vote
58 on the matter.
59

60 Mr. Brackett noted that this Case was continued from the July 25th meeting, that
61 the Board has received two (2) rounds of testimony, that a Site Walk was held on
62 July 29th, that the deference to tonight's meeting was at the request of the
63 Applicant and that now the Case is before the Board for discussion.
64

65 Ms. Davis noted that the only new evidence was receipt of the Warranty Deed.
66

67 Mr. Dearborn noted that the Applicant (Richard Sevigny) and his attorney were
68 present and asked if it was permissible to pose them questions. ~~He~~ Chairman
69 Brackett noted it was permissible.
70

71 Mr. Dearborn asked Attorney Kent Barker of Winer & Bennett in Nashua, NH,
72 if there has been any attempt to clean up the site over the summer. Atty. Barker
73 responded that there has not as there is an existing restraining order. Mr.
74 Dearborn asked whether the Jeep vehicle in the tote road was still there and
75 Atty. Barker stated that it was and believes that it belongs to a family member.
76 Mr. Brackett noted that the Jeep was registered but not plated/inspected, had
77 flat tires and was not road worthy. Atty. Barker referenced the Site Walk
78 comment that a check for ownership by HPD (Hudson Police Department) could
79 determine ownership and asked whether a check was conducted. Ms. McGrath
80 noted that Mr. Sevigny had left the meeting to take a cellphone call. Atty. Barker
81 stated that his family is out-of-State. Mr. Brackett declared a five (5) minute
82 recess at 7:11 PM. Mr. Brackett called the meeting back to order at 7:12 PM.
83 Atty. Barker stated that the Jeep is owned by his client's brother.
84

85 Mr. Brackett stated that the issue before the Board is the trailer and added that
86 from the Site Walk other possible violations were noted such as used appliances
87 strewn across the property and possibly over the property line. Mr. Dearborn
88 noted that the temporary garage on the site is in the side setback. Mr. Brackett
89 stated that according to Town Counsel the Board can consider other violations

90 but that the Board should vote on them separately. Mr. Buttrick noted that the
91 definition of ZO (Zoning Ordinance) Article 334-13 is broad. Mr. Brackett stated
92 that the identification of 'junk' is difficult because one man's "treasures" can be
93 considered as "junk" to another man. Mr. Daddario stated that his observations
94 on the other side of the property fall under Article 334:13 along with the stuff
95 observed along the tote road. Mr. Buttrick read the ZO definition of "Junk" and
96 "Junkyard" into the record. Mr. Brackett stated that those items were observed
97 at the Site Walk. Ms. Davis concurred and added that she did not see anything
98 that could be used.

99
100 Mr. Brackett noted that the other violation cited was the Gross Vehicle Weight
101 (GVW) of the trailer by the easement. Considering the condition of the trailer,
102 an accurate weight cannot be taken. It resides by the driveway easement with
103 its doors open and filled with material. Ms. Davis noted that the previous owner,
104 Mr. Dunn, attested that its GVW was greater the 13,000 and the Board has
105 testimony from Scott Boisvert of BSP Trans, Inc. that this trailer model weighs
106 13,750 pounds.

107
108 Motion made by Mr. Dearborn and seconded by Ms. Davis to uphold the Zoning
109 Administrator's / Code Enforcement Officer's 5/24/2019 Notice of Violation. Mr.
110 Dearborn spoke to his motion noting that the debris and junk clearly depicts
111 what's on the property, there has been no attempt to clean any ~~ioff~~ it up, that
112 the ~~trasiler~~ trailer is greater in GVW than what is allowed, that the trailer doors were
113 left open, unprotected and filled with various material. Ms. Davis concurred with
114 Mr. Dearborn and stated that junk is not in the Spirit of the Ordinance and it is
115 not fair to the abutters or the Town and that it is clearly, in her opinion, a
116 violation. Mr. Etienne noted the Warrant~~yee~~ Deed and its ~~statements-terms~~
117 regarding "any damage" subject to use and added that the trailer violates the
118 intent of the Deed. Ms. Davis noted that the Deed runs with the land. Mr.
119 Daddario agreed with the Zoning Administrator's decision, that considering the
120 ~~un-in~~ability to obtain an accurate weight of the tractor-trailer "trailer" due to its
121 current condition, that it is best for the Board ~~is just in accepting to accept~~
122 the trucking company for its weight, that there may be some leeway on the junkyard
123 but the evidence witnessed at the Site Walk showed materials over the easement
124 and property line. Vote was 5:0. Zoning Administrator's decision upheld.

125
126 Discussion ensued and Site Walk observations were shared regarding other
127 potential violations. Mr. Dearborn stated that from the view of 155 Bush Hill
128 Road, the temporary garage appears to be well within the setback. Motion made
129 by Ms. Davis, seconded by Mr. Etienne and unanimously voted that based on
130 the observation made from the Site Walk to instruct the Zoning Administrator /
131 Code Enforcement Officer to go back to the property to re-inspect the entire
132 property for other areas of junk and potential violations. Motion carried 5:0.

133
134

135 2. Case 191-135 (9-26-19): Adam Gidley, owner of Salem Manufactured
136 Homes LLC, Salem, NH, requests a prior Variance amendment for 3
137 Bay Street, Hudson, NH to correct clerical errors of a replacement
138 manufactured home from 72 ft. x 16 ft. to 76 ft. x 16 ft. yielding a total
139 square footage of 1,216 rather than 1,152 as previously stated on the
140 Variance granted on 7/25/19. This Variance request is also to address
141 the proposed site built decks of 4 ft. x 6 ft. and 10 ft. x 12 ft. [Map 191,
142 Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension
143 or enlargement of nonconforming uses].
144

145 Clerk Davis read the Case into the record. Mr. Buttrick stated that there was a
146 discrepancy between the plot plan and the Building Permit (BP). The BP had the
147 wrong dimensions. The submitted plot plan showed the correct dimensions of
148 seventy six feet by sixteen feet (76'x16') for one thousand two hundred sixteen
149 square feet (1,216 SF) and the front stoop and that also the rear deck and front
150 and rear steps were not included and should have been because it was an
151 expansion of a non-conformity. The incorrect dimensions from the BP were
152 carried to the Agenda and included in the motion made on 7/25/2019. Mr.
153 Brackett noted that the case was reviewed, discussed and approved with one
154 condition at the 7/25/2019 meeting.
155

156 Adam Gidley, owner of Salem Manufactured Homes LLC in Salem, NH, admitted
157 his chagrin to having placinged the incorrect dimension of 16'x72' instead of the
158 correct dimensions of 16'x76' and noted that the plot plan submitted with the
159 application had the correct dimensions, including the two steps to the front and
160 rear doors.
161

162 Public testimony opened at 7:30 PM. No one addressed the Board.
163

164 Several Members stated that their decision was based on the plot plan, which
165 included the steps. Mr. Dearborn asked and received confirmation that the rear
166 steps do not encroach the setback.
167

168 Motion made by Ms. Davis and seconded by Mr. Dearborn to grant the correction
169 of the dimensions as per the plot plan from 1,152 SF to 1,216 SF and noted that
170 the condition applied to the 7/25/2019 decision remain intact ("that the existing
171 damaged recreational trailer vehicle currently in the rear setback be removed
172 from the site when the existing manufactured home is removed, or sooner"). Ms.
173 Davis stated that it is clearly a clerical error, that there are no setback violations
174 and the spirit of the Ordinance is met. Mr. Dearborn concurred. Mr. Brackett
175 stated that this motion amends the previous Notice of Decision (NOD), that this
176 is not a stand-alone NOD as the same stipulation assigned to the 7/25/2019
177 decision remains and added that the 30-day appeal period begins anew as of this
178 meeting. Vote was 5:0. Dimensions corrected. For the record, Alternate Etienne
179 voted as Mr. Pacocha had stepped down and was not reinstated at the beginning
180 of the Case.

- 181
182
183 3. Case 198-038 (9-26-19): Victor A. Cote, 8 B St., Hudson, NH requests
184 a Variance to allow an installed 12 ft. x 24 ft. above ground pool to
185 remain, which encroaches ~ 6 ft. into the rear setback leaving ~ 9 ft.
186 where 15 ft. is required. [Map 198, Lot 038-000; Zoned Town Residence
187 (TR); HZO Article VII, §334-27 Table of Minimum Dimensional
188 Requirements].
189

190 Clerk Davis read the Case into the record. Mr. Buttrick stated that the matter
191 was discovered when the applicant filed for an Electrical Permit (ELP) on a
192 recently installed pool and the link to a Building Permit (BP) was not found as it
193 had not been obtained. Mr. Buttrick stated that based on the filing for a BP he
194 performed a Zoning Determination and had to deny the BP on account of the
195 setback encroachment intrusion from the installed pool.
196

197 Victor Cote introduced himself as the Property Owner and referenced his
198 Variance application and shared the following: a pool is a reasonable and
199 extremely common use at a residential property; that the installed pool does not
200 present any intrusion to the neighbors, that there is no direct line-of-sight of the
201 pool to the neighbors or public, except from #9 A Street; locating the pool to the
202 rear of the site is reasonable and allows property owner reasonable use of his
203 property; the lot is small with the house placed in the center so that anywhere
204 the pool would be located on the site would infringe onto-into a setback. Mr.
205 Cote stated that he purchased the pool from Naamco, that it sat in a box on his
206 lawn for approximately three (3) weeks before Naamco installed and then told
207 him to obtain an electrical permit to complete its installation.
208

209 Public testimony opened at 7:43 PM. No one addressed the Board.
210

211 Mr. Brackett asked for clarification on the time line. Mr. Buttrick stated that
212 when the electrical permit (ELP) was sought it was discovered that a
213 corresponding Building Permit (BP) had not been obtained, an application for the
214 BP was submitted and on 7/2/2019 additional information was requested,
215 specifically a plot plan with dimensions of the pool's placement on the lot, then
216 based on the additional information, a Zoning Determination was made on
217 7/29/2019 noting that the pool encroached the rear setback and a Variance
218 would be needed. Mr. Buttrick stated that the BP was denied because of the
219 setback issue.
220

221 Discussion ensued and included similar experiences with the pool company, the
222 filing of complaints and concern for insurance coverage not covering damage to
223 anything constructed (or installed, such as a pool) without a Building Permit /
224 Pool Permit. Mr. Brackett noted that this is the second Case this year regarding
225 the installation of a pool, from the same Company, without a Building/Pool

226 Permit. Ms. McGrath expressed concern with the ability of the pool company to
227 install a pool without obtaining a permit and just 'walk away'.
228

229 Mr. Dearborn asked whether Mr. Cote decided where to place the pool. Mr. Cote
230 stated that all he communicated to Naamco was that the pool was to be installed
231 in his backyard, never identified a specific location, and, in fact, was not even
232 advised when Naamco would arrive to install it, that he came home one day to
233 find it installed.
234

235 Ms. Davis referred to the Town Engineer's comment/concern regarding
236 discharge from the pool as there is no Town drainage on the road and the
237 topography is relatively flat and is close to neighbors. Mr. Cote stated that he
238 already added crushed stone around the pool and constructed a two-foot (2')
239 stonewall to the left and a 4' – 5' stonewall to the right. Ms. McGrath suggested
240 Mr. Cote make an appointment with the Town Engineer to explain what has been
241 done to see if it is enough to satisfy the concern. Mr. Brackett added that the
242 concern is real and shared that he experienced an unexpected loss of 20,000
243 gallons from his 28,000-gallon pool last November.
244

245 Mr. Etienne asked Mr. Cote if he carried insurance and Mr. Cote advised that he
246 notified his Insurance Company and added the pool to his policy. Mr. Daddario
247 asked Mr. Cote if he filed a complaint. Mr. Cote responded that he did file a
248 complaint with Naamco and that they responded "read your contract". Mr.
249 Brackett suggested to Mr. Cote to place it on their website. Mr. Etienne asked
250 Mr. Cote if he filed a complaint with the State of NH and highlight that the pool
251 was installed without the necessary permit. Mr. Cote stated that he did not file
252 a complaint with the State.
253

254 Mr. Daddario noted that it came to attention because the Electrical Permit had
255 no corresponding Building Permit and asked about the electrical status. Mr.
256 Cote stated that the electrical work has been done, that the pool is completely
257 installed.
258

259 Mr. Daddario made a motion to approve the variance into the rear setback with
260 the condition that both the Building (Pool) Permit and Electrical Permit be
261 obtained and inspected. Ms. Davis stated that there should also be a condition
262 to require the applicant to confer with the Town Engineer regarding the drainage
263 system for recommendations and implementation. Mr. Daddario agreed to add
264 the condition to his motion, Ms. Davis seconded the motion,
265

266 Prior to voting, Mr. Brackett directed review the criteria for the granting of a
267 Variance:

268 *(1) not contrary to public interest*

- 269
 - in rear setback
 - least intrusive
- 270

- 271 • no injury
- 272 • no abutter testimony
- 273 (2) *spirit of Ordinance observed*
- 274 • does not alter character of the neighborhood
- 275 • cannot be seen from the road
- 276 • fence surrounding property
- 277 (3) *substantial justice done to property owner*
- 278 • already installed
- 279 • removal provides no benefit
- 280 (4) *surrounding property values not diminished*
- 281 • no impact
- 282 • any improvement is good
- 283 (5) *hardship*
- 284 • small lot
- 285 • cannot be relocated to avoid setbacks - any placement on property
- 286 would infringe a setback as house is placed in center of lot
- 287 • back deck previously built – with proper Building Permit
- 288 • applicant voluntarily sought Electrical Permit
- 289 • ZBA not being held hostage, doing the right thing is a good thing

290
 291 Recap of motion: To grant the variance into the rear setback with the conditions
 292 that both the Building (Pool) Permit and Electrical Permit be obtained and that
 293 the applicant confer with the Town Engineer regarding the drainage system for
 294 recommendations and implementation. It was noted that the Town's Engineer
 295 submit any recommendation in writing to be included in the Case file and be
 296 included in the motion. Mr. Buttrick was asked to coordinate.

297
 298 Vote was unanimous at 5:0. Variance granted. The 30-day appeal period was
 299 noted.

300
 301 For the record, Alternate Etienne voted as Mr. Pacocha had not been reinstated
 302 at the beginning of the Case. Mr. Pacocha reinstated for the remainder of the
 303 meeting.

304
 305
 306 4. Case 222-039 (9-26-19): Margaret McQueeney, 3 Colson Rd., Hudson,
 307 NH requests a Variance to allow a second separate driveway for an
 308 existing Accessory Dwelling Unit. [Map 222, Lot 039-000; Zoned
 309 Residence-Two (R-2); HZO Article XIII A Accessory Dwelling Units, §334-
 310 73.3G, Provisions].

311
 312 Clerk Davis read the Case into the record. Mr. Buttrick referenced his Staff
 313 Report dated 9/26/2019, noted that the ZBA approved the ALU *Accessory
 314 Living Unit on 1/27/2000 and that on 1/28/2001 the Planning Board (PB)
 315 granted a waiver for a temporary second (2nd) driveway to expire in four (4) years

316 (1/3/2006) and PB granted an extension of the second driveway until
317 2/10/2010. Mr. Buttrick also noted that a Home Occupation Special Exception
318 was granted in 2010 for child care.

319
320 Ms. McGrath stated that her recollection was that the ALU NOD (Notice of
321 Decision) was to specify that if there was a new owner, that the new owner must
322 get ZBA approval. Mr. Buttrick stated that he was unaware and had not found
323 any supporting paper trail of a condition requiring the ALU to be re-registered
324 with new owner.

325
326 Margaret McQueeney of 3A Colson Rd. introduced herself as residing in the ALU
327 with her husband Mike McQueeney, stated that her daughter and son-in law
328 (Meridith and Stephen Molloy) bought the property in December 2018 because
329 it had the ALU, that the site has two (2) driveways and that the one for the ALU
330 is dirt with ruts, referenced pictures of it ~~applied-attached~~ to their application,
331 noted that there are other properties in the neighborhood that have two (2)
332 driveways, and that their desire is to pave the driveway to improve maintenance
333 and their safety. Ms. McQueeney stated that what Ms. McGrath just shared was
334 news to them, that the house was purchased as a single-family home with an
335 ADU and with two driveways.

336
337 Ms. McQueeney reviewed their application and addressed the criteria for the
338 granting of a variance. The information shared included:
339

340 1. *not contrary to public interest*

- 341 • the ADU is located in the R-2 Zone
- 342 • R2 Zone allows duplexes
- 343 • There are several homes in the neighborhood with more than one
344 driveway or curb cut and cited the following three (3) examples:
345 home across the street is a duplex with two driveways, another has
346 a circular driveway with two curb cuts and an indirect abutter (16
347 Wason Street) has an ADU with two driveways
- 348 • The second driveway existed and when house was purchased

349 2. *spirit of Ordinance observed*

- 350 • the second driveway provides those living in the ADU easier and
351 direct and safer access to their living quarters
- 352 • the main driveway only allows access to the main home
- 353 • there is approximately 80 feet from the main driveway to the ADU
- 354 • the ADU currently has an unpaved driveway which is icy, slushy
355 and dangerous in the winter months
- 356 • there is no direct access to the ADU for emergency personnel without
357 the second driveway
- 358 • the occupants of the ADU are elderly

359 3. *substantial justice done*

- 360 • the second driveway provides safety to the ADU residents for direct
 361 access and paving it eases in maintaining it, especially in winter,
 362 would allow safer access to the ADU
 363 • and would allow safer access for emergency personnel too
 364 4. *will not diminish surrounding property values*
 365 • the current dirt (secondary) driveway is an eye-sore
 366 • paving it would improve the site as well as the neighborhood
 367 5. *hardship*
 368 • literal enforcement results in an unnecessary hardship because the
 369 driveway to this home does not extend to the ADU – it is 80’ away
 370 from the ADU
 371 • 80’ is too far to walk for some elderly people
 372 • it is also unreasonable to expect emergency personnel to access the
 373 ADU from the main home
 374 • emergency access through the main home will cause trauma and
 375 stress to children living in the main home
 376 • existing main driveway cannot extend to ADU because the leach field
 377 is in the front yard and the well is to the rear and the topography to
 378 the rear is not suitable for access
 379 • by paving the existing second driveway next to the ADU will provide
 380 necessary safety as it could be plowed and treated in winter and
 381 eliminate the ruts and icing and safety threats now posed by the dirt
 382 driveway
 383 • paving the driveway will help prevent falls and help allow the
 384 residents to keep their independence
 385

386 Public testimony opened at 8:29 PM. No one from the public addressed the
 387 Board. Mike McQueeney stated that it is hard in the wintertime dealing with the
 388 ruts, snow and ice, that he and his wife are elderly and their safety is a concern
 389 and why they want it paved, and, added that emergency access would also
 390 benefit from a paved driveway. Public testimony closed at 8:30 PM.
 391

392 Mr. Buttrick referenced the Town Engineer and the Town Planner responses in
 393 the Supplemental Packet. Town Engineer noted that a driveway permit would
 394 need to be pulled and that a turn-around be added so that there would be no
 395 backing into the road. The Town Planner noted that two neighbors across the
 396 street both have two driveways, that the pre-existing “temporary” driveway serves
 397 just the ADU and that complying with a single driveway would likely require
 398 paving a substantial amount of the front lawn or backyard.
 399

400 Ms. Davis noted that two (2) driveways are allowed for duplexes but the
 401 Ordinance clearly specifies a single driveway to serve both the main home and
 402 the ADU and that the character of the single-family home be maintained.
 403

404 Discussion ensued. Ms. McGrath stated that the ALU was approved and should
405 have common access to the house and if not, the ADU should be abandoned and
406 a duplex established. Ms. McQueeney noted that the house was financed as a
407 single-family home and an ADU should meet safety requirements. Mr. Brackett
408 noted that the financing of the house did not seem to be hindered by the second
409 driveway even though the second driveway temporary permit has expired and is
410 now in violation. Ms. Davis noted that the lot does not qualify for a duplex as it
411 does not meet lot size. Mr. Brackett expressed concern that the Planning Board
412 authorized a temporary driveway as it usurps Zoning Ordinance requirement.

413
414 With regard to the Town Planner's comment, Mr. Daddario stated that it would
415 seem more off and out-of-character with the neighborhood to have the front yard
416 substantially paved to accommodate use of the main driveway. Mr. McQueeney
417 stated that the septic system is located in the front yard and cannot be paved
418 over and added that the well is located in the back of the house and that there
419 is a hill in the back of the house that prevents a rear access to the ADU from the
420 main driveway. Mr. Dearborn noted that the ZBA recently did not approve a
421 second driveway for another ADU in Town. Ms. Davis noted that hardship is to
422 be based on the "land". Mr. Brackett asked if the possibility exists to eliminate
423 both driveways and create one that will service both the main home and the
424 ADU.

425
426 Other alternatives were explored. Ms. Davis stated that she is inclined to
427 disapprove the paving of the second temporary dirt driveway based on the literal
428 strict enforcement of the Zoning Ordinance but could consider an alternative to
429 paving that would continue to serve the ADU and not look like a second driveway.
430 The thought of an open grid paved system was mentioned as it could be plowed
431 in wintertime and mowed in summer and allow safer passage for the residents
432 without obviously being a second paved driveway.

433
434 Mr. McQueeney expressed confusion as there is a driveway now that is dirt and
435 ruddy and a safety hazard and all they seek is to pave it. The Board explained
436 that the existence of the dirt driveway was to be temporary and the time period
437 for its existence has expired and it is technically in violation. It was also noted
438 that should the Board vote tonight for paving the second illegal driveway at this
439 meeting, an appeal would have to provide either new evidence or an alternate
440 variation and the temporary driveway could be subject to Code Enforcement
441 action. Ms. McQueeney asked the Board to defer making a motion until they
442 have had the opportunity to check out other options that would be less intrusive
443 than full pavement.

444
445 Motion made by Ms. Davis and seconded by Mr. Daddario to accept the verbal
446 request of the Applicant and defer the Hearing until the next meeting, October
447 24, 2019. Vote was 5:0. Motion passed. Case continued to October meeting,
448

449 Board recessed for ten minutes at 8:59 PM. Meeting called back to order at 9:10
450 PM.

451

452 5. Case 174-079-005 (9-26-19): Don Dumont, owner of Posey
453 Investments, LLC., 195R Central St., Hudson, NH requests an
454 Equitable Waiver of Dimensional Requirement for 7 Lee Way, Hudson,
455 NH to allow a newly built foundation to encroach 6 inches into the side
456 yard setback leaving 14.5 ft. where 15 ft. is required. [Map 174, Lot
457 079-005; Zoned Town Residence (TR); HZO Article VII, §334-27 Table
458 of Minimum Dimensional Requirements].

459

460 Clerk Davis read the Case into the record. Mr. Buttrick noted that this is a
461 newly created subdivision and the lot is under construction and stated that
462 the discrepancy (violation of setback) was discovered when the applicant
463 submitted the required Certified Plot Plan (plan dated 9/5/2019 prepared by
464 Boudreau Land Surveying, PLLC) after the foundation was poured in order to
465 obtain a Framing Permit. The rear corner was poured six inches (6") into the
466 side setback. An Equitable Waiver is being sought as the violation was not
467 intended and ~~was poured~~ and the proximity of the poured foundation was in
468 error.

469

470 Don Dumont, owner of Posey Investments, LLC, addressed the Board,
471 concurred with Mr. Buttrick's statements, noted that the excavator missed
472 the footing for the left rear corner and it ended up being poured six inches
473 (6") into the setback. Mr. Dumont stated that it was an honest error and not
474 discovered until after the foundation was poured and the surveyed as-built
475 plan prepared.

476

477 Public testimony opened at 9:14 PM. Dillon Dumont of Posey Investments
478 stated that the lot is a tight lot, that it was mapped out honoring the setbacks
479 and the excavation ~~poured~~ missed the mark only at the rear corner by six
480 inches (6"). It was an honest mistake. Being no one else to address the Board,
481 public testimony closed at 9:15 PM

482

483 Ms. McGrath stated that there have been several issues and concerns
484 regarding this development/subdivision. Mr. Dillon did not disagree and
485 added that the Town Engineer has had no issues with Posey and added that
486 they (Posey & Town Engineer) have a good working relationship.

487

488 Ms. Davis asked why the house could not be brought closer to the road and
489 Mr. Dillon responded that it could not on account of the grade required for a
490 driveway and the front setback requirement.

491

492 Ms. McGrath asked how/why this is an Equitable Waiver request and Ms.
493 Davis asked why it was not a Variance request. Mr. Buttrick stated that an
494 after-the-fact Variance request usually is a result of ~~not~~ not having pulled

495 required permits and this had the Building Permit pulled along with the
496 Foundation Sub-permit and was discovered when the required As-built Plan
497 was submitted, which was a requirement before the Framing Sub-permit
498 could be pulled. Mr. Buttrick stated that according to RSA 674:33-a there
499 are two prongs to consider for an Equitable Waiver, the first one regarding
500 greater than a decade to be noticed ~~and-or~~ the second resulting from an
501 innocent mistake and a high correction cost. Mr. Buttrick pointed out that
502 the discovery of the mistake was because the Applicant was complying with
503 the process and provided the As-built Plan. Mr. Etienne asked whether the
504 Board could expect another “mistake” from this development. Mr. Daddario
505 stated that six inches (6”) is minimal enough to be considered a mistake.
506

507 Motion made by Mr. Daddario and seconded by Mr. Dearborn to grant the
508 Equitable Waiver for the foundation that was poured six inches (6”) into the
509 rear setback for a length of approximately one foot (1’). Mr. Daddario spoke
510 to his motion stating that it was an innocent mistake, the foundation was
511 staked to be in compliance with the setback, that the excavation missed the
512 mark by six inches (6”), that the foundation has been poured, that it was
513 discovered too late to bring into compliance and that it does not pose a public
514 or private nuisance. Mr. Dearborn concurred. Ms. Davis asked and received
515 confirmation from Mr. Buttrick that the foundation permit was pulled and
516 because the foundation was not poured per plan the ~~the~~-foundation sub-
517 permit cannot be signed-off and the framing sub-permit cannot be pulled
518 until the Board acts on the Equitable Waiver. Mr. Brackett stated that there
519 was an engineered plan and it was approved by the Town Engineer. Mr.
520 Daddario stated that ten feet (10’) could not be considered a mistake in his
521 opinion, but six inches (6”) can. Mr. Dearborn added that the 6”
522 encroachment is for only a length of one foot (1’). Vote was 5:0. Equitable
523 Waiver granted. The 30-day appeal period was noted.
524

- 525 6. Case 165-036 (9-26-19): John Colby, 11 Kenyon St., Hudson, NH
526 requests a Variance to build an Accessory Dwelling Unit (ADU), porch
527 and sunroom onto an existing nonconforming house/structure. The
528 new porch addition encroaches 17.7 ft. leaving 12.3 ft. of front yard
529 setback. The new ADU & sunroom encroaches 8.1 ft. leaving 21.9 ft. of
530 front yard setback where 30 ft. is required. [Map 165, Lot 036-000;
531 Zoned Town Residence (TR); HZO Article VIII, §334-31 Alteration and
532 expansion of nonconforming structures and HZO Article VII, §334-27
533 Table of Minimum Dimensional Requirements].
534

535 Clerk Davis read the Case into the record. Mr. Buttrick referenced his Zoning
536 Determination dated 9/10/2019 and his Staff Report signed 9/26/2019, noted
537 that the lot is conforming but the existing house, built in the early 1900s, is non-
538 conforming being in the front setback approximately 17.7’ leaving approximately
539 12.3’ of the required 30’ front setback. Mr. Buttrick stated that a Variance is
540 needed to expand a non-conforming structure with the extension of the front

541 porch, the addition of a sunroom few feet into the front setback and an ADU unit
542 approximately 8' into the front setback

543
544 John Colby introduced himself and referenced his application. The information
545 shared included:

546
547

548 1. *not contrary to public interest*

- 549 • proposed addition will not negatively impact the character of the
550 neighborhood because with the layout of the yard and the home's
551 proximity to the road there will be enough open space between it
552 and other properties

553 2. *spirit of Ordinance observed*

- 554 • the proposed addition will be further back (7') than the existing
555 porch and more than 30' from the road
- 556 • the addition will provide a higher level of safety for the children than
557 any other place on the property as it will create a more private area
558 (backyard)
- 559 • the addition as proposed will also tie in aesthetically to give the
560 appearance of one house instead of two separate dwellings

561 3. *substantial justice done*

- 562 • the way the home is set on the property now does not afford much
563 privacy. The proposed ADU will help define the backyard and grant
564 some privacy.
- 565 • The existing front porch will be extended and tie into the proposed
566 additions to create one long farmer's porch. This will open up the
567 front of the home and give it more curb appeal than exists now.

568 4. *will not diminish surrounding property values*

- 569 • the home is the least updated and least visually appeal in the
570 neighborhood – it hadn't been kept up for many years. The addition
571 will increase the property value and enhance the character of the
572 neighborhood.

573 5. *hardship*

- 574 • the original house was built in 1900, before Zoning, and does not
575 satisfy the current 30' front setback requirement
- 576 • other placement options were considered and discarded as they
577 would negatively impact the set-up and practical usage of the home,
578 would not promote the desired privacy, nor the safety for the
579 children nor eye appeal
- 580 • the house's placement is a pre-existing condition and it would be an
581 unnecessary hardship to insist that the addition not be allowed
- 582 • the proposed addition will be 7' further back from the existing home
- 583 • the proposed addition maintains the character of the neighborhood
584 and is the best use of the property

585

586 Mr. Colby referenced the surveyed "plot" plan prepared by Jeffrey Land Survey,
587 LLC dated 8/13/19 that shows the existing house, the proposed wrap-around
588 porch, the sunroom, the ADU and the proposed deck. Mr. Colby noted that the
589 barn at the end of the driveway was built at the same time as the house and is
590 in the rear setback. Mr. Colby stated that there is a 3½--acre field to the rear of
591 his site and added that the 24' x 80' barn can accommodate three (3) cars.

592
593 Mr. Colby next referenced the picture of the existing house and noted that the
594 far rear window is his mother's bedroom who has ~~loved~~-lived with them for
595 nineteen (19) years and is handicap. The center double windows are his dining
596 room. The ADU is for his in-laws who live in Scotland and are retiring to come
597 live with them.

598
599 Ms. McGrath questioned the barn and the shed in the rear setback. Mr. Buttrick
600 stated that the property owner could pursue an Equitable Waiver. Ms. McGrath
601 noted that the point she has been making is that the Equitable Waiver should
602 have been presented with this application to avoid having the property owner
603 return to the Board at an additional cost.

604
605 Mr. Colby stated that he sent a letter to his neighbors about his proposal to
606 construct a wrap-around porch, sunroom, ADU and deck and received their
607 okay. Mr. Colby read his letter into the record and submitted copies of their
608 signed consent.

609
610 It was noted that there was no one sitting in the audience.

611
612 Mr. Pacocha asked whether the existing porch needs an Equitable Waiver before
613 granting a variance to extend it. Mr. Buttrick stated that the porch is an existing
614 non-conformity built in 1900, pre-Zoning, and a variance granted to extend it
615 acknowledges its existence and acceptance to/by the Town.

616
617 Mr. Dearborn stated that there is no outlet on Kenyon Street and there are many
618 houses set in the front setback. Mr. Bracket agreed that the number and speed
619 of cars is different than other Cases, this one being far lower. Ms. Davis agreed
620 that Kenyon Street is not a busy road.

621
622 Mr. Brackett stated that he dislikes seeing an expansion in the setback, can
623 agree with the farmer's porch as it will not intrude further into the setback and
624 questioned if the sunroom and ADU could be reconfigured out of the setback.
625 Mr. Colby stated that they have all the plans done already and asked if a new
626 plot plan would be needed. Mr. Brackett stated that it would.

627
628 Mr. Daddario stated that what is different for this Case is that Mr. Colby has a
629 lack of any opposition and even submitted letters of consent from his abutters.
630 Mr. Dearborn stated that we all have our own opinion, but the Case tonight is
631 based on a set of plans and that is what the Board is to vote upon.

632

633 Ms. Davis stated that there is a size limit of 750 SF maximum for an ADU and
634 the plan presented shows 749 SF. Ms. Davis also noted that another ADU
635 criteria is that there can be no more than two unrelated people and Mr. Colby
636 confirmed that his in-laws have been married for fifty (50) years.
637

638

638 Motion made by Mr. Dearborn and seconded by Ms. Davis to grant the Variance
639 as per plan submitted – plan prepared by Jeffrey Land Survey LLC dated
640 8/13/2019. Before calling for a vote, Mr. Brackett asked the Board to address
641 each criteria.
642

643

643 Variance criteria:
644

645

645 1. *not contrary to public interest*

646

- 646 • Mr. Dearborn: not contrary to public interest, letters of consent from
647 abutters submitted

648

- 648 • Ms. Davis: not altering neighborhood, aesthetically tying it in

649

- 649 • Mr. Pacocha: concurred

650

650 2. *spirit of Ordinance observed*

651

- 651 • Mr. Dearborn and Ms. Davis: does not alter the neighborhood

652

652 3. *substantial justice done*

653

- 653 • Mr. Pacocha: no harm to be found

654

- 654 • Ms. Davis and Mr. Dearborn: justice for applicant and no gain to the
655 public if there were to be denied

656

656 4. *will not diminish surrounding property values*

657

- 657 • Ms. Davis and Mr. Dearborn: increase in property values for
658 applicant and neighborhood

659

659 5. *hardship*

660

- 660 • Mr. Pacocha: house already exists on the lot, existed before Zoning,
661 cannot expect to move the house

662

- 662 • Mr. Dearborn: house built in 1900

663

- 663 • Ms. Davis: there are special conditions
664

665

665 Vote was 4:1. Mr. Brackett opposed. Variance granted. The 30-day appeal
666 period was noted. In response to Mr. Colby's question, Mr. Brackett stated that
667 any 'aggrieved' person has the right to appeal and to proceed within the appeal
668 period is at the applicant's own risk.
669

670

670 Ms. McGrath excused herself at 10:12 PM and left the meeting.
671

672

673

674

675

675 **IV. PUBLIC HEARING:**
676

676

677

677 3rd Reading of proposed bylaws amendments.\

678
679 Public Hearing opened at 10:14 PM. Mr. Buttrick provided a recap of the
680 proposed Amendments that included: adding a Recorder position and
681 description; changing description of Clerk duties; adding consequence for
682 unexcused absences; changes to the Order of Business to include the Pledge of
683 Allegiance, the Preamble (Attachment A) and the 11 PM curfew and the 30-day
684 appeal period. The word "preamble" was added to Attachment A.

685
686 Motion made by Ms. Davis, seconded by Mr. Dearborn and unanimously voted
687 (5:0) to adopt the changes proposed after having held three (3) Public Hearings.
688 Bylaws amended.

689
690 Public Hearing closed at 10:17 PM.

691
692 **V. REVIEW OF MINUTES:**

693
694 1. 08/22/19 Minutes

695
696 Board reviewed the edited version and made no further changes. Motion made
697 by Mr. Dearborn, seconded by Mr. Pacocha and unanimously voted (5:0) to
698 approve the 8/22/2019 Minutes as edited.

699
700 **VI. REQUEST FOR REHEARING:** None

701
702 No requests were presented for consideration; however, Mr. Buttrick mentioned
703 that the Air B&B case at 8 Madison has appealed and filed for re-hearing and
704 could appear on October's Agenda.

705
706 **VII. OTHER:**

707
708 1. Update of Zoning Ordinance Amendments proposed to Planning Board
709 as result from 8/29/19 ZBA workshop mtg.

710
711 Mr. Buttrick stated that as a result of the last workshop, the following three (3)
712 are ready for presentation to the Planning Board: (1) backyard farming /
713 animals; (2) Day Care Special Exception to include outdoor activities; and (3)
714 doggie day care / training.

715
716 Mr. Brackett stated that the Planning Board is also preparing their own
717 amendments and one that is being contemplated is removing the wetland
718 buffer Special Exception from ZBA.

719
720 2. Paper for Meeting Packets

721
722 General consensus was to keep the paper. The online availability is
723 appreciated but paper is relied upon when actually reviewing each Case in

724 preparation for a meeting. Mr. Dearborn added his appreciation for the
725 Decision Sheet being placed up front for each Case.

726

727 3. Number of Cases per Agenda/Meeting

728

729 Even though the Board managed six (6) Cases at this meeting, it was
730 recognized that one was a continuation for Board deliberation only and one
731 was deferred to the next meeting. Varying opinions were expressed.

732 Consensus reached to keep each Agenda for each meeting to a maximum of
733 four (4) Cases.

734

735

736 Motion made by Mr. Dearborn, seconded by Mr. Pacocha and unanimously
737 voted to adjourn the meeting. The 9/26/2019 ZBA meeting adjourned at 10:34
738 PM.

739

740

741 Respectfully submitted,

742 Louise Knee, Recorder

AS EDITED

Town of Hudson, New Hampshire Bylaws
Zoning Board of Adjustment
Amended 9-26-19

Chapter 143

- 143.1 History
- 143.2 Authority
- 143.3 Purpose
- 143.4 Amendments
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 - 1. Applications
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- 143.12 Motions for Rehearing
- 143.13 Records
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- 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:I. 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 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]
- d. Roll call by the clerk
- e. Unfinished Business (Continued or Deferred Hearings)
- f. New Hearing(s) Board will not hear new cases after 11:00pm [9-26-19]
- g. Requests for Rehearing
- 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

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.....