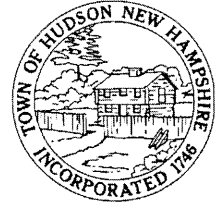




# TOWN OF HUDSON

## 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 – November 14, 2019

The Hudson Zoning Board of Adjustment will hold a meeting on November 14, 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 247-045-006 (11-14-19): Dennis & Elaine Smith, 3 Lucier Park Dr., Hudson, NH requests a Variance to allow a recently installed 8 ft. x 10 ft. shed structure to remain in the rear and side yard setbacks encroaching 13'-10" in the rear setback leaving 1'-2" where 15 ft. is required and 5'-10" in the side yard setback leaving 9'-2" where 15 ft. is required. [Map 247, Lot 045-006; Zoned Town Residence (TR); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].
2. Case 165-109 (11-14-19): George Hurd, Member of Tumpney Hurd Clegg, LLC, 39 Trigate Rd., Hudson, NH requests a Variance for 12 Hill St., Hudson, NH to allow the replacement of a single family dwelling with the construction of a new residential duplex structure where a two family (duplex) is not permitted in the Town Residence District. [Map 165, Lot 109; Zoned Town Residence (TR); HZO Article V, §334-20, Allowed uses provided in tables and §334-21 Table of Permitted Principal Uses].

**IV. REQUEST FOR REHEARING:**

**V. REVIEW OF MINUTES:**

10/24/19 Minutes

**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: November 14, 2019

BA 11-5-19

Case 247-045-006 (11-14-19): Dennis & Elaine Smith, 3 Lucier Park Dr., Hudson, NH requests a Variance to allow a recently installed 8 ft. x 10 ft. shed structure to remain in the rear and side yard setbacks encroaching 13'-10" in the rear setback leaving 1'-2" where 15 ft. is required and 5'-10" in the side yard setback leaving 9'-2" where 15 ft. is required. [Map 247, Lot 045-006; Zoned Town Residence (TR); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].

**Address:** 3 Lucier Park Dr

**Zoning district:** Town Residence (TR)

#### Summary:

Applicant wishes to maintain a recently installed 8 ft x 10 ft shed within the rear and side yard setbacks. Sheds less than 200 sq ft do not need building permits, but do need to comply with Zoning Ordinance. This case is a Code Enforcement action.

#### Property description:

This is an existing conforming developed lot of record: Having 10,018 sqft where 10,000 sqft is required. The frontage on Lucier Park Drive is 100 ft where 90 ft is required.

#### In-House review/comments:

Fire Dept: no comments

Town Engineer: no comments

Town Planner: no comments

#### HISTORY:

Assessing: Listed as a Single Family residence.

Building Permits: #2017-01099 construct SFR.

Code Enforcement: 6/24/2019 Notice of Complaint: "shed in setback".

**Attachments:**

**“A”** Assessing record.

**“B”** C.O. for Building Permit #2017-01099.

**“C”** septic plan dated 12/29/2016.

**“D”** Certified foundation plan dated 12-18-17.

**“E”** Code Enforcement – 6/24/19 Notice of Complaint

**“F”** Email from NH DES.

**Previous Assessments**

<b>Year</b>	<b>Code</b>	<b>Building</b>	<b>Yard Items</b>	<b>Land Value</b>	<b>Acres</b>	<b>Special Land</b>	<b>Total</b>
2019	101 - ONE FAMILY	268,900	0	84,600	0.23	0.00	353,500
2019	101 - ONE FAMILY	268,900	0	84,600	0.23	0.00	353,500
2018	101 - ONE FAMILY	242,000	0	84,600	0.23	0.00	326,600
2018	101 - ONE FAMILY	242,000	0	84,600	0.23	0.00	326,600
2017	130 - VAC RESD	0	0	38,100	0.23	0.00	38,100
2017	130 - VAC RESD	0	0	36,300	0.23	0.00	36,300
2017	130 - VAC RESD	0	0	38,100	0.23	0.00	38,100

"  
A"

Town of Hudson, NH  
**Certificate of Occupancy**



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

**Owner, Lessee or Occupant:** K&M DEVELOPERS, LLC

**Location of Work:** 3 LUCIER PARK DR  
(No. and Street) (Unit or Building)

**Desc of Work:** Construct a two story, three bedroom single-family dwelling with a 16' x 22' attached garage and a 10' x 12' rear deck.

**Map/Lot:** 247-045-006

**IRC Bldg Code Edition:** 2009

**District:** TR

**Permit(s):** 2017-01099, 2017-01099-1-FD, 2017-01099-2-WA, 2017-01099-3-DR, 2017-01099-4-TI, 2017-01099-5-EL, 201

**Use Group:** R-3

**Fire Sprinkler System Required:** NO

**Fire Alarm System Required:** NO

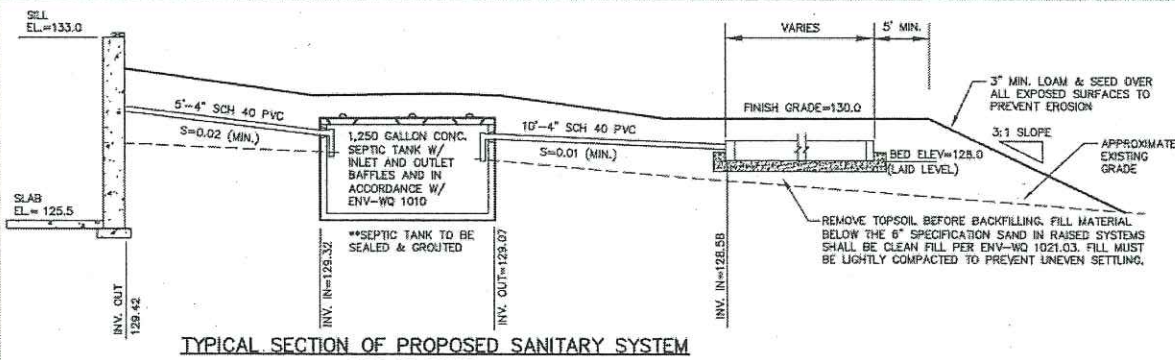
This is to certify that K&M DEVELOPERS, LLC has/have obtained all final inspections and has been found to substantially conform to all regulations and codes and is hereby approved for occupancy and use, as limited or otherwise noted below.

This Certificate of Occupancy is issued for a single family home as applied for in the above referenced building permit. Any other use is strictly prohibited, and shall require additional permits for any alteration, renovation, addition, change of use, or other changes to the premises.

Date of Issue: 4/26/2018

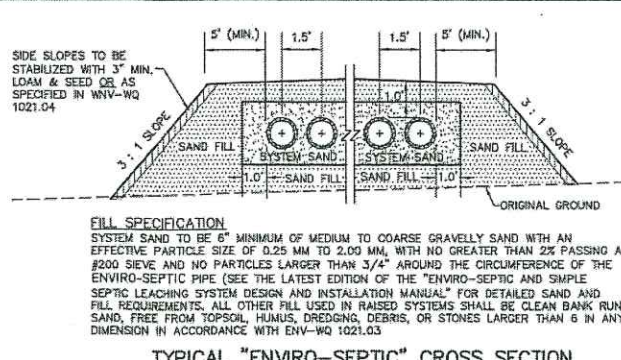
Signed: *Robert M. Tiet*

"  
B"  
Z

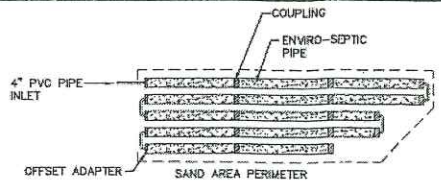


**NOTE:**

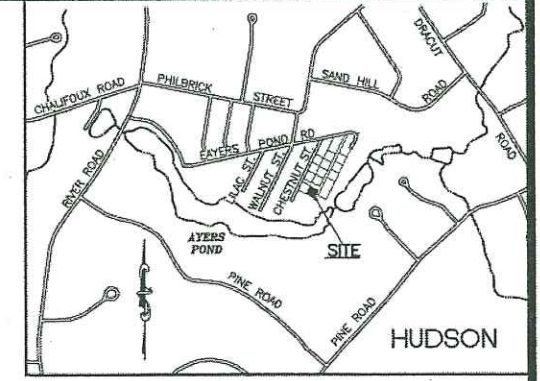
- SEPTIC TANK, DISTRIBUTION BOX AND ENVIRO-SEPTIC COMPONENTS TO BE SUPPLIED BY DEL R. GILBERT AND SON BLOCK CO., INC., OR EQUAL. SEPTIC TANK MUST COMPLY WITH ENV-WQ 1010 SPECIFICATIONS.
- ENVIRO-SEPTIC LEACHING SYSTEM TO BE INSTALLED IN STRICT ACCORDANCE WITH SPECIFICATIONS CONTAINED WITHIN CURRENT EDITION OF THE PRESBY WASTEWATER TREATMENT SYSTEM - NEW HAMPSHIRE DESIGN AND INSTALLATION MANUAL FOR ADVANCED ENVIRO-SEPTIC®, ENVIRO-SEPTIC®, AND SIMPLE SEPTIC® WASTEWATER TREATMENT SYSTEMS.



**FILL SPECIFICATION**  
 SYSTEM SAND TO BE 6\"/>



**NOTE:** EFFLUENT DISPOSAL AREA SHOWN IS A NON-CORFORMING "SERIAL DISTRIBUTION" SYSTEM AS DEPICTED IN THE NEW HAMPSHIRE DESIGN AND INSTALLATION MANUAL FOR ADVANCED ENVIRO-SEPTIC®, ENVIRO-SEPTIC® AND SIMPLE SEPTIC® WASTEWATER TREATMENT SYSTEMS (2013 EDITION).



**DIRECTIONS TO SITE:**  
 -TAKE THE EVERETT TURNPIKE SOUTH TO EXIT 2 TOWARDS NH-3A/HUDSON/DW HIGHWAY.  
 -MERGE ONTO CIRCUMFERENTIAL HIGHWAY, TRAVEL APPROX. 1.03 MILES;  
 -TURN RIGHT ONTO LOWELL ROAD/NH-3A, TRAVEL APPROX. 1.53 MILES;  
 -TURN LEFT ONTO EAYER'S POND ROAD, TRAVEL APPROX. 0.38 MILES;  
 -TURN RIGHT ONTO CHESTNUT STREET (JUST AFTER WALNUT STREET), TRAVEL APPROX. 0.15 MILES  
 -SITE IS ON THE RIGHT.

**GENERAL NOTES:**

- REFERENCED THIS PARCEL AS HUDSON MAP 247 LOT 45-6.
- TOTAL AREA OF PARCEL IS 11,233 S.F.
- LOT IS TO BE SERVED BY ON-SITE SUBSURFACE SEWAGE DISPOSAL SYSTEM AND MUNICIPAL WATER.
- ALL PIPE PENETRATIONS INTO STRUCTURES AND TANK JOINTS SHALL BE SEALED WITH A NON-SHRINK HYDRAULIC CEMENT (NOT ROOF TAR) SO AS TO BE WATERTIGHT.
- NO EXPOSED LEDGE, WATER WELLS OR OPEN WATER WAYS WITHIN 100 FEET OF THE PROPOSED SEPTIC SYSTEM. NO POORLY DRAINED SOILS WITHIN 50 FEET OF PROPOSED SYSTEM. NO VERY POORLY DRAINED SOILS WITHIN 75- FEET OF PROPOSED SYSTEM.
- REPLACEMENT OF SYSTEM TO BE DONE IN KIND WHEN AND/OR IF NEEDED.
- SOIL MAPPING TAKEN FROM THE LATEST PUBLICATION OF THE U.S.D.A.-S.C.S. SOIL SURVEY, SUGGESTS THE SUBJECT PARCEL CONSISTS OF THE FOLLOWING MAPPING UNITS.  
 W6A - WINDSOR LOAMY SAND; 0 TO 3% SLOPES
- SYSTEM IS NOT DESIGNED FOR THE DISPOSAL OF HAZARDOUS WASTE OR DISCHARGE FROM A WATER CONDITIONING SYSTEM.

**OPERATING REQUIREMENTS**

THE SEPTIC TANK SHALL BE INSPECTED FOR ACCUMULATION OF SLUDGE AND SURFACE SCUM AT LEAST ONCE EVERY YEAR. WHEN THE COMBINED THICKNESS OF THE SLUDGE AND SURFACE SCUM EQUALS 1/3 OR MORE OF TANK DEPTH, THE TANK SHALL BE PUMPED BY A LICENSED SEPTIC HAULER.

TO PREVENT OBSTRUCTION OF THE DISTRIBUTION LINES AND LEACH FIELD, GREASE AND BULKY WASTES SHALL NOT BE FLUSHED OR INTRODUCED INTO THE SEPTIC SYSTEM.

TOXIC OR HAZARDOUS MATERIALS SHALL NOT BE INTRODUCED INTO THE SEPTIC SYSTEM.

TO PREVENT DAMAGE TO THE DISTRIBUTION LINES AND LEACH FIELD, VEHICLES, LIVESTOCK AND ANY OTHER HEAVY OBJECTS SHALL NOT BE ALLOWED ON THE LEACH FIELD UNLESS IT IS DESIGNED TO MEET H-20 LOADING.

IF WET AREAS APPEAR ON THE GROUND SURFACE OR IF ODORS OCCUR, THE SYSTEM SHALL BE INSPECTED FOR THE SOURCE OF THE PROBLEM, AND ACTION SHALL BE TAKEN TO CORRECT THE PROBLEM(S).

**NHDES LOT LOADING CALCULATIONS**

TOTAL Q = 450 GPD  
 TOTAL LOT AREA = 11,233 S.F. OR 0.257 ACRES

PREVAILING SOIL TYPE  
 W6A - WINDSOR LOAMY SAND; 0 TO 3% SLOPES

REQUIRED LOT AREA:  
 450 GPD / 2000 GPD/ACRE x (1.0) = 0.225 ACRES

LOT AREA PROVIDED FOR SEWAGE LOADING:  
 TOTAL LOT AREA = 0.257 ACRES  
 \*NO DEDUCTION FOR VERY POORLY DRAINED SOILS OR WELL RADIUS

**CONCLUSION**  
 LOT SIZE IS ADEQUATE FOR PROPOSED SEWAGE LOADING

**DESIGN CRITERIA**

PROPOSED USE: 3-BEDROOM SINGLE FAMILY HOME  
 PERCOLATION RATE: 4 MIN./INCH @ TP #16

REQUIRED LEACHING AREA USING ENVIRO-SEPTIC PIPE  
 123 L.F. OF ENVIRO-SEPTIC PIPE  
 (PER ENVIRO-SEPTIC DESIGN MANUAL)

LEACHING AREA PROVIDED  
 130 L.F. ENVIRO-SEPTIC PIPE  
 2 ROWS @ 30 L.F. EACH  
 2 ROWS @ 25 L.F. EACH  
 1 ROW @ 20 L.F. EACH

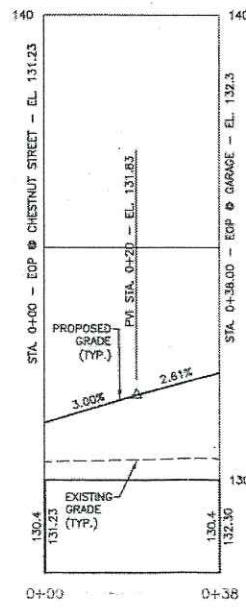
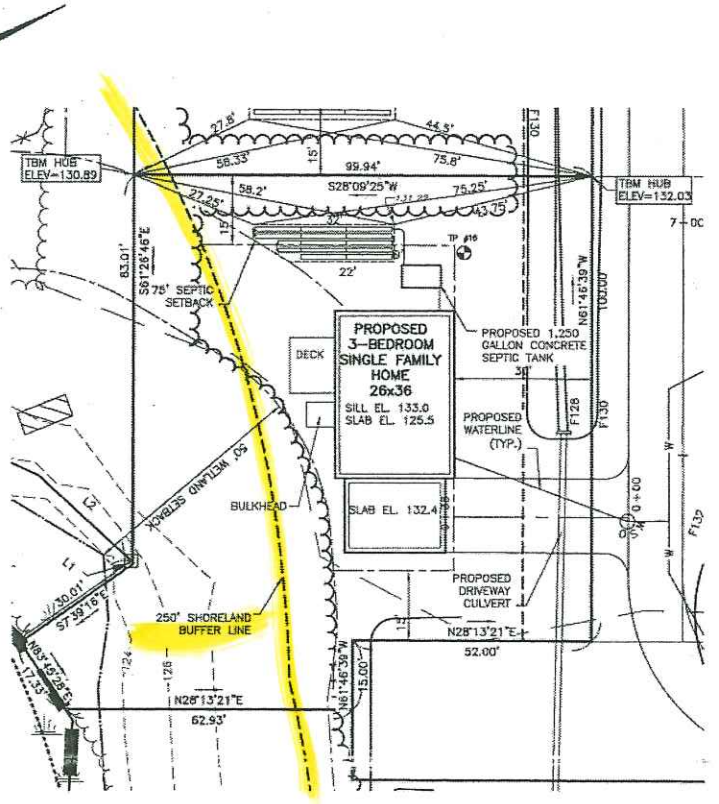
SEPTIC TANK CAPACITY REQUIRED  
 LIQUID CAPACITY AS PER ENV-WQ 1010.01, UP TO 4 BEDROOMS, REQUIRED CAPACITY IS 1,250 GALLONS

SEPTIC TANK CAPACITY PROVIDED  
 1-1,250 GALLON PRECAST CONCRETE SEPTIC TANK;  
 PROPOSED SEPTIC TANK SHALL COMPLY WITH ALL CONDITIONS SET FORTH IN ENV-WQ 1010.

**NOTE: THIS SYSTEM HAS NOT BEEN DESIGNED FOR USE WITH A GARBAGE DISPOSAL.**

**DESIGN INTENT:**

BOTTOM OF EFFLUENT DISPOSAL AREA TO BE SET NO LOWER THAT 3.22' BELOW THE HIGHEST EXISTING GRADE (EL. 131.22 AS DEPICTED ON THE PLAN) IN ORDER TO EXCEED A 30-INCH SEPARATION FROM THE E.S.H.W.T. AND THE BOTTOM OF THE EFFLUENT DISPOSAL PIPE WHEN USING AN "ENVIRO-SEPTIC" WASTEWATER TREATMENT SYSTEM.



**DRIVEWAY PROFILE**  
 SCALE: 1" = 20' HORIZ.  
 1" = 2' VERT.

**TP #16**  
 LOGGED BY JAN  
 PERC TEST @ 24"  
 DATE: 12-5-2016  
 PERC RATE: 2 MIN./INCH  
 IMPERVIOUS LAYER: NONE  
 WATER ENCOUNTERED: NONE  
 ESHWT: NONE TO 78"

0"	O	FOREST MAT
4"	A	10YR 3/4, WEAK GRANULAR, FRIABLE LOAMY, MANY ROOTS
26"	B	10YR 5/8, WEAK GRANULAR, FRIABLE, FINE SANDY LOAM, FEW ROOTS
76" BOTTOM OF HOLE	C	10YR 7/3, WEAK GRANULAR, FRIABLE, LOAMY SAND

**NOTE:**  
 THIS SEPTIC SYSTEM DESIGN PLAN SPECIFIES THE USE OF AN ENVIRO-SEPTIC® LEACHING SYSTEM WHICH CAN NOT BE SUBSTITUTED WITH ANY OTHER SIMILAR MATERIAL.

RESIDENTIAL SEPTIC DESIGN PREPARED FOR:  
**MAP 247 LOT 45-6**  
 3 LUCIER PARK DRIVE  
 HUDSON, NEW HAMPSHIRE

RESERVED FOR NHDES USE

**DIG SAFE**

**NEW HAMPSHIRE**  
 Designer of Subsurface Disposal Systems  
 (Ground #) Datum No. 1830  
 State of Environmental Control

**OWNER OF RECORD:**  
 K&M DEVELOPERS, LLC  
 46 LOWELL ROAD  
 HUDSON, NH 03051  
 H.C.R.D. BK. 8862 PG. 2168

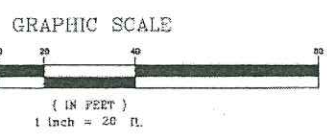
**REVISIONS:**

REVISIONS:	DATE:
REVISED PER NHDES COMMENTS	9/25/17

DATE: DECEMBER 29, 2016  
 SCALE: 1 INCH = 20 FEET  
 PROJECT NO. 16-0008-2  
 SHEET: 1 OF 1

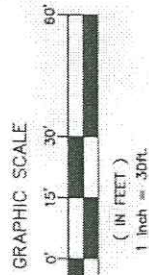
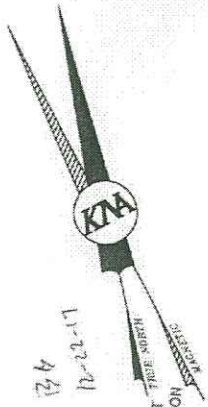
REVIEWED AND APPROVED  
 IN ACCORDANCE WITH THE  
 REQUIREMENTS OF THE  
 NH DEPT OF ENVIRONMENTAL SERVICES  
 WATER DIVISION

Date: 9/25/2017  
 #eCA2017092516



**NOTES**

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING FOUNDATION LOCATION ON ASSESSORS MAP 247 LOT 45-6 ON LUCIER PARK DRIVE IN HUDSON, N.H., AND NO OTHER PURPOSE.
2. PLAN REFERENCE -- MAP OF LUCIER PARK, HUDSON N.H., SCALE: 1"=80', APRIL 1917, PLATE NO. 1 AND PLATE NO. 2
3. PARCEL LIES WITHIN THE TOWN RESIDENCE ZONE. BUILDING SETBACKS: FRONT = 30 FT., SIDE = 15 FT., REAR = 15 FT.
4. OWNER OF RECORD: K&M DEVELOPERS, LLC  
46 LOWELL ROAD  
HUDSON, NH 03051



**RECEIVED**

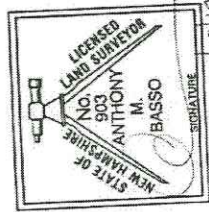
DEC 20 2017

HUDSON FIRE DEPARTMENT  
INSPECTIONAL SERVICES DIVISION

MAP 247 LOT 45-4

MAP 247 LOT 45-7

LUCIER PARK DRIVE



**CERTIFIED FOUNDATION PLAN**  
MAP 247 LOT 45-6  
3 LUCIER PARK DRIVE  
HUDSON, NEW HAMPSHIRE

DRAWN BY: CGB	DATE: 12-18-17	JOB. NO. 16-0608-2
CHECKED BY: MRD	SCALE: 1" = 30'	SHEET 1 OF 1



**KEACH-NORDSTROM ASSOCIATES, INC.**  
Civil Engineering Land Surveying Landscape Architecture  
10 Commerce Park North, Suite 3B, Bedford, NH 03110  
Phone (603) 627-2681

D



# TOWN OF HUDSON

## Land Use Division



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

### Notice of Complaint

June 24, 2019

Dennis & Elaine Smith  
3 Lucier Park Dr  
Hudson, NH 03051

Certified 7016 2710 0000 0595 2322  
USPS 1<sup>st</sup> Class

RE: Possible Zoning Ordinance Violation at:  
3 Lucier Park Dr, Hudson, NH  
Hudson Tax Map 247, Lot 045-006

Dear Mr. & Mrs. Smith,

I have received a complaint against your property regarding the location of a shed type structure that is:

Located in the rear yard setback: The Town of Hudson Zoning Ordinance requires rear and side yard setbacks from your property line of 15 ft per the Table of Minimum Dimensional Requirements (§334-27).

If you could please arrange with me a site visit with your property lines/plot plan to verify compliance.

Thank-you in advance,

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

cc: Public Folder  
File

"E"



## Buttrick, Bruce

---

**From:** DES: Shoreland <shoreland@des.nh.gov>  
**Sent:** Tuesday, November 5, 2019 11:01 AM  
**To:** Buttrick, Bruce  
**Subject:** RE: Wetland and Shoreland Permits Web Query

Bruce:

All new structures within the protected shoreland require a NHDES Shoreland Permit.

Jay Aube, Shoreland Program Outreach Coordinator  
Wetlands Bureau, Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Phone: (603) 271-4056



[Follow us on Twitter!](#)



[Like us on Facebook!](#)

---

**From:** Buttrick, Bruce <bbuttrick@hudsonnh.gov>  
**Sent:** Tuesday, November 5, 2019 8:47 AM  
**To:** DES: Shoreland <shoreland@des.nh.gov>  
**Cc:** Goodwyn, Tracy <tgoodwyn@hudsonnh.gov>  
**Subject:** Wetland and Shoreland Permits Web Query

**EXTERNAL:** Do not open attachments or click on links unless you recognize and trust the sender.

We have a property owner who has applied to the ZBA for a variance to locate a 8 x 10 pre fab shed within the required building setbacks.

Upon review of their application I notice that the proposed shed location is within the 250 ft shoreland buffer setback.

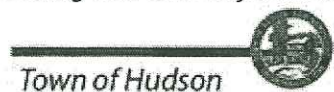
Is that of concern with you and if so should we defer any ZBA decision until approval from you?

Please advise.

Bruce

Ps. The ZBA Hearing is scheduled for 11/14/19.

**Bruce Buttrick, MCP**  
Zoning and Code Enforcement



TOWN OF HUDSON

OCT 21 2019

Zoning Department

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment  
Town of Hudson

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

Case No. 247-045-006

Date Filed 10-21-19

Name of Applicant Dennis and Elaine Smith Map: 247 Lot: 006 Zoning District: TR

Telephone Number (Home) 401-952-7317 (Work) 401-952-7315

Mailing Address 3 Lucier Park Drive Hudson, NH 03051

Owner Dennis and Elaine Smith

Location of Property 3 Lucier Park Drive Hudson, NH 03051  
(Street Address)

Signature of Applicant [Signature] Date 9/10/19

Signature of Property-Owner(s) [Signature] Elaine D. Smith 9/10/19  
[Signature] Elaine Smith 10/21/19

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

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

COST:

Application fee: \$130.00  
7 Direct Abutters x \$4.05 = 28.35  
10 Indirect Abutters x \$0.55 = 5.50  
Total amount due: \$163.85

Date received: 10/21/19

Amt. received: \$ 163.85 chk # 148

Receipt No.: 570,977

Received by: [Signature]

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

\_\_\_\_\_ Engineering \_\_\_\_\_ Fire Department \_\_\_\_\_ Health Officer \_\_\_\_\_ Planner

# TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>AS</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>AS</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG.</u>
<u>AS</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e. <u>Variance</u> , Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG.</u>
<u>AS</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). ( <b>NOTE:</b> 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>AS</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. ( <b>NOTE:</b> 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>AS</u>	A copy of both sides of the assessor's card shall be provided. ( <b>NOTE:</b> these copies are available from the Assessor's Office)	<u>TG.</u>
<u>AS</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>AS</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>

OK

**PLOT PLAN-**

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

TG

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

TG  
TG  
TG.  
TG.  
TG.  
TG.  
TG.  
TG.  
TG.

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

*Ami Path*  
Signature of Applicant(s)

8/10/19  
Date

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

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

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

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

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

2+

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)

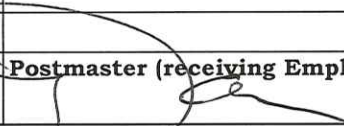
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
247	045-005	Sriram Vinda and Nivya Raj: Krishnamoorthy	1 Lucier Park Dr. Hudson, NH 03051
247	045-007	Samantha Ward + Corey Lendry	2 Lucier Park Dr. Hudson, NH 03051
247	045-004	Scott Andy, Jr + Melissa White	8 Chestnut St. Hudson, NH 03051
247	047-001	Michael Fleury + Cheryl Fleury	10 Chestnut St. Hudson, NH 03051
247	045-016	Matthew Mayfield	7 Lucier Park Dr. Hudson, NH 03051
247	087-000	State of New Hampshire c/ONHDES-Water Division	29 Hazen Dr. PO Box 95 Concord, NH 03302-0095
247	045-006	Dennis + Elaine Smith	3 Lucier Park Dr. Hudson, NH 03051

owner

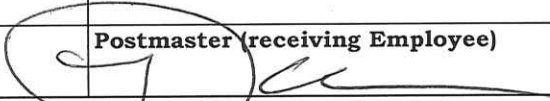
**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
247	045-015	Jose Esquelin + Marcia Esquelin	9 Lucier Park Dr Hudson, NH 03057
247	051-003	Adam Stone + Crystal Stone	3 Chestnut St. Hudson, NH 03051
247	044-000	Robert Stevens + Michelle Stevens	42 Eayers Pond Rd Hudson, NH 03051
247	051-002	Thomas Dennett + Donna Dennett	1 Chestnut St. Hudson, NH 03051
247	045-003	Nicholas Petropoulos + Elisabeth Petropoulos	6 Chestnut St. Hudson, NH 03051
247	050-000	Cynthia Chestnut	9 Chestnut St. Hudson, NH 03051
247	051-005	Robert Narbonne + Selyue Gove	7 Chestnut St. Hudson, NH 03051
247	047-000	Sarah Bahr	10 Chestnut St. Hudson, NH 03051
247	051-004	Matthew Carrigan	5 Chestnut St. Hudson, NH 03051
247	045-008	Brett Thomas	4 Lucier Park Dr. Hudson, NH 03051

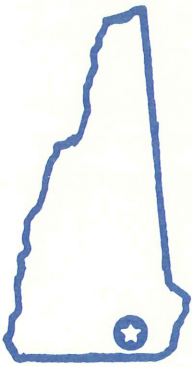
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 247-045-006 Variance 3 Lucier Park Drive Map 247/Lot 045-006 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	11/14/19 ZBA Meeting
1	7019 0700 0000 2993 5154	SMITH, DENNIS JOHN & ELAINE JEANNE	OWNER/APPLICANT NOTICE SENT
		3 LUCIER PARK DR., HUDSON, NH 03051	
2	7019 0700 0000 2993 5161	VRINDA, SRIRAM ; KRISHNAMOORTHY, NIVYA RAJI	ABUTTER NOTICE SENT
		1 LUCIER PARK DR., HUDSON, NH 03051	
3	7019 0700 0000 2993 5178	WARD, SAMANTHA J. ; LANDRY, COREY J.	ABUTTER NOTICE SENT
		2 LUCIER PARK DR., HUDSON, NH 03051	
4	7019 0700 0000 2993 5185	AUDY, SCOTT J., JR.; WHITE, MELISSA A.	ABUTTER NOTICE SENT
		8 CHESTNUT ST., HUDSON, NH 03051	
5	7019 0700 0000 2993 5192	FLEURY, MICHAEL D. & CHERYL A.	ABUTTER NOTICE SENT
		10 CHESTNUT ST., HUDSON, NH 03051	
6	7019 0700 0000 2993 5208	MAYFIELD, MATTHEW A.	ABUTTER NOTICE SENT
		7 LUCIER PARK DR., HUDSON, NH 03051	
7	7019 0700 0000 2993 5215	STATE OF NEW HAMPSHIRE, C/O NHDES-WATER DIVISION	ABUTTER NOTICE SENT
		29 HAZEN DRIVE/PO BOX 95	
8		CONCORD, NH 03302-0095	ABUTTER NOTICE SENT
9			
10			
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office 7	Postmaster (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 247-045-006 Variance 3 Lucier Park Drive Map 247/Lot 045-006 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/14/19 ZBA Meeting
1	N/A-mailed First Class	ESQUILIN, JOSE L. & MARCIA E. 9 LUCIER PARK DR., HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	STONE, ADAM C. & CRYSTAL L. 3 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	STEVENS, ROBERT A. & MICHELLE L. 42 EAYRS POND RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
4	N/A-mailed First Class	DENNETT, THOMAS S. & DONNA M. 1 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	N/A-mailed First Class	PETROPOULOS, NICHOLAS C. & ELISABETH C. 6 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
6	N/A-mailed First Class	CHESTNUT, CYNTHIA J. 9 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
7	N/A-mailed First Class	NARBONNE, ROBERT S.; GOVE, SELVNE 7 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
8	N/A-mailed First Class	BAHR, SARAH J. 12 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
9	N/A-mailed First Class	CARRIGAN, MATTHEW S. 5 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
10	N/A-mailed First Class	THOMAS, BRETT M. 4 LUCIER PARK DR., HUDSON, NH 03051	ABUTTER NOTICE SENT
11			
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office 10	Postmaster (receiving Employee) 







**TOWN OF HUDSON**  
ZONING BOARD OF ADJUSTMENT

**APPLICANT NOTIFICATION**

12 School Street

Hudson, New Hampshire 03051

603/886-6008



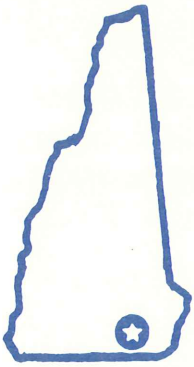
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **11/14/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 247-045-006 (11-14-19): Dennis & Elaine Smith, 3 Lucier Park Dr., Hudson, NH requests a Variance to allow a recently installed 8 ft. x 10 ft. shed structure to remain in the rear and side yard setbacks encroaching 13'-10" in the rear setback leaving 1'-2" where 15 ft. is required and 5'-10" in the side yard setback leaving 9'-2" where 15 ft. is required. [Map 247, Lot 045-006; Zoned Town Residence (TR); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].**

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

Respectfully,

Bruce Buttrick  
Zoning Administrator



**TOWN OF HUDSON**  
ZONING BOARD OF ADJUSTMENT

**ABUTTER NOTIFICATION**

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **11/14/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 247-045-006 (11-14-19): Dennis & Elaine Smith, 3 Lucier Park Dr., Hudson, NH requests a Variance to allow a recently installed 8 ft. x 10 ft. shed structure to remain in the rear and side yard setbacks encroaching 13'-10" in the rear setback leaving 1'-2" where 15 ft. is required and 5'-10" in the side yard setback leaving 9'-2" where 15 ft. is required. [Map 247, Lot 045-006; Zoned Town Residence (TR); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].**

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

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

Respectfully,

Bruce Buttrick  
Zoning Administrator

APPLICATION FOR A VARIANCE

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

To encroach 13'10" from rear setback of 15'  
and 5'10" from side setback of 15' to  
maintain an unshed.

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

**FACTS SUPPORTING THIS REQUEST:**

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

- I. "The Zoning Board of Adjustment shall have the power to: ....
  - (b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:
    - (1) The variance will not be contrary to the public interest;
    - (2) The spirit of the ordinance is observed;
    - (3) Substantial justice is done;
    - (4) The values of surrounding properties are not diminished; and
    - (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
      - (A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
        - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
        - (ii) The proposed use is a reasonable one.
      - (B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

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

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

See Attachment A

---

---

---

---

---

---

---

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

---

---

---

---

---

---

---

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

---

---

---

---

---

---

---

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

---

---

---

---

---

---

---



## Attachment A

- 1) Granting of the requested variance will not be contrary to the public interest, because:

The shed is new, sturdy, and matches the style and colors of the house, thus blending in with the rest of the new Sousa developed 22-single family home neighborhood (2017-2018). In addition, the shed has a lifetime warranty.

- 2) The proposed use will observe the spirit of the ordinance, because:

The shed will be used to store tools, outdoor power equipment, yard maintenance equipment, bikes, and storage bins that would otherwise be exposed to the weather or under a tarp.

- 3) Substantial justice would be done to the property-owner by granting the variance, because:

It will provide much needed sheltered storage while adding value to the property.

Of the 22 homes built by Sousa in Lucier Park Estates, 21 have 2-car garages. The sole property with a 1-car garage is 3 Lucier Park Dr., limiting sheltered storage. The 1-car garage was mandated due to the structure's proximity to the neighborhood drainage pond and wetland buffer setback.

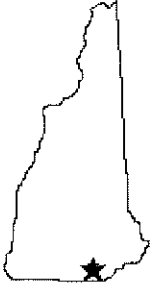
- 4) The proposed use will not diminish the values of surrounding properties, because:

The shed is new and aesthetically pleasing. It does not block any sightlines of neighbors to the natural wetland area. It was made and installed by Reeds Ferry sheds, a Hudson based company, known for quality and craftsmanship.

- 5) Special conditions exist such that literal enforcement of the ordinance results in necessary hardship, because:

Due to the lot's unique location and features--drainage trench in front yard, septic system on side yard, drainage retention pond on other side yard, buried Propane Tank in the backyard, and Eayers Pond wetland taking up more than 50% of the backyard—the best solution was to place the shed in the back corner of the property. This avoids existing trees and provides the owner a direct sight-line to the Eayers Pond wetland, which is important as we host small children on occasion and are always concerned with a potential drowning incident.

Note-verbal consent of direct abutters was given in the early spring as we told them we would be adding a shed in the back corner of our yard. In early June as the shed pad was being prepared in advance of late June installation the owner of 10 Chestnut St, observed site preparation and engaged in a 45-minute conversation with the owners and owner's son where he stated Reeds Ferry Sheds are "really good" and "I don't have any issue with you putting your shed there". The Shed was installed on June 21<sup>st</sup>, 2019. Backyard and Side-Yard direct abutters agreed the shed location was favorable and both appreciated our efforts to discuss and inform them of our shed plans.



# TOWN OF HUDSON

## Land Use Division



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

### Notice of Complaint

June 24, 2019

Dennis & Elaine Smith  
3 Lucier Park Dr  
Hudson, NH 03051

Certified 7016 2710 0000 0595 2322  
USPS 1<sup>st</sup> Class

RE: Possible Zoning Ordinance Violation at:  
3 Lucier Park Dr, Hudson, NH  
Hudson Tax Map 247, Lot 045-006

Dear Mr. & Mrs. Smith,

I have received a complaint against your property regarding the location of a shed type structure that is:

Located in the rear yard setback: The Town of Hudson Zoning Ordinance requires rear and side yard setbacks from your property line of 15 ft per the Table of Minimum Dimensional Requirements (§334-27).

If you could please arrange with me a site visit with your property lines/plot plan to verify compliance.

Thank-you in advance,

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

cc: Public Folder  
File





247 045 006  
MAP LOT SUB

1 of 1 RESIDENTIAL  
CARD Hudson

Total Card / Total Parcel  
APPAISED: 353,500/ 353,500  
USE VALUE: 353,500/ 353,500  
ASSESSED: 353,500/ 353,500



**Patriot**  
Properties Inc.

**USER DEFINED**

Prior Id # 1:	0005
Prior Id # 2:	0109
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

!10378!  
PRINT  
Date Time  
09/10/19 11:17:48  
LAST REV  
Date Time  
02/25/19 13:57:09  
jmichaud  
10378

**PROPERTY LOCATION**

No	Alt No	Direction/Street/City
3		LUCIER PARK DR, HUDSON

**OWNERSHIP**

Owner 1:	SMITH, DENNIS JOHN
Owner 2:	SMITH, ELAINE JEANNE
Owner 3:	
Street 1:	3 LUCIER PARK DR.
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

**PREVIOUS OWNER**

Owner 1:	K&M DEVELOPERS, LLC -
Owner 2:	-
Street 1:	46 LOWELL RD.
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

**NARRATIVE DESCRIPTION**

This parcel contains .23 ACRES of land mainly classified as ONE FAMILY with a COLONIAL Building built about 2018, having primarily VINYL Exterior and 1872 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 1 HalfBath, 7 Rooms, and 3 Bdrms.

**OTHER ASSESSMENTS**

Code	Descrip/No	Amount	Com. Inf
------	------------	--------	----------

**PROPERTY FACTORS**

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

**IN PROCESS APPRAISAL SUMMARY**

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.230	268,900		84,600	353,500
Total Card	0.230	268,900		84,600	353,500
Total Parcel	0.230	268,900		84,600	353,500
Source:	Market Adj Cost	Total Value per SQ unit /Card:	188.84	/Parcel:	188.84

**PREVIOUS ASSESSMENT**

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	101	JB	268,900	0	.23	84,600	353,500	353,500	Year End Roll	5/8/2019
2018	101	FV	242,000	0	.23	84,600	326,600	326,600	Year End Roll	8/27/2018
2018	101	JB	242,000	0	.23	84,600	326,600	326,600	Year End Roll	5/9/2018
2017	130	FV		0	.23	38,100	38,100	38,100	Year End Roll	10/26/2017
2017	130	PV		0	.23	38,100	38,100	38,100	Year End Roll	8/28/2017
2017	130	JB		0	.23	36,300	36,300	36,300	Year End Roll	5/10/2017

**SALES INFORMATION**

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
K&M DEVELOPERS,	9070-0169	1	5/4/2018		379,800	No	No		
K&M DEVELOPERS,	8960-0398	6	4/14/2017	EASEMENT		No	No		
HUDSON, TOWN OF	8862-2168	2	6/3/2016	GOVT TRANS	297,000	No	No		

**BUILDING PERMITS**

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descip	Comment
3/22/2018	2017-01099	MECHANIC	1,000	C				
3/6/2018	2017-01099	MECHANIC	7,000	C				
2/27/2018	2017-01099	MECHANIC		C				
2/27/2018	2017-01099	MECHANIC		C				
2/27/2018	2017-01099	PLUMBING		C				
2/26/2018	2017-01099	ELECTRIC		C				
12/22/2017	2017-01099	DWELLING	135,000	C				
12/15/2017	2017-01099	PROPANE		C				
12/11/2017	2017-01099	DRIVEWAY		C				
12/11/2017	2017-01099	H2O hook		C				

**ACTIVITY INFORMATION**

Date	Result	By	Name
8/24/2018	Sale Data VI	12	TECH ASMNT
3/26/2018	Permit Visit	12	TECH ASMNT
3/6/2017	Info Fm Plan	1	CHIEF ASSESS

**LAND SECTION (First 7 lines only)**

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

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

**EXTERIOR INFORMATION**

Type: 06 - COLONIAL  
 Sty Ht: 2 - TWO STY  
 (Liv) Units: 1 Total: 1  
 Foundation: 1 - CONCRETE  
 Frame: 1 - WOOD  
 Prime Wall: 04 - VINYL  
 Sec Wall: %  
 Roof Struct: 1 - GABLE  
 Roof Cover: 1 - ASPH SHING  
 Color: TAN  
 View / Desir:

**BATH FEATURES**

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

**COMMENTS**

Boundary Plat #39189.

**GENERAL INFORMATION**

Grade: B- - GOOD/AVG  
 Year Blt: 2018 Eff Yr Blt:  
 Alt LUC: Alt %:  
 Jurisdic: Fact:  
 Const Mod:  
 Lump Sum Adj:

**OTHER FEATURES**

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

**CONDO INFORMATION**

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

**RESIDENTIAL GRID**

1st Res Grid	Desc: Line 1	# Units 1
Level	FY LR DR D K FR RR BR FB HB L O	
Other		
Upper		
Lvl 2		
Lvl 1		
Lower		
Totals	RMs: 7 BRs: 3 Baths: 1 HB: 1	

**REMODELING**

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

**RES BREAKDOWN**

No Unit	RMS	BRS	FL
1	7	3	M
Totals			
1	7	3	

**INTERIOR INFORMATION**

Avg H/WFL: STD  
 Prim Int Wal: 1 - DRYWALL  
 Sec Int Wall: %  
 Partition: T - TYPICAL  
 Prim Floors: 03 - HARDWOOD  
 Sec Floors: 04 - CARPET 30%  
 Bsmnt Flr: 12 - CONCRETE  
 Subfloor:  
 Bsmnt Gar:  
 Electric: 3 - TYPICAL  
 Insulation: 2 - TYPICAL  
 Int vs Ext: S  
 Heat Fuel: 4 - PROPANE  
 Heat Type: 1 - FORCED AIR  
 # Heat Sys: 1  
 % Heated: 100 % AC: 100  
 Solar HW: NO Central Vac: NO  
 % Com Wal % Sprinkled

**DEPRECIATION**

Phys Cond: GD - Good 1.7%  
 Functional: %  
 Economic: %  
 Special: %  
 Override: %  
 Total: 1.7%

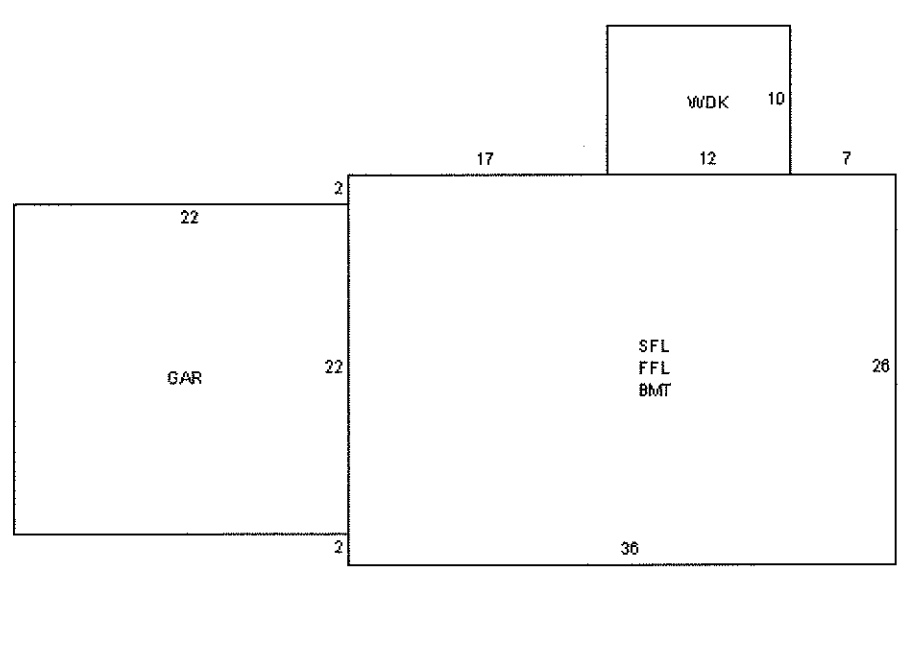
**CALC SUMMARY**

Basic \$ / SQ:	94.00
Size Adj.:	0.98076922
Const Adj.:	0.99371994
Adj \$ / SQ:	91.613
Other Features:	19668
Grade Factor:	1.20
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	273575
Depreciation:	4651
Depreciated Total:	268924

**COMPARABLE SALES**

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:	AvRate:	Ind.Val		
Juris. Factor:	Before Depr:	109.94		
Special Features: 0	Val/Su Net:	78.81		
Final Total: 268900	Val/Su SzAd	143.64		

**SKETCH**



**SUB AREA**

Code	Description	Area - SQ	Rate - AV	Undepr. Value	
BMT	BASEMENT	936	18.320	17,150	
FFL	FIRST FLOOR	936	91.610	85,750	
SFL	SECOND FLR	936	91.610	85,750	
GAR	GARAGE	484	35.720	17,288	
WDK	WOOD DECK	120	19.770	2,373	
Net Sketched Area:		3,412	Total:	208,311	
Size Ad	1872	Gross Area	3412	FinArea	1872

**SUB AREA DETAIL**

Sub Area	% Usbl	Descr	% Type	Qu	# Ten

**MOBILE HOME**

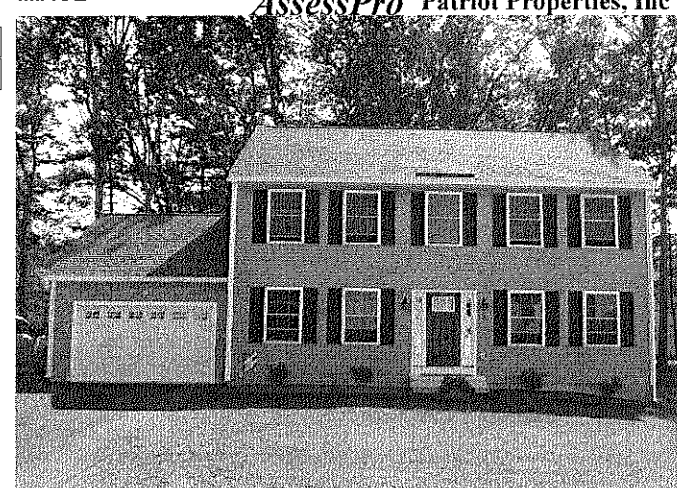
Make: Model: Serial # Year: Color:

**SPEC FEATURES/YARD ITEMS**

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB	Fa	Appr. Value	JCod	JFact	Juris. Value

PARCEL ID 247-045-006

**IMAGE**



AssessPro Patriot Properties, Inc

More: N Total Yard Items: Total Special Features: Total:



September 9, 2019

Adam Stone

3 Chestnut Street

Hudson NH 03051

To Whom it may concern,

I live adjacent to Dennis and Elaine Smith, who reside at 3 Lucier Park Drive in Hudson, NH.

They recently installed an 8' x 10 'shed on their property, which not only compliments the design of the home, it adds style and character to the property. The shed is proportionate to the property, providing form and function for the homeowners who use the shed for needed storage.

Not only do I have no objection to the shed, my wife has commented several times how much she loves the flower boxes under the shed windows.

If you have any questions, please don't hesitate to contact me.

Respectfully,



Adam Stone

3 Chestnut Street

603-303-9035

September 9, 2019

Samantha Landry  
Corey Landry  
2 Lucier Park Dr  
Hudson, NH 03051

To Whom It May Concern,

We own the property across the street from Dennis and Elaine Smith, who reside at 3 Lucier Park Drive in Hudson. We live at 2 Lucier Park Drive.

The Smith's recently had an 8' x 10' shed installed on their property. The shed is of excellent quality and matches the style of home that they have. It compliments their home nicely and does not detract from the neighborhood in any way. It is aesthetically pleasing and provides them with the storage they need.

We would like to let the Hudson Zoning Board know that we do not have an issue with the placement of the shed or the physical appearance of it in our neighborhood.

If you have any questions, please don't hesitate to contact us.

Respectfully,

Samantha Landry



Corey Landry



2 Lucier Park Dr, Hudson, NH 03051  
603-897-5865

September 9, 2019

Sriram Vrinda and Nivya Krishnamoorthy  
1 Lucier Park Drive  
Hudson NH

RE: Storage Shed

To whom it may concern,

We own and live at the property next door to Dennis and Elaine Smith, who reside at 3 Lucier Park Drive in Hudson. They recently installed an 8'x10' shed on their property. The shed is of excellent quality and matches the style of the home that they have. It complements the home nicely and does not distract from the neighborhood in anyway. It is aesthetically pleasing and provides them with the storage they need. Prior to installation of the shed, Dennis and Elaine discussed with us about their intentions to have a shed in that location and we agreed to their plans.

We would like to let you know that we do not have any issues with the placement of the shed or the physical appearance of it in our neighborhood.

Please contact us in case of any questions or clarifications.

Thank you,



Sriram Vrinda and Nivya Krishnamoorthy  
1 Lucier Park Drive  
Hudson NH 03051  
603-320-5042/ 603-305-4345

October 10, 2019

To the members of the Hudson Zoning Board of Adjustment,

I am writing this letter in support of Dennis and Elaine Smith's variance request regarding the shed on their property. I live nearby at 4 Chestnut Street, Hudson, NH. I can see the Smith's property from my home and I find it to be very pleasing to the eye. It blends right in with the "feel" of the neighborhood. It in no way detracts from the neighborhood.

In our neighborhood, the lots are on the small side (approx. 10,000 square feet each), so the placement of a shed is difficult to do depending on the location of the other elements of our homes. (garage, in ground gas tank, deck and septic & leach field, etc). I understand that the Smith's shed is within the setback, but I feel that it is an acceptable solution based on their lot and the other elements of their homes situation.

Please feel free to contact me if you would like to discuss this matter in further detail.

Respectfully,



Debbie Cole  
(248) 770-2421  
4 Chestnut Street  
Hudson, NH 03051

IVYA  
THY  
RIVE  
45-005

2003  
0.00  
IP

S 61°46'39" E 100.00'

2032  
0.00  
GB (Held for line)

N/F  
MATTHEW MAY  
7 LUCIER PARK  
PARCEL ID: 247

Approx Septic Area



DRIVEWAY

EXISTING HOUSE

WOOD DECK

S 28°13'21" W 52.00'

GB  
0.00

GB-F (Held for line)  
0.00

2019  
0.00  
BB

S 28°13'21" W 62.93'

PARCEL  
ID: 247-045-000  
N/F  
DENNIS JOHN SMITH  
AND  
LAINE JEANNE SMITH  
LUCIER PARK DRIVE  
BOOK 9070 PAGE 169

BUILDING SETBACK LINE  
(TYPICAL)



N 61°46'39" W 83.74'

2017  
0.00  
Corner

2033  
0.00  
IP  
-7.98'

FLEURY

S 57°28' W 27.13'



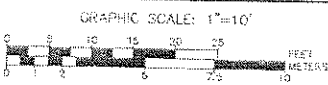
JEFFREY J. STEFANK LS 888 DATE: AUG. 30, 2019



NOTES  
1) ZONING DISTRICT- IR  
MINIMUM LOT AREA- 10,000 SF  
MINIMUM LOT FRONTAGE- 90'  
SETBACKS- FRONT 30' SIDE AND REAR 15'

OWNER:  
DENNIS JOHN SMITH  
AND  
ELAINE JEANNE SMITH  
3 LUCIER PARK DRIVE  
HUDSON NH 03051

PLAN OF LAND  
3 LUCIER PARK DRIVE  
HUDSON, NH  
SCALE: 1"=10'  
DATE: AUGUST 30, 2019



**Guerriere & Halnon, Inc.**  
ENGINEERING & LAND SURVEYING  
343 WEST STREET PH. (508) 473-6600  
MILFORD, MA 01757 FX. (508) 473-2243  
www.guerriereandhalnon.com

N/F  
SAMANTHA WARD AND COREY  
LANDRY  
2 LUCIER PARK DRIVE  
PARCEL ID: 247-045-007

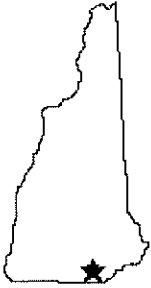
N/F  
SRIRAM VRINDA AND NIVYA  
RAJ KRISHNAMOORTHY  
1 LUCIER PARK DRIVE  
PARCEL ID: 247-045-005

N/F  
MATTHEW MAYFIELD  
7 LUCIER PARK DRIVE  
PARCEL ID: 247-045-018

PARCEL ID: 247-045-006  
N/F  
DENNIS JOHN SMITH  
AND  
ELAINE JEANNE SMITH  
3 LUCIER PARK DRIVE  
BOOK 9070 PAGE 169

N/F  
MICHAEL AND CHERYL FLEURY  
10 CHESTNUT STREET  
PARCEL ID: 247-045-001





# 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: November 14, 2019 *3A 11-4-19*

Case 165-109 (11-14-19): George Hurd, Member of Tumpney Hurd Clegg, LLC, 39 Trigate Rd., Hudson, NH requests a Variance for 12 Hill St., Hudson, NH to allow the replacement of a single family dwelling with the construction of a new residential duplex structure where a two family (duplex) is not permitted in the Town Residence District. [Map 165, Lot 109; Zoned Town Residence (TR); HZO Article V, §334-20 Allowed uses provided in tables and §334-21 Table of Permitted Principal Uses].

**Address:** 12 Hill Street

**Zoning district:** Town Residence (TR)

#### Summary:

Applicant wishes to demolish an existing SFR and construct a two family (duplex).

#### Property description:

This is an existing developed lot of record: Having 10,018 sqft where 10,000 sqft is required. The frontage on Hill St is 100 ft where 90 ft is required.

#### In-House review/comments:

Fire Dept: No comment

Engineering: Yes

Planner: Yes

#### HISTORY:

Assessing: Listed as a Single Family residence.

Building Permits: No history

**Attachments:**

**“A”** Assessing record.

**“B”** Town Engineer In-House review/comments

**“C”** Town Planner In-House review/comments

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	101 - ONE FAMILY	9,800	700	84,600	0.23	0.00	95,100
2019	101 - ONE FAMILY	9,800	700	84,600	0.23	0.00	95,100
2018	101 - ONE FAMILY	63,600	700	84,600	0.23	0.00	148,900
2018	101 - ONE FAMILY	63,600	700	84,600	0.23	0.00	148,900
2017	101 - ONE FAMILY	63,600	700	84,600	0.23	0.00	148,900
2017	101 - ONE FAMILY	45,000	700	80,700	0.23	0.00	126,400
2017	101 - ONE FAMILY	63,600	700	84,600	0.23	0.00	148,900
2016	101 - ONE FAMILY	45,000	700	80,700	0.23	0.00	126,400
2016	101 - ONE FAMILY	45,000	700	80,700	0.23	0.00	126,400
2015	101 - ONE FAMILY	45,000	700	80,700	0.23	0.00	126,400
2015	101 - ONE FAMILY	45,000	700	80,700	0.23	0.00	126,400
2014	101 - ONE FAMILY	45,000	700	80,700	0.23	0.00	126,400
2014	101 - ONE FAMILY	44,600	700	80,700	0.23	0.00	126,000
2013	101 - ONE FAMILY	44,600	700	80,700	0.23	0.00	126,000
2013	101 - ONE FAMILY	44,600	700	80,700	0.23	0.00	126,000
2012	101 - ONE FAMILY	44,600	700	80,700	0.23	0.00	126,000
2012	101 - ONE FAMILY	52,700	1,000	107,700	0.23	0.00	161,400
2011	101 - ONE FAMILY	52,700	1,000	107,700	0.23	0.00	161,400
2011	101 - ONE FAMILY	52,700	1,000	107,700	0.23	0.00	161,400
2010	101 - ONE FAMILY	52,700	1,000	107,700	0.23	0.00	161,400
2010	101 - ONE FAMILY	52,700	1,000	107,700	0.23	0.00	161,400
2009	101 - ONE FAMILY	52,700	1,000	107,700	0.23	0.00	161,400
2008	101 - ONE FAMILY	52,700	1,000	107,700	0.23	0.00	161,400
2008	101 - ONE FAMILY	52,700	1,000	107,700	0.23	0.00	161,400
2007	101 - ONE FAMILY	52,700	1,000	107,700	0.23	0.00	161,400
2007	101 - ONE FAMILY	49,700	900	80,700	0.23	0.00	131,300
2006	101 - ONE FAMILY	49,700	900	80,700	0.23	0.00	131,300
2006	101 - ONE FAMILY	49,700	900	80,700	0.23	0.00	131,300
2005	101 - ONE FAMILY	49,700	900	80,700	0.23	0.00	131,300
2005	101 - ONE FAMILY	49,700	900	80,700	0.23	0.00	131,300
2004	101 - ONE FAMILY	49,700	900	80,700	0.23	0.00	131,300
2004	101 - ONE FAMILY	32,100	2,600	61,500	0.23	0.00	96,200
2003	101 - ONE FAMILY	32,100	2,600	61,500	0.23	0.00	96,200
2003	101 - ONE FAMILY	32,100	2,600	61,500	0.23	0.00	96,200
2002	101 - ONE FAMILY	32,100	2,600	61,500	0.23	0.00	96,200
2002	101 - ONE FAMILY	32,100	2,600	61,500	0.23	0.00	96,200
2002	101 - ONE FAMILY	32,100	2,600	61,500	0.23	0.00	96,200
2001	101 - ONE FAMILY	13,700	0	40,500		0.00	54,200
2000	101 - ONE FAMILY	13,000	700	40,500	0.23	0.00	54,200
1999	101 - ONE FAMILY	13,000	700	40,500	0.23	0.00	54,200

"A"

**ZONING ADMINISTRATOR REQUEST FOR INTER DEPARTMENT REVIEW  
TOWN OF HUDSON, NEW HAMPSHIRE**

REQUEST FOR REVIEW/COMMENTS:

Case: 165-109 (11-14-19)

Property Location: 12 Hill Street

*For Town Use*

Plan Routing Date: 10/29/2019 Reply requested by: 11/04/2019 ZBA Hearing Date: 11/14/2019

I have no comments     I have comments (see below)

EZD \_\_\_\_\_ Name: Elvis Dhima, P.E. Date: 10/30/2019  
(Initials)

DEPT:  Town Engineer     Fire/Health Department     Town Planner

1. Applicant shall state if the proposed duplex shall be serviced by two driveways or a shared driveway.
2. Applicant shall provide a separate water service for the new unit, 1" minimum.
3. Applicant shall confirm with DPW if the existing sewer service is adequate to handle both units or a new sewer service will need to be installed.

"B"

**ZONING ADMINISTRATOR REQUEST FOR INTER DEPARTMENT REVIEW  
TOWN OF HUDSON, NEW HAMPSHIRE**

REQUEST FOR REVIEW/COMMENTS:

Case: 165-109 (11-14-19)

Property Location: 12 Hill Street

*For Town Use*

Plan Routing Date: 10/29/2019 Reply requested by: 11/04/2019 ZBA Hearing Date: 11/14/2019

I have no comments  I have comments (see below)

BG Name: Brian Groth Date: 11/04/2019  
(Initials)

DEPT:  Town Engineer  Fire/Health Department  Town Planner

The following comments describe the character of the neighborhood:

Hill Street is comprised of 13 single-family homes (including subject lot) and 5 duplexes. One single-family home has an accessory dwelling unit. There is also a lot at 1 Hill Street that has a single-family structure converted to a two family. (19 lots total)

12 Hill Street (subject lot) sits approximately at the midpoint of Hill Street.

To the west of the subject lot (addresses 13-20 Hill St.) there is a cluster of 5 duplexes.

To the east of the subject lot (addresses 1-11), Hill Street is predominately single-family, though 1 Hill St. has been converted as previously mentioned.

"C"

TOWN OF HUDSON

OCT 29 2019

Zoning Department

To: Zoning Board of Adjustment  
Town of Hudson

APPLICATION FOR A VARIANCE

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

Case No. 165-109 (11-14-19)

Date Filed 10-29-19

Name of Applicant GEORGE HURD, MEMBER Map: 165 Lot: 109 Zoning District: T-R

Telephone Number (Home) \_\_\_\_\_ (Work) 603-860-3682

Mailing Address 39 Trigate Road, Hudson, NH 03051

Owner Tumpney Hurd Clegg, LLC

Location of Property 12 Hill Street, Hudson, NH 03051  
(Street Address)

[Signature] \_\_\_\_\_ October 28, 2019  
Signature of Applicant Date

[Signature] \_\_\_\_\_ October 28, 2019  
Signature of Property-Owner(s) Date

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

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

**COST:**

Application fee:

8 Direct Abutters x \$4.05 =

\$130.00

32.40

15 Indirect Abutters x \$0.55 =

8.25

**Total amount due:**

\$ 170.65

Date received: 10/29/19

Amt. received: \$ 170.65

Receipt No.: 571, 885

chk #  
1278

Received by: TSG

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

\_\_\_\_\_ Engineering \_\_\_\_\_ Fire Department \_\_\_\_\_ Health Officer \_\_\_\_\_ Planner

Colin Jean  
Attorney at Law, LLC

---

64 McKean Street  
P.O. Box 3661  
Nashua, New Hampshire 03061

---

LICENSED IN NH & MA

Tel: (603) 881-5535  
E-mail: [ColinJean@nhjean.com](mailto:ColinJean@nhjean.com)

Fax: (603) 881-5536

October 28, 2019

Mr. Bruce Buttrick, MCP  
Zoning Administrator  
Town of Hudson  
12 School Street  
Hudson, NH 03051

RE: **Authorization for Representation – 12 Hill St., Hudson**

Dear Administrator Buttrick:

Kindly accept this communication as formal notice that I authorize Colin Jean, Esquire of the office of Colin Jen Attorney at Law, LLC to represent the interests of Tumpney Hurd Clegg, LLC at the Town of Hudson Zoning Board of Adjustment meeting scheduled for November 14, 2019 or any subsequent meeting thereafter.

Sincerely,



---

George Hurd, Member  
Tumpney Hurd Clegg, LLC  
39 Trigate Road  
Hudson, NH 03051

October 28, 2019



# 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>GH</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>GH</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>GH</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>GH</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>GH</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>GH</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>GH</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>



**ALL DIRECT ABUTTERS**

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


MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
165	108	Harvey J. Husted Christine . Husted	8 Hill St., Hudson, NH 03051
165	110	Dorothy Schulte, Tr.	14A Hill St., Hudson, NH 03051
165	102	Tyler D. Glaude Emily V. Veloso	13 Hill St., Hudson, NH 03051
165	103	Gary W. Kashulines	11 Hill St., Hudson, NH 03051
165	117	Robert Decoste Dorothy L. Decoste	15 Grand Ave., Hudson, NH 03051
165	116	Kimberly A. Greenwood	17 Grand Ave., Hudson, NH 03051
165	104	Richard B. Clocher, Jr. Allyson E. Clocher	9 Hill St., Hudson, NH 03051
165	109	Tumpney Hurd Clegg LLC	39 Trigate 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
165	106	Lisa Marie Haven	6 Hill St., Hudson, NH 03051
165	107	Judy F. Husted, Tr.	8 Hill St., Hudson, NH 03051
165	111	Mark I. Condon Lam T. Truong	23 Clearview Dr., Nashua, NH 03062
165	101	David Forte Paul Forte	15 Hill St., #B, Hudson, NH 03051
165	154	Car Development Corp	P.O. Box 370, Hudson, NH 03051
156	56	Richard J. Kashulines Katherine Kashulines	7 Hill St., Hudson, NH 03051
165	119	Lisa A. Daigle	11 Grand Ave., Hudson, NH 03051
165	118	Darren Rankin Lori Ann	13 Grand Ave., Hudson, NH 03051
165	115	Michael Boudreau Diane L. Boudreau	23 Grand Ave., Hudson, NH 03051
165	124	Jennifer Fredette	5513 Laurel Oak Dr. Winter Haven, FL 33880-3838
165	123	Ludovic Larry Mitchell, Tr. Winnifred L. Mitchell, Tr.	18 Grand Ave., Hudson, NH 03051
165	122	Daniel W. O'Brien, Tr. Mary Ann O'Brien, Tr.	14 Grand Ave., Hudson, NH 03051
165	100- 002	Scott A. Lister Gina M. Lister	17B Hill St., Hudson, NH 03051



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 165-109 Variance 12 Hill Street Map 165/Lot 109-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/14/19 ZBA Meeting
1	7019 0700 0000 2993 5222	TUMPNEY HURD CLEGG LLC 38 TRIGATE RD., HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT
2	7019 0700 0000 2993 5239	HUSTED, HARVEY J. & CHRISTINE D. 10 HILL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	7019 0700 0000 2993 5246	SCHULTE, DOROTHY, TR.;SCHULTE REVOCABLE TRUST 14A HILL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
4	7019 0700 0000 2993 5253	GLAUDE, TYLER D.;VELOSO, EMILY V. 13 HILL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	7019 0700 0000 2993 5260	KASHULINES, GARY W. 11 HILL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
6	7019 0700 0000 2993 5277	DECOSTE, ROBERT A. & DOROTHY L. 15 GRAND AVE, HUDSON, NH 03051	ABUTTER NOTICE SENT
7	7019 0700 0000 2993 5284	GREENWOOD, KIMBERLY A. 17 GRAND AVE, HUDSON, NH 03051	ABUTTER NOTICE SENT
8	7019 0700 0000 2993 5291	CLOCHER, RICHARD R. JR. & ALLYSON E. 9 HILL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
9			
10			
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office 8	Postmaster (receiving Employee) 



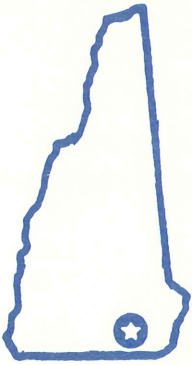
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-109 Variance 12 Hill Street Map 165/Lot 109-000 1 of 2
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/14/19 ZBA Meeting
1	N/A-mailed First Class	HAVEN, LISA MARIE 6 HILL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	HUSTED, JUDY F., TR.;HUSTED REVOCABLE TRUST 8 HILL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	CODDON, MARK I.;TRUONG, LAM T. 23 CLEARVIEW DR., NASHUA, NH 03062	ABUTTER NOTICE SENT
4	N/A-mailed First Class	FORTE, DAVID; FORTE, PAUL 15 HILL STREET #B, HUDSON, NH 03051	ABUTTER NOTICE SENT
5	N/A-mailed First Class	CAR DEVELOPMENT CORP PO BOX 370, HUDSON, NH 03051-0370	ABUTTER NOTICE SENT
6	N/A-mailed First Class	KASHULINES, RICHARD J. & KATHERINE 7 HILL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
7	N/A-mailed First Class	DAIGLE, LISA A. 11 GRAND AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
8	N/A-mailed First Class	RANKIN, DARREN A. & LORI ANN 13 GRAND AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
9	N/A-mailed First Class	BOUDREAU, MICHAEL L. & DIANE L. 23 GRAND AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
10	N/A-mailed First Class	FREDETTE, JENNIFER L. 5513 LAUREL OAK DR., WINTER HAVEN, FL 33880-3838	ABUTTER NOTICE SENT
11	N/A-mailed First Class	MITCHELL, LUDOVIC LARRY & WINNIFRED, TRUSTEES; MITCHELL REVOCABLE TRUST 18 GRAND AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
	<b>Total Number of pieces listed by sender 11</b>	<b>Total number of pieces rec'vd at Post Office</b> 11	<b>Postmaster (receiving Employee)</b>



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-109 Variance 12 Hill Street Map 165/Lot 109-000 2 of 2
ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/14/19 ZBA Meeting	
1	N/A-mailed First Class	O'BRIEN, DANIEL W. & MARY ANN, TRUSTEES; O'BRIEN IRR TRUST 14 GRAND AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	LISTER, SCOTT A. & GINA M. 17B HILL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	KARORI, WALTER G.; GICHURA, KEZIAH N. 4 HAMLETT DR. APT 3, NASHUA, NH 03062-2615	ABUTTER NOTICE SENT
4	N/A-mailed First Class	ELMWOOD CONDOMINUM ASSOC 1 ELMWOOD DR., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	N/A-mailed First Class	M.J. Grainger Engineering, Inc.; <sup>Michael J. Grainger, PE</sup> 220 Derry Rd, Hudson, NH 03051	Applicant ABUTTER NOTICE SENT
6	N/A-mailed First Class	Colin Jean, Esq. P.O. Box 3661, Nashua, NH 03061	Applicant ABUTTER NOTICE SENT
7	N/A-mailed First Class		ABUTTER NOTICE SENT
8	N/A-mailed First Class		ABUTTER NOTICE SENT
9	N/A-mailed First Class		ABUTTER NOTICE SENT
10	N/A-mailed First Class		ABUTTER NOTICE SENT
11	N/A-mailed First Class		
	Total Number of pieces listed by sender <b>6</b>	Total number of pieces rec'vd at Post Office <b>6</b>	Postmaster (receiving Employee) <i>[Signature]</i>







**TOWN OF HUDSON**  
ZONING BOARD OF ADJUSTMENT

**APPLICANT NOTIFICATION**

12 School Street

Hudson, New Hampshire 03051

603/886-6008



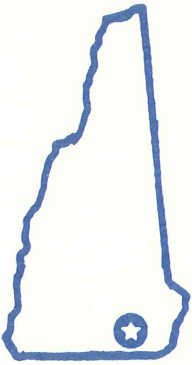
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **11/14/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 165-109 (11-14-19): George Hurd, Member of Tumpney Hurd Clegg, LLC, 39 Trigate Rd., Hudson, NH requests a Variance for 12 Hill St., Hudson, NH to allow the replacement of a single family dwelling with the construction of a new residential duplex structure where a two family (duplex) is not permitted in the Town Residence District. [Map 165, Lot 109; Zoned Town Residence (TR); HZO Article V, §334-20, Allowed uses provided in tables and §334-21 Table of Permitted Principal Uses].**

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

Respectfully,

Bruce Buttrick  
Zoning Administrator



**TOWN OF HUDSON**  
ZONING BOARD OF ADJUSTMENT

**ABUTTER NOTIFICATION**

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **11/14/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 165-109 (11-14-19): George Hurd, Member of Tumpney Hurd Clegg, LLC, 39 Trigate Rd., Hudson, NH requests a Variance for 12 Hill St., Hudson, NH to allow the replacement of a single family dwelling with the construction of a new residential duplex structure where a two family (duplex) is not permitted in the Town Residence District. [Map 165, Lot 109; Zoned Town Residence (TR); HZO Article V, §334-20, Allowed uses provided in tables and §334-21 Table of Permitted Principal Uses].**

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

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

Respectfully,

Bruce Buttrick  
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article          of HZO Section(s) 334-20 & 334-21 in order to permit the following change or use:

Applicant requests that a variance be allowed for the purpose of constructing a new residential duplex at the property located at 12 Hill Street in Hudson, thereby allowing relief from the the Table of Permitted Uses.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

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

FACTS SUPPORTING THIS REQUEST:

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

- I. "The Zoning Board of Adjustment shall have the power to: ....
(b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:
(1) The variance will not be contrary to the public interest;
(2) The spirit of the ordinance is observed;
(3) Substantial justice is done;
(4) The values of surrounding properties are not diminished; and
(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
(ii) The proposed use is a reasonable one.
(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

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

Applicant requests that a variance be allowed for the purpose of constructing a new residential duplex at the property

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

The granting of the requested variance will not be contrary to the public interest because the essential character of the surrounding neighborhood includes many two family residences and is consistent with the historical use of the residential area. The proposed duplex would not threaten public safety or welfare or health as all necessary set backs, parking, storage, public safety requirements would be met.

---

---

---

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

The granting of the proposed variance would not conflict with the explicit or implicit spirit of the ordinance because the existing nature and use of the general and proximate neighborhood has traditionally housed two family residences. The character of the neighborhood is consistent with the proposed construction of a duplex on the property.

---

---

---

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

The granting of the requested variance would allow substantial justice to the property owner because the economic use of the property is consistent with the existing properties in and around the subject lot. The nature and use of the proposed new duplex would blend with the existing properties and would pose no threat of harm to the general public or neighboring property owners and residents.

---

---

---

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

The granting of the proposed variance would facilitate the razing of an existing structure that very likely does diminish the value of surrounding properties with the addition of a new and well constructed duplex that would likely increase the look and appeal of the neighborhood. The new residence would not diminish the value of surrounding properties as it would be consistent with the general character of the neighborhood.

---

---

---





# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #19-117

October 7, 2019

Colin Jean  
P.O. Box 3661  
Nashua, NH 03061

Re: 12 Hill Street Map 165 Lot 109-000  
**District: Town Residence (TR)**

Dear Mr. Jean,

Your request is can the existing structure be demolished and be rebuilt as a duplex?

**Zoning Review / Determination:**

This is a legal conforming lot with a single family dwelling. The Hudson Zoning Ordinance (HZO) §334-20 allowed uses provided in tables, prohibits two family (duplex) uses in the TR district. A variance would be needed from the Zoning Board of Adjustment to construct a two family (duplex). Any new structure would need to satisfy the required building setbacks. (Table of Minimum Dimensional Requirements §334-27).

Sincerely,

*Bruce Buttrick, MCP*

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

cc: Public Folder  
B. Groth, Town Planner  
Owner  
File

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

165 109 000  
MAP LOT SUB

1 of 1 RESIDENTIAL  
CARD Hudson

Total Card / Total Parcel  
APPRAISED: 95,100 / 95,100  
USE VALUE: 95,100 / 95,100  
ASSESSED: 95,100 / 95,100



**USER DEFINED**

Prior Id # 1:	0059
Prior Id # 2:	0023
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

**PROPERTY LOCATION**

No	Alt No	Direction/Street/City
12		HILL ST, HUDSON

**IN PROCESS APPRAISAL SUMMARY**

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.230	9,800	700	84,600	95,100
<b>Total Card</b>	0.230	9,800	700	84,600	95,100
<b>Total Parcel</b>	0.230	9,800	700	84,600	95,100
<b>Source:</b> Market Adj Cost		<b>Total Value per SQ unit /Card:</b> 147.67		<b>/Parcel:</b> 147.67	

**Legal Description**

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

**User Acct**

3512	
GIS Ref	
GIS Ref	
Insp Date	03/27/19

**OWNERSHIP**

Owner 1:	MONDOUX, RAYMOND E.
Owner 2:	
Owner 3:	
Street 1:	71 BACK RIVER RD.
Street 2:	
Twn/City:	MERRIMACK
St/Prov:	NH
Postal:	03054

**PREVIOUS ASSESSMENT**

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	101	FV	9,800	700	.23	84,600	95,100	95,100	Year End Roll	9/16/2019
2019	101	JB	9,800	700	.23	84,600	95,100	95,100	Year End Roll	5/8/2019
2018	101	FV	63,600	700	.23	84,600	148,900	148,900	Year End Roll	8/27/2018
2018	101	JB	63,600	700	.23	84,600	148,900	148,900	Year End Roll	5/9/2018
2017	101	FV	63,600	700	.23	84,600	148,900	148,900	Year End Roll	10/26/2017
2017	101	PV	63,600	700	.23	84,600	148,900	148,900	Year End Roll	8/28/2017
2017	101	JB	45,000	700	.23	80,700	126,400	126,400	Year End Roll	5/10/2017
2016	101	FV	45,000	700	.23	80,700	126,400	126,400	Year End Roll	8/30/2016

**PREVIOUS OWNER**

Owner 1:	MONDOUX, PAUL E. -
Owner 2:	-
Street 1:	71 BACK RIVER RD.
Twn/City:	MERRIMACK
St/Prov:	NH
Postal:	03054

**SALES INFORMATION**

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
MONDOUX, PAUL E	9130-2537	2	11/28/2018	FAMILY TRANS		No	No		
MONDOUX, RAYMON	8882-2923	2	7/23/2016	FAMILY TRANS		No	No		
MONDOUX, RAYMON	8324-0995	2	4/20/2011	FAMILY TRANS		No	No		
MONDOUX, EDGAR	5556-1813		6/17/1994		4,000	No	No		

**NARRATIVE DESCRIPTION**  
This parcel contains .23 ACRES of land mainly classified as ONE FAMILY with a BUNGALOW Building built about 1920, having primarily VINYL Exterior and 644 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 0 HalfBath, 4 Rooms, and 1 Bdrm.

**OTHER ASSESSMENTS**

Code	Descrip/No	Amount	Com. Int

**PROPERTY FACTORS**

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

**BUILDING PERMITS**

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

**ACTIVITY INFORMATION**

Date	Result	By	Name
3/27/2019	Inspected	12	TECH ASMNT
5/20/2014	Measured	15	APPR TECH 5
4/19/2006	Measured	8	ASMNT TECH I
7/12/2001	Inspected	0	PATRIOT
3/29/2001	Left Notice	0	PATRIOT
2/8/1991	Inspected	2	AVITAR

**LAND SECTION (First 7 lines only)**

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

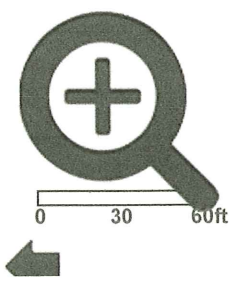
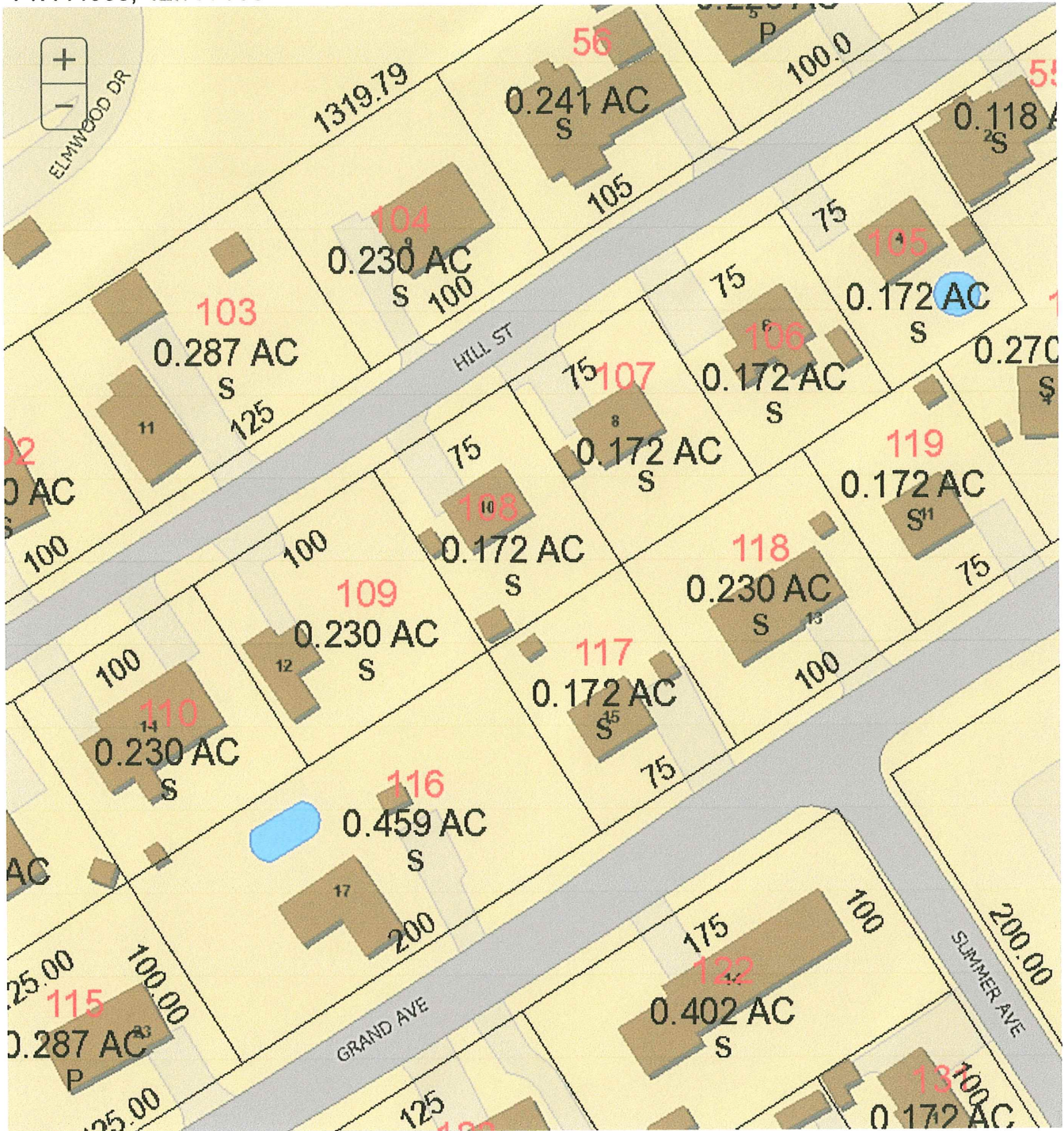
Sign: VERIFICATION OF VISUAL DATA

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





-71.444308, 42.777595



DEED REFERENCE: BOOK 9214 PAGE 306

PLAN REFERENCE: HCRD # 21,918  
LOT 4 - 85

PRESENT ZONING: TR - TOWN RESIDENTIAL

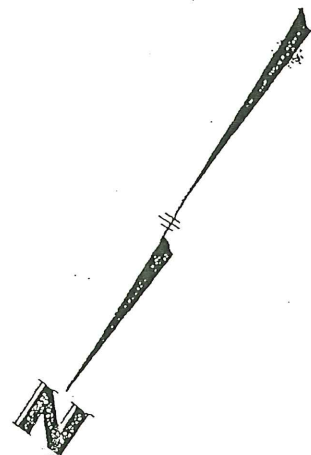
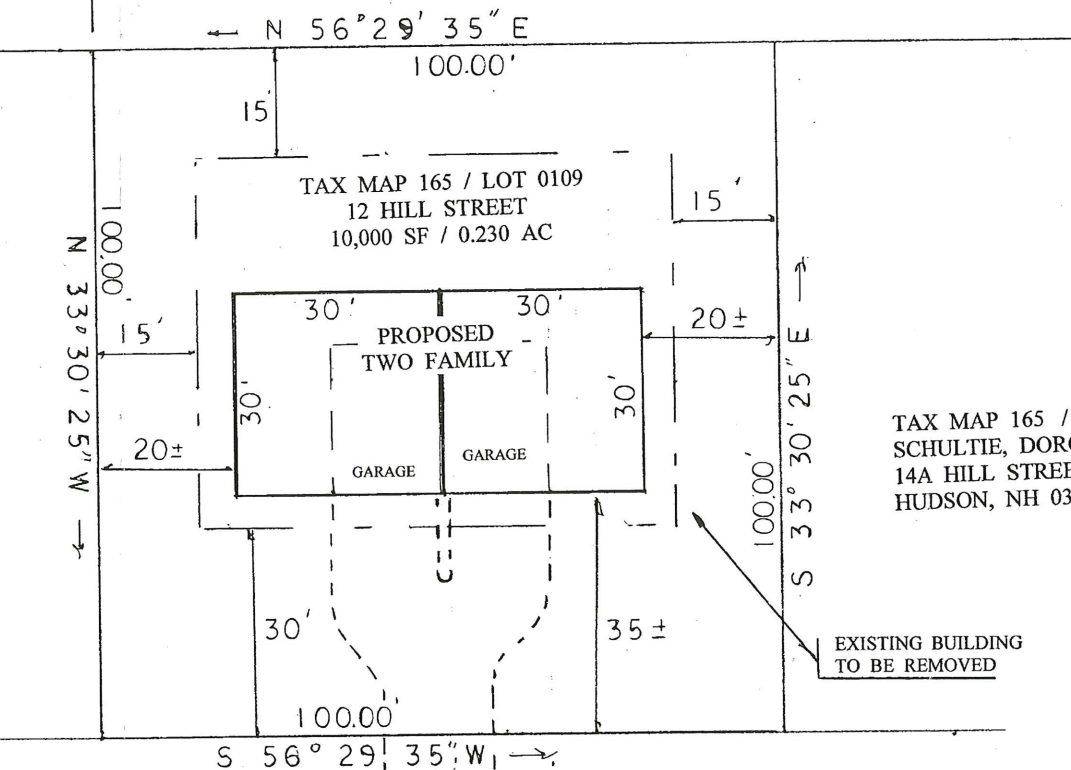
MINIMUM SETBACKS: FRONT - 30 FT  
SIDE - 15 FT  
REAR - 15 FT

TAX MAP 165 / LOT 117  
DECOSTE, ROBERT A.  
15 GRAND AVE.  
HUDSON, NH 03051

TAX MAP 165 / LOT 116  
GREENWOOD, KIMBERLY A.  
17 GRAND AVE.  
HUDSON, NH 03051

TAX MAP 165 / LOT 108  
HUSTED, HARVEY J.  
10 HILL STREET  
HUDSON, NH 03051

TAX MAP 165 / LOT 110  
SCHULTIE, DOROTHY, TR.  
14A HILL STREET  
HUDSON, NH 03051



LEGEND

--- MINIMUM BUILDING SETBACKS

HILL STREET

TAX MAP 165 / LOT 0109  
**PROPOSED  
CERTIFIED PLOT PLAN**  
12 HILL STREET  
HUDSON, NH

PREPARED FOR: TUMPNEY, HURD, CLEGG, LLC  
39 TRIGATE ROAD  
HUDSON, NH 03051

OCTOBER 22, 2019

SCALE: 1" = 20'

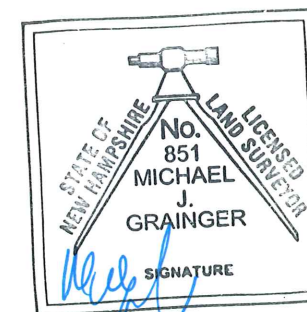
M. J. GRAINGER ENGINEERING, INC.  
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS  
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359

JN 19-116



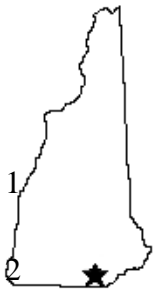
TAX MAP 165 / LOT 103  
KASHULINES, GARY W.  
11 HILL STREET  
HUDSON, NH 03051

TAX MAP 165 / LOT 102  
GLAUDE, TYLER D.  
13 HILL STREET  
HUDSON, NH 03051



I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION SHOWN ON THE PLAN REFERENCED AND A FIELD SURVEY MADE ON THE GROUND DURING SEPTEMBER 2019, IN ACCORDANCE WITH THE TOWN REGULATIONS.  
LLS MICHAEL J. GRAINGER

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.



# 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 - ~~draft~~edited

The Hudson Zoning Board of Adjustment met on October 24, 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 6:56 PM and invited everyone to stand for the Pledge of Allegiance. Vice Chair Dearborn read the Preamble into the record, identified as Attachment A of the Board’s Bylaws, that included the procedure and process for the meeting, that copies of the Agenda and Application for Rehearing are on the shelf by the door, the importance of the 30-day time period as well as housekeeping items regarding cell phones, smoking and talking. Clerk Davis took the roll call.

Members present were Charlie Brackett (Regular/Chair), Gary Daddario (Regular), Maryellen Davis (Regular/Clerk), Gary Dearborn (Regular/Vice Chair), and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator and ~~de~~ Louise Knee, Recorder. Excused were Alternate Member Brian Etienne and Selectman Liaison Marilyn McGrath For the record, all Regular Members voted.

**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].

Clerk Davis read the Case into the record. Mr. Brackett noted that it is a continuance from the ~~Sept~~September meeting and that the same Members would be voting. Mr. ~~Burriek-Buttrick~~ referenced the letter dated 10/23/2019 by Robert Buxton, Hudson Fire Chief, to Meredith Molloy, property owner, in the supplemental packet and read the letter into the record that urged the Board to

44 approve the second driveway based on the location of the ADU to the primary  
45 residence, its direct availability from Colson Road for emergency access and the  
46 fact that the ADU has been issued a separate street number and has its own  
47 mailbox.

48  
49 Meredith Molloy introduced herself as the property owner and stated that ~~the~~  
50 she failed to do due diligence when she and her husband bought the property  
51 and had no knowledge that the driveway had been 'classified' as "temporary" by  
52 the Town as it existed and had been in use when they purchased.

53  
54 Ms. Molloy posted a plan prepared by Jeffrey Land Survey LLC dated July 2019  
55 for the paving of the ADU driveway, identified the turn-around segment  
56 requested by the Town Engineer, Elvis Dhima, PE, and noted the existing two  
57 (2) decks and the shed in the rear of the property. Ms. Molloy also noted the  
58 ledge and a hill at the rear of the property along with their well.

59  
60 MMs. a Molloy stated that she reached out to the Fire Department and learned  
61 that they assigned the ADU #3A and agreed with the second independent  
62 address for the ADU and referenced the Fire Chief's letter Mr. Buttrick read  
63 into the record. Ms. Molloy stated that three (3) of the seven (7) houses on the  
64 street have two (2) driveways.

65  
66 Ms. Molloy stated that they researched permeable driveways and learned that  
67 they deteriorate over time and at twenty five dollars per square foot (\$25.00 /  
68 SF) for six hundred eighty eight square feet (688 SF) yields seventeen thousand  
69 two hundred dollars (\$17,200) which poses them a financial hardship. To  
70 extend the primary driveway and provide a turnaround would require one  
71 thousand three hundred square feet (1,300 SF) and create another expense to  
72 relocate the fence, deck and shed and create a setback issue as well as impede  
73 access to the ADU (Accessory Dwelling Unit). They also examined making the  
74 ADU driveway the primary driveway but that would also require it to loop  
75 behind the house to face the same issues and added cost to dismantle and  
76 landscape the primary driveway. According to the Zoning Ordinance (ZO), all  
77 parking spaces are to be paved [Article 334-15.A(1)] and the residents of the  
78 ADU park in their driveway. According to ZO Article 334-2.I, the Purpose is to  
79 preserve and enhance quality of life. Ms. Molloy referenced the application and  
80 how each of the Variance criteria have been addressed. Ms. Molloy stated that  
81 the driveway and existed for nineteen (19) years and has not harmed the  
82 neighbors or the neighborhood. Ms. Molloy asked the Board to do a Site Walk.  
83 Ms. Molloy stated that she contacted her neighbors and they all support the  
84 driveway being paved. Margaret McQueeney, occupant of #3A Colson Drive,  
85 distributed copies of the signed and supporting abutters' letters.

86  
87 Public testimony opened at 7:13 PM. The following individuals addressed the  
88 Board:

89 (1) Ken Jones, 4 Colson Drive, stated that he is a direct abutter, lives  
90 across the street, has noted the improvements the Molloy's have made  
91 to their home and property and sees no reason for the Board to  
92 disapprove their request to pave the driveway.  
93

94 (2) Jare Snader, 11 Wason Road, stated that he is in favor of the request,  
95 that aesthetically it would be an improvement to only to their home  
96 but also the neighborhood and confirmed that the unpaved driveway  
97 is messy, in appearance especially.  
98

99 Being no one else to speak, public testimony closed at 7:14 PM.  
100

101 Ms. Davis questioned how the ADU received a different / separate address and  
102 whether it had a different number before Ms. Molloy purchased the property.  
103 Ms. Molloy stated that it had a separate number, #3A, when she bought the  
104 property. Ms. McQueeney stated that the mail person told her she had to use  
105 #3A for her mail. Mr. Brackett noted that ADUs do not get separate address  
106 numbers or driveways and that this Case is unique in that regard.  
107

108 Mr. Dearborn asked Ms. Molloy if "rap" (ground asphalt) was also checked out  
109 in her research and expressed concern that the Board had recently denied two  
110 (2) other ADU Cases for a second driveway and wondered if the option of  
111 pursuing a variance to grant a duplex on an undersized lot should be  
112 considered. Ms. Molloy responded that they checked out pavers and bought  
113 the house because it had an ADU. Mr. Buttrick noted that the Assessors  
114 record has both #3 and #3A for this property.  
115

116 Mr. Buttrick provided a historical recap of his findings: the Assessing record  
117 shows the in-law apartment since 2004; ZBA approved the ADU/ALU  
118 1/27/2000 and Building Permit was pulled 11/15/2000; on 1/4/2001 Town  
119 Engineer Michael Gospodarek wrote to the Planning Board regarding  
120 Temporary Driveway; 9/13/2001 Community Development Director Sean  
121 Sullivan wrote to Property Owner Wendy ~~Bogley-Bagley~~ that a Certificate of  
122 Occupancy was needed and that the site inspection done on 9/11/001 noted  
123 an illegal second driveway; 11/28/2001 Planning motioned to authorize a  
124 Temporary Second Driveway Permit to 3 Colson Road for four (4) years;  
125 4/29/2002 Temporary Second Driveway Permit Agreement recorded at  
126 Registry; 2/8/2006; 2/8/2006 Planning Board granted Temporary Driveway  
127 Permit to 2/10/2010; 1/9/2019 Building Permit issued to Stephen and  
128 Meredith Molloy for renovations; and 5/6/2019 NHDES (NH Department of  
129 Environmental Services) approved new septic system.  
130

131 Ms. Davis asked if a CO (Certificate of Occupancy) was ever issued for the ALU.  
132 Mr. Buttrick stated that he did not find one on file. Ms. Molloy stated that they  
133 had just renovated their home and had it inspected.  
134

135 Mr. Daddario stated that considering the circumstances it is his belief that  
136 some relief is required, that nineteen (19) years is not “temporary”, that the  
137 Town Engineer has reviewed and made recommendations on the plan to pave  
138 the second driveway, that the Fire Chief supports the second driveway for  
139 emergency response and all the abutters have signed their consent.  
140

141 Ms. Davis stated that it is an issue, that ADUs morph into Duplexes that don't  
142 have the infrastructure (well and septic) to support a two-family residence, that  
143 there is no more hardship on this property than other properties in the  
144 neighborhood and that the situation previously granted was not properly  
145 handled and that mishandling has caused a hardship. Mr. Daddario added  
146 that there are multiple residences in the neighborhood with two (2) driveways  
147 and that perhaps the Board could consider specifying the second driveway  
148 specific to the current owner.  
149

150 Mr. Brackett noted that the second driveway for the ALU has existed since the  
151 year 2000, that the Planning Board had no authority to grant a second  
152 driveway or have it reaffirmed in 2006 with the Selectmen knowledge, that  
153 there is, in his opinion, a hardship because it has been in use for nineteen (19)  
154 years and has been issued a separate address of which are both contrary to  
155 ADU criteria and the Zoning Ordinance.  
156

157 Ms. Davis agreed on principal based on the Ordinance but questioned what  
158 benefit there would be to the Town by denying this Variance. Mr. Buttrick  
159 cautioned against placing a condition specific to the current owner as the next  
160 owner would be required to rip up the driveway. Mr. Daddario agreed and  
161 stated that he was attempting to address the morphing of the ADU into a  
162 duplex. Ms. Davis stated that there would be enforcement issue with such a  
163 condition and that there is little to prevent a morphing and suggested instead  
164 to insure that a CO (Certificate of Occupancy) exists and to provide a NHDES  
165 approved backup septic plan in the event of a system failure. Mr. Buttrick  
166 noted that the property owner just installed a NHDES approved septic system  
167 and Ms. Davis responded that it would still be prudent.  
168

169 Mr. Brackett suggested review of the variance criteria.  
170

- 171 1. *not contrary to public interest*  
172 • Mr. Dearborn: not out of character, other residences with two  
173 driveways in the neighborhood  
174 • Mr. Brackett: driveway has existed and been used for nineteen (19)  
175 years  
176 • Mr. Pacocha: will not impact the neighborhood  
177 • Ms. Davis: the second driveway is contrary to the Ordinance and  
178 was against it but that has been outweighed by the testimony  
179 received from the abutters  
180 2. *spirit of Ordinance observed*

- 181 • Mr. Daddario: willing to grant, is acceptable to the neighborhood  
 182 residents, the character of the neighborhood remains intact and  
 183 the second driveway is supported by the Town Engineer and the  
 184 Fire Chief  
 185 • Mr. Dearborn: there is no threat to the public and it provides  
 186 access for emergency needs according to the Fire Chief  
 187 • Mr. Brackett: there is hardship imposed by the land to provide one  
 188 common driveway  
 189 3. *substantial justice done*  
 190 • Mr. Daddario: a balance needs to be achieved. Is the public  
 191 harmed? No. Will it benefit the homeowner? Yes.  
 192 • Mr. Dearborn: met, especially considering the alternative of placing  
 193 the driveway to go around the rear of the house.  
 194 • Mr. Brackett: It is the safest alternative  
 195 • Mr. Pacocha: There is no harm to the public  
 196 • Mr. Brackett: There was overwhelming neighbor support  
 197 • Ms. Davis: This is a unique Case  
 198 4. *will not diminish surrounding property values*  
 199 • Mr. Brackett: It will improve the property value for the owner and  
 200 the neighborhood  
 201 • Ms. Davis: not an expert and has no opinion  
 202 5. *hardship*  
 203 • Mr. Daddario: has been demonstrated – there is ledge to the rear,  
 204 the land rises to the rear, the well is in the rear, decks would need  
 205 to be removed, the fence would need to be removed, there could be  
 206 setback issues and the front has their septic system. Mr. Daddario  
 207 added that the criteria is not met based on convenience or cost.  
 208

209 Mr. Daddario made the motion to grant the variance to pave the second (ADU)  
 210 driveway with the following two conditions: (1) that a valid CO (Certificate of  
 211 Occupancy) be on file with the Town and (2) that an approved NHDES back-up  
 212 septic design plan be on file with the Town. Mr. Dearborn seconded the  
 213 motion. Vote was 5:0. Variance conditionally granted. The thirty-day appeal  
 214 period was noted.  
 215  
 216

- 217 2. Case 163-007 (10-24-19): Josie Roy, requests a Home Occupation  
 218 Special Exception for 59 Sullivan Rd., Hudson, NH to allow a staffing  
 219 agency business office. [Map 163, Lot 007-000; Zoned Residential-One  
 220 (R-1); HZO Article VI, §334-24, Special Exceptions, Home  
 221 Occupations].  
 222

223 Clerk Davis read the Case into the record. Mr. Buttrick referenced his Zoning  
 224 Determination dated 9/30/2019 and his Staff ~~Repost~~ Report signed  
 225 10/15/2019, noted that the house is a two-family and that the Property

226 Owners, Ruth and Robert Roy, have given their permission in writing  
227 10/2/2019 for the Applicant Josie Roy to pursue this Home Occupation.  
228

229 Josie Roy, 59 Sullivan Road introduced herself to the Board and addressed the  
230 criteria for the granting of a Special Exception Home Occupation to run a  
231 staffing agency from her home. The information shared included:  
232

- 233 • She has been working in this business for twenty seven (27) years
- 234 • Only a laptop (email) and a telephone are required – to be used  
235 either at the kitchen table or in the den downstairs
- 236 • There will be no people coming to her home
- 237 • Her “staff” consists of nurses and LNAs that she communicates  
238 with by either telephone or email for assignment to nursing  
239 facilities
- 240 • The Home Occupation will be secondary to the use of her home
- 241 • All business activities will be carried on within the home
- 242 • There will be no exterior display or sign or any indication of a home  
243 occupation at the residence
- 244 • There will be no exterior storage
- 245 • There will be no noise generated – just phone calls or emails
- 246 • There will be no traffic generated, all work is done by phone or  
247 email and time cards will be mailed
- 248 • There will be no visits at home – all interviews are held off site
- 249 • There will be no employees for the Agency business – she will be  
250 the conducting the home occupation
- 251 • There is no designated vehicle for occupational use  
252

253 Mr. Dearborn asked if the business grows if she would hire an employee that  
254 would work in her home. Mr. Roy responded that she does not anticipate  
255 needing to hire anyone to run the Agency business but if she did, that  
256 employee would work from their home and not hers.  
257

258 Mr. Brackett asked if her business is similar to a headhunter type and Ms. Roy  
259 responded that it is in the way that facilities have a need for medical personnel  
260 and she fills that need with RNs and LNAs.  
261

262 Public testimony opened at 7:52 PM. Ruth Roy, 59 Sullivan Road, stated that  
263 she is the property owner and mother-in-law to the applicant and fully  
264 supports the home occupation. Being no one else to speak, Public testimony  
265 closed at 7:53 PM.  
266

267 Mr. Brackett questioned the impact of the Home Occupation on the two-family  
268 residence and the Applicant responded that the house is an L-shape and there  
269 will be no impact. Ms. Davis asked if the home address would be used for the  
270 business and Ms. ~~Riy~~Roy responded that her business is incorporated. Mr.



271 Buttrick stated that approving the Home Occupation will introduce a business  
272 to the Residential Zone. Mr. Brackett asked if the applicant would receive  
273 business mail at the residence and Ms. Roy stated that she will use a Post  
274 Office Box for her business mail.

275  
276 Mr. Brackett stated that this seems like “working at/from home” but it is not  
277 as the business is in the home and the likelihood of the Special Exception  
278 ‘running with the land’ seems probable which raises the question on how to  
279 protect the future. Mr. Buttrick noted that the Notice of Decision would be  
280 recorded at the Registry and the Board has the option to attach conditions.  
281 Mr. Pacocha noted that a Special Exception is specific to an individual or  
282 specific activity and does not carry forward. Mr. Brackett agreed except  
283 historically it has morphed and that the future has to be protected. Board  
284 discussed adding a stipulation and debated whether it should be restricted to  
285 Josie Roy or it ceases to exist upon the sale of the property or the transfer of  
286 ownership.

287  
288 Motion made by Mr. Dearborn and seconded by Mr. Daddario to approve the  
289 Home ~~Office-Occupation~~ Special Exception to allow a staffing agency business  
290 office with the condition that the Special Exception ceases upon the sale of the  
291 property. Mr. Brackett stated that there is no change to the house, there will  
292 be no employees and no receipt of goods. Mr. Buttrick stated that such a  
293 condition is enforceable. Ms. Davis concurred. Vote was 5:0. Special  
294 Exception Home Occupation granted.

295  
296 3. Case 209-001 (10-24-19): Karl Dubay, authorized agent for Dakota  
297 Partners, Inc., 1264 Main St., Waltham, MA 02451, requests a  
298 Wetland Special Exception on behalf of 5 Way Realty Trust for 161  
299 Lowell Rd., Hudson, NH to allow Wetland Conservation District (WCD)  
300 Buffer Work relating to roadway improvements to widen the existing  
301 Friars Drive to 32 ft. The WCD Buffer area impacted is 35,756 sqft.  
302 [Map 209, Lot 001-000, Split districts: Zones General (G), Business  
303 (B), and Industrial (I); HZO Article IX, §334-35.B, Uses within Wetland  
304 Conservation District and §334-38, Special Provisions].

305  
306 Clerk Davis read the Case into the record. Mr. Buttrick referenced his Zoning  
307 Determination dated 10/10/2019 and his Staff Report signed 10/16/2019,  
308 noted that the original large parcel was subdivided and approved by the  
309 Planning Board with the new back parcel to have frontage along Friars Drive  
310 and that Friars Drive would be utilized by the multifamily development at the  
311 front of this original parcel to reduce traffic and left hand turns on Lowell Road.  
312 Mr. Buttrick stated that this was before the Board in May 2019 where ZBA  
313 approved a Wetland Special Exception to improve Friars Drive with a wetland  
314 buffer impact of 19,200 SF (Square Feet). The request before the Board tonight  
315 is to expand the width of Friars Drive from twenty-four feet (24’) to thirty-two

316 feet (32') and improve the drainage system. The widening of Friars Drive will  
317 have 35,756 SF of wetland buffer impact

318

319 Atty. Jay Leonard of Welts, White & Fontaine in Nashua, NH, introduced  
320 himself and Mark Pilotte of ~~5-Way Realty Trust~~ Dakota Partners and Engineer  
321 Karl Dubay of The Dubay Group. Atty. Leonard referenced the Site Walk that  
322 was held and noted the existing condition of Friars Drive. Ms. Davis corrected  
323 Atty. Leonard and informed him that the ZBA was not included in the Site  
324 Walk held by the Planning Board and Conservation Commission.

325

326

327 Atty. Leonard stated that Friars Drive is currently approximately eighteen feet  
328 (18') wide and not in good shape. The original plan was to widen Friars Drive  
329 to twenty-four feet (24'), elongate it to provide frontage for the remaining back  
330 parcel and provide an egress from the multifamily development to the front of  
331 the parcel along Lowell Road. Included in the original plan was a drainage  
332 system to handle road runoff. This application before the Board is an  
333 independent application to widen Friars Drive from twenty-four feet (24') to  
334 thirty-two feet (32') and has been recommended by the Planning Board and the  
335 Town Planner. Atty. Leonard referenced the Town Planner's (Brian Groth)  
336 email to Mr. Buttrick dated May 15, 2019 and read the nine (9) points Mr.  
337 Groth made into the record.

338

339 Atty. Leonard referenced the plan titled WCD Summary Plan prepared by The  
340 Dubay Group, Inc., dated 10/21/2019 and noted that the green shaded areas  
341 are the wetland buffer impacts between the 24-foot road expansion (previously  
342 approved) and the 32-foot road expansion. Atty. Leonard pointed out that the  
343 wetland will not be impacted, just the wetland buffer resulting from the  
344 drainage improvements with the expanded detention ponds, culverts and catch  
345 basins. There will be no work in the wetland for the road width expansion.  
346 The wetland crossing has not changed and was previously approved. The  
347 proposed system with its collection, treatment and drainage will treat the  
348 runoff better and provide more protection to the wetland. Atty. Leonard  
349 referenced Like-Luke Hurley, CWS (Certified Wetland Scientist) with Gove  
350 Environmental Services letter dated/sealed 4/29/2019 testifying that there will  
351 be no adverse impact to the wetland.

352

353 Atty. Leonard referenced Zoning Ordinance Article IX Section 334-35.B  
354 subsection (1) Conditions and (2) Uses permitted by Special Exception in the  
355 Wetland Conservation District and stated that they have met all the conditions,  
356 that the proposed enhanced drainage system and road design have been  
357 professionally engineered to minimize impact to the wetland and that they will  
358 adhere to Best Management Practices and obtain the required State of NH  
359 Permits (NHDES and NHDOT etc.). Atty. Leonard also referenced the two (2)  
360 letters Karl Dubay of The Dubay Group dated 10/8/2019 to the Zoning Board  
361 and Planning Board.

362

363 Public testimony opened at 8:29 PM. No one addressed the Board.

364

365 In response to Board questions, Atty. Leonard stated that the recommendation  
366 to fix Friars Drive came as a result of design review and future planning  
367 between the Planning Board and the engineers and the Town Planner. Mark  
368 Pilotte of Dakota Partners stated that a twenty-four foot (24') width can  
369 accommodate personal vehicles but the land to the rear is commercial property  
370 and would require a width of thirty-two feet (32') and the thinking was to  
371 disturb the wetland buffer just once and fix Friars Drive to the thirty-two foot  
372 (32') width. Mr. Pilotte stated that the first step is to get approval for the  
373 increased width, then calculate the increased cost between a 24' width to a 32'  
374 width and if the abutter is willing to pay the difference, they would construct  
375 Friars Drive to 32' and disturb the land only once. Mr. Brackett stated that at  
376 the Site Walk there was no idea when the back lot would be developed and  
377 added that, in his opinion, a closed drainage system is the better option as  
378 there is no direct input into the wetland.

379

380 Mr. Brackett directed review of the Wetland Conservation District (WCD)  
381 conditions of ZO Article IX Section 334-35.B(1)(a-e)

382

383 1. *proposed use essential to reasonable use of land not in WCD*

384

- is actually an improvement
- better to cause a disturbance one

385

386 2. *there is no reasonable alternative*

387

- there are no alternatives
- decision previously made based on recommendation of the Town to utilize Friars Drive
- is a benefit to the Town to relieve congestion from Lowell Road
- Planning Board and Conservation Commission recommended

388

389

390 • is a benefit to the Town to relieve congestion from Lowell Road

391

392 3. *design, construction and maintenance methods prepared by PE*

393

- done

394

395 4. *proposed use not based primarily on economics*

396

- recommended by both the Planning Board and Conservation Commission

397

398 5. *provisions made for wildlife access corridors*

399

400 Motion made by Ms. Davis to grant the Wetland Special Exception to increase  
401 the width of Friars Drive from 24' to 32' with a WCD Buffer area impact of  
402 35,756 SF as per plan prepared by The Dubay Group, Inc., titled WCD  
403 Summary Plan dated 10/21/2019 and with one stipulation: that all previous  
404 stipulations of this Board and the Conservation Commission are carried  
405 forward to this request. Mr. Pacocha seconded the motion. Ms. Davis spoke to  
406 her motion noting that all the requirements were met and both the Planning  
Board and the Conservation recommended the expansion. Mr. Pacocha

407 concurred and added that the plan is a good idea and demonstrated good  
408 planning. Mr. Brackett stated that it is a much better plan and that he likes  
409 closed drainage systems. Vote was 5:0. Wetland Special Exception granted  
410 with one stipulation. The 30-day appeal period was noted.

411

412 Mr. Brackett directed the Board's attention to Agenda V. Rehearing request.

413

414 **IV. REVIEW OF MINUTES:**

415

416 09/26/19 Minutes

417

418 Board reviewed the edited version and made no additional amendments. Mr.  
419 Brackett stated that he appreciates the criteria presented in bullet format.  
420 Motion made by Mr. Dearborn and seconded by Ms. Davis to approve the  
421 9/26/2019 Minutes as edited and presented. Vote was 5:0.

422

423 **V. REQUEST FOR REHEARING:**

424

425 Case 168-012- 8 Madison Drive, Hudson, NH; Appeal From An  
426 Administrative Decision- Denied 8/22/19.

427

428 Clerk Davis read the request into the record. Mr. Buttrick stated that he  
429 received the appeal from the property owner's attorney, Christopher Fischer.  
430 Mr. Brackett announced that public testimony is not opened for rehearings and  
431 confirmed that all Members read the material.

432

433 Board discussed. Points made included:

434

- 435 • no new information has been presented for consideration for a rehearing
- 436 • the Minutes accurately represented the facts and factors the Board
- 437 considered that lead to the denial of the appeal
- 438 • the inspection that was found stating there no issues or violations were
- 439 found was in response to a complaint that was filed regarding a second
- 440 living unit and the inspection found no kitchen so no violation and
- 441 complaint closed - - the Fire Department did not, and cannot, grant a
- 442 second living unit
- 443 • there is no estoppel
- 444 • "short term" is not in the Zoning Ordinance; therefore it is not allowed
- 445 • less than a 30-day rental does not equal an ADU
- 446 • life safety concerns were cited and with no BP (Building Permit) and no
- 447 CO (Certificate of Occupancy) there were no inspections
- 448 • the ADU had no BP or CO and exists without ZBA approval and without
- 449 inspections from a ~~BP~~ or a CO

450

451 Motion made by Mr. Dearborn and seconded by Ms. Davis to deny the  
452 rehearing request. Mr. Dearborn stated that no new evidence was submitted

453 for consideration. Ms. Davis concurred and added that the Board made no  
454 error in its decision. Mr. Brackett stated that the evidence provided is blurry  
455 and misrepresents what was said at the meeting, which was accurately  
456 represented in the Minutes. Mr. Pacocha and Mr. Daddario stated that the  
457 Board's original decision was lawful and reasonable. Vote was 5:0. Rehearing  
458 request denied.

459

460 Mr. Brackett directed the Board's attention to Agenda IV Minutes

461

## 462 **VI. OTHER:**

463

### 464 1. Year 2020 ZBA Meeting Schedule

465

466 Board reviewed the schedule prepared by Mr. Buttrick and noted the adjusted  
467 dates in November and December to accommodate Thanksgiving and  
468 Christmas. It was also noted that the conference room is reserved for the  
469 second Tuesday of a month for ZBA if a second meeting is necessary. Schedule  
470 approved/adopted.

471

### 472 2. Master Plan Visioning Session

473

474 Mr. Brackett referenced Selectman McGrath email to Brian Groth regarding the  
475 upcoming Visioning Sessions planned for the public and asked Land Use Board  
476 Members not to attend; however, please check out the Town's website and  
477 complete the survey. All information will be given to the Planning Board as it is  
478 their responsibility to update the Master Plan for the Town of Hudson. Mr.  
479 Dearborn added that updates to the Capital Improvement Plan (CIP) was also  
480 required. The following times and dates have been reserved: Saturday 10/26  
481 10am – noon at Nottingham West Elementary School; Wednesday 10/30 7p-9p  
482 HMS Library; Wednesday 11/20 7p-9p HMS Library; and Saturday 11/23  
483 10am-noon at Garrison Elementary School.

484

### 485 3. Bylaws revision discussion agenda number of cases.

486

487 Mr. Buttrick stated that he conferred with Town Counsel and there is no law  
488 governing the number of Cases for a meeting and that Town Counsel suggested  
489 placing all Cases onto the Agenda for proper notification (posting and notice to  
490 abutters) and either exercise the option of announcing at the meeting the  
491 curfew and the likelihood of getting heard or, for example, having Mr. Buttrick  
492 contact Case #5 on regarding the likelihood and making a decision whether to  
493 hold a second hearing on the second Thursday of the month instead of waiting  
494 a whole month. Cases have on average taken 30 – 45 minutes which was why  
495 the limit was placed to only listing four (4) but that was also when the meetings  
496 began at 7:30 PM. The ambiguity involved in guesstimating the length a Case  
497 might take was also recognized. Consensus reached to limit an Agenda to five  
498 (5) Cases. Mr. Buttrick was asked to draft the specific number into the Bylaws.

499

500 4. Status of 161 Bush Hill Road - Sevigny

501  
502 Mr. Dearborn asked for an update. Mr. Buttrick stated that he understands  
503 that the property is under a Purchase and Sales agreement, that he has spoken  
504 with the proposed new owner who has stated that he would clean up the site  
505 and that he also questioned whether the site could be subdivided.

506  
507 5. Selectman Liaison Representative

508  
509 Mr. Dearborn stated that if Selectman McGrath is unable to attend, that the  
510 Alternate Selectman Liaison (Dave Morin) should be here because it is  
511 important. Mr. Buttrick stated that neither could be in attendance tonight  
512 because of another meeting that required their attendance. Mr. Brackett  
513 concurred with Mr. Dearborn and added that tonight was an example that  
514 needs to be brought to the Selectmen's attention – the Fire Department cannot  
515 go against the Zoning Ordinance and issue a separate address to an ADU  
516 (Accessory Dwelling Unit) and neither should the Planning Board and  
517 Selectmen issue a temporary driveway permit to an ADU which is also against  
518 the Zoning Ordinance. Suggestion made that, as the Chairman, Mr. Brackett  
519 write the Board of Selectmen of these past violations to the Zoning Ordinance  
520 to educate and prevent further occurrences.

521  
522  
523 Motion made by Ms. Davis, seconded by Mr. Pacocha and unanimously voted  
524 to adjourn the meeting. The 10/24/2019 ZBA meeting adjourned at 9:43 PM.

525  
526 Respectfully submitted,  
527 Louise Knee, Recorder

528  
529