



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 – December 12, 2019

The Hudson Zoning Board of Adjustment will hold a meeting on December 12, 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 165-155 (12-12-19): Keri Demers, 23 Dexter St., Nashua, NH requests a Special Exception for 77 Derry Street, Hudson, NH to allow a Dog Daycare and Boarding facility which will have uses of retail grooming, training, community pet education and kennel/boarding of dogs (day & overnight). [Map 165, Lot 155-000; Zoned Business(B); HZO Article VI, §334-23, Special Exceptions, General Requirements].
2. Case 199-027 (12-12-19): Maria Sousa, 63 Pelham Rd., Hudson, NH requests a Variance to allow the construction of an Accessory Dwelling Unit (ADU) with 896 sqft. which exceeds the 750 sqft. maximum for ADU's. [Map 199, Lot 027; Zoned General (G); HZO Article XIII A, §334-73.3 H, Accessory Dwelling Units, Provisions].

IV. REQUEST FOR REHEARING:

V. REVIEW OF MINUTES:

11/14/19 Minutes

VI. OTHER:

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: December 12, 2019 BH 12-3-19

Case 165-155 (12-12-19): Keri Demers, 23 Dexter St., Nashua, NH requests a Special Exception for 77 Derry Street, Hudson, NH to allow a Dog Daycare and Boarding facility which will have uses of retail grooming, training, community pet education and kennel/boarding of dogs (day & overnight). [Map 165, Lot 155-000; Zoned Business (B); HZO Article VI, §334-23, Special Exceptions, General Requirements].

Address: 77 Derry Street

Zoning district: Business (B)

Summary:

Applicant requests a Special Exception to allow a Dog Daycare and Boarding facility which will have uses of retail grooming, training, community pet education and kennel/boarding of dogs (day & overnight), because of the “boarding aspect” I have a Zoning Determination that this proposal constitutes as a “kennel” and according to the Table of Permitted Principal Uses (334-21) is allowed by Special Exception.

Property description:

This is an existing developed lot of record: A mixed use commercial (retail) “mall”.

In-House review/comments:

Fire Dept: Yes

Planner: Yes

Engineering: No Comment

HISTORY: N/A

Oct 24, 2019 Zoning Determination #19-099R

Attachments:

“A” Oct 24, 2019 Zoning Determination #19-099R

“B” Fire Dept In-House review/comments

“C” Town Planner In-House review/comments



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-099R

October 24, 2019

Keri Demers
23 Dexter Street
Nashua, NH 03060

Re: 77 Derry Street Map 165 Lot 155-000
District: Business (B)

Dear Ms. Demers,

Your request if you can locate a dog day care, grooming and boarding facility at this address, has been completed and reviewed.

Zoning Review / Determination: This is a revision to #19-099 after our 10/22/19 meeting here at Town Hall.

We discussed the fact that you will need a Special Exception because the specifics of conducting the daycare/boarding would constitute a kennel, and kennels (D-2) in the Table of Permitted Principle Uses require a Special Exception from the Zoning Board of Adjustment (ZBA) in accordance with Article VI, section §334-23 General requirements.

After further review of your proposal and my concerns about the existing rear access to the rear unit (#A-10), parking and hours of operation, **I believe you would need an amended site plan.** Please contact Brian Groth (Town Planner) for the specifics of that process etc. at 886-6008.

The opening of the common wall between both units would require the necessary building permits etc. please review the specifics (and HAVC exhaust requirements) with Dave Hebert - Building Official. An occupancy permit application would be required prior to occupying the space.

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
D. Hebert - Building Official
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.

"A"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 165-155 (12-12-19)

Property Location: 77 Derry Street

For Town Use

Plan Routing Date: 11/25/2019 Reply requested by: 12/02/2019 ZBA Hearing Date: 12/12/2019

I have no comments I have comments (see below)

RM Name: ROBERT M. BAXTON Date: 12/02/2019
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

This occupancy will require a thorough review by the Inspectional Services Division.

Ventilation requirements for this type of occupancy will need to be reviewed.

Also, is there a plan for noise control during the boarding hours? With active businesses on each side this may be a concern.

"B"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 165-155 (12-12-19)

Property Location: 77 Derry Street

For Town Use

Plan Routing Date: 11/25/2019 Reply requested by: 12/02/2019 ZBA Hearing Date: 12/12/2019

I have no comments I have comments (see below)

(Initials) _____ Name: Brian Groth Date: 11/27/2019

DEPT. Town Engineer Fire/Health Department Town Planner

If the Special Exception is granted, the applicant will be required to file for a site plan amendment for review and approval/denial by the Planning Board. If this proceeds to Site Plan review, my preliminary observations note several issues that will need to be resolved:

1. Access/loading: as it relates to the other uses in the plaza. It is not entirely clear how the outdoor play area will affect loading and circulation for the site as a whole.
2. Safety: as it relates to the above item and necessary safety precautions around the outdoor area.
3. Nuisance mitigation: The proposed use directly abuts St. Patrick's cemetery. If this proceeds to site plan, the potential for sound & smell nuisance should be addressed. Specifically, burial ceremonies and people visiting the graves of loved ones should not be disturbed by this use. This may require a fence to provide a visual barrier so the dogs do not see outside of the play area.

Please note that the description of the Business zone was revised at the 2019 Town Meeting to remove references to warehousing and industrial uses (the application makes reference to the previous definition).

"C"

APPLICATION FOR A SPECIAL EXCEPTION

TOWN OF HUDSON

To: Zoning Board of Adjustment
Town of Hudson

Zoning Department

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

Case No. 165-155 (12-12-19)

Date Filed 11/25/19

Name of Applicant Keri Demers Map: 165 Lot: 155 Zoning District: B

Telephone Number (Home) 978-337-0773 (Work) 781-334-4161

Mailing Address 23 Dexter Street, Nashua NH 03060

Owner Hudson - Vickery, LLC

Location of Property 77 Derry Street, Hudson, NH 03051
(Street Address)

Keri Demers
Signature of Applicant Date 10/28/2019

Daniel M. Gordon
Signature of Property-Owner(s) Date 11/7/19

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 special exception.

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

COST:

| | | |
|--|-------------|-----------------|
| Application fee: | <u>4.05</u> | \$130.00 |
| <u>11</u> Direct Abutters x \$3.95 = | | <u>44.55</u> |
| <u>2</u> Indirect Abutters x \$0.50 = | | <u>1.10</u> |
| Total amount due: | | <u>\$175.65</u> |

Date received: 11/25/19

Amt. received: \$175.65 **CHK# 1529**

Receipt No.: 575,133

Received by: TSG

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

Engineering Fire Department Health Officer Planner

October 10, 2019

Dear Hudson Zoning Board,

I hereby authorize Keri Demers to apply for a special exception pursuant to the Zoning determination #19-099 dated August 27, 2019.

Sincerely,

A handwritten signature in blue ink that reads "Daniel M. Gordon". The signature is written in a cursive style with a large, looped initial "D".

Daniel M. Gordon, Manager
Hudson Vickerry, LLC

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

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

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

PLOT PLAN-

N/A

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

N/A TG N/A

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

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

[Handwritten Signature]

Signature of Applicant(s)

10/28/2019
Date

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

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

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


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

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

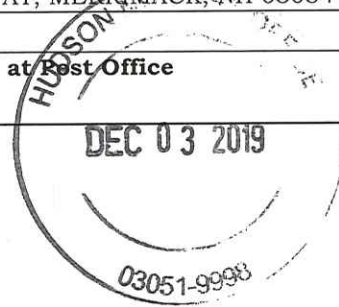
ALL DIRECT ABUTTERS


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

| MAP | LOT | NAME OF PROPERTY OWNER | MAILING ADDRESS |
|-----|-----|---|--|
| 165 | 150 | Cafua Realty Trust IX LLC | 280 Merrimack Street Methuen, MA. 01844 |
| 165 | 147 | 102 Plaza, INC | PO Box 188 Beverly, MA. 01915-0188 |
| 165 | 155 | Hudson-Vickerry, LLC | 25 Orchard View Drive Londonderry, NH. 03053 |
| 165 | 148 | Bank of New Hampshire ATTN: TD Bank | 380 Wellington Street, TWR B, Floor 12 London, ON N6a 4S4 |
| 165 | 149 | Global Companies, LLC c/o Engie Insight - MS 5534 | PO Box 2440 Spokane, WA. 99210-2440 |
| 166 | 001 | St Patrick Cemetery Bishop of Manchester Roman Catholic | 153 Ash Street Manchester, NH. 03104 |
| 165 | 154 | Car Development Corp. | PO Box 370 Hudson, NH 03051-0370 |
| 165 | 151 | Istrin, Herman, TR Istrin, Gertrude, TR Istrin Family Trust | 9803 San Fernando Road Pacoima, CA. 91331 |
| 165 | 153 | Lawrence, Robin M. | 100 Derry Street Hudson, NH. 03051 |
| 165 | 152 | McNamara, Christopher L. McNamara, Erica M. | 98 Derry Street Hudson, NH 03051 |
| 165 | 141 | Abbott Farm Condominiums c/o Great North Property Management | 636 Daniel Webster Highway Merrimack, NH. 03054 |
| | | | |
| | | | |

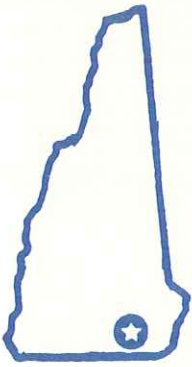
| SENDER: | | US POSTAL SERVICE - CERTIFIED MAIL | | Case# 165-155 Special Exception 77 Derry Street Map 165/Lot 155-000 | 1 of 1 |
|--|-------------------------------------|--|--|--|--------|
| TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051 | | Name of Addressee, Street, and post office address | | 12/12/19 ZBA Meeting | |
| 1 | 7019 0700 0000 2993 5338 | CAFUA REALTY TRUST IX LLC 280 MERRIMACK ST, METHUEN, MA 01844 | | ABUTTER NOTICE SENT | |
| 2 | 7019 0700 0000 2993 5345 | 102 PLAZA, INC. PO BOX 188, BEVERLY, MA 01915-0188 | | ABUTTER NOTICE SENT | |
| 3 | 7019 0700 0000 2993 5437 | KERI DEMERS 23 DEXTER ST., NASHUA, NH 03060 | | APPLICANT/OWNER-NOTICE SENT | |
| 4 | 7019 0700 0000 2993 5369 | BANK OF NEW HAMPSHIRE, ATTN: TD BANK 380 WELLINGTON ST. TWR B, FL 12, LONDON, ON N6A 4S4 | | ABUTTER NOTICE SENT | |
| 5 | 7019 0700 0000 2993 5376 | GLOBAL COMPANIES, LLC, c/o ENGIE INSIGHT- MS 5534 PO BOX 2440, SPOKANE, WA 99210-2440 | | ABUTTER NOTICE SENT | |
| 6 | 7019 0700 0000 2993 5383 | ST PATRICK CEMETERY, Bishop of Manchester Roman Catholic 153 Ash Street, MANCHESTER, NH, 03104 | | ABUTTER NOTICE SENT | |
| 7 | 7019 0700 0000 2993 5390 | CAR DEVELOPMENT CORP PO BOX 370, HUDSON, NH 03051-0370 | | ABUTTER NOTICE SENT | |
| 8 | 7019 0700 0000 2993 5406 | ISTRIN, HERMAN & GERTRUDE, TRUSTEES; ISTRIN FAMILY TRUST 9803 SAN FERNANDO RD., PACOIMA, CA 91331 | | ABUTTER NOTICE SENT | |
| 9 | 7019 0700 0000 2993 5413 | LAWRENCE, ROBIN M. 100 DERRY ST., HUDSON, NH 03051 | | ABUTTER NOTICE SENT | |
| 10 | 7019 0700 0000 2993 5420 | MCNAMARA, CHRISTOPHER & ERICA 98 DERRY STREET, HUDSON, NH 03051 | | ABUTTER NOTICE SENT | |
| 11 | 7019 0700 0000 2993 5444 | ABBOTT FARM CONDOMINIUMS, c/o GREAT NORTH PROPERTY MANAGEMENT ATTN: TRACEY MADDEN 636 DANIEL WEBSTER HIGHWAY, MERRIMACK, NH 03054 | | ABUTTER NOTICE SENT | |
| | *7019 0700 0000 2993 5352 | | | | |
| Total Number of pieces listed by sender 11 | | Total number of pieces rec'vd at Post Office 11 | | Postmaster (receiving Employee)  | |

* see next page



| | | | |
|----------------|--|--|---|
| SENDER: | TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051 | US POSTAL SERVICE - FIRST CLASS MAIL | Case# 165-155 Special Exception 77 Derry Street Map 165/Lot 155-000 1 of 1 |
| | ARTICLE NUMBER | Name of Addressee, Street, and post office address | 12/12/19 ZBA Meeting |
| 1 | N/A-mailed First Class | DT RETAIL PROPERTIES, LLC 500 VOLVO PARKWAY, CHESAPEAKE, VA 23320 | ABUTTER NOTICE SENT |
| 2 | N/A-mailed First Class | DUVAL, MAURICE & DENISE, TRUSTEES; DUVAL FAMILY REVOCABLE TRUST 2 SUMMER STREET, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| | *certified 7019 0700 0000 2993 5352 | HUDSON-VICKERRY, LLC 25 ORCHARD VIEW DRIVE, LONDONDERRY, NH 03053 | APPLICANT/OWNER-NOTICE SENT |
| 4 | N/A-mailed First Class | BANK OF NEW HAMPSHIRE, ATTN: TD BANK 80 DERRY STREET, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 5 | N/A-mailed First Class | GLOBAL COMPANIES, LLC, c/o ENGIE INSIGHT- MS 5534 82 DERRY STREET, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 6 | N/A-mailed First Class | ISTRIN, HERMAN & GERTRUDE, TRUSTEES; ISTRIN FAMILY TRUST 90 DERRY STREET, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 7 | N/A-mailed First Class | DT RETAIL PROPERTIES, LLC 68 DERRY STREET, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| | Total Number of pieces listed by sender 7 | Total number of pieces rec'vd at Post Office 6 | Postmaster (receiving Employee)  |





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



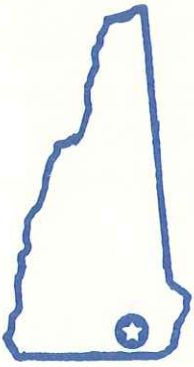
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **12/12/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 165-155 (12-12-19): Keri Demers, 23 Dexter St., Nashua, NH requests a Special Exception for 77 Derry Street, Hudson, NH to allow a Dog Daycare and Boarding facility which will have uses of retail grooming, training, community pet education and kennel/boardings of dogs (day & overnight). [Map 165, Lot 155-000; Zoned Business (B); HZO Article VI, §334-23, Special Exceptions, General 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



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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

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

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

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

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

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

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

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

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

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

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

Dewey & Friends will be a state of the art Dog DayCare and Boarding facility that will also have grooming, training, retail, and community pet education. The use of the retail grooming, training, and community education is only the inside of the building, while the kennel aspect comes from the overnight and day boarding of the dogs in our care. The kennel aspect is NOT for outside living quarters for the dogs at any time, although they will have access to outside for the use of eliminations.

A. The use requested is listed as permitted by special exception in the Table of Permitted Principle for the district in which the use is requested or is so similar to other uses permitted by special exception in the relevant district.

Answer: Dog kennel is listed as requiring a Special Exception in this district: (B) Business

B. The proposed use meets all the applicable requirements established in this chapter:

* All Questions A-E

C. The proposed use is consistent with the purpose and intent of the district in which it is proposed to be located.

Answer: Dewey & Friends will be a dog day care and boarding facility, with a retail sales of goods in the front, in the beginning stages. We hope to expand to offer dogs and cats for adoption, grooming, client education, training, pet massage, Reiki, among other services to the community to offer to their pets. All these uses are typical within a retail mall space (except the Boarding). Business (B). The B District is established to provide for the development of general wholesale and retail commercial uses, services, office uses, industry, warehousing, multifamily dwellings and customary accessory uses and structures.

Due to the boarding of dogs overnight this triggers a use (kennel) that requires a Special Exception and Thus the request from the ZBA for a Special Exception.

D. The proposed uses are compatible with the character of the surrounding neighborhood.

Answer: * The location is in the Business district and the building is a retail strip mall and we are offering "retail" services. Many homes have pets, most families work full time, we are asking to allow a service to assist these families by letting their dogs be monitored safely while they are at work or away for a period of time.

E. Nonresidential principle uses proposed to be located in residential districts must take primary access from arterial or collector roads

Answer: [Not applicable as in the B district.]

* Mall entrance is on Derry Street, where the main entrance to the facility will be. We are proposing a rear entrance for the day care and boarding to help clear the way of dogs in the busy parking lot full of cars.

Common Concerns:

Cleaning and odor:

Dewey & Friends will take every precaution they can to help ensure all animals in their care will get the best of care, and this includes cleanliness and odor.

I have had meetings with Hudson Animal Control Officer Jana McMillan for her input on this situation, and together we have decided that all animals will be required to not only have the core vaccines (Rabies, Distemper, Leptospirosis, and Kennel Cough) as well as a negative stool check every 6 months (most facilities only require this annually. We will be using a cleaning solution called Rescue (Accel) Disinfectant (see attached information). When used as directed **concentrate** is proven to deliver superior kill performance with contact times that are 50 percent faster against a broad-spectrum of organisms. Kills canine parvovirus, influenza A virus, canine distemper virus, certain strains of *salmonella* and *staphylococcus*, and other pathogenic microorganisms.

We are also working to install an HVAC system as well.

For flooring we will use Polysafe Mosaic can be easily cleaned as it is robust and therefore can withstand regular cleaning with animal-friendly Anigene disinfectant cleaner.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-099R

October 24, 2019

Keri Demers
23 Dexter Street
Nashua, NH 03060

Re: **77 Derry Street Map 165 Lot 155-000**
District: Business (B)

Dear Ms. Demers,

Your request if you can locate a dog day care, grooming and boarding facility at this address, has been completed and reviewed.

Zoning Review / Determination: This is a revision to #19-099 after our 10/22/19 meeting here at Town Hall.

We discussed the fact that you will need a Special Exception because the specifics of conducting the daycare/boarding would constitute a kennel, and kennels (D-2) in the Table of Permitted Principle Uses require a Special Exception from the Zoning Board of Adjustment (ZBA) in accordance with Article VI, section §334-23 General requirements.

After further review of your proposal and my concerns about the existing rear access to the rear unit (#A-10), parking and hours of operation, **I believe you would need an amended site plan.** Please contact Brian Groth (Town Planner) for the specifics of that process etc. at 886-6008.

The opening of the common wall between both units would require the necessary building permits etc. please review the specifics (and HAVC exhaust requirements) with Dave Hebert - Building Official. An occupancy permit application would be required prior to occupying the space.

Sincerely,

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

cc: Public Folder
D. Hebert – Building Official
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.

165 155 000
MAP LOT SUB

1 of 2 COMMERCIAL
CARD

Hudson

Total Card / Total Parcel
APPRAISED: 8,955,600 / 13,536,200
USE VALUE: 8,955,600 / 13,536,200
ASSESSED: 8,955,600 / 13,536,200

PROPERTY LOCATION

| No | Alt No | Direction/Street/City |
|----|--------|-----------------------|
| 77 | | DERRY ST, HUDSON |

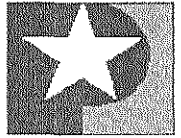
IN PROCESS APPRAISAL SUMMARY

| Use Code | Land Size | Building Value | Yard Items | Land Value | Total Value |
|-------------------------|-----------|--------------------------------|------------|------------|-----------------|
| 323 | 10.602 | 5,906,300 | 180,400 | 2,868,900 | 8,955,600 |
| Total Card | 10.602 | 5,906,300 | 180,400 | 2,868,900 | 8,955,600 |
| Total Parcel | 10.602 | 10,486,900 | 180,400 | 2,868,900 | 13,536,200 |
| Source: Market Adj Cost | | Total Value per SQ unit /Card: | | 156.76 | /Parcel: 117.79 |

Legal Description

| | | |
|------------------|-------------|--------|
| Entered Lot Size | Total Land: | 10.602 |
| Land Unit Type: | AC | |

User Acct
2277
GIS Ref
GIS Ref
Insp Date
12/26/06
18300!



Patriot Properties Inc.

USER DEFINED

Prior Id # 1: 0059
Prior Id # 2: 0053
Prior Id # 3: 000A
Prior Id # 1:
Prior Id # 2:
Prior Id # 3:
ASR Map:
Fac Dist:
Reval Dist:
Year:
Land Reason:
Bld Reason:
Civil District:
Ratio:

OWNERSHIP

| Owner | Address |
|-----------|-----------------------|
| Owner 1: | HUDSON-VICKERRY, LLC |
| Owner 2: | |
| Owner 3: | |
| Street 1: | 25 ORCHARD VIEW DRIVE |
| Street 2: | |
| Twn/City: | LONDON DERRY |
| St/Prov: | NH |
| Postal: | 03053 |

PREVIOUS ASSESSMENT

| Tax Yr | Use | Cat | Bldg Value | Yrd Items | Land Size | Land Value | Total Value | Asses'd Value | Notes | Date |
|--------|-----|-----|------------|-----------|-----------|------------|-------------|---------------|---------------|------------|
| 2019 | 323 | FV | 10,486,900 | 180400 | 10.602 | 2,868,900 | 13,536,200 | 13,536,200 | Year End Roll | 9/16/2019 |
| 2019 | 323 | JB | 10,486,900 | 180400 | 10.602 | 2,868,900 | 13,536,200 | 13,536,200 | Year End Roll | 5/8/2019 |
| 2018 | 323 | FV | 10,486,900 | 180400 | 10.602 | 2,868,900 | 13,536,200 | 13,536,200 | Year End Roll | 8/27/2018 |
| 2018 | 323 | JB | 10,486,900 | 180400 | 10.602 | 2,868,900 | 13,536,200 | 13,536,200 | Year End Roll | 5/9/2018 |
| 2017 | 323 | FV | 10,486,900 | 180400 | 10.602 | 2,868,900 | 13,536,200 | 13,536,200 | Year End Roll | 10/26/2017 |
| 2017 | 323 | PV | 10,486,900 | 180400 | 10.602 | 2,868,900 | 13,536,200 | 13,536,200 | Year End Roll | 8/28/2017 |
| 2017 | 323 | JB | 10,208,800 | 189300 | 10.602 | 2,608,100 | 13,006,200 | 13,006,200 | Year End Roll | 5/10/2017 |
| 2016 | 323 | FV | 10,208,800 | 189300 | 10.602 | 2,608,100 | 13,006,200 | 13,006,200 | Year End Roll | 8/30/2016 |

PREVIOUS OWNER

| Owner | Address |
|-----------|---------|
| Owner 1: | |
| Owner 2: | |
| Street 1: | |
| Street 2: | |
| Twn/City: | |
| St/Prov: | |
| Postal: | |

SALES INFORMATION

| Grantor | Legal Ref | Type | Date | Sale Code | Sale Price | V | Tst | Verif | Notes |
|----------------|-----------|------|------------|-----------|------------|----|-----|-------|-------|
| GORDON, R. TRU | 6307-1987 | | 10/25/2000 | BUSINESS | | No | No | | |

TAX DISTRICT

| | |
|------------|----------|
| 10/25/2000 | BUSINESS |
|------------|----------|

PAT ACCT.

| |
|------|
| 8300 |
|------|

NARRATIVE DESCRIPTION

This parcel contains 10.602 ACRES of land mainly classified as SHOP CENTER with a SUPER MARKET Building built about 1980, having primarily CONC BLOCK Exterior and 57128 Square Feet, with 1 Unit, 0 Bath, 0 3/4 Bath, 2 Hall/Baths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

| Code | Descrip/No | Amount | Com. Int |
|------|------------|--------|----------|
|------|------------|--------|----------|

BUILDING PERMITS

| Date | Number | Descp | Amount | C/O | Last Visit | Fed Code | F. Descp | Comment |
|------------|-------------|----------|--------|-----|------------|----------|----------|---------|
| 7/26/2019 | 2019-00726 | SIGNS | | C | | | | |
| 6/17/2019 | 2019-00540 | ELECTRIC | 70,000 | C | | | | |
| 3/22/2019 | 2019-00184 | PLACE OF | | C | | | | |
| 9/28/2018 | 2018-00845 | PLACE OF | | C | | | | |
| 3/21/2018 | 2018-00163 | PLACE OF | | C | | | | |
| 3/16/2018 | 2018-00149 | INT RENO | 53,000 | C | | | | |
| 4/3/2017 | 2017-00236 | PLACE OF | | C | | | | |
| 12/9/2016 | 2016-1268 | SIGNS | 185 | C | | | | |
| 11/29/2016 | 2016-354-46 | SPRINKLE | | C | | | | |
| 11/7/2016 | 2016-1112-1 | SIGNS | 500 | C | | | | |

ACTIVITY INFORMATION

| Date | Result | By | Name |
|-----------|--------------|----|------------|
| 2/1/2019 | Permit Visit | 12 | TECH ASMNT |
| 6/11/2017 | Field Review | 9 | PVA |
| 3/30/2017 | Permit Visit | 12 | TECH ASMNT |
| 2/24/2017 | I&E Mailed | 7 | DC |
| 3/11/2016 | Permit Visit | 12 | TECH ASMNT |
| 3/3/2015 | Permit Visit | 12 | TECH ASMNT |
| 3/13/2014 | Permit Visit | 12 | TECH ASMNT |
| 8/28/2012 | Hearing - NC | 9 | PVA |
| 5/7/2012 | Field Review | 9 | PVA |

PROPERTY FACTORS

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

LAND SECTION (First 7 lines only)

| Use Code | Description | LUC Fact | No of Units | Depth / Price/Units | Unit Type | Land Type | LT Factor | Base Value | Unit Price | Adj | Neigh | Neigh Infl | Neigh Mod | Infl 1 % | Infl 2 % | Infl 3 % | Appraised Value | Alt Class | Spec Land % | J Code | Fact | Use Value | Notes |
|----------|-------------|----------|-------------|---------------------|-----------|-----------|-----------|------------|------------|------|-------|------------|-----------|----------|----------|----------|-----------------|-----------|-------------|--------|------|-----------|-----------|
| 323 | SHOP CENT | | 10.602 | | SITE ACRE | SITE | | 0 | 330,000 | 0.82 | MD3 | | | | | | 2,868,901 | | | | | 2,868,900 | USE/LEASE |

Total AC/HA: 10.60200 Total SF/SM: 461823 Parcel LUC: 323 SHOP CENTER Prime NB Desc: MID DERRY Total: 2,868,901 Spl Credit: Total: 2,868,900

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

EXTERIOR INFORMATION

Type: 79 - SUPERMARKET
 Sty Ht: 1 - ONE STY
 (Liv) Units: 1 Total: 15
 Foundation: 6 - SLAB
 Frame: 2 - STEEL
 Prime Wall: 21 - CONC BLOCK
 Sec Wall: 08 - BRICK VEN 50%
 Roof Struct: 4 - FLAT
 Roof Cover: 11 - MEMBRANE
 Color:
 View / Desir:

GENERAL INFORMATION

Grade: B - GOOD
 Year Bilt: 1980 Eff Yr Bilt:
 All LUC: All %:
 Jurisdict: Fact:
 Const Mod:
 Lump Sum Adj:

INTERIOR INFORMATION

Avg HVFL: 23
 Prim Int Wall: 1 - DRYWALL
 Sec Int Wall: %
 Partition: A - ABV AVG
 Prim Floors: 05 - LINO/VINYL
 Sec Floors: %
 Bsmnt Flr:
 Subfloor:
 Bsmnt Gar:
 Electric: 1 - HIGH AMP
 Insulation: 2 - TYPICAL
 Int vs Ext:
 Heat Fuel: 2 - GAS
 Heat Type: 1 - FORCED AIR
 # Heat Sys: 1
 % Heated: 100 % AC: 100
 Solar HW: NO Central Vac: NO
 % Com Wal % Sprinkled: 100

BATH FEATURES

Full Bath Rating:
 A Bath Rating:
 3/4 Bath Rating:
 A 3/4 Bath Rating:
 1/2 Bath: 2 Rating: AVERAGE
 A 1/2 Bath Rating:
 Othr Fix: 5 Rating: AVERAGE

OTHER FEATURES

Kits Rating:
 A Kits Rating:
 Fprt Rating:
 WSPflue Rating:

CONDO INFORMATION

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

DEPRECIATION

Phys Cond: VG - Very Good 25.9%
 Functional: %
 Economic: %
 Special: %
 Override: %
 Total: 25.9%

CALC SUMMARY

Basic \$ / SQ: 99.00
 Size Adj: 0.81400365
 Const Adj: 1.34051394
 Adj \$ / SQ: 108.027
 Other Features: 96892
 Grade Factor: 1.25
 NBHD Inf: 1.00000000
 NBHD Mod:
 LUC Factor: 1.00
 Adj Total: 7908585
 Depreciation: 2048323
 Depreciated Total: 5860261

COMMENTS

COMM/NEIGH. SHOPPING CENTER/
 HANNAFORD S INC MCDNLD S LAND AS WELL.

RESIDENTIAL GRID

| 1st Res Grid | Desc: | # Units |
|--------------|---------------------------------|---------|
| Level | FY LR DR D K FR RR BR FB HB L O | |
| Other | | |
| Upper | | |
| Lvl 2 | | |
| Lvl 1 | | |
| Lower | | |
| Totals | RMS: BRS: Baths: HB2: | |

REMODELING

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

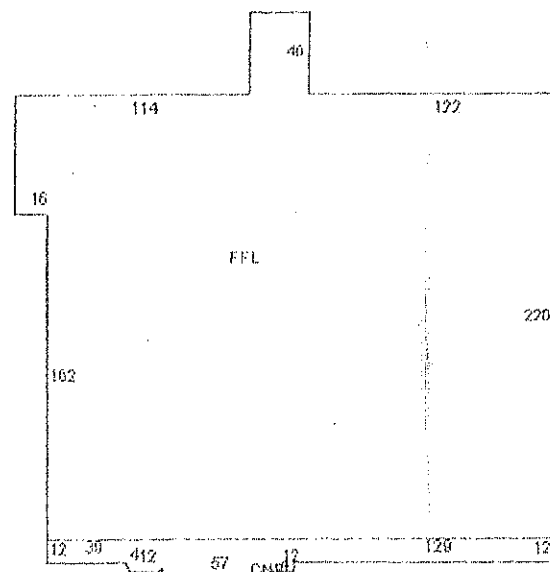
RES BREAKDOWN

| No Unit | RMS | BRS | FL |
|---------|-----|-----|----|
| Totals | | | |

COMPARABLE SALES

| Rate | Parcel ID | Typ | Date | Sale Price |
|---|-----------|-----|------|------------|
| W/Avs/SQ: AvRate: Ind.Val: | | | | |
| Juris. Factor: Before Depr: 135.03 | | | | |
| Special Features: 46000 Val/Su Nct: 07.33 | | | | |
| Final Total: 5906300 Val/Su SzAdj: 103.39 | | | | |

SKETCH



SUB AREA

| Code | Description | Area - SQ | Rate - AV | Undepr Value |
|------|-------------|-----------|-----------|--------------|
| FFL | FIRST FLOOR | 57,128 | 108.030 | 6,171,375 |
| CNP | CANOPY | 3,554 | 16.490 | 58,600 |

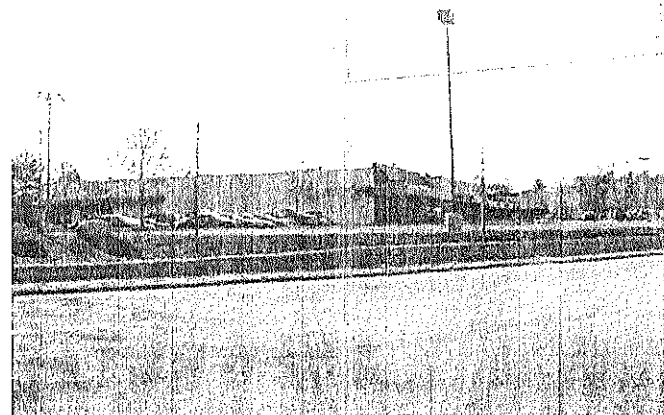
SUB AREA DETAIL

| Sub Area | % Usbl | Descrip | % Type | Qu # Ton |
|----------|--------|---------|--------|----------|
| | | | | |

Net Sketched Area: 60,682 Total: 6,229,975
 Size Adj: 57128 Gross Area: 60682 FinArea: 57128

IMAGE

AssessPro Patriot Properties, Inc



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 | JCorr IFact | Juris. Value |
|------|--------------|-------|-----|----------|------|-----|------|------------|-----|------|-----|------|-------|------------|-------------|--------------|
| 85 | PAVING-ASPH | D Y | 1 | 239000 | AV | AV | 1980 | 1.52 | T | 55.5 | 323 | | | 161,800 | | 161,800 |
| 88 | FENCE-6FT | D Y | 1 | 1172 | AV | AV | 1980 | 19.00 | T | 55.5 | 323 | | | 1,500 | | 1,500 |
| 91 | LOAD LEVELEF | D S | 4 | 1 | AV | AV | 1980 | 3,600.00 | T | 37 | 323 | | | 9,100 | | 9,100 |
| 64 | MEZZ-FIN | D S | 1 | 120x44 | AV | AV | 1980 | 28.55 | T | 37 | 323 | | | 15,800 | | 15,800 |
| 64 | MEZZ-FIN | D S | 1 | 188x14 | AV | AV | 1980 | 27.25 | T | 37 | 323 | | | 21,100 | | 21,100 |
| 84 | SIGN-LIGHTED | D Y | 1 | 1206 | AV | GD | 2000 | 34.33 | T | 20.4 | 323 | | | 5,600 | | 5,600 |
| 79 | LITE-TRIP | D Y | 7 | 1 | AV | AV | 1980 | 3,080.00 | T | 55.5 | 323 | | | 9,600 | | 9,600 |
| 78 | LITE-DOUB | D Y | 2 | 1 | AV | AV | 1980 | 2,090.00 | T | 55.5 | 323 | | | 1,900 | | 1,900 |

165 155 000
MAP LOT SUB

2 of 2 COMMERCIAL
CARD Hudson

Total Card / Total Parcel
APPRAISED: 4,580,600 / 13,536,200
USE VALUE: 4,580,600 / 13,536,200
ASSESSED: 4,580,600 / 13,536,200



PROPERTY LOCATION

| No | Alt No | Direction/Street/City |
|----|--------|-----------------------|
| 77 | | DERRY ST, HUDSON |

IN PROCESS APPRAISAL SUMMARY

| Use Code | Land Size | Building Value | Yard Items | Land Value | Total Value |
|----------|-----------|----------------|------------|------------|-------------|
| 323 | 0.000 | 4,580,600 | | | 4,580,600 |

Legal Description

User Acct
2277

OWNERSHIP

| | |
|-----------|-----------------------|
| Owner 1: | HUDSON-VICKERRY, LLC |
| Owner 2: | |
| Owner 3: | |
| Street 1: | 25 ORCHARD VIEW DRIVE |
| Street 2: | |
| Twn/City: | LONDONDERRY |
| SU/Prov: | NH |
| Postal: | 03053 |

| | | | | |
|-------------------------|--------|--------------------------------------|---------|-----------------|
| Total Card | 0.000 | 4,580,600 | | 4,580,600 |
| Total Parcel | 10.602 | 10,486,900 | 180,400 | 2,868,900 |
| Source: Market Adj Cost | | Total Value per SQ unit /Card: 79.27 | | /Parcel: 117.79 |

Entered Lot Size
Total Land: 10.602
Land Unit Type: AC

GIS Ref
GIS Ref
Insp Date
12/26/06

PREVIOUS ASSESSMENT

| Tax Yr | Use | Cat | Bldg Value | Yrd Items | Land Size | Land Value | Total Value | Asses'd Value | Notes | Date |
|--------|-----|-----|------------|-----------|-----------|------------|-------------|---------------|-------|------|
|--------|-----|-----|------------|-----------|-----------|------------|-------------|---------------|-------|------|

Parcel ID 165-155-000

!8300!

PREVIOUS OWNER

| | |
|-----------|--|
| Owner 1: | |
| Owner 2: | |
| Street 1: | |
| Twn/City: | |
| SU/Prov: | |
| Postal: | |

PRINT

| Date | Time |
|----------|----------|
| 10/22/19 | 11:25:36 |

LAST REV

| Date | Time |
|----------|----------|
| 07/03/17 | 13:25:28 |

SteveT
8300

USER DEFINED

| | |
|-----------------|------|
| Prior Id # 1: | 0059 |
| Prior Id # 2: | 0053 |
| Prior Id # 3: | 000A |
| 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: | |

VARRATIVE DESCRIPTION

This parcel contains 10.602 ACRES of land mainly classified as SHOP CENTER with a SHOP/CTR-NBH Building built about 1980, having primarily CONC BLOCK Exterior and 57788 Square Feet, with 14 Units, 0 Bath, 0 3/4 Bath, 9 HalfBaths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

| Code | Descrip/No | Amount | Com. Int |
|------|------------|--------|----------|
|------|------------|--------|----------|

SALES INFORMATION

| Grantor | Legal Ref | Type | Date | Sale Code | Sale Price | V | Tst | Verif | Notes |
|---------|-----------|------|------|-----------|------------|---|-----|-------|-------|
|---------|-----------|------|------|-----------|------------|---|-----|-------|-------|

TAX DISTRICT

PAT ACCT.

PROPERTY FACTORS

| Item | Code | Description | % | Item | Code | Description |
|------------|------|-------------|---|-----------|------|-------------|
| Z | | water | 3 | TOWN WATE | | |
| o | | Sewer | 2 | TOWN SEWE | | |
| n | | Electri | | | | |
| Census: | | Exmpt | | | | |
| Flood Haz: | | | | | | |
| D | | Topo | | | | |
| 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 |
|------------|--------------|----|--------|
| 6/11/2017 | Field Review | 9 | PVA |
| 5/7/2012 | Field Review | 9 | PVA |
| 12/26/2006 | Meas/Inspect | 9 | PVA |
| 12/24/1990 | Inspected | 2 | AVITAR |

Sign: / /

LAND SECTION (First 7 lines only)

| Use Code | Description | LUC Fact | No of Units | Depth / Price/Units | Unit Type | Land Type | LT Factor | Base Value | Unit Price | Adj | Neigh | Neigh Infl | Neigh Mod | Infl 1 % | Infl 2 % | Infl 3 % | Appraised Value | Alt Class % | Spec Land | J Code | Fact | Use Value | Notes |
|----------|-------------|----------|-------------|---------------------|----------------|-----------|-----------|------------|------------|------|-------|------------|-----------|----------|----------|----------|-----------------|-------------|-----------|--------|------|-----------|-------|
| 323 | SHOP CENTI | | 0 | | SITE ACRE SITE | | | 0 | 0. | 0.00 | MID3 | | | | | | | | | | | | |

Total AC/HA: 0.00000 Total SF/SM: 0 Parcel LUC: 323 SHOP CENTER Prime NB Desc: MID DERRY Total: Spl Credit: Total:

EXTERIOR INFORMATION

Type: 76 - SHIPCTR-NBH
 Sty Ht: 1 - ONE STY
 (Liv) Units: 14 Total: 15
 Foundation: 6 - SLAB
 Frame: 2 - STEEL
 Prime Wall: 21 - CONC BLOCK
 Sec Wall: 08 - BRICK VEN 50%
 Roof Struct: 4 - FLAT
 Roof Cover: 11 - MEMBRANE
 Color:
 View / Desir:

GENERAL INFORMATION

Grade: C+ - AVG/GOOD
 Year Blt: 1980 EIF Yr Blt:
 All LUC: All %:
 Jurisdict: Fact:
 Const Mod:
 Lump Sum Adj:

INTERIOR INFORMATION

Avg H/F/L: STD
 Prim Int Wall: 1 - DRYWALL
 Sec Int Wall:
 Partition: E - EXTNSIVE
 Prim Floors: 05 - LINO/VINYL
 Sec Floors:
 Bsmnt Flr:
 Subfloor:
 Bsmnt Gar:
 Electric: 1 - HIGH AMP
 Insulation: 2 - TYPICAL
 Int vs Ext: S
 Heat Fuel: 2 - GAS
 Heat Type: 1 - FORCED AIR
 # Heat Sys: 1
 % Heated: 100 % AC: 100
 Solar HW: NO Central Vac: NO
 % Com Wal: % Sprinkled: 100

MOBILE HOME Make: Model: 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 |
|------|-------------|---|-----|-----|----------|------|-----|------|------------|-----|-----|-----|------|-------|------------|------|-------|--------------|
|------|-------------|---|-----|-----|----------|------|-----|------|------------|-----|-----|-----|------|-------|------------|------|-------|--------------|

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

BATH FEATURES

Full Bath: Rating:
 A Bath: Rating:
 3/4 Bath: Rating:
 A 3QBth: Rating:
 1/2 Bath: 9 Rating: AVERAGE
 A HBth: Rating:
 OthrFix: 14 Rating: AVERAGE

OTHER FEATURES

Kits: Rating:
 A Kits: Rating:
 Frpl: Rating:
 WSFlue: Rating:

CONDO INFORMATION

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

DEPRECIATION

Phys Cond: GD - Good 31.4%
 Functional: %
 Economic: %
 Special: %
 Override: %
 Total: 31.4%

CALC SUMMARY

Basic \$ / SQ: 95.00
 Size Adj: 0.81384373
 Const Adj: 1.31745851
 Adj \$ / SQ: 101.860
 Other Features: 119882
 Grade Factor: 1.10
 NBHD Int: 1.00000000
 NBHD Mod:
 LUC Factor: 1.00
 Adj Total: 6677245
 Depreciation: 2096655
 Depreciated Total: 4580590

COMMENTS

COMM/NEIGH SHOPPING CENTER AC CHANGE
 PER 96 SITE PLAN/2006 - plus leased McDonalds
 pad/12 tenants front and 2 rear. INNER DRAGON
 MARTIAL ARTS; AUTOZONE; HARRISON S
 COMICS; PAPA GINO'S; CVS; GREAT CLIPS; 1/2
 OFF CARDS; LAVISH NAIL AND SPA; USPS; H&

RESIDENTIAL GRID

1st Res Grid Desc: # Units
 Level FY LR DR D K FR RR BR FB HB L O
 Other
 Upper
 Lvl 2
 Lvl 1
 Lower

Totals RMS: BRs: Baths: HB: 9

REMODELING

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

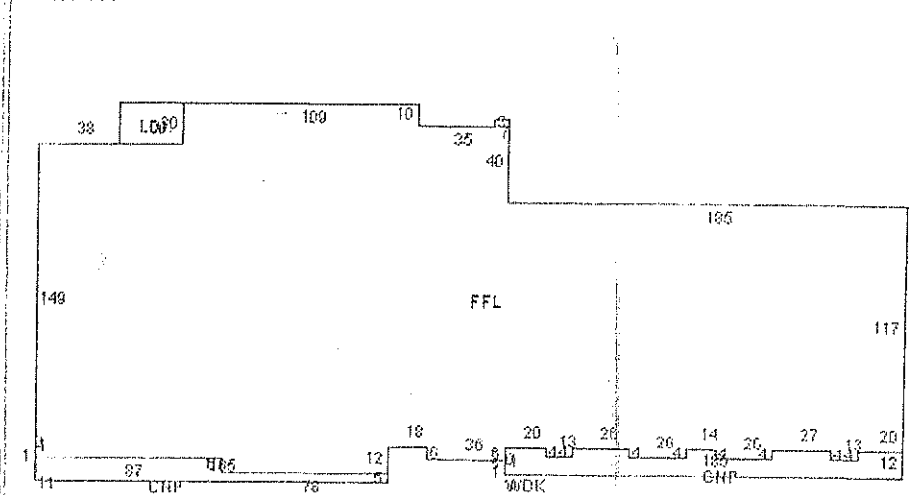
RES BREAKDOWN

| No | Unit | RMS | BRS | FL |
|--------|------|-----|-----|----|
| Totals | | | | |

COMPARABLE SALES

| Rate | Parcel ID | Typ | Date | Sale Price |
|----------------------|-----------|-----|------|------------|
| Final Total: 4580600 | | | | |

SKETCH



SUB AREA

| Code | Description | Area - SQ | Rate - AV | Undepr Value |
|------|--------------|-----------|-----------|--------------|
| FFL | FIRST FLOOR | 57,788 | 101.860 | 5,886,257 |
| CNP | CANOPY | 3,255 | 16.560 | 53,891 |
| LDK | LOADING DOCK | 600 | 16.990 | 10,192 |
| FFL | FIRST FLOOR | | | |
| W/DK | WOOD DECK | | | |

Net Sketched Area: 61,643 Total:
 Size Adj: 57788 Gross Area: 61643 FinArea: 57788

SUB AREA DETAIL

| Code | Description | Area | % Usbl | Descrp | % Type | Qu | # Ten |
|------|-------------|------|--------|--------|--------|----|-------|
|------|-------------|------|--------|--------|--------|----|-------|

IMAGE




77 Derry Street (Map/Lot 165-155-000)

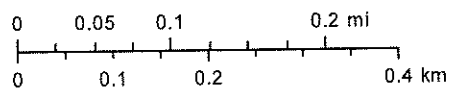


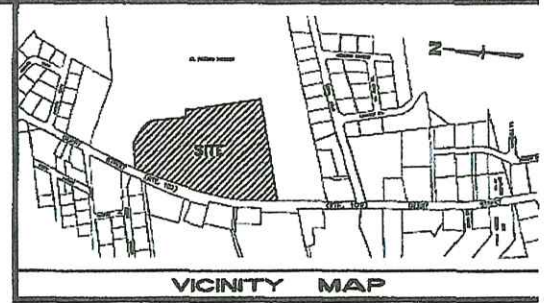
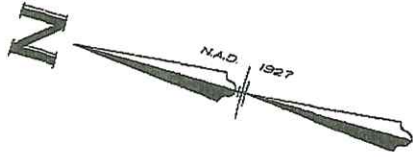
November 25, 2019

Legend

 Parcels

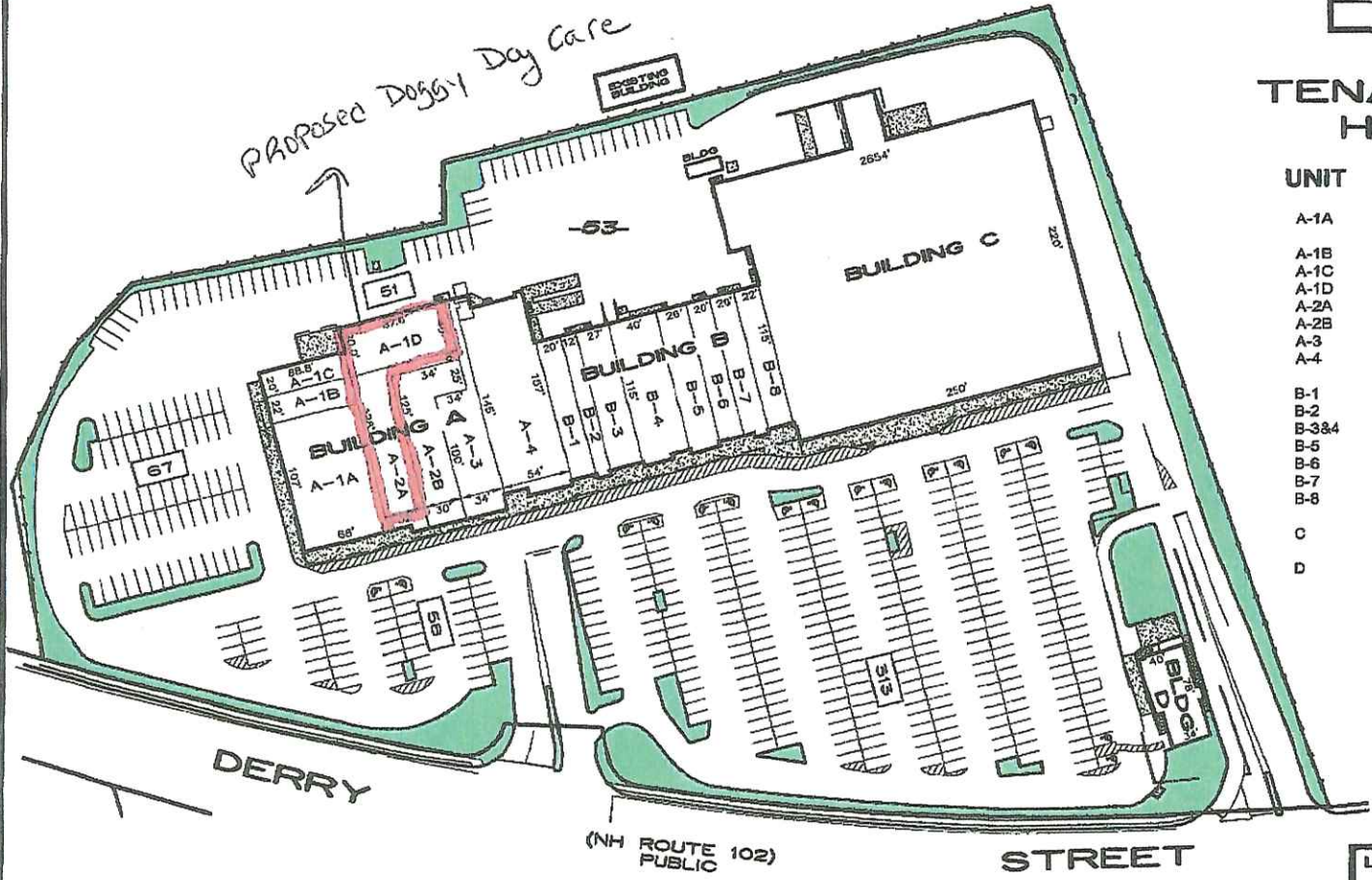
1:7,859





VICINITY MAP

Proposed Doggy Day Care



TENANT DIRECTORY HUDSON MALL

| UNIT | TENANT NAME | LEASE (SF) |
|------------------------------|------------------------------|------------|
| A-1A | AUTO ZONE | 7,069 |
| A-1B | INNER DRAGON MARTIAL ARTS | 1,200 |
| A-1C | INNER DRAGON MARTIAL ARTS | 1,200 |
| A-1D | AVAILABLE | 3,300 |
| A-2A | AVAILABLE | 4,500 |
| A-2B | ANYTIME FITNESS | 5,400 |
| A-3 | PAPA GINO'S | 2,634 |
| A-4 | AVAILABLE | 8,800 |
| B-1 | BERNIE 2020 | 2,360 |
| B-2 | GREAT CLIPS | 1,740 |
| B-3&4 | AVAILABLE | 7,521 |
| B-5 | AVAILABLE | 3,002 |
| B-6 | LAVISH NAIL & SPA | 2,320 |
| B-7 | US POST OFFICE | 2,315 |
| B-8 | H&R BLOCK | 2,333 |
| C | HANNAFORD | 57,128 |
| D | Mc DONALDS* *GROUND LEASE | 15,038 |
| TOTAL SQUARE FOOTAGE | | 112,822 |
| PARKING SPACES PROVIDED: 489 | | |
| LAST UPDATE: 08/07/2019 | | |

NOTE:
UNIT DIMENSIONS SHOWN ARE BASED
ON INFORMATION AS SUPPLIED AND
MAY OR MAY NOT REFLECT EXACT
DIMENSIONS

LEASE PLAN
HUDSON MALL
 DERRY STREET - ROUTE 102
 HUDSON, NEW HAMPSHIRE

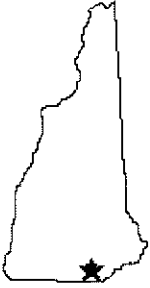
OWNER:
HUDSON VICKERRY, LLC

MANAGED & LEASED BY:
THE MEG COMPANIES

TEL: (603) 434-6700 FAX: (603) 421-1896

0 140 280 FT

© Haynes/Gverson, Inc. PROJ. 1708 R:\1708\DWG\1708LES1-C3D



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: December 12, 2019

RR 12-5-19

Case 199-027 (12-12-19): Maria Sousa, 63 Pelham Rd., Hudson, NH requests a Variance to allow the construction of an Accessory Dwelling Unit (ADU) with 896 sqft. which exceeds the 750 sqft. maximum for ADU's. [Map 199, Lot 027; Zoned General (G); HZO Article XIII A, §334-73.3 H, Accessory Dwelling Units, Provisions].

Address: 63 Pelham Rd

Zoning district: General (G)

Summary:

Applicant requests a Variance to allow the construction of an Accessory Dwelling Unit (ADU) with 896 sqft. which exceeds the 750 sqft. maximum for ADU's. The proposed ADU is to be built within an existing garage. This zone district (G) allows for duplex (two family) by right.

Property description:

This is an existing developed lot of record with 2.259 Acres (1.0 Acres required) and 150.00 ft of frontage (150ft required). The existing structures appear to satisfy all required building setbacks.

In-House review/comments:

Fire Dept: No comment

Engineering: Yes

Planner: No comment

HISTORY:

Assessing: Listed as a Single Family residence.

Building Permits: #076-98 SFR issued 8/8/1997; #100-01 Garage issued 9/13/2000
Septic approval (4 Bedroom) # CA1997004149 issued 10/17/1997; #16.17.19-5 Driveway
Permit approved 7/8/97

Attachments:

“A” Assessing record.

“B” Town Engineer In-House review/comments

“C” Certificate of Occupancy for BP #076-98

“D” #076-98 Building Permit - SFR

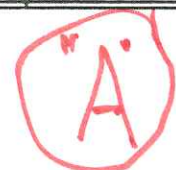
“E” Septic plan approval

“F” #100-01 Building Permit – Garage

“G” #16.17.19-5 Driveway permit

Previous Assessments

| Year | Code | Building | Yard Items | Land Value | Acres | Special Land | Total |
|------|------------------|----------|------------|------------|-------|--------------|---------|
| 2019 | 101 - ONE FAMILY | 214,800 | 37,500 | 108,200 | 2.26 | 0.00 | 360,500 |
| 2019 | 101 - ONE FAMILY | 211,200 | 34,800 | 108,200 | 2.26 | 0.00 | 354,200 |
| 2018 | 101 - ONE FAMILY | 211,200 | 25,800 | 108,200 | 2.26 | 0.00 | 345,200 |
| 2018 | 101 - ONE FAMILY | 211,200 | 25,800 | 108,200 | 2.26 | 0.00 | 345,200 |
| 2017 | 101 - ONE FAMILY | 211,200 | 25,800 | 108,200 | 2.26 | 0.00 | 345,200 |
| 2017 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2017 | 101 - ONE FAMILY | 211,200 | 25,800 | 108,200 | 2.26 | 0.00 | 345,200 |
| 2016 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2016 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2015 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2015 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2014 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2014 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2013 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2013 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2012 | 101 - ONE FAMILY | 177,600 | 22,000 | 104,500 | 2.26 | 0.00 | 304,100 |
| 2012 | 101 - ONE FAMILY | 195,600 | 17,500 | 137,700 | 2.26 | 0.00 | 350,800 |
| 2011 | 101 - ONE FAMILY | 195,700 | 17,500 | 137,700 | 2.26 | 0.00 | 350,900 |
| 2011 | 101 - ONE FAMILY | 195,700 | 17,500 | 137,700 | 2.26 | 0.00 | 350,900 |
| 2010 | 101 - ONE FAMILY | 195,700 | 17,500 | 137,700 | 2.26 | 0.00 | 350,900 |
| 2010 | 101 - ONE FAMILY | 195,700 | 17,500 | 137,700 | 2.26 | 0.00 | 350,900 |
| 2009 | 101 - ONE FAMILY | 195,700 | 17,500 | 137,700 | 2.26 | 0.00 | 350,900 |
| 2008 | 101 - ONE FAMILY | 188,000 | 17,500 | 137,700 | 2.26 | 0.00 | 343,200 |
| 2008 | 101 - ONE FAMILY | 188,000 | 17,500 | 137,700 | 2.26 | 0.00 | 343,200 |
| 2007 | 101 - ONE FAMILY | 188,000 | 17,500 | 137,700 | 2.26 | 0.00 | 343,200 |
| 2007 | 101 - ONE FAMILY | 205,100 | 17,100 | 107,900 | 2.26 | 0.00 | 330,100 |
| 2006 | 101 - ONE FAMILY | 205,100 | 17,100 | 107,900 | 2.26 | 0.00 | 330,100 |
| 2006 | 101 - ONE FAMILY | 205,100 | 17,100 | 107,900 | 2.26 | 0.00 | 330,100 |
| 2005 | 101 - ONE FAMILY | 205,100 | 17,100 | 107,900 | 2.26 | 0.00 | 330,100 |
| 2005 | 101 - ONE FAMILY | 205,100 | 17,100 | 107,900 | 2.26 | 0.00 | 330,100 |
| 2004 | 101 - ONE FAMILY | 205,100 | 17,100 | 107,900 | 2.26 | 0.00 | 330,100 |
| 2004 | 101 - ONE FAMILY | 163,400 | 16,000 | 82,600 | 2.26 | 0.00 | 262,000 |
| 2003 | 101 - ONE FAMILY | 163,400 | 16,000 | 82,600 | 2.26 | 0.00 | 262,000 |
| 2003 | 101 - ONE FAMILY | 163,400 | 16,000 | 82,600 | 2.26 | 0.00 | 262,000 |
| 2002 | 101 - ONE FAMILY | 163,400 | 16,000 | 82,600 | 2.26 | 0.00 | 262,000 |
| 2002 | 101 - ONE FAMILY | 163,400 | 16,000 | 82,600 | 2.26 | 0.00 | 262,000 |
| 2001 | 101 - ONE FAMILY | 113,800 | 0 | 57,900 | | 0.00 | 171,700 |
| 2000 | 101 - ONE FAMILY | 110,700 | 1,000 | 57,900 | 2.26 | 0.00 | 169,600 |
| 1999 | 101 - ONE FAMILY | 0 | 0 | 0 | 2.26 | 0.00 | 0 |



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

REQUEST FOR REVIEW/COMMENTS:

Case: 199-027(12-12-19)

Property Location: 63 Pelham Rd

For Town Use

Plan Routing Date: 11/26/2019 Reply requested by: 12/02/2019 ZBA Hearing Date: 12/12/2019

I have no comments I have comments (see below)

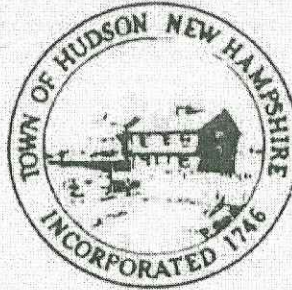
EZD _____ Name: Elvis Dhima, P.E. Date: 11/26/2019
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

1. Applicant shall provide an approved septic system design that will handle the proposed ADU.
2. Existing driveway is non-conforming (within building setback).
3. Applicant shall determine existing well flows and if it can accomodate the proposed ADU.

"B"

TOWN OF HUDSON



3557

OCCUPANCY PERMIT

B&D LAMOTHE ENTERPRISES, INC.

Owner or Builder

MAP 12 LOT 19-5

63 PELHAM ROAD

BUILDING PERMIT NO. 76-98

Address of Building

PERMISSION IS HEREBY GRANTED TO OCCUPY THIS BUILDING:

Date DECEMBER 12, 19 97


Building Inspector's Approval

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



A CERTIFICATE OF OCCUPANCY IS REQUIRED. PLEASE APPLY FOR C.O. A MINIMUM OF THREE WEEKS PRIOR TO DATE YOU REQUIRE IT TO BE ISSUED.

REFERENCE ATTACHED RADON-RESISTANT CONSTRUCTION GUIDE. PER 1996 CABO 1&2 FAMILY BUILDING CODE, RADON-RESISTANT CONSTRUCTION IS REQUIRED.

BUILDING PERMIT

AMOUNT PAID

DEPT. FILE COPY

MAP 17 LOT 19-5

VALIDATION

STATE OF NH SEPTIC APPROVAL FOR CONSTRUCTION MUST BE SUBMITTED TO THE HUDSON BUILDING DEPARTMENT A.S.A.P.

APPLICANT BILL LAMOTHE / B&D LAMOTHE ENTERPRISES DATE AUGUST 8, 19 97 PERMIT NO. 076-98
 ADDRESS 21 CIRCLE DRIVE LITCHFIELD NH 882-1712
(NO.) (STREET) (CONTR'S LICENSE)

PERMIT TO FAMILY DWELLING (2) STORY RESIDENTIAL NUMBER OF DWELLING UNITS ONE
(TYPE OF IMPROVEMENT) NO. (PROPOSED USE)

AT (LOCATION) 63 PELHAM ROAD ZONING DISTRICT _____
(NO.) (STREET)

HOUSE NUMBER TO BE AT STREET AND ON HOUSE-PER FIRE DEPARTMENT.

BETWEEN _____ AND _____
(CROSS STREET) (CROSS STREET)

SUBDIVISION PELHAM HEIGHTS SUBDIVISION LOT 19-5 BLOCK 17 LOT SIZE 2.26 ACRES

REFERENCE ATTACHED MEANS OF EGRESS AND SMOKE DETECTOR REQUIREMENTS. ELECTRICAL/PLUMBING PERMITS REQUIRED. HOUSE BUILDING IS TO BE _____ FT. WIDE BY _____ FT. LONG BY _____ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION NUMBER TO BE AT STREET AND ON HOUSE. PER ENGINEERING DEPARTMENT: NO TREES OR VEGETATION CUTTING OUTSIDE OF THE TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION _____

REMARKS: 16'X14' DECK, FARMERS PORCH, TWO-CAR UNHEATED GARAGE UNDER, 3 FINISHED BEDROOMS, 2 FULL BATHROOMS.

CERTIFIED PLOT PLAN REQUIRED FROM LICENSED LAND SURVEYOR AT TIME OF FOUNDATION PLACEMENT PRIOR TO FRAMING TO INCLUDE DISTANCES TO PROPERTY LINES AND ANY WETLANDS ON THE LOT. CERTIFICATION FROM LLS THAT STONE BOUNDS/IRON PINS ARE SET AND INDICATED ON CPP DUE AT C.O. APPLICATION.

AREA OR VOLUME 3,932 SQUARE FEET ESTIMATED COST \$ 151,000.00 PERMIT FEE \$ 464.56
(CUBIC/SQUARE FEET)

OWNER ETCHSTONE PROPERTES BUILDING DEPT. BY Edmund J. Mahajan
 ADDRESS NASHUA NH

FORM NO. BOCA - BP 1994



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

APPROVAL FOR OPERATION

CA1997004149

N.H. DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER SUPPLY & POLLUTION CONTROL DIVISION
P.O. BOX 95, 6 HAZEN DRIVE, CONCORD, NH 03302-0095

APPROVAL NO. CA1997004149

AMENDED DUE TO:

OWNER:

ETCHSTONE PROPERTIES INC
167 W HOLLIS ST
NASHUA NH 03060-

Lot Numbers: 17 / 19-5
Subd. Appvl. No.: SA1995000344
Subd. Name: PELHAM HEIGHTS
County: HILLSBOROUGH
Registry Book No.: 5578
Registry Page No.: 0767
Probate Docket No.:
(If Applicable)

COPY SENT TO:

BRUCE WOODRUFF, ZONING ADMIN.
12 SCHOOL ST
HUDSON NH 03051-

Type of System: 4 BR
600 GPD
Town/City Location: HUDSON

Street Location: 13 PELHAM ROAD

Installer

Leare

Permit No.

271

Owner Installed For His Domicile

Was Inspected On (Date)

10/17/1997

Before Covering And Is Hereby Approved For Use.

Date Approved:

10/17/1997

By:

[Signature]

Authorized Agent Of N.H. Water Supply And
Pollution Control Division

(OVER)

Subsurface waste disposal systems must be operated and maintained in a manner so as to prevent nuisance or health hazard due to system failure.
(RSA 485-A:37)

It is unlawful to discharge any hazardous chemicals or substances into subsurface waste disposal systems. Included are paints, thinners, gasoline and chlorinated hydrocarbon solvents such as TCE, sometimes used to clean failed septic systems and auto parts.
(Env-Ws 410.05)

REVISSED 8/91

199704408

TOWN'S

BUILDING PERMIT

APPLICANT COPY
 THIS PERMIT NOT VALID UNLESS
 PROPERLY RECEIPTED BY CASHIER
 AMOUNT PAID
 0100-01
 VALIDATION

APPLICANT ALFRED RYAN DATE SEPT 13 2000 PERMIT NO. 0100-01
 ADDRESS 63 PELHAM (NO.) (STREET) (CONTR'S LICENSE)

PERMIT TO 2-CAR GARAGE (1) (TYPE OF IMPROVEMENT) NO. 1 STORY GARAGE (PROPOSED USE) NUMBER OF DWELLING UNITS 1

AT (LOCATION) 63 PELHAM RD (NO.) (STREET) ZONING DISTRICT G

BETWEEN MEIKIND (CROSS STREET) AND BUSH HILL (CROSS STREET)

SUBDIVISION PELHAM HEIGHTS LOT 19-5 BLOCK 17 LOT SIZE 2.25 ACRES

BUILDING IS TO BE 28 FT. WIDE BY 32 FT. LONG BY _____ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION 28x32 (TYPE)

REMARKS: CONSTRUCTED BY THE CODES ADOPTED BY TOWN OF HUDSON

AREA OR VOLUME 896 sq. ft. (CUBIC/SQUARE FEET) ESTIMATED COST \$ 10K PERMIT FEE \$ 72.00

OWNER SHAW AS ABOVE ADDRESS _____ BUILDING DEPT BY WILLIAM

FORM NO. BOCA - BP 1994

- MINIMUM OF THREE CALLED INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK:
1. FOUNDATIONS OR FOOTINGS.
 2. PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING).
 3. FINAL INSPECTION BEFORE OCCUPANCY.

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

| BUILDING INSPECTION APPROVALS | PLUMBING INSPECTION APPROVALS | ELECTRICAL INSPECTION APPROVALS |
|-------------------------------|-----------------------------------|---|
| 1 | 1 | 1 |
| 2 | 2 | 2 |
| 3 | HEATING INSPECTING APPROVALS 1 | REFRIGERATION INSPECTION APPROVALS 1 |
| OTHER | 2 | 2 |

"F"

RECEIVED

JUL 18 1997

TOWN OF HUDSON
DRIVEWAY PERMIT APPLICATION

TOWN OF HUDSON

\$50.00 PROCESSING FEE; RECEIPT # _____ PERMIT # 16.17.19-5

APPLICANT B & D LAMOYNE ENTERPRISES TELEPHONE 882-1712

LOT LOCATION #43 PELHAM RD. MAP 17 LOT 19-5

SURFACE: PAVED _____ GRAVEL STONE _____; GRADE (%) FLAT

LENGTH OF DRIVE FROM RIGHT-OF-WAY TO END APPROX. 300 FEET

TYPICAL WIDTH OF DRIVE 12 FEET ANGLE OF ENTRY PERPENDICULAR TO R.O.W.

WHEN EXITING, SITE DISTANCE: LEFT 300 - 400 FEET RIGHT 1000 FEET PLUS

DISTANCE TO NEAREST INTERSECTION WHEN EXITING: LEFT 1/8 MILE RIGHT 1/4 MILE

ROADWAY DRAINAGE: (CHECK ONE)

ROADSIDE SWALE CURB & CATCH BASINS _____ OTHER _____

PROPOSED DRAINAGE: _____

THE OWNERS, BY FILING OF THIS APPLICATION AS INDICATED ABOVE, HEREBY GIVE PERMISSION FOR THE MEMBERS OF THE HUDSON PLANNING BOARD, CONSERVATION COMMISSION, TOWN ENGINEER, CIVIL ENGINEER, ROAD AGENT, AND SUCH AGENTS OF EMPLOYEES OF THE TOWN OR OTHER PERSONS THE PLANNING BOARD OR THE OFFICE OF THE TOWN ENGINEER MAY AUTHORIZE, TO ENTER UPON THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION AT ALL REASONABLE TIMES FOR THE PURPOSE OF SUCH EXAMINATIONS, SURVEYS, TESTS AND INSPECTIONS AS MAY BE APPROPRIATE TO ENABLE THE OFFICE OF THE TOWN ENGINEER TO PROCESS THIS APPLICATION. WE HEREBY WAIVE AND RELEASE ANY CLAIM OR RIGHT WE MAY HAVE NOW OR HEREAFTER POSSESS AGAINST ANY OF THE ABOVE INDIVIDUALS AS A RESULT OF ANY EXAMINATIONS, SURVEYS, TESTS AND INSPECTIONS CONDUCTED ON MY/OUR PROPERTY IN CONNECTION WITH THIS APPLICATION.

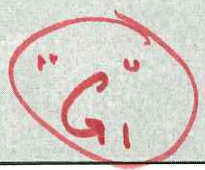
Bill Lamoyné 7/15/97
OWNER SIGNATURE/DATE

Bill Lamoyné 7/15/97
OWNER SIGNATURE/DATE

[Signature] 7/29/97
INSPECTED BY/DATE

Michael [Signature] 8-8-97
APPROVED BY/DATE

SPECIAL CONDITIONS: _____



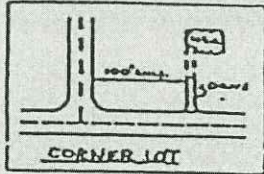
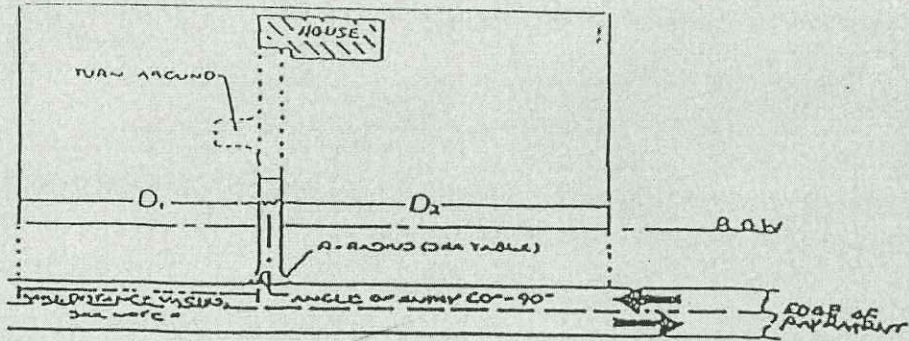
Determine the dimensions below. All other details apply.

$D_1 = 1000 \text{ ft.}$

$D_2 = 300 \text{ ft.}$

Profile - check one

$H = \pm 1 \text{ ft.}$

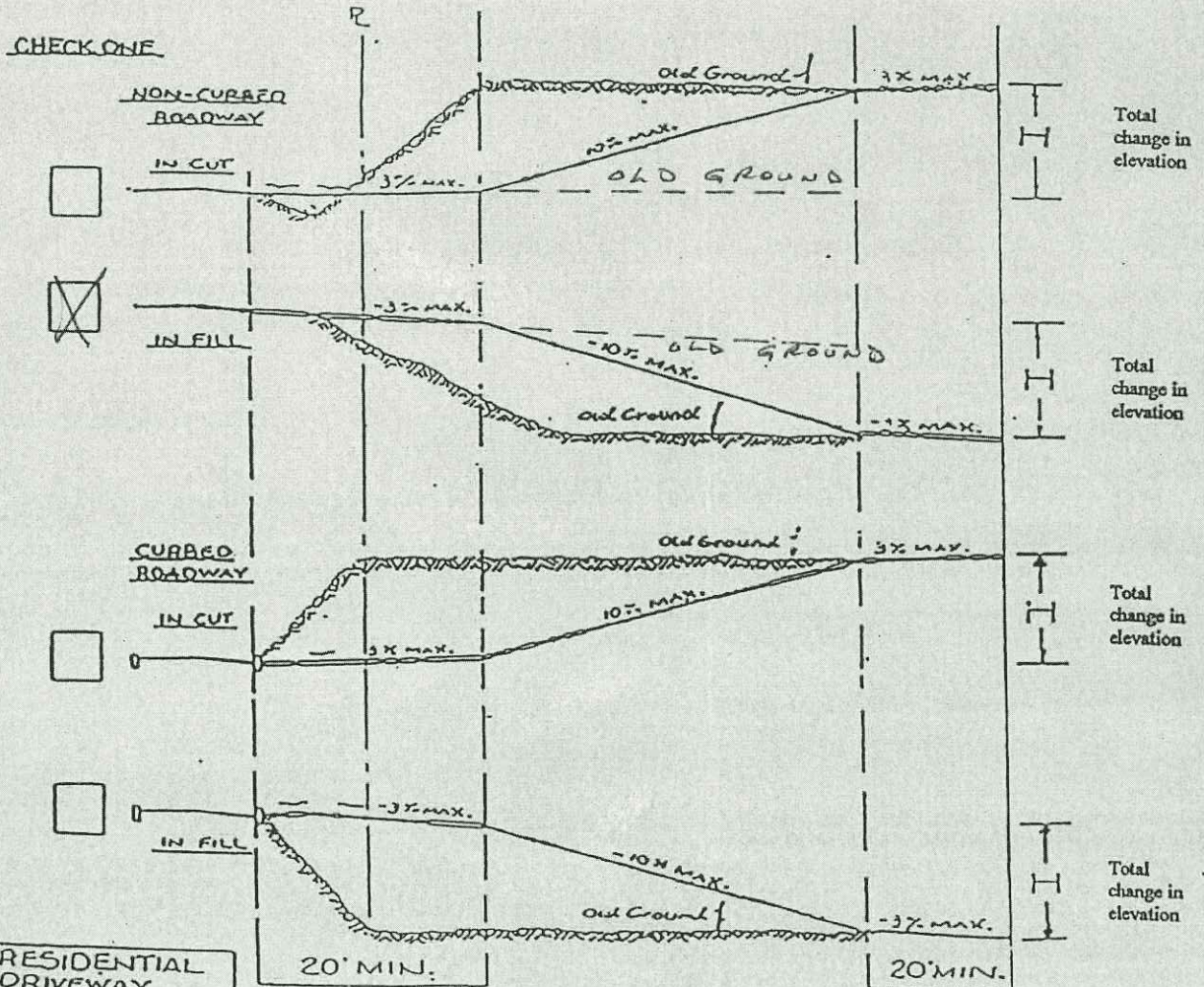


| VALUES OF R | |
|----------------|-------------|
| ANGLE OF DRIVE | MIN. RADIUS |
| 90° | 100' |
| 75° | 120' |
| 60° | 150' |

"NOTE"

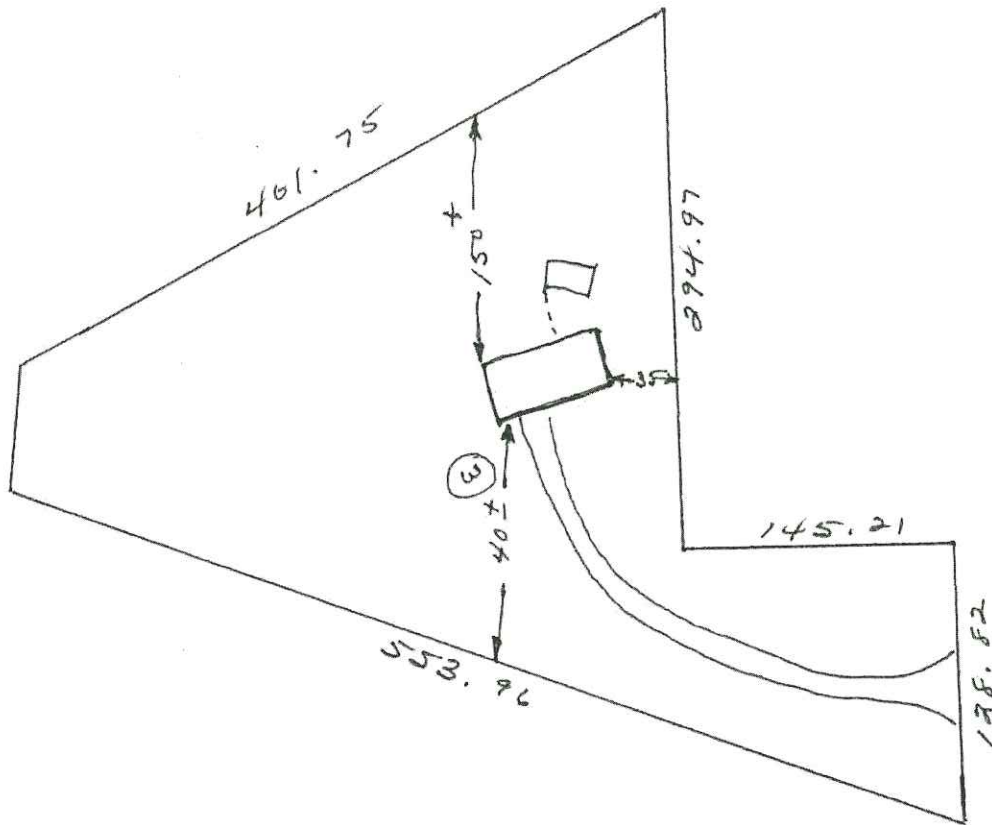
Excepting joint driveways. No part of any drive shall be constructed outside of Applicant's frontage.

MAXIMUM PROFILES



RESIDENTIAL DRIVEWAY SPECIFICATIONS
 DRAWN BY: V.C.R.
 CHECKED BY: D.M.O.
 DATE: 1-2-86

62



"G"
93

TOWN OF HUDSON
NOV 26 2019

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Zoning Department
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 199-027 (12-12-19)
Date Filed 11/26/19

Name of Applicant Maria Sousa Map: 199 Lot: 27 Zoning District: G

Telephone Number (Home) (603) 595-0499 (Work) (603) 885-8725

Mailing Address 63 Pelham Rd. Hudson, NH 03051

Owner Maria Sousa

Location of Property 63 Pelham Rd. Hudson, NH 03051
(Street Address)

Maria Sousa 11-25-2019
Signature of Applicant Date

Maria Sousa 11-25-2019
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: | | Date received: <u>11/26/19</u> |
| Application fee: | <u>\$130.00</u> | |
| <u>6</u> Direct Abutters x \$4.05 = | <u>24.30</u> | |
| <u>2</u> Indirect Abutters x \$0.55 = | <u>1.10</u> | |
| Total amount due: | <u>\$155.40</u> | Amt. received: <u>\$155.40</u> |
| | | Receipt No.: <u>575,255</u> |
| Received by: <u>(TSO)</u> | | |
| By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required: | | |
| <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Fire Department | <input type="checkbox"/> Health Officer <input checked="" type="checkbox"/> 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>M.S.</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>M.S.</u> | Before making the 13 copies, please review the application with the Zoning Administrator or staff. | <u>TG.</u> |
| <u>M.S.</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>M.S.</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>M.S.</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>M.S.</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>M.S.</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>Place in packet.</u> |
| <u>M.S.</u> | For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board. | <u>N/A.</u> |

PLOT PLAN-

MS

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):

see Proposed Floor Plan

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

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

Maria Souza

11-25-2019

Signature of Applicant(s)

Date

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

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

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

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

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

ALL DIRECT ABUTTERS


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

| MAP | LOT | NAME OF PROPERTY OWNER | MAILING ADDRESS |
|-----|-----|---------------------------|--|
| 199 | 27 | Antonio Sousa | 63 Pelham Rd Hudson NH 03051 |
| 199 | 28 | Denise Babcock | 59 Pelham Rd. Hudson NH 03051 |
| 199 | 26 | Louis Laine | 65 Pelham Rd. Hudson, NH 03051 |
| 199 | 33 | William Suppa | 45 Pelham Rd. Hudson, NH 03051 |
| 205 | 102 | Town of Hudson | 12 School St. Hudson NH 03051 |
| 199 | 10 | Melissa Hassam | 4 Granite Hill Rd Hudson 03051 |
| 199 | 09 | ROBERT DUMONT | 60 Pelham Rd Hudson 03051 |
| | | | |
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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)

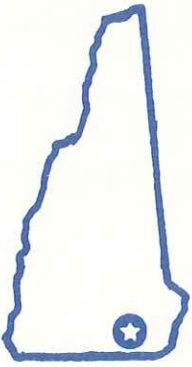
| MAP | LOT | NAME OF PROPERTY OWNER | MAILING ADDRESS |
|-----|-----|---------------------------|---|
| 199 | 10 | Melissa Hassam | 4 Granite Hill Rd. Hudson NH 03057 |
| 199 | 09 | Robert Dumont | 60 Pelham Rd. Hudson NH 03057 |
| 199 | 08 | Norman Boyer | 65 Plateau Ridge Rd. Loudon NH 0380 |
| 199 | 025 | Edward Cunningham Jr. | 71 Pelham Rd. Hudson NH 03057 |
| 205 | 102 | Town of Hudson | 12 school st Hudson NH 03057 |
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|----------------|--|--|---|
| SENDER: | TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051 | US POSTAL SERVICE - CERTIFIED MAIL | Case# 199-027 Variance 63 Pelham Rd Map 199/Lot 027-000 1 of 1 |
| | ARTICLE NUMBER | Name of Addressee, Street, and post office address | 12/12/19 ZBA Meeting |
| 1 | 7019 0700 0000 2993 5451 | ANTONIO & MARIA SOUSA 63 PELHAM RD., HUDSON, NH 03051 | APPLICANT/OWNER-NOTICE SENT |
| 2 | 7019 0700 0000 2993 5468 | BABCOCK, DENISE; MCMANUS, MARY 59 PELHAM ROAD, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 3 | 7019 0700 0000 2993 5475 | LAINE, LOUIS & LORI 65 PELHAM ROAD, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 4 | 7019 0700 0000 2993 5482 | SUPPA, WILLIAM & LAURIE 45 PELHAM ROAD, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 5 | 7019 0700 0000 2993 5499 | HASSAM, MELISSA A. 4 GRANITE HILL ROAD, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 6 | 7019 0700 0000 2993 5505 | DUMONT, ROBERT & MICHELLE 60 PELHAM ROAD, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| | Total Number of pieces listed by sender 6 | Total number of pieces received at Post Office 6 | Postmaster (receiving Employee)  |



| | | | |
|----------------|--|--|---|
| SENDER: | TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051 | US POSTAL SERVICE - FIRST CLASS MAIL | Case# 199-027 Variance 63 Pelham Rd Map 199/Lot 027-000 1 of 1 |
| | ARTICLE NUMBER | Name of Addressee, Street, and post office address | 12/12/19 ZBA Meeting |
| 1 | N/A-mailed First Class | BOYER, NORMAN 65 PLATEAU RIDGE RD., LOUDON, NH 03307 | ABUTTER NOTICE SENT |
| 2 | N/A-mailed First Class | CUNNINGHAM, EDWARD P. JR. & LESLIE P.O. BOX 425, HUDSON, NH 03051 | ABUTTER NOTICE SENT |
| 3 | VARIANCE APPLICATION IN HOUSE | TOWN OF HUDSON 12 SCHOOL STREET, HUDSON, NH 03051 | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| | Total Number of pieces listed by sender 2 | Total number of pieces rec'vd at Post Office 2 | Postmaster (receiving Employee)  |





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



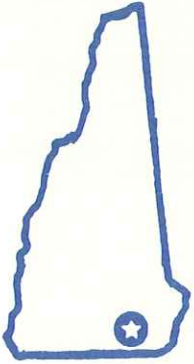
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **12/12/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 199-027 (12-12-19): Maria Sousa, 63 Pelham Rd., Hudson, NH requests a Variance to allow the construction of an Accessory Dwelling Unit (ADU) with 896 sqft. which exceeds the 750 sqft. maximum for ADU's. [Map 199, Lot 027; Zoned General (G); HZO Article XIII A, §334-73.3 H, Accessory Dwelling Units, Provisions].**

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



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

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

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

Section 334-73.3 H of Article XXIII A states an ADU shall not be greater than 750 square feet. We are wanting to convert an existing garage into an ADU, but the existing dimensions exceed 750 square feet. We are asking for a variance for additional square footage.

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.”)

We plan to keep the house as a single family.
We already have existing ADUs in the neighborhood.

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.”)

We do not plan to change existing characteristics of the house. It will remain to appear as a single family home.

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.)

We have been a part of this community for 14 years, granting this variance will allow us to stay for the remainder of our lives.

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.)

We would not be the firsts to add an ADU.

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

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

We want to convert an existing garage into an ADU. We are working with existing dimensions. This would be the most-cost-effective way to do an ADU that works for our family. We plan to sell our home to our daughter and live in the ADU.

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-129

November 25, 2019

Maria Sousa
63 Pelham Rd
Hudson, NH 03051

Re: **63 Pelham Road** **Map 199 Lot 027-000**
District: General (G)

Dear Ms. Sousa,

Your request: "We understand that the G zone allows 2 family by right, yet we would like to convert an existing garage that would become an ADU with 850 sqft."
Do we need a variance?"

Zoning Review / Determination:

Our records indicate this as a developed lot of record with 2.259 Acres (1.0 Acres required) and 150.00 ft of frontage (150ft required). The existing structures appear to satisfy all required building setbacks.

Yes you would need a variance from the Hudson Zoning Ordinance Article XIII, section 334-73.3 H, as the max size of ADU is 750 sqft, your proposal is for 896 sqft.

Sincerely,

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

cc: Public Folder
File

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

199 027 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRaised: 360,500 / 360,500
USE VALUE: 360,500 / 360,500
ASSESSed: 360,500 / 360,500



PROPERTY LOCATION

| No | Alt No | Direction/Street/City |
|----|--------|-----------------------|
| 63 | | PELHAM RD, HUDSON |

OWNERSHIP

| | |
|-----------|-------------------|
| Owner 1: | SOUSA, ANTONIO A. |
| Owner 2: | SOUSA, MARIA |
| Owner 3: | |
| Street 1: | 63 PELHAM RD. |
| Street 2: | |
| Twn/City: | HUDSON |
| St/Prov: | NH |
| Postal: | 03051 |

PREVIOUS OWNER

| | |
|-----------|----------------------------|
| Owner 1: | SIRVA RELOCATION LLC - |
| Owner 2: | - |
| Street 1: | 3300 FERNBROOK LANE, S-300 |
| Twn/City: | PLYMOUTH |
| St/Prov: | MN |
| Postal: | 55447 |

NARRATIVE DESCRIPTION

This parcel contains 2.259 ACRES of land mainly classified as ONE FAMILY with a RANCH Building built about 1998, having primarily VINYL Exterior and 1900 Square Feet, with 1 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 6 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

| Code | Descrip/No | Amount | Com. Int. |
|------|------------|--------|-----------|
| | | | |

PROPERTY FACTORS

| Item | Code | Description | % | Item | Code | Description |
|------|------|-------------|---|---------|------|-------------|
| Z | GD | GENERAL | | water | 9 | PRIV WATER |
| | | | | Sewer | 0 | SEPTIC |
| | | | | Electri | | |
| | | | | Exmpt | | |
| | | | | Topo | 4 | ROLLING |
| | | | | Street | | |
| | | | | Gas | | |

LAND SECTION (First 7 lines only)

| Use Code | Description | LUC Fact | No of Units | Depth / Price/Units | Unit Type | Land Type | LT Factor | Base Value | Unit Price | Adj | Neigh | Neigh Inflr | Neigh Mod | Infl 1 % | Infl 2 % | Infl 3 % | Appraised Value | Alt Class | % | Spec Land | J Code | Fact | Use Value | Notes |
|----------|-------------|----------|-------------|---------------------|----------------|-----------|-----------|------------|------------|------|-------|-------------|-----------|----------|----------|----------|-----------------|-----------|---|-----------|--------|------|-----------|-------------|
| 101 | ONE FAMILY | | 1 | | SITE ACRE SITE | | | 0 | 110,000 | 0.95 | RE | | | LOCATIC | -5 | | 104,500 | | | | | | 104,500 | |
| 101 | ONE FAMILY | | 1.259 | | ACRES EXCESS | | | 0 | 4,750 | 0.63 | RE | | | TOPO | -50 | | 3,738 | | | | | | 3,700 | WET & SHAPE |

IN PROCESS APPRAISAL SUMMARY

| Use Code | Land Size | Building Value | Yard Items | Land Value | Total Value |
|--------------|-----------------|--------------------------------|------------|------------|-----------------|
| 101 | 2.259 | 214,800 | 37,500 | 108,200 | 360,500 |
| Total Card | 2.259 | 214,800 | 37,500 | 108,200 | 360,500 |
| Total Parcel | 2.259 | 214,800 | 37,500 | 108,200 | 360,500 |
| Source: | Market Adj Cost | Total Value per SQ unit /Card: | | 189.74 | /Parcel: 189.74 |

| Legal Description | User Acct |
|--------------------|-----------|
| | 9283 |
| | GIS Ref |
| | GIS Ref |
| Entered Lot Size | |
| Total Land: 2.259 | |
| Land Unit Type: AC | |
| Insp Date | 08/25/01 |

PREVIOUS ASSESSMENT

| Tax Yr | Use | Cat | Bldg Value | Yrd Items | Land Size | Land Value | Total Value | Asses'd Value | Notes | Date |
|--------|-----|-----|------------|-----------|-----------|------------|-------------|---------------|---------------|------------|
| 2019 | 101 | FV | 214,800 | 37500 | 2.259 | 108,200 | 360,500 | 360,500 | Year End Roll | 9/16/2019 |
| 2019 | 101 | JB | 211,200 | 34800 | 2.259 | 108,200 | 354,200 | 354,200 | Year End Roll | 5/8/2019 |
| 2018 | 101 | FV | 211,200 | 25800 | 2.259 | 108,200 | 345,200 | 345,200 | Year End Roll | 8/27/2018 |
| 2018 | 101 | JB | 211,200 | 25800 | 2.259 | 108,200 | 345,200 | 345,200 | Year End Roll | 5/9/2018 |
| 2017 | 101 | FV | 211,200 | 25800 | 2.259 | 108,200 | 345,200 | 345,200 | Year End Roll | 10/26/2017 |
| 2017 | 101 | PV | 211,200 | 25800 | 2.259 | 108,200 | 345,200 | 345,200 | Year End Roll | 8/28/2017 |
| 2017 | 101 | JB | 177,600 | 22000 | 2.259 | 104,500 | 304,100 | 304,100 | Year End Roll | 5/10/2017 |
| 2016 | 101 | FV | 177,600 | 22000 | 2.259 | 104,500 | 304,100 | 304,100 | Year End Roll | 8/30/2016 |

SALES INFORMATION

| Grantor | Legal Ref | Type | Date | Sale Code | Sale Price | V | Tst | Verif | Notes |
|-----------------|-----------|------|------------|-----------|------------|-----|-----|-------|-------|
| SIRVA RELOCATIO | 7574-0615 | 1 | 10/25/2005 | | 415,000 | No | No | | |
| RYAN, ALFRED J. | 7574-0613 | 1 | 8/25/2005 | | 415,000 | No | No | | |
| ETCHSTONE PROPE | 5844-0001 | | 8/21/1997 | | 36,700 | Yes | No | | |

BUILDING PERMITS

| Date | Number | Descrip | Amount | C/O | Last Visit | Fed Code | F. Descrip | Comment |
|-----------|------------|----------|--------|-----|------------|----------|------------|---------|
| 6/4/2018 | 2018-00485 | GENERATO | | C | | | | |
| 5/30/2018 | 2018-00485 | ELECTRIC | 7,000 | C | | | | |
| 7/8/2008 | 2008-346 | DECK | 7,000 | C | | | | |

ACTIVITY INFORMATION

| Date | Result | By | Name |
|------------|--------------|----|--------------|
| 7/25/2019 | Measured | 18 | KRT1 |
| 1/15/2019 | Permit Visit | 12 | TECH ASMNT |
| 11/15/2011 | Measured | 14 | APPR TECH 4 |
| 2/5/2009 | Permit Visit | 10 | APPRaiser II |
| 5/14/2007 | Sale Data V | 10 | APPRaiser II |
| 8/25/2001 | Inspected | 0 | PATRIOT |
| 6/12/2001 | Left Notice | 0 | PATRIOT |
| 9/10/1996 | Inspected | 2 | AVITAR |

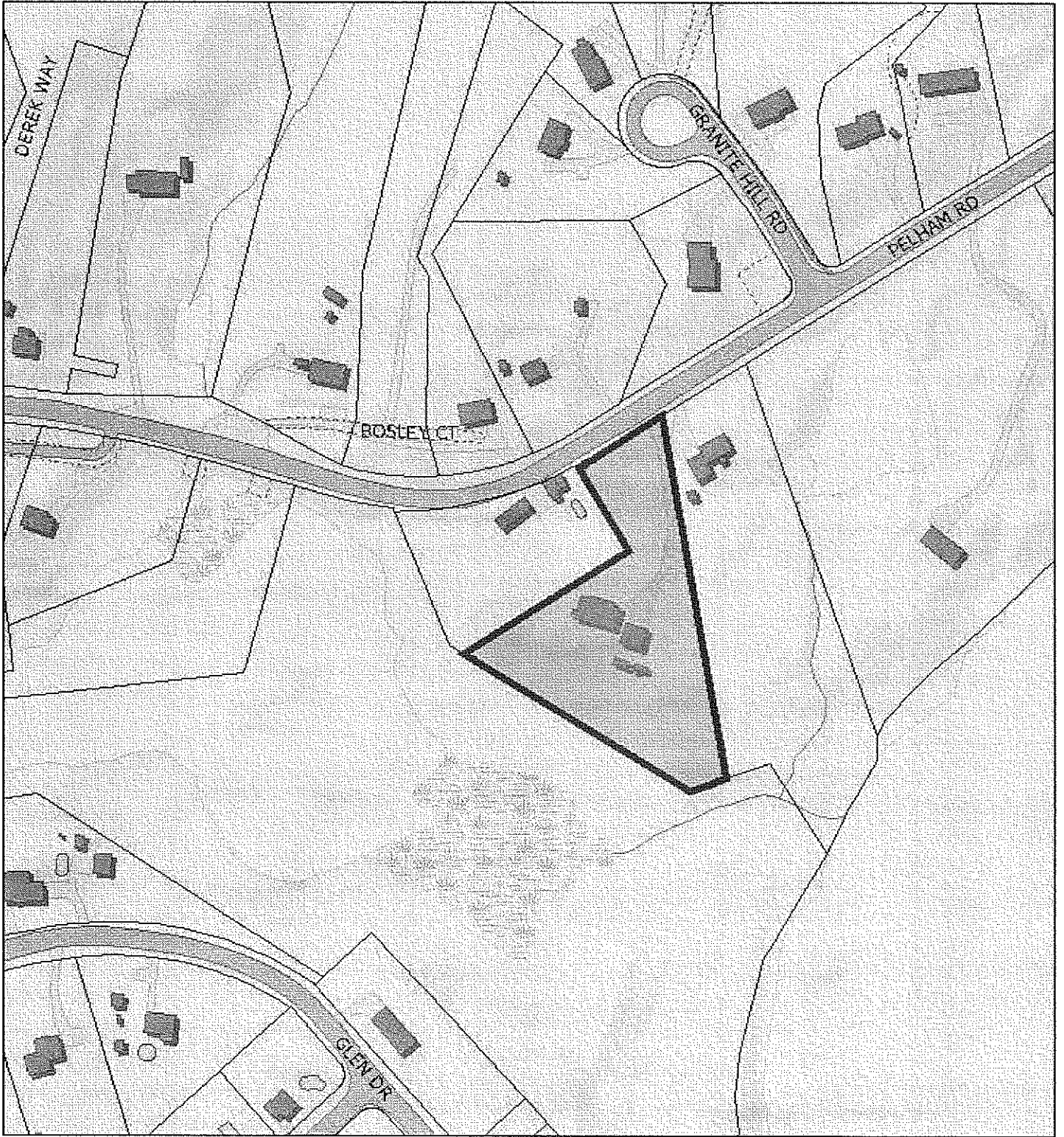
Sign: VERIFICATION OF VISIT NOT DATA

Total AC/HA: 2.25900 Total SF/SM: 98402 Parcel LUC: 101 ONE FAMILY Prime NB Desc: RES AVG Total: 108,238 Spf Credit: Total: 108,200

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted

Database Access: HudsonMU

63 Pelham Rd (Map/Lot 199-027-000)



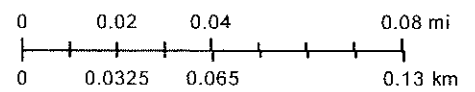
November 25, 2019

Legend

----- Easement_Lines

▭ Parcels

1:2,554



PROGRESS PRINT
11.19.2019



DAVID MELO
DMELDESIGN@GMAIL.COM
CELL: 781.775.8978
P.O. BOX 571
E. BRIDGEWATER, MA

Designer: **DM** DESIGNS

TOWN OF HUDSON
NOV 26 2019
Zoning Department

Sousa Residence
63 Pelham Rd. Hudson, NH

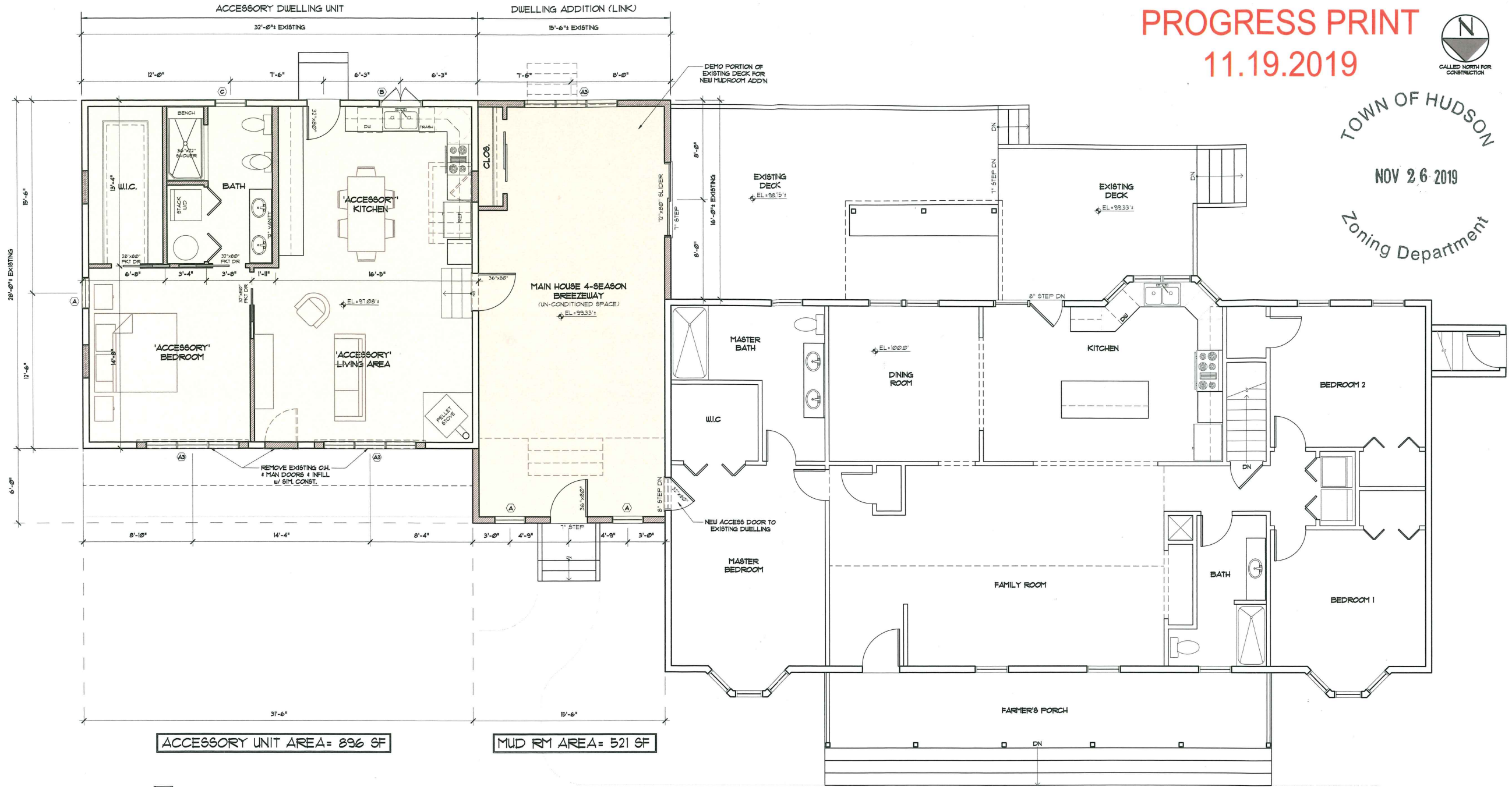
Prepared for: THE SOUSA FAMILY
title: **PROPOSED FLOOR PLAN SCHEDULES & NOTES**

DM Designs
THE ARCHITECTURAL DESIGNER NAMED HEREON IS RESPONSIBLE FOR THE CONCEPTUAL PLANS AND DETAILS ONLY AS SHOWN IN THIS PLAN SET AND IS NOT LIABLE FOR COSTS OR CONSTRUCTION OF THE BUILDING SHOWN HEREON. ALL CONSTRUCTION SHALL COMPLY WITH IRC 2015 & NH AMENDMENTS.

| Revisions | |
|-----------|-------------------|
| Wk. | date/ description |
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scale: AS NOTED
date: 11.19.2019
job no.: 1915_SOUSA
sheet no.:

A-1

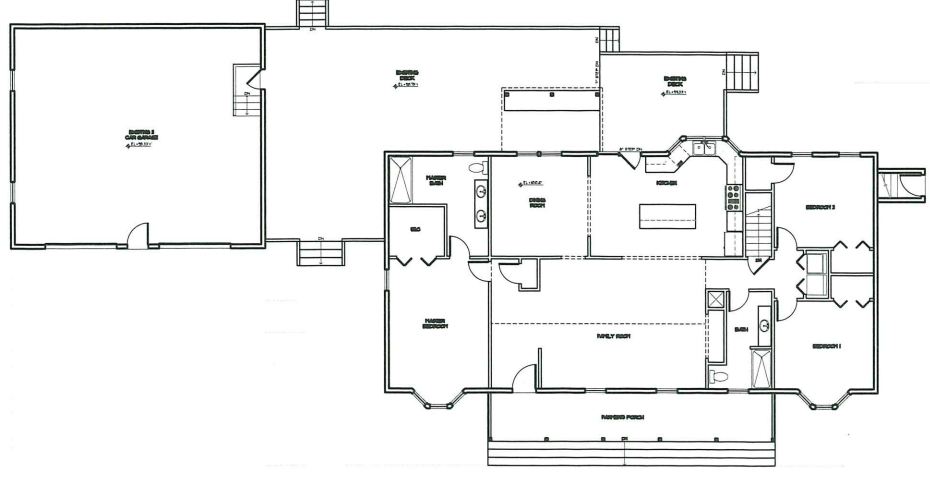


ACCESSORY UNIT AREA= 896 SF

MUD RM AREA= 521 SF

FIRST FLOOR AREA= 1,895± SF

PROPOSED FLOOR PLAN
SCALE: 1/8"=1'-0" A-1



EXISTING FLOOR PLAN
SCALE: N.T.S. A-1

| WINDOW SCHEDULE | | | | | |
|-----------------|---------------------|-----------------------|-----------------------|-----------|------|
| MARK | MODEL # | UNIT DIMENSION | ROUGH OPENING | H. HEIGHT | QTY. |
| A* | HARVEY VICON 2446 | 2'-5 1/2" x 4'-9" | 2'-6" x 4'-9 1/2" | 6'-11" | 3 |
| A3* | HARVEY VICON 2446-3 | 1'-2" x 4'-9" | 1'-2 1/4" x 4'-9 1/2" | 6'-11" | 3 |
| B | HARVEY VICON 2636-2 | 3'-5 1/4" x 3'-5 1/4" | 3'-5 3/4" x 3'-6" | 6'-11" | 1 |
| C | HARVEY VICON 2432 | 2'-5 1/2" x 3'-5" | 2'-6" x 3'-5 1/2" | 6'-11" | 1 |

** DENOTES BEDROOM EGRESS WINDOW- G.C. TO COORD.
WINDOW NOTES:
 • ALL WINDOWS SPECIFIED ARE HARVEY INDUSTRIES VICON DOUBLE HUNG- UNLESS NOTED OTHERWISE
 • ANY WINDOW GLAZING CLOSER THAN 18" FROM THE FLOOR, EXCEEDING 6 SQUARE FEET IN AREA, IN A DOOR, ABOVE TUB/SINK, OR WITHIN 24" OF A DOOR MUST BE TEMPERED GLASS
 • G.C. TO COORDINATE EXTERIOR WINDOW TRIM PRIOR TO CONSTRUCTION
 • WINDOW UNITS SHOWN IN PAIRS SHOULD COME FACTORY MILLED TOGETHER

GENERAL NOTES
 1. ALL CONSTRUCTION SHALL COMPLY WITH NH STATE RESIDENTIAL CODE, 2009 RESIDENTIAL CODE w/ NH STATE AMENDMENTS.
 2. DO NOT SCALE DRAWINGS. ALL DIMENSIONS TAKEN FROM OUTSIDE FACE OF STUD ALONG EXTERIOR WALLS AND TO CENTERLINE OF STUDS ALONG ALL INTERIOR WALLS.
 3. ANY DISCREPANCIES IN THE PLANS SHALL BE REPORTED TO THE OWNER, CONTRACTOR OR DESIGNER PRIOR TO THE CONTINUATION OF ANY WORK.
 4. WORK NOT INDICATED ON A PART OF THE DRAWING, BUT REASONABLY IMPLIED TO BE SIMILAR TO THAT SHOWN AT CORRESPONDING PLACES SHALL BE REPEATED.
 5. CONTRACTOR SHALL LOCATE & COORDINATE ALL UTILITIES (IE. WATER, SEPTIC SYSTEM, GAS, ELECTRIC, TELEPHONE, CABLE TV, ETC.)
 6. CONTRACTOR SHALL COORDINATE PROPOSED CONSTRUCTION WITH EXISTING & PROPOSED SITE GRADING CONDITIONS & LANDSCAPING REQUIREMENTS. SEE SITE ENGINEERING DRAWINGS BY OTHERS FOR MORE INFORMATION.
 7. ALL ELECTRICAL, PLUMBING & HVAC WORK SHALL COMPLY WITH ALL APPLICABLE CODES, RULES AND REGULATIONS.
 8. ALL INTERIOR FINISH SELECTIONS SHALL BE COORDINATED BY THE GENERAL CONTRACTOR PRIOR TO CONSTRUCTION.

LEGEND

| | | | |
|--|--|--|---|
| | PROPOSED WALL | | SMOKE/ CARBON MONOXIDE DETECTOR- COORD. FINAL LOCATION w/ FIRE DEPT |
| | BRACED WALL PANEL (SEE WALL BRACING NOTES) | | HEAT DETECTOR- COORD. FINAL LOCATION w/ FIRE DEPT |
| | TO BE DEMOLISHED | | |
| | DOOR & DOOR SIZE | | |
| | WINDOW & WINDOW TAG | | |

| AREA BREAKDOWN | |
|--------------------------|------------------|
| EXISTING HOUSE | 1,895 SF |
| MUDROOM ADD'N | 521 SF |
| ACCESSORY UNIT | 896 SF |
| TOTAL LIVING AREA | 3,312± SF |

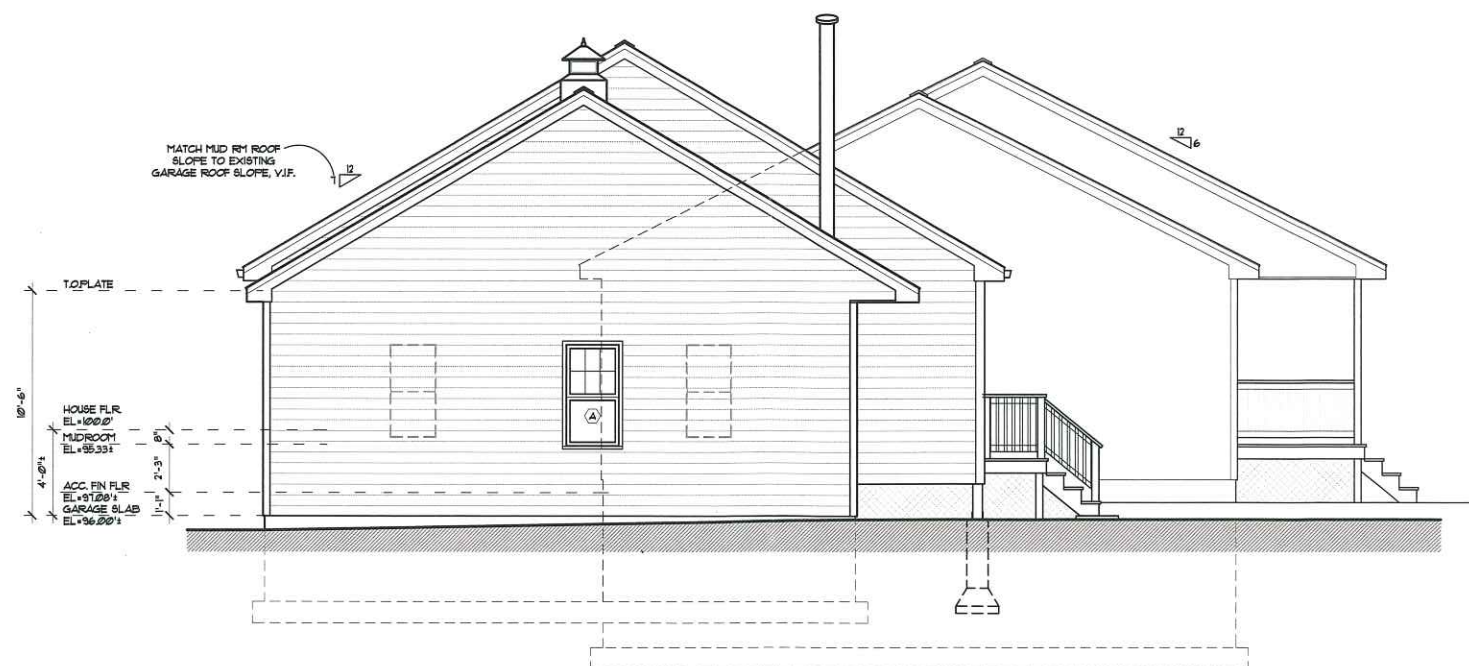
DRAWING LIST
 A-1 PROPOSED FLOOR PLAN, SCHEDULES & NOTES
 A-2 EXTERIOR BUILDING ELEVATIONS & NOTES
 A-3 EXTERIOR BUILDING ELEVATIONS & NOTES
 A-4 BUILDING SECTIONS, DETAILS & NOTES
 S-1 FOUNDATION PLAN, DETAILS & NOTES
 S-2 FRAMING PLANS & NOTES



EXISTING HOUSE ELEVATIONS
SCALE: 1/4"=1'-0" (1/4"=1'-0")



PROPOSED FRONT ELEVATION
SCALE: 1/4"=1'-0" (1/4"=1'-0")



PROPOSED SIDE ELEVATION
SCALE: 1/4"=1'-0" (1/4"=1'-0")

PROGRESS PRINT
11.19.2019

Designer: **DM DESIGNS**
DAVID MELO
DMDESIGNS@GMAIL.COM
CELL: 781.775.8978
P.O. BOX 571
E. BRIDGEWATER, MA

Sousa Residence
63 Pelham Rd. Hudson, NH

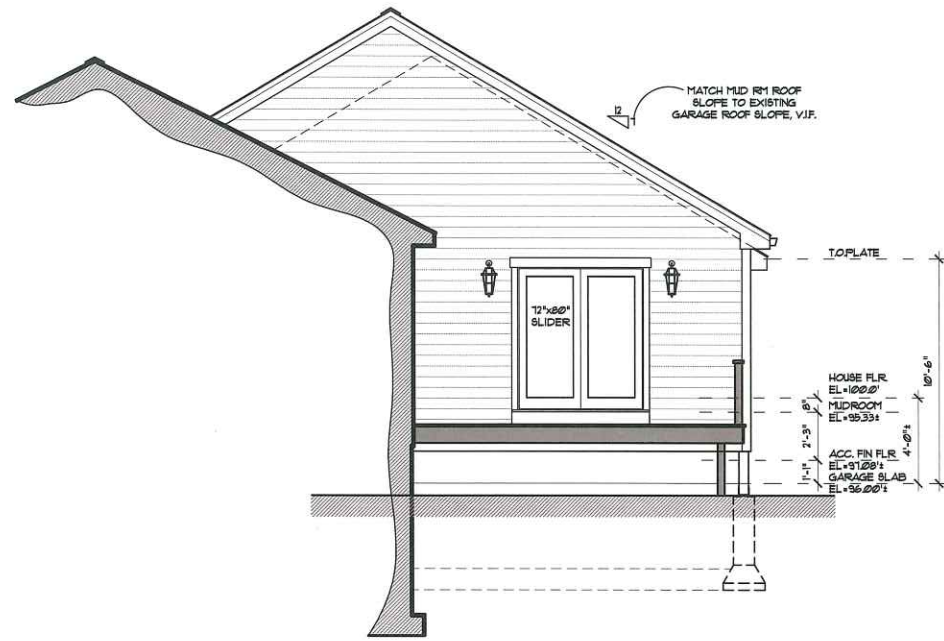
Prepared for: THE SOUSA FAMILY
title: **EXTERIOR BUILDING ELEVATIONS & NOTES**

DM Designs
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Scale: AS NOTED
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Job no.: 1915_SOUSA
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A-2



PROPOSED SIDE ELEVATION 2
SCALE: 1/4"=1'-0" A-3



PROPOSED REAR ELEVATION 1
SCALE: 1/4"=1'-0" A-3

PROGRESS PRINT
11.19.2019

DAVID MELO
DMDESIGNS@GMAIL.COM
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P. O. BOX 571
E. BRIDGEWATER, MA

Designer: **DM**
DESIGNS

Sousa Residence
63 Pelham Rd. Hudson, NH

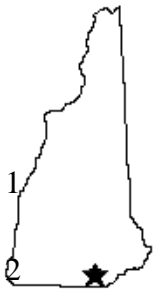
Prepared for: THE SOUSA FAMILY
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Job No.: 1915_SOUSA
Sheet no.

A-3



TOWN OF HUDSON

Zoning Board of Adjustment

Charlie Brackett, Chairman Marilyn E. McGrath, Selectmen Liaison

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

MEETING MINUTES – November 14, 2019 - edited

The Hudson Zoning Board of Adjustment met on November 14, 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), Brian Etienne (Alternate) and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator and Louise Knee, Recorder and Marilyn McGrath, Selectman Liaison. For the record, all Regular Members voted. Ms. McGrath addressed the public and stated that even though she may participate in the discussions with the Board, she does not vote.

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].

43 Clerk Davis read the Case into the record. Mr. Buttrick referenced his Staff
44 Report signed 11/5/2019 and stated that this was a result of a complaint
45 received regarding the shed placement in the side and rear setbacks and noted
46 that a shed less than one hundred square feet (100 SF) does not require a
47 Building Permit. It was also noted that the house is in a recent development
48 approved less than two (2) years ago.

49
50 Elaine and Dennis Smith introduced themselves as the property owners and
51 residents. Ms. Smith stated that they bought their home in May 2019 and
52 moved in in June 2019, that their lot has a no-build watershed line and is the
53 only home in the neighborhood that does not have two (2) car garages which
54 was okay with them as her husband drives a Ford 150 truck that has never
55 been garaged and they could install a shed to store lawn and snow equipment.
56 Ms. Smith stated that they did not want to cut any of the large trees, that they
57 selected the flattest section of their back yard which happened to be the far
58 right corner, spoke with their neighbors who all were okay with the selected
59 location, checked out shed businesses and selected Reeds Ferry Lumber based
60 on their reputation and had the shed match the house, siding and roof. They
61 leveled the site and placed rock corners and approximately three and a half
62 weeks later the shed was installed, on a Friday. Ms. Smith stated that she was
63 surprised that the following Tuesday she learned a complaint was filed with the
64 Town from an abutter who verbally said there was no issue with the location.

65
66 Mr. Smith stated that they spoke with the Town Assessor's office, the builder
67 Sousa and Reeds Ferry and none of them mentioned anything about Zoning
68 setbacks. The first eight houses in their development have sheds right up to
69 their property lines. They selected the only real placement option for the shed
70 as there is a trench in their front lawn, not that they would want a shed in
71 their front yard, and their lot is restricted with the wetland in the rear and their
72 septic system to the side and they have a deck. To place the ~~deck~~-shed out of
73 the setbacks (side, rear and wetland) it would need to be placed right by their
74 deck which would block their view of the pond and probably reduce their
75 property value.

76
77 Mr. Smith addressed the criteria for the granting of a Variance. The
78 information shared included:

- 79
80 1. *not contrary to public interest*
81 • shed is new, sturdy and matches the style and colors of the house
82 • shed has a lifetime warrantee
83 2. *spirit of Ordinance observed*
84 • house is the only one in the neighborhood with a one-car garage
85 • shed will be used to store tools, outdoor power equipment, yard
86 maintenance equipment, bikes and storage bins that would
87 otherwise be exposed to the weather or under a tarp
88 3. *substantial justice done*

- 89 • the shed would provide much needed sheltered storage
 90 • the shed would add value to the property
 91 • of the 22 homes built by Sousa in Lucier Park Estates, 21 have 2-
 92 car garages
 93 • this property is the only one with a single car garage, limiting
 94 sheltered storage
 95 • the 1-car garage was mandated due to the structure's proximity to
 96 the neighborhood drainage pond and the wetland buffer setback
 97 4. *will not diminish surrounding property values*
 98 • the shed is new and aesthetically pleasing
 99 • the shed does not block any sightlines to the natural wetland area
 100 • shed was made and installed by Reeds Ferry, a Hudson based
 101 company known for quality and craftsmanship
 102 • shed will improve the property value for the owner and the
 103 neighborhood
 104 5. *hardship*
 105 • this is a unique lot in its location and features
 106 • there is a drainage trench in the front yard that services the
 107 neighborhood
 108 • there is a buried propane tank in the backyard
 109 • Eayrs Pond wetland setback takes up more than 50% of the
 110 backyard
 111 • Placement in rear corner avoids the cutting of mature trees and
 112 provides a line of sight to the pond which is important as children
 113 come to the sight and there is always a concern with a potential
 114 drowning incident
 115

116 Ms. Smith distributed copies of letters from four (4) abutters supporting their
 117 shed. The letters were from: (1) Adam Stone, 3 Chestnut Street dated
 118 9/9/2019; (2) Samantha Landry, 2 Lucier Park Drive dated 9/9/2019; (3)
 119 Sriram Vrinda and Nivya Krishamoorthy, 1 Lucier Park Drive dated 9/9/2019;
 120 and (4) Debbie Cole, 4 Chestnut Street dated 10/10/2019.
 121

122 Public testimony opened at 7:21 PM. No one addressed the Board.
 123

124 Mr. Brackett asked and received confirmation that the stakes he saw in the
 125 ground represent the surveyed property line and noted that even though
 126 several people were consulted it would have been wise to consult with the
 127 Town's Land Use Division. Ms. McGrath stated that the spelling of Eayr's Pond
 128 is incorrect on the plan prepared by KNA Assoc and noted that Mr. Sousa is
 129 aware of the Town's setbacks and it is an unfortunate shame that he did not
 130 communicate it to the Applicants.
 131

132 Mr. Daddario questioned the location of the underground propane tank and
 133 Mr. Smith identified the approximate location noting that it was already there

134 when they purchased the property. It appears that the location is in the
135 setback and possibly also in the wetland buffer. Ms. McGrath asked Mr.
136 Buttrick to check on any permits regarding its installation and suggested that
137 there should be correspondence to Mr. Sousa regarding the burying of a
138 propane tank in the setback and wetland buffer, if applicable, and to copy the
139 Town Administrator and Town Planner and NHDES (NH Department of
140 ~~environmental-Environmental~~ Services) in the event of leakage contamination.
141 Mr. Buttrick noted that a Gas Permit is a Sub-permit of a Building Permit.
142

143 Mr. Daddario questioned the drainage easement in the front yard and Mr.
144 Smith responded that it does serve the entire neighborhood. Ms. Davis stated
145 that she appreciates the preservation of the existing trees and the selection of a
146 modest size shed and added that she would not like to see a larger shed
147 installed in the current location if the Board grants the Variance. Mr.
148 Dearborn and Mr. Brackett both noted their observation that there were several
149 sheds in the neighborhood that appear to be placed close to the property lines.
150

151 ~~Mr. e~~ Etienne noted that the shed rests on rocks and is therefore portable.
152 Mr. ~~smith-Smith~~ responded that technically it could be moved but not
153 practically speaking as the shed rests on three inches (3") of white crushed
154 rocks with cement supports in the corners.
155

156 Board reviewed the Variance criteria:
157

158 1. *not contrary to public interest*

- 159 • Mr. Daddario: sheds are a normal customary accessory use, the
160 size of the shed is reasonable at 8'x10' and it matches the house
161 and does not appear to be out-of-place
- 162 • Mr. Dearborn: public / neighbors in favor of the shed with only one
163 'disgruntled' having filed a complaint with the Town regarding
164 setbacks that led to this Variance request
- 165 • Mr. Pacocha: shed poses no threat to public health
- 166 • Ms. Davis: shed does not harm the public and does not contribute
167 to overcrowding and noted that fencing in a neighborhood can tend
168 to lead to an overcrowding 'feel / look'.
- 169 • Mr. Brackett: shed will eliminate clutter in the yard and that is in
170 public interest

171 2. *spirit of Ordinance observed*

- 172 • Mr. Daddario: matches those in neighborhood, reasonable
173 customary accessory use, poses no threat to neighborhood
- 174 • Mr. Dearborn: no impact or threat to neighborhood
- 175 • Mr. Pacocha: concurred with Mr. Daddario and Mr. Dearborn
- 176 • Ms. Davis: allows applicant reasonable use of property
- 177 • Mr. Brackett: property imposes unique restrictions

178 3. *substantial justice done*

- 179 • Mr. Daddario: shed poses no harm to public, no benefit received if
 180 Variance denied. Will it benefit the homeowner? Yes.
 181 • Mr. Dearborn, Mr. Brackett & Mr. Pacocha concurred
 182 • Ms. Davis: concurred and noted Property Owners have made a
 183 serious investment
 184 4. *will not diminish surrounding property values*
 185 • Mr. Brackett, Mr. Dearborn & Mr. Pacocha: It will improve the
 186 property value for the owner and the neighborhood
 187 • Mr. Daddario concurred and noted that they have purchased a
 188 quality product
 189 • Ms. Davis: not an expert and has no opinion except that it looks
 190 good
 191 5. *Hardship*
 192 • Mr. Daddario: hardship is typically difficult but not in this case as
 193 the lot is different than others in the neighborhood with its single
 194 garage, neighborhood drainage, wetland buffer and underground
 195 propane tank
 196 • Mr. Dearborn: noted hardship would occur without shed to house
 197 outdoor maintenance equipment
 198 • Mr. Pacocha: tight property, no other reasonable location for shed
 199 • Mr. Brackett: lot has several constraints – 70% of sheds in
 200 neighborhood have been placed on the property line
 201 • Ms. McGrath: concurred
 202

203 Motion made by Ms. Davis and seconded by Mr. Pacocha to grant the Variance
 204 with the stipulation that a shed no larger than 8'x10' (or 80 SF) would ever be
 205 placed or built in the setback at the current location. Vote was 5:0. Variance
 206 granted with one stipulation. The 30-day appeal period was noted.
 207

208 Case 165-109 (11-14-19): George Hurd, Member of Tumpney Hurd
 209 Clegg, LLC, 39 Trigate Rd., Hudson, NH requests a Variance for 12
 210 Hill St., Hudson, NH to allow the replacement of a single family
 211 dwelling with the construction of a new residential duplex structure
 212 where a two family (duplex) is not permitted in the Town Residence
 213 District. [Map 165, Lot 109; Zoned Town Residence (TR); HZO Article
 214 V, §334-20, Allowed uses provided in tables and §334-21 Table of
 215 Permitted Principal Uses].
 216

217 Clerk Davis read the Case into the record. Mr. Buttrick referenced his
 218 Zoning Determination dated 10/7/2019 and his Staff Report signed
 219 11/14/2019, noting that the razing of the existing structure would require
 220 the replacement to comply with setbacks and that he received feedback from
 221 the Town Engineer and Town Planner in response to the Applicant's desire
 222 to replace existing single-family home with a two-family home which is
 223 prohibited in the TR Zone.

224
225 Town Engineer, Elvis Dhima, PE, responded on 10/29/2019, that the
226 Applicant shall: (1) state whether the proposed duplex will be serviced by
227 one or two driveways; (2) provide a separate water service, minimum 1", to
228 the new unit; and (3) confirm with DPW if existing sewer service is adequate
229 to handle a duplex or if a new sewer service is required. Town Planner,
230 Brian Goth, responded on 11/14/2019, described the character and
231 composition of the neighborhood noting that there are nineteen (19) lots on
232 Hill Street that includes thirteen (13) single-family homes, five (5) duplexes
233 and one (1) single-family with an accessory living unit; that 12 Hill Street
234 sits approximately midpoint of Hill Street with the cluster of five (5) duplexes
235 to the west and single-family homes to the westeast.

236
237 Atty. Colin Jean of Nashua, NH, introduced himself as representing the
238 Applicant, Tumpney Hurd Clegg, LLC, and noted that George Hurd, and
239 Michael J. Grainger, PE, were also present in the audience and available to
240 answer any questions from the Board.

241
242 Atty. Jean addressed the variance criteria and the information shared
243 included:
244

245 1. *not contrary to public interest*

- 246 • duplex will not be contrary to the public interest because the
247 essential character of the neighborhood includes many two-family
248 residences and is consistent with the historical use of the
249 residential area
- 250 • proposed duplex will not threaten public safety or welfare or health
251 as all necessary setbacks, parking, storage, public safety
252 requirements would be met
- 253 • existing structure has a "camp" look/feel, is outdated and seems
254 out of character with the neighborhood

255 2. *spirit of Ordinance observed*

- 256 • there is no conflict with the implicit or explicit spirit of the
257 Ordinance because the existing nature and use of the general and
258 proximate neighborhood has traditionally housed two-family
259 residences
- 260 • the character of the neighborhood is consistent with the proposed
261 duplex
- 262 • the neighborhood is a mixed neighborhood with a 60/40 split of
263 single-family homes versus duplexes

264 3. *substantial justice done*

- 265 • substantial justice would be done to the property owner with the
266 granting of the variance because the economic use of the property
267 would be consistent with the surrounding properties

- 268 • the duplex would pose no threat or harm to the general public or
 269 neighborhood property owners and residents
 270 4. *will not diminish surrounding property values*
 271 • the granting of the variance would facilitate the razing of the
 272 existing outdated structure that very ;likely does diminish the
 273 value of the surrounding properties
 274 • the addition of a new well constructed duplex would likely increase
 275 the look and appeal of the neighborhood
 276 5. *hardship*
 277 • the existing Zoning Ordinance criteria to not permit duplexes does
 278 not serve the intended purpose in this particular case because of
 279 the existing nature and character of the neighborhood already
 280 having many duplexes
 281 • enforcing the strict language of the Ordinance would create an
 282 unnecessary hardship on the applicant
 283 • the need to raze the existing structure in order to use the property
 284 in a manner consistent with meeting setbacks and the existing
 285 quality of homes in the neighborhood make the proposed
 286 construction of a new duplex on the property reasonable and
 287 economically viable
 288

289 Atty. Jean distributed a rendering of the proposed duplex, front and rear
 290 view and the floor plans of the first and second story. Atty. Jean stated that
 291 they propose a single driveway. Mr. Brackett commented that the duplexes
 292 in the neighborhood have two (2) driveways and Atty. Jean responded that a
 293 single driveway was chosen for safety reasons and confirmed that each unit
 294 would have separate entrances.
 295

296 Public testimony opened at 7:58 PM. The following individuals addressed
 297 the Board:

- 298 (1) Richard Clocher, 9 Hill Street, stated that he and his family live
 299 diagonally across the street and stated that a duplex is not in the
 300 best interest of the neighborhood and that he is opposed to the
 301 duplex. The applicant's attorney stated that they propose a single
 302 driveway for safety reasons but the opposite would be true because
 303 that translates to more cars parking on the street. There are too
 304 many cars parked on both sides of their narrow street all the time
 305 now. Mr. Clocher stated that he has two (2) small children and he is
 306 concerned for their safety. More traffic on the street is a concern.
 307 There are already five (5) duplexes on the street and that is more
 308 than enough. Adding another duplex is not a 'positive'. Mr. Clocher
 309 submitted a petition opposing the granting of a variance to allow a
 310 duplex signed by himself and five (5) other neighbors. The following
 311 individuals signed the petition:

- 312 (a) Allyson Clocher, 9 Hill Street

- 313 (b) Judy Husted, 8 Hill Street
314 (c) Tyler Glaude, 13 Hill Street
315 (d) Emily Veloso, 13 Hill Street
316 (e) Lisa Haven, 6 Hill Street
317 (2) Christine Husted, 10 Hill Street, stated that she lives next to the
318 property, noted that it is a small lot and questioned the setbacks and
319 whether they would be met and noted that a single driveway just
320 means more cars parked on the street. Ms. Husted stated that the
321 street is not wide and the parking on both sides is a problem.
322 (3) Harvey Husted, 10 Hill Street, stated that he agrees with everything
323 his neighbor Richard (Clocher) and wife said, that he has lived on Hill
324 Street for twenty two (22) years and the parking of cars on both sides
325 of the street causes a problem and poses a safety hazard and
326 explained that the street is not wide enough for two cars to travel
327 past one another with vehicles parked on both sides. Mr. Husted
328 stated his preference is for a single-family house.
329

330 Being no one else to speak, public testimony closed at 8:07 PM
331

332 Atty. Jean acknowledged that valid points were raised and gave assurances
333 that each unit has a garage with their own parking area for off-street
334 parking, that new is better than the existing 'camp' and that the prospect
335 from an economic viewpoint to raze the existing structure is to build a new
336 duplex, that the neighborhood is a mix of one- and two-family residences, in
337 fact approximately one third (1/3) are duplexes, and one more duplex would
338 not affect the density of parking in the neighborhood.
339

340 Public testimony opened again at 8:09 PM. No one addressed the Board.
341

342 Mr. Dearborn stated that the lot barely meets the minimum square footage
343 (SF) for a single-family home and asked Mr. Buttrick what the minimum
344 square footage was for a two-family home in the TR Zone. Mr. Buttrick
345 stated that the Zoning Ordinance does not specify the minimum square
346 footage of a two-family home in the TR Zone because it prohibits two-family
347 homes in the TR Zone.
348

349 Mr. Buttrick stated that he researched the lots on Hill Street, provided
350 specific findings and concluded that each of the duplexes were constructed
351 when the street was in the B-2 Zone that allowed duplexes by Right – the
352 duplexes were built 1987 or older. Ms. McGrath stated that the TR Zone
353 was expanded from Webster Street by a Town Vote driven by the residents
354 in these types of neighborhoods to prevent further overcrowding and
355 preserve residential neighborhoods. Ms. Davis stated that she believes the
356 change to TR Zone occurred in 1998. Mr. Etienne thanked Mr. Buttrick for
357 his in-depth research.
358

359 Mr. Brackett stated that a new house would increase the value of the
 360 neighborhood and it is still true ~~of-if~~ the new house was a single-family and
 361 noted that the drive for a duplex is economics. Atty. Jean noted that the
 362 existing house/'camp' is outdated and there is a cost to razing. Mr.
 363 Brackett stated that one side of Hill Street has the majority of the duplexes
 364 and finds the statement that it does not change the neighborhood
 365 problematic. Atty. Jean stated that there are few lots on the street with
 366 structures to be razed, that there is not room for more conversions to create
 367 duplexes in the neighborhood and adding one more duplex will not change
 368 the neighborhood. Mr. Brackett stated that it is economics that is driving
 369 the push for a duplex, to recoup the cost of razing. Atty. Jean stated that
 370 the existing house/'camp' does not meet the Town's setbacks and by Right
 371 the house could be razed and rebuilt on the same footprint but they are
 372 proposing to rebuild with a duplex that will honor the town's setbacks.
 373 Atty. Jean noted that at one point in time, this area was Zoned to allow
 374 duplexes and the addition of one more will not change the neighborhood.

375
 376 Mr.e Pacocha stated that the fact remains that the Zoning Ordinance does
 377 not allow duplexes in the TR Zone, that the TR Zone was created because
 378 duplexes crowd~~ed~~ neighborhoods, and expressed concern that the granting
 379 of this Variance would set a bad precedence. Ms. Davis stated that there
 380 are nineteen (19) houses on Hill Street, that thirteen (13) are single-family
 381 homes and six (6) are duplexes that were built in 1987 or earlier and the
 382 Zone was changed to ~~TE-TR~~ in 1998. Mr. Daddario stated that duplexes are
 383 part of the neighborhood character and is surprised with the number of
 384 residents who spoke against another duplex ~~bur-~~but recognizes that
 385 duplexes have been prohibited for approximately twenty (20) years now.

386
 387 Ms. Davis stated that she drove by on a Sunday morning and noticed a lot
 388 of traffic and cars parked along the street. Mr. Brackett stated that he
 389 drove by as well and noticed what Ms. Davis noted and also noticed that the
 390 single-family homes were better maintained. Mr. Pacocha shared their
 391 observations along with noticing that many of them had single-car garages
 392 and today most homes have two (2) vehicles minimum. Ms. Davis stated
 393 that she has concerns with the shared driveway and Atty. Jean asked if
 394 separate driveways would be preferred.

395
 396 Mr. Brackett directed the Board's attention to review of the Variance
 397 criteria.

399 1. *not contrary to public interest*

- 400 • Ms. Davis: it is contrary to the public interest; it conflicts with the
 401 Zoning Ordinance; TR Zone voted in by the Town residents to
 402 restrict size, amount and growth
- 403 • Mr. Brackett: testimony received that the lot is surrounded by
 404 duplexes, it is not, the majority of homes are single family homes,

- 405 there is not a mixture in the neighborhood, just one section of the
 406 neighborhood has duplexes, criteria not met
- 407 • Mr. Pacocha: it is contrary to public interest, many abutters
 - 408 opposed and expressed safety concerns
 - 409 • Mr. Dearborn: it is contrary, Zoning Ordinance does not allow
 - 410 • Mr. Daddario: not unsympathetic to applicant but it is contrary to
 - 411 public interest
- 412 2. *spirit of Ordinance observed*
- 413 • Ms. Davis: duplex is not in the spirit of the Ordinance, safety
 - 414 concerns exists, negative public input received, will alter the
 - 415 character of the neighborhood
 - 416 • Mr. Brackett: change made to the Zoning Ordinance to prevent
 - 417 further erosion of the neighborhood
 - 418 • Mr. Pacocha: not met, does alter the character of the neighborhood
 - 419 • Mr. Dearborn: proposed duplex ~~if is~~ for the financial advantage to
 - 420 the applicant; a single-family home would observe the spirit of the
 - 421 Ordinance
 - 422 • Mr. Daddario: agreed with all previous comments and added that
 - 423 in 1998 the Town folks voted to change the Zone to TR to put the
 - 424 brakes on and has held fast for twenty-one (21) years, the new
 - 425 structure should not be a duplex
- 426 3. *substantial justice done*
- 427 • Ms. Davis: financial gain is to the applicant but detrimental to the
 - 428 neighborhood
 - 429 • Mr. Brackett: just as easy to build a single-family house and do
 - 430 less harm
 - 431 • Messrs.' Pacocha, Dearborn and Daddario concurred
- 432 4. *will not diminish surrounding property values*
- 433 • All Members agreed: any new construction would be an
 - 434 improvement – either a single-family or a two-family – but duplexes
 - 435 are prohibited by the Ordinance
- 436 5. *hardship*
- 437 • Ms. Davis: property as is has a reasonable use, ~~has~~ a single-family
 - 438 house; no change mandated by the land; no hardship presented by
 - 439 the property; other duplexes in neighborhood were built when the
 - 440 Zoning Ordinance allowed duplexes; the lot size at ten thousand
 - 441 square foot (10K SF) is small but small does not make a hardship
 - 442 • Mr. Brackett: noticed size of proposed duplex is larger than others
 - 443 in neighborhood; a single-family home is reasonable; the change in
 - 444 Zone came as a result of a Town vote by the residents of the Town;
 - 445 criteria failed to be satisfied
 - 446 • Mr. Pacocha: there is no hardship; property is of similar size to
 - 447 others in neighborhood, there is nothing unique, hardship not met
 - 448 • Mr. Dearborn: the TR Zone does not allow duplexes, the existing
 - 449 duplexes were built pre-TR Zone change, there is no hardship

- 450 • Mr. Daddario: there is no hardship, lot currently has a single-
 451 family structure, there is nothing stopping updating this structure
 452 or building a new single-family
 453

454 Motion made by Mr. Pacocha and seconded by Ms. Davis to deny the variance
 455 request as it failed to satisfy four of the five criteria required to grant a
 456 variance. Vote was 5:0. Variance denied. The 30-day appeal period was
 457 noted. George Hurd thanked the Board.
 458

459 Ms. McGrath announced to the public that the Town is holding Visioning
 460 Sessions and invited them to participate. It was noted that information was on
 461 the Town's website.
 462

463 **IV. REQUEST FOR REHEARING:**
 464

465 No requests were received for Board consideration.
 466

467 **V. REVIEW OF MINUTES:**
 468

469 10/24/19 Minutes
 470

471 Board reviewed the edited version. Mr. Dearborn made a name correction to an
 472 abutter on page 3. Motion made by Mr. Dearborn and seconded by Ms. Davis
 473 to approve the 10/24/2019 Minutes as edited and with the name correction.
 474 Vote was unanimous (5:0). Minutes approved
 475

476 **VI. OTHER:**
 477

478 1. Follow-up on ZBA Conditions of Approval
 479

480 Mr. Buttrick referenced two documents in the Supplemental meeting packet:
 481

- 482 (1) Case #198-038 (9-26-19) 8 B Street: Interoffice Memorandum from
 483 Elvis Dhima, PE, Town Engineer dated 10/8/2019 stating that he
 484 reviewed the existing underground crushed stone chamber and
 485 assessed that it could accommodate the draining of the above-ground
 486 pool at a slow rate and if not, received agreement from homeowner to
 487 hire a water pool company to remove the water. Case closed.
 488 (2) Case #222-039 (10-24-19) 3 Colson Drive: submission of Certificate of
 489 Occupancy #109 dated 4/23/2003 for Building Permit #302 to
 490 construct a 2-story 5-bedroom single family residence with an in-law
 491 apartment and the approved septic design for five (5) bedrooms
 492 #eCA2019050617 dated 5/6/2019
 493

494 Board thanked Mr. Buttrick for his follow-through and expressed their
 495 appreciation for the closure.
 496

497 2. Nashua Cell Tower Notice
498

499 Mr. Buttrick referenced the Notice of Public Hearing from Nashua ZBA
500 regarding the construction o a cell tower. No concerns were expressed;
501 however ...
502

503 3. Regional Impact
504

505 Ms. McGrath asked about the apartment development across the River
506 (Merrimack River) and does not recall that the Town of Hudson ever received a
507 notice of its development especially considering that there is definitely a
508 regional impact and Hudson is affected, particularly with the additional wear-
509 and-tear on the bridge and roads. Discussion ensued. Mr. Buttrick asked to
510 verify and check the criteria for Regional Impact and discuss with the Town
511 Manager, Town Planner and Town Engineer, and possibly town Counsel.
512

513 4. Bylaws revision discussion agenda number of cases.
514

515 Mr. Buttrick stated that the draft amendment is not available for review as the
516 time allotted was circumvented with the research required for the properties on
517 Hill Street. Item deferred until drafted.
518

519
520 Motion made by Ms. Davis, seconded by Mr. Dearborn and unanimously voted
521 to adjourn the meeting. The 11/14/2019 ZBA meeting adjourned at 9:06 PM.
522

523 Respectfully submitted,
524 Louise Knee, Recorder
525

