



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 – February 27, 2020

The Hudson Zoning Board of Adjustment will hold a meeting on February 27, 2020, in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall (please enter by ramp entrance at right side). A public meeting for ZBA officer and member training will be conducted at 6:30 PM. 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.

6:30: ZBA workshop: ZBA officer/member training

The following items before the Board will be considered @ 7:00 PM:

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**
 - 1. Case 242-068 (02-27-20) (deferred from 1-23-20): Elaine Bettencourt, 26 Gowing Rd., Hudson, NH requests a Use Variance to allow the construction of a 714 SF Accessory Dwelling Unit (ADU) in the lower level of a split level duplex where an ADU is not allowed in two family dwellings. [Map 242, Lot 068-000; Zoned Residential-Two (R-2); HZO Article XIII A, §334-73.3 A, Accessory Dwelling Units, Provisions].
 - 2. Case 243-022 (02-27-20): Julio Hiraldo, 21 Richman Dr., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a new driveway expansion to remain with an encroachment of 5 ft. into the side yard setback leaving 10 ft. where 15 ft. is required. [Map 243, Lot 022-000; Zoned Residential-Two (R-2); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].
 - 3. Case 234-012 (02-27-20): Mark Tempesta, 12 Linda St., Hudson, NH requests a Home Occupation Special Exception to operate an online sales and on-site light service/repair business of motorcycles. [Map 234, Lot 012-000; Zoned General-One (G-1); HZO Article VI, §334-24, Special Exceptions, Home Occupations].
 - 4. Case 190-109 (02-27-20): Mary Ellen Bourassa, 16 Fulton St., Hudson, NH requests a Variance for 1 Chapin Street, Hudson, NH to allow 60 ft. of frontage for a proposed lot line adjustment where 90 ft. is required. [Map 190, Lot 109-000; Zoned Town Residence (TR); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].
 - 5. Case 174-079-002 (02-27-20): Barbara Chirone Young, 25 Derry St., Hudson, NH requests a Home Occupation Special Exception to conduct a home business office for off-site and (occasional on-site) pet care offering services of animal house sitting, dog walking and potty breaks. [Map 174, Lot 079-002; Zoned Town Residence (TR); HZO Article VI, §334-24, Special Exceptions, Home Occupations].
- IV. REQUEST FOR REHEARING:**
- V. REVIEW OF MINUTES:**
1/23/20 Minutes
- VI. OTHER:**
Upcoming: NH OSI Annual Spring Planning & Zoning Conference- Saturday, May 30, 2020, Concord, NH

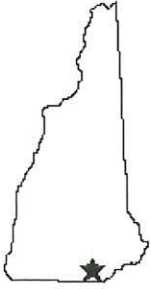
Bruce Buttrick
Zoning Administrator

Please Remember To Bring:

(From 1-23-20 ZBA Mtg.)

- **Case-242-068_26-Gowing-Rd-012320**
- **Staff Report_26 Gowing Rd-012320**

*******Worksheet Attached*******



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: February 27, 2020 BP 2-18-20

Case 243-022 (02-27-20): Julio Hiraldo, 21 Richman Dr., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a newly installed expansion of a driveway to remain with encroachment of 5 ft. into the side yard setback leaving 10 ft. where 15 ft. is required. [Map 243, Lot 022-000; Zoned Residential-Two (R-2); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].

Summary:

Applicant requests an Equitable Waiver of Dimensional Requirement to allow a recent installed driveway expansion to remain with encroachment of 5 ft. into the side yard setback leaving 10 ft. where 15 ft. is required.

Property description:

This is an existing developed lot of record consisting of 1.54 Acres (1 Acre required for single family) and 150 ft of frontage (120 ft required) with a single family use. The existing structures appear to satisfy all required building setbacks, with the exception of a recent driveway installation, thus this application today.

In-house (Town) review/comments:

Fire Dept: no

Engineering: yes

Town Planner: no

Zoning Administrator: **The Zoning Ordinance describes driveways as “regulated”, per the definition of Building Setback in §334-6. Thus driveway setbacks need to comply with the Zoning Ordinance.**

HISTORY:

Assessing: Listed as a single family.

Building Permits: #2019-00129 Building Permit issued 2/26/2019 to: “construct a 500 sqft one bedroom ADU in existing single family dwelling.”

Code Enforcement:

Driveway: Violation #19-054 dated Sept 4, 2019; Last and final notice of violation dated Dec 26, 2019; Stay of enforcement dated Jan 7, 2020.

ADU: complaint/violation notice dated Feb 14, 2020, permitted ADU (BP # 2019-00129) too large (> 750 sqft). Property visit/inspection scheduled for Feb 20, 2020.

Attachments:

“A” Assessing record

“B” #2019-00129 building permit – ADU (2/26/2019).

“C” Code Enforcement notices (Driveway).

“D” Code Enforcement notice (ADU).

“E” Town Engineer in-house review/comments and driveway permit.

“F” Applicable Zoning Ordinance sections §334-5 & §334-6.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	101 - ONE FAMILY	275,300	12,200	121,800	1.54	0.00	409,300
2019	101 - ONE FAMILY	275,300	12,200	121,800	1.54	0.00	409,300
2018	101 - ONE FAMILY	249,000	16,000	121,800	1.54	0.00	386,800
2018	101 - ONE FAMILY	249,000	16,000	121,800	1.54	0.00	386,800
2017	101 - ONE FAMILY	249,000	16,000	121,800	1.54	0.00	386,800
2017	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2017	101 - ONE FAMILY	249,000	16,000	121,800	1.54	0.00	386,800
2016	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2016	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2015	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2015	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2014	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2014	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2013	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2013	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2012	101 - ONE FAMILY	211,000	13,500	117,100	1.54	0.00	341,600
2012	101 - ONE FAMILY	256,000	11,800	149,100	1.54	0.00	416,900
2011	101 - ONE FAMILY	256,000	11,800	149,100	1.54	0.00	416,900
2011	101 - ONE FAMILY	251,000	9,200	149,100	1.54	0.00	409,300
2010	101 - ONE FAMILY	251,000	9,200	149,100	1.54	0.00	409,300
2010	101 - ONE FAMILY	251,000	9,200	149,100	1.54	0.00	409,300
2009	101 - ONE FAMILY	251,000	9,200	149,100	1.54	0.00	409,300
2008	101 - ONE FAMILY	251,000	9,200	149,100	1.54	0.00	409,300
2008	101 - ONE FAMILY	251,000	9,200	149,100	1.54	0.00	409,300
2007	101 - ONE FAMILY	251,000	9,200	149,100	1.54	0.00	409,300
2007	101 - ONE FAMILY	235,900	9,200	118,400	1.54	0.00	363,500
2006	101 - ONE FAMILY	235,900	9,200	118,400	1.54	0.00	363,500
2006	101 - ONE FAMILY	235,900	9,200	118,400	1.54	0.00	363,500
2005	101 - ONE FAMILY	235,900	9,200	118,400	1.54	0.00	363,500
2005	101 - ONE FAMILY	235,900	9,200	118,400	1.54	0.00	363,500
2004	101 - ONE FAMILY	235,900	9,200	118,400	1.54	0.00	363,500
2004	101 - ONE FAMILY	194,400	8,200	93,000	1.54	0.00	295,600
2003	101 - ONE FAMILY	194,400	8,200	93,000	1.54	0.00	295,600
2003	101 - ONE FAMILY	194,400	8,200	93,000	1.54	0.00	295,600
2002	101 - ONE FAMILY	194,400	8,200	93,000	1.54	0.00	295,600
2002	101 - ONE FAMILY	194,400	8,200	93,000	1.54	0.00	295,600
2001	101 - ONE FAMILY	150,300	0	58,100		0.00	208,400
2000	101 - ONE FAMILY	144,000	6,300	58,100	1.54	0.00	208,400
1999	101 - ONE FAMILY	144,000	6,300	56,600	1.54	0.00	206,900

A



Town of Hudson, NH
Building Permit

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

Permit Number
2019-00129
Date of Issue
2/26/2019
Expiration Date
8/25/2019

Owner: HIRALDO, JULIO C. BETANCOURT, LUISA MARIA HIRALD
Applicant: HIRALDO, JULIO C. BETANCOURT, LUISA MARIA HIRALD
Location of Work: 21 RICHMAN DR
(No. and Street) (Unit or Building)

Description of Work: Construct a 500 square foot one bedroom ADU in existing single family dwelling

ZONING DATA: District: R-2 Map/Lot: 243-022-000

REMARKS:

A CERTIFICATE OF OCCUPANCY IS REQUIRED. PLEASE APPLY FOR THE CERTIFICATE OF OCCUPANCY A MINIMUM OF TWO WEEKS PRIOR TO THE DESIRED DATE OF OCCUPANCY.

Building Permit Issuance Conditions are as follows:

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

INSPECTION APPROVALS

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

Permit Holder: HIRALDO, JULIO C. BETANCOURT, LUISA MARIA HIRALD
(Taking Responsibility for the Work)
Company/Affiliation: Owner Job Site Phone Number:

Constr Cost: \$5,000 Permit Fee: \$105.00 Check No.: Cash: \$0.00

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

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

Code Official Permit Holder Date 2/26/2019

B.



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

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

BUILDING PERMIT APPLICATION - PLEASE PRINT

Address: <u>21 Richman Rd</u> Unit # _____	Office use: Map <u>243</u> Lot <u>022</u> Zone <u>R-2</u> <u>2019</u> Permit # <u>00129</u>
Site/Sub Plan: _____ HCRD _____	

Residential

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

Type of Improvement

- New Building
- Addition
- Alteration/Renovation
- Repair/Replacement
- Conversion of +/- dwelling units
- Other _____

- Deck
- Shed
- Swim Pool
- Garage
- Carport

Commercial

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

Type of Improvement

- New Building
- Addition
- Alteration/Renovation
- Repair/Replacement
- Conversion from residential to commercial space
- Other _____

- Deck
- Shed
- Swim Pool
- Interior Demo

Will the applicant/owner manufacture, assemble or produce any product, regardless of water use?

Yes (Need IDA Form) No (Need IDA Checklist) *Please consult the Town Engineer at 886-6008 with any questions

Total Cost of Project: \$ <u>5,000</u>	General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use.
	<u>500 square feet ADU with 1 Bedroom, 1 Bathroom, and a Kitchen.</u>

Square Footage Footprint 500 Renovated/added _____ Number of stories 1
 Living area of new home (exclude unfinished areas and garage) _____ Total area of bldg 3800

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

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

OK to process
 I spoke w/applicant
 He knows he needs
 egress windows.
 DAV

RECEIVED

FEB 15 2019 INSP-15 - Rev. 11/2015

HUDSON FIRE DEPARTMENT
INSPECTIONAL SERVICES DIVISION

B₂



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

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

Type of Water Supply Town Private (well, cistern)

Type of Heat Source Gas Oil Other Electric

	Name	Address	City/State/Zip	Phone
Owner	Julio Hiraldo	21 Richman	Hudson/NH	603-843-0558
Lessee				
Contractor				
Architect				
Engineer				

I hereby certify the owner of record authorizes the proposed work and I have been authorized by the owner to make this application as his agent and to conform to all applicable laws of the Town of Hudson. I hereby attest all statements made on this application are true to the best of my knowledge. The signature on this building permit authorizes all Code Officials, Building Inspector and Assessor or their Agents to conduct inspections from time to time during and upon completion of the work for which this permit is issued. If said structure is commercial or industrial I understand that an as-built plan is required prior to occupancy of the structure.

Signature of applicant [Signature] Date 2-15-19

Address 21 Richman rd HUDSON, NH 03051

Email: jhiraldo@gmail.com Phone: 603-843-0558

Filing fee \$ 30.00 Receipt # _____ Date _____

Building permit fee \$ 75.00 Receipt # _____ Date _____

THIS BUILDING PERMIT IS

Issued subject to the following condition(s) Add application fee to permit fee

Denied for the following reason(s) DA

<input type="checkbox"/> Plans received Comments: _____ Date: _____	Use group: _____ Construction type _____ Live loading _____ Occupancy load _____
Certificate of Occupancy <input type="checkbox"/> Required <input type="checkbox"/> Final Inspection (Building & HFD) Comments: _____	

Approved [Signature] Date 2-19-19

Denied _____ Date _____

Inspectional Services Official or Designee

* Electrical Permit, Plumbing Permit, Mechanical Permit, Certificate of Occupancy, Water, Sewer and Driveway are to be applied for separately, when applicable.

B₃



TOWN OF HUDSON

Land Use Division



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

Notice of Violation

September 4, 2019

Julio Hiraldo et al.
21 Richman Dr.
Hudson, NH 03051

RE: Zoning Ordinance Violation #19-00054 at:
21 Richman Dr, Hudson, NH
Hudson Tax Map 243, Lot 022-000

Dear Mr. Hiraldo,

I have received a complaint regarding the installation of a new driveway within the property setbacks at the referenced property.

The Zoning Ordinance does not permit driveways within the required side yard setback of 15ft. and is a Violation of:

§334-6 Definitions BUILDING SETBACK: *The minimum distance from the RIGHT-OF-WAY to a FRONT, SIDE or REAR LOT LINE at which a building, driveway or other regulated structure or feature may be set or constructed.*

and

334-27 Table of Minimum Dimensional Requirements.

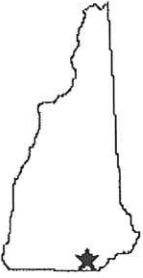
An Equitable Waiver of Dimensional Requirement is needed from the Zoning Board of Adjustment, to allow the driveway encroachment into the side yard setback. If granted, this would allow the driveway to remain. Please call Tracy Goodwyn at (603) 886-6008 for application details.

Regards,

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

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

C,



TOWN OF HUDSON

Land Use Division



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

Last and Final Notice of Violation

December 26, 2019

Certified 7018 2290 0001 2945 4947
& USPS 1st class

Julio Hiraldo, et al
21 Richman Dr
Hudson, NH 03051

Re: **21 Richman Dr Map 243 Lot 022-000**
District: Residential Two (R-2)

Dear Mr. Hiraldo,

On September 4, 2019, I sent you a Notice of Violation that you would need an approval of an Equitable Waiver of Dimensional Requirement from the Zoning Board of Adjustment (ZBA) for the recent driveway expansion & encroachment into the side yard setback. **I have not seen an application to date.**

Therefore your property remains in violation, as the Hudson Zoning Ordinance (HZO) does not permit driveways within the required side yard setback of 15ft. and your driveway is in violation of: HZO Article II, §334-6 Definitions BUILDING SETBACK: *The minimum distance from the RIGHT-OF-WAY to a FRONT, SIDE or REAR LOT LINE at which a building, driveway or other regulated structure or feature may be set or constructed.* The driveway is also in violation of HZO Article VII §334-27 Table of Minimum Dimensional Requirements.

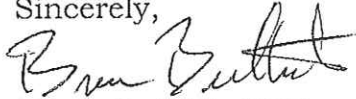
An approval of the Equitable Waiver of Dimensional Requirement is needed from the ZBA, to allow the driveway encroachment into the side yard setback. If granted, this would allow the driveway to remain. Please call Tracy Goodwyn at (603) 886-6008 for application details, by **January 6, 2020.**

If the deadline is not complied with, the Town will have no choice but to proceed with legal actions and the imposition of civil fines and penalties as allowed per RSA 676:17 effective as of the date of my Notice of Violation dated September 4, 2019.

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

C₂

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: September 4, 2019 Notice of Violation

cc: Public File

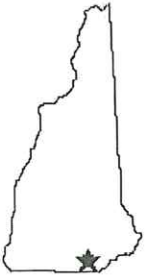
E. Dhima, Town Engineer

B. Groth, Town Planner

File

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

C₃



TOWN OF HUDSON

Land Use Division



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

Violation - Stay of Enforcement

January 7, 2020

Julio Hiraldo et al.
21 Richman Dr.
Hudson, NH 03051

RE: Zoning Ordinance Violation #19-00054 at:
21 Richman Dr, Hudson, NH
Hudson Tax Map 243, Lot 022-000

Dear Mr. Hiraldo,

You have requested a stay of enforcement for the following violation on the above referenced property: Violation of §334-6 Definitions *BUILDING SETBACK*: *The minimum distance from the RIGHT-OF-WAY to a FRONT, SIDE or REAR LOT LINE at which a building, driveway or other regulated structure or feature may be set or constructed.*
And 334-27 *Table of Minimum Dimensional Requirements.*

I will allow an extension of the deadline/order until March 1, 2020 to allow you the time to get a surveyor etc. to finish the Equitable Waiver of Dimension Requirement application and I will withhold code enforcement action.

Regards,

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

encl: 9-4-19 Notice of Violation
cc: Public Folder
E. Dhima, Town Engr
B. Groth, Town Planner
File

C₄



TOWN OF HUDSON

Land Use Division



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

Complaint

February 14, 2020

Certified 7018 2290 0001 2945 4954
USPS 1st Class

Julio Hiraldo and/or
Luisa Maria Hiraldo Betancourt
21 Richman Dr
Hudson, NH 03051

Re: 21 Richman Dr Map 243 Lot 022-000
District: Residential Two (R-2)

Dear Julio and Luisa,

I have received information that your property is in a possible violation of Hudson's Zoning Ordinance as follows:

Violation:

Building Permit # 2019-00129 was issued for "creation of a 500 sqft ADU with one bedroom".

It has come to my attention that the ADU as built, is larger than the approved 500 sqft, and quite possibly exceeds 750 sqft allowed by the Zoning Ordinance §334-73.3 H.

Order:

Schedule a site inspection with the Building Official and myself by **February 28, 2020**, to determine code compliance.

Please be advised that in accordance with the Hudson Zoning Ordinance (HZO) §334-79 Violations and Penalties, and RSA § 676:17, you are subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that your property is found to continue in violation of the HZO after the date you received notice,

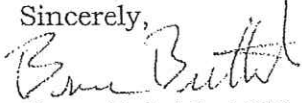
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

D,

with each day that the violation continue being a separate offense. If the Town must pursue legal action against you, the Town shall be entitled to recover its costs and reasonable attorney fees if it is found to be a prevailing party.

Please call me if you have questions,

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
S. Tice – Deputy Fire Chief
D. Hebert – Building Official
J. Michaud – Chief Assessor
File

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

D₂

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

REQUEST FOR REVIEW/COMMENTS:

Case: 243-022 (02-27-20)

Property Location: 21 Richman Drive

For Town Use

Plan Routing Date: 02/11/20 Reply requested by: 02/14/20 ZBA Hearing Date: 02/27/20

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 02/14/2020
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

Engineering Department has the following comments:

1. Applicant was made aware of the property lines and limitations to extending the driveway, when the last driveway permit was pulled in 9/27/2018, see attachment.
2. Applicant performed the work without an updated driveway permit which would have identified this issue.
3. If ZBA votes in favor , an updated driveway permit application shall be required.

E,



Town of Hudson

Driveway Permit Application

OFFICE USE	CK# 264
Application Fee	\$50.00
Receipt #	522,892
Date:	9/27/18
Permit #	

Date 9/27/18 Map 243 Lot 022-000

Driveway Address 21 Richman Rd

Applicant Name Julio Hiraldo Telephone # 603-943-0558

Applicant Address 21 Richman Rd

Email Address JHiraldo@gmail.com Cell Phone # _____

Driveway grade percent (%) _____ (10% maximum grade).

Driveway surface (check one): Paved Gravel Stone

Length of driveway from street to end 61 ft.

Width of driveway at street entrance 49 ft.

At the point of intersection with the street, the driveway, at a 3.5 ft. elevation above the driveway grade, shall provide in both directions of the street an AASHTO Safe Sight Distance, as shown in Table 2.2: Recommended Decision Sight Distance Values.

Sight distance: _____ Left _____ Right Speed Limit: _____

Distance to nearest intersection: _____ Left _____ Right

Proposed roadway drainage improvements:

Swale Curb & Catch Basins Other (describe)

Special conditions requested (e.g., construct a turnaround at end of driveway):

Widening existing driveway

Is this application for a second driveway on the parcel? Yes No

* No Water Shut-offs and/or Sewer Clean-outs will be allowed on new residential driveways.

Er



TOWN OF HUDSON
DRIVEWAY PERMIT APPLICATION
AND NH RSA 36-A: 4 (III) DISCLOSURES

Page 3

By filing this application, the owner(s) hereby grants permission to the members of the Hudson Planning Board and Conservation Commission, as well as their assigned agents, to enter upon the associated property at all reasonable times and for the express purpose of conducting examinations, surveys, tests and inspections as may be appropriate to enable the office of the Town Engineer to process this application. I/we also hereby waive and release any claim or right I/we may have now or hereafter against any of the aforementioned parties resulting from said examinations, surveys, tests and inspections conducted on my/our property in connection with this application.

I/we hereby attest to the accuracy of the information submitted herein, including any attachments, and acknowledge that any inaccuracies or omissions can result in revocation of this permit and loss of any rights, vested or otherwise to this permit.

The undersigned hereby acknowledges that before signing this application s/he/they read this application form that contains the follow disclosure as required by NH RSA 36-A:4 (III). The inspection to be conducted by the Hudson Conservation Commission is undertaken to evaluate the impact of the proposed permit on protected wetlands and wetland buffers as defined in Article IX – Wetland Conservation District – Town of Hudson Zoning Ordinance, §§334-33 through 334-39. The specific features to be studied by the Hudson Conservation Commission would be the area of land that is subject to the activity described in the permit application, and associated landforms, wetlands, and water bodies. The data to be collected by the Conservation Commission will be collected through personal observation by the Conservation Commission members and those observations may be recorded through hand written notes and through digital and cell phone photography. In addition to members of the Hudson Conservation Commission, inspection and data collection may also be carried out by the Hudson Road Agent, the Hudson Fire Department and the Hudson Town Engineer or his designee. The Information collected by the Conservation Commission, or other representatives of the Town of Hudson, would then be further distributed through public discussion at Conservation Commission and Planning Board meetings and that information may also be committed to written documents that may be distributed by the Community Development Department to other interested parties, including but not limited to, the New Hampshire Department of Environmental Services, the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the United States Environmental Protection Agency and members of the public. The possible known consequences of this inspection and data collection include, and are not limited to, denial of a special exception to construct the proposed driveway, the requirement to redefine and readjust a wetland boundary and designation and the associated costs to the applicant for the hiring of a wetlands scientist for this purpose, possible code enforcement actions by the Town of Hudson to abate observed violations of the Hudson Zoning Ordinance and Land Use Regulations and possible enforcement actions against the applicant for violations of State or Federal Law.



Signature(s) of Applicant

9/29/18

date

E4



Town of Hudson
Driveway Permit Application

Page 4
Routing Sheet

(For official use only)

**Reviewed by Road Agent if connecting to existing Town accepted road

Approved

[Signature]
Road Agent

10/2/18

Date

Comments/stipulations

Approved

[Signature]
Fire Dept.

10/7/2018

Date

Comments/stipulations

Approved

[Signature]
Town Engineer

10/2/18

Date

Comments/stipulations

Driveway satisfactorily completed

[Signature]
Town Engineer

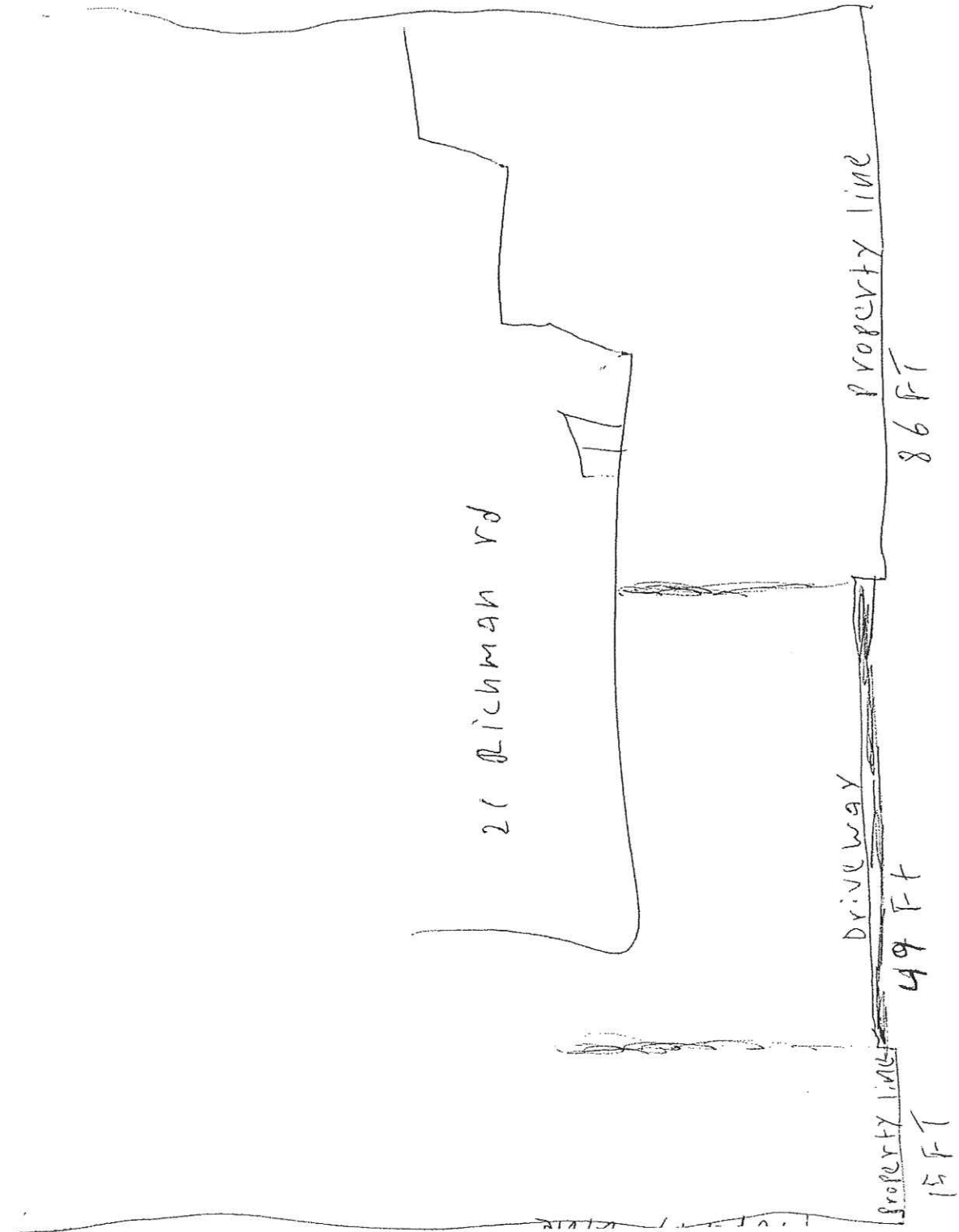
10/2/18

Date

Comments/stipulations

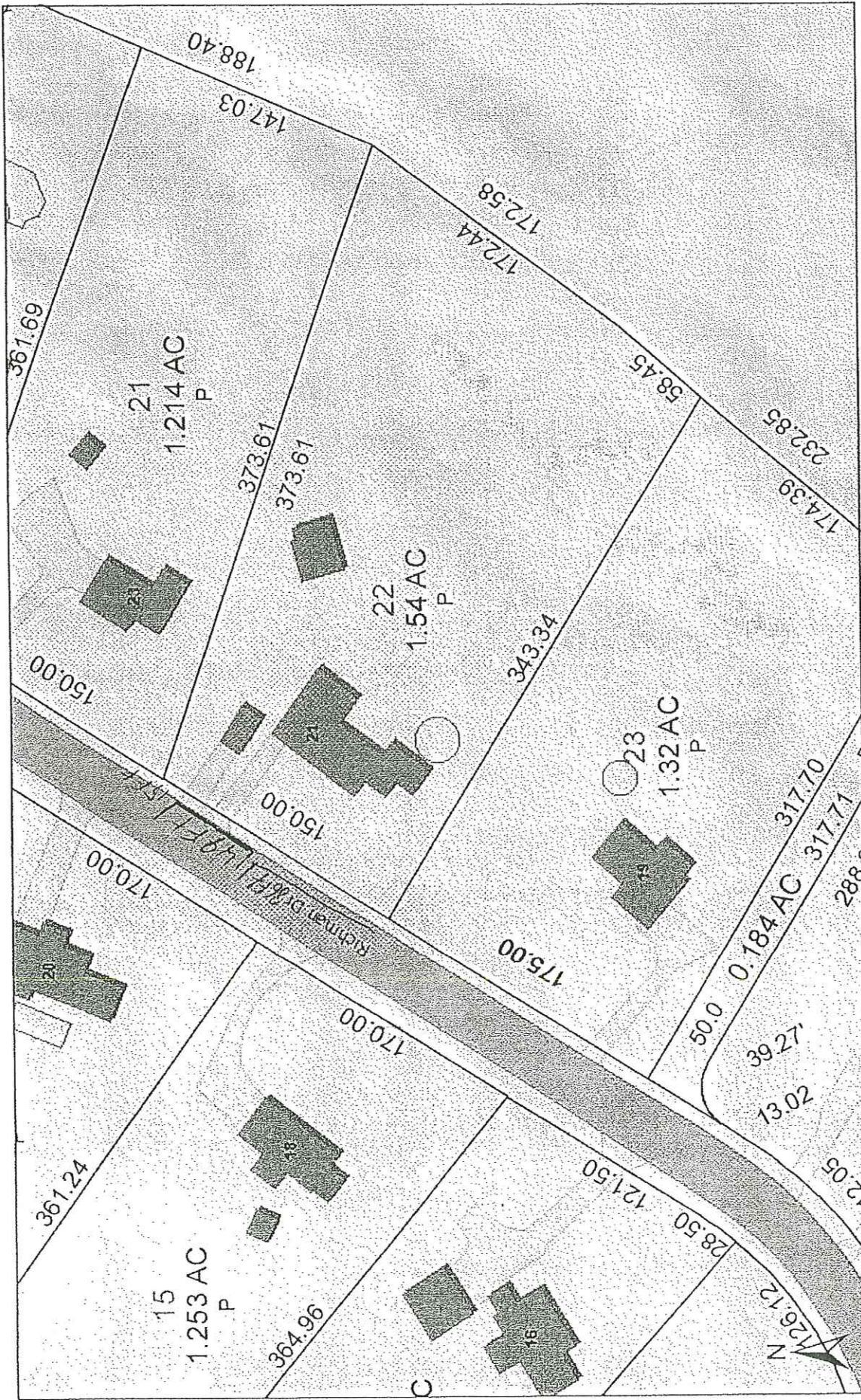
- *Revised*
- *1-3% - sloped back.*
- *less than 50' opening!*

Es



E7

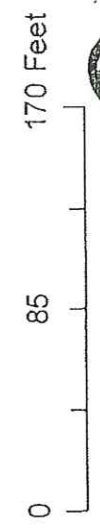
21 Richman



September 14, 2018

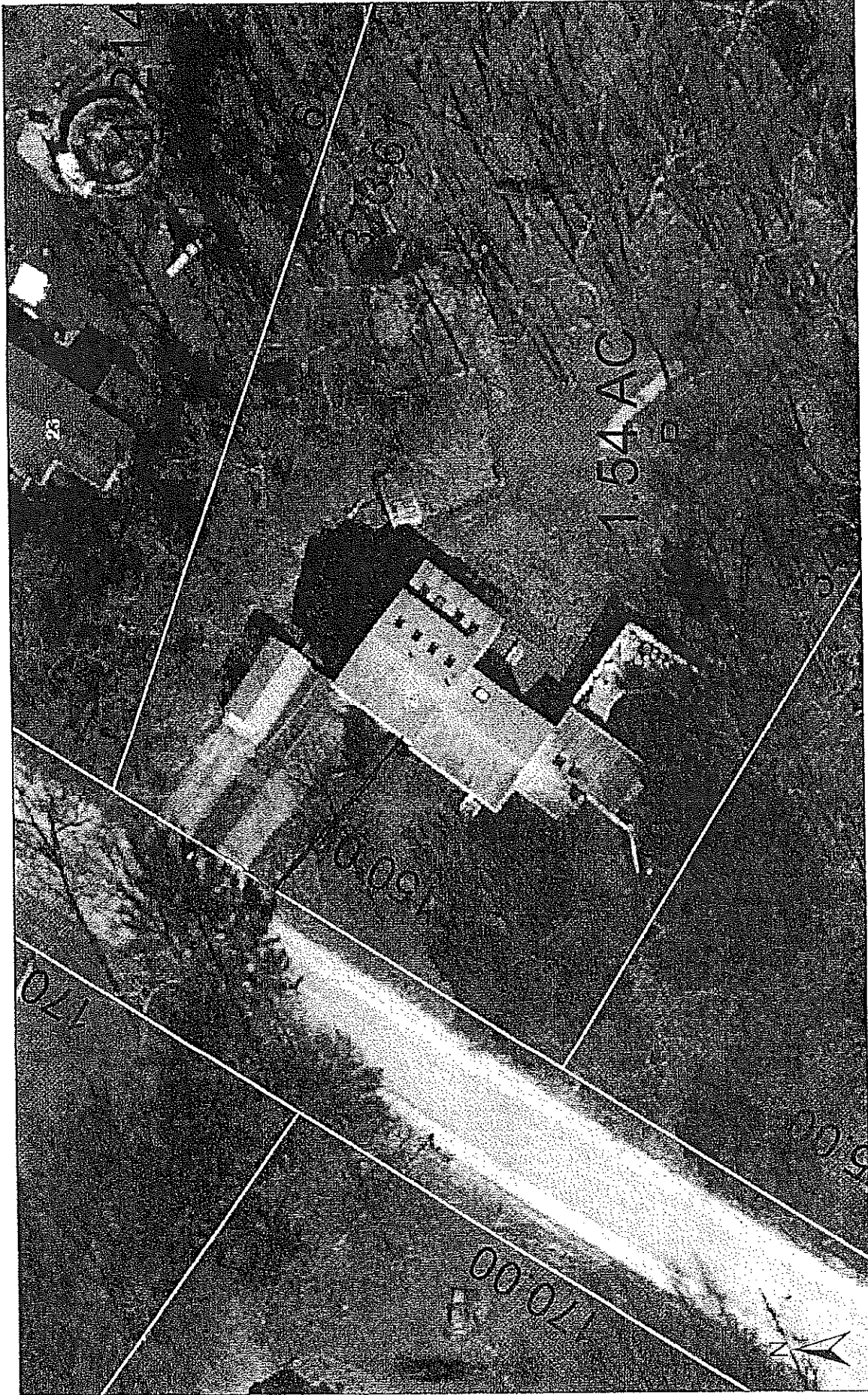
Parcels

1 inch = 78 feet



E8

21 Richman

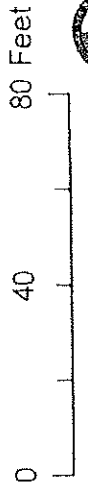


September 14, 2018

Parcels - Aerials

Parcels

1 inch = 39 feet



E9

[Amended 3-12-1996; 3-10-1998; 3-9-1999; 3-13-2001 by Amdt. No. 7; 3-12-2002 by Amdt. No. 3; 3-13-2007 by Amdt. No. 1; 3-16-2017 by Art. No. 2]

§ 334-5 Word usage and interpretation.

For the purposes of this chapter, certain words, terms or phrases shall bear the meanings defined in § 334-6, unless the context clearly indicates otherwise. Such words, terms and phrases shall appear in CAPITAL LETTERS when used as herein defined.

- A. Words in the present tense include the future.
- B. The singular includes the plural, and the plural includes the singular.
- C. Hierarchy:
 - (1) Terms and words not defined in this article but defined in applicable New Hampshire state statutes or regulations shall have the meanings given therein.
 - (2) Terms and words not defined in this article but defined in the Building Code shall have the meanings given therein.
 - (3) Terms and words not defined in this article, the RSAs or in the Building Code shall have the meanings understood in common usage and as defined in standard American dictionaries.
- D. In interpreting any portion of this chapter, it shall be held as the minimum requirement adopted for promotion of the public health, safety and general welfare of the Town. Whenever any provision of this chapter is at variance with any other provision of the chapter, or with the requirements of any other lawfully adopted rule or regulation, the most restrictive, or that imposing the highest standard, shall govern.
- E. In case of any difference in meaning or implication between the text of these regulations and any caption, illustration, summary table or illustrative table, the text shall govern.
- F. The words "shall," "will," "shall not," "will not" or "may not" are always mandatory and not discretionary, the word "may" is permissive.
- G. The terms "building" or "structure" include any part thereof.
- H. The term "person" includes an individual, a corporation a partnership, an incorporated association, or any other similar entity.
- I. The terms "includes" and "including" shall not limit a term, definition or set of examples to the specified examples, but are intended to extend their meaning to all other instances or circumstances of the like kind of character.
- J. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or," or "either... or," the conjunction shall be interpreted as follows:
 - (1) "And" or "plus" indicates that all the connected items, conditions, provisions or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - (3) "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

BUFFER

Physical distance and/or vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and/or screen incompatible land uses from each other. (See also "WETLAND BUFFER.")

BUILDING CERTIFICATE

A certificate obtained from the Planning Board entitling the holder to obtain one building permit for one dwelling unit. Dwelling units, as defined in this article, include single-family homes and duplexes on individual lots, as well as individual condominium units and apartments in multifamily structures shown on approved site plans. A building certificate is valid for a period of two years from the date of issuance, by which time it must be redeemed for a building permit, or expire.

BUILDING, STRUCTURE (Accessory)

See "ACCESSORY STRUCTURES."

BUILDING, ATTACHED

A building having any portion of one or more walls or roof in common with adjoining buildings.

BUILDING, DETACHED

A building not sharing any walls or portions of any walls or roof with adjoining buildings.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is located.

BUILDING SETBACK



The minimum distance from the RIGHT-OF-WAY to a FRONT, SIDE or REAR LOT LINE at which a building, driveway or other regulated structure or feature may be set or constructed.

BUILDING SIGN

Any sign affixed, mounted, attached to or painted onto the exterior of a building, including awnings, canopies, roof-mounted and projecting signs.

C

CANOPY

A temporary or permanent covered structure, the primary purpose of which is to shield the area beneath it from the elements, and which is supported by posts, poles, columns or other elements directly on or into the ground.

CAR CANOPY

A freestanding, lightweight structure used to house vehicles and constructed of tube framing and is partially covered by a canvas, polyethylene or other woven or nonwoven fabric or sheeting cover. This type of structure typically has no side walls and can be easily disassembled and moved. See also "CANOPY."

CARE FACILITIES

See NH RSAs.

- A. DAY-CARE NURSERY.
- B. CHILD DAY CARE.
- C. CHILD DAY-CARE AGENCY.
- D. FAMILY DAY-CARE HOME.
- E. FAMILY GROUP DAY-CARE HOME.

F₂

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

Equitable Waivers are granted, pursuant to RSA 674:33-a, for area violations of the Ordinance, which exist without negatively impacting the community. All four of the following criteria must meet the satisfaction of the Zoning Board of Adjustment for an Equitable Waiver to be granted.

On **02/27/20**, the Hudson Zoning Board of Adjustment heard Case **243-022**, being a request by **Julio Hiraldo, 21 Richman Dr., Hudson, NH** to allow a Waiver from the provisions of **HZO Article VII, Section 334-27**. Applicant(s) request **to allow a new driveway expansion to remain with an encroachment of 5 ft. into the side yard setback leaving 10 ft. where 15 ft. is required. [Map 243, Lot 022-000; Zoned Residential-Two (R-2); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements]**.

Y N
 INNOCENT MISTAKE. The applicant has demonstrated that the structure was built in violation of the setback(s) because knowledge of the setback encroachment occurred after the structure was substantially completed; and

Y N
 DISCOVERED TOO LATE. The applicant has successfully demonstrated that the encroachment is not “an outcome of ignorance of the law, or ordinance, or bad faith on any part of the owner, but was caused by good faith error in measurement or calculation made by the owner or by an error in ordinance interpretation or applicability made by an official in the process of issuing a permit...”, and

Y N
 NO NUISANCE. The applicant has successfully demonstrated that the encroachment does not constitute a public or private nuisance, or adversely affect any present or permissible future uses of the property; and

Y N
 HIGH CORRECTION COST. The applicant has successfully demonstrated that the costs for remedy far outweigh the public benefit and it would be inequitable to require the encroachment to be corrected.

- OR -

Y N
 The applicant has demonstrated that the structure has existed for ten years or more, and there has been no enforcement action commenced by the municipality or any person directly affected; and

TOWN OF HUDSON

APPLICATION FOR AN EQUITABLE WAIVER

JAN 15 2020

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. 243-022 (02-27-20)

Date Filed 1-15-20

Name of Applicant Julio Hiraldo Map: 243 Lot: 022-000 Zoning District: R-2

Telephone Number (Home) 603-943-0558 (Work) _____

Mailing Address 21 Richman Road

Owner Julio Hiraldo

Location of Property 21 Richman road
(Street Address)

[Signature]
Signature of Applicant

9/11/19
Date

[Signature]
Signature of Property-Owner(s)

9/11/19
Date

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

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

COST:		Date received: <u>1/15/20</u>
Application fee:	\$130.00	
<u>6</u> Direct Abutters x \$4.05 =	<u>24.30</u>	
<u>4</u> Indirect Abutters x \$0.55 =	<u>2.20</u>	
Total amount due:	<u>\$ 156.50</u>	Amt. received: \$ <u>156.50</u> cc
		Receipt No.: <u>581,984</u>
Received by: <u>[Signature]</u>		
By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:		
_____ Engineering	_____ Fire Department	_____ Health Officer _____ Planner

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
✓	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	
	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	TG.
✓	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and <u>Equitable Waiver</u> but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG.
✓	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	N/A.
	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.)	TG.
	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	TG.
	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	TG.
	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	N/A.

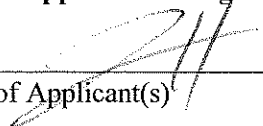
88 1-15-20

PLOT PLAN-

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

- 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.

Signature of Applicant(s) 

Date 10/4/19

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

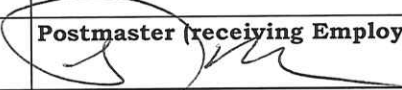
List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property is either contiguous or separated from the subject tract of land by a street or stream. If 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)

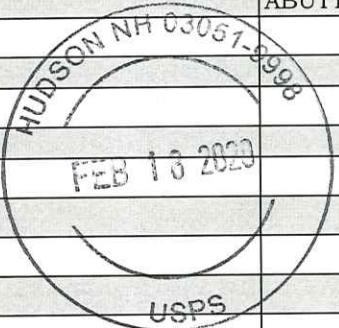
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
* OWNER 243	022	Luisa Hiraldo Julio Hiraldo	21 Richman rd
- 243	021	Damian P. Deneavit Monica M. Deneavit	23 Richman rd
- 243	023	Mary S. Gorman Robert A. Gorman	19 Richman rd
- 243	032	Winer Lynch 2/3 interest Maryfarm trust	5 Lawrence corner rd Pelham, NH
- 243	015	Thomas Eichner Pamela Eichner	18 Richman rd
- 243	016	Lawrence Olsen	20 Richman rd

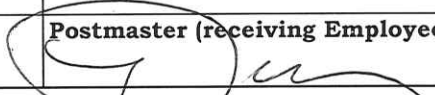
ALL INDIRECT ABUTTERS WITHIN 200 FEET

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
243	019	Matthew Janos	22 Richman rd
243	020	Jonathan Natale	25 Richman rd
243	014	David Ball Jennifer Lundberg	16 Richman rd
243	024-001	Albert Lynch JR., TR. Mary Farm Trust	5 Lawrence Corner Rd. Pelham, NH 03076
243	024-002	"	"

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 243-022 Equitable Waiver 21 Richman Dr Map 243/Lot 022-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	2/27/2020 ZBA Meeting
1	7019 0700 0000 2993 6229	JULIO & LUISA HIRALDO 21 RICHMAN RD., HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT
2	7019 0700 0000 2993 6236	DAMIAN & MONICA DENEALT 23 RICHMAN RD, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	7019 0700 0000 2993 6243	MARY & ROBERT GORMAN, TRUSTEES; THE GORMAN LIVING TRUST 19 RICHMAN RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
4	7019 0700 0000 2993 6274	LYNCH, WINER, GORMLEY; 2/3 INTEREST MARYFARM TRUST 5 LAWRENCE CORNER RD., PELHAM, NH 03076	ABUTTER NOTICE SENT
5	7019 0700 0000 2993 6250	THOMAS & PAMELA EICHNER, 18 RICHMAN RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
6	7019 0700 0000 2993 6267	LAWRENCE OLSEN 20 RICHMAN RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
7			
8			
9			
10			
11			
12			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster (receiying Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 243-022 Equitable Waiver 21 Richman Dr Map 243/Lot 022-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	2/27/2020 ZBA Meeting
1	N/A-mailed First Class	MATTHEW JANOS, II 22 RICHMAN RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	JONATHAN NATALE 25 RICHMAN RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	DAVID BALL; JENNIFER LUNDBERG 16 RICHMAN RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
4	N/A-mailed First Class	ALBERT LYNCH, JR., TR; MARYFARM TRUST 5 LAWRENCE CORNER RD, PELHAM, NH 03076	ABUTTER NOTICE SENT
5	Duplicate mailing address	ALBERT LYNCH, JR., TR; MARYFARM TRUST 5 LAWRENCE CORNER RD, PELHAM, NH 03076	
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 4	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)
		4	





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

FILE

COPY

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, **02/27/20** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 243-022 (02-27-20): Julio Hiraldo, 21 Richman Dr., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a new driveway expansion to remain with an encroachment of 5 ft. into the side yard setback leaving 10 ft. where 15 ft. is required. [Map 243, Lot 022-000; Zoned Residential-Two (R-2); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].**

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

 **FILE**

 **COPY**

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



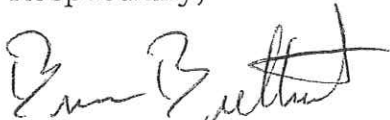
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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

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 NHRSA 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 **NHRSA Chapter 677** for more detail on rehearing and appeal procedures.

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

APPLICATION FOR AN EQUITABLE WAIVER

Equitable Waivers are granted for area violations of the ordinance and which have existed for a long period of time without negatively impacting the community. The following criteria must meet the satisfaction of the Zoning Board of Adjustment:

1. **INNOCENT MISTAKE.** Please explain how long the structure has been built, and under what circumstances was it permitted to be built in violation of the dimensional requirements of the ordinance:

I was UNAWARED OF the PROPERTY LINE
and did a driveway for my inlaws.
(SEE ATTACHED)

2. **DISCOVERED TOO LATE.** Please explain when it was discovered that the structure was built in violation.

I WAS MADE AWARE OF THE VIOLATION 2 MONTHS
AFTER I HAD DONE THE DRIVEWAY.
(SEE ATTACHED)

Hudson Zoning Board of Adjustment

Hello Everyone,

This was an Innocent Mistake; I was not aware of the setback of the property because the year prior I had submitted a permit to widen my driveway to allow access to the in-laws and it was approved. The following year due to mud and snow I wanted to allow a safe pathway to my parents and I followed the same width of the driveway to the side of the house so I can plow the snow and avoid any cars from being stuck. I paid a substantial amount of money to do the driveway which is over 50 feet in length but, 2 Months later I was made aware that I may have stepped into the setback and that I needed to apply for an Equitable Waiver to maintain access to the entrance of the In-laws.



TOWN OF HUDSON

Land Use Division



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

Violation - Stay of Enforcement

January 7, 2020

Julio Hiraldo et al.
21 Richman Dr.
Hudson, NH 03051

RE: Zoning Ordinance Violation #19-00054 at:
21 Richman Dr, Hudson, NH
Hudson Tax Map 243, Lot 022-000

Dear Mr. Hiraldo,

You have requested a stay of enforcement for the following violation on the above referenced property: Violation of §334-6 Definitions *BUILDING SETBACK*: *The minimum distance from the RIGHT-OF-WAY to a FRONT, SIDE or REAR LOT LINE at which a building, driveway or other regulated structure or feature may be set or constructed.*
And 334-27 Table of Minimum Dimensional Requirements.

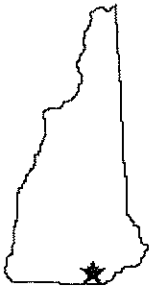
I will allow an extension of the deadline/order until March 1, 2020 to allow you the time to get a surveyor etc. to finish the Equitable Waiver of Dimension Requirement application and I will withhold code enforcement action.

Regards,

Bruce Buttrick, MCP

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

encl: 9-4-19 Notice of Violation
cc: Public Folder
E. Dhima, Town Engr
B. Groth, Town Planner
File



TOWN OF HUDSON

Land Use Division



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

Last and Final Notice of Violation

December 26, 2019

Certified 7018 2290 0001 2945 4947
& USPS 1st class

Julio Hiraldo, et al
21 Richman Dr
Hudson, NH 03051

Re: **21 Richman Dr Map 243 Lot 022-000**
District: Residential Two (R-2)

Dear Mr. Hiraldo,

On September 4, 2019, I sent you a Notice of Violation that you would need an approval of an Equitable Waiver of Dimensional Requirement from the Zoning Board of Adjustment (ZBA) for the recent driveway expansion & encroachment into the side yard setback. **I have not seen an application to date.**

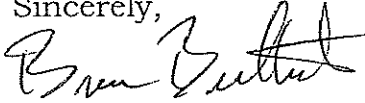
Therefore your property remains in violation, as the Hudson Zoning Ordinance (HZO) does not permit driveways within the required side yard setback of 15ft. and your driveway is in violation of: HZO Article II, §334-6 Definitions BUILDING SETBACK : *The minimum distance from the RIGHT-OF-WAY to a FRONT, SIDE or REAR LOT LINE at which a building, driveway or other regulated structure or feature may be set or constructed.* The driveway is also in violation of HZO Article VII §334-27 Table of Minimum Dimensional Requirements.

An approval of the Equitable Waiver of Dimensional Requirement is needed from the ZBA, to allow the driveway encroachment into the side yard setback. If granted, this would allow the driveway to remain. Please call Tracy Goodwyn at (603) 886-6008 for application details, by **January 6, 2020.**

If the deadline is not complied with, the Town will have no choice but to proceed with legal actions and the imposition of civil fines and penalties as allowed per RSA 676:17 effective as of the date of my Notice of Violation dated September 4, 2019.

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

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: September 4, 2019 Notice of Violation

cc: Public File

E. Dhima, Town Engineer

B. Groth, Town Planner

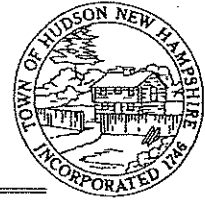
File

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



TOWN OF HUDSON

Land Use Division



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

Notice of Violation

September 4, 2019

Julio Hiraldo et al.
21 Richman Dr.
Hudson, NH 03051

COPY

RE: Zoning Ordinance Violation #19-00054 at:
21 Richman Dr, Hudson, NH
Hudson Tax Map 243, Lot 022-000

Dear Mr. Hiraldo,

I have received a complaint regarding the installation of a new driveway within the property setbacks at the referenced property.

The Zoning Ordinance does not permit driveways within the required side yard setback of 15ft. and is a Violation of:

§334-6 Definitions *BUILDING SETBACK* : *The minimum distance from the RIGHT-OF-WAY to a FRONT, SIDE or REAR LOT LINE at which a building, driveway or other regulated structure or feature may be set or constructed.*

and

334-27 *Table of Minimum Dimensional Requirements.*

An Equitable Waiver of Dimensional Requirement is needed from the Zoning Board of Adjustment, to allow the driveway encroachment into the side yard setback. If granted, this would allow the driveway to remain. Please call Tracy Goodwyn at (603) 886-6008 for application details.

Regards,

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

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

243 022 000
 MAP LOT SUB

1 of 1 RESIDENTIAL
 CARD Hudson

Total Card / Total Parcel
 APPRAISED: 409,300/ 409,300
 USE VALUE: 409,300/ 409,300
 ASSESSED: 409,300/ 409,300



Patriot
 Properties Inc.

USER DEFINED

Prior Id # 1:	0009
Prior Id # 2:	0056
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

!1060!

PRINT	
Date	Time
12/31/19	12:30:06
LAST REV	
Date	Time
06/07/19	12:42:30
amym	
1060	

PROPERTY LOCATION

No	Alt No	Direction/Street/City
21		RICHMAN DR, HUDSON

OWNERSHIP		Unit #:
Owner 1:	HIRALDO, JULIO C.	
Owner 2:	BETANCOURT, LUISA MARIA HIRALD	
Owner 3:		
Street 1:	21 RICHMAN RD.	
Street 2:		
Twn/City:	HUDSON	
St/Prov:	NH	Cntry
Postal:	03051	Own Occ:
		Type:

PREVIOUS OWNER

Owner 1:	GIROUARD, MICHAEL A., TR. -	
Owner 2:	HANNA, DEBORA A., TR. -	
Street 1:	PO BOX 681	
Twn/City:	FRANCONIA	
St/Prov:	NH	Cntry
Postal:	03580-0681	

NARRATIVE DESCRIPTION

This parcel contains 1.54 ACRES of land mainly classified as ONE FAMILY with a COLONIAL Building built about 1980, having primarily COMP CLAPBD Exterior and 3348 Square Feet, with 1 Unit, 3 Baths, 0 3/4 Bath, 1 HalfBath, 10 Rooms, and 6 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water	9	PRIV WATER
o				Sewer	0	SEPTIC
n				Electri		
Census:		Exmpt				
Flood Haz:		C				
D				Topo	4	ROLLING
s				Street		
t				Gas:		

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	1.540	275,300	12,200	121,800	409,300
Total Card					
Total Parcel					
Source: Market Adj Cost		Total Value per SQ unit /Card:		122.25	/Parcel: 122.25

Legal Description	
Entered Lot Size	
Total Land:	1.54
Land Unit Type: AC	

User Acct
2859
GIS Ref
GIS Ref
Insp Date
03/13/91

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	101	FV	275,300	12200	1.54	121,800	409,300	409,300	Year End Roll	9/16/2019
2019	101	JB	275,300	12200	1.54	121,800	409,300	409,300	Year End Roll	5/8/2019
2018	101	FV	249,000	16000	1.54	121,800	386,800	386,800	Year End Roll	8/27/2018
2018	101	JB	249,000	16000	1.54	121,800	386,800	386,800	Year End Roll	5/9/2018
2017	101	FV	249,000	16000	1.54	121,800	386,800	386,800	Year End Roll	10/26/2017
2017	101	PV	249,000	16000	1.54	121,800	386,800	386,800	Year End Roll	8/28/2017
2017	101	JB	211,000	13500	1.54	117,100	341,600	341,600	Year End Roll	5/10/2017
2016	101	FV	211,000	13500	1.54	117,100	341,600	341,600	Year End Roll	8/30/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
GIROUARD, MICHA	9094-1691	1	7/27/2018		475,000	No	No		
GIROUARD, MICHA	8917-2470	2	10/25/2016	NON-MARKET		No	No		
	5185-1498		5/8/1990			No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descip	Comment
5/16/2019	2019-00129	ELECTRIC		C				
5/3/2019	2019-00129	PLUMBING	2,000	C				
2/26/2019	2019-00129	ACC DW U	5,000	C				
10/3/2018	2018-00986	MECHANIC		C				
9/27/2018	2018-00964	DRIVEWAY		C				

ACTIVITY INFORMATION

Date	Result	By	Name
10/31/2018	Sale Data VI	12	TECH ASMNT
4/25/2011	Measured	14	APPR TECH 4
3/10/2007	Measured	6	RB
7/12/2001	Left Notice	0	PATRIOT
3/13/1991	Inspected	2	AVITAR

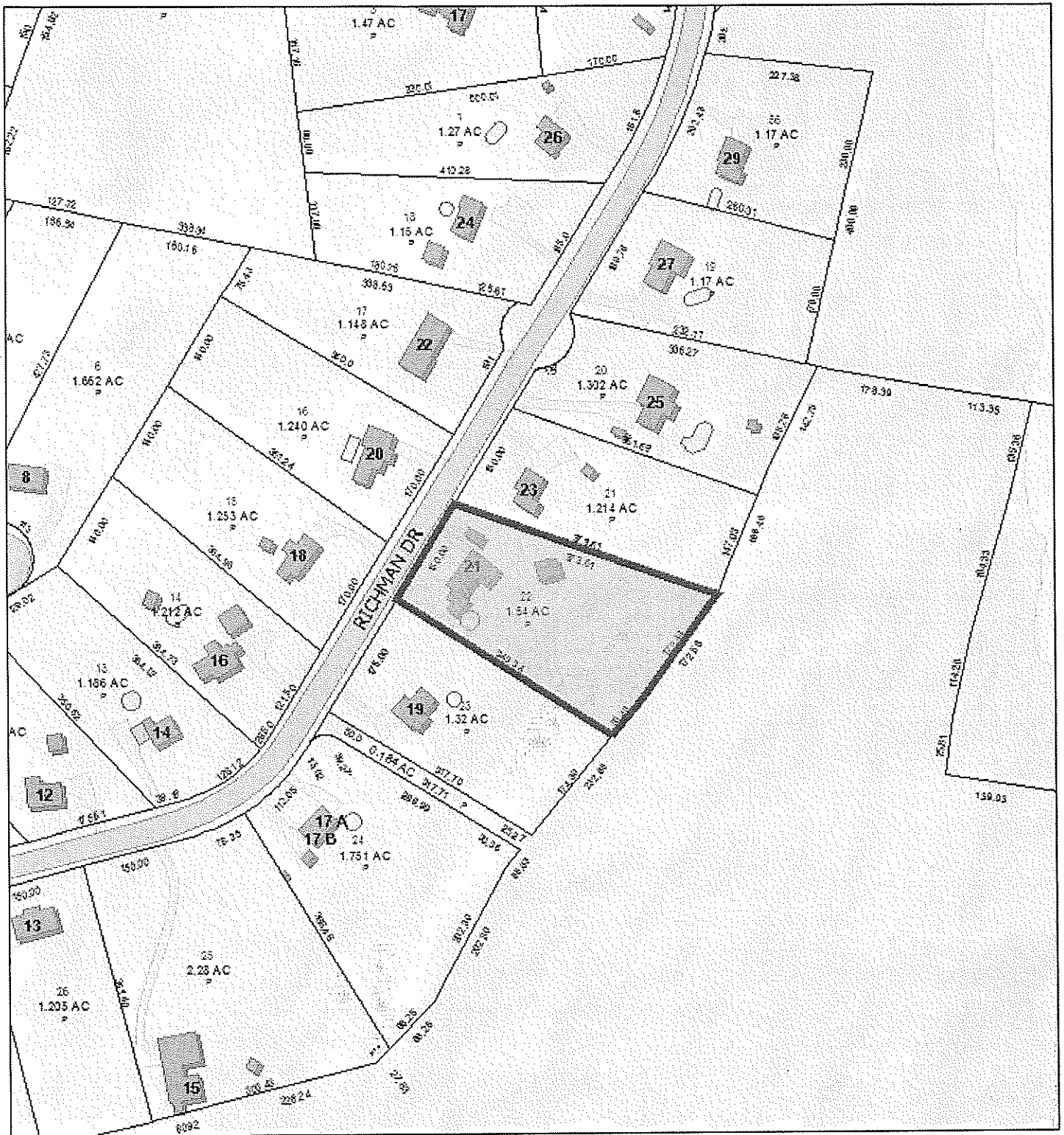
Sign: VERIFICATION OF VISIT NOT DATA / /

LAND SECTION (First 7 lines only)


Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		1		SITE ACRE	SITE		0	120,000.	1.00	RF									120,000						120,000	
101	ONE FAMILY		0.54		ACRES	EXCESS		0	5,250.	0.63	RF			TOPO	-50					1,772						1,800	

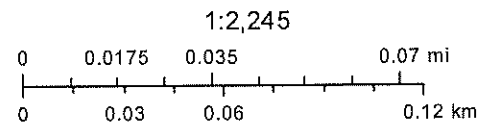
Total AC/HA:	1.54000	Total SF/SM:	67082	Parcel LUC:	101	ONE FAMILY	Prime NB Desc	RES GD	Total:	121,772	Spl Credit		Total:	121,800
--------------	---------	--------------	-------	-------------	-----	------------	---------------	--------	--------	---------	------------	--	--------	---------

21 Richman Dr



December 31, 2019

Legend
 Parcels



Printed
 1/15/2020
 4:05PM
 Created
 1/15/2020
 4:02 PM

Transaction Receipt

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

Receipt# 581,984
 publicw

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application 21 Richman Rd Map/Lot 243-022-000 Equitable Waiver	0.00	156.5000	0.00
			Total:	156.50

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
HIRALDO/JULIOC	CREDIT	5700	156.50	0.00	156.50

Total Due:	156.50
Convenience Fee:	4.62
Total Tendered:	161.12
Total Change:	0.00
Net Paid:	161.12



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: February 27, 2020

BB 2-19-20

Case 234-012 (02-27-20): Mark Tempesta, 12 Linda St., Hudson, NH requests a Home Occupation Special Exception to operate an online sales and on-site light service/repair business of motorcycles. [Map 234, Lot 012-000; Zoned General-One (G-1); HZO Article VI, §334-24, Special Exceptions, Home Occupations].

Summary:

Applicant requests a Home Occupation Special Exception to operate an online sales and on-site light service/repair business of motorcycles.

Property description:

This is an existing non-conforming developed lot of record consisting of 29, 882 sqft (87.120 sq ft required) and 133 ft of frontage (200 ft required) with a single family use. The existing structures appear to satisfy all required building setbacks, with the exception of the garage structure that appears to encroach into the front yard setback 5 ft.

In-house (Town) review/comments:

Engineering: yes

Fire Dept: yes

Town Planner: yes

Zoning Determination: yes

HISTORY:

Assessing: Listed as a single family residence.

Building Permits: #79-76 Building Permit issued Sept 10, 1975 to: "erect a 24 x 26 2 car garage."

Attachments:

"A" Assessing record.

"B" #79-76 building permit (9/10/1975).

"C" Zoning Determination.

"D" Town Engineer in-house review/comments.

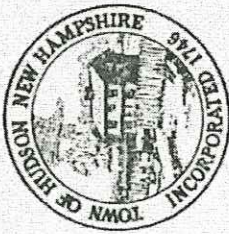
"E" Fire Chief / Inspectional Services Dept in-house review/comments.

"F" Town Planner in-house review/comments.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	101 - ONE FAMILY	169,700	13,900	77,000	0.69	0.00	260,600
2019	101 - ONE FAMILY	169,700	13,900	77,000	0.69	0.00	260,600
2018	101 - ONE FAMILY	169,700	15,600	77,000	0.69	0.00	262,300
2018	101 - ONE FAMILY	169,700	15,600	77,000	0.69	0.00	262,300
2017	101 - ONE FAMILY	169,700	15,600	77,000	0.69	0.00	262,300
2017	101 - ONE FAMILY	133,900	13,400	77,000	0.69	0.00	224,300
2017	101 - ONE FAMILY	169,700	15,600	77,000	0.69	0.00	262,300
2016	101 - ONE FAMILY	133,900	13,400	77,000	0.69	0.00	224,300
2016	101 - ONE FAMILY	133,900	13,400	77,000	0.69	0.00	224,300
2015	101 - ONE FAMILY	133,900	13,400	77,000	0.69	0.00	224,300
2015	101 - ONE FAMILY	133,900	13,400	77,000	0.69	0.00	224,300
2014	101 - ONE FAMILY	133,900	13,400	77,000	0.69	0.00	224,300
2014	101 - ONE FAMILY	133,400	11,700	77,000	0.69	0.00	222,100
2013	101 - ONE FAMILY	133,400	11,700	77,000	0.69	0.00	222,100
2013	101 - ONE FAMILY	133,400	11,700	77,000	0.69	0.00	222,100
2012	101 - ONE FAMILY	133,400	11,700	77,000	0.69	0.00	222,100
2012	101 - ONE FAMILY	144,800	10,700	114,100	0.69	0.00	269,600
2011	101 - ONE FAMILY	144,800	10,700	114,100	0.69	0.00	269,600
2011	101 - ONE FAMILY	140,600	10,700	114,100	0.69	0.00	265,400
2010	101 - ONE FAMILY	140,600	10,700	114,100	0.69	0.00	265,400
2010	101 - ONE FAMILY	140,600	10,700	114,100	0.69	0.00	265,400
2009	101 - ONE FAMILY	140,600	10,700	114,100	0.69	0.00	265,400
2008	101 - ONE FAMILY	140,600	10,700	126,800	0.69	0.00	278,100
2008	101 - ONE FAMILY	140,600	10,700	126,800	0.69	0.00	278,100
2007	101 - ONE FAMILY	140,600	10,700	126,800	0.69	0.00	278,100
2007	101 - ONE FAMILY	138,300	10,600	95,100	0.69	0.00	244,000
2006	101 - ONE FAMILY	138,300	10,600	95,100	0.69	0.00	244,000
2006	101 - ONE FAMILY	138,300	10,600	94,900	0.68	0.00	243,800
2005	101 - ONE FAMILY	138,300	10,600	94,900	0.68	0.00	243,800
2005	101 - ONE FAMILY	138,300	10,600	94,900	0.68	0.00	243,800
2004	101 - ONE FAMILY	138,300	10,600	94,900	0.68	0.00	243,800
2004	101 - ONE FAMILY	117,600	9,600	72,300	0.68	0.00	199,500
2003	101 - ONE FAMILY	117,600	9,600	72,300	0.68	0.00	199,500
2003	101 - ONE FAMILY	117,600	9,600	72,300	0.68	0.00	199,500
2002	101 - ONE FAMILY	117,600	9,600	72,300	0.68	0.00	199,500
2002	101 - ONE FAMILY	117,600	9,600	72,300	0.68	0.00	199,500
2001	101 - ONE FAMILY	81,600	0	47,700		0.00	129,300
2000	101 - ONE FAMILY	75,400	6,200	47,700	0.68	0.00	129,300
1999	101 - ONE FAMILY	57,400	6,200	47,700	0.68	0.00	111,300

A



Town of Hudson, N. H.

Office of Town Building Inspector

BUILDING PERMIT

No. 79-26

Sept 10, 1975

This certifies that William C. Gifford Name of Owner

is granted permission to alter a 2 car garage 24' x 26' Description
erect
repair
move

of Building

on premises located at and known as 7-13

to 4097 Street or Avenue

and to do things lawful to that end.

This permit is issued on application number 7-13, is subject to the conditions thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof.

This Permit is issued under the condition that this building WILL NOT be occupied until a Certificate of occupancy is obtained from the Building Inspector.

W. C. Gifford Administrative Officer

B.



Town Of Hudson, N. H.

Application for a Permit to Build

Date Sept 10 19 75

Residential	<input type="checkbox"/>
Commercial	<input type="checkbox"/>
Industrial	<input type="checkbox"/>
Garage	<input checked="" type="checkbox"/>
Breezeway	<input type="checkbox"/>
No. Of Units	<input type="checkbox"/>

Subdivision	Yes	No
Planning Bd. Approval Sub Div.	Yes	No
Water Pollution Approval Sub Div.	No.	
Septic Construction Permit No.		
Necessary Bonds Posted	Yes	No
Bd. of Adj. Variance Granted If Nec.		

New	<input checked="" type="checkbox"/>
Alter	<input type="checkbox"/>
Addition	<input type="checkbox"/>
Repair	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Fence	<input type="checkbox"/>
Other	<input type="checkbox"/>

PERMIT NUMBER
79-76

NAME OF OWNER William C. Applegate ADDRESS 12 Linda St TELE. 8896720

LAND PURCHASED FROM G. Lawrence Berrings Jr LOCATION OF LAND Hudson NH

AREA OF LOT 3/4 acre PROPERTY TAX NO. 4097

NAME OF GENERAL CONTRACTOR Myself ADDRESS AND TELE. _____

NAME OF HEATING CONTRACTOR _____ NAME OF ELECTRICAL CONTRACTOR _____

NAME OF MASONRY CONTRACTOR _____ NAME OF PLUMBING CONTRACTOR _____

NAME OF FIRE PLACE CONTRACTOR _____ NAME OF FIRE PLACE MASON _____ NO. OF STORIES _____

MATERIAL OF BUILDING wood STYLE OF ROOF Peaked ROOF COVERING Asphalt Shingles

SIZE OF FOUNDATION 24' x 26' LIVING FLOOR AREA _____ TYPE OF HEAT _____

CONSTRUCTION FOR OWN USE _____ WATER _____ SEWER _____

FOUNDATION MATERIAL Concrete WIDTH 4 HEIGHT _____ FOOTINGS 1' x 1'

FIREPLACE _____ NUMBER OF FLUES _____ SIZE _____ CHIMNEY MATERIAL _____

GARAGE LOCATION IF ANY _____ TYPE OF BUSINESS IF ANY _____

BRIEF DESCRIPTION OF REPAIR, ALTER, OR OTHER 2 CAR Garage To be erected

THE UNDERSIGNED HEREBY AGREES THAT THE PROPOSED WORK SHALL BE DONE IN ACCORDANCE WITH THE FOREGOING STATEMENT, AND WITH THE PLANS AND SPECIFICATIONS SUBMITTED; AND THAT THE WORK CONNECTED THEREWITH SHALL CONFORM WITH THE BUILDING LAWS AND REGULATIONS OF THE TOWN OF HUDSON, AND THAT HE WILL NOTIFY THE BUILDING INSPECTOR WHEN FOUNDATION BEFORE BACKFILLING, FRAME, CHIMNEYS, FIRE-STOPS AND HEATER-PIPES, ELECTRICAL WIRING, FIREPLACE BEFORE FLUES AND PLUMBING ARE READY FOR INSPECTION. I ALSO CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO APPLY FOR THIS PERMIT.

OWNER'S SIGNATURE W.C. Applegate

CONTRACTORS SIGNATURE _____

ADDRESS _____

OVER
Sketch of building, show streets
set back from property lines on
all sides on other side.

B₂



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-007

January 29, 2020

Mark Tempesta
12 Linda St
Hudson, NH 03051

Re: 12 Linda St Map 234 Lot 012-000
District: General One (G-1)

Dear Mr. Tempesta,

Your request if you can operate an "on-line" sales and on-site service/repair business of motorcycles at this address, has been completed.

Zoning Review / Determination:

Your primary principal use allowed is residential per the Zoning Ordinance Table of Permitted Uses §334-21 and the zone district you are in.

The additional use as a home occupation on-line sales of motorcycles and motorcycle service and repair is permitted as an Accessory Use per §334-22, and would need a Home Occupation Special Exception from the Zoning Board of Adjustment per §334-24. Be mindful that *"on-site retail sales are an expressly prohibited home occupation special exception use."*

Sincerely,

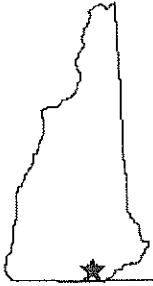
Bruce Buttrick, MCP
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

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

C₁

20-007



COMMUNITY DEVELOPMENT DEPARTMENT

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



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 11/15/2020

Property Location 12 LINDA ST HUDSON NH
Map 234 Lot 012

Zoning District if known G-1

Type of Request

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

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

HOME OCCUPANCY USE, WILL BE USING HOME/GARAGE FOR
MOTORCYCLE SALES / SERVICE OF SAID MOTORCYCLES FOR SALE.
GARAGE AREA TO BE USED TO STORE (INSIDE) AND SERVICE.
SUN ROOM/ ENCLOSED AREA TO BE USED AS OFFICE.

SERVICES LIMITED TO THAT OF WHAT SOMEONE WOULD DO TO
MAINTAIN THEIR OWN PERSONAL VEHICLES

Applicant Contact Information:

Name: MARK TEMPESTA
Address: 12 LINDA ST HUDSON NH
Phone Number: 6176804621

For Office use

ATTACHMENTS: TAX CARD

GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

G₂

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

REQUEST FOR REVIEW/COMMENTS:

Case: 234-012 (02-27-20)

Property Location: 12 Linda Street

For Town Use

Plan Routing Date: 02/11/20 Reply requested by: 02/14/20 ZBA Hearing Date: 02/27/20

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 02/14/2020
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

1. This property is currently served by private well and septic system
2. Based on 2017 ortho images, see attachment, it appears that there is existing parking limitations in front of this property already.

D.



D₂

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

REQUEST FOR REVIEW/COMMENTS:

Case: 234-012 (02-27-20)

Property Location: 12 Linda Street

For Town Use

Plan Routing Date: 02/11/20 Reply requested by: 02/14/20 ZBA Hearing Date: 02/27/20

I have no comments I have comments (see below)

RMB Name: Robert M. Buxton Date: 02/18/2020
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

The applicant should be made aware that if this case is approved by the ZBA a full review of light mechanical will need to be reviewed for fire safety compliance. This would need to be completed prior to the business opening.

FE

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

REQUEST FOR REVIEW/COMMENTS:

Case: 234-012 (02-27-20)

Property Location: 12 Linda Street

For Town Use

Plan Routing Date: 02/11/20 Reply requested by: 02/14/20 ZBA Hearing Date: 02/27/20

I have no comments I have comments (see below)

BIG Name: Brian Groth Date: 02/14/2020
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

It does not appear that three of the prerequisites for home occupations are being met by this proposal. These prerequisites are listed below.

Section 334-24 states:

The Zoning Board of Adjustment must find any such home occupation application to be in full compliance with the following requirements prior to approval of such special exception: (relevant subsections below)

E. The requested special exception shall be for an occupation which is consistent for what is routinely and/or typically done in a home environment such as a day care, direct office billing, or other activities that are generally service-oriented or produce goods for wholesale purposes.

F. On-site retail sales are an expressly prohibited home occupation special exception use.

J. Objectionable circumstances, such as, but not limited to, noise, vibrations, dust, smoke, electrical disturbances, odors, heat or glare, shall not be produced.

F

HUDSON ZONING BOARD OF ADJUSTMENT

Home Occupation Special Exception Decision Worksheet

On **02/27/20**, the Hudson Zoning Board of Adjustment heard Case **234-012**, being a request by **Mark Tempesta, 12 Linda St., Hudson, NH**, to allow for a Home Occupation Special Exception in accordance with the provisions of HZO Article VI, Section 334-24 for a **Home Occupation to operate an online sales and on-site light service/repair business of motorcycles. [Map 234, Lot 012-000; Zoned General-One (G-1); HZO Article VI, §334-24, Special Exceptions, Home Occupations]**.

After reviewing the petition, and after hearing all testimony and documentary evidence supplied by the Applicant(s) and any other interested citizens, and after taking into consideration personal knowledge of the property in question, the undersigned member of the Hudson Zoning Board of Adjustment, sitting for this case, made the following determinations.

The intended use for which a Home Occupation Special Exception has been requested complies with the definition of a home occupation as an accessory use which by custom has been carried entirely within a dwelling unit, which is incidental and subordinate to the dwelling use, and which complies with the requirements of §334-24 as follows:

- | | | |
|----------|----------|--|
| Y | N | The proposed use is a sales / service operation for goods produced or services provided on-site. |
| Y | N | The proposed use shall be secondary to the principal use of the home as the business owner's residence. |
| Y | N | The proposed use shall be carried on within the residence and / or accessory structure. |
| Y | N | Other than the home occupation sign(s) permitted under Article XII, Section 334-67, there shall not be any exterior display nor other exterior indication of the home occupation, and there shall not be any variation from the primarily residential character of the principal or accessory building. |
| Y | N | There shall not be any exterior storage, unless permitted by a special exception (if permitted, must be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area, unless this requirement is waived by the Board because of existing foliage and / or long distances). |
| Y | N | There shall not be any objectionable circumstances (such as noise, vibrations, dust smoke, electrical disturbances, odors, heat or glare) produced as the result of this proposed use. |
| Y | N | Traffic generated by the proposed home occupation activity shall not be substantially greater in volume than would normally be expected in the neighborhood. |
| Y | N | Parking provided for the home occupation activity shall be off-street, located outside of the setback areas and / or the front yard, in driveways or paved areas, and limited to no more than two vehicles at one time. |
| Y | N | The home occupation shall be conducted only by residents of the dwelling. |
| Y | N | Excluding any personal vehicle that can also be used for business purposes, parking of no more than one business vehicle (limited to no more than 13,000 pounds with adequate screening in the B, G, and I zones) shall occur. |

Signed: _____ Date _____
Sitting Member of the Hudson ZBA

TOWN OF HUDSON
JAN 28 2020

APPLICATION FOR A HOME OCCUPATION
SPECIAL EXCEPTION

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 234-012 (02-27-20)
Date Filed 1/28/20

Name of Applicant MARK TEMPESTA Map: 234 Lot: 012 Zoning District: G-1

Telephone Number (Home) 617 680 4621 (Work) SAME

Mailing Address 12 LINDA ST HUDSON NH

Owner MARK TEMPESTA

Location of Property 12 LINDA ST HUDSON NH
(Street Address)

[Signature]
Signature of Applicant Date 1/15/20

[Signature]
Signature of Property-Owner(s) Date 1/15/20

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

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

COST:		Date received: <u>1/28/20</u>
Application fee:	\$130.00	
<u>5</u> Direct Abutters x \$4.05 =	<u>20.25</u>	
<u>6</u> Indirect Abutters x \$0.55 =	<u>3.30</u>	
Total amount due:	<u>\$153.55</u>	Amt. received: \$ <u>153.55</u> <i>chk # 1054</i>
		Receipt No.: <u>583,308</u>
Received by: <u>TSG</u>		

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>MA</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>MA</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>MA</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, <u>Home Occupation Special Exception</u> , Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>MA</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>M</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>MA</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>MA</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>Pending</u>
<u>MA</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):

- 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.

[Signature]
Signature of Applicant(s)

1/28/20
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
234	011	SEAN STEVENS TINA STEVENS	10 LINDA ST HUDSON NH
234	013	ROY CARROLL SILVIA CARROLL	16 LINDA ST HUDSON NH
234	034	THOMAS FRIEL	273 LOWELL RD / 55 MARSH RD HUDSON NH / HUDSON NH
234	017	ARTHUR LIAKOS LESLIE LIAKOS	9 LINDA ST HUDSON NH
234	012	MARK TEMPESTA	12 LINDA ST HUDSON NH

*
OWNER


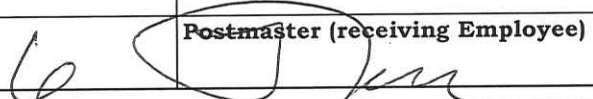
ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
234	010	DAVID DUNN	8 LINDA ST HUDSON NH
234	014	DON WONG MELISSA WONG	18 LINDA ST HUDSON NH
234	018	ALEJANDRO ASTACIO	P.O. BOX 242 HUDSON NH
234	015	EMERSON BARBOSA	20 LINDA ST HUDSON NH
234	016	PETER DROWN JOYCE DROWN	7 BRUCE ST / 29 JENNIFER DR HUDSON / NASHUA NH 03062
234	005	GREEN MEADOW GOLF CLUB INC	11 STEELE RD / 55 MARSH RD HUDSON / HUDSON

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 234-012 Home Occupation SE 12 Linda Street Map 234/Lot 012-000 1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	2/27/2020 ZBA Meeting
1	7019 0700 0000 2993 6281		TEMPESTA, MARK; MARCOCCIO, KRIS 12 LINDA ST., HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT
2	7019 0700 0000 2993 6298		STEVENS, SEAN P. & TINA M. 10 LINDA ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
3	7019 0700 0000 2993 6304		CARROLL, ROY & SYLVIA M. 16 LINDA ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
4	7019 0700 0000 2993 6311		FRIEL, THOMAS P. 55 MARSH RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	7019 0700 0000 2993 6328		LIAKOS, ARTHUR & LESLIE A. 9 LINDA ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
6				
7				
8				
9				
10				
11				
12				
		Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 234-012 Home Occupation SE 12 Linda Street Map 234/Lot 012-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	2/27/2020 ZBA Meeting
1	N/A-mailed First Class	DUNN, DAVID R. 8 LINDA ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	WONG, DON R. & MELISSA E. 18 LINDA ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	ASTACIO, ALEJANDRO P.O. BOX 242, HUDSON, NH 03051	ABUTTER NOTICE SENT
4	N/A-mailed First Class	BARBOSA, EMERSON 20 LINDA ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	N/A-mailed First Class	DROWN, PETER K. & JOYCE A. 29 JENNIFER DR., NASHUA, NH 03062	ABUTTER NOTICE SENT
6	N/A-mailed First Class	GREENMEADOW GOLF CLUB INC 55 MARSH RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office	 Postmaster (receiving Employee) 



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

 **FILE**

 **COPY**

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, **02/27/20** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 234-012 (02-27-20): Mark Tempesta, 12 Linda St., Hudson, NH requests a Home Occupation Special Exception to operate an online sales and on-site light service/repair business of motorcycles. [Map 234, Lot 012-000; Zoned General-One (G-1); HZO Article VI, §334-24, Special Exceptions, Home Occupations].**

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

 **FILE**

 **COPY**

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, **02/27/20** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

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

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

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

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

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

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

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

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

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

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

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

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

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

INDOOR MOTORCYCLE SALES, LIGHT SERVICE OF MOTORCYCLES
FOR SALE.
GARAGE AREA TO BE USED TO STORE, SHOW, LIGHT SERVICE OF
MOTORCYCLES.

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

YES THIS LOCATION IS PRIMARILY RESIDENCE, HOWEVER
GARAGE WOULD BE USED FOR BUSINESS PURPOSES

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

THE BUSINESS WILL BE PRIMARILY IN GARAGE AREA OF
HOME (DETACHED) WITH AN OFFICE AREA INSIDE HOME

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

NO, ONLY BUSINESS SIGNAGE ON PREMISES AS REQUIRED
BY NH DMV

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

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

NO

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

NOISE - IDLING OF MOTORCYCLE AT TIME OF SALE OR PRESALE
SERVICING

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

POSSIBLY - MOST SALES WOULD TRANSPIRE ONLINE AND VEHICLES
WOULD BE PICKED UP / DROPPED OFF

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

1 DESIGNATED SPOT IN DRIVEWAY FOR CLIENT

Who will be conducting the home occupation? Please explain.

MYSELF

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

1 PICKUP TRUCK POSSIBLY A ENCLOSED TRAILER

234 012 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRAISED: 260,600 / 260,600
USE VALUE: 260,600 / 260,600
ASSESSED: 260,600 / 260,600



PROPERTY LOCATION

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

OWNERSHIP

Owner 1:	TEMPESTA, MARK
Owner 2:	MARCOCCIO, KRIS
Owner 3:	
Street 1:	12 LINDA ST.
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

PREVIOUS OWNER

Owner 1:	STRANDBERG, KATYE M., TR.
Owner 2:	STRANDBERG, BRIAN A., TR.
Street 1:	12 LINDA STREET
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

VARRATIVE DESCRIPTION
This parcel contains .686 ACRES of land mainly classified as ONE FAMILY with a COLONIAL Building built about 1960, having primarily VINYL Exterior and 2066 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 0 HalfBath, 7 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int.

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	G1	GENERAL		water	9	PRIV WATER
				Sewer	0	SEPTIC
				Electri		
Census:				Exmpt		
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
101	ONE FAMILY		0.686		SITE ACRE SITE			0	85,000.	1.32	RC						76,993						77,000	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	
101	0.686	169,700	13,900	77,000	260,600	
Total Card		0.686	169,700	13,900	77,000	260,600
Total Parcel		0.686	169,700	13,900	77,000	260,600
Source:		Market Adj Cost		Total Value per SQ unit /Card: 126.14 /Parcel: 126.14		

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	101	FV	169,700	13900	.686	77,000	260,600	260,600	Year End Roll	9/16/2019
2019	101	JB	169,700	13900	.686	77,000	260,600	260,600	Year End Roll	5/8/2019
2018	101	FV	169,700	15600	.686	77,000	262,300	262,300	Year End Roll	8/27/2018
2018	101	JB	169,700	15600	.686	77,000	262,300	262,300	Year End Roll	5/9/2018
2017	101	FV	169,700	15600	.686	77,000	262,300	262,300	Year End Roll	10/26/2017
2017	101	PV	169,700	15600	.686	77,000	262,300	262,300	Year End Roll	8/28/2017
2017	101	JB	133,900	13400	.686	77,000	224,300	224,300	Year End Roll	5/10/2017
2016	101	FV	133,900	13400	.686	77,000	224,300	224,300	Year End Roll	8/30/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
STRANDBERG, KAT	9228-2048	1	10/30/2019		375,000	No	No		
STRANDBERG, KAT	9132-2580	2	11/28/2018	NON-MARKET		No	No		
WHITTEN, JAMES	8646-0116	1	3/14/2014		252,000	No	No		
BARKLEY, JOHN/E	6007-1874		10/15/1998		162,000	No	No		
	3545-0653		6/9/1986			No	No		

BUILDING PERMITS

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

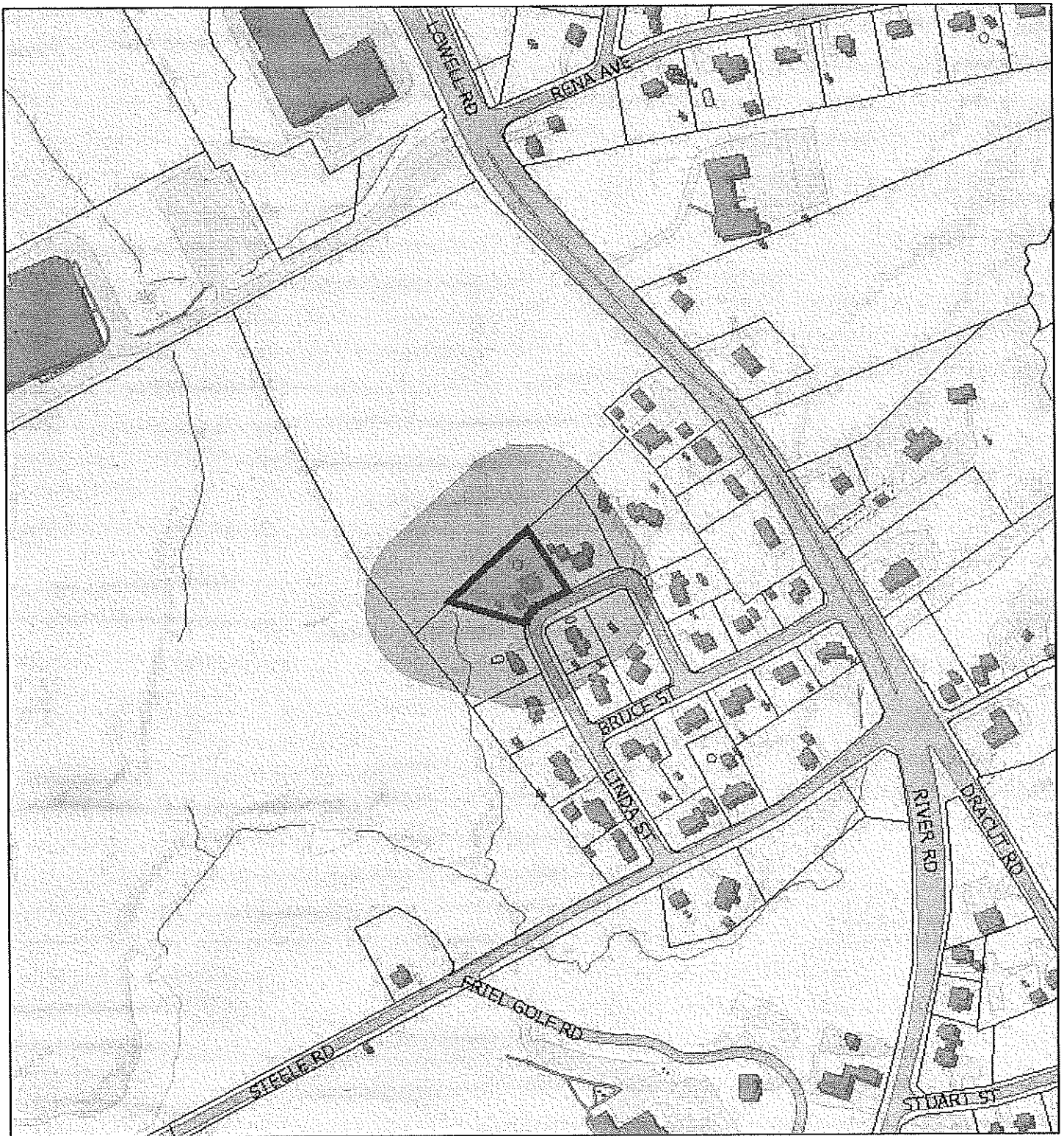
ACTIVITY INFORMATION

Date	Result	By	Name
3/8/2019	Measured	18	KRT1
5/21/2014	Missed Appt.	12	TECH ASMNT
5/15/2014	Sale Data V	12	TECH ASMNT
8/24/2011	Meas/Inspect	14	APPR TECH 4
3/9/2009	Other Change	1	CHIEF ASSESS
6/5/2007	Measured	6	RB
7/25/2006	New Maps	1	CHIEF ASSESS
7/3/2001	Inspected	0	PATRIOT
6/20/2001	Left Notice	0	PATRIOT

Total AC/HA: 0.68600 Total SF/SM: 29882 Parcel LUC: 101 ONE FAMILY Prime NB Desc: RES FAIR Total: 76,993 Spl Credit: Total: 77,000

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: Assesspro - HudsonNH amym 2019

12 Linda Street (Map/Lot 234-012-000)



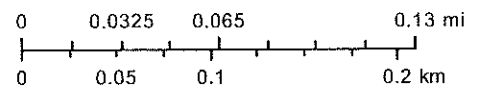
January 23, 2020

Legend

----- Easement_Lines

▭ Parcels

1:3,998



Printed
1/28/2020
11:36AM
Created
1/28/2020
11:33 AM

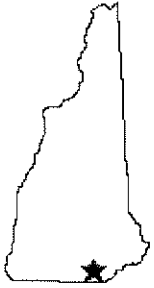
Transaction Receipt

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

Receipt# 583,308
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application 12 Linda Street Map/Lot 234-012-000 Home Occup. SE	0.00	153.5500	0.00
			Total:	153.55

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Mark S Tempesta	CHECK	CHECK # 1054	153.55	0.00	153.55
			Total Due:		153.55
			Total Tendered:		153.55
			Total Change:		0.00
			Net Paid:		153.55



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: February 27, 2020 *BO 2-19-20*

Case 190-109 (02-27-20): Mary Ellen Bourassa, 16 Fulton St., Hudson, NH requests a Variance for 1 Chapin Street, Hudson, NH to allow 60 ft. of frontage for a proposed lot line adjustment where 90 ft. is required. [Map 190, Lot 109-000; Zoned Town Residence (TR); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].

Summary:

Applicant requests a Variance to allow 60 ft. of frontage for a proposed lot line adjustment where 90 ft. is required.

Property description:

This parcel (lot # 190-001) was created from lot #190-000 with a recent subdivision in 2019, which depicted lot #109-000 to take access (driveway) from Fulton St. Upon the construction of the new driveway on Fulton St, asbestos containing material was detected and is prohibitive to continue as was planned with access from Fulton St. Thus this request to modify the original approved subdivision to request a variance for frontage to allow a lot line adjustment and utilize the existing driveway access from Chapin St.

In-house (Town) review/comments:

Fire Dept: no
Engineering: yes
Town Planner: yes

HISTORY:

Assessing: Listed as vacant

Planning Board: Approved/recorded subdivision plan HCRD # 40311 dated May 20, 2019 approved 10-26-19.

Attachments:

- “A” Proposed lot w/ reduced frontage and recorded subdivision plan #40311.
- “B” Town Engineer in-house review/comments.
- “C” Town Planner in-house review/comments.

ABUTTERS:

- OWNER:**
 Map 190 Lot 109
 Michael Shumsky & Mary Ellen Bourassa
 16 Fulton Street
 Hudson, NH 03051
- Map 182 Lot 10
 Paul & Priscilla Gagnon
 4 Chapin Street
 Hudson, NH 03051
- Map 182 Lot 11
 Domingo Rivera
 2 Chapin Street
 Hudson, NH 03051
- Map 182 Lot 12
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- Map 190 Lot 108
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- Map 190 Lot 119
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 11 Gillis Street
 Hudson, NH 03051
- Map 190 Lot 120
 Donald J. Couillard
 14 Fulton Street
 Hudson, NH 03051
- Engineer:**
 Maynard & Paquette Eng. Associates
 31 Quincy Street
 Nashua, NH 03060
- * Abutters within 200'

PLAN REFERENCE:

- SUBDIVISION PLAN MAP 190 / LOT 109, ONE CHAPIN STREET DATED MAY 20, 2019 BY MAYNARD & PAQUETTE ENG. ASSOC., LLC. FILED HCSD AS PLAN No. 40311.

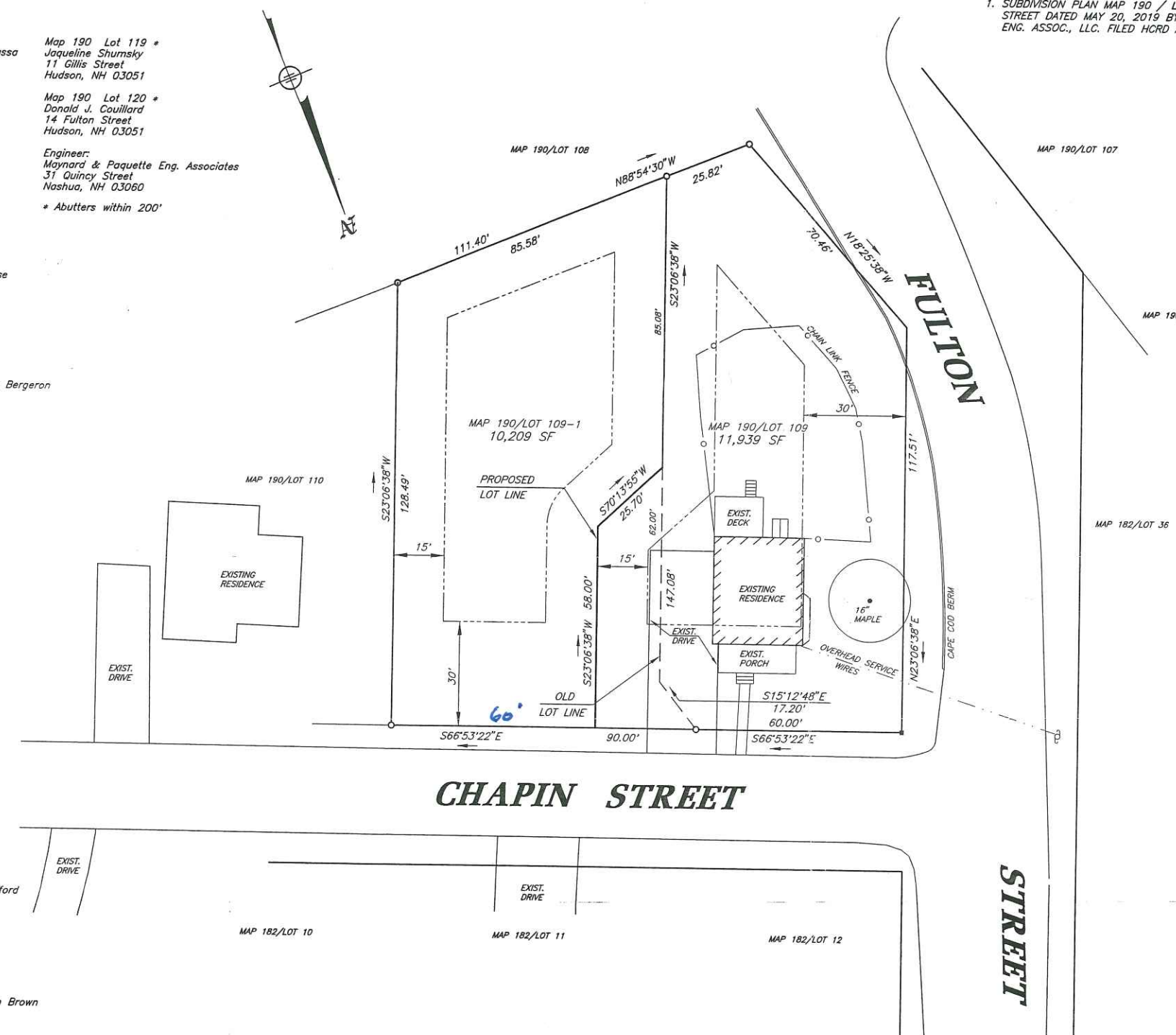
■ STONE BOUND FOUND
 □ STONE BOUND TO BE SET
 ● IRON PIN FOUND
 ○ IRON PIN TO BE SET
 --- MINIMUM BUILDING SETBACK
 ▤ EXISTING BUILDING

LEGEND

VICINITY

NOTES:

- PRESENT ZONING - TR
- EXISTING & PROPOSED USE - RESIDENTIAL
- THE PURPOSE OF THIS PLAN IS TO
- TOTAL AREA OF PARCEL - 22,148 S.F. / 0.508 Ac.
- LOTS ARE SERVED BY TOWN WATER AND SEWER.
- ALL MONUMENTATION SHALL BE SET OR BONDED FOR PRIOR TO THE PLANNING BOARD ENDORSING THE PLAN OF RECORD.
- DIMENSIONAL REQUIREMENTS -
 MINIMUM LOT AREA - 10,000 S.F.
 FRONT YARD SETBACK - 30 FEET
 SIDE YARD SETBACK - 15 FEET
 REAR YARD SETBACK - 15 FEET
 MIN. LOT FRONTAGE - 90 FEET
- N.F.I.P. FIRM MAP NUMBER 33011C0514E INDICATES THAT THE SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
- THERE ARE NO WETLANDS OR WETLANDS SOILS ON THIS SITE.



AREA TABLE

LOT NO.	OLD AREA	NEW AREA	AREA OF EXCHANGE
109	10,610 SF	11,939 SF	+1,329 SF
109-1	11,538 SF	10,209 SF	-1,329 SF

PROPOSED ZBA PLAN

LOT LINE RELOCATION PLAN MAP 190 / LOT 109 & 109-1

ONE CHAPIN STREET HUDSON, NEW HAMPSHIRE

OWNER OF RECORD:
 MICHAEL SHUMSKY & MARY ELLEN BOURASSA
 16 FULTON STREET
 HUDSON, NH 03051
 Bk. 8314 Pg. 1363



SCALE: 1" = 20' DATE: JANUARY 16, 2020

Engineering Associates, LLC
 Consulting Engineers and Land Surveyors
 31 Quincy Street, Nashua, NH. 03060
 Phone: (603)883-8433 Fax: (603)883-7227

APPROVED BY THE TOWN OF HUDSON PLANNING BOARD
 DATE OF MEETING: _____

 SIGNATURE DATE: _____
 MICHAEL SHUMSKY DATE

 SIGNATURE DATE: _____
 MARY ELLEN BOURASSA DATE

I CERTIFY THAT THIS PLAN WAS PREPARED FROM BOUNDARY INFORMATION SHOWN ON PLAN REFERENCE 1 AND A FIELD SURVEY LAST MADE ON THE GROUND IN APRIL 2019 HAVING A MAXIMUM ERROR OF CLOSURE OF 1:10,000.

JWY	JWY	740/27	D	12625
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 MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC
 ILLEGAL TO COPY THIS PLAN/PRINT WITHOUT WRITTEN PERMISSION.
 DWG. NO. 1
 VACAD1212625\LR12625P050 Fri Jan 17 11:55:56 2020 JY

ABUTTERS:

- OWNER:**
 Map 190 Lot 109
 Michael Shumsky & Mary Ellen Bourassa
 16 Fulton Street
 Hudson, NH 03051
- Map 182 Lot 10
 Paul & Priscilla Gagnon
 4 Chapin Street
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- Map 182 Lot 11
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- Map 190 Lot 119 *
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 11 Gillis Street
 Hudson, NH 03051
- Map 190 Lot 120 *
 Donald J. Couillard
 14 Fulton Street
 Hudson, NH 03051
- Engineer:
 Maynard & Paquette Eng. Associates
 31 Quincy Street
 Nashua, NH 03060
- * Abutters within 200'

WAIVERS:
 HTC 289-19 UNDERGROUND UTILITIES
 HTC 289-38 DEVELOPMENT AGREEMENT
 HTC 289-23B(5) ITEMS WITHIN 200'
 HTC 278-11.1B(3) REVISION BLOCK LOCATION

APPROVED BY THE TOWN OF HUDSON PLANNING BOARD
 DATE OF MEETING: _____

 SIGNATURE DATE: _____

 SIGNATURE DATE: _____

SUBDIVISIONS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF THE PLANNING BOARD MEETING FINAL APPROVAL OR AS SPECIFIED ON THE PERMIT IF SUBSTANTIAL DEVELOPMENT HAS NOT OCCURRED UNLESS THE PERMIT IS EXTENDED BY MAJORITY VOTE OF THE BOARD. FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE N.H. RSA 674:39

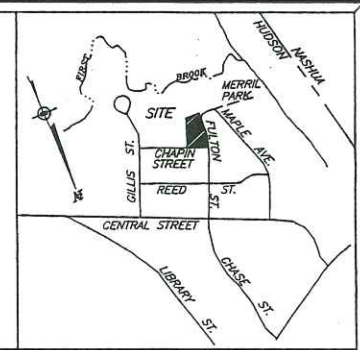
Michael Shumsky
 MICHAEL SHUMSKY
 8.15.19
 DATE

M.E. Bourassa
 MARY ELLEN BOURASSA
 8.15.19
 DATE

PLAN REFERENCES:

- HOUSE LOTS HUDSON, NH OWNED BY J.F. GILLIS NO DATE, TRACED FROM BARTLETT, GAY AND YOUNG, C.E. FILED HCRO AS PLAN No. 544.

- STONE BOUND FOUND
- STONE BOUND TO BE SET
- IRON PIN FOUND
- IRON PIN TO BE SET
- MINIMUM BUILDING SETBACK
- ▬ EXISTING BUILDING



LEGEND

VICINITY

NOTES:

- PRESENT ZONING - TR
- EXISTING & PROPOSED USE - RESIDENTIAL
- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE MAP 190 LOT 109 INTO 2 LOTS.
- TOTAL AREA OF PARCEL - 22,148 S.F. / 0.508 Ac.
- LOTS ARE SERVED BY TOWN WATER AND SEWER.
- ALL MONUMENTATION SHALL BE SET OR BONDED FOR PRIOR TO THE PLANNING BOARD ENDORSING THE PLAN OF RECORD.
- DIMENSIONAL REQUIREMENTS -
 MINIMUM LOT AREA - 10,000 S.F.
 FRONT YARD SETBACK - 30 FEET
 SIDE YARD SETBACK - 15 FEET
 REAR YARD SETBACK - 15 FEET
 MIN. LOT FRONTAGE - 90 FEET
- N.F.I.P. FIRM MAP NUMBER J3011C0514E INDICATES THAT THE SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
- THERE ARE NO WETLANDS OR WETLANDS SOILS ON THIS SITE.
- A TRAFFIC IMPACT FEE IN THE AMOUNT OF \$1,835.00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH THE COST ALLOCATION PROCEDURE (CAP).
- A SCHOOL IMPACT FEE IN THE AMOUNT OF \$3,578.00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH THE COST ALLOCATION PROCEDURE (CAP).
- A RECREATION CONTRIBUTION IN THE AMOUNT OF \$400.00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH THE COST ALLOCATION PROCEDURE (CAP).
- CONSTRUCTION ACTIVITIES INVOLVING THE PROPOSED UNDEVELOPED LOTS SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THROUGH SATURDAY. NO EXTERIOR CONSTRUCTION ACTIVITIES SHALL OCCUR ON SUNDAY.

PROPOSED LOT CRITERIA

LOT NO.	GROSS AREA	WETLANDS	STEEP SLOPE	NET AREA
109	10,610 SF	0	0	10,610 SF
109-1	11,538 SF	0	0	11,538 SF

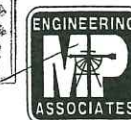
SUBDIVISION PLAN MAP 190 / LOT 109

ONE CHAPIN STREET HUDSON, NEW HAMPSHIRE

OWNER OF RECORD:
 MICHAEL SHUMSKY & MARY ELLEN BOURASSA
 HUDSON, NH 03051
 Bk. 8814 Pg. 1363

SCALE: 1" = 20'

DATE: MAY 20, 2019



Maynard & Paquette
 Engineering Associates, LLC
 Consulting Engineers and Land Surveyors
 31 Quincy Street, Nashua, NH 03060
 Phone: (603)883-8433 Fax: (603)883-7227

HCRO
 PLAN No
 40311

A₂

I CERTIFY THAT THIS PLAN WAS PREPARED FROM BOUNDARY INFORMATION SHOWN ON PLAN REFERENCE 1 AND A FIELD SURVEY LAST MADE ON THE GROUND IN APRIL 2019 HAVING A MAXIMUM ERROR OF CLOSURE OF 1:10,000.

NO.	DATE	REVISIONS PER TOWN REVIEW	BY
1	6-17-19	8-14-19	JWY
2	7-29-19		JWY

JWY	JWY	CHECKED	APPROVED	740/27	2	D	12625
DESIGNED	DRAFTED			BOOK & PAGE	REVISION	SIZE	JOB NUMBER

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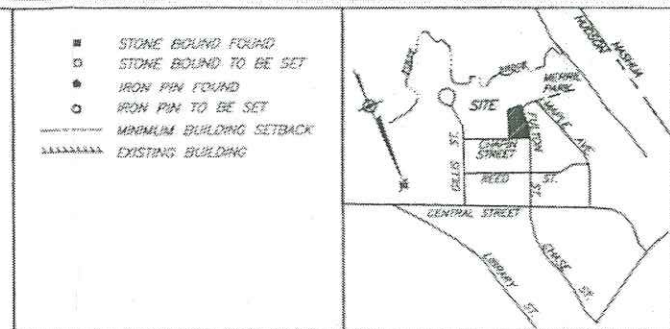
ABUTTERS:

- OWNER:**
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 31 Quincey Street
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- * Abutters within 200'

WAIVERS:
 HTC 205-19 UNDERGROUND UTILITIES
 HTC 205-30 DEVELOPMENT AGREEMENT
 HTC 209-2.3(b)(3) ITEMS WITHIN 200'
 HTC 276-11.1(b)(3) REVISION BLOCK LOCATION

PLAN REFERENCES:

1. HOUSE LOTS HUDSON, NH OWNED BY J.F. GILLIS
 NO DATE, TRACED FROM BARTLETT, GAY AND YOUNG, C.E.
 FILED HORD AS PLAN No. 544.



LEGEND

- STONE BOUND FOUND
- STONE BOUND TO BE SET
- IRON PIN FOUND
- IRON PIN TO BE SET
- MINIMUM BUILDING SETBACK
- EXISTING BUILDING

VICINITY

NOTES:

1. PRESENT ZONING - TR
2. EXISTING & PROPOSED USE - RESIDENTIAL
3. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE MAP 190 LOT 109 INTO 2 LOTS.
4. TOTAL AREA OF PARCEL - 22,149 S.F. / 0.508 Ac.
5. LOTS ARE SERVED BY TOWN WATER AND SEWER.
6. ALL MONUMENTATION SHALL BE SET OR BONDED FOR PRIOR TO THE PLANNING BOARD ENDORSING THE PLAN OF RECORD.
7. DIMENSIONAL REQUIREMENTS -
 MINIMUM LOT AREA - 10,000 S.F.
 FRONT YARD SETBACK - 30 FEET
 SIDE YARD SETBACK - 15 FEET
 REAR YARD SETBACK - 15 FEET
 MIN. LOT FRONTAGE - 90 FEET
8. N.F.P. FROM MAP NUMBER 3301100514E INDICATES THAT THE SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
9. THERE ARE NO WETLANDS OR WETLANDS SOILS ON THIS SITE.
10. A TRAFFIC IMPACT FEE IN THE AMOUNT OF \$1,835.00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH THE COST ALLOCATION PROCEDURE (CAP).
11. A SCHOOL IMPACT FEE IN THE AMOUNT OF \$3,578.00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH THE COST ALLOCATION PROCEDURE (CAP).
12. A RECREATION CONTRIBUTION IN THE AMOUNT OF \$400.00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH THE COST ALLOCATION PROCEDURE (CAP).
13. CONSTRUCTION ACTIVITIES INVOLVING THE PROPOSED UNDEVELOPED LOTS SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THROUGH SATURDAY. NO EXTERIOR CONSTRUCTION ACTIVITIES SHALL OCCUR ON SUNDAY.

PROPOSED LOT CRITERIA

LOT NO.	GROSS AREA	WETLANDS	STEEP SLOPE	NET AREA
109	10,610 SF	0	0	10,610 SF
109-1	11,538 SF	0	0	11,538 SF

SUBDIVISION PLAN MAP 190 / LOT 109

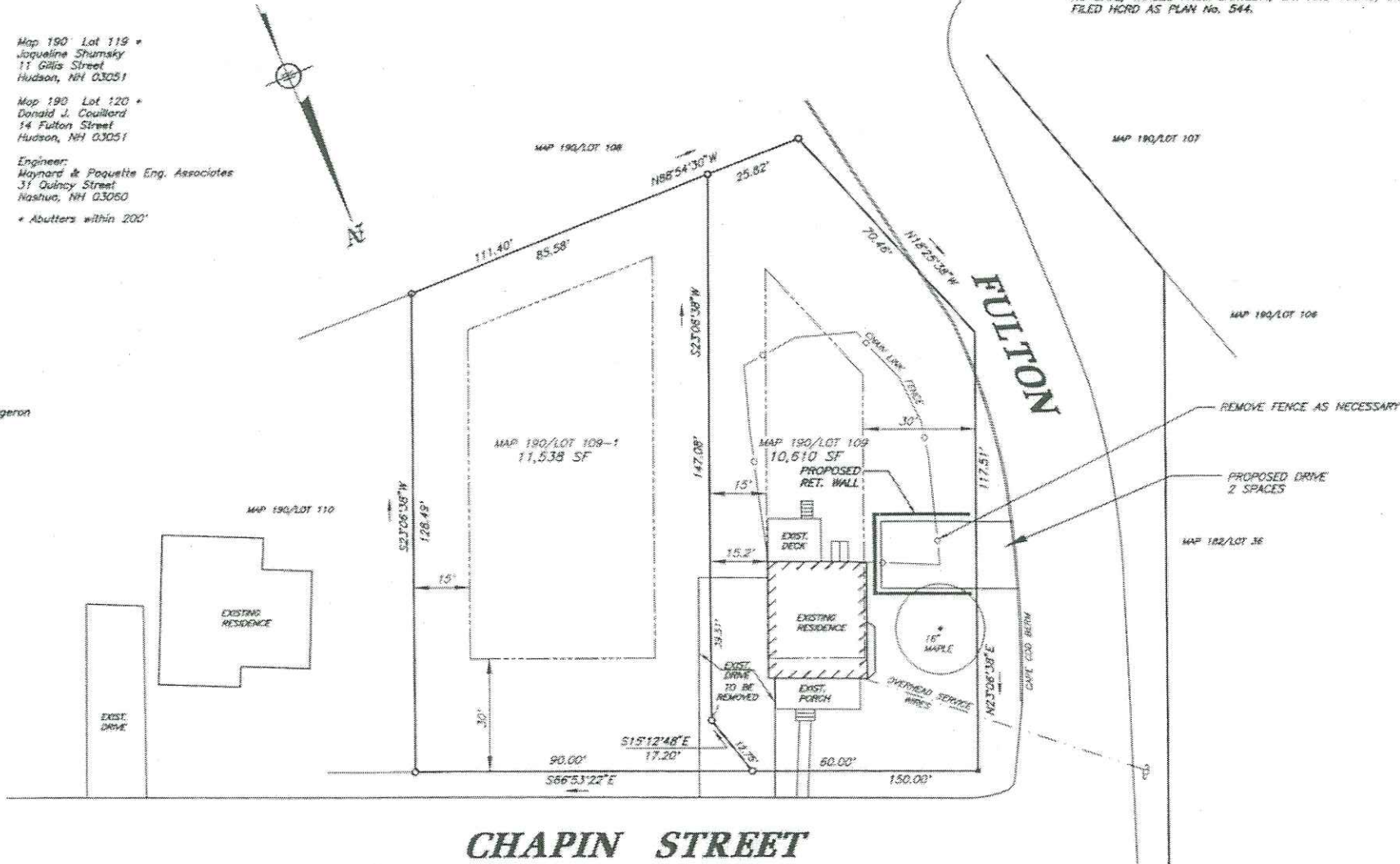
**ONE CHAPIN STREET
 HUDSON, NEW HAMPSHIRE**

OWNER OF RECORD:
 MICHAEL SHUMSKY & MARY ELLEN BOURASSA
 16 FULTON STREET
 HUDSON, NH 03051
 BK. 8814 Pg. 1363

SCALE: 1" = 20' DATE: MAY 20, 2019

ENGINEERING
MP ASSOCIATES
Maynard & Paquette
 Engineering Associates, LLC
 Consulting Engineers and Land Surveyors
 31 Quincey Street, Nashua, NH 03060
 Phone: (603)883-8433 Fax: (603)883-7227

JWY	JWY			740/27	2	D	12625
DESIGNED	DRAWN	CHECKED	APPROVED	BOOK & PAGE	REVISION	SIZE	JOB NUMBER



APPROVED BY THE TOWN OF HUDSON PLANNING BOARD
 DATE OF MEETING: 10-26-19

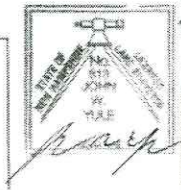
SIGNATURE DATE: *[Signature]* 8/15/19
 SIGNATURE DATE: *[Signature]* 8/15/19

SUBDIVISIONS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF THE PLANNING BOARD MEETING. FINAL APPROVAL OR AS SPECIFIED ON THE PERMIT IF SUBSTANTIAL DEVELOPMENT HAS NOT OCCURRED UNLESS THE PERMIT IS EXTENDED BY MAJORITY VOTE OF THE BOARD. FOR AN APPLICATION TO OBTAIN AN EXCEPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE R.S.A. RSA 674:39

[Signature] 8-15-19
 MICHAEL SHUMSKY DATE

[Signature] 8-15-19
 MARY ELLEN BOURASSA DATE

I CERTIFY THAT THIS PLAN WAS PREPARED FROM BOUNDARY INFORMATION SHOWN ON PLAN REFERENCE 1 AND A FIELD SURVEY LAST MADE ON THE GROUND IN APRIL 2019 HAVING A MAXIMUM ERROR OF CLOSURE OF 1:10,000.



Plan# 40311

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

REQUEST FOR REVIEW/COMMENTS:

Case: 190-109 (02-27-20)

Property Location: 1 Chapin Street

For Town Use

Plan Routing Date: 02/11/20 Reply requested by: 02/14/20 ZBA Hearing Date: 02/27/20

I have no comments I have comments (see below)

EZD _____ Name: ELvis Dhima, P.E. Date: 02/14/2020
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

1. Plans don't show if the proposed lot will be served by municipality water and / or sewer.
2. Plans need to show that the lot can accomodate a driveway that meets grade.

"B"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 190-109 (02-27-20)

Property Location: 1 Chapin Street

For Town Use

Plan Routing Date: 02/11/20 Reply requested by: 02/14/20 ZBA Hearing Date: 02/27/20

I have no comments I have comments (see below)

BdG Name: Brian Groth Date: 02/14/2020
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

At the June 26, 2019 Planning Board meeting, a 2-lot subdivision for 1 Chapin Street was granted with several stipulations, one being:

8. Existing driveway shown as part of Map 190/Lot 109 shall be relocated to Fulton Street.

The approved subdivision plan provided adequate frontage for both parcels. In order to achieve frontage for the new lot on Chapin St., the new lot line crossed over the existing driveway. Therefore the Planning Board required the existing driveway be relocated to Fulton Street - which turned out to be a contaminated area, unbeknownst at the time of Planning Board approval.

The applicant's engineer asked for my interpretation of alternate remedies. One that I mentioned was to seek a frontage variance for the new lot, and keep both driveways on Chapin Street and in conformance with sideyard setbacks. This was not an endorsement, just an illumination of one possible path.

The approved subdivision conforms to zoning, but resulted in disturbing contaminants and a somewhat peculiar relationship between the driveway and the existing house. This application remedies the contaminant & relationship issue by seeking relief from strict conformity.

If approved, this would normally be followed with a Lot Line Adjustment. However, since this affects a condition of subdivision approval, it may require a subdivision amendment. Staff will consult Town Counsel on this matter.

C

TOWN OF HUDSON

JAN 29 2020

Zoning Department

APPLICATION FOR A VARIANCE

Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 190-109 (02-27-20)
Date Filed 1/29/20

Name of Applicant MARY ELEN BARRASSA Map: 190 Lot: 109 Zoning District: TR

Telephone Number (Home) 493-2057 (Work) _____

Mailing Address 16 FULTON STREET

Owner SAME

Location of Property ONE CHAPIN ST
(Street Address)

Signature of Applicant [Signature] Date 1/22/2020

Signature of Property-Owner(s) [Signature] Date 1/22/2020

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>1/29/20</u>
Application fee:	\$130.00	
<u>7</u> Direct Abutters x \$4.05 =	<u>28.35</u>	
<u>14</u> Indirect Abutters x \$0.55 =	<u>7.70</u>	
Total amount due:	\$ <u>166.05</u>	Amt. received: \$ <u>166.05</u>

Receipt No.: 583,600

Received by: TSG

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>RM</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>RM</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>—</u>
<u>RM</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>RM</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>RM</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>RM</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>RM</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. (SEE B GROTH CORRESPONDENCE)	<u>TG</u> 1/28/20
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

PLOT PLAN-

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

TG

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

TG

TG

TG

TG

TG

TG

TG

TG

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

Deborah Maynard

Signature of Applicant(s)

1/27/2020

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.



Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160
label size 1" x 2 5/8" compatible with Avery®5160/8160

Map 190 Lot 109
Michael Shumsky & Mary Ellen Bourassa
16 Fulton Street
Hudson, NH 03051

Map 182 Lot 10
Paul & Prescilla Gagnon
4 Chapin Street
Hudson, NH 03051

Map 182 Lot 11
Luis Melendez, & Jhoan Miguel Ruiz
2 Chapin Street
Hudson, NH 03051

Map 182 Lot 12
Mitchell A. Kohl
8 Fulton Street
Hudson, NH 03051

Map 182 Lot 36
Shannon B. Geer & Patrick A. Lacasse
7 Fulton Street
Hudson, NH 030651

Map 190 Lot 108
Town of Hudson
12 School Street
Hudson, NH 03051

Map 190 Lot 110
Robert Williamson life estate & Leone Bergeron
3 Chapin Street
Hudson, NH 03051



Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160
label size 1" x 2 5/8" compatible with Avery®5160/8160



Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160
label size 1" x 2 5/8" compatible with Avery®5160/8160

Map 182 Lot 13
James D. & Kimberly Bertrand
6 Fulton Street
Hudson, NH 03051

Map 190 Lot 107
Christopher Lane and Emily C. Eastman Brown
22 Maple Ave.
Hudson, NH 03051

Map 182 Lot 14
Michael A. & Nancy Iarrobion
13 Reed Street
Hudson, NH 03051

Map 190 Lot 111
Angela R. & Gregg W. Dickman
5 Chapin Street
Hudson, NH 03051

Map 182 Lot 15
Jacques Y. Poulin, TR.
Poulin Revocable Trust
15 Reed Street
Hudson, NH 03051

Map 190 Lot 119
Jaqueline Shumsky
11 Gillis Street
Hudson, NH 03051

Map 182 Lot 37
Kade N. & Tomomi Stewart
5 Fulton Street
Hudson, NH 03051

Map 190 Lot 120
Donald J. Couillard
14 Fulton Street
Hudson, NH 03051

Map 182 Lot 38
Mark E. & Mary K. O'Connor
7 Reed Street
Hudson, NH 03051

Engineer:
Mayanrd & Paquette Eng. Associates
31 Quincy Street
Nashua, NH 03060

Map 182 Lot 42
Town of Hudson
12 School Street
Hudson, NH 03051

*Abutters within 200'

Map 190 Lot 103
Christopher Caron
19 Maple Ave.
Hudson, NH 03051

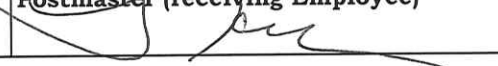
Map 190 Lot 104
Scott & Colleen Baker
17 Maple Ave.
Hudson, NH 03051

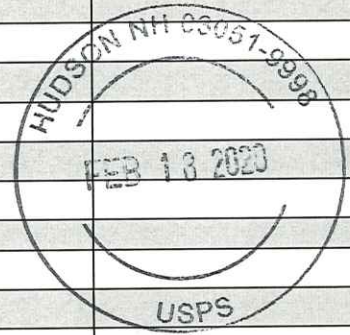
Map 190 Lot 105
Thomas Brennon & Jennifer Leigh Stafford
18 Maple Street
Hudson, NH 03051

Map 190 Lot 106
Joseph R & Katherine M. Nardoni
20 Maple Ave.
Hudson, NH 03051



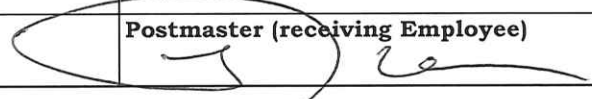
Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160
label size 1" x 2 5/8" compatible with Avery®5160/8160

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 190-109 Variance 1 Chapin Street Map 190/Lot 109-000 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	2/27/2020 ZBA Meeting
1	7019 0700 0000 2993 6335	MICHAEL SHUMSKY; MARY ELLEN BOURASSA 16 FULTON STREET, HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT
2	7019 0700 0000 2993 6342	PAUL & PRISCILLA GAGNON 4 CHAPIN STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	7019 0700 0000 2993 6359	LUIS MELENDEZ; JHOAN MIGUEL RUIZ 2 CHAPIN STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
4	7019 0700 0000 2993 6366	MITCHELL A. KOHL 8 FULTON ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	7019 0700 0000 2993 6373	SHANNON B. GEER; PATRICK A. LACASSE 7 FULTON STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
6	7019 0700 0000 2993 6380	ROBERT WILLIAMSON- LIFE EST.; LEANE BERGERON 3 CHAPIN STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
7	7019 0700 0000 2993 6397	CHRISTOPHER LANE & EMILY C. EASTMAN BROWN 22 MAPLE AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
8			
9			
10			
11			
12			
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office 7	Postmaster (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 190-109 Variance 1 Chapin Street Map 190/Lot 109-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	2/27/2020 ZBA Meeting
1	N/A-mailed First Class	JAMES D. & KIMBERLY BERTRAND 6 FULTON STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	MICHAEL A. & NANCY IARROBINO 13 REED STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	JACQUES Y. POULIN, TR.; POULIN REVOCABLE TRUST 15 REED ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
4	N/A-mailed First Class	KADE N. & TOMOMI STEWART 5 FULTON ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	N/A-mailed First Class	MARK E. & MARY K. O'CONNOR 7 REED STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
6	N/A-mailed First Class	CHRISTOPHER CARON 19 MAPLE AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
7	N/A-mailed First Class	SCOTT & COLLEEN BAKER 17 MAPLE AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
8	N/A-mailed First Class	THOMAS BRENNAN & JENNIFER LEIGH STAFFORD 18 MAPLE AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
9	N/A-mailed First Class	JOSEPH R. & KATHERINE M. NARDONI 20 MAPLE AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
10	N/A-mailed First Class	ANGELA R. & GREGG W. DICKMAN 5 CHAPIN STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
11	N/A-mailed First Class	JACQUELINE SHUMSKY 11 GILLIS STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
12	N/A-mailed First Class	DONALD J. COUILLARD 14 FULTON STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
13	N/A-mailed First Class	MARGARET LAROCQUE 6 CHAPIN STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
14	N/A-mailed First Class	DIANE C. BRIN 5 REED STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
15	N/A-mailed First Class	MAYNARD & PAQUETTE ENG. ASSOCIATES 31 QUINCY STREET, NASHUA, NH 03060	APPLICANT/OWNER-NOTICE SENT
	Total Number of pieces listed by sender 15	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



15 



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

FILE

COPY

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, **02/27/20** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 190-109 (02-27-20): Mary Ellen Bourassa, 16 Fulton St., Hudson, NH requests a Variance for 1 Chapin Street, Hudson, NH to allow 60 ft. of frontage for a proposed lot line adjustment where 90 ft. is required. [Map 190, Lot 109-000; Zoned Town Residence (TR); HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].**

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

FILE
COPY

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

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VII of HZO Section(s) 324-27 in order to permit the following change or use:

FRONTAGE VARIANCE CHAPIN ST - 90 FT
EXISTING PER HERD PLAN # 40311 AND
60 FT PROPOSED.

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.”)

WOULD ALLOW EXISTING DRIVEWAY FOR LOT 109 TO REMAIN AWAY FROM STREET CORNER - SIGNIFICANT PUBLIC SAFETY. ALSO ANY LOCATION ALONG FULTON STREET WOULD EXPOSE BURIED ASBESTOS

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.”)

LOT WOULD BE SIMILAR TO OTHERS IN NEIGHBORHOOD. SEPERATION DRIVEWAY TO LOT LINE FOR 15 FEET IS PRESERVED. LOT SIZE MEETS TR ZONE REQUIREMENTS

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.)

WOULD ALLOW LOT OWNER TO SUBDIVIDE WITHOUT DISTURBING BURIED ASBESTOS

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.)

LOT WOULD BE SIMILAR IN CHARACTER TO THE THOSE IN NEIGHBORHOOD. NEW CONSTRUCTION TENDS TO ENHANCE PROPERTY VALUES

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.)

SPECIAL CONDITION — PROPERTY CONTAINS SUBSTANTIAL
BURIED ASBESTOS ALONG THE FULTON
STREET ROW AND PROPERTY LINE

GRANTING THE VARIANCE WOULD ALLOW THE ASBESTOS
TO REMAIN BURIED AND UNDISTURBED

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 #20-006

January 28, 2020

Richard Maynard
Maynard & Paquette Engineering
31 Quincy St
Nashua, NH

Re: **1 Chapin St Map 190 Lot 109-001**
District: Town Residence (TR)

Dear Mr. Maynard,

Your request: if any variances needed based on the submitted plan dated January 16, 2020 for a lot line adjustment, has been completed.

Zoning Review / Determination:

The lot line adjustment as shown, creates insufficient frontage, as Lot # 109-001 lacks required frontage of 90 ft as 60 ft is shown. You would need a variance to §334-27 Table of Minimum Dimensional Requirements.

Sincerely,

Bruce Buttrick, MCP

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

cc: Public Folder
B. Groth, Town Planner
File

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

From: Groth, Brian <bgroth@hudsonnh.gov>
To: mpeallc@aol.com <mpeallc@aol.com>
Cc: Dhima, Elvis <edhima@hudsonnh.gov>; Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Subject: RE: Chapin St- driveway- sideyard
Date: Thu, Jan 2, 2020 4:15 pm

Richard,

It seems as though simplest plans reveal the most complex nuances of our zoning & regs.

Driveways can be permitted in the side-yard setback by PB waiver. However, the eventual parking space area cannot be without a variance. Also, another ordinance requires parking to be located on the lot associated with the use. Therefore, this route would require a waiver and 2 variances.

Alternatively, your client can apply for ONE variance, that being for reduced frontage. If you can locate that lot line 15' from the existing driveway, the only thing required would be one variance for frontage.

Brian

From: mpeallc@aol.com [mailto:mpeallc@aol.com]
Sent: Monday, December 23, 2019 1:33 PM
To: Groth, Brian <bgroth@hudsonnh.gov>
Subject: Re: Chapin St- driveway- sideyard

BRIAN

Do you have an update ?

The final decision is yours and bruces, the attorney can only advise

can we simply/only go to the plg bd for a waiver with no variance

THANKS

RICHARD A MAYNARD

-----Original Message-----

From: mpeallc <mpeallc@aol.com>

To: bgroth <bgroth@hudsonnh.gov>

Sent: Mon, Dec 9, 2019 10:44 am

Subject: Re: Chapin

THANKS

-----Original Message-----

From: Groth, Brian <bgroth@hudsonnh.gov>

To: mpeallc@aol.com <mpeallc@aol.com>

Sent: Mon, Dec 9, 2019 10:16 am

Subject: Chapin

Richard,

I have circled back to our Attorney to get him to take a second look at the issue concerning a driveway in the side yard setback. As I noted previously, his opinion was that it would require a variance. However, I have looked at it further in the context of other ordinances & regulations and have asked him to reevaluate that opinion. I'll let you know what he says.

Brian

CAUTION!!

This email came from outside of the organization. Do not click links/open attachments if the source is unknown or unexpected.



**TOWN OF HUDSON
PLANNING BOARD**

NOTICE OF APPROVAL

12 School Street

Hudson, New Hampshire 03051

603/886-6005



June 27, 2019

Owner or Applicant: MICHAEL SHUMPSKY & MARY ELLEN BOURASSA
 16 FULTON STREET
 HUDSON, NH 03051

On Wednesday, June 26, 2019, the Hudson Planning Board heard subject case
SB# 03-19 "Chapin Street 2-Lot Subdivision"

SUBJECT: TO DEPICT THE SUBDIVISION OF MAP 190, LOT 109, INTO TWO
 RESIDENTIAL LOTS. APPLICATION ACCEPTANCE & HEARING.

LOCATION: 1 CHAPIN STREET
 MAP 190/LOT 109

The Planning Board moved to accept the Subdivision Application for Chapin Street, Map 190/Lot
109.

APPROVED WAIVERS:

1. §276.1.B.3 – Location of revision block

The Planning Board moved to grant the requested waiver of §276.1.B.3 – Location of
revision block, based on the Board's discussion as recorded in the meeting minutes, the
testimony of the Applicant's representative, and in accordance with the language included in
the submitted Waiver Request Form for said waiver.

2. §289-26.B (5) – Existing Conditions

The Planning Board moved to grant the requested waiver of §289-26.B (5), based on the
Board's discussion as recorded in the meeting minutes, the testimony of the Applicant's
representative, and in accordance with the language included in the submitted Waiver
Request Form.

3. §289-38 – Development Agreement

The Planning Board moved to grant the requested waiver of §289-38, based on the Board's
discussion as recorded in the meeting minutes, the testimony of the Applicant's

representative, and in accordance with the language included in the submitted Waiver Request Form.

MOTION TO APPROVE:

The Planning Board moved to approve the Subdivision Plan One Chapin Street; prepared by Maynard & Paquette Engineering Associates, LLC, 31 Quincy Street, Nashua, NH 03060; prepared for Michael Shumsky & Mary Ellen Bourassa, 16 Fulton Street, Hudson, NH 03051; consisting of 2 sheets and notes 1-12 on sheet 1 and note 1 on sheet 2, subject to the following stipulations:

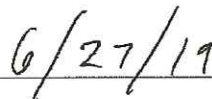
1. All waivers and stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. A traffic impact fee amount of \$1,835.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).
3. A school impact fee amount of \$3,578.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).
4. A recreation contribution amount of \$400.00 per residential unit shall be paid prior to the issuance of a Certificate of Occupancy in accordance with the cost allocation procedure (CAP).
5. All monumentation shall be set or bonded prior to issuance of building permits.
6. Approval of this plan shall be subject to final review and approval by the Town Engineer.
7. Construction activities involving this plan shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.
8. Existing driveway shown as part of Map 190/Lot 109 shall be relocated to Fulton Street.
9. Plans shall be revised to show the sewer line for the newly created lot 190/Lot 109-001 located in the town right of way along Chapin Street.

Signed:



Brian Groth
Town Planner

Date:



cc: Maynard & Paquette Engineering

190 MAP 109 LOT 000 SUB

1 of 1 RESIDENTIAL HUDSON CARD

APPAISED: 272,600/ 272,600 USE VALUE: 272,600/ 272,600 ASSESSED: 272,600/ 272,600

Total Card / Total Parcel



Patriot Properties Inc.

PROPERTY LOCATION

Table with columns: No, Alt No, Direction/Street/City. Row 1: 1, CHAPIN ST, HUDSON

WNEBERSHIP table with columns: Owner Name, Unit #, Street 1, Street 2, City, State/Prov, Postal, Type.

PREVIOUS OWNER table with columns: Owner Name, Street 1, City, State/Prov, Postal.

ARRATIVE DESCRIPTION: This parcel contains .244 ACRES of land mainly classified as ONE FAMILY with a NEW ENGLANDR Building built about 1977, having primarily VINYL Exterior and 1659 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 0 HalfBath, 7 Rooms, and 4 Arms.

OTHER ASSESSMENTS table with columns: Code, Descr/No, Amount, Com. Int.

PROPERTY FACTORS table with columns: Item, Code, Description, %, Item, Code, Description.

LAND SECTION (First 7 lines only)

Table with columns: Use Code, Description, LUC Fact, No of Units, Depth / PriceUnits, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Infl, Neigh Mod, Infl 1, %, Infl 2, %, Infl 3, %, Appraised Value, Alt Class, Spec Land, J Code, Fact, Use Value, Notes.

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value. Includes Total Card and Total Parcel rows.

Table with columns: Legal Description, User Acct, GIS Ref, Entered Lot Size, Total Land, Insp Date, Land Unit Type.

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date.

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes.

BUILDING PERMITS

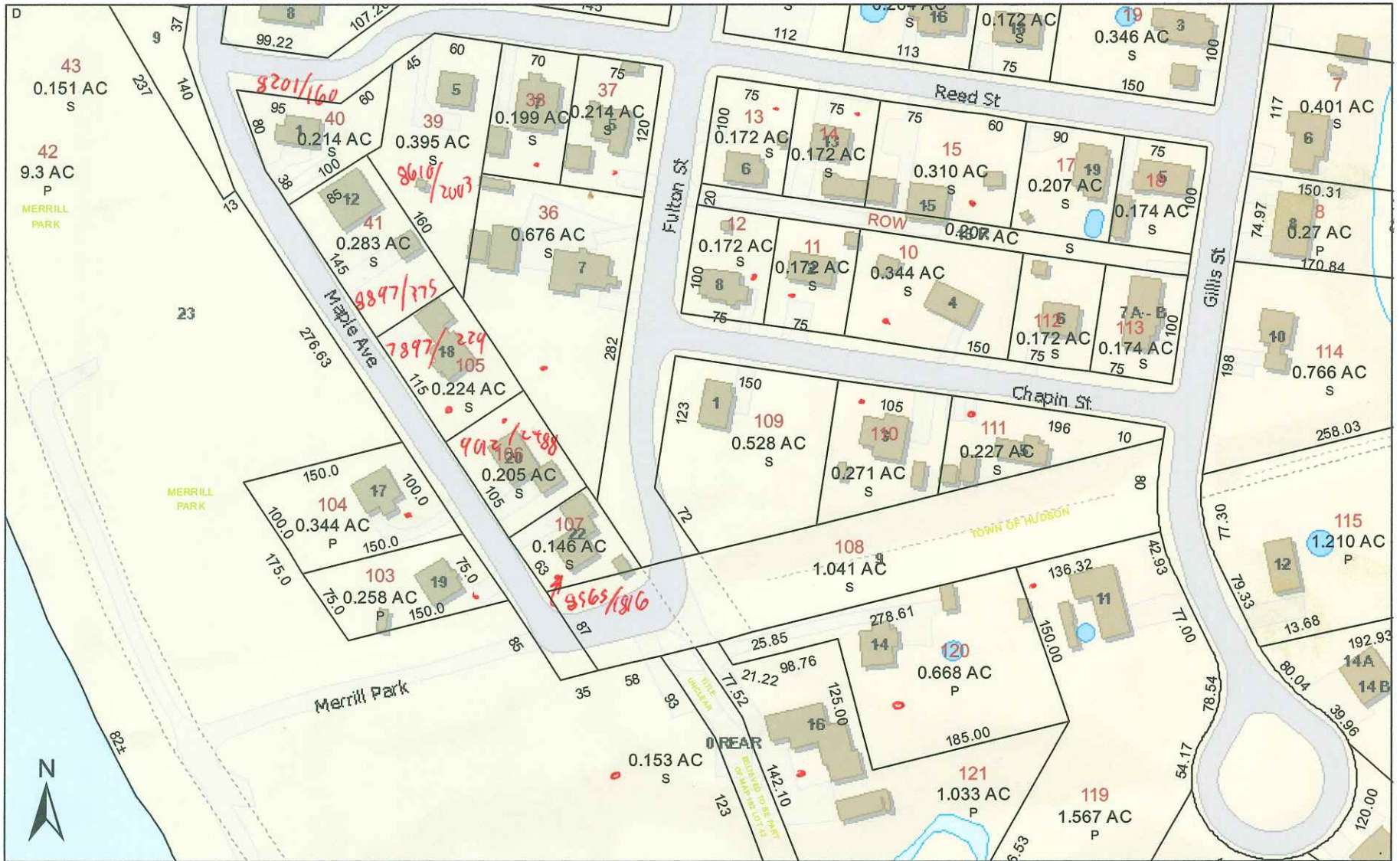
Table with columns: Date, Number, Descr, Amount, C/O, Last Visit, Fed Code, F. Descr, Comment.

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name.

Sign: [Signature]

Total AC/HA: 0.24400 Total SF/SM: 10629 Parcel LUC: 101 ONE FAMILY Prime NB Desc RES AVG Total: 85,052 Spl Credit Total: 85,100



March 1, 2019

1 inch = 126 feet

----- Easement_Lines

▭ Parcels

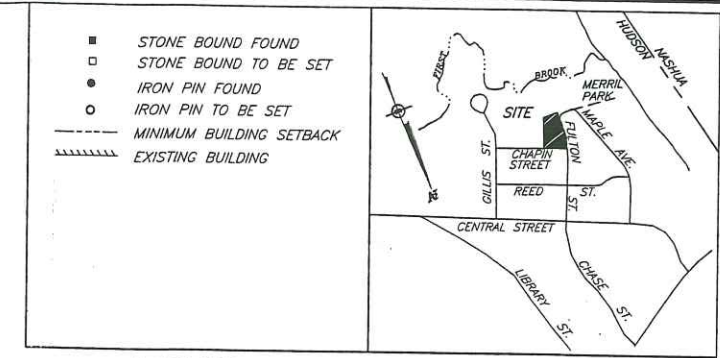


ABUTTERS:

- OWNER:**
 Map 190 Lot 109
 Michael Shumsky & Mary Ellen Bourassa
 16 Fulton Street
 Hudson, NH 03051
- Map 182 Lot 10
 Paul & Priscilla Gagnon
 4 Chapin Street
 Hudson, NH 03051
- Map 182 Lot 11
 Domingo Rivera
 2 Chapin Street
 Hudson, NH 03051
- Map 182 Lot 12
 Christopher M. & Makia A. Lucier
 8 Fulton Street
 Hudson, NH 03051
- Map 182 Lot 36
 Shannon B. Geer & Patrick A. Lacasse
 7 Fulton Street
 Hudson, NH 03051
- Map 190 Lot 108
 Town of Hudson
 12 School Street
 Hudson, NH 03051
- Map 190 Lot 110
 Robert Williamson life estate & Leane Bergeron
 3 Chapin Street
 Hudson, NH 03051
- Map 182 Lot 13
 James D. & Kimberly Bertrand
 6 Fulton Street
 Hudson, NH 03051
- Map 182 Lot 14
 Michael A. & Nancy Jarrobian
 13 Reed Street
 Hudson, NH 03051
- Map 182 Lot 15
 Jacques Poulin
 15 Reed Street
 Hudson, NH 03051
- Map 182 Lot 37
 Kade N. & Tomomi Stewart
 5 Fulton Street
 Hudson, NH 03051
- Map 182 Lot 38
 Mark E. & Mary K. O'Connor
 7 Reed Street
 Hudson, NH 03051
- Map 182 Lot 42
 Town of Hudson
 12 School Street
 Hudson, NH 03051
- Map 190 Lot 103
 Christopher Caron
 19 Maple Ave.
 Hudson, NH 03051
- Map 190 Lot 104
 Scott & Colleen Baker
 17 Maple Ave.
 Hudson, NH 03051
- Map 190 Lot 105
 Thomas Brennan & Jennifer Leigh Stafford
 18 Maple Ave.
 Hudson, NH 03051
- Map 190 Lot 106
 Joseph R. & Katherine M. Nardoni
 20 Maple Ave.
 Hudson, NH 03051
- Map 190 Lot 107
 Christopher Lane and Emily C. Eastman Brown
 22 Maple Ave.
 Hudson, NH 03051
- Map 190 Lot 111
 Angela R. & Gregg W. Dickman
 5 Chapin Street
 Hudson, NH 03051
- Map 190 Lot 119
 Jacqueline Shumsky
 11 Gillis Street
 Hudson, NH 03051
- Map 190 Lot 120
 Donald J. Couillard
 14 Fulton Street
 Hudson, NH 03051
- Engineer:
 Maynard & Paquette Eng. Associates
 31 Quincy Street
 Nashua, NH 03060
- * Abutters within 200'

PLAN REFERENCE:

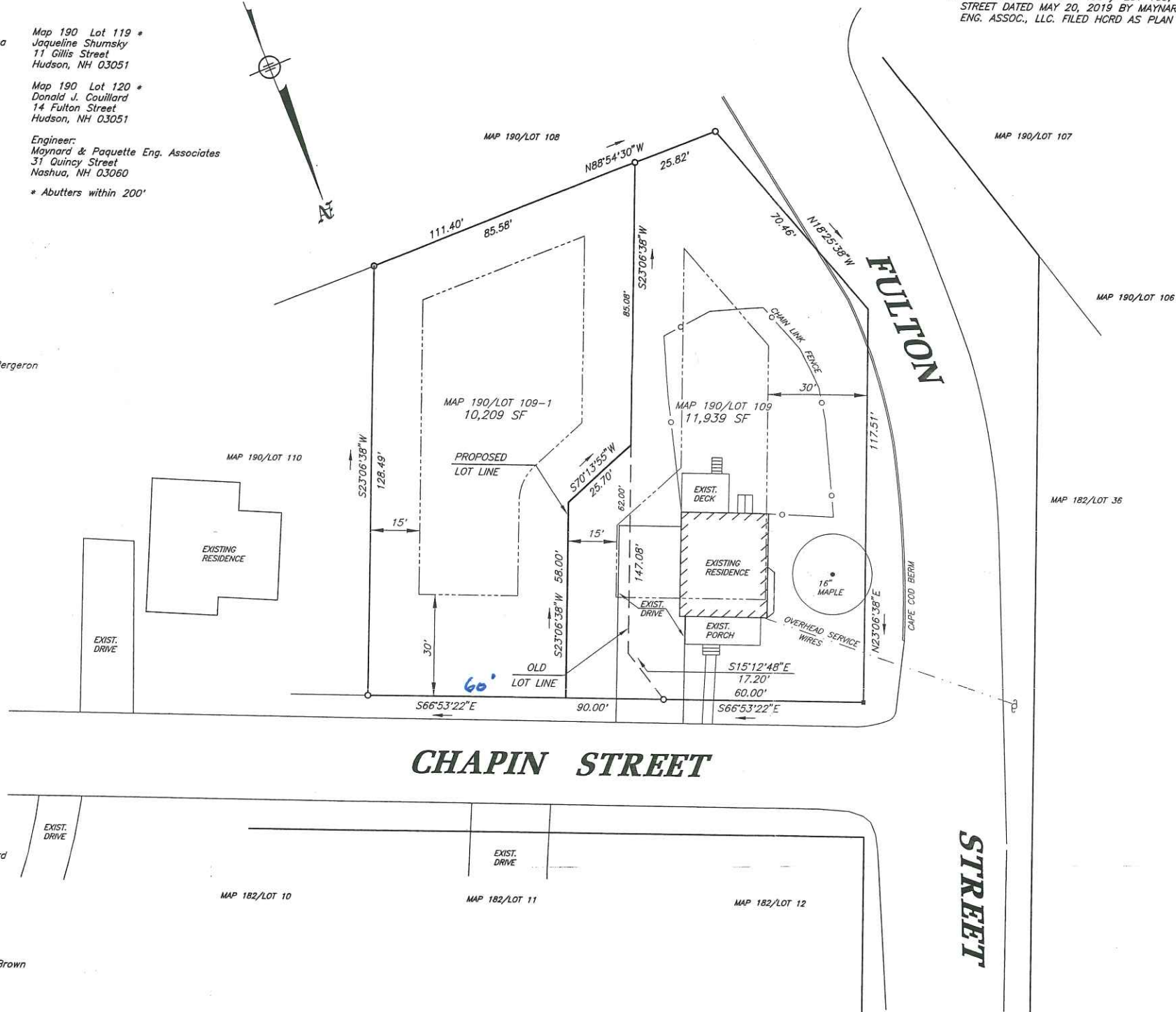
- SUBDIVISION PLAN MAP 190 / LOT 109, ONE CHAPIN STREET DATED MAY 20, 2019 BY MAYNARD & PAQUETTE ENG. ASSOC., LLC. FILED HCGR AS PLAN No. 40311.



LEGEND

NOTES:

- PRESENT ZONING - TR
- EXISTING & PROPOSED USE - RESIDENTIAL
- THE PURPOSE OF THIS PLAN IS TO
- TOTAL AREA OF PARCEL - 22,148 S.F. / 0.508 Ac.
- LOTS ARE SERVED BY TOWN WATER AND SEWER.
- ALL MONUMENTATION SHALL BE SET OR BONDED FOR PRIOR TO THE PLANNING BOARD ENDORSING THE PLAN OF RECORD.
- DIMENSIONAL REQUIREMENTS -
 MINIMUM LOT AREA - 10,000 S.F.
 FRONT YARD SETBACK - 30 FEET
 SIDE YARD SETBACK - 15 FEET
 REAR YARD SETBACK - 15 FEET
 MIN. LOT FRONTAGE - 90 FEET
- N.F.I.P. FIRM MAP NUMBER 33011C0514E INDICATES THAT THE SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
- THERE ARE NO WETLANDS OR WETLANDS SOILS ON THIS SITE.



AREA TABLE

LOT NO.	OLD AREA	NEW AREA	AREA OF EXCHANGE
109	10,610 SF	11,939 SF	+1,329 SF
109-1	11,538 SF	10,209 SF	-1,329 SF

PROPOSED ZBA PLAN

LOT LINE RELOCATION PLAN MAP 190 / LOT 109 & 109-1

ONE CHAPIN STREET HUDSON, NEW HAMPSHIRE

OWNER OF RECORD:
 MICHAEL SHUMSKY & MARY ELLEN BOURASSA
 16 FULTON STREET
 HUDSON, NH 03051
 Bk. 8314 Pg. 1363



SCALE: 1" = 20' DATE: JANUARY 16, 2020

ENGINEERING

Maynard & Paquette
 Engineering Associates, LLC
 Consulting Engineers and Land Surveyors
 31 Quincy Street, Nashua, NH. 03060
 Phone: (603)883-8433 Fax: (603)883-7227

APPROVED BY THE TOWN OF HUDSON PLANNING BOARD
 DATE OF MEETING: _____

 SIGNATURE DATE: _____

 SIGNATURE DATE: _____

MICHAEL SHUMSKY _____ DATE _____

MARY ELLEN BOURASSA _____ DATE _____

I CERTIFY THAT THIS PLAN WAS PREPARED FROM BOUNDARY INFORMATION SHOWN ON PLAN REFERENCE 1 AND A FIELD SURVEY LAST MADE ON THE GROUND IN APRIL 2019 HAVING A MAXIMUM ERROR OF CLOSURE OF 1:10,000.

JWY	JWY		740/27	D	12625
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 MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC
 ILLEGAL TO COPY THIS PLAN/PRINT WITHOUT WRITTEN PERMISSION.
 VAC401212625\L1V12625RSD F1 Jan 17 11:55:52 2020 JY

ABUTTERS:

- OWNER:**
 Map 190 Lot 109
 Michael Shumsky & Mary Ellen Bourassa
 16 Fulton Street
 Hudson, NH 03051
- Map 182 Lot 10
 Paul & Priscilla Gagnon
 4 Chapin Street
 Hudson, NH 03051
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- Map 190 Lot 107 *
 Christopher Lane and Emily C. Eastman Brown
 22 Maple Ave.
 Hudson, NH 03051
- Map 190 Lot 111 *
 Angela R. & Gregg W. Dickman
 5 Chapin Street
 Hudson, NH 03051

WAIVERS:

- HTC 289-19 UNDERGROUND UTILITIES
- HTC 289-38 DEVELOPMENT AGREEMENT
- HTC 289-23B(5) ITEMS WITHIN 200'
- HTC 278-11.1B(3) REVISION BLOCK LOCATION

APPROVED BY THE TOWN OF HUDSON PLANNING BOARD
 DATE OF MEETING: _____

SIGNATURE DATE: _____

SIGNATURE DATE: _____

SUBDIVISIONS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF THE PLANNING BOARD MEETING FINAL APPROVAL OR AS SPECIFIED ON THE PERMIT IF SUBSTANTIAL DEVELOPMENT HAS NOT OCCURRED UNLESS THE PERMIT IS EXTENDED BY MAJORITY VOTE OF THE BOARD FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE. SEE N.H. RSA 674:39

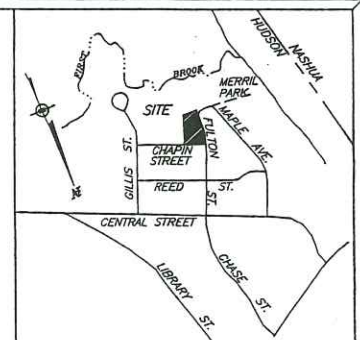
Michael Shumsky
 MICHAEL SHUMSKY
 8.15.19
 DATE

Mary Ellen Bourassa
 MARY ELLEN BOURASSA
 8.15.19
 DATE

PLAN REFERENCES:

- HOUSE LOTS HUDSON, NH OWNED BY J.F. GILLIS NO DATE, TRACED FROM BARTLETT, GAY AND YOUNG, C.E. FILED HCRO AS PLAN No. 544.

- STONE BOUND FOUND
- STONE BOUND TO BE SET
- IRON PIN FOUND
- IRON PIN TO BE SET
- MINIMUM BUILDING SETBACK
- ===== EXISTING BUILDING



LEGEND

VICINITY

NOTES:

- PRESENT ZONING - TR
- EXISTING & PROPOSED USE - RESIDENTIAL
- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE MAP 190 LOT 109 INTO 2 LOTS.
- TOTAL AREA OF PARCEL - 22,148 S.F. / 0.508 Ac.
- LOTS ARE SERVED BY TOWN WATER AND SEWER.
- ALL MONUMENTATION SHALL BE SET OR BONDED FOR PRIOR TO THE PLANNING BOARD ENDORSING THE PLAN OF RECORD.
- DIMENSIONAL REQUIREMENTS -
 MINIMUM LOT AREA - 10,000 S.F.
 FRONT YARD SETBACK - 30 FEET
 SIDE YARD SETBACK - 15 FEET
 REAR YARD SETBACK - 15 FEET
 MIN. LOT FRONTAGE - 90 FEET
- N.F.I.P. FIRM MAP NUMBER 33011C0514E INDICATES THAT THE SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
- THERE ARE NO WETLANDS OR WETLANDS SOILS ON THIS SITE.
- A TRAFFIC IMPACT FEE IN THE AMOUNT OF \$1,835.00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH THE COST ALLOCATION PROCEDURE (CAP).
- A SCHOOL IMPACT FEE IN THE AMOUNT OF \$3,578.00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH THE COST ALLOCATION PROCEDURE (CAP).
- A RECREATION CONTRIBUTION IN THE AMOUNT OF \$400.00 PER RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH THE COST ALLOCATION PROCEDURE (CAP).
- CONSTRUCTION ACTIVITIES INVOLVING THE PROPOSED UNDEVELOPED LOTS SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THROUGH SATURDAY. NO EXTERIOR CONSTRUCTION ACTIVITIES SHALL OCCUR ON SUNDAY.

PROPOSED LOT CRITERIA

LOT NO.	GROSS AREA	WETLANDS	STEEP SLOPE	NET AREA
109	10,610 SF	0	0	10,610 SF
109-1	11,538 SF	0	0	11,538 SF

SUBDIVISION PLAN MAP 190 / LOT 109

ONE CHAPIN STREET HUDSON, NEW HAMPSHIRE

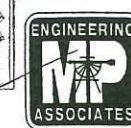
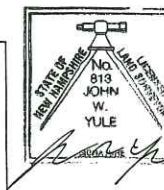
OWNER OF RECORD:
 MICHAEL SHUMSKY & MARY ELLEN BOURASSA
 16 FULTON STREET
 HUDSON, NH 03051
 Bk. 8814 Pg. 1363

HCRO
 PLAN No
 40311

SCALE: 1" = 20' DATE: MAY 20, 2019

Engineering Associates, LLC
 Consulting Engineers and Land Surveyors
 31 Quincy Street, Nashua, NH 03060
 Phone: (603)883-8433 Fax: (603)883-7227

I CERTIFY THAT THIS PLAN WAS PREPARED FROM BOUNDARY INFORMATION SHOWN ON PLAN REFERENCE 1 AND A FIELD SURVEY LAST MADE ON THE GROUND IN APRIL 2019 HAVING A MAXIMUM ERROR OF CLOSURE OF 1:10,000.



NO.	DATE	REVISIONS PER TOWN REVIEW	REVISIONS PER APPROVAL CONDITIONS
1	6-17-19	Y	Y
2	7-29-19	Y	Y

JWY	JWY		740/27	2	D	12625
DESIGNED	DRAFTED	CHECKED	APPROVED	BOOK & PAGE	REVISION	SIZE

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 MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC
 ILLEGAL TO COPY THIS PLAN/PRINT WITHOUT WRITTEN PERMISSION
 DWG. NO. 1 OF 3



Notes:

1) For Tax Assessment Purposes
Not to be Used for Conveyances

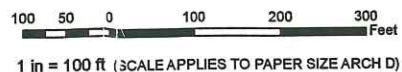
2) P - Parcel Information from Recorded Plan
D - Parcel Information from Recorded Deed
S - Parcel Information from Map Scale Only



TOWN OF HUDSON
12 SCHOOL STREET
HUDSON, NH 03051

MAP LEGEND

- PARCEL BOUND
- PAPER ROAD
- WETLAND
- BUILDING
- EASEMENT LINE
- WATER LINE
- TOWN LINE
- ROAD RIGHT OF WAY
- PRIVATE RIGHT OF WAY
- PARCEL NUMBER
- PARCEL DIMENSION
- PARCEL AREA
- MATCH LABEL



NEW HAMPSHIRE STATE PLANE COORDINATE GRID; NAD 1983; US FEET
PHOTOGRAPHY DATE: APRIL 4, 1998
PARCEL MAPPING BY EAST COAST MAPPING, INC.
UPDATED BY AERIAL SURVEY & PHOTO, INC.
UPDATED BY NRPC - 2018



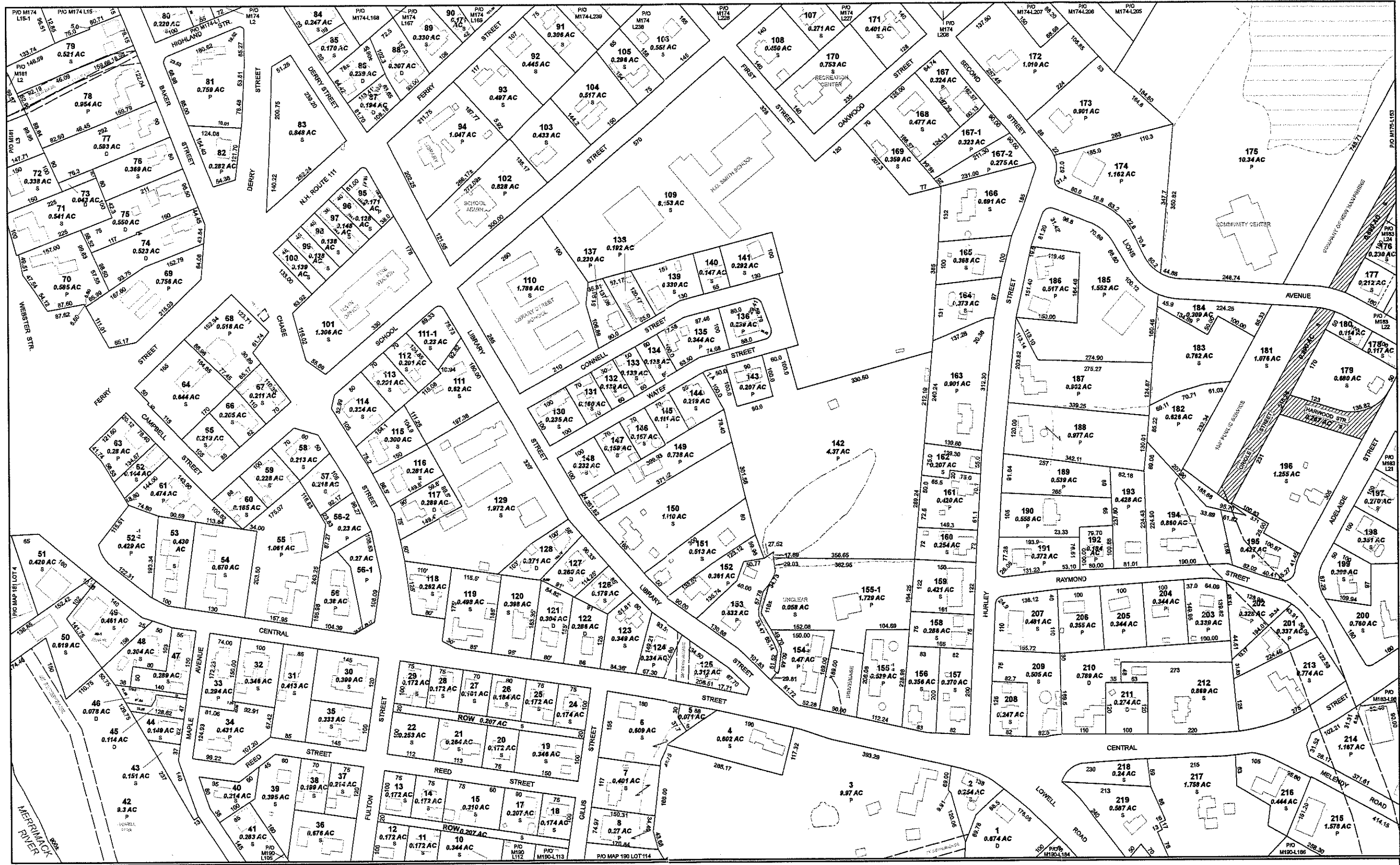
NRPC

INDEX DIAGRAM

181	182	183
189	190	191
	197	198

PROPERTY MAP
TOWN OF HUDSON
HILLSBOROUGH COUNTY
NEW HAMPSHIRE

190



Notes:
 1) For Tax Assessment Purposes
 Not to be Used for Conveyances
 2) P - Parcel Information from Recorded Plan
 D - Parcel Information from Recorded Deed
 S - Parcel Information from Map Scale Only



MAP LEGEND

PARCEL BOUND	ROAD RIGHT OF WAY	PRIVATE RIGHT OF WAY
PAPER ROAD	WETLAND	BUILDING
EASEMENT LINE	WATER LINE	TOWN LINE
PARCEL NUMBER	PARCEL DIMENSION	PARCEL AREA
MATCH LABEL		

2,458 AC
 PID MAP 131 LOT 34

100 50 100 200 300 Feet
 1 in = 100 ft (SCALE APPLIES TO PAPER SIZE ARCH D)
 NEW HAMPSHIRE STATE PLANE COORDINATE GRID; NAD 1983; US FEET
 PHOTOGRAPHY DATE: APRIL 4, 1986
 PARCEL MAPPING BY EAST COAST MAPPING, INC.
 UPDATED BY NRPC - 2018



INDEX DIAGRAM

173	174	175
181	182	183
189	190	191

PROPERTY MAP
TOWN OF HUDSON
 HILLSBOROUGH COUNTY
 NEW HAMPSHIRE
182

Printed
1/30/2020
11:25AM
Created
1/30/2020
11:15 AM

Transaction Receipt

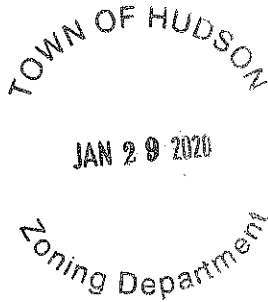
Receipt# 583,600
tgoodwyn

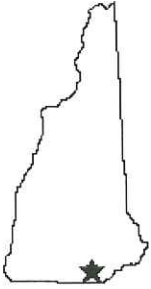
Town of Hudson, NH
12 School Street
Hudson, NH 03051-4249

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application 1 Chapin Street Map/Lot 190-109-000 Variance Application	0.00	166.0500	0.00
			Total:	166.05

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Maynard & Paquette Engineering Ass., LLC	CHECK	CHECK# 1766	166.05	0.00	166.05

Total Due:	166.05
Total Tendered:	166.05
Total Change:	0.00
Net Paid:	166.05





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: February 27, 2020

BB 2-20-20

Case 174-079-002 (03-12-20): Barbara Chirone Young, 25 Derry St., Hudson, NH requests a Home Occupation Special Exception to conduct a home business office for off-site and (occasional on-site) pet care offering services of animal house sitting, dog walking and potty breaks. [Map 174, Lot 079-002; Zoned Town Residence (TR); HZO Article VI, §334-24, Home Occupations].

Summary:

Applicant requests a Home Occupation Special Exception to conduct a home business office for off-site and occasional on-site pet care, offering services of: animal house sitting, dog walking and potty breaks.

Property description:

This is an existing developed corner lot of record consisting of 11,238 sqft (10,000 sqft required) and 90 ft frontage on Derry St and 115ft on Lee Way. The existing structures appear to satisfy all required building setbacks, with the exception of an existing driveway.

In-house (Town) review/comments:

Fire Dept: yes

Engineering: no

Town Planner: yes

Animal Control Officer: yes

Zoning Administrator: **On-site “boarding/care” may become problematic if it morphs into a successful business and with a full yard of animals (in the TR zone). “Boarding” in my opinion is a kennel (D-2) which is not a permitted use in the Table of Permitted Principal Uses §334-21.**

HISTORY:

Assessing: Listed as a single family.

Planning Board: recent subdivision and ongoing construction of SFR on recently subdivided parcels.

Code Enforcement:

Banner installed on property & business advertised on the internet: Violation & Cease and Desist dated Nov 21, 2019; Stay of enforcement dated Dec 30, 2019.

Attachments:

“A” Assessing record.

“B” Approved subdivision.

“C” Code Enforcement notices.

“D” Zoning Determination.

“E” Fire Chief / Inspectional Services Dept in-house review/comments.

“F” Town Planner in-house review/comments.

“G” Town Animal Control Officer review/comments.



PROPERTY LOCATION
 No 25 Alt No DERRY ST, HUDSON Direction/Street/City
 Unit #:
OWNERSHIP
 Owner 1: ARENA, FRANK
 Owner 2: LANSDALE, HOLLY ANN
 Owner 3:
 Street 1: 25 DERRY ST.
 Street 2:

IN PROCESS APPRAISAL SUMMARY
 Use Code 101 Land Size 1,941 Building Value 148,900 Yard Items 1,600 Land Value 125,000 Total Value 275,500
 Total Parcel 1,941 148,900 1,600 125,000 275,500
 Total Parcel 1,941 148,900 1,600 125,000 275,500
 Source: Market Adj Cost Total Value per SQ unit /Card: 152.29 /Parcel: 152.29
 Land Unit Type: AC

PREVIOUS ASSESSMENT Parcel ID 174-079-000

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2017	101	FV	148,900	1600	1,941	125,000	275,500	275,500	Year End Roll	10/26/2017
2017	101	PV	148,900	1600	1,941	125,000	275,500	275,500	Year End Roll	8/28/2017
2017	101	PV	116,400	1300	1,941	127,100	244,800	244,800	Year End Roll	5/10/2017
2016	101	FV	96,300	1300	1,941	97,100	194,700	194,700	Year End Roll	8/30/2016
2016	101	JB	105,700	1300	1,941	97,100	204,100	204,100	Year End Roll	5/11/2016
2015	101	FV	105,700	1300	1,941	97,100	204,100	204,100	Year End Roll	8/26/2015
2015	101	JB	105,700	1300	1,941	97,100	204,100	204,100	Year End Roll	5/8/2015
2014	101	FV	105,700	1300	1,941	97,100	204,100	204,100	Year End Roll	9/4/2014

SALES INFORMATION
 Grantor Legal Ref Type Date Sale Code Sale Price V Tst Verif Notes
 ARNE LLC, 9005-0846 1 9/8/2017 NO SEP ASSMT 245,000 No No subdivision recorded after april 1, 2017
 ARNE LLC, 9003-1669 6 9/1/2017 EASEMENT No No
 ARNE LLC, 9003-1666 6 9/1/2017 EASEMENT No No
 CAMPBELL, SCOTT 8871-2190 3 6/30/2016 ESTATE SALE 215,000 No No ALSO A SHORT SALE PER M.L.S #4476754
 CAMPBELL, SCOTT 8517-1830 2 12/8/2012 DIVORCE No No
 CAMPBELL, BRIAN 7883-1145 2 7/6/2007 FAMILY TRANS No No
 CAMPBELL, BRIAN 7542-0262 2 7/27/2005 FAMILY TRANS No No
 ROMANOWSKI, JEN 6126-1636 6/28/1999 90,000 No No

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

LAND SECTION (First 7 lines only)
 Use Description LUC No of Units Depth / Price/Units
 101 ONE FAMILY 1 1 SITE ACRE SITE
 101 ONE FAMILY 0.941 3 ACRES EXCESS
 101 ONE FAMILY 3 3 UNITS SITE

ACTIVITY INFORMATION

Date	Result	By	Name
3/7/2017	Inspected	12	TECH ASMNT
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2/23/2001	Meas/Inspect	0	PATRIOT

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APPRaisal SUMMARY
 Total Card / Total Parcel 275,500/ 275,500
 APPRAISED: 275,500/ 275,500
 USE VALUE: 275,500/ 275,500
 ASSESSED: 275,500/ 275,500

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12/4/2012	Info Fm Plan	1	ASST ASSES
8/23/2006	Meas/Inspect	3	ASMNT TECH



Indexed By

Parcel ID

Card #

Add Mod Del Save Cancel



Parcel ID: 174-079-000

Card: 1 of 1

Location: 25 DERRY ST HUDSON

Cost - \$275,500

Tax Year / Cat

- 2006 - FV
- 2006 - JB
- 2005 - FV
- 2005 - JB
- 2004 - FV
- 2004 - JB
- 2003 - FV
- 2003 - JB
- 2002 - FV
- 2002 - PV
- 2001 - FV
- 2000 - FV**

Apportion Prev Assess

Display All Years

Prev Values Value Limits Tax Values Other Info

Fiscal Year: 2000 Primary LUC: 101 - ONE FAMILY Date Saved: 12/27/12

Category: FV - FINAL VALUE Notes: Conversion

Tot Mkt Land: 59,700

Owner Lookup:

LUC	Building Value	SFY Value	Land Value	Land Area	SP Land Credit	Total Value
101	62,900	2,200	59,700	2.30	0	124,800

Full Market Value: \$124,800

\$124,800

Move Cur to Prev

Move Prev to Prev

Calculate New Construction

Calculate Exemptions

2/19/2020

9:33 AM

7000

QuickList

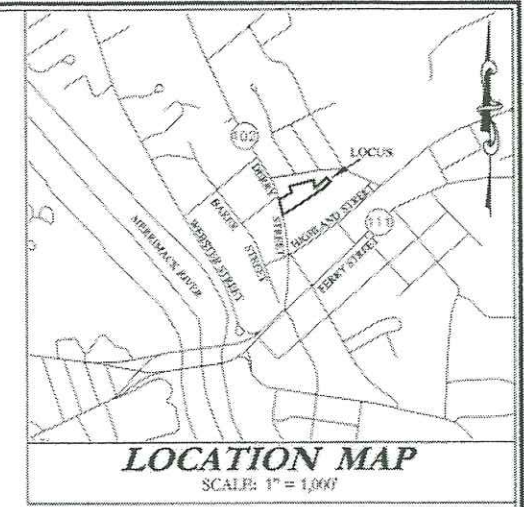
A₂

Type here to search

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	101 - ONE FAMILY	148,900	1,600	85,500	0.26	0.00	236,000
2019	101 - ONE FAMILY	148,900	1,600	85,500	0.26	0.00	236,000
2018	101 - ONE FAMILY	148,900	1,600	85,500	0.26	0.00	236,000
2018	101 - ONE FAMILY	148,900	1,600	85,500	0.26	0.00	236,000
2017	130 - VAC RESD	0	0	0	0.26	0.00	0

LOT #	TOTAL AREA (sq ft)	WETLAND AREA (sq ft)	AREA >25% SLOPES (sq ft)	BUILDABLE AREA (net contiguous upland useable) (sq ft)	FRONTAGE (ft)
79-2	11235	0	708	10527	205.34
79-3	15267	0	1241	13926	181.99
79-4	15468	0	2146	13322	94.34 (see note 4)
79-5	25992	0	1492	24500	413.79

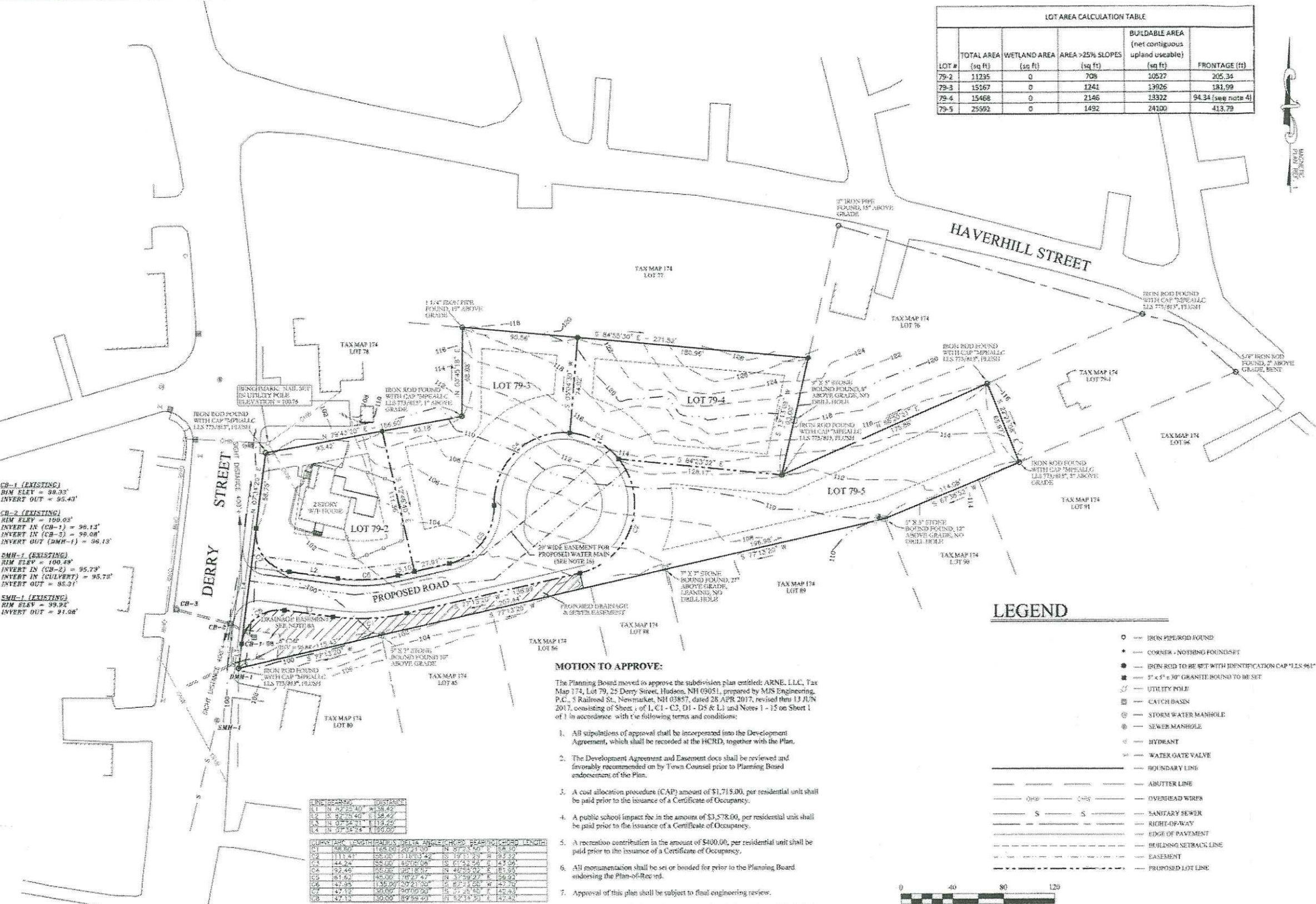


- NOTES:**
- REFERENCE: TAX MAP 174 LOT 79 H.C.R.D. BOOK 851 PAGE 2196
 - TOTAL PARCEL AREA: 84,525 SQ. FT. OR 1.94 AC.
PROPOSED LOT 79-2 AREA: 11,235 SQ. FT. OR 0.26 AC.
PROPOSED LOT 79-3 AREA: 15,267 SQ. FT. OR 0.35 AC.
PROPOSED LOT 79-4 AREA: 15,468 SQ. FT. OR 0.36 AC.
PROPOSED LOT 79-5 AREA: 25,992 SQ. FT. OR 0.59 AC.
 - OWNER OF RECORD: ARNE, LLC
27 LEONARD AVENUE
BRANFLET, NH 03806
 - ZONE: TR-TOWN RESIDENTIAL
DIMENSIONAL REQUIREMENTS:
MINIMUM LOT AREA: 10,000 sq. ft.
MINIMUM FRONTAGE: 30 ft.
MINIMUM FRONT SETBACK: 20 ft.
MINIMUM SIDE SETBACK: 13 ft.
MINIMUM REAR SETBACK: 15 ft.
MAXIMUM BUILDING HEIGHT (PER SECTION 334-4 OF THE HUDSON ZONING ORDINANCE): 35 ft.
 - THE FRONTAGE FOR LOT 79-4 MEASURES 94.34' AND IS BASED ON THE DEFINITION OF FRONTAGE FOUND IN CHAPTER 334-A DEFINITIONS OF THE TOWN OF HUDSON CODE. Frontage on any side-drive roadways shall be measured at the appropriate point building setback from the front lot line between the points of intersection with the side lot line.
 - THIS SURVEY PERFORMED BY S.I.B. ON 6/16/2016 USING A TOPCON DS SERIES BOTHOIC TOTAL STATION WITH A TOPCON 6308 DATA COLLECTOR. TRAVERSE ADJUSTMENT IS BASED ON THE COMPASS RULE METHOD OF ADJUSTMENT.
 - HORIZONTAL DATUM IS BASED ON PLAN REFERENCE 1. VERTICAL DATUM IS ASSUMED TO CONVERT TO NAVD83. ADD 72.47' TO ALL ELEVATIONS SHOWN.
 - THE INTENT OF THIS PLAN IS TO SUBDIVIDE LOT 79 INTO FOUR LOTS.
 - THIS PARCEL IS SUBJECT TO OR BENEFITS FROM THE FOLLOWING EASEMENTS AND/OR RIGHTS-OF-WAY:
A. A DRAINAGE EASEMENT AS DESCRIBED IN H.C.R.D. BOOK 670 PAGE 2447 AND SHOWN ON PLAN REFERENCE 2.
 - THERE ARE NO WETLANDS ON SITE.
 - NO PART OF THIS LOT FALLS WITHIN THE 100 YEAR FLOOD ZONE, AS SHOWN ON N.E.P.F. FLRM, COMMUNITY PANEL 308 (08)146, EFFECTIVE 4-18-2011.
 - THERE WILL BE NO EXTERIOR LIGHTING.
 - THE PROPOSED ROAD IS SUBJECT TO A NH DEPARTMENT OF TRANSPORTATION DRIVEWAY PERMIT.
 - THE SEWER MAIN WITHIN THE DEVELOPMENT SHALL REMAIN PRIVATE AFTER THE WORK GETS ACCEPTED BY THE TOWN.
 - ALL DRAINAGE COMPONENTS WITHIN THE DEVELOPMENT SHALL REMAIN PRIVATE.
 - ALL SIGNS NOT DEPICTED ON THE PLANS ARE SUBJECT TO APPROVAL BY THE HUDSON PLANNING BOARD PRIOR TO INSTALLATION THEREOF.
 - THE 20' WIDE WATER LINE EASEMENT SHALL BE FOR ACCESS AND MAINTENANCE BY THE TOWN.
 - THIS PLAN IS SUBJECT TO A SITE DEVELOPMENT AGREEMENT, WHICH IS ON FILE WITH THE HUDSON PLANNING DEPARTMENT OR OTHER DESIGNATED TOWN DEPARTMENT. THIS AGREEMENT SHALL BE RECORDED WITH THE PLAN.

SUBDIVISION PLAN
PREPARED FOR
ARNE, LLC
(TAX MAP 174 LOT 79)
25 DERRY STREET
HUDSON, NH

Boudreau Land Surveying, LLC
SCOTT D. BOUDREAU, L.L.S., 9661
2 BEATRICE LANE
NEW MARKET, NH 03857
(603) 659-2468

DRAWN BY: SDB DATE: JUNE 13, 2017
CHECKED BY: ARB DRAWING NAME: 1601P
JOB NAME: 1601 SHEET: 1 OF 1



- CB-1 (EXISTING)**
RIM ELEV = 98.33'
INVERT IN (CB-1) = 99.13'
INVERT OUT (DMH-1) = 96.19'
- CB-2 (EXISTING)**
RIM ELEV = 100.03'
INVERT IN (CB-2) = 99.13'
INVERT IN (CB-3) = 98.08'
INVERT OUT (DMH-1) = 96.19'
- DMH-1 (EXISTING)**
RIM ELEV = 100.49'
INVERT IN (CB-2) = 95.73'
INVERT IN (CULVERT) = 95.72'
INVERT OUT = 85.31'
- SMH-1 (EXISTING)**
RIM ELEV = 99.92'
INVERT OUT = 91.06'

LINE NUMBER	BEARING	DISTANCE	AREA	PERIMETER	LENGTH
1	N 87° 25' 40" E	118.42	13,822.42	118.42	118.42
2	S 89° 25' 40" E	118.42	13,822.42	118.42	118.42
3	N 87° 25' 40" W	118.42	13,822.42	118.42	118.42
4	S 89° 25' 40" W	118.42	13,822.42	118.42	118.42

MOTION TO APPROVE:

The Planning Board moved to approve the subdivision plan entitled: ARNE, LLC, Tax Map 174, Lot 79, 25 Derry Street, Hudson, NH 03051, prepared by M/S Engineering, P.C., 5 Railroad St., Newmarket, NH 03857, dated 28 APR 2017, revised thru 13 JUN 2017, consisting of Sheet 1 of 1, C1 - C2, D1 - D5 & L1 and Notes 1 - 15 on Sheet 1 of 1 in accordance with the following terms and conditions:

- All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Plan.
- The Development Agreement and Exemption docs shall be reviewed and favorably recommended on by Town Council prior to Planning Board endorsement of the Plan.
- A cost allocation procedure (CAP) amount of \$1,715.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
- A public school impact fee in the amount of \$3,578.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
- A recreation contribution in the amount of \$400.00, per residential unit shall be paid prior to the issuance of a Certificate of Occupancy.
- All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan-of-Record.
- Approval of this plan shall be subject to final engineering review.
- Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.
- Prior to Planning Board endorsement of the Plan, all of the above-noted notes, together with the 5 granted waivers shall be inscribed on the Plan.
- Full width repair of Derry Street shall be performed at the applicant's expense and as shown on Sheet C1, Construction, of the Plans-of-Record.
- The roadway shown on the Plan is approved, herein, as a private road and shall remain as such in perpetuity, and under no circumstances shall the Town be responsible for any repairs, maintenance, or snow plowing thereon.

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: 7/19/17

Scott D. Boudreau SIGNATURE DATE: 7/19/17
William C. Hill SIGNATURE DATE: 7/19/17

SUBDIVISIONS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE NH RSA 674:39.

OWNER SIGNATURE: _____ DATE: 7/19/17

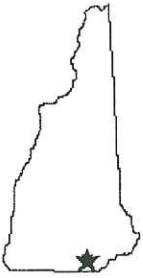
WAIVERS:

- HTC 289-18.A - Right-of-way width
- HTC 289-18.B(1) - ROW & Pavement Width
- HTC 289-18.B(5) - Turnaround Width
- HTC 289-18.C - Minimum K - value for vertical curve
- HTC 289-28.F - Allow for Vertical Granite Curbing

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND FALLS UNDER THE REGULAR SURVEY CLASSIFICATION OF THE NH CODE OF ADMINISTRATIVE RULES OF THE BOARD OF EXAMINERS FOR LAND SURVEYORS. I CERTIFY THAT THIS SURVEY IS THE RESULT OF AN ACTUAL FIELD SURVEY USING A TOTAL STATION, HAVING A RELATIVE ERROR OF CLOSURE OF LESS THAN 1 FOOT IN 10,000 FEET, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Scott D. Boudreau L.L.S., 9661
JULY 18, 2017 DATE





TOWN OF HUDSON

Land Use Division



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

Notice of Violation Cease and Desist

November 21, 2019

Certified 7018 2290 0001 3001 8299
USPS 1st Class

Robert and Barbara Young
25 Derry Street
Hudson, NH 03051

Re: **25 Derry St Map 174 Lot 079-002**
District: Town Residence (TR)

Dear Mr. & Mrs. Young,

The above referenced property is in violation of Hudson's Zoning Ordinance as follows:

Violation:

1) Sign w/o permit - The Hudson Zoning Ordinance Article XII SIGNS, section §334-58A: "No sign shall be erected or affixed to any building exterior or placed freestanding on any premises, public or private roadways or rights-of-way or altered or moved without a permit issued by the Building Inspector and approved by Zoning Administrator, except as otherwise exempted in this chapter."

2) Operation of business/use/activity: Animal daycare and boarding w/o approvals (home occupation/variance etc) – Article III GENERAL REGULATIONS, section §334-10 Mixed or dual use on a lot, and Article V PERMITTED USES.

Order: Cease and Desist the unpermitted activities, and abate the violations: 1) By removal of violations and/or 2) Apply for required permits/approvals, by December 9, 2019.

Please contact me as to which method you wish to pursue.

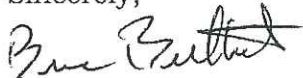
Please be advised that in accordance with the HZO and RSA § 676:17, you are subject to civil penalties of \$275.00 first offenses, and \$550.00 for subsequent offenses, for each day that your Property is found to continue in violation of the HZO after the date you receive this notice, with each day that the violations continue being a separate offense. If the Town must pursue legal action against you, the Town shall be entitled to recover its costs and reasonable attorney fees if it is found to be a prevailing party.

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

C₁

Thus, I hope you will comply to bring this property into compliance and eliminate/remove the violations.

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: Picture and internet business description

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.

C₂



TOWN OF HUDSON

Land Use Division



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

Stay of Enforcement

December 30, 2019

USPS 1st Class

Robert and Barbara Young
25 Derry Street
Hudson, NH 03051

Re: 25 Derry St Map 174 Lot 079-002
District: Town Residence (TR)

Dear Mr. & Mrs. Young,

The above referenced property is in violation of Hudson's Zoning Ordinance as follows:

Violation:

Operation of business/use/activity: Animal daycare and boarding w/o approvals (home occupation/variance etc) – Article III GENERAL REGULATIONS, section §334-10 Mixed or dual use on a lot, and Article V PERMITTED USES.

Based on your visit to our office on December 30, 2019: you have re-described your activities on the website and are pursuing a "off site" Home Occupation application, which won't be ready to be heard until the February 27, 2020 ZBA mtg.

Therefore, I will stay all enforcement actions until March 1, 2020.

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.

C3



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-132

December 17, 2019

Barbara Chirone Young
25 Derry Street
Hudson, NH 03051

Re: 25 Derry St Map 174 Lot 079-002
District: Town Residence (TR)

Dear Ms. Young,

Your request: You propose to conduct a business office at this address, offering the services of animal house-sitting, dog walking, potty breaks, all being conducted off site.

Zoning Review / Determination:

I would deem this proposal a home office and is a permitted accessory use in the Table of Permitted Accessory Uses §334-22, and would require a Home Occupation Special Exception per §334-24 from the Zoning Board of Adjustment (ZBA).

If this business should expand and you host/conduct these activities on your property, then a Variance to §334-24 Home Occupation Special Exception would be needed from the ZBA and a site plan review by the Planning Board as well.

Sincerely,

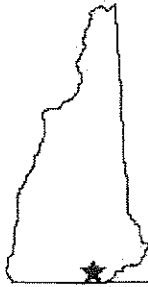
Bruce Buttrick, MCP

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

cc: Public File
B. Groth, Town Planner
File

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

D.



RECEIVED

DEC 06 2019

TOWN OF HUDSON
PLANNING DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

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



#19-132

Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION /
DETERMINATION

Date of request

12/5/19

Property Location

25 Derry St.

Map 174 Lot 079-002

Zoning District if known

Town Residence (TR)

Type of Request

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

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

I would like to have the cease and desist violation removed from my property. I have removed any signs or addresses from any advertisements. I currently do not take animals into my home. I do however use the premises to advertise my services to go to other people's houses for services of dog walking, potty breaks, overnight stays (at their home) and care, horse care, etc. I do have a FB page advertising services but no extra animals come to my home at this time.

Applicant Contact Information:

Name:

Barbara Chivone Young

Address:

25 Derry St, Hudson, NH 03051

Phone Number:

978-328-2755

For Office use

ATTACHMENTS: TAX CARD -

GIS -

✓ 174-079-002 (TR)

NOTES:

ZONING DETERMINATION LETTER SENT - DATE:

D2

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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-079-002 (02-27-20)

Property Location: 25 Derry Street

For Town Use

Plan Routing Date: 02/18/20 Reply requested by: ASAP ZBA Hearing Date: 02/27/20

I have no comments I have comments (see below)

RMB Name: Robert M. Buxton Date: 02/18/2020
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

This project will require a review by the Inspectional Services Division if the ZBA is willing to permit the home occupation. Concerns surround the areas of potential boarding and noise issues.

E

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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-079-002 (02-27-20)

Property Location: 25 Derry Street

For Town Use

Plan Routing Date: 02/18/20 Reply requested by: ASAP ZBA Hearing Date: 02/27/20

I have no comments I have comments (see below)

BIG Name: Brian Groth Date: 02/18/2020
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

The management and bookkeeping of the proposed business is consistent with the intent of the 334-24 Home Occupations. The occasional on-site animal activity could ride to a level beyond this intent, and therefore it is recommended that the Board consider the following:

The applicant states overnight stays will be limited to a "maximum of 1 dog or 2 per same family." How many families? What is the maximum number of pets the applicant is proposing to board?

Subsection D requires the home occupation business to be conducted indoors. Letting a dog spend time outside for fresh air, bathroom, etc. may be incidental, but again the question is scale. How many dogs will be outside at a given time? It should be noted that subsection J also prohibits objectionable circumstances (noise, odors, etc.) from being produced by a home occupation.

F

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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-079-002 (02-27-20)

Property Location: 25 Derry Street

For Town Use

Plan Routing Date: 02/18/20 Reply requested by: ASAP ZBA Hearing Date: 02/27/20

I have no comments I have comments (see below)

JMM Name: Jana McMillan. ACO/Dep. H.O. Date: 02/20/2020
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

This looks to be a straight forward dog walking occupation. If there were going to be more dogs than just the one or two indicated for overnights, as in a daycare/boarding facility, then I would have some concerns.

No further comments.

Thank you,
Jana McMillan

16
G 11

HUDSON ZONING BOARD OF ADJUSTMENT

Home Occupation Special Exception Decision Worksheet

On **02/27/20**, the Hudson Zoning Board of Adjustment heard Case **174-079-002**, being a request by **Barbara Chirone Young, 25 Derry St., Hudson, NH**, to allow for a Home Occupation Special Exception in accordance with the provisions of HZO Article VI, Section 334-24 **to conduct a home business office for off-site and (occasional on-site) pet care offering services of animal house sitting, dog walking and potty breaks.** [Map 174, Lot 079-002; Zoned Town Residence (TR); HZO Article VI, §334-24, Special Exceptions, Home Occupations].

After reviewing the petition, and after hearing all testimony and documentary evidence supplied by the Applicant(s) and any other interested citizens, and after taking into consideration personal knowledge of the property in question, the undersigned member of the Hudson Zoning Board of Adjustment, sitting for this case, made the following determinations.

The intended use for which a Home Occupation Special Exception has been requested complies with the definition of a home occupation as an accessory use which by custom has been carried entirely within a dwelling unit, which is incidental and subordinate to the dwelling use, and which complies with the requirements of §334-24 as follows:

- Y** **N** The proposed use is a sales / service operation for goods produced or services provided on-site.
- Y** **N** The proposed use shall be secondary to the principal use of the home as the business owner's residence.
- Y** **N** The proposed use shall be carried on within the residence and / or accessory structure.
- Y** **N** Other than the home occupation sign(s) permitted under Article XII, Section 334-67, there shall not be any exterior display nor other exterior indication of the home occupation, and there shall not be any variation from the primarily residential character of the principal or accessory building.
- Y** **N** There shall not be any exterior storage, unless permitted by a special exception (if permitted, must be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area, unless this requirement is waived by the Board because of existing foliage and / or long distances).
- Y** **N** There shall not be any objectionable circumstances (such as noise, vibrations, dust smoke, electrical disturbances, odors, heat or glare) produced as the result of this proposed use.
- Y** **N** Traffic generated by the proposed home occupation activity shall not be substantially greater in volume than would normally be expected in the neighborhood.
- Y** **N** Parking provided for the home occupation activity shall be off-street, located outside of the setback areas and / or the front yard, in driveways or paved areas, and limited to no more than two vehicles at one time.
- Y** **N** The home occupation shall be conducted only by residents of the dwelling.
- Y** **N** Excluding any personal vehicle that can also be used for business purposes, parking of no more than one business vehicle (limited to no more than 13,000 pounds with adequate screening in the B, G, and I zones) shall occur.

Signed: _____ Date _____
Sitting Member of the Hudson ZBA

Zoning Department
FEB 10 2020

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

TOWN OF HUDSON
Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 174-079-002(3-12-20)
Date Filed 2/10/20

Name of Applicant Barbara Chirone Young Map: 174 Lot: 079-002 Zoning District: TR
Telephone Number 978-328-2755 (Work) call Home
Mailing Address 25 Derry St., Hudson, NH, 03051
Owner Robert H. Young, Barbara Chirone Young
Location of Property 25 Derry St, Hudson, NH 03051
(Street Address)

Barbara Chirone Young
Signature of Applicant Date 2/10/2020

Barbara Chirone Young
Signature of Property-Owner(s) Date 2/10/2020

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

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

COST:		Date received: <u>2/10/20</u>
Application fee:	\$130.00	
<u>3</u> Direct Abutters x \$4.05 =	<u>20.50</u>	
<u>12</u> Indirect Abutters x \$0.55 =	<u>6.60</u>	
Total amount due:	<u>\$157.10</u>	Amt. received: \$ <u>157.10</u> cash.
		Receipt No.: <u>584,934</u>
Received by: <u>TSG</u>		
By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:		
_____ Engineering	_____ Fire Department	_____ Health Officer _____ Planner

TOWN OF HUDSON

FEB 10 2020

Zoning Department

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>TK</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>TK</u>
<u>BC</u>	Before making the 13 ¹⁰ copies, please review the application with the Zoning Administrator or staff.	<u>TK</u>
<u>BC</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, <u>Home Occupation</u> <u>Special Exception</u> , Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TK</u>
<u>BC</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>BC</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>BB</u>
<u>BC</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>TK</u>
<u>BC</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>BB</u>
<u>BC</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-

- 150
- 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):
- 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.
- N/A (16)

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

Barbara Chinnit Young
Signature of Applicant(s)

2/10/2020
Date

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

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

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

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

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

ALL DIRECT ABUTTERS

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

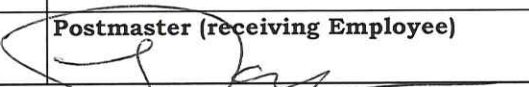
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
174	008-000	Justine mary Holdings Inc.	214 Central St. Hudson, NH 03051
174	079-003	Posey Investments, LLC	195A Central St. Hudson, NH 03051
174	078-0000	Zheng, Genghe	3 Thick Dr. Hudson, NH 03051
174	007-000	Andre-Meto, Zacharias Andre, Maria Elizabeth	22 Derry St. Hudson, NH 03051
174	085-000	Herbert, Scott K. JTR Herbert Revocable Trust	4 Foster Pl. Merrimack, NH 03054
174	079-002	Youna, Robert H. Chime Youns, Seokara	25 Derry St. Hudson, NH 03051

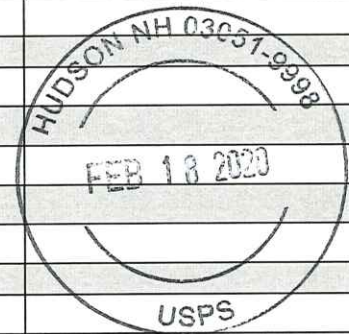
sent Indirect (18)

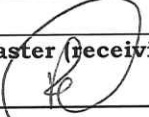
ALL INDIRECT ABUTTERS WITHIN 200 FEET

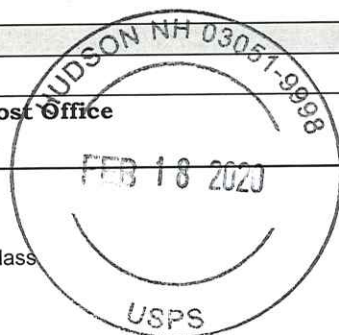
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
174	009-000	Smilikis, William J, TR Smilikis Rev Trust of 2014	2 Leslie St. Hudson, NH 03051
174	018-000	Younghusband, Robert Younghusband, Jennifer	19 Derry St. Hudson, NH 03051
174	089-000	Labonte, Paul J. Labonte, Judith A.	16 Highland St. Hudson, NH 03051
174	088-000	Renev, Michael	12 Highland St. Hudson, NH 03051
174	087-000	Teach, Richard Scott	10 Highland St. Hudson, NH 03051
174	080-000	Richard, Kenneth Richard, Catherine	21 Derry St. Hudson, NH 03051
174	023-000	26 Derry Road Realty Hold, LLC	26 Derry St. Hudson, NH 03051
174	022-000	Donahue, Thomas J. Donahue, Mary L	1 Leslie St. Hudson, NH 03051
174	077-000	Kupchunas, Frank B. Jr.	29 Derry St. Hudson, NH 03051
174	005-000	meuse, Roger D. meuse, Elaine M.	18 Derry St. Hudson, NH 03051
174	006-000	melanson, Timothy W. melanson, Patricia Ann	20 Derry St. Hudson, NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 174-079-002 Home Occupation Special Exception 25 Derry Street Map 174/Lot 079-002
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	3/12/2020 ZBA Meeting
1	7019 0700 0000 2993 6427	YOUNG, ROBERT HUGH & BARBARA ELLEN CHIRONE 25 DERRY ST., HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT
2	7019 0700 0000 2993 6434	JUSTINE MARY HOLDINGS, INC 214 CENTRAL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
3	7019 0700 0000 2993 6441	POSEY INVESTMENTS, LLC 195R CENTRAL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
4	7019 0700 0000 2993 6458	ZHENG, GENGHE; CHIN YI CHAC, ISABEL CECILIA 3 RICKY DR., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	7019 0700 0000 2993 6465	ANDRE-NETO, ZACHARIAS & MARIA ELIZABETH Z. 22 DERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
6			
7			
8			
9			
10			
11			
12			
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 174-079-002 Home Occupation Special Exception 25 Derry Street Map 174/Lot 079-002
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	3/12/2020 ZBA Meeting
1	N/A-mailed First Class	SMILIKIS, WILLIAM J., TR.; SMILIKIS REV TRUST OF 2014	ABUTTER NOTICE SENT
		2 LESLIE STREET, HUDSON, NH 03051	
2	N/A-mailed First Class	YOUNGHUSBAND, ROBERT & JENNIFER	ABUTTER NOTICE SENT
		19 DERRY STREET, HUDSON, NH 03051	
3	N/A-mailed First Class	LABONTE, PAUL J. & JUDITH A.	ABUTTER NOTICE SENT
		16 HIGHLAND STREET, HUDSON, NH 03051	
4	N/A-mailed First Class	RENEY, MICHAEL	ABUTTER NOTICE SENT
		12 HIGHLAND STREET, HUDSON, NH 03051	
5	N/A-mailed First Class	TEAL, RICHARD SCOTT	ABUTTER NOTICE SENT
		10 HIGHLAND ST., HUDSON, NH 03051	
6	N/A-mailed First Class	RICHARD, KENNETH & CATHERINE	ABUTTER NOTICE SENT
		21 DERRY ST., HUDSON, NH 03051	
7	N/A-mailed First Class	26 DERRY ROAD REALTY HOLD. LLC	ABUTTER NOTICE SENT
		26 DERRY ST., HUDSON, NH 03051	
8	N/A-mailed First Class	DONAHUE, THOMAS J. & MARY C.	ABUTTER NOTICE SENT
		1 LESLIE STREET, HUDSON, NH 03051	
9	N/A-mailed First Class	KUPCHUNAS, FRANK B., JR	ABUTTER NOTICE SENT
		29 DERRY STREET, HUDSON, NH 03051	
10	N/A-mailed First Class	MEUSE, ROGER D. & ELAINE M.	ABUTTER NOTICE SENT
		18 DERRY STREET, HUDSON, NH 03051	
11	N/A-mailed First Class	MELANSON, TIMOTHY W. & PATRICIA ANN	ABUTTER NOTICE SENT
		20 DERRY ST., HUDSON, NH 03051	
12	N/A-mailed First Class	HERBERT, SCOTT K., TR.; HERBERT REVOCABLE TRUST	ABUTTER NOTICE SENT
		4 FOSTER RD., MERRIMACK, NH 03054	
13			
14			
15			
	Total Number of pieces listed by sender 12	Total number of pieces rec'vd at Post Office 12	Postmaster (receiving Employee) 





TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

FILE

COPY

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, **02/27/20** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 174-079-002 (02-27-20): Barbara Chirone Young, 25 Derry St., Hudson, NH requests a Home Occupation Special Exception to conduct a home business office for off-site and (occasional on-site) pet care offering services of animal house sitting, dog walking and potty breaks. [Map 174, Lot 079-002; Zoned Town Residence (TR); HZO Article VI, §334-24, Special Exceptions, Home Occupations].**

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

FILE
COPY

ABUTTER NOTIFICATION

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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.

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

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

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

Pet care which includes off-site dog walking, potty breaks, watering/feeding. Cat care includes feeding/cleaning boxes, litters. Small pets, horses as advised. Occasional onsite overnight or daytime stays limited to a maximum of 1 dog or 2 per same family.

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

Yes. My residence is my home. I only need my cell phone and a day planner to run the business. Any guests just mix in among my own pets.

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

95% of my business will be conducted outside (off site) from the home. I only need to answer my phone and give quotes from inside. An occasional dog will sleep on my sofa. There will be no structures added or used for the business.

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

No. The only sign I have is a 3x2 banner that hangs from either my fence or porch railing if allowed.

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

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

There will be no storage for the business. In the case that I have a guest dog they will not be seen as my yard is fenced in.

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

N/A

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

There will be no traffic. I will travel to them.

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

N/A

Who will be conducting the home occupation? Please explain.

Myself. Part-time around my regular job. My husband will lend a hand if needed.

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

No additional or lettered vehicles. My personal vehicle is the only one that will be used for transportation to and from clients.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-132

December 17, 2019

Barbara Chirone Young
25 Derry Street
Hudson, NH 03051

Re: 25 Derry St Map 174 Lot 079-002
District: Town Residence (TR)

Dear Ms. Young,

Your request: You propose to conduct a business office at this address, offering the services of animal house-sitting, dog walking, potty breaks, all being conducted off site.

Zoning Review / Determination:

I would deem this proposal a home office and is a permitted accessory use in the Table of Permitted Accessory Uses §334-22, and would require a Home Occupation Special Exception per §334-24 from the Zoning Board of Adjustment (ZBA).

If this business should expand and you host/conduct these activities on your property, then a Variance to §334-24 Home Occupation Special Exception would be needed from the ZBA and a site plan review by the Planning Board as well.

Sincerely,

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

cc: Public File
B. Groth, Town Planner
File

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



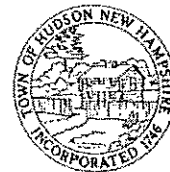
RECEIVED

DEC 08 2019

TOWN OF HUDSON
PLANNING DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

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



#19-132

Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION /
DETERMINATION

Date of request

12/5/19

Property Location

25 Derry St.

Map 174 Lot 079-002

Zoning District if known

Town Residence (TR)

Type of Request

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

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

I would like to have the cease and desist violation removed from my property. I have removed any signs or addresses from any advertisements. I currently do not take animals into my home. I do however use the premises to advertise my services to go to other peoples houses for services of dog walking, puppy breaks, overnight stays (at their home) and care, more care, etc. I do have a FB page advertising my services but no extra animals come to my home at this time.

Applicant Contact Information:

Name:

Barbara Chipone Young

Address:

25 Derry St, Hudson, NH 03051

Phone Number:

978-328-2755

For Office use

ATTACHMENTS: TAX CARD -

GIS -

✓ 174-079-002 (TR)

NOTES:

ZONING DETERMINATION LETTER SENT - DATE:

174 079 002
 MAP LOT SUB

1 of 1 RESIDENTIAL
 CARD Hudson

Total Card / Total Parcel
 APPRAISED: 236,000/ 236,000
 USE VALUE: 236,000/ 236,000
 ASSESSED: 236,000/ 236,000



PROPERTY LOCATION

No	Alt No	Direction/Street/City
25		DERRY ST, HUDSON

OWNERSHIP

Owner 1:	YOUNG, ROBERT HUGH
Owner 2:	YOUNG, BARBARA ELLEN CHIRONE
Owner 3:	
Street 1:	25 DERRY ST.
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

PREVIOUS OWNER

Owner 1:	ARENA, FRANK -
Owner 2:	-
Street 1:	25 DERRY ST.
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains .258 ACRES of land mainly classified as ONE FAMILY with a NEW ENGLANDR Building built about 1910, having primarily VINYL Exterior and 1809 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 0 HalfBath, 9 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

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

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class %	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		0.258		SITE ACRE SITE			0	110,000.	3.01	RE						85,514					85,500	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
101	0.258	148,900	1,600	85,500	236,000		11713
Total Card						Entered Lot Size	
Total Parcel						Total Land: 0.258	
Source: Market Adj Cost						Land Unit Type: AC	
Total Value per SQ unit /Card: 130.46							
/Parcel: 130.46							

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	101	FV	148,900	1600	.258	85,500	236,000	236,000	Year End Roll	9/16/2019
2019	101	JB	148,900	1600	.258	85,500	236,000	236,000	Year End Roll	5/8/2019
2018	101	FV	148,900	1600	.258	85,500	236,000	236,000	Year End Roll	8/27/2018
2018	101	JB	148,900	1600	.258	85,500	236,000	236,000	Year End Roll	5/9/2018
2017	130	FV		0	.258				Year End Roll	10/26/2017

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
ARENA, FRANK,	9117-2378	1	9/27/2018		292,500	No	No		
ARENA, FRANK,	9049-2155	2	2/1/2018	FAMILY TRANS		No	No		
ARNE LLC,	9005-0846	1	9/8/2017		245,000	No	No		subdivision recorded after april 1, 2017
arne llc	9003-1669	6	9/1/2017	EASEMENT		No	No		
arne llc	9003-1666	6	9/1/2017	EASEMENT		No	No		
campbell, scott	8871-2190	3	6/30/2016	ESTATE SALE	215,000	No	No		
campbell, scott	8517-1830	2	12/8/2012	DIVORCE		No	No		
campbell, brian	7883-1145	2	7/6/2007	FAMILY TRANS		No	No		

BUILDING PERMITS

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

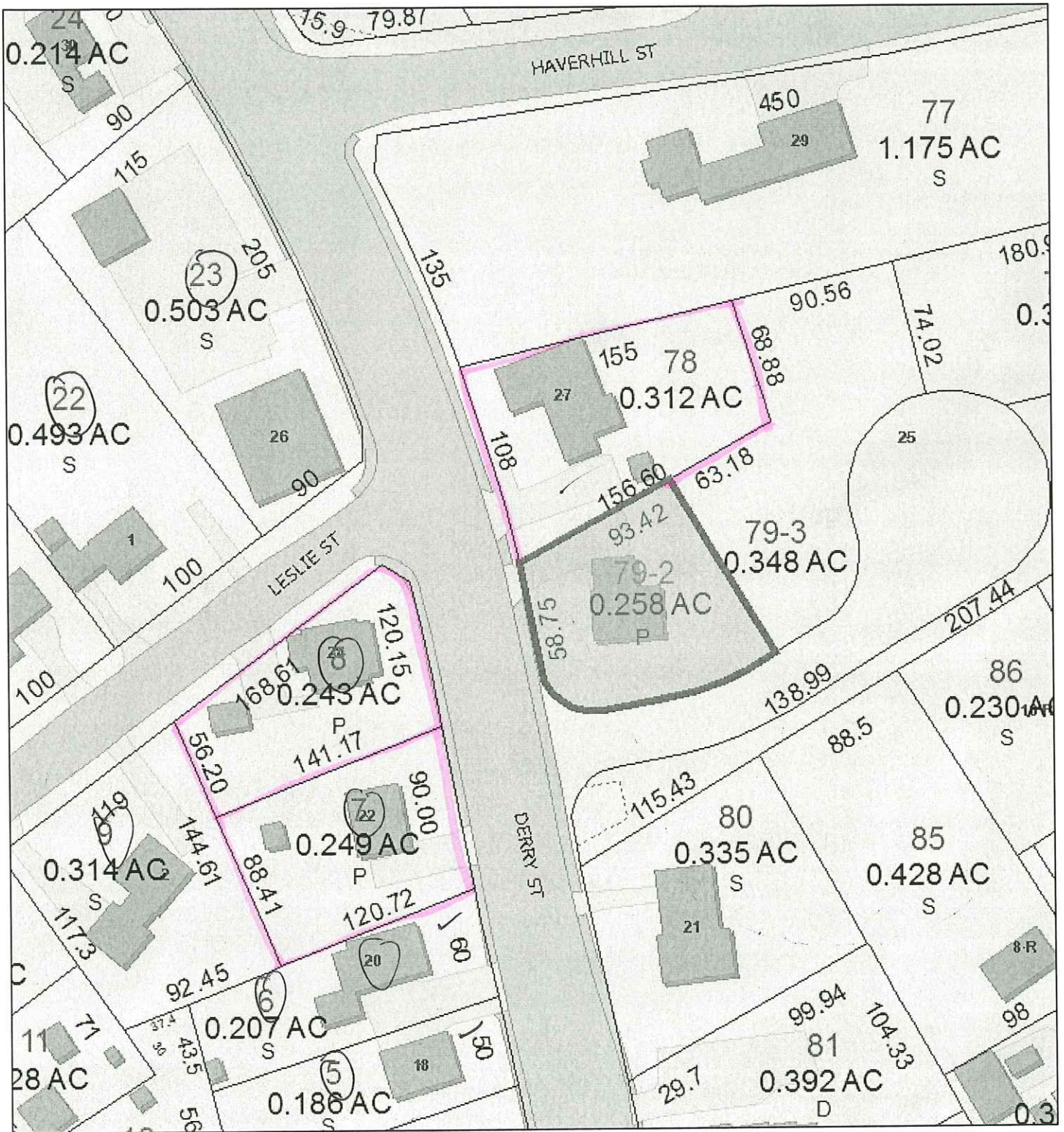
ACTIVITY INFORMATION

Date	Result	By	Name
5/16/2018	Abate Denied	1	CHIEF ASSESS
12/13/2017	Sale Data VI	12	TECH ASMNT
12/11/2017	Sale Data V	12	TECH ASMNT
3/7/2017	Inspected	12	TECH ASMNT
8/26/2016	Sale Data V	12	TECH ASMNT
4/26/2016	Other Change	1	CHIEF ASSESS
4/21/2014	Inspected	15	APPR TECH 5
4/18/2014	Measured	15	APPR TECH 5
12/4/2012	Info Fm Plan	1	CHIEF ASSESS

Sign: [Signature]

Total AC/HA: 0.25800	Total SF/SM: 11238	Parcel LUC: 101	ONE FAMILY	Prime NB Desc: RES AVG	Total: 85,514	Spl Credit:	Total: 85,500
----------------------	--------------------	-----------------	------------	------------------------	---------------	-------------	---------------

25 Derry St



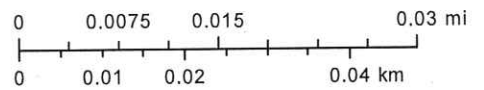
December 30, 2019

Legend

----- Easement_Lines

▭ Parcels

1:911



Town of Hudson, NH - GIS

25 derry

*Advanced Search >>

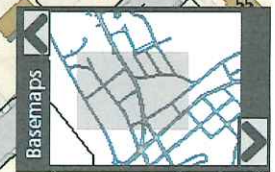
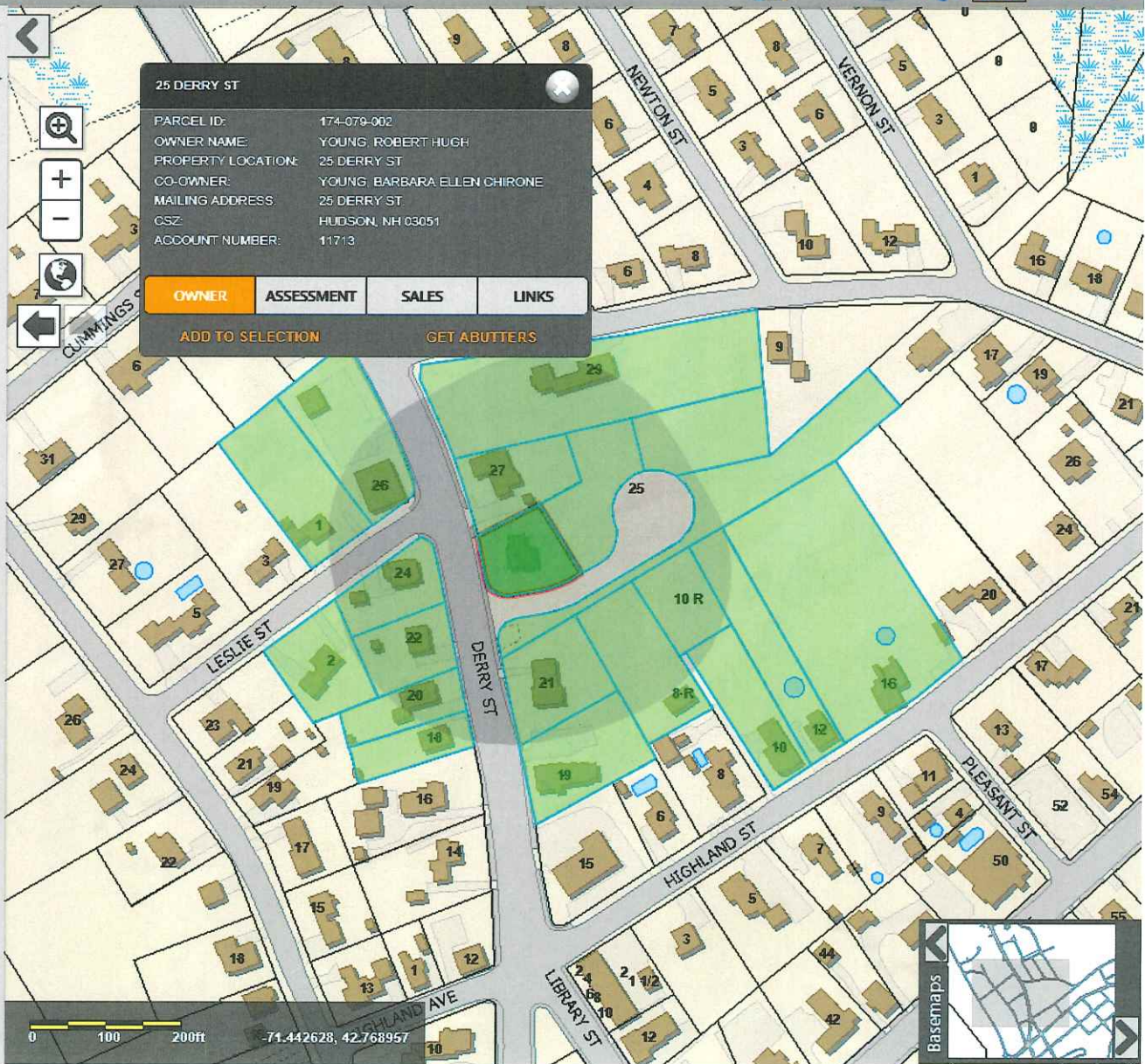
Search Results		Selection Results	
Clear	Zoom to selection	Export	
Parcel ID ▲	Address ▲	Owner ▲	
174-008-000	24 DERRY ST	JUSTINE MARY HOLDINGS, INC	
174-079-005	7 LEE WAY	POSEY INVESTMENTS, LLC	
174-009-000	2 LESLIE ST	SMILIKIS, WILLIAM J., TR.	
174-079-003	6 LEE WAY	POSEY INVESTMENTS, LLC	
174-005-000	18 DERRY ST	MEUSE, ROGER D.	
174-081-000	19 DERRY ST	YOUNGHUSBAND, ROBERT	
174-006-000	20 DERRY ST	MELANSON, TIMOTHY W.	
174-079-002	25 DERRY ST	YOUNG, ROBERT HUGH	
174-089-000	16 HIGHLAND ST	LABONTE, PAUL J.	
174-086-000	3 LEE WAY	POSEY INVESTMENTS, LLC	
174-078-000	27 DERRY ST	ZHENG, GENGHE	
174-079-004	8 LEE WAY	POSEY INVESTMENTS, LLC	
174-088-000	12 HIGHLAND ST	RENEY, MICHAEL	
174-087-000	10 HIGHLAND ST	TEAL, RICHARD SCOTT	
174-007-000	22 DERRY ST	ANDRE-NETO, ZACHARIAS	
174-080-000	21 DERRY ST	RICHARD, KENNETH	
174-023-000	26 DERRY ST	26 DERRY ROAD REALTY HOLD, LLC	
174-022-000	1 LESLIE ST	DONAHUE, THOMAS J.	
174-085-000	8 HIGHLAND ST	HERBERT, SCOTT K., TR.	
174-077-000	29 DERRY ST	KUPCHUNAS, FRANK B., JR	

25 DERRY ST

PARCEL ID: 174-079-002
 OWNER NAME: YOUNG, ROBERT HUGH
 PROPERTY LOCATION: 25 DERRY ST
 CO-OWNER: YOUNG, BARBARA ELLEN CHIRONE
 MAILING ADDRESS: 25 DERRY ST
 CSZ: HUDSON, NH 03051
 ACCOUNT NUMBER: 11713

OWNER ASSESSMENT SALES LINKS

ADD TO SELECTION GET ABUTTERS



Printed
2/10/2020
3:35PM
Created
2/10/2020
3:31 PM

Transaction Receipt

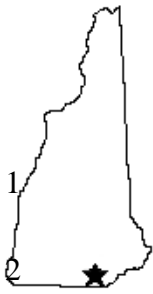
Town of Hudson, NH
12 School Street
Hudson, NH 03051-4249

Receipt# 584,934
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application 25 Derry Street Map/Lot 174-079-002 Home Occupation SE	0.00	157.1000	0.00
			Total:	157.10

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Barbara Chirone Young	CSH	CASH-TG	157.10	0.00	157.10

Total Due:	157.10
Total Tendered:	157.10
Total Change:	0.00
Net Paid:	157.10



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 – January 23, 2020 – as edited

The Hudson Zoning Board of Adjustment met on January 23, 2020, 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 6:57 PM and invited everyone to stand for the Pledge of Allegiance.

Acting Clerk Dearborn took the roll call. Members present were Charlie Brackett (Regular/Chair), Gary Daddario (Regular), Gary Dearborn (Regular/Vice Chair/Acting Clerk), Brian Etienne (Regular) and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator and Louise Knee, Recorder. Excused was Marilyn McGrath, Selectman Liaison. Alternate Selectman Liaison was not present. For the record, all Members voted.

Mr. Daddario 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 for appeal as well as housekeeping items regarding cell phones, smoking and talking.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 165-155 (01-23-20) (deferred from 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].

Mr. Buttrick read the Case into the record, noted that it was continued from the December meeting so that the Applicant could address seven (7) items, referenced his Staff Report signed 1/15/2020: (1) meet with the Zoning

44 Administrator and the Animal Control Officer; (2) Review of State Regulations;
45 (3) Incorporate recommendations from Animal Control Officer; (4) Letter from
46 Owner authorizing the space and wanted the owner to explain the relationship
47 that he has with the ownership entity; (5) Meet with the in-mall neighbors to
48 inform them of the proposal; (6) Floor Plan/layout approval by owner; and (7)
49 Address Fire Chief and Town Planner concerns, including an upgrade to the
50 HVAC system, noise control/nuisance mitigation and an Amended Site Plan.
51 Mr. Buttrick noted that attached to his Staff Report were: various emails
52 between the Applicant, Zoning Administrator, Animal Control Officer and State
53 of NH Department of Agriculture; authorization letter from “managing partner”
54 Daniel Gordon of Hudson Vickerry Leasing, LLC and the NH Secretary of State
55 listing of partners of the LLC; and the proposed floor plan signed by Daniel
56 Gordon.

57
58 Keri Demers introduced herself and Jess Hepler, Commercial Broker from
59 Bedford, NH. Mr. Hepler distributed a handout that addressed the items of
60 continuance. Before addressing the handout, Mr. Brackett asked Mr. Buttrick
61 to address the discoveries relevant to the State of NH requirements. Mr.
62 Buttrick referenced the email in his Staff Report from Cynthia Heisler of NH
63 Department of Agriculture, Markets & Food, Division of Animal Industry dated
64 12/16/2019, that there is nothing at the State level for regulating dog
65 daycares, boarding kennels or grooming facilities and that non-enforceable
66 suggestions could be found in AGR 1700. Mr. Brackett expressed surprise that
67 there are no State requirements/regulations considering the surge in dog
68 daycare/boarding business. Mr. Hepler concurred and added that Jana
69 McMillan, Hudson Animal Control Officer, has been their best resource, that a
70 good relationship has been established between her and Ms. Demers and that
71 Ms. McMillan’s suggestions have been incorporated into Ms. Demer’s plan.

72
73 Mr. Hepler stated that with regards to the questions of the Property Owner and
74 terms of the lease including outdoor area and any potential conflict with other
75 tenants, Daniel Gordon submitted a letter dated 1/8/2020 stating that he is a
76 Manager of both Hudson Vickerry Leasing, LLC and Property Owner Hudson
77 Vickerry, LLC and authorized to sign for both entities and attested that Ms.
78 Demer’s proposed use of the space is consistent with and does not violate
79 existing lease restrictions. With regard to Ms. Demers reaching out to other in-
80 mall tenants, that did not occur per the direction of the Landlord, as based on
81 their legal counsel, such contact could be construed as a violation of the ‘quiet
82 enjoyment’ clause in existing tenants’ leases and that the compatibility of in-
83 mall tenants is the responsibility of the Property Owner.

84
85 Mr. Hepler stated that Ms. Demers is aware that her next step in the approval
86 process is to file for an amended Site Plan with the Planning Board and asked
87 that, even though preliminary considered, the concerns raised by the Town
88 Planner and Fire Chief be pursued at that level. With regards to inspectional
89 Inspectional servicesServices, Ms. Demers is aware and will obtain the

90 necessary permits; however, she has placed the pursuit of the HVAC system on
91 hold until the Special Exception is granted. Mr. Buttrick noted that an
92 approved Special Exception is valid for two (2) years.

93
94 Mr. Hepler stated that the last exhibit in his handout is the proposed floor
95 plan, noted that there are four (4) exits, that the outdoor space is identified in
96 green and that Manager Daniel Gordon signed his approval of it on 1/8/2020.
97 When asked about the sentence preceding the signature (“Owner grants
98 *preliminary* approval of this conceptual plan” [italics added]), Mr. Kepler stated
99 that it is subject to Planning Board approval and/or modification and would
100 negate a return visit to the Zoning Board if modified during Site Plan Review.

101
102 Public testimony opened at 7:11 PM. No one addressed the Board.

103
104 Mr. Dearborn asked if the green area would be fenced. Ms. Demers responded
105 that it would be, that she plans to use sturdy green portable/moveable fencing.
106 Mr. Etienne asked if the outdoor space was included in the lease and Mr.
107 Hepler responded that it is part of the lease. Mr. Dearborn asked for
108 confirmation that the facility would be manned twenty-four hours per day (24
109 hrs/day) and Ms. Demers responded that there would a human on site
110 whenever an animal was in the premise. Mr. Brackett stated that there has
111 been good follow-through and thanked the applicant.

112
113 Motion made by Mr. Daddario to grant the Special Exception with the
114 stipulation that the concerns raised by the Fire Chief and the Town Planner be
115 addressed. Mr. Dearborn seconded the motion. Mr. Daddario spoke to his
116 motion stating that the applicant’s follow through on the items was well met.
117 Mr. Dearborn concurred and noted that the key item for him was that the
118 animals would never be unattended. Vote was 5:0. Motion passed. Special
119 Exception granted with stipulation. The thirty-day appeal period was noted.

120
121 2. Case 242-068 (01-23-20): Elaine Bettencourt, 26 Gowing Rd.,
122 Hudson, NH requests a Use Variance to allow the construction of a
123 714 SF Accessory Dwelling Unit (ADU) in the lower level of a split level
124 duplex where an ADU is not allowed in two family dwellings. [Map
125 242, Lot 068-000; Zoned Residential-Two (R-2); HZO Article XIII A,
126 §334-73.3 A, Accessory Dwelling Units, Provisions].

127
128 Mr. Buttrick read the Case into the record and referenced his Staff Report
129 signed 1/15/2010 noting that the Zoning Ordinance only allows ADU
130 (Accessory Dwelling Units) in single-family homes, not duplexes /multi-family
131 dwellings.

132
133 Atty. Clermont from Dracut, MA., introduced himself as representing the
134 applicant, Elaine Bettencourt, seated to his left. Mr. Brackett stated that in the
135 interest of full disclosure he knows the attorney as their children went to

136 school together and does not have a conflict but offered to recuse himself if
137 anyone felt otherwise. No Board Members spoke. Atty. Clermont stated that
138 he has no objections.

139
140 Atty. Clermont asked for the hearing to be deferred to next meeting to allow
141 time for the applicant to work with Town Officials to explore if their objective
142 could be met without needing a variance. Atty. Clermont stated that the
143 property is a duplex and the owner's daughter lives on one side. Elaine
144 Bettencourt lives with her sister and wishes to have an ADU in the lower level
145 so that they, as court appointed guardians since their parents' passing, can
146 care for their brother, who is developmentally impaired and requires constant
147 supervision. The sisters desire to have separate living units; hence the original
148 pursuit of the ADU; however they are pursuing other alternatives that my not
149 require an ADU, add a potentially third unit to the residence as it is just
150 needed for the care of their brother. If an alternative is possible they will
151 withdraw their application; if an alternative is not possible they would return to
152 the Board for the variance for an ADU for a person, their brother, who has a
153 recognized disability as allowed by RSA 674:33V. Atty. Clermont respectfully
154 asked to defer the hearing to the next meeting.

155
156 Mr. Pacocha asked if questions could be asked before the Board makes a
157 motion whether or not to acknowledge the deferment request. Mr. Brackett
158 stated that it would not only be inappropriate but that any answer could
159 change in the coming month.

160
161 Motion made by Mr. Etienne and seconded by Mr. Daddario to accept the
162 applicant's request and defer the hearing on this Case until the Board's next
163 meeting on 2/2/2020. Vote was 4:1. Mr. Pacocha opposed. Motion carried.

164
165 Mr. Brackett stated that in the interest of full disclosure, the Town received a
166 letter/email recently (yesterday or today) that is available to the public.

167
168
169 3. Case 147-016 (01-23-20): Alfred Sapochetti, 3B Yale Ct., Hudson, NH
170 requests a Use Variance for 181 A Webster St., Hudson, NH to
171 prepare food (hot & cold) on site for take-out and serve ice cream for
172 take-out, a use not permitted. [Map 147, Lot 016-000; Zoned
173 Residential-Two (R-2); HZO Article V, §334-21, Table of Permitted
174 Principal Uses].

175
176 Mr. Buttrick read the Case into the record and referenced his Staff Report
177 signed 1/16/2020 and noted that the Applicant is seeking the variance at the
178 direction of the Town's Building Permit denials, Zoning Determinations and
179 current ~~code~~-Code Enforcement actions. Attachments to the Staff Report
180 included Minutes from several meetings held with the Applicant (1/5/2020,
181 12/4/2019, 10/9/2019); acknowledgement of existing violations on the site;

182 and comments from Town Engineer, Fire Chief, Town Planner and Zoning
183 Administrator. Mr. Buttrick noted that even though the store is not a
184 ~~permitted~~ Permitted Use in the Zoning District, it is not a non-conforming use
185 as it was obtained by Variance through the ZBA in 1964 and further confirmed
186 by a 1990 Court Consent Decree and advised the Board to confine review of the
187 Variance to the convenience store.

188
189 Tony Basso, PE from Keach Nordstrom & Associates, Inc., introduced himself
190 as representing the landowners and, seated to his right, Vatche Manoukian
191 who is a principal of the Property Owner, Derry & Webster, LLC. Mr. Basso
192 distributed an Existing Condition Plan of the entire site, dated today,
193 1/23/2020, and stated that there is a lot happening on the property, noted
194 that these activities have been going on for years and referenced the 1990
195 Court Consent Decree that identified what is allowed on the site. Mr. Basso
196 stated that there was no plan on file and there is now a plan. Mr. Basso
197 acknowledged that violations exist on the site and added that they are being
198 addressed, that meetings have been held with Mr. Buttrick and Town Council
199 and the Town Planner and progress is being made.

200
201 Mr. Basso stated that the new owners have spent approximately one hundred
202 thousand dollars (~\$100,000) in renovations and that the Zoning
203 Determination (#19-019 dated 3/12/2019) should have been appealed but the
204 time lapsed and they are now before the Board for a variance to prepare food
205 (hot and cold) on site for take-out and serve ice-cream for take-out even though
206 both have been offered in the past.

207
208 Mr. Brackett asked Mr. Buttrick if the other uses on the property are part of
209 tonight's hearing and Mr. Buttrick responded that they are not, that despite
210 the existing multiple uses and buildings on the lot, what is before the Board is
211 just the expansion of the use of the store, a nonconforming use previously
212 granted by variance and acknowledged on the Assessor's Card, to prepare food
213 onsite and serve ice cream for take out consumption and added that the
214 renovations to the store went through the Building Permit process and received
215 a Certificate of Occupancy. Mr. Buttrick added that investigation into the uses
216 of the property is under investigation for compliance/Zoning Determination
217 and that there is no Site Plan Review on this property. Discussion arose on
218 whether another use was being added to the site versus an expansion of an
219 existing, and permitted, use. Mr. Brackett expressed concern for the piecemeal
220 approach and that, in his opinion, the ZBA should be looking at the entire lot,
221 not just the store. Mr. Basso noted that the existing uses have been on site
222 since forever, like the landscaping business, and added that the entire site is
223 under review, that a plan of the entire site has been prepared and the existing
224 residence on site is under dispute whether it is for two or three units, that
225 clean up has been ongoing and needs to continue and that was is before the
226 Board tonight is to legitimize the expanded use of the store to prepare and sell
227 food and serve ice cream. Mr. Dearborn noted that included in the meeting

228 packet is notice of a Final Inspection for 4/1/2020 and asked if that is just for
229 the store or the whole property. Mr. ~~Burrtiek~~-Buttrick responded that it is a
230 Code Enforcement inspection for the entire lot.

231
232 Mr. Basso addressed the criteria for the granting of a variance. The
233 information shared included:
234

- 235 1. *not contrary to public interest*
 - 236 • creating an opportunity for the public to pick up fresh made food
 - 237 or ice cream while shopping and save driving out of the
 - 238 neighborhood
 - 239 • its use has existed in the past
 - 240 • it is supplemental/incidental use of the store
- 241 2. *spirit of Ordinance observed*
 - 242 • the spirit and intention of the Ordinance is to allow for reasonable
 - 243 expansion of a business
 - 244 • this is a reasonable growth expansion
 - 245 • the sale of sandwiches has been part of the store for thirty (30)
 - 246 plus years
- 247 3. *substantial justice done*
 - 248 • substantial justice would be done to the property owner for all the
 - 249 reasons previously stated
- 250 4. *will not diminish surrounding property values*
 - 251 • letter submitted from a local realtor in the Nashua area testifying
 - 252 that there is no adverse impact - Linda N. Babigian of Crestwood
 - 253 Ridge Realty, LLC
- 254 5. *hardship*
 - 255 • the store has existed since the 1960's
 - 256 • it is in the R-2 Zone, which requires a variance for practically
 - 257 anything that is not residential
 - 258 • this is a reasonable expansion
 - 259

260 Mr. Basso stated that as to how it relates to the rest of the lot, the store has its
261 own parking and has its own sign and even though it shares the lot with other
262 uses they are all separate operations and do not infringe on one another. It is
263 an incidental use to the store, it is not a separate distinct use outside of the
264 store, occupying another building. The store has been renovated and meets
265 Fire Code. The distinction is that the store will make fresh sandwiches instead
266 of selling prepackaged made elsewhere sandwiches like other convenience
267 stores and be able to sell ice cream.
268

269 Public testimony opened at 7:46 PM. The following individuals addressed the
270 Board:

- 271 (1) Lee Makara, tenant at 181 Webster Street stated that when he first
272 moved there twenty two (22) years ago, Tamposi owned the property

- 273 and everything that is there now was there twenty two (22) years ago.
274 The store back then sold sandwiches and grilled foods and baked
275 goods, like Mac & Cheese all prepared in the store.
- 276 (2) Richard Lynch, 5 Madeline Court, abutter across the street, stated
277 that he has been watching the property is please with its new
278 appearance, does not know Mr. Manoukian, just the people in the
279 store and even his wife has commented on how nice it now looks in
280 there. It is fair to let the store make and sell sandwiches. The
281 driveway is a disaster. In response to Mr. Brackett, Mr. Lynch
282 confirmed that previous store owner/operators made and sold
283 sandwiches.
- 284 (3) Steven Bease, 18 Scenic Lane, directly across from the property third
285 house down, stated that as a homeowner he welcomes an option
286 other than pizza and that, in his opinion, from an entrepreneurial
287 aspect it seems to be splitting hairs especially when he can go to a
288 7/11 and buy a premade sandwich. He has witnessed the
289 improvements and it is welcomed.
- 290 (4) Ms. Twining, ~~Shephards-Shepherds~~ Hill, stated that she has been in
291 Hudson for thirteen (13) years but didn't know this Board or this side
292 of Hudson's government, but she knows the people and knows the
293 care and the pride that has already been introduced into this project.
294 The option, as it stands now, would be to bring in pre-packaged
295 foods, "plastic" food versus freshly prepared food from these people
296 who care about ingredients to provide a quality healthful product.
- 297 (5) Rick Stevens, ~~Shephards-Shepherds~~ Hill, stated that he can speak to
298 the quality of the food and is looking forward to being able to enjoy it
299 and having other options than pizza.

300
301 Being no one else to speak, public testimony closed at 7:53 PM.

302
303 Mr. Buttrick explained that the Table of Permitted Uses identifies specific Uses
304 and whether they are Permitted by Right, require a Special Exception or are not
305 Permitted and require a Variance for each Zone and why a convenient store,
306 like a ~~Cumberlins-Cumberland Farms~~ or a 7-Eleven, can offer onsite sandwich
307 making and seating because it is allowed in a particular Zone; recapped his
308 findings, which included the Fire Department's 7/18/2008 letter to cease the
309 onsite cooking of breakfast sandwiches, that led to his Zoning Determination of
310 3/12/2019; noted that the store at this location received a Variance when it
311 morphed from a farm stand but it is still a non-conforming Use and the request
312 to offer onsite cooking/preparation of food and the selling of ice cream is an
313 expansion of the non-conforming store Use and requires a Variance; and noted
314 that the inclusion of ice cream selling changed the category of Use from a D7 to
315 a D16 ~~on-in~~ the Table of Permitted Uses that will now necessitate Site Plan
316 Review by the Planning Board.

317

318 Mr. Etienne asked if the cold storage was inside the building and Mr. Basso
319 confirmed it was. Mr. Etienne asked if the food operation has been inspected
320 and licensed and Mr. Buttrick stated that would result from the State of NH
321 Division of Health Services and that will be pursued if this Variance is granted.
322

323 Mr. Pacocha asked if there would be tables and chairs inside the store and Mr.
324 Basso responded that there would not, there would just be a counter to place
325 an order and confirmed that there is no intention of placing any tables or
326 chairs in the future. Mr. Pacocha asked about ice cream and Mr. Basso
327 responded that it would be at the same counter.
328

329 Discussion continued on the historical serving of food at this location, whether
330 or not it was permitted, whether or not it was prepared on site ultimately led
331 the current owner to believe it could continue and became part of the total
332 renovation of the store.
333

334 Mr. Dearborn inquired about the parking lot noting that it is in serious need of
335 repair. Mr. Manoukian stated that it is his hope to fix it this coming spring
336 and Mr. Basso noted that it would become part of Site Plan Review with the
337 Planning Board.
338

339 Mr. Daddario stated that the applicant has done a good job at addressing
340 several of the criteria for the granting of a Variance, that the public support
341 means a lot to him but, by ~~Law~~law, hardship is only applicable to the land, that
342 there has to be something unique about this property to meet this criteria. Mr.
343 Basso responded that this store exists by Variance since ~~1967~~1964, that a
344 reasonable expansion of the business requires ZBA review and approval, that
345 the business property is in the midst of the Residential Zone located on a very
346 busy street and serves all the residences in the neighborhood, spot zoning is
347 not allowed and the lot cannot be rezoned.
348

349 Mr. Brackett stated that one of the very few times he's been into that store was
350 to rent a U-Haul when he first moved to Hudson, that it was more like a
351 general store with a farm stand (Garrison Farm) and like several developments
352 the farm was converted to homes and noted that there was no opposing
353 testimony received, there would be no physical expansion of the store and it
354 seems that the hardship would be not to allow food preparation which, as Mr.
355 Basso has pointed out, is incidental to the store, which was granted by
356 variance. Mr. Daddario stated that it could be assumed that hardship criteria,
357 by strict interpretation, was satisfied when the original variance was granted
358 and could be relied upon for the expansion of use.
359

360 Mr. Buttrick referred to the Town Staff Review Comments: Town Engineer
361 noted need for grease trap and parking to be designated and include handicap;
362 Fire/Health Department stresses need for Inspectional ~~services~~Services and
363 State licensing; Town Planner recommended Site Plan Review prior to issuance

364 of Certificate of Occupancy and input from Town Counsel as other site violation
365 issues are resolved; and Zoning Administrator who supported the need for Site
366 Plan Review by the Planning Board and continued resolution of the code
367 enforcement issues on site.

368
369 Mr. Basso stated he agreed with most, especially the with the need for Site Plan
370 Review for the ice cream portion changing the use category and needing
371 outside tables for the consumption of ice cream; however, does not believe the
372 sandwich prep aspect should be held up for Site Plan Review but included in
373 with the Certificate of Occupancy for the store. Discussion arose. Mr. Basso
374 stated that he would like to avoid having to come back to the ZBA to fine tune
375 or negate a condition of approval. Mr. Daddario stated that the ZBA need not
376 stipulate or distinguish between sandwich prep and ice cream requiring Site
377 Plan Review, just that Site Plan Review is required procedurally.

378
379 Board reviewed the criteria for the granting of a Variance. Comments included:
380

381 1. *not contrary to public interest*

382 Mr. Etienne: an existing and known use

383 Mr. Daddario: existing & known use – community supported

384 Mr. Pacocha: if located in another Zone it would be okay

385 Mr. Brackett: serves the public interest – originally a farm

386 Mr. Dearborn: impressed with Public testimony – just moving forward

387 2. *spirit of Ordinance observed*

388 Mr. Etienne: Zone changed - have 1990 Consent Decree

389 Mr. Daddario: no material/physical change to business/building or
390 neighborhood

391 Mr. Pacocha: proposed use is customary to type of business

392 Mr. Brackett: an unusual situation- zoning was created around the
393 property – existence legitimized with a variance

394 Mr. Dearborn: noted that the other component of the criteria – *no*
395 *threat to public health or welfare* – is also met

396 3. *substantial justice done*

397 Mr. Etienne: store has existed 40+ years, no harm to public

398 Mr. Daddario: historical evidence of store's existence with variance
399 and Consent Decree and no harm reported from public

400 Mr. Pacocha: owner benefits from variance – wanted by public

401 Mr. Brackett & Mr. Dearborn: concurred

402 4. *will not diminish surrounding property values*

403 Mr. Etienne: none reported – Realtor testament of no impact

404 Mr. Daddario: professional opinion submitted – public supported

405 Mr. Pacocha: store has been renovated and other improvements are
406 being made on the lot

407 Mr. Brackett: no impact from variance – been a good faith effort
408 working with Town Officials to clean up the lot

409 Mr. Dearborn: if impacted, would have received five opposing
410 testimonies, but only favorable testimony received
411

412

413 5. *hardship*

414 Mr. Etienne: hardship is that it is in the R-2 Zone, created after it
415 existed but they have a Variance to exist and what is proposed is
416 incidental to that business

417 Mr. Daddario: concurred, the operation exists at present because a
418 variance was granted and it is safe to assume that the hardship
419 criteria was met then and what is proposed is normal growth for this
420 type of business

421 Mr. Pacocha: concurred

422 Mr. Brackett: began as a general store, has offered food in the past,
423 offering food is incidental to the store, to take that away would cause
424 a hardship

425 Mr. Dearborn: ready to make a motion
426

427

428 Motion made by Mr. Dearborn to approve the Variance with the following
429 stipulations: (1) that there be no inside seating for eating at all; and (2) Site
430 Plan Review approval from the Planning Board as needed. Motion seconded by
431 Mr. Pacocha. Vote was unanimous at 5:0. Applause received from the public.
432

433

434 Board took a ten (10) minute break at 8:39 PM while the room cleared. Mr.
435 Brackett called the meeting back to order at 8:45 PM.

436

437 **IV. REQUEST FOR REHEARING:**

438

439 No requests were received for Board consideration.

440

441 **V. REVIEW OF MINUTES:**

442

443 12/12/19 Minutes

444 Board reviewed the edited version presented and made no further changes.

445 Motion made by Mr. Dearborn and seconded by Mr. Etienne to adopt the

446 12/12/2019 Minutes as edited and presented. Vote was 5:0.

447

448 **VI. OTHER:**

449

450 1. Election of Officers

451

452 **Chairman:** Motion made by Mr. Dearborn and seconded by Mr. Daddario for
453 Charlie Brackett to remain Chairman. Vote was 4:0:1, Mr. Brackett abstained.

454 **Vice Chairman:** Motion made by Mr. Pacocha and seconded by Mr. Brackett
455 for Gary Dearborn to remain Vice Chairman. Vote was 4:0:1, Mr. Dearborn
456 abstained.

457
458 **Clerk:** Discussed. Mr. Etienne stated that he feels he is too new to the Board
459 to be considered. Normally an Alternate Member is elected as Clerk but there
460 are no Alternates on the Board. Confusion expressed over actual function and
461 requirements for the Clerk especially since the change was made to the ~~ir~~
462 Bylaws. Decision made to hold a training session at 6:30 PM on 2/27/2020.
463 Motion made by Mr. Brackett and seconded by Mr. Dearborn to nominate Gary
464 Daddario as Clerk. Vote was 4:0:1, Mr. Daddario abstained

465
466 2. Proposed Zoning Ordinance amendments going to ballot.

467
468 Board reviewed the three (3) draft proposed Zoning Amendments reviewed at
469 the 1/8/2020 Public Hearing held by the Planning Board. The three (3) items
470 going to ballot were: (1) Building Height – to be uniform throughout the
471 Industrial Zone; (2) Definition of Duplex to eliminate ~~the-a~~ loophole; and (3) the
472 adoption of the Wetland Conservation Overlay District eliminating the need for
473 a Wetland Special Exception from the ZBA and requiring a Conditional Use
474 Permit (CUP) from the Planning Board.

475
476 3. ZBA-9/24/09 Use Variance granted w/stipulations for 35 Hazelwood
477 Rd: Completed- \$2,500 septic bond released.

478
479 Board reviewed and discussed the material provided by Mr. Buttrick. Bond to
480 be released with interest.

481
482 4. ZORC Reactivated ?

483
484 Mr. Brackett stated that the Planning Board is the creator and modifier of the
485 Zoning Ordinance and have three (3) of their Members assigned to rewrite the
486 Zoning Ordinance in 2020, so ZORC will not be needed this coming year.
487 Suggestion made that the items under ZORC consideration be given to the
488 Planning Board for their consideration into the re-write.

489
490 5. NH Planning and Land Use Regulation 2019-2020 Edition

491
492 Mr. Buttrick distributed the latest edition to every Member.

493
494 Motion made by Mr. Daddario, seconded by Mr. Pacocha and unanimously
495 voted to adjourn the meeting. The 1/23/2020 ZBA meeting adjourned at 9:12
496 PM.

497
498 Respectfully submitted,
499 Louise Knee, Recorder

SAVE THE DATE

26TH ANNUAL SPRING PLANNING & ZONING CONFERENCE

WHEN

**Saturday,
May 30, 2020**
8am – 4pm

WHERE

Courtyard by Marriot
Grappone Conference Center
70 Constitution Avenue
Concord, NH 03301

REGISTRATION FEE

\$75 per person

CONTACT INFO

Danielle Craver
NH Office of Strategic Initiatives
107 Pleasant Street
Concord, NH 03301
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danielle.craver@osi.nh.gov

FOR ADDITIONAL CONFERENCE DETAILS VISIT

www.nh.gov/osi

REGISTRATION OPENS APRIL 2020

