

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 – June 25, 2020

COVID-19 Meeting Procedure

In response to the NH State of Emergency Order #12 Pursuant to Executive Order 2020-04 regarding COVID-19, The Hudson Zoning Board of Adjustment will conduct a virtual and public meeting & hearings electronically by remote video & conference call and physically at the Community Center, 12 Lions Ave, Hudson on Thursday, June 25, 2020, at 7:00 PM. Written comments can be sent in advance either by: 1) Email to bbuttrick@hudsonnh.gov prior to 5:00 pm, June 25, 2020; or 2) Mail by June 22, 2020 to ZBA, c/o Bruce Buttrick, Hudson Town Hall, 12 School St., Hudson, NH 03051. For the public to participate and comment, please follow the instructions on the town website: <https://www.hudsonnh.gov/bc-zba/page/public-hearing-process> or call (603) 886-6008 prior to the date of the meeting. Applications on the agenda may be viewed online at: <https://www.hudsonnh.gov/bc-zba> (click: View Agendas, Minutes, Packets & Videos). The meeting will be streamed live on Hudson Community Television, Cable Channel 22 or online at: <http://hudsonctv.com/CablecastPublicSite/watch/2?channel=3>.

I. CALL TO ORDER

II. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 173-022 (06-25-20) (deferred from 05-28-20): Turbo Realty, LLC by Patricia M. Panciocco, One Club Acre Lane, Bedford, NH requests to amend the Variance application heard on the 5/28/20 ZBA meeting for 15 Tolles St., Hudson, NH to request a one-year extension from the previously imposed June 7, 2020 deadline, to submit a complete site plan application to the Hudson Planning Board. [Map 173, Lot 022-000; Zoned Town Residence (TR); HZO Article V, Permitted Uses, §334-21, Table of Permitted Principal Uses].
2. Case 173-012 & 014 (06-25-20) (deferred from 05-28-20): Turbo Realty, LLC by Patricia M. Panciocco, One Club Acre Lane, Bedford, NH requests a Variance at 4 & 14 Tolles St., Hudson, NH to be allowed to extend the same uses to Lots 173-012 & 014 as were granted by the ZBA on June 7, 2018 for three (3) variances at 15 & 17 Tolles St. [Map 173, Lot 012-000 and Lot 014-000; Zoned Town Residence (TR); HZO Article V, Permitted Uses, §334-21, Table of Permitted Principal Uses].
3. Case 158-035 (06-25-20): Carolyn Sassak, 145 Highland Street, Hudson, NH requests a Home Occupation Special Exception for a home beauty salon business in the garage of the primary residence. [Map 158, Lot 035-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, Home Occupations].
4. Case 204-002 (06-25-20): Keri Demers, 23 Dexter Street, Nashua, NH requests a Special Exception for 153 Lowell Rd, Hudson, NH to allow a dog day care, grooming, animal rescue services, retail sales, community pet education and kennel (day & overnight boarding) facility. [Map 204, Lot 002-000; Zoned Business (B); HZO Article VI, Special Exceptions, §334-23, General Requirements].

III. REQUEST FOR REHEARING: None

IV. REVIEW OF MINUTES: 5/21/20 Minutes; 5/28/20 Minutes

V. OTHER

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: June 25, 2020 *PH 6-17-20*

Case 173-022 (06-25-20) (deferred from 05-28-20): Turbo Realty, LLC by Patricia M. Panciocco, One Club Acre Lane, Bedford, NH requests to amend the Variance application heard on the 5/28/20 ZBA meeting for 15 Tolles St., Hudson, NH to request a one-year extension from the previously imposed June 7, 2020 deadline, to submit a complete site plan application to the Hudson Planning Board. [Map 173, Lot 022-000; Zoned Town Residence (TR); HZO Article V, Permitted Uses, §334-21, Table of Permitted Principal Uses].

Summary:

This is a matter of a formality mainly for re-noticing this particular case, Applicant had originally requested an extension for 90 days, but after the testimony on 05-28-20 the applicant submitted a revision/change to the original request: **to request an extension to June 2021**, to be able to prepare a global site plan which also encompasses other parcels.

Property description:

This is an existing developed lot of record with non-conforming uses (by variance).

In-house (Town) review/comments:

N/A refer to 05-28-20 mtg packet

HISTORY:

N/A refer to 05-28-20 mtg packet

Attachments:

N/A refer to 05-28-20 mtg packet

TOWN OF HUDSON

JUN 09 2020

Zoning Department

AMENDED

APPLICATION FOR A VARIANCE

TOWN OF HUDSON

JUN 09 2020

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 173-022 (06-25-20)

Date Filed 6/9/20

Name of Applicant Turbo Realty, LLC by Patricia M. Panciocco Map: 173 Lot 022-00 Zoning District: TR

Telephone Number (Home) _____ (Work) (603) 518-5370

Mailing Address One Club Acre Lane Bedford, New Hampshire 03110

Owner Turbo Realty, LLC

Location of Property 15 Tolles Street - "Pages 6-7 AMENDED"
(Street Address)

Patricia Panciocco
Signature of Applicant

June 8, 2020
Date

Shirley W. [Signature]
Signature of Property-Owner(s)

June 8, 2020
Date

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

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

COST:

Application fee:	<u>\$130.00</u>	Date received: <u>6/9/20</u>
<u>8</u> Direct Abutters x \$4.05 =	_____	
<u>7</u> Indirect Abutters x \$0.55 =	_____	
Total amount due:	<u>\$</u> _____	Amt. received: <u>\$ 166.65</u>
		Receipt No.: <u>599,239</u>

Received by: TSG

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

Treasurer
chk #
530027106

AMENDED APPLICATION FOR A VARIANCE FOR JUNE 25, 2020 MEETING

(Applicant responses in bold)

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article SEE BELOW Section(s) SEE BELOW:

This Variance requests a modification of Stipulation (3) and Stipulation (6) of the three (3) variances granted by the ZBA on June 7, 2018 for 15-17 Tolles Street (“2018 Variances”) copies of which are attached as Exhibit A. Stipulation (3) and (6) are identical in all three variances.

ARGUMENT 1:

Stipulation (6) of each 2018 Variance states the approvals are “*contingent upon the applicant completing a Site Plan Review through the Planning Board within a two-year period...*” from date of approval.

Since June 7, 2018, the property has been surveyed and partially engineered as shown on the ZBA Plan attached as Exhibit B. The Applicant intends to present a fully engineered Site Plan to the Planning Board, but would like to include Lot 173-012 and Lot 173-014 on the same Plan. By doing so, the Planning Board will review one Site Plan for the entire site. The Applicant is requesting a one-year extension from the previously imposed June 7, 2020 deadline, to submit a complete site plan application to the Hudson Planning Board for all the Lots on Tolles Street. The additional time is being requested to allow the Applicant to recover economically from the current pandemic to be able to cover the cost of the additional engineering for the site plan.

For this reason, the Applicant requests Stipulation (6) to now read: “*contingent upon the applicant submitting a full site plan application to the Planning Board on or before June 7, 2021.*”

ARGUMENT 2:

As to Stipulation (3), in order to avoid future conflicts if enforcement of hours of operation is required, the Applicant requests the ZBA confirm it will defer to any decision made by the Planning Board regarding the hours of operation as controlling but will otherwise abide by the current hours of operation set by the ZBA. The Applicant requests Stipulation (3) to read: The “hours of operation imposed by the Variances shall cease and expire upon a successful site plan approval by the Hudson Planning Board”.


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 Office, with the reasons for the denial being cited thereon.

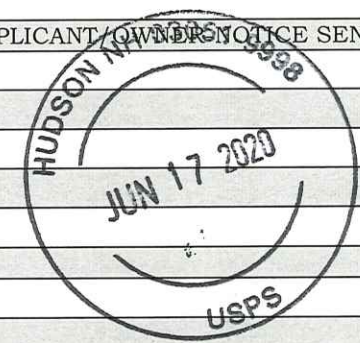
FACTS SUPPORTING THIS REQUEST:

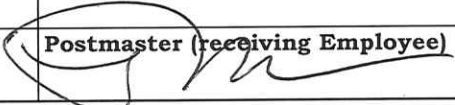
The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (b), as follows:

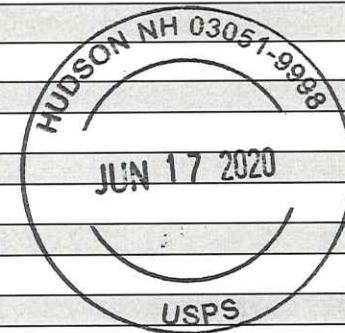
- I. “The Zoning Board of Adjustment shall have the power to:
 - (b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:
 - (1) The variance will not be contrary to the public interest;
 - (2) The spirit of the ordinance is observed;
 - (3) Substantial justice 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.

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 173-022 Variance AMENDED 15 Tolles Street Map 173/Lot 022-000 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	6/25/2020 ZBA Meeting
1	7018 2290 0001 3001 4062	ERIN E. JENKINS; ERIC MAITLAND 6 CAMPBELLO ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
2	7018 2290 0001 3001 4079	TURBO REALTY, LLC 15 TOLLES STREET, SUITE C, HUDSON, NH 03051	APPLICANT/OWNER-NOTICE SENT
3	7018 2290 0001 3001 4086	RICHARD L. & JACQUELINE SUTER 12 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
4	7018 2290 0001 3001 4093	LARRY L. & MEREDITH RACKLIFF 10 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
5	7018 2290 0001 3001 4109	EDWARD MCNULTY 8 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
6	7018 2290 0001 3001 4116	GLEN SCOTT KOMINIK 11 TOLLES ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
7	7018 2290 0001 3001 4123	PATRICIA M. PANCIOTTO, ESQUIRE; PANCIOTTO LAW, LLC ONE CLUB ACRE LANE, BEDFORD, NH 03110	APPLICANT/OWNER-NOTICE SENT
8	7018 2290 0001 3001 4130	GRANITE ENGINEERING 250 COMMERCIAL ST., STE 3008, MANCHESTER, NH 03101	APPLICANT/OWNER-NOTICE SENT
9			
10			
11			
12			
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office 8	Postmaster (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 173-022 Variance AMENDED 15 Tolles Street Map 173/Lot 022-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	6/25/2020 ZBA Meeting
1	Mailed First Class	ROBERT J. & KATHERINE A. GREENE, 11 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
2	Mailed First Class	BEATRIZ JAUREGUI, TR.; JOSE ALEJANDRO URRUTIA, TR., AGARRECHU REVOCABLE TRUST 9 CAMPBELLO ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
3	Mailed First Class	STEVEN E. & SHARA THERESA KATSOS 7 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
4	Mailed First Class	DIANE BALBONI 5 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
5	Mailed First Class	LAN X. PHAM; HENRY NGUYEN 3 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
6	Mailed First Class	NICHOLAS J. DELUCA 6 TOLLES ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
7	Mailed First Class	PAUL D. & DONNA I. THORN 12 GROUSE LANE, LITCHFIELD, NH 03052	ABUTTER NOTICE SENT
8			
9			
10			
11			
12			
13			
14			
15			
Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office 7	Postmaster (receiving Employee) 	



Printed
6/12/2020
1:08PM
Created
6/12/2020
1:00 PM

Transaction Receipt

Receipt# 599,239
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	ZBA Amended Application- 06/25/20 ZBA Mtg 15 Tolles Street Map/Lot 173-022-000 Variance-Amended	0.00	166.6500	0.00
			Total:	166.65

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Panciocco Law, LLC	CHECK	TREASR CHK 530027106	166.65	0.00	166.65
			Total Due:		166.65
			Total Tendered:		166.65
			Total Change:		0.00
			Net Paid:		166.65

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 11-06-18)**

On **06/25/20**, the Zoning Board of Adjustment heard Case **173-022 (deferred from 05/28/20)**, being a case brought by **Turbo Realty, LLC by Patricia M. Panciocco, One Club Acre Lane, Bedford, NH** for an amended Variance application at **15 Tolles St., Hudson, NH to request a one-year extension from the previously imposed June 7, 2020 deadline, to submit a complete site plan application to the Hudson Planning Board.** [Map 173, Lot 022-000; Zoned Town Residence (TR); HZO Article V, Permitted Uses, §334-21, Table of Permitted Principal Uses].

After reviewing the petition, hearing all of the evidence, and taking into consideration any personal knowledge of the property in question, the undersigned member of the Zoning Board of Adjustment sitting for this case made the following determination:

Y **N** **1.** Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”

Y **N** **2.** The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”

Y **N** **3.** Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.

Y **N** **4.** The proposed use will not diminish the values of surrounding properties.

Y **N** **5.** Special conditions exist such that literal enforcement of the ordinance would result in **unnecessary hardship**, either because 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* because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.

Member Decision: _____

Signed: _____ Date _____
 Sitting member of the Hudson ZBA

Stipulations: _____



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: June 25, 2020 *BB 6-17-20*

Case 158-035 (06-25-20): Carolyn Sassak, 145 Highland Street, Hudson, NH requests a Home Occupation Special Exception for a home beauty salon business in the garage of the primary residence. [Map 158, Lot 035-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

Summary:

Applicant is requesting a Home Occupation Special Exception to conduct a home based beauty salon within the existing attached garage.

Property description:

This lot is a legal non-conforming lot with regards to the area requirements. The use as a single family is also a legal existing use.

In-house (Town) review/comments:

Fire Dept: none received
Engineering: yes
Town Planner: none received
Zoning Administrator: yes

History:

Assessing: Listed as single family

Attachments:

“A” Assessing record.
“B” Town Engineer in-house review/comments.
“C” Zoning Administrator comment

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	183,200	0	98,900	0.82	0.00	282,100
2019	101 - ONE FAMILY	183,200	0	98,900	0.82	0.00	282,100
2019	101 - ONE FAMILY	183,200	0	98,900	0.82	0.00	282,100
2018	101 - ONE FAMILY	183,200	0	98,900	0.82	0.00	282,100
2018	101 - ONE FAMILY	183,200	0	98,900	0.82	0.00	282,100
2017	101 - ONE FAMILY	183,200	0	98,900	0.82	0.00	282,100
2017	101 - ONE FAMILY	142,800	0	94,400	0.82	0.00	237,200
2017	101 - ONE FAMILY	183,200	0	98,900	0.82	0.00	282,100
2016	101 - ONE FAMILY	142,800	0	94,400	0.82	0.00	237,200
2016	101 - ONE FAMILY	142,800	0	94,400	0.82	0.00	237,200
2015	101 - ONE FAMILY	142,800	0	94,400	0.82	0.00	237,200
2015	101 - ONE FAMILY	142,800	0	94,400	0.82	0.00	237,200
2014	101 - ONE FAMILY	142,800	0	94,400	0.82	0.00	237,200
2014	101 - ONE FAMILY	142,800	0	94,400	0.82	0.00	237,200
2013	101 - ONE FAMILY	138,100	0	94,400	0.82	0.00	232,500
2013	101 - ONE FAMILY	138,100	0	94,400	0.82	0.00	232,500
2012	101 - ONE FAMILY	138,100	0	94,400	0.82	0.00	232,500
2012	101 - ONE FAMILY	156,600	0	125,800	0.82	0.00	282,400
2011	101 - ONE FAMILY	156,600	0	125,800	0.82	0.00	282,400
2011	101 - ONE FAMILY	156,600	0	125,800	0.82	0.00	282,400
2010	101 - ONE FAMILY	156,600	0	125,800	0.82	0.00	282,400
2010	101 - ONE FAMILY	156,600	0	125,800	0.82	0.00	282,400
2009	101 - ONE FAMILY	157,600	0	125,800	0.82	0.00	283,400
2008	101 - ONE FAMILY	157,600	0	125,800	0.82	0.00	283,400
2008	101 - ONE FAMILY	157,600	0	125,800	0.82	0.00	283,400
2007	101 - ONE FAMILY	157,600	0	125,800	0.82	0.00	283,400
2007	101 - ONE FAMILY	165,800	0	89,400	0.82	0.00	255,200
2006	101 - ONE FAMILY	165,800	0	89,400	0.82	0.00	255,200
2006	101 - ONE FAMILY	164,500	0	89,400	0.82	0.00	253,900
2005	101 - ONE FAMILY	164,500	0	89,400	0.82	0.00	253,900
2005	101 - ONE FAMILY	164,500	0	89,400	0.82	0.00	253,900
2004	101 - ONE FAMILY	164,500	0	89,400	0.82	0.00	253,900
2004	101 - ONE FAMILY	134,500	0	68,100	0.82	0.00	202,600
2003	101 - ONE FAMILY	134,500	0	68,100	0.82	0.00	202,600
2003	101 - ONE FAMILY	134,500	0	68,100	0.82	0.00	202,600
2002	101 - ONE FAMILY	134,500	0	68,100	0.82	0.00	202,600
2002	101 - ONE FAMILY	134,800	0	71,900	0.82	0.00	206,700
2001	101 - ONE FAMILY	85,700	0	47,600		0.00	133,300
2000	101 - ONE FAMILY	83,200	2,500	47,600	0.82	0.00	133,300
1999	101 - ONE FAMILY	83,200	2,500	47,600	0.82	0.00	133,300

A

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

REQUEST FOR REVIEW/COMMENTS:

Case: 158-035 (06-25-20)

Property Location: 145 Highland Street

For Town Use

Plan Routing Date: 06/12/2020 Reply requested by: 06/16/2020 ZBA Hearing Date: 06/25/2020

I have no comments I have comments (see below)

EZD Name: ELvis Dhima, P.E., Date: 06/15/2020
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

1. The property currently is connected to Town water only.
2. The applicant shall provide a statement, stamped by a licensed septic system designer, related to the existing septic system capability to handle the additional sewer flow related to the proposed business.

" B "



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Comments

BB
6-17-20

Case 158-035 (06-25-20): Carolyn Sassak, 145 Highland Street, Hudson, NH requests a Home Occupation Special Exception for a home beauty salon business in the garage of the primary residence. [Map 158, Lot 035-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

Summary:

Applicant is requesting a Home Occupation Special Exception to conduct a home based beauty salon within the existing attached garage.

Comment:

The applicant is removing the garage capability, therefore the parking arrangement should be evaluated for the applicant's vehicles as well as patron's vehicles.

I would suggest applicant consult with Town Engineer as to a possible turnaround be incorporated within the existing driveway to facilitate a safer egress/exit from property.

From the Z.O. §334-24 L: Parking.

(1) *Parking for the home occupation shall be provided off-street and shall not be located in the front yard or within the required setbacks from the side and rear lot lines. Only the existing driveway may be used for the parking of customers. Customer parking shall be limited to a maximum of two vehicles at any one time.*

" C "

TOWN OF HUDSON
JUN 04 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. 158-035 (06-25-20)
Date Filed 6/4/20

Name of Applicant Carolyn Sassak Map: 158 Lot: 035 Zoning District: R-2

Telephone Number (Home) 603-557-1214 (Work) _____

Mailing Address 145 Highland St. Hudson, NH 03051

Owner David & Carolyn Sassak

Location of Property 145 Highland St. Hudson, NH 03051

(Street Address)
Carolyn Sassak
Signature of Applicant _____ Date May 28, 2020

David Sassak Carolyn Sassak
Signature of Property-Owner(s) _____ Date May 28, 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>6/4/20</u>
Application fee:	\$130.00	
<u>6</u> Direct Abutters x \$4.05 =	<u>24.60</u>	
<u>4</u> Indirect Abutters x \$0.55 =	<u>2.20</u>	
Total amount due:	<u>\$156.80</u>	Amt. received: \$ <u>156.80</u> <u>CHK #202</u>
		Receipt No.: <u>597,991</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
CS	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	TG
CS	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	TG
CS	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
n/a	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	N/A
CS	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
CS	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	TG
CS	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
n/a	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	N/A

n/a

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 ½" 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

see Floor Plan (proposed)

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

Carolyn Sallal

Signature of Applicant(s)

May 28, 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.

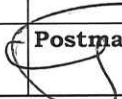
The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates 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
158	003	Mark Evans	22 Goonan Rd. Hooksett, NH 03106
158	034	Christopher & Renee Callery	147 Highland St. Hudson, NH 03051
167	049	Patrick H, Verhoff TR Patrick H. Verhoff Rev. Trust	141 Highland St. Hudson, NH 03051
158	002	Steven Tate	140 Highland St. Hudson, NH 03051
158	020	Ronald & Robyn Descoteau	5 Glover Brook Lane Hudson, NH 03051
158	035	David & Carolyn Sassak	145 Highland St. Hudson, NH 03051

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 158-035 Home Occupation SE 145 Highland Street Map 158/Lot 035-000 1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	6/25/2020 ZBA Meeting
1	7018 2290 0001 3001 3904		DAVID M. SASSAK; CAROLYN M. SASSAK 145 HIGHLAND STREET, HUDSON, NH 03051	APPLICANT/OWNER-NOTICE MAILED
2	7018 2290 0001 3001 3928		CHRISTOPHER M. CALLERY; RENEE L. CALLERY 147 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7018 2290 0001 3001 3959		RONALD E. DESCOTEAU; ROBYN DESCOTEAU 5 GLOVER BROOK LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7018 2290 0001 3001 3911		MARK R. EVANS 22 GOONAN RD., HOOKSETT, NH 03106	ABUTTER NOTICE MAILED
5	7018 2290 0001 3001 3942		STEVEN W. TATE 140 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7018 2290 0001 3001 3935		PATRICK H. VERHOFF, TR.; PATRICK H. VERHOFF REV. TRUST 141 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
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 (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 158-035 Home Occupation SE 145 Highland Street Map 158/Lot 035-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	6/25/2020 ZBA Meeting
1	Mailed First Class	DANIEL R. MCGILLVARY; GAIL MCGILLVARY 149 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	KEVIN C. MOREAU,TR.; PAMELA A. MOREAU,TR; MOREAU FAMILY TRUST 139 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	JAMES L. COVEY; ANNIE M. COVEY 150 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	MARIE GAUTREAU 148 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
	Total Number of pieces listed by sender 4	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



[Handwritten signature]

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

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

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

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

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

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

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

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

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

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

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

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

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

I am a licensed Cosmetologist in NH, I am looking to have a legal home beauty salon offering Hair color, Hair cuts and EyeLash Extensions.

I will have regular inspections from the State Board of Cosmetology.

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

The Home Occupation of Beauty Salon is Secondary to the home's principal use of primary residence

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

The Home Occupation of Beauty Salon will be carried out in Garage of primary residence.

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.

Only use of sign permitted for Home Occupation.

No changes to the existing exterior except to change existing garage door into windows and door so customers can walk in and out

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 exterior storage

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

None

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.
Approximately 15-20 cars per week, Some of whom already travel Highland Street, based on the past several years of customer count per week
1 car at a time in the driveway and 1 client at a time. No Double Booking

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

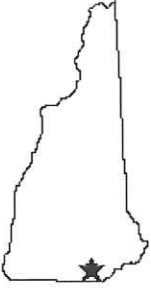
Parking in the existing driveway. 1 car at a time. I will stagger appointments so there isn't overlap of customers waiting.

Who will be conducting the home occupation? Please explain.

Home owner, Carolyn Sassak

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

NO



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-049

May 27, 2020

Carolyn Sassak
145 Highland St
Hudson, NH 03051

Re: **145 Highland St Map 158 Lot 035-000**
District: Residential Two (R-2)

Dear Ms. Sassak,

Your request: If you can have a home occupation business as a home salon?

Zoning Review / Determination:

This lot is a legal non-conforming lot with regards to the area requirements of §334-32 Table of Dimensional Requirements. The use as a single family is also a legal existing use. Your proposal would require a Home Occupation Special Exception from the Zoning Board of Adjustment and would need to meet the requirements in Article VI, §334-24 Home Occupations.

Sincerely,

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

Encl: Home Occupation Special Exception
cc: Public File
File

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

MAP LOT SUB

CARD

Hudson

APPRAISED: 282,100 / 282,10
USE VALUE: 282,100 / 282,10
ASSESSED: 282,100 / 282,10



Patriot Properties Inc.

USER DEFINED

Table with columns: Prior Id #, Date, Time. Rows include Prior Id # 1: 0024, Prior Id # 2: 0048, Prior Id # 3: 0000, etc.

PROPERTY LOCATION

Table with columns: No, Alt No, Direction/Street/City. Row: 145, HIGHLAND ST, HUDSON

OWNERSHIP

Table with columns: Owner 1, Owner 2, Owner 3, Street 1, Street 2, Town/City, St/Prov, Postal. Includes owner SASSAK, DAVID M.

PREVIOUS OWNER

Table with columns: Owner 1, Owner 2, Street 1, Town/City, St/Prov, Postal. Includes owner SASSAK, DAVID -

NARRATIVE DESCRIPTION

This parcel contains .82 ACRES of land mainly classified as NE FAMILY with a RANCH Building built about 1969, having primarily VINYL Exterior and 1784 Square Feet, with 1 Unit, 1 bath, 1 3/4 Bath, 0 HalfBath, 7 Rooms, and 4 Bdrms.

OTHER ASSESSMENTS

Table with columns: Code, Description/No, Amount, Com. Int.

PROPERTY FACTORS

Table with columns: Item, Code, Description, %

LAND SECTION (First 7 lines only)

Table with columns: LUC, 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. Row: 101, 0.820, 183,200, 98,900, 282,100

Table with columns: Total Card, Total Parcel, Source, Market Adj Cost, Total Value per SQ unit /Card, /Parcel

Legal Description

Table with columns: Entered Lot Size, Total Land, Land Unit Type

User Acct

Table with columns: User Acct, GIS Ref, Insp Date

PREVIOUS ASSESSMENT

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

Parcel ID 158-035-000

SALES INFORMATION

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

TAX DISTRICT

PAT ACCT.

BUILDING PERMITS

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

ACTIVITY INFORMATION

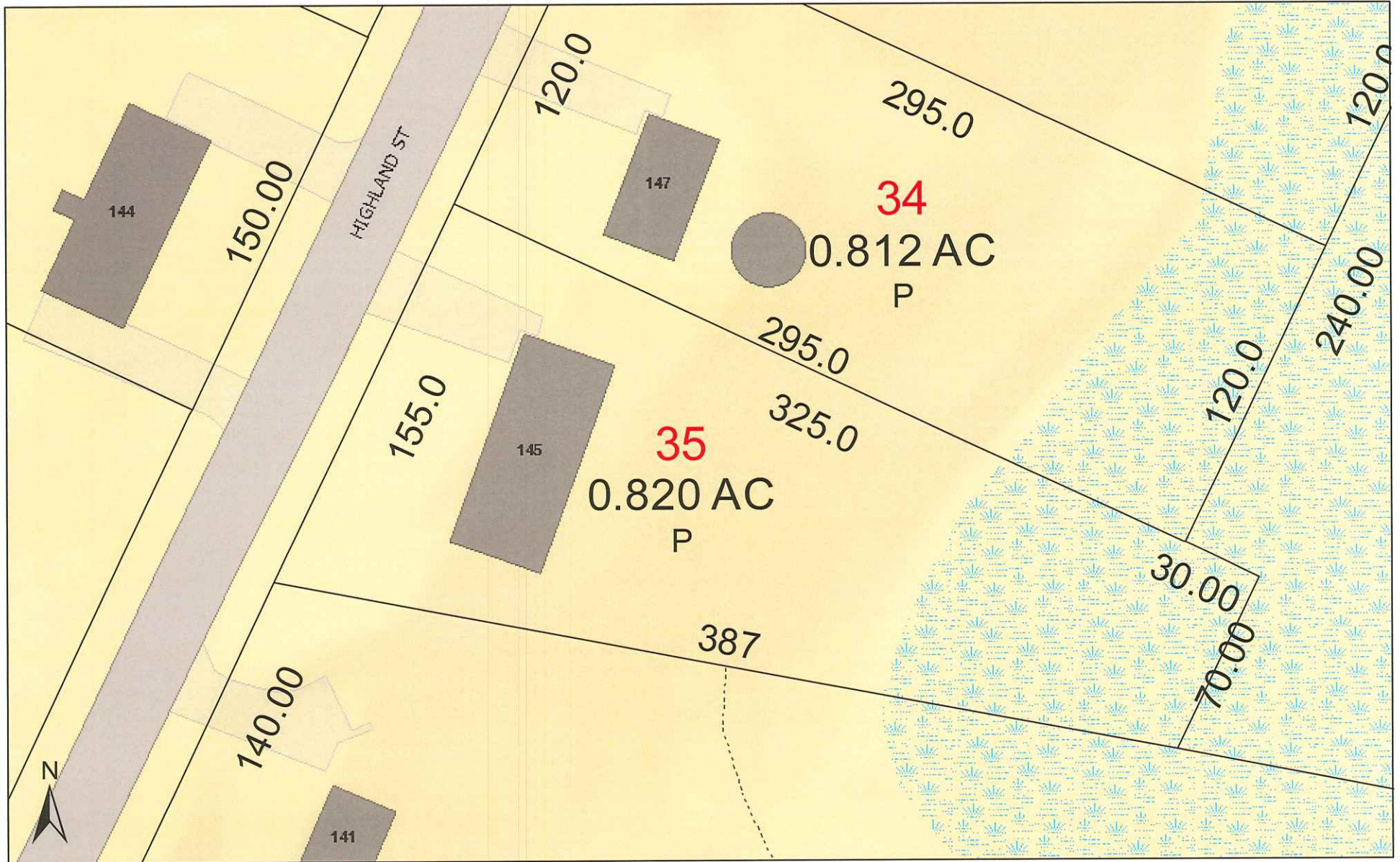
Table with columns: Date, Result, By, Name

Sign:

VERIFICATION OF VISIT NOT DATA

Handwritten signature

145 Highland St.



June 1, 2020

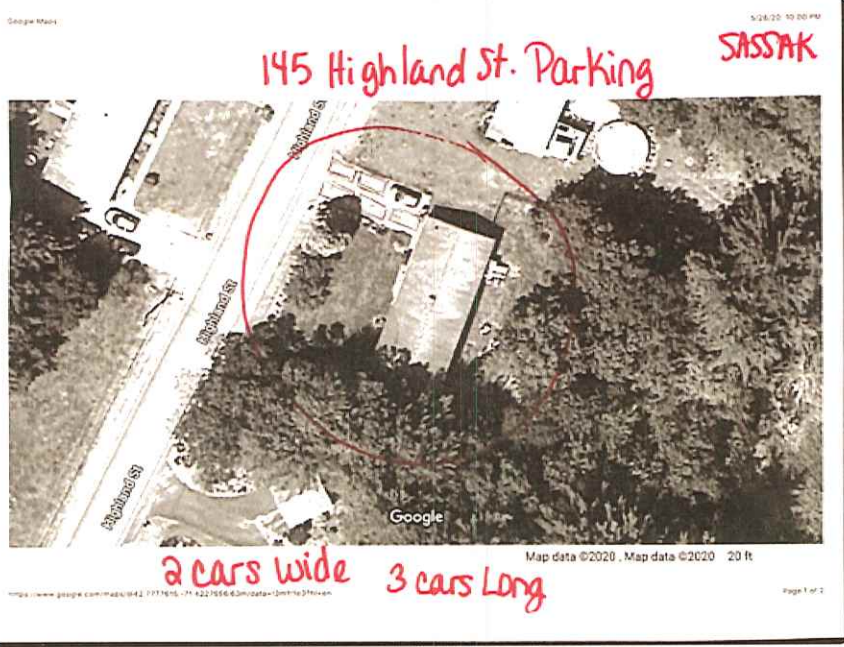
----- Easement_Lines

□ Parcels

1 inch = 50 feet



Highland St



Google Satellite 145 Highland St.

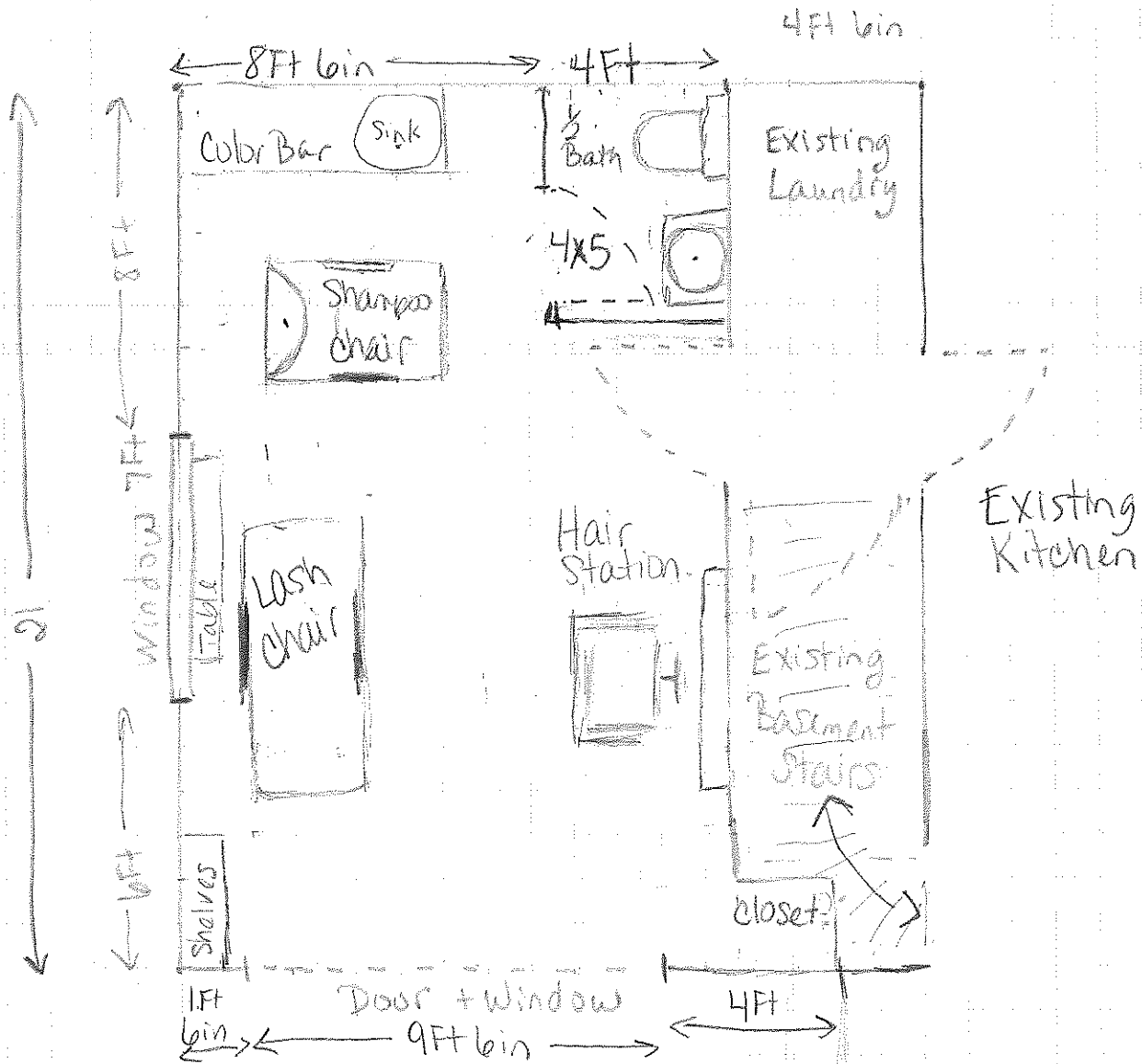
© 2020 Google



Proposed Layout Beauty Salon

145 Highland Street

265 sq Ft



Existing Driveway

2 cars wide

3 cars Deep

Proposed door replacement



Printed
6/05/2020
11:19AM
Created
6/05/2020
11:16 AM

Transaction Receipt

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

Receipt# 597,991
tgoodwyn

<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00 ZBA Application 145 Highland Street Map/Lot 158-035-000 Home Occupation SE	0.00	156.8000	0.00
		Total:	156.80

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Carolyn & David Sassak	CHECK	CHECK # 202	156.80	0.00	156.80
			Total Due:		156.80
			Total Tendered:		156.80
			Total Change:		0.00
			Net Paid:		156.80

HUDSON ZONING BOARD OF ADJUSTMENT

Home Occupation Special Exception Decision Worksheet

On **06/25/20**, the Hudson Zoning Board of Adjustment heard Case **158-035**, being a request by **Carolyn Sassak, 145 Highland St., Hudson, NH**, to allow for a Home Occupation Special Exception for a home beauty salon business in the garage of the primary residence. [Map 158, Lot 035-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, 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 waiver 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: _____
Sitting Member of the Hudson ZBA

_____ Date



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: June 25, 2020

BD 6-17-20

Case 204-002 (06-25-20): Keri Demers, 23 Dexter Street, Nashua, NH requests a Special Exception for 153 Lowell Rd, Hudson, NH to allow a dog day care, grooming, animal rescue services, retail sales, community pet education and kennel (day & overnight boarding) facility. [Map 204, Lot 002-000; Zoned Business (B); HZO Article VI, Special Exceptions, §334-23, General Requirements]

Summary:

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

Property description:

This property is currently a developed existing non-conforming lot of record with mixed uses:

- 1) Existing non-conforming single family residential (A-1), and
- 2) Medical office/clinic (D-17),

With an approved site plan for such uses.

In-House review/comments:

Fire Dept: None requested (will be a site plan review)

Planner: None requested (will be a site plan review)

Engineering: None requested (will be a site plan review)

Animal Control Officer: Reviewed: “no comment”

History:

Assessing: Mixed use: SFR (residential) and Office

Planning Board: 4-1987 Site plan

Building Permits: Dec 6 1982 # 167-83 8 x 16 shed; C.O. 2/22/1988 20 x 36 addition

Attachments:

"A" Assessing record

"B" Dec 6 1982 # 167-83 8 x 16 shed

"C" C.O. 2/22/1988 20 x 36 addition

"D" Animal Control Officer 6/13/20 email

"E" 4-1987 Site plan

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	115,648	5,600	101,376	0.30	0.00	222,624
2020	340 - OFFICE	65,052	0	57,024	0.17	0.00	122,076
2019	101 - ONE FAMILY	115,648	5,600	101,376	0.30	0.00	222,624
2019	340 - OFFICE	65,052	0	57,024	0.17	0.00	122,076
2019	101 - ONE FAMILY	115,648	5,600	101,376	0.30	0.00	222,624
2019	340 - OFFICE	65,052	0	57,024	0.17	0.00	122,076
2018	101 - ONE FAMILY	115,648	5,600	101,376	0.30	0.00	222,624
2018	340 - OFFICE	65,052	0	57,024	0.17	0.00	122,076
2018	101 - ONE FAMILY	115,648	5,600	101,376	0.30	0.00	222,624
2018	340 - OFFICE	65,052	0	57,024	0.17	0.00	122,076
2017	101 - ONE FAMILY	115,648	5,600	101,376	0.30	0.00	222,624
2017	340 - OFFICE	65,052	0	57,024	0.17	0.00	122,076
2017	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2017	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2017	101 - ONE FAMILY	116,992	5,600	101,376	0.30	0.00	223,968
2017	340 - OFFICE	65,808	0	57,024	0.17	0.00	122,832
2016	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2016	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2016	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2016	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2015	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2015	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2015	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2015	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2014	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2014	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2014	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2014	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2013	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2013	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2013	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2013	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2012	101 - ONE FAMILY	102,592	5,900	87,360	0.30	0.00	195,852
2012	340 - OFFICE	57,708	0	49,140	0.17	0.00	106,848
2012	101 - ONE FAMILY	88,064	5,800	132,096	0.30	0.00	225,960
2012	340 - OFFICE	49,536	0	74,304	0.17	0.00	123,840
2011	101 - ONE FAMILY	86,848	5,800	132,096	0.30	0.00	224,744
2011	340 - OFFICE	48,852	0	74,304	0.17	0.00	123,156
2011	101 - ONE FAMILY	86,848	5,800	132,096	0.30	0.00	224,744
2011	340 - OFFICE	48,852	0	74,304	0.17	0.00	123,156

A

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2010	101 - ONE FAMILY	86,848	5,800	132,096	0.30	0.00	224,744
2010	340 - OFFICE	48,852	0	74,304	0.17	0.00	123,156
2010	101 - ONE FAMILY	86,848	5,800	132,096	0.30	0.00	224,744
2010	340 - OFFICE	48,852	0	74,304	0.17	0.00	123,156
2009	101 - ONE FAMILY	86,848	5,800	132,096	0.30	0.00	224,744
2009	340 - OFFICE	48,852	0	74,304	0.17	0.00	123,156
2008	101 - ONE FAMILY	86,848	5,800	132,096	0.30	0.00	224,744
2008	340 - OFFICE	48,852	0	74,304	0.17	0.00	123,156
2008	101 - ONE FAMILY	86,848	5,800	132,096	0.30	0.00	224,744
2008	340 - OFFICE	48,852	0	74,304	0.17	0.00	123,156
2007	101 - ONE FAMILY	86,848	5,800	132,096	0.30	0.00	224,744
2007	340 - OFFICE	48,852	0	74,304	0.17	0.00	123,156
2007	101 - ONE FAMILY	83,328	5,400	101,696	0.30	0.00	190,424
2007	340 - OFFICE	46,872	0	57,204	0.17	0.00	104,076
2006	101 - ONE FAMILY	83,328	5,400	101,696	0.30	0.00	190,424
2006	340 - OFFICE	46,872	0	57,204	0.17	0.00	104,076
2006	101 - ONE FAMILY	83,328	5,400	101,632	0.30	0.00	190,360
2006	340 - OFFICE	46,872	0	57,168	0.17	0.00	104,040
2005	101 - ONE FAMILY	83,328	5,400	101,632	0.30	0.00	190,360
2005	340 - OFFICE	46,872	0	57,168	0.17	0.00	104,040
2005	101 - ONE FAMILY	83,328	5,400	101,632	0.30	0.00	190,360
2005	340 - OFFICE	46,872	0	57,168	0.17	0.00	104,040
2004	101 - ONE FAMILY	83,328	5,400	101,632	0.30	0.00	190,360
2004	340 - OFFICE	46,872	0	57,168	0.17	0.00	104,040
2004	101 - ONE FAMILY	72,256	3,900	84,672	0.30	0.00	160,828
2004	340 - OFFICE	40,644	0	47,628	0.17	0.00	88,272
2003	101 - ONE FAMILY	72,256	3,900	84,672	0.30	0.00	160,828
2003	340 - OFFICE	40,644	0	47,628	0.17	0.00	88,272
2003	101 - ONE FAMILY	72,256	3,900	84,672	0.30	0.00	160,828
2003	340 - OFFICE	40,644	0	47,628	0.17	0.00	88,272
2002	101 - ONE FAMILY	72,256	3,900	84,672	0.30	0.00	160,828
2002	340 - OFFICE	40,644	0	47,628	0.17	0.00	88,272
2002	101 - ONE FAMILY	80,256	3,900	94,080	0.30	0.00	178,236
2002	340 - OFFICE	45,144	0	52,920	0.17	0.00	98,064
2001	101 - ONE FAMILY	91,000	0	99,000		0.00	190,000
2000	MXU - N/A	90,600	400	99,000	0.47	0.00	190,000
1999	MXU - N/A	123,300	1,200	117,900	0.47	0.00	242,400

"A"
A₂



Town of Hudson, N. H.

Office of Town Building Inspector
BUILDING PERMIT

No. 16783

June 6, 1983

This certifies that James Robert Rasmussen Name of Owner

is granted permission to alter 211th Street Description
erect
repair
move

of Building
on premises located at and known as
to

100 Townsend Street or Avenue
Number 116-117

and to do things lawful to that end.

This permit is issued on application number 16783, 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.

Value \$ 1,200.00

Fee \$ 5.00

Richard J. Melby Administrative Officer

13



TOWN OF HUDSON, N. H.

Application for a Permit To Build

Date DECEMBER 2, 1982

Table with categories: Residential, Commercial, Industrial, Garage, Breezeway, No. of Units

Table with categories: Subdivision, Planning Bd. Approval Sub Div., Water Pollution Approval Sub Div. No., Septic Construction Permit No., Necessary Bonds Posted, Bd. of Adj. Variance Granted If Nec.

Table with categories: New, Alter, Addition, Repair

Permit Number 167-83

Name of Owner DR. ROBERT BERUBE Address 153 LOWELL ROAD Tel. 888-3022

Land Purchased From FRANK GREEN, REALTOR Address NASHUA

Location 153 LOWELL ROAD Property Tax No. 755-236 4325

Name of General Contractor PRE-FAB BEED'S FREEDY BUILDINGS Map and Lot No. MAP 13 - LOT 7

Name of Heating Contr. NONE Name of Electrical Contractor NONE

Type of Heat NONE Name of Plumbing Contractor NONE

Name of Fireplace Mason NONE Name of Masonry Contractor NONE

Material of Building WOOD Style of Roof A Roof Covering ASPHALT SHINGLES

Size of Foundation Living Floor Area No. of Stories 1

Size of Garage Water Sewer

Foundation Material Width Height Footings Yes No

Fireplace No. of Flues Size Chimney Material

Brief Description of Repair, Alter or Other TOOL/WOOD SHED

8'x16' RAISED 2x6 FLOOR ON CONCRETE BLOCK

IF NECESSARY, AN APPLICATION FOR A DRIVEWAY PERMIT MUST BE FILED WITH THE CIVIL ENGINEER.

Value 12000 Fee #3 Shed

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 will notify the Building Inspector when foundation, frame, chimneys, fire-stops and heater-pipes, electrical wiring and plumbing are ready for inspection. I also certify that I have been authorized by the owner to apply for this permit.

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

Owner's Signature Robert Berube Contractor's Signature Address 153 Lowell Rd, Hudson, NH

"B2"

Application For Permit to Build

No.

Location

153 LOWELL ROAD

Estimated Cost \$ 1200

PERMIT GRANTED

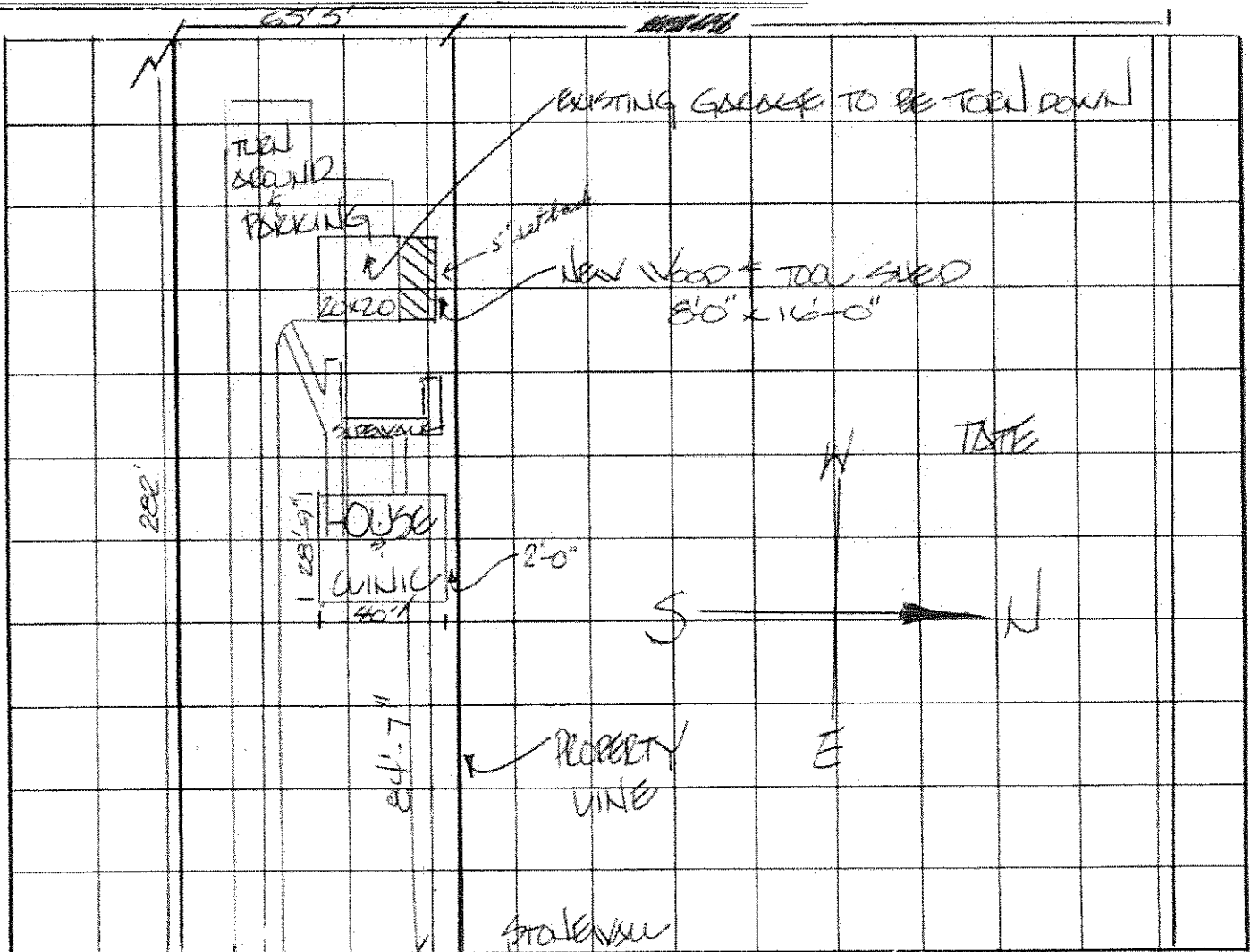
WORK COMPLETED

Building Inspector

PLOT PLAN

COMMENTS

LOT DR. ROBERT BERUBE Owner's Name
 SHEET 153 LOWELL ROAD No. Street
 SCALE 1" = ... ft. District



I.

certify this plot.

Date

133

Map 13-7 Addition
TOWN OF HUDSON

2143



OCCUPANCY PERMIT

Owner or Builder

Robert Beaubo

Address of Building

153 Lowell Rd

PERMISSION IS HEREBY GRANTED TO OCCUPY THIS BUILDING:

Date

2/22

19

88

Building Inspector's Approval

Edward P. Madigan

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

5



TOWN OF HUDSON, N. H.

Application for a Permit To Build

Date 6-19 19 87

Table with 2 columns: Category (Residential, Commercial, Industrial, Garage, Driveway, No. of Units) and Status.

Table with 3 columns: Subdivision, Planning Bd. Approval Sub Div., Water Pollution Approval Sub Div. No., Septic Construction Permit No., Necessary Bonds Posted, Bd. of Adj. Variance Granted If Nec.

Table with 2 columns: Type (New, Alter, Addition, Repair) and Status.

Permit Number

Main application form with handwritten entries: Name of Owner Robert P. Benube, Address 153 Lowell Rd. Hudson, Tel. 882-3022, Location Hudson N.H., Property Tax No., Name of General Contractor Rich Madean, Map and Lot No. M13 2 2, Name of Heating Contr. A.C. Universal, Name of Electrical Contractor Joseph Shouinard, Type of Heat Force Hot Water, Name of Plumbing Contractor A.C. Universal, Name of Fireplace Mason, Name of Masonry Contractor Danis Concrete Foundation, Material of Building Wood, Style of Roof Asphalt, Roof Covering Salt Box, Size of Foundation 20'x36', Living Floor Area 1800 sq ft, No. of Stories 2, Size of Garage, Water Town, Sewer Septic, Foundation Material Concrete, Width 10' Height 8', Footings Yes, Fireplace No, No. of Flues, Size, Chimney Material, Brief Description of Repair, Alter or Other Addition to existing structure.

IF NECESSARY, AN APPLICATION FOR A DRIVEWAY PERMIT MUST BE FILED WITH THE CIVIL ENGINEER.

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 Rich Madean will notify the Building Inspector when foundation, frame, chimneys, fire-stops and heater-pipes, electrical wiring and plumbing are ready or inspection. I also certify that I have been authorized by the owner to apply for this permit.

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

Owner's Signature Robert Benube, Contractor's Signature Rich Madean, Address 78 Miller St. Nashua N.H. 03060

Handwritten mark resembling 'E2'.

Buttrick, Bruce

From: J McMillan <k9kamp@hotmail.com>
Sent: Saturday, June 13, 2020 8:36 AM
To: McMillan, Jana; Claydon, John; Goodwyn, Tracy
Cc: Buttrick, Bruce
Subject: Re: ZBA Request for Inter-Office Comments-

Hello,
Hopefully, this email will suffice. I have no comments.

Thanks,
Jana

[Get Outlook for Android](#)

From: Goodwyn, Tracy <tgoodwyn@hudsonnh.gov>
Sent: Friday, June 12, 2020 3:27:07 PM
To: McMillan, Jana <jmcmillan@hudsonnh.gov>; Claydon, John <jclaydon@hudsonnh.gov>
Cc: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Subject: ZBA Request for Inter-Office Comments-

Hello John,

I am sending this request to you per Jana's out of office reply message. Jana has had meetings with the applicant for the same request except it was at a different location. This is a Request for Comments from the Zoning Administrator, B. Buttrick. If you have any questions, please contact him directly for further info.

The next ZBA meeting is on Thursday, 06/25/2020. Please review the attached case and provide your comments on the fillable form attached. Please send your replies to my attention. Don't forget to check the appropriate corresponding boxes, i.e. Comments/No Comments, initials, name, date and dept. Please type your comments (if any) in the space below.

We are requesting a reply by Monday, June 15, 2020 if possible. Your assistance is greatly appreciated. Thank you!

Tracy Goodwyn
*Zoning and Code Enforcement
Administrative Aide*



Town of Hudson

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

NOTES:

- OWNER OF RECORD IS ROBERT P. BERUBE, 153 LOWELL ROAD, HUDSON, NH 03051, D/B/A MERRIMACK VALLEY HEALTH CENTER (BOOK 2995, PAGE 218).
- TOTAL AREA OF PARCEL IS 20,513 SQUARE FEET.
- ZONING IS D-1 BUSINESS. BUILDING SETBACKS: 50' FRONT, 15' SIDE AND REAR.
- THE EXISTING LAND USE PRESENTLY CONSISTS OF A 2-STORY RESIDENTIAL AND MEDICAL OFFICE BUSINESS BUILDING.
- THE DESIGN INTENT IS TO DEVELOP AND EXPAND THE EXISTING BUILDING BY ADDING A 2-STORY STRUCTURE FOR A TOTAL OF 720 SQUARE FEET PER FLOOR.
- THE DESIGN INTENT IS TO UTILIZE THE FIRST FLOOR, SECOND FLOOR, AND BASEMENT OF BUILDING EXPANSION AND BASEMENT OF EXISTING BUILDING FOR MEDICAL OFFICE USE. THE FIRST AND SECOND FLOOR OF EXISTING STRUCTURE WILL BE FOR RESIDENTIAL USE.
- MEDICAL OFFICE SPACE WILL TOTAL 3024 SQUARE FEET (NEW BUILDING - 3 FLOORS AT 720 SQUARE FEET/FLOOR AND EXISTING BASEMENT - 24 X 36 SQUARE FEET).
- THE PROPOSED BUILDING EXPANSION IS TO BE LOCATED ENTIRELY OUTSIDE OF BUILDING SETBACK AREA.
- NUMBER OF PARKING SPACES PROPOSED ARE AS FOLLOWS:
 - 1 PARKING SPACE PER 300 SQUARE FEET MEDICAL OFFICE USE = 3000 DIVIDED BY 300 = 10 SPACES
 - 2 SPACES PER RESIDENTIAL UNIT
 - TOTAL NUMBER OF UNITS = 32 SPACES
- LOADING AREA IS NOT REQUIRED FOR THIS MEDICAL OFFICE USE.
- THE EXISTING PAVED PARKING LOT AREA ENCRONES WITHIN THE 15-FOOT SIDE YARD SETBACK. IT IS INTENDED TO MAINTAIN THE PAVED PARKING WITHIN THIS AREA AND TO ENCRONE SLIGHTLY WITHIN IT FOR EXPANDED PARKING FACILITIES AS SHOWN ON SITE PLAN.
- UTILITY SHEDS WHICH ARE CURRENTLY WITHIN THE 15-FOOT SIDE YARD SETBACK ARE PROPOSED TO BE RELOCATED TO THE REAR OF THE PROPERTY AS SHOWN ON THE SITE PLAN.
- EXISTING AND PROPOSED EXPANSION OF BUILDING WILL BE SERVICED BY TOWN WATER (NHWSACO) AND BY A SUBSURFACE SEWAGE DISPOSAL SYSTEM AS APPROVED BY NHDES/WSPCO.
- A WAIVER IS REQUESTED TO INCREASE SITE RUNOFF BY THE AMOUNT OF 0.3 CFS/10 = CIA, C = 0.9 RUNOFF COEFFICIENT FOR PAVED/HOUSE AREA, I = 6.0 IN/HR RAINFALL INTENSITY, A = 0.1 AREA FOR PAVED/HOUSE AREA.
- THIS OFF-SITE RUNOFF WILL BE DIRECTED TOWARDS THE SIDES AND REAR OF THE LOT VIA SHEET FLOW.
- BUILDING EXPANSION AS DETAILED IN ITEM NO. 5 OF THESE NOTES WILL NOT RESULT IN ADDITIONAL SERVICES BUT WILL ONLY BE TO PROVIDE ADDITIONAL ROOM FOR BOTH THE RESIDENCE AND MEDICAL OFFICE OVER AND ABOVE THAT WHICH PRESENTLY EXISTS. A WAIVER IS THEREFORE REQUESTED NOT TO PERFORM A TRAFFIC STUDY ON ACCOUNT OF NO PERCEIVED AND/OR ANNUAL TRAFFIC IMPACT.
- THE EXTERIOR PROPERTY BOUNDARY PLAN OF THE TOTAL PARCEL WAS FIELD SURVEYED BY DAVID M. O'HARA, LLS 267, ROUTE 101-A AND CALDWELL DRIVE, AMHERST, NH 03031, (881) 952-8281. SEE PLAN REFERENCE NOTE NO. 1.
- THE TOPOGRAPHIC INFORMATION AS SHOWN AS TAKEN FROM A FIELD SURVEY BY PLANTHOSI ASSOCIATES, INC., 24 LEDGE ROAD, HUDSON, NH 03051, DATED MAY 28, 1987, AND FIELD VERIFIED BY COSTELLO, LOMASNEY & DE NAPOLI, INC. IN SEPTEMBER/OCTOBER 1987.
- THE SOIL TYPE IS 396C TAKEN FROM PAGE 28 OF THE HILLSBORO COUNTY SOIL SURVEY.
- THE PREPARED SITE PLAN PROPOSES THAT 45% OF SITE WILL REMAIN AS "OPEN SPACE" DEFINED AS GRASSED, TREED, LANDSCAPED OR NATURAL GROWTH AREAS.
- A NHDES/WSPCO INDIVIDUAL SUBSURFACE APPROVAL HAS BEEN GRANTED FOR THE RECENTLY SUBSTRUCTURED 24 X 32 CHAMBERED SYSTEM WITH H2O SEALING. THE DESIGN WAS COMPLETED BY PLANTHOSI ASSOCIATES, INC., 24 LEDGE ROAD, HUDSON, NH 03051, DATED MAY 28, 1987. THE NHDES/WSPCO APPROVED PERMIT NUMBER IS 149585.

SPECIAL NOTES:

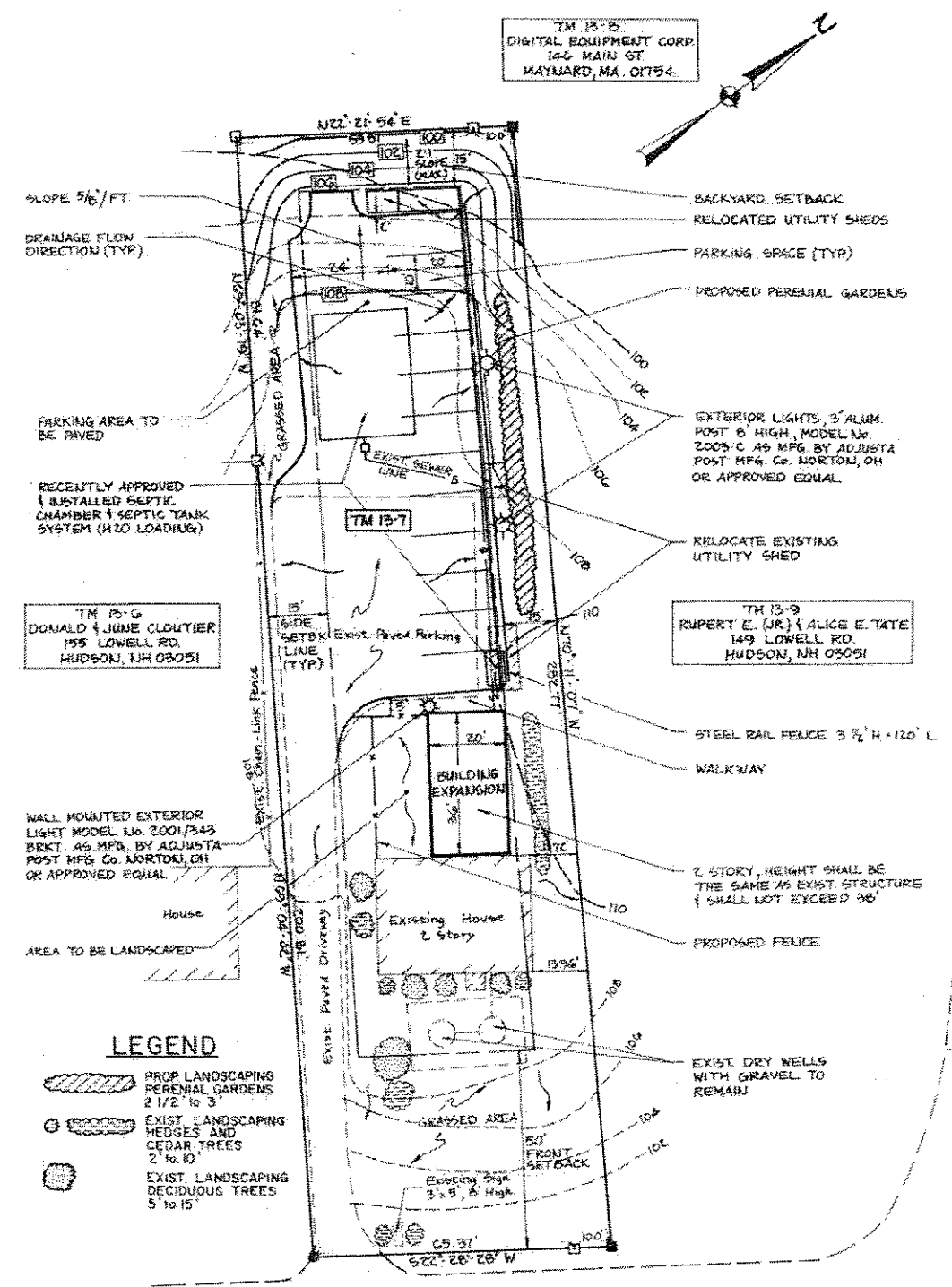
- REFERENCE IS MADE TO THE SPECIAL NOTE OF THE APPROVED SUBDIVISION AND CONSOLIDATION PLAN (SEE PLAN REFERENCE NO. 1):
 - RECOMMENDATIONS OF THE "LOWELL ROAD/RIVER ROAD CORRIDOR PLANNING STUDY, HUDSON, NH" PREPARED FOR HUDSON, FEBRUARY 1985 & COPY OF WHICH IS ON FILE IN THE OFFICE OF THE TOWN ENGINEER OF HUDSON. THAT STUDY CONTAINS MAPS ENTITLED "LOWELL ROAD/RIVER ROAD, RECOMMENDED IMPROVEMENT PLAN." SAID MAPS RECOMMEND THE NECESSITY TO LAY OUT AN IMPROVED LOWELL ROAD HIGHWAY PARTIALLY ONTO THE LOTS SHOWN ON THIS PLAN.
- THIS APPROVED SITE PLAN IS FURTHER PROPOSED TO BE MODIFIED SUBSEQUENT TO FINAL SITE PLAN APPROVAL TO THE EXTENT NECESSARY TO CARRY OUT OR IMPLEMENT THE RECOMMENDATIONS OF THE LOWELL ROAD CORRIDOR STUDY.

THE PROJECT OWNER WILL ACCEPT A FAIR SHARE COST ALLOCATION PERTAINING TO THIS PROJECT INsofar AS TRAFFIC IMPACTS ARE CONCERNED AS DETERMINED BY THE STUDY REFERENCED ABOVE IN THIS NOTE.

IT IS NOTED THAT THE PROCEDURE FOR ADDRESSING MINOR PROJECTS IS NOW BEING PREPARED BY TRAFFIC ENGINEERS UNDER CONTRACT BY THE TOWN.

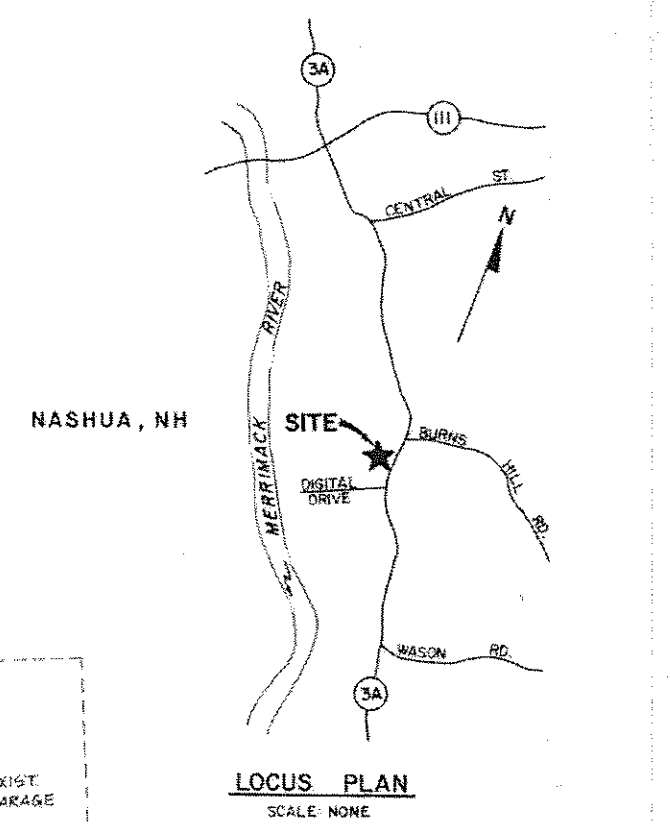
ADJUTERS LIST

TAX MAP NO.	LOT NO.	NAME AND ADDRESS
13	6	DONALD AND JUNE CLOUTIER 155 LOWELL RD. HUDSON, NH 03051
12	8	DIGITAL EQUIPMENT CORP. 146 MAIN ST. MAYNARD, MA 01754
13	9	ROBERT E. JR. AND ALICE E. TATE 149 LOWELL RD. HUDSON, NH 03051
14	3	ROSEMARIE J. BOYER 20 TIGER RD HUDSON, NH 03051
14	4	NORMAN C. BOYER 150 LOWELL RD. HUDSON, NH 03051
14	5	RICHARD AND MARK CHARBONNEAU 153 LOWELL RD. HUDSON, NH 03051



LEGEND

	PROP LANDSCAPING PERENNIAL GARDENS 2 1/2' to 3'
	EXIST LANDSCAPING HEDGES AND CEDAR TREES 2' to 10'
	EXIST LANDSCAPING DECIDUOUS TREES 5' to 15'



I CERTIFY THAT THIS SURVEY PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

DATE: 10-30-87

LICENSED LAND SURVEYOR

PLAN REFERENCE

#1) LOT LINE REVISION PLAN LOTS 12-7 AND 13-9 LOCATED AT 149 AND 153 LOWELL ROAD, HUDSON, NH, PREPARED FOR RUPERT E. JR. & ALICE E. TATE AND ROBERT P. BERUBE, SCALE 1" = 30', DATED DECEMBER 18, 1984, BY DAVID M. O'HARA, LLS 267, ROUTE 101-A AND CALDWELL DRIVE, AMHERST, NH 03031 (HCRD #17644)

APPROVED BY THE HUDSON PLANNING BOARD ON 4-27

CERTIFIED BY: *[Signature]*

AND SECRETARY: *[Signature]*

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THIS SITE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

1	10-30-87	ADDED TAX MAP LOT NO. PROP LINE CERT. & LABEL SEWER LINE	DRAWN: <i>[Signature]</i>		Robert P. Berube D/B/A MERRIMACK VALLEY HEALTH CTR. 153 LOWELL ROAD HUDSON, NH 03051 (603) 882-3022 (TAX MAP/LOT# 13-7)	MERRIMACK VALLEY HEALTH CENTER SITE PLAN	SCALE: 1" = 20'	JOB NO: 87336
2	10-30-87	ADDED SPECIAL NOTE # 2	DESIGNED: <i>[Signature]</i>				DATE: OCT. 1987	DWG. 1
			CHECKED: <i>[Signature]</i>					
			APPROVED: <i>[Signature]</i>					

H.C.R.D. # 21625

"E" 13/7

APPLICATION FOR A SPECIAL EXCEPTION

TOWN OF HUDSON

JUN 09 2020 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. 204-002 (06-25-20)
Date Filed 6/9/20

Name of Applicant Keri Demers Map: ²⁰⁴B Lot: ⁰⁰⁰⁻⁰⁰⁰3 Zoning District: B

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

Mailing Address 23 Dexter Street NASHUA NH 03060

Owner Patrick Ian Cowan, PhD

Location of Property 153 Lowell Road, Hudson, NH 03051
(Street Address)

Keri Demers
Signature of Applicant Date 6/8/2020

Patrick Ian Cowan
& Signature of Property-Owner(s) Date 6-6-2020

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 special exception.

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

COST:		Date received: <u>6/9/20</u>
Application fee: <u>.10</u>	<u>\$130.00</u>	
<u>6</u> Direct Abutters x \$4.05 =	<u>24.60</u>	
<u>1</u> Indirect Abutters x \$0.55 =	<u>0.55</u>	
Total amount due:	<u>\$155.15</u>	Amt. received: \$ <u>155.15</u>
		Receipt No.: <u>599,238</u>
Received by: <u>TSG</u>		
By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:		
<input type="checkbox"/> Engineering	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Health Officer
<input type="checkbox"/> Planner	<input checked="" type="checkbox"/> Animal Control officer	

chk#
128



Patrick Ian Cowan, PhD.
186 Bridgton Road
Sweden, Maine 04040

May 21, 2020

Town of Hudson, New Hampshire Planning Board:

I, Patrick Ian Cowan, owner of the property at 153 Lowell Road, Hudson, New Hampshire have a Purchase and Sale agreement in place and I authorize **Richard Demers and Keri Demers of Dewey & Friends Pet Resort** to apply for ZBA special exception and all permits required from the Town of Hudson for use of this property.

Please contact me should you require further documentation or information. I may be reached at pic@megalink.net or 207.647.2954.

Yours truly,

Patrick Ian Cowan

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

- NA 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) NA 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) NA The plot plan shall be up-to date and dated, and shall be no more than three years old.
 - c) NA The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
 - d) NA 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) NA 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) NA 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) NA The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
 - h) NA The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
 - i) NA The plot plan shall indicate all parking spaces and lanes, with dimensions.

NA
*see
proposed
Floor
plans
submitted

N/A 6/9/20

N/A

N/A

N/A

N/A

N/A

N/A

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

Kevin Demer
Signature of Applicant(s)

6/13/20
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.

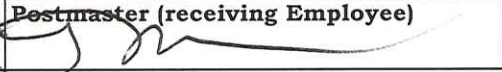
ALL DIRECT ABUTTERS

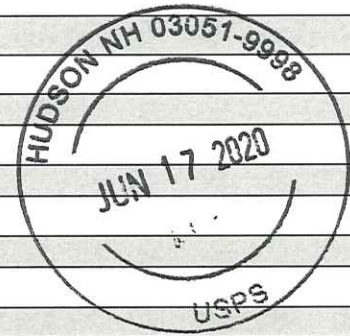
List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property is either contiguous or separated from the subject tract of land by a street or stream. If 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
204	075	Boyer Associates	65 Plateau Ridge RD London, NH 03307-0711
204	003	TATE, Rupert TR. REV TRST; TATE, Alice E., TR., REV. TRST	7 Prince Drive Hudson, NH 03051
209	001	5 way Realty Trust c/o Walter Flowers	P.O. Box 1435 North Hampton, NH 03062
204	074	Charbonneau, Richard H Charbonneau, Mark c/o R and M Realty	1 Continental Drive Londonderry, NH 03053
204	001	Lowell Road LLC	PO Box 1435 North Hampton, NH 03062
204	002	Cowen, Patrick I	153 Lowell Road Hudson, NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 204-002 Special Exception 153 Lowell Road Map 204/Lot 002-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	6/25/2020 ZBA Meeting
1	7018 2290 0001 3001 3997	COWAN, PATRICK I. 153 LOWELL ROAD, HUDSON, NH 03051	APPLICANT/OWNER-NOTICE MAILED
2	7018 2290 0001 3001 4000	KERI DEMERS 23 DEXTER STREET, NASHUA, NH 03060	APPLICANT/OWNER-NOTICE MAILED
3	7018 2290 0001 3001 4017	BOYER ASSOCIATES 65 PLATEAU RIDGE RD, LOUDON, NH 03307-0711	ABUTTER NOTICE MAILED
4	7018 2290 0001 3001 4024	TATE, RUPERT E., TR. REV. TRST; TATE, ALICE E., TR., REV. TRST 7 PRINCE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7018 2290 0001 3001 4031	5 WAY REALTY TRUST; C/O WALTER FLOWERS PO BOX 1435, NORTH HAMPTON, NH 03862	ABUTTER NOTICE MAILED
6	7018 2290 0001 3001 4048	CHARBONNEAU, RICHARD H.; CHARBONNEAU, MARK; C/O R AND M REALTY 1 CONTINENTAL DRIVE, LONDONDERRY, NH 03053	ABUTTER NOTICE MAILED
7	7018 2290 0001 3001 4055	LOWELL ROAD, LLC PO BOX 1435, NORTH HAMPTON, NH 03862	ABUTTER NOTICE MAILED
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# 204-002 Special Exception 153 Lowell Road Map 204/Lot 002-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	6/25/2020 ZBA Meeting
1	Mailed First Class	CHARBONNEAU, RICHARD; CHARBONNEAU, MARK; CONTINENTAL PAVING, INC	ABUTTER NOTICE MAILED
2		1 CONTINENTAL DRIVE, LONDONDERRY, NH 03053	
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
	Total Number of pieces listed by sender 1	Total number of pieces rec'vd at Post Office 1	Postmaster (receiving Employee) 



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

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

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

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

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

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

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

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

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

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

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

A. The use requested is listed as permitted by special exception in the Table of Permitted Principle for the district in which the use is requested or is so similar to other uses permitted by special exception in the relevant district. Dog kennel is listed as requiring a Special Exception in this district: (B) Business

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

* All Questions A-E

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

Dewey & Friends will be a dog day care and boarding facility, with a small retail sales of goods in the front. We hope to expand to offer dogs and cats for adoption, grooming, client education, training, pet massage, Reiki, among other services to the community to offer to their pets. The B District is established to provide for the development of general wholesale and **retail commercial uses, services, offices uses**, industry, warehousing, multifamily dwellings and customary accessory uses and structures.

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

D. The proposed use is compatible with the character of the surrounding neighborhood.

* The location is a commercial area and we are offering a service to the public. Many homes have pets, most families work full time, we are asking to give a service to assist these families

in letting their dogs be monitored safely while they are at work or away for a period of time.

E. Nonresidential principle uses proposed to be located in residential districts must take primary access from arterial or collector roads [Not applicable as in the B district.]

Common Concerns:

Cleaning and odor:

Dewey & Friends will take every precaution they can to help ensure that all animals in their care will get the best of care, and this includes cleanliness and odor. All animals will be required to not only have the core vaccines (Rabies, Distemper, Leptospirosis, and Kennel Cough) as well as a negative stool check every 6 months. We will be using a cleaning solution called Rescue (Accel) Disinfectant. When used as directed concentrate is proven to deliver superior kill performance with contact times that are 50 percent faster against a broad-spectrum of organisms. It kills canine parvovirus, influenza A virus, canine distemper virus, certain strains of *salmonella* and *staphylococcus*, and other pathogenic microorganisms.

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-045

May 12, 2020

Keri Demers
23 Dexter Street
Nashua, NH 03060

Re: **153 Lowell Rd Map 204 Lot 002-000**
District: Business (B)

Dear Ms. Demers,

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

Zoning Review / Determination: This property is currently a developed existing non-conforming lot of record with mixed uses: 1) existing non-conforming single family residential (A-1), and 2) medical office/clinic (D-17) w/ an approved site plan for such uses.

Providing there is no expansion of the existing non-conforming residential use, you would not need any Zoning Board of Adjustment (ZBA) variances. You will need a Special Exception from the ZBA because the specifics of conducting the daycare/boarding would constitute a kennel, and kennels (D-2) in the Table of Permitted Principle Uses require a Special Exception from the ZBA in accordance with Article VI, section §334-23 General requirements.

You will need to amend the existing site plan to reflect the change (of use) from professional office (D-17) to kennel (D-2). Please contact Brian Groth (Town Planner) for the specifics of that process etc. at 886-6008.

After successful Board approvals, this project would require the necessary building permits (for change of use/occupancy) etc. please review the specifics (and HVAC exhaust/ventilation requirements) with Dave Hebert - Building Official.

Sincerely,

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

cc: Public Folder
D. Hebert – Building Official
B. Groth, Town Planner
Owner
File

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

204 002 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRaised: 344,700 / 344,700
USE VALUE: 344,700 / 344,700
ASSESSed: 344,700 / 344,700



Patriot
Properties Inc.

PROPERTY LOCATION

No	Alt No	Direction/Street/City
153		LOWELL RD, HUDSON

OWNERSHIP

Owner 1:	COWAN, PATRICK I.
Owner 2:	
Owner 3:	
Street 1:	153 LOWELL ROAD
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH Cntry Own Occ:
Postal:	03051 Type:

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	Cntry
Postal:	

NARRATIVE DESCRIPTION

This parcel contains .471 ACRES of land mainly classified as RES-COMM with a MIXED USE Building built about 1940, having primarily CLAPBOARD Exterior and 3092 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 2 HalfBaths, 6 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z		water	3			TOWN WATE
o		Sewer	0			SEPTIC
n		Electri				
Census:		Exmpt				
Flood Haz:		C				
D		Topo	2			ABV ST
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		0.471		SITE ACRE	SITE		0	290,000.	1.16	ML2			DEVELOI	-20		158,364	340	36				158,400	IMPROVED

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.301	115,648	5,600	101,376	222,624
340	0.170	65,052		57,024	122,076

Total Card	0.471	180,700	5,600	158,400	344,700
Total Parcel	0.471	180,700	5,600	158,400	344,700
Source:	Market Adj Cost	Total Value per SQ unit /Card:		111.48	/Parcel: 111.48

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	013	JB	180,700	5600	.471	158,400	344,700	344,700	Year End Roll	5/6/2020
2019	013	FV	180,700	5600	.471	158,400	344,700	344,700	Year End Roll	9/16/2019
2019	013	JB	180,700	5600	.471	158,400	344,700	344,700	Year End Roll	5/8/2019
2018	013	FV	180,700	5600	.471	158,400	344,700	344,700	Year End Roll	8/27/2018
2018	013	JB	180,700	5600	.471	158,400	344,700	344,700	Year End Roll	5/9/2018
2017	013	FV	180,700	5600	.471	158,400	344,700	344,700	Year End Roll	10/26/2017
2017	013	PV	182,800	5600	.471	158,400	346,800	346,800	Year End Roll	8/28/2017
2017	013	JB	160,300	5900	.471	136,500	302,700	302,700	Year End Roll	5/10/2017

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
ALEXIS, JANET,	6076-1173		2/18/1999	BANK TRANS	220,000	No	No		

BUILDING PERMITS

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

ACTIVITY INFORMATION

Date	Result	By	Name
9/15/2017	Hearing - Ch	9	PVA
6/21/2017	Field Review	9	PVA
5/18/2012	Field Review	9	PVA
10/6/2011	Measured	14	APPR TECH 4
6/30/2007	Measured	6	RB
7/17/2006	New Maps	1	CHIEF ASSESS
9/3/2002	Hearing - Ch	1	CHIEF ASSESS
8/15/2002	Hearing - NC	0	PATRIOT
3/4/2002	I&E Mailed	0	PATRIOT

Sign: _____

Total AC/HA:	0.47100	Total SF/SM:	20517	Parcel LUC:	013	RES-COMM	Prime NB Desc	C-RESD LOWEL	Total:	158,364	Spl Credit		Total:	158,400
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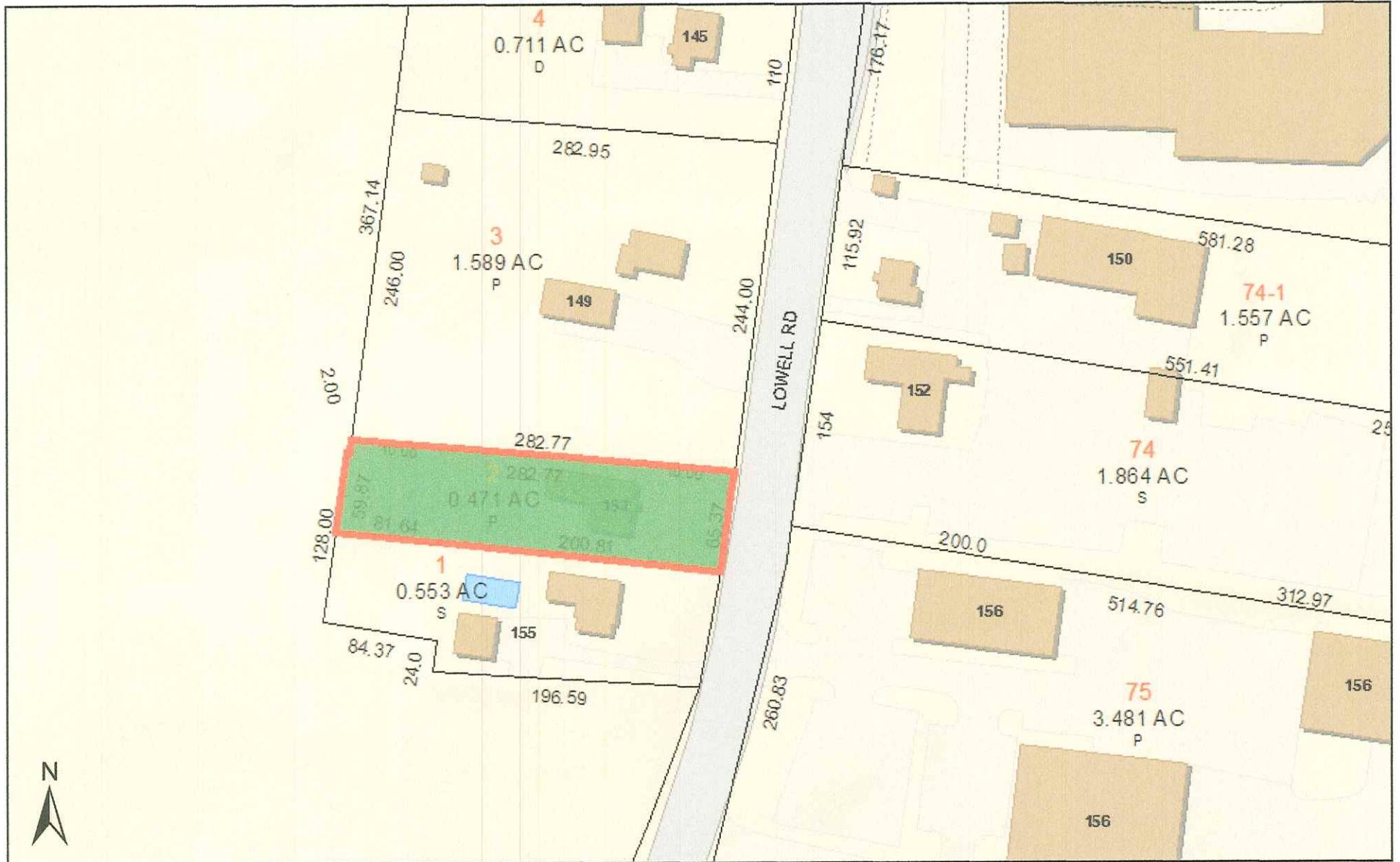
Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Database: AssessPro - HudsonNH

jmichaud

2019

153 Lowell Road

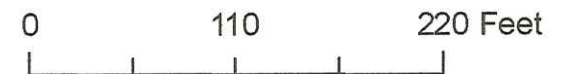


April 14, 2020

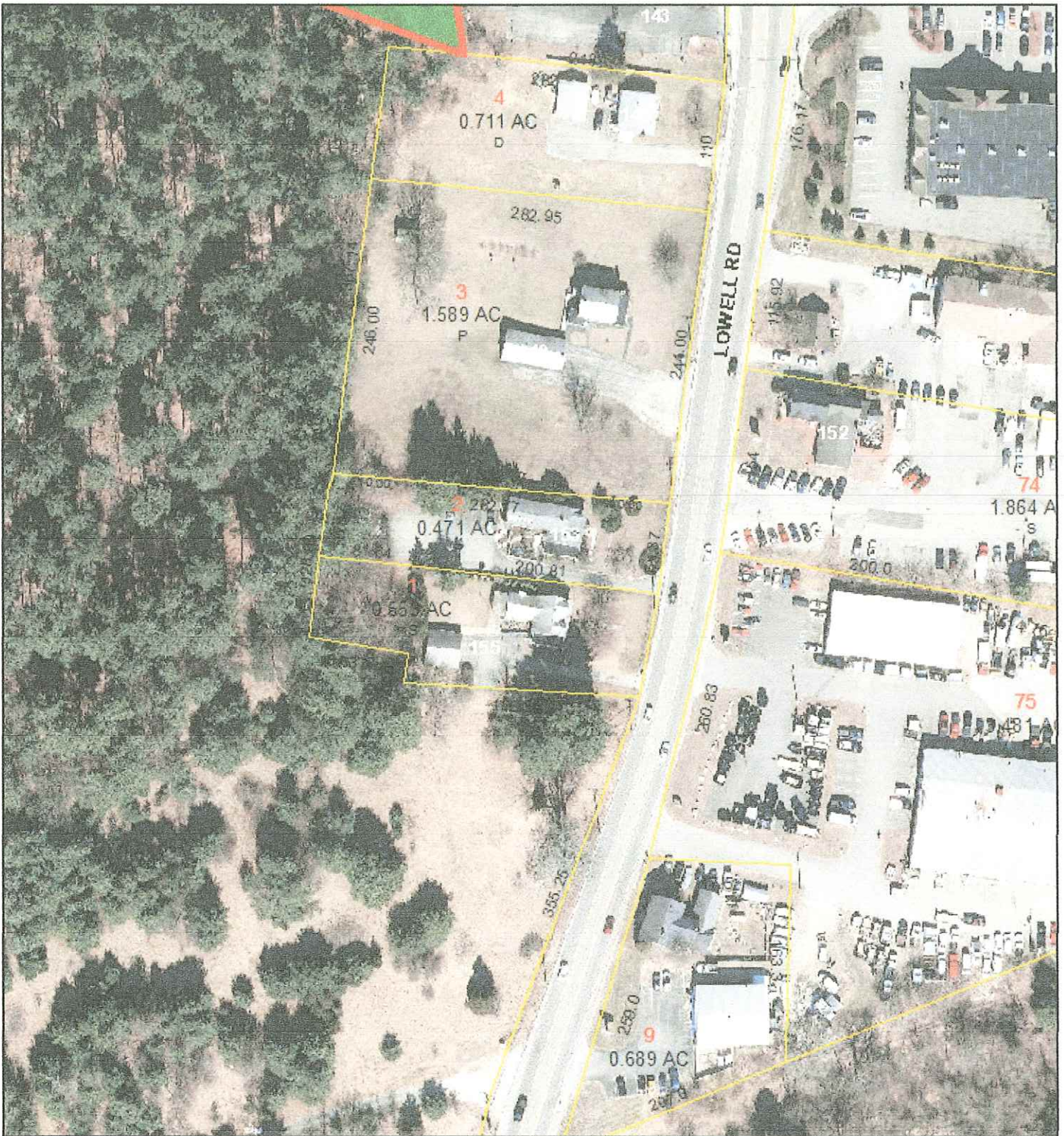
----- Easement_Lines

▭ Parcels

1 inch = 102 feet




153 Lowell Rd (Aerial View)



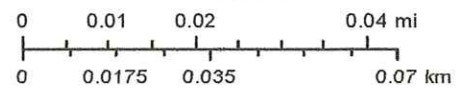
June 2, 2020

Legend

 Parcels - Aerials

 Parcels

1:1,407



Business Information

Business Details

Business Name: DEWEY AND FRIENDS LLC

Business ID: 842533

Business Type: Domestic Limited Liability Company

Business Status: Good Standing

Management Style: Manager Managed

Business Creation Date: 05/19/2020

Name in State of Formation: Not Available

Date of Formation in Jurisdiction: N/A

Principal Office Address: 23 Dexter Street, Nashua, NH, 03060, USA

Mailing Address: 23 Dexter Street, Nashua, NH, 03060, USA

Citizenship / State of Formation: Domestic/New Hampshire

Last Annual Report Year: N/A

Next Report Year: 2021

Duration: Perpetual

Business Email: deweyandfriendsdaycare@gmail.com

Phone #: 978-995-5827

Notification Email: deweyandfriendsdaycare@gmail.com

Fiscal Year End Date: NONE

Principal Purpose

S.No	NAICS Code	NAICS Subcode
1	Other Services (except Public Administration)	Pet Care (except Veterinary) Services

Page 1 of 1, records 1 to 1 of 1

Principals Information

Name/Title	Business Address
Keri Demers / Manager	23 Dexter Street, Nashua, NH, 03060, USA

Page 1 of 1, records 1 to 1 of 1

Registered Agent Information

Name: Keri Demers

Registered Office Address: 23 Dexter Street, Nashua, NH, 03060, USA

Registered Mailing Address: 23 Dexter Street, Nashua, NH, 03060, USA

Trade Name Information

No Trade Name(s) associated to this business.

Trade Name Owned By

No Records to View.

Trademark Information

Trademark Number	Trademark Name	Business Address	Mailing Address
------------------	----------------	------------------	-----------------

No records to view.

[Filing History](#) [Address History](#) [View All Other Addresses](#) [Name History](#) [Shares](#)

[Businesses Linked to Registered Agent](#) [Return to Search](#) [Back](#)

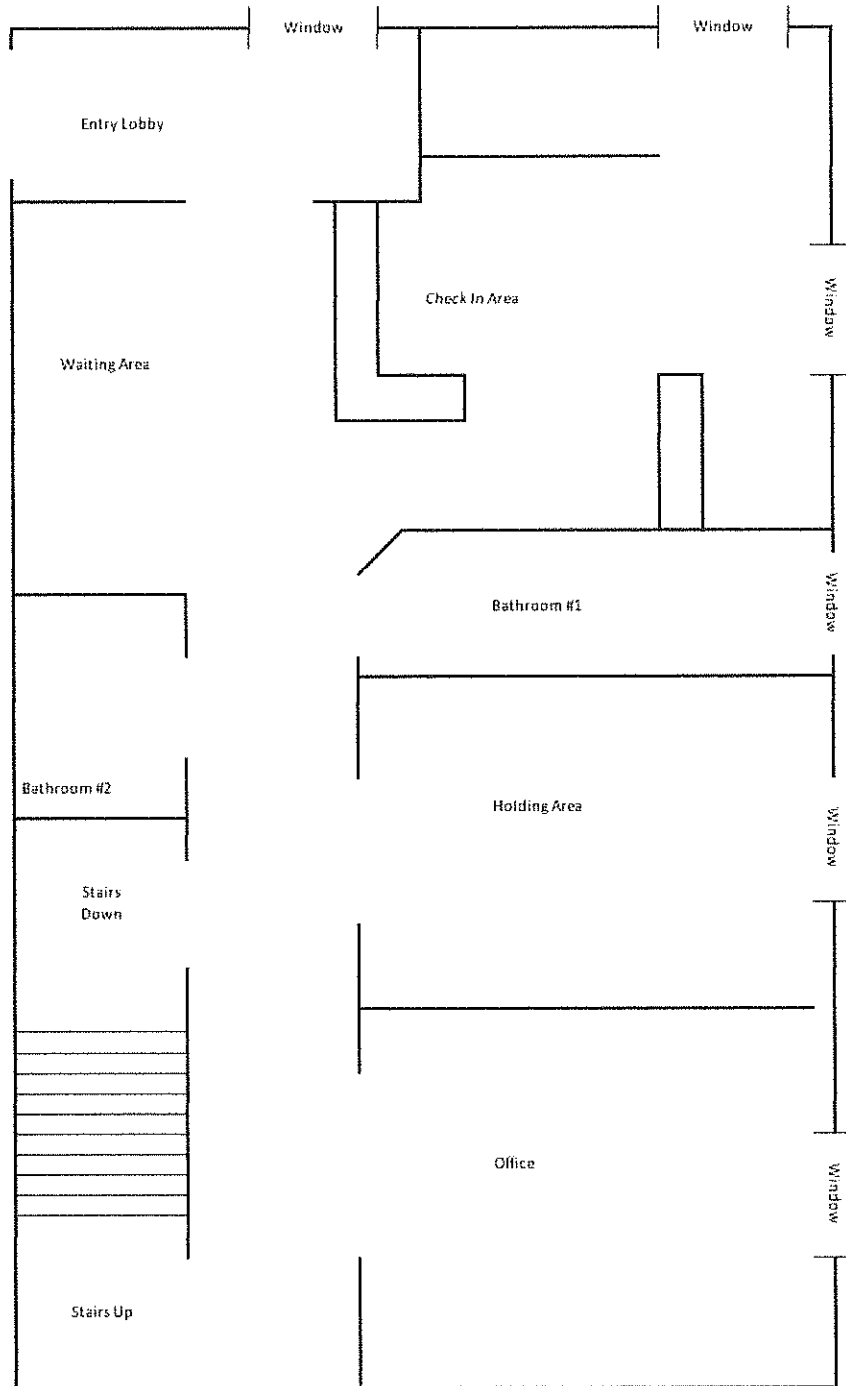
NH Department of State, 107 North Main St. Room 204, Concord, NH 03301 -- [Contact Us \(/online/Home/ContactUS\)](#)

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Dewey & Friends Pet Resort

153 Lowell Road, Hudson, NH

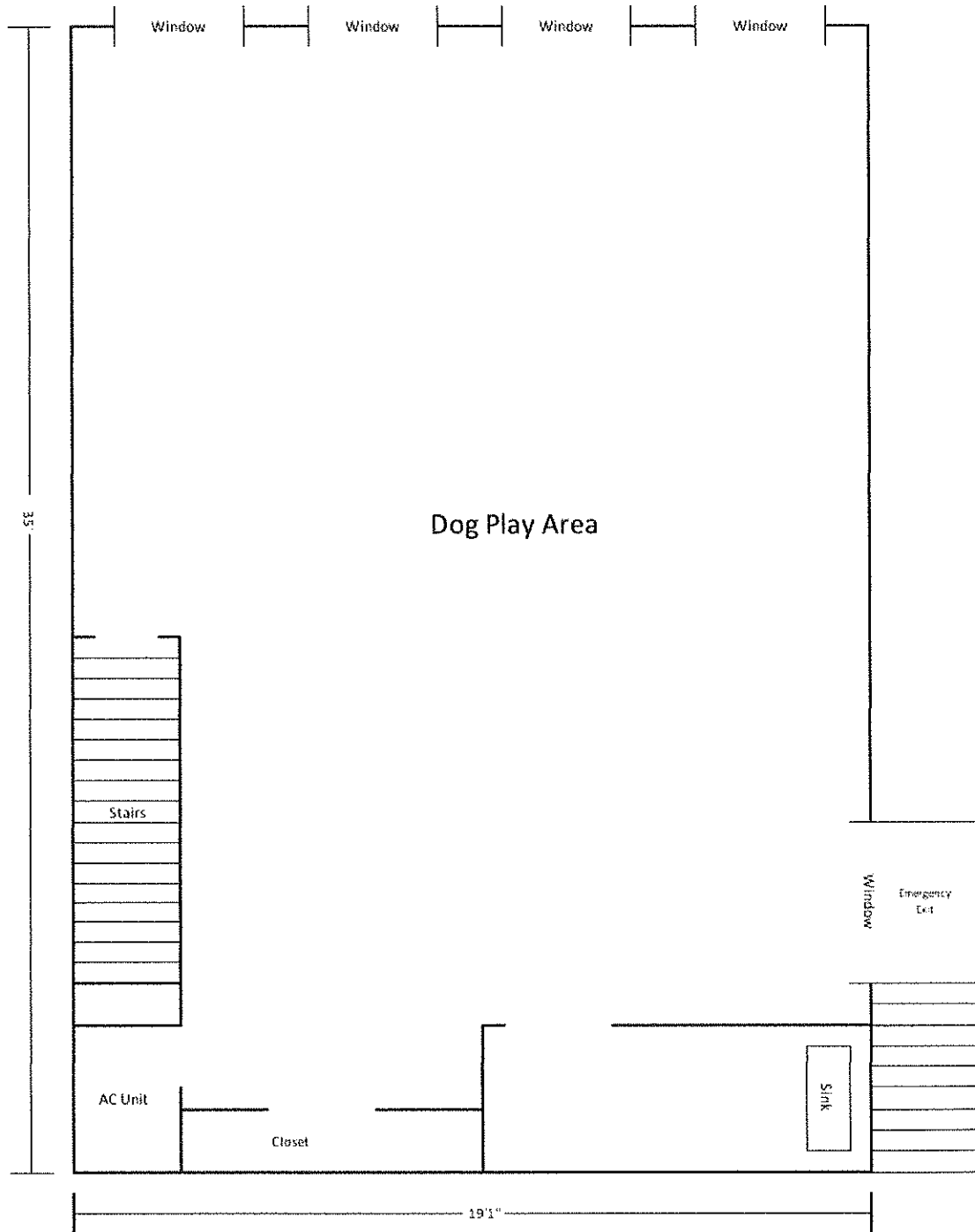
Floor Plan – Main Floor



Dewey & Friends Pet Resort

153 Lowell Road, Hudson, NH

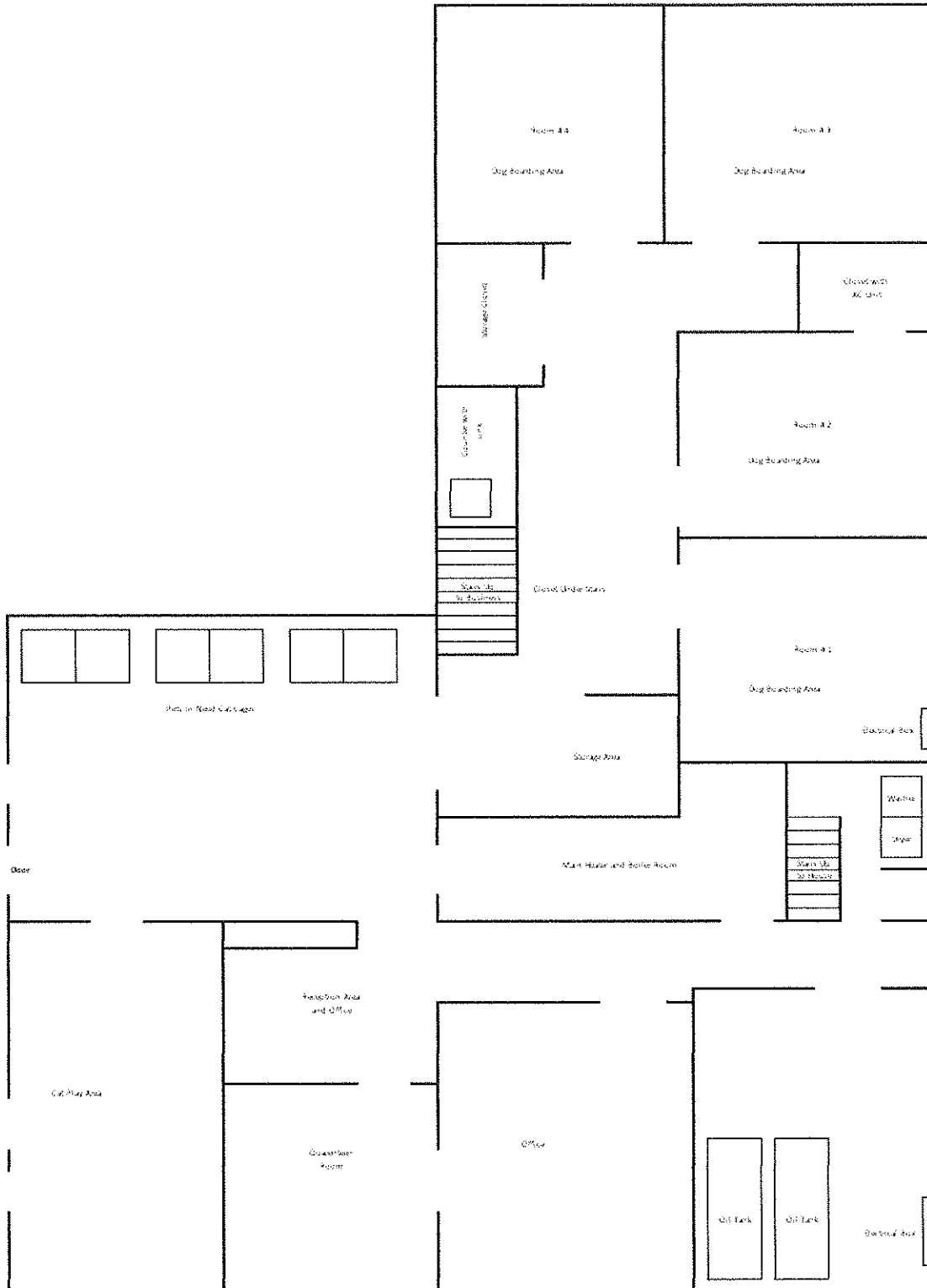
Floor Plan – Top Floor



Dewey & Friends Pet Resort

153 Lowell Road, Hudson, NH

Floor Plan – Lower Floor



Dewey & Friends Pet Resort

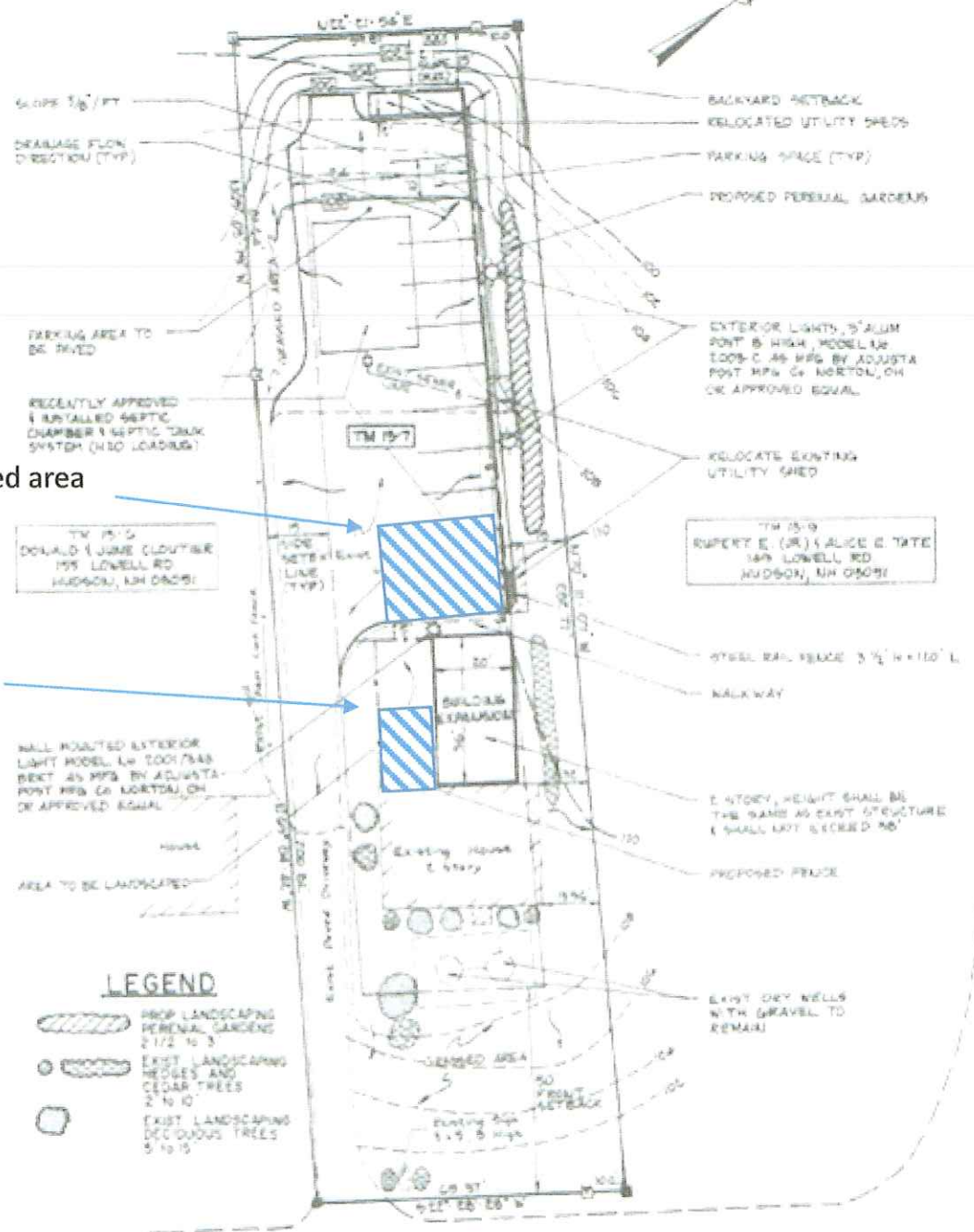
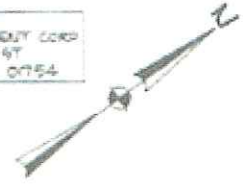
153 Lowell Road, Hudson, NH

Site Plan - Proposed Outdoor Play Areas

ABUTTERS LIST

120. NAME AND ADDRESS
 DONALD AND JUNE CLOUTIER
 155 LOWELL RD
 HUDSON, NH 03051
- DIGITAL EQUIPMENT CORP.
 115 MAIN ST.
 MAYNARD, MA 02134
- SUPERT E. JR. AND ALICE E. TATE
 141 LOWELL RD
 HUDSON, NH 03051
- ROSEMARIE J. BOYER
 25 TIGER RD
 HUDSON, NH 03051
- NORMAN E. BOYER
 156 LOWELL RD
 HUDSON, NH 03051
- RICHARD AND MARK CHARBONNEAU
 153 LOWELL RD
 HUDSON, NH 03051

TM 15-B
 DIGITAL EQUIPMENT CORP
 115 MAIN ST
 MAYNARD, MA 02134



Proposed future fenced area
 for outdoor play

Existing fenced area
 for outdoor play

TM 15-G
 DONALD & JUNE CLOUTIER
 155 LOWELL RD
 HUDSON, NH 03051

TM 15-B
 SUPERT E. (JR.) & ALICE E. TATE
 141 LOWELL RD
 HUDSON, NH 03051

LEGEND

- PROP LANDSCAPING PERENNIAL GARDENS 2' TO 3'
- EXIST LANDSCAPING HEDGES AND CEDAR TREES 2' TO 10'
- EXIST LANDSCAPING DECIDUOUS TREES 5' TO 15'

LOWELL ROAD ROUTE (3A)

Printed
6/12/2020
1:00PM
Created
6/12/2020
12:55 PM

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

Receipt# 599,238
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	ZBA Application- 06/25/20 ZBA Mtg 153 Lowell Rd Map/Lot 204-002 Special Exception Ap	0.00	155.1500	0.00
			Total:	155.15

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Keri Demers	CHECK	CHECK # 128	155.15	0.00	155.15
			Total Due:		155.15
			Total Tendered:		155.15
			Total Change:		0.00
			Net Paid:		155.15

HUDSON ZONING BOARD OF ADJUSTMENT

Use Special Exception Decision Work Sheet

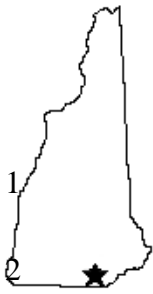
On **06/25/20**, the Zoning Board of Adjustment heard Case# **204-002**, being a case brought by **Keri Demers, 23 Dexter Street, Bedford, NH** for a Use Special Exception for **153 Lowell Rd, Hudson, NH to allow a dog day care, grooming, animal rescue services, retail sales, community pet education and kennel (day & overnight boarding) facility**. [Map 204, Lot 002-000; Zoned Business (B); HZO Article VI, Special Exceptions, §334-23, General Requirements].

After reviewing the petition, hearing all of the evidence, and taking into consideration any personal knowledge of the property in question, the undersigned member of the Zoning Board of Adjustment sitting for this case made the following determination:

- | | | |
|---|---|--|
| Y | N | 1. The use requested is listed as permitted by Special Exception in the Table of Permitted Principal or Accessory Uses for the district in which the use is requested, or is so similar to other uses permitted by Special Exception in the relevant district that prohibition of the proposed use could not have been intended. |
| Y | N | 2. The proposed use meets all the applicable requirements established in this Ordinance. |
| Y | N | 3. The proposed use is consistent with the purpose and intent of the district in which it is proposed to be located. |
| Y | N | 4. The proposed use is compatible with the character of the surrounding neighborhood. |
| Y | N | 5. Nonresidential principal uses proposed to be located in residential districts must take primary access from arterial or collector roads. |

Signed: _____
Sitting member of the Hudson ZBA

Date



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 – May 21, 2020 - edited

COVID-19 Meeting Procedure

In response to the NH State of Emergency Order #12 Pursuant to Executive Order 2020-04 regarding COVID-19, The Hudson Zoning Board of Adjustment will conduct a virtual public meeting and hearings, to be held electronically by remote video & conference call on Thursday, May 21, 2020, at 7:00 PM. Written comments can be sent in advance either by: 1) Email ...to bbuttrick@hudsonnh.gov prior to 5:00 pm, May 21, 2020; or 2) Mail to ZBA, c/o Bruce Buttrick, Hudson Town Hall, 12 School St., Hudson, NH 03051. For details on how the public can listen in and/or comment, visit the Town Website, Zoning Board of Adjustment page at: <https://www.hudsonnh.gov/bc-zba> or call (603) 886-6008 prior to the date of the meeting. Applications on the agenda may be viewed/downloaded using the same link above (then click: View Agendas, Minutes, Packets & Videos).The meeting will be streamed live on Hudson Community Television, Cable Channel 22 or online at: <http://hudsonctv.com/CablecastPublicSite/watch/2?channel=3> .

I. CALL TO ORDER

Chairman Brackett called the meeting to order at 7:00 PM; read the Covid-19 Meeting Procedure into the record; noted that the Members have logged in remotely; that voting would be by roll call vote; and that the Board would go into recess so that the public could call in their questions/concerns during public testimony and added that if anyone cannot gain access, that the meeting would need to be adjourned. Mr. Brackett noted that specific instructions for meeting access was included in both the Applicant Notification and the Abutter Notification.

Mr. Dearborn read the Preamble into the record, identified as Attachment A of the Board's Bylaws, that included the procedure and process for the meeting, and the importance of the 30-day time period for appeal.

Clerk Daddario took the roll call. Members present through audio and visual remote access were Charlie Brackett (Regular/Chair), Gary Daddario (Regular/Clerk), Gary Dearborn (Regular/Vice Chair), Brian Etienne (Regular) and Jim Pacocha (Regular). Each Member attested that they were alone at their access location. Also present were Bruce Buttrick, Zoning Administrator, who was located in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, and Louise Knee, Recorder, via remote access. It was noted that there was no one present in the meeting room and that HCTV Staff was in the adjoining room. Excused was Marilyn McGrath, Selectman Liaison. For the record, all Members voted.

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II. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 246-001 (05-21-20) (deferred from 3-12-20): 2 Stonemill Dr., Hudson, NH. Received applicant email—Request to be deferred to May 28, 2020 ZBA Meeting.

Mr. Buttrick read the Case into the record and noted that an email dated 4/15/2020 was received from the Applicant's attorney (Jay Leonard) requesting deferment to the May 28th meeting due to a scheduling conflict. It was noted that this Case had also been deferred from the 3/12/2020 meeting, due to lack of a full Board present, to the 3/26/2020 meeting, which was then cancelled due to Covid-19. Motion made by Mr. Dearborn and seconded by Mr. Daddario to accept the request and defer the Case to the 5/28/2020 meeting. Roll call vote was 5:0. Request approved.

2. Case 235-002 (05-21-20): Jack Beard, 4 Stuart St., Hudson, NH requests a Home Occupation Special Exception to operate a fence installation service business with office activities of computer work for client estimates and ordering fence materials for delivery & install at job site. Some work in garage for preparation/custom installs and limited outdoor storage of material with new fence surround. [Map 235, Lot 002-000; Split Zoned General-One (G-1) and Residential-Two (R-2); HZO Article VI, §334-24, Special Exceptions, Home Occupations].

Clerk Daddario read the Case into the record. Applicant Jack Beard joined the meeting remotely (visual and audio), introduced himself and stated that he was alone.

Mr. Buttrick referenced his Zoning Determination #19-004 dated 1/14/2019 and his Staff Report signed 5/14/2020, noted that this is an existing non-conforming lot of record, due to insufficient area and frontage, and is split by two (2) Zones (G-1 & R-2). The Home Occupation Special Exception is for an off-site fence installation operation that would use the house for computer work to provide client estimates and order supplies, store some tools in the garage and occasionally do work in the garage for custom installs and temporary outside storage of materials behind the fence.

Mr. Beard unmuted himself and addressed the Board, stated that Mr. Buttrick outlined what is needed for the fence installation service he wants to provide, noted that he is now retired and his home is split diagonally by two (2) Zones with part of it in the Business Zone, that he meets potential customers at their location to measure and then provides the estimate and if they want the fence, he orders the material from his home computer. Mr. ~~Hackett~~Brackett asked Mr. Beard if he had more information to offer why the Board should consider granting a Special Exception and Mr. Beard stated that it was all in his application. Mr. Beard's handwritten application was posted on the screen for everyone's viewing.

Mr. ~~Hackett~~Brackett asked Mr. Buttrick if any public input (phone calls or emails or mail) had been received and Mr. Buttrick responded that there has been no public input.

97 Public testimony opened at 7:15 PM. Mr. ~~Hackett~~Brackett~~Brackett~~ declared a five (5)
98 minute recess for Mr. Buttrick to man the phones and check email. Board resumed
99 the meeting at 7:20 PM. Mr. Buttrick reported that there was no public input
100 received. Public testimony closed at 7:20 PM
101

102 Board deliberation ensued. Mr. Brackett noted that there are several letters going
103 back a few years. Mr. Buttrick responded that the applicant started making inquiries
104 in 2017 and only recently submitted an application, and, as per usual, it was
105 circulated among Town Staff. Only the Town Engineer responded with concerns if the
106 lot required a second driveway for access to storage. Mr. Brackett noted that it can't
107 have a second driveway without a Variance and that is not before the Board. Mr.
108 Brackett also noted that it is not a traditional residential neighborhood, that there are
109 several homes with business as well as a church, a hairdresser, an auto repair facility,
110 an auto sales facility and a dog day care in the neighborhood.
111

112 Mr. Dearborn stated that he drove by to view the site and it appears that access to the
113 storage area is already being used as a second driveway, that a home Occupation is
114 supposed to be 'silent' to the neighborhood but there was a flatbed Isuzu truck parked
115 in the driveway and expressed concern that the Home Occupation would increase
116 traffic to the neighborhood.
117

118 Mr. Etienne stated that this Home Occupation would be similar to the other uses in
119 the neighborhood and questioned whether the deliveries to the home could be in the
120 evening hours and whether it also included a cement truck. Mr. Pacocha noted that a
121 Home Occupation is for the homeowner and according to the application more people
122 are involved, like his friend Shawn Swett and his daughter Tiffany Beard, and
123 questioned if any of the vehicles exceeds 13,500 GVW (Gross Vehicle Weight). Mr.
124 Daddario shared Mr. Pacocha's questions and questioned the parking and whether
125 there would be off-street parking involved.
126

127 Mr. Beard responded and the following information was obtained: Shawn Swett lives
128 at 4 Stuart Street as does his daughter and grandson; there are four (4) vehicles, his
129 daughter's Toyota Corolla that is in the garage, Mr. Swett's and his pickups which are
130 parked in the driveway, and the Isuzu flatbed used for business also parked in the
131 driveway and weighs approximately eleven thousand (~11,000) pounds; and noted that
132 generally materials arrive one day and leaves the next day to be installed. Mr.
133 Pacocha asked if there are any business logos on the vehicles and Mr. Beard
134 responded that there was on only one vehicle – the Isuzu.
135

136 Mr. Brackett noted that Stuart Street is between two (2) arterial roadways, that the
137 change to the Business Zone included an arbitrary five hundred foot (500') swath of
138 land that entrapped several neighborhoods in Town, that the majority of the properties
139 in this neighborhood area have some business use, and that, in his opinion, to not
140 grant the Special Exception would be a disservice because it is no longer really a
141 residential area and even though it is unusual it is not unusual to this area.
142

143 Discussion arose on the second driveway. It is not allowed and appears to already be
144 in use. An aerial view taken from 2017 was posted and a second driveway was not
145 apparent. It was noted that a second driveway would require a separate Variance that
146 Variance is not in front of the Board. Attaching a condition to the Home Occupation

147 Special Exception prohibiting a second driveway was considered and dismissed so as
148 not to prevent a Variance from being pursued.
149

150 Motion made by Mr. Etienne and seconded by Mr. Pacocha to approve the Home
151 Occupation Special Exception with no stipulations. Roll call vote was 4:1. Mr.
152 Dearborn opposed. Home Occupation Special Exception granted. The 30-day appeal
153 period was noted.
154
155

156 3. Case 175-088 (05-21-20): Albert J. & Ann M. Antosca, 13 Alpine Ave., Hudson,
157 NH [Map 175, Lot 088-000; Zoned Business (B)] requests four (4) Variances:

158 (1) To allow the addition of an Accessory Dwelling Unit (ADU) to be attached to an
159 existing single-family dwelling on a lot in the Business (B) Zoning District
160 which does not allow single family dwellings. [HZO Article V, §334-20 and
161 §334-21, Table of Permitted Principal Uses; and HZO Article XIII A, §334-73.3,
162 Accessory Dwelling Units, Provisions];

163 (2) To allow the enlargement of an existing single family dwelling in the B District
164 to be extended/enlarged to accommodate the ADU. [HZO Article VIII, §334-29,
165 Extension or enlargement of nonconforming uses];

166 (3) To allow the ADU with a 34.6 ft. setback from Alpine Ave., 21.2 ft. setback
167 from Cliff Ave. and 48 ft. setback from Cliff Ave. where 50 foot setbacks are
168 required. [HZO Article VII, §334-27, Table of Minimum Dimensional
169 Requirements];

170 (4) To allow an approx. 947 sqft. ADU where 750 sqft. is allowed. [HZO Article
171 XIII A, §334-73.3 H, Accessory Dwelling Units, Provisions].
172

173 Clerk Daddario read the Case into the record. Mr. Brackett asked the Board's
174 preference – whether to hear each Variance separately or to hear the total Case and
175 vote on each Variance separately. Consensus was to hear the whole Case and vote on
176 each Variance separately.
177

178 Electronic remote connections established separately with Atty. Brad Westgate of
179 Winer & Bennett, LLP located in Nashua, NH, Albert & Ann Antosca applicants and
180 occupants of 13 Alpine Ave, and civil engineer and septic designer Michael Grainger,
181 LLS, of MJ Grainier Engineering, Inc. in Hudson, NH. Each attested to being alone at
182 their respective locations.
183

184 Atty. Brad Westgate introduced himself as representing the property owners and
185 applicants Albert & Ann Antosca and thanked the Board for the opportunity to present
186 their Case.
187

188 Atty. Westgate stated that the property lies in the Business District and is the cause
189 for three (3) of the Variances being requested. The property is an existing non-
190 conforming lot being a residence in the Business District and failing to meet two of the
191 three required front setbacks and failing to meet the minimum lot size. The site has
192 three (3) road frontages – 150' on Cliff Avenue, another 113' on Cliff Avenue and 155'
193 on Alpine Avenue – and only one side that abuts land. The Zoning Map was displayed
194 and it was noted that the site is at the outer edge of the Business Zone in a
195 neighborhood that has retained its residential character with the abutting Residential
196 Zone. A GIS Overview was next displayed displaying the site with the location of the

197 proposed ADU. It was noted that the land across from the ADU to the East is not
198 developed along Cliff Avenue. The site has Town water and an onsite septic system.
199 According to the Town's records, the house was built in 1952 and is almost seventy
200 years old (70 y/o).

201
202 Atty. Westate stated that the property is unique having three (3) road frontages and
203 now located in the Business Zone even though well removed from any business aspect
204 and with the Residential Zone across Alpine Avenue. The neighborhood is residential
205 and all the homes were constructed in the same era. The house across the street, 16
206 Alpine Avenue, is a single-family residence with an ADU above their detached garage.

207
208 Atty. Westgate stated that it is the Business Zone setting that requires three (3) of the
209 four (4) Variances before the Board. The location of the ADU was selected because it
210 enables it to be setback from the front of the home and maintain the Business Zone
211 fifty foot (50') setback and generates a very minimal Variance to the setback from Cliff
212 Avenue (leaving 48' of the 50' required setback from Cliff Avenue to the rear and 21.2'
213 from the easterly side of Cliff Avenue to the side).

214
215 Atty. Westgate stated that the design of the ADU accommodates all the ADU
216 requirements of the Zoning Ordinance except for Criteria H that limits the square
217 footage (SF) to 750 SF. The proposed ADU is 974 SF, approximately 197 SF over. The
218 occupant of the ADU will be the Applicants' daughter, who was raised in their home
219 on Stuart Avenue, and her fiancé. Atty. Westgate stated that the spirit and Intent of
220 the Zoning Ordinance have been met with this proposal and that the increase in
221 square footage is not excessive.

222
223 Atty. Westgate referenced the Zoning Determinations rendered on this Case where it
224 was noted that a single family home is not allowed in the Business Zone but the home
225 was built prior to the Zone change and became a non-conforming requiring two (2)
226 Variances – one to expand a non-conforming structure and another to expand the use
227 and add an ADU. Atty. Westgate noted that the business zone requires a fifty foot (50')
228 front setback and considering that this lot has three (3) road frontages leaves a very
229 small building envelope and the need for a third Variance.

230
231 Atty. Westgate complimented Mr. Buttrick on the preparation of his Staff Report and
232 addressed the two (2) comments received from the Town Engineer, Elvis Dhima, PE,
233 dated 3/6/2020 regarding septic system capability and driveway widening. Mr.
234 Grainger applied to NHDES (NH Department of Environmental Services) for a septic
235 permit and posted NHDES Approval dated 2/7/2020 and noted item D.4 that
236 identifies that the approval is for a two bedroom house and a one bedroom studio
237 apartment. Atty. Westgate stated that the existing septic system is capable of
238 handling the ADU based on the gallons calculated but in the event there arose an
239 issue a replacement system has been designed and approved. Atty. Westgate stated
240 that Mr. Grainger is present (connected remotely) to answer any questions. Atty.
241 Westgate noted that the driveway is along Alpine Avenue and with regard to the
242 question raised of driveway widening, he consulted with his clients and can confirm
243 that there will be no driveway widening at the apron. Atty. Westgate stated that Mr.
244 Buttrick's Staff Report also noted that a shed on the property does not comply with
245 the fifty foot (50') setback; that the shed was permitted in 1989; and questioned
246 whether it is considered "grandfathered" or whether an Equitable Waiver should be

247 sought. Before discussion ensued, Mr. Brackett noted that the shed is not related to
248 the Variances before the Board and its resolution should be pursued independently.
249

250 Atty. Westgate next addressed the Variance criteria. The information shared included:
251

252 1. *not contrary to public interest*

- 253 • despite being currently in the Business Zone, the house was
- 254 constructed approximately seventy (70) years age
- 255 • the neighborhood is still residential
- 256 • an ADU is appropriate to a residence

257 2. *spirit of Ordinance observed*

- 258 • the Spirit is derived from the Purpose and ADU's provide Affordable
- 259 Housing
- 260 • there is no burden to Town's infrastructure
- 261 • the location is in a residential neighborhood

262 3. *substantial justice done*

- 263 • there would be no gain to the public from a denial
- 264 • there would be no consequence to the public from an approval

265 4. *will not diminish surrounding property values*

- 266 • there will be no adverse impact
- 267 • neighbors/abutters contacted regarding the ADU project and nine
- 268 (9) submitted independent letters of support. The letters
- 269 submitted were from: June Parker, 15 Alpine Avenue; Scott &
- 270 Melissa Weikle, 6 Cliff Avenue; Leo & Karen Graham, 12 Alpine
- 271 Avenue; Claudette Duval, 16 Alpine Avenue; Rick & Cheri Chenel,
- 272 4 Cliff Avenue; Maurice & Laura Charron, 13 Burnham Road; Vaya
- 273 & Arthur Handaras, 162 Central Avenue; Jacqueline Thissell, 19
- 274 Alpine Avenue; and Stanley Eaton, 7 Burnham Road.

275 5. *hardship*

- 276 • special condition exists – property now located in the Business
- 277 Zone and has three (3) road frontages
- 278 • neighborhood has retained the residential character and abuts the
- 279 Residential Zone
- 280 • three (3) frontages in the Business Zone at fifty feet (50') each,
- 281 leaves a very small building envelope
- 282 • there is open space on the lot to the east
- 283 • an ADU is a reasonable residential Use

284
285 Public testimony opened at 8:29 PM. Board went into recess while Mr. Buttrick
286 manned the phones and checked email. At 8:36 PM, Mr. Buttrick reported that there
287 was no public input received. Public testimony closed at 8:36 PM
288

289 Board deliberation ensued. Mr. Dearborn stated that even though located in the
290 Business Zone, there are no businesses in the neighborhood and does not have a
291 concern regarding the Business Zone increased setback infringement but the lot is
292 half the size required and the Board has a history with denying other ADUs with

293 greater square footage and noted that none of the abutters' letters submitted identified
294 the significant increase in square footage. Atty. Westgate stated that the lot size not
295 being conforming has been recognized. Mr. and Mrs. Antosca stated that they showed
296 the plan and the ADU layout to their neighbors.
297

298 Mr. Etienne shared Mr. Dearborn's concerns and asked to view the construction detail
299 of the proposed ADU. The ADU floor plan was posted and Mr. Etienne noted that the
300 den creates the overage in square footage and noted that it could readily be converted
301 to a second bedroom. Mr. Antosca stated that the door in the den provides the unit
302 with a second egress. Mrs. Antosca stated that that den's door connects to her home.
303

304 Mr. Daddario shared Mr. Etienne's observations, noted that multiple variances are
305 needed for an ADU but noted that nothing has been submitted justifying a larger ADU
306 and questioned why there is a staircase, going up and down in the ADU if it is to be a
307 single story unit. Mr. Antosca responded that the stairways lead to the attic and to
308 the basement.
309

310 Mr. Brackett stated that the Zone changed to commercial because of the proximity to
311 Ferry Street and an arbitrary five hundred foot (500') swath of land was selected that
312 hit the Residential Zone. The area has maintained its residential character. Mr.
313 Brackett stated that, in his opinion, an ADU is to be part of the residence and easily
314 re-converted to the main residence once no longer needed, but this ADU looks like a
315 separate building which could easily be converted to a two-family structure and noted
316 that it appears that the connector to the main house is the garage. Mr. Buttrick
317 responded and pointed out that the connector is the breezeway, to be constructed,
318 behind the garage to connect the main house to the ADU and that there is nothing in
319 the Zoning Ordinance or RSA 674:71 mandating the single-house look. Mr. Dearborn
320 agreed with Mr. Brackett regarding the look of it being two separate houses.
321

322 Atty. Westgate noted that the house across the street (16 Alpine Avenue) has an ADU
323 in its detached garage on the second floor and stated that the practicality and age of
324 the property was taken into serious consideration. The house is seventy (70) years old
325 and a second story addition is not possible, there will continue to be single utilities
326 and the occupant for the ADU is a family member. Mr. Brackett noted that the law
327 changed and ADU's are no longer restricted to family member(s). Mr. Antosca
328 recapped the various designs considered and the flaws that resulted (conflicting roof
329 lines, greater setback intrusions etc.) and why they will create the breezeway to
330 connect the ADU to the main house.
331

332 Mr. Etienne asked if the exterior of the ADU would match the house and why there is
333 a separation on the newly approved septic plan. Mr. Antosca answered that the
334 existing house will actually be renovated to match the proposed siding for the ADU.
335 Mr. Grainger responded that, in his professional opinion, installing a separate septic
336 tank to feed into the existing leach field was a better plan.
337

338 Board proceeded to consider each Variance separately.
339

340 Variance (1) allow an ADU to existing house in Business Zone
341

342 Motion made by Mr. Etienne and seconded by Mr. Daddario to grant the Variance for
343 the addition of an ADU to the residence in the Business Zone.
344

345 Mr. Daddario spoke to his second noting that, in his opinion, all five (5) variance
346 criteria have been satisfied: the addition of an ADU is not contrary to public interest, it
347 is in character with the neighborhood; the request observes the Spirit of the
348 Ordinance; there is substantial justice done and it would be detrimental to not provide
349 housing; it will not diminish property values, there are similar ADUs in the
350 neighborhood and several neighbors have submitted letters of support; and hardship
351 has been met as it a a unique lot with three (3) road frontages and is located in the B
352 Zone. Mr. Etienne spoke to his motion and agreed with Mr. Daddario's reasoning as
353 the request is a natural expansion of a home residence, the neighborhood is
354 residential, substantial justice would be done to the property owner with no adverse
355 impact onto the public, there is no conflict with the Zoning Ordinance and it is a
356 corner lot with three (3) road frontages with enough land for an ADU.
357

358 Roll call vote was 4:1. Mr. Dearborn opposed. Variance granted.
359

360 Variance (2) allow enlargement of dwelling unit in Business Zone for an ADU
361

362 Motion made by Mr. Pacocha and seconded by Mr. Daddario to grant the variance to
363 allow enlargement of the existing non-conforming family residence for an ADU.
364

365 Mr. Pacocha spoke to his motion noting that the variance is required because the
366 Town changed the Zone to Business, and an ADU is an allowed use for residences, the
367 granting will grant justice to the applicants and will cause no harm to the general
368 public, it will increase property values and the hardship was caused by the Town. Mr.
369 Daddario spoke to his second, noted that this variance tracks with the prior variance,
370 that it observes the Spirit of the Ordinance particularly because the neighborhood
371 retained its residential character, that substantial justice would be done, that the
372 property owners seek to help a family member, that new construction increases
373 property values, that many abutters support the ADU and that hardship exists
374 because the Town changed the Zone. Mr. Brackett stated that he would vote against
375 the request as it is not, in his opinion, an enlargement of the family unit to
376 accommodate an ADU but a separate structure altogether. Mr. Dearborn stated that it
377 failed to meet any of the criteria for the granting of a variance as, in his opinion, it is
378 not an ADU but a separate building.
379

380 Roll call vote was 3:2. Mr. Brackett and Mr. Dearborn opposed. Variance granted.
381

382 Variance (3) to allow ADU to encroach into the three (3) front setbacks
383

384 Motion made by Mr. Dearborn and seconded by Mr. Pacocha to approve the
385 encroachments into the three (3) front setbacks for the addition of an ADU.
386

387 Mr. Dearborn spoke to his motion and stated that this is the lesser of all the variances
388 of this Case, the imposing of the Business Zone's fifty foot (50') front setback onto a
389 residential neighborhood is the hardship but also insignificant in this Case because
390 the encroachments are all behind the wooden fence and would not be visible. Mr.
391 Pacocha concurred and noted that all the criteria were satisfied. Mr. Brackett added

392 that this is a classic case where variance is required because of the Zone change made
393 by the Town and also because of the unusual aspect that the lot has three (3) road
394 frontages, that substantial justice is done to the property owners and it will not
395 devalue the neighborhood's property values.

396
397 Roll call vote was 5:0. Variance granted.

398
399 Variance (4) to allow construction of a 934 SF ADU

400
401 Motion made by Mr. Etienne seconded by Mr. Dearborn to not grant a variance to
402 allow construction of a 934 SF ADU.

403
404 Mr. Etienne stated that even though it may not be contrary to public interest and does
405 provide affordable housing, the issue is hardship as it has not been satisfied and there
406 has been no evidence presented justifying an over-the-limit ADU. Mr. Dearborn stated
407 that it has been the Board's practice to uphold the 750 SF ADU, as specified in the
408 Zoning Ordinance, that there has been no justification presented requiring a larger
409 unit and added that this lot is also half the size of a lot's requirement. Mr. Pacocha
410 stated that the Board has made exceptions in the past. It was noted that there were
411 special circumstances for those exceptions. Mr. Etienne stated that the Zoning
412 Ordinance is clear in the 750 SF limitation and noted that it was voted into the
413 Ordinance by the Town's people. Mr. Brackett stated that there is nothing unique
414 requiring a larger living unit. Mr. Daddario added that three (3) variances are required
415 to create an ADU at this site and that nothing has been presented justifying a larger
416 size unit

417
418 Roll call vote on motion not to grant the Variance was 4:1. Mr. Pacocha voted to
419 grant. Variance request denied.

420
421 The 30 day appeal period was noted.

422 **III. REQUEST FOR REHEARING**

423
424
425 No requests were presented for Board consideration

426 **IV. REVIEW OF MINUTES:** 2/27/20 Minutes; 3/12/20 Minutes

427
428
429 2/27/2020 Minutes

430 Board reviewed the edited version presented and made no further amendments.
431 Motion made by Mr. Dearborn and seconded by Mr. Etienne to approve the 2/27/20
432 Minutes as edited and presented. Procedural verbal vote was 5:0. Minutes approved.

433
434 3/12/2020 Minutes

435 Board reviewed the edited version presented and made no further amendments.
436 Motion made by Mr. Dearborn and seconded by Mr. Daddario to approve the 3/12/20
437 Minutes as edited and presented. Procedural verbal vote was 5:0. Minutes approved.

438 439 440 **V. RECAP**

441

442 Reminder given to Members to mail back their Decision Sheets in the prepaid
443 envelope.

444
445 Debrief of the first remote meeting. Comment made that it would be better to allow
446 the applicant to respond to questions as they arise versus letting the questions
447 accumulate. Having a split screen showing the plans was beneficial and appreciated.

448
449 Next ZBA meeting is next Thursday, 5/28/2020.

450
451
452 Motion made by Mr. Dearborn, seconded by Mr. Etienne and unanimously voted to
453 adjourn the first remote meeting. The 5/21/2020 ZBA remote meeting adjourned at
454 9:51 PM.

455
456 Respectfully submitted,
457 Louise Knee, Recorder

458
459

AS EDITED



TOWN OF



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 – May 28, 2020 - Edited

COVID-19 Meeting Procedure

In response to the NH State of Emergency Order #12 Pursuant to Executive Order 2020-04 regarding COVID-19, The Hudson Zoning Board of Adjustment conducted a virtual public meeting and hearings, held electronically by remote video & conference call on Thursday, May 28, 2020, at 7:00 PM. Written comments were requested to be sent in advance either by: 1) Email ...to bbuttrick@hudsonnh.gov prior to 5:00 pm, May 28, 2020; or 2) Mail to ZBA, c/o Bruce Buttrick, Hudson Town Hall, 12 School St., Hudson, NH 03051. Details on how the public could listen in and/or comment, were given on the Town Website, Zoning Board of Adjustment page at: <https://www.hudsonnh.gov/bc-zba> or by calling (603) 886-6008 prior to the date of the meeting. Applications on the agenda were posted on the Town Website for viewing/download using the same link above (then click: View Agendas, Minutes, Packets & Videos). The meeting was streamed live on Hudson Community Television, Cable Channel 22 and online at: <http://hudsonctv.com/CablecastPublicSite/watch/2?channel=3> .

I. CALL TO ORDER

Chairman Brackett called the meeting to order at 7:02 PM; read the Covid-19 Meeting Procedure into the record; noted that the Members have logged in remotely; that voting would be by roll call vote; and that the Board would go into recess so that the public could call in their questions/concerns during public testimony and added that if anyone cannot gain access, that the meeting would need to be adjourned. Mr. Brackett noted that specific instructions for meeting access was included in both the Applicant Notification and the Abutter Notification and on the website.

Mr. Dearborn read the Preamble into the record, identified as Attachment A of the Board's Bylaws, that included the procedure and process for the meeting, and the importance of the 30-day time period for appeal.

Clerk Daddario took the roll call. Members present through audio and visual remote access were Charlie Brackett (Regular/Chair), Gary Daddario (Regular/Clerk), Gary Dearborn (Regular/Vice Chair), Brian Etienne (Regular) and Jim Pacocha (Regular). Each Member attested that they were alone at their access location. Also present were Bruce Buttrick, Zoning Administrator, who was located in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, and Louise Knee, Recorder, via remote access. It was noted that there was no one present

46 in the meeting room and that HCTV Staff was in the adjoining room. Excused was
47 Marilyn McGrath, Selectman Liaison. For the record, all Members voted.
48
49

50 **II. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**
51

52 1. Case 246-001 (05-28-20) (deferred from 03-12-20): Dr. Warren Barclay, 24
53 Chalifoux Rd., Hudson, NH requests two variances for 2 Stonemill Dr.,
54 Hudson, NH: 1) To permit the construction of an approx. 1,155 sqft.
55 accessory one-story building to be used as a chiropractic office accessory to
56 the primary residential use and; 2) To permit the location of the building to
57 be within the front yard setback of 30 ft. where 50 ft. is required. [Map 246,
58 Lot 001-000; Zoned Residential-Two (R-2); HZO Article III, §334-10 D, Mixed
59 or dual use on a lot and HZO Article VII, §334-27, Table of Minimum
60 Dimensional Requirements].
61

62 Clerk Daddario read the Case into the record. It was noted that is was deferred from
63 the 3/12/2020 meeting at the request of the applicant as a full Board was not
64 present.
65

66 Mr. Butterick referenced his Zoning Determination dated 1/29/2020 and his Staff
67 Report signed 2/28/2020, noted that the lot is non-conforming with insufficient
68 frontage on River Road and that the primary residence was converted from the mill
69 abutting the sluiceway and that the applicant's desire to construct a chiropractic office
70 is not an Accessory Use to the primary residential Principal Use with its placement in
71 the front setback of River Road.
72

73 Mr. Buttrick stated that he also received a late abutter email supporting the project.
74 Clerk Daddario read the email from Renee Paquette to Atty. Leonard into the record.
75

76 Thomas J. Leonard, Esq. of Welts, White & Fontaine, P.C. at 29 Factory Street,
77 Nashua, NH, introduced himself as representing Dr. Warren Barclay. Both Atty.
78 Leonard and Dr. Barclay were present, visually and verbally, through remote access.
79 Atty. Leonard expressed his appreciation to the Board and Mr. Buttrick, noted that
80 their submitted packet is substantial and asked to address both variances
81 simultaneously regarding the project as both are needed for the project.
82

83 Atty. Leonard posted the Guertin Lot Line Relocation Plan prepared by Maynard &
84 Paquette Engineering Associates, LLC dated 8/22/2001, that showed the 1.38 acre-lot
85 with its 119.83 foot frontage on River Road, the sluiceway that bisects the property
86 and feeds into Eayrs Pond, the residence that was once the flour mill, the existing
87 garage and noted that access to the residence is via a private ROW (Right-of-Way) from
88 Stone Mill Road off of Chalifoux Road from River Road. Atty. Leonard noted that the
89 old mill existed since the 1930's, pre Zoning.
90

91 Atty. Leonard stated that the area of River Road has been rezoned to residential yet in
92 this portion of River Road there exists several commercial enterprises. Atty. Leonard
93 posted the Hudson Property Map and identified the commercial operations in the
94 direct vicinity of the property that included the three (3) commercial buildings across
95 River Road, Pioneer Automotive and BAE complex. Various pictures of the

96 surrounding area were posted. Atty. Leonard noted that the area is really a mixture of
97 Uses.
98

99 Atty. Leonard next posted the Property Plan prepared by Maynard & Paquette
100 Engineering Assoc, LLC, Rev 10/22/2019, that showed the sluiceway, wetlands, the
101 50' wetland buffers and the steep slopes. Atty. Leonard noted that only approximately
102 one third (1/3) of the site is being used for the existing residence and garage. Dr.
103 Barclay wants a Home Office and requires a structure that equates approximately to a
104 3-car garage for the equipment necessary to run a chiropractic service. There is no
105 space by the residence, given the topography of the land, for such an addition;
106 however, the River Road side of the property has a building envelope. The proposal is
107 for an 1,155 SF (square foot) one-story building, out of the wetland buffer but
108 encroaching twenty feet (20') into the required fifty-foot (50') front/road setback and
109 thirteen (13) parking spaces to insure off street parking.
110

111 Atty. Leonard next referenced the Zoning Ordinance, specifically: Article III Section
112 334-10 Mixed or Dual Use on a Lot; Article IV Section 334-18, Districts described; and
113 Article V Section 334-22 Table of Accessory Uses. Even though Section 334-18.B
114 allows "complimentary nonresidential" uses, and Section 334-10.D allows multiple or
115 mixed uses on a lot, the Zoning Administrator, Bruce Buttrick, made the
116 determination that both Uses would need to be Permitted Uses for the Zone; therefore
117 they are seeking a Variance for the Accessory Use of the chiropractic office to the
118 Primary Use as a residence. Atty. Leonard stated that it would be okay to have that as
119 a condition of approval as well as stating that its use is for the occupant of the
120 residence and that the land cannot be subdivided.
121

122 Atty. Leonard stated that the new one-story 1,155 SF professional office building
123 would be for the property owner/professional, one professional associate and one to
124 two staff members or employees or individuals. The principal professional will be the
125 owner/occupant of the single family home on the same lot. His client does a lot of
126 work with the VA (Veterans Association) and they require certain hours of
127 operation/availability. The professional associate will be Dr. Warren Barclay's son
128 and together they would be offering approximately fifty (50) hours of chiropractic
129 services a week.
130

131 Atty. Leonard next addressed the Variance criteria. The information shared included:
132

133 1. *not contrary to public interest*

- 134 • lot is unusual – divided by a sluiceway – residence on western 1/3
135 portion of the lot with no road frontage, just an easement from
136 Stone Mill Drive – the remaining 2/3 of the lot is not developed and
137 is the only segment that has road frontage, on River Road
- 138 • there is no risk to public health and safety
- 139 • it will be serviced with Municipal water
- 140 • septic system will be kept out of the wetland and wetland buffer
- 141 • there is ample frontage with good sight distance

142 2. *spirit of Ordinance observed*

- 143 • met - purpose of Dual Uses is to insure compatibility and in this
144 section of River Road there are several other businesses

- 145 • the location is not in a residential neighborhood
146 • the size of the proposed office is approximately equivalent to a
147 three-car garage and would be Accessory to the residence
148 3. *substantial justice done*
149 • currently only 1/3 of the lot is in use with a residence with no road
150 frontage, just an access easement
151 • currently 2/3 of lot is unused and not accessible from residence
152 due to the sluiceway
153 • there would be no gain to the public from a denial
154 • there would be no consequence to the public from an approval
155 • the reduce frontage proposed is in keeping with others in area
156 4. *will not diminish surrounding property values*
157 • there will be no adverse impact
158 • new construction tends to improve property values and the
159 proposal will also include renovation of residence
160 • surrounding area has several different commercial businesses and
161 the residential developments are to the north and west of the site
162 5. *hardship*
163 • special condition exists – the sluiceway bisects the lot and leaves
164 no room for an accessory building in proximity of residence
165 • there are significant wetlands and steep slopes barring connection
166 of proposed accessory building to residence
167

168 Public testimony opened at 7:49 PM.
169

- 170 (1) John Sullivan, 53 River Road, direct abutter, connected over the phone
171 lines. The connection was not good, garbled with much blowback and
172 barely audible. After ten minutes, Chairman Brackett called for a recess in
173 order for Mr. Buttrick to speak directly with Mr. Sullivan and other
174 individuals wishing to address the Board and report back to the Board.
175

176 At 7:59 PM the Board went into recess. Board meeting resumed at 8:09 PM. Mr.
177 Buttrick reported that he spoke with Mr. Sullivan and that the other two (2) callers
178 had disconnected/hung up.
179

- 180 (1) John Sullivan, 53 River Road, direct abutter, noted that there is no septic
181 system on the plan, questioned the parking by his property line and
182 whether the spaces would be out of the setback, commented that his house
183 was built before the road existed and that his well is twelve feet (12') from
184 River Road and expressed concern with water runoff and possible pollution.
185

186 Atty. Leonard responded that they will follow the rules, know they will need to get a
187 Building Permit from the Town and a septic permit from the State, that the plan only
188 displays the geometry and land limitations that justify the placement of the building
189 and parking and added that they will only have the number of parking spaces needed
190 to insure off-street parking.
191

192 Second round of Public Testimony opened at 8:12 PM. Board went into recess for Mr.
193 Buttrick to call Mr. Sullivan and check for other callers. Mr. Buttrick reported that
194 his call to Mr. Sullivan went directly to voice-mail and that there were no other callers.
195 Public Testimony ended at 8:15 PM. Atty. Leonard noted that Dr. Barclay had met
196 with Mr. Sullivan regarding the project prior to the meeting.
197

198 Board deliberation ensued. Mr. Dearborn asked Atty. Leonard to address the four (4)
199 items raised by the Town's Engineer dated 3/12/2020. The first (1st) item noted that
200 the proposed parking layout is not constructible as shown and Atty. Leonard
201 responded that there is flexibility to the plan and the details would be finalized when
202 before the Planning Board. The second (2nd) item noted that the plan does not show
203 grading in the wetland buffer. Atty. Leonard noted that the plan is not the final plan
204 and that it is their intent not to have to do any grading in the wetland buffer. The
205 third (3rd) item noted that the plan has not been certified by a wetland scientist (CWS).
206 Atty. Leonard stated that they will incur the expense of a CWS once approval is
207 received from the ZBA and prior to going to the Planning Board. The fourth (4th) item
208 noted the curb cut on River Road which is a State road and would require a driveway
209 permit by District 5. Atty. Leonard stated that they will comply and obtain the
210 necessary State permit. Mr. Daddario questioned the proposal to have two (2)
211 driveways on one (1) lot and Atty. Leonard noted that would be addressed by the
212 Planning Board which has the authority to waive the restriction and could waive
213 because of the unique nature of this particular lot.
214

215 Mr. Brackett asked how long Dr. Barclay has owned the lot. Atty. Leonard stated that
216 Dr. Barclay does not yet live there. Dr. Barclay stated that he bought the lot two (2)
217 years ago from his sister's estate, that she lived there thirteen (13) years, that the
218 house was built in the 1940's as a rebuild of the old mill and in fact rests on the old
219 mill's foundation. Dr. Barclay added that it is his plan to update the house at the
220 same time he hopes to build the building for his practice. Mr. Brackett noted the
221 discrepancy in acreage on the Assessor's sheet and Dr. Barclay offered that the change
222 may have been the result of the Guertin Lot Line Adjustment that occurred around
223 2001-02.
224

225 Mr. Brackett stated that he has concerns with the proposed building being twenty feet
226 (20') into the front setback as River Road is an arterial road and heavily traveled and
227 could conceivably be widened in the future and questioned if the proposed parking
228 and building could be reversed as it is easier to reconfigure parking than relocate a
229 building in the future event of road widening. Atty. Leonard stated that it could be
230 considered. Mr. Brackett also questioned the number of parking spaces and
231 expressed concern that it could lead to more chiropractors working at the site and
232 stated that, in his opinion, the number could be reduced to six (6). Atty. Leonard
233 stated that he is not certain how the number of parking spaces was derived and
234 suggested that maybe it was derived from Dr. Barclay's current practice. Dr. Barclay
235 disagreed as it could be possible that both chiropractors hours could overlap and even
236 though they only service one patient at one time the possibility exists that the next
237 patient could be waiting and stated that he originally proposed ten (10) parking spaces
238 and the number was increased by their consulting engineer, Richard Maynard. With
239 regard to swapping the building with the parking, Dr. Barclay stated that their intent
240 is to hook up to Municipal water and that would then require a longer pipe line
241 increasing his expense. After more discussion, which included the unknown impact of

242 the Shoreland Protection Act being so close to Eayrs pond and what Site Plan Review
243 requirements are regarding parking calculations, Atty. Leonard stated that it would be
244 okay to condition an approval requiring the building to be located out of the front
245 setback and honor the Shoreland Protection Act and that the number of parking
246 spaces be limited to ten (10) noting that at least one space would need to be handicap.
247

248 Mr. Brackett polled the Board members whether to continue the application so that
249 the actual number of parking, per regulations, could be determined as well as the
250 impact of the Shoreland Protection Act. Mr. Dearborn saw no reason to postpone, that
251 he was ready to vote and noted that approximately two months ago the Board denied a
252 business into the Residential Zone and cautioned not being consistent. Mr. Brackett
253 concurred but noted that even though the Zone is residential, the neighborhood in the
254 area of River Road is not residential. Atty. Leonard added that Zoning has to reflect
255 what is on the ground, that even though this is the R-2 Zone, it is the TR Zone across
256 the street yet there exists several commercial businesses in this section of River Road
257 and that special circumstances exists by the property's geography and the
258 neighborhood. Mr. Dearborn also expressed concern regarding the enforceability and
259 the monitoring of the combined fifty (50) hours of chiropractic services.
260

261 Mr. Etienne stated that it was by Town Vote to change the Zone to residential, that,
262 even though there are businesses in the area, the direct abutter is a residence and
263 with two (2) chiropractors plus staff seems more than an 'accessory' use. Mr. Pacocha
264 asked why a variance is being pursued for an accessory structure for a Principal Use
265 and creating two (2) Principal Uses and noted that the chiropractic business/building
266 could possibly be sold as a stand-alone entity. Atty. Leonard responded and noted:
267 the site is surrounded by non-residential uses to the northeast, the south and across
268 the street; the abutting residence existed pre-zoning; agreed that it could be
269 professional offices but they have proposed limitations for it to remain accessory and
270 subordinate to the Primary Use as a residence, and the two (2) part-time chiropractors
271 (the property owner and his son), with a total of one to two (1-2) staff people, will only
272 work a combined total of fifty (50) hours per week.
273

274 Mr. Daddario questioned the parking configuration if the building is moved out of the
275 setback, the inability to enforce that each doctor only would work twenty five (25)
276 hours a week and stated that according to his calculations with two (2) chiropractors
277 plus two (2) staff plus two (2) patients being serviced plus two (2) patients waiting
278 totals only needing eight (8) parking spaces. Mr. Pacocha questioned what the
279 Planning Board's regulation stipulates for the required number of parking spaces and
280 whether or not parking could be allowed thirty feet (30') from the road and in the
281 setback. Atty. Leonard stated that they will be required to provide handicap parking
282 and agreed to limit the number of parking spaces to ten (10) and added that they will
283 also contemplate moving the building. Mr. Brackett stated that it has been clear that
284 the Board desires the building to be moved to the north and out of the setback and
285 suggested that it be reflected in the motion to approve.
286

287 Mr. Daddario made the motion to approve Case #246-001 with the following
288 stipulations:

289 (1) the combined work hours for both doctors shall not exceed fifty (50) hours
290 per week

- 291 (2) the total number of parking spaces be established at the minimum amount
292 required and not exceed ten (10) parking spaces
293 (3) that the lot remain in common ownership and cannot be subdivided or
294 transferred separately
295 (4) that the plan be reconfigured moving the building out of the fifty foot (50')
296 front setback and resituating the building to the right side (north) of the
297 plan and the parking area to the left side (south) of the plan.
298

299 Mr. Pacocha seconded the motion. Mr. Daddario spoke to his motion stating that with
300 the conditions/stipulations the variance is not contrary to the public, does not conflict
301 with the neighborhood, that the of the spirit of the Ordinance is observed, that
302 substantial justice is rendered as currently the property owner has no use of two
303 thirds (2/3) of his property, that there is no harm to the general public, that property
304 values are not impacted as the surrounding is mostly commercial and hardship is met
305 with the unique configuration of the land with the sluiceway, wetlands, steep slopes
306 and frontage on River Road. Mr. Pacocha spoke to his second stating that it is not
307 contrary, that the second structure poses no harm to the public, that the spirit is
308 observed with an approved Use, that substantial justice is met allowing the property
309 owner full use of his property, that there is no negative impact to the property values
310 in the neighborhood, that the land's features (sluiceway, wetlands and buffers and
311 steep slopes) meet the hardship criteria and added that the proposal does not have
312 any wetland buffer impacts.
313

314 Roll call vote was 3:2. Mr. Dearborn and Mr. Etienne opposed. Mr. Dearborn stated
315 that the proposal does not meet the spirit of the Ordinance, that there is no way to
316 monitor or enforce the number of hours to be worked and there is no definitive
317 location for the building or number of parking spaces. Mr. Etienne stated that, in his
318 opinion, the proposal fails variance criteria 1, 2, 3 and 5 and only satisfies criteria 4.
319 Variance granted with four (4) stipulations. Mr. Dearborn asked what would happen if
320 the building is not moved out of the front setback and both Mr. Brackett and Mr.
321 Dearborn noted that the applicant would need to come back before the ZBA as the
322 stipulation places the obligation onto the applicant to reconfigure the plan. The 30-
323 day appeal period was noted.
324

325 Board took a five-minute break at 9:21 PM. Meeting called back to order at 9:26 PM,
326 all Members present. Mr. Brackett directed the Board to Case #174-119-001.
327

328 2. Case 174-119-001 (05-28-20): Quan Hua Li, 74 Highland St., Hudson, NH
329 03051 requests a variance to allow a driveway to remain with an
330 encroachment of 9.5 ft into the side yard setback leaving 5.5 ft. where 15
331 feet is required. [Map 174, Lot 119-001; Zoned Town Residence (TR); HZO
332 Article II, §334-6, Terminology, Definitions, Building Setback; HZO Article
333 VII, §334-27, Table of Minimum Dimensional Requirements].
334

335 Clerk Daddario read the Case into the record. Mr. Buttrick stated that the applicant
336 seeks a variance to allow the expansion of the driveway into the side yard setback to
337 remain and noted that this request was the result of a Code Enforcement action that
338 involved Town Counsel. Mr. Brackett inquired why the request is not being presented
339 as an Equitable Waiver of Dimensional Requirement. Mr. Buttrick responded than an

340 Equitable Waiver would only apply if the action was permitted and an error occurred,
341 and there was no permit pulled for this driveway expansion.
342

343 Mr. Quan Hua Li was connected remotely (audio and visual) and his wife was also
344 present in the room with him. Mr. Li stated that they moved to Hudson last year and
345 did not know that a permit was needed and that he checked with Stan's Paving who
346 told him a permit was not needed. After the driveway was installed, Mr. Li said his
347 neighbor informed him that he needed to go to Town Hall to get a permit, which he did
348 and that is when he learned that there was a fifteen-foot (15') setback. Mr. Li stated
349 that his land slopes on the left side of his property and that his original driveway was
350 too narrow for his vehicle to turn around and drive off his property. A hand drawing
351 was posted that showed the original driveway constructed 10/1/2015 and the
352 expansion to the driveway that was constructed 7/1/2019.
353

354 Mr. Li read the answers of his application that addressed the criteria for the granting
355 of a variance. The additional information shared included:
356

- 357 • Builder did not complete landscape – they moved in in wintertime and after
358 snow melted and spring rains, his soil was all muddy and seeping to his back
359 yard
- 360 • A proper driveway, just a basic asphalt driveway, nothing fancy to attract
361 attention, is an improvement over the mud and stops erosion, and allows him
362 to make a three-point turn and head out of his driveway
- 363 • Original driveway too narrow for vehicle to turn around and head out of
364 driveway onto Highland Street
- 365 • Highland Street heavily traveled and many do not follow speed limit
- 366 • Relied on Stan's Paving company, a local company presumably aware of Town's
367 regulations, that a permit was not needed for the extra driveway paving
- 368 • Would not have incurred expense of paving driveway if he had knowledge of
369 the setback

370
371 Public testimony opened at 9:39 PM. Board went into recess while Mr. Buttrick
372 checked the phone lines. At 9:44 PM Mr. Buttrick reported that there were no calls or
373 emails received. Public testimony closed at 9:45 PM.
374

375 Mr. Dearborn asked Mr. Li why he ignored Mr. Buttrick's letter and only responded
376 after Town counsel wrote his letter. Mr. Li said it was basically due to money. His
377 neighbor told him it would cost about fifty dollars (\$50) for the permit, which he came
378 to Town Hall and paid and while there he was told he needed to file another
379 application for more money that he did not have and just let it lie until his friend read
380 Town Counsel's letter and told him to address it.
381

382 Mr. Etienne asked and received clarification that the widening of the driveway allowed
383 for a three-point turn to occur on the property in order to head out of the driveway.
384 Mr. Pacocha expressed displeasure at the advice received from the local paving
385 company. Mr. Daddario referenced the plan in the package and questioned the
386 driveway alignment and placement on the adjacent lot's driveway so close to the
387 property line and noted that both the ZBA and the Planning Board approved the two
388 lots with reduced frontage that leaves no real options. Mr. Brackett stated that the

389 cultural differences led to confusion along with the incorrect information received from
390 the contractor, noted that the adjacent neighbor has no issue with the driveway
391 expansion and that safety consideration was what prompted the driveway expansion
392 and recognized that the hardship is not the making of the applicant.
393

394 Motion made by Mr. Dearborn and seconded by Mr. Daddario to grant the variance
395 with no stipulations. Mr. Dearborn spoke to his motion noting that he too lives on
396 Highland Street, that it is a pass-through and heavily traveled road and the expanded
397 driveway addresses the safety issue of entering the road from a short driveway. Mr.
398 Daddario spoke to his second stating that it is in-line with the neighborhood, there is
399 no harm to the public, that it addressed the safety concern by being able to head out
400 of the driveway and that the same hardship situation was approved for the adjacent
401 neighbor. Mr. Brackett added that substantial justice is done with the granting of the
402 variance and that it is in the spirit of the Ordinance.
403

404 Roll call vote was 5:0. Variance granted. The 30-day appeal period was noted along
405 with the instruction to meet with Mr. Buttrick and the Town's Engineer to get the
406 driveway permit issued.
407

408 Board took a few minutes to complete their vote sheets at 9:59 PM.
409

- 410 3. Case 173-022 (05-28-20): Turbo Realty, LLC by Patricia M. Panciocco, One
411 Club Acre Lane, Bedford, NH requests a variance at 15 Tolles St., Hudson,
412 NH to modify stipulations 3 and 6 of the three (3) variances granted by the
413 ZBA on June, 7, 2018 for 15 & 17 Tolles St. [Map 173, Lot 022-000; Zoned
414 Town Residence (TR) ; HZO Article V, Permitted Uses, §334-21, Table of
415 Permitted Principal Uses].
416
- 417 4. Case 173-012 & 014 (05-28-20): Turbo Realty, LLC by Patricia M. Panciocco,
418 One Club Acre Lane, Bedford, NH requests a variance at 4 & 14 Tolles St.,
419 Hudson, NH to be allowed to extend the same uses to Lots 173-012 & 014
420 as were granted by the ZBA on June 7, 2018 for three (3) variances at 15 &
421 17 Tolles St. [Map 173, Lot 012-000 and Lot 173-014-000; Zoned Town
422 residence (TR) ; HZO Article V, Permitted Uses, §334-21, Table of Permitted
423 Principal Uses].
424

425 Mr. Daddario read both Cases into the record. Mr. Buttrick stated that the request for
426 15 Tolles Street is to extend the time period for filing a Site Plan Review with the
427 Planning Board for another year and for the addresses of 4 & 14 Tolles Street their
428 intent is to merge with 15 Tolles and seek a variance for the application of the same
429 uses and referenced his Staff Reports signed 5/20/2020.
430

431 Atty. Patricia Panciocco was connected remotely (visual and audio) and introduced
432 herself as representing Turbo Realty and introduced Brent Cole & Jeff Merritt of
433 Granite State Engineering who were also connected remotely (visual & audio in the
434 same office). Atty. Panciocco stated that they were last before the Board in 2018 and
435 noted that there are two new Members on the Board and offered a brief overview of the
436 properties long history, all the related parcels together comprising of eight plus (8+)
437 acres of land in the TR Zone but it is industrial. The lots in the vicinity were created
438 in 1927 and were camp lots, not ever really developed as intended. By the 1950's it

439 became an industrial dump site, a junkyard, and cited some of the businesses at the
440 site at that time.

441
442 Brent Cole of Granite State Engineering provided a pictorial review of the site
443 beginning in 1965 with an aerial view of the properties that showed Tolles Road built,
444 two (2) buildings of apparent industrial uses and a big field to the north (no
445 residences) and nothing to the south (no commercial development). An aerial view
446 from 1992 shows industry occurring and a third building, which was built in 1972,
447 still no development to the north and a one (1) commercial neighbor to the south. The
448 next picture is from 2003 and shows a residential development to the north and the
449 most intense use of the site with box trailers scattered and storage everywhere.
450 Several pictures were displayed covering the years 2005 to 2014 that showed
451 increasing industrial use and various collection areas of tires, metal scraps, old cars
452 and storage bins. The 2015 pictures were taken from the ground before Turbo Realty
453 LLC bought the property – mostly scattered junk – old lawn mowers, excavators, cars,
454 trucks etc. A 2016 aerial view showed more organization and a cleanup of the site's
455 periphery.

456
457 Atty. Panciocco stated that the pictorial history demonstrates how the area evolved,
458 how the industrial uses of the lots pre-existed the Zoning Ordinance, when the
459 residential area emerged to the north, noting that the Zone was changed around 1996,
460 noting that the site was polluted due to prior uses and how the site became non-
461 conforming. There was confusion with the non-conforming uses and the Town kept
462 insisting that her client (Turbo Realty) had to file for Change-of-Use. They met with
463 Town Officials and came to the ZBA and worked through the existing uses and
464 identified what uses could be on the site on June 7, 2018 with the intent of applying
465 for a Site Plan in two (2) years.

466
467 Atty. Panciocco stated that there is a dangling particle from the Variances granted in
468 2018 and referred to the section of the Site Plan identified as Exhibit A in the
469 application packet and noted that only the pink area of Units A-E from Lot 22 were
470 included in the variances but not their corresponding appurtenant for outdoor storage
471 display and parking across Tolles Street on Lot 14, identified in green. That should be
472 rectified. The uses approved for the pink (Lot 22) should also be for the green (Lot 14).
473 Atty. Panciocco stated that part of the second variance is to extend those same uses to
474 Lot 12.

475
476 Atty. Panciocco stated that their first request before the Board has to do with
477 Condition #6 of the 6/7/2018 approval to file a Site Plan Review with the Planning
478 Board within two (2) years. The process was begun. They have a boundary survey
479 done of the property. However, there was an interruption. In the spring of 2019 his
480 building suffered a quarter of a million dollars (\$¼M) of property damage by a tenant
481 that took almost a year to solve and re-rent and that placed a substantial financial
482 impact onto the Property Owner. It was resolved in January 2020 and then her client
483 met with the engineers from Granite State and during discussions explored the
484 concept of tackling the entire site and submitting a comprehensive site plan
485 application to the Planning Board. However, they now might miss the two-year mark
486 to submit a Site Plan to the Planning Board. The plans cost money. Considering the
487 current times, the Covid-19 pandemic, the financial stresses, the desire to address the

488 entire operation, they are asking for a year's extension to submit a comprehensive Site
489 Plan Review application with the Planning Board.

490
491 Atty. Panciocco stated that she would also like to address Condition #3 of the
492 6/7/2018 approval regarding the hours of business operations, to avoid future
493 confusion. Generally, the hours of operation are set by the Planning Board, but
494 without a Site Plan, the ZBA deemed it appropriate to set the hours. Atty. Panciocco
495 stated that the hours are fine, but if the Planning Board changes them, she would like
496 not to have to come back to the ZBA for a modification to that Condition.

497
498 Atty. Panciocco asked if she should have Granite Engineering address the inclusion of
499 4 & 14 Tolles Street at this point or wait until a decision is reached on the extension of
500 Site Plan submittal to the Planning Board and the hours of operation to include a
501 clarification statement, such as "or as modified by the Planning Board during Site Plan
502 Review."

503
504 Mr. Brackett summed what is before the Board: address/clarify hours of operation;
505 extension of Site Plan Review application to the Planning Board until Spring 2021; and
506 the inclusion of 4 & 14 Tolles Street. Mr. Brackett asked Mr. Buttrick to check the
507 phones.

508
509 Mr. Buttrick stated that there are people on hold waiting to address the Board, but
510 before unmuting them, addressed information that would have been included in a
511 supplemental package, but due to Covid-19 procedure ended up emailing them to the
512 Members late afternoon today. The first item has to do with #4 Tolles Street and a
513 current code enforcement case that was brought in May about an ~~d~~ inappropriate
514 expansion of Use and when he inspected there was a pile of logs that constitutes a
515 Change of Use from what was approved in June 2018. The second item is that the
516 Town Planner submitted his comments late in reference to #4 & 14 Tolles Street. The
517 third item is an email received from an abutter, Meredith Radcliff.

518
519 Public testimony opened at 10:34 PM.

520
521 (1) Town Planner comments read into the record by Mr. Buttrick. In summary,
522 comments made on violations, lack of site plan and communication and
523 discouraged inclusion of two more lots.

524 (2) email received from abutter Meredith Rackliff, 10 Campbello Street,
525 expressed concerns, specifically hours of operation, and cited several
526 examples that included: last night they were awakened at 9:45 PM with a
527 truck idling out by Unit E; Saturday, 5/23, they were awoken at 7:00 AM
528 with the start of a commercial vehicle only to have the vehicle idle for thirty
529 minutes while the boom was in operation sixty feet (60') in the air. There
530 have been other Saturdays with start times before 7:00 AM and on Mother's
531 Day, 5/10, a logging vehicle started, idled and then left. Their privacy is
532 being violated. They have an eight-foot (8') fence and the boom lies sixty feet
533 (60') in the air above them and when being serviced, they look down on
534 them. The noise operation in Unit E has been better than in the past but it
535 is not fair to be woken up. Exhaust fumes from commercial vehicles so
536 close to residential homes is still a problem

- 537 (3) Caller #8, Nick Deluca, 6 Tolles Street, stated that he lives between 15 Tolles
 538 Street and the logging company, there is incredible noise at all hours of the
 539 night, the boom sits forty feet (40') in the air invading his privacy, the cars
 540 that are repaired rip up the road causing more noise and concern for his
 541 three (3) children, will admit that Turbo has done a lot to clean up the site
 542 but there are still twenty to thirty (20-30) cars that are just sitting there at
 543 the property line for months now and all he sees every day is a junkyard.
- 544 (4) Caller #9, Ed McNulty, 8 Campbello Street stated that he lives directly
 545 behind the building at 15 Tolles Street by the fence and asked what are
 546 people talking about as he hears nothing and added he has one neighbor
 547 that complains about every little thing and noted that Tom has done a good
 548 job cleaning up the site.

549
 550 Being no one else waiting to address the Board, public testimony closed at 10:41 PM.

551
 552 Atty. Panciocco was offered a chance to address the comments just heard. Atty.
 553 Panciocco's rebuttals included:

- 554 • The 4:30 PM arrival of the Town Planner's comment was unfortunate as is his
 555 unawareness of the progressive movement so perhaps there is need for more
 556 conversation but she take issue with his comment "refused to comply"
- 557 • Her client is opposed to a piecemeal Site Plan application and desires to
 558 address it in its entirety
- 559 • There were a lot of complaints mentioned, but the majority appear to be from
 560 one person, perhaps the same person Caller #9 attested to as being chronic
- 561 • There was a misunderstanding but it was resolved in December 2019
- 562 • Caller #8's complaint, from 6 Tolles Street, talked about cars, yes there are
 563 cars, they have been repaired but not yet paid for, so they remain until
 564 payment for services has been made
- 565 • The buckets have to be left up in the air when the machine is not in use, it is a
 566 safety requirement
- 567 • Chainsaw use is exempt from Zoning Ordinance Noise
- 568 • Stored logs? They are wood finished and the tractor with the splitter was for
 569 personal use, not a business

570
 571 Mr. Brackett opened the second round of public testimony at 10:53 PM

- 572
 573 (1) Caller #10, Richard Suter, 12 Campbello Street stated that when he received
 574 the notification of the meeting, he went next door and chatted ~~weth~~with the
 575 owner. He is okay with how his business is operated, two of his lots have
 576 already been granted use and he is okay with including the other two (2)
 577 lots.
- 578 (2) Caller #8, Nick Deluca, 6 Tolles Street, stated that the logging/chainsaw was
 579 operating on Mother's Day, a Sunday, and the explanation on the number of
 580 cars makes no sense as Tom does custom work on cars and the cars just
 581 sitting there are not worth even two thousand dollars (\$2,000).

582
 583 Being no one else to address the Board, public testimony closed at 10:57 PM.

584

585 Mr. Brackett stated that given the hour and the Board's Bylaws, polled the Board
586 whether to continue hearing the Cases to the next meeting. Each Member stated that
587 a continuance was in order.
588

589 Mr. Pacocha noted that the current Town Planner, Brian Goth, was not the Town
590 Planner when this first came before the Board and perhaps is not privileged with all
591 that went into getting this site to the condition it has reached today. Mr. Dearborn
592 stated that the two (2) new Members need to view the site and Mr. Buttrick asked if a
593 Site Walk should be scheduled. Mr. Brackett said no to a Site Walk as they are not re-
594 opening the Case, that it is before the Board for an extension for submitting a Site
595 Plan Review application and clarification on the hours of operation and the inclusion
596 of the other two (2) lots, but encouraged the new Members to drive by before the next
597 meeting.
598

599 Mr. Brackett asked if Town Counsel should be contacted. Mr. Buttrick stated that he
600 did contact Town Counsel regarding the extension for the Variances for Site Plan
601 Review application and received advice that, per ZBA Bylaws, the ZBA has the
602 authority to grant an extension. Mr. Brackett asked to have Town Counsel present for
603 an Executive Session before the next meeting and for Mr. Buttrick to provide Town
604 Counsel with the Minutes from this meeting.
605

606 Atty. Panciocco thanked the Board for their consideration and looks forward to the
607 June meeting.
608

609 Motion made by Mr. Daddario and seconded by Mr. Pacocha to continue the public
610 hearing on the two (2) Cases to the 6/25/2020 meeting. Roll call vote was 5:0.
611

612 Motion made by Mr. Etienne and seconded by Mr. Dearborn to adjourn the meeting.
613 Roll call vote was unanimous. The 5/28/2020 ZBA meeting adjourned at 11:10 PM.
614

615 Respectfully submitted,
616 Louise Knee, Recorder
617
618
619