

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 – August 27, 2020

COVID-19 Meeting Procedure

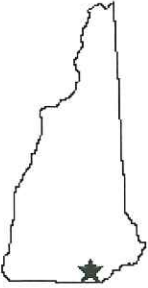
In response to the NH State of Emergency Order #12 Pursuant to Executive Order 2020-04 regarding COVID-19, The Hudson Zoning Board of Adjustment will conduct a virtual and public meeting & hearings electronically by remote video & conference call and physically at the Community Center, 12 Lions Ave, Hudson on Thursday, August 27, 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, August 27, 2020; or 2) Mail by August 24, 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. PLEDGE OF ALLEGIANCE**
- III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

1. Case 163-024 (08-27-20): Andrew Worcester, 7 Teloian Dr., Hudson NH, requests a Variance to allow a driveway to a garage with an encroachment of 9.0 ft. into the side yard setback leaving 6.0 ft. where 15 feet is required. [Map 163, Lot 024-000; Zoned General One (G-1); HZO Article II, §334-6, Terminology, Definition; Building Setback; HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].
2. Case 246-002 (08-27-20): John and Frederick Sullivan, 53 River Rd., Hudson NH, requests a Variance to allow a newly installed 8' x 12' shed to remain in the front yard setback 22'-10" where 50'-0" setback is required. [Map 246, Lot 002-000; Zoned Residential Two (R-2); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements and §334-27.1 C, General requirements].
3. Case 175-019 (08-27-20): Joshua P. Lanzetta, Esq. of Bruton & Berube, PLLC., 601 Central Ave., Dover NH representing Christopher & Christine Floyd and Rene Joyal, 78 Highland St., Hudson, NH, requests an Appeal From An Administrative Decision of a Notice of Violation and Cease & Desist Order dated May 18, 2020 citing violation of the 2009 variance granted by the ZBA and 10 specific violations of the Hudson Zoning Ordinance. [Map 175, Lot 019-000; Zoned Town Residence (TR); HZO Article XV, Enforcement and Miscellaneous Provisions, §334-81, Appeals].

- IV. REQUEST FOR REHEARING:** None
- V. PUBLIC HEARING – ByLaws amendment (2nd reading)**
- VI. REVIEW OF MINUTES:** 8/13/20
- VII. 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: Aug 27, 2020

BB 8-1920

Case 163-024 (08-27-20): Andrew Worcester, 7 Teloian Dr Hudson NH, requests a variance to allow a driveway to a garage with an encroachment of 9.0 ft into the side yard setback leaving 5.0 ft. where 15 feet is required. [Map 163, Lot 024; Zoned General One (G-1); HZO Article II, §334-6, Terminology, Definition; Building Setback; HZO Article VII, §334-27, Table of Minimum Dimensional Requirements].

Summary:

Applicant requests variance to allow side yard encroachment of a proposed driveway/access to a proposed garage in the rear.

Property description:

This property is in an established subdivision, with a SFR w/attached garage constructed.

In-house (Town) review/comments:

Fire Dept: (received and noted).

Engineering: (received and noted).

Town Planner: none

Attachments:

“A” Assessing history

“B” Original septic plan (Oct 1985)

“C” Building permit application plot plan

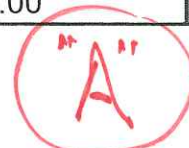
“D” Plot plan with proposed driveway layout

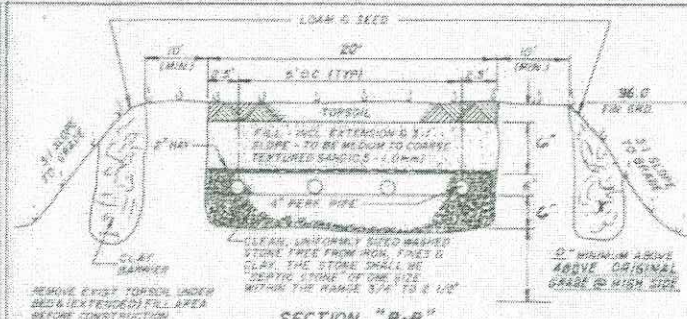
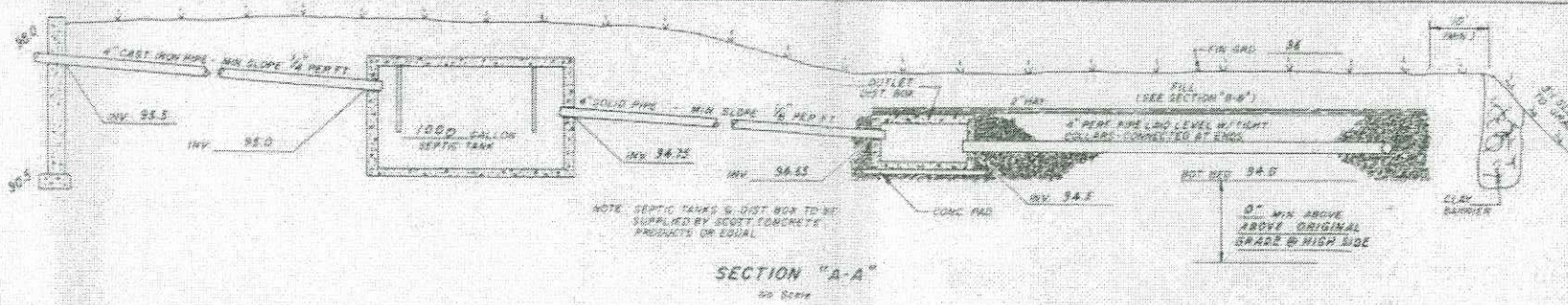
“E” Town Engr comments

“F” Fire Dept comments

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	242,500	1,300	133,500	3.05	0.00	377,300
2019	101 - ONE FAMILY	242,500	1,300	133,500	3.05	0.00	377,300
2019	101 - ONE FAMILY	242,500	1,300	133,500	3.05	0.00	377,300
2018	101 - ONE FAMILY	242,500	1,300	133,500	3.05	0.00	377,300
2018	101 - ONE FAMILY	242,500	1,300	133,500	3.05	0.00	377,300
2017	101 - ONE FAMILY	242,500	1,300	133,500	3.05	0.00	377,300
2017	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2017	101 - ONE FAMILY	242,500	1,300	133,500	3.05	0.00	377,300
2016	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2016	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2015	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2015	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2014	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2014	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2013	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2013	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2012	101 - ONE FAMILY	181,000	1,300	131,200	3.05	0.00	313,500
2012	101 - ONE FAMILY	262,000	1,300	163,200	3.05	0.00	426,500
2011	101 - ONE FAMILY	262,000	1,300	163,200	3.05	0.00	426,500
2011	101 - ONE FAMILY	262,000	1,300	163,200	3.05	0.00	426,500
2010	101 - ONE FAMILY	262,000	1,300	163,200	3.05	0.00	426,500
2010	101 - ONE FAMILY	262,000	1,300	163,200	3.05	0.00	426,500
2009	101 - ONE FAMILY	261,900	1,400	163,200	3.05	0.00	426,500
2008	101 - ONE FAMILY	261,900	1,400	163,200	3.05	0.00	426,500
2008	101 - ONE FAMILY	261,900	1,400	163,200	3.05	0.00	426,500
2007	101 - ONE FAMILY	261,900	1,400	163,200	3.05	0.00	426,500
2007	101 - ONE FAMILY	285,000	2,100	127,800	3.05	0.00	414,900
2006	101 - ONE FAMILY	285,000	2,100	127,800	3.05	0.00	414,900
2006	101 - ONE FAMILY	287,000	2,100	127,800	3.05	0.00	416,900
2005	101 - ONE FAMILY	287,000	2,100	127,800	3.05	0.00	416,900
2005	101 - ONE FAMILY	287,000	2,100	127,800	3.05	0.00	416,900
2004	101 - ONE FAMILY	287,000	2,100	127,800	3.05	0.00	416,900
2004	101 - ONE FAMILY	229,400	1,100	101,300	3.05	0.00	331,800
2003	101 - ONE FAMILY	229,400	1,100	101,300	3.05	0.00	331,800
2003	101 - ONE FAMILY	229,400	1,100	101,300	3.05	0.00	331,800
2002	101 - ONE FAMILY	229,400	1,100	101,300	3.05	0.00	331,800
2002	101 - ONE FAMILY	229,400	1,100	101,300	3.05	0.00	331,800
2001	101 - ONE FAMILY	147,000	0	67,100		0.00	214,100
2000	101 - ONE FAMILY	142,400	4,600	67,100	3.05	0.00	214,100
1999	101 - ONE FAMILY	138,000	4,600	67,100	3.05	0.00	209,700





TEST NO. 2
10/72

TEST PITS -

TEST NO. _____
DATE: _____

DEPTH	DESCRIPTION	GRD
0-6	LOAM	
6-36	YELLOW SAND	
36-100	TAN PINK SAND W/ SMALL STONES	

EL. AT LEDGE NONE @ 85
EL. AT S.H.W.T. @ 91.0
EL. AT GR. WATER 42NF @ 85

EL. AT LEDGE _____
EL. AT S.H.W.T. _____
EL. AT GR. WATER _____

DESIGN CRITERIA

PERCOLATION TEST RESULTS: 10 MIN PER INCH AT ELEV. 91.0 DATE 10/23/85
150 GAL. PER BED 3 BEDROOM x 150 GAL. 450 GAL/DAY
200 SF/1000 P.B. 2.0 x 450 900 SF REQUIRED

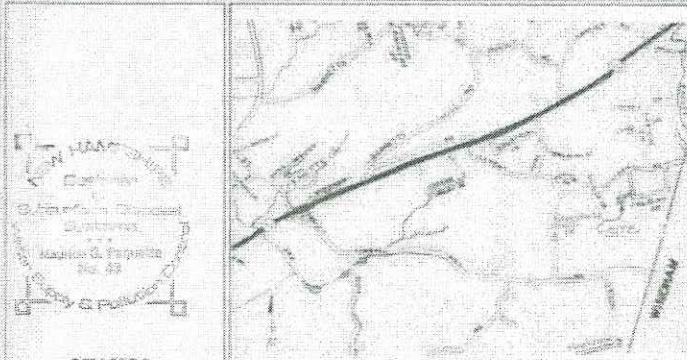
DESIGN INTENT: LEACH BED AT 20 x 45 EACH 900 SF PROVS
BED BOTTOM TO BE SET: 1. NO DEEPER THAN 12" BELOW ORIG. GRADE
2. NO LESS THAN 12" ABOVE ORIG. GRADE
3. NO LOWER THAN ORIG. GRADE

TO MAINTAIN: 45" MIN. ABOVE LEDGE DEPT. OF IMPERMEABLE SOIL

NOTES:

SOIL TYPE: C-0 HILLS COUNTY 115 D.A.I. S.C.S. MAP PAGE 29
BENCH MARK: SPIKE IN P.O.L. No. 11 ELEV. 86.71
SUBDIVISION APPROVAL NO. 13043 DATED 72
DISTANCE TO NEAREST SURFACE WATER: 60' TO WET AREA
FOOTING DRAINS REQUIRED

IF PRESENT SYSTEM FAILS, NEW SYSTEM WILL BE INSTALLED IN SAME AREA AFTER THE OLD SYSTEM IS REMOVED AND REPLACED WITH CLEAN FILL.

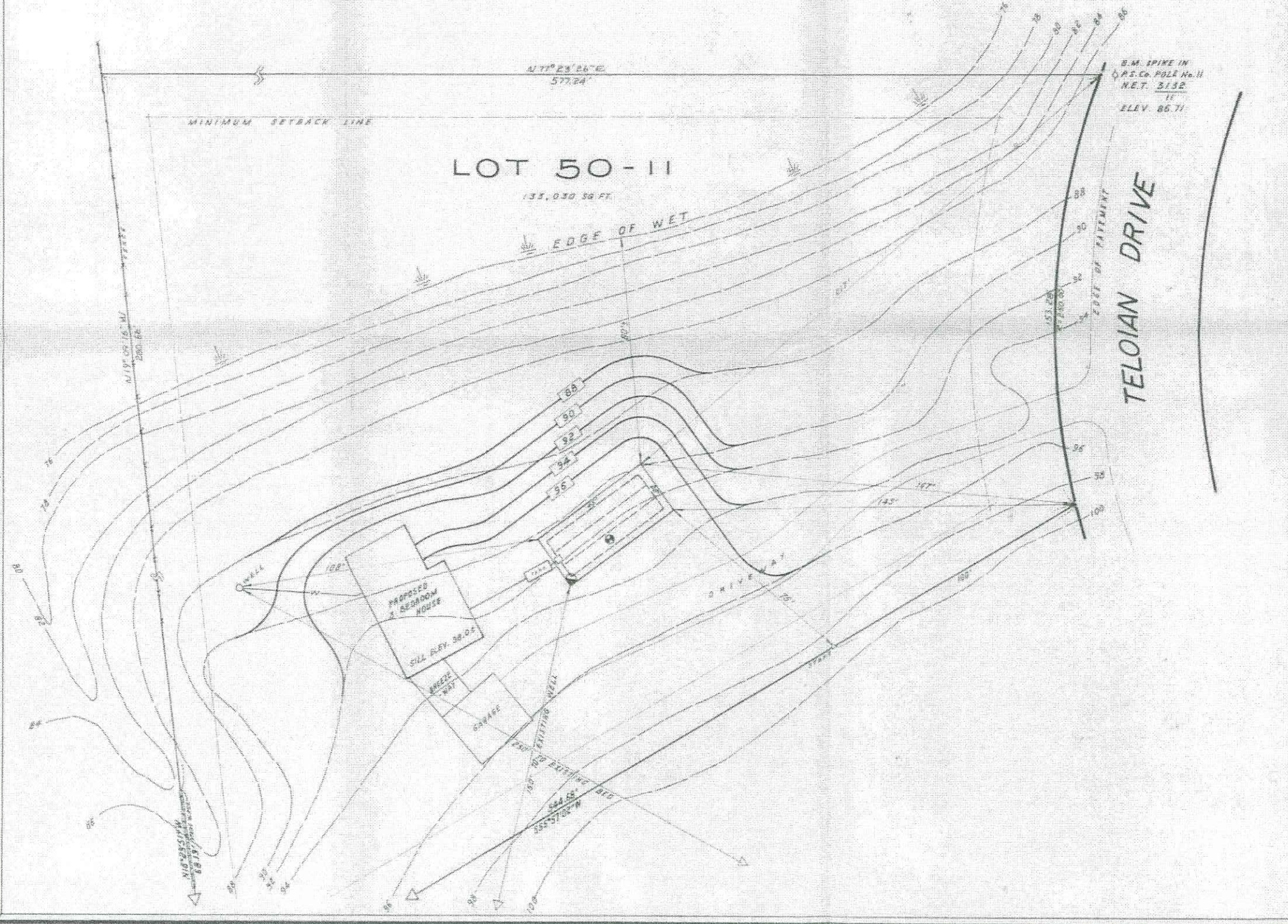


INDIVIDUAL SEWAGE DISPOSAL SYSTEM PLAN

LOT 50-11
TELOIAN DRIVE
HUDSON, N.H.

PREPARED FOR
ROBERT WHITE
15 ROBIN HILL ROAD
CHELMSFORD, MASS. 01824

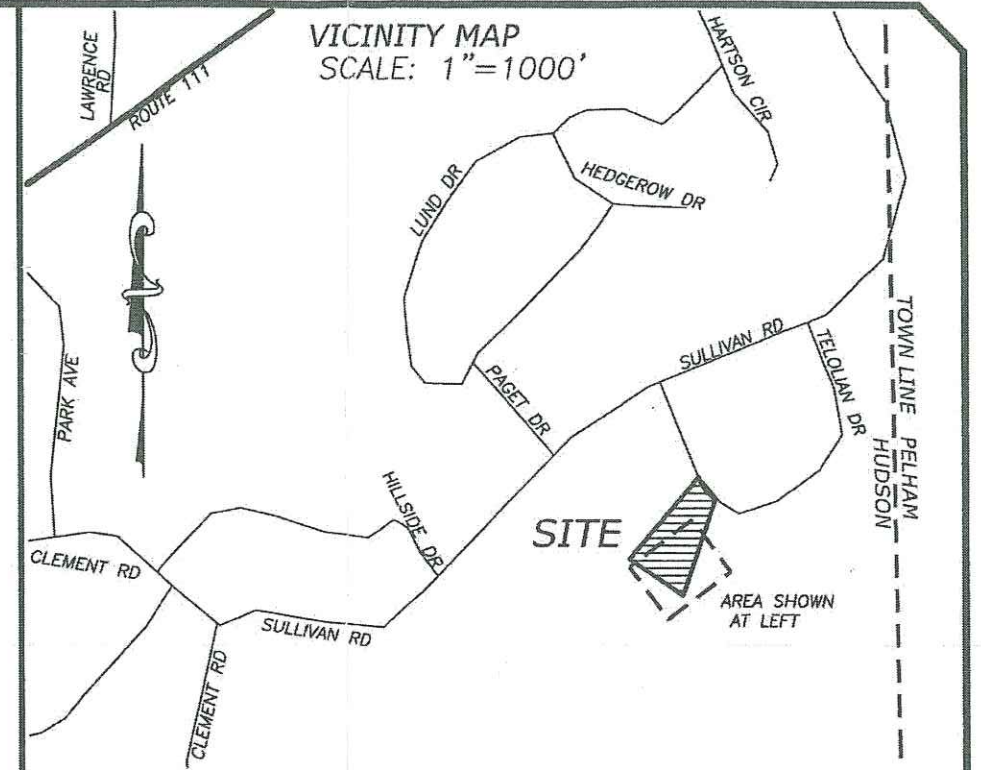
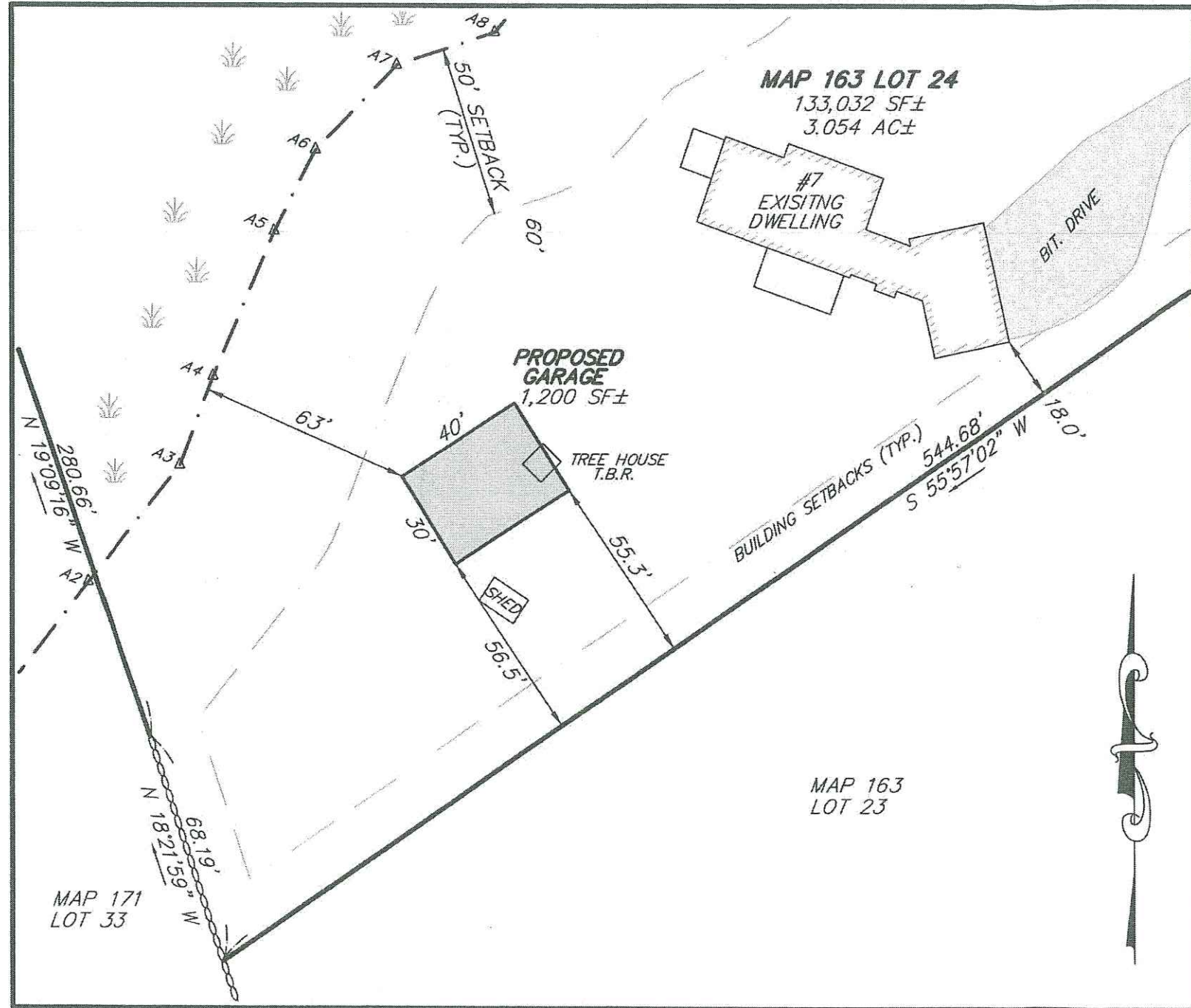
SCALE: 1" = 20' OCT. 1985
MAYNARD & PAQUETTE INC. "B"
CONSULTING ENGINEERS & LAND SURVEYORS
22 EAST PEARL STREET, NASHUA, N.H. 03060 (603) 893-8394



PLAN NOTES:

- 1.) PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED GARAGE AT HUDSON TAX MAP 163 LOT 24.
- 2.) WETLANDS DELINEATED BY B.A.G. CONSULTANTS ON 10/2/18.

**PLAN OF LAND
7 TELOLIAN DRIVE
HUDSON, NH
MAP 163 LOT 24
AS PREPARED FOR
ANDREW WORCESTER, OWNER**



REV. 2		BY:
REV. 1		BY:

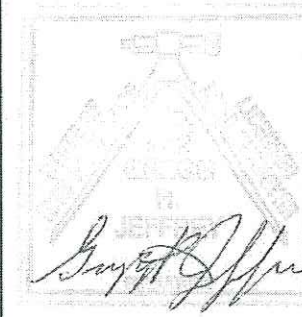
ZONING DISTRICT: GEN
REQUIRED SETBACKS:

- FRONT - 30 FEET
- SIDE - 15 FEET
- REAR - 15 FEET

DEED REF: BK. 8398 PG. 2914
PLAN REF.: HCRD PL. 18194
PLAN SCALE: 1"=40'
DATE: OCT. 2018
JOB REF.: 018-100-WORC

I HEREBY CERTIFY:

THAT THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY AND THAT ALL MEASUREMENTS HEREON ARE TO BE CONSIDERED TRUE AND ACCURATE.



JEFFREY LAND SURVEY, LLC

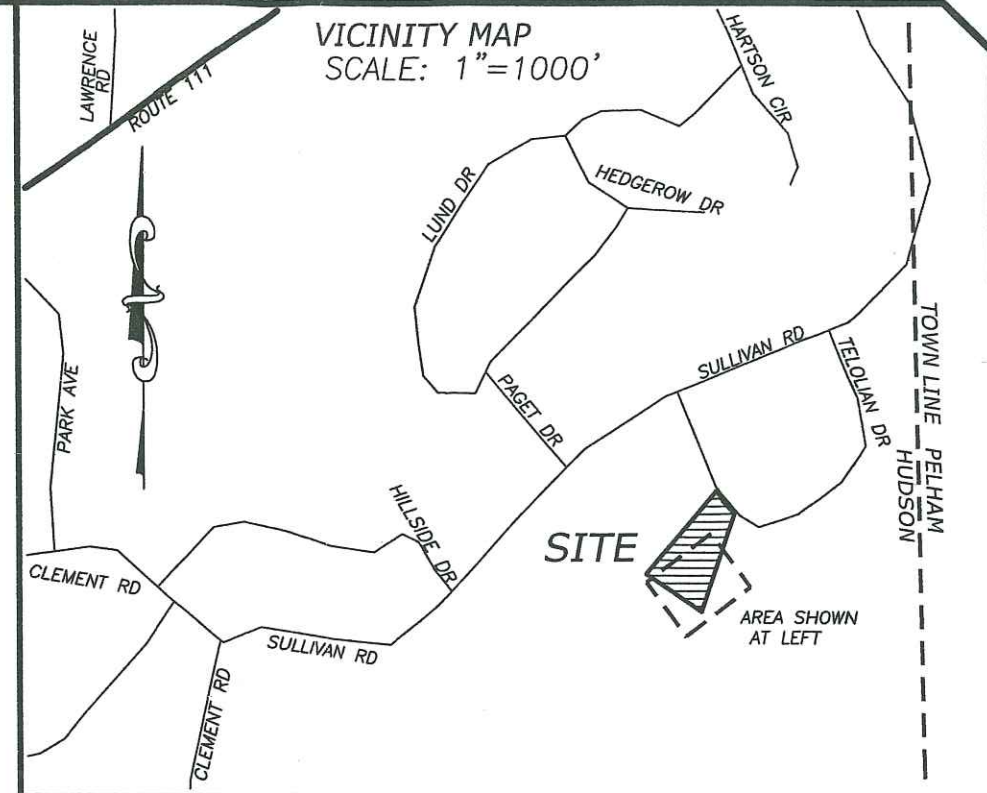
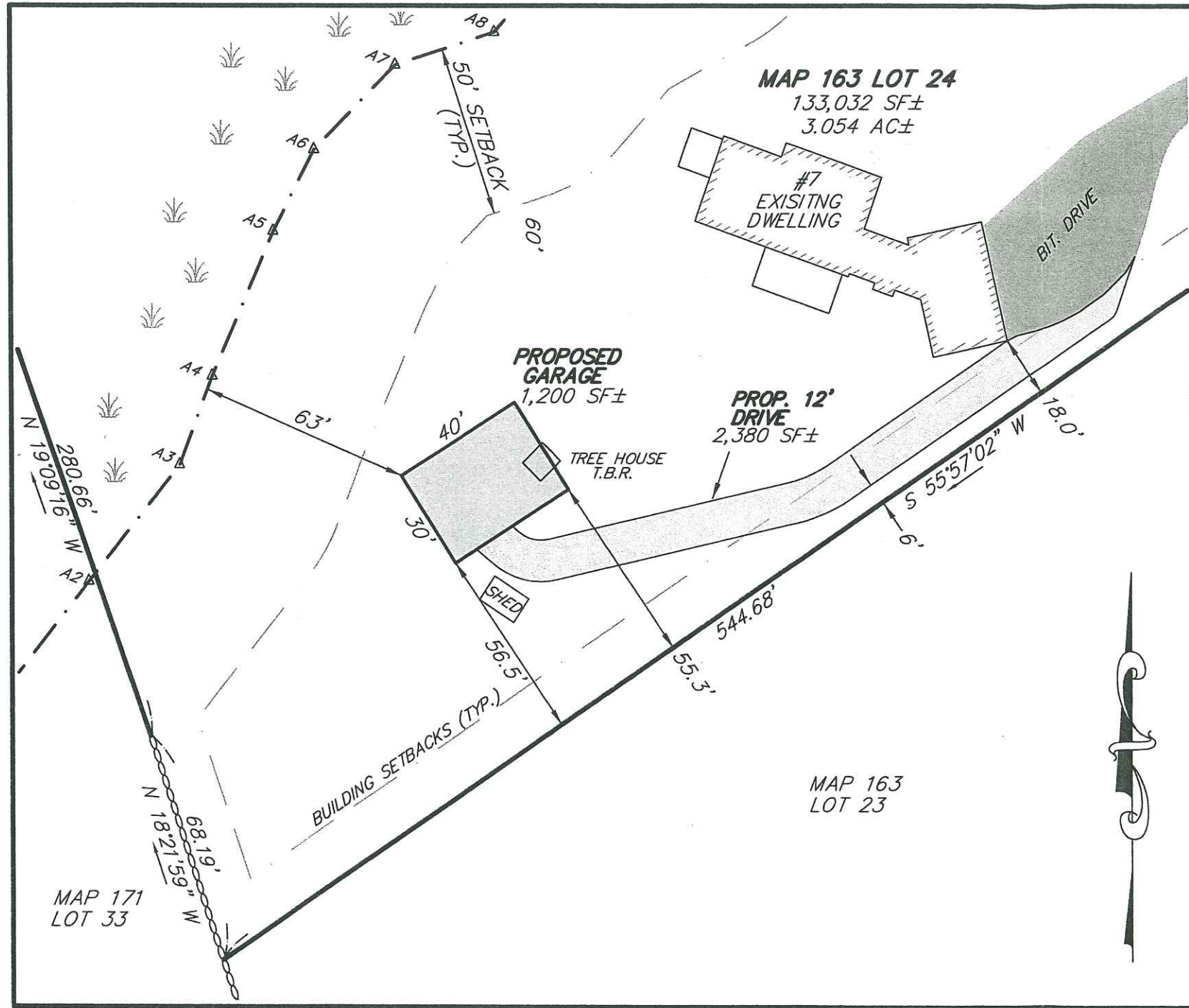
1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089



PLAN NOTES:

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- 2.) WETLANDS DELINEATED BY B.A.G. CONSULTANTS ON 10/2/18.

**PLAN OF LAND
7 TELOLIAN DRIVE
HUDSON, NH
MAP 163 LOT 24**
AS PREPARED FOR
ANDREW WORCESTER, OWNER

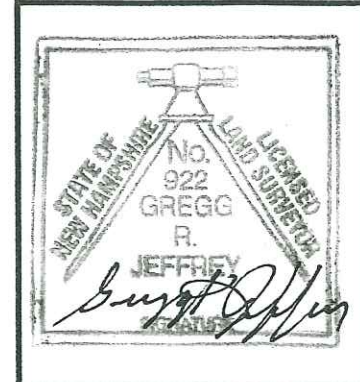


REV. 2		BY:
REV. 1	PROPOSED DRIVEWAY	7/14/20 BY: GRJ

ZONING DISTRICT: GEN
REQUIRED SETBACKS:
FRONT - 30 FEET
SIDE - 15 FEET
REAR - 15 FEET

DEED REF: BK. 8398 PG. 2914
PLAN REF.: HCRD PL. 18194
PLAN SCALE: 1"=40'
DATE: OCT. 2018
JOB REF.: 018-100-WORC

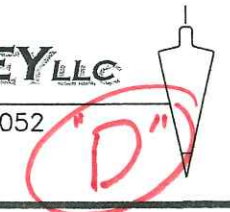
TOWN OF HUDSON
JUL 20 2020
Zoning Department



I HEREBY CERTIFY:
THAT THIS PLAN IS THE RESULT
OF AN INSTRUMENT SURVEY
AND THAT ALL MEASUREMENTS
HEREON ARE TO BE CONSIDERED
TRUE AND ACCURATE.

JEFFREY LAND SURVEY, LLC

1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089



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

REQUEST FOR REVIEW/COMMENTS:

Case: 163-024 (08-27-20)

Property Location: 7 Teloian Drive

For Town Use

Plan Routing Date: 08/14/2020 Reply requested by: 08/18/2020 ZBA Hearing Date: 08/27/2020

I have no comments I have comments (see below)

EZD Name: Elvis Dhima Date: 08/17/2020
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

1. Applicant shall obtain a driveway permit,
2. Applicant shall provide a plan and profile for the additional driveway, stamped by a NH PE.

"E"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 163-024 (08-27-20)

Property Location: 7 Teloian Drive

For Town Use

Plan Routing Date: 08/14/2020 Reply requested by: 08/18/2020 ZBA Hearing Date: 08/27/2020

I have no comments I have comments (see below)

RMB _____ Name: Robert M. BJA Date: 08/17/2020
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

The proposed driveway is being required to meet the intent of the State of NH Fire Code. The NH Fire code requires access be provided to all structures on an associated property. The garage/workshop is larger than that traditionally found in the rear of a residential property. With that said the driveway if approved will satisfy one part of the safety protocols located in the NH State Fire Code.

"F"

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

On **08/27/20**, the Zoning Board of Adjustment heard Case **163-024**, being a case brought by **Andrew Worcester, 7 Teloian Dr., Hudson, NH** for a Variance **to allow a driveway to a garage with an encroachment of 9.0 ft. into the side yard setback leaving 6.0 ft. where 15 feet is required.** [Map 163, Lot 024-000; Zoned General One (G-1); HZO Article II, §334-6, Terminology, Definition; Building Setback; HZO Article VII, §334-27, Table of Minimum Dimensional 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.** 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

JUL 20 2020

Zoning Department

APPLICATION FOR A VARIANCE

Zoning Board of Adjustment
Town of Hudson

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

Case No. 163-024(08-27-20)

Date Filed 7/20/20

Name of Applicant Andrew Worcester Map: 163 Lot: 24 Zoning District: G-1

Telephone Number(Home) (603) 566-8982 (Work) _____

Mailing Address 7 Teloian Drive, Hudson, NH 03051

Owner Andrew Worcester and Kristina Young

Location of Property 7 Teloian Drive, Hudson, NH 03051
(Street Address)

Andrew Worcester _____ 7/17/2020
Signature of Applicant Date

Andrew Worcester Kristina Young _____ 7-17-2020
Signature of Property- Owner(s) Date

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

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

COST:

Application fee:		\$130.00	Date received: <u>7/20/20</u>
<u>6</u> Direct Abutters x ^{.10} \$4.05 =		<u>24.60</u>	
<u>5</u> Indirect Abutters x \$0.55 =		<u>2.75</u>	
Total amount due:		<u>\$ 157.35</u>	Amt. received: <u>\$ 157.35</u>

Received by: (TSG)

Receipt No.: 605,073

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

Engineering Fire Department Health Officer Planner

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

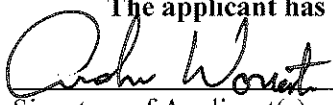
The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
<u>AW</u>	The applicant must provide ¹⁰ 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>AW</u>	Before making the ¹⁰ 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>N/A</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>N/A</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>N/A</u>
<u>AW</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>AW</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>AW</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A.</u>

PLOT PLAN-

- AW Except for requests pertaining to above-ground pools, sheds, decks and use variances, TG
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) AW The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North TG
pointing arrow shown on the plan.
- b) AW The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) AW The plot plan shall have the signature and the name of the preparer, with his/her/their TG
seal.
- d) AW The plot plan shall include lot dimensions and bearings, with any bounding streets and TG
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) AW The plot plan shall include the location and dimensions of existing or required services, TG
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) AW The plot plan shall include all existing buildings or other structures, together with their TG
dimensions and the distances from the lot lines, as well as any encroachments.
- g) AW The plot plan shall include all proposed buildings, structures, or additions, marked as TG
"PROPOSED," together with all applicable dimensions and encroachments.
- h) AW The plot plan shall show the building envelope as defined from all the setbacks required TG
by the zoning ordinance.
- i) AW The plot plan shall indicate all parking spaces and lanes, with dimensions. TG

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


Signature of Applicant(s)

7/17/2020
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
163	27	DANIELS, KAREN P., FINCH, AARON T.	10 TELOIAN DRIVE HUDSON, NH 03051
163	23	COUTURIER, THOMAS D., TR., COUTURIER, KRISTIN R., TR., COUTURIER FAMILY TRUST	9 TELOIAN DRIVE HUDSON, NH 03051
171	33	MCLEOD, ROBERT J., MCLEOD, DENNIELLE L.	82 SULLIVAN ROAD HUDSON, NH 03051
163	26	WETTERGREEN, KERRI A.	6 TELOIAN DR. HUDSON, NH 03051
163	24	WORCESTER, ANDREW S., YOUNG, KRISTINA L.	7 TELOIAN DRIVE HUDSON, NH 03051
162	72	HALE, F. B., HALE, BARBARA	5 TELOIAN DRIVE HUDSON, NH 03051

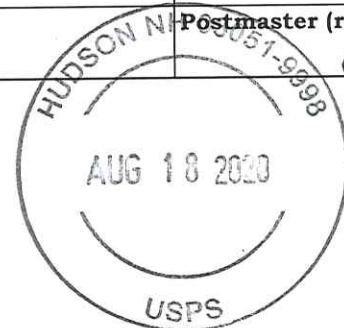
ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
162	77	PATNODE, RYAN PAUL	78 SULLIVAN ROAD HUDSON, NH 03051
163	25	BROUSSARD, MARYBETH G., BROUSSARD, WILLIAM	62 SULLIVAN ROAD HUDSON, NH 03051
163	22	JENSEN, WILLIAM, WOOD, JULIE	11 TELOIAN DRIVE HUDSON, NH 03051
172	1	MACFARLANE, MARY, TRUSTEE	50 NINA DRIVE TEWKSBURY, MA 01876
162	71	JOHNSON, DAVID, MORWAY, CHERYL	64 SULLIVAN ROAD HUDSON, NH 03051
171-055-000 142 Kimball Hill Rd owner - Town of Hudson notified via this Variance Application 7/20/20 (TG)			

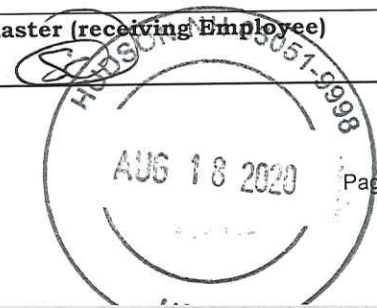
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 163-024 VARIANCE 7 Teloian Dr Map 163/Lot 024-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	8/27/2020 ZBA Meeting
1	7018 2290 0001 3001 4543	WORCESTER, ANDREW S., YOUNG, KRISTINA L. 7 TELOIAN DRIVE, HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7018 2290 0001 3001 4550	DANIELS, KAREN P.; FINCH, AARON T. 10 TELOIAN DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7018 2290 0001 3001 4567	COUTURIER, THOMAS D., TR.; COUTURIER, KRISTIN R., TR.; COUTURIER FAMILY TRUST 9 TELOIAN DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7018 2290 0001 3001 4574	MCLEOD, ROBERT J.; MCLEOD, DENNIELLE L. 82 SULLIVAN ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7018 2290 0001 3001 4581	WETTERGREEN, KERRI A. 6 TELOIAN DR., HUDSON, NH 03051	<i>Abutter</i> APPLICANT NOTICE MAILED
6	7018 2290 0001 3001 4598	HALE, F. B.; HALE, BARBARA 5 TELOIAN DRIVE, 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) <i>[Signature]</i>

Direct Certified



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 163-024 VARIANCE 7 Teloian Dr Map 163/Lot 024-000 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	8/27/2020 ZBA Meeting	
1	Mailed First Class PATNODE, RYAN PAUL 78 SULLIVAN ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
2	Mailed First Class BROUSSARD, MARYBETH G.; BROUSSARD, WILLIAM 62 SULLIVAN ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	Mailed First Class JENSEN, WILLIAM; WOOD, JULIE 11 TELOIAN DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	Mailed First Class MACFARLANE, MARY, TR. 50 NINA DRIVE, TEWKSBURY, MA 01876	ABUTTER NOTICE MAILED	
5	Mailed First Class JOHNSON, DAVID; MORWAY, CHERYL 64 SULLIVAN ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
6	N/A TOWN OF HUDSON 142 KIMBALL HILL ROAD, HUDSON, NH-	Variance Application R'cvd- Notice in file	
7			
8			
9			
10			
11			
12			
13			
14			
15			
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee)

Non-Direct First Class



APPLICATION FOR A VARIANCE

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

Approval for a 12' wide driveway around the corner of an existing garage which is 18' from the property line. This will result in an 6' setback for the proposed driveway instead of the required 15'.

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

FACTS SUPPORTING THIS REQUEST:

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

I. "The Zoning Board of Adjustment shall have the power to:

(b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:

- (1) The variance will not be contrary to the public interest;
(2) The spirit of the ordinance is observed;
(3) Substantial justice is done;
(4) The values of surrounding properties are not diminished; and
(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
(ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

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

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

The proposed driveway will generally not be visible from other properties and the area for the proposed driveway is already flat and clear so no trees will need to be removed and no grades changed.

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

The encroachment into the setback is far from any existing structures on my neighbor’s property. Any buildings or driveways on the properties remain well separated by a large wooded area.

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

This variance would allow the construction of a proposed new garage/workshop and better use of the large piece of property at the back of my lot. Because of slopes and wetlands on my property there is no other reasonable place to construct this building.

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

The proposed driveway would generally not be visible from any of the surrounding properties since the area is very wooded and the houses are well separated.

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

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

Literal enforcement of the ordinance would prevent construction of the new garage/workshop even though there is sufficient land available to do so.

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

163 024 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

APPRaised: 377,300 / 377,300
USE VALUE: 377,300 / 377,300
ASSESSed: 377,300 / 377,300

Total Card / Total Parcel

PROPERTY LOCATION

Table with columns: No, Alt No, Direction/Street/City. Row 1: 7, TELOIAN DR, HUDSON

IN PROCESS APPRAISAL SUMMARY

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

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

Table with columns: User Acct, GIS Ref, Insp Date. Values: 5311, 06/12/06



OWNERSHIP

Table with columns: Owner 1-3, Street 1-2, Twn/City, St/Prov, Postal. Owners: WORCESTER, ANDREW S., YOUNG, KRISTINA L.

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date. Shows assessment history from 2017 to 2020.

Parcel ID 163-024-000

PREVIOUS OWNER

Table with columns: Owner 1-2, Street 1, Twn/City, St/Prov, Postal. Owner 1: WORCESTER, ANDREW S.

NARRATIVE DESCRIPTION

This parcel contains 3.054 ACRES of land mainly classified as ONE FAMILY with a CAPE Building built about 1987, having primarily CLAPBOARD Exterior and 2646 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 1 HalfBath, 6 Rooms, and 3 Bdrms.

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Shows sales history from 1987 to 2012.

OTHER ASSESSMENTS

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

PROPERTY FACTORS

Table with columns: Item, Code, Description, %, Item, Code, Description. Includes factors like water, sewer, electricity, flood hazard, and topography.

BUILDING PERMITS

Table with columns: Date, Number, Descrp, Amount, C/O, Last Visit, Fed Code, F. Descrp, Comment. Shows building permit history.

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name. Shows appraisal and inspection activities.

LAND SECTION (First 7 lines only)

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

Total AC/HA: 3.05400 Total SF/SM: 133032 Parcel LUC: 101 ONE FAMILY Prime NB Desc RES GD Total: 133,479 Spl Credit Total: 133,500



TOWN OF HUDSON

Land Use Division



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

Building Permit Application # 2020-00524 denial Zoning Determination #20-074

July 1, 2020

Colton Pekarski
22 Roosevelt Ave
Apt 9
Hudson, NH 03051

Re: **7 Teloian Dr Map 163 Lot 024-000**
District: General One (G-1)

Dear Mr. Pekarski

Your request: Do you need a variance for the construction of a driveway into the side yard setback?

Zoning Review / Determination:

A driveway is considered a regulated structure and has minimum setback requirements per Table of Minimum Dimensional Requirements §334-27 of the Hudson Zoning Ordinance. The proposed construction of the driveway appears to be within the required side yard setback. You would need a variance approval from the Zoning Board of Adjustment.

Sincerely,

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

encl: Variance application
cc: Public File

E. Dhima, Town Engineer
D. Hebert, Building Official
B. Groth, Town Planner
File

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



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

TOWN OF HUDSON
 JUN 29 2020
 Zoning Department



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

20-074
 BP App #
 2020-00524

Date of request 06/29/2020

Property Location 7 Teloian drive

Map 163 Lot 24

Zoning District if known General DWG (G-1)

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

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

We would need approval for fire/access to new garage.
Approximately 10' wide to garage and leaves 8' on set back.
Because of wetlands in front it would not be feasible to have
access on the right side of house. Could you please review and
get back to me with any questions or recommendations.

Applicant Contact Information:

Name: Colton Pekarski
 Address: 22 Roosevelt ave apt 9 Hudson NH
 Phone Number: (603)809-1908

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

7 Telolian Drive (Map/Lot 163-024-000)



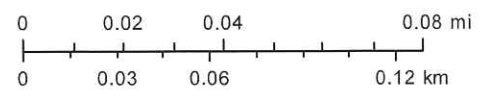
July 9, 2020

Legend

----- Easement_Lines

▭ Parcels

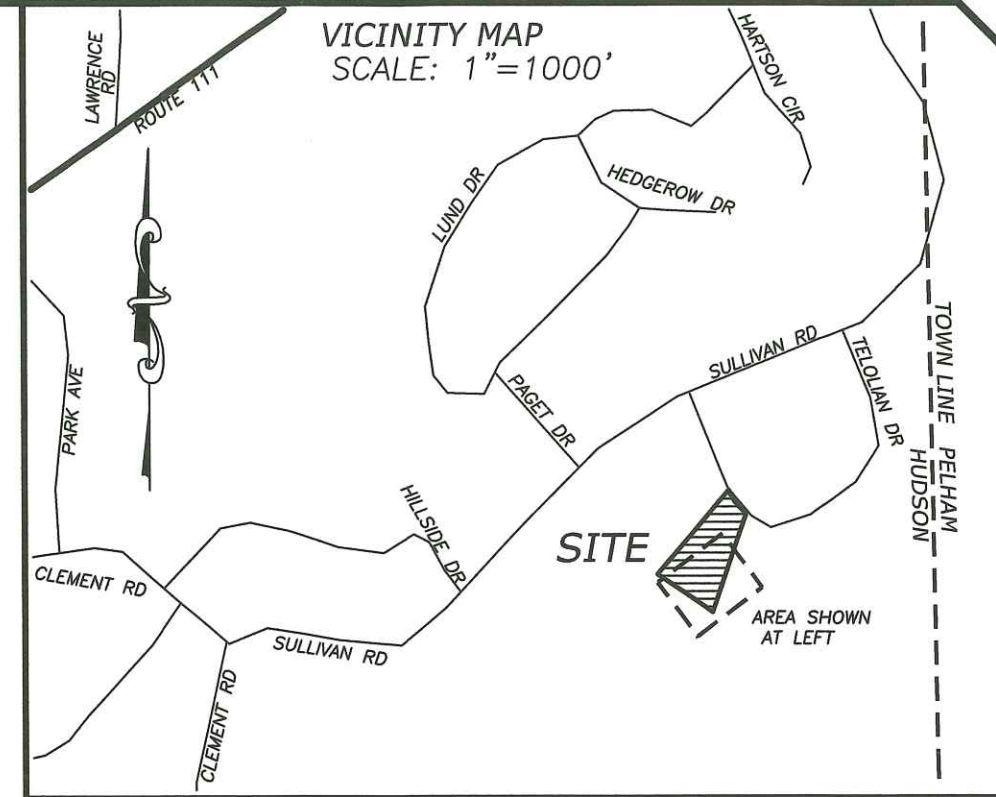
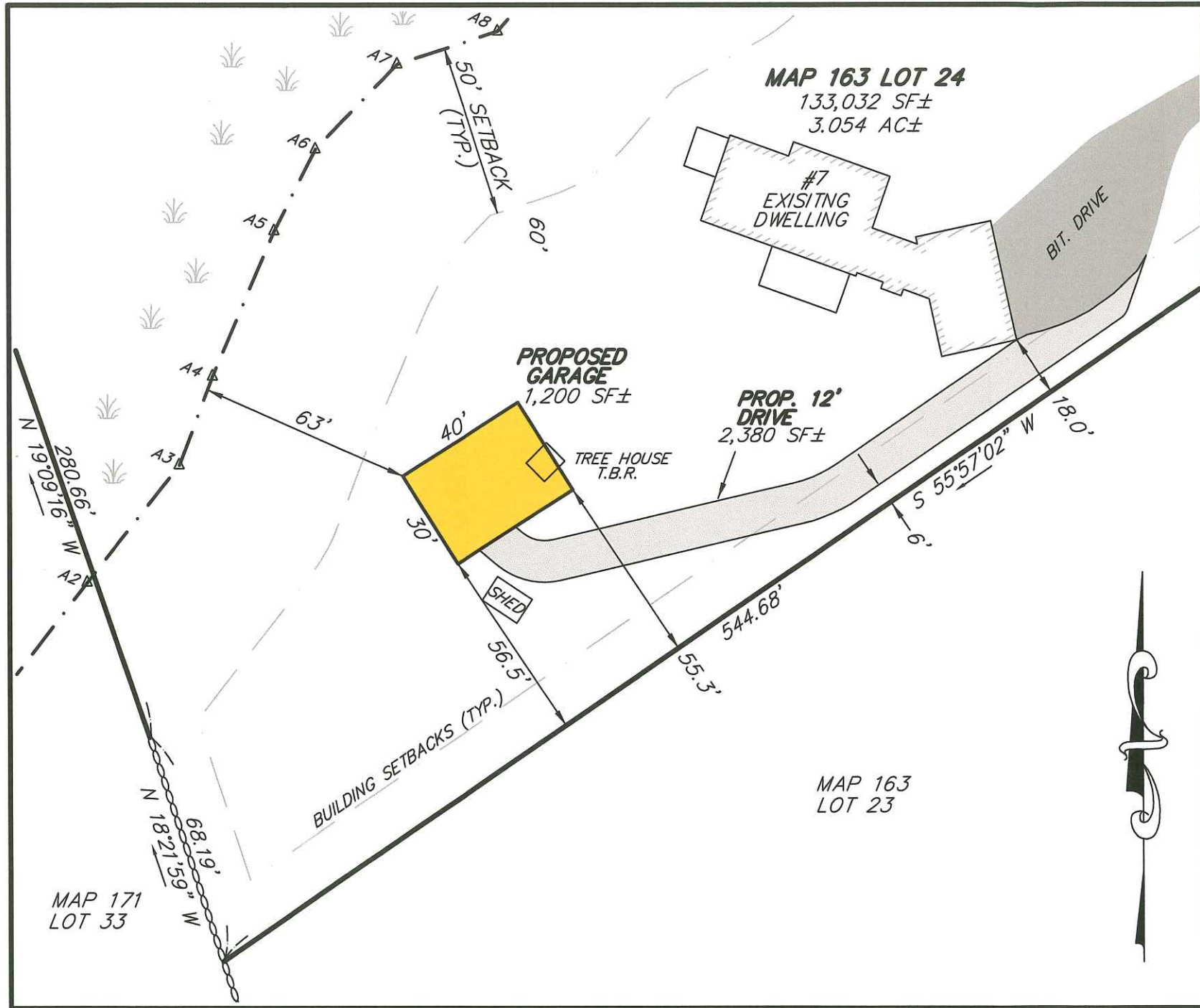
1:2,386



PLAN NOTES:

- 1.) PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED GARAGE AT HUDSON TAX MAP 163 LOT 24.
- 2.) WETLANDS DELINEATED BY B.A.G. CONSULTANTS ON 10/2/18.

**PLAN OF LAND
7 TELOLIAN DRIVE
HUDSON, NH
MAP 163 LOT 24**
AS PREPARED FOR
ANDREW WORCESTER, OWNER

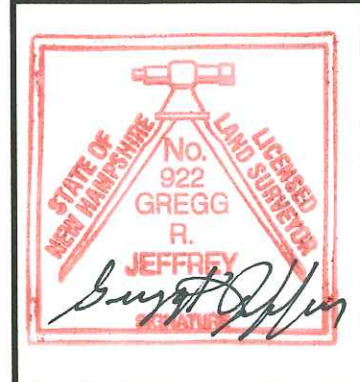


REV. 2		BY:
REV. 1	PROPOSED DRIVEWAY	7/14/20 BY: GRJ

ZONING DISTRICT: GEN
REQUIRED SETBACKS:
FRONT - 30 FEET
SIDE - 15 FEET
REAR - 15 FEET

DEED REF: BK. 8398 PG. 2914
PLAN REF.: HCRD PL. 18194
PLAN SCALE: 1"=40'
DATE: OCT. 2018
JOB REF.: 018-100-WORC

TOWN OF HUDSON
JUL 20 2020
Zoning Department



I HEREBY CERTIFY:

THAT THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY AND THAT ALL MEASUREMENTS HEREON ARE TO BE CONSIDERED TRUE AND ACCURATE.

JEFFREY LAND SURVEY LLC

1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089



Printed
7/20/2020
12:12PM
Created
7/20/2020
12:09 PM

Transaction Receipt

Receipt# 605,073
tgoodwyn

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

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-ZBA 7 Teloian Drive Map/Lot 163-024-000 Variance Application	0.00	157.3500	0.00
			Total:	157.35

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Andrew S Worcester, Kristina L Young	CHECK	CHECK # 1568	157.35	0.00	157.35
			Total Due:		157.35
			Total Tendered:		157.35
			Total Change:		0.00
			Net Paid:		157.35



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 *RLB* Meeting date: August 27, 2020 *8-19-20*

Case: 246-002 (08-27-20): John and Frederick Sullivan, 53 River Rd., Hudson NH, requests a Variance to allow a newly installed 8' x 12' shed to remain in the front yard setback 22'-10" where 50'-0" setback is required. [Map 246, Lot 002-000; Zoned Residential Two (R-2); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements and §334-27.1 C, General requirements].

Address: 53 River Rd

Zoning district: Residential - Two (R-2)

Summary:

Applicant requests a Variance to allow an 8' x 12' shed to remain in the front setback with an encroachment of 22'-10" into the front setback in violation of: 1) §334-27 Table of Minimum Dimensional Requirements and, 2) Sheds are not allowed in front yard §334-27.1C. This is a result of Code Enforcement action.

Property description:

This as a developed lot of record with 0.567 Acres (24,699 sqft), where 1 Acre required; existing non-conforming lot and has 327 ft of frontage (200 ft required). Existing non-conforming 3 family dwelling unit structure does not satisfy the front setback.

Town Staff review/comments:

Town Planner: none received Town Engineer: no comments Fire Dept: no comments

HISTORY:

Assessing: listed as a 3 family

Building Permits:

None found

Code Enforcement:

April 27, 2020 Complaint

May 27, 2020 Notice of Violation

Attachments:

“A” Assessing record

“B” April 27, 2020 Complaint

“C” May 27, 2020 Notice of Violation

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	105 - THREE FAM	111,800	5,500	95,100	0.57	0.00	212,400
2019	105 - THREE FAM	111,800	0	95,100	0.57	0.00	206,900
2019	105 - THREE FAM	111,800	0	95,100	0.57	0.00	206,900
2018	105 - THREE FAM	110,900	0	95,100	0.57	0.00	206,000
2018	105 - THREE FAM	110,900	0	95,100	0.57	0.00	206,000
2017	105 - THREE FAM	110,900	0	95,100	0.57	0.00	206,000
2017	105 - THREE FAM	83,200	0	82,700	0.57	0.00	165,900
2017	105 - THREE FAM	110,900	0	95,100	0.57	0.00	206,000
2016	105 - THREE FAM	83,200	0	82,700	0.57	0.00	165,900
2016	105 - THREE FAM	83,200	0	82,700	0.57	0.00	165,900
2015	105 - THREE FAM	83,200	0	82,700	0.57	0.00	165,900
2015	105 - THREE FAM	83,200	0	82,700	0.57	0.00	165,900
2014	105 - THREE FAM	83,100	0	82,700	0.57	0.00	165,800
2014	105 - THREE FAM	83,100	0	82,700	0.57	0.00	165,800
2013	105 - THREE FAM	83,100	0	82,700	0.57	0.00	165,800
2013	105 - THREE FAM	83,100	0	82,700	0.57	0.00	165,800
2012	105 - THREE FAM	83,100	0	82,700	0.57	0.00	165,800
2012	105 - THREE FAM	92,700	0	117,500	0.57	0.00	210,200
2011	105 - THREE FAM	92,700	0	117,500	0.57	0.00	210,200
2011	105 - THREE FAM	92,700	0	117,500	0.57	0.00	210,200
2010	105 - THREE FAM	92,700	0	117,500	0.57	0.00	210,200
2010	105 - THREE FAM	92,700	0	117,500	0.57	0.00	210,200
2009	105 - THREE FAM	92,700	0	117,500	0.57	0.00	210,200
2008	105 - THREE FAM	93,800	0	117,500	0.57	0.00	211,300
2008	105 - THREE FAM	93,800	0	117,500	0.57	0.00	211,300
2007	105 - THREE FAM	93,800	0	117,500	0.57	0.00	211,300
2007	105 - THREE FAM	81,900	0	69,600	0.57	0.00	151,500
2006	105 - THREE FAM	81,900	0	69,600	0.57	0.00	151,500
2006	105 - THREE FAM	81,900	0	74,000	0.75	0.00	155,900
2005	105 - THREE FAM	81,900	0	74,000	0.75	0.00	155,900
2005	105 - THREE FAM	81,900	0	74,000	0.75	0.00	155,900
2004	105 - THREE FAM	81,900	0	74,000	0.75	0.00	155,900
2004	105 - THREE FAM	63,600	0	55,500	0.75	0.00	119,100
2003	105 - THREE FAM	63,600	0	55,500	0.75	0.00	119,100
2003	105 - THREE FAM	63,600	0	55,500	0.75	0.00	119,100
2002	105 - THREE FAM	63,600	0	55,500	0.75	0.00	119,100
2002	105 - THREE FAM	63,600	0	55,500	0.75	0.00	119,100
2001	105 - THREE FAM	59,900	0	50,800		0.00	110,700
2000	105 - THREE FAM	59,900	0	50,800	0.75	0.00	110,700
1999	105 - THREE FAM	56,700	0	50,800	0.75	0.00	107,500

"A"



TOWN OF HUDSON

Land Use Division



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

Notice of Complaint

April 27, 2020

Certified 7018 2290 0001 3001 3133
and USPS 1st class

John and/or Frederick Sullivan
53 River Road
Hudson, NH 03051

Re: Possible Violations of Zoning Ordinance
53 River Road, Hudson, NH
Hudson Tax Map 246, Lot 002-000

Dear John and/or Frederick,

I have received a complaint about the above referenced address having the following violations:

1) Construction of a structure(s) within the required setbacks, 2) considerable trash and debris on premise, and 3) the unauthorized occupancy/use of structure as a living unit.

Zoning Review / Determination:

The construction of new shed(s) (even though less than 200 sq ft doesn't require a building permit), they must conform to the Hudson Zoning Ordinance §334-27 Table of Minimum Dimensional Requirements as the required setbacks for this property is: 50 ft from River Rd and 15 ft from sides and 20 ft from Eayrs Pond (this is regulated by the State of NH DES Shoreland Water Quality Protection Act.

There is considerable trash/junk/debris scattered about the property, would be a violation of 334-13.B(2):
§ 334-13 Junkyards prohibited; outdoor storage.

B. The outdoor storage of any of the following are not permitted in any district:

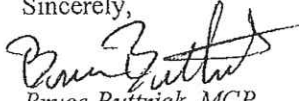
(2). Any quantity of waste, refuse, junk or ashes.

Can you please schedule to meet me on site to determine if this activity does/does not exist as alleged in the complaint?

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

"B."

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Chief Buxton, Health Officer
D. Hebert, Building Official
B. Groth, Town Planner
State of NH DES
File

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

" B₂ "



TOWN OF HUDSON

Land Use Division



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

Complaint Follow-up Notice of Violation

May 27, 2020

John Sullivan
53 River Road
Hudson, NH 03051

Re: Violations of Zoning Ordinance
53 River Road, Hudson, NH
Hudson Tax Map 246, Lot 002-000

Dear John,

It was a pleasure meeting with you at your property on May 21, 2020.

Findings of my inspection are as follows:

1) Construction of a shed structure within the required setbacks from River Road, and 2) Considerable trash and debris on premise. 3) Neither shed is being used as a dwelling unit. 4) Shed closest to Eayrs Pond is ~ 25 ft

1) The construction of the new shed (even though less than 200 sq ft doesn't require a building permit), it must conform to the Hudson Zoning Ordinance §334-27 **Table of Minimum Dimensional Requirements** as the required setback for this property is: 50 ft from River Rd.

ORDER: to either relocate to a conforming location or apply for a variance from the Zoning Board of Adjustment to remain in its present location, by July 15, 2020, application enclosed.

2) There is still trash/junk/debris scattered about the property, and is a violation of 334-13.B(2): § 334-13 **Junkyards prohibited; outdoor storage.**

B. The outdoor storage of any of the following are not permitted in any district:

(2) Any quantity of waste, refuse, junk or ashes.

ORDER: Please remove trash/junk/debris by July 15, 2020 and call for verification inspection.

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

"C1"

Sincerely,

Bruce Buttrick

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: Variance application

cc: Public Folder

R. Buxton, Health Officer

File

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

"C2"

TOWN OF HUDSON

AUG 10 2020

Zoning Department

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 246-002 (08-27-20)
Date Filed 8/10/20

Name of Applicant John and/or Frederick Sullivan Map: 246 Lot: 002 Zoning District: R-2

Telephone Number (Home) 603-377-1895 (Work) Retired

Mailing Address 53 River rd Hudson NH 03051

Owner John and/or Frederick Sullivan

Location of Property 53/55 River rd Hudson NH 03051
(Street Address)

John Sullivan
Signature of Applicant Date 7-11-20

Frederick B Sullivan
Signature of Property-Owner(s) Date 7-11-20

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

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

COST:			Date received: <u>8/10/20</u>
Application fee:		\$130.00	
<u>6</u> Direct Abutters x \$4.05 =	<u>.10</u>	<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>

Money Order
R209650154142

Received by: TSG
Receipt No.: 607,672

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:

<u>Applicant Initials</u>		<u>Staff Initials</u>
<u>J.S.</u>	The applicant must provide ¹⁰ 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> 8/10/20
<u>J.S.</u>	Before making the ¹⁰ 13 copies, please review the application with the Zoning Administrator or staff.	<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, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>✓</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>J.S.</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	OK-TG 8/10/20 <u>Abutter list incomplete - (see attached)</u>
<u>J.S.</u>	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>✓</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>MA</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

NA

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):

N/A

- 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.

* Use attached GIS MAP to indicate shed location dimension

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

John Sullivan & Frederick Sullivan 9-6-20
 Signature of Applicant(s) Date

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

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

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

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

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

ALL DIRECT ABUTTERS

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

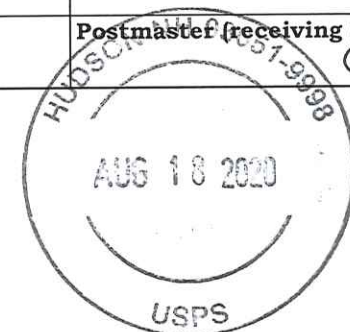
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
246	002-00	John W. Sullivan Frederick B. Sullivan	53 River Rd. Hudson, NH 03051
246	086-00	DLM PROPERTIES LLC William R. Frenette	22 Abbot St. Hudson, NH 03051
246	003-00	Susan M. Frenette	13 Aglipay Dr. Amherst NH 03031
246	001-00	Warren R. Barclay, TR. Suzanne Barclay, TR. Barclay Rev. Trust	24 Chalifoux Rd. Hudson, NH 03051
246	085-00	David Lociero, TR. Carol A. Lociero, TR. Lociero Fam. Rev. TR.	2 Jacqueline St. Hudson NH 03051
246	087-00	STATE of NH % NH DES-WATER DIV.	29 Hazen Dr. POB 95 Concord, NH 03302

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

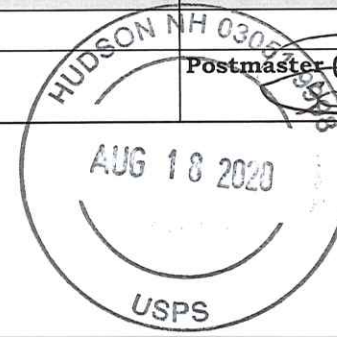
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
246	084-000	ROSEMARIE E. Sweeney	1 FEYRS Pond Rd. Hudson, NH 03051
246	082-000	JOAN TATE	104 Pelham Rd. Hudson, NH 03051
251	021-000	BAC SYSTEMS Facility Finance NH 01-601	POB 868 NASHUA NH 03060
246	004-000	Rence M. Paquette DANA J. Paquette	1 Stonemill Rd. Hudson, NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 246-002 VARIANCE 53 River Rd. Map 246/Lot 002-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	8/27/2020 ZBA Meeting
1	7018 2290 0001 3001 4611	SULLIVAN, JOHN W.; SULLIVAN, FREDERICK B. 53 RIVER ROAD, HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7018 2290 0001 3001 4628	DLM PROPERTIES, LLC 22 ABBOTT STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7018 2290 0001 3001 4635	FRENETTE, WILLIAM R.; FRENETTE, SUSAN M. 13 AGLIPAY DR., AMHERST, NH 03031-2131	ABUTTER NOTICE MAILED
4	7018 2290 0001 3001 4642	BARCLAY, WARREN R., TR.; BARCLAY, SUZANNE, TR.; BARCLAY REVOCABLE TRUST 24 CHALIFOUX ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7018 2290 0001 3001 4659	LOCICERO, DAVID M., TR; LOCICERO, CAROL A., TR; LOCICERO FMILY REV TRUST	ABUTTER NOTICE MAILED
6	7018 2290 0001 3001 4666	STATE OF NEW HAMPSHIRE; C/O NHDES-WATER DIVISION 29 HAZEN DRIVE/PO BOX 95, CONCORD, NH 03302-0095	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) SC



Direct Certified

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 246-002 VARIANCE 53 River Rd. Map 246/Lot 002-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	8/27/2020 ZBA Meeting
1	Mailed First Class	SWEENEY, ROSEMARIE E. 1 EAYRS POND RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	TATE, JOAN 104 PELHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	BAE SYSTEMS, FACILITY FINANCE/NNH01-6C1 P.O. BOX 868, NASHUA, NH 03060	ABUTTER NOTICE MAILED
4	Mailed First Class	PAQUETTE, RENEE M.; PAQUETTE, DANA J 1 STONEMILL RD., 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 4	Postmaster (receiving Employee)



APPLICATION FOR A VARIANCE

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

- 1) TO ALLOW A NEW 8 FT. X 12 FT. SHED TO REMAIN IN THE FRONT YARD SETBACK OF 22 FT. 10 IN, WHERE 50 FT. IS REQUIRED.
- 2) TO ALLOW THE NEW SHED TO REMAIN IN FRONT OF THE RESIDENCE INSTEAD OF REAR OF THE BUILDING, WHICH WOULD CREATE A BURDEN FOR THE ELDERLY OWNERS OF THE PROPERTY

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

FACTS SUPPORTING THIS REQUEST:

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

I. "The Zoning Board of Adjustment shall have the power to:

(b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:

- (1) The variance will not be contrary to the public interest;**
- (2) The spirit of the ordinance is observed;**
- (3) Substantial justice is done;**
- (4) The values of surrounding properties are not diminished; and**
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and**
- (ii) The proposed use is a reasonable one.**

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

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

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

GRANTING THE PROPOSED VARIANCE WILL HAVE NO IMPACT ON THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD AND WILL NOT PHYSICALLY OR VISUALLY INFRINGE ON ANY PRIVATE OR PUBLIC RIGHTS AND WILL POSE NO THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.

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

THE PROPOSED ORDINANCE WILL NOT CONFLICT WITH THE ESSENTIAL CHARACTER OR AESTHETICS OF THE NEIGHBORHOOD AND PRESENTS NO SUBSTANTIAL INTRUSION WHEREAS A 50 FT. SETBACK CREATES A BURDEN FOR THE ELDERLY OWNERS' USE.

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

OWNERS WOULD HAVE THE ABILITY TO CONVENIENTLY ACCESS THE SHED FROM THE EXISTING DRIVEWAY AND WOULD ALLEVIATE DIFFICULT CONDITIONS FOR SNOW PLOWING AND GROUND CLEARANCE AND FACILITATE EASIER ACCESS TO THE HOME'S ENTRANCE FOR THE ELDERLY OWNERS

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

ANY NEW CONSTRUCTION / ADDITION WOULD ADD VALUE TO THE NEIGHBORHOOD AND THE 8'x12' SHED IS A RELATIVELY SMALL STRUCTURE WHICH WOULD BLEND WITH THE SURROUNDING LANDSCAPE.

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

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

1) The physical constraints with the existing shape and contours creates difficulty in compliance with a 50ft. setback from River Rd.

2) The required wetland buffer setback of 50 ft. from E Ayes Pond doesn't leave any room for locating this shed.

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



TOWN OF HUDSON

Land Use Division



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

Complaint Follow-up Notice of Violation

May 27, 2020

John Sullivan
53 River Road
Hudson, NH 03051

Re: Violations of Zoning Ordinance
53 River Road, Hudson, NH
Hudson Tax Map 246, Lot 002-000

Dear John,

It was a pleasure meeting with you at your property on May 21, 2020.

Findings of my inspection are as follows:

1) Construction of a shed structure within the required setbacks from River Road, and 2) Considerable trash and debris on premise. 3) Neither shed is being used as a dwelling unit. 4) Shed closest to Eayrs Pond is ~ 25 ft

1) The construction of the new shed (even though less than 200 sq ft doesn't require a building permit), it must conform to the Hudson Zoning Ordinance §334-27 **Table of Minimum Dimensional Requirements** as the required setback for this property is: 50 ft from River Rd.

ORDER: to either relocate to a conforming location or apply for a variance from the Zoning Board of Adjustment to remain in its present location, by July 15, 2020, application enclosed.

2) There is still trash/junk/debris scattered about the property, and is a violation of 334-13.B(2):

§ 334-13 **Junkyards prohibited; outdoor storage.**

B. The outdoor storage of any of the following are not permitted in any district:

(2) Any quantity of waste, refuse, junk or ashes.

ORDER: Please remove trash/junk/debris by July 15, 2020 and call for verification inspection.

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

Sincerely,

Bruce Buttrick

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: Variance application

cc: Public Folder

R. Buxton, Health Officer

File

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



TOWN OF HUDSON

Land Use Division



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

Notice of Complaint

April 27, 2020

Certified 7018 2290 0001 3001 3133
and USPS 1st class

John and/or Frederick Sullivan
53 River Road
Hudson, NH 03051

Re: Possible Violations of Zoning Ordinance
53 River Road, Hudson, NH
Hudson Tax Map 246, Lot 002-000

Dear John and/or Frederick,

I have received a complaint about the above referenced address having the following violations:

1) Construction of a structure(s) within the required setbacks, 2) considerable trash and debris on premise, and 3) the unauthorized occupancy/use of structure as a living unit.

Zoning Review / Determination:

The construction of new shed(s) (even though less than 200 sq ft doesn't require a building permit), they must conform to the Hudson Zoning Ordinance §334-27 Table of Minimum Dimensional Requirements as the required setbacks for this property is: 50 ft from River Rd and 15 ft from sides and 20 ft from Eayrs Pond (this is regulated by the State of NH DES Shoreland Water Quality Protection Act.

There is considerable trash/junk/debris scattered about the property, would be a violation of 334-13.B(2):

§ 334-13 **Junkyards prohibited; outdoor storage.**

B. The outdoor storage of any of the following are not permitted in any district:

(2) Any quantity of waste, refuse, junk or ashes.

Can you please schedule to meet me on site to determine if this activity does/does not exist as alleged in the complaint?

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

246 002 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

APPRaised: 210,200/
USE VALUE: 210,200/
ASSESSED: 210,200/
Total Card / Total Parcel
210,200 / 210,200
210,200 / 210,200
210,200 / 210,200



PROPERTY LOCATION

Table with 3 columns: No, Alt No, Direction/Street/City. Row 1: 53, RIVER RD, HUDSON

OWNERSHIP table with columns: Owner, Street, TwN/City, St/Prov, Postal. Owners: SULLIVAN, JOHN W., SULLIVAN, FREDERICK B.

PREVIOUS OWNER table with columns: Owner, Street, TwN/City, St/Prov, Postal. Owner: SULLIVAN, JOHN W.

NARRATIVE DESCRIPTION: This parcel contains .567 ACRES of land mainly classified as THREE FAM with a MULTI-CONVER Building built about 1880, having primarily VINYL Exterior and 2078 Square Feet, with 3 Units, 2 Baths, 1 3/4 Bath, 0 HalfBath, 12 Rooms, and 4 Bdrms.

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

PROPERTY FACTORS table with columns: Item, Code, Description, %, Item, Code, Description. Includes items like RESD TWO, water, Sewer, Electric, Exmpt, ELDER-2, Topo, ROLLING, Street, Gas.

LAND SECTION (First 7 lines only)

Table with columns: Use Code, Description, LUC Fact, No of Units, Depth / PriceUnits, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Infl, Neigh Mod, Infl 1, %, Infl 2, %, Infl 3, %, Appraised Value, Alt Class, % Spec Land, J Code, Fact, Use Value, Notes. Row 1: 105, THREE FAM, 1.2, 0.567, SITE ACRE SITE, 0, 95,000, 1.76, RD, 95,059, 95,100

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value. Total Card: 0.567, 111,800, 3,300, 95,100, 210,200. Total Parcel: 0.567, 111,800, 3,300, 95,100, 210,200. Source: Market Adj Cost, Total Value per SQ unit /Card: 101.16, /Parcel: 101.16

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date. Rows from 2017 to 2020 showing various assessments and year-end rolls.

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Sales to SULLIVAN, JOHN on 4/8/2009 and 11/24/1972.

BUILDING PERMITS

Table with columns: Date, Number, Descip, Amount, C/O, Last Visit, Fed Code, F. Descip, Comment. (Empty table)

Legal Description table with columns: Legal Description, User Acct, GIS Ref, Entered Lot Size, Total Land, Land Unit Type. Values: AC, 4678, 12/04/18

Parcel ID 246-002-000

Table with columns: Date, Date, Time. PRINT: 07/13/20 11:30:45. LAST REV: 06/01/20 10:38:00. mrotast

PAT ACCT. 191

Table with columns: Date, Result, By, Name. Activity information from 5/21/2020 to 6/29/2001.

ACTIVITY INFORMATION

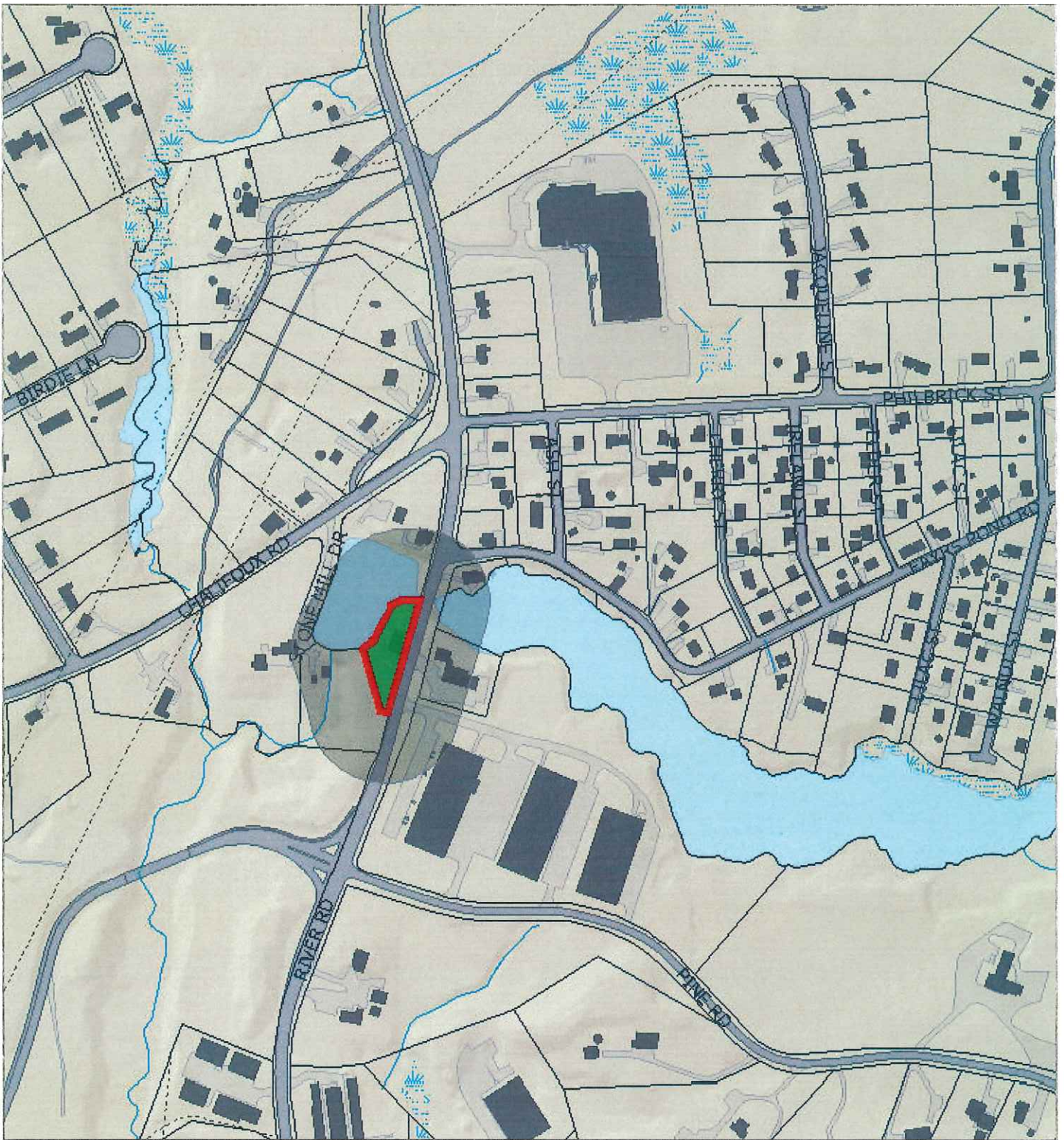
Table with columns: Date, Result, By, Name. Activity information from 5/21/2020 to 6/29/2001.

USER DEFINED table with columns: Prior Id #, ASR Map, Fact Dist, Reval Dist, Year, Land Reason, Bld Reason, Civil District, Ratio. Values: 0004, 0001, 0000, GM, 191

Total AC/HA: 0.56700 Total SF/SM: 24699 Parcel LUC: 105 THREE FAM Prime NB Desc: RES AV/FR Total: 95,059 Spl Credit: Total: 95,100

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

53 River Road (Map/Lot 246-002-000)



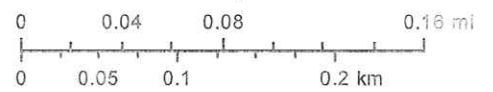
July 15, 2020

Legend

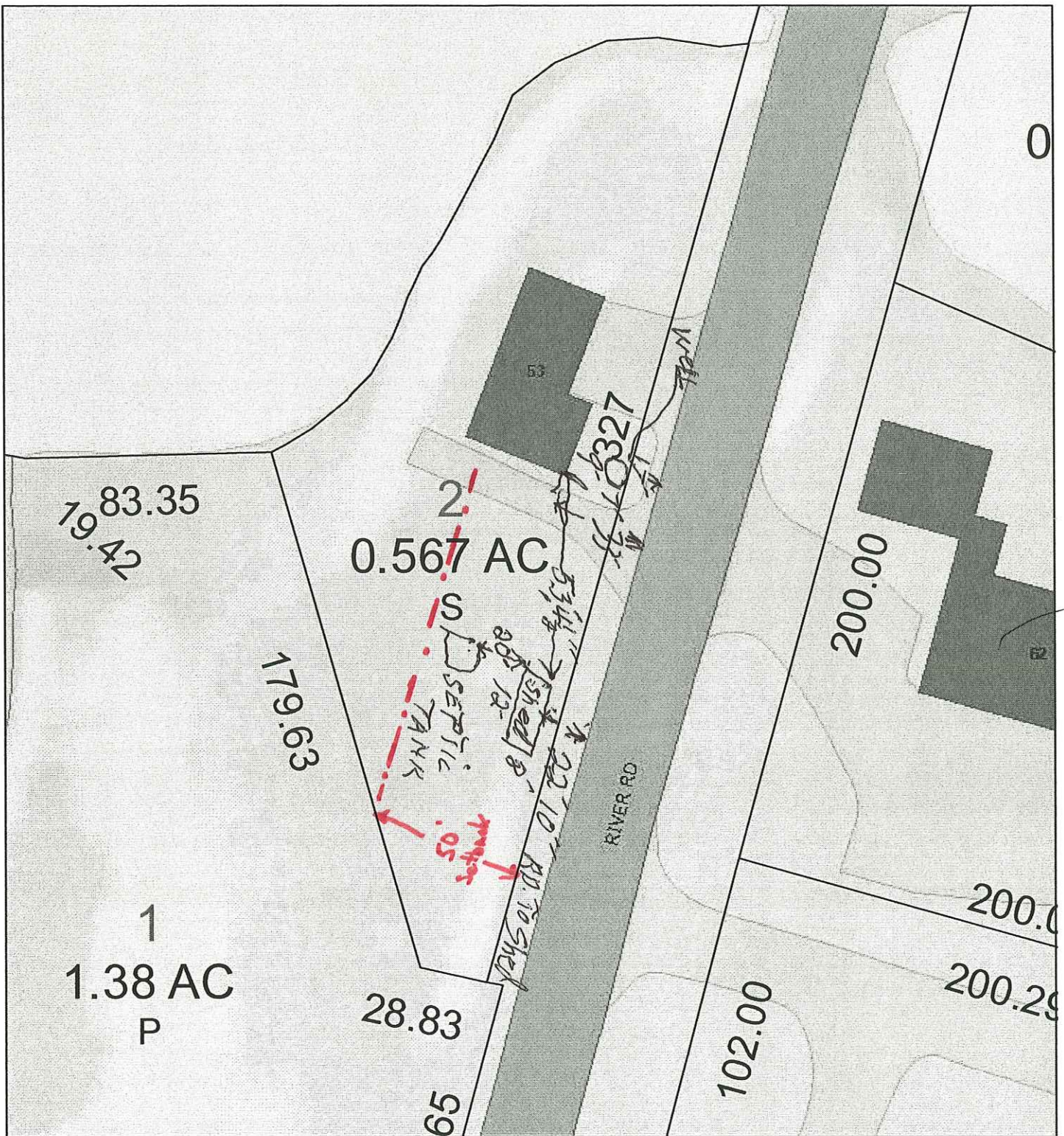
----- Easement_Lines

▭ Parcels

1:4,794



Setbacks

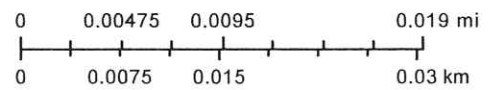


July 15, 2020

Legend

 Parcels

1:569



SAVE 10%

SAVINGS EDITION INSTALLED SHEDS



84

FIXED MONTHLY PAYMENTS
at 7.99% APR*



SAVE \$304



ROCKPORT 8-ft. x 12-ft.*

Base model features

- Wide 56-in. double doors for easy access
- Treated, engineered wood siding is factory primed
- 12-year limited material warranty



SHED INCLUDES

- Deep roof overhangs
- Transom window
- Locking door handle
- Decorative, faux hinges

Installed base model **\$2699**

SAVINGS EDITION PRICE

Treated Floor Upgrade	\$219
Roof Protection Upgrade	\$99
Ventilation Upgrade	\$25
TOTAL	\$3042
10% OFF	-\$304

FINAL PRICE \$2738

Monthly Payment** \$43
Amt. After 84 Mos \$3584

SAVINGS EDITION ITEM # 900568

SAVE \$265



STRATFORD 12-ft. x 8-ft.*

Item # 146278

Base model features

- Extra-wide 64-in. double doors for easy access
- Treated, engineered wood siding is factory primed
- 10-year limited material warranty



SHED INCLUDES

- Workbench & pegboard
- Two shelves
- Window with shutters

Installed base model **\$2299**

SAVINGS EDITION PRICE

Treated Floor Upgrade	\$219
Roof Protection Upgrade	\$99
Ventilation Upgrade	\$25
TOTAL	\$2642
10% OFF	-\$265

FINAL PRICE \$2377

Monthly Payment** \$37
Amt. After 84 Mos \$3111

SAVINGS EDITION ITEM # 900528

SAVE \$265



RAINIER 10-ft. x 10-ft.*

Item # 293123

Base model features

- Extra-wide 64-in. double doors for easy access
- Treated, engineered wood siding is factory primed
- 10-year limited material warranty



SHED INCLUDES

- Loft provides 40% more storage space

Installed base model **\$2299**

SAVINGS EDITION PRICE

Treated Floor Upgrade	\$219
Roof Protection Upgrade	\$99
Ventilation Upgrade	\$25
TOTAL	\$2642
10% OFF	-\$265

FINAL PRICE \$2377

Monthly Payment** \$37
Amt. After 84 Mos \$3111

SAVINGS EDITION ITEM # 900519

SAVE \$187



BELMONT 8-ft. x 10-ft.*

Item # 716642

Base model features

- Wide 56-in. double doors for easy access
- Treated, engineered wood siding is factory primed
- 10-year limited material warranty

SHED INCLUDES

- Gable window

Installed base model **\$1599**

SAVINGS EDITION PRICE

Treated Floor Upgrade	\$159
Roof Protection Upgrade	\$79
Ventilation Upgrade	\$25
TOTAL	\$1862
10% OFF	-\$187

FINAL PRICE \$1675

Monthly Payment** NA
Amt. After 84 Mos NA

SAVINGS EDITION ITEM # 900533

Printed
8/10/2020
4:30PM
Created
8/10/2020
4:27 PM

Transaction Receipt

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

Receipt# 607,672
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-ZBA 53 River Rd Map/Lot 246-002-000 Variance	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>
John Sullivan	CHECK	R209650154142	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

REQUEST FOR DEFERRAL WORKSHEET

On **8/27/20**, The Hudson Zoning Board of Adjustment heard **Case 175-019**, Being a request by **Joshua P. Lanzetta, Esq. of Bruton & Berube, PLLC., 601 Central Ave., Dover NH** representing **Christopher & Christine Floyd and Rene Joyal, 78 Highland St., Hudson, NH** requests a deferral for an **Appeal From An Administrative Decision of a Notice of Violation and Cease & Desist Order dated May 18, 2020 citing violation of the 2009 variance granted by the ZBA and 10 specific violations of the Hudson Zoning Ordinance.** [Map 175, Lot 019-000; Zoned Town Residence (TR); HZO Article XV, Enforcement and Miscellaneous Provisions, §334-81, Appeals].

Y **N** Members sitting on the Zoning Board of Adjustment vote to accept this deferral request to (date specific) _____.

Signed: _____ Date: _____
Sitting Member of the Hudson ZBA

Goodwyn, Tracy

From: Buttrick, Bruce
Sent: Wednesday, August 19, 2020 2:40 PM
To: Joshua P. Lanzetta
Cc: Charlie Bracket; Goodwyn, Tracy
Subject: RE: Floyd - Request to Continue Hearing

Josh,

According to the ZBA By-Laws:

§ 143-10 Deferment and Withdrawal.

A. After public notice has been given, each application presented to the Board for consideration may be deferred or withdrawn only by action of the Board, following receipt of written notice to the Zoning Administrator or to the Board, itself, by the applicant. A sitting member must make a motion to defer until the next regular meeting or a date specific, that motion must be seconded and voted on by the sitting members of the case in question, and abutter notice shall be presumed to have been accomplished by the decision of the Board's vote.

I will present your request to defer (continue), to allow you the opportunity for a complete appeal of the Notice of Violation to the Board.

I presume you will be modifying your original application/appeal details, therefore I will ask for you to submit the application fee (\$130) to cover the costs for preparation of new (modified) application packets to the Board etc.

At the moment, we can accommodate your request for deferral to the Sept 24, 2020 agenda.

In the meantime,

Can I request of you the opportunity for the Board to schedule a site visit/walk prior to your presumed deferred Hearing on Sept 24?

The (ZBA) can determine a date/time that works at the meeting 8/27/20.

Please let me know if there are dates/times specific that would not work for the owners to allow the ZBA/public on site.

Regards,

Bruce

Bruce Buttrick, MCP
Zoning and Code Enforcement



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

From: Joshua P. Lanzetta [mailto:josh@brutonlaw.com]
Sent: Wednesday, August 19, 2020 12:58 PM
To: Goodwyn, Tracy <tgoodwyn@hudsonnh.gov>
Cc: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Subject: Floyd - Request to Continue Hearing

Tracy-

Please accept this email as a request to continue next week's hearing related to an Appeal of Administrative Decision filed by this office on behalf of Christopher Floyd.

The Applicant mistakenly provided Counsel an incomplete cease and desist letter. The letter omitted the second page enumerating the violations referenced on pages 1 and 3.

Counsel realized the Applicant's mistake on the eve of the filing after Bldg. Ins. Buttrick provided the full letter to Counsel as a courtesy.

Counsel respectfully requests a continuance in order to specifically address the violations contained on page 2 of the letter.

Sincerely,

-Josh

JOSHUA P. LANZETTA, ESQ.
BRUTON & BERUBE, PLLC
601 Central Avenue
Dover, New Hampshire 03820
Cell. (603) 777-0579
Direct. (603) 749-4529
Fax. (603) 343-2986
www.joshlanzettalaw.com
josh@brutonlaw.com

COVID-19 STATEMENT: As the COVID-19 (Coronavirus) situation evolves daily, Bruton & Berube, PLLC remains focused on protecting the well-being of our employees, clients and visitors. All staff are working full-time to ensure that we will continue to meet our clients' legal and business needs. The firm has secure technology to enable our attorneys and staff to work remotely, if necessary. All staff remain accessible to you throughout this challenging time. Your emails, calls and voicemail messages will be either answered directly by staff at our offices, or responded to in a timely manner as we continue to conduct our business without interruption. Please do not hesitate to reach out if we can be of assistance or if you have any questions. We can all be reached through our main office line at (603) 749-4529.

IMPORTANT PRIVACY NOTICE: The information contained in this transmission and any accompanying documents or attachments is private, confidential and may be subject to the attorney/client privileged or considered attorney work product. It may also be private and/or confidential information protected under state and federal laws. As such, it is intended only for the recipient(s) listed above. If you are neither the intended recipient(s) nor a person responsible for the delivery of this transmission to the intended recipient(s), you are hereby notified that any unauthorized disclosure, distribution or copying of this transmission, or any action

taken or omitted to be taken in reliance on it, is strictly prohibited. If you have received this transmission in error, please destroy the original transmission immediately and contact our office at (603) 749-4529.

CAUTION!!

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

TOWN OF HUDSON
 AUG 11 2020
 Zoning Department

APPLICATION FOR APPEAL FROM AN ADMINISTRATIVE DECISION

Entries in this box are to be filled out by Land Use Division personnel
 Case No. 175-019 (08-27-20)
 Date Filed 8/11/20

To: Zoning Board of Adjustment
 Town of Hudson

Name of Applicant Chris Floyd c/o Bruton & Berube Map: 175 Lot: 19 Zoning District: TR

Telephone Number (Home) 603-749-4529 (Work) Same

Mailing Address 78 Highland Street, Hudson, NH 03051

Owner Rene P. Joyal; Christopher W. Floyd, Jr.

Location of Property 78 Highland Street, Hudson, NH 03051
 (Street Address)

Signature of Applicant [Signature] Date 7/27/20

Signature of Property Owner(s) Rene Joyal Date 7/27/20

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

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

COST:			Date received: <u>8/11/20</u>
Application fee:	.10	\$130.00	
<u>5</u> Direct Abutters x \$4.05 =		\$ 20.50	
<u>8</u> Indirect Abutters x \$0.55 =		\$ 4.40	
Total amount due:		<u>\$154.90</u>	Amt. received: \$ <u>154.90</u> pd. by credit.
			Receipt No.: <u>607,737</u>
Received by: _____	<u>(TS6)</u>		
By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:			
_____ Engineering	_____ Fire Department	_____ Health Officer	_____ Planner

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>JL</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>JL</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>JL</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>JL</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>JL</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>JL</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>JL</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/a</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/a</u>

X N/A

PLOT PLAN-

N/A

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

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

Vertical line with checkmark at the bottom.

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

[Signature]
Signature of Applicant(s)

7/27/20
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.

Christopher & Christine Floyd
78 Highland Street
Hudson, NH 03051

July 27, 2020

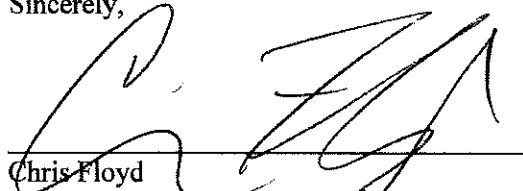
Town of Hudson, New Hampshire
12 School Street
Hudson, NH 03051

Re: Letter of Authorization
Address: 78 Highland Street, Hudson, New Hampshire 03051
MBLU: 175/ 19

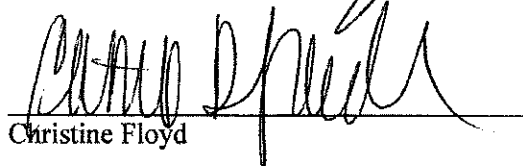
To Whom it May Concern:

The undersigned, as owner of premises located at 78 Highland Street in Hudson, New Hampshire (the "Property"), hereby authorizes Bruton & Berube, PLLC and its employees, agents, and consultants, to seek any and all approvals required from the Town of Hudson, New Hampshire (including, but not limited to, permits, zoning relief, and appeals) related to the Property.

Sincerely,



Chris Floyd



Christine Floyd

Rene P. Joyal
78 Highland Street
Hudson, NH 03051

July 27, 2020

Town of Hudson, New Hampshire
12 School Street
Hudson, NH 03051

Re: Letter of Authorization
Address: 78 Highland Street, Hudson, New Hampshire 03051
MBLU: 175/ 19

To Whom it May Concern:

The undersigned, as owner of premises located at 78 Highland Street in Hudson, New Hampshire (the "Property"), hereby authorizes Bruton & Berube, PLLC and its employees, agents, and consultants, to seek any and all approvals required from the Town of Hudson, New Hampshire (including, but not limited to, permits, zoning relief, and appeals) related to the Property.

Sincerely,



Rene P. Joyal

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		Please see attached abutters list.	

**ABUTTERS LIST
FOR
APPEAL OF ADMINISTRATIVE DECISION
BY
CHRISTOPER FLOYD C/O
BRUTON & BERUBE, PLLC**

**78 Highland Street
Hudson, New Hampshire 03856**

August 11, 2020

OWNER OF RECORD:

MAP 175, LOT 19
CHRISTOPER FLOYD &
RENE JOYAL
78 HIGHLAND STREET
HUDSON, NH 03051

APPLICANT:

MAP 175, LOT 19
CHRISTOPER FLOYD &
RENE JOYAL
78 HIGHLAND STREET
HUDSON, 03051

ABUTTERS:

MAP 175, LOT 10
ALEXANDER K. PANAGEOTES
NANCY H. PANAGEOTES AND HEIRS
81 HIGHLAND STREET
HUDSON, NH 03051

MAP 167, LOT 09 DIRECT
PUBLIC SERVICE OF NEW HAMPSHIRE
PO BOX 270
HARTFORD, CT 06141-0270

MAP 174, LOT 118
ROBERT RICHARD
RAYMOND RICHARD
70 HIGHLAND STREET
HUDSON, NH 03051

MAP 175, LOT 18 DIRECT
GERMAINE D. GERMAIN
MICHELLE P. BUSKEY
ANN-MARIE TATE
75 HIGHLAND STREET
HUDSON, NH 03051

MAP 174, LOT 121
JAMES C. REVOIR, JR
19 GLORIA AVENUE
HUDSON, NH 03051

MAP 175, LOT 20
ANGELA POLIZZOTTI
ANTHONY POLIZZOTTI
84 HIGHLAND STREET
HUDSON, NH 03856

MAP 174, LOT 120
JAMES C. REVOIR, JR.
19 GLORIA AVENUE
HUDSON, NH 03051

MAP 175, LOT 15
THERESE A. BRIAND
GEORGE P. BRIAND
83 HIGHLAND STREET
HUDSON, NH 03051

MAP 174, LOT 119 DIRECT
GEOFFREY MACGILLIVARY
SIDA MACGILLIVARY
76 HIGHLAND STREET
HUDSON, NH 03051

MAP 175, LOT 17 DIRECT
TOWN OF HUDSON, NH
12 SCHOOL STREET
HUDSON, NH 03051


MAP 174, LOT 119
QUAN HUA LI
74 HIGHLAND STREET
HUDSON, NH 03051

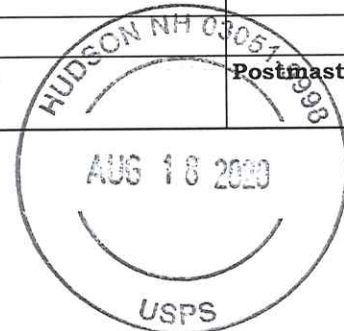
MAP 175, LOT 16
DAVID D. TRAN
LIEN THI DO
81 HIGHLAND STREET
HUDSON, NH 03051

PROFESSIONALS/ INTERESTED PARTIES:

BRUTON & BERUBE, PLLC
ATTN: JOSHUA P. LANZETTA, ESQ.
601 CENTRAL AVENUE
DOVER, NH 03820

*Direct abutters listed as "direct." All other abutters are indirect.

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 175-019 APPEAL ADMIN DECISION 78 Highland St Map 175/Lot 019-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	8/27/2020 ZBA Meeting
1	7018 2290 0001 3001 4673	PUBLIC SERVICE OF NH, dba:EVERSOURCE ENERGY PO BOX 270, HARTFORD, CT 06141-0270	ABUTTER NOTICE MAILED
2	7018 2290 0001 3001 4680	GERMAIN, GERMAINE D., TR.; BUSKEY, MICHELLE P., TR.; TATE, ANN-MARIE, TR. 75 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7018 2290 0001 3001 4697	JOYAL, RENE P.; FLOYD, CHRISTOPHER W., JR 78 HIGHLAND STREET, HUDSON, NH 03051	APPLICANT NOTICE MAILED
4	7018 2290 0001 3001 4703	MACGILLIVARY, GEOFFREY; MACGILLIVARY, SIDA 76 HIGHLAND ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7018 2290 0001 3001 4710	JOSHUA P. LANZETTA, ESQ.; BRUTON & BERUBE, PLLC 601 CENTRAL AVE., DOVER, NH 03820	APPLICANT NOTICE MAILED
6			
7			
8			
9			
10			
11			
12			
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) 



Direct Certified

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 175-019 APPEAL ADMIN DECISION 78 Highland St Map 175/Lot 019-000 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address		8/27/2020 ZBA Meeting
1	Mailed First Class	PANAGEOTES HEIRS, ALEXANDER K; PANAGEOTES, NANCY H. P.O. BOX 104, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	RICHARD, ROBERT; RICHARD, RAYMOND 70 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	REVOIR JR., JAMES C 19 GLORIA AVENUE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	POLIZZOTTI, ANGELA; POLIZZOTTI, ANTHONY 84 HIGHLAND ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	REVOIR, JAMES C. JR. 19 GLORIA AVENUE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	BRIAND, THERESE A.; BRIAND, GEORGE P., JR. 83 HIGHLAND ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	LI, QUAN HUA 74 HIGHLAND ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	Mailed First Class	TRAN, DAVID D.; DO, LIEN THI 81 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9			
10			
11			
12			
13			
14			
15			
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office 8	Postmaster (receiving Employee) AUG 18 2020 USPS

APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance.

Decision of the Zoning Administrator to be reviewed:
Please see attached

DATE: _____ ARTICLE: _____ SECTION: _____

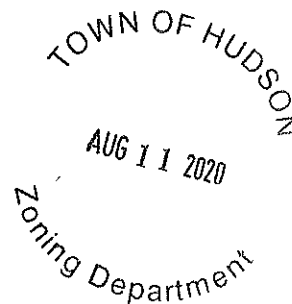
of the Zoning Ordinance in question:

NOTE: If you are appealing an Administrative Decision, a copy of the decision appealed must be attached to your application.

Bruton & Berube, PLLC
601 Central Avenue
Dover, NH 03820

August 11, 2020

Town of Hudson, New Hampshire
Zoning Board of Adjustment
12 School Street
Hudson, NH 03051



Re: Appeal of Administrative Decision Related to Notice of Violation of
ZBA Approval for the Use Variance, Cease and Desist
Applicant: Christopher Floyd c/o Bruton & Berube, PLLC
Owner: Christopher Floyd
Rene Joyal
Address: 78 Highland Street, Hudson, New Hampshire 03051
MBLU: 175/ 19
Zone: Town Residence ("TR")

Dear Board Members:

The purpose of this letter is to submit an Appeal of an Administrative Decision (the "Appeal") on behalf of Christopher Floyd (the "Applicant") appealing a Notice of Violation of ZBA Approval for the Use Variance - Cease and Desist drafted and signed by Bruce Buttrick, Zoning Administrator, on May 18, 2020 (the "Cease and Desist Letter"), and related to 78 Highland Street in Hudson, New Hampshire (the "Property").

Pursuant to NH RSA 676:5¹ and the Town of Hudson's Zoning Ordinance (the "Ordinance")², the Applicant appeals the Zoning Administrator's decision under Ordinance section 334-81³, and respectfully requests that the Zoning Board of Adjustment (the "ZBA") schedule a hearing to review the Appeal.

I. ENCLOSED DOCUMENTS

Enclosed please find a check in the amount of One Hundred Fifty-Four Dollars and Ninety Cents (\$154.90) made payable to the Town of Hudson, NH, two (2) sets of abutters labels, and one (1) original and twelve (12) copies of each of the following documents:

1. Appeal;
2. Abutters List dated August 11, 2020;
3. Property Assessment Card;

¹ RSA 676:5 (2010).

² Town of Hudson, NH, *Zoning Ordinance* (2020).

³ *Ordinance* § 334-81, 56 (2020)

4. Tax Maps (2);
5. Letter of Authorization from Mr. & Mrs. Christopher Floyd dated July 27, 2020;
6. Letter of Authorization from Rene Joyal dated July 27, 2020;
7. Decision to Grant a Use Variance and related minutes dated September 18, 2009 and recorded in the Hillsborough County Registry of Deeds at Book 8135, Page 1393 (the “NoD”);
8. Final Order, Docket No. 226-2019-CV-00260 dated May 14, 2019 (the “Court Order”);
9. Notice of Violation of ZBA Approval for the Use Variance - Cease and Desist dated May 18, 2020 (the “Cease & Desist”);
10. Stay of Enforcement and Extension dated June 26, 2020;
11. Stay of Enforcement and Extension date August 5, 2020;
12. Letter of Support from abutting neighbor Germain Germaine dated July 21, 2020; and
13. Letter of Support from abutting neighbor Geoffrey MacGillivray dated July 28, 2020.

II. NARRATIVE

The Applicant is a landscaping contractor who owns property located at 78 Highland Street in Hudson, New Hampshire. In 2009, the Applicant sought a use variance to allow him to park business vehicles on his property.

On June 25, 2009, the ZBA granted a use variance to “allow a mixed use on [the Applicant’s] property” (the “Variance”)⁴ The Variance was approved with the following three stipulations:

1. Parking of four business vehicles and one trailer only is allowed; any expansion of that use would have to come back before the Zoning Board of Adjustment.
2. No landscape material is to be dumped on this property.
3. No outside storage of landscaping materials.⁵

On September 18, 2009 the Variance was recorded as a Notice of Decision at the Hillsborough County Registry of Deeds in Book 8135, Page 1393.⁶

On May 12, 2019, the Town of Hudson sought an injunction against the Applicant for housing more than four vehicles on the Property, amongst other issues; and on May 14, 2019, the

⁴ *NoD* at 1.

⁵ *Id.*

⁶ *Id.*

Court permanently enjoined the Applicant from violating the Ordinance and the terms of the June 25, 2009 variance.⁷

On May 18, 2020, the Applicant received a Cease & Desist from the Town of Hudson asserting that the Applicant expanded the Property's use to include 1) "snow removal operations,"⁸ and 2) "an ongoing landscaping business."⁹ The Applicant respectfully asserts that he is not violating any term of the Variance, Court Order, or the Ordinance, and timely files this Appeal.

III. ANALYSIS

1) **The Applicant is in full compliance with the Ordinance, Court Order, and Variance.**

a. Parking.

The Applicant is in compliance with the number of vehicles and trailers permitted on the Property.

The Variance allows the Applicant to park four "business vehicles" and one "trailer" on the Property. Pursuant to HZO § 334-15, the expanded parking capacity provided in the variance is in addition to all vehicular, trailer, or other parking capacity permitted on real property located in the TR zone. Currently, the Applicant houses four business vehicles, one trailer, and various other personal vehicles on the Property in compliance with the Ordinance, Court Order, and Variance.

It is critical to note that the Cease and Desist fails to provide 1) the number of vehicles and/or trailers located on the Property in violation of the Variance; 2) whom the vehicles belong to or whether the vehicles are personal vehicles, invitee vehicles, or business vehicles; 3) where the vehicles are parked on the Property as related to setbacks and driveways or any property feature; and 4) copies of the complaints referenced in the Cease and Desist regarding the Variance or Ordinance violations.

b. Landscaping Materials.

The Applicant is in compliance with the landscaping material limitations on the Property.

The Variance prohibits landscaping materials from being dumped or stored outside on the Property. These limitations apply to landscaping materials used in the course of the Applicant's business and do not apply to personal landscaping materials.

Currently, no landscaping materials—other than personal materials (such as mulch being used by Mr. Floyd to beautify his Property) are located on the Property. Pursuant to the minutes

⁷ Court Order at 2.

⁸ Cease & Desist at 1.

⁹ Id.

from the June 25, 2009 variance hearing, Mr. Floyd represents, and the ZBA acknowledged, that personal landscaping materials were stored outside on the Property.

2) The addition of snow plows to business vehicles does not constitute an “expanded use of [] Property.”¹⁰

The Variance specifically allows four “business vehicles,” and makes no reference to allowing a specific business use at the Property.¹¹ In fact, the Variance and related minutes, fail to reference size, weight, make, model, or feature of a business vehicles. Additionally, the Variance and related minutes, fail to distinguish or include any language related seasonal parking, seasonal use of the Property or seasonal business.

Accordingly, the scope of the variance and any violation thereof is limited to the stipulations contained in the Variance and the subsequent Court Order, allowing the Applicant to park four business vehicles on the Property, regardless of whether they include plowing or ancillary equipment of any sort, and regardless of when such vehicles are operated.

IV. RELIEF REQUESTED

Pursuant to NH RSA 676:5, the Applicant respectfully requests the ZBA:

1. Find that the Applicant is not in violation of the Ordinance, Court Order, or Variance; and
2. Grant any and all relief necessary to affect the aforementioned request.

Please do not hesitate to contact me with questions or concerns at josh@brutonlaw.com or 603-749-4529.

Sincerely,



Joshua P. Lanzetta, *Esq.*

Enclosures

¹⁰ *Cease & Desist* at 1.

¹¹ *NoD* at 1.

Hudson Town Hall
Hudson Zoning Board
12 School Street
Hudson, NH 03051

A 43

FEES:	14-44
SURCHARGE:	2-
CASH:	✓

Town of Hudson
Zoning Board of Adjustment

Decision to Grant a Use Variance

On **6/25/09**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 175-019**, concerning a request by **Chris Floyd, 78 Highland Street, Hudson**, for a Use Variance to allow a mixed use on the property. [Map 175, Lot 019, Zoned TR; HZO Article V, Section 334-20, Permitted Uses and Section 334-10, Mixed or dual use on a lot.]

Following review of the testimony and deliberation, a majority of the members of this Zoning Board voted that the variance should be granted with the following stipulations:

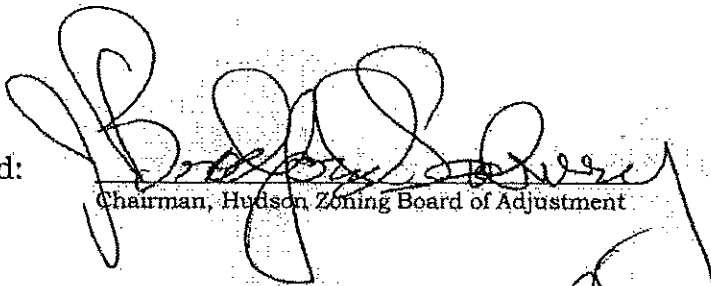
1. Parking of four business vehicles and one trailer only is allowed; any expansion of that use would have to come back before the Zoning Board of Adjustment.
2. No landscape material is to be dumped on this property.
3. No outside storage of landscaping materials.

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

All representations of fact or intention made by the applicant or any applicant's representative(s) during testimony before the Zoning Board of Adjustment relative to the obtaining of this Variance permit shall be considered conditions of the Variance, regardless of the fact that such

facts or intentions may not have been specifically stated as stipulations of the motion to grant.

In the event that the requested use subsequently is found by the Hudson Zoning Administrator to demonstrate deliberate or preventable lack of compliance with any applicable stipulation or restriction, including the verbally specified restrictions described in the preceding paragraph, such use shall be held to be in violation of the covenant made with the Board, and corrective action(s) will be enforced under N.H. R.S.A. 676:17, Fines and Penalties, which allows a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue, as well as recovery of costs and reasonable attorney's fees.

Signed: 
Chairman, Hudson Zoning Board of Adjustment Date: 7-29-09

Signed: 
Zoning Administrator Date: 7-24-09

TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

Applicant: Chris Floyd

Case # 175-019

Address: 78 Highland Street

Date: 6/25/09

Type of Appeal: Use Variance

<u>Sitting Members</u>	<u>Attendance</u>	<u>Members</u>	<u>Roll Call</u>
X	P	J. Bradford Seabury, Chairman	NTG
X	P	Maryellen Davis	2 TG
	P	Bill McInerney	
		James Pacocha	
X	P	Michael Pitre	TG
		Marilyn McGrath, Alt.	
X	P	Normand Martin, Alt.	1 TG
		Kevin Houle, Alt.	
X	P	Donna Shuman, Alt.	TG

Motion: To Grant with

① Use variance to allow parking of business vehicles only, any expansion of this use needs to come back to the Zoning Board for approval

4-1 Motion Granted.

② No landscape material is to be dumped on this property

③ No outside storage of landscaping materials.

KEY

A	- Absent	TG	- To Grant	TR	- To Rehear
P	- Present	NTG	- Not To Grant	NTR	- Not to Rehear
E	- Excused	TD	- To Deny	1	- Maker of Motion
SD	- Member Stepped Down	NTD	- Not to Deny	2	- Individual Seconding the Motion

**HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes
June 25, 2009**

Mr. Pitre	To deny
Ms. Shuman	To deny
Mr. Seabury	To deny

Chairman Seabury declared that the decision having been five votes to deny the Use Variance, the motion had carried.

Chairman Seabury then declared a break at 8:40pm, calling the meeting back to order at 8:44pm.

3. **Case 175-019 (6/25/09):** Chris Floyd, 78 Highland Street, Hudson, NH, requests a Use Variance to allow a landscape business within the TR Zoning District and to allow a mixed use on the property. [Map 175, Lot 019, Zoned TR, HZO Article V, Section 334-20, Permitted Uses and Section 334-10, Mixed or Dual Use on a lot.]

Clerk Martin read aloud the posted notice, as recorded above.

Chairman Seabury read aloud a letter from the applicant's abutters, addressed to the Zoning Board of Adjustment, dated June 23, 2009, as follows:

We are writing collectively as residents of the Highland Street area which abuts 78 Highland Street/First Choice Landscaping, LLC. Since the business began operating there has been no negative impact including: no increased traffic flow, no disruption in traffic flow patterns, or any increase in noise disturbance. The location of 78 Highland Street merely houses the landscaping equipment so there is no disruption at all during the days, nights, or weekends.

**HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes
June 25, 2009**

Unlike other businesses, no business is conducted out of the 78 Highland Street dwelling therefore the impact for abutters is obsolete. The owner and operator of First Choice Landscaping, LLC, Christopher Floyd has demonstrated great consideration, reverence, and respect to all of his abutting neighbors. We all have no issues or reservations about First Choice Landscaping, LLC continuing to function the way it always has. Below are the official signatures of all direct abutting property owners.

Signed,

Robert and Diane Pelkey – 73 Highland Street

Mr. & Mrs. Richard E. Germain – 75 Highland Street

Mr. & Mrs. John Walsh – 76 Highland Street

Chairman Seabury asked who was present to speak in favor with regard to the application.

Mr. Christopher Floyd and Mrs. Christine Floyd, the applicants, addressed the Board, stating that they were requesting permission to park vehicles on the back portion of the property.

Mrs. Floyd read aloud from the Application for a Use Variance as summarized below:

- 1. The zoning restriction of the cited ordinance interferes with the plaintiff's reasonable use of the property because the property had been a catering business for over thirty years and a variance was granted for a childcare facility in 2004.*
- 2. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific*

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes
June 25, 2009

restriction on the property because the applicant wanted to park a total of four trucks on the property.

3. No diminution in the value of surrounding properties would occur because nothing on the property would change except the parking of four vehicles and storing some landscaping equipment in a trailer.

4. The proposed use will not be contrary to the public interest because the parking area is in the rear of the business and would not intrude on anyone else's property.

5. Granting the variance would do substantial justice because it would enable three people to keep their jobs and allow our neighbors to have a landscaper for their homes. It would also allow the property to remain a business.

Chairman Seabury asked if there were anyone else present who wished to speak in favor with regard to the application. No one else came forward.

Chairman Seabury asked if there were anyone present who wished to speak in opposition or neutrally with regard to the application. No one came forward.

Chairman Seabury declared the matter before the Board.

Chairman Seabury asked the applicant to testify that the only request was to park four vehicles and store equipment in a trailer on the lot. The applicant testified that was the only request and the trailer was an enclosed trailer that was 20 x 8½ feet in size. He further testified that the trailer housed tools such as hand tools, blowers, weed-wackers, and lawn mowers.

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes

June 25, 2009

Chairman Seabury asked why the landscaping materials needed for the business were not stored on the applicant's property. Mr. Floyd replied that any and all materials were shipped directly to the job site. Mr. Floyd further replied that any materials stored on his property were used for his personal use.

Mr. Martin asked if the business would require a Home Occupation Special Exception. The applicant replied that there was no aspect (aside from bookkeeping) of the business operating out of the home.

Mr. Martin asked the applicant if the dirt path located on the property was used to gain access to the backyard. Mr. Floyd replied that it was being used and that PSNH had been contacted about the possibility of using that dirt path as a right-of-way.

Ms. Davis asked if the dirt path was considered a second driveway. The applicant replied that it was not because he did not own the dirt path. Chairman Seabury commented that although the applicant did not "own" it, the applicant was still "using it."

Mr. Oleksak informed the applicant that Mr. John Cashell, Town Planner for the town should be contacted for further information regarding the dirt path which was being used as a makeshift driveway.

Mr. Oleksak asked the applicant where the yard waste was dumped. Mr. Floyd replied that although he used to dump the waste in his backyard, that presently the waste was dumped at Regis Landscaping in Hudson, NH.

Mr. Pitre asked the applicant to clarify how many employees there would be. Mr. Floyd replied that the company's employees consisted of himself and two other employees.

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes
June 25, 2009

Mr. Martin made a motion to approve the request for the Use Variance with the following stipulations:

- 1. That the approval of the Use Variance is limited to allow for the parking of four landscape business vehicles and one trailer and any further expansion to the use or business would require ZBA approval.*
- 2. No landscaping material is allowed to be dumped on the property.*
- 3. No outside storage of landscaping material that is used for the business is allowed.*

Ms. Davis seconded the motion.

Mr. Martin, speaking on his motion, stated that he felt it was a good use for the property and there was no negative abutter testimony.

Ms. Davis, speaking on her second, stated that she felt the request met the criteria of the ordinance, there was no negative abutter testimony, and there was actually positive abutter testimony.

VOTE: Chairman Seabury asked the Clerk to poll the Board on the motion to approve the request for a Use Variance, with the noted stipulations, and to record the members' votes, which were as follows:

Mr. Martin	To approve
Ms. Davis	To approve
Mr. Pitre	To approve
Ms. Shuman	To approve
Mr. Seabury	To deny

Return to:
Tarbell & Brodich, P.A.
45 Centre Street
Hudson, NH 03301

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH
Southern Judicial District

SUPERIOR COURT

Town of Hudson

v.

Rene P. Joyal, Christopher W. Floyd, Jr., and Christine R. Floyd

Docket No. 226-2019-CV-00260

Final Order

The matter before the Court involves a Petition for Preliminary and Permanent Injunction to Enjoin Zoning Ordinance Violations brought by the Petitioner, Town of Hudson ("Hudson"), against the Respondents, Rene P. Joyal, Christopher W. Floyd, Jr., and Christine R. Floyd, owners of the property located at 78 Highland Street, Hudson, NH, which is further identified in reference to the Hudson Tax Maps as Map 175, Lot 019 ("Property"). The case was scheduled for a temporary hearing on May 14, 2019. By agreement of the parties, the Court hereby enters the following Final Order, and finds and rules as follows:

1. The Property is located in the Town Residence ("TR") Zoning District according to the Hudson Zoning Ordinance ("HZO").
2. The zoning violations complained of involve the parking of motor vehicles and trailers utilized in a business, First Choice Landscaping, LLC, as well as, storage of materials utilized in that business, contrary to HZO § 334-20, HZO § 334-21, HZO § 334-15, and the terms and conditions of a variance approved by the Hudson Zoning Board of Adjustment ("ZBA"), which was approved by the ZBA on June 25, 2009, and is recorded at the Hillsborough County Registry of Deeds at Book 8135, Page 1393.

3. Specifically, the commercial use of the Property in the TR Zone is expressly prohibited, except as provided by the variance granted by the ZBA. The variance only permits parking of four (4) business vehicles and one (1) business trailer, in the locations permitted by the variance. No storage of materials is permitted by the variance. The variance prohibits any expansion of the business or commercial use of the Property without further ZBA approval.

4. The Court hereby finds and rules that the Respondents have utilized the Property in violation of the HZO and the variance granted by the ZBA by allowing the parking and storage of seven (7) business vehicles, two (2) pieces of heavy equipment (backhoes), four (4) business trailers, and two (2) piles of materials utilized in the business.

5. The Respondents are hereby permanently enjoined from any future utilization of the Property in violation of the HZO and the June 25, 2009 variance granted by the ZBA. Any expansion of the commercial or business use of the Property is prohibited without the approval from the ZBA.

6. As of the date of this Final Order, the Respondents have complied with the foregoing permanent injunction.

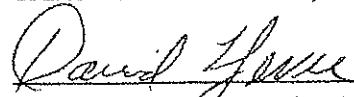
7. Pursuant to RSA 676:17, I (b), the Respondents are subject to civil fines and penalties of \$275.00 per day for first offenses and \$550.00 per day for second offenses, for each day the zoning violations continued, commencing February 1, 2019, which is the date the Respondents first received notice of the potential civil fines and penalties. By agreement of the parties, the imposition of civil fines and penalties against the Respondents is to be withheld, provided that, the Respondents comply with this Final Order. In the event that the Respondents fail to comply with this Final Order, the Town of Hudson may bring the matter forward for a further hearing for purposes of assessment of civil fines and penalties.

8. Pursuant to RSA § 676:17, II, the Respondent is ordered to reimburse the Town's costs and legal fees incurred in this legal action in the amount of \$1,845.00. Respondent shall tender payment directly to the Town of Hudson..

9. This Final Order may be recorded at the Hillsborough County Registry of Deeds and shall constitute a lien against the Property until the judgment is paid in full.

Town of Hudson,
By and through its attorneys,
TARBELL & BRODICH, P.A.

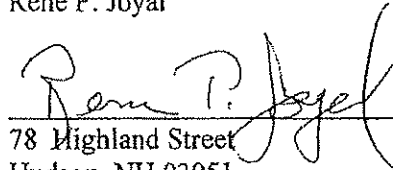
Dated: 5/14/19



By: David E. LeFevre, Esq. BNH #13811
45 Centre Street
Concord, New Hampshire 03301
(603) 226-3900

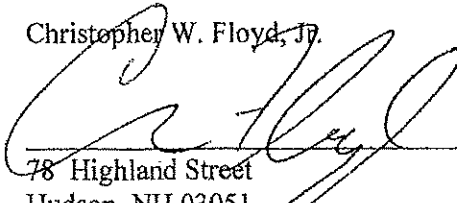
Rene P. Joyal

Dated: 5/13/19


78 Highland Street
Hudson, NH 03051

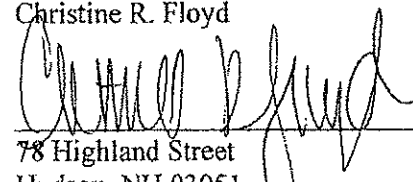
Christopher W. Floyd, Jr.

Dated: 5/13/19


78 Highland Street
Hudson, NH 03051

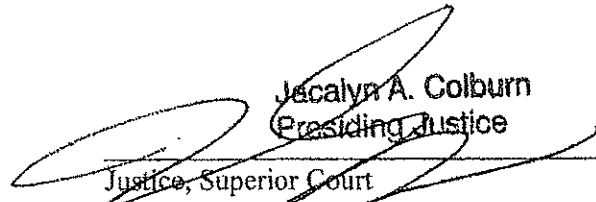
Christine R. Floyd

Dated: 5/13/19


78 Highland Street
Hudson, NH 03051

So ordered.

Dated: 5/14/19


Jacalyn A. Colburn
Presiding Justice
Justice, Superior Court

Clerk's Notice of Decision
Document Sent to Parties
on 05/14/2019



TOWN OF HUDSON

Land Use Division



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

Notice of Violation of ZBA Approval for Use Variance Cease and Desist

May 18, 2020

Certified 7018 2290 0001 3001 3188
and USPS 1st class

Rene P. Joyal & Christopher W. Floyd
78 Highland Street
Hudson, NH 03051

c/o Christine Floyd

Re: **78 Highland Street Map 175 Lot 019-000**
District: Town Residence (TR)

Your property located at 78 Highland Street ("Property") is being used in violation of the Hudson Zoning Ordinance ("Zoning Ordinance") and the terms and conditions of a variance granted by the Hudson Zoning Board of Adjustment ("ZBA") on June 6, 2009, Case 175-019. Specifically, there is "expanded" use of the Property not allowed under the Zoning Ordinance, as the ZBA granted a limited use variance to permit the parking of four (4) business vehicles and the parking of one (1) business trailer, per the plans submitted and the representations made to the ZBA. The variance approved, requires that there be no expansion of that use without approval of the ZBA, that there be no landscaping material dumped on the property, and there be no outside storage of materials.

I find you in violation of the 2009 variance granted by the ZBA:

We have received numerous complaints that this property use has expanded to include snow removal operations as well as ongoing landscaping business. Snow removal is a type of "expansion" from the original approval that needs new and additional ZBA approval as required in the 2009 ZBA conditions of approval.

The original use variance was for the parking/storage of 4 (landscaping) vehicles and (1) 20'x 8-1/2' enclosed trailer w/equipment.

From the minutes "...requesting permission to park vehicles on the back portion of the property", There is no mention as to winter snow removal operations. The current use has expanded into a year round operation with snow removal operations occurring: meaning that trucks are leaving the property and coming back not on usual landscaper hours but any hours of the day/night. Furthermore the applicant testified in the minutes as to the equip being typical lawn care

Within thirty (30) days of receipt of this Order you may appeal this decision to the ZBA pursuant to Zoning Ordinance § 334-81.

equip/tools. Based on the facts above, the owner has expanded the use variance previously granted by the ZBA, and is now in violation of the stipulation granted requiring future and/or further ZBA approval for any expansion.

In addition to the expansion of use noted above, this property is also in violation(s) of the Town of Hudson Zoning Ordinance, specifically:

334-10 mixed or dual use on lot.

There is a residential use and a commercial use beyond what was permitted by variance, (was for parking, not operation of business).

334-21 Table of permitted uses.

A contractor's yard or landscaping business (E-10) is not a permitted use in the TR zone in which this lot is located.

334-13 junkyards prohibited; outdoor storage.

Outdoor storage of landscaping refuse has occurred on this lot (B-2).

334-15 Parking

There is parking in the front yard setback on this lot (A-3). In the rear of the lot, commercial vehicles are parked within the side yard setback (A-3). These parking areas are not paved (A-1).

334-16.1 Site plan approval

A new use has commenced on this lot without site plan approval from the Planning Board.

Article IX Wetland Conservation District:

334-34 Definitions

There is encroachment within the 50 foot wetland buffer on this lot.

334-35 Uses within Wetland Conservation District

Operation of a landscaping & snow removal business not a permitted use within the district.

334-35 Uses within Wetland Conservation District

The uses within the wetland buffer have not received Conditional Use Permit by the Planning Board.

334-35 Uses within Wetland Conservation District

Construction activity is expressly prohibited in wetlands and the district unless a Conditional Use permit has been issued by the Planning Board, construction activity has occurred in the wetland and wetland buffer.

334-38 Special Provisions.

The aggregate disturbance of wetland areas may be in excess of 1,000 sq ft, requiring compensatory wetland mitigation.

ORDER:

You are hereby ordered to cease and desist any and all illegal and unpermitted uses of the Property immediately.

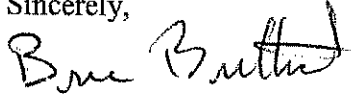
You are required to show compliance with the 2009 ZBA use variance, and apply to the ZBA for change of use variances for the expanded use and to correct violations currently occurring on this property by **June 25, 2020.**

Within thirty (30) days of receipt of this Order you may appeal this decision to the ZBA pursuant to Zoning Ordinance § 334-81.

Please be aware that should you fail to comply with this Order, the Town could seek a Contempt of Court Order against you for violation of the Superior Court Final Order # 226-2019-CV-00260 issued May 14, 2019.

Furthermore, pursuant to RSA § 676:17, you shall be subject to civil fines and penalties of \$275.00 for the first offense, and \$550.00 for subsequent offenses, for each day that the violations continue, and reimbursement of the Town's costs and reasonable attorney's fees actually expended in pursuing legal action.

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: 6/25/09 ZBA Notice of Decision

cc: Public Folder

B. Groth – Town Planner

File

Within thirty (30) days of receipt of this Order you may appeal this decision to the ZBA pursuant to Zoning Ordinance § 334-81.



TOWN OF HUDSON

Land Use Division



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

Stay of Enforcement and Extension

June 26, 2020

USPS 1st class

Rene P. Joyal & Christopher W. Floyd
78 Highland Street
Hudson, NH 03051

c/o Christine Floyd

Re: 78 Highland Street Map 175 Lot 019-000
District: Town Residence (TR)

Per your email request of Wednesday June 24, 2020 requesting an extension on:
the Notice of Violation of ZBA Approval for Use Variance/Cease and Desist order dated 5-18-2020.

Your request for additional time to allow you more time to prepare for an appeal of an Administrative Decision to the Zoning Board of Adjustment, has been granted.
Deadline for application submission is Aug 1, 2020.

Sincerely,

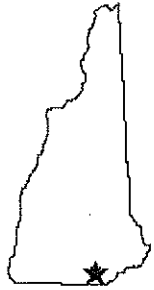
Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: 5-18-2020 Notice of Violation – Cease and Desist
cc: Public Folder
B. Groth – Town Planner
File



TOWN OF HUDSON

Land Use Division



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

2nd Stay of Enforcement and Extension

August 5, 2020

USPS 1st class

Joshua Lanzetta, Esq.
Brunton & Berube, PLLC
601 Central Avenue
Dover, NH 03820

Re: 78 Highland Street Map 175 Lot 019-000
District: Town Residence (TR)

Per your phone & email request of Wednesday July 27 & 28, respectively, requesting an extension to prepare an Appeal of Administrative Decision:

Notice of Violation of ZBA Approval for Use Variance/Cease and Desist order dated 5-18-2020.

Your request for additional time to allow you time to prepare for an appeal of an Administrative Decision to the Zoning Board of Adjustment, has been granted.

Deadline for application submission is Aug 11, 2020.

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: 5-18-2020 Notice of Violation – Cease and Desist

cc: Public Folder

Owner

B. Groth – Town Planner

File

July 21, 2020

Germaine D. Germain
75 Highland Street
Hudson, NH 03051
603-566-6255

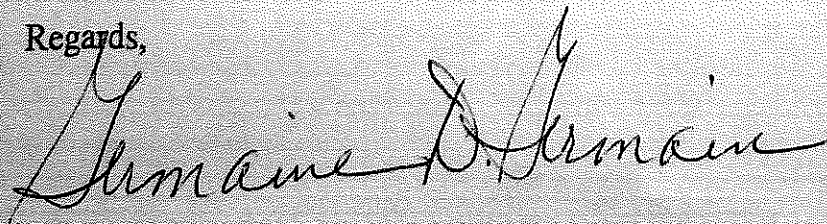
Town of Hudson
Attention: Zoning Board (ZBA)

To whom this may concern,

I am writing to clarify some misinformation that has been reported regarding the daily operations of First Choice Landscaping, LLC, located at 78 Highland Street. My family has resided DIRECTLY across the street at 75 Highland Street from 1987 to present day in 2020. I can concur there are absolutely NO disruptions or disrespect for town ordinances that are in affect by the day to day seasonal operations of First Choice Landscaping, LLC. I attest that the equipment is maintained and has NEVER been a nuisance. Also the day to day operations DOES NOT in any way, shape, or form cause disruption to my families quality of life. Please note I reside directly across the street and do not have one criticism about anything that occurs during the said businesses hours of operation.

In fact the property at 78 Highland Street has historically had a business operating out of it since we purchased our property in 1987. The said property has ALWAYS been properly maintained and has NEVER been a cause for concern for myself or family. Also there is no impact or disruption of the peace by any equipment used by First Choice Landscaping LLC. I would like to reiterate that I live directly across from the said property, and do not have ANY criticism of the operation of First Choice Landscaping LLC

Regards,

A handwritten signature in cursive script that reads "Germaine D. Germain". The signature is written in dark ink and is positioned above the printed name.

Germaine D. Germain

7/28/2020

To Whom it may concern,

I, Geoffrey MacGillivray, homeowner of 76 Highland Street, Hudson, NH 03051 have no issues or complaints regarding any of the residents of the surrounding neighboring dwellings; Specifically speaking of the residents of 78 Highland St. Hudson, NH.

The Floyd family have been great and welcoming neighbors since my family and I arrived in Hudson a couple years ago. The family business that is run by the Floyd family has been extremely respectful to the neighborhood. Many times they have assisted my family and I when we needed help. Rarely, if ever do I hear equipment or trucks associated with the business. I feel Mr. Floyd conducts a respectful business and that policy is followed through as well by his employees.

Geoffrey MacGillivray

76 Highland St.

Hudson, NH

03051

MAP LOT SUB

CARD

Hudson

APPRAISED: 373,200 / 373,2
USE VALUE: 373,200 / 373,2
ASSESSED: 373,200 / 373,2



Patriot Properties Inc

PROPERTY LOCATION

Table with columns: No, Alt No, Direction/Street/City. Value: 78, HIGHLAND ST, HUDSON

MEMBERSHIP

Table with columns: Owner Name, Address, City, State, Zip, Type. Owners: JOYAL, RENE P., FLOYD, CHRISTOPHER W., JR.

PREVIOUS OWNER

Table with columns: Owner Name, Address, City, State, Zip, Type. Owners: JOYAL, RENE P., FLOYD, CHRISTOPHER W., JR.

BRIEF DESCRIPTION

Parcel contains 1.948 ACRES of land mainly classified as E FAMILY with a COLONIAL Building built about 1996, containing primarily VINYL Exterior and 2296 Square Feet, with 1 1/2 Baths, 0 3/4 Bath, 1 HalfBath, 8 Rooms, and 5 Bdrms.

PAST ASSESSMENTS

Table with columns: Asses'd Value, Description, Amount, Com. Int.

PROPERTY FACTORS

Table with columns: Code, Description, Item, Code, Description, Exempt, Flood Haz, Topo, Street, Gas.

LAND SECTION (First 7 lines only)

Table with columns: Parcel No, Description, LUC, No of Units, Depth/Price/Units, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Infru, Neigh Mod, Infr 1 %, Infr 2 %, Infr 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, Legal Description, User Acct, GIS Ref, Entered Lot Size, Total Land, Land Unit Type.

PREVIOUS ASSESSMENT

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

SALES INFORMATION

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

BUILDING PERMITS

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

ACTIVITY INFORMATION

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

Sign: VERIFICATION OF VISIT NOT DATA

Summary table with columns: Total AC/HA, Total SF/SM, Parcel LUC, ONE FAMILY, Prime NB Desc, RES AVG, Total, Spl Credit, Total.

Type:	06 - COLONIAL
Sty Ht:	2 - TWO STY
iv) Units:	1 Total: 1
oundation:	1 - CONCRETE
Frame:	1 - WOOD
ime Wall:	04 - VINYL
Sec Wall:	
of Struct:	1 - GABLE
of Cover:	1 - ASPH SHING
Color:	TAN
w / Desir:	

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

2007 CHANGE - REMOVE CARD 2 OF 2 AND ADD GAR/SHOP TO OUTBUILDINGS/ 2009 received variance for landscaping business, First Choice Landscaping./See court order 2019, Book # 9167 pg #2894. 10/19 EXT=AVG. ADJ TO POWERLINES.

OTHER FEATURES			
Kits:	1	Rating:	GOOD
A Kits:		Rating:	
Frpl:		Rating:	
WSFlue:		Rating:	

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

DEPRECIATION			
Phys Cond:	AG - Avg-Good		24.9%
Functional:			
Economic:			
Special:			
Override:			
Total:			24.9%

CALC SUMMARY			
Basic \$ / SQ:	94.00		
Size Adj.:	0.89198607		
Const Adj.:	0.97755003		
Adj \$ / SQ:	81.964		
Other Features:	13500		
Grade Factor:	1.20		
NBHD Inf:	1.00000000		
NBHD Mod:			
LUC Factor:	1.00		
Adj Total:	280459		
Depreciation:	69834		
Depreciated Total:	210625		

RESIDENTIAL GRID												
1st Res Grid:	Desc:	CONV	# Units:	1								
Level:	FY	LR	DR	D	K	FR	RR	BR	FB	HB	L	O
Other:												
Upper:												
Lvl 2:												
Lvl 1:												
Lower:												
Totals:	RMs:	8	BRs:	5	Baths:	2	HB:	1				

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

RES BREAKDOWN				
No Unit:	RMS:	BRS:	FL:	
1:	8:	5:	M:	
Totals				
1:	8:	5:		

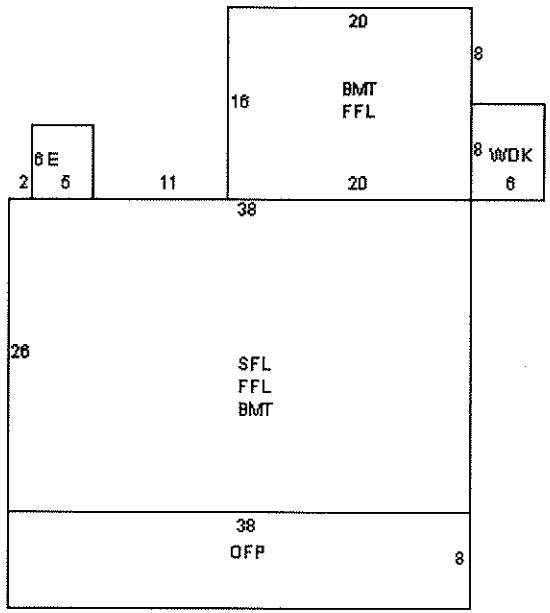
GENERAL INFORMATION	
Grade:	B- - GOOD/AVG
Year Bilt:	1996
Eff Yr Bilt:	
It LUC:	
Alt %:	
Insdict:	
Fact:	
Const Mod:	
Lump Sum Adj:	

EXTERIOR INFORMATION	
avg Ht/FL:	STD
m Int Wal:	1 - DRYWALL
o Int Wal:	
Partition:	T - TYPICAL
m Floors:	04 - CARPET
oc Floors:	05 - LINO/VINYL 25%
3smnt Flr:	12 - CONCRETE
Subfloor:	
3smnt Gar:	
Electric:	3 - TYPICAL
nsulation:	2 - TYPICAL
Int vs Ext:	S -
feat Fuel:	2 - GAS
eat Type:	3 - FORCED HW
Heat Sys:	1
% Heated:	100
% AC:	0
olar HW:	NO
Central Vac:	NO
Com Wal:	% Sprinkled

MOBILE HOME	
Make:	
Model:	
Serial #:	
Year:	
Color:	

EXTRA FEATURES/YARD ITEMS

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
	GARAGE	D	Y		1 20 X 22	AV	AV	1960	36.76	T	40	101			9,700			9,700
	SHOP	D	Y		1 20 X 38	AV	AV	1960	25.57	T	40	101			11,700			11,700
	POOL-AG/OV	D	Y		1 16X24	AV	AV	2009	0.00	T	12	101						
	POOL DECK	D	Y		1 460	AV	AV	2010	0.00	T	0	101						
	GARAGE	D	Y		1 28X40	AV	GD	2015	29.79	T	1.6	101			32,800			32,800
	LEAN-TO	D	Y		1 24X24	FR	FR	2019	4.85	T	60	101			1,100			1,100



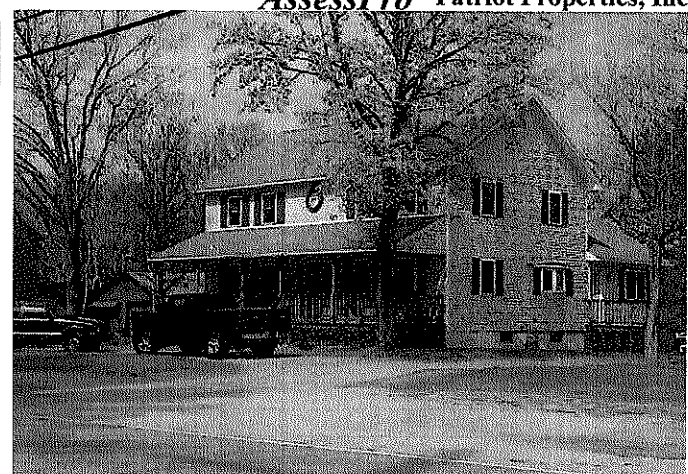
SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	
BMT	BASEMENT	1,308	16.880	22,085	
FFL	FIRST FLOOR	1,308	81.960	107,209	
SFL	SECOND FLR	988	81.960	80,981	
OFF	OPEN PCH	304	27.750	8,437	
WDK	WOOD DECK	48	28.760	1,380	
ENT	ENTRY	30	4.100	123	
Net Sketched Area:		3,986	Total:	220,215	
Size Ad	2296	Gross Area	3986	FinArea	2296

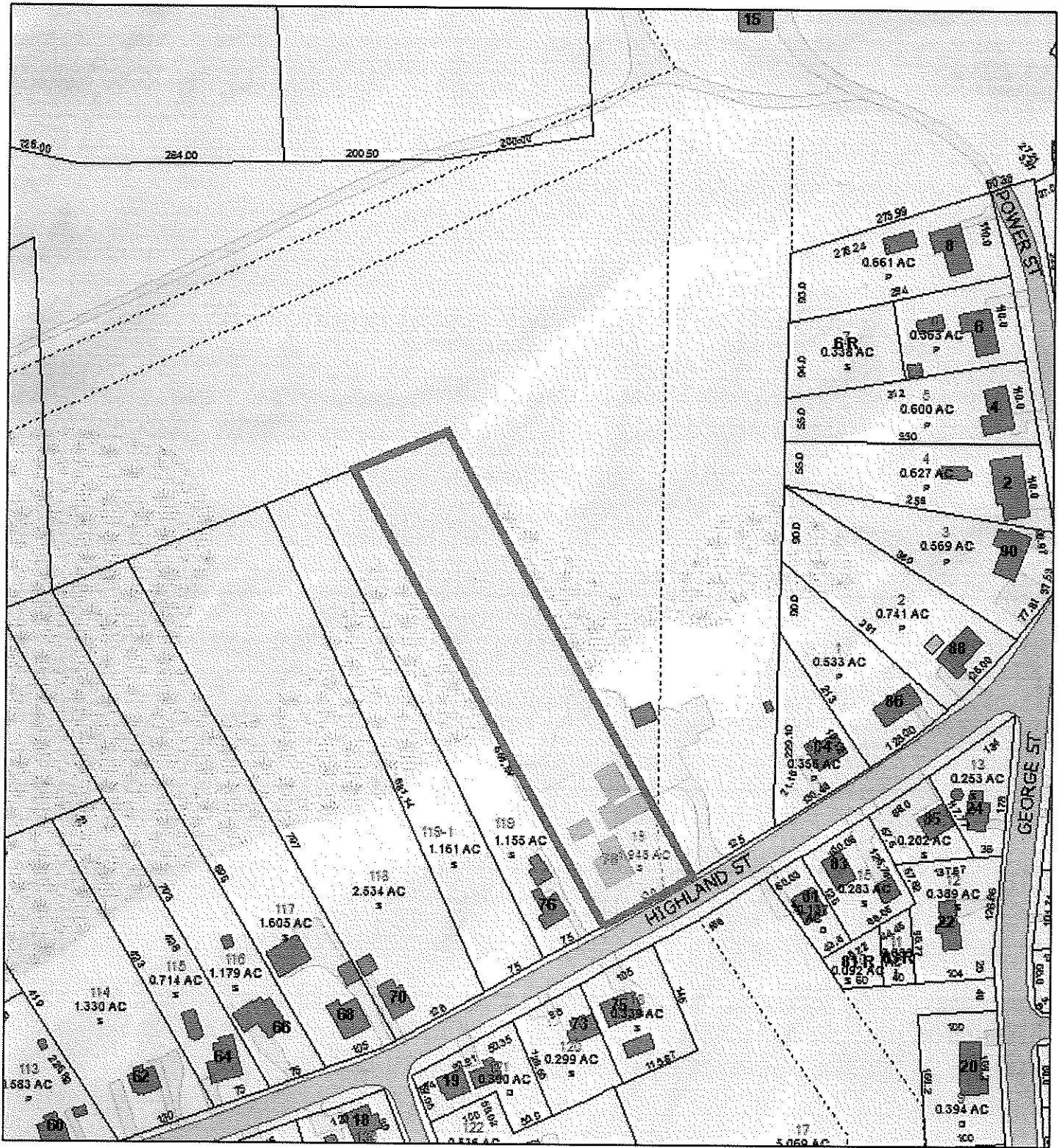
SUB AREA DETAIL

Sub Area	% Usbl	Descrp	% Type	Qu	#1
BMT	100	RRM	20	AV	

IMAGE



78 Highland Street 9Map/Lot 175-019-000)

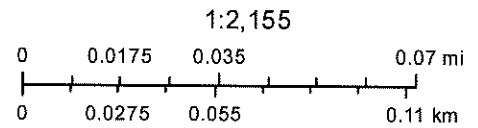


August 10, 2020

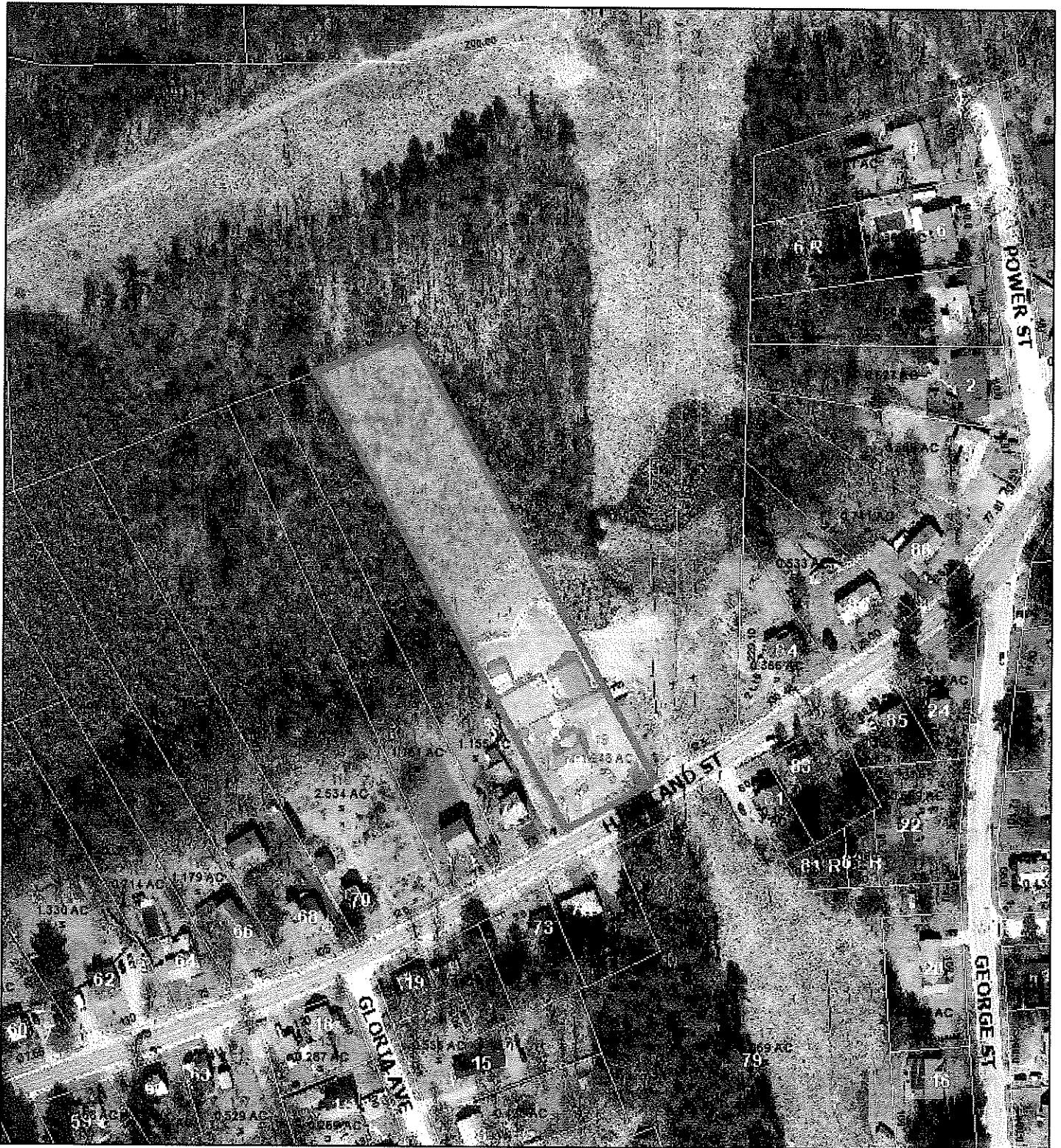
Legend

----- Easement_Lines

▭ Parcels



78 Highland Street (Map/Lot 175-019-000)



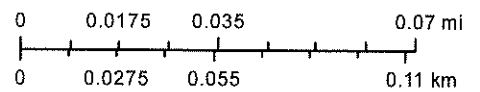
August 10, 2020

Legend

Parcels - Aerials

Parcels

1:2,155



Printed
8/11/2020
11:14AM
Created
8/11/2020
11:09 AM

Transaction Receipt

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

Receipt# 607,737
publicw

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-ZBA 78 Highland Street Map/Lot 175-019-000 Appeal Admin Decisio	0.00	154.9000	0.00
			Total:	154.90

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
LANZETTA/JOSHUA	CREDIT	4998	154.90	0.00	154.90
			Total Due:		154.90
			Total Tendered:		154.90
			Total Change:		0.00
			Net Paid:		154.90

Attachment "A" [~~8-27-2019-26-19~~] Edited from 8-13-20 mtg **Chairman's introduction/order of business**

Good evening ladies and gentlemen. Welcome to the (Date) Hudson Zoning Board of Adjustment. I call this meeting to order (state the time).

If you could please stand and join me in the Pledge of Allegiance

We will proceed with cases in the order they appear on tonight's agenda unless the Board deems it appropriate to take a case out of order. No new case will be heard after 11:00pm. Any carryover cases will be heard at the next carryover meeting usually the 2nd Thursday. State law and local ordinances set out the criteria that must be met in order for this Board to grant a request before the Board. These minimum requirements are outlined on application forms in the Town's Land Use Office. Applicants should proceed with this format to provide adequate justification for the Board to grant their request.

The Chairman will open the Hearing to hear testimony either for or against the request. The order of testimony will first be the applicant presenting their case as why it should be approved; next testimony from those supporting the applicant will be heard; and last will be testimony from those either neutral to or against the proposed case. If necessary a second round of testimony will be heard to respond to those in opposition and subsequent rebuttal.

All discussions will be between the applicant and the Board. Please be respectful of all and in interest of time refrain from repeating previous testimony. New documentation will be accepted by the Board for consideration this evening, but may cause the case to be continued or deferred. The Board reserves the right to ask for additional testimony at anytime.

After hearing the facts from all parties the Chairman will close the public hearing and the Board will deliberate and vote either to approve, deny or defer the request before moving on to the next case.

The Selectman's Liaison may participate in Board discussion, but does not

participate during deliberation or vote on the case.

Handouts are at the back of the room: consisting of the agenda for tonight, and re-hearing request for those that feel aggrieved and wish to appeal any decision the Board may have made. Please be aware of the 30 day time period.

All those that wish to speak are asked to come either to the lectern or the adjacent table, speak clearly, state your name and address. Please spell your last name for the recorder.

Before we begin a few housekeeping items:

- Turn off your cell phones
- There is no smoking in the building
- Please refrain from talking amongst yourselves as it distracts from hearing the testimony of the case

Will the Clerk please call for attendance