

TOWN OF HUDSON

Zoning Board of Adjustment

Charlie Brackett, Chairman Marilyn E. McGrath, Selectmen Liaison

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

MEETING AGENDA – October 22, 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, October 22, 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, October 22, 2020; or 2) Mail by October 19, 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 152-001 (10-22-20): Christopher Porembski, 22 Mallard Dr., Hudson, NH requests a Home Occupation Special Exception to operate an internet sales of firearms business that requires a Federal License. Occasional face to face sales/transactions will be on site. [Map 152, Lot 001-000; Zoned General One (G-1); HZO Article VI, Special Exceptions, §334-24, Home Occupations].
2. Case 247-045-014 (10-22-20): Cody Decker, 11 Lucier Park Dr., Hudson, NH requests a Variance to locate an 8 ft. by 10 ft. shed that encroaches into the side yard setback leaving 3 ft. and into the rear yard setback leaving 5 ft., where 15 ft. is required for both setbacks. [Map 247, Lot 045, Sub lot 014; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].
3. Case 194-004 (10-22-20): Jeffrey Lamothe, 37 Speare Rd., Hudson, NH requests a Home Occupation Special Exception to operate a home office for an online automotive wholesale dealer business/entity. [Map 194, Lot 004-000; Zoned General (G); HZO Article VI, Special Exceptions, §334-24, Home Occupations].
4. Case 191-037 (10-22-20): Kenneth Bishop & Mary Sullivan, 19 B St., Hudson, NH requests a Variance to build a 40 ft. by 22 ft. pavilion that encroaches into the side yard setback leaving 0.6 ft. and rear yard setback leaving 3.6 ft., where 15 ft. is required for both setbacks. [Map 191, Lot 037-000; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].
5. Case 157-001 (10-22-20): Andrea Mastrangelo, 56A Ledge Rd., Hudson, NH requests a Home Occupation Special Exception to operate a home hair salon color studio business in the basement area of the primary residence. [Map 157, Lot 001-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

IV. REQUEST FOR REHEARING:

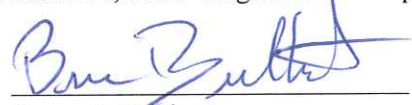
V. REVIEW OF MINUTES:

9/19/20 Site Walk- edited Minutes

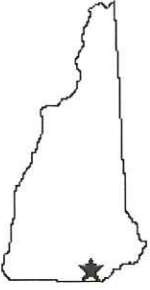
9/24/20 edited Minutes

VI. OTHER:

2020 Virtual Land Use Law Conference- Saturday, October 31, 2020- Registration is Open

A handwritten signature in blue ink, appearing to read "Bruce Buttrick", written over a horizontal line.

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: October 22, 2020 *BB 10-14-20*

Case 152-001 (10-22-20): Christopher Porembski, 22 Mallard Dr., Hudson, NH requests a Home Occupation Special Exception to operate an internet sales of firearms business that requires a Federal License. Occasional face to face sales/transactions will be on site. [Map 152, Lot 001-000; Zoned General One (G-1); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

Property description:

Our records show this is a developed lot of record, existing nonconforming in regards to area (0.998 Acre) and frontage (120 ft) where 2 Acres and 200 ft are required. Residential use.

Zoning Administrator Summary:

Applicant requests a Home Occupation Special Exception for on-line firearms sales.

In-house (Town) review/comments:

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

HISTORY:

Assessing: Listed as Single Family

Attachments:

“A” Assessing record as Single Family.

“B” Fire Dept in house comment.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	225,300	1,800	134,900	1.00	0.00	362,000
2020	101 - ONE FAMILY	225,300	1,800	134,900	1.00	0.00	362,000
2019	101 - ONE FAMILY	225,300	1,800	134,900	1.00	0.00	362,000
2019	101 - ONE FAMILY	225,300	1,800	134,900	1.00	0.00	362,000
2018	101 - ONE FAMILY	225,300	1,800	134,900	1.00	0.00	362,000
2018	101 - ONE FAMILY	225,300	1,800	134,900	1.00	0.00	362,000
2017	101 - ONE FAMILY	225,300	1,800	134,900	1.00	0.00	362,000
2017	101 - ONE FAMILY	187,500	1,700	124,900	1.00	0.00	314,100
2017	101 - ONE FAMILY	225,300	1,800	134,900	1.00	0.00	362,000
2016	101 - ONE FAMILY	187,500	1,700	124,900	1.00	0.00	314,100
2016	101 - ONE FAMILY	187,500	1,700	124,900	1.00	0.00	314,100
2015	101 - ONE FAMILY	187,500	1,700	124,900	1.00	0.00	314,100
2015	101 - ONE FAMILY	187,500	1,700	124,900	1.00	0.00	314,100
2014	101 - ONE FAMILY	187,700	1,200	124,900	1.00	0.00	313,800
2014	101 - ONE FAMILY	187,700	1,200	124,900	1.00	0.00	313,800
2013	101 - ONE FAMILY	187,700	1,200	124,900	1.00	0.00	313,800
2013	101 - ONE FAMILY	187,700	1,200	124,900	1.00	0.00	313,800
2012	101 - ONE FAMILY	187,700	1,200	124,900	1.00	0.00	313,800
2012	101 - ONE FAMILY	212,200	800	167,900	1.00	0.00	380,900
2011	101 - ONE FAMILY	212,200	800	167,900	1.00	0.00	380,900
2011	101 - ONE FAMILY	212,200	800	167,900	1.00	0.00	380,900
2010	101 - ONE FAMILY	212,200	800	167,900	1.00	0.00	380,900
2010	101 - ONE FAMILY	212,200	800	167,900	1.00	0.00	380,900
2009	101 - ONE FAMILY	212,200	800	167,900	1.00	0.00	380,900
2008	101 - ONE FAMILY	212,200	800	167,900	1.00	0.00	380,900
2008	101 - ONE FAMILY	213,300	800	167,900	1.00	0.00	382,000
2007	101 - ONE FAMILY	213,300	800	167,900	1.00	0.00	382,000
2007	101 - ONE FAMILY	238,600	600	134,900	1.00	0.00	374,100
2006	101 - ONE FAMILY	238,600	600	134,900	1.00	0.00	374,100
2006	101 - ONE FAMILY	238,600	600	134,900	1.00	0.00	374,100
2005	101 - ONE FAMILY	238,600	600	134,900	1.00	0.00	374,100
2005	101 - ONE FAMILY	238,600	600	134,900	1.00	0.00	374,100
2004	101 - ONE FAMILY	238,600	600	134,900	1.00	0.00	374,100
2004	101 - ONE FAMILY	205,700	400	99,900	1.00	0.00	306,000
2003	101 - ONE FAMILY	205,700	400	99,900	1.00	0.00	306,000
2003	101 - ONE FAMILY	205,700	400	99,900	1.00	0.00	306,000
2002	101 - ONE FAMILY	205,700	400	99,900	1.00	0.00	306,000
2002	101 - ONE FAMILY	205,700	400	99,900	1.00	0.00	306,000
2001	101 - ONE FAMILY	140,300	0	61,800		0.00	202,100
2000	101 - ONE FAMILY	138,100	2,200	61,800	1.00	0.00	202,100

"A"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 152-001

Property Location: 22 Mallard Dr

For Town Use

Plan Routing Date: 10/06/2020 Reply requested by: 10/09/2020 CZBA Hearing Date: 10/22/2020

I have no comments I have comments (see below)

RMB Name: Robert M. Buxton Date: 10/06/2020
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

Follow all State of NH requirements

"B"

HUDSON ZONING BOARD OF ADJUSTMENT

Home Occupation Special Exception Decision Worksheet

On 10/22/20, the Hudson Zoning Board of Adjustment heard Case 152-001, being a request by Christopher Porembski, 22 Mallard Dr., Hudson, NH, to allow for a Home Occupation Special Exception to operate an internet sales of firearms business that requires a Federal License. Occasional face to face sales/transactions will be on site. [Map 152, Lot 001-000; Zoned General One (G-1); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

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

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

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

Signed: _____
Sitting Member of the Hudson ZBA

_____ Date

TOWN OF HUDSON

SEP 24 2020

Zoning Department

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

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

Case No. 152-001 (10-22-20)

Date Filed 9/24/20

Name of Applicant Christopher Porembski Map: 152 Lot:001-000 Zoning District: G-1

Telephone Number (Home) (603) 880-6804 (Work) (603) 247-6804

Mailing Address 22 Mallard Dr. Hudson, NH 03051

Owner Christopher Porembski

Location of Property 22 Mallard Dr. Hudson, NH 03051 (Street Address)

Signature of Applicant [Handwritten Signature]

Date 9/23/20

Signature of Property-Owner(s) [Handwritten Signature]

Date 9/23/20

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

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

COST:

Application fee: \$130.00
7 Direct Abutters x \$4.05 = 28.35
4 Indirect Abutters x \$0.55 = 2.20
Total amount due: \$160.55

Date received: 9/24/20

Amt. received: \$ 160.55

Receipt No.: 613,260

Received by: [Handwritten Signature: TSG]

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

Engineering Fire Department Health Officer Planner

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>CP</u>	The applicant must provide ¹² 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>CP</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>CP</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, <u>Home Occupation Special Exception</u> , Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>CP</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>CP</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>CP</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>
	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>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>

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 horizontal tick marks on the right side of the list.

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

[Handwritten Signature]

9/23/20

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)

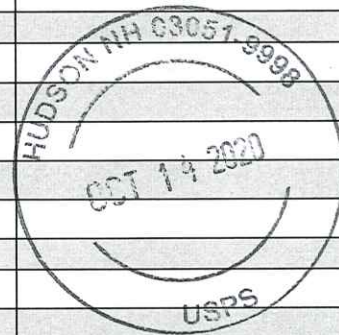
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
151	059-000	Helen Stabler	5387 Anvil Dr Camillus, NY 13031
151	041-000	Thomas Fincher	20 Mallard Dr. Hudson, NH 03051
152	003-000	Vickie Gaffney	115 Barretts Hill Rd Hudson, NH 03051
152	002-000	Gail Tulipani	23 Mallard Dr. Hudson, NH 03051
161	002-000	Richard Lechner	21 Mallard Dr Hudson, NH 03051
161	001-000	Elaine Gentile	19 Mallard Dr Hudson, NH 03051
152	001-100	Christopher Porembski	22 Mallard Dr Hudson, NH 03051

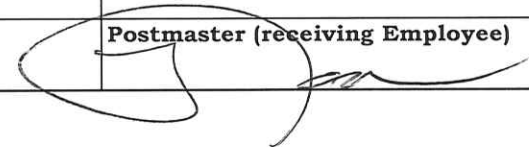
ALL INDIRECT ABUTTERS WITHIN 200 FEET

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
151	040-000	Jesse Ciancetta	18 Mallard Dr. Hudson, NH 03051
152	004-000	Conrad Gaffney <i>Gauthier</i> (76)	113 Barretts Hill Rd. Hudson, NH 03051
161	004-000	Stanley Yost	84 Meeting House Rd Windham, NH 03087
160	078-000	Steven Haime	17 Mallard Dr. Hudson, NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 152-001 Home Occup. Spcl Excep 22 Mallard Dr Map 152/Lot 001-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/22/2020 ZBA Meeting
1	7018 2290 0001 3001 4901	POREMBSKI, CHRISTOPHER M. & ALEXA G. 22 MALLARD DR., HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7018 2290 0001 3001 4918	STABLER, HELEN C. 5387 ANVIL DRIVE, CAMILLUS, NY 13031	ABUTTER NOTICE MAILED
3	7018 2290 0001 3001 4970	FINCHER, THOMAS G. , TR.; FINCHER, SHARON K., TR.; FINCHER REVOCABLE TRUST 20 MALLARD DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7018 2290 0001 3001 4932	GAFFNEY, VICKIE L. & BRIAN 115 BARRETT'S HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7018 2290 0001 3001 4949	INGRAM, RICHARD L.; TULIPANI, GAIL M. 23 MALLARD DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7018 2290 0001 3001 4956	LECHNER, RICHARD P. & DEBORAH J. 21 MALLARD DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7018 2290 0001 3001 4963	GENTILE, ELAINE D. 19 MALLARD DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8			
9			
10			
11			
12			
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



7 

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 152-001 Home Occup. Spcl Excep 22 Mallard Dr Map 152/Lot 001-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/22/2020 ZBA Meeting
1	Mailed First Class	CIANCETTA, JESSE & BARBARA	ABUTTER NOTICE MAILED
		18 MALLARD DRIVE, HUDSON, NH 03051	
2	Mailed First Class	GAUTHIER, CONRAD & JUDITH	ABUTTER NOTICE MAILED
		113 BARRETTS HILL ROAD, HUDSON, NH 03051	
3	Mailed First Class	YOST, STANLEY J. & LAURIE F.	ABUTTER NOTICE MAILED
		84 MEETINGHOUSE ROAD, WINDHAM, NH 03087	
4	Mailed First Class	HAIME, STEVEN E. & CLAUDIA	ABUTTER NOTICE MAILED
		17 MALLARD DRIVE, HUDSON, NH 03051	
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
	Total Number of pieces listed by sender 4	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

TOWN OF HUDSON
 Mailed
 10/14/20
 OCT 14 2020
 (TB)
 Zoning Department

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

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

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

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

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

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

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

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

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

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

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

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

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

My home business, rather a hobby, that requires a Federal License, will be that of providing a service to those that want to proper, legally and in full compliance with state and federal law, dispose of firearms. This business will be primarily internet sales with little or no inventory. Transactions will occur between licensed individuals. Face to face transactions will require background checks via the NH State Police or the FBI.

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

Yes, the residence is primarily my home, the secondary utilizes only a small office space.

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

Only within the residence.

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

There will be no exterior display or any variation from the primarily residential character of the principal building

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

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

There will be no exterior storage

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

There will be no noise, vibrations, dust, smoke, electrical disturbances, odors, heat or glare produced.

Will the traffic generated by the home occupation activity be substantially greater in volume that would normally be expected in the neighborhood? Please explain the expected traffic to your business. As this business proposal is primarily internet there will not be any substantially greater volume of traffic

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

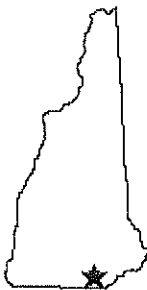
No, current parking is satisfactory for the minimal usage

Who will be conducting the home occupation? Please explain.

Only myself

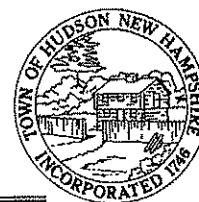
Will there be a vehicle(s) for the home occupation? Please explain the type and number of vehicle(s).

No



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-094R

September 3, 2020

Chris Porembski
22 Mallard Dr
Hudson, NH 03051

Re: 22 Mallard Dr Map 152 Lot 001-000
District: General One (G-1)

Dear Mr. Porembski,

This is a revision to my earlier Zoning Determination. As you indicate there may be some face to face sales on site.

Zoning Review / Determination:

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

The additional use as a home occupation of on-line sales of firearms, with some face to face on site sales/transactions is permitted as an Accessory Use per §334-22, and would need a Home Occupation Special Exception from the Zoning Board of Adjustment per §334-24.

Sincerely,

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

encl: Home Occupation Special Exception application
cc: Public Folder
B. Groth, Town Planner
File

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-094

September 3, 2020

Chris Porembski
22 Mallard Dr
Hudson, NH 03051

Re: **22 Mallard Dr Map 152 Lot 001-000**
District: General One (G-1)

Dear Mr. Porembski,

Your request if you can operate an "on-line" business at this address, has been completed.

Zoning Review / Determination:

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

The additional use as a home occupation (on line sales of firearms) is permitted as an Accessory Use per §334-22, and would need a Home Occupation Special Exception from the Zoning Board of Adjustment per §334-24.

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: Home Occupation Special Exception application

cc: Public Folder

B. Groth, Town Planner

File

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

#20-094



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



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 09/02/2020

Property Location 22 Mallard Dr Hudson NH

Map 152 Lot 001-000

Zoning District if known G-1

Type of Request

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

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

I am in the process of applying for a Federal Firearms License for the primary purpose of disposing/selling of firearms. This home business is personal and will be primarily Internet sales between Federal Firearms License holders. There may be an occasional face to face transaction at the address below, however there will be no store front, traffic or routine visits. I would be happy to discuss further via phone if needed. Are there any forms, permits, etc. required for the above activity?

Applicant Contact Information:

Name: Chris Porembski
Address: 22 Mallard Dr Hudson NH 03051
Phone Number: 603-247-6804

For Office use

ATTACHMENTS: TAX CARD | GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT || DATE: _____

MAP LOT SUB

CARD

Hudson

APPRAISED: 362,000 / 362,000
USE VALUE: 362,000 / 362,000
ASSESSED: 362,000 / 362,000



Patriot Properties Inc

PROPERTY LOCATION

Table with columns: No, Alt No, Direction/Street/City. Row 1: 22, MALLARD DR, HUDSON

MEMBERSHIP

Table with columns: Owner Name, Unit #. Rows for POREMBSKI, CHRISTOPHER M. and POREMBSKI, ALEXA G.

PREVIOUS OWNER

Table with columns: Owner Name, Address, City, State. Rows for SHUTT, WILLIAM T. and SHUTT, MIRIAM G.

PROPERTY DESCRIPTION

Parcel contains .998 ACRES of land mainly classified as ONE FAMILY with a SPLIT CAPE Building built about 1989, featuring primarily CLAPBOARD Exterior and 2243 Square Feet, including 1 Unit, 1 Bath, 1 3/4 Bath, 1 HalfBath, 6 Rooms, and 3 ms.

PAST ASSESSMENTS

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

PROPERTY FACTORS

Table with columns: Item Code, Description, %, Item, Code, Description. Rows for water, Sewer, Electric, Exmpt, Topo, Street, Gas.

LAND SECTION (First 7 lines only)

Table with columns: Parcel No, Description, LUC, No of Units, Depth/Price, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Inflow, Neigh Mod, Inflow 1, Inflow 2, Inflow 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. Includes Total Card and Total Parcel rows.

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date. Includes Parcel ID 152-001-000.

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Rows for SHUTT, WILLIAM and CARBONE HOMES.

BUILDING PERMITS

Table with columns: Date, Number, Descr, Amount, C/O, Last Visit, Fed Code, F. Descr, Comment. Row for 6/29/2001, 2001-806, EXT RENO.

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name. Rows for 9/9/2014, 8/29/2008, 4/9/2005, 8/14/2001, 5/15/2001, 12/6/1990.

Sign: VERIFICATION OF VISIT NOT DATA

Type:	16 - SPLIT CAPE
Sty Ht:	1T - 1.75 STY
Units:	1 Total: 1
Foundation:	1 - CONCRETE
Frame:	1 - WOOD
Time Wall:	02 - CLAPBOARD
Sec Wall:	
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	GREEN
W / Desir:	

GENERAL INFORMATION

Grade:	B - GOOD/AVG
Year Bilt:	1989
Eff Yr Bilt:	
Alt LUC:	
Alt %:	
Insulct:	
Fact:	
Const Mod:	
Lump Sum Adj:	

EXTERIOR INFORMATION

Avg Ht/FL:	STD
Ext Int Wal:	1 - DRYWALL
Int Wall:	
Partition:	T - TYPICAL
Ext Floors:	04 - CARPET
Int Floors:	03 - HARDWOOD 25%
Basmt Flr:	12 - CONCRETE
Subfloor:	
Basmt Gar:	2
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S -
Heat Fuel:	2 - GAS
Heat Type:	1 - FORCED AIR
Heat Sys:	1
% Heated:	100 % AC: 100
Solar HW:	NO Central Vac: NO
Com Wal:	% Sprinkled

DOUBLE HOME

Make:		Model:		Serial #:		Year:		Color:	
-------	--	--------	--	-----------	--	-------	--	--------	--

EXTERIOR 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	UCod	JFact	Juris. Value
	SHED-WOOD	D	Y	1	119x8	AV	AV	2010	23.26	T	50	101			1,800			1,800

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

OTHER FEATURES

Kits:	1	Rating:	AVERAGE
A Kits:		Rating:	
Fprl:	1	Rating:	AVERAGE
WSFlue:		Rating:	

CONDO INFORMATION

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

DEPRECIATION

Phys Cond:	GD - Good	27.0%
Functional:		%
Economic:		%
Special:		%
Override:		%
Total:		27.2%

CALC SUMMARY

Basic \$ / SQ:	101.00
Size Adj.:	0.90124834
Const Adj.:	0.98490000
Adj \$ / SQ:	89.652
Other Features:	14111
Grade Factor:	1.20
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	309489
Depreciation:	84181
Depreciated Total:	225308

XTRA FIX=2ND SINK IN 3/4 BATH.

RESIDENTIAL GRID

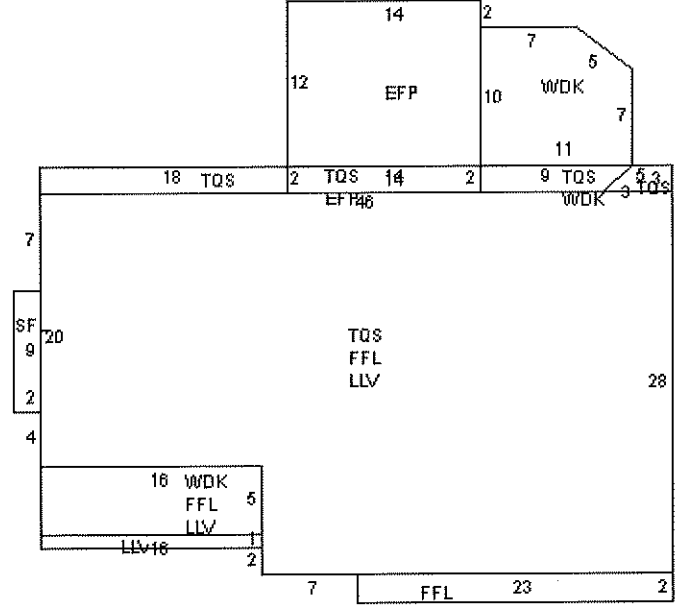
1st Res Grid:	Desc: CONV	# Units:	1
Level:	FY LR DR D K' FR RR BR FB HB L O		
Other:			
Upper:			
Lvl 2:			
Lvl 1:			
Lower:			
Totals:	RM: 6 BR: 3 Bath: 1 HB: 1		

REMODELING

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

RES BREAKDOWN

No Unit	RMS	BRS	FL
1	6	3	M
Totals			
1	6	3	

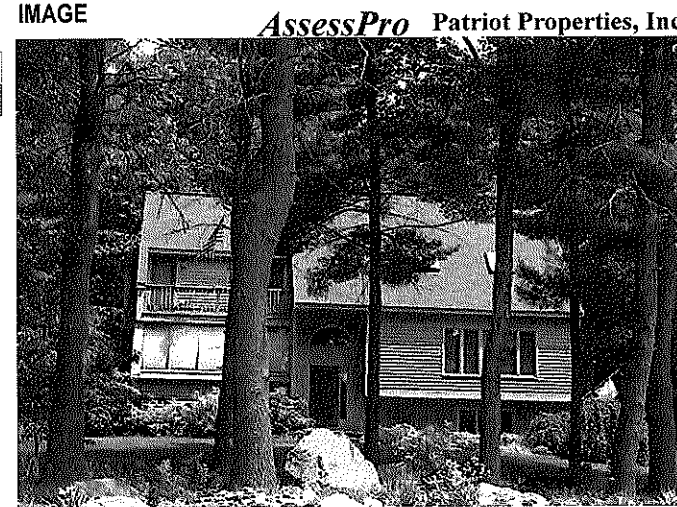


SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	1,286	89.650	115,292
LLV	LOWER LEVEL	1,256	22.410	28,151
TQS	3/4 STORY	939	89.650	84,183
WDK	WOOD DECK	204	16.070	3,279
EFP	ENC PORCH	196	57.550	11,279
SFL	SECOND FLR	18	89.650	1,614
Net Sketched Area:		3,899	Total:	243,798
Size Ad	2243 Gross Area	4212 FinArea		2243

SUB AREA DETAIL

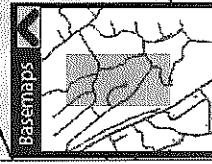
Sub Area	% Usbl	Descrip	% Type	Qu #



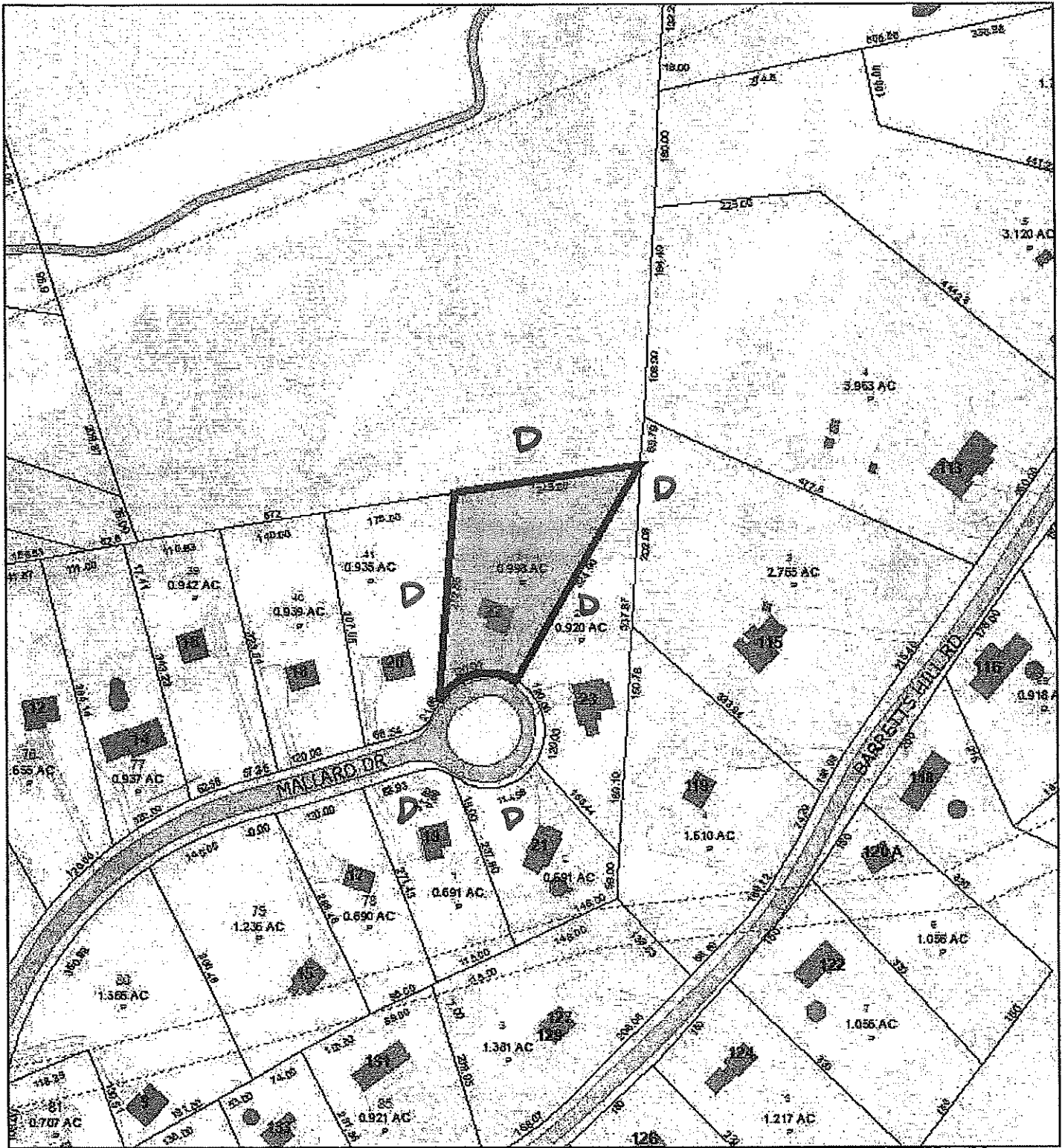
2 mallard dr

*Advanced Search >>

Search Results		Selection Results	
Clear	Zoom to selection	Export	
Parcel ID ▲	Address ▲	Owner ▲	
1-059-000	75 BARRETT'S HILL RD	STABLER, HELEN C.	
1-041-000	28 MALLARD DR	FINCHER, THOMAS G., JR.	
1-040-000	18 MALLARD DR	CIANCETTA, JESSE	
1-034-000	119 BARRETT'S HILL RD	SAUTHIER, CONRAD	
1-003-000	115 BARRETT'S HILL RD	GAFFNEY, VICKIE L.	
1-002-000	23 MALLARD DR	INGRAM, RICHARD L.	
1-001-000	22 MALLARD DR	POREMSKI, CHRISTOPHER M.	
1-004-000	119 BARRETT'S HILL RD	YOST, STANLEY J.	
1-002-000	21 MALLARD DR	LECHNER, RICHARD P.	
1-001-000	19 MALLARD DR	GENTILE, ELAINE D.	
1-078-000	17 MALLARD DR	HAIME, STEVEN E.	



22 Mallard

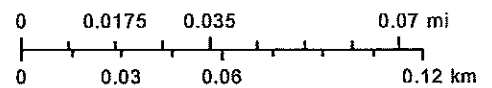


September 22, 2020

1:2,220

- Legend
- Easement_Lines
 - ▭ Parcels

D = Direct
I = Indirect



Printed
 9/28/2020
 3:58PM
 Created
 9/28/2020
 3:45 PM

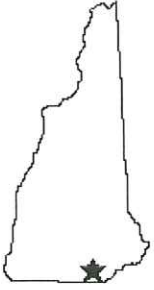
Transaction Receipt

Receipt# 613,260
 tgoodwyn

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

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-ZBA Meeting 10/22/20 22 Mallard Drive Map/Lot 152-001-000 Home Occupation SE	0.00	160.5500	0.00
			Total:	160.55

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Christopher & Alexa Porembski	CHECK	CHECK # 1953	160.55	0.00	160.55
			Total Due:		160.55
			Total Tendered:		160.55
			Total Change:		0.00
			Net Paid:		160.55



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: October 22, 2020 *BO 10-14-20*

Case 247-045-014 (10-22-20): Cody Decker, 11 Lucier Park Dr., Hudson, NH requests a Variance to locate an 8 ft. by 10 ft. shed that encroaches into the side yard setback leaving 3 ft. and into the rear yard setback leaving 5 ft, where 15 ft. is required for both setbacks [Map 247, Lot 045, Sub lot 014; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].

Property description:

Our records show this as a developed conforming lot of record, with Residential use.

Zoning Administrator Summary:

Applicant requests a Variance to locate a 8 x 10 ft shed within the side and rear setbacks

In-house (Town) review/comments:

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

HISTORY:

Assessing: Listed as Single Family

Attachments:

“A” Assessing record as Single Family

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	261,400	0	84,600	0.23	0.00	346,000
2020	101 - ONE FAMILY	261,400	0	84,600	0.23	0.00	346,000
2019	101 - ONE FAMILY	261,400	0	84,600	0.23	0.00	346,000
2019	101 - ONE FAMILY	261,400	0	84,600	0.23	0.00	346,000
2018	130 - VAC RESD	0	0	76,100	0.23	0.00	76,100
2018	130 - VAC RESD	0	0	76,100	0.23	0.00	76,100
2017	130 - VAC RESD	0	0	38,100	0.23	0.00	38,100
2017	130 - VAC RESD	0	0	36,300	0.23	0.00	36,300
2017	130 - VAC RESD	0	0	38,100	0.23	0.00	38,100

"A"

TOWN OF HUDSON

SEP 29 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. 247-045-014 (10-22-20)
Date Filed 9/29/20

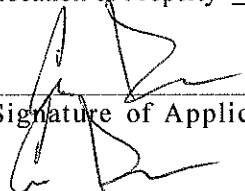
Name of Applicant Cody Decker Map: 247 Lot: 014 Zoning District: TR

Telephone Number (Home) (603) 508-1105 (Work) (470) 585-1399

Mailing Address 11 Lucier Park Dr. Hudson, NH 03051

Owner Cody Decker and Kiana Decker

Location of Property 11 Lucier Park Dr. Hudson, NH 03051
(Street Address)

Signature of Applicant 

Date 6/17/20

Signature of Property-Owner(s) _____

Date 6/17/20

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>9/29/20</u>
Application fee:		
<u>6</u> Direct Abutters x <u>10</u> \$4.08 =	<u>\$130.00</u>	
<u>11</u> Indirect Abutters x \$0.55 =	<u>24.60</u>	
Total amount due:	<u>6.05</u>	Amt. received: <u>\$160.65</u>
	<u>\$160.65</u>	Receipt No.: <u>613,449</u>

Received by: TSG

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

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:

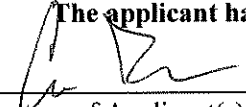
Applicant Initials		Staff Initials
<u>CD</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
<u>CD</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>CD</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>CD</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>CD</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>CD</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>CD</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>CD</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-

- CD 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) CD The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)
 - e) _____ The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements.
 - f) _____ The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
 - g) _____ The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
 - h) _____ The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
 - i) _____ The plot plan shall indicate all parking spaces and lanes, with dimensions.

N/A

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

 _____ 6/17/20 _____
 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
247	045-013	Ramon Amill + Tammie Amill	13 Lucier Park Dr. Hudson, NH 03051
247	045-015	Jose Esquillin + Marcia Esquillin	9 Lucier Park Dr. Hudson, NH 03051
247	044-000	Robert Stevens + Michelle Stevens	42 Eagers Pond Rd. Hudson, NH 03051
247	045-009	Kevin Duffey + Sara Duffey	6 Lucier Park Dr. Hudson, NH 03051
247	045-010	Nicholas Bernardo + Gabriele Vernacchio	8 Lucier Park Dr. Hudson, NH 03051
247	045-014	Cody Decker + Kianna Decker	11 Lucier Park Dr. Hudson, NH 03051

Owner

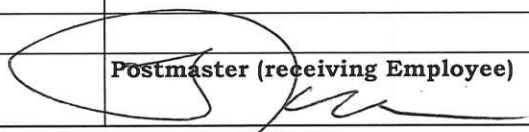
ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
247	045-002	Debbie Cole	4 Chestnut St. Hudson, NH 03051
247	045-007	Samantha Ward + Corey Landry	2 Lucier Park Dr. Hudson, NH 03051
247	045-012	Andrew Matteo + Margoth Matteo	15 Lucier Park Dr. Hudson, NH 03051
247	045-004	Scott Audy + Melissa White	8 Chestnut St. Hudson, NH 03051
247	045-003	Nicholas Petropoulos + Elizabeth Petropoulos	6 Chestnut St. Hudson, NH 03051
247	045-016	Matthew Mayfield	7 Lucier Park Dr. Hudson, NH 03051
247	043-000	David Wilder + Karen Wilder	40 Eagers Pond Rd. Hudson, NH 03051
247	045-001	Michael Maynard	2 Chestnut St. Hudson, NH 03051
247	045-011	Matthew + Kelley Mangano	10 Lucier Park Dr. Hudson, NH 03051
247	045-008	Brett Thomas	4 Lucier Park Dr. Hudson, NH 03051
247	087-000	State of New Hampshire C/O NHDES - Water Division	Eagers Pond Rd. Hudson, NH 03051
			29 Hazen Dr. PO Box 95 Concord, NH 03302-0095

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 247-045-014 VARIANCE 11 Lucier Park Drive Map 247/Lot 045-014 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	10/22/2020 ZBA Meeting
1	7018 2290 0001 3001 4987	DECKER, CODY A. & KIANA R. 11 LUCIER PARK DR., HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7018 2290 0001 3001 4994	AMILL, RAMON E. & TAMMIE M. 13 LUCIER PARK DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7018 2290 0001 3001 5007	ESQUILIN, JOSE L. & MARCIA E. 9 LUCIER PARK DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7018 1130 0001 8113 5572	STEVENS, ROBERT A. & MICHELLE L. 42 EAYRS POND RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7018 1130 0001 8113 5589	DUFFEY, KEVIN A. & SARA 6 LUCIER PARK DR., HUDSON, NHG 03051	ABUTTER NOTICE MAILED
6	7018 1130 0001 8113 5596	BERNARDO, NICHLOAS J.; VERNACCHIO, GABRIELE P. 8 LUCIER PARK DR., 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	Postmaster (receiving Employee)



6 

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 247-045-014 VARIANCE 11 Lucier Park Drive Map 247/Lot 045-014 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/22/2020 ZBA Meeting	
1	Mailed First Class COLE, DEBBIE A. 4 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
2	Mailed First Class WARD, SAMANTHA J.; LANDRY, COREY J. 2 LUCIER PARK DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	Mailed First Class MATTEO, ANDREW & MARGOTH 15 LUCIER PARK DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	Mailed First Class AUDY, SCOTT J., JR.; WHITE, MELISSA A. 8 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5	Mailed First Class PETROPOULOS, NICHOLAS C. & ELISABETH C. 6 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
6	Mailed First Class MAYFIELD, MATTHEW A. 7 LUCIER PARK DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
7	Mailed First Class WILDER, DAVID L. & KAREN L. 40 EAYERS POND ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
8	Mailed First Class MAYNARD, MICHAEL WALTER 2 CHESTNUT ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
9	Mailed First Class MANGANO, MATTHEW B & KELLEY M. 10 LUCIER PARK DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
10	Mailed First Class THOMAS, BRETT M. 4 LUCIER PARK DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
11	Mailed First Class STATE OF NEW HAMPSHIRE; C/O NHDES-WATER DIVISION 29 HAZEN DRIVE/PO BOX 95, CONCORD, NH 03302-0095	ABUTTER NOTICE MAILED	
12			
13			
14			
15			
	Total Number of pieces listed by sender 11	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

TOWN OF HUDSON

OCT 14 2020

Non-Direct First Class

Zoning Department
mailed
10/14/20
JB

APPLICATION FOR A VARIANCE

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

To encroach 10' from rear setback of 15'
and 12' from side setback of 15' to install
a new shed.

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

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

See Attachment A

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

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

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

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.)

See Attachment A

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.

Attachment A

1) Granting of the requested variance will not be contrary to the public interest, because: The shed will be new, sturdy, and match the style and colors of the house, thus blending in with the rest of the new Sousa developed 22-single family home neighborhood (2017- 2018).

2) The proposed use will observe the spirit of the ordinance, because: The shed will be used to store tools, outdoor power equipment, yard maintenance equipment, and storage bins that would otherwise be exposed to the weather or under a tarp.

3) Substantial justice would be done to the property-owner by granting the variance, because: It will provide much needed sheltered storage while adding value to the property.

4) The proposed use will not diminish the values of surrounding properties, because: The shed will be new and aesthetically pleasing and match the style and colors of the house. The location will be behind a 6' white vinyl privacy fence and set-back to not cause any view obstruction issues to surrounding properties.

5) Special conditions exist such that literal enforcement of the ordinance results in necessary hardship, because: Due to the lot's unique location and features--drainage trench in front yard, septic system on side yard and grade changes on the adjacent rear corner - the best solution is to place the shed in the back left corner of the property. This maximizes land use, while maintaining a functional and aesthetically pleasing location.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination # 20-067

June 19, 2020

Cody Decker
11 Lucier Park Dr
Hudson, NH 03051

Re: 11 Lucier Park Dr Map 247 Lot 045-014
District: Town Residence (TR)

Dear Cody,

Your request to locate a 8 x 10 shed within the side and rear setback has been reviewed.

Zoning Review / Determination:

Your proposed location has an encroachment of 12 ft into the side yard setback, and 10 ft into the rear setback, where 15 ft is required, per Table of Minimum Dimensional Requirements (§334-27). Any construction/location of a shed into the required setback, needs a variance from the Zoning Board of Adjustment.

You would need to apply for a variance from the Zoning Board of Adjustment, to proceed with your installation as proposed for relief from the required setbacks in the Table of Minimum Dimensional Requirements (§334-27).

Sincerely,

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

cc: Public Folder
File

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



TOWN OF HUDSON
 JUN 17 2020
 Zoning Department

COMMUNITY DEVELOPMENT DEPARTMENT

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



20-067

Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 06/17/2020

Property Location 11 Lucier Park Dr. Hudson, NH 03051
 Map 247 Lot 14 ⁰⁴⁶⁻⁰¹⁴

Zoning District if known TR

Type of Request

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

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

Variance for 8' X 10' Shed to encroach 10' from rear setback of 15' and 12' from side setback of 15'

Applicant Contact Information:

Name: Cody Decker
 Address: 11 Lucier Park Dr. Hudson, NH 03051
 Phone Number: 603-508-1105

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

247 045 014
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

APPAISED: 346,000 / 346,000
USE VALUE: 346,000 / 346,000
ASSESSED: 346,000 / 346,000

Total Card / Total Parcel

PROPERTY LOCATION

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

OWNERSHIP

Owner 1:	DECKER, CODY A.
Owner 2:	DECKER, KIANA R.
Owner 3:	
Street 1:	11 LUCIER PARK DR.
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

PREVIOUS OWNER

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

NARRATIVE DESCRIPTION

This parcel contains .23 ACRES of land mainly classified as ONE FAMILY with a COLONIAL Building built about 2018, having primarily VINYL Exterior and 1885 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 1 HalfBath, 5 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

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

LAND SECTION (First 7 lines only)

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

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.230	261,400		84,600	346,000
Total Card		0.230	261,400	84,600	346,000
Total Parcel		0.230	261,400	84,600	346,000
Source:		Market Adj Cost	Total Value per SQ unit /Card: 183.55		/Parcel: 183.55

Legal Description

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

User Acct

11700	
GIS Ref	
GIS Ref	
Insp Date	01/25/19



Patriot Properties Inc.

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	101	JB	261,400	0	.23	84,600	346,000	346,000	Year End Roll	5/6/2020
2019	101	FV	261,400	0	.23	84,600	346,000	346,000	Year End Roll	9/16/2019
2019	101	JB	261,400	0	.23	84,600	346,000	346,000	Year End Roll	5/8/2019
2018	130	FV		0	.23	76,100	76,100	76,100	Year End Roll	8/27/2018
2018	130	JB		0	.23	76,100	76,100	76,100	Year End Roll	5/9/2018
2017	130	FV		0	.23	38,100	38,100	38,100	Year End Roll	10/26/2017
2017	130	PV		0	.23	38,100	38,100	38,100	Year End Roll	8/28/2017
2017	130	JB		0	.23	36,300	36,300	36,300	Year End Roll	5/10/2017

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
K&M DEVELOPERS,	9117-2922	1	10/12/2018		399,600	No	No		
K&M DEVELOPERS,	8960-0406	6	4/14/2017	EASEMENT		No	No		
HUDSON, TOWN OF	8862-2168	2	6/3/2016	GOVT TRANS	297,000	No	No		

TAX DISTRICT

PAT ACCT.

PRINT

Date	Time
05/20/20	14:59:36

LAST REV

Date	Time
01/25/19	12:16:09

mikep

10386

USER DEFINED

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

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
8/15/2018	2017-01221-	MECHANIC	7,000	C				
6/22/2018	2017-01221-	ELECTRIC		C				
6/20/2018	2017-01221-	PROPANE		C				
6/11/2018	2017-01221-	MECHANIC	2,000	C				
6/11/2018	2017-01221-	PLUMBING	8,000	C				
5/16/2018	2017-01221	DWELLING	150,000	C				
12/11/2017	2017-01221-	DRIVEWAY		C				
12/11/2017	2017-01221-	H2O hook		C				
12/4/2017	2017-01221-	FOUNDATI	150,000	C				
8/17/2017	2017-00841	SEPTIC		C				

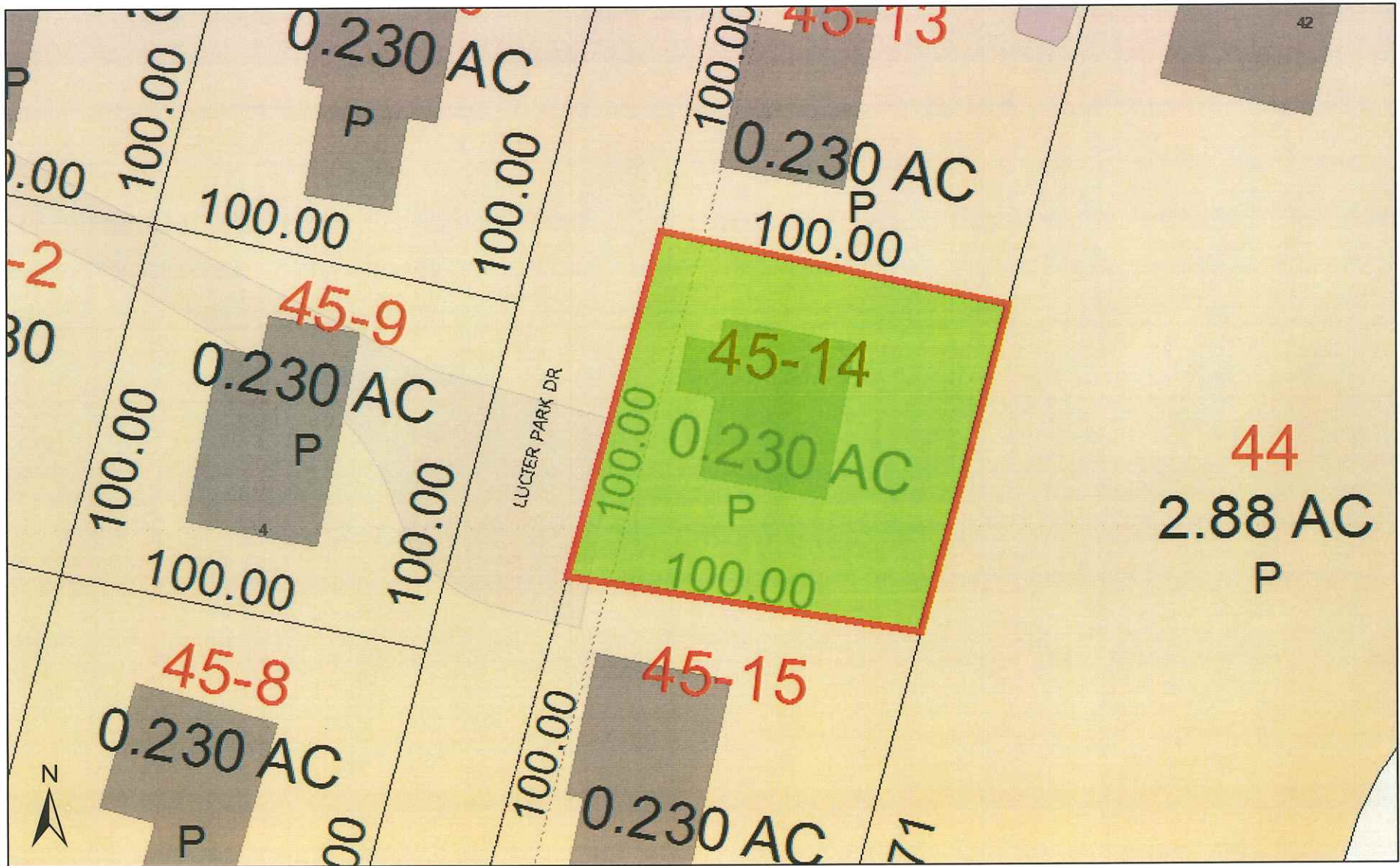
ACTIVITY INFORMATION

Date	Result	By	Name
1/25/2019	Inspected	12	TECH ASMNT
12/11/2018	Permit Visit	12	TECH ASMNT
3/26/2018	Permit Visit	12	TECH ASMNT
3/6/2017	Info Fm Plan	1	CHIEF ASSESS

Sign: _____

Total AC/HA:	0.23000	Total SF/SM:	10019	Parcel LUC:	101	ONE FAMILY	Prime NB Desc	RES AVG	Total:	84,590	Spl Credit		Total:	84,600
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11 Lucier Park Dr. Hudson, NH 03051

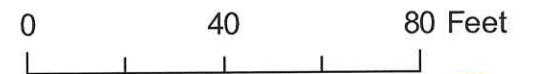


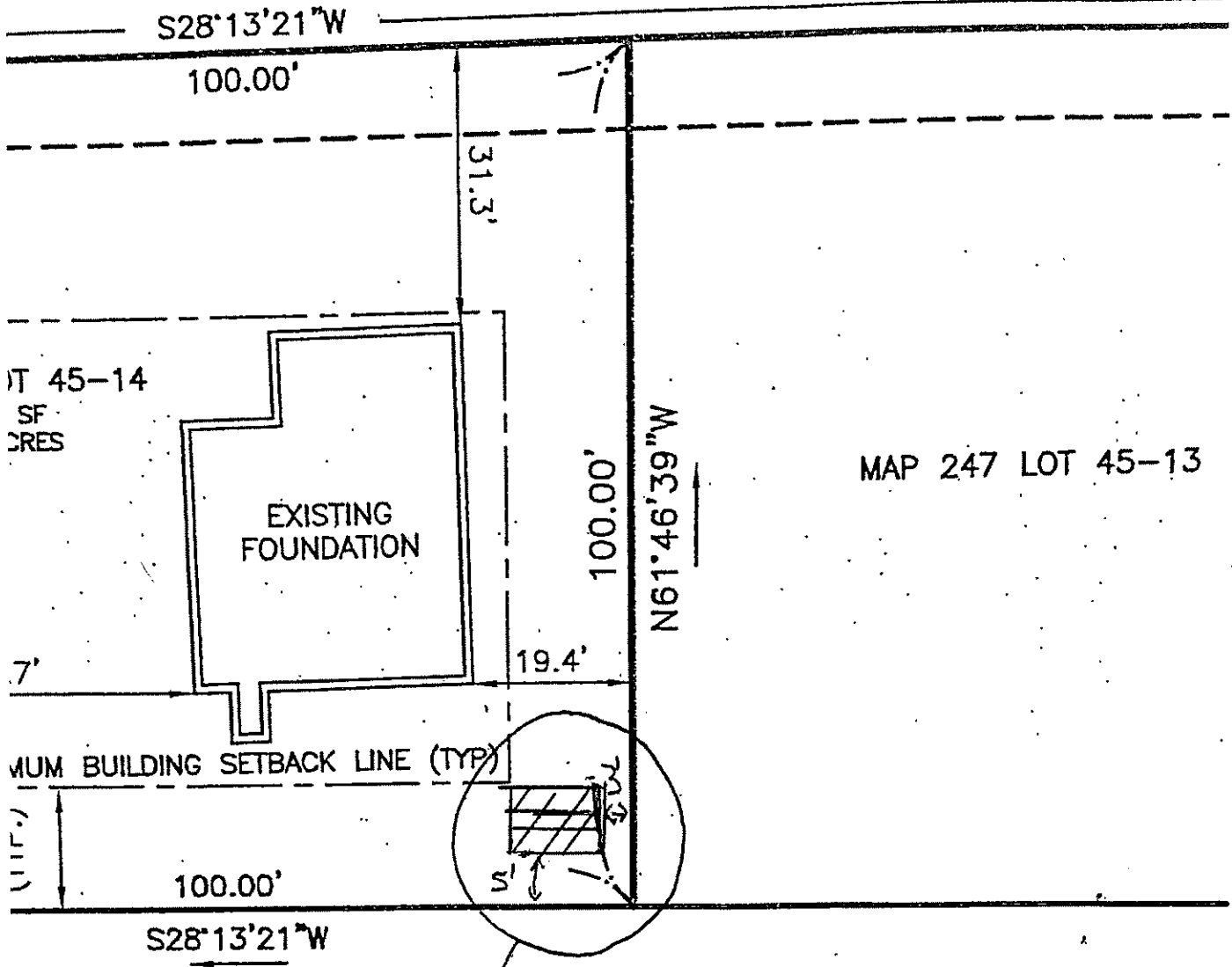
May 20, 2020

----- Easement_Lines

▭ Parcels

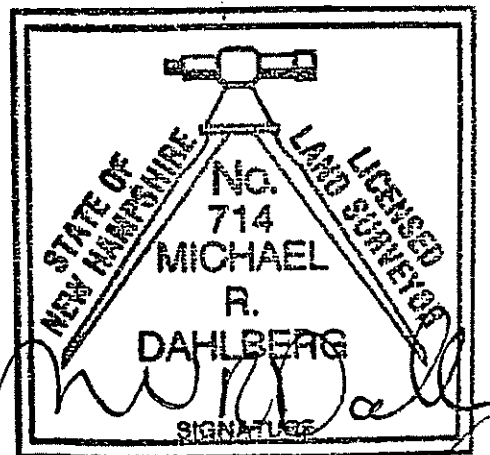
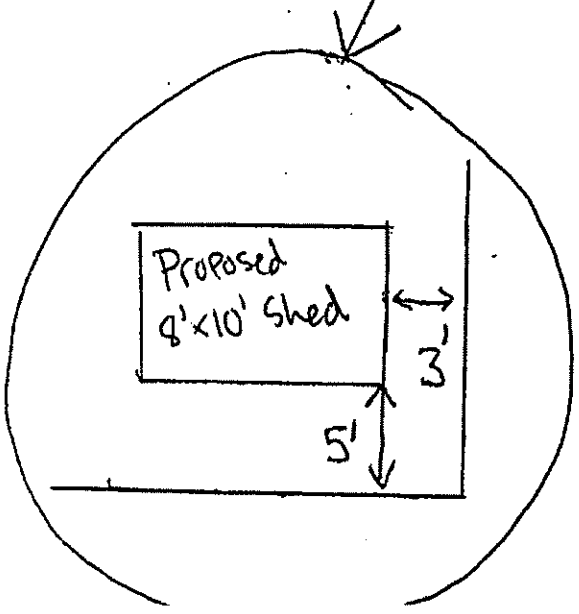
1 inch = 38 feet





MAP 247 LOT 45-13

MAP 247 LOT 44



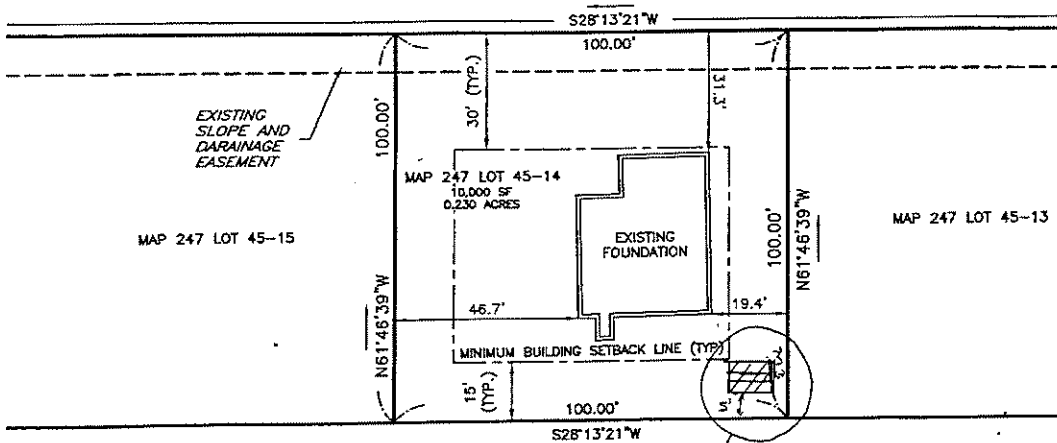
S-15-18

MAP 247 LOT 45-B

MAP 247 LOT 45-9

MAP 247 LOT 45-10

LUCIER PARK DRIVE



EXISTING SLOPE AND DRAINAGE EASEMENT

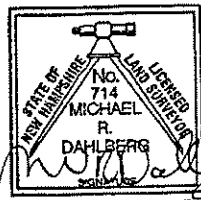
MAP 247 LOT 45-14
10,000 SF
0.230 ACRES

EXISTING FOUNDATION

MINIMUM BUILDING SETBACK LINE (TYP.)

MAP 247 LOT 44

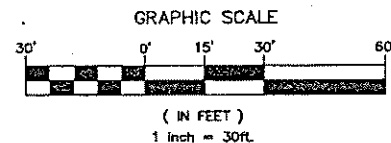
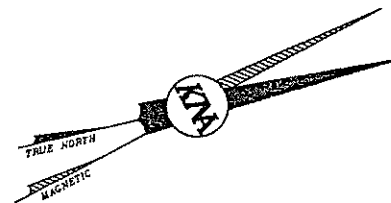
Proposed
9'x10' Shed



5-15-18

NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING FOUNDATION LOCATION ON ASSESSORS MAP 247 LOT 45-14 ON LUCIER PARK DRIVE IN HUDSON, N.H. AND NO OTHER PURPOSE.
2. PLAN REFERENCE - MAP OF LUCIER PARK, HUDSON N.H., SCALE: 1"=80', APRIL 1917, PLATE NO. 1 AND PLATE NO. 2
3. PARCEL LIES WITHIN THE TOWN RESIDENCE ZONE
BUILDING SETBACKS: FRONT = 30 FT.,
SIDE = 15 FT., REAR = 15 FT.
4. OWNER OF RECORD: K&M DEVELOPERS, LLC
46 LOWELL ROAD
HUDSON, NH 03051



CERTIFIED FOUNDATION PLAN

MAP 247 LOT 45-14
II LUCIER PARK DRIVE
HUDSON, NEW HAMPSHIRE

DRAWN BY: CGB

DATE: 05-15-18

JOB. NO.16-0608-2

CHECKED BY: MRD

SCALE: 1" = 30'

SHEET 1 OF 1



Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110
Phone (603) 627-2881

Printed
9/29/2020
1:48PM
Created
9/29/2020
1:40 PM

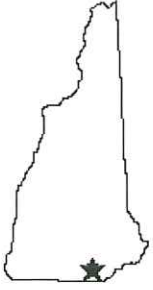
Transaction Receipt

Receipt# 613,449
tgoodwyn

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

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-ZBA Meeting 10-22-20 11 Lucier Park Dr Map/Lot 247-045-014 Variance Application	0.00	160.6500	0.00
			Total:	160.65

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Cody Decker & Kiana Camara Raposo	CHECK	CHECK # 146	160.65	0.00	160.65
			Total Due:		160.65
			Total Tendered:		160.65
			Total Change:		0.00
			Net Paid:		160.65



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: October 22, 2020 *BR 10-14-20*

Case 194-004 (10-22-20): Jeffrey Lamothe, 37 Speare Rd., Hudson, NH requests a Home Occupation Special Exception to operate a home office for an online automotive wholesale dealer business/entity. [Map 194, Lot 004-000; Zoned General (G); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

Property description:

Our records show this is a developed lot of record, with area (2.86 Acres) and frontage (300 ft) where 1 Acre and 150 ft are required. Residential use.

Zoning Administrator Summary:

Applicant requests a Home Occupation Special Exception for on-line automotive wholesale dealer.

In-house (Town) review/comments:

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

HISTORY:

Assessing: Listed as single family.

Attachments:

“A” Assessing record as Single Family

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	285,300	36,200	115,500	2.86	0.00	437,000
2020	101 - ONE FAMILY	271,500	36,200	115,500	2.86	0.00	423,200
2019	101 - ONE FAMILY	267,700	35,200	115,500	2.86	0.00	418,400
2019	101 - ONE FAMILY	267,700	35,200	115,500	2.86	0.00	418,400
2018	101 - ONE FAMILY	267,700	35,200	115,500	2.86	0.00	418,400
2018	101 - ONE FAMILY	267,700	35,200	115,500	2.86	0.00	418,400
2017	101 - ONE FAMILY	267,700	35,200	115,500	2.86	0.00	418,400
2017	101 - ONE FAMILY	222,300	24,500	112,000	2.86	0.00	358,800
2017	101 - ONE FAMILY	267,700	35,200	115,500	2.86	0.00	418,400
2016	101 - ONE FAMILY	222,300	21,500	112,000	2.86	0.00	355,800
2016	101 - ONE FAMILY	222,300	21,500	112,000	2.86	0.00	355,800
2015	101 - ONE FAMILY	222,300	2,500	112,000	2.86	0.00	336,800
2015	101 - ONE FAMILY	222,300	2,500	112,000	2.86	0.00	336,800
2014	101 - ONE FAMILY	222,300	0	112,200	2.91	0.00	334,500
2014	101 - ONE FAMILY	222,300	0	112,200	2.91	0.00	334,500
2013	101 - ONE FAMILY	222,300	0	112,200	2.91	0.00	334,500
2013	101 - ONE FAMILY	222,300	0	112,200	2.91	0.00	334,500
2012	101 - ONE FAMILY	220,500	0	112,200	2.91	0.00	332,700
2012	101 - ONE FAMILY	251,700	0	147,200	2.91	0.00	398,900
2011	101 - ONE FAMILY	251,700	0	147,200	2.91	0.00	398,900
2011	101 - ONE FAMILY	251,700	0	147,200	2.91	0.00	398,900
2010	101 - ONE FAMILY	251,700	0	147,200	2.91	0.00	398,900
2010	101 - ONE FAMILY	265,000	0	147,200	2.91	0.00	412,200
2009	101 - ONE FAMILY	265,000	0	147,200	2.91	0.00	412,200
2008	101 - ONE FAMILY	265,000	0	147,200	2.91	0.00	412,200
2008	101 - ONE FAMILY	265,000	0	147,200	2.91	0.00	412,200
2007	101 - ONE FAMILY	265,000	0	147,200	2.91	0.00	412,200
2007	101 - ONE FAMILY	275,500	0	110,500	2.91	0.00	386,000
2006	101 - ONE FAMILY	276,600	0	110,500	2.91	0.00	387,100
2006	101 - ONE FAMILY	276,600	0	110,500	2.91	0.00	387,100
2005	101 - ONE FAMILY	262,800	0	110,500	2.91	0.00	373,300
2005	101 - ONE FAMILY	262,800	0	110,500	2.91	0.00	373,300
2004	101 - ONE FAMILY	262,800	0	110,500	2.91	0.00	373,300
2004	101 - ONE FAMILY	208,200	0	85,000	2.91	0.00	293,200
2003	101 - ONE FAMILY	208,200	0	85,000	2.91	0.00	293,200
2003	101 - ONE FAMILY	208,200	0	85,000	2.91	0.00	293,200
2002	101 - ONE FAMILY	208,200	0	85,000	2.91	0.00	293,200
2002	101 - ONE FAMILY	208,200	0	85,000	2.91	0.00	293,200
2001	101 - ONE FAMILY	132,400	0	55,500		0.00	187,900
2000	101 - ONE FAMILY	130,900	1,500	55,500	2.91	0.00	187,900

HUDSON ZONING BOARD OF ADJUSTMENT

Home Occupation Special Exception Decision Worksheet

On **10/22/20**, the Hudson Zoning Board of Adjustment heard Case **194-004**, being a request by **Jeffrey Lamothe, 37 Speare Rd., Hudson, NH**, to allow for a Home Occupation Special Exception **to operate a home office for an online automotive wholesale dealer business/entity. [Map 194, Lot 004-000; Zoned General (G); HZO Article VI, Special Exceptions, §334-24, Home Occupations]**.

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

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

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

Signed: _____
Sitting Member of the Hudson ZBA

_____ Date

TOWN OF HUDSON

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

SEP 29 2020

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 194-004 (10-22-20)

Date Filed 9/29/20

Name of Applicant JEFF LAMOTHE Map: 194 Lot: 00400 Zoning District: General 1

Telephone Number (Home) 512-9579 (Work) 512-9579

Mailing Address 37 SPEARE RD. HUDSON, N.H. 03051

Owner JEFF LAMOTHE

Location of Property 37 SPEARE RD. HUDSON, N.H. Bd 1
(Street Address)

Signature of Applicant [Signature] Date 9-29-20

Signature of Property-Owner(s) [Signature] Date 9-29-20

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

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

COST:

Application fee:	10	\$130.00
<u>7</u> Direct Abutters x \$4.00 =		<u>28.00</u>
<u>1</u> Indirect Abutters x \$0.55 =		<u>0.55</u>
Total amount due:		<u>\$159.25</u>

Date received: 9/29/20

Amt. received: \$ 159.25

Receipt No.: 613,483

Received by: [Signature]

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>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>N/A</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>JL</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>

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 checkmarks for items a-i.

Vertical line with checkmarks for items a-i.

JB (circled)

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

[Signature]
Signature of Applicant(s)

9-29-20
Date

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

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

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

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

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

ALL DIRECT ABUTTERS


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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
194	002-000	WENDY ROYSTON	82 BOZYMILL RD HUDSON, N.H. 03051
194	004-000	JEFF & ANGELA LAMOTHE	37 SPEARE RD. HUDSON N.H. 03051
194	003-000	RICHARD CHASE	31 SPEARE RD. HUDSON, N.H. 03051
186	030-001	DAVID & KAREN BURNELL	39 SPEARE RD HUDSON N.H. 03051
194	001-000	TRAVIS ARMOUR & JANNA BREWSTER	9 GABRIELLE RD HUDSON N.H. 03051
186	004-000	VINCENT GRATEK	36 1/2 SPEARE RD HUDSON, N.H. 03051
186	030-000	TIMOTHY & RICHARD BURNELL	41 SPEARE RD. HUDSON N.H. 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
<i>186</i>	<i>055-000</i>	<i>JAMES + Kristin Daugrette</i>	<i>2 Gates Lane Hudson, N.H. 07821</i>

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 194-004 Home Occup Spcl Excep. 37 Speare Rd Map 194/Lot 004 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/22/2020 ZBA Meeting
1	7018 1130 0001 8113 5602	LAMOTHE, ANGELA R. &JEFFREY S. 37 SPEARE RD., HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7018 1130 0001 8113 5541	ROYSTAN, WENDY A., TR.; ROYSTAN REVOCABLE TRUST 82 BUSH HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7018 1130 0001 8113 5558	CHASE, RACHAEL A. 31 SPEARE RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7018 1130 0001 8113 5565	BURNELL, DAVID E. & KAREN L., TRUSTEES; BURNELL FAMILY REV TRUST 39 SPEARE ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7018 1130 0001 8113 5510	BREAULT, JENNA J.; ARNOLD, TRAVIS M. 9 GABRIELLE RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7018 1130 0001 8113 5527	GNATEK, VINCENT J. 36-1/2 SPEARE ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7018 1130 0001 8113 5534	BURNELL, TIMOTHY D.; GARSIDE, RACHAEL R. 41 SPEARE ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8			
9			
10			
11			
12			
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office 7	Postmaster (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 194-004 Home Occup Spcl Excep. 37 Speare Rd Map 194/Lot 004 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/22/2020 ZBA Meeting
1	Mailed First Class	PAQUETTE, JAMES D. & KRISTIN M. 2 GATES LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
	Total Number of pieces listed by sender 1	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

TOWN OF HUDSON

OCT 14 2020

Zoning Department

Mailed
10/14/20
TB

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

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

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

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

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

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

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

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

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

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

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

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

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

online auto wholesale dealer
There will be no on-site services provided it is strictly a home office with computer and desk

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

Yes home office to facilitate paperwork and receive mail for an online business

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

Home office strictly for online research and paperwork and receiving mail

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

None, there will be no indication on the property of any sales or services etc.

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

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

There will be no exterior storage

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

no

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

There will be no traffic generated from the home office

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

There will be no customer parking

Who will be conducting the home occupation? Please explain.

*myself, owner Jeff Wamthe
37 Spence Rd Hudson, N.H. 03051*

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

*my personal vehicle (1)
Full sized pick up truck*



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-098

September 24, 2020

Jeff Lamothe
37 Speare Road
Hudson, NH 03051

Re: 37 Speare Road Map 194 Lot 004-000
District: General (General)

Dear Mr. Lamothe,

Your request if you can operate an "on-line" automotive wholesale business/entity at this address, has been completed.

Zoning Review / Determination:

Your primary principal use allowed is currently residential per the Zoning Ordinance Table of Permitted Uses §334-21 and the zone district you are in. This non-residential use as an "on-line" business/entity, I would classify as a home occupation and is permitted as an Accessory Use per §334-22, and would need a Home Occupation Special Exception from the Zoning Board of Adjustment per §334-24.

Sincerely,

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

encl: Home Occupation Special Exception application
cc: Public Folder
B. Groth, Town Planner
File

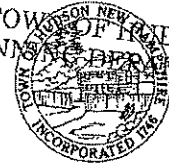
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

RECEIVED

COMMUNITY DEVELOPMENT DEPARTMENT SEP 16 2020

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

TOWN OF HUDSON
PLANNING DEPARTMENT



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION /
DETERMINATION

Date of request 9-16-20 # 20-098
Property Location 37 SPEARE RD
Map 194 Lot 004
Zoning District if known GENERAL

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)

USE OF HOME OFFICE FOR ON-LINE
auto wholesale LICENSE/BUSINESS

Applicant Contact Information:

Name: JEFF LAMOTHE
Address: 37 SPEARE RD. HUDSON N.H.
Phone Number: 603-372-9579 *

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

194 004 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRAISED: 437,000 / 437,000
USE VALUE: 437,000 / 437,000
ASSESSED: 437,000 / 437,000

PROPERTY LOCATION

Table with 3 columns: No, Alt No, Direction/Street/City. Row 1: 37, SPEARE RD, HUDSON

OWNERSHIP

Table with 2 columns: Owner, Address. Owners: LAMOTHE, ANGELA R., LAMOTHE, JEFFREY S., 37 SPEARE RD.

PREVIOUS OWNER

Table with 2 columns: Owner, Address. Owners: BRAZEAU, JEREMIAH D., BRAZEAU, JENNIFER L., 37 SPEARE ROAD.

NARRATIVE DESCRIPTION

This parcel contains 2.863 ACRES of land mainly classified as ONE FAMILY with a CAPE Building built about 1973, having primarily CLAPBOARD Exterior and 2578 Square Feet, with 1 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 7 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Table with 4 columns: Code, Descrp/No, Amount, Com. Int.

PROPERTY FACTORS

Table with 7 columns: Item, Code, Description, %, Item, Code, Description. Includes water, sewer, electric, flood hazard, and topography.

LAND SECTION (First 7 lines only)

Table with 23 columns: Use Code, Description, LUC Fact, No of Units, Depth / PriceUnits, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Infl, Neigh Mod, Infl 1, %, Infl 2, %, Infl 3, %, Appraised Value, Alt Class, % Spec Land, J Code, Fact, Use Value, Notes.

IN PROCESS APPRAISAL SUMMARY

Table with 7 columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value. Includes Total Card and Total Parcel rows.

PREVIOUS ASSESSMENT

Table with 11 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.

SALES INFORMATION

Table with 10 columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Shows sales for BRAZEAU, WISNOSKY, and NASTASIA.

BUILDING PERMITS

Table with 10 columns: Date, Number, Descrip, Amount, C/O, Last Visit, Fed Code, F. Descrip, Comment. Lists various building permits from 2012 to 2019.

ACTIVITY INFORMATION

Table with 5 columns: Date, Result, By, Name. Lists activity events like Permit Visit, Meas/Inspect, and Sale Data V.

Sign: VERIFICATION OF VISIT NOT DATA

Total AC/HA: 2.86300 Total SF/SM: 124712 Parcel LUC: 101 ONE FAMILY Prime NB Desc RES AVG Total: 115,531 Spl Credit Total: 115,500



Patriot Properties Inc.

USER DEFINED

Prior Id # 1: 0021
Prior Id # 2: 0018
Prior Id # 3: 0000
Year: 2505

EXTERIOR INFORMATION

Type: 05 - CAPE
Sty Ht: 1T - 1.75 STY
(Liv) Units: 1 Total: 1
Foundation: 1 - CONCRETE
Frame: 1 - WOOD
Prime Wall: 02 - CLAPBOARD
Sec Wall: %
Roof Struct: 1 - GABLE
Roof Cover: 1 - ASPH SHING
Color: GRAY
View / Desir:

GENERAL INFORMATION

Grade: B - GOOD/AVG
Year Blt: 1973 Eff Yr Blt:
Alt LUC: Alt %:
Jurisdct: Fact:
Const Mod:
Lump Sum Adj:

INTERIOR INFORMATION

Avg Ht/Ft: STD
Prim Int Wal: 1 - DRYWALL
Sec Int Wall: %
Partition: T - TYPICAL
Prim Floors: 03 - HARDWOOD
Sec Floors: 04 - CARPET 50%
Bsmnt Fir: 12 - CONCRETE
Subfloor:
Bsmnt Gar:
Electric: 3 - TYPICAL
Insulation: 2 - TYPICAL
Int vs Ext: S
Heat Fuel: 1 - OIL
Heat Type: 3 - FORCED HW
Heat Sys: 2
% Heated: 100 % AC: 29
Solar HW: NO Central Vac: Yes
% Com Wal % Sprinkled

BATH FEATURES

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

OTHER FEATURES

Kits: 1 Rating: VERY GOOD
A Kits: Rating:
Fprt: 1 Rating: GOOD
WSFlue: 1 Rating: AVERAGE

CONDO INFORMATION

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

DEPRECIATION

Phys Cond: GV - Good-VG 24%
Functional: %
Economic: %
Special: %
Override: %
Total: 24%

CALC SUMMARY

Basic \$ / SQ: 106.00
Size Adj.: 0.84910786
Const Adj.: 0.98980004
Adj \$ / SQ: 89.087
Other Features: 19240
Grade Factor: 1.20
NBHD Inf: 1.00000000
NBHD Mod:
LUC Factor: 1.00
Adj Total: 375368
Depreciation: 90086
Depreciated Total: 285279

COMMENTS

1997 DISCRETIONARY EASEMNT STATUS REMOVED/CENTRAL AIR OVER GARAGE ROOM ONLY./Plan #38194=recorded boundary plan 2014. GAR IS HEATED./2020-new kit remod, floor, electrical upgrades est complete.

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: 7 BRs: 3 Baths: 2 HB

REMODELING

Exterior:
Interior:
Additions:
Kitchen: 2019
Baths:
Plumbing:
Electric: 2019
Heating: 2009
General:

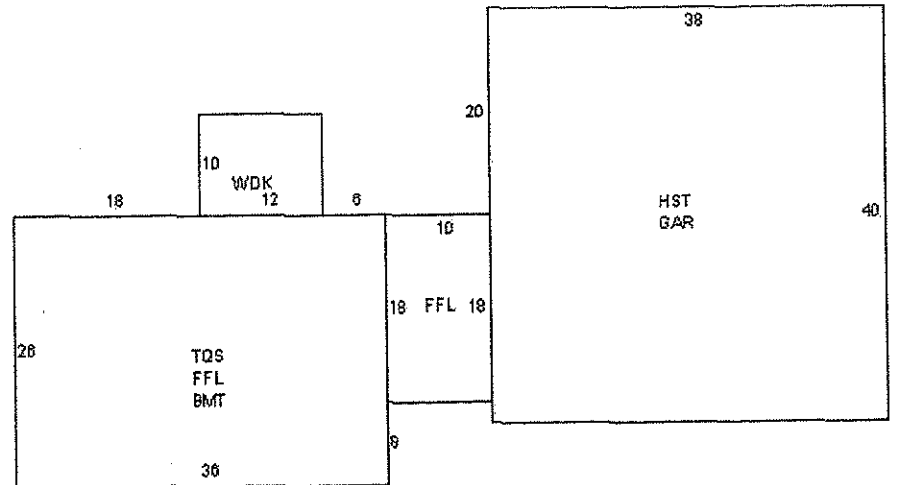
RES BREAKDOWN

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

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
Juris. Factor:				Before Depr: 106.90
Special Features: 0				Val/Su Net: 55.36
Final Total: 285300				Val/Su SzAd: 110.67

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
GAR	GARAGE	1,520	28.600	43,473
FFL	FIRST FLOOR	1,116	89.090	99,422
BMT	BASEMENT	936	19.290	18,053
HST	HALF STORY	760	89.090	67,706
TQS	3/4 STORY	702	89.090	62,539
WDK	WOOD DECK	120	19.770	2,373
Net Sketched Area: 5,154		Total:		293,566
Size Adj	2578 Gross Area	6148 FinArea		2578

SUB AREA DETAIL

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descrip	% Type	Qu # Ten
GAR	GARAGE	1,520	28.600	43,473	BMT	100	RRM	55	AV

MOBILE HOME

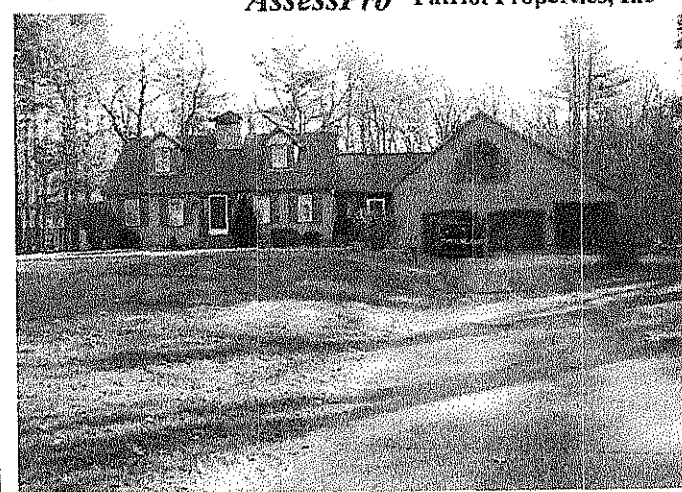
Make:	Model:	Serial #	Year:	Color:
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SPEC FEATURES/YARD ITEMS

Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
GEN	GENERATOR-R	D	Y	1/20		AV	EX	2012	375.00	T	5	101		7,100			7,100
12	POOL-GUNITE	D	Y	124x42		GD	GD	2015	68.13	T	64	101		24,700			24,700
19	PATIO	D	Y	1/600		GD	GD	2016	7.98	T	8	101		4,400			4,400

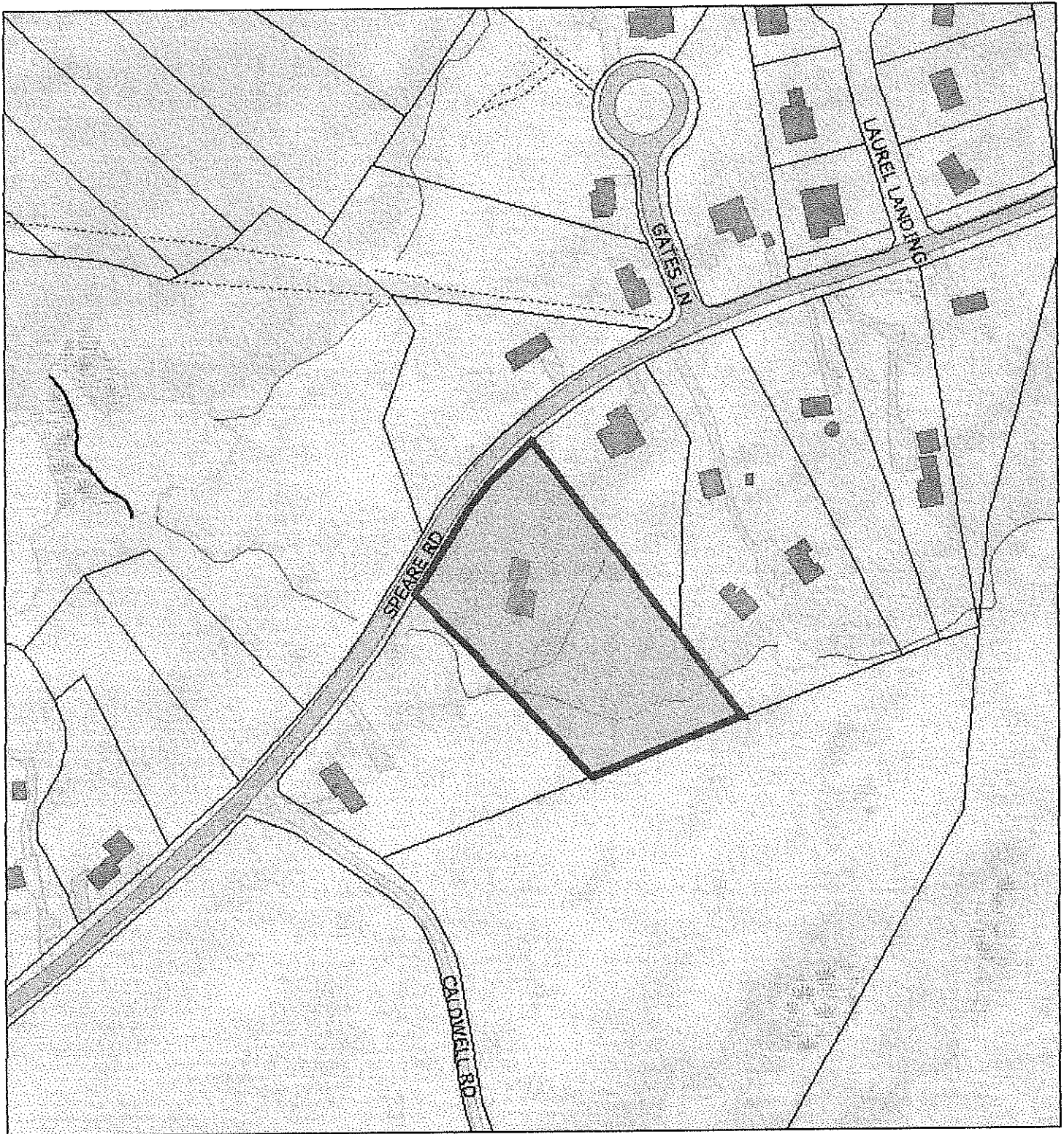
More: N	Total Yard Items: 36,200	Total Special Features:	Total: 36,200
---------	--------------------------	-------------------------	---------------

IMAGE



AssessPro Patriot Properties, Inc

37 Speare Rd (Map/Lot 194-004-000)



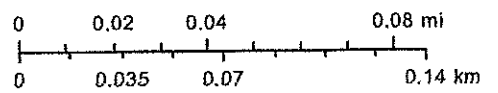
September 29, 2020

Legend

----- Easement Lines

▭ Parcels

1:2,615



Printed
 9/29/2020
 3:50PM
 Created
 9/29/2020
 3:46 PM

Transaction Receipt

Receipt# 613,483
 tgoodwyn

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

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-ZBA Meeting 37 Speare Rd Map/Lot 194-004-000 Home Occup Spcl Excp	0.00	159.2500	0.00
			Total:	159.25

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Angela & Jeffrey Lamothe	CHECK	CHECK # 341	159.25	0.00	159.25
			Total Due:		159.25
			Total Tendered:		159.25
			Total Change:		0.00
			Net Paid:		159.25



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: October 22, 2020 *BP 10-14-20*

Case 191-037 (10-22-20): Kenneth Bishop & Mary Sullivan, 19 B St., Hudson, NH requests a Variance to build a 40 ft. by 22 ft. pavilion that encroaches into the side yard setback leaving 0.6 ft. and rear yard setback leaving 3.6 ft., where 15 ft. is required for both setbacks. [Map 191, Lot 037-000; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].

Property description:

Our records show this is a developed lot of record, Area: 12,022 sq ft, where 10,000 sq ft required and Frontage: 120 ft where 90 ft is required. Single Family use.

Zoning Administrator Summary:

Applicant requests a variance to construct and erect a 40 ft x 22 ft (880 sq ft) pavilion, encroaching into the side and rear setbacks.

In-house (Town) review/comments:

Fire Dept: yes
Engineering: no comments
Town Planner: none received

HISTORY:

Assessing: Listed as single family.
ZBA: Variance denied for garage addition into an apartment 8/26/82.
Building: #99-77 BP for 7x10 shed issued Sept 8, 1977.
#2005-27 BP for 2nd flr dormers issued Jul 20, 2004.

Attachments:

“A” Assessing record as Single Family.
“B” ZBA 8/26/82 Variance NOD denial.
“C” #99-77 BP for 7x10 shed.
“D” #2005-27 BP for 2nd flr dormers.
“E” Fire Dept “in-house” comments.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	144,800	15,200	86,100	0.28	0.00	246,100
2020	101 - ONE FAMILY	144,800	15,200	86,100	0.28	0.00	246,100
2019	101 - ONE FAMILY	144,800	15,200	86,100	0.28	0.00	246,100
2019	101 - ONE FAMILY	144,800	15,200	86,100	0.28	0.00	246,100
2018	101 - ONE FAMILY	144,800	15,200	86,100	0.28	0.00	246,100
2018	101 - ONE FAMILY	144,800	15,200	86,100	0.28	0.00	246,100
2017	101 - ONE FAMILY	144,800	15,200	86,100	0.28	0.00	246,100
2017	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2017	101 - ONE FAMILY	144,800	15,200	86,100	0.28	0.00	246,100
2016	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2016	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2015	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2015	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2014	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2014	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2013	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2013	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2012	101 - ONE FAMILY	103,500	12,700	82,200	0.28	0.00	198,400
2012	101 - ONE FAMILY	125,100	10,600	109,600	0.28	0.00	245,300
2011	101 - ONE FAMILY	125,100	10,600	109,600	0.28	0.00	245,300
2011	101 - ONE FAMILY	125,100	10,600	109,600	0.28	0.00	245,300
2010	101 - ONE FAMILY	125,100	10,600	109,600	0.28	0.00	245,300
2010	101 - ONE FAMILY	126,400	9,300	109,600	0.28	0.00	245,300
2009	101 - ONE FAMILY	126,400	9,300	109,600	0.28	0.00	245,300
2008	101 - ONE FAMILY	126,400	9,300	109,600	0.28	0.00	245,300
2008	101 - ONE FAMILY	126,400	9,300	109,600	0.28	0.00	245,300
2007	101 - ONE FAMILY	126,400	9,300	109,600	0.28	0.00	245,300
2007	101 - ONE FAMILY	137,000	14,100	82,200	0.28	0.00	233,300
2006	101 - ONE FAMILY	137,000	14,100	82,200	0.28	0.00	233,300
2006	101 - ONE FAMILY	137,000	14,100	82,200	0.28	0.00	233,300
2005	101 - ONE FAMILY	137,000	14,100	82,200	0.28	0.00	233,300
2005	101 - ONE FAMILY	137,000	14,100	82,000	0.27	0.00	233,100
2004	101 - ONE FAMILY	133,300	14,100	82,000	0.27	0.00	229,400
2004	101 - ONE FAMILY	100,800	12,400	62,500	0.27	0.00	175,700
2003	101 - ONE FAMILY	100,800	12,400	62,500	0.27	0.00	175,700
2003	101 - ONE FAMILY	100,800	12,400	62,500	0.27	0.00	175,700
2002	101 - ONE FAMILY	100,800	12,400	62,500	0.27	0.00	175,700
2002	101 - ONE FAMILY	100,800	12,400	62,500	0.27	0.00	175,700
2001	101 - ONE FAMILY	68,800	0	41,200		0.00	110,000
2000	101 - ONE FAMILY	57,700	11,100	41,200	0.27	0.00	110,000

"A"

TOWN OF HUDSON NEW HAMPSHIRE
APPLICATION FOR APPEAL

Application for a variance
 a special exception
 an appeal from administrative decision
 a rehearing

Case No. 49-12
8/82/49-
 Map & Lot No. 4/16-1st 23050
 Fee 200.00
 Date filed 8/13/82
 Signed _____

Name of Applicant Roland + Lucille Gaudette
 Address 19 B ST Tel. # 887-8268
 Owner of property concerned same as above
 Address _____ Tel. # same

Exact location & description of property (Include scale drawing showing plot plan, boundary dimensions, adjacent roads and right of way, location of buildings, as applicable) (Use separate sheet if necessary).

Located 19 B St

Brief description of request To extend garage in end apartment

Regarding Article 20 Section 1 of the Hudson Zoning Ordinance
 Tax # _____ Zone A-1
as my son could take over my home

ABUTTERS MAP #	LOT #	NAME	ADDRESS
49	13	Roland + Barbara Michaud	20 B St Hudson
49	11	Daniel Rosemary Gato	21 26 A St Hudson
49	2	Carole Joseph	22 Belknap St Hudson
49	1-1	Jean Robert	20 20 Belknap St Hudson
49	1	Robert + Judith Martin	18 Belknap Rd Hudson
48	89	Lucille + Belanger + Marie + Mary	13 E St Hudson
48	88	Alfred + Florence Michaud	18 B St Hudson

Owner/Applicant hereby accepts responsibility for notification of abutters and understands that all appeals filed after cut off date will be considered as being received the day after next regular meeting. (Cut off date is two weeks prior to the regular meeting as noted in Board of Adjustment BY-LAWS).

Signed Roland Gaudette Date 8/13/82

In the event an on-site inspection of the land is necessary, would you be willing to allow Board of Adjustment members on above property? Yes No _____

Signed Roland Gaudette Date 8/13/82

NOTICE OF DECISION

It is the decision of the Board of Adjustment that the above application has been denied. The Board based its decision on the following:

1. Will/Will not serve the public interest.
2. Will/Will not result in unnecessary hardship.
3. Will/Will not uphold the spirit of the ordinance.
4. Will/Will not provide for substantial justice.

The following stipulations are hereby attached to the Board's decision:

Note: Variances on which no substantial action has been taken shall become void six (6) months from date of approval by the Board of Adjustment.

8/26/82
M. J. Gagnon

"B"



Town of Hudson, N. H.

Office of Town Building Inspector

BUILDING PERMIT

No. 19-77

Sept. 8, 1976

This certifies that Richard C. Millard Name of Owner

is granted permission to alter 2nd floor porch Description
erect
repair
move

at 125 1/2 St. for apartment building
of Building

on premises located at and known as
to

125 1/2 St. ML-47742
Number Street or Avenue

and to do things lawful to that end.

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

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

No Charge

Richard C. Millard
Administrative Officer

"Ci"



TOWN OF HUDSON, N. H.

Application for a Permit To Build

Date Sept. 8 1976

99-77

Residential	
Commercial	
Industrial	
Garage	
Breezeway	
No. of Units	

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

New	
Alter	
Addition	
Repair	

Name of Owner Roland Gaudette Address 19 B St Tel. 882 8268

Land Purchased From _____ Address _____

Location _____ Property Tax No. 359

Name of General Contractor _____ Name of Architect _____

Name of Heating Contr. _____ Name of Electrical Contractor _____

Type of Heat _____ Name of Plumbing Contractor _____

Name of Fireplace Mason _____ Name of Masonry Contractor _____

Material of Building _____ Style of Roof _____ Roof Covering _____

Size of Foundation _____ Living Floor Area _____ No. of Stories _____

Height Foundation above Street _____ Water _____ Sewer _____

Foundation Material _____ Width _____ Height _____ Footings Yes No

Fireplace No. of Flues _____ Size _____ Chimney Material _____

Brief Description of Repair, Alter or Other _____

One screen by ten feet utility shed wood type
ML-49/12

The undersigned hereby agrees that the proposed work shall be done in accordance with the foregoing statement, and with the plans and specifications submitted; and that the work connected therewith shall conform with the building laws and regulations of the town of Hudson, and that _____ will notify the Building Inspector when foundation, frame, chimneys, fire-stops and heater-pipes, electrical wiring and plumbing are ready for inspection. I also certify that I have been authorized by the owner to apply for this permit.

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

Owner's Signature Roland Gaudette
Contractor's Signature _____
Address 19 B St. Hudson
"C2"

Building Permit

Applicant Brian & Heather Sullivan Date 20-Jul-2004 Permit# 2005-27
~~Ryan Reid~~ ~~37 Bridget Ave. Tyngsboro, Ma.~~ Contractor's License
Permit To Alteration 0 Story One Family # of Dwelling Units 0

At (Location) <u>19 B Street</u>	Zoning District
Between <u>Belknap Road</u>	And <u>County Road</u>

Subdivision _____ Map 191 Lot 37 Sublot _____ Lot Size 0
Building is to be 0 ft. Wide by 0 ft. Long by 0 ft. in Height and Shall Conform in Construction
to Type Wood Frame Use Group _____ Foundation Type _____

Remarks All construction must conform to Hudson Town Codes.
Remove back room and add a 8' x 37' dormer to be two bedrooms and 1/2 bath.

Area or Volume 0 Estimated Cost \$ \$17,500.00 Permit Fee \$ \$105.00

Owner Brian & Heather Sullivan

Approved William A. Oldenkott

Address 19 B Street, Hudson, NH 03051

Date JUL 30 2004

"D"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 191-037

Property Location: 19 B Street

For Town Use

Plan Routing Date: 10/06/2020 Reply requested by: 10/09/2020 ZBA Hearing Date: 10/22/2020

I have no comments I have comments (see below)

RMB _____ Name: Robert M. Buxton Date: 10/06/2020
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

Building Permit required

"E"

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

On **10/22/20**, the Zoning Board of Adjustment heard Case **191-037**, being a case brought by **Kenneth Bishop & Mary Sullivan, 19 B St., Hudson, NH** for a Variance **to build a 40 ft. by 22 ft. pavilion that encroaches into the side yard setback leaving 0.6 ft. and rear yard setback leaving 3.6 ft., where 15 ft. is required for both setbacks.** [Map 191, Lot 037-000; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements, §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

APPLICATION FOR A VARIANCE

TOWN OF HUDSON

SEP 15 2020

OCT 01 2020

To: Zoning Board of Adjustment
Town of Hudson
Zoning Department

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

Case No. 191-037 (10-22-20)

Date Filed 10/1/20

Name of Applicant KEN BISHOP + MARY SULLIVAN Map: 191 Lot: 037-009 Zoning District: TR

Telephone Number (Home) 603-966-0742 (Work) _____

Mailing Address 19 B ST HUDSON NH 03051

Owner ERNEST RODGERS

Location of Property 19 B ST HUDSON NH 03051
(Street Address)

Signature of Applicant _____ Date 6 SEPT 20

Signature of Property-Owner(s) SEE LETTER EBC Date 9-30-20

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>10/1/20</u>
Application fee:	\$130.00	
<u>7</u> Direct Abutters x <u>.10</u> =	<u>28.70</u>	
<u>16</u> Indirect Abutters x <u>\$0.55</u> =	<u>8.80</u>	
Total amount due:	<u>\$167.50</u>	Amt. received: \$ <u>167.50</u> Check # <u>6443</u>
Received by: _____	<u>TSB</u>	Receipt No.: <u>613,852</u>

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

_____ Engineering Fire Department _____ Health Officer Planner

C. Rogers

August 31, 2020

To Whom It May Concern,

I, Ernest C. Rogers (Chuck), give permission to Kenneth Bishop and Mary Sullivan to build on the property of 19 B Street, Hudson, NH 03051. I have reviewed the plans of the addition of a roofed patio and agree to these plans. Please contact me if there are any concerns that need to be addressed; though I have full confidence in their abilities to work with competent contractors and trust their decisions.

You may contact me by calling or emailing at (603) 689-5464; chuckrogers13@hotmail.com.

Sincerely,

Ernest C. Rogers



TOWN OF HUDSON, NH

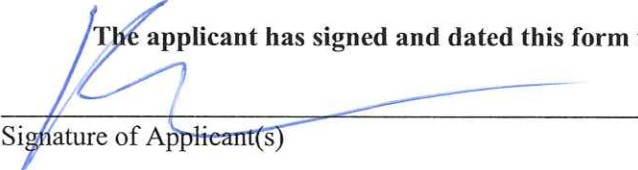
NOTICE TO APPLICANTS


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

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

- PLOT PLAN-** TG
- 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. TG
 - b) The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
 - c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
 - 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.) TG
 - e) The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements. TG
 - f) The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. TG
 - g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
 - h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
 - i) 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.




 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)

④

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
✓ 191	039	JUAN + DIANE CRUZ - SANTIAGO	18 B ST HUDSON NH 03051
✓ 191		ROLAND + MARION MICHAUD	20 B ST HUDSON NH 03051
✓ 191	036	DAVID + ROSEMARY TATE	21 B ST HUDSON NH 03051
✓ 191	055	JEAN GUY ROBERT	20 BELKNAP RD HUDSON NH 03051
✓ 198	042	ARTHUR + EMMA WALLACE	3 E ST HUDSON NH 03051
owner 191	037	ERNEST ROGERS	19 B ST. Hudson, NH 03051
Applicant		Ken Bishop Mary Sullivan	19 B St. 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)

14


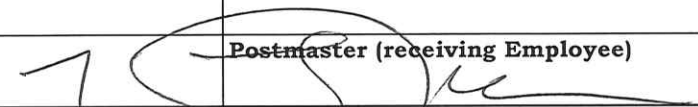
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
✓ 191	041	JAMES BOULEY	22 B ST HUDSON NH 03051
✓ 191	043	PROPERTY BUYERS LLC.	29 A ST HUDSON NH 03051
✓ 191	044	DEBORAH YOST	25 A ST HUDSON NH 03051
✓ 198	123	MARSHAL HELSPER	2 CHARBONNEAU DR HUDSON NH 03057
✓ 191	038	JOE PARISI	16 B ST HUDSON NH 03051
✓ 198	043	LANA BREEN	4 E ST HUDSON NH 03051
✓ 198	041	STEVEN BOUCHARD	14 B ST HUDSON NH 03051
✓ 198	122	SHAWN PREBLE	1 LORRAINE ST HUDSON NH 03051
✓ 198	071	WARREN GLENN	2 LORRAINE ST HUDSON NH 03051
✓ 198	053	VIANESSA NADEAU	16 BELKNAP RD HUDSON NH 03051
✓ 191	035	TAMYE CARON	23 B ST HUDSON NH 03051
✓ 191	028	CHRISTOPHER FERENTINO	24 BELKNAP RD HUDSON NH 03051
✓ 191	029	PAUL SIMARD	26 BELKNAP RD HUDSON NH 03051

✓ 191 045 ROBERT CORFIELD + 21 A ST
HUDSON NH 03051

✓ 198 056 CLIFF FALDAS + 22 BELKNAP RD
HUDSON NH 03051

OVER

✓ 198 054 ROBERT MARTIN 7 1 EST HUDSON NH 03051

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051		US POSTAL SERVICE - CERTIFIED MAIL	Case# 191-037 VARIANCE 19 B Street Map 191/Lot 037-000	1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address		10/22/2020 ZBA Meeting	
1	7018 1130 0001 8113 5015	KEN BISHOP; MARY SULLIVAN 19 B ST., HUDSON, NH 03051		APPLICANT NOTICE MAILED		
2	7018 1130 0001 8113 5022	CRUZ-SANTIAGO, JUAN & DIANE M. 18 B ST., HUDSON, NH 03051		ABUTTER NOTICE MAILED		
3	7018 1130 0001 8113 5039	MICHAUD, ROLAND G. & MARION I. 20 B STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED		
4	7018 1130 0001 8113 5046	TATE, DAVID A., TR.; TATE, ROSEMARY A., TR.; TATE REVOCABLE FAMILY TRUST 21 B STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED		
5	7018 1130 0001 8113 5053	ROBERT, JEAN GUY & ANNA E. 20 BELKNAP ROAD, HUDSON, NH 03051		ABUTTER NOTICE MAILED		
6	7018 1130 0001 8113 5060	WALLACE, ARTHUR R. & EMMA J. 3 E STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED		
7	7018 1130 0001 8113 5077	ROGERS, ERNEST 19 B ST., HUDSON, NH 03051		APPLICANT/OWNER NOTICE MAILED		
8						
9						
10						
11						
12						
		Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office		 	

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 191-037 VARIANCE 19 B Street Map 191/Lot 037-000	1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/22/2020 ZBA Meeting		
1	Mailed First Class	BOULEY, JAMES & CHARLENE 22 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
2	Mailed First Class	AKA PROPERTY BUYERS, LLC 29 A STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	Mailed First Class	YOST, DEBORAH A. 25 A STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	Mailed First Class	HELSPER, MARSHEL 2 CHARBONNEAU ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5	Mailed First Class	PARISI, LOUIS JOE JR.; DEANGELO, PAMELA JEAN 18 DENNISON AVE., SALEM, NH 03079	ABUTTER NOTICE MAILED	
6	Mailed First Class	BREEN, LANA D. 4 E STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
7	Mailed First Class	BOUCHARD, STEVEN F. 14 B ST, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
8	Mailed First Class	PREBLE, SHAWN; WOODARD, ANASTACIA J. 1 LORRAINE ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
9	Mailed First Class	GLENN, WARREN J., TR.; GLENN, SUZANNE C., TR.; GLENN REVOCABLE TRUST 2 LORRAINE ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
10	Mailed First Class	NADEAU, VANESSA 16 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
11	Mailed First Class	CARON, TAMYE 23 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
12	Mailed First Class	FERENTINO, CHRISTOPHER 24 BELKNAP RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
13	Mailed First Class	SIMARD, PAUL S. 26 BELKNAP RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
14	Mailed First Class	CORFIELD, ROBERT J. 21 A STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
15	Mailed First Class	FALDASZ, CLIFF J. & LINDA J. 22 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
16	Mailed First Class	MARTIN, ROBERT A & JUDITH I. 1 E STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
Total Number of pieces listed by sender 16		Total number of pieces rec'vd at Post Office	OCT 14 2020	Postmaster (receiving Employee)

Non-Direct First Class

TOWN OF HUDSON

Zoning Department
Mailed
10/14/20 (TB)

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:

WOULD LIKE TO BUILD A 40' X 22' PAVILION IN THE POOL AREA.
That encroaches into the side and rear
set backs, where 5'-0" is required
per zoning ordinance.

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.”)

ONLY 5 NEIGHBORS WILL BE ABLE TO SEE IT.
THERE ARE 3 POOLS WITHIN A CHILDS STONE THROW FROM
ONE ANOTHER, SO THE PAVILION WILL ACTUALLY BLEND IN.

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.”)

IT WILL ACTUALLY PROVIDE SAFETY AS I UNFORTUNATELY GO
THROUGH 2 - 12X12 POP UP CANOPIES A YEAR. AS THE WIND
LITERALLY CARRIES THROUGH THE AIR. LAST YEAR A 10X20 LAWN
JAM MIL. (ROBERTS YARD AND COULD OF HURT SOMEONE
I HAVE USE THE SPIKES, ARE SCREWED THEM TO A PLATFORM,
TIED THEM TO CYCLEN BLOCKS. A TRUB STRUCTURE IS NECESSARY.

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.)

IT WILL SAVE ME MONEY AND PROVIDE A SAFETY ELEMENT.

I AM ONE OF 8 AND MARY IS ONE OF 9 WE HAVE A LOT
OF FAMILY GATHERINGS. IT WOULD BE NICE TO NOT HAVE TO
WORRY ABOUT A CANOPY TAKING OFF AS IT HAS BEFORE
AND HURTING SOMEONE.

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.)

ITS A ROOF ON 13 LEGS AND COSTS \$6500.00

MY NEIGHBORS AND I ARE CLOSE AND SPEND TIME TOGETHER
SOME NEIGHBORS WITH NO POOLS OF COME BY FOR COOKOUTS AND
SWIMAS WELL. IVE SPOKE WITH MY DIRECT ADJUTERS AND EVEN
A FEW MORE WHO CAN ACTUALLY SEE MY PROPERTY. AND
THEY ARE EXCITED AS WELL.

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.)

THE ROOTS FROM THE TREES WERE DESTROYING THE CONCRETE SURROUNDING THE POOLS IN TWO VARD. THE CONCRETE ACTUALLY BUCKLED UP 6 IN. IN SOME SPOTS.

THE BREEZY CONDITIONS MAKE CANOPIES DANGEROUS, ITS A POOL BUILDING IN THE MIDDLE OF 3 POOLS

SAFETY FOR MY FAMILY AND OTHERS AND THE ABILITY TO TRULY ENJOY MY VARD.

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-091

September 2, 2020

Ernest Rogers
19 B Street
Hudson, NH 03051

Re: 19 B Street Map 191 Lot 037-000
District: Town Residence (TR)

Zoning Review / Determination:

You propose to construct a 40' x 22 pavilion that may encroach into the side and rear setbacks, where 15'-0" is required per Zoning Ordinance Article VII, §334-27 Table of Minimum Dimensional Requirements. You will need a variance from this Section of the Zoning Ordinance to place this as you propose. You would need to obtain a Building Permit to construct this after a successful hearing at the ZBA.

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

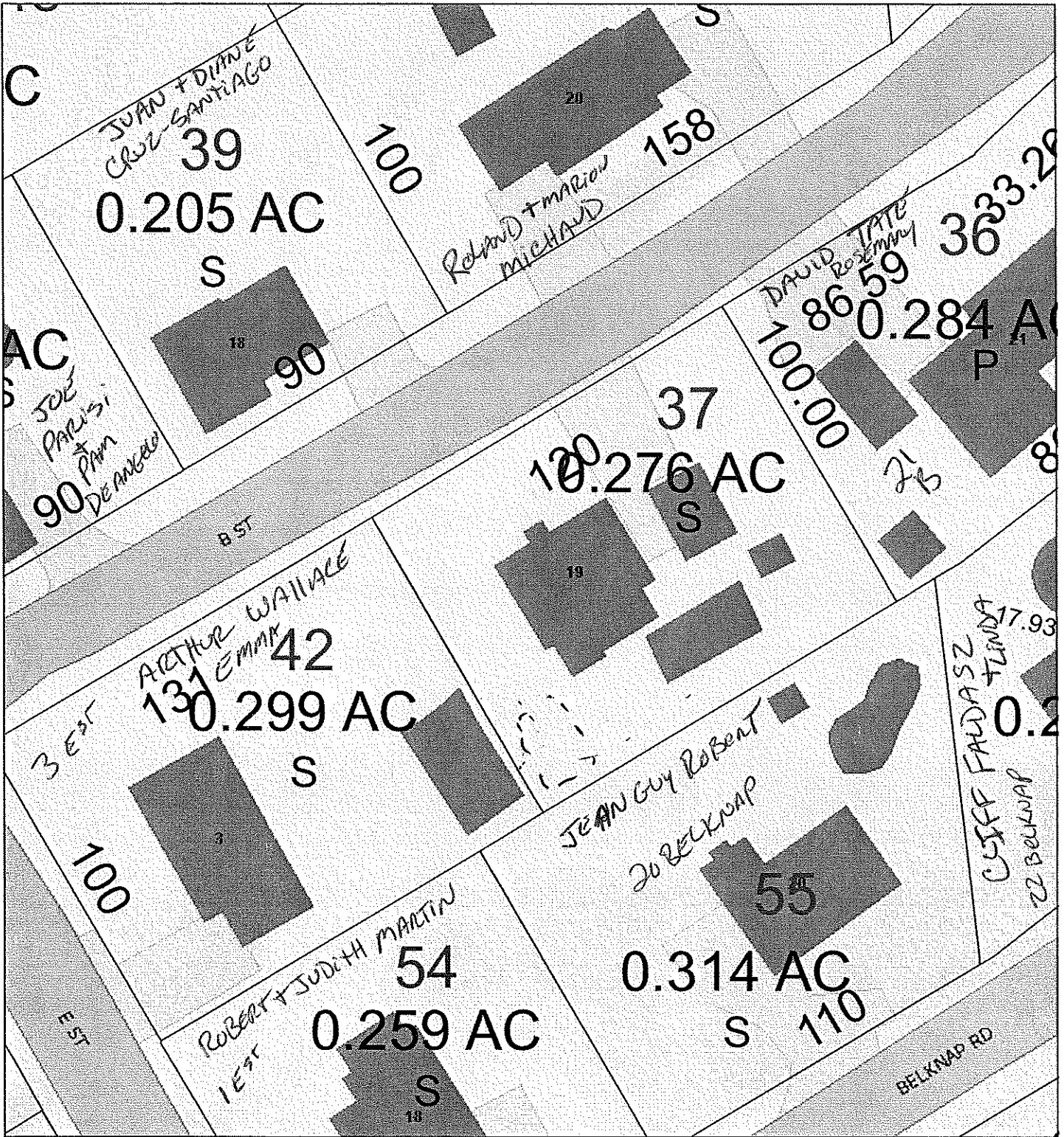
(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public File
D. Hebert – Building Official
File

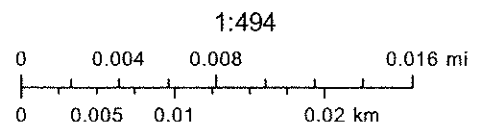
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

19 B Street



August 28, 2020

Legend
 Parcels



Proposed plot plan

40x22 g. a. g. a. m.



191 037 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPAISED: 246,100/ 246,100
USE VALUE: 246,100/ 246,100
ASSESSED: 246,100/ 246,100



PROPERTY LOCATION

No	Alt No	Direction/Street/City
19		B ST, HUDSON

OWNERSHIP Unit#: _____

Owner 1: ROGERS, ERNEST

Owner 2: _____

Owner 3: _____

Street 1: 19 B ST.

Street 2: _____

Twn/City: HUDSON

St/Prov	NH	Cntry	Own Occ
Postal:	03051		Type:

PREVIOUS OWNER

Owner 1: JACKSON, DAVID D. -

Owner 2: -

Street 1: 19 FIFER LN

Twn/City: PALM COAST

St/Prov	FL	Cntry
Postal:	32137-9232	

NARRATIVE DESCRIPTION

This parcel contains .276 ACRES of land mainly classified as ONE FAMILY with a CAPE Building built about 1954, having primarily VINYL Exterior and 1693 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 1 Half Bath, 6 Rooms, and 4 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

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

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		0.276		SITE ACRE	SITE		0	110,000	2.84	RE									86,108						86,100	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	
101	0.276	144,800	15,200	86,100	246,100	
Total Card		0.276	144,800	15,200	86,100	246,100
Total Parcel		0.276	144,800	15,200	86,100	246,100
Source: Market Adj Cost		Total Value per SQ unit /Card:		145.36	/Parcel: 145.36	

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	101	FV	144,800	15200	.276	86,100	246,100	246,100	Year End Roll	8/27/2020
2020	101	JB	144,800	15200	.276	86,100	246,100	246,100	Year End Roll	5/6/2020
2019	101	FV	144,800	15200	.276	86,100	246,100	246,100	Year End Roll	9/16/2019
2019	101	JB	144,800	15200	.276	86,100	246,100	246,100	Year End Roll	5/8/2019
2018	101	FV	144,800	15200	.276	86,100	246,100	246,100	Year End Roll	8/27/2018
2018	101	JB	144,800	15200	.276	86,100	246,100	246,100	Year End Roll	5/9/2018
2017	101	FV	144,800	15200	.276	86,100	246,100	246,100	Year End Roll	10/26/2017
2017	101	PV	144,800	15200	.276	86,100	246,100	246,100	Year End Roll	8/28/2017

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
JACKSON, DAVID	9099-2807	1	8/8/2018		280,000	No	No		
POIRE, ROBERT,	8190-0218	1	3/30/2010		234,900	No	No		
SULLIVAN, BRIAN	7766-1210	1	11/9/2006		255,000	No	No		
SOUCY, WAYNE A.	6432-0658		6/4/2001		177,500	No	No		
GAUDETTE, LUCIL	5843-0256		8/18/1997		97,500	No	No		

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F Descrp	Comment
7/20/2004	2005-27	ADDITION	17,500	C	4/14/2005			see notes

ACTIVITY INFORMATION

Date	Result	By	Name
8/2/2010	Sale Data VI	12	TECH ASMNT
7/28/2010	Sale Data V	12	TECH ASMNT
5/8/2007	Sale Data V	10	APPRAISER II
9/8/2005	New Maps	1	CHIEF ASSESS
4/14/2005	Inspected	3	ASMNT TECH
3/20/2001	Meas/Inspect	0	PATRIOT
1/23/1991	Inspected	2	AVITAR

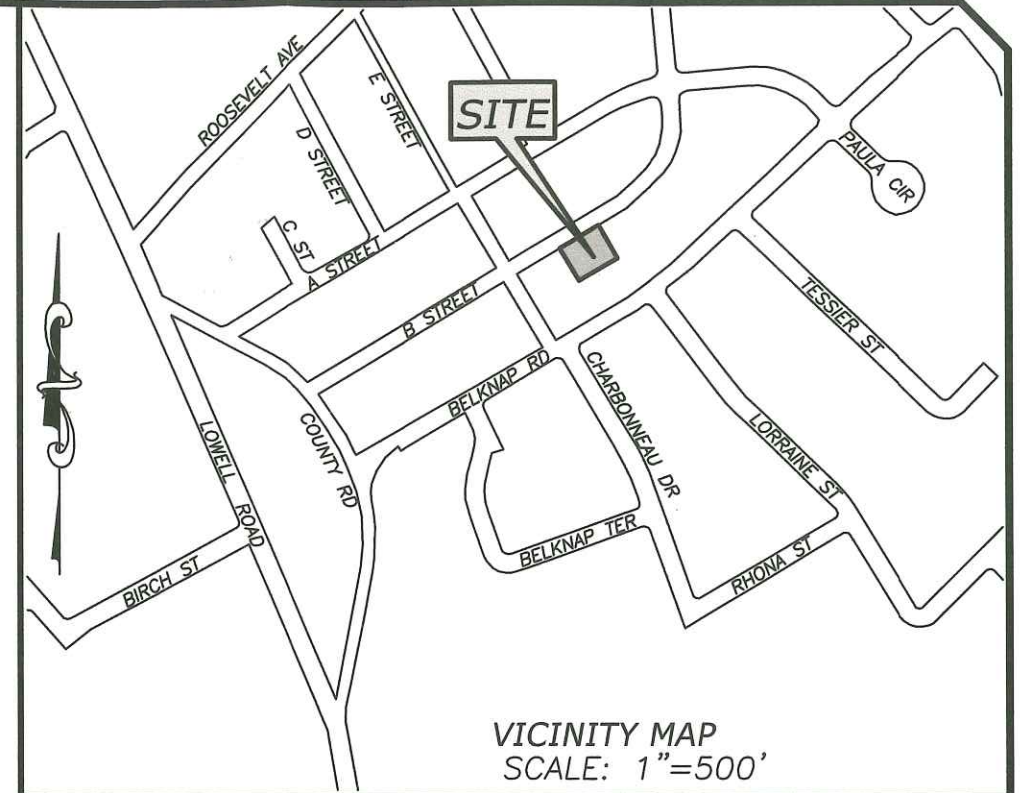
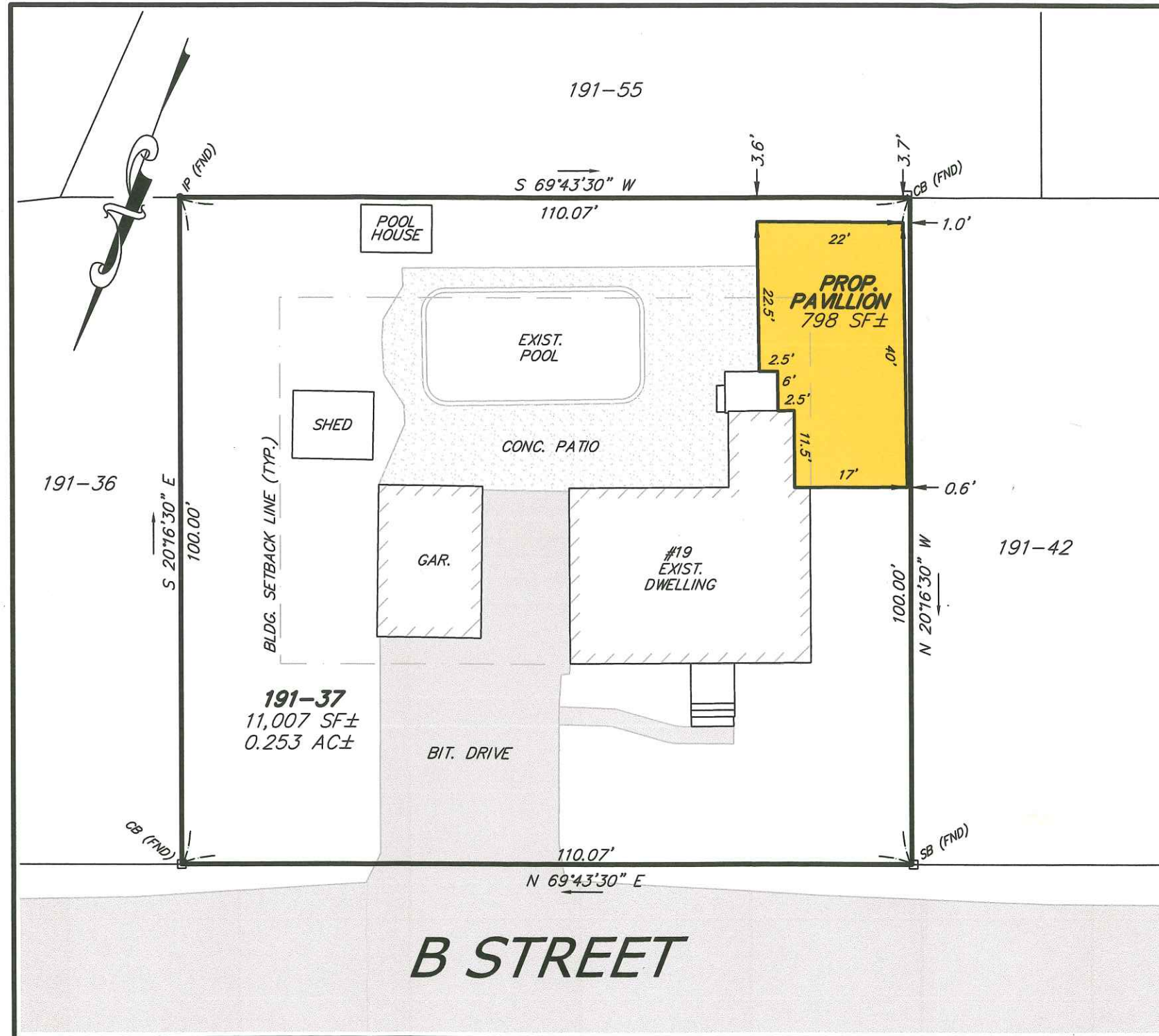
Sign: _____ / /

Total AC/HA: 0.27600 Total SF/SM: 12023 Parcel LUC: 101 ONE FAMILY Prime NB Desc: RES AVG Total: 86,108 Spl Credit: Total: 86,100

**PLAN OF LAND
19 B STREET
HUDSON, NH
MAP 191 LOT 37
AS PREPARED FOR
KEN BISHOP, OWNER**

PLAN NOTES:

1.) PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED PAVILLION AT HUDSON MAP 191 LOT 37.



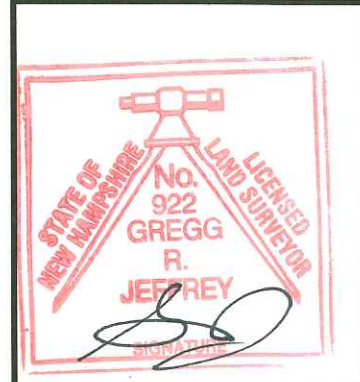
VICINITY MAP
SCALE: 1"=500'

REV. 2		BY:
REV. 1		BY:

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

DEED REF: BK. 9099 PG. 280
PLAN REF.: HCRD PL. 416
PLAN SCALE: 1"=20'
DATE: SEPT 2020
JOB REF.: 020-105-ROGE

TOWN OF HUDSON
OCT 01 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

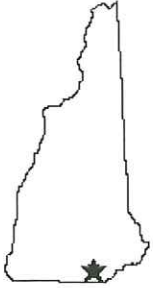


Printed
10/01/2020
4:12PM
Created
10/01/2020
4:10 PM

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

Receipt# 613,852
tgoodwyn

<u>Description</u>		<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>	
1.00	Zoning Application-ZBA Mtg 10/22/20 19 B Street Map/Lot 191-037-000 Variance Application	0.00	167.5000	0.00	
			Total:	167.50	
Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Kenneth E. Bishop & Kenneth Bishop	CHECK	CHECK # 6443	167.50	0.00	167.50
			Total Due:		167.50
			Total Tendered:		167.50
			Total Change:		0.00
			Net Paid:		167.50



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: October 22, 2020 *BB 10-14-20*

Case 157-001 (10-22-20): Andrea Mastrangelo, 56A Ledge Rd., Hudson, NH requests a Home Occupation Special Exception to operate a home hair salon color studio business in the basement area of the primary residence. [Map 157, Lot 001-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

Property description:

Our records show this is a developed lot of record, existing conforming in regards to: area 111,513 sq ft and frontage of 150 ft. where 60,000 sq ft and 120 ft are required. Conforming two family residential use.

Zoning Administrator Summary:

Applicant requests a Home Occupation Special Exception for a home hair salon/studio business.

In-house (Town) review/comments:

Fire Dept: Comments received
Engineering: Comments received
Town Planner: none received
Zoning Administrator comments

HISTORY:

Assessing: Listed as two family
Building: BP # 166-84 application plot plan; BP #166-84 C.O.(duplex); Septic approval/operation for 4 bedroom Duplex (2 each); Two driveway waivers;

Attachments:

- “A” Assessing record as Two Family.
- “B” BP # 166-84 application plot plan.
- “C” BP #166-84 C.O.(duplex).
- “D” Septic approval/operation for 4 bedroom Duplex (2 each).
- “E” Two driveway waivers.
- “F” Fire Dept comments.
- “G” Engineering comments.
- “H” Zoning Administrator comments.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	104 - TWO FAM	190,600	0	123,500	2.56	0.00	314,100
2020	104 - TWO FAM	190,600	0	123,500	2.56	0.00	314,100
2019	104 - TWO FAM	190,600	0	123,500	2.56	0.00	314,100
2019	104 - TWO FAM	190,600	0	123,500	2.56	0.00	314,100
2018	104 - TWO FAM	190,600	0	123,500	2.56	0.00	314,100
2018	104 - TWO FAM	190,600	0	123,500	2.56	0.00	314,100
2017	104 - TWO FAM	190,600	0	123,500	2.56	0.00	314,100
2017	104 - TWO FAM	140,400	0	107,900	2.56	0.00	248,300
2017	104 - TWO FAM	190,600	0	123,500	2.56	0.00	314,100
2016	104 - TWO FAM	140,400	0	107,900	2.56	0.00	248,300
2016	104 - TWO FAM	140,400	0	107,900	2.56	0.00	248,300
2015	104 - TWO FAM	140,400	0	107,900	2.56	0.00	248,300
2015	104 - TWO FAM	140,400	0	107,900	2.56	0.00	248,300
2014	104 - TWO FAM	140,400	0	107,900	2.56	0.00	248,300
2014	104 - TWO FAM	150,500	0	107,900	2.56	0.00	258,400
2013	104 - TWO FAM	150,500	0	107,900	2.56	0.00	258,400
2013	104 - TWO FAM	150,500	0	107,900	2.56	0.00	258,400
2012	104 - TWO FAM	150,500	0	107,900	2.56	0.00	258,400
2012	104 - TWO FAM	242,400	0	142,900	2.56	0.00	385,300
2011	104 - TWO FAM	242,400	0	142,900	2.56	0.00	385,300
2011	104 - TWO FAM	242,400	0	142,900	2.56	0.00	385,300
2010	104 - TWO FAM	242,400	0	142,900	2.56	0.00	385,300
2010	104 - TWO FAM	242,400	0	142,900	2.56	0.00	385,300
2009	104 - TWO FAM	242,400	0	142,900	2.56	0.00	385,300
2008	104 - TWO FAM	242,400	0	142,900	2.56	0.00	385,300
2008	104 - TWO FAM	242,400	0	142,900	2.56	0.00	385,300
2007	104 - TWO FAM	242,400	0	142,900	2.56	0.00	385,300
2007	104 - TWO FAM	212,900	0	107,200	2.56	0.00	320,100
2006	104 - TWO FAM	212,900	0	107,200	2.56	0.00	320,100
2006	104 - TWO FAM	212,900	0	107,200	2.56	0.00	320,100
2005	104 - TWO FAM	212,900	0	107,200	2.56	0.00	320,100
2005	104 - TWO FAM	212,900	0	107,200	2.56	0.00	320,100
2004	104 - TWO FAM	212,900	0	107,200	2.56	0.00	320,100
2004	104 - TWO FAM	160,300	0	82,000	2.56	0.00	242,300
2003	104 - TWO FAM	160,300	0	82,000	2.56	0.00	242,300
2003	104 - TWO FAM	160,300	0	82,000	2.56	0.00	242,300
2002	104 - TWO FAM	160,300	0	82,000	2.56	0.00	242,300
2002	104 - TWO FAM	160,300	0	82,000	2.56	0.00	242,300
2001	104 - TWO FAM	119,900	0	57,300		0.00	177,200
2000	104 - TWO FAM	119,900	0	57,300	2.56	0.00	177,200

A

Application For Permit to Build

No.

Location

Estimated Cost \$45,000 -

PERMIT GRANTED

WORK COMPLETED

Building Inspector

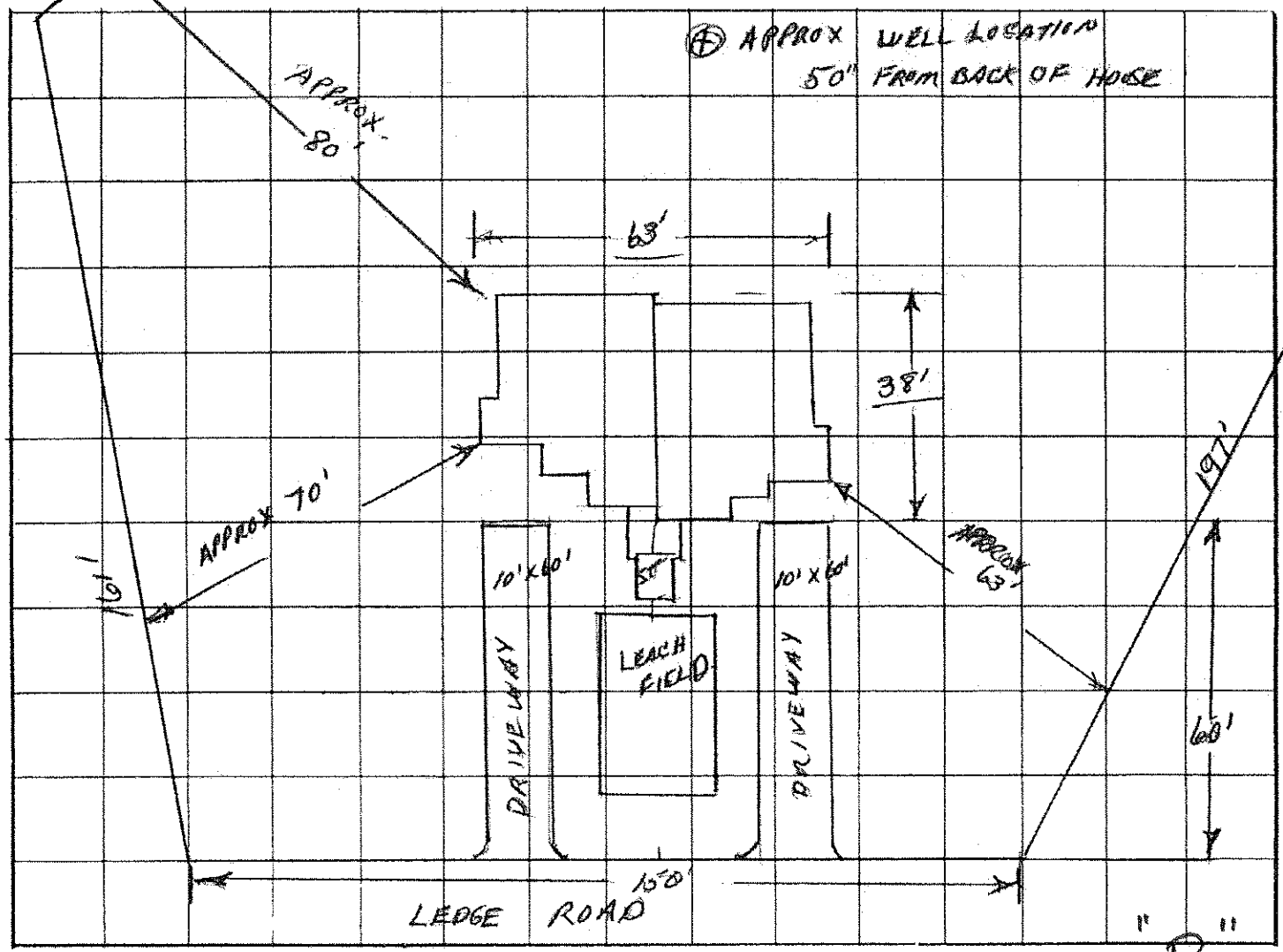
PLOT PLAN

COMMENTS

LOT _____ Owner's Name _____

SHEET _____ No. Street _____

SCALE 1"=30 ft. _____ District _____



B

TOWN OF HUDSON

24
23

Nº 1480



OCCUPANCY PERMIT

Owner or Builder

Samuel P. Merrill

Address of Building

50 A.B. Dodge Rd.

PERMISSION IS HEREBY GRANTED TO OCCUPY THIS BUILDING:

Date

Feb. 3 19 *24*

Building Inspector's Approval

Richard C. Merrill

No person shall occupy this building until Inspector's approval

"C"

N.H. WATER SUPPLY & POLLUTION CONTROL COMMISSION
P.O. BOX 95 HAZEN DRIVE, CONCORD, NH 03301

APPROVAL FOR OPERATION

THE INDIVIDUAL SEWAGE OR WASTE
DISPOSAL SYSTEM CONSTRUCTED FOR:

Bldg. Permit # 166-84

APPROVAL # 106170

Owner:

Gerald C. Lacourse
64 Dracut Rd.
Hudson, NH 03051

LOT NUMBERS:
SUBD. APPVL.#:
SUBD. NAME:

Copy sent to:

Board of Selectmen
Town Office
Hudson, NH 03051

TYPE OF SYSTEM: 4 Bedroom Duplex - 600 GPD

TOWN/CITY LOCATION: Hudson, NH

STREET LOCATION: 56 Lodge Rd.

INSTALLER *Br Eye*

PERMIT # 860

OWNER INSTALLED FOR HIS DOMICILE

was inspected on (Date) 12-16-83
before covering and is hereby approved for use.

Date Approved: 12-16-83

By: *Amanda E. [Signature]*

(Authorized Agent of N.H. Water Supply and
Pollution Control Commission)

(OVER)

Revised 10/1/80

THIS APPROVAL DOES NOT SUPERCEDE
ANY EQUIVALENT OR MORE STRINGENT
LOCAL ORDINANCES OR REGULATIONS.
STATE STANDARDS ARE MINIMAL
AND MUST BE MET STATEWIDE.

"D"

DRIVEWAY AND OTHER ACCESS REGULATION

WAIVER REQUEST

Date: November 9, 1983

To: Hudson Planning Board

Request is hereby made for the following waiver from the Driveway and Other Access Regulation:

Map 24, Lot 23; Less than 400' sight
distance, right. 345' sight distance
is proposed.

Signature of Applicant:

Priscilla Lacourse

cc: Civil Engineer
Town Engineer
Road Agent

PLANNING BOARD ACTION:

Approved

Denied

FOR THE HUDSON PLANNING BOARD

Paul E. Linderdayer
Chairman

Marilyn E. McKeath
Secretary

Date: Nov. 9, 1983

"E."

DRIVEWAY AND OTHER ACCESS REGULATION

WAIVER REQUEST

Date: Nov. 9, 1983

To: Hudson Planning Board

Request is hereby made for the following waiver from the Driveway and Other Access Regulation:

Map 24, Lot 23:

Two curb cuts for one residential lot

with a duplex.

Signature of Applicant: *Priscilla Lacourse*

cc: Civil Engineer
Town Engineer
Road Agent

PLANNING BOARD ACTION:

Approved

Denied

FOR THE HUDSON PLANNING BOARD

Paul E. Loderley
Chairman

Marilys C. Reynolds
Secretary

Date: Nov. 9, 1983

"E2"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 157-001

Property Location: 56 A Ledge Rd

For Town Use

Plan Routing Date: 10/06/2020 Reply requested by: 10/09/2020 CZBA Hearing Date: 10/22/2020

I have no comments I have comments (see below)

RMB _____ Name: Robert M. Buxton Date: 10/06/2020
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

Owner will need to meet all State of NH requirements. Any additional construction requirements will be reviewed during the building permit process.

" F "

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

REQUEST FOR REVIEW/COMMENTS:

Case: 157-001

Property Location: 56 A Ledge Rd

For Town Use

Plan Routing Date: 10/06/2020 Reply requested by: 10/09/2020 ZBA Hearing Date: 10/22/2020

I have no comments I have comments (see below)

EZD _____ Name: Elvis Dhima Date: 10/09/2020
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

The site is currently served by individual well and septic system.

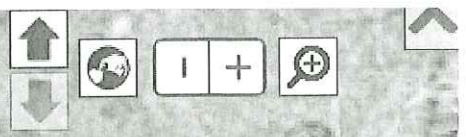
1. Applicant shall provide an approved septic system design that can accomodate the hair salon operations prior to building permit.
2. Applicant shall provide information related to the well serving this property. Is there an existing well serving both units or individual one for each unit.
3. 2020 ortho images indicate a parking issue at this location.

"G1"



0 5 100

-74.436431, 42.771414



56

LEDGE RD

"G2"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 157-001

Property Location: 56 A Ledge Rd

For Town Use

Plan Routing Date: 10/06/2020 Reply requested by: 10/09/2020 ZBA Hearing Date: 10/22/2020

I have no comments I have comments (see below)

BB _____ Name: Bruce Buttrick - Zoning Administrator Date: 10/14/2020
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

1. Applicant shall provide an approved septic system design that can accommodate the hair salon operations as well as the existing duplex number of bedrooms, (as the property card indicates 3 bedrooms each uni), prior to building permit.

2. Applicant needs to address parking issues as 2020 ortho images indicate a parking issue at this location.

Bruce Buttrick - Zoning Administrator

|

"H"

Unofficial Property Record Card - Hudson, NH

General Property Data

Parcel ID 157-001-000	Account Number 3700
Prior Parcel ID 0024 -0023-0000	
Property Owner WILSON, SCOTT A. WILSON, VALENCIA	Property Location 56 LEDGE RD Property Use TWO FAM
Mailing Address 59 GEORGETOWN DR	Most Recent Sale Date 11/17/1989 Legal Reference 5150-1144
City CENTER BARNSTEAD	Grantor
Mailing State NH Zip 03225	Sale Price 178,000
ParcelZoning	Land Area 2.560 acres

Current Property Assessment

Card 1 Value	Building Value 190,600	Xtra Features Value 0	Land Value 123,500	Total Value 314,100
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Building Description

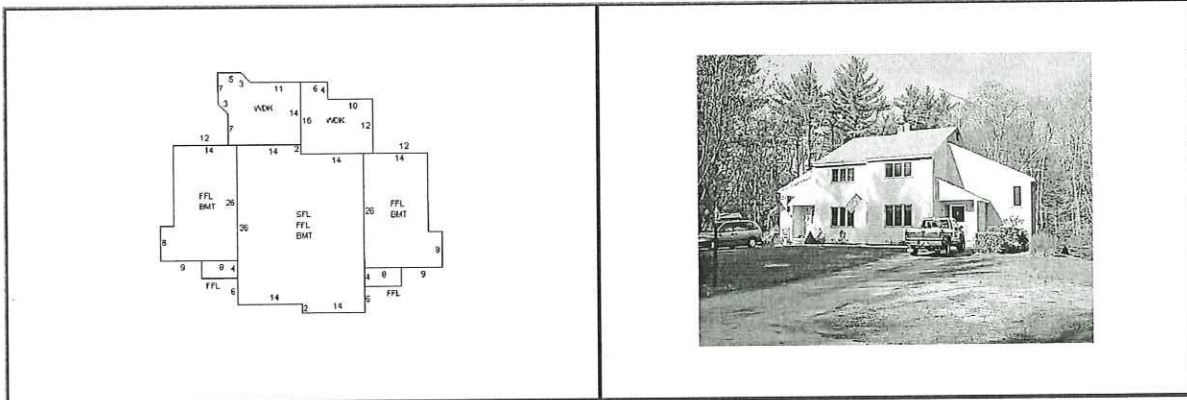
Building Style DUPLEX	Foundation Type CONCRETE	Flooring Type CARPET
# of Living Units 2	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1983	Roof Structure GABLE	Heating Type FORCED HW
Building Grade AVERAGE	Roof Cover ASPH SHING	Heating Fuel OIL
Building Condition Average	Siding COMP CLAPBD	Air Conditioning 0%
Finished Area (SF) 2856	Interior Walls DRYWALL	# of Bsmt Garages 0
Number Rooms 10	# of Bedrooms 6	# of Full Baths 2
# of 3/4 Baths 0	# of 1/2 Baths 2	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 2.560 acres of land mainly classified as TWO FAM with a(n) DUPLEX style building, built about 1983 , having COMP CLAPBD exterior and ASPH SHING roof cover, with 2 unit(s), 10 room(s), 6 bedroom(s), 2 bath(s), 2 half bath(s).

Property Images



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

H₂

HUDSON ZONING BOARD OF ADJUSTMENT

Home Occupation Special Exception Decision Worksheet

On 10/22/20, the Hudson Zoning Board of Adjustment heard Case 157-001, being a request by **Andrea Mastrangelo, 56A Ledge Rd., Hudson, NH**, to allow for a Home Occupation Special Exception **to operate a home hair salon color studio business in the basement area of the primary residence.** [Map 157, Lot 001-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

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

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

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

Signed: _____
Sitting Member of the Hudson ZBA

_____ Date

TOWN OF HUDSON

OCT 05 2020

Zoning Department

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by Land Use Division personnel
Case No. 157-001 (10-22-20)
Date Filed 10/5/20

Name of Applicant Andrea Mastrangelo Map: 157 Lot: 01 Zoning District: r-2

Telephone Number (Home) 603-417-9666 (Work) _____

Mailing Address 56 Ledge RD

Owner Scott Wilson

Location of Property 56A Ledge RD Hudson, NH 03060
(Street Address)

Signature of Applicant [Signature] Date 9/11/20

Signature of Property-Owner(s) [Signature] Date 9/30/2020

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

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

COST:			Date received: <u>10/5/20</u>
Application fee:	<u>.10</u>	<u>\$130.00</u>	
<u>8</u> Direct Abutters x \$4.05 =		<u>32.80</u>	
<u>1</u> Indirect Abutters x \$0.55 =		<u>0.55</u>	
Total amount due:		<u>\$163.35</u>	Amt. received: \$ <u>163.35</u> <i>chk # 115</i>
			Receipt No.: <u>614,170</u>
Received by: <u>[Signature]</u>			
By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:			
<input checked="" type="checkbox"/> Engineering	<input checked="" type="checkbox"/> Fire Department	<input type="checkbox"/> Health Officer	<input checked="" type="checkbox"/> Planner

Scott A. Wilson
59 Georgetown Drive
Center Barnstead, NH 03225-3322
Cell (603) 770-3700

To: Town of Hudson

From: Scott A. Wilson, Owner
Property located at:
56 Ledge Road, Hudson, NH 03051

Re: Andrea Mastrangelo and the locating of a home based salon at my property stated above.

Andrea Mastrangelo has my permission to run a hair salon business at my property located at 56A Ledge Road, Hudson, NH 03051.

Andrea has stipulated there will be no more than 5 customers a week or 20 to 25 customers a month depending on a 4 week or 5 week month.

Customers will enter the premise from the slider located at the rear of the property.

Andrea will maintain insurance commensurate with liabilities associated with running her business from my property as stated above.

The business activity will be reviewed on a six (6) month to twelve (12) month basis with attention paid to traffic in the neighborhood, wear and tear on the property and overall viability of the enterprise.

It you have any questions regarding any understandings communicated in this letter, please contact me at (603) 770-3700 or at scottwils@comcast.net

Best regards,

 9/30/2020

Scott A. Wilson
Property Owner

Cc: Andrea Mastrangelo – Salon Owner
Fran Incrovato – Prpoerty Manager at Exact Property Management

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>AM</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>AM</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>AM</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>AM</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> <i>Received. original 10/5/20</i>
<u>AM</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>AM</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>AM</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>

N/A

PLOT PLAN-

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

N/A

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

N/A

✓ TG

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

Signature of Applicant(s)

Date

9/11/20

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.

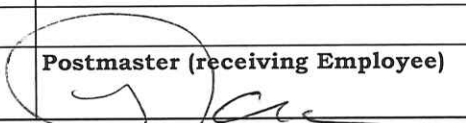
The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates 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.

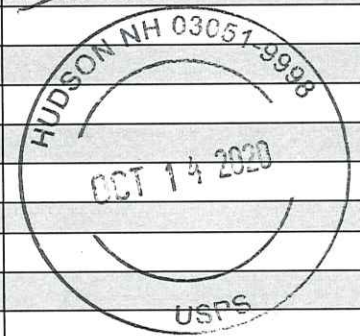
Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

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
157	003	JOYCE, RICHARD A. JOYCE, SANDRA JOYCE FAMILY REV TRUST	58 Ledge RD, Hudson, NH 03051
157	002	IRVING, DAVID D.	59 Ledge RD, Hudson, NH, 03051
166	037	NOURY, PETER	17 ELNATHAS WAY, HOLLIS, NH,03049
166	013	MITCHELL, RANDY W; MITCHELL, LINDA J	57 Ledge RD, Hudson, NH, 03051
166	001	ST PATRICK CEMETARY; BISHOP OF MANCHESTER ROMAN CATHOLIC	153 ASH ST, MANCHESTER, NH 03104
166	012	MONTANEZ, RICHARDO; MONTANEZ, JENNIFERtext here	54 Ledge RD, Hudson, NH, 03051
157	001	WILSON, SCOTT; WILSON, VALENCIA	59 GEORGETOWN DR, CENTER BARNSTEAD NH, 03225
157	001	Andrea Mastrangelo	56a ledge rd, hudson, nh 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 157-001 Home Occup Spcl Excep. 57 A Ledge Rd Map 157/Lot 001 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/22/2020 ZBA Meeting
1	7018 1130 0001 8113 5084	ANDREA MASTRANGELO 56 A LEDGE RD., HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7018 1130 0001 8113 5091	JOYCE, RICHARD A., TR; JOYCE, SANDRA G., TR; JOYCE FAMILY REV TRUST 58 LEDGE ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7018 1130 0001 8113 5107	IRVING, DAVID D. 59 LEDGE ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7018 1130 0001 8113 5114	NOURY, PETER 17 ELNATHANS WAY, HOLLIS, NH 03049	ABUTTER NOTICE MAILED
5	7018 1130 0001 8113 5121	MITCHELL, RANDY W.; MITCHELL, LINDA J. 57 LEDGE ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7018 1130 0001 8113 5138	ST PATRICK CEMETERY; Bishop of Manchester Roman Catholic 153 ASH STREET, MANCHESTER, NH 03104	ABUTTER NOTICE MAILED
7	7018 1130 0001 8113 5145	MONTANEZ, RICARDO R.; MONTANEZ, JENNIFER M. 54A LEDGE RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	7018 1130 0001 8113 5152	WILSON, SCOTT A.; WILSON, VALENCIA 59 GEORGETOWN DR, CENTER BARNSTEAD, NH 03225	APPLICANT/OWNER ABUTTER NOTICE MAILED
9			
10			
11			
12			
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office 8	Postmaster (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 157-001 Home Occup Spcl Excep. 57 A Ledge Rd Map 157/Lot 001 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/22/2020 ZBA Meeting
1	Mailed First Class	LOCKWOOD PLACE CONDOMINIUM; C/O HARVARD MANAGEMENT PO BOX 2019, MERRIMACK, NH 03054	ABUTTER NOTICE MAILED
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
	Total Number of pieces listed by sender ①	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

TOWN OF HUDSON

OCT 14 2020

Zoning Department

Mailed
10/14/20
TB

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

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

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

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

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

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

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

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

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

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

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

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

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

Hair salon color studio. I use natural eco friendly products, I will cut & color hair for current clients

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

no

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

yes will be utilized 12 X 16 ft space in finished basement

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

no signs

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

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

no storage

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

no

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

no I expect only 1-5 clients per week

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

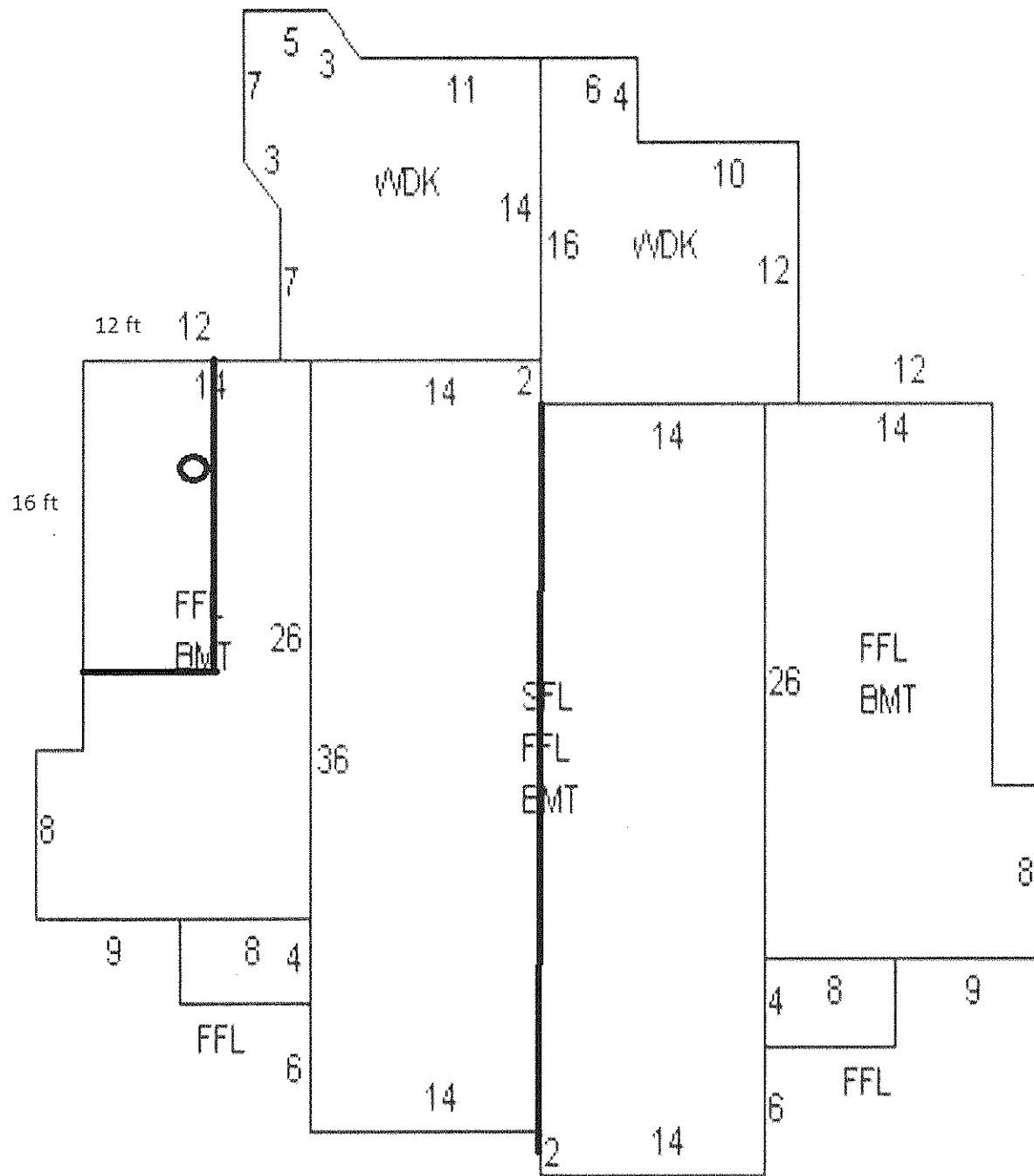
one car at a time in my parking space

Who will be conducting the home occupation? Please explain.

Andrea Mastrangelo cosmetologist

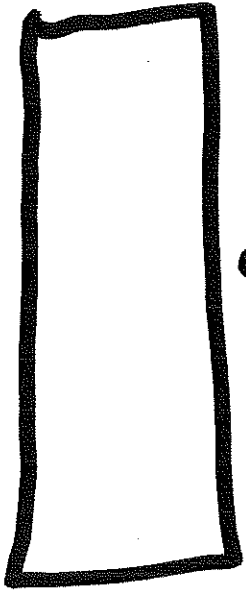
Will there be a vehicle(s) for the home occupation? Please explain the type and number of vehicle(s).

no

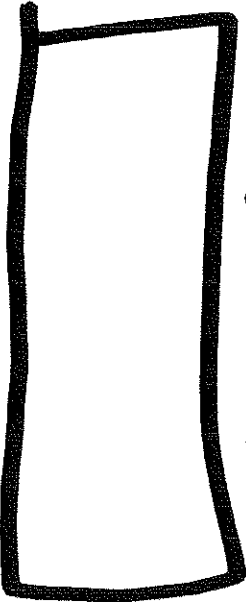


○ = shampoo bowl placement

ENTRANCEWAY



COLOR BAR

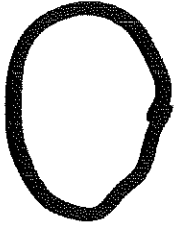


WAITING AREA

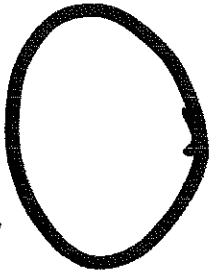


DRINKS

STYLING CHAIR



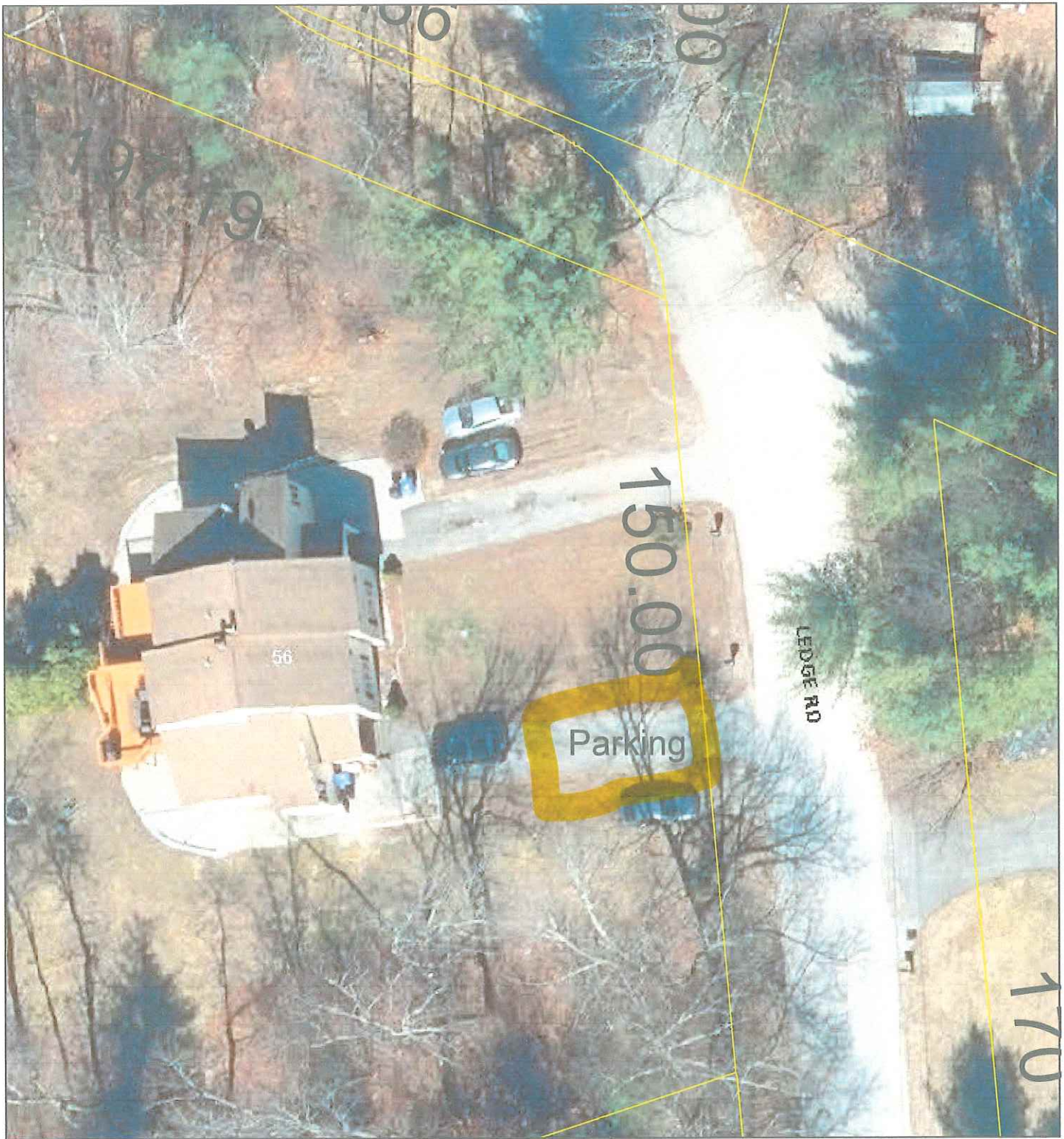
SHAMPOO BOWL



REST ROOM



56 Ledge Road



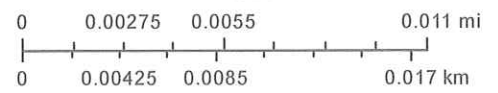
September 8, 2020

1:329

Legend

 Parcels - Aerials

 Parcels





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-100

September 23, 2020

Andrea Mastrangelo
56A Ledge Rd
Hudson, NH 03051

Re: 56A Ledge Rd Map 157 Lot 001-000
District: Residential Two (R-2)

Dear Ms. Mastrangelo,

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

Zoning Review / Determination:

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

Sincerely,

Bruce Buttrick, MCP

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

cc: Public File
Owner
File

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

MAP LOT SUB

CARD

Hudson

APPRAISED: 314,100 / 314,1
 USE VALUE: 314,100 / 314,1
 ASSESSED: 314,100 / 314,1



Patriot Properties Inc

PROPERTY LOCATION

No	Alt No	Direction/Street/City
56		LEDGE RD, HUDSON

OWNER

Owner 1:	WILSON, SCOTT A.
Owner 2:	WILSON, VALENCIA
Owner 3:	
Address 1:	59 GEORGETOWN DR
Address 2:	
City:	CENTER BARNSTEAD
State/Prov:	NH
Postal:	03225

PREVIOUS OWNER

Owner 1:	-
Owner 2:	-
Address 1:	
City:	
State/Prov:	
Postal:	

PROPERTY DESCRIPTION

This parcel contains 2.56 ACRES of land mainly classified as 2 FAM with a DUPLEX Building built about 1983, having generally COMP CLAPBD Exterior and 2856 Square Feet, with 2 Baths, 0 3/4 Bath, 2 HalfBaths, 10 Rooms, and 6 Stairs.

PROPERTY ASSESSMENTS

Assessment No	Description	Amount	Com. Int

PROPERTY FACTORS

Code	Description	%	Item	Code	Description
R2	RES2 TWO		water	9	PRIV WATER
			Sewer	0	SEPTIC
			Electri		
Census:			Exmpt		
Flood Haz:	C				
			Topo	4	ROLLING
			Street		
			Gas:		

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
104	2.560	190,600		123,500	314,100
Total Card	2.560	190,600		123,500	314,100
Total Parcel	2.560	190,600		123,500	314,100
Source: Market Adj Cost		Total Value per SQ unit /Card:		109.98	/Parcel: 109.98

Legal Description	User Acct
	3700
	GIS Ref
	GIS Ref
	Insp Date
	06/26/14
	12783!

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	104	FV	190,600	0	2.56	123,500	314,100	314,100	Year End Roll	8/27/2020
2020	104	JB	190,600	0	2.56	123,500	314,100	314,100	Year End Roll	5/6/2020
2019	104	FV	190,600	0	2.56	123,500	314,100	314,100	Year End Roll	9/16/2019
2019	104	JB	190,600	0	2.56	123,500	314,100	314,100	Year End Roll	5/8/2019
2018	104	FV	190,600	0	2.56	123,500	314,100	314,100	Year End Roll	8/27/2018
2018	104	JB	190,600	0	2.56	123,500	314,100	314,100	Year End Roll	5/9/2018
2017	104	FV	190,600	0	2.56	123,500	314,100	314,100	Year End Roll	10/26/2017
2017	104	PV	190,600	0	2.56	123,500	314,100	314,100	Year End Roll	8/28/2017

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
	5150-1144		11/17/1989	FAMILY TRANS	178,000	No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
3/4/2019	2019-00154	ELECTRIC		C				
10/26/2015	2015-01061	ELECTRIC	1,900	C			METER FOR WELL	

ACTIVITY INFORMATION

Date	Result	By	Name
6/26/2014	Inspected	15	APPR TECH 5
6/17/2014	Measured	15	APPR TECH 5
4/19/2006	Measured	8	ASMNT TECH I
4/18/2001	Meas/Inspect	0	PATRIOT
2/11/1991	Inspected	2	AVITAR

Sign: _____

LAND SECTION (First 7 lines only)

Seq	Description	LUC Fact	No of Units	Depth/PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infru	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class %	Spec Land %	J Code	Fact	Use Value	Notes
4	TWO FAM	1.1	1		SITE ACRE SITE			0 110,000.	1.10	RE							121,000					121,000	DUPLEX
4	TWO FAM	1.1	1.56		ACRES EXCESS			0 4,750.	0.34	RE				SHAPE	-75		2,547					2,500	SHAPE

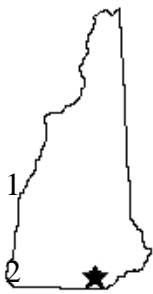
Printed
10/05/2020
3:38PM
Created
10/05/2020
3:26 PM

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

Receipt# 614,170
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application- 10/22/20 ZBA Meeting 56A Ledge Rd Map/Lot 157-001-000 Home Occupation SE	0.00	163.3500	0.00
			Total:	163.35

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
SLAY SALON	CHECK	CHECK # 115	163.35	0.00	163.35
			Total Due:		163.35
			Total Tendered:		163.35
			Total Change:		0.00
			Net Paid:		163.35



TOWN OF HUDSON

Zoning Board of Adjustment

Charlie Brackett, Chairman Marilyn McGrath, Selectmen Liaison

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

Site Walk Meeting Minutes – September 19, 2020 – ~~draft~~edited

ZBA Members present were Charlie Brackett, Gary Dearborn, Gary Daddario, Jim Pacocha and Brian Etienne along with Kara Roy (Selectmen Liaison). ZBA Members -met with the property owners: Christopher & Christine Floyd and Rene Joyal owners of 78 Highland Street at their property.

Called to Order at 9:06 a.m.

Homeowner explained that she is a life-long resident of this home having grown up in it. Her parents ran a catering business from an outbuilding on the property. In 2009, the present owners got a variance and the business approved for the property is “landscaping”. They use the outbuilding and, since 2014, a garage for the business, as well as some of the other outside property behind the house.

The owners said-stated that they limit parking to 4 company vehicles and 1 trailer per the variance. They only have 3 employees and therefore have no further vehicles. Also, one of the employees often takes one of the trucks home. The rear yard area appeared clean and orderly. The owners said-stated that this is always the condition of the property and that if we check next month we will see it looks the same.

The owners said-stated that they know the complaining party to be Sue Cloutier (sp?)[GT1]-of George Street. She doesn’t live next to or across from the subject property or even on the same street. Further, another landscaping company, KR Levine, operates out of a home located between 78 Highland and the complaining party’s home on George Street.

The owners acknowledged that they unwittingly filled in some wetlands (1,700 sq ft) but have since done everything they were instructed to do to remedy the situation. The ZBA informed them that this issue is not before us.

The owners stated that job materials are delivered straight to job sites and that their business neither stores materials at 78 Highland Street nor are materials loaded or unloaded here.

Some of the rear property is accessed via a dirt road which is owned by Eversource. The owners stated that Eversource intends to fence this in and it will impact how they access the rear of their own property. The ZBA advised that this issue was not before us at this time and that they should check with the Town before they change anything in the nature of their driveway, etc.

Motion to Adjourn by Brian Etienne was seconded by Jim Pacocha and passed unanimously. Meeting adjourned at 9:34 a.m.

Respectfully submitted,

_____ Gary Daddario, ZBA Clerk

Not Official until reviewed, approved and signed.
As edited [CB, GD2, LK, TG]



TOWN OF HUDSON

Zoning Board of Adjustment

Charlie Brackett, Chairman Marilyn E. McGrath, Selectmen Liaison

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

MEETING MINUTES – September 24, 2020 – as edited

I. ATTORNEY-CLIENT (NON-PUBLIC) SESSION per RSA 91-A:3 II(4) 6:30 PM

Meeting held.

II. CALL TO ORDER

III. PLEDGE OF ALLEGIANCE

Chairman Brackett called the meeting to order at 7:12 PM, apologized for the late start due to technical difficulties and invited everyone to stand for the Pledge of Allegiance.

Mr. Brackett read the COVID-19 meeting procedure that in conformance with the NH State of Emergency Order #12 confirmed the following: (a) providing public access to meeting by telephone and video access; (b) provided public notice on how to access the meeting; (c) mechanism to advise if there is a problem with accessing meeting and (d) should there be an issue with accessibility, the meeting will need to be adjourned and rescheduled; and (e) that voting would be by roll call vote. Mr. Brackett stated that the Board would go into recess so that the public could call in their questions or concerns during public testimony and added that if anyone cannot gain access, that the meeting would need to be adjourned. Mr. Brackett noted that specific instructions for meeting access was included in both the Applicant Notification and the Abutter Notification and were posted on the website.

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

Clerk Gary Daddario took attendance. Members present were Charlie Brackett (Regular/Chair), Gary Daddario (Regular/Clerk), Gary Dearborn (Regular/Vice Chair), Brian Etienne (Regular), Leo Fauvel (Alternate), Jim Pacocha (Regular) and Ethan Severance (Alternate). Excused ~~was~~ ~~ere~~ and Marilyn McGrath, Selectman Liaison. Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (via audio and visual remote access) and Alternate Selectman Liaison Kar~~ae~~n Roy. For the record, the Regular Members voted.

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

CONTINUED/DEFERRED HEARINGS:

49 1. Case 175-019 (09-24-20) (deferred from 08-27-20): Joshua P. Lanzetta, Esq.
50 of Bruton & Berube, PLLC., 601 Central Ave., Dover NH representing
51 Christopher & Christine Floyd and Rene Joyal, 78 Highland St., Hudson, NH,
52 requests an Appeal From An Administrative Decision of a Notice of Violation
53 and Cease & Desist Order dated May 18, 2020 citing violation of the 2009
54 variance granted by the ZBA and 10 specific violations of the Hudson Zoning
55 Ordinance. [Map 175, Lot 019-000; Zoned Town Residence (TR); HZO Article
56 XV, Enforcement and Miscellaneous Provisions, §334-81, Appeals].
57

58 Clerk Daddario read the Case into the record. Mr. Buttrick stated that this is an
59 Appeal from his Notice of Violation dated 5/18/2020 and referenced violations noted
60 from the Variance granted in 2009. Mr. Buttrick referenced his Code Enforcement
61 Officer's Statement of Facts dated 9/14/2020.
62

63 Attorney Joshua Lanzetta introduced himself as representing Christopher and
64 Christine Floyd and sat at the applicant's table with no mask. Atty. Lanzetta first
65 thanked the Board for conducting the Site Walk Saturday 9/19/2020 and hoped the
66 Members were able to see that the property was well kept and maintained, and also
67 thanked Mr. Buttrick for all his help over the past six (6) weeks in this complicated
68 issue. Atty. Lanzetta stated that there are two (2) components to this Case: (1) the
69 concept of an expansion of Use; and (2) environmental and wetland issues/violations.
70

71 Atty. Lanzetta stated that there is potential pending litigation with NHDES (New
72 Hampshire Department of Environmental Services) for wetland violations; noted that
73 is it unclear where wetlands are on the property as there are no flags and the use of
74 GIS software is not accurate; that his clients have hired a Wetland Scientist to survey
75 their land; and asked the Board to please allow his clients to conclude dealing with
76 DES before addressing the Zoning violations. The violations cited against Article IX of
77 the Wetland Conservation District included Sections: 334-34 Definitions; 334-35.A &
78 B Uses within Wetland Conservation District; and 334-38 Special Provisions.
79

80 Atty. Lanzetta stated that a Variance was granted in 2009 and recorded at the Registry
81 of Deeds that allowed four (4) vehicles and one (1) trailer on site and no materials
82 stored on site. Atty. Lanzetta^s stated that the Variance did not permit a business use
83 on the property. Atty. Lanzetta stated his client is not operating a landscaping
84 business at his home, all landscaping business is conducted off-site and that the four
85 (4) vehicles and trailer permitted by the Variance granted in 2009 move on and off site.
86 Atty. Lanzetta stated that an expansion of what was permitted by the Variance would
87 be if there was a fifth vehicle. Atty. Lanzetta added that plows are not vehicles, that a
88 plow is part of a vehicle, and cannot be considered an expansion.
89

90 Atty. Lanzetta next addressed the specific violations outlined in Mr. Buttrick's
91 5/18/2020 Cease and Desist letter. The information shared included:
92

93 • §334-10 Mixed or Dual Use on lot
94 There is no mixed or dual use on the property – it is residential with a variance to park
95 commercial vehicles and a trailer.
96

97 • §334-13 Junkyards prohibited; outdoor storage

98 The definition of junk and junkyard read into the record. There is no junk on the
99 property and it has never been a junkyard.

100
101 • §334-15 Parking

102 Yes, there have been occasions where vehicles were parked in the setback; client now
103 aware and complying; the back area lot is not paved; the variance permitted four (4)
104 business vehicles on site; the household has three (3) adults; and there is a distinction
105 between “invitees” to the home and employees to the home.

106
107 • §334-16.1 Site Plan approval

108 Works in conjunction with §334-10 Mixed or Dual Use on lot. There is no new use on
109 property, so therefore Site Plan approval not needed.

110
111 • §334-21 Table of Permitted Uses

112 A landscaping business is not being operated on the property, just the parking of
113 vehicles.

114
115 Mr. Buttrick stated that the majority in the list of allegations center on the expansion
116 of the Variance granted in 2009 and an apparent expansion of business use creating a
117 Mixed Use, that snow removal/plows were not part of the Variance granted, even
118 though winter plowing could viewed as a ‘common’ expansion of a landscaping
119 business, the facts remain that the Variance did not permit seven to eight (7-8) plows
120 being detached and stored on the property. With regard to parking, Mr. Buttrick
121 pointed out that the applicant submitted a plan prepared by Jeffrey Land Survey, LLC
122 with the Variance application that identified the commercial vehicle parking and
123 trailer parking, see Exhibit B1 of the Code Enforcement Officer’s Statement of Facts
124 dated 9/14/2020. Mr. Buttrick reported that outdoor storage is one component of
125 Section 334-13 and yard waste has been seen on site and fill on the slope. Mr.
126 Buttrick did note that there have been improvements to the site since May 2020.

127
128 Atty. Lanzetta disputed the outdoor storage on the site and noted that the parking
129 ‘plan’ has no meets and bounds and just shows a conceptual approximation of where
130 the four (4) commercial vehicles could be parked.

131
132 Discussion continued and focused on the number of vehicles parked at the site, as
133 shown by several aerial views. Again, Atty. Lanzetta raised the distinction between
134 commercial vehicles from the landscaping business to guests/invitees of the residents
135 of the home and added that it could arguable and be a reason why the number of
136 vehicles could exceed what was specified by the Variance. Mr. Brackett stated that at
137 the Site Walk business vehicles were noted behind the shed so it could be conceivable
138 that the four vehicles in the front were personal vehicles.

139
140 Atty. Lanzetta stated that his client submitted six (6) letters of support from his
141 neighbors.

142
143 Public testimony opened at 7:52 PM. The following individuals addressed the Board:

144
145 (1) Angela Polizzoti, 84 Highland Street, stated that she has been in the
146 neighborhood for three (3) years, that the Floyds are good neighbors and
147 she has no issues.

- 148 (2) Ann Marie Tate 75 Highland Street stated that she lives across the street
149 since 1983, that the Floyds are good people and an asset to the
150 neighborhood.
- 151 (3) Geoffrey MacGillivray, 76 Highland Street stated that he has been in the
152 neighborhood for two (2) years, that the Floyds are the greatest neighbors
153 and that he appreciates them.
- 154 (4) George Briand, 83 Highland Street stated that he has been in the
155 neighborhood for thirty three (33) years, that there's been seven (7) trucks
156 going in and out, that they have wrecked his driveway, that he has filed
157 complaints, that the operation has been an aggravation, and that they use
158 the Eversource land which is a dirt way and creates dust all the time.
- 159 (5) Normand Martin, ex-ZBA Member stated that he was on the Board in 2009,
160 that he made the motion to grant the Variance for four (4) vehicles, that
161 there was concern then that the business could mushroom and concern
162 regarding using someone else's land to access the rear of the site, that there
163 was one dissenting vote, by the Chairman, Mr. Seabury, and that now there
164 is an expansion of use with seven (7) plows being stowed on site as well as
165 materials.
166

167 Being no one else present at the meeting to address the Board, the Board took a five
168 (5) minute recess so that Mr. Buttrick could attend the phone at 7:59 PM for the
169 public to call-in. At 8:04 PM, Mr. Buttrick reported that no one had called.
170

171 Atty. Lanzetta addressed the public testimony comments: his client had permission, a
172 license, to utilize the Eversource corridor in 2009 but access will change in autumn
173 2020 and his client will use curb cuts approved by the Town of Hudson in the future;
174 there are materials on site but that is outside of the appeal and highly prejudicial as it
175 is for personal use and was from a demolished fireplace, which is allowed, and is not
176 part of the landscaping business and will not be sold; agreed that seven (7) plows is
177 too many but that was then and his client is now complying; the 2019 Court ruling
178 did not state that the Variance was exceeded; an expansion of use is strictly regarding
179 the number of vehicles; his client has vested property rights; and lastly there were
180 violations that could have happened on a given day but that does not constitute an
181 expansion of business and his client is willing to pay the fine.
182

183 Public testimony opened a second time at 8:10 PM and closed at 8:11 PM. No one
184 addressed the Board.
185

186 Mr. Brackett stated that the Eversource access is a private matter and not before the
187 Board for consideration and that the request has been made to pend/defer the cited
188 wetland violations until a resolution has been attained with NH DES before coming
189 before the Board.
190

191 Mr. Fauvel noted that First Choice Landscaping is an LLC and asked if the vehicles are
192 registered to the LLC. Atty. Lanzetta responded that four (4) vehicles are registered to
193 the LLC. Mr. Fauvel asked about the backhoes and Atty. Lanzetta stated that they are
194 on the property to move personal lands and are not part of the business.
195

196 Mr. Dearborn stated that it is hard to understand four (4) vehicles and seven (7) plows
197 and asked if the other three (3) plows are contracted out. Atty. Lanzetta agreed and

198 added that there will only be four (4) plows and the site is now in compliance. Mr.
199 Brackett stated that the Board saw a 'clean property' at the Site Walk.

200
201 Mr. Dearborn also noted that a new building has been constructed since the Variance
202 was granted and that at the Site Walk there were four (4) vehicles and one (1) car
203 parked in front. Atty. Lanzetta stated that there are no limitations on the number of
204 'invitees' a household member may have. Mr. Dearborn questioned if the vehicles on
205 site represented residents, invitees and now employee parking too. Atty. Lanzetta
206 stated that the question was irrelevant. Mr. Brackett stated that testimony and
207 Minutes that the vehicles are for the landscaping business and questioned whether
208 snow plowing was part of the landscaping business or an expansion. Atty. Lanzetta
209 noted that the Variance granted in 2009 has been recorded at the Registry of Deed
210 and that the only issue before the Board is the number of vehicles.

211
212 Mr. Severance stated that when he Googled 78 Highland Street, the search revealed
213 that the LLC is registered to 78 Highland Street. Atty. Lanzetta stated that it is not
214 uncommon, that there is no separate business address and equipment is stored
215 offsite. Mr. Buttrick noted that in the Minutes of 2009 the question was raised
216 whether a Home Occupation should be required and the Board was informed that only
217 bookkeeping would be out of the house.

218
219 Mr. Dearborn and Mr. Brackett noted that the 2019 Court ruled against the applicant.
220 Mr. Etienne stated that it appears the lot is being used as a logistic facility and cited
221 Finding #4 of the Court Order - "The court hereby finds and rules that the
222 Respondents have utilized the Property in violation of the HZO and the variance
223 granted by the ZBA by allowing the parking and storage of seven (7) business vehicles,
224 two (2) pieces of heavy equipment (backhoes), four (4) business trailers, and two (2)
225 piles of materials utilized in the business." When asked who owned the backhoes,
226 Atty. Lanzetta stated that they are owned by the LLC and agreed that on certain days
227 there were violations but it is not an expansion of the business which can only be
228 ruled by the number of vehicles allowed by the Variance.

229
230 Mr. Etienne stated that the site may now be in compliance and questioned if there is a
231 guarantee that it would continue to remain in compliance. Atty. Lanzetta responded
232 that has no bearing in tonight's meeting. Mr. Daddario noted that there is a mixed
233 bag of violations, both to the Zoning Ordinance and to the Variance, and issues and
234 noted that the applicant has made an effort to clean up the property.

235
236 Site Walk observations were shared. Mr. Pacocha stated that there was a huge pile of
237 stone on site. Mr. Etienne stated that a vehicle was also parked in the side yard
238 setback. Mr. Brackett stated that at the Site Walk it appeared that they complied to
239 the conditions set in the 2009 Variance.

240
241 Mr. Brackett stated that the evidence presented clearly shows that violations existed
242 and asked why the appeal was filed. Atty. Lanzetta stated that the appeal was filed
243 within the required time frame and before all the evidence was reviewed and that they
244 are challenging some of the interpretations made and only agree with one of the
245 citations.

246

247 Motion made by Mr. Daddario and seconded by Mr. Dearborn to: (1) uphold the
248 Zoning Administrator's Decision of 5/18/2020 because at the time violations existed;
249 (2) to defer review of the wetlands violations until the issues have been resolved with
250 NH DES; and (3) in consideration of the efforts made to return to compliance, will not
251 fine for past notices of violations. Vote was 5:0. Appeal denied.

252

253 2. Case 111-017 (09-24-20) (continued from 08-13-20): Earl J Sandford of
254 Sandford Surveying & Engineering representing 4NH Homes, LLC (c/o Mike
255 Gallo), 597 New Boston Road, Bedford, NH requests a Variance for 151
256 Robinson Road to build a 28 ft. x 48 ft., two bedroom house with a 25 ft.
257 front yard setback where 50 ft. is required. [Map 111, Lot 017-000; Zoned
258 General-One (G-1); HZO Article VII, Dimensional Requirements, §334-27,
259 Table of Minimum Dimensional Requirements].

260

261 Clerk Daddario read the Case into the record. Mr. Buttrick stated the reasons for the
262 continuance and noted that there was supplemental information received that
263 included an email from the Applicant from 9/24/2020 of an explanation from a
264 lawyer. Mr. Brackett stated that the Case was heard in August and continued so that
265 the Board could confer with Town Officials on representations made as the Town owns
266 the property. Mr. Buttrick stated that he approached the Town Administrator, Steve
267 Malizia, and he confirmed in writing dated 9/11/2020 that the Town has offered the
268 property "AS IS" with no warranties or representations and provided a copy of the
269 Property Disclosure Form. Board took a few minutes to read the new material.

270

271 Mr. Etienne asked if he should recuse himself as he did not attend the August meeting
272 when this Case was heard, even though he has read the material and Minutes and is
273 prepared to sit and vote. Mr. Brackett noted that Mr. Fauvel voted in August. Mr.
274 Fauvel stated that he has a strong reservation and has a conflict because the Town
275 owns the lot and if the Board grants this Variance it could be viewed as giving
276 preferential treatment. Discussion ensued which included the disadvantage of not
277 having heard testimony, the need for three (3) affirmative votes and the impact if less
278 than five (5) Members vote on a Case. Mr. Sandford stated that either Member is
279 acceptable. Mr. Fauvel recused himself. Mr. Etienne voted.

280

281 Mr. Brackett stated they the Board has received confirmation from the Town and
282 noted that there has been changes in wetland processing. Mr. Buttrick clarified that
283 in 2020 the Town voted changed review of wetland issues from the Zoning Board to
284 the Planning Board (PB) through a Conditional Use Permit (CUP). Mr. Sandford stated
285 that they were aware of this change and have submitted a CUP application to the
286 Planning Board.

287

288 Mr. Sandford recapped: continuance was because there were no Town representatives
289 at the last meeting, that the Town Administrator clarified the Town's position in his
290 9/11/2020 letter; that the attorney letter he submitted clearly outlines that hardship
291 is based on the land and not the property owner; that this lot has clear land based
292 hardship with the wetland, undersized acreage, boulder field and no buildable
293 envelope without a variance or wetland buffer impact; that this lot was created by the
294 Planning Board in 1969 when the front setbacks were much lower and when wetland
295 protection was not given much consideration; and lastly, noted that the proposed
296 septic system is 100% compliant.

297
298 Mr. Dearborn asked if the lot is still owned by the Town or if the sale has been
299 executed. Mr. Sandford noted that a condition of the Purchase and Sale is this
300 variance and wetland approval by the Planning Board.

301
302 Mr. Brackett stated that the fifty-foot (50') front setback was assigned to arterial roads
303 to preserve for future potential widening and preservation of the setback avoids
304 eminent domain and potential destruction of property. Mr. Sandford state that it is
305 understood and noted from his experience that a road widening does not always keep
306 to the centerline of the road, that an expansion could occur across the street as there
307 are several lots on Robinson with structures in the now 50' front setback.

308
309 Mr. Dearborn expressed concern for the house in the front setback and questioned the
310 deck proposed at the rear that would encroach the wetland setback even more and
311 asked if it was really necessary. Mr. Sandford stated that the deck would be on sonar
312 tubes and even though not essential it is a common accessory to a house, especially
313 one with little to no "yard" and decided to include it to prevent the future homeowner
314 to seek a variance.

315
316 Mr. Buttrick stated that the wetland buffer intrusion is not part of ZBA's review and
317 that he would have the opportunity to submit Staff input/comments to the Planning
318 Board when they address the CUP application. Mr. Buttrick noted that there is very
319 little that can be done on the boulder field. Mr. Sandford concurred and added that
320 one can walk on a deck but not necessarily over a boulder field.

321
322 Mr. Pacocha stated that lot has been available for approximately sixty (60) years and
323 the possibility exists that the Town owns it because someone failed to pay taxes on it.
324 Mr. Sandford did not dispute but stated it was irrelevant because hardship is based
325 on the land and suggested that it should not be considered in the Board's review as
326 that would be an appealable offence.

327
328 Mr. Etienne stated that this lot has been available for sixty years and no one has
329 developed it; that it takes a champion to deal with all its land issues; and commended
330 the applicant for the design presented with the preservation of the wetland.

331
332 Mr. Etienne made the motion to grant the variance to the front setback as it is in the
333 public interest to add this lot to the tax base and it is not contrary to public interest,
334 that it does not alter the character of the neighborhood and does not impact the
335 wetland and would not diminish surrounding property values and substantial justice
336 would be done and the land poses the hardship. The motion was not seconded.

337
338 Mr. Brackett asked for review of the Variance criteria. The opinions expressed
339 included:

340
341 *(1) not contrary to public interest*

- 342
343
 - Mr. Brackett: not met, is contrary, lot created prior to Zoning requirements
 - Mr. Dearborn: not met – is contrary to public interest, conflicts with front / road setback
- 344
345
346

- 347 • Mr. Pacocha: not met
- 348 • Mr. Etienne: met, town decision to add lot to tax rolls
- 349 • Mr. Daddario: not met – building on this lot requires residence to be too
- 350 close to the road
- 351

352 (2) *spirit of Ordinance observed*

- 353 • Mr. Brackett: not met, purpose of setback is to protect traffic corridor
- 354 • Mr. Dearborn: not met – Ordinance states 50'
- 355 • Mr. Pacocha: not met
- 356 • Mr. Etienne: met, are not impacting wetland, design compatible to
- 357 neighborhood
- 358 • Mr. Daddario: not met – residents too close to the road is a safety issue
- 359

360 (3) *substantial justice done to property owner*

- 361 • Mr. Brackett: not met, property owner is the Town, no hardship
- 362 • Mr. Dearborn: met – property owner is the Town – get lot on tax map
- 363 • Mr. Pacocha: met
- 364 • Mr. Etienne: met, property has hardship due to wetlands and its shape
- 365 • Mr. Daddario: not met – Town owns the lot, need not be sold
- 366

367 (4) *will not diminish surrounding property values*

- 368 • Mr. Brackett: met
- 369 • Mr. Dearborn: met
- 370 • Mr. Pacocha: met
- 371 • Mr. Etienne: met, will not diminish, could improve values
- 372 • Mr. Daddario: met
- 373
- 374

375 (5) *hardship*

- 376 • Mr. Brackett: not met, the property hardship does not overcome the need
- 377 to protect future widening of corridor
- 378 • Mr. Dearborn: met & not met – being an undersized lot is not adequate
- 379 enough to intrude on frontage setback or wetland buffer
- 380 • Mr. Pacocha: not met, lot has existed for years and never developed
- 381 • Mr. Etienne: met – buildable shape and wetland impact
- 382 • Mr. Daddario: met – wetlands, boulder field, overall size
- 383

384 Motion made by Mr. Pacocha and seconded by Mr. Dearborn to deny the variance. Mr.
 385 Daddario noted that the standard is that each criteria would need to be satisfied in
 386 order to grant a variance and even if one is not met, the variance cannot be granted.
 387 Roll call vote was 4:1. Mr. Etienne opposed. Variance denied. The 30-day appeal
 388 period was noted

389
 390 **NEW HEARINGS:**

- 392 3. Case 156-060-001 (09-24-20): Dean Lombardo, 9 Essex Ave., Hudson, NH
 393 requests a Variance to install an outdoor hot tub 10 feet from the side yard
 394 property line, where 15 feet is required. [Map 156, Lot 060-001; Zoned
 395 Business (B); HZO Article VII, Dimensional Requirements, §334-27, Table of
 396 Minimum Dimensional Requirements].

397
398 Clerk Daddario read the Case into the record. Mr. Buttrick referenced his Staff Report
399 signed 9/15/2020 and noted that the lot is substandard in size and frontage and
400 received a Variance to build a single family residence in 2015.

401
402 Dean Lombardo introduced himself and his wife Cheryle. Both sat at the applicant's
403 table with masks on. Mr. Lombardo stated that their lot is narrow and there is hardly
404 a backyard with their home situated as far back as possible. The hot tub they selected
405 is small at 34" in height and 6'8" x 7'4" in length and width. The location they
406 selected is in the rear and to the left side of the house. There is a 6' fence around the
407 side and rear of the property so the tub will literally only be seen if someone was in the
408 backyard and not be seen by any neighbor or passerby.

409
410 Mr. Lombardo addressed the criteria for the granting of a variance. The information
411 shared included:

412
413 *(1) not contrary to public interest*

- 414 • not contrary to public
- 415 • hot tub will not be visible outside the property as back yard is fenced
- 416 • tub will have a locking cover and not be accessible to anyone
- 417 • tub will be a brand new tub and not be audible to neighbors
- 418 • closest abutter is a hardware store – Hudson True Value – and their
- 419 loading area faces their property so no customers access the rear of the
- 420 hardware store – and closed at night

421
422 *(2) spirit of Ordinance observed*

- 423 • spirit is observed
- 424 • proposed use will not change any neighbor's sight line nor disturb the
- 425 peace and tranquility
- 426 • proposed hot tub will not infringe upon any neighbor's space or privacy
- 427 • hot tub will not be seen or heard by any neighbor or passer-by
- 428 • Section 334-2 of the Ordinance allows to enhance quality of life

429
430 *(3) substantial justice done to property owner*

- 431 • substantial justice would be done with the granting of the variance
- 432 • the proposed location would be the most practical for enjoyment and use
- 433 of a small yard
- 434 • the current pandemic has caused cancellation of vacation plans
- 435 • as a nurse, healthcare worker and first responder, they hope to utilize
- 436 their yard and hot tub to de-stress and relax when all other "normal"
- 437 activities and recreation remain hindered

438
439 *(4) will not diminish surrounding property values*

- 440 • will have no affect – tub will not be seen or heard from surrounding
- 441 properties, nor will it be accessible due to the fencing and locking cover
- 442 • hot tub is not a permanent structure
- 443 • trying to get the best use of their property

444
445 *(5) hardship*

- 446 • property is less than 1/3 acre and very narrow

- 447
- 448
- 449
- 450
- 451
- 452
- 453
- 454
- locating hot tub anywhere else on property would diminish the aesthetics and the practical use and enjoyment of the property
 - would not be fair or reasonable to impose the restriction because the requested location will have absolutely no affect on the space, atmosphere and peace of any surrounding neighbors
 - literal enforcement would be an unnecessary hardship by limiting their enjoyment of their yard and home

455 Public testimony opened at 9:40 PM. No one present to address the Board. Board
456 took a three-minute recess for call-ins. Mr. Buttrick reported that no phone calls were
457 received. Public testimony closed at 9:43 PM.

458

459 Mr. Dearborn asked if the Applicant approached their closest abutter, Hudson True
460 Value, about the hot tub. Mr. Lombardo stated that he did not.

461

462 Mr. Daddario asked if the hot tub could be moved so as not to encroach the setback
463 and Mr. Lombardo responded that the deck would need to be altered and even at that,
464 there would be a corner that would still encroach into the setback.

465

466 Motion made by Mr. Dearborn and seconded by Mr. Etienne to grant the variance to
467 allow the hot tub to encroach five feet into the side yard setback with the condition
468 that the hot tub be screened behind a privacy partition/fence so as not to be visible
469 from the street.

470

471 Mr. Dearborn stated that the lot is undersized and the location of the house further
472 back from the road than other houses in the neighborhood and the nearest
473 neighbor/abutter is a hardware store that is not open at night. Mr. Etienne
474 concurred. Mr. Brackett noted that the lot is undersized, received a variance for the
475 construction of a house with lack of frontage and that other lots in the neighborhood
476 are similar in size but this one has the largest front yard and no other reasonable
477 location for a hot tub. Roll call vote was 5:0. Variance granted with one stipulation.
478 The 30-day appeal period was noted.

479

480 4. Case 241-035 (09-24-20): Marie Mayotte dba Red Brick Clothing, 17 Dracut
481 Rd., Hudson, NH requests a Variance to allow a sign in the R-2 zone for an
482 existing non-conforming business use. [Map 241, Lot 035; Zoned Residential-
483 Two (R-2); HZO Article XII, Signs, §334-60 F, General Requirements].

484

485 Clerk Daddario read the Case into the record. Mr. Buttrick referenced his Staff Report
486 signed 9/14/2020 and stated that the sign is a “building sign” of sixteen square feet
487 (16SF) with logo and text.

488

489 Marie Mayotte and husband Jerry Mayotte were both connected on-line and
490 introduced themselves. A picture of the vinyl sign window was posted. Ms. Mayotte
491 stated that it is not a “typical” sign but more like “window dressing” and offers more of
492 an identifier than advertising. The “sign” resembles a large window with partitioned
493 panes, their logo and the name of the company. Ms. Mayotte stated that they are a
494 long-standing established business in the R-2 Zone and noted that if they were in the
495 Business Zone, this sign would be allowed. This particular sign allows them a unique
496 opportunity to utilize signage material that they use and sell in their business. The

497 sign definitely improves the appearance of the building and makes them better
498 neighbors. It also benefits them as they have clothing behind the window that gets
499 exposure from the sun and even though not a criteria for hardship by variance, does
500 provide them with an added value for improvement.

501
502 Ms. Mayotte stated that the R-2 Zone actually causes the hardship. Ms. Mayotte
503 stated that her business occupies a small percentage of the building and even though
504 in the R-2 Zone, the neighborhood is not residential.

505
506 Mr. Buttrick stated that this is a unique proposal, that they began the process in
507 February and his Zoning Determination was issued in July for this existing non-
508 conforming business use in the Residential-Two Zone. Mr. Buttrick stated that the
509 applicants do have an existing free-standing sign and that the one proposed is a
510 building / wall sign and noted that both is allowed if the business is located in the
511 Business Zone.

512
513 Ms. Mayotte described the neighborhood. The building itself is owned by her neighbor
514 next door. On the Avenue side there are power lines and a salvage business and
515 nothing directly across the street. Mr. Brackett noted that there is a church nearby
516 and an auto sale sign and other businesses on the adjacent street. Ms. Mayotte added
517 that there is a hair salon diagonally across the street before the church.

518
519 Ms. Mayotte added that after the abutter notices were mailed, she did receive one
520 phone call who was in support of the sign.

521
522 Public testimony opened at 9:57 PM. No one was present in the audience. The Board
523 took a three-minute recess for call-ins. Mr. Buttrick reported that there were no
524 phone calls. Public testimony closed at 10:01 PM.

525
526 Mr. Etienne asked if there is intention to light the sign at night. Ms. Mayotte
527 responded no, it is vinyl applied to the inside of the glass and acts like window
528 dressing. Mr. Mayotte added that the vinyl has little holes to let the light into the
529 building and when the business is closed, lights are out.

530
531 Mr. Fauvel asked why this is before the Board if the sign is inside the building and
532 noted that other business with inside posters/signs do not have to come before the
533 board. Mr. Brackett responded that this Case is unique. Mr. Buttrick stated that
534 there were other considerations, like not more than twenty five percent (25%) of a
535 window area not needing a permit, and decided that the matter should be reviewed
536 and decided by the Board

537
538 Mr. Brackett noted that there are a lot of businesses with signs in the neighborhood
539 and this request is consistent with the area.

540
541 Motion made by Mr. Dearborn and seconded by Mr. Daddario to grant the Variance as
542 requested. Mr. Dearborn stated that this is a long standing company in Hudson with
543 a great reputation, there are other signs in the neighborhood, the sign is actually
544 inside the building, the sign is not to be lit at night and all the criteria have been
545 satisfied. Mr. Daddario concurred with Mr. Dearborn and added that there is no
546 conceivable harm to the public, no opposition presented, improves the appearance and

547 that the hardship criteria has an “or” proposition and this request satisfies the first
548 half of the criteria because the restriction does not serve a purpose in a fair and
549 reasonable way, this is a long standing established business with other businesses on
550 the property and in the neighborhood and the use is reasonable at this location. Roll
551 call vote was 5:0. Variance granted. The 30-day appeal period was noted.
552

553 **V. REQUEST FOR REHEARING:**

554
555 Case 173-012 & 014: Turbo Realty, LLC by Patricia M. Panciocco, One Club
556 Acre Lane, Bedford, NH requests a rehearing of a request for a Variance at 4
557 & 14 Tolles St. previously denied by the ZBA on 07/23/20.
558

559 Clerk Daddario read the request into the record. Mr. Buttrick stated that the basis for
560 granting a rehearing is either based on (1) new evidence that was not available at the
561 first hearing or (2) that the Zoning Board made an error in law in making the previous
562 decision. Board reviewed the material submitted.
563

564 Mr. Dearborn stated that no new evidence has been submitted that had not previously
565 been discussed
566

567 Mr. Brackett stated that his recollection of the original Case and the Case presented
568 last month, the Board heard discussion and made the decision on 15 & 17 Tolles Road
569 and at that time asked that 4 & 14 Tolles Road be included and it was the applicant
570 who adamantly said no then and agreed to present a Site Plan Review application to
571 the Planning Board within two (2) years and due to sympathy to the applicant
572 extended submission of a Site Plan Review application to March 2021. Mr. Brackett
573 stated that at that time the Board did not know if the uses were similar, in fact, 4 &
574 14 Tolles Street had no buildings. Mr. Brackett also noted that the Board spent many
575 meeting and workshops reviewing uses, what uses had been and what uses were
576 current two years ago.
577

578 Mr. Dearborn stated that he took exception to their request to eliminate the condition
579 that identified the hours of operation and operation days the Board established until
580 they had obtained Site Plan approval. Mr. Brackett added the Board was well aware
581 that the establishment was under the purview of the Planning Board but taking
582 consideration of the concerns raised by the abutters and the applicant’s needs
583 established reasonable hours and days. Mr. Brackett stated that, in his opinion, the
584 Board did nothing wrong and in fact went above and beyond for the applicant.
585

586 Mr. Dearborn made the motion not to grant a rehearing based on new evidence being
587 submitted. Mr. Daddario seconded the motion and stated that in addition to what Mr.
588 Dearborn and Mr. Brackett stated, it also should be pointed out that specific reasons
589 why these lots need to be looked at on their own and approved on their own and that
590 some of the uses that involved automobile and off-road vehicle repair and service
591 should not be allowed to 4 & 14 Tolles Street because testimony was received that the
592 two lots already suffered environmental contamination. Mr. Daddario stated that the
593 notion of automatically approving identical uses just does not make sense. Mr.
594 Brackett concurred.
595

596 Roll call vote was 5:0. Rehearing request denied.

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VI. REVIEW OF MINUTES: 8/27/20 edited Minutes

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

Motion made by Mr. Dearborn and seconded by Mr. Daddario to approve the 8/27/2020 Minutes as edited. Vote was 5:0

VII. OTHER

The Land Use Lecture conference is scheduled for 10/31/2020 and will be virtual. Mr. Brackett encouraged the new Members to attend.

Board also inquired about Selectman McGrath and extended their continued wishes for her recovery.

Motion made by Mr. Daddario and seconded by Mr. Pacocha to adjourn the meeting. The 9/24/2020 ZBA meeting adjourned at 10:22 PM.

Respectfully submitted,
Louise Kne~~ee~~22, Recorder

ASSEDITTED



2020 Land Use Law Conference

8:45 a.m. Welcome Remarks

9:00 a.m. CONCURRENT SESSIONS

Coming Together to Make an Entire Region More Livable: A Case Study of the Mount Washington Valley Age-Friendly Community Action Plan

This session will provide an overview of the development and implementation of the award-winning Mount Washington Valley Age-Friendly Community Action Plan, an effort by 11 communities who are members of the AARP Network of Age-Friendly Communities to make their region more livable for citizens of all ages. Discussion will focus on the housing, zoning, and outdoor space components of the plan.

Presented by: *Todd Fahey, State Director, AARP New Hampshire
Marianne Jackson, MD, Vice President, Gibson Center for Senior Services, Inc*

Introduction to Local Land Use Boards

This session is for brand new municipal planning, zoning, and other land use board members and is designed to be an interactive discussion about board responsibilities and your duties as a board member. From taking the oath of office, to where to find the law, we'll provide a broad overview of basic procedures, discuss current planning topics, and review information resources. The session will conclude with an extended time to answer your questions about how to make a good start at being a successful board member.

Presented by: *Anne Cunningham, Planning Board Chair, Town of Freedom
Jennifer Czyz, Executive Director, Strafford Regional Planning Commission
Michael Klass, Principal Planner, NH Office of Strategic Initiatives*

Master Plans: Time to Think Differently

Create an environment where the Master Plan becomes more than a document on the shelf that you dread putting together every few years. Join two of New Hampshire's most experienced and entertaining municipal planners to talk about

how to make the Master Plan a dynamic document that becomes integrated into your regular land use plan review process.

Presented by: *Christopher Parker, AICP, Assistant City Manager and Planning Director, City of Dover*

Steve Whitman, AICP, Resilience Planning & Design, LLC

Planning Board Basics – Part 1: 91-A, Conflicts, Fundamental Statutes

This session is for new planning board members and alternates, as well as veterans, who want a refresher course on the basics. Topics for discussion include what is a completed application, the timeline for planning board review, conducting meetings and public hearings, subdivision and site plan review regulations, innovative land use controls, third-party consultants, zoning amendments, affordable housing, off-site exactions/impact fees, conflicts of interests, developments of regional impact, the Right-to-Know law and much MORE.

Presented by: *Stephen Buckley, Legal Services Counsel, NH Municipal Association*

What's New in Water Resources

Come and learn about new information for land use board members and staff regarding floodplain and wetland areas. Hear about the new floodplain resources and mapping tools now available to assist your community with enhancing your local floodplain management program. Also hear about the state's new wetland rules, best management practices, and permitting process.

Presented by: *Jennifer Gilbert, Floodplain Management Program, NH Office of Strategic Initiatives*

Mary Ann Tilton, Assistant Bureau Administrator, NH Department of Environmental Services

ZBA Decision Making Process

You've notified abutters, held the public hearing, heard hours of testimony, and now it's time to make a decision. What do you do? Do you need to decide right then and there? What if you only have four members present? Can there be conditions of approval? Do you vote on each of the criteria separately? Do you need to vote on anything at all? If these and other questions have plagued your ZBA, this session is for you.

Presented by: *Christine Fillmore, Esquire, Drummond Woodsum*

Matthew Serge, Esquire, Drummond Woodsum

10:15 a.m. Break

10:30 a.m. CONCURRENT SESSIONS

“Do I Need to Recuse Myself?” Answering Allegations of Conflicts of Interest for Land Use Board Members

Land use board members are often faced with this question because an applicant has alleged a conflict of interest. On the other hand, it may be a question that land use board members should be asking, but aren't. Join us to get answers to these questions through this lively and engaging workshop, which includes “real-world” scenarios intended to both entertain and inform. Presenters will also discuss issues surrounding social media use.

Presented by: *Margaret Byrnes, Executive Director, NH Municipal Association*

Planning Board Basics – Part 2: Board Organization, plat review procedures, hearings, decisions

This session is for new planning board members and alternates, as well as veterans, who want a refresher course on the basics. Topics for discussion include what is a completed application, the timeline for planning board review, conducting meetings and public hearings, subdivision and site plan review regulations, innovative land use controls, third-party consultants, zoning amendments, affordable housing, off-site exactions/impact fees, conflicts of interests, developments of regional impact, the Right-to-Know law and much MORE.

Presented by: *Stephen Buckley, Legal Services Counsel, NH Municipal Association*

Short-Term Rentals

This session will provide an overview of the issues surrounding short-term rentals, such as Airbnb and VRBO properties, as they relate to local land use boards.

Discussion will also include recent legislative efforts as well as related litigation that may impact the short-term rental landscape. The session will conclude with time for Questions and Answers.

Presented by: *Cordell Johnston, Government Affairs Counsel, NH Municipal Association*

Using Census Data

This session will look at the many ways that U.S. Census data is used to inform a variety of local and regional planning issues, and will provide a tutorial on using Data.Census.Gov, the new and improved way to access Census data.

Presented by: *Alexandra Barker, Supervisor & Census Academy Manager, U.S. Census Bureau*

Henry Underwood, GIS Specialist/Planner, Southwest Region Planning Commission

Workforce Housing Challenges and Solutions

This session will provide an opportunity to learn about challenges as well as success stories of communities that want to increase their workforce housing stock. Panelists will share their experiences tackling the unique challenge of housing affordability and supply in communities across the state including Amherst, Candia, Jackson, Nashua, Pelham, and Peterborough. Attendees will benefit from hearing what has and hasn't worked elsewhere in the state.

Presented by: *Jeff Gowan, Planning Director, Town of Pelham*

Carol Ogilvie, Planning Consultant and Former Community Development Director, Town of Peterborough

Steve Whitman, AICP, Resilience Planning & Design LLC

Sarah Wrightsman, Executive Director, Workforce Housing Coalition of the Greater Seacoast

ZBA Decision Making Process

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Presented by: *Christine Fillmore, Esquire, Drummond Woodsum*

Matthew Serge, Esquire, Drummond Woodsum

11:45 a.m. Lunch

12:15 p.m. CONCURRENT SESSIONS

Ask a Planner

Do you need to update your master plan but do not know where to start? Does a project need approval from multiple boards, and you need to decide who goes first? Has it been a few years since you updated your zoning and you are trying to catch up on the latest topics? Join Sarah and James for answers to your burning questions about planning, zoning, and meeting procedure. This session is for new and experienced board members alike and will focus on attendee questions.

Presented by: *James Burdin, Senior Regional Planner, Strafford Regional Planning Commission*

Sarah Marchant, Community Development Director, City of Nashua

Class VI Roads: Development and Use

This session will outline the roles and responsibilities of municipal officials and local land use boards with regard to Class VI roads, as well as explain the legal processes related to allowing development on Class VI roads. Topics such as snow plowing and maintenance, the intersection of private and class VI roads, and construction on class VI and private roads will be covered.

Presented by: *Natch Greyes, Municipal Services Counsel, NH Municipal Association*

Introduction to Architectural Regulations for Planning Boards and Historic Districts

Architecture has a significant impact on the experience of place. Communities attuned to their built environment may wish to set standards for new buildings and to protect important older ones. This session will provide the basics for crafting and implementing architectural regulations as part of site plan review (first half of session) and for developing and managing a historic district (second half).

Presented by: *Micheal Behrendt, Town Planner, Town of Durham*

Nadine Miller, Deputy State Historic Preservation Officer, NH Division of Historical Resources

Legal Update (Double Session)

This session will review recently enacted legislation that affects the responsibilities and authority of municipal planning and zoning boards. Additionally, it will review what happened in the 2020 legislative session, and provide a preview of what might happen in 2021. Recent New Hampshire Supreme Court decisions involving land use issues and the impact they have on

municipal planning and zoning will also be discussed. Participant questions are strongly encouraged!

Presented by: *Benjamin D. Frost, AICP, Esquire, Managing Director of Policy and Public Affairs, NH Housing Finance Authority*

Meeting Mechanics of Land Use Boards

Appropriate for beginning members, seasoned veterans, as well as land use administrators, this session will provide an overview on the mechanics of a land use board meeting. Discussion will touch on requirements for legal notice, meeting procedure and conduct, conflicts of interest, Right to Know issues, and more. The session will conclude with Q&A.

Presented by: *Tim Corwin, Esquire, Senior Planner and Zoning Administrator, City of Lebanon*
Shawn Tanguay, Esquire, Drummond Woodsum

Roles and Responsibilities of the Zoning Board of Adjustment

This session will provide a detailed look at the statutory responsibilities of the ZBA including appeals of administrative decisions, special exceptions, and variances. This session will also provide an in-depth discussion of how the case law interprets the five variance criteria. Time will be devoted to participant questions.

Presented by: *Christopher L. Boldt, Esquire, Donahue, Tucker & Ciandella PLLC*

1:30 p.m. Break

1:45 p.m. CONCURRENT SESSIONS

Legal Update (Double Session)

This session will review recently enacted legislation that affects the responsibilities and authority of municipal planning and zoning boards. Additionally, it will review what happened in the 2020 legislative session, and provide a preview of what might happen in 2021. Recent New Hampshire Supreme Court decisions involving land use issues and the impact they have on municipal planning and zoning will also be discussed. Participant questions are strongly encouraged!

Presented by: *Benjamin D. Frost, AICP, Esquire, Managing Director Of Policy and Public Affairs, New Hampshire Housing Finance Authority*

Meeting Conduct and Conflict Resolution

It's not easy being a board member on a land use board! Join us for a presentation and discussion on the common issues board members face including how to issue clear and strong decisions, how to address conflicts of interest and recusal – for yourself and other board members, how to interact with difficult applicants or angry abutters, among other topics. We will discuss how to address these issues with some real-world examples and will provide relevant statutes and case law. Presented by a current Selectman, and a former Selectman and Planning Board member.

Presented by: *Keriann Roman, Esquire, Drummond Woodsum*
Steven Whitley, Esquire, Drummond Woodsum

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Presented by: *Christopher L. Boldt, Esquire, Donahue, Tucker & Ciandella PLLC*

Small Town Planning

Join our panel of planners that have experience working in small towns and get some pointers on how to overcome planning trials and tribulations of planning in a small town. Like how to maintain and foster: economic development, small business attraction, rural character, preservation of open spaces, civic pride, environmental protection, etc. Also, knowing how to handle potential obstacles through the planning process like: political opposition, budget constraints, zoning amendments, controversial developments, public opposition, clear ordinance/regulation language, acceptance of application, impact fees, writing ordinances, etc.

Presented by: *John Edgar, AICP, Community Development Director, Town of Meredith*

Mark J. Fougere, AICP, Fougere Planning & Development, Inc.

Angela LaBrecque, AICP, Town Planner, Town of Meredith

3:00 p.m. Conference Concludes