



TOWN OF HUDSON

Zoning Board of Adjustment



Charlie Brackett, Chairman Marilyn E. McGrath, Selectmen Liaison

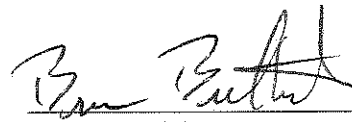
12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142

MEETING AGENDA – November 12, 2020

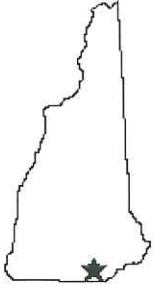
COVID-19 Meeting Procedure

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, November 12, 2020, at 7:00 PM**. Written comments can be sent in advance either by: 1) Email to bbuttrick@hudsonnh.gov prior to 4:30 pm, November 12, 2020; or 2) Mail by November 9, 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 20.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**
 - 1. Case 176-007 (11-12-20): Travis Spaulding of Spaulding Investment Properties, LLC, 37 Ponemah Road, Amherst, NH requests a Variance for 184 Central Street to construct a vacuum station with 3 vacuums which encroaches the side yard setback leaving 4.9 ft. where 15 ft. is required and encroaches the front yard setback leaving 37.3 ft. where 50 ft. is required. [Map 176, Lot 007-000; Zoned Business (B); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].
 - 2. Case 234-041 (11-12-20): Michael McKeown, 28 Winding Rd., Bedford, NH requests a Variance for 288 Lowell Rd., to allow one (1) additional 32 sf. building mounted sign for a total of two (2) building mounted signs (64 sf. total) where one wall sign is permitted. [Map 234, Lot 041-000; Zoned Business (B); HZO Article XII, Signs, §334-63, Business and industrial building signs].
 - 3. Case 230-021 (11-12-20): Joseph G. Deluca, 21 Clement St., Nashua, NH requests an Appeal from an Administrative Decision for 6 James Way, which deemed an existing dwelling unit above the detached garage as illegal. [Map 230, Lot 021-000; Zoned Residential-Two (R-2); HZO Article V, Permitted Uses, §334-21, Table of Permitted Principal Uses].
- IV. REQUEST FOR REHEARING:**
- V. REVIEW OF MINUTES:**
10/22/20 edited Minutes
- VI. OTHER:**
 - 1. Dec 10th vs 17th ZBA meeting schedule?
 - 2. 2020 Virtual Land Use Law Conference recap/material
 - 3. Bylaws- order of succession of the Officers
 - 4. Forms – Home Occupation Special Exception



 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 *BR 11-3-20*

Case 176-007 (11-12-20): Travis Spaulding of Spaulding Investment Properties, LLC, 37 Ponemah Road, Amherst, NH requests a Variance for 184 Central Street to construct a vacuum station with 3 vacuums which encroaches the side yard setback leaving 4.9 ft. where 15 ft. is required and encroaches the front yard setback leaving 37.3 ft. where 50 ft. is required. [Map 176, Lot 007-000; Zoned Business (B); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].

Property description:

Our records show this is a developed non-conforming lot of record, Area: 20,298 sq ft, where 30,000 sq ft required and Frontage: 168 ft where 150 ft is required. Existing Car Wash use.

Zoning Administrator Summary:

This property recently received a site plan modification which included an addition to the existing building and reconfiguration of on site improvements. The applicant proposal indicates relocating existing non-conforming vacuum stations in another non-conforming location as shown with this application.

In-house (Town) review/comments:

Fire Dept: non requested
Engineering: non requested
Town Planner: submitted comments

HISTORY:

Assessing: Listed as Car Wash
ZBA: Special Exception (wetland buffer) for original car wash construction 1985.
Planning Board: Existing Approved Site Plan 7/10/85; recently approved Site Plan and Conditional Use Permit 9/16/20.

Attachments:

- "A" Assessing record as Car Wash
- "B" ZBA Special Exception (Wetland Buffer) NOD
- "C" Old Site Plan 7/10/85
- "D" Recent 9/16/20 Planning Board Site Plan and CUP
- "E" Town Planner In-House comments

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	335 - CARWASH	104,500	31,900	163,100	0.47	0.00	299,500
2020	335 - CARWASH	102,200	39,200	160,400	0.45	0.00	301,800
2019	335 - CARWASH	104,200	39,200	160,400	0.45	0.00	303,800
2019	335 - CARWASH	104,200	39,200	160,400	0.45	0.00	303,800
2018	335 - CARWASH	104,200	39,200	160,400	0.45	0.00	303,800
2018	335 - CARWASH	104,200	39,200	160,400	0.45	0.00	303,800
2017	335 - CARWASH	104,200	39,200	160,400	0.45	0.00	303,800
2017	335 - CARWASH	122,400	42,300	160,400	0.45	0.00	325,100
2017	335 - CARWASH	104,200	39,200	160,400	0.45	0.00	303,800
2016	335 - CARWASH	131,600	42,300	160,400	0.45	0.00	334,300
2016	335 - CARWASH	131,600	42,300	160,400	0.45	0.00	334,300
2015	335 - CARWASH	131,600	42,300	160,400	0.45	0.00	334,300
2015	335 - CARWASH	131,600	42,300	160,400	0.45	0.00	334,300
2014	335 - CARWASH	131,600	42,300	160,400	0.45	0.00	334,300
2014	335 - CARWASH	131,600	42,300	160,400	0.45	0.00	334,300
2013	335 - CARWASH	131,600	42,300	160,400	0.45	0.00	334,300
2013	335 - CARWASH	131,600	42,300	160,400	0.45	0.00	334,300
2012	335 - CARWASH	131,600	42,300	160,400	0.45	0.00	334,300
2012	335 - CARWASH	123,500	46,000	160,400	0.45	0.00	329,900
2011	335 - CARWASH	123,500	46,000	160,400	0.45	0.00	329,900
2011	335 - CARWASH	123,500	46,000	160,400	0.45	0.00	329,900
2010	335 - CARWASH	123,500	46,000	160,400	0.45	0.00	329,900
2010	335 - CARWASH	123,500	46,000	160,400	0.45	0.00	329,900
2009	335 - CARWASH	123,500	46,000	160,400	0.45	0.00	329,900
2008	335 - CARWASH	123,500	46,000	160,400	0.45	0.00	329,900
2008	335 - CARWASH	123,500	46,000	160,400	0.45	0.00	329,900
2007	335 - CARWASH	123,500	46,000	160,400	0.45	0.00	329,900
2007	335 - CARWASH	120,700	45,600	137,500	0.45	0.00	303,800
2006	335 - CARWASH	120,700	45,600	137,500	0.45	0.00	303,800
2006	335 - CARWASH	120,700	45,600	137,500	0.45	0.00	303,800
2005	335 - CARWASH	120,700	45,600	137,500	0.45	0.00	303,800
2005	335 - CARWASH	120,700	45,600	148,200	0.56	0.00	314,500
2004	335 - CARWASH	120,700	45,600	148,200	0.56	0.00	314,500
2004	335 - CARWASH	123,600	36,900	124,800	0.56	0.00	285,300
2003	335 - CARWASH	123,600	36,900	124,800	0.56	0.00	285,300
2003	335 - CARWASH	123,600	36,900	124,800	0.56	0.00	285,300
2002	335 - CARWASH	123,600	36,900	124,800	0.56	0.00	285,300
2002	335 - CARWASH	123,600	36,900	124,800	0.56	0.00	285,300
2001	335 - CARWASH	141,100	0	150,300		0.00	291,400
2000	CI - N/A	137,900	3,200	150,300	0.56	0.00	291,400

58-5-003

NOTICE OF DECISION FOR APPROVAL

On June 27th, 1985, The Hudson Zoning Board of Adjustment heard case 05/85/58-5-2 & 5-3, pertaining to a special exception request by Earl Burton, 23 Putnam Road, Hudson, NH to allow construction of a building, pavement, and appurtenances within and adjacent to a wetland 50-foot setback area on Central Street, opposite the end of Belknap Road.

and a majority of the members sitting on the Board for this hearing voted to approve that request, subject to the following stipulations:

~~Deletion of the previously intended laundromat and the resultant forward movement of the carwash operation away from the property sidelines and rear lotline, together with the previously discussed rearrangement of the drainage swale to obtain a maximum-length drainage zone between the runoff source and the nearby wetlands.~~

Moreover, unless specifically contradicted by conditions placed upon the granting of a variance, special exception, or administrative appeal, as applicable, all representations of fact or intention made by the applicant or any applicant's representative during testimony before the Zoning Board of Adjustment relative to the obtaining of a variance, special exception, or administrative appeal shall be considered conditions of that variance, special exception, or administrative appeal, regardless of whether such facts or intentions were specifically stated as part of the motion to grant.

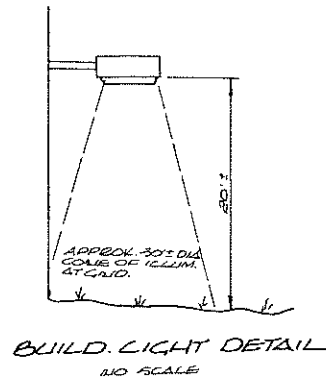
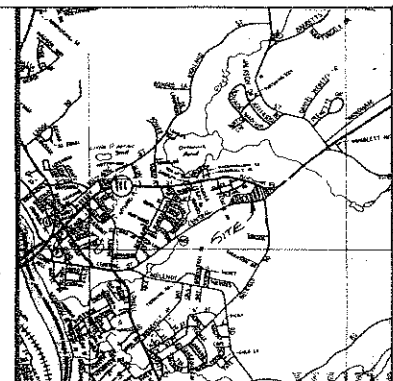
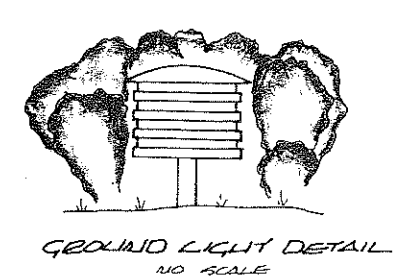
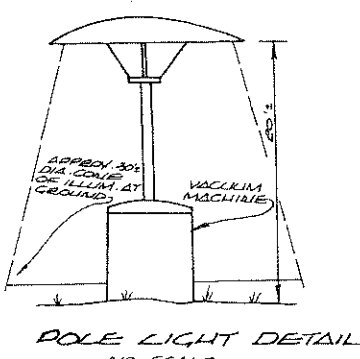
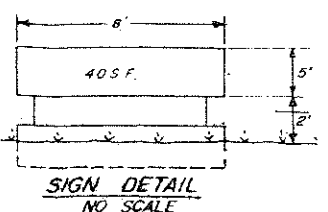
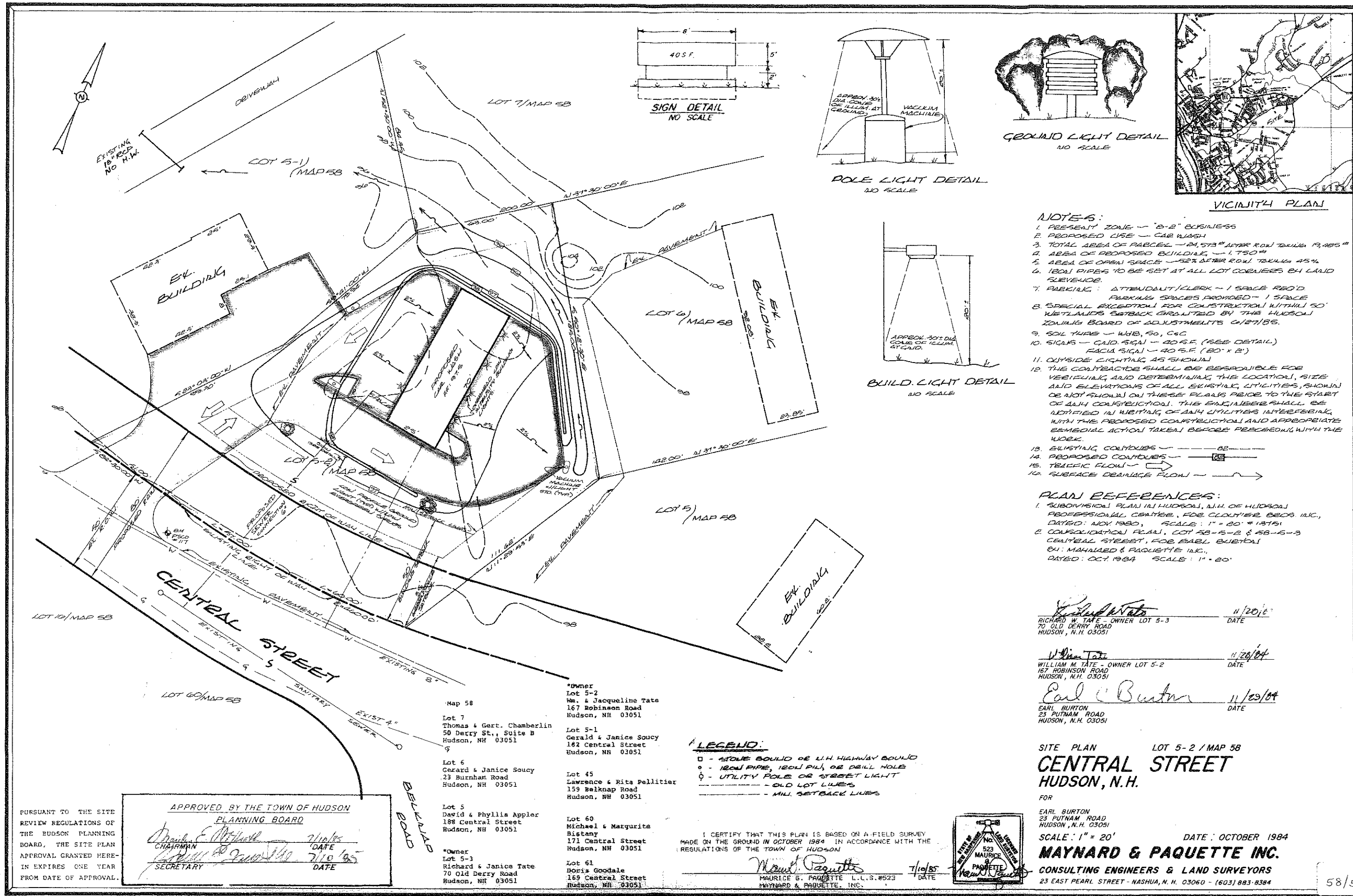
In the event that the requested use subsequently is found by the Hudson Zoning Administrator to demonstrate deliberate or preventable lack of compliance with any applicable stipulation or restriction, including the verbally specified restrictions described in the preceding paragraph, such use shall be held to be in violation of the covenant made with this Board, and the approval shall be held to be null and void.

Signed: Madelaine J. Harmon Date: 7/12/85
(Chairman of the Zoning Board of Adjustment)

Signed: Dennis J. [Signature] Date: 7/12/85
(Hudson Zoning Administrator)

The undersigned hereby acknowledges understanding of the specified conditions, as described above, and pledges full compliance with the said conditions in all respects, subject to the penalty of forfeiting any and all rights granted by the Hudson Zoning Board of Adjustment as part of its approval of the request.

Signed: Michael Burke Date: 7/12/85 **B**
(Applicant or Duly-Authorized Representative)



- NOTE-6:**
1. PRESENT ZONE - "B-2" BUSINESS
 2. PROPOSED USE - CAR WASH
 3. TOTAL AREA OF PARCEL - 24,573^{sq} AFTER ROW TAKING 13,485^{sq}
 4. AREA OF PROPOSED BUILDING - 1,750^{sq}
 5. AREA OF OPEN SPACE - 52% AFTER ROW TAKING 45%
 6. 120# PIPES TO BE SET AT ALL LOT CORNERS ON LAND SURVEYED.
 7. PARKING: ATTENDANT/CLERK - 1 SPACE REQ'D. PARKING SPACES PROVIDED - 1 SPACE
 8. SPECIAL EXCEPTION FOR CONSTRUCTION WITHIN 50' WETLANDS SETBACK GRANTED BY THE HUDSON ZONING BOARD OF ADJUSTMENTS 6/27/85.
 9. SOIL TYPE - WHE, S₀, C&C
 10. SIGNS - CALD. SIGN - 40 S.F. (SEE DETAIL)
FACIAL SIGN - 40 S.F. (20' x 20')
 11. OUTSIDE LIGHTING AS SHOWN
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATIONS OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES INTERFERING WITH THE PROPOSED CONSTRUCTION AND APPROPRIATE REMEDIAL ACTION TAKEN BEFORE PROCEEDING WITH THE WORK.
 13. EXISTING CONDUITS - 82
 14. PROPOSED CONDUITS - 83
 15. TRAFFIC FLOW -
 16. SURFACE DRAINAGE FLOW -

- PLAN REFERENCES:**
1. SUBDIVISION PLAN IN HUDSON, N.H. OF HUDSON PROFESSIONAL CENTER, FOR CLOUTIER BEDS INC., DATED: NOV 1980, SCALE: 1" = 20' # 13751
 2. CONSOLIDATION PLAN, LOT 5B-5-B & 5B-5-B CENTRAL STREET, FOR EARL BURTON & MAHAR & PAQUETTE INC., DATED: OCT. 1984, SCALE: 1" = 20'

Richard W. Tate 11/20/85
 RICHARD W. TATE - OWNER LOT 5-3
 70 OLD DERRY ROAD
 HUDSON, N.H. 03051
 DATE

William M. Tate 11/20/84
 WILLIAM M. TATE - OWNER LOT 5-2
 157 ROBINSON ROAD
 HUDSON, N.H. 03051
 DATE

Earl C. Burton 11/23/84
 EARL BURTON
 23 PUTNAM ROAD
 HUDSON, N.H. 03051
 DATE

SITE PLAN LOT 5-2 / MAP 58
CENTRAL STREET
HUDSON, N.H.
 FOR
 EARL BURTON
 23 PUTNAM ROAD
 HUDSON, N.H. 03051
 SCALE: 1" = 20' DATE: OCTOBER 1984
MAYNARD & PAQUETTE INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 23 EAST PEARL STREET - NASHUA, N.H. 03060 - (603) 883-8384

LEGEND:

- - STONE BOUND OR U.H. HIGHWAY BOUND
- - IRON PIPE, 120# PIPE, OR DRILL HOLE
- ⊙ - UTILITY POLE OR STREET LIGHT
- - - - - OLD LOT LINES
- - - - - MIN. SETBACK LINES

I CERTIFY THAT THIS PLAN IS BASED ON A FIELD SURVEY MADE ON THE GROUND IN OCTOBER 1984, IN ACCORDANCE WITH THE REGULATIONS OF THE TOWN OF HUDSON

Maurice G. Paquette 7/10/85
 MAURICE G. PAQUETTE L.L.S.#523
 MAYNARD & PAQUETTE, INC.
 DATE

APPROVED BY THE TOWN OF HUDSON PLANNING BOARD

Charles E. Mitchell 7/10/85
 CHAIRMAN
 DATE

William M. Tate 7/10/85
 SECRETARY
 DATE

Map 58

Lot 7
 Thomas & Gert. Chamberlin
 50 Derry St., Suite B
 Hudson, NH 03051

Lot 5-1
 Gerald & Janice Soucy
 182 Central Street
 Hudson, NH 03051

Lot 6
 Gerard & Janice Soucy
 23 Burnham Road
 Hudson, NH 03051

Lot 45
 Lawrence & Rita Pellitier
 159 Belknap Road
 Hudson, NH 03051

Lot 5
 David & Phyllis Appler
 188 Central Street
 Hudson, NH 03051

Lot 60
 Michael & Margurita Bistany
 171 Central Street
 Hudson, NH 03051

Lot 61
 Doris Goodale
 169 Central Street
 Hudson, NH 03051

*Owner
 Lot 5-3
 Richard & Janice Tate
 70 Old Derry Road
 Hudson, NH 03051

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

BRUJING 44-132 69821

HUDSON CAR WASH ADDITION
SITE PLAN SP #8-20
CONDITIONAL USE PERMIT CU #3-20
STAFF REPORT

SITE: Existing car wash located at 184 Central Street, Map 176 Lot 7

ZONING: Business (B)

PURPOSE OF PLANS: to propose a 160 square foot, single-story addition to the existing building and associated improvements.

PLANS UNDER REVIEW: Hudson Car Wash Site Plan; prepared by Granite Engineering, 250 Commercial Street, Suite 3008, Manchester, NH 03101; prepared for Travis Spaulding, Spaulding Investment Properties, LLC, 37 Ponemah Road, Amherst, NH 03031; consisting of 9 sheets with various notes on all sheets; dated August 4, 2020.

ATTACHMENTS:

- A. Site Plan Project Narrative
- B. Conditional Use Permit Narrative
- C. Motion to Recommendation CUP from Conservation Commission
- D. Determination Letter from NH Natural Heritage Bureau
- E. Wetlands Report from EcoSystems Land Planning
- F. Site Photos

APPLICATION TRACKING:

- August 4, 2020 – Application received.
- August 10, 2020 – Conservation Commission approves a Motion to Recommend CUP.
- September 19, 2020 – Public hearing scheduled.

STAFF COMMENTS:

Application Background

The applicant is seeking approval of a site plan and a conditional use permit to build a 160sf addition and to reconfigure internal circulation. The addition entails the installation of a computerized automatic car wash system (the 160sf addition), the relocation of a dumpster and dumpster pad, the restriping of the site, and landscaping.

In order accommodate the addition and the associated improvements, the work proposed is to be permanently impact 473 square feet, however, due to the proposed site improvements, there will be a decrease in the net impervious area. Therefore, no stormwater improvements are being proposed. Erosion control measures, including biodegradable silt fencing, turf stabilization, seeding, and mulching will be implemented to prevent sediment deposition and soil loss.

D,

The application also shows a reciprocating easement with neighboring Lot 5. This easement allows the Car Wash to place their dumpster on Lot 5 and allows shared use of the driveway.

Wetlands Conservation Overlay District Conditional Use Permit

A portion of the site improvements are proposed within the Wetlands Conservations District and thus require a Wetlands Conditional Use Permit. While the site improvements will result in an overall decrease of impervious surface, there will be an increase in impervious surface are located in the wetland buffer.

As part of the permit requirements, the applicant's case has been heard by the Conservation Commission and recommended for approval. The permit was recommended 4 – 1. The dissenting vote's reason for denial was that they (the dissenting voter) didn't visit the site.

Attachment B.

Environmental Review

The NH Natural Heritage Bureau was also notified of the application and determined that “although there was a NHB record (e.g. rare wildlife, plant, and/or natural community) present in the vicinity, [the NH Natural Heritage Bureau] does not expect that it will be impacted by the proposed project”. **Attachment C.**

A Wetland Report from EcoSystems Land Planning addresses whether the wetlands in question are jurisdictional and therefore require a NHDES Wetlands Permit. The report states that the wetland is a “non-jurisdictional wetland” due to the existence of a “man-made nontidal drainage ditch” and basis its determination on language presented NH RSA 482-A.IV(b). **Attachment D.**

Vacuum Location

There a vacuum station proposed within the sideyard setback. While not initially noted in the Zoning Administrator's comments, it has been confirmed that this is a regulated structure subject to setbacks. This vacuum station should either be removed, relocated or receive a variance.



GRANITE ENGINEERING, LLC

civil engineering • land planning • municipal services

August 4, 2020

Town of Hudson
Planning Department
12 School Street
Hudson, New Hampshire 03051

**RE: Site Plan Application – Spaulding Investment Properties, LLC
Hudson Car Wash
184 Central Street, Hudson, NH 03051
Granite Project #2006041**

Dear Mr. Groth,

The following narrative is associated with the above-referenced project. The purpose of this narrative is to describe the site's existing conditions, explain the intent of the project, and summarize in detail all proposed changes to the site.

Existing Conditions

The subject property is listed on Hudson Tax Assessor's Map 176 as Lot 7. The parcel is 0.466 acres in area and is situated entirely within the Business Zoning District. The existing buildings on the parcel consist of the 2,038 square foot car wash and 172 square foot utility shed. The property derives access from Central Street and shares this driveway with adjacent Lot 6, owned by Tadros Real Estate, LLC. There are no jurisdictional wetlands on the property but there are jurisdictional wetlands immediately to the northwest, whose buffers reach within the site. The property is served by municipal water and sewer.

Project Intent

The applicant for this project is Spaulding Investment Properties, LLC. The proposal entails a 160 square foot single-story addition to the existing building and associated site improvements. The applicant endeavors to upgrade the car wash to allow for an automatic car wash on the rear bay of the building. Additional improvements to the site include the addition, the relocation of the dumpster and associated dumpster pad, restriping the site, landscaping, and proposing an access easement between adjacent Lot 6. The access easement will formalize a shared use that has existed for many years. It will also allow the continued shared use of new pavement to allow a new dumpster as well as a better turning radius existing the automatic car wash bay.

Proposed Site Work

Various materials on the site will be removed. This includes the crushed stone and stone to the south of the parcel and the fill to the north of the parcel. The proposed addition will be 16' by 10' and be attached to the north of the western side of the existing building. The proposed restriping will create three (3) parking spaces including one (1) handicap accessible parking space. This restriping will also include new arrows and a solid line indicating the direction to access the facility. The dumpster on adjacent Lot 6 is also being relocated and the surrounding area will be paved. Please refer to the Site Plan to see all proposed changes.

Stormwater Management and Erosion Control Practices

Due to the proposed site improvements, which include grassing an area along the frontage, there is a decrease in the net impervious area of the site therefore no stormwater improvements are being proposed.

Erosion control measures will be implemented to prevent sediment deposition and soil loss, both during and following construction activities. Methods of erosion control proposed for this site include silt fencing, and turf stabilization practices, including seeding and mulching.

- 19 August 20 Meeting Minutes – Decisions

Mr. Coutu moved to accept the 19 August 20 Meeting Minutes (as written/amended).

Motion seconded by Mr. Ulery. All in favor – motion carried 7/0/0.

- 26 August 20 Meeting Minutes – Decisions

Mr. Coutu moved to accept the 26 August 20 Meeting Minutes (as written/amended).

Motion seconded by Mr. Ulery. All in favor – motion carried 7/0/0.

VI. OLD BUSINESS

- A. Central Street & Lowell Road Lot Line Relocation
SB# 07-20

73 Central Street
Map 182/Lot 218

Purpose of Plan: to adjust the lot line on the corner of Central Street & Lowell Road.
Application Acceptance & Hearing.

Mr. Van der Veen moved to defer the Lot Line Relocation Application for 73 Central Street, date specific, to the Planning Board meeting on October 7, 2020.

Motion seconded by Mr. Brackett. All in favor – motion carried 7/0/0.

VII. NEW BUSINESS

- A. Hudson Car Wash Addition
SP# 08-20

184 Central Street
Map 176/Lot 007

Purpose of Plan: to construct a 160 square-foot addition to the existing car wash and other site improvements. Application Acceptance & Hearing.

Mr. Dumont moved to accept the site plan & conditional use permit application for the Hudson Car Wash Addition located at 184 Central Street, Map 176/Lot 007, Hudson, NH.

Motion seconded by Mr. Collins. All in favor - motion carried 7/0/0.

Mr. Ulery moved to approve the site plan & conditional use permit for Hudson Car Wash Site Plan, 184 Central Street, Map 176/Lot 007; prepared by Granite Engineering, 250 Commercial Street, Suite 3008, Manchester, NH 03101; prepared for Travis Spaulding, Spaulding Investment Properties, LLC, 37 Ponemah road, Amherst, NH 03031; consisting of 9 sheets with various notes on all sheets; dated August 4, 2020; subject to the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.

2. Copies of the proposed access easements shall be submitted to the Town and properly recorded at the HCRD.
3. An as-built plan shall be provided to the Town prior to the issuance of a Certificate of Occupancy.
4. The site plan shall be subject to final engineering review and approval.
5. The vacuum station located within the setback shall be removed from the final plan.
6. Construction activities involving this plan shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

Motion seconded by Mr. Van der Veen. All in favor – motion carried 7/0/0.

- | | |
|--|---------------------------------------|
| B. Executive Drive Proposed Building Addition
SP# 07-20 | 36 Executive Drive
Map 215/Lot 004 |
|--|---------------------------------------|

Purpose of Plan: to show a proposed 1-story, 100, 000 square-foot building addition with appurtenant parking, loading, and other site improvements. Application Acceptance & Hearing.

Mr. Dumont moved to accept the site plan application for 36 Executive Drive; Map 215/Lot 004.

Motion seconded by Mr. Ulery. All in favor – motion carried 7/0/0.

Mr. Ulery moved to continue the public hearing for the site plan application for 36 Executive Drive; Map 215/Lot 004, date specific, to the Planning Board Meeting on October 7, 2020.

Motion seconded by Mr. Dumont. All in favor – motion carried 7/0/0.

VIII. ADJOURNMENT

Motion to adjourn by Mr. Ulery. Seconded by Mr. Dumont. All in favor – motion carried 7/0/0.

Meeting adjourned at 8:39p.m.

William Collins
Secretary

These minutes are in draft form and have not yet been approved by the Planning Board.

D6

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

REQUEST FOR REVIEW/COMMENTS:

Case: 176-007

Property Location: 184 Central St

For Town Use

Plan Routing Date: 10/26/2020 Reply requested by: 10/30/2020 ZBA Hearing Date: 11/12/2020

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 10/29/2020
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

The vacuums on site are currently pre-existing non-conforming within the sideyard setback.

The new owner recently received Planning Board approval to improve the circulation of this site.

The proposed location for the vacuums is a further improvement on the circulation and operation of the site - the proposed location is preferred over the current location.

E

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

On **11/12/20**, the Zoning Board of Adjustment heard Case **176-007**, being a case brought by **Travis Spaulding of Spaulding Investment Properties, LLC, 37 Ponemah Road, Amherst, NH** for a Variance **for 184 Central Street to construct a vacuum station with 3 vacuums which encroaches the side yard setback leaving 4.9 ft. where 15 ft. is required and encroaches the front yard setback leaving 37.3 ft. where 50 ft. is required.** [Map 176, Lot 007-000; Zoned Business (B); 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: _____
 Sitting member of the Hudson ZBA

_____ Date

Stipulations: _____

TOWN OF HUDSON

OCT 06 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. 176-007

Date Filed 10/6/20

Name of Applicant Spaulding Investment Properties, LLC. Map: 176 Lot: 7 Zoning District: B

Telephone Number (Home) N/A (Work) (603)620-9734

Mailing Address 37 Ponemah Road, Amherst NH, 03031

Owner Spaulding Investment Properties, LLC

Location of Property 184 Central Street
(Street Address)

[Signature]
Signature of Applicant

10-6-20
Date

[Signature]
Signature of Property-Owner(s)

10-6-20
Date

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

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

COST:

Application fee:		\$130.00
<u>9</u> Direct Abutters x \$4. ¹⁰ 05 =		<u>36.90</u>
<u>6</u> Indirect Abutters x \$0.55 =		<u>3.30</u>
Total amount due:		<u>\$170.20</u>

Date received: 10/6/20

Amt. received: \$170.20

Receipt No.: 614,307

Check#
124

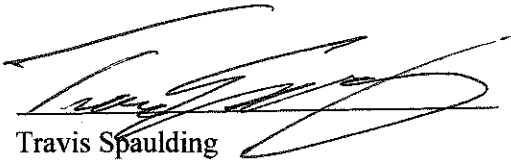
Received by: TSG

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

OWNER AFFIDAVIT

I, Travis Spaulding, owner of Spaulding Investment Properties, LLC and the property situated at 184 Central Street, Hudson, NH and referenced on Hudson Tax Assessor's Map 176 Lot 7, hereby authorize Granite Engineering, LLC to submit local, state, and federal land use applications on my behalf, as they relate to the redevelopment of my property to accommodate site improvements to an existing car wash. Further, I authorize Granite Engineering, LLC to aid in the representation of said permits, as required, before the Town of Hudson and the State of New Hampshire.



Travis Spaulding
Spaulding Investment Properties, LLC
37 Ponemah Road
Amherst, NH 03031

Date: 10/28/20



GRANITE ENGINEERING, LLC

civil engineering • land planning • municipal services

October 6, 2020

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



**RE: Variance Request – Spaulding Investment Properties, LLC.
Hudson Car Wash
184 Central Street, Hudson, NH 03051
Granite Project #2006041**

Dear Mr. Buttrick,

On behalf of the applicant, Spaulding Investment Properties, LLC., we are pleased to submit the enclosed application for a variance and associated material for the property located at 184 Central Street. Spaulding Investment Properties, LLC is currently implementing previously approved site improvements to the existing car wash on the property. These improvements include retrofitting an existing manual wash bay to a touchless automatic bay and restriping the parking lot. With the use of the lot being a car wash, it is necessary that the site has a self-service vacuum structure, as it has had historically. Reconfiguring the driveway for the car wash has forced the property owner to move the vacuum such that vehicles can navigate through the car wash concurrently with someone using the self-service vacuum. Therefore, the property owner seeks a variance to move the vacuum inside of the minimum building setback lines. It should be noted that a vacuum has existed inside of the minimum building setback lines historically since at least 1984.

Attached under this cover you will find:

- One (1) original completed variance application and twelve (12) copies of the completed application for a variance;
- Thirteen (13) copies of the half-size plan (11"x17");
- Two (2) sets of mailing labels from the abutters notification lists;
- Thirteen (13) copies the assessor's card for the property;
- Thirteen (13) copies of the GIS map for the property;
- Thirteen (13) copies of the Zoning Administrator's correspondence confirming that action by the Zoning Board of Adjustment is required;
- A check to cover the application fee. The fee was calculated as follows:

Application Fee	= \$	130.00
Direct Abutter Notification Fee = 9 x \$4.05	= \$	36.90
Indirect Abutter Notification Fee = 6 x \$0.55	= \$	3.30
Total Fee	= \$	170.20

We trust you will find the application and its attachments complete and ready for the Zoning Board of Adjustment's consideration. Should you have any questions or require further information, please do not hesitate to contact me directly.

Best Regards,



Brenton Cole, P.E.
Principal Engineer

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
TS	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
TS	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<i>not reviewed</i> N/A
TS	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
TS	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	N/A
TS	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	TG
TS	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	TG
TS	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
TS	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-

- TS Except for requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted): TG
- a) TS 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) TS The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) TS The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d) TS 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) TS 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) TS 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) TS The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) TS The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) TS The plot plan shall indicate all parking spaces and lanes, with dimensions.

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


Signature of Applicant(s)

10-6-20
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
176	2	Brian Vitiello	171 Central Street Hudson, NH 03051
176	3	Dennis R. Lacourse	169 Central Street Hudson, NH 03051
176	8	David V. Appler, Trustee	62 Glen Drive Hudson, NH 03051
176	9	Rosa Chan, Trustee	142 Lowell Road, Unit 17 #125 Hudson, NH 03051
176	10	Leo E. Dubuc, Jr.	21 Burnham Road Hudson, NH 03051
176	50	Bruce J. Blais	159 Belknap Road Hudson, NH 03051
176	7	Spaulding Investment Properties, LLC.	37 Ponemah Road Amherst, NH 03031
176	6	Tadros Real Estate, LLC	403 Avalon Drive Bedford, MA 01730
Civil Engineer		Granite Engineering, LLC	250 Commercial Street Ste 3008 Manchester, NH 03101

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
176	4	Charles R. Nutting	163 Central Street Hudson, NH 03051
176	5	Burnham Road, LLC	15 Burnham Road Hudson, NH 03051
176	11	Adam J. Garside	19 Burnham Road Hudson, NH 03051
176	12	Serge H. Dion	180 Central Street Hudson, NH 03051
176	17	Westview Cemetery	11 Old Robinson Road Hudson, NH 03051
176	49	V.S.H. Realty Inc.	165 Flanders Road Westborough, MA 01581

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:

A proposed structure (vacuum station) within the minimum building setbacks for Hudson Car Wash (Tax Map 176 Lot 7)

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 supplemental attachment.

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.”)
See supplemental attachment.

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.)
See supplemental attachment.

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.)
See supplemental attachment.

APPLICATION FOR VARIANCE

Map 176; Lot 7
184 Central Street
Hudson, New Hampshire

APPLICATION ATTACHMENT

The subject property is listed on Hudson Tax Assessor's Map 176 as Lot 7. The parcel is 0.466 acres in area and is situated entirely within the Business Zoning District. The existing buildings on the parcel consist of the 2,038 square foot car wash and 172 square foot utility shed. The property has two vacuum stations on concrete foundations. The existing foundations are 3.6 feet and 12.6 feet from the property line where a 15' structure setback is required. The property derives access from Central Street and shares this driveway with adjacent Lot 6, owned by Tadros Real Estate, LLC. The property is served by municipal water and sewer.

The applicant for this project is Spaulding Investment Properties, LLC. The project entails a 160 square foot single-story addition to the existing building and new vacuum stations to upgrade the facility. In order to situate the vacuums in a safe area, outside of the queue lane for the new automatic car wash, the applicant endeavors to construct the new vacuum stations within 4.9' of the side property line and 37.3' feet from the front property line. The two vacuum stations that exist and were approved by the Planning Board in 1984 within the setback and will be removed. The new vacuums will be state-of-art and help upgrade the out-dated facility. The internal cleaning of a car is a critical component to the car-wash but needs to be located in an area safe to navigate one's car outside the anticipated travel lanes.

Pursuant to the Hudson Zoning Ordinance, a variance is necessary to allow a "structure" within the structure setbacks per Article VII, Section 334-27. The Zoning Ordinance states that the Zoning Board of Adjustment shall have the power to approve a variance subject to the following terms discussed below.

1. *Granting of the requested variance will not be contrary to the public interest, because:*

The essential character of the neighborhood will not be altered as a Car Wash has been approved and existed in this location since 1984. There were two vacuum stations approved and constructed within the structure setback and are illustrated on the 1984 site plan. The two separate stations will be reduced to one station but near the old one. The relocated vacuum station will help public health and welfare by providing a safer area for the public to wash their car.

2. *The proposed use will observe the spirit of the ordinance, because:*

The proposed use of vacuum stations within the structure setback is an accessory structure to the principal structure which is the Car Wash. The car wash vacuum structure, as

proposed on the plan, is in a location such that cars can maneuver and queue through the car wash while another is utilizing the vacuum. Locating the vacuum outside the setback building lines would disrupt this flow and the anticipated queue of the new automatic car wash. Since vacuum stations exist within the structure setbacks and have not been an issue for surrounding properties or the public, we anticipate no threats to public health, safety, or welfare. The spirit of this ordinance is to provide setback from adjacent properties and roadways. Since the use has existed since 1984 and two existing vacuum stations located closer to the property line will be removed, the proposal is more nearly conforming and consistent with the spirit of the ordinance. A split rail fence and landscaping will be situated along the property line to provide a visually appealing barrier from the abutting land.

3. *Substantial justice would be done to the property-owner by granting the variance, because:*

The property owner purchased the property intending on creating a state-of-the-art car wash to transform the tired facility into a more profitable business. The property was purchased with two working vacuum stations within the building setbacks, outside of the travel lanes that surrounded the principal structure. The project will include the addition of an automatic car-wash to allow customers to stay within the car. In order to provide this amenity, one vacuum station will be removed and another relocated. The relocated vacuum station will only be moved 17' south of the existing one and further away from travel lanes and traffic. Substantial justice will be done to the property owner as it allows him to update an existing business and better serve the residents of Hudson.

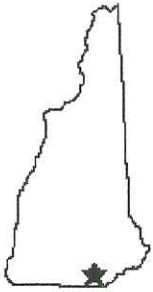
4. *The proposed use will not diminish the values of surrounding properties, because:*

The use has existed since 1984 and was approved by the Planning Board with vacuum stations within the structure setback. Since the use will not change and the number of vacuum stations will be reduced, the surrounding properties' value will not be diminished. The overall project will include new landscaping, fencing, façade, sign, and pavement to help enhance the property therefore enhancing the surrounding neighborhood.

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

With the use of the lot being an existing car wash, it is necessary that the site has a self-service vacuum structure, as it has had historically. Adding an automatic car-wash to help keep the facility viable has required additional queue length and maneuvering space has forced the property owner to move the vacuum such that vehicles can navigate through the car wash concurrently with someone using the self-service vacuum. However, the setbacks of the property and the existing layout of the site significantly limit where the vacuum can be located. The property layout requires a vacuum station within the setback, similar to

what was approved and constructed in 1984. Requiring the vacuum station to be outside the setback will not only impose a hardship to the property and owner but will jeopardize the viability of the business.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-104R

October 2, 2020

Brenton Cole, P.E.
Granite Engineering, LLC
250 Commercial Street
Suite 3008
Manchester, NH 03101

Re: **184 Central St Map 176 Lot 007-000**
District: Business (B)

Dear Mr. Cole,

Your request: If you can relocate the vacuum station in the side and front setback as shown on the proposed site plan #4 of 8 dated 8/4/20.

different plan
dated 10/1/20

Zoning Review / Determination:

You would need a variance with regards to §334-27 Table of Dimensional Requirements for setback requirements.

Sincerely,

Bruce Buttrick

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

cc: Public File
B. Groth, Town Planner
File

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

170 MAP 007 LOT 000 SUB

1 OF 1 COMMERCIAL HUDSON CARD

APPRaised: 299,500 / 299,500
USE VALUE: 299,500 / 299,500
ASSESSed: 299,500 / 299,500

PROPERTY LOCATION

Table with 3 columns: No, Alt No, Direction/Street/City. Row 1: 184, CENTRAL ST, HUDSON

OWNERSHIP table with columns: Owner 1-3, Street 1-2, TwN/City, St/Prov, Postal, Own Occ, Type

PREVIOUS OWNER table with columns: Owner 1-2, Street 1, TwN/City, St/Prov, Postal

NARRATIVE DESCRIPTION: This parcel contains .466 ACRES of land mainly classified as CARWASH with a CAR WASH Building built about 1986...

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

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

LAND SECTION (First 7 lines only) table with columns: Use Code, Description, LUC Fact, No of Units, Depth / 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

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Land Size, Building Value, Yrd Items, Land Value, Total Value. 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

SALES INFORMATION

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

BUILDING PERMITS

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

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name. Includes activities like Sale Data V, Info Fm Plan, Measured, Field Review, etc.

Legal Description: Entered Lot Size, Total Land: 0.466, Land Unit Type: AC

User Acct: 1865, GIS Ref, Insp Date: 04/27/17, 18019!



USER DEFINED: Prior Id # 1: 0058, Prior Id # 2: 0005, Prior Id # 3: 0002, ASR Map, Fact Dist, Reval Dist, Year, Land Reason, Bld Reason, Civil District, Ratio

PRINT: Date 10/05/20, Time 10:43:20, LAST REV: Date 08/27/20, Time 10:45:02, amym, 8019

EXTERIOR INFORMATION

Type:	25 - CAR WASH
Sty Ht:	1 - ONE STY
(Liv) Units:	1 Total: 1
Foundation:	6 - SLAB
Frame:	2 - STEEL
Prime Wall:	07 - BRICK
Sec Wall:	%
Roof Struct:	4 - FLAT
Roof Cover:	15 - METAL PANEL
Color:	
View / Desir:	

GENERAL INFORMATION

Grade:	D - FAIR/POOR
Year Blt:	1986
Alt LUC:	All %:
Jurisdct:	Fact:
Const Mod:	
Lump Sum Adj:	

INTERIOR INFORMATION

Avg Ht/FL:	STD
Prim Int Wall:	5 - MINIMAL
Sec Int Wall:	%
Partition:	L - LIGHT
Prim Floors:	12 - CONCRETE
Sec Floors:	%
Bsmnt Fir:	
Subfloor:	
Bsmnt Gar:	
Electric:	2 - GOOD
Insulation:	2 - TYPICAL
Int vs Ext:	S
Heat Fuel:	2 - GAS
Heat Type:	12 - FLR FURNACE
# Heat Sys:	1
% Heated:	100
Solar HW:	NO
% Com Wal:	% Sprinkled

MOBILE HOME

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
85	PAVING-ASPH	D	Y	1	8700	AV	AV	2020	2.07	T	10	335			16,200			16,200
CV	VAC ISLAND	D	Y	2	1	FR	AV	1986	7,225.85	T	46.5	335			7,700			7,700
15	SHOP	D	Y	1	10X20	AV	AV	2004	36.25	T	13	335			6,300			6,300
84	SIGN-LIGHTED	D	Y	1	50	AV	AV	2020	38.50	T	10	335			1,700			1,700

BATH FEATURES

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

OTHER FEATURES

Kits:	Rating:
A Kits:	Rating:
Frpt:	Rating:
WSFlue:	Rating:

CONDO INFORMATION

Location:	
Total Units:	
Floor:	

DEPRECIATION

Phys Cond:	AG - Avg-Good	29.0%
Functional:		%
Economic:	L - LOCATION	10.0%
Special:	NC - New Constr	0.0%
Override:		%
Total:		36.46%

CALC SUMMARY

Basic \$ / SQ:	102.00
Size Adj:	1.25714290
Const Adj:	0.96873558
Adj \$ / SQ:	124.220
Other Features:	2000
Grade Factor:	0.75
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	164538
Depreciation:	59991
Depreciated Total:	104548

COMMENTS

MUTUAL DRIVEWAY WITH DENTIST OFFICE. 4 BAYS - 1 FOR DETAILING - 3 FOR MANUAL CARWASH. NO OFFICE. UTIL ROOM ONLY./eco=location=visibility=-10/ 4 Sale 7/2019 = \$359,000. HUDSON CAR WASH/review 2021 for changes per plan approval.

RESIDENTIAL GRID

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

REMODELING

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

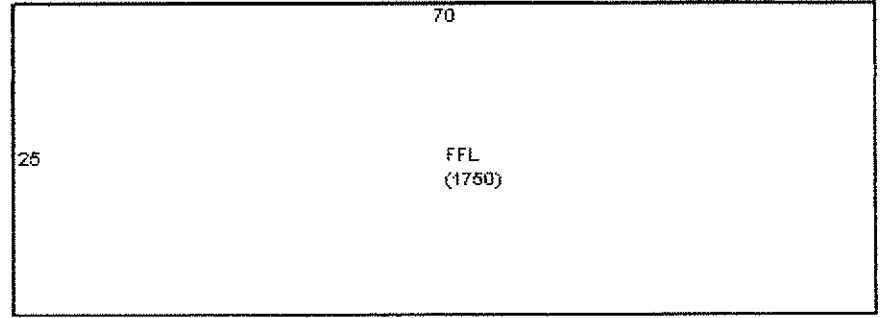
RES BREAKDOWN

No Unit	RMS	BRS	FL
Totals			

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price	
WtAv\$/SQ:				AvRate:	Ind.Val
Juris. Factor:				Before Depr:	93.16
Special Features:	0			Val/Su Net:	59.71
Final Total:	104500			Val/Su SzAd:	59.71

SKETCH



SUB AREA

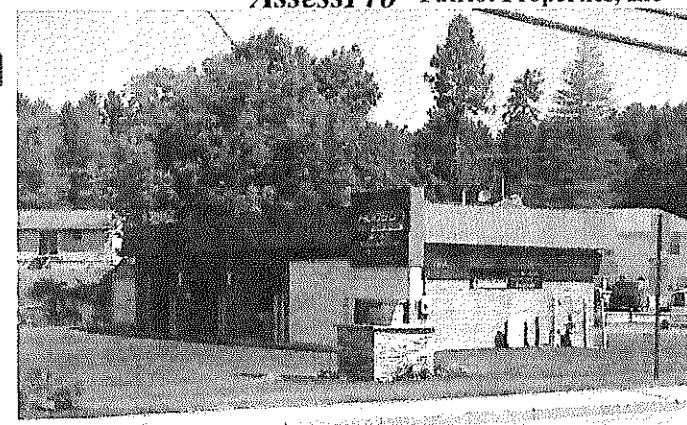
Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	1,750	124.220	217,384

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Ten
----------	--------	---------	--------	----	-------

Net Sketched Area:	1,750	Total:	217,384
Size Ad	1750	Gross Area	1750
		FinArea	1750

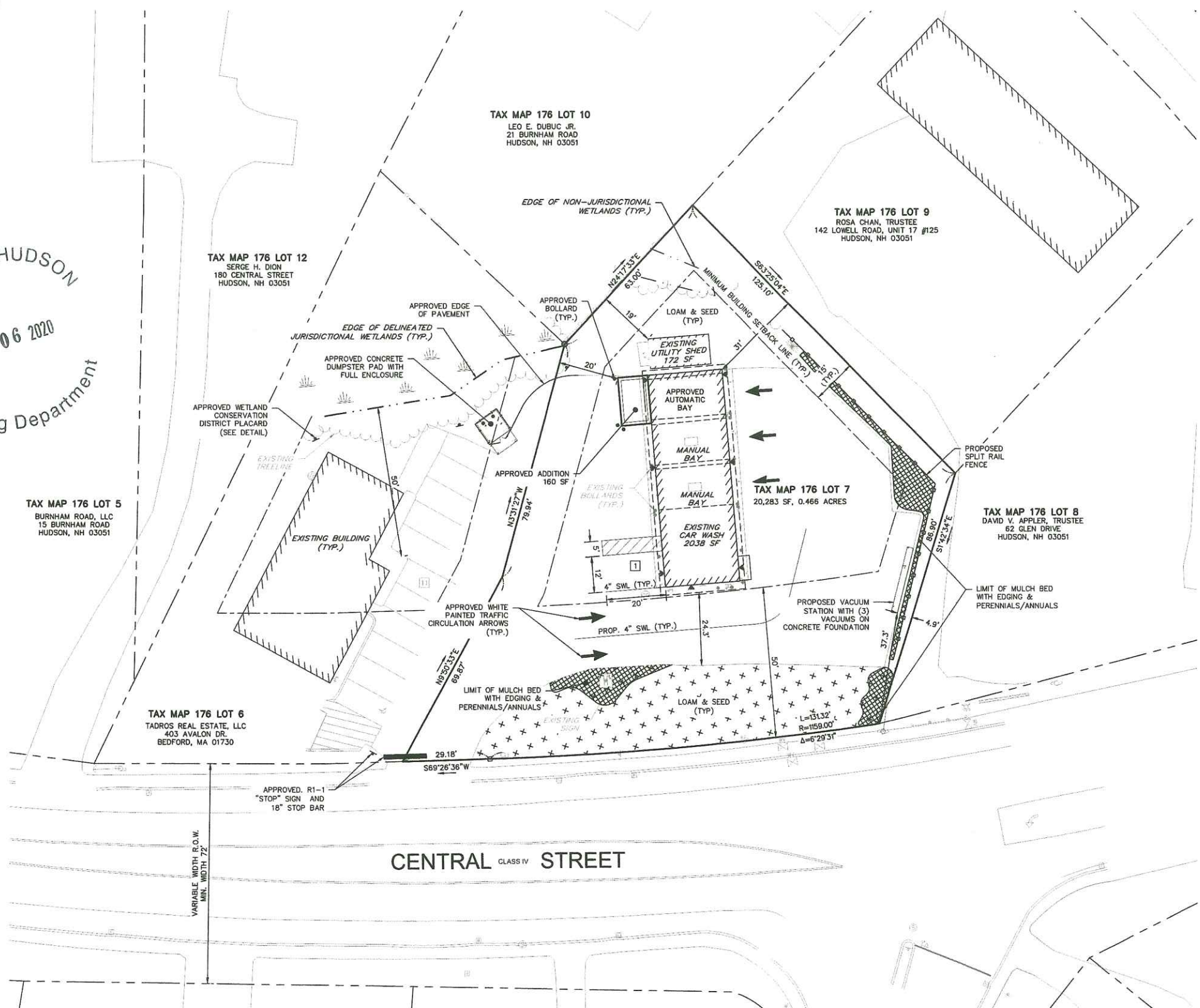
IMAGE



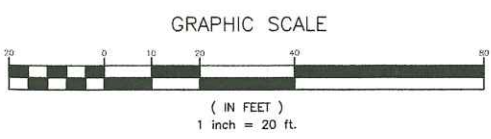
2020. 6. 24



TOWN OF HUDSON
OCT 06 2020
Zoning Department



- PLAN REFERENCES:**
- "CONSOLIDATION PLAN, LOTS 5-2 & 5-3 / MAP 58 CENTRAL STREET, HUDSON, N.H.", PREPARED FOR: EARL BURTON; PREPARED BY: MAYNARD & PAQUETTE, INC.; DATED: OCTOBER, 1984; SCALE: 1"=20'. SEE HILLSBOROUGH COUNTY REGISTRY OF DEEDS (HCRD) PLAN No. 18043
 - "STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, R.O.W. PLANS OF PROPOSED FEDERAL AND URBAN SYSTEM PROJECT M-5229 (003), M-5229 (005), AND N.H. PROJECT No. C-243-2-B & D, CENTRAL STREET"; DRAWN: JAN. 30, 1984; SCALE: 1"=20'. SEE HCRD PLAN No. 19222
 - "EXISTING CONDITIONS SITE PLAN" MAP 176 LOT 7, 184 CENTRAL STREET, HUDSON N.H. SCALE: 1"=20', DATED JULY 13, 2020. PREPARED BY PROMISED LAND SURVEY, LLC.



- GENERAL NOTES:**
- THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE A PROPOSED VACUUM STATION TO AN EXISTING CAR WASH AND ASSOCIATED SITE IMPROVEMENTS AT 184 CENTRAL STREET IN HUDSON, NH.
 - AREA OF PARCEL = 20,283 SF OR 0.466 ACRES.
 - OWNERS OF RECORD:
SPAULDING INVESTMENT PROPERTIES, LLC
184 CENTRAL STREET
HUDSON, NH 03051
 - PROPERTY ACCOUNT NUMBER 1865
 - THE SUBJECT PROPERTY IS LOCATED ENTIRELY WITHIN THE BUSINESS DISTRICT (B) ZONING DISTRICT, AND A PORTION OF THE WETLAND CONSERVATION OVERLAY DISTRICT. THE PROPERTY IS SUBJECT TO THE FOLLOWING DIMENSIONAL REGULATIONS:

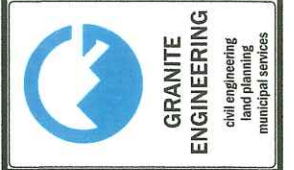
TABLE OF ZONING REQUIREMENTS			
DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	30,000 SF	20,283 SF	20,283 SF
MINIMUM LOT FRONTAGE	150 FT	162 FT	162 FT
FRONT YARD SETBACK	50 FT	52.97 FT	37.3 FT
SIDE YARD SETBACK	15 FT	20.76 FT	4.9 FT
REAR YARD SETBACK	15 FT	17.79 FT	17.79 FT
BUILDING HEIGHT	50 FT	14 FT	14 FT
OPEN SPACE	35%	34.3%	34.3%
INTERNAL LANDSCAPING	10%	N/A*	N/A*
GREEN SPACE	35 FT	18.84 FT	18.84 FT

* SINGLE ACCESS DRIVEWAYS ARE EXEMPT FROM INTERNAL LANDSCAPING REQUIREMENT.



TYPICAL VACUUM STATION PHOTO

- LEGEND**
- UTILITY POLE
 - SIGN
 - WATER VALVE
 - GAS VALVE
 - EX. GUY WIRE
 - ELECTRIC METER
 - GAS METER
 - ELECTRIC RECEPTACLE
 - BOLLARD
 - SEWER MANHOLE
 - FIRE HYDRANT
 - CLEAN OUT
 - WATER SHUT OFF
 - CAMERA
 - CATCH BASIN
 - EX. IRON PIN
 - EX. CONCRETE BOUND
 - ABUTTER LINE
 - PROPERTY LINE
 - EX. FENCE
 - EX. EDGE OF PAVEMENT
 - BUILDING SETBACK
 - APPROVED EDGE OF PAVEMENT
 - APPROVED ADDITION
 - EX. CURB
 - EX. TREELINE
 - EX. EDGE OF WETLAND
 - EX. EDGE OF NON-JURISDICTIONAL WETLAND
 - EASEMENT
 - SPLIT RAIL FENCE
 - PROP. CONCRETE
 - MULCH BED
 - CIRCULATION ARROWS



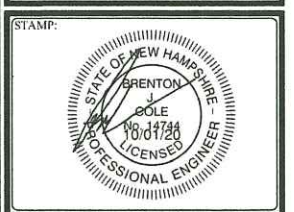
NO.	DATE	COMMENTS
0	10/01/20	ZBA PLAN

OWNER/APPLICANT:
SPAULDING INVESTMENT PROPERTIES, LLC
37 FOREMAN ROAD
AMHERST, NH 03031
BOOK 9284, PAGE 0608

GRANITE ENGINEERING
civil engineering • land planning • municipal services

250 Commercial Street, Suite 3008
Manchester,
New Hampshire 03101
603.518.8030

www.GraniteEng.com



LOCATION:
TAX MAP 176 LOT 7
184 CENTRAL STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

PROJECT:
HUDSON CAR WASH

TITLE:
ZBA PLAN

PROJECT No. 20-0604-1 DATE: OCTOBER 1, 2020 SCALE: HORIZ. 1"=20'
SHEET: 1 OF 1

Printed
10/06/2020
2:44PM
Created
10/06/2020
2:38 PM

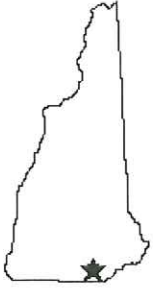
*Rec'd
by noon.*

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

Receipt# 614,307
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-ZBA 184 Central Street Map/Lot 176-007-000 Variance	0.00	170.2000	0.00
			Total:	170.20

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Hudson Car Wash LLC	CHECK	CHECK # 124	170.20	0.00	170.20
			Total Due:		170.20
			Total Tendered:		170.20
			Total Change:		0.00
			Net Paid:		170.20



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: November 12, 2020 BR 11-3-20

Case 234-041 (11-12-20): Michael McKeown, 28 Winding Rd., Bedford, NH requests a Variance for 288 Lowell Rd., to allow one (1) additional 32 sf. building mounted sign for a total of two (2) building mounted signs (64 sf. total) where one wall sign is permitted. [Map 234, Lot 041-000; Zoned Business (B); HZO Article XII, Signs, §334-63, Business and industrial building signs].

Property description:

This is a lot of record, Area: 1.4 Acres, where 1 Acre is required and Frontage: 165.3 ft where 150 ft is required.

Zoning Administrator Summary:

This property recently received a site plan approval for a new site development for an animal hospital. The applicant has submitted a permit application and plans for signage, of which as proposed is a violation as there are two signs on the front face of the building.

In-house (Town) review/comments:

Fire Dept: non requested
Engineering: non requested
Town Planner: submitted comments

HISTORY:

ZBA: Special Exception Granted 3/12/20 for kennel/animal hospital.
Planning Board: Approved Site Plan 5/13/20.

Attachments:

“A” ZBA Special Exception NOD
“B” Planning Board site plan approval
“C” Town Planner In-House comments

Edward Sapienza
Register of Deeds, Hillsborough County

A43
HUDSON ZONING

FEES: 10.50
STAMPAGE 2.00
CASH: /

Send recorded copy to:

TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT
12 School Street, Hudson, New Hampshire 03051

NOTICE OF DECISION

Map 234, Lot 041-000, Zone B (Business), Case # 234-041

ZBA Decision 3/12/2020

Special Exception – APPROVED

Property Owner & Address: Mariana Nour, 288 Lowell Road, Hudson, NH 03051

Property Location: 288 Lowell Road, Hudson, NH 03051

Applicant: Dr. Sudha Komma, Komma Holding, LLC, 28 Winding Road, Bedford, NH 03110

Applicant's Agent: Jeff Merritt, PE, and Brenton Cole, PE, Granite Engineering, LLC,
250 Commercial Street, Suite 3008, Manchester, NH 03101

Action sought: Special Exception to redevelop the property by demolition of the existing structure and construction of a new 7,000 SF one story veterinary clinic with associated access, parking, and other site improvements.

Zoning Ordinance Article: VI §334-23, Special Exceptions, General Requirements

Action granted: After review of the testimony, the criteria for the granting of a Special Exception and determination that each were satisfied, and with understanding that Site Plan Review and approval is also required by the Planning Board, motion made, seconded and voted 4:0 to grant the relief sought.

NOTE: All representations of fact or intention made by the applicant or applicant's agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

Gerald Dearborn, ZBA Vice-Chairman, Acting Chairman

3-17-20

Date

Bruce Buttrick, Zoning Administrator

3-17-20

Date

A

NOTICE OF APPROVAL

June 23, 2020

Owner or Applicant:	MARIANA NOUR 288 LOWELL ROAD HUDSON, NH 03051	KOMMA HOLDINGS, LLC 28 WINDHAM ROAD BEDFORD, NH 03110
---------------------	---	---

On Wednesday, May 13, 2020 the Hudson Planning Board heard subject case SP# 03-20 "Lowell Road Veterinary Center".

SUBJECT: PURPOSE OF REQUEST: TO ILLUSTRATE A PROPOSED VETERINARY CLINIC AND ASSOCIATED SITE IMPROVEMENTS. APPLICATION ACCEPTANCE & HEARING.

LOCATION: 288 LOWELL ROAD, MAP 234/LOT 041

You are hereby notified of the subject surety release request presented before the Planning Board and the following action:

The Planning Board moved to accept the Site Plan Application for 288 Lowell Road, Hudson, NH, Map 234/Lot 41.

The Planning Board moved to approve the Non-Residential Site Plan, Lowell Road Veterinary Clinic, 288 Lowell Road, Hudson, NH, prepared by: Granite Engineering, LLC, 250 Commercial Street, Suite 3008, Manchester, NH 03101; prepared for: Komma Holdings, LLC, 28 Winding Rd., Bedford, NH 03110; consisting of 16 sheets, notes 1-31 on Sheet 1; dated March 30, 2020, last revised April 27, 2020; and 3 sheets of architectural elevations and renderings; subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Plan.
2. A cost allocation procedure (CAP) amount of \$33,120.00 shall be paid prior to the issuance of a Certificate of Occupancy for the proposed building.
3. An LLS-certified as-built plan shall be provided to the Town prior to issuance of a Certificate of Occupancy.
4. Approval of this plan shall be subject to final review by the Fire Department and Engineering Department.

B.

5. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.

Signed: _____ Date: _____
 Brian Groth, Town Planner

cc: Granite Engineering, LLC
 Keach-Nordstrom Associates, Inc.

B₂

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

REQUEST FOR REVIEW/COMMENTS:

Case: 234-041

Property Location: 288 Lowell Road

For Town Use

Plan Routing Date: 10/26/2020 Reply requested by: 10/30/2020 CZBA Hearing Date: 11/12/2020

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 10/29/2020
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

Given the orientation of the building facade, two signs might make sense in terms of visibility from both north and south bound traffic.

I do not believe that the additional sign would cause this site to look out of character with the other commercial developments on Lowell Road.

"C"

TOWN OF HUDSON

APPLICATION FOR A VARIANCE

OCT 20 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. 234-041 (11-12-20)

Date Filed 10/20/20

Name of Applicant Michael McKeown Map 234 Lot: 41 Zoning District: Business

Telephone Number (Home) (603) 882-8825 (Work) (603) 353-0123
Dennis Mires, The Architects

Mailing Address 28 Winding Rd. Bedford, NH

Owner Sudha Komma, Sreesai Holdings, LLC

Location of Property 288 Lowell Road, Hudson, NH
(Street Address)

Signature of Applicant Michael McKeown Date 10.15.20

Signature of Property-Owner(s) Sudha Date 10/20/2020

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

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

COST:

Application fee:		\$130.00
<u>7</u> Direct Abutters x \$4.05 =	<u>.10</u>	<u>28.70</u>
<u>3</u> Indirect Abutters x \$0.55 =		<u>1.65</u>
Total amount due:		<u>\$160.35</u>

Date received: 10/20/20

Amt. received: \$ 160.35


Receipt No.: 615,591

chk #
16209

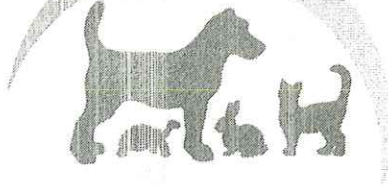
Received by: (TSG)

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner



**LOWELL ROAD
VETERINARY CENTER**



**279 Lowell Road, Hudson, NH 03051
(603) 882-8825**

October 19, 2020

To whom it may concern,

I, Sudha Komma, authorize Michael McKeown of DENNIS MIRES, PA THE ARCHITECTS to submit the signage variance application on our behalf for the property at 288 Lowell Road, Hudson NH 03051.

Best,



Dr. Sudha Komma

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>DMPA</u>	The applicant must provide 11 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>DMPA</u>	Before making the 11 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>DMPA</u> Only 1	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>DMPA</u> N/A	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>DMPA</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>DMPA</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>DMPA</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>DMPA</u> 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.	<u>N/A</u>

ALL DIRECT ABUTTERS

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
234	028	Blythe Vigeant	1 Carol Dr. Pelham, NH 03067
234	029	Steven & Jennifer Varney	285 Lowell Road, Hudson, NH 03051
234	040	Julie Jette Rev. Trust	105 East Grand Ave. Unit 4 Old Orchard Beach, ME 04064
234	042	John & Aldine Hill	2 Davenport Road, Hudson, NH 03051
234	043	Richard & Marianne Cockerline	4 Davenport Road, Hudson, NH 03051
234	041	Sreesai Holdings, LLC	28 Winding Rd., Bedford, NH 03110

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article XII SIGNS of HZO Section(s) 334-63 Business and industrial building signs in order to permit the following change or use:

Allowance of (1) additional building mounted sign (32 sf) to permit a total of (2) building mounted signs (proposed total of 64 sf).

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.

Attached

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.”)

Allowance of the above request is not contrary to the public interest, health, safety, or character of the neighborhood as the proposed request provides building mounted signage of much less square footage than is allowed by the zoning ordinance (20% of the street facing elevation area), is much more contiguous with the exterior building design, characteristic of residential signage, as well as in keeping with the neighborhood character.

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.”)

Allowance of the above request will observe the spirit of the ordinance as the proposed request provides building mounted signage of much less square footage than is allowed by the zoning ordinance (20% of the street facing elevation area), is much more contiguous with the exterior building design, characteristic of residential signage, as well as in keeping with the neighborhood character.

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.)

Substantial justice would be done to the property owner upon granting the above request as the main public entrance to the building does not run parallel to Route 3a (access to the property). Allowance of a small building mounted sign on each of the angular faces of the main entrance to the clients building will allow fair and just visibility of the building signage provided from **both northbound and southbound traffic pathways** whilst at a significant reduction to the signage square footage allowed by the zoning ordinance (20% of the street facing elevation area).

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.)

Allowance of the above request is in keeping with the character and design standards of the signage zoning ordinance with a greatly reduced area necessary of the intended building mounted signage. With much smaller and well placed building mounted signage, the proposed request provides a desirable and thoughtful exterior building design characteristic of residential style signage, as well as in keeping with the neighborhood character.

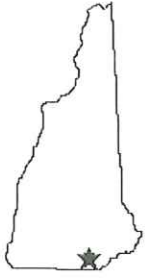
5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:

(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 specific design of the client facility is such that the main building entrance is not parallel to the main thoroughfare (Route 3a), as would be typically. Enforcement of the zoning ordinance would provide significant hardship on the client and proposed building design as it would significantly diminish the visibility, placement, and potency of the building mounted signage. It would also disassociate the building mounted signage from the building entry providing convoluted wayfinding for patrons and/or only be visible from a single direction of Route 3A traffic.

With the design of the client facility, the building mounted signage square footage is kept to a minimum, strategically placed for maximum visibility, achieves the intent of the ordinance with a 20 - 25% reduction of allowable signage area, is much more contiguous with the exterior building aesthetic, and is characteristic of residential building signage in keeping with the neighborhood character.

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 # 20-111 Sign Permit applications 2020-00995 & 2020-00996 denial

October 13, 2020

NH Signs
66 Gold Ledge Ave
Auburn, NH 03032

And via email: permitnow@gmail.com

Re: **288 Lowell Rd Map 234 Lot 041-000**
District: Business (B)

Dear Don,

Denied:

Your sign permit applications # 00995 & # 00996: to erect two (2): 31.5 sq ft Internally illuminated wall signs has been denied.

Zoning Review / Determination:

The submitted plans indicates a total of two (2) wall signs. The Zoning Ordinance only allows one wall sign per building, this application exceeds the allowed number, per §334-63 for building signage.

You would need to apply for a variance from the Zoning Board of Adjustment, to proceed with your sign permit application as proposed.

Or revise the proposed number of signs to satisfy the required maximum allowed per §334-63.

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

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

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

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

2020 - 00995

SIGN PERMIT APPLICATION - PLEASE PRINT

Address: <u>288 LOWELL RD</u>		Office use:
Store/Company name: <u>LOWELL ROAD VETERINARY CENTER</u> Unit # _____		Map: _____
		Lot: _____
		Zone: _____
		Permit #: _____
Owner: <u>SREESAI HOLDINGS LLC</u>	Applicant: <u>NH SIGNS</u>	
Mailing address: <u>28 WINDING RD BEDFORD NH 03110</u>	Mailing address: <u>66 GOLD LEDGE AVE AUBURN NH 03032</u>	
Daytime phone #: _____	Daytime phone #: <u>437-1200</u>	
Cell phone #: _____	Cell phone #: <u>603-1603 DON BOOTH 688</u>	
Email: _____	Email: <u>PERMIT.NH@GMAIL.COM</u>	
Sign Installer <u>NH SIGNS</u>	Mailing Address <u>66 GOLD LEDGE AVE AUBURN NH 03032</u>	
Daytime phone # <u>437-1200</u>	Cell phone # _____	
Sign Manufacturer <u>NH SIGNS</u>	Mailing Address <u>66 GOLD LEDGE AVE AUBURN NH 03032</u>	
Daytime phone # <u>437-1200</u>	Cell phone # _____	
Manufacturer UL File # <u>P73937114</u> All electrical signs shall be UL listed and labeled.		
Wording of sign (ATTACH DRAWING) <u>LOWELL ROAD VETERINARY CENTER</u>		Cost of sign \$ <u>5,150</u>
Lighting: Non-illuminated <input type="checkbox"/> Internally illuminated <input checked="" type="checkbox"/> Externally illuminated <input type="checkbox"/>		
Is internal illumination existing: <input type="checkbox"/> yes or <input type="checkbox"/> no If yes, please provide sign UL#'s _____		
A separate electrical permit and inspections are required for all electrical signs. (please reference the application procedure #6)		
Type of sign:		
Awning <input type="checkbox"/>	Banner <input type="checkbox"/>	Home Occupation <input type="checkbox"/>
Directional <input type="checkbox"/>	Freestanding <input type="checkbox"/>	Temporary <input type="checkbox"/>
Directory <input type="checkbox"/>	Business or Industrial (wall sign) <input checked="" type="checkbox"/>	From _____ to _____
Electronic Changing one face <input type="checkbox"/>	two face <input type="checkbox"/>	other <input type="checkbox"/> (see attached affidavit)
		Lens Replacement <input type="checkbox"/>



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

2020-00996

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

SIGN PERMIT APPLICATION - PLEASE PRINT

Address: <u>288 LOWELL ROAD</u>		Office use: Map: _____ Lot: _____ Zone: _____ Permit #: _____
Store/Company name: <u>LOWELL ROAD VETERINARY CENTER</u> Unit # _____		
Owner: <u>SREESAI HOLDINGS LLC</u> Mailing address: <u>28 WINDING RD BEDFORD NH 03110</u> Daytime phone #: _____ Cell phone #: _____ Email: _____	Applicant: <u>NH SIGNS</u> Mailing address: <u>66 GOLD LEDGE AVE AUBURN NH 03032</u> Daytime phone #: <u>437-1200</u> Cell phone #: <u>*682-1602</u> <small>DOM BOUTH</small> Email: <u>PERMITNOW@GMAIL.COM</u>	
Sign Installer <u>NH SIGNS</u> Mailing Address <u>66 GOLD LEDGE AVE AUBURN NH 03032</u> Daytime phone # <u>437-1200</u> Cell phone # _____		
Sign Manufacturer <u>NH SIGNS</u> Mailing Address <u>66 GOLD LEDGE AVE AUBURN NH 03032</u> Daytime phone # <u>437-1200</u> Cell phone # _____		
Manufacturer UL File # <u>P93937115</u> All electrical signs shall be UL listed and labeled.		
Wording of sign (ATTACH DRAWING) <u>LOWELL ROAD VETERINARY CENTER</u>		Cost of sign \$ <u>5,150</u>
Lighting: Non-illuminated <input type="checkbox"/> Internally illuminated <input checked="" type="checkbox"/> Externally illuminated <input type="checkbox"/> Is internal illumination existing: <input type="checkbox"/> yes or <input type="checkbox"/> no If yes, please provide sign UL#'s _____		
A separate electrical permit and inspections are required for all electrical signs. (please reference the application procedure #6)		
Type of sign: Awning <input type="checkbox"/> Banner <input type="checkbox"/> Home Occupation <input type="checkbox"/> Directional <input type="checkbox"/> Freestanding <input type="checkbox"/> Temporary <input type="checkbox"/> From _____ to _____ Directory <input type="checkbox"/> Business or Industrial (wall sign) <input checked="" type="checkbox"/> Lens Replacement <input type="checkbox"/> Electronic Changing one face <input type="checkbox"/> two face <input type="checkbox"/> other <input type="checkbox"/> (see attached affidavit)		

234 041 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPAISED: 405,800 / 405,800
USE VALUE: 405,800 / 405,800
ASSESSED: 405,800 / 405,800

PROPERTY LOCATION

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

OWNERSHIP

Owner 1: SREESAI HOLDINGS, LLC	Unit#:
Owner 2:	
Owner 3:	
Street 1: 28 WINDING RD.	
Street 2:	
Twn/City: BEDFORD	
St/Prov: NH	Cntry: Own Occ:
Postal: 03110	Type:

PREVIOUS OWNER

Owner 1: NOUR, MARIANA -	
Owner 2: -	
Street 1: 288 LOWELL ROAD	
Twn/City: HUDSON	
St/Prov: NH	Cntry:
Postal: 03051	

NARRATIVE DESCRIPTION

This parcel contains 1.416 ACRES of land mainly classified as TWO FAM with a MULTI-CONVER Building built about 1953, having primarily VINYL Exterior and 1632 Square Feet, with 2 Units, 2 Baths, 0 3/4 Bath, 0 HalfBath, 10 Rooms, and 10 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z				water	3	TOWN WATE
o				Sewer	0	SEPTIC
n				Electri		
Census:				Exmpt	E1	ELDER-1
Flood Haz: C						
D				Topo	4	ROLLING
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
104	TWO FAM	1.1	1		SITE ACRE	SITE		0 290,000.	0.79	ML2				ACCESS	-10	DEVELOI	-20			229,680						229,700	
104	TWO FAM	1.1	0.416		ACRES	COMM EXCES		0 29,000.	0.97	ML2										11,711						11,700	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	
104	1.416	164,100	300	241,400	405,800	
Total Card		1.416	164,100	300	241,400	405,800
Total Parcel		1.416	164,100	300	241,400	405,800
Source: Market Adj Cost		Total Value per SQ unit /Card: 248.65		/Parcel: 248.65		

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	104	FV	164,100	300	1.416	241,400	405,800	405,800	Year End Roll	8/27/2020
2020	104	JB	164,100	300	1.416	241,400	405,800	405,800	Year End Roll	5/6/2020
2019	104	FV	164,100	300	1.416	241,400	405,800	405,800	Year End Roll	9/16/2019
2019	104	JB	159,800	2200	1.416	241,400	403,400	403,400	Year End Roll	5/8/2019
2018	104	FV	159,800	2200	1.416	241,400	403,400	403,400	Year End Roll	8/27/2018
2018	104	JB	159,800	2200	1.416	241,400	403,400	403,400	Year End Roll	5/9/2018
2017	104	FV	159,800	2200	1.416	241,400	403,400	403,400	Year End Roll	10/26/2017
2017	104	PV	159,800	2200	1.416	241,400	403,400	403,400	Year End Roll	8/28/2017

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
NOUR, MARIANA,	9329-871	1	8/3/2020		550,000	Yes	No		sold after approval for veterinary facility, b
NOUR, OCTAV/MAR	6267-0036		7/12/2000	CHAR TRANS		No	No		
VIGNOLA, BARBAR	5862-0132		10/10/1997		110,000	No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
9/2/2020	2020-00817	DEMOLITI	26,000	O				
1/13/2006	2006-332	GARAGE	10,000	C	7/12/2007			

ACTIVITY INFORMATION

Date	Result	By	Name
4/12/2019	Meas/Inspect	18	KRT1
4/2/2014	NC Visit	12	TECH ASMNT
5/18/2012	Field Review	9	PVA
4/26/2012	NC Visit	12	TECH ASMNT
4/11/2011	NC Visit	12	TECH ASMNT
4/5/2010	NC Visit	12	TECH ASMNT
4/21/2009	Info By Phon	10	APPRAISER II
4/15/2009	NC Visit	10	APPRAISER II
3/27/2008	Inspected	10	APPRAISER II

Sign: VERIFICATION OF VISIT NOT DATA

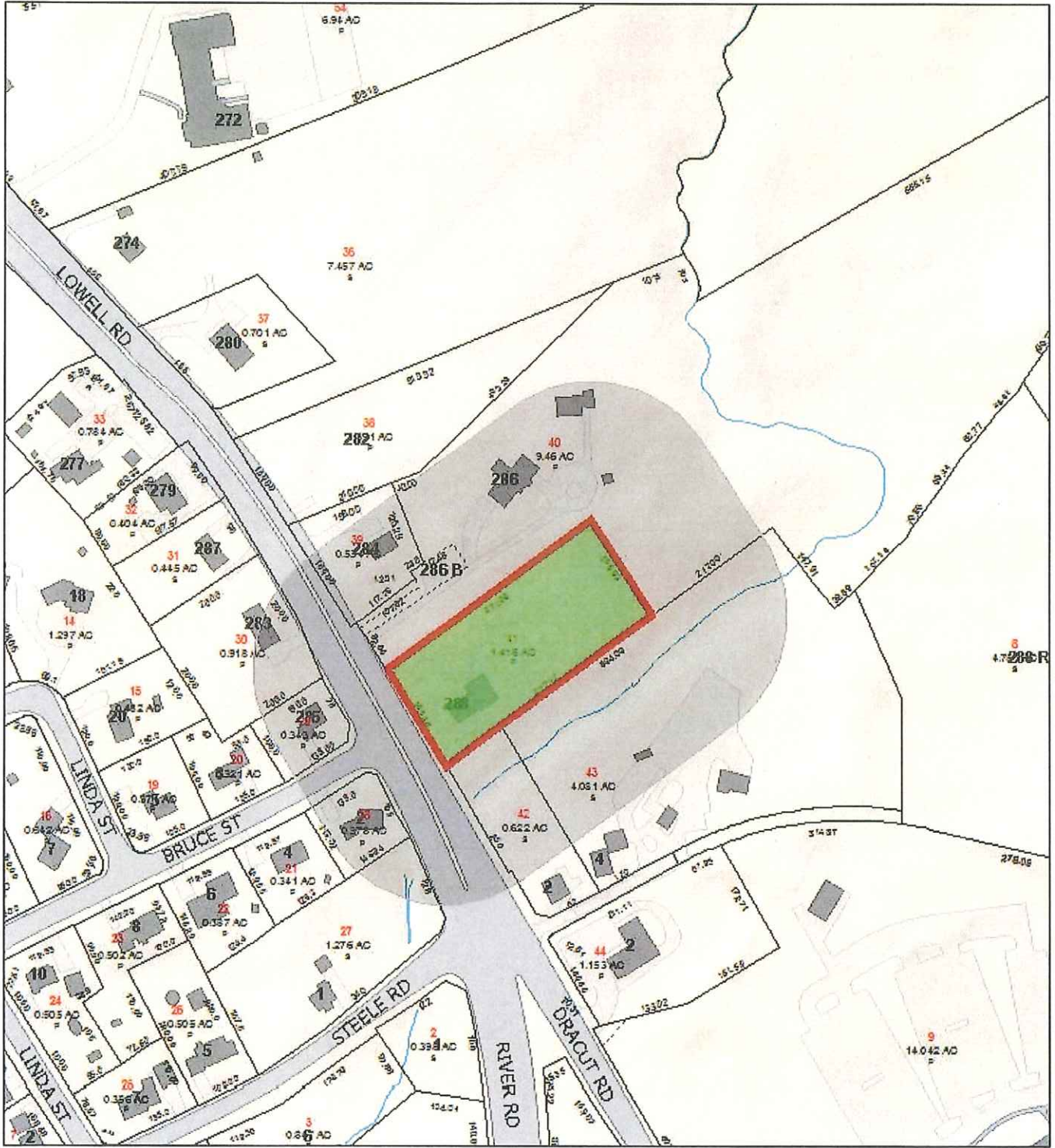


USER DEFINED

Prior Id # 1:	0008
Prior Id # 2:	0047
Prior Id # 3:	0001
Prior Id # 1:	GM
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

Total AC/HA: 1.41600	Total SF/SM: 61681	Parcel LUC: 104	TWO FAM	Prime NB Desc	C-RESD LOWEL	Total: 241,391	Spl Credit	Total: 241,400
----------------------	--------------------	-----------------	---------	---------------	--------------	----------------	------------	----------------

288 Lowell Rd (Map/Lot 234-041-000)



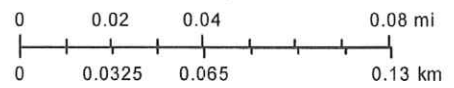
October 16, 2020

Legend

----- Easement_Lines

▭ Parcels

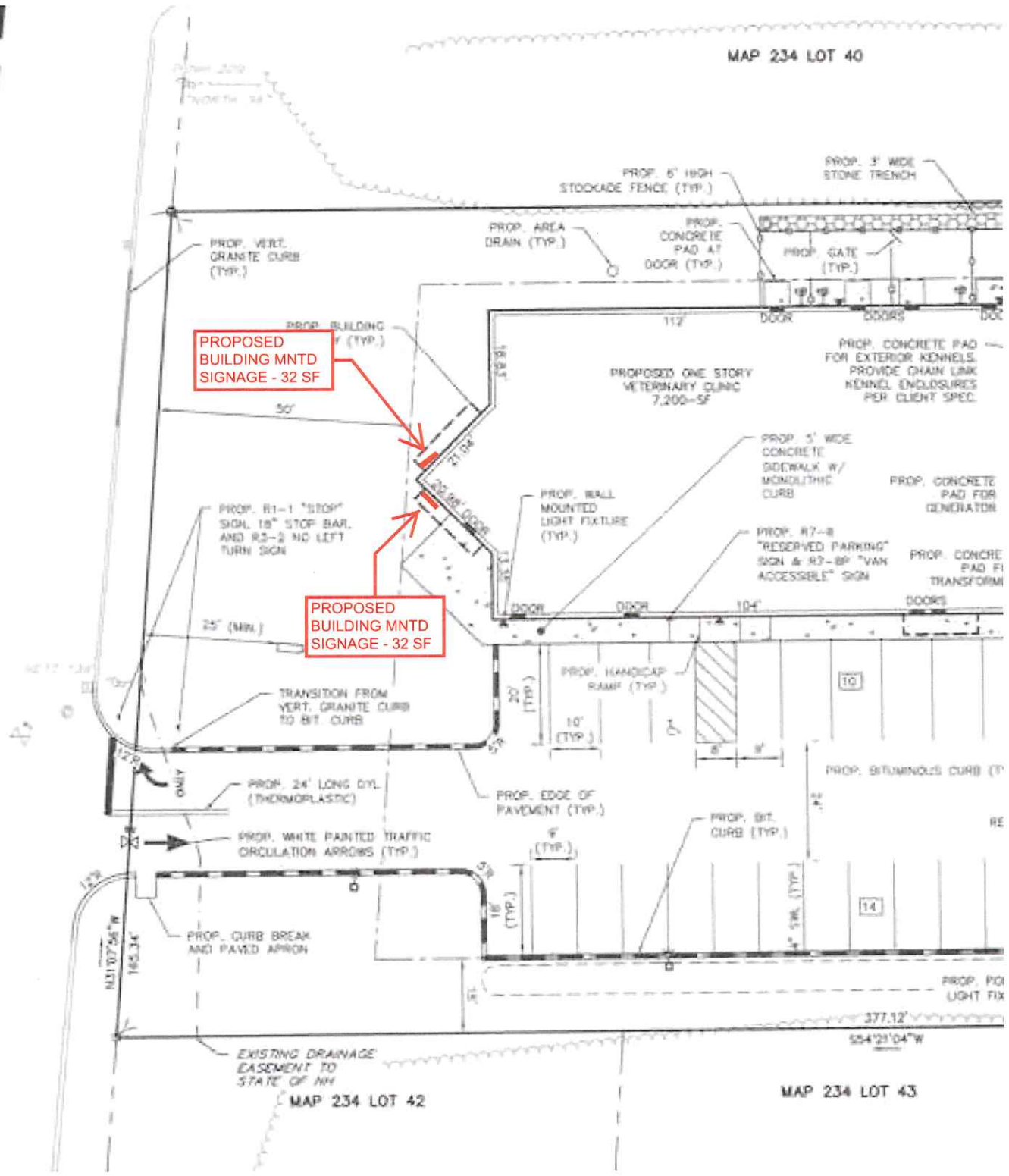
1:2,477



ROUTE 3A CLASS # (LOWELL ROAD)

GENERAL I ZONING DISTRICT (G-1)

BUSINESS ZONING DISTRICT (B)



PROPOSED BUILDING MNTD SIGNAGE - 32 SF

PROPOSED BUILDING MNTD SIGNAGE - 32 SF



1 SIGNAGE ELEVATION 1

SCALE 1/4" = 1'-0"



2 SIGNAGE ELEVATION 2

SCALE 1/4" = 1'-0"



BUSINESS AND INDUSTRIAL BUILDING SIGNAGE:

334-63.

INDIVIDUAL SIGN (WALL, ROOF, OR PROJECTING ATTACHED TO THE BUILDING)

SEEKING PERMISSION TO PROVIDE (2) TOTAL

- 1 PER EACH DIRECTION OF ROADWAY TRAVEL

- (2) TOTALING LESS AREA THAN ALLOWED FOR SINGLE SIGN (BELOW)

A. BUILDING FRONTAGE

- 166 SF OF BUILDING FRONTAGE x 2 = 332 SF ALLOWABLE

- 20% OF AREA WALL SIGN IS ATTACHED (620 SF x 20%) = 124 SF ALLOWABLE

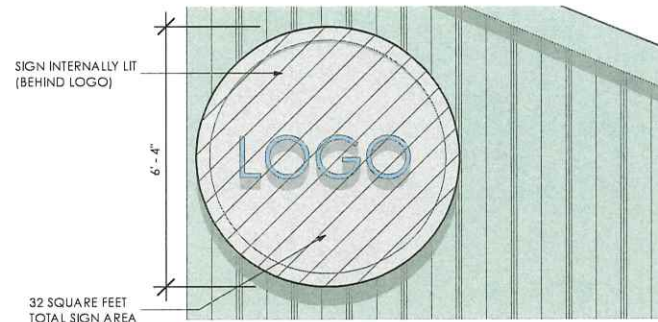
WHICHEVER IS LESS - 124 SF ALLOWABLE

ELEVATION 1 SIGN - 32 SF

ELEVATION 2 SIGN - 32 SF

TOTAL AREA OF SIGNAGE PROVIDED - 64 SF

TOTAL AREA OF ALLOWABLE SIGNAGE - 124 SF



3 SIGNAGE DETAIL

SCALE 3/4" = 1'-0"





76.00"

SIGNAGE AREA
(CIRCLE): 32 SF

TWO (2) INTERNALLY ILLUMINATED (LED) WALL SIGN. BLACK TRIM AND RETURNS WITH 3/16" ACRYLIC FACE. APPLIED HP VINYL PRINT.



DESIGN = MANUFACTURE = INSTALL = SERVICE
nhsigns.com = 603.437.1200
 66 Gold Ledge Avenue, Auburn, NH 03032
 FAX 603.437.1222

CLIENT: LOWELL RD. VET. CENTER (LANGLEY)
 LOCATION: GOFFSTOWN, NH
 DATE: 2.26.20
 DESIGNER: J. Sarville
 ACCT. REP: DAN HUTCHINS

DESIGN APPROVED
 BY _____ DATE / / 16

REVISION	NOTES	BY	TYPE
1	2.26.20	(2)	
2	3.12.20		
3	10.6.20		

MORE INFORMATION REQUIRED
 SURVEY NEEDED FOR:
 FINAL DRAWING AND PRICING
 PERITS / PRODUCTION

Please Note: It is the customer's responsibility to provide primary electrical service (including ground wiring) at the face of sign. In another case face of sign.
 Installation to comply with N.E.C. code.

© INDIANA INKWORKS
 NH SIGNS OWNS THE COPYRIGHT ON ALL ORIGINAL DESIGNS.
 NH SIGNS RIGOROUSLY PURSUES COPYRIGHT INFRINGEMENTS.

Printed
 10/20/2020
 4:31PM
 Created
 10/20/2020
 4:28 PM

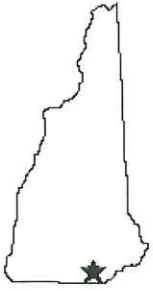
Transaction Receipt

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

Receipt# 615,591
 tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-ZBA Mtg 11/12/20 288 Lowell Road Map/Lot 234-041-000 Variance Application	0.00	160.3500	0.00
			Total:	160.35

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Dennis Mires, P.A.	CHECK	CHECK # 16209	160.35	0.00	160.35
			Total Due:		160.35
			Total Tendered:		160.35
			Total Change:		0.00
			Net Paid:		160.35



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: November 12, 2020 *BB 11-3-20*

Case 230-021 (11-12-20): Joseph G. Deluca, 21 Clement St., Nashua, NH requests an Appeal from an Administrative Decision for 6 James Way, which deemed an existing dwelling unit above the detached garage as illegal. [Map 230, Lot 021-000; Zoned Residential-Two (R-2); HZO Article V, Permitted Uses, §334-21, Table of Permitted Principal Uses].

Property description:

This is a lot of record, Area: 1.259 Acres, where 1 Acre is required and Frontage: 167.7 ft where 120 ft is required.

Zoning Administrator Summary:

This property recently received a zoning determination request as to the legality of the property. History/research shows that there is an additional dwelling unit (illegal) in the detached garage. Applicant requests to appeal the Zoning Determination as an Administrative Decision.

In-house (Town) review/comments:

non requested

History/Attachments:

“A” Assessing history/record.

“B” 6-26-1984 B.P. # 431-84 issued: Erect detached garage 24 x 26 with room above.

“C” June 10, 1992 Notice of Violation “addition to garage w/o permit” (second Dwelling Unit).

“D” July 10, 1992 letter from Susan Snide, Zoning Administrator denying BP indicating ZBA action (appeal) required.

“E” July 22, 1993 ZBA and minutes - denial for existing 2nd Dwelling Unit.

“F” Jan 9, 2003 written complaint from tenant about status of the in-law apt.

“G” Jan 10, 2003 Notice of Violation (ALU).

“H” Sept 21, 2020 Zoning Determination; Illegal Dwelling Unit

“I” Sept 24, 2020 Town Counsel email response to Zoning Administrator.

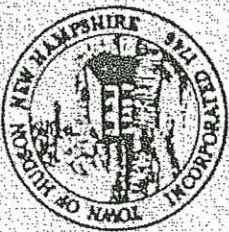
Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	80,100	0	0	0.00	0.00	80,100
2020	109 - MULTI HS	160,600	1,200	121,300	1.26	0.00	283,100
2020	101 - ONE FAMILY	80,100	0	0	0.00	0.00	80,100
2020	109 - MULTI HS	160,600	1,200	121,300	1.26	0.00	283,100
2019	101 - ONE FAMILY	80,100	0	0	0.00	0.00	80,100
2019	109 - MULTI HS	160,600	1,200	121,300	1.26	0.00	283,100
2019	101 - ONE FAMILY	80,000	0	0	0.00	0.00	80,000
2019	109 - MULTI HS	160,400	1,200	121,300	1.26	0.00	282,900
2018	101 - ONE FAMILY	80,000	0	0	0.00	0.00	80,000
2018	109 - MULTI HS	160,400	1,200	121,300	1.26	0.00	282,900
2018	101 - ONE FAMILY	80,000	0	0	0.00	0.00	80,000
2018	109 - MULTI HS	160,400	1,200	121,300	1.26	0.00	282,900
2017	101 - ONE FAMILY	80,000	0	0	0.00	0.00	80,000
2017	109 - MULTI HS	160,400	1,200	121,300	1.26	0.00	282,900
2017	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2017	101 - ONE FAMILY	80,000	0	0	0.00	0.00	80,000
2017	109 - MULTI HS	160,400	1,200	121,300	1.26	0.00	282,900
2016	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2016	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2015	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2015	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2014	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2014	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2013	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2013	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2012	101 - ONE FAMILY	209,800	1,400	116,500	1.26	0.00	327,700
2012	101 - ONE FAMILY	221,900	1,500	127,500	1.26	0.00	350,900
2011	101 - ONE FAMILY	221,900	1,500	127,500	1.26	0.00	350,900
2011	101 - ONE FAMILY	220,300	1,500	127,500	1.26	0.00	349,300
2010	101 - ONE FAMILY	220,300	1,500	127,500	1.26	0.00	349,300
2010	101 - ONE FAMILY	221,300	1,500	148,500	1.26	0.00	371,300
2009	101 - ONE FAMILY	219,800	1,500	148,500	1.26	0.00	369,800
2008	101 - ONE FAMILY	219,800	1,500	148,500	1.26	0.00	369,800
2008	101 - ONE FAMILY	219,800	1,500	148,500	1.26	0.00	369,800
2007	101 - ONE FAMILY	219,800	1,500	148,500	1.26	0.00	369,800
2007	101 - ONE FAMILY	229,900	1,500	110,900	1.26	0.00	342,300
2006	101 - ONE FAMILY	229,900	1,500	110,900	1.26	0.00	342,300
2006	101 - ONE FAMILY	229,900	1,500	113,100	1.60	0.00	344,500
2005	101 - ONE FAMILY	229,900	1,500	113,100	1.60	0.00	344,500
2005	101 - ONE FAMILY	229,900	1,500	113,100	1.60	0.00	344,500

A,

Table Land Use Codes from AssessPro - Hudson in Town of Hudson, NH

Code	Description	FullDescription
102	CONDO	CONDOMINIUM
102	CONDEX	DUPLEX STYLE CONDO
102	VAC CNDO	VACANT CONDO LOT
103	MOBILE HM	MOBILE HOME
103	MH PARK	MOBILE HOME PARK - NON-LANDED
104	TWO FAM	TWO-FAMILY DWELLING
105	THREE FAM	THREE-FAMILY DWELLING
106	OUTBLDG	OUTBLDGS ON LOT
107	ALU	ACCESSORY LIVING UNIT
107	ADU	Accessory Dwelling Unit 3-16-17
108	IN-LAW	IN-LAW APT, NOT ALU, LEGAL
109	MULTI HS	MORE THAN ONE HOME ON LOT
110	MOB HM	MOBILE HOME PARK
111	APTS 4-7	4-7 FAMILY DWELLING
112	APTS >8	
121	BOARDING	BOARDING SCHOOL
124	RECTORY	
130	VAC RESD	VACANT RESIDENTIAL
131	VAC POT	VACANT RESIDENTIAL POTENTIAL
132	VAC RES	VACANT RESIDENTIAL LAND -
300	HOTEL	HOTEL
301	MOTEL	MOTEL
302	INN	INN
303	BLANK	NOT USED
304	NURSING	NURSING HOME
305	HOSPITAL	HOSPITAL
306	ROOMG	ROOMING HOUSE
310	OIL	OIL STORAGE FACILITY



Town of Hudson, N. H.

Office of Town Building Inspector

BUILDING PERMIT

No. 937-84

March 26, 1984

This certifies that Richard J. Fitch Name of Owner

is granted permission to alter erect Description
repair
move

of Building on premises located at and known as
to

1000 Main St Street or Avenue
Number 1000-11/66

and to do things lawful to that end.

This permit is issued on application number 937-84, is subject to the conditions thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof.

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

Value \$ 11,000.00
Fee \$ 22.00

Richard J. Fitch Administrative Officer

W

TOWN OF HUDSON
HEALTH AND CODE ENFORCEMENT

NOTICE OF VIOLATION

12 School Street

Hudson, New Hampshire 03051

603/886-6005



Date: June 10, 1992

Linda F. and Lionel E. Dubois, Jr.
6 James Way
Hudson NH 03051

LOCATION: 6 James Way MAP 11 LOT 66

You are hereby notified that an inspection on June 8, 1992
of the above referenced property owned or controlled by you is in
violation of the Town of Hudson Zoning Ordinance.

ARTICLE # X SECTION(S) 334-53 ZONE D - Rural

VIOLATION(S) NOTED: Addition to the garage without a permit
(second dwelling unit). Inspection needed. Also, the Town has
an ordinance requiring 50-foot setbacks from wetlands.

CORRECTIVE ACTION REQUIRED: Proper permits and approvals will be
required from Town Building and Zoning Departments.

Should any of the above noted violations not be corrected on or
before ten (10) days from the date of this notice, you will be
subject to the penalties of HZO Article XII, Section 334-65 which
states: "Any person, firm or corporation violating any of the
provisions of this chapter (334) shall be deemed guilty of a
misdemeanor and shall be punished by a fine for each violation of
not more than one hundred dollars (\$100). Each day that a
violation is permitted to exist shall constitute a separate
violation. Such fines shall be in addition to the remedies for
violation provided for by RSA 676:15".

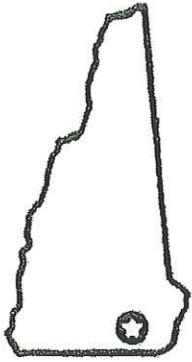
If you have any questions regarding this matter, I will do my
best to assist you.

Sincerely,

William A. Olmick
Code Enforcement Officer

cc: Susan Snide, Zoning Administrator

"C"



TOWN OF HUDSON

*letter hand delivered to on 7/13/92
2nd unit in place in 1985
grandfathered*

12 School Street

Hudson, New Hampshire 03051

603/886-6005



July 10, 1992

Mr. Lionel E. DuBois
6 James Way
Hudson NH 03051

Dear Mr. DuBois:

I am unable to approve your building permit request due to two issues. The first is building within the 50-foot setback of the wetlands; the second is the suspected second dwelling unit on your property.

Article III, Section 334-19 of the Hudson Zoning Ordinance prohibits construction within 50 feet of wetland soils; Section 334-54 prohibits dual uses on a lot without the proper frontage and lot area.

You will need to secure a Wetland Special Exception for the building to encroach into the wetland setback and an Area Variance for the dual use.

Please contact me when you receive this letter.

Sincerely,

Susan Snide
Zoning Administrator

cc: Bill Oleksak, Code Enforcement Officer
Ed Madigan, Building Inspector
ZBA
Planning Board
Abutters
Clipboard
File, Map 11, Lot 66

"D"

M 230
L 021.000

NOTICE OF DISAPPROVAL

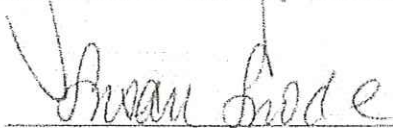
On July 22, 1993, the Hudson Zoning Board of Adjustment heard case 11-96 (6/24/93 deferred) pertaining to a request by Lionel Dubois, Jr. of 6 James Way for an Area Variance to permit an existing second dwelling unit at 6 James Way, [Map 11, Lot 65; Zoned A-2; HZO Article X, Section 334-54C(5); 300' road frontage required, 166' provided; 90,000 sq.ft. required, approximately 60,000 sq. ft. provided.]
See Findings and Dissent on reverse.

A majority of the members sitting on the Zoning Board of Adjustment for this hearing voted to deny this request, finding that the intended use did not satisfy the statutory requirements for an Area Variance.

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

Signed: 
Chairman, Zoning Board of Adjustment

Date: 87-28-93

Signed: 
Hudson Zoning Administrator

Date: 7/26/93

"E",

rather should state that the property owner needed to gain "application acceptance." He said that the Planning Board had currently and continues to have applications that had been submitted in the past, some of them going back as far as 1987, which were sitting in limbo.

Chairman Seabury replied that he agreed with Mr. Maynard in this aspect, because he felt that the Zoning Board had found it to be adequate in the past if the applicant were actively engaged in the process. Mr. Brown asked about the Blackberry Run Subdivision, noting that the plan was approved, but nothing had been done. He said that it was not the Town's fault that the applicant had refused to post the bond money for the road, and he asked if the Town should be held hostage.

Mrs. Seabury said that the word "process" was a loophole word for the developers. She said that the ordinance was already filled up enough with loopholes, and that she felt this revision should be tied down. Noting that Mr. Maynard's concern had been about the length of time required for wetlands special exceptions, she argued that plans having any wetland issues were first addressed by the Conservation Commission, the Planning Board, the State Wetlands Boards, other applicable agencies, and then the Zoning Board. Once all problems had been resolved, she noted, the plan went before the Planning Board for final review. Too often, Mrs. Seabury stated, the Town got the short end of the stick with plans that had lingered for years, and then problems arose when those plans became activated, such as insufficient bonding and not being in conformance with current regulations. She said that she fully approved of the given verbiage being exchanged for application acceptance.

Mr. Brown suggested the following replacement in the paragraph under discussion, as follows: "provided that the applicant gains Planning Board application acceptance within 360 days."

Mr. Fauvel said that he viewed this situation as being that, if an applicant lets a year go by without working on a project, then that applicant should not be allowed to stay in line.

There being a consensus from the Board members favoring this change, Mr. Donaruma requested that this revision come back before the Board for a final vote at the next regular meeting.

4. DEFERRED ACTION FROM THE PREVIOUS ZBA MEETING

- A. Case 11-66 (6/24/93 deferred): Lionel Dubois, Jr., of 6 James Way, requests an Area Variance to permit an existing second dwelling unit at 6 James Way. [Map 22, Lot 66; Zoned A-2; HZO Article X, Section 334-54C(5); 300 feet of road frontage required, 168 feet provided; 90,000 sq. ft. required, approximately 60,000 sq. ft. provided.]

Zoning Administrator Snide said that there were two separate dwelling units on this lot, explaining that she had brought the case before the Board because of inadequate road frontage.

"E₂"

Mr. Dubois said that the garage was built in 1984 and then was turned into an apartment in 1985. He said that this expansion occurred because one of his wife's parents had a catastrophic illness and needed care. He said that the apartment had been occupied since 1985 because of the need for a quality house for his wife's parents. He said that a permit was granted in 1984 for a garage and second floor by the Building Inspector, adding that he did not know until March of this year that a variance was needed. He said that the lot was 400 feet deep, adding that the garage sat back approximately 125 feet behind his home. He then concluded his opening presentation by noting that his land bordered a swamp.

Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in favor of this application. There being no one, Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in opposition to this application. There being no one, he declared the matter before the Board.

During the deliberation process it was determined that the apartment consisted of a bedroom, a bathroom, and a combination kitchen/dining/living room area, with the square footage amounting to approximately 26 feet x 24 feet or perhaps 24 feet x 28 feet. Mr. Brown noted that another issue to be discussed was that the square footage did not meet the 850 square foot requirement.

Information was given that this housing did not have any public utilities, with concerns being raised regarding fire safety issues, and lack of hardship in context of the law.

Mr. Donaruma made a motion to approve the request, subject to two stipulations:

1. That the garage/apartment be inspected by the Building Inspector in order that it meet all current standards, and that a Certificate of Occupancy be issued.
2. That this garage/apartment cease to be a dwelling upon the cessation of occupancy by this particular family.

There being no second, Chairman Seabury stated that the motion had failed for lack of a second.

Mr. Boisvert made a motion to deny the variance. Mr. Carr seconded the motion.

Speaking on his motion, Mr. Boisvert said that granting this variance and adding stipulations would not be enforceable. He said that this Board would be creating a new dwelling unit with 600 feet of space, and further that he did not believe the hardship issue had been addressed.

Speaking on his second, Mr. Carr said that he did not believe that the hardship issue was addressed, and that this Board would be approving

"E"
3

what was in direct violation of the ordinance by approving this request. If a variance were granted, he said, the stipulations would not be enforceable. He also voiced concern about the undersized square footage of the apartment.

VOTE: Chairman Seabury asked the Clerk to poll the Board on the motion and to record the members' votes, which were as follows:

Edward Boisvert	Not to grant
Frank Carr	Not to grant
Ernie Donaruma	To grant
Charles Brackett	Not to grant
Brad Seabury	Not to grant

Chairman Seabury reported that, there having been four votes not to grant, the motion to deny had carried. He then stated that written notification to that effect would be made available to the applicant in the Zoning Administrator's office within the next seven to ten days.

5. PUBLIC HEARINGS FOR SCHEDULED APPLICATION

- A. Case 54-17 (7/22/93): Lucille Atkinson, of 36 Campbello Street, requests a Wetland Special Exception to place a dock in the Merrimack River and to place its associated ladder along the bank of the river. [Map 54, Lot 17; Zoned A-1; HZO Article III, Section 334-11.]

Zoning Administrator Snide said that this case was before the Board because she felt that any structure near any body of water was covered by the Wetlands Ordinance.

Chairman Seabury listed all the reports that had been received by the various Boards and Commissions necessary to go forward with the application.

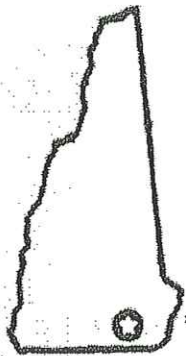
Mr. Jack Atkinson, of 36 Campbello Street, praised the Zoning Administrator, stating that her assistance had enabled him to obtain this approval from the State Wetlands Board. He said that he had agreed upon a 6-foot by 16-foot dock, adding that he was informed that he did not need to have his proposal reviewed by the US Army Corps of Engineers for the type of construction he was requesting.

Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in favor of this application. Mr. Stan Kazlouskas, an abutter, stated that he was in favor of this proposal.

Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in opposition to this application. There being no one, Chairman Seabury declared the matter before the Board.

Mr. Fauvel asked how many boats would be docked at this site. Mr. Atkinson replied that he had one pontoon boat.

" " E4



TOWN OF HUDSON

COMMUNITY DEVELOPMENT DEPARTMENT

Code Enforcement Complaint Form



12 School Street Hudson, New Hampshire 03051
Community Development Department 603-886-6005 • Engineering Division 603-886-6008 • Fax 603-594-1142

Date: 1-9-03

Address in question: 6 James Way Map _____ Lot _____

rear garage apartment (in-law apt)

Please write your question or concern below. Be as specific as possible.

I was seeing if you could please look into seeing whether or not the in-law apartment on this property has written permission to be rented to a non-relative. If you have any further questions, you can reach me @ the # below. Thanks!

Name Trisha Ellis Signature Trisha Ellis

Address 6 James Way

Daytime Phone Number 603-890-8551

"F"



TOWN OF HUDSON

COMMUNITY DEVELOPMENT DEPARTMENT



12 School Street Hudson, New Hampshire, 03051
Community Development Department 603-886-6005 • Engineering Division 603-886-6008 • Fax 603-594-1142

January 10, 2003

Gregory Belanger
6 James Way
Hudson, NH 03051

RE: Zoning Violation

Map 11 Lot 66

Dear Mr. Gregory Belanger:

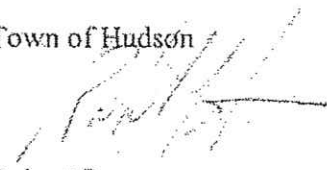
Please be advised that the Community Development Department has been informed that your property at 6 James Way has an illegal Accessory Living Unit (ALU) and is in violation of Section 334-73.1 Article XIII A Accessory Living Unit

You are directed to bring this site into conformance with the Hudson Zoning Ordinance within seven days upon receipt of this letter and so inform the Community Development Department that the violation has been corrected. Failure to comply with the terms of this notice may result in the assessment of fines of up to \$275 per day from the date of this notice and the imposition of attorney's fees.

This decision may be appealed to the Zoning Board of Adjustment (ZBA). Applications for ZBA action may be obtained from the Community Development Department located at 12 School St. Hudson, NH.

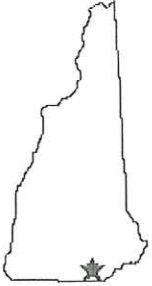
Sincerely,

Town of Hudson


Robert Sousa
Code Enforcement Officer

Cc. William Oleksak, Building Inspector / Health Inspector
File

Mr
G
N



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-099 Property History

September 21, 2020

Robin Remillard
Keller Williams – Metropolitan
168 South River Rd
Suite 1A
Bedford, NH 03110

Re: 6 James Way Map 230 Lot 021-000

Document History:

B.P. # 431-84 issued 6-26-1984 Erect detached garage 24 x 26 with room above.
NOV June 10, 1992 "addition to garage w/o permit (second Dwelling Unit).
July 10, 1992 letter from Susan Snide, Zoning Administrator denying BP indicating ZBA action (appeal).
ZBA denial for existing 2nd Dwelling Unit July 22, 1993.
Jan 9, 2003 written complaint from tenant about status of the in-law apt.
Jan 10, 2003 Notice of Violation (ALU).

Zoning Review / Determination:

The historical document trail indicates to me that the 2nd Dwelling Unit was considered illegal (see Jan 10, 2003 NOV). There doesn't appear to be any corrective actions going forward that correct this illegal dwelling unit: a variance or the removal of such, as the Assessing record indicates the dwelling unit in the garage.

Sincerely,

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

Encl: Jan 10, 2003 Notice of Violation
cc: Public Folder
Owner
B. Groth – Town Planner
J. Michaud – Chief Assessor
File

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

"H"

Buttrick, Bruce

From: David Lefevre <dlefevre@tarbellbrodich.com>
Sent: Thursday, September 24, 2020 4:25 PM
To: Buttrick, Bruce
Subject: RE: 6 James Way "issue" - illegal ADU

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Bruce, it looks to me like an "after-the-fact" variance was previously denied. If that is true, I would take the position that there is nothing that can be done to bring the property into compliance other than removal of the illegal unit, i.e. the past owner already tried to "make it right" and that approval was denied.

That being said, I suppose you could suggest they file for a variance.

From: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Sent: Thursday, September 24, 2020 3:17 PM
To: David Lefevre <dlefevre@tarbellbrodich.com>
Cc: Michaud, Jim <jmichaud@hudsonnh.gov>
Subject: 6 James Way "issue" - illegal ADU

Dave,
A realtor had asked me about this property, I did my history research and found it to be "illegal".
Thus the Zoning Determination (attached).

Owner wants to know what to do to make it "right"?

An "After the Fact" request for a variance?

No rush for an answer, as I'm away next couple of days.

Bruce

Bruce Buttrick, MCP
Zoning and Code Enforcement



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

HUDSON ZONING BOARD OF ADJUSTMENT
APPEAL OF ADMINISTRATIVE DECISION WORKSHEET

On **11/12/20**, the Hudson Zoning Board of Adjustment heard **Case 230-021**, pertaining to a request filed by **Joseph G. Deluca, 21 Clement St., Nashua, NH** to appeal an Administrative decision **for 6 James Way, which deemed an existing dwelling unit above the detached garage as illegal. [Map 230, Lot 021-000; Zoned Residential-Two (R-2); HZO Article V, Permitted Uses, §334-21, Table of Permitted Principal Uses].**

Members sitting on the Zoning Board of Adjustment for this hearing are to vote to determine if they would make the same decision as the Zoning Administrator.

Y N

I would have made the same decision and/or interpretation based on the evidence presented.

Signed: _____ Date _____
 Sitting Member of the Hudson ZBA

TOWN OF HUDSON

OCT 27 2020

APPLICATION FOR APPEAL FROM AN ADMINISTRATIVE DECISION

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by Land Use Division personnel
Case No. 230-021 (11-12-20)
Date Filed 10/27/20

Name of Applicant Joseph G. Dehoda Map: 230 Lot: 000 Zoning District: B-2

Telephone Number (Home) (603) 883-7372 (Work) SAME

Mailing Address 21 CHEVOT STREET, NASHUA, NEW HAMPSHIRE 03060

Owner JOS. JACQUE F. BELANGER

Location of Property 06 SABLE WAY, HUDSON, NEW HAMPSHIRE
(Street Address)

[Signature] / Joseph G. Dehoda 10-26-2020
Signature of Applicant Date

Jacqueline F. Belanger 10-26-20
Signature of Property-Owner(s) Date

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

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

COST:		Date received: <u>10/27/20</u>
Application fee:		
<u>9</u> Direct Abutters x \$4.05 =	\$130.00	
<u>4</u> Indirect Abutters x \$0.55 =	<u>36.90</u>	
Total amount due:	<u>2.20</u>	
	<u>\$169.10</u>	Amt. received: \$ <u>169.10</u> check # <u>1114</u>

Received by: [Signature]

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

JANE F. BELANGER
43 Spring Cove Road
Nashua, New Hampshire 03062

Telephone (603) 880-0477

Page No. 01 of 01

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

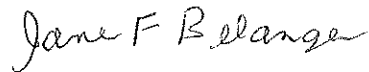
10-26-2020

Re: 06 James Way, Hudson New Hampshire.
Second Dwelling Unit – legality issue.

Dear, Zoning Board

I Jane F. Belanger of 43 Spring Cove Road, Nashua, New Hampshire inherited owner of 06 James Way, Hudson New Hampshire hereby give Joseph G. DeLuca of 21 Clement Street, Nashua, New Hampshire the authorization in my behalf to represent me in the case of an appeal from an administrative decision in regard to the said above property.

Respectfully Submitted





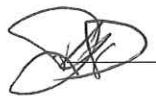




Jane F. Belanger

cc: J. DeLuca, file

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)	<u>TG</u>
	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</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>
	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.)	OK. <u>TG</u> <u>Pending</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>
	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>TG</u>
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

PLOT PLAN-

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

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

N/A
 *Floor plan recommended

(JG)

N/A

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

Susan G. Dehal
 Signature of Applicant(s)

10-26-2010
 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
230	024-000	Michael Cook	05 SAMES WAY HUDSON, NH 03051
230	023-000	ETHAN LETCHER	07 SAMES WAY HUDSON NH 03051
230	020-000	ANDJETTE C. HARTEN TR HESA R. LAFAGE TR. HARTEN BEVOCARIE TRUST	42 MOSQUASH ROAD HUDSON NH 03051
230	019-000	DAVID T. LEMON VEUKE M LEMON	40 MOSQUASH ROAD HUDSON NH 03051
230	018-000	Michael BROUAGHER	38 MOSQUASH ROAD HUDSON NH 03051
230	022-009	SARLES D. HACKETT KEENE HACKETT	14 SAMES WAY HUDSON NH 03051
230	022-006	BRAD McLAUGHLIN JENNIFER A. McLAUGHLIN	51 SAMES WAY HUDSON NH 03051
230	021-000	SARLES F. BEWAZER	43 SPRING CREEK ROAD DASHWOOD NH 03062
		Joseph G. Pehoda	71 CUSHMAN STREET DASHWOOD NH 03060

down

Applicant

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.

APPEAL FROM AN ADMINISTRATIVE DECISION

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

Decision of the Zoning Administrator to be reviewed:

AS REGARDS TO LETTER - ZONING
DETERMINATION # 20-099 PROPERTY HISTORY
DATED SEPTEMBER 21-2020 - ATTACHED - 2 PAGES

(SEE ATTACHED LETTER DATED 10-26-2020 -
FROM SOCIETY OF PLANNERS TO ZONING BOARD OF ADJUSTMENT)

(S.D.)

DATE: 09-21-2020 ARTICLE: II SECTION: 334-21

of the Zoning Ordinance in question: PERMITTED USES TABLE OF PERMITTED
SEPARATE AND DETACHED ADU PRINCIPAL USES

DWELLING UNIT

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

JOSEPH G. DeLUCA
21 Clement Street
Nashua, New Hampshire 03060

Telephone (603) 883-7372

Page No. 01 of 01

10-26-2020

Zoning Board of Adjustment
Town of Hudson New Hampshire
Land Use Division
12 School Street
Hudson, New Hampshire 03051

Re: 06 James Way, Hudson New Hampshire.
Second Dwelling Unit – legality issue.
Pursuit to legalize.

Dear, Zoning Board

In reference to the Application for Appeal - reasons for appeal are as follows.

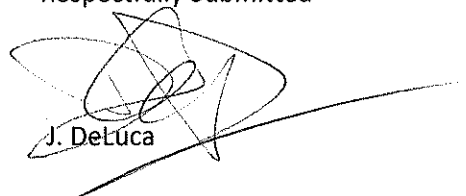
- Detached garage was built with second floor room above garage by previous owners with a permit. See attached Town of Hudson N.H. Permit No. 431-84. 1 page.
- Purchase of property by Mr. Gregory S. Belanger on November 07, 1994 with existing in-law apartment finished over detached – garage.
- Property being taxed with including second dwelling unit. Property tax assessment cards and unofficial property record card and lot plan attached. 6 pages in all.
- Town of Hudson, Community Development Department Zoning Violation letter dated January 10th 2003 to Mr. Gregory Belanger regarding illegal Accessory Living Unit .
No further action taken by Town of Hudson.
- Is basically an apartment, no cellar, one bedroom, small kitchen - living area combine.
- Has been in place since at least 1993 a total of 27 years up till now.

Mrs. Jane Belanger inherited this property due to the demise of her son. My position has been in helping Mrs. Jane Belanger settle the estate. It has been assumed that this was a legal in-law apartment and was that way at the time when Mr. Gregory S. Belanger purchased the property.

Also included - floor plan of second dwelling unit over detached garage. 1 page.

Should there be any additional information, or questions, please do not hesitate to ask. Thank You for your time and consideration regarding this matter it is very much appreciated.

Respectfully Submitted


J. DeLuca

cc: Mrs. Jane F. Belanger, file



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #20-099 Property History

September 21, 2020

Robin Remillard
Keller Williams – Metropolitan
168 South River Rd
Suite 1A
Bedford, NH 03110

Re: 6 James Way Map 230 Lot 021-000

Document History:

B.P. # 431-84 issued 6-26-1984 Erect detached garage 24 x 26 with room above.
NOV June 10, 1992 "addition to garage w/o permit (second Dwelling Unit).
July 10, 1992 letter from Susan Snide, Zoning Administrator denying BP indicating ZBA action (appeal).
ZBA denial for existing 2nd Dwelling Unit July 22, 1993.
Jan 9, 2003 written complaint from tenant about status of the in-law apt.
Jan 10, 2003 Notice of Violation (ALU).

Zoning Review / Determination:

The historical document trail indicates to me that the 2nd Dwelling Unit was considered illegal (see Jan 10, 2003 NOV). There doesn't appear to be any corrective actions going forward that correct this illegal dwelling unit: a variance or the removal of such, as the Assessing record indicates the dwelling unit in the garage.

Sincerely,

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

Encl: Jan 10, 2003 Notice of Violation
cc: Public Folder
Owner
B. Groth – Town Planner
J. Michaud – Chief Assessor
File

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



Town of Hudson, N. H.

Office of Town Building Inspector
BUILDING PERMIT

No. 431-84

March 26, 1984

This certifies that

Donald & Linda Hartman

Name of Owner

is granted permission to erect
 alter
 repair
 move

Detached garage 24' x 24' with 2 doors

Description

of Building

on premises located at and known as
to

4802-012
Number

Sumner St

Street or Avenue

ML-11/66

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.

Value \$ 11,000.00

Richard Millard

Administrative Officer

Fee \$ 22.00

230 021 000
MAP LOT SUB

1 of 2 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRAISED: 283,100 / 363,200
USE VALUE: 283,100 / 363,200
ASSESSED: 283,100 / 363,200



Patriot
Properties Inc.

USER DEFINED

Prior Id # 1:	0011
Prior Id # 2:	0066
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

PROPERTY LOCATION

No	Alt No	Direction/Street/City
6		JAMES WAY, HUDSON

OWNERSHIP

Owner 1:	BELANGER, JANE F.
Owner 2:	
Owner 3:	
Street 1:	43 SPRING COVE RD
Street 2:	
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03062

PREVIOUS OWNER

Owner 1:	BELANGER, GREGORY S. -
Owner 2:	-
Street 1:	6 JAMES WAY
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains 1.259 ACRES of land mainly classified as MULTI HS with a SPLIT LEVEL Building built about 1974, having primarily VINYL Exterior and 1300 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 1 Half Bath, 6 Rooms, and 2 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water	9	PRIV WATER
o				Sewer	0	SEPTIC
n				Electri		
Census:				Exmpt		
Flood Haz:	C					
D				Topo	2	ABV ST
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class %	Spec Land	J Code	Fact	Use Value	Notes
109	MULTI HS		1		SITE ACRE SITE			0	120,000.	1.00	RF						120,000					120,000	SWAMP LOCATION
109	MULTI HS		0.259		ACRES EXCESS			0	5,250.	0.94	RF		TOPO	-25			1,275					1,300	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
109	1.259	160,600	1,200	121,300	283,100		4281
							GIS Ref
							GIS Ref
							Insp Date
							05/28/19
							!1363!
							PRINT
							Date Time
							10/02/20 13:43:24
							LAST REV
							Date Time
							09/22/20 14:03:12
							jmichaud
							1363
							PAT ACCT.

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	109	FV	240,700	1200	1.259	121,300	363,200	363,200	Year End Roll	8/27/2020
2020	109	JB	240,700	1200	1.259	121,300	363,200	363,200	Year End Roll	5/6/2020
2019	109	FV	240,700	1200	1.259	121,300	363,200	363,200	Year End Roll	9/16/2019
2019	109	JB	240,400	1200	1.259	121,300	362,900	362,900	Year End Roll	5/8/2019
2018	109	FV	240,400	1200	1.259	121,300	362,900	362,900	Year End Roll	8/27/2018
2018	109	JB	240,400	1200	1.259	121,300	362,900	362,900	Year End Roll	5/9/2018
2017	109	FV	240,400	1200	1.259	121,300	362,900	362,900	Year End Roll	10/26/2017
2017	109	PV	240,400	1200	1.259	121,300	362,900	362,900	Year End Roll	8/28/2017

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
BELANGER, GREGO	318-2019-ET-	9	1/18/2020	ESTATE SALE		No	No		
LINDA DUBOIS	5590-1003		11/7/1994		134,000	No	No		
DUBOIS, LIONEL	5476-1831		9/30/1993	UNCLASSIFIED		No	No		

BUILDING PERMITS

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

ACTIVITY INFORMATION

Date	Result	By	Name
5/28/2019	Meas/Inspect	18	KRT1
4/28/2011	Measured	14	APPR TECH 4
9/24/2010	Other Change	1	CHIEF ASSESS
12/2/2006	Measured	6	RB
7/20/2006	New Maps	1	CHIEF ASSESS
8/23/2002	Hearing - NS	0	PATRIOT
6/29/2001	Meas/Inspect	0	PATRIOT
3/25/1991	Inspected	2	AVITAR

Sign: VERIFICATION OF VISIT NOT DAT

Total AC/HA: 1.25900 Total SF/SM: 54842 Parcel LUC: 109 MULTI HS Prime NB Desc RES VG Total: 121,275 Spl Credit: Total: 121,300

EXTERIOR INFORMATION

Type:	18 - SPLIT LEVEL
Sty Ht:	1 - ONE STY
(Liv) Units:	1 Total: 2
Foundation:	1 - CONCRETE
Frame:	1 - WOOD
Prime Wall:	04 - VINYL
Sec Wall:	08 - BRICK VEN 10%
Roof Struct:	3 - GAMBREL
Roof Cover:	1 - ASPH SHING
Color:	GRAY
View / Desir:	

GENERAL INFORMATION

Grade:	C - AVERAGE
Year Blt:	1974 Eff Yr Blt:
Alt LUC:	Alt %:
Jurisdict:	Fact:
Const Mod:	
Lump Sum Adj:	

INTERIOR INFORMATION

Avg Ht/FL:	STD
Prim Int Wal:	1 - DRYWALL
Sec Int Wall:	%
Partition:	T - TYPICAL
Prim Floors:	04 - CARPET
Sec Floors:	%
Bsmnt Flr:	12 - CONCRETE
Subfloor:	
Bsmnt Gar:	2
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S -
Heat Fuel:	2 - GAS
Heat Type:	3 - FORCED HW
# Heat Sys:	1
% Heated:	100 % AC: 0
Solar HW:	NO Central Vac: NO
% Com Wal:	% Sprinkled

BATH FEATURES

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

OTHER FEATURES

Kits:	1 Rating: AVERAGE
A Kits:	Rating:
Frpl:	1 Rating: GOOD
WSFiue:	1 Rating: AVERAGE

CONDO INFORMATION

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

DEPRECIATION

Phys Cond:	GD - Good	27%
Functional:		%
Economic:		%
Special:		%
Override:		%
Total:		27.2%

CALC SUMMARY

Basic \$ / SQ:	107.00
Size Adj.:	1.19230771
Const Adj.:	0.98196095
Adj \$ / SQ:	125.276
Other Features:	10550
Grade Factor:	1.00
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	220551
Depreciation:	59990
Depreciated Total:	160561

COMMENTS

5/19 ORIG KIT.

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: 6 BRS: 2 Baths: 1 HB: 1		

REMODELING

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

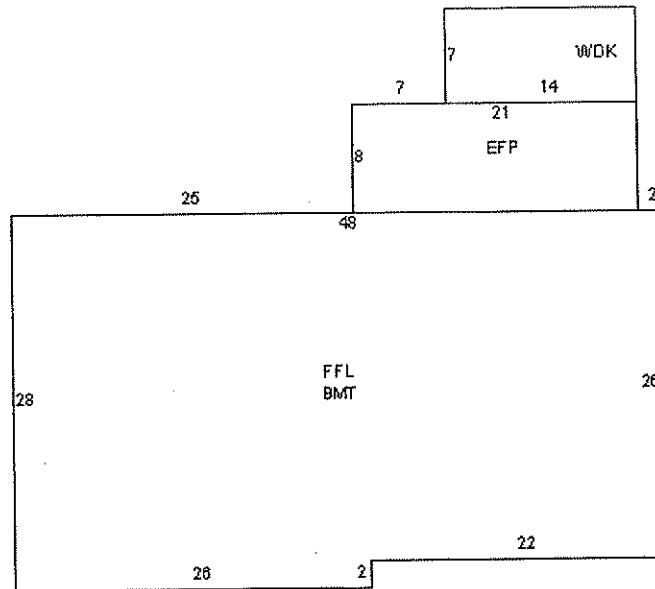
RES BREAKDOWN

No Unit	RMS	BRS	FL
1	6	2	1
Totals			
1	6	2	

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:				Ind.Val
Juris. Factor:				Before Depr: 125.28
Special Features:	0			Val/Su Net: 56.04
Final Total:	160600			Val/Su SzAd: 123.54

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
BMT	BASEMENT	1,300	26.560	34,526
FFL	FIRST FLOOR	1,300	125.280	162,858
EFP	ENC PORCH	168	62.390	10,481
WDK	WOOD DECK	98	21.790	2,135

SUB AREA DETAIL

Sub Area	% Usbl	Descr	% Type	Qu # Ten
BMT	100	RRM	40	AV

Net Sketched Area:	2,866	Total:	210,000
Size Ad	1300	Gross Area	2866
		FinArea	1300

IMAGE

AssessPro Patriot Properties, Inc



MOBILE HOME

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

SPEC FEATURES/YARD ITEMS

Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
22	DECK-WOOD	D Y		14X18	AV	AV	1995	25.76	T	33	109			1,200			1,200

230 021 000
MAP LOT SUB

2 of 2 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPAISED: 80,100/ 363,200
USE VALUE: 80,100/ 363,200
ASSESSED: 80,100/ 363,200



Patriot
Properties Inc.

USER DEFINED

Prior Id # 1:	0011
Prior Id # 2:	0066
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

!1363!

PRINT

Date	Time
10/02/20	13:43:28

LAST REV

Date	Time
06/05/19	08:48:38
krt	

1363

ASR Map:

Fact Dist:

Reval Dist:

Year:

LandReason:

BldReason:

CivilDistrict:

Ratio:

PROPERTY LOCATION

No	Alt No	Direction/Street/City
6		JAMES WAY, HUDSON

OWNERSHIP

Owner 1:	BELANGER, JANE F.
Owner 2:	
Owner 3:	
Street 1:	43 SPRING COVE RD
Street 2:	
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03062

PREVIOUS OWNER

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

NARRATIVE DESCRIPTION

This parcel contains 1.259 ACRES of land mainly classified as MULTI HS with a ACC IMP GAR Building built about 1983, having primarily VINYL Exterior and 736 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 0 HalfBath, 4 Rooms, and 1 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water		
o				Sewer		
n				Electri		
Census:				Exmpt		
Flood Haz:						
D				Topo		
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 Infru	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class %	Spec Land Code	J Code	Fact	Use Value	Notes
101	ONE FAMILY		0			SITE ACRE SITE		0	0	0.00	RG												

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	
101	0.000	80,100			80,100	
Total Card		0.000	80,100		80,100	
Total Parcel		1.259	240,700	1,200	121,300	363,200
Source: Market Adj Cost		Total Value per SQ unit /Card:		108.83	/Parcel: 178.39	

PREVIOUS ASSESSMENT

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

SALES INFORMATION

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

BUILDING PERMITS

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

ACTIVITY INFORMATION

Date	Result	By	Name
5/28/2019	Meas/Inspect	18	KRT1
4/28/2011	Measured	14	APPR TECH 4
4/23/2010	Bldg Inacc	12	TECH ASMNT
12/2/2006	Measured	6	RB
3/25/1991	Inspected	2	AVITAR

Sign: _____ / ___ / ___

Total AC/HA: 0.00000	Total SF/SM: 0	Parcel LUC: 109	MULTI HS	Prime NB Desc: RES VG	Total:	Spl Credit:	Total:
----------------------	----------------	-----------------	----------	-----------------------	--------	-------------	--------

EXTERIOR INFORMATION

Type: 151 - ACC IMP GAR
 Sty Ht: 2 - TWO STY
 (Liv) Units: 1 Total: 2
 Foundation: 6 - SLAB
 Frame: 1 - WOOD
 Prime Wall: 04 - VINYL
 Sec Wall: %
 Roof Struct: 3 - GAMBREL
 Roof Cover: 1 - ASPH SHING
 Color: GRAY
 View / Desir:

GENERAL INFORMATION

Grade: C - AVERAGE
 Year Blt: 1983 Eff Yr Blt:
 Alt LUC: Alt %:
 Jurisdict: Fact:
 Const Mod:
 Lump Sum Adj:

INTERIOR INFORMATION

Avg Ht/FL: STD
 Prim Int Wall: 1 - DRYWALL
 Sec Int Wall: %
 Partition: T - TYPICAL
 Prim Floors: 04 - CARPET
 Sec Floors: 01 - PLYWOOD 50%

Bsmnt Flr:
 Subfloor:
 Bsmnt Gar:
 Electric: 3 - TYPICAL
 Insulation: 2 - TYPICAL
 Int vs Ext: S
 Heat Fuel: 1 - OIL
 Heat Type: 1 - FORCED AIR
 # Heat Sys: 1
 % Heated: 100 % AC: 0
 Solar HW: NO Central Vac: NO
 % Com Wal % Sprinkled: 100

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

SPEC FEATURES YARD ITEMS

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB	Fa	Appr Value	JCod	JFact	Juris. Value
------	-------------	---	-----	-----	----------	------	-----	------	------------	-----	-----	-----	------	----	----	------------	------	-------	--------------

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

BATH FEATURES

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

OTHER FEATURES

Kits: 1 Rating: AVERAGE
 A Kits: Rating:
 Frpl: Rating:
 WSFlue: Rating:

CONDO INFORMATION

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

DEPRECIATION

Phys Cond: AV - Average 32%
 Functional: %
 Economic: %
 Special: %
 Override: %
 Total: 32%

CALC SUMMARY

Basic \$ / SQ: 75.00
 Size Adj.: 1.72282612
 Const Adj.: 0.96621531
 Adj \$ / SQ: 124.847
 Other Features: 868
 Grade Factor: 1.00
 NBHD Inf: 1.00000000
 NBHD Mod:
 LUC Factor: 1.00
 Adj Total: 117737
 Depreciation: 37676
 Depreciated Total: 80061

COMMENTS

5/19 GAMBREL ROOF. MINIMAL LOSS/ NO ADJUSTMENT.

RESIDENTIAL GRID

1st Res Grid	Desc:	CONV	# Units
Level	FY LR DR D K FR RR BR FB HB L O		
Other			
Upper			
Lvl 2			
Lvl 1			
Lower			
Totals	RMs: 4 BRs: 1 Baths: 1 HB		

REMODELING

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

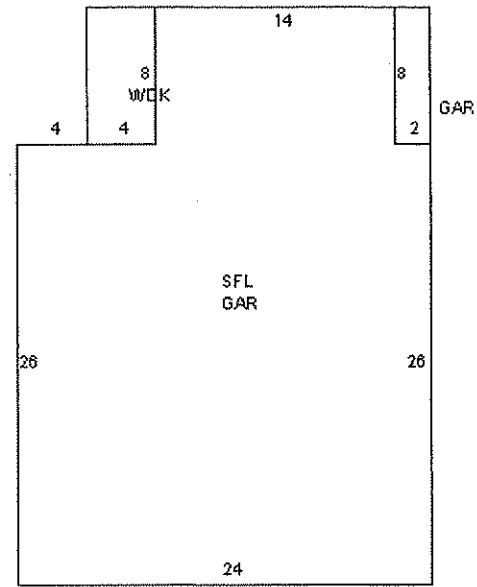
RES BREAKDOWN

No	Unit	RMS	BRS	FL
1		4	1	M
Totals				
1		4	1	

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:	AvRate:	Ind.Val		
Juris. Factor:	Before Depr:	124.85		
Special Features: 0	Val/Su Net:	52.70		
Final Total: 80100	Val/Su SzAd	108.83		

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
GAR	GARAGE	752	32.000	24,062
SFL	SECOND FLR	736	124.850	91,887
WDK	WOOD DECK	32	28.760	920
Net Sketched Area: 1,520		Total:		116,869
Size Ad	736 Gross Area	1520 FinArea		736

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Ten

IMAGE

AssessPro Patriot Properties, Inc



Unofficial Property Record Card - Hudson, NH

General Property Data

Parcel ID 230-021-000
 Prior Parcel ID 0011 -0066-0000
 Property Owner BELANGER, JANE F.
 Mailing Address 43 SPRING COVER RD
 City NASHUA
 Mailing State NH Zip 03062
 Parcel Zoning

Account Number 4281
 Property Location 6 JAMES WAY
 Property Use MULTI HS
 Most Recent Sale Date 1/18/2020
 Legal Reference 318-2019-ET-00031
 Grantor BELANGER, GREGORY S.,
 Sale Price 0
 Land Area 1.259 acres

Current Property Assessment

Card 1 Value	Building Value 160,600	Xtra Features Value 1,200	Land Value 121,300	Total Value 283,100
Total Parcel Value	Building Value 240,700	Xtra Features Value 1,200	Land Value 121,300	Total Value 363,200

Building Description

Building Style SPLIT LEVEL
 # of Living Units 1
 Year Built 1974
 Building Grade AVERAGE
 Building Condition Good
 Finished Area (SF) 1300
 Number Rooms 6
 # of 3/4 Baths 0

Foundation Type CONCRETE
 Frame Type WOOD
 Roof Structure GAMBREL
 Roof Cover ASPH SHING
 Siding VINYL
 Interior Walls DRYWALL
 # of Bedrooms 2
 # of 1/2 Baths 1

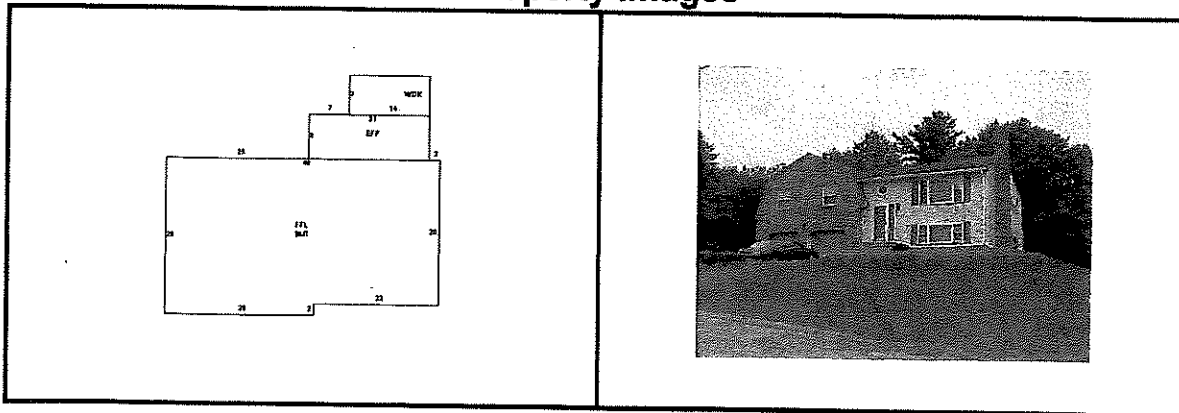
Flooring Type CARPET
 Basement Floor CONCRETE
 Heating Type FORCED HW
 Heating Fuel GAS
 Air Conditioning 0%
 # of Bsmt Garages 2
 # of Full Baths 1
 # of Other Fixtures 1

Legal Description

Narrative Description of Property

This property contains 1.259 acres of land mainly classified as MULTI HS with a(n) SPLIT LEVEL style building, built about 1974, having VINYL exterior and ASPH SHING roof cover, with 1 unit(s), 6 room(s), 2 bedroom(s), 1 bath(s), 1 half bath(s).

Property Images

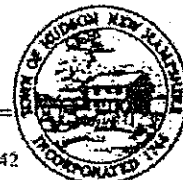


Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



TOWN OF HUDSON

COMMUNITY DEVELOPMENT DEPARTMENT



12 School Street Hudson, New Hampshire 03051
Community Development Department 603-886-6005 • Engineering Division 603-886-6008 • Fax 603-594-1142

January 10, 2003

Gregory Belanger
6 James Way
Hudson, NH 03051

RE: Zoning Violation

Map 11 Lot 66

Dear Mr. Gregory Belanger:

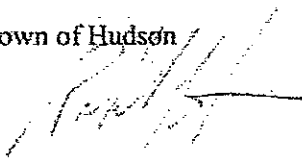
Please be advised that the Community Development Department has been informed that your property at 6 James Way has an illegal Accessory Living Unit (ALU) and is in violation of Section 334-73.1 Article XIII A Accessory Living Unit

You are directed to bring this site into conformance with the Hudson Zoning Ordinance within seven days upon receipt of this letter and so inform the Community Development Department that the violation has been corrected. Failure to comply with the terms of this notice may result in the assessment of fines of up to \$275 per day from the date of this notice and the imposition of attorney's fees.

This decision may be appealed to the Zoning Board of Adjustment (ZBA). Applications for ZBA action may be obtained from the Community Development Department located at 12 School St. Hudson, NH.

Sincerely,

Town of Hudson

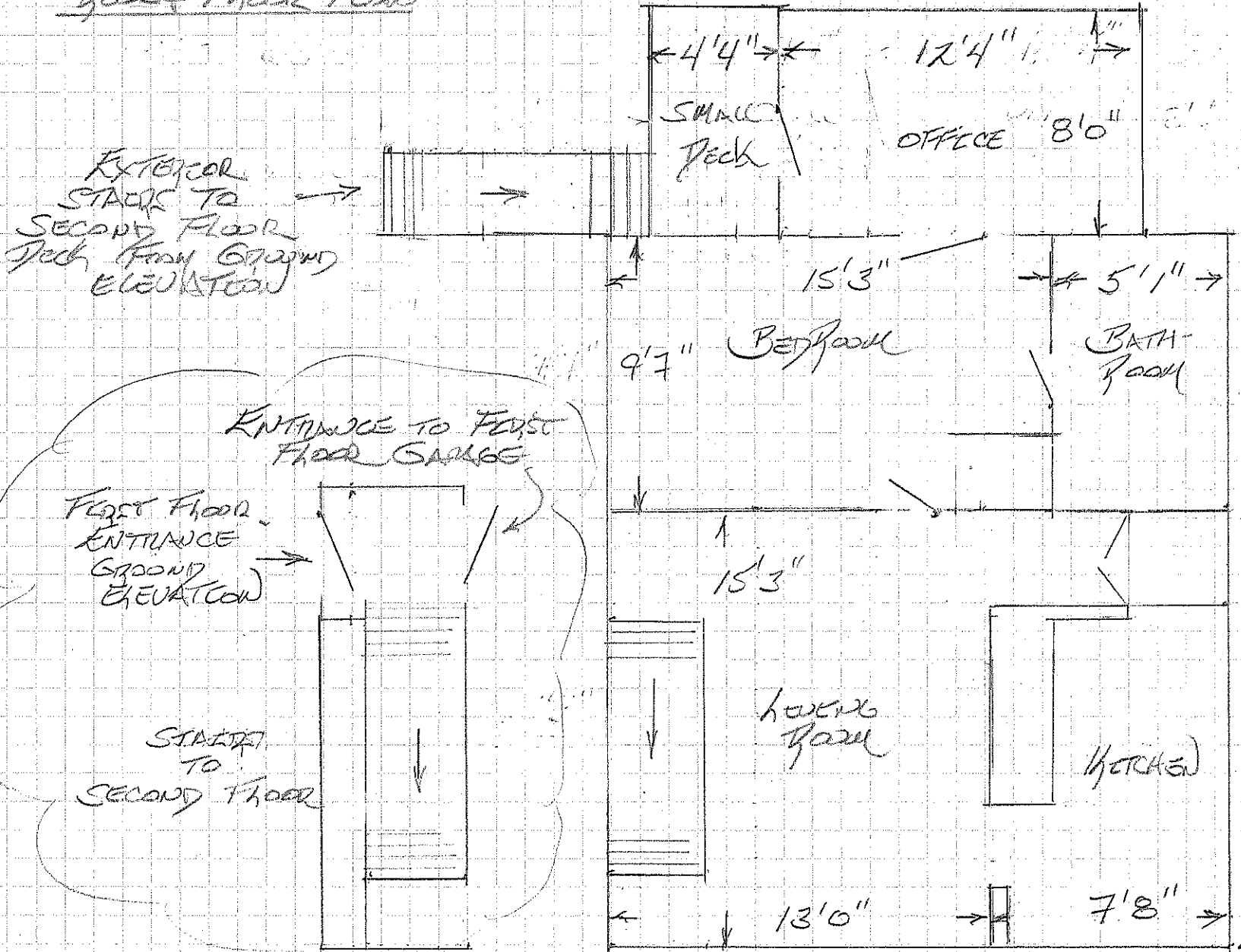
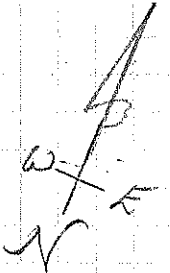

Robert Sousa
Code Enforcement Officer

Cc. William Oleksak, Building Inspector / Health Inspector
File

PROPERTY LOCATED AT 06 SALESWAY, HUDSON, NEW HAMPSHIRE

SECOND DWELLINGS UNIT
OVER DETACHED GARAGE (SECOND FLOOR)

Basement Floor Plan



DRAWN BY: S. JENCK

DATE 10-26-2020

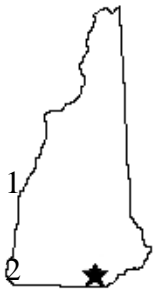
NOT TO SCALE

Printed
10/27/2020
11:09AM
Created
10/27/2020
11:08 AM

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

Receipt# 616,305
tgoodwyn

<u>Description</u>		<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>	
1.00	Zoning Application 6 James Way Map/Lot 230-021-000 Appeal Admin Decis	0.00	169.1000	0.00	
			Total:	169.10	
Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Joseph G. Deluca	CHECK	CHECK # 1114	169.10	0.00	169.10
			Total Due:		169.10
			Total Tendered:		169.10
			Total Change:		0.00
			Net Paid:		169.10



TOWN OF HUDSON

Zoning Board of Adjustment

Gary A. Dearborn, Chairman Marilyn E. McGrath, Selectmen Liaison

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

MEETING MINUTES – October 22, 2020 – as edited

I. CALL TO ORDER
II. PLEDGE OF ALLEGIANCE

Vice Chair/Acting Chair Gary Dearborn called the meeting to order at 7:03 PM and invited everyone to stand for the Pledge of Allegiance.

Mr. Dearborn 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. Dearborn 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. Dearborn noted that specific instructions for meeting access was included in both the Applicant Notification and the Abutter Notification and were posted on the website.

Mr. Buttrick 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 Daddario took attendance and noted that Chairman Charlie Brackett was a great asset to the Board and his resignation is a loss. Members present were Gary Daddario (Regular/Clerk), Gary Dearborn (Regular/Vice Chair/Acting Chair), Brian Etienne (Regular), Leo Fauvel (Alternate) and Ethan Severance (Alternate). Excused were Jim Pacocha (Regular), Marilyn McGrath, Selectman Liaison and Kara Roy, Alternate Selectman Liaison. Also present were Bruce Buttrick, Zoning Administrator, and Louise Knee, Recorder (via audio and visual remote access). For the record, Alternates Fauvel and Severance were ~~appointed~~ seated to vote.

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

48 General One (G-1); HZO Article VI, Special Exceptions, §334-24, Home
49 Occupations].

50

51 Mr. Buttrick read the Case into the record, referenced a similar Case that was before
52 the Board and noted that additional abutter comments have been received and both
53 can be found in the supplemental meeting folder.

54

55 Chris Poremski, seated at the applicant's table and masked, introduced himself, stated
56 that this is a hobby of his, that he has been collecting and selling antique firearms for
57 approximately nine (9) years with a FFID 03 License and now wants to obtain an FFID
58 01 License so he can contact the NH State Police and the FBI for background checks.
59 Mr. Poremski stated that the work is primarily on-line, primarily between Federal
60 Firearms License holders, that there could be occasional face-to-face transactions,
61 that there will be little to no inventory on site and that he has been working with ATF
62 in Manchester, NH.

63

64 Mr. Poremski next addressed the criteria of the Home Occupation Special Exception
65 and the information shared included:

- 66 • Principal use remains as his home for his family
- 67 • This is a secondary use and will only utilize a small office space
- 68 • This use would only occur within the residence
- 69 • There will be no exterior display, no exterior storage and no sign
- 70 • There will be no noise, vibrations, dust, smoke, electrical disturbance, odor,
71 heat or glare produced
- 72 • Being primarily an internet based business, there will not be any substantial
73 increase in traffic
- 74 • His driveway can handle any need for parking
- 75 • There is no need for a vehicle for this business, he has a personal vehicle
- 76 • There are no employees, he (Mr. Poremski) will be the only one involved

77

78 At 7:16 PM. Mr. Dearborn declared a five-minute recess for call-ins. At 7:21 PM, Mr.
79 Dearborn called the meeting back to order. Mr. Buttrick reported that there are three
80 (calls) waiting to address the Board.

81

82 Public testimony opened at 7:22 PM. The following individuals addressed the Board:

83

84 (1) Tom Fincher, 20 Mallard Drive was on the telephone, stated that he lives
85 next door and asked for an example on who would be using this service and
86 what a typical transaction would look like. Mr. Poremski responded that
87 he is part of a community that buy/sell, that hold a Federal license to sell,
88 that he would like to obtain a FFID 01 license so he can do background
89 checks, that ATF mandates that log books be kept of receipt of guns and are
90 strict with shipping requiring either overnight or two-day express, and that
91 an example would be the liquidation of an estate. Mr. Fincher noted that
92 strangers would then be coming to the neighborhood. Mr. Poremski
93 stressed that there would be no retail sales and only scheduled
94 appointments would enter the neighborhood.

95

96 (2) Elaine Gentile, 19 Mallard Drive was on the telephone, stated that
97 appointments are okay with her and asked what if someone just shows up

98 with guns. Mr. Porembski responded that no one will know his address, he
99 has no website and relies on “word of mouth” for advertising and added that
100 there are specific dealers in his community, that, for example, he deals with
101 a dealer in Amherst for antique guns and ATF advised him to not limit to
102 just antique guns for internet sales; that this is a hobby for him, not a
103 primary source of income and that he wants the FFID 01 license so he can
104 do background checks. Ms. Gentile asked what the next level would entail,
105 what would be needed and questioned whether a precedent was being
106 established set. Mr. Porembski responded that it would probably need retail
107 space and if that were to happen it would not be in the neighborhood. Ms.
108 Gentile stated that safety is her primary concern. Mr. Porembski concurred
109 and added that going from the FFL 03 to the FFL 01 license would allow him
110 to do background checks.
111

- 112 (3) Gail Tulipani, 23 Mallard Drive, was on the telephone, thanked Mr.
113 Porembski for reaching out to the neighbors and providing handouts and
114 asked how this information and his address is disguised from the public
115 because her concern is potential criminal intent to become a target and
116 jeopardize the neighborhood. Mr. Porembski stated that there is no retail
117 inventory kept at his home, people don’t come to “shop”, that there are
118 websites, like Gunbroker, that carry listings of items for sale, that he deals
119 with licensed dealers who would receive the firearm he is selling and make
120 arrangements for delivery to his buyer, added that ATF requires that logs be
121 kept and performs an annual inspections, and noted that he has a Category
122 5 safe. Ms. Tulipani stated that the neighborhood children play in the
123 circle, that neighbors have gatherings in the circle and asked the frequency
124 of face-to-face transactions. Mr. Porembski responded that he anticipates
125 twelve (12) per year and added that he has been doing it for the past nine (9)
126 years with antique firearms. Ms. Tulipani stated that there is a bullet hole
127 in the side of her house and wondered if it came from one of his firearms.
128 Mr. Porembski assured her that there is absolutely no discharge of firearms
129 from his property.
130

131 Mr. Dearborn asked if anyone present in the public wished to comment on the Case.
132 No one came forward. Mr. Dearborn noted that several emails have been received and
133 are now part of the Case file and asked Mr. Buttrick to read one into the record.
134

- 135 (4) Email received from Monica ~~holm~~Holm, 6 Mallard Drive, expressed concerns
136 for the safety of the children in the neighborhood, access to firearms,
137 potential harm, affect reputation of neighborhood and that could affect
138 property values and raise their insurance rate.
139

140 Public testimony closed. Additional emails can be found in Case folder. It was noted
141 that the emails were in opposition. List here?
142

143 Mr. Daddario stated that his main concerns deal with the selling of firearms and
144 ammunition. Mr. Porembski stated that there is no ammunition involved, that he
145 anticipates twelve (12) transactions/sales per year, that he primarily sells to other
146 FFID license holders, and that people do show up with guns for him to sell, and added

147 that for a transaction to occur, their physical presence is required because he must
148 witness their signing in order for him to conduct a background check.

149
150 Discussion continued and focused on inventory and “retail sales”. Any firearm kept
151 and stored in Mr. Porembski’s Class 5 safe can be considered inventory. Any
152 transaction involving the exchange of money at the residence is a “retail sale”. The
153 Zoning Ordinance expressly prohibits retail sales in a Home Occupation Special
154 Exception (Section 334-24 Item F). The term “retail sale” is not defined in the Zoning
155 Ordinance. Reference was made to a similar Case back in 2012 and in response to a
156 condition set then to install a security system tied into the Hudson Police Department,
157 Mr. Porembski responded that he would need to check the cost before agreeing. In
158 response to the location of the office, Mr. Porembski stated that it is located in his
159 basement with no outside access, that it can only be accessed by the stairway in his
160 home.

161
162 Mr. Etienne stated that even though testimony has been received that the residence
163 address is not advertised and therefore minimizes any risk of exposure to someone
164 with a criminal intent, it has been advertised and is being discussed at this meeting
165 and this meeting is televised and part of public record.

166
167 Mr. Dearborn asked if the Police Department has knowledge of all gun dealers in
168 Hudson. Mr. Buttrick responded that they are made aware. Mr. Porembski added
169 that when he received his current license, he sent a copy to the Police Chief and at
170 that time there were eight (8) dealers in Hudson.

171
172 Mr. Daddario made a motion to approve the Home Occupation Special Exception
173 (HO/SE) with four (4) stipulations: (1) that a security system connected to the Police
174 Department be installed; (2) that there be no retail sales at the residence; (3) that all
175 firearms to and from the residence be transferred in a locked container; and (4) that
176 no marketing or advertising contain the home address. Mr. Severance asked for
177 clarification whether retail sales included or excluded face-to-face meetings at the
178 premise. Mr. Daddario stated that his intent was to exclude money exchange at the
179 premise. There was no second to the motion.

180
181 Mr. Etienne made a motion to deny the request for a Home Occupation Special
182 Exception based on the retail nature involved and the neighbors’ concerns. Mr. Fauvel
183 seconded the motion and noted that typically in a HO/SE items sold are those that are
184 made in the home, and the firearms are not, and added that he has concerns that this
185 is a slippery slope. Roll call vote was 4:1. Mr. Daddario opposed. The HO/SE request
186 was denied. The 30-day appeal period was noted.

187
188
189 2. Case 247-045-014 (10-22-20): Cody Decker, 11 Lucier Park Dr., Hudson, NH
190 requests a Variance to locate an 8 ft. by 10 ft. shed that encroaches into the
191 side yard setback leaving 3 ft. and into the rear yard setback leaving 5 ft,
192 where 15 ft. is required for both setbacks. [Map 247, Lot 045, Sub lot 014;
193 Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements,
194 §334-27, Table of Minimum Dimensional Requirements].

195

196 Mr. Buttrick read the Case into the record. Cody Decker sat at the applicant's table
197 wearing a mask and introduced himself. Mr. Decker stated that he would like to place
198 an 8' x 10' shed on his small lot (approximately one quarter of an acre lot) in his
199 backyard at the left rear corner that would be on a sonar tubes matching style and
200 color of his home and would be behind a fence.

201
202 Mr. Decker addressed the criteria for the granting of a variance. The information
203 shared included:
204

205 (1) *not contrary to public interest*

- 206 • shed will be new, sturdy and match the style and color of his home
- 207 • sheds are customary accessory use to residences
- 208 • shed will blend in with the rest of the new Sousa developed 22-single-
209 family home neighborhood
210

211 (2) *spirit of Ordinance observed*

- 212 • shed will be used to store tools, outdoor power equipment, yard
213 maintenance equipment and storage bins that would otherwise be
214 exposed to the weather or under a tarp
- 215 • shed will be behind a 6' white vinyl privacy fence and set back to not
216 cause any view obstruction issues to surrounding properties
217

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

- 219 • shed will provide much needed sheltered storage
220

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

- 222 • shed will add value to the home and will not impact any surrounding
223 property values
224

225 (5) *hardship*

- 226 • lot has a unique feature in that there is a drainage trench for the
227 subdivision in the front yard
- 228 • septic system is placed on the right side of the residence
- 229 • land slopes creating a grade change on the adjacent right rear corner
230

231 Mr. Dearborn declared a five-minute recess at 8:10 PM for the public to call-in. At
232 8:15 PM, Mr. Dearborn called the meeting back to order, Mr. Buttrick reported that
233 there were no call-ins and Mr. Dearborn asked if anyone in the audience wished to
234 address the Board. No one responded. Public testimony closed at 8:16 PM.
235

236 Mr. Etienne asked to have an aerial view to show where the septic is located on the
237 right of the property. Mr. Etienne noted that the shed would be mounted on sonar
238 tubes and asked if it would also have a light, needing an electrical feed. Mr. Decker
239 stated that he would like it to have a light. Mr. Buttrick noted that a shed less than
240 ~~one-two~~ hundred square feet (<100-200 SF) does not require a Building Permit;
241 however it would require an Electrical Permit if a light is to be installed.
242

243 Mr. Daddario noted that hardship is based on the land and that the Zoning Ordinance
244 prohibits sheds in the front yard and that the septic system and steep slope eliminate
245 placement to the right of the residence; however, asked why the shed could not be

246 moved further to the front and avoid the need for a rear setback variance or moved
247 further into the yard to avoid a side setback variance. Mr. Cody responded and
248 pointed out that if the shed would be moved closer to the front it would block access to
249 his house and that a deck and patio already exist in his back yard that prevents the
250 shed from sliding over to eliminate a side yard setback variance. Mr. Dearborn noted
251 that all the lots in this development are small (100' x 100') and thanked Mr. Decker for
252 coming to the Board before getting the shed.

253
254 Mr. Etienne made the motion to grant the variance noting that there exist several
255 hardships with this lot including its small size and its slope and placement of the
256 septic system and added that aesthetically it would match the house. Mr. Daddario
257 seconded the motion and added a stipulation that an Electrical Permit would be
258 needed if the shed is to have electricity. Comments made that pulling an Electrical
259 Permit is already a requirement – and it was recognized that sometimes pulling one is
260 overlooked. Mr. Etienne agreed to adding the stipulation to his motion. Roll call vote
261 to grant the Variance with one (1) stipulation was 5:0. Variance granted. The 30-day
262 appeal period was noted.

263
264
265 3 Case 194-004 (10-22-20): Jeffrey Lamothe, 37 Speare Rd., Hudson, NH
266 requests a Home Occupation Special Exception to operate a home office for an
267 online automotive wholesale dealer business/entity. [Map 194, Lot 004-000;
268 Zoned General (G); HZO Article VI, Special Exceptions, §334-24, Home
269 Occupations].

270
271 Mr. Buttrick read the Case into the record. Jeff Lamothe sat at the Applicant table
272 with mask on, introduced himself and thanked the Board for their time. Mr. Lamothe
273 stated that he needs a home office to hang his wholesale dealer license for his online
274 business and process paperwork. Mr. Lamothe stated that there is no retail business
275 from his home, that he buys vehicles at auctions, either on line or in person, and
276 ships vehicles he purchases directly to dealerships or to another auction. Mr.
277 Lamothe added that the pandemic (COVID-19) forced him to close his business and
278 with young children now engaged in remote learning, this opportunity will help him
279 provide for his family. Mr. Lamothe stated that, in his opinion, the NH State
280 requirements for a dealership license are a bit archaic in that even though there will
281 be no business transacted at his home, mandate that a sign with ten inch (10”
282 lettering and hours of operation be posted. Mr. Lamothe distributed sample sign.

283
284 Other information shared by Mr. Lamothe included:

- 285
- 286 • there will be no on site services provided
 - 287 • strictly a home office, with computer and desk, needed for online auto
288 wholesale dealer license to process paperwork and receive mail
 - 289 • aside from the sign required by the State of NH, there will be no other indication
290 on the property that it serves an online business
 - 291 • there will be no noise, vibrations, dust, smoke, electrical disturbances etc.
 - 292 • there will be no exterior storage
 - 293 • there will be no parking required as no customers come to home
 - 294 • no vehicles required for online business, will use personal vehicle, a full sized
295 pick up truck

296

297 At 8:32 PM Mr. Dearborn declared a five-minute recess for call-ins. At 8:37 PM Mr.
298 Buttrick stated that no phone calls were received. Mr. Dearborn asked if anyone in
299 the audience wished to address the Board. No one did. Public testimony ended at
300 8:38 PM.

301

302 Mr. Daddario made the motion to approve the Home Occupation special Exception.
303 Mr. Etienne seconded the motion. Mr. Buttrick asked if stipulations could be added,
304 specifically (1) that there be no 'for sale' vehicles on site and (2) that the applicant
305 obtain a Sign Permit. Mr. Lamothe stated that as a citizen of NH he is allowed to sell
306 up to four (4) vehicles per year from his property, that soon he will be trying to sell his
307 wife's car privately and that he would not endanger his dealership license. Mr.
308 Daddario agreed to adding the stipulation regarding a Sign Permit to his motion. Mr.
309 Etienne agreed to add the stipulation to his second. Roll call vote to grant the Home
310 Occupation Special Exception with the stipulation that the applicant obtain a Sign
311 Permit was 5:0. Special Exception granted. The 30-day appeal period was noted.

312

313

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

320

321 Mr. Buttrick read the Case into the record. Kenneth Bishop and Mary Sullivan sat at
322 the applicant's table and introduced themselves. Mr. Bishop stated that the
323 neighborhood has three (3) pools in close proximity and the surrounding trees were
324 causing issues with the roots buckling the concrete and they were cut down. Mr.
325 Bishop stated that they live at the top of a hill where it gets very windy and the pop up
326 tents they erected for protection from the sun just blow away and cause a safety
327 concern. Mr. Bishop addressed the criteria for the granting of a variance and the
328 information shared included:

329

330 (1) *not contrary to public interest*

331

- only five (5) neighbors will see the pavilion
- with three (3) pools within a child's throw of one another, the pavilion
333 will actually blend in

334

335

336 (2) *spirit of Ordinance observed*

337

- will actually provide safety as, unfortunately, the wind takes two (2)
337 12'x12' pop-up canopies a year regardless of how they are secured
- last year a pop-up canopy landed in Mr. Robert's yard (abutter Jean Guy
338 Robert, 20 Belknap Road and could have hurt someone
- a true structure is necessary

340

341

342

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

344

- a permanent structure will provide safety for everyone
- Mr. Bishop comes from a family of eight (8) and Ms. Sullivan comes from
345 a family of nine (9) and they host many family gatherings

346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395

(4) *will not diminish surrounding property values*

- the pavilion is a roof supported by thirteen (13) legs/posts and will cost approximately \$6,500
- close with neighbors and spend time together and enjoy cook-outs
- have spoken with direct abutters and those who will be able to see it and they are excited and supportive

(5) *hardship*

- the roots of the trees were destroying the concrete surrounding the pools in two (2) yards – actually buckled up six inches (6”) in some spots
- the breezy conditions make canopies dangerous
- it’s a pool building in the middle of two (2) pools
- safety for family and friends
- ability to truly enjoy the yard

Ms. Sullivan added that coverage from the sun is very important, especially since the trees have been cut, and added that they did check out pergolas and they come in 16’x16’ size and they would need two (2) and decided to go full canopy with the added feet to provide coverage from exiting the house with food.

At 8:48 PM, Mr. Dearborn declared a five-minute break for call-ins. At 8:53 PM, Mr. Buttrick reported that no phone calls were received. Mr. Dearborn asked if anyone in the audience wished to speak. No one spoke. Public testimony ended at 8:54 PM.

Mr. Etienne stated that there is a pool house already in the rear setback, up to the property line, and asked if it was granted by a Variance. Mr. Buttrick stated that he checked, found none and added that he found paperwork for the 7’x10’ shed on the left side behind the garage dated 1977. Mr. Etienne stated that the property owner should seek an Equitable Waiver. It was also noted that the pool extends into the rear setback according to the plan prepared by Jeffrey Land Survey LLC received on 10/1/2020. Mr. Bishop stated that it covers the pool pump so it is a pump house and not a pool house for people use. Ms. Sullivan stated that the pump house was present when they moved in and was told it was ‘grandfathered’.

Mr. Fauvel inquired about the height of the proposed pavilion at the peak. Ms. Sullivan responded that it would be twelve feet (12’) high. Mr. Fauvel asked about roof water run-off and Mr. Bishop responded that there would be gutters to handle water from the roof.

Mr. Severance asked why the size was selected. Ms. Sullivan stated that it fits the size of the area and could accommodate their large families and the expansion from the two (2) pergolas to cover the back door will be beneficial when bringing out food. Mr. Fauvel stated that there appears to be room on the other side of the pool and Ms. Sullivan stated that it would be impractical when carrying food out of the house.

Mr. Dearborn inquired about the floor and Mr. Sullivan stated that it was concrete and will be replaced. When asked, Mr. Bishop responded that the current concrete floor was poured six inches (6”) from the property line and that the thirteen (13) posts needed for the pavilion roof would actually be placed more than one foot from the

396 property line and hang over to within six inches from the property line and added that
397 there is a chain link fence at the property line.

398

399 Mr. Dearborn made the motion to deny the variance as the proposed size is excessive
400 and it failed to satisfy all the variance criteria. Mr. Etienne seconded the motion and
401 agreed that the size is excessive, that six inches (6") is troublesome, that he personally
402 has more than one hundred first cousins so he understands large families but a
403 smaller pavilion is possible, and it does not meet the hardship criteria. Roll call vote
404 was 5:0 to deny the variance. Mr. Dearborn noted that there is still the issue with the
405 pool/pump house in the setback that needs to be addressed and suggested contacting
406 Mr. Buttrick to resolve.

407

408

409 3. Case 157-001 (10-22-20): Andrea Mastrangelo, 56A Ledge Rd., Hudson, NH
410 requests a Home Occupation Special Exception to operate a home hair salon
411 color studio business in the basement area of the primary residence. [Map
412 157, Lot 001-000; Zoned Residential-Two (R-2); HZO Article VI, Special
413 Exceptions, §334-24, Home Occupations].

414

415 Mr. Buttrick read the Case into the record. Andrea Mastrangelo connected with the
416 Board via telephone, introduced herself, stated that she ran her business in Nashua,
417 closed it due to Covid-19, would like to continue servicing her existing clients, which
418 would involve approximately twenty five (25) or less visits per month, would not
419 advertise for more new clients, would not have a sign. Ms. Mastrangelo stated that
420 she has her landlord's permission to convert/use a portion of the 12' x 16' section of
421 the finished basement that also has separate entrance for her clients at the rear of the
422 house. Review of the Home Occupation Special Exception criteria revealed additional
423 information that included:

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

Mr. Buttrick asked Ms. Mastrangelo to address ~~the~~ Staff comments received from the Town Engineer, Fire Department and Zoning Administrator. Ms. Mastrangelo responded: she lives in a duplex, on the left side (aerial view showed multiple vehicles on the right side, one vehicle in the left driveway and one vehicle parked aside the left driveway which Ms. Mastrangelo stated was her VW vehicle that is for-sale); that there would only be one (1) car per client who would park in her driveway as it can accommodate three (3) cars; that the salon will have a separate entrance at the rear so customers would park in the driveway and use the walkway at the side to reach the door at the rear; that she would install a handrail for added customer safety; that the water comes from a shared artesian drilled well and capable of handling the salon business; that she will install water-savers on the hose in the salon; and that with regard to the septic system, she has spoken with the property owner and there is no concern as it is maintained regularly.

445
446 Mr. Buttrick stated that: a Building Permit would be needed for the Change-of-Use;
447 that the building is assessed as having three (3) bedrooms for each unit and the septic
448 system is designed for only four (4) bedrooms and that could lead to premature failure
449 so it would be prudent to have a Septic Engineer review and submit written
450 documentation; and that a well company/driller could review existing well to confirm
451 it can handle the addition of the salon business.

452
453 Mr. Dearborn declared a five-minute recess at 9:23 PM for call-ins. At 9:26 PM, Mr.
454 Dearborn opened public testimony. Richard Joyce and Sandra Joyce were connected
455 and public testimony opened.

456
457 (1) Richard and Sandra Joyce, 58 Ledge Road, sat at the table connected
458 electronically and addressed their concerns. Mrs. Joyce stated that she has
459 concerns with chemicals, peroxide and bleach, used and the impact to the
460 septic system and possible leach to groundwater; all neighbors have wells;
461 and there is a brook at the back of the property. Mrs. Joyce asked about
462 the list of products to be use and whether they were environmentally safe.
463 Mrs. Joyce stated that she was glad to read that there would be no sign but
464 expressed concern with cars already parked on the lawn.

465
466 Mr. Joyce stated that according to their research, SIC classifies salons as a
467 hazardous business, that records are to be kept of hazardous waste and
468 asked how that was to be tracked and noted that according to the Zoning
469 Ordinance parking it to be offstreet.

470
471 Mr. Dearborn noted that the driveway can accommodate three (3) vehicles.

472
473 Ms. Mastrangelo stated that she does not own the property but does have a contract
474 with the property owner regarding the salon; that she lives in the left unit and it is her
475 VW that is for-sale on the lawn and thought it was placed not to inconvenience
476 anyone; and that she has MSDS Sheets on her products and willing to provide them
477 with a copy, that she uses a pulpriat product and the color is actually a stain; and
478 added that she does peroxide but does not use acids and does not do perms.

479
480 Mr. Dearborn noted that emails were received and asked Mr. Buttrick to read into the
481 record.

482
483 (2) Dave Irving, 59 Ledge Road, emailed that he is against the salon, that there
484 is no parking, that it is a dead-end street, well/water concerns, questioned
485 products to be used and impact on septic system, noted that there are no
486 facilities in the basement and questioned number of clients per day and
487 expressed concern because he works second-shift and sleeps during the
488 day.

489 (3) Linda Mitchell, 57 Ledge Road, emailed her opposition to the salon and
490 concerns regarding private wells and chemicals to be used, parking,
491 depreciation of her property's value and potential growth of the business.

492
493 Ms. Mastrangelo stated that the other tenants have several vehicles, that she is
494 respectful and willing to provide MSDS Sheets, that she spends between three to six

495 (3-6) hours per visit per client, that she does not need to grow her business, that she
496 had a big salon but no more because of medical issues and has a high risk baby in the
497 house, referenced the proposed floor plan to finish the basement and noted that she
498 has two (2) bathrooms in her unit and the one on the main level at the head of the
499 stairs would service her clients.
500

501 Public testimony closed at 9:44 PM.
502

503 Mr. Dearborn stated that number of clients and parking can be clarified in a
504 stipulation but the concerns raised regarding wastewater, chemicals and well(s) fall
505 under the "objectionable circumstances" criteria and should be explored and resolved
506 and suggested deferment. Ms. Mastrangelo stated that the Board of Cosmetology
507 limits salons to one (1) client at a time, agreed with deferment and added that box hair
508 color used in homes are more chemically dangerous.
509

510 Mr. Dearborn made the motion to defer review of the Case so that the Applicant can
511 provide MSDS Sheets, seek review by a Septic Engineer/Designer and Well Designer
512 as to their ability to service the proposed salon business and submit for
513 review/acceptance by the Town Engineer. Mr. Fauvel seconded the motion. Roll call
514 vote was 5:0. Case deferred.
515

516 **IV. REQUEST FOR REHEARING:**

517
518 No requests for rehearing presented for Board consideration.
519

520 **V. REVIEW OF MINUTES:**

521 9/19/20 Site Walk- edited Minutes

522
523 Motion made by Mr. Etienne, seconded by Mr. Daddario and unanimously voted to
524 approve the 9/19/2020 Minutes as edited.
525

526 9/24/20 edited Minutes

527 Motion made by Mr. Fauvel, seconded by Mr. Severance and unanimously voted to
528 approve the 9/24/2020 Minutes as edited.
529

530 **VI. OTHER:**

531 2020 Virtual Land Use Law Conference- Saturday, October 31, 2020- 532 Registration is Open

533
534 Mr. Buttrick asked that the list and schedule of topics provided be reviewed and to
535 contact him for registration.
536

537 Election of Officers

538 Motions made, seconded and unanimously voted to elect the following Officers to the
539 end of the calendar year: Chairman Gary Dearborn; Vice Chair Gary Daddario; Clerk
540 Brien Etienne.
541

542 Next Meeting

543 Due to the Thanksgiving Holiday, next meeting is November 12, 2020
544

545 Motion made by Mr. Dearborn, seconded by Mr. Fauvel and unanimously voted to
546 adjourn the meeting. The 10/22/2020 ZBA meeting adjourned at 10:10pm.

547
548 Respectfully submitted, Louise Knee, Recorder

AS EDITED