

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

I. CALL TO ORDER

II. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 246-001 (05-21-20) (deferred from 3-12-20): 2 Stonemill Dr., Hudson, NH. Received applicant email—Request to be deferred to May 28, 2020 ZBA Meeting.
2. Case 235-002 (05-21-20): Jack Beard, 4 Stuart St., Hudson, NH requests a Home Occupation Special Exception to operate a fence installation service business with office activities of computer work for client estimates and ordering fence materials for delivery & install at job site. Some work in garage for preparation/custom installs and limited outdoor storage of material with new fence surround. [Map 235, Lot 002-000; Split Zoned General-One (G-1) and Residential-Two (R-2); HZO Article VI, §334-24, Special Exceptions, Home Occupations].
3. Case 175-088 (05-21-20): Albert J. & Ann M. Antosca, 13 Alpine Ave., Hudson, NH [Map 175, Lot 088-000; Zoned Business (B)] requests four (4) Variances:
 - (1) To allow the addition of an Accessory Dwelling Unit (ADU) to be attached to an existing single-family dwelling on a lot in the Business (B) Zoning District which does not allow single family dwellings. [HZO Article V, §334-20 and §334-21, Table of Permitted Principal Uses; and HZO Article XIII A, §334-73.3, Accessory Dwelling Units, Provisions];
 - (2) To allow the enlargement of an existing single family dwelling in the B District to be extended/enlarged to accommodate the ADU. [HZO Article VIII, §334-29, Extension or enlargement of nonconforming uses];
 - (3) To allow the ADU with a 34.6 ft. setback from Alpine Ave., 21.2 ft. setback from Cliff Ave. and 48 ft. setback from Cliff Ave. where 50 foot setbacks are required. [HZO Article VII, §334-27, Table of Minimum Dimensional Requirements];
 - (4) To allow an approx. 947 sqft. ADU where 750 sqft. is allowed. [HZO Article XIII A, §334-73.3 H, Accessory Dwelling Units, Provisions].

III. REQUEST FOR REHEARING: None

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

V. OTHER



Bruce Buttrick
Zoning Administrator

Goodwyn, Tracy

From: Buttrick, Bruce
Sent: Wednesday, April 15, 2020 4:56 PM
To: Thomas J Leonard
Cc: Goodwyn, Tracy
Subject: RE: Warren Barclay Property - Pending Variance

Jay,
I think we can accommodate your request.

Regards,

Bruce

Bruce Buttrick, MCP
Zoning and Code Enforcement

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

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

From: Thomas J Leonard [mailto:tjleonard@lawyersnh.com]
Sent: Wednesday, April 15, 2020 4:30 PM
To: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Cc: Warren Barclay (bacus50@aol.com) <bacus50@aol.com>
Subject: Warren Barclay Property - Pending Variance

Bruce,
I am not available for May 14. Would you please schedule the above hearing for May 28?
Thank you,
Jay Leonard

Thomas J. Leonard
Attorney at Law
Welts, White & Fontaine, PC
29 Factory St.
PO Box 507
Nashua, NH 03061

Ph. 603-883-0797
Cell 603-315-1084
email tjleonard@lawyersnh.com

TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

Applicant: Dr. Warren Barclay

Case # 246-001

Address: 2 Stonemill Dr.

Date: 3/12/20

Type of Appeal: Variance 1

<u>Sitting Members</u>	<u>Attendance</u>	<u>Members</u>	<u>Roll Call</u>
------------------------	-------------------	----------------	------------------

<hr/>	<u>E</u>	Charlie Brackett, Chairman	<u>E</u>
<hr/>	<u>P</u>	Gary Dearborn, Vice Chairman	<u>In Favor</u>
<hr/>	<u>P</u>	Brian Etienne	<u>/ Motion by Allen</u>
<hr/>	<u>P</u>	James Pacocha	<u>2 Second</u>
<hr/>	<u>P</u>	Gary Daddario	<u>In Favor</u>
<hr/>		Alternate - Open	<hr/>
<hr/>		Alternate - Open	<hr/>

*40 votes
March down
JDM*

*Motion by Peter to March down
4-0*

KEY

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

132 Motion made by Mr. Pacocha, seconded by Mr. Daddario and unanimously
133 voted 4:0 to grant the Special Exception as all the requirements have been
134 satisfactorily addressed. Special Exception granted. The 30-day appeal period
135 was noted.

136
137 2. Case 251-001 (03-12-20): BAE Systems, LLC, 65 Spit Brook Rd.,
138 NNH01, Nashua, NH requests a Variance for 65 River Rd., Hudson,
139 NH to allow the construction of a 37,100+/- SF high bay building
140 addition, with a maximum occupiable building height of 50 feet where
141 38 feet is allowed. [Map 251, Lot 001-000; Zoned Industrial (I); HZO
142 Article III, §334-14, Building Height].
143

144 Mr. Buttrick read the Case into the record and referenced the email received
145 3/4/2020 from Earl Blatchford, Senior Project Manager, Hayner/Swanson,
146 Inc., 3 Congress Street, Nashua, NH requesting either: (1) deferment to the
147 March 26th meeting for a Full Board if the Proposed Zoning Amendment does
148 not pass at the 3/10/2020 Town Vote; or (2) withdrawal of the application
149 without prejudice if the Proposed Zoning Amendment passes at the 3/10/2020
150 Town Meeting. The Proposed Zoning Amendment pertaining to building height
151 was passed by Town Vote; therefore, Variance not needed.

152
153 Motion made by Mr. Etienne, seconded by Mr. Pacocha and unanimously voted
154 (4:0) to accept the Applicant's request to withdraw the application without
155 prejudice.
156

157 3. Case 246-001 (03-12-20): Dr. Warren Barclay, 24 Chalifoux Rd.,
158 Hudson, NH requests two variances for 2 Stonemill Dr., Hudson, NH:
159 1) To permit the construction of an approx. 1,155 sq. ft. accessory
160 one-story building to be used as a chiropractic office accessory to the
161 primary residential use and; 2) To permit the location of the building
162 to be within the front yard setback of 30 ft. where 50 ft. is required.
163 [Map 246, Lot 001-000; Zoned Residential-Two (R-2); HZO Article III,
164 §334-10 D, Mixed or dual use on a lot and HZO Article VII, §334-27,
165 Table of Minimum Dimensional Requirements].
166

167 Mr. Buttrick read the Case into the record and referenced the email dated
168 3/10/2020 from Thomas J. Leonard, Esq., Welts, White & Fontaine, PC, 29
169 Factory Street, Nashua, NH, that acknowledged that a Full Board would not be
170 present at this meeting and requested to postpone the hearing of the Case until
171 the next available meeting (3/26/2020).
172

173 Motion made by Mr. Etienne, seconded by Mr. Pacocha and unanimously voted
174 (4:0) to accept the applicant's request and defer the hearing to the next Regular
175 Zoning Board meeting scheduled for 3/26/2020.
176

177 **IV. OTHER**



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: May 21, 2020 (postponed from March 26, 2020)

BB 5.14.20

Case 235-002 (05-21-20) (postponed from 03-26-20): Jack Beard, 4 Stuart St., Hudson, NH requests a Home Occupation Special Exception to operate a fence installation service business with office activities of computer work for client estimates and ordering fence materials for delivery & install at job site. Some work in garage for preparation/custom installs and limited outdoor storage of material with new fence surround. [Map 235, Lot 002-000; Split Zoned General-One (G-1) and Residential-Two (R-2); HZO Article VI, §334-24, Special Exceptions, Home Occupations].

Summary:

Applicant requests a Home Occupation Special Exception to operate a fence install company with: online sales, minimum/minor fabrication in garage, and with limited fenced outdoor storage.

Property description:

This is an existing non-conforming developed lot of record split by two zoning districts: (G-1 and R-2) consisting of 22, 825 sq ft (87,120 sq ft required in G-1 and 43,560 sq ft required in R-2) and 140 ft of frontage (200 ft required in G-1 and 120 required in R-2) with a single family use. The existing structures appear to satisfy all required building setbacks.

In-house (Town) review/comments:

Zoning Determination: yes
Engineering: yes
Fire Dept: none
Town Planner: none

HISTORY:

Assessing: Listed as a single family residence.

Building Permit: #2006-892 Building Permit issued March 9 2007 to: "construct a 24 x 32 attached garage."

Attachments:

- "A" Assessing record.
- "B" #2006-892 building permit (3/9/07).
- "C" Zoning Determinations.
- "D" Town Engineer in-house review/comments.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	101 - ONE FAMILY	136,100	1,800	81,400	0.52	0.00	219,300
2019	101 - ONE FAMILY	136,100	1,800	81,400	0.52	0.00	219,300
2018	101 - ONE FAMILY	132,700	0	81,400	0.52	0.00	214,100
2018	101 - ONE FAMILY	132,700	0	81,400	0.52	0.00	214,100
2017	101 - ONE FAMILY	132,700	0	81,400	0.52	0.00	214,100
2017	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2017	101 - ONE FAMILY	132,700	0	81,400	0.52	0.00	214,100
2016	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2016	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2015	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2015	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2014	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2014	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2013	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2013	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2012	101 - ONE FAMILY	101,400	0	81,400	0.52	0.00	182,800
2012	101 - ONE FAMILY	113,400	0	115,700	0.52	0.00	229,100
2011	101 - ONE FAMILY	111,800	0	115,700	0.52	0.00	227,500
2011	101 - ONE FAMILY	111,800	0	115,700	0.52	0.00	227,500
2010	101 - ONE FAMILY	111,800	0	115,700	0.52	0.00	227,500
2010	101 - ONE FAMILY	111,800	0	115,700	0.52	0.00	227,500
2009	101 - ONE FAMILY	111,800	0	115,700	0.52	0.00	227,500
2008	101 - ONE FAMILY	106,200	0	115,700	0.52	0.00	221,900
2008	101 - ONE FAMILY	106,200	0	115,700	0.52	0.00	221,900
2007	101 - ONE FAMILY	96,900	0	115,700	0.52	0.00	212,600
2007	101 - ONE FAMILY	106,600	200	85,700	0.52	0.00	192,500
2006	101 - ONE FAMILY	106,600	200	85,700	0.52	0.00	192,500
2006	101 - ONE FAMILY	106,600	200	89,500	0.65	0.00	196,300
2005	101 - ONE FAMILY	106,600	200	89,500	0.65	0.00	196,300
2005	101 - ONE FAMILY	106,600	200	89,500	0.65	0.00	196,300
2004	101 - ONE FAMILY	106,600	200	89,500	0.65	0.00	196,300
2004	101 - ONE FAMILY	85,100	400	67,100	0.65	0.00	152,600
2003	101 - ONE FAMILY	85,100	400	67,100	0.65	0.00	152,600
2003	101 - ONE FAMILY	85,100	400	67,100	0.65	0.00	152,600
2002	101 - ONE FAMILY	85,100	400	67,100	0.65	0.00	152,600
2002	101 - ONE FAMILY	85,100	400	67,100	0.65	0.00	152,600
2001	101 - ONE FAMILY	55,600	0	46,900		0.00	102,500
2000	101 - ONE FAMILY	53,600	2,000	46,900	0.65	0.00	102,500
1999	101 - ONE FAMILY	53,600	2,000	46,900	0.65	0.00	102,500

Building Permit

Date 09-Mar-2007 Permit# 2006-892

Applicant Jack Beard

4 Stuart St

Contractor's License

Permit To Garage-Attached

0 Story One Family

of Dwelling Units 0

At (Location) 4 Stuart Street
Between River Road

Zoning District
And Dracut Road

Subdivision

Map 235

Lot 2

Sublot

Lot Size 0

Building is to be 0 ft. Wide by 0 ft. Long by 0 ft. in Height and Shall Conform in Construction

to Type Wood Frame

Use Group

Foundation Type

Remarks All construction must conform to Hudson Town Codes.
Construct a 24' x 32' attached garage.

Area or Volume

0 Estimated Cost \$

\$27,739.00

Permit Fee \$

\$101.00

Owner

Jack Beard

Approved

William A. Cleback

Address

4 Stuart Street, Hudson, NH 03051

Date

MAR - 9 2007

3/9/07 - Spoke to Applicant

B



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-004

January 14, 2019

Jack Beard
4 Stuart St
Hudson, NH 03051

Re: 4 Stuart Street Map 235 Lot 002-000
Districts: Residence Two (R-2) and General One (G-1)

Dear Mr. Beard

Your request: Can you have a Home Occupation for an off-site fence installation business at this property?

Zoning Review / Determination:

Our records show this property as a developed existing lot of record, consisting of 22,825 sqft where 43,560 sqft is required in the R-2 zone, and 87,120 sqft is required in the G-1 zone. Stuart street frontage is 140 ft where 120 is required in the R-2 zone, and 150 is required in the G-1 zone. This lot is non-conforming due to insufficient area and frontage. A home occupation is allowed in both these zones with a Special Exception by the Zoning Board of Adjustment and the particular requirements of §334-24 Home Occupations. You had asked about exterior storage, section §334-24 I addresses your question: "*Exterior storage may be permitted only by special exception, granted by the Zoning Board of Adjustment, and must be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area. In situations where a combination of existing foliage and/or long distances to neighboring views provide screening, the fencing requirements may be waived at the discretion of the Board.*"

Sincerely,

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

cc: Public Folder
Brian 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.

C.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #17-124

December 29, 2017

Jack Beard
4 Stuart Street
Hudson, NH 03051

Re: 4 Stuart Street 235/002-000
District: General One (G-1) / Residential Two (R-2)

Dear Mr. Beard,

Your request: Can you open/operate a fence installation company as a home occupation?

Zoning Review / Determination:

Our records indicate that this lot and building is bisected with two zoning districts: G-1 and R-2. A home occupation is an allowed use by Special Exception if it complies with the requirements of §334-24 Home Occupation (attached). Any outdoor storage would also need Special Exception approval per section §334-24 (I).

If you desire to park/garage 2 trucks as you indicate, then a variance to section §334-24 L(2)(a) would also be required.

Sincerely,

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

encl: §334-24 Home Occupation

cc: Zoning Board of Adjustment
J. Michaud, Town Assessor
G. Theborge, Land Use Dir
Selectmen: M. McGrath and D. Morin
File

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

C₂

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

REQUEST FOR REVIEW/COMMENTS:

Case: 235-002 (03-26-20)

Property Location: 4 Stuart Street

For Town Use

Plan Routing Date: 03/06/2020 Reply requested by: 03/13/2020 ZBA Hearing Date: 03/26/2020

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 03/06/2020
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

1. Applicant shows proposed storage area (34'x40') without access from the road, which will require a second driveway for this property. Applicant should submit request for a second driveway as well, including plan, profile and sight distance for the new driveway.

D

TOWN OF HUDSON
MAR 05 2020

APPLICATION FOR A HOME OCCUPATION
SPECIAL EXCEPTION

To: Zoning Department
Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 235-002 (03-26-20)
Date Filed 3/5/20

Name of Applicant NACK BEARD Map 235 Lot: 002 Zoning District: split Zone

Telephone Number (Home) 978 846 5605 (Work) G-1; R-2

Mailing Address 4 STUART ST

Owner JACK BEARD

Location of Property 4 STUART ST HUDSON NH 03051
(Street Address)

Signature of Applicant [Signature] Date 1-27-2020

Signature of Property-Owner(s) [Signature] Date 1-27-2020

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

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

COST:			Date received: <u>3/5/20</u>
Application fee:	<u>\$4.10</u>	\$130.00	
<u>6</u> Direct Abutters x \$4.05 =		<u>24.60</u>	
<u>8</u> Indirect Abutters x \$0.55 =		<u>4.40</u>	
Total amount due:		<u>\$159</u>	Amt. received: \$ <u>159.00</u>

Receipt No.: 588,256

Received by: [Signature]

By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required:
 Engineering Fire Department Health Officer Planner

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
_____	The applicant must provide ¹⁰ 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	TG 3/5/20
✓ VBB ✓ VBB	Before making the ¹⁰ 13 copies, please review the application with the Zoning Administrator or staff.	TG.
_____	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception (<u>Home Occupation Special Exception</u>), Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG.
N/A	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	N/A.
JBB	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.
✓ VBB	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	TG.
JBB	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	TG.
N/A	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	N/A.

PLOT PLAN-

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):

*attached
certified
plot plan
dated
11/13/2006*

- 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.

VJG

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

Jodi Beard

Signature of Applicant(s)

1-27-2020

Date

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

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

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

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

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

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
235	001	VARNUM LINDA SEASRAY RE LIVING TRUST	2 STUART ST
235	005	DUCHARME, SYLVIA E	1 STUART ST
240	017	SWANSON KIM BERRY D. ARLene R.B SHEA	P.O. BOX 324 HUDSON NH
241	036	TIRONE CARL, SUSAN	6 STUART ST.
241	035	GOLEN CHAD L. % GOLEN ENGINE SERVICE	17 DRAVOT RD
* owner 235	002	JAck BEARD	4 STUART ST.

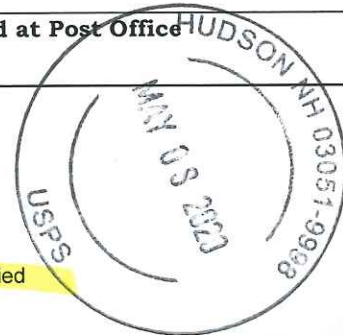
ALL INDIRECT ABUTTERS WITHIN 200 FEET

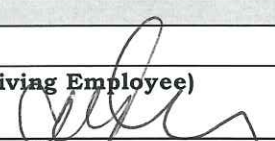
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found 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)

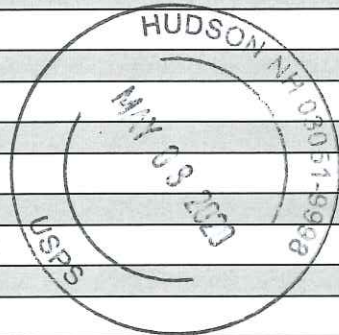
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
235	010	DESCHENES, ALBERT A. PAULINE	12 DRACUT RD.
235	009	ST KATHRYN CHURCH R. CATHOLIC BISHOP - MANCHESTER	153 ASH ST MANCHESTER NH. 03104
235	006	MASON Kevin E	9 DRACUT RD
240	016	ANAYA'S AND SONS LLC	24 BOARD ST. NASBAU NH 03064
234	048	MC GIBBON LORI	7 STUART ST
240	018	MEAD, SANDRA L. GLENN R. EMERSON	18A. RIVER RD
240	018	REGIS TREVOR E. MELANIE CLOW	18B RIVER RD
241	035	117 DRACUT ROAD LLC % GLEN ENGINE SERVICE	17 DRACUT RD

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 235-002 Home Occupation SE 4 Stuart Street Map 235/Lot 002-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address		5/21/20 3/26/2020 ZBA Meeting
1	7018 2290 0001 3001 3539	BEARD, JACK B.		APPLICANT/OWNER-NOTICE SENT
2	7018 2290 0001 3001 3546	4 STUART STREET, HUDSON, NH 03051 VARNUM, LINDA JO, TR.; SEASPRAY REV LIVING TRUST		ABUTTER NOTICE SENT
3	7018 2290 0001 3001 3553	2 STUART STREET, HUDSON, NH 03051 DUCHARME, SYLVIA E.		ABUTTER NOTICE SENT
4	7018 2290 0001 3001 3560	1 STUART STREET, HUDSON, NH 03051 SWANSON, KIMBERLY D.; SHEA, ARLINE R.B.		ABUTTER NOTICE SENT
5	7018 2290 0001 3001 3577	PO BOX 324, HUDSON, NH 03051 TIRONE, CARL; TIRONE, SUSAN O.		ABUTTER NOTICE SENT
6	7018 2290 0001 3001 3584	6 STUART ST., HUDSON, NH 03051 GOLEN, CHAD L.; C/O GOLEN ENGINE SERVICE		ABUTTER NOTICE SENT
		17 DRACUT ROAD, HUDSON, NH 03051		
7				
8				
9				
10				
11				
12				
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6		Postmaster (receiving Employee) <i>C. Cole</i>

Direct Certified



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 235-002 Home Occupation SE 4 Stuart Street Map 235/Lot 002-000 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	5/21/20 3/26/2020 ZBA Meeting	
1	N/A-mailed First Class DESCHENES, ALBERT A., TR.; DESCHENES, PAULINE A., TR.; DESCHENES REVOCABLE TRUST 12 DRACUT ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
2	N/A-mailed First Class ST. KATHRYN CHURCH; R. CATHOLIC BISHOP-MANCHESTER 153 ASH STREET, MANCHESTER, NH 03104	ABUTTER NOTICE SENT	
3	N/A-mailed First Class MASON, KEVIN C. 9 DRACUT ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	N/A-mailed First Class ANAYA'S AND SONS LLC 24 BROAD ST., NASHUA, NH 03064	ABUTTER NOTICE SENT	
5	N/A-mailed First Class MCGIBBON, LORI 7 STUART ST., HUDSON, NH 03051	ABUTTER NOTICE SENT	
6	N/A-mailed First Class MEAD, SANDRA L.; EMERSON, GLENN R. 18A RIVER ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
7	N/A-mailed First Class REGIS, TREVOR E.; CLOW, MELANIE L. 18B RIVER ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
8	N/A-mailed First Class 117 DRACUT ROAD, LLC; C/O GOLEN ENGINE SERVICE 17 DRACUT ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT	
9			
10			
11			
12			
13			
14			
15			
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office 8	Postmaster (receiving Employee) 



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

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

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

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

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

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

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

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

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

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

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

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

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

FENCE INSTALLATION SERVICE
OFFICE ACTIVITY COMPUTER WORK - CALLING OR EMAIL
CLIENT FOR ESTIMATES - JOB INSTALLS -
ORDERING FENCE FOR DELIVERY

DAYTIME WE INSTALL FENCE AT JOB SITE #1 - (cont'd)

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

see attached

YES I LIVE IN THE HOUSE

BUSINESS IS SECONDARY USE

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

- ① Computer - OFFICE ACTIVITY -
- ② SOME WORK IN GARAGE FOR PREP

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

YES SOMETIME TRUCK WITH SUPPLIES PARK FRONT

WANT TO PUT NEW FENCE ON RIGHT SIDE OF YARD AROUND STORAGE AREA
SEE PICTURES

(Continued) from pg. 7.

/

ONE FLATBED ISUZU USED
2 OR 3 TIMES A WEEK

PICKUP TRUCK JACKS EVERYDAY USE

PICKUP TRUCK SHAWN EVERYDAY USE

MISC. TOOL IN GARAGE FOR CUSTOM INSTALLS

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

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

FENCEYARD to Right of House 34x40
STORAGE AREA 6' WOOD FENCE WITH BUSHES
AND TREES * SEE PICTURE *

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

NO OFF SITE WORK

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

ESTIMATES AND WORK DONE AT JOB SITES
MATERIAL DELIVERED TO SITE - MORNING WE
LOAD TOOLS FOR THE DAY - INSTALL AT SITE

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

NO

Who will be conducting the home occupation? Please explain.

JAACK BEARD OWNER - RESIDENT
TIFFANY BEARD - DAUGHTER
SHAWN SWETT - FRIEND

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

1 - TOYOTA COROLLA - IN GARAGE
1 - PICKUP TRUCK - JAACK DRIVEWAY PARKING
1 - PICKUP TRUCK - SHAWN DRIVEWAY PARKING
1 ISUZU TRUCK - DRIVEWAY PARKING



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-004

January 14, 2019

Jack Beard
4 Stuart St
Hudson, NH 03051

Re: 4 Stuart Street Map 235 Lot 002-000
Districts: Residence Two (R-2) and General One (G-1)

Dear Mr. Beard

Your request: Can you have a Home Occupation for an off-site fence installation business at this property?

Zoning Review / Determination:

Our records show this property as a developed existing lot of record, consisting of 22,825 sqft where 43,560 sqft is required in the R-2 zone, and 87,120 sqft is required in the G-1 zone. Stuart street frontage is 140 ft where 120 is required in the R-2 zone, and 150 is required in the G-1 zone. This lot is non-conforming due to insufficient area and frontage.

A home occupation is allowed in both these zones with a Special Exception by the Zoning Board of Adjustment and the particular requirements of §334-24 Home Occupations. You had asked about exterior storage, section §334-24 I addresses your question: "*Exterior storage may be permitted only by special exception, granted by the Zoning Board of Adjustment, and must be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area. In situations where a combination of existing foliage and/or long distances to neighboring views provide screening, the fencing requirements may be waived at the discretion of the Board.*"

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Brian Groth – Town Planner
File

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #17-124

December 29, 2017

Jack Beard
4 Stuart Street
Hudson, NH 03051

Re: 4 Stuart Street 235/002-000
District: General One (G-1) / Residential Two (R-2)

Dear Mr. Beard,

Your request: Can you open/operate a fence installation company as a home occupation?

Zoning Review / Determination:

Our records indicate that this lot and building is bisected with two zoning districts: G-1 and R-2. A home occupation is an allowed use by Special Exception if it complies with the requirements of §334-24 Home Occupation (attached). Any outdoor storage would also need Special Exception approval per section §334-24 (I).

If you desire to park/garage 2 trucks as you indicate, then a variance to section §334-24 L(2)(a) would also be required.

Sincerely,

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

encl: §334-24 Home Occupation

cc: Zoning Board of Adjustment
J. Michaud, Town Assessor
G. Thebarger, Land Use Dir
Selectmen: M. McGrath and D. Morin
File

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

235 002 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPAISED: 214,100 / 214,100
USE VALUE: 214,100 / 214,100
ASSESSED: 214,100 / 214,100



PROPERTY LOCATION

No	Alt No	Direction/Street/City
4		STUART ST, HUDSON

OWNERSHIP

Owner 1:	BEARD, JACK B.
Owner 2:	
Owner 3:	
Street 1:	4 STUART STREET
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

PREVIOUS OWNER

Owner 1:	JOHNSTON, RICHARD & PATRICIA -
Owner 2:	-
Street 1:	4 STUART STREET
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains .524 ACRES of land mainly classified as ONE FAMILY with a RANCH Building built about 1960, having primarily WOOD SHINGLE Exterior and 1320 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 0 HalfBath, 6 Rooms, and 3 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	1	LEVEL
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	% Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		0.524		SITE ACRE SITE			0	95,000		1.64	RD					81,434					81,400	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.524	132,700		81,400	214,100
Total Card		0.524	132,700	81,400	214,100
Total Parcel		0.524	132,700	81,400	214,100
Source: Market Adj Cost		Total Value per SQ unit /Card:		162.20	/Parcel: 162.20

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2017	101	FV	132,700	0	.524	81,400	214,100	214,100	Year End Roll	10/26/2017
2017	101	PV	132,700	0	.524	81,400	214,100	214,100	Year End Roll	8/28/2017
2017	101	JB	101,400	0	.524	81,400	182,800	182,800	Year End Roll	5/10/2017
2016	101	FV	101,400	0	.524	81,400	182,800	182,800	Year End Roll	8/30/2016
2016	101	JB	101,400	0	.524	81,400	182,800		Year End Roll	5/11/2016
2015	101	FV	101,400	0	.524	81,400	182,800	182,800	Year End Roll	8/26/2015
2015	101	JB	101,400	0	.524	81,400	182,800		Year End Roll	5/8/2015
2014	101	FV	101,400	0	.524	81,400	182,800	182,800	Year End Roll	9/4/2014

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
JOHNSTON, RICHA	6622-2441	1	4/25/2002		164,900	No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
3/9/2007	2006-892	GARAGE	27,800	C	6/15/2007			NOT STARTED AS OF

ACTIVITY INFORMATION

Date	Result	By	Name
9/8/2011	Measured	14	APPR TECH 4
4/15/2009	NC Visit	10	APPRAISER II
3/19/2008	NC Visit	10	APPRAISER II
2/15/2008	Permit Visit	10	APPRAISER II
6/29/2007	Measured	6	RB
6/18/2007	Info By Phon	3	ASMNT TECH
6/15/2007	Permit Visit	3	ASMNT TECH
7/25/2006	New Maps	1	ASST ASSESS
8/3/2001	Left Notice	0	PATRIOT

Sign: _____

Total AC/HA: 0.52400 Total SF/SM: 22825 Parcel LUC: 101 ONE FAMILY Prime NB Desc: RES AV/FR Total: 81,434 Spl Credit: Total: 81,400

EXTERIOR INFORMATION

Type:	19 - RANCH
Sty Ht:	1 - ONE STY
(Liv) Units:	1 - Total: 1
Foundation:	1 - CONCRETE
Frame:	1 - WOOD
Prime Wall:	01 - WOOD SHINGLE
Sec Wall:	20 - COMP CLA 40%
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	GREEN/GREY
View / Desir:	

GENERAL INFORMATION

Grade:	C - AVERAGE		
Year Blt:	1960	Eff Yr Blt:	
Alt LUC:		Alt %:	
Jurisdic:		Fact:	
Const Mod:			
Lump Sum Adj:			

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:	

COMMENTS

9-8-11 EXT INSP:FENCED IN REAR YARD.
COULDNT VERIFY REAR MEASUREMENTS..

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:	3	Baths:	1	HB	

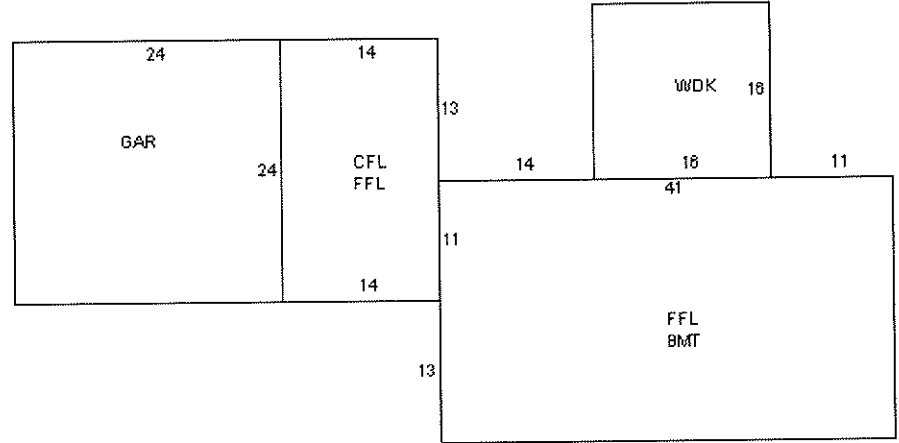
REMODELING

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

RES BREAKDOWN

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

SKETCH



INTERIOR INFORMATION

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

DEPRECIATION

Phys Cond:	AV - Average	32%
Functional:		%
Economic:	L - LOCATION	10%
Special:		%
Override:		%
Total:		38.8%

CALC SUMMARY

Basic \$ / SQ:	105.00
Size Adj.:	1.18181825
Const Adj.:	0.99560165
Adj \$ / SQ:	123.545
Other Features:	0
Grade Factor:	1.00
Neighborhood Inf:	1.00000000
LUC Factor:	1.00
Adj Total:	216821
Depreciation:	84126
Depreciated Total:	132694

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:				Ind.Val
AvRate:				
Juris. Factor:			Before Depr:	123.55
Special Features:	0		Val/Su Net:	38.22
Final Total:	132700		Val/Su SzAd:	100.53

SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	
FFL	FIRST FLOOR	1,320	123.550	163,080	
BMT	BASEMENT	984	26.560	26,137	
GAR	GARAGE	576	34.050	19,613	
CFL	CATHEDR AREA	336	12.350	4,151	
WDK	WOOD DECK	256	15.000	3,839	
Net Sketched Area:		3,472	Total:	216,820	
Size Ad	1320	Gross Area	3472	FinArea	1320

SUB AREA DETAIL

Sub Area	% Usbl	Descrp	% Type	Qu #	Ten
BMT	100	RRM	50	AV	

MOBILE HOME

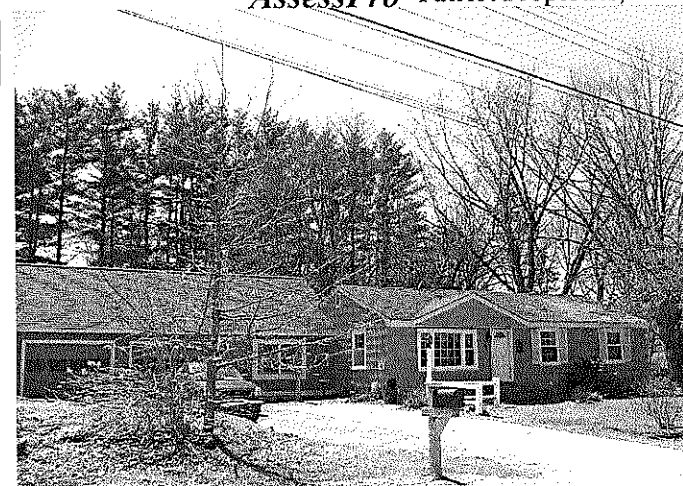
Make:		Model:		Serial #		Year:		Color:	
-------	--	--------	--	----------	--	-------	--	--------	--

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

PARCEL ID 235-002-000

IMAGE



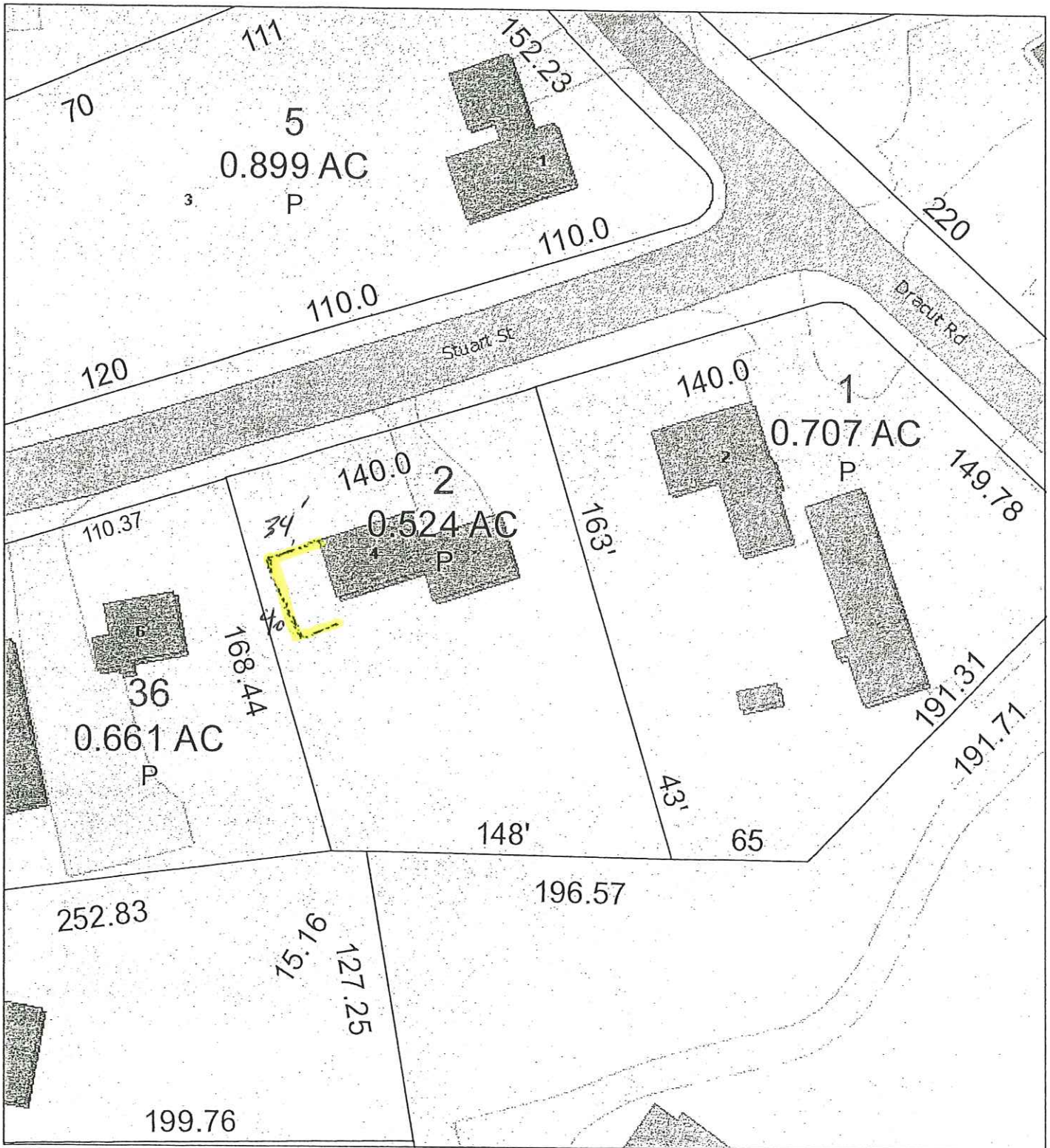
AssessPro Patriot Properties, Inc

More: N


Total Yard Items:

Total Special Features:

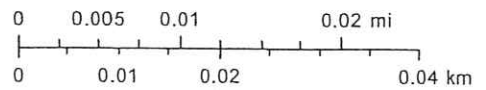
Total:



January 8, 2019

Legend
 Parcels

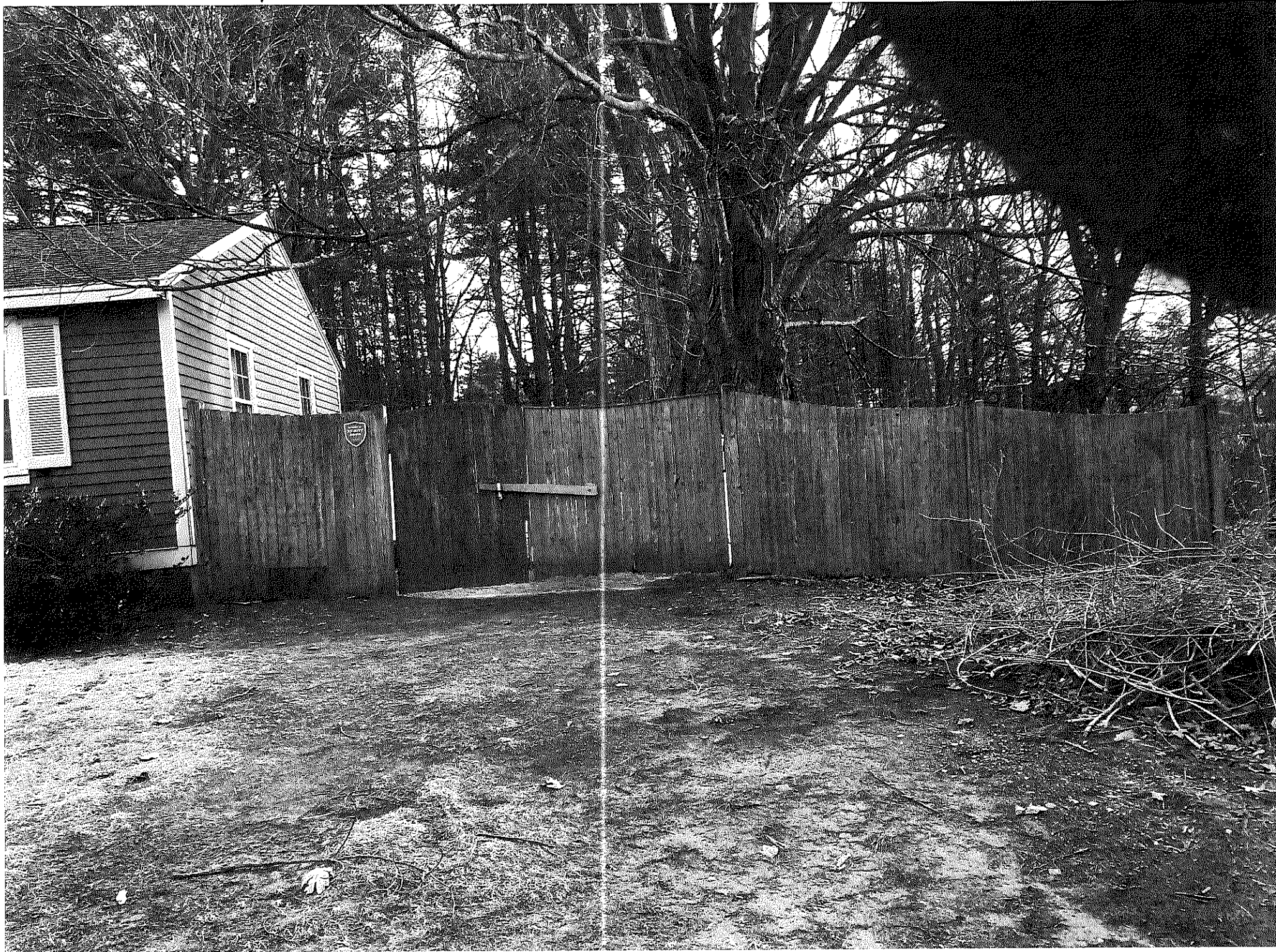
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Storage AREA.

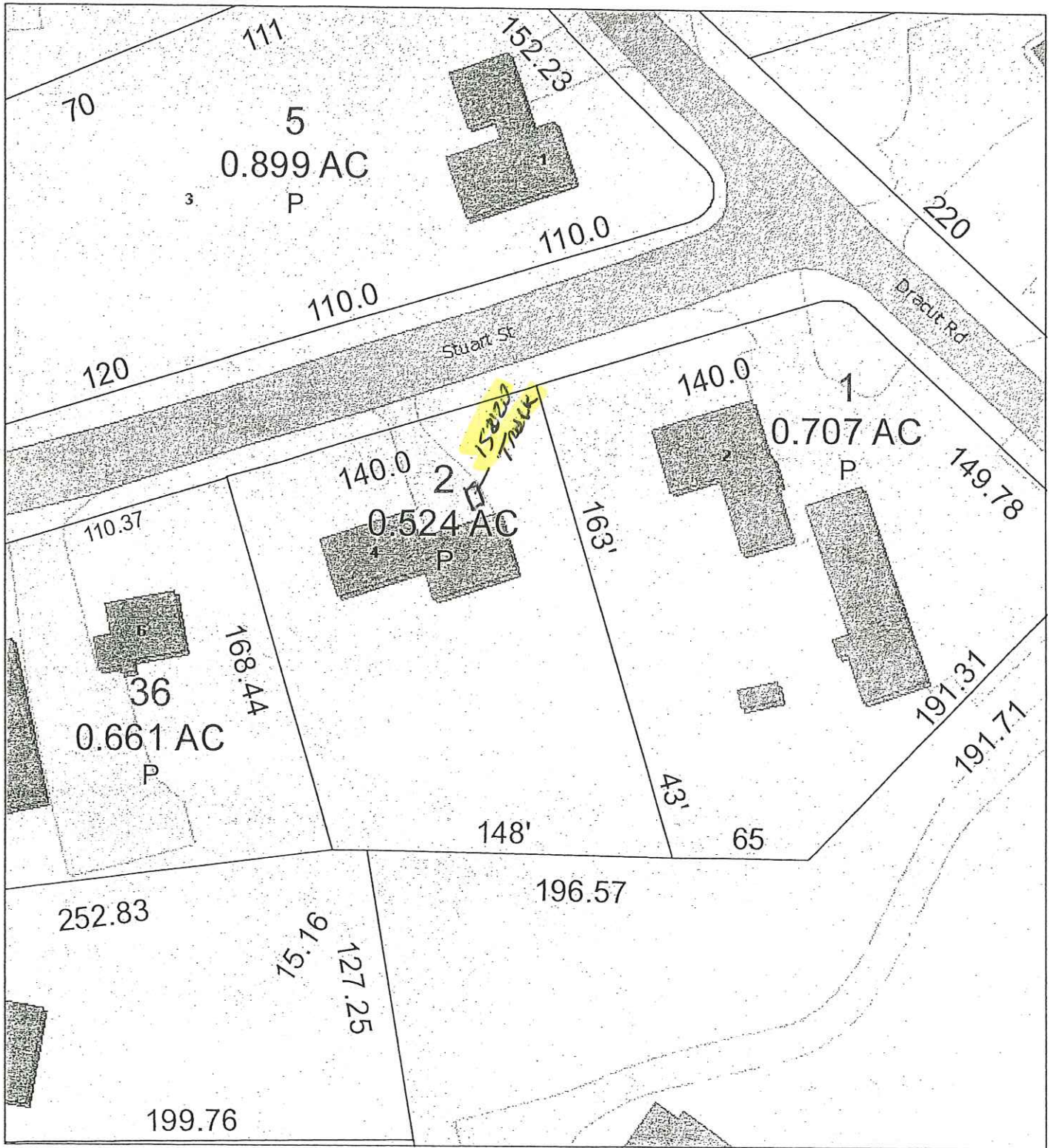


FRONT OF HOUSE RT SIDE STORAGE AREA



FRONT + SIDE STORAGE AREA





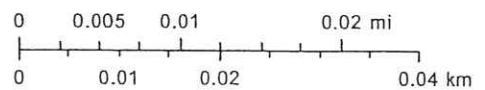
January 8, 2019

Legend

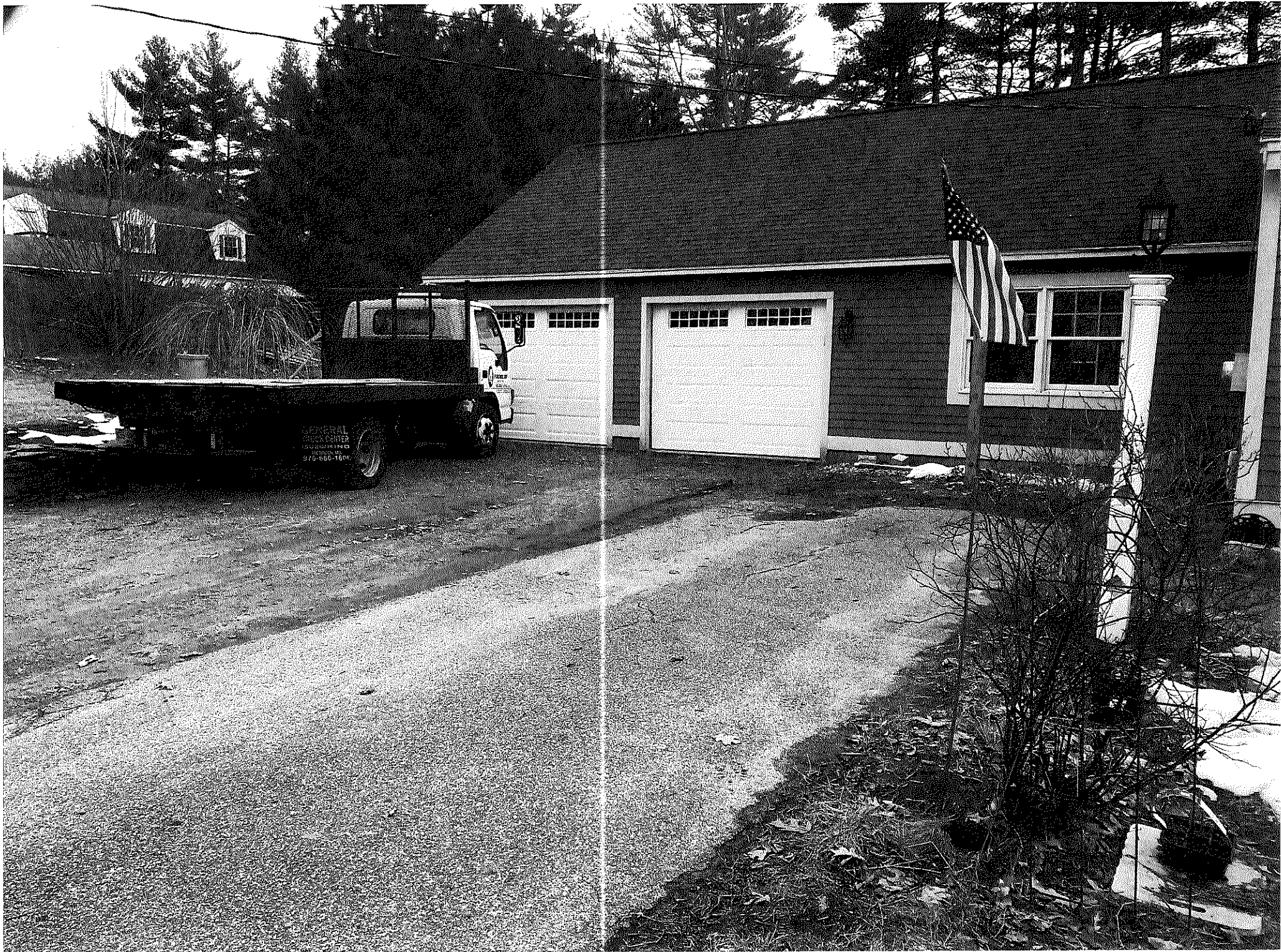
 Parcels

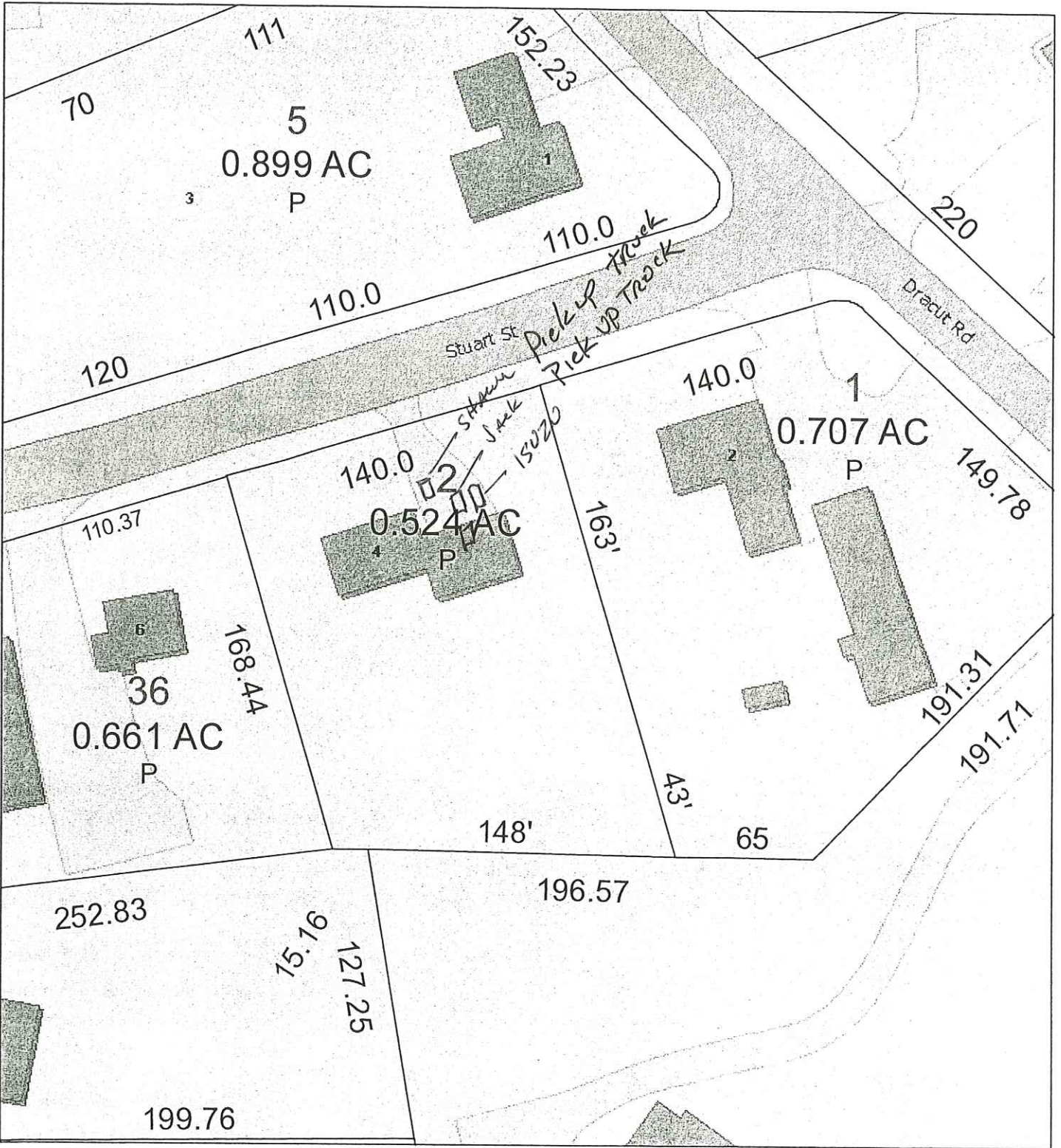
Day time
PARKING

1:743



15/20 TRUCK

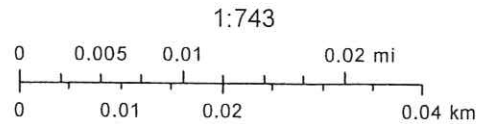




January 8, 2019

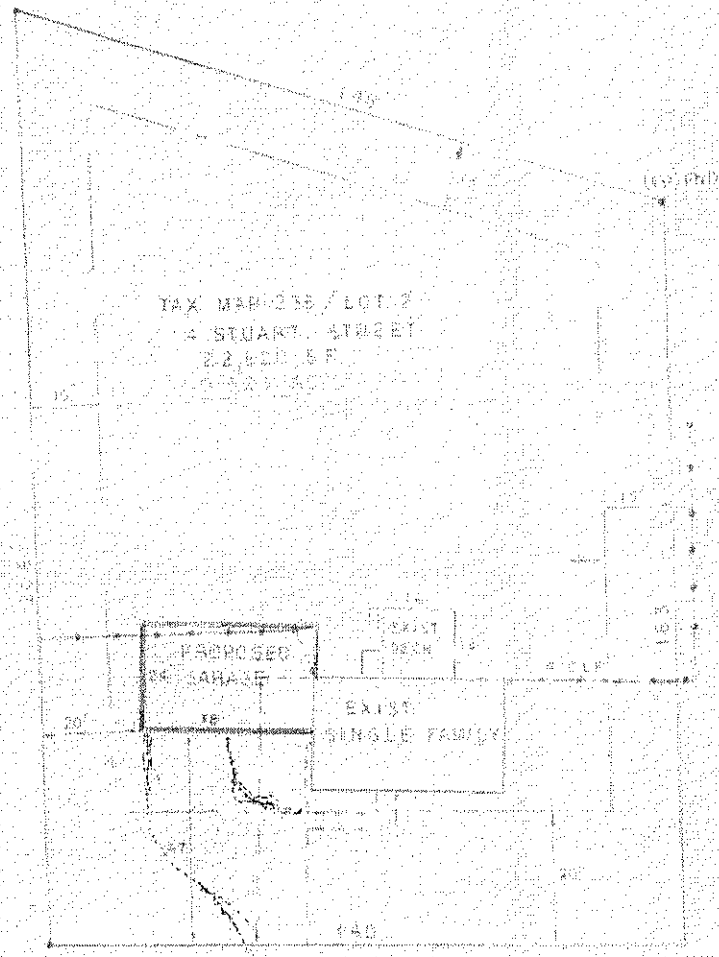
Legend
[] Parcels

*OVER SITE
PARKING*

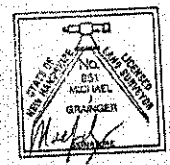


PLAN REFERENCE: RCMD # 1515

DEED REFERENCE: BOOK 6622 PAGE 2441



I HEREBY CERTIFY THAT THE BUILDING OR FOUNDATION WAS LOCATED AS SHOWN AND THAT IT CONFORMS TO THE ZONING ORDINANCES OF THE TOWN OF HUDSON, NH. ALL EVIDENCE OF EASEMENT AND/OR ENCROACHMENTS WHETHER OVERHEAD OR UNDERGROUND, BUT PLAINLY VISIBLE FROM THE SURFACE ARE LOCATED APPROXIMATELY AS SHOWN. THE PROPERTY IS NOT IN A FLOOD HAZARD BOUNDARY MAP.



TAX MAP 235 / LOT 2
CERTIFIED PLOT PLAN

4 STUART STREET
HUDSON, NH

PREPARED FOR: JEFF BEARD
4 STUART STREET
HUDSON, NH 03051

SCALE: 1" = 20' NOVEMBER 13, 2006

MI GRANGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD - HUDSON, NH 03051 - (603) 682-4359

INC 5-159

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.
1	11/13/06	ISSUE	MG	

Printed
3/05/2020
2:16PM
Created
3/05/2020
2:14 PM

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

Receipt# 588,256
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-3/26/20 ZBA Meeting 4 Stuart Street Map/Lot 235-002-000 Home Occupation SE	0.00	159.0000	0.00
			Total:	159.00

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Jack Beard	CHECK	CHECK# 2293	159.00	0.00	159.00
			Total Due:		159.00
			Total Tendered:		159.00
			Total Change:		0.00
			Net Paid:		159.00



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

BH 5-14-20

Meeting Date: May 21, 2020 (postponed from March 26, 2020)

Case 175-088 (05-21-20): Albert J. & Ann M. Antosca, 13 Alpine Ave., Hudson, NH

[Map 175, Lot 088-000; Zoned Business (B)] requests four (4) Variances:

- (1) To allow the addition of an Accessory Dwelling Unit (ADU) to be attached to an existing single-family dwelling on a lot in the Business (B) Zoning District which does not allow single family dwellings. [HZO Article V, §334-20 and §334-21, Table of Permitted Principal Uses; and HZO Article XIII, §334-73.3, Accessory Dwelling Units, Provisions];
- (2) To allow the enlargement of an existing single family dwelling in the B District to be extended/enlarged to accommodate the ADU. [HZO Article VIII, §334-29, Extension or enlargement of nonconforming uses];
- (3) To allow the ADU with a 34.6 ft. setback from Alpine Ave., 21.2 ft. setback from Cliff Ave. and 48 ft. setback from Cliff Ave. where 50 foot setbacks are required. [HZO Article VII, §334-27, Table of Minimum Dimensional Requirements];
- (4) To allow an approx. 947 sqft. ADU where 750 sqft. is allowed. [HZO Article XIII, §334-73.3 H, Accessory Dwelling Units, Provisions].

Summary:

Applicant requests variances to allow an ADU/addition which is a prohibited use in this zone, expansion of existing non-conforming use, oversized ADU, and setback encroachments along 3 streets.

Property description:

This is an existing non-conforming developed lot of record consisting of 20,298 sqft. (43,560 sqft. required) and has 3 street frontages: 150 ft. of frontage along Cliff Ave, 113 ft. of frontage along Cliff Ave, and 155.7 ft. along Alpine Ave (150 ft. required on all streets) currently with an existing non-conforming use as a single family. The existing structures appear to satisfy all required building setbacks, except the shed in rear of house. The applicant has been alerted that it either be moved to comply (with setbacks) or apply for an Equitable Waiver of Dimensional Requirement.

In-House (Town) review/comments:

Zoning Determinations: yes
Engineering: yes
Fire Dept.: none
Town Planner: none

HISTORY:

Assessing: Listed as a single family residence.

Planning Board: Feb 13, 2019 Lot Merger

Building Permits: # 2003-550: to build a 24 x 20 addition and a 5 x 24 porch, issued May 20, 2003;

469-89: to build 10 x 12 shed, issued June 6, 1989; # 647-88: to build a 12 x 19 deck, issued June 16, 1988.

Attachments:

“A” Assessing record.

“B” Lot merger

“C1”: # 2003-550; “C2”: # 469-89; “C3”: # 647-88

“D” Zoning Determinations:#19-017;#19-048;#19-058

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

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	166,200	4,400	92,400	0.47	0.00	263,000
2019	101 - ONE FAMILY	150,300	1,500	92,400	0.47	0.00	244,200
2019	101 - ONE FAMILY	150,300	1,500	92,400	0.47	0.00	244,200
2018	101 - ONE FAMILY	150,300	1,500	89,200	0.37	0.00	241,000
2018	101 - ONE FAMILY	150,300	1,500	89,200	0.37	0.00	241,000
2017	101 - ONE FAMILY	150,300	1,500	89,200	0.37	0.00	241,000
2017	101 - ONE FAMILY	115,800	1,900	85,200	0.37	0.00	202,900
2017	101 - ONE FAMILY	150,300	1,500	89,200	0.37	0.00	241,000
2016	101 - ONE FAMILY	115,800	1,900	85,200	0.37	0.00	202,900
2016	101 - ONE FAMILY	113,200	1,900	85,200	0.37	0.00	200,300
2015	101 - ONE FAMILY	113,200	1,900	85,200	0.37	0.00	200,300
2015	101 - ONE FAMILY	113,200	1,900	85,200	0.37	0.00	200,300
2014	101 - ONE FAMILY	113,200	1,900	85,200	0.37	0.00	200,300
2014	101 - ONE FAMILY	113,200	1,900	85,200	0.37	0.00	200,300
2013	101 - ONE FAMILY	110,500	1,900	85,200	0.37	0.00	197,600
2013	101 - ONE FAMILY	110,500	1,900	85,200	0.37	0.00	197,600
2012	101 - ONE FAMILY	110,500	1,900	85,200	0.37	0.00	197,600
2012	101 - ONE FAMILY	118,700	1,100	113,500	0.37	0.00	233,300
2011	101 - ONE FAMILY	118,700	1,100	113,500	0.37	0.00	233,300
2011	101 - ONE FAMILY	118,700	1,100	113,500	0.37	0.00	233,300
2010	101 - ONE FAMILY	118,700	1,100	113,500	0.37	0.00	233,300
2010	101 - ONE FAMILY	118,700	1,100	113,500	0.37	0.00	233,300
2009	101 - ONE FAMILY	118,700	1,100	113,500	0.37	0.00	233,300
2008	101 - ONE FAMILY	118,700	1,100	113,500	0.37	0.00	233,300
2008	101 - ONE FAMILY	118,700	1,100	113,500	0.37	0.00	233,300
2007	101 - ONE FAMILY	118,700	1,100	113,500	0.37	0.00	233,300
2007	101 - ONE FAMILY	120,900	800	85,200	0.37	0.00	206,900
2006	101 - ONE FAMILY	121,100	800	85,200	0.37	0.00	207,100
2006	101 - ONE FAMILY	121,100	800	85,200	0.37	0.00	207,100
2005	101 - ONE FAMILY	121,100	800	85,200	0.37	0.00	207,100
2005	101 - ONE FAMILY	121,100	800	84,500	0.35	0.00	206,400
2004	101 - ONE FAMILY	121,100	800	84,500	0.35	0.00	206,400
2004	101 - ONE FAMILY	96,800	700	64,400	0.35	0.00	161,900
2003	101 - ONE FAMILY	89,200	700	64,400	0.35	0.00	154,300
2003	101 - ONE FAMILY	89,200	700	64,400	0.35	0.00	154,300
2002	101 - ONE FAMILY	89,200	700	64,400	0.35	0.00	154,300
2002	101 - ONE FAMILY	89,200	700	64,400	0.35	0.00	154,300
2001	101 - ONE FAMILY	53,700	0	39,000		0.00	92,700
2000	101 - ONE FAMILY	51,400	2,300	39,000	0.35	0.00	92,700
1999	101 - ONE FAMILY	51,400	2,300	39,000	0.35	0.00	92,700

" A "

FEES:	10.50
SURCHARGE:	2.00
CASH:	—

#546
Hudson
Planning

APPLICATION TO MERGE LOTS FOR TAX ASSESSMENT AND LAND USE PURPOSES

TOWN OF HUDSON, NEW HAMPSHIRE

The undersigned, Anna M + Albert J Antosca (type or print name here)
is / are the owner(s) of lots or parcels shown on the Town Tax Maps as follows:

Tax Map	<u>175</u>	Lot	<u>088</u>
Tax Map	<u>175</u>	Lot	<u>089</u>
Tax Map	_____	Lot	_____

The undersigned requests that the Town of Hudson Planning Board combine the above described parcels or lots into one parcel or one lot to be known as, Tax Map 175, Lot 088 for tax assessment, and land use purposes.

The undersigned acknowledges and agrees that the merged lots or parcels shall be shown as a single lot or single parcel on the Town Tax map and shall be one lot or one parcel for land use purposes. The Town of Hudson will assess the merged lots or merged parcels as a single lot or a single parcel.

If at any time the undersigned, or its heirs, legatees, successors and assigns of the undersigned wish to subdivide the merged lot or merged parcel, subdivision approval must be obtained from the Town of Hudson Planning Board under the Town of Hudson Subdivision of Land Regulations.

The undersigned agrees that the approval of this application shall be filed at the expense of the undersigned in the Hillsborough County Registry of Deeds.

Dated this 7th day of February, 2019.

Anna M Antosca (SIGN HERE)
LANDOWNER

Albert J Antosca (SIGN HERE)
LANDOWNER

Anna M Antosca
(TYPE OR PRINT NAME)

Albert J Antosca
(TYPE OR PRINT NAME)

This application for the merger of lots for tax assessment and land use purposes is approved by action of the Town of Hudson Planning Board. This application shall be recorded in the Hillsborough County Registry of Deeds.

Dated this 13 day of February, 2019.

Town of Hudson, NH Planning Board

[Signature]
Chairperson

B

Amount Paid

B (Framing)

Date 20-May-2003 Permit# 2003-550

Applicant **Mimco Builders** 7 St. Laurent Drive Contractor's License
Permit To **Addition** 0 Story **One Family** # of Dwelling Units **0**

At (Location) **13 Alpine Ave.** Zoning District
Between **State Street** And **Burnham Road**

Subdivision Map **58** Lot **23** Sublot Lot Size **0**
Building is to be **0** ft. Wide by **0** ft. Long by **0** ft. in Height and Shall Conform in Construction
to Type **Wood Frame** Use Group Foundation Type

Remarks **All construction must conform to Hudson Town Codes.**
Construct a 24' x 20' addition and a 5' x 24' porch. A final buiding inspection is required by the
Building and Fire department prior to occupancy.

Area or Volume **0** Estimated Cost \$ **\$30,000.00** Permit Fee \$ **\$112.50 PAID**
Owner **Al & Anne Antosca** Approved *William A. Olszewski*
Address **13 Alpine Ave, Hudson, NH 03051** Date **MAY 20 2003**

C₁



BUILDING PERMIT APPLICATION

COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson
12 School Street
Hudson, New Hampshire
Phone (603) 886-6005 Fax (603) 594-1142

2003-550



Address: 13 Alpine Ave

Cross Roads: State Street and Burnham Road

Site/Sub Plan: _____

Map 58

Lot 23

Zone _____

HCRD _____

Residential

Single family detached

Townhouse

Duplex

3+ family dwelling (# of units _____)

Other _____

Type of Improvement

New Building

Addition

Alteration/Renovation

Repair/Replacement

Conversion of +/- dwelling units

Other _____

Deck

Shed

Swim Pool

Garage

Carport

Commercial

Office/Bank/Professional

Hospital/Medical

Industrial/Warehouse

Restaurant

Other _____

Garage

School

Store

Utility

Type of Improvement

New Building

Addition

Alteration/Renovation

Repair/Replacement

Conversion from residential to commercial space

Other _____

Deck

Shed

Swim Pool

Interior Demo

Total Cost of Project Excluding plumbing, electrical, mechanical, fire suppression, elevator, etc.

\$ 30,000

General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use.

24x20 Great Room Full Foundations and

A 5x24 Porch

Square Footage Footprint _____ Renovated/added 20x24 Number of stories _____

Living area of new home (exclude unfinished areas and garage) _____ Total area of bldg _____

Principal Type of Frame

Masonry (wall bearing)

Wood Frame

Structural steel

Reinforced concrete

Other-Specify _____

Type of Sewage Disposal

Town or private company (requires Town permit)

Private (septic tank, ect.)

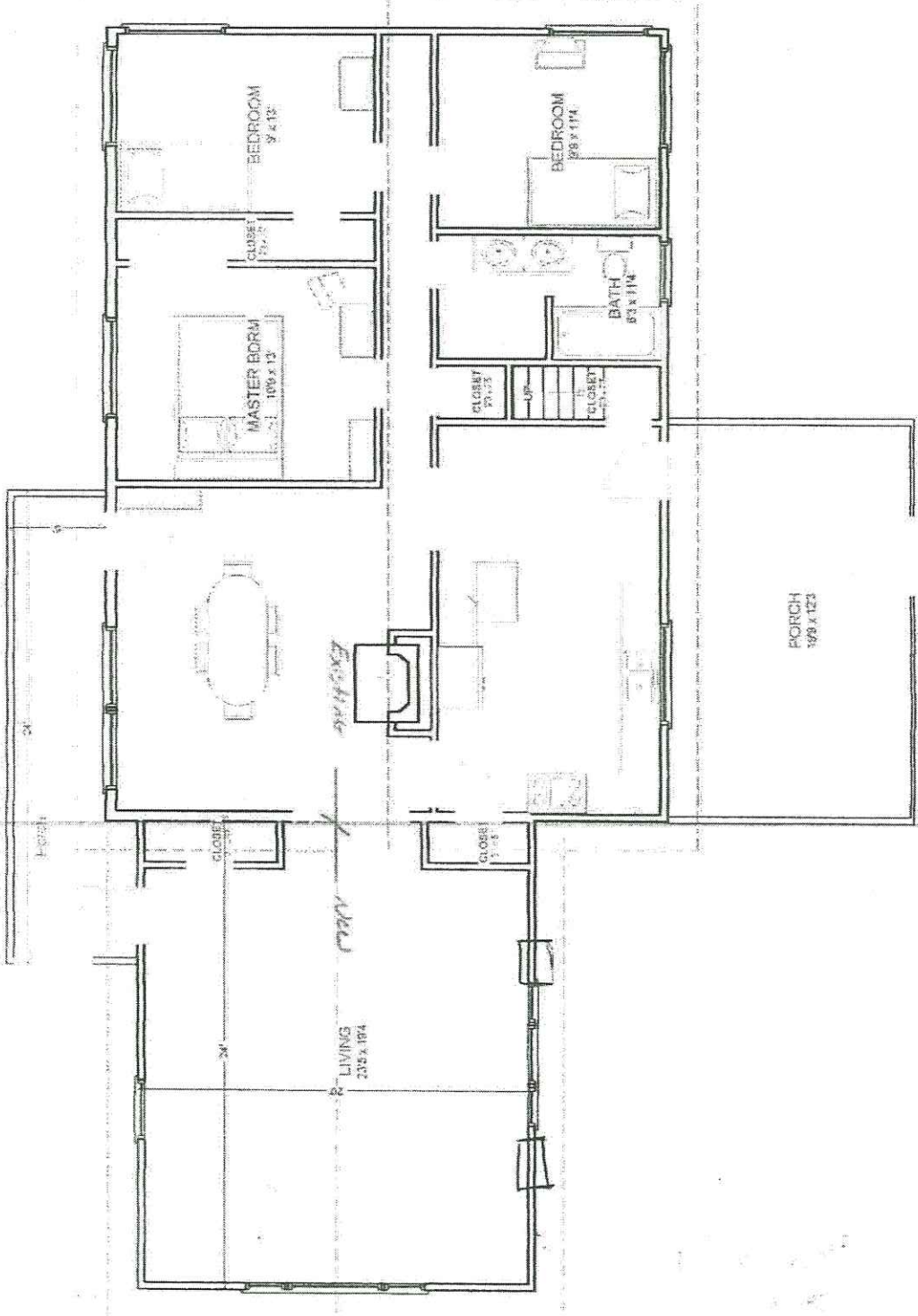
Type of Water Supply

Public or private

Private (well, cistern)

C1

13 Alpine Drive 58/23



LIVING AREA
1687 sq ft
24' West Point - 13 Alpine Ave
Fireplace

5

Map 58 Lot 23

BUILDING PERMIT

DEPT. FILE COPY

AMOUNT PAID
VALIDATION

SHED

APPLICANT Mark & Luara Trottier DATE June 6 19 89 PERMIT NO. 469-89

PERMIT TO build shed ADDRESS 13 Alpine Avenue Hudson, New Hampshire
(TYPE OF IMPROVEMENT) (NO.) STORY (PROPOSED USE) NUMBER OF DWELLING UNITS

AT (LOCATION) 13 Alpine Avenue ZONING DISTRICT B-2
(NO.) (STREET)

BETWEEN Ruskin AND Burnham
(CROSS STREET) (CROSS STREET)

SUBDIVISION LOT 23 BLOCK 58 LOT SIZE

BUILDING IS TO BE _____ FT. WIDE BY 10 FT. LONG BY 12 FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION _____ (TYPE)

REMARKS: Mark to build the 10' x 12' shed himself

AREA OR VOLUME _____ (CUBIC/SQUARE FEET) ESTIMATED COST \$ 750.00 PERMIT FEE \$ 10.00

OWNER Mark & Laura Trottier tel 880-3708 Edward P. Madigan, Bldg Inspector

ADDRESS 13 Alpine Avenue Hudson, N. H. 03051 BUILDING DEPT. BY Edward P. Madigan

(Affidavit on reverse side of application to be completed by authorized agent of owner)

FORM NO. BOCA-BP 1969

C2

rec'd 50' plash 6/2/89



TOWN OF HUDSON — Building/Zoning

APPLICATION FOR
PLAN EXAMINATION AND
BUILDING PERMIT
886-6005

MAP 58 LOT 23-1 STREET 13 Alpine Ave

IMPORTANT — Applicant to complete all items in sections I, II, III, IV, and IX.

I. LOCATION OF BUILDING

AT (LOCATION) 13 Alpine Ave (STREET) ZONING DISTRICT _____

BETWEEN Alpine (CROSS STREET) AND Cliff Ave (CROSS STREET)

SUBDIVISION _____ MAP 58 LOT 23-1 LOT SIZE _____

II. TYPE AND COST OF BUILDING — All applicants complete Parts A-D

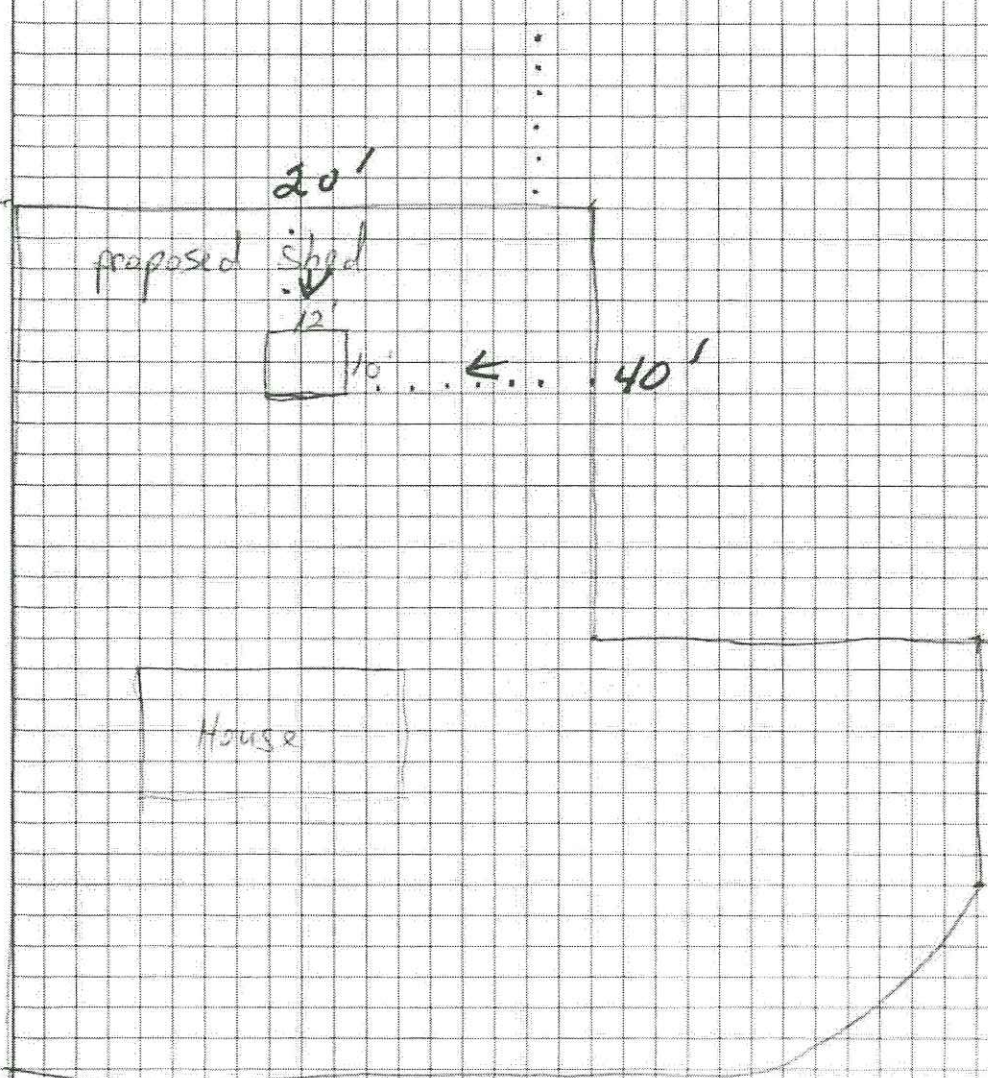
<p>A. TYPE OF IMPROVEMENT</p> <p>1 <input checked="" type="checkbox"/> New Building</p> <p>2 <input type="checkbox"/> Addition (If residential, enter number of Bdrm/Baths added, if any, in Sec. III, Part L)</p> <p>3 <input type="checkbox"/> Alteration (See 2 above)</p> <p>4 <input type="checkbox"/> Repair, replacement</p> <p>5 <input type="checkbox"/> Wrecking (If multi-family residential, enter number of units in building in Part D, 13)</p> <p>6 <input type="checkbox"/> Moving (relocation)</p> <p>7 <input type="checkbox"/> Foundation only</p>	<p>D. PROPOSED USE - (For "Wrecking" most recent use)</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p>Residential</p> <p>12 <input type="checkbox"/> One family</p> <p>13 <input type="checkbox"/> Two or more family - Enter number of units _____</p> <p>14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____</p> <p>15 <input type="checkbox"/> Garage</p> <p>16 <input type="checkbox"/> Carport</p> <p>17 <input type="checkbox"/> Other - Specify (shed, pool, fireplace) <u>Shed - 10' X 12'</u></p> </td> <td style="vertical-align: top;"> <p>Non-Residential</p> <p>18 <input type="checkbox"/> Amusement, recreational</p> <p>19 <input type="checkbox"/> Church, other religious</p> <p>20 <input type="checkbox"/> Industrial</p> <p>21 <input type="checkbox"/> Parking garage</p> <p>22 <input type="checkbox"/> Service station, repair garage</p> <p>23 <input type="checkbox"/> Hospital, institutional</p> <p>24 <input type="checkbox"/> Office, bank, professional</p> <p>25 <input type="checkbox"/> Public utility</p> <p>26 <input type="checkbox"/> School, library, other educational</p> <p>27 <input type="checkbox"/> Stores, merchantile</p> <p>28 <input type="checkbox"/> Tanks, towers</p> <p>29 <input type="checkbox"/> Other - Specify _____</p> </td> </tr> </table>	<p>Residential</p> <p>12 <input type="checkbox"/> One family</p> <p>13 <input type="checkbox"/> Two or more family - Enter number of units _____</p> <p>14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____</p> <p>15 <input type="checkbox"/> Garage</p> <p>16 <input type="checkbox"/> Carport</p> <p>17 <input type="checkbox"/> Other - Specify (shed, pool, fireplace) <u>Shed - 10' X 12'</u></p>	<p>Non-Residential</p> <p>18 <input type="checkbox"/> Amusement, recreational</p> <p>19 <input type="checkbox"/> Church, other religious</p> <p>20 <input type="checkbox"/> Industrial</p> <p>21 <input type="checkbox"/> Parking garage</p> <p>22 <input type="checkbox"/> Service station, repair garage</p> <p>23 <input type="checkbox"/> Hospital, institutional</p> <p>24 <input type="checkbox"/> Office, bank, professional</p> <p>25 <input type="checkbox"/> Public utility</p> <p>26 <input type="checkbox"/> School, library, other educational</p> <p>27 <input type="checkbox"/> Stores, merchantile</p> <p>28 <input type="checkbox"/> Tanks, towers</p> <p>29 <input type="checkbox"/> Other - Specify _____</p>
<p>Residential</p> <p>12 <input type="checkbox"/> One family</p> <p>13 <input type="checkbox"/> Two or more family - Enter number of units _____</p> <p>14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____</p> <p>15 <input type="checkbox"/> Garage</p> <p>16 <input type="checkbox"/> Carport</p> <p>17 <input type="checkbox"/> Other - Specify (shed, pool, fireplace) <u>Shed - 10' X 12'</u></p>	<p>Non-Residential</p> <p>18 <input type="checkbox"/> Amusement, recreational</p> <p>19 <input type="checkbox"/> Church, other religious</p> <p>20 <input type="checkbox"/> Industrial</p> <p>21 <input type="checkbox"/> Parking garage</p> <p>22 <input type="checkbox"/> Service station, repair garage</p> <p>23 <input type="checkbox"/> Hospital, institutional</p> <p>24 <input type="checkbox"/> Office, bank, professional</p> <p>25 <input type="checkbox"/> Public utility</p> <p>26 <input type="checkbox"/> School, library, other educational</p> <p>27 <input type="checkbox"/> Stores, merchantile</p> <p>28 <input type="checkbox"/> Tanks, towers</p> <p>29 <input type="checkbox"/> Other - Specify _____</p>		
<p>B. OWNERSHIP</p> <p>8 <input type="checkbox"/> Private (individual, corporation, nonprofit institution, etc.)</p> <p>9 <input type="checkbox"/> Public (Federal, State, or local government)</p>			

<p>C. COST</p> <p>10. Cost of improvement \$ <u>750</u> <i>To be installed but not included in the above cost</i></p> <p>a. Electrical <u>none</u></p> <p>b. Plumbing <u>none</u></p> <p>c. Heating, air conditioning <u>none</u></p> <p>d. Other (elevator, etc.) <u>—</u></p> <p>11. TOTAL COST OF IMPROVEMENT \$ <u>750.00</u></p>	<p>(Omit cents)</p> <p>Nonresidential - Describe in detail proposed use of buildings: e.g., food processing, machine shop, laundry building, schools, college, parking garage, rental office building, industrial plant.</p> <p>If use of existing building is being changed, enter proposed use.</p> <p><u>built shed self.</u></p>
--	---

III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete Parts E-L; for wrecking, complete only Part J, for all others skip to IV.

<p>E. PRINCIPAL TYPE OF FRAME</p> <p>30 <input type="checkbox"/> Masonry (wall bearing)</p> <p>31 <input checked="" type="checkbox"/> Wood Frame</p> <p>32 <input type="checkbox"/> Structural steel</p> <p>33 <input type="checkbox"/> Reinforced concrete</p> <p>34 <input type="checkbox"/> Other - Specify _____</p>	<p>G. TYPE OF SEWAGE DISPOSAL</p> <p>40 <input type="checkbox"/> Town or private company</p> <p>41 <input checked="" type="checkbox"/> Private (septic tank, etc.) (#40 requires town permit)</p>	<p>J. DIMENSIONS</p> <p>48. Number of stories <u>1</u></p> <p>49. Total square feet of floor area all floors, based on exterior dimensions <u>120'</u></p> <p>50. Total land area, sq. ft. <u>120'</u></p>	
<p>F. PRINCIPAL TYPE OF HEATING FUEL</p> <p>35 <input type="checkbox"/> Gas</p> <p>36 <input type="checkbox"/> Oil</p> <p>37 <input type="checkbox"/> Electricity</p> <p>48 <input type="checkbox"/> Coal</p> <p>49 <input type="checkbox"/> Other - Specify _____</p>	<p>H. TYPE OF WATER SUPPLY</p> <p>42 <input type="checkbox"/> Public or private company</p> <p>43 <input checked="" type="checkbox"/> Private (well, cistern)</p>	<p>K. NUMBER OF OFF-STREET PARKING SPACES</p> <p>51. Enclosed _____</p> <p>52. Outdoors _____</p>	<p>L. RESIDENTIAL BUILDINGS ONLY</p> <p>53. Total Bedroom Capacity { Finished Unfinished</p> <p>54. Number of bathrooms { Full Partial</p>

C₂



C₂

BUILDING PERMIT

AMOUNT PAID

Map 58 lot 23

VALIDATION

DATE June 16 19 88

PERMIT NO. 647-88

APPLICANT Trottier, Mark & Laura ADDRESS 13 Alpine Avenue Hudson, N. H.

PERMIT TO add deck of 12' to 19' in back of house NUMBER OF DWELLING UNITS _____

AT (LOCATION) 13 Alpine Avenue ZONING DISTRICT B-2
BETWEEN Ruskin AND Burnham

SUBDIVISION _____ LOT 23 BLOCK 58 LOT SIZE _____

BUILDING IS TO BE _____ FT. WIDE BY _____ FT. LONG BY _____ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION _____ (TYPE)

REMARKS: add deck to rear of house 12' x 19' of pressure treated 4 x 4 with footins 15' setback on sides and rear as per Hudson Zoning Ordinance.

AREA OR VOLUME _____ ESTIMATED COST \$ 1300.00 PERMIT FEE \$ 11.00

OWNER Mark & Laura Trottier tel# 880-3708
ADDRESS 13 Alpine Hudson, N. H.

BUILDING DEPT. BY *Edward D. Mahoney*

(Affidavit on reverse side of application to be completed by authorized agent of owner)

G3

FORM NO. BOCA-BP 1969



TOWN OF HUDSON, N. H.

tel #886-6005

Application for a Permit To Build

- ~~1. Must have sewer permit or septic~~
- ~~2. Plans & copies of site plans~~
- ~~3. Driveway permits~~

RECEIVED

JUN 10 1988

Date D.P.W. 6/10 1988

TOWN OF HUDSON, NH

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

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

New	<input type="checkbox"/>	Permit Number	
Alter	<input type="checkbox"/>		<u>647-88</u>
Addition	<input checked="" type="checkbox"/>		<u>Map 58-23-1</u>
Repair	<input type="checkbox"/>		<u>Ruckin</u>

Name of Owner Mark + Laura Troffier Address 13 Alpine Ave. Tel. 880-3708

Land Purchased From _____ Address Corner Dr.

Location 13 Alpine Ave Property Tax No. _____

Name of General Contractor _____ Map and Lot No. 58 Lot 23-1/1

Name of Heating Contr. _____ Name of Electrical Contractor _____

Type of Heat _____ Name of Plumbing Contractor _____

Name of Fireplace Mason _____ Name of Masonry Contractor _____

Material of Building _____ Style of Roof _____ Roof Covering _____

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

Size of Garage _____ Water _____ Sewer _____

Foundation Material Pressure treated 4x4 Width 19' Height 3' Footings Yes No

Fireplace No. of Flues _____ Size _____ Chimney Material _____

Number of Bedrooms _____

Brief Description of Repair, Alter or Other Attaching a 12' x 19' open

deck to back of house

Bldg Permit \$11.00

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

Estimate: \$1300

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

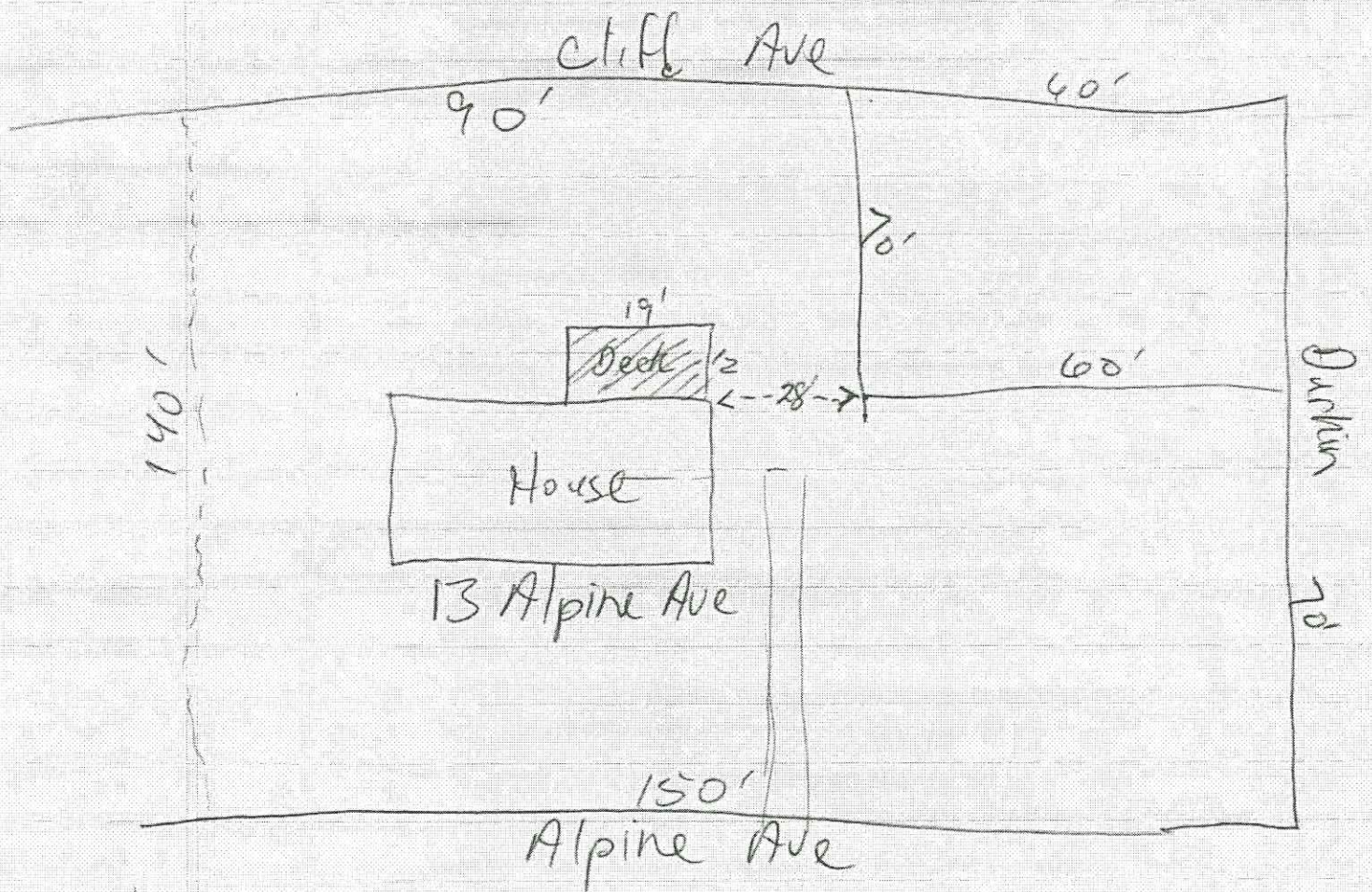
OVER
Sketch of building, show streets set back from property lines on all sides on other side.

Owner's Signature Mark Troffier

Contractor's Signature _____

Address 13 Alpine Ave

C3



Map 58 Lot 23-1
 Hudson NH.

C₃



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-017

February 12, 2019

Albert and Ann Antosca
13 Alpine Ave
Hudson, NH 03051

Re: 13 Alpine Ave Lot 175 Map 088 & 11 Cliff Ave Lot 175 Map 089
District: Business (B)

Dear Mr. & Mrs. Antosca,

Your request for zoning review and determination regarding the building of an Accessory Dwelling Unit (ADU) on 13 Alpine Ave after future possible lot merger/consolidation of 11 Cliff Ave has been completed.

Zoning review / Determination:

Our research shows the newly created lot would become a corner lot with 3 front setbacks. The consolidated lot would comprise 0.466 Acre = 20,299 sqft, which is less than the required minimum of 43,560 sqft, thus an existing non-conforming lot of record. The house front setback appears to be 21.5 ft where 50 ft is required, thus the structure is existing non-conforming. Single family uses are not permitted in the Business district, thus the current use as a single family dwelling is an existing non-conforming use.

To merge/consolidate the lots you would need to record the new survey/deed with the Hillsborough Registry of Deeds.

To construct an ADU in this structure: you would need the following variances: Article VIII section **§334-29 Extension or enlargement of nonconforming uses:** "A non-conforming uses shall not be extended or enlarged, except by variance." And, Article XIII A section **§334-73.3 Provisions:** "An ADU shall be permitted in zoning DISTRICTS that permit single-family dwellings, and only in accordance with the following provisions:...."

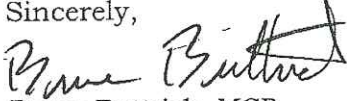
If there is a footprint expansion of the building, depending on where the addition is/happens that activity may require variance for expansion of non-conforming

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

D

building and possible setback variances. The required setbacks are 50 ft front and 15 ft side and rear.

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth - Town Planner
File

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

D



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-048

April 12, 2019

Ann Antosca
13 Alpine Ave
Hudson, NH 03051

Re: 13 Alpine Ave Lot 175 Map 088
District: Business (B)

Dear Ms. Antosca,

Your request for zoning review and determination regarding the options of an Accessory Dwelling Unit (ADU), over 750 sqft, and/or detached additional dwelling?

Zoning review / Determination:

Our research shows this as a newly merged lot and is a corner lot with 3 front setbacks. This consolidated lot comprises of 0.466 Acre = 20,299 sqft, which is less than the required minimum of 43,560 sqft, thus becoming an existing non-conforming lot of record. The house front setback appears to be 21.5 ft where 50 ft is required, thus the structure is existing non-conforming. Single family uses are not permitted in the Business district, thus the current use as a single family dwelling is an existing non-conforming use.

To construct an ADU in this structure; you would need the following variances: Article VIII section **§334-29 Extension or enlargement of nonconforming uses:** "A non-conforming uses shall not be extended or enlarged, except by variance." And, Article XIII A section **§334-73.3 Provisions:** "An ADU shall be permitted in zoning DISTRICTS that permit single-family dwellings, and only in accordance with the following provisions:...."

If there is a footprint expansion of the building, depending on where the addition is/happens may require a variance of **§334-27 Table of Dimensional Requirements** for expansion of non-conforming building and possible setback variances. The required setbacks are 50 ft front and 15 ft side and rear.

If the proposed ADU exceeds the max 750 sqft and doesn't meet other provisions of Article **XIII A Accessory Dwelling Units**, a variance would be required.

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

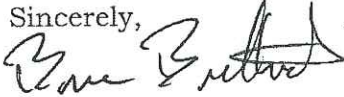
D

All these variances, if required, are applied for to the Zoning Board of Adjustment.

If you were to build a separate (additional) dwelling unit on this lot, most of the variances cited above would apply (depending on your layout), as well as a variance for **§334-10 Mixed or Dual use on a lot**. You would also need **site plan approval** from the Planning Board.

Please contact me and Brian Groth – Town Planner (603) 886-1268, if you are serious about proceeding with one of your options.

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth – Town Planner
File

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

D



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-058 Building Permit application 2019-00312 denial

April 25, 2019

Ann Antosca
13 Alpine Ave
Hudson, NH 03051

Re: 13 Alpine Ave Lot 175 Map 088
District: Business (B)

Dear Ms. Antosca,

Your building permit application: to remove an existing 20 x 20 deck and construct a 20 x 24 three season porch has been denied.

Zoning Review / Determination:

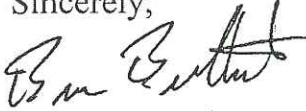
Our research shows this as a newly merged lot and is a corner lot with 3 front setbacks. This consolidated lot comprises of 0.466 Acre = 20,299 sqft, which is less than the required minimum of 43,560 sqft, thus becoming an existing non-conforming lot of record. The house front setback along Alpine Ave. appears to be 21.5 ft where 50 ft is required, thus the front portion of the structure is existing non-conforming. Single family (residential) uses are not permitted in the Business district, thus the current use as a single family dwelling is an existing non-conforming use.

This proposed construction/use is an expansion of the existing non-conforming use, and would need a variance from §334-27 "Extension or enlargement of nonconforming uses: "A nonconforming use shall not be extended or enlarged, except by variance."

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

D

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
J. Kennedy, Permit Tech
Dep. O'Brien, Inspectional Services
B. Groth, Town Planner
Bob, Erickson Construction
File

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

D

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

REQUEST FOR REVIEW/COMMENTS:

Case: 175-088 (03-26-20)

Property Location: 13 Alpine Avenue

For Town Use

Plan Routing Date: 03/06/2020 Reply requested by: 03/13/2020 ZBA Hearing Date: 03/26/2020

I have no comments I have comments (see below)

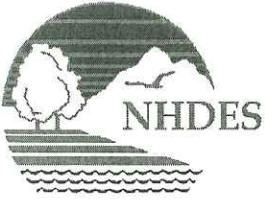
EZD Name: Elvis Dhima, P.E. Date: 03/06/2020
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

1. Currently this property is served by Town water, private septic system and one driveway.
2. Applicant shall provide an approved septic system design by NHDES that can handle the additional sewage flow.
3. Applicant shall provide additional information regarding the driveway and or if a second driveway is needed and or existing driveway needs to be modified.

Addressed by EZD.

E



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

APPROVAL FOR CONSTRUCTION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

APPLICATION APPROVAL DATE: 2/7/2020

APPROVAL NUMBER: eCA2020020707

I. PROPERTY INFORMATION

Address: 13 ALPINE AVENUE
HUDSON NH 03051

Subdivision Approval No.: PRE-1967
Subdivision Name: HUDSON TERRACE
County: HILLSBOROUGH
Tax Map/Lot No.: 175/088

II. OWNER INFORMATION

Name: ANN ANTOSCA
Address: 13 ALPINE AVENUE
HUDSON NH 03051

III. APPLICANT INFORMATION

Name: MJ GRAINGER ENGINEERING
Address: MJ GRAINGER ENGINEERING
220 DERRY RD
HUDSON NH 03051

IV. DESIGNER INFORMATION

Name: MICHAEL J GRAINGER
Address: 220 DERRY RD
HUDSON NH 03051
Permit No.: 00700

V. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Construction

A. TYPE OF SYSTEM: STONE AND PIPE

B. NO. OF BEDROOMS: 2 →

C. APPROVED FLOW: 525 GPD → 1 BED ⇒ 2 x 150 = 300 ADU ⇒ 225 ⇒ 525

D. OTHER CONDITIONS AND WAIVERS:

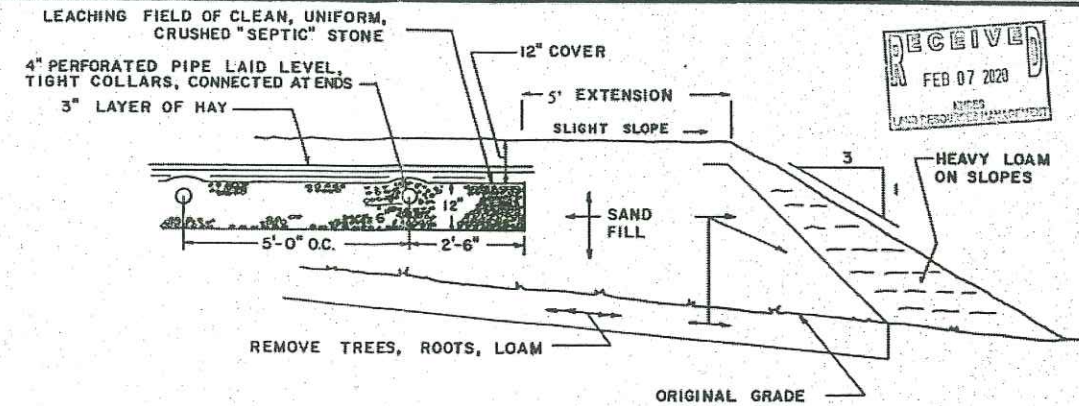
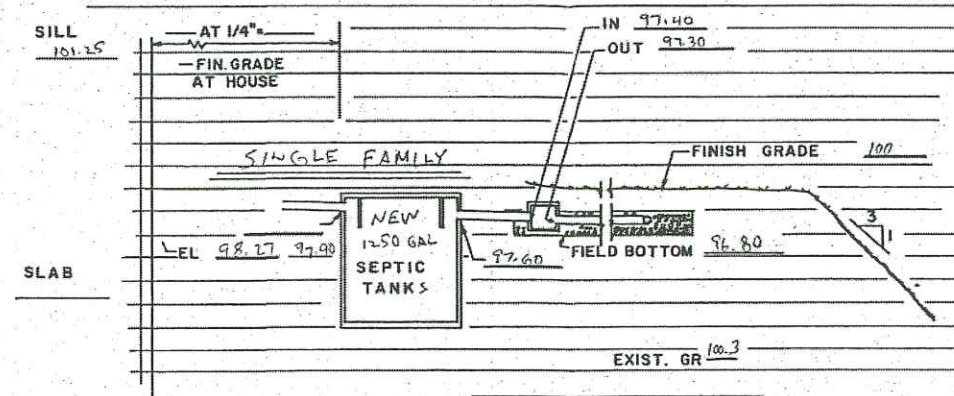
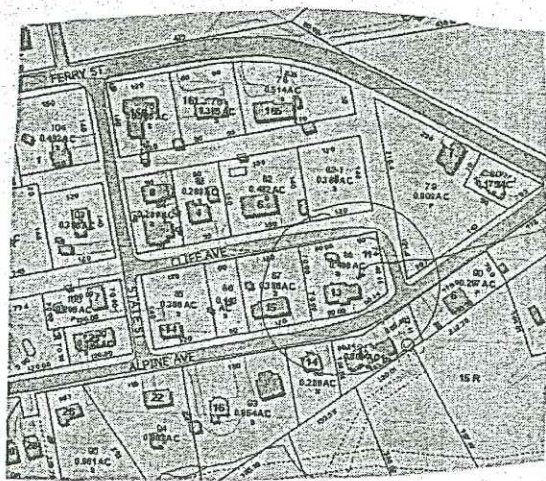
1. This approval is valid for 4 years from date of approval, per Env-Wq 1004.13.
2. Approved with a public water system only.
3. This approval is based on complying with Env-Wq 1004.21 "When Installation of a replacement ISDS is Required" and obtaining an approval for operation for the ISDS prior to the approval expiration date.
4. Approval for a two bedroom house and a one bedroom studio apartment.
5. No waivers have been approved.

Eric J. Thomas
Subsurface Systems Bureau

DES Web Site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 Fax: (603) 271-6683 TDD Access: Relay NH 1-800-735-2964



RECEIVED
FEB 07 2020
NH DEPT. OF ENVIRONMENTAL SERVICES

TAX MAP 175 / LOT 082
SCOTT & MELISSA WEIKLE
6 CLIFF AVENUE
HUDSON, NH 03051

TAX MAP 175 / LOT 082 - 1
TOWN OF HUDSON, NH
12 SCHOOL STREET
HUDSON, NH 03051

**EXISTING SINGLE FAMILY
KEY SYSTEM REQUIREMENTS**

INV @ BLDG = 98.27
NEW 1250 GAL SEPTIC TANK
INV IN = 97.90
INV OUT = 97.60
D-BOX INV IN = 97.40
INV OUT = 97.30
BED BOTTOM = 96.80
FINISH GRADE = 100

**PROPOSED IN-LAW UNIT
KEY SYSTEM REQUIREMENTS**

INV @ BLDG = 98.30
NEW 1250 GAL SEPTIC TANK
INV IN = 98.00
INV OUT = 97.70
D-BOX INV IN = 97.40
INV OUT = 97.30
BED BOTTOM = 96.80
FINISH GRADE = 100

REVIEWED AND APPROVED

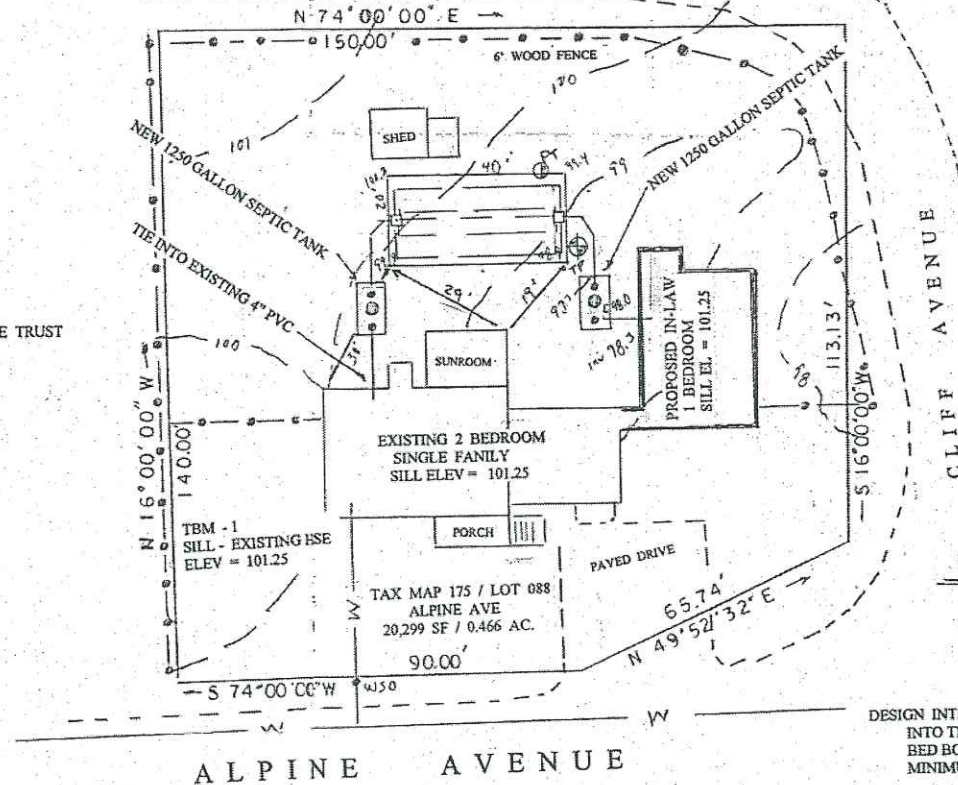
IN ACCORDANCE WITH THE
REQUIREMENTS OF THE TOWN
OF HUDSON HEALTH OFFICER

SIGNED: [Signature]
DATE: 2/16/20

- PROPERTY LINES ON THIS PLAN ARE APPROXIMATE ONLY AND ONLY FOR THE PURPOSES THEREIN DEFINED. A COMPLETE LOT SURVEY WAS NOT PERFORMED. THIS OFFICE DOES NOT GUARANTEE THE PROPERTY LINES.
- REMOVE ALL FILLED DEBRIS, LOAM, ETC., TO THE ORIGINAL "B" HORIZON OF SAND, WITHIN THE LIMITS OF REQUIRED SEPTIC SYSTEM AREA.
- NO SURFACE WATER WITHIN 75 FEET OF THE SYSTEM.
- NO OFF-SITE WELLS FOUND WITHIN 75 FEET OF THE SYSTEM.
- THE CONTRACTOR IS TO MAINTAIN SUFFICIENT DEPTHS OF COVER OVER ALL PIPING TO PREVENT FREEZING.
- THE CONTRACTOR IS TO PROVIDE ACCESSIBILITY AND TIES TO ALL COMPARTMENTS OF SEPTIC TANK AND DISTRIBUTION BOX PER ENV. 66104.05.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION AND DETERMINATION OF LOCATION, SIZE, AND ELEVATIONS OF ALL EXISTING AND PROPOSED UTILITIES WHETHER SHOWN OR NOT SHOWN ON THE PROPOSED PLAN. PRIOR TO THE START OF ANY CONSTRUCTION, THE DESIGNER SHALL BE NOTIFIED IN WRITING OF ANY CONFLICTS FOUND INTERFERING WITH OR PREVENTING THE PROPOSED CONSTRUCTION AND THE APPROPRIATE REMEDIES PRIOR TO INSTALLATION.
- IF A GARBAGE GRINDER IS, OR WILL BE USED, IN THE PROPOSED STRUCTURE, THE SEPTIC TANK SIZE WILL BE INCREASED BY 50%.

TAX MAP 175 / LOT 087
JUNE PARKER REVOCABLE TRUST
JUNE PARKER, TR
15 ALPINE AVENUE
HUDSON, NH 03051

TAX MAP 175 / LOT 079
STANLEY H. EATON
7 BURNHAM ROAD
HUDSON, NH 03051

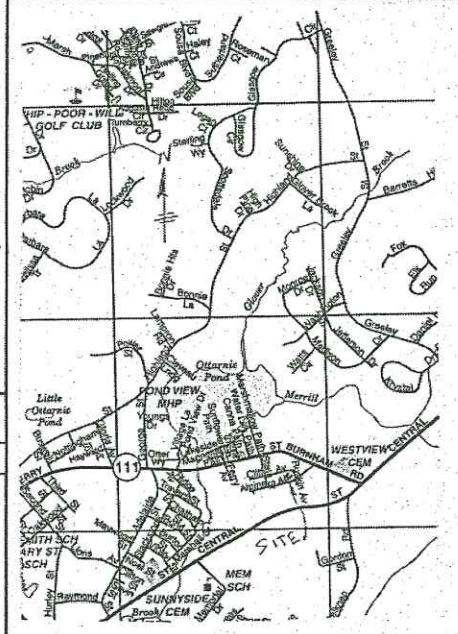


DESIGN INTENT: BED BOTTOM TO BE NO MORE THAN 3.50 FT INTO THE ORIGINAL GROUND ON THE HIGH SIDE. SET BED BOTTOM AT ELEVATION OF 96.80, TO MAINTAIN A MINIMUM OF 48" TO SHWT.

SOIL TYPE: W4B - WINDSOR SAND GROUP 1
DEED REFERENCE: BOOK 5605 PAGE 601
BOOK 8581 PAGE 667
PLAN REFERENCE: HCRD # 122 DATED: 1994
LOTS 124, 125, 126, 127, 128, (PORTION OF 129),
(PORTION OF 130), 131, 132 & 133.
PRESENT ZONING: B - BUSINESS
MINIMUM SETBACKS: FRONT - 50 FEET
SIDE - 15 FEET
REAR - 15 FEET

TEST PIT	DATE	PERCOLATION TEST
TOPSOIL 0-10"	1/16/20	DATE 1-16-2020
10-24"		DEPTH 40"
SEASONAL HIGH-WATER TABLE		RATE 2 MIN/IN
VISIBLE MOTTLING		SOIL TYPE W4B - WINDSOR
NO OBSERVED WATER		SOURCE H.C.C.
NO REFUSAL		DESIGN
DEPTH 100"		WHEN EXISTING SYSTEM FAILS, THIS DESIGN WILL BE INSTALLED

ITEM	DESCRIPTION
2 SEPTIC TANK	EACH 1250 GAL. PRECAST CONC. RILA OR EQUAL
DIST. BOX	EACH 4" OUTLET
FIELD PIPING	4" PERFORATED PVC
SEWER LINE	4" SOLID PVC, HOUSE TO SEPTIC & TO DIST. BOX.
FITTINGS	ALL CONNECTIONS WITH PVC TEES, EL'S, COUPLINGS.
STONE	1/2" UNIFORM, CLEAN CRUSHED SEPTIC "STONE".
SAND FILL	MEDIUM TO COURSE TEXTURED (0.5 TO 1.0 MM) PLACED IN 16" LIFTS, CONSOLIDATE, RAKE SURFACE PRIOR TO NEXT LIFT. RAKE BEFORE SETTING FIELD. EXTEND 5' ALL AROUND & EXTEND UNDER 3:1 SLOPES.
JOINT SEAL	SEAL AROUND PIPES AT TANK WITH APPROVED RUBBER BOOTS.
COVER	COVER LEACHFIELD WITH ALLOWABLE FILTER FABRIC COURSE SAND, FINALLY PLACE 4" LOAM & SEED.
PIPE SLOPE	1/4" : 12" FROM HOUSE TO SEPTIC TANK 1/8" : 12" FROM SEPTIC TANK TO DISTRIBUTION BOX. FIELD IS LEVEL.
FAILED SYSTEMS	IN THE EVENT OF FAILURE, THIS SYSTEM WILL HAVE TO BE REBUILT IN PLACE. CAN BE RELOCATED AS SHOWN ON THE PLAN.



LOCATION PLAN
REPLACEMENT SYSTEM
TAX MAP 175 / LOT 088
13 ALPINE AVENUE
HUDSON, NH 03051
SUBDIVISION APPROVAL N/A PRE' 67
SCALE: 1" = 20'
OWNER - ANN & ALBERT ANTOSCA
13 ALPINE AVENUE
HUDSON, NH 03051
APPLICANT: M. J. GRANGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
225 DERRY ROAD HUDSON, NH (603) 882-4359
DATE: JANUARY 27, 2020 J.N. 19-110

DIG-SAFE
REVIEWED AND APPROVED
IN ACCORDANCE WITH THE
REQUIREMENTS OF THE
NH DEPT. OF ENVIRONMENTAL SERVICES
WATER DIVISION
[Signature]
Date: 2/7/2020
#eCA2020020707
PLANT DATA

TAX MAP 175 / LOT 092
ANN & ALBERT ANTOSCA
14 ALPINE AVENUE
HUDSON, NH 03051

TAX MAP 175 / LOT 091
LEO & KAREN GRAHAM
12 ALPINE AVENUE
HUDSON, NH 03051

REVISIONS			
NO.	DATE	DESCRIPTION	BY

NEW HAMPSHIRE
Designer of
Subsurface Disposal
Systems
Michael J. Granger
No. 700
Supply & Pollution Control

TOWN OF HUDSON

MAR 06 2020

APPLICATION FOR A VARIANCE

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 175-088 (03-26-20)

Date Filed 3/6/20

Name of Applicant Albert J. Antosca and Ann M. Antosca Map: 175 Lot: 88 Zoning District: B

Telephone Number (Home) (cell) (603) 521-0696 (Work) (603) 883-8400

Mailing Address 13 Alpine Avenue, Hudson, NH 03051

Owner Albert J. Antosca and Ann M. Antosca

Location of Property 13 Alpine Avenue
(Street Address)

[Signature]
Signature of Applicant

March 5, 2020
Date

[Signature]
Signature of Property-Owner(s)

March 5, 2020
Date

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

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

COST:

Application fee:	\$130.00
<u>0</u> Direct Abutters x \$4.05 =	<u>32.80</u>
<u>98</u> Indirect Abutters x \$0.55 =	<u>4.95</u>
Total amount due:	<u>\$167.75</u>

Date received: 3/6/20

Amt. received: \$ 167.75

Receipt No.: 588,401

Received by: [Signature]

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

Engineering Fire Department Health Officer Planner

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>gpd/ama</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
<u>gpd/ama</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG.</u>
<u>gpd/ama</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG.</u>
<u>gpd/ama</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>N/A.</u>
<u>gpd/ama</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>gpd/ama</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>gpd/ama</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>
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>

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.

TG
TG
TG
TG
TG
TG
TG
TG
TG

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

[Handwritten Signature]
Signature of Applicant(s)

March 5, 2020
Date

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

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

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

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

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

ALL DIRECT ABUTTERS

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		See attached.	

ALL DIRECT ABUTTERS
Attachment

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
175	091-000	Leo V. Graham Karen S. Graham	12 Alpine Avenue Hudson, NH 03051
175	082-001	Town of Hudson	12 School Street Hudson, NH 03051
175	090-000	Javier F. Saavedra	2 Faxon Street Nashua, NH 03060
175	079-000	Stanley H. Eaton	7 Burnham Road Hudson, NH 03051
175	087-000	June Parker, Trustee June Parker Revocable Trust	15 Alpine Avenue Hudson, NH 03051
175	082-000	Scott D. Weikle Melissa D. Weikle	6 Cliff Avenue Hudson, NH 03051
175	092-000	Albert J. Antosca Ann Antosca	13 Alpine Avenue Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

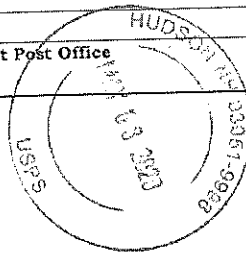
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		See attached.	

**ALL INDIRECT ABUTTERS WITHIN 200 FEET
Attachment**

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
175	085-000	Clifford V. Thissell Jacqueline E. Thissell	20 Meadowlark Way Billerica, MA 01821-2924
175	086-000	Clifford V. Thissell Jacqueline E. Thissell	20 Meadowlark Way Billerica, MA 01821-2924
176	015-000	Maurice G. Charron Laura A. Charron	13 Burnham Road Hudson, NH 03051
175	093-000	Claudette Duval	18 Alpine Avenue Hudson, NH 03051
175	080-000	Carlton H. White, Trustee Regina B. White, Trustee White Revocable Trust	11 Burnham Road Hudson, NH 03051
175	163-000	F & S Realty Investments LLC	17 Bridle Path Way Tyngsboro, MA 01879
175	083-000	Richard A. Chenel Cherie A. Chenel	4 Cliff Avenue Hudson, NH 03051
176	005-000	Burnham Road, LLC	15 Burnham Road Hudson, NH 03051
175	162-000	Arthur E. Handras Vaya Handras	35 Glen Drive Hudson, NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 175-088 Variance 13 Alpine Avenue Map 175/Lot 088-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	<i>sjal/ao</i> 3/26/2020 ZBA Meeting
1	7018 2290 0001 3001 3461	ANTOSCA, ALBERT J.; ANTOSCA, ANN M. (175-088-000)	APPLICANT/OWNER-NOTICE SENT
2	7018 2290 0001 3001 3454	13 ALPINE AVENUE, HUDSON, NH 03051 GRAHAM, LEO V.; GRAHAM, KAREN S.	ABUTTER NOTICE SENT
3	7018 2290 0001 3001 3478	12 ALPINE AVENUE, HUDSON, NH 03051 SAAVEDRA, JAVIER F.	ABUTTER NOTICE SENT
4	7018 2290 0001 3001 3485	2 FAXON ST., NASHUA, NH 03060 EATON, STANLEY H.	ABUTTER NOTICE SENT
5	7018 2290 0001 3001 3492	7 BURNHAM ROAD, HUDSON, NH 03051 PARKER, JUNE TR.; JUNE PARKER REVOCABLE TRUST	ABUTTER NOTICE SENT
6	7018 2290 0001 3001 3508	15 ALPINE AVENUE, HUDSON, NH 03051 WEIKLE SCOTT D.; WEIKLE, MELISSA D.	ABUTTER NOTICE SENT
7		6 CLIFF AVENUE, HUDSON, NH 03051 TOWN OF HUDSON	Variance App. Rcvd
8	7018 2290 0001 3001 3515	12 SCHOOL STREET, HUDSON, NH 03051 ANTOSCA, ALBERT J.; ANTOSCA, ANN M. (175-092-000)	APPLICANT/OWNER-NOTICE SENT
9	7018 2290 0001 3001 3522	13 ALPINE AVENUE, HUDSON, NH 03051 J. Bradford Westgate, Esq., Winer and Bennett, LLP 111 Concord Street, P.O. Box 488, Nashua, NH 03061-0488	APPLICANT NOTICE SENT
10			
11			
12			
	Total Number of pieces listed by sender 8	Total number of pieces rec'd at Post Office 8	Postmaster (receiving Employee) <i>[Signature]</i>



Direct Certified

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 175-088 Variance 13 Alpine Avenue Map 175/Lot 088-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	5/21/20 3/26/2020 ZBA Meeting
1	N/A-mailed First Class	THISSELL, CLIFFORD V.	ABUTTER NOTICE SENT
2	N/A-mailed First Class	20 MEADOWLARK WAY, BILLERICA, MA 01821-2924 THISSELL, JACQUELINE E.	ABUTTER NOTICE SENT
3	N/A-mailed First Class	20 MEADOWLARK WAY, BILLERICA, MA 01821-2924 CHARRON, MAURICE G.; CHARRON, LAURA A.	ABUTTER NOTICE SENT
4	N/A-mailed First Class	13 BURNHAM ROAD, HUDSON, NH 03051 DUVAL, CLAUDETTE	ABUTTER NOTICE SENT
5	N/A-mailed First Class	18 ALPINE AVENUE, HUDSON, NH 03051 WHITE, CARLTON H., TR.; WHITE, REGINA B., TR.; WHITE REVOCABLE TRUST	ABUTTER NOTICE SENT
6	N/A-mailed First Class	11 BURNHAM RD., HUDSON, NH 03051 F&S REALTY INVESTMENTS LLC	ABUTTER NOTICE SENT
7	N/A-mailed First Class	17 BRIDLE PATH WAY, TYNGSBORO, MA 01879 CHENEL, RICHARD A.; CHENEL, CHERIE A.	ABUTTER NOTICE SENT
8	N/A-mailed First Class	4 CLIFF AVENUE, HUDSON, NH 03051 BURNHAM ROAD, LLC	ABUTTER NOTICE SENT
9	N/A-mailed First Class	15 BURNHAM ROAD, HUDSON, NH 03051 HANDRAS, ARTHUR E.; HANDRAS, VAYA	ABUTTER NOTICE SENT
10	N/A-mailed First Class	35 GLEN DRIVE, HUDSON, NH 03051 Michael Grainger, L.L.S. M.T. Grainger Engineering, Inc. 4 Watts Road, Hudson, NH 03051	applicant Abutter Notice Sent
11			
12			
13			
14			
15			
	Total Number of pieces listed by sender 10	Total number of pieces rec'd at Post Office 10	Postmaster (receiving Employee) <i>W. White</i>

APPLICATION FOR A VARIANCE

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

See attached.

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.

**Attachment to Page 6 of the Application for a Variance
(Attachment I)**

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V of HZO Sections 334-20 and 334-21 (Table of Permitted Principal Uses); Article VII of HZO Section 334-27 (Table of Minimum Dimensional Requirements); Article VIII of HZO Section 334-29 and Article XIII A of HZO Section 334-73.3 in order to permit the following change or use:

An accessory dwelling unit (to be attached to an existing single-family dwelling) on a lot in the Business (B) Zoning District (the "B District") (necessitating variances from Sections 334-20, 334-21 and 334.73.3 (to allow an ADU in the B District which does not allow single-family dwellings); Section 334-29 (which recites that a non-conforming use cannot be extended or enlarged without a variance, the existing single family dwelling in the B District being extended to accommodate the ADU); Section 334-27 (Table of Minimum Dimensional Requirements) where the ADU will be set back approximately 34 feet from Alpine Avenue (near the corner of Cliff Avenue), approximately 21 feet from Cliff Avenue (on the easterly side of the ADU) and approximately 48 feet from Cliff Avenue (on the northerly side of the ADU), where 50 foot setbacks are required (necessitating the variance from Section 334-27 (the Table of Minimum Dimensional Requirements), and a variance from Section 334-73.3, Item (H) where the Gross Living Area of the ADU will be approximately 947 square feet, where a maximum of 750 square feet is allowed.

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 attached.

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 attached.

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 attached.

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 attached.

ATTACHMENT II TO APPLICATION FOR A VARIANCE

(Section 334-20, Section 334-21 (Table of Permitted Principal Uses), Section 334-22, Section 334-27 (Table of Dimensional Requirements), Section 334-29 and Section 334-73.3)

**Albert J. Antosca and Ann M. Antosca
13 Alpine Avenue (Map 175, Lot 88)**

This Attachment II is appended to the Application for a Variance. This Attachment II also provides background regarding the property in question, sets forth the details regarding the proposed Accessory Dwelling Unit (ADU) and sets forth the rationale for each of the five criteria for the granting of a variance from the particular sections of the Zoning Ordinance cited in the Application.

Property Background

Albert J. Antosca and Ann M. Antosca own the property known as 13 Alpine Avenue (Map 175, Lot 88) (the "Premises"). The Premises contain a single-family dwelling constructed in approximately 1952. Mr. and Mrs. Antosca have owned and resided at the Premises since 1995, having raised their children at the home. Their children are now adults, living in Hudson and West Lebanon, New Hampshire.

The Premises are quite unique. The Premises are located in a residential neighborhood, part of which neighborhood is located in the Business (B) Zoning District (the "B District"). Since the B District does not permit single-family homes by right, the single-family home is now a non-conforming use, as are a number of other homes in the immediate neighborhood. Despite being located in the B District, the neighborhood is still residential.

The Premises are also surrounded on three sides by town roads – Alpine Avenue to the south and Cliff Avenue to the east and north. Only the westerly side of the property abuts another parcel – the residence at 15 Alpine Avenue (Map 175, Lot 87).

The Premises are served by town water and an on-site septic system.

The existing conditions of the Premises are depicted on the Existing Conditions Plan Tax Map 175/Lot 088 accompanying the Application.

The neighborhood contains a number of single-family homes, of a similar vintage. Near the Premises, at 18 Alpine Avenue is located a single-family home with an additional detached structure – first floor garage and second floor dwelling unit.

Proposed ADU

Mr. and Mrs. Antosca desire to construct an attached Accessory Dwelling Unit (ADU) on the easterly side of their existing single-family home as depicted on the Proposed Plot Plan Tax Map 175 / Lot 088 accompanying the Application (the "Plot Plan"). The ADU would be a one-

story unit with a cape style look and roof line, containing one bedroom. It would meet all of the design criteria for an ADU under Section 334-73.3 of the Zoning Ordinance except for criteria (H).

Criteria (H) of Section of 334-73.3 sets a gross living area (GLA) of an ADU to be no greater than 750 square feet. The ADU would be approximately 947 square feet, including its connection to the single-family home.

Copies of the proposed easterly elevation and base floor plan (main floor, not including the attic or basement) of the ADU accompany the Application.

The ADU would be occupied by Mr. and Mrs. Antosca's daughter and her fiancé.

Mr. and Mrs. Antosca explored a variety of designs for an ADU for their home. The easterly side of the Premises became the logical location for the ADU. The ADU could not be placed on the Alpine Avenue side (south side) of the Premises given the location of the existing single-family home. The ADU also could not be placed on the north side of the Premises given the existence of the present septic system. Furthermore, given the age of the home, constructing the ADU on a second floor basis was not feasible.

In undertaking their design, Mr. and Mrs. Antosca had to take into account the fact that the Premises are surrounded by streets on three sides – thus generating three 50 foot front yard setbacks. The three front yard setbacks and the one side yard setback yield a minimal building envelope, making a dimensional variance inevitable.

Being mindful of these constraints, the Antoscas' proposed layout enables the ADU to minimize the impact on these front yard setbacks. They have accomplished this by (i) setting the ADU further back from Alpine Avenue (which serves as the front facing of the existing single-family house), (ii) maintaining the 50 foot front yard setback from the northerly side of the Premises opposite Cliff Avenue as reasonably as possible (thus seeking only a variance of 2 feet (48 feet setback versus 50 feet required) and (iii) staying beyond what would be a normal side yard setback on the easterly side of the property (approximately 21 feet setback versus 15 feet) if Cliff Avenue permitted a side yard setback versus a front yard setback. The easterly side of the Premises (on Cliff Avenue) has good separation from the developed portion of 7 Ferry Street (Map 175, Lot 79) as is depicted on the GIS extract accompany the Application.

It is respectfully submitted that this design (configuration), layout and location of the ADU meet the spirit and intent of the ADU provisions of the Zoning Ordinance (Article XIII A) given these unique circumstances.

Zoning Determination Underlying Variance Application

The Antoscas filed request for zoning determinations culminating in Zoning Determination #19-048 (in the form of the letter of Bruce Buttrick, Zoning Administrator / Code Enforcement Officer dated April 12, 2019) and Zoning Determination #19-058 (in the form of the letter of Bruce Buttrick, Zoning Administrator / Code Enforcement Officer dated April 25, 2019) (collectively, the “Zoning Determinations”). The Zoning Determinations accompany the Application.

This Zoning Determinations found that the Premises were a “newly merged lot” and “a corner lot with three front setbacks”. The Zoning Determinations also found that the Premises comprised 0.466 acres (20,299 square feet), less than the minimum requirement of 43,560 square feet in the B District, thus becoming “an existing non-conforming lot of record.” The Zoning Determinations also found that the front setback of the house appears to be 21.5 feet where 50 feet is required and thus the existing structure (the single-family home) is an existing non-conforming structure. Finally, the Zoning Determinations found that the current use as a single-family dwelling is an existing non-conforming use.

It is to be remembered that the house was built approximately in 1952, at a time when the zoning ordinance requirements for this neighborhood were significantly different than today.

The Zoning Determinations also found that for an ADU in excess of 750 square feet, the following variances would be needed:

1. A variance from Section 334-29 (Extension or Enlargement of a Non-Conforming Use);
2. A variance from Section 334-73.3 (which provides that an ADU is permitted only in zoning districts that permit single-family dwellings and only in accordance with the particular design provisions);
3. A variance from Section 334-27 (Table Dimensional Requires) for the expansion of a non-conforming building and possible setback variances; and
4. A variance from the particular provisions of Article XIII A (Accessory Dwelling Units) if the square footage of the ADU exceeds 750 square feet.

In light of these determinations, Mr. and Mrs. Antosca file this Application for a Variance.

5 Criteria for Granting a Variance

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

It is not contrary to the public interest to allow an attached Accessory Dwelling Unit (ADU) on a lot in a residential neighborhood, now burdened by the B District provisions, which lot contains a single-family dwelling nearly 70 years old, serviced by an on-site septic

system, in a longstanding residential neighborhood on a lot surrounded on three of its four sides by town roads and thus burdened with three front yard setback requirements, and where the lot can adequately accommodate an ADU, maintain a single-family dwelling appearance from its front facing onto Alpine Avenue, and incorporate the ADU in the most logical and less burdensome location in the context of the overall character of the neighborhood. Interestingly, inclusion of the ADU renders an overall structure not inconsistent with the home directly across the street on Alpine Avenue (12 Alpine Avenue) which is on a lot much smaller than the Premises.

In addition, it is not contrary to the public interest to permit a reasonable use of an existing residential property to implement the very purpose for which accessory dwelling units are designed – provide living accommodations for a family member, in particular one who grew up in the single-family home in an established Hudson neighborhood. ADUs provide affordable housing opportunities in existing residential settings. This goal is met (and thus the public interest not contradicted).

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

The spirit of the ordinance is partially derived from the purposes of the ordinance. Section 334-2 of the Zoning Ordinance sets forth the general purposes, which include promoting efficiency and economy in the process of development by encouraging the most appropriate use of land throughout the Town and conserving property values. In addition, Section 334-73.2 provides that the purpose of Accessory Dwelling Units is to “increase the supply of affordable housing in the Town without the need for more infrastructure or further land development, while maintaining aesthetics and residential use compatible with homes in the neighborhood.”

This proposed ADU meets these purposes and thus the spirit of the ordinance is clearly observed. Obviously, if the variance is granted, it will meet directly on point the specific purpose of the Accessory Dwelling Unit provision of the Zoning Ordinance – increase the supply of affordable housing without the need for more infrastructure while maintaining aesthetics and residential use compatible with homes in the neighborhood. As mentioned, the design of the ADU is to locate it on the easterly side of the Premises, away from the most adjacent houses in the neighborhood and opposite the structure at 12 Alpine Avenue that is of a similar layout or configuration. This design and layout does not further encroach into the frontage along Alpine Avenue and keeps the single-family look from Alpine Avenue.

Obviously, this proposal meets the spirit of the ordinance when analyzing the general purposes of the Zoning Ordinance including promoting efficiency and economy in the process of development by encouraging the most appropriate use of land throughout the Town and conserving property values. The addition of the ADU is an efficient use of this portion of the lot, and maintains and conserves the property values. In addition, the variance would demonstrate vitality in the immediate neighborhood.

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

Substantial justice is done by permitting an ADU in an existing neighborhood, on a portion of a lot further spaced from the immediate abutting homes, and allowing zoning relief on a lot with three front yard setbacks (and thus a minimal building envelope), while at the same time meeting the goals of the Accessory Dwelling Unit provisions of the Zoning Ordinance (Article XIII A).

The New Hampshire Supreme Court has said that substantial justice is done if the general public realizes no appreciable gain from denying the variance, but the applicant is adversely affected in a material manner. In this case, the general public realizes no appreciable gain if the variance is denied since the variance would permit the ADU in a logical location on the Premises without any adverse impact on the general public. If the variance is denied the general public realizes no appreciable gain while the applicant is materially and adversely affected (losing an opportunity to add affordable housing stock to the community for the benefit of a family member who grew up in the very house in that very neighborhood). Consequently, under this test, substantial justice is done if the variance is granted.

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

Adding an accessory dwelling unit in an existing neighborhood, on a lot that can accommodate it, and on a portion of the lot that most readily provides for that accommodation (without adverse impact on the neighborhood), in a neighborhood burdened by the B District will not adversely affect adjoining property values. Property values are generally enhanced with nearby new construction. In addition, the ADU is on a parcel of land sufficient in size to accommodate it.

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

RSA 674:33, I(b)(5)(A) provides that “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.

Consequently, a two-prong “unnecessary hardship” test is established.

A. Special Conditions

As mentioned earlier, the Premises have a number of special conditions. First, the Premises are located in the B District although the immediate neighborhood in which the Premises are located remains residential in nature. The B District provisions have a particular impact on single-family homes, which were previously conforming uses, but became non-conforming uses when placed in the B District. The B District does not permit single-family homes by right; therefore, single-family homes in the B District become non-conforming uses, and lots (which were once of a permissible size) are no longer a permissible size given changes in the dimensional requirements. Therefore, homes in the B District on historically acceptable lots, become non-conforming both as to use and size.

The effect of the B District zoning provisions, rendering the Premises and other properties in the neighborhood non-conforming, severely constrains their ability to modernize or accommodate more modern concepts of land use. This is because (i) the single-family use is no longer permitted on land where it was once permitted and (ii) non-conforming uses cannot be extended or enlarged without variances.

To top it all off, the Premises have three road frontages – thus three front yard setbacks. Without relief by variance, these three front yard setbacks create a building envelope that is only a small fraction of the overall parcel. Therefore, any property owner with three front yard setbacks is further constrained for any reasonable modernization or improvements unless variances are granted. In a nutshell, these conditions exemplify the unique and special conditions of the Premises.

The Premises were developed at a time when on-site septic systems were the norm for this neighborhood. Therefore, the placement of the on-site septic system is a pre-existing, special condition of the Premises which further affects the flexibility of the Premises in terms of locating an ADU; hence, the location of the ADU to its easterly end, away from the septic system.

B. Hardship Test in light of Special Conditions

In light of these special conditions, the two-prong unnecessary hardship test is to be measured. First, we note the general public purposes of the ordinance provisions set forth in Section 334-2, which include lessening congestion in streets, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, and conserving property values. Presumably, the purpose of Section 334-21 (the Table of Permitted Principal Uses), is to provide some compatibility of uses in particular zones. However, this goal of compatibility of uses, is severely constrained (without a variance) when the B District provisions are imposed on an existing residential neighborhood, although the compatibility of uses in the neighborhood still remains, notwithstanding the zoning district in which the neighborhood is located.

Importantly, in light of these special conditions, we recognize the purposes of the Accessory Dwelling Unit provisions themselves (Article XIII A). The core purpose of the Accessory Dwelling Unit provisions is to provide a supply of affordable housing without the need

for more infrastructure or further land development, as recited in Section 334.73.2. Without a variance, this core purpose cannot be achieved.

With these special conditions in mind, and given the aforementioned general public purposes of the ordinance, it is clear that no fair and substantial relationship exists between the general public purposes of the ordinance provisions and the specific application of these provisions to the Premises. First, the general public purposes of the ordinance (set forth in Section 334-2 and Section 334.73-2 and recited above) are not fulfilled by the denial of the variance application, but rather would be fulfilled if the variance application was granted. The reasoning is simple. The proposed use (the ADU) fulfills a number of these general purposes. First, the purposes of the Accessory Dwelling Unit provisions (increase the supply of affordable housing without the need for more infrastructure) are fully frustrated if the variance is not granted, thus there is no fair and substantial relationship between these purposes and the application of these purposes in this case, given the special conditions of the Premises as cited above in detail. In addition, the provisions in the Zoning Ordinance (such as the permitted uses in the B District) are not fostered if the variance is denied. The immediate neighborhood is essentially residential, contrary to the provisions of the Zoning Ordinance which prohibit single-family dwellings. Therefore, compatibility of use is not honored if the variance is denied.

The second prong of the unnecessary hardship test is that the proposed use is a reasonable use. ADU's are a contemplated element of a single-family home, supported by a laudatory purpose in the Zoning Ordinance.

Consequently, the two-prong unnecessary hardship test has been met.

Conclusion

The Applicant respectfully requests that the variance be granted.

The Applicant reserves the right to provide additional testimony and information at the public hearing on this Application.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-048

April 12, 2019

Ann Antosca
13 Alpine Ave
Hudson, NH 03051

Re: 13 Alpine Ave Lot 175 Map 088
District: Business (B)

Dear Ms. Antosca,

Your request for zoning review and determination regarding the options of an Accessory Dwelling Unit (ADU), over 750 sqft, and/or detached additional dwelling?

Zoning review / Determination:

Our research shows this as a newly merged lot and is a corner lot with 3 front setbacks. This consolidated lot comprises of 0.466 Acre = 20,299 sqft, which is less than the required minimum of 43,560 sqft, thus becoming an existing non-conforming lot of record. The house front setback appears to be 21.5 ft where 50 ft is required, thus the structure is existing non-conforming. Single family uses are not permitted in the Business district, thus the current use as a single family dwelling is an existing non-conforming use.

To construct an ADU in this structure: you would need the following variances: Article VIII section **§334-29 Extension or enlargement of nonconforming uses:** "A non-conforming uses shall not be extended or enlarged, except by variance." And, Article XIII A section **§334-73.3 Provisions:** "An ADU shall be permitted in zoning DISTRICTS that permit single-family dwellings, and only in accordance with the following provisions:...."

If there is a footprint expansion of the building, depending on where the addition is/happens may require a variance of **§334-27 Table of Dimensional Requirements** for expansion of non-conforming building and possible setback variances. The required setbacks are 50 ft front and 15 ft side and rear.

If the proposed ADU exceeds the max 750 sqft and doesn't meet other provisions of Article **XIII A Accessory Dwelling Units**, a variance would be required.

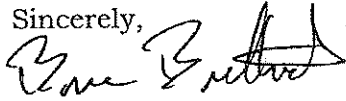
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

All these variances, if required, are applied for to the Zoning Board of Adjustment.

If you were to build a separate (additional) dwelling unit on this lot, most of the variances cited above would apply (depending on your layout), as well as a variance for **§334-10 Mixed or Dual use on a lot**. You would also need **site plan approval** from the Planning Board.

Please contact me and Brian Groth – Town Planner (603) 886-1268, if you are serious about proceeding with one of your options.

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth – Town Planner
File

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-058 Building Permit application 2019-00312 denial

April 25, 2019

Ann Antosca
13 Alpine Ave
Hudson, NH 03051

Re: 13 Alpine Ave Lot 175 Map 088
District: Business (B)

Dear Ms. Antosca,

Your building permit application: to remove an existing 20 x 20 deck and construct a 20 x 24 three season porch has been denied.

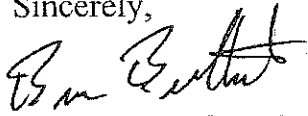
Zoning Review / Determination:

Our research shows this as a newly merged lot and is a corner lot with 3 front setbacks. This consolidated lot comprises of 0.466 Acre = 20,299 sqft, which is less than the required minimum of 43,560 sqft, thus becoming an existing non-conforming lot of record. The house front setback along Alpine Ave. appears to be 21.5 ft where 50 ft is required, thus the front portion of the structure is existing non-conforming. Single family (residential) uses are not permitted in the Business district, thus the current use as a single family dwelling is an existing non-conforming use.

This proposed construction/use is an expansion of the existing non-conforming use, and would need a variance from §334-27 “Extension or enlargement of nonconforming uses: “A nonconforming use shall not be extended or enlarged, except by variance.”

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

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
J. Kennedy, Permit Tech
Dep. O'Brien, Inspectional Services
B. Groth, Town Planner
Bob, Erickson Construction
File

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

175 088 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRaised: 244,200/ 244,200
USE VALUE: 244,200/ 244,200
ASSESSed: 244,200/ 244,200

PROPERTY LOCATION

No	Alt No	Direction/Street/City
13		ALPINE AVE, HUDSON

OWNERSHIP

Owner 1:	ANTOSCA, ALBERT J.
Owner 2:	ANTOSCA, ANN M.
Owner 3:	
Street 1:	13 ALPINE AVENUE
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

PREVIOUS OWNER

Owner 1:	ANTOSCA, ALBERT J. -
Owner 2:	ANTOSCA, ANN M. -
Street 1:	13 ALPINE AVENUE
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains .466 ACRES of land mainly classified as ONE FAMILY with a RANCH Building built about 1952, having primarily CLAPBOARD Exterior and 1600 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 0 HalfBath, 7 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int
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PROPERTY FACTORS

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

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
101	0.466	150,300	1,500	92,400	244,200		1073
						Entered Lot Size	GIS Ref
						Total Land:	GIS Ref
						Land Unit Type:	Insp Date
							10/23/13
Total Card		0.466	150,300	1,500	92,400	244,200	
Total Parcel		0.466	150,300	1,500	92,400	244,200	
Source:		Market Adj Cost	Total Value per SQ unit /Card:		152.63	/Parcel:	152.63

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2019	101	FV	150,300	1500	.466	92,400	244,200	244,200	Year End Roll	9/16/2019
2019	101	JB	150,300	1500	.466	92,400	244,200	244,200	Year End Roll	5/8/2019
2018	101	FV	150,300	1500	.37	89,200	241,000	241,000	Year End Roll	8/27/2018
2018	101	JB	150,300	1500	.37	89,200	241,000	241,000	Year End Roll	5/9/2018
2017	101	FV	150,300	1500	.37	89,200	241,000	241,000	Year End Roll	10/26/2017
2017	101	PV	150,300	1500	.37	89,200	241,000	241,000	Year End Roll	8/28/2017
2017	101	JB	115,800	1900	.37	85,200	202,900	202,900	Year End Roll	5/10/2017
2016	101	FV	115,800	1900	.37	85,200	202,900	202,900	Year End Roll	8/30/2016

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
ANTOSCA, ALBERT	9148-2145	8	2/13/2019	UNCLASSIFIED		No	No		merger of lot 88
TROTTIER, MARK	5605-601		1/20/1995		89,000	No	No		
	4210-0069		6/12/1987		121,900	No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
6/24/2019	2019-00312	ELECTRIC		O				
5/3/2019	2019-00312	DECK	35,926	O				
8/20/2014	2014-00590	PORCH	1,300	C				ROOF AND SCREEN PO

ACTIVITY INFORMATION

Date	Result	By	Name
3/4/2019		1	CHIEF ASSESS
10/23/2013	Entry Denied	15	APPR TECH 5
11/9/2006	Measured	3	ASMNT TECH
9/1/2005	New Maps	1	CHIEF ASSESS
5/11/2004	Permit Visit	3	ASMNT TECH
4/23/2001	Entry Denied	0	PATRIOT
1/30/1991	Inspected	2	AVITAR

Sign: VERIFICATION OF VISIT NOT DATA

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / 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 Code	J Code	Fact	Use Value	Notes
101	ONE FAMILY		0.466		SITE ACRE SITE			0	110,000.	1.80	RE						92,378					92,400	

Total AC/HA:	0.46600	Total SF/SM:	20299	Parcel LUC:	101	ONE FAMILY	Prime NB Desc	RES AVG	Total:	92,378	Spl Credit	Total:	92,400
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Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Database: AssessPro - Counter

apro

2019



Patriot Properties Inc.

USER DEFINED

Prior Id # 1:	0058
Prior Id # 2:	0023
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:	

PRINT

Date	Time
03/03/20	09:59:54

LAST REV

Date	Time
07/30/19	14:38:16

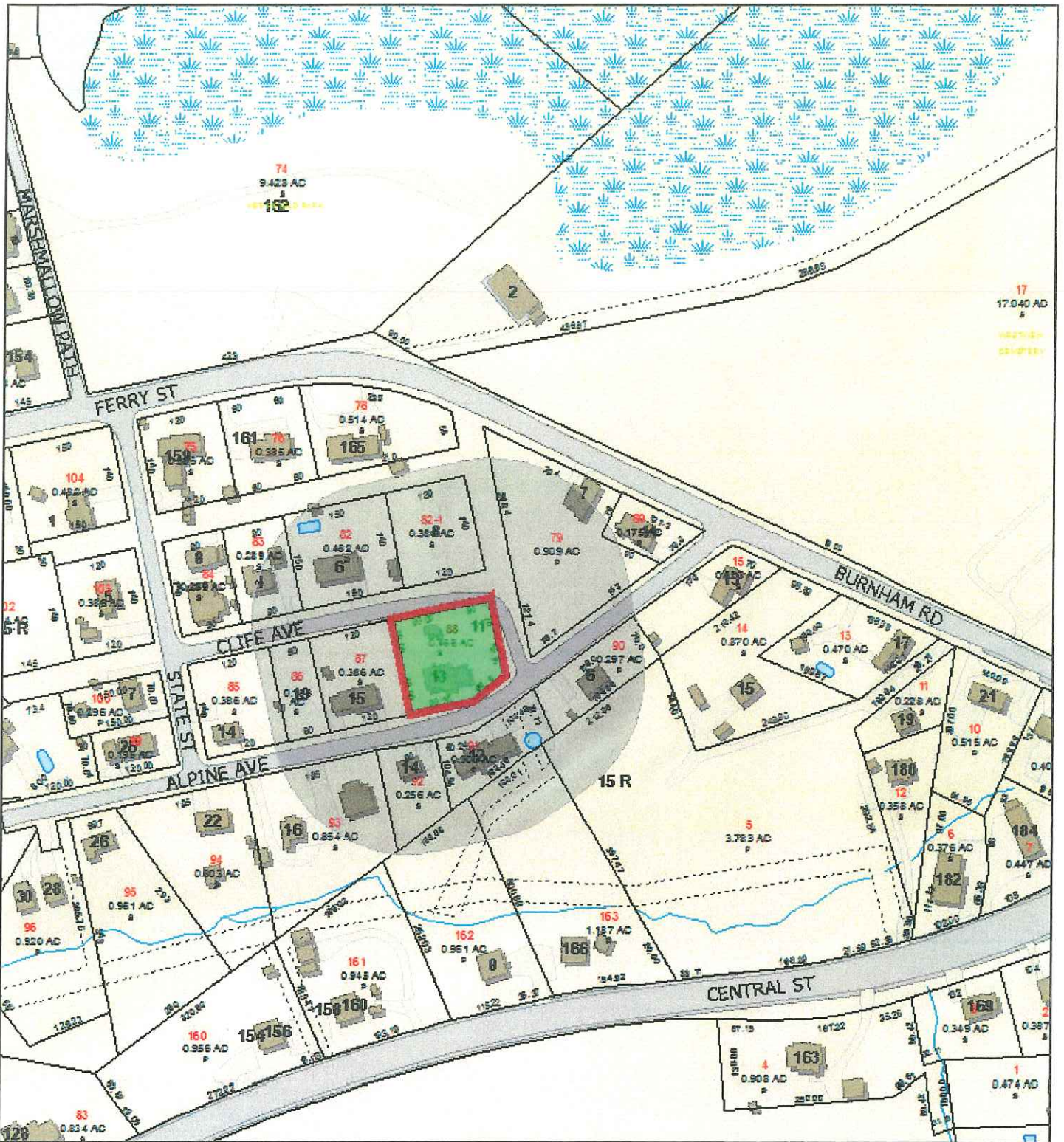
anym 8046

13 Alpine Avenue Documents

1. GIS Map of Alpine Avenue
2. Existing Conditions Plan from the variance application.
3. Proposed Plot Plan (showing the improvements) from the variance application.
4. Google Earth Overhead
5. Floor Plan
6. Septic Approval
7. Abutter Letters

1. GIS Map of Alpine Avenue

13 Alpine Ave (Map/Lot 175-088-000)



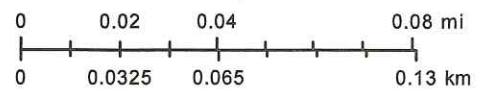
March 3, 2020

1:2,449

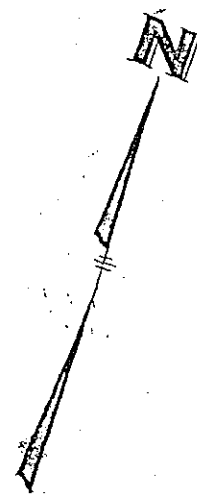
Legend

----- Easement Lines

▭ Parcels



2. Existing Conditions Plan from the variance application.



TAX MAP 175 / LOT 082
SCOTT & MELISSA WEIKLE
6 CLIFF AVENUE
HUDSON, NH 03051

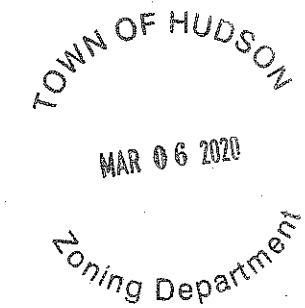
TAX MAP 175 / LOT 082 -1
TOWN OF HUDSON, NH
12 SCHOOL STREET
HUDSON, NH 03051

DEED REFERENCE: BOOK 5605 PAGE 601
BOOK 8581 PAGE 667

PLAN REFERENCE: HCRD #122 DATED: 1904
LOTS 124, 125, 126, 127, 128, (PORTION OF 129),
(PORTION OF 130), 131, 132 & 133.

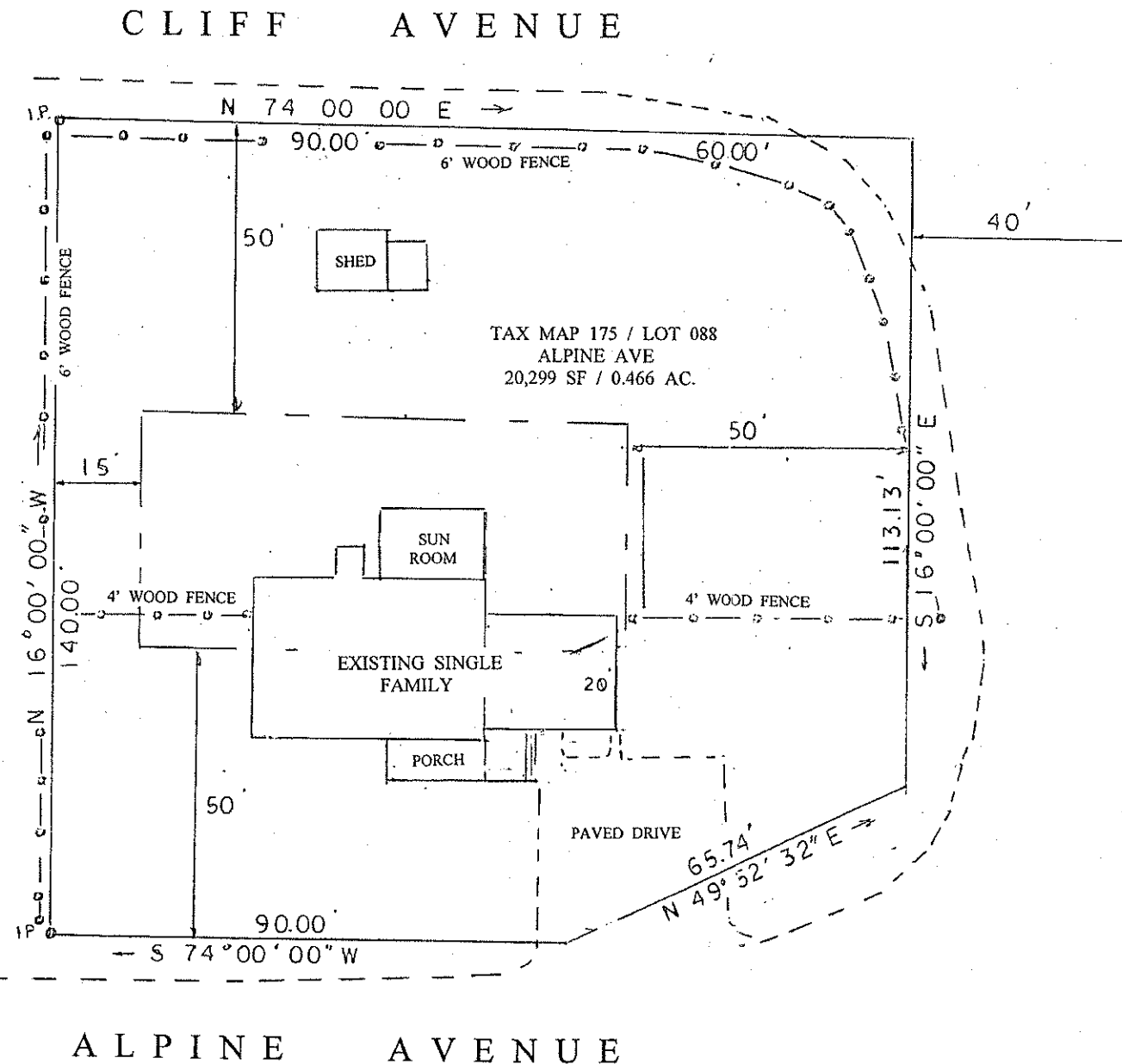
PRESENT ZONING: B - BUSINESS

MINIMUM SETBACKS: FRONT - 50 FEET
SIDE - 15 FEET
REAR - 15 FEET



TAX MAP 175 / LOT 079
STANLEY H. EATON
7 BURNHAM ROAD
HUDSON, NH 03051

TAX MAP 175 / LOT 087
JUNE PARKER REVOCABLE TRUST
JUNE PARKER, TR
15 ALPINE AVENUE
HUDSON, NH 03051



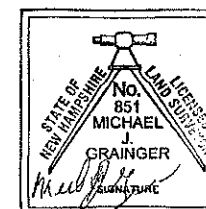
EXISTING CONDITIONS PLAN
TAXMAP 175 / LOT 088

CERTIFIED PLOT PLAN
13 ALPINE AVENUE
HUDSON, NH

PREPARED FOR: ANN ANTOSCA
13 ALPINE AVENUE
HUDSON, NH 03051
603 930 - 6149

TAX MAP 175 / LOT 092
ANN & ALBERT ANTOSCA
14 ALPINE AVENUE
HUDSON, NH 03051

TAX MAP 175 / LOT 091
LEO & KAREN GRAHAM
12 ALPINE AVENUE
HUDSON, NH 03051



JANUARY 28, 2020

SCALE: 1" = 20'

M. J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359

JN 19-110

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION AND A FIELD SURVEY MADE ON THE GROUND DURING MARCH 2003, JUNE 2019 & JANUARY 2020, HAVING A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000, IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.

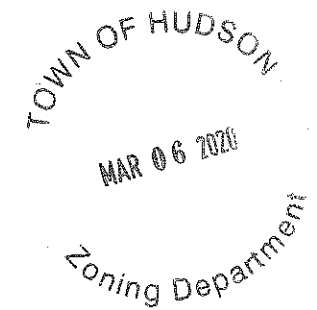
3. Proposed Plot Plan
(Showing the improvements)
from the variance application.

DEED REFERENCE: BOOK 5605 PAGE 601
 BOOK 8581 PAGE 667

PLAN REFERENCE: HCRD # 122 DATED: 1904
 LOTS 124, 125, 126, 127, 128, (PORTION OF 129),
 (PORTION OF 130), 131, 132 & 133.

PRESENT ZONING: B - BUSINESS

MINIMUM SETBACKS: FRONT - 50 FEET
 SIDE - 15 FEET
 REAR - 15 FEET



TAX MAP 175 / LOT 079
 STANLEY H. EATON
 7 BURNHAM ROAD
 HUDSON, NH 03051

PROPOSED PLOT PLAN

TAX MAP 175 / LOT 088

CERTIFIED PLOT PLAN

13 ALPINE AVENUE
 HUDSON, NH

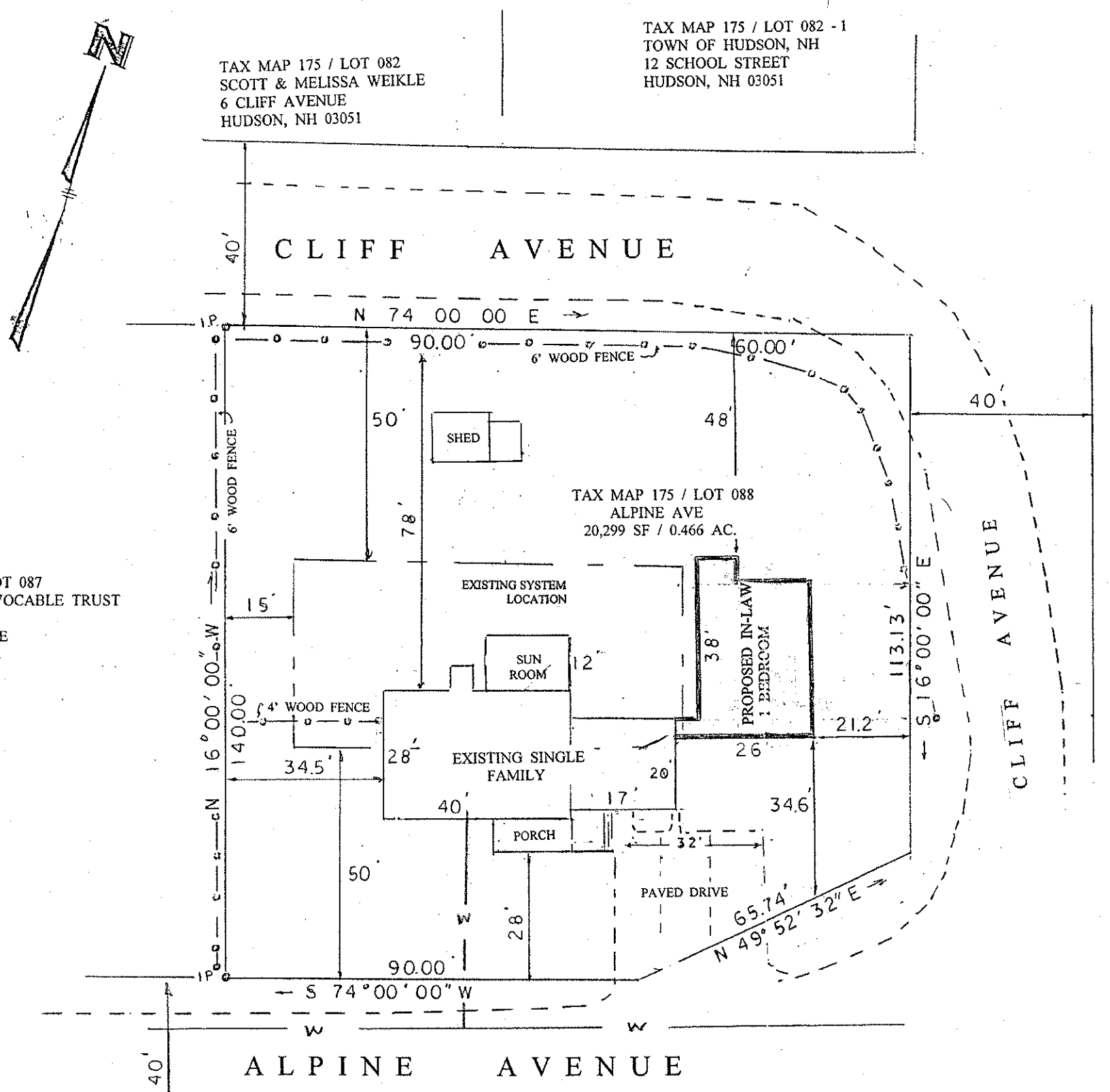
PREPARED FOR: ANN ANTOSCA
 13 ALPINE AVENUE
 HUDSON, NH 03051
 603 930-6149

JANUARY 28, 2020

SCALE: 1" = 20'

M. J. GRAINGER ENGINEERING, INC.
 PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
 220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359

JN 19-110



TAX MAP 175 / LOT 082
 SCOTT & MELISSA WEIKLE
 6 CLIFF AVENUE
 HUDSON, NH 03051

TAX MAP 175 / LOT 082 - 1
 TOWN OF HUDSON, NH
 12 SCHOOL STREET
 HUDSON, NH 03051

TAX MAP 175 / LOT 087
 JUNE PARKER REVOCABLE TRUST
 JUNE PARKER, TR
 15 ALPINE AVENUE
 HUDSON, NH 03051

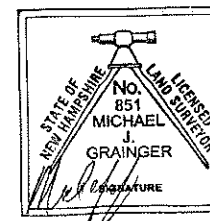
TAX MAP 175 / LOT 088
 ALPINE AVE
 20,299 SF / 0.466 AC.

TAX MAP 175 / LOT 092
 ANN & ALBERT ANTOSCA
 14 ALPINE AVENUE
 HUDSON, NH 03051

TAX MAP 175 / LOT 091
 LEO & KAREN GRAHAM
 12 ALPINE AVENUE
 HUDSON, NH 03051

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION AND A FIELD SURVEY MADE ON THE GROUND DURING MARCH 2003, JUNE 2019 & JANUARY 2020, HAVING A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000, IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.

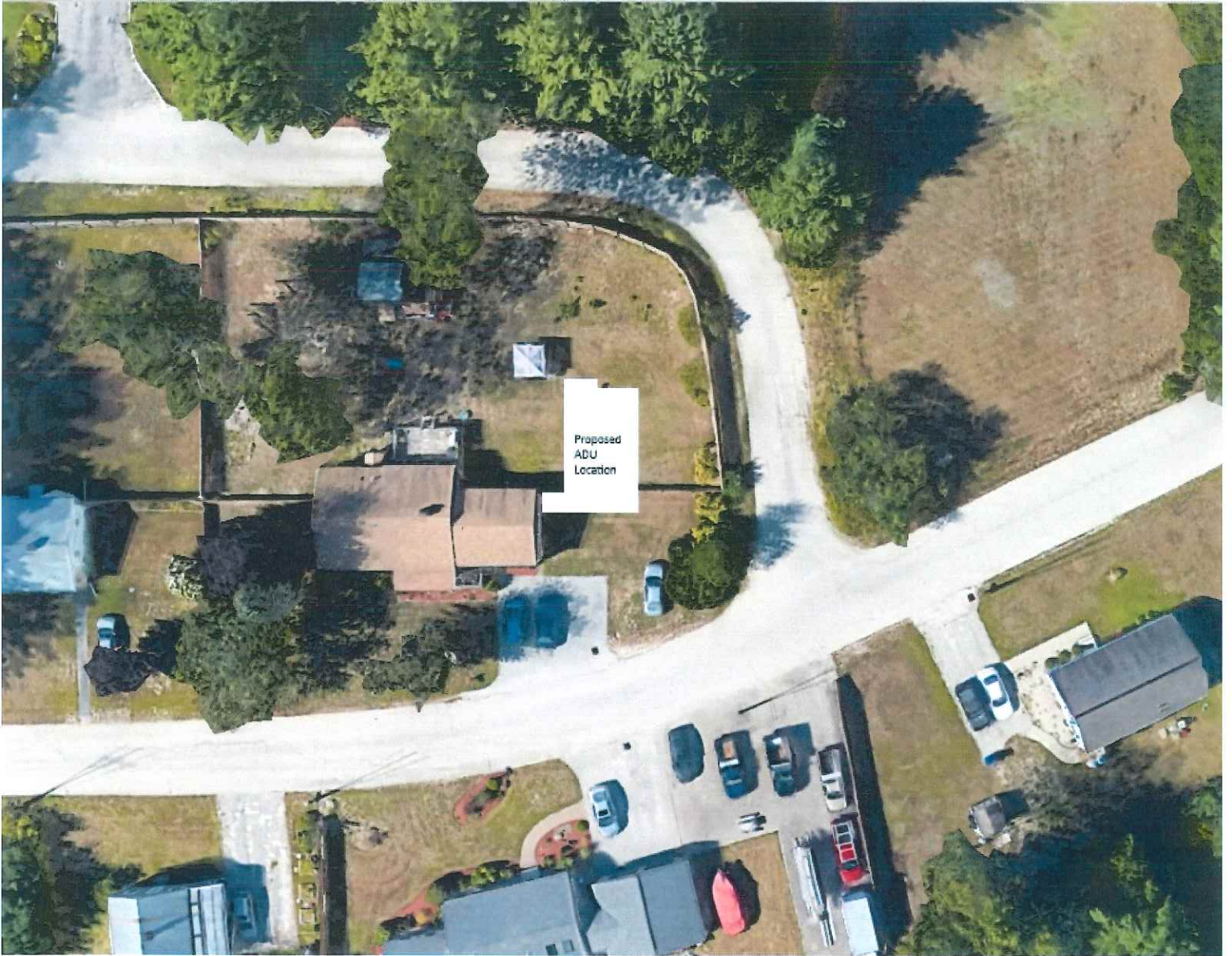


4. Google Earth Overhead

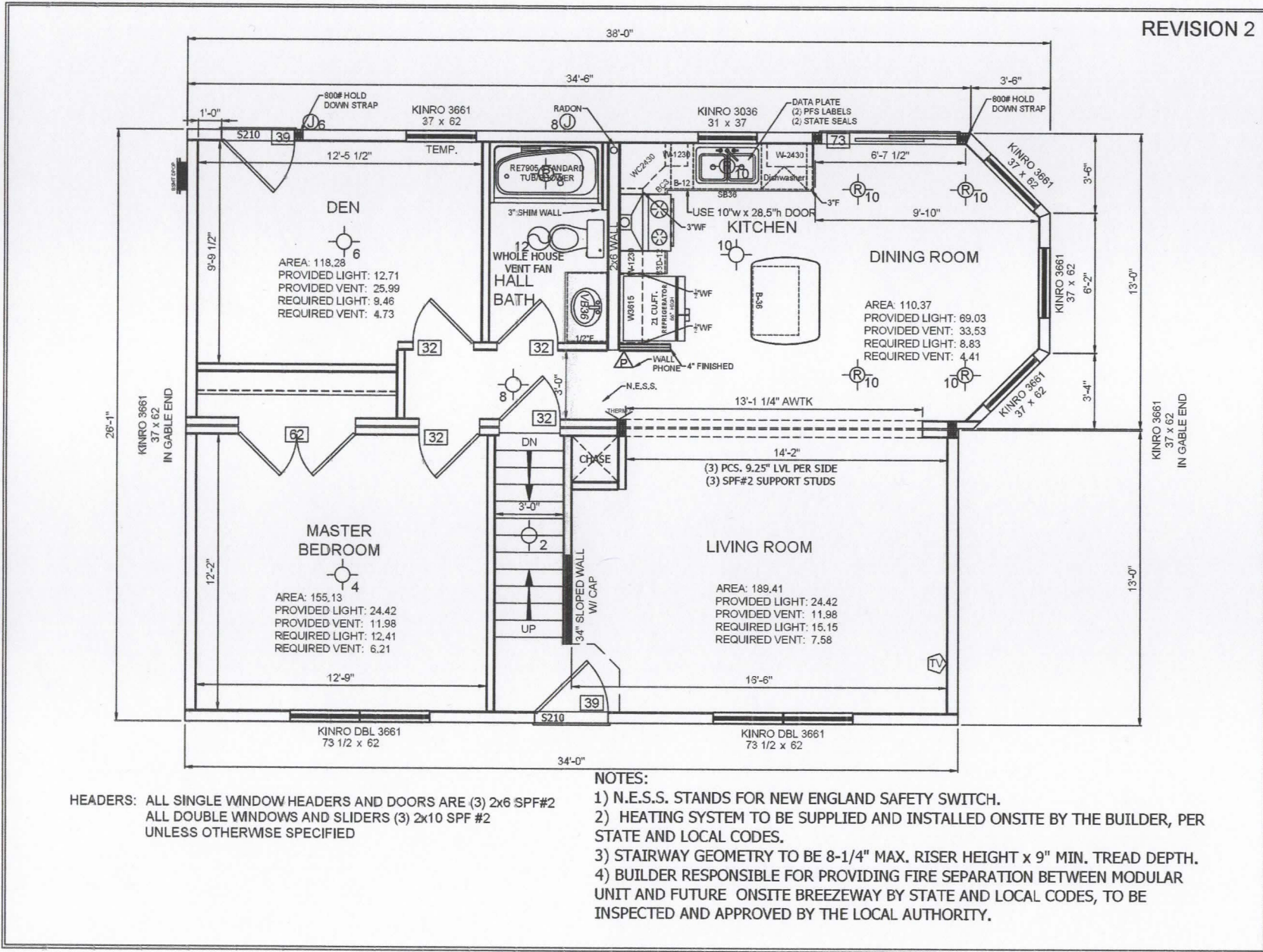
TOWN OF HUDSON

APR 29 2020

Zoning Department



5. Floor Plan



REVISION 2

New Era building systems
 CHAMPION HOME BUILDERS DIV. 270
 451 SOUTHERN AVE. STRATTANVILLE, PA 16258

THESE DRAWINGS HAVE BEEN EXTRACTED FROM AND CONFORM TO PREVIOUS APPROVED BUILDING SYSTEM DRAWINGS

DATE: Feb. 11, 20
 ENGINEERING MANAGER

ENGINEER'S / ARCHITECT'S SEAL

APPROVER'S SEAL
PFS Corporation
 Northeast Region
APPROVED
 Michelle Floyd
 02/14/2020
 Approval limited to
 Factory Built Portion

MODIFICATIONS
 WINDOW GUARDS ON-SITE PER R312.2 IF:
 -WINDOW SILL UNDER 24" ABOVE FINISHED FLOOR AND
 -WINDOW OPENING MORE THAN 72" ABOVE FINISHED GRADE.

TITLE:
FLOOR PLAN

MODEL:
Q-28943
 26x34/38 CAPE

DATE: 02-11-20 SCALE: NTS
 DRAWN BY: MF CHECKED BY:
 BUILDER: FAIRLANE
 CUSTOMER: ANN ANTOSCA
 STATE: NH
 WIND: 121 V(mph)
 ROOF: 12/12 X-TRUSS @16" O.C. 60 PSF
 FLOOR: 2x10 SYP#2 @ 16" O.C.
 FILENAME: Q-28943
 SHEET NO.:

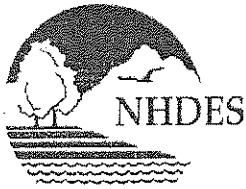
AP-101

PAGE:
PROPRIETARY AND CONFIDENTIAL
 THESE DRAWINGS AND SPECIFICATIONS ARE ORIGINAL PROPERTY AND CONFIDENTIAL MATERIALS OF CHAMPION. ©2017 (REV) 1875-2020 BY CHAMPION

HEADERS: ALL SINGLE WINDOW HEADERS AND DOORS ARE (3) 2x6 SPF#2
 ALL DOUBLE WINDOWS AND SLIDERS (3) 2x10 SPF #2
 UNLESS OTHERWISE SPECIFIED

NOTES:
 1) N.E.S.S. STANDS FOR NEW ENGLAND SAFETY SWITCH.
 2) HEATING SYSTEM TO BE SUPPLIED AND INSTALLED ONSITE BY THE BUILDER, PER STATE AND LOCAL CODES.
 3) STAIRWAY GEOMETRY TO BE 8-1/4" MAX. RISER HEIGHT x 9" MIN. TREAD DEPTH.
 4) BUILDER RESPONSIBLE FOR PROVIDING FIRE SEPARATION BETWEEN MODULAR UNIT AND FUTURE ONSITE BREEZEWAY BY STATE AND LOCAL CODES, TO BE INSPECTED AND APPROVED BY THE LOCAL AUTHORITY.

6. Septic Approval



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

**APPROVAL FOR CONSTRUCTION
OF INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS)**

AS AUTHORIZED BY THE NH DEPARTMENT OF ENVIRONMENTAL SERVICES, WATER DIVISION PURSUANT TO RSA 485-A, WATER POLLUTION AND WASTE DISPOSAL AND ENV-WQ 1000, SUBDIVISION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM DESIGN RULES.

APPLICATION APPROVAL DATE: 2/7/2020

APPROVAL NUMBER: eCA2020020707

I. PROPERTY INFORMATION

Address: 13 ALPINE AVENUE
HUDSON NH 03051
Subdivision Approval No.: PRE-1967
Subdivision Name: HUDSON TERRACE
County: HILLSBOROUGH
Tax Map/Lot No.: 175/088

II. OWNER INFORMATION

Name: ANN ANTOSCA
Address: 13 ALPINE AVENUE
HUDSON NH 03051

III. APPLICANT INFORMATION

Name: MJ GRAINGER ENGINEERING
Address: MJ GRAINGER ENGINEERING
220 DERRY RD
HUDSON NH 03051

IV. DESIGNER INFORMATION

Name: MICHAEL J GRAINGER
Address: 220 DERRY RD
HUDSON NH 03051
Permit No.: 00700

V. SPECIFIC TERMS AND CONDITIONS: Applicable to this Approval for Construction

A. TYPE OF SYSTEM: STONE AND PIPE

B. NO. OF BEDROOMS: 2

C. APPROVED FLOW: 525 GPD

D. OTHER CONDITIONS AND WAIVERS:

1. This approval is valid for 4 years from date of approval, per Env-Wq 1004.13.
2. Approved with a public water system only.
3. This approval is based on complying with Env-Wq 1004.21 "When Installation of a replacement ISDS is Required" and obtaining an approval for operation for the ISDS prior to the approval expiration date.
4. Approval for a two bedroom house and a one bedroom studio apartment.
5. No waivers have been approved.

TOWN OF HUDSON

APR 29 2020

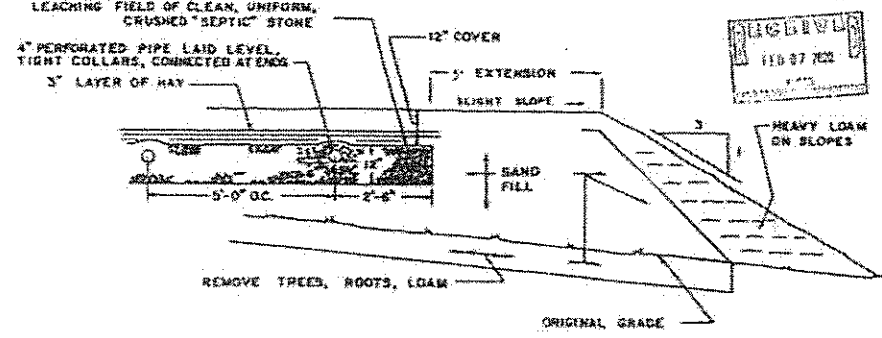
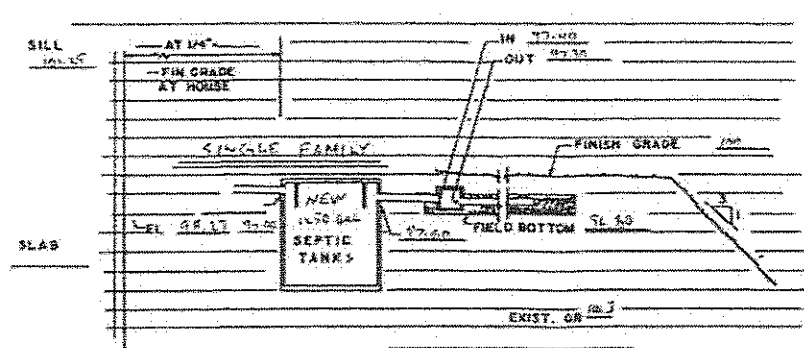
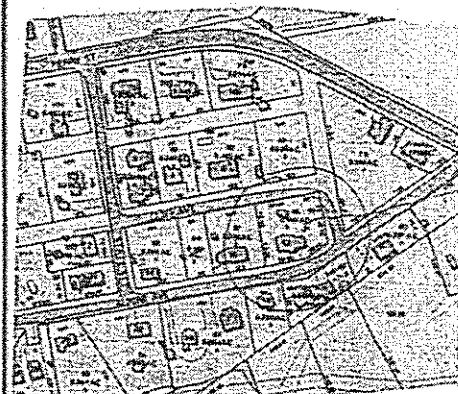
Zoning Department

Eric J. Thomas
Subsurface Systems Bureau

VI. GENERAL TERMS AND CONDITIONS: Applicable to all Approvals for Construction

- A. This Approval for Construction is issued to construct the ISDS as identified on Page 1 of this Approval.
- B. This Approval is valid until 2/7/2024, unless an Approval for Operation has been granted.
- C. By exercising any rights under this approval, the parties have agreed to all terms and conditions.
- D. No liability is incurred by the State of New Hampshire by reason of any approval of any Approval for Construction. Approval by the Department of Environmental Services of sewage and waste disposal systems is based on plans and specifications supplied by the Applicant.
- E. The system must be constructed in strict accordance with the approved plans and specifications.
- F. The installed system must be left uncovered and cannot be used after construction until it is inspected and has received an Approval for Operation of Individual Sewage Disposal System (ISDS) by an authorized agent of the Department.
- G. This system must be installed by an installer holding a valid permit. An owner may install the system for his/primary domicile.
- H. This Approval for Construction does not supersede any equivalent or more stringent local ordinances or regulations. State standards are minimal and must be met statewide.

WORK NUMBER: 202000453
APPROVAL NUMBER: eCA2020020707
RECEIVED DATE: February 7, 2020
TYPE OF SYSTEM: STONE AND PIPE
NUMBER OF BEDROOMS: 2

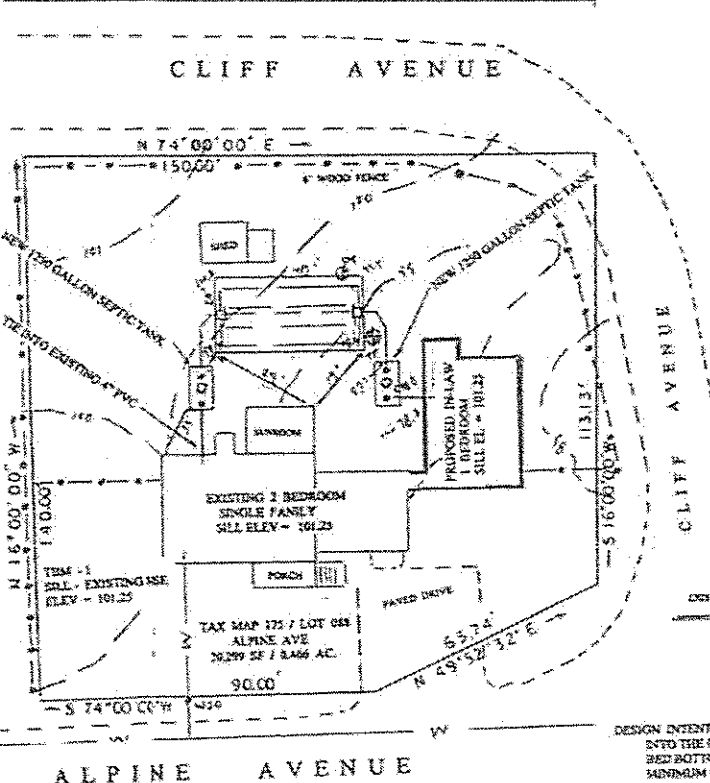


TAX MAP 175 / LOT 82
SCOTT & MELISSA WENZEL
6 CLIFF AVENUE
HUDSON, NH 03051

TAX MAP 175 / LOT 82-1
TOWN OF HUDSON, NH
12 SCHOOL STREET
HUDSON, NH 03051

TAX MAP 175 / LOT 84
JANE PARKER BEYDCABLE TRUST
JANE PARKER, TR
15 ALPINE AVENUE
HUDSON, NH 03051

TAX MAP 175 / LOT 87
STANLEY H. EATON
7 BURNHAM ROAD
HUDSON, NH 03051



EXISTING SINGLE FAMILY

KEY SYSTEM REQUIREMENTS

INV @ BLDG - 98.27

NEW 1250 GAL SEPTIC TANK
INV IN - 97.90
INV OUT - 97.68

D-BOX INV IN - 97.40
INV OUT - 97.30

BED BOTTOM - 96.85
FINISH GRADE - 100

PROPOSED IN-LAW UNIT

KEY SYSTEM REQUIREMENTS

INV @ BLDG - 98.30

NEW 1250 GAL SEPTIC TANK
INV IN - 98.00
INV OUT - 97.70

D-BOX INV IN - 97.40
INV OUT - 97.30

BED BOTTOM - 96.85
FINISH GRADE - 100

REVIEWED AND APPROVED

IN ACCORDANCE WITH THE
REQUIREMENTS OF THE
TOWN OF HUDSON, NH, OFFICER

DATE: 1/27/20

- PROPERTY LINES ON THIS PLAN ARE APPROXIMATE ONLY AND ONLY FOR THE PURPOSES THEREIN SHOWN. A COMPLETE SURVEY WAS NOT PERFORMED. THIS OFFICE DOES NOT GUARANTEE THE PROPERTY LINES.
- GRADE ALL FILL WITH ORIGINAL "B" HORIZON OF SAND - WITHIN THE LIMITS OF REQUIRED SEPTIC SYSTEM AREA.
- NO SURFACE WATER WITHIN 10 FEET OF THE SYSTEM.
- NO GRAVITY WELLS LOCATED WITHIN 10 FEET OF THE SYSTEM.
- THE CONTRACTOR SHALL MAINTAIN SUFFICIENT DEPTH OF COVER OVER ALL PIPES TO PREVENT FREEZING.
- THE CONTRACTOR SHALL PROVIDE ACCESSIBILITY AND TIES TO ALL COMPONENTS OF SEPTIC TANK AND DISTRIBUTION BOX FOR ANY WELLS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VEGETATION AND DETERMINATION OF LOCATION, SIZE, AND ELEVATION OF ALL EXISTING AND PROPOSED UTILITIES (WATER, GAS, OR SEWER) ON THE PROPOSED PLAN. REFER TO THE START OF ANY CONSTRUCTION. THE DESIGNER SHALL BE NOTIFIED IN WRITING OF ANY COMPLETELY BURIED UTILITIES WITHIN THE PROPOSED CONSTRUCTION AND THE APPROPRIATE REMEDIES PAID TO THE UTILIZATION.
- IF A GARAGE GRINDER IS OR WILL BE USED IN THE PROPOSED SPRAWLING, THE SEPTIC TANK SIZE WILL BE INCREASED BY 50%.

COVER LEACHFIELD WITH ALLOWABLE FILTER FABRIC

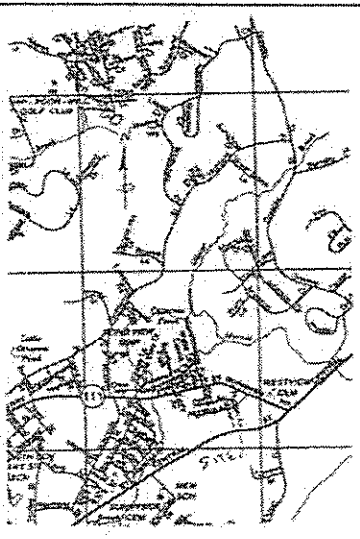
SCH 40 PIPE - HOUSE TO 1ST TANK

SCH 35 PIPE - TANK TO D-BOX

SCH 35 PIPE - TO BE USED IN LEACHFIELD

TEST PIT		PERCOLATION TEST	
DATE	1/27/20	DATE	1-27-2020
TOPSOIL	0'-10"	DEPTH	4'
SEASONAL HIGH WATER TABLE	10'-24"	RATE	1.2 in/hr
VISIBLE MOTTLING		SOIL TYPE	W/B - Windsor
OBSERVED WATER	24"	SOURCE	H.C.P.C.
NO REFUSAL		DESIGN	
DEPTH	100"	WHEN EXISTING SYSTEM FAILS, THIS DESIGN SHALL BE INSTALLED.	

SPECIFICATIONS	
ITEM	DESCRIPTION
SEPTIC TANK	EACH 1250 GAL. PRECAST CONC. RIBA OR EQUAL WITH 4 OUTLET
FIELD PIPING	4" PERFORATED PVC
SEWER LINE	4" SOLID PVC, HOUSE TO SEPTIC & TO DIST. BOX. ALL CONNECTIONS WITH PVC TEES, ELBS, COUPLINGS.
FITTINGS	1/2" UNIFORM, CLEAN CRUSHED SEPTIC STONE.
STONE	MEDIUM TO COURSE TEXTURED (60 TO 10 MM) PLACE IN 18" LIFTS, CONSOLIDATE, RAKE SURFACE PRIOR TO NEXT LIFT. RAKE BEFORE SETTING FIELD. EXTEND 5' ALL AROUND & EXTEND UNDER 3/4 SLOPES.
SAND FILL	SEAL AROUND PIPES AT TANK WITH APPROVED RUBBER BOOTS
JOINT SEAL	COVER LEACHFIELD WITH ALLOWABLE FILTER FABRIC
COVER	COURSE SAND, FINALLY PLACE & LOAM & SEED.
PIPE SLOPE	1/4" = 12" FROM HOUSE TO SEPTIC TANK 1/8" = 12" FROM SEPTIC TANK TO DISTRIBUTION BOX. FIELD IS LEVEL.
FALED SYSTEMS	IN THE EVENT OF FAILURE, THIS SYSTEM WILL HAVE TO BE REBUILT IN PLACE. 100% REWELDCATED AS SHOWN ON SIDE PLANS.



REPLACEMENT SYSTEM

TAX MAP 175 / LOT 088
13 ALPINE AVENUE
HUDSON, NH 03051

SUBDIVISION APPROVAL: N/A PRE 67
SCALE: 1" = 20'

OWNER: ANN & ALBERT ANTOSCA
13 ALPINE AVE
HUDSON, NH 03051

APPLICANT: M. J. GRANGER ENGINEERING, INC.
120 BURNHAM ROAD, HUDSON, NH 03051-1008

DATE: JANUARY 27, 2020 IN. 19-110

DESIGN INTENT: BED BOTTOM TO BE NO MORE THAN 1.50 FT INTO THE ORIGINAL GROUND ON THE HIGH SIDE. SET BED BOTTOM AT ELEVATION OF 96.85, TO MAINTAIN A MINIMUM OF 4" TO SHRT.

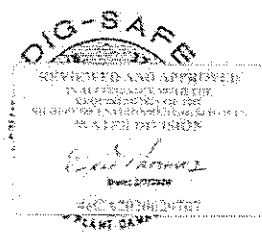
SOIL TYPE W/B - WINDSOR SAND GROUP 1

DEED REFERENCE: BOOK 5465 PAGE 801
BOOK 8391 PAGE 667

PLAN REFERENCE: SHEET # 122 DATED: 1994
LOTS 120, 121, 122, 123 (PORTION OF 120),
(PORTION OF 121, 121, 122 & 123)

PRESENT ZONING: B - BUSINESS

MINIMUM SETBACKS: FRONT - 50 FEET
SIDE - 15 FEET
REAR - 15 FEET



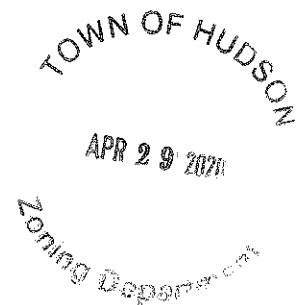
7. Abutter Letters

12-20-2020

I, June Parker, give my acceptance to any variance that is needed for my neighbors, Al and Ann Antosca to build the inlaw attachment to their current home.

I am an abbuter living at 15 Alpine, Hudson, NH

June Parker

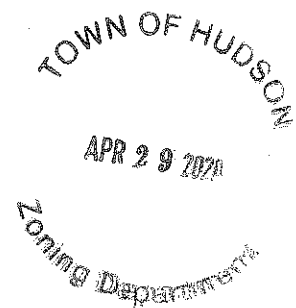


Hudson Zoning,

We, Scott and Melissa Weikle, of 6 Cliff Ave in Hudson, NH hereby acknowledge that our neighbors, Ann and Al Antosca of 13 Alpine Ave, Hudson, NH intend to build an inlaw accessory unit onto their existing home. We are in favor and we would approve any variances needed for this.

Scott and Melissa Weikle of 6 Cliff Ave, Hudson, NH

Scott Weikle 11/1/19
Melissa Weikle 11/1/19



11/1/19

Zoning of Hudson,

As owner of the property on 12 Alpine Ave, Hudson, NH we understand that our neighbors, Al and Ann Antosca, wish to construct an inlaw unit attached to their existing home on 13 Alpine Ave, Hudson. We are in favor of the build and would like to have this letter serve as our consent for the Zoning board to permit the needed variances for this build.

Leo and Karen Graham, 12 Alpine Ave, Hudson, NH

Karen and Leo Graham

TOWN OF HUDSON
APR 29 2020
Zoning Department

TOWN OF
APR
Zoning

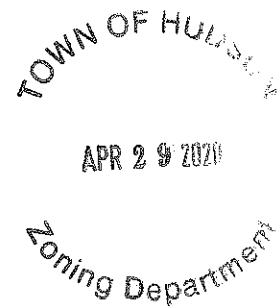
Jan 16, 2020

Zoning Board,

As owner of 16 Alpine Ave, Hudson, NH I grant my favor for the variance needed to build an in law attached home for the property of 13 Alpine Ave, Hudson, NH

Claudette Duval 16 Alpine Ave Hudson, NH

Claudette Duval



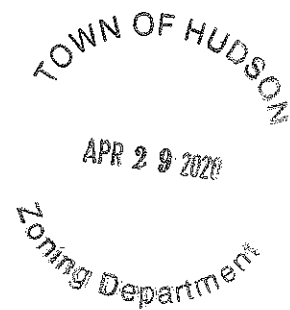
Jan 16, 2020

My wife and I, Rick and Cheri Chenel, are in approval for any variances needed for our neighbors, Al and Ann Antosca of 13 Alpine Ave, to build an inlaw home onto their existing home. We pray the zoning board does the same.

Sincerely,

Rick and Cheri Chenel
4 Cliff Ave
Hudson, NH 03051

Rick and Cheri Chenel



1-16-2020

To Whom it May Concern,

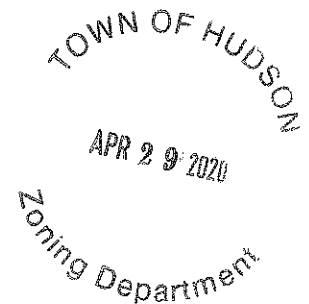
As neighbors and abutters of 13 Alpine Ave, Hudson, NH , we property owners of 13 Burnham Rd, Hudson, NH know of the plans of our neighbors, Ann and Al Antosca to build an in law / or accessory unit onto their existing home on 13 Alpine Ave, Hudson, NH.

We grant our approval of any variances needed and ask the zoning board to do the same.

Maurice and Laura Charron
13 Burnham Rd, Hudson, NH

Laura Charron


Maurice Charron



Feb 2, 2020

My Name is Arthur Handras and I own 162 Central St, Hudson, NH. I am writing to say I am in favor of the proposal being put forth to the zoning for the build of an inlaw unit home onto the existing property of 13 Alpine Ave in Hudson owned by Ann and Al Antosca.

Arthur Handaras



VAYA⁺ Handras

Vaya Handras

TOWN OF HUDSON
APR 29 2020
Zoning Department

To Town of Hudson Zoning Board,

As an abutter of 13 Alpine Ave, Hudson, NH my property is located at 19

Alpine Ave, Hudson, NH

I give approval for the variance(s) needed for my neighbors,

Ann and Al Antosca to build the accessory unit / in law unit on their existing

property of 13 Alpine Ave in Hudson, NH.



Mrs. Jacqueline Thissell

Mother of Late Clifford Thissell and now owner of ~~19 Cliff Ave,~~ Hudson, NH

14 STATE ST,

19 ALPINE AVE.

2-2-2020

TOWN OF HUDSON
APR 29 2020
Zoning Department

Jan 31, 2020

I, Stanley Eaton, of 7 Burnham Rd, Hudson, NH acknowledge that my rear neighbors, Al and Ann Antosca of 13 Alpine Ave, Hudson, NH are planning to put an inlaw home onto their existing home. I am in favor of any variances needed by the town to secure their plans.

Stanley Eaton

Stanley H Eaton



Printed
3/06/2020
10:53AM
Created
3/06/2020
10:51 AM

Transaction Receipt

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

Receipt# 588,401
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application 13 Alpine Ave Map/Lot 175-088-000 Variance Application	0.00	167.7500	0.00
			Total:	167.75

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Ann & Albert Antosca	CHECK	CHECK# 6595	167.75	0.00	167.75
			Total Due:		167.75
			Total Tendered:		167.75
			Total Change:		0.00
			Net Paid:		167.75



TOWN OF HUDSON

Zoning Board of Adjustment

Charlie Brackett, Chairman Marilyn E. McGrath, Selectmen Liaison

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

MEETING MINUTES – February 27, 2020 – as edited

The Hudson Zoning Board of Adjustment met on February 27, 2020, in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall. A public meeting for ZBA officer and member training was conducted at 6:30 PM. The public hearings for applications began at 7:00 PM.

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

Training / review occurred of the Clerk's revised role and responsibility.

7:00 PM: Meeting

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Chairman Brackett called the meeting to order at 7:00 PM and invited everyone to stand for the Pledge of Allegiance.

Clerk Daddario took the roll call. Members present were Charlie Brackett (Regular/Chair), Gary Daddario (Regular/Clerk), Gary Dearborn (Regular/Vice Chair), Brian Etienne (Regular) and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder, and Marilyn McGrath, Selectman Liaison. Ms. McGrath clarified her role on the ZBA and noted that even though she may participate in the discussion on any Case, she does not vote. For the record, all Members voted.

Mr. Dearborn read the Preamble into the record, identified as Attachment A of the Board's Bylaws, that included the procedure and process for the meeting, that copies of the Agenda and Application for Rehearing are on the shelf by the door, the importance of the 30-day time period for appeal as well as housekeeping items regarding cell phones, smoking and talking.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. Case 242-068 (02-27-20) (deferred from 1-23-20): Elaine Bettencourt, 26 Gowing Rd., Hudson, NH requests a Use Variance to allow the

44 construction of a 714 SF Accessory Dwelling Unit (ADU) in the lower
45 level of a split level duplex where an ADU is not allowed in two family
46 dwellings. [Map 242, Lot 068-000; Zoned Residential-Two (R-2); HZO
47 Article XIII A, §334-73.3 A, Accessory Dwelling Units, Provisions].
48

49 Mr. Buttrick read the Case into the record and noted that an email was
50 received from the Applicant's attorney, Joseph Clemont, on 2/25/2020
51 requesting to withdraw the application without prejudice. Motion made by Mr.
52 Dearborn, seconded by Mr. Etienne and voted 5:0 to accept the applicant's
53 request to withdraw without prejudice.
54

55 2. Case 243-022 (02-27-20): Julio Hiraldo, 21 Richman Dr., Hudson, NH
56 requests an Equitable Waiver of Dimensional Requirement to allow a
57 new driveway expansion to remain with an encroachment of 5 ft. into
58 the side yard setback leaving 10 ft. where 15 ft. is required. [Map 243,
59 Lot 022-000; Zoned Residential-Two (R-2); HZO Article VII, §334-27,
60 Table of Minimum Dimensional Requirements].
61

62 Mr. Buttrick read the Case into the record, referenced his Staff Report signed
63 2/18/2020 and noted that the new paved driveway expansion was installed to
64 service the ADU (Accessory Dwelling Unit) recently built in the rear of the
65 existing house and, that per the Zoning Ordinance, driveways must meet the
66 same setback requirements as buildings.
67

68 Julio Hiraldo introduced himself, stated that he was in the process of creating
69 an ADU Unit for his in-laws who currently live down south and had requested
70 months before to expand the driveway, which he obtained a permit for, and his
71 plan was to continue the driveway to the back for ADU access. Mr. Hiraldo
72 hired a company out of Mass. and the assumption was made that if the line of
73 the driveway was followed, that it would be okay, but the property line is not
74 perpendicular to the road and an encroachment occurred. Mr. Hiraldo stated
75 that it was an innocent mistake, a bad assumption, that the driveway
76 extension to the ADU was already paved when the encroachment was noted
77 and that the encroachment is five feet (5') for only a section of the newly paved
78 driveway extension.
79

80 Mr. Brackett stated that when he drove by he noticed that it *almost* looks like
81 the property has two (2) separate driveways and that there was a For Sale sign
82 posted. Mr. Hiraldo confirmed and added that his in-laws have decided not to
83 move north and that he and his family are moving south. In response to Mr.
84 Brackett's next question, Mr. Hiraldo responded that the ADU is complete. Mr.
85 Buttrick disagreed and explained that the Building Permit (BP) for the ADU was
86 issued for five hundred square feet (500 SF) and upon last inspection the ADU
87 exceeds 500 SF. Mr. Buttrick stated that at the minimum, the BP would need
88 to be fixed to reflect the exact SF of the ADU and if that SF exceeds 750 SF
89 then two options exist before a CO (Certificate of Occupancy) could be issued:

90 (1) reconstruct the ADU to be less than or equal to 750 SF or (2) seek a
91 Variance from the ZBA to exceed 750 SF. Mr. Dearborn asked who would
92 reconcile the square footage issue, the current owner or the new owner? Mr.
93 Brackett noted that it is not an approved ADU and therefore cannot be part of
94 the sale of the property. Mr. Hiraldo stated that the ADU is part of the sale,
95 that the square footage of his home office was added to the ADU and that he
96 would reconfigure the door to his office to block access of it to the ADU.

97

98 Mr. Pacocha made the motion to grant the Equitable Waiver and Mr. Etienne
99 seconded. Both were rescinded as the meeting had not been opened to public
100 testimony.

101

102 Public testimony opened at 7:20 PM. The following individuals addressed the
103 Board:

104

105 (1) Damian Deneault, 23 Richman Road, stated that he objects to the
106 granting of the variance, noted that the driveway abuts the property
107 line and expressed concern regarding vehicle noise and headlights
108 shining into his porch which constitutes a nuisance to him and his
109 family. Mr. Denault stated that the driveway extension to access the
110 rear ADU was done last year, around August, and noted that where
111 the driveway meets the road is only four feet (4') from the property
112 line.

113

114 Mr. Brackett stated that when he drove by he saw trees, vegetation
115 and rocks along the property line and questioned the claim whether
116 there was proof of the four-foot claim. Mr. DeNeault submitted
117 pictures of the driveway – see Exhibit A

118

119 (2) Larry Olsen, 20 Richman Road, stated that he lives across the street,
120 that the first driveway expansion was good in his opinion and saw the
121 second extension going to the back of the house, noted that the
122 property can now hold six (6) vehicles which is too much for the
123 neighborhood and expressed concerns regarding an advertisement for
124 the apartment for rent at \$1,800 a month and noticed that a red
125 pick-up truck was parked there and also a contractor's truck and is
126 concerned that the backyard could become a parking lot.

127

128 Ms. McGrath questioned the rental claim and Mr. Olsen stated that
129 he saw it advertised for rent with free WWiFi.

130

131 (3) Mary Gorman, 19 Richman Road, stated that she lives next door and
132 that she knows that their pool is exactly fifteen feet (15') from their
133 property line because when the pool was installed by the previous
134 owner, they executed a land-swap for it to meet the setback. Ms.
135 Gorman stated that about a year ago, Mr. Hiraldo hired a tree-cutter

136 to cut trees that were shading the pool without any idea of where his
137 property line is and ended up cutting some of her trees
138

139 In response to Ms. McGrath's questions, Ms. Gorman stated that she
140 sold a pie-wedge piece of her land in order for the pool to meet the
141 needed setback and that the exchange of land went through the
142 Planning Board.
143

144 Being no one else to speak, public testimony closed at 7:32 PM.
145

146 In response to the comments received, Mr. Hiraldo stated that the trees were
147 leaning over his house, that he did hire a tree-cutter to trim and clear the
148 brush and stopped when approached by his neighbor; that when his wife's
149 parents decided not to move north, he did place an ad but never rented it; that
150 the driveway was installed after the ADU was constructed; that there are two
151 (2) bedrooms at that end of his home and all he had to do was add a kitchen to
152 convert it to an ADU; that the contractor with the red pick-up truck works with
153 him and needed a place to stay for a short time.
154

155 Mr. Brackett questioned the pictures submitted. Mr. Buttrick referenced the
156 picture in the driveway folder where the Town Engineer drew a line and pointed
157 out that the picture is from the GIS Map and is known not to be 100%
158 accurate.
159

160 Public testimony re-opened at 7:39 PM.
161

- 162 (1) Damian Deneault, 23 Richman Road, stated that the pictures
163 disagree and restated that there is still a nuisance factor.
164 (2) Monica Denault, 23 Richman Road, stated that she has the survey of
165 her property and the neighbors, signed by a PE (~~Physical~~ Professional
166 Engineer – Edward N. Herbert Assoc., Inc., 1 Frost Road, Windham,
167 NH dated 2006) that identifies the property line as the stonewall and
168 noted that one of the pictures her husband submitted shows the
169 stonewall at the rear and the new driveway right up against the
170 stonewall. See Exhibit B
171

172 Being no one else to speak, public testimony closed at 7:45 PM.
173

174 Mr. Dearborn suggested getting the Town Engineer out to the property to locate
175 the property pins because the Board cannot make a determination without
176 knowing. Mr. Daddario agreed and suggested that a Site Walk would be in
177 order. Mr. Brackett suggested that the Town Engineer also check out the plans
178 just submitted (Exhibit B).
179

180 Board discussed possible Site Walk dates and whether to continue the hearing
181 to the regular March meeting or possibly to the overflow meeting scheduled for

182 March 12th. Mr. Hiraldo stated that he already has Closing Dates, 3/23/2020
 183 for his property in Hudson and 3/27/2020 for his new property.

184
 185 Mr. Dearborn made the motion to schedule the Site Walk for Saturday,
 186 2/29/2020 at 9:00 AM. Mr. Daddario seconded the motion. Mr. Brackett
 187 stated that it is a public meeting and that the neighbors are invited to attend
 188 and added that it could be possible that the Board could render a decision
 189 regarding the Equitable Waiver at the Site Walk. Vote was 5:0. Motion carried.
 190 Mr. Buttrick asked to do the required noticing and coordinate review with the
 191 Town Engineer.

192
 193 Board took a five-minute break at 7:55 PM. Board reconvened at 7:59 PM.

194

195 Site Walk Meeting Opened at 8:56a.m. on 02/29/2020, 21 Richman Street driveway

196

197 All voting members of the ZBA were present. Also present, the neighboring owners who spoke
 198 against the applicant at Town Hall (Mr. & Mrs. DeNeault, 23 Richman Road, and Larry Olsen, 20
 199 Richman Road).

200

201 Chairman Brackett announced that the purpose of the meeting was for board members to take an
 202 actual viewing of the circumstances to assist with the decision on the application for relief. It was
 203 explained that Chairman Brackett and the Town Engineer visited the site on Friday, 2/28/2020. At
 204 that time, the Town Engineer was able to identify the property line, as well as paint a green line on
 205 the asphalt that outlines a pie shaped area that was encroaching on the setback. It was noted that
 206 the application was correct in that the encroachment is about 5 feet at the street and tapers down
 207 to no encroachment at all by the time the driveway reaches the garage. Chairman Brackett further
 208 explained that the plan provided by the neighbors was for purposes of establishing the subdivision
 209 itself, not the actual property lines. It was noted that the stonewall is not the property line.

210

211 At this point, the party moved into the driveway and the applicant Julio Hiraldo came out of his
 212 house. Chairman Brackett pointed out that the Town Engineer located a pin for purposes of
 213 designating the actual property line. Both the pin and the property line were pointed out.

214

215 Chairman Brackett stated that the situation appears to fall within an equitable waiver scenario. He
 216 also stated that it would appear consistent with other equitable waivers that have issued in Town.
 217 Mr. Daddario noted that the encroachment appears minimal and that even removal of the
 218 encroaching asphalt would result in no apparent change in use of the driveway. Mr. Etienne
 219 remarked that the removal costs would outweigh any benefit.

220

221 Mr. Pacocha made a Motion to Approve. Mr. Etienne seconded. Mr. Daddario called the vote and
 222 the Motion passed by a vote of 4-1. Mr. Dearborn opposed

223

224 The meeting adjourned at 9:18a.m.

Respectfully Submitted, Gary Daddario, Clerk

225

- 226 3. Case 234-012 (02-27-20): Mark Tempesta, 12 Linda St., Hudson, NH
 227 requests a Home Occupation Special Exception to operate an online

228 sales and on-site light service/repair business of motorcycles. [Map
229 234, Lot 012-000; Zoned General-One (G-1); HZO Article VI, §334-24,
230 Special Exceptions, Home Occupations].

231
232 Mr. Buttrick read the Case into the record, referenced his Zoning
233 Determination dated 1/29/2020 and his Staff Report signed 2/19/2020 and
234 noted that Review Comments were received from Engineering, Fire Department
235 and the Town Planner.

236
237 Mark Tempesta introduced himself, stated that he runs his business in
238 Peabody, Mass., that he now has a newborn and wants to save on commute
239 time and establish his business in Hudson, at his home until his business
240 reestablishes itself in NH. Mr. Tempesta stated that most of his business in
241 conducted online and wants to apply for a motorcycle only dealer license from
242 the State of NH and for that he needs to offer minimal repairs for bikes to pass
243 inspection, services like oil changes, tires, tune-ups. Mr. Tempesta stated that
244 servicing is secondary to sales.

245
246 Mr. Tempesta stated that he has a two-car detached garage, that one half
247 would be for the business, to store and repair motorcycles as needed, that
248 exterior storage is not needed, that his three-season porch will serve as the
249 business office, that he would be the only employee, that he is required by the
250 State to have a sign, that he would use his pick-up truck for the business and
251 possibly a small enclosed trailer and that any noise would be consistent with
252 the running of his personal motorcycle.

253
254 Public testimony opened at 8:03 PM.

255
256 (1) Tina Stevens, 10 Linda Street, asked the hours and days the
257 business would operate, how much traffic would be generated and
258 stated that she likes and wants quiet on the weekends.

259
260 Being no one else to speak, public testimony closed at 8:04 PM.

261
262 Mr. Tempesta responded stating that the majority of his business is online
263 where he posts to his website, that he does not expect physical traffic to his
264 neighborhood as the majority of his motorcycles are delivered directly to new
265 customers/owners, that motorcycles on his property will be there for repairs
266 which will be contained in one of the garage stalls, that he anticipates starting
267 with a small number and that he anticipates the same hours, 10 am – 7 pm
268 Monday through Friday and 11 am – 6 pm Saturday.

269
270 Ms. McGrath asked if there would be motorcycles in the garage “for show” and
271 Mr. Tempesta responded that there could be as pictures can only do so much
272 and some customers like to “touch and feel”. Ms. McGrath asked about the
273 type of noise level. Mr. Tempesta responded that motorcycles each sound

274 different and vary depending on their exhaust system and confirmed that he
275 would not be allowing test-drives from his property and noted that he also
276 owns a motorcycle as do others in the neighborhood.

277

278 Public testimony re-opened at 8:13 pm. No one addressed the Board.

279

280 Mr. Pacocha asked and received confirmation that all service repairs would be
281 done inside the garage. Mr. Dearborn noted that tune-ups usually require a
282 test drive and that it is a close neighborhood and asked Mr. Tempesta if he has
283 approached any of his neighbors. Mr. Tempesta responded affirmatively
284 stating that he has spoken with the Stevens on his left, his neighbor across the
285 street and his neighbor two doors down on his right and added that his
286 neighbors to his right are “snowbirds” and have not yet returned north.

287

288 Mr. Brackett stated that Home Occupation Special Exception is good for
289 business start-up and allowed in good faith, but as the business grows, the
290 challenge becomes identifying the threshold and knowing where to draw the
291 line and to have the line enforceable. Mr. Tempesta stated that he understood,
292 noted that the majority of his business is on-line and added that he started his
293 business in 2001 and by 2003 it grew so he moved into another location and it
294 continued to grow so that he had to move again in 2005 to Peabody. Now he
295 wants to eliminate his commute and does not know the NH market to gage how
296 fast it will grow. Mr. Brackett asked if the option exists to do the on-line
297 portion at home and repairs off-site and Mr. Tempesta responded “not really”.

298

299 Mr. Etienne inquired how the sales are transacted on-line and whether there is
300 a difference if the customer comes to the home to see the motorcycle before
301 buying it. Mr. Tempesta stated that the purchase is either by credit card, cash,
302 check or credit union. Mr. Etienne noted that the Zoning Ordinance prohibits
303 retail transactions on site. Mr. Etienne asked about the sign. Mr. Tempesta
304 stated that the sign is a NH MH-State DMV requirement for the dealer license.
305 Mr. Brackett noted that a sign is allowed for a Home Occupation and is
306 regulated.

307

308 Mr. Dearborn stated that a Home Occupation is supposed to be “invisible” and
309 does not feel that tuning and test-driving motorcycles qualifies as invisible.
310 Mr. Tempesta noted that all motorcycles make noise, that several in the
311 neighborhood own their own bikes and many bike owners do their own repairs
312 and routine maintenance.

313

314 Mr. Daddario referenced the Town Planner’s Review Comments and expressed
315 his agreement that subsection J, F & E are not met.

316

317 Motion made by Mr. Dearborn and seconded by Mr. Etienne to not grant the
318 Home Office Special Exception as it failed to meet subsection E, F & J. Mr.
319 Dearborn stated that the repair aspect is not invisible even though he

320 recognizes that it is okay to work on one's own motorcycle. Mr. Etienne
321 concurred and added that it is in a tight residential neighborhood. Vote was
322 5:0 to not grant the Special Exception. The 30-day appeal period was noted.

323

324 Zoning Ordinance Section 334-24

325 Subsection E: The requested Special Exception shall be for an
326 occupation which is consistent for what is routinely and/or typically done in a
327 home environment

328 Subsection F: On-site retail sales are an expressly prohibited home
329 occupation special exception use

330 Subsection J: Objectionable circumstances, such as, but not limited to,
331 noise, vibrations, dust, smoke, electrical disturbances, odors, heat or glare
332 shall not be produced

333

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

339

340 Mr. Buttrick read the Case into the record and referenced his Staff Report
341 signed 2/19/2020. It was noted that the original Lot was a corner lot with
342 frontage on both Chapin Street and Fulton Street, that the existing residence's
343 driveway accesses Chapin Street, that the Property Owners received approval
344 from the Planning Board to divide their lot into two (2) parcels with the
345 condition that the existing driveway be discontinued and a new driveway
346 constructed on Fulton Street in order to provide the required frontage for the
347 new lot on Chapin Street; however, asbestos and contaminated soils were
348 discovered when the attempt was made to install the new driveway on Fulton
349 Street. The variance before the Board is to allow for reduced frontage on
350 Chapin Street for the newly created lot so that the existing driveway may
351 remain.

352

353 Richard Maynard introduced himself as a PE from Maynard & Paquette
354 Engineering Associates, LLC, 31 Quincy Street, Nashua NH, 03060, as
355 representing the Property Owners/Applicants, Mary Ellen Bourassa and
356 Michael Shumsky and noted that both were in the audience. Mr. Maynard
357 identified the location of the property noting it is being a corner lot, posted a
358 plan of the two-lot Subdivision plan conditionally approved by the Planning
359 Board on 6/29/2019 and the modifications for the proposed frontage change
360 needing a variance.

361

362 Mr. Maynard referenced the Town Planner's Review Comments that admitted
363 that no one knew the soil was contaminated on Fulton Street at the proposed
364 relocation of the existing driveway to Fulton Street, as identified on the plan
365 recorded at HCRD (Hillsborough County Registry of Deeds) and identified as

366 Plan #40311. It is asbestos contamination. Mr. Maynard stated that options
367 were discussed with the Town Planner on how to resolve the matter. Each
368 option would require a waiver or a variance as well as a modification of the
369 Subdivision approval. The option being pursued is to leave the existing
370 driveway on Chaplin Street and seek a Variance for reduced frontage for the
371 new lot and avoid disrupting the contamination on Fulton Street.

372

373 Mr. Maynard addressed the Variance criteria. The information shared
374 included:

375

- 376 1. *not contrary to public interest*
 - 377 • would allow existing driveway to remain away from the street
 - 378 corner – a significant public street
- 379 2. *spirit of Ordinance observed*
 - 380 • the lot would be similar to others in the neighborhood
 - 381 • separation of driveway to lot line for 15' would be preserved
 - 382 • lot size would meet TR Zone requirements
- 383 3. *substantial justice done*
 - 384 • would allow lot owners to subdivide without disturbing buried
 - 385 asbestos
- 386 4. *will not diminish surrounding property values*
 - 387 • lot would be similar in character to those in the neighborhood
 - 388 • new construction tends to enhance property values
- 389 5. *hardship*
 - 390 • special condition exists – property contains substantial buried
 - 391 asbestos along Fulton Street ROW (Right-of-Way) and property line
 - 392 • granting the variance would allow existing asbestos to remain
 - 393 buried and undisturbed

394

395 Public testimony opened at 8:41 PM. No one addressed the Board.

396

397 Ms. McGrath referenced the email exchange between Mr. Maynard and the
398 Town Planner and asked why the asbestos is not on the Plan. Mr. Brackett
399 stated that it should at least be a Note on the Plan. Mr. Maynard agreed and
400 added that the asbestos should also be noted on the Deed.

401

402 Discussion arose on driveway placement being under the purview of the
403 Planning Board, that the June 2019 Planning Board approval was conditioned
404 on the existing driveway being relocated to Fulton Street, that addresses are
405 generally based on a property's frontage, that driveways are generally located
406 along the frontage of a property, that the lot is a corner lot with frontage on
407 both Fulton Street & Chaplin Street, that the newly created lot only has
408 frontage on Chaplin Street, that the presence of asbestos was a recent
409 discovery after the Planning Board approved the subdivision which now raises
410 the question of whether the lot should have been subdivided and that any

411 change to the driveway from Fulton Street would violate a condition of Planning
412 Board June 2019 subdivision and would require Planning Board approval. Mr.
413 Maynard agreed that a modification of subdivision approval would be needed if
414 ZBA granted the variance.

415
416 Mr. Etienne asked if there were any alternatives to mitigate the asbestos and
417 Mr. Maynard stated that it was attempted but there exists a fifteen-foot (15')
418 grade along Fulton Street and construction would disturb the buried asbestos.
419 Mr. Daddario noted that the Town Engineer's Review Comment #2 is requiring
420 that the plan show that the lot can accommodate a driveway that meets grade.

421
422 Ms. McGrath stated that the Town Engineer's first review comment noted that
423 the Plan does not identify whether the lot would be serviced by Municipal water
424 and sewer and Mr. Maynard confirmed that it would be.

425
426 Mr. Etienne commented that sixty feet (60') is a "big ask" and results in
427 creating a sub-standard lot. Mr. Maynard stated that the "ask" is for thirty feet
428 (30'), to allow a sixty foot (60') frontage instead of the required ninety feet (90'),
429 noted that the lot exceeds the minimum lot-size requirement and added the
430 subdivision creates lots similar in size to others in the neighborhood. Mr.
431 Daddario asked Mr. Buttrick to expand the map so the Board could take a
432 broader look at the other lots in the neighborhood. Mr. Dearborn asked if the
433 width of existing driveway could be reduced and increase the frontage for the
434 new lot while preserving the fifteen foot (15') setback adding that the driveway
435 does not lead to a garage.

436
437 Ms. McGrath asked if it was known whether the buried asbestos was elsewhere
438 on the lot. Ms. Bourassa responded that there was no disclosure of the
439 asbestos and had the land studied and noted that the white flags placed on the
440 lot to identify the asbestos. Mr. Shumovsky added that the asbestos was
441 located in the Town ROW (Right-of-Way), not in their property.

442
443 Board reviewed the criteria for the granting of a Variance. Comments included:
444

445 1. *not contrary to public interest*

446 Mr. Dearborn, Mr. Pacocha & Mr. Brackett: asbestos discovered after
447 lot was subdivided

448 Mr. Daddario : avoids disturbing the asbestos

449 Mr. Etienne: not met, small enough lots already

450 2. *spirit of Ordinance observed*

451 Mr. Dearborn: frontage on a street that is not heavily traveled and the
452 size lot proposed is no smaller than many in Town

453 Mr. Brackett: "spirit" does allow for some latitude and there could be
454 a *threat to public health or welfare* if asbestos is disturbed

455 Mr. Daddario: spirit observed, lot has required buildable area

456 Mr. Pacocha and Mr. Etienne: not met, creating a non-conforming lot

- 457 3. *substantial justice done*
458 Mr. Dearborn: if asbestos did not exist, criteria would be met
459 Mr. Pacocha: no issue, could harm general public if asbestos
460 disturbed
461 Mr. Brackett: asbestos was not known at time of subdivision
462 Mr. Daddario: met, allows Property Owner use of his property without
463 disturbing asbestos and there is no harm to the general public with a
464 house on a lot with reduced frontage
465 Mr. Etienne: agreed with Mr. Daddario
466 4. *will not diminish surrounding property values*
467 Mr. Dearborn, Mr. Pacocha, Mr. Brackett and Mr. Daddario: met
468 Mr. Etienne: is not an expert but lot would be smaller than others in
469 the neighborhood and another house would be unattractive
470 5. *hardship*
471 Mr. Dearborn: on a street not heavily traveled
472 Mr. Pacocha: have home already on property, therefore lot has a use –
473 condition not met
474 Mr. Brackett: agreed with Mr. Pacocha but property owner bought
475 the lot thinking it could be subdivided
476 Mr. Daddario: asbestos was unknown at purchase, therefore met
477 Mr. Etienne: agreed with Mr. Daddario, criteria met
478

479 Motion made by Mr. Dearborn and seconded by Mr. Daddario to grant the
480 variance to allow sixty feet (60') of frontage for the proposed lot line adjustment
481 with two (2) conditions: (1) that a Note identifying the asbestos be added to the
482 Plan; and (2) that the deed reflect the existence of asbestos. Vote was 3:2 with
483 Mr. Etienne and Mr. Pacocha opposed. Motion carried. Variance granted with
484 two (2) stipulations. The 30-day appeal period was noted.
485

- 486 5. Case 174-079-002 (02-27-20): Barbara Chirone Young, 25 Derry St.,
487 Hudson, NH requests a Home Occupation Special Exception to
488 conduct a home business office for off-site and (occasional on-site) pet
489 care offering services of animal house sitting, dog walking and potty
490 breaks. [Map 174, Lot 079-002; Zoned Town Residence (TR); HZO
491 Article VI, §334-24, Special Exceptions, Home Occupations].
492

493 Mr. Buttrick read the Case into the record, referenced his Staff Report signed
494 2/20/2020 and noted that Review Comments have been received from the fire
495 Fire Department, Town Planner and Animal Control Officer.
496

497 Barbara Chirone Young introduced herself and stated that she wants to run a
498 pet care business in Hudson out of her home, noted that 90%-95% of her
499 business will be conducted off-site and 5% - 10% would be on site at her home.
500 Her services include dog walking, potty breaks, feeding and general care while
501 the pet owner is away or at work. Ms. Chirone Young stated that she has been
502 doing this business for three (3) years, in Massachusetts, and recently moved

503 to Hudson where she began doing it here before finding out that she needed a
504 permit. Ms. Chirone Young stated that she works part time as a waitress.

505
506 Ms. Chirone Young offered the following information: she has four (4) cats and
507 three (3) dogs, registered with the Town, and that occasionally she would like to
508 care for one (1) dog in her home who would not be seen as her yard is fenced
509 in; all she needs to run her business is her cell phone and day planner; there
510 will be no structures added and no storage needed; there will be no traffic as
511 she travels to her clients and on the odd occasion where she would care for
512 another's dog, her driveway can accommodate six (6) cars; she uses her own
513 personal vehicle to travel to client's home and it has no lettering; there are no
514 set hours of operation, she goes where she is needed; she sells no product; she
515 does have a 3'x2' sign that she would like to hang off her fence or porch railing;
516 that she does not run a doggie day care in her home; and she advertises via
517 her website and Facebook.

518
519 Ms. McGrath questioned Mr. Buttrick on his 12/30/2019 Stay of Enforcement.
520 Mr. Buttrick stated a Cease and Desist Order had been issued on 11/21/2019
521 for a sign without permit and operation of a business without approvals that
522 was then followed by his Zoning Determination dated 12/17/2019 that a Home
523 Occupation Special Exception would be needed and his 12/20/2019 Stay of
524 Enforcement was to give Ms. Chirone Young the opportunity to come before the
525 Board for the needed Special Exception, after she complied with removing her
526 sign and changing her advertisement. Mr. Brackett asked if she has ceased
527 running her business and Mr. Buttrick responded that he has not received any
528 complaints or notice to the contrary.

529
530 Public testimony opened at 9:33 PM

531
532 (1) Elaine Meuse, 18 Derry Street, stated that she lives across the street,
533 does not object to one (1) dog but does not want to hear a lot of
534 barking and does not support parking on a busy street.

535
536 Being no one else to speak, public testimony closed at 9:35 PM.

537
538 Ms. Chirone Young stated that she is not running a facility, just the occasional
539 dog, and that he driveway can accommodate six (6) cars so there would be no
540 on-street parking.

541
542 Ms. McGrath questioned the types of animals Ms. Chirone Young would care
543 for and Ms. Chirone Young stated that her care is all off-site, not at her home,
544 with the exception of one (1) dog. In response to Mr. Dearborn's question, Ms.
545 Chirone Young stated that she would do a "meet and greet" before accepting a
546 dog to be in her home and would not accept a barker and added that she could
547 always separate the dog from her own pets if needed.

548

549 Mr. Dearborn stated that an approval could be conditioned to only allow one
550 dog to be boarded at the residence. Ms. McGrath stated that a Special
551 Exception could be tied specifically to Ms. Chirone Young and become void if
552 she moved. Mr. Pacocha questioned whether the restriction would limit to one
553 (1) dog or to one (1) owner, as sometimes one (1) owner could have two (2) or
554 more dogs.

555
556 Mr. Daddario referenced the Town Official Review Comments and noted that
557 the problems/concerns raised were related to scale and with a condition to
558 limit to only one dog, their concerns will be addressed.

559
560 Motion made by Mr. Dearborn to grant the Home Occupation Special Exception
561 with the following three (3) conditions: (1) that the only type of animal allowed
562 to be boarded on site is a canine (dog); (2) that only one (1) dog be allowed to be
563 boarded with the Property Owner at the residence; and (3) that the Special
564 Exception applies only to Barbara Chirone Young. Mr. Daddario seconded the
565 motion. Vote was 5:0. Motion carried. Home Office Special Exception
566 conditionally granted.

567 568 **IV. REQUEST FOR REHEARING:**

569
570 There were no requests received for Board consideration.

571 572 **V. REVIEW OF MINUTES:**

573 574 1/23/20 Minutes

575 Board reviewed the Edited Minutes presented and made no further changes.
576 Motion made by Mr. Dearborn, seconded by Mr. Etienne and unanimously (5:0)
577 voted to approve the 1/23/2020 Minutes as edited and presented.

578 579 **VI. OTHER:**

- 580
581 1. Upcoming: NH OSI Annual Spring Planning & Zoning Conference-
582 Saturday, May 30, 2020, Concord, NH

583 Members expressed their desire to attend, noted that registration opens in April
584 and asked Mr. Buttrick to stay on top and enroll them at the first opportunity
585 as last year they were placed on a waiting list and not allowed to attend.

- 586
587 2. Next Meeting – March 12, 2020

588 Mr. Brackett stated that he would not be attending and that would result in
589 only four (4) Members voting and asked Mr. Buttrick to contact the applicants
590 and offer deferment to the 3/27/2020 meeting where hopefully there would be
591 a full Board.

- 592
593 3. Site Walk Scheduled – Saturday, 2/29/2020 9:00 AM 21 Richman
594 Drive Case #243-022

595

596 Mr. Brackett adjourned the meeting at 9:55 PM
597 Respectfully submitted, Louise Knee, Recorder

AS EDITED



TOWN OF HUDSON

Zoning Board of Adjustment



Charlie Brackett, Chairman Marilyn E. McGrath, Selectmen Liaison

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

MEETING MINUTES – March 12, 2020 - ~~draft~~edited

The Hudson Zoning Board of Adjustment met on March 12, 2020, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Vice Chairman Dearborn called the meeting to order at 7:01 PM and invited everyone to stand for the Pledge of Allegiance.

Clerk Daddario took the roll call. Members present were Gary Daddario (Regular/Clerk), Gary Dearborn (Regular/Vice Chair), Brian Etienne (Regular) and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder, and Marilyn McGrath, Selectman Liaison. Excused was Charlie Brackett (Regular/Chair). Ms. McGrath clarified her role on the ZBA and noted that even though she may participate in the discussion on any Case, she does not vote and added that she would be recusing herself from one Case. For the record, all four (4) Members voted.

Mr. Daddario read the Preamble into the record, identified as Attachment A of the Board's Bylaws, that included the procedure and process for the meeting, that copies of the Agenda and Application for Rehearing are on the shelf by the door, the importance of the 30-day time period for appeal as well as housekeeping items regarding cell phones, smoking and talking.

Mr. Dearborn stated that the presence of five (5) Members present constitutes a Full Board and a Quorum is a minimum of three (3) Members and that only four (4) Members are present for this meeting. One Case (246-001) has opted to wait for the regular meeting scheduled for March 26th with the hope that there will be a Full Board present. Another Case (251-001) has requested to be withdrawn as the Zoning Amendment was voted in at the March 10, 2020 Town Vote and the Variance is no longer needed. As a result Mr. Dearborn reordered the Agenda to hear the Cases in the following order: (1) Case #251-001; (2) Case #246-001; and (3) Case #234-041.

Not Official until reviewed, approved and signed.

As edited [JP, BB, gd2, TG, gd1]

43 **III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE**
44 **BOARD:**
45

- 46 1. Case 234-041 (03-12-20): Komma Holding, LLC, 28 Winding Rd.,
47 Bedford, NH requests a Special Exception for 288 Lowell Rd., Hudson,
48 NH to redevelop the property by demolition of the existing structure
49 and construction of a new 7,000 SF one story veterinary clinic with
50 associated access, parking, and other site improvements. [Map 234,
51 Lot 041-000; Zoned Business (B); HZO Article VI, §334-23, Special
52 Exceptions, General Requirements].
53

54 Mr. Buttrick read the Case into the record and referenced his Staff Report
55 signed 2/24/2020 and Zoning Determination dated 2/6/2020, noted that
56 the Zoning Ordinance requires a Special Exception and added that the
57 proposal would also need Site Plan Review by the Planning Board. Ms.
58 McGrath recused herself and left the Board table.
59

60 Jeff Merritt, PE, Granite Engineering, LLC, 250 Commercial Street,
61 Manchester, NH, introduced himself and Dr. Sudhae Komma, the Applicant,
62 and Denise Langley of Langley Construction, the General Contractor for the
63 project. Mr. Merritt stated that a Special Exception for a veterinary clinic at
64 288 Lowell Road is required per the Zoning Ordinance as it is in the
65 Business Zone/District. Currently, the Applicant operates a veterinary
66 clinic on the other side of Lowell Street, at #279 Lowell Street, and has been
67 there for a number of years. The proposal is to allow Dr. Komma to create a
68 new state-of-the-art facility and move her practice from 279 Lowell Road to
69 288 Lowell Road.
70

71 Mr. Merritt referenced the Existing Conditions Plan for 288 Lowell Road,
72 prepared by KNA, Keach-Nordstrom Associates, Bedford, NH, dated
73 1/16/2020 and made the following notations: lot is approximately 1.4 acres
74 in size; there is a medium-median in this section of Lowell Road and this
75 property has access to the northbound lane; the property is fully located in
76 the Business (B) Zone; lot is developed with a two-family residential
77 structure, a pre-existing Use, now a non-conforming Use in the B zone;
78 there exists two (2) curb cuts off Lowell Road; existing building is partially
79 located in the front setback and the existing two-story deck is totally in the
80 front setback.
81

82 Mr. Merritt next referenced the Proposed Plan prepared by his office and
83 dated 2/4/2020, noted that the existing building and pavement would be
84 removed, the curb cut onto Lowell Road would be reduced to one (1), and
85 the new proposed one-story seven thousand square foot (7K SF) facility
86 would be out of the front setback and twenty four (24) parking spaces, with
87 one as handicap, to meet requirements, a loading dock, a dog run and a

88 relocated leach field. The proposed Architectural Plan of the new Animal
89 Clinic facility was also posted for viewing.

90

91 Mr. Merritt next addressed the criteria for the granting of a Special
92 Exception. The following information was shared:

93

94 A. *use is permitted by Special Exception per Zoning Ordinance*

95 • met, per Table of Permitted Principal Uses item D.2

96 B. *proposed use meets all other applicable requirements*

97 • met, project complies with minimum lot area, minimum frontage
98 and applicable setbacks, front, rear and side building setbacks

99 • proposed project eliminates current/existing non-conformance

100 • project subject to Site Plan Review by Planning Board

101 C. *proposed use is consistent with purpose & intent of B zone*

102 • B Zone established to include such items as services, hospitals
103 and business/professional offices to which the proposed use of a
104 veterinary clinic is related

105 • proposed use, with the Special Exception, is more conforming
106 than the existing grandfathered non-permitted two-family use

107 D. *proposed use is compatible with character of neighborhood*

108 • surrounding uses include a mix of residential and commercial
109 uses – to the south are residential properties and Pete’s Gun and
110 Tackle shop – across the street is a residential community – to
111 the north include more residences, a machine shop and Dr.
112 Komma’s existing veterinary clinic at 279 Lowell Street

113 • proposed use compatible with the character of the surrounding
114 neighborhood, especially since it exists already in a smaller
115 facility in the neighborhood

116 E. *nonresidential principal uses in residential districts must have primary
117 access from arterial or collector roads*

118 • not applicable, location is in Business Zone

119

120 Public testimony opened at 7:21 PM. No one addressed the Board.

121

122 Mr. Pacocha and Mr. Etienne stated that they are satisfied with the
123 presentation, that it was a good presentation and that the criteria for the
124 granting of a Special Exception have been addressed and met. Mr. Daddario
125 agreed and added that the existing non-conformities have been eliminated. Mr.
126 Dearborn also agreed and added that the reduction of the existing two (2) curb
127 cuts onto Lowell Road being reduced to one (1) curb cut is also beneficial and
128 noted that there were no comments or concerns received from the Town
129 Engineer or Town Planner and that the proposal would require Site Plan
130 Review and approval by the Planning Board.

131

132 Motion made by Mr. Pacocha, seconded by Mr. Daddario and unanimously
133 voted 4:0 to grant the Special Exception as all the requirements have been
134 satisfactorily addressed. Special Exception granted. The 30-day appeal period
135 was noted.

136

137 2. Case 251-001 (03-12-20): BAE Systems, LLC, 65 Spit Brook Rd.,
138 NNH01, Nashua, NH requests a Variance for 65 River Rd., Hudson,
139 NH to allow the construction of a 37,100+/- SF high bay building
140 addition, with a maximum occupiable building height of 50 feet where
141 38 feet is allowed. [Map 251, Lot 001-000; Zoned Industrial (I); HZO
142 Article III, §334-14, Building Height].

143

144 Mr. Buttrick read the Case into the record and referenced the email received
145 3/4/2020 from Earl Blatchford, Senior Project Manager, Hayner/Swanson,
146 Inc., 3 Congress Street, Nashua, NH requesting either: (1) deferment to the
147 March 26th meeting for a Full Board if the Proposed Zoning Amendment does
148 not pass at the 3/10/2020 Town Vote; or (2) withdrawal of the application
149 without prejudice if the Proposed Zoning Amendment passes at the 3/10/2020
150 Town Meeting. The Proposed Zoning Amendment pertaining to building height
151 was passed by Town Vote; therefore, Variance not needed.

152

153 Motion made by Mr. Etienne, seconded by Mr. Pacocha and unanimously voted
154 (4:0) to accept the Applicant's request to withdraw the application without
155 prejudice.

156

157 3. Case 246-001 (03-12-20): Dr. Warren Barclay, 24 Chalifoux Rd.,
158 Hudson, NH requests two variances for 2 Stonemill Dr., Hudson, NH:
159 1) To permit the construction of an approx. 1,155 sq. ft. accessory
160 one-story building to be used as a chiropractic office accessory to the
161 primary residential use and; 2) To permit the location of the building
162 to be within the front yard setback of 30 ft. where 50 ft. is required.
163 [Map 246, Lot 001-000; Zoned Residential-Two (R-2); HZO Article III,
164 §334-10 D, Mixed or dual use on a lot and HZO Article VII, §334-27,
165 Table of Minimum Dimensional Requirements].

166

167 Mr. Buttrick read the Case into the record and referenced the email dated
168 3/10/2020 from Thomas J. Leonard, Esq., Welts, White & Fontaine, PC, 29
169 Factory Street, Nashua, NH, that acknowledged that a Full Board would not be
170 present at this meeting and requested to postpone the hearing of the Case until
171 the next available meeting (3/26/2020).

172

173 Motion made by Mr. Etienne, seconded by Mr. Pacocha and unanimously voted
174 (4:0) to accept the applicant's request and defer the hearing to the next Regular
175 Zoning Board meeting scheduled for 3/26/2020.

176

177 **IV. OTHER**

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1. ZBA Membership

Mr. Dearborn read into the record a request from Chairman Brackett to Town Administrator Steve Malizia regarding the vacancies on the Zoning Board and the impact of having no Alternates when a Regular Member is excused for a meeting. Mr. Dearborn noted that tonight's meeting is an example of this impact where two of the three Cases opted to not be heard without a Full Board present.

Ms. McGrath stated that she was at the polls Tuesday and got to speak with a prior ZBA Member, Kevin Houle, and stated that he would consider returning to the Board as his work duties have changed. Mr. Dearborn stated that he too also ran into Mr. Houle and noted that there are five (5) vacant Alternate positions that should be filled.

Motion made by Mr. Etienne, seconded by Mr. Pacocha and unanimously voted to adjourn the meeting. The 3/12/2020 ZBA meeting adjourned at 7:27 PM.

Respectfully submitted,
Louise Knee, Recorder

AS E D I T E D



CHRISTOPHER T. SUNUNU
GOVERNOR

**STATE OF NEW HAMPSHIRE
OFFICE OF STRATEGIC INITIATIVES**

107 Pleasant Street, Johnson Hall
Concord, NH 03301-3834
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Fax: (603) 271-2615

**DIVISION OF PLANNING
DIVISION OF ENERGY**
www.nh.gov/osi

To: All
From: New Hampshire Office of Strategic Initiatives – Planning Division
Date: April 3, 2020
Subject: OSI 2020 Planning & Zoning Conference Cancelled

Due to the ongoing COVID-19 outbreak, and the surrounding uncertainties, the New Hampshire Office of Strategic Initiatives (OSI) has cancelled the *2020 Spring Planning and Zoning Conference*, which was scheduled on May 30, 2020. The conference will resume in the Spring of 2021.

In lieu of a Spring Conference this year, OSI will be partnering with the New Hampshire Municipal Association (NHMA) to offer a Fall Planning and Zoning Conference on Saturday, October 31, 2020 in Concord. Further information will be provided as it becomes available.

Be well, and please contact us if you have any comments or concerns.



WEDNESDAY, NOVEMBER 18, 2020

THURSDAY, NOVEMBER 19, 2020

SAVE these DATES!

DoubleTree by Hilton

Manchester Downtown Hotel

79TH Annual Conference and Exposition

The New Hampshire Municipal Association's 79th Annual Conference and Exposition is an opportunity for elected and appointed municipal officials and staff to enhance leadership skills, learn from municipal experts, share ideas with peers, discuss strategies, and hear and learn about the latest in products and services designed for municipal governments.

Don't miss this opportunity to learn, network and share!

QUESTIONS? Call 800.852.3358, ext. 3350 or email NHMAregistrations@nhmunicipal.org.

REGISTRATION TO OPEN IN SEPTEMBER

