

# TOWN OF HUDSON

## Zoning Board of Adjustment



Marilyn E. McGrath, Selectmen Liaison

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

### MEETING AGENDA – January 28, 2021

#### 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 hold a public meeting & hearing electronically by remote video & conference call and physically at the **Hudson Community Center, 12 Lions Ave, on Thursday, January 28, 2021, at 7:00 PM.** Written comments can be sent in advance either by: 1) Email to [bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov) prior to 4:30 pm, January 28, 2021; or 2) Mail by January 25, 2021 to ZBA, c/o Bruce Buttrick, Hudson Town Hall, 12 School St., Hudson, NH 03051. For the public to participate and comment, please follow the instructions on the town website: <https://www.hudsonnh.gov/bc-zba/page/public-hearing-process> or call (603) 886-6008 prior to 4:00 PM of the meeting date. Applications on the agenda may be viewed online at: <https://www.hudsonnh.gov/bc-zba> (click: View Agendas, Minutes, Packets & Videos). The meeting will be streamed live on Hudson Community Television, Cable Channel 22 or 20.

The following items before the Board will be considered:

#### I. CALL TO ORDER

#### II. PLEDGE OF ALLEGIANCE

#### III. REMINDER: COVID-19 State of Emergency Contact Tracing Attendance Form: Meeting Sign-In Sheet

#### IV. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 157-001 (01-28-21)(continued from 10-22-20):** Andrea Mastrangelo, **56A Ledge Rd., Hudson, NH** requests a Home Occupation Special Exception to operate a home hair salon color studio business in the basement area of the primary residence. [Map 157, Lot 001-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

#### V. PUBLIC HEARING: Proposed Bylaw amendments– 2<sup>nd</sup> reading.

#### VI. REQUEST FOR REHEARING:

#### VII. REVIEW OF MINUTES:

12/17/20 edited Minutes

#### VIII. OTHER:

1. Election of New ZBA Officers for 2021
2. 143 Dracut Rd - Determination as Development of Regional Impact (see Z.D. #20-139)
3. Discussion on Notice of Decision omitted in error: Request for Rehearing Case 173-012 & 014 (4 & 14 Tolles St)
4. Discussion on Home Occupation Special Exception Application

Bruce Buttrick  
Zoning Administrator



# TOWN OF HUDSON

## Land Use Division



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

### **Zoning Administrator Staff Report**

#### **Meeting Date: January 28, 2021**

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

#### **Property description:**

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

#### **History:**

ZBA heard this case in Oct 2020, and continued the case (w/o date) for the applicant to present further documentation about septic and water capacities (for Staff review/acceptance) for this Home Occupation.

#### **Zoning Administrator Summary:**

Applicant has not provided the requested payment for continued Hearing notices, and Staff has not received requested septic information to review/accept for a Home Occupation Special Exception for a home hair salon/studio business.

#### **What is the Board's action?**

Attachment:

Email from Town Engr



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Administrator Staff Report

Meeting Date: October 22, 2020 *36 10-14-20*

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

#### **Property description:**

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

#### **Zoning Administrator Summary:**

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

#### **In-house (Town) review/comments:**

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

#### **HISTORY:**

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

#### **Attachments:**

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

**Previous Assessments**

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

<sup>r</sup>  
<sup>n</sup>  
A

# Application For Permit to Build

No. ....

Location

Estimated Cost \$45,000 -

PERMIT GRANTED

WORK COMPLETED

Building Inspector

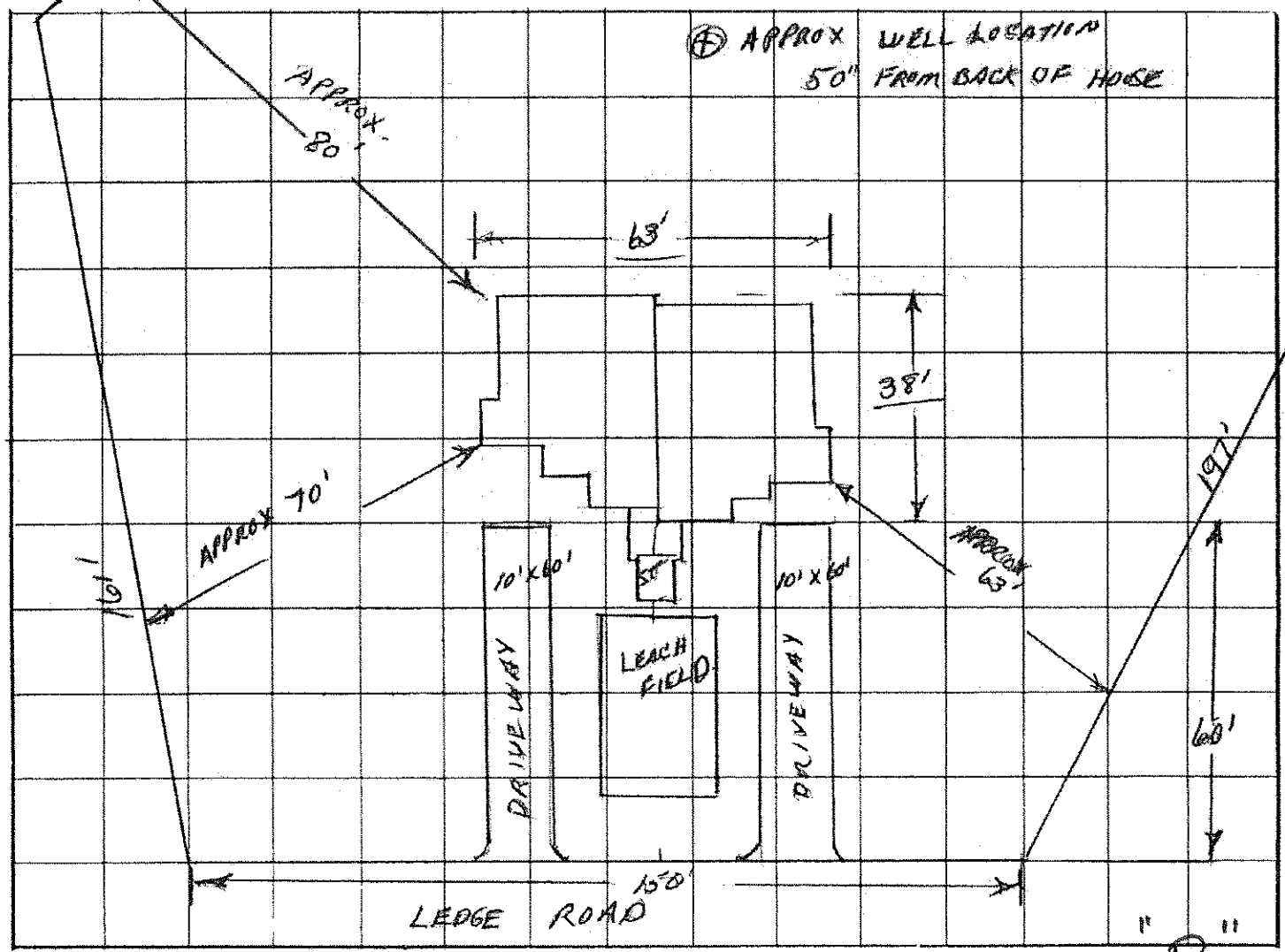
## PLOT PLAN

## COMMENTS

LOT \_\_\_\_\_ Owner's Name \_\_\_\_\_

SHEET \_\_\_\_\_ No. Street \_\_\_\_\_

SCALE 1"=30 ft. \_\_\_\_\_ District \_\_\_\_\_



B

TOWN OF HUDSON

24  
23

NY 1480



OCCUPANCY PERMIT

Owner or Builder

Address of Building

PERMISSION IS HEREBY GRANTED TO OCCUPY THIS BUILDING:

Date

19 24

Building Inspector's Approval

No person shall occupy this building until Inspector's approval

"C"

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

# APPROVAL FOR OPERATION

THE INDIVIDUAL SEWAGE OR WASTE  
DISPOSAL SYSTEM CONSTRUCTED FOR:

*Bldg. Permit # 166-84*

APPROVAL # 108170

Owner:

Gerald C. Lacourse  
54 Drake Rd.  
Hudson, NH 03051

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

Copy sent to:

Board of Selectmen  
Town Office  
Hudson, NH 03051

TYPE OF SYSTEM: 4 Bedroom Duplex - 600 GPD

TOWN/CITY LOCATION: Hudson, NH  
STREET LOCATION: 30 Lodge Rd.

INSTALLER *Br Eye*

PERMIT # 860

OWNER INSTALLED FOR HIS DOMICILE

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

Date Approved: 12-16-83

By: *Amanda E. [Signature]*  
(Authorized Agent of N.H. Water Supply and  
Pollution Control Commission)

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

(OVER)

Revised 10/1/80

"D"

DRIVEWAY AND OTHER ACCESS REGULATION

WAIVER REQUEST

Date: November 9, 1983

To: Hudson Planning Board

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

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

Signature of Applicant:

Priscilla Lassarre

cc: Civil Engineer  
Town Engineer  
Road Agent

PLANNING BOARD ACTION:

Approved

Denied

FOR THE HUDSON PLANNING BOARD

Paul E. Linderberger  
Chairman

Marjorie E. McNeill  
Secretary

Date: Nov. 9, 1983

"E."



DRIVEWAY AND OTHER ACCESS REGULATION

WAIVER REQUEST

Date: Nov. 9, 1983

To: Hudson Planning Board

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

Map 24, Lot 23:

Two curb cuts for one residential lot

with a duplex.

Signature of Applicant:

Priscilla Lacourse

cc: Civil Engineer  
Town Engineer  
Road Agent

PLANNING BOARD ACTION:

Approved

Denied

FOR THE HUDSON PLANNING BOARD

Paul E. Loderberg  
Chairman

Theresa C. Applegate  
Secretary

Date: Nov. 9, 1983

"E2"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 157-001

Property Location: 56 A Ledge Rd

*For Town Use*

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

I have no comments  I have comments (see below)

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

DEPT:  Town Engineer  Fire/Health Department  Town Planner

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

" F "

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 157-001

Property Location: 56 A Ledge Rd

*For Town Use*

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

I have no comments  I have comments (see below)

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

DEPT:  Town Engineer  Fire/Health Department  Town Planner

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

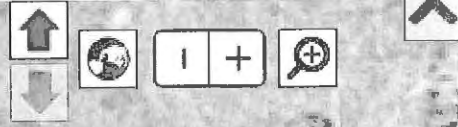
1. Applicant shall provide an approved septic system design that can accommodate the hair salon operations prior to building permit.
2. Applicant shall provide information related to the well serving this property. Is there an existing well serving both units or individual one for each unit.
3. 2020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

"G1"



0 5 10M

7143331, 4277744



LEDGE RD

"G2"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 157-001

Property Location: 56 A Ledge Rd

*For Town Use*

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

I have no comments  I have comments (see below)

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

DEPT:  
 Town Engineer  Fire/Health Department  Town Planner

1. Applicant shall provide an approved septic system design that can accommodate the hair salon operations as well as the existing duplex number of bedrooms, (as the property card indicates 3 bedrooms each uni), prior to building permit.
2. Applicant needs to address parking issues as 2020 ortho images indicate a parking issue at this location.

Bruce Buttrick - Zoning Administrator

|

"H"

## Unofficial Property Record Card - Hudson, NH

### General Property Data

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

### Current Property Assessment

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

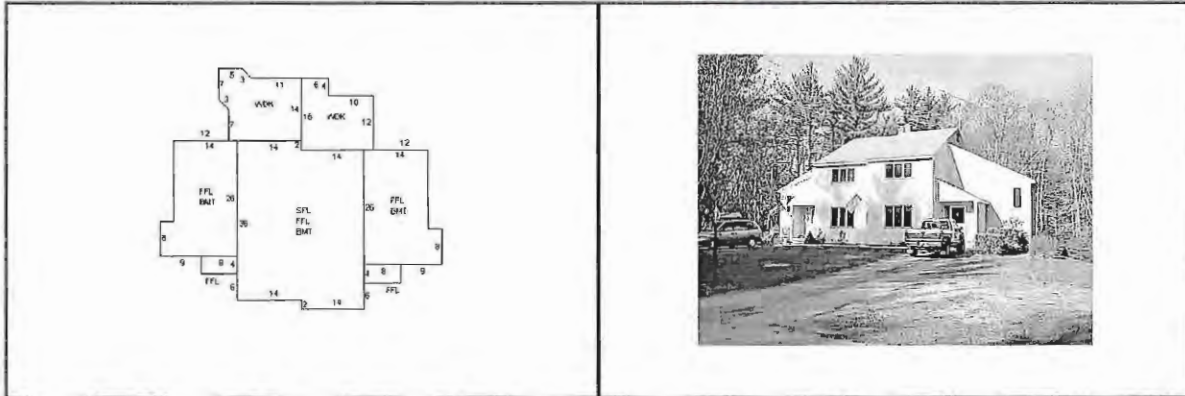
Building Style DUPLEX	Foundation Type CONCRETE	Flooring Type CARPET
# of Living Units 2	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1983	Roof Structure GABLE	Heating Type FORCED HW
Building Grade AVERAGE	Roof Cover ASPH SHING	Heating Fuel OIL
Building Condition Average	Siding COMP CLAPBD	Air Conditioning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

### Legal Description

#### Narrative Description of Property

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

### Property Images



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

H<sub>2</sub>

**From:** Buttrick, Bruce  
**Sent:** Wednesday, January 20, 2021 11:04 AM  
**To:** Dhima, Elvis; Goodwyn, Tracy  
**Subject:** RE: 56 Ledge Rd - Map 157 Lot 001

Elvis,  
Thanks.

**Tracy,**

Please print this out for the ZBA, as they can decide if they want to approve it with a condition of a septic design suitable for the Home Occupation. Ultimately up to the Board as to what direction to go.....

Bruce

---

**From:** Dhima, Elvis <[edhima@hudsonnh.gov](mailto:edhima@hudsonnh.gov)>  
**Sent:** Wednesday, January 20, 2021 10:22 AM  
**To:** Buttrick, Bruce <[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)>  
**Cc:** Stickney, Doreena <[dstickney@hudsonnh.gov](mailto:dstickney@hudsonnh.gov)>; Goodwyn, Tracy <[tgoodwyn@hudsonnh.gov](mailto:tgoodwyn@hudsonnh.gov)>  
**Subject:** Re: 56 Ledge Rd - Map 157 Lot 001

I have t seen anything yet

I got a call from AB septic about it and the guy basically told the lady the same thing she will need a new design

E

Elvis Dhima P.E.  
Town Engineer  
12 School Street  
Hudson, NH 03051  
Sent from my iPhone

On Jan 20, 2021, at 9:48 AM, Buttrick, Bruce <[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)> wrote:

Any recent septic applications here?

Thanks in advance,

Bruce

**Bruce Buttrick**

*Zoning and Code Enforcement*

<001.png>

Land Use Division

12 School Street

Hudson, NH 03051

Ph: (603) 886-6008

F: (603) 594-1142

**From:** Dhima, Elvis  
**Sent:** Friday, December 11, 2020 10:03 AM  
**To:** Goodwyn, Tracy  
**Subject:** Re: Andrea Mastrangelo ltr.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

This works for the well

Elvis Dhima P.E.  
Town Engineer  
12 School Street  
Hudson, NH 03051  
Sent from my iPhone

On Dec 11, 2020, at 10:00 AM, Goodwyn, Tracy <[tgoodwyn@hudsonnh.gov](mailto:tgoodwyn@hudsonnh.gov)> wrote:

Elvis, See Bruce question. What say you??

Tracy

---

**From:** Buttrick, Bruce <[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)>  
**Sent:** Thursday, December 10, 2020 9:56 PM  
**To:** Goodwyn, Tracy <[tgoodwyn@hudsonnh.gov](mailto:tgoodwyn@hudsonnh.gov)>  
**Subject:** FW: Andrea Mastrangelo ltr.pdf

FYI,  
Check with Elvis if this is good enough.

Bruce

---

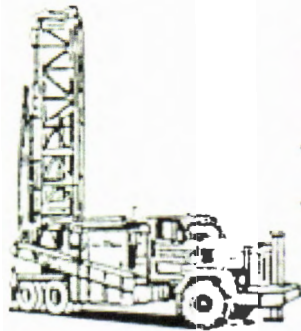
**From:** Andrea M <[ajmastrangelo13@gmail.com](mailto:ajmastrangelo13@gmail.com)>  
**Sent:** Thursday, December 10, 2020 11:03 AM  
**To:** Buttrick, Bruce <[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)>; Dhima, Elvis <[edhima@hudsonnh.gov](mailto:edhima@hudsonnh.gov)>  
**Subject:** Andrea Mastrangelo ltr.pdf

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

Well Letter  
<Andrea Mastrangelo ltr.pdf>





# Northeast

## WATER WELLS, INC.

HUDSON, NH

MARLBORO, MA

### 1-800-562-WELL (9355)

RESIDENTIAL & COMMERCIAL

Andrea Mastrangelo  
56A Ledge Road  
Hudson, NH

To whom it may concern:

Upon inspection of the additional sink to be installed it was calculated the anticipated volume of water to be used per wash would be about 16 gallons per use. Estimating an average use of 5 times a week would run about an additional 80 Gallons of water use per week. This amount would not have a severe impact on the well or water table and should not be added strain to the current system at the volume of business estimated on a weekly basis currently. If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Clifford Connolly". The signature is fluid and cursive.

Clifford Connolly  
Water Well Professional Lic # 60

**1-800-562-WELL(9355)**

**info@wellguy.com**

**www.wellguy.com**

**We Dig What we do and so will you!**

**HUDSON ZONING BOARD OF ADJUSTMENT**

**REQUEST FOR DEFERRAL WORKSHEET**

On **01/28/21**, The Hudson Zoning Board of Adjustment heard **Case 157-001**, Being a request by **Andrea Mastrangelo, 56A Ledge Rd., Hudson requests a deferral for a Home Occupation Special Exception to operate a home hair salon color studio business in the basement area of the primary residence.** [Map 157, Lot 001-000; Zoned Residential-Two (R-2); HZO Article VI, Special Exceptions, §334-24, Home Occupations].

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

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Sitting Member of the Hudson ZBA

TOWN OF HUDSON

OCT 05 2020

Zoning Department

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

To: Zoning Board of Adjustment  
Town of Hudson

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

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

Telephone Number (Home) 603-417-9666 (Work) \_\_\_\_\_

Mailing Address 56 Ledge RD

Owner Scott Wilson

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

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

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

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

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

<b>COST:</b>			Date received: <u>10/5/20</u>
Application fee:		\$130.00	
<u>8</u> Direct Abutters x \$4. <del>05</del> <sup>10</sup> =		<u>32.80</u>	
<u>1</u> Indirect Abutters x \$0.55 =		<u>0.55</u>	
<b>Total amount due:</b>		<u>\$163.35</u>	Amt. received: \$ <u>163.35</u> <i>chk # 115</i>
Received by: <u>[Signature]</u>			Receipt No.: <u>614,170</u>

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

Engineering     Fire Department     Health Officer     Planner

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

To: Town of Hudson

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

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

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

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

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

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

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

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

Best regards,



Scott A. Wilson  
Property Owner

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

# TOWN OF HUDSON, NH

## NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>AM</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
<u>AM</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>AM</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>AM</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u> <i>Received. original 10/5/20</i>
<u>AM</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>AM</u>	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>AM</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

N/A

**PLOT PLAN-**

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

N/A

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

N/A

✓ TG

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

Signature of Applicant(s)

Date

9/11/20

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

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

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

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

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

**ALL DIRECT ABUTTERS**

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

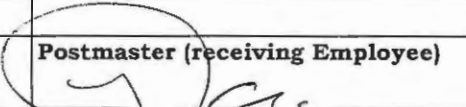
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
157	003	JOYCE, RICHARD A. JOYCE, SANDRA JOYCE FAMILY REV TRUST	58 Ledge RD, Hudson, NH 03051
157	002	IRVING, DAVID D.	59 Ledge RD, Hudson, NH, 03051
166	037	NOURY, PETER	17 ELNATHAS WAY, HOLLIS, NH,03049
166	013	MITCHELL, RANDY W; MITCHELL, LINDA J	57 Ledge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

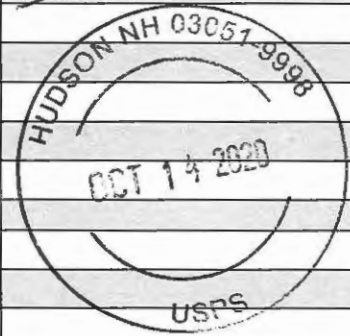
**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

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
157	066	LOCKWOOD PLACE CONDOMINIUM C/O HARVARD MANAGMENT	PO BOX 2019 MERRIMACK, nh 03054



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



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

TOWN OF HUDSON

OCT 14 2020

Zoning Department

Mailed  
10/14/20  
TB



# TOWN OF HUDSON

## Zoning Board of Adjustment



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

### APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, 10/22/20** starting at 7:00 P.M at the Hudson Community Center located at 12 Lions Ave. or to participate remotely, see instructions below.

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

**Instructions to participate by electronic access using GoTo Meeting:**

Pre-Registration Time: 6:45-6:55 PM

Meeting Start Time: 7:00 PM

How to Logon: Please join the meeting from your computer, tablet or smartphone.

Use the following link: <https://global.gotomeeting.com/join/183315093>

This meeting is locked with a password: **ZBA102220**

*If you experience difficulties accessing the electronic meeting please call (603) 594-1155.*

Please be advised, the above notice is being sent to all abutters listed on the application. You, or a representative, are expected to join physically at the Hudson Community Center located at 12 Lions Ave. or join the GoToMeeting using the link above and make a presentation. Please see full Public Hearing Process Instructions enclosed.

Respectfully,

Bruce Buttrick  
Zoning Administrator

**Zoning Board of Adjustment (ZBA)  
Public Hearing Process  
Hudson Community Center  
12 Lions Ave., Hudson, NH**

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 (ZBA) is authorized to meet electronically until further notice. It is the ZBA's intention to provide the means to allow the public the option to participate both remotely and physically at these meetings.

• **Public Access to this meeting shall be provided in the following manner:**

1. **Remote Video/Audio/Phone-in access using GoToMeeting:**

- a. Watch the meeting "LIVE" on Hudson Community Television (HCTV)
  - Comcast Subscribers, tune into Channel 22 to watch or,
  - View online at: <http://hudsonctv.com/CablecastPublicSite/watch/2?channel=3>
- b. Call the phone number shown on the screen by HCTV to join the online meeting when it is announced that the meeting is in recess for intake of callers wanting to make comments. The ZBA Chairman will re-open the meeting and take comments in the order of the calls received.
- c. Once logged into the meeting, provide your full name, address and the case you wish to comment on. Please remember to mute yourself while you wait.

*\*\*\*Note- You will be placed on mute until the meeting is open for public comments. If you experience difficulties accessing the electronic meeting please call (603) 594-1155. We may experience heavy call volume, so we ask for your patience during this time.*

2. **Physical access at the Hudson Community Center, 12 Lions Avenue:**

If you plan to attend the meeting in person at the Community Center, please be aware of the following precautions:

- If you are not feeling well, have a fever, a cough, shortness of breath or other cold or flu symptoms, please **do not** attend this meeting in person.
- Public seating will comply with Universal/CDC guidelines following social distancing protocols.
- A microphone will be situated between the board and public seating for public comment without the need to touch the microphone.
- ZBA Board members participating physically will be appropriately distanced, or participating via GoToMeeting teleconference software, which will be seen on HCTV.

• **To Provide Public Comments PRIOR to ZBA meeting:**

1. **Mail Comments-** should be received **3 days before** the meeting to allow for mail quarantine time. Mail to: ZBA c/o Bruce Buttrick- Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Include your full name, address and the case you wish to comment on.
2. **Email Comments-** should be received by 5:00 PM prior to the meeting to: [bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov). Include your full name, address and the case you wish to comment on.



# TOWN OF HUDSON

## Zoning Board of Adjustment



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

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#### **Instructions to participate by phone-in access using GoTo Meeting:**

Pre-Registration Time: 6:45-6:55 PM

Meeting Start Time: 7:00 PM

- 1) Dial in using your phone to join the meeting: +1 (646) 749-3122
- 2) Enter Access Code: **183-315-093**
- 3) Once logged into the meeting, provide your full name, address and the case you wish to comment on. **\*\*\*Please remember to mute yourself while you wait\*\*\***
- 4) Watch the meeting live on Hudson Community Television (HCTV), Comcast Channel 22 or go online to: <http://hudsonctv.com/CablecastPublicSite/watch/2?channel=3>

**\*\*\*Note- You will be placed on mute until the meeting is open for public comments. If you experience difficulties accessing the electronic meeting please call (603) 594-1155.**

Please be advised, this notice is for your information only. Your attendance is not required; however, you may participate in this meeting for the purpose of providing information or comments on the proposal. See Public Hearing Process Instructions attached. A full copy of this Application is available for your review by clicking "View Agendas, Minutes, Packets & Videos" on the Hudson Town Hall website: <https://www.hudsonnh.gov/bc-zba>.

Respectfully,

Bruce Buttrick  
Zoning Administrator

**Zoning Board of Adjustment (ZBA)  
Public Hearing Process  
Hudson Community Center  
12 Lions Ave., Hudson, NH**

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2. **Email Comments-** should be received by 5:00 PM prior to the meeting to: [bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov). Include your full name, address and the case you wish to comment on.

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

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

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

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

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

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

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

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

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

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

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

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

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

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

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

no

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

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

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

no signs



APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

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

no storage

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

no

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

no I expect only 1-5 clients per week

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

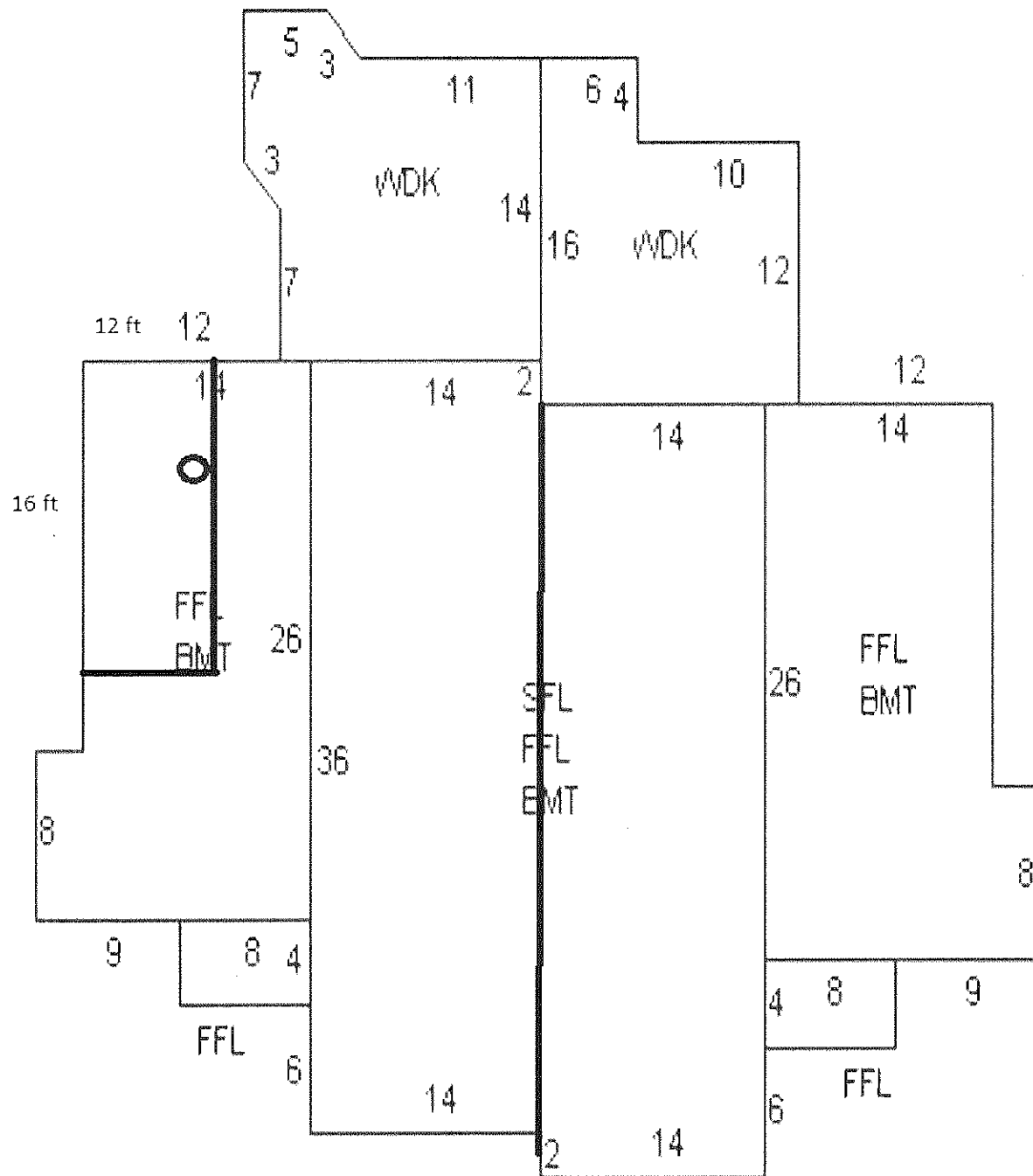
one car at a time in my parking space

Who will be conducting the home occupation? Please explain.

Andrea Mastrangelo cosmetologist

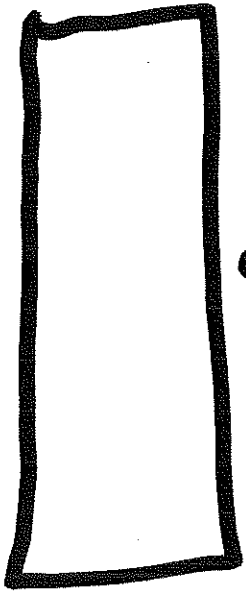
Will there be a vehicle(s) for the home occupation? Please explain the type and number of vehicle(s).

no

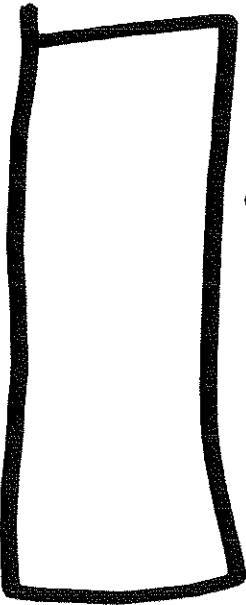


○ = shampoo bowl placement

ENTRANCEWAY



COLOR BAR



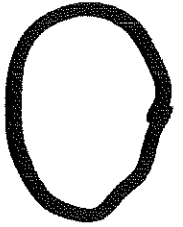
WAITING AREA



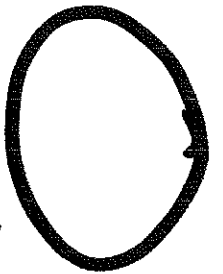
DRINKS

RESTROOM  
↓

STYLING CHAIR



SHAMPOO BOWL



# 56 Ledge Road




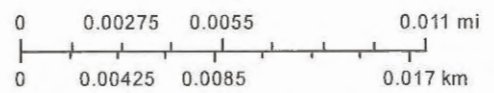
September 8, 2020

1:329

Legend

 Parcels - Aerials

 Parcels





# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #20-100

September 23, 2020

Andrea Mastrangelo  
56A Ledge Rd  
Hudson, NH 03051

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

Dear Ms. Mastrangelo,

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

#### **Zoning Review / Determination:**

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

Sincerely,

*Bruce Buttrick, MCP*

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

cc: Public File  
Owner  
File

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

MAP LOT SUB

CARD

Hudson

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



Patriot Properties Inc

PROPERTY LOCATION

Table with columns: No, Alt No, Direction/Street/City. Row 1: 56, LEDGE RD, HUDSON

NEIGHBORSHIP

Table with columns: Member No, Name, Address. Rows include WILSON, SCOTT A., WILSON, VALENCIA, 59 GEORGETOWN DR

PREVIOUS OWNER

Table with columns: Member No, Name, Address. Rows include member 1, member 2, street 1, street 2, city, prov, postal

DESCRIPTIVE DESCRIPTION

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

OTHER ASSESSMENTS

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

PROPERTY FACTORS

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

LAND SECTION (First 7 lines only)

Table with columns: Line No, Description, LUC, No of Units, Depth/Price, 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. Rows include TWO FAM, TWO FAM.

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value. Rows include 104, 2.560, 190,600, 123,500, 314,100. Summary rows for Total Card, Total Parcel, Source, Market Adj Cost, Total Value per SQ unit /Card, /Parcel.

Table with columns: Legal Description, User Acct, GIS Ref, Entered Lot Size, Total Land, Land Unit Type. Row 1: AC

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date. Rows include 2020, 2019, 2018, 2017 for categories FV, JB, PV.

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Row 1: 5150-1144, 11/17/1989, FAMILY TRANS, 178,000.

BUILDING PERMITS

Table with columns: Date, Number, Descrp, Amount, C/O, Last Visit, Fed Code, F. Descrp, Comment. Rows include 3/4/2019, 2019-00154, ELECTRIC, C; 10/26/2015, 2015-01081, ELECTRIC, 1,900, C, METER FOR WELL.

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name. Rows include 6/26/2014 Inspected, 6/17/2014 Measured, 4/19/2006 Measured, 4/18/2001 Meas/Inspect, 2/11/1991 Inspected.

Sign: \_\_\_\_\_

Type:	141 - DUPLEX	Full Bath:	2	Rating:	AVERAGE
Sty Ht:	2 - TWO STY	A Bath:		Rating:	
iv) Units:	2 Total: 2	3/4 Bath:		Rating:	
Foundation:	1 - CONCRETE	A 3QBth:		Rating:	
Frame:	1 - WOOD	1/2 Bath:	2	Rating:	AVERAGE
Time Wall:	20 - COMP CLAPBD	A HBth:		Rating:	
Sec Wall:		OthrFix:		Rating:	

Roof Struct:	1 - GABLE	<b>OTHER FEATURES</b>			
Roof Cover:	1 - ASPH SHING	Kits:	2	Rating:	AVERAGE
Color:	YELLOW	A Kits:		Rating:	
W / Desir:		Frpl:		Rating:	
		WSFlue:		Rating:	

<b>GENERAL INFORMATION</b>			
Grade:	C - AVERAGE		
Year Blt:	1983	Eff Yr Blt:	
Int LUC:		Alt %:	
Jurisdic:		Fact:	
Const Mod:			
Temp Sum Adj:			

<b>ERIOR INFORMATION</b>	
vg Ht/FL:	STD
Int Wall:	1 - DRYWALL
Partit:	T - TYPICAL
Room Floors:	04 - CARPET
Exc Floors:	05 - LINOL/INYL 20%
Basmt Flr:	12 - CONCRETE
Subfloor:	
Basmt Gar:	
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S -
Heat Fuel:	1 - OIL
Heat Type:	3 - FORCED HW
Heat Sys:	2
Is Heated:	100 % AC: 0
Solar HW:	NO Central Vac: NO
Com Wal:	% Sprinkled:

<b>DEPRECIATION</b>		
Phys Cond:	AV - Average	32%
Functional:		%
Economic:		%
Special:		%
Override:		%
Total:		32%

<b>BIBLE HOME</b>	Make:	Model:	Serial #:	Year:	Color:
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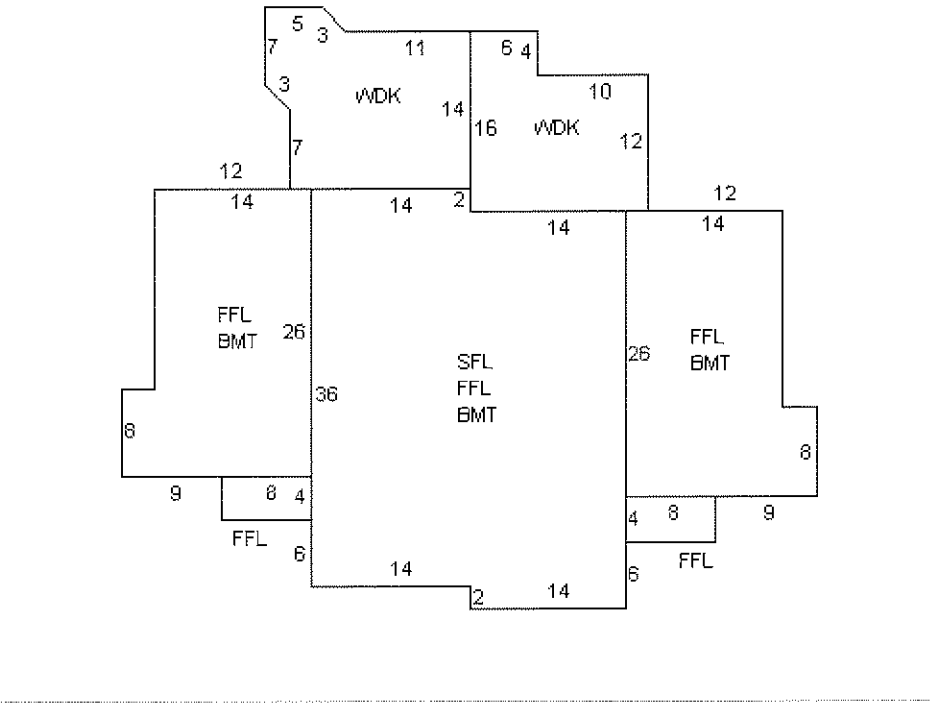
<b>REC FEATURES/YARD ITEMS</b>																		
Seq	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
	SHED-NV		D	Y	1 8X10		AV	AV	1990		0.00	T		27	104			

<b>RESIDENTIAL GRID</b>												
1st Res Grid	Desc:	CONV	# Units:	2								
Level	FY	LR	DR	D	K	FR	RR	BR	FB	HB	L	O
Other												
Upper												
Lvl 2												
Lvl 1												
Lower												
Totals	RMs:	10	BRS:	6	Baths:	2	HB:	2				

<b>REMODELING</b>				<b>RES BREAKDOWN</b>			
Exterior:		No Unit	RMS	BRS	FL		
Interior:		2	5	3	M		
Additions:							
Kitchen:							
Baths:							
Plumbing:							
Electric:							
Heating:							
General:							
Totals		2	10	6			

<b>CALC SUMMARY</b>						<b>COMPARABLE SALES</b>					
Basic \$ / SQ:	100.00	Rate	Parcel ID	Typ	Date	Sale Price					
Size Adj.:	0.81512606										
Const Adj.:	0.96825963										
Adj \$ / SQ:	78.925										
Other Features:	19500										
Grade Factor:	1.00										
NBHD Inf:	1.00000000										
NBHD Mod:											
LUC Factor:	1.00										
Adj Total:	280232										
Depreciation:	89674										
Depreciated Total:	190558										

WtAv\$/SQ:	AvRate:	Ind.Val:	Juris. Factor:	Before Depr:	78.93
Special Features:	0	Val/Su Net:		Val/Su SzAd:	66.74
Final Total:	190600				



<b>SUB AREA</b>					<b>SUB AREA DETAIL</b>				
Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descrip	% Type	Qu #1
FFL	FIRST FLOOR	1,848	78.930	145,854	BMT	100	RRM	25	AV
BMT	BASEMENT	1,784	16.380	29,217					
SFL	SECOND FLR	1,008	78.930	79,557					
WDK	WOOD DECK	466	13.100	6,104					

Net Sketched Area:	5,106	Total:	260,732		
Size Adj	2856	Gross Area	5106	FinArea	2856



<b>PARCEL ID</b> 157-001-000									
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Printed  
 10/05/2020  
 3:38PM  
 Created  
 10/05/2020  
 3:26 PM

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

Receipt# 614,170  
 tgoodwyn

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

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



smaller pavilion is possible, and it does not meet the hardship criteria. Roll call vote was 5:0 to deny the variance. Mr. Dearborn noted that there is still the issue with the pool/pump house in the setback that needs to be addressed and suggested contacting Mr. Buttrick to resolve.

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

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

- Hair salon color studio – only cut and color hair for current clients
- Uses natural eco friendly products
- Will actually only use 12'x12' of the finished basement
- No employees
- No storage, no noise vibrations dust etc
- Only one client at a time – will park in the driveway
- Expect one to five (1-5) clients a week

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

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

Mr. Dearborn declared a five-minute recess at 9:23 PM for call-ins. At 9:26 PM, Mr. Dearborn opened public testimony.

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

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

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

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

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

- (2) Dave Irving, 59 Ledge Road, emailed that he is against the salon, that there is no parking, that it is a dead-end street, well/water concerns, questioned products to be used and impact on septic system, noted that there are no facilities in the basement and questioned number of clients per day and expressed concern because he works second-shift and sleeps during the day.
- (3) Linda Mitchell, 57 Ledge Road, emailed her opposition to the salon and concerns regarding private wells and chemicals to be used, parking, depreciation of her property's value and potential growth of the business.

Ms. Mastrangelo stated that the other tenants have several vehicles, that she is respectful and willing to provide MSDS Sheets, that she spends between three to six (3-6) hours per visit per client, that she does not need to grow her business, that she had a big salon but no more because of medical issues and has a high risk baby in the house, referenced the proposed floor plan to finish the basement and noted that she has two (2) bathrooms in her unit and the one on the main level at the head of the stairs would service her clients.

Public testimony closed at 9:44 PM.

Mr. Dearborn stated that number of clients and parking can be clarified in a stipulation but the concerns raised regarding wastewater, chemicals and well(s) fall

under the “objectionable circumstances” criteria and should be explored and resolved and suggested deferment. Ms. Mastrangelo stated that the Board of Cosmetology limits salons to one (1) client at a time, agreed with deferment and added that box hair color used in homes are more chemically dangerous.

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

**IV. REQUEST FOR REHEARING:** No requests received for Board consideration.

**V. REVIEW OF MINUTES:**

9/19/20 Site Walk- edited Minutes

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

9/24/20 edited Minutes

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

**VI. OTHER:**

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

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

Election of Officers

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

Next Meeting

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

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

Respectfully submitted,

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G A Dearborn, ZBA Chairman

Town of Hudson, New Hampshire Bylaws  
Zoning Board of Adjustment

Proposed 01-28-21

Chapter 143

- 143.1 History
- 143.2 Authority
- 143.3 Purpose
- 143.4 Amendments
- 143.5 Officers
- 143.5A Recorder
- 143.6 Members and Alternates
- 143.7 Meetings
  - 1. Regular Meetings
  - 2. Quorum
  - 3. Disqualification
  - 4. Order of Business
- 143.8 Application Process
  - 1. Applications
  - 2. Forms
  - 3. Public Notice
  - 4. Public Hearing
- 143.9 Decision Process
- 143.10 Deferment and Withdrawal
- 143.11 Reconsideration by the Board
- 143.12 Motions for Rehearing
- 143.13 Records
- 143.14 Waivers
- 143.15 Joint Meetings and Hearings

### 143.1 History

12-14-1978: Adopted by the Zoning Board of Adjustment of the Town of Hudson

06-23-1988: Amended in its entirety,

06-23-2011: Amended again in its entirety.

Subsequent amendments noted where applicable.

10-12-17: Amended in entirety.

04-11-19: Subsequent amendments noted where applicable.

09-26-19: Added Recorder; revised Clerk; unexcused absences; order of business; pledge of allegiance, introduction and 11:00pm curfew; 30 day re-hearing note and attachment "A".

xx-xx-21: ~~A~~added section [143.5B](#) on succession of officers, ~~and members.~~

### 143.2 Authority

These bylaws of the Hudson Zoning Board of Adjustment, hereinafter referenced simply as the Board, are adopted under the Authority of NH-RSA (New Hampshire Revised Statutes Annotated) 676:I. In the event of a difference between these bylaws and the applicable NH-RSAs, the NH-RSAs take precedence over these Bylaws.

### 143.3 Purpose

The purpose of these bylaws is to ensure an orderly procedure in the execution of the duties of the Board.

### 143.4 Amendments

These bylaws may be amended by a majority vote of the voting members at a regular meeting of the Board provided such amendments are read at two successive public meetings.

### 143.5 Officers

1. A Chairman shall be elected annually by a majority vote of the Board at the first meeting in the month of January.

The Chairman shall preside over all meetings and hearings, appoint such committees as directed by the Board and shall affix his/her signature in the name of the Board.

2. A Vice-Chairman shall be elected annually by a majority vote of the Board at the first meeting in the month of January.

The vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters which come before the Board during the absence of the Chairman.

3. A Clerk shall be elected annually by a majority vote of the Board at the first meeting in the month of January.

The clerk shall take attendance, read cases into the record, and process the member decision

sheets for a summary of decision made. [9-26-19]

4. All officers shall serve for one year and shall be eligible for re-election.

#### 143.5A Recorder

The Recorder is not a Member or Alternate. The Recorder shall transcribe the minutes and notices of decisions in accordance with State RSA requirements. The Recorder shall have minutes available for members to accept. The Recorder shall have notice of decisions available for the Chairman and Zoning Administrator. [9-26-19]

#### 143.5B Officer vacancies

1. In the event that the un-expired term of Chairman becomes vacant, the Vice-Chairman will fill the vacancy until the 1st meeting in January of the following year at which time the voting members will elect a new Chairman.

2. In the event that the un-expired term of Vice-Chairman becomes vacant, the voting members will vote to fill the vacancy at their next regular scheduled meeting.

3. In the event that the un-expired term of Clerk becomes vacant, the voting members will vote to fill the vacancy at their next regular scheduled meeting. [xx-xx-21]

#### 143.6 Members and Alternates

1. Five Regular Members shall be appointed by the Board of Selectmen attend all meetings, and sit as voting members

2. Five Alternate Members shall be appointed by the Board of Selectmen, attend all meetings to familiarize themselves with the workings of the Board and stand ready to serve whenever a regular member of the Board is unable to fulfill his/her responsibilities.

3. A Selectman Liaison may be appointed by the Board of Selectman to act as a liaison between the two Boards and should attend all meetings but shall have no voting powers nor the ability to sit in place of any regular member not in attendance.

4. At meetings of the Board, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the Chairman to temporarily fill the unexpired term of a vacancy may participate with the Board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, ask questions and interact with other Board members, the applicant, abutters and the public. Alternates shall not be allowed to make or second motions. Once the Board moves into deliberations, alternates shall remove themselves from any further deliberations with the Board. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the Chairman shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

5. All members and alternates must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairman as soon as possible. Members, including the Chairman and all officers, shall participate in the decision-making process and vote to

approve or disapprove all motions under consideration. Three (3) consecutive unexcused absences by a member or alternate shall be reported to the Board of Selectmen through the Town Administrator, to take appropriate action.[9-26-19]

#### 143.7 Meetings

1. Regular meetings (for appeals and Hearings) shall be held at Hudson Town Hall, at 7:00pm on the fourth Thursday of each month in accordance with RSA 676:5-7 and RSA 91-A:2. The Chairman may schedule additional overflow meetings, or reschedule meetings after consultation with the Zoning Administrator (or designee).

2. Other meetings may be held on the call of the Chairman, or a majority vote of the Board in accordance with RSA 91-A: 2II.

All Board members shall be given notice of meetings by mail or email one week prior to the meeting date.

3. Quorum: A quorum for all meetings of the Board shall be three members, including alternates sitting in place of members.

a. The Chairman shall make every effort to ensure that all five members, and one or two alternates, are present for the consideration of any appeal or application.

b. If any regular Board member is absent from any meeting or hearing, or disqualifies himself from sitting on a particular case, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member, and such alternate shall be in all respects a full member of the Board while so sitting.

c. Alternates shall generally be activated on a rotating basis from those present at a particular meeting. When an alternate is needed, the Chairman shall select the alternate who has not been activated for the longest time.

d. If there are less than five members (including alternates) present, the Chairman shall give the option to proceed or not to the applicant. Should the applicant choose to proceed with less than five members present that shall not solely constitute grounds for a rehearing should the application fail.

3. Disqualifications: If any member finds it necessary to disqualify himself from sitting in a particular case, as provided in RSA 673:14, he shall notify the Chairman as soon as possible so that an alternate may be requested to sit in his place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the Board may request the Board to vote on the question of disqualification. Any such request shall be made before the public hearing gets underway. The vote shall be advisory and non-binding.

Determining the threshold of disqualification can be difficult. To assist a member in determining whether or not they should step down (recuse themselves) Board members should review the

questions which are asked of potential jurors to determine qualification (RSA 500-A: 12). A potential juror may be asked whether he or she:

- a. Expects to gain or lose upon the disposition of the case;
- b. Is related to either party;
- c. Has advised or assisted either party;
- d. Has directly or indirectly given an opinion or formed an opinion;
- e. Is employed by or employs any party in the case;
- f. Is prejudiced to any degree regarding the case; or
- g. Employs any of the counsel appearing in the case in any action then pending in the court.

Either the Chairman or the Member disqualifying himself/herself before the beginning of the public hearing on the case shall announce the disqualification. The disqualified shall step away from the table during the public hearing and during all deliberation on the case as they so choose.

#### 4. Order of Business

The order of business for regular meetings shall be as follows:

- a. Call to order by the Chairman
- b. Pledge of allegiance [9-26-19]
- c. Introduction/order of business. Attachment "A". [9-26-19]
- d. Roll call by the clerk
- e. Unfinished Business (Continued or Deferred Hearings)
- f. New Hearing(s) Board will not hear new cases after 11:00pm [9-26-19]
- g. Requests for Rehearing
- h. Approval of Minutes from Previous Meeting (s)
- g. New Business
- h. Communications and items of interest to the Board, Other Business
- i. Adjournment

(Note: Although this is the usual order of business, the Board may wish to hold the hearings immediately after the roll call in order to accommodate the public, based on a positive vote of the Board.)

#### 143.8 Application Process

##### 1. **Applications**

- a. Each application for a hearing before the Board shall be made on forms provided by the Board and shall be presented to the Zoning Administrator (or designee) who shall record the date and time of receipt.

Application deadline for meeting is 12:00 noon, 12 business days (Monday-Friday including Holidays) prior the scheduled meeting date.

Only complete and accurate applications will be submitted for agenda action, incomplete or inaccurate applications will not be submitted for agenda action.

- b. Appeals from an administrative decision taken under RSA 676:5 shall be filed within 30 days of the decision or when such decision becomes known or reasonably could have been known by the petitioner as determined by the Board.



- c. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these rules of procedure

## **2. Public Notice**

- a. Public notice of hearings on each application shall be given in general newspaper and shall be posted at Town Hall, Town Public Library and the Post Office not less than five (5) days before the date fixed for the hearing. Notice shall include the name of the applicant, description of property to include tax map identification, action desired by the applicant, provisions of the zoning ordinance concerned, the type of appeal being made, and the date, time and place of the hearing.
- b. Personal notice shall be made by certified mail to the applicant and all direct abutters and regular mail for indirect abutters within 200' not less than five (5) days before the date of the hearing.
- c. The applicant shall pay for all required notice costs in advance.

## **3. Public Hearing**

The conduct of public hearings shall be governed by the following rules:

- a. The Chairman shall call the hearing in session by instructing the clerk to report on the first case.
- b. The Zoning Administrator shall report why the case has been brought before the Board.
- c. Members and Alternates of the Board, and any party to the case, may ask questions at any point during testimony once recognized by the Chairman.
- d. Each person who appears shall be required to state his/her name and address for the record and indicate whether he/she is a party to the case or an agent or counsel of a party to the case.
- e. The applicant shall be called to present his appeal.
- f. Those appearing in favor of the appeal shall be allowed to speak.
- g. Those in opposition or neutral to the appeal shall be allowed to speak.
- h. The applicant and those in favor shall be allowed to speak in rebuttal.
- i. Those in opposition to the appeal shall be allowed to speak in rebuttal.
- j. Any person who wants the Board to compel the attendance of a witness shall present his request in writing to the Chairman in accordance with RSA 673.15
- k. The Board of adjustment will hear with interest any evidence that pertains to the facts of the Case or how the facts relate to the provisions of the zoning ordinance and state zoning law.

- l. The Chairman shall present a summary setting forth the facts of the case and the claims made for each side (see Findings of Facts form in Appendix C). Opportunity shall be given for correction from the floor.
- m. The public hearing on the Case shall be declared closed and the Case will be declared to be before the Board. The Board will deliberate and make its decision.
- n. All subsequent cases shall then be heard in the order they were presented.

#### 143.9 Decision Process

Before deliberations begin, the Chairman shall allow non-sitting alternates, the Selectmen's Liaison, if present, and the Zoning Administrator or his/her replacement to ask questions and give input, if they so desire.

Once this phase is completed, the Chairman shall declare the matter before the Board and the sitting members present who are voting will raise any further questions they may have and then deliberate all concerns in order to reach a decision on the request.

The Board shall vote on each of the applications for which testimony was given, after adequate deliberations.

For the granting of variances: the Board will consider a "vertical" (member) method of voting on each request. [04-11-19]

The Chairman shall announce all decisions after the vote has been taken, and explain that the appeal/Re-Hearing process is available to all aggrieved w/in 30 days of the meeting vote [9-26-19]

#### 143.10 Deferment and Withdrawal

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

In the event that a deferred applicant is not ready when the case comes back before the Board, the Board may initiate withdrawal of the application, with or without prejudice, where "with prejudice" means that any new application (unless substantially changed) cannot be filed for a period of one year. Filing fees shall not be returned for withdrawn cases that have been reviewed and processed by staff with public notice of a scheduled hearing having been posted.

Moreover, once an application has been withdrawn, any re-application shall be considered a new application and the applicant shall be required to pay all applicable fees for consideration. In the event of a Board-initiated deferment, because members felt it necessary for more information or other reason, a sitting member must make a motion to defer until the next regular meeting or a date specific, that motion must be seconded and voted on by the voting members of the case in question, and abutter notice shall be presumed to have been accomplished by the decision of the Board's vote, but in some rare instances the Board may require that notification fees be paid again for deferred cases in order to ensure that abutters are properly notified. In the event of the Board's acceptance of a request for deferment by the applicant at the meeting, the request shall be handled

in the same manner as a Board-initiated deferment. In the event that the applicant is not ready when the case comes back before the Board, the Board may initiate withdrawal of the application, with or without prejudice, as described above.

#### 143.11 Reconsideration by the Board

The Board may reconsider a decision to grant or deny an application or grant or deny a motion for rehearing provided such reconsideration is within the appeal period of the original decision as per RSA 667:3

#### 143.12 Motions for Rehearing

If the Board grants a motion for rehearing, the new public hearing shall be held within 30 days of the decision to grant the rehearing provided all notice fees are paid and an updated abutters list is submitted by the party requesting the rehearing. Notification of the rehearing shall follow the procedures set forth in RSA 677:2. [October 2012]

#### 143.13 Records

1. The records of the Board shall be kept by the Zoning Administrator and made available for public inspection at Hudson Town Hall in accordance with RSA 673:17.
2. Final written decisions will be placed on file and available for public inspection within 5 business days after the decision is made. RSA 676:3
3. Minutes of all meetings including names of Board members, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection within 5 business days of the public meeting. RSA 91-A:2 II

#### 143.14 Waivers

Any portion of these rules of procedure may be waived in such cases where, in the opinion of the Board, strict conformity would pose a practical difficulty to the applicant and a waiver would not be contrary to the spirit and intent of the rules. A majority of the Board present shall vote any waiver.

#### 143.15 Joint Meetings and Hearings

1. RSA 676:2 provides that the Board of Adjustment may hold joint meetings or hearings with other "Land Use Boards," including the Planning Board, the Historic District Commission, the Building Code Board of Appeals, and the Inspector of Buildings, and that each Board shall have discretion as to whether or not to hold a joint meeting with any other land use Board.
2. Joint business meetings with any other land use Board may be held at any time when called jointly by the Chairman of the two Boards.
3. A public hearing on any appeal to the Board of Adjustment will be held jointly with another Board only under the following conditions:
  - a. The joint public hearing must be a formal public hearing on appeals to both Boards regarding the same subject matter; and
  - b. If the other Board is the Planning Board, RSA 676:2 requires that the Planning Board Chairman shall chair the joint hearing. If the other Board is not the Planning Board, then the Board of Adjustment Chairman shall chair the joint hearing; and

- c. The provisions covering the conduct of public hearings, set forth in these rules, together with such additional provisions as may be required by the other Board, shall be followed; and
- d. The other Board shall concur with the above.

## Attachment “A” [9-26-19]

### **Chairman’s introduction/order of business**

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

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

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

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

All discussions will be between the applicant and the Board. Please be respectful of all and in interest of time refrain from repeating previous testimony. New documentation will be accepted by the Board for consideration this evening,

but may cause the case to be continued or deferred. The Board reserves the right to ask for additional testimony at anytime.

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

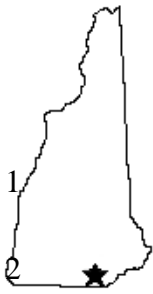
Handouts are at the back of the room: consisting of the agenda for tonight, and re-hearing request for those that feel aggrieved and wish to appeal any decision the Board may have made. Please be aware of the 30 day time period.

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

Before we begin a few housekeeping items:

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

Will the Clerk please call for attendance.....



# TOWN OF HUDSON

## Zoning Board of Adjustment

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

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

### MEETING MINUTES – December 17, 2020 – as edited

**\*\*postponed from December 10, 2020\*\***

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

Session held as scheduled.

#### II. CALL TO ORDER

#### III. PLEDGE OF ALLEGIANCE

Chairman Gary Dearborn called the meeting to order at 7:02 PM and invited everyone to stand for the Pledge of Allegiance.

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

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

Clerk Etienne took attendance. Members present were Gary Daddario (Regular/Vice Chair), Gary Dearborn (Regular/Chair), Brian Etienne (Regular/Clerk), Leo Fauvel (Alternate), Ethan Severance (Alternate and remote), and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (via remote access) and Kara Roy, Interim Selectman Liaison. Excused was Marilyn McGrath, Selectman Liaison. For the record, Alternate Fauvel was seated as a Voting Member.

#### IV. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 230-021 (12-17-20) (deferred from 11-12-20):** Joseph G. Deluca, 21 Clement St., Nashua, NH requests an Appeal from an Administrative Decision for **6 James Way**, which deemed an existing dwelling unit above the detached garage as illegal.

Not Official until reviewed, approved and signed.

As edited [GD1, BB, [gd2](#), es, JP]

48 [Map 230, Lot 021-000; Zoned Residential-Two (R-2); HZO Article V, Permitted Uses,  
49 §334-21, Table of Permitted Principal Uses].  
50

51 Mr. Buttrick read the Case into the record, noted that it was deferred at the last  
52 meeting and that the Applicant has since decided not to pursue a Variance. Motion  
53 made by Mr. Daddario, and seconded by Mr. Pacocha to accept the withdrawal  
54 without prejudice. Roll call vote was 5:0. Withdrawal without prejudice granted.  
55

56 2. **Case 239-001 (12-17-20):** James M. Dobens, 4 Eagle Drive; Angela M. and Phillip G.  
57 Volk, 15 Fairway Drive; and Scott J. Wade, Trustee of the Scott J. Wade Revocable  
58 Trust, 1 Fairway Dr., all represented by Amy Manzelli, Esq. of BCM Environmental &  
59 Land Law, PLLC, 3 Maple St., Concord, NH requests an Appeal from an Administrative  
60 Decision of a Zoning Determination #20-106, dated October 6, 2020 regarding **43**  
61 **Steele Road, Hudson, NH** citing the building setback regulation & definitions of  
62 building setback and structure per the Hudson Zoning Ordinance. [Map 239, Lot 001-  
63 000; Zoned General-One (G-1); HZO Article II, Terminology, §334-6, Definitions and  
64 Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional  
65 Requirements].  
66

67 Mr. Buttrick read the Case into the record. Mr. Severance recused himself. Amy  
68 Manzelli, Esq. from BCM Environmental and Land Law, PLLC in Concord, NH,  
69 introduced herself as representing SaveHudsonNH of which the three (3) Applicants  
70 are direct Abutters and presented their concerns.  
71

72 Atty. Manzelli stated that the earth berm would be approximately two thousand feet  
73 (2K') in length with sound wall heights varying from fifteen feet (15') to thirty-five (35')  
74 and some areas as tall as forty eight (48') and noted that would be greater than if forty  
75 (40) houses were placed end-to-end.  
76

77 Atty. Manzelli stated that she wrote to the Planning Board on 10/1/20 as their  
78 concern is with the two hundred foot (200') setback which is actually governed in  
79 Section 276.11.B.12 which falls under Planning Board authority and the Zoning  
80 Administrator made no determination regarding Section 276, because he has no  
81 authority, and was only in reference to Section 334.  
82

83 At 7:19 PM Mr. Dearborn noted that there were people connected remotely and in the  
84 audience and called for a five-minute recess for others to call in. At 7:24 PM, the  
85 meeting was called back to order and Mr. Buttrick reported that several were received.  
86 Mr. Dearborn asked that there be no repetition in the testimony. The following  
87 addressed the Board  
88

- 89 (1) Dean Sakati, 11 Fairway Drive, stated that he was just listening and has  
90 nothing to say
- 91 (2) James Dobens, 4 Eagle Drive, stated he had nothing to say, just listening
- 92 (3) John King, 21 Fairway Drive, stated he had nothing to say, just listening
- 93 (4) Philip & Angela Volk, 15 Fairway Drive, stated they were just listening
- 94 (5) Justin Pasay, Atty. from Donahue, Tucker & Ciandella, PLLC and co-  
95 counsel for the Hillwood Project expressed concern with the presentation  
96 and the voluminous amount of paperwork that accompanied this appeal  
97 and *if* he heard Atty. Manzelli just say that her concern is within Chapter

98 276 and under the Planning Board and not the ZBA and that Mr. Buttrick  
99 did not make a determination for Chapter 276, then he finds himself in  
100 agreement with Atty. Manzelli.  
101 (6) James Crowley, 4 Fairview Drive, sat at the table and stated that a berm is a  
102 foundation, is being called a foundation to the sound wall, and foundations  
103 are not allowed in the setback and added that drainage would not be needed  
104 if there was no berm.  
105 (7) Brian Groth, Town Planner, came to the table at the request of Mr.  
106 Dearborn to address the impact to the Town if this project passes. Mr.  
107 Groth stated that he heard that the Appeal should be withdrawn, that he is  
108 perplexed as to what is being asked, that the focal point seems to be the two  
109 hundred foot setback and what can or cannot be allowed but that  
110 determination rests with the Planning Board and not the Zoning Board, and  
111 caution is needed so as not to render many lots non-conforming in Town  
112 and forcing the need for obtaining a Variance.  
113

114 Public testimony concluded at 7:35 PM.  
115

116 Mr. Buttrick stated that what is before the Board tonight is to decide whether to  
117 uphold his determination or not, noted that it is based solely on Chapter 334 with no  
118 reference or comment to Chapter 276, and added that the two hundred foot setback is  
119 not part of the Zoning Ordinance, that it is with Site Plan Review under the authority  
120 of the Planning Board and made no determination regarding that because he is not  
121 authorized. Mr. Etienne asked why this is even before the Board as they just heard  
122 Atty. Manzelli agreeing there is no issue with the Determination. Atty. Manzelli stated  
123 that when they originally reviewed the Determination it was unclear and impossible to  
124 interpret that the two-hundred-foot setback did not apply to the sound wall and they  
125 were just looking for clarity. Mr. Pacocha stated that the berm is not a foundation, it  
126 is a formation of earth and noted that Walmart put up a berm with plantings in the  
127 setback and that provides both a sound and a visual barrier.  
128

129 Atty. Pasay asked for clarification on the procedure for this process as there is no  
130 allegation or error per RSA 676.5, ZBA has no authority to make a judgment on Site  
131 Plan Chapter 276, ZBA cannot advise or render an opinion and that, in his opinion,  
132 the Appeal should be denied or Atty. Manzelli should withdraw it. Mr. Dearborn  
133 stated that the Board (ZBA) is to judge the Zoning Administrator's determination and  
134 not to interpret, to decide whether they agree and if not deny it  
135

136 Mr. Daddario stated that considering that the Zoning Determination pertains to just  
137 Chapter 334 and not Chapter 276, and made the motion to uphold the Zoning  
138 Determination as there was no error. Mr. Etienne seconded the motion. Roll call vote  
139 was 5:0. Appeal denied.  
140

141 Mr. Dearborn declared a five-minute recess at 7:48 and called the meeting back to  
142 order at 7:54 PM and noted that Mr. Severance was no longer recused.  
143

144  
145 **IV. PUBLIC HEARING:** Proposed Bylaw amendments– 1<sup>st</sup> reading.  
146



147 Mr. Buttrick read the item into the record, noted that it is the first of two (2) Public  
148 Hearings required for the amendment to the Bylaws to add a section for Officer  
149 vacancies. Mr. Dearborn opened the Public Hearing at 7:54 PM.

150  
151 Board reviewed the new Section 143.5B and offered no amendments.  
152

153 Mr. Dearborn brought the Board's attention to page 5, Section 143.7.5 regarding  
154 recusing oneself from a Case, noted that it is customary for the recused Member to  
155 vacate the Board table before the Public Hearing and that the words "if they so choose"  
156 seems redundant. Mr. Etienne stated that the words could be stricken. Mr. Buttrick  
157 noted that change would require re-notification and require two (2) Public Hearings.  
158 Ms. Roy stated that, in her opinion, a recused Member does not have to leave the  
159 Board table, that it is not specifically required and that the words "if they so chose"  
160 should remain. Mr. Buttrick added that by removing themselves from the Board table,  
161 they can address the Board as J.Q.Public during Public Testimony.  
162

163 Mr. Fauvel questioned Section 143.6.4 regarding the participation allowed for  
164 Alternate Members and stated that, in his opinion, Alternates should be allowed to  
165 engage in deliberations. Mr. Dearborn stated that when the Chairman announces that  
166 a Case is "before the Board" then there is to be no Alternate or Selectmen Liaison  
167 input. Mr. Fauvel disagreed as an Alternate could have something to offer. Mr.  
168 Buttrick stated that a definition for "deliberations" may also be in order.  
169

170 Mr. Daddario stated that Town Counsel should be consulted as there could be a legal  
171 requirement(s). Mr. Dearborn asked Mr. Buttrick to discuss with Town Counsel.  
172

173 Public Hearing closed at 8:08 PM.  
174

175 **V. REQUEST FOR REHEARING:**  
176

177 Case 152-001: Christopher Porembski, 22 Mallard Dr., Hudson, NH requests a  
178 rehearing of a request for a Home Occupation Special Exception previously denied by  
179 the ZBA on 10/22/20 to operate an internet sales of firearms business that requires a  
180 Federal License and occasional face to face sales/transactions on site. [Map 152, Lot  
181 001-000; Zoned General One (G-1); HZO Article VI, Special Exceptions, §334-24,  
182 Home Occupations].  
183

184 Mr. Buttrick read the request into the record. Board reviewed the material submitted.  
185 Mr. Etienne stated that he found nothing new in the material. Mr. Dearborn stated  
186 that he has concerns with item #3 "the only exception is if it (the sale) is local". Mr.  
187 Buttrick noted that "retail sale" is not defined in the Ordinance and added that it is  
188 also not enforceable.  
189

190 Mr. Etienne made the motion to deny the request for a rehearing as no new evidence  
191 has been submitted and the Board made no error in its judgment. Mr. Dearborn  
192 seconded the motion for discussion. Mr. Pacocha stated that he was not present for  
193 the hearing but, in his opinion, it appears that the criteria have been met/satisfied.  
194 Mr. Buttrick stated that the Zoning Ordinance specifically prohibits 'retail sales', see  
195 334.24 item F, and noted that the prohibition of retail sales is not part of the Home  
196 Occupation Special Exception Application Form and should be addressed, see Agenda

197 item VII.2. Mr. Dearborn added many of the neighbors expressed concern for this  
198 activity in their neighborhood. Mr. Buttrick stated that there was testimony of  
199 approximately twelve (12) on site sale transactions per year.  
200

201 Roll call vote was taken. Those in favor to deny the rehearing request were: Mr.  
202 Dearborn, Mr. Etienne and Mr. Fauvel. Those in favor of granting a rehearing were  
203 Mr. Daddario and Mr. Pacocha. Vote was 3:2 to deny the rehearing request based on  
204 no new information submitted for consideration.  
205

206 **VI. REVIEW OF MINUTES:**

207  
208 11/12/20 edited Minutes  
209

210 Mr. Etienne made the motion to approve the 11/12/2020 Minutes as edited. Mr.  
211 Dearborn seconded the motion. Vote was 4:0:2 with Mr. Daddario and Mr. Fauvel  
212 abstaining as they had not attended the meeting.  
213

214 **VII. OTHER:**

215  
216 1. Review 2021 ZBA Meeting Schedule  
217

218 Noted.  
219

220 2. Forms – Home Occupation Special Exception –  
221

222 It was noted that retail sales is not on the form and that the updating of the form is an  
223 administrative function and the Board asked Mr. Buttrick to work up a revised Home  
224 Occupation Special Exception Form that will include mention of retail sales on site  
225 prohibited.  
226

227 3. Discussion of Order of Business: Chairman  
228

229 The importance was noted for consistency and equal treatment. The example of  
230 questioning whether an application has a Regional Impact was cited as an example.  
231

232  
233 Mr. Dearborn announced that this was his last meeting, that he has served the ZBA  
234 for nine (9) years and is confident the Members will continue to serve the Town well.  
235 Selectman Roy presented a Certificate of Appreciation to Mr. Dearborn and thanked  
236 him for his years of service.  
237

238  
239 Motion made by Mr. Daddario and seconded by Mr. Pacocha and unanimously voted  
240 to adjourn the meeting. The 12/17/2020 ZBA meeting adjourned at 8:30 PM  
241

242  
243 Respectfully submitted,  
244 Louise Knee, Recorder  
245

## ELECTION OF NEW OFFICERS FOR CALENDAR YEAR 2021

Chairman, shall address the need to elect new officers for reorganization of the Board, and shall first ask for a nomination for the position of Chairman.

### DRAFT MOTIONS FOR ELECTION OF OFFICERS:

#### MOTION FOR CHAIRMAN:

I move to nominate \_\_\_\_\_ to be Chairman.

Second: \_\_\_\_\_.

If there are no other nominations for this office, the next motion is:

#### MOTION:

There being no other nominations, I move to close the nominations and to elect

\_\_\_\_\_ as Chairman by acclamation.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Motion carried/failed: \_\_\_\_\_.

#### MOTION FOR VICE-CHAIRMAN:

I move to nominate \_\_\_\_\_ to be Vice-Chairman.

Second: \_\_\_\_\_.

If there are no other nominations for this office, the next motion is:

#### MOTION:

There being no other nominations, I move to close the nominations and to elect

\_\_\_\_\_ as Vice-Chairman by acclamation.

Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Motion carried/failed: \_\_\_\_\_.

**ELECTION OF NEW OFFICERS FOR CALENDAR YEAR 2021  
(CONTINUED)**

**MOTION FOR CLERK:**

**I move to nominate \_\_\_\_\_ to be Clerk.**

**Second: \_\_\_\_\_.**

**If there are no other nominations for this office, the next motion is:**

**MOTION:**

**There being no other nominations, I move to close the nominations and to elect**

**\_\_\_\_\_ as Clerk by acclamation.**

**Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Motion carried/failed: \_\_\_\_\_.**



# 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

### “Clerk” Duties



Excerpt from the 1/23/2020 ZBA Meeting under Election of Officers:

**“Clerk:** Discussed. Mr. Etienne stated that he feels he is too new to the Board to be considered. Normally an Alternate Member is elected as Clerk but there are no Alternates on the Board. Confusion expressed over actual function and requirements for the Clerk especially since the change was made to the Bylaws. Decision made to hold a training session at 6:30 PM on 2/27/2020. Motion made by Mr. Brackett and seconded by Mr. Dearborn to nominate Gary Daddario as Clerk. Vote was 4:0:1, Mr. Daddario abstained”

**Roll Call / Attendance Sheet:** Sheet provided by Town staff. Mark each Member as either Present, Absent or Excused – as well as Zoning Administrator, Selectmen Liaison and Recorder. [Note: Sheet should also list Alternate Selectmen Liaison]

**Case # Sheet:** Prefilled by Staff with Name of Applicant, Case # etc. For each Member identify if present and whether voting on the Case (“Sitting Member” = voting on Case); identify who made the motion and who seconded the motion. Write out the Motion and any conditions/stipulations applied to it and the vote. If there is opposition [or abstinence] must identify the individual(s) and reason(s) why.

**Individual Member Vote Sheet:** Collect and make sure they are signed.

**Exhibits / Material received at/during meeting:** Write the Case # it applies to, date received (the date of the meeting) and assign it an Exhibit #, beginning with “A”.

Place all Sheets in ZBA Clerk Binder / Notebook.

43 **CLERK PURPOSE** – Recently changed - was traditionally a position filled by  
 44 an Alternate Member, but there are no Alternates, and it is conflicting for a  
 45 Regular Voting Member to participate in the discussion while trying to record  
 46 the discussion. With a reliable Recorder and the recent change to the ByLaws  
 47 (including the shift of preparing NODs to the Recorder), extensive note taking is  
 48 no longer required by the Clerk – just the basics to satisfy  
 49

#### 50 RSA 91-A:2.II

51  
 52 - in the odd event that something happens to the Recorder, the Clerk's notes can be  
 53 utilized to produce and meet the RSA's (minimum) Minute requirements.  
 54

55 "Minutes ... shall include the names of members, persons appearing before (the Board)  
 56 ... and a brief description of the subject matter discussed and final decisions ... who  
 57 made and seconded the motion..." and the vote  
 58

#### 59 **CLERK / MEETING BINDER**

- 60
- 61 1) Meeting Date
  - 62 2) Time Chairman called meeting to order
  - 63 3) Standard intro – in the order performed: Pledge, Preamble, attendance  
 64
  - 65 4) Case # and who read into the record
  - 66 5) Name of person(s) presenting the Case
    - 67 • Applicant
    - 68 • Applicant's attorney – full name, firm name and address
    - 69 • Engineer - full name, firm name and address
    - 70 • Other (example: parent, child, realtor)
    - 71 • Exhibits, if any received during hearing
  - 72 6) Public Testimony
    - 73 • Time opened
    - 74 • Chairman requests an order – supporting/opposed/neutral
    - 75 • ID who addressed the Board – full name & address
    - 76 • Time closed
  - 77 7) Motion
    - 78 • ID who made the Motion & who seconded
    - 79 • Write out any stipulations, if made
    - 80 • Vote – if any opposed or abstained, id by name & why  
 81
  - 82 8) Repeat 4), 5), 6) & 7) for each Case on the Agenda
  - 83
  - 84 9) Agenda Item # - Minutes etc – see 7)
  - 85
  - 86 10) Motion to adjourn – who made & seconded - Time adjourned -  
 87

88 Respectfully submitted for discussion,  
 89 Louise Knee, Recorder

TOWN OF HUDSON

APPLICATION FOR A SPECIAL EXCEPTION

JAN 04 2021

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. 259-011(02-25-21)  
Date Filed 1/4/2021

Name of Applicant American Towers LLC and T-Mobile  
Northeast LLC by Daniel D. Klasnick, Esq. Map: 259 Lot: 11 Zoning District: G-1 & R-2  
(Mobile) Duval & Klasnick LLC  
Telephone Number (Home) (774) 249-2814 (Work) (781) 781-0021

Mailing Address c/o Duval & Klasnick LLC, P.O. Box 254, Boxford, MA 01921

Owner Tom W. Chan and Rosa C. Chan / Joshua M. Willett and Kristine C. Willett

Location of Property 143 Dracut Road  
(Street Address)

Daniel D. Klasnick  
Signature of Applicant Date Jan 4, 2021

Tom W. Chan / Rosa C. Chan / Joshua M. Willett / Kristine C. Willett  
Signature of Property-Owner(s) Date 12/14/2020

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

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

**COST:**  
Application fee: \$130.00 Date received: 1/4/21  
17 Direct Abutters x \$4.05 = 69.70  
7 Indirect Abutters x \$0.55 = 3.85  
**Total amount due:** \$203.55 Amt. received: \$ 203.55

Receipt No.: 625,235

Received by: TSC

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

APPLICATION FOR A SPECIAL EXCEPTION

Note: This form is not for filling of wetlands.

Description of proposed use showing justification for a Special Exception, as specified in the Zoning Ordinance.

Article III General Regulations 334-10.D Mixed or dual use on a lot  
ARTICLE: Article V Permitted Uses SECTION(S): 334-21.D 24 Wireless Communication Facility

The proposed 155' camouflaged wireless communications facility will be located in the G-1 zoning district as an allowed use upon grant of a special exception in accordance with Article VI, §334-23 and Article XVIII, §§334-91 - 334-107. The facility will enclosed by a 48' x 48' fenced area with access from Dracut Road.  
The proposed camouflaged wireless communications facility is further an allowed use under §§ 334-96.1 and 334-96.2 upon grant of a conditional use permit by the Planning Board.  
The camouflaging minimizes the visual and environmental impact of the proposed wireless facility and there is access directly from Dracut Road using the existing driveway. The installation of the camouflaged wireless facility is compatible with the existing residential use as an allowed use upon grant of a special permit and conditional use permit in the G-1 zoning district. The installation further satisfies the the ordinance standards for a wireless communications facility in that it will be camouflaged at a height and at a location that is essential to address T-Mobile's network requirements to address a significant gap in wireless service in the area. (Please see attached project brief and exhibits for further project details)





# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #20-139

December 23, 2020

Daniel D. Klasnick  
210 Broadway  
Suite 204  
Lynnfield, MA 01940

Re: **143 Dracut Road Map 259 Lot 011-000**  
**District: Residential Two (R-2) and General One (G-1)**

Dear Mr. Klasnick,

Based on our telephone conversation of today and an earlier email inquiry and review of this proposed project, if the siting and installation of a cellular tower at the above address should be classified as a Development of Regional Impact?

#### **Zoning Review / Determination:**

From RSA 36:57 IV: *“Notwithstanding the foregoing, when the building inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact and no such determination has previously been made by another local land use board, he or she shall notify the local governing body. The building inspector shall also notify by certified mail the regional planning commission and the affected municipalities, who shall be provided 30 days to submit comment to the local governing body and the building inspector prior to the issuance of the building permit.”*

**The reason I am declaring this a “Development of Regional Impact” is per RSA 36:55 II. “Proximity to the borders of a neighboring community.”**

Sincerely,

*Bruce Buttrick*

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)

cc: Public File  
B. Groth, Town Planner  
File

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

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Send recorded copy to:

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

**NOTICE OF DECISION**

**Map 173, Lot 012-000 & 014-000, Zone TR (Town Residence), Case # 173-012 & 014**

**ZBA Decision 09/24/2020**

**Rehearing request for 7/23/2020 Decision - DENIED**

Applicant Name & Address: Patricia M. Panciocco, One Club Acre Lane, Bedford, NH 03110

Property Location: **4 & 14 Tolles Street, Hudson, NH 03051**

Property Owner: Turbo Realty, LLC, Thomas Walsh, Jr., Manager, 15 Tolles Street, Hudson, NH 03051

Action sought: Request for Rehearing from ZBA 9/24/2020 decision to deny a Variance for #4 & #14 Tolles St., Hudson, NH to be allowed to extend the same uses to Lots 173-012 & 014 as were granted by the ZBA on June 7, 2018 for three (3) variances at 15 & 17 Tolles St.

Zoning Ordinance Articles: V §334-21, Table of Permitted Principal Uses

**Relief denied:** After review of the Motion for Rehearing submitted by the Applicants' attorney and the Approved ZBA Minutes of 7/23/2020 and discussion, motion made, seconded and unanimously voted 5:0 to deny the rehearing request as no new evidence was provided and it was determined that there was no error made in the original decision to deny an extension of the same uses especially considering previous contamination to the land.

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

\_\_\_\_\_  
Xxxx , ZBA Chairman/Acting Chairman, Town of Hudson Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bruce Buttrick, Zoning Administrator, Town of Hudson Signature

\_\_\_\_\_  
Date

54 Excerpt from ZBA 09/24/2020 Approved Minutes:  
55

56 **V. REQUEST FOR REHEARING:**

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

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

64 Mr. Dearborn stated that no new evidence has been submitted that had not previously  
65 been discussed

66 Mr. Brackett stated that his recollection of the original Case and the Case presented  
67 last month, the Board heard discussion and made the decision on 15 & 17 Tolles Road  
68 and at that time asked that 4 & 14 Tolles Road be included and it was the applicant  
69 who adamantly said no then and agreed to present a Site Plan Review application to  
70 the Planning Board within two (2) years and due to sympathy to the applicant  
71 extended submission of a Site Plan Review application to March 2021. Mr. Brackett  
72 stated that at that time the Board did not know if the uses were similar, in fact, 4 &  
73 14 Tolles Street had no buildings. Mr. Brackett also noted that the Board spent many  
74 meeting and workshops reviewing uses, what uses had been and what uses were  
75 current two years ago.

76 Mr. Dearborn stated that he took exception to their request to eliminate the condition  
77 that identified the hours of operation and operation days the Board established until  
78 they had obtained Site Plan approval. Mr. Brackett added the Board was well aware  
79 that the establishment was under the purview of the Planning Board but taking  
80 consideration of the concerns raised by the abutters and the applicant's needs  
81 established reasonable hours and days. Mr. Brackett stated that, in his opinion, the  
82 Board did nothing wrong and in fact went above and beyond for the applicant.

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

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

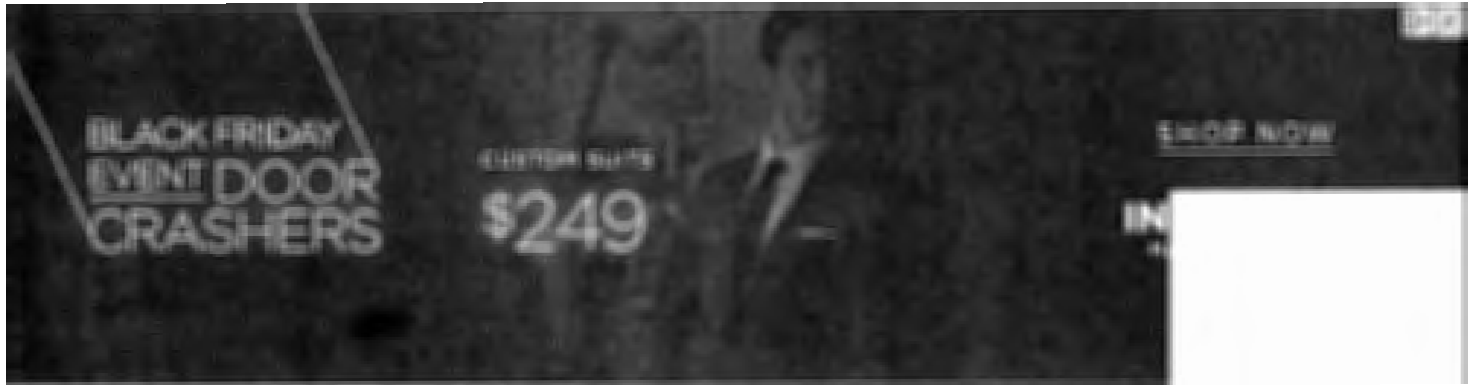
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- D. The proposed use is compatible with the character of the surrounding neighborhood.
- E. Nonresidential principal uses proposed to be located in residential districts must take primary access from arterial or collector roads.

**§ 334-24. Home occupations.** [Amended 3-13-2007 by Amdt. No. 3; 3-10-2009 by Amdt. No. 3]

Home occupations are defined by the Zoning Ordinance as "any activity carried out for gain by a resident in their dwelling unit, and such activity is a secondary use to the residence." The intent of providing a home occupation special exception is to allow for growth and development of a small in-home business while maintaining the character of residential areas. The applicant acknowledges that if the business grows and no longer meets the listed requirements, the business shall be moved to an appropriately zoned location such as Business, General or Industrial. Home occupations which include sales or service operations for wholesale goods produced or services provided on-site shall be permitted only as a special exception. The Zoning Board of Adjustment must find any such home occupation application to be in full compliance with the following requirements prior to approval of such special exception:

- A. The home occupation shall be secondary to the principal use of the home as the business owner's residence.
- B. The home occupation shall be conducted only by the residents of the dwelling who reside on the premises. If the applicant is the owner, the owner must sign an affidavit, stating he/she is the owner, and the residents of the dwelling are the only individuals conducting the activities associated with the home occupation. Said affidavit shall also state that the owner is responsible for any violations of this chapter. If the applicant is a renter, the owner of the dwelling must sign an affidavit, stating he/she is the owner, and shall acknowledge that the home occupation for the premises shall only be conducted by the current renter(s), who shall be identified on the application. The owner shall also acknowledge that he/she, as the owner of the dwelling, is responsible for any violations of this chapter conducted at said dwelling. Approval of the home occupation special exception expires with the change of ownership of the property or the rental agreement in effect at the time the home occupation special exception was granted. The home occupation special exception is conditional on the residents of the dwelling and not on the property.
- C. There shall be no employees or "for hire" staff conducting the home occupation activities, unless the employee(s) also resides on the premises.
- D. The home occupation business shall be carried out within the residence and/or within a structure accessory to the residence, such as a garage.
- E. The requested special exception shall be for an occupation which is consistent for what is routinely and/or typically done in a home environment such as a day care, direct office billing, or other activities that are generally service-oriented or produce goods for wholesale purposes.
- F. On-site retail sales are an expressly prohibited home occupation special exception use.
- G. No more than 50% of the finished living space of the dwelling unit shall be used in connection with the home occupation.

[BUSINESS](#)[FINANCE](#)[BANKING](#)[EDUCATION](#)[GENERAL](#)[LAW](#)[SCIENCE](#)[IT](#)[ENGLISH](#)

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## Difference Between Wholesale and Retail

September 2, 2015 By Surbhi S — 4 Comments



The word **wholesale** simply means selling in bulk quantities and **retail** stands for selling merchandise in small quantities. Wholesale and retail are two

distribution arrangement that constitutes a major part of the supply chain. When the goods are manufactured, they are sold in large quantities (wholesale) to the wholesalers who further sells them to the retailers who finally sells them to the ultimate customers.



While a wholesaler sells goods to the businesses, as they purchase goods to sell it further. On the other hand, a retailer targets final consumer and sells goods to them.

In this way, these two business forms are one of the important intermediaries of the marketing channel. In the absence of these two links, the whole chain will get disturbed. Today, we are going to describe the significant differences between wholesale and retail. Have a look at it.

## Content: Wholesale Vs Retail

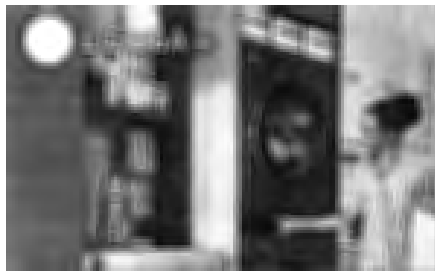
1. Comparison Chart
2. Definition

1. Key Differences
2. Conclusion

## Comparison Chart

**BASIS FOR  
COMPARISON****WHOLESALE****RETAIL**

Meaning	Wholesale is a business in which goods are sold in large quantities to the retailers, industries and other businesses.	When the goods are sold to the final consumer in small lots, then this type of business is termed as retail.
Creates link between	Manufacturer and Retailer	Wholesaler and Customer
Price	Lower	Comparatively higher
Competition	Less	Very high
Volume of transaction	Large	Small
Capital Requirement	Huge	Little
Deals in	Limited products	Different products
Area of operation	Extended to various cities	Limited to a specific area
Art of selling	Not Required	Required
Need for advertisement	No	Yes



[Learn More](#)

## Definition of Wholesale

Wholesale refers to the selling of goods to the customers like retailers, industries, and others in bulk, at a low price. It is a type of business in which goods are being purchased from the producers by the wholesaler in big lots, and then the bulk is split into comparatively smaller lots. Finally, they are repacked and resold to the other parties.

Wholesalers do not pay much attention to the location of the shop and its appearance, and display of goods because they sell only a specific type of items, and their customers are generally retailers or other businesses who purchase the goods for the purpose of resale. These things do not matter to them at all.

In wholesale business, the wholesaler gives more emphasis on the quantity of goods, not on the quality. For starting a wholesale business, there is a huge capital requirement as the business size is large. It does not require any publicity or advertisement.

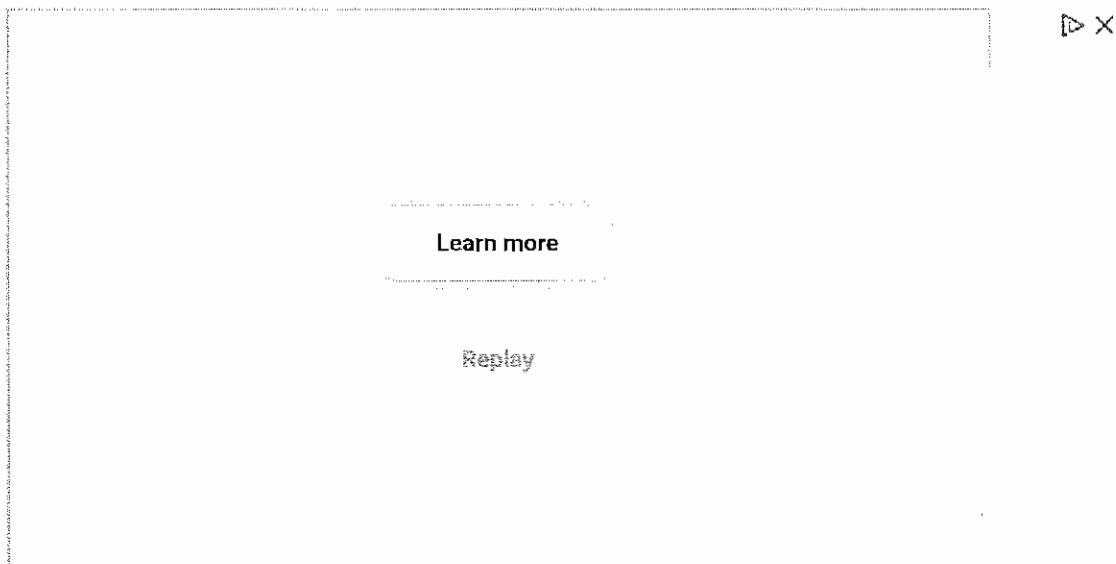
However, the customers of a wholesale business are spread in various cities, towns or even in different states. Most goods are sold on credit to the customers of the wholesale business. The price of purchased on wholesale is lower as it consists of less profit margin.

## Definition of Retail



Retail means selling goods in small lots. When the goods are sold to the final customer, for consumption and not for the purpose of resale, in small quantities, then this business type is known as Retail. Retailers are the middleman between wholesalers and customers. They purchase goods from wholesalers in bulk and sell it to the ultimate consumer in small lots.

The prices of goods purchased in retail are relatively high. The first and foremost reason behind this is the advertisement cost, and the profit margin is high. Moreover, they include other expenses in the price of goods on a proportionate basis, like the rent of premises, salary to the workers, electricity expenses, etc.



Due to extreme competition, it is quite difficult to retain customers for a long time, so the retailer should know the techniques of handling different kinds of customers. In this way, shop location, the appearance of the shop, goods displayed, quality of products and service provided is given much importance because it leaves an impact on the customer's mind. Moreover, the goodwill of the retailer depends on these parameters. By virtue of this, the retail business person always goes with the quality products. They reject the defective or inferior quality products and pick the best one.

## Key Differences Between Wholesale and Retail

The points given below elaborates the fundamental differences between wholesale and retail trade:

1. Wholesale means the sale of goods in voluminous quantity, at a low price. The business of selling goods to end consumers in small lots at a profit is known as Retail.
2. Wholesale creates a link between the manufacturer and retailer whereas Retail creates a link between wholesaler and customer.
3. There are wide differences between wholesale and retail price of a particular commodity, i.e. the wholesale price is always less than the retail one.
4. In wholesale business, there is no requirement of an art of selling the goods which are a must in case of retail business.
5. The size of a wholesale business is larger than a retail business.
6. In the retail business, the retail shopkeeper can choose the goods freely which is not possible in wholesale business because the goods are to be purchased in bulk.
7. In wholesale business, the capital requirement is higher than in retail business.
8. The location is of utmost important in retail, but in wholesale, the location does not matter at all.
9. While selling the goods in retail the appearance of the shop and the display of items should be good to attract more and more customers. However, in wholesale, there is no such kind of need.
10. There is no requirement of advertising in wholesale but retail business requires advertising to grab the attention of customers.

## Conclusion

Whenever a product is produced, it does not come to us directly. There are so many hands, through which a product passes, and finally, we get it from the retail shopkeeper. In wholesale, mild competition can be seen, but in retail, there is a cut-throat competition, so it is very tough to retain and regain customers.

## Alternate functions and participation

### Summary from the State of NH OSI:

*Alternates should be encouraged to attend all meetings and participate with the board to a limited extent during the public hearing. The board should review their Rules of Procedure to make sure they define how and when an alternate may participate in a meeting of the board. It must be clear to all in attendance who is "on the board" and who is not, so the applicant and abutters know who will be making the decision. An alternate who is activated to fill the seat of an absent or recused member becomes a full voting member for as long as they are activated and can participate in all aspects of the process just as any other full board member.*

*Unactivated alternates may participate in meetings as nonvoting members. It is our recommendation that the rules of procedure specify the level of participation allowed for an unactivated alternate member and **that they not participate with the board during deliberations since they may influence how others may vote but cannot vote themselves.***

RSA 673:5 Terms of Local Land Use Board Members

II. The term of an elected or appointed local land use board member shall be 3 years. The initial terms of members first appointed or elected to any local land use board shall be staggered so that no more than 3 appointments or elections occur annually in the case of a 7 or 9 member board and no more than 2 appointments or elections occur annually in the case of a 5 member board, except when required to fill vacancies.

III. The term of office for an appointed local land use board member shall begin on a date established by the appointing authority, or as soon thereafter as the member is qualified, and shall end 3 years after the date so established. If no successor has been appointed and qualified at the expiration of an appointed member's term, the member shall be entitled to remain in office until a successor has been appointed and qualified. [August, 2010]

The term of board members is 3 years, although the initial terms are 1, 2 and 3 years to stagger the terms. Subsequent appointment/election is for 3 years with one or two vacancies occurring each year.

In 2010, the statute was amended (Chapter 226, HB1174) to require the appointing authority to establish the beginning date of the term of office of an appointed member, or the date shall be when the member is qualified, and the term of office shall end three years after such date. The statute now clarifies that if no successor is appointed, the member is entitled to remain in office until a successor has been appointed and qualified.

As officers of the municipality, members of the zoning board of adjustment should take the oath of office required by RSA 42:1. The municipal records should clearly show dates of the appointment/election and expiration of the terms. Appointments made to fill vacancies on the board should be for the remainder of the terms in accordance with RSA 673:12.

RSA 673:3 requires local residency for membership on the board. Other qualifications could be set by the zoning ordinance. This is sometimes done in larger municipalities where it is felt that a technical background is helpful in administering the ordinance. In many cases, however, setting qualifications for membership might prevent competent citizens from serving on the board.

In general, qualifications to serve on the board of adjustment are the same as those for any other position of trust in a municipality: time, an interest in serving, impartiality, and a willingness to understand the process.

#### RSA 673:6 Appointment, Number and Terms of Alternate Members

I.(a) The local legislative body may provide for the appointment of not more than 5 alternate members to any appointed local land use board, who shall be appointed by the appointing authority. The terms of alternate members shall be 3 years.

II-a. An elected zoning board of adjustment may appoint 5 alternate members for a term of 3 years each, which shall be staggered in the same manner as elected members pursuant to RSA 673:5, II.

V. An alternate member of a local land use board may participate in meetings of the board as a nonvoting member pursuant to rules adopted under RSA 676:1.

The appointment of alternates is strongly recommended to ensure a quorum in the event regular members are disqualified for a particular case or are otherwise unavailable to serve. Alternate members should be encouraged to attend board meetings on a regular basis to become familiar with board procedures. In 2010, the statute was amended (Chapter 270, SB448) to expressly authorize alternate members to participate in meetings of the board as non-voting members “pursuant to rules adopted under RSA 676:1.” (Further clarification of the role of alternates is offered in Appendix A.) If your board has alternate members, it is strongly encouraged to verify the method in which those alternates were established. Has the legislative body (usually town meeting) actually authorized the appointment of alternates? Check the records to make sure. If you are relying on unauthorized alternates to fill in and make decisions, your decisions may not hold up in court.

RSA 673:7 stipulates that appointed or elected planning board members in towns may also serve on any other municipal board or commission, provided that such multiple membership does not result in two planning board members serving on the conservation commission, local governing body or a local land use board as defined by RSA 672:7. In cities, appointed members shall not hold any other municipal office; however, one member may be a member of the zoning board of adjustment, conservation commission or heritage commission, historic district commission, agricultural commission, the housing commission, or all four if such commissions exist in the municipality.

In cities, one appointed planning board member may also be a member of the zoning board of adjustment.

In counties with unincorporated towns or unorganized places, the county commissioners shall determine which members of the planning board, if any, may serve on other municipal boards.

#### RSA 673:11 Designation of Alternate Members

Whenever a regular member of a local land use board is absent or whenever a regular member disqualifies himself or herself, the chairperson shall designate an alternate, if one is present, to act in the absent member's place; except that only the alternate designated for the city or town council, board of selectmen, or village district commission member shall serve in place of that member.

Alternates should be encouraged to attend all meetings and participate with the board to a limited extent during the public hearing. The board should review their Rules of Procedure to make sure they define how and when an alternate may participate in a meeting of the board. It must be clear to all in attendance who is “on the board” and who is not, so the applicant and abutters know who will be making the decision. An alternate who is activated to fill the seat of an absent or recused member becomes a full voting member for as long as they are activated and can participate in all aspects of the process just as any other full board member.

**Unactivated alternates may participate in meetings as nonvoting members. It is our recommendation that the rules of procedure specify the level of participation allowed for an unactivated alternate member and that they not participate with the board during deliberations since they may influence how others may vote but cannot vote themselves.**

#### RSA 673:12 Filling Vacancies in Membership

Vacancies in the membership of a local land use board occurring other than through the expiration of a term of office shall be filled as follows:

- I. For an elected member, by appointment by the remaining board members until the next regular municipal election at which time a successor shall be elected to either fill the unexpired term or start a new term, as appropriate.
- II. For an appointed, ex officio, or alternate member, by the original appointing or designating authority, for the unexpired term.
- III. The chairperson of the local land use board may designate an alternate member of the board to fill the vacancy temporarily until the vacancy is filled in the manner set forth in paragraph I or II. If the vacancy is for an ex officio member, the chairperson may only designate the person who has been appointed to serve as the alternate for the ex officio member.

Alternate members may be temporarily designated to fill a vacant seat until such time as the seat is filled in the normal manner. They can, however, be appointed to fill the vacant seat as a full member, thus relinquishing their position as an alternate, which in turn creates a new vacant alternate position for the appointing authority to fill.

#### RSA 673:13 Removal of Members

- I. After public hearing, appointed members and alternate members of an appointed local land use board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office.
- II. The board of selectmen may, for any cause enumerated in paragraph I, remove an elected member or alternate member after a public hearing.
- III. The appointing authority or the planning board shall file with the city or town clerk, the village district clerk, or the clerk for the county commissioners, whichever is appropriate, a written statement of reasons for removal under this section.

IV. The council, selectmen, county commissioners with the approval of the county delegation, or district commissioners may for any cause enumerated in this section remove the members selected by them.

## ORGANIZING THE BOARD

### RSA 673:8 Organization

Each local land use board shall elect its chairperson from the appointed or elected members and may create other offices as it deems necessary.

### RSA 673:9 Term of Chairperson and Officers

I. The term of every officer and chairperson elected by a local land use board shall be one year. Both the chairperson and officers shall be eligible for reelection.

### RSA 673:10 Scheduling of Meetings

I. Meetings of the heritage commission, the historic district commission, the agricultural commission, the housing commission, the building code board of appeals, and the zoning board of adjustment shall be held at the call of the chairperson and at such other times as the board may determine.

II. The planning board shall hold at least one regular meeting in each month.

III. A majority of the membership of a local land use board shall constitute the quorum necessary in order to transact business at any meeting of a local land use board.

The officers, selected by the board, must include a chairperson to conduct meetings and hearings and be the official spokesperson for the board and may include a vice chairperson to act in the absence of the chairperson and a clerk to keep records, see that proper notice is given, and take care of other administrative details.

Most boards of adjustment find it convenient to establish a regular monthly meeting which can then be modified as needed to accommodate the number of appeals to be heard. However, the zoning board of adjustment is not required to meet regularly as is the planning board.

The board's rules of procedure should cover issues of internal organization and conduct of public business.

A. Authority

B. Officers

C. Members and Alternates

D. Meetings

1. Schedule

2. Quorum

3. Disqualification

4. Order of Business

- a) Call to order by the chairperson
- b) Roll call
- c) Minutes of previous meeting
- d) Unfinished business
- e) Public hearings
- f) New business
- g) Communications
- h) Other business
- i) Adjournment

#### E. Application/Decision Process

1. Filing application
2. Notification of public hearing
3. Conducting the hearing
4. Decision
5. Voting
6. Reconsideration by the board

#### F. Records

### RULES OF PROCEDURE

#### RSA 676:1 Method of Adopting Rules of Procedure

Every local land use board shall adopt rules of procedure concerning the method of conducting its business. Rules of procedure shall be adopted at a regular meeting of the board and shall be placed on file with city, town, or village district clerk or clerk for the county commissioners for public inspection. The rules of procedure shall include when and how an alternate may participate in meetings of the land use board.

State law does not specify the content of the rules of procedure to be adopted by a board of adjustment but does require that every board adopt such rules. Perhaps the most important rule, from the public's perspective, is the time period to be established for appeals of administrative decisions under RSA 676:5, I.

Under RSA 676:1, rules of procedure must be adopted by the board at a regular meeting and placed on file with the city, town or village district clerk for public review. The rules of procedure help to organize the work of the board and lets applicants and abutters know what to expect and how the hearing process will be conducted. (See Appendix A – Suggested Rules of Procedure for Local Boards of Adjustment.)

**APPENDIX A:**  
**SUGGESTED RULES OF PROCEDURE FOR LOCAL BOARDS OF ADJUSTMENT**

Board of Adjustment, City/Town of \_\_\_\_\_

**RULES OF PROCEDURE**

**Authority**

1. These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, [Chapter 676:1](#), and the zoning ordinance and map of the city/town of \_\_\_\_\_.

**Officers**

1. **A chairperson** shall be elected annually by a majority vote of the board in the month of \_\_\_\_\_. The chairperson shall preside over all meetings and hearings, appoint such committees as directed by the board and shall affix his/her signature in the name of the board.
2. **A vice-chairperson** shall be elected annually by a majority vote of the board in the month of \_\_\_\_\_. The vice-chairperson shall preside in the absence of the chairperson and shall have the full powers of the chairperson on matters which come before the board during the absence of the chairperson.
3. **A clerk** shall be elected annually by a majority vote of the board in the month of \_\_\_\_\_. The clerk shall maintain a record of all meetings, transactions and decisions of the board, and perform such other duties as the board may direct by resolution.
4. All officers shall serve for one year and shall be eligible for re-election.

**Members and Alternates**

1. Up to **five alternate members** shall be appointed, as provided for by the local legislative body, and should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities.
2. At meetings of the ZBA, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy, may participate with the board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, ask questions and interact with other board members, the applicant, abutters and the public. Alternates shall not be allowed to make or second motions. Once the board moves into deliberations, alternates shall remove themselves from the table and no longer participate with the board. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.
3. Members must reside in the community and are expected to attend each meeting of the board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the chairperson as soon as possible. Members, including the chairperson and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.