



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Marilyn E. McGrath, Selectmen Liaison

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

### MEETING AGENDA – April 22, 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, April 22, 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, April 22, 2021; or 2) Mail by April 19, 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. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 183-103 (04-22-21)**: Roger Colby, **10 Thorning Rd., Hudson, NH** requests a Variance to install a 12 ft. x 24 ft. above ground pool in a proposed location which encroaches 9 feet into the rear setback leaving 6 feet where 15 feet is required. [Map 183, Lot 103-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].
2. **Case 247-139 (04-22-21)**: Kenneth & Andrea Kleiner, **15 Sand Hill Rd., Hudson, NH** requests a Home Occupation Special Exception to operate a state licensed Family Based Child Care home business. [Map 247, Lot 139-000; Zoned Residential-One (R-1); HZO Article V, Permitted Uses, §334-22, Table of Permitted Accessory Uses and Article VI, Special Exceptions, §334-24, Home Occupations].
3. **Case 174-080 (04-22-21)**: Catherine Richard, **21 Derry St., Hudson, NH** requests a Variance for a proposed 375 sqft. addition with encroachments of 0.8 ft into the required front yard setback of 30 ft., leaving 29.2 ft. of setback and 3.3 ft into the required side yard setback of 15 ft. leaving 11.7 ft. [Map 174, Lot 080-000; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].
4. **Case 111-017 (04-22-21)**: Elvis Dhima, Town Engineer and authorized representative, Town of Hudson, 12 School St., requests a Variance for **151 Robinson Rd., Hudson, NH** to allow a front yard setback of 30 feet where 50 feet is required. [Map 111, Lot 017-000; Zoned General-One (G-1); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].

#### III. REQUEST FOR REHEARING: None

#### IV. REVIEW OF MINUTES:

03/25/21 edited Minutes

#### V. OTHER:

1. OSI 27th Annual Spring Planning & Zoning. **Registration now Open.**

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: April 22, 2021 BQ 4-12-21

**Case 183-103 (04-22-21):** Roger Colby, 10 Thorning Rd., Hudson, NH requests a Variance to install a 12 ft. x 24 ft. above ground pool in a proposed location which encroaches 9 feet into the rear setback leaving 6 feet where 15 feet is required. [Map 183, Lot 103-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].

**Address:** 10 Thorning Rd

**Zoning district:** Residential Two (R-2)

#### Summary:

Applicant requests a Variance to erect a 12 ft x 24 ft above ground pool, which would encroach 9 ft, leaving 6 ft setback, where 15 ft is required.

#### Property description:

Developed existing non-conforming corner lot of record, with 14,941 sqft where 43,560 sqft is required, and 135 ft frontage along Thorning Rd where 120 ft is required and 85 ft frontage along Greentrees Dr where 120 ft is required.

#### HISTORY:

BP# 193-75 May 27, 1975 Small greenhouse (24 x 12)

BP# 27-76 July 22, 1975 Small greenhouse on side of house (10 x 26)

BP# 17-80 July 16, 1979 18 x 20 Storage shed

#### In-House comments:

Town Engineer: no

Inspectional Services/Fire Dept: no

Town Planner: none received

#### Attachments:

“A” Assessing record.

“B” 2020 Aerial

“C” Building Permits:

“C1” BP# 193-75

“C2” BP# 27-76

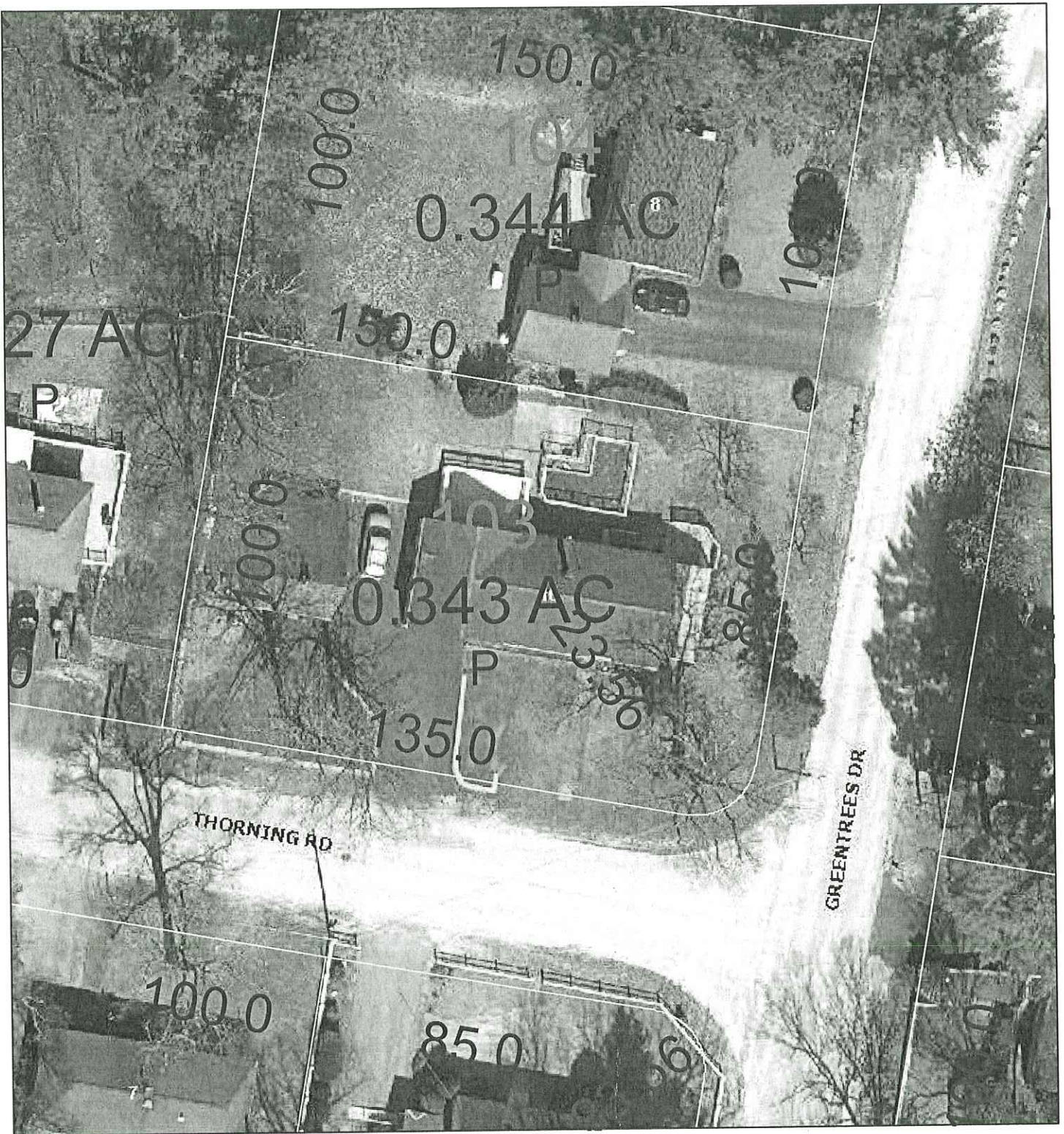
“C3” BP# 17-80

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	160,300	11,600	88,300	0.34	0.00	260,200
2020	101 - ONE FAMILY	160,300	11,600	88,300	0.34	0.00	260,200
2019	101 - ONE FAMILY	160,300	11,600	88,300	0.34	0.00	260,200
2019	101 - ONE FAMILY	159,400	11,600	88,300	0.34	0.00	259,300
2018	101 - ONE FAMILY	159,400	11,600	88,300	0.34	0.00	259,300
2018	101 - ONE FAMILY	159,400	11,600	88,300	0.34	0.00	259,300
2017	101 - ONE FAMILY	159,400	11,600	88,300	0.34	0.00	259,300
2017	101 - ONE FAMILY	119,700	9,700	84,300	0.34	0.00	213,700
2017	101 - ONE FAMILY	159,400	11,600	88,300	0.34	0.00	259,300
2016	101 - ONE FAMILY	119,700	9,700	84,300	0.34	0.00	213,700
2016	101 - ONE FAMILY	119,700	9,700	84,300	0.34	0.00	213,700
2015	101 - ONE FAMILY	119,700	9,700	84,300	0.34	0.00	213,700
2015	101 - ONE FAMILY	119,700	9,700	84,300	0.34	0.00	213,700
2014	101 - ONE FAMILY	123,600	9,200	84,300	0.34	0.00	217,100
2014	101 - ONE FAMILY	123,600	9,200	84,300	0.34	0.00	217,100
2013	101 - ONE FAMILY	123,600	9,200	84,300	0.34	0.00	217,100
2013	101 - ONE FAMILY	135,200	8,900	84,300	0.34	0.00	228,400
2012	101 - ONE FAMILY	135,200	8,900	84,300	0.34	0.00	228,400
2012	101 - ONE FAMILY	135,800	6,400	112,400	0.34	0.00	254,600
2011	101 - ONE FAMILY	135,800	6,400	112,400	0.34	0.00	254,600
2011	101 - ONE FAMILY	135,800	6,400	112,400	0.34	0.00	254,600
2010	101 - ONE FAMILY	135,800	6,400	112,400	0.34	0.00	254,600
2010	101 - ONE FAMILY	135,800	6,400	112,400	0.34	0.00	254,600
2009	101 - ONE FAMILY	135,800	6,400	112,400	0.34	0.00	254,600
2008	101 - ONE FAMILY	135,800	6,400	112,400	0.34	0.00	254,600
2008	101 - ONE FAMILY	135,800	6,400	112,400	0.34	0.00	254,600
2007	101 - ONE FAMILY	135,800	6,400	112,400	0.34	0.00	254,600
2007	101 - ONE FAMILY	140,900	5,300	84,300	0.34	0.00	230,500
2006	101 - ONE FAMILY	140,900	5,300	84,300	0.34	0.00	230,500
2006	101 - ONE FAMILY	140,900	5,300	84,300	0.34	0.00	230,500
2005	101 - ONE FAMILY	140,900	5,300	84,300	0.34	0.00	230,500
2005	101 - ONE FAMILY	140,900	5,300	84,500	0.35	0.00	230,700
2004	101 - ONE FAMILY	140,900	5,300	84,500	0.35	0.00	230,700
2004	101 - ONE FAMILY	110,100	5,800	64,400	0.35	0.00	180,300
2003	101 - ONE FAMILY	110,100	5,800	64,400	0.35	0.00	180,300
2003	101 - ONE FAMILY	110,100	5,800	64,400	0.35	0.00	180,300
2002	101 - ONE FAMILY	110,100	5,800	64,400	0.35	0.00	180,300
2002	101 - ONE FAMILY	110,100	5,800	64,400	0.35	0.00	180,300
2001	101 - ONE FAMILY	72,200	0	42,500		0.00	114,700
2000	101 - ONE FAMILY	67,500	4,700	42,500	0.35	0.00	114,700

"A"

2020 Aerial



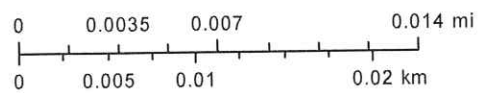
April 7, 2021

Legend

Parcels - Aerials

 Parcels

1:424



"B"





# Town of Hudson, N. H.

Office of Town Building Inspector  
BUILDING PERMIT

No. 193-75

May 27, 1975

This certifies that Robert J. LaBonte Name of Owner

is granted permission to alter small green house Description  
erect  
repair  
move

.....  
of Building

.....  
on premises located at and known as  
to

6950 10 Harmon Rd 53-39  
Number Street or Avenue

and to do things lawful to that end.

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

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

R.A. Mether  
Administrative Officer

no chg

"Ci"

No. \_\_\_\_\_

# Application

## Permit to Build

IN THE TOWN OF HUDSON, NEW HAMPSHIRE

LOCATION 10 THORNING RD.

HUDSON N.H.

ESTIMATED COST Approx \$500.00

PERMIT GRANTED \_\_\_\_\_

WORK COMPLETED \_\_\_\_\_

Building Inspector \_\_\_\_\_

### PLOT PLAN

LOT \_\_\_\_\_

MR. & MRS R.J. LABONTE

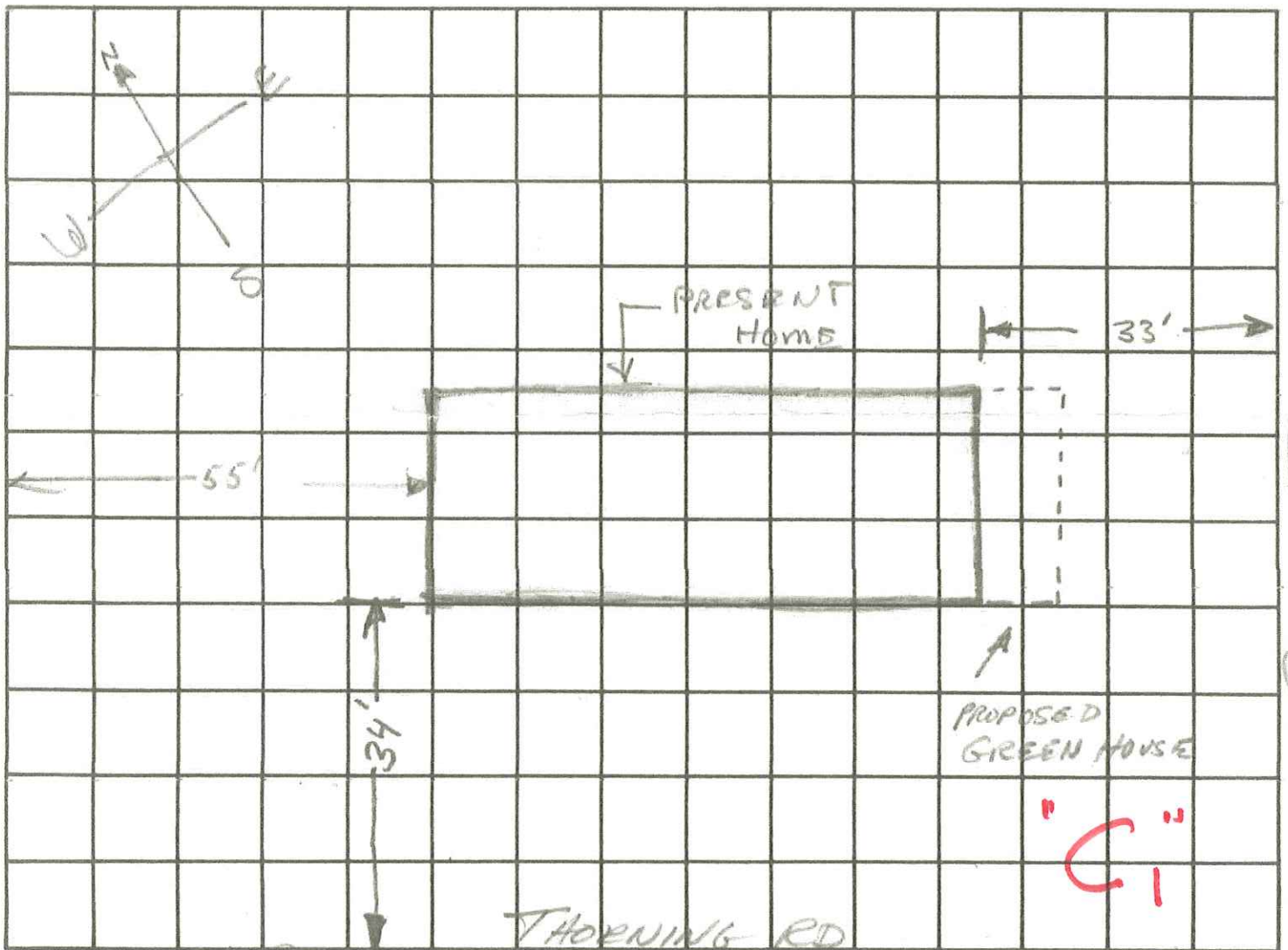
Owner's name

SHEET \_\_\_\_\_

10 THORNING RD.

No. Street

District \_\_\_\_\_



I certify this plot R.J. Labonte

Date: 5/26/75



Town Of Hudson, N. H.

# Application for a Permit to Build

Date 5/26 19 75

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

Subdivision	Yes	<input checked="" type="checkbox"/> No
Planning Bd. Approval Sub Div.	Yes	<input type="checkbox"/> No
Water Pollution Approval Sub Div.	No.	
Septic Construction Permit No.		
Necessary Bonds Posted	Yes	<input type="checkbox"/> No
Bd. of Adj. Variance Granted If Nec.		

New	<input type="checkbox"/>
Alter	<input type="checkbox"/>
Addition	<input checked="" type="checkbox"/>
Repair	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Fence	<input type="checkbox"/>
Other	<input type="checkbox"/>

PERMIT NUMBER  
193-75

NAME OF OWNER ROBERT J. LABONTE ADDRESS 10 THORNHURST RD. TELE. 883-5357

LAND PURCHASED FROM N/A LOCATION OF LAND \_\_\_\_\_

AREA OF LOT N/A PROPERTY TAX NO. 6980

NAME OF GENERAL CONTRACTOR N/A ADDRESS AND TELE. \_\_\_\_\_

NAME OF HEATING CONTRACTOR N/A NAME OF ELECTRICAL CONTRACTOR \_\_\_\_\_

NAME OF MASONRY CONTRACTOR N/A NAME OF PLUMBING CONTRACTOR \_\_\_\_\_

NAME OF FIRE PLACE CONTRACTOR N/A NAME OF FIRE PLACE MASON \_\_\_\_\_ NO. OF STORIES \_\_\_\_\_

MATERIAL OF BUILDING WOOD/STEEL/FIBERGLASS STYLE OF ROOF \_\_\_\_\_ ROOF COVERING \_\_\_\_\_

SIZE OF FOUNDATION 24' X 12' LIVING FLOOR AREA \_\_\_\_\_ TYPE OF HEAT \_\_\_\_\_

CONSTRUCTION FOR OWN USE YES WATER YES SEWER NO

FOUNDATION MATERIAL CEMENT BLOCK WIDTH 12' HEIGHT 6' AGA FOOTINGS YES

FIREPLACE NO NUMBER OF FLUES — SIZE — CHIMNEY MATERIAL —

GARAGE LOCATION IF ANY — TYPE OF BUSINESS IF ANY \_\_\_\_\_

BRIEF DESCRIPTION OF REPAIR, ALTER. OR OTHER CONSTRUCT GREENHOUSE ON THE S.E. SIDE OF PRESENT STRUCTURE.

THE UNDERSIGNED HEREBY AGREES THAT THE PROPOSED WORK SHALL BE DONE IN ACCORDANCE WITH THE FOREGOING STATEMENT, AND WITH THE PLANS AND SPECIFICATIONS SUBMITTED; AND THAT THE WORK CONNECTED THEREWITH SHALL CONFORM WITH THE BUILDING LAWS AND REGULATIONS OF THE TOWN OF HUDSON, AND THAT HE WILL NOTIFY THE BUILDING INSPECTOR WHEN FOUNDATION BEFORE BACKFILLING, FRAME, CHIMNEYS, FIRE-STOPS AND HEATER-PIPES, ELECTRICAL WIRING, FIREPLACE BEFORE FLUES AND PLUMBING ARE READY FOR INSPECTION. I ALSO CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO APPLY FOR THIS PERMIT.

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

OWNER'S SIGNATURE Robt. Labonte

CONTRACTORS SIGNATURE \_\_\_\_\_

ADDRESS \_\_\_\_\_

" C "



# Town of Hudson, N. H.

Office of Town Building Inspector  
BUILDING PERMIT

No. 27-76

July 22, 1975

This certifies that Robert J. LaBonte Name of Owner

is granted permission to erect  
alter  
repair  
move small garage Description

Building of Building

on premises located at and known as  
to 6980 Number 10 Sharnin Rd. Street or Avenue 53-39

and to do things lawful to that end.

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

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

[Signature]  
[Signature]  
Administrative Officer

"C2"





Town Of Hudson, N. H.

Application for a Permit to Build

Date 7/22 19 75

Table with 2 columns: Category (Residential, Commercial, Industrial, Garage, Breezeway, No. Of Units) and checked/unchecked status.

Table with 3 columns: Category (Subdivision, Planning Bd. Approval Sub Div., Water Pollution Approval Sub Div., Septic Construction Permit No., Necessary Bonds Posted, Bd. of Adj. Variance Granted If Nec.) and Yes/No status.

Table with 2 columns: Category (New, Alter, Addition, Repair, Pool, Fence, Other) and checked/unchecked status.

PERMIT NUMBER 27-76

NAME OF OWNER ROBERT J. LABONTE ADDRESS 10 THURNING RD. TELE. 883-5357

LAND PURCHASED FROM LOCATION OF LAND

AREA OF LOT PROPERTY TAX NO. 6980

NAME OF GENERAL CONTRACTOR ADDRESS AND TELE.

NAME OF HEATING CONTRACTOR NAME OF ELECTRICAL CONTRACTOR

NAME OF MASONRY CONTRACTOR NAME OF PLUMBING CONTRACTOR

NAME OF FIRE PLACE CONTRACTOR NAME OF FIRE PLACE MASON NO. OF STORIES

MATERIAL OF BUILDING 10x22' STYLE OF ROOF ROOF COVERING

SIZE OF FOUNDATION LIVING FLOOR AREA TYPE OF HEAT

CONSTRUCTION FOR OWN USE WATER SEWER

FOUNDATION MATERIAL WIDTH HEIGHT FOOTINGS

FIREPLACE NUMBER OF FLUES SIZE CHIMNEY MATERIAL

GARAGE LOCATION IF ANY TYPE OF BUSINESS IF ANY

BRIEF DESCRIPTION OF REPAIR, ALTER, OR OTHER 10' x 26' Garaphase to be constructed against the east side of the existing dwelling.

THE UNDERSIGNED HEREBY AGREES THAT THE PROPOSED WORK SHALL BE DONE IN ACCORDANCE WITH THE FOREGOING STATEMENT, AND WITH THE PLANS AND SPECIFICATIONS SUBMITTED; AND THAT THE WORK CONNECTED THEREWITH SHALL CONFORM WITH THE BUILDING LAWS AND REGULATIONS OF THE TOWN OF HUDSON, AND THAT HE WILL NOTIFY THE BUILDING INSPECTOR WHEN FOUNDATION BEFORE BACKFILLING, FRAME, CHIMNEYS, FIRE-STOPS AND HEATER-PIPES, ELECTRICAL WIRING, FIREPLACE BEFORE FLUES AND PLUMBING ARE READY FOR INSPECTION. I ALSO CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO APPLY FOR THIS PERMIT.

OWNER'S SIGNATURE [Signature]

CONTRACTORS SIGNATURE

ADDRESS

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

C2



**Town of Hudson, N. H.**  
Office of Town Building Inspector  
**BUILDING PERMIT**

No. 17-80

....., 19.. 79

This certifies that Robert J. Laibonte .....  
Name of Owner

is granted permission to  erect  
 alter  
 repair  
 move .....  
Description

.....  
of Building

.....  
on premises located at and known as  
to

6980 ..... 14 Tharing Pl. ..... ML-59/51  
Number Street or Avenue

and to do things lawful to that end.

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

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

Value \$ 700.00

Richard E. Millard  
Administrative Officer

Fee \$ 3.00

"C3"



TOWN OF HUDSON, N. H.

Application for a Permit To Build

Date 7/11 1979

Table with categories: Residential, Commercial, Industrial, Garage, Breezeway, No. of Units, STORAGE SHED

Table with categories: Subdivision, Planning Bd. Approval Sub Div., Water Pollution Approval Sub Div. No., Septic Construction Permit No., Necessary Bonds Posted, Bd. of Adj. Variance Granted If Nec.

Table with categories: New, Alter, Addition, Repair

Permit Number

17-80

Name of Owner ROBERT J. LABONTE Address 10 THORNING RD. Tel. 883-5357

Land Purchased From Address

Location Property Tax No. 6980

Name of General Contractor Map and Lot No. 53/39

Name of Heating Contr. Name of Electrical Contractor

Type of Heat NONE Name of Plumbing Contractor

Name of Fireplace Mason Name of Masonry Contractor

Material of Building WOOD FRAME Style of Roof Roof Covering ASPHALT SHING.

Size of Foundation 18' x 20' Living Floor Area No. of Stories 1

Size of Garage STORAGE SHED 18' x 20' Water Sewer

Foundation Material CEMENT Width Height Footings Yes No

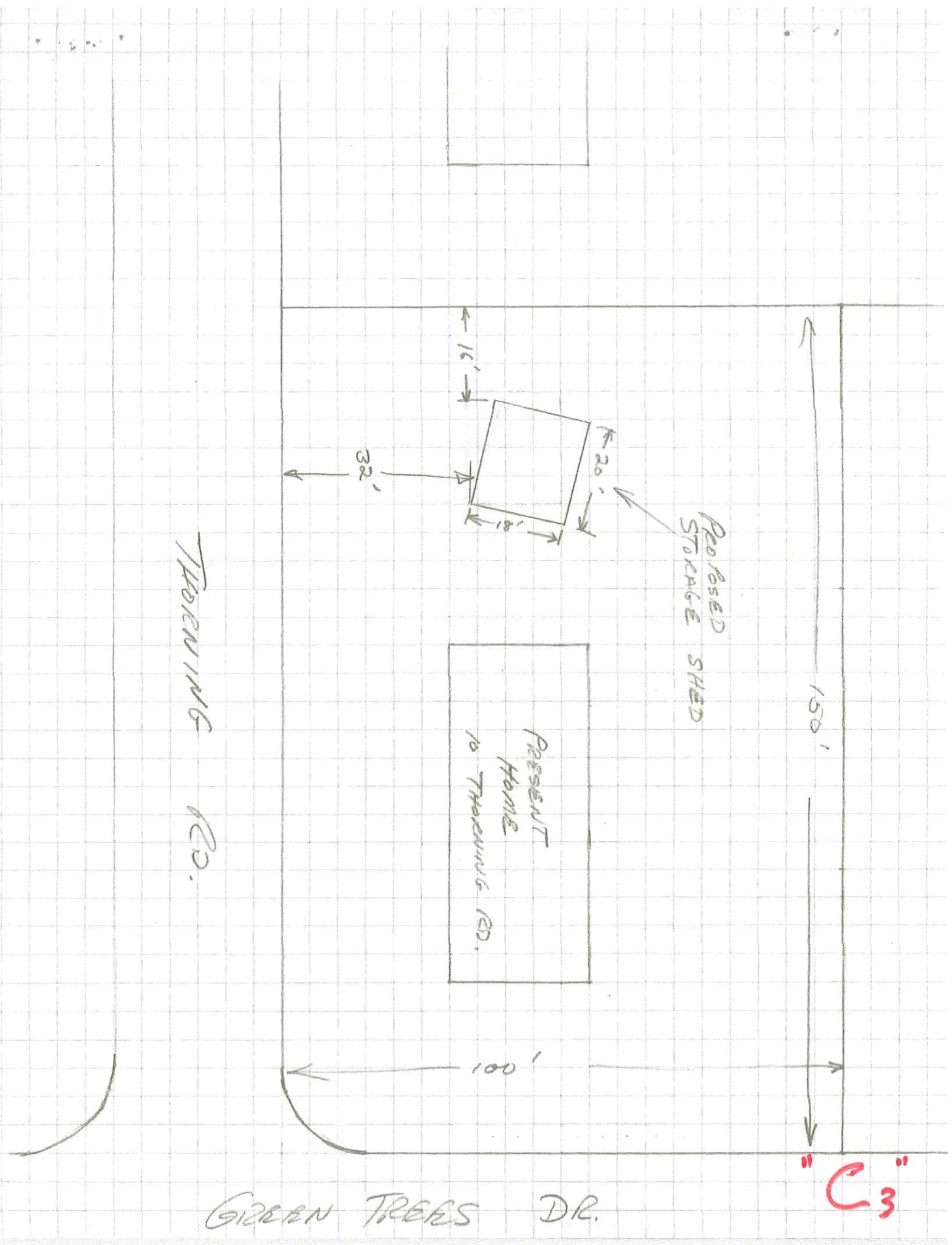
Fireplace No. of Flues Size Chimney Material

Brief Description of Repair, Alter or Other Request for building a wood frame storage shed next to present dwelling as shown on attached plan.

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

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

Owner's Signature Robert J. Labonte Contractor's Signature Address



PRESENT HOME  
10 TURNING RD.

PROPOSED STORAGE SHED

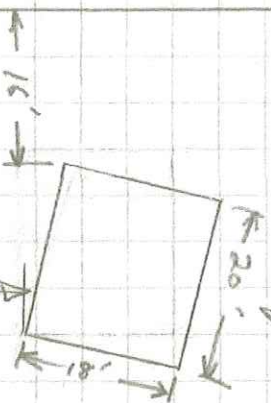
150'

100'

GREEN TREES DR.

3"

TURNING RD.



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

On **04/22/21**, the Zoning Board of Adjustment heard Case **183-103**, being a case brought by **Roger Colby, 10 Thorning Rd., Hudson, NH** for a Variance to **install a 12 ft. x 24 ft. above ground pool in a proposed location which encroaches 9 feet into the rear setback leaving 6 feet where 15 feet is required.** [Map 183, Lot 103-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional Requirements].

After reviewing the petition, hearing all of the evidence, and taking into consideration any personal knowledge of the property in question, the undersigned member of the Zoning Board of Adjustment sitting for this case made the following determination:

Y     N     **1.** Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”

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Y     N     **2.** The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”

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Y     N     **3.** Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.

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Y     N     **4.** The proposed use will not diminish the values of surrounding properties.

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Y     N     **5.** Special conditions exist such that literal enforcement of the ordinance would result in **unnecessary hardship**, either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.

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Member Decision: \_\_\_\_\_

Signed: \_\_\_\_\_  
Sitting member of the Hudson ZBA

\_\_\_\_\_ Date

Stipulations: \_\_\_\_\_  
\_\_\_\_\_

TOWN OF HUDSON

MAR 23 2021

Zoning Department

APPLICATION FOR A VARIANCE

Zoning Board of Adjustment  
Town of Hudson

Entries in this box are to be filled out by  
Land Use Division personnel  
Case No. 183-103 (04-22-21)  
Date Filed 03/23/21

Name of Applicant Roger Colby Map: 183 Lot: 103 Zoning District: R-2

Telephone Number (Home) 603-864-0137 (Work) Cell 603-521-0151

Mailing Address 10 Thorning Road Hudson NH 03051

Owner Roger & Tabitha Colby

Location of Property 10 Thorning Road Hudson NH 03051  
(Street Address)

R Colby  
Signature of Applicant Date 3/18/21

R Colby  
Signature of Property-Owner(s) Date 3/18/21

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

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

<b>COST:</b>		Date received: <u>3/23/21</u>
Application fee:	\$130.00	
<u>8</u> Direct Abutters x \$4.10 =	<u>33.20</u>	
<u>7</u> Indirect Abutters x \$0.55 =	<u>3.85</u>	
<b>Total amount due:</b>	<u>\$167.05</u>	Amt. received: \$ <u>167.05</u> Check # <u>150</u>
Received by: <u>TSC</u>		Receipt No.: <u>634,694</u>

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

\_\_\_\_\_ Engineering \_\_\_\_\_ Fire Department \_\_\_\_\_ Health Officer \_\_\_\_\_ Planner

# TOWN OF HUDSON, NH

## NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>RC</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>RC</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>RC</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>RC</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>RC</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>RC</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>RC</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>RC</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

**PLOT PLAN-**

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

N/A \*see GIS MAP w/ Proposed POOL location.  
↓ (T)

- 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.

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

A. Uy  
Signature of Applicant(s)

3/18/21  
Date

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

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

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

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

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



**ALL DIRECT ABUTTERS**

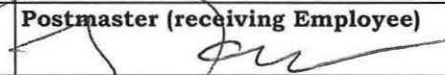
List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property is either contiguous or separated from the subject tract of land by a street or stream. If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

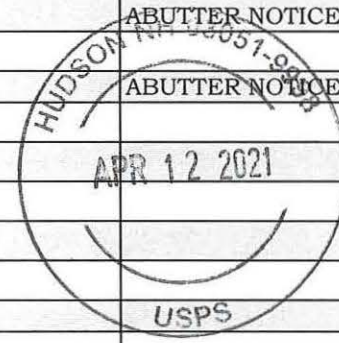
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
183-103-000		COLBY, ROGER JR.; COLBY, TABITHA	10 THORNING RD. HUDSON NH 03051
183-102-000		FORCIER, RAYKWON MICHAEL	8 THORNING ROAD HUDSON NH 03051
183-104-000		SHOREY, RICHARD D., TR ; SHOREY, DOROTHY J., TR; SHOREY ONE FAMILY TRUST	8 GREENTREES DRIVE HUDSON NH 03051
183-112-000		JEZYLO, LINDA T.	11 GREENTREES DR. HUDSON NH 03051
183-113-000		FUNK, CHRISTOPHER A.; FUNK, JEANNE B.	7 GREENTREES DRIVE HUDSON NH 03051
191-151-000		TSOUPRAKOS, KYRLAKOULIS; TSOUPRAKOS, JOAN	7 THORNING ROAD HUDSON NH 03051
191-152-000		BOLTON, NICHOLAS J., TR. ; BOLTON REVOCABLE TRUST	9 THORNING ROAD HUDSON NH 03051
191-153-000		TINKHAM, SCOTT	5 GREENTREES DRIVE HUDSON NH 03051

**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
183-101-000		KENNEY, GARY R.; KENNEY, DEBORAH A.	6 THORNING ROAD HUDSON NH 03051
183-105-000		SAMPSON, CHRISTINE	10 GREENTREES DR. HUDSON NH 03051
183-106-000		MAGNUSON, RUSSELL T.; MAGNUSON, DEBORAH L.	12 GREENTREES DRIVE HUDSON NH 03051
183-111-000		REVEN, CHRISTOPHER	2 SHORT STREET HUDSON NH 03051
191-149-000		GRONDIN, RUTH	1 THORNING ROAD HUDSON NH 03051
191-150-000		FRAZIER, PHILIP F.	5 THORNING ROAD HUDSON NH 03051
191-154-000		PEASE, MICHAEL D.; LUKITSCH, SAMANTHA M.	3 GREENTREES DR. HUDSON NH 03051
183-087-000		HUDSON, TOWN OF SCHOOL DIST.	20 LIBRARY STREET HUDSON NH 03051

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051		US POSTAL SERVICE - CERTIFIED MAIL		Case# 183-103 10 Thorning Road Map 183/Lot 103-000		VARIANCE 1 of 1	
		ARTICLE NUMBER		Name of Addressee, Street, and post office address		04/22/2021 ZBA Meeting			
1	7018	1130	0001	8113	8030	COLBY, ROGER JR. & TABITHA		APPLICANT/OWNER NOTICE MAILED	
						10 THORNING RD, HUDSON, NH 03051			
2	7018	1130	0001	8113	8047	FORCIER, RAYKWON MICHAEL		ABUTTER NOTICE MAILED	
						8 THORNING ROAD, HUDSON, NH 03051			
3	7018	1130	0001	8113	8054	SHOREY, RICHARD D., & DOROTHY J., TRUSTEES SHOREY ONE FAMILY TRUST		ABUTTER NOTICE MAILED	
						8 GREENTREES DRIVE, HUDSON, NH 03051			
4	7018	1130	0001	8113	8061	JEZYLO, LINDA T.		ABUTTER NOTICE MAILED	
						11 GREENTREES DR., HUDSON, NH 03051			
5	7018	1130	0001	8114	3034	FUNK, CHRISTOPHER A. & JEANNE B.		ABUTTER NOTICE MAILED	
						7 GREENTREES DRIVE, HUDSON, NH 03051			
6	7018	1130	0001	8114	2952	TSOUPRAKOS, KYRLAKOULIS & JOAN		ABUTTER NOTICE MAILED	
						7 THORNING ROAD, HUDSON, NH 03051			
7	7018	1130	0001	8114	2969	BOLTON, NICHOLAS J., TR.; BOLTON REVOCABLE TRUST		ABUTTER NOTICE MAILED	
						9 THORNING ROAD, HUDSON, NH 03051			
8	7018	1130	0001	8114	2976	TINKHAM, SCOTT		ABUTTER NOTICE MAILED	
						5 GREENTREES DRIVE, HUDSON, NH 03051			
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# 183-103 10 Thorning Road Map 183/Lot 103-000	VARIANCE 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/22/2021 ZBA Meeting		
1	Mailed First Class KENNEY, GARY R. & DEBORAH A. 6 THORNING ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
2	Mailed First Class SAMPSON, CHRISTINE 10 GREENTREES DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED		
3	Mailed First Class MAGNUSON, RUSSELL T. & DEBORAH L. 12 GREENTREES DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
4	Mailed First Class REVEN, CHRISTOPHER 2 SHORT STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
5	Mailed First Class GRONDIN, RUTH 1 THORNING ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
6	Mailed First Class FRAZIER, PHILIP F. 5 THORNING ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
7	Mailed First Class PEASE, MICHAEL D.; LUKITSCH, SAMANTHA M. 3 GREENTREES DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED		
8				
9				
10			<p style="text-align: center;">TOWN OF HUDSON</p> <p style="text-align: center;">APR 12 2021</p> <p style="text-align: center;">Zoning Department</p> <p style="text-align: right;">Mailed 4/12/21 TB</p>	
11				
12				
13				
14				
15				
	<b>Total Number of pieces listed by sender 7</b>	<b>Total number of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>	

APPLICATION FOR A VARIANCE

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

We would like to have an above ground pool installed on our property. The location of the pool would go into the setback requirements by 9 feet. We would like to place the pool off the back deck between the deck and the abutting land.

When looking at the available location for a pool this is the best location as other potential loaction would be under an oak tree that is on a neighbor property, or would be on a sloped incline in the front of the house which we detract frof the character of the neighborhood.

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

**FACTS SUPPORTING THIS REQUEST:**

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

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

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

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

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

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

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

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

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

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

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

The requested location of the pool would be in the back yard as to not impact the character of the neighborhood. I would also place the pool between the neighbors garage and our deck so it would not be an eyesore for the neighbors.

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

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

The location that we would like to place the pool will be behind our neighbor garage so they will not have a direct view of the pool from their house.

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

(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

This is the only place on our property we we can have a pool installed that would allow for privacy for our neighbor and not be in a place that will result in constant damage to the installed pool.

We do not want to install the pool in the front of the house or along the street and all location in the back of the yard would infringe on the 15 foot variance.

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

(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

The location of the pool will not impact our neighbors property as view of the pool will be blocked by their garage.

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

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

Due to the unique nature of this property being a corner lot, this house and lot have two front yard setbacks (of 30 ft.) and where most of the open land is in front of the house and is sloped and not conducive for a pool. Our neighbors’ oak tree overhangs a large portion of our back yard, where a location could be for a pool, but the leaves, branches and acorns will creates issues. The location between the deck and our neighbors’ garage is the best alternative location. All other locations would impact the “character” of the neighborhood. Please see attached GIS showing all the locations that are inside the allowed setback requirements. The picture shows that by following the 15 foot setback the placement of the pool would need almost be in our driveway.

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



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #21-042

Roger Colby  
10 Thorning Rd  
Hudson, NH 03051

Re: 10 Thorning Rd Map 183 Lot 103-000  
**District: Residential Two (R-2)**

Dear Mr. Colby,

**Zoning Review / Determination:**

You submitted a plan layout for an aboveground pool. Based on that placement it appears the pool would be into the required setback of 15 ft.

Before a permit could be issued, you would need the following: Obtain a variance from the Zoning Board of Adjustment (ZBA) for relief from §334-27 Table of Minimum Dimensional Requirements, for location of pool in the required setback of 15 ft.

Variance applications are available online: <https://www.hudsonnh.gov/zoning/page/variance>

Sincerely,

*Bruce Buttrick*

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

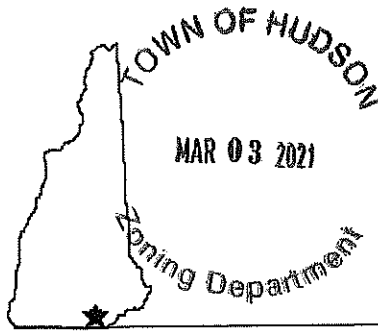
[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)

cc: Public Folder  
B. Groth, Town Planner  
File

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



# 21-042



MAR 03 2021

LAND USE DEPARTMENT

12 School Street  
Hudson, NH 03051  
(603) 886-6008  
www.hudsonnh.gov



Town of Hudson

**REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION**

Date of request 02/26/2021

Property Location 10 Thorning Road

Map 183 Lot 103 Sublot 0

Zoning District if known R-2 Residential 2

Type of Request

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

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

We would like to have an aboveground pool installed on out property. To properly do these we need to understand the setback requirements. We would like the pool to be placed off of the back deck between the deck and the abutting land.

How far does the pool need to be from the abutting property?

How far does the pool need to be from the deck?

See attached picture

**Applicant Contact Information:**

Name: Roger Colby

Address: 10 Thorning Road Hudson NH 03051

Phone Number: Cell 603-521-0151 or Home 603-864-0137

Email: trcolby820@comcast.net

*For Office use*

ATTACHMENTS: TAX CARD  GIS

NOTES: \_\_\_\_\_

ZONING DETERMINATION LETTER SENT  DATE: \_\_\_\_\_



Click to start drawing a line for distance and double click to complete

**Measure Tools**

Line Area Perimeter

Feet

---

Measurement Result

14.9 Feet

ES DR

Set back is 15 feet

Pool would go here. it  
would be 12' X 24'

Encroachment is 9 feet

100.0

0.

343

103

AC

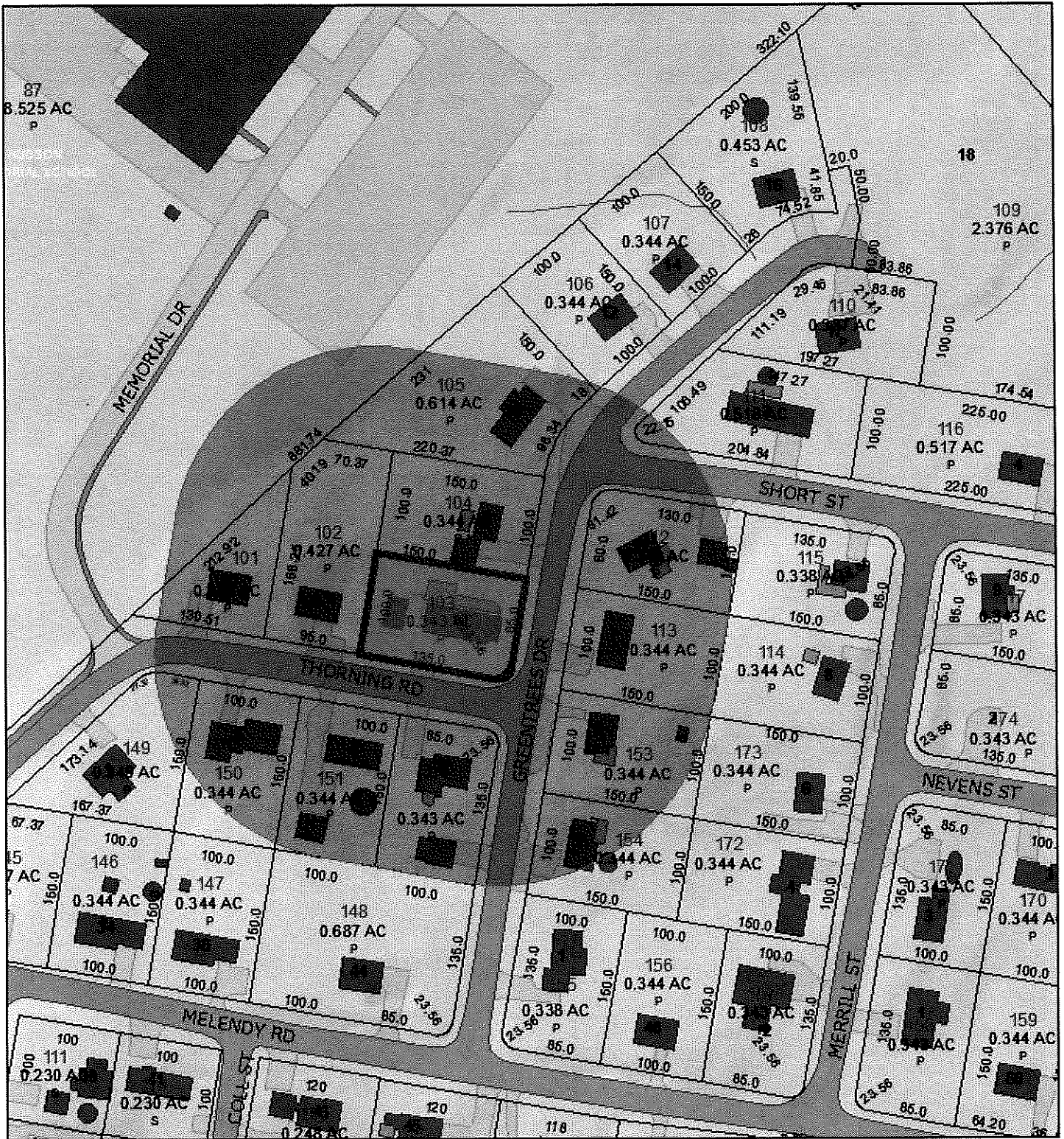
P

123.56

135.0

85.0

# 10 Thorning Rd GIS Map

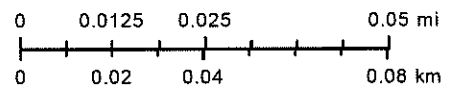


March 18, 2021

1:1,643

Legend

 Parcels



MAP LOT SUB

CARD

Hudson

APPRAISED: 260,200 / 260,200  
 USE VALUE: 260,200 / 260,200  
 ASSESSED: 260,200 / 260,200



USER DEFINED

Prior Id # 1:	0053
Prior Id # 2:	0039
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

17316!  
 PRINT  
 Date Time  
 03/18/21 08:13:46  
 LAST REV  
 Date Time  
 08/17/20 15:59:45  
 amym  
 7316

**PROPERTY LOCATION**

No	Alt No	Direction/Street/City
10		THORNING RD, HUDSON

**OWNERSHIP**

Owner	Unit #
Owner 1: COLBY, ROGER JR.	
Owner 2: COLBY, TABITHA	
Owner 3:	

Street 1: 10 THORNING RD.  
 Street 2:  
 Town/City: HUDSON  
 St/Prov: NH Cntry: Own Occ:  
 Postal: 03051 Type:

**IN PROCESS APPRAISAL SUMMARY**

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.343	160,300	11,600	88,300	260,200
<b>Total Card</b>	0.343	160,300	11,600	88,300	260,200
<b>Total Parcel</b>	0.343	160,300	11,600	88,300	260,200

Source: Market Adj Cost Total Value per SQ unit /Card: 160.32 /Parcel: 160.32  
 Legal Description: Entered Lot Size  
 Total Land: 0.343  
 Land Unit Type: AC

**PREVIOUS OWNER**

Owner	Address
Owner 1: LABONTE, DOROTHY A., TR.	
Owner 2: DOROTHY LABONTE REV. TRUST	

Street 1: 27313 RACQUET CIRCLE  
 Town/City: LEESBURG  
 St/Prov: FL Cntry: Own Occ:  
 Postal: 34748-7752

**PREVIOUS ASSESSMENT**

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	101	FV	160,300	11600	.343	88,300	260,200	260,200	Year End Roll	8/27/2020
2020	101	JB	160,300	11600	.343	88,300	260,200	260,200	Year End Roll	5/6/2020
2019	101	FV	160,300	11600	.343	88,300	260,200	260,200	Year End Roll	9/16/2019
2019	101	JB	159,400	11600	.343	88,300	259,300	259,300	Year End Roll	5/8/2019
2018	101	FV	159,400	11600	.343	88,300	259,300	259,300	Year End Roll	8/27/2018
2018	101	JB	159,400	11600	.343	88,300	259,300	259,300	Year End Roll	5/9/2018
2017	101	FV	159,400	11600	.343	88,300	259,300	259,300	Year End Roll	10/26/2017
2017	101	PV	159,400	11600	.343	88,300	259,300	259,300	Year End Roll	8/28/2017

**NARRATIVE DESCRIPTION**  
 This parcel contains .343 ACRES of land mainly classified as 1E FAMILY with a RANCH Building built about 1950, having mainly COMP CLAPBD Exterior and 1623 Square Feet, with 1 Bath, 1 3/4 Bath, 0 HalfBath, 6 Rooms, and 3 Bdrms.

**SALES INFORMATION**

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
LABONTE, DOROTHY	8689-1646	1	9/5/2014		250,000	No	No		
LABONTE, ROBERT	6043-0392		12/11/1998	UNCLASSIFIED		No	No		

**OTHER ASSESSMENTS**

Code	Descr/No	Amount	Com. Int

**PROPERTY FACTORS**

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water	3	TOWN WATE
				Sewer	2	TOWN SEWE
				Electri		
				Exmpt		
				Topo	4	ROLLING
				Street		
				Gas		

Census:  
 Flood Haz: C

**BUILDING PERMITS**

Date	Number	Descr	Amount	C/O	Last Visit	Fed Code	F. Descr	Comment
6/24/2020	2020-00471	PLUMBING		C				
6/19/2020	2020-00471	ELECTRIC	750	C				
6/17/2020	2020-00471	FINISH B	20,000	O				
4/29/2019	2019-00338	PLUMBING	11,500	C				
4/29/2019	2019-00337	MECHANIC	11,500	C				

**ACTIVITY INFORMATION**

Date	Result	By	Name
8/6/2019	Entry Denied	19	KRT2
8/6/2019	Measured	19	KRT2
9/22/2014	Sale Data VI	12	TECH ASMNT
7/15/2013	Meas/Inspect	15	APPR TECH 5
6/27/2007	Meas/Inspect	10	APPRAISER II
12/11/2006	Other Change	3	ASMNT TECH
8/23/2005	New Maps	1	CHIEF ASSESS
6/21/2001	Inspected	0	PATRIOT
4/4/2001	Left Notice	0	PATRIOT

**LAND SECTION (First 7 lines only)**

Section	Description	LUC	No of Units	Depth / Price Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infu	Neigh Mod	Inf 1 %	Inf 2 %	Inf 3 %	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
01	ONE FAMILY		0.343		SITE ACRE	SITE		0 110,000	2.34	RE							88,319						88,300	

Type: 19 - RANCH  
 Sty Ht: 1 - ONE STY  
 (Liv) Units: 1 Total: 1  
 Foundation: 1 - CONCRETE  
 Frame: 1 - WOOD  
 Prime Wall: 20 - COMP CLAPBD  
 Sec Wall: %  
 Roof Struct: 1 - GABLE  
 Roof Cover: 1 - ASPH SHING  
 Color: TAN  
 Sdw / Desir:

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

**RESIDENTIAL GRID**  
 1st Res Grid Desc: CONV # Units 1  
 Level FY LR DR D K FR RR BR FB HB L O

**OTHER FEATURES**  
 Kits: 1 Rating: AVERAGE  
 A Kits: Rating:  
 Frpl: Rating:  
 WSFlue: Rating:  
**CONDO INFORMATION**  
 Location:  
 Total Units:  
 Floor:  
 % Own:  
 Name:

**REMODELING**  
 Exterior:  
 Interior:  
 Additions:  
 Kitchen:  
 Baths:  
 Plumbing:  
 Electric:  
 Heating: 2019  
 General:

**RES BREAKDOWN**

No Unit	RMS	BRS	FL
1	6	3	M
<b>Totals</b>			
1	6	3	

**GENERAL INFORMATION**  
 Grade: C - AVERAGE  
 Year Bilt: 1950 Eff Yr Bilt:  
 Alt LUC:  
 Jurisdic:  
 Const Mod:  
 Lump Sum Adj:

**TERIOR INFORMATION**  
 Avg Ht/FL: STD  
 Trim Int Wal: 1 - DRYWALL  
 Alc Int Wal:  
 Partition: T - TYPICAL  
 Trim Floors: 03 - HARDWOOD  
 Sec Floors: 05 - LINO/VINYL 20 %  
 Bsmnt Fir: 12 - CONCRETE  
 Subfloor:  
 Bsmnt Gar:  
 Electric: 3 - TYPICAL  
 Insulation: 2 - TYPICAL  
 Int vs Ext: S -  
 Heat Fuel: 2 - GAS  
 Heat Type: 3 - FORCED HW  
 Heat Sys: 1  
 % Heated: 100 % AC: 0  
 Solar HW: NO Central Vac: NO  
 Com Wal % Sprinkled

**DEPRECIATION**  
 Phys Cond: AG - Avg-Good 30. %  
 Functional:  
 Economic:  
 Special:  
 Override:  
 Total: 30.4 %

**CALC SUMMARY**

Basic \$ / SQ:	105.00
Size Adj.:	1.05452871
Const Adj.:	0.98378277
Adj \$ / SQ:	108.930
Other Features:	3000
Grade Factor:	1.00
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	230295
Depreciation:	70010
Depreciated Total:	160285

**COMPARABLE SALES**

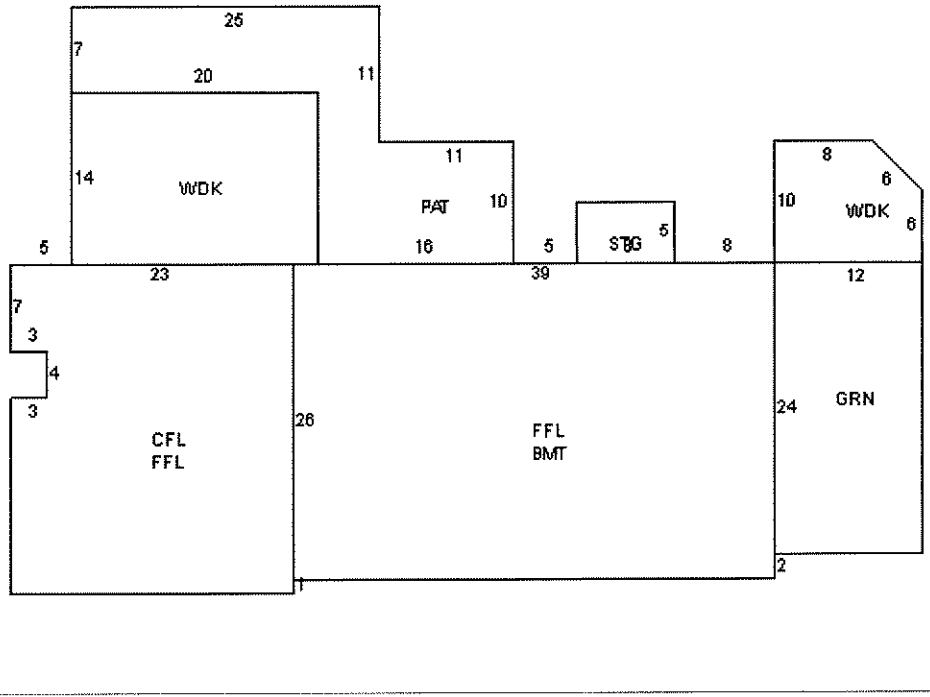
Rate	Parcel ID	Typ	Date	Sale Price

WtAv\$/SQ: AvRate: Ind.Val  
 Juris. Factor: Before Depr: 108.93  
 Special Features: 0 Val/Su Net: 37.10  
 Final Total: 160300 Val/Su SzAd: 98.77

**MOBILE HOME**  
 Make: Model: Serial # Year: Color:  
**TECH FEATURES/YARD ITEMS**

**PARCEL ID 183-103-000**

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
	GARAGE	D	Y	1	19X22	AV	AV	1950	37.37	T	40	101			9,400			9,400
	LEAN-TO	D	Y	1	5X19	AV	AV	1950	7.28	T	80	101			100			100
	HOT TUB	D	Y	1	4	AV	AV	2000	500.00	T	17	101			1,700			1,700
	PATIO	D	Y	1	12X16	AV	AV	1950	8.33	T	75	101			400			400

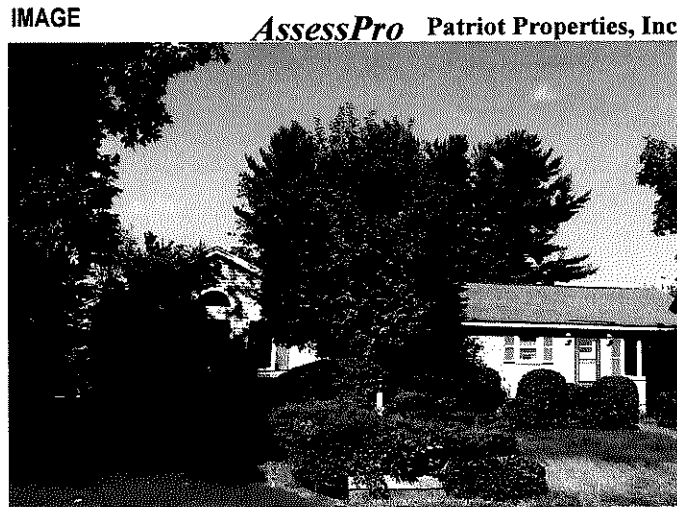


**SUB AREA**

Code	Description	Area - SQ	Rate - AV	Undepr Value	
FFL	FIRST FLOOR	1,623	108.930	176,793	
BMT	BASEMENT	1,014	20.570	20,854	
CFL	CATHEDR AREA	609	10.890	6,634	
WDK	WOOD DECK	392	13.540	5,306	
PAT	PATIO	355	7.020	2,491	
GRN	GREENHOUSE	288	48.300	13,909	
STG	STORAGE	40	32.680	1,307	
<b>Net Sketched Area:</b>		<b>4,321</b>	<b>Total:</b>	<b>227,294</b>	
Size Ad	1623	Gross Area	4321	FinArea	1623

**SUB AREA DETAIL**

Sub Area	% Usbl	Descrip	% Type	Qu # T
BMT	100	RRM		70 FR



Printed  
3/24/2021  
5:00PM  
Created  
3/24/2021  
4:57 PM

# Transaction Receipt

Receipt# 634,694  
tgoodwyn

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

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application: 4/22/21 ZBA Meeting 10 Thorning Rd Map/Lot 183-103-000 Variance Application	0.00	167.0500	0.00
			<b>Total:</b>	<b>167.05</b>

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Roger Colby, Tabitha Colby	CHECK	CHECK # 150	167.05	0.00	167.05
			<b>Total Due:</b>		<b>167.05</b>
			<b>Total Tendered:</b>		<b>167.05</b>
			<b>Total Change:</b>	<b>0.00</b>	
			<b>Net Paid:</b>		<b>167.05</b>



# 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: April 22, 2021 *BB 4-12-20*

**Case 247-139 (04-22-21):** Kenneth & Andrea Kleiner, 15 Sand Hill Rd., Hudson, NH requests a Home Occupation Special Exception to operate a state licensed Family Based Child Care home business.

**Address:** 15 Sand Hill Rd

**Zoning district:** Residential One (R-1)

#### Summary:

Applicant requests a Home Occupation Special Exception for a family day care home, both of which are allowed by special exception in the Table of Permitted Accessory Uses.

From the Definition §334-6: FAMILY DAY-CARE HOME, *An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to six children from one or more unrelated families. The six children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the six children, up to three children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.*

#### Property description:

Developed existing non-conforming lot of record, with 37,810 sqft where 43,560 sqft is required and 140 ft of frontage where 150 ft is required. Single family use.

#### HISTORY:

BP 2012-00286 issued 5/23/2012 10x15 freestanding pool deck  
BP 2010-00088 issued 3/24/2010 install 28 rd A/G pool  
BP 516-98 issued 6/23/1998 280 sqft deck  
BP 169-91 issued 10/23/1990 construct 9 x 10 shed  
BP 507-89 issued 7/5/1989 build 10 x 33 barn/stable  
BP 101-83 issued 10/12/1982 12 x 12 breezeway and 24 x 26 garage  
BP 419-77 issued 6/1/1977 construct 2 story 24 x 24 house

#### In-House comments:

Town Engineer: yes  
Inspectional Services/Fire Dept – yes  
Town Planner – none received



**Attachments:**

“A” Assessing record.

“B” 2020 Aerial

“C” Town Engineer’s comments

“D” Inspectional Services/Fire Dept comments

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	183,600	1,400	115,200	0.87	0.00	300,200
2020	101 - ONE FAMILY	183,600	1,400	115,200	0.87	0.00	300,200
2019	101 - ONE FAMILY	183,600	1,400	115,200	0.87	0.00	300,200
2019	101 - ONE FAMILY	183,600	1,400	115,200	0.87	0.00	300,200
2018	101 - ONE FAMILY	179,400	4,700	115,200	0.87	0.00	299,300
2018	101 - ONE FAMILY	179,400	4,700	115,200	0.87	0.00	299,300
2017	101 - ONE FAMILY	179,400	4,700	115,200	0.87	0.00	299,300
2017	101 - ONE FAMILY	139,300	5,200	110,400	0.87	0.00	254,900
2017	101 - ONE FAMILY	179,400	4,700	115,200	0.87	0.00	299,300
2016	101 - ONE FAMILY	139,300	5,200	110,400	0.87	0.00	254,900
2016	101 - ONE FAMILY	139,300	5,200	110,400	0.87	0.00	254,900
2015	101 - ONE FAMILY	139,300	5,200	110,400	0.87	0.00	254,900
2015	101 - ONE FAMILY	139,300	5,200	110,400	0.87	0.00	254,900
2014	101 - ONE FAMILY	139,300	5,200	110,400	0.87	0.00	254,900
2014	101 - ONE FAMILY	139,300	5,200	110,400	0.87	0.00	254,900
2013	101 - ONE FAMILY	139,300	5,200	110,400	0.87	0.00	254,900
2013	101 - ONE FAMILY	139,300	5,200	110,400	0.87	0.00	254,900
2012	101 - ONE FAMILY	139,300	1,500	110,400	0.87	0.00	251,200
2012	101 - ONE FAMILY	181,400	900	141,200	0.87	0.00	323,500
2011	101 - ONE FAMILY	181,400	900	141,200	0.87	0.00	323,500
2011	101 - ONE FAMILY	187,000	900	141,200	0.87	0.00	329,100
2010	101 - ONE FAMILY	187,000	900	141,200	0.87	0.00	329,100
2010	101 - ONE FAMILY	187,000	900	141,200	0.87	0.00	329,100
2009	101 - ONE FAMILY	187,000	900	141,200	0.87	0.00	329,100
2008	101 - ONE FAMILY	187,000	900	141,200	0.87	0.00	329,100
2008	101 - ONE FAMILY	187,000	900	141,200	0.87	0.00	329,100
2007	101 - ONE FAMILY	187,000	900	141,200	0.87	0.00	329,100
2007	101 - ONE FAMILY	166,700	600	110,400	0.87	0.00	277,700
2006	101 - ONE FAMILY	166,700	600	110,400	0.87	0.00	277,700
2006	101 - ONE FAMILY	166,700	600	110,200	0.86	0.00	277,500
2005	101 - ONE FAMILY	166,700	600	110,200	0.86	0.00	277,500
2005	101 - ONE FAMILY	166,700	600	110,200	0.86	0.00	277,500
2004	101 - ONE FAMILY	166,700	600	110,200	0.86	0.00	277,500
2004	101 - ONE FAMILY	140,700	500	86,200	0.86	0.00	227,400
2003	101 - ONE FAMILY	140,700	500	86,200	0.86	0.00	227,400
2003	101 - ONE FAMILY	140,700	500	86,200	0.86	0.00	227,400
2002	101 - ONE FAMILY	140,700	500	86,200	0.86	0.00	227,400
2002	101 - ONE FAMILY	140,700	500	86,200	0.86	0.00	227,400
2001	101 - ONE FAMILY	97,300	0	53,900		0.00	151,200
2000	101 - ONE FAMILY	95,100	2,200	53,900	0.86	0.00	151,200

"A"

# 2020 Aerial



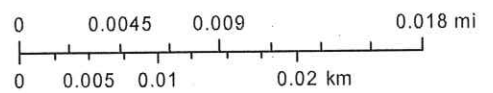
April 7, 2021

Legend

Parcels - Aerials

Parcels

1:541



"B"



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

REQUEST FOR REVIEW/COMMENTS:

Case: 247-139 (04-22-21)

Property Location: 15 Sand Hill Rd

*For Town Use*

Plan Routing Date: 04/06/2021 Reply requested by: 04/09/2021 ZBA Hearing Date: 04/22/2021

I have no comments     I have comments (see below)

EZD Name: Elvis Dhima Date: 04/07/2021  
(Initials)

DEPT.  Town Engineer     Fire/Health Department     Town Planner

1. This property is currently served by Town water, no restriction for the additional water use to support the business.
2. This property is currently on a three bedroom septic system. Applicant shall provide a state approved septic system that can accommodate the additional sewer flow related to the proposed business.
3. Applicant should clarify that the drop off/pick up designated area on her property will be the existing driveway. Applicant could consider widening the driveway in the future.

"C"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 247-139 (04-22-21)

Property Location: 15 Sand Hill Rd

*For Town Use*

Plan Routing Date: 04/06/2021 Reply requested by: 04/09/2021 ZBA Hearing Date: 04/22/2021

I have no comments  I have comments (see below)

RMB Name: Robert M. Buxton Date: 04/09/2021  
(Initials)

DEPT.  
 Town Engineer  Fire/Health Department  Town Planner

Occupant will comply with all State Health Care requirements.

"D"

# HUDSON ZONING BOARD OF ADJUSTMENT

## Home Occupation Special Exception Decision Worksheet

On **04/22/21**, the Hudson Zoning Board of Adjustment heard Case **247-139**, being a request by **Kenneth & Andrea Kleiner, 15 Sand Hill Rd., Hudson, NH**, to allow for a Home Occupation Special Exception to **operate a state licensed Family Based Child Care home business. [Map 247, Lot 139-000; Zoned Residential-One (R-1); HZO Article V, Permitted Uses, §334-22, Table of Permitted Accessory Uses and Article VI, Special Exceptions, §334-24, Home Occupations]**.

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

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

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

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

TOWN OF HUDSON

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

MAR 29 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. 247-139 (04-22-21)

Date Filed 3/29/21

Name of Applicant Kenneth & Andrea Kleiner Map: 247 Lot: 139-000 Zoning District: R-1

Telephone Number (Home) 603 880-0061 (Work) 603 305-3887 (residential one)

Mailing Address 15 Sand Hill Rd Hudson NH 03051

Owner Kenneth Kleiner Jr. and Andrea Kleiner

Location of Property 15 sand Hill Rd Hudson NH 03051  
(Street Address)

[Signature]  
Signature of Applicant

3-27-2021  
Date

[Signature]  
Signature of Property-Owner(s)

3-27-2021  
Date

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

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

<b>COST:</b>		
Application fee:	.15	\$130.00
<u>7</u> Direct Abutters x \$4.08 =		<u>29.05</u>
<u>9</u> Indirect Abutters x \$0.55 =		<u>4.95</u>
<b>Total amount due:</b>		<b>\$164.00</b>

Date received: 3/29/21  
3/31/21

Amt. received: \$ 159.85  
+\$4.15  
Receipt No.: 635,276  
635,746

Check # 2844  
2846

Received by: [Signature]

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

\_\_\_\_\_ Engineering \_\_\_\_\_ Fire Department \_\_\_\_\_ Health Officer \_\_\_\_\_ Planner

# TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
_____	<p style="text-align: center;"><i>11 single sided</i></p> <p>The applicant must provide <u>13 copies including</u> the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)</p>	<p><u>TG</u> 3/29/21</p>
<u>ADK</u>	<p>Before making the 13 copies, please <u>review the application with the Zoning Administrator</u> or staff.</p>	<u>TG</u>
<u>ADK</u>	<p>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 <u>Town of Hudson</u>.</p>	<u>TG</u>
<u>N/A</u>	<p>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.)</p>	<u>N/A</u>
<u>ADK</u>	<p>Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 &amp; 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.)</p>	<p><i>rcvd 3/29/21</i> Labels ✓ pending * Abutter List complete ✓</p>
<u>ADK</u>	<p>A copy of both sides of the <u>assessor's card</u> shall be provided. (NOTE: these copies are available from the <u>Assessor's Office</u>)</p>	<u>TG</u>
<u>ADK</u>	<p>A copy of the <u>Zoning Administrator's correspondence</u> 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.</p>	<u>TG</u>
<u>NA</u>	<p>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.</p>	<u>N/A</u>



**PLOT PLAN-**

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

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.

Vertical line with a checkmark at the bottom and a circled '16' to its right.

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

Signature of Applicant(s)

3-24-2021  
Date

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

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

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

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

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

ALL DIRECT ABUTTERS

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

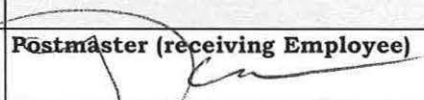
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
247	138	Paul and April Sylvester # 247138000	17 Sand Hill Rd Hudson NH 03051
247	034	Alan Newton # 247034000	16 Sand Hill Rd Hudson NH 03051
247	035	Jonathan Kingsley and Megan Gove #247035000	18 Sand Hill Rd Hudson NH 03051
		Hugh & Denise <del>McK</del> McKenna #247140000	7 Leonard Ave Hudson NH 03051
241	015	Allan & Sherry St. Louis #241015000	5 Leonard Ave. Hudson NH 03051
247	140	Hugh & Denise McKenna McKenna Family Trust #247-140-000	7 Leonard Ave Hudson NH 03051
247	139	Kenneth + Andrea Kleiner	15 Sand Hill Rd Hudson NH 03051
247	140	New owners:	7 Leonard Ave Hudson NH 03051

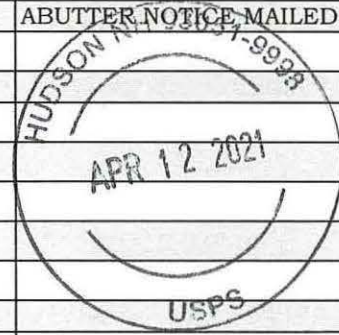
\* Note Hugh and Denise McKenna's house is under contract

**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
241	012	William & Beth Marks # 241-012-000	6 Leonard Ave Hudson NH 03051
241	003	Christopher Guillemette # 241-003-000	8 Leonard Ave Hudson NH 03051
241	014	David Bridgeman # 241-014-000	10 Leonard Ave Hudson NH 03051
241	016	Anita Dixon & Gordon A Nicoll Jr. # 241-016-000	3 Leonard Ave Hudson NH 03051
247	033	Kristen Cushman Justin Taylor # 247-033-000	14 Sand Hill Rd Hudson NH 03051
247	036	Richard Bourbeau Jessica Dennett # 247-036-000	20 Sand Hill Rd Hudson NH 03051
247	137	Daniell & Julie A. Pletcher Pletcher Family Trust # 247-137-000	19 Sand Hill Rd Hudson NH 03051
247	141	Mark R Nickles # 247-141-000	12 Leonard Ave Hudson NH 03051
247	142	Thomas Fabianski # 247-142-000	9 Sand Hill Rd Hudson NH 03051

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 247-139 HOME OCCUPATION SE 15 Sand Hill Road Map 247/Lot 139-000 1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>04/22/2021 ZBA Meeting</b>
1	7018 1130 0001 8114 2983	KLEINER, KENNETH F., JR. & ANDREA D. 15 SAND HILL ROAD, HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	7018 1130 0001 8114 2990	ST. LOUIS, ALLAN W. & SHERRY M. 5 LEONARD AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7018 1130 0001 8114 3003	NEWTON, ALAN J. 16 SAND HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7018 1130 0001 8114 3010	KINGSLEY, JONATHAN M.; GOVE, MEGAN E. 18 SAND HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7018 1130 0001 8114 3027	SYLVESTER, PAUL L. & APRIL A. 17 SAND HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7018 1130 0001 8114 2532	MCKENNA, HUGH M. JR. & DENISE R., TRUSTEES; MCKENNA FAMILY TRUST 7 LEONARD AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7018 1130 0001 8114 2549	STEVE & LAURIE CUMMISKEY 7 LEONARD AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8			
9			
10			
11			
12			
	<b>Total Number of pieces listed by sender 7</b>	<b>Total number of pieces rec'vd at Post Office</b> 7	<b>Postmaster (receiving Employee)</b> 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 247-139 HOME OCCUPATION SE 15 Sand Hill Road Map 247/Lot 139-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/22/2021 ZBA Meeting
1	Mailed First Class	MARKS, WILLIAM R. & BETH A. 6 LEONARD AVENUE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	GUILLEMETTE, CHRISTOPHER O. 8 LEONARD AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	BRIDGEMAN, DAVID 10 LEONARD AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	DIXON, ANITA; NICOLL, GORDON A., JR. 3 LEONARD AVENUE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	CUSHMAN, KRISTEN; TAYLOR, JUSTIN 14 SAND HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	BOURBEAU, RICHARD D.; DENNETT, JESSICA M. 20 SAND HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	PLETCHER, DANIEL L. & JULIE A., TRSTEES; PLETCHER FAMILY TRUST 19 SAND HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	Mailed First Class	NICKLES, MARK R 12 LEONARD AVENUE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	Mailed First Class	FABIANSKI, THOMAS A. 9 SAND HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10			
11			
12			<p style="text-align: center;">TOWN OF HUDSON</p> <p style="text-align: center;">APR 12 2021</p> <p style="text-align: center;">Zoning Department</p> <p style="text-align: right;">Mailed 4/12/21 (16)</p>
13			
14			
15			
	<b>Total Number of pieces listed by sender 9</b>	<b>Total number of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>

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.

Please see (1) on attached sheet

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

Please see (2)

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

Please see (3)

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.

Please see (4)

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.

Please  
see (5)

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.

Please see (6)

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.

Please see (7)

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

Please see (8)

Who will be conducting the home occupation? Please explain.

Please see (9)

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

Please see (10)



**Application For A Home Occupation Special Exception**  
**Detailed explanation for exception questions pages 7 & 8**

1) The nature of my home business will be a Family Based Child Care as outlined in the New Hampshire code, i.e. He-C 4002.31 in the New Hampshire Child Care Licensing 2017-2027 document.

I am pursuing State Licencing to become a Family Based Child Care. This will include a Preschool only program with children ages 3-5 years old, with this program running under the description of a family based child care. My program will run **Monday through Thursday** with a **maximum of 6 children** in the morning session, **9:00am - 11:30am**. A lunch break and cleaning time will follow. After this, another session will be held with a **maximum of 6 children from 12:30pm - 3:00pm**.

- I am also planning on running a 2 week Summer PreK Bootcamp in July 2021 to focus on children who are getting ready to enter Kindergarten in the fall. The program will be geared towards children that might need a little help getting ready for Kindergarten. I am working with a few Kindergarten teachers to better understand what they would like children to know when entering kindergarten, and what children struggle with. This program will run the same as preschool but for **just 10 days, Monday through Friday for 2 weeks in July**. This also will meet the state requirements for operating as a family based child care.
  
- **Use of Our Home:** The children will enter through our side door into the "mudroom", where they will hang up their belongings. This area will only be used when they enter and leave. We will then as a group travel through the kitchen, down a short hallway, to the living room/classroom. I will have a circle area, and a work table area. Due to space I will be rotating the other classroom centers as needed such as a dramatic play area, a block area, a sensory table, art easels, a library, and a variety of areas as needed. I will discuss with the Health inspector, and the State Licensor if the kitchen will be big enough to set up a separate table for art and snack, or if that also needs to be done in the "classroom" area. We have a  $\frac{3}{4}$  bathroom on the first floor that is located off the hallway from the kitchen to the "classroom", so it is very convenient for hand washing and use of the bathroom. Please see attached house plan.

2) My home is the principal use of our home/ residence. The home occupation will be the secondary use. I, Andrea, have lived in Hudson with my husband, Kenneth Kleiner Jr. since May 1993. My husband has lived in Hudson for 40 years.. We have lived at our current home, 15 Sand Hill Rd, since November 1999 and have raised our 3 children in Hudson.

3) My Family Based Child Care Program will be carried out within the residence with the exception of (1) drop off and pick up, (2) the 5 to 10 minutes before pick up, and (3) for "Science experiments or observation", as addressed in question (6). See attached house plan for location of rooms to be used. The areas that the children will be in at various times include our mudroom (for entry and exit), our kitchen (for passing from the mudroom to the living room), the living room where the preschool program will take place and the 1st floor bathroom.

4) There will be no sign variations and no variations from the primary residential character of the building.

5) I will not be adding or using any additional exterior storage.

6) There will be no noise as listed as part of the daily operation with the exception of

- a. Drop off and pick up when we will be outside waiting
- b. Having the children outside on my driveway and a small portion of our front lawn for 5-10 minutes before pick up
- c. The children and I using our front lawn or back yard for science experiments or observation.

During these times I will be reminding the children to be using their outside voices within reason.

- **Child Drop Off and Pick Up:** Child drop off will be handled such that I will go to the parent's car instead of the parent bringing the child to me. Conversely, child pick up will be such that the child will be brought out to their car instead of the parent needing to come and get the child from my home. This manner of drop off and pick up will avoid the situation where a parent would have to also take other children in their care out of their car to come to my door. As well, preschool

children tend to have less difficulty separating from their caregiver when it is done quickly and with their friends.

- **Outside Play:** Although our back yard has a fence on 2 sides (the right side, and back) I do not plan on having outdoor play time in a playground setting. Preschool is only 2 ½ hours long, and I plan on doing appropriate gross motor activities inside during class time. I would like to have the children go outside 5 to 10 minutes before pick up (when the weather permits) to draw with chalk on the driveway and do simple things such as bubbles or read a story under a tree. It is important that children get fresh air and sunlight and this may be their only time in their day to do so. I will put out a portable gate near the end of the driveway to have a “border” for the children to stay behind when outside. This will also make pick up time more enjoyable for everyone, weather permitting. We would also like to be able to go outside for “**science**” reasons such as a leaf hunt, nature hunt, observation of things in nature in which the children will be using their outside voices within reason.

7) The traffic generated by the home occupation will not be substantially greater in volume than normally expected in our neighborhood. Our road can be used as a cut through between Dracut Rd and River Rd. so traffic is ever changing day by day. I am adding 6 cars (at the most) for drop off at 9am, & 12:30pm, and pick up at 11:30am & 3pm.

- **Traffic Concerns:** I will instruct my students’ parents/guardians to please respect the fact that I am in a neighborhood. This means that I will be reminding them to not exceed the neighborhood speed limit, to not block my neighbor’s driveways, and to not idle their vehicle when waiting for more than 5 minutes. I do not think that blocking driveways will be an issue as there will only be 6 vehicles at my house at one time (as stated above). The map of my neighborhood shows that there is enough room for these vehicles to line up from the corner of Sand Hill Rd and Leonard Ave. to our driveway. Child drop off will be handled such that I will go to the parent’s car instead of the parent bringing the child to me. Conversely, child pick up will be such that the child will be brought out to their car instead of the parent needing to come and get the child from my home. This manner of drop off and pick up will avoid the situation where a parent would have to also take other children in their care out of their car to come to my door. As well, preschool children tend to have less difficulty separating from their caregiver when it is done quickly and with their friends.

8) In regards to parking, the parents and guardians will be asked to line up their cars along the edge of our property on Sand Hill Rd. The first car will start in front of our driveway(at the end) and each car will line up behind the previous car. As stated before there will be a maximum of 6 cars at each drop off or pick up time, which should go no further than before the corner, onto Leonard Ave.

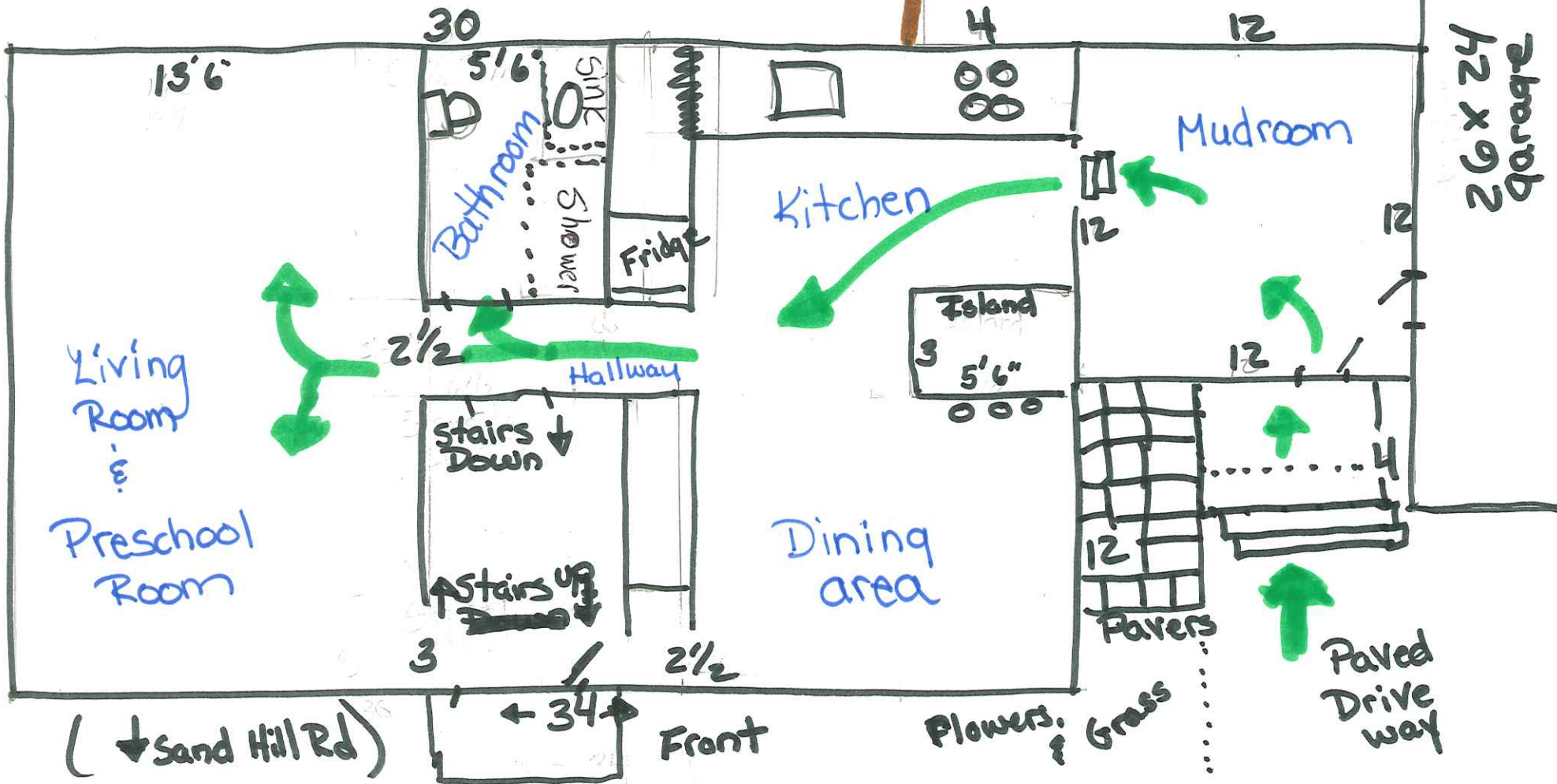
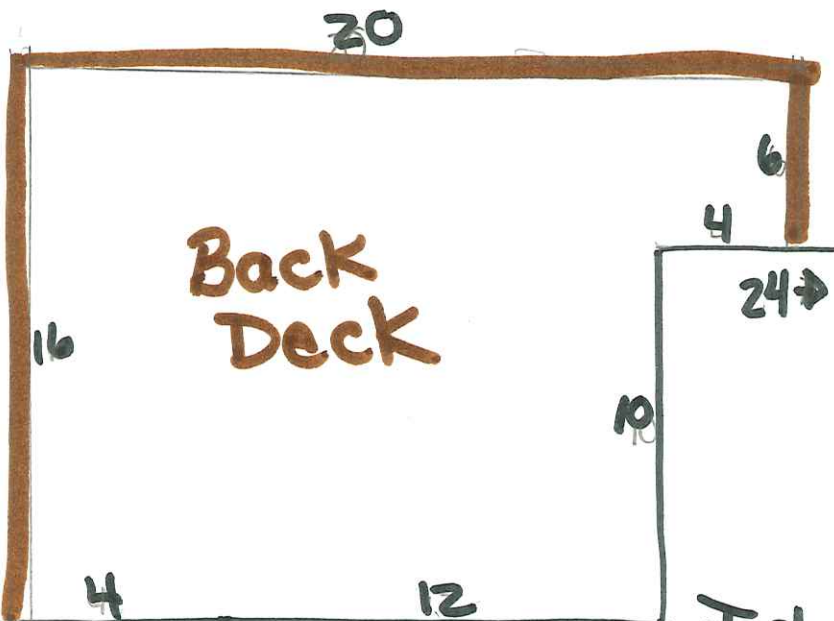
If this plan is not acceptable, I will have the cars pull into our driveway. We can fit 2 cars in front of the garage, 1 in front of the side door stairs, and hopefully 3 cars going down our driveway (as long as they are not all long minivans). This will not be the best option due to having to back out of the driveway 1 by 1, last to come is first to leave and first to come is last to leave. Also for those who have other children to transport to elementary school this will make it difficult for them to do so time wise.

9) I, Andrea Kleiner, will be conducting the home occupation. I currently hold a NH Teacher Certification with an endorsement of Early Childhood Education, I also plan to renew my First Aid and CPR Certification before opening this business. and will be updating each as needed. As stated before, I am currently working with State Licencing to be a State Licenced Family Based Child Care Program.

- I have worked in the Hudson School district for over 14 years as a Monitor, Substitute Teacher, Preschool para, Long Term Substitute Preschool Teacher, and even as a 1st grade PE teacher for 1 and ½ months while the district was in the process of hiring a new PE teacher.

10) We will not be using any vehicles for our home use occupation.

(↑ Leonard Ave)



(↓ Sand Hill Rd)

24



# TOWN OF HUDSON

## Land Use Division

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



### Zoning Determination # 21-049

March 18, 2021

Andrea Kleiner  
15 Sand Hill Rd  
Hudson, NH 03051

RE: 15 Sand Hill Rd Map 247 Lot 130-000  
District: Residential One (R-1)

JB Lot 139-000 or 130-000

Dear Ms. Kleiner,

**Request:** To operate a home preschool, and available options of such.

**Information:**

The Town Zoning Ordinance uses the following definitions pertaining to childcare/daycare:

**GROUP CHILD DAY-CARE CENTER**-A child day-care agency in which child day care is provided for preschool children and up to five school-age children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day-care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

**FAMILY GROUP DAY-CARE HOME**-An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.

**FAMILY DAY-CARE HOME**-An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to six children from one or more unrelated families. The six children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the six children, up to three children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.

**DAY-CARE NURSERY**-A child day-care agency in which child day care is provided for any part of a day, for five or more children under the age of three years.

**CHILD DAY-CARE AGENCY**-Any person, corporation, partnership, voluntary association or other organization, either established for profit or otherwise, which regularly receives for child day care one or more children, unrelated to the operator or staff of the agency. The total number of hours in which a child

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

may remain in child day care shall not exceed 13 hours per day, except in emergencies. The types of child day-care agencies are defined as follows:

A. PRESCHOOL PROGRAM -A child day-care agency providing care and a structured program for children three years of age and older who are not attending a full-day school program. The total amount of hours a child may be enrolled in a preschool program shall not exceed five hours per day.

**Zoning Review/Determination:**

You would need to apply for and receive approval for a Home Occupation Special Exception from the Zoning Board of Adjustment (ZBA) to conduct such activities above.

Please be clear on your application and to the ZBA Board, as to which type "program" you are requesting from the State.

You would need a variance if you want to conduct a Family Group Day-Care home, please check the definitions above.

Provide plans of the house/daycare activities occur, as well as outdoor spaces for play areas etc..

If you are approved you would need a building permit and/or Life Safety inspections, please contact Inspectional Services @ (603) 886-6005 for details etc.

Sincerely,

*Bruce Buttrick*

*Bruce Buttrick*

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

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

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

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

**He-C 4002.31 Family Based Programs.**

**He-C 4002.31 Family Based Programs.**

(a) Family and family group child care homes shall comply with He-C 4002.01 through He-C 4002.30 and this section.

(b) To qualify as a family child care provider, an individual shall be:

(1) At least 21 years of age; or

(2) At least 18 years of age and submit with his/her application documentation that he or she has a high school diploma or general equivalency diploma and at least one of the following:

a. Successful completion of a 2 year child care curriculum approved by the department of education; or

b. College courses, totaling 6 credits, in child development, early childhood, or elementary education, or other field of study focused on children, including at least one 3-credit course in child growth and development, from a regionally accredited college.

(c) A family child care worker shall be 18 years of age or older.

(d) A family child care assistant, whether paid or volunteer, shall:

(1) Be 16 years of age or older; and

(2) Work under the direct observation and supervision of the family child care provider or a family child care worker at all times.

(e) A family based program may employ substitute staff who meet the age requirements of the staff position for whom they are substituting and assume the responsibilities of any child care personnel on an emergency or temporary basis for not more than 90 consecutive days and not more than a maximum of 120 days in a 12-month period.

(f) Family child care providers and family child care workers shall complete professional development requirements in accordance with He-C 4002.30.

(g) Documentation of professional development requirements shall be maintained at the program and available for review by the department.

(h) A junior helper in any family based program, whether paid or volunteer, shall:

(1) Be at least 14 years of age;

(2) Work with children only under the direct supervision and observation of a staff person who meets at least the minimum qualification of a family child care worker;

(3) Not be calculated in staff to child ratios as specified in He-C 4002.31(m)-(p); and

(4) Not be required to complete professional development hours as specified in He-C 4002.30.

(i) Except in emergencies, a family or family group child care provider, worker, assistant or aide shall not provide family or family group child care services for more than 12 hours in any 24 hour period.



**He-C 4002.31 Family Based Programs.**

(j) The license capacity for family or family group child care homes shall include the provider's own, foster, and resident children up to 10 years of age, when they are present.

(k) The department shall allow family and family group child care homes to fill vacant slots for preschool-age children with school-age children who are enrolled in and attending a full day school program, up to their maximum license capacities.

(l) In a family child care home the maximum number of children that one family child care provider or family child care worker can care for shall be 6 preschool children plus 3 school-age children who are enrolled in and attending a full day school program, provided that:

- (1) Of the 6 preschool children, no more than 4 children are younger than 36 months of age; and
- (2) Of the 6 preschool children, no more than 2 children are younger than 24 months of age.

(m) In a family child care home the maximum number of children that a family child care provider and a family child care worker or assistant can care for shall be 6 preschool children plus 3 school-age children who are enrolled in a full day school program, provided that, of the 6 preschool children, no more than 4 children are younger than 36 months of age.

(n) Family group child care homes in which a family child care provider or family child care worker is working alone shall comply with the limits for a family child care home with one provider as specified in (m) above.

(o) In a family group child care home the maximum number of children that a family group child care provider and a family child care worker or assistant may care for shall be 12 preschool children plus 5 school-age children enrolled in a full day school program, provided that, of the 12 preschool children, no more than 4 children are younger than the age of 36 months.

(p) Family based programs may care for a child in the foster care system who is younger than 6 weeks of age provided:

- (1) They have received prior approval from the department and local fire inspector; and
- (2) In doing so, they will not exceed the limits in (m) and (n) above.

(q) The department shall not grant approval for (p) above if the program has not corrected violations identified on a statement of findings.

247 139 000  
MAP LOT SUB

1 of 1 RESIDENTIAL  
CARD Hudson

Total Card / Total Parcel  
APPRaised: 300,200 / 300,200  
USE VALUE: 300,200 / 300,200  
ASSESSed: 300,200 / 300,200



**PROPERTY LOCATION**

No	Alt No	Direction/Street/City
15		SAND HILL RD, HUDSON

**OWNERSHIP**

Owner 1	Owner 2	Owner 3	Street	City	State	Postal
KLEINER, KENNETH F., JR.	KLEINER, ANDREA D.		15 SAND HILL ROAD	HUDSON	NH	03051

**PREVIOUS OWNER**

Owner 1	Owner 2	Street	City	State	Postal
KLEINER, KENNETH F., JR., TR. -	KLEINER, ANDREA D., TR. -	15 SAND HILL ROAD	HUDSON	NH	03051

**NARRATIVE DESCRIPTION**

This parcel contains .868 ACRES of land mainly classified as ONE FAMILY with a COLONIAL Building built about 1978, having primarily VINYL Exterior and 1844 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 0 HalfBath, 8 Rooms, and 4 Bdms.

**OTHER ASSESSMENTS**

Code	Desc/No	Amount	Com. Int.

**PROPERTY FACTORS**

Item	Code	Description	%	Item	Code	Description
	R1	RESD ONE		Water	3	TOWN WATE
				Sewer	0	SEPTIC
				Electr		
				Exmpt		
				Topo	1	LEVEL

**LAND SECTION (First 7 lines only)**

Parcel No	Description	Area	Unit Price	Adj	Net	Net	Net	Net	Net	Net	Appraised Value	Alt Class	Spec Land Code	Fact Use Value	Notes
101	ONE FAMILY	0.868									115,248			115,200	

**IN PROCESS APPRAISAL SUMMARY**

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
101	0.868	183,600	1,400	115,200	300,200		2439
	0.868	183,600	1,400	115,200	300,200	Entered Land Size	GIS RA
	0.868	183,600	1,400	115,200	300,200	Total Land 0.868	GIS RA
		Source Market Adj Cost		Total Value per SQ Unit (Card)	162.80	Parcel 162.80	Insp Date
						Landlight type	10/26/18
							1490!

**PREVIOUS ASSESSMENT**

Year	Use	Code	Value	Yd Items	Land Size	Land Value	Total Value	Assesd Value	Notes	Date
2020	101	FV	183,600	1400	.868	115,200	300,200	300,200	Year End Roll	8/27/2020
2020	101	JB	183,600	1400	.868	115,200	300,200	300,200	Year End Roll	5/6/2020
2019	101	FV	183,600	1400	.868	115,200	300,200	300,200	Year End Roll	9/16/2019
2019	101	JB	183,600	1400	.868	115,200	300,200	300,200	Year End Roll	5/8/2019
2018	101	FV	179,400	4700	.868	115,200	299,300	299,300	Year End Roll	8/27/2018
2018	101	JB	179,400	4700	.868	115,200	299,300	299,300	Year End Roll	5/9/2018
2017	101	FV	179,400	4700	.868	115,200	299,300	299,300	Year End Roll	10/26/2017
2017	101	PV	179,400	4700	.868	115,200	299,300	299,300	Year End Roll	8/28/2017

**SALES INFORMATION**

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
KLEINER, KENNET	8869-1627	2	6/27/2016	NON-MARKET		No	No		
KLEINER, KENNET	8866-2995	2	6/17/2016	NON-MARKET		No	No		
ORZE, MARK J.	6180-1284		11/4/1999		170,000	No	No		
ORZE, MICHAEL/D	6051-1894		1/13/1999	UNCLASSIFIED		No	No		
HERRICK, DAVID	5553-66		6/1/1994		116,000	No	No		
	2626-0369		7/27/1978			No	No		

**BUILDING PERMITS**

Date	Number	Descp	Amount	C/O	Last Visit	Fed Code	F Descp	Comment
5/23/2012	2012-00286	DECK	2,000	C				CONST 10x15 POOL D
5/7/2010	2010-88-1-E	ELECTRIC	2,000	C				Electrical work fo
3/24/2010	2010-88	AB-GRND	1,000	C				

**ACTIVITY INFORMATION**

Date	Result	By	Name
10/26/2018	Entry Denied	18	KRT1
10/26/2018	Measured	18	KRT1
9/25/2012	Permit Visit	12	TECH ASMNT
8/5/2011	Meas/Inspect	14	APPR TECH 4
3/31/2011	Permit Visit	14	APPR TECH 4
6/6/2007	Measured	6	RB
7/26/2006	New Maps	4	APPR TECH II
7/6/2001	Meas/Inspect	0	PATRIOT
2/28/1991	Inspected	2	AVITAR

Sign VERIFICATION OF VISIT NOT DATA

Total ACHA 0.86800 Total SF/GM 37810 Parcel LUC 101 ONE FAMILY Prime NB Desc RES GD Total 115,248 Sp/Credit Total 115,200

EXTERIOR INFORMATION

Type: 06 - COLONIAL  
 Sty Ht: 2 - TWO STY  
 (Liv) Units: 1 Total: 1  
 Foundation: 1 - CONCRETE  
 Frame: 1 - WOOD  
 Prime Wall: 04 - VINYL  
 Sec Wall: %  
 Roof Struct: 1 - GABLE  
 Roof Cover: 1 - ASPH SHING  
 Color: CREAM  
 View / Desir:

BATH FEATURES

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

COMMENTS

2018: REF INT, LEFT LETTER.

GENERAL INFORMATION

Grade: B- - GOOD/AVG  
 Year Bilt: 1978 Eff Yr Bilt:  
 Alt LUC: Alt %:  
 Jurisdic: Fact:  
 Const Mod:  
 Lump Sum Adj:

OTHER FEATURES

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

CONDO INFORMATION

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

RESIDENTIAL GRID

1st Res Grid Desc: CONV # Units 1  
 Level FY LR DR D K FR RR BR FB HB L O  
 Other:  
 Upper:  
 Lvl 2:  
 Lvl 1:  
 Lower:  
 Totals RMs: 8 BRs: 4 Baths: 1 HB

REMODELING

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

RES BREAKDOWN

No Unit	RMS	BRS	FL
1	8	4	M
Totals			
1	8	4	

INTERIOR INFORMATION

Avg Ht/FL: STD  
 Prim Int Wal: 1 - DRYWALL  
 Sec Int Wall: %  
 Partition: T - TYPICAL  
 Prim Floors: 03 - HARDWOOD  
 Sec Floors: 05 - LINOVINYL 13%  
 Bsmnt Flr: 12 - CONCRETE  
 Subfloor:  
 Bsmnt Gar:  
 Electric: 3 - TYPICAL  
 Insulation: 2 - TYPICAL  
 Int vs Ext: S -  
 Heat Fuel: 1 - OIL  
 Heat Type: 3 - FORCED HW  
 # Heat Sys: 1  
 % Heated: 100 % AC: 0  
 Solar HW: NO Central Vac: NO  
 % Com Wal % Sprinkled

DEPRECIATION

Phys Cond: AG - Avg-Good 30.0%  
 Functional: %  
 Economic: %  
 Special: %  
 Override: %  
 Total: 30.4%

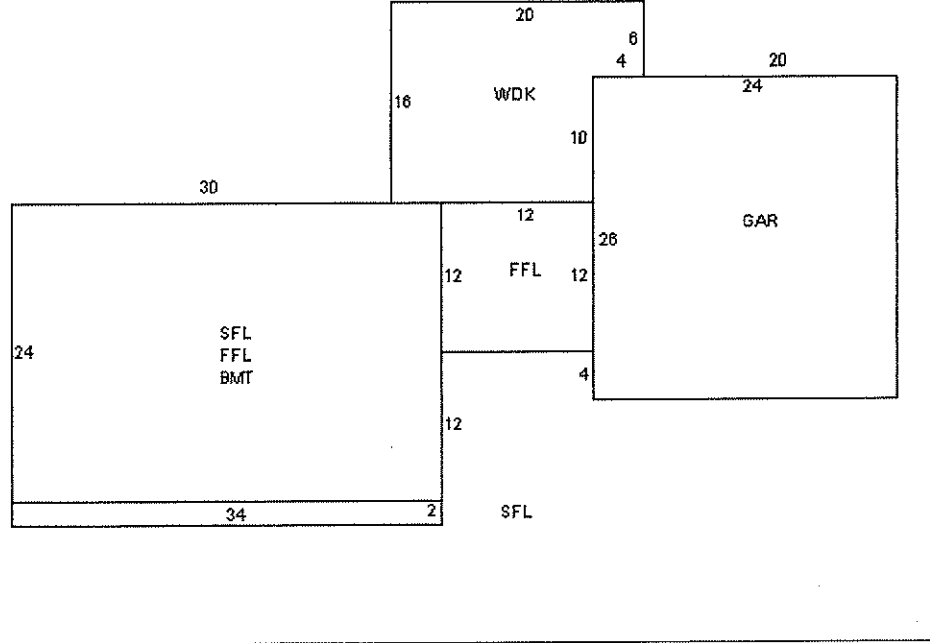
CALC SUMMARY

Basic \$ / SQ: 94.00  
 Size Adj.: 0.98806942  
 Const Adj.: 0.99577796  
 Adj \$ / SQ: 92.486  
 Other Features: 7700  
 Grade Factor: 1.20  
 NBHD Inf: 1.00000000  
 NBHD Mod:  
 LUC Factor: 1.00  
 Adj Total: 263818  
 Depreciation: 80201  
 Depreciated Total: 183617

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAvs/SQ:	AvRate:	Ind.Val		
	Juris. Factor:	Before Depr: 110.98		
	Special Features: 0	Val/Su Net: 51.52		
	Final Total: 183600	Val/Su SzAdj: 99.57		

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	
FFL	FIRST FLOOR	960	92.490	88,787	
SFL	SECOND FLR	884	92.490	81,758	
BMT	BASEMENT	816	20.440	16,679	
GAR	GARAGE	624	33.380	20,827	
WDK	WOOD DECK	280	14.640	4,098	
Net Sketched Area:		3,564	Total:	212,149	
Size Adj	1844	Gross Area	3564	FinArea	1844

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Ten
BMT	100	RRM	70 AV		

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

SPEC FEATURES/YARD ITEMS

Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
2	SHED-WOOD	D Y	1	12X12	AV	AV	1978	23.26	T	58.5	101			1,400			1,400
7	POOL-AG-CIR	D Y	1	28	AV	GD	2010	0.00	T	8.4	101						
221	POOL DECK	D Y	1	10X16	AV	AV	2012	0.00	T	0	101						

More: N Total Yard Items: 1,400 Total Special Features: Total: 1,400

IMAGE

AssessPro Patriot Properties, Inc



# GIS Map- 15 Sand Hill Rd (Map/Lot 247-139-000)



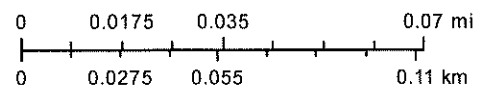
March 19, 2021

Legend

Parcels - Aerials

 Parcels

1:2,094





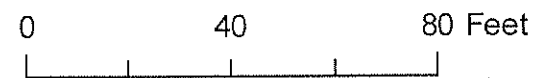
# 15 Sand Hill Rd - parking



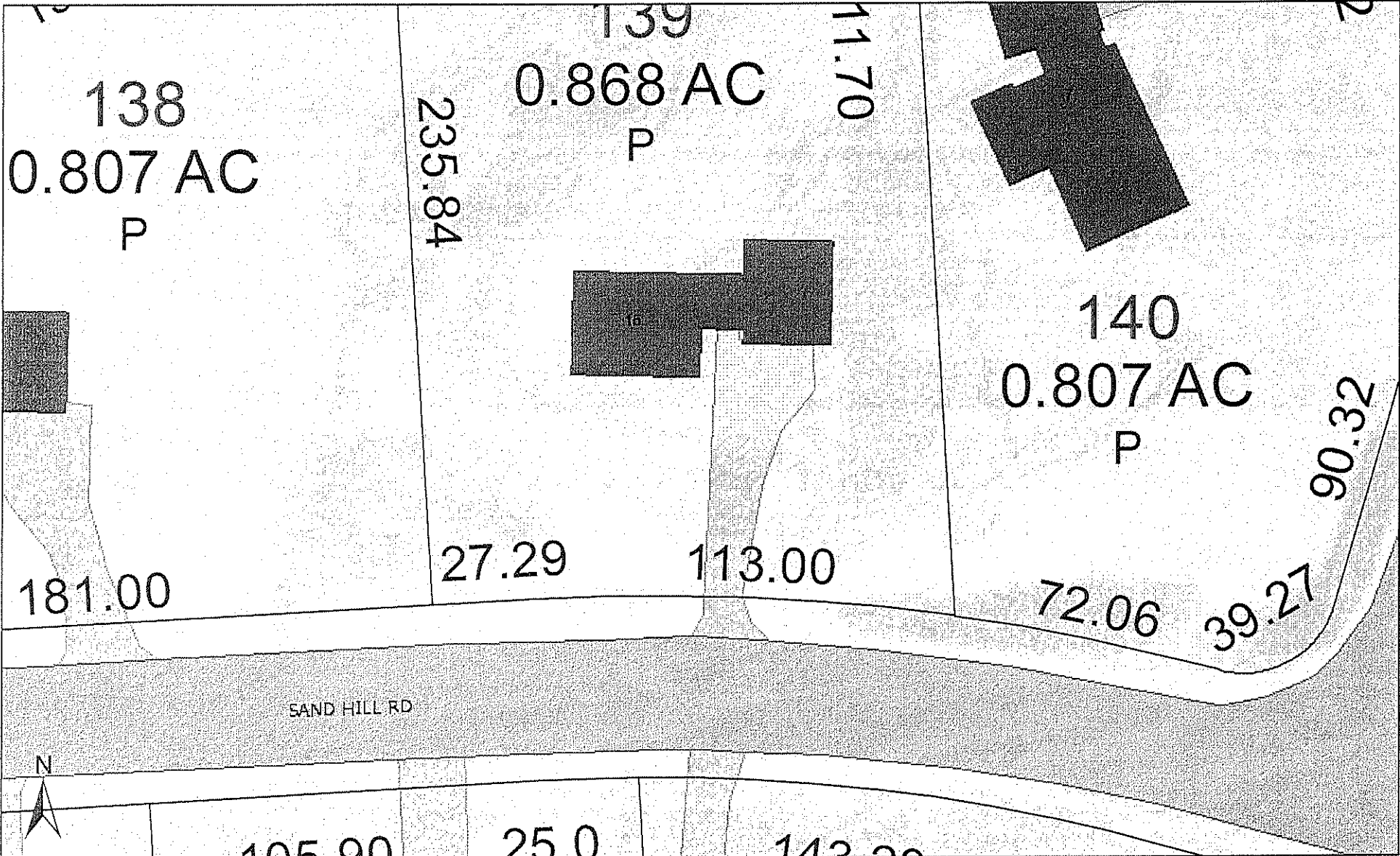
March 29, 2021

1 inch = 37 feet

-  Parcels - Aerials
-  Parcels



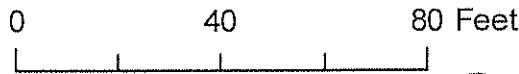
15 Sand Hill Rd - parking



March 29, 2021

1 inch = 37 feet

Parcels



Printed  
3/29/2021  
2:22PM  
Created  
3/29/2021  
2:17 PM

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

Receipt# 635,276  
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application- 4/22/21 ZBA Mtg 15 Sand Hill Rd Map/Lot 247-139-000 Variance Application	0.00	159.8500	0.00
			Total:	159.85

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Ken F., Jr & Andrea D. Kleiner	CHECK	CHECK # 2844	159.85	0.00	159.85
			Total Due:		159.85
			Total Tendered:		159.85
			Total Change:		0.00
			Net Paid:		159.85

Printed  
 3/31/2021  
 4:20PM  
 Created  
 3/31/2021  
 4:15 PM

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

Receipt# 635,746  
 tgoodwyn

<u>Description</u>		<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>	
1.00	ZBA Application- 15 Sand Hill Road Map/Lot 247-139-000 Extra fee-ZBA App	0.00	4.1500	0.00	
			<b>Total:</b>	<b>4.15</b>	
<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Ken F & Andrea D. Kleiner	CHECK	CHECK 2846	4.15	0.00	4.15
			<b>Total Due:</b>		<b>4.15</b>
			<b>Total Tendered:</b>		<b>4.15</b>
			<b>Total Change:</b>		<b>0.00</b>
			<b>Net Paid:</b>		<b>4.15</b>





# 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: April 22, 2021 *BB 4-12-21*

**Case 174-080 (04-22-21):** Catherine Richard, 21 Derry St., Hudson, NH requests a Variance for a proposed 375 sqft. addition with encroachments of 0.8 ft into the required front yard setback of 30 ft., leaving 29.2 ft. of setback and 3.3 ft into the required side yard setback of 15 ft. leaving 11.7 ft.

**Address:** 21 Derry St

**Zoning district:** Town Residence (TR)

#### Summary:

Applicant requests a Variance to encroach minimally 0.8 ft in the front setback, and 3.3 ft into side setback leaving 11,7 ft of setback.

#### Property description:

Developed existing conforming (oversized) lot of record, with 14,592 sq ft where 10,000 sq ft is required and 120 ft of frontage where 90 ft is required.

#### HISTORY:

None

#### In-House comments:

Engineering: no

Inspectional Services/Fire Dept: no

Town Planner: none received

#### Attachments:

“A” Assessing record.

“B” 2020 Aerial

“C” 1998 Aerial

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	101 - ONE FAMILY	141,400	0	72,200	0.34	0.00	213,600
2020	101 - ONE FAMILY	141,400	0	72,200	0.34	0.00	213,600
2019	101 - ONE FAMILY	141,400	0	72,200	0.34	0.00	213,600
2019	101 - ONE FAMILY	141,400	0	72,200	0.34	0.00	213,600
2018	101 - ONE FAMILY	141,400	0	72,200	0.34	0.00	213,600
2018	101 - ONE FAMILY	146,600	900	72,200	0.34	0.00	219,700
2017	101 - ONE FAMILY	146,600	900	72,200	0.34	0.00	219,700
2017	101 - ONE FAMILY	114,900	800	72,200	0.34	0.00	187,900
2017	101 - ONE FAMILY	146,600	900	72,200	0.34	0.00	219,700
2016	101 - ONE FAMILY	114,900	800	72,200	0.34	0.00	187,900
2016	101 - ONE FAMILY	114,900	800	72,200	0.34	0.00	187,900
2015	101 - ONE FAMILY	114,900	800	72,200	0.34	0.00	187,900
2015	101 - ONE FAMILY	114,900	800	72,200	0.34	0.00	187,900
2014	101 - ONE FAMILY	114,900	800	72,200	0.34	0.00	187,900
2014	101 - ONE FAMILY	114,900	800	72,200	0.34	0.00	187,900
2013	101 - ONE FAMILY	113,400	0	72,200	0.34	0.00	185,600
2013	101 - ONE FAMILY	113,400	0	72,200	0.34	0.00	185,600
2012	101 - ONE FAMILY	113,400	0	72,200	0.34	0.00	185,600
2012	101 - ONE FAMILY	118,300	0	102,700	0.34	0.00	221,000
2011	101 - ONE FAMILY	118,300	0	102,700	0.34	0.00	221,000
2011	101 - ONE FAMILY	118,300	0	102,700	0.34	0.00	221,000
2010	101 - ONE FAMILY	118,300	0	102,700	0.34	0.00	221,000
2010	101 - ONE FAMILY	118,300	0	102,700	0.34	0.00	221,000
2009	101 - ONE FAMILY	118,300	0	102,700	0.34	0.00	221,000
2008	101 - ONE FAMILY	118,300	0	102,700	0.34	0.00	221,000
2008	101 - ONE FAMILY	118,300	0	102,700	0.34	0.00	221,000
2007	101 - ONE FAMILY	118,300	0	102,700	0.34	0.00	221,000
2007	101 - ONE FAMILY	127,600	0	80,000	0.34	0.00	207,600
2006	101 - ONE FAMILY	127,600	0	80,000	0.34	0.00	207,600
2006	101 - ONE FAMILY	126,700	0	80,000	0.34	0.00	206,700
2005	101 - ONE FAMILY	126,700	0	80,000	0.34	0.00	206,700
2005	101 - ONE FAMILY	126,700	0	80,500	0.35	0.00	207,200
2004	101 - ONE FAMILY	126,700	0	80,500	0.35	0.00	207,200
2004	101 - ONE FAMILY	102,600	0	60,400	0.35	0.00	163,000
2003	101 - ONE FAMILY	102,600	0	60,400	0.35	0.00	163,000
2003	101 - ONE FAMILY	102,600	0	60,400	0.35	0.00	163,000
2002	101 - ONE FAMILY	102,600	0	60,400	0.35	0.00	163,000
2002	101 - ONE FAMILY	102,600	0	60,400	0.35	0.00	163,000
2001	101 - ONE FAMILY	61,400	0	42,500		0.00	103,900
2000	101 - ONE FAMILY	61,400	0	42,500	0.35	0.00	103,900

"A"

# 2020 Aerial



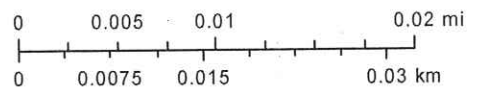
April 7, 2021

Legend

Parcels - Aerials

Parcels

1:612



"B"



1998 Aerial



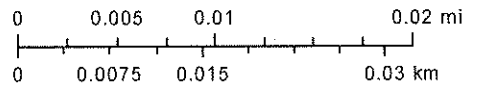
April 7, 2021

Legend

Parcels - Aerials

Parcels

1:612



C





TOWN OF HUDSON

APPLICATION FOR A VARIANCE

MAR 30 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. 174-080 (04-22-21)

Date Filed 3/30/21

Name of Applicant Catherine Richard Map: 174 Lot: 080 Zoning District: TR

Telephone Number (Home) 603-568-8832 (Work) Night shift call before 5pm

Mailing Address 21 Derry Street Hudson, N.H. 03051

Owner Kenneth & Catherine Richard & Cynthia Senechal

Location of Property 21 Derry St Hudson, N.H.  
(Street Address)

Catherine R Richard 03-20-2021  
Signature of Applicant Date

Kenneth R. Richard, Cynthia Senechal, Catherine R. Richard 03-20-2021  
Signature of Property-Owner(s) Date

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

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

<b>COST:</b>		Date received: <u>3/30/21</u>
Application fee: <u>.15</u>	\$130.00	
<u>7</u> Direct Abutters x \$4.10 =	<u>29.05</u>	
<u>14</u> Indirect Abutters x \$0.55 =	<u>7.70</u>	
<b>Total amount due:</b>	<u>\$166.75</u>	Amt. received: \$ <u>166.75</u>
Received by: <u>TSG</u>		Receipt No.: <u>635,748</u> <u>635,979</u>

chk #'s 156,157

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

\_\_\_\_\_ Engineering \_\_\_\_\_ Fire Department \_\_\_\_\_ Health Officer \_\_\_\_\_ Planner

# TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>CRR</u>	<p style="text-align: center;">11 single sided</p> <p>The applicant must provide <del>13</del> copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)</p>	<u>TG</u>
<u>CRR</u>	<p style="text-align: center;">11</p> <p>Before making the <del>13</del> copies, please review the application with the Zoning Administrator or staff.</p>	<u>TG</u>
<u>CRR</u>	<p>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.</p>	<u>TG</u>
<u>CRR</u>	<p>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.)</p>	<u>N/A</u>
<u>CRR</u>	<p>Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 &amp; 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The <u>abutter lists</u> 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.)</p>	<p>pending rec'd 3/30/21 Labels to be provided @ submission.</p>
<u>CRR</u>	<p>A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)</p>	<u>TG</u>
<u>CRR</u>	<p>A copy of the <b>Zoning Administrator's correspondence</b> 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.</p>	<p>missing rec'd 3/30/21</p>
<u>CRR</u>	<p>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.</p>	<u>N/A</u>

**PLOT PLAN-**

CRR

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

TG

a) CRR

The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.

TG

b) CRR

The plot plan shall be up-to date and dated, and shall be no more than three years old.

TG

c) CRR

The plot plan shall have the signature and the name of the preparer, with his/her/their seal.

TG

d) CRR

The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)

TG

e) CRR

The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements.

TG

f) CRR

The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.

TG

g) CRR

The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.

TG

h) CRR

The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.

TG

i) CRR

The plot plan shall indicate all parking spaces and lanes, with dimensions.

TG

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

Catherine K. Richard

Signature of Applicant(s)

03-29-21

Date

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

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

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

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

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



**ALL DIRECT ABUTTERS**

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
✓ 174	085	Herbert, Scott Herbert Revocable Trust	4 Foster Rd Merrimack NH 03054
✓ 174	081	Younghusband, Robert & Jennifer	19 Derry St Hudson, NH 03051
✓ 174	006	Melanson, Timothy & Patricia ANN	20 Derry St Hudson 03051
✓ 174	005	Meuse, Roger & Elaine trustees	18 Derry St Hudson 03051
✓ 174	004	Corcoran, Francis	339 Main St Nashua NH 03060
✓ 174	080	Richard, Ken & Catherine	21 Derry St Hudson NH 03051
✓ 174	086	Wilson, Gary & Pamela A	3 Lee Way Hudson NH 03051

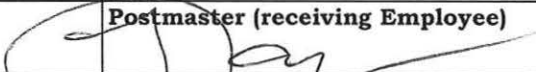
ALL INDIRECT ABUTTERS WITHIN 200 FEET

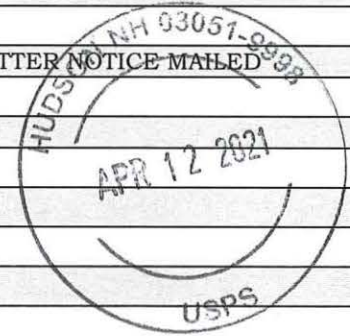
RECEIVED

Richard  
Various  
21 Amy

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
✓ 174	078	Zheng, Genghe chin YE CHAC Trust 2014	3 Ricky DR Hudson 03051
✓ 174	079-3	Zou, Zong Tan Shi HUA	6 Lee Way Hudson NH 03051
✓ 174	079-5	Martin, Christopher B & Amber	7 Leeway Hudson NH 03051
✓ 174	087	Teal, Richard Scott	10 Highland St Hudson
✓ 174	084	Morgan, Richard & Blanch Morgan Family Rev trust	8 Highland St Hudson
✓ 174	088	Reney, Michael	12 Highland St Hudson
✓ 174	083	Morgan, Harold & Catherine Morgan Revocable trust	6 Highland St Hudson
✓ 174	082	JENNCO Realty LLC	9 Broadview Dr Litchfield NH 03052
✓ 174	002	French, Elizabeth Trustee	12 Derry St Hudson NH 03051
✓ 174	003	Sullivan J Gregory	18 Louisburg Circle Exeter, NH 03833
✓ 174	008	Justine Mary Holdings Inc	214 Central St Hudson NH 03051
✓ 174	009	Smilikis, William J	2 Leslie St Hudson NH 03051
✓ 174	007	Andre-Neto, Zacharias Andre-maria Elizabeth	22 Derry St Hudson, NH 03051
✓ 174	079-02	Young, Robert Hugh & Barbara Ellen CHIRONE	25 Derry St Hudson NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 174-080 21 Derry Street Map 174/Lot 080-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/22/2021 ZBA Meeting
1	7018 1130 0001 8114 2556	RICHARD, KENNETH & CATHERINE 21 DERRY ST., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	7018 1130 0001 8114 2563	CORCORAN, FRANCIS C.; CROWLEY, ROB C. 339 MAIN ST., NASHUA, NH 03060	ABUTTER NOTICE MAILED
3	7018 1130 0001 8114 2570	MEUSE, ROGER D. & ELAINE M., TRUSTEES; MEUSE JOINT REVOCABLE TRUST 18 DERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7018 1130 0001 8114 2587	MELANSON, TIMOTHY W. & PATRICIA ANN 20 DERRY ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7018 1130 0001 8114 2594	YOUNGHUSBAND, ROBERT & JENNIFER 19 DERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7018 1130 0001 8114 2600	HERBERT, SCOTT K., TR.; HERBERT REVOCABLE TRUST 4 FOSTER RD., MERRIMACK NH 03054	ABUTTER NOTICE MAILED
7	7018 1130 0001 8114 2617	WILSON, GARY A. & PAMELA H. 3 LEE WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8			
9			
10			
11			
12			
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office 7	Postmaster (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 174-080 21 Derry Street Map 174/Lot 080-000	VARIANCE 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address		04/22/2021 ZBA Meeting	
1	Mailed First Class FRENCH, ELIZABETH H., TRUSTEE 12 DERRY STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
2	Mailed First Class SULLIVAN, J. GREGORY 18 LOUISBURG CIR., EXETER, NH 03833		ABUTTER NOTICE MAILED	
3	Mailed First Class ANDRE-NETO, ZACHARIAS; ANDRE, MARIA ELIZABETH Z. 22 DERRY STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
4	Mailed First Class JUSTINE MARY HOLDINGS, INC 214 CENTRAL ST., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
5	Mailed First Class SMILIKIS, WILLIAM J., TR. ; SMILIKIS REV TRUST OF 2014 2 LESLIE STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
6	Mailed First Class ZHENG, GENGHE; CHIN YI CHAC, ISABEL CECILIA 3 RICKY DR., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
7	Mailed First Class YOUNG, ROBERT HUGH & BARBARA ELLEN CHIRONE 25 DERRY ST., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
8	Mailed First Class ZOU, ZONG TAN; LI, HUA 6 LEE WAY, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
9	Mailed First Class MARTIN, CHRISTOPHER B. & AMBER K 7 LEE WAY, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
10	Mailed First Class JENNCO REALTY, LLC 9 BROADVIEW DR., LITCHFIELD, NH 03052		ABUTTER NOTICE MAILED	
11	Mailed First Class MORGAN, HAROLD & CATHERINE , TRUSTEES; MORGAN REVOCABLE TRUST 6 HIGHLAND STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
12	Mailed First Class MORGAN, RICHARD & BLANCHE, TRUSTEES; MORGAN FAMILY REV TRUST 8 HIGHLAND STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
13	Mailed First Class TEAL, RICHARD SCOTT 10 HIGHLAND ST., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
14	Mailed First Class RENEY, MICHAEL 12 HIGHLAND STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
15				
	<b>Total Number of pieces listed by sender 14</b>	<b>Total number of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>	

TOWN OF HUDSON

APR 12 2021

Non-Direct First Class

Zoning Department

Mailed  
4/12/21 (76)

APPLICATION FOR A VARIANCE

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

Requesting variance for addition adding bedroom, New bathroom. The side requirement of 15 feet. Requesting 3.3 ft into side setback leaving 11.7 feet. Also, front requesting encroachment of 0.8 ft out of required 30ft leaving 29.2 ft setback.

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

**FACTS SUPPORTING THIS REQUEST:**

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

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

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

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

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

This Request does not threaten public health, safety or welfare of the public. The house will still be a ranch with a hip roof just longer. The siding that will be removed will be used in front to match original. This addition will add a bedroom needed and change the bathroom that has been there for 60 years.

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

The proposed use of the addition will have a fourth bedroom, extend the master bedroom and construct a new bathroom. This house hold has 3 children and 4 adults. The original bathroom is too small and in need of repair with mold in shower wall. The bathroom has been there for 61 years. We want to preserve and enhance the quality of life

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

The addition without the variance would be only 9 feet in ~~length~~ <sup>width</sup> making all the new rooms very narrow after mousing outside walls and siding about 8.5 feet wide. Moving the wall width to 10.5 feet would be more usable safe space.

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

Having 4 bedrooms and a newer bathroom brings up the value of this property, helping the new houses build next door keep their value.

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

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

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The house is currently oriented at a skewed angle in relationship to the lot. Any addition on the north side would be by the garage and not a practical addition for our needs. Thus, the only reasonable expansion/addition is on the south side of the existing house. Due to the skewed configuration of the house and the lot has the angled side lot line cause our planned expansion/addition to encroach minimally leaving 15-11 ft of side yard setback. Front yard setback encroachment is due to the skewed orientation of the house and is a minimum encroachment of 0.8 ft.

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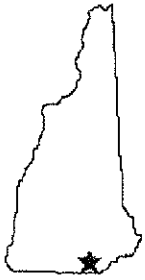
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# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #21-058

Catherine Richard  
21 Derry St  
Hudson, NH 03051

Re: 21 Derry St Map 174 Lot 080-000  
**District: Town Residence (TR)**

Dear Ms. Richard,

**Zoning Review / Determination:**

This is a developed conforming lot of record, with a single family use. The submitted plot plan indicates encroachments of 0.8 ft into the required front setback of 30 ft, leaving 29.2 ft of setback, and 3.3 ft into the required side setback of 15 ft leaving 11.7 ft.

To continue with this proposal you would need to do the following:  
Obtain a variance from the ZBA for relief from §334-27 Table of Minimum Dimensional Requirements.

Sincerely,

*Bruce Buttrick*

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

cc: Public Folder  
D. 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.*



174 080 000  
MAP LOT SUB

1 of 1 RESIDENTIAL  
CARD

Hudson

Total Card / Total Parcel  
APPRAISED: 213,600/ 213,600  
USE VALUE: 213,600/ 213,600  
ASSESSED: 213,600/ 213,600

PROPERTY LOCATION

Table with columns: No, Alt No, Direction/Street/City. Row 1: 21, DERRY ST, HUDSON

OWNERSHIP

Table with columns: Owner 1-3, Street 1-2, Twn/City, St/Prov, Postal. Owners: RICHARD, KENNETH; RICHARD, CATHERINE. Street: 21 DERRY ST. City: HUDSON. Postal: 03051-4007

PREVIOUS OWNER

Table with columns: Owner 1-2, Street 1, Twn/City, St/Prov, Postal. Owner 1: BRIAND, JOANNE V. Street: 21 DERRY STREET. City: HUDSON. Postal: 03051

NARRATIVE DESCRIPTION

This parcel contains .335 ACRES of land mainly classified as ONE FAMILY with a RANCH Building built about 1959, having primarily VINYL Exterior and 1176 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 0 HalfBath, 6 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Table with columns: Code, Descrpt/No, Amount, Com. Int. (Empty table)

PROPERTY FACTORS

Table with columns: Item, Code, Description, %, Item, Code, Description. Includes items for TOWN RES, TOWN WATE, TOWN SEWE, Exmpt, LEVEL, Gas.

LAND SECTION (First 7 lines only)

Table with columns: Use Code, Description, LUC Fact, No of Units, Depth/PriceUnits, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Influ, Neigh Mod, Inf 1, %, Inf 2, %, Inf 3, %, Appraised Value, Alt Class, % Spec Land, J Code, Fact, Use Value, Notes. Row 1: 101 ONE FAMILY, 0.335, SITE ACRE SITE, 0, 95,000, 2.27 RD, LOCATIC -5, 72,245, 72,200

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value, Legal Description, User Acct, GIS Ref, Insp Date. Total Card: 0.335, 141,400, 72,200, 213,600. Total Parcel: 0.335, 141,400, 72,200, 213,600. Source: Market Adj Cost. Total Value per SQ unit /Card: 181.63. /Parcel: 181.63. Land Unit Type: AC. User Acct: 2244. Insp Date: 04/18/14

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date. Includes years 2017-2020 with various use categories and values.

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Includes sales to BRIAND, BRUCE A; BRIAND, JOANNE; BRIAND, JOANNE; BRIAND, GEORGE; LOUGEE, ARTHUR L.

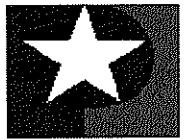
BUILDING PERMITS

Table with columns: Date, Number, Descrpt, Amount, C/O, Last Visit, Fed Code, F. Descrpt, Comment. Includes permits for ELECTRIC (11/22/2019) and DRIVEWAY (4/4/2019).

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name. Includes activities like Sale Data VI, Meas/Inspect, Inspected, Measured, New Maps, Meas/Inspect, Inspected.

Sign: VERIFICATION OF VISIT NCT DATA



Patriot Properties Inc.

USER DEFINED

Table with columns: Prior Id #, ASR Map, Fact Dist, Reval Dist, Year, Land Reason, Bid Reason, Civil District, Ratio. Includes values like 0051, 0076, 0000.

Total AC/HA: 0.33500 Total SF/SM: 14593 Parcel LUC: 101 ONE FAMILY Prime NB Desc: RES AV/FR Total: 72,245 Spl. Credit: Total: 72,200

**EXTERIOR INFORMATION**

Type:	19 - RANCH	
Sty Ht:	1 - ONE STY	
(Liv) Units:	1	Total: 1
Foundation:	1 - CONCRETE	
Frame:	1 - WOOD	
Prime Wall:	04 - VINYL	
Sec Wall:	26 - WOOD	10%
Roof Struct:	2 - HIP	
Roof Cover:	1 - ASPH SHING	
Color:		
View / Desir:		

**GENERAL INFORMATION**

Grade:	C - AVERAGE	
Year Blt:	1959	Eff Yr Blt:
Alt LUC:		Alt %:
Jurisdct:		Fact:
Const Mod:		
Lump Sum Adj:		

**INTERIOR INFORMATION**

Avg HVFL:	STD	
Prim Int Wall:	1 - DRYWALL	
Sec Int Wall:		%
Partition:	T - TYPICAL	
Prim Floors:	04 - CARPET	
Sec Floors:	03 - HARDWOO	33%
Bsmnt Flr:	12 - CONCRETE	
Subfloor:		
Bsmnt Gar:		
Electric:	3 - TYPICAL	
Insulation:	2 - TYPICAL	
Int vs Ext:	S	
Heat Fuel:	2 - GAS	
Heat Type:	3 - FORCED HW	
# Heat Sys:	1	
% Heated:	100	% AC: 100
Solar HW:	NO	Central Vac: NO
% Corn Wal:		% Sprinkled:

<b>MOBILE HOME</b>	Make:	Model:	Serial #:	Year:	Color:
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**SPEC FEATURES/YARD ITEMS**

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

More: N	Total Yard Items:	Total Special Features:	Total:
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**BATH FEATURES**

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

**OTHER FEATURES**

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

**CONDO INFORMATION**

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

**DEPRECIATION**

Phys Cond:	AV - Average	32.0%
Functional:		%
Economic:	L - LOCATION	5.0%
Special:		%
Override:		%
Total:		35.4%

**CALC SUMMARY**

Basic \$ / SQ:	105.00
Size Adj.:	1.26530612
Const Adj.:	0.98745453
Adj \$ / SQ:	131.190
Other Features:	6794
Grade Factor:	1.00
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	218942
Depreciation:	77505
Depreciated Total:	141436

**COMMENTS**

2014=OTHER FIX IS A SINK IN BMT.

**RESIDENTIAL GRID**

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

**REMODELING**

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

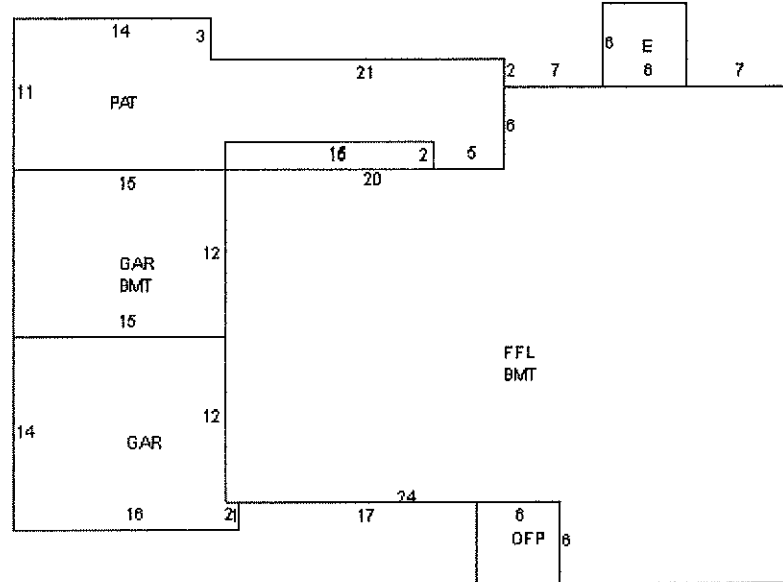
**RES BREAKDOWN**

No Unit	RMS	BRS	FL
1	6	3	M
<b>Totals</b>			
1	6	3	

**COMPARABLE SALES**

Rate	Parcel ID	Typ	Date	Sale Price

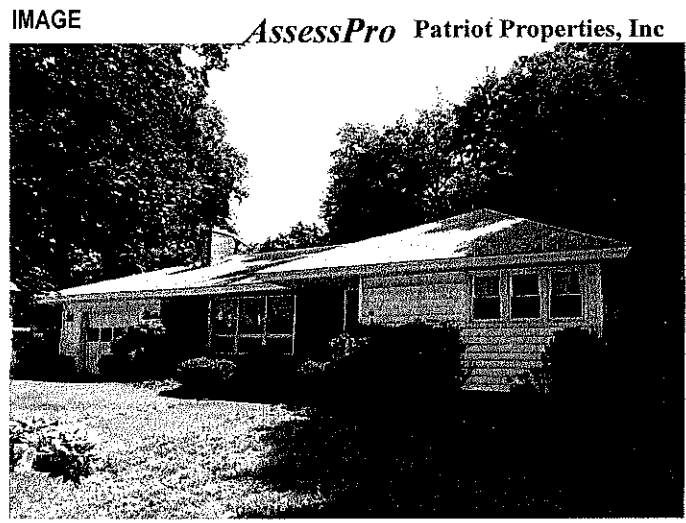
WAv\$/SQ:	AvRate:	Ind.Val
Juris. Factor:	Before Depr:	131.19
Special Features:	0	Val/Su Net: 43.00
Final Total:	141400	Val/Su SzAd: 120.24

**SKETCH****SUB AREA**

Code	Description	Area - SQ	Rate - AV	Undepr Value	
BMT	BASEMENT	1,356	28.400	38,514	
FFL	FIRST FLOOR	1,176	131.190	154,280	
GAR	GARAGE	392	38.170	14,963	
PAT	PATIO	292	7.350	2,146	
ENT	ENTRY	36	6.560	236	
OFF	OPEN PCH	36	55.800	2,009	
<b>Net Sketched Area:</b>		<b>3,288</b>	<b>Total:</b>	<b>212,148</b>	
Size Ad	1176	Gross Area	3288	FinArea	1176

**SUB AREA DETAIL**

Sub Area	% Usbl	Descrip	% Type	Qu #	Ten
BMT	100	RRM	55	AV	



AssessPro Patriot Properties, Inc



LEE WAY

203.86

80

0.335 AC

S

21

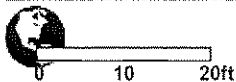
99.94

81

0.392 A

29.7

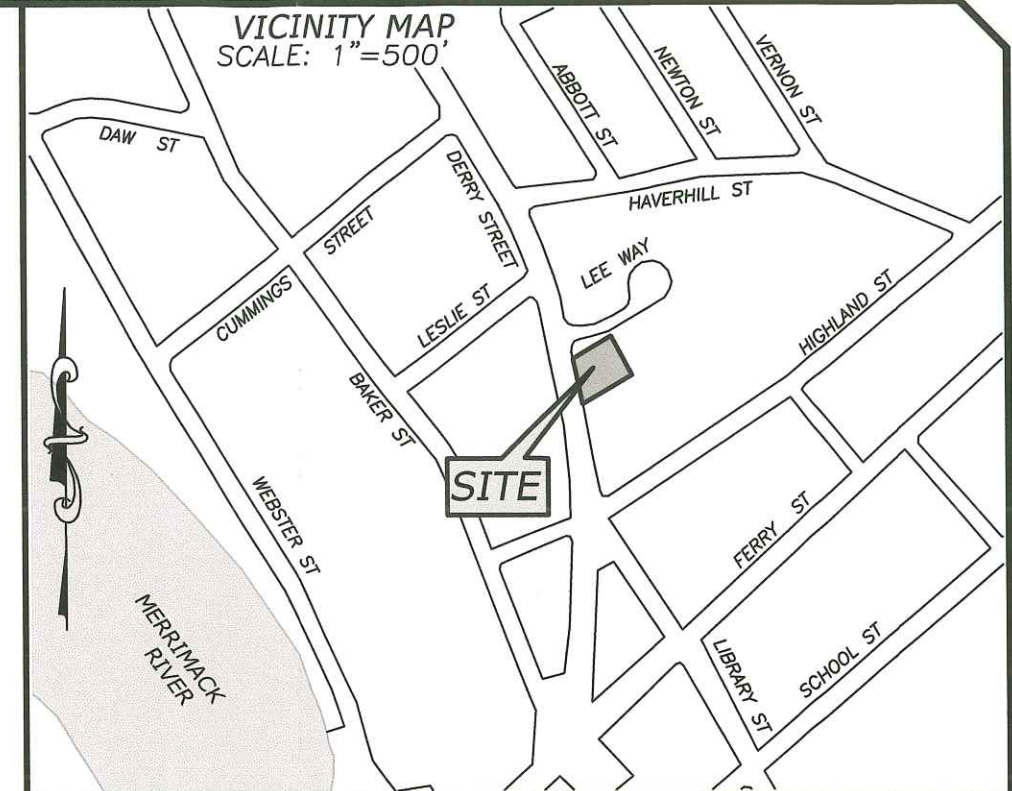
DERRY ST



PLAN NOTES:

- PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED IMPROVEMENTS AT HUDSON LOT 174/80.

**PLAN OF LAND  
21 DERRY STRETT  
HUDSON, NH  
MAP 174 LOT 80  
AS PREPARED FOR  
CATHERINE RICHARD**



REV. 2		BY:
REV. 1		BY:

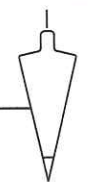
ZONING DISTRICT: TR  
REQUIRED SETBACKS:  
FRONT - 30 FEET  
SIDE - 15 FEET  
REAR - 15 FEET  
DEED REF: BK. 9058 PG. 2431  
PLAN SCALE: 1"=20'  
DATE: MAR 2021  
JOB REF.: 020-051-RICH



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

**JEFFREY LAND SURVEY LLC**

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



Printed  
3/31/2021  
4:26PM  
Created  
3/31/2021  
4:20 PM

# Transaction Receipt

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

Receipt# 635,748  
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-4/22/21 ZBA Meeting 21 Derry Street Map/Lot 174-080-000 Variance Application	0.00	165.8500	0.00
			Total:	165.85

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Catherine & Kenneth Richard	CHECK	CHECK # 156	165.85	0.00	165.85
			Total Due:		165.85
			Total Tendered:		165.85
			Total Change:		0.00
			Net Paid:		165.85

Printed  
4/02/2021  
9:55AM  
Created  
4/02/2021  
9:51 AM

# Transaction Receipt

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

Receipt# 635,979  
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-4/22/21 ZBA Meeting 21 Derry Street Map/Lot 174-080-000 Variance-fee balance	0.00	0.9000	0.00
			Total:	0.90

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Catherine & Kenneth Richard	CHECK	CHECK # 157	0.90	0.00	0.90
			Total Due:		0.90
			Total Tendered:		0.90
			Total Change:		0.00
			Net Paid:		0.90



# 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: April 22, 2021 BB 4-22-21

**Case 111-017 (04-22-21):** Elvis Dhima, Hudson Town Engineer and authorized representative, 12 School Street, Hudson, NH requests a Variance for **151 Robinson Rd., Hudson, NH** to allow a front yard setback of 30 feet where 50 feet is required.

**Address:** 151 Robinson Rd

**Zoning district:** General One (G-1)

#### Summary:

Applicant requests a variance approval for construction of a SFR in the front setback, encroaching 20 ft, leaving 30 ft, where 50 ft is required.

#### Property description:

This is a vacant existing non-conforming lot of record. Created (approved) in 1969.

#### In-House review/comments:

Town Engineer: no

Inspectional Services/Fire Dept: no

Town Planner: none received

#### HISTORY:

ZBA Denial for 25 ft variance 2020

#### Attachments:

“A” Assessing record.

“B” ZBA NOD denial

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2020	903 - TOWN PROP	0	0	30,400	0.95	0.00	30,400
2020	903 - TOWN PROP	0	0	30,400	0.95	0.00	30,400
2019	903 - TOWN PROP	0	0	30,400	0.95	0.00	30,400
2019	903 - TOWN PROP	0	0	81,100	0.95	0.00	81,100
2018	903 - TOWN PROP	0	0	81,100	0.95	0.00	81,100
2018	903 - TOWN PROP	0	0	81,100	0.95	0.00	81,100
2017	903 - TOWN PROP	0	0	81,100	0.95	0.00	81,100
2017	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2017	903 - TOWN PROP	0	0	81,100	0.95	0.00	81,100
2016	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2016	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2015	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2015	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2014	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2014	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2013	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2013	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2012	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2012	903 - TOWN PROP	0	0	103,300	0.95	0.00	103,300
2011	903 - TOWN PROP	0	0	103,300	0.95	0.00	103,300
2011	903 - TOWN PROP	0	0	103,300	0.95	0.00	103,300
2010	903 - TOWN PROP	0	0	103,300	0.95	0.00	103,300
2010	903 - TOWN PROP	0	0	103,300	0.95	0.00	103,300
2009	903 - TOWN PROP	0	0	103,300	0.95	0.00	103,300
2008	903 - TOWN PROP	0	0	103,300	0.95	0.00	103,300
2008	903 - TOWN PROP	0	0	103,300	0.95	0.00	103,300
2007	903 - TOWN PROP	0	0	103,300	0.95	0.00	103,300
2007	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2006	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2006	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2005	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2005	903 - TOWN PROP	0	0	77,500	0.95	0.00	77,500
2004	903 - TOWN PROP	0	0	77,100	0.93	0.00	77,100
2004	903 - TOWN PROP	0	0	58,700	0.93	0.00	58,700
2003	903 - TOWN PROP	0	0	58,700	0.93	0.00	58,700
2003	903 - TOWN PROP	0	0	58,700	0.93	0.00	58,700
2002	903 - TOWN PROP	0	0	58,700	0.93	0.00	58,700
2002	903 - TOWN PROP	0	0	58,700	0.93	0.00	58,700
2001	903 - TOWN PROP	0	0	44,500	0.93	0.00	44,500
2000	903 - TOWN PROP	0	0	44,500	0.93	0.00	44,500

"A"



Edward Sapienza  
Register of Deeds, Hillsborough County

FEES:	1050
SURCHARGE:	2-
CASH:	-

FILE  
COPY

A43

Send recorded copy to:

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

**NOTICE OF DECISION**

**Map 111 Lot 017-000, Zone G-1 (General-One), Case # 111-017**

**ZBA Decision 09/24/2020**

**Variance - DENIED**

Applicant Name & Address: Earl J. Sandford, PE, Sandford Surveying & Engineering,  
597 New Boston Road, Bedford, NH 03110

Property Location: 151 Robinson Road, Hudson, NH 03051

Property Owner: Town of Hudson, 12 School Street, Hudson, NH 03051

Relief sought: Variance to build a 28' x 48' two-bedroom house with a 25-foot front yard setback where 50 feet is required.

Zoning Ordinance Article: V §334-27, Table of Minimum Dimensional Requirements

**Relief denied:** After considering the applicant's testimony; composition of the neighborhood, historical change to the front setback requirements and wetlands protection, and consultation with Town Administrator regarding the Selectmen decision to sell the lot; and after review of the criteria for the granting of a Variance and determining that two of the five criteria were not satisfied, motion made, seconded and voted 4:1 to deny the relief sought. The request failed to satisfy criteria: #1 as it is contrary to public interest; and #2 as it does not observe the spirit of the Ordinance.

**NOTE:** All representations of fact or intention made during testimony and deliberation shall be considered factors of this denial. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

Charles J. Brackett, ZBA Chairman, Town of Hudson Signature

10-19-20

Date

Bruce Buttrick, Zoning Administrator, Town of Hudson Signature

10-19-20

Date

"B"



TOWN OF HUDSON

APR 01 2021

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment  
Zoning Department  
Town of Hudson

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

Case No. 111-017 (04-22-21)

Date Filed 4/1/21

Name of Applicant Town of Hudson Map: 111 Lot: 17 Zoning District: G-1

Telephone Number (Home) 603-886-6008 (Work) Same

Mailing Address 12 School Street

Owner Town of Hudson

Location of Property 151 Robinson Road  
(Street Address)

[Signature] Signature of Applicant Date 3-31-21

(see attached letter of authorization) Signature of Property-Owner(s) Date

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

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

**COST:**

Application fee: N/A ~~\$130.00~~

       Direct Abutters x \$4.10 =       

       Indirect Abutters x \$0.55 =       

**Total amount due:**        \$       

Date received:       

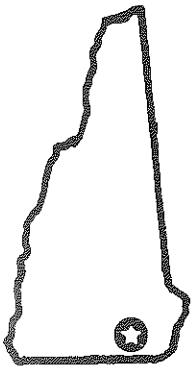
Amt. received: \$       

Receipt No.:       

Received by:       

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

       Engineering        Fire Department        Health Officer        Planner



**TOWN OF HUDSON**  
**Office of the Town Administrator**  
12 School Street  
Hudson, New Hampshire 03051



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Stephen A. Malizia, Town Administrator – [smalizia@hudsonnh.gov](mailto:smalizia@hudsonnh.gov) – Tel: 603-886-6024 Fax: 603-598-6481

To: Bruce Buttrick, Zoning Administrator

From: Steve Malizia, Town Administrator

Date: April 5, 2021

Re: 151 Robinson Road

At their meeting on April 24, 2018, the Board of Selectmen voted to sell Town owned, tax deeded properties located at 149 and 151 Robinson Road. The properties were acquired by tax deed in 1978. An abutter to one of properties (149) inquired as to whether the property was available for sale. After the properties were determined to be surplus to the Town's needs, the Selectmen voted to sell the properties to put them back on the tax rolls as it is in the Town's best interest to facilitate the lot being added back onto the tax rolls. The property located at 149 Robinson Road sold on October 17, 2018 for \$86,000. The property located at 151 Robinson Road is currently under an offer to purchase. In order to facilitate the sale of the property, Town Engineer Elvis Dhima, will be presenting a conceptual plan to the ZBA, Conservation Commission and Planning Board that may be used as the template for development of this property.

Should you have any questions or need additional information, please feel free to contact me. Thank you.

# 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>  EZD  </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>  EZD  </u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>  TG  </u>
<u>  EZD  </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>  EZD  </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.)	<div style="font-family: cursive; font-size: small;">           Rcvd 4/15/21 <del>pending</del> from S. Malizia         </div>
<u>  EZD  </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>  EZD  </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>  EZD  </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.	<div style="font-family: cursive; font-size: small;">           N/A conditional use app. required w/ Planning Board. (TG)         </div>

**PLOT PLAN-**

- EZD   Except for requests pertaining to above-ground pools, sheds, decks and use variances, *\* see proposed*  
the application must include a copy of a certified plot plan from a licensed land *Plan per*  
surveyor. The required plot plan shall include all of the items listed below. Pictures and *Town Engineer*  
construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted):
- a)    The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. \_\_\_\_\_
- b)   N/A   The plot plan shall be up-to date and dated, and shall be no more than three years old.     BB
- c)   EZD   The plot plan shall have the signature and the name of the preparer, with his/her/their seal. \_\_\_\_\_
- d)   N/A   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.)     BB
- e)   EZD   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)   EZD   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)   EZD   The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. \_\_\_\_\_
- h)   EZD   The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. \_\_\_\_\_
- i)   N/A   The plot plan shall indicate all parking spaces and lanes, with dimensions.     BB      
*(DRIVEWAY Permit)*

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

Signature of Applicant(s)

Date

3-31-21

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
111	16	<b>Deans, Marcus &amp; Angela</b>	<b>155 Robinson Road, Hudson, NH 03051</b>
111	18	<b>Flanagan, Michael A. &amp; Sandra S.</b>	<b>133 Robinson Road, Hudson, NH 03051</b>
111	17	<b>Town of Hudson</b>	<b>12 School Street, Hudson, NH 03051</b>
111 111	43 44	<b>Joan A. Wagner , Tr Joan A. Wagner Revocable Trust</b>	<b>150 Robinson Road, Hudson, NH 03051</b>

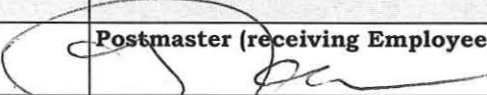
**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

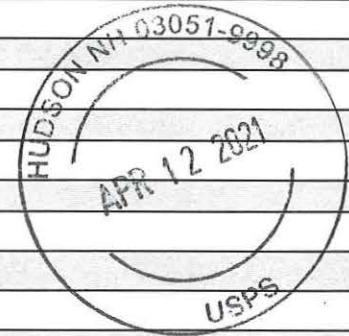
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found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

N/A

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
111	46-1	<b>Just, Peter J.</b>	<b>156A Robinson Road, Hudson, NH 03051</b>
111	46-2	<b>Sellingham, Brett A. &amp; Laurie A.</b>	<b>156B Robinson Road, Hudson, NH 03051</b>
111	46	<del><b>Robinson Road Condominiums</b></del>	<del><b>16 West Broadway, Derry NH 03038</b></del>
111	45	<b>Killius, Drew &amp; Beverly</b>	<b>154 Robinson Road, Hudson, NH 03051</b>
111	42	<b>Norman, Jonathan R. Jr &amp; Tanya L</b>	<b>148 Robinson Road, Hudson, NH 03051</b>
111	19	<b>Demers, Kevin C. &amp; Alicia D.</b>	<b>149 Robinson Road, Hudson, NH 03051</b>



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 111-017 151 Robinson Rd Map 111/Lot 017-000	VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/22/2021 ZBA Meeting	
1	Hand delivered 4/12/21 (TC)	TOWN OF HUDSON: ATTN: ELVIS DHIMA 12 SCHOOL STREET, HUDSON, NH 03051	APPLICANT NOTICE MAILED Hand delivered 4/12/21 (TC)	
2	7018 1130 0001 8114 2624	DEANS, MARCUS & ANGELA 155 ROBINSON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	7018 1130 0001 8114 2631	FLANAGAN, MICHAEL A. & SANDRA S. 133 ROBINSON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	7018 1130 0001 8114 2648	WAGNER, JOAN, TR.; JOAN A. WAGNER REVOCABLE TRUST 150 ROBINSON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5				
6				
7				
8				
9				
10				
11				
12				
	Total Number of pieces listed by sender 4 <sup>3</sup>	Total number of pieces rec'vd at Post Office 3	Postmaster (receiving Employee) 	



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 111-017 151 Robinson Rd Map 111/Lot 017-000	VARIANCE 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/22/2021 ZBA Meeting		
1	Mailed First Class DEMERS, KEVIN C. & ALICIA D. 149 ROBINSON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED		
2	Mailed First Class NORMAN, JONATHAN R. JR. & TAYNA L. 148 ROBINSON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED		
3	Mailed First Class KILLIUS, DREW & BEVERLY 154 ROBINSON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED		
4	Mailed First Class JUST, PETER J. 156A ROBINSON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED		
5	Mailed First Class SELLINGHAM, BRETT A. & LAURIE A. 156B ROBINSON RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED		
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
	<b>Total Number of pieces listed by sender 5</b>	<b>Total number of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>	

TOWN OF HUDSON  
APR 12 2021  
Zoning Department

*Mailed*  
*4/12/21*  
*TG*

APPLICATION FOR A VARIANCE

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

---

A variance for front yard setback allowing 30 feet where 50 feet is required per 334-27. This lot was created in the late 1960 and approved by the town and state.

---

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

**FACTS SUPPORTING THIS REQUEST:**

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

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

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

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

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

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

---

Existing developed lots in proximity to this one, such as 143 – 148 and 155 , 157 Robinson Road , currently don't comply with the 50 foot front setback. If granted the proposed building would be similar in location to most of the properties around it.

---

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

---

The proposed use provides a 30 foot front setback while avoiding impacted to the wetland in the back of the property. The proposed layout positions the building in the best possible position in the lot to provide 30 foot front setback while minimizing wetland buffer impact.

---

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

---

This is currently an approved lot by Hudson Planning Board and State of New Hampshire. This variance should be granted because the lot was created prior to the rules and setbacks were changed.

---

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

---

If Zoning Board of Adjustments grants this variance, this lot would have the same front set back as most of the existing properties along this road. This variance will not result in dominion of surrounding properties, as there would be an “improvement” built ( a house)

---

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

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

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This existing and established lot (lot of record) is currently undeveloped due to the “additional” regulations imposed, after this lot was created. Thus this lot become an existing non-conforming (grandfathered) lot subsequent to recent regulations/changes. The proposed layout provides a 30 feet front setback, as was the requirements when this lot was approved, while eliminating the need for wetland impacts. The proposed layout provides a balanced site and we believe it is fair and reasonable to grant the front setback variance of 30 ft, as intended at the time this lot was created. The current hardship was created upon this lot by the subsequent regulations/restrictions imposed by the Town not the owner.

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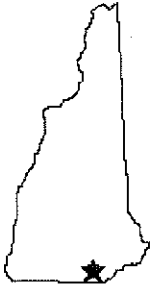
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Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer’s Office prior to submittal of this application to determine if connection is required or will be allowed, together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



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #21-066

April 6, 2021

Elvis Dhima, P.E.  
Town Engineer  
Town of Hudson  
12 School Street  
Hudson, NH 03051

Re: 151 Robinson Road Map 111 Lot 017  
**District: General One (G-1)**

Dear Mr. Dhima,

Your request as to what approvals/variance may be required based on your submitted sketch:  
Sheet 1 dated March 2021.

**Zoning Review / Determination:**

This is a vacant existing non-conforming lot of record.

To proceed with a building as proposed:

You would need a variance from the Zoning Board of Adjustment, due to lack of required front setback of 50ft per §334-27 Table of Minimum Dimensional Requirements.

You would need a Conditional Use Permit for the construction activity within the Wetland Buffer from the Planning Board, per §334-36 Conditional Uses.

I am sure you will make any subsequent owner/applicant for building permit to determine the feasibility of construction of driveway/driveway permit.

Sincerely,

Bruce Buttrick

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

cc: Public Folder  
B. Groth, Town Planner  
S. Malizia, Town Administrator  
File

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

PROPERTY LOCATION

No	Alt No	Direction/Street/City
151		ROBINSON RD, HUDSON

OWNERSHIP

Owner 1:	HUDSON, TOWN OF
Owner 2:	
Owner 3:	
Street 1:	12 SCHOOL STREET
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

PREVIOUS OWNER

Owner 1:	HUDSON, TOWN OF -
Owner 2:	-
Street 1:	12 SCHOOL STREET
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

NARRATIVE DESCRIPTION

This Parcel contains .945 ACRES of land mainly classified as TOWN PROP

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	G1	GENERAL		water		
o				Sewer		
n				Electri		
Census:				Exmpt		
Flood Haz: B						
D				Topo		
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
903	TOWN PROP		0.945		SITE ACRE	SITE		0	110,000.	0.29	RE			TOPO	-25	WET/LOV	-25	DEVELOI	-50	30,427						30,400	

Total AC/HA:	0.94500	Total SF/SM:	41164	Parcel LUC:	903	TOWN PROP	Prime NB Desc:	RES AVG	Total:	30,427	Spl Credit:		Total:	30,400
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IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	
903	0.945			30,400	30,400	
Total Card	0.945			30,400	30,400	
Total Parcel	0.945			30,400	30,400	
Source:	Market Adj Cost	Total Value per SQ unit /Card:		N/A	/Parcel:	N/A

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	903	FV		0	.945	30,400	30,400	30,400	Year End Roll	8/27/2020
2020	903	JB		0	.945	30,400	30,400	30,400	Year End Roll	5/6/2020
2019	903	FV		0	.945	30,400	30,400	30,400	Year End Roll	9/16/2019
2019	903	JB		0	.945	81,100	81,100	81,100	Year End Roll	5/8/2019
2018	903	FV		0	.945	81,100	81,100	81,100	Year End Roll	8/27/2018
2018	903	JB		0	.945	81,100	81,100	81,100	Year End Roll	5/9/2018
2017	903	FV		0	.945	81,100	81,100	81,100	Year End Roll	10/26/2017
2017	903	PV		0	.945	81,100	81,100	81,100	Year End Roll	8/28/2017

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
HUDSON, TOWN OF	9058-915	8	3/9/2018	UNCLASSIFIED		No	No		
THIBAUT, LARRY	2647-0705	10	10/10/1978	TAX SALE		Yes	No		

BUILDING PERMITS

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

Legal Description	User Acct
	4912
	GIS Ref
	GIS Ref
Entered Lot Size	
Total Land:	0.945
Land Unit Type:	AC

Parcel ID 111-017-000

Date	Time
03/31/21	16:18:36
07/11/19	11:59:48
jmichaud	
5354	

PAT ACCT.

Date	Result	By	Name
6/28/2019	Other Change	1	CHIEF ASSESS
2/25/2005	New Maps	1	CHIEF ASSESS
1/4/1991	Inspected	2	AVITAR

ACTIVITY INFORMATION

Date	Result	By	Name
6/28/2019	Other Change	1	CHIEF ASSESS
2/25/2005	New Maps	1	CHIEF ASSESS
1/4/1991	Inspected	2	AVITAR

Sign: VERIFICATION OF VISIT NOT DATA



Patriot Properties Inc.

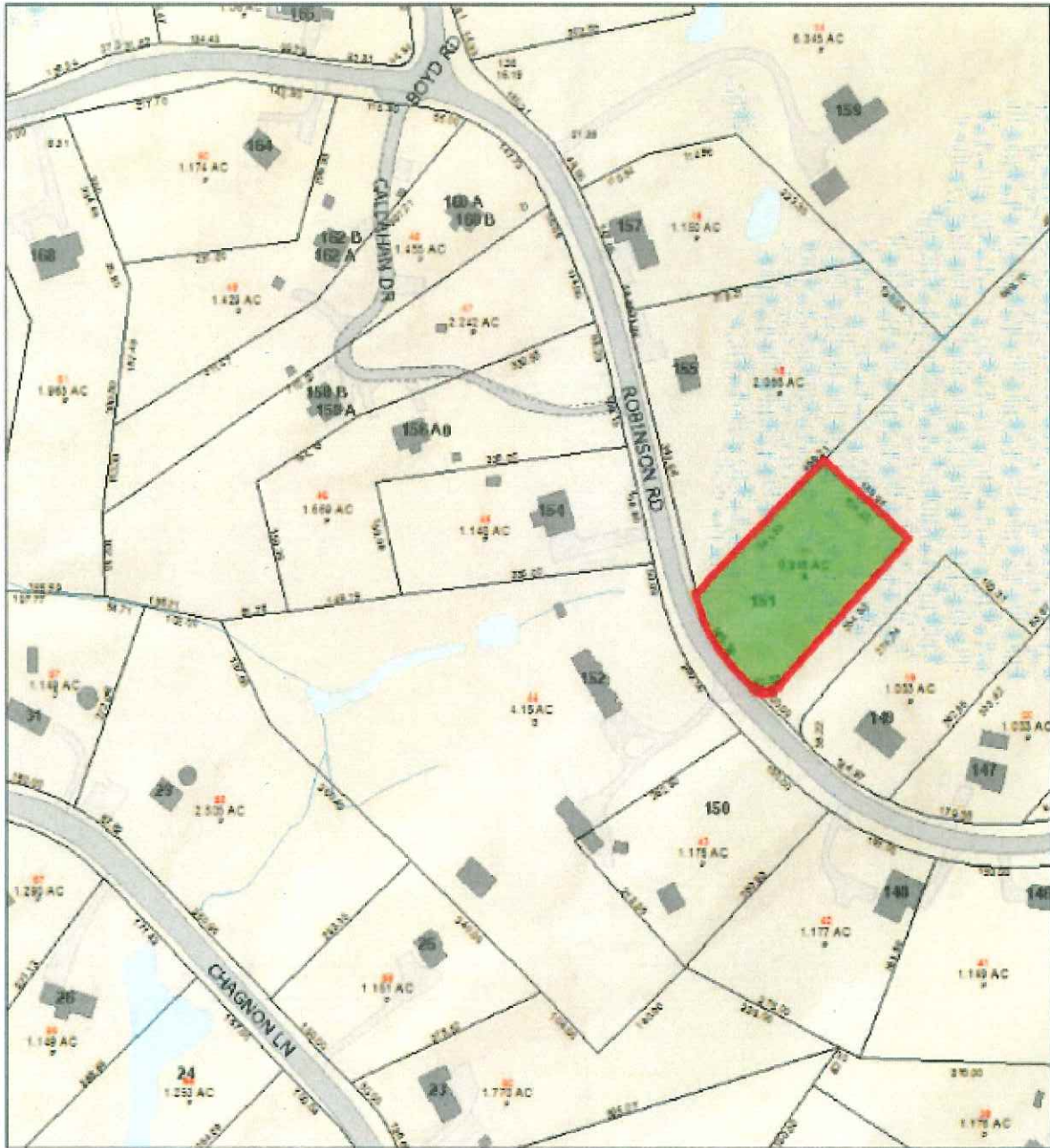
USER DEFINED

Prior Id # 1:	0038
Prior Id # 2:	0008
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	





# 151 Robinson Road



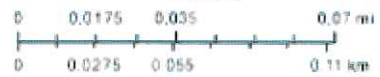
June 24, 2020

Legend

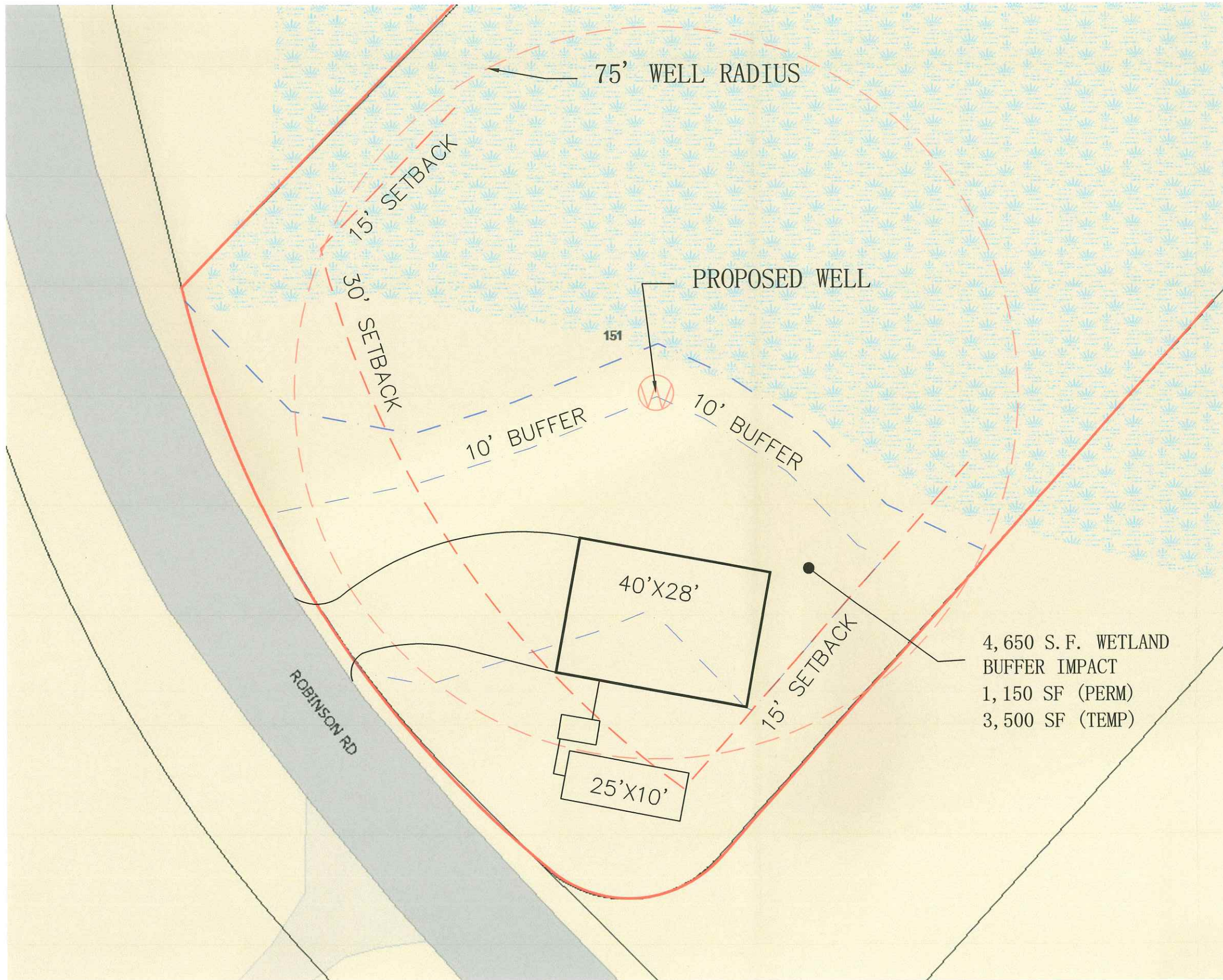
..... Easement\_Lines

□ Parcels

1:2,200



PLOTTED: 04/01/21 2:11PM BY: EDHIMA  
 LAST SAVED: 03/31/21 3:39PM BY: EDHIMA  
 DRAWING: \\HD-FILESRVTH\ENGINEERING\PRIVATE DEVELOPMENTS\ROBINSON ROAD 149 & 151\151.DWG [LAYOUT]



**Notes:**

1. Future buyer will be responsible for the driveway permit and sight distance plan and profile
2. Future buyer shall be responsible for the building permit
3. Town will apply for a Conditional Use Permit with Planning Board and Conservation Commission.



NO.	DATE	REVISION

151 ROBINSON ROAD  
 ZBA VARIANCE SITE PLAN  
 PREPARED FOR: TOWN OF HUDSON,  
 12 SCHOOL STREET  
 HUDSON, NEW HAMPSHIRE

SCALE: 1" = 20'      DATE: MARCH 2021

TOWN ENGINEER'S OFFICE

SHEET 1

DESIGNED	DRAFTED
E.Z.D.	E.Z.D.

HILLSBOROUGH COUNTY  
 REGISTRY OF DEEDS  
 Received at 10 m. 07 A.M.  
 SEP 18 1969  
 Recorded Vol. (3 Page 51)  
 Examined \_\_\_\_\_ Register.

PRELIMINARY WHOLE SUBDIVISION  
**FINAL FOR LOTS 1 TO 15** ON ROBINSON ROAD  
 APPROVAL HUDSON PLANNING BOARD ON 9-17-69  
 CERTIFIED BY  
 CHAIRMAN Frank Bishop AND SECRETARY  
Charles Guell Jr. Secy

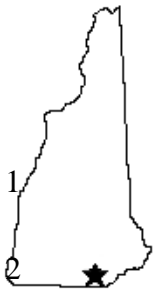
ROBIN RIDGE ACRES  
 HUDSON, HILLSBOROUGH COUNTY, N.H.  
**LOTS 1 TO 11 APPROVED** AUG. 8, 1969 SURVEY BY  
 A. E. MAYNARD C.E. NASHUA, N.H. LOTS 12 TO 15  
 SURVEY BY R. P. THERRIEN LAND SURVEYOR MANCHESTER  
 N.H. SEPT. 5, 1969 SCALE 1"=100'  
 LOTS 11 & 15 SURVEYED BY R. P. THERRIEN LAND SURVEYOR CERTIFIED  
 APPROVED HUDSON SUBDIVISION ORD. \_\_\_\_\_  
 OWNERS: W. B. HOME BUILDERS INC.  
 ROBINSON ROAD

PARCEL 1  
 H. A. CHRISTIANSEN  
 Hudson, N.H.

# 4208

M





# TOWN OF HUDSON

## Zoning Board of Adjustment

Gary M. Daddario, Chairman

Marilyn E. McGrath, Selectmen Liaison

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

### MEETING MINUTES – March 25, 2021 - draft

#### I. CALL TO ORDER

Chairman Gary Daddario called the meeting to order at 7:02 PM and invited everyone to stand for the Pledge of Allegiance. Mr. Daddario welcomed everyone and 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. Daddario 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. Daddario noted that specific instructions for meeting access was included in both the Applicant Notification and the Abutter Notification and were posted on the website.

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

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

Mr. Daddario stated that with one (1) Member excused and that there would be only four (4) Voting Members present and offered every Applicant the option of deferring their hearing until the April meeting with the hope that there would be five (5) Voting Members present.

#### II. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 198-079 (03-25-21):** Shawn Lussier, **18 Lorraine Street, Hudson, NH** requests a Variance to replace 2 existing sheds with one new 16' x 20' shed in a proposed location which encroaches 10 feet into the rear setback leaving 5 feet where 15 feet is required. [Map 198, Lot 079-000; Zoned Town Residence (TR); HZO Article

46 VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional  
47 Requirements].  
48

49 Mr. Buttrick read the Case into the record and referenced his Staff Report signed  
50 3/16/2021. Shawn Lussier introduced himself and sat at the Applicant Table with  
51 his mask and stated that he resides at 18 Lorraine Street and currently has two (2)  
52 sheds a couple of feet from his back property line that are falling apart and rusting out  
53 and he would like to replace both with one larger shed (16'x20') to provide storage  
54 needs that his house does not provide. The new shed would be five feet (5') from the  
55 property line, encroaching ten feet (10') in-to the rear setback. Mr. Lussier addressed  
56 the five (5) criteria for the granting of a Variance and the information shared included:  
57

- 58 (1) *not contrary to public interest* – the shed will be new, safe and match in color  
59 and design of their home
- 60 (2) *use will observe spirit of Ordinance* – shed will store lawn equipment,  
61 outdoor power equipment and storage for items that would otherwise be  
62 subject to weather or covered with unsightly tarps
- 63 (3) *substantial justice to the property owner* – shed will provide much needed  
64 storage, allow maximum use of the property and add value to the property
- 65 (4) *use will not diminish surrounding property values* – shed will replace two (2)  
66 existing less-appealing sheds and be behind their six foot (6') fence and no  
67 neighbors are not close to the proposed location
- 68 (5) *hardship* – unique features of the property that existed when they bought  
69 the property include a sewer line in front yard that has a shallow line  
70 running down the left side of property and the land is quite wet; existing  
71 trees on the right side that will not allow shed on that site; underground  
72 water line going from the house to the back side of the garden and an AC  
73 compressor on the left corner of the house.  
74

75 An aerial view of the site from 2020 was posted that showed the two (2) existing sheds  
76 along with a sketch for the new shed. Mr. Daddario asked and received confirmation  
77 that the existing underground water line prevents locating the shed out of the setback.  
78 Mr. Lussier stated that the current sheds are just a couple of feet from the property  
79 line and that his lot has an angle in the rear property line and the encroachment  
80 would be to the smaller section of the back property line. Mr. Etienne asked and  
81 received confirmation that Mr. Lussier would construct the shed in similar design to  
82 his home and that it would be painted the same as the house, including the white  
83 siding. Mr. Buttrick stated that a 16'x20' shed will require a Building Permit because  
84 it is greater than two hundred square feet (200SF).  
85

86 Public testimony opened at 7:18 PM. No one present addressed the Board. Board  
87 took a five-minute recess for call-ins. Meeting called back to order at 7:23 PM. Mr.  
88 Buttrick reported that there were no call-ins. Public testimony closed at 7:24 PM.  
89

90 Mr. Etienne made the motion to grant the Variance with no stipulations. Mr. Pacocha  
91 seconded the motion. Mr. Daddario asked to amend the motion with a stipulation that  
92 the Property Owner obtain a Building Permit to construct the shed. Agreed. Motion  
93 amended. Roll call vote was 3:1. Mr. Fauvel opposed. Variance granted with one  
94 stipulation. Mr. Buttrick noted the 30-day appeal period.  
95  
96

97 2. **Case 191-099 (03-25-21):** Karen Bastarache, **52 Belknap Rd, Hudson, NH**  
98 requests a Variance for the addition of a second story with no footprint increase to an  
99 existing non-conforming structure (house and garage). [Map 191, Lot 099-000; Zoned  
100 Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots,  
101 §334-31 A, Alteration and expansion of nonconforming structures].  
102

103 Mr. Buttrick read the Case into the record. Karen Bastarache introduced herself as  
104 the Property Owner and her daughter, Anyssa Sevigny who would be speaking on her  
105 behalf. Both sat at the Applicant's table with masks on. Ms. Sevigny stated that she  
106 currently resides at 52 Belknap Road and is looking to add a second-story to the  
107 house with no increase in footprint to create additional room for her family.  
108

109 Ms. Sevigny addressed the five (5) criteria for the granting of a Variance and the  
110 information shared included:  
111

- 112 (1) *not contrary to public interest* – the second floor addition is to accommodate  
113 our growing family while continuing to live in the family home built in 1970  
114 by my great grandparents and be updated with new siding and not be  
115 contrary to public interest
- 116 (2) *use will observe spirit of Ordinance* – intent is to preserve and enhance  
117 quality of life and add value to the property
- 118 (3) *substantial justice to the property owner* – will provide room to grow as a  
119 family with two small boys while staying in the family built home and add  
120 value to the property
- 121 (4) *use will not diminish surrounding property values* – the value of the home will  
122 be greatly improved with new siding and updated features which will not  
123 diminish surrounding property values
- 124 (5) *hardship* – the addition will not encroach any further into the setback as  
125 they are just wanting to add a second floor and there will be no increase in  
126 the building's footprint.  
127

128 Public testimony opened at 7:31 PM. No one present addressed the Board. Board  
129 took a five-minute recess for call-ins. Meeting called back to order at 7:36 PM. Mr.  
130 Buttrick reported that there were no call-ins. Public testimony closed at 7:37 PM.  
131

132 Mr. Buttrick posted an aerial view showing approximately half the house into the  
133 front setback and the addition of a second story is considered an expansion of a non-  
134 conforming structure. Mr. Buttrick referenced his Staff Report signed 3/17/2021 and  
135 provided a history of the site noting: a Building Permit was issued on 4/27/1984 for  
136 the screen porch; Code Enforcement action taken on 9/8/2010 for pool installation  
137 without Permit that was subsequently corrected; and even though the Assessor's  
138 record shows the structure changing from a one-family to an in-law apartment (ADU)  
139 there was no documentation found and no Code Enforcement action regarding the  
140 ADU. Mr. Buttrick stated that the Property Owner has been made aware of the ADU  
141 and since submitted a letter stating that the property was turned over to her in 2016  
142 by her late grandmother and the Assessor records shows the change to an ADU in  
143 2012 and that she has removed the sink and other ADU elements and has been  
144 instructed to contact the Assessor's Office to have the checked and the code corrected  
145 from 108 to 101.  
146

147 Mr. Pacocha questioned the fifty foot (50') setback and Mr. Buttrick stated that it was  
148 a thirty foot (30') setback when the house was constructed and since then Belknap

149 Road became reclassified as a Collector Road with an increase front setback to fifty  
150 feet (50') that rendered the house an existing (legal) non-conforming structure. Mr.  
151 Etienne asked and received confirmation that the second house down is also a two-  
152 story building.  
153

154 Mr. Fauvel made the motion to approve the Variance with the stipulation that the  
155 removal of the ADU be verified through Assessor inspection. Mr. Pacocha seconded  
156 the motion. Mr. Fauvel stated that the proposed addition would not increase the  
157 nonconformance of the lot/existing front setback encroachment, that it fits the  
158 character of the neighborhood and will increase property value and the proposal is  
159 reasonable. Mr. Pacocha stated that the request satisfies the criteria, there is no harm  
160 to the public and no diminution of property values and that the hardship criteria is  
161 satisfied because the front setback requirement changed/increased after the house  
162 was built. Mr. Daddario read Section 334:31 A, Alteration and expansion of  
163 nonconforming structures, into the record. Roll call vote was 4:0. Variance granted  
164 with one stipulation. Mr. Buttrick noted the 30-day appeal period.  
165

166 3. **Case 197-174 (03-25-21):** Richard L. Garland, **3 Spruce St., Hudson, NH**  
167 [Map 197, Lot 174-000; Zoned Town Residence (TR)] requests the following:  
168

169 a. An **Equitable Waiver of Dimensional Requirement** per RSA 674:33-a: to allow an  
170 existing 15' x 7' shed to remain in its current location which encroaches into the  
171 side and rear yard setbacks 9' and 3' respectively, where 15 feet is required as  
172 shown on the Proposed Plot Plan dated July 16, 2020. [HZO Article VII, Dimensional  
173 Requirements, §334-27, Table of Minimum Dimensional Requirements].  
174

175 Mr. Buttrick read the Case into the record. Richard and Rayanne Garland introduced  
176 themselves and sat at the Applicant's table with masks. Mr. Garland stated that they  
177 purchased the property on July 12, 2012 with the shed at its current location and  
178 they recently, on March 1, 2021, while reviewing their plan for an Accessory Dwelling  
179 Unit (ADU) with the Zoning Administrator discovered that it encroached the setbacks.  
180 They would like to leave the shed in its present location. Mr. Garland referenced that  
181 2010 GIS Map that shows the shed in its current location, noted that it has been there  
182 for over ten (10) years and that to-date there has been no Code Enforcement taken.  
183 The cost to remedy could be thousands of dollars as they would have to either  
184 demolish and rebuild or hire a company to come with equipment to move the shed as  
185 well as prep a new stable area. The shed is used for storage of yard equipment and  
186 kids' bikes and the opening of the shed faces towards the interior of the yard. Since  
187 purchasing their home they have had neighbors over and none have filed or stated any  
188 complaints regarding the shed. Mrs. Garland stated that a Building Permit was issued  
189 in 1978. Mr. Buttrick confirmed, noted it was Permit #128-79 dated 9/26/1978, for a  
190 tool shed with a five-foot (5') setback, which may have been the setback then and  
191 added that it becomes estoppel.  
192

193 Public testimony opened at 7:53 PM. No one addressed the Board. Recess taken for  
194 five minutes for public to call-in or contact through website. Meeting called back to  
195 order at 7:58 PM. Mr. Buttrick reported that there were no call-ins and that two (2)  
196 individuals are on line.  
197

- 198 (1) Elaine Graves unmuted herself and stated that she is in favor to leave the  
199 shed where it is, especially if it has been there for so long and there prior to  
200 the Garland's purchasing the property.  
201 (2) Brenda was also on line and muted. Unable to unmute. Mr. Daddario  
202 advised the caller to dial the help line at (603) 594-1155  
203

204 While waiting, Mr. Buttrick stated that he received a letter in an email.  
205

- 206 (3) James Gardner, 2 Spruce Street, sent a letter dated 3/20/2021, stating that  
207 he was unable to attend the meeting and has no objection to leaving the  
208 shed where it stands and supports the ADU Variance.  
209

210 Mr. Buttrick checked the Go-To-Meeting screen and Brenda was no longer on-line and  
211 confirmed that no calls were received on the help line. Mr. Daddario closed Public  
212 Testimony at 8:03 PM.  
213

214 Mr. Pacocha made the motion to grant the Equitable Waiver. Mr. Etienne seconded  
215 the motion. Mr. Pacocha stated that the request satisfies the requirement criteria,  
216 that it has existed for more than ten (10) years and that it does not appear to cause a  
217 nuisance and there has been no Code Enforcement action. Mr. Etienne concurred and  
218 added that there would be a high correction cost to relocate the shed and the  
219 neighbors have no issue with its' current placement. Roll call vote was unanimous at  
220 4:0. Equitable Waiver of Dimensional Requirement granted.  
221

- 222 b. A **Variance** to allow the construction of a 420 sq. ft. Accessory Dwelling Unit to  
223 encroach 4 feet into the front yard setback leaving 26 feet where 30 feet is required.  
224 [HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum  
225 Dimensional Requirements].  
226

227 Mr. Buttrick read the Case into the record and posted the Plot Plan prepared by  
228 Michael J. Grainger, PE, dated 7/16/2020 on the screen. Richard and Rayanne  
229 Garland were still seated at the Applicant's table. Mr. Garland addressed the five (5)  
230 criteria for the granting of a Variance and the information shared included:  
231

- 232 (1) *not contrary to public interest* – granting the Variance will allow for the  
233 continued look of a single family home and keep in character of the  
234 neighborhood – if not granted, the ADU addition would be set back and will  
235 need a large and distinct walkway in the front of their home  
236 (2) *use will observe spirit of Ordinance* – the spirit is observed by maintaining  
237 the appearance of a single family home in keeping with the character of the  
238 neighborhood – the plan is only four hundred twenty feet (420 SF) which is  
239 much less than the seven hundred square feet (750 SF) allowed  
240 (3) *substantial justice to the property owner* – will allow keeping the appearance  
241 of a single family home and allow keeping the front yard setting maintaining  
242 curb appeal versus having to create a large and distinct walkway to the back  
243 of the house  
244 (4) *use will not diminish surrounding property values* – will actually increase  
245 property value and keep the appeal of the current neighborhood setting  
246 (5) *hardship* – enforcing the Ordinance would result in unnecessary hardships  
247 as it will increase the expense of the small 420 SF ADU due to the elevation

Not Official until reviewed, approved and signed.

As edited [BB, gd]



248 of the back yard and shed and force the creation of a large and long walkway  
249 affecting the front yard and curb appeal and look of a single family home  
250 and impact neighbors from enjoying their back yards.  
251

252 Public testimony opened at 8:11 PM. No one present addressed the Board. Board  
253 went into recess for five minutes. Meeting called back to order at 8:16 PM. Mr.  
254 Buttrick reported that there were no calls and two individuals were on line.  
255

- 256 (1) Elaine Graves stated that she is in favor of the application, the architectural  
257 design will enhance the appearance of the house and both the addition and  
258 the new siding proposed will increase the property values of the  
259 neighborhood  
260 (2) Brenda – no longer online – given telephone number to connect with the  
261 Board if the cause is technical difficulties  
262

263 Mr. Buttrick addressed his Staff Report signed 3/16/2021 and Zoning Determination  
264 #20-102 dated 9/9/2020. Mr. Buttrick stated that the proposal would demolish the  
265 existing screen porch and add a two-story 30' x 14' addition to the west side of the  
266 property with the upper level providing a dining room and sitting area for the home  
267 and the ADU on the lower level. One of the requirements for an ADU is to not have a  
268 separate front door and the extension into the front setback would allow an entrance  
269 on the side from the front walkway. The house just meets the front setback line.  
270

271 Mr. Daddario asked and received confirmation that if the addition was pushed back  
272 out of the front setback, there could not be a front entrance to the ADU because of the  
273 ADU requirements and a two-family home is not allowed in the TR Zone.  
274

275 Discussion ensued. Mr. Etienne stated that the Ordinance is clear and asked about  
276 an ADU entrance at the back of the property. Mr. Garland stated that placing an  
277 entrance at the rear encounters elevation issues as the land rises and would require  
278 additional excavation for a walkway and once the addition is built there will be only  
279 seven feet (7') between it and the shed. A picture of the house showed the lower  
280 elevation at the driveway level and land elevated on both sides of the driveway to  
281 match the main living floor of the house. A ~~retaining~~ ~~detention~~ wall exists on both  
282 sides of the driveway. Mr. Garland stated that the second egress for the ADU is  
283 proposed to be a cut through the basement wall providing entry to the basement of  
284 main house, not seen by the general public. Mr. Etienne asked if it was legal to have a  
285 second egress through a basement and noted that would not be a proper fire exit to  
286 street level. Mr. Buttrick stated that he has not seen the building plans but once  
287 submitted with a Building Permit application, the plan would be reviewed by the  
288 Building Inspector and it would have to satisfy the Building Code and the Fire Code  
289 and noted that it is possible that a window could be considered a second access point.  
290

291 Mr. Garland clarified his misuse of the word 'basement'. The house is a raised ranch  
292 and the front entry is into his 'basement' which is a finished off area and is at ground  
293 level and does have windows  
294

295 Mr. Daddario questioned the patio in the backyard. Mr. Garland stated that it was  
296 there when they bought the property, that it measures approximately 14' x 8 ' and  
297 added that it is landscaping blocks.

298

299 Mr. Pacocha inquired if they intended to add more paving for parking. Mr. Garland  
300 referenced the retaining wall to the right of the driveway, noted that the bushes are no  
301 longer and that his intent is move the retaining wall and pave up to the corner of the  
302 house. Mr. Daddario inquired if the Town Engineer submitted any comment. Mr.  
303 Buttrick stated that when the Building Permit and Driveway Permit applications are  
304 submitted, they would undergo in-house review that would include the Town  
305 Engineer, the Fire Department and the Building Inspector.

306

307 Mr. Fauvel asked if there was a foundation under the patio room. Mr. Garland stated  
308 that the patio/sunroom is their dining room, that it was converted before they  
309 purchased the house and that he did check and discovered that there is a poured  
310 foundation under and would be removed when the excavation happens. Mr. Fauvel  
311 asked if consideration was given not to extend four feet into the setback and making  
312 the addition wider. Mr. Garland responded that the ADU requirements do not allow  
313 two front doors and the four foot extension is to accommodate a 3'x6' door on the side,  
314 perpendicular to the front door of the house.

315

316 Motion made by Mr. Pacocha to grant the Variance. Mr. Etienne seconded the motion.  
317 Mr. Pacocha stated that granting the Variance is not contrary to public interest, does  
318 not pose harm to the public, meets the spirit of the Ordinance and does not threaten  
319 safety or public rights and will located in the most beneficial position and the Variance  
320 is needed for the ADU entrance because the house is at the front setback line. Mr.  
321 Etienne stated that hardship criteria is met because of the geotechnical issues the  
322 land presents that prevents positioning the ADU out of the setback. Mr. Daddario  
323 concurred and added that the patio prohibits the ADU from sliding back out of the  
324 front setback and adding a door to the side for the ADU would make it more visible  
325 that the house has a second unit and require excavating the hill and that presents  
326 another obstacle. Mr. Daddario asked that two (2) stipulations be added to the  
327 motion, specifically that the Property Owner obtain a Building Permit and a Driveway  
328 Permit approved by the Town Engineer. Both Mr. Pacocha and Mr. Etienne agreed.  
329 Roll call vote on granting the Variance with two (2) stipulations was 4:0. Mr. Buttrick  
330 reminded the Applicants of the 30-day appeal period.

331

332 4. **Case 129-094 (03-25-21):** Roger A. Chopelas, **11 St Laurent Dr., Hudson, NH**  
333 requests a Variance to construct an 874 sq. ft. Accessory Dwelling Unit where 750 sq.  
334 ft. maximum is allowed. [Map 129, Lot 094-000; Zoned Residential-Two (R-2); HZO  
335 Article XIII A, Accessory Dwelling Units, §334-73.3 H, Provisions].

336

337 Mr. Buttrick read the Case into the record. Roger Chopelas introduced himself as the  
338 Property Owner living at 11 Laurent Drive and sat at the Applicant's table. Mr.  
339 Chopelas stated that this ADU exists and was approved in 2019 complete with a  
340 Certificate of Occupancy (CO) with (six hundred ninety four square feet 694 SF) in a  
341 small section of the basement of his home. In order to obtain the CO, Mr. Chopelas

342 was required to build two (2) partition walls that effectively blocked off half of the  
343 basement from the main house. Mr. Chopelas stated that the wall prevents him  
344 access to the HVAC room from inside his home, he has to leave his house and reenter  
345 from another door, and the request tonight is to ask permission to remove the  
346 partition walls.

347  
348 Mr. Chopelas addressed the criteria for the granting of a Variance and the information  
349 shared included:

- 350  
351 (1) *not contrary to public interest* – there is no threat to public safety or rights of  
352 others – property is existing and currently in use and ADU was approved  
353 and granted a CO – property was in poor condition when purchased four (4)  
354 years ago and today adds value to the neighborhood – there is no change to  
355 the footprint or driveway or front face of the home  
356 (2) *use will observe spirit of Ordinance* – a two-family home is allowed in the R-2  
357 Zone, ADU requirement restricts occupancy to two (2) people, there will be  
358 no more than two (2) people living in the ADU – the basement was finished  
359 when purchased and he basically updated the kitchen to code (Building  
360 Code) and added a bedroom - the spirit is observed  
361 (3) *substantial justice to the property owner* – having to construct partition wall  
362 essentially blocked off access to the storage area and HVAC room to the  
363 Property Owner and could only be accessed by going outside, in all weather,  
364 which is a substantial injustice to the Property Owner - home is in current  
365 partial use and approving the Variance will benefit the Property Owner  
366 (4) *use will not diminish surrounding property values* – will not diminish  
367 surrounding property values – see attached opinions from Carol Griffin,  
368 ReMax Realty, and Matt LaFleur, loan officer with Evolve Bank & Trust – lot  
369 and house were in poor condition when purchased – had Zoning issues with  
370 broken down cars in yard, overgrown trees and shrubs and an illegal and  
371 dangerous kitchen like area in the basement – neighbors pleased with the  
372 clean up and improvements made and upkeep of property  
373 (5) *hardship* – the partition wall to isolate the ADU and contain its square  
374 footage was required to obtain a CO which was under a time crunch  
375 because a family member had an immediate temporary need to occupy – the  
376 wall prevents Property Owner access to HVAC room and storage area from  
377 inside the house which is a hardship to the Property Owner and poses a  
378 safety concern especially when access to the HVAC room is needed – house  
379 is in a Zone that allows a two-family house – do not want a two-family – ADU  
380 rules restrict occupancy to two (2) people it is Mr. Chopelas' intention that  
381 his disabled sister come live in the ADU, rent free – approving this Variance  
382 will not change the ADU or the footprint or exterior of the house - enforcing  
383 the Ordinance continues the unnecessary hardship to the Property Owner  
384

385 Public testimony opened at 8:41 PM. No one present addressed the Board. Board  
386 went into recess at 8:42 PM for public to call-in or connect on the go-to-meeting  
387 website. Meeting reconvened at 8:47 PM. Mr. Buttrick stated that there was one call  
388 on one on the website  
389

- 390 (1) Brenda, former neighbor who recently just moved and now residing at 140  
391 Hampstead Road, Derry, NH, stated that she was one of his neighbors that

392 clapped and appreciated all the cleanup he as done to the property, the  
393 painting of the house and supports this Variance  
394 (2) Jenna Chopelas, 11 St Laurent Drive, called in supporting the granting of  
395 the Variance  
396

397 Mr. Buttrick referenced his Staff Report signed 3/16/2021 and noted that a – 2019  
398 Building Permit to create a 594 SF ADU was issued in 2019. ADU's have to  
399 communicate with the main house and that was accomplished with the stairs going  
400 down from the main house. Mr. Buttrick stated that the other end of the lower level  
401 was once a garage that was finished into rooms with a door to the exterior, providing  
402 an exit from the ADU, and that violated the ADU provisions as it exceeded the allowed  
403 750 SF and was corrected with the construction of a walled partition. Mr. Buttrick  
404 stated that the Applicant would like to remove the partition walls and that would allow  
405 the ADU access to the entire lower level and allow the Property Owner inside access to  
406 the HVAC room and storage rooms. The Property Owner stated that he wants to keep  
407 a single-family house with a connection to the entire house and does not want to  
408 create a two-family with two separated living units.  
409

410 Mr. Chopelas stated that he included the 2017 appraisal of his house that showed  
411 that the basement was finished and added that he hired local professionals to do the  
412 work and honored all the required Permits and even installed communicating fire  
413 alarm system to both floors.  
414

415 Mr. Daddario asked and received confirmation that the relief being sought is all  
416 internal, just to remove two partition wall that connect to hallways and nothing would  
417 be changed to the outside of the house. Mr. Chopelas noted that the living space of  
418 the ADU would not be increased with the removal of the walls.  
419

420 Public testimony closed at 8:55 PM.  
421

422 Mr. Fauvel stated that the house is in the R-2 Zone and asked if an addition could be  
423 added to the house in the future to convert it to a two-family home. Mr. Buttrick  
424 stated that an addition is always possible however an ADU can only be part of a  
425 single-family home, that a two-family house cannot have an ADU, and added that  
426 there are certain requirements for a two-family that include separate electrical and  
427 firewalls and no communication between each dwelling unit.  
428

429 Mr. Pacocha referenced the diagram and questioned the stairway and noted that the  
430 partition wall blocks an egress (a third egress) from the ADU. The ADU floor plan was  
431 posted and Mr. Chopelas pointed out where the partition walls were added. Mr.  
432 Buttrick stated that the Final Inspection had to be denied because the ADU was not  
433 built per plan submitted with Building Permit and as constructed was greater than the  
434 allowed square footage. Mr. Buttrick referenced the floor plan that accompanied the  
435 ADU Building Permit (Exhibit C4 of his Staff Report) that showed a 595 SF studio style  
436 ADU and now the Applicant desires a separate bedroom for the ADU in addition to  
437 removing the partition walls. Mr. Buttrick noted that ADUs are allowed two bedrooms.  
438

439 Discussion arose on the square footage calculation and accumulation of the square  
440 footage attributed to the ADU, the existing and proposed floorplan for the ADU, and  
441 the access points to the ADU and the internal access denial from the main level to the  
442 remainder of the lower level. Mr. Pacocha stated that it makes little sense as  
443 constructed because the ADU Occupant would have to walk around the house to  
444 access the sliding door into the kitchen or enter the house and go down the stairs  
445 when there is a French door right by where the car is parked that is not accessible.

446  
447 Mr. Pacocha made the motion to approve the Variance. Mr. Fauvel seconded the  
448 motion. Mr. Pacocha stated that the criteria have been satisfied, that it makes no  
449 sense to require the entire basement to be considered part of the ADU and block off  
450 access to the HVAC room from inside the house. Mr. Buttrick clarified that the ADU is  
451 not in the basement but on the lower level because it is at grade level that has a door.  
452 Mr. Fauvel stated that the Use does not alter the character of the neighborhood, not is  
453 contrary to the Zoning Ordinance, will not diminish property values and the Use is  
454 permitted. Mr. Daddario added that the only changes apply to the interior of the  
455 building and there is a hardship creating an annex and denying the Applicant access  
456 to his storage and HVAC from inside his home and from a safety perspective it is  
457 beneficial to have a third egress for the ADU. Roll call vote was 4:0. Variance granted.  
458 Mr. Buttrick noted the 30-day appeal period. Mr. Chopelas inquired if he needed  
459 another CO. Mr. Buttrick stated that the current CO is good but an accurate floor  
460 plan needs to be submitted identifying the ADU and its square footage with the  
461 required new Building Permit to remove the partition walls.

462  
463 **III REQUEST FOR REHEARING:** No requests were received for Board consideration.

464  
465 **IV. REVIEW OF MINUTES:** 02/25/21 edited Minutes:

466 Motion made by Mr. Etienne and seconded by Mr. Pacocha to accept the 2/25/2021  
467 Minutes as edited. Vote was 4:0.

468  
469 **V. OTHER:**

470 1. Home Occupation Special Exception Application- Mr. Buttrick recapped the history  
471 with the Retail Sales omission and presented a clarified draft. Mr. Pacocha referenced  
472 hair salons and their ability to sell hair products and asked if that would no longer be  
473 allowed with this proposed revision. Mr. Buttrick responded that it could continue  
474 because hair products are considered accessory and incidental to the service provided  
475 by the Home Occupation. Mr. Buttrick stated that revision does not require a Public  
476 Hearing and was asked to present the new HO/SE edition for Board adoption.

477 2. OSI – Office of Strategic Initiatives – Spring Conference – Mr. Buttrick stated that there  
478 is a free half-day web conference scheduled for Saturday 5/15/2021 and that OSI is  
479 now offering free online monthly lunch time webinars every third Thursday

480  
481 Motion made by Mr. Pacocha, seconded by Mr. Etienne and unanimously voted to  
482 adjourn the meeting. The 3/25/2021 ZBA meeting adjourned at 9:34 PM.

483  
484 Respectfully submitted,  
485 Louise Knee, Recorder

Not Official until reviewed, approved and signed.

As edited [BB, gd]

## Registration Now Open

To register either an individual or multiple individuals, please send an email to [training@osi.nh.gov](mailto:training@osi.nh.gov) by **May 7, 2021** with the following information for each individual:

- First and last name of each individual
- Email address for each individual
- Land use board affiliation (i.e. Planning Board, Zoning Board), if applicable, for each individual;
- The municipality/organization each individual serves, and
- The track each individual would like to participate in:  
Planning Board or Zoning Board of Adjustment (*please only select one*)

**Please Note:** Confirmation of registration and conference login information will not be emailed until the week of the conference.

**Date:** Saturday, May 15, 2021

**Time:** 9:00 AM to 12:00 PM

**Location:** Online; will be Recorded

**Cost:** Free

**Concurrent Sessions:**

- Planning Board Track
- Zoning Board of Adjustment Track

**More Information:**

[www.nh.gov/osi/planning/resources/conferences/spring-2021/](http://www.nh.gov/osi/planning/resources/conferences/spring-2021/)



## 27th ANNUAL SPRING PLANNING & ZONING CONFERENCE SATURDAY, MAY 15, 2021

### ONLINE CONFERENCE AGENDA (ALL SESSIONS WILL BE RECORDED AND AVAILABLE ONLINE)

#### PLANNING BOARD SESSIONS

- 9:00 – 9:10 AM**      **WELCOME AND INTRODUCTORY REMARKS**  
*Jennifer Gilbert, NH Office of Strategic Initiatives*
- 9:10 – 10:30 AM**      **PLANNING BOARD BASICS**  
*Stephen C. Buckley, Esq., New Hampshire Municipal Association, Concord, NH*
- This session is for new planning board members and alternates, as well as veterans, who want a refresher course on the basics. This workshop will review essential statutory duties; master planning, subdivisions and site plans, capital improvement plans, workforce housing, developments of regional impact, innovative land use controls, streets and driveways. Complementary to those subjects will be a review of planning board procedures; preliminary review, timeline for applications, consultants, public hearing procedures, compliance with the Right-to-Know Law, conflicts of interest, conditions of approval, notices of decision, vesting, and appeals to Superior Court and Housing Appeals Board.
- 10:30 – 10:40 AM**      **BREAK**
- 10:40 – 12:00 PM**      **Roles and Responsibilities of the Planning Board**  
*Benjamin D. Frost, Esq., AICP, NH Housing, Bedford, NH and Chair of Warner Planning Board*
- Planning, subdivisions, and site plans – do you have trouble keeping it all straight? This session is designed with you in mind. Join Ben for a review of the relationships among zoning, subdivision, and site plan review – and don't forget the master plan. Learn the fundamentals of these basic tools of the planning process and how you can become a more effective board member.

#### ZONING BOARD SESSIONS

- 9:00 – 9:10 AM**      **WELCOME AND INTRODUCTORY REMARKS**  
*Michael Klass, NH Office of Strategic Initiatives*
- 9:10 – 10:30 AM**      **Roles and Responsibilities of the Zoning Board of Adjustment**  
*Christopher L. Boldt, Esq., Donahue, Tucker & Ciandella PLLC, Meredith, NH*
- This session will provide a detailed look at the statutory responsibilities of the ZBA including appeals of administrative decisions, special exceptions, and variances. This session will also provide an in-depth discussion of how the case law interprets the five variance criteria. Time will be devoted to participant questions.
- 10:30 – 10:40 AM**      **BREAK**
- 10:40 – 12:00 PM**      **ZBA Decision Making Process**  
*Christine Fillmore, Esq., Drummond Woodsum, Manchester, NH*  
*Matthew Serge, Esq., Drummond Woodsum, Manchester, NH*
- You've notified abutters, held the public hearing, heard hours of testimony, and now it's time to make a decision. What do you do? Do you need to decide right then and there? What if you only have four members present? Can there be conditions of approval? Do you vote on each of the criteria separately? Do you need to vote on anything at all? If these and other questions have plagued your ZBA, this session is for you.



## **SPEAKER BIOGRAPHIES**

### **Planning Board Sessions:**

**Stephen C. Buckley, Esq., Legal Services Counsel**  
**New Hampshire Municipal Association**

**[sbuckley@nhmunicipal.org](mailto:sbuckley@nhmunicipal.org)**

*Stephen C. Buckley directs NHMA's legal services program as Legal Services Counsel, with responsibility for providing legal advice to members and overseeing training programs and educational publications for municipal officials. He was in the private practice of law from 1984 to 2014 concentrating in representing municipalities. In his hometown of Bow, Steve was a member of the planning board for 12 years and served as a member of the budget committee, and he currently serves as a member on the Zoning Board of Adjustment. He is a past chairman and current member of the executive committee of the Central New Hampshire Regional Planning Commission, and he is currently chairman of the New Hampshire Association of Regional Planning Commissions. Steve received his B.A. from San Diego State University and his J.D. from UNH School of Law.*

**Benjamin D. Frost, Esq., AICP, Managing Director of Policy and Public Affairs**  
**New Hampshire Housing Finance Authority**

**[bfrost@nhhfa.org](mailto:bfrost@nhhfa.org)**

*Ben Frost coordinates legislative initiatives and strategic planning, and serves as internal legal counsel for the New Hampshire Housing Finance Authority. He frequently lectures on issues of affordable and workforce housing, land use law, and ethics. Ben has over 35 years of experience as a land use planner and over 25 years as an attorney. He is a founding member of the Governing Council of Housing Action NH, a low-income housing advocacy organization. Ben is the Treasurer of both the NH Planners Association and the Northern New England Chapter of the American Planning Association, and he serves on the Amicus Curiae Committee of the American Planning Association. He holds B.A. and M.A. degrees in Geography (with a focus on USSR environmental policy) from Colgate University and Syracuse University, respectively and a J.D. from Cornell Law School with a concentration in business law and regulation. He lives in Warner, NH, where he serves as Chairman of the planning board. In their spare time, Ben and his wife Christine seek to employ permaculture principles in the design of their woodland paradise.*

### **Zoning Board Sessions:**

**Christopher L. Boldt, Esq.**  
**Donahue, Tucker & Ciandella, PLLC**

**[cboldt@dtclawyers.com](mailto:cboldt@dtclawyers.com)**

*As a partner in DTC since January 2007, Chris conducts a state-wide practice out of the Firm's Meredith offices for a wide range of property owners, businesses and municipalities. He enjoys helping clients find solutions to problems as cost-effectively as possible. Chris counsels a wide variety of City and Town Managers/Administrators, Boards of Selectmen and City Councils in all parts of NH; and he appears before land use boards and Superior Courts across the State as well as before the NH Supreme Court and various State Agencies. Chris handles a wide variety of municipal and taxation matters, conveyancing and title issues, boundary and easement disputes, matters involving the creation and interpretation of conservation easements, land use and development matters, shoreland and wetlands issues, site plan and variance applications, and related mediation, litigation and appeals. Since February 2004, Chris has been an active member of the NHBA Title Standards Subcommittee charged with reviewing and revising the NH Title Standards under the auspices of the NHBA Board of Governors. Chris is a member of the Belknap and Carroll County Bar Associations and the NH Bar Association. Chris frequently lectures on a variety of municipal, title and land use topics for the Local Government Center, the NH Office of Strategic Initiatives, the NH Bar Association, Primex and the NH Land Surveyors Association. Chris has also served as a Selectman and Library Trustee in Sandwich and is an active member of St. Andrew's in the Valley Episcopal Church in Tamworth. Chris earned his B.A. from Trinity University in 1984, a Diploma of Anglo-Irish Literature from Trinity*



College, Dublin in 1985 and his J.D. from the University of Texas School of Law in 1988. Chris became licensed to practice law in Texas in 1988, in New Hampshire in 2002, and in Vermont in 2016.

**C. Christine Fillmore, Esq.**

**Drummond Woodsum**

**[CFillmore@dwmlaw.com](mailto:CFillmore@dwmlaw.com)**

*Christine Fillmore is an attorney with the firm of Drummond Woodsum (recently merged with Gardner Fulton & Waugh). She advises towns, cities and village districts on a wide variety of issues, including governance, budgeting and annual meetings, right to know law, road law, land use and enforcement, health and building inspection, contracts and ordinances, local welfare assistance, and environmental issues. In her current position and previously as a staff attorney with the NH Municipal Association, Christine's practice has focused exclusively on representing municipalities and their officials and employees since 2005. She also has a background in corporate transactions and environmental law from her practice with Rath, Young & Pignatelli from 1998-2005, where she was first exposed to municipal law.*

**Matthew R. Serge, Esq.**

**Drummond Woodsum**

**[mserge@dwmlaw.com](mailto:mserge@dwmlaw.com)**

*Attorney Serge is a member of the Municipal Group at Drummond Woodsum and MacMahon in Manchester, advising towns and cities on a wide range of issues including: land use matters, zoning enforcement actions, right to know law, welfare assistance, and general government relations. His experience on behalf of municipalities and other clients includes participation in numerous New Hampshire Supreme Court appeals, individually and as co-counsel. Attorney Serge served as law clerk for the New Hampshire Superior Court and also served as law clerk for the Honorable Linda S. Dalianis of the New Hampshire Supreme Court. He graduated summa cum laude from the New England School of Law in 1999, was class valedictorian, and served as Executive Director for the New England Law Review. He has served as a lecturer in the New Hampshire Municipal Association law lecture series in 2009 and 2012, and was a graduate of the NHBA Leadership Academy in 2011.*



## Conference Attendee Guide to Accessing and Using Microsoft Teams

Thank you for registering to attend NHOSI’s annual planning and zoning conference. The conference sessions will be presented through Microsoft Teams. If you are unfamiliar with using Teams, this quick guide will assist you.

### Your Conference Invite and Login Information

All registered attendees will receive an email a few days before the conference date. This email will contain a link to join the conference session you selected. Below is an example of what that information will look like. Simply click on the “Click here to join the meeting” link. If you prefer or need to call in, please call the phone number and you will be prompted to enter the Phone Conference ID number followed by #.

#### Microsoft Teams meeting

##### Join on your computer or mobile app

[Click here to join the meeting](#)

##### Or call in (audio only)

[+1 603-931-4944,,XXXXXXXXXX#](#) United States, Concord

Phone Conference ID: XXX XXX XXX#

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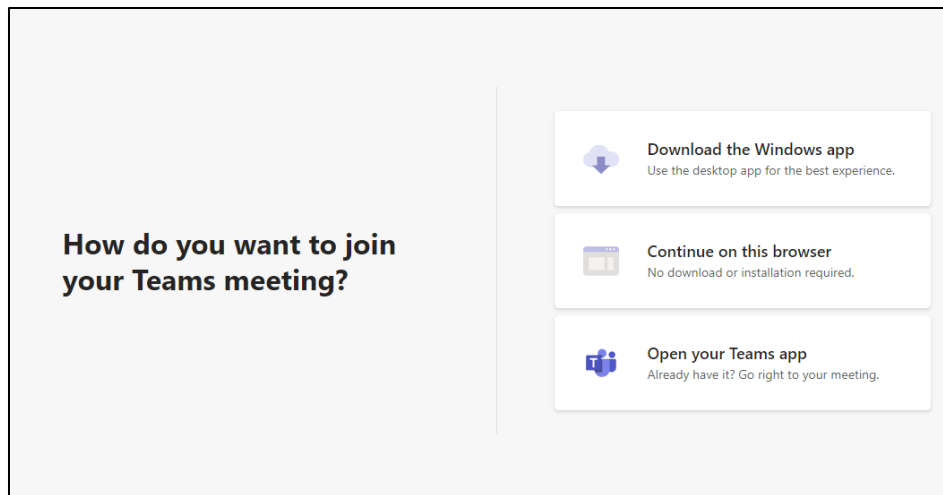
#### For Attendees Only Calling In

For those attendees who will only be calling in and not accessing the conference through a web browser or the Team app, please call in using the phone number and Phone Conference ID (see example at left). The presentation slides will be posted on NHOSI’s Planning and Zoning Training page the day before the conference, which can be downloaded. The conference organizer will mute all participants during the presentation. At the start of the question and answer session, the conference organizer will unmute the phone lines for call in attendees to ask questions.

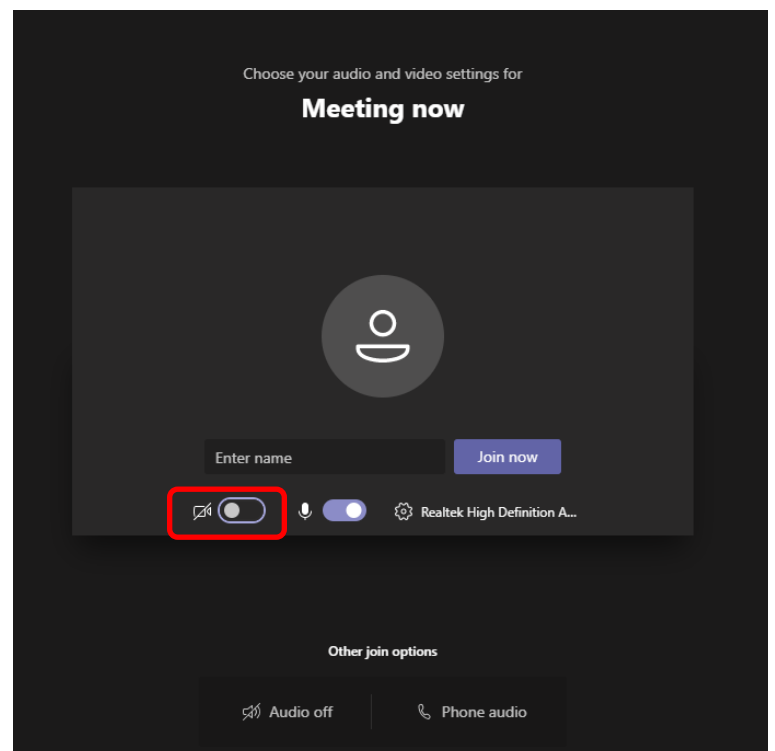
## Accessing Teams

After clicking on the link to join the conference, a box will appear that will give attendees three options on how to join the meeting/conference. These options will include: Download the Windows app, Continue on this browser, Open your Teams app (only if you have already downloaded the app). Below is an example of the box with the three options.

**Please note:** If the Download the Windows app is selected, please allow a minute or so for the app to download and to open Teams.

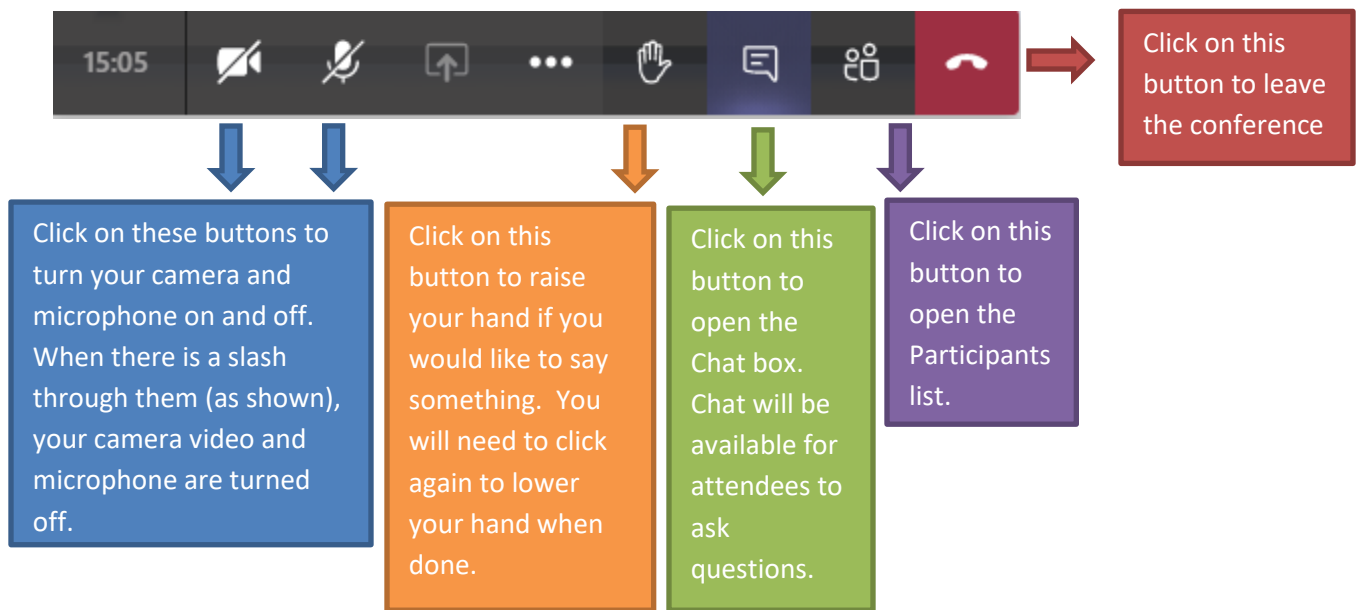


After the option to open Teams is selected, another box will appear (as shown below). Please enter your name in the box "Enter name." We highly recommend that you switch off your camera and microphone before joining the meeting. Attendees will be asked to do both at the beginning of the meeting. To do so, slide the toggle next to both the camera and the microphone to the left (as shown in red). Then click "Join now."



## During the Conference

While in a Teams, attendees will see the control bar near the bottom of their screen. You may need to move your mouse around the screen to activate the bar. See below what attendees can do with the control bar features.



### To Access Additional Options:

Click on the 3 dots (...) and a box of options will open (as shown)

**Show device settings** – provides options to set or change your audio or video settings.

**Show meeting details** – provides the conference call in information.

**Turn off incoming video** – provides option to turn off incoming video from others. If you choose this option, it only impacts your

