



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

MEETING AGENDA – May 27, 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, May 27, 2021, at 7:00 PM.** Written comments can be sent in advance either by: 1) Email to bbuttrick@hudsonnh.gov prior to 4:30 pm, May 27, 2021; or 2) Mail by May 24, 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:

CONTINUED HEARING:

1. **Case 111-017 (05-27-21)(continued from 04-22-21):** Elvis Dhima, Town Engineer and authorized representative, Town of Hudson, 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:

04/22/21 edited Minutes

V. OTHER:

1. OSI 27th Annual Spring Planning & Zoning Recap
2. Workshop- Review Zoning Application Drafts
3. Revival of ZORC Meetings

Bruce Buttrick
Zoning Administrator

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:

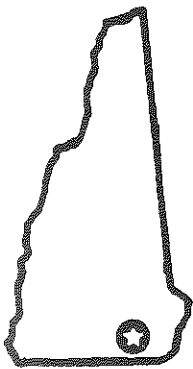
Amt. received: \$

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



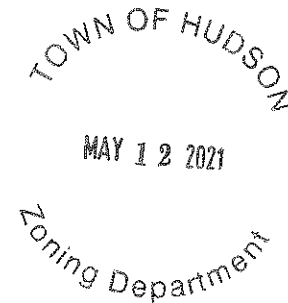
Stephen A. Malizia, Town Administrator – smalizia@hudsonnh.gov – Tel: 603-886-6024 Fax: 603-598-6481

To: Bruce Buttrick, Zoning Administrator

From: Steve Malizia, Town Administrator

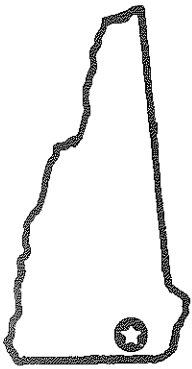
Date: May 10, 2021

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.

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



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



Stephen A. Malizia, Town Administrator – 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
EZD	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	TG
EZD	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	TG
EZD	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
EZD	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 pending from S. Malizia </div>
EZD	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	TG
EZD	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	TG
EZD	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.	TB
N/A	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<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	Deans, Marcus & Angela	155 Robinson Road, Hudson, NH 03051
111	18	Flanagan, Michael A. & Sandra S.	133 Robinson Road, Hudson, NH 03051
111	17	Town of Hudson	12 School Street, Hudson, NH 03051
111 111	43 44	Joan A. Wagner , Tr Joan A. Wagner Revocable Trust	150 Robinson Road, 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)

N/A

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

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.)

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.

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

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.

111 017 000
MAP LOT SUB

1 of 1
CARD

Hudson

APPRaised: 30,400 / 30,400
USE VALUE: 30,400 / 30,400
ASSESSed: 30,400 / 30,400

Total Card / Total Parcel

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

Database: AssessPro - AssessPro

mrotast

2019

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

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:	

PRINT

Date	Time
03/31/21	16:18:36

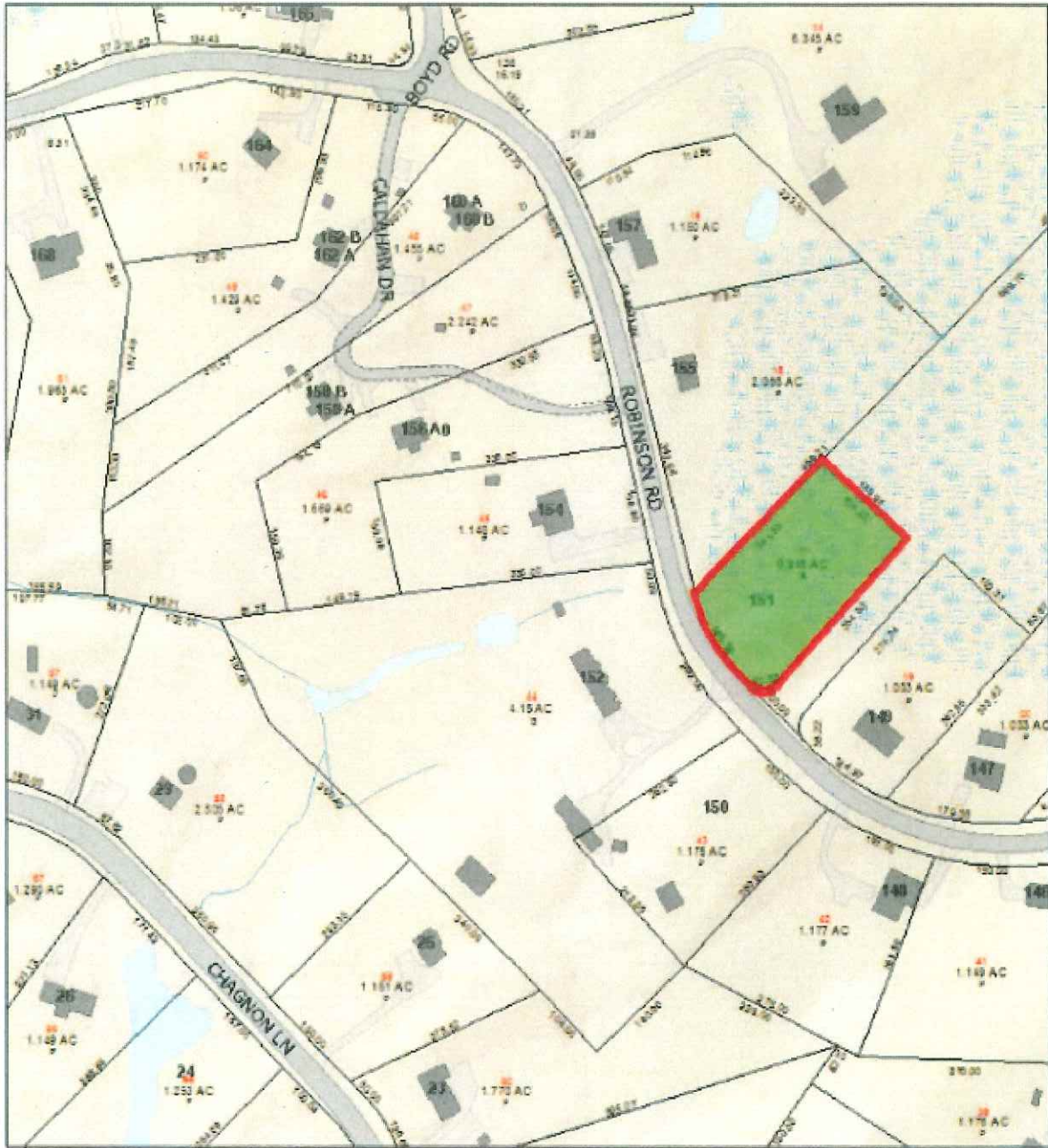
LAST REV

Date	Time
07/11/19	11:59:48

jmichaud	5354
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!5354!

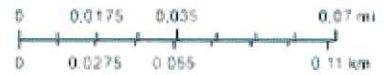
151 Robinson Road



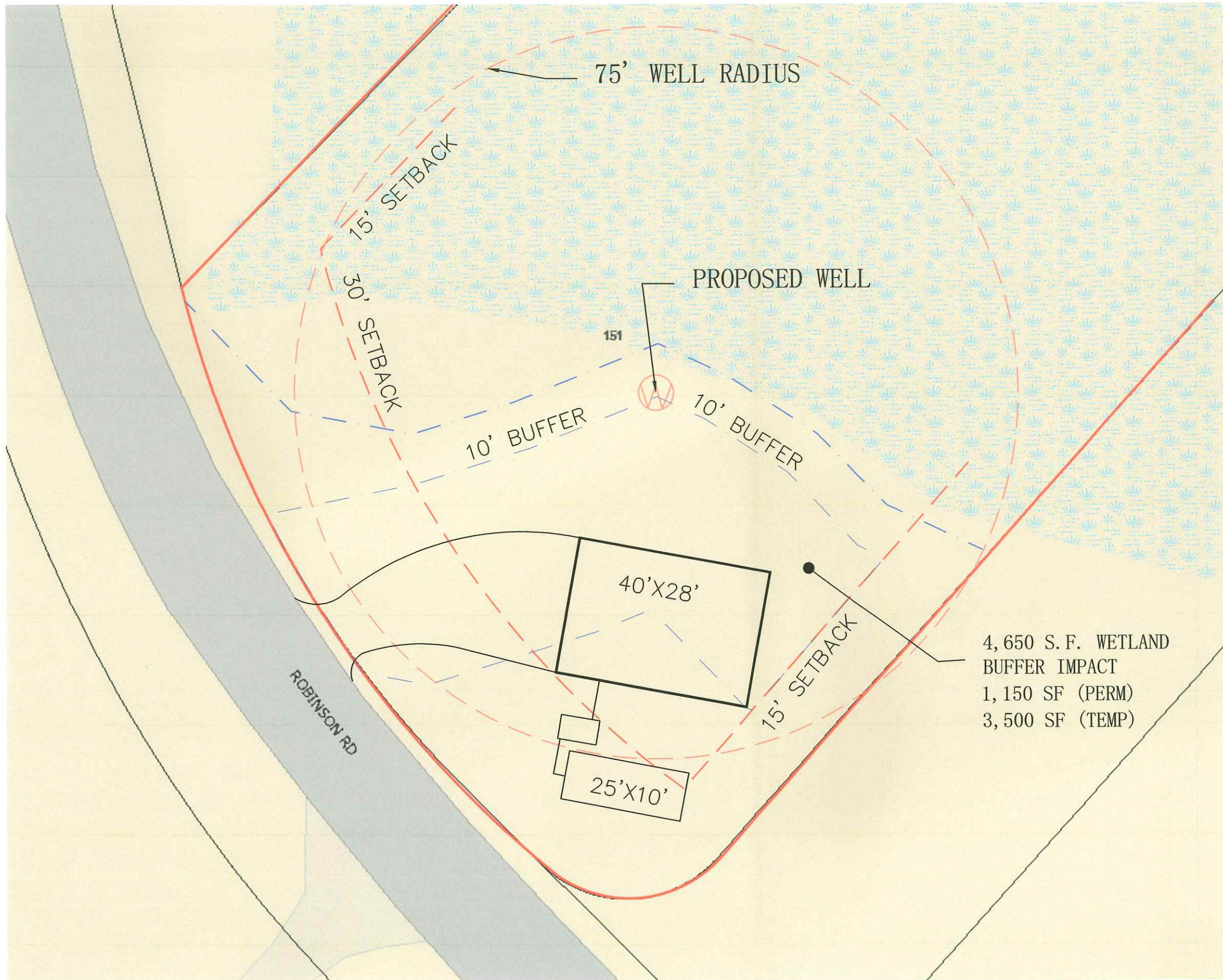
June 24, 2020

- 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 & 13 SURVEYED BY R. P. THERRIEN LAND SURVEYOR CERTIFIED
 APPROVAL HUDSON SUBDIVISION ORD.

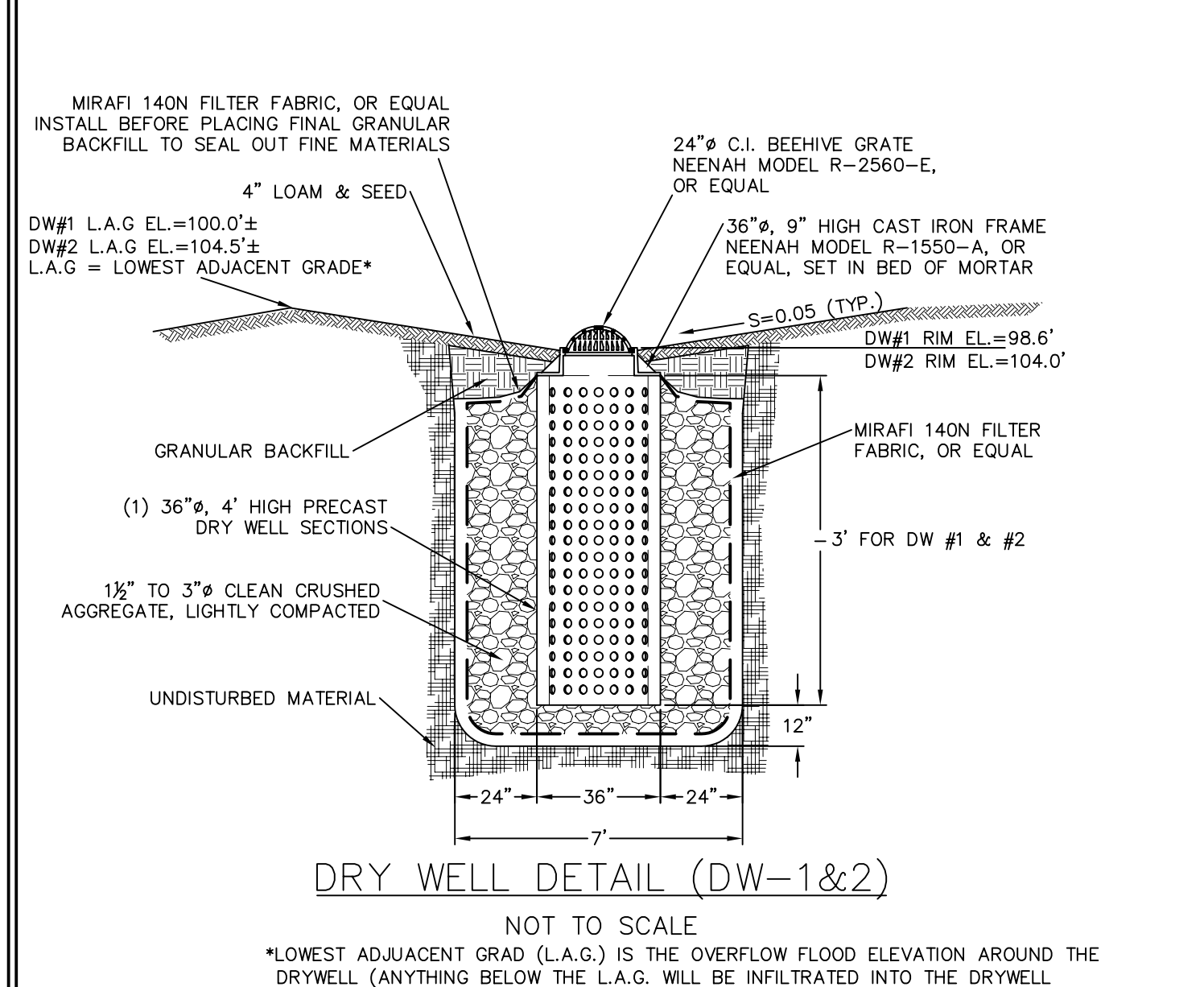
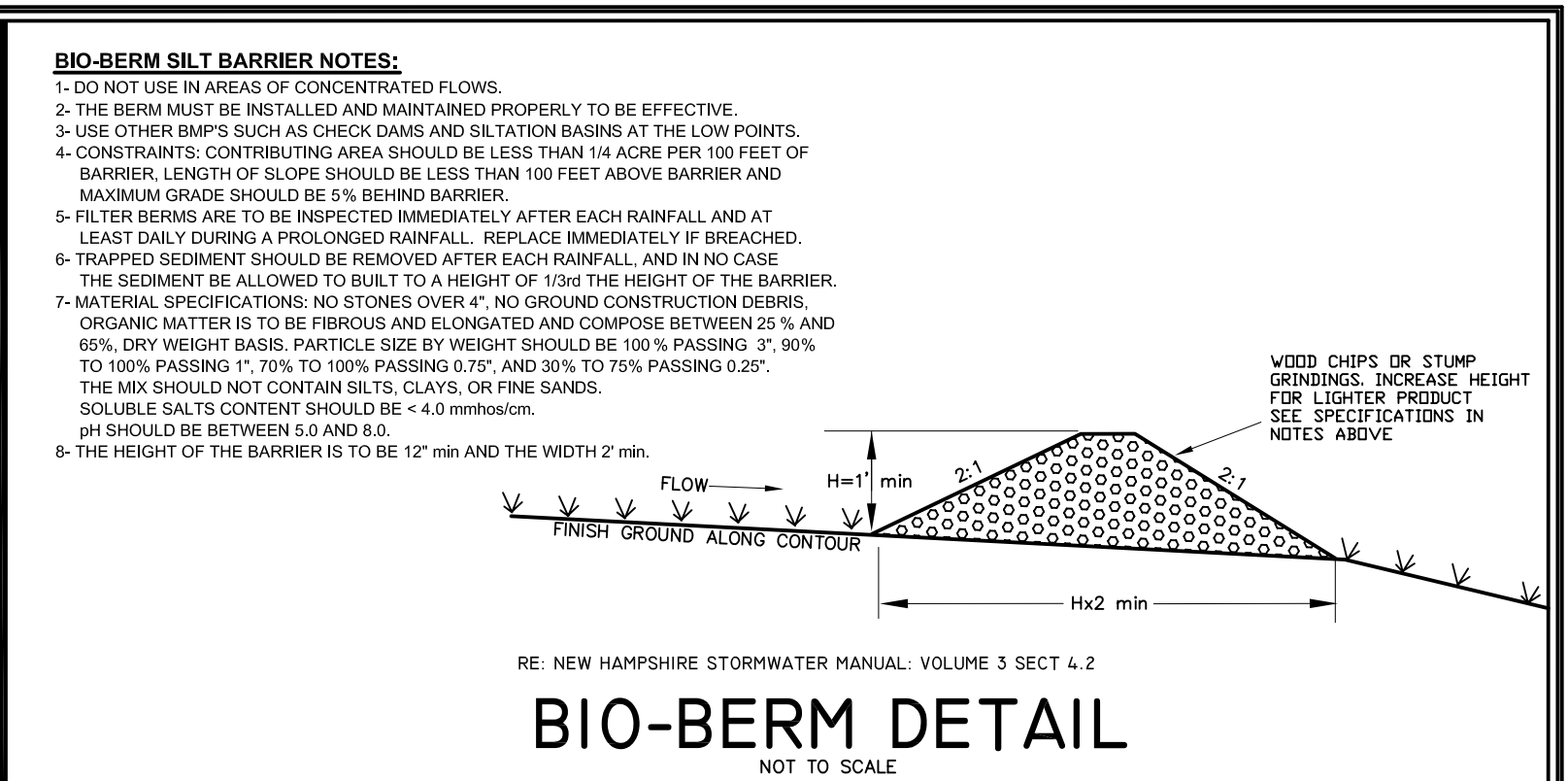
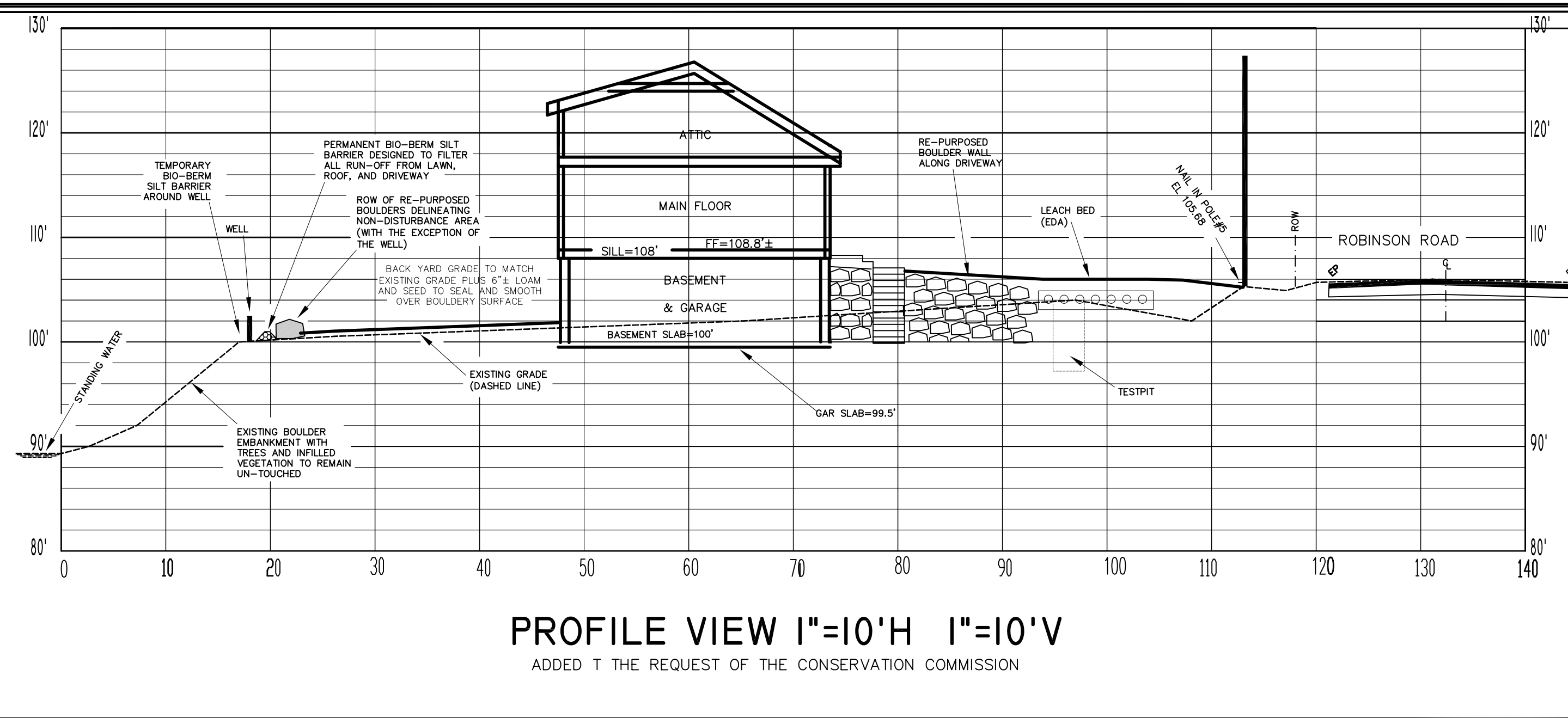
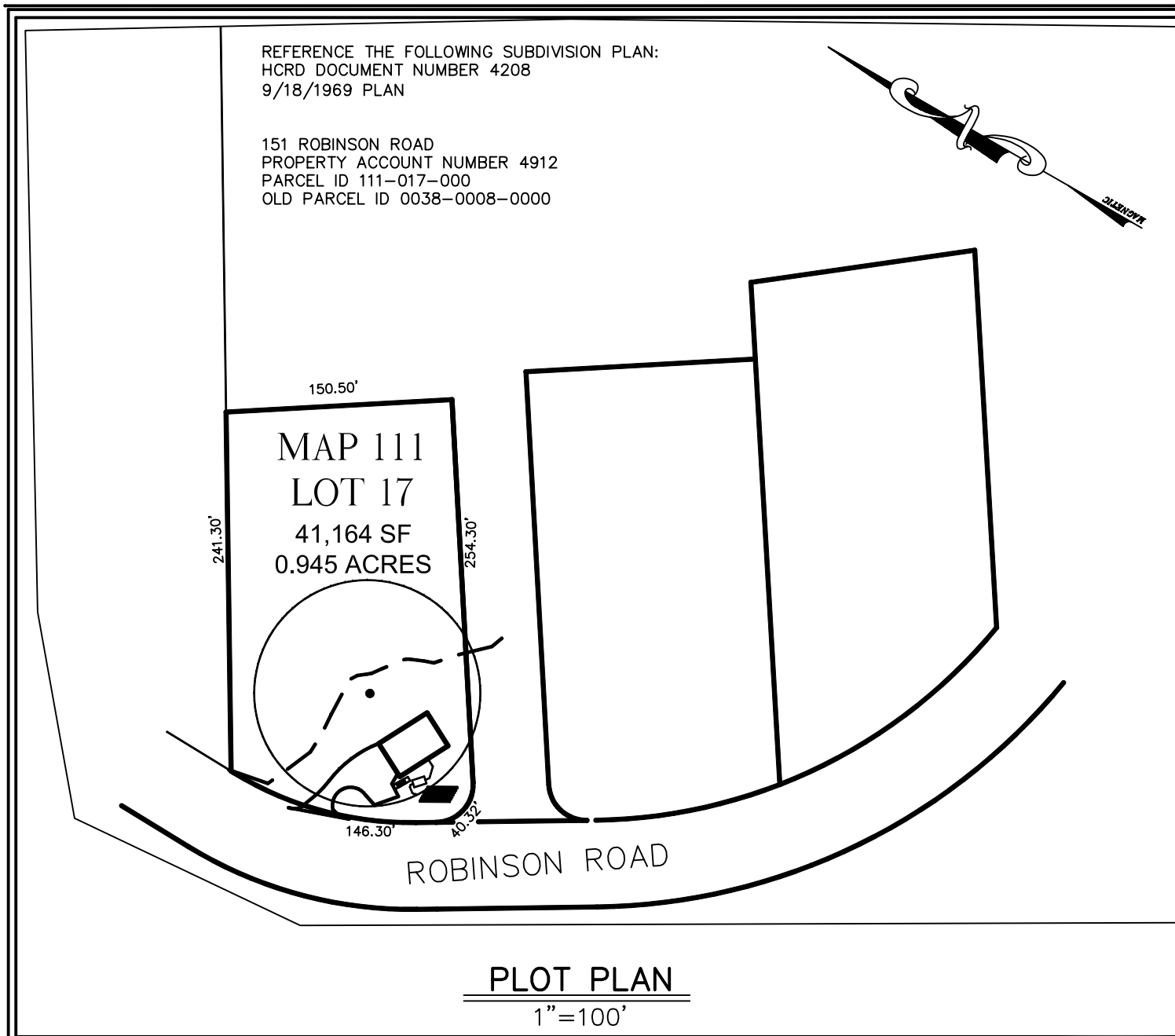
OWNERS W. B. HOME BUILDERS INC.
 ROBINSON ROAD

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

4208

M





DRY WELL (DW1 & DW2) DETAIL

NO TEMPORARY OR PERMANENT WETLAND IMPACT IS EXPECTED AS A RESULT OF THIS PROJECT.

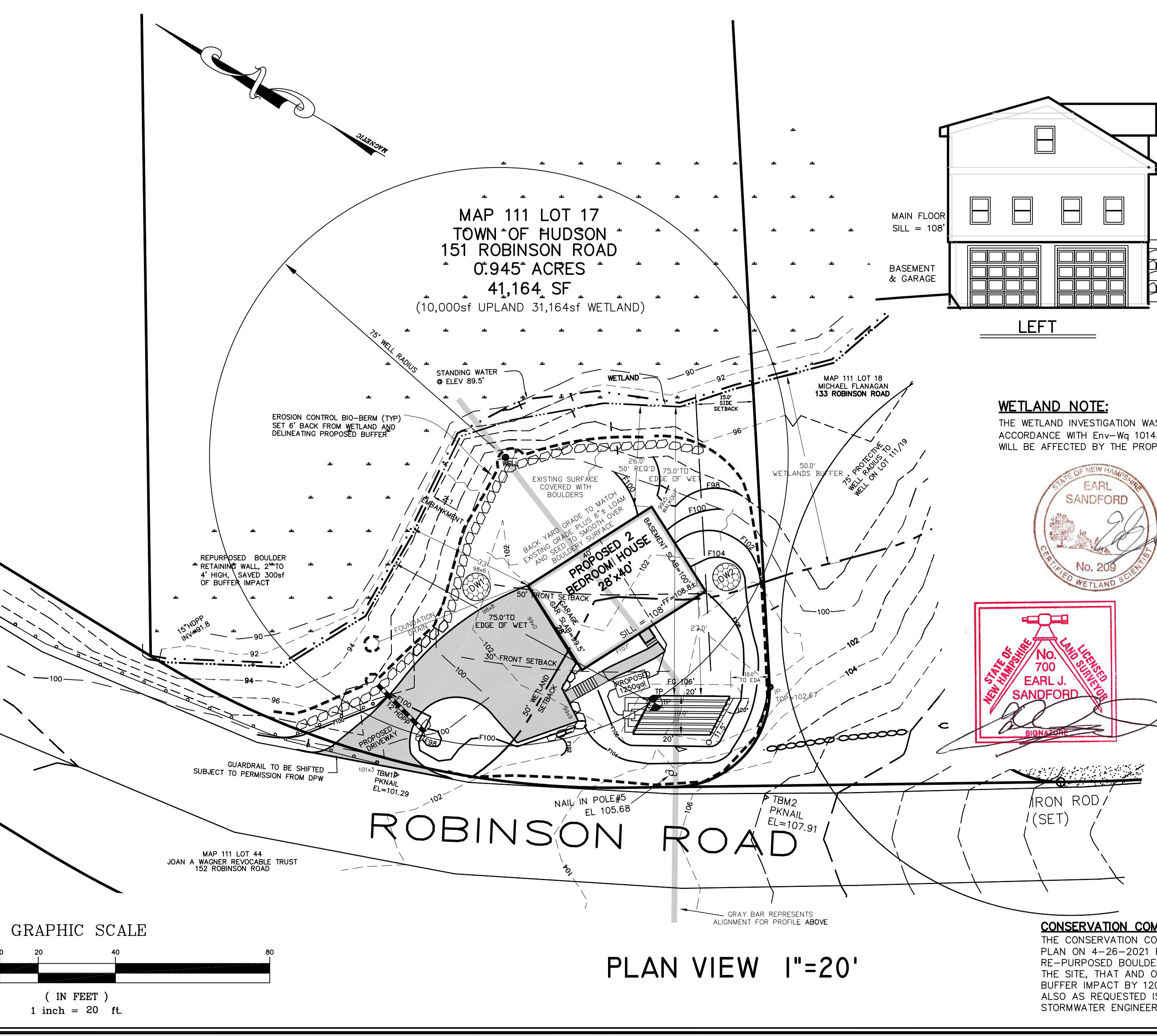
WETLAND BUFFER IMPACT:
1933sf BUILDING AND DRIVEWAY
2283sf GRADED AREAS TO BE RESTORED AS GREEN
4716sf TOTAL IMPACT

LOT SUITABILITY FOR BUILDING NOTES:

- THE DESIGN SHOWN HEREON CONFORMS WITH ALL REGULATION FOR BUFFERS AND SETBACKS THAT WERE IN PLACE AT THE TIME THIS LOT RECEIVED SUBDIVISION APPROVAL BY THE TOWN OF HUDSON PLANNING BOARD AND NHDES APPROVAL #801.
- TODAY THIS LOT IS SEVERELY CONSTRAINED BY THE ONSITE WETLAND BUFFER AND INCREASED FRONT SETBACK REGULATION. TO AVOID IMPACT TO THE CURRENT FRONT SETBACK, RELIEF FROM THE WETLAND BUFFER IS REQUIRED IN ORDER TO BUILD A REASONABLE HOUSE AND YARD AREA.
- NO WETLAND DISTURBANCE IS PROPOSED BY THIS DESIGN, BUT TO BE SUITABLE AS A BUILDING LOT, THE SITE REQUIRES RELIEF FROM THE 50' WETLAND BUFFER (THIS PLAN PROPOSES TO REDUCE IT FROM 50' TO 6' FOR LOT AND YARD DISTURBANCE. THAT REDUCTION ACCOMMODATES ALL STRUCTURES (14' TO THE DECK AND 17' TO THE HOUSE).
- THIS LOT WAS A TOWN APPROVED AS PART OF A SUBDIVISION THAT PREDATES BOTH THE CURRENT FRONTAGE SETBACK AND THE 50' BUFFER REQUIREMENT. WHEN THIS LOT WAS APPROVED THERE WAS NO BUFFER REQUIREMENT FROM WETLAND. SO PROVIDING A 6' BUFFER PROVIDES AT LEAST A SMALL IMPROVEMENT ON THE ZERO BUFFER IN PLACE WHEN THE LOT WAS CREATED.
- NOTE THAT AT LEAST A THIRD OF THE FRONT WILL REMAIN IN ITS NATURAL STATE, PROTECTED FROM ALTERATION DUE TO THE WETLAND AND THE COMMITMENT NOT TO FILL OR DISTURB ANY WETLAND AND NOT TO DISTURB ANY MORE AREA IN THE BUFFER THAN IS NEEDED FOR A REASONABLE HOME.
- THE DESIGN MEETS ALL REGULATION IN REGARD TO SEPTIC DESIGN AND DRIVEWAY ENTRANCE.
- NO FEASIBLE DEVELOPMENT OF THIS LOT IS POSSIBLE WITHOUT RELIEF TO CURRENT REGULATIONS THAT WERE IMPOSED AFTER THE LOT RECEIVED SUBDIVISION APPROVAL.

REVISIONS

NO.	DATE	DESCRIPTION	BY



WETLAND NOTE:
THE WETLAND INVESTIGATION WAS PERFORMED IN ACCORDANCE WITH Env-Wq 1014.06. NO WETLANDS WILL BE AFFECTED BY THE PROPOSED DESIGN.

NOTES:

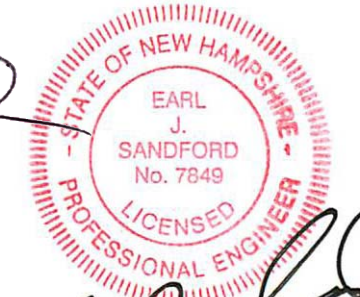
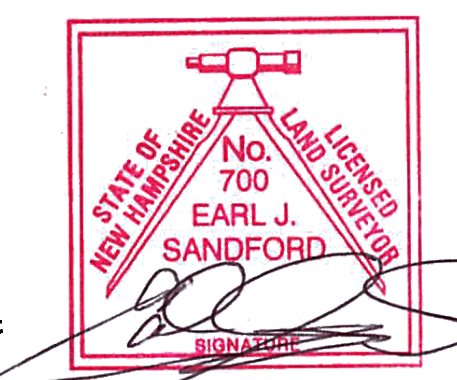
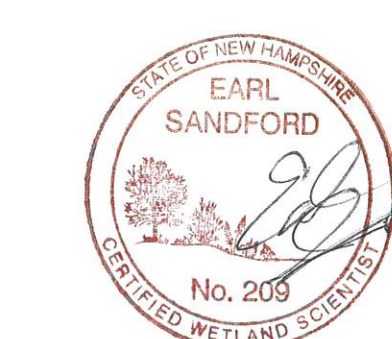
- THE PURPOSE OF THIS PLAN IS TO DEPICT RELIEF NEEDED TO PLACE A REASONABLE HOME ON LOT 111/17.
- RELIEF NEEDED:
A. A VARIANCE FOR FRONT YARD SETBACK ALLOWING 30' WHERE 50' IS REQUIRED \$334-27. (THE INCREASED FRONT SETBACK WAS INSTITUTED AFTER THIS LOT WAS APPROVED BY SUBDIVISION)
B. CONDITIONAL USE PERMIT TO ALLOW 26' FROM WETLAND TO THE HOUSE FOUNDATION WHERE 50' IS REQUIRED, AND TO ALLOW 18' TO A FUTURE RAISED DECK WHERE 50' IS REQUIRED \$334-35A & \$334-34.
- NOTE THAT THERE IS NO CONFORMING BUILDING ENVELOPE POSSIBLE ON THIS LOT WITHOUT RELIEF.
- NOTE THAT THE SEPTIC SYSTEM IS CONFORMING (ALTHOUGH TIGHT) AND NEEDS NO RELIEF.

VARIANCE & CONDITIONAL USE PLAN
TOWN OF HUDSON
MAP III LOT 17
151 ROBINSON ROAD
TOWN OF HUDSON
HILLSBOROUGH COUNTY, NEW HAMPSHIRE

SANDFORD
SURVEYING AND ENGINEERING

TEL (603) 472-2265 FAX (603) 472-6604
597 NEW BOSTON ROAD, BEDFORD, NH 03110
BOUNDARY SURVEYS ~ SUBDIVISIONS ~ SITE PLANS ~ STRUCTURAL ~ SEPTIC DESIGNS

PROJ. MAN.: EJS	CADD: EJS	PROJ: JBC01d18076
CONTACT: MIKE GALLO	CHK BY: EJS	DWG#: MOR11D21021
SCALE: 1" = 10'	DATE: 4/28/2021	SHEET 1 OF 1

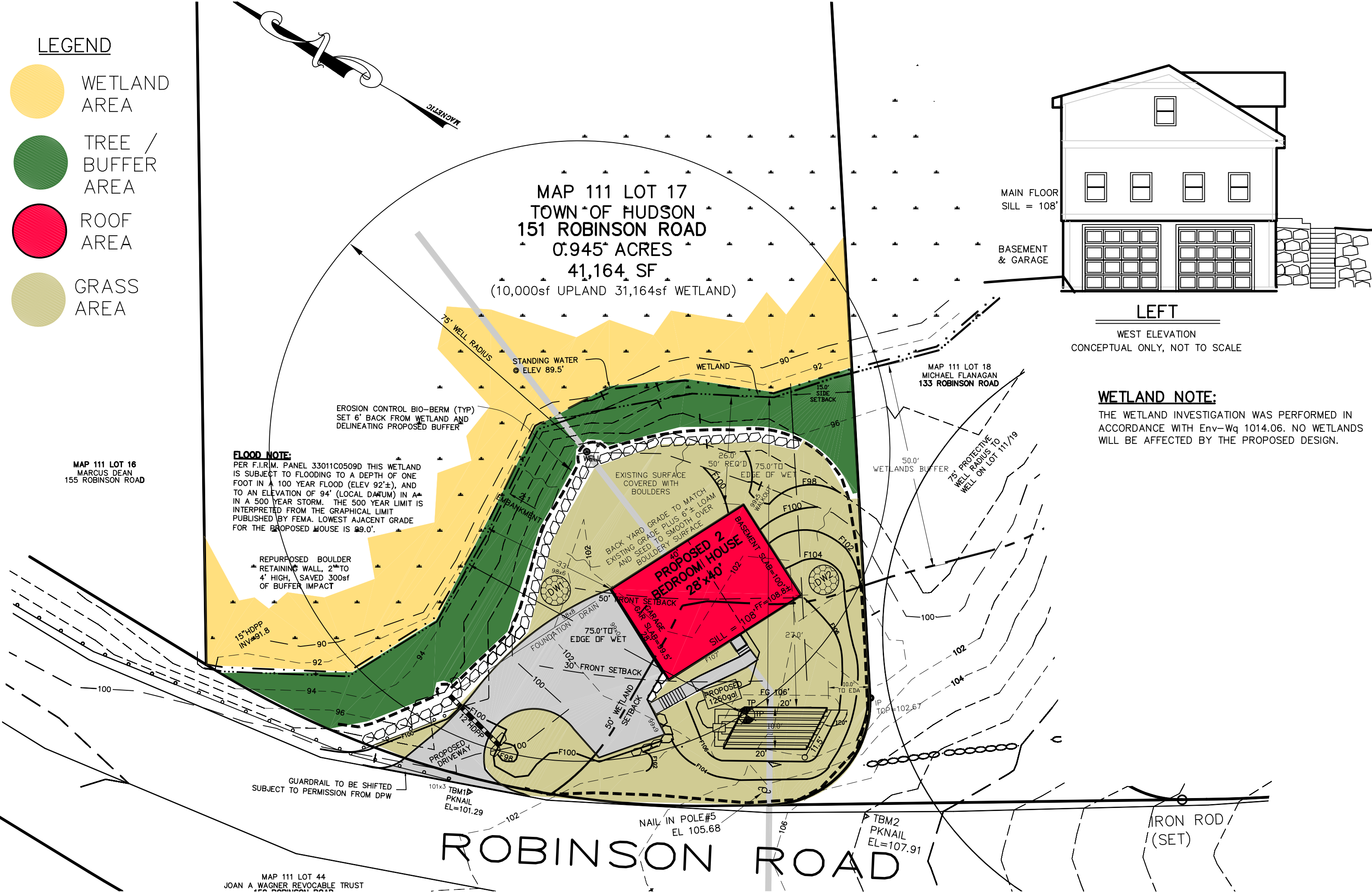


CONSERVATION COMMISSION RECOMMENDATIONS:
THE CONSERVATION COMMISSION AT THEIR REVIEW OF THIS PLAN ON 4-26-2021 PROPOSED USING ON-SITE RE-PURPOSED BOULDERS TO HELP DEFINE AND STABILIZE THE SITE, THAT AND OTHER RECOMMENDATIONS REDUCED BUFFER IMPACT BY 1200sf FROM THE PREVIOUS DESIGN. ALSO AS REQUESTED IS DETAILED DIMENSIONS AND STORMWATER ENGINEERING DETAILS.

S:\land projects\3\JBC01d18076.dwg\WORT1021021.dwg - 5/1/2021 12:39:13 PM, Adobe PDF, 1:1, Sandford Surveying & Engineering, P4-25 Lot

LEGEND

-  WETLAND AREA
-  TREE / BUFFER AREA
-  ROOF AREA
-  GRASS AREA



LEFT
WEST ELEVATION
CONCEPTUAL ONLY, NOT TO SCALE

WETLAND NOTE:
THE WETLAND INVESTIGATION WAS PERFORMED IN ACCORDANCE WITH Env-Wq 1014.06. NO WETLANDS WILL BE AFFECTED BY THE PROPOSED DESIGN.

FLOOD NOTE:
PER F.I.R.M. PANEL 33011C0509D THIS WETLAND IS SUBJECT TO FLOODING TO A DEPTH OF ONE FOOT IN A 100 YEAR FLOOD (ELEV 92±), AND TO AN ELEVATION OF 94' (LOCAL DATUM) IN A 500 YEAR STORM. THE 500 YEAR LIMIT IS INTERPRETED FROM THE GRAPHICAL LIMIT PUBLISHED BY FEMA. LOWEST ADJACENT GRADE FOR THE PROPOSED HOUSE IS 99.0'.

REPURPOSED BOULDER RETAINING WALL, 2" TO 4" HIGH, SAVED 300sf OF BUFFER IMPACT

ROBINSON ROAD

MAP 111 LOT 44
JOAN A WAGNER REVOCABLE TRUST

MAP 111 LOT 18
MICHAEL FLANAGAN
133 ROBINSON ROAD

MAP 111 LOT 16
MARCUS DEAN
155 ROBINSON ROAD

MAP 111 LOT 17
TOWN OF HUDSON
151 ROBINSON ROAD
0.945 ACRES
41,164 SF
(10,000sf UPLAND 31,164sf WETLAND)

TBM2
PKNAIL
EL=107.91

NAIL IN POLE #5
EL 105.68

TBM1
PKNAIL
EL=101.29

IRON ROD /
(SET)

GUARDRAIL TO BE SHIFTED
SUBJECT TO PERMISSION FROM DPW

PROPOSED
1250gal
TP

SILL = 108' FF = 108.8'

PROPOSED 2
BEDROOM HOUSE
28' x 40'

GARAGE
28' x 39.5'

BASEMENT SLAB = 108.8'

EXISTING SURFACE
COVERED WITH
BOULDERS

WELL

STANDING WATER
ELEV 89.5'

EROSION CONTROL BIO-BERM (TYP)
SET 6' BACK FROM WETLAND AND
DELINEATING PROPOSED BUFFER

MAP 111 LOT 18
MICHAEL FLANAGAN
133 ROBINSON ROAD

75' PROTECTIVE
WELL RADIUS TO
WELL ON LOT 111 /19

50.0'
WETLANDS' BUFFER

WETLAND

WETLAND

75' WELL RADIUS

150' SIDE
SETBACK

90

92

96

F98

F100

F102

F104

F106

F107

F109

F111

F113

F115

F117

F119

F121

F123

F125

26.0'

50' REQ'D

75.0' TO
EDGE OF WET

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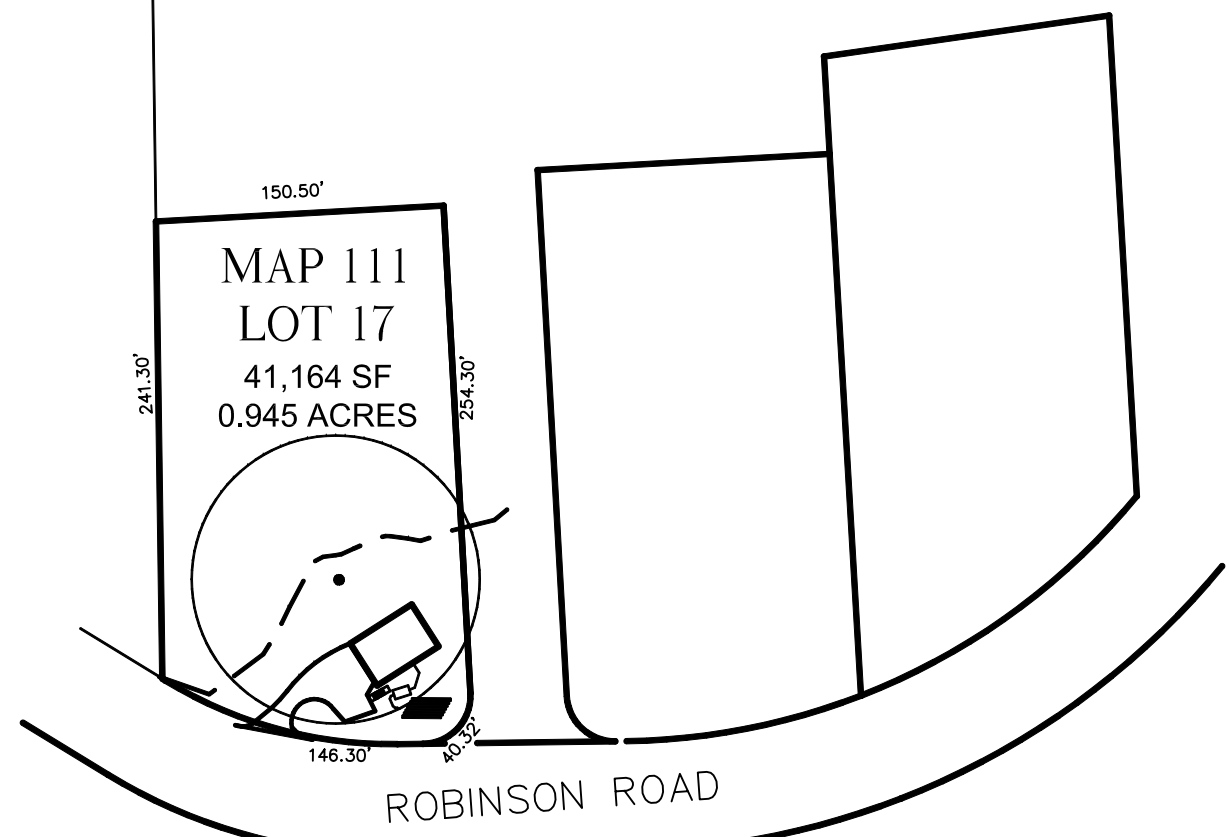
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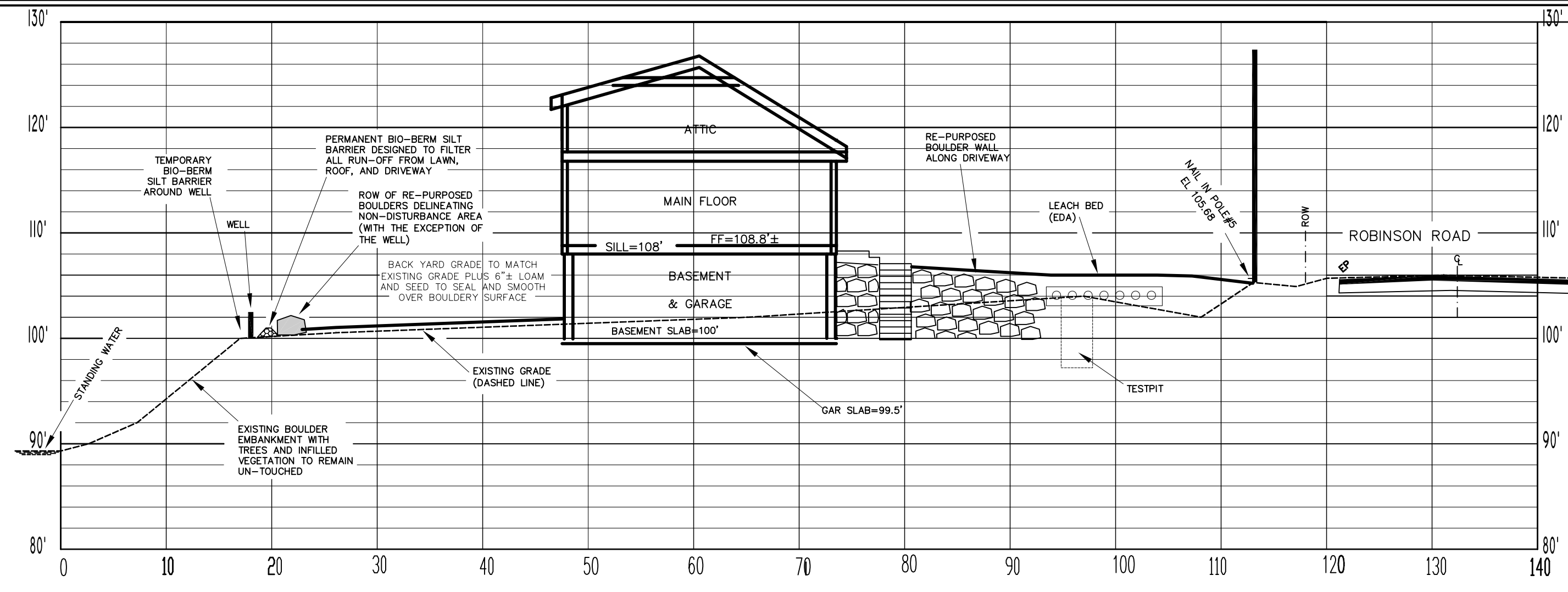
132

REFERENCE THE FOLLOWING SUBDIVISION PLAN:
 HORD DOCUMENT NUMBER 4208
 9/18/1969 PLAN

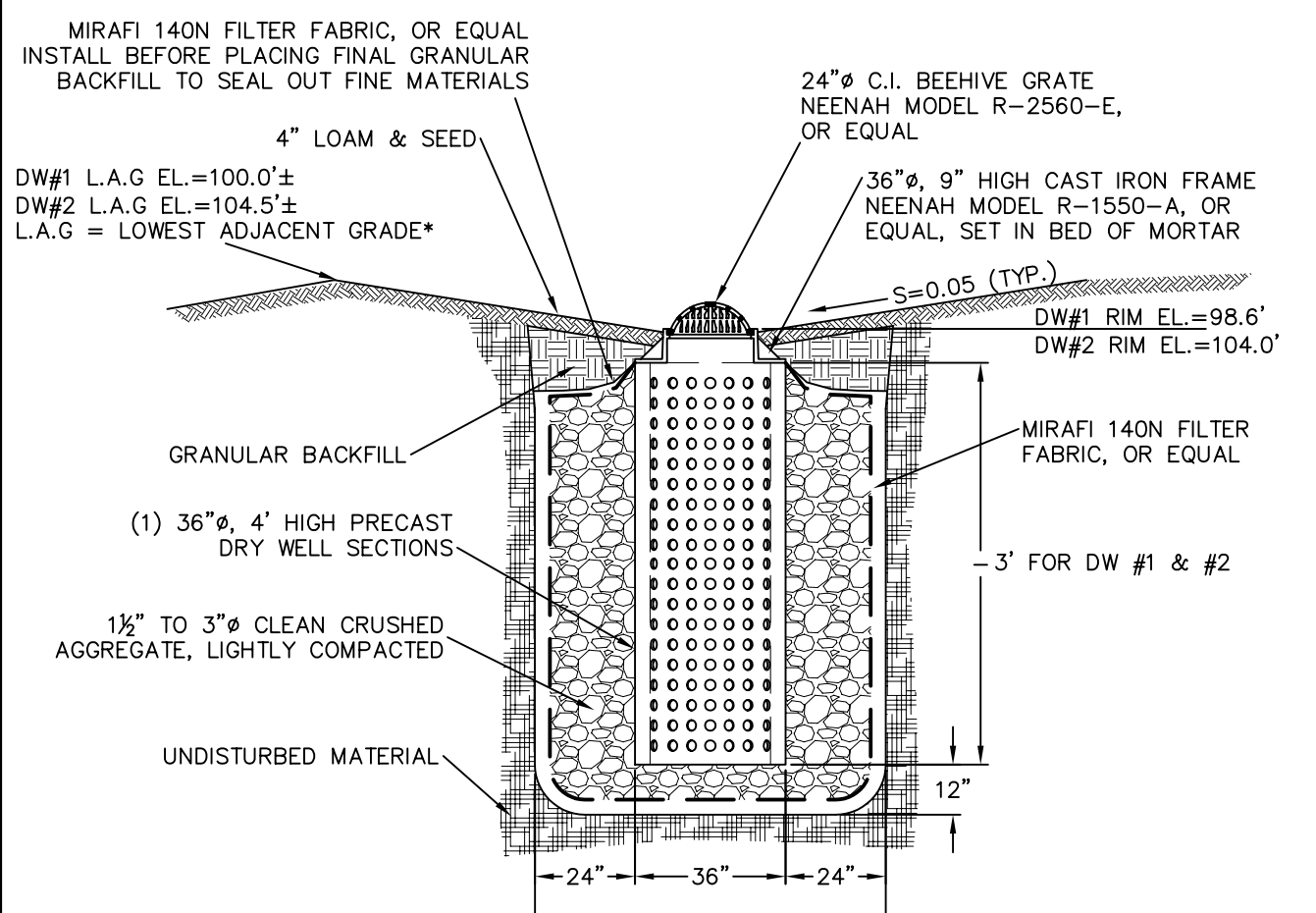
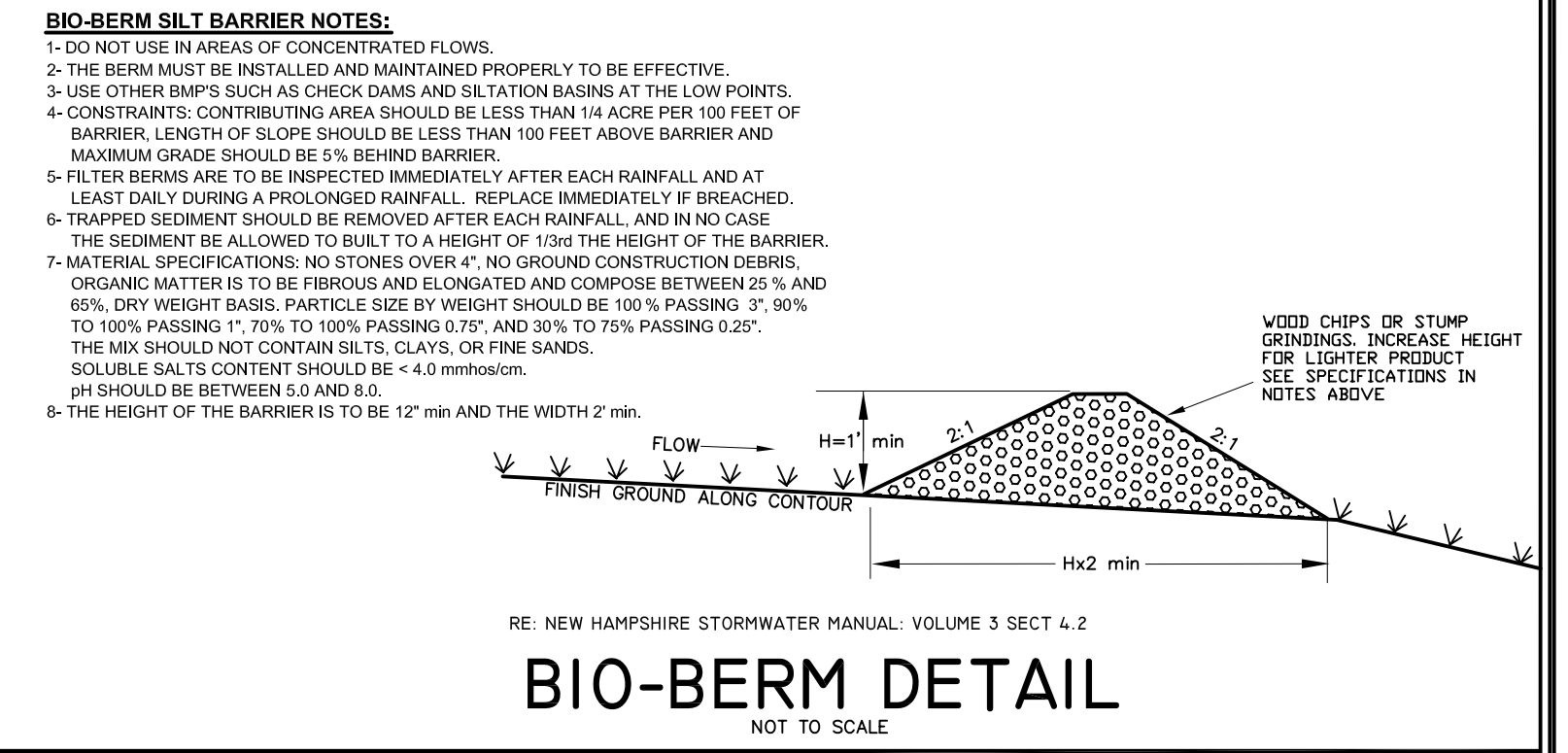
151 ROBINSON ROAD
 PROPERTY ACCOUNT NUMBER 4912
 PARCEL ID 111-017-000
 OLD PARCEL ID 0038-0008-0000



PLOT PLAN
 1"=100'



PROFILE VIEW 1"=10'H 1"=10'V
 ADDED T THE REQUEST OF THE CONSERVATION COMMISSION
 SEE GRAY BAR ON PLAN VIEW FOR ALIGNMENT OF PROFILE



DRY WELL DETAIL (DW-1&2)
 NOT TO SCALE

*LOWEST ADJACENT GRAD (L.A.G.) IS THE OVERFLOW FLOOD ELEVATION AROUND THE DRYWELL (ANYTHING BELOW THE L.A.G. WILL BE INFILTRATED INTO THE DRYWELL)

DRY WELL (DW1 & DW2) DETAIL

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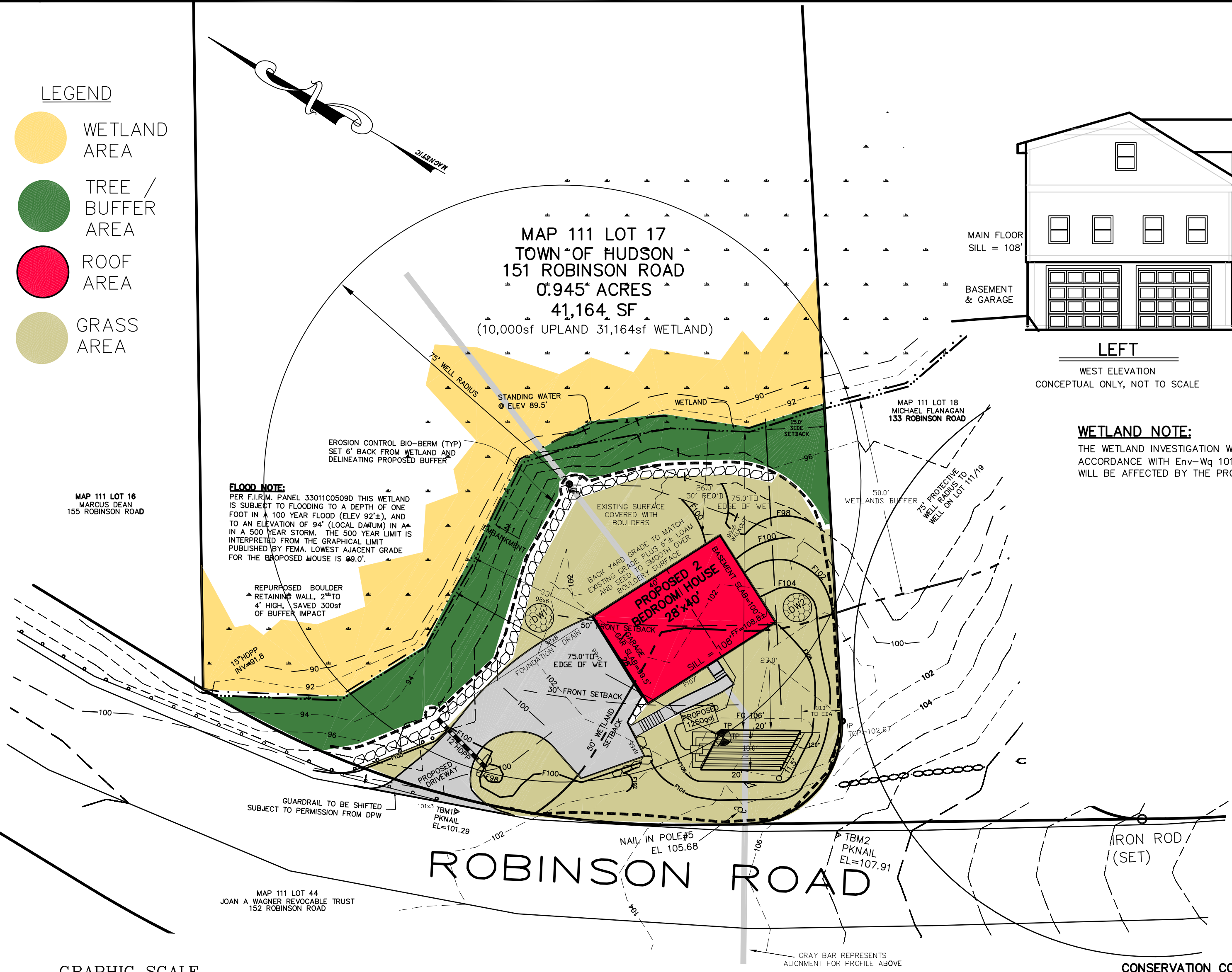
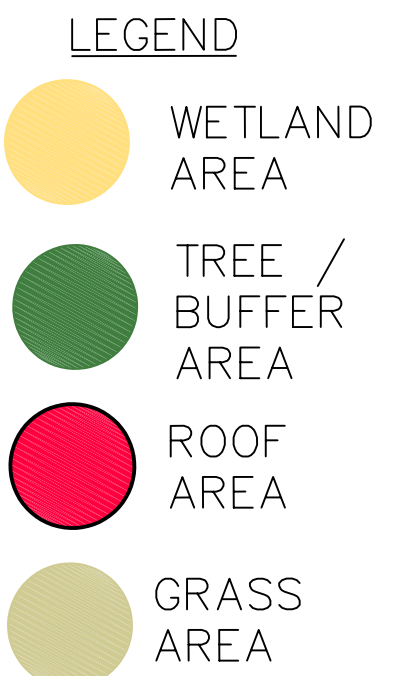
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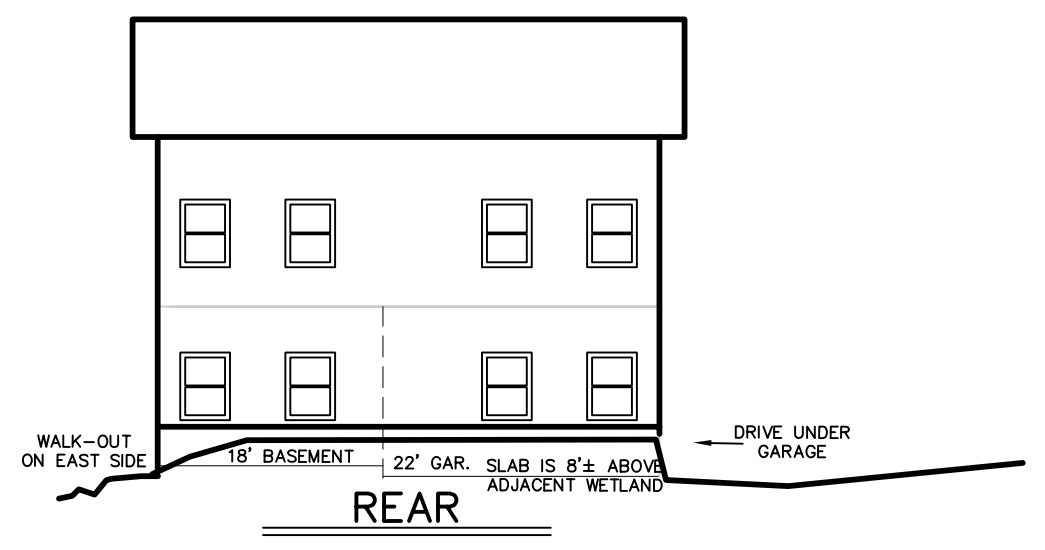
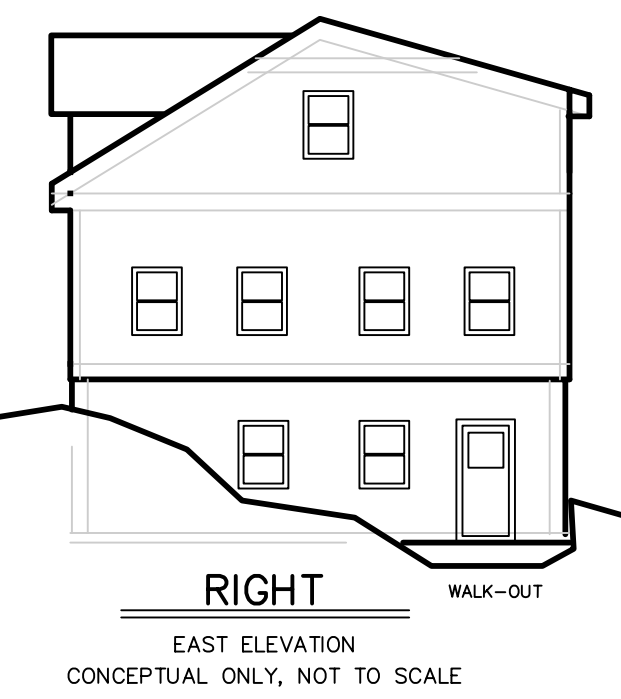
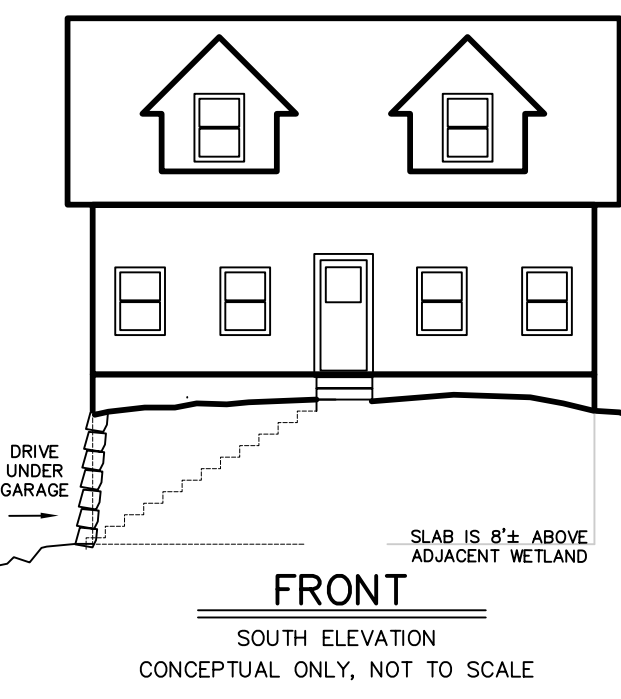
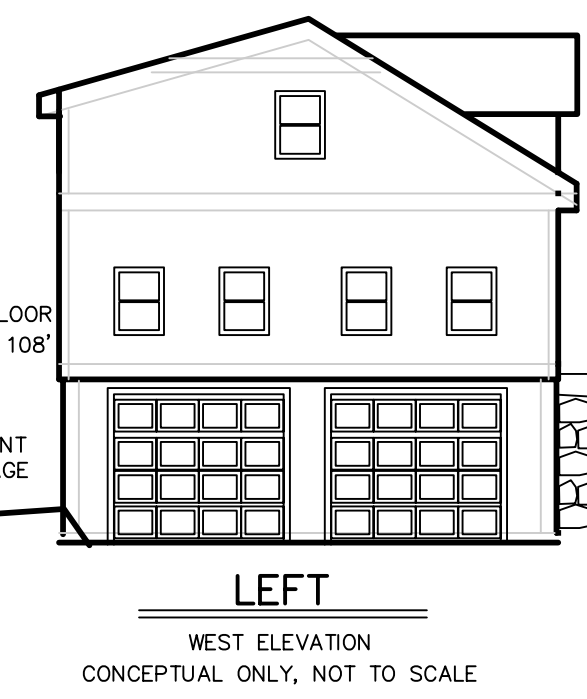
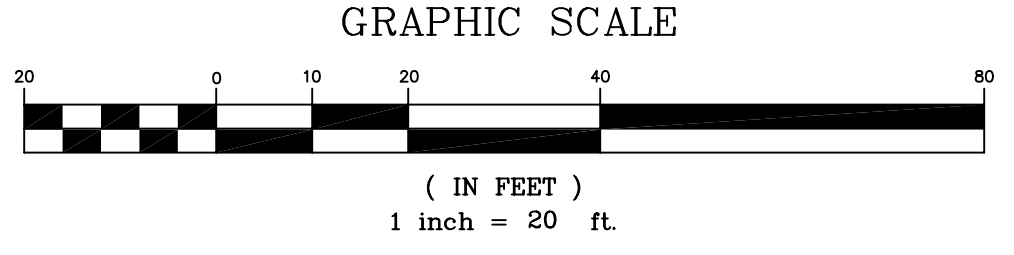
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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	5-03-21	ADDED FLOOD NOTE, RE-ROUTED FND DRAIN	EJS



PLAN VIEW 1"=20'



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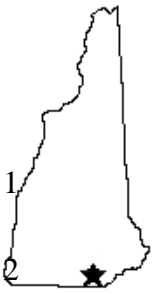
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VARIANCE & CONDITIONAL USE PLAN
TOWN OF HUDSON
 MAP III LOT 17
 151 ROBINSON ROAD
 TOWN OF HUDSON
 HILLSBOROUGH COUNTY, NEW HAMPSHIRE

SANDFORD
 SURVEYING AND ENGINEERING

TEL (603) 472-2265 FAX (603) 472-6604
 597 NEW BOSTON ROAD, BEDFORD, NH 03110
 BOUNDARY SURVEYS ~ SUBDIVISIONS ~ SITE PLANS ~ STRUCTURAL ~ SEPTIC DESIGNS

PROJ. MAN.: EJS CADD: EJS PROJ.: JB01d18076
 CONTACT: MIKE GALLO CHK BY: EJS DWG#: MOR11D21021
 SCALE: 1" = 10' DATE: 4/28/2021 SHEET 1 OF 1



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 – April 22, 2021 - edited

I. CALL TO ORDER

Chairman Gary Daddario called the meeting to order at 7:01 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. Daddario invited all to stand for the Pledge of Allegiance. Mr. Daddario ~~announced that the Town requested that we be mindful that COVID procedures must still be followed at our meetings stated that in compliance with the Town of Hudson COVID procedure, read the safety measures required~~ which included the wearing of masks, social distancing, hand sanitization and check-in requirements.

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.

Me Etienne asked and received confirmation that Selectman Roy was recently appointed as the ZBA Liaison for 2021.

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

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

49
50 1. **Case 183-103 (04-22-21):** Roger Colby, **10 Thorning Rd., Hudson, NH**
51 requests a Variance to install a 12 ft. x 24 ft. above ground pool in a proposed location
52 which encroaches 9 feet into the rear setback leaving 6 feet where 15 feet is required.
53 [Map 183, Lot 103-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional
54 Requirements, §334-27, Table of Minimum Dimensional Requirements].
55

56 Mr. Buttrick read the Case into the record. Roger Colby introduced himself and sat
57 masked at the applicant table. Mr. Colby stated that he would like to install an above
58 ground pool off their back deck which would go into the setback but would not be
59 visible from the residence of that neighbor as it would be shielded by their garage. Mr.
60 Colby stated that has spoken to all is neighbors/abutters and has signed letters of
61 support from all but one who did not feel able to sign as the house is in Trust and she
62 is not the Trustee. Mr. Colby submitted the letters.
63

64 Mr. Colby addressed the criteria for the granting of a Variance. The information
65 shared included:
66

- 67 (1) *not contrary to public interest* – house is on a corner lot and the proposed
68 location is actually in their backyard between their neighbor’s garage and
69 his deck so as not to be an eyesore for the neighbors.
- 70 (2) *use will observe spirit of Ordinance* – no public rights would be violated, the
71 proposed location behind his neighbor’s garage will not give them a direct
72 view from their house
- 73 (3) *substantial justice to the property owner* – the location selected is the only
74 place to install the pool that would allow privacy for our neighbor and not be
75 in a place that would result in constant damage to the pool from our other
76 neighbor’s large oak tree that overhangs onto our property and to keep it out
77 of the setback would also be at the top of our driveway
- 78 (4) *use will not diminish surrounding property values* – there is no impact to our
79 neighbors property and view of the pool will be blocked by neighbor’s garage
- 80 (5) *hardship* – property is a corner lot with two front yard setbacks and the land
81 is sloped and neighbor’s oak tree is old and large and its falling leaves and
82 acorns will impact a pool installed underneath its overhanging limbs and
83 yes the limbs could be cut, but would need a professional as the limbs are
84 quite high and the tree will continue to grow
85

86 Mr. Pacocha asked if there was any fencing on the property. Mr. Colby responded that
87 there is some fencing, a half fence between his neighbors to the west behind his
88 garage that increases to six feet (6’) between his neighbor to the north and there is no
89 fence between his property on his neighbor’s garage. Mr. Colby stated that he has
90 considered a fence and noted that there is a large bush near the proposed location and
91 would install a fence now if a fence is a condition of approval. Mr. Fauvel expressed
92 concern for the temptation to neighborhood children with no fence and Mr. Colby
93 stated that he only has one neighbor with young children and has no concerns and
94 added that even if there was an eight foot (8’) at his side/front property line, the pool
95 would still be visible due to the slope of his land.
96

97 Mr. Etienne asked why not just cut the oak tree limbs that are hanging over his
98 property and Mr. Colby responded that the tree stands almost one hundred feet (100’)
99 and he would have to hire a professional and added that there is the constant growth
100 of the tree that needs to be considered along with wind carrying leaves and acorns
101 onto his property from limbs that are not overhanging his property. Mr. Etienne asked

102 if there is a plan to cover the pool at night. Mr. Colby stated that is their plan but
103 there are a lot of leaves and they go through between one hundred fifty to two hundred
104 (150-200) bags of leaves a year.

105
106 Mr. Daddario stated that there are only four (4) Members voting at this meeting and
107 offered Mr. Colby the option to defer. Mr. Colby responded that he was comfortable
108 with just four (4) Members voting and noted that the option to appeal exists.

109
110 Public testimony opened at 7:20 PM. Mr. Buttrick stated that letters of support
111 included: Linda Jezylo, 11 Greentrees Drive; Scott Tinkham, 5 Greentrees Drive;
112 Raykwon Forcier, 8 Thorning Road; Chris Funk, 7 Greentrees Drive; Kyrilakoulis
113 Tsouprakos, 7 Thorning Road; and Nickolas Bolton, 9 Thorning Road.

114
115 Being no one in house to address the Board, Mr. Daddario declared a five (5) minute
116 recess at 7:22 PM for call-ins. Meeting resumed at 7:27 PM. Mr. Buttrick stated that
117 there is one caller on the line

118 (1) Tammy Leonard, Trustee of Shorey One Family Trust, owner of 8 Greentrees
119 Drive, stated that she has no problem with the proposed pool because it will
120 be on the side of the garage and not visible.

121
122 Being no one else connected to speak, public testimony closed at 7:29 PM.

123
124 Mr. Etienne stated that he is struggling with the fifth criteria because cutting the oak
125 tree does not meet the hardship criteria. Mr. Daddario stated that the initial pruning
126 of the oak tree does not satisfy Hardship however it is not the Applicant's tree and the
127 tree will continue to grow and that, in his opinion, the hardship criteria is satisfied by
128 the slope of the land and it being a corner lot.

129
130 Mr. Pacocha made the motion to grant the Variance. Mr. Etienne seconded the
131 motion. Mr. Pacocha stated that the criteria have all been satisfied, the spirit of the
132 Ordinance is met, it will not alter the neighborhood, justice is served and the hardship
133 is due to the corner lot and added that using the existing deck makes common sense.
134 Mr. Etienne concurred and added that the Applicant has no control over the oak tree.
135 Roll call vote was 4:0. Variance granted. Mr. Buttrick noted the 30-day appeal period.

136
137
138 2. **Case 247-139 (04-22-21):** Kenneth & Andrea Kleiner, **15 Sand Hill Rd.,**
139 **Hudson, NH** requests a Home Occupation Special Exception to operate a state
140 licensed Family Based Child Care home business. [Map 247, Lot 139-000; Zoned
141 Residential-One (R-1); HZO Article V, Permitted Uses, §334-22, Table of Permitted
142 Accessory Uses and Article VI, Special Exceptions, §334-24, Home Occupations].

143
144 Mr. Buttrick read the Case into the record, read the definition of Family Group Day
145 Care Home allowing six (6) children into the record, noted that a power point
146 presentation was provided and included in the Supplemental Meeting Folder and that
147 an email was received from a Non-Direct Abutter William Marks, 6 Leonard Avenue.

148
149 Andrea Kleiner and Kenneth Kleiner introduced themselves and sat at the Applicant's
150 table with masks. Ms. Kleiner stated that she is pursuing State Licensing to become a
151 Family Based Child Care as outlined in the NH Code He-C 4002.31 and will include a
152 Preschool Only Program for children ages three to five year old children operated
153 Monday through Thursdays with two (2) sessions per day; a maximum of six (6)
154 children in the 9:30-11:30 morning session and a maximum of six (6) children in the
155 12:30-3:00 afternoon session.

156

157 Ms. Kleiner addressed the criteria for a Home Occupation Special Exception and the
158 information shared included:

159

160 • *Sales or service operation* – in addition to the regular sessions, a two-week (10-
161 day) Summer Pre-K Boot Camp in July is being proposed to help prepare six (6)
162 children for kindergarten

163

164 • *Use secondary to Principal Use* – two story house and day care will be in the
165 living room on main level with a three quarter bath and entry/exit via the mud
166 room off the kitchen – will discuss with Health Inspector if kitchen can be used
167 or if set up for snacks and art need to be in the living room converted to Day
168 Care

169

170 • *Use contained within residence or accessory structure* – use contained within
171 main home with occasional outdoor activities and pick up/drop off

172

173 • *No exterior display without screening* – not applicable and there will be no sign,
174 except for a temporary A-frame sign for announcing an Open House

175

176 • *No objectionable circumstances, noise etc* – plan is to utilize front and back
177 yards for science experiments or observation or reading, outside time is not a
178 playground setting, and the children will be outside in the front during drop off
179 & pickup for approximately ten (10) minutes

180

181 • *Traffic generated not greater than 'normal' for neighborhood* - traffic will not be
182 substantially greater in volume with the addition of a maximum of six (6)
183 vehicles as Sand Hill Road can be used as a cut-through between Dracut Road
184 and River Road and volume changes everyday.

185

186 • *Parking shall be off-street and limited to two vehicles at a time* – a picture was
187 presented that showed that the length along the driveway on Sand Hill Road to
188 Leonard Avenue can accommodate six (6) vehicles and the intent is to have a
189 car pull up to the driveway and the Applicant would go to the parent's car for
190 the child instead of having the parent park their vehicle and escort their child
191 into the house. A temporary gate will be placed in the driveway for the children
192 to wait until all assemble. If this plan is not acceptable, the driveway can
193 accommodate five to six (5-6) vehicles; however, it is not the best option
194 considering the parent would need to escort their child to the door and if there
195 are other children in the car, they too would need to dismount and then there's
196 the exit potential problem of being blocked in and having to back out onto Sand
197 Hill Road.

198

199 • *Conducted by resident* – yes, Applicant has lived in the house since 1999

200

201 • *Parking of no more than one business vehicle* – not applicable

202

203 Ms. Kleiner next presented a Power Point she prepared and the information contained

204

205 included:

206

207 • Her work history and certifications

208

209 • Age and number of children – 3-5 year olds, maximum 6 each session

209

• Time frame for drop off and pick up – approximately five minutes each

209

• Floor plan of first level – 3 exit points identified in case of emergency

209

• Pictures/photographs of first floor

- 210 • Diagram of cars lined up on Sandy Hill Road for drop off/pick up of children
211 and position of temporary gate in driveway
212 • Picture of house and driveway with cars lined up showing last car before the
213 corner of Leonard Avenue
214 • Diagram of 6 cars parked in driveway and picture of 3 cars in front of garage
215 and mudroom door
216 • Picture of 3 cars parked in front of driveway and mud room door
217 • Reasons why alternate plan has drawbacks
218

219 Ms. Kleiner concluded her presentation and stated that she has established an LLC.
220

221 Mr. Fauvel asked about the pool and pool deck and Ms. Kleiner responded that the
222 pool is not close to the house and the pool deck is locked. Mr. Fauvel noted the
223 placement of the temporary gate on the driveway and suggested that the children be
224 asked to wait behind the gate for their safety.
225

226 Discussion arose on the parking restriction to two (2) vehicles, the apparent
227 discrepancy between the RSA Special Exception criteria, the Zoning Ordinance and
228 the Decision Sheet. Selectman Roy questioned how to control where to park and the
229 potential hazard for opening vehicle door to the traffic side. Ms. Kleiner stated that
230 she could use roadside cones with a stick sticking out to identify parking locations
231 and include instructions to the parents that the child be seated on the passenger side
232 of the vehicle. Mr. Pacocha questioned if cars lining up on ~~Sand Hill Road~~ Sandy Hill Road
233 Drive with their engines running constitutes parking. Both Mr. and Mrs. Kleiner
234 expressed concern that the parking requirements were not known or part of the
235 Application.
236

237 Discussion also arose on outdoor time and the discrepancy between State Law for Day
238 Care to the Zoning Ordinance and Decision Sheet. Ms. Kleiner stated that the State
239 Law is specific regarding outdoor time, even specify the requirement of fifty square feet
240 (50 SF) and noted that outdoor time is not required if a child is there less than five (5)
241 hours and her program only offers two (2) two and one half hour (2½) sessions.
242

243 Town Engineer Elvis Dhima was connected remotely and asked that the GIS be
244 posted. Mr. Dhima expressed concern for the proposed off street parking on the
245 shoulder to the corner of Leonard Avenue as the Town does not plow the shoulder to
246 the corner of Leonard Avenue and that could result in cars lining up in the roadway of
247 Sandy Hill Road and impact sight distance. Mr. Dhima stated that septic loading is
248 different for day cares than for a single family home and the current system could be
249 stressed and suggested that the Applicant consult with the State of NH and get a new
250 design prepared.
251

252 Mr. Kleiner stated that they have two (2) tanks and installed a new leach field eight (8)
253 years ago. Mr. Dhima stated that septic capacity is designed by/for the number of
254 bedrooms in the house whereas childcare facilities have a different criteria and that
255 his main concern is the leach field.
256

257 Public testimony opened at 8:36 PM. No one present addressed the Board. Recess
258 ended at 8:41 PM. Mr. Buttrick reported that there were no new call-ins but there was
259 one identified as 7 Leonard Avenue from the beginning of the meeting. The caller was
260 asked to address the Board. The phone number to call into the meeting was given.
261 Mr. Buttrick referenced the email and questions raised by William Marks, 6 Leonard.
262 A male from 7 Leonard Avenue called in and stated that he was just listening and that
263 his questions have been answered. Public testimony closed at 8:50 PM.

264
265 Mr. Etienne stated that it is normal use to have children playing in the backyard, not
266 the front yard and expressed concern with six (6) cars lining up on the side of the road
267 as this is not a school but a residential neighborhood.
268

269 Board discussed possible conditions that could be set to satisfy the criteria for the
270 granting of a Home Occupation Special Exception (HO/SE) to operate a day care.
271

272 Mr. Etienne made the motion to grant the HO/SE with the following conditions:
273

- 274 (1) that only two (2) cars be parked at one time in the driveway for drop off &
275 pick up;
- 276 (2) that all activity pertaining to the day care occur within the house only;
- 277 (3) that the Applicant review the current flow rate of existing septic system with
278 the proposed day care activity with a Certified Septic Engineer and prepare a
279 State approved septic system;
- 280 (4) that the Applicant obtain a State Certificate and License to operate a Day
281 Care before starting the business; and
- 282 (5) that the Applicant submit a copy of the drop off and pick up instructions to
283 be provided to the parents/caregivers of the children attending the day care.
284

285 Mr. Pacocha seconded the motion. Mr. Etienne stated that the proposed conditions
286 satisfy the criteria for the granting of a HO/SE. Mr. Pacocha agreed and stated that
287 the Applicant deserves the HO/SE; however, he is conflicted with the two (2) car limit
288 as, in his opinion, drop off and pick up do not equate to parking. Mr. Daddario
289 concurred because the driver would not be leaving the vehicle and therefore not
290 parking. Mr. Etienne stated that the condition is needed, to give credence to the Town
291 Engineer's concerns, as is the need for the protocol pick up and drop off instructions
292 and emphasized that this is a residence and not a school. Mr. Daddario noted that
293 the off street parking requirement is in both the Zoning Ordinance and on the
294 Decision Sheet and suggested that the Application form be adjusted.
295

296 Roll call vote was 4:0. Variance granted with five (5) stipulations. Mr. Buttrick noted
297 the 30-day Appeal period. In response to Mr. Kleiner's question, Mr. Buttrick stated
298 that a Notice of Decision specifying the conditions will be prepared.
299

300 3. **Case 174-080 (04-22-21): Catherine Richard, 21 Derry St., Hudson, NH**
301 requests a Variance for a proposed 375 sqft. addition with encroachments of 0.8 ft into
302 the required front yard setback of 30 ft., leaving 29.2 ft. of setback and 3.3 ft into the
303 required side yard setback of 15 ft. leaving 11.7 ft. [Map 174, Lot 080-000; Zoned
304 Town Residence (TR); HZO Article VII, Dimensional Requirements, §334-27, Table of
305 Minimum Dimensional Requirements].
306

307 Mr. Buttrick read the Case into the record and referenced his Staff Report signed
308 4/12/2021 noting that the lot is an existing conforming (oversized) lot of record.
309 Catherine Richard sat masked at the Applicant table with her daughter, Cynthia
310 Senechal, and thanked the Board for holding meetings during the pandemic as she
311 works in a hospital and is aware of the efforts to keep everything going.
312

313 Ms. Richard addressed the criteria for the granting of a Variance and the information
314 shared included:
315

- 316 (1) *not contrary to public interest* – the request is not contrary to public interest,
 317 the house will still be a ranch with a hip roof and end up being longer and
 318 the siding will match the existing house, the addition is to add a much
 319 needed fourth bedroom, extend the master bedroom and expand the
 320 bathroom and rid the questionable mold in the shower wall of the original
 321 sixty year old bathroom
- 322 (2) *use will observe spirit of Ordinance* – want to preserve and enhance the
 323 quality of life and add value to the property to meet the needs of four adults
 324 and three children
- 325 (3) *substantial justice to the property owner* – the addition without a variance
 326 would nine feet (9'), but once the lot was surveyed by Jeffrey Land Survey,
 327 LLC and stamped by Greg R. Jeffrey, LLS, to be only six feet (6') in width
 328 making the new rooms very narrow, but by extending the wall width to 10.5'
 329 would be more of a usable safe space
- 330 (4) *use will not diminish surrounding property values* – having four (4) bedrooms
 331 and a newer bathroom will bring up the value of the property and will also
 332 help the new houses built next door keep their value
- 333 (5) *hardship* – the house is currently oriented at a skewed angle in relationship
 334 to the lot line, any addition on the north side would be by the garage and
 335 not a practical addition for a bedroom and the addition is the least intrusive
 336 possible while satisfying the residents' needs.
 337

338 Mr. Fauvel asked if placing the addition at the back of the house was considered and Ms.
 339 Richard responded that it was considered but it was not practical and her daughter
 340 added that the back wall is just bedrooms and one would have to go through a
 341 bedroom to get to the addition.
 342

343 Mr. Daddario opened public testimony at 9:17 PM. No one addressed the Board. Mr.
 344 Daddario called a five minute recess at 9:19 PM for anyone to call in or connect by the
 345 computer. Meeting reconvened at 9:24 PM. Mr. Buttrick reported that there were no
 346 call-ins and no one connected via the computer. Public testimony closed at 9:26 PM
 347

348 Mr. Etienne made the motion to grant the Variance with no stipulations. Mr. Pacocha
 349 seconded the motion. Mr. Etienne stated that the criteria have been satisfied, that
 350 what is sought is not much of an encroachment, that the lot is odd shaped and the
 351 placement of the house is skewed and causes the hardship. Mr. Pacocha concurred
 352 and stated that the house is not parallel to the road. Roll call vote was 4:0. Motion
 353 passed. Variance granted. Mr. Buttrick noted the 30-day appeal period.
 354

355 4. **Case 111-017 (04-22-21):** Elvis Dhima, Town Engineer and authorized representative,
 356 Town of Hudson, 12 School St., requests a Variance for **151 Robinson Rd., Hudson, NH** to
 357 allow a front yard setback of 30 feet where 50 feet is required. [Map 111, Lot 017-000; Zoned
 358 General-One (G-1); HZO Article VII, Dimensional Requirements, §334-27, Table of Minimum
 359 Dimensional Requirements].
 360

361 Mr. Buttrick read the Case into the record. Town Engineer Elvis Dhima was
 362 connected remotely. An aerial view of the lot was posted. Mr. Daddario noted that
 363 only four (4) Members were present to vote and offered Mr. Dhima the option to defer
 364 hearing with the hope that there would be five (5) Members voting next month. Mr.
 365 Dhima stated that he is comfortable with just four (4) Members voting.
 366

367 Mr. Dhima stated that the lot was created in 1969, it was an excess property and that
368 it has been before the Board before. Mr. Dhima stated that the lot, when created, was
369 a conforming and buildable lot, however, in 1978 the front setback was increased from
370 thirty feet (30') to fifty feet (50') and in 1990 the wetland setback was also increased.
371 The Town has a potential buyer and the Town is now before the Board to help the
372 buyer. The Planning Board 1969 recorded Subdivision Plan, identified as the Robin
373 Ridge Acres for Lots 1 to 11 dated 9/5/1969, had this lot as #10 with a ROW (Right-
374 of-Way) access way preserved for a potential future road for potential future rear lots
375 development ~~to the rear~~ and the Site Plan prepared by the Town of Hudson
376 Engineer's Office dated March 2021 locating the house out of the wetland and with the
377 thirty foot (30') front setback were referenced.

378
379 Mr. Dhima addressed the criteria necessary for the granting of a Variance that is now
380 needed due to the setbacks that have increased since the lot was created. The
381 information shared included:

- 382
- 383 (1) *not contrary to public interest* – existing developed lots in proximity to this lot
384 (143-148 and 155-157 Robinson Road) currently do not comply with the 50'
385 front setback – granting the Variance would place the proposed house in
386 similar location to most of the properties around it.
 - 387 (2) *use will observe spirit of Ordinance* – the proposed use provides a thirty foot
388 (30') front setback while avoiding impact to the wetland in the rear of the
389 property while minimizing wetland buffer impact
 - 390 (3) *substantial justice to the property owner* – this is currently an approved lot
391 by the Hudson Planning Board and State of NH and the variance should be
392 granted because the lot was created in conformance to the rules and
393 regulations of the time, prior to the expansion of the front setback distance
394 and wetland setbacks were changed
 - 395 (4) *use will not diminish surrounding property values* – this lot would have the
396 same front setback as most of the existing developed properties along this
397 road and would not result in diminution of surrounding properties as there
398 would be an improvement (a single family house) built
 - 399 (5) *hardship* – this is an existing lot of record that is currently undeveloped and
400 since it was created the rules and regulations have changed (increased)
401 making this lot currently a non-conforming/grandfathered lot and the
402 proposed layout provides for the thirty foot (30') front setback as was the
403 standard when the lot was created and does not impact the extensive
404 wetlands in the rear of the lot

405
406 In response to Mr. Fauvel's queries dated 4/16/2021, and to other questions raised by
407 the Board, Mr. Dhima offered the following:

- 408
- 409 • the front setback was increased in 1978, nine (9) years after the lot was created
 - 410 • a plan to develop the site does exist and keeps everything out of the wetland
 - 411 • if the Variance is granted, the plan will need to go before the Conservation
412 Commission and the Planning Board for a CUP (Conditional Use Permit)
 - 413 • the septic system is proposed to be ten feet (10') from the property line, in the
414 front setback
 - 415 • well is to have a fifty foot (50') radius to the septic tank and be seventy five feet
416 (75') from the leach field

- 417 • other lots developed in the area do not meet the current fifty foot (50') front
418 setback, 155 Robinson Road has only a forty foot (40) front setback
- 419 • there are no plan to develop the lot behind and it would be challenging
420 considering the wetlands
- 421 • the strip of land has been identified as a potential access way to the lot behind
422 for a potential road/access way should it be developed
- 423 • the prior application that was denied for this lot did not meet the thirty foot
424 (30') front setback that was the requirement at the time the lot was created in
425 1969; it was presented at twenty feet; therefore it is two separate applications
- 426 • the Town has a potential buyer, 4 NH Homes, LLC
- 427 • a 250 SF septic system accommodates a two-bedroom house
- 428 • the ten-foot Buffer line to the wetland marks the "no touch" boundary
429

430 Mr. Fauvel questioned if the Planning Board or the Conservation Commission could
431 alter the wetland setback requirements and expressed concern that if it was altered
432 that it could be perceived as preferential treatment to the Town and set a precedent.
433 Mr. Dhima stated that is why the requirement for a CUP exists. Mr. Buttrick stated
434 that Mr. Fauvel was a developer in Town when the CUP option did not exist. Mr.
435 Dhima recalled and stated that in the past the ZBA was involved and an Applicant had
436 to deal with three (3) Boards but with the change from a Special Exception to a CUP,
437 only two (2) Boards are now involved.
438

439 Mr. Etienne asked if the wetland has been delineated and if so, is there a plan
440 stamped by a certified wetland scientist (CWS)? Mr. Dhima stated that the wetland
441 has been delineated by Mr. Sanford, a Wetland Scientist. Mr. Etienne stated that he
442 would like to see the CWS stamped Plan. Mr. Dhima posted the plan with the certified
443 wetland stamp and added that the Conservation Commission is meeting Monday.
444

445 Public testimony opened at 10:03 PM. No one present to address the Board. Board
446 went into a five-minute recess. Meeting called back to order at 10:08 PM. Mr.
447 Buttrick stated that there was one call:
448

- 449 (1) Michael Flanagan, 133 Robinson Road, expressed concern with the setback
450 of the proposed house to the access road and noted that the minimum lot
451 size is one-acre and this lot is less than one acre and added that last year
452 this lot was determined to be unbuildable.
453

454 Mr. Buttrick stated that the minimum lot size met the standard for 1969 when it was
455 created, that it is a lot of record and is a non-conforming lot by today's standard; and
456 that the access way is not deemed a road by definition and does not create a front-
457 yard setback requirement nor make this lot a corner lot. Mr. Dhima added that he
458 does not see how this access strip could become a road on account of the wetland and
459 the plan proposed does not seek a setback encroachment to the access way and
460 satisfies its own side yard setback. Mr. Flannagan asked whether he would loose any
461 rights if the Board approves the proposed plan and Mr. Dhima confirmed that he
462 would not loose any of his rights.
463

464 Public testimony closed at 10:18 PM.

465
 466 Mr. Etienne made the motion *not* to grant the Variance request. Mr. Pacocha
 467 seconded the motion. Mr. Pacocha stated that the request does not meet any of the
 468 Variance criteria, that it has been over fifty (50) years and Zoning Ordinance changes
 469 occur to make improvements and should be respected. Roll call vote was 2:2 with Mr.
 470 Daddario and Mr. Fauvel opposed. Motion does not succeed. Need three (3) votes to
 471 pass. Motion failed.

472
 473 Motion made by Mr. Fauvel to grant the Variance request for a thirty-foot (30') front
 474 setback with the following stipulations: (1) that the Applicant inform the potential
 475 buyer that the septic system would be in the front setback and would need to be
 476 removed should the Town expand Robinson Road; (2) that the Applicant pursue
 477 obtaining the access strip with the Abutter; and (3) obtain Conservation Commission
 478 approval. Mr. Dhima stated that the potential buyer is aware of the septic system
 479 being placed in the front setback and that they need to obtain Conservation
 480 Commission approval as well as Planning Board approval for a CUP (Conditional Use
 481 Permit). Mr. Buttrick added that the placement of the septic system in the front
 482 setback would be on the plan recorded and that the next Procedural Steps is the
 483 Conservation Commission and the Planning Board. Mr. Fauvel stated that he does
 484 have concern with the Town setting precedent for privilege and would not relinquish
 485 the conditions to his motion. Mr. Daddario seconded the motion even though, in his
 486 opinion, the conditions are redundant and the criteria have been satisfied as the
 487 proposed development would match others in the neighborhood, that is no injury
 488 imposed onto the public, the lot was buildable when created, justice is done to the
 489 property owner and does not harm the public, a developed lot adds value to
 490 surrounding property values and the hardship is due to the massive wetlands on the
 491 property. Roll call vote was 2:2 with Mr. Pacocha and Mr. Etienne opposed. Motion
 492 does not succeed. Need three (3) votes to pass. Motion failed.

493
 494 Mr. Dhima asked the Board to continue to the next meeting with the hope that there
 495 would be five (5) Voting Members present to break the tie and asked if it would be
 496 beneficial to have a CWS present? General concurrence that a CWS would be
 497 beneficial, along with a copy of a certified plan and an environmental report.

498
 499 Mr. Etienne made the motion to continue Case #111-017 to the 5/27/2021 meeting.
 500 Mr. ~~FauvelPacocha~~ seconded the motion. Roll call vote was 4:0. Mr. Daddario stated
 501 that the Case should be the first item on next month's Agenda.

502
 503 **III. REQUEST FOR REHEARING:**

504
 505 No requests were received for Board consideration

506
 507 **IV. REVIEW OF MINUTES:**

508 03/25/21 edited Minutes: Motion made by Mr. Etienne and seconded by Mr. Pacocha
 509 to adopt the 3/25/2021 Minutes as edited. Vote was 4:0

510
 511 **V. OTHER:**

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

513 Mr. Buttrick noted that it is a virtual meeting scheduled for a Saturday and is free and
514 encouraged everyone to attend.

515

516 Motion made by Mr. Pacocha and seconded by Mr. Etienne to adjourn the meeting.

517 Vote was 4:0. The 4/22/2021 ZBA meeting adjourned at 10:40 PM.

518


519 Respectfully submitted,

520

521 Louise Knee, Recorder

AS EDITED

NH OSI Spring 2021 Planning and Zoning Conference

- The 27th Annual Planning and Zoning Conference was held virtually online on Saturday, May 15, 2021
- All conference sessions were recorded and will be available on OSI's YouTube channel by the end of day on Wednesday May 19, 2021.
- All documents have been saved in Portable Document Format 
- Please visit website : Spring 2021 Planning and Zoning Conference | Planning Resources | NH Office of Strategic Initiatives