



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

### MEETING AGENDA – July 22, 2021

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **July 22, 2021** at **7:00 PM** in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall (please enter by ramp entrance at right side). The following items before the Board will be considered:

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. PUBLIC HEARINGS-** No scheduled applications before the Board.

**IV. REQUEST FOR REHEARING:** None

**V. REVIEW OF MINUTES:** 06/24/21 edited Minutes

**VI. OTHER:**

1. ZBA Application fee increase request presented at 7/13/21 Board of Selectman Meeting.
2. Workshop Continuation - Review Zoning Application Drafts

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Bruce Buttrick  
Zoning Administrator



# TOWN OF HUDSON



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6

### MEETING MINUTES – June 24, 2021 - draft

8

#### 9 I. CALL TO ORDER

#### 10 II. PLEDGE OF ALLEGIANCE

11

12

Acting Chair Brian Etienne called the meeting to order at 7:00 PM and invited everyone to stand for the Pledge of Allegiance. Mr. Etienne stated that Chair Gary Daddario was excused from this meeting and that Vice Chair Jim Pacocha was on vacation and, per RSA 91-A:2, is attending remotely.

16

17

RSA 91-A:2.III(a) states: “A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.” Mr. Pacocha is on vacation out of the State of NH.

22

23

RSA 91-A:2.III(c) states: “Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting ... and shall be audible or otherwise discernable to the public in attendance at the meeting’s location. ... All votes taken during such a meeting shall be by roll call vote.” Acting Chair Etienne confirmed.

28

29

Mr. Etienne 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.

32

33

Mr. Etienne took attendance. Members present were Brian Etienne (Regular/Clerk/Acting Chair), Leo Fauvel (Regular), Marcus Nicolas (Regular) and Jim Pacocha (Regular/Vice Chair/attending remotely). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (via remote access) and Kara Roy, Selectman Liaison. Excused was Gary Daddario (Regular/Chair). Absent was Ethan Severance (Alternate).

39

40

Mr. Etienne noted that there would be only four (4) Members voting and offered the option to continue a hearing to the July Meeting with the hope that there would be five (5) Members present. Mr. Buttrick noted that a tie vote (2:2) is technically a denial of an applicant’s request and would require a Rehearing. Mr. Fauvel noted that it takes three (3) votes to approve a request.

45

46

47

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

48 1. **Case 247-045-012 (06-24-21):** Alberto Mateo, **15 Lucier Park Dr.**, requests a  
49 Home Occupation Special Exception to operate an on-line/ecommerce store  
50 business. [Map 247, Lot 045-012; Zoned Town Residence (TR); HZO Article VI,  
51 Special Exceptions, §334-24, Home Occupations].  
52

53 Mr. Buttrick read the Case into the record and referenced his Staff Report signed  
54 6/7/2021 and added that the Applicant seeks the Home Occupation Special  
55 Exception (HO/SE) to be able to use his residence address for the business and  
56 confirmed with the Applicant that there would be no retail sales from the residence.  
57

58 Alberto Mateo sat at the Applicant table, introduced himself and stated that he  
59 wants to run an ecommerce store that would be conducted totally on line and would  
60 not carry any inventory or have customer interaction at his home. Mr. Mateo  
61 explained the business operation stating that he would use Market Place (like  
62 Amazon, Ebay, Facebook Marketplace), that all orders are placed by the customer  
63 through Marketplace for items to purchase that would connect to him and he would  
64 place the order to his supplier who would then ship the item directly to the  
65 customer.  
66

67 Mr. Mateo addressed the criteria for the granting of a HO/SE. The information  
68 shared included:

- 69 • All operation of the business performed online on a laptop computer
- 70 • Business name is Licofiya
- 71 • Resale of tangible goods such as home products (tools, décor, furniture etc)
- 72 • House remains primary residence - owned by his parents and he lives there  
73 with them
- 74 • There will be no sign and no exterior display of the business and no exterior  
75 storage would be required as there is no inventory on site
- 76 • Being a fully run on-line business, there will be no noise or disturbances or  
77 traffic to the neighborhood  
78

79 Public testimony opened at 7:12 PM. No one addressed the Board. Mr. Buttrick  
80 stated that he received an email dated 6/16/2021 from Gabriele and Nicholas  
81 Bernado of 8 Lucier Park Drive in support of the HO/SE. Public testimony closed at  
82 7:13 PM.  
83

84 Mr. Fauvel stated that with no inventory and no customers to the site/home, he is  
85 satisfied that the criteria for the granting a HO/SE have been met,  
86

87 Mr. Fauvel made the motion to grant the Home Occupation Special Exception as  
88 requested. Mr. Pacocha seconded the motion. Roll call vote was 4:0. HO/SE  
89 granted. Mr. Buttrick noted the 30-day appeal period.  
90

91 2. **Case 167-052 (06-24-21):** David A. Thompson, **135 Highland St.**, requests a  
92 Variance to construct and locate a 14 ft. x 6 ft. shed 7 ft. from the property line  
93 where 15 ft. is required. [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO  
94 Article VII, Dimensional Requirements, §334-27, Table of Minimum Dimensional  
95 Requirements].

96

97 Mr. Buttrick read the Case into the record, referenced his Staff Report signed  
98 6/7/2021, noted that the Case is a result of Code Enforcement action taken and  
99 advised that sheds less than two hundred square feet (<200 SF) are not required to  
100 pull a Building Permit.

101

102 David Thompson sat at the Applicant table, introduced himself and stated that he is  
103 before the Board to continue work on the shed and added that he was aware that he  
104 did not need a Building Permit for it because of its size but failed to realize the Zoning  
105 Ordinance setback requirements. Mr. Thompson stated that he received the Stop  
106 Work Order and did. Mr. Thompson stated that the size selected for the shed is based  
107 upon his need to shelter deck furniture and flammable material away from the  
108 residence.

109

110 Mr. Thompson addressed the criteria for the granting of a Variance and the  
111 information shared included:

112

113 (1) *not contrary to public interest* – shed is located in the rear portion of the  
114 backyard mostly out-of-sight of the general public due to the existing pine  
115 trees and a large dirt mound used by the electric utility company to elevate  
116 high-power lines across the pond. Landowner that directly abuts the  
117 property line closest to the shed provided a letter stating he has no objection  
118 with the placement of the shed – see letter signed and dated 4/14/2021  
119 from Ismael Valenzuela of 137B Highland Street

120 (2) *use will observe spirit of Ordinance* – there is a fence and the shed will not be  
121 placed up against the fence and be only partially visible to the public and  
122 will be built soundly and similarly to the house with a shingled roof, door,  
123 windows, siding and on the existing deck that is supported by concrete  
124 blocks

125 (3) *substantial justice to the property owner* – the shed is located in the only  
126 position available on the property, substantial expense has already been  
127 incurred with the purchasing of material and it is partially constructed and  
128 to move the shed out of the side setback would require it to be  
129 reduced/downsized to half the size to keep it out of the overhanging power line  
130 easement and would not meet the need for having a shed

131 (4) *use will not diminish surrounding property values* – there would be no  
132 negative impact, the shed will be constructed soundly and match the house  
133 and end up looking better than a “Reeds Ferry” shed.

134 (5) *hardship* – the location selected does not infringe the two (2) easements on  
135 the property and is the only available location and denial of the variance  
136 would cause the shed to be reduced by fifty percent (50%) and waste the  
137 material costs already purchased.

138

139 Mr. Etienne asked for the colored aerial view to be posted which showed the extensive  
140 Eversource Easement that bisects the property, the steep hill along the side property  
141 line, the wetland and wetland buffer and the wastewater easement and the location of  
142 the deck and shed in the slice of land between the wastewater and utility easements.

143

144 Mr. Fauvel asked the distance between the house and the street and Mr. Buttrick  
145 measured and stated that it is approximately forty-seven feet (47’) and noted that the  
146 Zoning Ordinance prohibits sheds in the front yard.

- 147  
148 Mr. Pacocha referred to the pictures and asked if the shed is out of the wetland buffer  
149 and received confirmation that it is and then asked if the shed could be placed under  
150 the utility easement and Mr. Buttrick responded that would depend on the terms of  
151 the easement but generally utility easements do not allow permanent structures.  
152
- 153 Public testimony opened at 7:27 PM. No one addressed the Board.  
154
- 155 Mr. Pacocha made the motion to grant the Variance with no stipulations. Mr. Fauvel  
156 seconded the motion. Roll call vote was 4:0. Variance granted. Mr. Buttrick noted  
157 the 30-day appeal period.  
158
- 159 Mr. Pacocha questioned if the deck is greater than two hundred square feet (>200 SF)  
160 and whether a Building Permit was obtained for it. Mr. Buttrick stated that he would  
161 check to confirm.  
162
- 163 3. **Case 182-035 (06-24-21):** Steve Lombardi, Member Manager of SJL Properties of  
164 NH, LLC, **3 Fulton St.** [Map 182, Lot 035-000; Zoned Town Residence (TR)] requests  
165 the following:  
166
- 167 a. An Equitable Waiver of Dimensional Requirement per RSA 674:33-a: to allow an  
168 existing garage to remain in its current location which encroaches approximately  
169 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is  
170 required. [HZO Article VII, Dimensional Requirements, §334-27, Table of  
171 Minimum Dimensional Requirements]  
172
- 173 Mr. Buttrick read the request into the record and referred to his Staff Report signed  
174 6/9/2021 noting that this is an existing conforming corner lot with frontage on Reed  
175 Street and Fulton Street, that research into the history had not uncovered any Code  
176 Enforcement action, that on 10/7/1966 the ZBA granted a Variance to add a dentist  
177 office to the main house and that a Building Permit (#319-82) was issued 6/22/1982  
178 for a sunspace addition to the main house that showed the garage on the plan.  
179
- 180 Joseph Conti, attorney at Wells, White & Fontaine, P.C., 29 Factory Street, Nashua,  
181 NH, introduced himself. Atty. Conti stated that the garage has existed for more than  
182 ten (10) years, that there are no complaints in the record regarding it and that it is not  
183 a nuisance to the neighborhood and has in fact been used by the American Legion.  
184 Atty. Conti stated that they have spoken with the American Legion and will attempt to  
185 fix the fence between their properties or replace it.  
186
- 187 Public testimony opened at 7:34 PM. No one addressed the Board.  
188
- 189 Mr. Etienne stated that it is clear the garage has existed since 1982, that it has been  
190 used by the American Legion for parties etc. and acknowledged that it would be a high  
191 cost to correct. Mr. Buttrick posted an aerial view from 1998 that showed the garage.  
192
- 193 Mr. Nicolas asked if the agreement to either fix or replace the fence was in writing.  
194 Atty. Conti stated that it wasn't but has been spoken so therefor is now part of the  
195 public record. Mr. Etienne stated that it is not pertinent to what is before the Board.

196 Mr. Fauvel made the motion to grant the Equitable Waiver. Mr. Nicolas seconded the  
197 motion. Roll call vote was 4:0. Equitable Waiver of Dimensional Requirement granted.  
198 The 30-day appeal period was noted.

199  
200 b. A Variance to allow the continued use of an existing non-conforming two- family  
201 structure as a two-family dwelling in the TR Zone. [HZO Article V, Permitted Uses,  
202 §334-21, Table of Permitted Principal Uses].  
203

204 Mr. Buttrick read the request into the record and referred to his Staff Report signed  
205 6/8/2021, noted that it is a conforming corner lot of record with frontage on Fulton  
206 Street and Reed Street and provided a recap of the historical research that included:  
207 10/7/1966 Variance for a dental office along the Reed Street frontage attached to the  
208 main house, presumably an owner-occupied business; various electrical permits; and  
209 Assessing record change to a two-family in 2006.  
210

211 Atty. Conti stated that they are before the Board to make this right, that the Town  
212 records (Assessor's record) shows the property as a two-family since 2005 and the  
213 MLS listed it as a multi-family as did the P&S (Purchase and Sales Agreement) he  
214 client signed to buy the property.  
215

216 Atty. Conti stated that each use has a separate address on a separate street, 3 Fulton  
217 Street and 8 Reed Street, and are on public sewer and water and are connected by a  
218 breezeway that has a wall to prevent access from one unit to the other. Mr. Conti  
219 referred to the surrounding property list that identified the mixture of single-family  
220 homes on much smaller lots, under a quarter of an acre, and multi-family buildings in  
221 the neighborhood. Atty. Conti stated that the site has ample space for parking and his  
222 client proposes to pave a second driveway for the 8 Reed Street unit.  
223

224 Atty. Conti addressed the criteria for the granting of a Variance. The information  
225 shared included:  
226

- 227 (1) *not contrary to public interest* – property has been occupied and taxed as a  
228 two-family unit since 2005 – the second unit is a former dentist office that  
229 was legally built from a 1966 Variance  
230 (2) *use will observe spirit of Ordinance* – the character of the neighborhood  
231 would not be changed and there is no threat to public health, safety or  
232 welfare – the vitality and character and density of the neighborhood will be  
233 maintained. Steven Lombardi, Member Manager of SJL Properties of NH,  
234 LLC, addressed the Board, stated that he has spoken to and received  
235 positive support from the neighbors that there is no issue with the structure  
236 continuing to be used as a two-family  
237 (3) *substantial justice to the property owner* – property was formerly a pre-  
238 existing non-conforming two-family dwelling, for over a decade, and was  
239 advertised and purchased as such – there will be no harm to the public but  
240 denial would create harm to the new property owner that could not be  
241 outweighed by any benefit to the public  
242 (4) *use will not diminish surrounding property values* – granting the variance will  
243 not affect the character of the neighborhood as the neighborhood includes  
244 many other two-family and multi-family dwelling units. Adjacent properties  
245 will not be adversely affected as they will only see potential upgrades to the

246 exterior of the building and not see any change from what it has been in use  
247 for over a decade  
248 (5) *hardship* – property is unique in that it has long been a non-conforming two-  
249 family home, taxed as a two-family residence since 2005 – the two dwelling  
250 units are connected only through a breezeway that has a barrier preventing  
251 cross access and the property is designed in a way where it cannot be  
252 converted to a single-family home and each has a separate address.  
253 Enforcing the single-family home regulations against the property bears no  
254 fair and substantial relationship to the purpose of keeping the character of  
255 the neighborhood and neither does reenacting a dental office that was  
256 granted by variance in 1966.  
257

258 Ms. Roy asked about the number of bedrooms in each unit and the number of parking  
259 spaces. Mr. Lombardi stated that the driveway is very large on Fulton Street and can  
260 hold four to six vehicles and his intent is to have a separate driveway for the Reed  
261 Street unit which has been vacant since about September (2020). Mr. Buttrick posted  
262 a 2017 aerial view that showed two driveways in use and a 2020 aerial that showed  
263 vehicles parked only on the Fulton Street driveway. Mr. Etienne noted that there is no  
264 second driveway permit for Reed Street and could be a condition of approval. Mr.  
265 Fauvel noted that Zoning Ordinance Article III, Section 334:15 requires that parking  
266 spaces be paved.  
267

268 Atty. Conti stated that his client's inquiry to the Town Engineer for a driveway on Reed  
269 Street was actually how they discovered that the second dwelling unit was illegal.  
270

271 Mr. Buttrick noted that the Planning Board is authorized to grant driveways and that  
272 perhaps an exception can be made because this is a corner lot and cautioned against  
273 placing it as a condition of granting the variance and added that the Applicant is now  
274 aware that if a second driveway is desired on Reed Street they would need to seek  
275 Planning Board approval and submit an application which would invoke Town  
276 Engineer review for placement of it taking into consideration such items as line of  
277 sight and proximity to the corner.  
278

279 Mr. Etienne questioned whether there was fire resistant walls between the two  
280 dwelling units and whether there were any electric inspections and if there was ever a  
281 CO (Certificate of Occupancy) issued for the dwelling units. Mr. Buttrick added that  
282 there is a higher bar for a dwelling unit than a dental office because people don't  
283 sleep in an office and if there was an inspection for the second dwelling unit, the Town  
284 does not have the paper trail/documentation. Mr. Buttrick suggested that if the  
285 Board approves the second dwelling unit that a condition be placed that it needs a life  
286 safety inspection prior to occupancy and noted that a CO is via a Building Permit and  
287 an after-the-fact inspection would entail opening walls etc. and that a Life Safety  
288 Inspection would entail making sure windows are properly sized, fire alarms installed,  
289 sound safe electricity etc.  
290

291 Atty. Conti stated that his client is willing to do what is necessary to make sure the  
292 second dwelling unit is a safe and livable. Mr. Lombardi stated that he would welcome  
293 an inspection by the Fire Department, and added that the units have hard wired  
294 smoke alarms and there is a window in every bedroom.  
295

296 Mr. Pacocha questioned the Electrical Permits pulled in the past and noted that the  
297 one in 2005 had the work performed by the homeowner. Mr. Etienne noted that the  
298 electrical permits differentiate between Fulton Street and Reed Street “as if” the two  
299 dwellings units “legally” existed. Atty. Conti added that the exterior of each dwelling  
300 unit also differ from one another with only one having vinyl siding.

301  
302 Public testimony opened at 8:04 PM. No one addressed the Board.

303  
304 Mr. Fauvel made the motion to grant the variance. There was no second.

305  
306 Mr. Etienne stated that he would consider granting with the conditions that there  
307 would be a CO for each unit and that a driveway permit for 8 Reed Street be obtained  
308 and paved. Mr. Nicolas stated that the whole house needs to be brought to current  
309 standards and meet the current inspection requirements.

310  
311 Mr. Buttrick cautioned against a condition for the second driveway as the granting of a  
312 second driveway is under the purview of the Planning, that the Board could  
313 recommend but not condition and that the Property Owner is now aware of what  
314 needs to be done to get a second driveway permitted. And with regard to needing a  
315 CO, inspection ‘after-the-fact’ would require opening walls etc. and would suggest  
316 requiring a Life Safety Inspection by the Building and Fire Departments to evaluate  
317 current windows, egress, smoke detectors etc. satisfying the 2018 Life Safety Code and  
318 that a letter documenting such compliance be added to the Property File. Mr. Etienne  
319 agreed if such a condition would also include no occupancy of the Reed Street unit  
320 until after successful inspection.

321  
322 Mr. Pacocha asked how the hardship criteria could be met, the second unit was done  
323 without permission/permit and that saying it is met would sanction an illegal activity  
324 and set precedent. Discussion arose on “after-the-fact” variance granting. Mr.  
325 Etienne noted that the Board granted an after-the-fact variance across the street for a  
326 day care so it is not unprecedented and noted that the only alternative for this Case  
327 would be to re-convert the second dwelling unit back to a dental office. Mr. Fauvel  
328 noted that it appears to be a two-family, has been taxed as a two-family since 2005  
329 and asked how it could be ‘un-assessed’ as a two-family after so long a time and added  
330 that the new owner did his diligence and checked the Town records and only when he  
331 went to apply for a second driveway did he discover that the second dwelling unit is  
332 illegal. Mr. Buttrick added that the neighborhood has changed, that several  
333 structures are more than single-family homes. Concern expressed that the Assessor’s  
334 observations are just a snapshot in time with no concern given whether it is legal and  
335 not communicated to the Land Use Department.

336  
337 Discussion continued. Opinion expressed that the Town caused the hardship by  
338 having the Assessing Department identify it as a two-family when it was never  
339 permitted or allowed and was only discovered by the new owner.

340  
341 Mr. Nicolas made the motion to grant the Variance with the condition that the second  
342 dwelling unit, 8 Reed Street, obtain a Life Safety Inspection from the Hudson Fire  
343 Department and that documentation of a successful inspection be filed with the  
344 Zoning Administrator (Mr. Buttrick) prior to occupancy. Mr. Fauvel seconded the  
345 motion. Roll call vote was 3:1. Mr. Pacocha opposed noting that it failed three of the

346 five criteria (conflicts with the Ordinance; contrary to public interest; hardship not  
347 met). Variance granted with one stipulation. Mr. Etienne noted that 30-day appeal  
348 period  
349

350 **IV. REQUEST FOR REHEARING:**

351 No requests were presented for Board consideration.  
352

353 **V. REVIEW OF MINUTES:** 05/27/21 edited Minutes  
354

355 Board reviewed the edited Minutes presented and made no changes. Mr. Fauvel made  
356 the motion to approve the 5/27/2021 Minutes as edited. Mr. Nicolas seconded the  
357 motion. Roll call vote was 4:0.  
358

359 **VI. OTHER:**

360

361 1. Workshop (continuation)- Review Zoning Application Drafts  
362

363 Mr. Buttrick reported that synchronizing the Application forms to the Zoning  
364 Ordinance, to the Decision Worksheets and to the governing RSAs continues and that  
365 Mr. Fauvel has submitted comments and that revised application drafts should be  
366 available at the next meeting.  
367

368 Mr. Buttrick stated that the Board of Selectmen need to approve updating fees and  
369 suggested adding an advertising fee (today Cases are advertised in The Union Leader),  
370 recordation at the County Registry (HCRD) and mailing fees at the current rate.  
371

372 Mr. Buttrick stated that the Planning Board does not advertise in the newspaper. Ms.  
373 Roy stated that posting just on line is fine but is easily scrolled by and often missed.  
374 Mr. Buttrick stated that the city of Nashua posts a 3' x 2' sign at the property and that  
375 has the added advantage of notifying the neighbors and identifying the exact location.  
376

377 2. Upcoming Meetings  
378

379 Mr. Etienne stated that he might be absent for the July meeting. Mr. Nicolas stated  
380 that he might be absent for the August meeting. Board asked Ms. Roy for Selectmen  
381 action to get more Alternates for the Board.  
382

383

384 Motion made by Mr. Nicolas, seconded by Mr. Fauvel and unanimously voted to  
385 adjourn the meeting. The 6/24/2021 ZBA meeting adjourned at 8:52 PM.  
386

387

387 Respectfully submitted,

388 Louise Knee, Recorder  
389

**WORKSHOP**  
**Continuation-**  
**Review of Zoning Application**  
**Drafts and Worksheets**

# Zoning Application Instructions

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 **or include the following**:

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 **ten** 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. **Prepare a list of all abutting property owners on application pages 4 and 5 by clicking the "Get Abutters" feature on the GIS/Town Map link found on the town website. The list of abutters should include the property under consideration and per NH RSA 672:3, includes the name(s) of the owner(s) of properties which adjoins or is directly across the street or stream from the land under consideration.. 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 **requested on the Application Checklist**, to the office of the Zoning Administrator. A fee is charged sufficient to cover the cost of preparing and mailing the legally required notices **plus advertising and recording the Notice of Decision**. If paying by check, make the check payable to the **"Town of Hudson"** and submit with your application.

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 town website**, the Post Office, and the Rogers Library. It is also printed in a newspaper. 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 (**sometimes with stipulations**) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be **mailed** a Notice of Decision **after getting all required signatures**.

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.

**NOTE**—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 APPEAL FROM AN  
ADMINISTRATIVE DECISION**

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

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

Date Filed \_\_\_\_\_

To: Zoning Board of Adjustment  
Town of Hudson

Name of Applicant \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Telephone Number (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Owner \_\_\_\_\_

Location of Property \_\_\_\_\_  
(Street Address)

-----  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

-----  
Signature of Property-Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

**By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.**

**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/represent on his/ her/ their behalf or that you have permission to seek the described Appeal From An Administrative Decision.**

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

Date received: \_\_\_\_\_

**COST:**

Application fee (processing, advertising & recording) (**non-refundable**): \$ \_\_\_\_\_

Abutter Notice:

\_\_\_\_\_ Direct Abutters x Certified postage rate \$ \_\_\_\_\_ = \$ \_\_\_\_\_

\_\_\_\_\_ Indirect Abutters x First Class postage rate \$ \_\_\_\_\_ = \$ \_\_\_\_\_

**Total amount due: \$ \_\_\_\_\_**

Amt. received: \$ \_\_\_\_\_

Receipt No.: \_\_\_\_\_

Received by: \_\_\_\_\_

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

Engineering \_\_\_\_\_ Fire Dept. \_\_\_\_\_ Health Officer \_\_\_\_\_ Planner \_\_\_\_\_ Other \_\_\_\_\_

# TOWN OF HUDSON, NH

## Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.

Applicant Initials		Staff Initials
	Please review the application with the Zoning Administrator or staff.	
	The applicant must provide the original of the filled-out application form (with wet signatures) together with <b>10 single-sided</b> copies, together with this checklist and any required attachments listed below. (Paper clips, no staples)	
	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, 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.	
	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.)	
	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 by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (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.)	
	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	
	Provide a copy of both <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	
	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.	
	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	

**CERTIFIED PLOT PLAN:**

Requests **other than** above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful.

(NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).

- a) \_\_\_\_\_ The plot plan shall be drawn to scale on an 8 ½” 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: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) \_\_\_\_\_ The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) \_\_\_\_\_
- 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 and owner have signed and dated this form to show his/her awareness of these requirements.**

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner(s)

\_\_\_\_\_  
Date







HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

(Per RSA 674:33-a, I)

Equitable Waivers are granted, pursuant to RSA 674:33-a, I: When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

On (date), the Hudson Zoning Board of Adjustment heard Case (#), being a request by (applicant information) to allow a Waiver from the provisions of HZO Article (#), Section 334-(#) §334-(section # and description). Applicant(s) request (description). [Map (#), Lot (#), Sublot (#); Zoned (Zoning District); HZO Article (#), §334-(section # and description).]

Y N DISCOVERED TOO LATE. The applicant has demonstrated that the violation was not noticed or discovered by any owner, former owner, owner’s agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and

Y N INNOCENT MISTAKE. The applicant has successfully demonstrated that the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner’s agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner’s agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; and

Y N NO NUISANCE: The applicant has successfully demonstrated that the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

Y N HIGH CORRECTION COST: The applicant has successfully demonstrated that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

Signed: \_\_\_\_\_ Date \_\_\_\_\_

Sitting Member of the Hudson ZBA

Date

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

(Per RSA 674:33-a, II)

Equitable Waivers are granted, pursuant to RSA 674:33-a, I: When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings... **II. In lieu of the findings required by the board under subparagraphs I(a) and (b), the owner may demonstrate the following to the satisfaction of the board:**

On (date), the Hudson Zoning Board of Adjustment heard Case (#), being a request by (applicant information) to allow a Waiver from the provisions of HZO Article (#), ~~Section 334-(#)~~ §334-(section # and description). Applicant(s) request (description). [Map (#), Lot (#), Sublot (#); Zoned (Zoning District); ~~HZO Article (#), §334-(section # and description).~~]

Y N **TEN YEARS OR MORE:** The applicant has demonstrated that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected; and

Y N **NO NUISANCE:** The applicant has successfully demonstrated that the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

Y N **HIGH CORRECTION COST:** The applicant has successfully demonstrated that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

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

**APPLICATION FOR AN EQUITABLE WAIVER**

To: Zoning Board of Adjustment  
Town of Hudson

<p><b>Entries in this box are to be filled out by Land Use Division personnel</b></p> <p>Case No. _____</p> <p>Date Filed _____</p>
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Name of Applicant \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Telephone Number (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Owner \_\_\_\_\_

Location of Property \_\_\_\_\_  
(Street Address)

-----  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

-----  
Signature of Property-Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

**By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.**

**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/represent on his/ her/ their behalf or that you have permission to seek the described Equitable Waiver.**

<p><b>Items in this box are to be filled out by Land Use Division personnel</b></p>	
	Date received: _____
<b>COST:</b>	
Application fee (processing, advertising & recording) ( <b>non-refundable</b> ):	\$ _____
<u>Abutter Notice:</u>	
_____ Direct Abutters x Certified postage rate	\$ _____ = \$ _____
_____ Indirect Abutters x First Class postage rate	\$ _____ = \$ _____
<b>Total amount due:</b>	<b>\$ _____</b>
	Amt. received: \$ _____
	Receipt No.: _____
Received by: _____	
By determination of the Zoning Administrator, the following Departmental review is required:	
Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____	

# TOWN OF HUDSON, NH

## Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.

Applicant Initials		Staff Initials
	Please review the application with the Zoning Administrator or staff.	
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	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, 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.	
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	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 by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (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.)	
	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	
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	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.	
	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	

**CERTIFIED PLOT PLAN:**

Requests **other than** above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful.

(NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).

- a)\_\_\_\_\_ The plot plan shall be drawn to scale on an 8 ½” 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. \_\_\_\_\_
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(NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e)\_\_\_\_\_ The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) \_\_\_\_\_
- 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 and owner have signed and dated this form to show his/her awareness of these requirements.**

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner(s)

\_\_\_\_\_  
Date





APPLICATION FOR AN EQUITABLE WAIVER

Per RSA674:33-a Equitable Waiver of Dimensional Requirement—When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

**Please answer the following:**

Has the violation existed for 10 years or more, and no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected?

If Yes, explain below and then answer sections 3 and 4 only.

If No, answer all sections 1-4.

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1. **DISCOVERED TOO LATE.** Please explain when it was discovered that the structure was built in violation. (Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value)

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2. **INNOCENT MISTAKE.** Please explain how long the structure has been built, and under what circumstances was it permitted to be built in violation of the dimensional requirements of the ordinance (Explain how the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority)

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APPLICATION FOR AN EQUITABLE WAIVER

3. **NO NUISANCE.** Please explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property.

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4. **HIGH CORRECTION COST.** Please explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

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DRAFT

# HUDSON ZONING BOARD OF ADJUSTMENT

## Home Occupation Special Exception Decision Worksheet

On [date], the Hudson Zoning Board of Adjustment heard Case [#], being a request by [application name and address], to allow for a Home Occupation Special Exception in accordance with the provisions of HZO Article VI, Section 334-24 for a **Home Occupation to [case information].** [Map [#], Lot [#]; Zoned [?]; HZO Article [#], Section [#], [description.]

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:

- |   |   |  |
|---|---|--|
| Y | N | The proposed use is a sales / service operation for goods produced or services provided on-site.   |
| Y | N | The proposed use shall be secondary to the principal use of the home as the business owner's residence.  |
| Y | N | The proposed use shall be carried on within the residence and / or accessory structure.  |
| Y | N | 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.  |
| Y | N | 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). |
| Y | N | 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.   |
| Y | N | Traffic generated by the proposed home occupation activity shall not be substantially greater in volume than would normally be expected in the neighborhood.   |
| Y | N | 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.  |
| Y | N | The home occupation shall be conducted only by residents of the dwelling.  |
| Y | N | 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: \_\_\_\_\_  
Sitting Member of the Hudson ZBA

\_\_\_\_\_ Date

**APPLICATION FOR A HOME OCCUPATION  
SPECIAL EXCEPTION**

To: Zoning Board of Adjustment  
Town of Hudson

<p><b>Entries in this box are to be filled out by Land Use Division personnel</b></p> <p>Case No. _____</p> <p>Date Filed _____</p>
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Name of Applicant \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Telephone Number (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Owner \_\_\_\_\_

Location of Property \_\_\_\_\_  
(Street Address)

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Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

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Signature of Property-Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

**By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.**

**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/represent on his/ her/ their behalf or that you have permission to seek the described Home Occupation Special Exception.**

<p><b>Items in this box are to be filled out by Land Use Division personnel</b></p>	
	Date received: _____
<b>COST:</b>	
Application fee (processing, advertising & recording) <b>(non-refundable):</b>	\$ _____
<u>Abutter Notice:</u>	
_____ Direct Abutters x Certified postage rate	\$ _____ = \$ _____
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<b>Total amount due:</b>	<b>\$ _____</b>
	Amt. received: \$ _____
	Receipt No.: _____
Received by: _____	
By determination of the Zoning Administrator, the following Departmental review is required:	
Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____	

# TOWN OF HUDSON, NH

## Application Checklist

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	Provide a copy of both <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	
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(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 ½” 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: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) \_\_\_\_\_ The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) \_\_\_\_\_
- 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 and owner have signed and dated this form to show his/her awareness of these requirements.**

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner(s)

\_\_\_\_\_  
Date





APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

A home occupation is a **wholesale** 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. **On-site retail sales are expressly prohibited.**

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

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

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

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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.

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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.

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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.

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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.

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

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Who will be conducting the home occupation? Please explain.

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

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# HUDSON ZONING BOARD OF ADJUSTMENT

## Use Special Exception Decision Work Sheet

On **(date)**, the Zoning Board of Adjustment heard Case (#), being a case brought by **(applicant name and address)** for a Use Special Exception to allow **(case description)** [Map (#), Lot (#); Zoned (); HTC Section (# and section title).]

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. The use requested is listed as permitted by Special Exception in the Table of Permitted Principal or Accessory Uses for the district in which the use is requested, or is so similar to other uses permitted by Special Exception in the relevant district that prohibition of the proposed use could not have been intended. |
| Y | N | 2. The proposed use meets all the applicable requirements established in this Ordinance.   |
| Y | N | 3. The proposed use is consistent with the purpose and intent of the district in which it is proposed to be located.   |
| Y | N | 4. The proposed use is compatible with the character of the surrounding neighborhood.  |
| Y | N | 5. Nonresidential principal uses proposed to be located in residential districts must take primary access from arterial or collector roads.  |

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

\_\_\_\_\_  
Date

**APPLICATION FOR A SPECIAL EXCEPTION**

To: Zoning Board of Adjustment  
Town of Hudson

<p><b>Entries in this box are to be filled out by Land Use Division personnel</b></p> <p>Case No. _____</p> <p>Date Filed _____</p>
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Name of Applicant \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Telephone Number (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Owner \_\_\_\_\_

Location of Property \_\_\_\_\_  
(Street Address)

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Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

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Signature of Property-Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

**By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.**

**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/represent on his/ her/ their behalf or that you have permission to seek the described Special Exception.**

<p><b>Items in this box are to be filled out by Land Use Division personnel</b></p>	
	Date received: _____
<b>COST:</b>	
Application fee (processing, advertising & recording) ( <b>non-refundable</b> ):	\$ _____
<u>Abutter Notice:</u>	
_____ Direct Abutters x Certified postage rate	\$ _____ = \$ _____
_____ Indirect Abutters x First Class postage rate	\$ _____ = \$ _____
<b>Total amount due:</b>	<b>\$ _____</b>
	Amt. received: \$ _____
	Receipt No.: _____
Received by: _____	
By determination of the Zoning Administrator, the following Departmental review is required:	
Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____	

# TOWN OF HUDSON, NH

## Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.

Applicant Initials		Staff Initials
	Please review the application with the Zoning Administrator or staff.	
	The applicant must provide the original of the filled-out application form (with wet signatures) together with <b>10 single-sided</b> copies, together with this checklist and any required attachments listed below. (Paper clips, no staples)	
	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, 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.	
	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.)	
	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 by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (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.)	
	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	
	Provide a copy of both <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	
	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.	
	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	

**CERTIFIED PLOT PLAN:**

Requests other than above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful.

(NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).

- a) \_\_\_\_\_ The plot plan shall be drawn to scale on an 8 ½” 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: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) \_\_\_\_\_ The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) \_\_\_\_\_
- 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 and owner have signed and dated this form to show his/her awareness of these requirements.**

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner(s)

\_\_\_\_\_  
Date





APPLICATION FOR A SPECIAL EXCEPTION

Per Hudson Zoning Ordinance, Article VI, Special Exceptions, §334-23, General Requirements: Unless otherwise specified, the Zoning Board of Adjustment shall permit a use by special exception, subject to the following conditions:

1. Describe the proposed use showing justification for a Special Exception, as specified in the Hudson Zoning Ordinance, § 334-21, Table of Permitted Principal Uses, or § 334-22, Table of Permitted Accessory Uses.

ARTICLE: \_\_\_\_\_ SECTION(S): \_\_\_\_\_

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2. Describe how the proposed use meets all the applicable requirements established in this chapter.

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3. Describe how the proposed use is consistent with the purpose and intent of the district in which it is proposed to be located.

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APPLICATION FOR A SPECIAL EXCEPTION  
(CONTINUED)

4. Describe how the proposed use is compatible with the character of the surrounding neighborhood.

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5. Describe how the nonresidential principal uses proposed to be located in residential districts must take primary access from arterial or collector roads.

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DRAFT



**APPLICATION FOR A VARIANCE**

To: Zoning Board of Adjustment  
Town of Hudson

<p><b>Entries in this box are to be filled out by Land Use Division personnel</b></p> <p>Case No. _____</p> <p>Date Filed _____</p>
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Name of Applicant \_\_\_\_\_ Map: \_\_\_\_\_ Lot: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Telephone Number (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Owner \_\_\_\_\_

Location of Property \_\_\_\_\_  
(Street Address)

-----  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

-----  
Signature of Property-Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

**By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.**

**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/represent on his/ her/ their behalf or that you have permission to seek the described Variance.**

<p><b>Items in this box are to be filled out by Land Use Division personnel</b></p>	
<p><b>COST:</b></p> <p>Application fee (processing, advertising &amp; recording) (<b>non-refundable</b>): \$ _____</p> <p><u>Abutter Notice:</u></p> <p>_____ Direct Abutters x Certified postage rate \$ _____ = \$ _____</p> <p>_____ Indirect Abutters x First Class postage rate \$ _____ = \$ _____</p> <p align="right"><b>Total amount due: \$ _____</b></p> <p align="right">Amt. received: \$ _____</p> <p align="right">Receipt No.: _____</p> <p>Received by: _____</p> <p>By determination of the Zoning Administrator, the following Departmental review is required: Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____</p>	<p>Date received: _____</p>

# TOWN OF HUDSON, NH

## Variance Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.

Applicant Initials		Staff Initials
	Please review the application with the Zoning Administrator or staff.	
	The applicant must provide the original of the filled-out application form (with wet signatures) together with <b>10 single-sided</b> copies, together with this checklist and any required attachments listed below. (Paper clips, no staples)	
	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, 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.	
	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.)	
	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 by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (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.)	
	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	
	Provide a copy of both <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	
	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.	
	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	

**CERTIFIED PLOT PLAN:**

Requests **other than** above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful.

(NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).

- a) \_\_\_\_\_ The plot plan shall be drawn to scale on an 8 ½” 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: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) \_\_\_\_\_ The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) \_\_\_\_\_
- 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 and owner have signed and dated this form to show his/her awareness of these requirements.**

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner(s)

\_\_\_\_\_  
Date





APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article \_\_\_\_\_ of HZO Section(s) \_\_\_\_\_ in order to permit the following:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

FACTS SUPPORTING THIS REQUEST:

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

I.(a) "The Zoning Board of Adjustment shall have the power to: ....

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

- (A) The variance will not be contrary to the public interest;
(B) The spirit of the ordinance is observed;
(C) Substantial justice is done;
(D) The values of surrounding properties are not diminished; and
(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(b)(1) For purposes of this subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (A) 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
(B) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) 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.

(3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

**FACTS SUPPORTING THIS REQUEST:**

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (a). New Hampshire case law has established on the basis of this 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.”)

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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.”)

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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.)

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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.)

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