



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 – January 27, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **January 27, 2022 at 7:00 PM** in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side). The following items before the Board will be considered:

I. CONSULTATION WITH TOWN COUNSEL (non-public) per RSA 91-A:2 I (b) START 6:30 PM

II. CALL TO ORDER

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD: 7:00 PM

CONTINUED/DEFERRED HEARING:

1. **Case 166-031 (01-27-22) (deferred from 10-28-21):** Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH 03087 requests a Variance for **8 Lindsay St., Hudson, NH** for relief from HZO Article VII, Dimensional Requirements; § 334-27.1 D, General Requirements: to allow the creation of a new lot that has insufficient required frontage on a class V or better portion off Grigas St. [Map 166, Lot 031-000, Zoned Town Residence (TR).]

NEW HEARINGS:

2. **Case 147-024 (01-27-22):** James Silverthorn, **28 Mansfield Drive, Hudson, NH** requests an Equitable Waiver of Dimensional Requirement due to a foundation setback encroachment discovered upon review of a Certified Foundation Plan dated December 28, 2021 by John W. Yule, LLS which shows the foundation encroaching 1.1 feet into the required side yard setback of 15 feet leaving 13.9 feet. [Map 147, Lot 024-000; Split Zoned Residential-Two (R-2) and Residential-One (R-1); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
3. **Case 215-009 (01-27-22):** Earl Blatchford, P.E., Haynor/Swanson, Inc., 3 Congress St., Nashua, NH requests a Variance at **2 Wentworth Dr., Hudson, NH** to permit construction and use of a 12' diameter, 48' high storage silo constructed on a 13.5' x 13.5' concrete pad which encroaches 3 feet into the side yard setback leaving 12 feet where 15 feet is required. [Map 215, Lot 009-000; Zoned Industrial (I); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

V. REQUEST FOR REHEARING:

Case 168-020 (12-09-21): Paul & Sandra O'Sullivan, **8 Washington Drive, Hudson, NH** requests a Variance to build a 9 ft. x 20 ft. covered porch on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

VI. REVIEW OF MINUTES:

12/09/21 edited Minutes

VII. OTHER:

1. 2022 Election of ZBA Officers
2. Discussion of proposed ZBA Bylaws amendments: alternate status, recusals and Clerk position/duties

Bruce Buttrick
Zoning Administrator

REMINDER:

**Please bring the following
deferred case application
previously mailed in your
10/28/21 ZBA Meeting Packet:**

Case 166-031: 8 Lindsay Street

Variance Application

(Deferred from 10-28-21)

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

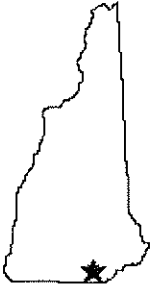
On **01/27/2022**, the Zoning Board of Adjustment heard Case **166-031 (deferred from 10-28-21)**, being a case brought by **Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH 03087** requests a Variance for **8 Lindsay St., Hudson, NH** for relief from HZO Article VII, **Dimensional Requirements; § 334-27.1 D, General Requirements: to allow the creation of a new lot that has insufficient required frontage on a class V or better portion off Grigas St.** [Map 166, Lot 031-000; Zoned Town Residence (TR).]

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

- | | | |
|----------|----------|---|
| Y | N | 1. Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.” |
| | | |
| | | |
| Y | N | 2. The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.” |
| | | |
| | | |
| Y | N | 3. Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals. |
| | | |
| | | |
| Y | N | 4. The proposed use will not diminish the values of surrounding properties. |
| | | |
| | | |
| Y | N | 5. Special conditions exist such that literal enforcement of the ordinance would result in unnecessary hardship , either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way <i>and also</i> because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property. |
| | | |
| | | |

Member Decision: _____
 Signed: _____ Date _____
 Sitting member of the Hudson ZBA

Stipulations: _____



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: January 27, 2022 *BB 1-14-22*

Case 147-024 (01-27-22): James Silverthorn, 28 Mansfield Drive, Hudson, NH requests an Equitable Waiver of Dimensional Requirement due to a foundation setback encroachment discovered upon review of a Certified Foundation Plan dated December 28, 2021 by John W. Yule, LLS which shows the foundation encroaching 1.1 feet into the required setback of 15 feet leaving 13.9 feet. [Map 147, Lot 024-000; Split Zoned Residential-Two (R-2) and Residential-One (R-1); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Address: 28 Mansfield Dr

Zoning district: Residential-Two (R-2) and Residential-One (R-1)

Summary:

Applicant requests an Equitable Waiver of Dimension for a garage foundation setback encroachment of 1.1 ft into the side yard setback.

Property description:

Lot of record from a recent subdivision and Building Permit for house. This foundation is on Building Permit # 2021-01318-1-FD "FOUNDATION ONLY" for a 30 ft x 50 ft Detached Garage.

LAND USE HISTORY:

Building permit #2020-00282 issued 7/22/2020 "3 bedroom, 2.5 bath w/ 2 car garage".

C.O. #2020 -00282, issued 6/14/2021.

Foundation permit #2021-01318-1-FD (issued 12/16/2021).

ASSESSING HISTORY:

Single Family

Town in-house review comments:

Town Engr: no comments

Town Planner: none received

Fire Dept: no comments

Attachments:

A: Assessing history

B: B.P.# 2020-00282

C: C.O.# 2020-00282

D: B.P. Foundation only # 2021-01318-1-FD

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2021	101 - ONE FAMILY	424,500	0	158,400	10.36	0.00	582,900
2021	130 - VAC RESD	0	0	0	0.00	0.00	0
2021	101 - ONE FAMILY	424,500	0	158,400	10.36	0.00	582,900
2021	130 - VAC RESD	0	0	0	0.00	0.00	0
2020	130 - VAC RESD	0	0	151,200	10.36	0.00	151,200
2020	130 - VAC RESD	0	0	151,200	10.36	0.00	151,200
2019	130 - VAC RESD	0	0	440,100	19.84	0.00	440,100
2019	132 - VAC RES UNDV	0	0	71,400	19.84	0.00	71,400
2018	132 - VAC RES UNDV	0	0	71,400	19.84	0.00	71,400
2018	132 - VAC RES UNDV	0	0	71,400	19.84	0.00	71,400
2017	132 - VAC RES UNDV	0	0	78,800	21.90	0.00	78,800
2017	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2017	132 - VAC RES UNDV	0	0	78,800	21.90	0.00	78,800
2016	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2016	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2015	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2015	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2014	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2014	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2013	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2013	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2012	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2012	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2011	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2011	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2010	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2010	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2009	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2008	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2008	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2007	132 - VAC RES UNDV	0	0	114,300	21.90	0.00	114,300
2007	132 - VAC RES UNDV	0	0	86,700	21.90	0.00	86,700
2006	132 - VAC RES UNDV	0	0	86,700	21.90	0.00	86,700
2006	132 - VAC RES UNDV	0	0	86,700	21.90	0.00	86,700
2005	132 - VAC RES UNDV	0	0	86,700	21.90	0.00	86,700
2005	132 - VAC RES UNDV	0	0	86,100	21.74	0.00	86,100
2004	132 - VAC RES UNDV	0	0	86,100	21.74	0.00	86,100
2004	132 - VAC RES UNDV	0	0	78,300	21.74	0.00	78,300
2003	132 - VAC RES UNDV	0	0	78,300	21.74	0.00	78,300
2003	132 - VAC RES UNDV	0	0	78,300	21.74	0.00	78,300
2002	132 - VAC RES UNDV	0	0	78,300	21.74	0.00	78,300
2002	132 - VAC RES UNDV	0	0	78,300	21.74	0.00	78,300

A



Town of Hudson, NH
Building Permit

Hudson Fire - Inspectional Services Division
12 School Street
Hudson, NH 03051
603-886-6005

Permit Number
2020-00282
Date of Issue
7/22/2020
Expiration Date
1/18/2021

Owner: M.R. LACASSE HOMES LLC

Applicant: Eastern Temp

Location of Work: 28 MANSFIELD DR
(No. and Street) (Unit or Building)

Description of Work: Construct 3 bedroom, 2.5 bathroom, 2 car garage.

ZONING DATA: District: R-1 Map\Lot: 147-024-000

CONTRACTOR: Eastern Temp 603-231-5108

REMARKS:

A CERTIFICATE OF OCCUPANCY IS REQUIRED. PLEASE APPLY FOR THE CERTIFICATE OF OCCUPANCY A MINIMUM OF TWO WEEKS PRIOR TO THE DESIRED DATE OF OCCUPANCY.

Building Permit Issuance Conditions are as follows:

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE AND PERMIT WILL EXPIRE IF WORK IS ABANDONED OR SUSPENDED.
ALL CONSTRUCTION MUST CONFORM TO APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

INSPECTION APPROVALS

Building / / Date
Plumbing / / Date
Electrical / / Date
Fire Sprinklers (rough) (final)
Other / / Date

Permit Holder: Eastern Temp
(Taking Responsibility for the Work)

Company/Affiliation: Contractor Job Site Phone Number:

Constr Cost: \$250,000 Permit Fee: \$1,246.80 Check No.: Cash: \$0.00

The Permit Card Shall be Posted and Visible From the Street During Construction

THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

Code Official Permit Holder Date 7/22/2020

B



Town of Hudson, NH
Certificate of Occupancy

Hudson Fire - Inspectional Services Division
12 School Street
Hudson, NH 03051
603-886-6005

Owner, Lessee or Occupant: SILVERTHORN, JAMES

Location of Work: 28 MANSFIELD DR (Unit or Building)
(No. and Street)

Desc of Work: Construct 3 bedroom, 2.5 bathroom, 2 car garage.

Map\Lot: 147-024-000

IRC Bldg Code Edition: 2015

District: R-1

Permit(s): 2020-00282, 2020-00282-1-FD, 2020-00282-2-WA, 2020-00282-3-SW, 2020-00282-4-DR, 2020-00282-5-EL, 20

Use Group:

Fire Sprinkler System Required: NO

Fire Alarm System Required: NO

This is to certify that SILVERTHORN, JAMES has\have obtained all final inspections and has been found to substantially conform to all regulations and codes and is hereby approved for occupancy and use, as limited or otherwise noted below.

This Certificate of Occupancy is issued for a single family home as applied for in the above referenced building permit. Any other use is strictly prohibited, and shall require additional permits for any alteration, renovation, addition, change of use, or other changes to the premises.

Date of Issue: 6/14/2021

Signed:

David R. Zuber

C



Town of Hudson, NH
FOUNDATION ONLY

Hudson Fire - Inspectional Services Division
 12 School Street
 Hudson, NH 03051
 603-886-6005

Permit Number
 2021-01318-1-FD
Date of Issue
 12/16/2021
Expiration Date
 6/14/2022

Owner: SILVERTHORN, JAMES

Applicant: James Silverthorn

Location of Work: 28 MANSFIELD DR (Unit or Building)
 (No. and Street)

Description of Work: Build a 30 x 50 detached garage

ZONING DATA: District: R-1 Map\Lot: 147-024-000

CONTRACTOR: James Silverthorn 603-231-5108

REMARKS:

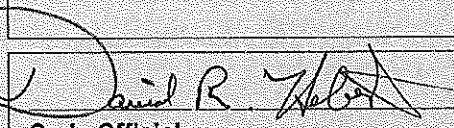
A CERTIFIED FOUNDATION PLAN IS REQUIRED PRIOR TO ISSUANCE OF A FRAMING PERMIT

• **Building Permit Issuance Conditions are as follows:**

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
- THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
- APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
- NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
- WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
- WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE AND PERMIT WILL EXPIRE IF WORK IS ABANDONED OR SUSPENDED
- ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

INSPECTION APPROVALS

Building _____ / _____ / _____ Date _____

Permit Holder: James Silverthorn (Taking Responsibility for the Work)			
Company/Affiliation: Contractor		Job Site Phone Number:	
Constr Cost: \$50,000	Permit Fee: \$600.00	Check No.: app-pd	Cash: \$0.00
The Permit Card Shall be Posted and Visible From the Street During Construction			
THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.			
 Code Official		_____ Permit Holder	12/16/2021 Date

(D)



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-594-1142

BUILDING PERMIT APPLICATION - PLEASE PRINT

Address: <u>28 Mansfield Drive</u> Unit # _____	Office use: Map _____ Lot _____ Zone _____ Permit # _____
Site/Sub Plan: _____ HCRD _____	

Residential

- Single family detached
- Modular Homes
- Duplex
- 3+ family dwelling (# of units _____)
- Other _____

Type of Improvement

- New Building
- Addition
- Alteration/Renovation
- Repair/Replacement
- Conversion of +/- dwelling units
- Other _____
- Deck
- Shed
- Swim Pool
- Garage
- Carport

Commercial

- Office/Bank/Professional
- Hospital/Medical
- Industrial/Warehouse
- Restaurant
- Other _____
- Garage
- School
- Store
- Utility

Type of Improvement

- New Building
- Addition
- Alteration/Renovation
- Repair/Replacement
- Conversion from residential to commercial space
- Other _____
- Deck
- Shed
- Swim Pool
- Interior Demo

Will the applicant/owner manufacture, assemble or produce any product, regardless of water use?

Yes (Need IDA Form) No (Need IDA Checklist) *Please consult the Town Engineer at 886-6008 with any questions

Total Cost of Project:

\$ 50K

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

30x50 Cold Storage Garage

Square Footage Footprint _____ Renovated/added _____ Number of stories _____
 Living area of new home (exclude unfinished areas and garage) _____ Total area of bldg _____

Principal Type of Frame Masonry (wall bearing) Wood Frame Structural steel
 Reinforced concrete Other-Specify _____

Type of Sewage Disposal Town or private company (requires Town permit)
 Private (septic tank, etc.)

RECEIVED

DEC 15 2021



TOWN OF HUDSON
JAN 10 2022

Zoning Department

APPLICATION FOR AN EQUITABLE WAIVER

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 147-024 (01-27-22)

Date Filed 1/10/22

Name of Applicant James Silverthorn Map: 147 Lot: 24 Zoning District: R-2/R-1 TB

Telephone Number (Home) 603-231-5108 (Work) 603-231-5108

Mailing Address 28 Mansfield Drive

Owner James Silverthorn

Location of Property 28 Mansfield Drive
(Street Address)

Signature of Applicant [Signature] Date 1/10/2022

Signature of Property-Owner(s) [Signature] Date 1/10/2022

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.

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

Date received: 1-10-22

COST:

Application fee (processing, advertising & recording) (non-refundable): \$ 185.00

~~Abutter Notice:~~ ~~7.25~~ 4.33 TB \$ 43.30 TB

~~Direct Abutters x Certified postage rate~~ \$ ~~43.98~~ = 2.32 TB \$ 46.10

4 Indirect Abutters x First Class postage rate \$ 2.11 = 2.32 TB \$ 46.10

0.58 0.52 **Total amount due:** 46.10 \$ 46.10

*Redid abutter labels TB Amt. received: \$ 231.10 check # 1785

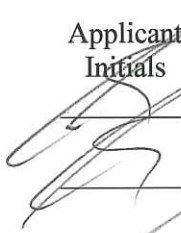



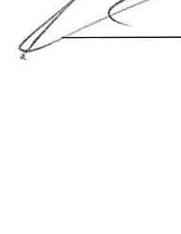


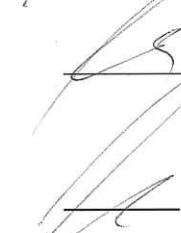
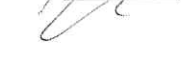
Received by: RZ Receipt No.: 670,104

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.

<u>Applicant</u> Initials		Staff Initials
	Please review the application with the Zoning Administrator or staff.	<u>BB</u>
	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>BB</u>
	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation <u>Special Exception</u> , Appeal from an Administrative Decision, and <u>Equitable Waiver</u> but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>BB</u>
	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). N/A (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>BB</u>
	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>BB</u>
	GIS LOCATION PLAN: 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: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>BB</u>
	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>BB</u>
	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application. BB	<u>BB</u>
	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. N/A	<u>N/A</u>

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).

BB

- a) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. _____
- b) The plot plan shall be up-to date and dated, and shall be no more than three years old. _____
- c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal. _____
- d) The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. _____
(NOTE: 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

1/10/2022

Signature of Property Owner(s)

Date

1/10/2022

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 adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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
147	024-000	*Include Applicant & Owner(s) James Silverthorn	28 Mansfield Dr Hudson, NH 03051
147	011-000	Claire Latulippe Leo R. Latulippe	205 Webster St Hudson, NH 03051
147	022-000	Westchester Place Condominiums	7 Westchester Court Hudson, NH 03051
147	023-000	Alexander Solovyeva Elena Solovyeva	9 Derry Lane Hudson, NH 03051
147	024-001	Charles B. Coyle TR Darlene T Coyle TR Coyle Revocable Trusts	23 Mansfield Dr Hudson, NH 03051
147	024-002	Robert J. Gott Tammi-Jo Gott	27 Mansfield Dr Hudson, NH 03051
147	024-005	Keith E. Brooks Karen L. Brooks	40 Mansfield Dr Hudson, NH 03051
147	024-006	Steven T. Manna Michaela Manna	34 Mansfield Dr. Hudson, NH 03051
147	024-007	Cherie Ann Chenel Richard Albert Chenel	30 Mansfield Dr. Hudson, NH 03051
147	025-001	David S. Boinowski TR Cathy K Boinowski TR Boinowski Family Rev Trust	5 Derry Lane Hudson, NH 03051
138	089-000	Town of Hudson	104 Derry Rd Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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
147	009-000	Derek Raymond Wisnosky Kacie Graham	219 Webster St Hudson, NH 03051
147	010-003	Darrin S. Wieggers Kelly E. Wieggers	2 Pinewood Rd Hudson, NH 03051
147	024-003	Steven Panza Kathryn Panza	33 Mansfield Dr. Hudson, NH 03051
148	006-000	David S. Bornowski TR Cathy K. Bornowski TR Bornowski Family Rev Trust	5 Derry Lane Hudson, NH 03051

APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT
Select Option 1 or Option 2 only

Per RSA674:33-a, I, Equitable Waiver of Dimensional Requirement: (OPTION 1)

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:

(a) **DISCOVERED TOO LATE.** 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; and
I discovered when engineers came back to locate the garage and concrete was already backfilled

(b) **INNOCENT MISTAKE.** 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; and
I hired a landscaper to dig the hole and a concrete company to pour the footings. Both are claiming it's not their fault. I had an engineer stake out the location and somehow they didn't get it right.

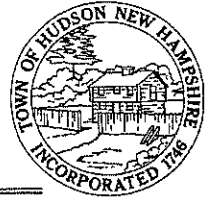
(c) **NO NUISANCE.** Please explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and
there is a heavy wooded area surrounding the entire structure.

(d) **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.
Neither party wants to take responsibility. Looking at a 10-15K dollar cost to move.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-004

January 10, 2022

James Silverthorn
28 Mansfield Dr
Hudson, NH 03051

RE: **Certified foundation plot plan
Building Permit # 2021-01318
28 Mansfield Dr Map 147 Lot 024
District: Residential One (R-1) and
Residential Two (R-2)**

Dear Mr. Silverthorn,

Zoning Review / Determination:

Upon review of the foundation certified plot plan dated December 28, 2021, submitted for approval, I note the foundation is encroaching 1.1 ft into the required setback of 15.0 ft leaving 13.9 ft of setback.

To abate this violation, you would need an Equitable Waiver of Dimension approved by the Zoning Board of Adjustment.

Sincerely,

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

cc: Public Folder
D. Hebert – Building Official
B. Groth – Town Planner
File

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

147 024 000
MAP LOT SUB

1 of 2 RESIDENTIAL
CARD HUDSON

APPRaised: 582,900/ 582,900
USE VALUE: 582,900/ 582,900
ASSESSed: 582,900/ 582,900

Total Card / Total Parcel

PROPERTY LOCATION

No	Alt No	Direction/Street/City
28		MANSFIELD DR, HUDSON

OWNERSHIP

Owner 1: SILVERTHORN, JAMES
Owner 2:
Owner 3:
Street 1: 28 MANSFIELD DR.
Street 2:
Twn/City: HUDSON
St/Prov: NH Cntry: Own Occ:
Postal: 03051 Type:

PREVIOUS OWNER

Owner 1: SILVERTHORN, JAMES -
Owner 2: -
Street 1: 28 MANSFIELD DR.
Twn/City: HUDSON
St/Prov: NH Cntry:
Postal: 03051

NARRATIVE DESCRIPTION
This parcel contains 10.36 ACRES of land mainly classified as ONE FAMILY with a CONTEMPORARY Building built about 2020, having primarily ABOVE AVG Exterior and 2628 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 1 HalfBath, 5 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R1	RESD ONE		water	3	TOWN WATE
o	R2	RESD TWO		Sewer	2	TOWN SEWE
n				Electri		
Census: Exmpt						
Flood Haz: C						
D				Topo	1	LEVEL
s				Street		
t				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		1		SITE ACRE	SITE		0	120,000.	1.00	RF									120,000						120,000	
101	ONE FAMILY		9.36		ACRES	EXCESS		0	5,250.	0.78	RF			WET/LOV	-20					38,356						38,400	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	10.360	424,500		158,400	582,900
Total Card		10.360	424,500	158,400	582,900
Total Parcel		10.360	424,500	158,400	582,900
Source: Market Adj Cost		Total Value per SQ unit /Card: 221.80			/Parcel: 221.80

Legal Description

Entered Lot Size
Total Land: 10.36
Land Unit Type: AC

User Acct
5676
GIS Ref
GIS Ref
Insp Date
01/15/91

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2021	101	FV	424,500	0	10.36	158,400	582,900	582,900	Year End Roll	10/15/2021
2021	101	JB	424,500	0	10.36	158,400	582,900	582,900	Year End Roll	5/12/2021
2020	130	FV		0	10.36	151,200	151,200	151,200	Year End Roll	8/27/2020
2020	130	JB		0	10.36	151,200	151,200	151,200	Year End Roll	5/6/2020
2019	130	FV		0	19.842	440,100	440,100	440,100	Year End Roll	9/16/2019
2019	132	JB		0	19.842	71,400	71,400	71,400	Year End Roll	5/8/2019
2018	132	FV		0	19.842	71,400	71,400	71,400	Year End Roll	8/27/2018
2018	132	JB		0	19.842	71,400	71,400	71,400	Year End Roll	5/9/2018

Parcel ID 147-024-000

12562!
PRINT
Date **Time**
01/10/22 13:30:54
LAST REV
Date **Time**
07/20/21 13:44:11
amym

SALES INFORMATION

Grantor	Legal Ref.	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
SILVERTHORN, JA	9309-259	6	6/18/2020	EASEMENT		No	No		
SILVERTHORN, JA	9309-256	6	6/18/2020	EASEMENT		No	No		
M.R. LACASSE HO	9278-1007	2	4/3/2020	BUSINESS		No	No		
M.R. LACASSE HO	9274-1496	6	3/25/2020	EASEMENT		No	No		DRAINAGE EASEMENT
MAYNARD, RICHA	9166-1920	2	5/7/2019	MULTI PID		No	No		
ERION, DONALD W	9166-1918	1	5/7/2019	MULTI PID	501,000	Yes	No		8-lot subdivision, not recorded as of sale da
	3067-0013		8/22/1983	FAMILY TRANS		Yes	No		

PAT ACCT. 2562

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
6/11/2021	2020-00282	DRIVEWAY		C				
10/14/2020	2020-00282	MECHANIC	4,000	C				
10/14/2020	2020-00282	PLUMBING		C				
10/7/2020	2020-00282	MECHANIC		C				
8/28/2020	2020-00282	ELECTRIC	12,000	C				
7/22/2020	2020-00282	DWELLING	250,000	C				
4/23/2020	2020-00282	FOUNDATI	250,000	C				
4/13/2020	2020-00282	SEWER		C				
4/13/2020	2020-00282	H2O hook		C				
4/13/2020	2020-00282	DRIVEWAY		C				

ACTIVITY INFORMATION

Date	Result	By	Name
3/17/2021	Permit Visit	21	DEP ASR
1/12/2021	Permit Visit	21	DEP ASR
10/3/2019	Other Change	1	CHIEF ASSESS
5/22/2019	Other Change	1	CHIEF ASSESS
3/26/2018	Info Fm Plan	1	CHIEF ASSESS
6/27/2005	New Maps	1	CHIEF ASSESS
1/15/1991	Inspected	2	AVITAR

Sign: VERIFICATION OF VISIT NCT DATA

Total AC/HA: 10.36000	Total SF/SM: 451282	Parcel LUC: 101	ONE FAMILY	Prime NB Desc: RES GD	Total: 158,356	SpI Credit:	Total: 158,400
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USER DEFINED

Prior Id # 1: 0023
Prior Id # 2: 0013
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:

EXTERIOR INFORMATION

Type: 09 - CONTEMPORARY
 Sty Ht: 1 - ONE STY
 (Liv) Units: 1 Total: 1
 Foundation: 1 - CONCRETE
 Frame: 1 - WOOD
 Prime Wall: 14 - ABOVE AVG
 Sec Wall: %
 Roof Struct: 1 - GABLE
 Roof Cover: 17 - ST - SEAM
 Color: TAN
 View / Desir:

GENERAL INFORMATION

Grade: B+ - GOOD/VG
 Year Bilt: 2020 Eff Yr Bilt:
 Alt LUC: Alt %:
 Jurisdic: Fact:
 Const Mod:
 Lump Sum Adj:

INTERIOR INFORMATION

Avg Ht/FL: 9
 Prim Int Wal: 1 - DRYWALL
 Sec Int Wal: %
 Partition: T - TYPICAL
 Prim Floors: 03 - HARDWOOD
 Sec Floors: 06 - CERAMIC T 15%
 Bsmnt Fir: 12 - CONCRETE
 Subfloor:
 Bsmnt Gar:
 Electric: 3 - TYPICAL
 Insulation: 2 - TYPICAL
 Int vs Ext: S -
 Heat Fuel: 2 - GAS
 Heat Type: 1 - FORCED AIR
 # Heat Sys: 2
 % Heated: 100 % AC: 100
 Solar HW: NO Central Vac: NO
 % Com Wal % Sprinkled

BATH FEATURES

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

OTHER FEATURES

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

CONDO INFORMATION

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

DEPRECIATION

Phys Cond: GD - Good 1.7%
 Functional: %
 Economic: %
 Special: NC - New Constr 15%
 Override: %
 Total: 16.44%

CALC SUMMARY

Basic \$ / SQ: 105.00
 Size Adj.: 0.84246576
 Const Adj.: 1.05028272
 Adj \$ / SQ: 92.907
 Other Features: 27857
 Grade Factor: 1.38
 NBHD Inf: 1.00000000
 NBHD Mod:
 LUC Factor: 1.00
 Adj Total: 508041
 Depreciation: 83522
 Depreciated Total: 424519

COMMENTS

/approvals 3-27-2019 for 8-lot subdivision Plan 40503/. NEW HSE FOR 21//SET BACK FROM STREET//no kit or mstr//nc=25-no kit or mstr yet//remove nc 22/ck liv for finish/standing seam=steel roof//pvc siding/cust elec/lighting/cust wall and floor finishes.

RESIDENTIAL GRID

1st Res Grid	Desc: Line 1	# Units	1
Level	FY LR DR D K FR RR BR FB HB L O		
Other			
Upper			
Lvl 2			
Lvl 1			
Lower			
Totals	RMs: 5 BRs: 3 Baths: 1 HB: 1		

REMODELING

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

RES BREAKDOWN

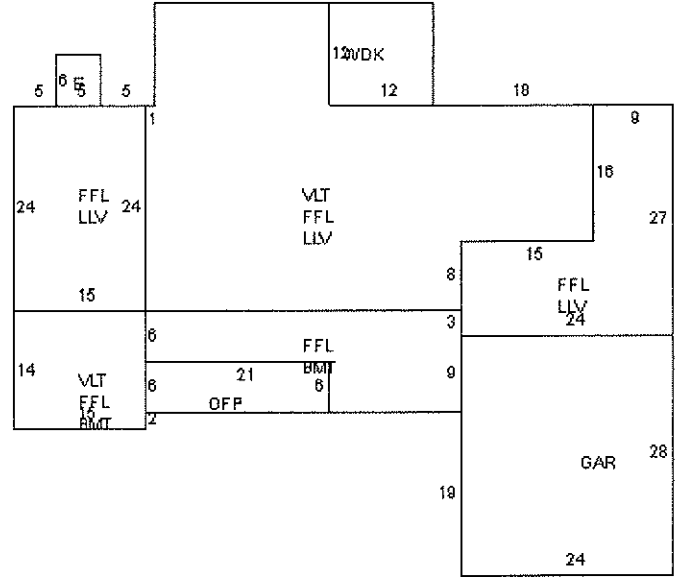
No Unit	RMS	BRS	FL
1	5	3	1
Totals			
1	5	3	

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price

WtAv\$/SQ: AvRate: Ind.Val:
 Juris. Factor: Before Depr: 128.21
 Special Features: 0 Val/Su Net: 54.55
 Final Total: 424500 Val/Su SzAd: 161.53

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	
FFL	FIRST FLOOR	2,628	92.910	244,159	
LLV	LOWER LEVEL	2,112	23.230	49,055	
VLT	VAULTED CEIL	1,554	4.650	7,219	
GAR	GARAGE	672	32.800	22,040	
BMT	BASEMENT	516	18.580	9,588	
WDK	WOOD DECK	144	18.270	2,632	
OFFP	OPEN PCH	126	43.310	5,457	
ENT	ENTRY	30	4.650	139	
Net Sketched Area:		7,782	Total:	340,289	
Size Ad	2628	Gross Area	7782	FinArea	2628

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Ten

MOBILE HOME

Make: Model: Serial # Year: Color:

SPEC FEATURES/YARD ITEMS

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

PARCEL ID 147-024-000

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

More: N Total Yard Items: Total Special Features: Total:

IMAGE

AssessPro Patriot Properties, Inc



28 Mansfield Dr



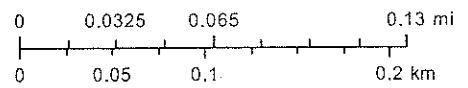
January 10, 2022

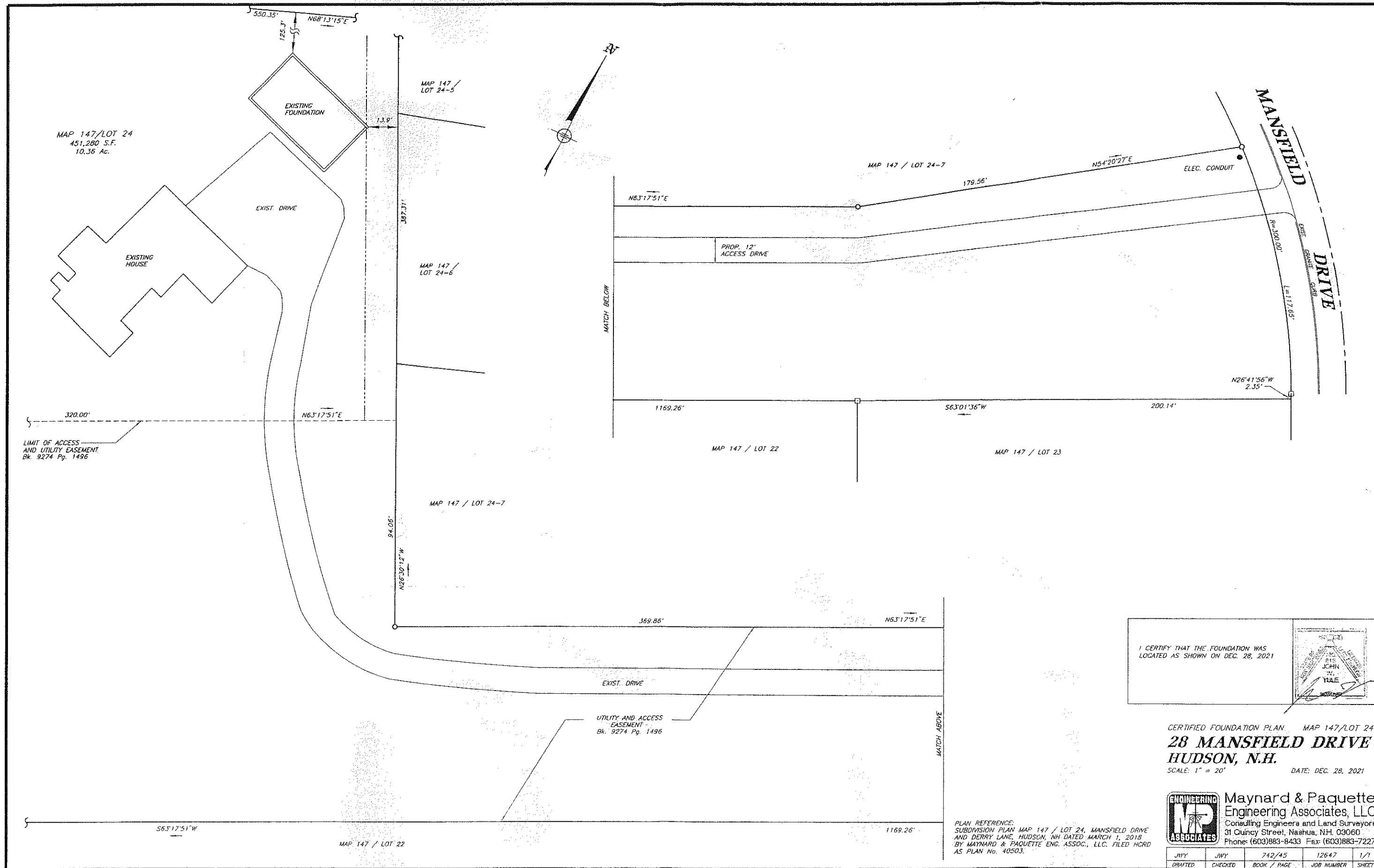
Legend

----- Easement_Lines

▭ Parcels

1:3,853





I CERTIFY THAT THE FOUNDATION WAS LOCATED AS SHOWN ON DEC. 28, 2021

CERTIFIED FOUNDATION PLAN. MAP 147/LOT 24
28 MANSFIELD DRIVE
HUDSON, N.H.
 SCALE: 1" = 20' DATE: DEC. 28, 2021

ENGINEERING ASSOCIATES
MP ASSOCIATES
 Maynard & Paquette
 Engineering Associates, LLC
 Consulting Engineers and Land Surveyors
 31 Quincy Street, Nashua, N.H. 03060
 Phone: (603)883-8433 Fax: (603)883-7227

PLAN REFERENCE:
 SUBDIVISION PLAN MAP 147 / LOT 24, MANSFIELD DRIVE AND DERRY LANE, HUDSON, NH DATED MARCH 1, 2018 BY MAYNARD & PAQUETTE ENG. ASSOC., LLC. FILED HC RD AS PLAN No. 40503.

JWY	JWY	742/45	12647	1/1
DRAFTED	CHECKED	BOOK / PAGE	JOB NUMBER	SHEET

Printed
1/11/2022
3:57PM
Created
1/11/2022
3:51 PM

Transaction Receipt

Receipt# 670,104
tgoodwyn

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

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-01/27/22 ZBA Meeting 28 Mansfield Drive Map/Lot 147-024-000 R-2/R-1 Equitable Waiver	0.00	231.1000	0.00
			Total:	231.10

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
James P Silverthorn	CHECK	CHECK # 1785	231.10	0.00	231.10
			Total Due:		231.10
			Total Tendered:		231.10
			Total Change:		0.00
			Net Paid:		231.10

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

Option 1- (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 01/27/2022, the Hudson Zoning Board of Adjustment heard Case 147-024, being a request by James Silverthorn, 28 Mansfield Drive, Hudson, NH to allow a Waiver from the provisions of HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements. Applicant(s) request an Equitable Waiver of Dimensional Requirement due to a foundation setback encroachment discovered upon review of a Certified Foundation Plan dated December 28, 2021 by John W. Yule, LLS that shows the foundation encroaching 1.1 feet into the required side yard setback of 15 feet leaving 13.9 feet. [Map 147, Lot 024-000; Split Zoned Residential-Two (R-2) and Residential-One (R-1)]

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

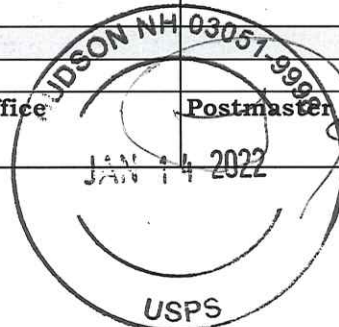
Y N INNOCENT MISTAKE. The applicant has successfully demonstrated that the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner’s agent or representative, but was instead caused by either a 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

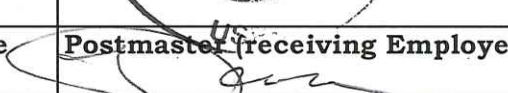
Y N NO NUISANCE: The applicant has successfully demonstrated that the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property;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

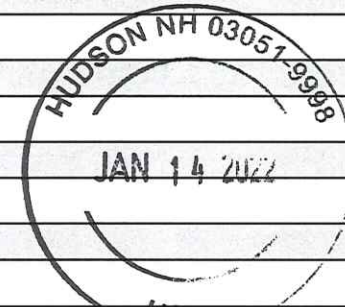
Y N HIGH CORRECTION COST: The applicant has successfully demonstrated that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the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

Signed: _____ Date _____
Sitting Member of the Hudson ZBA

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-024 EQUITABLE WAIVER OF DIM. REQ. 28 Mansfield Drive Map 147/Lot 024-000	1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address		01/27/2022 ZBA Meeting	
1	7021 0350 0000 1884 4584	SILVERTHORN, JAMES 28 MANSFIELD DR., HUDSON, NH 03051		APPLICANT/OWNER NOTICE MAILED	
2	7021 0350 0000 1884 4607	LATULIPPE, CLAIRE & LEO R. 205 WEBSTER ST., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
3	7021 0350 0000 1884 4614	WESTCHESTER PLACE CONDOMINIUMS 7 WESTCHESTER COURT, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
4	7021 0350 0000 1884 4621	SOLOVYEVA, ALEXANDER & ELENA 9 DERRY LANE, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
5	7021 0350 0000 1884 4638	COYLE, CHARLES B. & DARLENE T., TRTS; COYLE REVOCABLE TRUSTS 23 MANSFIELD DR., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
6	7021 0350 0000 1884 4645	GOTT, ROBERT J. & TAMMI-JO 27 MANSFIELD DR., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
7	7021 0350 0000 1884 4652	BROOKS, KEITH E. & KAREN L. 40 MANSFIELD DR., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
8	7021 0350 0000 1884 4669	MANNETTA, STEVEN T. & MICHAELA 34 MANSFIELD DR., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
9	7021 0350 0000 1884 4676	CHENEL, CHERIE ANN & RICHARD ALBERT 30 MANSFIELD DR., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
10	7021 0350 0000 1884 4591	BUJNOWSKI, DAVID S. & CATHY K., TRUSTEES; BUJNOWSKI FAMILY REV TRUST 5 DERRY LANE, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
11	7021 0350 0000 1884 4683	TOWN OF HUDSON 194 DERRY RD., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
12					
Total Number of pieces listed by sender 11		Total number of pieces rec'vd at Post Office 11		Postmaster (receiving Employee) JAN 14 2022	



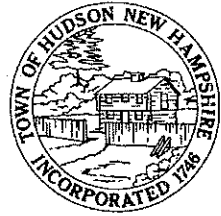
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 147-024 EQUITABLE WAIVER OF DIM. REQ. 28 Mansfield Drive Map 147/Lot 024-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	01/27/2022 ZBA Meeting
1	Mailed First Class	WISNOSKY, DEREK RAYMOND; GRAHAM, KACIE 219 WEBSTER ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	WIEGERS, DARIN S. & KELLY E. 2 PINWOOD ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	PANZA, STEVEN & KATHRYN 33 MANSFIELD DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4			
5			
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 3	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) 





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

January 14, 2022

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **01/27/22** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

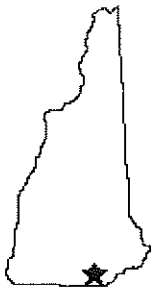
Case 147-024 (01-27-22): James Silverthorn, 28 Mansfield Drive, Hudson, NH requests an Equitable Waiver of Dimensional Requirement due to a foundation setback encroachment discovered upon review of a Certified Foundation Plan dated December 28, 2021 by John W. Yule, LLS which shows the foundation encroaching 1.1 feet into the required side yard setback of 15 feet leaving 13.9 feet. [Map 147, Lot 024-000; Split Zoned Residential-Two (R-2) and Residential-One (R-1); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Please be advised, the above notice is being sent to all abutters listed on the application. You, or an authorized representative, are expected to attend the hearing and make a presentation.

Respectfully,

Bruce Buttrick

Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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January 14, 2022

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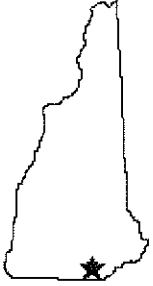
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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: January 27, 2022

BB
1-14-22

Case 215-009 (01-27-22): Earl Blatchford, P.E., Haynor/Swanson, Inc., 3 Congress St., Nashua, NH requests a Variance at **2 Wentworth Dr., Hudson, NH** to permit construction and use of a 12' diameter, 48' high storage silo constructed on a 13.5' x 13.5' concrete pad which encroaches 3 feet into the side yard setback leaving 12 feet where 15 feet is required. [Map 215, Lot 009-000; Zoned Industrial (I); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Address: 2 Wentworth Dr

Zoning district: Industrial (I)

Summary:

Applicant requests a variance to allow a 12 ft dia. silo to be located with a 3 ft encroachment into the 15 ft required setback.

Property description:

Lot of record, this property currently is a manufacturing use.
This property recently had a building addition/expansion in 2020.

LAND USE HISTORY:

Building Permit #2020-00458 issued 7/16/2020 "Addition of 15,685 sqft"
Certificate of Occupancy #2020-00458
Amended April 29 2020 Site Plan

ASSESSING HISTORY:

Industrial - Warehouse

Town in-house review comments:

Town Engr: no comments

Town Planner: none received

Fire Dept: no comments, see January 4, 2022 Email

Attachments:

A: Assessing history

B: Building Permit # 2020-00458

C: Certificate of Occupancy #2020-00458

D: April 29 2020 Site Plan

E: January 4, 2022 Email from Fire Chief Buxton

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2021	401 - IND WAREHSE	3,323,900	338,400	613,500	2.50	0.00	4,275,800
2021	401 - IND WAREHSE	3,323,900	338,400	613,500	2.50	0.00	4,275,800
2020	401 - IND WAREHSE	1,192,900	25,200	599,000	2.50	0.00	1,817,100
2020	401 - IND WAREHSE	1,192,900	25,200	599,000	2.50	0.00	1,817,100
2019	401 - IND WAREHSE	1,130,900	25,200	599,000	2.50	0.00	1,755,100
2019	401 - IND WAREHSE	1,130,900	25,200	599,000	2.50	0.00	1,755,100
2018	401 - IND WAREHSE	1,130,900	25,200	599,000	2.50	0.00	1,755,100
2018	401 - IND WAREHSE	1,130,900	25,200	599,000	2.50	0.00	1,755,100
2017	401 - IND WAREHSE	1,113,900	25,200	599,000	2.50	0.00	1,738,100
2017	401 - IND WAREHSE	1,014,800	26,500	431,300	2.50	0.00	1,472,600
2017	401 - IND WAREHSE	1,113,900	25,200	599,000	2.50	0.00	1,738,100
2016	401 - IND WAREHSE	1,014,800	26,500	431,300	2.50	0.00	1,472,600
2016	401 - IND WAREHSE	1,014,800	26,500	431,300	2.50	0.00	1,472,600
2015	401 - IND WAREHSE	957,200	23,500	431,300	2.50	0.00	1,412,000
2015	401 - IND WAREHSE	957,200	23,500	431,300	2.50	0.00	1,412,000
2014	401 - IND WAREHSE	957,200	23,500	431,300	2.50	0.00	1,412,000
2014	401 - IND WAREHSE	957,200	23,500	431,300	2.50	0.00	1,412,000
2013	401 - IND WAREHSE	957,200	23,500	431,300	2.50	0.00	1,412,000
2013	401 - IND WAREHSE	957,200	23,500	431,300	2.50	0.00	1,412,000
2012	401 - IND WAREHSE	957,200	23,500	431,300	2.50	0.00	1,412,000
2012	401 - IND WAREHSE	978,700	23,100	431,300	2.50	0.00	1,433,100
2011	401 - IND WAREHSE	978,700	23,100	431,300	2.50	0.00	1,433,100
2011	401 - IND WAREHSE	978,700	23,100	431,300	2.50	0.00	1,433,100
2010	401 - IND WAREHSE	978,700	23,100	431,300	2.50	0.00	1,433,100
2010	401 - IND WAREHSE	978,700	23,100	431,300	2.50	0.00	1,433,100
2009	401 - IND WAREHSE	978,700	23,100	431,300	2.50	0.00	1,433,100
2008	401 - IND WAREHSE	978,700	23,100	431,300	2.50	0.00	1,433,100
2008	401 - IND WAREHSE	978,700	23,100	431,300	2.50	0.00	1,433,100
2007	401 - IND WAREHSE	978,700	23,100	431,300	2.50	0.00	1,433,100
2007	401 - IND WAREHSE	919,700	21,700	377,200	2.50	0.00	1,318,600
2006	401 - IND WAREHSE	919,700	21,700	377,200	2.50	0.00	1,318,600
2006	401 - IND WAREHSE	919,700	21,700	377,200	2.50	0.00	1,318,600
2005	401 - IND WAREHSE	919,700	21,700	377,200	2.50	0.00	1,318,600
2005	401 - IND WAREHSE	919,700	21,700	377,200	2.50	0.00	1,318,600
2004	401 - IND WAREHSE	919,700	21,700	377,200	2.50	0.00	1,318,600
2004	401 - IND WAREHSE	812,200	12,600	314,300	2.50	0.00	1,139,100
2003	401 - IND WAREHSE	812,200	12,600	314,300	2.50	0.00	1,139,100
2003	401 - IND WAREHSE	954,700	12,600	314,300	2.50	0.00	1,281,600
2002	401 - IND WAREHSE	954,700	12,600	314,300	2.50	0.00	1,281,600
2002	401 - IND WAREHSE	954,700	12,600	314,300	2.50	0.00	1,281,600
2001	401 - IND WAREHSE	859,000	0	176,000		0.00	1,035,000
2000	CI - N/A	840,600	18,400	176,000	2.50	0.00	1,035,000

A



Town of Hudson, NH
Building Permit

Hudson Fire - Inspectional Services Division
12 School Street
Hudson, NH 03051
603-886-6005

Permit Number
2020-00458
Date of Issue
7/16/2020
Expiration Date
1/12/2021

Owner: INTEGRA BIOSCIENCES CORP.

Applicant: Sakonnet Associates

Location of Work: 2 WENTWORTH DR
(No. and Street) (Unit or Building)

Description of Work: Addition of 15,685 SF and renovation of 13,340 SF. Site, architectural structural drawings ON RACK. Includes temporary Loading Dock sheet 5 of 10 Hayner/Swanson drawing set.

ZONING DATA: District: I Map/Lot: 215-009-000

CONTRACTOR: Sakonnet Associates 603-930-3589

REMARKS:

A FINAL INSPECTION IS REQUIRED BY THE INSPECTIONAL SERVICES DEPARTMENT PRIOR TO OCCUPANCY

Building Permit Issuance Conditions are as follows:

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE.
ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

INSPECTION APPROVALS

Building / / Date
Plumbing / / Date
Electrical / / Date
Fire Sprinklers (rough) (final)
Other / / Date

Permit Holder: Sakonnet Associates
(Taking Responsibility for the Work)
Company/Affiliation: Contractor Job Site Phone Number: pd

Constr Cost: \$3,983,674 Permit Fee: \$7,942.00 Check No.: 40314 Cash: \$0.00

The Permit Card Shall be Posted and Visible From the Street During Construction

THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

Code Official: [Signature] Permit Holder: [Signature] Date: 7/16/2020

B

Town of Hudson, NH
CERTIFICATE OF OCCUPANCY



Hudson Fire - Inspectional Services Division
12 School Street
Hudson, NH 03051
603-886-6005

Owner, Lessee or Occupant: INTEGRA BIOSCIENCES CORP.

Location of Work: 2 WENTWORTH DR
(No. and Street) (Unit or Building)

Desc of Work: Addition of 15,685 SF and renovation of 13,340 SF. Site, architectural structural drawings.
Includes temporary Loading Dock sheet 5 of 10 Hayner/Swanson drawing set.

Map/Lot: 215-009-000

District: I

Permit(s): 2020-00458, 2020-00458-1-FI, 2020-00458-2-EL, 2020-00458-3-PL, 2020-00458-4-MG, 2020-00458-5-MC

Use Group:

Fire Sprinkler System Required: YES

Fire Alarm System Required: YES

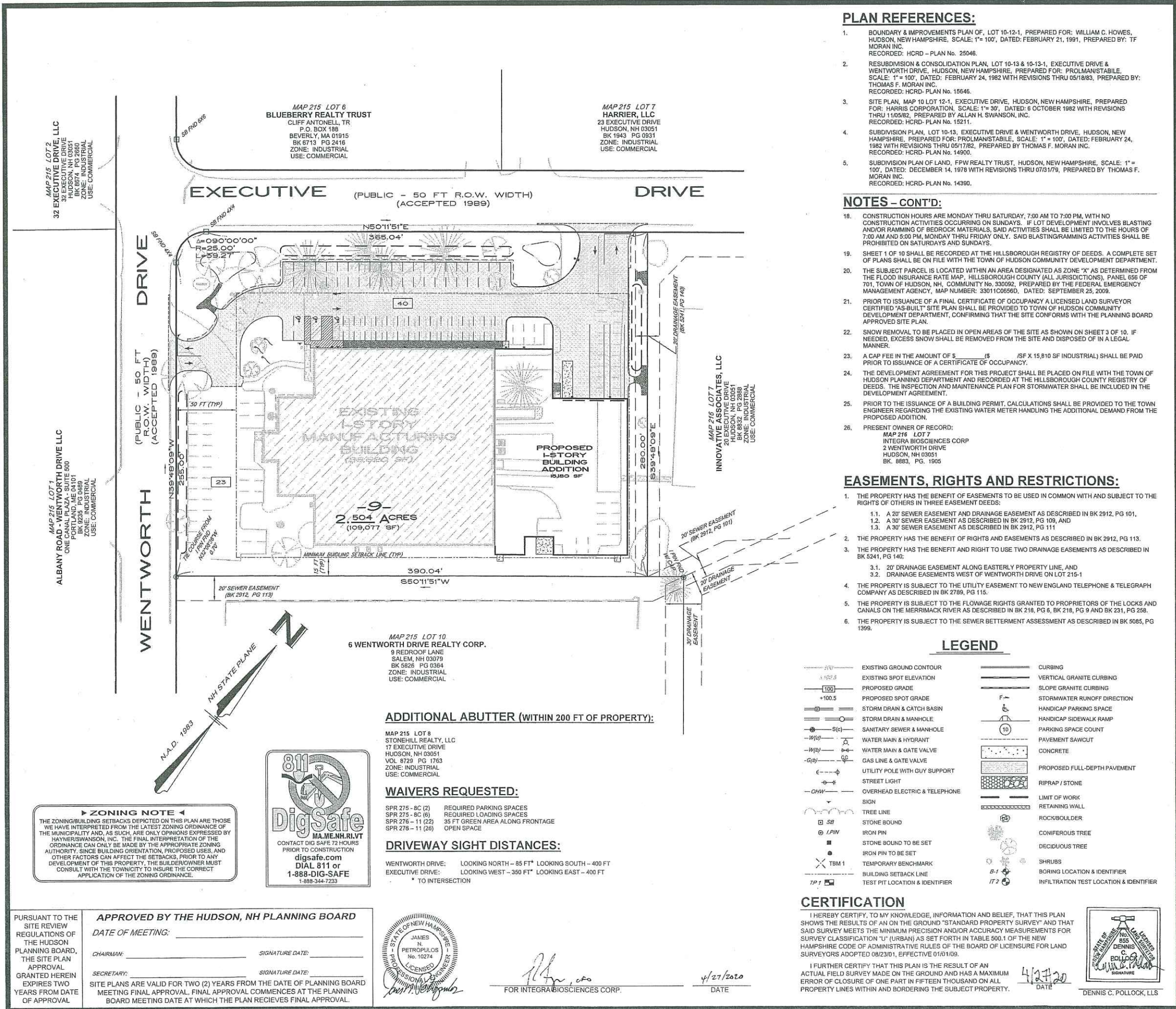
This is to certify that INTEGRA BIOSCIENCES CORP.
has/have obtained all final inspections and has been found to substantially conform to all regulations
and codes and is hereby approved for occupancy and use, as limited or otherwise noted below.

This Certificate of Occupancy is issued prior to occupancy. Any change of occupant, use or modification to the structure shall require a
new Certificate of Occupancy.

Date of Issue: 10/30/2020

Signed:

C



PLAN REFERENCES:

- BOUNDARY & IMPROVEMENTS PLAN OF LOT 10-12-1, PREPARED FOR: WILLIAM C. HOWES, HUDSON, NEW HAMPSHIRE, SCALE: 1"=100', DATED: FEBRUARY 21, 1991, PREPARED BY: TF MORAN INC. RECORDED: HCRD - PLAN No. 25046.
- RESUBDIVISION & CONSOLIDATION PLAN, LOT 10-13 & 10-13-1, EXECUTIVE DRIVE & WENTWORTH DRIVE, HUDSON, NEW HAMPSHIRE, PREPARED FOR: PROLMANSTABLE, SCALE: 1"=100', DATED: FEBRUARY 24, 1982 WITH REVISIONS THRU 05/18/83, PREPARED BY: THOMAS F. MORAN INC. RECORDED: HCRD- PLAN No. 15646.
- SITE PLAN, MAP 10 LOT 12-1, EXECUTIVE DRIVE, HUDSON, NEW HAMPSHIRE, PREPARED FOR: HARRIS CORPORATION, SCALE: 1"=30', DATED: 6 OCTOBER 1982 WITH REVISIONS THRU 11/05/82, PREPARED BY ALLAN H. SWANSON, INC. RECORDED: HCRD- PLAN No. 15211.
- SUBDIVISION PLAN, LOT 10-13, EXECUTIVE DRIVE & WENTWORTH DRIVE, HUDSON, NEW HAMPSHIRE, PREPARED FOR: PROLMANSTABLE, SCALE: 1"=100', DATED: FEBRUARY 24, 1982 WITH REVISIONS THRU 05/17/82, PREPARED BY THOMAS F. MORAN INC. RECORDED: HCRD- PLAN No. 14900.
- SUBDIVISION PLAN OF LAND, FPV REALTY TRUST, HUDSON, NEW HAMPSHIRE, SCALE: 1"=100', DATED: DECEMBER 14, 1979 WITH REVISIONS THRU 07/31/79, PREPARED BY THOMAS F. MORAN INC. RECORDED: HCRD- PLAN No. 14390.

NOTES - CONT'D:

- CONSTRUCTION HOURS ARE MONDAY THRU SATURDAY, 7:00 AM TO 7:00 PM, WITH NO CONSTRUCTION ACTIVITIES OCCURRING ON SUNDAYS. IF LOT DEVELOPMENT INVOLVES BLASTING AND/OR RAMMING OF BEDROCK MATERIALS, SAID ACTIVITIES SHALL BE LIMITED TO THE HOURS OF 7:00 AM AND 5:00 PM, MONDAY THRU FRIDAY ONLY. SAID BLASTING/RAMMING ACTIVITIES SHALL BE PROHIBITED ON SATURDAYS AND SUNDAYS.
- SHEET 1 OF 10 SHALL BE RECORDED AT THE HILLSBOROUGH REGISTRY OF DEEDS. A COMPLETE SET OF PLANS SHALL BE ON FILE WITH THE TOWN OF HUDSON COMMUNITY DEVELOPMENT DEPARTMENT.
- THE SUBJECT PARCEL IS LOCATED WITHIN AN AREA DESIGNATED AS ZONE "X" AS DETERMINED FROM THE FLOOD INSURANCE RATE MAP, HILLSBOROUGH COUNTY (ALL JURISDICTIONS), PANEL 656 OF 701, TOWN OF HUDSON, NH, COMMUNITY No. 330992, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER: 33011C00560. DATED: SEPTEMBER 25, 2009.
- PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY A LICENSED LAND SURVEYOR CERTIFIED AS-BUILT SITE PLAN SHALL BE PROVIDED TO TOWN OF HUDSON COMMUNITY DEVELOPMENT DEPARTMENT, CONFIRMING THAT THE SITE CONFORMS WITH THE PLANNING BOARD APPROVED SITE PLAN.
- SNOW REMOVAL TO BE PLACED IN OPEN AREAS OF THE SITE AS SHOWN ON SHEET 3 OF 10, IF NEEDED, EXCESS SNOW SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGAL MANNER.
- A CAP FEE IN THE AMOUNT OF \$ _____ (\$ /SF X 15,810 SF INDUSTRIAL) SHALL BE PAID PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THE DEVELOPMENT AGREEMENT FOR THIS PROJECT SHALL BE PLACED ON FILE WITH THE TOWN OF HUDSON PLANNING DEPARTMENT AND RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS. THE INSPECTION AND MAINTENANCE PLAN FOR STORMWATER SHALL BE INCLUDED IN THE DEVELOPMENT AGREEMENT.
- PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, CALCULATIONS SHALL BE PROVIDED TO THE TOWN ENGINEER REGARDING THE EXISTING WATER METER HANDLING THE ADDITIONAL DEMAND FROM THE PROPOSED ADDITION.
- PRESENT OWNER OF RECORD:
MAP 216 LOT 7
INTEGRA BIOSCIENCES CORP
2 WENTWORTH DRIVE
HUDSON, NH 03051
BK. 8863, PG. 1905

EASEMENTS, RIGHTS AND RESTRICTIONS:

- THE PROPERTY HAS THE BENEFIT OF EASEMENTS TO BE USED IN COMMON WITH AND SUBJECT TO THE RIGHTS OF OTHERS IN THREE EASEMENT DEEDS:
 - A 20' SEWER EASEMENT AND DRAINAGE EASEMENT AS DESCRIBED IN BK 2912, PG 101,
 - A 30' SEWER EASEMENT AS DESCRIBED IN BK 2912, PG 109, AND
 - A 30' SEWER EASEMENT AS DESCRIBED IN BK 2912, PG 111
- THE PROPERTY HAS THE BENEFIT OF RIGHTS AND EASEMENTS AS DESCRIBED IN BK 2912, PG 113.
- THE PROPERTY HAS THE BENEFIT AND RIGHT TO USE TWO DRAINAGE EASEMENTS AS DESCRIBED IN BK 5241, PG 140:
 - 20' DRAINAGE EASEMENT ALONG EASTERLY PROPERTY LINE, AND
 - DRAINAGE EASEMENTS WEST OF WENTWORTH DRIVE ON LOT 215-1
- THE PROPERTY IS SUBJECT TO THE UTILITY EASEMENT TO NEW ENGLAND TELEPHONE & TELEGRAPH COMPANY AS DESCRIBED IN BK 2789, PG 115.
- THE PROPERTY IS SUBJECT TO THE FLOWAGE RIGHTS GRANTED TO PROPRIETORS OF THE LOCKS AND CANALS ON THE MERRIMACK RIVER AS DESCRIBED IN BK 218, PG 6, BK 218, PG 9 AND BK 231, PG 258.
- THE PROPERTY IS SUBJECT TO THE SEWER BETTERMENT ASSESSMENT AS DESCRIBED IN BK 5085, PG 1399.

LEGEND

	EXISTING GROUND CONTOUR		CURBING
	EXISTING SPOT ELEVATION		VERTICAL GRANITE CURBING
	PROPOSED GRADE		SLOPE GRANITE CURBING
	PROPOSED SPOT GRADE		STORMWATER RUNOFF DIRECTION
	STORM DRAIN & CATCH BASIN		HANDICAP PARKING SPACE
	STORM DRAIN & MANHOLE		HANDICAP SIDEWALK RAMP
	SANITARY SEWER & MANHOLE		PARKING SPACE COUNT
	WATER MAIN & HYDRANT		PAVEMENT SAWCUT
	WATER MAIN & GATE VALVE		CONCRETE
	GAS LINE & GATE VALVE		PROPOSED FULL-DEPTH PAVEMENT
	UTILITY POLE WITH GUY SUPPORT		RIPRAP / STONE
	STREET LIGHT		LIMIT OF WORK
	OVERHEAD ELECTRIC & TELEPHONE		RETAINING WALL
	SIGN		ROCK/BOULDER
	TREE LINE		CONIFEROUS TREE
	STONE BOUND		DECIDUOUS TREE
	IRON PIN		SHRUBS
	STONE BOUND TO BE SET		BORING LOCATION & IDENTIFIER
	IRON PIN TO BE SET		INFILTRATION TEST LOCATION & IDENTIFIER
	TEMPORARY BENCHMARK		
	BUILDING SETBACK LINE		
	TEST PIT LOCATION & IDENTIFIER		

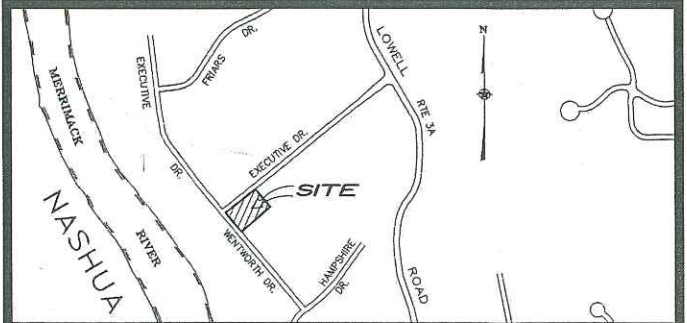
CERTIFICATION

I HEREBY CERTIFY, TO MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THIS PLAN SHOWS THE RESULTS OF AN ON THE GROUND "STANDARD PROPERTY SURVEY" AND THAT SAID SURVEY MEETS THE MINIMUM PRECISION AND/OR ACCURACY MEASUREMENTS FOR SURVEY CLASSIFICATION "U" (URBAN) AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS ADOPTED 08/23/01, EFFECTIVE 01/01/09.

I FURTHER CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN FIFTEEN THOUSAND ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY.

DATE: 4/27/2020

DENNIS C. POLLOCK, LLS



VICINITY MAP SCALE: 1" = 1,000'

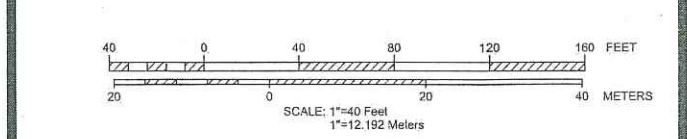
NOTES:

- LOT AREA: (MAP 216, LOT 7) 2.504 ACRES (109,077 SF)
- PRESENT ZONING: I; INDUSTRIAL
MINIMUM LOT REQUIREMENTS:
- LOT AREA 30,000 SF
- LOT FRONTAGE 150 FT
MINIMUM BUILDING SETBACKS REQUIREMENTS:
- FRONT YARD 50 FT
- SIDE YARD 15 FT
- REAR YARD 15 FT
- LOT NUMBERS REFER TO THE TOWN OF HUDSON ASSESSORS MAPS 215 AND 216.
- SITE IS CURRENTLY SERVICED BY MUNICIPAL WATER AND MUNICIPAL SEWER, GAS AND OVERHEAD ELECTRIC AND TELECOMMUNICATION UTILITIES.
- PURPOSE OF PLAN:
TO SHOW A PROPOSED 1-STORY, 15,810 SF BUILDING ADDITION ALONG WITH ACCOMPANYING LOADING AND SITE IMPROVEMENTS.
- BUILDING AREA:
EXISTING BUILDING: 26,820 SF
PROPOSED ADDITION: 15,810 SF
TOTAL BUILDING AREA: 42,430 SF
- PARKING:
REQUIRED: 1 SPACE/600 SF x 50,180 SF (INDUSTRIAL) = 71 SPACES
PROVIDED: (INCLUDES 3 ACCESSIBLE SPACES) = 63 SPACES
- LOADING:
REQUIRED: 5 SPACES
EXISTING: 3 SPACES
PROVIDED: 2 SPACES
- OPEN SPACE:
REQUIRED: 35 %
PROVIDED: 30.8%
- THE SUBJECT SITE WAS INSPECTED BY A CERTIFIED WETLAND SCIENTIST ON APRIL 15, 2020 AND WAS DETERMINED THAT, AT THE DATE OF INSPECTION, THERE ARE NO WETLANDS OR ASSOCIATED BUFFERS AFFECTING THIS PROPERTY.
- ALL SIGNS ARE SUBJECT TO ALL REQUIREMENTS OF THE ZONING ORDINANCE AS DETERMINED DURING THE SIGN PERMIT APPLICATION PROCESS.
- SITE IMPROVEMENTS DEPICTED ON THE PLAN SHALL CONFORM WITH TITLE III OF THE AMERICANS WITH DISABILITIES ACT (LATEST EDITION).
- SITE LIGHTING SHALL BE SHOWN ON THE PLAN, DIRECTED ONTO THE SITE, AND SHALL CONFORM WITH ALL APPLICABLE TOWN OF HUDSON ZONING REGULATIONS.
- IT SHALL BE UNLAWFUL TO MODIFY, CHANGE, OR ALTER ANY STRUCTURE OR USE SHOWN ON THIS SITE PLAN IN ANYWAY WHATSOEVER, OR CONVERT OR ALTER ANY STRUCTURE OR USE SHOWN ON THIS SITE PLAN WITH THE EXCEPTION OF DECKS AND PORCHES (PROVIDED THEY CONFORM WITH THE REQUIREMENTS OF THE TOWN OF HUDSON ZONING BY-LAWS), OR CHANGE THE ABOVE USE INDICATED ON THE PLAN WITHOUT RECEIVING APPROVAL FROM THE TOWN OF HUDSON PLANNING BOARD.
- TRASH PICK-UP SHALL NOT OCCUR EARLIER THAN 7:00 AM NOR LATER THAN 7:00 PM, MONDAY THRU SATURDAY ONLY.
- HOURS OF OPERATION: MONDAY - FRIDAY 24 HOURS PER DAY (3 SHIFTS).
- THERE ARE NO HIGHWAY PROJECTS LISTED UPON THIS PROPERTY.

No.	DATE	REVISION	BY

MASTER SITE PLAN (MAP 215, LOT 9)
PROPOSED BUILDING ADDITION
2 WENTWORTH DRIVE
HUDSON, NEW HAMPSHIRE

PREPARED FOR/RECORD OWNER:
INTEGRA BIOSCIENCES CORP.
2 WENTWORTH DRIVE HUDSON, NEW HAMPSHIRE 03051 (603) 578-5800



29 APRIL 2020

HSI Hayner/Swanson, Inc.
Civil Engineers/Land Surveyors
3 Congress Street
Nashua, NH 03062
(603) 883-2057
131 Middlesex Turnpike
Burlington, MA 01803
(781) 203-1501
www.hayner-swanson.com

Buttrick, Bruce

From: Buxton, Robert
Sent: Tuesday, January 4, 2022 3:55 PM
To: Earle Blatchford
Cc: Buttrick, Bruce
Subject: RE: 2 Wentworth Dr - Integra - Request for Variance to side/rear yard setback - Silo

Earle,

Dave Hebert and I have kicked this around a bit. We do not see any stumbling blocks. Once you get your zoning stuff finalized, we can formally review under the building process.

Please reach out if you need anything else.

Rob

From: Earle Blatchford <eblatchford@hayner-swanson.com>
Sent: Tuesday, January 4, 2022 2:27 PM
To: Buxton, Robert <RBuxton@hudsonnh.gov>
Cc: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Subject: RE: 2 Wentworth Dr - Integra - Request for Variance to side/rear yard setback - Silo

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

Chief Buxton,

It's for storage of the same polypropylene pellets as stored in the existing silo. This is the feedstock for Integra's extrusion molding for manufacture of testing and protective equipment being used in the pandemic control effort. They need the additional storage capacity in an effort to keep-up with the huge demand for these vital products. Technical Data Sheet and MSDS attached. Let me know if you need any additional information.

Regards,

Earle

Earle Blatchford
Senior Project Manager
Hayner/Swanson, Inc.
3 Congress Street
Nashua, NH 03062
phone: 603.883.2057 x132
fax: 603.883.5057
eblatchford@hayner-swanson.com
www.hayner-swanson.com

From: Buxton, Robert <RBuxton@hudsonnh.gov>
Sent: Tuesday, January 4, 2022 1:23 PM
To: Earle Blatchford <ebatchford@hayner-swanson.com>
Subject: RE: 2 Wentworth Dr - Integra - Request for Variance to side/rear yard setback - Silo

Earle,

Can you save me a step and tell me what is stored in the silo?

From: Earle Blatchford <ebatchford@hayner-swanson.com>
Sent: Tuesday, January 4, 2022 11:46 AM
To: Buxton, Robert <RBuxton@hudsonnh.gov>
Cc: Buttrick, Bruce <bbuttrick@hudsonnh.gov>; tjleonard@lawyersnh.com; Matthew Ladd <mladd@sakonnetassociates.com>
Subject: FW: 2 Wentworth Dr - Integra - Request for Variance to side/rear yard setback - Silo

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

Good morning Chief Buxton,

Happy New Year!

Integra Biosciences Corp. would like to construct an additional storage silo next to the existing one constructed as part of the recent building addition at their facility at 2 Wentworth Drive. Because the proposed silo will encroach 3 feet into the side building setback, it will require relief in the form of a variance from the Zoning Board of Adjustment. Bruce Buttrick requested that we submit the plan for your review, to determine if the Fire Dept. had any concerns with the proposal.

Attached please find a copy of the Zoning Plan that will accompany the variance application, which shows the proposed location of the 2nd silo. Also attached is Bruce Buttrick's Zoning Determination Letter, and a photo of the existing silo.

Please let me know if you have any questions regarding this request.

Thanks,

Earle

Earle Blatchford
Senior Project Manager
Hayner/Swanson, Inc.
3 Congress Street
Nashua, NH 03062
phone: 603.883.2057 x132
fax: 603.883.5057
ebatchford@hayner-swanson.com
www.hayner-swanson.com

From: Buttrick, Bruce <bbuttrick@hudsonnh.gov>

Sent: Tuesday, January 4, 2022 9:43 AM

To: Earle Blatchford <eblatchford@hayner-swanson.com>; Jay Leonard <tjleonard@lawyersnh.com>

Subject: 2 Wentworth Dr - Integra - Request for Variance to side/rear yard setback - Silo

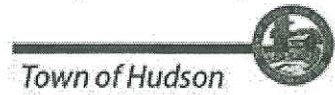
It's my understanding you wish to proceed with a Variance.

Please secure some correspondence (hopefully favorable) from the Fire Chief, if the proposed location would affect the clear access area around the building etc.

FYI.....

Bruce

Bruce Buttrick
Zoning and Code Enforcement



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

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TOWN OF HUDSON

JAN 11 2022

Zoning Department

APPLICATION FOR A VARIANCE

ORIGINAL

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 215-009 (01-27-2022)

Date Filed 1/11/22

Name of Applicant Earl Blatchford, Hayner/Swanson, Inc. / Agent Map: 215 Lot: 9 Zoning District: I; Industrial

Telephone Number (Home) 603-883-2057 X132 (Work) _____

Mailing Address 3 Congress Street, Nashua, NH 03062

Owner Integra Biosciences Corp.

Location of Property 2 Wentworth Drive, Hudson, NH
(Street Address)

Signature of Applicant Earl D. Blatchford Date 1/10/22

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.

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

Date received: 1/11/22

COST:

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>
<u>Abutter Notice:</u>		
<u>8</u> Direct Abutters x Certified postage rate \$ <u>4.33</u> =	\$	<u>34.64</u>
<u>4</u> Indirect Abutters x First Class postage rate \$ <u>.58</u> =	\$	<u>2.32</u>
Total amount due:	\$	<u>221.96</u>
Amt. received:	\$	<u>221.96</u>
Receipt No.:		<u>670,107</u>

Received by: TSG

By determination of the Zoning Administrator, the following Departmental review is required:
 Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____

check # 80997

APPLICATION FOR A VARIANCE

ORIGINAL

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

To: Zoning Board of Adjustment
Town of Hudson

Case No. _____

Date Filed _____

Name of Applicant Earl Blatchford, Hayner/Swanson, Inc. / Agent Map: 215 Lot: 9 Zoning District: I; Industrial

Telephone Number (Home) 603-883-2057 X132 (Work) _____

Mailing Address 3 Congress Street, Nashua, NH 03062

Owner Integra Biosciences Corp.

Location of Property 2 Wentworth Drive, Hudson, NH
(Street Address)

Signature of Applicant

Date

[Handwritten signature]

JANUARY 10, 2022

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.

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

Date received: _____

COST:

Application fee (processing, advertising & recording) (non-refundable): \$ 185.00

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 _____

January 10, 2022

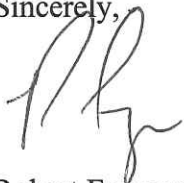
Hudson Zoning Board of Adjustment
Hudson Town Hall
10 School Street
Hudson, NH 03051

RE: Authorization - 2 Wentworth Drive, Hudson, NH

Dear Zoning Board of Adjustment:

Please accept this letter as confirmation that Earle Blatchford from Hayner/Swanson, Inc., and Thomas Leonard from Welts, White & Fontaine, P.C. have authority to make and present the above referenced zoning application to the Hudson Zoning Board of Adjustment.

Sincerely,



Robert Fougere
US Site Manager/CFO
robert.fougere@integra-biosciences.com
(603) 578-5800

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
<u>EDB</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>EDB</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>EDB</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>EDB</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>EDB</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>EDB</u>	GIS LOCATION PLAN: 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: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<u>EDB</u>	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>EDB</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>EDB</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <u>N</u> (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

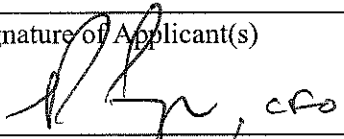
CERTIFIED PLOT PLAN:

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)


Signature of Property Owner(s)

Date
JANUARY 10, 2022

Date

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 adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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
		*Include Applicant & Owner(s)	
		See attached.	

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. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. If at the time of your hearing, any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date following notification of such abutters.

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		See attached.	

ABUTTERS LIST
PROPOSED SILO – 2 WENTWORTH DRIVE
January 5, 2022

Map	Lot No.	Name & Address
<i>OWNERS:</i>		
215	9	Robert Fougere, CFO Integra Biosciences Corp. 2 Wentworth Drive Hudson, NH 03051
<i>ABUTTERS:</i>		
215	1	Albany Road- Wentworth Drive LLC One Canal Plaza, Suite 500 Portland, ME 04101
215	2	32 Executive Drive, LLC 32 Executive Drive Hudson, NH 03051
215	6	Blueberry Realty Trust c/o Cliff Antonell, Trustee P.O. Box 188 Beverly, MA 01915
215	7	Harrier, LLC 23 Executive Drive Hudson, NH 03051
215	10	6 Wentworth Drive Owner, LLC 55 Cambridge Street Burlington, MA 01803
216	7	Innovative Associates, LLC 20 Executive Drive Hudson, NH 03051
<i>ABUTTERS WITHIN 200 FEET</i>		
215	8	Stonehill Realty, LLC 17 Executive Drive Hudson, NH 03051
<i>DESIGN PROFESSIONALS</i>		
		Earle Blatchford, P.E. Hayner/Swanson, Inc. 3 Congress Street Nashua, NH 03062-3301
		Wetland Consulting Services Attn: Robert Prokop, CWS 15 Bisson Lane Merrimac, MA 01860

Stephen G. Pernaw & Company, Inc
Attn: Stephen G. Pernaw, P.E.
P.O. Box 1721
Concord, NH 03302

Welts, White & Fontaine, PC
c/o Attorney Thomas J. Leonard
29 Factory Street
Nashua, NH 03060

APPLICATION FOR A VARIANCE

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

A variance to permit construction and use of a 12' diameter, 48' high storage silo constructed on a 13.5' X 13.5' concrete pad at the existing manufacturing building located at 2 Wentworth Drive, Hudson, NH . The proposed silo will encroach 3' into the adjacent 15' side building setback. All as shown on a plan entitled "Zoning Variance Plan (Map 215, Lot 9) proposed building addition to Wentworth Drive, Hudson, New Hampshire" prepared for - Record Owner: Integra Biosciences Corp. dated 6 December 2021, prepared by HSI Hayner/Swanson, Inc.

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.”)

See attached.

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

See attached.

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

See attached.

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

See attached.

ATTACHMENT IN SUPPORT OF APPLICATION FOR A VARIANCE

APPLICATION FOR A VARIANCE

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

FACTS

Integra Biosciences Corp. is the owner of 2 Wentworth Drive, Hudson, NH, Map 215, Lot 9. The Property is located in the I Zone (Industrial). Presently, the site is used as a manufacturing facility of approximately 42,305 sq. ft. See attached Plan for location.

The existing building was constructed in 2 phases. The southerly section was the original building. The northerly section was constructed as an addition. At the time of the addition, a jog was designed in the building in order to accommodate the silo and ensure compliance with the side yard setback. Since that time, the plant is running at full capacity and faces supply restrictions which interfere with the manufacturing process. A new second silo is essential for the operations of the plant. The Applicant/Owner is requesting permission to build a 48' high storage silo on a 13.5' X 13.5' concrete pad. The second silo must be placed adjacent to the first silo and cannot be constructed in a location where it will comply with the side yard setback. The concrete pad and silo encroach 3' into the adjacent 15' side building setback along the common boundary with 6 Wentworth Dr.

6 Wentworth Drive is the abutting property located easterly of 2 Wentworth Dr. 6 Wentworth Drive is encumbered by a 20' sewer easement along the common boundary between 6 and 2 Wentworth Drive. See the attached plan for location. The building on 6 Wentworth Drive is a substantial distance from the same common boundary.

The following are facts supporting the request for a variance:

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

The requirement that a variance not be contrary to the public interest is related to the requirement that it be consistent with the spirit of the ordinance. The basic purposes of the ordinance are to promote health, safety, and welfare of the community. Here, the zone is an Industrial Zone, and the "neighborhood" has been developed as an industrial park. Most, if not all of the uses in the "park," are industrial uses.

The site is a manufacturing facility actively used in a successful business. The Applicant is requesting a second silo because, under the present economic climate, supplies in the

manufacturing process have been interrupted and the timing of deliveries is uncertain. The proposal is for a small concrete pad with a 48' silo, for storage of critical components in the manufacturing process. The pad and silo are a very small part of the manufacturing facility but are essential under the circumstances of the economic times. Granting the variance will promote the public interest of a viable, efficient manufacturing facility located in an Industrial Zone. It will not be inconsistent with the spirit of the ordinance as the requested variance is minor in the larger scheme of things.

Granting a variance is not contrary to the public interest and is consistent with the spirit of the ordinance so long as granting the variance does not violate the ordinance's basic zoning objectives. A mere conflict with the terms is not sufficient. Here, the variance is minor compared to the overall development of the site. Granting this variance will not be contrary to the public interest but rather will further the public interests of enabling an important use in a designated area.

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

Generally, side yard setbacks are in place to enable access around a building for safety and emergency reasons. Side yard setbacks also provide access to sunlight and ventilation and assist with aesthetics to avoid an overcrowded appearance of certain zones. They also protect neighboring properties from overcrowding.

Here, at 2 Wentworth Dr., the building is existing. It abuts 6 Wentworth Dr. which has its parking lot immediately adjacent to 2 Wentworth Dr. Also, there is an existing sewer easement along the common property line which is 20' in width and will prevent construction along the property lines. Therefore, the purposes of setbacks (access, air circulation and separation of buildings) are accomplished because of the unique circumstances of the two properties as they relate to each other.

Granting a variance is said to be consistent with the spirit of the ordinance so long as granting the variance will not "unduly and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Mere conflict in the terms of the ordinance is insufficient. Here, this minor request is consistent with the spirit of the ordinance. The use is a permitted use, the area is a developed area of similar uses, and the request is relatively minor. It is essential for an efficient manufacturing facility already existing. Granting the variance, will promote the spirit of the ordinance – to promote the health, safety, and welfare of the community.

3. Substantial justice will be done by granting the variance because:

The existing manufacturing facility was constructed over time. When the addition was constructed, the Applicant provided for a silo to be constructed in conjunction with the larger

manufacturing facility. At the time, the silo was sufficient and there were no concerns about supply uncertainties.

Times have changed, supplies are uncertain and restricted. The Applicant's proposal to add a second silo is necessary because of the changing times and uncertain times. The small variance requested is essential to the efficiency and viability of the existing 42,305 sq. ft. manufacturing facility.

Granting the variance and constructing the concrete pad and silo as proposed, will have no adverse effect on the health, safety, or welfare of the community, nor will it have any adverse impact to surrounding properties or the neighborhood. It is consistent with all purposes of the ordinance and will not impact the private rights of any other property owner.

To deny this variance, will have a substantial adverse impact on the Property Owner/Applicant. Supplies are uncertain and it will interfere with efficient use of the existing manufacturing facility. A denial of the variance will have no benefit to the public. However, denial of this variance will have a substantial adverse impact on the Applicant.

As the New Hampshire Supreme Court has stated "any loss to the individual that is not outweighed by a gain to the general public is an injustice." Malachy Glen Associates, Inc. vs. Town of Chichester, 155 N.H. 102 (2007).

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

The proposed use is an existing use. The minor variance is requested to ensure that the existing manufacturing facility is able to compete effectively and to operate efficiently in a time where supplies are uncertain. An efficient up-to-date manufacturing facility will not diminish the values of surrounding properties. An active vibrant industrial building is an important component of the neighborhood and will help maintain values of surrounding properties.

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because: (Answer either A (1 and 2) or B according to which applies to your situation).

A. Explain why you believe this to be true—keeping in mind that you must establish that:

1) 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*

The Property is presently developed as a 42,305 sq. ft. manufacturing facility. The building is located to the easterly side of the lot. There is an existing silo (storage for supplies used) supporting the facility and the existing silo is located on the easterly side of the building. See the attached Plan for location. Although there was a jog designed in the building to

accommodate the existing silo, there is no opportunity to provide a jog or otherwise construct a second silo which complies with the strict setback requirements. The special conditions are the existing building, the need for an additional silo, and the requirement that the new silo be constructed adjacent to the existing silo. There are also special conditions that ensure ample space around the building - a 20ft sewer easement prevents construction of other buildings, and the adjacent lot is developed with parking abutting the subject lot.

Side yard setbacks establish rules which will limit the development of each site and separate buildings within a neighborhood. The purpose is to provide access to sunlight and ventilation, to protect the area from overcrowding, and to ensure building safety and access for emergency reasons. Here, strict enforcement of the requirement will not advance the purpose of zoning. The lot is fully developed as is the neighboring lot (6 Wentworth Drive). The existing building of 2 Wentworth Drive is separated by a substantial distance from neighboring buildings. There is no reason to require an additional 3 ft. Safety and emergency access are not adversely impacted. Problems with air circulation and overcrowding are not a risk. All purposes of setbacks are met and will continue to be accomplished, even with the new proposed silo.

Under the circumstances, as applied to this particular request to construct a silo, the strict application of the zoning is not necessary and is not substantially related to advancing public health, safety, and welfare at this site.

2) Explain how the special conditions of the property cause the proposed use to be reasonable.

The use is an existing permitted use – manufacturing facility in an industrial park. As such, it is a reasonable use. The proposed variance does not change the use but rather improves the building and the facility in a way that enables the continued use of the facility as an appropriate industrial use in this industrial park.

The variance requested here is for a 3' encroachment which will enable a new silo constructed immediately next to an existing silo, both of which will serve as an existing 42,000 sq. ft. manufacturing facility. Granting the variance supports the purposes of zoning and will enhance the health, safety, and welfare of the community.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #21-180

December 2, 2021

Earle Blatchford
Hayner/Swanson, Inc
3 Congress St
Nashua, NH 03062

Re: 2 Wentworth Dr Map 215 Lot 009-000
District: Industrial (I)

Dear Mr. Blatchford,

Your request: Are you able to erect a detached material storage silo as shown on submitted plan dated 2 December 2020?

Zoning Review / Determination:

Our records show this is a developed lot of record, with an existing site plan.
Your proposal is considered a "structure/building" in the definitions §334-6.
Therefore is subject to the building setback requirements of §334-27 Table of Minimum Dimensional Requirements
and would need a variance from the ZBA to locate as shown.

If successful with a variance, you would need Minor Site Plan Review approval from the Planning Board. Please contact Brian Groth- Town Planner (603) 886-6008 for application details.

Sincerely,

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

cc: Public Folder
B. Groth – Town Planner
File

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

#21-180



COMMUNITY DEVELOPMENT DEPARTMENT
12 School Street
Hudson, NH 03051
(603)886-6005
www.hudsonnh.gov

TOWN OF HUDSON

DEC 01, 2021



Planning Department Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 12/01/2021
Property Location Integra Biosciences, 2 Wentworth Dr., Hudson, NH
Map 215 Lot 9
Zoning District if known I; Industrial

Type of Request

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

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

Integra Biosciences Corp. is proposing to construct a 12-foot diameter, 48-foot high storage silo on a 13.5' x 13.5' concrete pad at the existing 42,305+/-sf manufacturing building (see attached plan for location). A Zoning Code review indicates that the proposed 48-foot height is allowed (50-foot max. allowed in the Sagamore Industrial Park). The proposed silo will encroach 3 feet into the adjacent 15-foot side building setback. A photo of the adjacent existing storage silo is also attached.

Applicant Contact Information:

Name: Earle Blatchford, Hayner/Swanson, Inc.-agent
Address: 3 Congress St., Nashua, NH 03062
Phone Number: (603) 883-2057 ext.132

For Office use

ATTACHMENTS: TAX CARD | GIS M
NOTES: _____
ZONING DETERMINATION LETTER SENT || DATE: _____

215 009 000
MAP LOT SUB

1 of 1 INDUSTRIAL
CARD Hudson

Total Card / Total Parcel
APPRAISED: 4,275,800 / 4,275,800
USE VALUE: 4,275,800 / 4,275,800
ASSESSED: 4,275,800 / 4,275,800

PROPERTY LOCATION

No	Alt No	Direction/Street/City
2		WENTWORTH DR, HUDSON

OWNERSHIP

Owner 1:	INTEGRA BIOSCIENCES CORP.
Owner 2:	
Owner 3:	
Street 1:	2 WENTWORTH DR.
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

PREVIOUS OWNER

Owner 1:	INTEGRA BIOSCIENCES CORP. -
Owner 2:	-
Street 1:	2 WENTWORTH DR.
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains 2.504 ACRES of land mainly classified as IND WAREHSE with a IND-LIGHT Building built about 1980, having primarily METAL PANEL Exterior and 42125 Square Feet, with 1 Unit, 0 Bath, 0 3/4 Bath, 8 HalfBaths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

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

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	
401	2.504	3,323,900	338,400	613,500	4,275,800	
Total Card		2.504	3,323,900	338,400	613,500	4,275,800
Total Parcel		2.504	3,323,900	338,400	613,500	4,275,800
Source:		Market Adj Cost	Total Value per SQ unit /Card:		101.50 /Parcel: 101.50	

Legal Description

Entered Lot Size	
Total Land:	2.504
Land Unit Type:	AC

User Acct

3884
GIS Ref
GIS Ref
Insp Date
11/07/19



PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2021	401	FV	3,323,900	338400	2.504	613,500	4,275,800	4,275,800	Year End Roll	9/27/2021
2021	401	JB	3,323,900	338400	2.504	613,500	4,275,800	4,275,800	Year End Roll	5/12/2021
2020	401	FV	1,192,900	25200	2.504	599,000	1,817,100	1,817,100	Year End Roll	8/27/2020
2020	401	JB	1,192,900	25200	2.504	599,000	1,817,100	1,817,100	Year End Roll	5/6/2020
2019	401	FV	1,130,900	25200	2.504	599,000	1,755,100	1,755,100	Year End Roll	9/16/2019
2019	401	JB	1,130,900	25200	2.504	599,000	1,755,100	1,755,100	Year End Roll	5/8/2019
2018	401	FV	1,130,900	25200	2.504	599,000	1,755,100	1,755,100	Year End Roll	8/27/2018
2018	401	JB	1,130,900	25200	2.504	599,000	1,755,100	1,755,100	Year End Roll	5/9/2018

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
INTEGRA BIOSCIE	9315-2864	6	6/25/2020	EASEMENT		No	No		
2 WENTWORTH DRI	8883-1905	1	8/5/2016	IMP POST SAL	2,750,000	No	No		renov after sale
APW ENCLOSURE S	6624-2753	1	4/26/2002		1,200,000	No	No		
APW LTD (WRIGHT	6279-1853		7/31/2000	FAMILY TRANS	1,152,500	No	No		
APW ENCLOSURE S	6253-1998		5/31/2000	FAMILY TRANS	161,400	No	No		
APW ENCLOSURE S	6253-1993		5/31/2000	FAMILY TRANS	1,152,500	No	No		
STEALTH, INC.	6001-1433		9/30/1998		1,188,000	No	No		
	5241-0140		2/28/1991		825,000	No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
10/6/2021	2021-00701-	ELECTRIC	10,000	C				
7/7/2021	2021-00701	SHED	25,000	O				
6/28/2021	2021-00689-	MECHANIC	1,800	C				
6/25/2021	2021-00689	GENERATO	13,000	O				
6/18/2021	2020-00458	ADDITION	3,983,674	O				
4/30/2021	2021-00405-	ELECTRIC	500	C				
4/27/2021	2021-00405	SIGNS	3,000	C				
1/15/2021	2021-00050	ELECTRIC	25,000	C				
12/11/2020	2020-00910-	ELECTRIC		C				
12/8/2020	2020-01044-	PLUMBING	30,000	C				

ACTIVITY INFORMATION

Date	Result	By	Name
4/14/2021	Permit Visit	21	DEP ASR
11/7/2019	Meas/Inspect	18	KRT1
3/19/2018	Permit Visit	12	TECH ASMNT
6/15/2017	Field Review	9	PVA
3/13/2017	Field Review	9	PVA
3/13/2017	Permit Visit	12	TECH ASMNT
2/24/2017	I&E Mailed	7	DC
3/24/2016	Permit Visit	12	TECH ASMNT
3/20/2014	Permit Visit	12	TECH ASMNT

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
401	IND WAREHS		2.504		SITE ACRE	IND SITE		0	250,000.	0.98	IS			ACREAG	-2	ECO-REV				613,480						613,500	

Total AC/HA:	2.50400	Total SF/SM:	109074	Parcel LUC:	401	IND WAREHSE	Prime NB Desc	IND-SAG	Total:	613,480	Spl Credit		Total:	613,500
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EXTERIOR INFORMATION

Table with exterior details: Type: 33 - IND-LIGHT, Sty Ht: 1 - ONE STY, (Liv) Units: 1 Total: 1, Foundation: 6 - SLAB, Frame: 2 - STEEL, Prime Wall: 27 - METAL PANEL, Sec Wall: 08 - BRICK VEN 5%, Roof Struct: 4 - FLAT, Roof Cover: 4 - TAR/GRAVEL, Color: WHITE/BLUE, View / Desir:

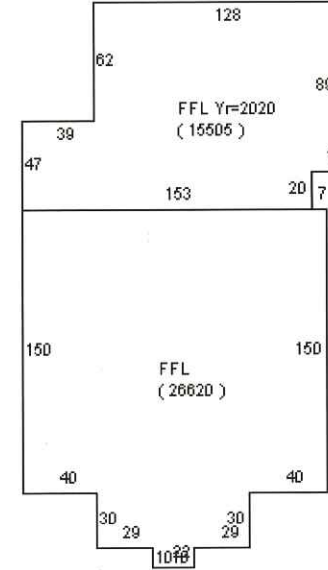
BATH FEATURES

Table with bath features: Full Bath, Rating: ; A Bath, Rating: ; 3/4 Bath, Rating: ; A 3QBth, Rating: ; 1/2 Bath: 8, Rating: VERY GOOD; A HBth: Rating: ; OthrFix: 8, Rating: VERY GOOD

COMMENTS

MATRIX/OFFICE QUALITY=25%, 75% PROD/WHRSE INTEGRA. 2015- CONVERSION OF 8000 SF FROM WAREHSE TO PRODUCTION AREA. /NC = BP 2016-870 ADDITION & RENOV. 11/19 CHNG TO GOOD COND, FOR LT IND. MANUFACTORS SMALL DEVICES TO DISPENS

SKETCH



GENERAL INFORMATION

Table with general info: Grade: C+ - AVG/GOOD, Year Blt: 1980, Eff Yr Blt: , Alt LUC: , Alt %: , Jurisdict: , Fact: , Const Mod: , Lump Sum Adj:

OTHER FEATURES

Table with other features: Kits: 1, Rating: GOOD; A Kits: Rating: ; Frpl: Rating: ; WSFlue: Rating:

CONDO INFORMATION

Table with condo info: Location: , Total Units: , Floor: , % Own: , Name: ,

RESIDENTIAL GRID

Table with residential grid: 1st Res Grid, Desc: , # Units: ; Level: FY LR DR D K FR RR BR FB HB L O; Other: Upper, Lvl 2, Lvl 1, Lower; Totals, RMS: , BRs: , Baths: , HB 8

REMODELING

Table with remodeling: Exterior: , Interior: , Additions: 2020, Kitchen: , Baths: 2020, Plumbing: , Electric: 2020, Heating: 2020, General: 2020

RES BREAKDOWN

Table with res breakdown: No Unit, RMS, BRS, FL; Totals

INTERIOR INFORMATION

Table with interior info: Avg Ht/FL: 18, Prim Int Wal: 1 - DRYWALL, Sec Int Wal: 5 - MINIMAL 30%, Partition: T - TYPICAL, Prim Floors: 14 - ASPHALT TILE, Sec Floors: 12 - CONCRET 30%, Bsmnt Flr: , Subfloor: , Bsmnt Gar: , Electric: 1 - HIGH AMP, Insulation: 2 - TYPICAL, Int vs Ext: S, Heat Fuel: 2 - GAS, Heat Type: 15 - HVAC, # Heat Sys: 6, % Heated: 100, % AC: 100, Solar HW: NO, Central Vac: NO, % Com Wal, % Sprinkled: 100

DEPRECIATION

Table with depreciation: Phys Cond: EX - Excellent 16.%, Functional: %, Economic: %, Special: %, Override: %, Total: 16.6%

CALC SUMMARY

Table with calc summary: Basic \$ / SQ: 53.00, Size Adj.: 0.87848669, Const Adj.: 1.13010907, Adj \$ / SQ: 52.618, Other Features: 124388, Grade Factor: 1.10, NBHD Inf: 1.00000000, NBHD Mod: , LUC Factor: 1.00, Adj Total: 3976945, Depreciation: 660173, Depreciated Total: 3316772

COMPARABLE SALES

Table with comparable sales: Rate, Parcel ID, Typ, Date, Sale Price; WtAv\$/SQ: , AvRate: , Ind.Val: ; Juris. Factor: , Before Depr: 57.88, Special Features: 7100, Val/Su Net: 78.91, Final Total: 3323900, Val/Su SzAd: 78.91

SUB AREA

Table with sub area: Code, Description, Area - SQ, Rate - AV, Undepr Value; FFL FIRST FLOOR 42,125 82.870 3,491,017; Net Sketched Area: 42,125, Total: 3,491,016; Size Ad 42125, Gross Area 42125, FinArea 42125

SUB AREA DETAIL

Table with sub area detail: Sub Area, % Usbl, Descr, % Type, Qu, # Ten; FFL 100 OFC 20 GD 0, FFL 100 WHS 35 GD 0, FFL 100 RDV 45 GD 0

MOBILE HOME

Table with mobile home: Make: , Model: , Serial #: , Year: , Color: ,

SPEC FEATURES/YARD ITEMS

Table with spec features: Code, Description, A Y/S, Qty, Size/Dim, Qual, Con, Year, Unit Price, D/S, Dep, LUC, Fact, NB Fa, Appr Value, JCod, JFact, Juris. Value; 85 PAVING-ASPH D Y 1 30112 AV AV 2020 1.67 T 10 401 45,200 45,200; 831 SIGN-NV D Y 1 3X8 AV AV 2000 0.00 T 0 401; 77 LITE-SING D Y 2 1 AV AV 1980 1,100.00 T 55.5 401 1,000 1,000; 78 LITE-DOUB D Y 2 1 AV AV 1980 2,090.00 T 55.5 401 1,900 1,900; SOL SOLAR D Y 1 329.16 AV AV 2021 980.06 T 10 401 290,300 290,300; 91 LOAD LEVELER D S 2 1 AV AV 2020 3,600.00 T 1 401 7,100 7,100

PARCEL ID 215-009-000

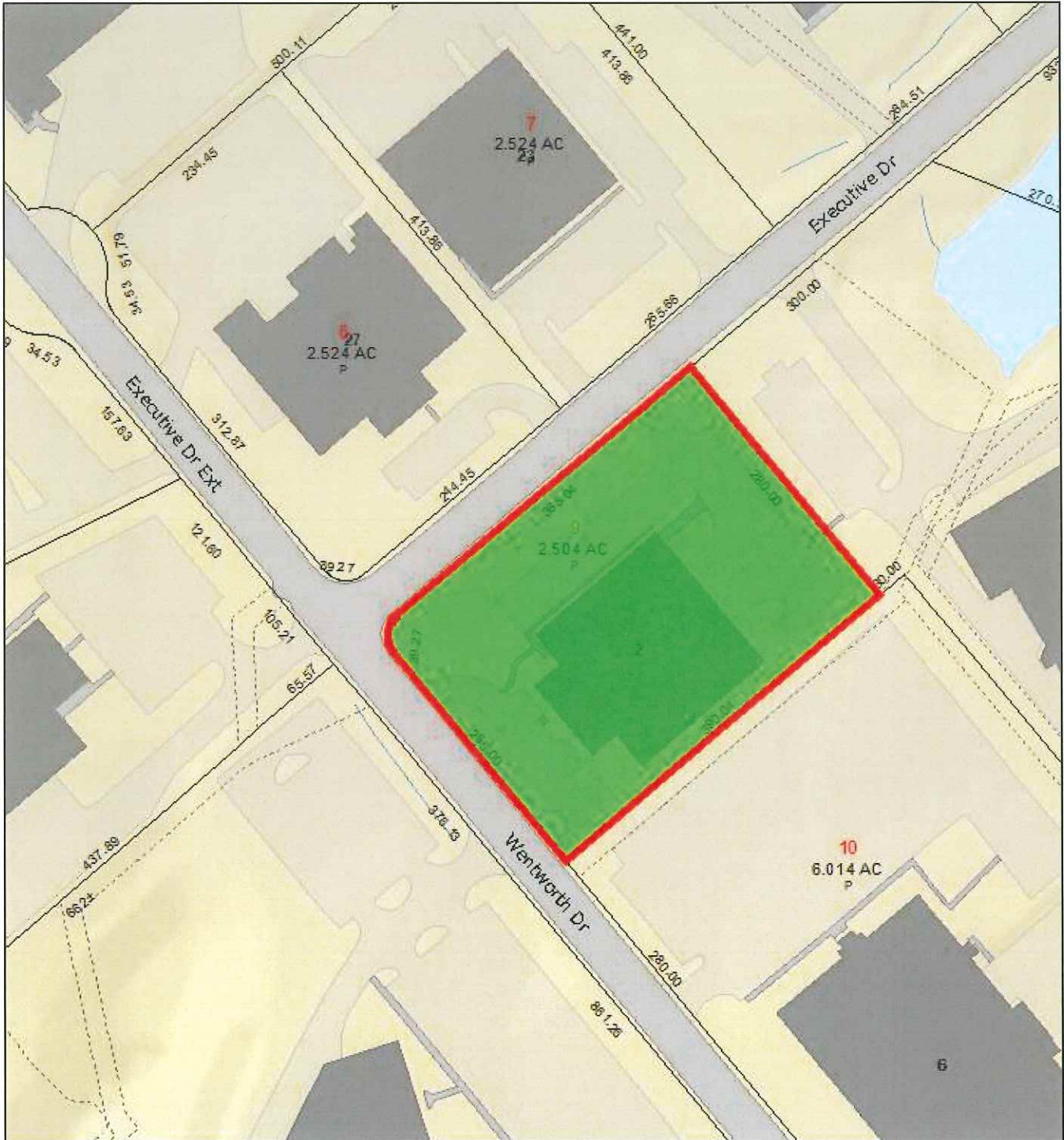
Summary table: More: N, Total Yard Items: 338,400, Total Special Featues: 7,100, Total: 345,500

IMAGE

AssessPro Patriot Properties, Inc



2 Wentworth Dr. (Map/Lot 215-009-000)



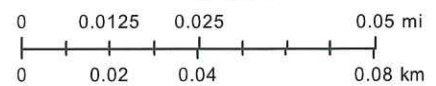
January 6, 2022

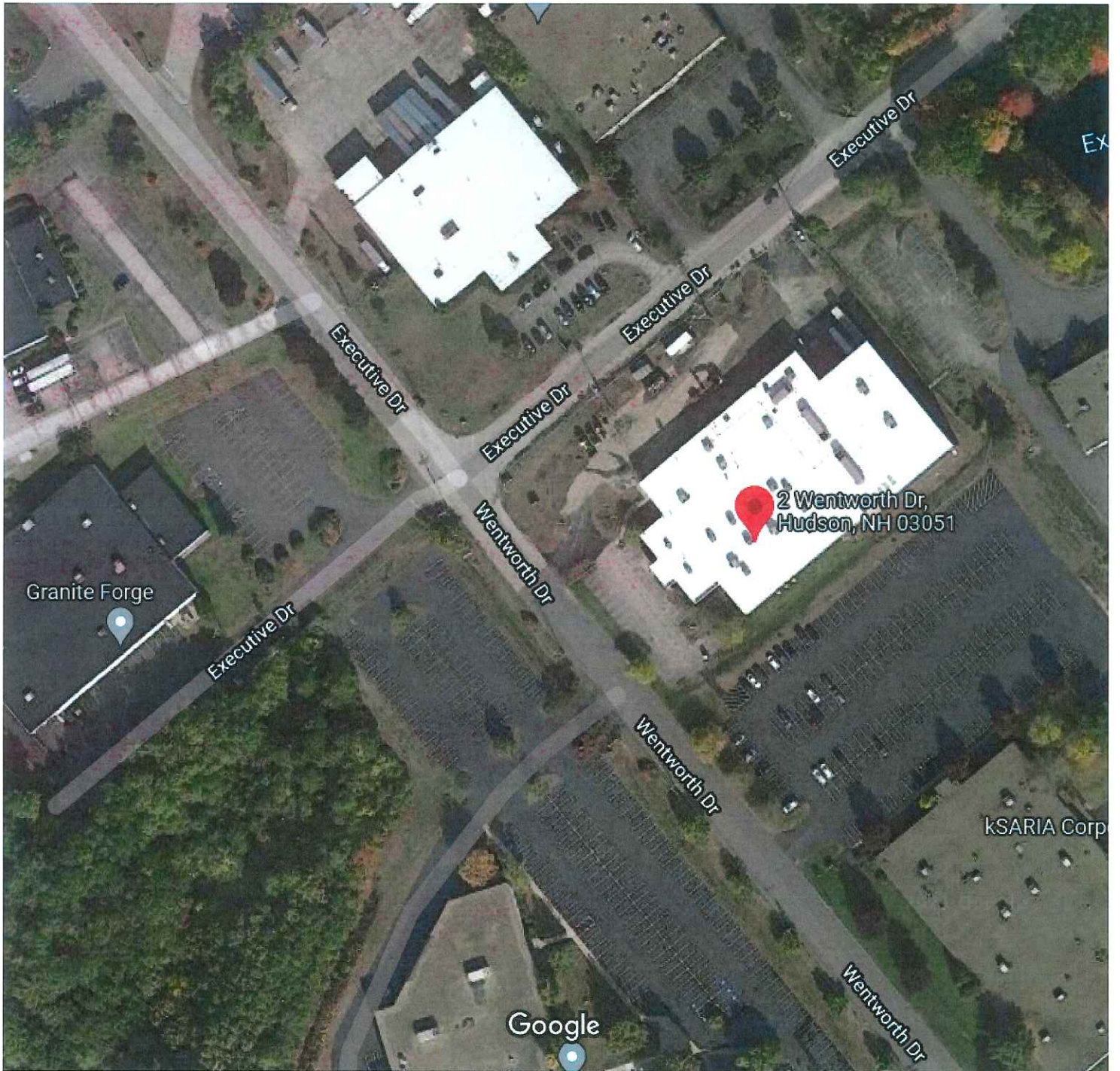
Legend

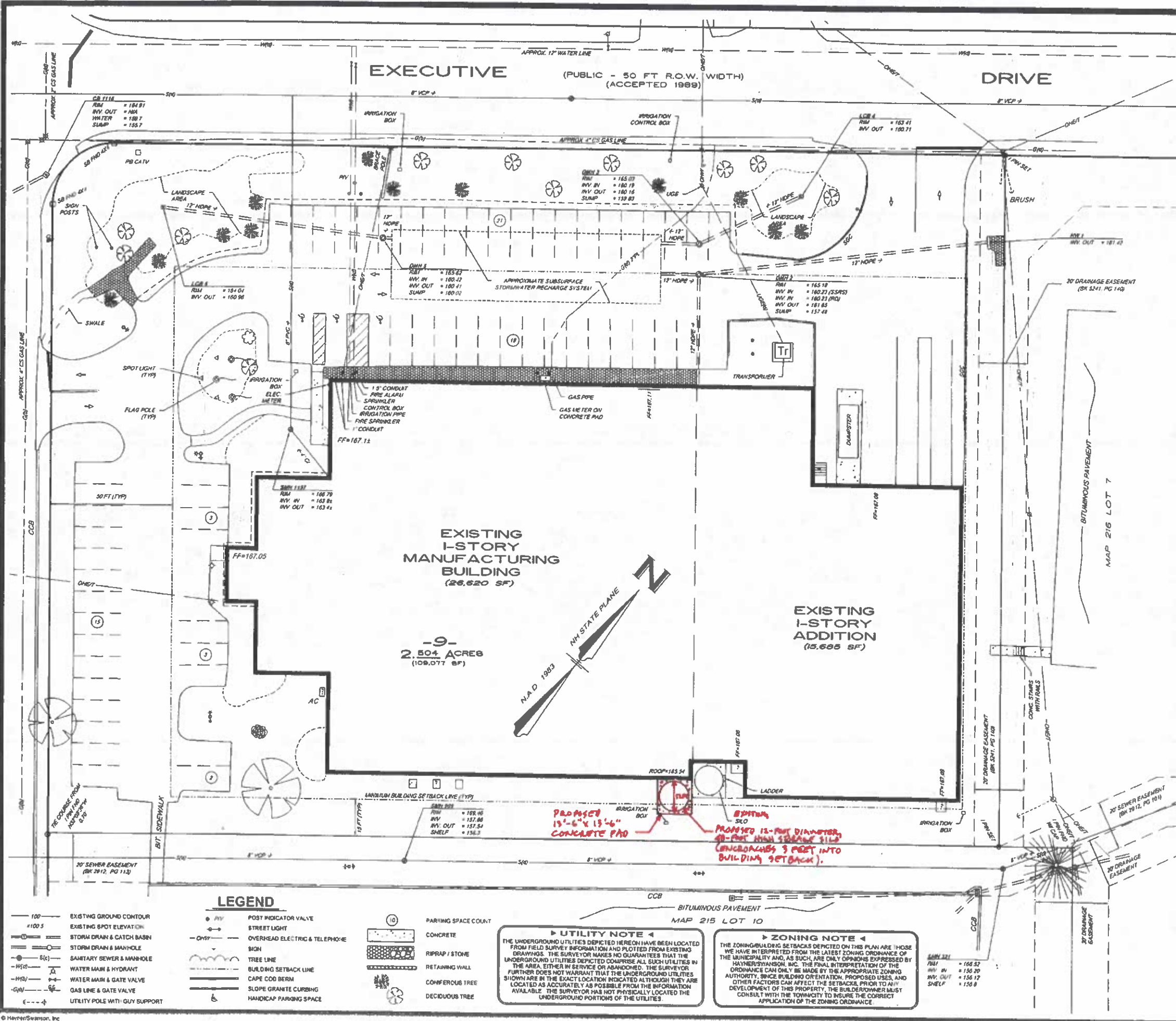
----- Easement_Lines

▭ Parcels

1:1,609







PLAN REFERENCE:

1. SITE PLAN, MAP 215, LOT 9, PROPOSED BUILDING ADDITION, 2 WENTWORTH DRIVE, HUDSON, NEW HAMPSHIRE, PREPARED FOR RECORD OWNER INTEGRA BIOSCIENCES CORP. SCALE: 1" = 20'. DATED: 29 APRIL 2020 WITH REVISIONS THRU 03/23/20 AND PREPARED BY THIS OFFICE. RECORDED: HCRD - PLAN No. 40840

NOTES:

- LOT AREA (MAP 215, LOT 7) 2.504 ACRES (109,077 SF)
- PRESENT ZONING I: INDUSTRIAL
MINIMUM LOT REQUIREMENTS
LOT AREA 30,000 SF
LOT FRONTAGE 150 FT
MINIMUM BUILDING SETBACKS REQUIREMENTS
FRONT YARD 50 FT
SIDE YARD 15 FT
REAR YARD 15 FT
- LOT NUMBERS REFER TO THE TOWN OF HUDSON ASSESSORS MAPS 215 AND 216.
- PURPOSE OF PLAN TO SHOW THE AS-BUILT OF A PROPOSED 15,685 SF BUILDING ADDITION ALONG WITH ACCOMPANYING SITE IMPROVEMENTS
- THE SUBJECT SITE WAS INSPECTED BY A CERTIFIED WETLAND SCIENTIST ON APRIL 15, 2020 AND WAS DETERMINED THAT, AT THE DATE OF INSPECTION, THERE ARE NO WETLANDS OR ASSOCIATED BUFFERZ AFFECTING THIS PROPERTY
- THE SUBJECT PARCEL IS LOCATED WITHIN AN AREA DESIGNATED AS ZONE 'Y' AS DETERMINED FROM THE FLOOD INSURANCE RATE MAP, HILLSBOROUGH COUNTY (ALL JURISDICTIONS), PANEL 056 OF 701, TOWN OF HUDSON, NH, COMMUNITY No. 330092, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER: 3301C0658D, DATED: SEPTEMBER 25, 2009
- UNDERGROUND ELECTRIC, GAS, WATER & TELEPHONE LOCATIONS WERE PROVIDED TO THIS FIRM BY THE SITE CONTRACTOR, THE TOWN OF HUDSON AND THE RESPECTIVE UTILITY COMPANIES. THESE UTILITIES WERE NOT LOCATED BY THIS FIRM PRIOR TO BACKFILLING UNDERGROUND DRAINAGE AND SANITARY BEWER LOCATIONS AND ELEVATIONS ARE BASED UPON AN AS-BUILT SURVEY BY THIS FIRM
- SEE APPROVED SITE PLAN FOR A LIST OF EASEMENTS, RIGHTS AND RESTRICTIONS FOR THE PROPERTY AS OF DATE OF APPROVAL.
- PRESENT OWNER OF RECORD:
MAP 215 LOT 7
INTEGRA BIOSCIENCES CORP
2 WENTWORTH DRIVE
HUDSON, NH 03051
BK. 8883, PG. 1905

CERTIFICATION

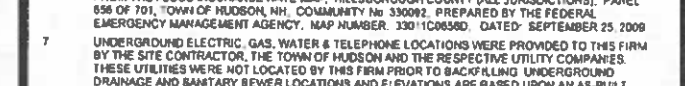
THIS PLAN REPRESENTS THE AS-BUILT CONDITIONS AS SURVEYED BY THIS FIRM NOVEMBER 24, 2020 AND DECEMBER 1, 2020

No.	DATE	REVISION	BY

AS-BUILT PLAN
(MAP 215, LOT 9)

PROPOSED BUILDING ADDITION
2 WENTWORTH DRIVE
HUDSON, NEW HAMPSHIRE

PREPARED FOR/RECORD OWNER:
INTEGRA BIOSCIENCES CORP.
2 WENTWORTH DRIVE HUDSON, NEW HAMPSHIRE 03051 (603) 578-5800

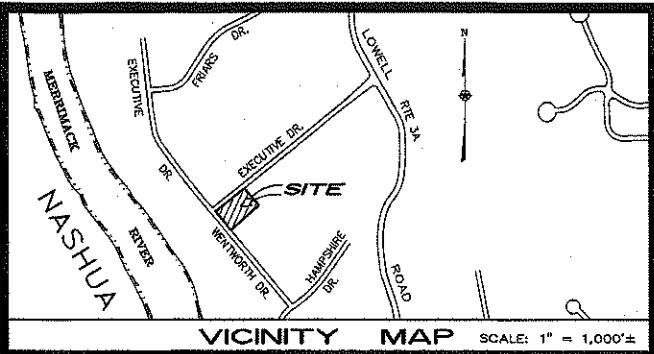
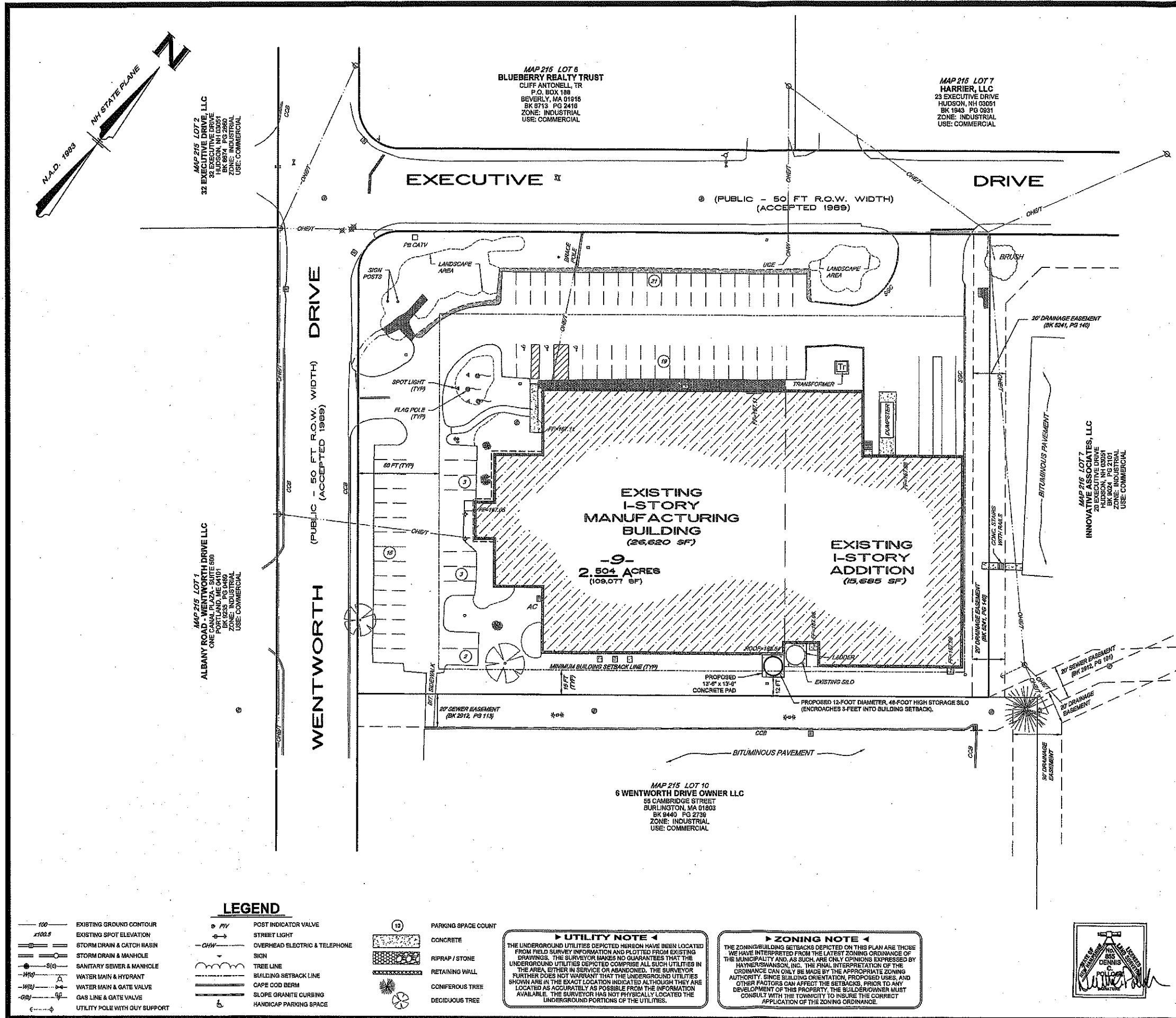


2 DECEMBER 2020

HSI Haynes/Swanson, Inc.
Civil Engineers/Land Surveyors
3 Congress Street
Nashua, NH 03062
(603) 883-2057
www.haynes-swanson.com

FIELD BOOK: 1244 DRAWING NAME: 5414ASB-FA21
DRAWING LOC.: 15000515111010

5414 ASB 1 OF 1



VICINITY MAP SCALE: 1" = 1,000'±

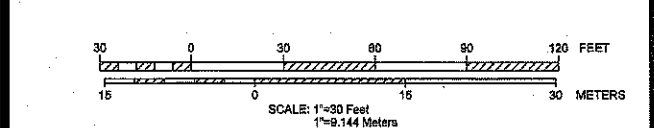
PLAN REFERENCE:
 1. SITE PLAN, MAP 215, LOT 9, PROPOSED BUILDING ADDITION, 2 WENTWORTH DRIVE, HUDSON, NEW HAMPSHIRE, PREPARED FOR/RECORD OWNER: INTEGRA BIOSCIENCES CORP. SCALE: 1" = 20', DATED: 29 APRIL 2020 WITH REVISIONS THRU 03/23/20 AND PREPARED BY THIS OFFICE. RECORDED: HCRD - PLAN No. 40940.

- NOTES:**
- LOT AREA: (MAP 215, LOT 7) 2.504 ACRES (109,077 SF)
 - PRESENT ZONING: I; INDUSTRIAL
 MINIMUM LOT REQUIREMENTS:
 - LOT AREA 30,000 SF
 - LOT FRONTAGE 150 FT
 MINIMUM BUILDING SETBACKS REQUIREMENTS
 - FRONT YARD 50 FT
 - SIDE YARD 15 FT
 - REAR YARD 15 FT
 - LOT NUMBERS REFER TO THE TOWN OF HUDSON ASSESSORS MAPS 215 AND 216.
 - PURPOSE OF PLAN:
 TO REQUEST A VARIANCE FROM SECTION 334-27, TABLE OF MINIMUM DIMENSIONAL REQUIREMENTS OF THE HUDSON ZONING ORDINANCE TO ALLOW A 12-FOOT SIDE YARD BUILDING SETBACK WHERE 15-FEET IS REQUIRED. THIS REQUEST IS FOR A PROPOSED 12-FOOT DIAMETER, 48-FOOT HIGH STORAGE SILO ON A CONCRETE PAD AS SHOWN.
 - THE SUBJECT SITE WAS INSPECTED BY A CERTIFIED WETLAND SCIENTIST ON APRIL 15, 2020 AND WAS DETERMINED THAT, AT THE DATE OF INSPECTION, THERE ARE NO WETLANDS OR ASSOCIATED BUFFERS AFFECTING THIS PROPERTY.
 - THE SUBJECT PARCEL IS LOCATED WITHIN AN AREA DESIGNATED AS ZONE "X" AS DETERMINED FROM THE FLOOD INSURANCE RATE MAP, HILLSBOROUGH COUNTY (ALL JURISDICTIONS), PANEL 626 OF 701, TOWN OF HUDSON, NH, COMMUNITY No. 330362, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER: 330100060, DATED: SEPTEMBER 28, 2009.
 - UNDERGROUND ELECTRIC, GAS, WATER & TELEPHONE LOCATIONS WERE PROVIDED TO THIS FIRM BY THE SITE CONTRACTOR. THE TOWN OF HUDSON AND THE RESPECTIVE UTILITY COMPANIES. THESE UTILITIES WERE NOT LOCATED BY THIS FIRM PRIOR TO BACKFILLING. UNDERGROUND DRAINAGE AND SANITARY SEWER LOCATIONS AND ELEVATIONS ARE BASED UPON AN AS-BUILT SURVEY BY THIS FIRM.
 - SEE APPROVED SITE PLAN FOR A LIST OF EASEMENTS, RIGHTS AND RESTRICTIONS FOR THE PROPERTY AS OF DATE OF APPROVAL.
 - PRESENT OWNER OF RECORD:
 MAP 215 LOT 7
 INTEGRA BIOSCIENCES CORP.
 2 WENTWORTH DRIVE
 HUDSON, NH 03051
 BK 3883, PG. 1935

NO.	DATE	REVISION	BY
1	01/07/22	ADD SILO SETBACK DIMENSION	DCP

ZONING VARIANCE PLAN
 (MAP 215, LOT 9)
PROPOSED BUILDING ADDITION
 2 WENTWORTH DRIVE
 HUDSON, NEW HAMPSHIRE

PREPARED FOR/RECORD OWNER:
INTEGRA BIOSCIENCES CORP.
 2 WENTWORTH DRIVE HUDSON, NEW HAMPSHIRE 03051 (603) 578-5800



6 DECEMBER 2021

HSI Hayner/Swanson, Inc.
 Civil Engineers/Lead Surveyors
 3 Congress Street
 Nashua, NH 03062 (603) 883-2057
 131 Middlesex Turnpike
 Burlington, MA 01803 (781) 203-1501
 www.hayner-swanson.com

MAP 215 LOT 2
 32 EXECUTIVE DRIVE
 BEVERLY, MA 01915
 BK 6874 PG 2280
 ZONE: INDUSTRIAL
 USE: COMMERCIAL

MAP 215 LOT 6
 BLUEBERRY REALTY TRUST
 CLIFF ANTONELLI, TR
 P.O. BOX 188
 BEVERLY, MA 01916
 BK 6713 PG 2416
 ZONE: INDUSTRIAL
 USE: COMMERCIAL

MAP 215 LOT 7
 HARRIER, LLC
 23 EXECUTIVE DRIVE
 HUDSON, NH 03051
 BK 1943 PG 0931
 ZONE: INDUSTRIAL
 USE: COMMERCIAL

MAP 215 LOT 1
 ALBANY ROAD - WENTWORTH DRIVE LLC
 ONE CANAL PLAZA - SUITE 500
 FARMINGTON, NH 03825
 BK 0235 PG 0480
 ZONE: INDUSTRIAL
 USE: COMMERCIAL

MAP 215 LOT 7
 INNOVATIVE ASSOCIATES, LLC
 20 EXECUTIVE DRIVE
 HUDSON, NH 03051
 BK 1943 PG 0931
 ZONE: INDUSTRIAL
 USE: COMMERCIAL

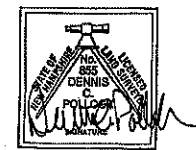
MAP 215 LOT 10
 6 WENTWORTH DRIVE OWNER LLC
 55 CAMBRIDGE STREET
 BURLINGTON, MA 01803
 BK 9440 PG 2738
 ZONE: INDUSTRIAL
 USE: COMMERCIAL

LEGEND

- 100 EXISTING GROUND CONTOUR
- x100.5 EXISTING SPOT ELEVATION
- STORM DRAIN & CATCH BASIN
- STORM DRAIN & MANHOLE
- SANITARY SEWER & MANHOLE
- WATER MAIN & HYDRANT
- WATER MAIN & GATE VALVE
- GAS LINE & GATE VALVE
- UTILITY POLE WITH GUY SUPPORT
- POST INDICATOR VALVE
- STREET LIGHT
- OVERHEAD ELECTRIC & TELEPHONE
- SIGN
- TREE LINE
- BUILDING SETBACK LINE
- CAPE COD BERM
- SLOPE GRANITE CURBING
- HANDICAP PARKING SPACE
- PARKING SPACE COUNT
- CONCRETE
- RIPRAP / STONE
- RETAINING WALL
- CONIFEROUS TREE
- DECIDUOUS TREE

UTILITY NOTE 4
 THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND PLOTTED FROM EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

ZONING NOTE 4
 THE ZONING/BUILDING SETBACKS DEPICTED ON THIS PLAN ARE THOSE WE HAVE INTERPRETED FROM THE LATEST ZONING ORDINANCE OF THE MUNICIPALITY AND, AS SUCH, ARE ONLY OPINIONS EXPRESSED BY HAYNER-SWANSON, INC. THE FINAL INTERPRETATION OF THE ORDINANCE CAN ONLY BE MADE BY THE APPROPRIATE ZONING AUTHORITY. SINCE BUILDING ORIENTATION, PROPOSED USES, AND OTHER FACTORS CAN AFFECT THE SETBACKS, PRIOR TO ANY DEVELOPMENT OF THIS PROPERTY, THE BUILDING OWNER MUST CONSULT WITH THE TOWNSHIP TO INSURE THE CORRECT APPLICATION OF THE ZONING ORDINANCE.



Printed
1/11/2022
4:14PM
Created
1/11/2022
4:10 PM

Transaction Receipt

Receipt# 670,107
tgoodwyn

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

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-1/27/22 ZBA Meeting 2 Wentworth Dr Map/Lot 215-009-000 (Industrial Zone) Variance Application	0.00	221.9600	0.00
			Total:	221.96

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Welts, White & Fontaine, P.C.	CHECK	CHECK # 80997	221.96	0.00	221.96
			Total Due:		221.96
			Total Tendered:		221.96
			Total Change:		0.00
			Net Paid:		221.96

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

On **01/27/2022**, the Zoning Board of Adjustment heard Case **215-009**, being a case brought by **Earl Blatchford, P.E., Haynor/Swanson, Inc., 3 Congress St., Nashua, NH** requests a Variance at **2 Wentworth Dr., Hudson, NH** to permit construction and use of a **12' diameter, 48' high storage silo constructed on a 13.5' x 13.5' concrete pad which encroaches 3 feet into the side yard setback leaving 12 feet where 15 feet is required.** [Map 215, Lot 009-000; Zoned Industrial (I); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

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

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


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

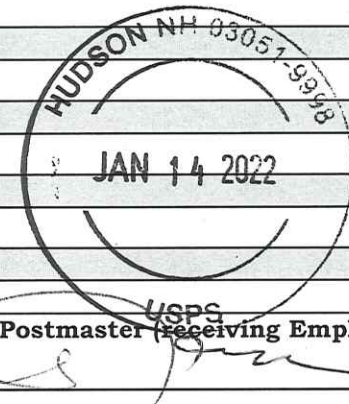
Y **N** **4.** The proposed use will not diminish the values of surrounding properties.

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

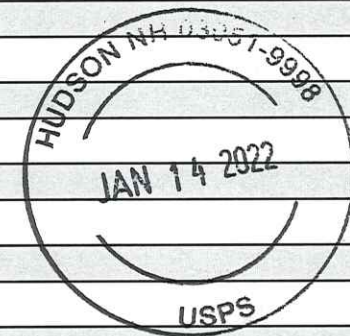
Member Decision: _____
Signed: _____ Date _____
 Sitting member of the Hudson ZBA

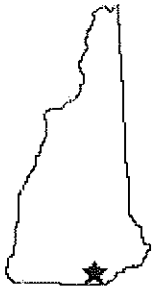
Stipulations: _____

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 215-009 VARIANCE 2 Wentworth Drive Map 215/Lot 009-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	01/27/2022 ZBA Meeting
1	7021 0350 0000 1884 4300	Earl Blatchford Haynor/Swanson, Inc. /Agent 3 Congress St, Nashua, NH 03062-3301	APPLICANT/OWNER NOTICE MAILED
2	7021 0350 0000 1884 4317	INTEGRA BIOSCIENCES CORP.; Robert Fougere, CFO 2 WENTWORTH DR., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
3	7021 0350 0000 1884 4522	ALBANY ROAD-WENTWORTH DRIVE LL ONE CANAL PLAZA SUITE 500, PORTLAND, ME 04101	ABUTTER NOTICE MAILED
4	7021 0350 0000 1884 4539	32 EXECUTIVE DRIVE, LLC 32 EXECUTIVE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7021 0350 0000 1884 4546	BLUEBERRY REALTY TRUST; C/O CLIFF ANTONELL, TR; PO BOX 188, BEVERLY, MA 01915	ABUTTER NOTICE MAILED
6	7021 0350 0000 1884 4553	HARRIER, LLC 23 EXECUTIVE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7021 0350 0000 1884 4560	6 WENTWORTH DRIVE OWNER LLC 55 CAMBRIDGE ST., BURLINGTON, MA 01803	ABUTTER NOTICE MAILED
8	7021 0350 0000 1884 4577	INNOVATIVE ASSOCIATES LLC 20 EXECUTIVE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9			
10			
11			
12			
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office 8	Postmaster (receiving Employee) 



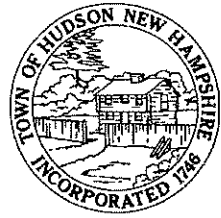
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 215-009 VARIANCE 2 Wentworth Drive Map 215/Lot 009-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	01/27/2022 ZBA Meeting
1	Mailed First Class	STONEHILL REALTY, LLC 17 EXECUTIVE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	Wetland Consulting Services; Attn: Robert Prokop, CWS 15 Bisson Lane, Merrimac, MA 01860	ABUTTER NOTICE MAILED
3	Mailed First Class	Stephen G. Pernaw & Company, Inc. Attn: Stephen G. Pernaw, P.E. P.O. Box 1721, Concord, NH 03302	ABUTTER NOTICE MAILED
4	Mailed First Class	Welts, White & Fontaine, PC c/o Attorney Thomas J. Leonard 29 Factory Street, Nashua, NH 03060	ABUTTER NOTICE MAILED
5			
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 4	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)





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

January 14, 2022

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **01/27/22** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 215-009 (01-27-22): Earl Blatchford, P.E., Haynor/Swanson, Inc., 3 Congress St., Nashua, NH requests a Variance at 2 Wentworth Dr., Hudson, NH to permit construction and use of a 12' diameter, 48' high storage silo constructed on a 13.5' x 13.5' concrete pad which encroaches 3 feet into the side yard setback leaving 12 feet where 15 feet is required. [Map 215, Lot 009-000; Zoned Industrial (I); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Please be advised, the above notice is being sent to all abutters listed on the application. You, or an authorized representative, are expected to attend the hearing and make a presentation.

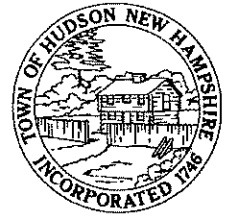
Respectfully,

Bruce Buttrick
Zoning Administrator



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

January 14, 2022

ABUTTER NOTIFICATION

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator

TOWN OF HUDSON

DEC 29 2021

Zoning Department

APPLICATION FOR A REQUEST FOR A REHEARING

To: Zoning Board of Adjustment
Town of Hudson

Case No. <u>168-020a (Variance)</u> (TB)
Date of Hearing <u>12/9/2021</u>

Location of Property 8 Washington Drive Map: 168 Lot: 020

Applicant Paul & Sandy O'Sullivan

Telephone Number (Home) 603-883-5810 (Work) 603-566-6874

Mailing Address 8 Washington Drive Hudson, NH 03051

Paul O'Sullivan
Sandra M O'Sullivan 27 DEC 21

Signature of Applicant

Date

If you believe that the Board's decision is wrong, unlawful, or unreasonable, you have the right to appeal for a rehearing. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of this 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 re-hear 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.

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

Received by: (TSC)

Date: 12/29/21

REQUEST FOR A REHEARING

Please indicate your reasons to support your request for a rehearing below or you may submit a letter to the Zoning Board of Adjustments setting forth the grounds on which it is claimed the decision is unlawful or unreasonable. Your reasons should show new evidence not available at the first hearing or show that the Zoning Board of Adjustment made an error in law in making their previous decision regarding this case. (Use additional copies of this page if necessary)

1. *See Attached*

2. *See Attached*

3. *See Attached*

4. *See Attached*

5. *See Attached*

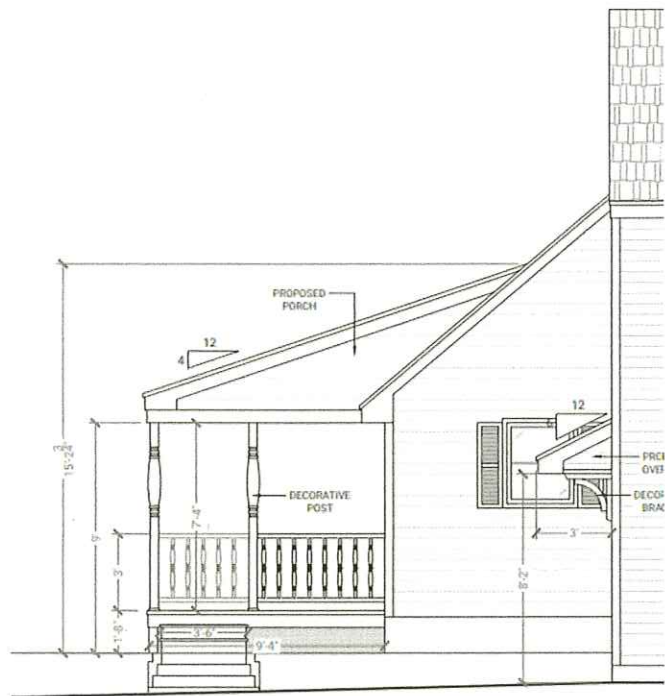
Application For A Request For A Rehearing

My request for a variance to add a 9' X 20' covered farmers porch on the front of my home was denied for the following wrong reasons: due to concerns about safety, a "slippery slope", possible future addition of sidewalks and/or widening of Washington Drive, and that the hardship requirement was not satisfied. I am requesting a rehearing to provide additional supporting information/data that was not presented and/or available at the original hearing.

1. The proposed porch is a single story structure intended to improve safer access to the front of my home. Adding a porch elsewhere such as the side or back of the home would not accommodate this need. This proposed porch would be open air and while encroaching an additional 9 feet into the setback, it would not be imposing from the street. See exhibit 1. The porch would improve the safety for persons accessing the home by providing cover over the walkway to the front door. As my wife and I age, the covered walkway (porch) would be easier to maintain a clear and safe access to the front door. The addition of the porch would not increase the risk of a vehicle leaving the road and colliding into the house. Several existing mitigations are in place, such as the retaining wall along the driveway and sizeable cherry tree both visible in exhibit 1. In addition (for traffic concerns), there is no through traffic in the neighborhood. It is accessed only by Washington Drive or Madison Drive and my home is deep in the neighborhood. The only traffic are neighbors that live further in the neighborhood. Traffic passing in front of my home is estimated at less than 50 cars per day.
2. My home is the only house in the neighborhood that encroaches the 30 foot setback. This was approved by Variance to allow a 25 ft setback. Therefore as an "existing non-conforming setback" while many homes in the neighborhood have similar porches, none appear to encroach the setback so in this regard, my home is unusual and unique conditions do exist, I need to apply for a variance to do any normal/natural improvements or expansions onto the front of my house. Since no other homes have the same restrictions, a slippery slope situation would not apply as was discussed by the Board.
3. The Town Engineer, Elvis Dhima and Public Works Director Jes Forrence were consulted via telephone about street widening and adding sidewalks, which were noted as reasons for denial by the Board. Both stated that Washington Drive is among the widest residential streets in town. Neither were aware of any plans to widen or add sidewalks to Washington Drive. They each pointed out that many main corridors and feeder streets in town lack sidewalks and these would be prioritized before any established neighborhoods. An email from Jes Forrence details some of these points. See Exhibit 2.
4. Numerous requests for variances for front setback encroachment have been granted by this Board. I have listed several in Exhibit 3 and notably, a very recent case 177-017 granted on 11/18/2021 is very similar to my request.
5. Literal enforcement of the ordinance is an "unnecessary hardship" because the house was built with a 25 foot setback already encroaching 5 feet of the current 30 foot requirement. This creates a special and unique condition that results in an unfair and unreasonable restriction from using my property in a reasonable way. The proposed porch will sit in the same footprint as the existing walkway and stairs with an improved ability to maintain clear and safe access to the front door. The proposed porch would not threaten public health, safety or welfare or otherwise injure public rights in any way.

Based on the points noted above, I wish to appeal to the Board to reconsider, and grant a rehearing of my variance request.

Exhibit 1





FRONT ELEVATION

From: "Forrence, Jess" <jforrence@hudsonnh.gov>
Date: December 22, 2021 at 5:48:50 AM EST
To: PAUL OSULLIVAN <posullivan09@yahoo.com>
Cc: "Buttrick, Bruce" <bbuttrick@hudsonnh.gov>, "Dhima, Elvis" <edhima@hudsonnh.gov>
Subject: RE: Request for help

Good morning Mr. O'Sullivan
To your 1st question,
Washington St is approximately 40' wide one of the widest streets in town other than the Industrial Parks.
Your second question.
If the town were to install sidewalks Public Works would request them remove 5' of existing roadway then installing sidewalks keeping the right away in the same place and narrowing the roadway to helping with maintenance costs.
Your third question.
I do not believe or recall any sidewalks being installed in any existing developments other than a developer extending the roadway.

Thanks and good luck

Jess Forrence
Public Works Director
2 Constitution Dr
Tell #(603 886-6018
Fax # (603 594-1143



From: PAUL OSULLIVAN <posullivan09@yahoo.com>
Sent: Tuesday, December 21, 2021 5:09 PM
To: Forrence, Jess <jforrence@hudsonnh.gov>
Subject: Request for help

Good Morning Jes,
My name is Paul O'Sullivan and I live at 8 Washington Drive in Hudson. I recently attended a Zoning Board meeting (09Dec21), seeking a variance to add a covered porch for my front door. My house encroaches the 30 foot setback requirement by 5 feet and the porch would add another 9 feet encroachment leaving 14 feet 9 inches where 30 feet is required. The request was unanimously rejected over safety concerns and possible future widening or addition of sidewalks to Washington Drive.

I have a list of questions that I hope you can answer:

Exhibit 2

How wide is Washington Drive and how does it compare to other neighborhood streets in town?

If the town were to add sidewalks, would the right of way be expanded?

Does the town have any plans to begin installing sidewalks or widening streets in established neighborhoods?

Has the town ever undertaken such projects in established neighborhoods? I know connector and feeder streets often get widened or sidewalks added as areas develop but I am referring to established residential neighborhoods.

I sincerely thank you for your time. I intend to request a rehearing and need to prepare arguments to rebuff the boards concerns. Any information you can provide will be used to that end. I have already spoken to the Town Engineer, Elvis Dhima and would be happy to discuss over the phone if you prefer.

Best Regards,
Paul O'Sullivan
8 Washington Drive
Hudson, NH
603-566-6874

Sent from [Mail](#) for Windows

Exhibit 3 Recent Variances Granted for Front Setback Encroachment

2/25/2021	Case 199-023b (02-25-21) Variance	75 Pelham Rd. ZD #20-089: Building permit application denial. To expand an existing non-conforming structure.	1 Granted
3/25/2021	Case 191-099 (03-25-21) Variance	52 Belknap Rd. To allow second story addition to existing non-conforming structure (house and garage)	1 Granted w/1 stipulation
3/25/2021	Case 197-174b (03-25-21) Variance	3 Spruce St. ZD #20-102: Allow construction of ADU encroachment into the front yard setback.	1 Granted w/2 stipulations
10/28/21	Case 190-140 (10-28-21) Variance	29 Riverside Dr ZD #21-137:BP application #2021-00850 Denial; to extend a 15 ft. x 5 ft. three season porch to 26 ft. x 6 ft. which encroaches the front & side yard setbacks leaving 9.2 feet in the front	1 Granted
11/18/21	Case 177-017 (11-18-21) Variance	2 Bush Hill Rd ZD #21-151: Request to build a 7 ft. x 21.6 ft. farmers porch which encroaches 3.7 feet into the front yard setback.	1 Granted

All these cases and their decisions are found online at Hudson Cable TV (link):

https://www.hudsonnh.gov/meetings?date_filter%5Bvalue%5D%5Bmonth%5D=1&date_filter%5Bvalue%5D%5Bday%5D=1&date_filter%5Bvalue%5D%5Byear%5D=2021&date_filter_1%5Bvalue%5D%5Bmonth%5D=12&date_filter_1%5Bvalue%5D%5Bday%5D=9&date_filter_1%5Bvalue%5D%5Byear%5D=2021&field_microsite_tid_1=551&keys=

HUDSON ZONING BOARD OF ADJUSTMENT

REHEARING REQUEST WORKSHEET

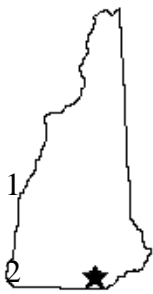
On **01/27/2022**, The Hudson Zoning Board of Adjustment heard **Case 168-020 a**, being a request by **Paul & Sandra O’Sullivan, 8 Washington Drive, Hudson, NH**. **The applicant requests a rehearing of the previously denied Variance Decision on 12-09-21 to build a 9 ft. x 20 ft. covered porch on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required.** [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

Members sitting on the Zoning Board of Adjustment for this rehearing are to vote to determine if:

Y **N** The applicant presented new evidence not available at the first hearing.

Y **N** The Zoning Board of Adjustment made an error in law in making their previous decision regarding this case.

Signed: _____ Date: _____
Sitting Member of the Hudson ZBA



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-MINUTES – December 9, 2021 – as edited
(Amended 11/30/21)

The Hudson Zoning Board of Adjustment met on Thursday, December 9, 2021 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Chairman Gary Daddario called the meeting to order at 7:02 PM, invited everyone to stand for the Pledge of Allegiance, acknowledged that Regular Member Leo Fauvel has resigned and appointed Alternate ~~Mormand~~ Normand Martin to vote in his place, assigned Alternate Member Dean Sakati as Clerk for the meeting and read the procedure for the meeting from the Preamble, found in Exhibit A of the Board's Bylaws, into the record and asked everyone to address the Board from the Applicant's table as the microphone at the ~~lecturn~~ lectern is not functioning.

The Clerk took attendance. Members present were Gary Daddario (Regular/Chair), Brian Etienne (Regular), Normand Martin (Alternate), Marcus Nicolas (Regular), Jim Pacocha (Regular/Vice Chair), Dean Sakati (Alternate/Clerk) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Mr. Daddario stated that appointing Alternate Martin as a Voting Member, that there would be five (5) Voting Members for this meeting.

III. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 234-048 (12-09-21):** Lori McGibbon, 7 Stuart St., Hudson, NH [Map 234, Lot 048-000; Zoned General-One (G-1)] requests the following:
 - a. A **Variance** to change a current dual use of an existing building used as a business into a residential use in the G-1 Zone where multiple principal uses are only allowed within the Business or Industrial Zones within lots that meet area requirements. [HZO Article III, General Regulations; §334-10.A, Mixed or dual use on a lot.]

Mr. Buttrick read the Case into the record and referenced his Staff Report signed 12/1/2021 noting that there exists two (2) buildings on this existing non-conforming corner lot where one is the residence of Lori McGibbon and the other a business for a dog training and kennel center approved by Variance 10/03/2008. The non-

47 conformity of the lot is due to its lack of satisfying minimum size for a multi-use plus
48 the fact that both buildings on site infringe the front setback.
49

50 Anthony Basso, LLS, from Keach-~~Nordstrom~~-Nordstrom Associates, Inc. of Bedford NH
51 introduced himself and his Associate Ms. Alison Lewis as representing Lori McGibbon,
52 the property owner, and stated that his client could not be present at the meeting
53 because of her back injury.
54

55 Mr. Basso identified the location of this corner lot, noted that his client, Lori
56 McGibbon lives in the residence, and her parents now need care. Mr. Basso stated
57 that they considered and have eliminated the option of constructing an ADU
58 (Accessory Dwelling Unit) at the residence and are pursuing the possibility of
59 converting the commercial building into a residence for her parents. The business
60 was a coffee shop prior to becoming a dog facility by variance in 2008, and has a
61 rather large septic system. The dog training business is no longer there, having grown
62 and moved to another location in Nashua, NH. Mr. Basso noted that a two-family
63 house is allowed in the General-One (G-1) Zone but not two separate houses.
64

65 Ms. Lewis addressed the criteria for the granting of a Variance. The information
66 provided included:
67

68 (1) *not contrary to public interest*

- 69 • The requested variance would allow for the applicant's ailing family member to
70 live adjacent to immediate care
- 71 • Property is surrounded by mixed use lots containing both businesses and
72 residential homes
- 73 • Allowing a second residential use would not impact any adjacent landowners
74 or the Town of Hudson
- 75 • Building was used as a dog training facility and, if variance granted, would
76 bring less-less traffic to the neighborhood and therefore would not have an
77 adverse impact on traffic or nearby neighbors
- 78 • No new buildings or external construction is being proposed, just internal
79 construction changes to change the business building into a residence
- 80 • Variance would not contrast current goals for the Town or abutting properties

81 (2) *will observe the spirit of the Ordinance*

- 82 • G-1 Zone established to provide wide diversity of land uses at an appropriate
83 density
- 84 • No new construction proposed, therefore will not result in overcrowding of
85 buildings or any impact to neighboring properties
- 86 • Spirit of Ordinance is to prevent overcrowding of buildings and any risk to
87 public safety and welfare while providing a variety of uses
- 88 • Variance does observe spirit of the Ordinance
- 89 • Multi-family use is allowed in G-1 Zone so dual residential use is not
90 contrary to the allowed Uses-uses in G-1 Zone

91 (3) *substantial justice done*

- 92 • Opportunity lost to the applicant by not granting the variance far outweighs
93 any gain that could possibly be realized by the public
- 94 • Dual use proposed is not incongruous with neighborhood

- 95 • There will be no adverse impact to residences along Stuart Street or River
 96 Road
 97 (4) *not diminish surrounding property values*
 98 • Multi-family homes allowed in G-1 Zone
 99 • will not diminish other property values in [the](#) neighborhood
 100 (5) *hardship*
 101 • lot is a current non-conforming corner lot based on size and that both
 102 buildings infringe into the expanded front setback
 103 • two buildings currently exist – no additional buildings proposed
 104 • unnecessary construction to combine the two buildings to create a multi-
 105 family structure
 106 • connecting the two (2) buildings to create a two-family home would also
 107 require a Variance to expand non-conforming use/lot
 108 • literal enforcement would result in [the](#) applicant not being able to care for
 109 their
 110 ailing family member and that hardship would be unimaginable

111
 112 Mr. Pacocha inquired about the business property and Mr. Basso responded that it
 113 requires interior renovation to become a residence and in response to Mr. Thompson
 114 inquiry, Mr. Basso responded that it would result in eight hundred sixty-four square
 115 feet (864 SF). Mr. Daddario noted that in one of the aerial views there was a shed and
 116 questioned if the two buildings could be connected and result in a two-family
 117 residence. Mr. Basso responded that is not desirable and could be an impact to the
 118 neighborhood with exterior construction.

119
 120 Ms. Roy questioned the number of bedrooms in the house (answer: 2) and the septic
 121 system and its capability to handle a second residence. Mr. Buttrick noted that the
 122 Town Engineer's review comments dated 11/23/2021 also requires confirmation that
 123 the existing septic system can accommodate two (2) single-family residences as well
 124 as the water service connection. Mr. Basso responded that the existing septic system
 125 has a greater than average septic field, probably because it used to be a coffee shop,
 126 that it is a pump system with alarm, and that Planning Board Site Plan Review and
 127 approval is also required for Change in Use.

128
 129 Ms. Roy noted that many properties in the neighborhood have two structures and Mr.
 130 Etienne asked if any of them were two-family buildings. Mr. Basso stated that there
 131 are many lots of mixed uses in the neighborhood. It was unknown whether any had
 132 two (2) residential structures.

133
 134 Public testimony opened at 7:32 PM. No one addressed the Board.

135
 136 Mr. Martin stated that in his opinion there is no land-based hardship and the
 137 property owner has reasonable use [if-of](#) it already. Mr. Etienne concurred and added
 138 that allowing two (2) single-family homes on a small lot would be setting a precedent.
 139 Mr. Basso stated that when they reviewed the possibility of connecting the two (2)
 140 buildings, the point of connection would be to the only bathroom in the home and
 141 there is no space in the house to create/move the bathroom.
 142

143 Mr. Martin stated that there is a condition that allows hardship to be satisfied based
144 on a recognized physical disability, but none has been presented and prudence does
145 not allow the question to be asked. Mr. Buttrick confirmed that there is a disability
146 exclusion, RSA 674:33.V and added that the RSA is generally invoked for handicap
147 accessibility. Mr. Etienne noted that Variance stays with the property for eternity and
148 Mr. Buttrick agreed and added that a condition of ~~an~~ approval could be made. Mr.
149 Basso stated that his client could not be present at this meeting due to a back injury
150 and that they could provide the needed documentation and added that the option
151 exists to either table a decision tonight pending such documentation or add a
152 condition to the approval to satisfy the hardship criteria.

153
154 Mr. Martin made the motion to grant the Variance with the condition that the
155 Applicant provides documentation to the Zoning Administrator that satisfies RSA
156 674:33.V. Mr. Pacocha stated that he would add a second condition that there could
157 be no future subdivision of the lot and Mr. Daddario stated that a third condition
158 would be that the Variance expires when it is no longer needed by the current Property
159 Owner. Discussed. Motion to grant the Variance with three (3) conditions was
160 seconded by Mr. Pacocha.

161
162 Recap: Motion to grant the Variance with three (3) stipulations:
163 (1) that documentation be submitted to the Zoning Administrator sufficient to
164 satisfy RSA 674:33.V;
165 (2) that there shall be no subdivision allowed in the future; and
166 (3) that the Variance expires upon the Use no longer being needed that this
167 Variance survives only for such time as the particular individual qualifying
168 under RSA 674:33.V(b) has a continuing need to use the premises.

169
170 Roll call vote was 4:1 with Mr. Etienne opposed. Variance conditionally granted. The
171 30-day appeal period was noted.

172
173 b. A **Special Exception** to allow 2 (two) single-family structures on a lot where
174 multiple or mixed uses on a single lot, which includes a residential use, shall
175 only be allowed by Special Exception with the general requirements listed in
176 Article VI, § 334-23. [HZO Article III, General Regulations; §334-10.D, Mixed or
177 dual use on a lot.]

178
179 Mr. Buttrick read the Case into the record and referenced his Staff Report signed
180 12/01/2021 and stated that the Special Exception is required to allow a dual
181 residential use on a property with mixed use by Variance (granted on 10/23/2008)
182 and noted that the lot is a non-conforming corner lot with both existing buildings not
183 conforming to the setback from River Road.

184
185 Anthony Basso, LLS, from Keach-Nordstrom~~ma~~ Associates, Inc. of Bedford NH
186 introduced himself and his Associate Ms. Lewis and re-stated that his client could not
187 be present at the meeting because of her back injury and that all the information
188 presented earlier applies to the Case as well.

189
190 Ms. Lewis addressed the criteria for the granting of a Special Exception. The
191 information shared included:

192

- 193 (1) *Use requested is permitted by Special Exception*
- 194 • Property is in General-One Zone where the Use is allowed by Special
- 195 Exception
- 196 (2) *Proposed Use meets requirements in Zoning Ordinance*
- 197 • Proposed Use is residential and is allowed in District
- 198 • Building to be used as a residence exists today
- 199 • No addition or expansion is proposed
- 200 (3) *Proposed Use is consistent with purpose and intent of Zone/District*
- 201 • The G-1 district allows residential Use and duplexes (two-family) by Right
- 202 • Property will have only two (2) residences and therefore consistent with
- 203 purpose and intent
- 204 (4) *Proposed Use is compatible with character of neighborhood*
- 205 • Proposed Use is residential and the neighborhood is a mixture of
- 206 residential and business Uses
- 207 (5) *Non-residential Use ...*
- 208 • Not applicable
- 209

210 Public Testimony opened at 7:53 PM. No one addressed the Board.

211
212 Board briefly discussed and looked at aerial views of the neighborhood noting several
213 lots with more than one (1) structure.

214
215 Mr. Martin made the motion to grant the Special Exception as requested. Mr. Nicolas
216 seconded the motion. Roll call vote was 4:1 with Mr. Etienne opposed. Special
217 Exception granted. The 30-day appeal period was noted.

218
219 2. **Case 168-020 (12-09-21)**: Paul & Sandra O’Sullivan, 8 Washington Drive, Hudson,
220 NH [Map 168, Lot 020-000; Zoned Residential-Two (R-2)] requests the following:

- 221
- 222 a. A **Variance** to build a 9 ft. x 20 ft. covered porch on the front of an existing non-
- 223 conforming structure (house), which encroaches the front yard setback an
- 224 additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [HZO Article VII,
- 225 Dimensional Requirements; §334-27, Table of Minimum Dimensional
- 226 Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots;
- 227 §334-31.A, Alteration and expansion of nonconforming structures.]
- 228

229 Mr. Buttrick read the Case into the record, referenced his Staff Report signed
230 12/01/2021 and noted that it is a non-conforming corner lot of record based on non-
231 conforming frontage along Madison Drive and residence into the front setback along
232 Washington Street.

233
234 Paul O’Sullivan introduced himself, stated that he would like to construct a covered 9’
235 x 20’ front porch to the front of his residence along Washington Street and addressed
236 the criteria for the granting of a Variance. The information shared included the
237 following:

- 238
- 239 (1) *not contrary to public interest*
- 240 • Does not alter the essential character of the neighborhood

- 241 • Several homes in the neighborhood with similar porches and referenced 17
 242 Washington St., 3 Jackson Drive, 2 Jefferson Drive, 8 Jefferson Drive, 8
 243 Madison Drive, 11 Madison Drive and 14 Madison Drive
 244 • Proposed porch does not threaten public health, safety, or welfare nor will it
 245 injure public rights
 246 (2) *will observe the spirit of the Ordinance*
 247 • Proposed front porch would replace existing front stairway and walkway in
 248 the same footprint
 249 • Because proposed porch will be covered and elevated from existing walkway
 250 to the driveway it constitutes an expansion of the structure footprint
 251 • Purpose and use of proposed porch are the same as the existing porch and
 252 walkway with the advantage of a covered entryway
 253 (3) *substantial justice done*
 254 • Proposed porch would provide an improved aesthetic appearance to the
 255 home without altering the use of the existing footprint
 256 (4) *not diminish surrounding property values*
 257 • Improved aesthetic appearance of the home should not affect the values of
 258 surrounding properties
 259 • The improvement at 8 Washington Street will likely result in a very modest
 260 increase in property value but likely not result in any change to
 261 surrounding property values
 262 (5) *hardship*
 263 • home is about 50- years old and they have lived there for 31 years
 264 • proposed porch is an improvement to the appearance of the home and would
 265 provide a covered entryway and walkway
 266 • is a reasonable request
 267 • denial of Variance would not recognize that the purpose and use of the
 268 proposed porch is the same as the existing porch and walkway with the
 269 added benefit of being covered
 270

271 Mr. Etienne asked who lives in the ADU above the attached two-car garage and Mr.
 272 O'Sullivan responded that his mother-in-law is the occupant. Mr. Martin noted that
 273 the house is in the front setback. Mr. Buttrick confirmed. It was noted that a
 274 Variance was granted on 5/2/1984 to allow a twenty-five foot (25') front setback where
 275 thirty feet (30') was required.
 276

277 Public testimony opened at 8:03 PM. No one addressed the Board.
 278

279 Mr. Martin noted that ~~it~~ the proposed covered porch would be very close to the road
 280 (Washington Street) and asked if it was a busy intersection because there is concern
 281 regarding safety. Mr. Etienne shared the same safety concern especially since there
 282 are no sidewalks in the neighborhood, plus the possibility of potential future road
 283 expansion of the road, questioned if the porch could be located on the rear of the
 284 house and asked to have aerial views posted of the others in the neighborhood
 285 referenced by the Applicant that have front porches. Mr. O'Sullivan stated that there
 286 is a patio on the back of the house, approximately four feet by four feet (4'x4') with a
 287 railing close to the garage as well as a deck for the ALU facing Madison Drive and that
 288 the ALU is connected via the mudroom. Aerial views were reviewed and it was noted
 289 that none of their covered front porches encroached the required front setback.

290
291 Mr. Etienne made the motion to not grant the Variance because the criteria have not
292 been satisfied, it is not consistent with the neighborhood, there are safety concerns
293 and other options are available to the Property Owner. Mr. Martin seconded the
294 motion. Mr. Daddario noted that there is also concern that the building itself is in the
295 setback, that others in the neighborhood do not encroach the front setback, that other
296 options are available to the Property Owner and that there is no hardship caused by
297 the land. Mr. Nicolas concurred. Roll call vote was unanimous at 5:0. Variance
298 denied. The 30-day appeal period was noted.

299
300 b. An **Equitable Waiver of Dimensional Requirement** for an existing 19'3" x 12'3"
301 (235.8 sqft) shed which encroaches ~9 feet into the side yard setback leaving ~6
302 feet where 15 feet is required. [HZO Article VII, Dimensional Requirements;
303 §334-27, Table of Minimum Dimensional Requirements.]
304

305 Mr. Buttrick read the Case into the record, referenced his Staff Report signed
306 12/01/2021 and noted that it is a non-conforming corner lot of record based on non-
307 conforming frontage along Madison Drive and residence into the front setback along
308 Washington Street and that he has found no history of Code Enforcement action in the
309 last ten (10) years.

310
311 Paul O'Sullivan introduced himself, and stated that the shed was installed in April
312 2011, a little over ten (10) years ago, and addressed the criteria from Option 2 of RSA
313 673:33-a,II, for Equitable Waiver of Dimensional Requirement. The information
314 shared included:
315

- 316 • The shed was included in the plot plan submitted in 2013 for the ALU
317 (Accessory Living Unit)
- 318 • No enforcement action or written notice of violation has been commenced by the
319 Town or any Abutter
- 320 • The Sshed is located near the back of the property approximately five feet (5')
321 from the property line abutting 12 Jefferson Drive which has a wooded section
322 and obscures the shed from their view
- 323 • Shed is set on a pad of sand and gravel and is obscured from most neighbors'
324 view
- 325 • Relocating would require substantial investment to remove topsoil and install a
326 new pad sufficient to adequately support the shed as well as hiring a firm with
327 experience in moving such a structure
- 328 • There is no clear benefit to any party for incurring such cost
329

330 Public testimony opened at 8:21 PM. No one was present to address the Board.
331

332 Motion made by Mr. Etienne and seconded by Mr. Martin. Roll call vote was 5:0 to
333 grant the Equitable Waiver of Dimensional Requirement. Waiver granted. The 30-day
334 Appeal period was noted.
335

336 3. **Case 234-016 (12-09-21)**: Peter & Joyce Drown, 7 Bruce St., Hudson, NH requests
337 a Variance to build a 16 ft. x 24 ft. addition, which encroaches a front yard setback
338 5.2 feet leaving 24.8 feet where 30 feet is required due to a corner lot with 3 (three)
339 front yard setbacks. [Map 234, Lot 016-000; Zoned General-One (G-1); HZO Article

340 VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional
341 Requirements.]
342

343 Mr. Buttrick read the request into the record and referenced the string of emails with
344 the applicant beginning 11/24/2021 in the Supplemental Meeting Folder pursuing the
345 possibility of a deferral and requesting a deferral to the Board's 2/24/2022 meeting.
346 Mr. Buttrick stated that a motion to accept the request to defer [the](#) hearing on the
347 application would serve as notice and thereby omit the need to re-notify abutters.
348

349 Motion made by Mr. Martin, seconded by Mr. Nicolas and unanimously voted by a roll
350 call vote of 5:0 to accept the Applicant's request and defer hearing to the Board's
351 2/24/2022 meeting.
352

353 **IV. REQUEST FOR REHEARING:**

354
355 No requests were received for Board consideration.
356

357 **V. REVIEW OF MINUTES:**

358
359 10/28/21 edited Minutes: Mr. Buttrick noted that the Minutes were mailed in the
360 Meeting Packet. Motion made by Mr. Etienne, seconded by Mr. Nicolas and
361 unanimously voted 5:0 to approve the 10/28/2021 Minutes as edited.
362

363 11/18/21 edited Minutes: Mr. Buttrick noted that the edited Minutes are included in
364 the Supplemental Meeting folder. Motion made by Mr. Etienne, seconded by Mr.
365 Nicolas and unanimously voted 5:0 to approve the 11/18/2021 Minutes as edited.
366

367 **VI. OTHER:**

368
369 1. Proposed Bylaws revision: alternate status, recusals and Clerk position/duties.
370

371 Mr. Buttrick referenced the draft changes to the Bylaws, noted the history of the Clerk
372 position and the inclusion of Attachment B identifying what is involved with the Clerk
373 duties; the proposed changes as well as the reasoning behind Recusals. Mr. Buttrick
374 noted that there are two (2) meetings scheduled for January 2022 and if a motion is
375 made, to please specify the dates. Discussion arose on inclusion of/for gender-neutral
376 pronouns and to change "himself/herself" to "themselves" or include a gender statement
377 [at](#) the beginning of the document; the time period for Appeals changing it from 30-
378 days to 35-days from the date of [the](#) decision to accommodate mailing time; and other
379 minor changes. Consensus reached to distribute the edited Bylaws for Members to
380 review and submit additional edits in track-change mode for review at the next
381 meeting.
382

383 2. Jan 20, 2022 meeting availability 6:30 start for non-public legal consult
384

385 Mr. Buttrick noted that Mr. Nicholas will be recused as he is a direct Abutter, that
386 Town Counsel has been scheduled for legal counsel and asked which Members can
387 attend beginning at 6:30 PM. ~~With the exception of~~ [Except for](#) Mr. Marcus and possibly
388 not Mr. Pachocha. Every Member is available. Board asked to receive paperwork as
389 soon as possible. Ms. Roy asked if she, as the Selectmen Liaison to the Board, was

390 permitted to attend the non-public session and Mr. Buttrick responded that he would
391 check with Town Counsel so as not to avoid/void client confidentiality and advise.

392
393 3. Final request for written comments for Town Counsel regarding case #166-031
394 8 Lindsay St. for Jan 27, 2022 deferred mtg.

395
396 Mr. Buttrick stated that three (3) Members have submitted questions for Town Counsel
397 and would appreciate questions from other Board Members and added that Town
398 Counsel could be at the 1/27/2022 meeting and that there could be a non-public
399 session with Town Counsel at 6:30 PM. All Members polled and with the possible
400 exception of Mr. Etienne, all are able to be in attendance at 6:30 PM.

401
402 4. ZBA badges

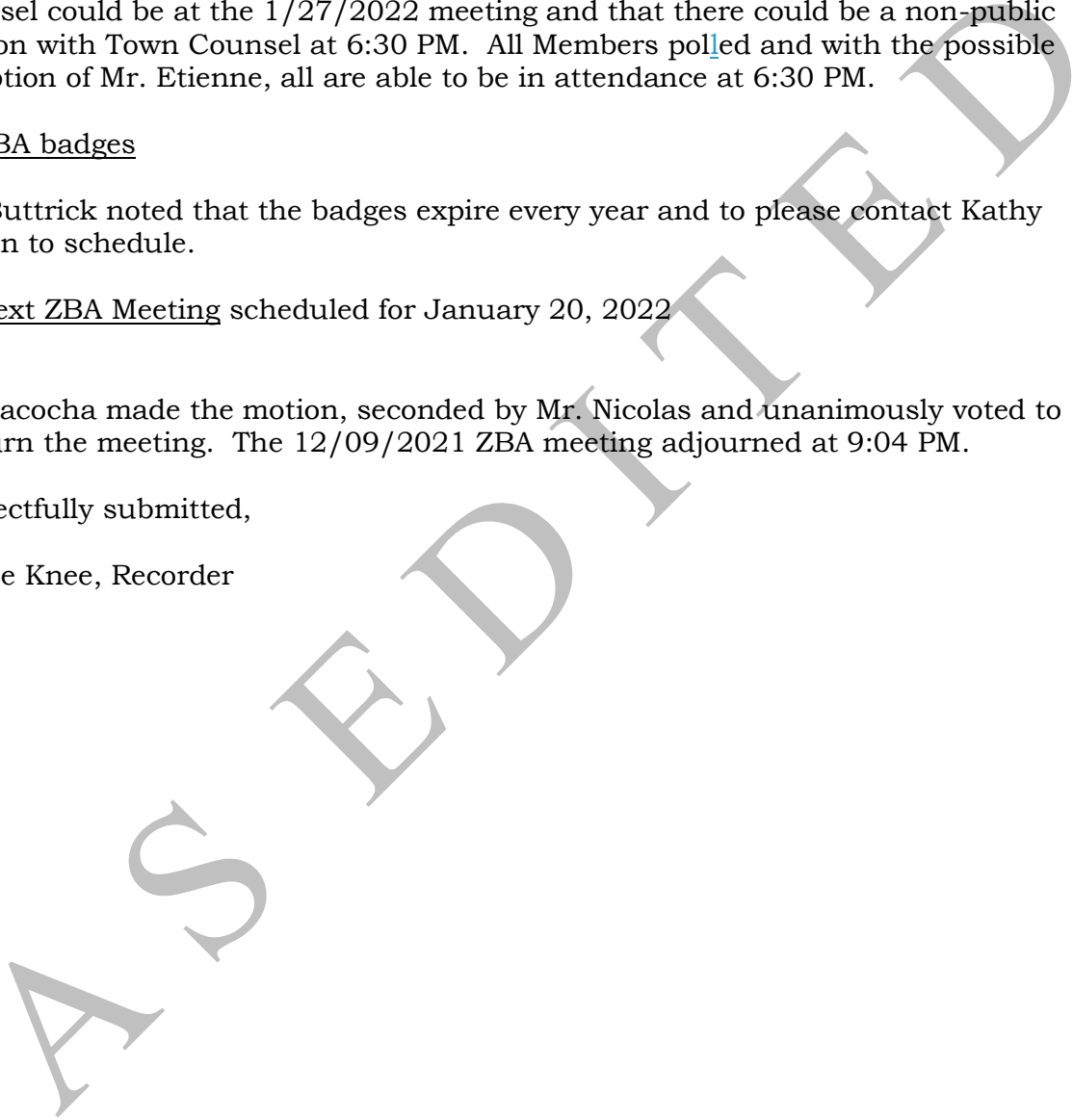
403
404 Mr. Buttrick noted that the badges expire every year and to please contact Kathy
405 Wilson to schedule.

406
407 5. Next ZBA Meeting scheduled for January 20, 2022

408
409
410 Mr. Pacocha made the motion, seconded by Mr. Nicolas and unanimously voted to
411 adjourn the meeting. The 12/09/2021 ZBA meeting adjourned at 9:04 PM.

412
413 Respectfully submitted,

414
415 Louise Knee, Recorder



ELECTION OF NEW OFFICERS FOR CALENDAR YEAR 2022

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

DRAFT MOTIONS FOR ELECTION OF OFFICERS:

MOTION FOR CHAIRMAN:

I move to nominate _____ to be Chairman.

Second: _____.

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

MOTION:

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

_____ as Chairman by acclamation.

Motion by: _____ Second: _____ Motion carried/failed: _____.

MOTION FOR VICE-CHAIRMAN:

I move to nominate _____ to be Vice-Chairman.

Second: _____.

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

MOTION:

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

_____ as Vice-Chairman by acclamation.

Motion by: _____ Second: _____ Motion carried/failed: _____.

**ELECTION OF NEW OFFICERS FOR CALENDAR YEAR 2022
(CONTINUED)**

MOTION FOR CLERK:

I move to nominate _____ to be Clerk.

Second: _____.

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

MOTION:

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

_____ as Clerk by acclamation.

Motion by: _____ Second: _____ Motion carried/failed: _____.

Town of Hudson, New Hampshire Bylaws
Zoning Board of Adjustment
Amended ~~xx-xx-2201-28-21~~

Chapter 143

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

143.1 History

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

06-23-1988: Amended in its entirety,

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

Subsequent amendments noted where applicable.

10-12-17: Amended in entirety.

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

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

01-28-21: Added section 143.5B on vacancy & succession of officers.

xx-xx-22: Revised section 143.7(3)b on Alternate status for continued/deferred cases.; and revised section 143.7(4) by adding Recusals; revised section 143.7(4)g striking then and adding currently; Revised 143.7(4) added (h) Direct/Indirect Abutter as disqualification. Revised 143.3 Clerk appointment and added Appendix "B" Clerk Duties

143.2 Authority

These bylaws of the Hudson Zoning Board of Adjustment, hereinafter referenced simply as the Board, are adopted under the Authority of NH-RSA (New Hampshire Revised Statutes Annotated) 676:1. In the event of a difference between these bylaws and the applicable NH-RSAs, the NH-RSAs take precedence over these Bylaws.

143.3 Purpose

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

For purposes of this document the terms he/him/himself shall refer to all genders and is not intended to exclude any genders.

143.4 Amendments

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

143.5 Officers

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

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

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

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

3. A Clerk shall be ~~elected annually by a majority vote of the Board at the first meeting in the month of January~~ selected/appointed by the Chairman at each meeting, preferably an Alternate and to rotate Alternates each meeting.

The clerk shall take attendance, read cases into the record, and process the member decision sheets for a summary of decision made and use Appendix B as a guide. [9-26-19] [xx-xx-2022]. [9-26-19]

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

143.5A Recorder

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

143.5B Officer vacancies

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

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

3. In the event that the un-expired term of Clerk becomes vacant, the voting members will vote to fill the vacancy at their next regular scheduled meeting. [01-28-21]

143.6 Members and Alternates

1. Five (5) Regular Members shall be appointed by the Board of Selectmen attend all meetings, and sit as voting members

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

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

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

5. All members and alternates must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairman as soon as possible. Members, including the Chairman and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration. Three (3) consecutive unexcused absences by a member or alternate shall be reported to the Board of Selectmen through the Town Administrator, to take appropriate action. [9-26-19]

|

143.7 Meetings

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

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

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

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

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

b. If any regular Board member is absent from any meeting or hearing, or disqualifies himself from sitting on a particular case, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member, and such alternate shall be in all respects a full member of the Board while so sitting including any continued/deferred cases. [xx-xx-22]-

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

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

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

Determining the threshold of disqualification can be difficult. To assist a member in determining whether or not they should step down (recuse themselves) Board members should review the questions which are asked of potential jurors to determine qualification (RSA 500-A: 12). A potential juror may be asked whether he or she:

a. Expects to gain or lose upon the disposition of the case;

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

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

5. Order of Business

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

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

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

143.8 Application Process

1. Applications

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

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

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

- b. Appeals from an administrative decision -taken under RSA 676:5 shall be filed within ~~30~~35 days of the decision or when such decision becomes known or reasonably could have been known by the petitioner as determined by the Board.
- c. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these rules of procedure

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2. Public Notice

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

3. Public Hearing

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

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

- m. The public hearing on the Case shall be declared closed and the Case will be declared to be before the Board. The Board will deliberate and make its decision.
- n. All subsequent cases shall then be heard in the order they were presented.

143.9 Decision Process

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

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

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

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

The Chairman shall announce all decisions after the vote has been taken, and explain that the appeal/Re-Hearing process is available to all aggrieved w/in 30 35 days of the meeting vote [9-26-19]

143.10 Deferment and Withdrawal

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

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

Moreover, once an application has been withdrawn, any re-application shall be considered a new application and the applicant shall be required to pay all applicable fees for consideration. In the event of a Board-initiated deferment, because members felt it necessary for more information or other reason, a sitting member must make a motion to defer until the next regular meeting or a date specific, that motion must be seconded and voted on by the voting members of the case in question, and abutter notice shall be presumed to have been accomplished by the decision of the Board's vote, but in some rare instances the Board may require that notification fees be paid again for deferred cases in order to ensure that abutters are properly notified. In the event of the Board's acceptance of a request for deferment by the applicant at the meeting, the request shall be handled in the same manner as a Board-initiated deferment. In the event that the applicant is not ready when the case comes back before the Board, the Board may initiate withdrawal of the application, with or without prejudice, as described above.

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143.11 Reconsideration by the Board

The Board may reconsider a decision to grant or deny an application or grant or deny a motion for rehearing provided such reconsideration is within the appeal period of the original decision as per RSA ~~676~~7:3^[BB1]

143.12 Motions for Rehearing

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

143.13 Records

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

143.14 Waivers

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

143.15 Joint Meetings and Hearings

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

Attachment “A” [9-26-19]

Chairman’s introduction/order of business

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

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

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

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

All discussions will be between the applicant and the Board. Please be respectful of all and in interest of time refrain from repeating previous testimony. New documentation will be accepted by the Board for consideration this evening, but may cause the case to be continued or deferred. The Board reserves the right to ask for additional testimony at anytime.

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

Handouts are at the back of the room: consisting of the agenda for tonight, and re-hearing request for those that feel aggrieved and wish to appeal any decision the Board may have made. Please be aware of the [3035](#) day time period.

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

Before we begin a few housekeeping items:

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

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

Appendix “B” “Clerk” Duties [xx-xx-2022]

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

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

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

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

Place all Sheets in ZBA Clerk Binder / Notebook.

CLERK PURPOSE –With a reliable Recorder and the recent change to the ByLaws (including the shift of preparing NODs to the Recorder), extensive note taking is no longer required by the Clerk – just the basics to satisfy RSA 91-A:2.II

- in the odd event that something happens to the Recorder, the Clerk's notes can be utilized to produce and meet the RSA's (minimum) Minute requirements as follows:

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

CLERK / MEETING BINDER

- 1) Meeting Date
- 2) Time Chairman called meeting to order
- 3) Standard intro – in the order performed: Pledge, Preamble, attendance
- 4) Case # and who read into the record
- 5) Name of person(s) presenting the Case
 - Applicant
 - Applicant's attorney – full name, firm name and address

- Engineer - full name, firm name and address
 - Other (example: parent, child, realtor)
 - Exhibits, if any received during hearing
- 6) Public Testimony
- Time opened
 - Chairman requests an order – supporting/opposed/neutral
 - ID who addressed the Board – full name & address
 - Time closed
- 7) Motion
- ID who made the Motion & who seconded
 - Write out any stipulations, if made
 - Vote – if any opposed or abstained, id by name & why
- 8) Repeat 4), 5), 6) &7) for each Case on the Agenda
- 9) Agenda Item # - Minutes etc – see 7)
- 10) Motion to adjourn – who made & seconded - Time adjourned -