



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 – March 24, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **March 24, 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. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

Case 136-001 (03-24-22): Joseph A Miara, Jr., Tr., authorized representative of Granite Realty Trust, **12 Bockes Road, Hudson, NH** requests a Variance to erect a 80 ft. x ~79 ft. 'hoop' structure attached by 4 (four) 40 ft. ocean containers used as a base with a proposed location in the rear of the property. This is an expansion of an existing, non-conforming use, not permitted in the R-2 Zone. [Map 136, Lot 001-000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses]

IV. REQUEST FOR REHEARING: None

V. REVIEW OF MINUTES:

02/24/22 edited Minutes

VI. OTHER:

1. Continued discussion of proposed ZBA Bylaws amendments: alternate status, recusals and Clerk position/duties.

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: March 24, 2022 *BR 3-15-22*

Case 136-001 (03-24-22): Joseph A Miara, Jr., Tr., authorized representative of Granite Realty Trust, 12 Bockes Road, Hudson, NH requests a Variance to erect a 80 ft. x ~79 ft. 'hoop' structure attached by 4 (four) 40 ft. ocean containers used as a base with a proposed location in the rear of the property. This is an expansion of an existing, non-conforming use, not permitted in the R-2 Zone. [Map 136, Lot 001-000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses]

Address: 12 Bockes Rd

Zoning district: Residential Two (R-2)

Summary:

Applicant requests a variance to allow the construction of an additional structure, as an expansion of a non-conforming use.

Property description:

Lot of record, 9.216 Acres – 1.38 Acres required / 577.84 ft Frontage – 159 ft required
Existing non-conforming use: The prior tenant and use was a permitted use (1984), In 1985 the property was rezoned to R-2 district, becoming “existing non-conforming” use.

LAND USE HISTORY:

ZBA: 9/29/16 Variance to expand parking/storage area/loading area and 2,430 sqft maintenance bldg.

ZBA: 9/29/16 Wetland Special Exception proposed storage expansion of 56,000 sqft of which 37,250 sqft in Wetland and Buffer areas.

Planning Board: 1-11-17 Site improvements for site expansion, including trailer and specialty trailer storage area a 2,430 sqft maint. shop addition.

Planning Board: 12-17-01 Site plan modification (addition) to the Verizon building easement

Planning Board: 4-2-92 As built site plan: 19,972 sqft warehouse w/3,261 sqft 2 story office, 2,430 sqft maint shop and associated site parking.

Planning Board: 6-11-87 Approved site plan 29,196 sqft warehouse w/3,648 sqft 2 story office, 3,000 sqft maint shop and associated site parking (no variance needed, was permitted use).

ASSESSING HISTORY:

Industrial Warehouse and Auto Repair

Town in-house review comments:

Town Engr: comments: no

Town Planner: comments: none received

Fire Dept: comments: yes

Attachments:

A: Assessing history

B: ZBA: 9/29/16 Variance – Expansion of non-conforming use

C: ZBA: 9/29/16 Wetland Special Exception

D: Planning Board 1-11-17 site plan expansion

E: Planning Board 12-17-01 site plan expansion of Verizon Bldg

F: Planning Board 4-2-92 as built site plan

G: Planning Board 6-11-87 approved site plan

H: Fire Dept comments

Previous Assessments

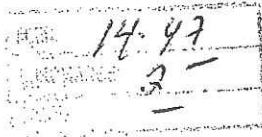
Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2021	332 - AUTO REPAIR	81,900	61,600	43,740	0.24	0.00	187,240
2021	401 - IND WAREHSE	1,124,800	24,200	478,760	8.97	0.00	1,627,760
2021	332 - AUTO REPAIR	81,900	61,600	43,740	0.24	0.00	187,240
2021	401 - IND WAREHSE	1,124,800	24,200	478,760	8.97	0.00	1,627,760
2020	332 - AUTO REPAIR	81,900	61,600	43,740	0.24	0.00	187,240
2020	401 - IND WAREHSE	1,124,800	24,200	478,760	8.97	0.00	1,627,760
2020	332 - AUTO REPAIR	81,900	61,600	43,740	0.24	0.00	187,240
2020	401 - IND WAREHSE	1,124,800	24,200	478,760	8.97	0.00	1,627,760
2019	332 - AUTO REPAIR	80,200	22,600	43,740	0.24	0.00	146,540
2019	401 - IND WAREHSE	1,153,200	22,900	478,760	8.97	0.00	1,654,860
2019	332 - AUTO REPAIR	80,200	22,600	43,740	0.24	0.00	146,540
2019	401 - IND WAREHSE	1,153,200	22,900	478,760	8.97	0.00	1,654,860
2018	332 - AUTO REPAIR	80,200	22,600	43,740	0.24	0.00	146,540
2018	401 - IND WAREHSE	1,153,200	22,900	478,760	8.97	0.00	1,654,860
2018	332 - AUTO REPAIR	80,200	22,600	43,740	0.24	0.00	146,540
2018	401 - IND WAREHSE	1,153,200	22,900	478,760	8.97	0.00	1,654,860
2017	332 - AUTO REPAIR	80,200	22,600	43,740	0.24	0.00	146,540
2017	401 - IND WAREHSE	1,153,200	22,900	478,760	8.97	0.00	1,654,860
2017	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2017	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2017	332 - AUTO REPAIR	80,200	22,600	43,740	0.24	0.00	146,540
2017	401 - IND WAREHSE	1,153,200	22,900	478,760	8.97	0.00	1,654,860
2016	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2016	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2016	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2016	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2015	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2015	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2015	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2015	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2014	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2014	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2014	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2014	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2013	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2013	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2013	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2013	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2012	332 - AUTO REPAIR	72,900	23,600	32,805	0.24	0.00	129,305
2012	401 - IND WAREHSE	1,027,400	24,500	359,095	8.97	0.00	1,410,995
2012	332 - AUTO REPAIR	73,900	23,900	32,805	0.24	0.00	130,605
2012	401 - IND WAREHSE	1,025,900	24,500	359,095	8.97	0.00	1,409,495

A.

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2011	332 - AUTO REPAIR	77,000	24,500	36,450	0.24	0.00	137,950
2011	401 - IND WAREHSE	1,136,700	24,500	395,950	8.97	0.00	1,557,150
2011	332 - AUTO REPAIR	77,000	24,500	36,450	0.24	0.00	137,950
2011	401 - IND WAREHSE	1,136,700	24,500	395,950	8.97	0.00	1,557,150
2010	332 - AUTO REPAIR	77,000	24,500	36,450	0.24	0.00	137,950
2010	401 - IND WAREHSE	1,136,700	24,500	395,950	8.97	0.00	1,557,150
2010	332 - AUTO REPAIR	77,000	24,500	36,450	0.24	0.00	137,950
2010	401 - IND WAREHSE	1,136,700	24,500	395,950	8.97	0.00	1,557,150
2009	332 - AUTO REPAIR	77,000	24,500	36,450	0.24	0.00	137,950
2009	401 - IND WAREHSE	1,136,700	24,500	395,950	8.97	0.00	1,557,150
2008	332 - AUTO REPAIR	77,000	24,500	36,450	0.24	0.00	137,950
2008	401 - IND WAREHSE	1,136,700	24,500	395,950	8.97	0.00	1,557,150
2008	332 - AUTO REPAIR	77,000	24,500	36,450	0.24	0.00	137,950
2008	401 - IND WAREHSE	1,136,700	24,500	395,950	8.97	0.00	1,557,150
2007	332 - AUTO REPAIR	77,000	24,500	36,450	0.24	0.00	137,950
2007	401 - IND WAREHSE	1,136,700	24,500	395,950	8.97	0.00	1,557,150
2007	401 - IND WAREHSE	1,242,200	49,200	174,000	9.22	0.00	1,465,400
2006	332 - AUTO REPAIR	69,000	26,100	14,040	0.18	0.00	109,140
2006	401 - IND WAREHSE	1,173,200	23,100	159,960	9.04	0.00	1,356,260
2006	332 - AUTO REPAIR	69,000	26,100	14,040	0.18	0.00	109,140
2006	401 - IND WAREHSE	1,173,200	23,100	159,960	9.04	0.00	1,356,260
2005	332 - AUTO REPAIR	69,000	21,300	14,040	0.18	0.00	104,340
2005	401 - IND WAREHSE	1,173,200	23,100	159,960	9.04	0.00	1,356,260
2005	332 - AUTO REPAIR	69,000	21,300	14,040	0.18	0.00	104,340
2005	401 - IND WAREHSE	1,173,200	23,100	159,960	9.04	0.00	1,356,260
2004	332 - AUTO REPAIR	69,000	21,300	14,040	0.18	0.00	104,340
2004	401 - IND WAREHSE	1,173,200	23,100	159,960	9.04	0.00	1,356,260
2004	332 - AUTO REPAIR	64,300	15,800	12,600	0.18	0.00	92,700
2004	401 - IND WAREHSE	1,072,000	14,300	141,300	9.04	0.00	1,227,600
2003	332 - AUTO REPAIR	64,300	15,800	12,600	0.18	0.00	92,700
2003	401 - IND WAREHSE	1,072,000	14,300	141,300	9.04	0.00	1,227,600
2003	332 - AUTO REPAIR	64,300	15,800	12,600	0.18	0.00	92,700
2003	401 - IND WAREHSE	1,257,200	14,300	141,300	9.04	0.00	1,412,800
2002	332 - AUTO REPAIR	64,300	15,800	12,600	0.18	0.00	92,700
2002	401 - IND WAREHSE	1,257,200	14,300	141,300	9.04	0.00	1,412,800
2002	332 - AUTO REPAIR	64,300	15,800	12,600	0.18	0.00	92,700
2002	401 - IND WAREHSE	1,257,200	14,300	141,300	9.04	0.00	1,412,800
2001	401 - IND WAREHSE	953,600	0	224,400		0.00	1,178,000
2000	CI - N/A	864,200	44,000	224,400	9.22	0.00	1,132,600
1999	CI - N/A	909,600	44,000	224,400	9.22	0.00	1,178,000

Hudson Town Hall
Hudson Zoning Board
12 School Street
Hudson, NH 03051

A43



Town of Hudson
Zoning Board of Adjustment

Decision to Grant a Variance

On **9/29/16**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case# 136-001**, pertaining to a request by **Joseph A. Miara Jr., 12 Bockes Road, Hudson, NH** for a Variance **to allow expansion of the existing non-conforming use to expand the parking area (storage), loading area, and construction of 2,430 sq-ft maintenance building addition.** [Map 136, Lot 001, Zoned R-2; HZO Article VIII §334-29, Extension or enlargement of nonconforming uses.]

Following review of the testimony and deliberation, a majority of the members of this Zoning Board voted that the variance should be granted.

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

All representations of fact or intention made by the applicant or any applicant's representative(s) during testimony before the Zoning Board of Adjustment relative to the obtaining of this Variance permit shall be considered conditions of the Variance, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion to grant.

B.

In the event that the requested use subsequently is found by the Hudson Zoning Administrator to demonstrate deliberate or preventable lack of compliance with any applicable stipulation or restriction, including the verbally specified restrictions described in the preceding paragraph, such use shall be held to be in violation of the covenant made with the Board, and corrective action(s) will be enforced under N.H. R.S.A. 676:17, Fines and Penalties, which allows a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue, as well as recovery of costs and reasonable attorney's fees.

Signed: Maryellen Davis
Maryellen Davis
Chairman, Hudson Zoning Board of Adjustment

Date: 07-Oct-16

Signed: Bruce Buttrick
Bruce Buttrick
Zoning Administrator

Date: 10-6-16

B₂

Hudson Town Hall
Hudson Zoning Board
12 School Street
Hudson, NH 03051

A43

FEES:	14.47
SURCHARGES:	2.-
CASH:	-

Town of Hudson

Zoning Board of Adjustment

Decision to Grant a Wetlands Special Exception Permit

On 9/29/16, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case# 136-001**, pertaining to a request by **Joseph A. Miara Jr., 12 Bockes Road, Hudson, NH** to allow for a Wetland Special Exception from Article IX, Section 334-35, to allow the proposed storage expansion area of approximately 56,000 sq-ft, to impact a wetland & buffer area of 37,250 sq-ft in order to provide access and maneuverability for trucks and other company vehicles through the site. [Map 136, Lot 001, Zoned R-2; HZO Article VII §334-35, Uses within Wetland Conservation District.]

Following the hearing of testimony by the applicant, a majority of the members of this Zoning Board voted that this Wetlands Special Exception should be granted, with the following stipulations:

1. With stipulation to carry out all requirements or stipulations of the Conservation Commission as follows:
 - a. Construction and restoration shall comply with BEST MANAGEMENT PRACTICES TO CONTROL NON-POINT SOURCE POLLUTION: A GUIDE FOR CITIZENS AND TOWN OFFICIALS (NH Dept of Environmental Services - Current Issue).
 - b. During construction and restoration, erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.

C1

- c. Install "Do not Cut, Do not Disturb" Town conservation markers along the conservation district boundaries.
- d. All notes found on the Construction Detail sheets 4 through 6 of the Wetland and Wetland Buffer Impact Plan dated June 23, 2016 that pertain to alteration of terrain and storm-water runoff and management will be strictly adhered to during all phases of construction.

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

All representations of fact or intention made by the applicant or any applicant's representative(s) during testimony before the Zoning Board of Adjustment relative to the obtaining of this special exception shall be considered conditions of the special exception, regardless of the fact that such facts or intentions were not specifically stated as part of the motion to grant.

In the event that the requested use subsequently is found by the Hudson Zoning Administrator to demonstrate deliberate or preventable lack of compliance with any applicable stipulation or restriction, including the verbally specified restrictions described in the preceding paragraph, such use shall be held to be in violation of the covenant made with the Board, and corrective action(s) will be enforced under N.H. R.S.A. 676:17, Fines and Penalties, which allows a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue, as well as recovery of costs and reasonable attorney's fees.

Signed: Maryellen Davis Date: 07-Oct-16
Maryellen Davis
Chairman, Hudson Zoning Board of Adjustment

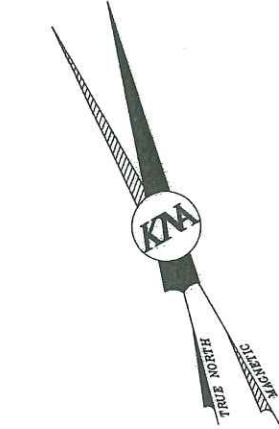
Signed: Bruce Buttrick Date: 10-6-16
Bruce Buttrick
Zoning Administrator

C₂

39181

LEGEND

- IPIN-F IRON PIN FOUND
- ⊙ DH-F DRILL HOLE FOUND
- U UTILITY POLE
- SIGN
- LIGHT
- WELL
- SEWER MANHOLE
- DRAINAGE MANHOLE
- CATCH BASIN
- OVERHEAD UTILITIES
- TREELINE
- RETAINING WALL
- ABUTTER LINE
- PROPERTY LINE
- WETLAND
- STOCKADE FENCE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- STONEWALL
- BUILDING SETBACK
- GREEN SPACE BUFFER
- EASEMENT
- ZONE LINE
- PROPOSED EDGE OF GRAVEL
- PROPOSED STOCKADE FENCE

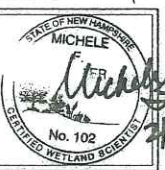


MAP 135 LOT 32
STINSON HILLS, LLC
317 SOUTH RIVER ROAD
BEDFORD, NH 03110
ZONING DISTRICT: R-2
H.C.R.D BK. 8823 PG. 2367

THE CALCULATED CAP FEE
FOR THIS PROJECT IS
\$2,940.30

OWNER OF MAP 136 LOT 1
SIGNATURE: *[Signature]*
DATE: 2/18/17

MICHELE F. GRENIER, CERTIFIED WETLAND SCIENTIST #102, PERFORMED THE WETLAND MAPPING IN APRIL 2016 ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, NORTH CENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012, US ARMY CORPS OF ENGINEERS.



PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL

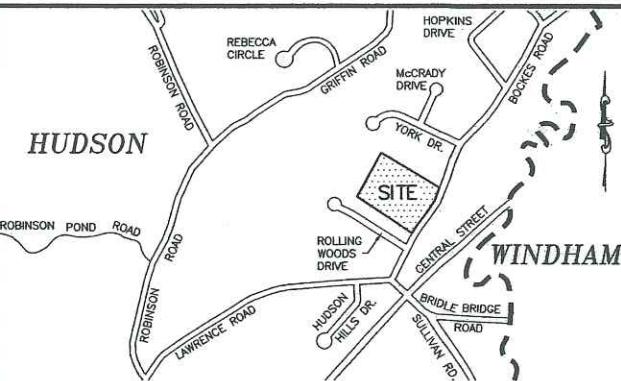
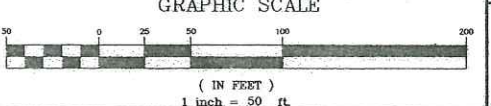
APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: 1-11-17
SIGNATURE: *[Signature]* SIGNATURE DATE: 2-22-17
SIGNATURE: *[Signature]* SIGNATURE DATE: 2/24/17
SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.



NOTES (CONTINUED):

- HOURS FOR REFUSE REMOVAL AND DELIVERIES OF SUPPLIES SHALL BE NO EARLIER THAN 7:00 AM AND NO LATER THAN 7:00 PM, MONDAY THROUGH FRIDAY ONLY.
- HOURS OF OPERATION: 7:00 AM TO 6:00 PM, MONDAY THROUGH SATURDAY.
- WAIVERS GRANTED ON JANUARY 11, 2017.
- HTC 276.11.(B)(12)(c) - 100' BUFFER
- PERMITS REQUIRED: NHDES WETLANDS STATUS APPROVED PERMIT NUMBER 2016-02751
- THE TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT GRANTED A VARIANCE AND WETLANDS SPECIAL EXCEPTION ON SEPTEMBER 29, 2016 TO ALLOW THE EXPANSION OF AN EXISTING, NON-CONFORMING USE AND WETLANDS AND WETLAND BUFFER DISTURBANCES (CASE #136-001).
- FLOWED SNOW FROM THE FACILITIES, DRIVEWAY, PARKING LOTS AND SIDEWALK SHALL BE STORED IN THE DESIGNATED AREAS SHOWN IN THIS PLAN SET. WHEN THE SNOW STORAGE AREAS ARE AT CAPACITY, SUBSEQUENT SNOW SHALL BE HAULED OFF-SITE AND DISPOSED OF IN AN ENVIRONMENTALLY SOUND FASHION AND IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.
- ON-SITE DRAINAGE SYSTEM SHALL BE CONSTRUCTED AND MAINTAINED IN COMPLIANCE WITH NHDES REQUIREMENTS FOR SUCH SYSTEMS.
- THE APPLICANT'S ENGINEER AND/OR CONTRACTOR SHALL CONTACT THE TOWN OF HUDSON TO SCHEDULE A PRECONSTRUCTION MEETING, WHICH WILL BE HELD WITH STAFF PRIOR TO STARTING CONSTRUCTION.
- ALL STIPULATIONS OF APPROVAL SHALL BE INCORPORATED INTO THE DEVELOPMENT AGREEMENT, WHICH SHALL BE RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS, TOGETHER WITH THE SITE PLAN-OF-RECORD.
- ALL IMPROVEMENTS SHOWN ON THE SITE PLAN-OF-RECORD, INCLUDING NOTES 1-34, SHALL BE COMPLETED IN THEIR ENTIRETY AND AT THE EXPENSE OF THE APPLICANT OR HIS ASSIGNS.
- AFTER ISSUANCE OF THE FOUNDATION PERMIT FOR THE PROPOSED BUILDING, AND PRIOR TO THE ISSUANCE OF THE FRAMING PERMIT BY THE APPLICANT AND BE PART OF THE FOUNDATION "AS-BUILT" SUBMISSION.
- THEREOF, THE APPLICANT SHALL SUBMIT TO THE HUDSON COMMUNITY DEVELOPMENT DEPARTMENT A FOUNDATION "AS-BUILT" PLAN ON A TRANSPARENCY AND TO THE SAME SCALE AS THE APPROVED SITE PLAN. THE FOUNDATION "AS-BUILT" PLAN SHALL INCLUDE ALL STRUCTURAL DIMENSIONS AND LOT LINE SETBACK MEASUREMENTS TO THE FOUNDATION AND BE STAMPED BY A LICENSED LAND SURVEYOR. ANY DISCREPANCY BETWEEN THE APPROVED SITE PLAN AND FOUNDATION "AS-BUILT" PLANS SHALL BE DOCUMENTED BY THE APPLICANT AND BE PART OF THE FOUNDATION "AS-BUILT" SUBMISSION.
- PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, A L.L.S. CERTIFIED "AS-BUILT" SITE PLAN SHALL BE PROVIDED TO THE TOWN OF HUDSON COMMUNITY DEVELOPMENT DEPARTMENT, CONFIRMING THAT THE SITE CONFORMS WITH THE PLANNING BOARD APPROVED PLAN.
- ALL EXISTING AND PROPOSED BUILDING HEIGHTS ARE UNDER 38'.

CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE DURING MARCH OF 2016. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) OR BETTER.
[Signature]
LICENSED LAND SURVEYOR
DATE: 2-8-17



LOCUS PLAN

SCALE: 1"=1,000'

REFERENCE PLANS:

- "SUBDIVISION PLAN OF LAND, PREPARED FOR BERTHA A. MOONEY, HUDSON, NH," SCALE: 1"=50', DATED: MAY 29, 1984, PREPARED BY RONALD R. BURD, INC. H.C.R.D. PLAN NO. 19106.
- "BOUNDARY PLAN OF MAP 36 LOT 27 & 28, LOCATED ON C. BOAKES ROAD, HUDSON, N.H.," SCALE: 1"=100', DATED: NOV. 16, 1987, PREPARED BY GEORGE F. KELLER INC. H.C.R.D. PLAN NO. 21586.
- "AS-BUILT SITE PLAN: TAX MAP 36 LOT 29-2, ABC MOVING AND STORAGE CO., c/o FRANK FISHER, BOAKES ROAD, HUDSON, N.H.," SCALE: 1"=50', DATED: JANUARY 15, 1990, WITH REVISIONS THROUGH 11/12/90, PREPARED BY GEORGE F. KELLER INC.

NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED SITE IMPROVEMENTS FOR THE SITE EXPANSION, INCLUDING TRAILER AND SPECIALTY TRAILER STORAGE AREA AND ADDITIONAL MAINTENANCE BUILDING, ON TAX MAP 136 LOT 1.
- TOTAL LOT AREA = 401,449 SF, OR 9.216 ACRES.
- MAP 136 LOT 1 INDICATES TOWN OF HUDSON TAX ASSESSOR'S MAP AND LOT NUMBERS.
- OWNER: JOSEPH A. MIARA JR., TRUSTEE GRANITE REALTY TRUST 12 BOCKES ROAD HUDSON, NH 03051 H.C.R.D. BK. 8410 PG. 2473
- THE SUBJECT PARCEL IS LOCATED WITHIN THE RESIDENTIAL 2 (R-2). DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS FOR LOTS NOT SERVICED WITH MUNICIPAL SEWER AND WATER:
- MINIMUM LOT AREA = 60,000 SF
- MINIMUM LOT FRONTAGE = 120 FT
- MINIMUM BUILDING SETBACKS:
 - FRONT = 50
 - SIDE = 15
 - REAR = 15
- TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON REFERENCE PLAN #1 AND AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE DURING MARCH OF 2016.
- HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 29.
- WETLAND MAPPING WAS PERFORMED BY MICHELE F. GRENIER, CERTIFIED WETLAND SCIENTIST #102, IN APRIL OF 2016.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. UTILITIES SHOWN HEREON ARE ONLY THOSE FOUND WITHIN THE AREA OF KNA FIELD SURVEY AND ARE SOLELY BASED UPON VISIBLE SURFACE EVIDENCE. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG-SAFE AT 811.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF HUDSON MAP NUMBER 3300920536D, PANEL 536 OF 701, EFFECTIVE DATE: SEPTEMBER 25, 2009 INDICATES THAT NO PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A DESIGNATED FLOOD HAZARDOUS AREA.
- TOTAL PERMANENT WETLAND IMPACT = 5,550 SF
TOTAL PERMANENT WETLAND BUFFER IMPACT = 31,700 SF
- OPEN SPACE REQUIRED = 35%
OPEN SPACE PROVIDED = 55.4%
- PARKING CALCULATIONS:
PARKING REQUIRED = 2 SPACES/AUTOMOTIVE BAY x 2 BAYS = 4 SPACES
= 1 SPACE/300 SF OFFICE x 6,500 SF = 21.7 SPACES
TOTAL PARKING REQUIRED = 25.7 = 26 SPACES
TOTAL PARKING PROVIDED = 32 SPACES EXISTING (INCLUDES 2 HANDICAP SPACES)
- LOADING:
1 SPACE/FIRST 5,000 SF + (1 SPACE/10,000 SF x 23,049 SF) = 1 + 2.3 = 3.3 SPACES
TOTAL SPACES REQUIRED: 4 SPACES
TOTAL SPACES PROVIDED: 4+ SPACES
- NO NEW SITE LIGHTING IS PROPOSED.
- LANDSCAPE PLANTINGS THAT FAIL TO THRIVE SHALL BE REPLACED IN KIND AT THE EXPENSE OF THE DECEASED PROPERTY OWNER IN PERPETUITY.
- SITE IMPROVEMENTS DEPICTED ON THE PLAN SHALL CONFORM WITH 2010 TITLE III OF THE AMERICANS WITH DISABILITIES ACT WITH REGARD TO DIMENSION AND GRADE.
- 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, OR CHANGE THE ABOVE USE INDICATED ON THE PLAN WITHOUT RECEIVING APPROVAL FROM THE TOWN OF HUDSON PLANNING BOARD.
- EXTERIOR CONSTRUCTION ACTIVITIES ON THE SITE SHALL BE LIMITED TO BETWEEN 7:00 AM AND 5:00 PM MONDAY THROUGH SATURDAY. NO CONSTRUCTION ACTIVITIES SHALL OCCUR ON SUNDAYS.
- IF LOT DEVELOPMENT INVOLVES BLASTING AND/OR FRAMING OF BEDROCK MATERIALS, SAID ACTIVITIES SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 5:00 PM MONDAY THROUGH FRIDAY ONLY. SAID BLASTING/FRAMING ACTIVITIES SHALL BE PROHIBITED ON WEEKENDS.

MASTER PLAN
MIARA TRANSPORTATION
MAP 136 LOT 1
12 BOCKES ROAD
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD:
JOSEPH A. MIARA JR., TRUSTEE
GRANITE REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051
H.C.R.D. BK. 8410 PG. 2473

APPLICANT:
JOSEPH A. MIARA JR., TRUSTEE
GRANITE REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051

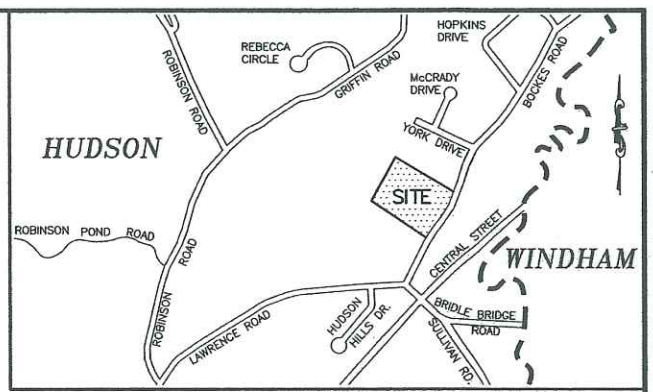
KMA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	01/18/2017	PER REVIEW COMMENTS	POC

DATE: OCTOBER 3, 2016 SCALE: 1" = 50'
PROJECT NO: 16-0223-1 SHEET 1 OF 11

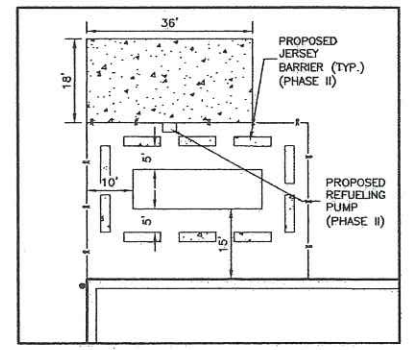
S:_projects\160223-1\Map 136 Lot 1.dwg, OVERVIEW, 2/8/2017 11:38:46 AM, P4060

#39181



LOCUS PLAN
SCALE: 1"=1,000'

SEE SHEET 1 FOR NOTES & REFERENCE PLANS



FUEL TANK LAYOUT DETAIL
SCALE: 1" = 20'

LEGEND

● IPIN-F	IRON PIN FOUND	---	ABUTTER LINE
⊙ DH-F	DRILL HOLE FOUND	---	PROPERTY LINE
⊕	UTILITY POLE	---	WETLAND
+	SIGN	---	STOCKADE FENCE
⊙	LIGHT	---	EDGE OF PAVEMENT
⊙	WELL	---	EDGE OF GRAVEL
⊙	SEWER MANHOLE	---	STONEWALL
⊙	DRAINAGE MANHOLE	---	BUILDING SETBACK
⊙	CATCH BASIN	---	EASEMENT
⊙	OVERHEAD UTILITIES	---	GREEN SPACE BUFFER
⊙	RETAINING WALL	---	PROPOSED EDGE OF GRAVEL
		---	PROPOSED STOCKADE FENCE
		---	AREA OF WETLAND IMPACT
		---	AREA OF WETLAND BUFFER IMPACT

NON-RESIDENTIAL SITE LAYOUT PLAN
MIARA TRANSPORTATION
MAP 136 LOT 1
12 BOCKES ROAD
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD:
JOSEPH A. MIARA JR., TRUSTEE
GRANITE REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051
H.C.R.D. BK. 8410 PG. 2473

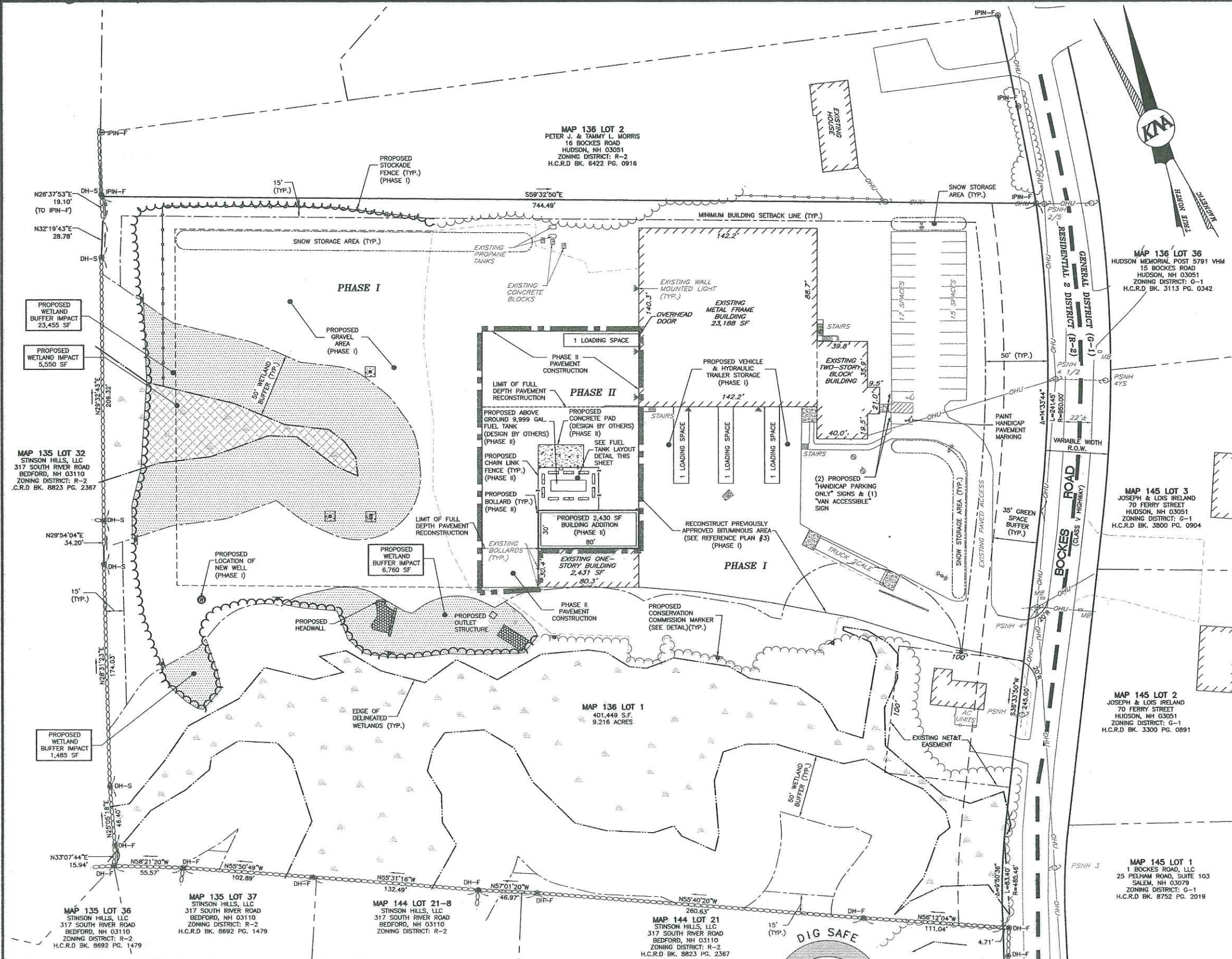
APPLICANT:
JOSEPH A. MIARA JR., TRUSTEE
GRANITE REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051

KMA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881

REVISIONS

No.	DATE	DESCRIPTION	BY
1	01/18/2017	PER REVIEW COMMENTS	PDC

DATE: OCTOBER 3, 2016
PROJECT NO: 16-0223-1
SCALE: 1" = 40'
SHEET 4 OF 11

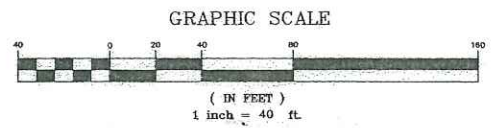


PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: 1-11-17

SIGNATURE: *[Signature]* SIGNATURE DATE: 2-22-17
SIGNATURE: *[Signature]* SIGNATURE DATE: 2/27/17

SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.



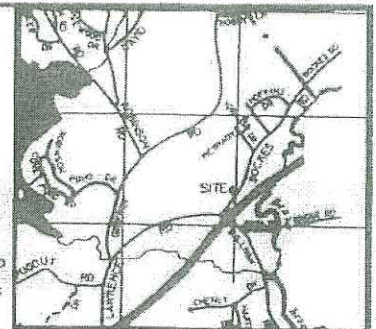
HCRD# 39181

38-A, 38-B, 38-C, 38-D, 38-E, 38-F, 38-G, 38-H, 38-I, 38-J, 38-K, 38-L, 38-M, 38-N, 38-O, 38-P, 38-Q, 38-R, 38-S, 38-T, 38-U, 38-V, 38-W, 38-X, 38-Y, 38-Z, 38-AA, 38-AB, 38-AC, 38-AD, 38-AE, 38-AF, 38-AG, 38-AH, 38-AI, 38-AJ, 38-AK, 38-AL, 38-AM, 38-AN, 38-AO, 38-AP, 38-AQ, 38-AR, 38-AS, 38-AT, 38-AU, 38-AV, 38-AW, 38-AX, 38-AY, 38-AZ, 38-BA, 38-BB, 38-BC, 38-BD, 38-BE, 38-BF, 38-BG, 38-BH, 38-BI, 38-BJ, 38-BK, 38-BL, 38-BM, 38-BN, 38-BO, 38-BP, 38-BQ, 38-BR, 38-BS, 38-BT, 38-BU, 38-BV, 38-BW, 38-BX, 38-By, 38-BZ, 38-CA, 38-CB, 38-CC, 38-CD, 38-CE, 38-CF, 38-CG, 38-CH, 38-CI, 38-CJ, 38-CK, 38-CL, 38-CM, 38-CN, 38-CO, 38-CP, 38-CQ, 38-CR, 38-CS, 38-CT, 38-CU, 38-CV, 38-CW, 38-CX, 38-CY, 38-CZ, 38-DA, 38-DB, 38-DC, 38-DD, 38-DE, 38-DF, 38-DG, 38-DH, 38-DI, 38-DJ, 38-DK, 38-DM, 38-DN, 38-DO, 38-DP, 38-DQ, 38-DR, 38-DS, 38-DT, 38-DU, 38-DV, 38-DW, 38-DX, 38-DY, 38-DZ, 38-EA, 38-EB, 38-EC, 38-ED, 38-EE, 38-EF, 38-EG, 38-EH, 38-EI, 38-EJ, 38-EK, 38-EL, 38-EM, 38-EN, 38-EO, 38-EP, 38-EQ, 38-ER, 38-ES, 38-ET, 38-EU, 38-EV, 38-EW, 38-EX, 38-EY, 38-EZ, 38-FA, 38-FB, 38-FC, 38-FD, 38-FE, 38-FF, 38-FG, 38-FH, 38-FI, 38-FJ, 38-FK, 38-FL, 38-FM, 38-FN, 38-FO, 38-FP, 38-FQ, 38-FR, 38-FS, 38-FT, 38-FU, 38-FV, 38-FW, 38-FX, 38-FY, 38-FZ, 38-GA, 38-GB, 38-GC, 38-GD, 38-GE, 38-GF, 38-GG, 38-GH, 38-GI, 38-GJ, 38-GK, 38-GL, 38-GM, 38-GN, 38-GO, 38-GP, 38-GQ, 38-GR, 38-GS, 38-GT, 38-GU, 38-GV, 38-GW, 38-GX, 38-GY, 38-GZ, 38-HA, 38-HB, 38-HC, 38-HD, 38-HE, 38-HF, 38-HG, 38-HH, 38-HI, 38-HJ, 38-HK, 38-HL, 38-HM, 38-HN, 38-HO, 38-HP, 38-HQ, 38-HR, 38-HS, 38-HT, 38-HU, 38-HV, 38-HW, 38-HX, 38-HY, 38-HZ, 38-IA, 38-IB, 38-IC, 38-ID, 38-IE, 38-IF, 38-IG, 38-IH, 38-II, 38-IJ, 38-IK, 38-IL, 38-IM, 38-IN, 38-IO, 38-IP, 38-IQ, 38-IR, 38-IS, 38-IT, 38-IU, 38-IV, 38-IW, 38-IX, 38-IY, 38-IZ, 38-JA, 38-JB, 38-JC, 38-JD, 38-JE, 38-JF, 38-JG, 38-JH, 38-JI, 38-JJ, 38-JK, 38-JL, 38-JM, 38-JN, 38-JO, 38-JP, 38-JQ, 38-JR, 38-JS, 38-JT, 38-JU, 38-JV, 38-JW, 38-JX, 38-JY, 38-JZ, 38-KA, 38-KB, 38-KC, 38-KD, 38-KE, 38-KF, 38-KG, 38-KH, 38-KI, 38-KJ, 38-KK, 38-KL, 38-KM, 38-KN, 38-KO, 38-KP, 38-KQ, 38-KR, 38-KS, 38-KT, 38-KU, 38-KV, 38-KW, 38-KX, 38-KY, 38-KZ, 38-LA, 38-LB, 38-LC, 38-LD, 38-LE, 38-LF, 38-LG, 38-LH, 38-LI, 38-LJ, 38-LK, 38-LL, 38-LM, 38-LN, 38-LO, 38-LP, 38-LQ, 38-LR, 38-LS, 38-LT, 38-LU, 38-LV, 38-LW, 38-LX, 38-LY, 38-LZ, 38-MA, 38-MB, 38-MC, 38-MD, 38-ME, 38-MF, 38-MG, 38-MH, 38-MI, 38-MJ, 38-MK, 38-ML, 38-MM, 38-MN, 38-MO, 38-MP, 38-MQ, 38-MR, 38-MS, 38-MT, 38-MU, 38-MV, 38-MW, 38-MX, 38-MY, 38-MZ, 38-NA, 38-NB, 38-NC, 38-ND, 38-NE, 38-NF, 38-NG, 38-NH, 38-NI, 38-NJ, 38-NK, 38-NL, 38-NM, 38-NO, 38-NP, 38-NQ, 38-NR, 38-NS, 38-NT, 38-NU, 38-NV, 38-NW, 38-NX, 38-NY, 38-NZ, 38-OA, 38-OB, 38-OC, 38-OD, 38-OE, 38-OF, 38-OG, 38-OH, 38-OI, 38-OJ, 38-OK, 38-OL, 38-OM, 38-ON, 38-OO, 38-OP, 38-OQ, 38-OR, 38-OS, 38-OT, 38-OU, 38-OV, 38-OW, 38-OX, 38-OY, 38-OZ, 38-PA, 38-PB, 38-PC, 38-PD, 38-PE, 38-PF, 38-PG, 38-PH, 38-PI, 38-PJ, 38-PK, 38-PL, 38-PM, 38-PN, 38-PO, 38-PP, 38-PQ, 38-PR, 38-PS, 38-PT, 38-PU, 38-PV, 38-PW, 38-PX, 38-PY, 38-PZ, 38-QA, 38-QB, 38-QC, 38-QD, 38-QE, 38-QF, 38-QG, 38-QH, 38-QI, 38-QJ, 38-QK, 38-QL, 38-QM, 38-QN, 38-QO, 38-QP, 38-QL, 38-QM, 38-QN, 38-QO, 38-QP, 38-QQ, 38-QR, 38-QS, 38-QT, 38-QU, 38-QV, 38-QW, 38-QX, 38-QY, 38-QZ, 38-RA, 38-RB, 38-RC, 38-RD, 38-RE, 38-RF, 38-RG, 38-RH, 38-RI, 38-RJ, 38-RK, 38-RL, 38-RM, 38-RN, 38-RO, 38-RR, 38-RS, 38-RT, 38-RU, 38-RV, 38-RW, 38-RX, 38-RY, 38-RZ, 38-SA, 38-SB, 38-SC, 38-SD, 38-SE, 38-SF, 38-SG, 38-SH, 38-SI, 38-SJ, 38-SK, 38-SL, 38-SM, 38-SN, 38-SO, 38-SS, 38-ST, 38-SU, 38-SV, 38-SW, 38-SX, 38-SY, 38-SZ, 38-TA, 38-TB, 38-TC, 38-TD, 38-TE, 38-TF, 38-TG, 38-TH, 38-TI, 38-TJ, 38-TK, 38-TL, 38-TM, 38-TN, 38-TO, 38-TT, 38-TU, 38-TV, 38-TW, 38-TX, 38-TY, 38-TZ, 38-UA, 38-UB, 38-UC, 38-UD, 38-UE, 38-UF, 38-UG, 38-UH, 38-UI, 38-UJ, 38-UK, 38-UL, 38-UM, 38-UN, 38-UO, 38-UR, 38-US, 38-UT, 38-UV, 38-UW, 38-UX, 38-UY, 38-UZ, 38-VA, 38-VB, 38-VC, 38-VD, 38-VE, 38-VF, 38-VG, 38-VH, 38-VI, 38-VJ, 38-VK, 38-VL, 38-VM, 38-VN, 38-VO, 38-VR, 38-VS, 38-VT, 38-VU, 38-VV, 38-VW, 38-VX, 38-VY, 38-VZ, 38-WA, 38-WB, 38-WC, 38-WD, 38-WE, 38-WF, 38-WG, 38-WH, 38-WI, 38-WJ, 38-WK, 38-WL, 38-WM, 38-WN, 38-WO, 38-WR, 38-WS, 38-WT, 38-WU, 38-WV, 38-WW, 38-WX, 38-WY, 38-WZ, 38-XA, 38-XB, 38-XC, 38-XD, 38-XE, 38-XF, 38-XG, 38-XH, 38-XI, 38-XJ, 38-XK, 38-XL, 38-XM, 38-XN, 38-XO, 38-XR, 38-XS, 38-XT, 38-XU, 38-XV, 38-XW, 38-XX, 38-XY, 38-XZ, 38-YA, 38-YB, 38-YC, 38-YD, 38-YE, 38-YF, 38-YG, 38-YH, 38-YI, 38-YJ, 38-YK, 38-YL, 38-YM, 38-YN, 38-YO, 38-YR, 38-YS, 38-YT, 38-YU, 38-YV, 38-YW, 38-YX, 38-YZ, 38-ZA, 38-ZB, 38-ZC, 38-ZD, 38-ZE, 38-ZF, 38-ZG, 38-ZH, 38-ZI, 38-ZJ, 38-ZK, 38-ZL, 38-ZM, 38-ZN, 38-ZO, 38-ZR, 38-ZS, 38-ZT, 38-ZU, 38-ZV, 38-ZW, 38-ZX, 38-ZY, 38-ZZ

PARCELS WITHIN 200'
 MAP LOT ADDRESS
 MAP 36; LOT 29-5; PETER T. & TAMMY L. MORRIS
 PAUL C. DECATO
 16 BOCKES ROAD
 HUDSON, NH 03051
 MAP 36; LOT 27; MATARAZZO HUDSON ASSOC., INC.
 25 MAIN STREET
 NASHUA, NH 03060
 MAP 36; LOT 80-1; HUDSON MEMORIAL POST 5791 VIEW
 15 BOCKES ROAD
 HUDSON, NH 03051
 MAP 36; LOT 50-2; JOSEPH & LOIS IRELAND
 70 FERRY STREET
 HUDSON, NH 03051
 MAP 36; LOT 51-0; ANTHONY MATARAZZO, TRUSTEE
 31 CLEMENT STREET
 NASHUA, NH 03060

REFERENCE PLANS

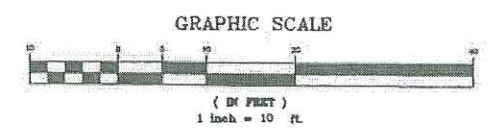
- 1) "SUBDIVISION PLAN OF LAND"; PREPARED FOR: BERTHA A. MOONEY HUDSON, N.H.; PREPARED BY: RONALD R. BURD, INC.; DATED: MAY 29, 1984; SCALE: 1"=50'; M.C.R.D. PLAN #19,105.
- 2) "SITE PLAN LOT 29-2/MAP 36 BOCKES ROAD, HUDSON, N.H."; PREPARED FOR: FRANK FISHER c/o ABC MOVING AND STORAGE CO.; PREPARED BY: MAYNARD AND PAQUETTE, INC.; DATED: MARCH, 1985; SCALE: 1"=50'; M.C.R.D. PLAN # 20,760.
- 3) "AS-BUILT SITE PLAN: TAX MAP 36 LOT 29-2"; PREPARED FOR: ABC MOVING AND STORAGE CO. c/o FRANK FISHER, BOCKES ROAD, HUDSON, N.H.; PREPARED BY: GEORGE F. KELLER INC.; DATED JANUARY 15, 1990; LAST REVISED: 8/20/90; SCALE: 1"=50'; ON FILE AT TOWN OF HUDSON BUILDING DEPARTMENT.
- 4) "SITE PLAN MAP 36/LOT29-2 NEW ENGLAND TELEPHONE SITE PLAN BOCKES ROAD HUDSON, NEW HAMPSHIRE"; PREPARED FOR: NEW ENGLAND TELEPHONE CO. 1228 ELM STREET MANCHESTER, NH 03101; PREPARED BY: MAYNARD AND PAQUETTE; DATED: DECEMBER 3, 1992; LAST REVISED: 3/1/93; SCALE: 1"=20'; ON FILE AT TOWN OF HUDSON BUILDING DEPARTMENT.
- 5) "ADDITIONS TO BELL ATLANTIC; BOCKES ROAD; HUDSON, NH"; PREPARED BY: TRUE ENGINEERING & SURVEYING; DATED: AUG. 2, 2000.



LOCATION PLAN
NOT TO SCALE

NOTES

- 1) THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED 400 S.F. ADDITION TO THE EXISTING BUILDING ON HUDSON TAX ASSESSORS MAP 36 LOT 29-2A.
- 2) DEED REFERENCE FOR NETICO VOL. 2783 PG. 325
- 3) A WETLAND SPECIAL EXCEPTION WAS GRANTED TO NEW ENGLAND TELEPHONE FOR A 472 SQUARE FOOT STRUCTURE WITHIN THE 50 FOOT WETLAND SETBACK, RECORDED AT H.C.R.D. VOL. 5417 PG. 1371
- 4) ELEVATIONS BASED ON PLAN REFERENCE #3
- 5) THE SUBJECT PARCEL IS ZONED RESIDENTIAL TWO. THE SURROUNDING PARCELS ARE ZONED GENERAL ON THE SOUTH SIDE OF BOCKES ROAD AND RESIDENTIAL TWO ON THE NORTH SIDE OF BOCKES ROAD.
- 6) NO SIGNS ARE PROPOSED AS PART OF THIS PLAN
- 7) THERE WILL BE NO EXTERIOR LIGHTING.
- 8) THERE ARE TWO PARKING SPACES WITHIN THE EXISTING PAVED AREAS ONE OF WHICH IS A 12' X 35' LOADING SPACE.
- 9) TOTAL AREA OF THE EASEMENT IS 10,000 SF. 880 SF IS COVERED BY BUILDING AND 1,270 SF BY PAVEMENT LEAVING 7,750 SF OR 77% OPEN SPACE.
- 10) HUDSON ZONING BOARD CASE 36-29-2 DETERMINED THE FOLLOWING ITEMS:
 THE PROPER FRONT SETBACK IS 30';
 THE USE IS A REASONABLE EXPANSION OF THE PREVIOUSLY APPROVED USE;
 AND A WETLANDS SPECIAL EXCEPTION PERMIT IS GRANTED.
- 11) THE EXTERIOR AND SCOPE OF THE ADDITION SHALL BE THE SAME AS THE EXISTING BUILDINGS.
- 12) AS PART OF THE APPLICATION WAIVERS HAVE BEEN REQUESTED AND GRANTED, THEY ARE:
 275-B.B.12 FROM THE 100' RESIDENTIAL SETBACK
 275-B.A,B,C,D AND H FROM DETAILED STORM, TRAFFIC, NOISE, FISCAL IMPACT, AND SOIL STUDIES
- 13) BASIS FOR THE WAIVERS IS THE SCALE OF THE EXPANSION OF THE EXISTING USE IS ON FILE WITH THE TOWN OF HUDSON AND IS RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS.
- 14) A COST ALLOCATION PROCEDURE AMOUNT OF \$52.00 (MINI-WAREHOUSE/SECTOR 3) SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY SUBJECT TO ANNUAL INFLATION ADJUSTING, AS PERMITTED BY THE IMPACT FEE METHODOLOGY.
- 15) ALL AREAS NOT COVERED BY PAVEMENT, BUILDING, OR NATURAL VEGETATION SHALL BE COVERED WITH A 4" COMPACTED THICKNESS OF LOAM AND SEEDED TO ESTABLISH LAWN.
- 16) WETLAND DELINEATION BY GOVE ENVIRONMENTAL SERVICES IN APRIL, 1999 AND SURVEYED BY TRUE ENGINEERING ON 4/9/99.
- 17) RICHARD P. DREW N.H. L.L.S. #942 WAS IN RESPONSIBLE CHARGE OF THE SURVEY PORTION OF THIS PLAN AS AN EMPLOYEE OF TRUE ENGINEERING AND SURVEY, INC.



IN ASSOCIATION WITH: **DENNIS MIRE'S P.A.**
 THE ARCHITECTS
 697 Union Street, Manchester NH
 603-425-4143 FAX 603-425-1817

RICHARD P. DREW LLC
 266 TULLY BROOK ROAD
 RICHMOND, NH 03470
 TEL: (603) 239-4701
 FAX: (603) 239-7412

LEGEND

- 10' CONTOUR
- 2' CONTOUR
- EDGE OF PAVEMENT
- TREELINE
- UTILITY POLE SIGN

MAP 36 LOT 50-3
 JOSEPH AND LOIS IRELAND
 70 FERRY STREET
 HUDSON, NH 03051
 ZONING G-1

OWNER'S SIGNATURE
John Deadi
 DATE: 12-18-01

RSA 676.18
 I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.
 DATE: 12/17/01
 Richard P. Drew
 LICENSED LAND SURVEYOR

NO.	DATE	DESCRIPTION	BY
3	12/17/01	NOTE 17, CERTIFICATIONS, CLEANUP	RAP
2	10/29/01	PER NOTICE OF APPROVAL 10/19/01	RAP
1	10/4/01	PER IDR REVIEW MEETING OCT 4, 2001	RAP

APPROVED BY THE HUDSON, NH PLANNING BOARD
 ON: _____
 CERTIFIED BY: CHAIRMAN *George P. Wilk* DATE 12/20/01
 SECRETARY *David G. Smith* DATE 12/21/01
 SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY HAVING A MAXIMUM ERROR OF CLOSURE OF 1 PART IN 10,000.



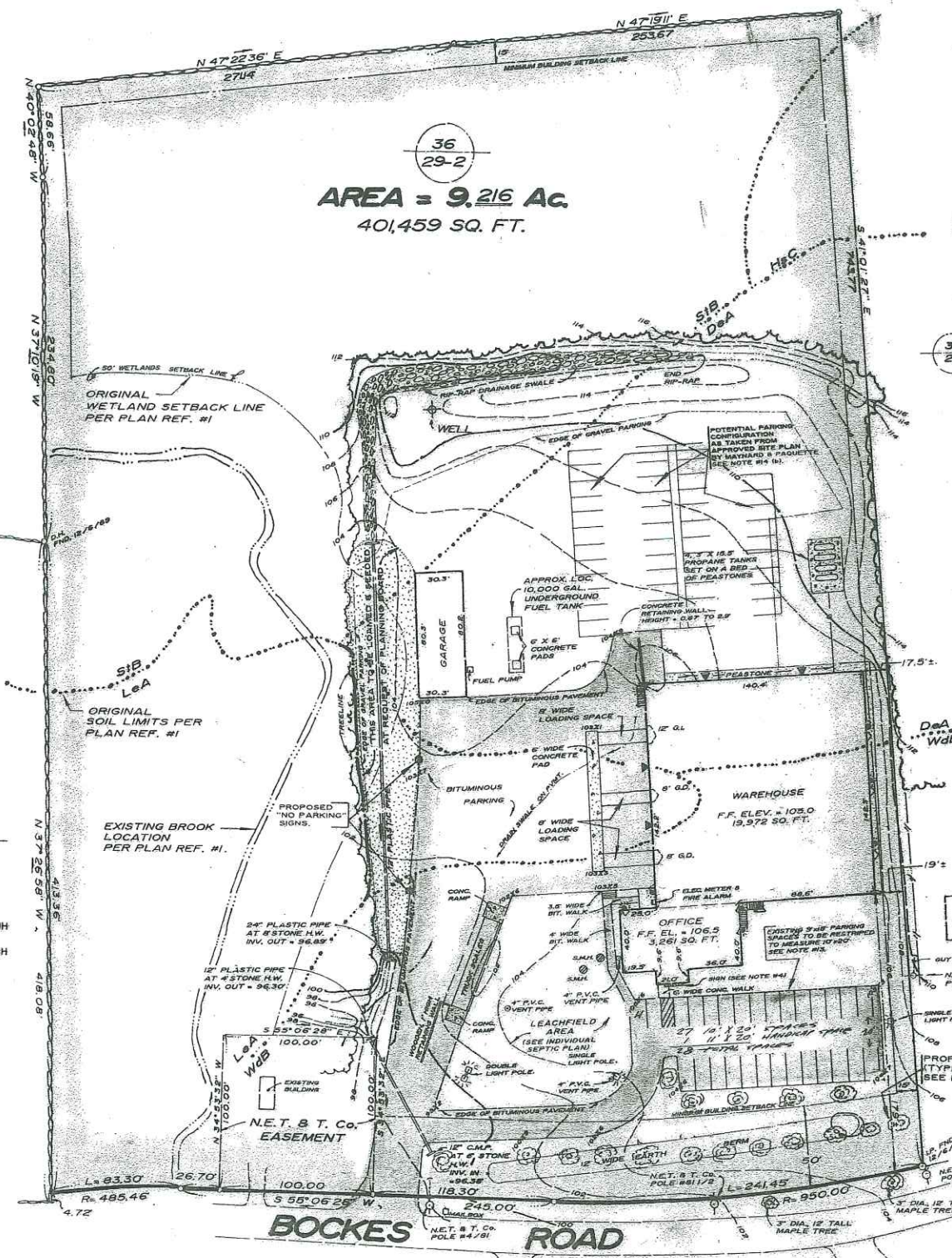
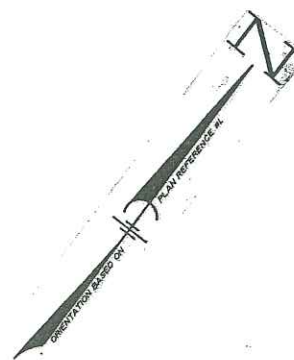
NON-RESIDENTIAL SITE PLAN PREPARED FOR:
ADDITIONS TO VERIZON BOCKES ROAD
 HUDSON TAX MAP 36 LOT 29-2A
 8 BOCKES ROAD; HUDSON, NEW HAMPSHIRE

OWNER: NEW ENGLAND TELEPHONE PROPERTY TAX DEPARTMENT/ 31ST FLOOR
 1095 AVENUE OF THE AMERICAS
 NEW YORK, NEW YORK 10036
 APPLICANT: DENNIS MIRE'S, THE ARCHITECTS
 697 UNION STREET
 MANCHESTER, NEW HAMPSHIRE 03104

PROJ. NO: 01-0710-3
 DATE: AUGUST 3, 2001
 SCALE: 1" = 10'
 SHEET NO. 1 OF 3

KMA
 KRAACH-NORDSTROM ASSOCIATES, INC.
 Civil Engineering Land Planning Landscape Architecture
 19 Commerce Park North, Suite 20, Bedford, NH 03110 Phone (603) 867-2881

HUDSON # 31011

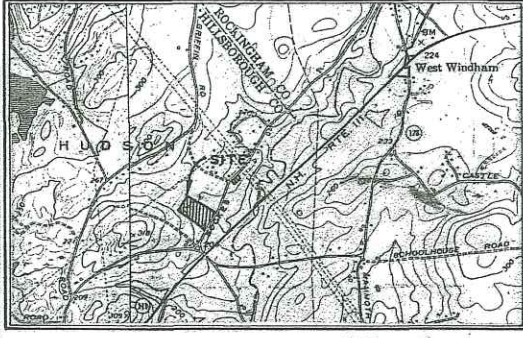


ABUTTERS

MAP 36 LOT #	NAME	ADDRESS
29-2	APRIL '88 REALTY TRUST	12 BOCKES RD. HUDSON, NH
29-5	JOHN JACOBS	16 GOWING RD. HUDSON, NH
27-0	MATARAZZO HUDSON ASSOC.	25 MAIN ST. HUDSON, NH
50-3	JOSEPH & LOIS IRELAND	146 ROBINSON RD. HUDSON, NH
50-2	JOSEPH & LOIS IRELAND	146 ROBINSON RD. HUDSON, NH
50-1	HUDSON V.F.W.	BOCKES RD. HUDSON, NH
50-0	ROBERT ROYSTON & ANDREA NADICK	72 KIMBALL HILL RD. HUDSON, NH
29	DONALD BRUSSARD	18 BOCKES RD. HUDSON, NH

NOTES, CONTINUED :

6. K. ADD CONCRETE PAD FOR TRAILER LANDING GEAR.
- L. EXTENDED THE PAVING TO ABUT THE GARAGE STRUCTURE.
- M. SIDEWALK IN FRONT OF BUILDING NOT CONSTRUCTED.
- N. SIGN LOCATION CHANGED.
- O. ADDED UNDERGROUND 10,000 GAL. FUEL TANK.
7. CURRENT ZONING IS A-2. RESIDENTIAL.
8. OPEN SPACE REQUIRED: 401,459 S.F. (40%) = 160,584 S.F.
OPEN SPACE PROVIDED: 333,459 S.F. = 83% +/-.
9. THE FOLLOWING PLAN REQUIREMENTS ARE REQUESTED TO BE WAIVED:
 - A. VICINITY PLAN TO BE SHOWN AT 1"=2,000'.
 - B. AS-BUILT SITE PLAN SCALE TO BE 1"=50'.
10. THE FOLLOWING NOTES WERE TAKEN DIRECTLY FROM THE APPROVED SITE PLAN BY HAYNARD & PAQUETTE, INC. (PLAN REF. #1.) AT THE REQUEST OF THE TOWN OF HUDSON, NH PLANNING BOARD AND DO NOT NECESSARILY REFLECT THE AS-BUILT SITE CONDITIONS FOUND BY THIS OFFICE.
 - A. SEPTIC SYSTEM APPROVAL #115814.
 - B. NO STEAM CLEANING OF ENGINES ON SITE.
 - C. NO SOIL STERILANTS TO BE USED ON SITE.
 - D. NORMAL HOURS OF TRACTOR TRAILER OPERATION TO BE FROM 7:00 AM TO 8:00 PM.
 - E. NO TRUCKS ARE TO USE BOCKES ROAD EAST OF YORK ROAD AS A THRU STREET.
 - F. SPECIAL EXCEPTION TO FILL IN A WETLAND AREA GRANTED BY THE HUDSON ZBA.
 - G. DREDGE AND FILL PERMIT GRANTED BY THE STATE OF NEW HAMPSHIRE WETLANDS BOARD 1-22-85, PERMIT #A-475.
 - H. TRAFFIC CONSIDERATIONS: THE INTENSITY OF THE USE OF THE SITE IS LIMITED TO ASSUMPTIONS DETAILED IN TRAFFIC STUDY BY HAYNARD & PAQUETTE, INC., DATED: 12/1/84 ON FILE WITH THE TOWN OF HUDSON REGARDING THE PRESENTLY PROPOSED SITE. (1# 102 VEHICLES PER AVERAGE DAY).
 - I. SIGN STATING "NO THRU TRUCKS PERMITTED" TO BE INSTALLED ALONG BROCKES ROAD WEST OF YORK ROAD INTERSECTION.
 - J. LINE OF TREE SCREENING AS NOTED AT NORTH & EAST SIDES OF PROPERTY TO BE MAINTAINED.
11. AS REQUESTED BY THE TOWN OF HUDSON, NH PLANNING BOARD, VEHICLE PARKING SHALL BE IN DESIGNATED AREAS ONLY.
12. AS REQUESTED BY THE TOWN OF HUDSON, NH PLANNING BOARD, DECIDUOUS TREES ARE TO BE PLANTED IN THE LOCATIONS SHOWN HEREON AND ARE TO BE A MINIMUM OF 4 FEET IN HEIGHT.
13. AS REQUESTED BY THE TOWN OF HUDSON, NH PLANNING BOARD, THE EXISTING PARKING LOT IS TO BE RESTRIPTED FOR A TOTAL OF 29, 10'x20' PARKING SPACES WITH A 20' DRIVE AISLE.
14. THE TOWN OF HUDSON, NH PLANNING BOARD, ON NOVEMBER 28, 1990 VOTED TO CONDITIONALLY APPROVE THIS AS BUILT PLAN SUBJECT TO THE FOLLOWING CONDITIONS:
 - a) NOTE 25 OF THE ORIGINAL PLAN TO BE ADDED.
 - b) THE PLAN IS TO DELINEATE A PARKING PLAN IN THE REAR GRAVEL PARKING AREA.
 - c) THE GRAVEL AREA TO THE WEST OF THE PLAN IS TO BE LOAMED & SEED.
 - d) THE PARKING SPACES IN THE FRONT ARE TO BE 10'x20' WITH A 20' DRIVE AISLE WITH A TOTAL OF 29 PARKING SPACES.
 - e) THE PLAN IS TO INDICATE THE SEVENTEEN (17) TREES AS INDICATED ON THE APPROVED SITE PLAN AT A MINIMUM OF (4) FT. IN HEIGHT.



VICINITY PLAN 1"=2000'

PLAN REFERENCES

1. SITE PLAN LOT 29-2/ MAP 36, BOCKES ROAD, HUDSON NEW HAMPSHIRE, FOR FRANK FISHER, C/O ABC MOVING & STORAGE CO., 9 HAMPSHIRE DRIVE, HUDSON, NEW HAMPSHIRE 03051. PHONE: 881-9444. SCALE: 1"=50'; DATED: MARCH, 1985; BY HAYNARD & PAQUETTE, INC., NASHUA, N.H. RECORDED IN THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS AS PLAN NO. 20760.
2. INDIVIDUAL SEWAGE DISPOSAL SYSTEM PLAN (SHEET 1 OF 2), LOT 29-2, BOCKES ROAD, HUDSON, N.H.; PREPARED FOR: ABC MOVING & STORAGE CO., 9 HAMPSHIRE DRIVE HUDSON, N.H.; SCALE: 1"=20'; DATED: JULY, 1984; BY HAYNARD & PAQUETTE INC., NASHUA, N.H. APPROVED BY THE STATE OF NH WATER SUPPLY AND POLLUTION CONTROL COMMISSION AS CONSTRUCTION APPROVAL NO. 115814 ON OCT. 11, 1984.
3. SUBDIVISION PLAN OF LAND, PREPARED FOR, BERTHA A. HOONEY, HUDSON, N.H.; SCALE: 1"=50'; DATED: MAY 29, 1984; BY RONALD R. BURD, MANCHESTER, N.H.

NOTES

1. BOUNDARY INFORMATION IS TAKEN FROM PLAN REFERENCE #1 AND #3.
2. VERTICAL DATUM IS TAKEN FROM PLAN REFERENCE #1.
3. THE PURPOSE OF THIS PLAN IS TO SHOW THE AS-BUILT SITE CONDITIONS THAT EXISTED ON DECEMBER 12, 1989.
4. 45 SQUARE FOOT SIGN (3' X 15') INTERNALLY LIT, MOUNTED ON THE EXTERIOR FACE OF THE BUILDING; 22 +/- FEET ABOVE THE GROUND.
5. MINIMUM BUILDING AND WETLAND SETBACK LINES WERE TAKEN FROM THE APPROVED SITE PLAN, SHOWN HEREON AS PLAN REFERENCE #1.
6. THE FOLLOWING DIFFERENCES BETWEEN THE APPROVED SITE PLAN (PLAN REF. #1) AND THIS AS-BUILT SURVEY WERE NOTED BY THIS OFFICE. ADDITIONAL CHANGES MAY HAVE OCCURRED THAT THIS OFFICE HAS NO KNOWLEDGE OF.
 - A. THE MAIN WAREHOUSE BUILDING WAS REDUCED FROM 29,196 S.F. TO 19,972 S.F.
 - B. THE TWO STORY OFFICE BUILDING WAS REDUCED FROM 3,648 S.F. PER FLOOR TO 3,261 S.F. PER FLOOR.
 - C. THE GARAGE WAS REDUCED FROM 3,500 S.F. TO 2,430 S.F. AND MOVED SLIGHTLY.
 - D. THE TRUCK SCALE WAS MOVED APPROXIMATELY 40 FEET.
 - E. LIGHTING DETAIL WAS CHANGED.
 - F. PROPANE TANKS FOR HVAC WERE ADDED.
 - G. AN EARTH BERM WAS CONSTRUCTED IN FRONT OF THE BUILDING IN LIEU OF SHRUBBERY. THE THREE DECIDUOUS TREES SHOWN ARE PROPOSED, NOT EXISTING.
 - H. A 12 INCH PLASTIC DRAIN PIPE WAS INSTALLED ADJACENT TO GARAGE AND UNDER THE ENTRANCE IN LIEU OF DRAIN SWALES.
 - I. CHAIN LINK FENCE WAS NOT CONSTRUCTED.
 - J. LOADING DOCK LOCATIONS WERE CHANGED.

LEGEND

- 104X1 AS-BUILT SPOT ELEVATION
- GAS LINE
- 7' TALL STOCKADE FENCE
- UTILITY POLE
- SEWER MANHOLE
- BITUMINOUS PAVEMENT
- HEADWALL
- ▲ BUILDING MOUNTED AREA LIGHT
- ENTRANCE DOOR W/ OVERHEAD LIGHT
- GARAGE DOOR AT LOADING AREA
- 36 51 TAX MAP LOT NUMBER

REVISIONS

DATE	NO.	DESCRIPTION	BY
6/20/90	1	ADD NOTE # 8	M.C.S.
8/20/90	2	MISC. REVISIONS & ADDITIONS PER TOWN	M.C.S.
11/20/90	3	MISC. REVISIONS & ADDITIONS PER TOWN PLANNING BOARD	M.C.S.
1/18/91	4	REVISED FRONT PARKING LOT TO 17'x20'	G.F.
	5	28 TRUCK SPACES AS STRIPED	

APPROVED BY THE TOWN OF HUDSON PLANNING BOARD

Robert Brown 4-1-92
CHAIRMAN DATE

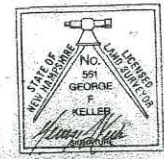
Arthur E. Almont 4-2-92
SECRETARY DATE

OWNER OF RECORD

APRIL '88 REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051

Frank Fisher
FRANK FISHER - TRUSTEE

BOUNDARY INFORMATION TAKEN FROM PLAN REFERENCE #3. THIS OFFICE ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY. LOT 36-29-2 MATHEMATICALLY CLOSES WITH AN ERROR OF CLOSURE BETTER THAN 1:10,000. AS-BUILT SURVEY WAS MADE BY THIS OFFICE ON THE GROUND ON DEC. 6, 1989.



AS-BUILT SITE PLAN: TAX MAP 36 LOT 29-2
ABC MOVING AND STORAGE CO.
% **FRANK FISHER**
BOCKES ROAD
HUDSON, N.H.

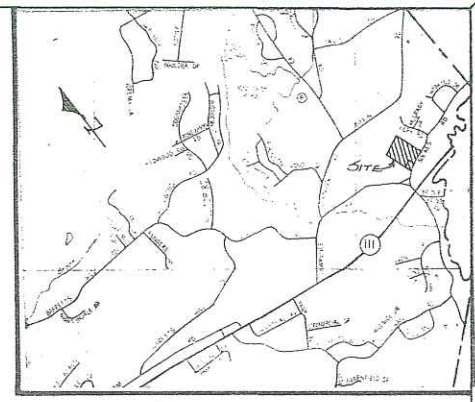
SCALE: 1" = 50' JANUARY 15, 1990

PREPARED BY:
GEORGE F. KELLER INC.
LAND SURVEYORS PLANNERS CIVIL ENGINEERS
P.O. BOX 536 DANIEL WEBSTER HIGHWAY
MERRIMACK, NEW HAMPSHIRE 03054 PH. 1-603-424-1000

HERD # 25705

1041	ABC MOV.	D	F	387	56
JOB NO.	CLIENT	SIZE	TYPE	FR	FR

36/29-2



LOCUS

PLAN REFERENCES:

1. PRELIMINARY SUBDIVISION PLAN OF LAND, FOR: BERTUK A. MOONEY, HUDSON, N.H., DATED: MAY 29, 1984, BY: DONALD E. BURD, INC.
2. SUBDIVISION PLAN OF LAND, FOR: BERTUK A. MOONEY, HUDSON, N.H., DATED: MAY 29, 1984 BY: DONALD E. BURD, INC.
3. BOCKES ROAD PLAN & PROFILE SHEET ON FILE IN TOWN ENGINEER'S OFFICE.

MAP 36

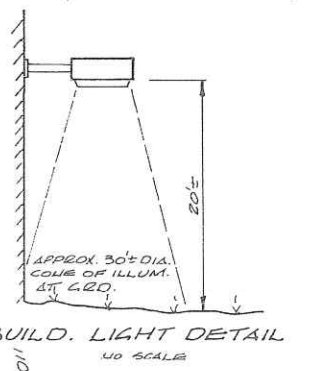
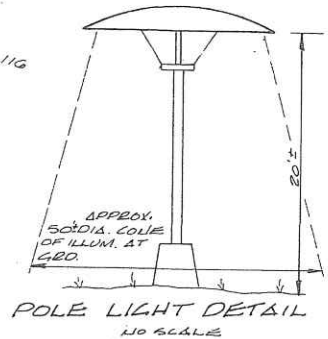
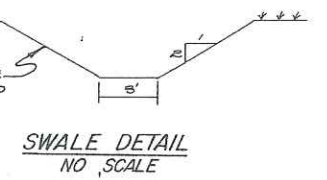
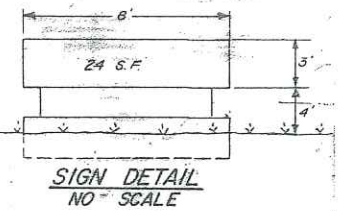
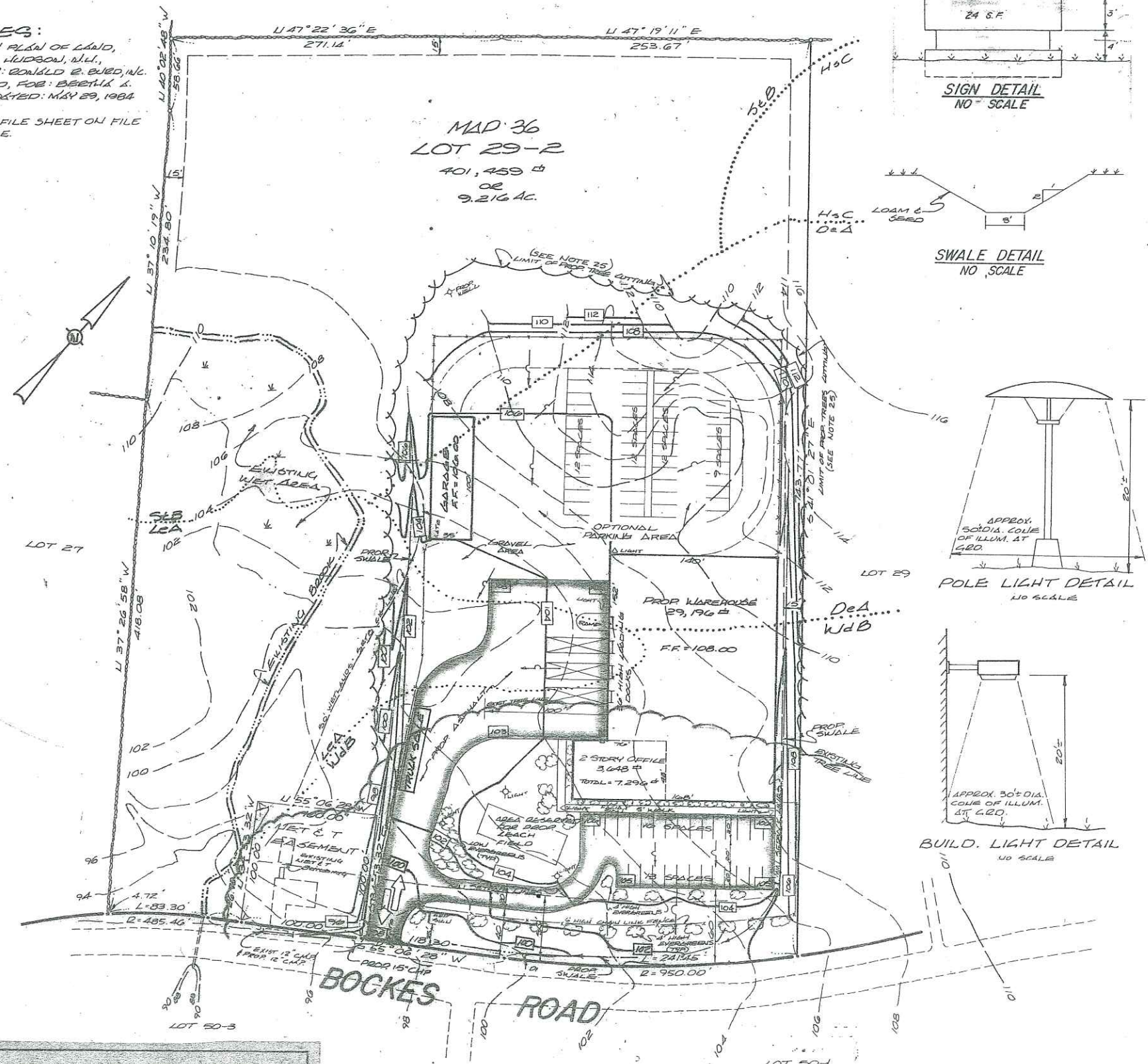
Lot 51
Anthony & Rose
Matarazzo
31 Clement Street
Nashua, NH 03060

Lots 50-2, 50-3
McCready & Munroe
39 Bockes Road
Hudson, NH 03051

Lots 29, 29-2, 50-1
Bertha A. Mooney
18 Bockes Road
Hudson, NH 03051

Lot 27
Matarazzo Hudson Assoc.
25 Main Street
Nashua, NH 03060

Lot 34
Wayne & Lorraine Wright
York Road
Hudson, NH 03051



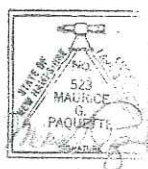
NOTES:

1. MAP 36 / LOT 29-2.
2. PRESENT ZONING - "C" INDUSTRIAL.
3. PROPOSED USE - INDUSTRIAL.
4. TOTAL AREA OF LOT 9.216 AC. OR 401,459 S.F.
5. TOTAL AREA OF BUILDING - 36,492 S.F.
6. AREA OF OPEN SPACE - 70%
7. SOIL TYPES
WJ8 - WINDSOR LOAMY SOIL.
D&A - DEERFIELD LOAMY FINE SAND.
J+B - SCITUATE STONEY FINE SAND.
H&C - HANCKLEY LOAMY SAND
L&A - LEICESTER SOIL
8. PARKING -
OFFICE = 7,296 S.F. @ 1/300 = 25
INDUSTRIAL = 29,196 S.F. @ 1/600 = 49
74 SPACES REQ'D
74 SPACES PROVIDED
9. 12\"/>

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

APPROVED BY THE TOWN OF HUDSON
PLANNING BOARD
Marilyn E. [Signature] 6/11/87
Frank Fisher 6/11/87
SECRETARY DATE

I CERTIFY THAT THIS PLAN IS BASED ON A FIELD SURVEY MADE ON THE GROUND ON JUNE 1984 IN ACCORDANCE WITH THE REGULATIONS OF THE TOWN OF HUDSON.
Maurice G. Paquette 7/31/84
MAURICE G. PAQUETTE L.E.S.#523 DATE
MAYNARD & PAQUETTE, INC.



SITE PLAN LOT 29-2 / MAP 36
BOCKES ROAD
HUDSON, NEW HAMPSHIRE
FOR
FRANK FISHER
% A.B.C. MOVING & STORAGE CO.
9 HAMPSHIRE DRIVE
HUDSON, NEW HAMPSHIRE 03051
PHONE 881-9444
SCALE: 1" = 50'
DATE: MARCH, 1985
MAYNARD & PAQUETTE INC.
CONSULTING ENGINEERS & LAND SURVEYORS
23 EAST PEARL STREET - NASHUA, N.H. 03060 - (603) 883-8384



H.C.R.D. # 20760

REV'S	3/23/87	NOTES 20, 25, 26, 27 &			
R.A.M.		PLAN REF 3			
BOOK & PAGE		TYPE	SIZE	D 1100	
MAP 36 LOT 29-2					

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

REQUEST FOR REVIEW/COMMENTS:

Case: 136-001 (Variance)

Property Location: 12 Bockes Road

For Town Use

Plan Routing Date: 03/09/2022 Reply requested by: 03/14/2022 ZBA Hearing Date: 03/24/2022

I have no comments I have comments (see below)

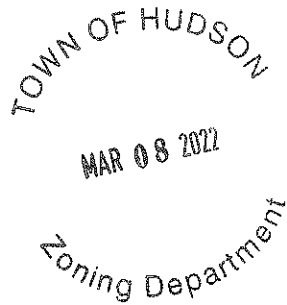
RMB Name: Robert M. Buxton Date: 03/09/2022
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

Applicant should be aware that this project will need to be designed, reviewed and stamped by a structural engineer certifying compliance with appropriate building and fire code requirements.

H

Variance Application



Miara Transportation

**12 Bockes Road
Hudson, New Hampshire
Tax Map 136 Lot 1
KNA Project No. 16-0223-1**

March 3, 2022

Prepared For: Joseph A. Miara, Jr., Trustee
Granite Realty Trust
12 Bockes Road
Hudson, New Hampshire 03051

Prepared By: Keach-Nordstrom Associates, Inc.
10 Commerce Park North, Suite 3
Bedford, New Hampshire 03110
(603) 627-2881 (phone)
(603) 627-2915 (fax)

KNA

KEACH-NORDSTROM ASSOCIATES, INC.

TABLE OF CONTENTS

Executed Zoning Board of Adjustment Application for Variance

- Exhibit A:** Hudson ZBA Variance Application
- Exhibit B:** Owner Affidavit
- Exhibit C:** Abutters List
- Exhibit D:** Property Assessor's Card
- Exhibit E:** Town GIS Map
- Exhibit F:** Written Zoning Determination from the Hudson Zoning Administrator
- Exhibit G:** Typical "Hoop" Structure
- Exhibit H:** Zoning Board of Adjustment Plan

Exhibit A

MAR 08 2022

To: Zoning Board of Adjustment
Zoning Department
Town of Hudson

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

Case No. 136-001 (03-24-22)

Date Filed 3/8/22

Name of Applicant Joseph Miara Map: 136 Lot: 1 Zoning District: R2

Telephone Number (Home) 1-978-658-3616 (Work) _____

Mailing Address 12 Bockes Road, Hudson, NH

Owner Joseph A. Miara Jr., Trustee, Granite Realty Trust

Location of Property 12 Bockes Road, Hudson, NH
(Street Address)

Signature of Applicant [Signature] Date 3/4/22

Signature of Property Owner(s) [Signature] Date 3/4/22

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: 3/8/22

COST:

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

Abutter Notice:

9 Direct Abutters x Certified postage rate \$ 4.33 = \$ 38.97
5 Indirect Abutters x First Class postage rate \$ 0.58 = \$ 2.90

Total amount due: \$ 226.87

Amt. received: \$ 226.87

Receipt No.: 676,174

Received by: [Signature]

check#
065437

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

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>ACL</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>ACL</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>ACL</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>ACL</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>ACL</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>ACL</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>ACL</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>ACL</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>ACL</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.	<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) ACL The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. TG
- b) ACL The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) ACL The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d) ACL 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. TG
(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) ACL The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) TG
- f) ACL The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. TG
- g) ACL The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) ACL The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) ACL The plot plan shall indicate all parking spaces and lanes, with dimensions. TG

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

[Signature]
Signature of Applicant(s)

3/4/22
Date

[Signature]
Signature of Property Owner(s)

3/4/22
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 Exhibit 'C'	

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 Exhibit 'C'	

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VIII of HZO Section(s) 334-29 in order to permit the following:

To allow an expansion to an existing, non-conforming use in the R-2 Zone. The project
proposes to construct a 'hoop' structure in the rear of the property.

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 Attachment 'A'

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 Attachment 'A'

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 Attachment 'A'

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 Attachment 'A'

FACTS SUPPORTING THIS REQUEST: (Continued)

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***

See Attachment 'A'

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

See Attachment 'A'

B. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.

See Attachment 'A'

APPLICATION FOR A VARIANCE – ATTACHMENT “A”

**Joseph A. Miara, Jr., Trustee of Granite Realty Trust
12 Bockes Road (Map 136, Lot 1)**

This Attachment is appended to the Application for a Variance and sets forth the summary rationale for each of the five criteria for the granting of a variance.

Property Background

Joseph A. Miara, Jr., Trustee of Granite Realty Trust (the “Applicant”), is the owner of real estate at 12 Bockes Road (Map 136, Lot 1). The property is located on the northwesterly side of Bockes Road, across from the VFW facility. The property is located south of York Drive and near Lawrence Road and Route 111 (Central Street). The property is approximately 9.216 acres in overall area, housing the existing Miara Transportation facility. The developed portion of the property is in the northerly half of the parcel, as detailed on the ZBA Plan submitted with this Application. There are undeveloped areas to the south.

Prior to the Applicant acquiring the property, ABC Moving and Storage Company (“ABC”) operated at this site. Lying to the northeast of the property is a duplex at 16 Bockes Road (Map 136, Lot 2) (built in 1989 – after ABC received its certificate of occupancy). The duplex is situated on a deep lot (with the duplex in the front of the lot). Abutting the property to the northwest is Map 135, Lot 32, an open space parcel for a residential subdivision, through which runs the 150 foot wide Public Service Company power line easement. The south half of the property (from Bockes Road to the back property line) is undeveloped, generally wet and wooded, providing a substantial buffer (approximately in the order of 200’ in width) from the developed portion of the property to house lots abutting the property to the south.

Three (3) buildings exist on the property, the largest of which has a footprint of approximately 23,188 square feet and functions as a warehouse (storage facility). The other two buildings at the property are considerably smaller. One is an existing two-story block building attached to the warehouse. The other is a stand-alone one-story building.

In 2016, this Board approved the Applicant’s application for a variance to allow the existing non-conforming use to expand its parking area and loading area and allow construction of 2,430 square foot maintenance building addition. Also, in 2016 this Board granted a wetland special exception to allow the proposed storage expansion area to impact the wetland and wetland buffer area to the west. The wetland special exception allowed for access and maneuverability of the trucks and other vehicles throughout the site. After receiving the variance and special exception, the Applicant obtained related site plan approval from the Planning Board. The maintenance building addition has not yet been built.

The proposed “Hoop” building would be located in the westerly side of the property on part of the land for which the wetland special exception was granted. No new wetland special exception is needed for construction of the “Hoop” building.

The property originally housed ABC Moving and Storage Company. ABC obtained site plan approval for the facility in 1987. When ABC first applied for site plan approval (in 1984), the property was located in the “C” Industrial District. In 1985, the property was rezoned to the then A-2 Residential District. As noted, the property is currently located in the Residential – Two (R-2) District.

Proposed Project

The “Hoop” building would be constructed on the westerly portion of the property. The building would be up to 80 feet by 79 feet and approximately 34 feet in height. The “roof” of the building would be of a tarp type cover. The purpose of the building is to back in or park trailers and/or tractor trailers underneath the roof to enable Miara Transpiration’s personnel to clean snow and ice off the roof of their vehicles as required by Jessica’s Law. Many of the vehicles have rolling tarp system trailers. Clearing snow and ice from these vehicles outside of the elements provides a safer environment for Miara Transportation’s personnel.

The building will not have a foundation. No excavation of any substance is required to construct the building. The building will have walls made of shipping containers that hold metal arch framework. The metal arches are then covered with white vinyl tarp material that creates a weather resistant space for storage below.

Since the building will change the site plan, nonresidential site plan approval is necessary from the Planning Board.

As described to the Board in 2016, Miara Transportation operates a specialty moving and storage business. Unlike a transportation and storage company that ships general goods, Miara Transportation primarily deals in specialty, contract shipping. For example, many of its customers hire Miara Transportation to ship (and sometimes store or warehouse before shipping) machinery for manufacturing, fabricating and other commercial or industrial facilities. This type of shipping requires a number of specialty and often different and unique flatbed trailers as well as box trailers.

Often Miara Transportation ships oversized loads requiring special permitting. From time to time Miara Transportation stores or warehouses equipment pending shipping to its ultimate destination. For example, if a manufacturing facility or other business is expanding its operations, it may order items of equipment that cannot be delivered until the customer’s new building is ready to receive the item of equipment; hence, it may be stored at Miara Transportation pending shipment.

Zoning Determination Underlying Variance Application

On January 13, 2022, the Applicant’s agent, Chris Clever, filed a request for a zoning determination to identify what action from the Zoning Board of Adjustment would be required for the project. In response to that request, Bruce Buttrick, Zoning Administrator / Code Enforcement Officer, issued his Zoning Determination (in the form of his letter of January 18, 2022). Mr. Buttrick ruled that a variance would be needed as the proposal constituted an expansion of a use not permitted in the R-2 District, citing Section 334-29 of the Zoning Ordinance. Mr. Buttrick also noted that if the variance was granted, approval for an amended site plan from the Planning Board would be needed, as well as a building permit. Accordingly, the Applicant has filed this Application for a Variance to permit the proposed expansion of the non-conforming use – the construction of the “Hoop” building.

5 Criteria for Granting a Variance

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

It is not contrary to the public interest to allow installation and use of the “Hoop” building to enable Miara Transportation to improve its operations, including aid in its compliance with Jessica’s Law, on a parcel of land originally zoned industrial, located very near a major thoroughfare (Route 111), which property historically has been used for a moving and transportation business. In addition, it is noted that the “Hoop” building will be constructed on the westerly portion of the property, on land for which the wetland special exception had been granted in 2016, and where the property immediately abutting to the west is an open space parcel for residential development (with a power line easement through it).

Finally, it is in the public interest to permit reasonable, natural expansion of a long standing business property, when the expansion further modernizes and facilitates operations.

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

The spirit of the ordinance is partially derived from the purposes of the ordinance. Section 334-2 of the Zoning Ordinance sets forth the general purposes, which include promoting efficiency and economy in the process of development by encouraging the most appropriate use of land throughout the Town, and also include conserving property values. If this variance is granted, it (and the related, necessary approvals) will permit a reasonable improvement to the Applicant’s property and Miara Transportation’s operations evidencing and encouraging the most appropriate use of land. It will permit construction of a building that aids Miara Transportation in its compliance with Jessica’s Law, on a portion of the site for which operations are already permitted. In essence, the Applicant is simply constructing a building to better facilitate operations already in that portion of the property.

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

Substantial justice is done by allowing construction and use of the “Hoop” building on a portion of the property already used for operations and for which the wetland special exception had already been granted. As noted in 2016, this portion of the property has good buffering to the west (by virtue of the remaining wetlands on the property, the open space lot abutting to the west and the power line easement through the open space parcel, and to the south (buffered by the wooded and wetland area on the property itself). Substantial justice is done by granting the variance since it permits the possibility that the project can go forward (provided the other necessary approvals are obtained) which would allow an upgrade to the facility.

Substantial justice is done if the general public realizes no appreciable gain from denying the variance but denial of the variance would cause a significant adverse impact to the applicant. In this case, the general public realizes no appreciable gain if the variance is denied since the variance proposes a modest expansion of the non-conforming use, not by increasing the land area being used, by rather permitting a building on a portion of that land area that aids Miara Transportation in complying with a law important to the governance of its operations (Jessica’s Law). Therefore, if the variance is denied the general public realizes no appreciable gain.

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

Permitting construction and use of the “Hoop” building on the westerly portion of the property, buffered as mentioned, on land already dedicated to operations, will not diminish the value of surrounding properties. Besides the aforementioned buffering to the west and south, the “Hoop” building will be many hundreds of feet away from the duplex at 16 Bockes Road and many hundreds of feet away from the properties on the easterly side of Bockes Road.

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

RSA 674:33, I(b)(5)(A) provides that “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

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

Consequently, a two-prong “unnecessary hardship” test is established.

As the Applicant noted in the 2016 hearing before this Board, the property at 12 Bockes Road has several special conditions. First, when ABC applied for site plan approval the property was zoned "C" Industrial; thus, the proposed use was permitted in that district at the time of ABC's site plan application. Subsequent to that application, the zoning district changed to what is now the R-2 District.

Also, the property's location is uniquely qualified for its operations. The property is located in close proximity to a main thoroughfare (NH Route 111 (Central Street)) and thus only hundreds of feet from Route 111. This permits the vehicles leaving the facility to access Route 111 without the need to go through residential neighborhoods and be on local roads for only a brief period of time. Also, the property is located across the street from the G-1 zoning district which permits a wide variety of uses, including numerous commercial and industrial uses (including warehouse and a transportation or freight terminal). Put another way, if located across the street, no variance would be necessary. It is only because of the change in the zoning district, after the original site plan application was first filed (in 1984) that this variance is required.

The property is relatively large in size, in comparison with the other nearby properties, has existed for over 30 years as a developed moving and storage facility. It has good, on-site buffering in its southerly half and buffering to the west.

In light of these special conditions, the two-prong unnecessary hardship tests is to be measured. First, we note the general public purposes of the ordinance provisions and the specific application of those provisions to the property. In this case, the specific provision is Section 334-29 of the Zoning Ordinance which states that a nonconforming use shall not be extended or enlarged, except by variance. Presumably this provision exists to restrain certain expansions of nonconforming uses (beyond those which may be reasonable under the circumstances) that would have a material, adverse impact on surrounding properties. However, the proposed expansion by the Applicant does not run afoul of these general purposes as demonstrated above.

The proposed expansion consists of construction and use of a "Hoop" building on a portion of the property already dedicated to operations (for which the wetland special exception was granted in 2016). The "Hoop" building will be integral to Miara Transportation's operations, aiding in compliance with Jessica's Law. The "Hoop" building will not have a material impact on the abutting properties, given that the building will be set back from Bockes Road, buffered to the west as noted and buffered to the south by wooded area and wetland on the site. In short, this is the type of expansion of a nonconforming use that should be permissible under the ordinance.

The special conditions of the property deserve further consideration. As mentioned, the property was initially zoned industrial, is across the street from the G-I District (which would permit this use or its expansion without the need of a variance) and also nearby other nonresidential uses, and importantly, only a matter of hundreds of feet from Route 111. Its proximity to Route 111 enables vehicles to access a main thoroughfare without the need to go through local or neighborhood roads to any significant degree. It is a logical location for Miara Transportation's operations and for the proposed expansion to further improve its operations.

As a result, in this circumstance no fair and substantial relationship exists between the general public purposes of the ordinance provision (Section 334-29) and the specific application to that provision to this property, since that specific application would preclude this reasonable expansion of the nonconforming use given the totality of these circumstances.

The second prong of the unnecessary hardship test is that the proposed use is a reasonable use. It is self evident that this condition has been satisfied. The use already exists. The variance is simply to enhance and improve operations.

Consequently, the two-prong unnecessary hardship test has been met.

Conclusion

The Applicant respectfully requests that the variance be granted.

The Applicant reserves the right to provide additional testimony and information at the public hearing on this Application.

Exhibit B

Owner Affidavit

I, Joseph A. Miara Jr., authorized representative of Granite Realty Trust, and owner of the property referenced on Tax Map 136 as Lot 1, located at 12 Bockes Road, Hudson, New Hampshire, hereby verify that I have authorized Keach-Nordstrom Associates, Inc. to submit on my behalf, any and all applicable State and local permit applications as they pertain to improvements on said property.

Additionally, I authorize Keach-Nordstrom Associates, Inc. to aid in the representation of these applications throughout the approval process.

Signature of Owner: 

Printed Name of Owner: Joseph A Miara jr

Address of Owner: 12 Bockes Road
Hudson, NH 03051

Date: 2/16/22

Exhibit C

Abutters List
Miara Transportation
Hudson, NH
KNA#16-0223-1
Updated 2/15/2022

Tax Map	Lot	Owner/Applicant
136	001	Joseph A. Miara, Jr., Trustee Granite Realty Trust 12 Bockes Road Hudson, NH 03051
Tax Map	Lot	Abutter
136	2	Morris Rev. Trust Peter J. & Tammy L. Morri, Trustees 16 Bockes Road Hudson, NH 03051
136	036	VFW-Hudson Memorial Post 5791 15 Bockes Road Hudson, NH 03051
145	003	Joseph M. Donahue, Trustee
145	002	Joseph Ireland 2016 Family Trust 70 Ferry Street Hudson, NH 03051
145	001	1 Bockes Road, LLC 25 Pelham Road, Suite 103 Salem, NH 03079
144&135	021 & 032	Rolling Woods HOA c/o James Weaver 27 Rollings Woods Dr. Hudson, NH 03051
144	21-08	Garret D. Santos & Melissa F. Pierce 21 Rolling Woods Dr. Hudson, NH 03051
135	37	James R. & Varinia G. Weaver 27 Rolling Woods Dr. Hudson, NH 03051

135	36	Stefan and Diane R. Mikolajczuk, Trustees Mikolajczuk Rev. Trust 29 Rolling Woods Dr. Hudson, NH 03051
Tax Map 135	Lot 35	Abutter Within 200-ft Brian T. & Jill C. Leonard 37 Rolling Woods Drive Hudson, NH 03051
136	3	Donald J. & Georgia F. Brussard 18 Bockes Road Hudson, NH 03051
136	4	Michael P. Goyette 20 Bockes Road Hudson, NH 03051
136	5	Shane Howard 4A York Road Hudson, NH 03051

Professional to be notified:

Engineer & Survey
Keach-Nordstrom Associates, Inc.
10 Commerce Park North, Suite 3
Bedford, NH 03110

Exhibit D

100 001 000
MAP LOT SUB

1 OF 2 INDUSTRIAL
CARD Hudson

APPRaised: 1,671,500/ 1,815,00
USE VALUE: 1,671,500/ 1,815,00
ASSESSed: 1,671,500/ 1,815,00

PROPERTY LOCATION

No.	Alt No	Direction/Street/City
12		BOCKES RD, HUDSON

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
401	8.973	1,124,800	24,200	478,760	1,627,760
332	0.243			43,740	43,740
Total Card	9.216	1,124,800	24,200	522,500	1,671,500
Total Parcel	9.216	1,206,700	85,800	522,500	1,815,000
Source: Market Adj Cost		Total Value per SQ unit /Card: 62.45		/Parcel: 62.23	

Legal Description	User Acct
	7366
	GIS Ref
	GIS Ref
Entered Lot Size	
Total Land: 9.216	
Land Unit Type: AC	Insp Date
	12/05/19

OWNERSHIP

Owner 1: MIARA, JOSEPH A. JR., TR.
Owner 2: GRANITE REALTY TRUST
Owner 3:
Street 1: 12 BOCKES ROAD
Street 2:
Twn/City: HUDSON
St/Prov: NH Cntry: Own Occ:
Postal: 03051 Type:

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2021	043	FV	1,206,700	85800	9.216	522,500	1,815,000	1,815,000	Year End Roll	9/27/2021
2021	043	JB	1,206,700	85800	9.216	522,500	1,815,000	1,815,000	Year End Roll	5/12/2021
2020	043	FV	1,206,700	85800	9.216	522,500	1,815,000	1,815,000	Year End Roll	8/27/2020
2020	043	JB	1,206,700	85800	9.216	522,500	1,815,000	1,815,000	Year End Roll	5/6/2020
2019	043	FV	1,233,400	45500	9.216	522,500	1,801,400	1,801,400	Year End Roll	9/16/2019
2019	043	JB	1,233,400	45500	9.216	522,500	1,801,400	1,801,400	Year End Roll	5/8/2019
2018	043	FV	1,233,400	45500	9.216	522,500	1,801,400	1,801,400	Year End Roll	8/27/2018
2018	043	JB	1,233,400	45500	9.216	522,500	1,801,400	1,801,400	Year End Roll	5/9/2018

Parcel ID 136-001-000
15188!
PRINT
Date Time
02/15/22 10:22:09
LAST REV
Date Time
12/17/19 13:38:21
krt
5188



USER DEFINED
Prior Id # 1: 0036
Prior Id # 2: 0029
Prior Id # 3: 0002
Prior Id # 1: MVRP
Prior Id # 2:
Prior Id # 3:
Prior Id # 1:
Prior Id # 2:
Prior Id # 3:
ASR Map:
Fact Dist:
Reval Dist:
Year:
Land Reason:
Bld Reason:
Civil District:
Ratio:

PREVIOUS OWNER

Owner 1: FISHER, BOWLBY AND MCLENDON -
Owner 2: C/O ABC MOVING AND STORAGE -
Street 1: 12 BOCKES ROAD
Twn/City: HUDSON
St/Prov: NH Cntry: Own Occ:
Postal: 03051 Type:

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
FISHER, BOWLBY	8410-2473	1	3/27/2012		1,500,000	No	No		
	4788-0327		6/2/1988			No	No		

NARRATIVE DESCRIPTION

This parcel contains 9.216 ACRES of land mainly classified as IND-COMM with a WAREHOUSE Building built about 1988, having primarily CORR STEEL Exterior and 26764 Square Feet, with 1 Unit, 0 Bath, 1 3/4 Bath, 6 HalfBaths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
5/13/2016	2015-920-1E	SIGNS		C				
10/2/2015	2015-00920	SIGNS		C			3X10 WALL SIGN	
1/22/2014	2014-00033	MECHANIC		C			REPL HVAC UNIT	
11/19/2013	2013-00753	MECHANIC		C			INSTALL PIPE FROM	

ACTIVITY INFORMATION

Date	Result	By	Name
12/5/2019	Meas/Inspect	18	KRT1
6/12/2017	Field Review	9	PVA
3/9/2017	Permit Visit	12	TECH ASMNT
3/3/2016	Permit Visit	12	TECH ASMNT
5/10/2012	Field Review	9	PVA
4/27/2012	Inspected	9	PVA
3/1/2007	Meas/Inspect	9	PVA
5/3/2006	Other Change	1	CHIEF ASSESS
8/28/2003	Other Change	1	CHIEF ASSESS

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water	9	PRIV WATER
o				Sewer	0	SEPTIC
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 / 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	All Class %	Spec Land Code	J Code	Fact	Use Value	Notes
401	IND WAREHSE		2.7		SITE ACRE	SITE		0 200,000	0.90	IG				RESTRIC -10			486,000	332	9			486,000	
401	IND WAREHSE		6.516		ACRES	EXCESS		0 20,000	0.28	IG				EASEME -60			36,490					36,500	WET/TEL EASE

Total AC/HA: 9.21600 Total SF/SM: 401449 Parcel LUC: 043 IND-COMM Prime NB Desc: IND-GENERAL Total: 522,490 Spl Credit: Total: 522,500

Type:	43	-	WAREHOUSE
Sty Ht:	2	-	TWO STY
(Liv) Units:	1	Total:	2
Foundation:	6	-	SLAB
Frame:	2	-	STEEL
Prime Wall:	18	-	CORR STEEL
Sec Wall:	21	-	CONC BLO
10%			
Roof Struct:	4	-	FLAT
Roof Cover:	4	-	TAR/GRAVEL
Color:			
View / Desir:			

Full Bath:		Rating:	
A Bath:		Rating:	
3/4 Bath:	1	Rating:	AVERAGE
A 3QBth:		Rating:	
1/2 Bath:	6	Rating:	AVERAGE
A HBth:		Rating:	
OthrFix:	3	Rating:	AVERAGE

COMMENTS
 BEIGE, A/C IN COF
 ONLY, DRYWALL, CPT, GH, 4-10' OHD, 1-14' OHD,
 FIRE ALARM/NO SPRINKLR 5.06 AC WETLAND.
 34' CEILING WHS/ZBA 9=29-2016 variance and
 special exception to allow for expansion, 12/2016
 proposed additional 56,000 SF expansion with relat

GENERAL INFORMATION			
Grade:	C	-	AVERAGE
Year Bilt:	1988	Eff Yr Bilt:	
Alt LUC:		Alt %:	
Jurisdct:		Fact:	
Const Mod:			
Lump Sum Adj:			

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

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 6

INTERIOR INFORMATION			
Avg HVFL:	34		
Prim Int Wall:	5	-	MINIMAL
Sec Int Wall:	1	-	DRYWALL
20%			
Partition:			
Prim Floors:	12	-	CONCRETE
Sec Floors:	04	-	CARPET
50%			

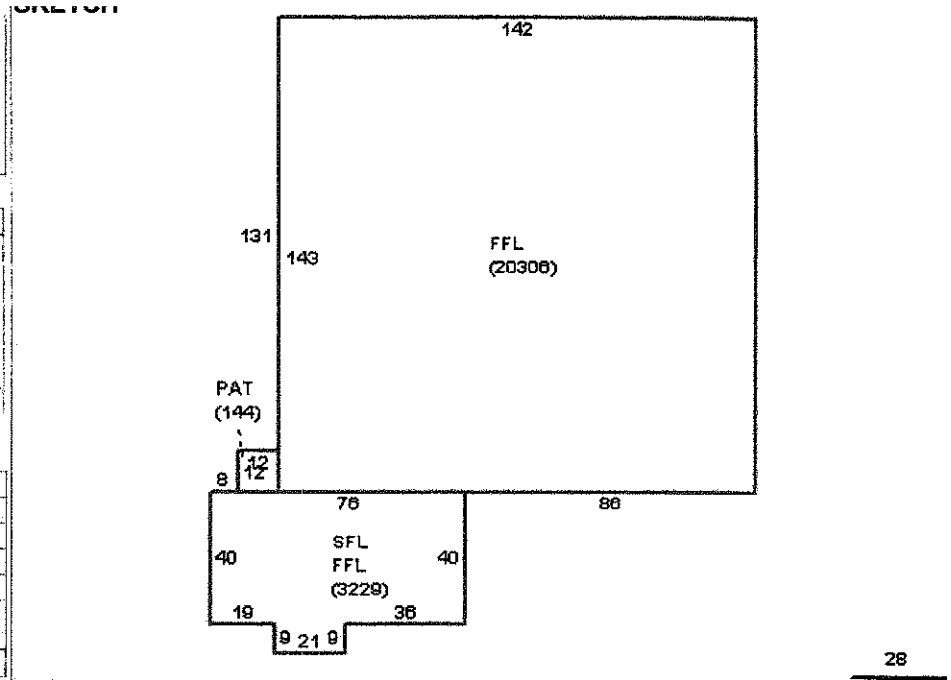
DEPRECIATION			
Phys Cond:	AV	-	Average
26%			
Functional:	L	-	LAYOUT
10%			
Economic:	D	-	DEMAND
10%			
Special:			
Override:			
Total:			40.14%

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

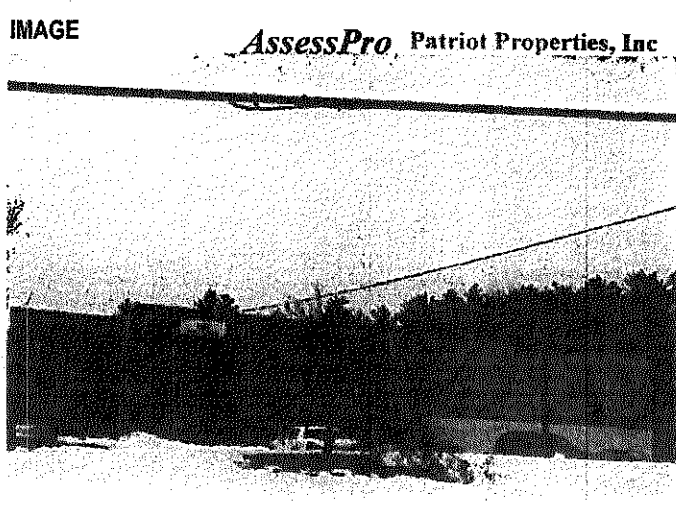
MOBILE HOME			
Make:		Model:	
Serial #:		Year:	
Color:			
SPEC FEATURES/YARD ITEMS			
Code	Description	A Y/S Qty	Size/Dim
85	PAVING-ASPH	D Y	1 28675
91	LOAD LEVELER	M S	1 1
20	SCALE	D S	1 60
77	LITE-SING	D Y	2 1

CALC SUMMARY			
Basic \$ / SQ:	52.00		
Size Adj.:	0.89483637		
Const Adj.:	1.17508328		
Adj \$ / SQ:	54.678		
Other Features:	5758		
Grade Factor:	1.00		
NBHD Inf:	1.00000000		
NBHD Mod:			
LUC Factor:	1.00		
Adj Total:	1827222		
Depreciation:	733447		
Depreciated Total:	1093775		

COMPARABLE SALES			
Rate	Parcel ID	Typ	Date
			Sale Price
WtAv\$/SQ:		AvRate:	Ind.Val:
Juris. Factor:		Before Depr:	54.68
Special Features:	31000	Val/Su Net:	41.80
Final Total:	1124800	Val/Su SzAd:	42.03



SUB AREA				SUB AREA DETAIL			
Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usbl	Descr
FFL	FIRST FLOOR	23,535	62.330	1,467,015	100	OFC	14:AV
SFL	SECOND FLR	3,229	109.360	353,113	100	OFC	100:AV
PAT	PATIO	144	9.280	1,336	100	OFC	100:AV
Net Sketched Area:		26,908	Total:	1,821,464			
Size Ad	26764	Gross Area	26908	FinArea	26764		



PARCEL ID 136-001-000												
Code	Description	A Y/S Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa
85	PAVING-ASPH	D Y	1 28675	AV	FR	1988	1.67	T	52.2	401		22,900
91	LOAD LEVELER	M S	1 1	AV	AV	1988	3,600.00	T	29	401		2,600
20	SCALE	D S	1 60	AV	AV	1988	666.23	T	29	401		28,400
77	LITE-SING	D Y	2 1	AV	AV	1990	1,100.00	T	40.5	401		1,300
More:	N	Total Yard Items:	24.200	Total Special Features:	31.000	Total:	55.200					

100 001 000
 MAP LOT SUB

2 OF 2 COMMERCIAL
 CARD Hudson

APPAISED: 143,500/ 1,815,00
 USE VALUE: 143,500/ 1,815,00
 ASSESSED: 143,500/ 1,815,00

PROPERTY LOCATION

No	Alt No	Direction/Street/City
12		BOCKES RD, HUDSON

OWNERSHIP Unit#:

Owner 1: MIARA, JOSEPH A. JR., TR.
 Owner 2: GRANITE REALTY TRUST
 Owner 3:
 Street 1: 12 BOCKES ROAD
 Street 2:
 Twn/City: HUDSON
 St/Prov: NH Cntry: Own Occ:
 Postal: 03051 Type:

PREVIOUS OWNER

Owner 1:
 Owner 2:
 Street 1:
 Twn/City:
 St/Prov: Cntry:
 Postal:

NARRATIVE DESCRIPTION

This parcel contains 9.216 ACRES of land mainly classified as IND-COMM with a R/M SHOP Building built about 1986, having primarily CORR STEEL Exterior and 2400 Square Feet, with 1 Unit, 0 Bath, 0 3/4 Bath, 1 HalfBath, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int
------	------------	--------	----------

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	R2	RESD TWO		water		
				Sewer		
				Electri		
		Census:		Exmpt		
		Flood Haz:				
D				Topo		
s				Street		
t				Gas:		

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	% Land	J Code	Fact	Use Value	Notes
332	AUTO REPAI		0		SITE ACRE	SITE		0	0.	0.00	IG												

Total AC/HA: 0.00000 Total SF/SM: 0 Parcel LUC: 043 IND-COMM Prime NB Desc: IND-GENERAL Total: Spl Credit: Total:

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: Assesspro - Hudson mrotast 2022

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
332	0.000	81,900	61,600		143,500

Total Card	Land Size	Building Value	Yard Items	Land Value	Total Value
0.000	9.216	81,900	61,600		143,500
9.216		1,206,700	85,800	522,500	1,815,000

Source: Market Adj Cost Total Value per SQ unit /Card: 59.79 /Parcel: 62.23

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes

BUILDING PERMITS

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

ACTIVITY INFORMATION

Date	Result	By	Name
12/5/2019	Meas/Inspect	18	KRT1
6/12/2017	Field Review	9	PVA
5/10/2012	Field Review	9	PVA
3/1/2007	Meas/Inspect	9	PVA
10/3/2001	Meas/Inspect	0	PATRIOT
3/4/1991	Inspected	2	AVITAR

Sign: VERIFICATION OF WPIT NOT DATA



USER DEFINED

Prior Id # 1:	0036
Prior Id # 2:	0029
Prior Id # 3:	0002
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

PRINT

Date	Time
02/15/22	10:22:13

LAST REV

Date	Time
12/17/19	13:42:51

kr 5188

PAT ACCT. 5188

Type: 38	- R/M SHOP
Sty Ht: 1	- ONE STY
(Liv) Units: 1	Total: 2
Foundation: 6	- SLAB
Frame: 2	- STEEL
Prime Wall: 18	- CORR STEEL
Sec Wall: %	
Roof Struct: 4	- FLAT
Roof Cover: 9	- METAL
Color: BROWN	
View / Desir: %	

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

GENERAL INFORMATION

Grade: D	- FAIR
Year Bilt: 1986	Eff Yr Bilt:
All LUC:	Alt %:
Jurisdct:	Fact:
Const Mod:	
Lump Sum Adj:	

OTHER FEATURES

Kits: Rating:	
A Kits: Rating:	
Frpl: Rating:	
WSFlue: Rating:	

CONDO INFORMATION

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

INTERIOR INFORMATION

Avg Ht/FL: STD	
Prim Int Wal: 5	- MINIMAL
Sec Int Wall: %	
Partition: L	- LIGHT
Prim Floors: 12	- CONCRETE
Sec Floors: %	
Bsmnt Flr:	
Subfloor:	
Bsmnt Gar:	
Electric: 3	- TYPICAL
Insulation: 2	- TYPICAL
Int vs Ext: S	
Heat Fuel: 1	- OIL
Heat Type: 7	- UNIT HEATERS
# Heat Sys:	
% Heated: 100	% AC: 100
Solar HW: NO	Central Vac: NO
% Com Wal:	% Sprinkled:

DEPRECIATION

Phys Cond: FR	- Fair	35 %
Functional: %		
Economic: D	- DEMAND	10 %
Special: %		
Override: %		
Total: 42.04 %		

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
71	TANK/IN-GRD	D	Y	1	110000	AV	AV	1988	2.89	T	43.5	332			16,300			16,300
69	PUMP/SINGLE	D	Y	1	1	AV	FR	1988	13,200.00	T	52.2	332			6,300			6,300
BOX	BOX TRAILER	D	Y	1	7-1	AV	AV	2012	5,001.00	T	0	332			35,000			35,000
66	CANOPY	D	Y	1	10X10	AV	AV	2012	42.00	T	5	332			4,000			4,000

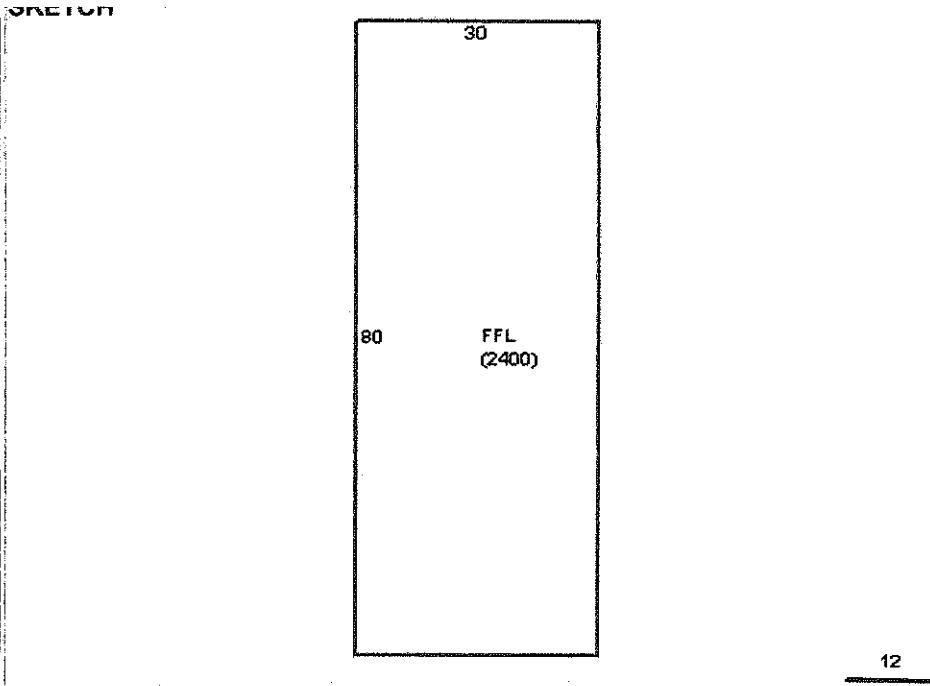
CALC SUMMARY

Basic \$ / SQ:	68.00
Size Adj.: 1.13333333	
Const Adj.: 0.92180723	
Adj \$ / SQ:	71.041
Other Features:	6100
Grade Factor:	0.80
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	141278
Depreciation:	59393
Depreciated Total:	81885

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
[Empty Rows]				

Final Total: 81900



REMODELING

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

RES BREAKDOWN

No.	Unit	RMS	BRS	FL
[Empty Rows]				
Totals				

SUB AREA

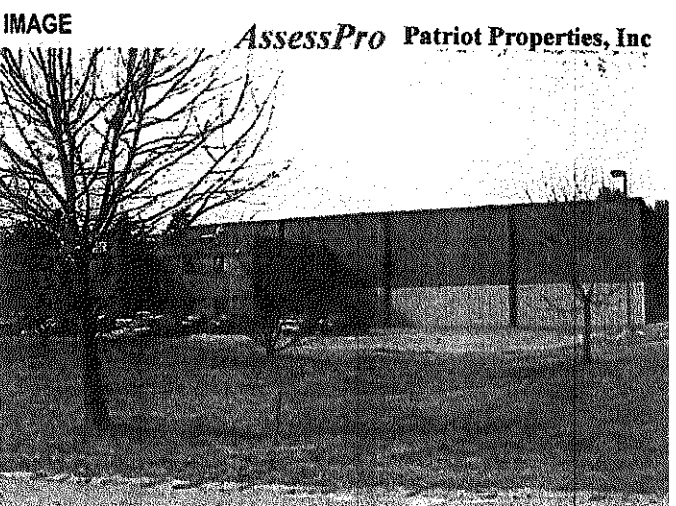
Code	Description	Area - SQ	Rate - AV	Un depr Value
FFL	FIRST FLOOR	2,400	71.040	170,497
Net Sketched Area: 2,400		Total: 170,497		
Size Ad	2400	Gross Area	2400	FinArea 2400

SUB AREA DETAIL

Sub Area	% Usbl	Descrip Type	%	Qu #	Ten
[Empty Rows]					

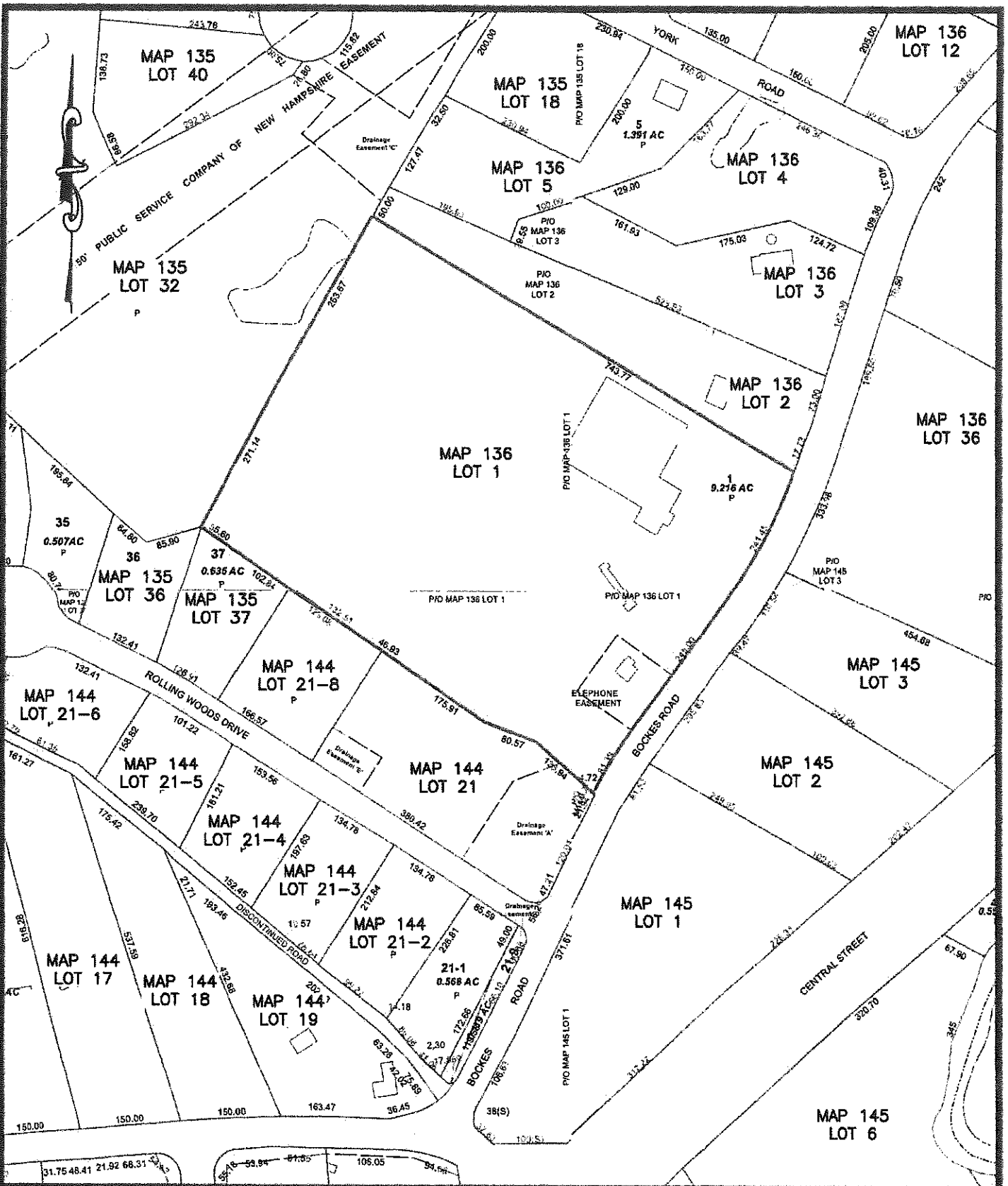
PARCEL ID 135-001-000

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
71	TANK/IN-GRD	D	Y	1	110000	AV	AV	1988	2.89	T	43.5	332			16,300			16,300
69	PUMP/SINGLE	D	Y	1	1	AV	FR	1988	13,200.00	T	52.2	332			6,300			6,300
BOX	BOX TRAILER	D	Y	1	7-1	AV	AV	2012	5,001.00	T	0	332			35,000			35,000
66	CANOPY	D	Y	1	10X10	AV	AV	2012	42.00	T	5	332			4,000			4,000



More: N Total Yard Items: 61,600 Total Special Features: Total: 61,600

Exhibit E



KMA
KEACH-NORDSTROM ASSOCIATES, INC.

Civil Engineering Land Surveying Landscape Architecture
 10 Commerce Park North, Suite 3B, Bedford, NH 03110
 Phone (603) 627-2661

TITLE: TAX MAP EXHIBIT PREPARED FOR:
MIARA TRANSPORTATION
 MAP 136; LOT 1 - 12 BOCKES ROAD - HUDSON, NEW HAMPSHIRE

DATE: 2/15/22

JOB. NO. 16-0223-1

SCALE: 1" = 200'

SHEET 1 OF 1

Exhibit F



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-005

January 18, 2022

Chris Cleaver
12 Bockes Rd
Hudson, NH 03051

RE: 12 Bockes Rd Map 136 Lot 001-000
District: Residential Two (R-2)

Dear Mr. Cleaver,

Your request: What permits/approvals are needed for: an 80 x 65 “hoop” bldg. using 4-40 ft ocean containers as a base?

Zoning Review / Determination:

A variance from the Zoning Board of Adjustment would be needed, as this proposal is an expansion of a use not permitted in the R-2 district, according to §334-29 Extension or enlargement of non-conforming uses.

If successful with a variance, you would need approval of an amended site plan from the Planning Board, contact Brian Groth – Town Planner ((603) 886-6009 for details. If successful with an approved site plan, you would need a building permit, contact Dave Hebert – Building Official for details.

Without any plans to review: be mindful of wetlands and wetland buffers, as well as any requirements for driveway expansion.

Sincerely,

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

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

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

22-005



TOWN OF HUDSON ZONING DEPARTMENT
JAN 13 2022
12 School Street
Hudson, NH 03051
(603) 886-6008
www.hudsonnh.gov



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 1/13/22

Property Location 12 Bockes Rd
 Map 136 Lot 1 Sublot 000

Zoning District if known R 2

Type of Request

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

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

We would like to erect a Hoop Building 80' deep by 65' wide with a tarp type cover to back trailers underneath. This would aid us in complying with Jessica's Law pertaining to snow on the roof of vehicles. We are trying to address the safety aspect of hoisting personnel up to clear the roof of our rolling tarp system trailers.

We would place 4- 40' ocean containers on the ground as a base and attach the hoop structure on top of the base. There is no foundation or excavation involved in setting this up.

Applicant Contact Information:

Name: Chris Cleaver

Address: 12 Bockes rd

Phone Number: 508-509-0665 cell is best

Email: chris@jamiara.com

unofficial For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

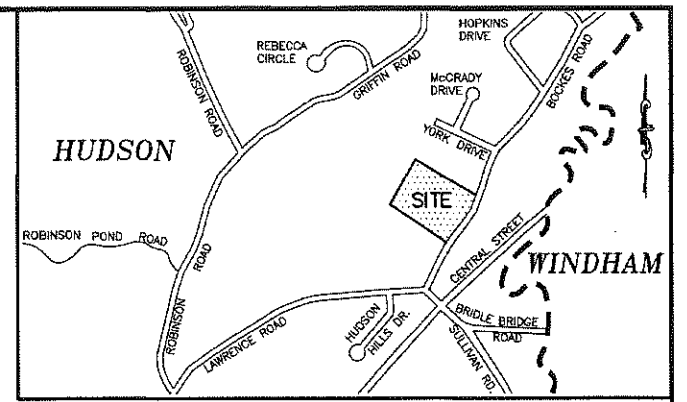
ZONING DETERMINATION LETTER SENT DATE: _____

Exhibit G

Typical “Hoop” Structure:



Exhibit H



LOCUS PLAN
SCALE: 1"=1,000'

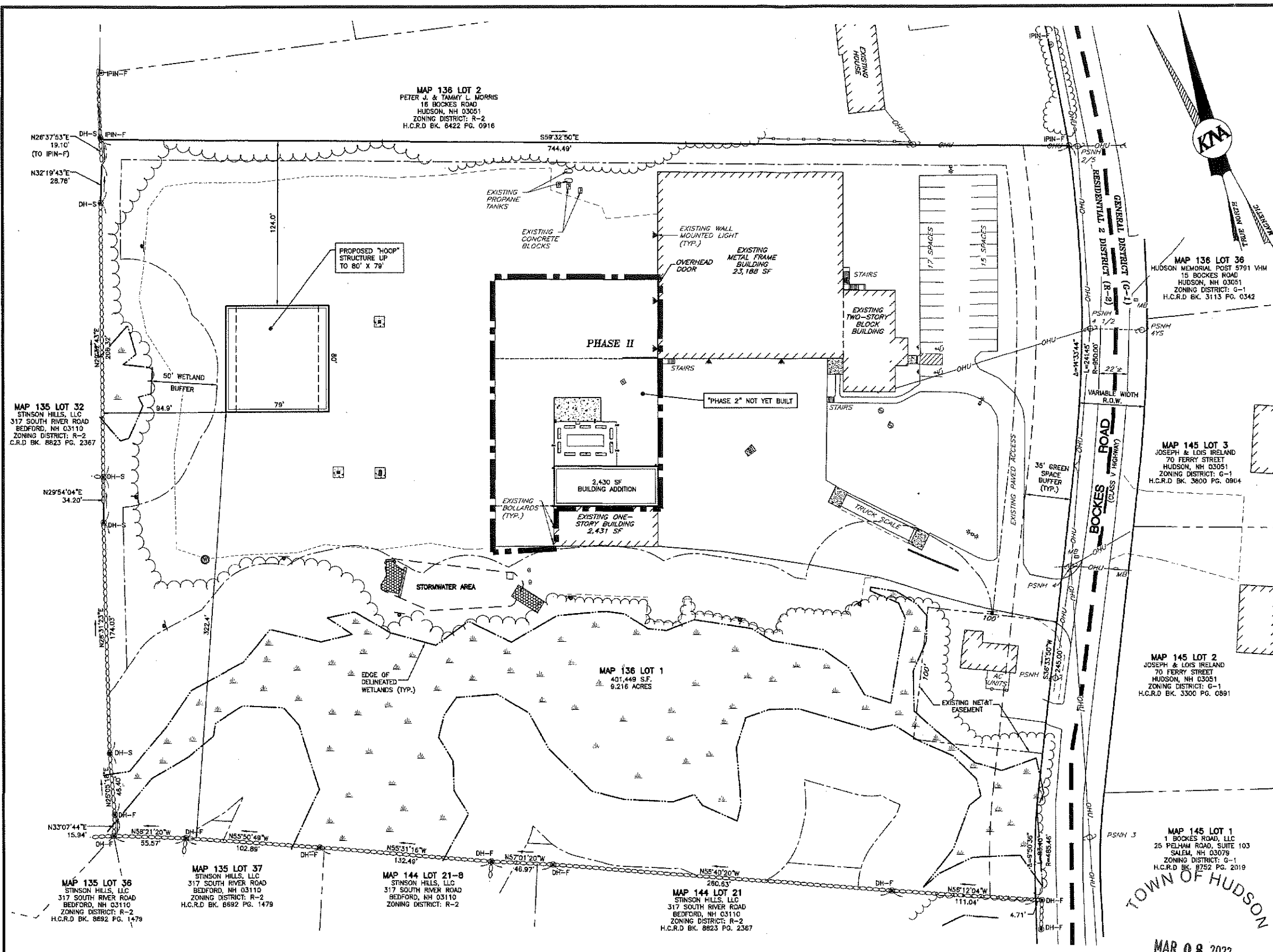
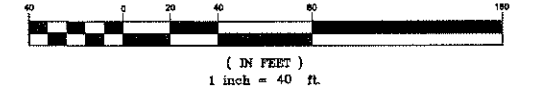
REFERENCE PLANS:

- "SUBDIVISION PLAN OF LAND, PREPARED FOR, BERTHA A. MOONEY, HUDSON, NH," SCALE: 1"=50', DATED: MAY 29, 1984, PREPARED BY RONALD R. BURD, INC. H.C.R.D. PLAN NO. 19106.
- "BOUNDARY PLAN OF MAP 36 LOT 27 & 28, LOCATED ON: BOCKES ROAD, HUDSON, N.H.," SCALE: 1"=100', DATED: NOV. 15, 1987, PREPARED BY GEORGE F. KELLER INC. H.C.R.D. PLAN NO. 21586.
- "AS-BUILT SITE PLAN: TAX MAP 36 LOT 29-2, ABC MOVING AND STORAGE CO., c/o FRANK FISHER, BOCKES ROAD, HUDSON, N.H.," SCALE: 1"=50', DATED: JANUARY 15, 1990, WITH REVISIONS THROUGH 11/12/90, PREPARED BY GEORGE F. KELLER INC.

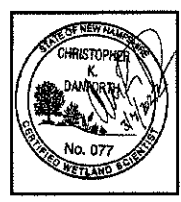
NOTES:

- THE PURPOSE OF THIS PLAN IS TO SHOW AN EXPANSION OF A NON-CONFORMING USE WITH A PROPOSED 2,430 SF STRUCTURE ON TAX MAP 136 LOT 1.
- TOTAL LOT AREA = 401,449 SF, OR 9.216 ACRES.
- MAP 136 LOT 1 INDICATES TOWN OF HUDSON TAX ASSESSOR'S MAP AND LOT NUMBERS.
- OWNER OF RECORD:
JOSEPH A. MIARA JR., TRUSTEE
GRANITE REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051
H.C.R.D. BK. 8410 PG. 2473
- THE SUBJECT PARCEL IS LOCATED WITHIN THE RESIDENTIAL 2 DISTRICT (R-2). DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS FOR LOTS NOT SERVICED WITH MUNICIPAL SEWER AND WATER:
- MINIMUM LOT AREA: 60,000 SF EXISTING; 401,449 SF PROPOSED;
- MINIMUM LOT FRONTAGE: 120 FT EXISTING; 569.85 FT PROPOSED;
- MINIMUM BUILDING SETBACKS:
 - FRONT: 50 FT EXISTING; 27.6 FT PROPOSED;
 - SIDE: 15 FT EXISTING; 20.8 FT PROPOSED;
 - REAR: 15 FT EXISTING; 42.7 FT PROPOSED;
 - 94.9 FT PROPOSED
- TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON REFERENCE PLAN #1 AND AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE DURING MARCH OF 2016.
- HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NGVD 29.
- WETLAND MAPPING WAS PERFORMED BY CHRIS DANFORTH, CERTIFIED WETLAND SCIENTIST #077, IN JANUARY OF 2022.
- SITE IS SERVICED BY PRIVATE ON-SITE WELL AND SEPTIC SYSTEM.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. UTILITIES SHOWN HEREON ARE ONLY THOSE FOUND WITHIN THE AREA OF KNA FIELD SURVEY AND ARE SOLELY BASED UPON VISUAL SURFACE EVIDENCE. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG-SAFE AT 811.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF HUDSON MAP NUMBER 3309205360, PANEL 536 OF 701, EFFECTIVE DATE: SEPTEMBER 25, 2009 INDICATES THAT NO PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
- A WETLAND SPECIAL EXCEPTION FROM ARTICLE IX, SECTION 334-35, TO ALLOW THE PROPOSED STORAGE EXPANSION AREA OF APPROXIMATELY 56,000 SF, TO IMPACT A WETLAND AND BUFFER AREA WAS APPROVED BY THE HUDSON ZONING BOARD ON SEPTEMBER 25, 2016.
- A VARIANCE TO ALLOW EXPANSION OF THE EXISTING NON-CONFORMING USE TO EXPAND THE PARKING AREA, LOADING AREA, AND CONSTRUCTION OF A 2,430 SF MAINTENANCE BUILDING WAS APPROVED BY THE HUDSON ZONING BOARD ON SEPTEMBER 29TH, 2016.
- OPEN SPACE:
CURRENT OPEN SPACE = 58.1%
PROPOSED OPEN SPACE = 58.1%

GRAPHIC SCALE



WETLAND CERTIFICATION
JURISDICTIONAL WETLANDS SHOWN ON THIS PLAN WERE DELINEATED IN JANUARY OF 2022 BY CHRISTOPHER K. DANFORTH CWS #077. THE WETLANDS WERE DELINEATED ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (1987) AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2, JANUARY 2012. DOMINANT HYDRIC SOILS WITHIN THE WETLAND(S) WERE IDENTIFIED USING "FIELD INDICATORS OF HYDRIC SOILS OF THE UNITED STATES" A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, NRCS, VERSION 8.1, 2017. DOMINANCE OF HYDROPHYTIC VEGETATION WAS DETERMINED USING THE USACE 2020 NATIONAL WETLAND PLANT LIST, NWFL 2020 VERSION 3.5 HTTP://WETLAND-PLANTS.USACE.ARMY.MIL.



LEGEND

* IPIN-F	IRON PIN FOUND	---	ABUTTER LINE
@DH-F	DRILL HOLE FOUND	---	PROPERTY LINE
U	UTILITY POLE	---	WETLAND
S	SIGN	---	STOCKADE FENCE
W	WELL	---	EDGE OF PAVEMENT
M	SEWER MANHOLE	---	EDGE OF GRAVEL
D	DRAINAGE MANHOLE	---	STONEWALL
C	CATCH BASIN	---	BUILDING SETBACK
OHU	OVERHEAD UTILITIES	---	GREEN SPACE BUFFER
T	TREELINE	---	EASEMENT
R	RETAINING WALL	---	ZONE LINE
		---	PROPOSED EDGE OF GRAVEL
		---	PROPOSED STOCKADE FENCE



CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE DURING MARCH OF 2016. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) OR BETTER.

[Signature]
LICENSED LAND SURVEYOR
DATE: 3/1/22

TOWN OF HUDSON
Zoning Department
MAR 08 2022

ZONING BOARD OF ADJUSTMENT PLAN
MIARA TRANSPORTATION
MAP 136 LOT 1
12 BOCKES ROAD
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD: JOSEPH A. MIARA JR., TRUSTEE GRANITE REALTY TRUST 12 BOCKES ROAD HUDSON, NH 03051 H.C.R.D. BK. 8410 PG. 2473	APPLICANT: JOSEPH A. MIARA JR., TRUSTEE GRANITE REALTY TRUST 12 BOCKES ROAD HUDSON, NH 03051
-----------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------

KNA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2861

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: FEBRUARY 9, 2022 SCALE: 1" = 40'
PROJECT NO: 16-0223-1 SHEET 1 OF 1

Printed
3/08/2022
3:00PM
Created
3/08/2022
1:41 PM

Transaction Receipt

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

Receipt# 676,174
tgoodwyn

<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00 Zoning Application- 3/24/22 ZBA Meeting 12 Bockes Rd Map 136 Lot 001 Sublot 000 Variance Application	0.00	226.8700	0.00
		Total:	226.87

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
J.A. Miara Transportation, Inc.	CHECK	CHECK# 065437	226.87	0.00	226.87
		Total Due:			226.87
		Total Tendered:			226.87
		Total Change:		0.00	
		Net Paid:			226.87

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

On **03/24/22**, the Zoning Board of Adjustment heard Case **136-001**, being a case brought by **Joseph A Miara, Jr., Tr., authorized representative of Granite Realty Trust, 12 Bockes Road, Hudson, NH** requests a Variance to erect a **80 ft. x ~79 ft. 'hoop' structure attached by 4 (four) 40 ft. ocean containers used as a base with a proposed location in the rear of the property. This is an expansion of an existing, non-conforming use, not permitted in the R-2 Zone.** [Map 136, Lot 001-000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]

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.

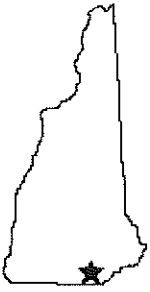
Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

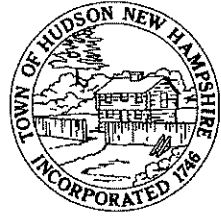
Date

Stipulations: _____



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

March 10, 2022

APPLICANT NOTIFICATION

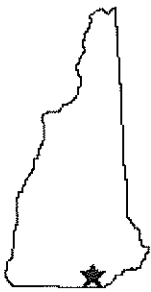
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **03/24/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 136-001 (03-24-22): Joseph A Miara, Jr., Tr., authorized representative of Granite Realty Trust, 12 Bockes Road, Hudson, NH requests a Variance to erect a 80 ft. x ~79 ft. 'hoop' structure attached by 4 (four) 40 ft. ocean containers used as a base with a proposed location in the rear of the property. This is an expansion of an existing, non-conforming use, not permitted in the R-2 Zone. [Map 136, Lot 001-000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses]

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

March 10, 2022

ABUTTER NOTIFICATION

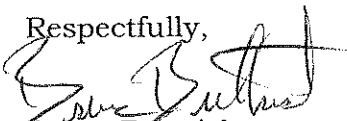
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **03/24/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 136-001 (03-24-22): Joseph A Miara, Jr., Tr., authorized representative of Granite Realty Trust, 12 Bockes Road, Hudson, NH requests a Variance to erect a 80 ft. x ~79 ft. 'hoop' structure attached by 4 (four) 40 ft. ocean containers used as a base with a proposed location in the rear of the property. This is an expansion of an existing, non-conforming use, not permitted in the R-2 Zone. [Map 136, Lot 001-000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses]

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 the Hudson Town Hall.

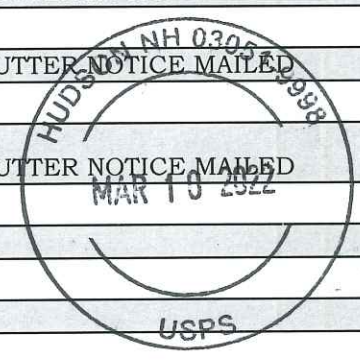
Respectfully,




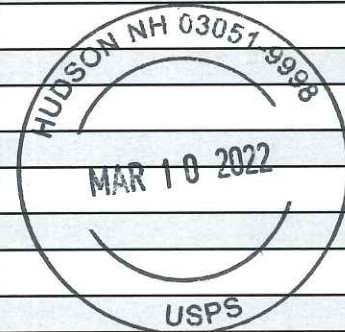
Bruce Buttrick

Zoning Administrator

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 136-001 VARIANCE 12 Bockes Road Map 136/Lot 001-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	03/24/2022 ZBA Meeting
1	7021 0350 0000 1884 4911	JOSEPH A. MIARA, JR., TRUSTEE GRANITE REALTY TRUST 12 BOCKES ROAD, HUDSON, NH 03051	APPLICANT/OWNERS NOTICE MAILED
2	7021 0350 0000 1884 4928	PETER J. & TAMMY L. MORRIS, TRUSTEES; MORRIS REVOCABLE TRUST 16 BOCKES ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7021 0350 0000 1884 4935	VFW-HUDSON MEMORIAL POST 5791 15 BOCKES ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7021 0350 0000 1884 4942	JOSEPH M. DONAHUE, TRUSTEE; JOSEPH IRELAND 2016 FAMILY TRUST 70 FERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7021 0350 0000 1884 4959	1 BOCKES ROAD, LLC 25 PELHAM ROAD, SUITE 103, SALEM, NH 03079	ABUTTER NOTICE MAILED
6	7021 0350 0000 1884 4966	ROLLING WOODS HOA; c/o JAMES WEAVER 27 ROLLING WOODS DR, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7021 0350 0000 1884 4973	GARRET D. SANTOS; MELISSA F. PIERCE 21 ROLLING WOODS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	7021 0350 0000 1884 4980	JAMES R. & VARINIA G. WEAVER 27 ROLLING WOODS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	7021 0350 0000 1884 4997	STEFAN & DIANE R. MIKOLAJCZUK, TRUSTEES; MIKOLAJCZUK REVOCABLE TRUST 29 ROLLING WOODS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
10			
11			
12			
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office 9	Postmaster (receiving Employee) 



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 136-001 VARIANCE 12 Bockes Road Map 136/Lot 001-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	03/24/2022 ZBA Meeting
1	Mailed First Class	BRIAN T. & JILL C. LEONARD	ABUTTER NOTICE MAILED
		37 ROLLING WOODS DR., HUDSON, NH 03051	
2	Mailed First Class	DONALD J. & GEORGIA F. BRUSSARD	ABUTTER NOTICE MAILED
		18 BOCKES ROAD, HUDSON, NH 03051	
3	Mailed First Class	MICHAEL P. GOYETTE	ABUTTER NOTICE MAILED
		20 BOCKES ROAD, HUDSON, NH 03051	
4	Mailed First Class	SHANE HOWARD	ABUTTER NOTICE MAILED
		4A YORK ROAD, HUDSON, NH 03051	
5	Mailed First Class	KEACH NORDSTROM ASSOC. INC.	APPLICANT NOTICE MAILED
		10 COMMERCE PARK N., SUITE 3, BEDFORD, NH 03110	
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) 



su | do | ku

© Puzzles by Pappocom

	5		7	4			
6	9				3		
			8			1	
	3		2			9	4
8							2
9		6			5		8
		3			4		
			1				3 8
				6	7		5

Fill in the puzzle so that every row, every column and every 3x3 grid contains the digits 1 through 9. That means that no number is repeated in any row, column or grid. Shown at right is the answer to yesterday's puzzle.

2	4	3	1	8	6	9	7	5
1	7	8	9	5	4	6	3	2
6	5	9	7	3	2	8	1	4
4	8	5	3	7	9	1	2	6
3	6	2	4	1	5	7	8	9
9	1	7	6	2	8	5	4	3
8	2	4	5	9	1	3	6	7
7	9	6	8	4	3	2	5	1
5	3	1	2	6	7	4	9	8

Wonderword

By DAVID OUELLET

HOW TO PLAY: All the words listed below appear in the puzzle — horizontally, vertically, diagonally and even backward. Find them, circle each letter of the word and strike it off the list. The leftover letters spell the WONDERWORD.

THE CRÈME DE LA CRÈME Solution: 10 letters

S M A C A D E M I C A P O O L
 T R U R R B C A R E E R H L M
 A (B) (E) (S) (T) E H T L A E W I Y A
 T L C D I I N O V H N K E M E
 U A I P A C S N E O S K R P T
 S N O R O E I T I U W H A I N
 N O V I T S L T O W O C R C E
 O I Y Z S A I I R P H T C S M
 I S E E M T G T R O S A H P A
 P S N R E I O I I S P W Y O N
 M E O P T R M C F O P H A R R
 A F M S E A E L K T N U Y T U
 H O E W R S L Y T E I C O S O
 C R O Y A L T Y R E N I A R T
 P P R I V I L E G E E D A R G

© 2022 Andrews McMeel Syndication www.wonderword.com 3/16

Academic, Artist, Best, Career, Champion, Choices, Competition, Formal, Gift, Grade, Groups, Hero, Hierarchy, Leaders, Money, Music, Olympics, Pool, Position, Power, Prestigious, Primary, Privilege, Prize, Professional, Rank, Royalty, Show, Skill, Society, Sports, Status, Stock, Team, Tournament, Trainer, Trophy, Voice, Watch, Wealth, Winner

Yesterday's Answer: Muscles

Crossword

Eugene Sheffer

ACROSS

1 Latin love
 5 Monk's title
 8 Fortas and Lincoln
 12 Brazilian rubber
 13 iPad platform
 14 Stir up
 15 Noisy wood cutters
 17 Greek pita sandwich
 18 Sailing vessels
 19 Parisian palace
 21 Documentarian
 22 Body powder
 23 Bar bill
 26 Auction signal
 28 Showy flower
 31 Detail
 33 Cry
 35 "Absolutely!"

36 Tight-fisted
 38 Light touch
 40 Body art, for short
 41 Rip
 43 Zodiac animal
 45 Skirmish
 47 Plaza Hotel girl
 51 Gershwin's "Rhythm"
 52 DVD collection, e.g.
 54 Insult
 55 Sch. founded by Jefferson

56 — Bator

57 Syringe, for short
 58 Muppet eagle
 59 Country singer
 Evans

60 Green land
 61 — gin fizz
 62 Whirl
 63 Napkin's place
 64 Spasm
 65 Sports fig.
 66 Borscht
 67 Speck
 68 New Deal agcy.
 69 Even so
 70 Conductor
 71 Law grad's test
 72 Plus
 73 Diamond-patterned socks
 74 Picture puzzle
 75 — operandi
 76 Mrs. Addams, to Gomez
 77 Unsightly
 78 Actress Fisher
 79 Char
 80 Sicilian volcano
 81 Eggs

Solution time: 23 mins.

C	O	L	E	O	R	T	S	L	O	B	
U	R	A	L	B	A	A	C	O	R	A	
S	C	H	M	O	O	Z	E	H	O	A	R
P	A	R	N	E	E	A	N	K	L	E	
		S	T	S	F	R	A				
T	E	L	C	O	L	O	C	S	T	S	
R	O	S	H	B	A	Y	Z	O	O	S	
A	N	D	R	O	I	D	W	E	D	G	E
		E	A	T	M	A	R				
A	U	D	I	T	C	A	R	A	L	A	
S	N	U	B	S	C	H	N	A	P	P	S
T	U	N	E	N	I	A	C	O	G	S	
A	M	E	R	O	I	L	S	P	A	T	

Yesterday's answer 3-16

Legal Notice

MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **Thomas Katsiantonis and Chrysoula Katsiantonis** to Mortgage Electronic Registration Systems, Inc., as mortgagee, acting solely as a nominee for Wilmington Finance, a division of AIG Federal Savings Bank, dated November 22, 2005 and recorded with the Hillsborough County Registry of Deeds in Book 7590, Page 0425, of which mortgage The Bank of New York Mellon FKA The Bank of New York, as trustee for the benefit of the certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2006-BC2 is the present holder by assignment, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at **45 Glen Bloom Drive, Manchester, Hillsborough County, New Hampshire** will be sold at a Public Auction at **12:00 PM on April 13, 2022**, being the premises described in the mortgage to which reference is made for a more particular description thereof. Said public auction will occur on the Mortgagee's Premises.

For mortgagor's title, see deed recorded with the Hillsborough County Registry of Deeds in Book 7590, Page 0422.

NOTICE TO THE MORTGAGOR AND ALL INTERESTED PARTIES: YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

THE AGENTS FOR SERVICE OF PROCESS ARE:

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATE-HOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICATES, SERIES 2006-BC2, 240 Greenwich Street, New York, NY 10286 (Mortgagee)

NewRez LLC DBA Shellpoint Mortgage Servicing c/o Corporation Service Company, 10 Ferry Street, Suite 313, Concord, NH 03301 (Mortgagee Servicer)

You can contact the New Hampshire Banking Department at 53 Regional Drive #200, Concord, NH 03301 Tel (603) 271-3561 and by email at nhbd@banking.nh.gov

FOR INFORMATION ON GETTING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE INFORMATION HOTLINE AT 800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMPSHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS CALL.

LIENS AND ENCUMBRANCES: The Mortgaged Premises shall be sold subject to any and all easements, unpaid taxes, liens, encumbrances and rights, title

and interests of third persons of any and every nature whatsoever which are or may be entitled to precedence over the Mortgage.

NO WARRANTIES: The Mortgaged Premises shall be sold by the Mortgagee and accepted by the successful bidder "AS IS" AND "WHERE IS" and with all faults. Except for warranties arising by operation of law, if any, the conveyance of the Mortgagee Premises will be made by the Mortgagee and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any representations or warranties with respect to title, possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. All risk of loss or damage to the Mortgaged Premises shall be assumed and borne by the successful bidder immediately after the close of bidding.

TERMS OF SALE: To qualify to bid, bidders must register to bid and present to the Mortgagee or its agent the sum of Five Thousand Dollars and 00/100 (\$5,000.00) by certified check or other form of payment acceptable to the Mortgagee or its agent prior to the commencement of the public auction. The balance of the purchase price must be paid in full by the successful bidder by certified check within thirty (30) days from the date of the public auction, or on delivery of the foreclosure deed, at the option of the Mortgagee. The deposits placed by unsuccessful bidders shall be returned to those bidders at the conclusion of the public auction. The successful bidder shall execute a Memorandum of Foreclosure Sale immediately after the close of bidding. If the successful bidder fails to complete the purchase of the Mortgagee Premises, the Mortgagee may, at its option, retain the deposit as liquidated damages.

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclosure sale. Such change(s) or amendment(s) shall be binding on all bidders.

Other terms to be announced at sale.

The Bank of New York Mellon FKA The Bank of New York, as trustee for the benefit of the certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2006-BC2 Present holder of said mortgage, by its Attorneys Susan W. Cody Korde & Associates, P.C. 900 Chelmsford Street, Suite 3102 Lowell, MA 01851 (978) 256-1500 ALW 18-032794 Katsiantonis (UL - Mar. 16, 23, 30)

Going Online? See more public notices at www.unionleader.com

TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearing THURSDAY, March 24, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday, March 24, 2022 at 7:00 PM** in the Community Development Paul Buxton Meeting Room in the basement of the Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance on the right side. The following cases will be heard:

PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

Case 136-001 (03-24-22): Joseph A Miara, Jr., Tr., authorized representative of Granite Realty Trust, **12 Bockes Road, Hudson, NH** requests a Variance to erect a 80 ft. x ~79 ft. 'hoop' structure attached by 4 (four) 40 ft. ocean containers used as a base with a proposed location in the rear of the property. This is an expansion of an existing, non-conforming use, not permitted in the R-2 Zone. [Map 136, Lot 001-000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]

Bruce Buttrick, Zoning Administrator

Cryptoquip

The cryptoquip is a simple substitution cipher in which each letter used stands for another. If you think the X equals O, it will equal O throughout the puzzle. Single letters, short words and words using an apostrophe can give you clues to locating vowels. Solution is accomplished by trial and error.

B X R Q B Z V Z J G S Z D R B J
 X R C K Z K K G B C Q G S G J Z J M G V
 R K G D Z J U Z C Q J Q G M G D D G B ?
 Q X Z Q Z Z C U G S S R C K S Z C Q J.

Yesterday's Cryptoquip: IF FRANK SINATRA HAD A HABIT OF HOARDING HEAPS OF STUFF, I GUESS HE'D BE A RAT PACK PACK RAT.

Today's Cryptoquip Clue: Z equals E

Bridge

Steve Becker

Whenever possible, a defender should try to divert declarer from the winning line of play. East did exactly that in today's deal and talked South out of what appeared to be a surefire four-spade contract.

West led a heart, and East took the first two tricks with the queen and ace. Declarer noted immediately that his potential club loser could eventually be taken care of by dummy's diamonds, so his only real concern was to make sure he did not lose two trump tricks.

Since he could lose a spade and still make the contract, he

could afford to try the standard safety play with this combination: cash the ace, cross to dummy with a diamond, lead the nine of spades and let it ride. If East started with the Q-J-x-x of spades, this would limit South to one spade loser, while if West won the trick, it would mean the spades were originally divided 3-2.

Declarer would therefore have made his contract easily had East returned a heart, a diamond or a spade at trick three. But East, who was well-versed in safety plays, decided not to sit idly by while South overcame the 4-1 spade division. After collecting his two heart tricks, he blithely shifted to the nine of clubs!

This unexpected development gave South pause for thought. The nine of clubs had all the earmarks of singleton. If it was, attempting the safety play would risk the contract. If West started with the Q-x or J-x of spades, he would return a club after winning the second spade, and East would ruff to sink the contract.

So after taking the nine of clubs with the queen, declarer led a spade to the ace and then cashed the king. When West showed out on the second round, South realized, to his chagrin, that he had been had by East's clever play.

South dealer.
 East-West vulnerable.
 NORTH
 ♠ 9 8 2
 ♥ K 6
 ♦ A Q J 10
 ♣ A Q 5 3

WEST
 ♠ 4
 ♥ 10 9 8 5 3
 ♦ 8 6 2
 ♣ 10 8 6 4

EAST
 ♠ Q J 6 3
 ♥ A Q 2
 ♦ 9 7 5 4
 ♣ K 9

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclosure sale. Such change(s) or amendment(s) shall be binding on all bidders.

Other terms to be announced at sale.

The Bank of New York Mellon FKA The Bank of New York, as trustee for the benefit of the certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2006-BC2 Present holder of said mortgage, by its Attorneys Susan W. Cody Korde & Associates, P.C. 900 Chelmsford Street, Suite 3102 Lowell, MA 01851 (978) 256-1500 ALW 18-032794 Katsiantonis (UL - Mar. 16, 23, 30)

The bidding:
 South West North East
 1 ♠ Pass 2 ♣ Pass
 2 NT Pass 3 ♠ Pass
 4 ♠
 Opening lead — ten of hearts.

TOMORROW: Ultrasane insanity.

© 2022 King Features Syndicate, Inc.

JUMBLE

THAT SCRAMBLED WORD GAME
 By David L. Hoyt and Jeff Knurek

Unscramble these Jumbles, one letter to each square, to form four ordinary words.

ZOKOA
 RNKID
 GWILGE
 REEFRP

Now arrange the circled letters to form the surprise answer, as suggested by the above cartoon.

(Answers tomorrow)

Yesterday's Jumbles: GLADE FRESH COLONY IMPORT
 Answer: To learn as much as possible about the Andes, students need to study a — RANGE OF TOPICS

KidSpot

By Dan Thompson
 3-16

THE PUZZLER

I've hidden a number in each of the sentences below. For example, there's a "one" in the word "phone" below.

- There is a message on your phone.
- Let's give her some of our cookies.
- I got a new kitten for my birthday.
- He is good as lifting weights.
- I'll divide the chocolates evenly.
- They installed the new computer network.

ANS: 2. FOUR, 3. TEN, 4. EIGHT, 5. SEVEN, 6. TWO

Horoscope

Eugenia Last

IF BORN ON THIS DATE: Read between the lines, and you'll figure out how to get the most out of whatever you pursue. Your numbers are 9, 14, 22, 25, 34, 37, 49.
Birthdate of: Joel Embiid, 28; Judah Friedlander, 53; Lauren Graham, 55; Victor Garber, 73.

ARIES (March 21-April 19)
 Put in the time, and you'll reap the rewards. Reach out and make a difference to a cause that matters to you. The connections you make will be lasting and fruitful.

TAURUS (April 20-May 20)
 Don't jump into something without doing your homework. Test the atmosphere before you engage in a conversation concerning sensitive issues. Have a backup plan in place, and you'll come out on top.

GEMINI (May 21-June 20)
 Listen, then head in a direction that suits you, not the others. Use your skills and expertise to your advantage, and put your energy into something that makes you happy.

CANCER (June 21-July 22)
 Conversations will lead to something that interests you. The information you gather will spark your

imagination and encourage you to use your ideas to pursue something that excites you.

LEO (July 23-Aug. 22)
 Slow down; spontaneity will get you in trouble. Bide your time, put your generosity on the back burner, and don't let your emotions interfere with practicality.

VIRGO (Aug. 23-Sept. 22)
 Don't hold back. If something bothers you, say something. Conversations will lead to resolutions that will put your mind at ease and make your relationship with someone better.

LIBRA (Sept. 23-Oct. 22)
 Preparation is paramount if you want to bring about positive change. Let your intuition help you decipher what's best for you, and put your energy where it will help you excel.

SCORPIO (Oct. 23-Nov. 21)
 It's up to you to bring about change. Stop dreaming and start doing. Concentrate on what will make your life easier and put to rest what stands between you and your goals.

SAGITTARIUS (Nov. 22-Dec. 21)
 Don't lose sight of your goals. Refuse to let anyone meddle or cause emotional turmoil. Look inward and consider what you want. Protect against injury or illness.

CAPRICORN (Dec. 22-Jan. 19)
 You'll receive an unexpected opportunity. Don't hem and haw when action is required. Size up whatever situation you encounter, and do what's best for you.

AQUARIUS (Jan. 20-Feb. 18)
 Put your energy into self-improvement, health, fitness and meaningful relationships. Choose to follow the path that puts a smile on your face and a skip in your step.

PISCES (Feb. 19-March 20)
 Get involved in what's happening around you. You don't have a say if you don't participate. Share your thoughts and make a difference.

enforcement action was commenced against the violation during that time by the municipality or by any person directly affected.

Equitable waivers may be granted only from physical layout, mathematical, or dimensional requirements and may not be granted from use restrictions. Once a waiver is granted, the property is not considered to be a nonconforming use and the waiver does not exempt future use, construction, reconstruction or additions on the property from full compliance with the ordinance. The fact that a waiver is available under certain circumstances does not alter the principle that owners of land should understand all land use requirements. In addition, the statute does not impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or compliance of property inspected by them.

The application and hearing procedures for equitable waivers are governed by [RSA 676:5-7](#). Rehearings and appeals are governed by [RSA 677:2-14](#). The burden of proof rests with the property owner seeking an equitable waiver.

For an additional explanation of this power of the zoning board of adjustment, readers are encouraged to review the article in *Town and City Counsel* contained in the December 1996 edition of the New Hampshire Municipal Association magazine, *New Hampshire Town and City* by H. Bernard Waugh, Jr., Esq.

EXPANSION OF NONCONFORMING USES

RSA 674:19 Applicability of Zoning Ordinance

A zoning ordinance adopted under RSA 674:16 shall not apply to existing structures or to the existing use of any building. It shall apply to any alteration of a building for use for a purpose or in a manner which is substantially different from the use to which it was put before alteration.

A nonconforming use is one that was lawfully established before the passage of the provision in the zoning ordinance that now does not permit that use in that particular place. Nonconforming uses enjoy constitutional protections under state law which allows them to expand to a certain degree. Therefore, in a particular case, a nonconforming use may have the right to expand in a way that would otherwise require a variance.

Much has been written about this topic and it has been the subject matter of many NH Municipal Association law lectures, including in Law Lecture #1 in the Fall of 2015 – “Grandfathering: The Law of Non-Conforming Uses & Vested Rights” by H. Bernard Waugh, Jr., Esq., Gardner Fulton & Waugh, PLLC and Adele Fulton, Esq., Gardner Fulton & Waugh, PLLC. Attorney Waugh also presented these materials at the Fall 2009 OEP Planning and Zoning Conference, [GRANDFATHERED – The Law of Nonconforming Uses and Vested Rights \(2009 Ed.\)](#).

“Despite the fact that nonconforming uses violate the letter and the spirit of zoning laws, they have evolved for the purpose of protecting property rights that antedated the existence of an ordinance from what might be an unconstitutional taking.” *Surry v Starkey*, 115 N.H. 31 (1975) (citing Powell, Real Property, Sec. 869; Rathkopf, Law of Zoning and Planning, 58-1; Anderson, American Law of Zoning, Sec. 6.01.)

“In this State, the common-law rule is that an owner, who, relying in good faith on the absence of any regulation which would prohibit his proposed project, has made substantial construction on the property or has incurred substantial liabilities relating directly thereto, or both, acquires a vested right to complete his project in spite of the subsequent adoption of an ordinance prohibiting the same.”

Henry & Murphy, Inc. v. Town of Allenstown, 120 N.H. 910 (1980).

“The State Constitution provides that all persons have the right of acquiring, possessing and protecting property. N.H. Const. Pt. I, arts. 2, 12. These provisions also apply to nonconforming uses... As a result, we have held that a past use of land may create vested rights to a similar future use, so that a town may not unreasonably require the discontinuance of a nonconforming use.” *Loundsbury v. City of Keene*, 122 N.H. 1006 (1982) (citations omitted).⁶

The question of expansions and changes in a nonconforming use may reach the zoning board of adjustment by one of several routes. An owner may assume he’s “grandfathered” for a particular use and just begins expanding the use. A concerned abutter may disagree and complain to the zoning administrator who in turn must decide if the expansion is allowed or not. The owner or abutter can then appeal that administrative decision to the zoning board of adjustment who would have to decide if the expanded use were grandfathered or not.

Alternatively, the owner might apply for a building permit and the administrative officer (building inspector, zoning administrator, board of selectmen) would make the initial decision regarding the grandfathered status and either issue or deny the permit. That decision would be appealable as before.

Another possibility would be if the owner makes an application to the planning board claiming that some aspect of the application is “grandfathered” from zoning. The planning board can decide just on that issue which can be appealed to the ZBA under RSA 676:5, II.

A fourth way this issue might come before the board is if an application for a special exception or variance is submitted. In this case, the board should exercise caution. Absent a specific provision in the ordinance allowing expansions of nonconforming uses by special exception, a landowner cannot use a nonconforming use as a basis for a special exception. Both nonconforming uses and variances are legally similar, namely that they are both constitutional protections of property rights. If someone has a legal right to expand a nonconforming use, then a variance is not needed. If, on the other hand, a use is not grandfathered, a variance would be required to allow its expansion.

What a landowner cannot do is “bootstrap” his way toward a variance by claiming that the nonconforming status of the property somehow constitutes a “hardship.” If a landowner wishes to expand or change a nonconforming use he must EITHER:

- Argue that the expansion is a “natural” expansion which doesn’t change the nature of the use, is merely a different manner of utilizing the same use, doesn’t make the property proportionately less adequate, and doesn’t have a substantially different impact on the neighborhood; or
- Apply for a variance and satisfy all five of the normal variance criteria.

In short, if an owner can’t do what he wants to do within the confines of the allowable evolution, then he must qualify for a variance the same way as if there were no nonconforming use.

A legal test for expansion of nonconforming uses has been established by the New Hampshire Supreme Court from cases such as *New London Land Use Association v. New London Zoning Board of Adjustment & a*, 130 N.H. 510 (1988). In reviewing whether a particular activity is protected as within the existing nonconforming use, the following factors, or tests, must be considered:

⁶ “GRANDFATHERED! The Law of Nonconforming Uses and Vested Rights,” H. Bernard Waugh, Jr., Esq., New Hampshire Municipal Association, Municipal Law Lecture Series, Lecture #3, Fall 1994, pg. 2.

- To what extent does the challenged activity reflect the nature and purpose of the existing nonconforming use. (i.e., does the proposed change arise “naturally” through evolution, such as new and better technology, or changes in society.)
- Is the challenged activity merely a different manner of utilizing the same use or does it constitute a use different in character, nature and kind from the nonconforming use?
- Does the challenged activity have a substantially different impact on the neighborhood?
- Enlargement or expansion of a nonconforming use may not be substantial and may not render the property proportionally less adequate.

Enlargement or expansion of a nonconforming use may not be substantial and may not render the property proportionally less adequate. See *New London Land Use Assoc. v. New London Zoning Board*, 130 N.H. 510 (1988).

In order to be allowable as a “natural expansion,” expansion of a nonconforming use must not be such as to constitute an entirely new use. Factors to be considered are the nature and purpose of the prevailing nonconforming use, the nature and kind of the proposed change in use, and whether the change in use will have a substantially different effect on the neighborhood. See *Devaney v. Windham*, 132 N.H. 302 (1989).

Because nonconforming uses violate the spirit of zoning laws, any enlargement or extension must be carefully limited to promote the purpose of reducing them to conformity as quickly as possible. The expansion of a nonconforming one-story office building to a four-story office/parking complex would alter the purpose, change the use, and affect the neighborhood in such a way as to render the requirement of a variance valid. See *Granite State Minerals v. Portsmouth*, 134 N.H. 408 (1991).

Where the permit sought by a landowner would result only in internal changes in a pre-existing structure and where there would be no substantial change in the use’s effect on the neighborhood, the landowner will be allowed to increase the volume, intensity or frequency of the nonconforming use. The granting of a sign permit which only resulted in lettering change and the relocation of a coffee counter within the store were not an improper expansion of a nonconforming use. See *Ray’s State Line Market, Inc. v. Town of Pelham*, 140 N.H. 139 (1995).

In *Conforti v. City of Manchester*, 141 N.H. 78 (1996) the supreme court found that the staging of live rock concerts in the Empire Theater originally built as a movie house in 1912 was not a lawful expansion of a nonconforming use. If the new activity fails any one of the three *New London* tests it is unlawful at common law. The court pointed out that whether the new use is a substantial change in the nature or purpose of the nonconforming use depends on the facts and circumstances of the individual case.⁷

The zoning board of adjustment does have the authority to attach conditions to the continued enjoyment of a nonconforming use as illustrated by *Peabody v. Town of Windham*, 142 N.H. 488 (1997). In this case, a nonconforming well drilling business was purchased and the new owners began to operate a construction business and move in paving equipment until the building inspector halted the use. The owners appealed the administrative decision and the board found that the construction business was within the scope of the original nonconforming use but not a paving business. The owner appealed and after a rehearing the board reaffirmed its earlier decision but this time with some specific limiting conditions. Again, the owner appealed and the lower court overruled the board’s decision and conditions. The town then appealed to the supreme court who reversed the lower court

⁷ 1997 Land Use Case Law Update, Timothy Bates, Esq., OSP Annual Planning and Zoning Conference, May 31, 1997.

stating in part “as a general matter of law the ZBA also has the power to attach conditions to appeals from decisions of administrative officers involving nonconforming uses, provided the conditions are reasonable and lawful.”⁸

In *Hurley, et al v. Hollis*, 143 N.H. 567 (1999) the court held that the amendment to the local regulation allowing an expansion of a nonconforming use by special exception was merely codifying existing case law, not allowing greater expansion rights. Towns may, if they wish, broaden expansion rights for nonconforming uses. In this case the town may have intended to do just that but the court found otherwise.

Towns need not enact anything to review and even allow some degree of change and “natural expansion” of a nonconforming use.⁹ Municipalities are cautioned to proceed very carefully at their own peril lest the floodgates be opened for unwanted expansions, unless such ordinances are crafted very carefully.

ABANDONMENT OF NONCONFORMING USES

In *Pike Industries, Inc. v. Brian Woodward*, 160 N.H. 259 (2010), the court determined that the subjective intent of the landowner is not relevant when the zoning ordinance defines abandonment of a nonconforming use as discontinuance for more than a year. There is no abandonment when a business owner keeps his facility ready to produce and deliver a product, even if such products are not actually produced.

Beginning prior to 1960, Pike Industries had operated an asphalt batching plant in the Town of Madbury as a nonconforming use in its zoning district. Between October of 2005 and August of 2007, no asphalt was actually produced at the facility, but the company did take steps to maintain and repair equipment, solicit bids for work and train personnel to operate the facility. In April of 2007, Pike sought permission from the planning board to alter the use of the site from asphalt batching to concrete batching. Abutters objected, arguing that the asphalt batching had been abandoned, the use could not be restarted and, further, that the concrete batching use was an impermissible change of use. The planning board rejected these arguments, and the abutters appealed to the zoning board of adjustment.

The ZBA found that the failure to actually produce asphalt for a period in excess of one year constituted an abandonment of the use under the terms of the zoning ordinance, and that it need not consider the intent of the landowner in making this determination. Pike appealed to the superior court, which reversed the ZBA decision on abandonment and remanded the matter to the ZBA for a consideration of the intent of the landowner. The abutters appealed to the supreme court.

In two previous cases, the court set forth two different rules regarding abandonment of a nonconforming use. In *Lawlor v. Salem*, 116 N.H. 61 (1976), the court held that the right to a nonconforming use could be lost by abandoning the use, and that the subjective intent of the landowner was a factor in the determination of whether abandonment had occurred in fact. However, in *McKenzie v. Eaton Zoning Board of Adjustment*, 154 N.H. 773 (2007), the court found that a municipality may lawfully draft its ordinance to define “abandonment of a nonconforming use” without regard to the intent of a landowner to abandon that use.

Here, the town had drafted its ordinance to define abandonment as discontinuance for more than one year, without regard to the intent of the landowner. The court applied the rules from *McKenzie*, and

⁸ 1998 Land Use Case Law Update, Timothy Bates, Esq., OSP Annual Planning and Zoning Conference, May 30, 1998.

⁹ 1999 Municipal Law Update: The Courts, H. Bernard Waugh, Jr., Esq., Chief Legal Counsel, NHMA, October 1999.

Nonconforming Uses Expanding in New Hampshire

We have spent quite a bit of time in the past sharing how nonconforming provisions have been made for numerous properties in the state of New Hampshire. Those provisions basically allow certain properties to function as they always have. This is despite the fact that those properties do not meet all of the current local code requirements.

While expanding nonconforming uses might seem to be an excellent idea, it can become problematic over time. There are numerous types of problems that can be caused by expansions. However, the main one that always comes to mind is when an owner of a nonconforming building wants to expand. If the building is in a residential area, there is always negative feedback from the neighbors and even local code enforcement.

Thankfully, there is a law in place in New Hampshire that requires each potential nonconforming use expansion to be reviewed prior to approval.

The Standards of Nonconforming Uses Expansions

Most local governments in this state will almost always allow the expansion of nonconforming uses if there won't be a substantial change for the neighborhood. Therefore,

if a landowner wants to increase the size of their building, or something similar, they will be allowed to do so if there is no major negative impact.

Since there are many different technological and demographic advances over time, all expanding nonconforming uses must be considered carefully. All of those advances may make it necessary to deny the nonconforming use expansion and require the building to now be up to the local codes.

How to Determine Whether an Expansion is Considered a Substantial Change

It can be slightly difficult to determine whether an expansion is considered a substantial change. Therefore, the courts have determined the degree to which all nonconforming uses may be expanded.

All courts in New Hampshire consider the following:

- The extent of how the new use reflects the nature and purpose of the current nonconforming use
- Whether the new use is actually the same as the original nonconforming use or if it is actually a different use
- Whether the new use will substantially impact the neighborhood

When an expansion of nonconforming uses is brought to the courts, it is up to the landowner to convince the court that the expanding use is the same as the old nonconforming use.

All of the Practical Considerations

It is important to note that all nonconforming use expansions will impact a neighborhood. However, as long as those impacts are not substantial, the nonconforming usage can continue in most scenarios. There are quite a few practical considerations everyone must keep in mind when they are filing for a nonconforming use expansion.

A few of the common considerations include:

- The number of employees
- New noises, lights, smells, or vibrations
- Changes in access via driveways to parking areas
- The degree of the changes of the property's footprint
- The degree of how the building or property is altered or moved
- The change in the volume of traffic to the property
- Whether accessory uses have turned into principal uses
- Types of new equipment and accessory structures on the property

There is quite a bit you must know about nonconforming uses expansions. This covers most of it, but then there are loopholes that include making slight changes that will bring the building closer to the current code requirements.

If you are considering a nonconforming uses expansion, it is best to [contact](https://alfanolawoffice.com/contact/) our office today to schedule a consultation. This is one of those issues you do not want to tackle on your own.

Filed Under: [General](https://alfanolawoffice.com/category/general/), [Legislation](https://alfanolawoffice.com/category/legislation/), [Real Estate Law](https://alfanolawoffice.com/category/real-estate-law/)

The above information is for informational purposes only and does not constitute legal advice.

Alfano Law Office, PLLC, 4 Park Street, Concord, NH 03301 USA | Phone: (603) 856-8411
Copyright © 2022 · Alfano Law Office, PLLC. All Rights Reserved · Website design by InterActive Synergy, LLC
<http://www.interactivesynergy.com>



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 MINUTES – February 24, 2022 – as edited

The Hudson Zoning Board of Adjustment met on Thursday, February 24, 2022 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. 6:30 PM CONSULTATION WITH TOWN COUNSEL (non-public) per RSA 91-A:2 I (b) Held

II. 7:00 PM CALL TO ORDER

III. PLEDGE OF ALLEGIANCE

Chairman Gary Daddario called the meeting to order at 7:05 PM, apologized for the delayed start, invited everyone to stand for the Pledge of Allegiance and read the Preamble into the record (Exhibit A in the Bylaws).

Clerk Normand Martin took attendance. Members present were Gary Daddario (Regular/Chair), Gary Dearborn (Regular), Normand Martin (Alternate/Clerk), Marcus Nicolas (Regular), Jim Pacocha (Regular/Vice-Chair), Dean Sakati (Alternate) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, and Louise Knee, Recorder (remote). Excused were Brian Etienne (Regular) and Kara Roy, Selectman Liaison. Mr. Daddario appointed Mr. Martin to vote and noted that there would be five (5) Voting Members.

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

CONTINUED/DEFERRED HEARINGS:

- Case 166-031 (02-24-22) (deferred from 01-27-22):** 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).]

Mr. Buttrick read the Case into the record and referenced his Staff Report signed 2/21/2022.

Dan Flores, PE, SFC Engineering, 183 Rockingham Road Unit 3E, Windham, NH 03087 introduced himself and Atty. Patricia Panciocco of Panciocco Law representing the

47 Developer, M.R. Lacasse Homes, LLC. Mr. Daddario stated that in full disclosure he is a
48 lawyer and in the course of his practice, he is involved with a case where Atty. Panciocco
49 represents the other side and stated that he does not feel that interferes with his ability
50 to preside in hearing this Case. No one asked for his recusal.

51
52 Mr. Flores posted a plan and distributed paper copies of a plan titled Proposed
53 Subdivision Plan, 8 Lindsay Street, Hudson, NH dated 10/4/2021. Mr. Flores stated
54 that since the October meeting, they went before the Board of Selectmen (BoS) on
55 January 11, 2022, and that Town Counsel issued a letter dated 1/12/2022. Mr. Flores
56 stated that the BoS agreed that the undeveloped portion of Grigas Street ROW (Right-of-
57 Way) has lapsed by Operation of Law so that public right to that segment of land is no
58 longer present. The plan posted has been revised to show the property line down the
59 center of what used to be the ROW (also previously referred to as "Grigas Street
60 Extension" or Grigas Street "leg").

61
62 Mr. Flores provided the following information on the revised Proposed Subdivision Plan:
63 there is now 25.72' of frontage on the bend of St. John Street/Grigas Street; the total lot
64 area of 8 Lindsay Street has increased to 1.381 acres from 1.319 acres; a 12' wide
65 driveway is proposed from the proposed new lot of 0.46 acres for 20,055 SF (Square Feet)
66 where 10,000 SF is required and the remaining lot area is 40,084 SF where 40,000 SF is
67 required; the new lot meets all required setbacks of the Zoning Ordinance and can
68 resolve the drainage issue at the corner. From an aerial view that was posted with the
69 proposed new lot outlined in white, Mr. Flores noted how well it fits into the
70 neighborhood noting that the proposed new lot is nearly double in size to the neighboring
71 lots and the distance from the proposed garage is 85' to the existing house to the left (5
72 St. John Street) and 46' from the proposed house to the house to the north (6 Grigas
73 Street).

74
75 Mr. Daddario asked and received confirmation from Mr. Flores that the new lot line was
76 based on the center of the undeveloped section of Grigas Street Extension.

77
78 Mr. Flores next addressed the variance criteria necessary to satisfy and the information
79 included:

80
81 (1) *not contrary to public interest*

- 82 • Proposed use is a single family residence, like all others in the neighborhood
- 83 • Proposed lot is almost double in size to surrounding lots

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

- 85 • Proposed lot meets all Zoning Ordinance requirements, except frontage
- 86 • Although the lot does not have frontage on a Class V ~~road~~Road, the lot
87 does/did have frontage on Grigas Street ROW/Extension that was never
88 completed

89 (3) *substantial justice done*

- 90 • The lot at 8 Lindsay Street was created as an "L" shape with frontage on
91 both Lindsay Street and Grigas Street Extension
- 92 • Grigas Street Extension never built
- 93 • Variance will allow owner to fully develop the property as intended

94 (4) *not diminish surrounding property values*

- 95 • Proposed lot will not diminish property values

- 96 • Proposed lot size and configuration will be similar to existing properties
97 along Grigas Street, St. John Street, Nellie Court and Ledge Road

98 (5) *hardship*

- 99 • The lot has a unique “L” shape configuration with frontage both on Lindsay
100 Street to the west and a paper-street (Grigas Street Extension) to the north
101 • The Town never constructed Grigas Street Extension resulting in the
102 planned Grigas Street frontage not existing
103 • There are three (3) plans recorded at the Hillsborough Registry of Deeds that
104 illustrate the lot and Grigas Street Extension:
105 ○ 1957 Plan #1667 showing Grigas Street extending to the south with a
106 number of lots created along the frontage
107 ○ 1964 Plan #2888 shows changes to the lot along Grigas Street
108 ○ 1980 Plan #13558 shows Grigas Street ROW extending to create the
109 current “L” shape configuration of the lot
110

111 Atty. Panciocco stated that the purpose of a variance is to provide a relief-valve to the
112 conditions of a Zoning Ordinance and the hardship criteria focuses on the land and in
113 this case, there is no way to cure the lack of frontage. The frontage requirement and the
114 purpose it serves in Zoning is to prevent overcrowding. The proposed structure on this
115 double-sized lot is even further distanced from the structures on either side and noted
116 that many houses in the neighborhood are much closer to one another. Atty. Panciocco
117 stated that this variance will allow reasonable use of the land, a single-family residence
118 in an area where it is permitted, and does allow productive use of the land.
119

120 Mr. Dearborn asked if there was 25’ of access to St. John Street and how Grigas Street
121 Extension was acquired. Mr. Flores stated that it was a ROW, established in 1980,
122 Grigas Street Extension was not improved/approved in the required time frame and by
123 Operation of Law, the ROW lapsed and the land was equally divided to both abutting
124 lots, 25.73’ to each. Atty. Panciocco stated the division does not have to go to court as
125 the presumption is the division occurs at the centerline.
126

127 Mr. Thompson questioned if the length of the proposed driveway appears to be about 70’.
128 Mr. Sakati questioned the width, approximately 25’, and asked how that relates to
129 overcrowding. Atty. Panciocco responded that the appearance of overcrowding relates to
130 the positions of the structures and the plan being proposed provides greater distance
131 between the abutting structures than several others in the neighborhood. Mr. Thompson
132 stated that he walked the area, noted that it is heavily wooded and as far as privacy is
133 concerned overcrowding would not be a concern especially if the site is not clear-cut.
134

135 Public testimony opened at 7:47 PM.
136

- 137 (1) Jeff Ferentino, 5 St. John Street, abutter on the other side of the ROW
138 expressed concern with seeing/being seen when he sits on his back porch and
139 asked if he can erect a fence on the property line. Mr. Buttrick responded
140 that he could and noted that a fence greater than 8’ in height needs a Building
141 Permit. Mr. Ferentino expressed concern with the drainage off St. John Street
142 and Grigas Street as the water pools at the bend of the roads before it begins
143 to travel down the “natural swale” along the Cloutier property to the north (6
144 Grigas Street) before it seeps to the cemetery and with the rains of last week,

145 the pool in the cemetery was Olympic size. Mr. Ferentino showed pictures
146 and added that a new house could create a bigger issue. Mr. Buttrick
147 explained the process and checks that occur with a Building Permit and
148 confirmed that drainage and driveway are always reviewed. Mr. Ferentino
149 questioned if there is enough space for emergency access and whether the lot
150 would be clear-cut.

- 151 (2) Andrew Cloutier, 6 Grigas Street, stated that he shares the same concerns as
152 Mr. Ferentino, especially the fear that the land will get clear-cut, and
153 questioned where the snow would go because today in gets pushed into the
154 Extension and he would not want that snow piled onto his property.
155

156 Mr. Flores responded to the testimony received noting that they are excellent questions
157 that will be addressed with the Planning Board (PB) when they seek Site Plan Review;
158 acknowledged that drainage is an issue that will be addressed with the PB, that it is at a
159 low point and was not developed correctly nor functioning as intended to bring the water
160 from the roads to the cemetery; that it would be acceptable to condition variance
161 approval that the tree buffer be kept intact; that a larger/wider access is possible if the
162 Fire Department wants the driveway could be expanded; and that the Town can carry the
163 snow down St. John Street. Atty. Panciocco noted that the abutter, Mr. Ferentino, is
164 gaining 25' of land, which is wooded, and generally speaking, when a house is
165 constructed there is limited tree removal to avoid stormwater issues and the need to
166 landscape, and a Quitclaim Deed between both parties would bring clear title for the
167 extra 25' of land and that they have reached out to but never connected with Mr.
168 Ferentino to facilitate the execution of the Quitclaim Deeds.
169

170 Mr. Buttrick asked if a waiver would be needed for setbacks regarding the driveway
171 access and Mr. Flores stated that the plan is designed so that the driveway crosses the
172 frontage and meets the 15' setback, so a waiver is not needed. Mr. Pacocha asked if the
173 variance being sought is for reduced frontage on the Town ROW/Extension or a Town
174 Road. Mr. Buttrick stated that the variance for reduced frontage is to a Town road, at
175 the bend/corner of Grigas and St. John streets. Mr. Pacocha stated that Town ROW is
176 not yet owned by the abutting property owners.
177

178 Mr. Ferentino stated that he has not been contacted by the Applicant or Attorney
179 regarding pursuit of a Quick Claim Deed.
180

181 Mr. Cloutier stated that he disagrees with the attorney that this project could be the best
182 thing to fixing the pooling problem and that the reason for the frontage requirement is to
183 avoid overcrowding, well, this neighborhood has already been developed, there are other
184 developments coming to Town and the Town needs green space and this wooded area is
185 a benefit to the neighborhood.
186

187 Being no one else to address the Board, public testimony closed at 8:07 PM
188

189 Mr. Dearborn made the motion to deny the Variance with the understanding that no
190 determination regarding the legal issues surrounding the Grigas Street Extension and
191 would like the court to fully acknowledge who owns the Extension which is earmarked
192 for the driveway. Mr. Pacocha seconded the motion. Mr. Pacocha agreed with Mr.
193 Dearborn in that the court should decide who owns it in order to validate the request
194 before the Board. Mr. Martin noted that there is already a duplex on this property at

195 Lindsay Street and that there is no hardship to the Property Owner as there is practical
196 use of that whole piece of property already and the hardship criteria is not met and
197 would vote to deny the request without making any determination on who owns the
198 Extension. Mr. Nicolas agreed that the hardship variance criteria has not been met. Mr.
199 Buttrick stated that the motion does not address any of the five (5) variance criteria. Mr.
200 Daddario offered the Applicant the opportunity to defer the Case ~~in order~~ to resolve the
201 ownership of who owns Grigas Street Extension. Atty. Panciocco referred to Town
202 Counsel's 12/28/2021 letter to Mr. Buttrick where the last paragraph states that the
203 variance should be reviewed by its criteria regardless of whether the Applicant actually
204 owns to the centerline or has an implied easement and added that the resolution of the
205 property ownership is a private matter between the two (2) abutting property owners.
206 Roll call vote was 2:3 with Mr. Martin, Mr. Nicolas and Mr. Daddario opposed because
207 the motion did not address the variance criteria. Motion failed.
208

209 Mr. Martin made the motion to deny the Variance as it failed to satisfy the hardship
210 criteria. Mr. Nicolas seconded the motion. Both stated that there is already clear use of
211 the property. Roll call vote was 3:2 with Mr. Daddario and Mr. Pacocha opposed.
212 Variance denied. Mr. Daddario noted the 30-day Appeal period.
213

214 Board took a six-minute recess at 8:24 PM. Mr. Daddario called the meeting back to
215 order at 8:30 PM.
216
217

218 **2. Case 234-016 (02-24-22) (deferred from 12-09-21):** Peter & Joyce Drown, 7
219 Bruce St., Hudson, NH requests a Variance to build a 16 ft. x 24 ft. addition, which
220 encroaches a front yard setback 5.2 feet leaving 24.8 feet where 30 feet is required
221 due to a corner lot with 3 (three) front yard setbacks. [Map 234, Lot 016-000;
222 Zoned General-One (G-1); HZO Article VII, Dimensional Requirements; §334-27,
223 Table of Minimum Dimensional Requirements.]
224

225 Mr. Buttrick read the Case into the record and referenced his Staff Report signed
226 2/1/2022. Joyce Drown and Peter Drown introduced themselves and Ms. Drown
227 stated that they recently moved into home noting that it has been in the Drown family
228 for over fifty (50) years and they would like to remodel and enlarge the bathroom and
229 the kitchen and they need five feet (5') at one corner to accomplish their goal including
230 bringing up the washer and dryer so that they can live on one level. Mr. Drown stated
231 that the property has three front yard setbacks of thirty feet (30') each and that their
232 well is on the side and septic is in the front and the back slopes down so that the
233 proposed addition is on the only side they can build on. Mr. Drown added that it is
234 just one corner that goes into the setback for about five feet (5') and the roof lines will
235 stay the same. Ms. Drown noted that it will not be an eyesore.
236

237 Ms. Drown addressed the criteria for the granting of a variance and the following
238 information shared included:
239

- 240 (1) *not contrary to public interest*
241 • It is a small addition and does not affect anyone's land
242 (2) *will observe the spirit of the Ordinance*
243 • Will not change the neighborhood in any way

- 244 • Addition designed with original appearance of the house in mind – roof lines
 245 match
 246 • Desire is ~~to~~for a one-floor living, bring up the washer and dryer and
 247 remodeling/upgrading the kitchen and bathroom
 248 (3) *substantial justice done*
 249 • House has been in the family for sixty (60) years
 250 • The addition will allow living on one floor, to have the laundry on the first
 251 floor and enter the home from the garage
 252 (4) *not diminish surrounding property values*
 253 • Proposed addition will be built with the existing appearance of house and
 254 will increase value of the house which will then increase the surrounding
 255 property values
 256 • The lot will not diminish property values
 257 (5) *hardship*
 258 • The house was built on a corner lot with three (3) front thirty feet (30')
 259 setbacks
 260 • The septic system is located in front of the house
 261 • The well is located on the side of the house
 262 • The garage is located to the north
 263 • If the house was not a corner lot, the side setback would be 15' and a
 264 variance would not be required
 265 • Because it is a corner lot with septic in front and well on side and elevation
 266 and garage in backyard there is no other location for the addition with
 267 washer/dryer and kitchen remodel on first floor
 268

269 Mr. Dearborn asked about the other addition between the proposed addition and the
 270 garage and Mr. Drown responded that it started out as simply a little breezeway to
 271 connect the garage to the house and provide them shelter for going to and from and
 272 will now be included in the home expansion. Mr. Buttrick noted that that second
 273 addition is not part of the Variance being sought. Mr. Pacocha asked and received
 274 confirmation that the encroachment into the front setback is just one corner of the
 275 proposed 24' x 16' addition. Mr. Nicolas noted the awkward angle the house was
 276 positioned (not being parallel to any frontage).
 277

278 Public testimony opened at 8:42 PM. No one addressed the Board.
 279

280 Mr. Nicolas made the motion to grant the Variance as requested. Mr. Pacocha
 281 seconded the motion noting that it is a minor infraction considering the lot has three
 282 (3) front setbacks, that there is no street widening proposed and the Fire Department
 283 had no comment/concerns. Mr. Dearborn also noted that there is very little traffic in
 284 the neighborhood. Roll call vote was 5:0. Variance granted. The 30-day Appeal
 285 period was noted.
 286

287 Board went into a five-minute recess at 8:45 PM. Board reconvened at 8:50 PM.
 288

289 **NEW HEARINGS:**

- 290
 291 1. **Case 147-016 (02-24-22):** Derry & Webster LLC, c/o Vatche Manoukian,
 292 Manager, 253 Main St., Nashua, NH requests an Appeal From An

293 Administrative Decision for 181A Webster St., Hudson, NH to extend the
294 Variance granted with stipulations on 01/23/2020. The renewal/extension
295 was not filed timely by providing an application no later than 30 days prior to
296 the variance expiration or by 12/23/2021. [Map 147, Lot 016-000, Zoned
297 Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous
298 Provisions; §334-82 F, Time Limit.]
299

300 Before the reading of the Appeal into the record, Mr. Nicolas recused himself as he is a
301 direct abutter and left the Board table. Mr. Daddario appointed Alternate Thompson
302 to vote.
303

304 Mr. Buttrick read the Appeal into the record and referenced his Staff Report signed
305 2/1/2022
306

307 Atty. Gerald Prunier of Nashua, NH introduced himself as representing the Applicant,
308 Vatche Manoukian of Derry & Webster LLC, and stated that they appreciated receiving
309 the Variance and as part of that conditional approval they did submit their Site Plan
310 Review (SPR) Application to the Planning Board (PB) who decided not to accept their
311 Application without even allowing them to speak at their 8/10/2020 meeting. Atty.
312 Prunier stated that there was also a misunderstanding with the dates as his client
313 received the Notice of Decision in February and assumed that his request for a six
314 month extension, sent on 1/4/2022, was timely filed. Atty. Prunier stated that they
315 hope the Board will grant them the thirty-day delay by overruling Mr. Buttrick's
316 determination and allow them to present their need for an extension.
317

318 Board discussion ensued. Mr. Dearborn asked what the recourse would be if the
319 Board upheld the Zoning Administrator's Decision #22-002. Answer: Variance
320 becomes moot/non-existent. Mr. Pacocha asked if the Variance granted was just to
321 181A Webster or to the whole site. Answer: Just 181A but SPR (Site Plan Review)
322 Application was to the whole site, Map 147, Lot 016 with an address of #185 Webster
323 which also contains buildings/businesses with addresses of 181-189 Webster Street.
324 Mr. Dearborn and Mr. Daddario recalled public and neighborhood support for the
325 Variance and that it seems more efficient to grant the appeal to overturn the
326 Administrative Decision even though they agree with its determination and allow
327 Applicant to seek an extension. Mr. Daddario stated that if the Zoning Determination
328 is upheld, the Variance terminates and would need to be re-applied.
329

330 Mr. Martin questioned whether the correct subsection of Article XV Section 334-82
331 was cited, whether it should have been subsection E instead of F because the
332 Applicant failed to gain PB application acceptance and thereby voids the ability to gain
333 an extension. Mr. Daddario stated that what is before the Board is subsection F. Mr.
334 Buttrick stated that it could have been possible for the Applicant to appeal the PB
335 decision.
336

337 Discussion continued and a legal standard was sought but not readily found in the
338 Planning and Land Use Regulation; and the decision worksheet was questioned and
339 the questioned whether there is a legal standard. General consensus was that Zoning
340 Determination #22-002 was correct but there are extenuating circumstances.
341

342 Mr. Daddario stated that the approach is to take one step at a time – first to decide on
343 the Appeal of the Administrative Decision then, depending on that decision, it would
344 be up to the Applicant to either submit a new Variance application or present to the
345 Board their request for an extension.

346
347 Public testimony opened at 9:19 PM. No one addressed the Board.
348

349 Mr. Martin made the motion to overturn Zoning Determination #22-002 with the
350 condition that the Applicant file a request for the Variance extension within two (2)
351 months. Mr. Pacocha seconded the motion. Roll call vote was 4:1 with Mr. Dearborn
352 opposed. Mr. Daddario stated that there was no error in the Zoning Determination
353 but the statutes allow leeway and it is more efficient to allow the Applicant to pursue
354 an extension. Mr. Buttrick asked to consider a condition to require the Applicant to
355 appear before the ZBA with a formal request to consider extension within two (2)
356 months. Both Mr. Martin and Mr. Pacocha agreed to placing the stipulation to the
357 motion. Roll call vote on the motion not to uphold the Zoning Determination with the
358 stipulation was 4:1 with Mr. Dearborn opposed.

359
360 Mr. Nicolas returned to the Board table.
361

362 2. **Case 168-020 (02-24-22):** Paul & Sandra O’Sullivan, 8 Washington Drive,
363 Hudson, NH requests a Variance to build a 9 ft. x 20 ft. covered porch on the
364 front of an existing non-conforming structure (house), which encroaches the
365 front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is
366 required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII,
367 Dimensional Requirements; §334-27, Table of Minimum Dimensional
368 Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots;
369 §334-31.A, Alteration and expansion of nonconforming structures.]
370

371 Mr. Buttrick read the Case into the record and referenced his Staff Report signed
372 2/14/2022 and noted that the house is not “square” on the property/parallel to the
373 front property line/road, and that the resulting front buffer one side of the proposed
374 porch would be 15.6’ and the other side would be 14.8’.

375
376 Mr. Dearborn called for a point of order and stated that he was not on the Board when
377 this Case was reviewed, that he did watch the meeting in its entirety on Cable TV, that
378 he recused himself when the Appeal for a Rehearing was addressed and asked if he
379 should recuse himself again. No one asked for his recusal noting that it is a “fresh”
380 Case with new information.

381
382 Paul O’Sullivan introduced himself and thanked the Board for the opportunity to
383 reconsider his request. Mr. O’Sullivan addressed the Variance criteria and the
384 information shared included:
385

- 386 (1) *not contrary to public interest*
387 • The proposed porch will be in the exact footprint of the current walkway and
388 steps to the front door

- 389 • The proposed porch will not present a safety hazard to the public as it is
 390 protected by a retaining wall along the driveway and a substantial tree
 391 between the street and proposed porch
- 392 • Should a vehicle leave the street, due to slippery conditions or medical
 393 emergency, the retaining wall and tree would be contacted prior to the
 394 proposed porch – see Exhibit 1 for a picture of retaining wall and tree
- 395 • There is no thru traffic in the neighborhood and the streets are short which
 396 tends to limit speed
- 397 • The proposed porch will be an open-air single-story structure that will not
 398 restrict view, air movement or cast a shadow on any neighboring property
- 399 • The proposed porch will not be a nuisance to any neighbors
- 400 • Contact with both the Town Engineer, Elvis Dhima, and Director of Public
 401 Works, Jess Forrence was made and both said it is unlikely that the Town
 402 would ever widen Washington Street as it is one of the largest roads in Town
 403 and if a sidewalk was ever proposed it would most likely be added to the
 404 right side across the street
- 405 (2) *will observe the spirit of the Ordinance*
- 406 • Proposed porch is not a new Use of the space but rather an enhancement of
 407 the existing Use that preserves the quality of life of the homeowners
- 408 • Proposed porch enhances property value without infringing on the health,
 409 safety and general welfare of the neighbors or the Town
- 410 • As a single-story structure, the proposed porch would not be imposing from
 411 the street or add any sense of overcrowding
- 412 (3) *substantial justice done*
- 413 • The home was built over 50 years ago and appears to be the only one in the
 414 neighborhood that was built within the front setback
- 415 • A Variance for the 25' front setback was granted in 1984, some 15 years
 416 after the house was built
- 417 • Have lived in the house since 1990 and raised their family but as they age, a
 418 safe and clear access to the front door becomes more important while at
 419 the same time becoming more difficult to maintain
- 420 • The retaining wall and steps to the walkway make it impossible to clear the
 421 snow with a snow blower
- 422 • A covered porch would alleviate this and make maintenance more
 423 manageable
- 424 (4) *not diminish surrounding property values*
- 425 • Proposed porch is consistent with the character of the neighborhood and
 426 many other houses in the neighborhood have similar front porches
- 427 • May experience a very modest property value enhancement and expect that
 428 it to translate into a neutral to modest property value enhancement to
 429 surrounding properties
- 430 • The proposed porch will not diminish property values
- 431 (5) *hardship*
- 432 • Because of the special conditions of the property, the restriction applied to
 433 the property by the Ordinance does not serve the purpose of the restriction in
 434 a “fair and reasonable” way
- 435 • Literal enforcement of the Ordinance is the ‘unnecessary hardship’ because
 436 the house was built with a 25-foot front setback, already encroaching 5’ into
 437 the required 30’ front setback

- 438
- 439
- 440
- 441
- 442
- 443
- 444
- 445
- 446
- 447
- 448
- 449
- 450
- 451
- 452
- 453
- 454
- 455
- 456
- 457
- 458
- This creates a special and unique condition that results in an unfair and unreasonable restriction from using the property in a reasonable way
 - A variance was granted 'after-the-fact' permitting the front setback encroachment
 - Proposed porch will sit in the same footprint as the existing walkway and stairs with a improved ability to maintain clear and safe access to front door
 - Proposed porch will not threaten public health, safety or welfare or otherwise injure public rights in any way
 - No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that Ordinance to the property
 - A covered porch may seem a frivolous reason to request a variance however it is an essential element in making our home functional and safe, especially as we age
 - The proposed use is reasonable
 - Many houses in neighborhood have front porches
 - The 'existing non-conforming setback' makes his home unusual – it is the only one without the required 30' front setback - and unique conditions do exist for a variance would be needed to do any normal/natural improvements or expansion onto the front of the house

459 Mr. Sakati asked and received confirmation from Mr. O'Sullivan that the colored
460 section by the garage was an overhang, also for safety reasons, and the rendering of
461 the porch in Exhibit 1 is the intended design for the proposed porch.

462

463 Mr. Nicolas asked if the retaining wall is all at the same height or if it slopes down to
464 the road. Mr. O'Sullivan stated that it does slope down for the last five feet and is not
465 so high that a vehicle couldn't drive over it but could not reach the porch unless they
466 came perpendicular to it from the street over the lawn then they could possible reach
467 or hit the porch and coming from the other direction a vehicle could hit the tree and
468 possibly the porch, but by the same token, a vehicle could also hit the house.

469

470 An aerial view of the house was posted and the walkway that was visible would
471 become the porch and the existing stairs to the front door would be eliminated and
472 approximately three (3) steps would be added to the stairs by the retaining wall to
473 enter onto the proposed porch.

474

475 Public testimony opened at 9:47 PM. No one was present to address the Board.

476

477 Mr. Dearborn stated that when he looks at an encroachment, he has two (2) options:
478 (1) if it is a side or rear setback an abutter could be directly impacted but (2) when an
479 encroachment is a Town road, that direct impact option usually disappears and an
480 encroachment of nearly 50% raises red flags.

481

482 Mr. Pacocha made the motion to grant the variance. Mr. Pacocha stated that it is the
483 only house in the neighborhood in the front setback and assumes it was built in error

484 and the proposed porch would not be detrimental to any activity or anyone in the
485 neighborhood. Mr. Dearborn stated that he would second the motion only for the
486 purpose of discussion.

487

488 Mr. Dearborn stated that the nonconformity of the lot is not just the intrusion into the
489 front setback but is also non-conforming based upon its size, as it is approximately
490 less than one-half of the required size for the Zone, and its shortness of frontage along
491 Madison Drive, and, in his opinion, all these non-conforming issues create a slippery
492 slope and being asked to add yet another non-conformity to the lot. Mr. O'Sullivan
493 stated that the size of his lot is approximately the same size as all the other lots in his
494 neighborhood.

495

496 Mr. Martin stated that there are special conditions on the property, it is a corner lot
497 but understands the hardship because the house was built in error in the front
498 setback but the property owner does have reasonable use of his property and, in his
499 opinion, the request does not meet all the criteria, it fails to meet hardship and is
500 contrary to the public interest and is setting a precedent. Discussion arose on the
501 timing of the Variance granted for the house in the front yard setback and Mr.
502 Pacocha recalled that back in 1984 the option for an Equitable Waiver of Dimensional
503 Requirement was not an option and the only recourse to make the house 'legal' was
504 through an 'after-the-fact' Variance.

505

506 Mr. Buttrick asked if it would be more acceptable to the Board if the depth of the
507 proposed porch was reduced by three feet (3') and decrease the intrusion into the front
508 setback as it appears that the nine feet (9') was selected to line up with the concrete
509 walkway. Mr. Martin stated his concern is safety, not just for the travelers but also for
510 the occupants. Mr. Dearborn stated that nine feet (9') does seem excessive and asked
511 why that was selected. Mr. O'Sullivan stated that he placed a tape measure to the
512 edge of his walkway because the walkway lined up with the stairs through the
513 retaining wall. Mr. Dearborn noted that Hudson allows nine feet (9') for parking
514 spaces.

515

516 Mr. Daddario stated he appreciates what the Applicant is seeking and why, that there
517 are some of the variance criteria met, but not hardship. The hardship requirement is
518 a legal matter and it is based on the property. The property is in full--use, it has a
519 residential home and a garage.

520

521 Motion on the table is to grant the Variance. Roll call vote was 2:3. Opposed were Mr.
522 Martin, Mr. Nicolas and Mr. Daddario because the hardship criteria was not satisfied.
523 Motion failed. Variance denied. The 30-day Appeal period was noted.

524

525 **V. REQUEST FOR REHEARING:**

526

527 No requests were presented for Board consideration.

528

529 **VI. REVIEW OF MINUTES:**

530

531 01/20/22 edited Minutes: Motion made by Mr. Martin and seconded by Mr. Pacocha
532 to accept the 1/20/2022 Minutes as edited. Vote was 3:0:2, Mr. Dearborn and Mr.
533 Nicolas abstained.

534
535 01/27/22 edited Minutes: Motion made by Mr. Martin, seconded by Mr. Dearborn
536 and unanimously voted to adopt the 1/27/2022 Minutes as edited.
537

538 **V. OTHER:**

539
540 1. Continued discussion of proposed ZBA Bylaws amendments: alternate status,
541 recusals and Clerk position/duties.
542

543 Mr. Buttrick asked to defer discussion to another meeting. Board concurred.
544

545
546 Motion made by Mr. Martin, seconded by Mr. Nicolas and unanimously voted to
547 adjourn the meeting. The 2/24/2022 ZBA meeting adjourned at 10:07 PM.
548

549
550 Respectfully submitted,

551
552 Louise Knee, Recorder

AS E D I T E D