

# 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 – April 28, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **April 28, 2022 at 7:00 PM** in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side). The following items before the Board will be considered:

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

#### II. CALL TO ORDER

#### III. PLEDGE OF ALLEGIANCE

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

1. **Case 147-016 (04-28-22):** Derry & Webster, LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests an extension of the Variance granted with stipulations on 01/23/2020 for **181 A Webster St., Hudson, NH** to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store, a use not permitted. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.]
2. **Case 218-002-002 (04-28-22):** Kariuki P. Kimungu, **9B Trigate Rd., Hudson, NH** requests a Home Occupation Special Exception to operate a home office for his business, Comfort Angels Home Care of NH LLC. [Map 218, Lot 002-002, Zoned General (G); HZO Article VI, Special Exceptions; §334-24, Home Occupations.]
3. **Case 183-006 (04-28-22):** Jesse M. Couillard, **102 Central St., Hudson, NH** requests a Variance to replace and expand an existing non-conforming 12 ft. x 10 ft. deck as a breezeway and build an attached 2-stall, 24 ft. x 20 ft. garage addition. Both encroach the front yard setback 12.5 feet and 21.8 feet leaving 17.5 feet and 8.2 feet respectively where 30 feet is required. [Map 183, Lot 006-000, Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A Alteration and expansion of nonconforming structures.]

#### V. REQUEST FOR REHEARING:

**Case 166-031 (02-24-22):** Patricia M. Panciocco, Esq., Panciocco Law, LLC, One Club Acre Lane, Bedford, NH 03110 representing applicant, Daniel M. Flores, PE of SFC Engineering Partnership, Inc., requests a rehearing of a request for a Variance for **8 Lindsay St., Hudson, NH** 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); HZO Article VII, Dimensional Requirements; § 334-27.1 D, General Requirements.]

#### VI. REVIEW OF MINUTES:

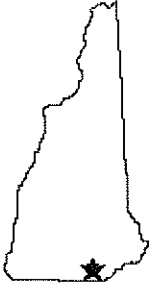
- 03/24/22 edited Draft Minutes
- 04/09/22 Site Walk– edited Draft Minutes

#### VII. OTHER:

1. New Zoning Amendments: *Articles Passed at March 8, 2022 Town of Hudson Ballot*
  - Article 2– Repeal of Hudson Zoning Ordinance Article XIII – Housing for Older Persons.
  - Article 3–Amend Table of Minimum Dimensional Requirements-Reduction of side and rear yard setbacks for accessory structures & features in the TR zone: from 15 ft to 5 ft.
  - Article 4–Eliminate Requirement for Special Exception for Mixed-Use Buildings
  - Article 5–Home Occupation Ordinance: To revise the Home Occupation Special Exception to allow outdoor play areas for daycare as required by the State of New Hampshire.
  - Article 7–Amend Article III, Building Height – By Petition (Addition §334-14 B)
2. Continued discussion of proposed ZBA Bylaws amendments

Bruce Buttrick  
Zoning Administrator





# TOWN OF HUDSON

## Land Use Division



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

### Zoning Administrator Staff Report

Meeting Date: April 28, 2022 *BH 4-19-22*

**Case 147-016 (04-28-22):** Derry & Webster, LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests an extension of the Variance granted with stipulations on 01/23/2020 for **181 A Webster St., Hudson, NH** to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store, a use not permitted. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.]

#### Summary:

Applicant requests an extension of the Variance granted 01/23/20 per HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.

#### LAND USE HISTORY:

ZBA granted Variance at meeting of 1/23/2020.

Planning Board Notice of Denial (site plan application) 8/21/20

Zoning Determination #22-002 "denial of Variance extension" 1/4/22

ZBA Notice of Decision: Overturn of Administrative Decision (Z.D. #22-002)

#### IN-HOUSE Review/Comments:

Fire Dept: Comments: no

Planning Dept: Comments: yes

Engineering Dept: Comments: no

#### Attachments:

**A:** January 4, 2022 Request for Variance extension.

**B:** January 4, 2022 Zoning Determination #22-002 denial of Variance extension.

**C:** January 23, 2022 ZBA Notice of Decision.

**D:** August 21, 2020 Planning Board Notice of Denial – Site plan application.

**E:** ZBA Notice of Decision: Overturn of Administrative Decision (Z.D. #22-002).

**F:** Planning Dept. comments.

TOWN OF HUDSON  
Zoning Department  
JAN 04 2022

**Derry & Webster, LLC**  
253 Main Street  
Nashua, New Hampshire 03060  
Office (603) 881-3422 Fax (603) 886-3365

TOWN OF HUDSON  
Zoning Department  
JAN 04 2022

January 4, 2022

Town of Hudson- Zoning  
Att: Bruce Buttrick  
12 School Street  
Hudson, NH 03051

RE: Extension for Variance Granted 1/23/2020 for 181A Webster St, Hudson, NH 03051

Dear Mr. Buttrick,

I am writing to request a 6-month extension for the variance with conditions that was granted for the property at 181A Webster Street, Hudson, NH 03051 on 1/23/2020. Per the Town of Hudson Zoning Ordinance § 334-82 Time limit [Added 3-14-1995 by Amdt. No. 13] A. A grant of a variance or special exception by the Hudson Zoning Board of Adjustment shall be valid if exercised within a period of two years following the vote of approval by the Zoning Board of Adjustment. Due to the Covid and the inability to get a full panel to vote on the other zoning and planning matters at the property located at 181-189 Webster Street until January 2022 to resolve the remaining conditions of the granted variance for the store we feel that an extension is warranted.

Please advise if you need anything else to grant this 6-month extension till 7/23/2022 for the variance. Your cooperation in this matter is greatly appreciated.

Sincerely,

  
Vatche Manoukian  
Manager

A



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #22-002

January 4, 2022

Vatche Manoukian, Manager  
Derry and Webster, LLC  
253 Main Street  
Nashua, NH 03060

Re: **Request for variance extension**  
Map 147 Lot 016-000 District: Residential Two (R-2)

Dear Vatche,  
I'm in receipt of your emailed letter for request for extension of Variance granted 1/23/2020 to 181 A Webster St.

Unfortunately I can not accept this letter requesting an extension. According to our Zoning Ordinance §334-82F:  
*"Any request for an extension or renewal of a variance or special exception shall follow the same procedure required for the original appeal: the applicant must fill out a new application, pay a new set of fees in accordance with the fee policy in effect at the time and then bring the matter before the ZBA for a full hearing and review in accordance with the New Hampshire Revised Statutes Annotated, this chapter and the bylaws of the Hudson Zoning Board of Adjustment. Extensions and renewals shall be subject to the statutes, this chapter, regulations and ZBA bylaws in effect at the time of the renewal/extension application. Extensions and renewals are disfavored. A renewal/extension application shall be made no sooner than 90 days prior to the date of expiration and no later than 30 days prior to the variance or special exception expiration."*

Your request needs to be in the form of an Application and needs to have been 30 days prior to the expiration (2 yr limit) which would have had to been 12/23/2021 application deadline.

Sincerely,

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

encl: Jan 4, 2022 emailed letter  
cc: Public File  
B. Groth, Town Planner  
File

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

B

A43  
Hudson Zoning

10.50  
2.00

Send recorded copy to

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

**NOTICE OF DECISION**

Map 147, Lot 016, Zone R-2 (Residential-Two), Case # 147-016

ZBA Decision 01/23/2020

Variance – GRANTED with stipulations

Applicant: Alfred Sapochetti, 3B Yale Ct., Hudson, NH 03051

Property Owner & Address: Derry & Webster, LLC, Vatche Manoukian, principal,  
253 Main Street, Nashua, NH 03060

Property Owner Agent: Tony Basso, PE, Keach Nordstrom Assoc., Inc.,  
10 Commerce Park North, Suite 3, Bedford, NH 03110

Property Location: 181A Webster Street, Hudson, NH 03051

Action sought: Variance to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store

Zoning Ordinance Article: V §334-21, Table of Permitted Principal Uses

Action granted: After consideration of the testimony and public support; recognition that a variance was granted in 1964 and reaffirmed in the 1990 Consent Decree regarding the store; assuming that the hardship criteria must have been met for the granting of the 1964 variance; noting that the preparation and servicing of on-site food is a natural evolution for and incidental to the convenience store; understanding that Site Plan Review is required from the Planning Board; and after review of the requirements for the granting of a Variance and determination that each have been met, motion made, seconded and voted 5:0 to grant the Variance as requested with two (2) stipulations: (1) that there shall be no inside seating for eating at all and (2) that Site Plan Review and approval be obtained from the Planning Board.

NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

  
\_\_\_\_\_  
Charles J. Brackett, ZBA Chairman

2/10/20  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bruce Buttrick, Zoning Administrator

2/10/20  
\_\_\_\_\_  
Date





**TOWN OF HUDSON**  
Planning Board



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

**NOTICE OF DENIAL**

August 21, 2020

Owner or Applicant: DERRY & WEBSTER LLC  
253 MAIN STREET  
NASHUA, NH 03060

On Wednesday, August 19, 2020, the Hudson Planning Board heard subject case SP# 02-20 "Webster Street Site Plan".

SUBJECT: PURPOSE OF REQUEST: to propose food preparation and sales within a convenience store and associated parking. Application Acceptance & Hearing.

LOCATION: 185 WEBSTER STREET, MAP 147/LOT 016

You are hereby notified of the subject surety release request presented before the Planning Board and the following action:

The Planning Board moved to deny acceptance of the Site Plan Application without prejudice, for 185 Webster Street, Map 147/Lot 016, on the grounds that it did not meet §275-6.N (Conformance with all existing codes) and §275-6.P (compliance with the Zoning Ordinance).

Signed: Brian Groth Date: 8/21/2020  
Brian Groth  
Town Planner

cc: Keach-Nordstrom Associates, Inc.

D

For Registry of Deeds use only:

Hudson Entry  
A43

FEES:	10.53
SURCHARGE:	2.00
CASH:	—

**FILE**  
**COPY**

Doc # 220016028 04/05/2022 01:03:52 PM  
Book 9604 Page 1765 Page 1 of 1  
Mary Ann Crowell  
Register of Deeds, Hillsborough County

Send recorded copy to:

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

**NOTICE OF DECISION**

Map 147, Lot 016-000, Zone R-2 (Residential-Two), Case # 147-016  
ZBA Decision 02/24/2022

Appeal from 1/4/2022 Administrative Decision of Zoning Determination #22-002  
GRANTED with 1 stipulation

Property Owner & Address: Derry & Webster, LLC, Vatche Manoukian, principal,  
253 Main Street, Nashua, NH 03060

Property Owner Agent: Gerald Prunier, Esq., Prunier & Prolman, PA  
20 Trafalgar Square, Suite 100, Nashua NH 03063

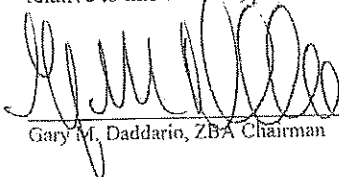
Property Location: 181A Webster Street, Hudson, NH 03051

Action sought: Appeal From An Administrative Decision for 181A Webster St., Hudson, NH to extend the Variance granted with stipulations on 01/23/2020. The renewal/extension was not filed timely by providing an application no later than 30 days prior to the variance expiration or by 12/23/2021.

Zoning Ordinance Article: XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit

Action granted: After consideration of the testimony, review of the dates and discussion, motion made and voted 4:1 to overturn the Zoning Administrator's Determination #22-002 and grant the Appeal with the stipulation that a request for extension be filed to consider an extension within two (2) months.

NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

  
Gary M. Daddario, ZBA Chairman

3/01/22  
Date

  
Bruce Buttrick, Zoning Administrator

3-14-22  
Date



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

REQUEST FOR REVIEW/COMMENTS:

Case: 147-016 (Variance)

Property Location: 181A Webster Street

*For Town Use*

Plan Routing Date: 04/01/2022 Reply requested by: 04/15/2022 ZBA Hearing Date: 04/28/2022

I have no comments     I have comments (see below)

BE Name: Brian Groth Date: 04/15/2022  
(Initials)

DEPT:  
 Town Engineer     Fire/Health Department     Town Planner

On August 19, 2020 the Planning Board reviewed a site plan application for this site and determined the application was not ready to be accepted for review and denied the application without prejudice on the grounds that the application was incomplete because it did not meet Site Plan Regulations 275-6.N (conformance with existing codes) and 275-6.P (compliance with the Zoning Ordinance). The applicant never returned with a revised application.

While the applicant received a variance for takeout food service within the convenience store, the plan showed many features that neither conformed to the zoning ordinance nor had a variance. A site plan is meant to show proposed conditions. The submitted plan showed proposed conditions that violated the zoning ordinance, therefore the Planning Board could not take jurisdiction over the application.

The Planning Board denied the application without prejudice, meaning the applicant was free to file a revised application. If the extension is granted, the applicant is expected to provide a proposed site plan that meets town code or has approved or pending variances.

Regardless of the ZBA's stipulation, please note that §334-16.1 requires site plan approval prior to the commencement of a new use. This includes newly permitted and/or authorized uses. In other words, illegally operating an unpermitted use prior to receiving a variance does not exempt one from the site plan process.

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

On **04/28/2022**, the Zoning Board of Adjustment heard Case **147-016**, being a case brought by **Derry & Webster, LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH** requests an extension of the Variance granted with stipulations on 01/23/2020 for 181 A Webster St., Hudson, NH to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store, a use not permitted. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.]

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

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

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

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

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

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

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

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

Sitting member of the Hudson ZBA

Date

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

Zoning Department  
 APR 06 2022  
 TOWN OF HUDSON

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment  
 Town of Hudson

Entries in this box are to be filled out by  
 Land Use Division personnel  
 Case No. 147-016 (04-28-22)  
 Date Filed 4/6/22

Name of Applicant Deryn + Webster, LLC Map: 147 Lot: 016-005 Zoning District: R-2  
*Vatche Manoukian, manager*  
 Telephone Number (Home) \_\_\_\_\_ *cell (work) 603-860-6860*

Mailing Address 253 MAIN ST. NASHUA, NH 03060

Owner Deryn + Webster, LLC

Location of Property 181-A Webster St Hudson, NH 03051  
 (Street Address)

Signature of Applicant \_\_\_\_\_ Date 3-28-2022

Signature of Property-Owner(s) \_\_\_\_\_ Date 3-28-2022

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

If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak/represent on his/ her/ their behalf or that you have permission to seek the described Variance.

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

Date received: 4/6/22

**COST:**

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

12 Abutter Notice:

12 Direct Abutters x Certified postage rate \$ 4.33 = \$ 51.96

3 Indirect Abutters x First Class postage rate \$ 0.58 = \$ 1.74

**Total amount due:** \$ 238.70

Amt. received: \$ 238.70

Receipt No.: 680,292

Received by: TSG

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

Check #  
 1472

# 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
(M)	Please review the application with the Zoning Administrator or staff.	TG
(N)	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 <del>10 (ten)</del> <sup>12</sup> <b>single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	TG
(N)	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.	TG
(N)	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.)	N/A
(N)	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	TG
(N)	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	TG
(N)	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	TG
(N)	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.	TG
(N)	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	N/A

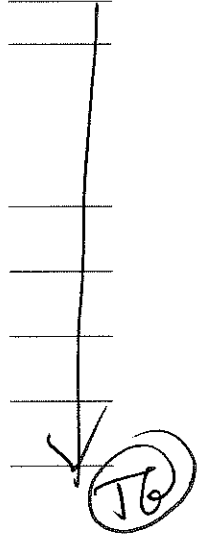
**CERTIFIED PLOT PLAN:**

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

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

- a)  The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b)  The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c)  The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d)  The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property.  
(NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e)  The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)
- f)  The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g)  The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h)  The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i)  The plot plan shall indicate all parking spaces and lanes, with dimensions.

see  
Existing  
Conditions  
Plan dated  
1-23-20



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

[Signature]  
Signature of Applicant(s)

3-28-2022  
Date

[Signature]  
Signature of Property Owner(s)

3-28-2022  
Date

**ALL DIRECT ABUTTERS**

List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. If at the time of your hearing, any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date following notification of such abutters.

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	013	*Include Applicant & Owner(s) Lionel + Kerianne St. Laurent	199 Webster St Hudson, NH 03051
156	007	Susan J. Auboin	177 Webster St Hudson, NH 03051
147	001	Benjamin + Jane Webster	1 Shoreline Dr Hudson, NH 03051
147	015	Michael Hagan	180 Hillis St Pepperell, MA 01463
147	001-020	Florence Nicolas	1 Scenic Lane Hudson, NH 03051
147	001-019	Manuel E. Pintado Jr Karina E. Pintado	2 Scenic Lane Hudson, NH 03051
147	016	Derry + Webster, LLC (applicant)	253 Main St Nashua, NH 03063
147	017	Lexington Park Condominiums c/o Jack Joyce	24 Lexington Court Hudson, NH 03051
147	029-023	Abbie's Landing Homeowners ...	32 Bowles Circle Hudson, NH 03051
156	008	Reeds Brook Homeowners Association c/o Sandra Pottle, Treasurer	8 Madeleine Court Hudson, NH 03051
156	006	Sparkling River Land Association c/o Richard Frostorn	19 Cricketfield Lane Hudson, NH 03051
147	001-031	Jeffrey + Kate Trainor	2 Shoreline Dr Hudson, NH 03051

**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. If at the time of your hearing, any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date following notification of such abutters.

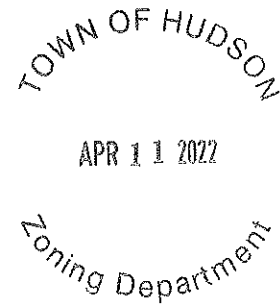
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001-018	Paul + Kimberly Mocerri	6 Scenic Lane Hudson, NH 03051
147	014	Brian Pigeon	197 Webster St Hudson, NH 03051
147	022	Westchester Place Condo	7 Westchester Ct Hudson, NH 03051



**PRUNIER & PROLMAN, P.A.**

ATTORNEYS AT LAW  
20 Trafalgar Square, Suite 100  
Nashua, New Hampshire 03063-1981  
TEL (603) 883-8900  
FAX (603) 883-7959  
www.prunierlaw.com



**GERALD R. PRUNIER**  
gprunier@prunierlaw.com

**ANDREW A. PROLMAN**  
aprolman@prunierlaw.com

April 6, 2022

Hudson Board of Adjustment  
Land Use Division  
12 School Street  
Hudson, NH 03051

Re: 181 Webster Street

Dear Chairman and Members:

When the variance for the operation of a convenience store was granted on January 23, 2020, there was a stipulation that the applicant was to secure a site plan of the property. Shortly thereafter, Keach-Nordstrom Associates, Inc. was retained to prepare a site plan for the property.

As part of the preparation of the site plan, the owner, with his engineer and attorney met with Mr. Buttrick and Town Counsel to discuss some of the site plan issues. As a result of those discussion, the following was added to the site plan presented to the Hudson Planning Board:

“The existing structures and access points on site are pre-existing nonconforming conditions that have been grandfathered into the zoning ordinance. This plan does not propose to impact any of these issues.”

This statement was not agreed to by Town Counsel or Mr. Buttrick and was solely to get a site plan done with all parties keeping their positions open. It was an attempt to get a site plan presented to take care of the condition on the variance.

When the site plan was submitted to the Planning Board, they voted not to hear the plan and did not give us a chance to speak.

As a result, my client had to re-address its position and the plan to submit the pending variances.

Hudson Board of Adjustment

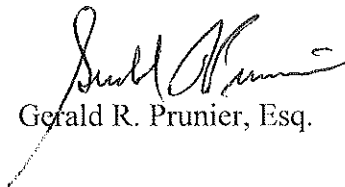
Page 2

April 6, 2022

In the meantime, there is a court action pending by the Town which we are trying to settle.

Thank you for reading this letter. I forgot to mention that the Covid-19 pandemic came while we were trying to do this which added more time.

Yours truly,

A handwritten signature in black ink, appearing to read "Gerald R. Prunier". The signature is written in a cursive style with a long horizontal stroke at the end.

Gerald R. Prunier, Esq.

GRP:mab

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V \_\_\_\_\_ of HZO Section(s) 334-21 \_\_\_\_\_ in order to permit the following:

Prepare food on-site for takeout, hot and cold; serve ice cream for takeout.

Use not permitted in table of permitted principal uses.

Request an extension of the previously approved variance. Granted with stipulations - ZBA Decision 1/23/2022. The stipulation was unreasonable as it required another agency approval which did not occur making the variance invalid.

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.”)

The neighbors support the food takeout at the store. In the past, this store previously prepared food on site to sell it for takeout. According to the Town of Hudson, they never pulled a permit so therefore, the new owners are doing everything legally.

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

The store was at its present location prior. The neighborhood was built and was serving prepared food onsite. The new owner spent in excess of \$100,000 to rebuild the entire store to match the neighborhood.

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

By granting this variance for food preparation, it will convenience the neighborhood for buying prepared food and ice cream without traveling far.

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

The property values should not be affected. On the contrary, it will enhance the value because of the convenience.

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**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***

The current permitted use is being limited due to the restrictions of not being able to prepare food on-site. TGhe Proposed use is a reasonable use and will not cause any harm or detriment to the abutters. Due to not being able to prepare food on-site, it is causing a hardship to the real potential of the store.

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

**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.



TOWN OF HUDSON

3/13/19 (TC)



Land Use Division

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

**Zoning Determination #19-019  
Denial of Building Permit 2019-00137**

March 12, 2019

Jessica Manoukian  
253 Main Street  
Nashua, NH 03060

Re: 181A Webster Street Map 147 Lot 016-000  
District: Residential Two (R-2)

Dear Ms. Manoukian,

**Your request:** Is this building able to continue as a convenience store which includes a new kitchen for take-out, as well as a new ice cream parlor.

**Zoning Review / Determination:**

This review will only address the existing convenience store (unit A) in the building at 181 Webster Street. This is an existing lot of record having 10.56 Acres and 562 ft of frontage. This lot is existing conforming as to area and frontage, as 1 Acre is required and 150 ft of frontage is required.

The current use of this building is as a mixed use. Unit A: (C7/C8) retail food / retail sale of beer and wine and Unit B: (C17) business office for the landscaping business on site. Both operations are existing non-conforming, and without any site plan approvals. The April 5, 1990 Superior Court consent decree confirmed the basis of the existing use as a non-conforming convenience store: "...and operation of the convenience store as it has been operated in the past, in the farmstand building."

Your proposed plans submitted with the building permit application do not depict what we discussed and agreed to at the site meeting 3/7/19: for the rebuild/fit-up for a convenience store as was. The plans show kitchen and food prep areas not approved or allowed.

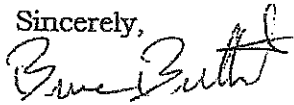
Our interpretation this existing non-conforming convenience store is one that had off-site prepared deli sandwiches etc. available for retail sale. There have been attempts for onsite cooking of breakfast sandwiches but a July 18, 2008 letter from the Fire Dept. instructed the owner/tenant to cease such operation of cooking that produced smoke or grease (violation of NFPA 1, Chapter 50, Section 2.1). The store appears to also have had ice cream products for sale, according to proposed and approved sign

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

permits, but it is our understanding that it never constituted an expansion of the convenience store to include an ice cream parlor.

Any increase of the existing retail sale of off-site prepared foods, to on-site food preparation (restaurant, fast-food or drive-in) activity identified as D-16 in the Table of Permitted Principal Uses would constitute an expansion and change of use, and according to §334-29 Expansion or enlargement of nonconforming uses, which states: "A nonconforming use shall not be extended or enlarged, except by variance." The increased take-out activity/use with the installation of a kitchen, constitutes the preparation of the sandwiches and food on-site, thereby an expansion of the convenience store and would require a variance by the Zoning Board of Adjustment. The increased take-out activity/use would also require Site Plan Review by the Planning Board.

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

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

cc: Public Folder  
Brian Groth – Town Planner  
J. Kennedy – Permit Technician  
Dep. O'Brien – Inspectional Services  
File

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

Edward Sapienza  
Register of Deeds, Hillsborough County

A43  
Hudson Zoning

10-50  
2-00

Send recorded copy to

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

**NOTICE OF DECISION**

Map 147, Lot 016, Zone R-2 (Residential-Two), Case # 147-016

ZBA Decision 01/23/2020

Variance – GRANTED with stipulations

Applicant: Alfred Sapochetti, 3B Yale Ct., Hudson, NH 03051

Property Owner & Address: Derry & Webster, LLC, Vatche Manoukian, principal,  
253 Main Street, Nashua, NH 03060

Property Owner Agent: Tony Basso, PE, Keach Nordstrom Assoc., Inc.,  
10 Commerce Park North, Suite 3, Bedford, NH 03110

Property Location: 181A Webster Street, Hudson, NH 03051

Action sought: Variance to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store


Zoning Ordinance Article: V §334-21, Table of Permitted Principal Uses

Action granted: After consideration of the testimony and public support; recognition that a variance was granted in 1964 and reaffirmed in the 1990 Consent Decree regarding the store; assuming that the hardship criteria must have been met for the granting of the 1964 variance; noting that the preparation and servicing of on-site food is a natural evolution for and incidental to the convenience store; understanding that Site Plan Review is required from the Planning Board; and after review of the requirements for the granting of a Variance and determination that each have been met, motion made, seconded and voted 5:0 to grant the Variance as requested with two (2) stipulations: (1) that there shall be no inside seating for eating at all and (2) that Site Plan Review and approval be obtained from the Planning Board.

NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

  
Charles J. Brackett, ZBA Chairman

2/10/20  
Date

  
Bruce Buttrick, Zoning Administrator

2/10/20  
Date



**COPY**

Send recorded copy to:

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

**NOTICE OF DECISION**

**Map 147, Lot 016-000, Zone R-2 (Residential-Two), Case # 147-016**

**ZBA Decision 02/24/2022**

**Appeal from 1/4/2022 Administrative Decision of Zoning Determination #22-002**

**GRANTED with 1 stipulation**

Property Owner & Address: Derry & Webster, LLC, Vatche Manoukian, principal,  
253 Main Street, Nashua, NH 03060

Property Owner Agent: Gerald Prunier, Esq., Prunier & Prolman, PA  
20 Trafalgar Square, Suite 100, Nashua NH 03063

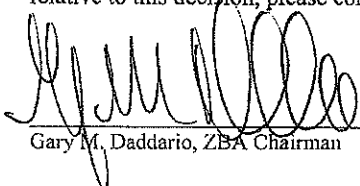
Property Location: 181A Webster Street, Hudson, NH 03051

Action sought: Appeal From An Administrative Decision for 181A Webster St., Hudson, NH to extend the Variance granted with stipulations on 01/23/2020. The renewal/extension was not filed timely by providing an application no later than 30 days prior to the variance expiration or by 12/23/2021.

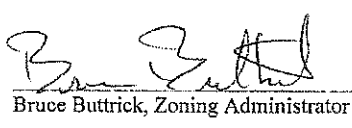
Zoning Ordinance Article: XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit

Action granted: After consideration of the testimony, review of the dates and discussion, motion made and voted 4:1 to overturn the Zoning Administrator's Determination #22-002 and grant the Appeal with the stipulation that a request for extension be filed to consider an extension within two (2) months.

NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

  
\_\_\_\_\_  
Gary M. Daddario, ZBA Chairman

3/21/22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bruce Buttrick, Zoning Administrator

3-14-22  
\_\_\_\_\_  
Date

147 016 000  
MAP LOT SUB

4 of 5 COMMERCIAL  
CARD Hudson

Total Card / Total Parcel  
APPRAISED: 257,100/ 878,200  
USE VALUE: 257,100/ 878,200  
ASSESSED: 257,100/ 878,200



**PROPERTY LOCATION**

No	Alt No	Direction/Street/City
181	A-B	WEBSTER ST, HUDSON

**OWNERSHIP**

Owner 1:	DERRY & WEBSTER LLC
Owner 2:	
Owner 3:	
Street 1:	253 MAIN ST.
Street 2:	
Twn/City:	NASHUA
St/Prov:	NH
Postal:	03060

**PREVIOUS OWNER**

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

**NARRATIVE DESCRIPTION**  
This parcel contains 10.289 ACRES of land mainly classified as COMM-RES with a CONV MARKET Building built about 1975, having primarily VINYL Exterior and 3525 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 2 HalfBaths, 0 Rooms, and 0 Bdrm.

**OTHER ASSESSMENTS**

Code	Descrip/No	Amount	Com. Int

**PROPERTY FACTORS**

Item Code	Description	%	Item Code	Description
Z R2	RES2 TWO		water 3	TOWN WATE
			Sewer 2	TOWN SEWE
			Electri	
			Exmpt	
			Topo	
			Street	
			Gas:	

**IN PROCESS APPRAISAL SUMMARY**

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
340	0.000	256,500	600		257,100
<b>Total Card</b>	0.000	256,500	600		257,100
<b>Total Parcel</b>	10.289	477,100	35,800	365,300	878,200
Source: Market Adj Cost		Total Value per SQ unit /Card:		72.94	/Parcel: 47.50

**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. Descr	Comment
11/5/2019	2019-01099	SIGNS		C				
11/4/2019	2019-01098	SIGNS		C				
8/23/2019	2019-00280	PLUMBING		C				
5/28/2019	2019-00280	ADDITION		C				
4/22/2019	2019-00280	INT RENO		C				
3/27/2019	2019-00201	ELECTRIC		C				
3/27/2019	2019-00201	PLUMBING		C				
3/22/2019	2019-00201	INT RENO		C				
1/24/2019	2019-00012	INT RENO	600	C				

**ACTIVITY INFORMATION**

Date	Result	By	Name
1/9/2020	Meas/Inspect	18	KRT1
4/2/2019	Permit Visit	12	TECH ASMNT
1/25/2019	Permit Visit	12	TECH ASMNT
6/11/2017	Field Review	9	PVA
5/10/2012	Field Review	9	PVA
1/7/2010	Permit Visit	10	APPRAISER II
7/10/2007	Other Change	9	PVA
10/17/2001	Meas/Inspect	0	PATRIOT
12/7/1990	Inspected	12	AVITAR

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

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
340	OFFICE		0		SITE ACRE SITE			0	0	0.00	RD													

Total AC/HA:	0.00000	Total SF/SM:	0	Parcel LUC:	031	COMM-RES	Prime NB Desc:	C-GENERAL	Total:		Spl Credit:		Total:	
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**EXTERIOR INFORMATION**

Type:	65 - CONV MARKET
Sty Ht:	1 - ONE STY
(Liv) Units:	2 Total: 9
Foundation:	6 - SLAB
Frame:	1 - WOOD
Prime Wall:	04 - VINYL
Sec Wall:	
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	RED
View / Desir:	

**GENERAL INFORMATION**

Grade:	D - FAIR
Year Blt:	1975
Eff Yr Blt:	
Alt LUC:	
Alt %:	
Jurisdic:	
Fact:	
Const Mod:	
Lump Sum Adj:	

**INTERIOR INFORMATION**

Avg Ht/FL:	STD
Prim Int Wall:	1 - DRYWALL
Sec Int Wall:	
Partition:	T - TYPICAL
Prim Floors:	06 - CERAMIC TILE
Sec Floors:	12 - CONCRET 10%
Bsmnt Flr:	
Subfloor:	
Bsmnt Gar:	
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S
Heat Fuel:	1 - OIL
Heat Type:	1 - FORCED AIR
# Heat Sys:	2
% Heated:	100
% AC:	
Solar HW:	NO
Central Vac:	NO
% Com Wal:	
% Sprinkled:	

**BATH FEATURES**

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

**OTHER FEATURES**

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

**CONDO INFORMATION**

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

**DEPRECIATION**

Phys Cond:	EX - Excellent	20%
Functional:		
Economic:		
Special:		
Override:		
Total:		20%

**CALC SUMMARY**

Basic \$ / SQ:	103.00
Size Adj.:	1.02695036
Const Adj.:	0.99764001
Adj \$ / SQ:	105.526
Other Features:	11000
Grade Factor:	0.80
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	309307
Depreciation:	61861
Depreciated Total:	247446

**COMMENTS**

NC = RENOV FORMER MRKT SPACE. 1/20 PICCO'S DELI, REMOVE UC (NC) REMODEL COMPLETE.

**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:2	

**REMODELING**

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

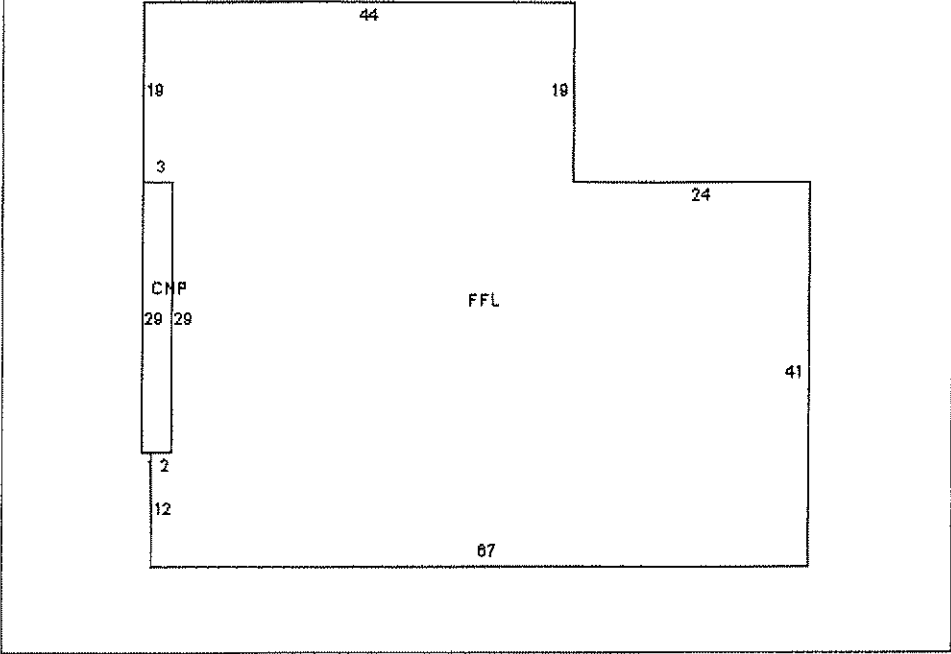
**RES BREAKDOWN**

No Unit	RMS	BRS	FL
Totals			

**COMPARABLE SALES**

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:		AvRate:		Ind.Val
Juris. Factor:		Before Depr:	84.42	
Special Features:	9100	Val/Su Net:	71.01	
Final Total:	256500	Val/Su SzAd	72.77	

**SKETCH**



**SUB AREA**

Code	Description	Area - SQ	Rate - AV	Undepr Value	
FFL	FIRST FLOOR	3,525	105.530	371,980	
CNP	CANOPY	87	42.000	3,654	
Net Sketched Area:		3,612	Total:	375,634	
Size Ad	3525	Gross Area	3612	FinArea	3525

**SUB AREA DETAIL**

Sub	%	Descrip	%	Qu	# Ten
Area	Usbl	Type			
FFL	100	OFC	30	AV	2

**MOBILE HOME**

Make:		Model:		Serial #:		Year:		Color:	
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**SPEC FEATURES/YARD ITEMS**

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB	Fa	Appr Value	JCod	JFact	Juris. Value
1	COOLER	D	S		1300	AV	AV	1975	50.42	T	40	340				9,100			9,100
3	SIGN	D	Y		12X9	AV	GD	2019	35.11	T	8	340				600			600

**IMAGE**



AssessPro Patriot Properties, Inc

# 185 Webster Street (Map/Lot 147-016-000)



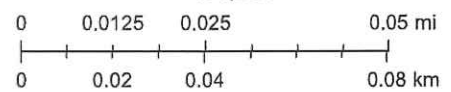
March 29, 2022

Legend

----- Easement\_Lines

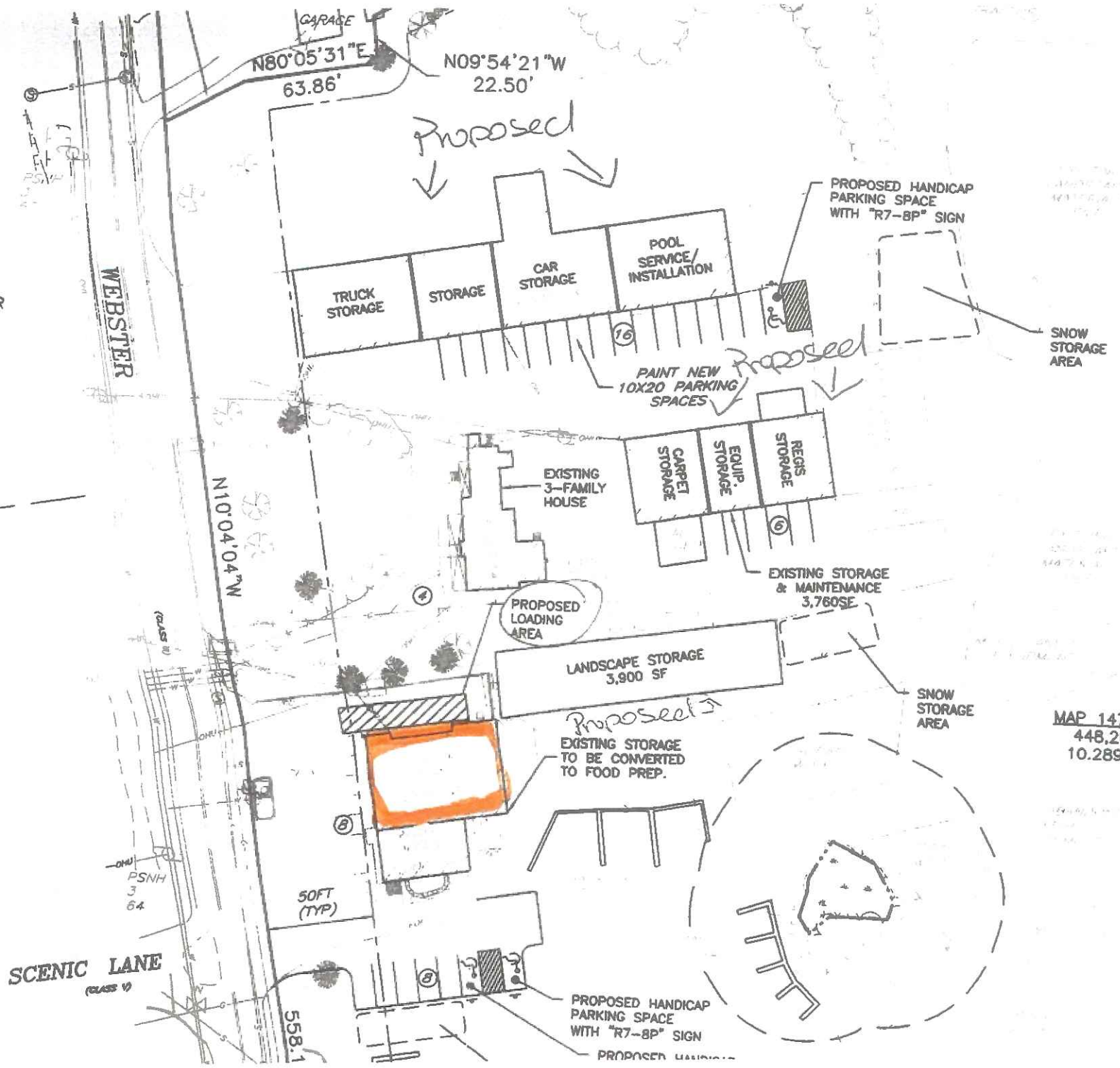
▭ Parcels

1:1,564

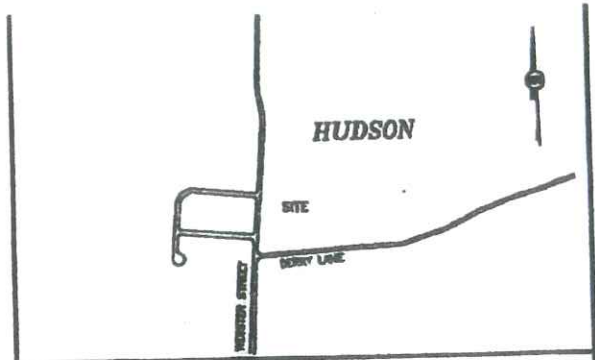


MAP 147 LOT 1-31  
KATE M. TRAINOR  
CARLINE DRIVE  
N.H. 03051  
787 PG. 1725

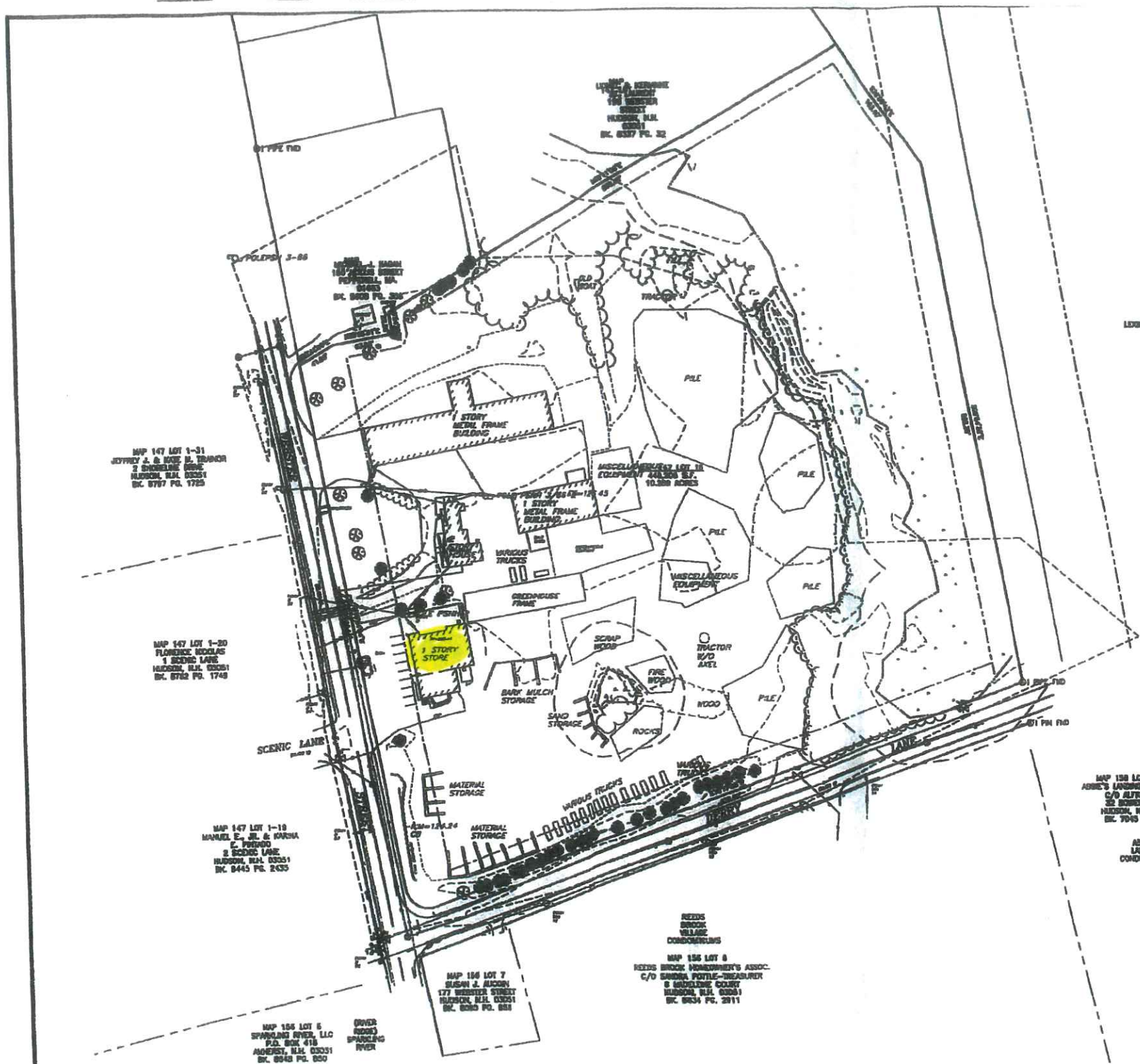
MAP 147 LOT 1-20  
VINCE NICOLAS  
SCENIC LANE  
N.H. 03051  
762 PG. 1749



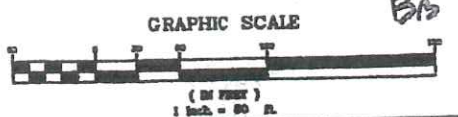
MAP 147 LOT 16  
448,206 S.F.  
10.289 ACRES



VICINITY MAP  
SCALE: N.T.S.



Received as by 1.23.20  
B/S



**EXISTING CONDITIONS PLAN**  
LAND OF  
**DERRY & WEBSTER, LLC**  
185 A, B & C WEBSTER STREET  
HUDSON, NEW HAMPSHIRE  
HILLSBOROUGH COUNTY

OWNER OF RECORD:  
DERRY & WEBSTER, LLC  
253 MAIN STREET  
NASHUA, N.H. 03060  
HCRD DC.6834 PG.1327

**KMA** KISACH-NORDSTROM ASSOCIATES, INC.  
Civil Engineering Land Surveying Landscape Architecture  
19 Commerce Park North, Suite 202, Bedford, NH 03110 Phone (603) 827-2001

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

APPROVED BY THE HUDSON, NH PLANNING BOARD  
DATE OF MEETING: \_\_\_\_\_

SIGNATURE \_\_\_\_\_ SIGNATURE DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_ SIGNATURE DATE \_\_\_\_\_

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

**UTILITY NOTE**

THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN OBTAINED FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING RECORDS. KISACH-NORDSTROM ASSOCIATES, INC. MAKES NO WARRANTIES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, KISACH-NORDSTROM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATIONS SHOWN ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KISACH-NORDSTROM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

**CERTIFICATION:**

I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE PREMISES BY THIS OFFICE IN NOVEMBER & DECEMBER OF 2019. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000). FURTHER, THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.

*MORRIS* 1-23-20  
LICENSED LAND SURVEYOR DATE

REVISIONS		
No.	DATE	DESCRIPTION

DATE: JANUARY 23, 2020 SCALE: 1" = 60'  
PROJECT NO: 19-1105-1 SHEET 1 OF 1

V:\project\171001\dwg\working\Drawings\WORKSHEET.dwg, 1/23/2020 5:40:01 PM, SAYDAN HP W0700 P5

Printed  
4/07/2022  
12:26PM  
Created  
4/07/2022  
12:19 PM

# Transaction Receipt

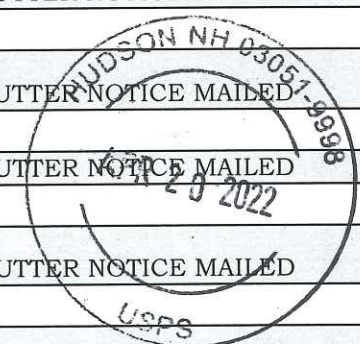
Town of Hudson, NH  
12 School Street  
Hudson, NH 03051-4249

Receipt# 680,292  
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-4/28/22 ZBA Mtg. 181 A Webster Street Map/Lot 147-016-000 Variance Application	0.00	238.7000	0.00
			Total:	238.70

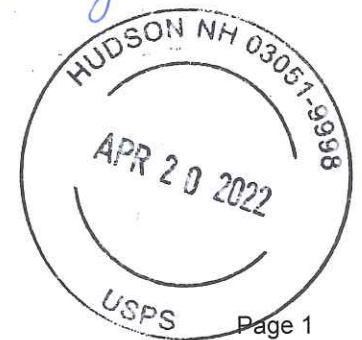
<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Derry & Webster, LLC	CHECK	CHECK# 1472	238.70	0.00	238.70
			Total Due:		238.70
			Total Tendered:		238.70
			Total Change:		0.00
			Net Paid:		238.70

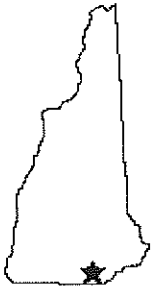
SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 147-016 Variance Extension 181A Webster St Map 147/Lot 016-000	1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/28/2022 ZBA Meeting	
1	7021 0350 0000 1884 3075		DERRY & WEBSTER LLC, Vatche Manoukian, Principal 253 MAIN ST., NASHUA, NH 03060	APPLICANT/OWNER NOTICE MAILED	
2	7021 0350 0000 1884 3082		ST. LAURENT, LIONEL & KERIANNE 199 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	7021 0350 0000 1884 3099		AUCOIN, SUSAN J. 177 WEBSTER ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	7021 0350 0000 1884 3105		WEBSTER, BENJAMIN & JANE 1 SHORELINE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5	7021 0350 0000 1884 3112		HAGAN, MICHAEL 180 HOLLIS ST., PERPPERELL, MA 01463	ABUTTER NOTICE MAILED	
6	7021 0350 0000 1884 3129		NICOLAS, FLORENCE 1 SCENIC LN., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
7	7021 0350 0000 1884 3136		PINTADO JR, MANUEL, & KARINA 2 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
8	7021 0350 0000 1884 3143		TRAINOR, JEFFREY & KATE 2 SHORELINE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
9	7021 0350 0000 1884 3150		LEXINGTON PLACE CONDOMINIUMS; C/O JACK JOYCE 24 LEXINGTON COURT, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
10	7021 0350 0000 1884 3167		ABBIE'S LANDING HOMEOWNERS 32 BOWES CIRCLE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
11	7021 0350 0000 1884 3174		REEDS BROOK HOMEOWNERS ASSOC.; C/O SANDRA POTTLE - TREASURER 8 MADELEINE CT., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
12	7021 0350 0000 1884 3181		SPARKLING RIVER CONDO ASSOCIATION INC; C/O RICHARD FRESCURA 19 CRICKETFIELD LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
		Total Number of pieces listed by sender 12	Total number of pieces rec'vd at Post Office 12	Postmaster (receiving Employee) <i>Paula Argelli</i>	





<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 147-016 Variance Extension 181A Webster St Map 147/Lot 016-000	1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>04/28/2022 ZBA Meeting</b>	
1	Mailed First Class	PAUL & KIMBERLY MOCERI	ABUTTER NOTICE MAILED	
		6 SCENIC LANE, HUDSON, NH 03051		
2	Mailed First Class	BRIAN PIGEON	ABUTTER NOTICE MAILED	
		197 WEBSTER STREET, HUDSON, NH 03051		
3	Mailed First Class	WESTCHESTER PLACE CONDOMINIUMS	ABUTTER NOTICE MAILED	
		7 WESTCHESTER CT, HUDSON, NH 03051		
4				
5				
6				
7				
8				
9				
10				
11				
	<b>Total Number of pieces listed by sender 3</b>	<b>Total number of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>	
		3	Paula Angelli	





# 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

April 19, 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, **04/28/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 147-016 (04-28-22): Derry & Webster, LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests an extension of the Variance granted with stipulations on 01/23/2020 for 181 A Webster St., Hudson, NH to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store, a use not permitted. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.]**

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

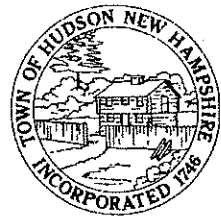
Respectfully,

Bruce Buttrick  
Zoning Administrator



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

---

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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](http://www.hudsonnh.gov) or in the Land Use Department located at the Hudson Town Hall.

Respectfully,

Bruce Buttrick  
Zoning Administrator



# TOWN OF HUDSON

## Land Use Division

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



### Zoning Administrator Staff Report

Meeting Date: April 28, 2022 *BR 4-19-22*

**Case 218-002-002 (04-28-22):** Kariuki P. Kimungu, **9B Trigate Rd., Hudson, NH** requests a Home Occupation Special Exception to operate a home office for his business, Comfort Angels Home Care of NH LLC. [Map 218, Lot 002-002, Zoned General (G); HZO Article VI, Special Exceptions; §334-24, Home Occupations.]

#### Summary:

Applicant requests a Home Occupation Special Exception to operate a home office for his offsite business operation.

#### ASSESSING HISTORY:

This is a Duplex/Condex

#### LAND USE HISTORY:

1984 Duplex/Condominium application

2020 site improvement plot plan

3/14/22 NH Dept of Health Human Services application [Zoning Determination #22-029] Denial

#### IN-HOUSE Review/Comments:

Fire Dept: Comments: no

Planning Dept: Comments: no

Engineering Dept: Comments: yes

#### Attachments:

**A:** Assessing record/history.

**B:** 1984 Duplex/Condex application/ plot plan.

**C:** 2020 site improvement plot plan.

**D:** 3/14/22 NH Dept of Health Human Services application [Zoning Determination #22-029] Denial.

**E:** Engineering Dept Comments.

**Previous Assessments**

<b>Year</b>	<b>Code</b>	<b>Building</b>	<b>Yard Items</b>	<b>Land Value</b>	<b>Acres</b>	<b>Special Land</b>	<b>Total</b>
2021	1021 - CONDEX	196,700	0	83,800	0.84	0.00	280,500
2021	1021 - CONDEX	196,700	0	83,800	0.84	0.00	280,500
2020	1021 - CONDEX	196,700	0	83,800	0.84	0.00	280,500
2020	1021 - CONDEX	196,700	0	83,800	0.84	0.00	280,500
2019	1021 - CONDEX	196,700	0	83,800	0.84	0.00	280,500
2019	1021 - CONDEX	196,700	0	83,800	0.84	0.00	280,500
2018	1021 - CONDEX	196,700	0	83,800	0.84	0.00	280,500
2018	1021 - CONDEX	196,700	0	83,800	0.84	0.00	280,500
2017	1021 - CONDEX	191,600	0	83,800	0.84	0.00	275,400
2017	1021 - CONDEX	147,500	0	70,000	0.84	0.00	217,500
2017	1021 - CONDEX	191,600	0	83,800	0.84	0.00	275,400
2016	1021 - CONDEX	147,500	0	70,000	0.84	0.00	217,500
2016	1021 - CONDEX	147,500	0	70,000	0.84	0.00	217,500
2015	1021 - CONDEX	147,500	0	70,000	0.84	0.00	217,500
2015	1021 - CONDEX	147,500	0	70,000	0.84	0.00	217,500
2014	1021 - CONDEX	147,500	0	70,000	0.84	0.00	217,500
2014	1021 - CONDEX	147,500	0	70,000	0.84	0.00	217,500
2013	1021 - CONDEX	147,500	0	70,000	0.84	0.00	217,500
2013	1021 - CONDEX	150,200	0	70,000	0.84	0.00	220,200
2012	1021 - CONDEX	150,200	0	70,000	0.84	0.00	220,200
2012	1021 - CONDEX	117,400	0	93,300	0.84	0.00	210,700
2011	1021 - CONDEX	117,400	0	93,300	0.84	0.00	210,700
2011	1021 - CONDEX	117,400	0	93,300	0.84	0.00	210,700
2010	1021 - CONDEX	163,100	0	120,000	0.84	0.00	283,100
2010	1021 - CONDEX	163,100	0	120,000	0.84	0.00	283,100
2009	1021 - CONDEX	163,100	0	120,000	0.84	0.00	283,100
2008	1021 - CONDEX	163,100	0	120,000	0.84	0.00	283,100
2008	1021 - CONDEX	163,100	0	120,000	0.84	0.00	283,100
2007	1021 - CONDEX	163,100	0	120,000	0.84	0.00	283,100
2007	1021 - CONDEX	257,700	0	0	0.84	0.00	257,700
2006	1021 - CONDEX	257,700	0	0	0.84	0.00	257,700
2006	1021 - CONDEX	257,700	0	0	0.82	0.00	257,700
2005	1021 - CONDEX	257,700	0	0	0.82	0.00	257,700
2005	1021 - CONDEX	232,900	0	0	1.64	0.00	232,900
2004	1021 - CONDEX	227,100	0	0	1.64	0.00	227,100
2004	1021 - CONDEX	177,300	0	0	1.64	0.00	177,300
2003	1021 - CONDEX	164,400	0	0	1.64	0.00	164,400
2003	1021 - CONDEX	164,400	0	0	1.64	0.00	164,400
2002	1021 - CONDEX	164,400	0	0	1.64	0.00	164,400
2002	1021 - CONDEX	164,400	0	0	1.64	0.00	164,400
2001	1021 - CONDEX	77,800	0	24,300		0.00	102,100
2000	101 - ONE FAMILY	77,800	0	24,300	1.64	0.00	102,100

A<sub>1</sub>

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
1999	101 - ONE FAMILY	55,700	0	24,300	1.64	0.00	80,000



Subdivision Regulation Check List

Project Name Condo Plan (Peter Howatt)

Trigate Rd Map 11 Lot 586

Plan by Croco + Cormier Inc  
1:50' 9-9-84

Does Not Apply  
Changes Needed  
Complete

Preliminary Plan

		✓
		✓
		✓
		✓
		✓
		✓
✓		
✓		
✓		
✓		
✓		
✓		
✓		
✓		

1. Subdivision name
2. Signature and address of owner
3. Signature of Subdivider and Engineer; date; Northpoint and scale
4. Names of abutters and abutting properties
5. Location of property lines and their approximate dimensions
6. Existing easements
7. Existing and proposed water and sewerage systems
8. Locations and names of existing and proposed streets within 200' of the subdivision; grades and profile plans
9. General topography
10. Proposed lots, their areas and set-back lines
11. Location of land to be dedicated to public use and conditions of dedications
12. Preliminary design of required bridges or culverts
13. Sketch of proposed street system

Preliminary Plan Reviewed by: \_\_\_\_\_ Date \_\_\_\_\_

Final Plat

Preliminary plan requirements plus:

		✓
		✓
		✓
✓		
✓		
		✓
		✓
		✓
✓		
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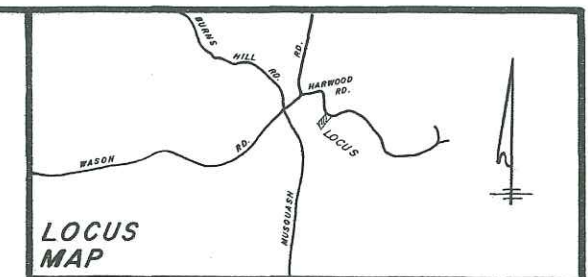
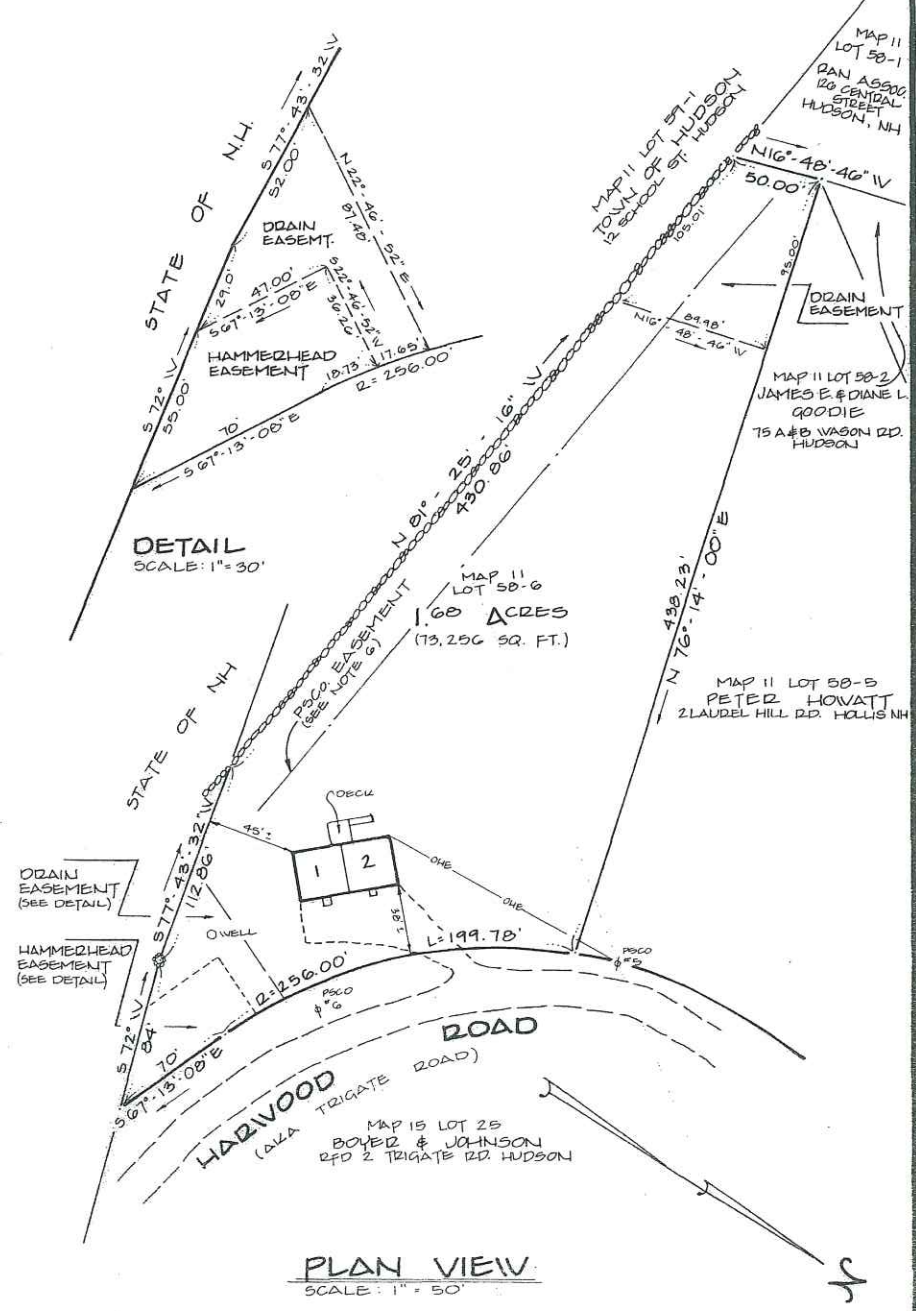
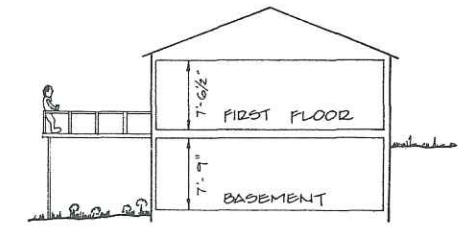
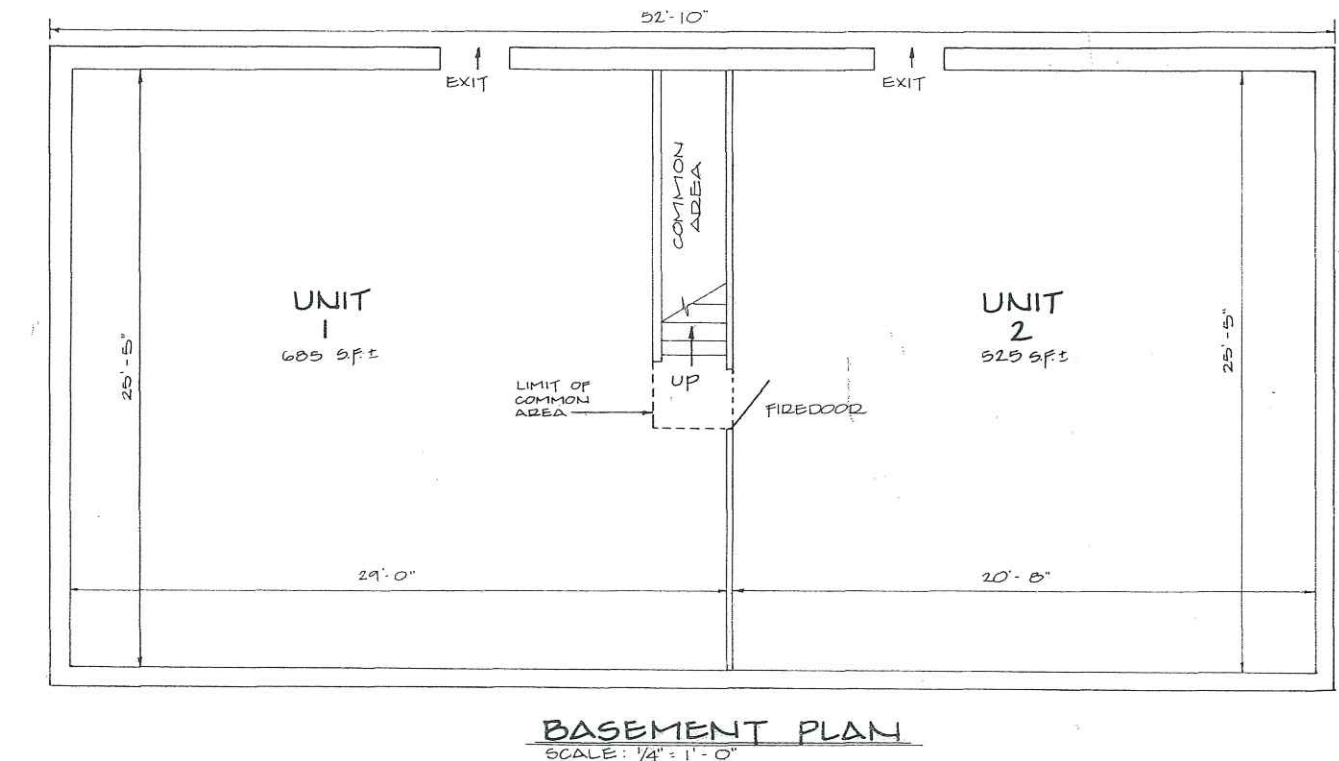
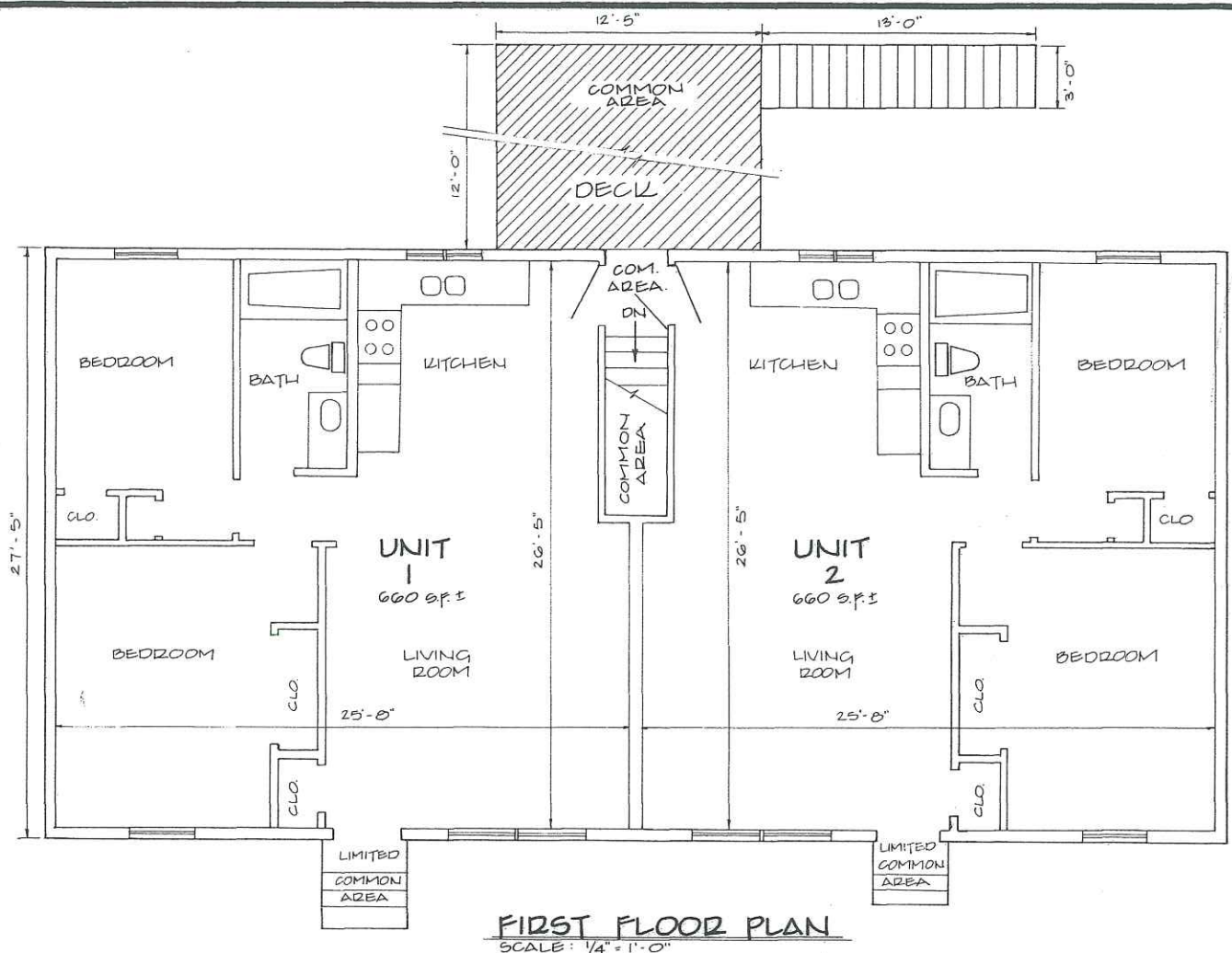
1. Planning Board signature block
2. Engineer's seal and/or name and address of the Surveyor
3. Lot identification numbers
4. Street cross sections; bridge and culvert designs
5. Design and location of proposed on-lot sewerage, water and storm drainage systems
6. Boundaries of the properties; precise dimensions and bearings
7. Locations and descriptions of permanent monuments and bench marks
8. Reference to abutting recorded subdivision plats; name, date, H.C.R.D. No.
9. Sworn statement dedicating streets, R.O.W., and any sites for public use
10. Locus plan

Other Comments:

Finalized 3/23/84

Final Plan Reviewed by: Dennis Bousquet Date: 3/23/84

B.



**NOTES**

1. THE CONDOMINIUM INCLUDES ONE BUILDING CONTAINING A TOTAL OF 2 UNITS, ALL OF WHICH HAVE BEEN CONSTRUCTED ON THE LAND. THIS BUILDING IS OF WOOD FRAME CONSTRUCTION AND IS BUILT ON A CONCRETE FOUNDATION. EACH OF THE TWO RESIDENTIAL UNITS IS AN INDIVIDUAL RESIDENCE AND CONTAINS ONE STORY AND A FULL BASEMENT.
2. COMMON AREA CONSISTS OF THE ENTIRE PROPERTY OTHER THAN THE UNITS AND INCLUDES, BUT NOT BY WAY OF LIMITATION: THE LAND AND WALKS, SHRUBS AND TREES, INTERIOR ROADS, PARKING AREA, WATER SUPPLY, SEWAGE DISPOSAL, ELECTRICAL, TELEPHONE, AND OTHER UTILITY SYSTEMS SERVING THE CONDOMINIUM, THE ATTICS, PATIOS, DECKS AND ANY STAIRS, STAIRWELLS, WALKS AND STAIRWAY LANDINGS WHICH ARE NOT WITHIN A UNIT.
3. LIMITED COMMON AREA IS OWNED IN COMMON BY THE OWNERS, BUT IS RESTRICTED TO THE USE AND BENEFIT OF THE UNIT OR UNITS WHICH IT SERVES.
4. EACH UNIT OWNER SHALL HAVE AN EASEMENT IN COMMON WITH THE OTHER UNIT OWNER FOR INGRESS & EGRESS THROUGH AND USE AND ENJOYMENT OF ALL COMMON AREA.
5. UTILITY EASEMENTS ARE RESERVED PERPETUALLY FOR THE INSTALLATION, CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, REPAIR, OPERATION, AND INSPECTION OF ALL UTILITY SERVICES NECESSARY OR DESIRABLE IN CONNECTION WITH THE OPERATION OF THE CONDOMINIUM, INCLUDING WATER, GAS, SEWAGE DISPOSAL, TELEPHONE, AND ELECTRICAL SYSTEMS.
6. PUBLIC SERVICE CO. OF N.H. DIST. LINE EASEMENT, NO WIDTH, VOL. 1245, PS. 351.
7. PROPERTY ADDRESS: 9 HARWOOD ROAD.

*Peter Howatt*  
PETER HOWATT  
3-22-84  
DATE

**PLAN REFERENCE:**

1. SUBDIVISION PLAN "NAR ESTATES" WASON ROAD, FEB. 1976 RECORDED AT H.C.R.D. PLAN 9413.
2. LAND OF HOWATT, TRIGATE RD. HUDSON, N.H. JAN. 1983, HCRD PLAN 15434.

SUBDIVISION APPROVAL NOT REQUIRED  
HUDSON PLANNING BOARD

CHAIRMAN *Paul E. Edgely*  
SECRETARY *Marilyn E. Munn*  
DATE *April 11, 1984*

I CERTIFY THAT THE FLOOR PLANS SHOWN HEREON ARE ACCURATE AND IN COMPLIANCE WITH THE PROVISIONS OF N.H. R.S.A. 356-B: 20 II AND THAT ALL UNITS DEPICTED HEREON AS COMPLETED HAVE BEEN SUBSTANTIALLY COMPLETED.

*Peter Howatt*  
3/9/84  
DATE

ROBERT CORMIER  
No. 907  
REGISTERED PROFESSIONAL ENGINEER

I CERTIFY THAT THE SITE PLAN SHOWN HEREON IS ACCURATE AND IN COMPLIANCE WITH THE PROVISIONS OF N.H. R.S.A. 356-B: 20 I AND IS THE RESULT OF AN ACTUAL FIELD SURVEY.

*Peter Howatt*  
3/9/84  
DATE

NO. 606  
RICHARD E. CUOCO  
REGISTERED PROFESSIONAL SURVEYOR

SITE PLAN & CONDOMINIUM FLOOR PLAN  
**TRIGATE CONDOMINIUM**  
HARWOOD ROAD  
HUDSON, NEW HAMPSHIRE

PREPARED FOR:  
**PETER C. HOWATT**  
20 PROSPECT STREET NASHUA, N.H. 03060  
MARCH 9, 1984  
SCALE: AS SHOWN

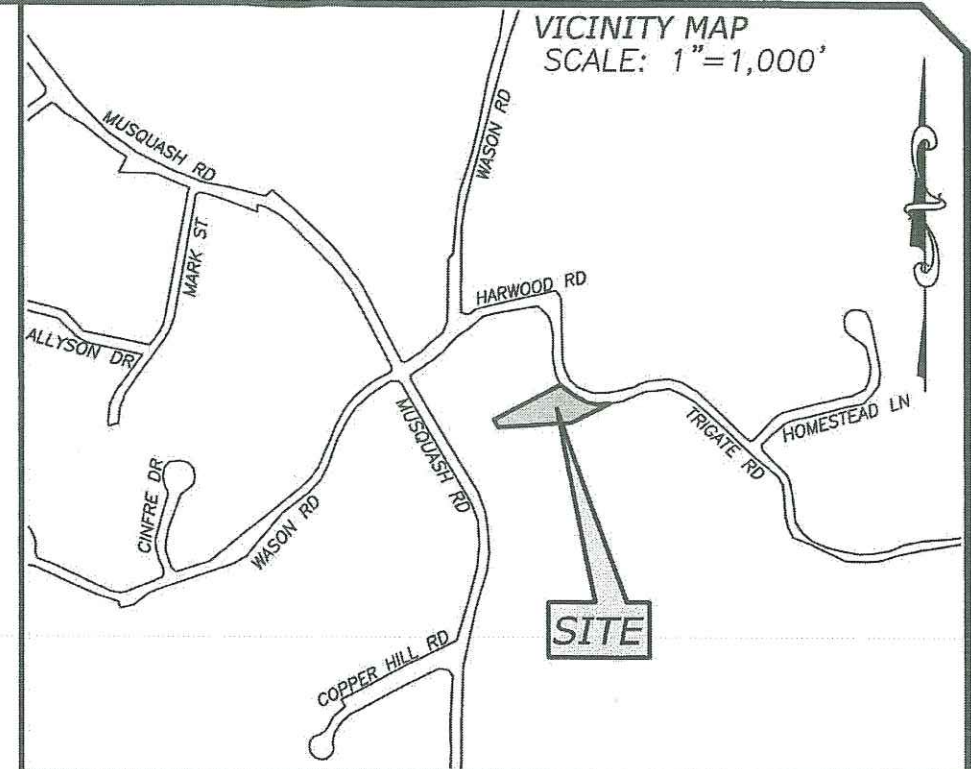
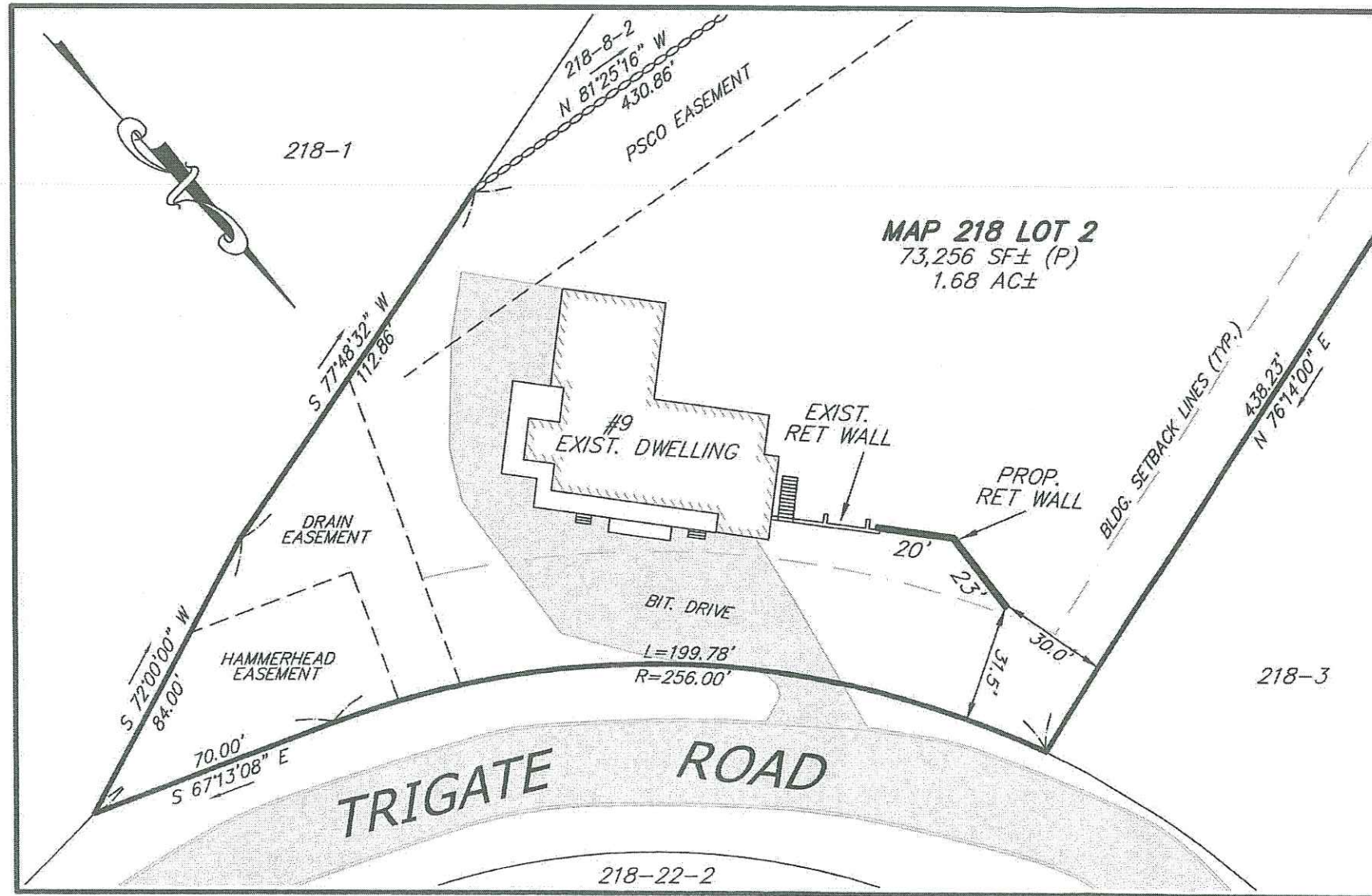
**CCI** CUOCO & CORMIER, INC.  
CIVIL ENGINEERS - LAND SURVEYORS  
BOX 3574 NASHUA, N.H. 03061 882-1812



**PLAN OF LAND  
9 TRIGATE TOAD  
HUDSON, NH  
MAP 218 LOT 2  
AS PREPARED FOR  
KARIUKI KIMUNGU, OWNER**

**PLAN NOTES:**

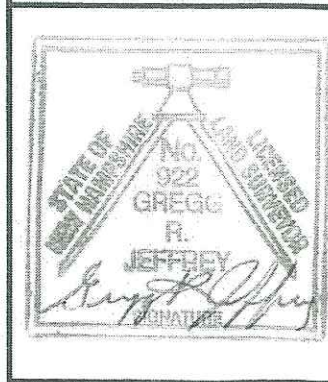
1.) PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED RETAINING WALL AT HUDSON TAX MAP 218 LOT 2.



REV. 2		BY:
REV. 1		BY:

**ZONING DISTRICT: GEN**  
**REQUIRED SETBACKS:**  
FRONT - 30 FEET  
SIDE - 15 FEET  
REAR - 15 FEET

DEED REF: BK. 6119 PG. 271  
PLAN REF.: HCRD PL. 16544  
PLAN SCALE: 1"=40'  
DATE: JUNE 2020  
JOB REF.: 020-058-KIMU

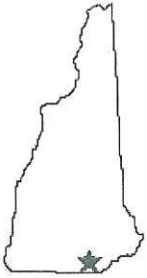


I HEREBY CERTIFY:  
THAT THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY AND THAT ALL MEASUREMENTS HEREON ARE TO BE CONSIDERED TRUE AND ACCURATE.

**JEFFREY LAND SURVEY, LLC**

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





# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #22-029 NH DHHS Health Facilities denial

March 14, 2022

NH HHS  
Health Facilities Admin  
129 Pleasant St  
Concord, NH 03301-3857

Re: Comfort Angels Home Care of NH  
9B Trigate Rd Map 218 Lot 002-002  
District: General (G)

Att: Marilee

**HHS Health Facilities Admin application: "a change in current licensing category".**

#### **Zoning Review / Determination:**

This property does not have any approval to conduct a business/office at this address. At a minimum, the applicant would need approval as a Home Occupation Special Exception and depending in the scope of the activity/business, a possible variance for mixed use on this property.

Therefore, your application approval for licensure has been **DENIED**.

Sincerely,

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

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

encl: NH HHS Health Facilities application

cc: Public File

D. Hebert, Fire Marshal

B. Groth, Town Planner

Owner

File

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

0.

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH & HUMAN SERVICES  
OFFICE OF LEGAL AND REGULATORY SERVICES  
HEALTH FACILITIES ADMINISTRATION

129 Pleasant Street, Concord, New Hampshire 03301-3857  
TDD Access: Relay NH 1-800-735-2964  
Agency Phone Number: 800-852-3345, Extension 9039 or 603-271-9039



The facility listed below is requesting through the Department of Health and Human Services the following action:

- Initial Licensing
- A change in current licensing category
- Renovation of Existing Building
- New Construction and/or Addition to Existing Building
- An increase in current licensed beds / ESRD stations/ or Adult Day Clients

**Please note:** All applicants must have this form filled out by the local officials, even if they do not see clients at their place of business. This is to confirm that the local authorities are aware that a business is operating at the identified location and that the business complies with all local ordinances.

Local authorities please complete and sign each section.

FACILITY/ESTABLISHMENT NAME: COMFORT ANGELS Home CARE OF NH - OFFICE  
STREET ADDRESS: 9-B TRIGATE ROAD HUDSON NH 03051  
OWNER'S NAME: KARIUKI KIMUNGU  
ADMINISTRATORS NAME: KARIUKI KIMUNGU  
TELEPHONE NUMBER: 603-320-9858  
PROPOSED TYPE OF FACILITY: HOME HEALTH AGENCY

**HEALTH OFFICER**

I HEREBY CERTIFY THAT Comfort Angels Home Care of NH  
COMPLIES WITH ALL APPLICABLE HEALTH, SEWAGE AND WATER REGULATIONS FOR THE CITY/TOWN OF Hudson 2021

I HEREBY CERTIFY THAT \_\_\_\_\_ DOES NOT REQUIRE HEALTH, SEWAGE AND WATER APPROVAL OF THIS FACILITY/ESTABLISHMENT.

NUMBER OF BEDS/CLIENTS: 0 NUMBER OF ESRD\* STATIONS: 0 N/A: \_\_\_\_\_

DATE: 3-8-22 SIGNATURE: [Signature]  
(NAME AND TITLE OF HEALTH OFFICIAL)

**BUILDING REGULATIONS**

I HEREBY CERTIFY THAT Comfort Angels Home Care of NH - OFFICE  
COMPLIES WITH ALL APPLICABLE BUILDING REGULATIONS FOR THE CITY/TOWN OF \_\_\_\_\_

I HEREBY CERTIFY THAT \_\_\_\_\_ DOES NOT HAVE LOCAL BUILDING CODES OR REGULATIONS.

NUMBER OF BEDS/CLIENTS: 0 NUMBER OF ESRD\* STATIONS: \_\_\_\_\_ N/A:

DATE: 3-8-22 SIGNATURE: [Signature]  
(NAME AND TITLE OF BUILDING OFFICIAL)

D.

**ZONING REGULATIONS**

I HEREBY CERTIFY THAT \_\_\_\_\_  
COMPLIES WITH ALL APPLICABLE ZONING REGULATIONS FOR THE CITY/TOWN OF \_\_\_\_\_.

I HEREBY CERTIFY THAT \_\_\_\_\_ DOES  
NOT HAVE LOCAL ZONING REGULATIONS.

NUMBER OF BEDS/CLIENTS: \_\_\_\_\_ NUMBER OF ESRD\* STATIONS: \_\_\_\_\_ N/A: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
(NAME AND TITLE OF ZONING OFFICIAL)

**FIRE REGULATIONS**

THIS CITY/TOWN USES THE FOLLOWING FIRE CODES: (EXAMPLE NFPA 101 (2003 EDITION)  
CHAPTER 24.) 2015

NFPA-1-2015  
NFPA-12-2013

I HEREBY CERTIFY THAT \_\_\_\_\_ FD HAS INSPECTED \_\_\_\_\_  
ON \_\_\_\_\_ AND OBSERVED THE FOLLOWING VIOLATIONS:

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

I HEREBY CERTIFY THAT Hudson FD HAS INSPECTED 9 B Trimnell  
ON 3-8-22 AND FIND THAT ON THE DATE OF INSPECTION NO VIOLATIONS OF THE FIRE Office  
CODE ADOPTED BY THE STATE FIRE MARSHAL AND/OR LOCAL MUNICIPAL CODES WERE OBSERVED.

I HEREBY CERTIFY THAT \_\_\_\_\_ FD HAS INSPECTED \_\_\_\_\_  
ON \_\_\_\_\_ AND ALL PREVIOUSLY VIOLATIONS NOTED HAVE BEEN CORRECTED.

NUMBER OF BEDS/CLIENTS: 8 NUMBER OF ESRD\* STATIONS: \_\_\_\_\_ N/A:

DATE: 3-8-22 SIGNATURE: [Signature] - F.P.O.  
(FIRE CHIEF OR DESIGNEE)

\* ESRD = End Stage Renal Dialysis

COMMENTS:

6/17/2016

D3

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

REQUEST FOR REVIEW/COMMENTS:

Case: 218-002-002 (HOSE)

Property Location: 9B Trigate Rd

*For Town Use*

Plan Routing Date: 04/01/2022 Reply requested by: 04/15/2022 ZBA Hearing Date: 04/28/2022

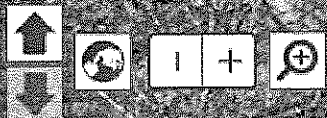
I have no comments     I have comments (see below)

EZD \_\_\_\_\_ Name: Elvis Dhima, P.E. Date: 04/19/2022  
(Initials)

DEPT:  Town Engineer     Fire/Health Department     Town Planner

1. Applicant shall provide additional information regarding the parking situation.
2. It also appears to be abandoned vehicles at this property, based on 2020 flyover

E,



0 15 30ft 7140113 4275145

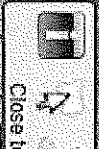


State of NH Right of Way

Drainage Easement

2020 FLY

Easement



172

# HUDSON ZONING BOARD OF ADJUSTMENT

## Home Occupation Special Exception Decision Worksheet

On **04/28/2022**, the Hudson Zoning Board of Adjustment heard Case **218-002-002**, being a request by **Kariuki P. Kimungu, 9B Trigate Rd., Hudson, NH for a Home Occupation Special Exception to operate a home office for his business, Comfort Angels Home Care of NH LLC.** [Map 218, Lot 002-002, Zoned General (G); HZO Article VI, Special Exceptions; §334-24, Home Occupations.]

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

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

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

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



APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

Entries in this box are to be filled out by Land Use Division personnel  
Case No. 218-002-002 (04-28-22)  
Date Filed 4/6/22

Name of Applicant KARIUKI P KIMUNGU Map 218 Lot 002-002 Zoning District: G  
Telephone Number (Home) 603-320-9858 (Work) \_\_\_\_\_  
Mailing Address 9-B TRIGATE ROAD, HUDSON NH  
Owner KARIUKI P.  
Location of Property 9-B TRIGATE ROAD, HUDSON NH  
(Street Address)

Signature of Applicant [Signature] Date 04/06/2022

Signature of Property-Owner(s) [Signature] Date 04/06/2022

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

If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak/represent on his/ her/ their behalf or that you have permission to seek the described Home Occupation Special Exception.

Items in this box are to be filled out by Land Use Division personnel  
Date received: 4/6/22  
COST:  
Application fee (processing, advertising & recording) (non-refundable): \$ 185.00  
Abutter Notice:  
8 Direct Abutters x Certified postage rate \$ 4.33 = \$ 34.64  
3 Indirect Abutters x First Class postage rate \$ 0.58 = \$ 1.74  
Total amount due: \$ 221.38  
Amt. received: \$ 221.38  
Receipt No.: 680,300  
Received by: [Signature]

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



# TOWN OF HUDSON, NH

## Application Checklist

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

Applicant Initials	Please review the application with the Zoning Administrator or staff.	Staff Initials
_____		TG 4/6/22
KPK	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 <b>10 (ten) single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	TG
KPK	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.	TG.
N/A	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.)	N/A.
KPK	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	TG <i>*Corrections needed.</i>
KPK	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	TG
KPK	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	TG
KPK	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.	TG
N/A	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	N/A.



**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
218-002-001 218-002-002		*Include Applicant & Owner(s) KIMUNGU, KARIUKI P & MARY N.	9-B TRIGATE ROAD HUDSON NH 03051
218-001-000		STATE OF NH: DEPT OF TRANSPORTATION	P.O BOX 483; 1 HAZEN DRIVE/ ROOM 204 CONCORD NH 03302-0483
218-003-000		LAPOLICE PETER & NANCY J TRSTEES; LAPOLICE FAMILY REV TRUST	5 MOUNTAIN VIEW ROAD PELHAM NH 03076-3031
218-006-001 <sup>10</sup>	(TB)	GOODIE, JAMES E. & DIANE L.	75 WASON ROAD HUDSON NH 03051
218-008-000 <sup>11</sup>	(TB)	TANGO AUDRA L.; TANGO NICHOLAS M.	6-A MUSQUASH ROAD HUDSON NH 03051
218-008-002		LABOMBARDE, JAMES	6-B MUSQUASH ROAD HUDSON NH 03051
218-002-001 218-022-002		JOHNSON PETR G. & TAMARA L. JOHNSON PETER	18-B TRIGATE ROAD HUDSON NH 03051
218-007-000		ALL JAY LIMITED PARTNERSHIP	22 LONDON BRIDGE ROAD WINDHAM NH 03087

**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
218-004-001		SONG, EDWARD; NA, HANA	5B TRIGATE ROAD HUDSON NH 03051
218-004-001	2 10	MAHARJAN, SURESH	5A TRIGATE ROAD HUDSON NH 03051
218-005-000		O'BRIEN, PATRICK & KERILYNNE	1 HARWOOD ROAD HUDSON NH 03051

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

A home occupation is a wholesale sales or service operation for goods produced or services provided on-site and is permitted only as a special exception upon approval by the Zoning Board of Adjustment. In granting such an exception, the Board must find the home occupation to be in full compliance with the requirements listed below. Per Hudson Zoning Ordinance Article VI, Special Exceptions; §334-24 F, **On-site retail sales are an expressly prohibited home occupation special exception use.**

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

COMFORT ANGELS HOME CARE OF NH LLC IS A VISITING NURSE AND HOMEMAKERS COMPANY WHICH SENDS OUT NURSES LNA S AND HOMEMAKERS TO PATIENTS HOMES FOR SERVICES SUCH NURSING VISITS .HOME MAKER AND HOME HEALTH AIDES TO HELP THE PATIENTS IN ACTIVITIES OF OF DAILY LIVING, MEDICATION ADMINISTRATION AND WOULD CARE. ONLY 2 PEOPLE WORK IN THE OFFICE AND THE REST OF THE WORKERS ARE OUT IN THE FIELD

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

THE HOME OCCUPATION WILL BE SECONDARY TO THE PRINCIPAL USE OF THE BUSSINESS OWNERS RESIDENCE IN THAT, ONLY 1 ROOM WILL BE USED AS AN OFFICE SPACE AND THE REST OF THE HOUSE WILL REMAIN THE BUSSINES OWNERS RESIDENCE

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

THE HOME BUSSINESS WILL BE CARRIED WITHIN THE EXISTING RESIDENCE

Other than the sign(s) permitted under Article XII, will there be exterior display or other exterior indications of the home occupation? Will there be any variation from the primarily residential character of the principal or accessory building? Please explain.

THERE WILL BE NO SIGNS ON THE EXTERIOR OF THE HOUSE FOR THE BUSSINESS AS THE BUSSINESS / HOMEOWNER SEES NOW

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

Will there be exterior storage and will it be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area? In situations where a combination of existing foliage and/or long distances to neighboring views provide screening, the fencing requirements may be waived at the discretion of the Board. Please explain how you will comply.

---

THERE WILL BE NO EXTERIOR STORAGE.

---

Will there be noise, vibrations, dust, smoke, electrical disturbances, odors, heat or glare produced? Please explain, and if there will be electrical disturbances, describe the frequency.

---

THERE WILL BE NO NOISE, VIBRATIONS, DUST, SMOKE ELECTRICAL DISTURBANCES, ODOR HEAT OR GLARE PRODUCEED BY THIS BUSSINESS

---

Will the traffic generated by the home occupation activity be substantially greater in volume that would normally be expected in the neighborhood? Please explain the expected traffic to your business.

---

THE TRAFFIC GENERATED BY THE BUSSINESS WILL BE MINIMAL SINCE MOST EMPLOYEES WORK IN THE FIELD, HOWEVER THERE WILL BE AN OCCASIONAL ONE OR TTWO CARS COMING FOR SHORT TIMES TO PICK SUPPLIES. ALL OTHER EMPLOYEES HAVE DIRECT DEPOSIT AND NO NEED TO COME TO THE OFFICE.

---

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

---

THERE ARE USUALLY NO CUSTOMERS THAT COME TO THE BUSSINESS OFFICE HOWEVER IF ANY CUSTOMER OR CLIENTS

---

THERE WILL BE PARKING ON THE RIGHT SIDE RIGHT AS YOU ENTER THE DRIVE WAY

---

Who will be conducting the home occupation? Please explain.

---

THE OWNER KARIUKI KIMUNGU AND MARY KIMUNGU WILL BE CONDUCTING THE HOME OCCUPATION

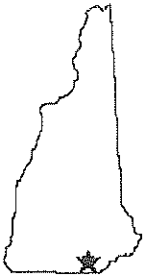
---

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

---

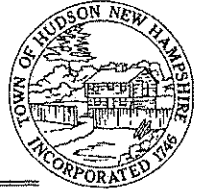
THERE WILL BE NO VEHICLES FOR THE HOME OCCUPATION EXCEPT THE DAILY DRIVEN VEHICLES FOR THE OWNER AND HIS WIFE.

---



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #22-032

March 22, 2022

Kariuki P. Kimungu  
9B Trigate Rd  
Hudson, NH 03051

**9B Trigate Rd Map 218 Lot 002-002**  
**District: General (G)**

Request: If you can conduct a home office/business: Comfort Angels Home Care of NH at this address?

#### **Zoning Review / Determination:**

You would need approval as a Home Occupation Special Exception from the Zoning Board of Adjustment, to conduct a home office/business. Applications are found online (link):  
<https://www.hudsonnh.gov/zoning/page/home-occupation-special-exception>

Sincerely,

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

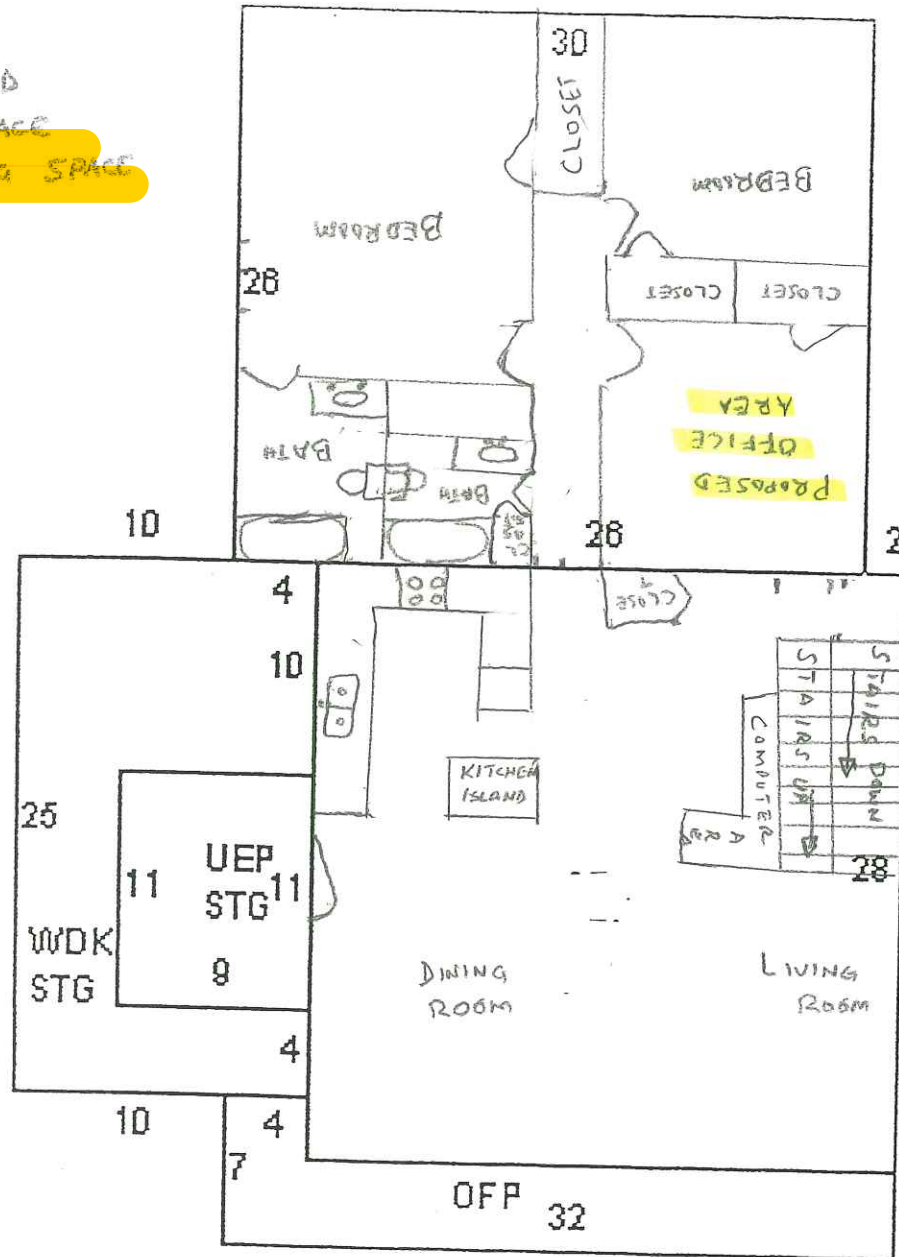
cc: Public File  
B. Groth, Town Planner  
File

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

SKETCH

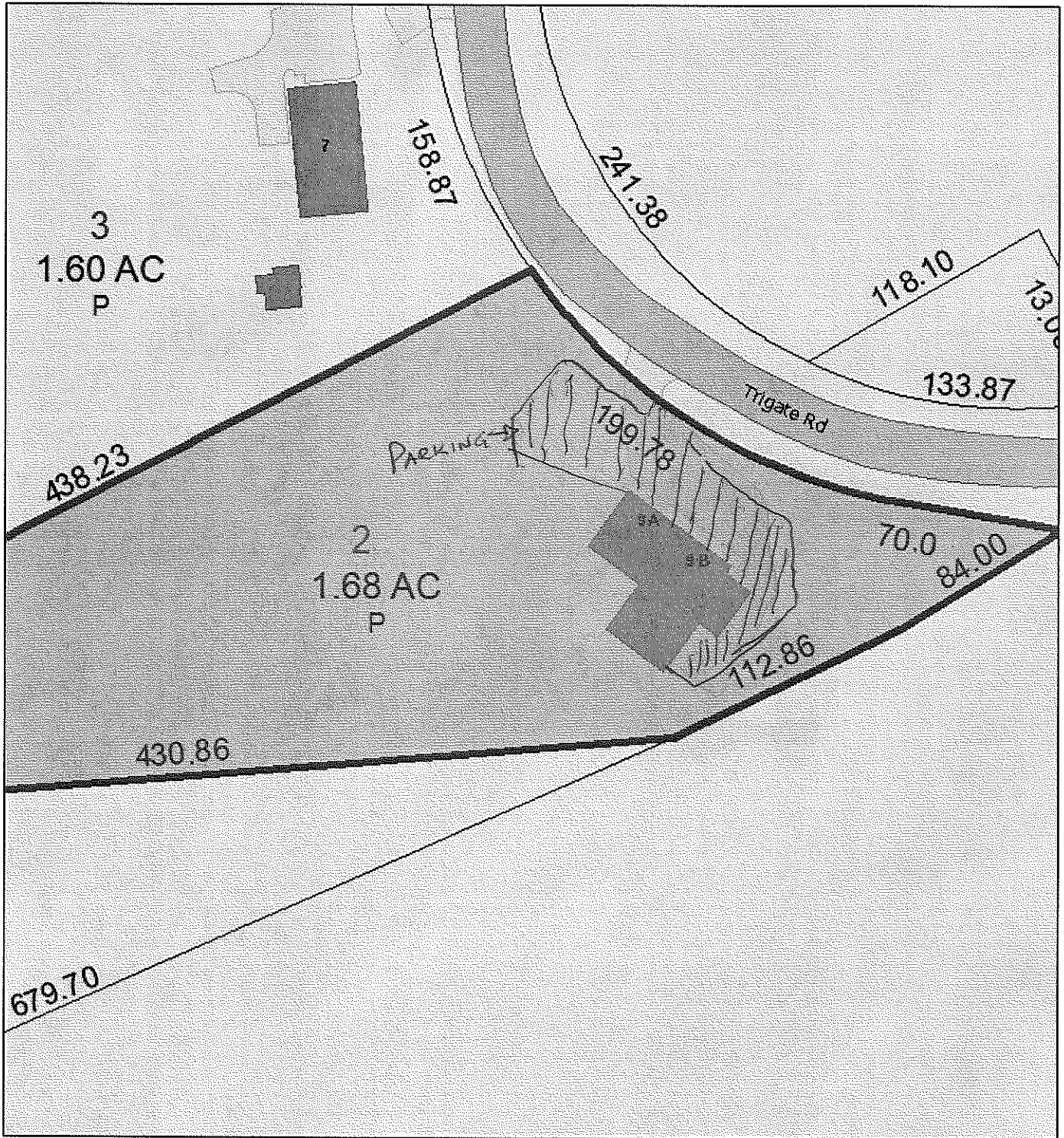
9-B TRIGATE ROAD

PROPOSED OFFICE SPACE  
APPROX 10% OF LIVING SPACE






# 9 B Trigate Rd. (Map/Lot 218-002-002)

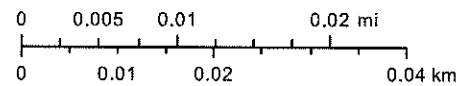


March 22, 2022

Legend

 Parcels

1:754



218 002 002  
MAP LOT SUB

1 of 1 CONDO  
CARD Hudson

Total Card / Total Parcel  
APPRAISED: 280,500/ 280,500  
USE VALUE: 280,500/ 280,500  
ASSESSED: 280,500/ 280,500

PROPERTY LOCATION

No	Alt No	Direction/Street/City
9B		TRIGATE RD, HUDSON

OWNERSHIP

Owner 1:	KIMUNGU, KARIUKI P.
Owner 2:	KARIUKI, MARY N.
Owner 3:	
Street 1:	9B TRIGATE ROAD
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH Cntry
Postal:	03051

PREVIOUS OWNER

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

NARRATIVE DESCRIPTION

This parcel contains .84 ACRES of land mainly classified as CONDEX with a CONDEX-COL Building built about 1985, having primarily VINYL Exterior and 2348 Square Feet, with 1 Unit, 4 Baths, 1 3/4 Bath, 0 HalfBath, 6 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	GD	GENERAL		water	9	PRIV WATER
				Sewer	0	SEPTIC
				Electri		
				Exmpt		
				Flood Haz:	C	
D				Topo	3	BEL ST
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 Infu	Neigh Mod	Inf1 %	Inf2 %	Inf3 %	Appraised Value	Alt Class %	Spec Land Code	J Code	Fact	Use Value	Notes
1021	CONDEX	0.8	0.84		SITE ACRE	CONDO SITE		0	110,000.	0.91	RE						83,776					83,800	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
1021	0.840	196,700		83,800	280,500
<b>Total Card</b>	0.840	196,700		83,800	280,500
<b>Total Parcel</b>	0.840	196,700		83,800	280,500
Source:	Market Adj Cost	Total Value per SQ unit /Card:		119.46	/Parcel: 119.46

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2021	1021	FV	196,700	0	.84	83,800	280,500	280,500	Year End Roll	9/27/2021
2021	1021	JB	196,700	0	.84	83,800	280,500	280,500	Year End Roll	5/12/2021
2020	1021	FV	196,700	0	.84	83,800	280,500	280,500	Year End Roll	8/27/2020
2020	1021	JB	196,700	0	.84	83,800	280,500	280,500	Year End Roll	5/6/2020
2019	1021	FV	196,700	0	.84	83,800	280,500	280,500	Year End Roll	9/16/2019
2019	1021	JB	196,700	0	.84	83,800	280,500	280,500	Year End Roll	5/8/2019
2018	1021	FV	196,700	0	.84	83,800	280,500	280,500	Year End Roll	8/27/2018
2018	1021	JB	196,700	0	.84	83,800	280,500	280,500	Year End Roll	5/9/2018

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
KIMUNGU, NANCY	5711-457		4/23/1996	FAMILY TRANS	21,000	No	No		
MERIDIAN MORT.	5516-1196		1/19/1994	BUSINESS	27,300	No	No		
	5232-0334		1/3/1991			No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
6/12/2020	2020-00482	DRIVEWAY	3,500	C				
8/16/2017	2017-00814	INT RENO	3,500	C				

ACTIVITY INFORMATION

Date	Result	By	Name
6/10/2021	Permit Visit	21	DEP ASR
4/11/2019	Entry Denied	19	KRT2
4/11/2019	Measured	19	KRT2
2/27/2019	NC Visit	12	TECH ASMNT
4/20/2018	Permit Visit	12	TECH ASMNT
8/29/2013	Other Change	1	CHIEF ASSESS
10/29/2010	Meas/Inspect	14	APPR TECH 4
4/14/2007	Measured	6	RB
7/18/2006	New Maps	1	CHIEF ASSESS

Sign: \_\_\_\_\_



Patriot Properties Inc.

USER DEFINED

Prior Id # 1:	0011
Prior Id # 2:	0058
Prior Id # 3:	006B
Prior Id # 1:	
Prior Id # 2:	CH
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: 03/22/22 Time: 15:19:40  
LAST REV  
Date: 08/24/21 Time: 11:09:52  
mrotast  
1354

**EXTERIOR INFORMATION**

Type:	076 - CONDEX-COL
Sty Ht:	2 - TWO STY
(Liv) Units:	1 Total: 1
Foundation:	1 - CONCRETE
Frame:	1 - WOOD
Prime Wall:	04 - VINYL
Sec Wall:	%
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	GREEN
View / Desir:	

**GENERAL INFORMATION**

Grade:	C+ - AVG/GOOD
Year Bt:	1985 Eff Yr Bt:
Alt LUC:	Alt %:
Jurisdic:	Fact:
Const Mod:	
Lump Sum Adj:	

**INTERIOR INFORMATION**

Avg Ht/FL:	STD
Prim Int Wal:	1 - DRYWALL
Sec Int Wall:	%
Partition:	T - TYPICAL
Prim Floors:	03 - HARDWOOD
Sec Floors:	06 - CERAMIC T 20%
Bsmnt Flr:	12 - CONCRETE
Subfloor:	
Bsmnt Gar:	2
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S
Heat Fuel:	1 - OIL
Heat Type:	3 - FORCED HW
# Heat Sys:	1
% Heated:	100 % AC: 100
Solar HW:	NO Central Vac: NO
% Com Wal:	% Sprinkled

**BATH FEATURES**

Full Bath:	2 Rating: AVERAGE
A Bath:	2 Rating: GOOD
3/4 Bath:	1 Rating: AVERAGE
A 3QBth:	Rating:
1/2 Bath:	Rating:
A HBth:	Rating:
Othr Fix:	1 Rating: GOOD

**OTHER FEATURES**

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

**CONDO INFORMATION**

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

**DEPRECIATION**

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

**CALC SUMMARY**

Basic \$ / SQ:	104.00
Size Adj.:	0.73219764
Const Adj.:	0.99959999
Adj \$ / SQ:	76.118
Other Features:	24437
Grade Factor:	1.10
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	282554
Depreciation:	85896
Depreciated Total:	196658

**COMMENTS**

WHIRLPOOL & SHOWER=OTHER  
 FIXTURE//UPGRADED BATHS HAVE MARBLE  
 FLOORS.. 4/19 EXT=AVG..

**RESIDENTIAL GRID**

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

**REMODELING**

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

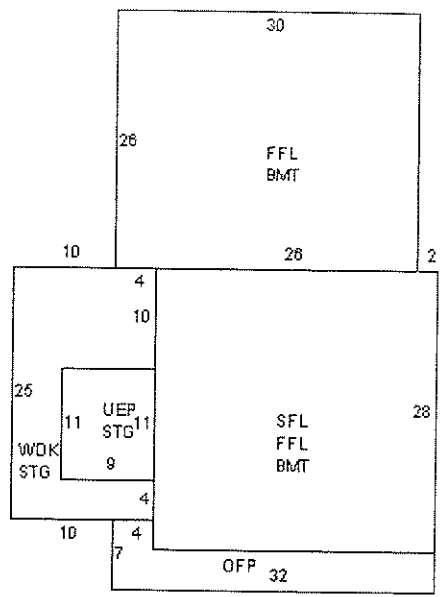
**RES BREAKDOWN**

No Unit	RMS	BRS	FL
1	6	3	M
Totals			
1	6	3	

**COMPARABLE SALES**

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ: AvRate: Ind.Val				
Juris. Factor:		Before Depr: 83.73		
Special Features: 0		Val/Su Net: 41.39		
Final Total: 196700		Val/Su SzAd 83.77		

**SKETCH**



**SUB AREA**

Code	Description	Area - SQ	Rate - AV	Undepr Value
BMT	BASEMENT	1,564	18.270	28,572
FFL	FIRST FLOOR	1,564	76.120	119,049
SFL	SECOND FLR	784	76.120	59,677
STG	STORAGE	350	22.840	7,992
WDK	WOOD DECK	251	15.080	3,786
OPF	OPEN PCH	140	40.650	5,692
UEP	UNFN ENC POR	99	77.410	7,664
Net Sketched Area:		4,752	Total:	232,432
Size Ad	2348	Gross Area	4752	FinArea 2348

**SUB AREA DETAIL**

Sub Area	% Usbl	Descrip	% Type	Qu #	Ten
BMT	100	RRM		80	AV

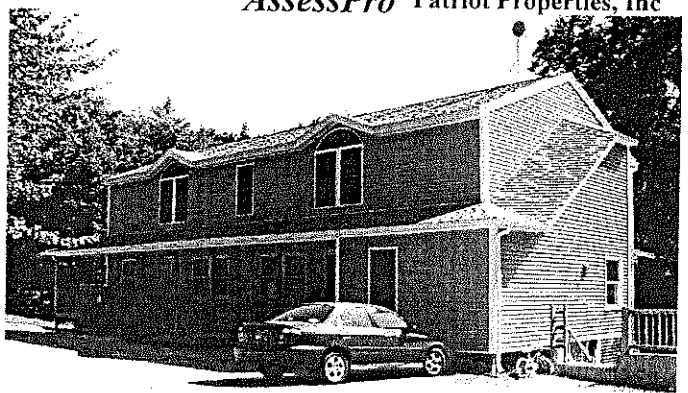
**MOBILE HOME**

Make:		Model:		Serial #:		Year:		Color:	
-------	--	--------	--	-----------	--	-------	--	--------	--

**SPEC FEATURES/YARD ITEMS**

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCodJFact	Juris. Value
PARCEL ID 218-002-002																	

**IMAGE**

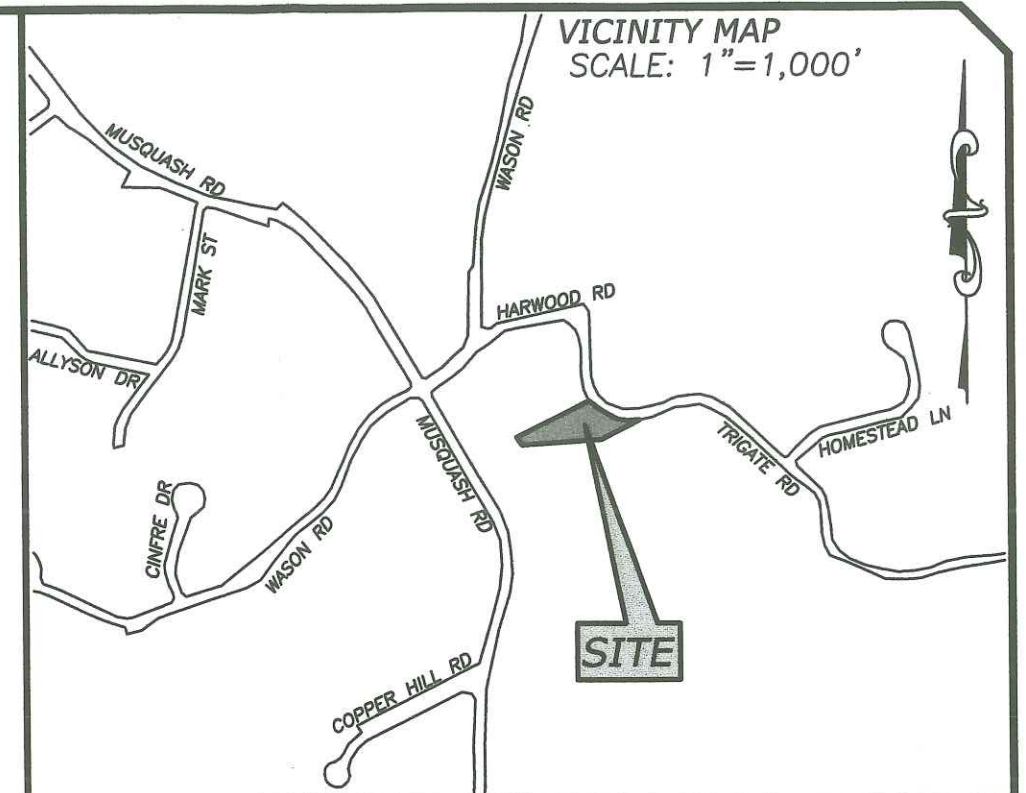
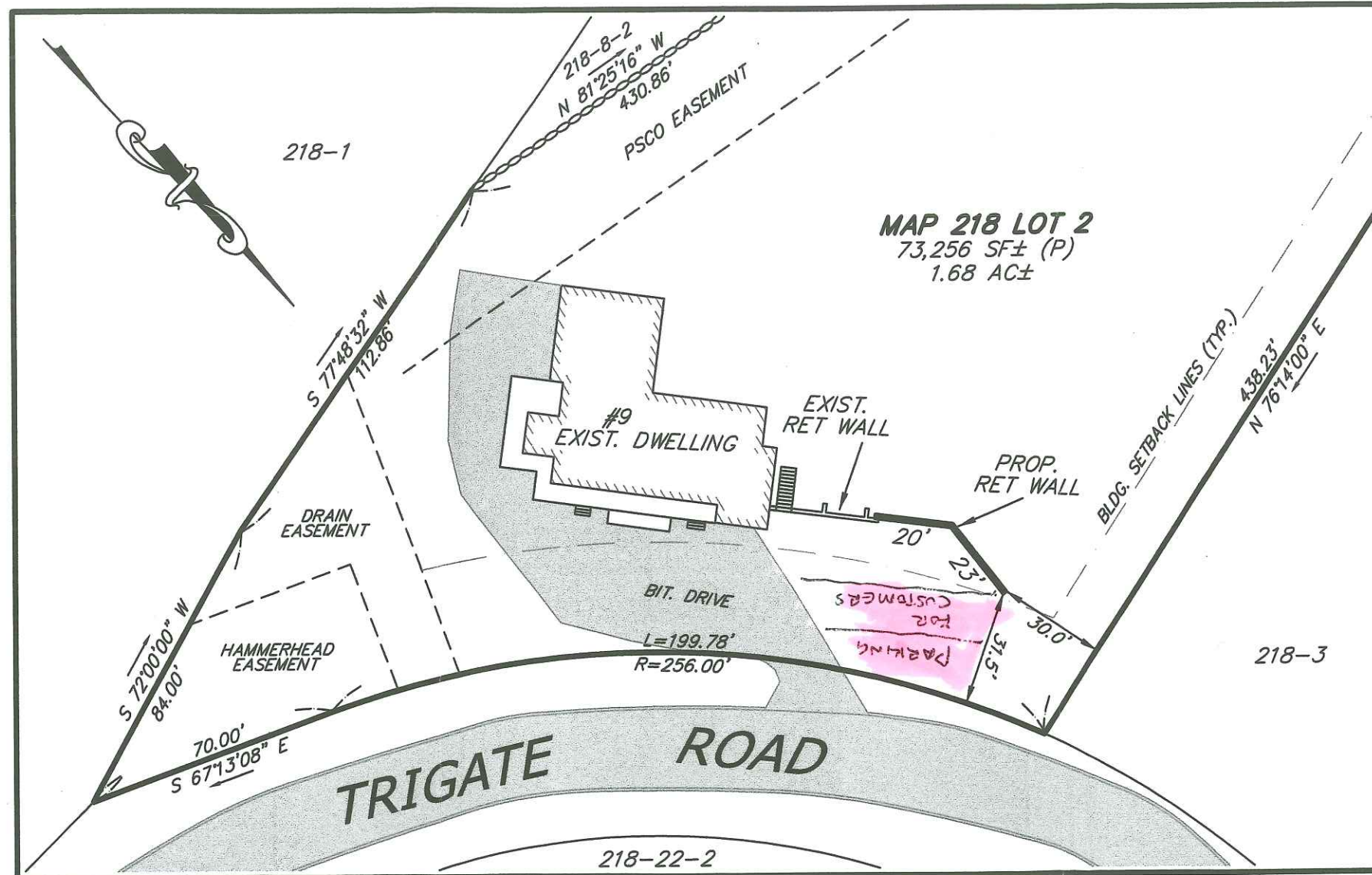


AssessPro Patriot Properties, Inc

**PLAN OF LAND  
9 TRIGATE TOAD  
HUDSON, NH  
MAP 218 LOT 2  
AS PREPARED FOR  
KARIUKI KIMUNGU, OWNER**

**PLAN NOTES:**

- PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED RETAINING WALL AT HUDSON TAX MAP 218 LOT 2.

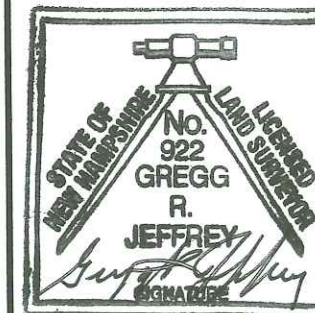


REV. 2		BY:
REV. 1		BY:

ZONING DISTRICT: GEN  
REQUIRED SETBACKS:

- FRONT - 30 FEET
- SIDE - 15 FEET
- REAR - 15 FEET

DEED REF: BK. 6119 PG. 271  
PLAN REF.: HCRD PL. 16544  
PLAN SCALE: 1"=40'  
DATE: JUNE 2020  
JOB REF.: 020-058-KIMU



I HEREBY CERTIFY:

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

**JEFFREY LAND SURVEY LLC**

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



Printed  
4/07/2022  
1:17PM  
Created  
4/07/2022  
12:26 PM

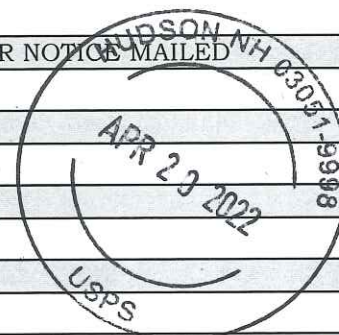
# Transaction Receipt

Receipt# 680,300  
tgoodwyn

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

		<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00		Zoning Application-4/28/22 ZBA Mtg 9B Trigate Road Map/Lot 218-002-002			
		Home Occ Spcl Except	0.00	221.3800	0.00
				<b>Total:</b>	<b>221.38</b>
Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Comfort Angels Home Care of NH LLC	CHECK	CHECK# 1170	221.38	0.00	221.38
			<b>Total Due:</b>		<b>221.38</b>
			<b>Total Tendered:</b>		<b>221.38</b>
			<b>Total Change:</b>		<b>0.00</b>
			<b>Net Paid:</b>		<b>221.38</b>

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 218-002-002 Home Occupation Special Exception 9B Trigate Rd Map 218/Lot 002-002 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/28/2022 ZBA Meeting	
1	7021 0350 0000 1884 3198 KIMUNGU, KARIUKI P. & MARY N. 9B TRIGATE ROAD, HUDSON, NH 03051 STATE OF NEW HAMPSHIRE; DEPT. OF TRANSPORTATION	APPLICANT/OWNER NOTICE MAILED	
2	7021 0350 0000 1884 3204 PO BOX 483; 1 HAZEN DRIVE/ROOM 204 CONCORD, NH 03302-0483	ABUTTER NOTICE MAILED	
3	7021 0350 0000 1884 3211 LAPOLICE, PETER R. & NANCY J., TRSTEEES; LAPOLICE FAMILY REV TRUST	ABUTTER NOTICE MAILED	
4	7021 0350 0000 1884 3228 5 MOUNTAN VIEW ROAD, PELHAM, NH 03076-3031 GOODIE, JAMES E. & DIANE L.	ABUTTER NOTICE MAILED	
5	7021 0350 0000 1884 3235 75 WASON ROAD, HUDSON, NH 03051 TANGO, AUDRA L.; TANGO, NICHOLAS M.	ABUTTER NOTICE MAILED	
6	7021 0350 0000 1884 3242 6A MUSQUASH RD., HUDSON, NH 03051 LABOMBARDE, JAMES	ABUTTER NOTICE MAILED	
7	7021 0350 0000 1884 3259 6B MUSQUASH RD., HUDSON, NH 03051 JOHNSON, PETER G. & TAMARA L.; JOHNSON, PETER	ABUTTER NOTICE MAILED	
8	7021 0350 0000 1884 3266 18B TRIGATE ROAD., HUDSON, NH 03051 ALL JAY LIMITED PARTNERSHIP 22 LONDON BRIDGE ROAD, WINDHAM, NH 03087	ABUTTER NOTICE MAILED	
9			
10			
11			
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee) <i>Paula Angelli</i>



<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 218-002-002 Home Occupation Special Exception 9B Trigate Rd Map 218/Lot 002-002 1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>04/28/2022 ZBA Meeting</b>
1	Mailed First Class	SONG, EDWARD; NA, HANA	ABUTTER NOTICE MAILED
		5B TRIGATE RD., HUDSON, NH 03051	
2	Mailed First Class	MAHARJAN, SURESH	ABUTTER NOTICE MAILED
		5A TRIGATE RD., HUDSON, NH 03051	
3	Mailed First Class	O'BRIEN, PATRICK S. & KERILYNNE	ABUTTER NOTICE MAILED
		1 HARWOOD RD., HUDSON, NH 03051	
4			
5			
6			
7			
8			
9			
10			
11			
	<b>Total Number of pieces listed by sender 3</b>	<b>Total number of pieces rec'vd at Post Office</b> (3)	<b>Postmaster (receiving Employee)</b> <i>Paula Angelli</i>





# 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

April 19, 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, **04/28/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

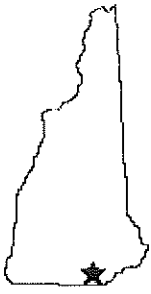
**Case 218-002-002 (04-28-22): Kariuki P. Kimungu, 9B Trigate Rd., Hudson, NH requests a Home Occupation Special Exception to operate a home office for his business, Comfort Angels Home Care of NH LLC. [Map 218, Lot 002-002, Zoned General (G); HZO Article VI, Special Exceptions; §334-24, Home Occupations.]**

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

Respectfully,

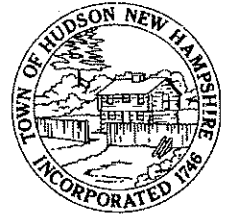
Bruce Buttrick  
Zoning Administrator





# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

April 19, 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, **04/28/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 218-002-002 (04-28-22): Kariuki P. Kimungu, 9B Trigate Rd., Hudson, NH requests a Home Occupation Special Exception to operate a home office for his business, Comfort Angels Home Care of NH LLC. [Map 218, Lot 002-002, Zoned General (G); HZO Article VI, Special Exceptions; §334-24, Home Occupations.]**

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](http://www.hudsonnh.gov) or in the Land Use Department located at the Hudson Town Hall.

Respectfully,

Bruce Buttrick

Zoning Administrator



# TOWN OF HUDSON

## Land Use Division

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



### Zoning Administrator Staff Report

Meeting Date: April 28, 2022 *BA 4-19-22*

**Case 183-006 (04-28-22):** Jesse M. Couillard, 102 Central St., Hudson, NH requests a Variance to replace and expand an existing non-conforming 12 ft. x 10 ft. deck as a breezeway and build an attached 2-stall, 24 ft. x 20 ft. garage addition. Both encroach the front yard setback 12.5 feet and 21.8 feet leaving 17.5 feet and 8.2 feet respectively where 30 feet is required. [Map 183, Lot 006-000, Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A Alteration and expansion of nonconforming structures.]

#### Summary:

Applicant requests a Variance to: 1) extend/expand existing non-conforming deck into a breezeway, leaving 17.ft of setback, and 2) build an attached 24 x 20 garage, leaving 8.3 ft of setback.

#### Property description:

Corner lot of record, single family use.  
Conforming area of 13,950 SqFt where 10,000 SqFt required.  
Conforming frontage along Vinton St with 140 ft where 90 ft is required.  
Conforming frontage along Central St with 105 ft where 90 ft required.

#### LAND USE HISTORY:

5/5/1965 ZBA granted Variance for 12 x 16 porch leaving 18 ft setback (Vinton St).  
4/26/2001 Permit denial for farmer porch along Central St.  
3/23/22 Zoning Determination – Requires a variance.  
3/24/22 Zoning Determination – corrected Central St front setback distance requirement.

#### IN-HOUSE Review/Comments:

Fire Dept:                      Comments: no  
Planning Dept:                Comments: no  
Engineering Dept:          Comments: yes

#### Attachments:

A: Assessing history  
B: 1965 ZBA Variance  
C: 2001 Building Permit denial  
D: 3/23/22 Zoning Determination  
E: 3/24/22 Revised Zoning Determination  
F: Engineering Dept Comments

**Previous Assessments**

<b>Year</b>	<b>Code</b>	<b>Building</b>	<b>Yard Items</b>	<b>Land Value</b>	<b>Acres</b>	<b>Special Land</b>	<b>Total</b>
2021	101 - ONE FAMILY	126,300	0	67,800	0.33	0.00	194,100
2021	101 - ONE FAMILY	126,300	0	67,800	0.33	0.00	194,100
2020	101 - ONE FAMILY	126,300	0	67,800	0.33	0.00	194,100
2020	101 - ONE FAMILY	126,300	0	67,800	0.33	0.00	194,100
2019	101 - ONE FAMILY	126,300	0	67,800	0.33	0.00	194,100
2019	101 - ONE FAMILY	126,300	1,700	67,800	0.33	0.00	195,800
2018	101 - ONE FAMILY	126,300	1,700	67,800	0.33	0.00	195,800
2018	101 - ONE FAMILY	126,300	1,700	67,800	0.33	0.00	195,800
2017	101 - ONE FAMILY	126,300	1,700	67,800	0.33	0.00	195,800
2017	101 - ONE FAMILY	84,600	2,200	67,800	0.33	0.00	154,600
2017	101 - ONE FAMILY	126,300	1,700	67,800	0.33	0.00	195,800
2016	101 - ONE FAMILY	84,600	2,200	67,800	0.33	0.00	154,600
2016	101 - ONE FAMILY	84,600	2,200	67,800	0.33	0.00	154,600
2015	101 - ONE FAMILY	84,600	2,200	67,800	0.33	0.00	154,600
2015	101 - ONE FAMILY	84,600	2,200	67,800	0.33	0.00	154,600
2014	101 - ONE FAMILY	84,600	2,200	67,800	0.33	0.00	154,600
2014	101 - ONE FAMILY	84,600	2,200	67,800	0.33	0.00	154,600
2013	101 - ONE FAMILY	84,600	2,200	67,800	0.33	0.00	154,600
2013	101 - ONE FAMILY	84,400	2,200	67,800	0.33	0.00	154,400
2012	101 - ONE FAMILY	84,400	2,200	67,800	0.33	0.00	154,400
2012	101 - ONE FAMILY	110,600	2,100	100,500	0.33	0.00	213,200
2011	101 - ONE FAMILY	110,600	2,100	100,500	0.33	0.00	213,200
2011	101 - ONE FAMILY	110,600	2,100	100,500	0.33	0.00	213,200
2010	101 - ONE FAMILY	110,600	2,100	100,500	0.33	0.00	213,200
2010	101 - ONE FAMILY	110,600	2,100	100,500	0.33	0.00	213,200
2009	101 - ONE FAMILY	110,600	2,100	100,500	0.33	0.00	213,200
2008	101 - ONE FAMILY	110,600	2,100	100,500	0.33	0.00	213,200
2008	101 - ONE FAMILY	110,600	2,100	100,500	0.33	0.00	213,200
2007	101 - ONE FAMILY	110,600	2,100	100,500	0.33	0.00	213,200
2007	101 - ONE FAMILY	107,400	0	71,800	0.33	0.00	179,200
2006	101 - ONE FAMILY	107,400	0	71,800	0.33	0.00	179,200
2006	101 - ONE FAMILY	107,400	0	71,800	0.33	0.00	179,200
2005	101 - ONE FAMILY	107,400	0	71,800	0.33	0.00	179,200
2005	101 - ONE FAMILY	107,400	0	71,600	0.32	0.00	179,000
2004	101 - ONE FAMILY	107,400	0	71,600	0.32	0.00	179,000
2004	101 - ONE FAMILY	86,100	0	51,700	0.32	0.00	137,800
2003	101 - ONE FAMILY	86,100	0	51,700	0.32	0.00	137,800
2003	101 - ONE FAMILY	86,100	0	51,700	0.32	0.00	137,800
2002	101 - ONE FAMILY	86,100	0	51,700	0.32	0.00	137,800
2002	101 - ONE FAMILY	86,100	0	51,700	0.32	0.00	137,800
2001	101 - ONE FAMILY	53,100	0	42,000		0.00	95,100
2000	101 - ONE FAMILY	52,400	700	42,000	0.32	0.00	95,100

A.

<b>Year</b>	<b>Code</b>	<b>Building</b>	<b>Yard Items</b>	<b>Land Value</b>	<b>Acres</b>	<b>Special Land</b>	<b>Total</b>
1999	101 - ONE FAMILY	52,400	700	42,000	0.32	0.00	95,100



May 5, 1965

Mr. Edward Hayes  
102 Central Street  
Hudson, New Hampshire

Dear Sir:

Please be advised that your request for a variance of the front yard requirement from 30 feet to 18 feet to build an open porch has been granted by the Board of Adjustment.

Yours very truly

Paul W. Duxton, Chm.  
Hudson Zoning Board of  
Adjustment

PWB/h

cc: ~~Richard Millard,~~  
Building Inspector

B.

4-19-65

Board of Adjustment  
Hudson, N. H.

Att'n: Mr. Paul W. Buxton, Chairman

I Edward Hayes, request variance to construct porch at 102 Central St.,  
Hudson, N. H. as shown on attached sketch.

Home is a ranch type house, front entrance on Central St., rear  
entrance on Vinton St., the porch will be added to house, centered  
on rear entrance. Porch will extend out from house twelve (12) feet  
and be sixteen (16) feet front to back. Cement block foundation will  
be used to coincide with house foundation, wood floor, and roof pitch  
same as house. It will be an open porch, screened in for summer use.  
Entrance to porch will be at back to be convenient to driveway.  
Driveway is at rear of house from Vinton St.

*Edward Hayes*

B<sub>2</sub>



B<sub>3</sub>



TOWN OF HUDSON  
COMMUNITY DEVELOPMENT DEPARTMENT



12 School Street • Hudson, New Hampshire 03051 • 603-886-6005 • Fax 603-594-1142

April 26, 2011

Ryan Wagner  
35 Robbins Ave. #28  
Dracut, Ma 01826

Permit: 2011-00129

Map/Lot: 183-006-000

Zone: TR

Your application for a Building Permit at 102 Central Street, Hudson has been **denied** for the following reasons:

Per the Hudson Zoning Ordinance Article VII, Section 334-27, Table of Dimensional Requirements, a 50 foot front yard setback is required, 44 feet proposed. Therefore, a variance from the Zoning Board of Adjustment would be required, (please see attached application).

Please feel free to contact the Community Development Department if you have any further questions.

This decision may be appealed within 30 days.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

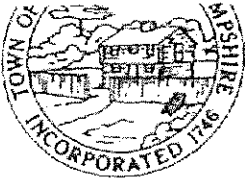
William A. Oleksak  
Zoning Administrator

pc: Jesse Couillard (owner)  
Zoning Board of Adjustment  
Board of Selectmen  
Assistant Town Administrator  
File

WO/jk

C.





**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Town of Hudson**  
**12 School Street**  
**Hudson, New Hampshire**  
 Phone (603) 886-6005 Fax (603) 594-1142

2011-00129  
 HUDSON  
 APR 12 2011  
 COMMUNITY DEVELOPMENT

Address: <u>102 Central St.</u> Unit # _____	Map <u>183</u>
Cross Roads: _____ and _____	Lot <u>006</u>
Site/Sub Plan: _____	Zone <u>TR</u>
	HCRD _____

<b>Residential</b> <input checked="" type="checkbox"/> Single family detached <input type="checkbox"/> Modular Homes <input type="checkbox"/> Duplex <input type="checkbox"/> 3- family dwelling (# of units _____) <input type="checkbox"/> Other _____	<b>Type of Improvement</b> <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion of +/- dwelling units <input type="checkbox"/> Other <u>farmer's porch</u>
---	---

<b>Commercial</b> <input type="checkbox"/> Office/Bank/Professional <input type="checkbox"/> Hospital/Medical <input type="checkbox"/> Industrial/Warehouse <input type="checkbox"/> Restaurant <input type="checkbox"/> Other _____	<b>Type of Improvement</b> <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion from residential to commercial space <input type="checkbox"/> Other _____
---	---

<b>Total Cost of Project Excluding</b> plumbing, electrical, mechanical, fire suppression, elevator, etc. <u>\$13,329.38</u>	<b>General Description of Work and Use</b> Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use. <u>Constructing 40'x6' front farmer's porch with roof above.</u>
--	--

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

<b>Principal Type of Frame</b>	<input type="checkbox"/> Masonry (wall bearing) <input type="checkbox"/> Reinforced concrete	<input checked="" type="checkbox"/> Wood Frame <input type="checkbox"/> Other-Specify _____	<input type="checkbox"/> Structural steel
--------------------------------	---	--	---

<b>Type of Sewage Disposal</b>	<input type="checkbox"/> Town or private company (requires Town permit) <input type="checkbox"/> Private (septic tank, etc.)
--------------------------------	---

<b>Type of Water Supply</b>	<b>Type of Heat Source</b>
<input type="checkbox"/> Town <input type="checkbox"/> Private (well, cistern)	<input type="checkbox"/> Gas <input type="checkbox"/> Oil <input type="checkbox"/> Electric <input type="checkbox"/> Other _____

C2

Run: 4/13/11  
3:37PM

**Building Permit**  
**Application\Permit Detail Report**  
Town of Hudson, NH

Page: 1  
jkennedy  
ReportApp\_PermitDetail

Permit: 2011-00129      Status: Application      App Type: PORCH      Constr. Type: Ren      Category: NA      Received: 4/12/2011

Desc Of Work: Construct a 40' x 6' farmers porch.

Owner: COUILLARD, JESSE M. DINSMORE, JAMIE M.

Street: 102 CENTRAL ST      Unit:      Map\Lot Number: 183-006-000      Zone: TR

Contractor: Ryan Wagner      1-508-451-3202

Plans Submitted: None

Fire Sprinkler Needed: No      Fire Alarm Needed: No

Sub Permits:

Planning\Zoning Status:

Permit Status:

CO Status:

Planning\Zoning Approved\Denied By:

Permit Approved\Denied By:

CO Approved\Denied By:

Conditions:	Type	Code	Dept	Description	Entered By	Entered Date	Signed Off By	Signed Off Date
	App Stag	1BUILDING	BUILD	Building Signoff	jkennedy	4/13/2011		

*\* Needs variance for the farmers porch 50' needed -  
talked to Ryan 4/16/11 about the variance, the homeowner will be in to apply for May 11th.*

63



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #22-035

March 23, 2022

Jesse Couillard  
102 Central St  
Hudson, NH 03051

Re: 102 Central St Map 183 Lot 006  
District: General (G)

TR (76) 3-25-22

Dear Mr. Couillard,

Your request: do you need any variances, based on the plans submitted for the proposed addition?

#### Zoning Review / Determination:

This is a developed corner lot of record with an area of 14,200 sqft, where 10,000 sqft is required and with ~140 ft of frontage along Vinton St and ~105 ft frontage along Central St.

Your submitted proposal would need two variances from the Zoning Board of Adjustment to proceed.

Because this is a corner lot, this lot has two front yard setbacks: 30 ft from Vinton St and ~~50 ft~~ 30 ft from Central St

A variance to the front yard setbacks would be required per §334-27 Table of Minimum Dimensional Requirements.

As well as variance for expansion of existing non-conforming structure per §334-31 Alteration and expansion of non-conforming structures.

Please submit a plot plan with the proposed expansion/addition indicated with dimensions to property lines by a licensed NH Surveyor.

Sincerely,

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

cc: Public Folder  
B. Groth, Town Planner  
File

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



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #22-035R1 Revised

March 24, 2022

Jesse Couillard  
102 Central St  
Hudson, NH 03051

Re: 102 Central St Map 183 Lot 006  
**District: Town Residence (TR)**

Dear Mr. Couillard,

This is a revision to my previous Zoning Determination # 22-035 dated March 23, 2022.

#### **Zoning Review / Determination:**

This is a developed corner lot of record with an area of 14,200 sqft, where 10,000 sqft is required and with ~140 ft of frontage along Vinton St and ~105 ft frontage along Central St.

Your submitted proposal would need two variances from the Zoning Board of Adjustment to proceed.

Because this is a corner lot, this lot has two front yard setbacks: 30 ft from Vinton St and 30 ft from Central St.

A variance to the front yard setbacks would be required per §334-27 Table of Minimum Dimensional Requirements.

As well as variance for expansion of existing non-conforming structure per §334-31 Alteration and expansion of non-conforming structures.

Please submit a plot plan with the proposed expansion/addition indicated with dimensions to property lines by a licensed NH Surveyor.

Sincerely,

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

cc: Public Folder  
B. Groth, Town Planner  
File

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

E

183  
**ZONING ADMINISTRATOR REQUEST FOR INTER DEPARTMENT REVIEW  
TOWN OF HUDSON, NEW HAMPSHIRE**

REQUEST FOR REVIEW/COMMENTS:

Case: 183-006 (Variance)

Property Location: 102 Central Street

*For Town Use*

Plan Routing Date: 04/01/2022 Reply requested by: 04/15/2022 ZBA Hearing Date: 04/28/2022

I have no comments     I have comments (see below)

EZD                      Name: Elvis Dhima, P.E.                      Date: 04/19/2022  
(Initials)

DEPT.                       Town Engineer     Fire/Health Department     Town Planner

Applicant currently has a second existing nonconforming driveway. Applicant should commit to abandoning the second driveway if the variance for the garage is granted.

F

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

On **04/28/2022**, the Zoning Board of Adjustment heard Case **183-006**, being a case brought by **Jesse M. Couillard, 102 Central St., Hudson, NH** requests a **Variance** to **replace and expand an existing non-conforming 12 ft. x 10 ft. deck as a breezeway and build an attached 2-stall, 24 ft. x 20 ft. garage addition. Both encroach the front yard setback 12.5 feet and 21.8 feet leaving 17.5 feet and 8.2 feet respectively where 30 feet is required.** [Map 183, Lot 006-000, Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A Alteration and expansion of nonconforming structures.]

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

APR 08 2022

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment  
Zoning Department  
Town of Hudson

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

Case No. 183-006(04-28-22)

Date Filed 4/8/22

Name of Applicant Jesse Couillard Map: 183 Lot: 006 Zoning District: TR

Telephone Number (Home) 774-275-7889 (Work) \_\_\_\_\_

Mailing Address 102 Central Street

Owner Jesse and Jamie Couillard

Location of Property 102 Central Street  
(Street Address)

Jesse Couillard 3/21/22  
Signature of Applicant Date

Jesse Couillard, Jamie Couillard 3/21/22  
Signature of Property-Owner(s) Date

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

If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak/represent on his/ her/ their behalf or that you have permission to seek the described Variance.

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

Date received: 4/8/22

COST:

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

Abutter Notice:

7 Direct Abutters x Certified postage rate \$ 4.33 = \$ 30.31

9 Indirect Abutters x First Class postage rate \$ 0.58 = \$ 5.22

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

Amt. received: \$ 220.53

Receipt No.: 680,543

CC-Visa

Received by: DG

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
✓	Please review the application with the Zoning Administrator or staff.	TG
✓	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 <b>10 (ten) single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	TG
✓	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.	TG
✓	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.)	N/A
✓	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	TG
✓	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	TG
✓	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	TG
✓	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.	TG
✓	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	N/A

**CERTIFIED PLOT PLAN:**

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

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

- a)  The plot plan shall be drawn to scale on an 8 ½” x 11” or 11” x 17” sheet with a North pointing arrow shown on the plan.
- b)  The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c)  The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d)  The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property.  
(NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e)  The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)
- f)  The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g)  The plot plan shall include all proposed buildings, structures, or additions, marked as “PROPOSED,” together with all applicable dimensions and encroachments.
- h)  The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i)  The plot plan shall indicate all parking spaces and lanes, with dimensions.

TG

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TG

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

Jesse Crawford  
Signature of Applicant(s)

3/25/22  
Date

Jesse Crawford, Sami Crawford  
Signature of Property Owner(s)

3/25/22  
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)	
183	006	Jesse + Jamie Couillard	102 Central Street
183	090	Shawn Anger TR	28 RANGERS DR
183	089	Levesque, Gilbert & Marita	107 Central Street
183	072	Michele M. Mahon	104 Central Street
183	071	Katherine L. Corleto	3 Vinton Street
183	005	SUNNYSIDE CEMETERY C/O FRED FULLER	12 TRACY LANE
183	007	Cherett, Adrian D. & Marjorie	6 Vinton Street

**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
183	070	Roy Stan A, Wendy	82 Bush Hill RD
183	008	Preston, John + Deborah	8 Vinton St
183	092	Estey, Harold	101 Central St
183	055	Gonos, Jonathan + Ashley	7 Burton St
183	073	Taylor, James + Michelle	106 Central St
183	069	Williamson, Scott + Michele	7 Vinton St
183	054	Foley, Doris P	3 Marshall St
183	088	LAVIGNE, Robert J. CATHERINE	109 Central St
183	091	De mattedo Michelle K	10 Ponderosa Dr
183	092	Estey, Harold + Arlene	101A Central St

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VIII, VII of HZO Section(s) 334.31.A, and 334-27 in order to permit the following: non conforming structure  
Dimensional Requirement Table of min. Dim. Req  
Expansion for non conf.  
structure

See Attached →

**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.

## Application for Variance

I Jesse M. Couillard, 102 Central St., Hudson NH Request a Variance to build a 24ft x 20ft garage addition and breezeway to an existing non-conforming structure which encroaches the front yard setback 21.8 ft and 12.5 ft leaving 8.2 ft and 17.5 feet respectively where 30 ft is required. The Proposed is an expansion of an existing non-conforming structure and requires a Variance.

This house was built in 1960 at a time when the zoning ordinance requirements for this neighborhood were significantly different than today thus, we have an existing non conforming lot due to two front yard setbacks Central St and Vinton Street. Zoning requires 30ft from Vinton, this home sits 17.5 ft. Zoning requires 30ft from Central St, this home now sits 23ft. In addition, this Property abutts Sunnyside Cemetery. Cemeteries require a 25ft setback (no construction) thus Putting garage in back setback 15ft would have the garage in the middle of the yard.

**FACTS SUPPORTING THIS REQUEST:**

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I(a). New Hampshire case law has established on the basis of this statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement. Do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

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

*See attached*

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

*See attached*

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

*See attached*

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

*See attached*

1) It is not contrary to the Public interest to allow a variance for existing non conforming Structure that was built in 1960 on a corner lot with two front yard set back requirement, Central St 30ft, Vinton St 30ft. By adding the Proposed two car garage with breezeway, would bring positive value to all homes in this neighborhood. This addition should in no way have a negative impact on the character of the neighborhood nor should this impose any safety hazards or risk to roadways, general public or any health and safety hazards.

2) The Proposed will observe the Spirit of the ordinance section 334-2 of the zoning ordinances sets the general purposes which include, promoting the most use of the land throughout the town, conserving property values, maintaining aesthetics and residential use compatible with homes in the neighborhood. The variance for this corner lot and garage addition is an efficient use of this portion of the lot. By updating our property and creating additional square footage as well as additional tax revenue for the town, this updated beautification of this property and neighborhood will increase the value of neighborhood homes.



3) Substantial Justice is done by permitting a garage addition on an already non conforming structure in an existing neighborhood with a corner lot that has two frontyard setbacks thus creating a minimal building area. In this case Substantial Justice is done by granting this variance because there would be no adverse impact on the general public. Being a Hudson resident for 20 yrs at 102 Central Street and realizing this is our forever home, it has become clear to us that as we continue to age, not having a garage will pose a future hardship during our harsh N.E.W England winters.

4) The Proposed addition will not diminish the values of the surrounding properties, adding a garage to an existing nonconforming building in an existing neighborhood (corner lot, two setbacks) this lot can accommodate this addition without adverse impact on the neighborhood. In addition, Property values are generally enhanced with new construction.

**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 attached*

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

*See attached*

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.

5

A

1) As mentioned earlier, 102 Central Street is located in the TR zone and is already considered a non-conforming structure by the town of Hudson NH. This lot has a number of special conditions including, Property abutts the Sunny Side Cemetery (25ft non construction zone). This premises has two front road frontages, Central St Setback is 30ft, existing house is located at 23ft of the Setback, Vinton Street is 30ft Setback, existing house is 17.5ft of the Setback. In closing, without relief by a variance these special conditions create a building hardship.

2) Due to the fact that this house was built in 1960 and well before the new zoning requirements were put into practice, we are left with this zoning hardship as this property abutts Sunny Side Cemetery therefore, further constraining us from any reasonable modernization or improvements unless variance is granted. Furthermore we are forced to use this location as our only option for this proposed addition.



# TOWN OF HUDSON

## Land Use Division



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

### **Zoning Determination #22-035R1** **Revised**

March 24, 2022

Jesse Couillard  
102 Central St  
Hudson, NH 03051

Re: **102 Central St Map 183 Lot 006**  
**District: Town Residence (TR)**

Dear Mr. Couillard,

This is a revision to my previous Zoning Determination # 22-035 dated March 23, 2022.

#### **Zoning Review / Determination:**

This is a developed corner lot of record with an area of 14,200 sqft, where 10,000 sqft is required and with ~140 ft of frontage along Vinton St and ~105 ft frontage along Central St.

Your submitted proposal would need two variances from the Zoning Board of Adjustment to proceed.

Because this is a corner lot, this lot has two front yard setbacks: 30 ft from Vinton St and 30 ft from Central St.

A variance to the front yard setbacks would be required per §334-27 Table of Minimum Dimensional Requirements.

As well as variance for expansion of existing non-conforming structure per §334-31 Alteration and expansion of non-conforming structures.

Please submit a plot plan with the proposed expansion/addition indicated with dimensions to property lines by a licensed NH Surveyor.

Sincerely,

Bruce Buttrick

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

cc: Public Folder  
B. Groth, Town Planner  
File

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

183 006 000  
MAP LOT SUB

1 of 1 RESIDENTIAL  
CARD Hudson

Total Card / Total Parcel  
APPRaised: 194,100/ 194,100  
USE VALUE: 194,100/ 194,100  
ASSESSed: 194,100/ 194,100

**PROPERTY LOCATION**

No	Alt No	Direction/Street/City
102		CENTRAL ST, HUDSON

**OWNERSHIP**

Owner 1: COUILLARD, JESSE M.
Owner 2: COUILLARD, JAMIE M.
Owner 3:
Street 1: 102 CENTRAL STREET
Street 2:
Twn/City: HUDSON
St/Prov: NH Cntry Own Occ:
Postal: 03051 Type:

**PREVIOUS OWNER**

Owner 1: COUILLARD, JESSE M. -
Owner 2: DINSMORE, JAMIE M. -
Street 1: 102 CENTRAL STREET
Twn/City: HUDSON
St/Prov: NH Cntry
Postal: 03051

**NARRATIVE DESCRIPTION**

This parcel contains .326 ACRES of land mainly classified as ONE FAMILY with a RANCH Building built about 1960, having primarily VINYL Exterior and 1176 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 0 HalfBath, 6 Rooms, and 3 Bdrms.

**OTHER ASSESSMENTS**

Code	Descrip/No	Amount	Com. Int

**PROPERTY FACTORS**

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

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

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class %	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		0.326		SITE ACRE SITE			0	85,000.	2.45	RC						67,813					67,800	

**IN PROCESS APPRAISAL SUMMARY**

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
101	0.326	126,300		67,800	194,100		1844
Total Card						Entered Lot Size	GIS Ref
Total Parcel						Total Land: 0.326	GIS Ref
Source: Market Adj Cost						Land Unit Type: AC	Insp Date
Total Value per SQ unit /Card: 165.05							02/15/01
/Parcel: 165.05							

**PREVIOUS ASSESSMENT**

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2021	101	FV	126,300	0	.326	67,800	194,100	194,100	Year End Roll	9/27/2021
2021	101	JB	126,300	0	.326	67,800	194,100	194,100	Year End Roll	5/12/2021
2020	101	FV	126,300	0	.326	67,800	194,100	194,100	Year End Roll	8/27/2020
2020	101	JB	126,300	0	.326	67,800	194,100	194,100	Year End Roll	5/6/2020
2019	101	FV	126,300	0	.326	67,800	194,100	194,100	Year End Roll	9/16/2019
2019	101	JB	126,300	1700	.326	67,800	195,800	195,800	Year End Roll	5/8/2019
2018	101	FV	126,300	1700	.326	67,800	195,800	195,800	Year End Roll	8/27/2018
2018	101	JB	126,300	1700	.326	67,800	195,800	195,800	Year End Roll	5/9/2018

**SALES INFORMATION**

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
COUILLARD, JESS	8692-2960	2	8/20/2014	FAMILY TRANS		No	No		
DOANE, ZOE A.,	6655-2606	1	6/21/2002		199,900	No	No		
TORRES, JOHN R.	6194-0330		12/22/1999	FAMILY TRANS		No	No		

**BUILDING PERMITS**

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

**ACTIVITY INFORMATION**

Date	Result	By	Name
7/31/2019	Measured	19	KRT2
7/31/2013	Measured	15	APPR TECH 5
6/20/2007	Info By Phon	10	APPRAISER II
6/19/2007	Measured	10	APPRAISER II
8/22/2005	New Maps	1	CHIEF ASSESS
2/15/2001	Meas/Inspect	0	PATRIOT
8/6/1991	Inspected	2	AVITAR

Sign: \_\_\_\_\_



**Patriot Properties Inc.**

**USER DEFINED**

Prior Id # 1:	0052
Prior Id # 2:	0037
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bld Reason:	
Civil District:	
Ratio:	

**EXTERIOR INFORMATION**

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

**GENERAL INFORMATION**

Grade:	C - AVERAGE		
Year Blt:	1960	Eff Yr Blt:	
Alt LUC:		Alt %:	
Jurisdic:		Fact:	
Const Mod:			
Lump Sum Adj:			

**INTERIOR INFORMATION**

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

**BATH FEATURES**

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

**OTHER FEATURES**

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

**CONDO INFORMATION**

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

**DEPRECIATION**

Phys Cond:	AV - Average	32.0%
Functional:		%
Economic:		%
Special:		%
Override:		%
Total:		32.0%

**CALC SUMMARY**

Basic \$ / SQ:	105.00
Size Adj.:	1.26530612
Const Adj.:	0.97960800
Adj \$ / SQ:	130.148
Other Features:	0
Grade Factor:	1.00
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	183047
Depreciation:	58575
Depreciated Total:	124472

**COMMENTS**

7-19 EXT=AVG. FENCE=REAR EST.

**RESIDENTIAL GRID**

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

**REMODELING**

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

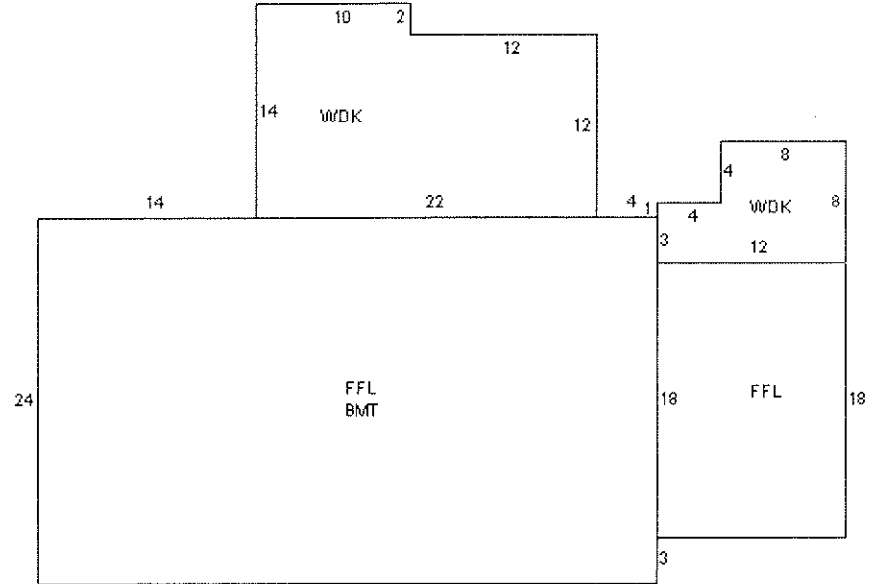
**RES BREAKDOWN**

No Unit	RMS	BRS	FL
1	6	3	M
Totals			
1	6	3	

**COMPARABLE SALES**

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:		AvRate:		Ind.Val
Juris. Factor:		Before Depr:	130.15	
Special Features:	1800	Val/Su Net:	50.52	
Final Total:	126300	Val/Su SzAd	107.40	

**SKETCH**



**SUB AREA**

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	1,176	130.150	153,054
BMT	BASEMENT	960	26.030	24,988
WDK	WOOD DECK	364	13.750	5,004

**SUB AREA DETAIL**

Sub Area	% Usbl	Descrip	% Type	Qu #	Ten

Net Sketched Area:	2,500	Total:	183,046
Size Ad	1176	Gross Area	2500
		FinArea	1176

**MOBILE HOME**

Make:		Model:		Serial #:		Year:		Color:	
-------	--	--------	--	-----------	--	-------	--	--------	--

**SPEC FEATURES/YARD ITEMS**

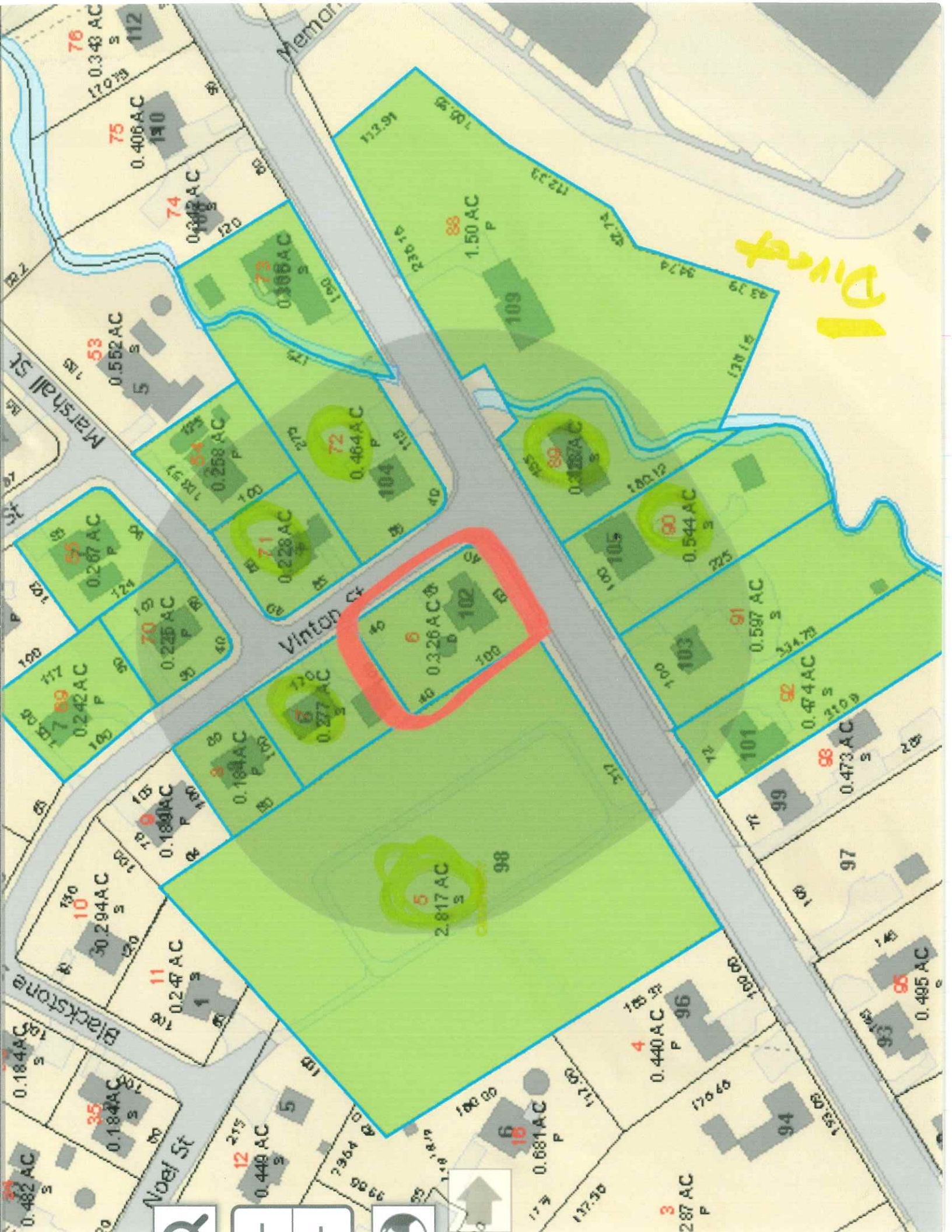
Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
02	SHED-NV	D Y	196		AV	AV	1960	0.00	T	40	101						
7	POOL-AG-CIR	D Y	118		AV	AV	2005	0.00	T	18	101						
96	HOT TUB	D S	14		AV	AV	2005	500.00	T	12	101			1,800			1,800
221	POOL DECK	D Y	18X12		AV	AV	2005	0.00	T	0	101						

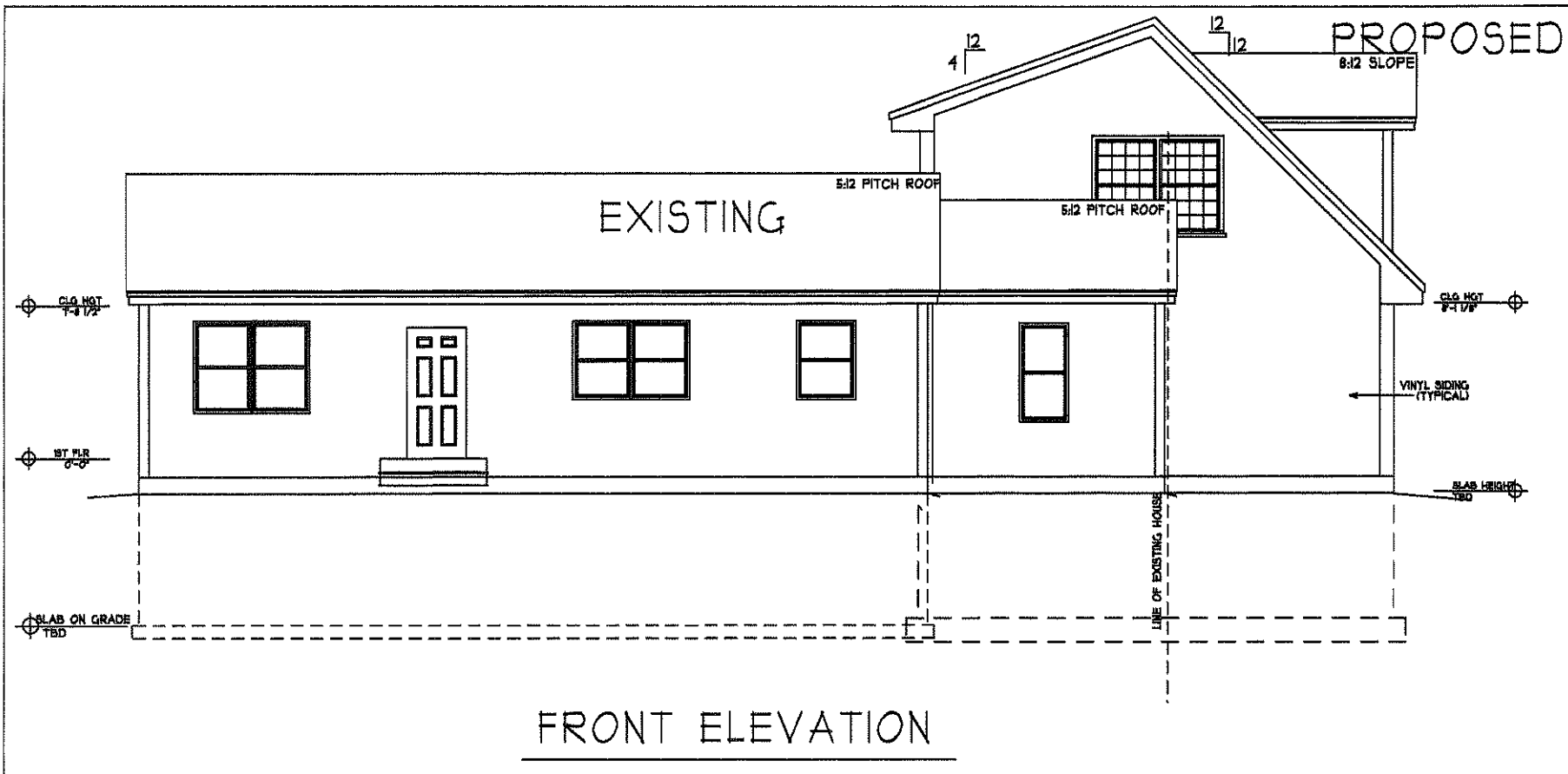
**PARCEL ID** 183-006-000

**IMAGE**



AssessPro Patriot Properties, Inc





FRONT ELEVATION

NOTE:  
 THE CONTRACTOR USING THESE DRAWINGS SHOULD NOTE THAT IT IS OUR INTENT TO DELIVER A PLAN FREE OF ERROR, OMISSION, AND OVERSIGHT. HOWEVER, ON OCCASION, ERRORS MAY OCCUR AND THEREFORE, THE CONTRACTOR, PRIOR TO USE OF PLANS PROVIDED ASSUMES THE RESPONSIBILITY FOR THOROUGHLY REVIEWING ALL INFORMATION DEPICTED FOR DIMENSIONAL ACCURACY, COMPLETENESS, AND OVERSIGHT. CONTRACTED AS A DRAFTING SERVICE, THE DRAFTSMAN, MUST RELY ON THE PROFESSIONAL OPINION AND CRITICAL EYE OF THE CONTRACTOR TO VERIFY THESE PLANS WILL WORK FOR THE SPECIFIC CLIENT AND SITE, AND, THEREFORE, CAN NOT AND DOES NOT ASSUME RESPONSIBILITY FOR THE USE OF THESE PLANS

NOTE:  
 SQUARE FOOTAGE INCLUDES ALL WALL STRUCTURE, LIVING SPACE, CLOSETS, & STAIRS. HOWEVER, DOES NOT INCLUDE GARAGE SPACE, DECKS, PATIO'S OR UNFINISHED STORAGE.

TAKE NOTE THAT BUILDER'S SQUARE FOOTAGE CALCULATIONS MAY VARY FROM DRAFTER'S.

CONTRACTOR IS TO ENSURE AT LEAST ONE WINDOW IN EACH SLEEPING ROOM MEETS LOCAL STATE AND NATIONAL BUILDING & LIFESAFETY CODES FOR NET CLEAR OPENING AREA, WIDTH, AND HEIGHT.

SQUARE FOOTAGE TABLE	
TOTALS EXCLUDE UNFINISHED/STORAGE & BASEMENT	
PLAN	SQ. FTG.
3 SEASON	120
GARAGE	480
	TOTAL: 120
	480

INTERNATIONAL RESIDENCE CODE  
 DESIGN CRITERIA ZERO WIND AND 80  
 NEW HAMPSHIRE, ROOF SNOW LOAD  
 80 PSF AT 3-00' ELEVATION  
 LIVE LOADS & BEDROOMS 30 PSF  
 NON SLEEPING ROOMS 40 PSF  
 ATTIC 10 PSF ON BEAMS 40 PSF  
 FINISH  
 + 5.7' 0"  
 LIGHT GLAZING  
 ALL HABITABLE ROOMS +88  
 VENTILATION  
 ALL HABITABLE ROOMS +88

CONTRACTOR

HOMEOWNER NAME:  
 JESSE/JAMIE COULARD

SUBDIVISION:  
 HUDSON NH

LOT NO:  
 0052-0031-0000  
 183-004-000

STREET NO:  
 102 CENTRAL ST

REVISED DATE:  
 3-18-2022

SCALE:  
 3/16" = 1'-0"

FILENAME:  
 102 Central St

DRAWN DATE:  
 3-4-2022

DRAWING NAME:

FRONT ELEV.

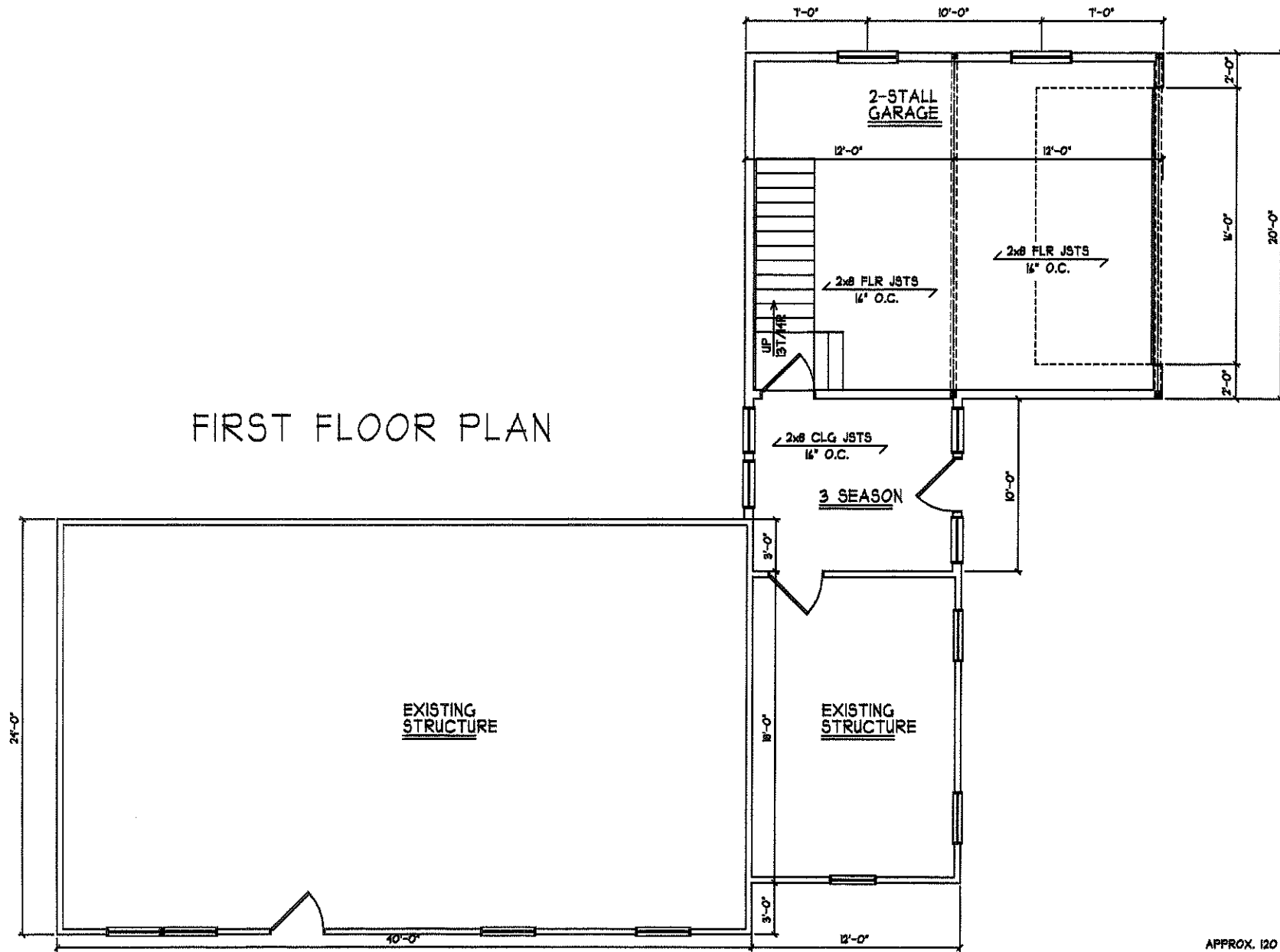
DRAWING NO:

A-1

HOUSE TYPE:  
 10'x24' RANCH  
 w/ 12x18 MUD ROOM  
 ADD 12x10 3 SEASON  
 AND 20'x24' GARAGE



# FIRST FLOOR PLAN



APPROX. 120 S.F.

INTERNATIONAL RESIDENCE CODE  
 DESIGN CRITERIA 2015 IRC and IRC  
 NEW HAMPSHIRE, ROOF SNOW LOAD  
 80 PSF AT 240' ELEVATION  
 LIVE LOADS + BEDROOMS 30 PSF  
 NEW SLEEPING ROOMS 40 PSF  
 PATIOS, DECKS AND TERRACES 40 PSF  
 EGRESS  
 + 5.7 SQ'  
 LIGHT GLAZING  
 ALL HABITABLE ROOMS +48  
 VENTILATION  
 ALL HABITABLE ROOMS +48

**CONTRACTOR**

HOMEOWNER NAME:  
 JESSE/JAMIE COULARD

SUBDIVISION:  
 HUDSON NH

LOT NO:  
 0052-0037-0000  
 183-004-000

STREET NO:  
 102 CENTRAL ST

REVISED DATE:  
 3-18-2022

SCALE:  
 3/16" = 1'-0"

FILENAME:  
 102 Central St

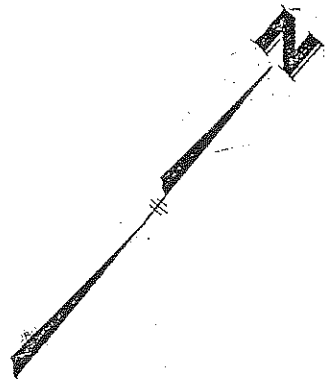
DRAWN DATE:  
 3-4-2022

DRAWING NAME:  
**MAIN FLOOR PLAN**

DRAWING NO:

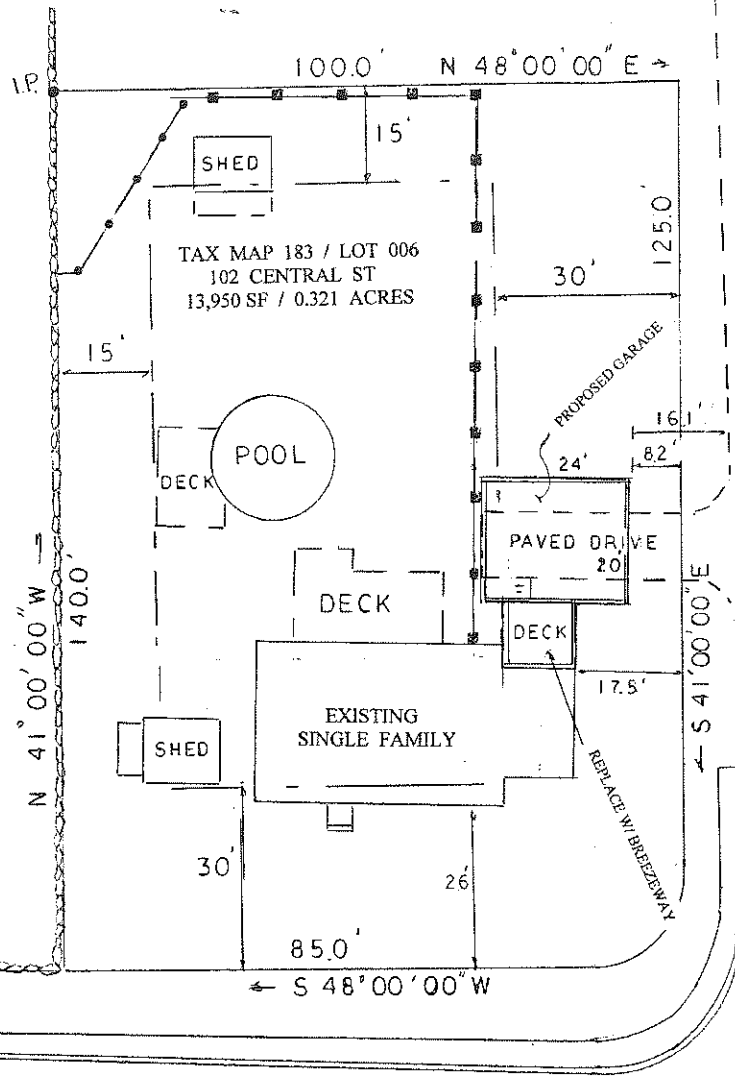
**A-5**

HOUSE TYPE:  
 40'x24' RANCH  
 w/ 12x8 MUD ROOM  
 AND 12x10 3 SEASON  
 AND 20'x24' GARAGE



TAX MAP 183 / LOT 007  
ADRIEN & MARJORIE CHARETTE  
6 VINTON STREET  
HUDSON, NH 03051

TAX MAP 183 / LOT 005  
SUNNYSIDE CEMETERY  
98 CENTRAL ST  
HUDSON, NH 03051



- LEGEND**
- - IRON PIPE
  - - STONE BOUND
  - - - - EDGE OF PAVEMENT
  - - 6' WOOD FENCE
  - - 6' VINYL FENCE
  - - - - MINIMUM BUILDING SETBACK

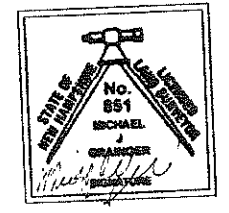


REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

TAX MAP 183 / LOT 090  
SHAWN ANGER, TRUSTEE  
(loc. 105 CENTRAL STREET)  
28 RANGERS DRIVE  
HUDSON, NH 03051

TAX MAP 183 / LOT 089  
GILBERT & MARTHA LEVESQUE  
107 CENTRAL STREET  
HUDSON, NH 03051

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING MARCH 2022, HAVING A MAXIMUM ERROR OF 1 IN 10,000, IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.



OWNERS OF RECORD: JESSIE & JAMIE COUILLARD  
102 CENTRAL STREET  
HUDSON, NH 03051

DEED REFERENCE: BOOK 8692 PAGE 2960

PLAN REFERENCE: HCRD 1073 & 1588 LOT 1  
DATED: OCTOBER 1954

PRESENT USE: RESIDENTIAL

PRESENT ZONING: TR - TOWN RESIDENCE

MINIMUM SETBACKS: FRONT - 30 FEET  
SIDE - 15 FEET  
REAR - 15 FEET  
VINTON ST - 30 FEET  
WETLANDS - 50 FEET

TAX MAP 183 / LOT LOT 071  
KATHERINE CARLETO  
3 VINTON STREET  
HUDSON, NH 03051

TAX MAP 183 / LOT 072  
MICHELE McMAHON  
104 CENTRAL STREET  
HUDSON, NH 03051

THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED 24' X 20' GARAGE WITH A BREEZEWAY.

OWNER SIGNATURE: MAP 183 LOT 006  
\_\_\_\_\_  
DATE \_\_\_\_\_

APPROVED BY THE HUDSON, NH ZONING BOARD  
ON \_\_\_\_\_ CERTIFIED BY:  
CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_  
SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

**PROPOSED PLOT PLAN**

TAX MAP 183 / LOT 006

**CERTIFIED PLOT PLAN**  
102 CENTRAL STREET  
HUDSON, NH 03051

PREPARED FOR: JESSIE COUILLARD  
102 CENTRAL STREET  
HUDSON, NH 03051

MARCH 28, 2022 SCALE: 1" = 20'

**M. J. GRAINGER ENGINEERING, INC.**  
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS  
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359  
J.N. 22 - 111

Printed  
4/08/2022  
2:18PM  
Created  
4/08/2022  
2:15 PM

# Transaction Receipt

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

Receipt# 680,543  
publicw

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-4/28/22 ZBA Mtg 102 Central St Map/Lot 183-006-000			
	Variance	0.00	220.5300	0.00
			Total:	220.53

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
COUILLARD/JESSE M	CREDIT	7449	220.53	0.00	220.53

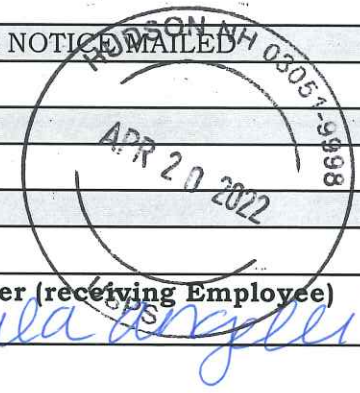
Visa

Total Due:	220.53
Convenience Fee:	6.51
Total Tendered:	227.04
Total Change:	0.00
Net Paid:	227.04

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 183-006 VARIANCE 102 Central Street Map 183/Lot 006-000	1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/28/2022 ZBA Meeting	
1	7021 0350 0000 1884 3297	COUILLARD, JESSE M. & JAMIE M.	APPLICANT/OWNER NOTICE MAILED	
2	7021 0350 0000 1884 3280	102 CENTRAL STREET, HUDSON, NH 03051 ANGER, SHAWN TR.; ANGER REVOCABLE TRUST	ABUTTER NOTICE MAILED	
3	7021 0350 0000 1884 3273	28 RANGERS DR., HUDSON, NH 03051 LEVESQUE, GILBERT & MARTHA	ABUTTER NOTICE MAILED	
4	7021 0350 0000 1884 3303	107 CENTRAL STREET, HUDSON, NH 03051 MCMAHON, MICHELE	ABUTTER NOTICE MAILED	
5	7021 0350 0000 1884 3310	104 CENTRAL STREET, HUDSON, NH 03051 CORLETO, KATHERINE L.	ABUTTER NOTICE MAILED	
6	7021 0350 0000 1884 3327	3 VINTON ST., HUDSON, NH 03051 SUNNYSIDE CEMETERY; C/O FRED FULLER	ABUTTER NOTICE MAILED	
7	7021 0350 0000 1884 3334	12 TRACY LANE, HUDSON, NH 03051 CHARETTE, ADRIEN D. & MARJORIE	ABUTTER NOTICE MAILED	
8		6 VINTON STREET, HUDSON, NH 03051		
9				
10				
11				
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office 7	Postmaster (receiving Employee) <i>Paula Angeli</i>	



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 183-006 VARIANCE 102 Central Street Map 183/Lot 006-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/28/2022 ZBA Meeting
1	Mailed First Class	ROYSTAN, WENDY A., TR.; WENDY A. ROYSTAN REV TRUST	ABUTTER NOTICE MAILED
		82 BUSH HILL ROAD, HUDSON, NH 03051	
2	Mailed First Class	PRESTON, JR., JOHN L. & DEBORAH A. 8 VINTON STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	ESTEY, HAROLD & ARLENE 101A CENTRAL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	GENEST, ASHLEY M. & JONATHAN D. 7 BURTON ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	TAYLOR, JAMES S. & MICHELLE A., TRSTEEES.; TAYLOR REVOCABLE TRUSTS	ABUTTER NOTICE MAILED
6	Mailed First Class	WILLIAMSON, SCOTT D. & MICHELE J. 106 CENTRAL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	7 VINTON STREET, HUDSON, NH 03051 FOLEY, DORIS P., TR.; FOLEY REVOCABLE TRUST	ABUTTER NOTICE MAILED
8	Mailed First Class	3 MARSHALL STREET, HUDSON, NH 03051 LAVIGNE, ROBERT J. & CATHERINE B., TRSTEEES.; LAVIGNE FAMILY REVOCABLE TRUST	ABUTTER NOTICE MAILED
9	Mailed First Class	109 CENTRAL STREET, HUDSON, NH 03051 DEMATTEO, MICHELLE K.	ABUTTER NOTICE MAILED
10		10 PONDEROSA DR., HUDSON, NH 03051-5404	
11			
	<b>Total Number of pieces listed by sender 9</b>	<b>Total number of pieces rec'vd at Post Office</b> (9)	<b>Postmaster (receiving Employee)</b> Paula Angeli





# 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

April 19, 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, **04/28/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 183-006 (04-28-22): Jesse M. Couillard, 102 Central St., Hudson, NH requests a Variance to replace and expand an existing non-conforming 12 ft. x 10 ft. deck as a breezeway and build an attached 2-stall, 24 ft. x 20 ft. garage addition. Both encroach the front yard setback 12.5 feet and 21.8 feet leaving 17.5 feet and 8.2 feet respectively where 30 feet is required. [Map 183, Lot 006-000, Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A Alteration and expansion of nonconforming structures.]**

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

Respectfully,

Bruce Buttrick

Zoning Administrator



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

April 19, 2022

### ABUTTER NOTIFICATION

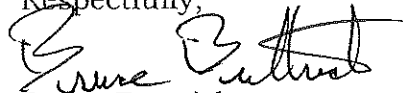
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **04/28/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 183-006 (04-28-22): Jesse M. Couillard, 102 Central St., Hudson, NH requests a Variance to replace and expand an existing non-conforming 12 ft. x 10 ft. deck as a breezeway and build an attached 2-stall, 24 ft. x 20 ft. garage addition. Both encroach the front yard setback 12.5 feet and 21.8 feet leaving 17.5 feet and 8.2 feet respectively where 30 feet is required. [Map 183, Lot 006-000, Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A Alteration and expansion of nonconforming structures.]**

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](http://www.hudsonnh.gov) or in the Land Use Department located at the Hudson Town Hall.

Respectfully,

  
Bruce Buttrick  
Zoning Administrator

**HUDSON ZONING BOARD OF ADJUSTMENT**

**REHEARING REQUEST WORKSHEET**

**Per RSA 677:2. Motion for Rehearing of Board of Adjustment...**

*Within 30 days after any order or decision of the zoning board of adjustment... any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment...may grant such rehearing if in its opinion good reason therefor is stated in the motion...*

**Per RSA 677:3.II. Rehearing by Board of Adjustment...**

*Upon the filing of a motion for a rehearing, the board of adjustment...shall within 30 days either grant or deny the application, or suspend the order or decision complained of pending further consideration...*

**On 04/28/2022, The Hudson Zoning Board of Adjustment received a Request for Rehearing for Case 166-031 (02-24-22): Patricia M. Panciocco, Esq., Panciocco Law, LLC, One Club Acre Lane, Bedford, NH 03110 representing applicant, Daniel M. Flores, PE of SFC Engineering Partnership, Inc., requests a rehearing of a request for a Variance for 8 Lindsay St., Hudson, NH 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); HZO Article VII, Dimensional Requirements; § 334-27.1 D, General Requirements.]**

Members sitting on the Zoning Board of Adjustment for this Request for Rehearing are to vote to determine if any below applies (more than one may apply):

**Y**      **N**      The applicant presented new evidence not available at the first hearing.  
*(Does the request for rehearing contain any new information not presented or available to the Board at the original Public Hearing?) Please explain.*

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

AND/OR,

**Y**      **N**      The Zoning Board of Adjustment made an error in law, or was unlawful, or unreasonable in making their previous decision regarding this case.  
*(Did the Board fail to completely address each of the points of law required for the Special Exception and/or Variance?) Please explain.*

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

AND/OR,

**Y**      **N**      There was a procedural error. This includes improper notice, denying someone the right to be heard, etc. *Please explain.*

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

AND/OR,

**Y**      **N**      Good reason is stated in the applicant's Motion. *Please explain.*

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

**Motion for Rehearing is:**    **Granted** \_\_\_\_\_                      **Denied** \_\_\_\_\_

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



# PANCIOCCO LAW, LLC

Patricia M. Panciocco \*  
\*Admitted in NH & ME

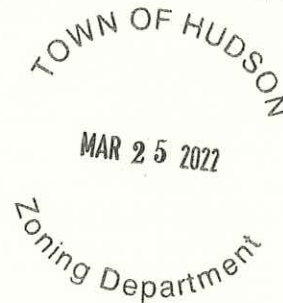
One Club Acre Lane  
Bedford, New Hampshire 03110  
[www.panciocolaw.com](http://www.panciocolaw.com)

Tel. 603-518-5370  
Fax 603-206-5946  
E-mail: [Pat@panciocolaw.com](mailto:Pat@panciocolaw.com)

March 24, 2022

## VIA E-MAIL & OVERNIGHT MAIL

Gary M. Daddario, Chairman  
Town of Hudson Zoning Board of Adjustment  
12 School Street  
Hudson, NH 03051



**Re: Request for Rehearing – 8 Lindsay Street, Hudson, NH 03051 (“Property”)  
Waisman Amnon Revocable Trust - Case 166-031 (“Application”)**

Dear Mr. Chairman & Members of the Board:

This letter respectfully requests the Hudson Zoning Board of Adjustment (“ZBA”) rehear the above referenced Case. The rehearing process provides the ZBA the first opportunity to correct errors of fact or law in its proceedings to ensure a just outcome. RSA 677:2; Fisher v. Boscawen, 121 N.H. 438, 439 (1981). The ZBA’s authority under RSA 674:33(I) is a safety valve to avoid a confiscatory taking and requires the ZBA to balance the applicant’s constitutional right to reasonably use their property with the public benefits provided by the even enforcement of zoning, provided any relief granted does not violate the purpose served by the restriction. Metzger v. Brentwood, 117 N.H. 497, 502 (1977). Landowners have a constitutional right to reasonable use and develop their property. Id.

My review of the ZBA’s minutes and the online video from February 24, 2022 as well as the March 23, 2022 Notice of Decision (“NOD”) reveals the following facts. **The errors alleged appear in bolded for convenience:**

1. RSA 674:33(I)(3)(c) states:

*“The board shall use one voting method consistently for all applications until it formally votes to change the method. Any change in the board’s voting method shall not take effect until 60 days after the board has voted to adopt such change and shall apply only prospectively, and not to any application that has been filed and remains pending at the time of the change.”*

Section 143-9 of the Town of Hudson, New Hampshire By-laws Zoning Board of Adjustment, amended on 01-28-21 confirms the ZBA voted to adopt the “vertical” (member) method of voting on April 11, 2019. This method requires the ZBA members vote to approve or disapprove the variance once after individually considering all 5 prongs of the test set out in the statute, as opposed to voting on each of the 5 points.

**The ZBA erred by issuing a Notice of Decision relying exclusively upon its conclusion stating the “hardship criteria” was not met, without any deliberations or discussions about the other criteria, rather than voting in accordance with its Bylaws.**

2. The Property is in the Town Residence Zone (“TR”); includes total land area of 57,470 SF (without the ROW area); is served by municipal sewer and water; and includes a duplex built in 1981 located at its southwesterly end, accessed from its Class V frontage along Lindsay Street.

Table 4 of the Ordinance requires a minimum lot size of 10,000 SF with 90 feet of Class V frontage in the TR. The July 7, 2021 Zoning Determination, updated on October 5, 2021, confirmed the duplex must remain on a 40,000 SF lot.

The Applicant proposes to subdivide the Property into 2 lots, leaving 40,850 SF with the duplex and requested a variance from Article VII, Dimensional Requirements, Section 334-27.1(D), General Requirements to create the second lot with the remaining 16,610 SF located at the northeasterly end of the Property to be accessed from the 25.72 feet of Class V frontage along St. John Street (1/2 of the former “Grigas Street ROW). The plan shows the proposed single-family home will be placed approximately 75-80 feet from other homes in the neighborhood.

**The ZBA erred when it held the Property did not suffer from an unnecessary hardship after one ZBA member stated: “there is practical use of what that whole piece of property and the hardship criteria is not met...” to which a second member “agreed” without a shred of evidence supporting that determination. This determination was wrong.**

For purposes of defining the term “unnecessary hardship”, RSA 674:33 requires the ZBA examine the “*special conditions of the property*” that are different from similarly situated properties in its environment first, and then consider whether the strict application of the ordinance imposes an unnecessary hardship on the land and whether the use being proposed is reasonable. In this case, the owner is entitled to the reasonable use of his land which has sufficient area to subdivide, but the 90-foot frontage requirement imposes an unnecessary hardship.

**Property’s special condition is clearly its limited frontage. The purpose of frontage is to prevent overcrowding and ensure safe emergency access, but its area is more than twice the size required and the proposed 75-80-foot separation between the proposed home and the existing homes in the area, is far greater than the separation between the existing homes in the neighborhood. Collectively these facts demonstrate the zoning objectives of the ordinance, specifically to prevent overcrowding and impeded emergency access, are not violated in this situation by granting the Applicant’s request.**

3. The ZBA erred when it failed acknowledge the purpose of frontage is to prevent overcrowding and to ensure adequate emergency vehicle access. Metzger v. Brentwood, 117 N.H. 497, 502 (1977). The Plan prepared by SFC Engineering, and the testimony by Mr. Flores, both confirm the proposed single-family home to be built would be located further from all the structures located in the surrounding neighborhood, than they are from each other. In addition, Mr. Flores showed a proposed driveway into the proposed new lot which met all State Fire Codes as well as the Town's driveway regulations that would accommodate emergency vehicles and could be widened if requested by those authorities. The ZBA never engaged in any deliberations as to facts.

4. The ZBA erred when it failed to deliberate regarding all five criteria before voting and made no findings of fact, as was expressly requested by the Applicant's counsel, before voting to deny the Application because it felt the Property did not suffer from a hardship.

5. The ZBA erred when it failed to refrain from any discussion about the ownership rights in the Grigas ROW when having been advised by its own Counsel to not consider ownership issues when reviewing the Application.

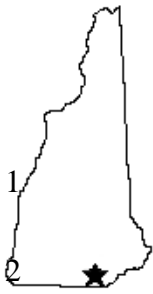
Thank you for your prompt attention to this matter.

Sincerely yours,

*Patricia Panciocco*

Patricia M. Panciocco

cc: Client; Dan Flores (SFC Engineering)



# 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 – March 24, 2022 – as edited (Agenda Amended 3/21/22)

The Hudson Zoning Board of Adjustment met on Thursday, March 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.

#### CALL TO ORDER

##### I. PLEDGE OF ALLEGIANCE

Chairman Gary Daddario called the meeting to order at 7:01 PM and invited everyone to stand for the Pledge of Allegiance.

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), and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Kara Roy, Selectman Liaison and Louise Knee, Recorder (remote). Excused were Brian Etienne (Regular) and Dean Sakati (Alternate). Mr. Daddario appointed Mr. Thompson to vote and noted that there would be five (5) Voting Members.

Mr. Daddario read the Preamble into the record (Exhibit A in the Bylaws), noted that the Agenda was amended 3/21/2022 and copies were available in the meeting room.

##### II. 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 an 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]

Mr. Buttrick read the Case into the record, noted that informational resources from the OSI Handbook about “Expansion of Non-Conforming Uses” had been included in the Meeting Packet, and referenced his Staff Report signed 3/15/2022 noting the previous activity with both the Planning Board (PB) and Zoning Board of Adjustment (ZBA) and that the non-conforming Use status of the lot came into being in 1985 when the area was rezoned to the R-2 District. Mr. Buttrick also stated that earlier in the

47 day, an email was received from an abutter opposing the Case and that a copy was  
48 shared with the Applicant.  
49

50 Mr. Daddario stated that he was formerly engaged in the practice of law with Atty.  
51 Westgate but is no longer and that their practice together had nothing to do with this  
52 Case works in the same office as the Attorney representing the Applicant, that he does  
53 not feel prejudiced in voting on the Case and asked whether he should recuse himself.  
54 No Board Member asked for his recusal.  
55

56 Atty. J. Bradford Westgate of Winer and Bennett, LLP, in Nashua, NH introduced  
57 himself as representing the Applicant, stated that he has no opposition with Mr.  
58 Daddario sitting on the Case, introduced Anthony Basso, LLS of Keach Nordstrom  
59 Associates, Inc. in Bedford, NH and noted that the Applicant/Owner, Mr. Joseph A.  
60 Miara, Jr. Trustee of Granite Realty Trust was present in the audience and available to  
61 answer any questions.  
62

63 Atty. Westgate addressed the application and the information shared included:

- 64 • Location of the site (very near Route 111) and size (9.2 acres)
- 65 • Site developed when zoned industrial/commercial in 1884
- 66 • Zone change to residential (R-2) in 1985 rendering site a non-conforming Use
- 67 • Variance now needed for an Expansion of Use
- 68 • Previous owner was ABC Moving and Storage Company
- 69 • Northeast to the site is a deep lot (Map 136, Lot 2) with a duplex toward the  
70 front close to Bockes Road that was constructed in 1989 after ABC  
71 Moving received its Certificate of Occupancy
- 72 • Abutting property to the northwest is an Open Space parcel for a residential  
73 subdivision and contains a 150' wide Public Service Company easement
- 74 • The south half of the property, approximately 200' in width, is undeveloped,  
75 generally wet and wooded, that provides a substantial buffer to the  
76 houses abutting the southern property line
- 77 • In 2016 ZBA granted Variance to expand Use and a Wetland Special Exception  
78 and Planning Board (PB) later granted Site Plan Review (SPR) for the  
79 improved maneuverability on site and construction of additional  
80 buildings
- 81 • Currently three (3) buildings exist on property: (1) warehouse storage 23,188 SF  
82 (square feet); (2) a two-story building attached to warehouse; and  
83 another stand-alone one-story building.
- 84 • The Phase II Maintenance Building has not yet been constructed
- 85 • Miara Transportation operates a specialty moving and storage business that  
86 primarily deals in specialty and contract shipping that requires a  
87 number of specialty and often different and unique flatbed trailers and  
88 box trailers
- 89 • Miara Transportation is unlike a transportation and storage company that  
90 ships general goods and is more like a specialty moving contractor that  
91 transports manufacturing and industrial material all over the country  
92 and as a result there is not much in/out traffic at the site
- 93 • Proposed "hoop" building would be located in the westerly side of the property  
94 in an area that was permitted with the Wetland Special Exception – so  
95 no new Wetland permit needed

- 96 • Purpose of the ‘hoop’ building is to back-in or park trailers and/or tractor
- 97 trailers under a roof and better enable Miaria personnel to clean snow
- 98 and ice off the rooftops of the vehicles and containers as required by
- 99 Jessica’s Law
- 100 • Size / dimension of ‘hoop’ building 80’ x 90’ x 34’ in height
- 101 • The ‘hoop’ building will not have a foundation so no excavation needed
- 102 • Shipping containers will hold/anchor down the metal arch framework and
- 103 become the ‘walls’ of the ‘hoop’ building – four (4) forty foot (40’) ocean
- 104 containers
- 105 • The metal arches will be covered with white vinyl tarp to create the roof for
- 106 weather resistant space for storage
- 107

108 Mr. Basso referenced the site plan prepared by Keach-Nordstrom Associates, Inc.,  
 109 dated 2/9/2022 that contained his LLS stamp, stated that the site has a single  
 110 driveway and parking lot, three existing buildings, the proposed maintenance building  
 111 that has not yet been constructed and the proposed location for the ‘hoop’ building at  
 112 the rear of the site on an area previously approved for use and added that drainage is  
 113 to the south into the wooded and wet area and noted that across the street is the G-1  
 114 Zone and directly across the site is a VFW building. Atty. Westgate added that if the  
 115 variance is granted it would be a modification to their Site Plan and would also require  
 116 Planning Board approval

117  
 118 Atty. Westgate next addressed the variance criteria necessary to satisfy and the  
 119 information included:

- 121 (1) *not contrary to public interest*
- 122 • Not contrary to allow installation and use of ‘hoop’ building to improve
- 123 operations and aid in compliance to Jessica’s Law
- 124 • Site developed when lot was in commercial/industrial zone
- 125 • Proposed location in western section of lot that abuts open space parcel for a
- 126 residential development and has a 150’ wide power line easement through it
- 127 (2) *will observe the spirit of the Ordinance*
- 128 • Observes the spirit of the Ordinance
- 129 • Will permit a reasonable improvement to better facilitate operations in that
- 130 portion of the property
- 131 (3) *substantial justice done*
- 132 • Granting the variance would allow an upgrade to the facility and compliance
- 133 to Jessica’s Law
- 134 • If variance denied, the general public would realize no appreciable gain
- 135 • Is a modest expansion of the non-conforming use and does not increase the
- 136 land area being used to operate the business
- 137 (4) *not diminish surrounding property values*
- 138 • The pPProposed lot will not diminish property values
- 139 • The pPProposed location is many hundreds of feet from the duplex at 16
- 140 Bockes Road and the residential properties along the southern property
- 141 line
- 142 (5) *hardship*
- 143 • The property is relatively large

- 144 • When property developed it was a permitted use but in 1984 the Zone  
145 changed to residential and the site then became a Non-conforming Use and  
146 now requires a variance to expand/grow
- 147 • Site has existed for over 30 years as a developed moving and storage facility
- 148 • If site was located across Bockes Road it would be in the G-1 Zone where its  
149 use would be permitted and a variance would not be needed
- 150 • Lot has good onsite ~~on-site~~ buffering in its southerly half and buffering to  
151 the west
- 152 • The 'hoop' building will be integral to Miara Transportation's operation and  
153 aid in compliance with Jessica's Law and will be located at the rear of the  
154 site where tractor trailers and box trailers and other equipment and vehicles  
155 currently reside, but not under cover

156  
157 Atty. Westgate restated that if the variance is granted that they will need to go to the  
158 Planning Board for a Modification to their Site Plan as well as obtain other Permits.

159  
160 Mr. Dearborn referenced the picture of a sample 'hoop' building and asked about the  
161 height of the storage containers and whether there would be storage other than  
162 vehicles and equipment in the 'hoop' building and whether buffer screening is possible  
163 for the building. Mr. Miara stated that no decision has been made yet as to what  
164 would be stored under/in the building and that the height at the peak of the proposed  
165 'hoop' building will be thirty four feet (34~~9~~) and that, if desired, the canvas rooftop  
166 could also cover the anchor containers. Atty. Westgate stated that these questions  
167 would all be addressed by the Planning Board during Site Plan Review (SPR).

168  
169 Mr. Daddario stated that he had the same questions and asked the height of the  
170 existing metal frame building, was informed that it is approximately thirty feet (~30')  
171 and then deduced that the proposed 'hoop' structure would have approximately four  
172 feet (~4') of visibility from Bockes Road. Mr. Dearborn asked the height of the existing  
173 tree buffer and was informed that the trees are in the seventy to eighty foot range (~70'  
174 - ~80') range. Mr. Buttrick posted aerial and street level views of the sight from  
175 Google.

176  
177 Ms. Roy asked and was informed that the back/rear of the proposed 'hoop' building  
178 would be to the west. Mr. Pacocha asked what the height would be of the Phase II  
179 maintenance building when constructed. Answer: unknown. Mr. Dearborn asked the  
180 life expectancy of the vinyl rooftop and was informed it is approximately fifteen (15)  
181 years. Mr. Daddario asked if there are any options regarding the height and was  
182 informed that the height selected would allow tractor trailers to park close to the 'wall'  
183 and not hit the 'roof' and that if the 'hoop' building is not allowed, all the trailers  
184 would be visible.

185  
186 Public testimony opened at 8:04 PM. The following individuals addressed the Board:

- 187  
188 (1) James Weaver, 27 Rollins Woods Drive, stated that he is neither for nor  
189 against the proposal and noted that as shown on the GIS pictures, the site  
190 can be seen in winter and that he would prefer view a structure instead of  
191 scattered trailers and equipment and asked If the color of the proposed  
192 rooftop could be earth/buff color instead of white.

- 193 (2) Peter Morris, 16 Bockes Road, stated that some neighbors to the north and  
194 northwest did not receive notice and noted that the proposed 'hoop'  
195 structure is approximately three (~3') higher yet trailers are much lower but  
196 even though it is a direct eyesore he understands that it would be easier to  
197 shovel the trailers. Mr. Buttrick checked the abutters' list and noted that  
198 the notice went to the Rolling Woods Home Owner Association and not to  
199 the individual homes and added that James Weaver received notice because  
200 he is the contact person for the Association.
- 201 (3) Email received 3/24/2022 from Peter and Tammy Morris, 16 Bockes Road  
202 opposing variance in a residential neighborhood and that, if allowed, could  
203 affect their property value.

205 Atty. ~~WestgateBradfors~~ stated that line of sight, buffering etc. will be addressed at the  
206 Planning Board.

207  
208 Public testimony closed at 8:11 PM.

209  
210 Mr. Buttrick stated that what is before the ZBA is a request for the expansion of a now  
211 Non-conforming Use. Mr. Martin stated that he likes the fact that the trailers would  
212 be covered and noted that the Jessica Law is very strict and that it is a good gesture to  
213 protect the drivers. Mr. Martin added that criteria 1-4 have been satisfied and that  
214 the hardship criteria is as well because the Town caused the hardship when it  
215 changed Zones.

216  
217 Mr. Nicolas made the motion to grant the Variance with two (2) stipulations: (1) that  
218 the canvas/vinyl tarp roof ~~roof~~ material be buff/earth tone color, not white, and be  
219 extended to cover the outside of the anchor storage container anchors units; and (2)  
220 that the ZBA input/comments be forwarded to the Planning Board. Mr. Dearborn  
221 seconded the motion. Roll call vote was 5:0. Variance granted with two (2)  
222 stipulations. The 30-day appeal period was noted.

223  
224 Board recessed at 8:22 PM and resumed at 8:33 PM.

225  
226 **IV. REQUEST FOR REHEARING: Case 168-020 (02-24-22):** Robert M. Shepard,  
227 Attorney of Smith-Weiss Shepard Kanakis & Spony, P.C., 47 Factory St., Nashua, NH  
228 representing Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH requests a  
229 rehearing of a request for a Variance which was reheard and denied on 02/24/22 to  
230 build a 9 ft. x 20 ft. covered porch on the front of an existing non-conforming  
231 structure (house), which encroaches the front yard setback an additional 9.3 feet,  
232 leaving 14.8 feet where 30 feet is required.

233  
234 Mr. Buttrick read the request into the record, noted that it was hand-delivered and  
235 received 3/18/2022 after the Meeting Packets were mailed but within the 30-day  
236 Appeal Period, that a copy of Atty. Shepard's letter was placed in the Supplemental  
237 Folder, and that, at the last meeting questions were raised regarding the Rehearing  
238 Decision Worksheet and it has been revamped and also placed in the Supplemental  
239 Meeting Folder.

240  
241 Mr. Dearborn stated that Atty. Shepard is his family's attorney and asked if that was  
242 grounds for recusal. Mr. Daddario asked if that relationship would bias him in any



243 way and Mr. Dearborn stated that it does not. No one asked for Mr. Dearborn's  
244 recusal. It was noted that Mr. Martin voted on the Case that was denied. Mr.  
245 Daddario appointed Mr. Martin as a voting Member on the Rehearing Request and  
246 unseated Mr. Thompson.

247  
248 Mr. Pacocha stated that the Board has already heard the Case on 1//27/2022, held a  
249 Rehearing on the Case on 2/24/2022 and asked why it is back before the Board and  
250 has not gone to Court? Mr. Buttrick stated that any and all ZBA decisions can be  
251 appealed within thirty (30) days, and re-asked as well, and that statutorily if a  
252 rehearing is denied, then the next step is to Court. Board reviewed RSA 677:2 and  
253 RSA 677:3.II.

254  
255 Mr. Dearborn stated that there was no new evidence provided in Atty. Shepard's letter  
256 to warrant a rehearing. Mr. Daddario agreed that, even though the letter is well  
257 written, there is no new evidence presented and stated that there is also no error and  
258 no procedural error identified and there appears to be a mischaracterization of the  
259 decision statements.

260  
261 Board discussion ensued. Mr. Nicolas stated that the hardship criteria is not  
262 satisfied. Mr. Daddario stated that reasonable use of the property is part of the  
263 hardship criteria as is the nature of the property and he has had heard nothing on  
264 how this Case meets hardship. Mr. Dearborn stated that a nine foot (9') wide front  
265 porch is excessive for access to the home, that six feet (6') might be better, and the  
266 possibility exists that a nine foot wide porch could be closed up and become another  
267 room to the house. Mr. Daddario concurred and added that all the other homes in the  
268 area with front porches do not encroach the front setback.

269  
270 Motion made by Mr. Nicolas and seconded by Mr. Martin to decline the request for a  
271 second Rehearing based on the fact that there has been no new evidence presented  
272 nor procedural error identified and neither did the ZBA make an error in law or  
273 was unlawful or unreasonable in making their original decision and no good reason  
274 stated in the applicant's motion as the reasons in the request had been addressed at  
275 the two (2) hearings held. Roll call vote was 5:0. Request for second Rehearing  
276 denied.

277  
278 Board took a five ~~m~~-minute recess at 8:55 PM. Board reconvened at 9:00 PM and Mr.  
279 Daddario noted that Mr. Thompson was back as the fifth voting Member.

280  
281  
282 **UPCOMING REQUEST FOR REHEARING:** Email request dated 3/24/2022 received  
283 from Atty. Patricia Panciocco for a Rehearing of Case 166-031 for Variance denied to  
284 create new lot from 8 Lindsay Street. Request placed in Supplemental Meeting Folder  
285 along with the Decision Sheets from the 2/24/2022 denial.

286  
287  
288 **V. REVIEW OF MINUTES:** 02/24/22 edited Minutes

289  
290 Mr. Buttrick referenced the Rehearing letter received from Atty. Panciocco stating that  
291 the Minutes, although not intended to be verbatim, was missing information. Mr.  
292 Nicolas stated that the video of the meeting is available if anyone has any questions

293 and Mr. Buttrick agreed and added that the recording, however, does not become part  
294 of the certified record. Ms. Knee attested that the recording of the meeting was  
295 reviewed before the draft Minutes were issued and added that the Minutes generally  
296 do not contain duplicate statements. Mr. Daddario asked the Members if anyone  
297 found anything missing from the Minutes. No one answered.  
298

299 Motion by Mr. Nicolas to adopt the 2/24/2022 Minutes as edited, was seconded by  
300 Mr. Dearborn and unanimously voted.  
301

302 **VI. OTHER:**

303 1. Continued discussion of proposed ZBA Bylaws amendments: alternate status,  
304 recusals and Clerk position/duties, etc.  
305

306 Board reviewed the draft changes made in track-change mode and discussed. Recap  
307 of the proposed changes and discussion points included:  
308

309 143-5.C – Clerk – removed “read cases into the record”. Discussion points  
310 included that a Clerk should be appointed for a full year, that rotating Clerks by  
311 meeting will not yield consistent results, that there is a conflict when the Clerk is  
312 appointed to vote so an Alternate Clerk could be identified and that it should be  
313 specified that the Clerk restate the motion prior to a vote being taken

314 143-5.2.C – consensus reached to keep statement

315 143-7.E(3) – recusal – eliminate “as he/she so chooses” and keep “shall” to step  
316 away from the table

317 143-7.F(4) and (7) – the Chairman assigns Alternate to vote and the Zoning  
318 Administrator shall read the Cases into the record

319 143-9.D – Decision Process – Vertical (by Member) versus Horizontal (by  
320 Category) – Mr. Buttrick cited an example of the difference and noted that the Board  
321 adopted the Vertical approach when Mr. Brackett was Chairman

322 Attachment A – change appeal to a 30 day time period, not 35

323 Appendix B – discussion arose on “abstaining” and several voiced sentiment  
324 that no Member should abstain on a Case, on Minutes, okay  
325

326 Discussion to continue.  
327

328 Motion made by Mr. Pacocha, seconded by Mr. Nicolas and unanimously voted to  
329 adjourn the meeting. The 3/24/2022 ZBA meeting adjourned at 10:05 PM  
330

331 Respectfully submitted,  
332 Louise Knee, Recorder  
333



# 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

### **SITE WALK MEETING MINUTES – April 9, 2022– draft**

The Hudson Zoning Board of Adjustment members met for a Site Walk Review of the property located at 185 Webster St., Hudson, NH on Saturday, April 9, 2022.

Meeting opened at 9:02 AM by Chairman Daddario.

ZBA Clerk, Normand Martin took attendance. Members present were Gary Daddario (Member/Chair), Brian Etienne (Member), Gary Dearborn (Member) and Normand Martin (Alt. Member/Clerk). Also present were Bruce Buttrick, Zoning Administrator and Kara Roy, Selectman Liaison. Excused was Marcus Nicolas (Member). Members absent were Jim Pacocha (Member/Vice-Chair), Dean Sakati (Alt. Member) and Edward Thompson (Alt. Member).

Other Attendees: Gerry Prunier, Applicant's Attorney; Vatche Manoukian, Property Owner; Tony Basso, Engineer-Keach-Nordstrom Associates.

Members visited each of the buildings addressed as 183, 185, 187 and 189 Webster St. for review & discussion of the proposed uses pertaining to the following requests:

- a. A Variance for a Greenhouse Building addressed as 183 Webster Street– for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone.
- b. A Variance for a Residential Building addressed as 185 Webster Street to allow a third dwelling unit, where three-family (multi-family) dwellings are not permitted in the R-2 Zone.
- c. A Variance for a Small Garage Building addressed as 187 Webster Street– for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone.

- d. A Variance for a Large Garage Building addressed as 189 Webster Street– for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone.
- e. A Variance for the parcel known as 185 Webster Street (Map-147 Lot-016 Sublot-000)– to allow mixed uses on a lot in a Residential-Two (R-2) district where mixed uses are only allowed in Business and Industrial Districts.
- f. A Special Exception for the parcel known as 185 Webster Street (Map-147 Lot-016 Sublot-000)– to allow residential use on a single lot with mixed uses which is only allowed by Special Exception in accordance with the general requirements listed in Article VI, § 334-23. Additionally, the mixed or dual uses shall be compatible.

Motion made by Mr. Etienne, seconded by Mr. Dearborn and unanimously voted to adjourn the site walk review meeting. The meeting adjourned at 9:28 AM.

Respectfully submitted,

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Normand Martin,  
ZBA Clerk