

TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

MEETING AGENDA – May 26, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **May 26, 2022** at 7:00 PM in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side). The following items before the Board will be considered:

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

Case 166-031 (05-26-22): Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH requests a Variance for **8 Lindsay St., Hudson, NH** for relief from HZO Article VII, Dimensional Requirements; § 334-27.2, Lot requirements for subdivision of land: to allow the creation of one (1) new lot (off Grigas St.) with 25.73 feet of frontage on a Class V road where 90 feet is required. This matter is before the Board as a Rehearing granted on 4/28/22. [Map 166, Lot 031-000, Zoned Town Residence (TR).]

IV. REQUEST FOR REHEARING:

Case 183-006 (04-28-22): Elvis Dhima, Hudson Town Engineer, requests a Rehearing/Reconsideration of a request for a Variance granted on 04-28-22 for **102 Central St., Hudson, NH** 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. REVIEW OF MINUTES:

04/14/22 edited Draft Minutes

04/28/22 edited Draft Minutes

VI. OTHER:

1. Proposed ZBA Bylaws amendments: alternate status, recusals and Clerk position/duties.

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report *3h 5-17-22*
Meeting Date: May 26, 2022
(Rehearing Granted April 28, 2022)
(Denied February 24, 2022)
(Deferred from January 27, 2022)
(Deferred from October 28, 2021)

Case 166-031 (5-26-22): Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH requests a Variance for **8 Lindsay St., Hudson, NH** for relief from HZO Article VII, Dimensional Requirements; § 334-27.2, Lot requirements for subdivision of land: to allow the creation of one (1) new lot (off Grigas St.) with 25.73 feet of frontage on a Class V road where 90 feet is required. This matter is before the Board as a Rehearing granted on 4/28/22. [Map 166, Lot 031-000, Zoned Town Residence (TR).]

Address: 8 Lindsay St

Zoning district: Town Residence (TR)

Summary:

Applicant wishes to subdivide the current lot, with a new lot having access from Grigas St. and St John St. having 25.73 ft of frontage where 90 ft is required.

Applicant has submitted a new/revised proposed subdivision plan (sheet 1 of 1) dated 10/4/2021 with Rev 2 dated 5/9/22.

Property description:

This is a lot of record, with an existing non-conforming use as a two family created with permit #102-82 Sept 24, 1981. The minimum lot requirements were 40,000 sqft (with town water and sewer).

Zoning Administrator Comments:

Zoning Ordinance requirements:

The remaining “parent” lot (off Lindsay St) with the existing structure/(2 family) use needs to be a minimum of 40,000 sqft. As this property is currently “existing non-conforming” as a two family use.

The proposed new lot indicates 25.73 ft of frontage off Grigas St /St John St, where 90 ft is required. The proposed new lot indicates 20,055 sqft, where 10,000 sqft is required. The proposed new lot is for a single family use.

Clarification of the "old" paper street section of Grigas St:

Based on Jan 12, 2022 Email Memo to Patricia M. Panciocco, Esq. from David LeFevre, Esq.
Town Counsel: "...the Town's understanding is that the dedication to public use of this undeveloped portion has lapsed by operation of law."

LAND USE HISTORY:

B.P. #102-82 Construct Duplex issued Sept 24, 1982
4/4/1985 ZBA Variance request for additional Duplex - Denied

ASSESSING HISTORY:

Duplex

Town in-house review comments:

Town Engr: no comments

Town Planner: ~~non received~~ no comments [Ⓟ] Received 5-17-22

Fire Dept: Yes

Attachments:

A: Assessing History.

B: B.P. #102-82 Construct Duplex issued Sept 24, 1982.

C: 4/4/1985 ZBA Variance request for additional Duplex – Denied.

D: January 12, 2022 Email Memo to Patricia M. Panciocco, Esq. from David LeFevre, Esq.
Town Counsel.

E: Fire Dept in-house comment.

E: Resubmitted revised (rev 2) plan.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2021	104 - TWO FAM	149,500	0	134,100	1.32	0.00	283,600
2021	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2020	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2020	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2019	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2019	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2018	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2018	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2017	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2017	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
2017	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2016	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
2016	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
2015	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
2015	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
2014	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
2014	104 - TWO FAM	115,900	0	107,400	1.32	0.00	223,300
2013	104 - TWO FAM	115,900	0	107,400	1.32	0.00	223,300
2013	104 - TWO FAM	115,900	0	107,400	1.32	0.00	223,300
2012	104 - TWO FAM	115,900	0	107,400	1.32	0.00	223,300
2012	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2011	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2011	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2010	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2010	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2009	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2008	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2008	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2007	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2007	104 - TWO FAM	144,600	0	106,900	1.32	0.00	251,500
2006	104 - TWO FAM	144,600	0	106,900	1.32	0.00	251,500
2006	104 - TWO FAM	144,600	0	106,900	1.32	0.00	251,500
2005	104 - TWO FAM	144,600	0	106,900	1.32	0.00	251,500
2005	104 - TWO FAM	144,600	0	106,900	1.33	0.00	251,500
2004	104 - TWO FAM	144,600	0	106,900	1.33	0.00	251,500
2004	104 - TWO FAM	109,600	0	81,700	1.33	0.00	191,300
2003	104 - TWO FAM	109,600	0	81,700	1.33	0.00	191,300
2003	104 - TWO FAM	109,600	0	81,700	1.33	0.00	191,300
2002	104 - TWO FAM	109,600	0	81,700	1.33	0.00	191,300
2002	104 - TWO FAM	109,600	0	81,700	1.33	0.00	191,300
2001	104 - TWO FAM	67,400	0	56,900		0.00	124,300
2000	104 - TWO FAM	67,400	0	56,900	1.33	0.00	124,300

A



Town of Hudson, N. H.

Office of Town Building Inspector

BUILDING PERMIT

No. 102-82

Sept. 24, 1981

This certifies that Jera Construction Co. Inc. Name of Owner

is granted permission to erect Duplex 24' x 68' Description
 alter
 repair
 move

Town sewer and water
of Building

on premises located at and known as
to

2184-009 Number Lindsay St. Street or Avenue M.L.-55/60-3

and to do things lawful to that end.

This permit is issued on application number is subject to the conditions thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 90 days next after the date hereof.

This Permit is issued under the condition that this building WILL NOT be occupied until a Certificate of occupancy is obtained from the Building Inspector.

Value \$ 49,000.

Richard E. Millard
Administrative Officer

Fee \$ 98.

B,



TOWN OF HUDSON, N. H.

Application for a Permit To Build

Date Sept. 21, 1981

Residential	<input checked="" type="checkbox"/>
Commercial	<input type="checkbox"/>
Industrial	<input type="checkbox"/>
Garage	<input type="checkbox"/>
Breezeway	<input type="checkbox"/>
No. of Units	<u>2</u>

Subdivision	Yes	No
Planning Bd. Approval Sub Div.	Yes	No
Water Pollution Approval Sub Div. No.		
Septic Construction Permit No.		
Necessary Bonds Posted	Yes	No
Bd. of Adj. Variance Granted If Nec.		

New	<input checked="" type="checkbox"/>
Alter	<input type="checkbox"/>
Addition	<input type="checkbox"/>
Repair	<input type="checkbox"/>

Permit Number

102-82

Name of Owner JERO CONSTRUCTION Co., INC Address 160 Hayden Rd, GRANT, MASS. Tel. 617-6922890

Land Purchased From NORMAND LAPHANTE Address NASHUA, N.H.

Location LA LINDSAY ST., HUDSON, N.H. Property Tax No. _____

Name of General Contractor JERO CONST. Map and Lot No. 55/60-3 (2184-009)

Name of Heating Contr. _____ Name of Electrical Contractor _____

Type of Heat GAS Name of Plumbing Contractor _____

Name of Fireplace Mason _____ Name of Masonry Contractor _____

Material of Building wooden Style of Roof 5-12 PITCH Roof Covering SHINGLE

Size of Foundation 24x68 Living Floor Area 1632 sq. ft. No. of Stories ONE

Size of Garage _____ Water yes Sewer yes

Foundation Material POURED CONCRETE Width 10" Height 7'6" Footings No

Fireplace No. of Flues 2 Size 8" Chimney Material Block & BRICK

Brief Description of Repair, Alter or Other _____

Value 49,000.00
Fee 98.00

Duplex

The undersigned hereby agrees that the proposed work shall be done in accordance with the foregoing statement, and with the plans and specifications submitted; and that the work connected therewith shall conform with the building laws and regulations of the town of Hudson, and that Roger D. Dumas will notify the Building Inspector when foundation, frame, chimneys, fire-stops and heater-pipes, electrical wiring and plumbing are ready for inspection. I also certify that I have been authorized by the owner to apply for this permit.

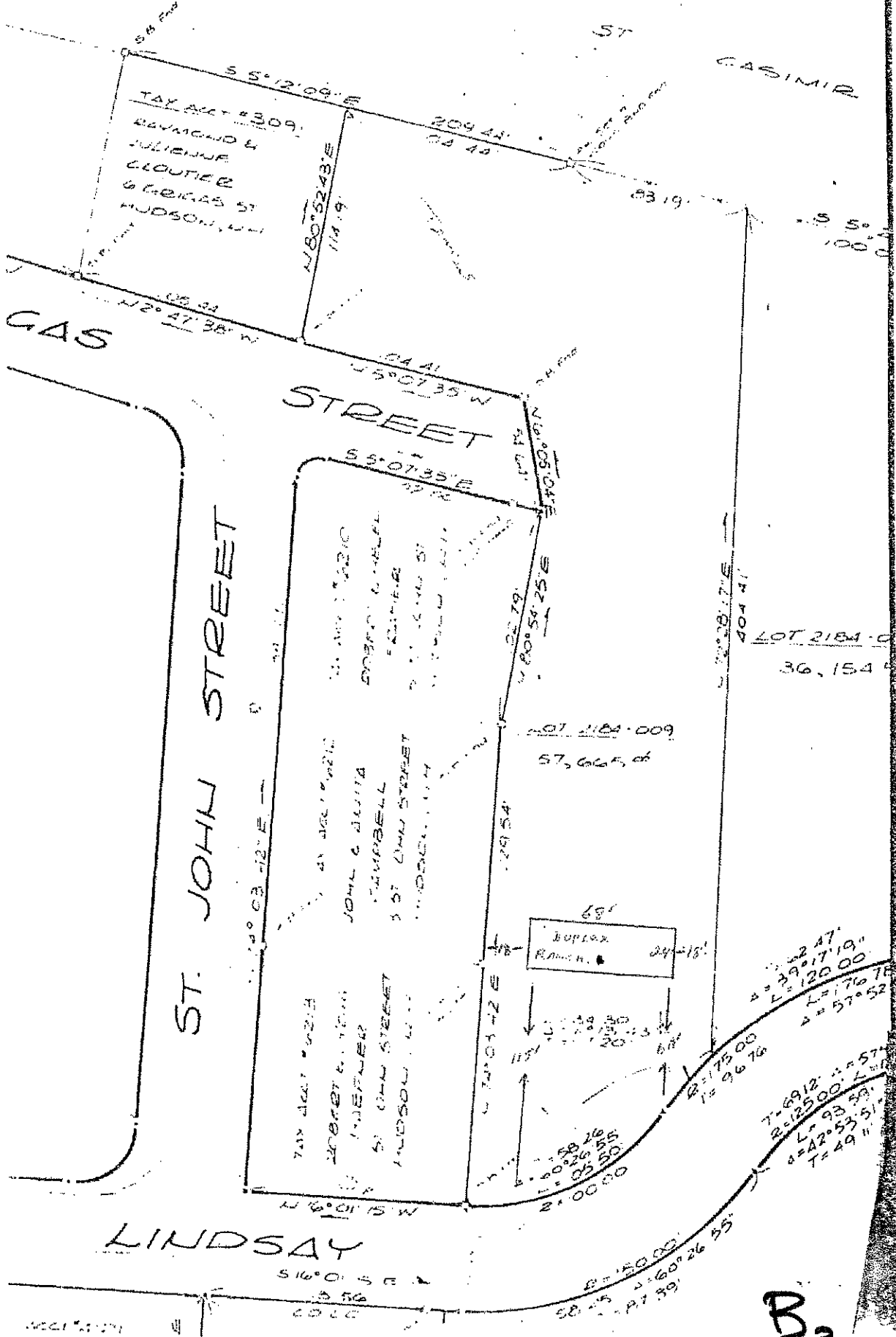
OVER

Sketch of building, show streets set back from property lines on all sides on other side.

Owner's Signature Roger D. Dumas / Trust
Contractor's Signature Jero Const. Co. Inc
Address 160 HAYDEN RD, GRANT, MASS.

B2

Royce DeKorsner
JACK COAST



B₃

**TOWN OF HUDSON NEW HAMPSHIRE
APPLICATION FOR APPEAL**

Application for a variance
 a special exception
 an appeal from administrative decision
 a rehearing

Case No. 4-85-55/60/3
 Map & Lot No. 55-60-3
 Fee 64.00
 Date filed 4/4/85
 Signed [Signature]

Name of Applicant ERVIN & ETEL EICHENWALD
 Address 5 AZTEC RD. NASHUA N.H. 03063
 Owner of property concerned SAME -
 Address _____

Tel. # 603-886-5955
603-888-6480
 Tel. # _____

Exact location & description of property (Include scale drawing showing plot plan, boundaries, dimensions, adjacent roads and right of way, location of buildings, as applicable) (Use separate sheet if necessary).
SEE ATTACHED

Brief description of request CONSTRUCT A SECOND DUPLEX ON EXISTING LOT.

Regarding Article X Section 3B of the Hudson Zoning Ordinance
 Tax # _____ Zone A-1

ABUTTERS - NAME	ADDRESS
IAP # LOT #	
55 60-2	RODGERS, ALVIN H & BETTY A.
55 50	MAEFNER, ROBERT H & LYDIA L.
55 49	CAMPBELL, JOHN E. & JUNITA B.
55 48	FRASER, ROBERT A. & HELEN B.
55 44	DUDEN, FREDERICK M & ELEANOR T.
55 47	CLOUTIER, RAYMOND & JULIENNE
60 3	ST. CASIMIR CEMETERY
56 118	JEAN, PETER M. & DENISE C.

Owner/Applicant hereby accepts responsibility for notification of abutters and understands that all appeals filed after cut off date will be considered as being received the day after next regular meeting. (Cut off date is two weeks prior to the regular meeting as noted in Board of Adjustment BY-LAWS).

Signed Ervin Eichenwald P.O.A. Date 4/4/85

In the event an on-site inspection of the land is necessary, would you be willing to allow Board of Adjustment members on above property? Yes No _____

Signed Etel Eichenwald P.O.A. Date 4/4/85

NOTICE OF DECISION

It is the decision of the Board of Adjustment that the above application has been Denied. The Board based its decision on the following:
 1. Will/Will not serve the public interest.
 2. Will/Will not result in unnecessary hardship.
 3. Will/Will not uphold the spirit of the ordinance.
 4. Will/Will not provide for substantial justice.
 The following stipulations are hereby attached to the Board's decision:

[Signature]
4/25/85

Note: Variances on which no substantial action has been taken shall become void six (6) months from date of approval by the Board of Adjustment.

C1



Town of Hudson
HUDSON, NEW HAMPSHIRE
Zoning Board of Adjustment

NOTICE TO ABUTTERS

Certified Mail No.

P 576 689 454

Date: April 17, 1985

TO: Ervin/Etel Eichenwald
5 Aztec Road
Nashua, N.H. 03063

This notice will serve to inform you that a public hearing concerning:

Case 4/85/55-60-3: Ervin & Etel Eichenwald, 5 Aztec Road, Nashua,
request a variance to allow construction of a second duplex on an
existing lot at 8 Lindsay Street. [Map 55, Lot 60-3, Zoned A-1
(Residential); Article X, Section 3(e) of the Hudson Zoning Ordinance.]

Owner: Ervin & Etel Eichenwald

Map No. 55 Lot No. 60-3

will be held on Thursday, April 25, 1985, 7:30 PM, at the
Town Hall.

Dennis J. Lafoe
Dennis J. Lafoe
Zoning Administrator *ep*


**TARBELL
& BRODICH, PA**
ATTORNEYS AT LAW

January 12, 2022

Via E-Mail Only pat@panciocolaw.com

Patricia M. Panciocco, Esq.
One Club Acre Lane
Bedford, NH 03110

RE: 8 Lindsay Street, Hudson, NH
Hudson Tax Map 166, Lot 031

Dear Attorney Panciocco:

As discussed at the meeting of the Board of Selectmen on January 11, 2022, this letter will confirm the Town's understanding that the dedication to public use of the undeveloped portion of Grigas Street has lapsed by operation of law. The portion of Grigas Street in question is located between 5 St. John Street and Lot 2184-009 as shown on the plan of land entitled "Subdivision Plan Lindsay Street, Hudson, NH," prepared by A.E. Maynard Civil Engineer, dated June 1979, and recorded at the Hillsborough County Registry of Deeds as Plan No. 13558.

The Town takes no position regarding the private property rights of the abutters to utilize the portion of Grigas Street which is no longer dedicated to public use.

Sincerely,

TARBELL & BRODICH, P.A.


By: David E. LeFevre, Esq.
e-mail: dlefevre@tarbellpa.com

cc: Stephen A. Malizia, Town Administrator (via e-mail only)

*Eaton W. Tarbell, Jr.
Nicholas Brodich
Caroline K. Brown
Mary A. Hakken-Phillips
David E. LeFevre
Friedrich K. Moeckel*
Shane R. Stewart
Eaton W. Tarbell, III*

*All Attorneys admitted
in New Hampshire
or as otherwise designated.*

**Also admitted in Massachusetts*

*45 Centre Street
Concord, NH 03301*

*1-877-898-1135
603-226-3900 Tel
603-225-5398 Fax*

"D"

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

REQUEST FOR REVIEW/COMMENTS:

Case: 166-031 Variance Rehearing

Property Location: 8 Lindsay Street

For Town Use

Plan Routing Date: 05/12/2022 Reply requested by: 05/16/2022 ZBA Hearing Date: 05/26/2022

I have no comments I have comments (see below)

RMB _____ Name: Robert M. Buxton Date: 05/17/2022
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

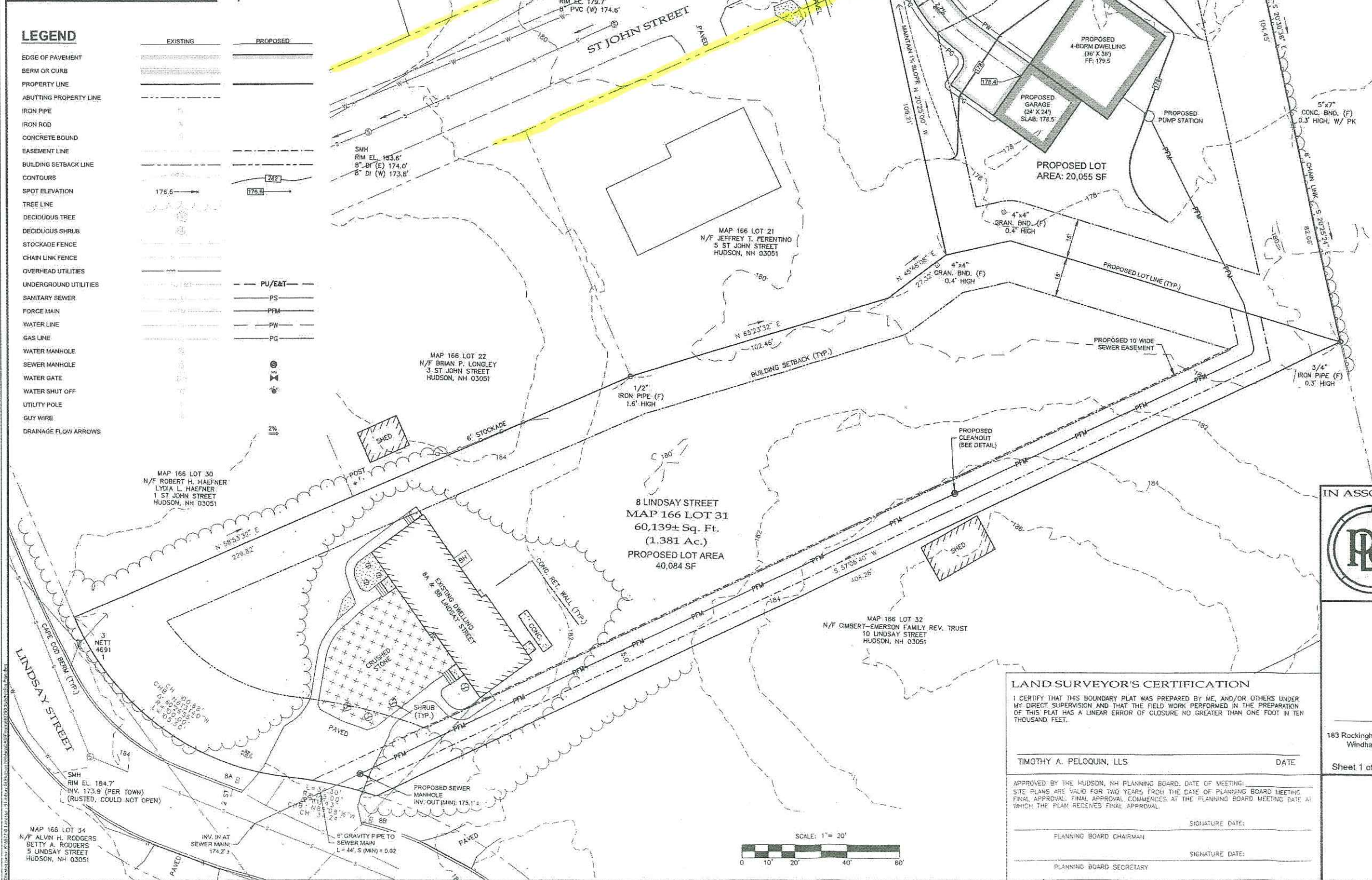
If approved addressing will need to be reviewed for the new lot.

"E"

LOCATION PLAN
PREPARED FROM: BING MAPS
SCALE: 1" = 1000 FEET

LEGEND

EXISTING	PROPOSED



PLAN OF REFERENCE
EXISTING CONDITIONS PLAN MAP 166 LOT 31 ANNON WAISMAN REVOCABLE TRUST
PREPARED FOR: SFC ENGINEERING PARTNERSHIP INC.
PREPARED BY: PROMISED LAND SURVEY LLC
DATED: SEPTEMBER 9, 2021, LAST REVISED FEBRUARY 22, 2022

- NOTES**
- THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED SUBDIVISION OF 8 LINDSAY STREET, HUDSON PROPERTY MAP 166 LOT 31 CONSISTING OF 1.381 Ac.
 - THIS SUBDIVISION INCLUDES:
 - A. SUBDIVISION OF SUBJECT LOT INTO TWO BUILDABLE LOTS AS SHOWN.
 - B. NEW LOT TO BENEFIT FROM A SEWER EASEMENT ACROSS MAP 166 LOT 31 AS SHOWN.
 - C. EXTENSION OF MUNICIPAL WATER SERVICE FROM GRIGAS STREET TO NEW LOT.
 - D. EXTENSION OF NATURAL GAS SERVICE FROM GRIGAS STREET TO NEW LOT.
 - E. EXTENSION OF ELECTRIC SERVICE FROM EXISTING POLE IN GRIGAS STREET R.O.W. AND UNDERGROUND TO NEW LOT.
 - THE OWNER OF RECORD: ANNON WAISMAN REV. TRUST, 11 WHITMAN ROAD, HUDSON, NH 03051. DEED REFERENCE: BOOK 8582 PAGE 0523, HILLSBOROUGH COUNTY REGISTRY OF DEEDS.
 - THIS PLAN SHOWS CONDITIONS BY INSTRUMENT FIELD SURVEY BY PROMISED LAND SURVEY (PLS) IN AUGUST 2021.
 - ZONING DISTRICT: TOWN RESIDENTIAL (TR)
MINIMUM LOT AREA: 10,000 SF (WITH WATER & SEWER)
MINIMUM FRONTAGE: 50'
FRONT SETBACK: 30'
SIDE SETBACK: 15'
REAR SETBACK: 15'
CEMETERY SETBACK: 25' (REFERENCE RSA 289:3 III)
 - THE PROPOSED SINGLE FAMILY DWELLING IS A PERMITTED USE IN THE TOWN RESIDENTIAL ZONING DISTRICT.
 - THE EXISTING DWELLING IS A 2-FAMILY DWELLING THAT WAS CREATED WITH PERMIT #102-92 ON SEPTEMBER 24, 1981 AND WAS CONFORMING AT THAT TIME. A MINIMUM LOT AREA OF 40,000 SF IS REQUIRED PER ZONING DETERMINATION 21-112R1 DATED OCTOBER 5, 2021.
 - THE PROPOSED LOT WILL BE SERVED BY MUNICIPAL WATER AND MUNICIPAL SEWER. THE EXISTING LOT IS SERVED BY MUNICIPAL WATER AND MUNICIPAL SEWER.
 - NO PORTION OF THIS PARCEL IS LOCATED WITHIN THE FLOOD HAZARD AREA AS INTERPRETED FROM THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF HUDSON, COMMUNITY-PANEL NUMBER 33011C0514E. EFFECTIVE DATE: APRIL 18, 2011. PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 - SFC ENGINEERING PARTNERSHIP, INC. DOES NOT WARRANT THE LOCATION OR ELEVATION OF THE EXISTING UTILITIES OR THAT ALL ARE SHOWN. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING DIG SAFE (1-800-394-7233) AT LEAST 72 HOURS PRIOR TO CONSTRUCTION IN ACCORDANCE WITH STATE LAW.
 - SEWER INVERTS ON LINDSAY STREET ARE PROVIDED BY TOWN ENGINEERING DEPARTMENT.
 - WATER MAIN AND SERVICE LINE INFORMATION PROVIDED BY TOWN ENGINEERING DEPARTMENT.
 - GAS MAIN LOCATION FROM PLAN OF REFERENCE.
 - NRCS WEB SOIL SURVEY IDENTIFIES SOILS ON THIS LOT AS W6B - WINDSOR LOAMY SAND, 3 TO 8% SLOPE, AN EXCESSIVELY DRAINED SOIL.
 - ALLOW STORMWATER TO FLOW ACROSS PROPOSED DRIVEWAY.
 - THE EXTENSION OF THE GRIGAS STREET R.O.W. HAS Lapsed BY OPERATION OF LAW. REFERENCE LETTER FROM TARBELL & BRODICH, PA, ATTORNEY FOR THE TOWN, DATED JANUARY 12, 2022.

No.	Revision	Date
2	Revised note 1 area per existing conditions plan	5/9/2022
1	Revised subdivision layout and added note #16	2/23/2022

Designed by: DMF Drawn by: CRN Checked by:

IN ASSOCIATION WITH:

Promised Land Survey, LLC
PO Box 447
Derry, New Hampshire 03038
Tel: (603) 432-2112 Fax: (603) 432-8800
www.PromisedLandSurvey.com
•Land Surveying •Mapping •Planning •Permitting •Layout

Proposed Subdivision Plan
8 Lindsay Street
Hudson, NH
Assessors Map 166 Lot 31

183 Rockingham Rd, Unit 3 East
Windham, NH 03087
(603) 647-8700
www.sfceng.com

Sheet 1 of 1 Scale: 1" = 20' Date: 10/4/2021

Prepared for:
M.R. Lacasse Homes, LLC
9 Scenic Lane
Hudson, NH 03051

F

Zoning Classification: Town Residential

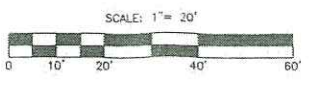
LAND SURVEYOR'S CERTIFICATION
I CERTIFY THAT THIS BOUNDARY PLAT WAS PREPARED BY ME, AND/OR OTHERS UNDER MY DIRECT SUPERVISION AND THAT THE FIELD WORK PERFORMED IN THE PREPARATION OF THIS PLAT HAS A LINEAR ERROR OF CLOSURE NO GREATER THAN ONE FOOT IN TEN THOUSAND FEET.

TIMOTHY A. PELOQUIN, LLS DATE _____

APPROVED BY THE HUDSON, NH PLANNING BOARD. DATE OF MEETING: _____
SITE PLANS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING.
FINAL APPROVAL: FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

PLANNING BOARD CHAIRMAN SIGNATURE DATE: _____

PLANNING BOARD SECRETARY SIGNATURE DATE: _____



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

On **05/26/2022**, the Zoning Board of Adjustment heard Case **166-031**, being a case brought by **Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH** requests a **Variance for 8 Lindsay St., Hudson, NH for relief from HZO Article VII, Dimensional Requirements; § 334-27.2, Lot requirements for subdivision of land: to allow the creation of one (1) new lot (off Grigas St.) with 25.73 feet of frontage on a Class V road where 90 feet is required. This matter is before the Board as a Rehearing granted on 4/28/22.** [Map 166, Lot 031-000, Zoned Town Residence (TR).]

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

- | | | |
|----------|----------|---|
| Y | N | <p>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.”</p> <hr/> <hr/> |
| Y | N | <p>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.”</p> <hr/> <hr/> |
| Y | N | <p>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.</p> <hr/> <hr/> |
| Y | N | <p>4. The proposed use will not diminish the values of surrounding properties.</p> <hr/> <hr/> |
| Y | N | <p>5. Special conditions exist such that literal enforcement of the ordinance would result in unnecessary hardship, either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way <i>and also</i> because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.</p> <hr/> <hr/> |

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Stipulations: _____

MAY 10 2022

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 166-031 (05-26-22)

Date Filed 5-10-22

DANIEL M. FLORES, PE

Name of Applicant C/O SFC ENGINEERING Map: 166 Lot: 31 Zoning District: TR

Telephone Number (Home) 603-361-3294 (Work) 603-647-8700 x313

Mailing Address 183 ROCKINGHAM RD UNIT 3 EAST WINDHAM, NH 03087

Owner AMNON WALSMAN REV TRUST

Location of Property 8 LINDSAY STREET
(Street Address)

[Signature]
Signature of Applicant

5/9/2022
Date

[Signature]
Signature of Property-Owner(s)

5/10/2022
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: 5/9/22

COST:

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

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

11 Indirect Abutters x First Class postage rate \$ 0.58 = \$ 6.38

Total amount due: \$ 243.34

Amt. received: \$ 243.34

Receipt No.: 684,658

Received by: [Signature: TSG]

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

Engineering Fire Dept. Health Officer Planner Other

TOWN OF HUDSON, NH

Variance Application Checklist

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

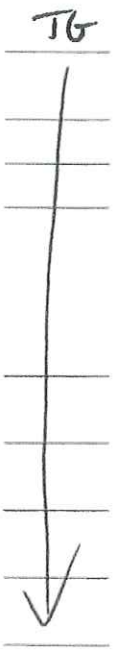
Applicant Initials		Staff Initials
<u>DMF</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>DMF</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 ¹³ (ten) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>DMF</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>DMF</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG 5/10/22</u> pending <u>5/16/22</u>
<u>DMF</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>DMF</u>	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<u>DMF</u>	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>DMF</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

CERTIFIED PLOT PLAN:

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

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

- a) DMF 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) DMF The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) DMF The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) DMF 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) DMF 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) DMF 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) DMF The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) DMF The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) DMF The plot plan shall indicate all parking spaces and lanes, with dimensions.



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

[Signature]
Signature of Applicant(s)

5/9/2022
Date

[Signature]
Signature of Property Owner(s)

5/11/2022
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
166	031	*Include Applicant & Owner(s) Waisman, Amnon TR. Amnon Waisman Rev Trust	11 Whitman Rd. Nashua, NH 03062
166	017	St. Casimir Cemetery Bishop of Manchester Roman Catholic	153 Ash Street Manchester, NH 03104
166	020	Clouter, Andrew P.	6 Grigas Street Hudson, NH 03051
166	021	Ferentino, Jeffrey T.	5 St John Street Hudson, NH 03051
166	022	Longley, Brian P.	3 St John Street Hudson, NH 03051
166	025	Cataldo, Mark Joseph	8 St John Street Hudson, NH 03051
166	030	Haefner, Robert H. Haefner, Lydia L.	1 St John Street Hudson, NH 03051
166	032	Gimbert-Emerson Family Rev Tru Gimbert, David K., TR. Emerson, Marcia C., TR.	10 Lindsay Street Hudson, NH 03051
166	034	Rodgers, Alvin H., TR. Rodgers, Betty A., TR. Alvin Rodgers Revocable Trust	000 Hunt Community ALLDS 250 Nashua, NH 03060
Developer		Michael Lacasse M.R. Lacasse Homes, LLC	9 Scenic Lane Hudson, NH 03051
Engineer		Daniel M. Flores, PE SFC Engineering Partnership, Inc.	183 Rockingham Rd, Unit 3 East Windham, NH 03087
Surveyor		Timothy A. Peloquin, LLS Promised Land Survey, LLC	PO Box 447 Derry, NH 03038

ALL INDIRECT ABUTTERS WITHIN 200 FEET

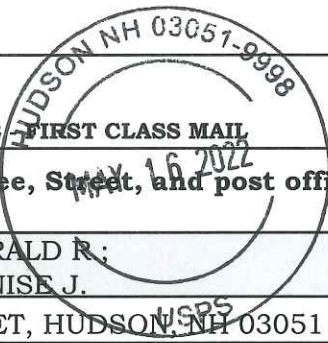
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective 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)

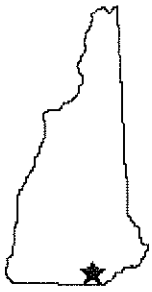
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
166	035	Desmarais, Gerald R. Desmarais, Denise J.	3 Lindsay Street Hudson, NH 03051
165	159-004	Nguyen, Tuyet	10 Nellie Ct. Hudson, NH 03051
166	026	Spooner, Pamela L. Spooner, Paul S.	23 Ledge Road Hudson, NH 03051
174	041	Middlemiss, Steven F Middlemiss, Lee Ann	22 Abbott St. Hudson, NH 03051
166	029	Smith, Karen Smith, Scott A.	4 Lindsay Street Hudson, NH 03051
166	024	Gregoire, Stephen J. Gregoire, Renee S.	6 St John Street Hudson, NH 03051
165	159-005	Wilcox, David E. Wilcox, Nancy L.	6 Nellie Ct. Hudson, NH 03051
166	023	Malley, Timothy J. Malley, Melissa K.	4 St John St. Hudson, NH 03051
174	048	Brown, Ernest H., TR. Brown, Susan K., TR.	1561 Main St Pittsburg, NH 03592-5511
166	033	Matthews, Kenneth R. Matthews, Kathleen J.	12 Lindsay Street Hudson, NH 03051
166	019	Graves, Robert L., TR. Graves, Dorothy J., TR. Graves Family Revocable Trust	4 Grigas Street Hudson, NH 03051



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 166-031 VARIANCE REHEARING 8 Lindsay Street Map 166/Lot 031-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/26/2021 ZBA Meeting
1	7021 0350 0000 1884 3907	Daniel M. Flores, PE; SFC Engineering Partnership, Inc. 183 Rockingham Rd., Unit 3 East, Windham, NH 03087	APPLICANT NOTICE MAILED
2	7021 0350 0000 1884 3914	WAISMAN, AMNON, TR.; AMNON WAISMAN REV TRUST 11 WHITMAN RD., NASHUA, NH 03062	OWNER/APPLICANT NOTICE MAILED
3	7021 0350 0000 1884 3921	ST. CASIMIR CEMETERY; Bishop of Manchester Roman Catholic	ABUTTER NOTICE MAILED
4	7021 0350 0000 1884 3938	153 Ash Street, MANCHESTER, NH 03104 CLOUTIER, ANDREW P.	ABUTTER NOTICE MAILED
5	7021 0350 0000 1884 3945	6 GRIGAS STREET, HUDSON, NH 03051 FERENTINO, JEFFREY T.	ABUTTER NOTICE MAILED
6	7021 0350 0000 1884 3952	5 ST JOHN STREET, HUDSON, NH 03051 LONGLEY, BRIAN P.	ABUTTER NOTICE MAILED
7	7021 0350 0000 1884 3969	3 ST JOHN STREET, HUDSON, NH 03051 CATALDO, MARK JOSEPH	ABUTTER NOTICE MAILED
8	7021 0350 0000 1884 3976	8 ST JOHN STREET, HUDSON, NH 03051 HAEFNER, ROBERT H.; HAEFNER, LYDIA L.	ABUTTER NOTICE MAILED
9	7021 0350 0000 1884 3983	1 ST JOHN STREET, HUDSON, NH 03051 GIMBERT-EMERSON FAMILY REV TRU; GIMBERT, DAVID K., TR; EMERSON, MARCIA C., TR	ABUTTER NOTICE MAILED
10	7021 0350 0000 1884 3990	10 LINDSAY STREET, HUDSON, NH 03051 RODGERS, ALVIN H., TR.; RODGERS, BETTY A., TR.; ALVIN RODGERS REVOCABLE TRUST	ABUTTER NOTICE MAILED
11	7021 0350 0000 1884 4003	000 HUNT COMMUNITY ALLDS250, NASHUA, NH 03060 Michael Lacasse; M.R. Lacasse Homes, LLC	APPLICANT NOTICE MAILED
12	7021 0350 0000 1884 4010	9 SCENIC LANE, HUDSON, NH 03051 Timothy A. Peloquin, LLS; Promised Land Survey, LLC PO BOX 447, DERRY, NH 03038	APPLICANT NOTICE MAILED
	Total Number of pieces listed by sender 12	Total number of pieces rec'vd at Post Office 12	Postmaster (receiving Employee) Jacob Cormier



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE FIRST CLASS MAIL	Case# 166-031 VARIANCE REHEARING 8 Lindsay Street Map 166/Lot 031-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/26/2021 ZBA Meeting
1	Mailed First Class	DESMARAIS, GERALD R.; DESMARAIS, DENISE J. 3 LINDSAY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	NGUYEN, TUYET 10 NELLIE CT., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	SPOONER, PAMELA L.; SPOONER, PAUL S. 23 LEDGE ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	MIDDLEMISS, STEVEN F; MIDDLEMISS, LEE ANN 22 ABBOTT ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	SMITH, KAREN; SMITH, SCOTT A. 4 LINDSAY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	GREGOIRE, STEPHEN J.; GREGOIRE, RENEE S. 6 ST JOHN STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	WILCOX, DAVID E.; WILCOX, NANCY L. 6 NELLIE CT., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	Mailed First Class	MALLEY, TIMOTHY J.; MALLEY, MELISSA K. 4 ST JOHN ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	Mailed First Class	BROWN, ERNEST H., TR.; BROWN, SUSAN K., TR.; BROWN FAMILY REV TRUST 1561 MAIN ST., PITTSBURG, NH 03592-5511	ABUTTER NOTICE MAILED
10	Mailed First Class	MATTHEWS, KENNETH R.; MATTHEWS, KATHLEEN J. 12 LINDSAY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
11	Mailed First Class	GRAVES, ROBERT L., TR.; GRAVES, DOROTHY J., TR.; GRAVES FAMILY REVOCABLE TRUST 4 GRIGAS STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
	Total Number of pieces listed by sender 11	Total number of pieces rec'vd at Post Office 11	Postmaster (receiving Employee) Jacob Cormier



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

May 16, 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, **05/26/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 166-031 (05-26-22): Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH requests a Variance for 8 Lindsay St., Hudson, NH for relief from HZO Article VII, Dimensional Requirements; § 334-27.2, Lot requirements for subdivision of land: to allow the creation of one (1) new lot (off Grigas St.) with 25.73 feet of frontage on a Class V road where 90 feet is required. This matter is before the Board as a Rehearing granted on 4/28/22. [Map 166, Lot 031-000, Zoned Town Residence (TR).]

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

May 16, 2022

ABUTTER NOTIFICATION

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VII of HZO Section(s) 334-27.2 in order to permit the following change or use:

To allow creation of a new lot that does not have the required frontage on a class V or better road.

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

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

- I. “The Zoning Board of Adjustment shall have the power to:**
 - (b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:**
 - (1) The variance will not be contrary to the public interest;**
 - (2) The spirit of the ordinance is observed;**
 - (3) Substantial justice is done;**
 - (4) The values of surrounding properties are not diminished; and**
 - (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**
 - (A) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:**
 - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and**
 - (ii) The proposed use is a reasonable one.**
 - (B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.**

The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

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 Application for Variance Attachment.

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 Application for Variance Attachment.

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 Application for Variance Attachment.

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 Application for Variance Attachment.

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 Application for Variance Attachment.

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.

APPLICATION FOR VARIANCE ATTACHMENT
(Waisman Amnon Revocable Trust - Case 166-031)

This matter is before the Board as a Rehearing granted on April 28, 2022. The undersigned requests a variance from the literal provisions of Article VII of the Town of Hudson Zoning Ordinance (“HZO”) Section 334-27.2 for Tax Map 166, Lot 31 to allow the creation of one (1) new lot with 25.73 feet of frontage on a Class V road (“New Lot”) in the Town Residence Zone (“TR”) where 90 feet are required in the TR when there is municipal sewer and water.

Background Facts

- 1) The July 7, 2021 Zoning Determination, updated on October 5, 2021, held the existing duplex fronting on Lindsay Street (“Existing Lot”) must remain on a 40,000 SF Lot.
- 2) On January 11, 2022, the Town of Hudson Board of Selectmen (“BOS”) voted unanimously to confirm the public rights in the undeveloped portion of Grigas Street had lapsed by operation of law (“ROW”).
- 3) Due to the BOS’s decision, the Property now includes a total area of 60,139 SF including 50% of the area of the undeveloped former ROW; the other 50% has automatically vested in the owner of Tax Map 166, Lot 21.
- 4) After providing the Existing Lot with 40,000 SF, the remainder includes 20,139 SF of land available to construct a single-family home, with more than twice the 10,000 SF area required in the TR, but this remainder only has 25.73 feet of frontage along St. John Street/Grigas Street.
- 5) The Applicant’s proposed plan shows the Existing Lot having 40,084 SF, leaving 20,055 SF for the New Lot with 25.73 feet of frontage.
- 6) The proposed New Lot is also approximately twice the size of the existing lots located in the neighborhood through which it would be accessed, and its 12-foot-wide driveway is easily built within it’s the existing 25.73 feet of frontage.
- 7) The proposed driveway is approximately the same distance from the driveways providing access to the abutting lots and equal to or greater than many of the driveways used to access existing homes in the neighborhood.
- 8) As described by Dan Flores from SFC Engineering Partnership, Inc. (“SFC”), when the driveway is constructed, the proposed plan proposes drainage improvements where the proposed driveway will enter onto St. John Street/Grigas Street as was raised by abutters during the public hearings.
- 9) The proposed plan also shows the proposed single-family home to be located on the New Lot will be located approximately from 46-85 feet from other homes located in the neighborhood, a much greater distance than exists between some of the existing homes in the neighborhood.

VARIANCE TEST

1. Granting the variance will not be contrary to the public interest because:

The purpose of frontage is to ensure safe access into individual properties by occupants and emergency service vehicles and to provide proper spacing between structures. Since the area of the New Lot is at least twice the required size in the TR, it allows the proposed home to be set back further from St. John Street/Grigas Street to provide even greater spacing between the proposed single-family home and the neighboring homes and will be consistent, and not contrary, to the public purpose of frontage. Emergency vehicle access is easily accommodated by the existing 25.73 feet of frontage wherein a standard 12-foot-wide driveway will extend into the New Lot. In addition, when the driveway is constructed, proper drainage will also be installed.

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

Zoning segregates uses, and controls property development for the protection of the public. The Applicant is proposing 1 additional single-family home in a neighborhood with numerous existing single-family homes accessed over a driveway extending from the same road network used by those homeowners. The proposed driveway fits neatly into the 25.73-foot frontage and is located approximately the same distance from the abutting driveways as exists throughout the neighborhood. Since the same use is being proposed as already exists in the neighborhood, and the same or greater spacing between buildings is being provided, there are no safety concerns presented, the reduction of frontage is reasonable and not contrary to the spirit of the ordinance.

3. Substantial justice is done because:

To be substantially just, the public gain due to the Town's strict enforcement of the 90-foot frontage must exceed the Applicant's loss of its reasonable use of its 20,000 SF area of land. The Existing Lot will retain the full 40,000 SF per the Zoning Determination, leaving this excess area, but with limited frontage. Since the owner is entitled to the reasonable use of his land, a single-family home is presumed reasonable as a permitted use in the TR, and the size of the New Lot allows the Applicant to compensate in other ways to ensure proper separation and safe access, granting the variance will be substantially just.

4. The values of surrounding properties will not be diminished because:

The existing single-family homes in the neighborhood through which the New Lot's owner will pass for access are approximately the same size or smaller than the proposed single-family home to be constructed on the New Lot. There is no evidence to support an argument that 1 new home being constructed on the New Lot will diminish surrounding property values.

5. Literal enforcement of the provisions of the ordinance will result in an unnecessary hardship because: USE (A) or (B).

The “Special Conditions” of the property that distinguish it from other properties in the area are as follows;

The special condition of the Property is its dual frontage along Lindsay Street and on St. John Street/Grigas Street which is unlike other lots in the surrounding area. The 40,000 SF Existing Lot fronting on Lindsay Street fully complies with zoning, leaving a 20,000+ SF parcel with only 25.73 feet of frontage. The Applicant is entitled to reasonably use this remaining land, but its limited frontage is a special condition.

(A) Owing to the special conditions of the property, set forth above, that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The purpose of frontage is to preserve proper spacing, privacy and safe access. Since the New Lot is more than twice the area required in the TR, the proposed single-family home can be set back further from St. John Street/Grigas Street, to provide even greater spacing than other homes in the neighborhood. Its 12-foot-wide driveway fits easily within the 25.73-foot frontage to provide safe access. For these reasons, the New Lot’s excess square footage accommodates for its limited frontage, but allows it to meet its intended purpose and there is no fair and substantial reason to strictly require 90 feet of frontage.

- (ii) The proposed use is a reasonable one because:

A single-family home is a permitted use in the TR and as a permitted use, is presumed to be reasonable.

ATTACHMENTS

1. Plot Plans:
 - (A) Existing Conditions Plan
 - (B) Proposed Subdivision Plan
 - (C) Aerial Overview
2. Letter of Authorization
3. Property Card
4. Zoning Determination
5. GIS Map

1

Plot Plans

(A) Existing Conditions Plan

(B) Proposed Subdivision Plan

(C) Aerial Overview

NOTES

- 1) THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING SITE CONDITIONS OF MAP 166 LOT 31, LOCATED AT 8 LINDSAY STREET IN HUDSON, NEW HAMPSHIRE.
- 2) THIS PLAN IS BASED ON FIELD CONDITIONS AND RECORD EVIDENCE LAST OBSERVED IN AUGUST OF 2021.
- 3) THE TOPOGRAPHY SHOWN ON THIS PLAN IS A COMBINATION OF AN ON-THE-GROUND TOPOGRAPHICAL FIELD SURVEY IN CONJUNCTION WITH LIDAR OBTAINED FROM NGRANT.

PLANS OF REFERENCE

- 1) "SUBDIVISION PLAN, LINDSAY STREET, HUDSON, N.H."; PREPARED FOR: ANTHONY & NELLIE LINDSAY AND NORMAN LAPLANTE; PREPARED BY: A.E. MAYNARD, CIVIL ENGINEER; DATED: JUNE, 1979; SCALE: 1"=50'. SEE HILLSBOROUGH COUNTY REGISTRY OF DEEDS (HCRD) PLAN NO. 13558.

FEMA

THIS PARCEL OF LAND (MAP 166 LOT 31) DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS INTERPOLATED FROM THE FEMA FLOOD INSURANCE RATE MAP (FIRM) FOR HILLSBOROUGH COUNTY, NEW HAMPSHIRE (ALL JURISDICTIONS) # 330100514E, HAVING A REVISION DATE OF APRIL 18, 2011.

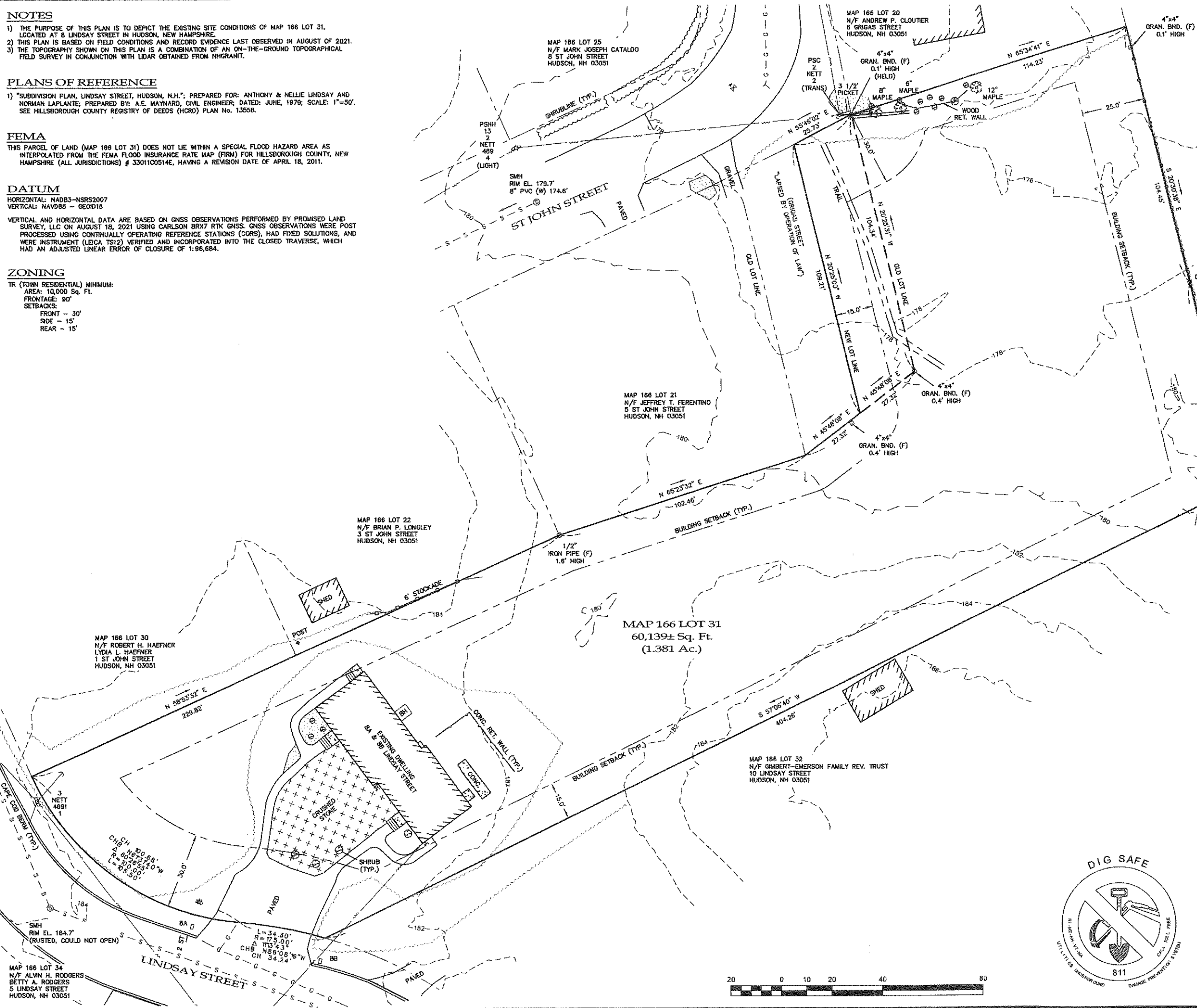
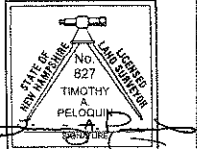
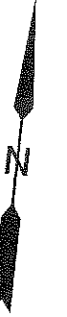
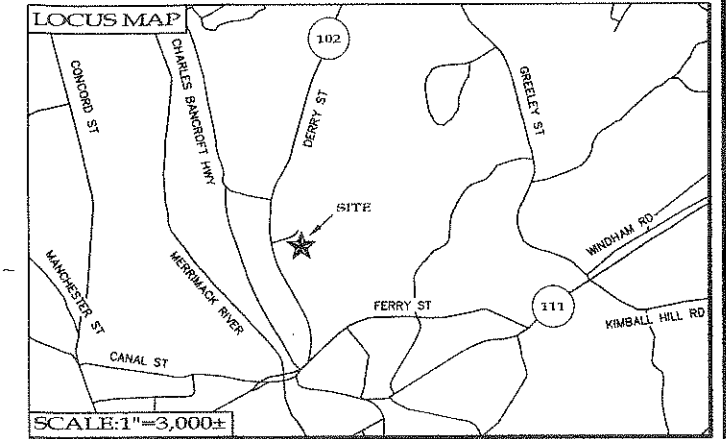
DATUM

HORIZONTAL: NAD83-NSRS2007
VERTICAL: NAVD88 - GCSN18

VERTICAL AND HORIZONTAL DATA ARE BASED ON GNSS OBSERVATIONS PERFORMED BY PROMISED LAND SURVEY, LLC ON AUGUST 18, 2021 USING CARLSON BRX7 RTK GNSS. GNSS OBSERVATIONS WERE POST PROCESSED USING CONTINUALLY OPERATING REFERENCE STATIONS (CORS), HAD FIXED SOLUTIONS, AND WERE INSTRUMENT (LEICA TS12) VERIFIED AND INCORPORATED INTO THE CLOSED TRAVERSE, WHICH HAD AN ADJUSTED LINEAR ERROR OF CLOSURE OF 1:96,684.

ZONING

TR (TOWN RESIDENTIAL) MINIMUM:
AREA: 10,000 Sq. Ft.
FRONTAGE: 90'
SETBACKS:
FRONT - 30'
SIDE - 15'
REAR - 15'



LAND OWNERS OF RECORD
AMNON WAISMAN REV. TRUST
11 WHITMAN ROAD
NASHUA, NH 03062
HILLSBOROUGH COUNTY REGISTRY OF DEEDS BOOK 8562 / PAGE 0923

EXISTING CONDITIONS PLAN
MAP 166 LOT 31
AMNON WAISMAN REVOCABLE TRUST
8 LINDSAY STREET
HUDSON, NEW HAMPSHIRE
SEPTEMBER 09, 2021

PREPARED FOR: SFC ENGINEERING PARTNERSHIP INC.
183 ROCKINGHAM RD, UNIT 3 EAST
WINDHAM, NH 03087
SCALE: 1"=20' SHEET 1 OF 1

PREPARED BY:
Promised Land Survey, LLC
PO Box 447
Derry, New Hampshire 03038
Tel: (603) 432-2112
www.PromisedLandSurvey.com
Land Surveying • Mapping • Planning • Permitting • Layout

NO.	DATE	DESCRIPTION	BY
2	02/22/2022	NEW BOUNDARY PER DEDICATION OF PUBLIC USE OF GRIGAS ST	BJW
1	09/15/2021	PER ENGINEER'S REVIEW	BJW



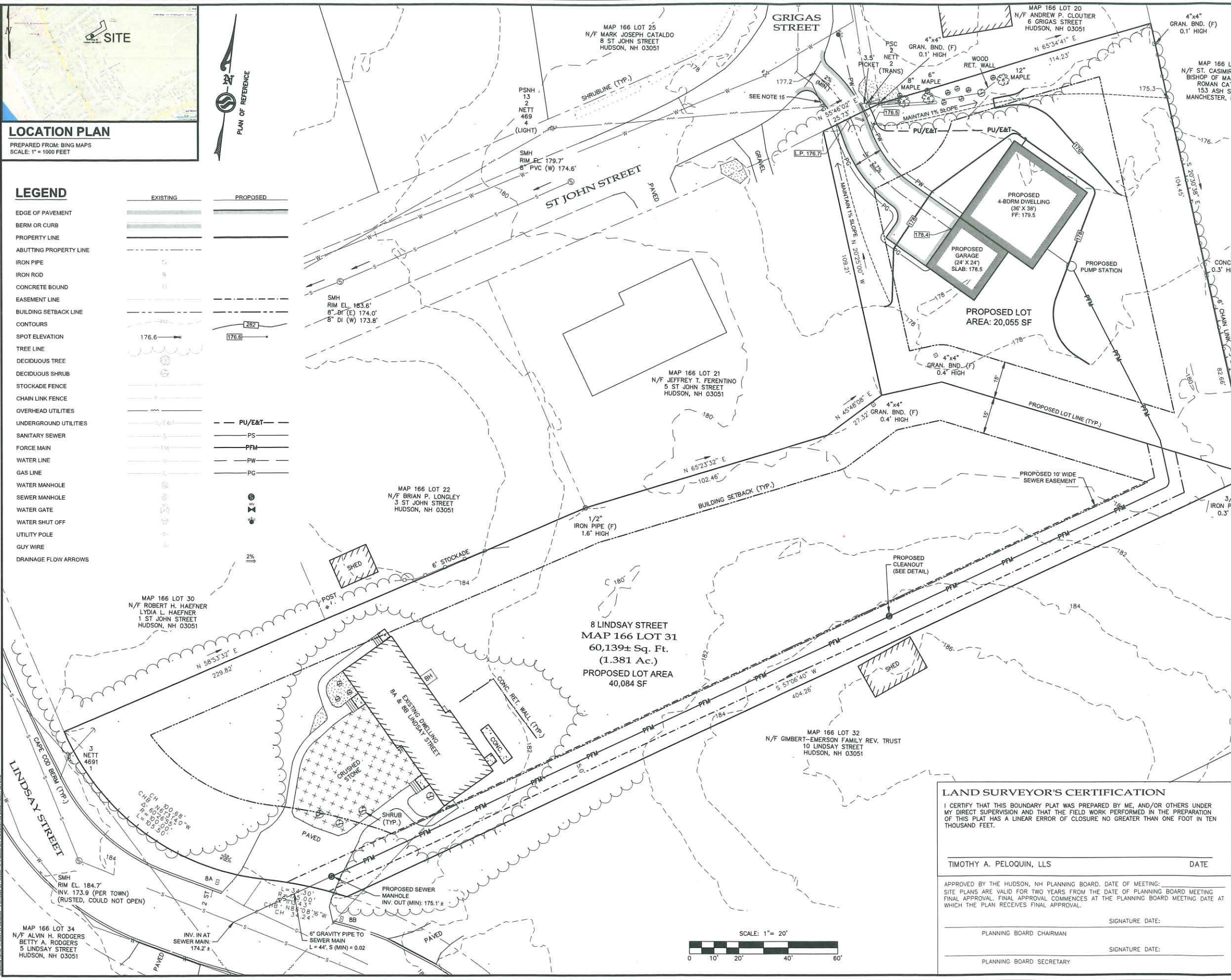
N:\Carlson\2021\3223\DWG\3223s1.dwg



LOCATION PLAN
PREPARED FROM: BING MAPS
SCALE: 1" = 1000 FEET

LEGEND

EXISTING	PROPOSED
EDGE OF PAVEMENT	EDGE OF PAVEMENT
BERM OR CURB	BERM OR CURB
PROPERTY LINE	PROPERTY LINE
ABUTTING PROPERTY LINE	ABUTTING PROPERTY LINE
IRON PIPE	IRON PIPE
IRON ROD	IRON ROD
CONCRETE BOUND	CONCRETE BOUND
EASEMENT LINE	EASEMENT LINE
BUILDING SETBACK LINE	BUILDING SETBACK LINE
CONTOURS	CONTOURS
SPOT ELEVATION	SPOT ELEVATION
TREE LINE	TREE LINE
DECIDUOUS TREE	DECIDUOUS TREE
DECIDUOUS SHRUB	DECIDUOUS SHRUB
STOCKADE FENCE	STOCKADE FENCE
CHAIN LINK FENCE	CHAIN LINK FENCE
OVERHEAD UTILITIES	OVERHEAD UTILITIES
UNDERGROUND UTILITIES	UNDERGROUND UTILITIES
SANITARY SEWER	PS
FORCE MAIN	PFM
WATER LINE	PW
GAS LINE	PG
WATER MANHOLE	SMH
SEWER MANHOLE	SMH
WATER GATE	WATER GATE
WATER SHUT OFF	WATER SHUT OFF
UTILITY POLE	UTILITY POLE
GUY WIRE	GUY WIRE
DRAINAGE FLOW ARROWS	DRAINAGE FLOW ARROWS



PLAN OF REFERENCE
EXISTING CONDITIONS PLAN MAP 166 LOT 31 ANNON WAISMAN REVOCABLE TRUST
PREPARED FOR: SFC ENGINEERING PARTNERSHIP INC.
PREPARED BY: PROMISED LAND SURVEY LLC
DATED: SEPTEMBER 9, 2021, LAST REVISED FEBRUARY 22, 2022

- NOTES**
- THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED SUBDIVISION OF 8 LINDSAY STREET, HUDSON PROPERTY MAP 166 LOT 31 CONSISTING OF 1.381 AC.±
 - THIS SUBDIVISION INCLUDES:
 - SUBDIVISION OF SUBJECT LOT INTO TWO BUILDABLE LOTS AS SHOWN.
 - NEW LOT TO BENEFIT FROM A SEWER EASEMENT ACROSS MAP 166 LOT 31 AS SHOWN.
 - EXTENSION OF MUNICIPAL WATER SERVICE FROM GRIGAS STREET TO NEW LOT.
 - EXTENSION OF NATURAL GAS SERVICE FROM GRIGAS STREET TO NEW LOT.
 - EXTENSION OF ELECTRIC SERVICE FROM EXISTING POLE IN GRIGAS STREET R.O.W. AND UNDERGROUND TO NEW LOT.
 - THE OWNER OF RECORD: ANNON WAISMAN REV. TRUST, 11 WHITMAN ROAD, HUDSON, NH 03051. DEED REFERENCE: BOOK 8592 PAGE 0923, HILLSBOROUGH COUNTY REGISTRY OF DEEDS.
 - THIS PLAN SHOWS CONDITIONS BY INSTRUMENT FIELD SURVEY BY PROMISED LAND SURVEY (PLS) IN AUGUST 2021.
 - ZONING DISTRICT: TOWN RESIDENTIAL (TR)

MINIMUM LOT AREA:	10,000 SF (WITH WATER & SEWER)
MINIMUM FRONTAGE:	90'
FRONT SETBACK:	30'
SIDE SETBACK:	15'
REAR SETBACK:	15'
CEMETERY SETBACK:	25' (REFERENCE RSA 289:3 III)
 - THE PROPOSED SINGLE FAMILY DWELLING IS A PERMITTED USE IN THE TOWN RESIDENTIAL ZONING DISTRICT.
 - THE EXISTING DWELLING IS A 3-FAMILY DWELLING THAT WAS CREATED WITH PERMIT #102-82 ON SEPTEMBER 24, 1981 AND WAS CONFORMING AT THAT TIME. A MINIMUM LOT AREA OF 40,000 SF IS REQUIRED PER ZONING DETERMINATION 21-112R1 DATED OCTOBER 5, 2021.
 - THE PROPOSED LOT WILL BE SERVED BY MUNICIPAL WATER AND MUNICIPAL SEWER. THE EXISTING LOT IS SERVED BY MUNICIPAL WATER AND MUNICIPAL SEWER.
 - NO PORTION OF THIS PARCEL IS LOCATED WITHIN THE FLOOD HAZARD AREA AS INTERPRETED FROM THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF HUDSON, COMMUNITY-PANEL NUMBER 300110054E. EFFECTIVE DATE: APRIL 18, 2011. PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 - SFC ENGINEERING PARTNERSHIP, INC. DOES NOT WARRANT THE LOCATION OR ELEVATION OF THE EXISTING UTILITIES OR THAT ALL ARE SHOWN. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING DIG SAFE (1-800-394-7233) AT LEAST 72 HOURS PRIOR TO CONSTRUCTION IN ACCORDANCE WITH STATE LAW.
 - SEWER INVERTS ON LINDSAY STREET ARE PROVIDED BY TOWN ENGINEERING DEPARTMENT.
 - WATER MAIN AND SERVICE LINE INFORMATION PROVIDED BY TOWN ENGINEERING DEPARTMENT.
 - GAS MAIN LOCATION FROM PLAN OF REFERENCE.
 - NRCS WEB SOIL SURVEY IDENTIFIES SOILS ON THIS LOT AS W6B - WINDSOR LOAMY SAND, 3 TO 8% SLOPE, AN EXCESSIVELY DRAINED SOIL.
 - ALLOW STORMWATER TO FLOW ACROSS PROPOSED DRIVEWAY.
 - THE EXTENSION OF THE GRIGAS STREET R.O.W. HAS LAPSED BY OPERATION OF LAW. REFERENCE LETTER FROM TARBELL & BRODICH, PA. ATTORNEY FOR THE TOWN, DATED JANUARY 12, 2022.

No.	Revision	Date
2	Revised note 1 area per existing conditions plan	5/9/2022
1	Revised subdivision layout and added note #16	2/23/2022
	Revision	Date

Designed by: DMF Drawn by: CRN Checked by:

IN ASSOCIATION WITH:

Promised Land Survey, LLC
PO Box 447
Derry, New Hampshire 03038
Tel: (603) 432-2112 Fax: (603) 432-8800
www.PromisedLandSurvey.com
•Land Surveying •Mapping •Planning •Permitting •Layout

Proposed Subdivision Plan
8 Lindsay Street
Hudson, NH
Assessors Map 166 Lot 31

183 Rockingham Rd, Unit 3 East
Windham, NH 03087 (603) 647-8700
www.sfceng.com

Sheet 1 of 1 Scale: 1" = 20' Date: 10/4/2021

LAND SURVEYOR'S CERTIFICATION

I CERTIFY THAT THIS BOUNDARY PLAT WAS PREPARED BY ME, AND/OR OTHERS UNDER MY DIRECT SUPERVISION AND THAT THE FIELD WORK PERFORMED IN THE PREPARATION OF THIS PLAT HAS A LINEAR ERROR OF CLOSURE NO GREATER THAN ONE FOOT IN TEN THOUSAND FEET.

TIMOTHY A. PELOQUIN, LLS DATE

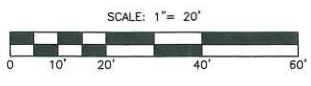
APPROVED BY THE HUDSON, NH PLANNING BOARD, DATE OF MEETING: _____
SITE PLANS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING
FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

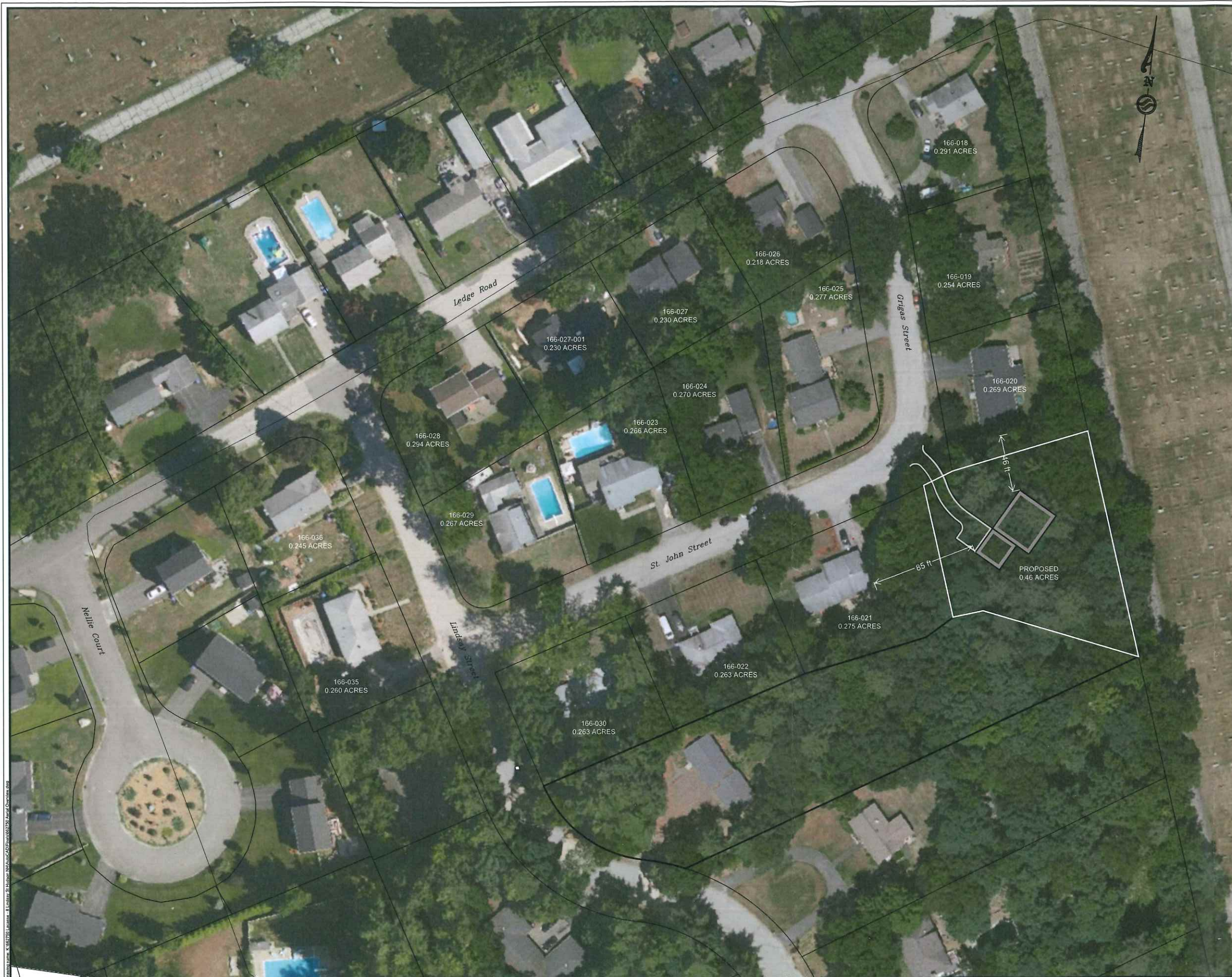
SIGNATURE DATE: _____
PLANNING BOARD CHAIRMAN

SIGNATURE DATE: _____
PLANNING BOARD SECRETARY

Prepared for:
M.R. Lacasse Homes, LLC
9 Scenic Lane
Hudson, NH 03051

Zoning Classification: Town Residential





NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE NEIGHBORHOOD SURROUNDING HUDSON PROPERTY MAP 166 LOT 31
2. AERIAL IMAGERY FROM BING.
3. LOT AREAS FROM HUDSON ASSESSING.

No.	Revision	Date

Designed by: DMF Drawn by: DMF Checked by:

Aerial Overview
8 Lindsay Street
Hudson, NH
 Assessors Map 166 Lot 31



183 Rockingham Rd, Unit 3 East
 Windham, NH 03087

(603) 647-8700
 www.sfceng.com

Sheet 1 of 1

Scale: 1" = 40'

Date: 2/23/2022

Prepared for:
 M.R. Lacasse Homes, LLC
 9 Scenic Lane
 Hudson, NH 03051

Zoning Classification: Town Residential

©SFC ENGINEERING PARTNERSHIP P.C. 2022

Letter of Authorization

May 9, 2022

Town of Hudson
Zoning Board of Adjustment
12 School Street
Hudson, NH 03051

Re: **Letter of Authorization - ZBA**
8 Lindsay Street

To the Hudson Zoning Board of Adjustment:

I, Amnon Waisman, trustee of the Amnon Waisman Revocable Trust and owner of Hudson Property Map 166 Lot 31 located at 8 Lindsay Street, hereby authorize SFC Engineering Partnership to represent me at the ZBA meeting and apply for the variance on behalf of the property owner with all corresponding signatures.

Sincerely,



Amnon Waisman, Trustee
Amnon Waisman Revocable Trust
11 Whitman Road
Nashua, NH 03062

3

Property Card

166 031 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

APPRAISED: 283,600/
USE VALUE: 283,600/
ASSESSED: 283,600/
Total Card / Total Parcel
283,600 / 283,600
283,600 / 283,600



Patriot Properties Inc.

USER DEFINED
Prior Id # 1: 0055
Prior Id # 2: 0060
Prior Id # 3: 0003
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:
Bid Reason:
Civil District:
Ratio:

PROPERTY LOCATION
No 8 Alt No LINDSAY ST, HUDSON

WNERSHIP
Owner 1: WAISMAN, AMNON, TR.
Owner 2: AMNON WAISMAN REV TRUST
Owner 3:
Street 1: 11 WHITMAN RD.
Street 2:
Town/City: NASHUA
St/Prov: NH Cntry Own Occ:
Postal: 03062 Type:

PREVIOUS OWNER
Owner 1: EICHENWALD, ERVIN, TR. -
Owner 2: WAISMAN, ESTHER, TR. -
Street 1: 11 WHITMAN RD.
Town/City: NASHUA
St/Prov: NH Cntry
Postal: 03062

ARRATIVE DESCRIPTION
This parcel contains 1.324 ACRES of land mainly classified as WO FAM with a DUPLEX Building built about 1970, having primarily VINYL Exterior and 1632 Square Feet, with 2 Units, 2 baths, 0 3/4 Bath, 0 HalfBath, 9 Rooms, and 5 Bdrms.

OTHER ASSESSMENTS
Code Descr/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:

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
104	1.324	149,500		134,100	283,600
Total Card	1.324	149,500		134,100	283,600
Total Parcel	1.324	149,500		134,100	283,600
Source: Market Adj Cost		Total Value per SQ unit /Card: 173.77 /Parcel: 173.77			

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2021	104	FV	149,500	0	1.324	134,100	283,600		Year End Roll	9/27/2021
2021	104	JB	149,500	0	1.324	123,100	272,600	272,600	Year End Roll	5/12/2021
2020	104	FV	149,500	0	1.324	123,100	272,600	272,600	Year End Roll	8/27/2020
2020	104	JB	149,500	0	1.324	123,100	272,600	272,600	Year End Roll	5/6/2020
2019	104	FV	149,500	0	1.324	123,100	272,600	272,600	Year End Roll	9/16/2019
2019	104	JB	149,500	0	1.324	123,100	272,600	272,600	Year End Roll	15/8/2019
2018	104	FV	149,500	0	1.324	123,100	272,600	272,600	Year End Roll	18/27/2018
2018	104	JB	149,500	0	1.324	123,100	272,600	272,600	Year End Roll	15/9/2018

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
EICHENWALD, ERV	8562-0923	3	5/20/2013	ESTATE SALE		No	No		
EICHENWALD, ETE	6203-1787		1/25/2000	UNCLASSIFIED		No	No		

TAX DISTRICT PAT ACCT. 7592

BUILDING PERMITS

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

ACTIVITY INFORMATION

Date	Result	By	Name
7/1/2021	Other Change	1	CHIEF ASSESS
2/5/2021	Measured	18	KRT1
6/3/2014	Inspected	15	APPR TECH 5
5/27/2014	Measured	15	APPR TECH 5
5/1/2006	Measured	8	ASMNT TECH I
7/26/2002	Hearing - NC	0	PATRIOT
4/14/2001	Inspected	10	PATRIOT
4/5/2001	Inspected	10	PATRIOT
3/28/2001	Left Notice	10	PATRIOT

Sign: VERIFICATION OF VISIT ACT DATA

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 Inflr	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	Spec Land %	J Code	Fact	Use Value	Notes
104	TWO FAM	1.1	1		SITE ACRE	SITE		0 110,000.	1.10	RE							121,000					121,000	
104	TWO FAM	1.1	0.324		ACRES	EXCESS		0 4,750.	1.37	RE							2,116					2,100	
104	TWO FAM	1.1	100		FRONTAGE	EXCESS		0 100.	1.10	RE							11,000					11,000	potential 4 additi

Total AC/HA: 1.32400 Total SF/SM: 57673 Parcel LUC: 104 TWO FAM Prime NB Desc: RES AVG Total: 134,116 Spl Credit Total: 134,100

INTERIOR INFORMATION

Type: 141 - DUPLEX
Sty Ht: 1 - ONE STY
(Liv) Units: 2 Total: 2
Foundation: 1 - CONCRETE
Frame: 1 - WOOD
Prime Wall: 04 - VINYL
Sec Wall: %
Roof Struct: 1 - GABLE
Roof Cover: 1 - ASPH SHING
Color: GRAY
View / Desir:

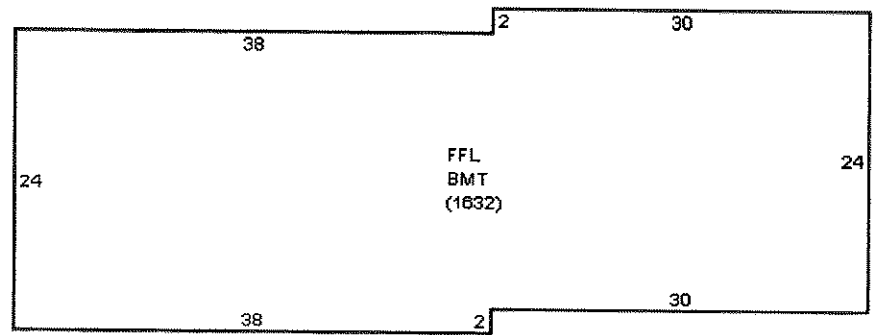
BATH FEATURES

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

COMMENTS

DUPLEX, 2-21 JS WINDOWS/SIDING=G
COND=AVG/G FOR AYB.

SKETCH



GENERAL INFORMATION

Grade: C - AVERAGE
Year Bilt: 1970 Eff Yr Bilt:
Alt LUC: Alt %:
Jurisdct: Fact:
Const Mod:
Lump Sum Adj:

OTHER FEATURES

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

CONDO INFORMATION

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

RESIDENTIAL GRID

Table with columns: 1st Res Grid, Desc, CONV, # Units, 1, Level, FY, LR, DR, D, K, FR, RR, BR, FB, HB, L, O.

REMODELING

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

RES BREAKDOWN

Table with columns: No Unit, RMS, BRS, FL. Totals: 2, 9, 5.

TERIOR INFORMATION

Avg Ht/FL: STD
Prim Int Wal: 1 - DRYWALL
Sec Int Wal: %
Partition: T - TYPICAL
Prim Floors: 04 - CARPET
Sec Floors: %

DEPRECIATION

Phys Cond: AG - Avg-Good 30.0%
Functional: %
Economic: %
Special: %
Override: %
Total: 30.4%

CALC SUMMARY

Basic \$ / SQ: 100.00
Size Adj: 1.05147052
Const Adj: 0.98000002
Adj \$ / SQ: 103.044
Other Features: 13500
Grade Factor: 1.00
NBHD Inf: 1.00000000
LUC Factor: 1.00
Adj Total: 214763
Depreciation: 65288
Depreciated Total: 149475

COMPARABLE SALES

Table with columns: Rate, Parcel ID, Typ, Date, Sale Price. Includes Juris. Factor, Before Depr, Special Features, Final Total.

SUB AREA

Table with columns: Code, Description, Area - SQ, Rate - AV, Undepr Value, Sub Area, % Usbl, Descr, % Type, Qu # Ten. Includes Net Sketched Area, Total, Size Ad, Gross Area, FinArea.

MOBILE HOME

Make: Model: Serial # Year: Color:

PEC FEATURES/YARD ITEMS

Table with columns: Code, Description, A, YS, Qty, Size/Dim, Qual, Con, Year, Unit Price, D/S, Dep, LUC, Fact, NB, Fa, Appr Value, JCod, JFact, Juris. Value.

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



Zoning Determination



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #21-112R1

Oct 5, 2021

Daniel M Flores, PE
SFC Engineering
183 Rockingham Rd
Unit 3E
Windham, NH 03087

Re: **8 Lindsay St Map 166 Lot 031-000**
District: Town Residence (TR)

Dear Mr. Flores,

Your request for zoning/subdivision into two lots, based on sheet 1 of 3 dated 10/4/2021 has been reviewed.

This is a revised Zoning Review / Determination:

This is a lot of record, with an existing non-conforming use as a two family created with permit #102-82 Sept 24, 1981. The minimum lot requirements was 40,000 sqft (with town water and sewer).

The parent (resultant) lot with the existing structure/(2 family) use needs to be a minimum of 40,000 sqft. The new lot needs to be a minimum of 10,000 sqft and only for a single family use.

The proposed lot off the Grigas St "leg" is not a class V or better road, thus a variance would be needed from: §334-27.1 General requirements D. *Frontage shall be measured in a continuous line along the sideline of a Class V or better street between the points of intersection of the side lot lines with the street. If a lot has frontage on more than one street, the frontage on one street only may be used to satisfy the minimum lot frontage.*

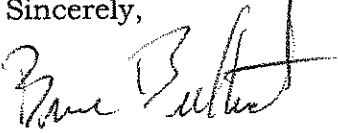
Reference: §334-6 Definitions: FRONTAGE -*The distance measured along the FRONT LOT LINE between points of intersection with the SIDE LOT LINES. FRONTAGE along cul-de-sac roadways (HIGHWAYS) shall be measured at the appropriate yard building SETBACK depth from the FRONT LOT LINE between the points of intersection with the SIDE LOT LINES. "FRONTAGE" shall be contiguous and measured along the joining boundary of the FRONT LOT LINE and a Class V or better public RIGHT-OF-WAY. Lot lines bordering limited access roads cannot be considered "FRONTAGE." FRONTAGE shall be capable of providing ACCESS.*

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

Please be mindful: if wetland and any steep slopes (>25%) exists that would increase the resultant lot size required for buildable area, and other requirements on any proposed lot per § 334-27.2 Lot requirements for subdivision of land.

I note that there is a cemetery adjacent to your proposal, please refer to RSA 289:3 for specific construction restrictions.

Sincerely,



Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder

Owner

E. Dhima - Town Engr

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.

5

GIS Map



Subject Lot

Griggs St

Lindsay St

Nellie Ct

Ledge Rd

St John St

Printed
5/10/2022
3:29PM
Created
5/10/2022
3:13 PM

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

Receipt# 684,658
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning App.(Rehearing)- 5/26/22 ZBA Meeting 8 Lindsay Street Map/Lot 166-031-000 Variance Application	0.00	243.3400	0.00
			Total:	243.34

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
M R Lacasse Homes LLC	CHECK	CHECK #2677	243.34	0.00	243.34
			Total Due:		243.34
			Total Tendered:		243.34
			Total Change:		0.00
			Net Paid:		243.34



TOWN OF HUDSON

Engineering Department



12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-816-1291

TO: Bruce Buttrick, Zoning Administrator
Chairman of The Zoning Board of Adjustment

FROM: Elvis Dhima, P.E., Town Engineer

DATE: May 13, 2022

RE: 102 Central Street – Hudson NH

Mr. Buttrick

The Zoning Board of Adjustment recently reviewed and approved a garage structure for the above. The proposed plan that was presented by the applicant shows an eight (8) foot long driveway within this property.

While there is no minimum driveway length requirement, Engineering Department believes that twenty (20) feet is a reasonable minimum length for a driveway, which represents one car length. Currently as approved, if the applicant or the future owners of this property park in front of the garage, for a short period of time, or if there is a power outage or garage door malfunction, the car would be sticking on the Town Right of Way and become a hazard situation. Please keep in mind the winter season and or winter plowing operation and the current layout that been proposed.

In addition, there is a second existing non-conforming driveway at this property that needs to be addressed by either removing it or going to Planning Board for a waiver for a second driveway.

I'm respectfully asking the Board to reconsider their approval and ask the applicant to consider the two options we have prepared for them, please see attachments.

DRAWING: \\HD-FILESRVTH\ENGINEERING\PRIVATE DEVELOPMENTS\CENTRAL STREET 102\MODEL.DWG [OPT 1]



OPTION 1
 102 CENTRAL STREET
 HUDSON NH 03051
 NOT TO SCALE
 DATE: MAY 2022
 SHEET 1 OF 2

TOWN OF HUDSON
 ENGINEERING DEPARTMENT
 12 SCHOOL STREET
 HUDSON, NH 03051



DRAFTED E. Z. D

DESIGNED E. Z. D

DRAWING: \\HD-FILES\RYTH\ENGINEERING\PRIVATE DEVELOPMENTS\CENTRAL STREET 102\MODEL.DWG [OPT 2]

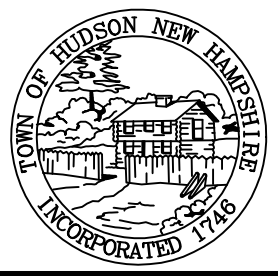


OPTION 2
102 CENTRAL STREET
HUDSON NH 03051
NOT TO SCALE
DATE: MAY 2022
SHEET 1 OF 2

TOWN OF HUDSON
ENGINEERING DEPARTMENT
12 SCHOOL STREET
HUDSON, NH 03051

DRAFTED E. Z. D

DESIGNED E. Z. D



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 05/26/2022, The Hudson Zoning Board of Adjustment received a Request for Rehearing/ Reconsideration by Elvis Dhima, Hudson Town Engineer regarding:

Case 183-006 (04-28-22): Granted a Variance on 04-28-22 for 102 Central St., Hudson, NH 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.]

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



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 – April 14, 2022 – as edited

The Hudson Zoning Board of Adjustment met on Thursday, April 14, 2022, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Chairman 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), Brian Etienne (Regular), Normand Martin (Alternate/Clerk), and Jim Pacocha (Regular/Vice Chair). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused were Dean Sakati (Alternate) and Edward Thompson (Alternate) and recused was Marcus Nicolas (Regular) as he is an abutter. Mr. Daddario appointed Mr. Martin to vote and noted that there would be five (5) voting Members for this meeting.

Mr. Daddario read the Preamble, Exhibit A in the ByLaws, into the record on the proceedings for the meeting.

Mr. Daddario stated that there was one Applicant on the Agenda with six (6) Applications and directed everyone's attention to Agenda Item e. for a Variance request to allow Mixed Uses.

III. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

Case 147-016 (04-14-22) (deferred from 01-20-22): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests the following for 185 Webster St., Hudson, NH [Map 147, Lot 016-000, Zoned Residential-Two (R-2)]:

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. [HZO Article III, General Regulations; §334-10.A, Mixed or dual use on a lot.]

Mr. Buttrick read the Case into the record, and referred to his Revised Staff Report signed 4/13/2022 and noted that it included the findings of the task ZBA assigned to

Not Official until reviewed, approved and signed.

As edited [NM, BB, GD1, GD2]

47 him [at 1/20/2022 meeting](#) to work with the Applicant in identifying the current
48 existing Uses on the site and match them to the Table of Uses, whether Principal Use
49 or Accessory Use, and the observations that resulted from the Site Walk that was
50 held Saturday 4/9/2022.

51
52 Attorney Gerald Prunier of Prunier & Prolman, PA, 20 Trafalgar Square, Suite 100,
53 Nashua, NH 03063, introduced himself as representing the Applicant, Vatche
54 Manoukian for the Property Owner, Derry & Webster, LLC. Both were seated at the
55 Applicant's table.

56
57 Atty. Prunier stated that his understanding from the last meeting was that item E.
58 and F. would be held in forbearance until the individual Variances were addressed as
59 those determinations would define which specific Uses would be included in the
60 Variance for Mixed Uses.

61
62 Mr. Daddario stated that the Variance for Mixed Uses applies to the whole site and
63 the Board has a different perspective because if the Mixed Use Variance is not
64 granted, then the specific Uses requested for each building would be moot. Mr.
65 Daddario stated he agreed that the Special Exception being requested in Item F could
66 be held in abeyance and maybe rendered moot if Mixed Uses get permitted.

67
68 Atty. Prunier referred to the meeting held in January where the history of this piece of
69 property was reviewed since the 1970's when it was an operating farm site and how
70 the land and buildings became used after the farm went out of business. The existing
71 buildings had been used for the operation of the farm, whether products the farm
72 generated or equipment and machinery necessary to the operation of the farm. The
73 buildings remained when the farm went out of business and then became used for
74 other products and machinery and equipment. The buildings non-farm use has been
75 occurring for the past twenty-five to thirty (25-30) years.

76
77 Atty. Prunier addressed the five (5) criteria necessary to be met for the granting of a
78 Variance. The information shared included:

79
80 (1) *not contrary to public interest*

- 81 • The property went from an agricultural use to its present use
- 82 • The property was in agricultural use for over 75 years
- 83 • Zoning has changed
- 84 • The buildings remain with various uses – retail, store, warehouse etc
- 85 • The character of the neighborhood has changed, but not this property in the
- 86 past several years
- 87 • The character of the neighborhood will not be changed with continued use of
- 88 these buildings

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

- 90 • The proposed use has been present for years as a dual use under agricultural
- 91 as well as the Ordinance that existed at that time
- 92 • The Ordinance allows for dual use, just not in this Zone; however, the use
- 93 existed before the present Ordinance

94 (3) *substantial justice done*

- 95 • The property has been in its present state for years

- 96 • The owner purchased the property as it currently exists
97 • The public has existed with the uses and has not been harmed
98 • The owner would be seriously harmed if not able to use the property as it
99 presently exists
100 • The public will not realize any appreciable gain from denying the variance
101 (4) *not diminish surrounding property values*
102 • The buildings will not be altered – they will stay as they presently are with
103 no exterior changes, just some clean up and landscaping
104 • An opinion of value was submitted that attested that there is no adverse
105 impact to surrounding property values – see Real Estate letter from
106 Norwood Group by Nick Ackerman, Real Estate Advisor of NAI Norwood
107 Group, 116 South River Road, Bedford, NH 03110
108 (5) *hardship*
109 • To not allow the property to have mixed uses would substantially disturb
110 the uses on the property and cause substantial harm to the property owner.
111 • The dual uses have existed for a long time – over 20 years – and have not
112 caused any harm to the Town of Hudson
113 • The State of NH has clearly confirmed the State’s respect of individuals to
114 make reasonable of their land
115 • The NH Courts have recognized that sometimes properties are uniquely
116 situated or especially appropriate for a particular use
117

118 Public testimony opened at 7:15 PM. No one addressed the Board.
119

120 Mr. Pacocha asked if this Variance was for the entire piece of property and, if so,
121 would that then be approving all the other Variances being sought. Mr. Buttrick
122 stated that this Variance would allow for Mixed Uses on the property but does not
123 specify which Uses and that the individual Variances being sought under Agenda
124 items a-d identify which specific Uses are being sought by specific building. Question
125 arose on the Greenhouse Variance (Agenda item a) for a single greenhouse but at the
126 Site Walk that there was reference made that there could be two (2) green house
127 buildings with the covering/roofing of the open-aired hoop structure. Mr. Buttrick
128 and Atty. Prunier agreed that the second greenhouse could not be addressed at this
129 meeting because it was not “noticed” and Atty. Prunier added that there will be no
130 second greenhouse as his client’s intent is to continue with its demolition.
131

132 Mr. Dearborn referred to the Site Walk and stated that he went there with the intent
133 of viewing the warehousing aspect and the only warehousing he saw was one (1) by
134 Carpet Creations that has its retail store on Lowell Road and observed a number of
135 other business being operated on-site and was surprised at the amount of “junk”
136 littered throughout the property – storage of tires, rims, unused/unusable equipment
137 – and the grading coming into the property – with the swimming pool and the deep
138 hole in the pavement between the two main building that were filled with water and
139 was surprised by the lack of maintenance over a number of years. Mr. Dearborn
140 asked to have the Applicant’s thoughts with these concerns.
141

142 Vatche Manoukian, 6 Hollis6 Powers Road, Hollis, NH, stated that with regard to the
143 low grade between the two buildings where water accumulates is a concern that the
144 State of NH owns Route 3 and paved the road a few years ago but would not allow

145 them to connect a pipe to aid with drainage until the pavement had seasoned for a
146 few years, but it has now been about five (5) years and they will again approach the
147 State for permission to cut the road and install a drainage pipe.

148
149 Mr. Dearborn asked Mr. Buttrick if there are any wetland violations on the property
150 and added that he had not observed any on the Site Walk. Mr. Buttrick stated that
151 there were some violations in the past that have been rectified, that even though
152 some meet the State criteria, the Town of Hudson has wetland buffers that are not
153 met, and that there is also a man-made wetland that will be addressed at Site Plan
154 with the Planning Board (PB) and that, per Superior Court mediator, the Applicant
155 will first seek specific Variances on the Uses prior to going to ~~the~~ PB. Ms. Roy
156 asked if the needed cleanup of the site was/is part of the Court decision. Mr.
157 Buttrick responded that it is part of the Code Violations cited and added that there
158 has been some cleanup, particularly in the last month, that the landscape business
159 has registered their vehicles, that overall progress has been made but there is still
160 much more that is needed.

161
162 Mr. Martin asked if the Regis Landscaping business is part of the Mixed-Use
163 Variance being sought. Mr. Buttrick responded that it is not. Mr. Martin asked why
164 not because the Use is happening and this particular Variance applies to the whole
165 site and it should, in his opinion, be included. Mr. Etienne stated that the
166 landscaping is an Accessory Use to the Nursery. Mr. Buttrick stated that the
167 landscaping business there today is not close to the nursery on site. Atty. Prunier
168 stated that the existing Regis Landscaping business is not part of this Mixed Use
169 Variance application and would remain part of the Code Violations cited and that
170 what is before the Board are the Uses in the four (4) buildings.

171
172 Discussion ensued. Concerns were expressed on how to exclude the existing Regis
173 Landscaping business on-site from the Mixed-Use Variance. Mr. Buttrick stated the
174 perspective is to correlate the Uses as identified in the Table of Uses and not by
175 businesses. Board reviewed the other Variances being requested and the description
176 of what is being requested as it relates to the Table of Uses - E.8, D.10 - the
177 distinction between warehousing and garaging. Concerns were expressed on how to
178 grant a Mixed Use Variance to the entire property yet require Regis Landscaping to
179 also require a Variance to exist in the R-2 Zone. Ms. Roy and Mr. Daddario pointed
180 out that landscaping is not a specific Use being requested in the applications before
181 the Board. Mr. Buttrick added that the other Variances before the Board are to
182 specific buildings. Mr. Pacocha asked if Agenda item e is granted whether Board
183 action is needed on the other Variances being requested - Agenda items a-d. Mr.
184 Daddario stated that if the Board is not willing to allow Mixed Uses, then there would
185 be no reason to address the other Agenda Items.

186
187 Mr. Etienne made a motion to not grant the Mixed Use Variance. Mr. Dearborn
188 seconded the motion. Mr. Etienne stated as a result of the Site Walk and actually
189 viewing the site, it is his opinion that it is not in the Town's best interest to grant this
190 Variance. Mr. Dearborn stated that there are too many mixed uses on this property,
191 that they have not all been identified, that there are multiple violations on this
192 property that has been going on for years and the current Zoning Laws should be
193 adhered. Mr. Martin stated that he cannot support this motion because the property
194 has been in use for years and years and a developer has built across the street from

195 this property and there has been no negative impact ~~on~~ those property values,
 196 there's been no negative abutter testimony and he remembers from his childhood that
 197 there was always some sort of landscape business on site. Mr. Daddario stated that
 198 if the variance is not granted to allow Mixed Use, then the residential building could
 199 remain but one of the units would need to be removed because a three-family
 200 residential building is not permitted in this Zone. Roll call vote was 2:3 with Mr.
 201 Daddario, Mr. Pacocha and Mr. Martin opposed. Motion failed.

202
 203 Mr. Daddario stated that the Variance criteria has been met, that the hardship
 204 criteria is satisfied because the Mixed--Use was in play before the Zone was changed
 205 and that even though he would support the granting of a Mixed--Use to the property
 206 it does not necessarily mean he supports the specific Uses being requested in the
 207 other variance requests.

208
 209 Mr. Martin made the motion to grant the Mixed--Use ~~Variance~~. Mr. Pacocha
 210 seconded the motion. Mr. Martin stated that granting the Variance will not be
 211 contrary to the public interest, that there has been no negative testimony received,
 212 that the property is already a mixed use and will not alter the character of the
 213 neighborhood or threaten the public health, safety or welfare of the general public,
 214 that there is no negative impact to property values and to not grant the variance
 215 would/could force the property owner to remove existing buildings, and that even
 216 though there is no hardship from the land itself, there is hardship imposed by the
 217 Town when it changed the Zone on this property that has been in use for over seventy
 218 (70) years. Mr. Pacocha concurred and added that to deny the Variance would deny
 219 the Property Owner reasonable use of his property. Mr. Daddario stated that mixed
 220 uses on this property existed before the prohibition of mixed uses occurred in the
 221 Ordinance and suggested that a stipulation be added to the motion to include just the
 222 Uses currently on the site in specific buildings as prepared by Mr. Buttrick and the
 223 Applicant and as modified subsequent to the 4/9/2022 Site Walk and as presented
 224 as Attachment A in Mr. Buttrick's Staff Report signed 4/13/2022. Both Mr. Martin
 225 and Mr. Pacocha agreed with the stipulation.

226
 227 Stipulation: Modified Attachment A

Building Address	Building Description	Unit(s)	Land Use Description	Land Use Code(s) Principal & Accessory
183 Webster St	Greenhouse		Landscape Equipment Storage	E-8 Not applicable
185 Webster St	House	A & B	Two-family	A-2 Not applicable
187 Webster St	Small Garage	A	Carpet Storage	E-8 Fork truck (N/A)
		B	Off season garaging	E-8 Not applicable
		C	Mechanical maintenance	D-10 Not applicable
189 Webster St	Large Garage	A	Truck Repair & Storage (garaging)	D-10/E-8 Not applicable
		B	Off-season Storage (garaging)	E-8 Not applicable
		C	Car-detailing & Storage (garaging)	D-10/E-8 Not applicable
		D	Pool Service/Install	E-10 Not applicable

244 * Modified after 4/9/22 ZBA Site Walk and 4/14/22 Meeting discussion and Decision

245
246 [It was noted that any change in Use would require a Variance.](#) Roll call vote was 3:2
247 with Mr. Dearborn and Mr. Etienne opposed. Variance granted with one (1)
248 stipulation. The 30-day Appeal period was noted.
249

250 Board took a five-minute break at 8:15 PM.
251

- 252 a. A Variance for a Greenhouse Building addressed as **183 Webster Street**—for a
253 proposed **use to warehouse material and equipment**, with accessory use of
254 garage or parking of two or more light commercial vehicles and heavy
255 commercial vehicles and equipment where these uses are not permitted as
256 Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses;
257 §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table
258 of Permitted Accessory Uses.]
259

260 Mr. Buttrick read the Case into the record, stated that a Site Walk was held [on](#)
261 [4/9/2022](#) and noted that existing uses were identified that included dry storage of
262 carpets (Use code E.8). Mr. Dearborn stated that Regis Landscaping appears to also
263 be using the Greenhouse for equipment repair and possibly storage and noted that he
264 saw their weed whackers, lawnmowers and tractors parked in front of the building at
265 the Site Walk and asked if that should be considered because in the prior Case, it was
266 noted that Regis Landscaping was not before the Board at this time. Mr. Buttrick
267 stated that [at the meeting tasked by the ZBA on 1/20/2022](#), the name of a tenant was
268 not considered in the defining of what would be included for storage with this
269 Variance, but the Use and its correlation to the Table of Uses. Mr. Buttrick referred to
270 the Application request submitted and the observations made at the Site Walk and
271 noted discrepancies – for example, weed whackers are they to be stored and what is
272 their condition. Are they in need of maintenance/repair? Mr. Pacocha asked if the
273 Application only refers to items classified as Use Code E.8 and whether there should
274 be further restriction/description as to what is included in the Variance request. It
275 was also noted and confirmed that the application refers to one (1) structure and that
276 the other structure referenced at the Site Walk would be demolished.
277

278 ~~Board took a five minute recess at 8:25 PM for everyone to organize their paper work.~~
279 ~~Mr. Daddario called the meeting back to order at 8:30 PM.~~
280

281 Atty. Prunier addressed the criteria for the granting of a Variance and the information
282 shared included:
283

284 (1) *not contrary to public interest*

- 285 • The buildings outlined as storage were originally utilized as storage as part of
286 the agricultural use of the property by Garrison Farm.
287 • When the farm terminated, these buildings still existed but became non-
288 conforming, but their use did not
289 • The use of this building for storage will not violate the basic zoning objective
290 because they were constructed to be warehouses
291 • There will be no violation of the essential character of the neighborhood as the
292 buildings have existed since the 1980's and before the Zone changed and
293 before the residential development occurred across the street

- 294 • The character of the neighborhood will not be changed with continued use of
295 these buildings
- 296 (2) *will observe the spirit of the Ordinance*
- 297 • The warehouses existed before zoning ordinance as warehouses and the
298 intent is to continue to use them as warehouses, just not necessarily for
299 agriculture
- 300 (3) *substantial justice done*
- 301 • The warehouses can be kept and used as such.
- 302 • The use does not adversely impact or harm the abutters or any public right
- 303 • The public will not realize any appreciable gain from denying the variance
- 304 • The owner would be seriously harmed if not able to use the property as it
305 presently exists
- 306 (4) *not diminish surrounding property values*
- 307 • The buildings will not be altered – they will stay as they presently are with
308 no modernization and landscaping
- 309 • See opinion of value submitted by the Norwood Group that attested there is
310 no adverse impact to surrounding property values
- 311 (5) *hardship*
- 312 • Because these warehouses have existed for a long time, special
313 circumstances exist
- 314 • These buildings were unique when constructed for agricultural purposes.
- 315 • These buildings can continue to be used, only for different products
- 316 • The continued use would allow the applicant reasonable use of its land
- 317 • To not allow the property owner the use of the building would cause
318 substantial harm to the property owner.
- 319

320 Atty. Prunier stated that they worked with Mr. Buttrick to identify what can be / what
321 is desired to be stored in the warehouses and each has been assigned their correlating
322 Use Code from the Ordinance Table of Uses – see Attachment A attached to Mr.
323 Buttrick’s Staff Report

324

325 Public testimony opened at 8:30 PM. No one addressed the Board.

326

327 In response to Mr. Pacocha’s question, Mr. Buttrick stated that the assignment to
328 Warehousing, Use Code of E.8, was the closest and best category and as Town
329 Counsel suggested, the specificity of what can be stored should be clearly identified in
330 the variance. Mr. Manoukian stated that as of today, the storage is rented for
331 landscaping small engines, such as lawn-mowers, and weed whackers but that could
332 change if the landscaper moves out and the unit rented to another renter.

333

334 Plans were posted to identify the specific building in question and it has been labeled
335 both as “Greenhouse Frame” and “Landscape Storage” for three thousand nine
336 hundred square feet (3,900 SF). Mr. Dearborn stated this is the glass building seen at
337 the Site Walk, and he noticed that there were broken glass panes. Mr. Manoukian
338 stated that the front of the building is waterproof and the back of the building does
339 need repair and will not be glass but plexi-glass to avoid breakage. Mr. Dearborn read
340 the Application request into the record “To allow warehousing of material and
341 equipment ... allow permitted Accessory Uses of garage or parking of two or more light
342 commercial vehicles and heavy commercial vehicles and equipment” and asked for

343 clarification. Mr. Manoukian stated that when they met with Mr. Buttrick, this
344 warehouse category allows for the parking and garaging so it was included in their
345 request. Mr. Dearborn asked, and Mr. Manoukian agreed, that if the variance is
346 granted, a condition could be added that it does not include the permitted Accessory
347 Uses.

348
349 Mr. Etienne stated that he had the same concerns and is prepared to make a motion.
350 Mr. Daddario asked if the Applicant had anything further to add and invited anyone in
351 the public who wished to speak on the application. There was no response.

352
353 Mr. Etienne noted the disrepair of the back portion of the building and the fact that
354 trees were noticed growing inside the building branching outside the roofline and
355 asked Mr. Buttrick if a Certificate of Occupancy would be required that acknowledges
356 that the building is safe to enter the building and for its use. Mr. Buttrick noted that
357 the liability is upon the owner, that a Building Permit should be obtained to add a roof
358 to the back of the structure and decisions made whether the building should provide
359 electricity and bathroom facility.

360
361 Mr. Etienne made the motion to grant the variance with two (2) stipulations:
362 _____ (1) that the structure be repaired and meet all applicable building codes and
363 standards as prescribed by the Town for requested occupancy use and
364 _____ (2) that there be no parking of vehicles greater than one thousand pounds
365 (1,000 #).

366
367 Mr. Dearborn seconded the motion. Roll call vote was 5:0 to grant the variance with
368 two (2) stipulations. It was noted that any Change in Use will require a Variance. The
369 30-day Appeal period was noted.

370
371
372 b. A Variance for a Residential Building addressed as **185 Webster Street** to **allow**
373 **a third dwelling unit**, where three-family (multi-family) dwellings are not
374 permitted in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of
375 Permitted Principal Uses, Residential (A-3).]

376
377 Mr. Buttrick read the Case into the record, referenced his Staff Report signed
378 4/13/2022 and noted that multi-family residences are only allowed in the Business
379 Zone.

380
381 Atty. Prunier addressed the criteria for the granting of a Variance and the information
382 shared included:

- 383
384 (1) *not contrary to public interest*
- 385 • The R-2 District allows two (2) units and the applicant is requesting three (3)
 - 386 • There has been 3 units in the building since at least 1976
 - 387 • There has not been any notices that the third unit threatened public health,
388 safety or welfare during its use
 - 389 • With the R-2 Zone allowing 2 units, the intent of the Ordinance is to allow
390 multi-family use
 - 391 • A third apartment is a minor use in a multi-family area

- 392 • The character of the neighborhood will not be changed with continued use of
393 the third apartment
394 (2) *will observe the spirit of the Ordinance*
395 • The existence of the third unit is not out of character with the neighborhood
396 or threaten public health
397 • This has been used as a rental unit for over 24 years and has not caused a
398 disturbance in the area
399 • The units also provide reasonable housing in an area that is in demand
400 (3) *substantial justice done*
401 • The benefit of allowing a third unit in the applicant's building is not
402 outweighed by harm to the general public
403 • The use of the third apartment is a benefit to the general public in allowing
404 affordable housing
405 (4) *not diminish surrounding property values*
406 • There are no exterior changes being proposed.
407 • See opinion of value submitted by the Norwood Group that attested there is
408 no adverse impact to surrounding property values
409 (5) *hardship*
410 • The State of NH has clearly confirmed the State's respect for individuals to
411 make reasonable use of their land
412 • NH Courts have recognized that sometimes properties are uniquely situated
413 or especially appropriate for a particular use.
414 • The several cases, the courts have declared a variance appropriate.
415 • In this case, there has been a third unit in the building for over 24 years
416 • The use has been reasonable.

417
418 Public testimony opened at 8:52 PM. No one addressed the Board.

419
420 Mr. Pacocha asked if the units are serviced with municipal water and sewer. Mr.
421 Etienne responded that he asked that question at the Site Walk and the apartments
422 are serviced with Mmunicipal water and sewer.

423
424 Ms. Roy stated that of all the variances before the Board this evening, this one
425 concerns her the most and if the Board decides to approve it to please require that an
426 Occupancy Permit be obtained including all the necessary permits and inspections.

427
428 Mr. Dearborn concurred and asked Mr. Buttrick about which Permits have been filed.
429 Mr. Buttrick stated and agreed that if the variance is granted a stipulation that it
430 meets s Life Safety Code would be a prudent condition.

431
432 Mr. Daddario asked if a three-family building was ever permitted and did become non-
433 conforming when the Zone was changed to R-2. Mr. Buttrick referenced the 1990
434 Consent Decree that stated that it was to be used as a two-family residential,
435 convenience store and a nursery. Mr. Etienne added that the Consent Decree would
436 also not allow the third apartment to revert back to an office. Mr. Dearborn stated
437 that it is his understanding that a three-unit apartment building requires a sprinkler
438 system and asked what fire safety codes are needed and whether installed already.

439
440 Public testimony reopened at 8:59 PM. No one addressed the Board.

441
442 Mr. Etienne asked if there are any other three-family units in the area and if there was
443 a floor plan of the three apartments. Mr. Buttrick stated that he is not aware of any
444 three-family buildings in the area and posted the floor plan of the units that was
445 submitted with the application. It was noted that there were no measurements for the
446 rooms, just the overall square feet for each unit. It was also noted that the smaller
447 unit could not become an ADU (Accessory Dwelling Unit) because ADUs are only
448 allowed to be attached to single-family homes. The Assessors Cards were reviewed to
449 try to determine room dimensions. Mr. Manoukian stated that he would be willing to
450 install fire sprinklers in each unit.

451
452 Mr. Etienne made the motion to not grant the Variance because it would set a poor
453 precedent in the R-2 District to allow a third unit which is outside the spirit and intent
454 of the Ordinance which is to strategically and intentionally serve the R-2 District with
455 two-unit residential homes. Mr. Pacocha seconded the motion. Mr. Pacocha stated
456 that multi-family residences are only allowed in the Business Zone and should not be
457 introduced into the R-2 Zone and the inclusion of the third residential unit was done
458 without permit or permission and it cannot be expected to be rewarded and receive an
459 after-the-fact blessing. Roll call vote was 5:0. Mr. Daddario stated that there is an
460 issue that there are not any other three-family structures in the neighborhood so it is
461 out-of-character with the neighborhood; it also does not serve the Spirit of the
462 Ordinance as it was designed to allow up to two-family residences and this lot has
463 never been in a Zone that allowed three-family structures; substantial justice would
464 not be done by the granting of this variance because even without it, the residential
465 structure can still be used for two (2) different residences; with regard to affecting
466 surrounding property values, the residences were constructed surrounding this lot
467 and there was evidence submitted that their property values are not affected by this
468 lot; and the hardship is not met, there is no physical evidence that the land is causing
469 a hardship, there's been no physical evidence that the Town permitted the third unit
470 and this is not the same as the other variances where the Zone change caused
471 nonconformity as three-family residences have never been allowed in this area. The
472 30-day appeal period was noted.

473
474
475 c. A Variance for a Small Garage Building addressed as **187 Webster Street** for a
476 proposed **use to warehouse material and equipment**, with accessory use of
477 garage or parking of two or more light commercial vehicles and heavy
478 commercial vehicles and equipment where these uses are not permitted as
479 Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses;
480 §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table
481 of Permitted Accessory Uses.]

482
483 Mr. Buttrick read the Case into the record, stated that the Site Walk was held
484 4/9/2022 and referenced his Staff Report signed 4/13/2022 that had as Attachment
485 A the Uses that are to be considered per the meeting with Applicant, Town Counsel
486 and himself. The three (3) storage units are labeled and their corresponding Use
487 assigned included: (A) carpet storage, Use code E-8, warehousing with a potential for a
488 fork-lift; (B) Equipment storage is actually off-season garaging/car storage, Use code
489 E-8; and (C) Regis storage is actually mechanical repair, Use code D-10, automotive
490 service and repair

491
492 Atty. Prunier addressed the criteria for the granting of a Variance and the information
493 shared included:
494

495 (1) *not contrary to public interest*

- 496 • The buildings outlined as storage were originally utilized as storage as part of
- 497 the agricultural use of the property by Garrison Farm
- 498 • After agricultural uses were terminated, the buildings became nonconforming,
- 499 but the use was not
- 500 • The use will not violate the basic zoning objectives and are not contrary to
- 501 public interest because they were constructed to be warehouses
- 502 • There will be no violation of essential character of the neighborhood as the
- 503 buildings have existed since the 1980's
- 504 • The character of the neighborhood will not be changed with continued use of
- 505 the storage units

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

- 507 • The warehouses existed before zoning ordinance as warehouses
- 508 • Intent is to use them as warehouses, just not for agriculture

509 (3) *substantial justice done*

- 510 • The warehouses can be kept and used as such
- 511 • The use does not adversely impact or harm the abutters or any public rights
- 512 • The public will not realize any appreciable gain from denying the variance

513 (4) *not diminish surrounding property values*

- 514 • The buildings will not be altered – they will remain the same with some
- 515 modernization and landscaping
- 516 • No exterior changes being proposed
- 517 • See opinion of value submitted by the Norwood Group that attested there is
- 518 no adverse impact to surrounding property values

519 (5) *hardship*

- 520 • The warehouse has existed for a long period of time
- 521 • There is a special circumstance that exists – the Zone changed rendering the
- 522 building non-conforming and the agricultural use ceased
- 523 • These buildings were unique when constructed for agricultural purposes
- 524 • The buildings can continue to be used, only for different products
- 525 • The continued use would allow the applicant reasonable use of its land

526
527 Atty. Prunier stated that when they first prepared their applications, their thinking
528 was to be as broad as possible; however, after the January meeting and the
529 subsequent meeting [ZBA assigned](#) with Town Counsel and Mr. Buttrick, they have
530 been able to refine and define and assign specific Use codes, as shown on Attachment
531 A of Mr. Buttrick's Staff Report. -

532

533 Public testimony opened at 9:18 PM. No one addressed the Board

534

535 Mr. Pacocha asked if “n/a” on Attachment A stood for “not applicable” or “not
536 allowed”? Mr. Buttrick responded that it means “not applicable” as in during their
537 meeting they were not using the Accessory Table, that some of the Primary Uses have
538 their own accessory uses associated with them and offered the example that if it was
539 manufacturing, it is understood that the warehousing is associated with

540 manufacturing and that it is not a permitted table of accessory uses. Mr. Buttrick
541 stated that at the Site Walk there was no outside parking observed.

542
543 Mr. Daddario asked about the last Unit C for ‘mechanical repair’ as it has the potential
544 to branch out into different territory. Mr. Manoukian stated that the tenant there is
545 the landscaper and he does mechanical work in there like changing the tires for
546 winter, putting salt bins on the truck and general maintenance on his trucks. Mr.
547 Dearborn stated that technically that is not storage and Mr. Daddario stated that is
548 why Mr. Buttrick’s list has it as “mechanical repair”. Mr. Buttrick stated that at the
549 Site Walk there was no outside parking noted and asked if there was/is any intent for
550 that and added that after their meeting, the units were more accurately labeled as
551 Unit A for carpet storage with a forklift parked outside on the side of the building that
552 faces the residence building; Unit B for off-season car storage; and Unit C for
553 mechanical repair by the landscape company. Mr. Buttrick stated that if the Variance
554 is granted, it would include just these uses with their associated uses (forklift).

555
556 Mr. Dearborn stated that he sees parking lines on the larger storage building but non
557 for this building and asked why or if any are proposed and read from the application
558 request that the Variance was to include “with accessory use of garage or parking of
559 two or more light commercial vehicles and heavy commercial vehicles and equipment
560 where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone.”

561
562 Atty. Prunier stated that the parking was added ~~on~~to the Plan that was submitted to
563 the Planning Board (PB) because they knew PB would require it to show that there is
564 space available for parking, but PB did not accept the plan. Mr. Dearborn asked and
565 received confirmation from Atty. Prunier, that there will be assigned parking spaces for
566 each unit, space dedicated to the unit. Mr. Buttrick stated that the plan shows six (6)
567 spaces on the backside of the building and noted that is a detail usually performed by
568 PB during SPR (Site Plan Review).

569
570 Mr. Dearborn stated that this building is then a mixed-use building, in addition to the
571 lot being approved for mixed-use. Mr. Pacocha checked the Assessor’s cards for
572 dimensions of the units and was only able to determine the entire “small” garage
573 building’s dimensions as 40’ x 92’.

574
575 Public testimony opened at 9:28 PM. No one addressed the Board.

576
577 Mr. Etienne stated that in his opinion what was requested is too broad and that
578 narrowing would be prudent, even with the parking.

579
580 Mr. Etienne suggested that a motion to grant the variance should be restricted to
581 allowing for materials and equipment in line with the specified uses as outlined on
582 Attachment A of the Staff Report and to limit the accessory uses for the parking at the
583 building to no more than two (2) light commercial vehicles and no more than two (2)
584 heavy commercial vehicles at any one time.

585
586 Mr. Pacocha asked if there is any reason for overnight parking to be considered. Atty
587 Prunier stated that there was no intent to allow anything but daylight parking. Mr.
588 Manoukian stated that the only exception would be the carpet forklift left outside on
589 the side of the building, not in the designated parking area.

590

591 Mr. Daddario stated that with regard to the unit proposed for ‘mechanical repair’, it
592 makes sense to place limitations. Mr. Daddario noted that all of this has grown out of
593 what was once an operating farm and being cognizant of the fact that we don’t want
594 the Applicant hurt by the fact that Zoning has changed and are allowing the
595 continuance of many uses that have been at play for a long time, since the termination
596 of the farming operation. Mr. Daddario expressed concern with the type of repair,
597 especially with regard to any fluids or substances necessary for the equipment or
598 vehicles and that branches into hazardous substances and potential contamination of
599 the grounds is to be taken seriously. Mr. Daddario stated that there is comfort with
600 the changing of tires, removal/installation of plows, salters etc but there is concern if
601 repairs also included oil changes

602

603 Mr. Buttrick pointed out that these uses have come about without any approvals or
604 authorization in the sense of permits, sub-permits including electrical, inspections
605 and with regard to mechanical repair is there any provision for hazardous material
606 disposal etc and the question of minimum life safety standards should be taken into
607 consideration, especially since this is all “after-the-fact” consideration. Mr. Daddario
608 stated that one condition that could be applied is to state that the buildings must
609 comply to all applicable standards relative to whatever uses are being approved.

610

611 Mr. Etienne recapped the stipulations mentioned: (a) building would have to be in
612 compliance with all applicable Town Codes including the disposal of any hazardous
613 materials; (b) limit the parking for the building to two (2) light commercial vehicles and
614 two (2) heavy commercial vehicles at any one time.

615

616 Mr. Etienne made the motion to grant the Variance for the Small Garage Building for
617 the Uses outlined in [Modified](#) Attachment A of the Staff Report for material storage
618 and warehousing and maintenance versus repair [as follows](#):

619

[Unit A Carpet Storage with a forklift that can be parked outside on side of unit that faces](#)

620

[Unit B Off Season Garaging and no applicable Accessory Uses](#)

621

[Unit C Mechanical Maintenance \(modified from Mechanical Repair\) and no applicable](#)

622

623 [and](#) with two (2) stipulations:

624 [\(1a\)](#) building would have to be brought into compliance with all applicable Town
625 Codes including the disposal to of any hazardous materials; and

626 [\(2b\)](#) limit the parking for the building to two (2) light commercial vehicles and
627 two (2) heavy commercial vehicles at any one time.

628

629 Mr. Martin seconded the motion. Roll call vote was 4:1 with Mr. Dearborn opposed.
630 The 30-day Appeal period was noted [as well that any Change in Use will require a](#)
631 [Variance](#).

632

633

634

635 d. A Variance for a [Large Garage Building](#) addressed as **189 Webster Street**–for a
636 proposed [use to warehouse material and equipment](#), with accessory use of
637 garage or parking of two or more light commercial vehicles and heavy
638 commercial vehicles and equipment where these uses are not permitted as
639 Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses;

640 §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table
641 of Permitted Accessory Uses.]

642
643 Mr. Buttrick read the Case into the record, noted that the Site Walk was held and
644 referenced his Staff Report signed 4/13/3022. Mr. Buttrick stated that [as a result of](#)
645 [the meeting tasked by ZBA on 1/20/2022](#), Unit A is labeled as Truck Storage & Repair
646 (garaging) and correlates to Use Code D-10 and Use Code E-8 and no outside storage
647 or parking was observed at the Site Walk; Unit B is labeled Off-season Storage
648 (garaging) and correlates to Use Code E-8 and no outside storage or parking was
649 observed at the Site Walk; Unit C is Car Detailing and Storage (garaging) and
650 correlates to Use Code D-10 and E-8 and no outside storage or parking was observed
651 at the Site Walk; Unit D labeled as Pool Service/Installation correlates to Use Code E-
652 10 and it has associated trucks with this use.

653
654 Atty. Prunier addressed the criteria for the granting of a Variance and the information
655 shared included:
656

657 (1) *not contrary to public interest*

- 658 • The buildings outlined as storage were originally utilized as storage as part of
659 the agricultural use of the property by Garrison Farm
- 660 • After agricultural uses were terminated, the buildings became nonconforming,
661 but the use was not
- 662 • The use will not violate the basic zoning objectives and are not contrary to
663 public interest because they were constructed to be warehouses
- 664 • There will be no violation of essential character of the neighborhood as the
665 buildings have existed since the 1980's
- 666 • The character of the neighborhood will not be changed with continued use of
667 the storage units

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

- 669 • The warehouses existed before zoning ordinance as warehouses
- 670 • Intent is to use them as warehouses, just not for agriculture

671 (3) *substantial justice done*

- 672 • The warehouses can be kept and used as such
- 673 • The use does not adversely impact or harm the abutters or any public rights
- 674 • The public will not realize any appreciable gain from denying the variance

675 (4) *not diminish surrounding property values*

- 676 • The buildings will not be altered – they will remain the same with some
677 modernization and landscaping
- 678 • No exterior changes being proposed
- 679 • See opinion of value submitted by the Norwood Group that attested there is
680 no adverse impact to surrounding property values

681 (5) *hardship*

- 682 • The warehouse has existed for a long period of time
 - 683 • There is a special circumstance that exists – the Zone changed rendering the
684 building non-conforming and the agricultural use ceased
 - 685 • These buildings were unique when constructed for agricultural purposes
 - 686 • The buildings can continue to be used, only for different products
 - 687 • The continued use would allow the applicant reasonable use of its land
- 688

689 Public testimony opened at 9:52 PM. No one addressed the Board.

690

691 Mr. Pacocha inquired about the parking and whether the lines were painted. Atty.
692 Prunier responded that they are not painted and were included on the plan to show
693 parking availability. Mr. Pacocha asked how many parking spaces are
694 planned/required and Mr. Buttrick stated that sixteen (16) spaces are shown on the
695 plan. Mr. Pacocha noted the lack of dimensions for the building and the four (4)
696 Units. Atty. Prunier stated that the measurements, even though not on the plan, are
697 accurately represented as the plan was surveyed by a Licensed Land Surveyor to
698 provide this Existing Condition Plan.

699

700 Mr. Etienne noted that this building is closer to the street (Webster Street) than the
701 others and asked Mr. Buttrick how many driveways exist on this parcel. Mr. Buttrick
702 stated that driveway permits were not found, that typically there is one (1) driveway
703 approved per lot, but this is a morphed application of the uses on the lot. The aerial
704 view indicates three (3) "driveways" off Webster Street and no discernable travel
705 pattern on site. ~~Mr. Pacocha stated that a~~At the Site Walk ~~it was~~he noticed that the
706 doors into the Units occur on the side of the building where parking is indicated.

707

708 Mr. Martin asked if driveways to this property ~~are~~be State controlled or Town
709 controlled seeing as how Webster Street is also NH Route 3-A. Mr. Buttrick stated
710 that the Engineering Department would have that answer, but considering it is a State
711 ~~R~~oad, the State would govern. Mr. Roy stated that she noticed a driveway to both
712 sides of the building and asked if there is a setback requirement to the neighbor's
713 driveway. Mr. Buttrick stated that there is a driveway setback, generally fifteen feet
714 (15'). Mr. Daddario asked if driveways have to be paved. Atty. Prunier noted that this
715 site was originally farm-land, without paved access ways and that it be would be going
716 to the Planning Board for Site Plan Review.

717

718 Board reviewed the proposed Uses for each unit and Attachment A. Mr. Buttrick
719 stated that more information may be ~~is~~needed as to what is involved with "car
720 detailing" (Unit C) and outside storage and parking. Mr. Daddario stated that it might
721 be prudent to have a restriction that customers do not visit the site and that there is
722 no retail transaction to occur on site.

723

724 Mr. Dearborn stated that if employees go to the site, to either pick up material or leave
725 their personal vehicle while driving off in a company vehicle, then the use is not
726 warehousing because a business is being operated at the site. Mr. Dearborn stated
727 that Mixed Use was granted for the site, and if these Units are being used for more
728 than warehousing, it should be so noted. Mr. Buttrick stated that all the units are
729 involved in a business, but it is the intensity of that Use that needs to be taken into
730 consideration – is it just one or two employees, are trucks coming into the site
731 regularly creating traffic etc. Mr. Dearborn stated that he is of the opinion that
732 warehousing is intermediate to another place but detailing occurs on this site. Mr.
733 Daddario stated that he had the same concerns with regard to the car detailing but
734 the Applicant has testified, both at the January meeting and at the Site Walk, that
735 customers do not come to the site, the business owner goes and gets the cars to be
736 detailed and perhaps it should be stipulated as a condition that customers do not
737 come to the site. Mr. Buttrick concurred that the concern is customer retailing on
738 site. Mr. Daddario asked if a condition could be that each Unit occupant have a

739 principal business address elsewhere. Mr. Etienne suggested that the condition could
740 be that there is to be no funds exchanged on-site, no money transactions to occur on
741 site. Discussion noted that enforcement could easily become problematic and would
742 only occur as a result of a complaint being filed. Atty. Prunier stated that no
743 customers or [the](#) general public shall be allowed to visit the tenants.
744

745 Mr. Etienne made the motion to grant the Variance for the Large Garage Building for
746 the Uses outlined in [the modified](#) Attachment A of the Staff Report for material storage
747 and warehousing and car detailing with five (5) stipulations:

- 748 (1) that the building satisfy all applicable Codes for applicable occupancy/use,
749 including storage and disposal of haz~~mat~~~~ardous~~ material;
750 (2) that the Uses conform to the Uses specified in Attachment A of the Zoning
751 Administrator's Staff Report signed 4/13/2022 [as follows](#):
752 [Unit A Truck Repair & Storage \(garaging\) and no Accessory Uses](#)
753 [Unit B Off-season Storage \(garaging\) and no Accessory Uses](#)
754 [Unit C Car-detailing & Storage \(garaging\) and no Accessory Uses](#)
755 [Unit D Pool Service/Install and no Accessory Uses](#)
756 (2)
757 (3) that retail transactions shall not be conducted on-site
758 (4) that there shall be no access by the customers or general public on-to site
759 (5) that parking shall be limited to eight (8) light commercial vehicles (two (2)
760 light commercial vehicles per Unit) and three (3) heavy commercial vehicles
761 at any one time or per approved Site Plan.
762

763 Mr. Martin seconded the motion. Roll call vote was 4:1. Mr. Dearborn opposed.
764 Variance conditionally granted. The 30-day appeal period was noted [as well as any](#)
765 [change in Use will require a Variance](#).
766

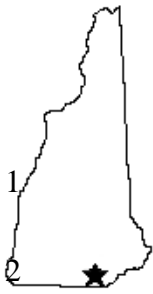
767 Atty. Prunier thanked the Board and Town Staff for all the hard work and
768 understanding that went into [this](#) project.
769

770 f. A **Special Exception** for the parcel known as **185 Webster Street** (Map 147
771 Lot 016 Sublot 000) to allow residential use on a single lot with mixed uses
772 which is only allowed by Special Exception in accordance with the general
773 requirements listed in Article VI, § 334-23. Additionally, the mixed or dual uses
774 shall be compatible. [HZO Article III, General Regulations; §334-10.D, Mixed or
775 dual use on a lot.]
776

777 Case f. was not heard as it was deemed moot due to the Mixed-Use Variance that was
778 granted in Case e. Application withdrawn
779

780 Mr. Etienne made the motion to adjourn. Mr. Martin seconded the motion. Vote was
781 unanimous. The 4/14/2022 ZBA meeting adjourned at 10:36 PM
782

783 Respectfully submitted,
784 Louise Knee, Recorder



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 – April 28, 2022 - edited

The Hudson Zoning Board of Adjustment met Thursday, April 28, 2022 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

I. 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

Chairman Daddario called the meeting to order at 7:10 PM, apologized for the late start, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Bylaws) on the proceedings ~~of~~ the meeting.

Clerk Normand Martin took attendance. Members present were Gary Daddario (Regular/Chair), Gary Dearborn (Regular), Brian Etienne (Regular), Normand Martin (Alternate/Clerk), Marcus Nicolas (Regular), Jim Pacocha (Regular/Vice Chair), Dean Sakati (Alternate) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison.

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.]

Mr. Nicolas recused himself as he is an abutter. Mr. Daddario appointed Alternate Martin to vote on Case.

Mr. Buttrick read the Case into the record, referenced his Staff Report initialed 4/19/2022 noting that the Variance was granted on 1/23/2020, that an extension was requested, and that the Board overruled his Administrative Decision #22-002 on the timing of the filing and allowed the request for an extension to come before the Board. Mr. Buttrick also noted that the Town Planner submitted his review comments

Not Official until reviewed, approved and signed.

As edited [GD2, BB, GD1, NM]

48 dated 4/15/2022 citing that the Site Plan was before the Planning Board (PB) on
49 8/19/2020 and denied the application without prejudice due to lack of compliance to
50 the Zoning Ordinance and outstanding code violations.

51
52 Atty. Gerald Prunier, of Prunier & Prolman P.A. in Nashua, NH, addressed the Board
53 and stated that their intent is to present a complete Site Plan for the entire lot, that
54 the Planning Board meeting was via zoom and they did not get the opportunity to
55 speak to their application and have been working with Mr. Buttrick and Town Counsel
56 to bring the site into compliance and have recently received Variances and are
57 requesting an extension for one (1) year.

58
59 Public testimony opened at 7:25 PM. No one addressed the Board.

60
61 Mr. Pacocha asked Mr. Buttrick if they are seeking to reapply for the Variance and Mr.
62 Buttrick responded that they are seeking an extension to the timeline to implement
63 the Variance granted. Mr. Dearborn asked if there were other issues that prevent
64 them from going to the Planning Board with a complete Site Plan Review (SPR)
65 application and Atty. Prunier responded that it may or may not. Mr. Buttrick noted
66 that a clean Site Plan was not possible in 2020 with the Code and Zoning Ordinance
67 violations. Mr. Etienne asked if the administrative extension for one (1) year is
68 adequate to present a clean and comprehensive Site Plan to the Planning Board,
69 especially considering the stipulations attached to the recently approved Variations.

70
71 Discussion arose on the viability of the time frame of one (1) year and the possibility
72 that another extension might need to be requested.

73
74 Mr. Martin made motion to grant an extension of the Variance for two (2) years. Mr.
75 Etienne seconded the motion. Roll call vote was 5:0. Extension granted.

76
77 Mr. Nicolas returned to the Board table. Mr. Martin no longer voting.

78
79 2. **Case 218-002-002 (04-28-22):** Kariuki P. Kimungu, **9B Trigate Rd., Hudson, NH**
80 requests a Home Occupation Special Exception to operate a home office for his
81 business, Comfort Angels Home Care of NH LLC. [Map 218, Lot 002-002, Zoned
82 General (G); HZO Article VI, Special Exceptions; §334-24, Home Occupations.]

83
84 Mr. Buttrick read the Case into the record, referenced his Staff report initialed
85 4/19/2022 and noted that the building is now a duplex/condex and that the Town
86 Engineer submitted review comments on 4/19/2022 requestong additional
87 information on the parking situation and the abandoned vehicles at the property.

88
89 Kariuki Kimungu introduced himself as the Applicant and Property Owner, stated that
90 he moved his business into the house in February 2022, and that the abundant
91 vehicles are being addressed and distributed a revised plan that shows parking.

92
93 Mr. Daddario asked about the dimensions of the parking spaces and Mr. Kimungu
94 responded they are eight and a half feet wide (8½' W) by fourteen to sixteen feet long
95 (14-16' L).

96

97 Mr. Kimungu addressed the criteria for the granting of a Home Occupation Special
98 Exception. The information shared included:
99

- 100 • Comfort Angels Home Care of NH LLC is a visiting nurse and homemakers'
101 company that sends out nurses, LNAs and homemakers to patient homes for
102 services such as nursing visits, home maker and home health aides to help the
103 patients in activities of daily living, medication administration and wound care.
- 104 • Only two (2) people work in the office – the property owners – and the rest of the
105 workers are out in the field.
- 106 • The Home Occupation will be secondary to the Principal Use of the business
107 owners' residence – only one (1) room will be used as office space
- 108 • The home business will be carried out within the residence
- 109 • There will be no signs and no exterior storage
- 110 • No noise, vibrations, dust, smoke, electrical disturbances, odor, heat or glare
111 produced by the business
- 112 • Traffic generated by the business will be minimal since most employees work in
113 the field. There will be occasions when workers come to the home briefly – for
114 supplies or paychecks, but most employees have direct deposit
- 115 • Parking is available to the right of the driveway as one drives in
- 116 • The owners, Kariuki Kimungu and his wife Mary Kimungu will be conducting
117 the Home Occupation
- 118 • There will be no vehicles for the Home Occupation – the owners will be using
119 their own personal vehicles

120

121 Public testimony opened at 7:47 PM. No one addressed the Board.

122

123 Mr. Etienne asked if the building is a two-unit structure, whether Mr. Kimungu owns
124 both and whether the second unit would ever be rented? Mr. Kimungu confirmed that
125 it is a two-unit condex, that he owns both and that the second unit is already rented
126 and they park in front of the house.

127

128 In response to Mr. Etienne's question, Mr. Kimungu stated that the hours of operation
129 are 9:00 AM – 5:00 PM.

130

131 Mr. Dearborn inquired about the Town Engineer's comment regarding the abandoned
132 vehicles and Mr. Kimungu responded that one is already gone and the other two (2)
133 will be removed by the end of next week.

134

135 Mr. Martin inquired about the supplies and whether they are delivered by UPS. Mr.
136 Kimungu confirmed and added that the supplies are stored in the office.

137

138 Mr. Sakati inquired about the parking and Mr. Kimungu responded that currently it is
139 dirt and that maybe sometime in the future it could be paved. Mr. Dearborn stated
140 that there are five (5) spaces noted on the plan, on the unpaved area that may one day
141 get paved, and questioned whether there should be signs placed to designate that the
142 five (5) spaces are reserved for the business. Mr. Daddario noted that the number of
143 spaces shown seems to represent the maximum number of spaces possible for the
144 designated area and asked how many employees the business employees. Mr.
145 Kimungu responded that it is just his wife and himself who work in the office and their

146 employees report directly to client's homes. Mr. Thompson asked how many nurses
147 are employed and whether they come to the house. Mr. Kimungu responded that
148 currently they have three (3) nurses and they do not come to the house regularly but
149 go directly to the client's homes. Mr. Pacocha asked if any clients come to the home
150 and Mr. Kimungu responded that they do not, that they go to potential clients' homes.
151

152 Mr. Etienne made the motion to grant the Home Occupation Special Exception with
153 the following two (2) conditions: (1) that the Special Exception does not transfer with a
154 change of ownership of the property: and (2) that the hours of operation are 9:00 AM –
155 5:00 PM only. Mr. Dearborn seconded the motion. Mr. Dearborn stated that the
156 criteria are satisfied with the conditions applied and added that it is understood that
157 all other Zoning and Code regulations be satisfied. Roll call vote was 5:0. Home Office
158 Special Exception conditionally granted. The 30-day Appeal period was noted.
159

160 3. **Case 183-006 (04-28-22):** Jesse M. Couillard, **102 Central St., Hudson, NH**
161 requests a Variance to replace and expand an existing non-conforming 12 ft. x 10
162 ft. deck as a breezeway and build an attached 2-stall, 24 ft. x 20 ft. garage
163 addition. Both encroach the front yard setback 12.5 feet and 21.8 feet leaving 17.5
164 feet and 8.2 feet respectively where 30 feet is required. [Map 183, Lot 006-000,
165 Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27,
166 Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming
167 Uses, Structures and Lots; §334-31.A Alteration and expansion of nonconforming
168 structures.]
169

170 Mr. Buttrick read the Case into the record and referenced his Staff Report initialed
171 4/19/2022 noting that it is a corner lot with frontage on Central Street and Vinton
172 Street and that the Town Engineer notation that there is a second nonconforming
173 driveway and that the second driveway should be abandoned if Variance granted.
174

175 Jesse and Jamie Couillard introduced themselves and stated that they would like to
176 construct a 2-stall 24' x 20' garage with an open room above and convert their existing
177 deck into a breezeway to connect the house to the garage. Mr. Couillard stated that
178 they bought the property twenty (20) years ago and have two (2) children and noted
179 that their backyard abuts the Sunnyside Cemetery. Mr. Couillard stated that they
180 bought the property in 1960 and since then zoning changed and their house is now
181 nonconforming with the current setbacks from both roads
182

183 Mr. Couillard addressed the criteria for the granting of a variance and the information
184 shared included:
185

186 (1) *not contrary to public interest*

- 187 • The proposed addition is not contrary to public interest
- 188 • House was built in 1960 and has two front setbacks
- 189 • Proposed two-car garage with breezeway would bring positive value to all
190 homes in the neighborhood and should not have not impact on the
191 character of the neighborhood or impose any safety hazards or risks to the
192 roadways, general public or any health or pose any safety hazards

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

- 194 • Zoning Ordinance Section 334-2 sets the general purpose which includes
195 promoting the most use of the land, conserving property values, maintaining
196 aesthetics and residential use compatible with the neighborhood
- 197 • Variance for this corner lot with a garage addition would allow ~~an~~ efficient
198 use of this portion of the lot as well as add square footage for additional tax
199 revenue that will increase property value and property values of other homes
200 in the neighborhood
- 201 (3) *substantial justice done*
- 202 • House is already a nonconforming structure on a corner lot with two (2)
203 front setbacks in an existing neighborhood leaving minimal building area
- 204 • Substantial justice would be done because there would be no adverse
205 impact on the general public
- 206 • Been a resident for 20 years at 102 Central Street and realize this is our
207 'forever' home
- 208 • As we continue to age, not having a garage will pose future hardship during
209 our harsh New England winters
- 210 (4) *not diminish surrounding property values*
- 211 • The proposed addition of a garage to an existing nonconforming building on
212 a corner lot with two (2) front setbacks in an existing neighborhood will
213 not diminish the values of surrounding properties
- 214 • The lot can accommodate the addition of a garage without adverse impact on
215 the neighborhood
- 216 • Property values are generally enhanced with new construction
- 217 (5) *hardship*
- 218 • House was built in 1960, well before current setback requirements making
219 the house now a nonconforming structure
- 220 • Corner lot with two (2) front 30' setbacks not met – the house is 23' from
221 Central Street and 17.5' from Vinton Street
- 222 • The lot also abuts Sunnyside Cemetery which imposes another restraint
223 with its 25' no construction setback
- 224 • Setbacks minimize the buildable area for this lot and the cause the hardship
- 225 • A garage is a normal component of a house
- 226 • The proposed location for the garage is the only option available

228 Ms. Couillard added that, objectively speaking, if the variance is denied, they cannot
229 gain further equity from the house.

230
231 Public testimony opened at 8:15 PM. No one addressed the Board.

232
233 Mr. Martin noted that the Zoning Determination stated that two (2) Variances are
234 required and questioned if the house required an Equitable Waiver instead of a
235 Variance. Mr. Buttrick responded than an Equitable Waiver could be requested for
236 the house but the two (2) Variances before the Board are for the garage addition and
237 the conversion of the deck into a breezeway. Mr. Daddario asked if the footprint of the
238 deck is changing and Mr. Buttrick responded that it is not, that just walls and a roof
239 are being added and that the Use of the deck is changing and a Variance is required
240 for that change in Use.

241

242 Mr. Daddario asked if the proposed garage would be covering the existing driveway
243 and it was noted that it would. Ms. Roy asked how much of the driveway would
244 remain and Mr. Couillard responded about seventeen feet (17').
245

246 Mr. Sakati and Mr. Thompson explored options like moving the garage further back or
247 pivoting it for a lesser encroachment and after discussion it was realized that the
248 existing deck and the rooflines would be impacted and neither was a viable option.
249

250 Mr. Pacocha asked if the plan also called for a room above the garage. Mr. Couillard
251 responded that the plan is to include a room above the garage, an open room with no
252 appliances. Mr. Pacocha asked about the parking and Mr. Couillard responded that
253 there would be two (2) vehicles in the garage and two (2) in the driveway and added
254 that his wife has a large vehicle and would utilize the stall that does not have the
255 staircase to the room above.
256

257 Mr. Etienne asked if other houses on Vinton Street are so close to the road. Aerial
258 views were displayed and it was noted that almost every house was close to the road.
259

260 Mr. Pacocha asked about the traffic on Vinton Street. Mr. Couillard responded that
261 there is very little traffic and most if-of it is around school bus times. Mrs. Couillard
262 added that not many kids walk.
263

264 Mr. Pacocha made the motion to grant the Variance to replace an existing 12' x 10'
265 deck to create a breezeway and build an attached 2-stall 24' x 20' garage addition. Mr.
266 Nicolas seconded the motion. Mr. Pacocha stated that the criteria have been satisfied
267 including the hardship criteria due to the size of the lot and the existing setbacks. Mr.
268 Nicolas concurred as the garage addition will not alter the character of the
269 neighborhood, nor threaten public safety, nor pose any harm to the general public and
270 noted that there are no sidewalks in the neighborhood and the house was constructed
271 when there was no thirty foot (30') front setback requirement. Mr. Daddario agreed
272 and noted that not only does the corner lot have two (2) 30' front setbacks it also has
273 the cemetery setback leaving little buildable area and added that there is no further
274 encroachment with the conversion of the deck into a breezeway. Roll call vote was 4:1.
275 Mr. Dearborn opposed. Variance granted. The 30-day Appeal period was noted.
276

277 V. REQUEST FOR REHEARING:

278 **Case 166-031 (02-24-22):** Patricia M. Panciocco, Esq., Panciocco Law, LLC, One
279 Club Acre Lane, Bedford, NH 03110 representing applicant, Daniel M. Flores, PE of
280 SFC Engineering Partnership, Inc., requests a rehearing of a request for a Variance
281 for **8 Lindsay St., Hudson, NH** to allow the creation of a new lot that has insufficient
282 required frontage on a ~~class~~-Class V or better portion off Grigas St. [Map 166, Lot
283 031-000, Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §
284 334-27.1 D, General Requirements.]
285

286 Mr. Buttrick read the request into the record. Mr. Daddario noted that this was not a
287 public hearing. Mr. Dearborn asked to review the criteria for the granting of a
288 rehearing. After reviewing the Request for Rehearing letter from Patricia M. Panciocco
289 of Panciocco Law, LLC dated 3/24/2022, discussion with Town Counsel and review of
290 the criteria, Board acknowledged that fault was found. Motion made by Mr.

291 Dearborn, seconded by Mr. Etienne and unanimously voted 5:0 to grant the rehearing
 292 based on an error made in the hardship determination. Rehearing granted. Mr.
 293 Buttrick noted that it would be a brand new application and essentially be a “start
 294 over”.

295
 296 **VI. REVIEW OF MINUTES:**

297
 298 03/24/22 edited Draft Minutes
 299

300 Board reviewed the edited Minutes and made no further changes. Motion made by
 301 Mr. Dearborn, seconded by Mr. Etienne and unanimously voted 5:0 to adopt the
 302 3/24/2022 Minutes as edited.

303
 304 04/09/22 Site Walk- edited Draft Minutes
 305

306 Board reviewed the edited Minutes and made no further changes. Motion made by
 307 Mr. Dearborn, seconded by Mr. Etienne and unanimously voted 5:0 to adopt the
 308 4/9/2022 Minutes as edited.

309
 310
 311
 312
 313 **VII. OTHER:**

314
 315 1. New Zoning Amendments: **Articles Passed at March 8, 2022 Town of Hudson**
 316 **Ballot**

317 Article 2– Repeal of Hudson Zoning Ordinance Article XIII – Housing for Older
 318 Persons.

319 Article 3–Amend Table of Minimum Dimensional Requirements-Reduction of side
 320 and rear yard setbacks for accessory structures & features in the TR
 321 zone: from 15 ft to 5 ft.

322 Article 4–Eliminate Requirement for Special Exception for Mixed-Use Buildings

323 Article 5–Home Occupation Ordinance: To revise the Home Occupation Special
 324 Exception to allow outdoor play areas for daycare as required by the
 325 State of New Hampshire.

326 Article 7–Amend Article III, Building Height – By Petition (Addition §334-14 B)

327
 328 Mr. ~~Buttrick~~ Buttrick read the above into the record and noted that the Appeal Period
 329 has passed and the above Amendments are now part of the Zoning Ordinance.

330
 331
 332 2. Continued discussion of proposed ZBA Bylaws amendments
 333

334 Mr. Buttrick read the following changes made to date and asked the Board to take one
 335 final review:
 336

- 337 • Global renumbering.
- 338 • Global revision of gender terms to gender--neutral terms throughout the
 339 document.
- 340 • Added §143-3.B gender--neutral inclusion statement;

- 341 • Amended §143-5.C Clerk is voted by members, preferably an Alternate is
- 342 selected and use Appendix “B” Clerk Duties;
- 343 • Amended §143-7.D(2) on Alternate status for continued/deferred cases;
- 344 • Amended §143-7.E by adding Recusals;
- 345 • Amended §143-7.E(2)(g) striking “then” and adding “currently”;
- 346 • Added §143-7.E(2)(h) “Is a direct or indirect abutter” as disqualification;
- 347 • Added §143-7.F. (4)(a), (5), (7)(a), (7)(a)i, (7)(b) pertaining to Order of
- 348 Business;
- 349 • Amended §143-8.A(2) Appeal from Administrative Decision filed within
- 350 “35” days
- 351

352 The 4/28/2022 ZBA meeting adjourned at 9:10 PM.

353
354 Respectfully submitted,
355 Louise Knee, Recorder
356
357

AS EDITED