



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 – July 28, 2022

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

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**
 1. **Case 183-006 (07-28-22):** A **Rehearing** of the Variance granted on 04/28/2022 is being held by The Town of Hudson, Zoning Board of Adjustment for **102 Central St., Hudson, NH**. Jesse M. Couillard, applicant/owner, submitted a revised Proposed Plot Plan dated March 28, 2022 with (revision 1 dated 6/1/22 and revision 2 dated 6/6/22) 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 and reconfigured driveway. The deck encroaches the front yard setback 12.5 feet leaving 17.5 feet and the garage encroaches the front yard setback 17.8 feet leaving 12.2 feet where 30 feet is required for both. [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.]
 2. **Case 198-029-002 (07-28-22):** Don Dumont, Manager of DMT Realty LLC, 195R Central Street, Hudson, NH requests 2 (two) Variances for **4 C Street, Hudson, NH** to reconfigure the existing lot with a proposed lot line adjustment [Map 198, Lot 029-002; Zoned Business (B)] as follows:
 - a) A Use Variance for the construction of a single family home (after lot line adjustment) in the Business Zone where it is not a permitted use. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses.] and;
 - b) A Variance resulting in a reconfigured proposed 10,168 sqft lot area where 30,000 sqft is required and proposed 124.47 feet frontage where 150 feet is required in the Business District. [HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
 3. **Case 198-029-001 (07-28-22):** Don Dumont, Manager of Posey Investments LLC, 195R Central Street, Hudson, NH requests 2 (two) Variances for **6 A Street, Hudson, NH** to reconfigure the existing lot with a proposed lot line adjustment [Map 198, Lot 029-001; Zoned Business (B)] as follows:
 - a) A Use Variance for the construction of a single family home (after lot line adjustment) in the Business Zone where it is not a permitted use. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses.] and;
 - b) A Variance resulting in a reconfigured proposed 10,525 sqft lot area where 30,000 sqft is required and proposed 130 feet frontage where 150 feet is required in the Business District. [HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
 4. **Case 175-143-000 (07-28-22):** Esther J. Maturo, **57 Adelaide St., Hudson, NH** requests 2 (two) Variances for a proposed installation of a 21 ft. diameter above ground residential pool on an existing non-conforming lot with an existing nonconforming use (single family) [Map 175, Lot 143-000; Zoned Business (B)] as follows:
 - a) A Use Variance to install the pool in the Business district where it is not a permitted use. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29 Extension or enlargement of nonconforming uses] and;
 - b) A Variance to locate the pool 7 feet in the side yard setback leaving 8 feet where 15 feet is required. [HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
- IV. **REQUEST FOR REHEARING:** None
- V. **PUBLIC HEARING:** 2nd Reading of proposed ZBA Bylaws amendments
- VI. **REVIEW OF MINUTES:** 06/23/22 edited Draft Minutes
- VII. **OTHER:** ZBA training/workshop

Bruce Buttrick, Zoning Administrator



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: July 28, 2022 BB 7-19-22

REHEARING:

Case 183-006 (07-28-22): A Rehearing of the Variance granted on 04/28/2022 is being held by The Town of Hudson, Zoning Board of Adjustment for **102 Central St., Hudson, NH.** Jesse M. Couillard, applicant/owner, submitted a new Proposed Plot Plan dated March 28, 2022 with (revision 1 dated 6/1/22 and revision 2 dated 6/6/22) 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 and reconfigured driveway. The deck encroaches the front yard setback 12.5 feet leaving 17.5 feet and the garage encroaches the front yard setback 17.8 feet leaving 12.2 feet where 30 feet is required for both. [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.]

History:

The ZBA granted a Variance (4-28-22 mtg.) to: 1) extend/expand existing non-conforming deck into a breezeway, leaving 17.ft of setback, and 2) build an attached 24 x 20 garage, leaving 8.3 ft. of setback.

The Town Engineer had requested that the ZBA reconsider and rehear this case with regards to the proposed location of the remaining driveway setback.

The ZBA voted to rehear the case (5-26-22 mtg.)

In the meantime, the Applicant submitted a revised proposal (rev #2 6/6/22) to the Town Engineer. This revised plan rotated the garage 90° and eliminated the existing driveway, utilizing an existing driveway, which satisfied his concerns, and the Town Engineer no longer requested a reconsideration/rehearing (Memo of June 22, 2022) and Zoning Administrator did not put onto agenda.

ZBA wants to hold rehearing as it had voted to do so at the May 26, 2022 ZBA mtg.

IN-HOUSE Review/Comments:

Fire Dept: Comments: yes
Planning Dept: Comments: none recv'd
Engineering Dept: Comments: yes

Attachments:

A: 4/28/22 Variance Granted (Notice of Decision).

B: 5/13/22 Memo from Town Engr. requesting Rehearing.

C: 3/28/22 original proposed plot plan (layout).

D: 6/22/22 Memo from Town Engr. not to pursue a Rehearing.

E: 3/28/22 revised (rev #2 6/6/22) proposed plot plan (layout).

F: 5/26/22 ZBA minutes.

G: 6/23/22 Draft ZBA minutes.

H: Fire Dept Comments.

I: Engineering Dept Comments.

[For Registry of Deed use only]

Send recorded copy to:

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

NOTICE OF DECISION

Map 183, Lot 006-000, Zone TR (Town Residence), Case # 183-006

ZBA Decision 04/28/2022

Variance - GRANTED

Property Owner & Address: Jesse M. Couillard and Jamie M. Couillard
102 Central Street, Hudson, NH 03051

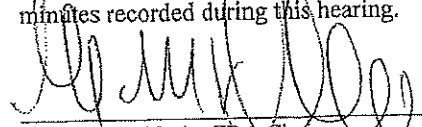
Property Location: 102 Central Street, Hudson, NH 03051

Action sought: Variance to replace and expand an existing non-conforming 12 ft. x 10 ft. deck as a breezeway and build an attached 2-stall, 24 ft. x 20 ft. garage addition. Both encroach the front yard setback 12.5 feet and 21.8 feet leaving 17.5 feet and 8.2 feet respectively where 30 feet is required.

Zoning Ordinance Article: VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures

Action granted: After consideration of the testimony and recognition that it is a corner lot with two (2) 30' front setbacks and a 25' cemetery setback leaving little buildable area, discussion on possible garage placement alternatives and review of aerial views of existing neighborhood houses on Vinton Street; and after review of the Variance criteria and determination that all have been satisfied, motion made, seconded and voted 4:1 to grant the Variance as requested.

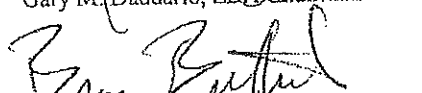
NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been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



Gary M. Daddario, ZBA Chairman

6/15/22

Date



Bruce Buttrick, Zoning Administrator

6-13-22

Date

(A)



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.

B

OWNERS OF RECORD: JESSE & JANE COUTILLARD
102 CENTRAL STREET
HUDSON, NH 03051

DEED REFERENCE: BOOK 8692 PAGE 2760
PLAN REFERENCE: RECORD 1073 & 1388 LOT 1
DATE: OCTOBER 1954
PRESENT USE: RESIDENTIAL

PRESENT ZONING: TR - TOWN RESIDENCE
MINIMUM SETBACKS:
FRONT - 10 FEET
SIDE - 15 FEET
REAR - 15 FEET
VINTON ST - 30 FEET
WETLANDS - 50 FEET

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

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

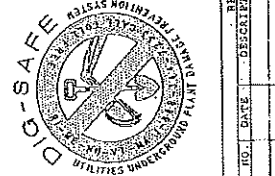
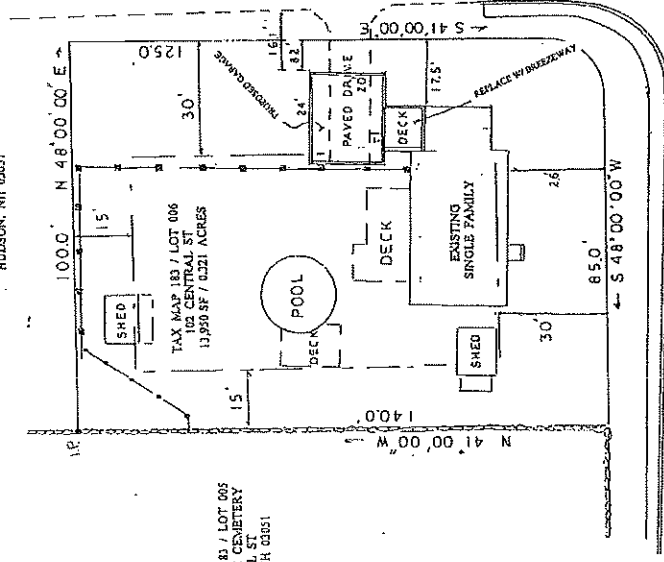
TAX MAP 183 / LOT 072
MICHELE MGHARION
101 CENTRAL STREET
HUDSON, NH 03051

TAX MAP 183 / LOT 077
ADRIEN & MARJORIE CHARETTE
4 VINTON STREET
HUDSON, NH 03051

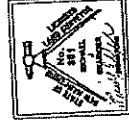
TAX MAP 183 / LOT 086
102 CENTRAL ST
13,950 SF / 0.321 ACRES

TAX MAP 183 / LOT 065
SUNNYSIDE CEMETERY
24 CENTRAL ST
HUDSON, NH 03051

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



NO.	DATE	REVISIONS	BY	APP.



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

TAX MAP 183 / LOT 090
SHAWN ANDER, TRUSTEE
106 105 CENTRAL STREET
28 RANGERS DRIVE
HUDSON, NH 03051

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY
INFORMATION REFERENCE TO THE TOWN OF HUDSON, NH 03051
AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE
OF NH 18000 IN ACCORDANCE WITH THE TOWN OF HUDSON
REGULATIONS.

PROPOSED PLOT PLAN

TAX MAP 183 / LOT 086
CERTIFIED PLOT PLAN
102 CENTRAL STREET
HUDSON, NH 03051

PREPARED FOR: JESSE COUTILLARD
102 CENTRAL STREET
HUDSON, NH 03051

MARCH 28, 2022 SCALE: 1" = 20'

M. J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
225 DEERY ROAD HUDSON, NH 03051 (603) 824-4339
P.N. 22-111

OWNER SIGNATURE: MAP 183 LOT 086 DATE _____

APPROVED BY THE HUDSON NH ZONING BOARD
ON _____ CERTIFIED BY:
CHAIRMAN _____ DATE _____
SECRETARY _____ DATE _____



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 Zoning Board of Appeals

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

DATE: June 22, 2022

RE: 102 Central Street – Hudson NH

Mr. Buttrick

Please be advised that after further coordination and correspondence with the property owner, a revised plan was submitted that addresses the following:

1. The proposed building will be relocated 12.2 feet away from the property line versus 8 feet
2. The existing primary driveway will be removed.
3. The existing second driveway will be reconstructed as the primary driveway.
4. The new driveway layout eliminates the parking concerns on the Right of Way

I have attached the revised plan, which reflects the items listed above. Engineering Department has no further comments on this matter and I would like to thank you all for your time on this matter.

D

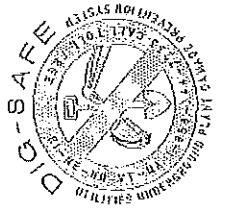
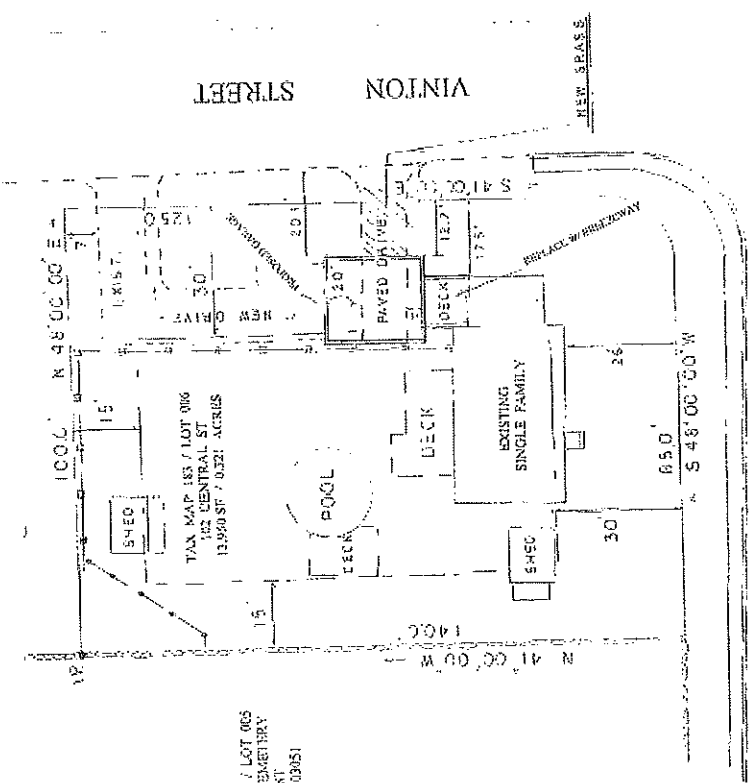
OWNERS OF RECORD: JESSIE & JAMIE COLELLARD
 102 CENTRAL STREET
 HUDSON, NH 03051

DEED REFERENCE: BOOK 0662 PAGE 2980
 PLAN REFERENCE: FORD 1073 & 1988 LOT 1
 DATED: OCTOBER 1984
 PRESENT USE: RESIDENTIAL
 PRESENT ZONING: DT - TOWN RESIDENCE
 MINIMUM SETBACKS:
 FRONT - 30 FEET
 SIDE - 15 FEET
 REAR - 15 FEET
 WETLANDS - 30 FEET

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

THE PURPOSE OF THIS PLAN IS TO SHOW A
 PROPOSED 25' X 20' GARAGE WITH A BRICKPAV. WALKWAY.

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



- LEGEND**
- IRON PIPE
 - STONE FOUND
 - EDGE OF PAVEMENT
 - 4" — 6" WOOD FENCE
 - 4" — 6" VINYL FENCE
 - MINIMUM BUILDING SETBACK

TAX MAP 183 / LOT 065
 HINSHURSE CEMETERY
 98 CENTRAL ST.
 HUDSON, NH 03051

TAX MAP 183 / LOT 097
 ADRIEN & MARJORIE CHARHITTE
 6 VINTON STREET
 HUDSON, NH 03051

TAX MAP 183 / LOT 086
 102 CENTRAL ST.
 13,920 SF / 0.221 ACRES

OWNER SIGNATURE: MAP 183 LOT 066

 DATE: _____

APPROVED BY THE HUDSON, NH ZONING BOARD
 ON _____ CURTAINS BY:
 CHAIRMAN _____ DATE _____
 SECRETARY _____ DATE _____

PROPOSED PLOT PLAN
 TAX MAP 183 / LOT 066
CERTIFIED PLAN
 102 CENTRAL STREET
 HUDSON, NH 03051

MICHAEL J. CRAINGER
 102 CENTRAL STREET
 HUDSON, NH 03051

MARCH 28, 2022 SCALE: 1" = 20'

M. J. CRAINGER ENGINEERING, INC.
 PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
 229 BERRY ROAD HUDSON, NH 03051 (603) 882-4432
 FAX 773-1111

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

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE INFORMATION REFERENCED ABOVE AND A FIELD SURVEY OF THE ORIGINAL SURVEY INSTRUMENTS AND A REVISION OF IT IN 2020, IN ACCORDANCE WITH THE TOWN OF HUDSON ZONING BYLAW.

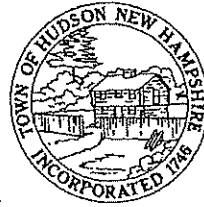
TAX MAP 183 / LOT 080
 SHAWN ANGERL TRUSTEE
 ONE 105 CENTRAL STREET
 25 BANGERS DRIVE
 HUDSON, NH 03051

NO.	DATE	DESCRIPTION	BY	APP.
1	03/28/22	PRELIMINARY	MJC	
2	03/28/22	FINAL	MJC	



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 – May 26, 2022 – approved

The Hudson Zoning Board of Adjustment met Thursday, May 26, 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 7:02 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Bylaws) on the proceedings for the meeting.

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

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).]

Mr. Buttrick read the Case into the record, referred to his Staff Report initialed 5-17-22, noted the history of the request, referenced Town Counsel's 1/12/2022 letter to Atty. Panciocco confirming that the Grigas Street "Extension" dedicated to public use has lapsed by Operation of Law and stated that a revised Subdivision Plan for 8 Lindsay Street dated 5/9/2022 was submitted that depicts a new lot line along the centerline of what was previously designated as Grigas Street Extension with a driveway that leads to a four-bedroom house with garage.

Not Official until reviewed, approved and signed.
Approved 6/23/2022 as edited.

F

especially when there is only 6' to contain the snow. Mr. Flores stated that driveways are usually 8' wide and that there should not be any issue with removing snow.

Mr. Martin questioned the hardship and would it exist if the property was not subdivided as there is reasonable use of the property already. Atty. Panciocco offered the analogy of a large farm that already has a house, a reasonable Use, and that the new property owner would be allowed to subdivide the land.

Public testimony opened at 8:14 PM. Andrew Cloutier, 6 Grigas Street, addressed the Board, stated that there was to be an easement to help with drainage, that there was no T-section design for the St John/Grigas Streets and noted the existing telephone pole and, in his opinion, the hardship criteria is not met.

Atty. Panciocco stated that she fully researched and found no easement on record, noted that PB will do an evaluation for the drainage at the corner and that what is before the ZBA is just a Variance request to allow the creation a lot with reduced frontage and asked the Board to please make findings of fact in their motion. Public testimony closed at 8:26 PM.

Board discussion ensued. Concerns expressed regarding need for a turnaround to avoid backing out into the intersection of St John/Grigas Streets, whether a fire truck could back out the eighty-foot driveway and into an intersection; the ability of property owner to keep snow and debris on property with such a reduced frontage; and whether to include, as a condition of approval, that the PB evaluate the current drainage issues at the corner of St John/Grigas Streets to the abutting cemetery - St. Casimir Cemetery, Lot 17 - and determine if proposed plan with new driveway construction will resolve the current issue.

Mr. Dearborn made the motion to grant the Variance with three (3) stipulations:

- (1) that there is assurance from the Fire Chief of adequate access (ingress/egress) for the Fire Department;
- (2) that the property owner(s) do not place snow or debris from the driveway onto the property of others; and
- (3) that the drainage issue (at the northern property line to the abutting cemetery) be reviewed by the Planning Board.

Mr. Thompson seconded the motion. Each Member spoke and agreed that Variance criteria 2-5 were met. Mr. Sakati stated that criteria 1 has not been satisfied as low frontage will alter the character of the neighborhood yet public safety is satisfied. Roll call vote was 4:1. Mr. Sakati opposed. Variance granted with three (3) stipulations. The 30-day Appeal period was noted.

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

(F₂)

Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A Alteration and expansion of nonconforming structures.]

Mr. Buttrick read the request into the record and referenced the letter dated 5/13/2022 from Town Engineer Elvis Dhima with his concerns regarding the lack of addressing the second driveway and the resulting shortened driveway with two (2) possible alternative options. Ms. Roy asked if the Town Engineer had made a comment to the original application. Mr. Buttrick responded that his original comment was the notation of the second driveway and when he questioned Mr. Dhima, Mr. Dhima responded that he didn't think the Board would actually grant the variance. Mr. Nicolas stated that Town's Engineer's concern regarding the shortened driveway was late but he agreed that either option presented were much safer.

Mr. Daddario noted that there was no public in attendance.

Mr. Dearborn read his letter to the Chairman stating his disappointment with the 4:1 vote, the lack of discussion with regard to the second driveway, concern with the downslope in the road, the fact that a two-story garage was being sought, and the Applicant's response of it being "not convenient" to move the proposed garage and asked how the hardship criteria was satisfied.

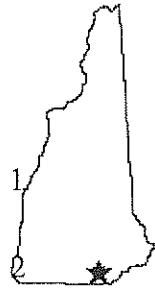
Board checked the NOD (Notice of Decision) that was issued along with the Minutes. It was noted that two (2) Voting Members at the Hearing were not present and it was questioned whether any action should be taken on the Rehearing Request in their absence. Ms. Roy stated that if there was a substantive issue she would agree, but what is before the Board is just a decision whether to grant the Request for a Rehearing.

Board questioned if the Town, particularly the Town Engineer, has standing for the Request. Board reviewed the applicable RSA's for Rehearing - RSA 677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions and RSA 677:3 Rehearing by Board of Adjustment, Board of Appeals or Legislative Body. Board discussion ensued and included recognition that the ZBA has 'inherent authority' and can appeal its own decisions and can make a decision to rehear without causation being the Town Engineer but their own desire to do so.

Mr. Dearborn made the motion to grant the Request for Rehearing. Mr. Nicolas seconded the motion. Roll call vote was 5:0. Rehearing granted. Both Mr. Dearborn and Mr. Sakati requested that the Town Engineer be present at the Rehearing. Mr. Buttrick noted that the Town will have to waive the fee to file the application and cost to notify and advertise.

V. REVIEW OF MINUTES:

04/14/22 edited Draft Minutes: Board reviewed the Minutes as edited and made no further changes. Motion made by Mr. Dearborn, seconded by Mr. Nicolas and unanimously voted to adopt the 4/14/2022 Minutes as edited.



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 – June 23, 2022 - draft

The Hudson Zoning Board of Adjustment met on Thursday, June 23, 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 Gary Daddario called the meeting to order at 7:00 PM and invited everyone to stand for the Pledge of Allegiance. Mr. Daddario dispensed with the reading of the meeting's procedure as there were no Cases before the Board, and there was no public in attendance.

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) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused were Dean Sakati (Alternate) and Jim Pacocha (Regular/Vice Chair). Mr. Daddario appointed Alternate Thompson to vote.

III. PUBLIC HEARING:

Proposed ZBA Bylaws amendments 1st reading:

Mr. Buttrick read the item into the record, noted that it has undergone extensive review by both the Board and Staff and that this is the first of two (2) Public Hearings required to modify the Bylaws and added that the Bylaws are also part of the Town Code and should be identical.

Mr. Buttrick read the summary of each change proposed as the Board followed along in the 'Working Copy' of the Bylaws with the proposed changes in red ink and only a few received additional comments/questions from the Board.

- Global revision of gender terms to gender neutral terms throughout document;

88 The first required Public Hearing on the proposed amendments to the ZBA
89 Bylaws concluded. Second Public Hearing to be set.

90

91IV. REQUEST FOR REHEARING:

92

93 Mr. Buttrick stated that at the last meeting the Board granted a Rehearing to
94 Case 183-006 on the Variance granted at 102 Central Street for the garage to
95 encroach 21.8' into the required 30' setback leaving 8.2' to Vinton Street and
96 reported that since the Variance was granted the Town Engineer and the
97 Property Owner worked together, rotated the garage ninety (90) degrees,
98 eliminated the second driveway and reduced the needed Variance for
99 encroachment leaving 12.5' to Vinton Street and that because the resulting
100 encroachment is less than what was granted by the Variance it is approvable
101 from the Zoning Administrator's viewpoint and, as a result, a Rehearing would
102 not be necessary.

103

104 Board discussion ensued. Mr. Daddario noted that even though it was the
105 Town Engineer who initiated the Rehearing request and the question was
106 raised whether the Town Engineer had standing, the Board decided to grant
107 the Rehearing based on the 'inherent authority' the RSA grants ZBA to re-
108 evaluate their own decisions.

109

110 Mr. Daddario stated that his concerns have been alleviated with the proposed
111 new plan. Mr. Nicolas and Mr. Martin agreed that the new plan also addresses
112 many of their concerns. However, concerns were raised regarding the lack of a
113 proper paper trail regarding the new plan.

114

115 Mr. Dearborn stated that a Rehearing is also necessary in order *not* to set a
116 precedent regarding the Property Owners' resistance to any change because
117 what they had proposed was "convenient" to them and offered the example that
118 the Zoning Ordinance prohibits sheds in the front yard but could grant a
119 variance because the front yard is "convenient" to the Property Owner(s).

120

121 Mr. Thompson pointed out that there is a second floor to the garage, for a
122 proposed rec room, and the connection of the garage to the house is the
123 "convenience" the Property Owners seek to avoid having to go outside to
124 access.

125

126 Mr. Etienne stated that the Board voted to Rehear the Variance and the plan
127 that was configured between the Town Engineer and the Property Owners is a
128 new plan and that new plan should be documented for the sake of a proper
129 "paper trail". Mr. Dearborn agreed, to be procedurally correct and tie up loose
130 ends.

131

132 Board consensus was what the Rehearing should proceed with the new plan.
133 Mr. Buttrick was asked to do the needed notifications.

62

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

REQUEST FOR REVIEW/COMMENTS:

Case: 183-006 Variance Rehearing

Property Location: 102 Central Street

For Town Use

Plan Routing Date: 07/13/2022 Reply requested by: 07/18/2022 ZBA Hearing Date: 07/28/2022

I have no comments I have comments (see below)

BMB Name: Robert M. Buxton Date: 7/18/2022
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

- The adjusted plan seems to solve the driveway issue noted by the town engineer.
- With that said it does not create any access issue to the property from a fire department view.
- This seems to be a good solution for the concerns noted.

[Signature]

[Handwritten 'H' in a circle]

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

REQUEST FOR REVIEW/COMMENTS:

Case: 183-006

Property Location: 102 Central Street

For Town Use

Plan Routing Date: 07/13/2022 Reply requested by: 07/18/2022 ZBA Hearing Date: 07/28/2022

I have no comments I have comments (see below)

EZD _____ Name: Elvis Dhima, P.E Date: 07/14/2022
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

The new layout addresses Engineering Department's items

①

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

REQUEST FOR REVIEW/COMMENTS:

Case: 183-006
Property Location: 102 Central Street

For Town Use

Plan Routing Date: 07/13/2022 Reply requested by: 07/18/2022 ZBA Hearing Date: 07/28/2022

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 07/18/2022
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

TOWN OF HUDSON

APR 08 2022

Zoning Department
To: Zoning Board of Adjustment
Town of Hudson

APPLICATION FOR A VARIANCE

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 183-006(04-28-22)
Date Filed 4/8/22

Name of Applicant Jesse Couillard Map: 183 Lot: 002 Zoning District: TR

Telephone Number (Home) 774-275-7889 (Work) _____

Mailing Address 102 Central Street

Owner Jesse and Jamie Couillard

Location of Property 102 Central Street
(Street Address)

Jesse Couillard _____ Date 3/21/22
Signature of Applicant

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

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

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

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

Date received: 4/8/22

COST:

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

Abutter Notice:

<u>7</u> Direct Abutters x Certified postage rate	\$ <u>4.33</u> =	\$ <u>30.31</u>
<u>9</u> Indirect Abutters x First Class postage rate	\$ <u>0.58</u> =	\$ <u>5.22</u>
Total amount due:		\$ _____

Amt. received: \$ 220.53 CC-Visa

Receipt No.: 680,543

Received by: DG

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

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
✓	Please review the application with the Zoning Administrator or staff.	TG
✓	The applicant must provide the original (with wet signatures) of the complete filled-out application form and all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	TG
✓	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
✓	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	N/A
✓	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: 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.)	TG
✓	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	TG
✓	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	TG
✓	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	TG
✓	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	N/A

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
183	006	Jesse + Jamie Couillard	102 Central Street ✓
183	090	Shawn Anger TR	28 RANGERS DR
183	089	Levesque, Gilbert & Martha	107 Central Street
183	072	Michele M. Mahon	104 Central Street
183	071	Katherine L. Corleto	3 Vinton Street
183	005	SUNNYSIDE CEMETERY C/O FRED FULLER	12 TRACY LANE
183	007	Charette, Arlene D. & Monique	6 Vinton Street

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
183	070	Raystan A. Wendy	82 Bush Hill RD
183	008	Preston, John + Deborah	8 Vinton St
183	092	Estey, Harold	101 Central St
183	055	Garost, Jonathan + Ashley	7 Burton St
183	073	Taylor, James + Michelle	106 Central St
183	069	Williamson, Scott + Michele	7 Vinton St
183	054	Foley, Doris P	3 Marshall St
183	088	LAVIGNE, Robert J. + Catherine	109 Central St
183	091	De matted Michelle K	10 Ponderosa Dr
183	092	Estey, HAROLD + Arlene	101A Central St

APPLICATION FOR A VARIANCE

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

See Attached →

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

Application for Variance

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

This house was built in 1960 at a time when
the zoning ordinance requirements for this neighborhood
were significantly different than today thus, we
have an existing non conforming lot due to two
front yard setbacks Central St and Vinton Street.
Zoning requires 30ft from Vinton, this home sits
17.5 ft. Zoning requires 30ft from Central St;
this home now sits 28ft. In addition, this
Property abuts Sunnyside Cemetery. Cemeteries
require a 25ft setback (no construction) thus
Putting garage in back setback 15ft would have
the garage in the middle of the yard.

FACTS SUPPORTING THIS REQUEST:

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

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

See attached

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

See attached

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

See attached

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

See attached

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

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

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

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

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

1) Because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and*

See attached

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

See attached

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

5

A

1) As mentioned earlier, 102 Central Street is located in the TR zone and is already considered a non-conforming structure by the town of Hudson NH. This lot has a number of special conditions including, Property abutts the Sunny Side Cemetery (25 ft non construction zone). This premises has two front road frontages, Central St setback is 30 ft, existing house is located at 23 ft of the setback, Vinton Street is 30 ft setback, existing house is 17.5 ft of the setback. In closing, with out relief by variance these special conditions create a building hardship.

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-035R1 Revised

March 24, 2022

Jesse Couillard
102 Central St
Hudson, NH 03051

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

Dear Mr. Couillard,

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

Zoning Review / Determination:

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

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

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

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

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

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

Sincerely,

Bruce Buttrick

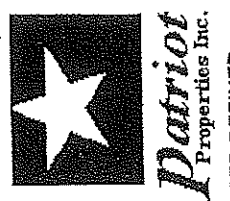
Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

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



IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.326	126,300		67,800	194,100

User Acct	1844
GIS Ref	
GIS Ref	
Insp Date	02/15/01

Parcel ID	183-006-000
Parcel ID	17176!

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

Source	Market Adj	Cost	Total Value per SQ unit	Card	Parcel	Parcel	Land Unit Type
			165.05	165.05	183-006-000	17176!	AC

PREVIOUS ASSESSMENT

Grantor	Legal Ref	Type	Date	Sale Price	V	Tst	Verif	Notes
COUILLARD, JESS	8692-2960	2	8/20/2014	199,900	No	No		
DOANE, ZOE A.	8655-2606	1	8/21/2002	199,900	No	No		
TORRES, JOHN R.	6194-0330		12/22/1999		No	No		

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Price	V	Tst	Verif	Notes
COUILLARD, JESS	8692-2960	2	8/20/2014	199,900	No	No		
DOANE, ZOE A.	8655-2606	1	8/21/2002	199,900	No	No		
TORRES, JOHN R.	6194-0330		12/22/1999		No	No		

TAX DISTRICT

Grantor	Legal Ref	Type	Date	Sale Price	V	Tst	Verif	Notes
COUILLARD, JESS	8692-2960	2	8/20/2014	199,900	No	No		
DOANE, ZOE A.	8655-2606	1	8/21/2002	199,900	No	No		
TORRES, JOHN R.	6194-0330		12/22/1999		No	No		

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

OTHER ASSESSMENTS

Code	Description	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		
				Exmpt		
D				Topo	1	LEVEL
s				Street		
t				Gas		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC	No of Units	Depth / Price/Units	Unit Type	Land Type	Site
101	ONE FAMILY		0.326				SITE ACRE SITE

LAND SECTION (First 7 lines only)

BUILDING PERMITS

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

ACTIVITY INFORMATION

Date	Result	By	Name
7/31/2018	Measured	19	KRT2
7/31/2013	Measured	15	APPR TECH 5
6/20/2007	Info By Phon	10	APPRAISER II
6/19/2007	Measured	10	APPRAISER II
8/22/2005	New Maps	1	CHIEF ASSES
2/15/2001	Meas/inspect	0	PATRIOT
8/6/1991	Inspected	2	AVITAR

Sign: _____

Alt	Spec	J	Land	Code	Notes

Use Code	Description	LUC	No of Units	Depth / Price/Units	Unit Type	Land Type	Site
101	ONE FAMILY		0.326				SITE ACRE SITE

Use Code	Description	LUC	No of Units	Depth / Price/Units	Unit Type	Land Type	Site
101	ONE FAMILY		0.326				SITE ACRE SITE

Total AC/HA	0.32600	Parcel LUC	101	ONE FAMILY	Prime NB	Descr	RES FAIR
Total	67,813	Spl Credit		Total	67,800		

Disclaimer: This information is believed to be correct but is subject to change and is not warranted

Dataphase AssessPrn - HudsonNH
 imirchaud

EXTERIOR INFORMATION

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

BATH FEATURES

Full Bath:	1	Rating:	AVERAGE
A Bath:		Rating:	
3/4 Bath:		Rating:	
A 3/4 Bath:		Rating:	
1/2 Bath:		Rating:	
A 1/2 Bath:		Rating:	
Other Fix:		Rating:	

COMMENTS

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

OTHER FEATURES

Kits:	1	Rating:	AVERAGE
A Kits:		Rating:	
Frip:		Rating:	
WSFlue:		Rating:	

CONDO INFORMATION

Location:	
Total Units:	
% Own:	
Name:	

INTERIOR INFORMATION

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

DEPRECIATION

Phys Cond:	AV	Average	32%
Functional:			
Economic:			
Special:			
Override:			
Total:			32%

CALC SUMMARY

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

MOBILE HOME

Make:	
Model:	

SPEC FEATURES/YARD ITEMS

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	DIS	Dep	LUC	Fact	NB	Fa	Appr Value	Juris Value
02	SHED-NV	D	Y	1	96	AV	AV	1960	0.00	T	40	101					
7	POOL-AG-CIR	D	Y	1	18	AV	AV	2005	0.00	T	13	101					
96	HOT TUB	D	S	1	4	AV	AV	2005	500.00	T	12	101				1,800	
221	POOL DECK	D	Y	1	8X12	AV	AV	2005	0.00	T	0	101					

More: N

Total Yard Items: 1

Total Special Features: 1,800

Total: 1,800

SKETCH

SUB AREA

Code	Description	Area - SQ	Rate - AV	Uncepr Value	Sub %	Area Usbl	Descrp	%	Qu #	Te
FFL	FIRST FLOOR	1,176	130,150	153,054						
BMT	BASEMENT	960	26,030	24,988						
WDK	WOOD DECK	364	13,750	5,004						

SUB AREA DETAIL

Code	Description	Area - SQ	Rate - AV	Uncepr Value	Sub %	Area Usbl	Descrp	%	Qu #	Te
FFL	FIRST FLOOR	1,176	130,150	153,054						
BMT	BASEMENT	960	26,030	24,988						
WDK	WOOD DECK	364	13,750	5,004						

REMODELING	No Unit	RMS	BRS	FL
Exterior:	1	6	3	M
Interior:				
Additions:				
Kitchen:				
Baths:				
Plumbing:				
Electric:				
Heating:				
General:				
Totals	1	6	3	

WtAv\$/SQ:		AvRate:	Ind.Val
Juris. Factor:	Before Depr:	130.15	
Special Features:	1800	Val/Su Net:	50.52
Final Total:	126300	Val/Su SzAd:	107.40

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

IMAGE



PARCEL ID 183-006-000

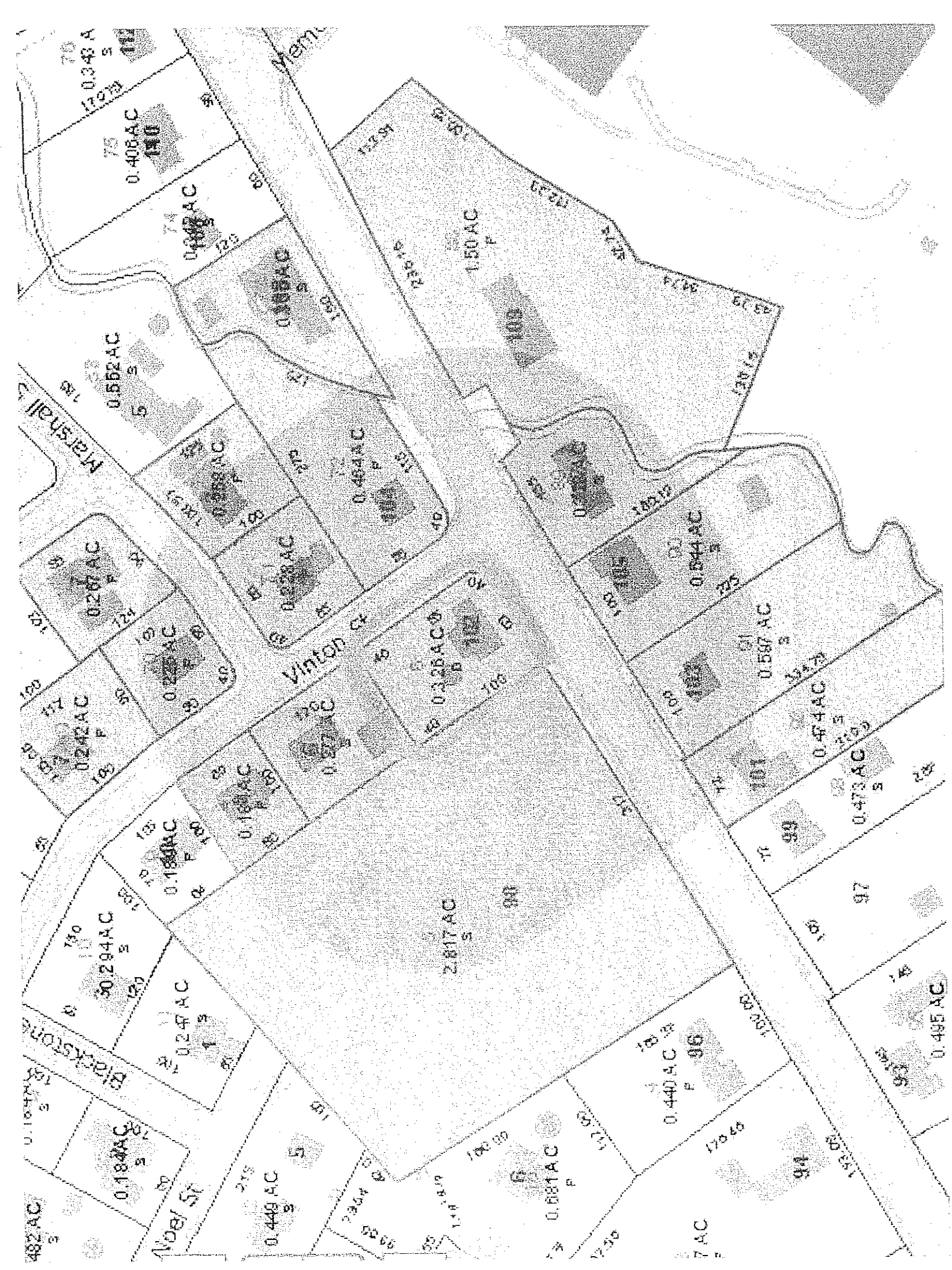
Parcel ID	Typ	Date	Sale Price
183-006-000			

More: N

Total Yard Items: 1

Total Special Features: 1,800

Total: 1,800



70
120343 A
S
111

75
0.408 AC
110

81
0.552 AC
S

C. IRUSJEA

101
0.242 AC
F

102
0.225 AC
F

103
0.180 AC
F

104
0.294 AC
S

105
0.184 AC
S

106
0.440 AC
S

107
0.308 AC
S

108
0.464 AC
F

109
0.228 AC
S

110
0.326 AC
F

111
0.180 AC
F

112
0.294 AC
S

113
0.440 AC
F

114
0.681 AC
F

115
0.440 AC
F

116
1.50 AC
F

117
0.228 AC
S

118
0.326 AC
F

119
0.474 AC
S

120
0.473 AC
S

121
0.294 AC
S

122
0.440 AC
F

123
0.495 AC

124
0.495 AC

125
0.228 AC
S

126
0.326 AC
F

127
0.474 AC
S

128
0.473 AC
S

129
0.294 AC
S

130
0.440 AC
F

131
0.495 AC

132
0.495 AC

133
0.495 AC

134
0.228 AC
S

135
0.326 AC
F

136
0.474 AC
S

137
0.473 AC
S

138
0.294 AC
S

139
0.440 AC
F

140
0.495 AC

141
0.495 AC

142
0.495 AC

Memphis

Vinton St

Noel St

Brickstone

7 AC

INTERNATIONAL RESERVANCE CODE
 DESIGN: EXTERIOR, 2010 IBC and IRC
 NEW HAMPSHIRE, ROOF SNOW LOAD
 30 PSF AT 24"O.C. REVISION
 THE DRAFTING PERSONNEL SHALL
 BE RESPONSIBLE FOR THE ACCURACY
 OF ALL DIMENSIONS AND NOTES
 UNLESS OTHERWISE NOTED
 CONTRACTOR SHALL VERIFY ALL
 DIMENSIONS AND NOTES
 ALL DIMENSIONS UNLESS NOTED
 OTHERWISE
 LIGHT GLAZING
 ALL DIMENSIONS UNLESS NOTED
 OTHERWISE
 ALL DIMENSIONS UNLESS NOTED
 OTHERWISE

CONTRACTOR

HOMEOWNER NAME
 JESSIE/JANIE COULARD

SUBDIVISION
 HUDSON NH

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

STREET NO.
 102 CENTRAL ST

REVISED DATE:
 3-18-2022

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

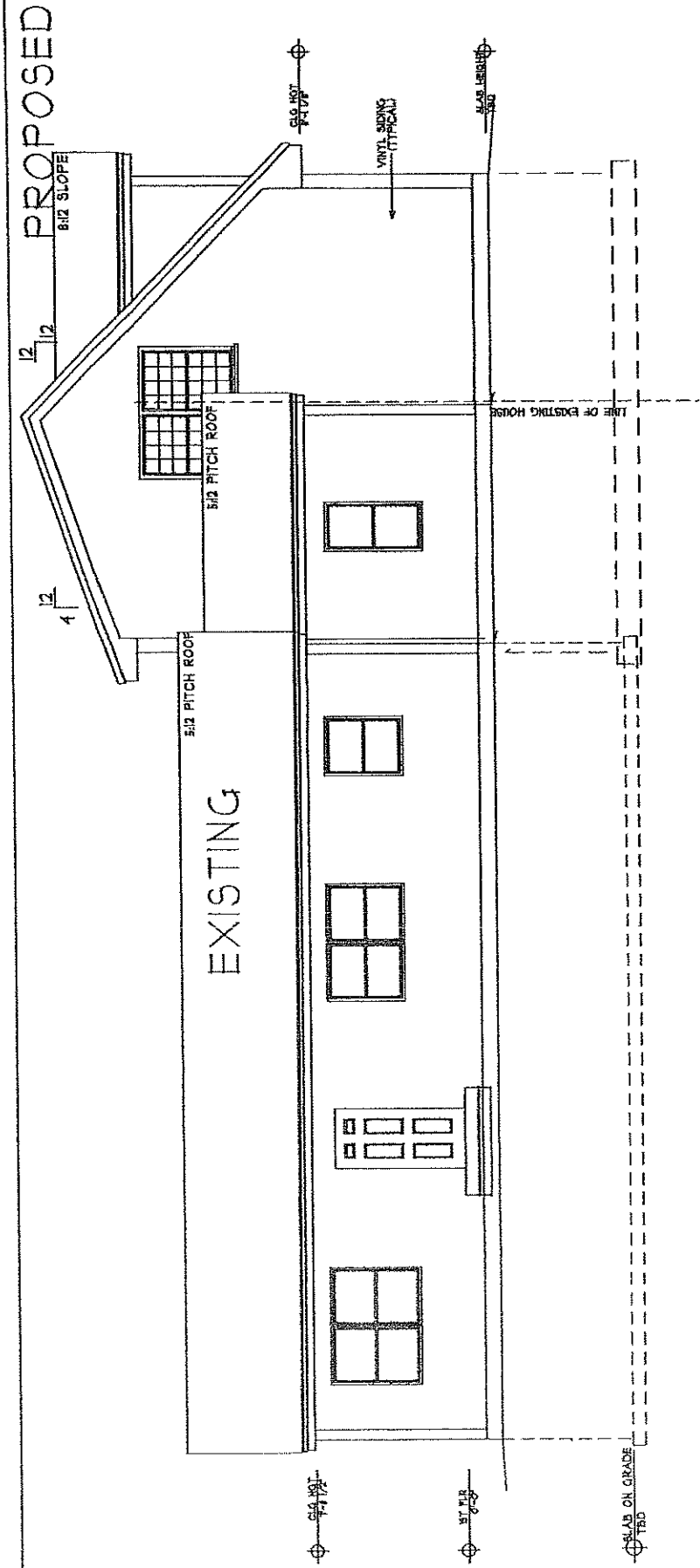
FILENAME:
 102 Central St

DRAWN DATE:
 3-4-2022

DRAWING NAME:
**FRONT
 ELEV.**

DRAWING NO.
A-1

HOUSE TYPE:
 40'x24' RANCH
 W/ 12x8 MUD ROOM
 ADD 12x6 3 SEASON
 AND 20'x24' GARAGE



FRONT ELEVATION

SQUARE FOOTAGE TABLE
 TOTALS EXCLUDE UNFINISHED STORAGE & BASEMENT

PLAN	SQ. FTG.
3 SEASON	120
GARAGE	180
TOTAL:	300

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

NOTE:
 SQUARE FOOTAGE INCLUDES ALL
 EXTERIOR FINISHES, EXCEPT
 PATIOS OR UNFINISHED STORAGE,
 PATIOS OR UNFINISHED STORAGE,
 TAKE NOTE THAT BUILDER'S SQUARE
 FOOTAGE CALCULATIONS MAY VARY
 FROM DRAFTERS.
 CONTRACTOR IS TO ENSURE AT LEAST ONE
 UPBLOW IN EACH SLEEPING ROOM MEETS LOCAL
 STATES AND NATIONAL BUILDING, FIRE SAFETY,
 CODES FOR NET CLEAR OPENING AREA, WIDTH,
 AND HEIGHT.

INTERNATIONAL RESIDENCE CODE
 DESIGN CRITERIA 2015 IBC AND IRC
 NET HANDLING DOOR FROM LAND
 AS PER AT 2407 ELEVATION
 LIVE LOADING REQUIREMENTS TO BE
 SHOWN ON ALL FLOOR PLANS
 ALL FINISHES TO BE SHOWN ON ALL
 FLOOR PLANS
 ALL FINISHES TO BE SHOWN ON ALL
 FLOOR PLANS
 ALL FINISHES TO BE SHOWN ON ALL
 FLOOR PLANS

CONTRACTOR

HOMEOWNER NAME:
 JESSE/JANIE COULARD

SUBDIVISION:
 HUDSON NH

LOT NO:
 0082-0037-0000
 183-001-000

STREET NO:
 102 CENTRAL ST

REVISED DATE:
 3-18-2022

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

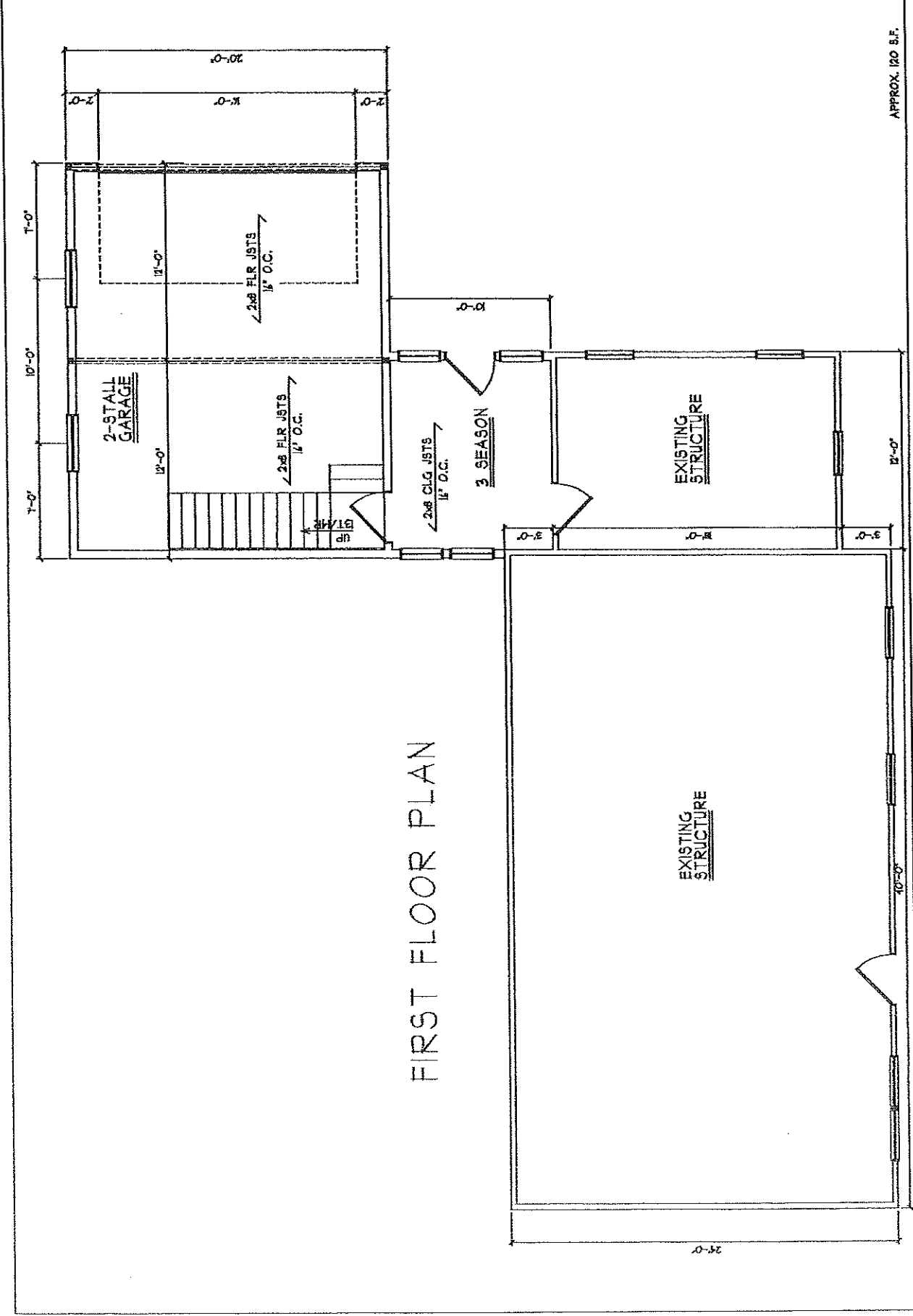
FILE NAME:
 102 Central St

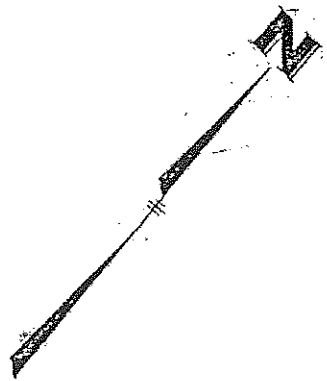
DRAWING DATE:
 3-4-2022

DRAWING NAME:
MAIN FLOOR PLAN

DRAWING NO:
A-5

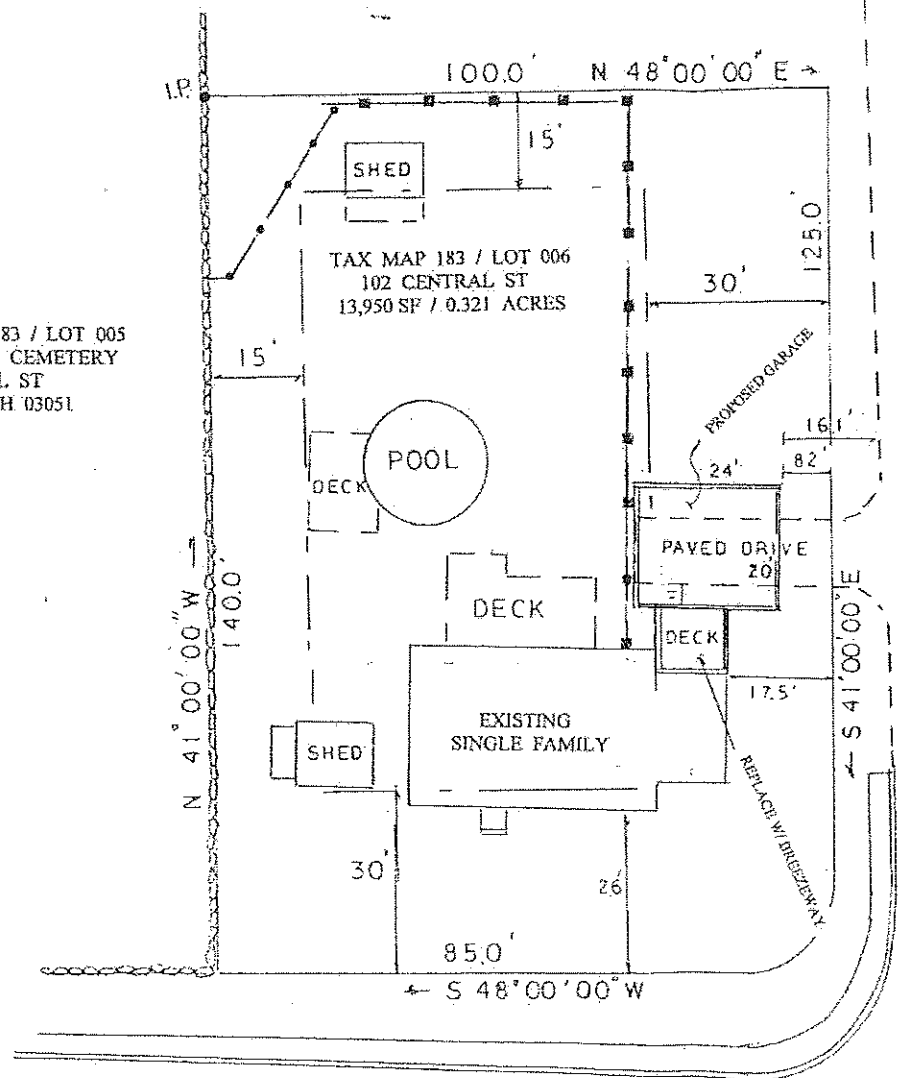
HOUSE TYPE:
 40'x24' RANCH
 W/ 12x8 HUD ROOF
 ADD 12x10 3 SEASON
 AND 20'x24' GARAGE





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

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



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

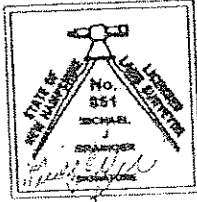


REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

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

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

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



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

DEED REFERENCE: BOOK 8692 PAGE 2960

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

PRESENT USE: RESIDENTIAL

PRESENT ZONING: TR - TOWN RESIDENCE

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

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

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

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

OWNER SIGNATURE: MAP 183 LOT 006

DATE _____

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

PROPOSED PLOT PLAN

TAX MAP 183 / LOT 006

CERTIFIED PLOT PLAN
102 CENTRAL STREET
HUDSON, NH 03051

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

MARCH 28, 2022

SCALE: 1" = 20'

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

ORIGINAL

Submitted

TOWN OF HUDSON
APR 08 2022

Zoning Department



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: July 28, 2022 *7-19-22*

Case 198-029-002 (07-28-22): Don Dumont, Manager of DMT Realty LLC, 195R Central Street, Hudson, NH requests 2 (two) Variances for **4 C Street, Hudson, NH** to reconfigure the existing lot with a proposed lot line adjustment [Map 198, Lot 029-002; Zoned Business (B)] as follows:

- a) A Use Variance for the construction of a single family home (after lot line adjustment) in the Business Zone where it is not a permitted use. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses.] and;
- b) A Variance resulting in a reconfigured proposed 10,168 sqft lot area where 30,000 sqft is required and proposed 124.47 feet frontage where 150 feet is required in the Business District. [HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Summary:

Applicant would like to reconfigure this lot as if was in the TR zone (with conforming area and frontage) requirements, for construction of a single- family dwelling. Applicant needs a Use variance as this property is in the B zone, and lot dimension variance as this lot is in the B zone.

Property description:

Vacant lot of record.

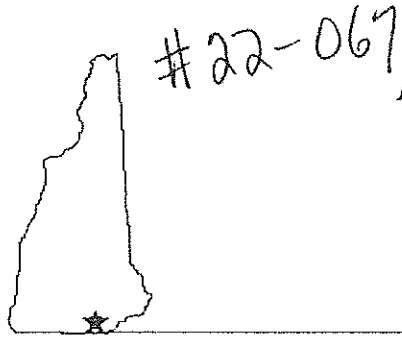
Existing non-conforming in lot size 10,018 sqft where 30,000 sqft is required. Existing conforming frontage with 180 ft where 150 ft is required.

IN-HOUSE Review/Comments:

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

Attachments:

- A:** Assessing history
- B:** 5/31/22 Zoning Determination #22-067
- C:** Engineering Dept Comments
- D:** Planning Dept Comments



#22-067

LAND USE DEPARTMENT
12 School Street
Hudson, NH 03051
(603) 886-6008
www.hudsonnh.gov

TOWN OF HUDSON
MAY 27 2022
Zoning Department



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request

5/

Property Location

4 C ST. & 6 A ST.

Map 198 Lot 029 Sublot 002

Zoning District if known

Business

Type of Request

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

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

would like to use lot's for
RES.

Applicant Contact Information:

Name: DON DEMONT
 Address: 195 R CENTRAL ST.
 Phone Number: 603-231-7344
 Email: CEREKMANAGEMA@GOL.COM

For Office use

ATTACHMENTS: TAX CARD

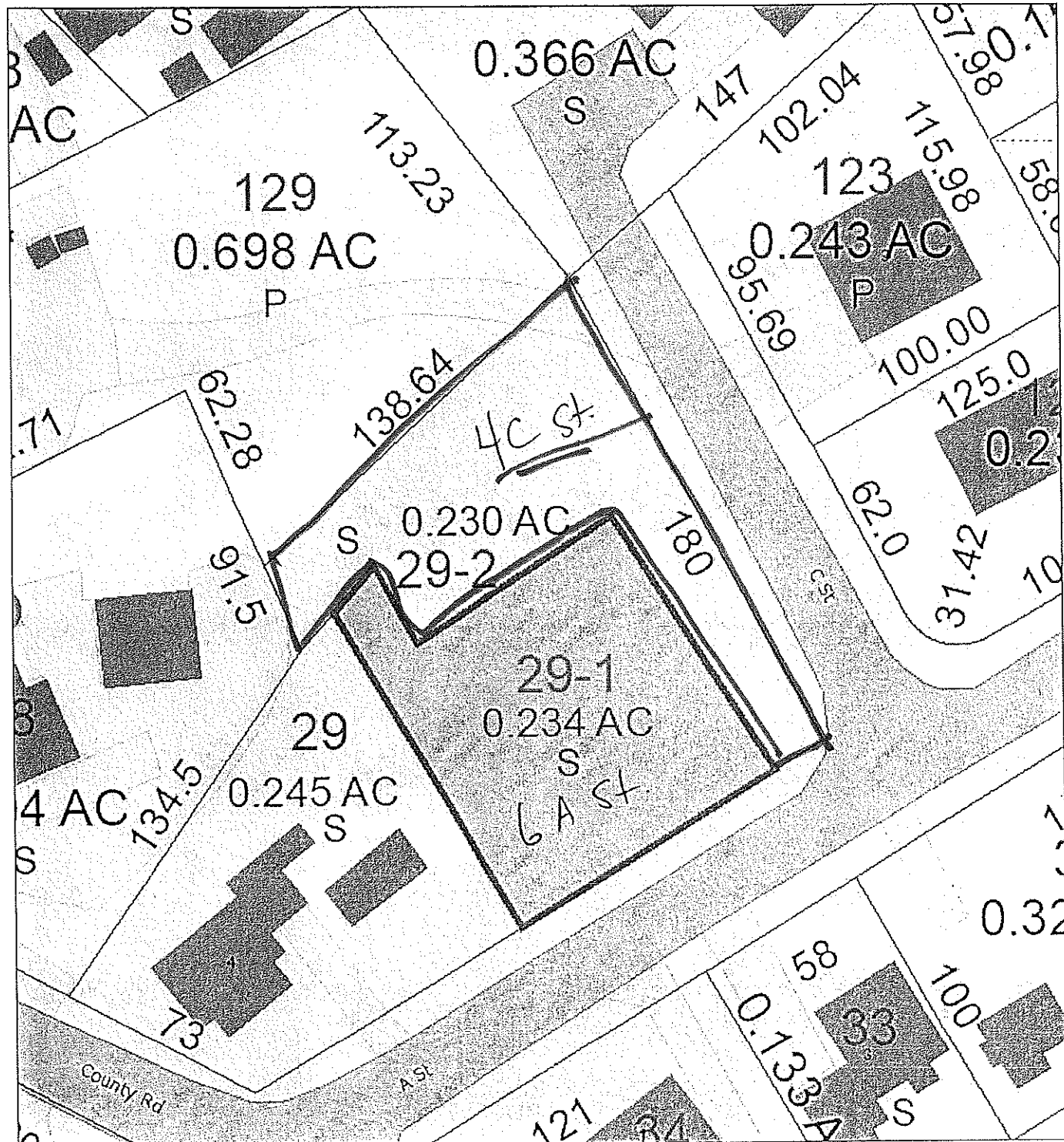
GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

B2

4 C Street & 6A Street

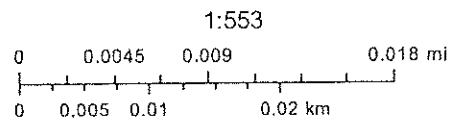


May 27, 2022

Legend

----- Easement_Lines

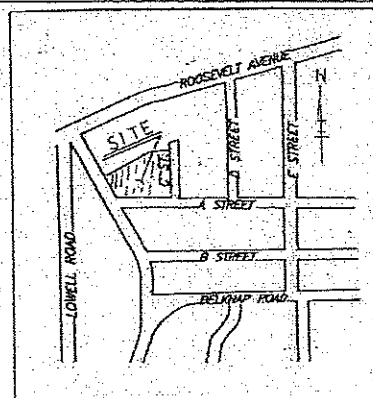
▭ Parcels



B3



LOT #	TOTAL AREA	CORDING AT THE
29	10,714 SF	DATED: 1912
29-01	10,323 SF	BY STEVEN J. PATRICK
29-02	10,164 SF	ST 28, 1989.



LOCATION PLAN

NOTES

- THE PURPOSE OF THIS PLAN IS TO ADJUST THE LOT LINES MAKING THEM MORE CONFORMING TO THE NEIGHBORHOOD.
- TOTAL AREAS: EXISTING LOT 29: 0.245 AC / 10,672 SF
LOT 29-01: 0.234 AC / 10,193 SF
LOT 29-02: 0.230 AC / 10,022 SF
- AREAS OF NEW LOTS: LOT 29: 10,716 SF / 0.246 AC
LOT 29-01: 10,329 SF / 0.241 AC
LOT 29-02: 10,161 SF / 0.233 AC
- LOT NUMBERS REFER TO THE TOWN OF HUDSON ASSESSOR MAPS 191 AND 198.
- PRESENT ZONING: B - BUSINESS.
- ZONING REQUIREMENTS: MINIMUM LOT AREA - 10,000 SF
MINIMUM LOT FRONTAGE - 150 FT
MINIMUM BUILDING SETBACKS: FRONT 50 FT
SIDE 15 FT
REAR 15 FT
WETLANDS 50 FT
- DEED REFERENCES: LOT 29: BOOK 613 PAGE 2646
LOT 29-01: BOOK 9333 PAGE 409
LOT 29-02: BOOK 9333 PAGE 414
- OWNER OF RECORD: LOT 29 ALAN-RAY PROPERTIES, LLC
LOT 29-01 POSEY INVESTMENTS, LLC
LOT 29-02 DMT REALTY, LLC
- THERE ARE NO WETLANDS ON THESE LOTS.
- TOWN WATER AND TOWN SEWER ARE PROVIDED FOR THESE LOTS.
- NO PARTS OF THESE LOTS FALL WITHIN THE 100 YR FLOOD ZONE AS SHOWN ON F.I.R.M. COMMUNITY PANEL 3301(C0518D), EFFECTIVE 9-25-2009.
- ALL STIPULATIONS OF APPROVAL SHALL BE INCORPORATED INTO THE DEVELOPMENT AGREEMENT WHICH SHALL BE RECORDED AT THE H.C.R.D.
- ALL MONUMENTS SHALL BE SET OR BONDED PRIOR TO THE PLANNING BOARD ENDORSING THIS PLAN.
- APPROVAL OF THIS PLAN SHALL BE SUBJECT TO FINAL ADMINISTRATIVE REVIEW BY THE ENGINEERING AND PLANNING DEPARTMENTS.
- CONSTRUCTION ACTIVITIES INVOLVING THE PROPOSED UNDEVELOPED LOTS SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THRU SATURDAY.

TAX MAP 198 /
J & D REALTY
64 LOWELL RD
HUDSON, NH

COUNTY

TAX MAP 198 LOT
PAUL & ALICE FERSON
14 LOWELL ROAD
HAVERHILL, MA 01830-2004

- LEGEND**
- STONE BOUND FOUND
 - IRON ROD
 - STONE WALL
 - - - EDGE OF PAVEMENT
 - - - BUILDING SETBACK LINE
 - - - 4' CHAIN LINK FENCE
 - - - GRAVEL DRIVEWAY
 - - - OLD LOT LINE



LOT LINE RELOCATION PLAN

TAX MAP 198 / LOTS 29, 29-1, 29-2
ALAN - RAY PROPERTIES, LLC
A STREET & C STREET
HUDSON, NH 03051

PREPARED FOR: ALAN-RAY PROPERTIES, LLC
191R CENTRAL STREET
HUDSON, NH 03051

MARCH 16, 2022 SCALE: 1" = 20'

M. J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
228 DERRY ROAD HUDSON, NH 03051 (603) 882-4359
J. N. 21-116

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____
SIGNATURE: _____ DATE: _____
SIGNATURE: _____ DATE: _____

SUBDIVISIONS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FOR AN APPLICANT TO OBTAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE NH RSA 274:29.

B4

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

REQUEST FOR REVIEW/COMMENTS:

Case: 198-029-002
Property Location: 4 C Street (2 Variances)

For Town Use

Plan Routing Date: 07/13/2022 Reply requested by: 07/18/2022 ZBA Hearing Date: 07/28/2022

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 07/14/2022
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

1. Applicant shall clarify that both lots shall be served by municipal water and sewer utility.
2. Applicant shall provide plan and profile for the proposed driveway curb cuts, stamped by a NH PE.
3. Applicant shall provide plan and profile for the proposed driveway, stamped by a NH PE.

⑤

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

REQUEST FOR REVIEW/COMMENTS:

Case: 198-029-002

Property Location: 4 C Street (2 Variances)

For Town Use

Plan Routing Date: 07/13/2022 Reply requested by: 07/18/2022 ZBA Hearing Date: 07/28/2022

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 07/18/2022
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

If granted, the requested variances would allow the subject lot to be developed in a manner that is consistent with its environs, as a single-family house lot characteristic of the Town Residential (TR) Zone. This would be more a harmonious use of the land than if developed under its current zone designation of Business (B).

The current zone designation of Business (B) is presumably the result of a somewhat arbitrary 500-foot offset from Lowell Road when the zone was established. This parcel, and others like it, are worthy of consideration for zoning map amendments.

(D)

APPLICATION FOR A VARIANCE

334-27 & 334-4

To: Zoning Board of Adjustment
Town of Hudson

<p>Entries in this box are to be filled out by Land Use Division personnel</p> <p>Case No. _____</p> <p>Date Filed _____</p>

Name of Applicant DMT Realty LLC. *Don Dumant Manager* Map: 198 Lot: 029-002 Zoning District: B

Telephone Number (Home) _____ (Work) 603-231-7344

Mailing Address 195R Central St Hudson NH

Owner DMT Realty LLC.

Location of Property 4 C St
(Street Address)

[Signature] MANAGER Date 7/7/22
Signature of Applicant

[Signature] MANAGER Date 7/7/22
Signature of Property-Owner(s)

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

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

<p>Items in this box are to be filled out by Land Use Division personnel</p>	
	Date received: _____
COST:	
Application fee (processing, advertising & recording) (non-refundable):	\$ <u>185.00</u>
<u>Abutter Notice:</u>	
_____ Direct Abutters x Certified postage rate \$ _____ =	\$ _____
_____ Indirect Abutters x First Class postage rate \$ _____ =	\$ _____
Total amount due:	\$ _____
	Amt. received: \$ _____
	Receipt No.: _____
Received by: _____	
By determination of the Zoning Administrator, the following Departmental review is required:	
Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____	

TOWN OF HUDSON, NH

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
DST	Please review the application with the Zoning Administrator or staff.	TG
DST	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) ¹³ single-sided copies of the assembled application packet. (Paper clips, no staples)	_____
DST	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
N/A	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	TG N/A
DST	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.)	pending labels TG.
DST	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	TG
DST	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	TG.
DST	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	TG.
DST	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <u>N</u> (circle one). If yes, submit an application to the Planning Board.	N/A

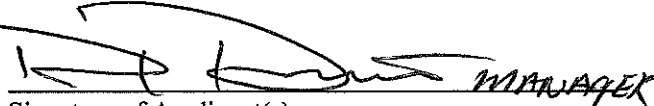
CERTIFIED PLOT PLAN:

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


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

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

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


Signature of Applicant(s)

7/7/22
Date


Signature of Property Owner(s)

7/7/22
Date

and could severely diminish the surrounding property values the literal enforcement of those sections would result

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
198	029-002	DMT Realty LLC	195R Central St Hudson NH 03051
198	29-1	Posey Investments LLC	195R Central St Hudson NH 03051
198	29	Alan-Ray Properties LLC	195R Central St Hudson NH 03051
198	28	J and D Realty Corporation	64 Lowell RD Hudson NH 03051
191	129	J and D Realty Corporation	64 Lowell RD Hudson NH 03051
191	124	Kristeen Parent	3 C St Hudson NH 03051
191	123	Kristeen Parent	3 C St Hudson NH 03051
191	123-1	Kara Mary Papa Justin Anthony Piekos	8 A St Hudson NH 03051
198	32	Brian T Lynch	7 A St Hudson NH 03051
198	33	Debra M Velazquez	3 A St Hudson NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
191	120	Ruth N Hughes TR Hughes Family TR	12 D St Hudson NH 03051
191	125	Jonathan Zedalis	9 Roosevelt Ave Hudson NH 03051
191	126	Brian V Landry Kristina G Landry	7 Roosevelt Ave Hudson NH 03051
191	127	Donald E Aldrich TR Mildred R Aldrich TR	5 Roosevelt Ave Hudson NH 03051
191	128	Richard L Bernier Pauline Bernier	3 Roosevelt Ave Hudson NH 03051
191	121	10 D Street LLC	139 Almont St Nashua NH 03060
191	122	Jamie D Dube Valerie L Dube	6 D St Hudson NH 03051
191	123-2	Richard V Cimon JR Jo-Anne Cimon	2 D St
198	31	Richard A Pearce Donna Pearce	9 A St Hudson NH 03051
198	34	Posey Investments LLC.	195 R Central St Hudson NH 03051
198	35	Bretton Walsh Michael Marasco	2 B St Hudson NH 03051
198	36	Paul M Landry TR Arlene E Landry TR	4 B St Hudson NH 03051
198	37	Brett C Barrett	6 B St Hudson NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
198	27	Paul L Feronetti Alice G Ferronetti	18 Forest St Haverhill MA 01832
198	26	Richard William Wedge	70 Lowell Rd Hudson NH 03051

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V & VII of HZO Section(s) 334-21 Table of Permitted Uses in order to permit the following: 334-27 Table of Minimum Dimensional Requirements

A.) Propose construction of single family house (Use Variance) in the B district, where it is not a permitted use in

Table of Permitted Principal Uses 334-21

B.) Propose lot dimension (that configures within the neighborhood) needing dimensional variance of

Table of Minimum Dimensional Requirements 334-27

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

FACTS SUPPORTING THIS REQUEST:

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

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

B.) It maintains the character of the neighborhood

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.”)
A.) The entire neighborhood is made up of single family homes and some duplex's. If the ordinance were upheld it would alter the character of the neighborhood

B.) the neighborhood consists of lots sizes between 133 - 325. This lot will be 23 maintaining the character of the neighborhood

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.)
A.) The neighborhood abuts the TR Zone and is made up of small single family lots. It would harm the abutters and neighborhood if a buisness use was put on this parcel

B.) The lot sizes through out the neighborhood are maintained

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.)
A.) It will be a new construction single family home keeping the character of the neighborhood intact which has proven to increase other home values

B.) this lot will conform with the neighborhood



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-067

May 31, 2022

Don Dumont
195 R Central St
Hudson, NH 03051

Re: 4 C St Map 198 Lot 029-002
District: Business (B)

Dear Don,

Your request: What's required to do the proposed use as a single family on the lot, and lot line adjustment per plan dated March 16, 2022.

Zoning Review / Determination:

This is an existing non-conforming lot due to area and frontage required.
The reconfigured lot (after lot line adj) would need a variance to §334-27 Table of Minimum Dimensional Requirements, for the new lot dimensions.
You would need a variance to §334-21 Table of Permitted Principal Uses to construct a single family structure.
If successful with the Variance requests, a lot line adjustment from the Planning Board would be required.

Sincerely,

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

cc: Public File
B. Groth, Town Planner
File

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

198 029 002
 MAP LOT SUB

1 of 1
 CARD

Hudson

Total Card / Total Parcel
 APPRAISED: 66,000 / 66,000
 USE VALUE: 66,000 / 66,000
 ASSESSED: 66,000 / 66,000

PROPERTY LOCATION

No 4 Alt No C ST, HUDSON Direction/Street/City

OWNERSHIP

Owner 1: DMT REALTY LLC
 Owner 2:
 Owner 3:

Street 1: 195R CENTRAL ST
 Street 2:

Town/City: HUDSON

State/Prov: NH City: Own Occ: Postal: 03051 Type:

PREVIOUS OWNER

Owner 1: DUMONT, DONALD -
 Owner 2:

Street 1: 195R CENTRAL ST
 Town/City: HUDSON

State/Prov: NH City: Postal: 03051

NARRATIVE DESCRIPTION

This Parcel contains .239 ACRES of land mainly classified as VAC RESD

OTHER ASSESSMENTS

Code Description/No Amount Com. Inf.

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z		water	3	TOWN	WATE	
0		Sewer	2	TOWN	SEWE	
n		Electr				
		Exempt				
D		Food/Haz	C	Topo	4	ROLLING
s		Street				
1		Gas				

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
130	0.239			66,000	66,000
Total Parcel	0.239			66,000	66,000

LEGAL DESCRIPTION

Entered Lot Size: 0.239
 Total Land: 0.239
 Land Unit Type: AC

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes
2022	130	JB		0	0.239	66,000	66,000	66,000	Year End Roll
2021	130	FV		0	0.239	66,000	66,000	66,000	Year End Roll
2021	130	JB		0	0.239	66,000	66,000	66,000	Year End Roll

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif
DUMONT, DONALD,	8613-2646	1	10/18/2013	BUSINESS		No	No	

TAX DISTRICT

DUMONT, DONALD,

PAT ACCT.

Notes: 10557

ACTIVITY INFORMATION

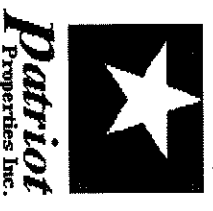
Date	Result	By	Name
3/25/2021	Info Frm Plan	1	CHIEF ASSESS

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment
4/13/2021	2021-00361	SEWER		C				
4/13/2021	2021-00360	H2O hook						

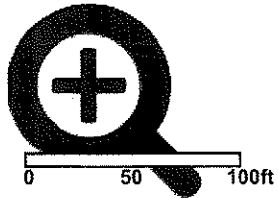
LAND SECTION (First 7 lines only)

Use Code	Description	LUCC	No of Units	Depth	Unit Type	Land Type	LT	Base Value	Unit Price	Adj	Neigh	Neigh Inftu	Neigh Mod	Inft 1	%	Inft 2	%	Inft 3	%	Appraised Value	Alt Class	%	Spec Land Code	Fact Use Value	Notes
130	VAC RESD	09	0.239		SITE ACRE SITE			0	95,000	291	RD									65,980				66,000	
Total AC/H/A: 0.23900																									
Total SF/S/M: 10411																									
Parcel LUCC: 130 VAC RESD Prime/NB Desc: RES AV/R																									
Total: 65,980																									
Spl Credit: Total: 66,000																									



USER DEFINED
 Prior Id # 1: 0046
 Prior Id # 2: 0028
 Prior Id # 3: 0000
 Prior Id # 1:
 Prior Id # 2:
 Prior Id # 3:
 ASR Marc:
 Fact Dist:
 Reval Dist:
 Year:
 Land Season:
 Bid Season:
 Cvl Distinct:
 Ratio:

-71.427286, 42.756436



LOT AREA CALCULATION TABLE					
LOT #	TOTAL AREA	WETLAND AREA	AREA > 25%	BUILDABLE AREA	FRONTAGE
29	10,716 SF			10,716 SF	92.85 FT
29-01	10,525 SF			10,525 SF	130.0 FT
29-02	10,168 SF			10,168 SF	124.47 FT

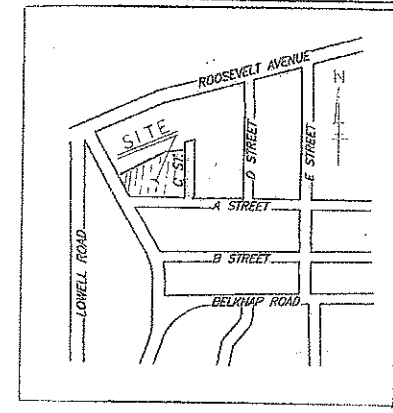


TAX MAP 191 / LOT 124
KRISTEEN PARENT
(loc. 5 C ST)
3 C STREET
HUDSON, NH 03051

TAX MAP 191 / LOT 129
J & D REALTY CORPORATION
(loc. 60 LOWELL ROAD)
64 LOWELL ROAD
HUDSON, NH 03051

TAX MAP 191 / LOT 123
KRISTEEN PARENT
3 C STREET
HUDSON, NH 03051

- PLAN REFERENCES
- BROOKSIDE PARK RECORDING AT THE HCRD # 416 PLATE 1. DATED: 1912
 - BOUNDARY SURVEY BY STEVEN J. PATRICK LLS 666 DATED AUGUST 28, 1989.

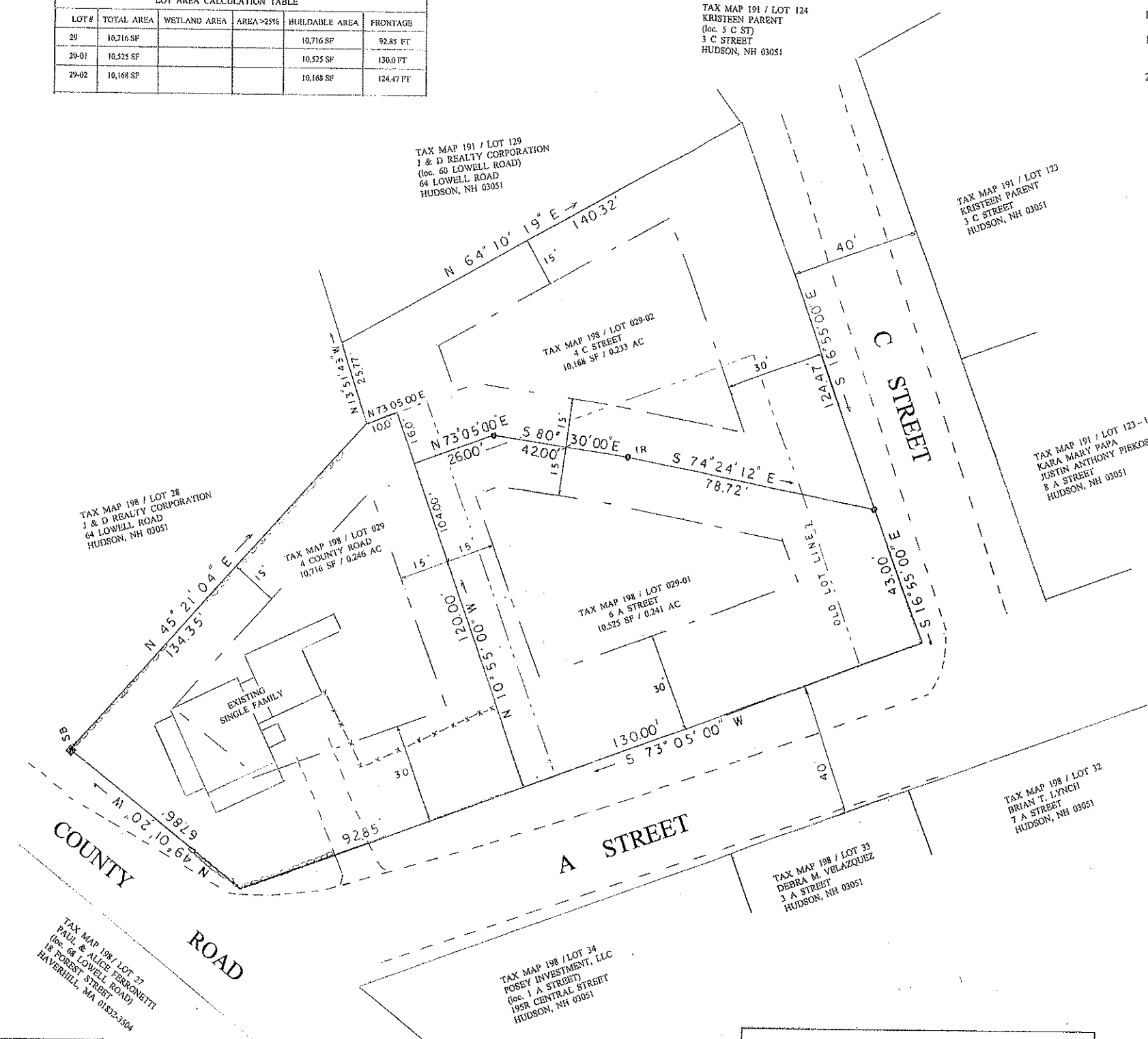


LOCATION PLAN

NOTES

- THE PURPOSE OF THIS PLAN IS TO ADJUST THE LOT LINES MAKING THEM MORE CONFORMING TO THE NEIGHBORHOOD.
- TOTAL AREAS: EXISTING LOT 29 0.245 AC / 10,672 SF
LOT 29-01 0.234 AC / 10,193 SF
LOT 29-02 0.230 AC / 10,02 SF
- AREAS OF NEW LOTS: LOT 29 - 10,716 SF / 0.246 AC
LOT 29-01 - 10,525 SF / 0.241 AC
LOT 29-02 - 10,168 SF / 0.233 AC
- LOT NUMBERS REFER TO THE TOWN OF HUDSON ASSESSOR MAPS 191 AND 198.
- PRESENT ZONING: B - BUSINESS
- ZONING REQUIREMENTS: MINIMUM LOT AREA - 30,000 SF
MINIMUM LOT FRONTAGE - 150 FT
MINIMUM BUILDING SETBACKS: FRONT 50 FT
SIDE 15 FT
REAR 15 FT
WETLANDS 50 FT
- DEED REFERENCES: LOT 29 BOOK 8613 PAGE 2646
LOT 29-01 BOOK 9333 PAGE 409
LOT 29-02 BOOK 9333 PAGE 434
- OWNER OF RECORD: LOT 29 ALAN-RAY PROPERTIES, LLC
LOT 29-01 POSEY INVESTMENTS, LLC
LOT 29-02 DMT REALTY, LLC
- THERE ARE NO WETLANDS ON THESE LOTS.
- TOWN WATER AND TOWN SEWER ARE PROVIDED FOR THESE LOTS.
- NO PARTS OF THESE LOTS FALL WITHIN THE 100 YR FLOOD ZONE AS SHOWN ON F.I.R.M. COMMUNITY PANEL 3301 IC0518D, EFFECTIVE 9-25-2009.
- ALL STIPULATIONS OF APPROVAL SHALL BE INCORPORATED INTO THE DEVELOPMENT AGREEMENT WHICH SHALL BE RECORDED AT THE H.C.R.D.
- ALL MONUMENTS SHALL BE SET OR BONDED PRIOR TO THE PLANNING BOARD ENDORSING THIS PLAN.
- APPROVAL OF THIS PLAN SHALL BE SUBJECT TO FINAL ADMINISTRATIVE REVIEW BY THE ENGINEERING AND PLANNING DEPARTMENTS.
- CONSTRUCTION ACTIVITIES INVOLVING THE PROPOSED UNDEVELOPED LOTS SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THRU SATURDAY.

- LEGEND
- STONE BOUND FOUND
 - IRON ROD
 - STONE WALL
 - - - EDGE OF PAVEMENT
 - - - BUILDING SETBACK LINE
 - 4' CHAIN LINK FENCE
 - - - GRAVEL DRIVEWAY
 - - - OLD LOT LINE



TAX MAP 198 / LOT 28
J & D REALTY CORPORATION
64 LOWELL ROAD
HUDSON, NH 03051

TAX MAP 198 / LOT 029
4 COUNTY ROAD
10,716 SF / 0.246 AC

TAX MAP 198 / LOT 029-01
6 A STREET
10,525 SF / 0.241 AC

TAX MAP 191 / LOT 123-1
KARA MARY PAPA
JUSTIN ANTHONY PIEKOS
8 A STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 32
BRIAN T. LYNCH
7 A STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 33
DEBRA M. VELAZQUEZ
3 A STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 34
POSEY INVESTMENT, LLC
(loc. 1 A STREET)
199R CENTRAL STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 27
PAUL & ALICE FERGONETTI
(loc. 68 LOWELL ROAD)
16 FOREST STREET
HAVERHILL, MA 01832-3504

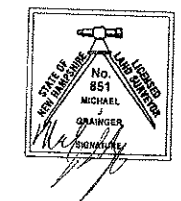


APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____
SIGNATURE: _____ DATE: _____
SIGNATURE: _____ DATE: _____

SUBDIVISIONS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE NH RSA 674: 39.

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

OWNER SIGNATURE: _____ DATE: _____



I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING OCTOBER 2018, JULY 2020 AND AUGUST 2021, HAVING A MAXIMUM ERROR OF 1 IN 10,000, IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.

LOT LINE RELOCATION PLAN

TAX MAP 198 / LOTS 29, 29-1, 29-2
ALAN - RAY PROPERTIES, LLC
A STREET & C STREET
HUDSON, NH 03051

PREPARED FOR: ALAN-RAY PROPERTIES, LLC
199R CENTRAL STREET
HUDSON, NH 03051

MARCH 16, 2022

SCALE: 1" = 20'

M. J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359
J.N. 21-116



TOWN OF HUDSON

Land Use Division

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



1
0
0
0
1

Zoning Administrator Staff Report

Meeting Date: July 28, 2022 *BJ 7-19-22*

Case 198-029-001 (07-28-22): Don Dumont, Manager of Posey Investments LLC, 195R Central Street, Hudson, NH requests 2 (two) Variances for **6 A Street, Hudson, NH** to reconfigure the existing lot with a proposed lot line adjustment [Map 198, Lot 029-001; Zoned Business (B)] as follows:

- a) A Use Variance for the construction of a single family home (after lot line adjustment) in the Business Zone where it is not a permitted use. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses.] and;
- b) A Variance resulting in a reconfigured proposed 10,525 sqft lot area where 30,000 sqft is required and proposed 130 feet frontage where 150 feet is required in the Business District. [HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Summary:

Applicant would like to reconfigure this lot as if was in the TR zone (with conforming area and frontage) requirements, for construction of a single- family dwelling. Applicant needs a Use variance as this property is in the B zone, and lot dimension variance as this lot is in the B zone.

Property description:

Vacant lot of record.

Existing non-conforming in lot size 10,193 sqft where 30,000 sqft is required. Existing non-conforming in frontage with 97 ft where 150 ft is required.

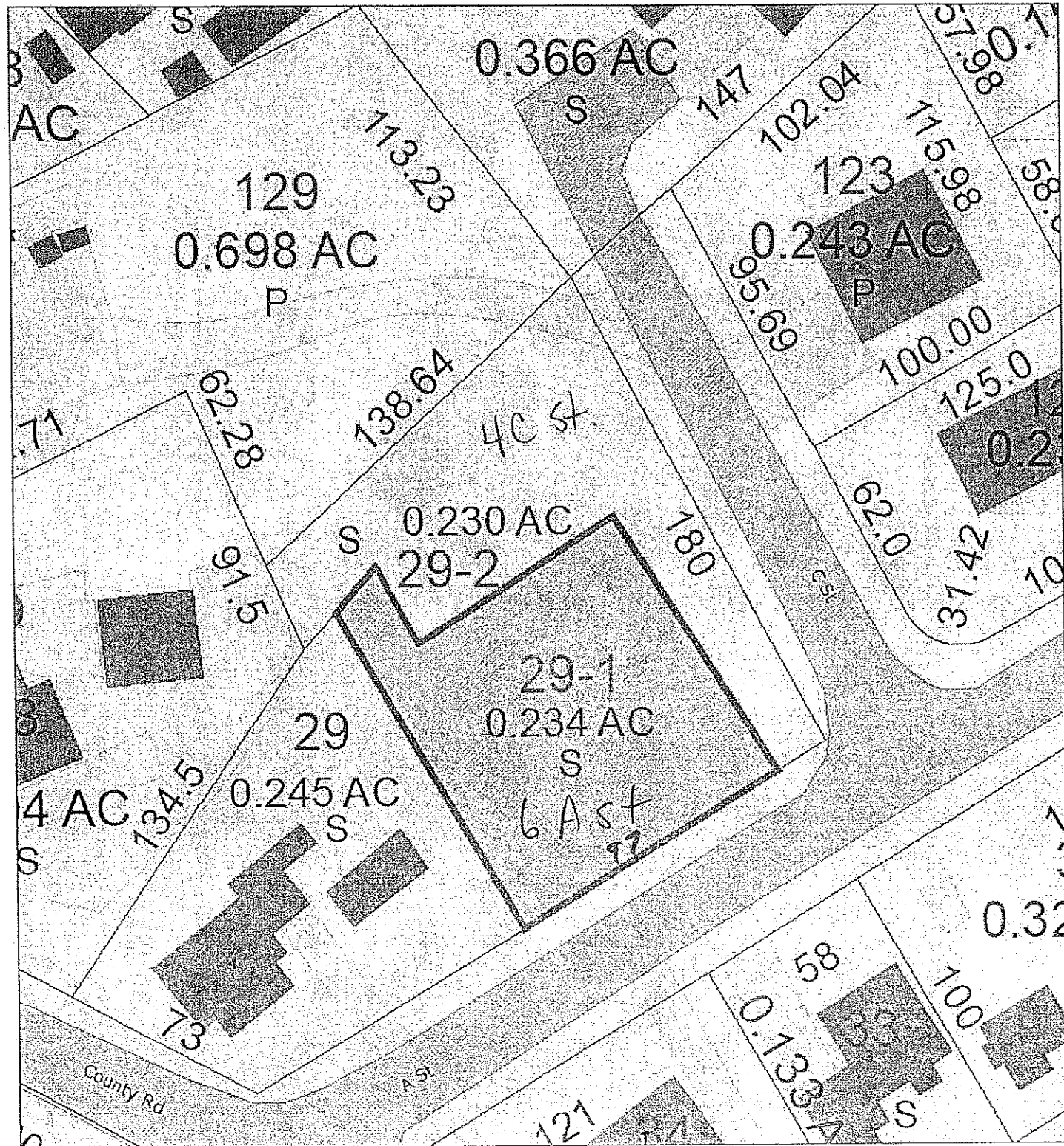
IN-HOUSE Review/Comments:

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

Attachments:

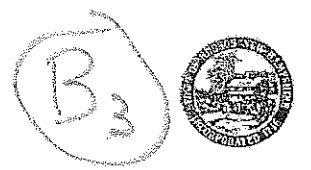
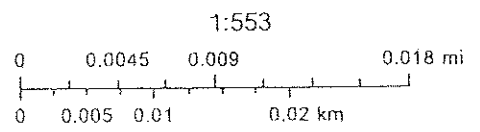
- A: Assessing history
- B: 5/31/22 Zoning Determination #22-068
- C: Engineering Dept Comments
- D: Planning Dept Comments

4 C Street & 6A Street



May 27, 2022

Legend
----- Easement_Lines
□ Parcels

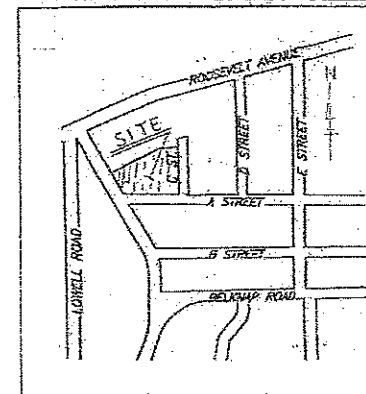


LOT AREA CALCULATION TABLE					
LOT #	TOTAL AREA	WETLAND AREA	AREAS >25%	BUILDABLE AREA	FRONTAGE
29	10,716 SF			10,716 SF	52.85 FT
29-01	10,525 SF			10,525 SF	130.0 FT
29-02	10,168 SF			10,168 SF	134.4 FT

TAX MAP 191 / LOT 124
KRISTEEN PARENT
(INC. 5 C ST)
3 C STREET
HUDSON, NH 03051

PLAN REFERENCES

1. BROOKSIDE PARK RECORDING AT THE HCRD # 416 PLAT 1, DATED: 1912
2. BOUNDARY SURVEY BY STEVEN J. PATRICK LLS 664 DATED AUGUST 28, 1989.



LOCATION PLAN



TAX MAP 191 / LOT 129
I & D REALTY CORPORATION
(INC. 66 LOWELL ROAD)
64 LOWELL ROAD
HUDSON, NH 03051

TAX MAP 191 / LOT 123
KRISTEEN PARENT
5 C STREET
HUDSON, NH 03051

TAX MAP 191 / LOT 029-02
4 C STREET
10,168 SF / 0.233 AC

TAX MAP 191 / LOT 123-1
KARA MAKY PAPA
JUSTIN ANTHONY PEROS
5 A STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 28
I & D REALTY CORPORATION
64 LOWELL ROAD
HUDSON, NH 03051

TAX MAP 198 / LOT 029
4 COUNTY ROAD
10,716 SF / 0.246 AC

TAX MAP 198 / LOT 029-01
6 A STREET
10,525 SF / 0.241 AC

TAX MAP 198 / LOT 33
BRIAN T. LYNCH
7 A STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 34
DEBRA M. VELAZQUEZ
1 A STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 34
ROSHY INVESTMENT, LLC
(INC. 1 A STREET)
108 CENTRAL STREET
HUDSON, NH 03051

TAX MAP 191 / LOT 27
PAUL & ALICE FERRORETTI
18 FOREST STREET
HAVERHILL, MA 01830-5041

NOTES

1. THE PURPOSE OF THIS PLAN IS TO ADJUST THE LOT LINES MAKING THEM MORE CONFORMING TO THE NEIGHBORHOOD.
2. TOTAL AREAS: EXISTING LOT 29 - 0.245 AC / 10,672 SF
LOT 29-01 - 0.234 AC / 10,193 SF
LOT 29-02 - 0.230 AC / 10,025 SF
3. AREAS OF NEW LOTS: LOT 29 - 10,716 SF / 0.246 AC
LOT 29-01 - 10,525 SF / 0.241 AC
LOT 29-02 - 10,168 SF / 0.233 AC
4. LOT NUMBERS REFER TO THE TOWN OF HUDSON ASSESSOR MAPS 191 AND 198.
5. PRESENT ZONING: B - BUSINESS
6. ZONING REQUIREMENTS: MINIMUM LOT AREA - 30,000 SF
MINIMUM LOT FRONTAGE - 150 FT
MINIMUM BUILDING SETBACKS: FRONT 50 FT
SIDE 15 FT
REAR 15 FT
WETLANDS 50 FT
7. DEED REFERENCES: LOT 29 BOOK 8613 PAGE 2646
LOT 29-01 BOOK 9333 PAGE 409
LOT 29-02 BOOK 9533 PAGE 434
8. OWNER OF RECORD: LOT 29 ALAN-RAY PROPERTIES, LLC
LOT 29-01 POSEY INVESTMENTS, LLC
LOT 29-02 DMT REALTY, LLC
9. THERE ARE NO WETLANDS ON THESE LOTS.
10. TOWN WATER AND TOWN SEWER ARE PROVIDED FOR THESE LOTS.
11. NO PARTS OF THESE LOTS FALL WITHIN THE 100 YR FLOOD ZONE AS SHOWN ON F.L.R.M. COMMUNITY PANEL 33011005180, EFFECTIVE 9-25-2009.
12. ALL STIPULATIONS OF APPROVAL SHALL BE INCORPORATED INTO THE DEVELOPMENT AGREEMENT WHICH SHALL BE RECORDED AT THE H.C.R.D.
13. ALL MONUMENTS SHALL BE SET OR BONDED PRIOR TO THE PLANNING BOARD ENDORSING THIS PLAN.
14. APPROVAL OF THIS PLAN SHALL BE SUBJECT TO FINAL ADMINISTRATIVE REVIEW BY THE ENGINEERING AND PLANNING DEPARTMENTS.
15. CONSTRUCTION ACTIVITIES INVOLVING THE PROPOSED UNDEVELOPED LOTS SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THRU SATURDAY.

- LEGEND**
- STONE BOUND FOUND
 - IRON ROD
 - STONE WALL
 - - - EDGE OF PAVEMENT
 - - - BUILDING SETBACK LINE
 - - - 4" CHAIN LINK FENCE
 - - - GRAVEL DRIVEWAY
 - - - OLD LOT LINE



APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____
SIGNATURE DATE: _____
SIGNATURE DATE: _____
SUBDIVISIONS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FOR AN APPLICANT TO OBTAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE. SEE RSA 674:27.

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

OWNER SIGNATURE: _____ DATE: _____

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING OCTOBER 20K, JULY 2021 AND AUGUST 2021, HAVING A MAXIMUM ERROR OF 1 IN 5000 IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.

LOT LINE RELOCATION PLAN

TAXMAP 198 / LOTS 29, 29-1, 29-2
ALAN-RAY PROPERTIES, LLC
A STREET & C STREET
HUDSON, NH 03051

PREPARED FOR: ALAN-RAY PROPERTIES, LLC
155R CENTRAL STREET
HUDSON, NH 03051

MARCH 16, 2022 SCALE: 1" = 20'

M. J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
228 DEBRY ROAD HUDSON, NH 03051 (603) 882-4339
R.N. 21-116

B4

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

REQUEST FOR REVIEW/COMMENTS:

Case: 198-029-001
Property Location: 6 A Street (2 Variances)

For Town Use

Plan Routing Date: 07/13/2022 Reply requested by: 07/18/2022 ZBA Hearing Date: 07/28/2022

I have no comments I have comments (see below)

EZD _____ Name: Elvis Dhima, P.E. Date: 07/14/2022
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

1. Applicant shall clarify that both lots shall be served by municipal water and sewer utility.
2. Applicant shall provide plan and profile for the proposed driveway curb cuts, stamped by a NH PE.
3. Applicant shall provide plan and profile for the proposed driveway, stamped by a NH PE.

③

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

REQUEST FOR REVIEW/COMMENTS:

Case: 198-029-001

Property Location: 6 A Street (2 Variances)

For Town Use

Plan Routing Date: 07/13/2022 Reply requested by: 07/18/2022 ZBA Hearing Date: 07/28/2022

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 07/19/2022
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

As is the case at 4 C Street:

If granted, the requested variances would allow the subject lot to be developed in a manner that is consistent with its environs, as a single-family house lot characteristic of the Town Residential (TR) Zone. This would be more a harmonious use of the land than if developed under its current zone designation of Business (B).

The current zone designation of Business (B) is presumably the result of a somewhat arbitrary 500-foot offset from Lowell Road when the zone was established. This parcel, and others like it, are worthy of consideration for zoning map amendments.

ⓓ

APPLICATION FOR A VARIANCE

334-27 & 334-4

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by Land Use Division personnel	
Case No. _____	_____
Date Filed _____	_____

Name of Applicant Don Dumont manager Posey Investments LLC. Map: 198 Lot: 029-001 Zoning District: B

Telephone Number (Home) _____ (Work) 603-231-7344

Mailing Address 195R Central St Hudson NH

Owner Posey Investments LLC.

Location of Property 6 A St
(Street Address)

[Signature] MANAGER Date 7/7/22
Signature of Applicant

[Signature] MANAGER Date 7/7/22
Signature of Property-Owner(s)

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

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

Items in this box are to be filled out by Land Use Division personnel	
	Date received: _____
COST:	
Application fee (processing, advertising & recording) (non-refundable):	\$ <u>185.00</u>
<u>Abutter Notice:</u>	
_____ Direct Abutters x Certified postage rate \$ _____ =	\$ _____
_____ Indirect Abutters x First Class postage rate \$ _____ =	\$ _____
Total amount due:	\$ _____
	Amt. received: \$ _____
	Receipt No.: _____
Received by: _____	
By determination of the Zoning Administrator, the following Departmental review is required:	
Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____	

TOWN OF HUDSON, NH

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>DST</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>DST</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) <u>13</u> single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG pending</u>
<u>DST</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>DST</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>N/A</u>
<u>DST</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>DST</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>DST</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>DST</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>DST</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) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property.
(NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)
- f) The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) The plot plan shall indicate all parking spaces and lanes, with dimensions.

76 pending



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

Signature of Applicant(s)

Date

Signature of Property Owner(s)

Date

and could severely diminish the surrounding property values the literal enforcement of those sections would result

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
198	29-1	Posey Investments LLC	195R Central St Hudson NH 03051
198	029-002	DMT Realty LLC	195R Central St Hudson NH 03051
198	29	Alan-Ray Properties LLC	195R Central St Hudson NH 03051
198	32	Brian T Lynch	7 A St Hudson NH 03051
198	33	Debra M Velazquez	3 A St Hudson NH 03051
198	34	Posey Investments LLC.	1 A St Hudson NH

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
191	126	Brian V Landry Kristina G Landry	7 Roosevelt Ave Hudson NH 03051
191	127	Donald E Aldrich TR Mildred R Aldrich TR	5 Roosevelt Ave Hudson NH 03051
191	128	Richard L Bernier Pauline Bernier	3 Roosevelt Ave Hudson NH 03051
191	121	10 D Street LLC	139 Almont St Nashua NH 03060
191	122	Jamie D Dube Valerie L Dube	6 D St Hudson NH 03051
191	123-2	Richard V Cimon JR Jo-Anne Cimon	2 D St
198	31	Richard A Pearce Donna Pearce	9 A St Hudson NH 03051
198	28	J and D Realty Corporation	64 Lowell RD Hudson NH 03051
198	35	Bretton Walsh Michael Marasco	2 B St Hudson NH 03051
198	36	Paul M Landry TR Arlene E Landry TR	4 B St Hudson NH 03051
198	37	Brett C Barrett	6 B St Hudson NH 03051
191	123	Kristeen Parent	3 C St Hudson NH 03051
191	124	Kristeen Parent	3 C St Hudson NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
198	27	Paul L Feronetti Alice G Ferronetti	18 Forest St Haverhill MA 01832
198	26	Richard William Wedge	70 Lowell Rd Hudson NH 03051
198	24	Edward A Currier Karen Currier	7 County Rd Hudson NH 03051
191	123-1	Kara Mary Papa Justin Anthony Piekos	8 A St Hudson NH 03051
191	129	J and D Realty Corporation	64 Lowell Rd Hudson NH 03051

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V & VII of HZO Section(s) 334-21 Table of Permitted Uses in order to permit the following: 334-27 Table of Minimum Dimensional Requirements

A.) Propose construction of single family house (Use Variance) in the B district, where it is not a permitted use in Table of Permitted Principal Uses 334-21

B.) Propose lot dimension (that configures within the neighborhood) needing dimensional vairance of Table of Minimum Dimensional Requirments 334-27

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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

FACTS SUPPORTING THIS REQUEST:

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

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

B.) It maintains the character of the neighborhood

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.”)
A.) The entire neighborhood is made up of single family homes and some duplex's. If the ordinance were upheld it would alter the character of the neighborhood

B.) the neighborhood consists of lots sizes between .133 - .325 AC. This lot will be .23 AC maintaining the character of the neighborhood

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.)
A.) The neighborhood abuts the TR Zone and is made up of small single family lots. It would harm the abutters and neighborhood if a buisness use was put on this parcel

B.) The lot sizes through out the neighborhood are maintained

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.)
A.) It will be a new construction single family home keeping the character of the neighborhood intact which has proven to increase other home values

B.) this lot will conform with the neighborhood



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-068

May 31, 2022

Don Dumont
195 R Central St
Hudson, NH 03051

Re: 6 A St Map 198 Lot 029-001
District: Business (B)

Dear Don,

Your request: What's required to do the proposed use as a single family on the lot, and lot line adjustment per plan dated March 16, 2022.

Zoning Review / Determination:

This is an existing non-conforming lot due to area and frontage required.

The reconfigured lot (after lot line adj) would need a variance to §334-27 Table of Minimum Dimensional Requirements, for the new lot dimensions.

You would need a variance to §334-21 Table of Permitted Principal Uses to construct a single family structure.

If successful with the Variance requests, a lot line adjustment from the Planning Board would be required.

Sincerely,

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

cc: Public File
B. Groth, Town Planner
File

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

198 MAP 029 LOT 001
 198 MAP 029 LOT 001 SUB

1 of 1
 CARD

Hudson

APPRaised: 67,200 / Total Parcel 67,200
 USE VALUE: 67,200 / 67,200
 ASSESSED: 67,200 / 67,200

Total Card / Total Parcel
 67,200 / 67,200
 67,200 / 67,200
 67,200 / 67,200

1105561

PROPERTY LOCATION
 No: 6 All No: A ST, HUDSON Direction/Street/City: A ST, HUDSON

OWNERSHIP
 Owner 1: POSEY INVESTMENTS LLC Unit #:
 Owner 2:
 Owner 3:
 Street 1: 195R CENTRAL ST
 Street 2:
 Town/City: HUDSON
 State/Prov: NH County: Own Occ: Type:

Postal: 03051
PREVIOUS OWNER
 Owner 1: DUMONT, DONALD -
 Owner 2:

Street 1: 195R CENTRAL ST
 Town/City: HUDSON
 State/Prov: NH County: Postal: 03051

JARRATIVE DESCRIPTION
 This Parcel contains .285 ACRES of land mainly classified as
 /AC RESD

OTHER ASSESSMENTS
 Code Description Amount Com. Int

PROPERTY FACTORS
 Item Code Description % Item Code Description
 Z water 3 TOWN WASTE
 o Sewer 2 TOWN SEWE
 n Electr
 Flood Hz: c Exmpt
 D Topo 4 ROLLING
 s Street
 Gas:

LAND SECTION (First 7 lines only)
 Use Description LUC No of Units Depth Unit Type Land Type
 Code Fact 0.9 0.285 SITE ACRE SITE

130 VAC RESD 0.9 0.285 SITE ACRE SITE

Total ACH/HA: 0.28500 Total SF/SM: 12415 Parcel LUC: 130 VAC RESD Prime NB Desc: RES AV/FR

Total: 67,160 Sp/ Credit: Total: 67,200

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
130	0.285			67,200	67,200
Total Card		0.285		67,200	67,200
Total Parcel		0.285		67,200	67,200

Source: Market Adj Cost Total Value per SQ unit (Card): N/A Parcel: N/A

PREVIOUS ASSESSMENT
 Tax Yr Use Cat Bldg Value Yrd Items Land Size Land Value Total Value Asses'd Value Notes
 2022 130 JB 0 0 285 67,200 67,200 67,200 Year End Roll 5/24/2022
 2021 130 FV 0 0 285 67,200 67,200 67,200 Year End Roll 9/27/2021
 2021 130 JB 0 0 285 67,200 67,200 67,200 Year End Roll 5/12/2021

SALES INFORMATION
 Grantor: DUMONT, DONALD. Legal Ref: 8813-26-46 Type: 1 Date: 10/18/2013 Sale Code: BUSINESS Sale Price: No No V 1st Verif

TAX DISTRICT
 DUMONT, DONALD. 10/18/2013 BUSINESS

PAT ACCT.
 Notes: 10556

BUILDING PERMITS
 Date: 4/13/2021 Number: 2021-00359 Desc: SEWER Amount: C CIO: C Last Visit: Fed Code: F: Descr: Comment: 4/13/2021 2021-00358 H2O hook

ACTIVITY INFORMATION
 Date: 3/23/2021 Result: 1 By: CHIEF ASSESS

PROPERTY FACTORS
 Item Code Description % Item Code Description
 Z water 3 TOWN WASTE
 o Sewer 2 TOWN SEWE
 n Electr
 Flood Hz: c Exmpt
 D Topo 4 ROLLING
 s Street
 Gas:

LAND SECTION (First 7 lines only)
 Use Description LUC No of Units Depth Unit Type Land Type
 Code Fact 0.9 0.285 SITE ACRE SITE

130 VAC RESD 0.9 0.285 SITE ACRE SITE

Total ACH/HA: 0.28500 Total SF/SM: 12415 Parcel LUC: 130 VAC RESD Prime NB Desc: RES AV/FR

Total: 67,160 Sp/ Credit: Total: 67,200

Total: 67,160 Sp/ Credit: Total: 67,200

Total: 67,160 Sp/ Credit: Total: 67,200

Total: 67,160 Sp/ Credit: Total: 67,200

Total: 67,160 Sp/ Credit: Total: 67,200

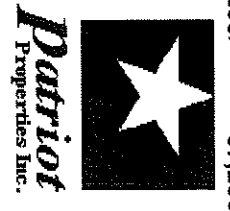
Total: 67,160 Sp/ Credit: Total: 67,200

Total: 67,160 Sp/ Credit: Total: 67,200

Total: 67,160 Sp/ Credit: Total: 67,200

Total: 67,160 Sp/ Credit: Total: 67,200

Total: 67,160 Sp/ Credit: Total: 67,200



USER DEFINED

Prior Id # 1: 0046
 Prior Id # 2: 0028
 Prior Id # 3: 0000
 Prior Id # 1:
 Prior Id # 2:
 Prior Id # 3:

ASR Map:
 Fact Dist:
 Reval Dist:
 Year:
 Land Reason:
 Bid Reason:
 CMI District:
 Ratio:

PRINT
 Date: 04/29/21 Time: 14:24:34
 LAST REV
 Date: 07/08/22 Time: 11:11:54

Sign: VERIFICATION OF VISIT NCT DATA

3/23/2021 Info Fin Plan 1

By: CHIEF ASSESS

67,160

67,200

67,160

67,200

67,160

67,200

67,160

67,200

67,160

67,200

EXTERIOR INFORMATION

Type:	
Sty Ht:	
(Liv) Units:	Total: 0
Foundation:	A 3QBth
Frame:	1/2 Bath
Prime Wall:	A HBth
Sec Wall:	Other-FX
Roof Struct:	
Roof Cover:	
Color:	
View / Desir:	

BATH FEATURES

Full Bath:	Rating:
A Bath:	Rating:
3/4 Bath:	Rating:
A 3QBth:	Rating:
1/2 Bath:	Rating:
A HBth:	Rating:
Other-FX:	Rating:

COMMENTS

3-23 2021 BOS approved unmerger of 1 lot to 3 lot, other lots are 198-029-000 and 198-029-002.

SKETCH

GENERAL INFORMATION

Grade:	
Year Bilt:	Est Yr Bilt
Alt LUC:	Alt %
Jurisdct:	Fact:
Const Modt:	
Lump Sum Adj:	

CONDO INFORMATION

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

RESIDENTIAL GRID

1st Res Grid Desc:	# Units
Level:	PY LR DR D K FR RR BR FB HB L O
Other:	
Upper:	
Lvl 2:	
Lvl 1:	
Lower:	
Totals:	RMS: BRS: Baths: HB

INTERIOR INFORMATION

Avg Ht/FL:	
Prim Int Wall:	
Sec Int Wall:	
Partition:	
Prim Floors:	
Sec Floors:	
Bsmnt Flr:	
Subfloor:	
Bsmnt Gar:	
Electric:	
Insulation:	
Int vs Ext:	
Heat Fuel:	
Heat Type:	
# Heat Sys:	
% Heated:	% AC:
Schler HW: NO	Central Vac: NO
% Corn Wal	% Sprinkled

DEPRECIATION

Phys Cond:	0.0%
Functional:	%
Economic:	%
Special:	%
Override:	%
Total:	0%

REMODELING

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

RES BREAKDOWN

No Unit:	RMS	BRS	FL
----------	-----	-----	----

CALC SUMMARY

Basic \$ / SQ:	Size Adj: 1,000,000,000
Const Adj: 1,000,000,000	
Adj \$ / SQ:	
Other Features: 0	
Grade Factor:	
NBHD Inf: 1,000,000,000	
NBHD Mod:	
LUC Factor: 1.00	
Adj Total: 0	
Depreciation: 0	
Depreciated Total: 0	

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WMA\$/SQ:	AVRate:	Ind Val		
Juris. Factor:	Before Depr: 0.00			
Special Features: 0	Val/Su Net:			
Final Total: 0	Val/Su SzAd			

SUB AREA

Code	Description	Area - SQ	Rate - AV	Under Value
Net Sketched Area:				
Gross Area:				
Final Area:				

SUB AREA DETAIL

Sub Area	% Ush	Descrip	%	Qu # Ten
----------	-------	---------	---	----------

IMAGE

AssessPro Patriot Properties, Inc

MOBILE HOME

Make:	
Model:	
Year:	
Color:	

SPEC FEATURES/YARD ITEMS

Code	Description	A	V/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCode	Fact	Juns	Value
------	-------------	---	-----	-----	----------	------	-----	------	------------	-----	-----	-----	------	-------	------------	-------	------	------	-------

PARCEL ID 198-029-001

Move In

Total Yard Items

Total Special Features

Total

LOT AREA CALCULATION TABLE					
LOT #	TOTAL AREA	WETLAND AREA	AREA > 25%	BUILDABLE AREA	FRONTAGE
29	10,716 SF			10,716 SF	92.85 FT
29-01	10,525 SF			10,525 SF	130.0 FT
29-02	10,168 SF			10,168 SF	124.47 FT



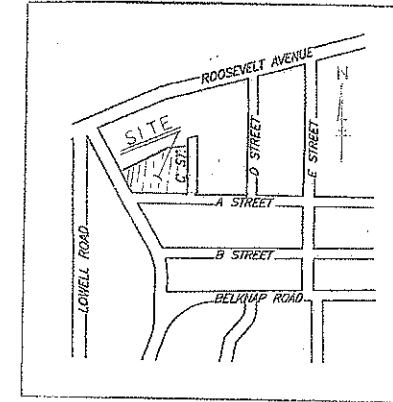
TAX MAP 191 / LOT 124
KRISTEEN PARENT
(loc. 5 C ST)
3 C STREET
HUDSON, NH 03051

TAX MAP 191 / LOT 129
I & D REALTY CORPORATION
(loc. 60 LOWELL ROAD)
64 LOWELL ROAD
HUDSON, NH 03051

TAX MAP 191 / LOT 123
KRISTEEN PARENT
3 C STREET
HUDSON, NH 03051

PLAN REFERENCES

- BROOKSIDE PARK RECORDING AT THE HCRD # 416 PLATE 1. DATED: 1912
- BOUNDARY SURVEY BY STEVEN J. PATRICK LLS 666 DATED AUGUST 28, 1989.

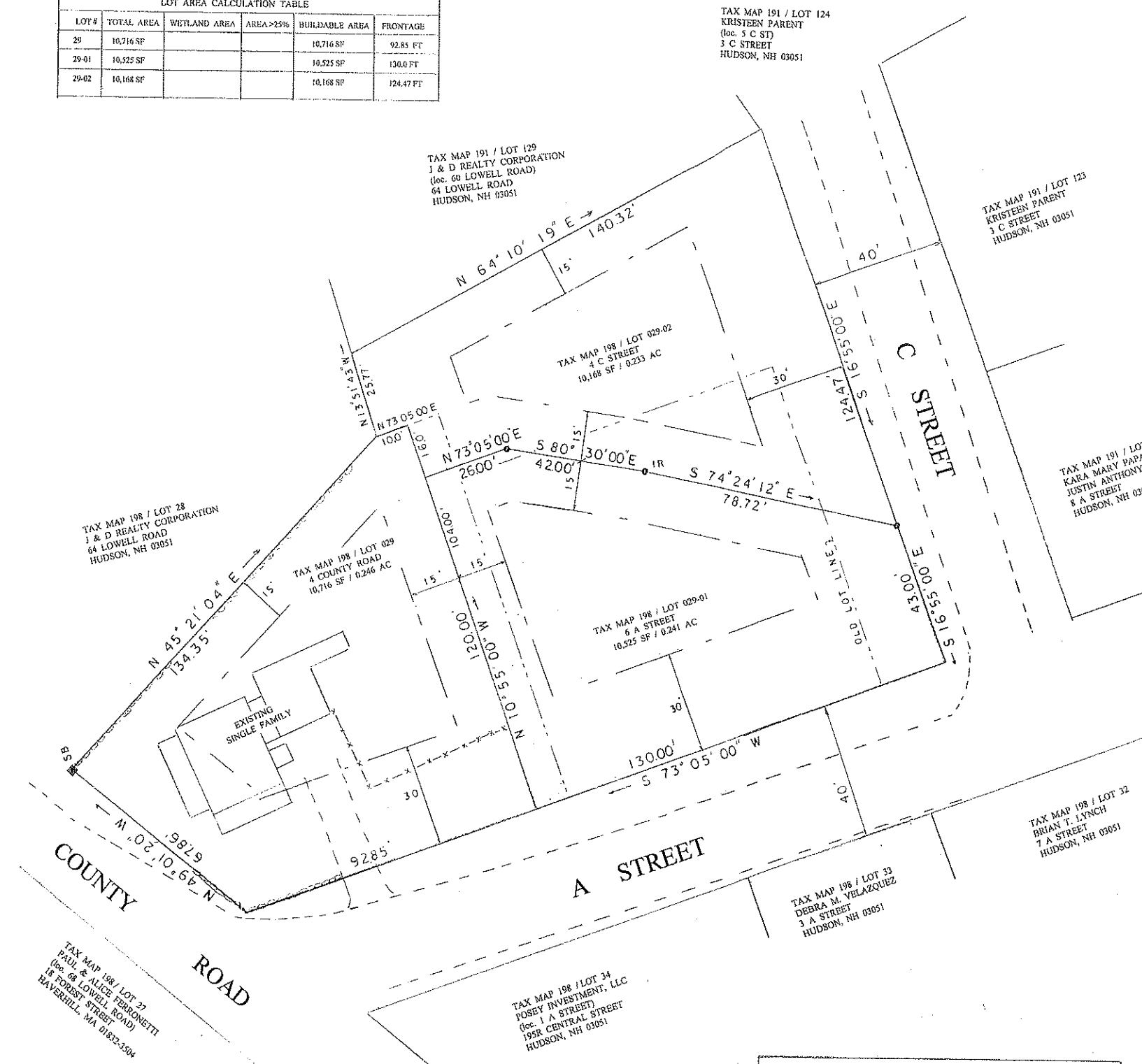


LOCATION PLAN

NOTES

- THE PURPOSE OF THIS PLAN IS TO ADJUST THE LOT LINES MAKING THEM MORE CONFORMING TO THE NEIGHBORHOOD.
- TOTAL AREAS: EXISTING LOT 29 0.245 AC / 10,672 SF
LOT 29-01 0.234 AC / 10,193 SF
LOT 29-02 0.230 AC / 10,025 SF
- AREAS OF NEW LOTS: LOT 29 - 10,716 SF / 0.246 AC
LOT 29-01 - 10,525 SF / 0.241 AC
LOT 29-02 - 10,168 SF / 0.233 AC
- LOT NUMBERS REFER TO THE TOWN OF HUDSON ASSESSOR MAPS 191 AND 198.
- PRESENT ZONING: B - BUSINESS
- ZONING REQUIREMENTS: MINIMUM LOT AREA - 30,000 SF
MINIMUM LOT FRONTAGE - 150 FT
MINIMUM BUILDING SETBACKS FRONT 50 FT
SIDE 15 FT
REAR 15 FT
WETLANDS 50 FT
- DEED REFERENCES: LOT 29 BOOK 8613 PAGE 2646
LOT 29-01 BOOK 9333 PAGE 409
LOT 29-02 BOOK 9333 PAGE 434
- OWNER OF RECORD: LOT 29 ALAN-RAY PROPERTIES, LLC
LOT 29-01 POSEY INVESTMENTS, LLC
LOT 29-02 DMT REALTY, LLC
- THERE ARE NO WETLANDS ON THESE LOTS.
- TOWN WATER AND TOWN SEWER ARE PROVIDED FOR THESE LOTS.
- NO PARTS OF THESE LOTS FALL WITHIN THE 100 YR FLOOD ZONE AS SHOWN ON F.I.R.M. COMMUNITY PANEL 33011C0518D, EFFECTIVE 9-25-2009.
- ALL STIPULATIONS OF APPROVAL SHALL BE INCORPORATED INTO THE DEVELOPMENT AGREEMENT WHICH SHALL BE RECORDED AT THE H.C.R.D.
- ALL MONUMENTS SHALL BE SET OR BONDED PRIOR TO THE PLANNING BOARD ENDORSING THIS PLAN.
- APPROVAL OF THIS PLAN SHALL BE SUBJECT TO FINAL ADMINISTRATIVE REVIEW BY THE ENGINEERING AND PLANNING DEPARTMENTS.
- CONSTRUCTION ACTIVITIES INVOLVING THE PROPOSED UNDEVELOPED LOTS SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THRU SATURDAY.

- LEGEND
- STONE BOUND FOUND
 - IRON ROD
 - STONE WALL
 - - - - EDGE OF PAVEMENT
 - - - - BUILDING SETBACK LINE
 - - - - 4' CHAIN LINK FENCE
 - - - - GRAVEL DRIVEWAY
 - - - - OLD LOT LINE



TAX MAP 198 / LOT 27
PAUL & ALICE FERRONETTI
(loc. 60 LOWELL ROAD)
18 FORREST STREET
HAVERHILL, MA 01832-3304

TAX MAP 198 / LOT 34
POSEY INVESTMENT, LLC
(loc. 1 A STREET)
195R CENTRAL STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 32
BRIAN T. LYNCH
7 A STREET
HUDSON, NH 03051

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: _____

SIGNATURE DATE: _____

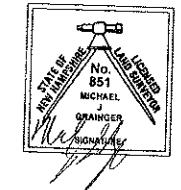
SIGNATURE DATE: _____

SUBDIVISIONS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE NH RSA 674: 39.

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

OWNER SIGNATURE: _____ DATE: _____

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING OCTOBER 2018, JULY 2020 AND AUGUST 2021, HAVING A MAXIMUM ERROR OF 1 IN 10,000, IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.



LOT LINE RELOCATION PLAN

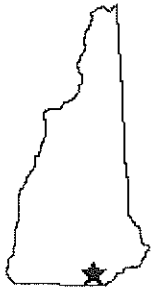
TAX MAP 198 / LOTS 29, 29-1, 29-2
ALAN - RAY PROPERTIES, LLC
A STREET & C STREET
HUDSON, NH 03051

PREPARED FOR: ALAN-RAY PROPERTIES, LLC
195R CENTRAL STREET
HUDSON, NH 03051

MARCH 16, 2022

SCALE: 1" = 20'

M. J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359
J.N. 21-116



TOWN OF HUDSON

Land Use Division

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



Zoning Administrator Staff Report

Meeting Date: July 28, 2022 *BB 7-20-22*

Case 175-143-000 (07-28-22): Esther J. Maturo, 57 Adelaide St., Hudson, NH requests 2 (two) Variances for a proposed installation of a 21 ft. diameter above ground residential pool on an existing non-conforming lot with an existing nonconforming use (single family) [Map 175, Lot 143-000; Zoned Business (B)] as follows:

- a) A Use Variance to install the pool in the Business district where it is not a permitted use. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29 Extension or enlargement of nonconforming uses] and;
- b) A Variance to locate the pool 7 feet in the side yard setback leaving 8 feet where 15 feet is required. [HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Summary:

Applicant would like to install an above ground pool which is an expansion of an existing non-conforming use, as this residential property is within the B Business zone, and with a setback encroachment into side yard setback, leaving 8 ft where 15 ft is required.

Property description:

Single Family Use

Existing non-conforming in lot size 12,072 sqft where 30,000 sqft is required. Existing non-conforming in frontage with 145 ft where 150 ft is required.

Land Use History

Building Permit:

5/14/74 16 x 32 I/G Pool

3/23/84 & 6/12/84 Letter of Denial for BP application "add 2nd level living space"

6/04/08 Renovate exist screen porch to 23 x 13 3 season sunroom

Planning Board:

1/26/83 & 2/23/83 site plan approval for office/business use.

ZBA:

1/5/84 denial & 2/23/84 rehearing denial of expansion to a 2 family.

IN-HOUSE Review/Comments:

Fire Dept: Comments: no

Planning Dept: Comments: yes

Engineering Dept: Comments: no

Attachments:

A: Assessing history

B: 5/14/74 B.P.: *16 x 32 I/G Pool*

C: P.B.: *1/26/83 & 2/23/83 site plan approval for office/business use.*

D: ZBA: *1/5/84 denial & 2/23/84 rehearing denial of expansion to a 2 family*

E: B.P.: *3/23/84 & 6/12/84 Letter of Denial for BP application "add 2nd level living space"*

F: B.P.: *6/04/08 Renovate exist screen porch to 23 x 13 3 season sunroom*

G: *7/8/22 Zoning Determination #22-087*

H: Planning Dept in-house comments

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2022	101 - ONE FAMILY	202,900	9,800	81,800	0.28	0.00	294,500
2021	101 - ONE FAMILY	202,900	9,800	81,800	0.28	0.00	294,500
2021	101 - ONE FAMILY	202,900	9,800	81,800	0.28	0.00	294,500
2020	101 - ONE FAMILY	202,900	9,800	81,800	0.28	0.00	294,500
2020	101 - ONE FAMILY	202,900	9,800	81,800	0.28	0.00	294,500
2019	101 - ONE FAMILY	202,900	9,800	81,800	0.28	0.00	294,500
2019	101 - ONE FAMILY	202,900	9,800	81,800	0.28	0.00	294,500
2018	101 - ONE FAMILY	156,200	7,800	81,800	0.28	0.00	245,800
2018	101 - ONE FAMILY	156,200	7,800	81,800	0.28	0.00	245,800
2017	101 - ONE FAMILY	156,200	7,800	81,800	0.28	0.00	245,800
2017	101 - ONE FAMILY	119,000	7,100	78,100	0.28	0.00	204,200
2017	101 - ONE FAMILY	156,200	7,800	81,800	0.28	0.00	245,800
2016	101 - ONE FAMILY	119,000	7,100	78,100	0.28	0.00	204,200
2016	101 - ONE FAMILY	119,000	7,100	78,100	0.28	0.00	204,200
2015	101 - ONE FAMILY	119,000	7,100	78,100	0.28	0.00	204,200
2015	101 - ONE FAMILY	119,000	7,100	78,100	0.28	0.00	204,200
2014	101 - ONE FAMILY	119,000	7,100	78,100	0.28	0.00	204,200
2014	101 - ONE FAMILY	119,000	7,100	78,100	0.28	0.00	204,200
2013	101 - ONE FAMILY	124,500	5,100	78,100	0.28	0.00	207,700
2013	101 - ONE FAMILY	124,500	5,100	78,100	0.28	0.00	207,700
2012	101 - ONE FAMILY	124,500	5,100	78,100	0.28	0.00	207,700
2012	101 - ONE FAMILY	136,300	5,400	104,100	0.28	0.00	245,800
2011	101 - ONE FAMILY	136,300	5,400	104,100	0.28	0.00	245,800
2011	101 - ONE FAMILY	136,300	5,400	104,100	0.28	0.00	245,800
2010	101 - ONE FAMILY	136,300	5,400	104,100	0.28	0.00	245,800
2010	101 - ONE FAMILY	136,300	5,400	104,100	0.28	0.00	245,800
2009	101 - ONE FAMILY	136,300	5,400	104,100	0.28	0.00	245,800
2008	101 - ONE FAMILY	137,200	5,400	104,100	0.28	0.00	246,700
2008	101 - ONE FAMILY	137,200	5,400	104,100	0.28	0.00	246,700
2007	101 - ONE FAMILY	137,200	5,400	104,100	0.28	0.00	246,700
2007	101 - ONE FAMILY	150,800	11,700	82,200	0.28	0.00	244,700
2006	101 - ONE FAMILY	150,800	11,700	82,200	0.28	0.00	244,700
2006	101 - ONE FAMILY	150,800	11,700	82,200	0.28	0.00	244,700
2005	101 - ONE FAMILY	150,800	11,700	82,200	0.28	0.00	244,700
2005	101 - ONE FAMILY	150,800	11,700	79,800	0.20	0.00	242,300
2004	101 - ONE FAMILY	150,800	11,700	79,800	0.20	0.00	242,300
2004	101 - ONE FAMILY	120,100	8,500	60,800	0.20	0.00	189,400
2003	101 - ONE FAMILY	120,100	8,500	60,800	0.20	0.00	189,400
2003	101 - ONE FAMILY	120,100	8,500	60,800	0.20	0.00	189,400
2002	101 - ONE FAMILY	120,100	8,500	60,800	0.20	0.00	189,400
2002	101 - ONE FAMILY	120,100	8,500	60,800	0.20	0.00	189,400
2001	101 - ONE FAMILY	71,200	0	40,000		0.00	111,200

A

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2000	101 - ONE FAMILY	66,400	4,800	40,000	0.20	0.00	111,200
1999	101 - ONE FAMILY	66,400	4,800	40,000	0.20	0.00	111,200



Town of Middletown, N.Y.

Office of Town Building Inspector

BUILDING PERMIT

242-74

No. ~~1~~

Middletown, N.Y., 1974

The undersigned hereby certifies that the following is a true and correct copy of the plans and specifications for the proposed building as shown on the plans and specifications on file in the office of the Building Inspector:

1. Shelburne, N.Y.

2. Shelburne, N.Y.

3. Shelburne, N.Y.

4. Shelburne, N.Y.

5. Shelburne, N.Y.

6. Shelburne, N.Y.

37-38

It is hereby certified that the above is a true and correct copy of the plans and specifications for the proposed building as shown on the plans and specifications on file in the office of the Building Inspector.

Witness my hand and the seal of the Town of Middletown, New York, this 1st day of May, 1974.

[Signature]
Town Building Inspector

14/00

Jan 26, 1983

P.B.

Mr. Malouin made a motion for subdivision approval. Mr. Smith seconded the motion.

VOTE: All members voted in favor. The motion passed unanimously.

11. Barry Kaplan
For Discussion Only

57 Adelaide Street
Map 57, Lot 38

Mr. Kaplan appeared before the Board to request a waiver for site plan review. He explained that he wished to purchase a 2-bedroom ranch home with a two-car garage for use as an office, adding that this property was located in a B-2 business zone. Mr. Kaplan stated that he planned to employ a bookkeeper, a secretary, and a salesman, but that there would be no street trade. He also stated that his wife planned to use one of the rooms in the building for her personal use. Miss McGrath clarified the fact that Mr. Kaplan intended to use this entire building as office space.

Questions were asked about the size of the driveway. Chairman Inderbitzen stated that the Board possibly could waive the registry recording, but he then added that the Board would like to see a survey, to scale, of the property. He also pointed out that the Board is looking for protection for the Town so that there would be some documentation on record in the future to identify the extent of this business. He also stated that a public hearing would be required and that all abutters would have to be notified.

Chairman Inderbitzen then proposed that this plan be submitted at the February 9th meeting.

12. Richard Bujnowski
For Discussion Only

Lawrence Road
Map 36, Lot 21-3

Since neither the applicant nor any representative appeared before the board for this item, Chairman Inderbitzen proceeded to the next item on the agenda.

C₁

FEB 23, 1983 P.B.

Mr. Smith requested additional green space be added to land adjacent to the building. He also requested the building to be dropped further into the ground in order to take the curbe off the run-off.

Mr. Bernasconi asked about the number of fuel pumps; Mr. Laurien replied that there would be two fuel pumps. Chairman Inderbitzen voiced concern about turning movements on the site.

Mr. Denis Boisvert noted an error on the plan in that Map 20 was listed erroneously and that this reference should be corrected to read Map 25.

Mr. Smith stated that it might be necessary, once the traffic report had been received, to widen the roadway with a waiting lane because of the curve and sight distance in front of the property.

A question was asked about sealing the gasoline tanks to prevent leakage. Mr. Laurien stated that the tanks were fiberglass, adding that additional protection could be obtained by merely constructing a concrete foundation.

Mr. Boisvert pointed out the Conservation Commission's general concern regarding gasoline leaks from this property.

Mr. Bernasconi made a motion to defer action until March 9, 1983. Mr. Smith seconded the motion.

VOTE: All members voted in favor. The motion passed unanimously.

6. Trafford Property (Barry L. Kaplan Optionee)
Site Plan Hearing

Adelaide Street

Mr. Kaplan appeared before the Board for a site plan hearing. Discussion centered on his ability to locate all the markers on the site, as well as on the size of the sign that would be allowed on this property.

Mr. Smith asked if the Board had waived site plan fees, pointing out that this site plan appeared more complicated each time it appeared before the Board. He then asked Mr. Kaplan how many people he intended to employ, adding that it now appeared that there would be three operations on this site rather than one or two. Mr. Kaplan maintained that there had been no changes, contending that he had merely clarified matters by request of the Planning Board. One of the businesses, he continued, is purely a case of identification, and the name is used strictly for letterhead purposes.

Mr. Kaplan then submitted a separate statement referring more specifically to the type of businesses in the building and the number of employees that would be on the site. Chairman Inderbitzen suggested that this written statement be attached to the site plan for additional information.

Mr. Wagner made a motion for site plan approval. Mr. Bernasconi seconded the motion.

VOTE: All members voted in favor. The motion passed unanimously.

7. Albert & Lydia Dube
Subdivision Hearing

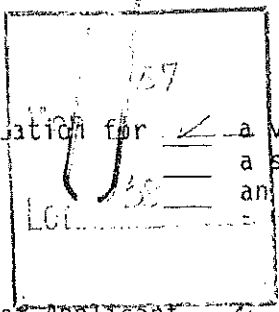
Old Derry Road
Map 42, Lot 3

Mr. Richard Maynard, of A.E. Maynard Engineering, and Mr. Jim Lamothe, 6 Mockingbird Lane, appeared before the Planning Board for a subdivision hearing.

Mr. Lamothe updated the Board on discussions held at past Planning Board meetings.

Chairman Inderbitzen referred to Town Engineer Perreault's concerns regarding the setbacks of the buildings in this subdivision, alluding to the fact that setbacks from the street are not uniform. He stated that the setbacks are not uniform because the setbacks are not uniform.

TOWN OF HUDSON NEW HAMPSHIRE
APPLICATION FOR APPEAL



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

Case No. 1/84/57/58
 Map & Lot No. # 1141 57 (part)
 Fee \$25.
 Date filed 12/14/83
 Signed Kerry P. Luffen

Name of Applicant Barry Luffen
 Address 57 Avenue S. West Park in Care Tel. # 855 9228
 Owner of property concerned Barry Luffen
 Address 57 Avenue S. West Park in Care 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).
57 Avenue S. West Park in Care

Brief description of request 70 Ave. S. Div. A 2nd level to existing
div. 100 covered sidewalk and double 2nd floor

Regarding Article _____ Section _____ of the Hudson Zoning Ordinance
 Tax # _____ Zone B-2 see attached
 ADDRESS _____

ABUTTERS - NAME	ADDRESS
MAP # LOT #	
42	David Dier
34	Rec. 11 + Rec. 12
34	Owner unknown
44-1	Att. Southern Div. Rec. - no box 330 Manchester 03105
46	19 Ferry St. Hudson

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 Kerry P. Luffen Date 12/14/83

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 Kerry P. Luffen Date 12/14/83

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:

W. J. Lagrone
1/5/84

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.

D.

1. Article III, Section (a) 2: Request for Variance to allow residence in Commerical Zone
2. Article X, Section 3.0(g): Request for variance from Lot Size Requirements
3. Article I, Section 5.0(b): Request for variance from setback requirement (50' required-28' existing)
3. Article I, Section 5.0(b): Request for variance from side line requirements (5' instead of 15')

Berry S. Kaplan



Piper/Laurien Consulting Service Inc.

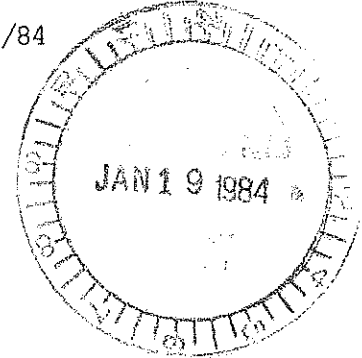
Harry Piper/Philip Laurien

Real Estate Development, Zoning, Design, Site Planning

1/18/84

Madelaine Gagnon, Chairperson
Board of Adjustment
Hudson, N.H. 03051

Re: Case # 1/84/57-38, Barry Kaplan



Dear Madelaine;

On behalf of Mr. Barry Kaplan I would like to respectfully request a re-hearing on the above referenced case. I feel that the Board should re-hear the case for the following reasons:

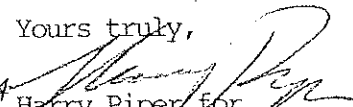
1. The Board did not have available to them a proper site plan showing the exact location of various structures on the site and their proximity to the abutters properties. If the re-hearing is granted Mr. Kaplan has agreed to engage a professional engineer to survey the property and accurately locate all structures and accessories such as pools, fences etc., on the property. I feel, after reading the minutes, that some of the Board was quite properly confused as to the distances and, in some cases, the exact nature of the request involved in the application. I feel that with the proper information available to the Board a reversal of the decision is a real possibility.
2. Mr. Kaplan admittedly is, and was, totally unaware of the requisites for the granting of a variance. I believe the requisites are present and that properly presented the Board may act differently.
3. IF the sequence of events relating to Mr. Kaplan's occupancy of the site in question was reversed, the situation would present itself in a completely different light and I think that in itself would be grounds for granting a re-hearing.

I think the decision of the Board is one which prudent members could properly reach with the evidence and site plan before them, but I also feel that given the opportunity to properly assess the information that will be presented in the event of a re-hearing, a prudent Board could also find for Mr. Kaplan.

Mr. Kaplan has also agreed to amend his application from a request to add two apartments to one that allows him to add one apartment, owner occupied.

45 Derry Road
Hudson, New Hampshire 03051014
(603) 883-8066

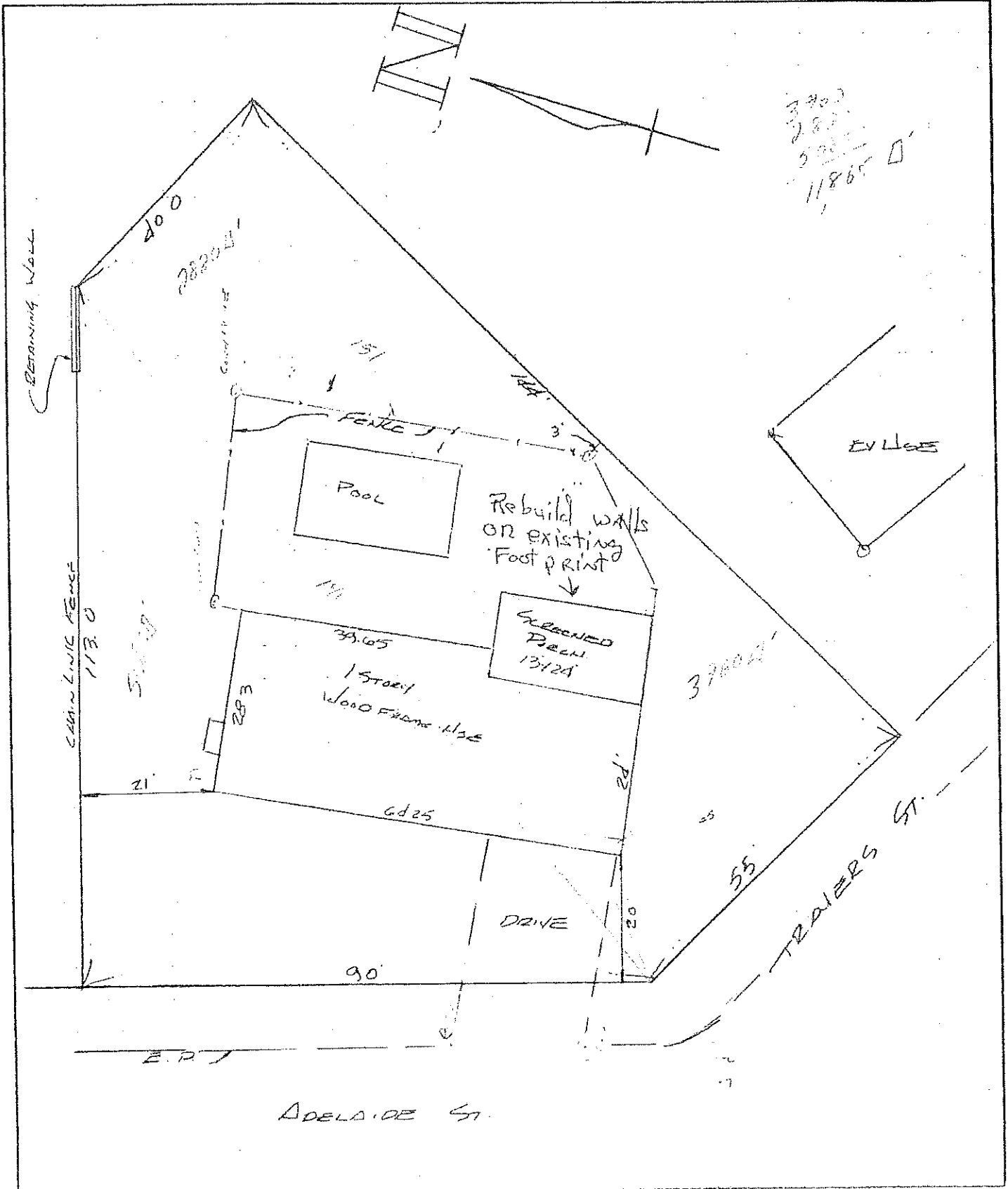
Yours truly,


Harry Piper for
Barry Kaplan

D3

MAYNARD & PAQUETTE INC.
 Consulting Engineers & Land Surveyors
 23 East Pearl Street
 NASHUA, NEW HAMPSHIRE 03060
 (603) 883-8384

JOB 872 EQUIPMENT ENVIRONMENTS INC.
 SHEET NO. 57 ADELAIDE ST. OF WOODS, N.H.
 CALCULATED BY GLK DATE 1/26/84
 CHECKED BY _____ DATE _____
 SCALE 1"=20' PLAN# 202 BK 171P 422



TOWN OF HUDSON NEW HAMPSHIRE
APPLICATION FOR APPEAL

57
Application for a variance
38 a special exception
Lot an appeal from administrative decision
 a rehearing

Case No. 1/84/57/38
Map & Lot No. 2 MAP 57 LOT 38
Fee 725
Date filed 12/19/83
Signed Barry T. Kaplan

Name of Applicant BARRY KAPLAN
Address 57 ADELAIDE ST
Owner of property concerned BARRY KAPLAN
Address 57 ADELAIDE ST

Tel. # 883 9980
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).

57 ADELAIDE ST PLOT PLAN ON FILE

Brief description of request TO ACCESS FOR A 2ND LEVEL TO EXISTING
BASE FOR OWNER OCCUPIED APARTMENT AND RENTABLE 2ND APARTMENT

Regarding Article _____ Section _____ of the Hudson Zoning Ordinance
Tax # _____ Zone B-2 see attached
ADDRESS _____

ABUTTERS	MAP #	LOT #	NAME	ADDRESS
✓	42		DAVID DION	38 AROAD ST NASHUA
✓	39		MERRILL + BESSIE TUES	1464 TRAVERS ST
✓	34		OWNER UNKNOWN	LAWRY 55 ADELAIDE ST
✓	44-1		OTTO SOUTHERN DIV. INC.	19 FERRY ST HUDSON
✓	7		WYNNE H. LAURENCE JR. + NANCY	PO BOX 330 MANCHESTER NH 03105
✓	46			

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 Barry T. Kaplan Date 12/19/83

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 Barry T. Kaplan Date 12/19/83

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: 8/23/84

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.

D5

Re-hearing

NOTICE OF DECISION

It is the decision of the Board of Adjustment that the above application has been approved. 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:

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.

D. E. Augustine
1/26/84

NOTICE OF DECISION

It is the decision of the Board of Adjustment that the above application has been approved. 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:

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.

J. P. [Signature]
2/23/84



TOWN OF HUDSON

Office of the Building Inspector

12 School Street

Hudson, New Hampshire 03051

603-889-1882
Ext. 7



June 12, 1984

Barry L. Kaplan
57 Adelaide Street
Hudson, NH 03051

Dear Mr. Kaplan:

My decision to refuse a building permit is still the same as stated in my April 18, 1984 letter.

At the January 26, 1983 Planning Board meeting it was brought out that you intended to use the entire building as office space. At the February 23, 1983 Planning Board meeting you were granted a site plan approval.

This means that you agreed to take a non-conforming use and make it a conforming use.

Therefore if you want to go back to a non-conforming use you will have to apply to the ZBA to do so.

If you have any further questions on this, you may call me at 889-1882.

Sincerely,

Richard E. Millard
Richard E. Millard
Building Inspector

CC: Town Engineer
Planning Board
Selectmen
ZBA

E,



TOWN OF HUDSON, N. H.

Application for a Permit To Build

Site plan approved 2/25/83

Date 3/23/1984

57 38

Table with categories: Residential (checked), Commercial, Industrial, Garage, Breezeway, No. of Units

Table with categories: Subdivision, Planning Bd. Approval Sub Div., Water Pollution Approval Sub Div. No., Septic Construction Permit No., Necessary Bonds Posted, Bd. of Adj. Variance Granted If Nec.

Table with categories: New, Alter (checked), Addition (checked), Repair

Permit Number

Name of Owner Barry Kaplan Address 57 Adelaide St. Tel. 883-9980
Land Purchased From Audrey Trappard Address same
Location 57 Adelaide St. Property Tax No. 108
Name of General Contractor Chagnon Map and Lot No. M 57 L 38
Name of Heating Contr. Name of Electrical Contractor Dearborn Elec.
Type of Heat Elec. Baseboard Name of Plumbing Contractor Hanson, Steve
Name of Fireplace Mason none Name of Masonry Contractor none
Material of Building Wood frame Style of Roof Gable Roof Covering Asphalt
Size of Foundation Existing Living Floor Area Existing No. of Stories
Size of Garage Existing Water Yes Sewer Yes
Foundation Material Conc. Width Height Footings Yes No
Fireplace No. of Flues Size Chimney Material
Brief Description of Repair, Alter or Other Add 2nd level living space to existing home, kitchen on 1st floor to be removed

IF NECESSARY, AN APPLICATION FOR A DRIVEWAY PERMIT MUST BE FILED WITH THE CIVIL ENGINEER.

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 ... 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 [Signature] Contractor's Signature Address

E2



Town of Hudson, NH
Building Permit

Community Development Department
12 School Street
Hudson, NH 03051
603-886-6005

Permit Number
2008-00274
Date of Issue
6/04/2008
Expiration Date
6/04/2009

Owner: MANNING, WILLIAM J., TR. MANNING, PATRICIA J., TR.

Applicant: Bill Kennerson

Location of Work: 57 ADELAIDE ST
(No. and Street) (Unit or Building)

Description of Work: Renovate existing screen porch to be a 23' x 13' three season sunroom.

ZONING DATA: District: TR Map/Lot: 175-143-000

CONTRACTOR: Bill Kennerson 603-880-6373

REMARKS:

•Building Permit Issuance Conditions are as follows:

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
- THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
- APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
- NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
- WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
- WORK MUST BE STARTED WITHIN 6 MONTHS, AND COMPLETED WITHIN 1 YEAR FROM THE DATE OF PERMIT ISSUANCE.
- ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

INSPECTION APPROVALS

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

Permit Holder: Bill Kennerson
 (Taking Responsibility for the Work)
 Company/Affiliation: Contractor Job Site Phone Number:

Constr Cost: \$24,000 Permit Fee: \$60.00 Check No.: Cash: \$0.00

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

William A. DeBask
 Code Official
 JUN - 3 2008
 Date

F



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-087

July 8, 2022

Esther Maturo
57 Adelaide St
Hudson, NH 03051

Re: 57 Adelaide St Map 175 Lot 143-000
District: Business (B)

Dear Ms. Maturo,

Request: to install a pool within a required setback.

Zoning Review / Determination:

This parcel is an existing non-conforming lot with a nonconforming use (single family).

This single family residential use is "existing non-conforming" in regards to being in the Business district. The Hudson Zoning Ordinance (HZO), §334-29 Extension or enlargement of nonconforming uses, states: "A nonconforming use shall not be extended or enlarged, except by variance." A variance would be required from HZO §334-21 Table of Permitted Principal Uses.

And,

The proposed location within the required setback would require a variance from HZO §334-27 Table of Minimum dimensional Requirements.

Sincerely,

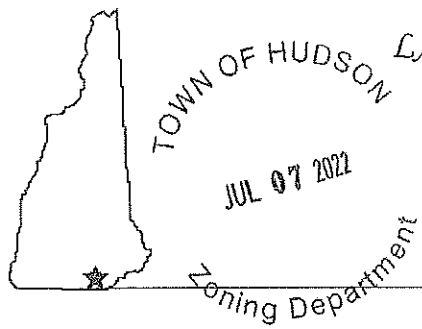
Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

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

51

#22-087



LAND USE DEPARTMENT
12 School Street
Hudson, NH 03051
(603) 886-6008
www.hudsonnh.gov



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 7/7/22
Property Location 57 Adelaide St. Hudson, NH 03051
Map 175 Lot 143-000 Sublot _____
Zoning District if known B

Type of Request

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

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

1. Expanding use of residential in a Business Zone by relocating pool and shed.
2. Set-Back -> request reduction of set back to 5ft for pool location due to land hardships in lot since town just voted in ~~real~~ change of residential set backs in our area. We request this be approved as well.

Applicant Contact Information:

Name: Esther Maturo
Address: 57 Adelaide St Hudson, NH 03051
Phone Number: 508-873-2579
Email: Bunnyjoy@yahoo.com

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: 2 variances needed or 1? Trying to get on July ZBA Agenda. Can't place anything over newly covered IG pool.
ZONING DETERMINATION LETTER SENT DATE: _____

42

1.104 AC
P

185.99

97.61

00.0
23 AC.0
P

119.50

PROPOSED 7' WOOD FENCE
PROPOSED 21' DIA.
ABOVE GROUND POOL

40.00

RELOCATED SHED

0.276 AC
S

44.00

16.31

90.0

S

100.0

APPROX. LOCATION OF
PRIOR IN-GROUND POOL

84.58

33.68

144

0.237 AC
S

0.251
100.0 P

0.525 AC
P

101.56.32

100.0

0.251 AC
0.58

100

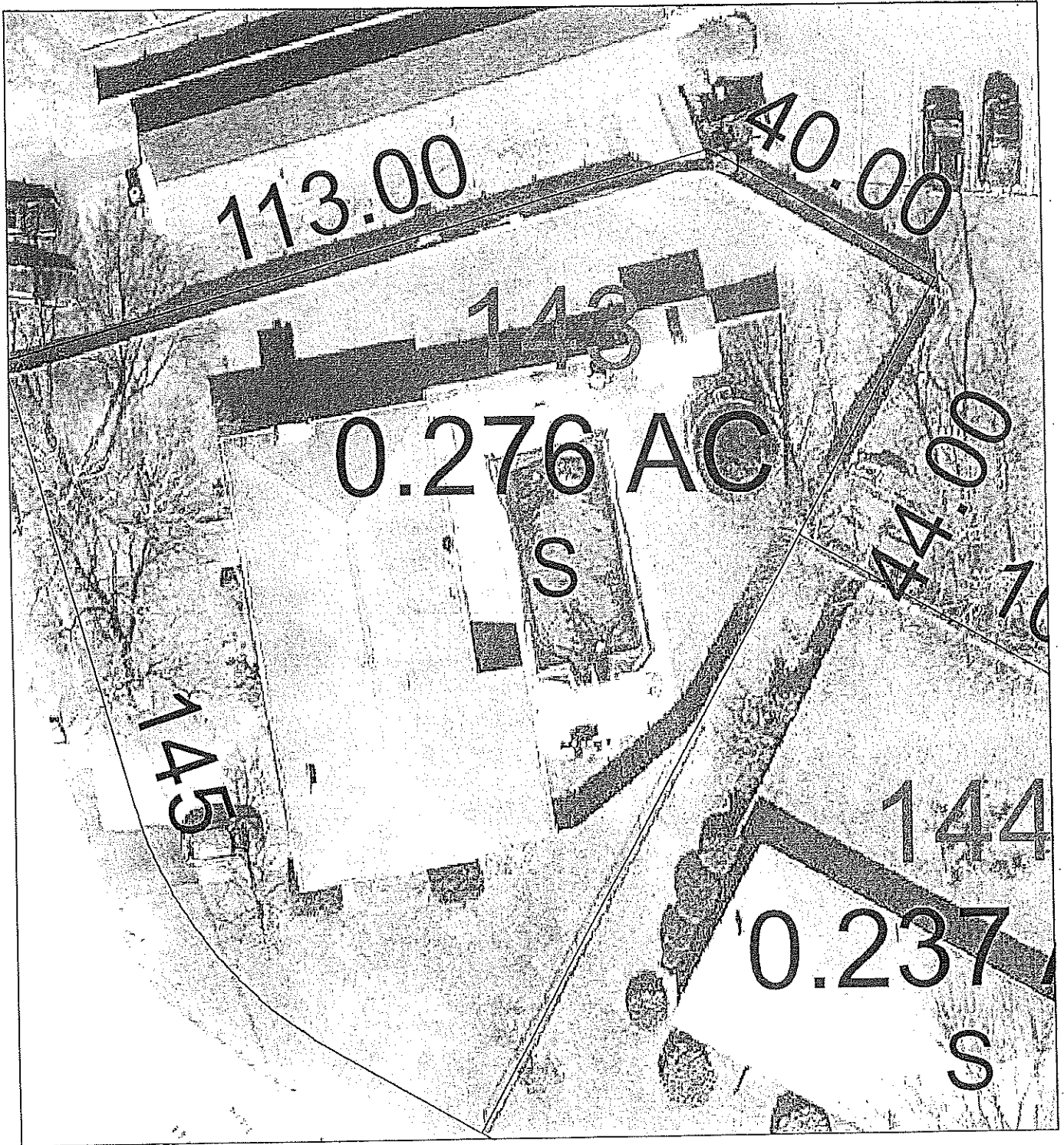


85.56

Scale: Approx. 1"=40'-0"

57 Adelaide
Hudson, New Hampshire

57 Adelaide St (Map/Lot 175-143-000)

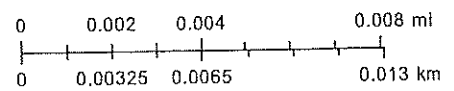


July 7, 2022

Legend

 Parcels

1:255



G4

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

REQUEST FOR REVIEW/COMMENTS:

Case: 175-143

Property Location: 57 Adelaide Street

For Town Use

Plan Routing Date: 07/13/2022 Reply requested by: 07/18/2022 ZBA Hearing Date: 07/28/2022

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 07/19/2022
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

Similar to the preceding cases on A & C Street, the current zone designation of Business (B) is presumably the result of a somewhat arbitrary 500-foot offset from Ferry Street (Rte 111) when the zone was established. This parcel, and others like it, are worthy of consideration for zoning map amendments. This lot is more characteristic of the TR zone.

H

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. _____

Date Filed _____

Name of Applicant Esther & Steve Maturio Map: 175 Lot: 43-400 Zoning District: B

Telephone Number (Home) 508-873-2579 (Work) 603-203-9300

Mailing Address 57 Adelaide St. Hudson, NH 03051

Owner Esther Maturio

Location of Property 57 Adelaide St Hudson, NH 03051
(Street Address)

 _____
Signature of Applicant Date 7/1/22

 _____
Signature of Property-Owner(s) Date 7/1/22

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

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

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

Date received: _____

COST:

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

 Abutter Notice:

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

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

Total amount due: \$ _____

Amt. received: \$ _____

Receipt No.: _____


Received by: _____

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


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 TG
 Please review the application with the Zoning Administrator or staff.


 The applicant must provide the original (with wet signatures) of the complete filled-out application form and all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples) where.


 A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson. TG

N/A If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.) N/A

 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> Reviewed
 (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.) Pending final.

 **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. TG
 A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>

 Provide a copy of all **single sided** pages of the assessor's card.
 (NOTE: these copies are available from the Assessor's Office)

 A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.

N/A If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y (circle one). If yes, submit an application to the Planning Board. N/A

CERTIFIED PLOT PLAN:

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

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

- | | | |
|---------------|---|------------|
| a) <u>N/A</u> | 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. | <u>N/A</u> |
| b) <u> </u> | The plot plan shall be up-to date and dated, and shall be no more than three years old. | <u> </u> |
| c) <u> </u> | The plot plan shall have the signature and the name of the preparer, with his/her/their seal. | <u> </u> |
| d) <u> </u> | 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) | <u> </u> |
| e) <u> </u> | The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) | <u> </u> |
| f) <u> </u> | 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. | <u> </u> |
| g) <u> </u> | The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. | <u> </u> |
| h) <u> </u> | The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. | <u> </u> |
| i) <u> </u> | The plot plan shall indicate all parking spaces and lanes, with dimensions. | <u> </u> |

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

[Signature]
Signature of Applicant(s)

7/1/22
Date

[Signature]
Signature of Property Owner(s)

7/1/22
Date

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
175-144-000		Ruth Ives	4 Travers St Hudson, NH 03051
175-142-000		Lynn & Ann White White Revocable Trust	119 Ferry St Hudson, NH 03051
175-155-005		Rebecca & Andrew Fleming	56 Adelaide St Hudson, NH 03051
175-155-004		Shawn Dardas & Nicole Charland	58 Adelaide St Hudson, NH 03051
175-153-003		Scott & Melinda Spencer	54 Adelaide St Hudson, NH 03051
175-143-000		Esther Maturo	57 Adelaide St Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
175-145-000		Amanda Landry	55 Adelaide St Hudson, NH 03051
175-155-003		Jude & Michelle Jonas	60 Adelaide St Hudson, NH 03051
175-117-000		Lynn & Ann White White Revocable Trust	95 Watson Shore Road Moultonborough, NH 03254
175-153-004		Faustin & Delphine Kouadio	52 Adelaide St Hudson, NH 03051
175-141-000		George & Sandra Mackey	18 Blackstone St Hudson, NH 03051
175-003-000		120 Ferry St, LLC	13 Jones Road Pelham, NH 03076
175-138-000		Matthew Quintiliani Quintiliani Revocable Trust	16 Blackstone St Hudson, NH 03051
175-146-000		Janet Charest	53 Adelaide St Hudson, NH 03051
175-140-000		Alan & Laurie Dupont Dupont Family Revocable Trust	20 Blackstone St Hudson, NH 03051
175-141-000		Jonathan Murray	3 Ridge Ave Hudson, NH 03051
175-153-002		PSNH dba Eversource Energy	PO Box 270 Hartford, CT 06141-0270

APPLICATION FOR A VARIANCE

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

SEE ATTACHED

FACTS SUPPORTING THIS REQUEST:

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

- I.(a) "The Zoning Board of Adjustment shall have the power to:
(2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:
(A) The variance will not be contrary to the public interest;
(B) The spirit of the ordinance is observed;
(C) Substantial justice is done;
(D) The values of surrounding properties are not diminished; and
(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
(b)(1) For purposes of this subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
(A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
(B) The proposed use is a reasonable one.
(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
(3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

Article: V (Permitted Uses), Section: §334-21 Table of Permitted Principal Uses

Article: VII (Dimensional Requirements), Section §334-27 Table of Minimum Dimensional Requirements

Description:

A) Proposed installation of a residential pool (Use Variance) in the B district, where not permitted use in Table of Permitted Principal Uses §334-21.

B) Proposed location of the pool results in encroachment into the required setback, needing dimensional variance of Table of Dimensional Requirements §334-27.

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.”)

We have already had a pool in our back yard for 30+ years. This proposal doesn't make any change to our current residential use of our property nor does it make any change for any of our neighborhood. It only changes the type of pool due to our inability to fix the old one.
Our need to change the set back of our new pool doesn't encroach on any usable yard space for neighbors and also keeps it out of street view so it doesn't affect curb appeal

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

The spirit of the ordinance is to provide proper boundaries between businesses and their customers, however, since most of the area on our street is used residential in a business zone, the current setback doesn't have the same weight for our current use. Our proposed set back still provides sufficient space between properties to not negatively impact use by either owner.

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.)

We would appreciate our request be granted because the set backs in the residential zone of our neighborhood have a 5 feet set back due to the small sizes of our lots and the hardship that creates. This doesn't apply to us since we are within the business zone of our neighborhood. This grant will allow us to improve use of the land we own and make it more suitable for our family's needs and enjoyment as we continue residential use of our lot.

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.)

Again, we believe the improved set up and reconfiguration of our yard will not only make use of our property more suitable, but will increase value to our home which will have a positive impact on the values of the properties around us as well. The new structure will not be seen from the street, so no impact changes will happen there either.

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*

If you look at the plot plan of our property, you will see that we had an inground pool in the center of the back yard. This was a 30+ year old, wood walled, asbestos paneled pool that no longer meets the current code laws, as a result, no pool contractor would repair it. Due to COVID, we could no longer afford to install a new one in its place and the damaged caused the pool to begin to collapse. In October 2021, we hired a contractor to performed the asbestos mitigation and fill in the pool to prevent additional damage to the property over the winter. But now the land is unstable and unsuitable to be built upon. Our proposed plot shifts the location of the new pool to an area just as private but stable enough to hold the weight of the new structure. This creates a hardship for our required set back due to the size of our lot and location of the unstable ground.

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

The back portion of our property behind the shed and in the corner near the Dairy Queen lot is sloped down towards the Dairy Queen property. As a result, nothing can be built there. The current set back table doesn't allow for anything else to be built or placed that does not interfere with the current unstable ground from the previous pool due to lot size.

Our current proposal does encroach on the current set back for business use, but is still a suitable distance from our property line to not interfere with the next door neighbors residential use of their property.

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-087

July 8, 2022

Esther Maturo
57 Adelaide St
Hudson, NH 03051

Re: 57 Adelaide St Map 175 Lot 143-000
District: Business (B)

Dear Ms. Maturo,

Request: to install a pool within a required setback.

Zoning Review / Determination:

This parcel is an existing non-conforming lot with a nonconforming use (single family).

This single family residential use is "existing non-conforming" in regards to being in the Business district. The Hudson Zoning Ordinance (HZO), §334-29 Extension or enlargement of nonconforming uses, states: "*A nonconforming use shall not be extended or enlarged, except by variance.*" **A variance would be required from HZO §334-21 Table of Permitted Principal Uses.**

And,

The proposed location within the required setback would require a **variance from HZO §334-27 Table of Minimum dimensional Requirements.**

Sincerely,

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

cc: Public Folder
B. Groth, Town Planner
File

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

175 143 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRAISED: 294,500 / 294,500
USE VALUE: 294,500 / 294,500
ASSESSED: 294,500 / 294,500



PROPERTY LOCATION

No	Alt No	Direction/Street/City
57		ADELAIDE ST HUDSON
OWNERSHIP		
Owner 1:	MATURO, ESTHER J.	Unit #:
Owner 2:		
Owner 3:		
Street 1:	57 ADELAIDE STREET	
Street 2:		
Town/City:	HUDSON	
S/Prov:	NH	County
Postal:	03051	Own Occ:
		Type:

PREVIOUS OWNER

Owner 1:	MANNING, WILLIAM J. TR.
Owner 2:	MANNING, PATRICIA J. TR.
Street 1:	57 ADELAIDE STREET
Town/City:	HUDSON
S/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains 276 ACRES of land mainly classified as ONE FAMILY with a RANCH Building built about 1985, having primarily WOOD SHINGLE Exterior and 1419 Square Feet, with 1 Unit, 1 Bath, 1 3/4 Bath, 0 HalfBath, 5 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Description	Amount	Com. Int.
------	-------------	--------	-----------

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.276	202,900	9,800	81,800	294,500
Total Card	0.276	202,900	9,800	81,800	294,500
Total Parcel	0.276	202,900	9,800	81,800	294,500
Source:	Market Adj Cost	Total Value per SQ unit /Card /Parcel: 207.54 /Parcel: 207.54			

PREVIOUS ASSESSMENT

Tax Yr.	Use Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes
2022	101	JB	202,900	9,800	81,800	294,500	294,500	Year End Roll
2021	101	FV	202,900	9,800	81,800	294,500	294,500	Year End Roll
2020	101	JB	202,900	9,800	81,800	294,500	294,500	Year End Roll
2019	101	FV	202,900	9,800	81,800	294,500	294,500	Year End Roll
2018	101	JB	202,900	9,800	81,800	294,500	294,500	Year End Roll

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	1st Verif
MANNING, WILLIAM J.	9101-1598	1	8/17/2018	NON-MARKET	310,000	No	No
MANNING, PATRICIA	7886-2347	1	8/6/2007	FAMILY TRANS	90,000	No	No
CHARRON, PATRIC	7723-0312	2	8/8/2006	FAMILY TRANS	90,000	No	No
JEANGERALD ROB	5653-677		8/31/1995			No	No
	5032-0085		11/27/1988			No	No

TAX DISTRICT

PAT ACCT.

Parcel ID	175-143-000
Notes	
Date	5/24/2022
Date	9/27/2021
Date	5/12/2021
Date	8/27/2020
Date	5/6/2020
Date	9/16/2019
Date	5/8/2019
Date	8/27/2018
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
Land Reason:	
Bid Reason:	
Civil District:	
Ratio:	

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment
6/4/2008	2008-274	PORCH	24,000	C				

ACTIVITY INFORMATION

Date	Result	By	Name
4/28/2019	Entry Denied	12	TECH ASMT
4/25/2019	Sale Data V	12	TECH ASMT
10/22/2013	Measured	15	APPR TECH 5
4/8/2009	Permit Visit	10	APPRAISER II
6/13/2007	Measured	10	APPRAISER II
9/11/2005	New Maps	1	CHIEF ASSES
4/24/2001	Inspected	0	PATRIOT
4/9/2001	Measured	0	PATRIOT
8/5/1991	Inspected	2	AVTAR

PROPERTY FACTORS

Item Code	Description	%	Item Code	Description
Z			Water	3 TOWN WASTE
O			Sewer	2 TOWN SEWE
N			Electri	
Census:				
Exempt				
Food Haz: C				
D			Topo	1 LEVEL
S			Street	
I			Gas:	

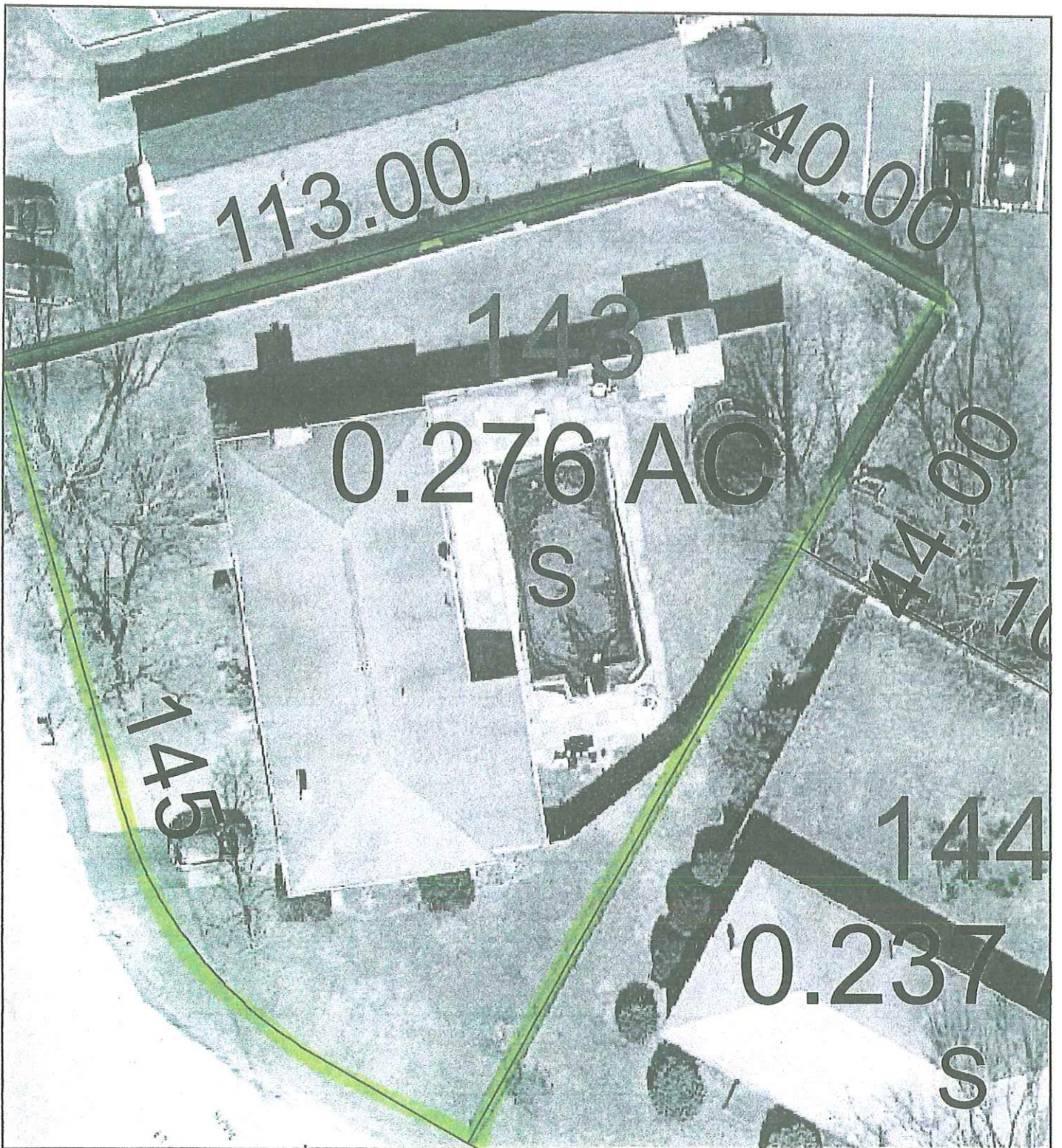
LAND SECTION (First 7 lines only)

Use Code	LUCC	No of Units	Depth / PctchUnits	Unit Type	Land Type	LT	Base Value	Unit Price	Adj Neigh	Neigh Mod	Neigh Infl	Neigh Mod	Inf 1 %	Inf 2 %	Inf 3 %	Appraised Value	Alt Class	% Spec Land	Fact Use Value	Notes
101	ONE FAMILY	0.276		SITE ACRE SITE			0	110,000.	2.69	RE			LOCATC	-5		81,803			81,800	

Total ACHA: 0.27600	Total SF/SM: 12023	Parcel LUC: 101	ONE FAMILY	Prime NB Descr: RES AVG
Total: 81,803	Spl Credit:	Total: 81,800		

Disclaimer: This information is believed to be correct but is subject to change and is not warranted. Database: AssessPro - Hudson

57 Adelaide St (Map/Lot 175-143-000)

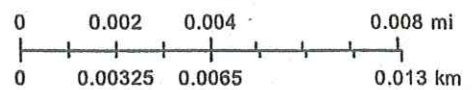


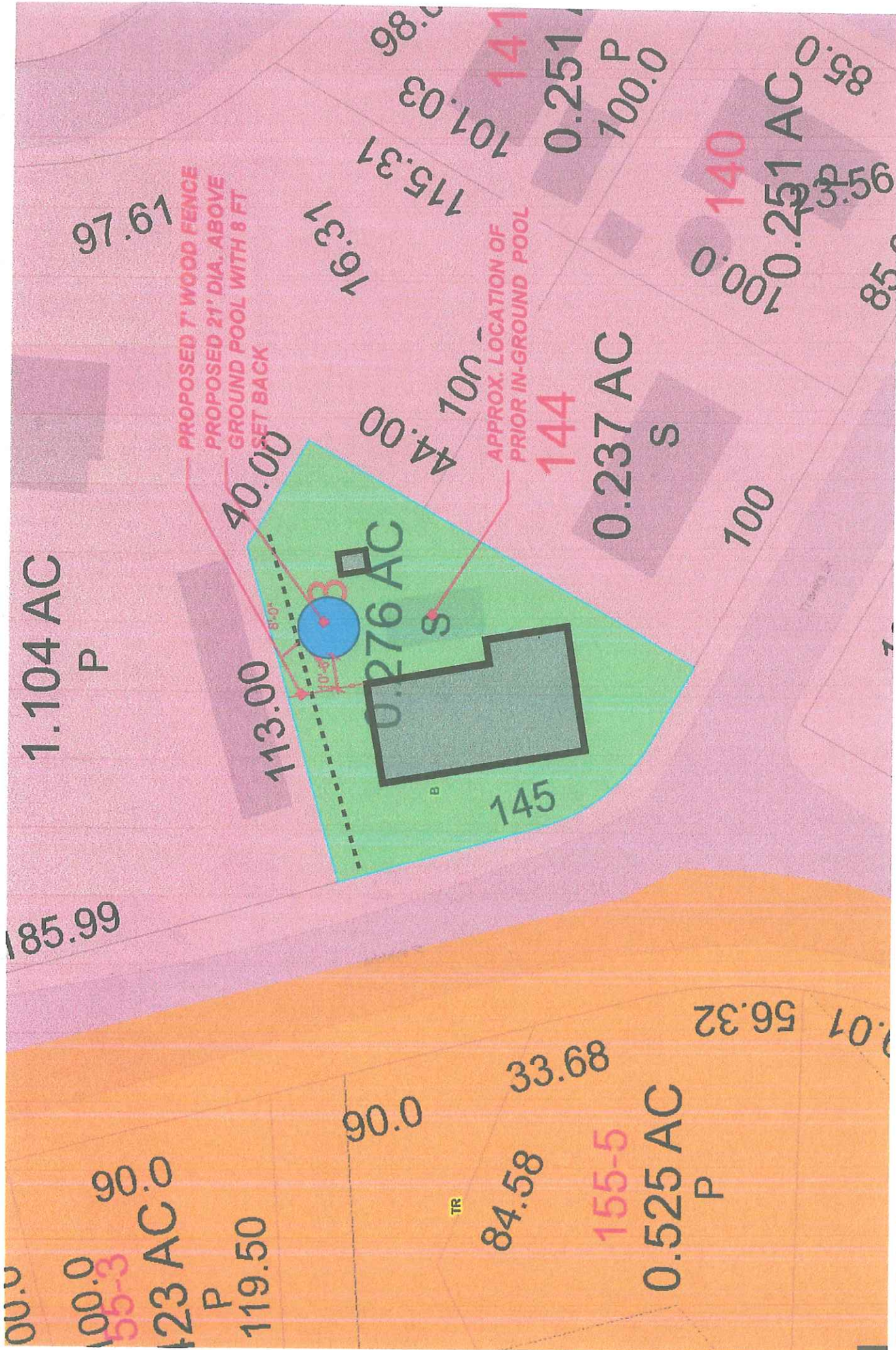
July 7, 2022

Legend

 Parcels

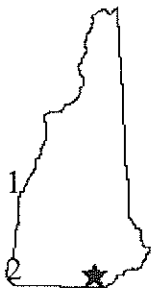
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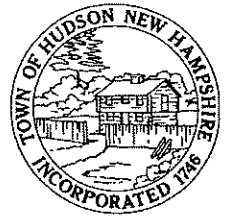
Scale: Approx. 1"=40'-0"

57 Adelaide
Hudson, New Hampshire



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 – June 23, 2022 - draft

The Hudson Zoning Board of Adjustment met on Thursday, June 23, 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 Gary Daddario called the meeting to order at 7:00 PM and invited everyone to stand for the Pledge of Allegiance. Mr. Daddario dispensed with the reading of the meeting's procedure as there were no Cases before the Board, and there was no public in attendance.

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) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused were Dean Sakati (Alternate) and Jim Pacocha (Regular/Vice Chair). Mr. Daddario appointed Alternate Thompson to vote.

III. PUBLIC HEARING:

Proposed ZBA Bylaws amendments 1st reading:

Mr. Buttrick read the item into the record, noted that it has undergone extensive review by both the Board and Staff and that this is the first of two (2) Public Hearings required to modify the Bylaws and added that the Bylaws are also part of the Town Code and should be identical.

Mr. Buttrick read the summary of each change proposed as the Board followed along in the 'Working Copy' of the Bylaws with the proposed changes in red ink and only a few received additional comments/questions from the Board.

- Global revision of gender terms to gender neutral terms throughout document;

88 The first required Public Hearing on the proposed amendments to the ZBA
89 Bylaws concluded. Second Public Hearing to be set.

90

91 **IV. REQUEST FOR REHEARING:**

92

93 Mr. Buttrick stated that at the last meeting the Board granted a Rehearing to
94 Case 183-006 on the Variance granted at 102 Central Street for the garage to
95 encroach 21.8' into the required 30' setback leaving 8.2' to Vinton Street and
96 reported that since the Variance was granted the Town Engineer and the
97 Property Owner worked together, rotated the garage ninety (90) degrees,
98 eliminated the second driveway and reduced the needed Variance for
99 encroachment leaving 12.5' to Vinton Street and that because the resulting
100 encroachment is less than what was granted by the Variance it is approvable
101 from the Zoning Administrator's viewpoint and, as a result, a Rehearing would
102 not be necessary.

103

104 Board discussion ensued. Mr. Daddario noted that even though it was the
105 Town Engineer who initiated the Rehearing request and the question was
106 raised whether the Town Engineer had standing, the Board decided to grant
107 the Rehearing based on the 'inherent authority' the RSA grants ZBA to re-
108 evaluate their own decisions.

109

110 Mr. Daddario stated that his concerns have been alleviated with the proposed
111 new plan. Mr. Nicolas and Mr. Martin agreed that the new plan also addresses
112 many of their concerns. However, concerns were raised regarding the lack of a
113 proper paper trail regarding the new plan.

114

115 Mr. Dearborn stated that a Rehearing is also necessary in order *not* to set a
116 precedent regarding the Property Owners' resistance to any change because
117 what they had proposed was "convenient" to them and offered the example that
118 the Zoning Ordinance prohibits sheds in the front yard but could grant a
119 variance because the front yard is "convenient" to the Property Owner(s).

120

121 Mr. Thompson pointed out that there is a second floor to the garage, for a
122 proposed rec room, and the connection of the garage to the house is the
123 "convenience" the Property Owners seek to avoid having to go outside to
124 access.

125

126 Mr. Etienne stated that the Board voted to Rehear the Variance and the plan
127 that was configured between the Town Engineer and the Property Owners is a
128 new plan and that new plan should be documented for the sake of a proper
129 "paper trail". Mr. Dearborn agreed, to be procedurally correct and tie up loose
130 ends.

131

132 Board consensus was that the Rehearing should proceed with the new plan.

133 Mr. Buttrick was asked to do the needed notifications.

Town of Hudson, New Hampshire Bylaws
Zoning Board of Adjustment
Amended 07-28-22

Chapter 143

- § 143-1 History
- § 143-2 Authority
- § 143-3 Purpose
- § 143-4 Amendments
- § 143-5 Officers
 - § 143-5.1 Recorder
 - § 143-5.2 Vacancy and Succession of Officers
- § 143-6 Members and Alternates
- § 143-7 Meetings
 - A. Regular Meetings
 - B. Other Meetings
 - C. Board Member Notice of Meetings
 - D. Quorum
 - E. Disqualification
 - F. Order of Business
- § 143-8 Application Process
 - A. Applications
 - B. Public Notice
 - C. Public Hearing
- § 143-9 Decision Process
- § 143-10 Deferment and Withdrawal
- § 143-11 Reconsideration by the Board
- § 143-12 Motions for Rehearing
- § 143-13 Records
- § 143-14 Waivers
- § 143-15 Joint Meetings and Hearings

§ 143-1. History.

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

2019; 07-28-2022]

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

§ 143-5.1. Recorder. [Added 9-26-2019]

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

§ 143-5.2. Vacancy and succession of officers. [Added 1-28-2021]

- A. In the event that the unexpired term of Chairperson becomes vacant, the Vice-Chairperson will fill the vacancy until the first meeting in January of the following year, at which time the voting members will elect a new Chairperson.
- B. In the event that the unexpired term of Vice-Chairperson becomes vacant, the voting members will vote to fill the vacancy at their next regular scheduled meeting.
- C. In the event that the unexpired term of Clerk becomes vacant, the voting members will vote to fill the vacancy at their next regular scheduled meeting.

§ 143-6. Members and Alternates.

- A. Five (5) regular members shall be appointed by the Selectboard, attend all meetings, and sit as voting members.
- B. Five (5) alternate members shall be appointed by the Selectboard, attend all meetings to familiarize themselves with the workings of the Board and stand ready to serve whenever a regular member of the Board is unable to fulfill their responsibilities.
- C. A Selectboard Liaison may be appointed by the Selectboard to act as a liaison between the two Boards and should attend all meetings but shall have no voting powers nor the ability to sit in place of any regular member not in attendance.
- D. At meetings of the Board, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the Chairperson to temporarily fill the unexpired term of a vacancy may participate with the Board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, ask questions and interact with other Board members, the applicant, abutters and the public. Alternates shall not be allowed to make or second motions. Once the Board moves into deliberations, alternates shall remove themselves from any further deliberations with the Board. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the Chairperson shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

- (2) Determining the threshold of disqualification can be difficult. To assist a member in determining whether or not they should step down (recuse themselves), Board members should review the questions which are asked of potential jurors to determine qualification (RSA 500-A:12). A potential juror may be asked whether he or she:
- (a) Expects to gain or lose upon the disposition of the case;
 - (b) Is related to either party;
 - (c) Has advised or assisted either party;
 - (d) Has directly or indirectly given an opinion or formed an opinion;
 - (e) Is employed by or employs any party in the case;
 - (f) Is prejudiced to any degree regarding the case; or
 - (g) Employs any of the counsel appearing in the case in any action currently pending in the court. [Amended 07-28-2022]
 - (h) Is a direct or indirect abutter [Added 07-28-2022]
- (3) Either the Chairperson or the Member disqualifying themselves before the beginning of the public hearing on the case shall announce the disqualification. The disqualified may step away from the table during the public hearing and during all deliberation on the case as he/she so chooses. [Amended 07-28-2022]

F. Order of Business. The order of business for regular meetings shall be as follows:

- (1) Call to order by the Chairperson.
- (2) Pledge of allegiance. [Added 9-26-2019]
- (3) Introduction/order of business. Attachment "A". [Added 9-26-2019]
- (4) Roll call by the Clerk.
 - (a) Chairperson seats any Alternate appointments due to absences. [Added 07-28-2022]
- (5) Announce any adjustment to the agenda (order of cases etc.) [Added 07-28-2022]
- (6) Unfinished Business (Continued or Deferred Hearings).
- (7) New Hearing(s). Board will not hear new cases after 11:00 p.m. [Amended 9-26-2019]
 - (a) The Zoning Administrator will read the case into the record. [Added 07-28-2022]
 - (b) The Zoning Administrator will read the Staff Report. [Added 07-28-2022]
- (8) Requests for Rehearing.
- (9) Approval of Minutes from Previous Meeting(s).
- (10) New Business.
- (11) Communications and Items of Interest to the Board, Other Business.
- (12) Adjournment.

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

- (11) The Board of Adjustment will hear with interest any evidence that pertains to the facts of the Case or how the facts relate to the provisions of the Zoning Ordinance and state zoning law.
- (12) The Chairperson shall present a summary setting forth the facts of the case and the claims made for each side. Opportunity shall be given for correction from the floor.???
- (13) The public hearing on the Case shall be declared closed and the Case will be declared to be before the Board. The Board will deliberate and make its decision.
- (14) All subsequent cases shall then be heard in the order they were presented.

§ 143-9. Decision Process.

- A. Before deliberations begin, the Chairperson shall allow non-sitting alternates, the Selectboard's Liaison, if present, and the Zoning Administrator or his/her replacement to ask questions and give input, if they so desire.
- B. Once this phase is completed, the Chairperson shall declare the matter before the Board and the sitting members present who are voting will raise any further questions they may have and then deliberate all concerns in order to reach a decision on the request.
- C. The Board shall vote on each of the applications for which testimony was given, after adequate deliberations.
- D. For the granting of variances: the Board will consider a "vertical" (member) method of voting on each request. [Added 04-11-2019]
- E. The Chairperson shall announce all decisions after the vote has been taken, and explain that the appeal/rehearing process is available to all aggrieved within 30 days of the meeting vote per RSA 677:2. [Amended 9-26-2019; 07-28-2022]

§ 143-10. Deferment and Withdrawal.

- A. After public notice has been given, each application presented to the Board for consideration may be deferred or withdrawn only by action of the Board, following receipt of written notice to the Zoning Administrator or to the Board, itself, by the applicant. A sitting member must make a motion to defer until the next regular meeting or a date specific, that motion must be seconded and voted on by the sitting members of the case in question, and abutter notice shall be presumed to have been accomplished by the decision of the Board's vote.
- B. In the event that a deferred applicant is not ready when the case comes back before the Board, the Board may initiate withdrawal of the application, with or without prejudice, where "with prejudice" means that any new application (unless substantially changed) cannot be filed for a period of one year. Filing fees shall not be returned for withdrawn cases that have been reviewed and processed by staff with public notice of a scheduled hearing having been posted.
- C. Moreover, once an application has been withdrawn, any re-application shall be considered a new application and the applicant shall be required to pay all applicable fees for consideration. In the event of a Board-initiated deferment, because members felt it necessary for more information or other reason, a sitting member must make a motion to defer until the next regular meeting or a date specific. That motion must be seconded and voted on by the voting members of the case in question, and abutter notice shall be presumed to have been accomplished by the decision of the Board's vote. But, in some rare instances, the Board may require that notification fees be paid again for deferred cases in order to ensure that abutters are properly notified. In the event of the Board's acceptance of a request for deferment by the applicant at the meeting, the request shall be handled in the same manner as a Board-initiated deferment. In the event that the applicant is not ready when the case comes back before the Board, the Board may initiate withdrawal of the application, with or without prejudice, as described above.

§ 143.11. Reconsideration by the Board.

Attachment "A" [9-26-2019]

Chairperson's introduction/order of business

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

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

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

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

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

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

Appendix "B" "Clerk" Duties [07-28-2022]

Roll Call / Attendance Sheet: Sheet provided by Town staff. Mark each Member as either Present, Absent or Excused – as well as Zoning Administrator, Selectboard Liaison, Recorder and Selectboard Liaison Alternate.

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

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

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

Place all Sheets in ZBA Clerk Binder / Notebook.

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

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

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

CLERK / MEETING BINDER

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



EVENTS & TRAINING

Events Calendar

NHMA Annual
Conference

Webinars

Workshops

[Home](#) > [Events & Training](#) >

REGISTRATION OPEN: HB 1661: What Local Land Use Boards Need to Know Webinar!

Wednesday, August 10, 2022 - 12:00pm to 1:00pm



272:70 Local Land Use Boards; Training. RSA 673:3-a is repealed and reenacted to read as follows:
 673:3-a Training. Any member of a zoning board of adjustment or planning board may complete training offered by the office of planning and development or another organization that provides similar training covering the processes, procedures, regulations, and statutes related to the board on which the member serves. The office of planning and development shall develop standard self-training materials and corresponding tests for zoning boards of adjustment and planning boards which shall be provided to members free of charge. The office of planning and development may provide other types of training, which may be designed in a variety of formats including, but not limited to, web-based, distance learning, or traditional classroom style. For purposes of this section, the term "member" includes regular and alternate members of zoning boards of adjustment and planning boards.

272:71 New Paragraph; Local Land Use Boards; Staff; Finance. Amend RSA 673:16 by inserting after paragraph II the following new paragraph:

III. Any fee which a city or town imposes on an applicant pursuant to this title shall be published in a location accessible to the public during normal business hours. Any fee not published in accordance with this paragraph at the time an applicant submits an application shall be considered waived for purposes of that application. A city or town may comply with the requirements of this section by publicly posting a list of fees at the city or town hall or by publishing a list of fees on the city or town's Internet website.

272:72 New Paragraph; Local Land Use Planning and Regulatory Powers; Zoning. Amend RSA 674:17 by inserting after paragraph III the following new paragraph:

IV. If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development.

272:73 Planning and Zoning; Administrative and Enforcement Procedures; Issuance of Decision. Amend RSA 676:3, I to read as follows:

I. The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. *The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.* If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

272:74 New Paragraph; Powers of Zoning Board of Adjustment. Amend RSA 674:33 by inserting after paragraph VII the following new paragraph:

VIII. Upon receipt of any application for action pursuant to this section, the zoning board of adjustment shall begin formal consideration and shall approve or disapprove such application within 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If a zoning board of adjustment determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the board may, in its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief.

272:75 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(c) to read as follows:

(c)(1) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act to approve, conditionally approve, as provided in subparagraph (i), or

674:58, IV, whether or not such construction results from private development or private commercial enterprise. The municipality shall not acquire property for this purpose through the powers of eminent domain.

(b) Except as provided in subparagraphs (a)(2), ~~[and]~~ (4), **and (5)** of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities.

272:79 Municipal Economic Development and Revitalization Districts; District Establishment and Development Programs; Authority to Acquire, Construct, and Promote Residential Development and Housing Stock. Amend RSA 162-K:6, III(h) and (i) to read as follows:

(h) Lease all or portions of basements, ground and second floors of the public buildings constructed in the district; ~~[and]~~

(i) Negotiate the sale or lease of property for private development if the development is consistent with the development program for the district~~[-]~~; **and**

(j) If separately adopted by the city or town by the procedure described in RSA 162-K:1, acquire, construct, reconstruct, improve, alter, extend, operate, maintain or promote residential developments aimed at increasing the available housing stock within the municipality.

272:80 Effective Date.

- I. Sections 1-5, 7-9, 12, 21, 22, 28, 34, 58, 59, and 61 of this act shall take effect July 1, 2022.
- II. Sections 23, 29, 70-74, and 76-79 of this act shall take effect 60 days after its passage.
- III. Sections 6, 31-33 of this act shall take effect June 30, 2022.
- IV. Sections 13, 14, 68, and 75 of this act shall take effect January 1, 2023.
- V. Sections 63-67 of this act shall take effect 30 days after its passage.
- VI. The remainder of this act shall take effect upon its passage.

Approved: June 24, 2022

Effective Date:

- I. Sections 1-5,7-9, 12,21,22,28,34,58,59 & 61 effective July 1, 2022
- II. Sections 23, 29 70-74 & 76-79 effective August 23, 2022
- III. Sections 6, 31-33 effective June 30, 2022
- IV. Sections 13, 14, 68 & 75 effective January 1, 2023
- V. Sections 63-67 effective July 24, 2022
- VI. Remainder effective June 24, 2022