

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 – September 22, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **September 22, 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 242-064 (09-22-22):** Shawn & Brianna Leite, **2 Somerset Dr., Hudson, NH** requests a Variance to build a proposed 8 ft. x 36 ft. farmers porch that will encroach the front yard setback 4.9 feet leaving 25.1 feet where 30 feet is required. [Map 242, Lot 064-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
2. **Case 182-169 (09-22-22):** Nick Couture of Crossroads Contracting, 15 Londonderry Rd., #6, Londonderry, NH requests a Variance for **3 Oakwood St., Hudson, NH** to demolish an existing garage and shed and build a new proposed 24 ft. x 26 ft. garage that will encroach the side yard setback 7 feet leaving 8 feet where 15 feet is required. [Map 182, Lot 169-000; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
3. **Case 173-029 a-c (09-22-22):** Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requests three (3) Variances for **56 Derry St., Hudson, NH** [Map 173, Lot 029-000; Zoned Business (B)] as follows:
 - a. To locate a proposed free-standing Pylon sign (reference #1), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements]
 - b. To locate one (1) additional, 22.25 sq. ft. wall sign on the building south side (reference# 2), in addition to the permitted wall sign on the east side of the building. [HZO Article XII, Signs; §334-63, Business and industrial building signs]
 - c. To locate two (2) directional signs (reference #4 and #5), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements and §334-58 B(3), Permit required; exemptions]

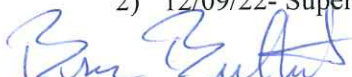
IV. REQUEST FOR REHEARING: None

V. REVIEW OF MINUTES:

08/25/22 edited Draft Minutes

VI. OTHER:

- 1) ZBA Training/Workshop- *ZBA Decision Making Process* on Oct 13, 2022 @ 7:00 PM
- 2) 12/09/22- Superior Court Hearing– 8 Washington Dr. appeal- Attendee(s) invite.


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: September 22, 2022

BB 9-13-22

Case 242-064 (09-22-22): Shawn & Brianna Leite, 2 Somerset Dr., Hudson, NH requests a Variance to build a proposed 8 ft. x 36 ft. farmers porch that will encroach the front yard setback 4.9 feet leaving 25.1 feet where 30 feet is required. [Map 242, Lot 064-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Address: 2 Somerset Dr

Zoning district: Residential Two (R-2)

Summary:

Applicant requests a variance to allow a proposed 8 ft. x 36 ft. farmers porch that will encroach the front yard setback 4.9 feet leaving 25.1 feet where 30 feet is required.

Property description:

A corner lot of record, 1.11 Acres – 1.0 Acres required / Frontage: 134.9 ft on Gowing Rd and 339.24 ft on Somerset Dr. 120 ft required.

LAND USE HISTORY:

Certificate of Occupancy: BP # 2018-01035

ASSESSING HISTORY:

Single family

Town in-house review comments:

Town Engr: comments: no comments

Town Planner: comments: no comments

Fire Dept: comments: no comments

Attachments:

A: Certificate of Occupancy

B: Certified foundation plan

Town of Hudson, NH

Certificate of Occupancy



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

Owner, Lessee or Occupant: SOUSA REALTY

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

Desc of Work: Construct a two story, three bedroom single-family dwelling with a 12' x 12' rear deck and a 22' x 22' attached two car garage.

Map\Lot: 242-064-000

District: R-2

Permit(s): 2018-01035, 2018-01035-1-DR, 2018-01035-2-FD, 2018-01035-3-EL, 2018-01035-4-PL, 2018-01035-5-MG, 20

Use Group: R-3

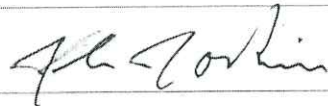
Fire Sprinkler System Required: NO

Fire Alarm System Required: NO

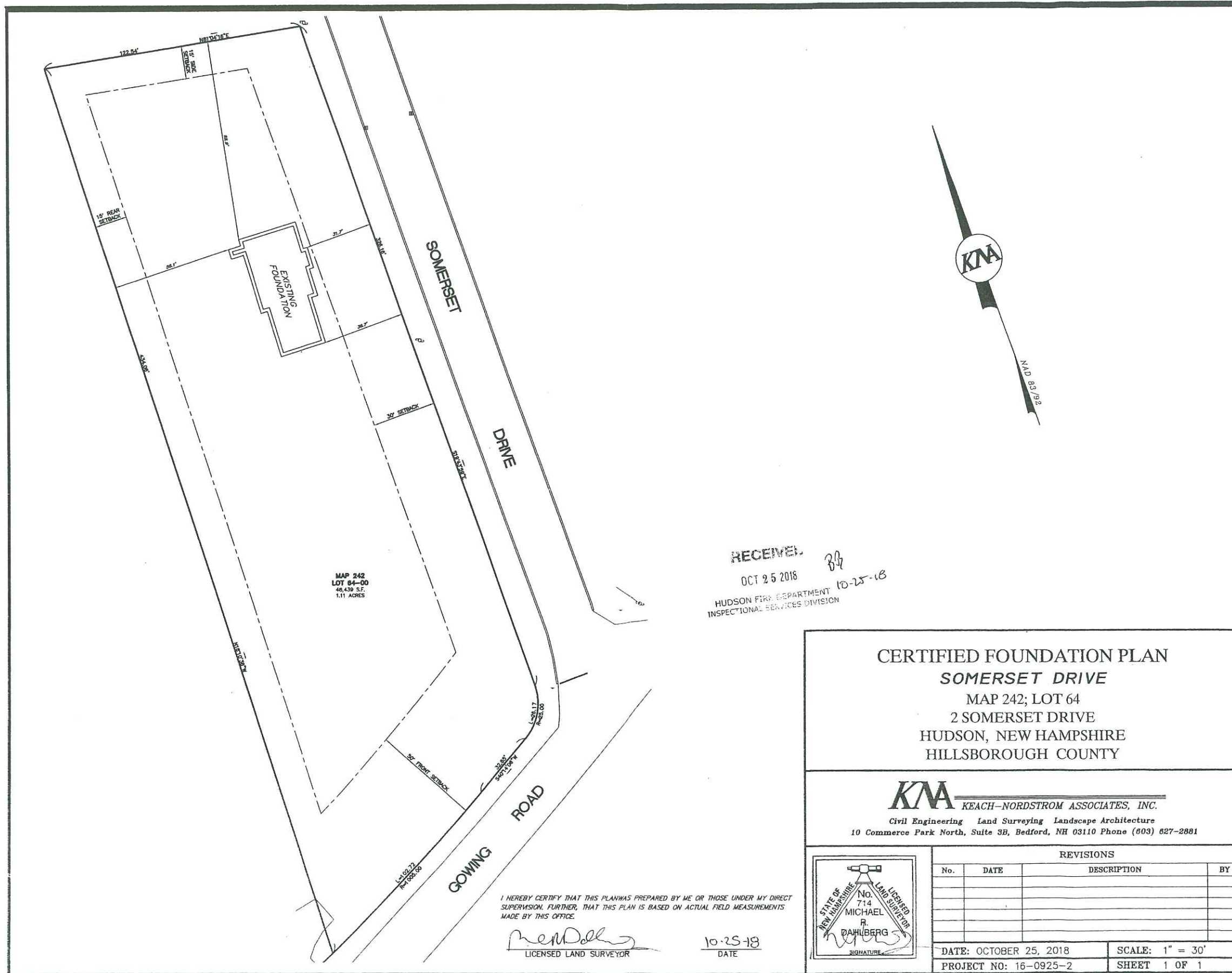
This is to certify that SOUSA REALTY has\have obtained all final inspections and has been found to substantially conform to all regulations and codes and is hereby approved for occupancy and use, as limited or otherwise noted below.

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

Date of Issue: 2/06/2019

Signed: 





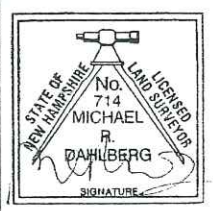
MAP 242
LOT 64-00
43,439 S.F.
1.11 ACRES

RECEIVED
OCT 25 2018
HUDSON FIRE DEPARTMENT
INSPECTIONAL SERVICES DIVISION
34
10-25-18

CERTIFIED FOUNDATION PLAN
SOMERSET DRIVE
MAP 242; LOT 64
2 SOMERSET DRIVE
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

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

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION, FURTHER, THAT THIS PLAN IS BASED ON ACTUAL FIELD MEASUREMENTS MADE BY THIS OFFICE.
Michael R. Dahlberg
LICENSED LAND SURVEYOR
10-25-18
DATE



REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: OCTOBER 25, 2018 SCALE: 1" = 30'
PROJECT NO: 16-0925-2 SHEET 1 OF 1

(B)

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

On **09/22/2022**, the Zoning Board of Adjustment heard Case 242-064, being a case brought by **Shawn & Brianna Leite, 2 Somerset Dr., Hudson, NH** requesting a Variance to build a proposed 8 ft. x 36 ft. farmers porch that will encroach the front yard setback 4.9 feet leaving 25.1 feet where 30 feet is required. [Map 242, Lot 064-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

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

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

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

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

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

Member Decision: _____

Signed: _____
Sitting member of the Hudson ZBA
Date

Stipulations: _____

TOWN OF HUDSON

SEP 01 2022

Zoning Department

APPLICATION FOR A VARIANCE

ORIGINAL

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 242-064 (09-22-22)

Date Filed 9/1/22

Name of Applicant Shawn Leite & Brianna Leite Map: 242 Lot: 064 Zoning District: R2

Telephone Number (Home) 978-729-8091 (Work) _____

Mailing Address 2 Somerset Drive Hudson, NH 03051

Owner Shawn Leite and Brianna Leite

Location of Property 2 Somerset Drive Hudson, NH 03051
(Street Address)

Shawn Leite Signature of Applicant Date 8/24/2022

Shawn Leite Brianna Leite Signature of Property-Owner(s) Date 8/24/2022

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

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

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

Date received: 9/1/22

COST:

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

<u>8</u>	Abutter Notice:		
	Direct Abutters x Certified postage rate	\$ <u>4.60</u> =	\$ <u>36.80</u>
<u>4</u>	Indirect Abutters x First Class postage rate	\$ <u>0.60</u> =	\$ <u>2.40</u>
	Total amount due:		\$ <u>224.20</u>

Amt. received: \$ 224.20

Receipt No.: 699,333

Received by: TSG

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

Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
<u>BL</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>BL</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 ¹² 10 (ten) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples) ^{Twelve}	<u>TG</u> 9/1/22
<u>BL</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>BL</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>BL</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.)	Pending 9/1/22 <u>TG</u>
<u>BL</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>BL</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>BL</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>BL</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <u>(N)</u> (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

CERTIFIED PLOT PLAN:

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


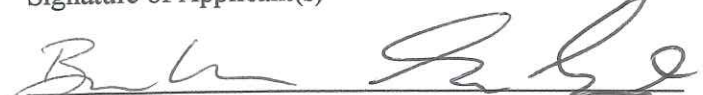
(NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).

- a) BL The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) BL The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) BL The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) BL 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) BL 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) BL 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) BL The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) BL The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) BL The plot plan shall indicate all parking spaces and lanes, with dimensions.

~~Pending~~
Received
9/1/22

✓
(TB)

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

 <hr/> Signature of Applicant(s)	8/24/2022 <hr/> Date
 <hr/> Signature of Property Owner(s)	8/24/2022 <hr/> 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
242	064	*Include Applicant & Owner(s) Shawn Leite and Brianna Leite	2 Somerset Drive Hudson, NH 03051
242	043	Thomas J. Deangelis and Paula G. Deangelis	4 Somerset Drive Hudson, NH 03051
242	063	Keith G. Caples and Erin S. Caples	16 Gowing Road Hudson, NH 03051
242	071	Edward J. Kulis and Linda A. Kulis	23 Crestwood Drive Hudson, NH 03051
242	065	Felch, Thomas D., TR. and Felch, Cathleen A., TR.	20 Gowing Road Hudson, NH 03051
242	070	John L. Burke and Lucille A. Burke	21 Gowing Road Hudson, NH 03051
242	078	Ann Marie D. Maceachern and Matthew J. Maceachern	17 Gowing Road Hudson, NH 03051
242	042	Manning, Donald M., TR. and Manning, Sandra L., TR.	3 Somerset Drive Hudson, NH 03051

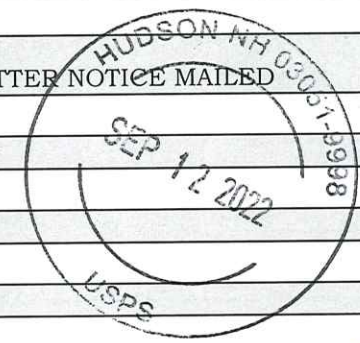
ALL INDIRECT ABUTTERS WITHIN 200 FEET

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.

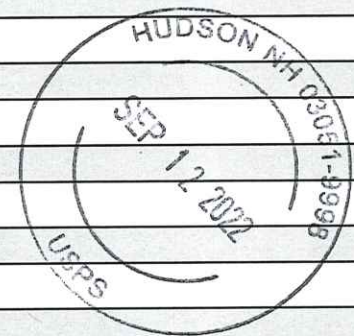
(Use additional copies of this page if necessary)

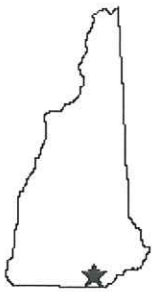
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
242	044	Bunker, Charles Peter, TR. and Bunker, Elaine M., TR.	13 Glenview Drive Hudson, NH 03051
242	061	Ray Merle Smith	12 Gowing Road Hudson, NH 03051
242	062	Richard Hayles	14 Gowing Road Hudson, NH 03051
242	066	Scott K. Mahaney and <i>Kyrra</i> L. Mahaney	22 Gowing Road Hudson, NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 242-064 2 Somerset Drive Map 242/Lot 064-000	Variance 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting	
1	7022 2410 0001 2971 5036	LEITE, SHAWN D. & BRIANNA A. 2 SOMERSET DR., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED	
2	7022 2410 0001 2971 5012	DEANGELIS, THOMAS J. & PAULA G. 4 SOMERSET DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	7022 2410 0001 2971 5029	CAPLES, KEITH G. & ERIN S. 16 GOWING ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	7022 2410 0001 2971 6156	KULIS, EDWARD J. & LINDA A. 23 CRESTWOOD DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5	7022 2410 0001 2971 6163	FELCH, THOMAS D. & CATHLEEN A., TRSTS.; FELCH 2015 TRUST 20 GOWING ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
6	7022 2410 0001 2971 6170	BURKE, JOHN L. & LUCILLE A. 21 GOWING ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
7	7022 2410 0001 2971 6187	MACEACHERN, ANN MARIE D. & MATTHEW J. 17 GOWING RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
8	7022 2410 0001 2971 6194	MANNING, DONALD M. & SANDRA L., TRSTS.; MANNING FAMILY REV LIV TRUST 3 SOMERSET DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
9				
10				
11				
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office 8	Postmaster (receiving Employee) Paula Angelli	



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 242-064 2 Somerset Drive Map 242/Lot 064-000 Variance 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting
1	Mailed First Class	BUNKER, CHARLES PETER & ELAINE M., TRSTS; BUNKER REVOCABLE TRUST	ABUTTER NOTICE MAILED
		13 GLENVIEW DRIVE, HUDSON, NH 03051	
2	Mailed First Class	SMITH, RAY MERLE	ABUTTER NOTICE MAILED
		12 GOWING ROAD, HUDSON, NH 03051	
3	Mailed First Class	HAYES, RICHARD	ABUTTER NOTICE MAILED
		14 GOWING ROAD, HUDSON, NH 03051	
4	Mailed First Class	MAHANEY, SCOTT K. & KYRRA L.	ABUTTER NOTICE MAILED
		22 GOWING ROAD, HUDSON, NH 03051	
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
	Total # of pieces listed by sender 4	Total # of pieces rec'vd at Post Office 4	Postmaster (receiving Employee) <i>Paula Angelli</i>





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

September 09, 2022

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/22/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 242-064 (09-22-22): Shawn & Brianna Leite, 2 Somerset Dr., Hudson, NH requests a Variance to build a proposed 8 ft. x 36 ft. farmers porch that will encroach the front yard setback 4.9 feet leaving 25.1 feet where 30 feet is required. [Map 242, Lot 064-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

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

Requesting to build a composite farmers porch that is 8ftx34ft. The farmers porch will extend 8 feet from the house and 6ft from the front door. The farmers porch will slightly encroach into the 30ft setback.

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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.

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

The requested variance will not be contrary to the public interest because it will add value to the home and add to the aesthetic of the neighborhood. This in turn will increase the value of the homes around ours. The proposed farmers porch will not bypass the walkway that is currently in front of the home.

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 proposed farmers porch will observe the spirit of the ordinance because it will be an open concept single level construction that will not impede on any neighbor's view. The farmers porch will increase the value of the home without affecting the health, safety, or welfare of the town. The farmers porch will not affect parking or traffic flow. It will allow us to connect with our community on a regular basis.

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.)

The proposed farmers porch will add value to the home and improve the aesthetic of the neighborhood.

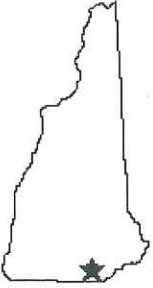
4. The proposed use will not diminish the values of surrounding properties, because: (Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members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

The proposed farmers porch will not diminish the value of the surrounding properties. It will add value to the home and the neighborhood. There are other homes within the neighborhood that have similar farmers porch's and therefore this addition would be in line with the character of the community. There are also farmers porchs within the community that are built within the 30ft setback. The farmers porch will allow us to enjoy more of our property as well as be more connected to our community.

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

The enforcement of this ordinance would not be “fair and reasonable”. The proposed farmers porch will sit currently closer to the house than the existing walkway. The farmers' porch will improve the lives of those living within the home as well as improve the aesthetics and sense of community within the neighborhood. The proposed farmers porch will not affect the public health, safety, or welfare in any way.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-107 Building permit application 2022-00880

August 18, 2022

EAF Custom Decks
39 Broad St
Nashua, NH 03064
Email: eafcustomdecks@yahoo.com

COPY

Re: 2 Somerset Dr Map 242 Lot 064-000
District: **Residential Two (R-2)**

Zoning Review / Determination: Based on your submitted plans the front farmers porch appears to encroach in to the required front yard setback, therefore I have to deny the application.

You would need to get a Variance approval from the Zoning Board of Adjustment (ZBA) to construct the porch as proposed.

Sincerely,

Bruce Buttrick

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

cc: Public Folder
D. Hebert – Fire Marshal
P. Orendorf – Admin Aide
R. Abair – Building Official
Owner
File

COPY

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



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-594-1442



BUILDING PERMIT APPLICATION - PLEASE PRINT

Address: <u>2 Somerset</u> Unit # _____	Office use: Map <u>242-</u> Lot <u>064000</u> Zone <u>R2</u> Permit # <u>2022-00880</u>
Site/Sub Plan: _____ HCRD _____	

Residential <input checked="" type="checkbox"/> Single family detached <input type="checkbox"/> Modular Homes <input type="checkbox"/> Duplex <input type="checkbox"/> 3+ family dwelling (# of units _____) <input type="checkbox"/> Other _____	Type of Improvement <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion of +/- dwelling units <input type="checkbox"/> Other _____	<input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input type="checkbox"/> Garage <input type="checkbox"/> Carport
---	---	---

Commercial <input type="checkbox"/> Office/Bank/Professional <input type="checkbox"/> Hospital/Medical <input type="checkbox"/> Industrial/Warehouse <input type="checkbox"/> Restaurant <input type="checkbox"/> Other _____	<input type="checkbox"/> Garage <input type="checkbox"/> School <input type="checkbox"/> Store <input type="checkbox"/> Utility	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion from residential to commercial space <input type="checkbox"/> Other _____	<input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input type="checkbox"/> Interior Demo
---	--	---	--

Will the applicant/owner manufacture, assemble or produce any product, regardless of water use?
 Yes (Need IDA Form) No (Need IDA Checklist) *Please consult the Town Engineer at 886-6008 with any questions

Total Cost of Project: \$ <u>27,000</u>	General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use. <u>CONSTRUCT 34'x8' FARMERS PORCH. COMPOSITE FINISH</u>
	_____ _____ _____

Square Footage Footprint 272 Renovated/added _____ Number of stories 1
 Living area of new home (exclude unfinished areas and garage) _____ Total area of bldg _____

Principal Type of Frame

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

Type of Sewage Disposal

<input type="checkbox"/> Town or private company (requires Town permit)
<input type="checkbox"/> Private (septic tank, etc.)



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

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

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

	Name	Address	City/State/Zip	Phone
Owner	Shawn Leite	2 Somerset Dr	Hudson NH	
Lessee				
Contractor	EAF Custom Decks	39 Broad St	Nashua NH 03064	603-897-9776
Architect				
Engineer				

I hereby certify the owner of record authorizes the proposed work and I have been authorized by the owner to make this application as his agent and to conform to all applicable laws of the Town of Hudson. I hereby attest all statements made on this application are true to the best of my knowledge. The signature on this building permit authorizes all Code Officials, Building Inspector and Assessor or their Agents to conduct inspections from time to time during and upon completion of the work for which this permit is issued. **If said structure is commercial or industrial I understand that an as-built plan is required prior to occupancy of the structure.**

Signature of applicant [Signature] Date 8/9/22

Address 39 Broad St Nashua NH

Email: EAFCUSTOMDECKS@Yahoo.com Phone: 6038979776

Filing fee \$ _____ Receipt # _____ Date _____

Building permit fee \$ _____ Receipt # _____ Date _____

THIS BUILDING PERMIT IS

_____ Issued subject to the following condition(s) _____ Denied for the following reason(s)

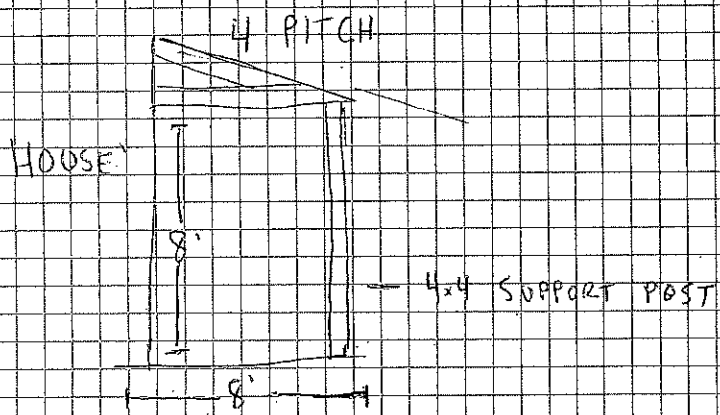
<input type="checkbox"/> Plans received Comments: _____ _____	Date _____	Use group: _____
		Construction type _____
Certificate of Occupancy _____ Required _____ Final Inspection (Building & HFD) Comments: _____ _____		Live loading _____
		Occupancy load _____

_____ Approved

_____ Denied

_____ Inspectional Services Official or Designee _____ Date _____

* Electrical Permit, Plumbing Permit, Mechanical Permit, Certificate of Occupancy, Water, Sewer and Driveway are to be applied for separately, when applicable.



CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
LEITE, SHAWN D. LEITE, BRIANNA A. 2 SOMERSET DR.		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RE	Residential Average			2022	1010	299,100	2021	1010	299,100	2021	1010	299,100
		TOPO	UTILITIES				1010	110,700		1010	110,700		1010	110,700
		Rolling	Drilld Septic											
HUDSON NH 03051					Total	409,800		Total	409,800		Total	409,800		

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
LEITE, SHAWN D.	9149 1015	02-28-2019	Q	I	452,200	00	Grantor: KAY'S REALTY INC. Grantor: CARDINALE, DONALD J. Grantor: N/A	Appraised Bldg. Value (Card)				450,600
KAY'S REALTY INC	9114 2939	09-28-2018	Q	V	135,000	00		Appraised Xf (B) Value (Bldg)				0
CARDINALE, DONALD J.	2347 0736	03-13-1974	U	V		38		Appraised Ob (B) Value (Bldg)				0
								Appraised Land Value (Bldg)				170,700
								Special Land Value				0
								Total Appraised Parcel Value				621,300
								Valuation Method				C
								Total Appraised Parcel Value				621,300

SUPPLEMENTAL DATA				CURRENT ASSESSMENT							
Parcel ID	242-064-000			Description	Code	Assessed	Assessed				
Zoning	R2:RESD TWO			BLDG	1010	450,600	450,600				
Flood Hazard	C			LAND	1010	170,700	170,700				
Neigh/Abut1											
Neigh/Abut2											
Neigh/Abut3											
GIS ID	242-064-000	Assoc Pid#	PREV 0009-0015-0000								
				Total		621,300	621,300				

NOTES				VISIT / CHANGE HISTORY			
INT = EST				Date	Id	Cd	Purpost/Result
				07-18-2022	28	45	Field Review
				07-25-2019	12	30	Sales Data Verification
				02-05-2019	12	15	Permit Visit
				07-25-2006	04	71	Acreage Adjustment From New Mapp
				09-14-1990	02	14	Inspected

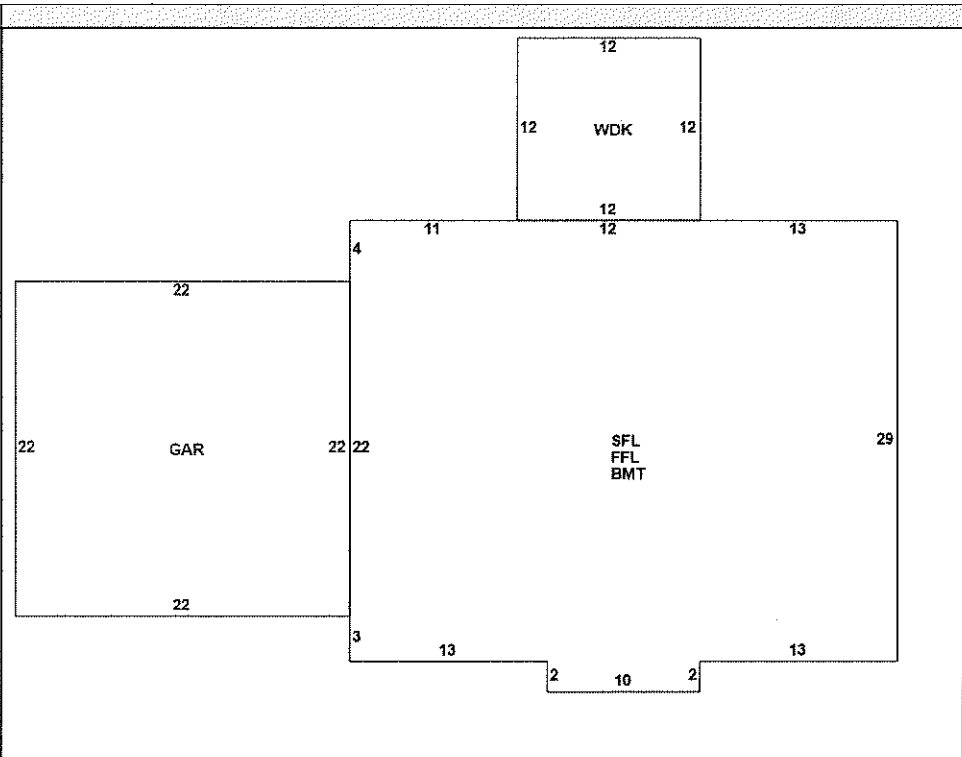
BUILDING PERMIT RECORD									
Permit Id	Issue Date	TYPE	Description	Amount	Status	Applicant	SQ ft	Comments	
2018-01035-8	12-10-2018	MECH	Mechanical		C				
2018-01035-4	12-10-2018	PLMG	Plumbing		C				
2018-01035-7	12-04-2018	MECH	Mechanical		C				
2018-01035-5	11-15-2018	MECH	Mechanical	1,400	C				
2018-01035-6	10-30-2018	PRO	Propane Tk		C				
2018-01035	10-29-2018	DW	Dwelling	160,000	C				
2018-01070	10-25-2018	SEP	Septic		C				
2018-01035-3	10-25-2018	ELEC	Electrical	7,000	C				
2018-01035-2	10-23-2018	FD	Foundation	160,000	C				
2018-01035-1	10-18-2018	DRV	Driveway		C				

LAND LINE VALUATION SECTION																	
B	Use Code	Description	Zone	LA	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustmnt		Adj Unit P	Land Value
1	1010	SINGLE FAMILY	R2		Site	1.000	AC	170,000	1.00000	5	1.00	RE	1.000		1.0000	170,000	170,000
1	1010	SINGLE FAMILY	R2		Excess	0.112	AC	6,000	1.00000	0	1.00	RE	1.000		1.0000	6,000	700
Total Card Land Units						1.112	AC	Parcel Total Land Area				1.112	Total Land Value		170,700		

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	2		Extra Kitchens	0	
Style:	03	Colonial	Add Kitchen R		
Grade:	B	Good			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asph Shing			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	03	Hardwood			
Heat Fuel	04	Propane			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	7				
Bedrooms	3				
Full Baths	1				
3/4 Baths	1				
Half Baths	1				
Extra Fixtures	1				
Kitchens	1				
Kitchen Rating	VG	Very Good			
Bath Rating	GD	Good			
Half Bath Ratin	GD	Good			
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Ratin	AV	Average			
WS Flues	0				
Color	GRAY				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	455,153
Year Built	2019
Effective Year Built	2020
Depreciation Code	GD
Remodel Rating	
Year Remodeled	
Depreciation %	1
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	99
RCNLD	450,600
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/	Units	Unit P	Yr Bit	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement	0	1,064	266	0	
FFL	First Floor	1,064	1,064	1,064	0	
GAR	Garage	0	484	484	0	
SFL	Second Flr	1,064	1,064	1,064	0	
WDK	Wood Deck	0	144	14	0	
Ttl Gross Liv / Lease Area		2,128	3,820	2,892		

SOMERSET DR

DEL ID: 242-043-000
 OWNER NAME: DEANGELIS, THOMAS J.
 PROPERTY LOCATION: 4 SOMERSET DR
 CO-OWNER: DEANGELIS, PAULA G.
 MAILING ADDRESS: 4 SOMERSET DRIVE
 CS: HUDSON, NH 03051
 AG NUMBER: 8832

ASSESSMENT SALES LINKS

ADD TO SELECTION GET ABUTTERS

Click to start drawing a line for distance and double click to complete

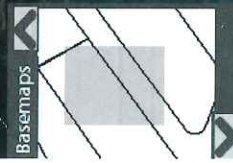
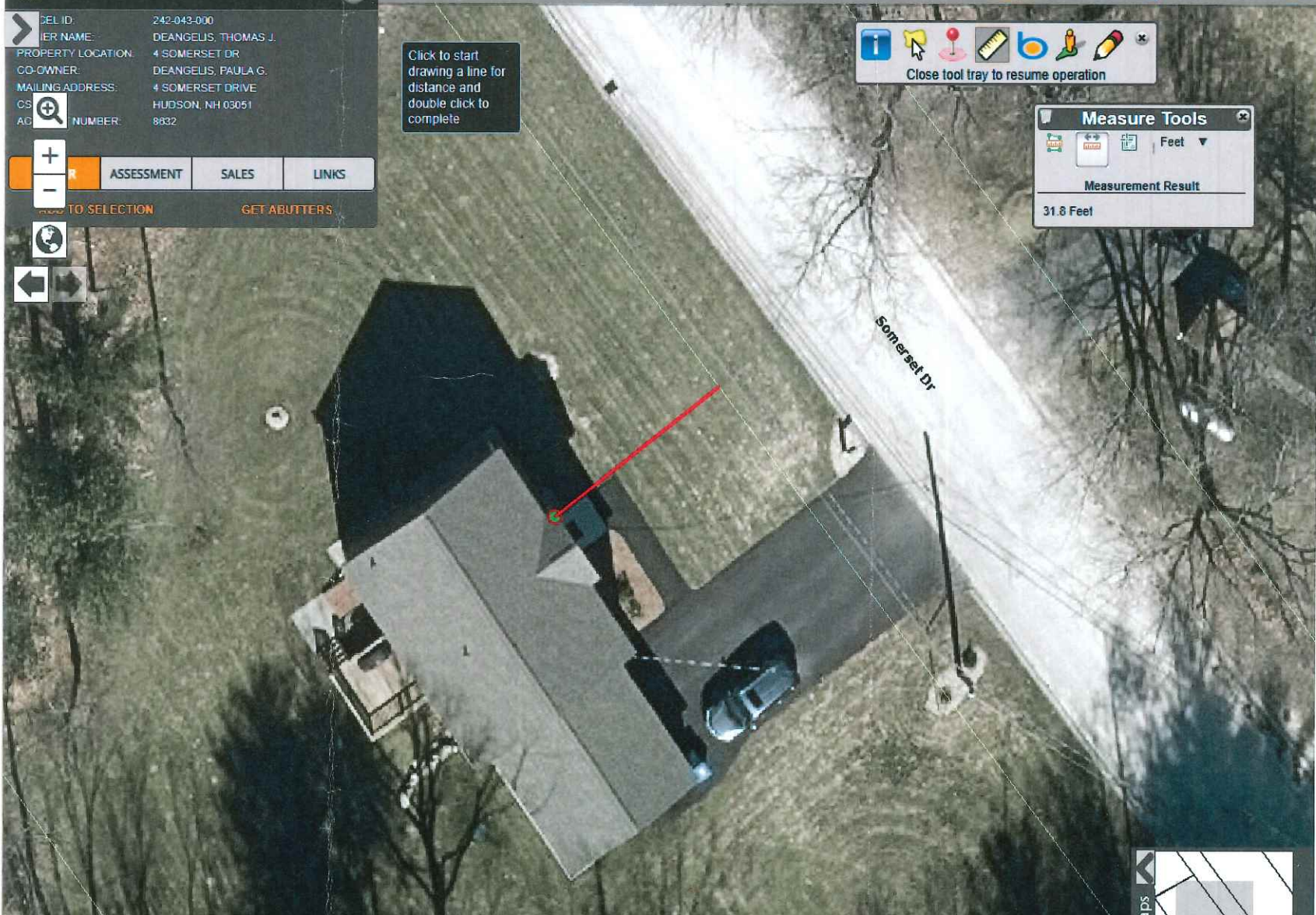
Close tool tray to resume operation

Measure Tools

Feet

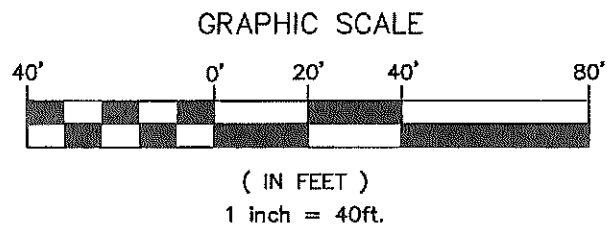
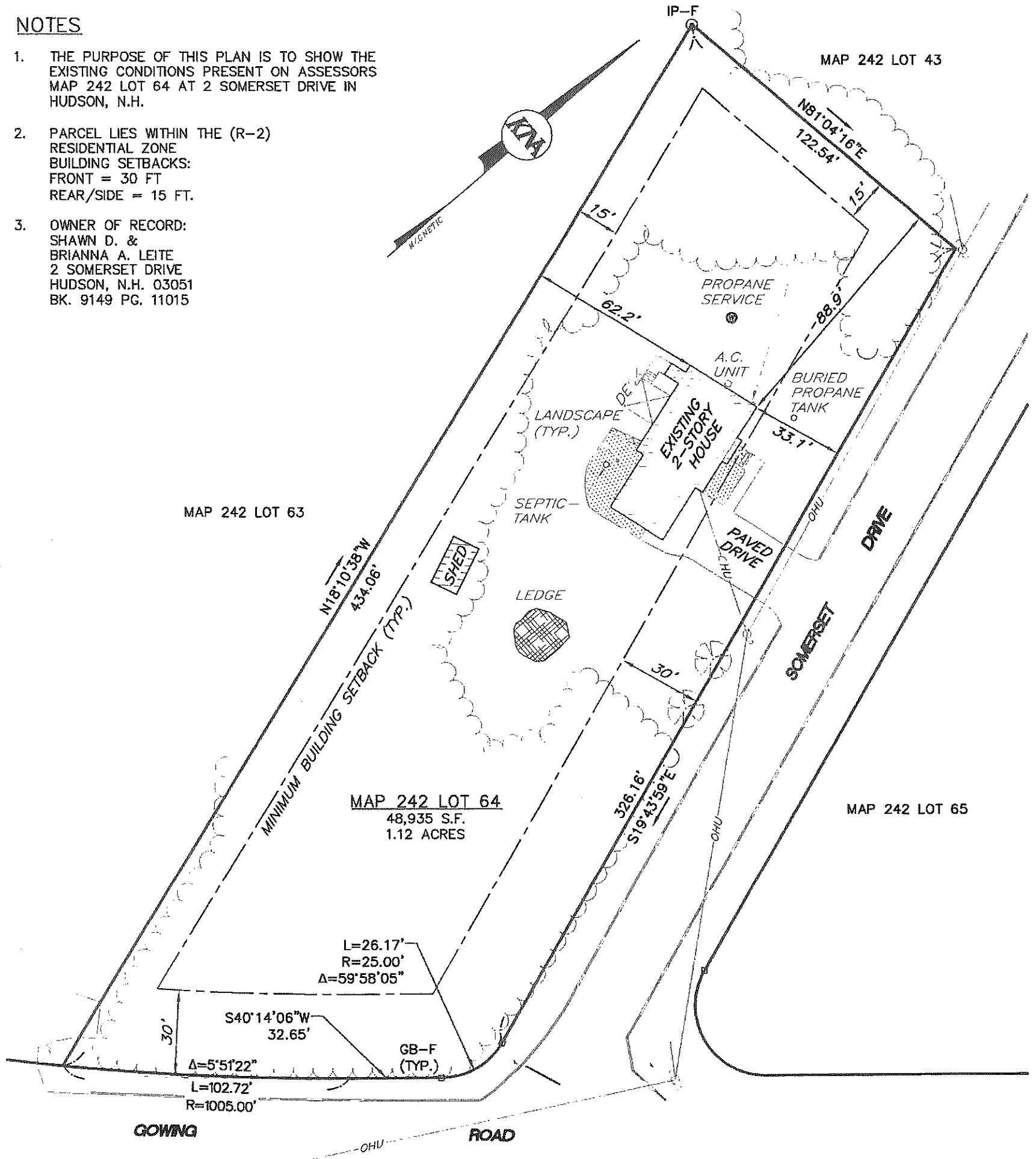
Measurement Result

31.8 Feet



NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS PRESENT ON ASSESSORS MAP 242 LOT 64 AT 2 SOMERSET DRIVE IN HUDSON, N.H.
2. PARCEL LIES WITHIN THE (R-2) RESIDENTIAL ZONE
BUILDING SETBACKS:
FRONT = 30 FT
REAR/SIDE = 15 FT.
3. OWNER OF RECORD:
SHAWN D. &
BRIANNA A. LEITE
2 SOMERSET DRIVE
HUDSON, N.H. 03051
BK. 9149 PG. 11015



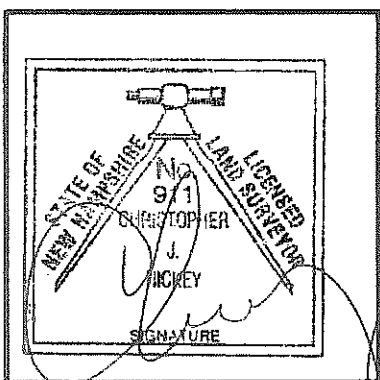
SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE IMPROVEMENTS SHOWN HERE ON WERE LOCATED BY AN ACTUAL FIELD SURVEY BY THIS OFFICE IN AUGUST OF 2022.

CHRISTOPHER J. HICKEY LLS. #911

DATE

8/31/22



TOWN OF HUDSON
SEP 01 2022
Zoning Department

EXISTING PLOT PLAN

MAP 242 LOT 64
2 SOMERSET DRIVE
HUDSON, NEW HAMPSHIRE

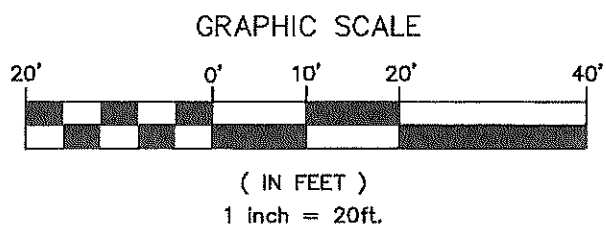
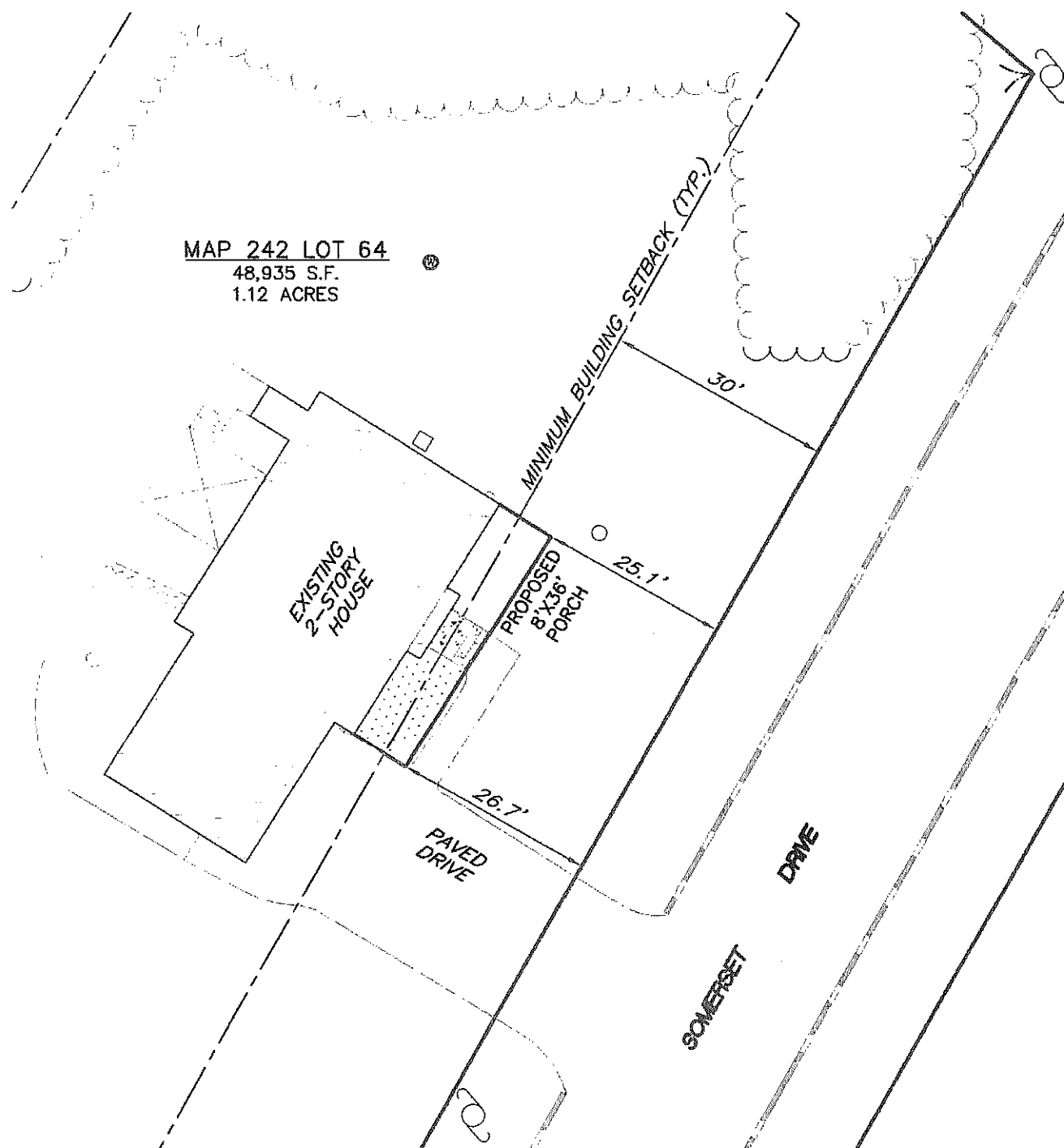
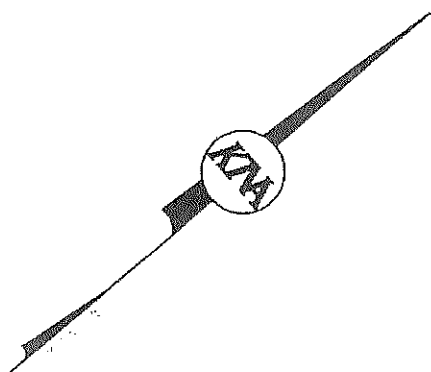
DRAWN BY: JPA	DATE: 08-31-2022	JOB. NO. 22-0822-1
CHECKED BY: CJH	SCALE: 1" = 40'	SHEET 1 OF 2

KMA KEACH-NORDSTROM ASSOCIATES, INC.

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

NOTES

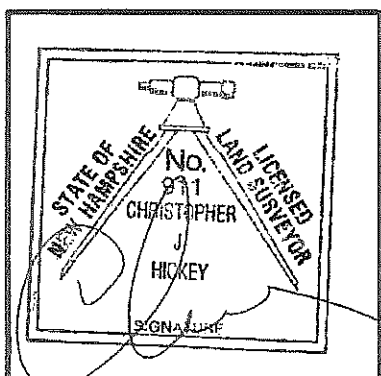
1. THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED PORCH ON ASSESSORS MAP 242 LOT 64 AT 2 SOMERSET DRIVE IN HUDSON, N.H.
2. PARCEL LIES WITHIN THE (R-2) RESIDENTIAL ZONE
BUILDING SETBACKS:
FRONT = 30 FT
REAR/SIDE = 15 FT.
3. OWNER OF RECORD:
SHAWN D. &
BRIANNA A. LEITE
2 SOMERSET DRIVE
HUDSON, N.H. 03051
BK. 9149 PG. 11015



SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE IMPROVEMENTS SHOWN HERE ON WERE LOCATED BY AN ACTUAL FIELD SURVEY BY THIS OFFICE IN AUGUST OF 2022.

CHRISTOPHER J. HICKEY LLS. #911 8/31/22
DATE



TOWN OF HUDSON
SEP 01 2022
Zoning Department

PROPOSED PLOT PLAN

MAP 242 LOT 64
2 SOMERSET DRIVE
HUDSON, NEW HAMPSHIRE

DRAWN BY: JPA	DATE: 08-31-2022	JOB. NO. 22-0822-1
CHECKED BY: CJH	SCALE: 1" = 20'	SHEET 2 OF 2



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

Printed
9/01/2022
1:55PM
Created
9/01/2022
1:52 PM

Transaction Receipt

Receipt# 699,333
publicw

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

Description	Current Invoice	Payment	Balance Due
1.00 Zoning Application- 9/22/22 ZBA Mtg 2 Somerset Dr Map/Lot 242-064-000 Variance Application	0.00	224.2000	0.00
		Total:	224.20

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
LEITE/BRIANNA	CREDIT	5103	224.20	0.00	224.20

Total Due:	224.20
Convenience Fee:	6.61
Total Tendered:	230.81
Total Change:	0.00
Net Paid:	230.81

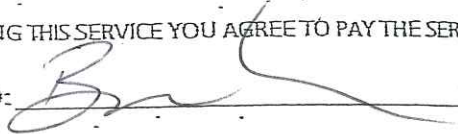
SERVICE CHARGE NOTICE

Credit and Debit card payments are processed by Invoice Cloud. Invoice Cloud is a third-party payment provider, operating under an agreement with the Town of Hudson to process credit and debit card payments on your behalf.

You will be charged a 2.95% Service Charge (or \$1.00 minimum) for processing your payment. This means that the service charge amount is calculated based on 2.95% of your payment amount. The 2.95% service charge is added to your payment and will appear as a separate item on your credit card statement. The service charge is not a fee assessed by your institution. The Service Charge is not refundable, even if the payment to which it relates is cancelled, refunded, credited or charged back.

BY USING THIS SERVICE YOU AGREE TO PAY THE SERVICE CHARGE.

SIGNED:



DATE:

9/1/2022

Type

Mastercard



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: September 22, 2022 *3/9-13-22*

Case 182-169 (09-22-22): Nick Couture of Crossroads Contracting, 15 Londonderry Rd., #6, Londonderry, NH requests a Variance for **3 Oakwood St., Hudson, NH** to demolish an existing garage and shed and build a new proposed 24 ft. x 26 ft. garage that will encroach the side yard setback 7 feet leaving 8 feet where 15 feet is required. [Map 182, Lot 169-000; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Address: 3 Oakwood St

Zoning district: Town Residence (TR)

Summary:

Applicant requests to demolish an existing garage and shed having 0 ft setback and build a new proposed 24 ft. x 26 ft. garage that will encroach the side yard setback 7 feet leaving 8 feet where 15 feet is required.

Property description:

This is an existing developed lot of record, with an existing single family use/accessory structures. Existing conforming lot size: 15,644 sqft where 10,000 sqft is required, Existing non-conforming frontage: 70 ft where 90 ft is required.

LAND USE HISTORY:

Sept 27, 1988 B.P. application: *Change foundation size to: 24 x 16*

ASSESSING HISTORY:

Single Family

Town in-house review comments:

Town Engr: comments: no comments

Town Planner: comments: Yes – see attached comments

Fire Dept: comments: no comments

Attachments:

A: Sept 27, 1988 Building Permit application: *change foundation size to 24 x 16.*

B: Town Planner comments.



OK @ BW 10/11/88

TOWN OF HUDSON, N. H.

tel #886-6005

Application for a Permit To Build

1. MUST HAVE SEWER PERMIT OR SEPTIC * State
2. Plans (2 copies of site plans)
3. Driveway permits

Date Sept. 27, 19 88

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

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

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

RECEIVED
Permit Number

SEP 28 1988

D.P.W. & D.
TOWN OF HUDSON, NH

Name of Owner Kenneth Boulanger Address 3 Oakwood St Tel. 889-5641
Michelle "

Land Purchased From _____ Address _____

Location _____ Property Tax No. _____

Name of General Contractor _____ Map and Lot No. MAP 51 LOT 189

Name of Heating Contr. _____ Name of Electrical Contractor _____

Type of Heat _____ Name of Plumbing Contractor _____

Name of Fireplace Mason _____ Name of Masonry Contractor _____

Material of Building _____ Style of Roof _____ Roof Covering _____

Size of Foundation _____ Living Floor Area _____ No. of Stories _____

Size of Garage _____ Water _____ Sewer _____

Foundation Material Concrete Width 8" Height 7'0" Footings Yes No

Fireplace No. of Flues _____ Size _____ Chimney Material _____

Brief Description of Repair, Alter or Other Change Foundation Size
to 24 X 16

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

Estimate \$ 2,000

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 Michelle Boulanger
Contractor's Signature Dean Long
Address 3 Oakwood Street -> Hudson

A.

Application For Permit to Build

No. _____

Location _____

Estimated Cost \$ _____

PERMIT GRANTED

WORK COMPLETED

Building Inspector _____

PLOT PLAN

COMMENTS

LOT

Kenneth Boulanger
Owner's Name

Blue Ink Existing Plan

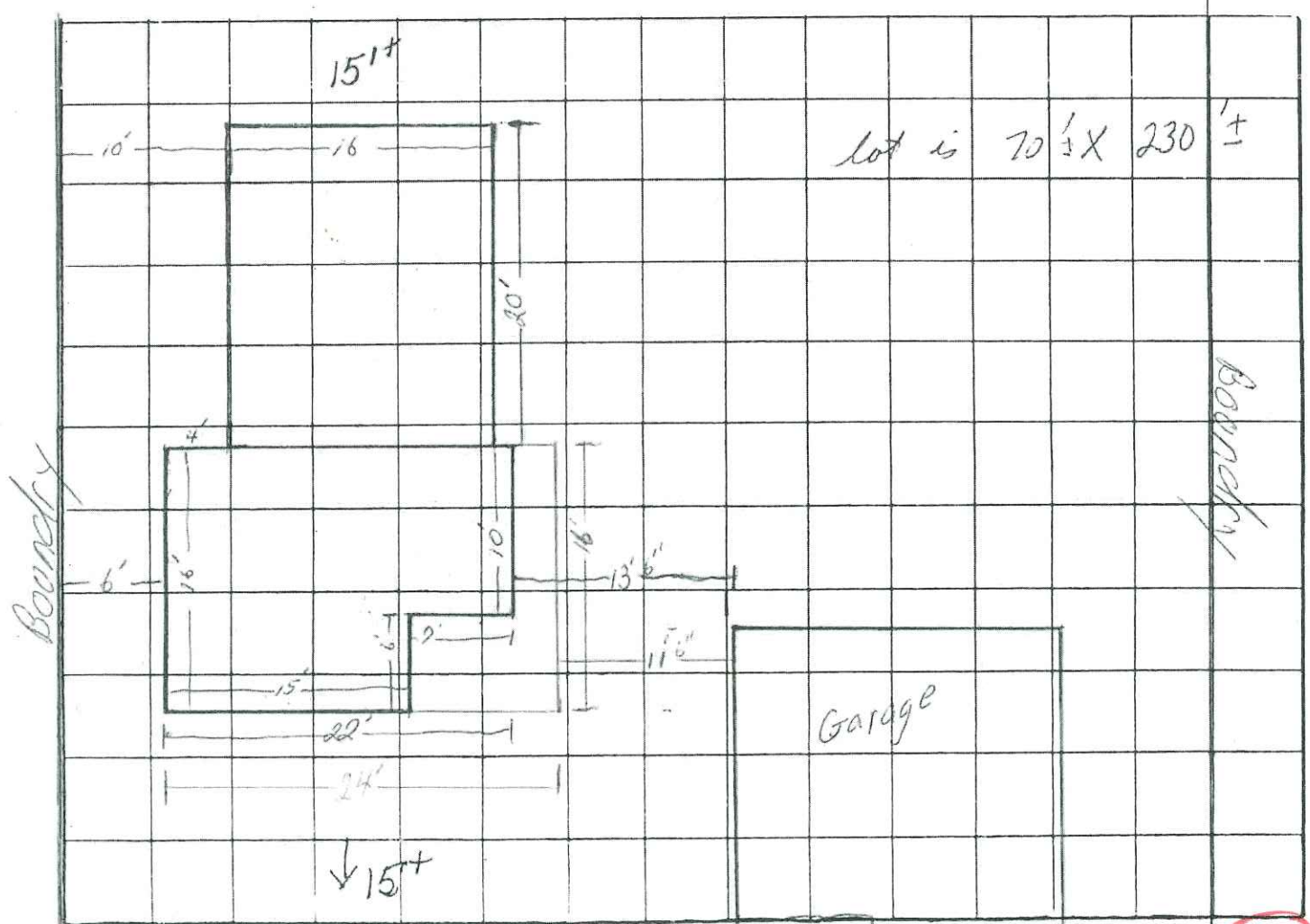
SHEET

3 Oakwood St.
No. Street

Green Ink Proposed Plan

SCALE 1" = 10 ft.

District _____



A

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

REQUEST FOR REVIEW/COMMENTS:

Case: 182-169 (Variance)

Property Location: 3 Oakwood Street

For Town Use

Plan Routing Date: 09/07/2022 Reply requested by: 09/12/2022 ZBA Hearing Date: 09/22/2022

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 09/22/2022
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

Applicant proposes reduction in encroachment

(B)

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

On **09/22/2022**, the Zoning Board of Adjustment heard Case 182-169, being a case brought by **Nick Couture of Crossroads Contracting, 15 Londonderry Rd., #6, Londonderry, NH** requesting a **Variance for 3 Oakwood St., Hudson, NH to demolish an existing garage and shed and build a new proposed 24 ft. x 26 ft. garage that will encroach the side yard setback 7 feet leaving 8 feet where 15 feet is required.** [Map 182, Lot 169-000; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

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

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

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

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

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

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Stipulations: _____

TOWN OF HUDSON

SEP 02 2022

Zoning Department

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. 182-169 (09-22-22)

Date Filed 9/2/22

Name of Applicant Crossroads Contracting- Nick Couture Map: 182 Lot: 169 Zoning District: TR

Telephone Number (Home) 603-864-8239 (Work) 603-864-8239

Mailing Address 15 Londonderry Road #6 Londonderry NH 03053

Owner Peter & Amanda Sanborn

Location of Property 3 Oakwood Street Hudson NH 03051
(Street Address)

[Signature]
Signature of Applicant Date 9/1/22

[Signature] [Signature]
Signature of Property-Owner(s) Date 9/1/22

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: 9/2/22

COST:

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

1 Abutter Notice:

1 Direct Abutters x Certified postage rate \$ 4.60 = \$ 32.20

5 Indirect Abutters x First Class postage rate \$ 0.60 = \$ 3.00

Total amount due: \$ 220.20

Amt. received: \$ 220.20

Received by: TSG Receipt No.: 699,488

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

Mr. and Mrs. Peter Sanborn

3 Oakwood Street

Hudson, NH 03051

C: 603-521-4964

C: 602-521-5911

To Whom it May Concern,

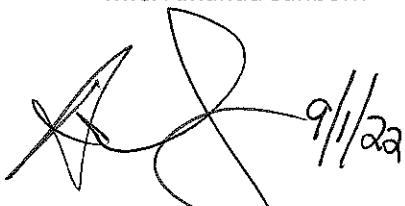
Homeowners Mr. Peter Sanborn and Mrs. Amanda Sanborn hereby allow Crossroads Contracting to represent them at the variance meeting on Thursday, September 22, 2022.

Please contact with any questions.


Thank you!

Mr. Peter Sanborn

Mrs. Amanda Sanborn



9/1/22



9/1/22

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> <i>ML</i> </u> | Please review the completed application with the Zoning Administrator or staff before making copies in next step. | <u> <i>TG</i> </u> |
| <u> <i>ML</i> </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 thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples) | <u> <i>TG</i> </u> |
| <u> <i>ML</i> </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> <i>TG</i> </u> |
| <u> <i>ML</i> </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> <i>TG</i> </u> |
| <u> <i>ML</i> </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> <i>TG</i> </u> |
| <u> <i>ML</i> </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> <i>TG</i> </u> |
| <u> <i>ML</i> </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> <i>TG</i> </u> |
| <u> <i>ML</i> </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> <i>TG</i> </u> |
| <u> <i>ML</i> </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> <i>N/A</i> </u> |

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)

Self ->

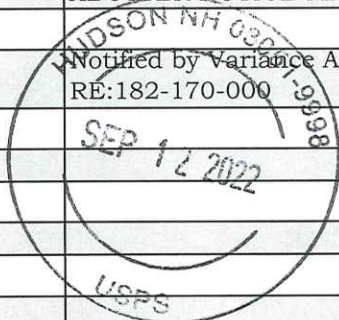
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
182	169	*Include Applicant & Owner(s) Sanborn Peter James & Amanda Marie	3 oakwod Street Hudson NH 03051
		Nick Couture (Crossroads Contracting)	15 Londonderry Road #6 Londonderry NH 03053
182	109	Hudson, Town Of School Dist.	20 Library Street Hudson NH 03051
182	170	Hudson Town Of	12 School Street Hudson NH 03051
182	168	Putnam, Gregory D & Erin M	7 Oakwood Street Hudson NH 03051
182	167-001	Laventure, Anthony J	21 Second Street Hudson NH 03051
182	167-002	Hamler, Jason & Bonnie	25 Second Street Hudson NH 03051
182	166	Scurini, Dominic & Susan	30 Hurley Street 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
182	108	Parks, Craig J.	41 School Street Hudson NH 03051
182	107	Shenk, Dennis M & Elizabeth J.	8 First Street Hudson NH 03051
182	171	Molnar, Nancy J.	13 Second Street Hudson NH 03051
182	167	Devitt, Daniel M.	19 Second Street Hudson NH 03051
182	165	Gagnon, Ronald F. & Donna M.	28 Hurley Street Hudson NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 182-169 3 Oakwood Street Map 182/Lot 169-000	Variance 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting	
1	7022 2410 0001 2971 6200	SANBORN, PETER JAMES & AMANDA MARIE 3 OAKWOOD ST., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED	
2	7022 2410 0001 2971 6217	NICK COUTURE; CROSSROADS CONTRACTING 15 LONDONDERRY RD., #6, LONDONDERRY, NH 03053	APPLICANT/OWNER NOTICE MAILED	
3	7022 2410 0001 2971 6224	HUDSON, TOWN OF SCHOOL DIST. 20 LIBRARY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	7022 2410 0001 2971 6231	PUTNAM, GREGORY D. & ERIN M. 7 OAKWOOD ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED;	
5	7022 2410 0001 2971 6248	LAVENTURE, ANTHONY J. 21 SECOND ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
6	7022 2410 0001 2971 6255	HAMLER, JASON & BONNIE 25 SECOND ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
7	7022 2410 0001 2971 6262	SCURINI, DOMINIC & SUSAN 30 HURLEY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
8		TOWN OF HUDSON 12 SCHOOL STREET, HUDSON, NH 03051	Notified by Variance Application, RE:182-170-000	
9				
10				
11				
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office 7	Postmaster (receiving Employee) <i>Paula Angelli</i>	

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 182-169 3 Oakwood Street Map 182/Lot 169-000	Variance 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting	
1	Mailed First Class	PARKS, CRAIG J	ABUTTER NOTICE MAILED	
		41 SCHOOL ST., HUDSON, NH 03051		
2	Mailed First Class	SHENK, DENNIS M. & ELIZABETH J.	ABUTTER NOTICE MAILED	
		8 FIRST ST., HUDSON, NH 03051		
3	Mailed First Class	MOLNAR, NANCY J.	ABUTTER NOTICE MAILED	
		13 SECOND ST., HUDSON, NH 03051		
4	Mailed First Class	DEVITT, DANIEL M.	ABUTTER NOTICE MAILED	
		19 SECOND ST., HUDSON, NH 03051		
5	Mailed First Class	GAGNON, RONALD F. & DONNA M.	ABUTTER NOTICE MAILED	
		28 HURLEY STREET, HUDSON, NH 03051		
6				
7				
8				
9				
10				
11				
12				
13				
14				
	Total # of pieces listed by sender 5	Total # of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) <i>Paula Ingelli</i>	





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

September 09, 2022

APPLICANT NOTIFICATION

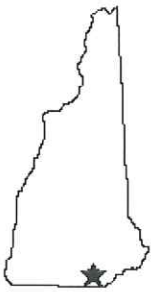
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/22/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 182-169 (09-22-22): Nick Couture of Crossroads Contracting, 15 Londonderry Rd., #6, Londonderry, NH requests a Variance for 3 Oakwood St., Hudson, NH to demolish an existing garage and shed and build a new proposed 24 ft. x 26 ft. garage that will encroach the side yard setback 7 feet leaving 8 feet where 15 feet is required. [Map 182, Lot 169-000; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

September 09, 2022

ABUTTER NOTIFICATION

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

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

Proposing to build a 24 ft. x 26 ft garage which encroaches 7 feet into the side yard setback leaving 8 feet where 15 feet is required. The existing garage and shed will be demolished.

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.”)

Granting of the request will allow the owner to replace a worn down garage with a new one that is in the character of the neighborhood. Granting of this request will not threaten public health, safety or welfare. Granting of this request will reduce an existing nonconformity and significantly improve its character.

- 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.”)

We feel this request observes the spirit of the ordinance since the request does not include rebuilding of the attached shed which will reduce the encroachment by 8'.

- 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.)

Granting this variance would allow for improved use of the property, increase the homes value and improve curb appeal. It will also be consistent with surrounding properties while reducing an existing encroachment.

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

The existing garage is old and run down with poor curb appeal. The proposed garage will improve curb appeal and the properties value and thus improve the values of surrounding homes.

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

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

The existing lot configuration makes it unique. It is a long rectangle with a total of 15,644 sqft which is 50% than the required 10,000 sqft. Zone TR has the smallest frontage requirment at 90 linear feet. This property has only 70 linear feet which is about 25% less than required. This makes the side set back requirments significantly more difficult to maintian.

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

Having a garage next to the house is typical and a resonable request especially since the requested garage is to replace an existing and reduces the existing encrochment by more than 50%.

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 #22-111

September 1, 2022

Nick Couture
15 Londonderry Rd
Unit 6
Londonderry, NH 03053

Re: 3 Oakwood St Map 182 Lot 169-000
District: Town Residence (TR)

Dear Mr. Couture,

Your request: Can you: 1) demolish and existing structure (shed/garage) w/ 15' encroachment
2) Rebuild a 26 x 24 Garage in a slightly different location with 8'-0" encroachment?

Zoning Review / Determination:

This is an existing developed lot of record, with an existing single family use/accessory structures. Existing conforming lot size: 15,644 sqft where 10,000 sqft is required, Existing non-conforming frontage: 70 ft where 90 ft is required.

1) If you voluntarily demolish an existing non-conforming structure, you can not rebuild on same footprint with the existing non-conforming encroachment.

2) Your proposal would need a Variance to §334-27: Table of Minimum Dimensional Requirements for the encroachment shown/proposed.

Sincerely,

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

cc: Public File
B. Groth, Town Planner
Owner
File

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



TOWN OF HUDSON
 AUG 26 2022
 Zoning Department

LAND USE DEPARTMENT

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

#22-111



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 8/26/22

Property Location 3 Oakwood Street

Map 182 Lot 169 Sublot 000

Zoning District if known TR

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)

Demo and Replace garage with a 24x26' garage
having 8' side set back
plan- attached

Applicant Contact Information:

Name: Nick Carter
 Address: 15 Landderry Road #6 Landderry NH 03053
 Phone Number: 603-804-8239
 Email: Nick@CrossroadsContracting.com

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

NOTES

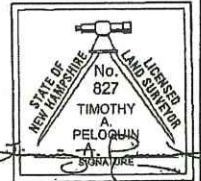
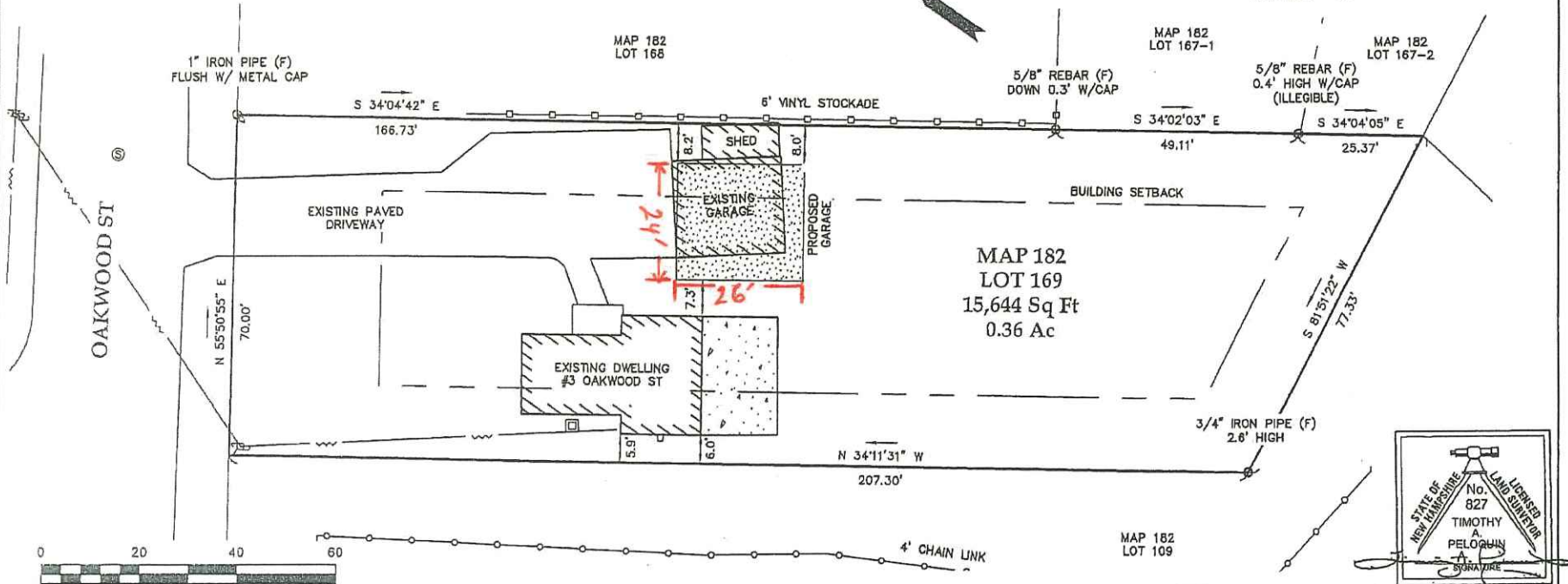
- 1) THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING PLOT PLAN CONDITIONS OF MAP 182 LOT 169, LOCATED AT 3 OAKWOOD STREET IN HUDSON, NEW HAMPSHIRE.
- 2) THIS PLAN IS BASED ON FIELD EVIDENCE LAST OBSERVED IN JULY OF 2022.
- 3) THIS PARCEL OF LAND (MAP 182 LOT 169) DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS INTERPOLATED FROM THE FLOOD INSURANCE RATE MAP (FIRM) FOR HILLSBOROUGH COUNTY, NEW HAMPSHIRE (ALL JURISDICTIONS) #33011C08180, HAVING AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.
- 4) THE SUBJECT LOT IS SERVICED BY MUNICIPAL WATER AND SEWER SERVICE.
- 5) THE BEARING SYSTEM OF THIS PLAN IS BASED ON A MAGNETIC NORTH OBSERVATION.
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- 7) ALL DISTANCES, UNLESS OTHERWISE INDICATED, ARE US SURVEY FEET HORIZONTAL DISTANCES.
- 8) ALL ZONING INFORMATION SHALL BE VERIFIED PRIOR TO ANY BUILDING OR CONSTRUCTION ACTIVITY.

PLANS OF REFERENCE

- 1) "LOT LINE RELOCATION & SUBDIVISION PLAN OF MAP 182/LOTS 167, 167-1, & 168" AT 19 & 21 SECOND ST & 7 OAKWOOD ST IN HUDSON, NH; PREPARED FOR: DANIEL & CAROL DEVITT, BRIAN CORRIVEAU, AND CPC INVESTMENTS, LLC; PREPARED BY: MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC; SCALE: 1" = 40'; DATE: JANUARY 19, 2015; SEE HCRD PLAN No. 38445.

ZONING

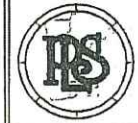
TR (TOWN RESIDENTIAL) MINIMUM:
 AREA: 10,000 Sq Ft (BY SOILS)
 FRONTAGE: 90'
 WIDTH: 150' AT FRONT 35' SETBACK
 SETBACKS:
 FRONT - 30'
 SIDE - 15'
 REAR - 15'
 WETLANDS - 50'



NO.	DATE	REVISION DESCRIPTION	BY
	DATE: AUGUST 1, 2022	SCALE: 1"=20'	
	PLS JOB # 3436	CERTIFIED PLOT PLAN	

LAND OWNER OF RECORD:
 PETER & AMANDA SANBORN
 3 OAKWOOD ST
 HUDSON, NH 03051
 HCRD BOOK 9472-1050

MAP 182 LOT 169
 CERTIFIED PLOT PLAN
 PETER & AMANDA SANBORN
 3 OAKWOOD ST
 HUDSON, NEW HAMPSHIRE



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

182 169 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

Total Card / Total Parcel
APPRAISED: 229,400 / 229,400
USE VALUE: 229,400 / 229,400
ASSESSED: 229,400 / 229,400

PROPERTY LOCATION

No	Alt No	Direction/Street/City
3		OAKWOOD ST, HUDSON

OWNERSHIP

Owner 1:	SANBORN, PETER JAMES
Owner 2:	SANBORN, AMANDA MARIE
Owner 3:	
Street 1:	3 OAKWOOD ST.
Street 2:	
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

PREVIOUS OWNER

Owner 1:	GIRGINIS, WILLIAM J. -
Owner 2:	-
Street 1:	3 OAKWOOD ST.
Twn/City:	HUDSON
St/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains .359 ACRES of land mainly classified as ONE FAMILY with a NEW ENGLANDR Building built about 1987, having primarily CLAPBOARD Exterior and 1016 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 0 HalfBath, 5 Rooms, and 2 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

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

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class %	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAMILY		0.359		SITE ACRE SITE			0.110,000.	2.25	RE							88,847					88,800	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
101	0.359	126,600	14,000	88,800	229,400
Total Card	0.359	126,600	14,000	88,800	229,400
Total Parcel	0.359	126,600	14,000	88,800	229,400
Source: Market Adj Cost		Total Value per SQ unit /Card: 225.79		/Parcel: 225.79	

Legal Description	User Acct
	4346
	GIS Ref
	GIS Ref
Entered Lot Size	
Total Land: 0.359	
Land Unit Type: AC	

Insp Date	09/21/01
-----------	----------



PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2022	101	JB	126,600	14000	.359	88,800	229,400	229,400	Year End Roll	5/24/2022
2021	101	FV	117,600	11700	.359	88,800	218,100	218,100	Year End Roll	9/27/2021
2021	101	JB	117,600	11700	.359	88,800	218,100	218,100	Year End Roll	5/12/2021
2020	101	FV	117,600	11700	.359	88,800	218,100	218,100	Year End Roll	8/27/2020
2020	101	JB	117,600	11700	.359	88,800	218,100	218,100	Year End Roll	5/6/2020
2019	101	FV	117,600	11700	.359	88,800	218,100	218,100	Year End Roll	9/16/2019
2019	101	JB	117,600	11700	.359	88,800	218,100	218,100	Year End Roll	5/8/2019
2018	101	FV	117,600	11700	.359	88,800	218,100	218,100	Year End Roll	8/27/2018

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
GIRGINIS, WILLI	9472-1050	1	5/20/2021		380,000	No		No	
BOULANGER, KENN	8989-0860	3	7/19/2017	ESTATE SALE	224,000	No		No	
	3958-0234		2/17/1987			No		No	

TAX DISTRICT

PAT ACCT.

PRINT	Date	Time
	08/26/22	12:58:06
LAST REV	Date	Time
	10/26/21	15:58:23
	mrotast	

USER DEFINED

Prior Id # 1:	0051
Prior Id # 2:	0189
Prior Id # 3:	0000
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

BUILDING PERMITS

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

ACTIVITY INFORMATION

Date	Result	By	Name
9/13/2021	Sale Data V	21	DEP ASR
11/15/2017	Sale Data VI	12	TECH ASMNT
10/19/2017	Sale Data V	12	TECH ASMNT
9/10/2013	Measured	15	APPR TECH 5
5/30/2007	Measured	10	APPRAISER II
8/22/2005	New Maps	1	CHIEF ASSESS
9/21/2001	Inspected	0	PATRIOT
2/21/2001	Measured	0	PATRIOT
1/29/1991	Inspected	2	AVITAR

Sign: _____

Total AC/HA: 0.35900 Total SF/SM: 15638 Parcel LUC: 101 ONE FAMILY Prime NB Desc: RES AVG Total: 88,847 Spi Credit Total: 88,800

EXTERIOR INFORMATION

Type: 15 - NEW ENGLANDR
 Sty Ht: 1T - 1.75 STY
 (Liv) Units: 1 Total: 1
 Foundation: 1 - CONCRETE
 Frame: 1 - WOOD
 Prime Wall: 02 - CLAPBOARD
 Sec Wall: %
 Roof Struct: 1 - GABLE
 Roof Cover: 1 - ASPH SHING
 Color: GRAY
 View / Desir: %

GENERAL INFORMATION

Grade: C - AVERAGE
 Year Blt: 1987 Eff Yr Blt:
 Alt LUC: Alt %:
 Jurisdic: Fact:
 Const Mod:
 Lump Sum Adj:

INTERIOR INFORMATION

Avg Ht/FL: STD
 Prim Int Wall: 1 - DRYWALL
 Sec Int Wall: %
 Partition: T - TYPICAL
 Prim Floors: 04 - CARPET
 Sec Floors: 03 - HARDWOO 50 %
 Bsmnt Fir: 12 - CONCRETE
 Subfloor:
 Bsmnt Gar:
 Electric: 3 - TYPICAL
 Insulation: 2 - TYPICAL
 Int vs Ext: S
 Heat Fuel: 2 - GAS
 Heat Type: 1 - FORCED AIR
 # Heat Sys: 1
 % Heated: 100 % AC: 100
 Solar HW: NO Central Vac: NO
 % Com Wal: % Sprinkled

BATH FEATURES

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

OTHER FEATURES

Kits: 1 Rating: GOOD
 A Kits: Rating:
 Frpt: Rating:
 WSPFlue: Rating:

CONDO INFORMATION

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

DEPRECIATION

Phys Cond: VG - Very Good 20. %
 Functional: %
 Economic: %
 Special: %
 Override: %
 Total: 20.8 %

CALC SUMMARY

Basic \$ / SQ: 98.00
 Size Adj.: 1.40725803
 Const Adj.: 0.98980004
 Adj \$ / SQ: 136.505
 Other Features: 8254
 Grade Factor: 1.00
 NBHD Inf: 1.00000000
 NBHD Mod:
 LUC Factor: 1.00
 Adj Total: 159899
 Depreciation: 33259
 Depreciated Total: 126640

COMMENTS

LOCATION = SCHOOL. HOUSE WAS RE-BUILT IN 1987. 1 BR HAS NO CLOSET, Irrigation, add ac/new flooring/island/paved dw/ ht sys.

RESIDENTIAL GRID

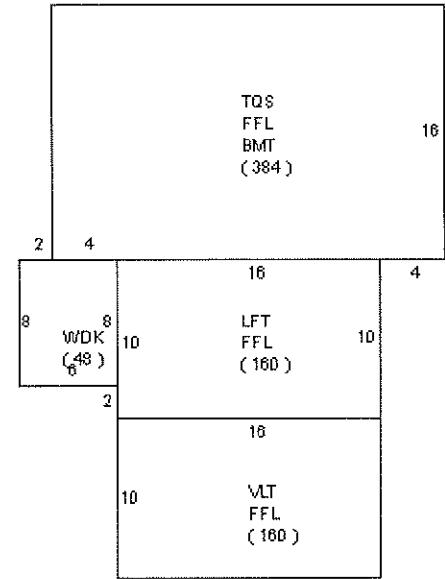
1st Res Grid	Desc: CONV	# Units: 1
Level	FY LR DR D K FR RR BR FB HB L O	
Other		
Upper		
Lvl 2		
Lvl 1		
Lower		
Totals	RMs: 5 BRs: 2 Baths: 1 HB	

REMODELING

Exterior:
 Interior: 2018
 Additions:
 Kitchen: 2018
 Baths:
 Plumbing:
 Electric:
 Heating: 2018
 General:

RES BREAKDOWN

No Unit	RMS	BRS	FL
1	5	2	M
Totals			
1	5	2	

SKETCH**SUB AREA**

Code	Description	Area - SQ	Rate - AV	Un depr Value	
FFL	FIRST FLOOR	704	136.500	96,099	
BMT	BASEMENT	384	27.300	10,484	
TQS	3/4 STORY	288	136.500	39,313	
VLT	VAULTED CEIL	160	6.830	1,092	
WDK	WOOD DECK	48	28.760	1,380	
LFT	LOFT	24	136.500	3,276	
Net Sketched Area:		1,608		151,644	
Size Adj	992	Gross Area	1840	FinArea	1016

SUB AREA DETAIL

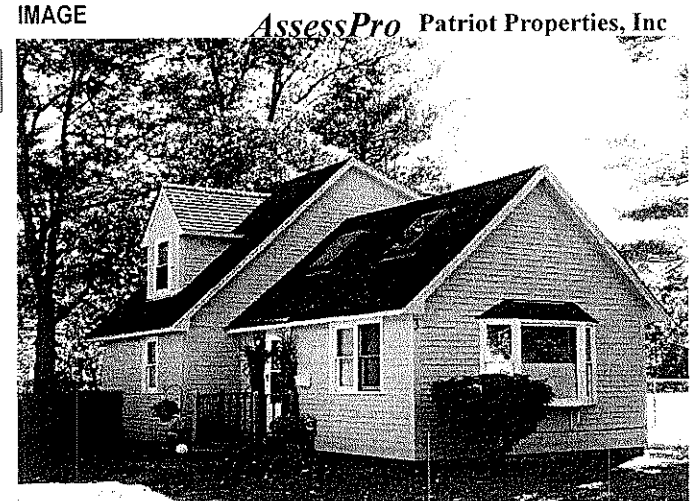
Sub Area	% Usbl	Descrip	% Type	Qu	# Ten

MOBILE HOME Make: Model: Serial #: Year: Color:

SPEC FEATURES/YARD ITEMS

Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
3	GARAGE	D Y		120X22	AV	AV	1987	36.76	T	30	101			11,300			11,300
02	SHED-NV	D Y		14X20	AV	AV	1987	0.00	T	30	101						
40	LEAN-TO	D Y		17X15	AV	AV	2002	7.10	T	50	101			400			400
19	PATIO	D Y		120x18	AV	AV	2017	7.00	T	10	101			2,300			2,300

More: N Total Yard Items: 14,000 Total Special Features: Total: 14,000



Property Location 3 OAKWOOD ST
 Vision ID 7121 Account # 4346

Map ID 182/ 169/ 000/ /
 Bldg # 1

Card Location:
 Sec # 1 of 1

Card # 1 of 1

State Use 1010
 Print Date 8/26/2022 12:56:26 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
SANBORN, PETER JAMES SANBORN, AMANDA MARIE 3 OAKWOOD ST. HUDSON NH 03051		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RE	Residential Average			2022	1010	117,600	2021	1010	117,600	2021	1010	117,600
		TOPO	UTILITIES				1010	88,800		1010	88,800		1010	88,800
		Level	Town Water				1010	11,700		1010	11,700		1010	11,700
			Town Sewer											
						Total	229,400		Total	218,100		Total	218,100	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
SANBORN, PETER JAMES		9472 1050	05-20-2021	Q	I	380,000	00	Grantor: GIRGINIS, WILLIAM J. Grantor: BOULANGER, KENNETH Grantor: N/A	Appraised Bldg. Value (Card)			246,100
GIRGINIS, WILLIAM J.		8989 0860	07-19-2017	U	I	224,000	81		Appraised Xf (B) Value (Bldg)			0
BOULANGER, KENNETH		3958 0234	02-17-1987	Q	I		00		Appraised Ob (B) Value (Bldg)			11,000
									Appraised Land Value (Bldg)			131,500
									Special Land Value			0
									Total Appraised Parcel Value			388,600
									Valuation Method			C
									Total Appraised Parcel Value			388,600

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				
Parcel ID	182-169-000		Description	Code	Assessed	Assessed	
Zoning	TR:TOWN RESD		BLDG	1010	246,100	246,100	
Flood Hazard	C		LAND	1010	131,500	131,500	
Neigh/Abut1			OB	1010	11,000	11,000	
Neigh/Abut2							
Neigh/Abut3		PREV 0051-0189-0000					
GIS ID	182-169-000	Assoc Pid#					
					Total	388,600	388,600

NOTES		VISIT / CHANGE HISTORY			
LOCATION = SCHOOL. HOUSE WAS RE-BUILT IN 19871 BR HAS NO CLOSET, //irrigation, ad d ac//new flooring/island/paved dw/ ht s ys		Date	Id	Cd	Purpost/Result
		07-14-2022	26	45	Field Review
		09-13-2021	21	30	Sales Data Verification
		11-15-2017	12	25	Sale Data Verified And Inspected
		10-19-2017	12	30	Sales Data Verification
		09-10-2013	15	02	Measured
		05-30-2007	10	02	Measured
		08-22-2005	01	71	Acreage Adjustment From New Mapp

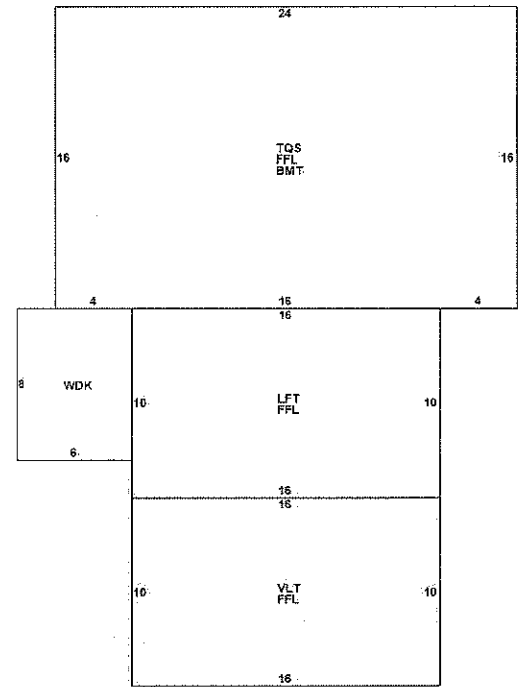
BUILDING PERMIT RECORD								
Permit Id	Issue Date	TYPE	Description	Amount	Status	Applicant	SQ ft	Comments

LAND LINE VALUATION SECTION																
B	Use Code	Description	Zone	LA	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustmnt	Adj Unit P	Land Value
1	1010	SINGLE FAMILY	TR		Site	0.359 AC	170,000	2.15533	5	1.00	RE	1.000		1.0000	366,401	131,500
Total Card Land Units						0.359 AC	Parcel Total Land Area						0.359	Total Land Value		131,500

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.75		Extra Kitchens	0	
Style:	113	NEW ENGLANDR	Add Kitchen R		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	02	Clapboard			
Roof Structure	01	Gable			
Roof Cover	01	Asph Shing			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	5				
Bedrooms	2				
Full Baths	1				
3/4 Baths	0				
Half Baths	0				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	GD	Good			
Half Bath Ratin					
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Ratin					
WS Flues	0				
Color	BEIGE				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	267,454
Year Built	1987
Effective Year Built	2013
Depreciation Code	VG
Remodel Rating	
Year Remodeled	
Depreciation %	8
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	92
RCNLD	246,100
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/	Units	Unit P	Yr Bilt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
GAR1	Garage	L	440	33.70	1987	AV	60	S-AV	1.00	8,900
LNT0	Lean-To	L	105	7.19	2002	AV	60	S-AV	1.00	500
PATIO	Patio	L	360	7.30	2017	AV	60	S-AV	1.00	1,600
SHEDNV	Shed No Value	L	80	0.00	1987	AV	60	S-AV	1.00	0

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfin	0	384	96	0	
FFL	First Floor Finished	704	704	704	0	
LFT	Loft, finished area	24	160	0	0	
TQS	3/4 Story, Finished	288	384	288	0	
VLT	Vaulted Ceiling	0	160	8	0	
WDK	Wood Deck	0	48	5	0	
Ttl Gross Liv / Lease Area		1,016	1,840	1,101		

3 Oakwood St. (Map/Lot 182-169-000)

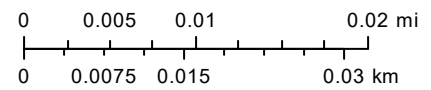


September 6, 2022

1:708

Legend

 Parcels



NOTES

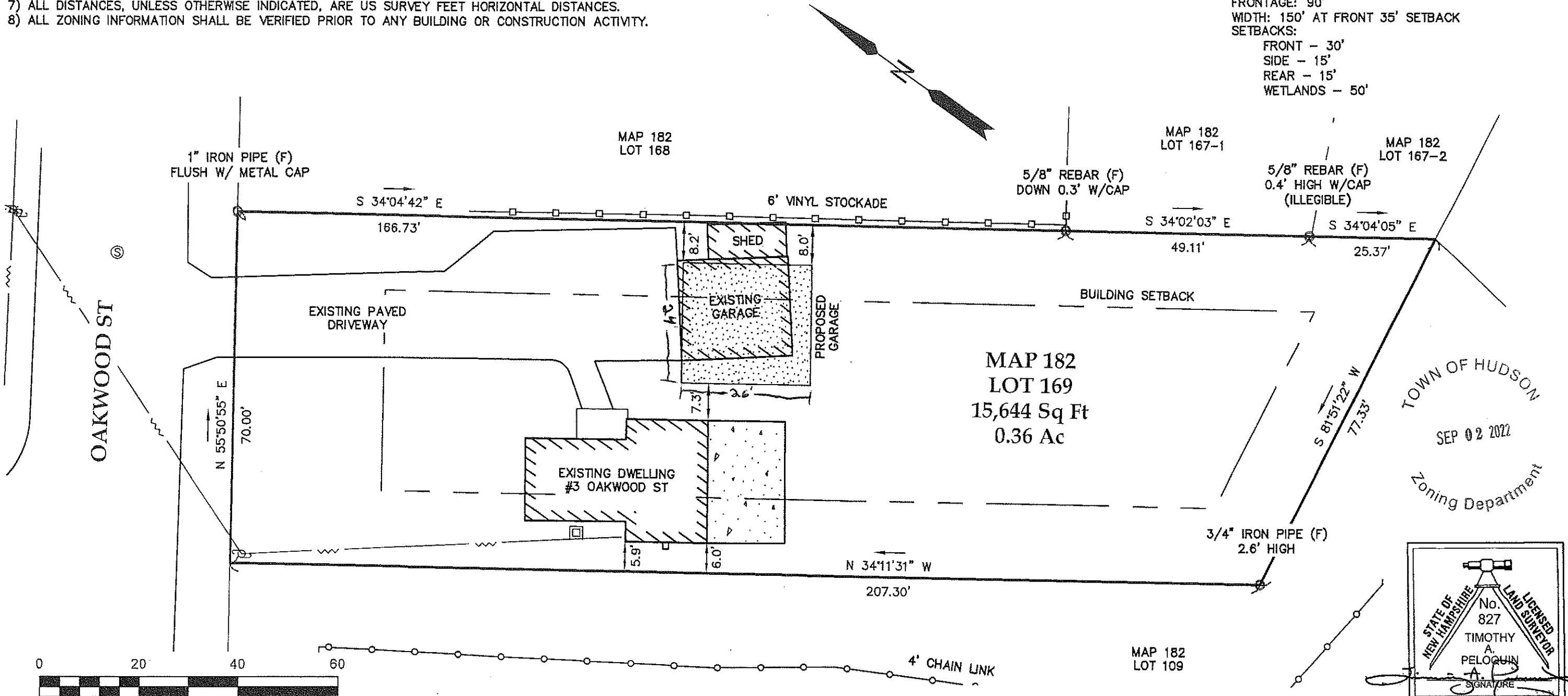
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ZONING

TR (TOWN RESIDENTIAL) MINIMUM:
 AREA: 10,000 Sq Ft (BY SOILS)
 FRONTAGE: 90'
 WIDTH: 150' AT FRONT 35' SETBACK
 SETBACKS:
 FRONT - 30'
 SIDE - 15'
 REAR - 15'
 WETLANDS - 50'



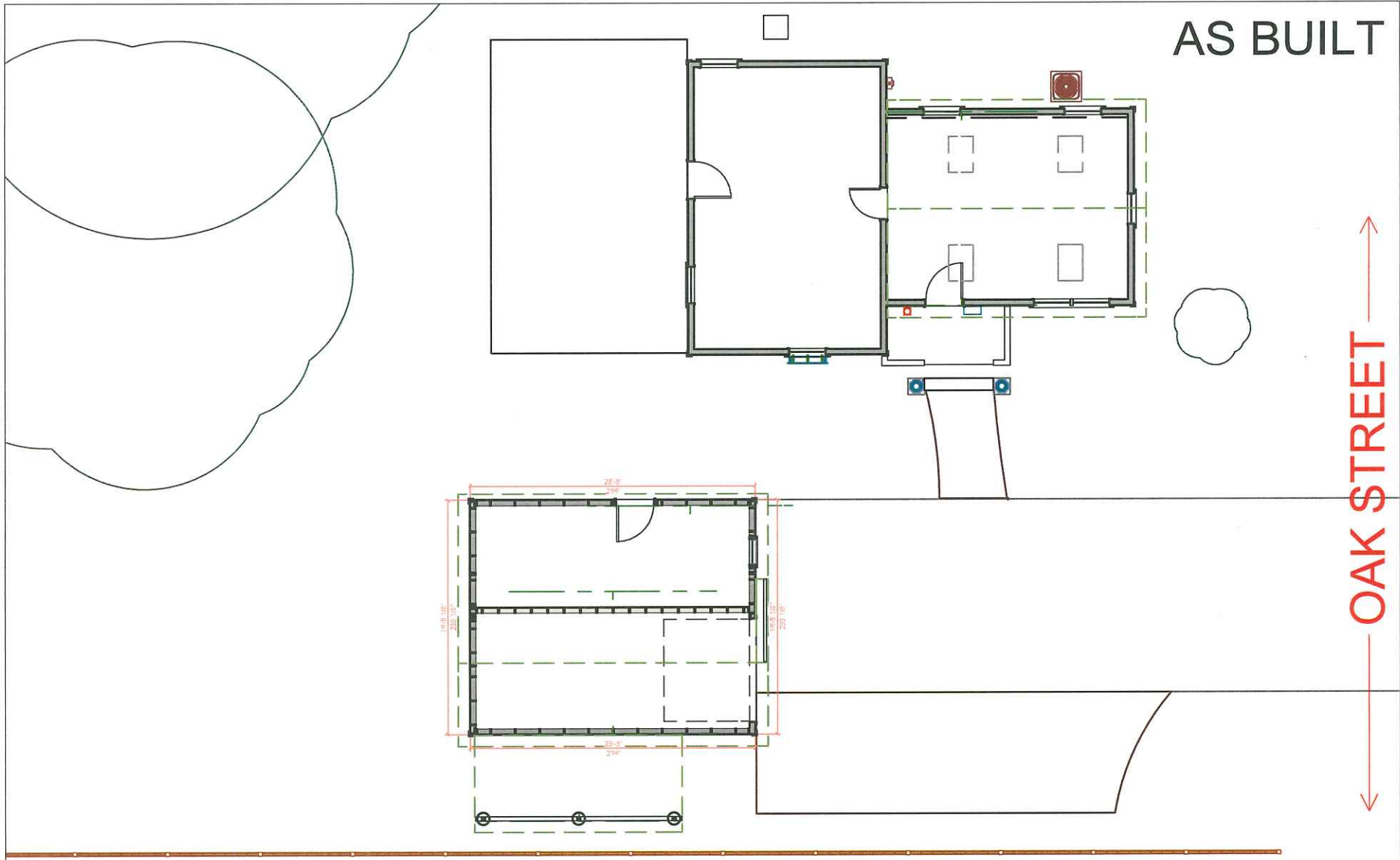
NO.	DATE	REVISION DESCRIPTION	BY
	DATE: AUGUST 1, 2022	SCALE: 1"=20'	
	PLS JOB #: 3436	CERTIFIED PLOT PLAN	

LAND OWNER OF RECORD:
 PETER & AMANDA SANBORN
 3 OAKWOOD ST
 HUDSON, NH 03051
 HCRD BOOK 9472-1050

MAP 182 LOT 169
 CERTIFIED PLOT PLAN
 PETER & AMANDA SANBORN
 3 OAKWOOD ST
 HUDSON, NEW HAMPSHIRE

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

AS BUILT



Office 603.434.1611
www.crossroadscontracting.com

Sanborn Permit App

3 Oakwood Road
Hudson, NH 03051

8.29.2022

AS BUILT



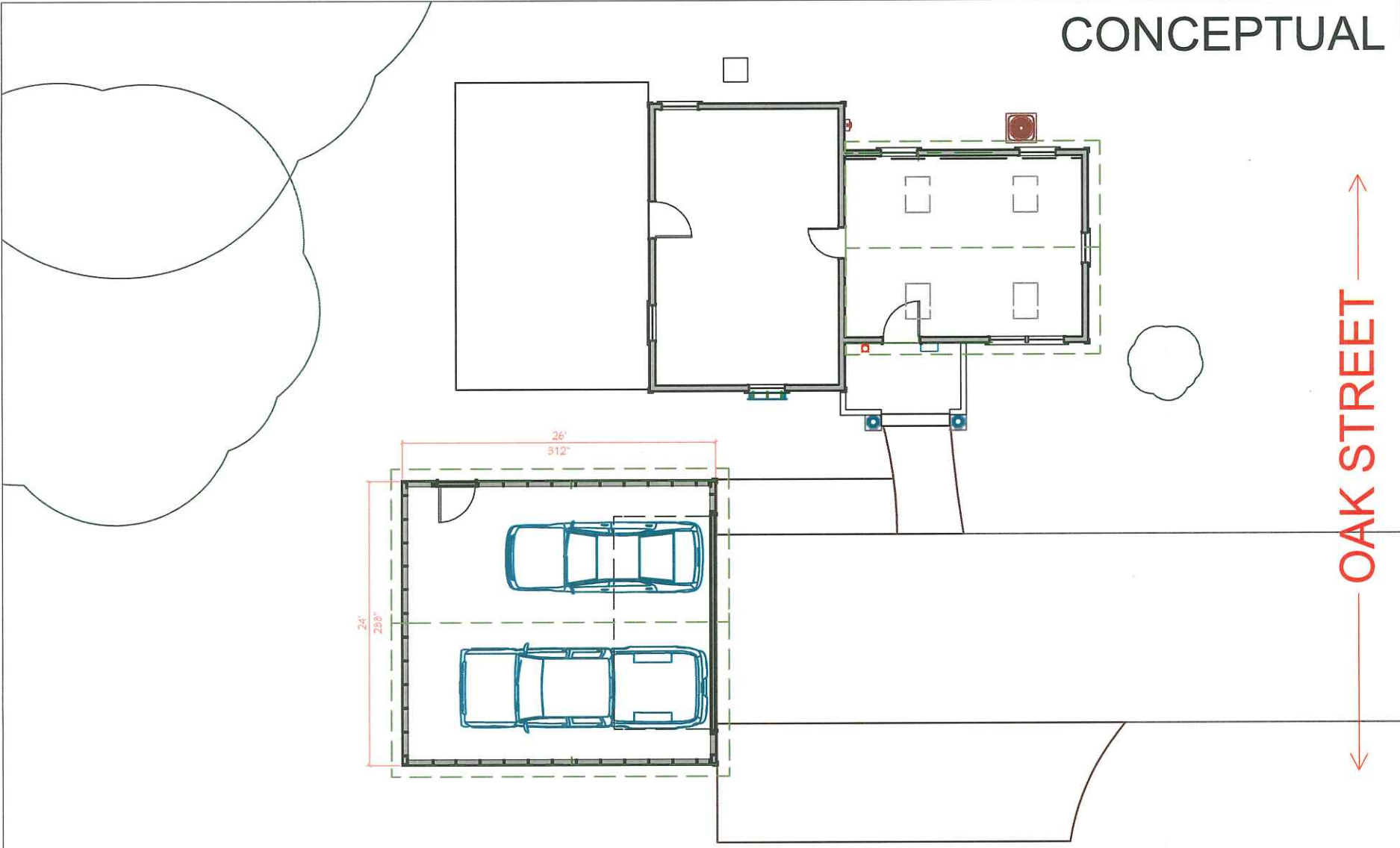
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3 Oakwood Road
Hudson, NH 03051

8.29.2022

CONCEPTUAL



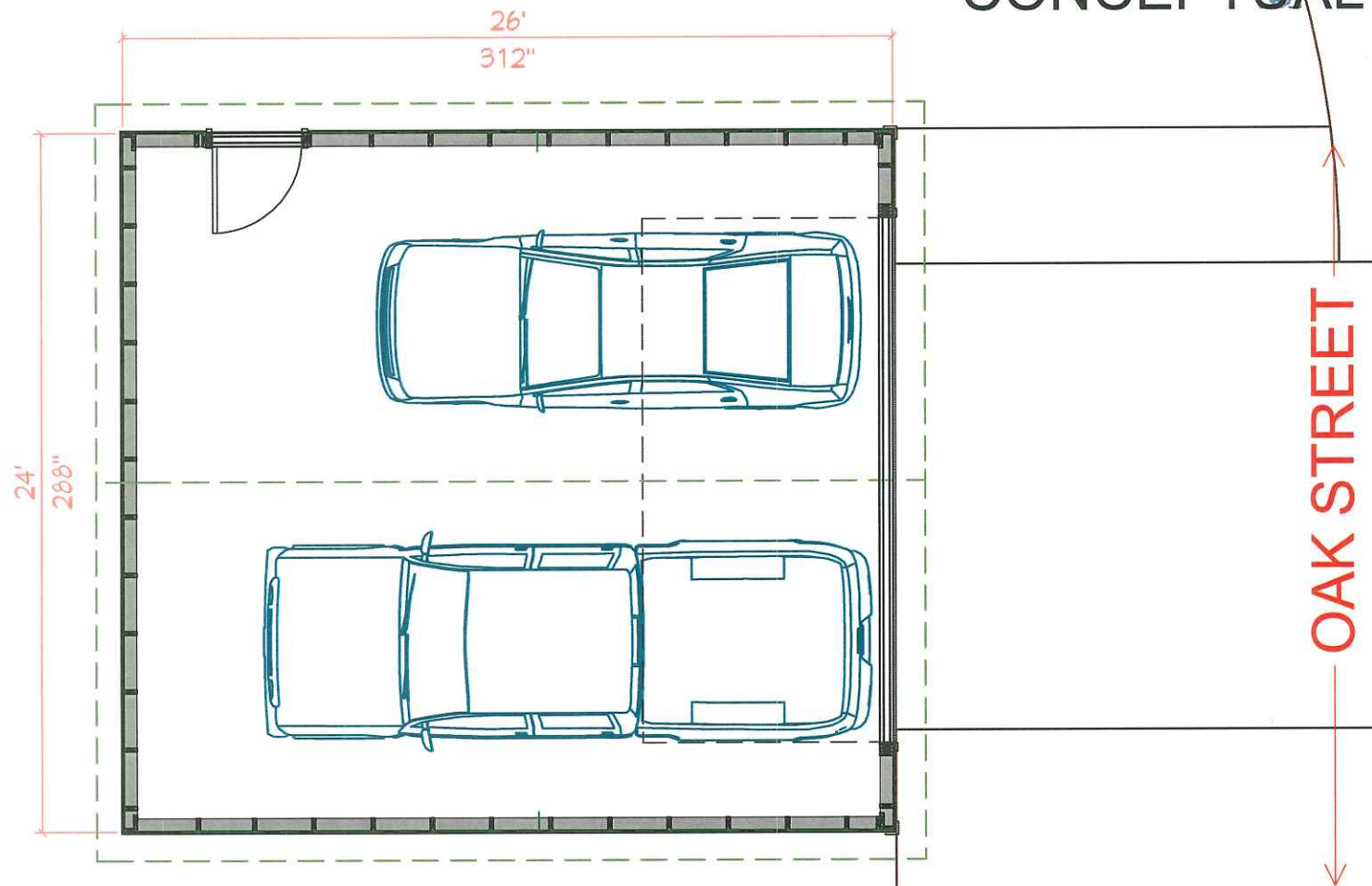
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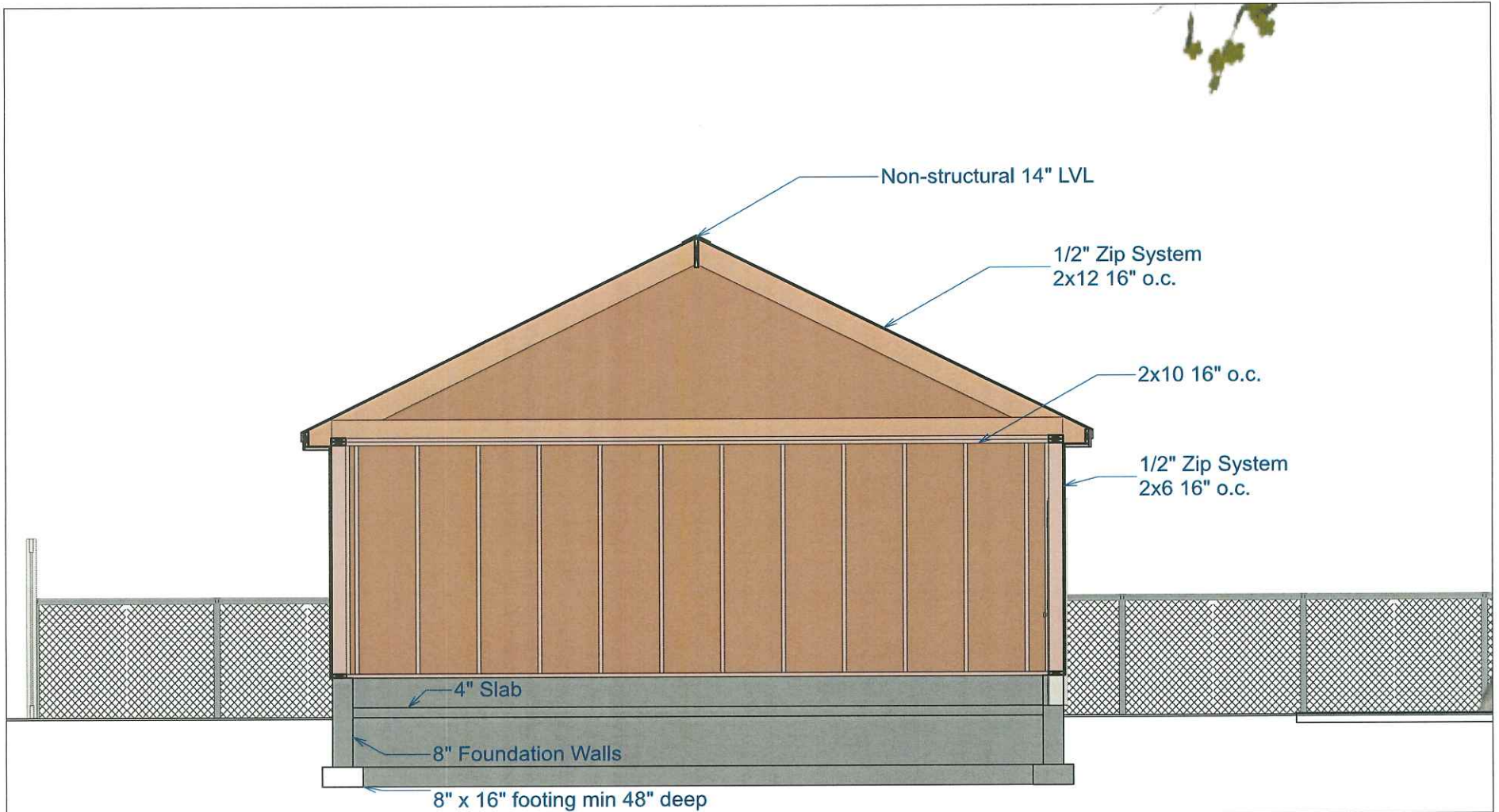


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www.crossroadscontracting.com

Sanborn Permit App

3 Oakwood Road
 Hudson, NH 03051

8.29.2022

CONCEPTUAL



Office 603.434.1611
www.crossroadscontracting.com

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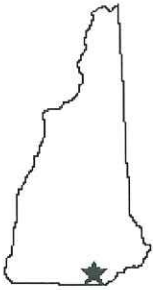
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 9/02/2022
 12:46PM
 Created
 9/02/2022
 12:41 PM

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

Receipt# 699,488
 tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-9/22/22 ZBA Meeting 3 Oakwood Street Map/Lot 182-169-000 Variance Application	0.00	220.2000	0.00
			Total:	220.20

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Crossroads Contracting, LLC	CHECK	CHECK # 20025	220.20	0.00	220.20
			Total Due:		220.20
			Total Tendered:		220.20
			Total Change:		0.00
			Net Paid:		220.20



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: September 22, 2022

BB 9-13-22

Case 173-029 a-c (09-22-22): Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requests three (3) Variances for **56 Derry St., Hudson, NH** [Map 173, Lot 029-000; Zoned Business (B)] as follows:

- a. To locate a proposed free-standing Pylon sign (reference #1), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements]
- b. To locate one (1) additional, 22.25 sq. ft. wall sign on the building south side (reference# 2), in addition to the permitted wall sign on the east side of the building. [HZO Article XII, Signs; §334-63, Business and industrial building signs]
- c. To locate two (2) directional signs (reference #4 and #5), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements and §334-58 B(3), Permit required; exemptions]

Address: 56 Derry St

Zoning district: Business (B)

Summary:

Applicant requests 3 specific sign ordinance variances: Location of Pylon sign in the front setback, additional wall sign and location of 2 directional signs w/in front setback.

Property description:

Existing lot of record, 40,946 sqft where 30,000 sqft required / 288 ft. of frontage, where 150 ft. required.

LAND USE HISTORY:

Approved site plan by Planning Board 9-8-21

ASSESSING HISTORY:

Was vacant parcel

Town in-house review comments:

Town Engr.: Yes, see attached comments

Town Planner: Yes, see attached comments

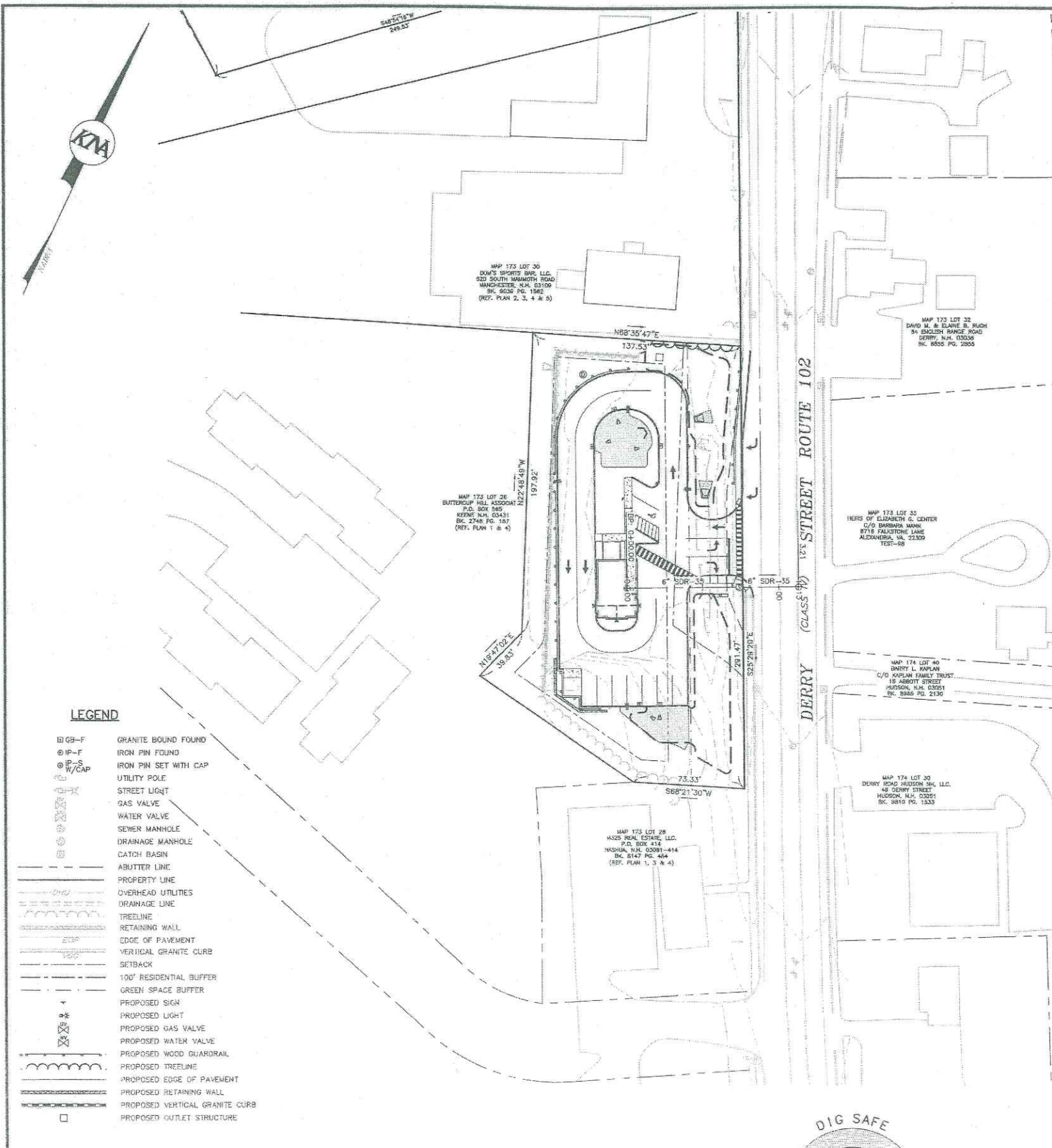
Fire Dept.: no comments

Attachments:

A: Approved site plan

B: Town Planner comments

C: Town Engineer comments



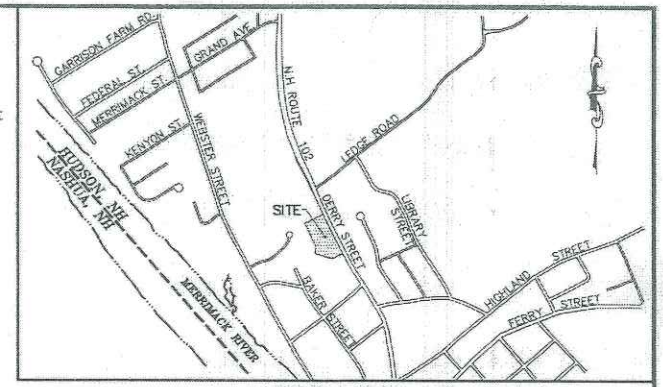
REFERENCE PLANS:

1. "EXISTING CONDITIONS PLAN, AROMA JOE'S, MAP 173 LOT 29, 56 DERRY STREET, HUDSON, NEW HAMPSHIRE, DATED MAY 7, 2021," PREPARED BY KEACH-NORDSTROM ASSOCIATES, INC.

NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED SITE LAYOUT ON MAP 173 LOT 29 IN THE TOWN OF HUDSON, NEW HAMPSHIRE AS SHOWN HEREON.
- OWNER OF RECORD:
ZIELFELDER BUILDER'S LLC
C/O SCOTT ZIELFELDER
159 CANAAN BACK ROAD
BARRINGTON, NH 03825
- AREA OF SUBJECT PARCEL = 40,793 SF, OR 0.935 ACRES
- TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON ARE BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE IN APRIL OF 2021.
- HORIZONTAL DATUM IS NAD83, VERTICAL DATUM IS NGVD29 FROM GPS SURVEY METHODS POST PROCESSED THROUGH NOAA-OPUS.
- THE SUBJECT PARCEL IS LOCATED WITHIN THE BUSINESS (B) ZONING DISTRICT. DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS FOR LOTS SERVICED WITH MUNICIPAL SEWER AND WATER:

MINIMUM LOT AREA	REQUIRED: 30,000 SF	PROPOSED: 40,793 SF
MINIMUM LOT FRONTAGE	150 FT	231.47 FT
MINIMUM BUILDING SETBACKS:		
FRONT	50 FT	68 FT
SIDE	15 FT	75 FT
REAR	15 FT	47 FT
- PARCEL WILL BE SERVICED BY MUNICIPAL WATER & SEWER.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF MERRIMACK N.H., HILLSBOROUGH COUNTY, MAP NUMBER 3301100514E, PANEL 501 OF 701, EFFECTIVE DATE: APRIL 18, 2011 INDICATES THAT NO PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR OR OWNER SHALL CONTACT DIG-SAFE AT 811.
- EASEMENTS, RIGHTS AND RESTRICTIONS SHOWN OR IDENTIFIED HEREON ARE THOSE FOUND DURING RESEARCH AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS. OTHER EASEMENTS, RIGHTS AND RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF THE SUBJECT PREMISES MAY DETERMINE.
- OPEN SPACE REQUIRED = 40%
- OPEN SPACE PROPOSED = 58.6%
- PARKING CALCULATIONS:
PARKING REQUIRED = 1 SPACE / 100 SF X 500 SF = 5 SPACES
TOTAL PARKING REQUIRED = 9 SPACES
TOTAL PARKING PROVIDED = 9 SPACES
- SITE LIGHTING SHALL BE AS SHOWN ON THE PLAN, DIRECTED ONTO SITE, AND SHALL CONFORM WITH ALL APPLICABLE TOWN OF HUDSON ZONING REGULATIONS.
- CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE HOURS OF 7:00 AM & 7:00 PM, MONDAY THROUGH SATURDAY. NO EXTERIOR CONSTRUCTION ACTIVITIES SHALL OCCUR ON SUNDAY.
- HOURS OF OPERATION: 5:15 AM TO 9:00 PM, MONDAY THROUGH SUNDAY.
- APPROVAL OF THIS PLAN SHALL BE SUBJECT TO FINAL ENGINEERING REVIEW.
- SITE IMPROVEMENTS DEPICTED ON THE PLAN SHALL CONFORM WITH TITLE III OF THE AMERICANS WITH DISABILITIES ACT WITH REGARD TO DIMENSION AND GRADE.
- IT SHALL BE UNLAWFUL TO MODIFY, CHANGE, OR ALTER ANY STRUCTURE OR USE SHOWN ON THIS SITE PLAN IN ANYWAY WHATSOEVER, OR CONVERT OR ALTER ANY STRUCTURE OR USE SHOWN ON THIS SITE PLAN, OR CHANGE THE ABOVE USE INDICATED ON THE PLAN WITHOUT RECEIVING APPROVAL FROM THE TOWN OF HUDSON PLANNING BOARD.
- PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, AN L.L.S. CERTIFIED "AS-BUILT" SITE PLAN SHALL BE PROVIDED TO THE TOWN OF HUDSON COMMUNITY DEVELOPMENT DEPARTMENT CONFIRMING THAT THE SITE CONFORMS WITH THE PLANNING BOARD APPROVED SITE PLAN.
- IDENTIFICATION SIGNAGE SHALL NOT BE ERRECTED UNTIL APPROVED BY THE BUILDING INSPECTOR AND ZONING ADMINISTRATOR.
- PLOWED SNOW FROM THE FACILITIES, DRIVEWAY, PARKING LOTS AND SIDEWALK SHALL BE STORED IN THE DESIGNATED AREAS SHOWN IN THIS PLAN SET. NO SNOW MAY BE PLOWED OR STORED ON THE ADJUTING PARCELS. WHEN THE SNOW STORAGE AREAS ARE AT CAPACITY, SUBSEQUENT SNOW SHALL BE HAULED OFF-SITE AND DISPOSED OF IN AN ENVIRONMENTALLY SOUND FASHION AND IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.
- ON-SITE DRAINAGE SYSTEM SHALL BE CONSTRUCTED AND MAINTAINED IN COMPLIANCE WITH NHDES REQUIREMENTS FOR SUCH SYSTEMS.
- THE APPLICANT'S ENGINEER AND/OR CONTRACTOR SHALL CONTACT THE TOWN OF HUDSON TO SCHEDULE A PRE-CONSTRUCTION MEETING, WHICH WILL BE HELD WITH STAFF PRIOR TO STARTING CONSTRUCTION.
- ALL STIPULATIONS OF APPROVAL SHALL BE INCORPORATED INTO THE DEVELOPMENT AGREEMENT, WHICH SHALL BE RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS, TOGETHER WITH THE SITE PLAN-OF-RECORD AND ALL AGREED UPON EASEMENT DEEDS, WHICH SHALL BE FAVORABLY REVIEWED BY TOWN COUNSEL PRIOR TO PLANNING BOARD ENDORSEMENT OF PLAN.
- ALL IMPROVEMENTS SHOWN ON THE SITE PLAN-OF-RECORD, INCLUDING NOTES 1-32, SHALL BE COMPLETED IN THEIR ENTIRETY AND AT THE EXPENSE OF THE APPLICANT OR HIS ASSIGNS.
- THE TOWN OF HUDSON SHALL RESERVE THE RIGHT TO REQUIRE ADDITIONAL EROSION CONTROL MEASURES DURING CONSTRUCTION.
- AFTER ISSUANCE OF THE FOUNDATION PERMIT FOR THE PROPOSED BUILDING, AND PRIOR TO THE ISSUANCE OF THE FRAMING PERMIT THEREOF, THE APPLICANT SHALL SUBMIT TO THE HUDSON COMMUNITY DEVELOPMENT DEPARTMENT A FOUNDATION "AS-BUILT" PLAN ON A TRANSPARENTY AND TO THE SAME SCALE AS THE APPROVED SITE PLAN. THE FOUNDATION "AS-BUILT" PLAN SHALL INCLUDE ALL STRUCTURAL DIMENSIONS AND LOT LINE SETBACK MEASUREMENTS TO THE FOUNDATION AND BE STAMPED BY A LICENSED LAND SURVEYOR. ANY DISCREPANCY BETWEEN THE APPROVED SITE PLAN AND FOUNDATION "AS-BUILT" PLANS SHALL BE DOCUMENTED BY THE APPLICANT AND BE PART OF THE FOUNDATION "AS-BUILT" SUBMISSION.
- THE PROPOSED PROJECT HAS BEEN DESIGNED TO MEET 2018 MS4 REQUIREMENTS.
- ALL SIGNS ARE SUBJECT TO APPROVAL BY THE HUDSON PLANNING BOARD PRIOR TO INSTALLATION.
- PROPOSED BUILDING HEIGHT: 12 FT
- CONTRACTOR SHALL FOLLOW THE TOWN OF HUDSON'S REQUIREMENTS FOR THE IMPORTING OF OFFSITE FILL MATERIALS.
- A WAIVER WAS GRANTED FROM SECTION 276-11.119(12)(c): TO ALLOW CONSTRUCTION WITHIN THE 100' BUFFER FROM A RESIDENTIAL USE BY THE PLANNING BOARD ON JULY 29, 2021
- A WAIVER WAS GRANTED FROM THE ENGINEERING TECHNICAL GUIDELINES & TYPICAL DETAILS SECTION 933.4: TO ALLOW STORMWATER DRAINAGE PIPES WITH SLOPES LESS THAN 2% PERMIT REQUIRED:
- NHDES SEWER CONNECTION PERMIT (FILED)



VICINITY PLAN
SCALE: 1" = 1000'

CONDITIONS OF APPROVAL:

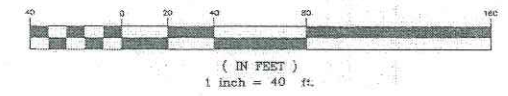
- ALL STIPULATIONS OF APPROVAL SHALL BE INCORPORATED INTO THE DEVELOPMENT AGREEMENT, WHICH SHALL BE RECORDED AT THE HORD, TOGETHER WITH THE PLAN.
- ALL IMPROVEMENTS SHOWN ON THE PLAN SHALL BE COMPLETED IN THEIR ENTIRETY AND AT THE EXPENSE OF THE APPLICANT OR THE APPLICANT'S ASSIGNS.
- PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, AN L.L.S. CERTIFIED "AS-BUILT" SITE PLAN SHALL BE PROVIDED TO THE PLANNING DEPARTMENT, CONFIRMING THAT THE SITE CONFORMS TO THE PLAN APPROVED BY THE PLANNING BOARD.
- A COST ALLOCATION PROCEDURE (CAP) AMOUNT OF \$20,698.00 SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THE ON-SITE DRAINAGE SYSTEM SHALL BE CONSTRUCTED AND MAINTAINED IN COMPLIANCE WITH NHDES REQUIREMENTS FOR SUCH SYSTEMS.
- PRIOR TO THE PLANNING BOARD ENDORSEMENT OF THE PLAN, IT SHALL BE SUBJECT TO FINAL ADMINISTRATIVE REVIEW BY TOWN PLANNER AND TOWN ENGINEER.
- THE APPLICANT SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE TOWN ENGINEER PRIOR TO BEGINNING WORK ON THE SITE.
- HOURS OF REFUSE REMOVAL SHALL BE EXCLUSIVE TO THE HOURS BETWEEN 7:00 A.M. AND 7:00 P.M., MONDAY THROUGH FRIDAY ONLY.
- FOR THE PURPOSES OF THIS SITE PLAN APPROVAL, THE TERM "ACTIVE AND SUBSTANTIAL DEVELOPMENT" SHALL MEAN THE COMPLETION OF GRADING, STORMWATER MANAGEMENT SYSTEM AND ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY.

LEGEND

- GRANITE BOUND FOUND
- IRON PIN FOUND
- IRON PIN SET WITH CAP
- UTILITY POLE
- STREET LIGHT
- GAS VALVE
- WATER VALVE
- SEWER MANHOLE
- DRAINAGE MANHOLE
- CATCH BASIN
- ABUTTER LINE
- PROPERTY LINE
- OVERHEAD UTILITIES
- DRAINAGE LINE
- TREELINE
- RETAINING WALL
- EDGE OF PAVEMENT
- VERTICAL GRANITE CURB
- SETBACK
- 100' RESIDENTIAL BUFFER
- GREEN SPACE BUFFER
- PROPOSED SIGN
- PROPOSED LIGHT
- PROPOSED GAS VALVE
- PROPOSED WATER VALVE
- PROPOSED WOOD GUARDRAIL
- PROPOSED TREELINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED RETAINING WALL
- PROPOSED VERTICAL GRANITE CURB
- PROPOSED OUTLET STRUCTURE

LOAM & SEED ALL DISTURBED AREAS (TYP.)

GRAPHIC SCALE



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

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: 9-8-21

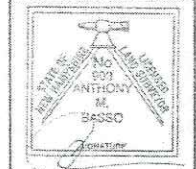
SIGNATURE: [Signature] DATE: 11/10/21

SIGNATURE: [Signature] DATE: 11/10/2021

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

OWNER OF MAP 173 LOT 29

SIGNATURE: [Signature] DATE: 10/19/21



SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE DURING APRIL OF 2021. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) OR BETTER.

ANTHONY M. BASSO
10/28/21
LICENSED LAND SURVEYOR

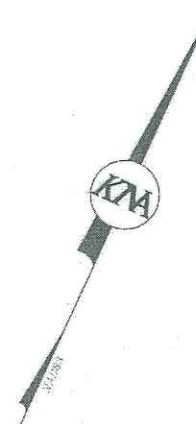


REVISIONS				
No.	DATE	DESCRIPTION	BY	
1	07/23/2021	REVISED PER REVIEW COMMENTS	POC	
2	08/12/2021	REVISED PER PLANNING BOARD COMMENTS	ACL	
3	08/30/2021	REVISED PER REVIEW COMMENTS	ACL	
4	10/08/2021	REVISED PER CONDITIONS OF APPROVAL	ACL	

DATE: JUNE 22, 2021
PROJECT NO: 21-0311-1
SCALE: 1"=40'
SHEET 1 OF 14

41236

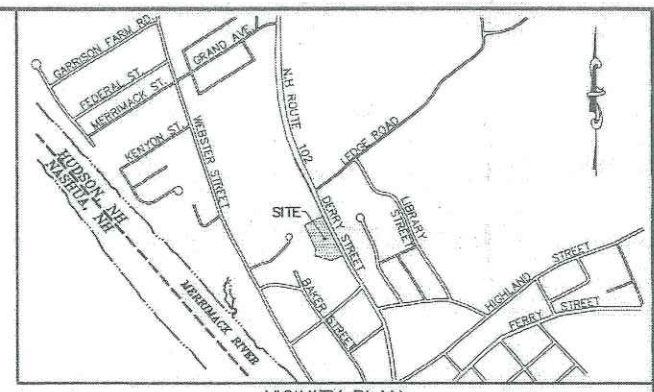
(A)



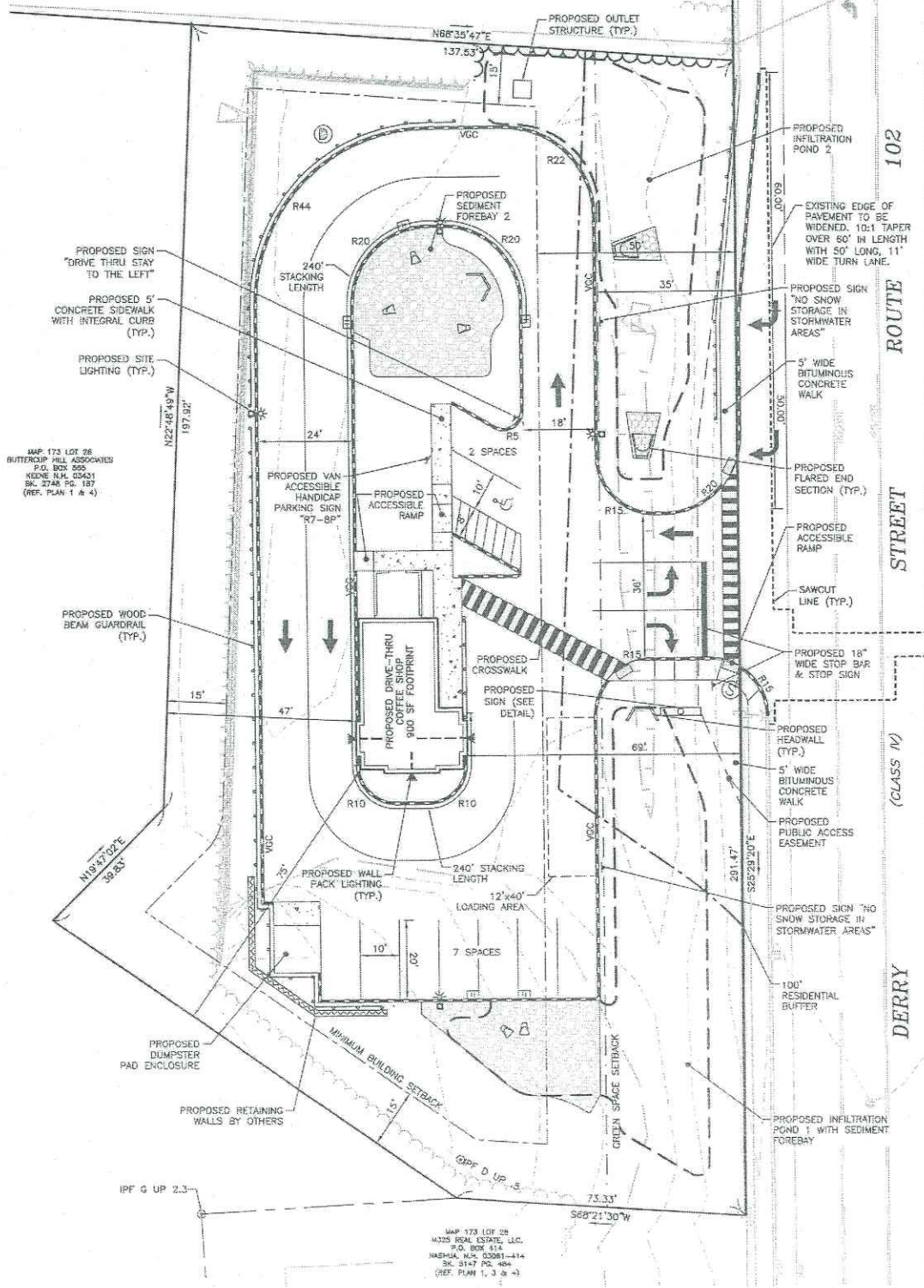
MAP 173 LOT 30
DOM'S SPORTS BAR, LLC
820 SOUTH HAMMOR ROAD
MANCHESTER, N.H. 03109
BK. 0039 PG. 1582
(REF. PLAN 2, 3, 4 & 5)

MAP 173 LOT 29
BUTTERFIELD HILL ASSOCIATES
P.O. BOX 505
KEENE, N.H. 03421
BK. 2748 PG. 187
(REF. PLAN 1 & 4)

MAP 173 LOT 28
1725 HAN STREET, LLC
P.O. BOX 514
MERRIMAN, N.H. 03081-0514
BK. 3147 PG. 406
(REF. PLAN 1, 3 & 4)



VICINITY PLAN
SCALE: 1" = 1000'

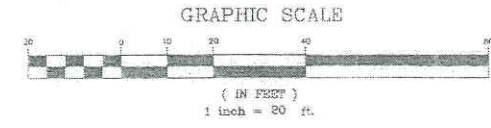


LEGEND

- ⊙ CB-F GRANITE SOUND FOUND
- ⊙ IP-F IRON PIN FOUND
- ⊙ W/CAP IRON PIN SET WITH CAP
- ⊙ UTILITY POLE
- ⊙ STREET LIGHT
- ⊙ GAS VALVE
- ⊙ WATER VALVE
- ⊙ SEWER MANHOLE
- ⊙ DRAINAGE MANHOLE
- ⊙ CATCH BASIN
- ⊙ ABUTTER LINE
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- ⊙ OVERHEAD UTILITIES
- ⊙ DRAINAGE LINE
- ⊙ TREELINE
- ⊙ RETAINING WALL
- ⊙ EDGE OF PAVEMENT
- ⊙ VERTICAL GRANITE CURB
- ⊙ SETBACK
- ⊙ 100' RESIDENTIAL BUFFER
- ⊙ GREEN SPACE BUFFER
- ⊙ PROPOSED SIGN
- ⊙ PROPOSED LIGHT
- ⊙ PROPOSED GAS VALVE
- ⊙ PROPOSED WATER VALVE
- ⊙ PROPOSED WOOD GUARDRAIL
- ⊙ PROPOSED TREELINE
- ⊙ PROPOSED EDGE OF PAVEMENT
- ⊙ PROPOSED RETAINING WALL
- ⊙ PROPOSED VERTICAL GRANITE CURB
- ⊙ PROPOSED OUTLET STRUCTURE

SEE SHEET 1 FOR NOTES & REFERENCE PLANS

LOAM & SEED ALL DISTURBED AREAS (TYP.)



NON RESIDENTIAL SITE PLAN
AROMA JOE'S
MAP 173 LOT 29
56 DERRY STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER & APPLICANT:
ZIELFELDER BUILDER'S LLC
C/O SCOTT ZIELFELDER
169 CANAAN BACK ROAD
BARRINGTON, NH 03825

KMA
KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 30, Bedford, NH 03110 Phone (603) 687-2881

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

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: 4-8-21

SIGNATURE DATE: 4/10/21

SIGNATURE DATE: 4/10/21

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

OWNER OF MAP 173 LOT 29

SIGNATURE DATE: 10/19/21



REVISIONS			
No.	DATE	DESCRIPTION	BY
1	07/23/2021	REVISED PER REVIEW COMMENTS	PDC
2	08/12/2021	REVISED PER PLANNING BOARD COMMENTS	ACL
3	08/30/2021	REVISED PER REVIEW COMMENTS	ACL
4	10/08/2021	REVISED PER CONDITIONS OF APPROVAL	ACL

DATE: JUNE 22, 2021 SCALE: 1"=20'
PROJECT NO: 21-0311-1 SHEET 3 OF 14

#41236

A2

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

REQUEST FOR REVIEW/COMMENTS:

Case: 173-029 (Var. a, b, c)

Property Location: 56 Derry St. (Aroma Joe)

For Town Use

Plan Routing Date: 09/07/2022 Reply requested by: 09/12/2022 ZBA Hearing Date: 09/22/2022

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 09/12/2022
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

a - It appears desired location may be affected by presence of subsurface drainage and utilities. Applicant should show utilities and drainage features with placement of sign structure footing. The current placement, with the offset pylon (show on elevation) may put the footing into the slope of the infiltration pond.

b- no comment

c- There are concerns with obstruction of sight distances for exiting vehicles. The standard eye height in a passenger car is 3'6" from ground level (FHWA). The proposed sign face spans 3' to 4' vertically from ground level and the proposed locations are horizontally aligned with the stop bar.

(B)

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

REQUEST FOR REVIEW/COMMENTS:

Case: 173-029 (Var. a, b, c)

Property Location: 56 Derry St. (Aroma Joe'

For Town Use

Plan Routing Date: 09/07/2022 Reply requested by: 09/12/2022 ZBA Hearing Date: 09/22/2022

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 09/12/2022
(Initials)

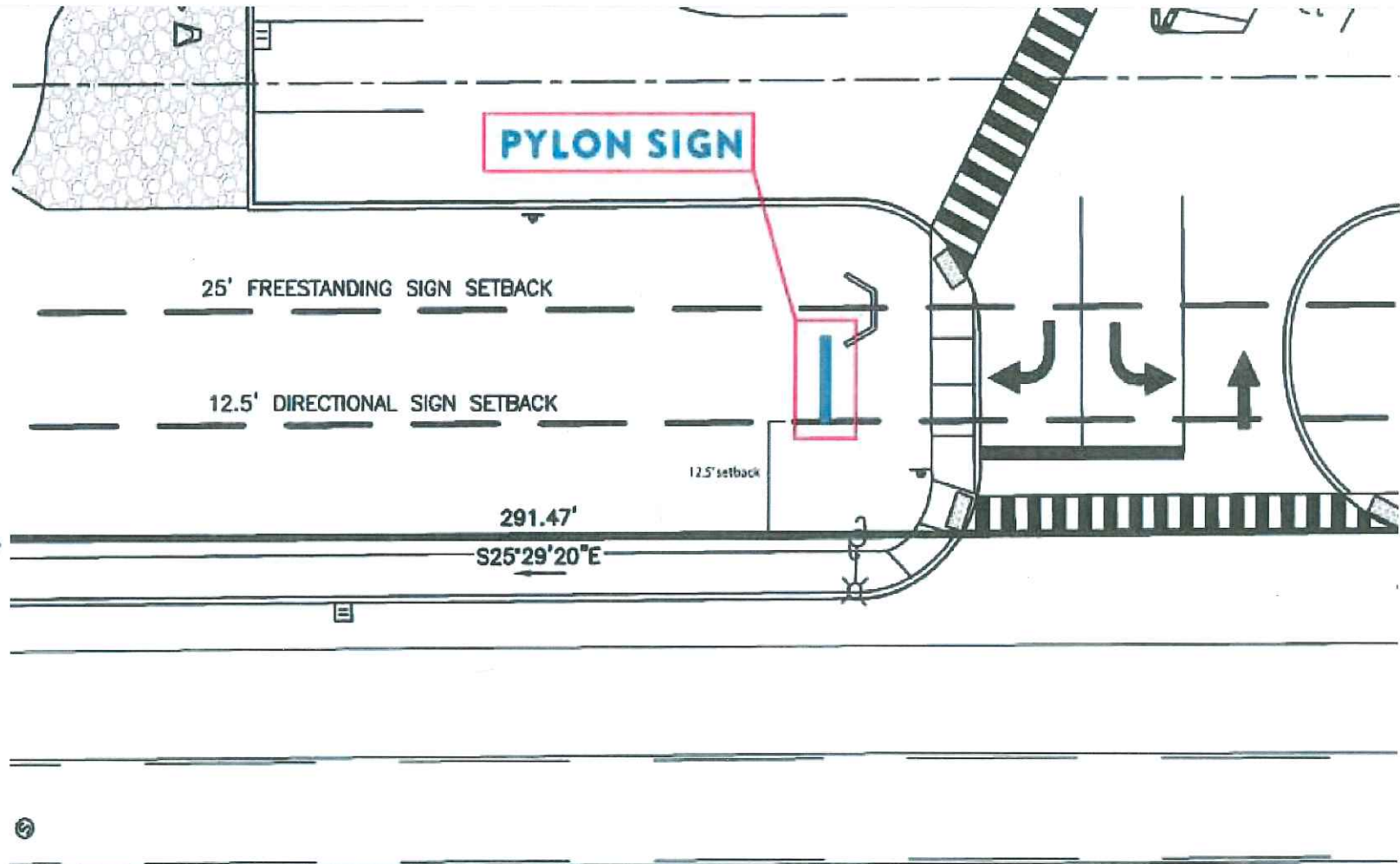
DEPT. Town Engineer Fire/Health Department Town Planner

3A. While I have no objections to the sign , I do believe the proposed location is an issue. Currently this sign is proposed at the bottom of an existing detention basin, see attachment 3A. Applicant shall evaluate the location of the sign because as shown it will be taller than proposed. plan and profile will be required to show that sight distance is not compromised.

3B. I have no comment

3C. Applicant shall provided plan and profile for the sight distance, to clear show that sight distance is not compromised.

(C1)



DERRY (CLASS IV) **STREET**

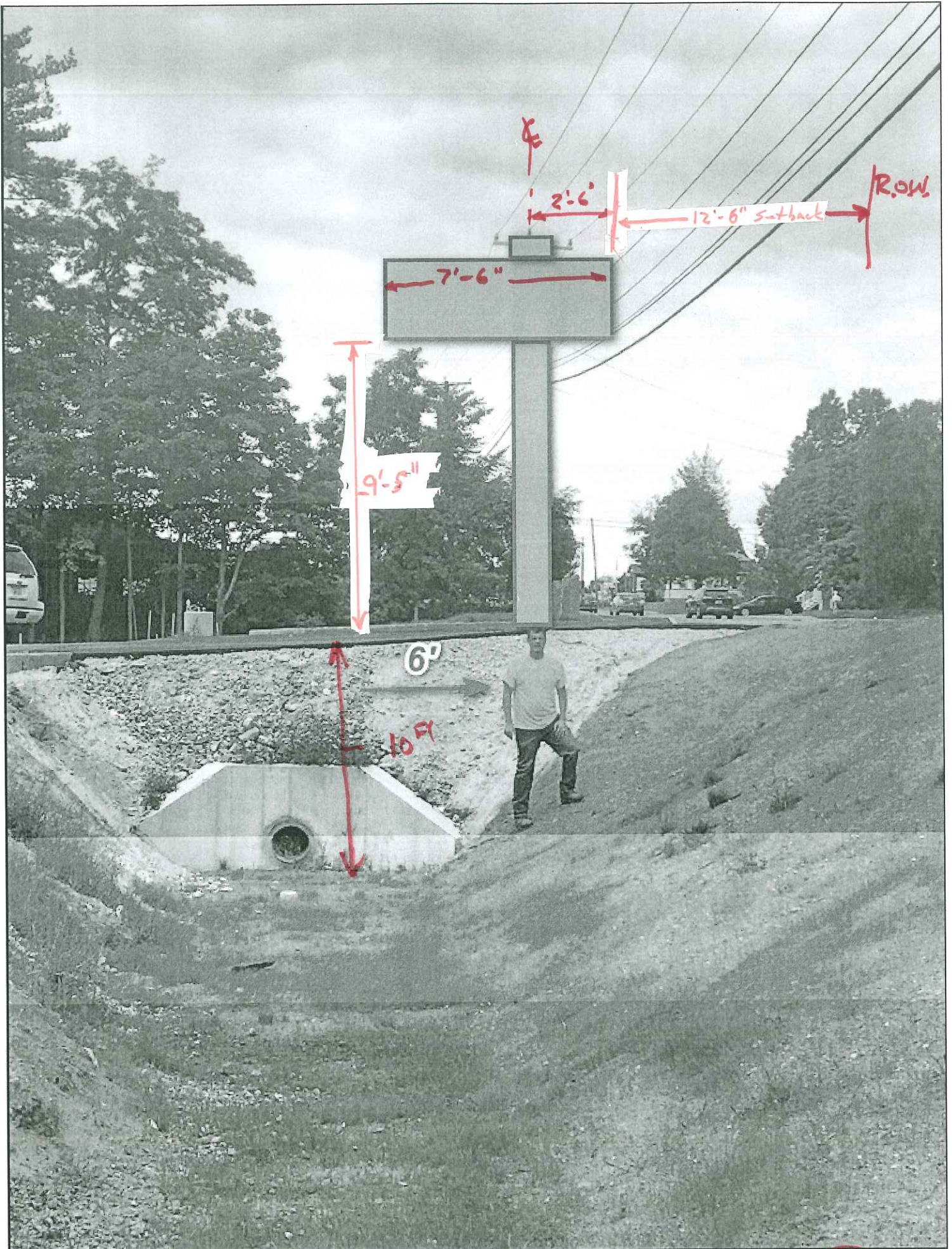
2021 REPRODUCTION IN WHOLE OR PART IS PROHIBITED WITHOUT PERMISSION FROM BURR:

Date:





(3)



CW

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

On **09/22/2022**, the Zoning Board of Adjustment heard Case 173-029 a, being a case brought by **Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requesting a Variance for 56 Derry St., Hudson, NH to locate a proposed free-standing Pylon sign (reference #1), within the required front setback of 25 ft. leaving 12.5 ft. of setback.** [Map 173, Lot 029-000; Zoned Business (B); HZO Article XII, Signs; §334-60.C, General requirements]

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

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

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

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

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

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

Member Decision: _____

Signed: _____ Date _____
 Sitting member of the Hudson ZBA

Stipulations: _____

APPLICATION FOR A VARIANCE

SEP 06 2022

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 173-0292(09-22-22)

Date Filed 9/6/22

Burr Signs -

Name of Applicant Meghan Lerman - mbr Map: 173 Lot: 629 Zoning District: B

Telephone Number (Home) (207) 396-6111 (Work) _____

Mailing Address 2 Karen Dr #4 Westbrook Me 04092

Owner Zielfelder Builders LLC

Location of Property 516 Derry St.
(Street Address)

Signature of Applicant [Signature] Date 8/31/22

Signature of Property-Owner(s) [Signature] Date 9/1/22

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: 9/6/22

COST:

Application fee (processing, advertising & recording) (non-refundable): \$ 85.00

9 Abutter Notice: _____

6 Direct Abutters x Certified postage rate \$ 4.60 = \$ 41.40

6 Indirect Abutters x First Class postage rate \$ 0.60 = \$ 3.60

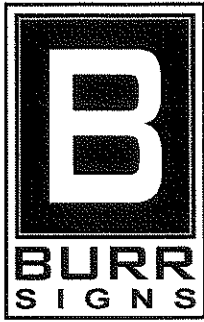
Total amount due: \$ 230

Variations a, b, c - Amt. received: \$ 230

Received by: [Signature] Receipt No.: 699,641

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

check # 4160



Property Owner Authorization

I, We, Scott Zielfelder, hereby authorize Meghan Lerman, Manager of BURR SIGNS, representative for Zielfelder Builders LLC; Zielfelder Holdings LLC to apply for a sign and Electrical permit for the following work to be completed:

Attend Variance meeting followed by Sign Installation after approval at **56**

Derry St., Hudson, NH.

X Scott Zielfelder
Property Owner 9/1/22

Address: 169 Canaan Back Rd Barrington, NH 03825

Phone: (603)664-3139

Email: S.Zielfelder@Metrocast.net

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>ML</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>ML</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>ML</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>ML</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>ML</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>ML</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>ML</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>ML</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> </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).

TB

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

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

[Signature]
Signature of Applicant(s)

8/31/22
Date

[Signature]
Signature of Property Owner(s)

9/1/22
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
173	029	*Include Applicant & Owner(s) Zielfelder Builders LLC	1169 Canada Back Rd Barrington NH 03825
173	026	Buttercup Hill Associates	PO Box 565 Keene NH 03431
173	030	DOMS Sports Bar	620 South Mammoth Rd Manchester NH 03109
173	028	M325 Real Estate LLC	PO BOX 414 Nashua NH 03061-0414
173	032	David Rugh Elaine Rugh	84 English Range Rd Derry NH 03038
173	033	Elizabeth Center Heirs c/o Barbara Mann	8716 Falkstone Ln. Alexandria VA 22309
174	030	Derry Rd LLC Hudson NH	49 Derry St. Hudson NH 03051
174	040	Barry L. Kaplan Tr. Kaplan Family Trust	116 Abbott St. Hudson NH 03051
		Applicant - Meghan Lerman Burr Signs MGR	2 Karen Dr #4 Westbrook ME 04092

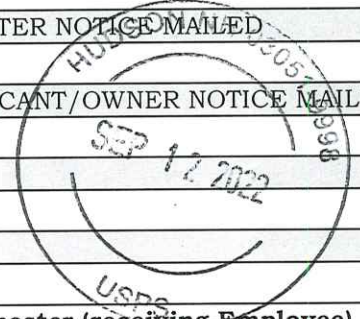
ALL INDIRECT ABUTTERS WITHIN 200 FEET

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)

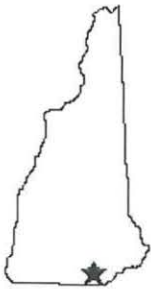
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
174	031-002	Susan Catino	47A Derry St. Hudson NH 03051
174	031-001	Ivan Garcia Ana Luzzardo	47B Derry St. Hudson NH 03051
173	034	46 Derry LLC	11 Northeastern Blvd #140 Nashua NH 03062
173	031	CBK Land LLC	50 Raymond Rd Auburn NH 03032
173	035	Timothy Buxton Susan Buxton	3 Cummings St. Hudson NH 03051
165	159	Hasan Goode, Tr. Julia Goode, Tr. Goode Family Rev. Liv Tr.	63 Derry St. Hudson NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 173-029 56 Derry Street Map 173/Lot 029-000	Variance ^s a, b, c 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting		
1	7022 2410 0001 2971 6279 ZIELFELDER BUILDERS LLC 169 CANAAN BACK RD., BARRINGTON, NH 03825	APPLICANT/OWNER NOTICE MAILED		
2	7022 2410 0001 2971 6286 BUTTERCUP HILL ASSOCIATES P.O. BOX 565, KEENE, NH 03431	ABUTTER NOTICE MAILED		
3	7022 2410 0001 2971 6293 DOM'S SPORTS BAR, LLC 620 SOUTH MAMMOTH RD., MANCHESTER, NH 03109	ABUTTER NOTICE MAILED		
4	7022 2410 0001 2971 6309 M325 REAL ESTATE, LLC PO BOX 414, NASHUA, NH 03061-0414	ABUTTER NOTICE MAILED;		
5	7022 2410 0001 2971 6316 RUGH, DAVID M. & ELAINE B. 84 ENGLISH RANGE ROAD, DERRY, NH 03038	ABUTTER NOTICE MAILED		
6	7022 2410 0001 2971 6323 CENTER HEIRS, ELIZABETH G.; c/o BARBARA MANN 8716 FALKSTONE LANE, ALEXANDRIA, VA 22309	ABUTTER NOTICE MAILED		
7	7022 2410 0001 2971 6330 DERRY ROAD HUDSON NH, LLC 49 DERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
8	7022 2410 0001 2971 6347 KAPLAN, BARRY L., TR.; KAPLAN FAMILY TRUST 16 ABBOTT STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
9	7022 2410 0001 2971 6354 MEGHAN LERMAN, MANAGER; BURR SIGNS 2 KAREN DR., #4, WESTBROOK, ME 04092	APPLICANT/OWNER NOTICE MAILED		
10				
11				
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office 9	Postmaster (receiving Employee) Paula Angelli	



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 173-029 56 Derry Street Map 173/Lot 029-000	Variances a, b, c 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting	
1	Mailed First Class	CATINO, SUSAN R.	ABUTTER NOTICE MAILED	
		47A DERRY ST., HUDSON, NH 03051		
2	Mailed First Class	GARCIA, IVAN A.; LUZARDO, ANA	ABUTTER NOTICE MAILED	
		47 B DERRY ST., HUDSON, NH 03051		
3	Mailed First Class	46 DERRY LLC	ABUTTER NOTICE MAILED	
		11 NORTHEASTERN BLVD ST. 140, NASHUA, NH 03062		
4	Mailed First Class	CBK LAND LLC	ABUTTER NOTICE MAILED	
		50 RAYMOND RD., AUBURN, NH 03032		
5	Mailed First Class	BUXTON, TIMOTHY F. & SUSAN M.	ABUTTER NOTICE MAILED	
		3 CUMMINGS ST., HUDSON, NH 03051		
6	Mailed First Class	GOODE, HASAN & JULIA, TRSTS.;	ABUTTER NOTICE MAILED	
		GOODE FAMILY REV LIV TRUST		
		63 DERRY ST., HUDSON, NH 03051		
7				
8				
9				
10				
11				
12				
13				
14				
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)	
	6	6	Paula Angeli	





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

September 09, 2022

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/22/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 173-029 a-c (09-22-22): Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requests three (3) Variances for 56 Derry St., Hudson, NH [Map 173, Lot 029-000; Zoned Business (B)] as follows:

- a. **To locate a proposed free-standing Pylon sign (reference #1), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements]**
- b. **To locate one (1) additional, 22.25 sq. ft. wall sign on the building south side (reference# 2), in addition to the permitted wall sign on the east side of the building. [HZO Article XII, Signs; §334-63, Business and industrial building signs]**
- c. **To locate two (2) directional signs (reference #4 and #5), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements and §334-58 B(3), Permit required; exemptions]**

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article XII Signs of HZO Section(s) 334-60c 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.



BURR SIGNS
2 KAREN DR SUITE 4
WESTBROOK, ME 04092
(207)396-6111

RE: Variance Request A) Pylon sign in Front Setback – Reference #1

To Whom It May Concern:

We are applying for a Variance for a new Aroma Joe's coffee shop located at **56 Derry St.**

We are seeking relief from the Hudson Zoning Ordinance, Article XII: Signs 334-60.C: General requirements to locate a proposed free-standing Pylon sign (reference #1), within the required setback of 25 ft leaving 12.5 ft of setback.

This is a newly constructed building that faces some unique challenges as they plan for Sign/menu installs. Please see attached sheet stating our facts based on the questions that are asked on the variance application.

Meghan Lerman

Office Manager

BURR SIGNS

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

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.

SEE
Attached



BURR SIGNS
2 KAREN DR SUITE 4
WESTBROOK, ME 04092
(207)396-6111

VARIANCE FACTS- AROMA JOES: 56 DERRY ST

RE: Pylon Sign #1

#1 The Requested changes do not affect the essential character of the neighborhood but instead addresses issues related to such a small site

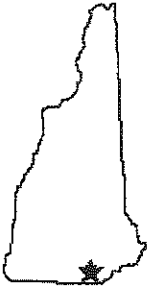
#2 The proposed use will observe the spirit of the ordinance because the property owner is simply looking for minor relief due to setback challenges and the fact that the store is a drive thru location only.

#3 Substantial justice would be done to the property owner by granting the variance because the movement of the pylon removes it from being in the traffic pattern

#4 The proposed use will not diminish the values of surrounding properties because the requested changes are in keeping with what is reasonable to expect from any business and what signage they typically install roadside.

#5 **(A.1)** Special conditions exist at this property and create a hardship because of the way the ordinance stipulates that the sign be set back 25 feet from the ROW it would put the pylon in the drive thru exit.

(A.2) The conditions of the property make the proposed use reasonable because both the lot and building size are small making this a drive thru only location. For these reasons we believe the request is a reasonable one for greater vehicular visibility and for dimensional set back due to ordinance obstruction.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-073
Sign permit application 2022-00636 Denial

June 9, 2022

Meghan Lerman
Burr Signs
2 Karen Dr #4
Westbrook, ME 04092

Re: 56 Derry St Map 173 Lot 029-000
District: **Business (B)**

Zoning Review / Determination: Free standing sign application dated 6/8/22.

The submitted plot plan does not indicate any dimensioned setback from Derry St (Rt 102), per HZO §334-60C: *"All signs shall be set back from any public right-of-way a distance not less than 50% of the front setback requirement for other structures within the district in which the sign is located."*

Requirement is 25'-0" setback, and measured from the leading edge of the sign, not the pylon.

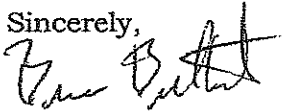
§334-60J: *In zoning districts that allow freestanding signs, the maximum height of such signs shall be 30 feet. In addition to the language specific to advertising, all freestanding signs shall have the street number clearly identified. Numbers are to be four inches in height and black or white, whichever will contrast with the proposed sign colors.*

Dwg identified as #1, indicated the total sq ft as 17.5 sqft. Proposed sign face dimensions are 7'-6" x 3'-0" = 22.5 sqft.

§334-64A allows up to 100 sq ft on each face.

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

Sincerely,



Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth – Town Planner
D. Hebert – Fire Marshal
File

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

Property Location 56 DERRY ST
 Vision ID 7548

Account # 2258

Map ID 173/ 029/ 000/ /
 Bldg # 1

Card Location:
 Sec # 1 of 1

Card # 1 of 1

State Use 325V
 Print Date 8/25/2022 3:34:42 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
ZIELFELDER BUILDERS LLC 169 CANAAN BACK RD. BARRINGTON NH 03825		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		MD3	Mid Derry Comm Area			2022	3900	317,300	2021	3900	321,100	2021	3900	321,100
		TOPO	UTILITIES											
		Level	Town Water											
		Town Sewer												
					Total		356,700	Total		317,300	Total		321,100	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
ZIELFELDER BUILDERS LLC	9543	1472	10-21-2021	Q	V	475,000	00	sold after approvals for aroma joes Grantor: PAN, STEVE S.,	Appraised Bldg. Value (Card)			0
ZIELFELDER, SCOTT	9561	386	10-19-2021	U	V	0	31		Appraised Xf (B) Value (Bldg)			0
PAN, STEVE S.	6281	0776	08-23-2000	Q	V	150,000	00	Grantor: U.S. GAS, INC. Grantor: GREENE-WALSH, LINDA Grantor: SANTOS, W	Appraised Ob (B) Value (Bldg)			25,200
U.S. GAS, INC.	5994	1206	09-15-1998	Q	V	150,000	00		Appraised Land Value (Bldg)			418,000
GREENE-WALSH, LINDA	5563	961	07-13-1994	Q	V	75,000	00	Special Land Value			0	
									Total Appraised Parcel Value			443,200
									Valuation Method			C
									Total Appraised Parcel Value			443,200

SUPPLEMENTAL DATA		CURRENT ASSESSMENT			
Parcel ID	173-029-000	Description	Code	Assessed	Assessed
Zoning	BD:BD	LAND	3250	418,000	418,000
Flood Hazard	C	OB	3250	25,200	25,200
Neigh/Abut1					
Neigh/Abut2					
Neigh/Abut3					
GIS ID	173-029-000	Total		443,200	443,200
	Assoc Pid#				

NOTES		VISIT / CHANGE HISTORY			
JULY 2005 - STATE GRANTED 1183 SF. ACRE SHOP AND DRIVETHRU AGE ADJUSTED.For Sale 2019 thru 2021- \$4 2022 FOUNDATION ONLY - SITE FENCED = EST 60,000LAND AC ADJ PER PLAN REMOVED /REVI 5/22 - GREEN BOARD/STUD EW FOR 2005 PER PLAN APPROVED FOR RESTAU RANT SITE AND HOUSE DEMO./Plan #32223 FOUND. ONLY 4/1/22, CK 23 AND ADD COFFEE		Date	Id	Cd	Purpost/Result
		05-16-2022	23	02	Measured
		04-01-2022	21	15	Permit Visit
		03-31-2022	23	08	Info From Building Permit
		06-23-2021	01	20	Other Change
		06-11-2017	09	45	Field Review
		05-07-2012	09	45	Field Review
		01-17-2007	09	14	Inspected
12-15-2004	01	15	Permit Visit		

BUILDING PERMIT RECORD								Comments	
Permit Id	Issue Date	TYPE	Description	Amount	Status	Applicant	SQ ft		
2022-00120	03-10-2022	CN		607,350	O	Destefano Associates	0	Aroma Joe's Coffee Shop.	
2022-00120-5-	03-09-2022	PL		40,000	C	Comfort 4 You LLC	0	Plumbing for Aroma Joe's Coffee Shop.	
2022-00163	03-01-2022	AC		0	C		0	Commercial Construction office trailer: 10' x 10'	
2022-00120-4-	03-01-2022	EL		4,000	C	DRINKWATER & SONS	0	Electric for Aroma Joe's Coffee Shop.	
2022-00120-3-	02-14-2022	SW		0	C	Destefano Associates	0	New sewer connection for Aroma Joe's Coffee Shop.	
2022-00120-2-	02-14-2022	WA		0	C	Destefano Associates	0	New Water Connection for Aroma Joe's Coffee Shop.	
2022-00120-1-	02-14-2022	FC		56,750	C	Destefano Associates	0	Foundation for Aroma Joe's Coffee Shop.	
2021-01306	12-14-2021	ELEC			C	ZIELFELDER BUILDER	0	Temporary Service - Aroma Joe's	

LAND LINE VALUATION SECTION																
B	Use Code	Description	Zone	LA	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustmnt	Adj Unit P	Land Value
1	325V	STORE MDL-00	B		Site	0.936 AC	260,000	1.04102	E	1.00	MD3	1.650		1.0000	446,602	418,000
Total Card Land Units						0.936 AC	Parcel Total Land Area						0.936	Total Land Value		418,000

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

Property Location 56 DERRY ST
 Vision ID 7548

Account # 2258

Map ID 173/029/000/

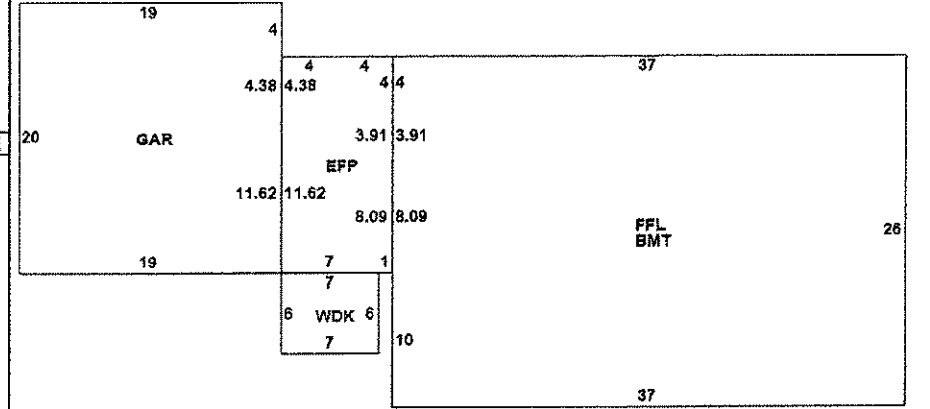
Bldg # 1

Bldg Name
 Sec # 1 of 1

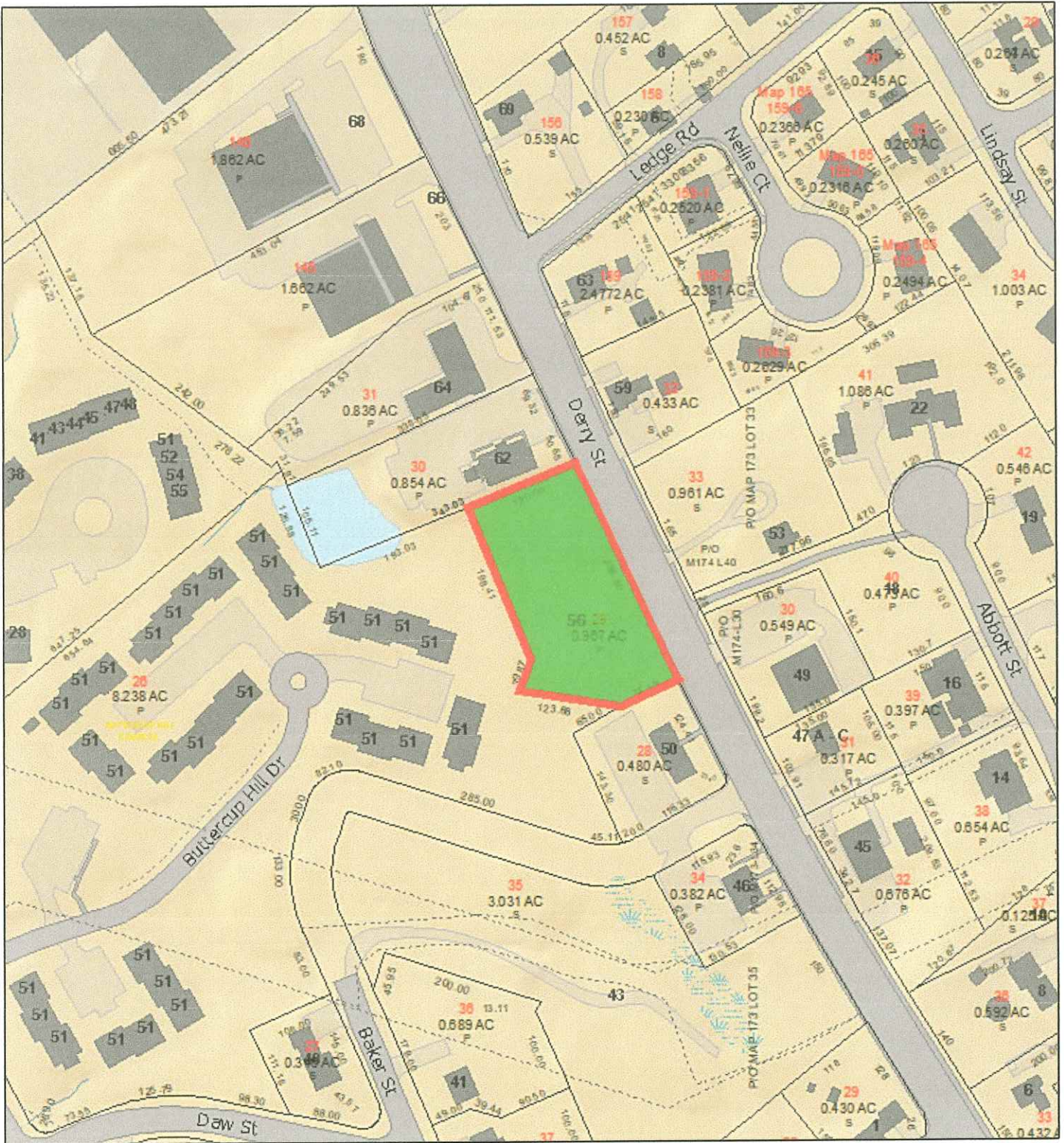
Card # 1 of 1

State Use 325V
 Print Date 8/25/2022 3:34:43 PM

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)							
Element	Cd	Description	Element	Cd	Description					
Model	00	Vacant	Avg Ht/FL							
Stories:	99	Vacant Land	Extra Kitchens							
Style:			Add Kitchen R							
Grade:										
(Liv) Units										
Exterior Wall 1										
Roof Structure										
Roof Cover										
Frame										
Foundation										
Interior Wall 1										
Interior Floor 1										
Heat Fuel										
Heat Type										
# Heat Systems										
AC Percent										
Total Rooms										
Bedrooms										
Full Baths										
3/4 Baths										
Half Baths										
Extra Fixtures										
Kitchens										
Kitchen Rating										
Bath Rating										
Half Bath Ratin										
Bsmt Garage										
Fireplace(s)										
Fireplace Ratin										
WS Flues										
Color										
Avg Ht/FL										
Extra Kitchens										
COST / MARKET VALUATION										
Building Value New			0							
Year Built			2022							
Effective Year Built			0							
Depreciation Code			AV							
Remodel Rating										
Year Remodeled										
Depreciation %										
Functional Obsol										
External Obsol										
Trend Factor			1.000							
Condition			NC							
Condition %			50							
Percent Good										
RCNLD			0							
Dep % Ovr										
Dep Ovr Comment										
Misc Imp Ovr										
Misc Imp Ovr Comment										
Cost to Cure Ovr										
Cost to Cure Ovr Comment										
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L	Units	Unit P	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
FOUND	Foundation	L	1	26500	2022	EX	95	S-EX	1.00	25,200
BUILDING SUB-AREA SUMMARY SECTION										
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value				
BMT	Basement	0	962	241						
EFP	Enc Porch	0	128	128						
FFL	First Floor	962	962	962						
GAR	Garage	0	380	380						
WDK	Wood Deck	0	42	42						
Ttl Gross Liv / Lease Area		962	2,474	1,753						



56 Derry Street (Map/Lot 173-029-000)



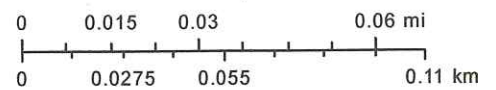
September 2, 2022

Legend

----- Easement_Lines

▭ Parcels

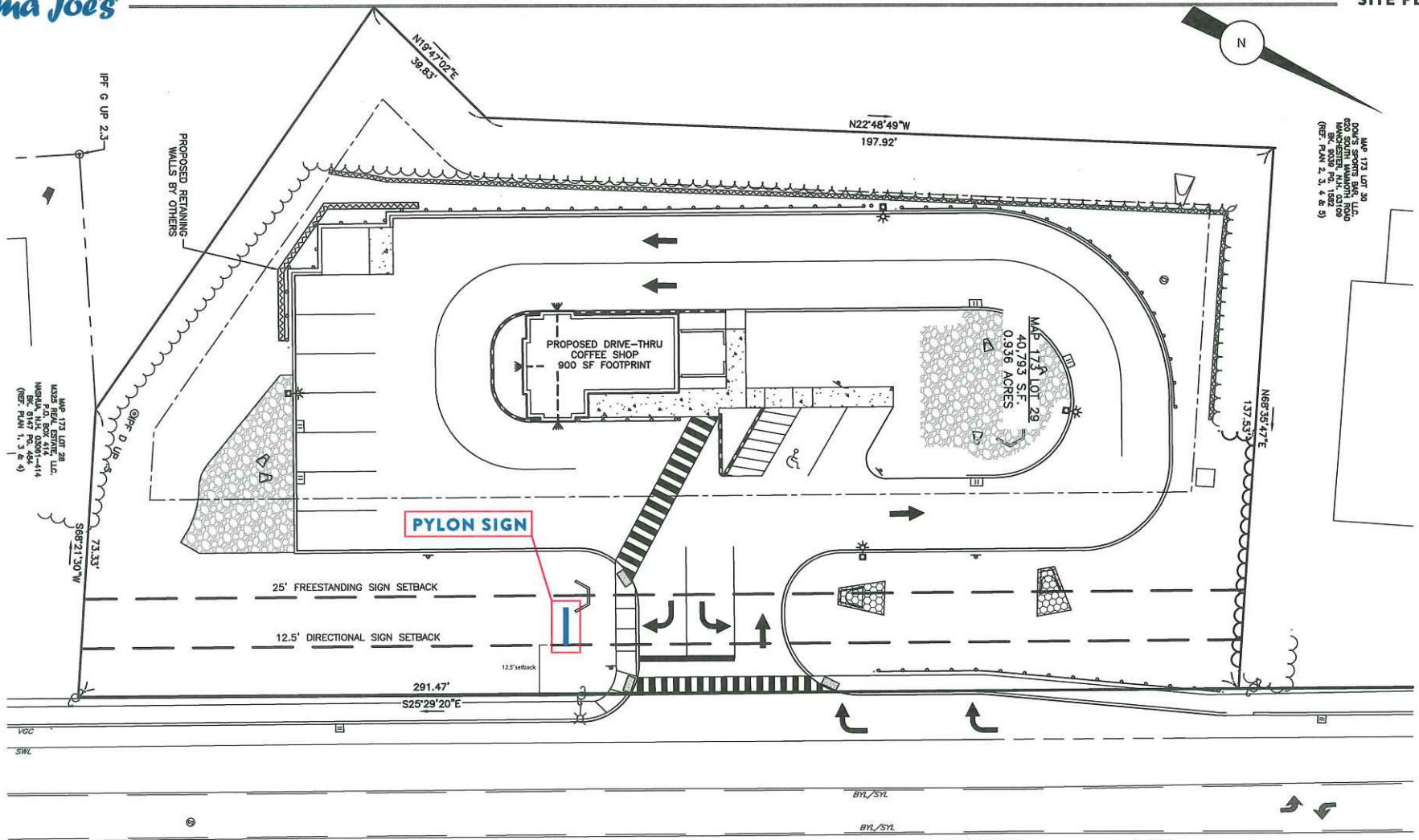
1:2,048



#1

Aroma Joe's

SITE PLAN - Pylon Sign



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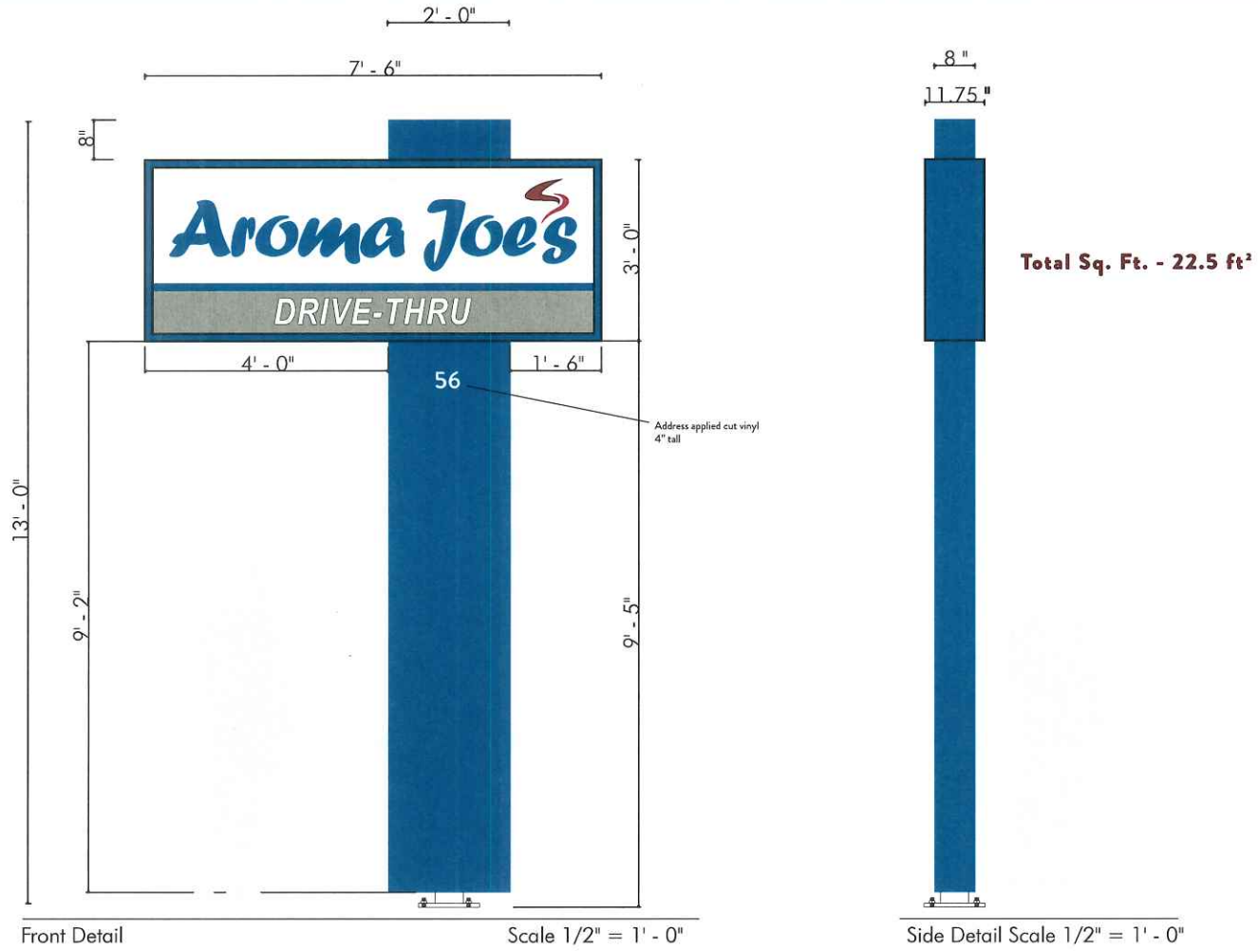
Approved by: _____ Date: _____

These plans are the exclusive property of Burr Signs and are the result of the original artwork of its employees. They are submitted to Burr Signs' client for the sole purpose of consideration of whether to purchase these plans or to purchase from Burr Signs a sign manufactured according to these plans.

Distribution or exhibition of these plans to anyone other than employees of said client, or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden. In the event that such exhibition or construction occurs, Burr Signs expects to be reimbursed \$1500 in compensation for time & effort entailed in creating this plans.

2 Karen Drive, Stop 4 • Westbrook, Maine 04092
Telephone: 207.396.6111 • <http://www.burrsigns.com>





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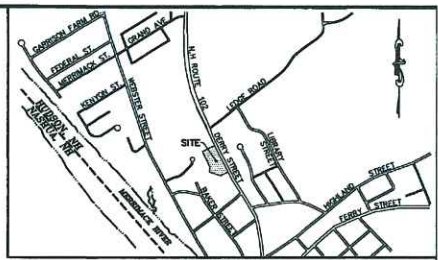
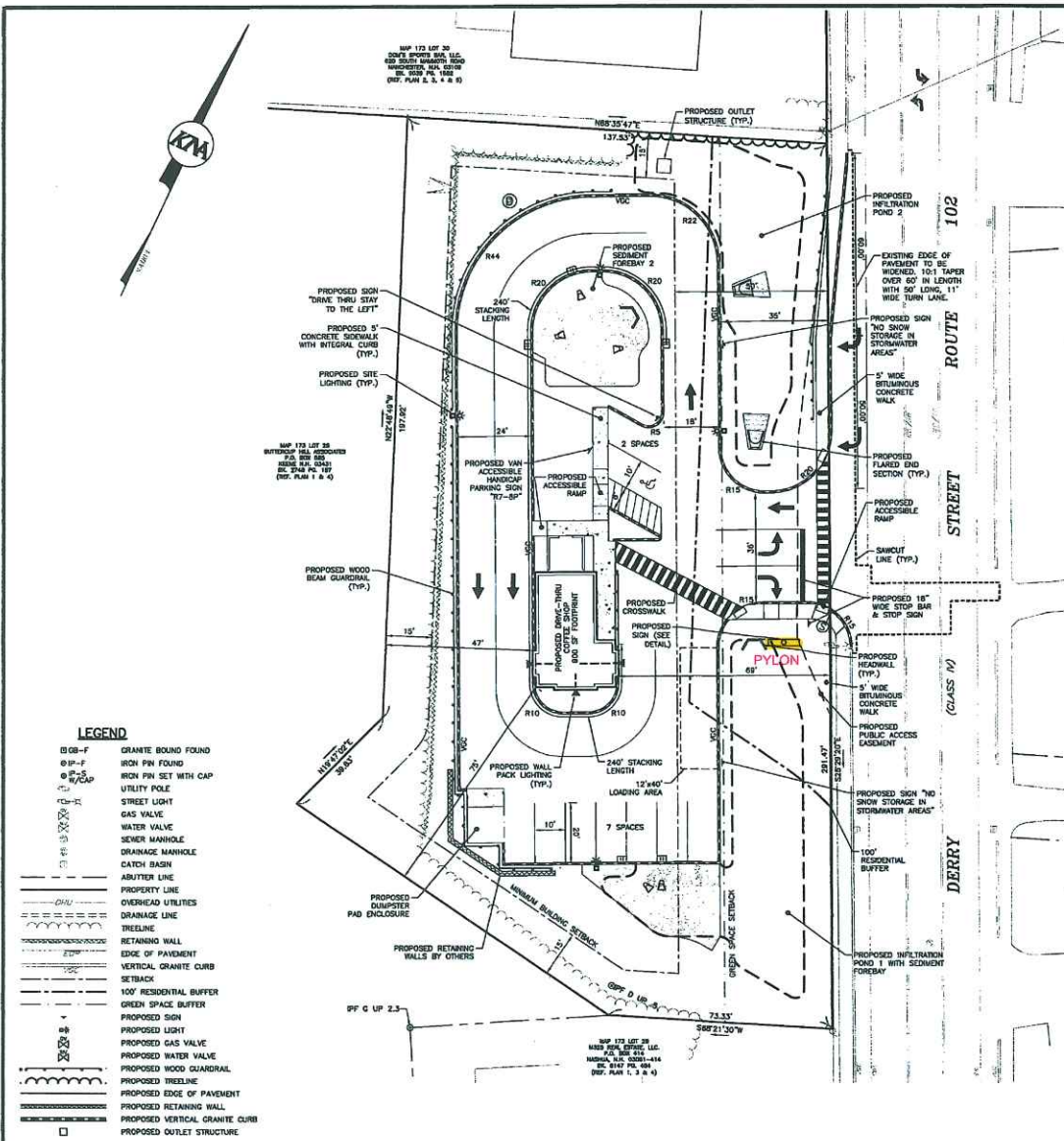
Approved by: _____ Date: _____

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2 Karen Drive, Stop 4 - Westbrook, Maine 04092
Telephone: 207.396.6111 - http://www.burrsigns.com





VICINITY PLAN
SCALE: 1" = 1000'

TOWN OF HUDSON
SEP 06 2022
Zoning Department

LEGEND

- 0 08'-F GRANITE BOUND FOUND
- 0 01'-F SIGN FIN FOUND
- 0 02'-F SIGN FIN SET WITH CAP
- 0 03'-F UTILITY POLE
- 0 04'-F STREET LIGHT
- 0 05'-F GAS VALVE
- 0 06'-F WATER VALVE
- 0 07'-F SEWER MANHOLE
- 0 08'-F DRAINAGE MANHOLE
- 0 09'-F CATCH BASIN
- 0 10'-F ABUTTER LINE
- 0 11'-F PROPERTY LINE
- 0 12'-F OVERHEAD UTILITIES
- 0 13'-F DRAINAGE LINE
- 0 14'-F TREELINE
- 0 15'-F RETAINING WALL
- 0 16'-F EDGE OF PAVEMENT
- 0 17'-F VERTICAL GRANITE CURB
- 0 18'-F SETBACK
- 0 19'-F 100' RESIDENTIAL BUFFER
- 0 20'-F GREEN SPACE BUFFER
- 0 21'-F PROPOSED SIGN
- 0 22'-F PROPOSED LIGHT
- 0 23'-F PROPOSED GAS VALVE
- 0 24'-F PROPOSED WATER VALVE
- 0 25'-F PROPOSED WOOD GUARDRAIL
- 0 26'-F PROPOSED TREELINE
- 0 27'-F PROPOSED EDGE OF PAVEMENT
- 0 28'-F PROPOSED RETAINING WALL
- 0 29'-F PROPOSED VERTICAL GRANITE CURB
- 0 30'-F PROPOSED OUTLET STRUCTURE

SEE SHEET 1 FOR NOTES & REFERENCE PLANS

LOAM & SEED ALL DISTURBED AREAS (TYP.)

GRAPHIC SCALE



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

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

SIGNATURE DATE: _____

SIGNATURE DATE: _____

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

OWNER OF MAP 173 LOT 29

SIGNATURE: _____

DATE: _____

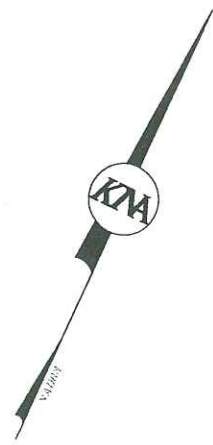
NON RESIDENTIAL SITE PLAN
AROMA JOE'S
MAP 173 LOT 29
56 DERRY STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER & APPLICANT:
ZIEFELDER BUILDER'S LLC
6/0 SCOTT ZIEFELDER
169 CANAAN BACK ROAD
BARRINGTON, NH 03825

KM REACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 30, Bedford, NH 03110 Phone (603) 887-8881

No.	DATE	DESCRIPTION	BY
1	07/23/2021	REVISED PER REVIEW COMMENTS	PCG
2	08/12/2021	REVISED PER PLANNING BOARD COMMENTS	ACL
3	08/30/2021	REVISED PER REVIEW COMMENTS	ACL
4	10/08/2021	REVISED PER CONDITIONS OF APPROVAL	ACL

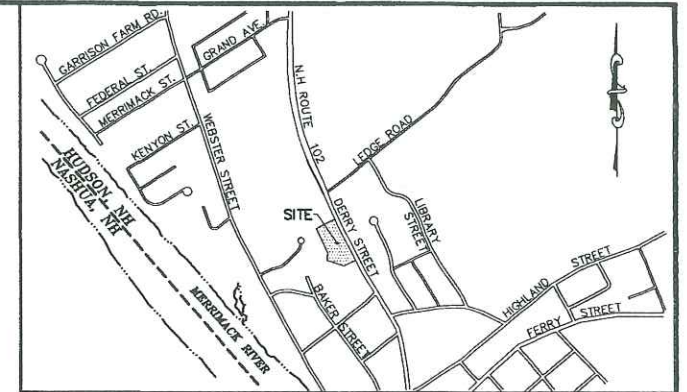
DATE: JUNE 22, 2021 SCALE: 1"=20'
PROJECT NO: 21-0311-1 SHEET 3 OF 14



MAP 173 LOT 20
DOM'S SPORTS BAR, LLC
620 SOUTH MANHATTAN ROAD
MANCHESTER, N.H. 03109
P.L. 9030 PG. 1502
(REF. PLAN 2, 3, 4 & 5)

MAP 173 LOT 26
BUTTERCUP HILL ASSOCIATES
P.O. BOX 585
KEENE, N.H. 03431
BK. 2748 PG. 187
(REF. PLAN 1 & 4)

MAP 173 LOT 29
M325 HEMA ESTATE, LLC
P.O. BOX 414
NASHUA, N.H. 03081-414
BK. 8147 PG. 404
(REF. PLAN 1, 3 & 4)

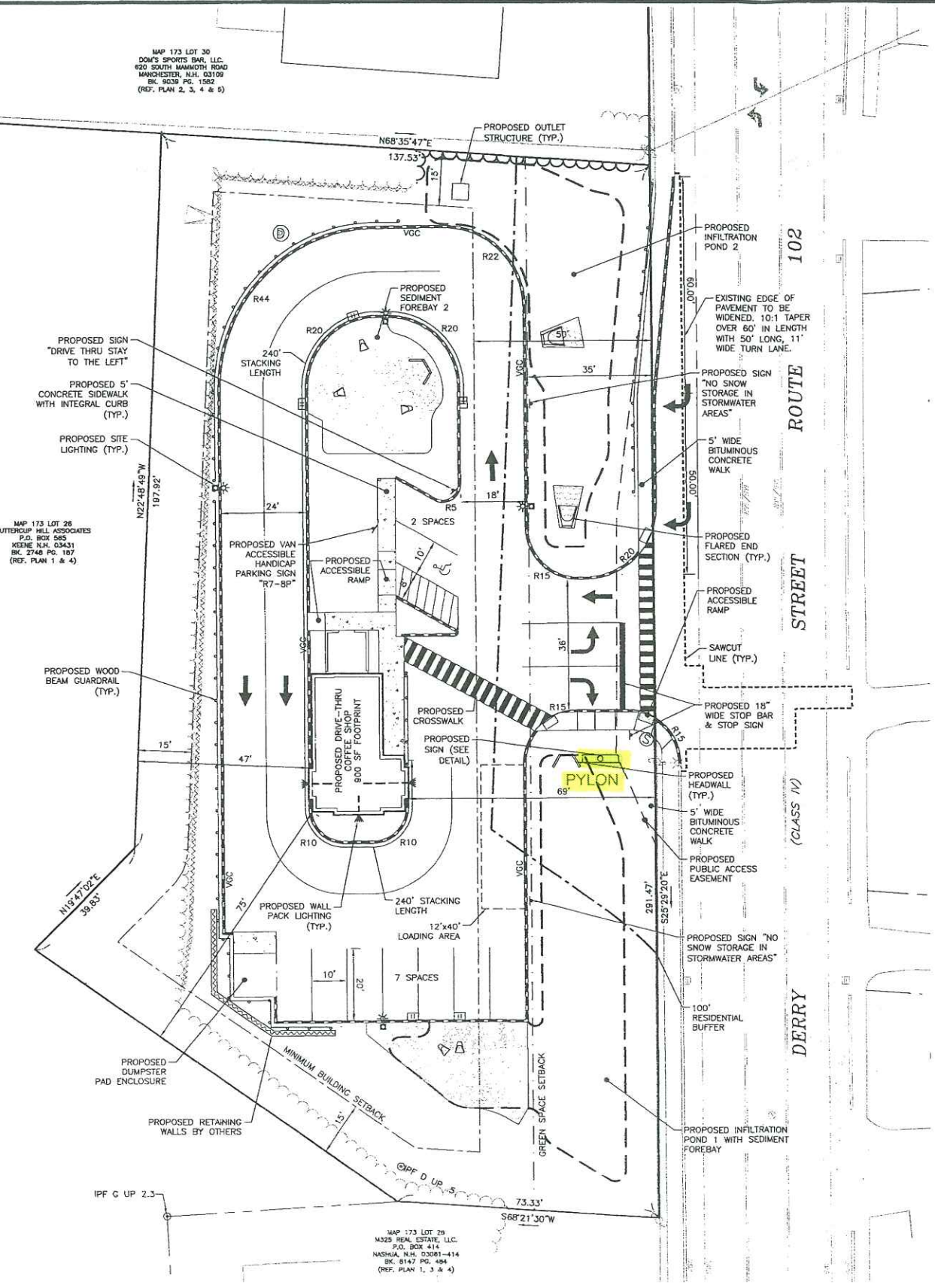


VICINITY PLAN
SCALE: 1" = 1000'

TOWN OF HUDSON
SEP 06 2022
Zoning Department

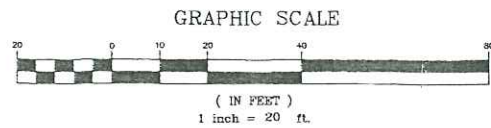
LEGEND

□ GB-F	GRANITE BOUND FOUND
⊙ IP-F	IRON PIN FOUND
⊙ IP-S	IRON PIN SET WITH CAP
⊙ W/CAP	UTILITY POLE
⊙	STREET LIGHT
⊙	GAS VALVE
⊙	WATER VALVE
⊙	SEWER MANHOLE
⊙	DRAINAGE MANHOLE
⊙	CATCH BASIN
---	ABUTTER LINE
---	PROPERTY LINE
---	OVERHEAD UTILITIES
---	DRAINAGE LINE
---	TREELINE
---	RETAINING WALL
---	EDGE OF PAVEMENT
---	VERTICAL GRANITE CURB
---	SETBACK
---	100' RESIDENTIAL BUFFER
---	GREEN SPACE BUFFER
---	PROPOSED SIGN
---	PROPOSED LIGHT
---	PROPOSED GAS VALVE
---	PROPOSED WATER VALVE
---	PROPOSED WOOD GUARDRAIL
---	PROPOSED TREELINE
---	PROPOSED EDGE OF PAVEMENT
---	PROPOSED RETAINING WALL
---	PROPOSED VERTICAL GRANITE CURB
---	PROPOSED OUTLET STRUCTURE



SEE SHEET 1 FOR NOTES & REFERENCE PLANS

LOAM & SEED ALL DISTURBED AREAS (TYP.)



NON RESIDENTIAL SITE PLAN
AROMA JOE'S
MAP 173 LOT 29
56 DERRY STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER & APPLICANT:
ZIELFELDER BUILDER'S LLC
C/O SCOTT ZIELFELDER
169 CANAAN BACK ROAD
BARRINGTON, NH 03825

KMA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2891

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	07/23/2021	REVISED PER REVIEW COMMENTS	POC
2	08/12/2021	REVISED PER PLANNING BOARD COMMENTS	ACL
3	08/30/2021	REVISED PER REVIEW COMMENTS	ACL
4	10/08/2021	REVISED PER CONDITIONS OF APPROVAL	ACL

DATE: JUNE 22, 2021 SCALE: 1"=20'
PROJECT NO: 21-0311-1 SHEET 3 OF 14

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

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

SIGNATURE DATE: _____

SIGNATURE DATE: _____

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

OWNER OF MAP 173 LOT 29

SIGNATURE: _____
DATE: _____

Printed
 9/06/2022
 12:22PM
 Created
 9/06/2022
 12:16 PM

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

Receipt# 699,641
 tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-9/22/22 ZBA Mtg. 56 Derry Street (Aroma Joe's) Map/Lot 173-029-000			
	Variance a-Pylon Sig	0.00	230.0000	0.00
	Variance b-Wall sign	0.00	185.0000	0.00
	Variance c-Direction	0.00	185.0000	0.00
			Total:	600.00

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Burr Signs	CHECK	CHECK# 4160	600.00	0.00	600.00
			Total Due:		600.00
			Total Tendered:		600.00
			Total Change:		0.00
			Net Paid:		600.00

The Sign of a Good Business Since 1987
 09/03/2022 Town of Hudson

4160

600.00

Infinity Checking

Variance Process - Aroma Joe's

600.00

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

On **09/22/2022**, the Zoning Board of Adjustment heard Case 173-029 b, being a case brought by **Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requesting a Variance for 56 Derry St., Hudson, NH to locate one (1) additional, 22.25 sq. ft. wall sign on the building south side (reference# 2), in addition to the permitted wall sign on the east side of the building.** [Map 173, Lot 029-000; Zoned Business (B); HZO Article XII, Signs; §334-63, Business and industrial building signs]

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

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

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

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

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

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

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Stipulations: _____

TOWN OF HUDSON

SEP 06 2022

Zoning Department

APPLICATION FOR A VARIANCE

b) Wall Sign #2

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

Case No. 173-0296 (09-22-22)

Date Filed 9/6/22

Zoning Board of Adjustment
Town of Hudson

Burr Signs

Name of Applicant Meghan Lerman MGR Map: 173 Lot: 029 Zoning District: B

Telephone Number (Home) (207) 396-4111 (Work) _____

Mailing Address 2 Karen Dr #4 Westbrook Me 04092

Owner Zielfelder Builders LLC

Location of Property 56 Derry St.
(Street Address)

Signature of Applicant [Signature] Date 8/31/22

Signature of Property-Owner(s) [Signature] Date 9/1/22

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: 9/6/22

COST:

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

 Abutter Notice:

 Direct Abutters x Certified postage rate \$ = \$ N/A

 Indirect Abutters x First Class postage rate \$ = \$ N/A

Total amount due: \$ 185.00

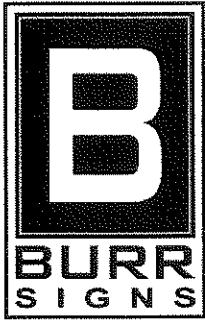
Amt. received: \$ 185

Receipt No.: 699,641

Received by: [Signature]

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

Check #
4160

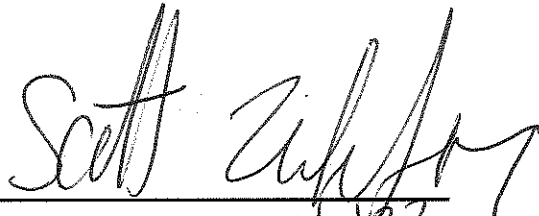


Property Owner Authorization

I, We, Scott Zielfelder, hereby authorize Meghan Lerman, Manager of BURR SIGNS, representative for Zielfelder Builders LLC; Zielfelder Holdings LLC to apply for a sign and Electrical permit for the following work to be completed:

Attend Variance meeting followed by Sign Installation after approval at **56**

Derry St., Hudson, NH.

X 
Property Owner 9/1/22

Address: 169 Canaan Back Rd Barrington, NH 03825

Phone: (603)664-3139

Email: S.Zielfelder@Metrocast.net

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>MC</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>MC</u>	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)	<u>TG</u>
<u>MC</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>MC</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>MC</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>MC</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>MC</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>MC</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>MC</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. TG
- 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.

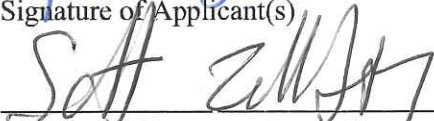
The applicant and owner have signed and dated this form to show his/her awareness of these requirements.



Signature of Applicant(s)

8/31/22

Date



Signature of Property Owner(s)

9/1/22

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
173	029	*Include Applicant & Owner(s) Zielfelder Builders LLC	1169 Canaan Back Rd Barrington NH 03825
173	026	Buttercup Hill Associates	PO Box 565 Keene NH 03431
173	030	DOMS Sports Bar	620 South Mammoth Rd Manchester NH 03109
173	028	M325 Real Estate LLC	PO Box 414 Nashua NH 03061-0414
173	032	David Rugh Elaine Rugh	84 English Range Rd Derry NH 03038
173	033	Elizabeth Center heirs c/o Barbara Mann	8716 Falkstone Ln. Alexandria VA 22309
174	030	Derry Rd LLC Hudson NH	49 Derry St. Hudson NH 03051
174	040	Barry L. Kaplan Tr. Kaplan Family Trust	116 Abbott St. Hudson NH 03051
		Applicant - Meghan Lerman Burr Signs MGR	2 Karen Dr #4 Westbrook ME 04092

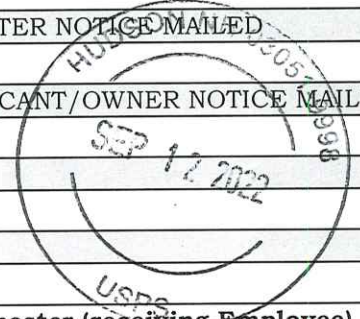
ALL INDIRECT ABUTTERS WITHIN 200 FEET

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.

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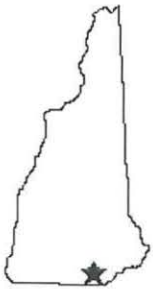
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
174	031-002	Susan Catino	47A Derry St. Hudson NH 03051
174	031-001	Ivan Garcia Ana Luzzardo	47B Derry St. Hudson NH 03051
173	034	4e Derry LLC	11 Northeastern Blvd #140 Nashua NH 03062
173	031	CBK Land LLC	50 Raymond Rd Auburn NH 03032
173	035	Timothy Buxton Susan Buxton	3 Cummings St. Hudson NH 03051
165	159	Hasan Goode, Tr. Julia Goode, Tr. Goode Family Rev LIV Tr.	63 Derry St. Hudson NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 173-029 56 Derry Street Map 173/Lot 029-000	Variance ^s a, b, c 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting		
1	7022 2410 0001 2971 6279 ZIELFELDER BUILDERS LLC 169 CANAAN BACK RD., BARRINGTON, NH 03825	APPLICANT/OWNER NOTICE MAILED		
2	7022 2410 0001 2971 6286 BUTTERCUP HILL ASSOCIATES P.O. BOX 565, KEENE, NH 03431	ABUTTER NOTICE MAILED		
3	7022 2410 0001 2971 6293 DOM'S SPORTS BAR, LLC 620 SOUTH MAMMOTH RD., MANCHESTER, NH 03109	ABUTTER NOTICE MAILED		
4	7022 2410 0001 2971 6309 M325 REAL ESTATE, LLC PO BOX 414, NASHUA, NH 03061-0414	ABUTTER NOTICE MAILED;		
5	7022 2410 0001 2971 6316 RUGH, DAVID M. & ELAINE B. 84 ENGLISH RANGE ROAD, DERRY, NH 03038	ABUTTER NOTICE MAILED		
6	7022 2410 0001 2971 6323 CENTER HEIRS, ELIZABETH G.; c/o BARBARA MANN 8716 FALKSTONE LANE, ALEXANDRIA, VA 22309	ABUTTER NOTICE MAILED		
7	7022 2410 0001 2971 6330 DERRY ROAD HUDSON NH, LLC 49 DERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
8	7022 2410 0001 2971 6347 KAPLAN, BARRY L., TR.; KAPLAN FAMILY TRUST 16 ABBOTT STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
9	7022 2410 0001 2971 6354 MEGHAN LERMAN, MANAGER; BURR SIGNS 2 KAREN DR., #4, WESTBROOK, ME 04092	APPLICANT/OWNER NOTICE MAILED		
10				
11				
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office 9	Postmaster (receiving Employee) Paula Angelli	



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 173-029 56 Derry Street Map 173/Lot 029-000	Variances a, b, c 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting	
1	Mailed First Class	CATINO, SUSAN R.	ABUTTER NOTICE MAILED	
		47A DERRY ST., HUDSON, NH 03051		
2	Mailed First Class	GARCIA, IVAN A.; LUZARDO, ANA	ABUTTER NOTICE MAILED	
		47 B DERRY ST., HUDSON, NH 03051		
3	Mailed First Class	46 DERRY LLC	ABUTTER NOTICE MAILED	
		11 NORTHEASTERN BLVD ST. 140, NASHUA, NH 03062		
4	Mailed First Class	CBK LAND LLC	ABUTTER NOTICE MAILED	
		50 RAYMOND RD., AUBURN, NH 03032		
5	Mailed First Class	BUXTON, TIMOTHY F. & SUSAN M.	ABUTTER NOTICE MAILED	
		3 CUMMINGS ST., HUDSON, NH 03051		
6	Mailed First Class	GOODE, HASAN & JULIA, TRSTS.;	ABUTTER NOTICE MAILED	
		GOODE FAMILY REV LIV TRUST		
7		63 DERRY ST., HUDSON, NH 03051		
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)	
	6	6	Paula Angeli	





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

September 09, 2022

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/22/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 173-029 a-c (09-22-22): Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requests three (3) Variances for 56 Derry St., Hudson, NH [Map 173, Lot 029-000; Zoned Business (B)] as follows:

- a. To locate a proposed free-standing Pylon sign (reference #1), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements]
- b. To locate one (1) additional, 22.25 sq. ft. wall sign on the building south side (reference# 2), in addition to the permitted wall sign on the east side of the building. [HZO Article XII, Signs; §334-63, Business and industrial building signs]
- c. To locate two (2) directional signs (reference #4 and #5), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements and §334-58 B(3), Permit required; exemptions]

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article XII Signs of HZO Section(s) 334-63 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.



BURR SIGNS
2 KAREN DR SUITE 4
WESTBROOK, ME 04092
(207)396-6111

RE: Variance Request B) Additional Wall sign Reference #2

To Whom It May Concern:

We are applying for a Variance for a new Aroma Joe's coffee shop located at **56 Derry St.**

We are seeking relief from the Hudson Zoning Ordinance, Article XII: Signs 334-63, Business and industrial building signs, to locate one (1) additional, 22.25 Sqft wall sign on the building south side (reference # 2), in addition to the allowed permitted wall sign on the east side of the building.

This is a newly constructed building that faces some unique challenges as they plan for Sign/menu installs. Please see attached sheet stating our facts based on the questions that are asked on the variance application.

Meghan Lerman

Office Manager

BURR SIGNS

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

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.

SEE
Attached



BURR SIGNS
2 KAREN DR SUITE 4
WESTBROOK, ME 04092
(207)396-6111

Variance Facts- Aroma Joes- 56 Derry St

RE: Additional Wall Sign #2

#1 The Requested changes do not affect the essential character of the neighborhood but instead addresses issues related to such a small site and addressing the need for better Visibility of the building.

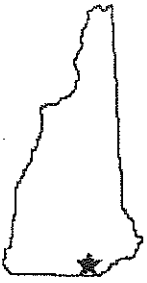
#2 The proposed use will observe the spirit of the ordinance because the property owner is simply looking for minor relief due to layout. The addition of the south facing sign helps combat how the building had to be placed on the property.

#3 Substantial justice would be done to the property owner by granting the variance because the second letter set will allow for more visibility northbound on Derry St.

#4 The proposed use will not diminish the values of surrounding properties because the requested changes are in keeping with what is reasonable to expect from a coffee shop. Upon further review many other coffee/fast food establishments have the same amount of wall signs we are proposing.

#5 **(A.1)** Special conditions exist at this property and create a hardship because of the size of this property and the nature of the location only having a drive thru makes it critical to attract vehicular traffic from both directions.

(A.2) The conditions of the property make the proposed use reasonable because it is within expectation that a business of this nature would have more than 1 building sign as many surrounding establishments have.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-074

Sign permit applications 2022-00636 thru 22022-00639 Denials

June 9, 2022

Meghan Lerman
Burr Signs
2 Karen Dr #4
Westbrook, ME 04092

Re: 56 Derry St Map 173 Lot 029-000
District: **Business (B)**

Zoning Review / Determination: 3 wall sign applications dated 6/8/22.

§334-63. Business and industrial building signs: *Except as otherwise permitted in this article, each individual business may have either one wall, roof-mounted or projecting sign attached to the building within which the business is located subject to the following requirements.*

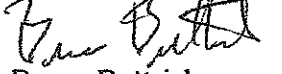
And needs to determine with path for size compliance from: §334-63A: Maximum size, single-tenant buildings. The maximum sign area, measured in square feet, is 20% of the total area of the building facade upon which the sign is attached or an area equivalent to two times the building frontage, whichever is less.

Please:

Revise your proposed installation for compliance, or Request/apply for variances to the Ordinance as needed.

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

Sincerely,



Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth – Town Planner
D. Hebert – Fire Marshal
File

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

Property Location 56 DERRY ST
 Vision ID 7548

Account # 2258

Map ID 173/ 029/ 000/ /

Bldg # 1

Bldg Name
 Sec # 1 of 1

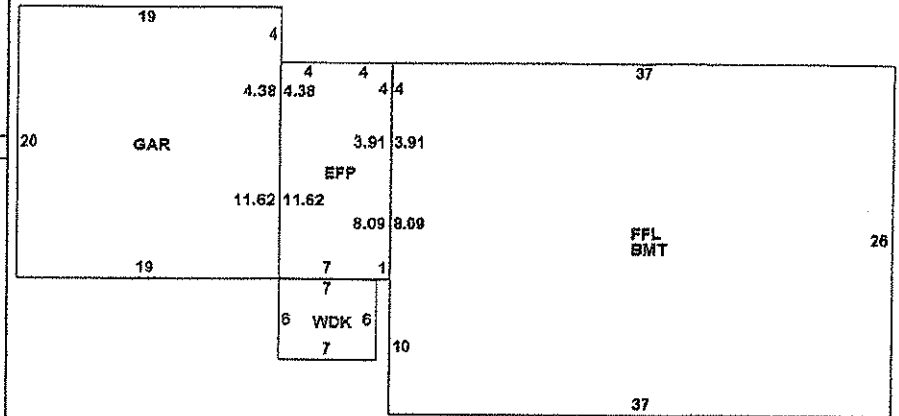
Card # 1 of 1

State Use 325V
 Print Date 8/25/2022 3:34:43 PM

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	00	Vacant	Avg Ht/FL		
Stories:	99	Vacant Land	Extra Kitchens		
Style:			Add Kitchen R		
Grade:					
(Liv) Units					
Exterior Wall 1					
Roof Structure					
Roof Cover					
Frame					
Foundation					
Interior Wall 1					
Interior Floor 1					
Heat Fuel					
Heat Type					
# Heat Systems					
AC Percent					
Total Rooms					
Bedrooms					
Full Baths					
3/4 Baths					
Half Baths					
Extra Fixtures					
Kitchens					
Kitchen Rating					
Bath Rating					
Half Bath Ratin					
Bsmt Garage					
Fireplace(s)					
Fireplace Ratin					
WS Flues					
Color					
Avg Ht/FL					
Extra Kitchens					

COST/MARKET VALUATION

Building Value New	0
Year Built	2022
Effective Year Built	0
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	NC
Condition %	50
Percent Good	
RCNLD	0
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/	Units	Unit P	Yr Bilt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
FOUND	Foundation	L	1	26500	2022	EX	95	S-EX	1.00	25,200

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement	0	962	241		
EFP	Enc Porch	0	128	128		
FFL	First Floor	962	962	962		
GAR	Garage	0	380	380		
WDK	Wood Deck	0	42	42		
Ttl Gross Liv / Lease Area		962	2,474	1,753		

Property Location **56 DERRY ST**
 Vision ID 7548

Account # 2258

Map ID 173/ 029/ 000/ /

Bldg # 1

Bldg Name
 Sec # 1 of 1

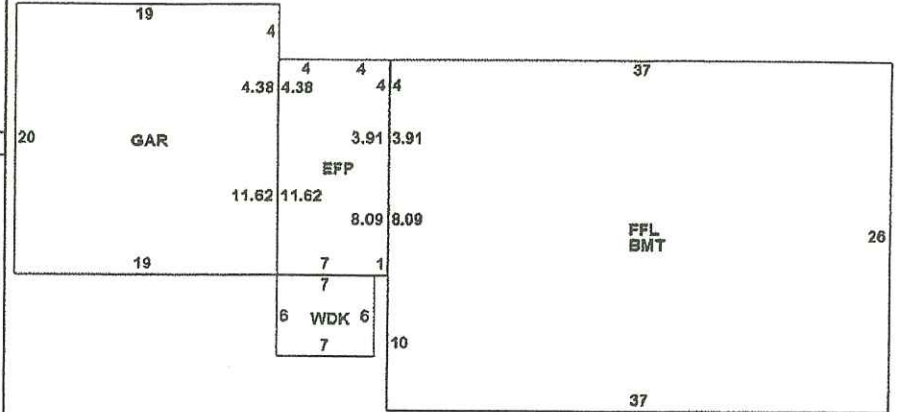
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Stories:	99	Vacant Land	Extra Kitchens		
Style:			Add Kitchen R		
Grade:					
(Liv) Units					
Exterior Wall 1					
Roof Structure					
Roof Cover					
Frame					
Foundation					
Interior Wall 1					
Interior Floor 1					
Heat Fuel					
Heat Type					
# Heat Systems					
AC Percent					
Total Rooms					
Bedrooms					
Full Baths					
3/4 Baths					
Half Baths					
Extra Fixtures					
Kitchens					
Kitchen Rating					
Bath Rating					
Half Bath Ratin					
Bsmt Garage					
Fireplace(s)					
Fireplace Ratin					
WS Flues					
Color					
Avg Ht/FL					
Extra Kitchens					

COST / MARKET VALUATION

Building Value New	0
Year Built	2022
Effective Year Built	0
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	NC
Condition %	50
Percent Good	
RCNLD	0
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



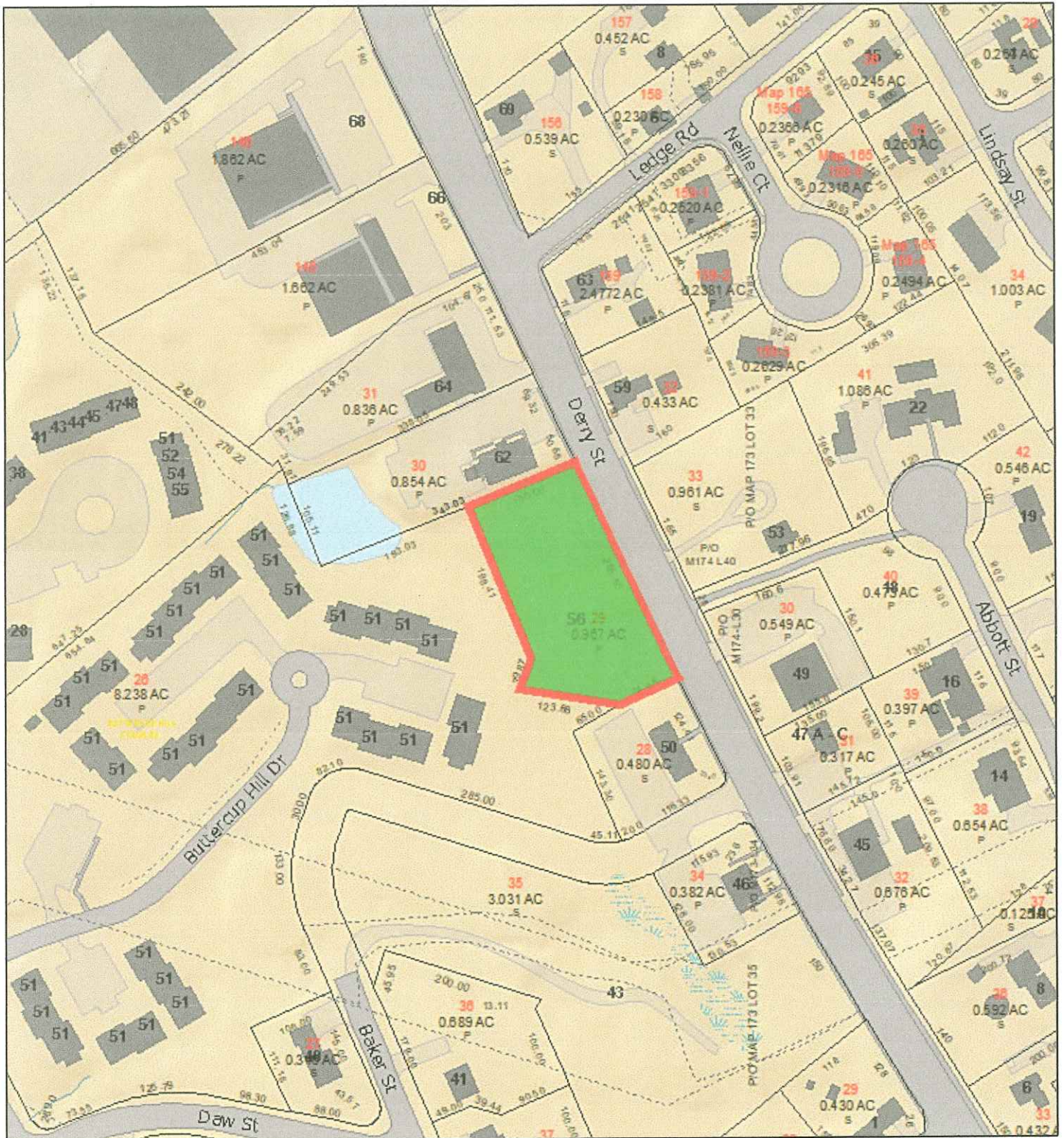
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/	Units	Unit P	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
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Ttl Gross Liv / Lease Area		962	2,474	1,753		

56 Derry Street (Map/Lot 173-029-000)



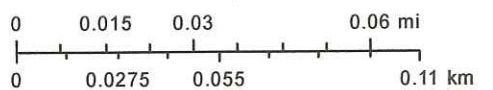
September 2, 2022

Legend

----- Easement_Lines

▭ Parcels

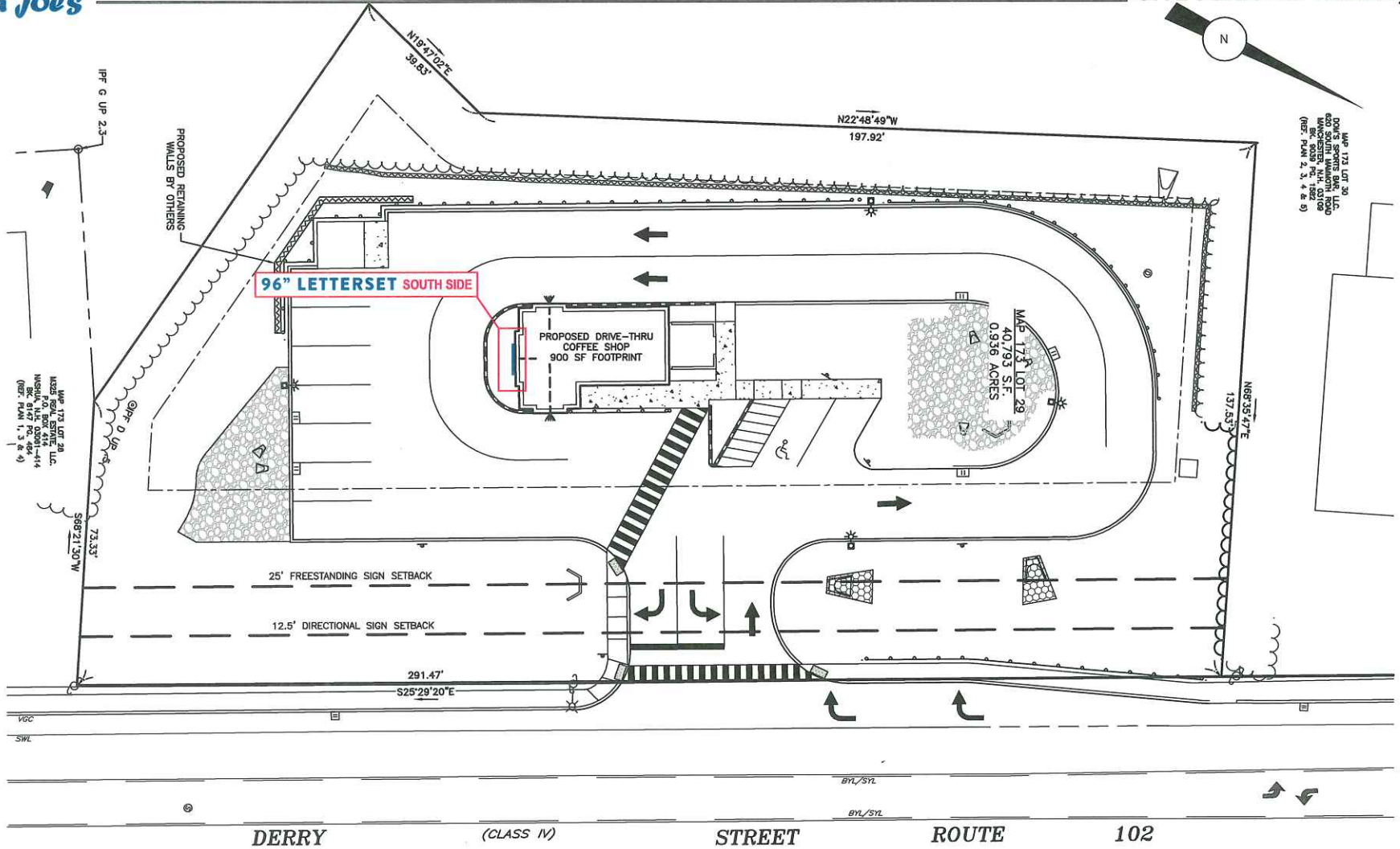
1:2,048



#2

Aroma Joes

SITE PLAN - 96" Letterset, South Side



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Approved by:

Date:

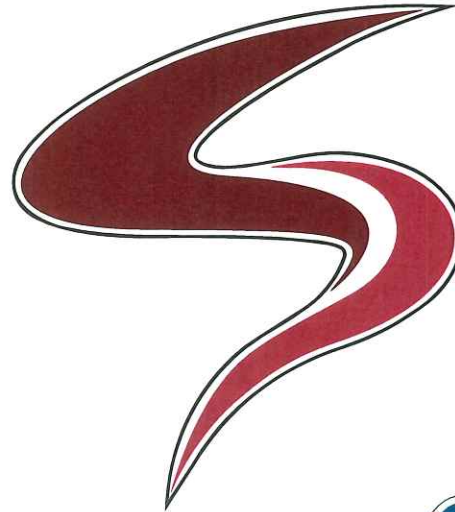
These plans are the exclusive property of Burr Signs and are the result of the original artwork of its employees. They are submitted to Burr Signs' client for the sole purpose of consideration of whether to purchase these plans or to purchase from Burr Signs a sign manufactured according to these plans.

Distribution or exhibition of these plans to anyone other than employees of said client, or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden. In the event that such exhibition or construction occurs, Burr Signs expects to be reimbursed \$1500 in compensation for time & effort entailed in creating these plans.

2 Karen Drive, Stop 4 • Westbrook, Maine 04092
Telephone: 207.396.6111 • http://www.burrsigns.com



30 IN



Total Sq. Ft. - 20.25 ft²

21 IN

Aroma Joe's®

96 IN

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Approved by:

Date:

These plans are the exclusive property of Burr Signs and are the result of the original artwork of its employees. They are submitted to Burr Signs' client for the sole purpose of consideration of whether to purchase these plans or to purchase from Burr Signs a sign manufactured according to these plans.

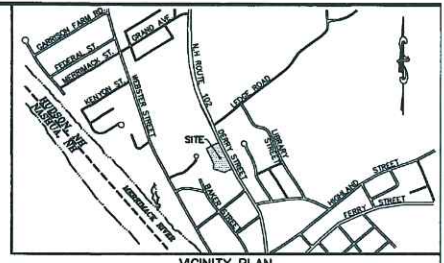
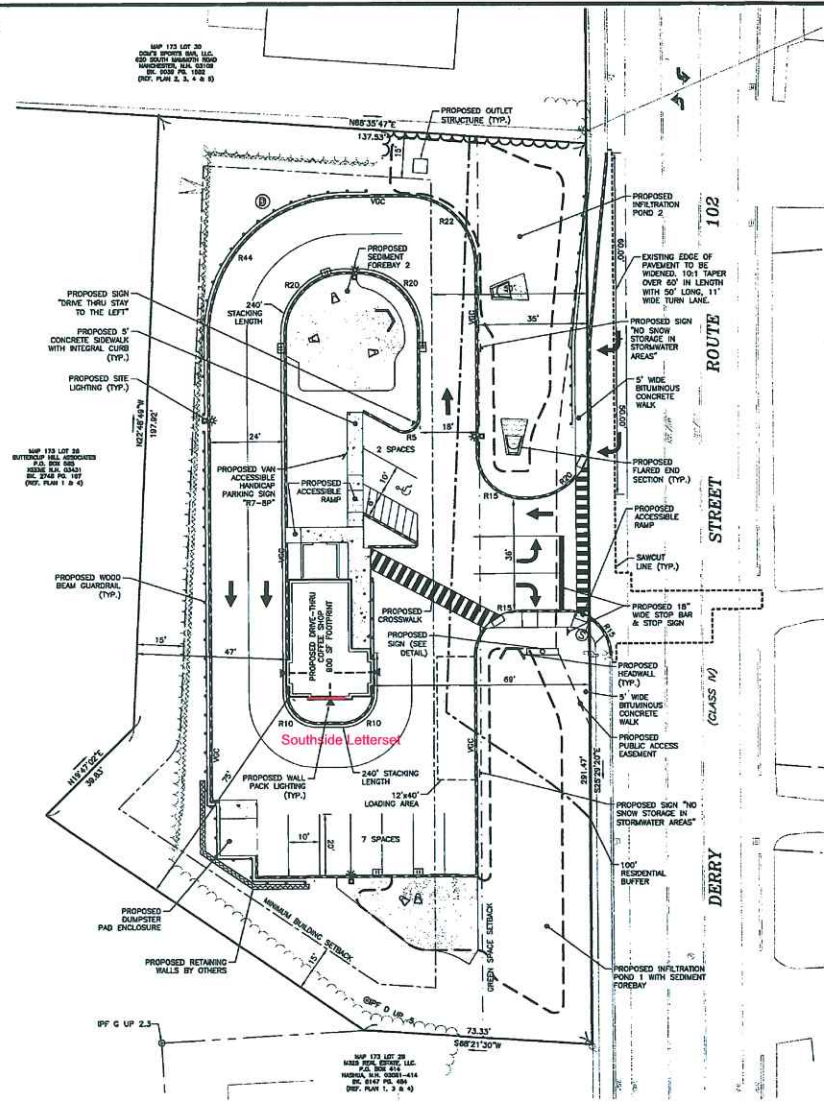
Distribution or exhibition of these plans to anyone other than employees of said client, or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden. In the event that such exhibition or construction occurs, Burr Signs expects to be reimbursed \$1500 in compensation for time & effort entailed in creating this plans.

2 Karen Drive, Stop 4 • Westbrook, Maine 04092
Telephone: 207.396.6111 • <http://www.burrsigns.com>





MAP 173 LOT 29
 ZIELFELDER BUILDER'S LLC
 650 SOUTH WINDSOR ROAD
 WINDSOR, NH 03093
 REG. PLAN 1, 2, 3 & 4



VICINITY PLAN
 SCALE: 1" = 1000'

- LEGEND**
- ⊙ OB-F GRANITE BOUND FOUND
 - ⊙ OB-F IRON PIN FOUND
 - ⊙ OB-F IRON PIN SET WITH CAP
 - ⊙ UTILITY POLE
 - ⊙ STREET LIGHT
 - ⊙ GAS VALVE
 - ⊙ WATER VALVE
 - ⊙ SEWER MANHOLE
 - ⊙ DRAINAGE MANHOLE
 - ⊙ CATCH BASIN
 - ⊙ ABUTTER LINE
 - ⊙ PROPERTY LINE
 - ⊙ OVERHEAD UTILITIES
 - ⊙ DRAINAGE LINE
 - ⊙ TREELINE
 - ⊙ RETAINING WALL
 - ⊙ EDGE OF PAVEMENT
 - ⊙ VERTICAL GRANITE CURB
 - ⊙ SETBACK
 - ⊙ 100' RESIDENTIAL BUFFER
 - ⊙ GREEN SPACE BUFFER
 - ⊙ PROPOSED SIGN
 - ⊙ PROPOSED LIGHT
 - ⊙ PROPOSED GAS VALVE
 - ⊙ PROPOSED WATER VALVE
 - ⊙ PROPOSED WOOD GUARDRAIL
 - ⊙ PROPOSED TREELINE
 - ⊙ PROPOSED EDGE OF PAVEMENT
 - ⊙ PROPOSED RETAINING WALL
 - ⊙ PROPOSED VERTICAL GRANITE CURB
 - ⊙ PROPOSED OUTLET STRUCTURE

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

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

 SIGNATURE DATE: _____

 SIGNATURE DATE: _____

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

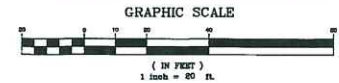
OWNER OF MAP 173 LOT 29

SIGNATURE: _____

DATE: _____

SEE SHEET 1 FOR NOTES & REFERENCE PLANS

LOAM & SEED ALL DISTURBED AREAS (TYP.)



NON RESIDENTIAL SITE PLAN
AROMA JOE'S
 MAP 173 LOT 29
 56 DERRY STREET
 HUDSON, NEW HAMPSHIRE
 HILLSBOROUGH COUNTY

OWNER & APPLICANT:
 ZIELFELDER BUILDER'S LLC
 C/O SCOTT ZIELFELDER
 169 CANAAN BACK ROAD
 BARRINGTON, NH 03825

KMA KEACH-NORDSTROM ASSOCIATES, INC.
 Civil Engineering Land Surveying Landscape Architecture
 10 Commerce Park North, Suite 30, Bedford, NH 03110 Phone (603) 827-2501

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	07/23/2021	REVISED PER REVIEW COMMENTS	PEC
2	08/12/2021	REVISED PER PLANNING BOARD COMMENTS	ACL
3	09/20/2021	REVISED PER REVIEW COMMENTS	ACL
4	10/05/2021	REVISED PER CONDITIONS OF APPROVAL	ACL

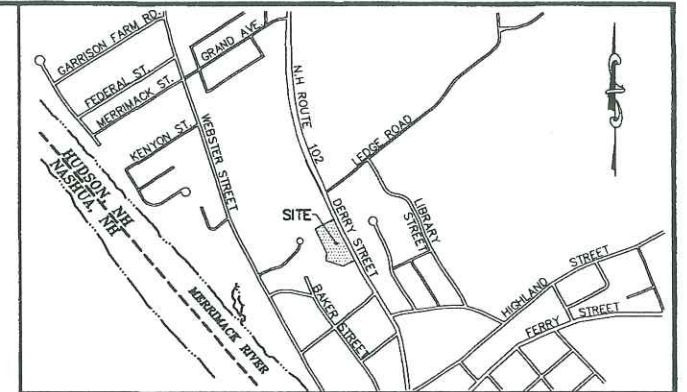
DATE: JUNE 22, 2021 SCALE: 1"=20'
 PROJECT NO: 21-0311-1 SHEET 3 OF 14



MAP 173 LOT 30
 DOM'S SPORTS BAR, LLC.
 620 SOUTH MAAMOTH ROAD
 MANCHESTER, N.H. 03109
 BK. 9039 PG. 1582
 (REF. PLAN 2, 3, 4 & 5)

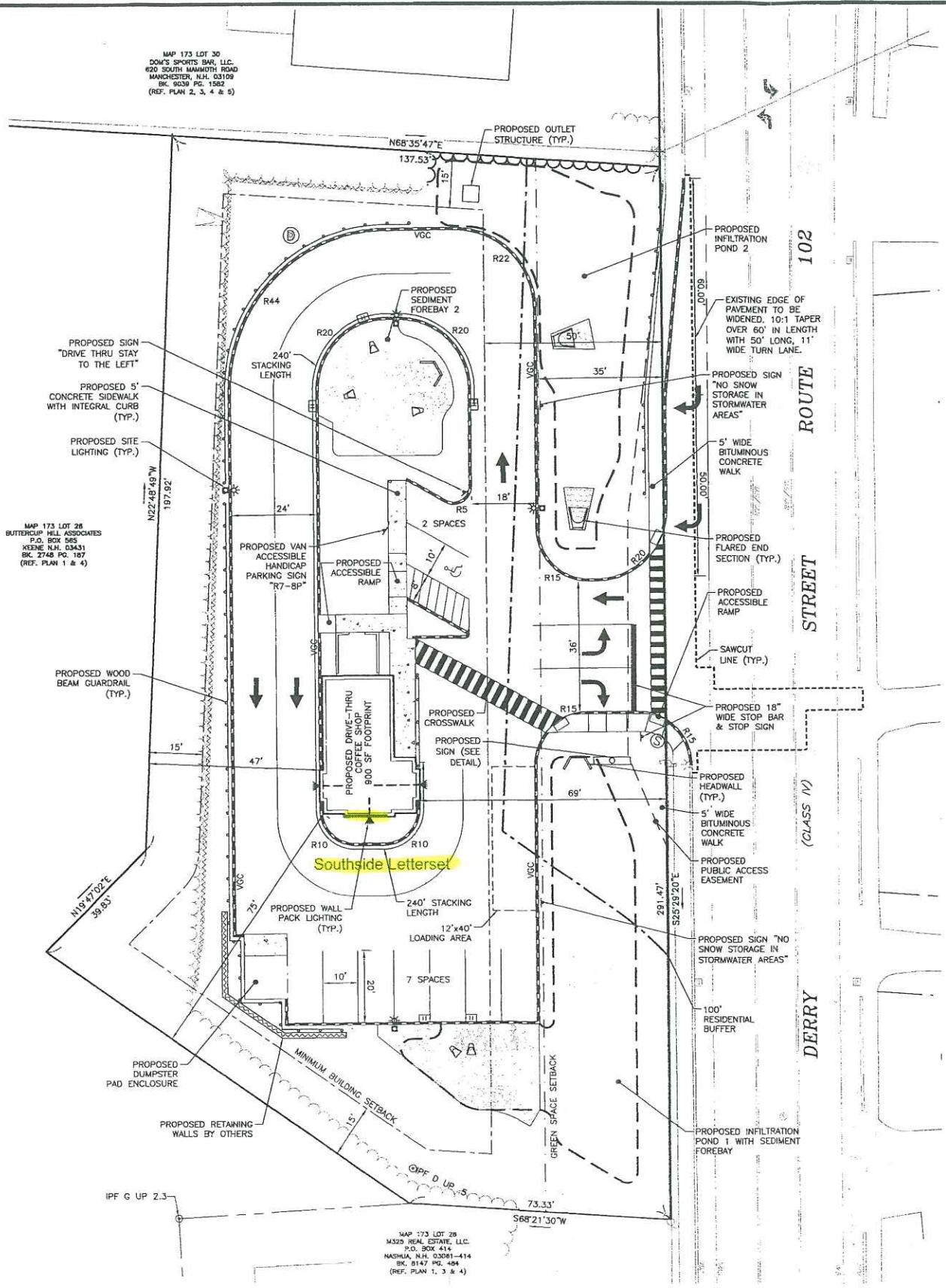
MAP 173 LOT 28
 BUTTERCUP HILL ASSOCIATES
 P.O. BOX 565
 KEENE, N.H. 03431
 BK. 2748 PG. 187
 (REF. PLAN 1 & 4)

MAP 173 LOT 28
 M325 REAL ESTATE, LLC.
 P.O. BOX 414
 NASHUA, N.H. 03081-414
 BK. 8147 PG. 404
 (REF. PLAN 1, 3 & 4)



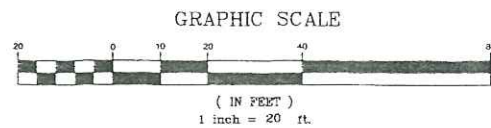
VICINITY PLAN
 SCALE: 1" = 1000'

- LEGEND**
- CB-F GRANITE BOUND FOUND
 - ⊙ IP-F IRON PIN FOUND
 - ⊙ IP-S IRON PIN SET WITH CAP
 - ⊙ W/CAP UTILITY POLE
 - ⊙ STREET LIGHT
 - ⊙ GAS VALVE
 - ⊙ WATER VALVE
 - ⊙ SEWER MANHOLE
 - ⊙ DRAINAGE MANHOLE
 - ⊙ CATCH BASIN
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 - ⊙ OVERHEAD UTILITIES
 - ⊙ DRAINAGE LINE
 - ⊙ TREELINE
 - ⊙ RETAINING WALL
 - ⊙ EDGE OF PAVEMENT
 - ⊙ VERTICAL GRANITE CURB
 - ⊙ SETBACK
 - ⊙ 100' RESIDENTIAL BUFFER
 - ⊙ GREEN SPACE BUFFER
 - ⊙ PROPOSED SIGN
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 - ⊙ PROPOSED EDGE OF PAVEMENT
 - ⊙ PROPOSED RETAINING WALL
 - ⊙ PROPOSED VERTICAL GRANITE CURB
 - ⊙ PROPOSED OUTLET STRUCTURE



SEE SHEET 1 FOR NOTES
 & REFERENCE PLANS

LOAM & SEED ALL DISTURBED AREAS (TYP.)



NON RESIDENTIAL SITE PLAN

AROMA JOE'S
 MAP 173 LOT 29
 56 DERRY STREET
 HUDSON, NEW HAMPSHIRE
 HILLSBOROUGH COUNTY

OWNER & APPLICANT:
 ZIELFELDER BUILDER'S LLC
 C/O SCOTT ZIELFELDER
 169 CANAAN BACK ROAD
 BARRINGTON, NH 03825

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

PURSUANT TO THE REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL

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

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

OWNER OF MAP 173 LOT 29
 SIGNATURE: _____
 DATE: _____

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	07/23/2021	REVISED PER REVIEW COMMENTS	POC
2	08/12/2021	REVISED PER PLANNING BOARD COMMENTS	ACL
3	08/30/2021	REVISED PER REVIEW COMMENTS	ACL
4	10/08/2021	REVISED PER CONDITIONS OF APPROVAL	ACL

DATE: JUNE 22, 2021 SCALE: 1"=20'
 PROJECT NO: 21-0311-1 SHEET 3 OF 14

Printed
 9/06/2022
 12:22PM
 Created
 9/06/2022
 12:16 PM

Transaction Receipt

Receipt# 699,641
 tgoodwyn

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

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-9/22/22 ZBA Mtg. 56 Derry Street (Aroma Joe's) Map/Lot 173-029-000			
	Variance a-Pylon Sig	0.00	230.0000	0.00
	Variance b-Wall sign	0.00	185.0000	0.00
	Variance c-Direction	0.00	185.0000	0.00
			Total:	600.00

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Burr Signs	CHECK	CHECK# 4160	600.00	0.00	600.00

Total Due:	600.00
Total Tendered:	600.00
Total Change:	0.00
Net Paid:	600.00

The Sign of a Good Business Since 1987
 09/03/2022 Town of Hudson

4160

600.00

Infinity Checking

Variance Process - Aroma Joe's

600.00

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

On **09/22/2022**, the Zoning Board of Adjustment heard Case 173-029 c, being a case brought by **Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requesting a Variance for 56 Derry St., Hudson, NH to locate two (2) directional signs (reference #4 and #5), within the required front setback of 25 ft. leaving 12.5 ft. of setback.** [Map 173, Lot 029-000; Zoned Business (B); HZO Article XII, Signs; §334-60.C, General requirements and §334-58 B (3), Permit required; exemptions]

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

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

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

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

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

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

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Stipulations: _____

TOWN OF HUDSON

SEP 06 2022

Zoning Department

APPLICATION FOR A VARIANCE

c) Directionals

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

Case No. 173-029 C (09-22-22)

Date Filed 9/6/22

Zoning Board of Adjustment
Town of Hudson

Burr Signs

Name of Applicant Meghan Lerman, MGR Map: 173 Lot: 029 Zoning District: B

Telephone Number (Home) (207) 396-6111 (Work) _____

Mailing Address 2 Karen Dr #4 Westbrook Me 04092

Owner Zielfelder Builders LLC

Location of Property 50 Demy St.
(Street Address)

Signature of Applicant [Signature] Date 8/31/22

Signature of Property-Owner(s) [Signature] Date 9/1/22

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: 9/6/22

COST:

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

Abutter Notice:

Direct Abutters x Certified postage rate \$ = \$ N/A

Indirect Abutters x First Class postage rate \$ = \$ N/A

Total amount due: \$ 185

Amt. received: \$ 185

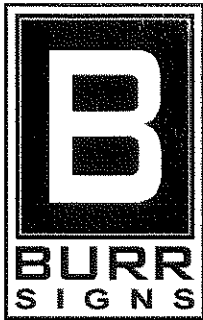
Receipt No.: 699,641

Received by: TSG

check # 4160

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

Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____




Property Owner Authorization

I, We, Scott Zielfelder, hereby authorize Meghan Lerman, Manager of BURR SIGNS, representative for Zielfelder Builders LLC; Zielfelder Holdings LLC to apply for a sign and Electrical permit for the following work to be completed:

Attend Variance meeting followed by Sign Installation after approval at **56**

Derry St., Hudson, NH.

X 

Property Owner 9/1/22

Address: 169 Canaan Back Rd Barrington, NH 03825

Phone: (603)664-3139

Email: S.Zielfelder@Metrocast.net

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
MC	Please review the application with the Zoning Administrator or staff.	TG
MC	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	TG
MC	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
ML	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
ML	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
ML	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
ML	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	TG
ML	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
ML	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	N/A

CERTIFIED PLOT PLAN:

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

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

- a) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. TG
- 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.

mph
Signature of Applicant(s)

Scott Zylmski
Signature of Property Owner(s)

8/31/22
Date

9/1/22
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
173	029	*Include Applicant & Owner(s) Zielfelder Builders LLC	1169 Canada Back Rd Barrington NH 03825
173	026	Buttercup Hill Associates	PO Box 565 Keene NH 03431
173	030	DOMS Sports Bar	620 South Mammoth Rd Manchester NH 03109
173	028	M325 Real Estate LLC	PO Box 414 Nashua NH 03061-0414
173	032	David Rugh Elaine Rugh	84 English Range Rd Derry NH 03038
173	033	Elizabeth Center heirs c/o Barbara Mann	8716 Falkstone Ln. Alexandria VA 22309
174	030	Derry Rd LLC Hudson NH	49 Derry St. Hudson NH 03051
174	040	Barry L. Kaplan Tr. Kaplan Family Trust	116 Abbott St. Hudson NH 03051
		Applicant - Meghan Lerman Burr Signs MGR	2 Karen Dr #4 Westbrook ME 04092

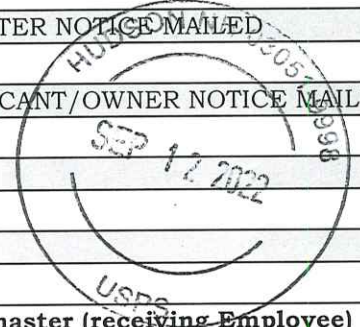
ALL INDIRECT ABUTTERS WITHIN 200 FEET

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)

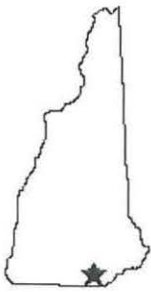
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
174	031-002	Susan Catino	47A Derry St. Hudson NH 03051
174	031-001	Ivan Garcia Ana Luzardo	47B Derry St. Hudson NH 03051
173	034	4e Derry LLC	11 Northeastern Blvd #140 Nashua NH 03062
173	031	CBK Land LLC	50 Raymond Rd Auburn NH 03032
173	035	Timothy Buxton Susan Buxton	3 Cummings St. Hudson NH 03051
165	159	Hasan Goode, Tr. Julia Goode, Tr. Goode Family Rev LIV Tr.	63 Derry St. Hudson NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 173-029 56 Derry Street Map 173/Lot 029-000	Variance ^s a, b, c 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting		
1	7022 2410 0001 2971 6279 ZIELFELDER BUILDERS LLC 169 CANAAN BACK RD., BARRINGTON, NH 03825	APPLICANT/OWNER NOTICE MAILED		
2	7022 2410 0001 2971 6286 BUTTERCUP HILL ASSOCIATES P.O. BOX 565, KEENE, NH 03431	ABUTTER NOTICE MAILED		
3	7022 2410 0001 2971 6293 DOM'S SPORTS BAR, LLC 620 SOUTH MAMMOTH RD., MANCHESTER, NH 03109	ABUTTER NOTICE MAILED		
4	7022 2410 0001 2971 6309 M325 REAL ESTATE, LLC PO BOX 414, NASHUA, NH 03061-0414	ABUTTER NOTICE MAILED;		
5	7022 2410 0001 2971 6316 RUGH, DAVID M. & ELAINE B. 84 ENGLISH RANGE ROAD, DERRY, NH 03038	ABUTTER NOTICE MAILED		
6	7022 2410 0001 2971 6323 CENTER HEIRS, ELIZABETH G.; c/o BARBARA MANN 8716 FALKSTONE LANE, ALEXANDRIA, VA 22309	ABUTTER NOTICE MAILED		
7	7022 2410 0001 2971 6330 DERRY ROAD HUDSON NH, LLC 49 DERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
8	7022 2410 0001 2971 6347 KAPLAN, BARRY L., TR.; KAPLAN FAMILY TRUST 16 ABBOTT STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
9	7022 2410 0001 2971 6354 MEGHAN LERMAN, MANAGER; BURR SIGNS 2 KAREN DR., #4, WESTBROOK, ME 04092	APPLICANT/OWNER NOTICE MAILED		
10				
11				
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office 9	Postmaster (receiving Employee) Paula Angelli	



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 173-029 56 Derry Street Map 173/Lot 029-000	Variances a, b, c 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/22/2022 ZBA Meeting	
1	Mailed First Class	CATINO, SUSAN R.	ABUTTER NOTICE MAILED	
		47A DERRY ST., HUDSON, NH 03051		
2	Mailed First Class	GARCIA, IVAN A.; LUZARDO, ANA	ABUTTER NOTICE MAILED	
		47 B DERRY ST., HUDSON, NH 03051		
3	Mailed First Class	46 DERRY LLC	ABUTTER NOTICE MAILED	
		11 NORTHEASTERN BLVD ST. 140, NASHUA, NH 03062		
4	Mailed First Class	CBK LAND LLC	ABUTTER NOTICE MAILED	
		50 RAYMOND RD., AUBURN, NH 03032		
5	Mailed First Class	BUXTON, TIMOTHY F. & SUSAN M.	ABUTTER NOTICE MAILED	
		3 CUMMINGS ST., HUDSON, NH 03051		
6	Mailed First Class	GOODE, HASAN & JULIA, TRSTS.;	ABUTTER NOTICE MAILED	
		GOODE FAMILY REV LIV TRUST		
		63 DERRY ST., HUDSON, NH 03051		
7				
8				
9				
10				
11				
12				
13				
14				
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)	
	6	6	Paula Angeli	





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

September 09, 2022

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/22/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 173-029 a-c (09-22-22): Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requests three (3) Variances for 56 Derry St., Hudson, NH [Map 173, Lot 029-000; Zoned Business (B)] as follows:

- a. To locate a proposed free-standing Pylon sign (reference #1), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements]
- b. To locate one (1) additional, 22.25 sq. ft. wall sign on the building south side (reference# 2), in addition to the permitted wall sign on the east side of the building. [HZO Article XII, Signs; §334-63, Business and industrial building signs]
- c. To locate two (2) directional signs (reference #4 and #5), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements and §334-58 B(3), Permit required; exemptions]

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

September 09, 2022

ABUTTER NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/22/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 173-029 a-c (09-22-22): Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requests three (3) Variances for 56 Derry St., Hudson, NH [Map 173, Lot 029-000; Zoned Business (B)] as follows:

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article XII Signs of HZO Section(s) 334-60.C and 334-58B(3) 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 requirements of the ordinance.



BURR SIGNS
2 KAREN DR SUITE 4
WESTBROOK, ME 04092
(207)396-6111

RE: Variance Request C) Two Directional Signs in front setback- Reference #4 & #5

To Whom It May Concern:

We are applying for a Variance for a new Aroma Joe's coffee shop located at **56 Derry St.**

We are seeking relief from the Hudson Zoning Ordinance, Article XII: Signs 334-60.C: General requirements and 334-58 B(3): Permit required; exemptions, to locate two (2) directional signs (reference #4 and #5), within the required setback of 25 ft. leaving 12.5 ft. of setback.

This is a newly constructed building that faces some unique challenges as they plan for Sign/menu installs. Please see attached sheet stating our facts based on the questions that are asked on the variance application.

Meghan Lerman

Office Manager

BURR SIGNS

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 the evidence of the effect on property values, including personal knowledge of the members themselves.)

See Attached

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.

SEE
Attached



BURR SIGNS
2 KAREN DR SUITE 4
WESTBROOK, ME 04092
(207)396-6111

Variance Facts- Aroma Joes: 56 Derry St.

RE: Two Directional Signs in Front setback- #4, #5

#1 The Requested changes do not affect the essential character of the neighborhood but instead addresses issues related to such a small site and flow of traffic.

#2 The proposed use will observe the spirit of the ordinance because the property owner is simply looking for minor relief due to setback challenges and the fact that the store is a drive thru location only.

#3 Substantial justice would be done to the property owner by granting the variance because the directional signs will provide traffic safety way finding.

#4 The proposed use will not diminish the values of surrounding properties because the requested changes are in keeping with what is reasonable to expect from any drive thru location.

#5 (A.1) Special conditions exist at this property and create a hardship because of the size of this property and the nature of the location only having a drive thru

(A.2) The conditions of the property make the proposed use reasonable because with a constant flow of traffic in and out of this location it is more safety based then aesthetics.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-075
Sign permit application - Directional signage #6 review

June 10, 2022

Meghan Lerman
Burr Signs
2 Karen Dr #4
Westbrook, ME 04092

Re: 56 Derry St Map 173 Lot 029-000
District: **Business (B)**

Zoning Review / Determination: Directional signage #6 & #7 on undated Burr Signs site plan and Directional Signs #6 & #7 plan.

From the HZO §334-58 Permit required; exemptions:

B. *The following signs may be erected without a permit and are not included in the maximum sign area allowed unless otherwise indicated, but must comply with all other requirements of this chapter as stated herein:*

(3) *Directional or directory signs, no greater than three square feet, which are located outside of setback areas and which are not visible from public rights-of-way or abutting properties; **other directional** or directory signs are governed by § **334-68** below.*

§ 334-68 Directional and directory signs. *Directional or directory signs, other than those excluded under § **334-58B(3)**, are permitted **with a permit** but are not considered to be freestanding or building signs for the purposes of this article, provided that **they are no greater than three square feet in area** and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos.*

Directional Signs #6 & #7 location on undated Burr Signs site plan are in violation of § 334-60 General requirements.

The following requirements apply to all signs:

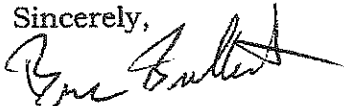
NOTE: *this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.*

C. All signs shall be set back from any public right-of-way a distance not less than 50% of the front setback requirement for other structures within the district in which the sign is located.

Please:

Revise your proposed installation for compliance, or Request/apply for variances to the Ordinance as needed.

Sincerely,



Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth – Town Planner
D. Hebert – Fire Marshal
E. Dhima – Town Engr
File

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

Property Location 56 DERRY ST
 Vision ID 7548

Account # 2258

Map ID 173/029/000/
 Bldg # 1

Card Location:
 Sec # 1 of 1

Card # 1 of 1

State Use 325V
 Print Date 8/25/2022 3:34:42 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)															
ZIELFELDER BUILDERS LLC 169 CANAAN BACK RD. BARRINGTON NH 03825		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed							
		MD3		Mid Derry Comm Area		2022	3900	317,300	2021	3900	321,100	2021	3900	321,100							
		TOPO		UTILITIES																	
		Level		Town Water																	
				Town Sewer																	
						Total		356,700		Total		317,300		Total		321,100					
RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE		Q/U		V/I		SALE PRICE		VC		SALE NOTES		APPRAISED VALUE SUMMARY					
ZIELFELDER BUILDERS LLC		9543 1472		10-21-2021		Q V				475,000 00		00		sold after approvals for aroma joes		Appraised Bldg. Value (Card)		0			
ZIELFELDER, SCOTT		9561 386		10-19-2021		U V				0 31		31		Grantor: PAN, STEVE S.,		Appraised Xf (B) Value (Bldg)		0			
PAN, STEVE S.		6281 0776		08-23-2000		Q V				150,000 00		00				Appraised Ob (B) Value (Bldg)		25,200			
U.S. GAS, INC.		5994 1206		09-15-1998		Q V				150,000 00		00		Grantor: U.S. GAS, INC.		Appraised Land Value (Bldg)		418,000			
GREENE-WALSH, LINDA		5563 961		07-13-1994		Q V				75,000 00		00		Grantor: GREENE-WALSH, LINDA Grantor: SANTOS W		Special Land Value		0			
SUPPLEMENTAL DATA				CURRENT ASSESSMENT																	
Parcel ID 173-029-000				Description		Code		Assessed		Assessed											
Zoning BD:BD				LAND		3250		418,000		418,000											
Flood Hazard C				OB		3250		25,200		25,200											
Neigh/Abut1																					
Neigh/Abut2																					
Neigh/Abut3																					
GIS ID 173-029-000		Assoc Pid#																			
								Total		443,200		443,200				Total Appraised Parcel Value		443,200			
NOTES												VISIT / CHANGE HISTORY									
JULY 2005 - STATE GRANTED 1183 SF. ACRE						SHOP AND DRIVETHRU						Date		Id		Cd		Purpost/Result			
AGE ADJUSTED.For Sale 2019 thru 2021- \$4						2022 FOUNDATION ONLY - SITE FENCED = EST						05-16-2022		23		02		Measured			
60,000LAND AC ADJ PER PLAN REMOVED /REVI						5/22 - GREEN BOARD/STUD						04-01-2022		21		15		Permit Visit			
EW FOR 2005 PER PLAN APPROVED FOR RESTAU												03-31-2022		23		08		Info From Building Permit			
RANT SITE AND HOUSE DEMO./Plan #32223												06-23-2021		01		20		Other Change			
FOUND. ONLY 4/1/22, CK 23 AND ADD COFFEE												06-11-2017		09		45		Field Review			
												05-07-2012		09		45		Field Review			
												01-17-2007		09		14		Inspected			
												12-15-2004		01		15		Permit Visit			
BUILDING PERMIT RECORD																					
Permit Id	Issue Date	TYPE	Description	Amount	Status	Applicant	SQ ft					Comments									
2022-00120	03-10-2022	CN		607,350	O	Destefano Associates	0					Aroma Joe's Coffee Shop.									
2022-00120-5-	03-09-2022	PL		40,000	C	Comfort 4 You LLC	0					Plumbing for Aroma Joe's Coffee Shop.									
2022-00163	03-01-2022	AC		0	C		0					Commercial Construction office trailer: 10' x 10'									
2022-00120-4-	03-01-2022	EL		4,000	C	DRINKWATER & SONS	0					Electric for Aroma Joe's Coffee Shop.									
2022-00120-3-	02-14-2022	SW		0	C	Destefano Associates	0					New sewer connection for Aroma Joe's Coffee Shop.									
2022-00120-2-	02-14-2022	WA		0	C	Destefano Associates	0					New Water Connection for Aroma Joe's Coffee Shop.									
2022-00120-1-	02-14-2022	FC		56,750	C	Destefano Associates	0					Foundation for Aroma Joe's Coffee Shop.									
2021-01306	12-14-2021	ELEC			C	ZIELFELDER BUILDER	0					Temporary Service - Aroma Joe's									
LAND LINE VALUATION SECTION																					
B	Use Code	Description	Zone	LA	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes		Location Adjustmnt		Adj Unit P	Land Value			
1	325V	STORE MDL-00	B		Site	0.936 AC	280,000	1.04102	E	1.00	MD3	1.650			1.0000		446,602	418,000			
						Total Card Land Units		0.936 AC						Parcel Total Land Area		0.936		Total Land Value		418,000	

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

Property Location **56 DERRY ST**
 Vision ID 7548

Account # 2258

Map ID 173/ 029/ 000/ /
 Bldg # 1

Card Location:
 Sec # 1 of 1

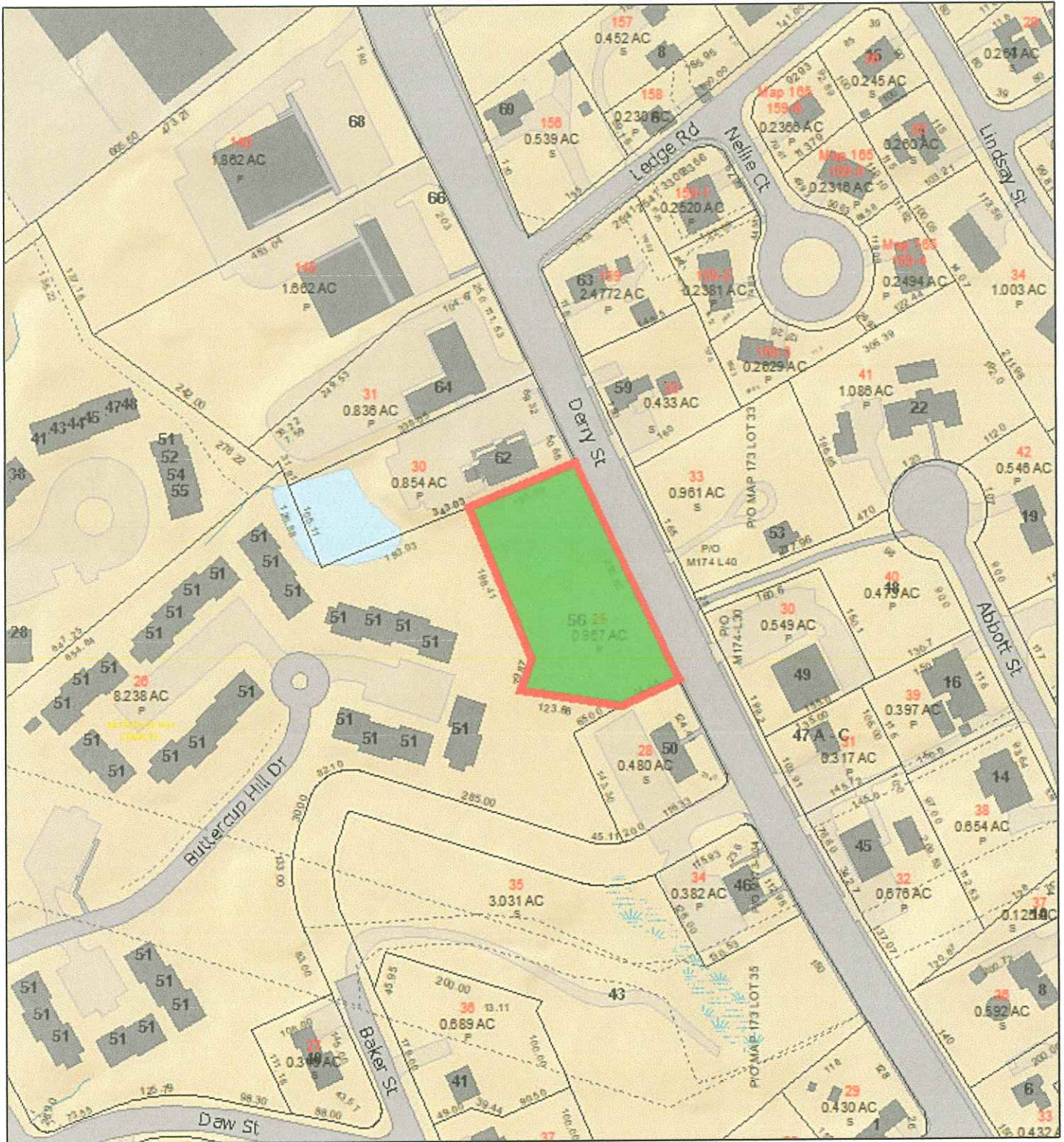
Card # 1 of 1

State Use 325V
 Print Date 8/25/2022 3:34:42 PM

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														418,000			

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56 Derry Street (Map/Lot 173-029-000)



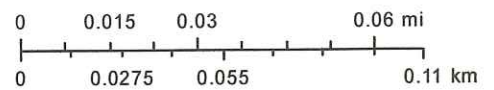
September 2, 2022

Legend

----- Easement_Lines

▭ Parcels

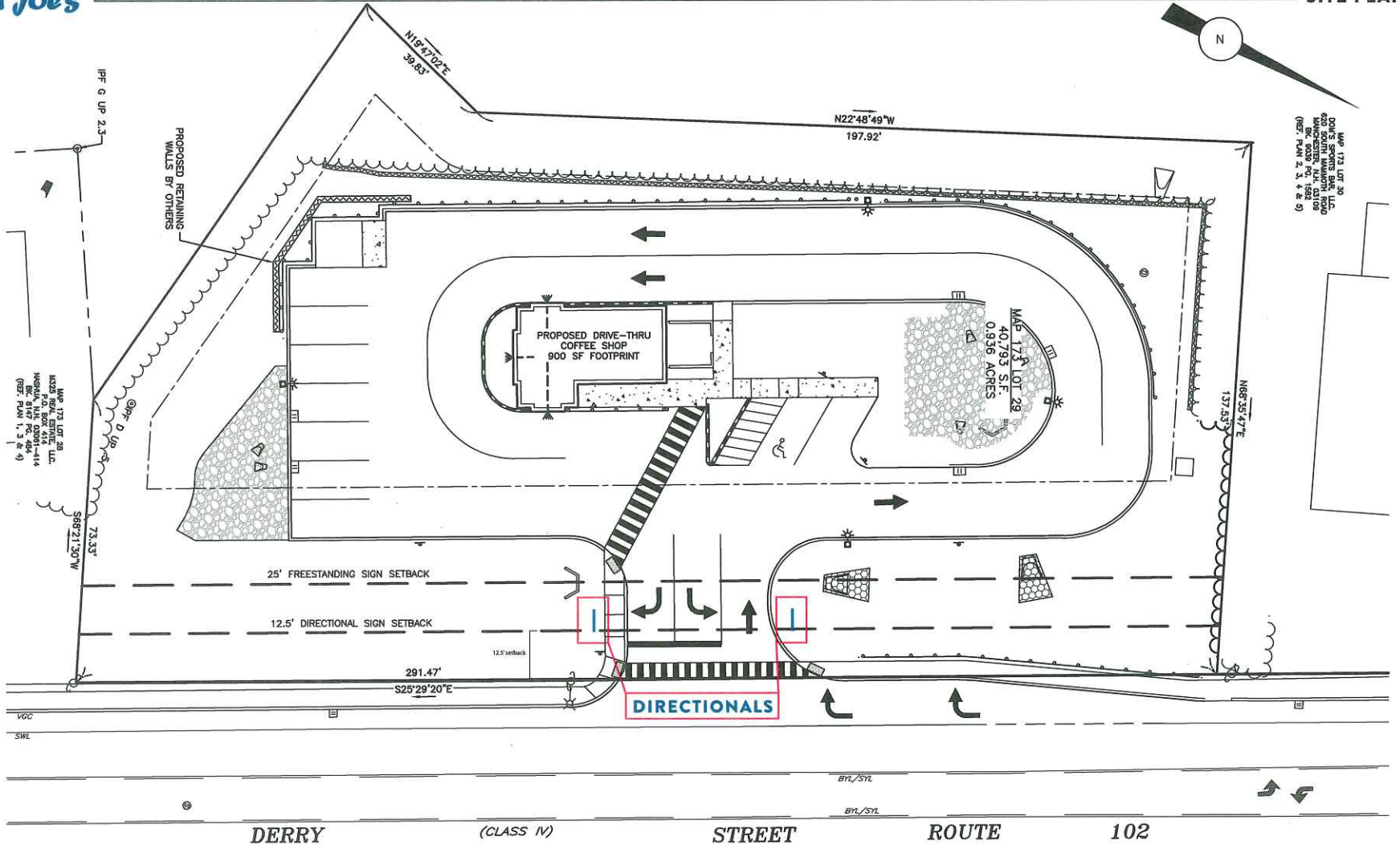
1:2,048



#4,5

Aroma Joe's

SITE PLAN - Directionals



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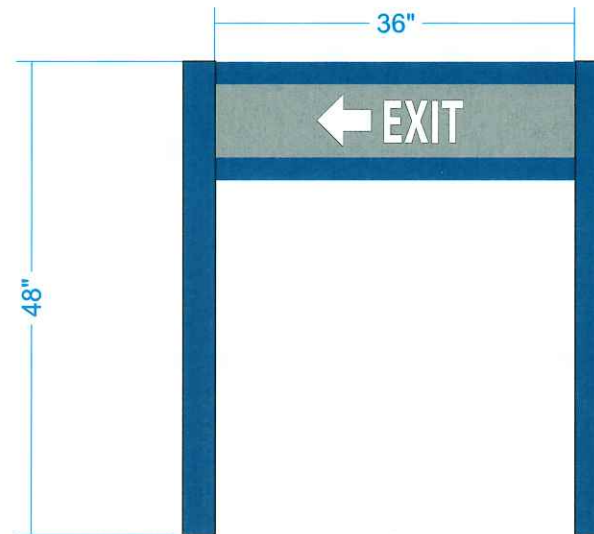
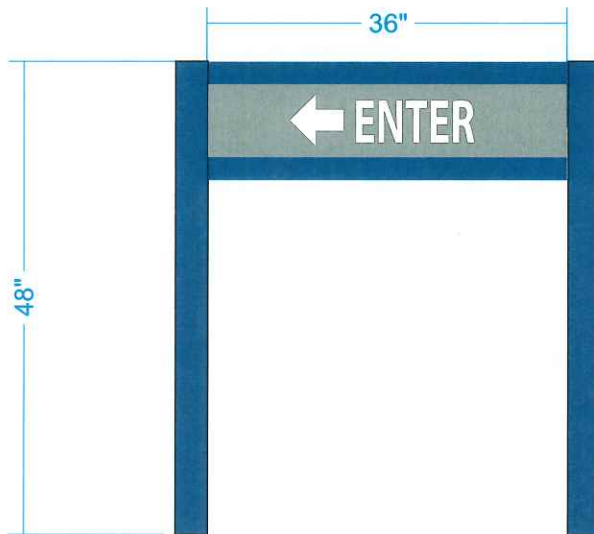
Approved by: _____ Date: _____

These plans are the exclusive property of Burr Signs and are the result of the original artwork of its employees. They are submitted to Burr Signs' client for the sole purpose of consideration of whether to purchase these plans or to purchase from Burr Signs a sign manufactured according to these plans.

Distribution or exhibition of these plans to anyone other than employees of said client, or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden. In the event that such exhibition or construction occurs, Burr Signs expects to be reimbursed \$1500 in compensation for time & effort entailed in creating these plans.

2 Karen Drive, Stop 4 • Westbrook, Maine 04092
Telephone: 207.396.6111 • <http://www.burrsigns.com>





Total Sq. Ft. - 3 ft²

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Approved by:

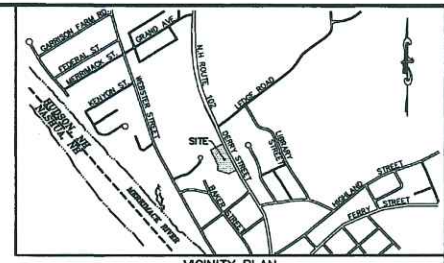
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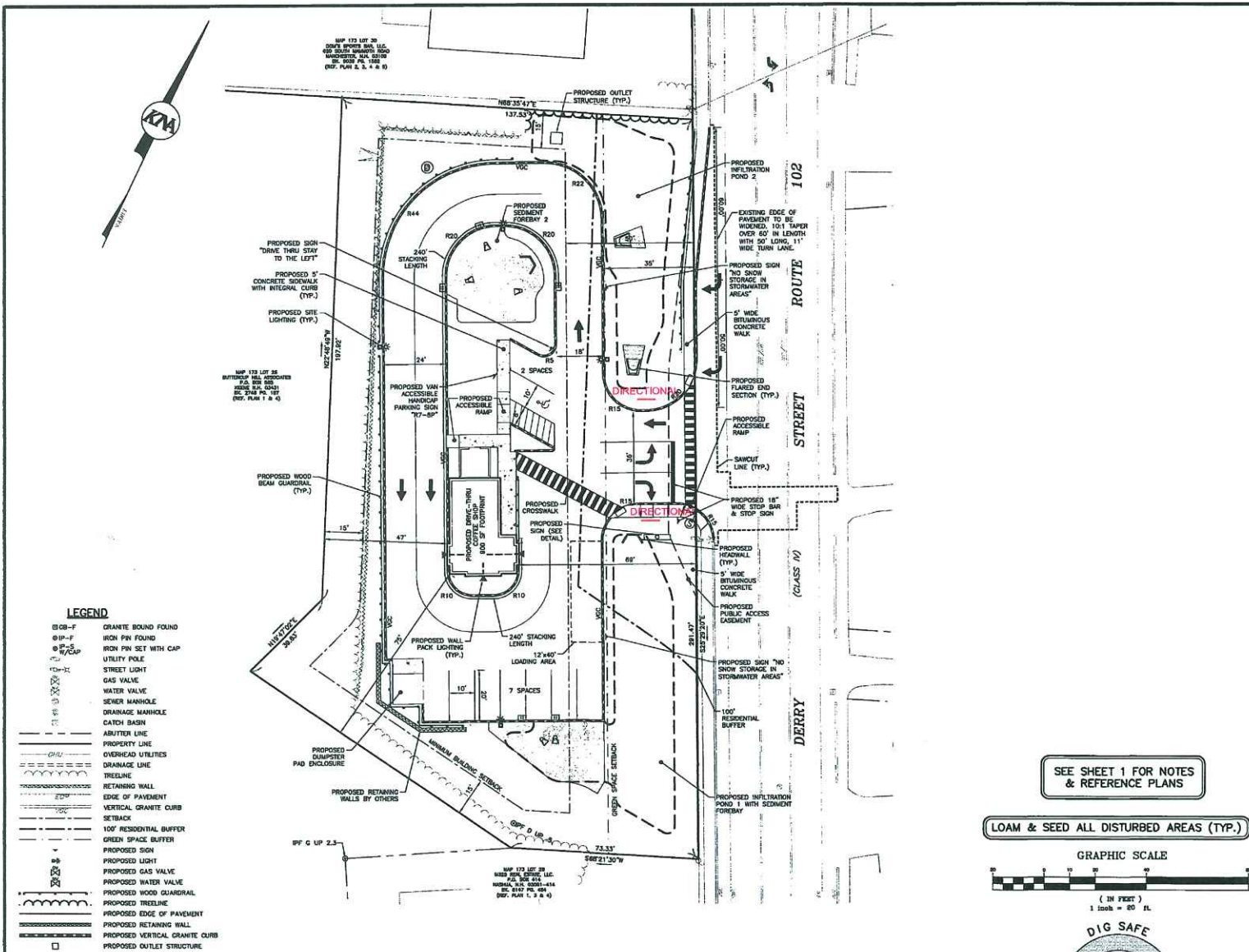
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2 Karen Drive, Stop 4 • Westbrook, Maine 04092
Telephone: 207.396.6111 • <http://www.burrsigns.com>





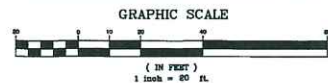
LOCALITY PLAN
SCALE: 1" = 1000'



- LEGEND**
- ⊖ OB-F GRANITE BOUND FOUND
 - ⊖ IP-F IRON PIN FOUND
 - ⊖ UP-S UTILITY POLE
 - ⊖ ST-L STREET LIGHT
 - ⊖ G-V GAS VALVE
 - ⊖ W-V WATER VALVE
 - ⊖ S-H SINKER MANHOLE
 - ⊖ D-M DRAINAGE MANHOLE
 - ⊖ C-B CATCH BASIN
 - ⊖ AB-L ABUTTER LINE
 - ⊖ PL-L PROPERTY LINE
 - ⊖ OU-U OVERHEAD UTILITIES
 - ⊖ DL-L DRAINAGE LINE
 - ⊖ TR-L TRESSELINE
 - ⊖ RW-L RETAINING WALL
 - ⊖ EP-L EDGE OF PAVEMENT
 - ⊖ VC-L VERTICAL GRANITE CURB
 - ⊖ SB-L SETBACK
 - ⊖ RB-L 100' RESIDENTIAL BUFFER
 - ⊖ GS-L GREEN SPACE BUFFER
 - ⊖ PS-L PROPOSED SIGN
 - ⊖ PL-L PROPOSED LIGHT
 - ⊖ GV-L PROPOSED GAS VALVE
 - ⊖ WV-L PROPOSED WATER VALVE
 - ⊖ WG-L PROPOSED WOOD GUARDRAIL
 - ⊖ TR-L PROPOSED TRESSELINE
 - ⊖ EP-L PROPOSED EDGE OF PAVEMENT
 - ⊖ RW-L PROPOSED RETAINING WALL
 - ⊖ VC-L PROPOSED VERTICAL GRANITE CURB
 - ⊖ OS-L PROPOSED OUTLET STRUCTURE

SEE SHEET 1 FOR NOTES & REFERENCE PLANS

LOAM & SEED ALL DISTURBED AREAS (TYP.)



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

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

SIGNATURE DATE: _____

SIGNATURE DATE: _____

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

OWNER OF MAP 173 LOT 29

SIGNATURE: _____

DATE: _____

NON RESIDENTIAL SITE PLAN
AROMA JOE'S
MAP 173 LOT 29
56 DERRY STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER & APPLICANT:
ZIEFFELDER BUILDER'S LLC
C/O SCOTT ZIEFFELDER
169 CANAAN BACK ROAD
BARRINGTON, NH 03525

KM REACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 30, Bedford, NH 03110 Phone (603) 887-8801

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	07/23/2021	REVISED PER REVIEW COMMENTS	PDC
2	08/12/2021	REVISED PER PLANNING BOARD COMMENTS	ACL
3	09/20/2021	REVISED PER REVIEW COMMENTS	ACL
4	10/09/2021	REVISED PER CONDITIONS OF APPROVAL	ACL

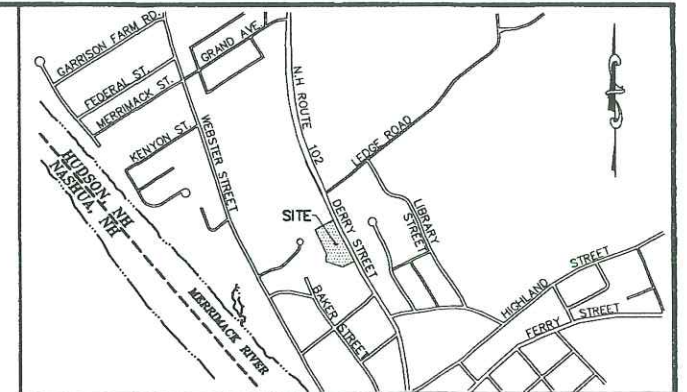
DATE: JUNE 22, 2021 SCALE: 1"=20'
PROJECT NO: 21-0311-1 SHEET 3 OF 14



MAP 173 LOT 29
 DON'S SPORTS BAR, LLC.
 620 SOUTH MANWORTH ROAD
 MANCHESTER, N.H. 03109
 BK. 903B PG. 15B2
 (REF. PLAN 2, 3, 4 & 5)

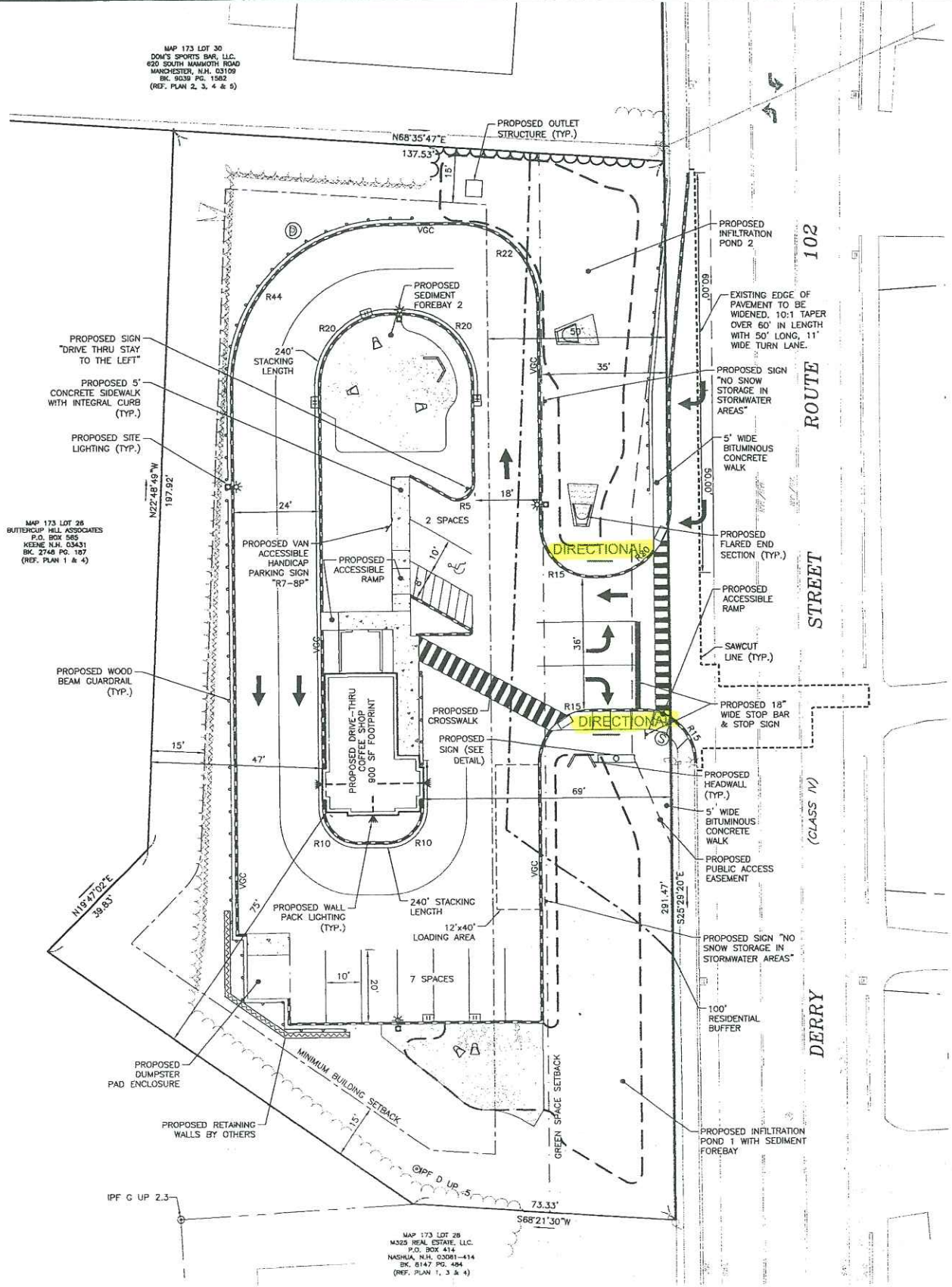
MAP 173 LOT 28
 BUTTERCUP HILL ASSOCIATES
 P.O. BOX 565
 KEENE, N.H. 03431
 BK. 2744 PG. 197
 (REF. PLAN 1 & 4)

MAP 173 LOT 28
 M325 REAL ESTATE, LLC.
 P.O. BOX 414
 NASHUA, N.H. 03081-414
 BK. 8147 PG. 484
 (REF. PLAN 1, 3 & 4)



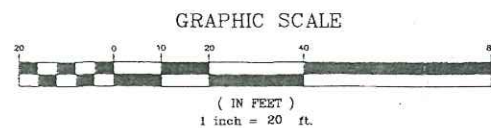
VICINITY PLAN
 SCALE: 1" = 1000'

- LEGEND**
- GB-F GRANITE BOUND FOUND
 - ⊙ IP-F IRON PIN FOUND
 - ⊙ IP-S IRON PIN SET WITH CAP
 - ⊙ W/CAP UTILITY POLE
 - ⊙ STREET LIGHT
 - ⊙ GAS VALVE
 - ⊙ WATER VALVE
 - ⊙ SEWER MANHOLE
 - ⊙ DRAINAGE MANHOLE
 - ⊙ CATCH BASIN
 - ABUTTER LINE
 - PROPERTY LINE
 - CHU OVERHEAD UTILITIES
 - DRAINAGE LINE
 - TREELINE
 - RETAINING WALL
 - EDGE OF PAVEMENT
 - VGC VERTICAL GRANITE CURB
 - SETBACK
 - 100' RESIDENTIAL BUFFER
 - GREEN SPACE BUFFER
 - PROPOSED SIGN
 - PROPOSED LIGHT
 - PROPOSED GAS VALVE
 - PROPOSED WATER VALVE
 - PROPOSED WOOD GUARDRAIL
 - PROPOSED TREELINE
 - PROPOSED EDGE OF PAVEMENT
 - PROPOSED RETAINING WALL
 - PROPOSED VERTICAL GRANITE CURB
 - PROPOSED OUTLET STRUCTURE



SEE SHEET 1 FOR NOTES
 & REFERENCE PLANS

LOAM & SEED ALL DISTURBED AREAS (TYP.)



TOWN OF HUDSON
 SEP 06 2022
 Zoning Department

NON RESIDENTIAL SITE PLAN
AROMA JOE'S
 MAP 173 LOT 29
 56 DERRY STREET
 HUDSON, NEW HAMPSHIRE
 HILLSBOROUGH COUNTY

OWNER & APPLICANT:
 ZIELFELDER BUILDER'S LLC
 C/O SCOTT ZIELFELDER
 169 CANAAN BACK ROAD
 BARRINGTON, NH 03825

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

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

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

OWNER OF MAP 173 LOT 29
 SIGNATURE: _____
 DATE: _____

REVISIONS				
No.	DATE	DESCRIPTION	BY	
1	07/23/2021	REVISED PER REVIEW COMMENTS	PDC	
2	08/12/2021	REVISED PER PLANNING BOARD COMMENTS	ACL	
3	08/30/2021	REVISED PER REVIEW COMMENTS	ACL	
4	10/08/2021	REVISED PER CONDITIONS OF APPROVAL	ACL	

DATE: JUNE 22, 2021 SCALE: 1"=20'
 PROJECT No: 21-0311-1 SHEET 3 OF 14

Printed
 9/06/2022
 12:22PM
 Created
 9/06/2022
 12:16 PM

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

Receipt# 699,641
 tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-9/22/22 ZBA Mtg. 56 Derry Street (Aroma Joe's) Map/Lot 173-029-000			
	Variance a-Pylon Sig	0.00	230.0000	0.00
	Variance b-Wall sign	0.00	185.0000	0.00
	Variance c-Direction	0.00	185.0000	0.00
			Total:	600.00

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Burr Signs	CHECK	CHECK# 4160	600.00	0.00	600.00

Total Due: 600.00
 Total Tendered: 600.00
 Total Change: 0.00
 Net Paid: 600.00

The Sign of a Good Business Since 1987
 09/03/2022 Town of Hudson

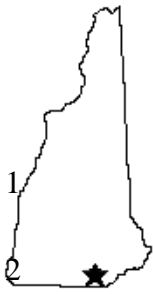
4160

600.00

Infinity Checking

Variance Process - Aroma Joe's

600.00



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 – August 25, 2022 - edited

The Hudson Zoning Board of Adjustment met on Thursday, August 25, 2022 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE

Chairman Gary Daddario called the meeting to order, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Bylaws) into the record describing the procedure for the meeting.

Clerk Normand Martin took attendance. Members present were Gary Daddario (Regular/Chair), Brian Etienne (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 was Jim Pacocha (Regular/Vice Chair). For the record, two (2) Alternates were appointed to vote for the two (2) open ~~Regular~~ Regular seats – Alternate Sakati for Mr. Pacocha and Alternate Thompson for the recently vacated position of Mr. Dearborn.

Appreciation for Mr. Dearborn’s years of service to the Board was implied. Ms. Roy confirmed that the Selectmen have recently held an interview for an Alternate and noted that anyone interested in the Regular position would need to apply.

III. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 182-036 (08-25-22):** Patrick & Shannon Lacasse, **7 Fulton Street, Hudson, NH** requests two (2) Variances to permit an existing 2nd dwelling unit to remain as an Accessory Dwelling Unit (ADU) within the existing structure also used as a single family dwelling unit, with relief from the following provisions in the Hudson Zoning Ordinance [Map 182, Lot 036-000; Zoned Town Residence* (TR)]:
 - a. A Variance for relief from the common interior access requirement between the principal dwelling unit and the ADU. [HZO Article XIII A, Accessory Dwelling Units; §334-73.3 E, Provisions]
 - b. A Variance to allow two (2) driveways to remain where a separate driveway for the ADU is not allowed. [HZO Article XIII A, Accessory Dwelling Units; §334-73.3 G, Provisions]

46
47 Mr. Buttrick read the Case and both Variances into the record, referred to his Staff
48 Report initialed 8/17/2022 that outlined the history of the property from records
49 found in the Town's record, noting the Assessor's record that the property was
50 changed from a single family residence to an ADU (Accessory Dwelling Unit) in 2017,
51 without any accompanying Town record or permit for the conversion to an ADU or a
52 two-family, and that from the Assessing record, with a print date of 1/12/1993, that
53 the indicated two-family designation was corrected to a single-family designation. The
54 Town Engineer's review comment dated 8/4/2022 stated that the imagery shows two
55 (2) driveways for this property for the past twenty four (24) years with no Planning
56 Board approval or driveway permit for the second driveway. Mr. Buttrick noted that
57 the Zoning Ordinance changed in 1994 to the TR Zone which allowed the two-family
58 as an "existing non-conforming use" (grandfathered).
59

60 Shannon Lacasse introduced herself and her husband Patrick Lacasse, stated that
61 they purchased the property in December 2000 with the existing apartment and
62 second driveway and considering that they have been taxed for an ADU (Accessory
63 Dwelling Unit), they presumed all was legal and were surprised to learn otherwise.
64 Ms. Lacasse stated that they seek to legitimize the ADU and noted that it is the second
65 story of their deck and shares the wall with their master bedroom and bathroom
66 which would be extremely compromised if they have to connect the ADU and hence
67 the need for a variance. Mr. Lacasse stated that has learned that Steve Shumsky built
68 the apartment back in 1984. Ms. Lacasse stated that both driveways are in use, were
69 in use when they bought the property, and they would like to be able to continue
70 using both, hence the need for a variance, and noted that water pools in the second
71 driveway and that the smaller driveway has a drain in it and if they are forced to
72 eliminate it that drain would be in the middle of their yard. When asked if there were
73 others in the neighborhood that have two (2) driveways, the overview map was
74 displayed and Ms. Lacasse noted that 13 Reed Street has an ADU with two (2)
75 driveways that Mr. Lacasse noted was just repaved.
76

77 Ms. Lacasse ~~ext~~ addressed the criteria for the granting of a Variance and the
78 information shared included:
79

80 (1) *not contrary to public interest*

- 81 • The proposed addition is not contrary to public interest because the house
82 had an ADU with two (2) driveways when the house was purchased in 2000,
83 twenty-one (21) years ago.
- 84 • There has been no change to the footprint of the house and the driveways
85 have not been changed.

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

- 87 • The structure meets almost all the provisions required for an ADU
- 88 • Property is located in the TR Zone which allows for an ADU
- 89 • The ADU is six hundred square feet (600 SF), has one (1) bedroom, living
90 room, kitchen and bathroom
- 91 • The ADU has two (2) exits including an outside door and a fire escape
- 92 • There is only one (1) mailbox, one (1) utility service connection and the
93 outside stairs and deck are on the side and back of the house so that when
94 you look at the front of the house, it looks like a single-family house
- 95 • There are four (4) off-street parking spaces available

(3) *substantial justice done*

- Substantial justice would be done to the current property owners because the property was bought with the understanding that the ADU was an approved and legal part of the house and that the two (2) driveways were approved because they were already a functional and used part of the property
- Property has been owned for the past twenty one (21) years and there has been no change to its footprint in that time and both driveways remain in use
- Would like existing ADU to be a legal part of the home

(4) *not diminish surrounding property values*

- The ADU and second driveway have been existing parts of the property for over two (2) decades and has been assessed as such by the Town and is already included in the neighborhood assessment
- The neighborhood has several multi-family properties and even another ADU with two (2) driveways (13 Reed Street)

(5) *hardship*

- The existing layout of the building, which has existed as is since purchase twenty one (21) years ago, is the special condition
- The apartment has all aspects of an ADU except for the common area and that the house has two (2) driveways
- In order to create a common area, the second floor master bedroom and/or bathroom of the main house would be disrupted
- The ADU, master bedroom and bathroom share the same wall
- To create a common area, loss of function to the existing master bedroom or bathroom would result
- The second driveway has always been an existing part of the home and are an intricate part to the flow of the home
- Allowing the ADU, with these two (2) Variances, would allow continued use of the property that was purchased twenty one (21) years ago
- House was built in 1960

Public testimony opened at 7:30 PM. The following individuals addressed the Board:

- (1) Michael Shumsky, 16 Fulton Street, stated that he has been in the neighborhood for seventy-three (73) years and has no objection to either variance.

Ms. Roy asked if it is known when the second driveway was built. Mr. Buttrick stated that they both existed in 1998. Mr. Shumsky stated that those driveways have always been there and added that there once was a garage, but that is now gone but the driveway remained.

- (2) Emily Eastman-Brown, 22 Maple Avenue, asked if the driveways would remain in the same location if there were ever to be replaced. Mr. Lacasse confirmed that his intention is to keep them where they are, perhaps with a slight change to the right side depending on the water concerns. Ms. Eastman-Brown stated that she has no issues with either variance.

- (3) Mary Ellen Bourassa, 16 Fulton Street, stated that ADU's are important, that there are lots of apartments in the neighborhood and this one is not detrimental to the neighborhood.

146
147 Public testimony closed at 7:36 PM
148

149 Board discussion ensued and existing Town records and Permits were reviewed.
150 General agreement was reached that the record is incomplete and that several
151 documents were illegible and that there existed discrepancies, including Building
152 Permit #2005-501 dated 5/4/2005 for the addition of a first floor screened porch with
153 a second floor addition to a bedroom with accompanying Electric Permit #194-06.
154

155 It was noted that it is important that the appropriate relief being sought is identified,
156 and the question answered whether the apartment existed in 1994 before the Zone
157 change to TR thereby having it become a non-conforming 'grandfathered' use, and
158 whether a separate dwelling unit should remain.
159

160 Mr. Etienne asked if the tax record in 1994 identified it as a two-family or an ADU.
161 Mr. Buttrick stated that those records only go back to 2014, noted that the
162 construction is a two-family by configuration, and added that ADUs are allowed in the
163 TR Zone and is why the Variances are being sought to legitimize and allow continued
164 use of the second dwelling unit. Mr. Buttrick stated that the "common area"
165 requirement could readily be satisfied by just adding an adjoining door and that
166 Planning Board approval of a second garage, as well as a Driveway Permit, would also
167 be needed. Mr. Lacasse stated that it is their preference not to connect the two
168 dwelling units, not even if the requirement could be satisfied if they insert a "door".
169

170 Ms. Roy asked how the second dwelling unit has been used and whether there haves
171 been any caregiver services provided. Mr. Lacasse responded that David Murray was
172 living there when they purchased the property and stayed until his death, then a
173 friend of Ms. Lacasse lived there for four (4) years, then his friend after for another
174 four (4) years and currently their nephew resides there while he is building his own
175 house. Ms. Lacasse confirmed that they have never been 'care-takers' to the tenants.
176

177 Ms. Lacasse provided a copy of the 1993 tax record with the property listed in the R-2
178 (Residential-Two) Zone and identified as "two-family".
179

180 Discussion arose. With the new information identifying the structure as a two-family
181 prior to the change in Zone, the "use" became a non-conforming use protected by
182 'grandfather' status. Mr. Etienne noted that two (2) driveways are allowed for
183 duplexes. Discussion on how to proceed followed
184

185 Mr. Etienne made the motion to neither grant nor deny the requested Variances as
186 based on the new evidence submitted find that the two-family use existed prior to the
187 Zone change in 1994 and thereby its two-family use became a non-conforming
188 (grandfathered) use and that the two (2) requested variances are not required. Mr.
189 Sakati seconded the motion. Roll call vote was 5:0 with each Member confirming the
190 same finding.
191

192 Mr. Buttrick confirmed that a Notice of Decision regarding the Board's decision would
193 be produced as well as filed in the Town's Land Use Folder and become part of the
194 Town's property file record. Mr. Daddario noted the 30-day Appeal period.
195

196 Board recessed for four (4) minutes at 8:01 PM.

197

198 2. **Case 167-031 (08-25-22):** Shanna Moreau, **128 Highland Street, Hudson, NH**
199 requests a Variance for a proposed installation of a 15 ft. x 30 ft. above ground
200 residential pool to be located 10 feet into the side yard setback leaving 5 feet
201 where 15 feet is required. [Map 167 Lot 031-000; Zoned Residential-Two (R-2);
202 HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum
203 Dimensional Requirements]

204

205 Mr. Buttrick read the Case into the record, and referenced his Staff Report initialed
206 8/17/2022 noting that it is an existing non-conforming corner lot based on lot size
207 and front setback to Highland Street with has access/frontage on Bonnie Lane and is
208 encumbered by a significant and unusable easement and an Eversource ROW (Right-
209 of-Way). Town Engineer provided four (4) comments: (1) significant size Liberty
210 Utilities natural gas station with a possible gas main under the structure that required
211 confirmation; (2) significant elevation drop between 128 & 126 Highland Street which
212 will create a challenge during construction; (3) location of pool discharge hose needs to
213 be identified; and (4) applicant should consider relocating proposed pool behind the
214 house

215

216 Shanna Moreau introduced herself as the property owner and stated that she seeks a
217 variance to locate an above ground pool into the side yard setback and noted that even
218 though the application states that it will be ten feet (10') into the required fifteen foot
219 (15') setback, that because the pool placement is parallel to the house and not parallel
220 to the property line, the other end of the pool would encroach only seven feet (7').

221

222 Ms. Moreau provided a brief history of this project, stated that originally the pool was
223 to be located in the backyard parallel to the existing deck and house, that over the
224 years they have been preparing the land, cutting trees and leveling, that they were
225 aware of the easement line and their original plan had no infringements; however due
226 to issues with the hill, the excavator and the contractor made a field call and took the
227 safest option to correct and the pool excavation traversed into the easement by a few
228 feet. Eversource immediately took action to cease our installation. The pool site has
229 had to be relocated and there were very limited options available. The pool had to be
230 rotated ninety (90) degrees to run parallel to the side of the house and shifted to the
231 side yard. Considering the existing deck, they encroach the side yard setback

232

233 Ms. Moreau stated that she has been working with the utilities, received confirmation
234 from Liberty that they do not have a gas line on/under her property and all is now
235 okay with Eversource. Ms. Moreau added that during this process, she also
236 discovered that the fence was not installed at her property line, which had to be
237 corrected and limited the amount of usable area and increased the encroachment.

238

239 Ms. Moreau next addressed the criteria for the granting of a Variance and the
240 information shared included:

241

242 (1) *not contrary to public interest*

- 243 • Not contrary to public as there is only one (1) direct neighbor on that side of
244 the house
- 245 • Pool will not be visible as a six foot (6') high fence will be installed
- 246 (2) *will observe the spirit of the Ordinance*
- 247 • Not asking to disregard the Ordinance but rather leniency to be able to place
248 the pool ten feet (10') closer to the property line
- 249 (3) *substantial justice done*
- 250 • Eversource shut down the pool installation in backyard after the yard had
251 been excavated.
- 252 • Pool installer moved the plan a few feet to accommodate the hill and
253 inadvertently made the new location encroach over the easement line by a
254 few feet
- 255 • Over \$10,000 has been spent on this project so far and the variance would
256 allow this not to be a total loss
- 257 (4) *not diminish surrounding property values*
- 258 • Pool will not be visible with the installation of a six foot (6') vinyl fence
- 259 • This project will add value to my property which, in turn, should add value
260 to the neighborhood
- 261 (5) *hardship*
- 262 • With almost one (1) acre of land, there is only about ten percent (10%) that
263 can be used with the easements and hill slope in the backyard
- 264 • Have spent seven (7) years and upward to \$15K to remove trees and fix
265 yard in preparation for this project
- 266 • The easement on the property cuts off 90% of the backyard leaving a very
267 small area available for recreational use
- 268 • The location selected is the only possible remaining option for the pool
269 placement
- 270 • We recently learned that the side fence line is not on our actual property
271 line and had to be moved in, leaving us even less usable space in our
272 backyard
- 273 • The terrain makes much of the open available space in the backyard
274 unusable with its downward slope
- 275 • The 15' setback requirement leaves what useable space there is much
276 smaller
- 277 • The easement was incorrectly explained when the property was purchased
- 278 • The only option left is to place the pool at the side of my house and that
279 encroaches into the Town's established side yard setback and needs this
280 variance

281

282 Mr. Sakati noted the Town Engineer's comments regarding the elevation drop and
283 concern for the location of the pool discharge hose. Ms. Moreau stated that the
284 discharge hose will now be on the left side of the pool.

285

286 Public testimony opened at 8:27 PM. No one addressed the Board.

287

288 Mr. Thompson inquired about the fence. Ms. Moreau stated that it was already there
289 but during this whole process discovered that it was placed on her neighbor's land and
290 had to be moved to her property line.

291
292 Mr. Etienne asked if a smaller pool could be considered to reduce some of the side
293 yard impacts. Ms. Moreau responded that it could but it is not what they want and
294 added that it is already half built.

295
296 Board discussed and reviewed the additional information submitted.

297
298 Mr. Etienne made the motion to grant the Variance as requested as it is not contrary
299 to the public interest, is a common accessory use for a home so justice is done,
300 observes the spirit of the Ordinance, is a temporary structure, should not affect
301 surrounding property values and that hardship is met by the utility easements and
302 slope of the land leaving very little land to place the pool. Mr. Sakati seconded the
303 motion for the same reasons. Roll call vote was 5:0. Variance granted. The Applicant
304 was informed of the 30-day Appeal period and requested to submit a revised Building
305 Permit with new pool placement and dimensions (numbers).

306
307 **IV. REQUEST FOR REHEARING:**

308
309 No requests were received for Board consideration.

310
311 **V. REVIEW OF MINUTES:** 07/28/22 edited Draft Minutes

312
313 Board reviewed the edited draft Minutes presented. Mr. Martin questioned the “(sp?)”
314 in Line 209 for the individual that spoke when Public Testimony was opened. Mr.
315 Buttrick confirmed that the individual was not an abutter and a review of the
316 recording offered no further insight. Two (2) other typographical errors were noted as
317 needed – the un-capitulation of “rezone” (Line 212) and capitulation of “Public” (Line
318 214). Motion made by Mr. Etienne, seconded by Mr. Nicolas and unanimously voted
319 5:0 to approve the 7/28/2022 Minutes as edited and amended

320
321 **VI. OTHER:**

322 1) Resignation of Regular Member Gary Dearborn
323 Mr. Dearborn resigned after the last meeting. Ms. Roy noted that if any Alternate
324 Member is interested that they would need to apply through the Board of Selectmen
325 (BoS) and added that the BoS have interviewed one candidate for an open Alternate
326 position.

327
328 2) ZBA Training/Workshop- Member availability and tentative datess-?
329 Mr. Buttrick sent three (3) possible dates to the Municipal Assoc for a two-hour
330 training workshop beginning with Decisions/Motions – September 8, October 6 or
331 October 13 – and asked the Members to reserve those dates pending confirmation.

332
333 3) Notice of Hearing date from Superior Court – 8 Washington Dr. appeal.
334 Mr. Buttrick referenced the email from Town Counsel with its invite to attend.

335
336 Motion made by Mr. Etienne, seconded by Mr. Nicolas and unanimously voted to
337 adjourn the meeting. The 8/25/2022 ZBA meeting adjourned at 8:57 PM

338
339 Respectfully submitted,

340 Louise Knee, Recorder.

As Edited