

# 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 – December 08, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **December 08, 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. ATTENDANCE**

**IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

1. **Case 165-050 (12-08-22):** Edward J. & Joyce M. Welsh, **38 Campbello St., Hudson, NH** requests a Variance to demolish an existing non-conforming (front setback) single family dwelling and rebuild a proposed 36 ft. x 52 ft. single family house with an attached 28 ft. x 36 ft. three (3) car garage. Both encroach 10 feet into the front yard setback leaving 20 feet (less non-conforming) where 30 feet is required. [Map 165, Lot 050; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

**V. REQUEST FOR REHEARING: None**

**VI. REVIEW OF MINUTES:**

11/17/22 edited Draft Minutes

**VII. OTHER:**

2023 ZBA Meeting Schedule

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: December 8, 2022

BB  
11-29-22

**Case 165-050 (12-08-22):** Edward J. & Joyce M. Welsh, 38 Campbello St., Hudson, NH requests a Variance to demolish an existing non-conforming (front setback) single family dwelling and rebuild a proposed 36 ft. x 52 ft. single family house with an attached 28 ft. x 36 ft. three (3) car garage. Both encroach 10 feet into the front yard setback leaving 20 feet (less non-conforming) where 30 feet is required. [Map 165, Lot 050; Zoned Town Residence (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

**Address:** 38 Campbello St

**Zoning district:** Town Residence (TR)

#### **Summary:**

Applicant requests to demolish an existing single family structure that currently encroaches 16 ft into the front setback, leaving 14 ft of front setback, and build a new proposed single family structure that will encroach 10 ft into the front yard setback leaving 20 feet where 30 feet is required.

#### **Property description:**

This parcel is an existing conforming lot (size/frontage), with a non-conforming structure (location) with a conforming use (single family).

#### **LAND USE HISTORY:**

5-15-01 B.P. #2001-561: *Replace existing shed 12 x 20*

#### **ASSESSING HISTORY:**

Single Family

#### **Town in-house review comments:**

**Town Engr:** comments: Yes – see attached comments

**Fire Dept:** comments: Yes – see attached comments

**Town Planner:** comments: no comments

#### **Attachments:**

**A:** 5-15-01 Building Permit #2001-561: *Replace existing shed 12 x 20*

**B:** Town (in-house review) comments: Town Engr and Fire Dept

# BUILDING PERMIT

Amount Paid

Date 15-May-2001 Permit# 2001-561

Applicant **Daniel Daly** **38 Campbello Street** Contractor's License  
Permit To **Repair or Replacement** **0 Story Shed** # of Dwelling Units **0**

At (Location) <b>38 Campbello Street</b>	Zoning District
Between <b>Garrison Farm Road</b>	And <b>Kenyon Street</b>

Subdivision \_\_\_\_\_ Map **54** Lot **38** Sublot \_\_\_\_\_ Lot Size **0**  
Building is to be **0** ft. Wide by **0** ft. Long by **0** ft. in Height and Shall Conform in Construction  
to Type **Wood Frame** Use Group \_\_\_\_\_ Foundation Type \_\_\_\_\_

Remarks **All construction must conform to Hudson Town Codes.**  
**Replace existing 12 x 20 shed.**

Area or Volume \_\_\_\_\_ Estimated Cost \$ \_\_\_\_\_ Permit Fee \$ **\$4,000.00** \$25.00  
Owner **Daniel T. Daly** Approved *[Signature]*  
Address **38 Campbello Street, Hudson, NH 03051** Date **5.15.01**

A<sub>1</sub>

2001-561



# TOWN OF HUDSON — Building/Zoning

APPLICATION FOR  
PLAN EXAMINATION AND  
BUILDING PERMIT  
886-6005

**IMPORTANT — Applicant to complete all items in sections I, II, III, IV, and IX.**

<b>I. LOCATION OF BUILDING</b>	AT (LOCATION) <u>38 Campbell St</u>	ZONING DISTRICT _____
	BETWEEN <u>Garuson Farm Rd</u> AND <u>Kenyon St</u>	
	SUBDIVISION _____ MAP <u>54</u> LOT <u>38</u> LOT SIZE _____	

<b>II. TYPE AND COST OF BUILDING — All applicants complete Parts A-D</b>			
<b>A. TYPE OF IMPROVEMENT</b> 1 <input type="checkbox"/> New Building 2 <input type="checkbox"/> Addition (If residential, enter number of Bdrm/Baths added, if any, in Sec. III, Part L.) 3 <input type="checkbox"/> Alteration (See 2 above) 4 <input checked="" type="checkbox"/> Repair, replacement 5 <input type="checkbox"/> Wrecking (If multi-family residential, enter number of units in building in Part D. 13) 6 <input type="checkbox"/> Moving (relocation) 7 <input type="checkbox"/> Foundation only  <b>B. OWNERSHIP</b> 8 <input checked="" type="checkbox"/> Private (individual, corporation, nonprofit institution, etc.) 9 <input type="checkbox"/> Public (Federal State, or local government)	<b>D. PROPOSED USE - (For "Wrecking" most recent use)</b>  <table border="0"> <tr> <td style="vertical-align: top;"> <b>Residential</b>            12 <input checked="" type="checkbox"/> One family            13 <input type="checkbox"/> Two family             14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____            15 <input type="checkbox"/> Garage            16 <input type="checkbox"/> Carport            17 <input type="checkbox"/> Multi-Family - Townhouse, Apartment, etc (enter number of residential units)            18 <input checked="" type="checkbox"/> Other - Specify (shed, pool, fireplace) <u>shed</u> </td> <td style="vertical-align: top;"> <b>Non-Residential</b>            18 <input type="checkbox"/> Amusement, recreational            19 <input type="checkbox"/> Church, other religious            20 <input type="checkbox"/> Industrial            21 <input type="checkbox"/> Parking garage            22 <input type="checkbox"/> Service station, repair garage            23 <input type="checkbox"/> Hospital, Institutional            24 <input type="checkbox"/> Office, bank, professional            25 <input type="checkbox"/> Public utility            26 <input type="checkbox"/> School, library, other educational            27 <input type="checkbox"/> Stores, merchantile            28 <input type="checkbox"/> Tanks, towers            29 <input type="checkbox"/> Other - Specify _____         </td> </tr> </table>	<b>Residential</b> 12 <input checked="" type="checkbox"/> One family 13 <input type="checkbox"/> Two family  14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____ 15 <input type="checkbox"/> Garage 16 <input type="checkbox"/> Carport 17 <input type="checkbox"/> Multi-Family - Townhouse, Apartment, etc (enter number of residential units) 18 <input checked="" type="checkbox"/> Other - Specify (shed, pool, fireplace) <u>shed</u>	<b>Non-Residential</b> 18 <input type="checkbox"/> Amusement, recreational 19 <input type="checkbox"/> Church, other religious 20 <input type="checkbox"/> Industrial 21 <input type="checkbox"/> Parking garage 22 <input type="checkbox"/> Service station, repair garage 23 <input type="checkbox"/> Hospital, Institutional 24 <input type="checkbox"/> Office, bank, professional 25 <input type="checkbox"/> Public utility 26 <input type="checkbox"/> School, library, other educational 27 <input type="checkbox"/> Stores, merchantile 28 <input type="checkbox"/> Tanks, towers 29 <input type="checkbox"/> Other - Specify _____
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<b>C. COST</b>  10 Cost of improvement ..... \$ <u>4,000</u> <small>(to be installed but not included in the above cost)</small> a Electrical ..... b Plumbing ..... c Heating, air conditioning ..... d Other (elevator, etc.) ..... 11. TOTAL COST OF IMPROVEMENT ..... \$	<b>Nonresidential - Describe in detail proposed use of buildings, e.g., food processing machine shop, laundry building, schools, college, parking garage, rental office building, industrial plant.</b> If use of existing building is being changed, enter proposed use. <u>replace existing</u> <div style="text-align: center; font-size: 2em; font-weight: bold;">RECEIVED</div> <div style="text-align: center;">MAY 10 2001</div> <div style="text-align: center; font-weight: bold;">TOWN OF HUDSON</div>
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<b>III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete Parts E-L; for wrecking, complete only Part J, for all others skip to IV.</b>			
<b>E. PRINCIPAL TYPE OF FRAME</b> 30 <input type="checkbox"/> Masonry (wall bearing) 31 <input checked="" type="checkbox"/> Wood Frame 32 <input type="checkbox"/> Structural steel 33 <input type="checkbox"/> Reinforced concrete 34 <input type="checkbox"/> Other - Specify _____	<b>G. TYPE OF SEWAGE DISPOSAL</b> 40 <input type="checkbox"/> Town or private company 41 <input type="checkbox"/> Private (septic tank, etc.) (N40 requires town permit)  <b>H. TYPE OF WATER SUPPLY</b> 42 <input type="checkbox"/> Public or private company 43 <input type="checkbox"/> Private (well, cistern)	<b>J. DIMENSIONS</b> 48. Number of stories ..... 49. Total square feet of floor area all floors, based on exterior dimensions ..... 50. Total land area, sq. ft. .... 51. Enclosed ..... 52. Outdoors .....	12x20    <b>K. NUMBER OF OFF-STREET PARKING SPACES</b> 51. Enclosed ..... 52. Outdoors .....
<b>F. PRINCIPAL TYPE OF HEATING FUEL</b> 35 <input type="checkbox"/> Gas      35a <input type="checkbox"/> Undergnd 36 <input type="checkbox"/> Oil        36b <input type="checkbox"/> Tank 37 <input type="checkbox"/> Electricity 48 <input type="checkbox"/> Coal 49 <input type="checkbox"/> Other - Specify _____	<b>I. TYPE OF MECHANICAL</b> Will there be central air conditioning? 44 <input type="checkbox"/> Yes      45 <input type="checkbox"/> No  Will there be an elevator? 46 <input type="checkbox"/> Yes      47 <input type="checkbox"/> No	<b>L. RESIDENTIAL BUILDINGS ONLY</b> 53. Total Bedroom Capacity { Finished / Unfinished 54. Number of bathrooms { Full / Partial	

MAP LOT STREET

A2

**IV. IDENTIFICATION - To be completed by all applicants**

	NAME	MAILING ADDRESS - NUMBER, STREET, CITY, AND STATE	ZIP CODE	TEL. NO.
1. Owner or Lessee	Daniel T. Daly	38 Campbell St Hudson NH	03051	880-7053
2. Elec., Plumb., Masonry, Heating, Gen. Contractor				
3. Architect or Engineer	Reeds Ferry Small Bldg.s	3 Industrial Dr. Hudson	03051	883-1362

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

SIGNATURE OF APPLICANT	ADDRESS	APPLICATION DATE
<i>Daniel T. Daly</i>	38 Campbell St Hudson	5/7/01

**DO NOT WRITE BELOW THIS LINE**

**V. PLAN REVIEW RECORD - For office use**

Plans Review Required	Date Rec'd.	Date Plans Check	Started	Date Plans By	Approved	By	Notes
BUILDING							
PLUMBING							
MECHANICAL							
ELECTRICAL							
SITE							
OTHER							

**VI. ZONING PLAN EXAMINERS NOTES**

**VII. REQUIRED PERMIT APPROVAL NOS.**

DISTRICT:		SEPTIC PERMIT:	
USE:		SEWER PERMIT:	
FRONT YARD:		SUBDIVISION APPROVAL:	
SIDE YARD:	SIDE YARD:	CONSTRUCTION APPROVAL:	
REAR YARD:	LIVING AREA:	EXCAVATION PERMIT:	
LOT AREA:	ZBA APPROVAL:	DRIVEWAY PERMIT:	
FRONTAGE:	SPEC. EXCEPTION:	SITE PLAN APPROVAL:	
NOTES:		H.C.R.D. PLAN NO.:	

**VIII. VALIDATION**

BLDG. PERMIT NO. _____	IMPACT FEES \$ _____
BLDG. PERMIT ISSUED _____ 19__	REVIEW FEES \$ _____
BLDG. PERMIT FEE \$ <u>25</u>	INSPECTION FEES \$ _____
APPROVED BY <u><i>M. J. [Signature]</i></u> 5-14-01	SEWER FEES \$ _____
BUILDING INSPECTOR	OTHER FEES \$ _____
BLDG. PERMIT FEE COLLECTED \$ _____	\$ _____
BY FINANCE _____	\$ _____
TITLE _____	

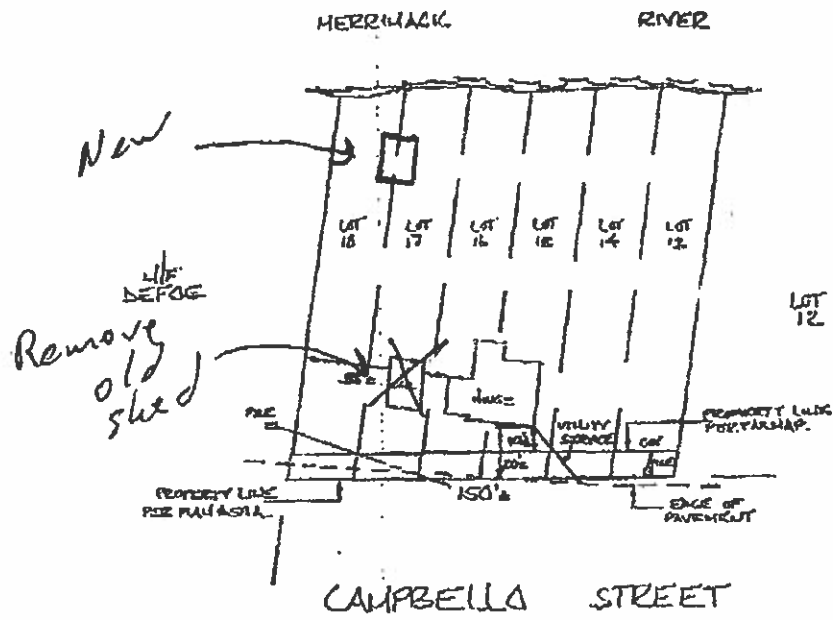
A<sub>3</sub>

# PLOT PLAN

(For Mortgagee's Use Only)



*Note Change in Row  
Please check title.*



A portion of the lot is in the 100 Year F.H.A. Zone A. The house and a portion of the lot is in the 500 Year F.H.A. Zone B. The house as shown is not in the 100 Year F.H.A. Zone A.

This plan is not the result of an accurate boundary survey. It is for mortgage purposes only and not to be used for boundary determination. It must not be used for establishing lot lines, the erection of fences, walls, or hedges, or for supporting documentation for obtaining a variance.

I hereby certify that the building(s) on this plan is/are approximately as shown hereon and that it does comply to the town/city of HERRMACK county of HILLSBOROUGH zoning regulations regarding setbacks from streetlines and lot lines when constructed.  
By [Signature]

SCALE: 1"=50'  
DATE: 12/2/93

Boundary Information taken from:



A4

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

REQUEST FOR REVIEW/COMMENTS:

Case: 165-050 (VARIANCE)

Property Location: 38 Campbello Street

*For Town Use*

Plan Routing Date: 11/18/2022 Reply requested by: 11/23/2022 ZBA Hearing Date: 12/08/2022

I have no comments  I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 11/18/2022  
(Initials)

DEPT:  Town Engineer  Fire/Health Department  Town Planner

1. Apppican shall provide Shoreland Protection permit at the time of the new building permit.

B.

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

**REQUEST FOR REVIEW/COMMENTS:**

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Property Location: 38 Campbello Street

*For Town Use*

Plan Routing Date: 11/18/2022 Reply requested by: 11/23/2022 ZBA Hearing Date: 12/08/2022

I have no comments  I have comments (see below)

DRH Name: David Hebert Date: 11/18/2022  
(Initials)

DEPT:  Town Engineer  Fire/Health Department  Town Planner

A Demolition permit for the existing structure will be required.

B<sub>2</sub>





TOWN OF HUDSON

NOV 15 2022

Zoning Department

APPLICATION FOR A VARIANCE

Zoning Board of Adjustment  
Town of Hudson

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

Case No. 165-050 (12/8/22)

Date Filed 11/15/22

Name of Applicant Edward & Joyce Welsh Map: 165 Lot: 50 Zoning District: TR

Telephone Number (Home) 978-397-6055 (Ed cell) Joyce Cell (Work) 978-397-1195

Mailing Address 38 Campbello Street, Hudson, NH 03051

Owner Edward and Joyce Welsh

Location of Property 38 Campbello Street, Hudson NH 03051  
(Street Address)

Signature of Applicant Joyce M Welsh Date 11/15/22  
(Property Owner)

Signature of Property-Owner(s) Joyce M Welsh Date 11/15/22

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: 11/15/22

**COST:**

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

Abutter Notice:

<u>5</u> Direct Abutters x Certified postage rate	\$ <u>4.60</u> =	\$ <u>23 -</u>
<u>5</u> Indirect Abutters x First Class postage rate	\$ <u>0.60</u> =	\$ <u>3</u>
<b>Total amount due:</b>		\$ <u>211</u>
Amt. received:		\$ <u>211 -</u>
Receipt No.:		<u>706,572</u>

Received by: (TSG) check 5722

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



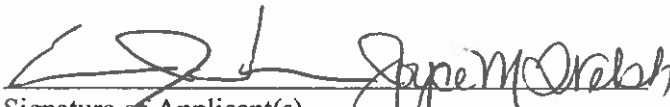
**CERTIFIED PLOT PLAN:**

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.

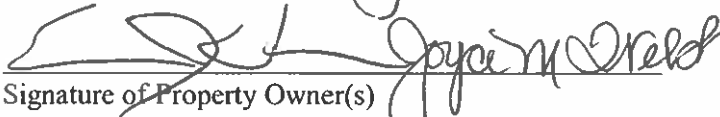
(NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).

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

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

  
Signature of Applicant(s)

11/15/22  
Date

  
Signature of Property Owner(s)

11/15/22  
Date

**ALL DIRECT ABUTTERS**

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
165	49	A. Jack Atkinson, TR Atkinson Revocable Trust	36 Campbello Street Hudson, NH 03051
165	48	Joselito Mangual Daniel R. <del>Towders</del>	32 Merrimac Street Hudson NH 03051
165	51	Michael J. Galante Joseph P. Kinney	40 Campbello Street Hudson NH 03051
165	68	Paul F Travers, Jr. Elizabeth R. Travers	41 Campbello Street Hudson NH 03051
165	50	Edward & Joyce Welsh	38 Campbello Street Hudson NH 03051


**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

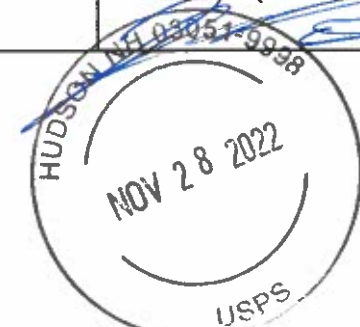
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

*Lewis Family Revocable Trust*

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
165	67	Richard Lewis, TR Lydia Lee Lewis, TR.	<sup>43</sup> Campbello Street Hudson NH 03051
165	69	Robert C. Scire, TR Jacqueline Scire, TR	6 Schaefer Circle Hudson NH 03051
			Physical Address: 31 Merrimac Street Hudson NH 03051
165	47	Robert A & Sylvia E Miller	28 Merrimac Street Hudson NH 03051
165	53	Patricia Mason	46 Campbello Street Hudson NH 03051
165	66	Town of Hudson	12 School Street Hudson NH 03051
165	70	Altagracia Vazquez Jose Colon	29 Merrimac Street Hudson NH 03051

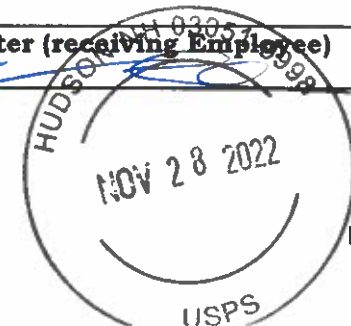
<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 165-050 38 Campbello Street Map 165/Lot 050-000	Variance 1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>12/08/2022 ZBA Meeting</b>	
1	7022 2410 0001 2971 6507	WELSH, EDWARD J. & JOYCE M. 38 CAMPBELLO ST., HUDSON, NH 03051	APPLICANTS/OWNER NOTICE MAILED	
2	7022 2410 0001 2971 6521	ATKINSON, A. JACK, TR.; ATKINSON REVOCABLE TRUST 36 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	7022 2410 0001 2971 6514	MANGUAL, JOSELITO; JOWDERS, DANIEL R. 32 MERRIMACK ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	7022 2410 0001 2971 6538	GALANTE, MICHAEL J.; KINNEY, JOSEPH P. 40 CAMPBELLO ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5	7022 2410 0001 2971 6545	TRAVERS, PAUL F., JR.; TRAVERS, ELIZABETH R. 41 CAMPBELLO STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
6				
7				
8				
9				
10				
11				
	<b>Total Number of pieces listed by sender 5</b>	<b>Total number of pieces rec'vd at Post Office</b> 5	<b>Postmaster (receiving Employee)</b> 	



Direct Certified

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-050 38 Campbello Street Map 165/Lot 050-000	Variance 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address			
1	Mailed First Class	LEWIS, RICHARD & LYNDA LEE, TRSTS.; LEWIS FAMILY REVOCABLE TRUST	12/08/2022 ZBA Meeting	ABUTTER NOTICE MAILED
2	Mailed First Class	43 CAMPBELLO STREET, HUDSON, NH 03051 SCIRE, ROBERT C. & JACQUELINE, TRSTS.; 31 MERRIMACK ST. REALTY TRUST		ABUTTER NOTICE MAILED
3	Mailed First Class	6 SCHAEFER CIRCLE, HUDSON, NH 03051 MILLER, ROBERT A. ; MILLER, SYLVIA E.		ABUTTER NOTICE MAILED
4	Mailed First Class	28 MERRIMACK STREET, HUDSON, NH 03051 MASON, PATRICIA		ABUTTER NOTICE MAILED
5	Mailed First Class	46 CAMPBELLO STREET, HUDSON, NH 03051 VAZQUEZ, ALTAGRACIA M.; COLON, JOSE A.		ABUTTER NOTICE MAILED
6	Abutter Notice Not mailed	29 MERRIMACK ST., HUDSON, NH 03051 TOWN OF HUDSON 12 SCHOOL STREET, HUDSON, NH 03051		NOTE: Town Notified via Zoning Application
7				
8				
9				
10				
11				
	<b>Total # of pieces listed by sender</b> 5	<b>Total # of pieces rec'vd at Post Office</b> 5	<b>Postmaster (receiving Employee)</b>	

Non-Direct First Class







# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

November 28, 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, **12/08/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

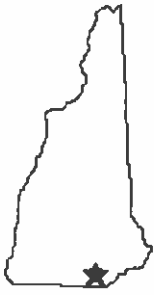
**Case 165-050 (12-08-22): Edward J. & Joyce M. Welsh, 38 Campbello St., Hudson, NH requests a Variance to demolish an existing non-conforming (front setback) single family dwelling and rebuild a proposed 36 ft. x 52 ft. single family house with an attached 28 ft. x 36 ft. three (3) car garage. Both encroach 10 feet into the front yard setback leaving 20 feet (less non-conforming) where 30 feet is required. [Map 165, Lot 050; 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

November 28, 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, **12/08/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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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. If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA c/o Bruce Buttrick, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: [bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov). In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Bruce Buttrick  
Zoning Administrator

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:

We are requesting a variance of the front property setback of 30' in the Hudson TR zone to build a new energy efficient, environmentally friendly home with a first-floor master and garages to support us in post-retirement as we grow older.

Our current house, built in 1920, is only 15' from the property line and 17' from the road. It has 3 bedrooms on the second floor that was built in the 1990s. It has no garage, so winters are tough with snow. The house isn't well insulated and uses fuel oil to heat, so it is very expensive and messy to keep warm in the winter.

Our proposed home would be 20' from our front property line and 22' from the street, so it would be less non-conforming than our existing house. We plan to use high R value insulation, solar shingles, geothermal, and propane to keep warm, costs low, and the environment clean.

A primary limitation preventing our new home from meeting setback standards is the special condition of our property being on the Merrimack River. The back of our property drops over 30' into the river. Pushing our house back would eliminate our backyard and put us closer to the edge than we feel would be safe to build.

Another related special condition is that we're also restricted by the state's NH Shoreline Water Quality Protection Act (SWQPA) not to exceed 20% increase to impervious surfaces. Going further than 20' from the front property line (22' from the road) would increase the sq ft area of our driveway and put us over the 20% impervious surface restriction.

- (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.”)

1. The requested variance will not be contrary to the public interest nor change the character of the neighborhood.

a. Our plan is to build a new single-family home with a first-floor master to support us as we grow older. The house will also have a 3-car garage to reduce strain from snow removal and provide additional storage for yard equipment.

b. It won't change the character of the neighborhood, since it is an older neighborhood from the early 1900's where most homes were built prior to the setback standards. Most of the homes don't meet the new setback standards and are less than 30' from the street.

- 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.”)

\_\_\_\_\_

2. The proposed use will observe the spirit of the ordinance, since it is a single-family home. And it won't alter the essential character of the neighborhood, since most of the homes are older and don't meet the current setback standards.

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

- 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.)

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

3. Substantial justice would be done to the property-owner by granting the variance, since it will allow the home-owners to build a new home that is less non-conforming and allows for them to grow old in 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.)

\_\_\_\_\_

4. The proposed use will actually increase the value of the surrounding properties, since it will be a new house in a much older neighborhood. The house will also be energy efficient and reduce harmful emissions in the neighborhood.

\_\_\_\_\_





# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #22-114

September 14, 2022

Joyce & Ed Welsh  
38 Campbello St  
Hudson, NH 03051

**38 Campbello St Map 165 Lot 050-000**  
**District: Town Residence (TR)**

Dear M/M Welsh,

Request: To demolish an existing non-conforming (front setback) dwelling and rebuild a SFR within the front setback.

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

This parcel is an existing conforming lot (size/frontage), with a non-conforming structure (location) with a conforming use (single family).

Any voluntary demolition of a non-conforming structure does not keep the ability to rebuild with non-conformity. Reference: §334-31 A: Alteration and expansion of non-conforming structures:  
“A nonconforming structure cannot be reconstructed after demolition, ....”

The proposed reconstructed structure would require a **variance from HZO §334-27 Table of Minimum Dimensional Requirements** if located within any required setbacks.

Be mindful of the State of NH’s Shoreland Water Quality Protection Act (SWQPA), permit requirements.

Sincerely,

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

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

cc: Public Folder  
B. Groth, Town Planner  
File

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

# 22-114



LAND USE DEPARTMENT

12 School Street  
Hudson, NH 03051  
(603) 886-6008  
[www.hudsonnh.gov](http://www.hudsonnh.gov)



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 9/6/22  
Property Location 38 Campbello St, Hudson NH 03051  
Map 165 Lot 50 Sublot —  
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)

We would like to demolish our single-family home built in 1920. It is non-conforming because it is only 15 feet from the street. We would like to replace our current home with a new single family home and garage. We will reconfigure the hothe so it is more condusive for us as we age.

Can we put the new home the same distance from the street?

Applicant Contact Information:

Name: Edward & Joyce Welsh  
Address: 38 Campbello St Hudson NH 03051  
Phone Number: 978-397-6055 978-397-1195  
Email: Black36old@gmail.com joycewelsh587@gmail.com

For Office use

ATTACHMENTS: TAX CARD

GIS

NOTES: \_\_\_\_\_

ZONING DETERMINATION LETTER SENT  DATE: \_\_\_\_\_

Property Location: 38 CAMPBELLO ST  
 Vision ID: 7434 Account #: 1739

Parcel ID: 165/ 050/ 000/ 1  
 Bldg #: 1

Card Address:  
 Card #: 1 of 1

LUC: 1010  
 Print Date: 09-23-2022 3:22:01 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
WELSH, EDWARD J.		RE	Residential Average		2022	1010	335,200	2022	1010	180,000	2021	1010	180,000
WELSH, JOYCE M.		<b>TOPO</b>	<b>UTILITIES</b>			1010	135,620		1010	95,600		1010	95,600
38 CAMPBELLO ST.		Level	Priv Water			1010	7,100		1010	5,200		1010	5,200
HUDSON NH 03051						Total	477,920	Total	280,800	Total	280,800	Total	280,800

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
WELSH, EDWARD J.		9287 2824	04-29-2020	Q	I	350,000	00	Grantor: GUAY, MATTHEW B., Grantor: DALY, DANIEL T., Grantor: DALY, DANIEL T.,	Appraised Bldg. Value (Card)				310,300
GUAY, MATTHEW B.		8851 0947	04-29-2016	Q	I	279,900	00		Appraised Xf (B) Value (Bldg)				0
DALY, DANIEL T.		3419 0687	11-22-1985	Q	V		00		Appraised Ob (B) Value (Bldg)				7,100
									Appraised Land Value (Bldg)				135,620
									Special Land Value				0
									Total Appraised Parcel Value				453,020
									Valuation Method				C
									Total Appraised Parcel Value				453,020

SUPPLEMENTAL DATA			CURRENT ASSESSMENT					
Parcel ID	Zoning	Flood Hazard	Description	Code	Assessed	Assessed		
165-050-000	TR:TOWN RESD	AE	BLDG	1010	310,300	310,300		
			LAND	1010	135,620	135,620		
			OB	1010	7,100	7,100		
			Total		453,020	453,020		

NOTES	VISIT / CHANGE HISTORY			
	Date	Id	Cd	Purpost/Result
EXPANSION OF COTTAGE BLT IN 1930 (SFL/T QS/OSP ADDED 1994)2020-pu ac/stair acce ss to water/views	07-18-2022	24	45	Field Review
	06-25-2020	21	30	Sales Data Verification
	08-02-2016	12	11	Entry Denied
	07-20-2016	12	30	Sales Data Verification
	06-23-2014	15	14	Inspected
	05-13-2014	15	02	Measured
	04-21-2006	08	02	Measured
	07-19-2005	01	71	Acreage Adjustment From New Map

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

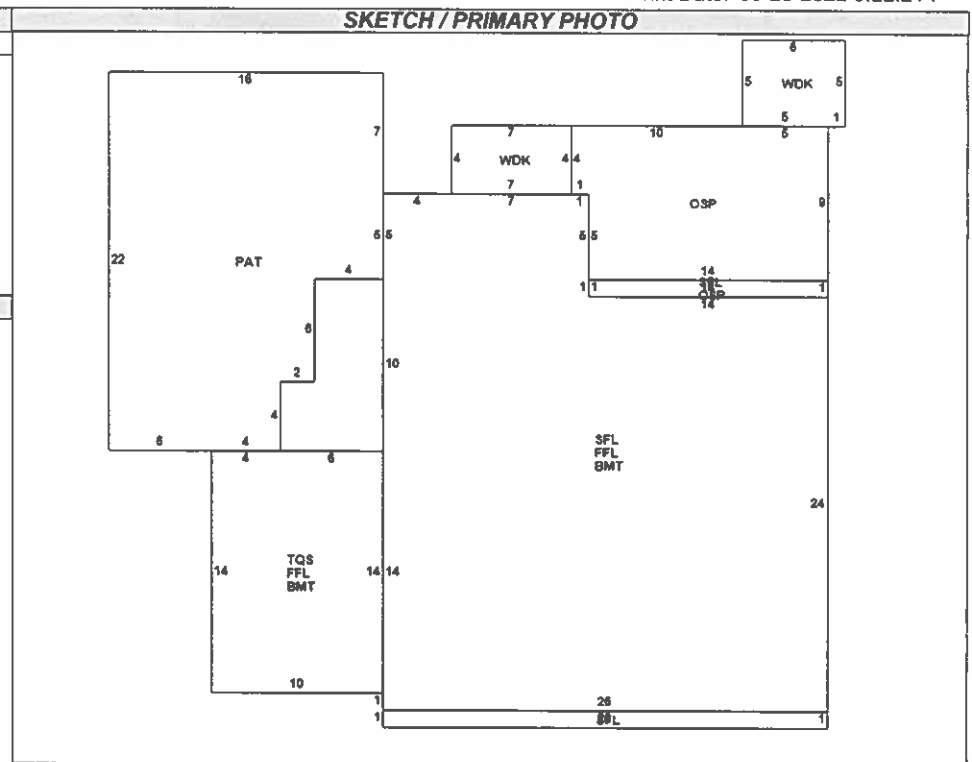
LAND LINE VALUATION SECTION														
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
1	1010	SINGLE FAMILY DWEL	Site	0.427 AC	170,000		1.86	5	1.00	RE	1.00		RF;	135,620
Total Card Land Units:				0.427 AC	Parcel Total Land Area:				0.427 AC	Total Land Value:				135,620

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 Ra		
Grade:	C+	Avg/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	17	Bamboo			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	6				
Bedrooms	3				
Full Baths	1				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	VG	Very Good			
Bath Rating	GD	Good			
Half Bath Rating	GD	Good			
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color	BLUE				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	330,129
Year Built	1994
Effective Year Built	2016
Depreciation Code	VG
Remodel Rating	
Year Remodeled	
Depreciation %	6
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	94
RCNLD	310,300
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/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value	
PATIO	Patio	L	192	UNITS	7.30	2010	GD	80	1,100	
SHEDWD	Shed-Wood	L	240	UNITS	31.02	2010	GD	80	6,000	

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement	0	836	209	42.15	35,238
FFL	First Floor	836	836	836	168.61	140,954
OSP	Screen Pch	0	144	36	42.15	6,070
PAT	Patio	0	304	30	16.64	5,058
SFL	Second Flr	736	736	736	168.61	124,093
TQS	3/4 Story	105	140	105	126.45	17,704
WDK	Wood Deck	0	58	6	17.44	1,012
Total Liv Area/Gr. Area/Eff Are		1,677	3,054	1,958	Total Value	330,129



# 38 Campbello St (Map/Lot 165-050-000)



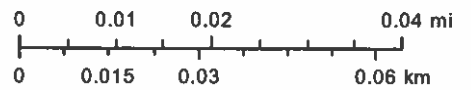
September 23, 2022

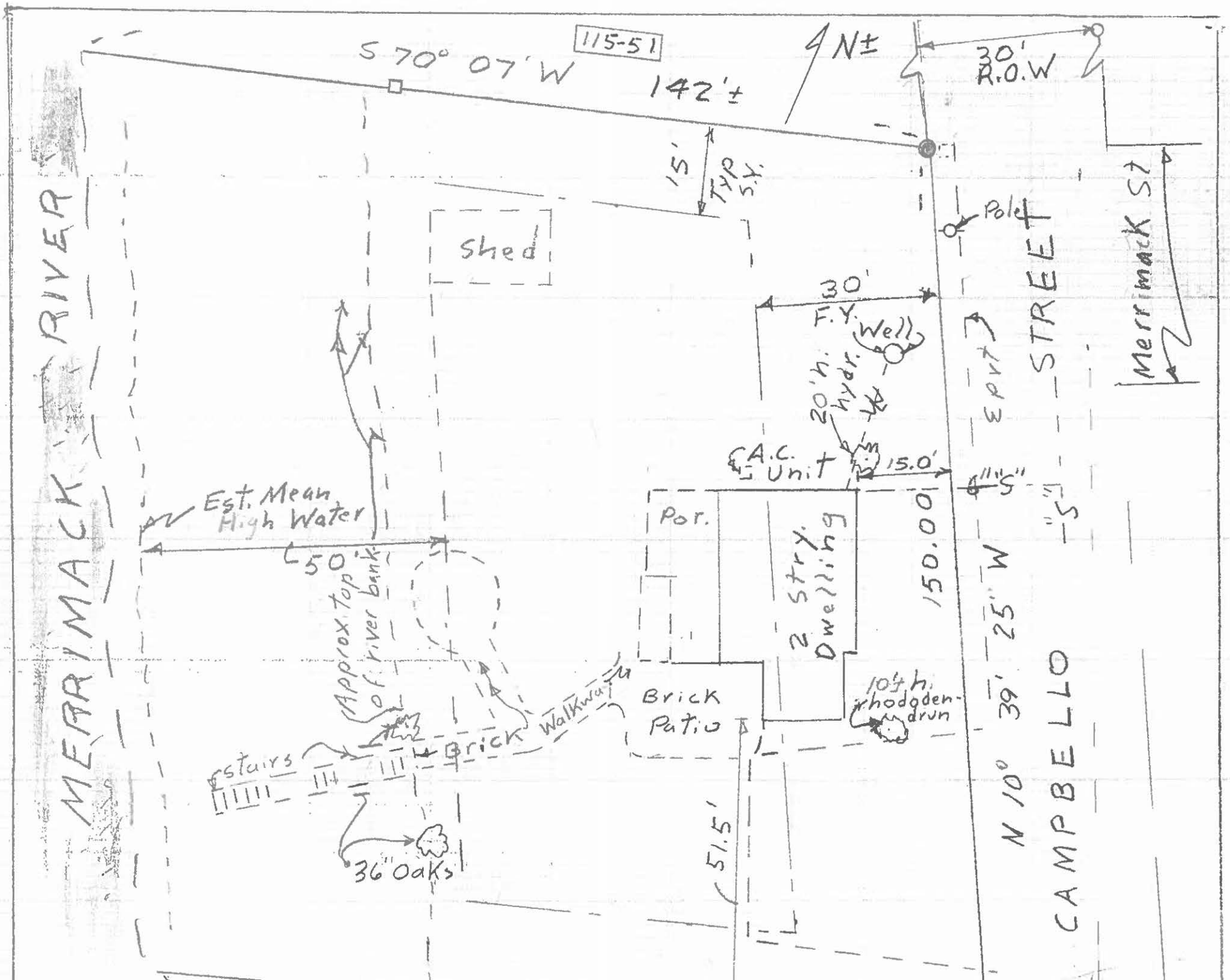
Legend

----- Easement\_Lines

▭ Parcels

1:1,280





**LEGEND**

- Stone Bound Found
- Iron rod found
- Iron rod set
- - - Minimum Setback Line
- ▨ Proposed Garage & House
- #-# Tax map# - parcel#
- Existing House

Scale 1" = 20'

Zoning is "TR" Town Residential

Property Location: Map 165 - Lot 50 38 Campbello Street  
 Lot Area ≈ 21150± Hudson N.H.

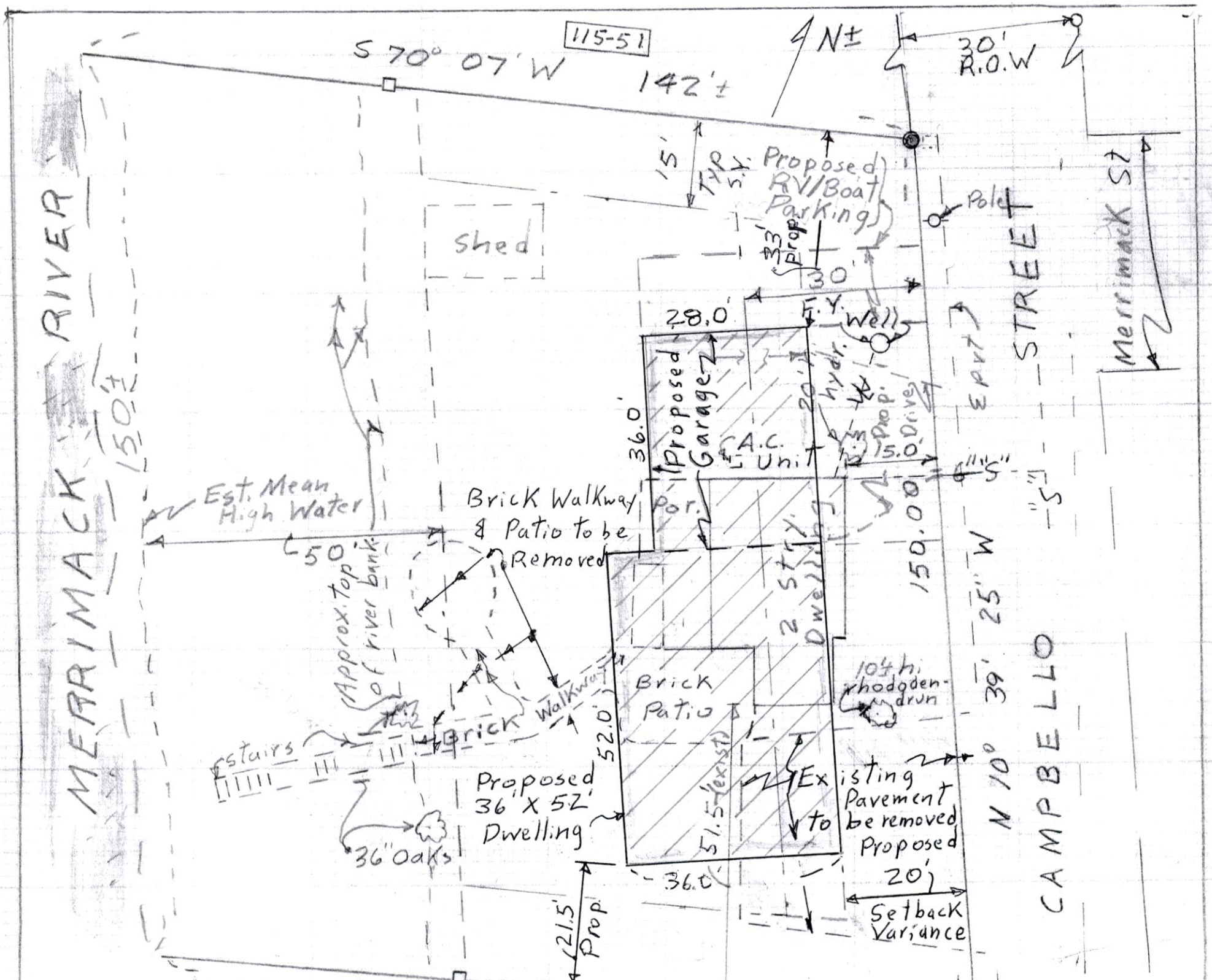
I certify that building locations shown are based on actual field measurements. The proposed buildings shown comply with the current zoning setback regulations.

**PLOT PLAN** by Ernest Jeffrey L.L.S.  
 Hoyt Street  
 Merrimack N.H. 03054

Drawn for: Edward J. & Joyce M. Welsh  
 38 Campbello Street  
 Hudson N.H. 03051  
 HCRD: \$13132,32631  
 Plan Ref: 511A  
 Deed Ref: 9287/2824



April 13, 2021



**LEGEND**

- Stone Bound found
- Iron rod found
- Iron rod set

--- Minimum Setback Line

▨ Proposed Garage & House

#-# Tax map# - parcel#

□ Existing House

Scale 1" = 20'

Zoning is "TR" Town Residential

Property Location: Map 165 - Lot 50  
Lot Area ≈ 21150 ±

38 Campbello Street  
Hudson N.H.

I certify that building locations shown are based on actual field measurements. The proposed buildings shown do not comply with the current zoning setback regulations. With alterations, less than 20% of impervious area will added to the site.

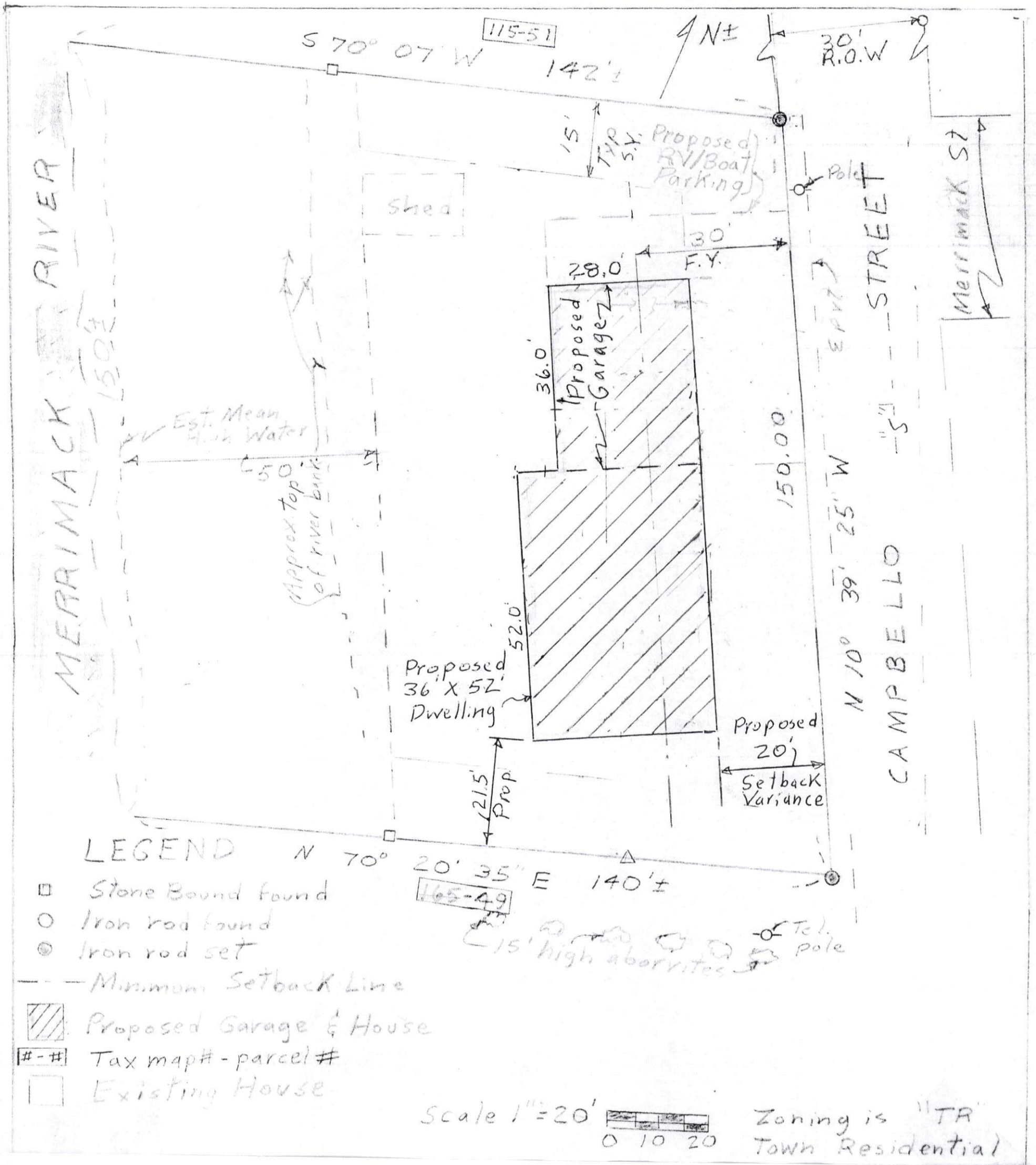
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HCRD: 38 Campbello Street  
Plan Ref: 511A Hudson N.H. 03051  
\$13132,32631  
Deed Ref: 9287/2824

April 13, 2021  
Rev. Nov. 14, 2022



11/14/2022



## ZBA - PROPOSED STRUCTURE ENCROACHMENT

FOR INFORMATION / CLARIFICATION

Printed  
 11/16/2022  
 8:31AM  
 Created  
 11/16/2022  
 8:28 AM

# Transaction Receipt

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

Receipt# 706.572  
 tgoodwyn

<u>Description</u>		<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>	
1.00	Zoning Application-12/8/22 ZBA Mtg. 38 Campbello St Map/Lot 165-050-000 (TR Zone)				
	Variance Application	0.00	211.0000	0.00	
			<b>Total:</b>	<b>211.00</b>	
<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Joyce & Edward Welsh	CHECK	CHECK# 5722	211.00	0.00	211.00
			<b>Total Due:</b>		<b>211.00</b>
			<b>Total Tendered:</b>		<b>211.00</b>
			<b>Total Change:</b>		<b>0.00</b>
			<b>Net Paid:</b>		<b>211.00</b>



# 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 – November 17, 2022 - draft

The Hudson Zoning Board of Adjustment met on Thursday, November 17, 2022 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

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

Chairman Daddario called the meeting to order at 7:00 PM, invited everyone to stand and join in the Pledge of Allegiance, and read the Preamble (Exhibit A in the Board’s Bylaws) regarding the procedure and process of the meeting.

Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate), Tim Lanphear (Alternate), Normand Martin (Regular/Clerk), Marcus Nicolas (Regular), Jim Pacocha (Regular/Vice Chair), and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused were Brian Etienne (Regular) and Dean Sakati (Alternate). Alternate Dion was appointed to vote.

#### IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 251-008 (11-17-22):** Kenneth L. MacGrath, **79 River Rd., Hudson, NH** requests a Variance to build a proposed 2,395 SF building addition with a roof overhang which encroaches 3.1 feet into the side yard setback leaving 11.9 feet where 15 feet is required. [Map 251, Lot 008; Zoned General-One (G-1); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Mr. Buttrick read the Case into the record, referenced his Staff Report initialed 11/8/2022 and noted that it is an existing non-conforming lot based on frontage and lot size and that in-house comment was received from the Town Planner citing that a Site Plan Review application has been filed and that the manufacturing use received their Certificate of Occupancy on 3/5/2008.

Applicant Kenneth MacGrath introduced himself and his son, Collin MacGrath, both residing at 20 Baldwin Road, Milford, NH.

46

47 Kenneth MacGrath identified the location of Core Compliance Testing Services and  
48 noted that he owns the adjacent site, that his sister owns the other adjacent site and  
49 that the BAE site is behind them. Mr. MacGrath added that his mother divided her lot  
50 among her three children as equally as possible and when his brother died, he bought  
51 that adjacent lot.

52

53 Mr. MacGrath stated that the existing building resembles a red barn and is all  
54 fiberglass with no metal, except for the floor and door handles. Both Kenneth and  
55 Collin MacGrath explained the function of their business in that they test products  
56 before they go to market to determine compatibility, that they are FCC approved to  
57 measure waves in OATS (Open Area Test Site) and that the addition of a three-meter  
58 chamber is important function in the testing of products and will allow them to remain  
59 progressive in their industry. The proposed addition will create a L-shape building  
60 and provide what they need in terms of length/distance to measure waves, running of  
61 cables hoses etc. and the necessary open space around the chamber for its  
62 functionality.

63

64 The Variance criteria was addressed next by both Kenneth and Coin MacGrath. The  
65 information shared included:

66

67 (1) *not contrary to public interest*

- 68 • The proposed addition is in an area where the only visibility would be from the  
69 property at 77 River Road, and they own that lot
- 70 • The requested variance will not alter the essential character of the  
71 neighborhood or threaten the health safety or general welfare of the public  
72 and does not violate the basic zoning objectives of the Zoning Ordinance
- 73 • The requested variance is to allow for the roof overhang of the proposed  
74 addition to extend 3.1' feet into the property setback

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

- 76 • The overhang does not infringe on the abutter's property
- 77 • There is no direct line of sight
- 78 • There is an 8' tall fence

79 (3) *substantial justice done*

- 80 • Substantial justice would be done to the Property Owner as it would allow  
81 maintenance of the current building design, which was done with a  
82 specific intent and function in mind
- 83 • Business competitors have a chamber to test in a controlled environment
- 84 • Granting the variance will allow business to remain competitive

85 (4) *not diminish surrounding property values*

- 86 • The allowance of the proposed relief would not diminish the values of the  
87 surrounding properties
- 88 • The only lot with visibility is at 77 River Road, which they own, but there no  
89 clear line of sight and there is an 8' high fence along that property line

90 (5) *hardship*

- 91 • The proposed building is an addition to the existing building
- 92 • The design and placement ~~werewas~~ done to accommodate the loading dock,  
93 scissor lift and handicap accessible entrance



- 94           • The building overhang does not impact any of the abutters, it is a cosmetic  
95           rather than a property infringement issue  
96           • There is potential for Phase II, another addition  
97

98 Mr. Thompson asked if the hardship is based on the constraint of the size of the  
99 existing building. Mr. MacGrath confirmed and noted that they are trying to be  
100 operational with what they have to deal with and added that only a portion of the  
101 overhang breaches the side setback because the property line is not perpendicular to  
102 the road. Mr. Thompson asked the number of employees and whether there would be  
103 an increase with the proposed addition. Mr. MacGrath responded that currently they  
104 have nine (9) employees, six (6) full time and three to four (3-4) part time and no  
105 increase is planned as the addition will allow them to be competitive.  
106

107 Mr. Dion asked if the setback could be avoided with a reconfiguration of the proposed  
108 addition. Mr. MacGrath responded that a change in size is not possible considering  
109 the technical aspects of their operation, the requirement of special ports in the  
110 chamber to run lines, cable, hoses etc. and the chamber's need to have three to five  
111 feet (3'-5') distance to any wall. Mr. Lanpear asked the distance the overhang would  
112 ~~breach~~breach the sideyard setback. Board reviewed the available plans and no  
113 measurement was provided; however, it was noted that a very small section of the  
114 overhang would breach the sideyard setback.  
115

116 Public testimony opened at 7:38 PM. No one addressed the Board.  
117

118 Mr. Pacocha made the motion to grant the variance. Mr. Dion seconded the motion.  
119 Mr. Pacocha stated that the request is not contrary to the Zoning Ordinance (ZO) or  
120 public interest, that the spirit of the ZO is observed, that justice is done, that there  
121 would be no diminution of surrounding property values, that hardship is based on  
122 business operation need and location of existing building resulting in a minor  
123 intrusion into the setback due to the way the lot was created and just a small corner  
124 infringes the setback. Mr. Dion concurred, that all the criteria have been satisfied and  
125 noted that the overhang is a short run into the setback and is just a roofline that it  
126 would not impede or threaten the public, that the current neighborhood is already in  
127 an industrial zone, that by not granting the variance the owner would not have means  
128 to grow his business, that the addition does not show that it would diminish property  
129 values in the neighborhood and that the lot boundaries and setup is what limits the  
130 expansion of the business.  
131

132 Mr. Nicolas stated that it would not alter the essential character of the neighborhood  
133 and that there is no conflict as the neighborhood is industrial with open views, that  
134 the general public would not be harmed and is not being outweighed by the benefit to  
135 the owner, that property values would not be impacted by the construction of the  
136 proposed addition and that the hardship is because of the layout of the lot and how it  
137 was divided giving way to a non-conforming lot shape. Mr. Martin stated that he  
138 doesn't see hardship from the land but seeing that it is only a small portion of the  
139 corner of the overhang that runs into the setback that not granting the variance would  
140 present the owner with a hardship. Mr. Daddario stated that it is a continuation of an  
141 existing character and use with no impact to the public, that the roof overhang for

142 approximately three to four feet (3'-4') into the side yard setback will not interfere with  
143 neighboring properties and present no harm to the public and allow necessary  
144 development of the property owner's business, that a slight overhang will not likely  
145 impact property values of other properties in the neighborhood and that hardship  
146 criterion is met because placement of existing building will not allow expansion to the  
147 front or other side and that the proposed design is based on technological needs and  
148 ADA (American Disability Access) access.

149

150 Roll call vote was 5:0. Variance granted with no stipulations. The 30-day Appeal  
151 period was noted.

152

153 2. **Case 150-001-001 (11-17-22):** Richard Drowne, Mgr. of Hathaway Home  
154 Builders, L.L.C., P.O. Box 187 Sandown, NH requests an Equitable Waiver of  
155 Dimensional Requirement at **82 A Greeley Street, Hudson, NH** for a 5-1/2"  
156 encroachment of a recently added bulkhead into the side yard setback leaving  
157 14.54 feet where 15 feet is required. [Map 150 Lot 001-001; Zoned Residential  
158 Two (R-2); HZO Article VII, Dimensional Requirements, §334-27, Table of  
159 Minimum Dimensional Requirements, RSA 674:33-a, Equitable Waiver of  
160 Dimensional Requirement.]

161

162 Mr. Buttrick read the Case into the record, referenced his Staff Report initialed  
163 11/8/2022 and noted that the duplex had a fire that destroyed the structure and is  
164 currently being rebuilt through a current foundation only Building Permit that  
165 requires a certified foundation plan before a full Building Permit can be issued. The  
166 bolt-on bulkhead was discovered with the certified plot plan to infringe the side yard  
167 setback at the corner for five and a half inches (5.5"). Mr. Buttrick noted that  
168 bulkheads are not exempt from building setback requirements.

169

170 Mr. Buttrick stated that he received a letter today from direct abutter Georgia Flynn,  
171 84B Greeley Street, who expressed disappointment that the same setbacks were not  
172 being observed, had no objections to the bulkhead infringed into the side setback by  
173 less than six inches (<6") and would like to ask that some evergreen shrubbery be  
174 planted to afford her the same privacy as she has had since the 1980's. Mr. Buttrick  
175 stated that a copy of the letter is in the supplemental meeting packet.

176

177 Richard Drowne, Manager of Hathaway Builders, LLC, introduced himself as  
178 representing the property owners, stated that there was a fire a year ago and it is  
179 being rebuilt, that the site is tight and has ledge and when they went to move the  
180 bulkhead they still found ledge and the need for the Equitable Waiver is that the stake  
181 that identified the setback was moved and affected the foundation. Mr. Drowne stated  
182 that the encroachment into the setback is a small five and a half inch (5.5") triangle at  
183 the corner and at grade level and cannot be cut off so as not to encroach the setback  
184 as it would affect the first step and cause a safety issue. Mr. Drowne stated that it  
185 would be too expensive to correct.

186

187 Mr. Drowne addressed the criteria for the granting of an Equitable Waiver of  
188 Dimensional Requirement and the information shared included:

189

190 (a) *Discovered Too Late*

- 191 • The bulkhead location had to be moved 12” due to ledge
- 192 • The surveyor noted the setback violation when doing the foundation
- 193 certification after the foundation was backfilled
- 194 • It appears that one of the pre-set stakes showing the 15’ setback had been
- 195 knocked down and reset incorrectly

196 (b) *Innocent Mistake*

- 197 • The 15’ setback was staked by the surveyor prior to commencement of
- 198 excavation and foundation work
- 199 • The mistake was caused by one of the stakes being knocked down prior to
- 200 the bulkhead installation and then mistakenly placed in a different position

201 (c) *No Nuisance*

- 202 • The 5½ inch triangle encroachment into the 15’ setback on one corner of the
- 203 precast bulkhead will not constitute a public nuisance or diminish the value
- 204 of surrounding properties

205 (d) *High Correction Cost*

- 206 • The cost to excavate and demolish the bulkhead and prepare and find a
- 207 small precast, or build from scratch, a new smaller bulkhead would be a
- 208 substantial cost and would not outweigh the public benefit gained
- 209

210 Mr. Thompson inquired about replanting the trees. Mr. Drowne stated that currently

211 there are two mobile homes in the setback, that there are about six to seven (6-7)

212 arborvitae<sub>s</sub> lying on the ground that would be replanted in the spring, once

213 construction is completed. Mr. Nicolas asked and received confirmation that the

214 mobile homes are not crossing the property line and that the infringement into the

215 setback is just the small triangle at the corner of the bulkhead.

216

217 Public testimony opened at 8:00 PM. No one addressed the Board.

218

219 Mr. Nicolas made the motion to grant the Equitable Waiver of Dimensional

220 Requirement. Mr. Pacocha seconded the motion. Mr. Daddario asked whether a

221 stipulation should be added to the motion requiring plantings, as suggested by the

222 direct abutter. Mr. Nicolas stated that testimony has been received that there will be

223 planting in the spring and that the small (five and a half inches) triangle intrusion into

224 the setback does not require special additional screening. The replanting will suffice.

225 Mr. Pacocha concurred.

226

227 Mr. Nicolas spoke to his motion stating that the intrusion was discovered too late,

228 after it was installed, that it was an innocent mistake and not intentional, that the

229 small triangular intrusion does not present a nuisance and there would be a high

230 correction cost. Mr. Pacocha spoke to his second stating that it was too late in its

231 discovery, that it was an innocent mistake, that it poses no nuisance and there is a

232 high correction cost that far outweighs any benefit to the public and that it would not

233 be an issue if the building had been situated -parallel to the property line.

234

235 Mr. Dion stated that the intrusion was discovered too late, that it was an innocent  
236 mistake and poses no nuisance especially considering that the intrusion is at grade  
237 level and that the cost of correction is too high. Mr. Martin stated that he is inclined  
238 not to grant as the engineering firm has a history of these types of errors and even  
239 though the error was discovered too late, he questions the innocence of the mistake.  
240 Mr. Daddario stated that the mistake was discovered too late, after the concrete was  
241 poured, that the stakes were surveyed and properly marked but a stake fell over and  
242 was reset in error, that the intrusion into the setback is at grade level and should not  
243 pose any visual nuisance and there is a high cost to correct with no benefit to the  
244 general public.

245

246 Roll call vote was 4:1. Mr. Martin opposed. Motion granted. The 30-day Appeal  
247 period was noted.

248

249 **V. REQUEST FOR REHEARING:**

250

251 There were no requests presented for Board consideration.

252

253 **VI. REVIEW OF MINUTES:**

254

255 10/13/22 edited Draft Minutes

256

257 Motion made by Mr. Martin, seconded by Mr. Nicolas and unanimously voted to  
258 approve the 10/13/22 Minutes as edited.

259

260 10/27/22 edited Draft Minutes

261

262 Motion made by Mr. Martin, seconded by Mr. Nicolas and unanimously voted to  
263 approve the 10/27/22 Minutes as edited.

264

265 **VII. OTHER:**

266

267 There was no other business presented for consideration.

268

269

270 Motion made by Mr. Martin, seconded by Mr. Nicolas and unanimously voted to  
271 adjourn the meeting. The 11/17/2022 ZBA Meeting adjourned at 8:09 PM

272

273 Respectfully submitted,

274 Louise Knee, Recorder



# TOWN OF HUDSON

## Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison



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

### YEAR 2023 ZBA MEETING SCHEDULE

The Town of Hudson Zoning Board of Adjustment regularly meets on the **fourth Thursday** of every month in the “Buxton Community Development Conference Room”. All meetings begin at **7:00 p.m.** \*\*\*The November and December meetings will be held on an alternate Thursday of the month due to the Thanksgiving and Christmas Holidays. **Final (complete) Application Submission Deadline are due by 12:00 p.m.**

### Year 2023 ZBA Schedule

Application Review for Completeness Deadline	Final Application Submission Deadline <b>(12:00 Noon)</b>	Meeting Date
January 3 <sup>rd</sup>	January 10 <sup>th</sup>	<b>January 26<sup>th</sup></b>
January 31 <sup>st</sup>	February 7 <sup>th</sup>	<b>February 23<sup>rd</sup></b>
February 28 <sup>th</sup>	March 7 <sup>th</sup>	<b>March 23<sup>rd</sup></b>
April 4 <sup>th</sup>	April 11 <sup>th</sup>	<b>April 27<sup>th</sup></b>
May 2 <sup>nd</sup>	May 9 <sup>th</sup>	<b>May 25<sup>th</sup></b>
May 30 <sup>th</sup>	June 6 <sup>th</sup>	<b>June 22<sup>nd</sup></b>
July 5 <sup>th</sup>	July 11 <sup>th</sup>	<b>July 27<sup>th</sup></b>
August 1 <sup>st</sup>	August 8 <sup>th</sup>	<b>August 24<sup>th</sup></b>
September 5 <sup>th</sup>	September 12 <sup>th</sup>	<b>September 28<sup>th</sup></b>
October 3 <sup>rd</sup>	October 10 <sup>th</sup>	<b>October 26<sup>th</sup></b>
October 24 <sup>th</sup>	October 31 <sup>st</sup>	<b>***November 16<sup>th</sup></b>
November 21 <sup>st</sup>	November 28 <sup>th</sup>	<b>***December 14<sup>th</sup></b>