

TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

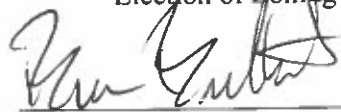
Kara Roy, Selectmen Liaison

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

MEETING AGENDA – January 26, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **January 26, 2023 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 228-006 (01-26-23):** Jeffrey R. Davis, Permit Coordinator of pb2 Architecture & Engineering, 2809 Ajax Ave., Suite 100, Rogers, AR requests a Variance for **254 Lowell Rd., Hudson, NH** to allow three (3) additional wall signs on the west front side of the Walmart Store (#1785) building where one wall sign is allowed. [Map 228, Lot 006; Zoned Business (B); HZO Article XII, Signs; §334-63, Business and Industrial building signs.]
- V. **REQUEST FOR REHEARING:** None
- VI. **REVIEW OF MINUTES:**
12/08/22 edited Draft Minutes
- VII. **OTHER:**
Election of Zoning Board of Adjustment Officers


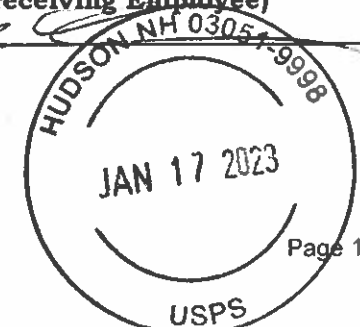


Bruce Buttrick
Zoning Administrator

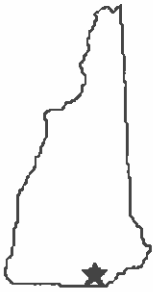
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 228-006 254 Lowell Rd Map 228/Lot 006-000	Variance 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	01/26/2023 ZBA Meeting	
1	7022 2410 0001 2971 6644	WAL-MART STORES, INC. #1785; C/O WAL-MART PROP TAX DEPT.	APPLICANT/OWNER NOTICE MAILED	
2	7022 2410 0001 2971 6651	PO BOX 8050 MS 0555; BENTONVILLE, AR 72716-8050 JEFFREY R. DAVIS; pb2 Architecture & Engineering	APPLICANT/OWNER NOTICE MAILED	
3	7022 2410 0001 2971 6668	2809 Ajax Ave., Suite 100; Rogers, AR 72758 MONRO MUFFLER BRAKE, INC.	ABUTTER NOTICE MAILED	
4	7022 2410 0001 2971 6675	200 HOLLEDER PARKWAY, ROCHESTER, NY 14615 ANTON, CHARLES A., TR.; ANTON'S REALTY TRUST II	ABUTTER NOTICE MAILED	
5	7022 2410 0001 2971 6682	500 CLARK RD., TEWKSBURY, MA 01876 COLLEY-MCCOY MANAGEMENT CO LLC	ABUTTER NOTICE MAILED	
6	7022 2410 0001 2971 6699	P.O. BOX 6300, AMHERST, NH 03031-6300 SAM'S RE BUSINESS TRUST; C/O WAL-MART PROP TAX DEPT.	ABUTTER NOTICE MAILED	
7	7022 2410 0001 2971 6705	PO BOX 8050 MS 0555; BENTONVILLE, AR 72716-8050 STATE OF NEW HAMPSHIRE; DEPT. OF TRANSPORTATION	ABUTTER NOTICE MAILED	
8	7022 2410 0001 2971 6712	PO BOX 483; 1 HAZEN DRIVE; CONCORD, NH 03302-0483 MONAHAN-FORTIN PROP. II, LLC	ABUTTER NOTICE MAILED	
9	7022 2410 0001 2971 6729	20 TRAFALGAR SQ., STE 610, NASHUA, NH 03063-1981 GIBSON, ELAINE A., TR.; GIBSON REVOCABLE TRUST	ABUTTER NOTICE MAILED	
10	7022 2410 0001 2971 6736	18 RITA AVENUE, HUDSON, NH 03051 BONCORE, CHARLES C.; BONCORE, BRENDA M.	ABUTTER NOTICE MAILED	
11	7022 2410 0001 2971 6743	16 RITA AVENUE, HUDSON, NH 03051 MAGLIO, FRANCESCO A. III	ABUTTER NOTICE MAILED	
12	7022 2410 0001 2971 6750	14 RITA AVENUE, HUDSON, NH 03051 GORBY, ERIC; COLLINS, KAREN	ABUTTER NOTICE MAILED	
13	7022 2410 0001 2971 6767	12 RITA AVENUE, HUDSON, NH 03051 HUDSON COMMERCIAL ASSOC., LLC; C/O AHOLD FINANCIAL SERVICES	ABUTTER NOTICE MAILED	
		PO BOX 6500, CARLISLE, PA 17013		
	Total Number of pieces listed by sender 13	Total number of pieces rec'vd at Post Office 13	Postmaster (receiving Employee)	

Direct Certified



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 228-006 254 Lowell Rd Map 228/Lot 006-000	Variance 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	01/26/2023 ZBA Meeting	
1	Mailed First Class	BELLVILLE, ROBERT M.; BELLVILLE, ELLEN C. 8 RITA AVENUE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
2	Mailed First Class	CLAUDE, EMILY; CLAUDE, JOHNSON 10 RITA AVENUE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3				
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11				
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)	
	2	2	 	

Non-Direct First Class



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

January 17, 2023

APPLICANT NOTIFICATION

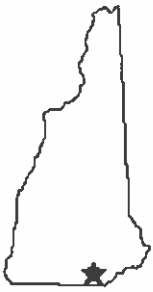
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **01/26/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 228-006 (01-26-23): Jeffrey R. Davis, Permit Coordinator of pb2 Architecture & Engineering, 2809 Ajax Ave., Suite 100, Rogers, AR requests a Variance for 254 Lowell Rd., Hudson, NH to allow three (3) additional wall signs on the west front side of the Walmart Store (#1785) building where one wall sign is allowed. [Map 228, Lot 006; Zoned Business (B); HZO Article XII, Signs; §334-63, Business and Industrial building signs.]

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

January 17, 2023

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, **01/26/2023** 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 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. 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 or in the Land Use Department located at the Hudson Town Hall.

Respectfully,

Bruce Buttrick

Zoning Administrator



TOWN OF HUDSON

Land Use Division

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



Zoning Administrator Staff Report Meeting Date: January 26, 2023 *201-17-23*

Case 228-006 (01-26-23): Jeffrey R. Davis, Permit Coordinator of pb2 Architecture & Engineering, 2809 Ajax Ave., Suite 100, Rogers, AR requests a Variance at **254 Lowell Rd., Hudson, NH** to allow three (3) additional wall signs on the west front side of the Walmart Store (#1785) building, where one wall sign is allowed. [Map 228, Lot 006; Zoned Business (B); HZO Article XII, Signs; §334-63, Business and Industrial building signs.]

Address: 254 Lowell Rd
Zoning district: Business (B)

Summary:

Applicant requests a variance to locate 3 additional wall signs on the front façade of the existing building. Zoning Ordinance allows only one sign per building.

Property description:

Existing developed lot of record.

LAND USE HISTORY:

1992 Approved site plan by Planning Board with the ZBA variances (note 11).
June 11, 1992 ZBA NOD (variances for 3 wall signs).

BUILDING PERMIT HISTORY:

9/13/2005 sign permit application: install a 2'-6" x 9'-8" wall sign (cancelled).
12/15/2009 Replace exist 5.6' x 37.3' internally illuminated wall sign. Sign permit not needed. Cancelled.
5/11/2010: Install a 8' x 37'-3" internally illuminated wall sign.
2/10/2011: Install an internally illuminated 37" x 6.5' wall sign.
3/14/2012: Install an internally illuminated 27' x 104' wall sign.
5/6/2022: internally illuminated wall sign: 2' x 12' – "SUBWAY". Original sign to be removed and replaced with new sign.

Town in-house review comments:

Town Engr.: No comments
Town Planner: No comments
Fire Dept.: No comments

Attachments:

A: Approved site plan with ZBA variances note 11.

B: June 11, 1992 ZBA NOD (variances for 3 wall signs).

C: 9/13/2005 sign permit application: install a 2'-6" x 9'-8" wall sign (cancelled).

D: 12/15/2009 Replace exist 5.6' x 37.3' internally illuminated wall sign. Sign permit not needed. Cancelled.

E: 5/11/2010: Install a 8' x 37'-3" internally illuminated wall sign.

F: 2/10/2011: Install an internally illuminated 37" x 6.5' wall sign.

G: 3/14/2012: Install an internally illuminated 27' x 104' wall sign.

H: 5/6/2022: internally illuminated wall sign: 2' x 12' – "SUBWAY". Original sign to be removed and replaced with new sign.

June 11, 1992 ZBA granted variace (3 wall signs):

AVA

https://ava.fidlar.com/t1HH@hillsborough/AvaWeb/*/?image

HILLSBOROUGH COUNTY NEW HAMPSHIRE

MARY ANN CROWELL
HILLSBOROUGH COUNTY REGISTER OF DEEDS

← BACK

9. DEVELOPER IS WAL-MART STORES, INC..	18. THIS PL DATE DOCL
10. PROPOSAL: A NEW 116,097 SQUARE FOOT RETAIL STORE & A 215 SEAT EXISTING RESTAURANT AND LOUNGE.	19. THIS PL THE DE
11. ZONING BOARD: VARIANCE (ARTICLE I, SECTION 334-1B) TO ALLOW CONSTRUCTION OF PARKING SPACES 9'x18' IN DIMENSION. (10'x18' APPROVED) VARIANCE (ARTICLE V, SECTIONS 334-21, 23, & 24) TO ALLOW RETAIL DRY GOOD STORE IN AN A-2 ZONE. VARIANCE (ARTICLE VI, SECTION 334-33) TO ALLOW 4 OVERSIZED SIGNS. 3 BUILDING SIGNS, 152 S.F., 16.5 S.F., & 19 S.F. IN SIZE (ONE 132 S.F. APPROVED). ONE FREESTANDING SIGN 40 S.F. IN SIZE (INIA WITH ZONE CHANGE) SPECIAL EXCEPTION (ARTICLE III, SECTION 334-19) TO ALLOW FILLING OF 0.63 ACRES OF WETLANDS FOR CONSTRUCTION OF A RETAIL STORE AND ASSOCIATED PARKING.	20. ALL SIG BOARD
12. OPEN SPACE REQUIRED IS 40%, AND TOTAL PROVIDED IS 40%, OR 7.0 ACRES. OPEN SPACE PROVIDED FOR LOTS 7-43, 43-2, & 43-1 = 41%, OR 6.66 ACRES. OPEN SPACE EXISTING FOR LOT 7-43-3 = 0.14% OR 0.16 ACRES. OPEN SPACE PROPOSED FOR LOT 7-43-3 = 0.31% OR 0.34 ACRES.	21. SEE SHR OF WET
13. UTILITIES: (ALL UTILITIES TO BE UNDERGROUND) WATER - TO BE PROVIDED BY SOUTHERN NEW HAMPSHIRE WATER COMPANY. SEWER - SITE TO BE CONNECTED TO MUNICIPAL SEWER SYSTEM. ELECTRICAL - TO BE PROVIDED BY PUBLIC SERVICE OF NEW HAMPSHIRE. GAS - TO BE PROVIDED BY ENERGY NORTH FROM HIGH PRESSURE MAINLINE PIPELINE.	22. WATER CONNEC APPROV HAMPSH PERMITS
NEW	23. WAL-MA, THE REC THE N.R. STORES, IT COLL TRAFFIC
	24. THE APP OBTAIN VOLUME APPLICA QUALITY COMPLE DEGRADA LEVELS
	25. A 20' W/ TOWN O/ TO SMH

RESET [Navigation icons] Go to Page [] GO 1 OF 3

Contact FAQ

A

NOTICE OF APPROVAL - WITH STIPULATIONS

On June 11, 1992 the Hudson Zoning Board of Adjustment heard case 7-43 (5/16/92-deferred) pertaining to a request by Peter Holden, Agent for Wal-Mart Stores, Incorporated for a Sign Area Variance to erect three (3) oversized signs - two building signs approximately 152 sq. ft. and 35.5 sq. ft., and one free-standing sign approximately 40 sq. ft.; where 8 sq. ft. are permitted. [Map 7, Lots 43, 43-1, 43-2 and 43-3; Zoned A-2 Residential; HZO Article VI, Sections 334-33.]

A majority of the members sitting on the Zoning Board of Adjustment for this hearing voted to re-word the request as follows:

for a Sign Area Variance for one free-standing sign of 42 sq. ft., 25 feet in height; and three facia signs of 19 sq. ft., 16.75 sq. ft. and 152 sq. ft., where one sign of 8 sq. ft. is permitted. [Map 7, Lots 43, 43-1, 43-2 and 43-3; Zoned A-2 Residential; HZO Article VI, Sections 334-33.]

See Findings and Stipulations attached.

The Board then voted to divide the request, granting two of the four signs.

For specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

(Continued)

B₁

9/13/2005 sign permit application: install a 2'-6" x 9'-8" wall sign (canceled)

Building Permits 2.8.1.4 - Town of Hudson, NH
 File Edit Entry Issue Permit Reports Utility Setup Window Help Press F1 for Spelt Check

Display
 New Apps Land Use Review Bldg Code Review Permits to be issued Issued Permits Issue CD's Co's All

Permits | By Type | By Map/Lot | By Owner | By Street | Permit Year: | Export To Excel

Street Number: 254 Street: Lowell Rd

Permit Number	Divided	App Type	Status	St Num	Unit	Cons Site Street	Owner Parcel	Site Map Lot
2006-00045-PL		PLUMB	Cent of Occ	254		LOWELL RD	PM MACKAY	228-006-000
2006-00065		CDMM-FIT	Cent of Occ	254		LOWELL RD	Wal-Mart #1785	228-006-000
2006-00071-EL		ELEC	Cent of Occ	254		LOWELL RD	PM MACKAY	228-006-000
2006-00135		MISC	Cancel	254		LOWELL RD	Wal-Mart R.E. B...	228-006-000
2006-00162-PL		PLUMB	Cent of Occ	254		LOWELL RD	WAL-MART S10R	228-006-000
2006-00221-EL		ELEC	Cent of Occ	254		LOWELL RD	RON DIONNE	228-006-000

Changing An Application \ Permit (2006-00135)

General | Status | COMM | Insp | Cond | Sub Permits | Notes | Comes | (ing)Pc | Documents

Permit: 2006-00135 Received: 9/13/2005 Type: SIGN Category: NA

Desc: install a 2'6" x 9'8" wall sign

Conet Type: New Renovations Demolition Contacts

Contractor: _____

Owner: _____
 Map/Lot: 228-006-000 Owner: Wal-Mart #1785

Site: _____
 Map/Lot: 228-006-000 Owner: Wal-Mart #1785

PID: 3964 Zone: _____ Site in Flood Area: Flood Type: _____

Street Num/Name: 254 LOWELL RD Unit Num: _____

Phone Number: _____ Bldg/Reporting Data: _____ Census/Reporting Data: _____

Tenant Name: _____

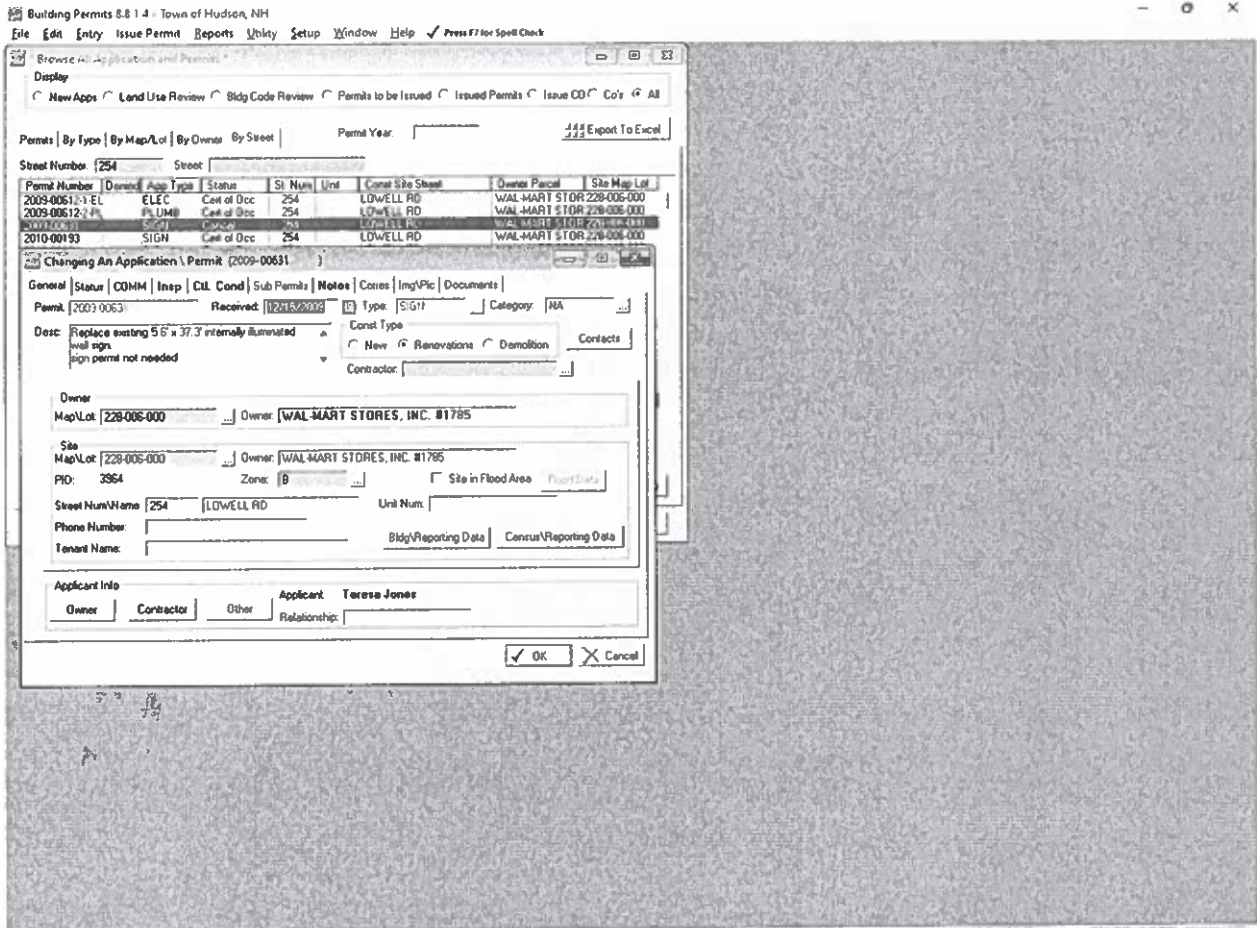
Applicant Info
 Owner Contractor Other Applicant: PM MacKay Group Relationship: _____

OK Cancel

Date Application Received: _____ bbuttrick UpdateBPAPP - Form



12/15/2009: Replace existing 5.6' x 37.3' internally illuminated wall sign. Sign permit not needed.
Cancelled



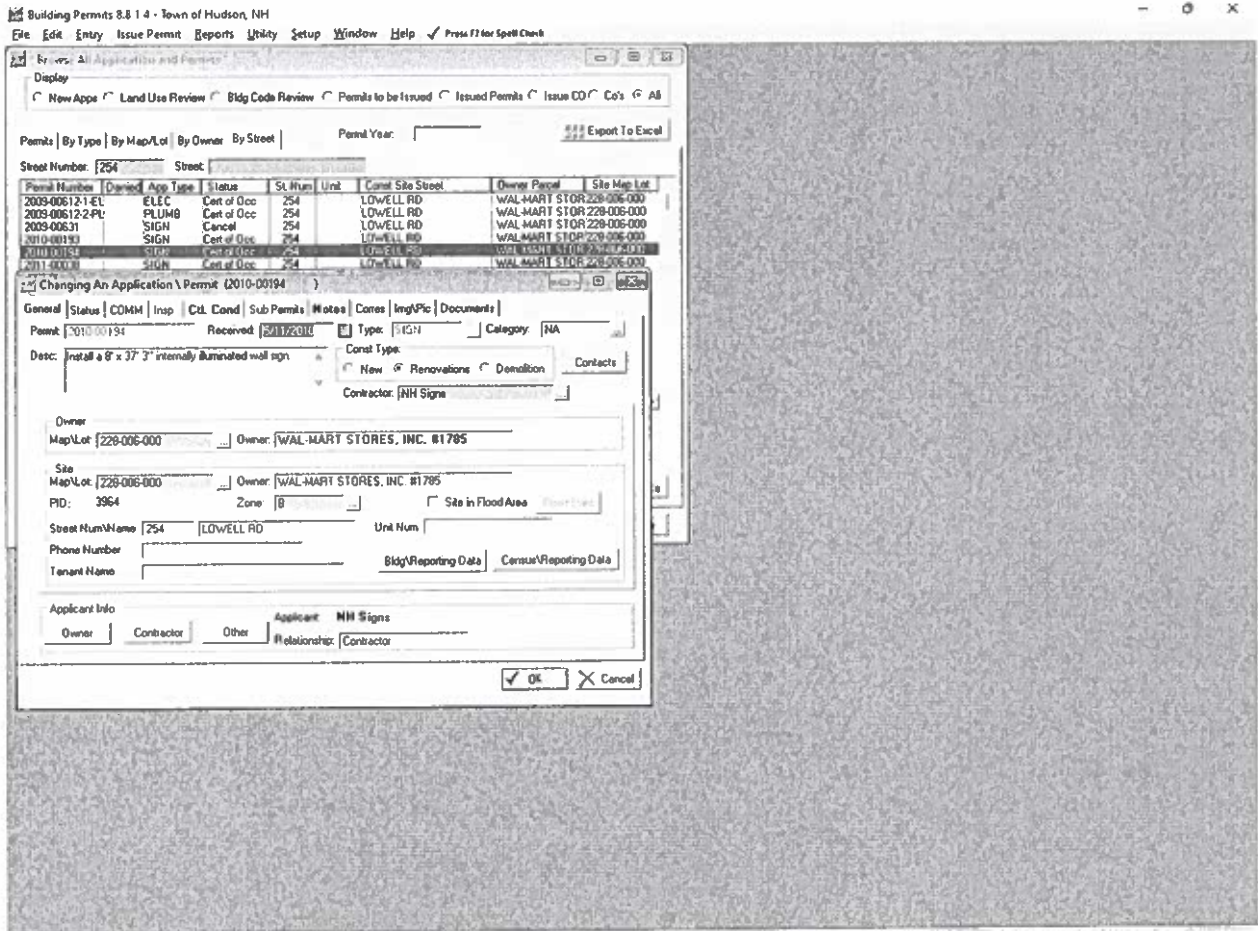
Date Application Received

bbultrick

Update@PAPP - Form

D

5/11/2010: Install a 8' x 37'-3" internally illuminated wall sign.



Date Application Received

bbutrack

UpdateBPAPP - Fern

E

2/10/2011: Install an internally illuminated 37" x 6.5' wall sign

Building Permits 8.8 | 4 - Town of Hudson, NH
File Edit Entry Issue Permit Reports Utility Setup Window Help Press F7 for Spell Check

Process All Applications and Permits

Display
 New Apps Land Use Review Bldg Code Review Permits to be Issued Issued Permits Issue CO Co's All

Permits | By Type | By Map/Lot | By Owner | By Street | Permit Year: |

Street Number: 254 Street:

Permit Number	Divided	App Type	Status	SL Num	Unit	Const Site Street	Owner Parcel	Site Map Lot
2009-00612-1-EL		ELEC	Cert of Occ	254		LOWELL RD	WAL-MART STOR 228-006-000	
2009-00612-2-PL		PLUMB	Cert of Occ	254		LOWELL RD	WAL-MART STOR 228-006-000	
2009-00631		SIGN	Cancel	254		LOWELL RD	WAL-MART STOR 228-006-000	
2010-00153		SIGN	Cert of Occ	254		LOWELL RD	WAL-MART STOR 228-006-000	
2010-00154		SIGN	Cert of Occ	254		LOWELL RD	WAL-MART STOR 228-006-000	
2011-00038		ELEC	Cert of Occ	254		LOWELL RD	WAL-MART STOR 228-006-000	

Changing An Application \ Permit (2011-00038)

General | Status | CDMM | Insp | Cit. Cond | Sub Permits | Notes | Cones | Img/Pic | Documents

Permit: 2011-00038 Received: 2/01/2011 Type: SIGN Category: NA

Desc: Install an internally illuminated 37" x 6.5' wall sign Const Type: New Renovations Demolition Contacts

Contractor: Barlo Signs

Owner: Map/Lot: 228-006-000 Owner: WAL-MART STORES, INC. #1785

Site: Map/Lot: 228-006-000 Owner: WAL-MART STORES, INC. #1785
PID: 3564 Zone: B Site in Flood Area:

Street Num/Name: 254 LOWELL RD Unit Num:

Phone Number: Bldg/Reporting Data: Censur/Reporting Data:

Tenant Name:

Applicant Info
Owner Contractor Other Applicant: Barlo Signs Relationship: Contractor

Description of Work to be done: UpdatedBPAPP - Form

F

3/14/2012: Install a internally illuminated 27" x 104" wall sign.

Building Permits 8.8.1.4 - Town of Hudson, NH

File Edit Entry Issue Permit Reports Utility Setup Window Help Press F7 for Spell Check

Display: New Apps Land Use Review Bldg Code Review Permits to be Issued Issued Permits Issue CD Co's All

Permits: By Type | By Map/Lot | By Owner | By Street | Permit Year: Export To Excel

Street Number	254	Street					
Permit Number	2009-0012-1-1-L	2009-00612-2-PL	2009-00631	2010-00194	2011-00038	2011-00038-1-EL	2012-00170
Denoted	ELEC	PLUMB	SIGN	SIGN	SIGN	ELEC	ELEC
App Type	ELEC	PLUMB	SIGN	SIGN	SIGN	ELEC	ELEC
Status	Cert of Occ	Cert of Occ	Cancel	Cert of Occ	Cert of Occ	Cert of Occ	Received
St. Num	254	254	254	254	254	254	254
Unit							Subway
Const Site Street	LOWELL RD	LOWELL RD	LOWELL RD	LOWELL RD	LOWELL RD	LOWELL RD	LOWELL RD
Owner Parcel	WAL-MART STOR 228-006-000	WAL-MART STOR 228-006-000	WAL-MART STOR 228-006-000	WAL-MART STOR 228-006-000	WAL-MART STOR 228-006-000	WAL-MART STOR 228-006-000	WAL-MART STOR 228-006-000
Site Map Lot							

Changing An Application \ Permit (2012-00120)

General | Status | CDM | Insp | Ctl. Cond | Sub Permits | Notes | Cores | Imp/Plc | Documents

Permit: 2012-00170 Received: 02/13/2012 Type: SIGN Category: NA

Desc: Install a internally illuminated 27" x 104" wall sign

Const Type: New Renovations Demolition

Contractor: Everbite

Owner: Map/Lot: 228-006-000 Owner: WAL-MART STORES, INC. #1785

Site: Map/Lot: 228-006-000 Owner: WAL-MART STORES, INC. #1785

PID: 3964 Zone: B Site in Flood Area:

Street Num/Name: 254 LOWELL RD Unit Num: Subway

Phone Number: Bldg/Reporting Date: Census/Reporting Date:

Applicant Info: Applicant: Mark Esperson

Owner Contractor Other Relationship:

OK Cancel

Date Application Received: bbutrick UpdateBPAPP - Form

G

5/6/2022: Internally illuminated wall sign: 2' x 12' – "SUBWAY". Original sign to be removed and replaced with new sign.

Building Permits & 1.4 - Town of Hudson, NH

File Edit Entry Issue Permits Reports Utility Setup Window Help Press F7 for Spell Check

Service All Application and Permits

Display

New Apps Land Use Review Bldg Code Review Permits to be Issued Issued Permits Issue CD Co's All

Permits | By Type | By Map/Lot | By Owner | By Street | Permit Year: # # # Export To Excel

Street Number: 254 Street

Permit Number	Derived	App Type	Status	St Num	Unit	Const Site	Street	Owner Parcel	Site Map Lot
2018-00139		ELEC	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2018-00536		PLACE ASS	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2018-00804		ELEC	Permit	254			LOWELL RD	WAL-MART STOR 228-006-000	
2018-01281		CDMM-FIT	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2018-01281-1-EL		ELEC	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2019-00380		ELEC	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2019-00439		CDMM-FIT	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2019-00439-1-EL		ELEC	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2019-00683		PLACE ASS	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2019-00894		ELEC	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2020-00187		CDMM-FIT	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2020-00590		PLACE ASS	Cent of Occ	254	Subway		LOWELL RD	WAL-MART STOR 228-006-000	
2021-00642		PLACE ASS	Cent of Occ	254			LOWELL RD	WAL-MART STOR 228-006-000	
2022-00489		PLACE ASS	Permit	254	Subway		LOWELL RD	WAL-MART STOR 228-006-000	

Changing An Application \ Permit (2022-00489)

General | Status | CDMM | Insp | Ctl. Cond | Sub Permits | Notes | Corres | Img/Pic | Documents

Permit: 2022-00489 Received: 5/6/2022 Type: SMTH Category: CDMM

Desc: Internally illuminated wall sign: 2' x 12' - "SUBWAY". Original sign to be removed and replaced with new sign.

Const Type: New Renovations Demolition Contacts

Contractor: Signs Now

Owner: Map/Lot: 228-006-000 Owner: WAL-MART STORES, INC. 81785 C/O

Site: Map/Lot: 228-006-000 Owner: WAL-MART STORES, INC. 81785 C/O WAL-M

PID: 3964 Zone: B Site in Flood Area: [Find Info](#)

Street Num/Name: 254 LOWELL RD Unit Num:

Phone Number: Bldg/Reporting Date: Census/Reporting Date:

Tenant Name:

Applicant Info: Applicant: Signs Now Relationship: Contractor

OK Cancel

Date Application Received

bbu/trick

UpdateBPAPP Form

H



2809 Ajax Avenue Suite 100
Rogers, Arkansas 72758
Phone: 479.636.3545



DATE: January 4, 2023

JOB #: 2022.659.02 / 50.47110

TO: Town of Hudson
Zoning and Code Enforcement
Attn: Tracy Goodwyn
12 School St.
Hudson, NH 03051
603-886-6008

RE: Variance request
Walmart # 1785
254 Lowell Rd.
Hudson, NH 03051

We are sending you the following information on the above referenced project for your use.
Please call if you have any questions.
Thank you.

COPIES	DESCRIPTION
13	Application for a Variance packet (1 w/original signatures, 12 copies) including: Application, Letter of Authorization, Application Checklist, All Direct Abutters, All Indirect Abutters within 200 ft., Facts supporting the request, Zoning determination #22-156, Assessor's Card, and GIS map.
13	Enlarged Sign Details
13	Building Elevations
1	Mailing Labels (Direct and indirect abutters printed on 1 sheet. 2 copies of each address.)

If enclosures are not as noted, please notify us immediately.

Signed,

Jeff Davis, permit coordinator
Jeff.davis@pb2ae.com
479-878-3663

xc File
Shipping

via: FedEx Overnight

APPLICATION FOR A VARIANCE

JAN 09 REC'D
2023

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

Case No. 228-006(01-26-23)

Date Filed 1/9/23

To: Zoning Board of Adjustment
Town of Hudson

Name of Applicant Jeffrey R. Davis Map: 228 Lot: 006 Zoning District: B

Telephone Number (Home) _____ (Work) 479-878-3663

Mailing Address pb2 Architecture & Engineering: 2809 Ajax Ave. Suite 100 Rogers, AR 72758

Owner Wal-Mart Stores, Inc.

Location of Property 254 Lowell Rd. Hudson, NH 03051
(Street Address)

Jeffrey R. Davis
Signature of Applicant Date 12/27/22

David L. Smith
Signature of Property-Owner(s) Date 12/27/22

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: 1/9/23

COST:

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

Abutter Notice:

13 Direct Abutters x Certified postage rate \$ 4.60 = \$ 59.80

2 Indirect Abutters x First Class postage rate \$ 0.60 = \$ 1.20

Total amount due: \$ 246

Amt. received: \$ 246

Receipt No.: 714,875

check #
21619

Received by: TSG

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

Engineering Fire Dept. Health Officer Planner Other

Date: December 12, 2022

To Whom It May Concern;

I hereby authorize and approve pb2 Architecture & Engineering and their representative(s) to act as agents on our (Walmart Stores Inc.) behalf for sign permit(s), sign variance(s) and any sign installation at

Walmart Store #1785
254 Lowell RD
Hudson NH, 03051

Sincerely,



David L. Ghidotti Authorized Authority on behalf of Walmart Stores Inc.

David L. Ghidotti Walmart Realty Operations
Manager II, FM
Phone: 479-277-8588
David.Ghidotti@walmart.com

Property Owner Name: Walmart Stores Inc.
Property Owner Address: 702 SW 8th St. Bentonville, AR. 72716
Property Owner Phone: (479) 273-4000 / (479) 204-0514

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>JRO</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>JRO</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 ¹² (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>JRO</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>JRO</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>JRO</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>JRO</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>JRO</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>JRO</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

CERTIFIED PLOT PLAN:

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

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

** See a attached elevations and drawings.*

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

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

Jeffrey R. Davis
Signature of Applicant(s)

12/27/22
Date

Pauline S. Kibatti
Signature of Property Owner(s)

12/27/22
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
228	006	*Include Applicant & Owner(s) Wal-Mart Stores, Inc. #1785 c/o Walmart Prop Tax Dept.	PO Box 8050 MS 0555 Bentonville, AR 72716-8050
228	005	Monro Muffler Brake, Inc.	200 Holleder Parkway Rochester, NY 14615
228	002	Anton, Charles, A. TR Anton's Realty Trust II	500 Clark Rd. Tewksbury, MA 01876
228	003	Colley-McCoy Management Co. LLC.	PO Box 6300 Amherst, NH 03031-6300
228	004	Sam's RE Business Trust c/o Walmart Property Tax Dept.	PO Box 8050 MS 0555 Bentonville, AR 72716-8050
222	044	State of New Hampshire Dept of Transportation	PO Box 483 Concord, NH 03302-0483
229	033	Monahan-Fortin Prop. II LLC	20 Trafalgar Sq. Ste 610 Nashua, NH 03063-1981
228	018	Gibson, Elaine A, TR. Gibson Revocable Trust.	18 Rita Ave. Hudson, NH 03051
228	017	Boncore, Charles C. Boncore, Brenda M.	16 Rita Ave. Hudson, NH 03051
228	016	Maglio, Francesco A. III	14 Rita Ave. Hudson, NH 03051
228	015	Gorby, Eric Collins, Karen	12 Rita Ave. Hudson, NH 03051
228	007	Hudson Commercial Assoc., LLC c/o Ahold Financial Services	PO Box 6500 Carlisle, PA 17013
Applicant		pb2 Architecture & Engineering Attn: Jeff Davis	2809 Ajax Ave. Suite 100 Rogers, AR 72758

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 Business and Industrial in order to permit the following: building signs.

To allow three (3) additional signs on the west (front) side of the building as follows:

-
- a. titled "Pickup" at 32.37 SF

 - b. titled "Pharmacy" at 17.63 SF

 - c. titled "Outdoor" at 20.67 SF

FACTS SUPPORTING THIS REQUEST:

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

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

FACTS SUPPORTING THIS REQUEST:

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

1. Granting of the requested variance will not be contrary to the public interest, because:
(Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)
The updates to the exterior signs will not adversely affect any of Walmart's surrounding neighbors, or the community. The three (3) signs being proposed are relatively small when considering the distance from the front of the store to the adjacent properties, and the distance from Lowell Rd.

2. The proposed use will observe the spirit of the ordinance, because:
(Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)
The spirit of the ordinance accounts for smaller commercial businesses and structures which are closer to the rights-of-way and thoroughfares. According to § 334-63 A. the allowed size of Walmart's one sign could be up to 840 square feet. The proposed 3 signs combined with the existing Walmart* logo sign would come to 368.67 square feet which is well under the maximum of 840 square feet.

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 requested signs are primarily installed to help customers find their way to the correct location to meet their shopping, and/or pickup needs. This store is made up of many departments with a variety of goods and services. If the store were broken down into individual businesses and lined up along a traditional hypothetical Main street, the grocery, pharmacy, outdoor, and on-line Pickup would all have their own signs to help customers find their business. In a similar way all the signs except for the main ID are there to tell a customer where they can find the department or service they are seeking.

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.)
Due to the distances of the surrounding properties the new sign package will not affect the surrounding property values. The new signs are an important part of operating a business and would not have a negative impact on surrounding businesses or properties. The new signs will bring a clean, fresh look to the store and the community.

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 location of the Walmart store is located behind a screen of trees and a large berm of raised ground between the road and the parking lot. Since visibility is compromised, additional signs would not be visible from the road. Their function is to direct customers to the goods and services within the store and to the Pickup parking location on the outside of the store.

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

Since the visibility to the store is compromised, the focus of the signs would be to direct customers already in the parking lot.

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 #22-156

December 7, 2022

Jeff Davis - Permit Coordinator
Exterior paint and signs
PB2 Architecture + Engineering
Suite 100
2809 Ajax Avenue
Rogers, Arkansas 72758

Re: **254 Lowell Rd Map 228 Lot 006-000**
District: Business (B)

Dear Mr. Davis,

Your request for zoning determination/information for signage proposals per dwgs A2 & A2.1 dated 11-22-2022 has been completed.

Zoning Review / Determination:

Variances will be required as follows:

Each bldg. is only allowed one (1) wall sign, your proposal indicates additional (new) signs attached to the building, those additional signs will need variance from:

§ 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....."*

From Signage General Notes #2 A & B; **Temporary Banner will need to be on a permit**, but would **need a variance due to size and possibly length of time**, per:

§ 334-61 Temporary signs.

"Temporary signs for the purposes indicated below are subject to the following requirements:

C. Commercial/industrial signs: *commercial and industrial sites may display one unlit sign per site for a time period of **not more than 10 days in a thirty-day period**; the sign **shall not exceed 12 square feet.**"*

Need clarification:

- 1) What, if any work occurring at/on the pylon sign?
- 2) On Dwg A2: At Front Elevation (#1) there is a notation to the left of the proposed (new) "Pharmacy" sign there is a note: *"existing tenant sign"*, currently there is no existing sign there.

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
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: 254 LOWELL RD
 Vision ID: 778 Account #: 3964

Parcel ID: 228/006/000/1
 Bldg #: 1

Bldg Name:
 Card #: 1 of 1

LUC: 3230
 Print Date: 12/14/2022 9:28:30 A

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
WAL-MART STORES, INC. #1785 C/O WAL-MART PROP TAX DEPT. PO BOX 8050 MS 0555		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		MS		Commercial Sagamore Area		2022	3230	5,258,400	2022	3230	5,379,300	2021	3230	5,097,000
		TOPO		UTILITIES			3230	6,878,400		3230	5,343,500		3230	5,343,500
BENTONVILLE AR 72716-8050		01	Level	03	Town Water					3230	412,300		3230	460,100
				02	Town Sewer									
						Total		12,614,500	Total		11,135,100	Total		11,135,100

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
WAL-MART STORES, INC. #1785		5800 1780	04-02-1997	U	I	0	27	Grantor: WAL-MART Grantor: NASH-TAMPOSI ET AL Grantor: N/A	Appraised Bldg. Value (Card)			5,202,300
WAL-MART		5350 0115	06-26-1992	Q	V	2,508,000	00		Appraised Xf (B) Value (Bldg)			56,100
NASH-TAMPOSI ET AL		2829 0436	03-20-1981	Q	V	0	00		Appraised Ob (B) Value (Bldg)			477,700
									Appraised Land Value (Bldg)			6,878,400
									Special Land Value			0
									Total Appraised Parcel Value			12,614,500
									Valuation Method			C

SUPPLEMENTAL DATA				CURRENT ASSESSMENT						
Parcel ID	228-006-000	Description		Code	Appraised	Assessed				
Zoning	BD:BD	BLDG		3230	5,258,400	5,258,400				
Flood Hazard	C	LAND		3230	6,878,400	6,878,400				
Neigh/Abut1	GM	OB		3230	477,700	477,700				
Neigh/Abut2	CH	Total			12,614,500	12,614,500	Total Appraised Parcel Value			
Neigh/Abut3		PREV	0007-0043-0000					Total Appraised Parcel Value		
GIS ID	228-006-000	Assoc Pid#						12,614,500		

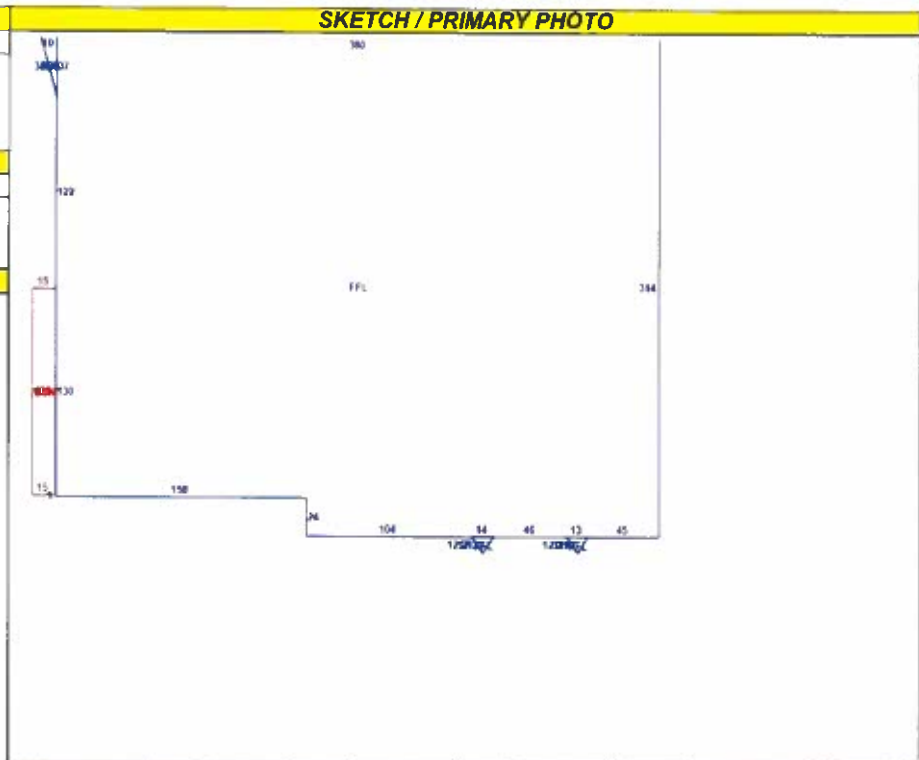
NOTES				VISIT / CHANGE HISTORY					
SALE PRICE INCLUDES LOT 7/43/3 REVIEW 93		ED MACHINE FOR INTERNET ORDERS-DNPU		Date	Id	Type	Is	Cd	Purpost/Result
LOT CONSOLIDATION 43-1 43-2 /INCL		5/22 WAL-MART		05-16-2022	24			45	Field Review
UDES SUBWAY, ARCADE & BEAUTY SALON, SERV				07-30-2021	21			15	Permit Visit
ICE CREDIT UNION				01-08-2020	18			03	Meas/Inspect
+1/20 ADD EXTRA FEATURES CORRECT				01-08-2020	18			03	Meas/Inspect
SKETCH. INT WORK COMPLETE, ADDED AUTOMAT				01-08-2020	18			03	Meas/Inspect
				01-08-2020	18			03	Meas/Inspect
				04-17-2019	12			15	Permit Visit
				06-20-2018	01			27	Abate Denied

BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft	Comments	
2022-00760	07-20-2022	POA		0	O	Subway at Walmart Signs Now		Yearly Inspection	
2022-00489	05-06-2022	SI		2,500	O			Internally illuminated wall sign: 2' x 10' - ""SUBWAY"" Original sign to be removed and repla	
2021-00642	07-22-2021	POA	Assembly		C				
2020-00590	07-16-2020	POA	Assembly		C				
2020-00187	03-16-2020	IR	Int Renov	15,000	C				
2019-00894	09-05-2019	ELEC	Electrical	10,000	C				
2019-00683	09-05-2019	POA	Assembly		C				
2019-00439-1	06-12-2019	ELEC	Electrical	1,370	C				
2019-00439	06-12-2019	IR	Int Renov	75,000	C				
2019-00383	05-10-2019	ELEC	Electrical	5,000	C				
2018-01281-1	01-22-2019	IR	Int Renov	1,375	C				

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	3230	SHOPPING CENTER	Comm Site	8.650 AC	260,000	0.95	1.00	E	1.00	MS	3.10			6,292,300
1	3230	SHOPPING CENTER	Comm Exces	7.654 AC	26,000	0.95	1.00	0	1.00	MS	3.10	0.95		586,100
Total Card Land Units:				16.304 AC	Parcel Total Land Area:				16.304	AC	Total Land Value:			6,878,400

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	94	Com/Ind	% Sprinkler	100	
Style	13	Box/Disc Dept Stre	Frame	02	
Grade	C	Average	Foundation	06	
Stories:	1		MIXED USE		
# of Units	1		Code	Description	Percentage
Wall Height	24.00		3230	SHOPPING CENTER	100
Exterior Wall 1	21	Conc Block			0
Exterior Wall 2					0
Roof Structure	04	Flat	COST / MARKET VALUATION		
Roof Cover	04	Tar/Gravel	RCN		9,458,665
Interior Wall 1	01	Drywall	Year Built		1993
Interior Wall 2			Effective Year Built		1997
Interior Floor 1	05	Lino/Vinyl	Depreciation Code		AV
Interior Floor 2	15	Wood Laminates, Pergo Et	Remodel Rating		
Heat Fuel	02	Gas	Year Remodeled		
Heat Type	15	Hvac	Depreciation %		25
2nd Heat Type			Functional Obsol		20
AC Percent	100		External Obsol		
Heat/AC			Trend Factor		1.000
Full Baths	2		Condition		
Half Baths	0		Condition %		
3/4 Baths	0		Percent Good		55
Baths/Plumbing	02	AVERAGE	RCNLD		5,202,300
Kitchens	0		Dep % Ovr		
Kitchen Rating			Dep Ovr Comment		
Rooms/Partition	T	Typical	Misc Imp Ovr		
Ceiling/Wall			Misc Imp Ovr Comment		
Bath Rating	AV	Average	Cost to Cure Ovr		
% Comn Wall	0.00		Cost to Cure Ovr Comment		
% Heated	100				
# Heat Systems	33				
% Sprinkler	100				



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	U/B	Units	UOM	Unit Price	Yr Bilt	Cond.	% Gd	Assd. Value
ATM	Atm	B	1	UNITS	41250.00	2013	GD	55	22,700
BOXTR	Box Trailer As Shed/20 Ft. Un	L	1	UNITS	5000.00	2014	AV	60	12,000
BOXTR1	Box Trailer As Shed/40 Ft. Un	L	1	UNITS	10000.00	2012	AV	60	6,000
COOLER	Commercial Refrigerator/Cool	B	368	UNITS	55.00	1993	GD	55	33,400
LITEDB	2 Headed Exterior Light On P	L	1	UNITS	2090.00	1993	AV	60	7,500
LITESN	Exterior Light On Pole	L	1	UNITS	1100.00	1993	AV	60	3,300
LITETR	3 Headed Exterior Light On P	L	1	UNITS	3080.00	1993	AV	60	5,500
PATIO		L	6,600	UNITS	7.30	1993	AV	60	28,900
PAVASP	Asphalt Paving	L	324,200	UNITS	2.00	1993	AV	60	389,000
PAVCON	Paving-Concrete	L	10,000	UNITS	3.70	1993	AV	60	22,200
SGNIL	Internally Lighted Sign	L	80	UNITS	44.00	2010	EX	95	3,300

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
FFL	First Floor, Finished	115,848	115,848	115,848	81.51	9,442,770
UCN	Unfinished Canopy	0	1,950	195	8.15	15,894
Total SQFT / Sketched Area / Eff Area		115,848	117,798	116,043	Total Value	9,458,664



254 Lowell Rd-GIS Map



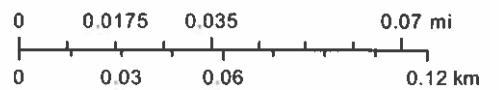
December 19, 2022

Legend

----- Easement_Lines

▭ Parcels

1:2,228

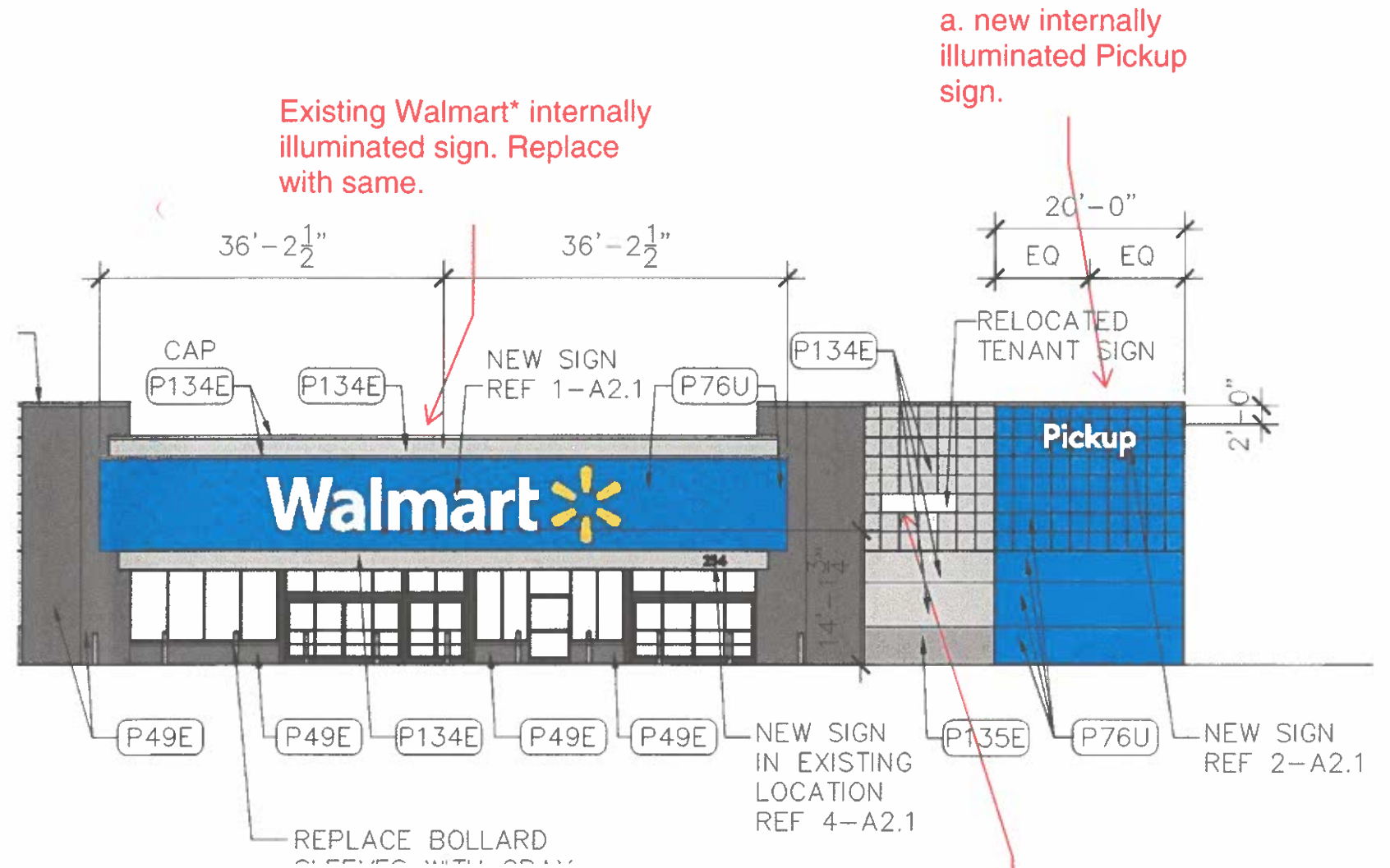


**Walmart Store #1785
254 Lowell Rd.
Hudson, NH 03051
Enlarged Sign Details.**

Existing Walmart* sign



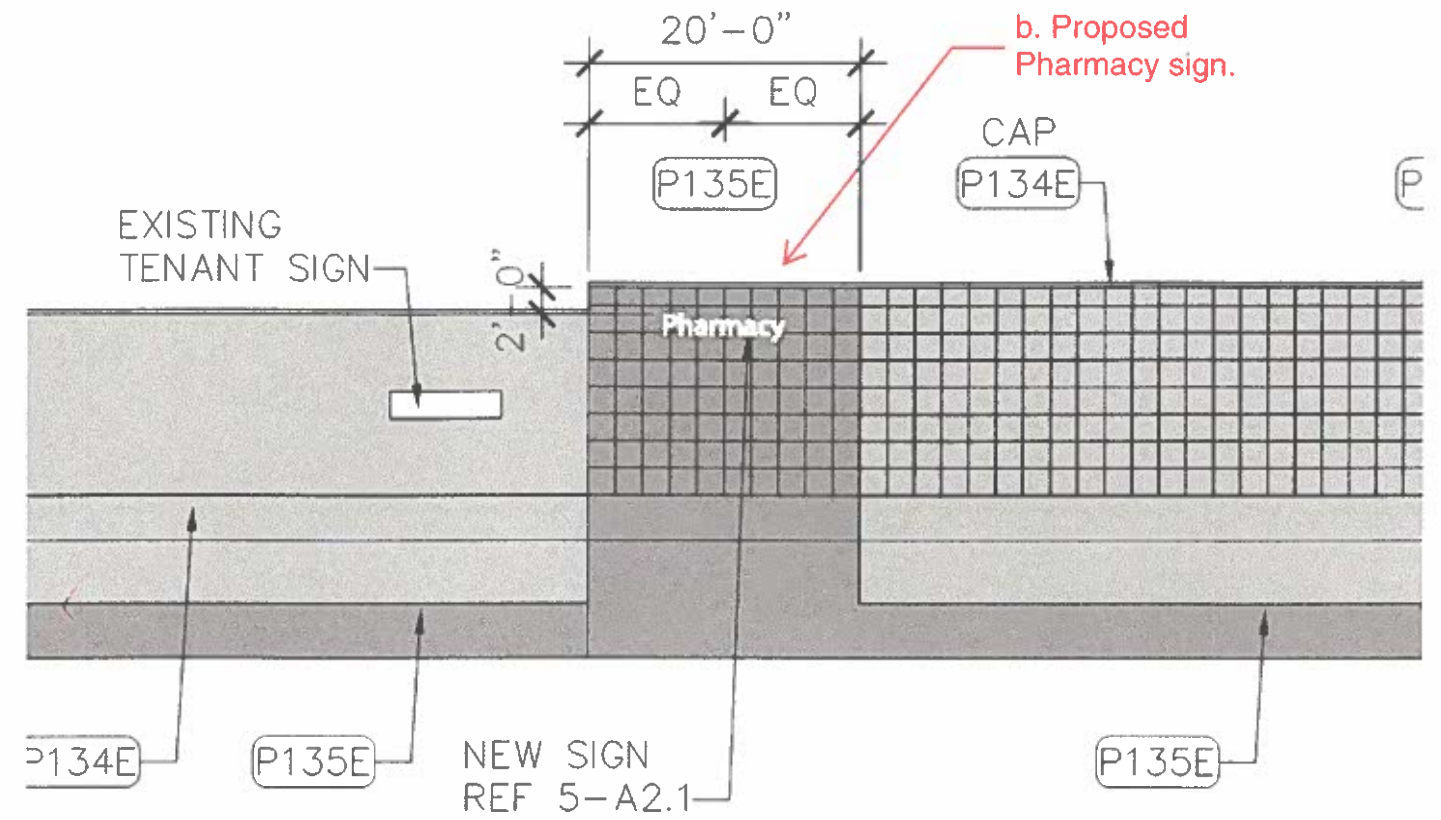
Proposed location of a. Pickup sign.



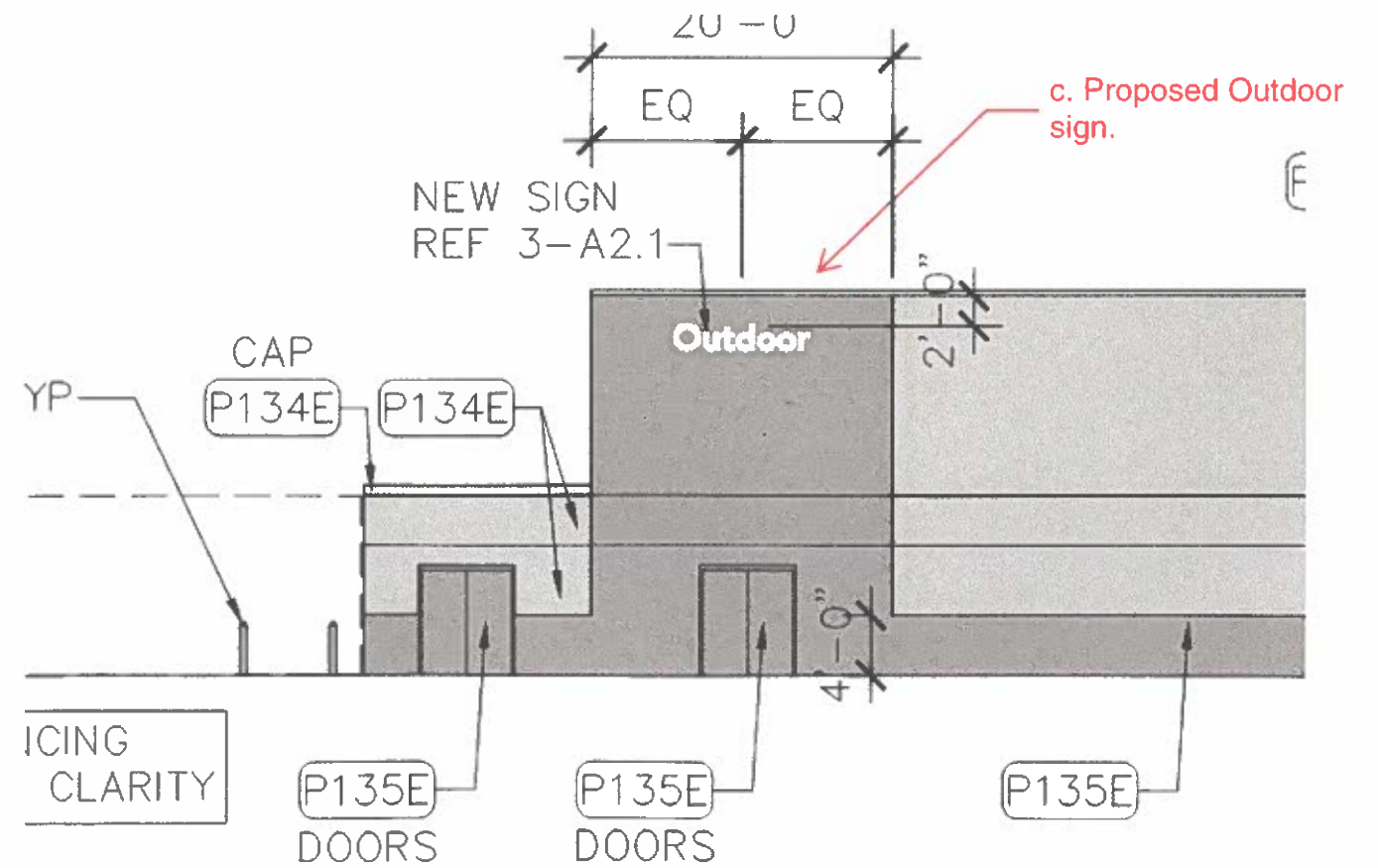
a. new internally illuminated Pickup sign.

Subway sign relocated toward the doors to allow space for new Pickup sign.

Location of proposed b. Pharmacy sign.

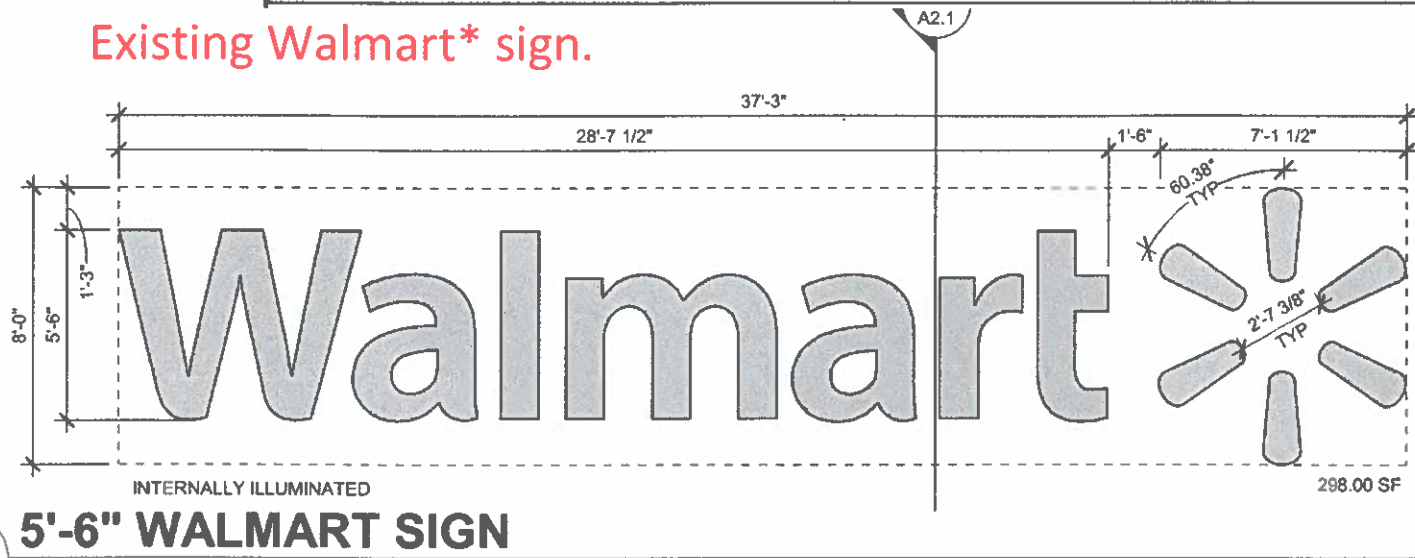


Location of proposed c. Outdoor sign.



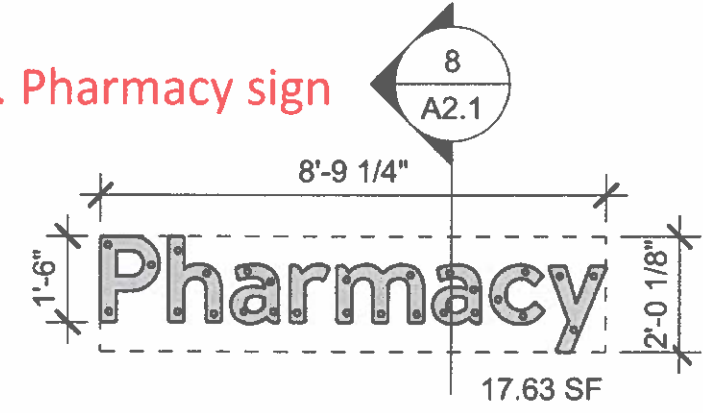
EXISTING SIGNAGE SCHEDULE								NEW SIGNAGE SCHEDULE							
SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA		SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA	
FRONT SIGNAGE								FRONT SIGNAGE							
Walmart	1	LED	WHITE	5'-6"	298.00 SF	298.00 SF	298.00 SF	Walmart	1	LED	WHITE	5'-6"	298.00 SF	298.00 SF	298.00 SF
* (Spark)	1	LED	YELLOW	8'-0"				* (Spark)	1	LED	YELLOW	8'-0"			
TOTAL FRONT SIGNAGE								TOTAL FRONT SIGNAGE							
298.00 SF								368.67 SF							
TOTAL BUILDING SIGNAGE								TOTAL BUILDING SIGNAGE							
298.00 SF								368.67 SF							

Existing Walmart* sign.

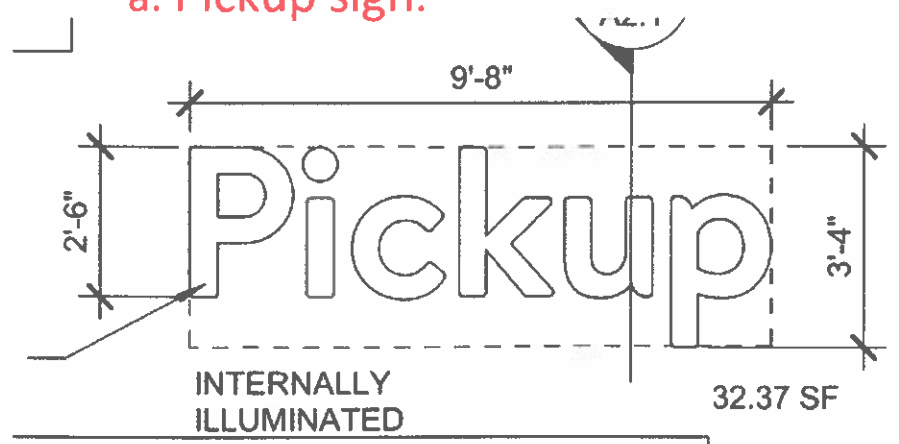


1 5'-6" WALMART SIGN
1/4" = 1'-0"

b. Pharmacy sign

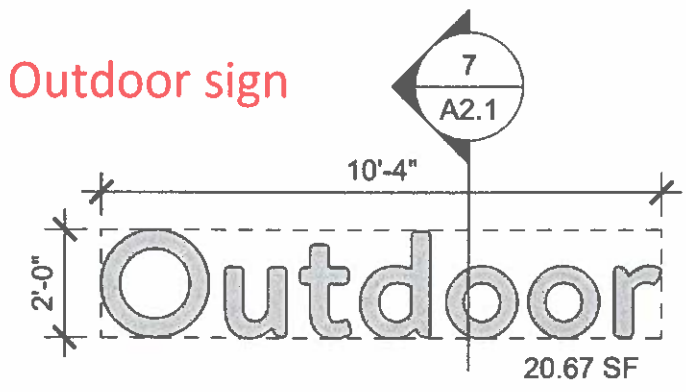


a. Pickup sign.



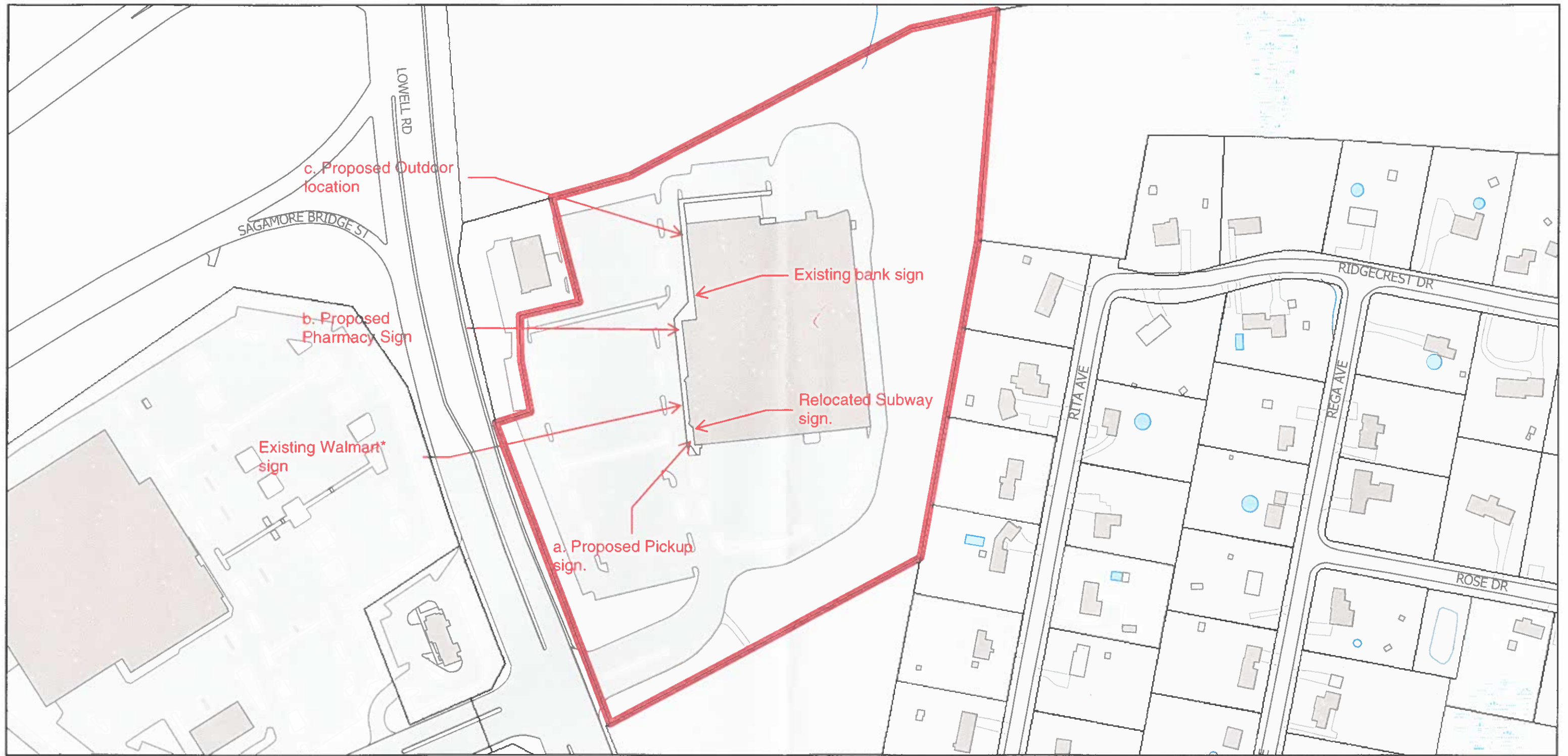
S MUST BE UTILIZED. IF MOUNTING
3STRUCTURED BY REBAR, METAL STUDS,
TAL SEAL PRIMARY HOLE IN SIGN CAN

c. Outdoor sign

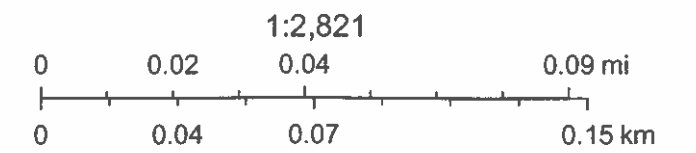


3 2'-0" OUTDOOR
1/4" = 1'-0"

Tabloid ANSI B Landscape



12/14/2022



SIGNAGE GENERAL NOTES

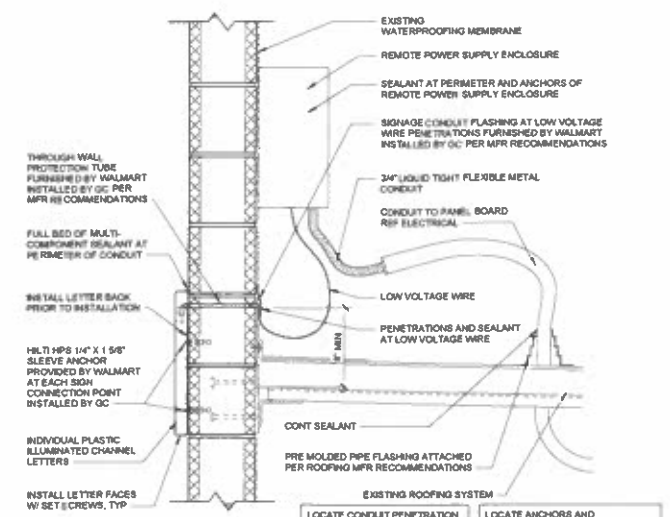
- SIGNAGE FURNISHED BY WAL-MART AND INSTALLED BY GC.
- ALL EXISTING WAL-MART EXTERIOR SIGNAGE IS TO REMAIN IN PLACE ON THE BUILDING UNTIL THE GC SIGN COMPANY IS CASITE. THE EXISTING SIGNAGE WILL THEN BE REMOVED, PATCH AND REPAIR WORK WILL BE COMPLETED AT SIGN LOCATIONS, AND SIGNAGE WILL BE INSTALLED PER PLANS.
- A TEMPORARY BANNER WILL BE INSTALLED PRIOR TO REMOVAL OF EXISTING EXTERIOR SIGNAGE. BANNER WILL REMAIN IN PLACE UNTIL ALL MODIFICATIONS AND/OR REPAIRS HAVE BEEN COMPLETED AND SIGNAGE IS INSTALLED.
- TEMPORARY BANNER WILL BE APPROXIMATELY 125 SF (TYP).
- EXTERIOR SIGN WORK NEEDS TO BE SCHEDULED, COORDINATED, AND COMPLETED DURING WEEK 6 OF THE CONSTRUCTION SCHEDULE.
- GENERAL CONTRACTOR RESPONSIBILITIES:
 - BY END OF FIRST WEEK OF CONSTRUCTION, REVIEW EXISTING CONSTRUCTION WHERE SIGNS WILL BE INSTALLED. IF EXISTING CONDITIONS DO NOT MATCH SIGN ATTACHMENT DETAILS SHOWN, REQUEST APPROVAL FROM CONSTRUCTION MANAGER TO SUBMIT RP IN ACCORDANCE WITH SECTION 01258. NOTE DIFFERENCES IN CONSTRUCTION, INCLUDING DIMENSIONS AND INCLUDE PHOTOGRAPHS FOR CLARIFICATION.
 - PROVIDE SUBSTRATE SUITABLE FOR INSTALLATION OF SIGNAGE. REFER TO SIGN DETAILS FOR LIGHTED SIGNS.
 - PROVIDE JUNCTION BOXES AND CIRCUITRY TO "Walmart" and "Sign" SIGNAGE. EXISTING (E) BOXES FROM "WAL-MART" SIGNAGE MAY BE REUSED.
 - PROVIDE JUNCTION BOXES AND CIRCUITRY TO TENANT SIGNAGE LOCATION SHOWN. REFER TO ELECTRICAL.
 - INSTALL ACCESS DOORS AND FRAMES IN GYPSUM BOARD CEILINGS IF REQUIRED BY RELOCATION OF EXISTING TENANT SIGNAGE.
 - VERIFY VOLTAGE AT CIRCUITS FEEDING LIGHTED SIGNAGE. REFER TO ELECTRICAL.
 - MAKE FINAL TERMINATIONS ON LIGHTED SIGNAGE.
 - REMOVE ALL LIT SIGNS AND UNIT EXTERIOR STUD MOUNTED BUILDING SIGNS, UNLESS NOTED OTHERWISE.
 - MAKE REQUIRED EXTERIOR WALL PENETRATIONS, INSTALL CONDUIT AND SEAL PENETRATIONS PER SPECIFICATION SECTION 05000.
 - INSTALL SIGNAGE PER DETAILS.

EXISTING SIGNAGE SCHEDULE

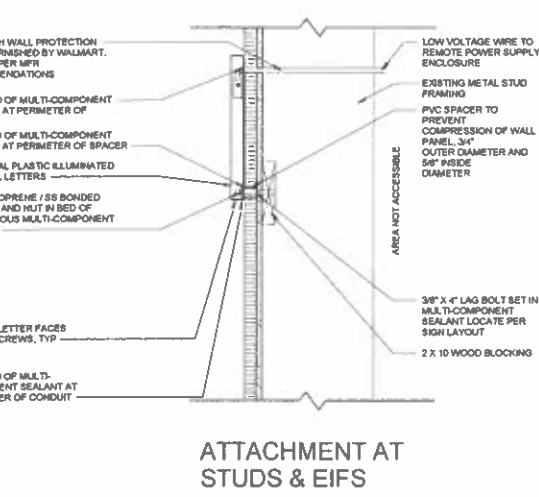
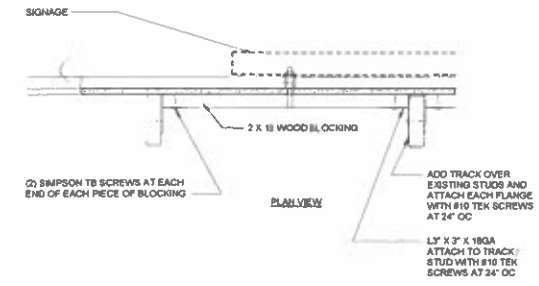
SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
FRONT SIGNAGE						
Walmart (Sign)	1	LED	WHITE	5'-6"	298.00 SF	298.00 SF
Pickup	1	LED	YELLOW	6'-0"	32.37 SF	32.37 SF
Pharmacy	1	NA	WHITE	2'-0"	17.63 SF	17.63 SF
Outdoor	1	NA	WHITE	2'-0"	20.67 SF	20.67 SF
Address (254)	1	NA	BLACK	1'-0"	NA SF	NA SF
TOTAL FRONT SIGNAGE						389.37 SF
TOTAL BUILDING SIGNAGE						389.37 SF

NEW SIGNAGE SCHEDULE

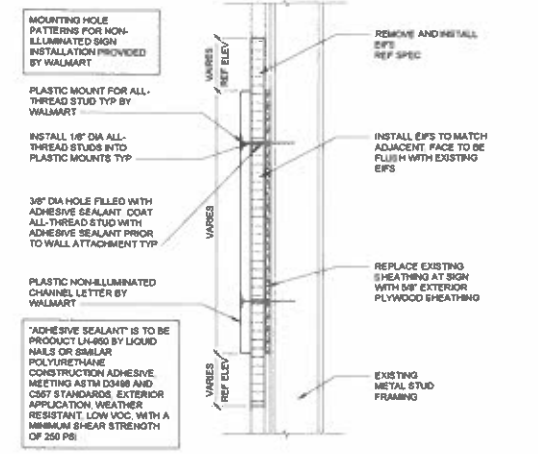
SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA
FRONT SIGNAGE						
Walmart	1	LED	WHITE	5'-6"	298.00 SF	298.00 SF
Pickup	1	LED	YELLOW	6'-0"	32.37 SF	32.37 SF
Pharmacy	1	NA	WHITE	2'-0"	17.63 SF	17.63 SF
Outdoor	1	NA	WHITE	2'-0"	20.67 SF	20.67 SF
Address (254)	1	NA	BLACK	1'-0"	NA SF	NA SF
TOTAL FRONT SIGNAGE						389.37 SF
TOTAL BUILDING SIGNAGE						389.37 SF



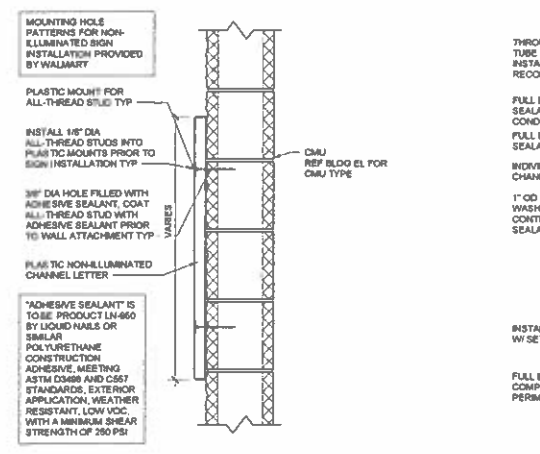
A2.1 - 1 PICKUP SIGN ATTACHMENT ABOVE ROOF LINE
1 1/2" x 1/2"



ATTACHMENT AT STUDS & EIFS
ILLUMINATED SIGNAGE ATTACHMENT
1 1/2" x 1/2"



ATTACHMENT AT EIFS & METAL STUD WALL
NONILLUMINATED SIGNAGE ATTACHMENT
1 1/2" x 1/2"



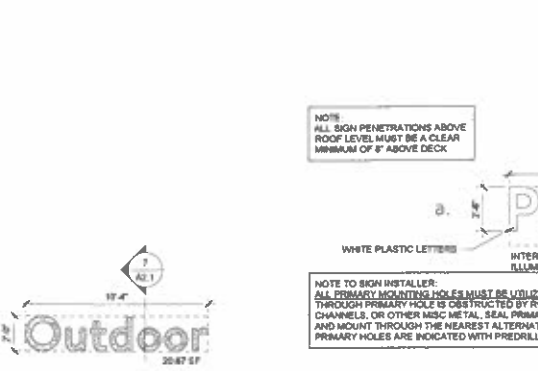
ATTACHMENT AT CMU WALL
NONILLUMINATED SIGNAGE ATTACHMENT
1 1/2" x 1/2"



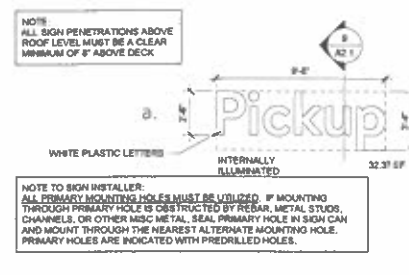
1'-6\"/>



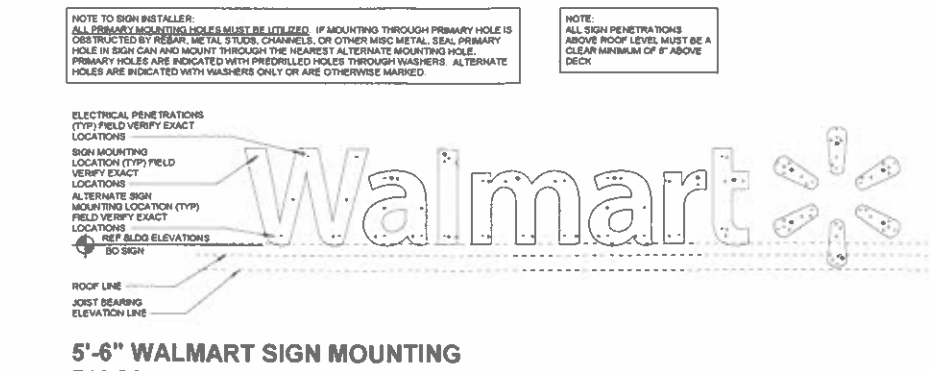
1'-0\"/>



2'-0\"/>



2'-6\"/>



5'-6\"/>



5'-6\"/>

pb2
architecture
engineering
2807 Apple Avenue Suite 100
Rye, NH 03081
Phone: 603.438.3543
Fax: 603.438.3543
Architect of Record
Walmart Supercenter
New Hampshire License No. 0274
Plan Certificate No. 0829

Walmart
HUDSON, NH
STORE NO. 1708
2022.0028 PHOTO
JOB NUMBER:

CHECKED BY: TB
DRAWN BY: CL
PROTO: 116
DOCUMENT DATE: 11.22.2022

EXTERIOR SIGNAGE
A2.1

P:\0201-1888\1708 Hudson NH\2022\Market Plan\Chase\Signage\A2.1\A2.1.dwg 1708-2022 Hudson NH 2022 Market Plan.dwg

Printed
1/17/2023
1:59PM
Created
1/17/2023
1:56 PM

Transaction Receipt

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

Receipt# 714,875
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application- 1/26/23 ZBA Meeting 254 Lowell Rd Map/Lot 228-006-000 Zone B Variance Application	0.00	246.0000	0.00
			Total:	246.00

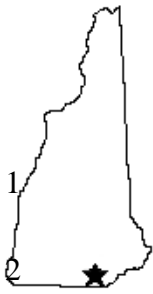
Remitter	Pay Type	Reference	Tendered	Change	Net Paid
PB2 COMPANIES, LTD	CHECK	CHECK # 21619	246.00	0.00	246.00
			Total Due:		246.00
			Total Tendered:		246.00
			Total Change:		0.00
			Net Paid:		246.00

PB2 COMPANIES, LTD

Check Date: 1/5/2023

21619

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
2022.0659.02	1/5/2023	000000133594	246.00			246.00
Town of Hudson			TOTAL			246.00
1. Grand Savings Checking	9	1322				



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 – as edited draft

The Hudson Zoning Board of Adjustment met on Thursday, December 08, 2022 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level 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), Brian Etienne (Regular), Tim Lanphear (Alternate), Normand Martin (Regular/Clerk), Jim Pacocha (Regular/Vice Chair), Dean Sakati (Alternate) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused was Marcus Nicolas (Regular). Alternate Sakati was appointed to vote.

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~~ 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.]

Mr. Buttrick read the Case into the record, referenced his Staff Report initialed 11/29/22 noted that this existing non-conforming lot of record is due to a fifteen-foot (15’) encroachment into the required thirty-foot (30’) front setback

42 and the intent is to demolish the existing house and replace it with a three-car
43 garage with a lesser encroachment into the front setback by ten feet (10').
44

45 Ed Welch introduced himself, stated that he and his wife bought the property
46 two (2) years ago, that his wife retired this past year and he will soon after
47 having served thirty six (36) years in the US Air Force, and they've decided that
48 they like living in Hudson, especially since they have family living close by in
49 Nashua, and in this neighborhood so they started looking into options as to
50 how to make their home more suitable to accommodate them as they age. The
51 existing house was built in 1920 and has undergone modifications so that it
52 resembles Frankenstein-ish creation and remodeling the interior is not
53 practical, so they started looking into demolishing it and building new.
54

55 Mr. Welsh stated that they have since learned that they have a non-conforming
56 lot because their house is into the front setback and they cannot rebuild in the
57 same footprint and, with their backyard being the river, they need to apply for
58 a Shoreline Protection Permit. Mr. Welsh stated that his wife has been dealing
59 with NH DES (Department of ~~environmental~~ Environmental Services) and they
60 have additional requirements to satisfy as they can only have 20% of their land
61 with an impervious surface which leaves them with approximately ninety feet
62 (90') of land to build their home. A GIS overview of the property was posted
63 and Mr. Welsh noted the existing hardscape on his property that attribute to
64 impervious surface. Mr. Welsh stated that their shed will have to be removed
65 to reduce the impervious surface and added that its contents will be kept in the
66 third stall of the garage. Mr. Welsh acknowledged that this process has been
67 akin to a jigsaw puzzle and the best solution requires them to seek a variance
68 because they still need to encroach into the front setback and added that the
69 proposed encroachment is five feet (5') less than the existing encroachment.
70

71 Mr. Welsh addressed the variance criteria. The information shared included:
72

73 (1) *not contrary to public interest*

- 74 • The requested variance will not be contrary to the public interest nor change
75 the character of the neighborhood
- 76 • The plan is to build a new single-family home with a first-floor master
77 bedroom to support them as they grow older
- 78 • The proposed house will have a 3-car garage to reduce strain from snow-
79 removal and provide additional storage for yard equipment
- 80 • The character of the neighborhood will not change especially since it is an
81 older neighborhood from the early 1990's where most homes were built prior
82 to the 30' setback standard and most homes don't meet the 30' setback

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

- 84 • Proposed use will observe the spirit of the ordinance as what is being
85 proposed is a single-family home in a residential zone

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- 86 • Proposed single family home will not alter the essential character of the
 87 neighborhood, since most of the homes are older and don't meet the
 88 current setback standard
- 89 (3) *substantial justice done*
- 90 • Substantial justice would be done to the Property Owner as it would allow
 91 the homeowners to build a new home that is less non-conforming and
 92 allows for them to grow old in the neighborhood
- 93 (4) *not diminish surrounding property values*
- 94 • The proposed will actually increase the value of surrounding properties
 95 since it will be a new house in a much older neighborhood
- 96 • The house will also be energy efficient and reduce harmful emissions in the
 97 neighborhood
- 98 • Currently exploring including solar panels and geothermal
- 99 (5) *hardship*
- 100 • Special conditions exist considering the property is along the Merrimack
 101 River and the land slopes down to the River-river which restrict how far
 102 back the house can be placed on the property
- 103 • Approving the variance will allow the new home to be less non-conforming
 104 than the existing house and allow for a small backyard
- 105 • The property is within ~~the~~ 250' of the river. By using a 20' front setback will
 106 allow satisfying the NH DES Environmental Shoreline Permit
 107 Requirements keeping change to less than 20% - meeting the 30'
 108 required setback would push the change over 20% and not meet
 109 Shoreline Permit Requirements.

111 Mr. Daddario asked and received confirmation that currently the house is
 112 fifteen feet (15') from the road (ROW/Property Line) and the proposed house
 113 would be twenty feet (20') from the road thereby reducing the encroachment
 114 into the required thirty foot (30') front setback by five feet (5'). Mr. Daddario
 115 stated that in reviewing the plan, the garage and the house line up in the front
 116 and asked if the garage could be move further back and be out of the setback
 117 so that less of a distance would require a variance. Mr. Lanphear noted that it
 118 would-could be more architecturally appealing with the garage moved back.
 119 Mr. Welsh stated that if the garage was moved back out of the setback it could
 120 but that it would affect the roofline, as the back part of the house is a deck,
 121 and it would require the driveway to be extended and that end result would
 122 create more impervious surface which would not -satisfy could probably be
 123 accommodated by reducing the size of the proposed house to meet NHDES
 124 limitation of 20% impervious surface. Mr. Sakati asked and received
 125 confirmation that the impervious surface cannot be increased.

126

127 Mr. Etienne noted that the style of the house resembles a colonial and asked
 128 what style is proposed for the rebuild. Mr. Welsh responded that the new
 129 house will be vinyl paneled in a salt box style. Mr. Etienne also noted that this
 130 neighborhood experienced flooding about a hundred (100) years ago.

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131
132 Mr. Etienne read the Town review comments into the record. The Town
133 Engineer stated that the “applicant shall provide Shoreland Protection permit
134 at the time of the new building permit.” The Fire Department noted that “a
135 demolition permit for the existing structure will be required.”
136

137 Mr. Dion questioned the RV parking on the proposed plan. Mr. Welsh
138 responded that he owns an RV and needs a place to park it, that in all
139 likelihood that is where he and his wife will reside while their new house is
140 constructed and noted that it will be “paved” with pervious pavers and added
141 that the driveway will be paved with asphalt. Mr. Dion asked if the driveway
142 could also be paved with pervious pavers and Mr. Welsh responded that doing
143 so could interfere with and be impacted by winter maintenance. Mr. Dion
144 asked about the wellhead in the middle of the driveway. Mr. Welsh responded
145 that the wellhead is another planned improvement and will be removed from
146 the driveway.
147

148 Public testimony opened at 7:47 PM. No one addressed the Board.
149

150 Mr. Etienne stated that the proposed plan will make the lot less non-
151 conforming, that the TR Zone has consistent issues and creates hardship and
152 this lot is also has a river impact invoking Shoreland protection. Mr. Sakati
153 agreed that the proposed plan is an improvement and asked if the impervious
154 restriction should be a condition of approval. Mr. Daddario stated that it
155 should not be a condition as it is governed by a separate regulatory body and
156 not ZBA. Mr. Buttrick stated that the Board could stipulate that the Applicant
157 must obtain a Shoreland Protection Permit or no CO (Certificate of Occupancy).
158

159 Mr. Martin made the motion to grant the Variance with two (2) stipulations:
160

- 161 (1) that there be no additional expansion beyond what is proposed in this
162 application. Any need to expand or change will require additional approvals
163 from the Town of Hudson and
- 164 (2) that that no Building Permit shall be issued without first obtaining the
165 Shoreland Protection Permit from NH Department of Environmental
166 Services.
167

168 Mr. Pacocha seconded the motion.
169

170 Mr. Martin spoke to his motion noting that the granting of the Variance will not
171 be contrary to the public interest, will observe the spirit of the Ordinance, will
172 provide substantial justice to the property owner, will enhance property values
173 and that there was no evidence presented that this project would diminish
174 values and that the hardship is the limitation of the wetland buffer within fifty

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175 feet (50') to the river. Mr. Pacocha spoke to his second noting that the
176 requested variance will not be contrary to the public interest and does not alter
177 the essential character of the neighborhood as there is no change proposed for
178 the neighborhood, that it will observe the spirit of the Ordinance, that
179 substantial justice would be done to the property owner with no harm to the
180 general public, that it will not diminish property values of surrounding
181 properties and that hardship is satisfied due to the size of the property and the
182 environmental restrictions due to the proximity to the Merrimack River.

183
184 Roll call vote taken. Mr. Etienne voted to grant with the two (2) stipulations
185 and noted that the request is in keeping with the character of the neighborhood
186 homes, that the extent of the non-conformity is reduced, that there is no harm
187 to the general public and that there is limited space, only twenty percent (20%),
188 to build on this lot. Mr. Sakati voted to grant with the two (2) stipulations
189 noting that the granting of the Variance will be better for the
190 Town/neighborhood and while the offset is not perfect, it is better than the
191 existing house, that every effort was made to increase the offset and maintain
192 the impervious surface area, that the granting of the variance will allow the
193 applicant to improve his property, that there is no diminution to surrounding
194 property values and that unnecessary hardship exists due to the river's
195 setback requirements. Mr. Daddario voted to grant with the two (2) stipulations
196 noting that there is no harm to the public, that it fits the character of the
197 neighborhood, that the existing non-conformance of fifteen feet (15') is being
198 reduced to ten feet (10'), that it allows for a new home with no harm to the
199 public, that there is no diminution to surrounding properties and that the
200 hardship criteria is satisfied as the lot is subject to Shoreland Protection with
201 its buffer requirements and the declining slope of the land to the river limits
202 useable space.

203
204 Vote was unanimous at 5:0. Variance granted with two (2) stipulations. The
205 30-day Appeal period was noted.

206
207 **V. REQUEST FOR REHEARING:** None

208
209 There were no requests presented for Board consideration.

210
211 **VI. REVIEW OF MINUTES:**
212 11/17/22 edited Draft Minutes –

213
214 Board reviewed the edited draft Minutes. Mr. Thompson offered two (2) additional
215 edits – Line #64 should be “Colin” and line #88 should have the words “there is”. Mr.
216 Buttrick explained the process of electronic editing of the Minutes and noted the
217 bracketed initials in the footnote of the Minutes and emphasized the importance of
218 sending edits to the Recorder, with a copy to him, in a timely fashion so that they can

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219 be applied before the meeting instead of during the meeting. Motion made, seconded
220 and unanimously voted to approve the Minutes as edited and amended.

221

222 **VII. OTHER:**

223

224 2023 ZBA Meeting Schedule –

225

226 Board reviewed the proposed 2023 Meeting Schedule. Mr. Buttrick noted that
227 traditionally the fourth (4th) Thursday has been selected with the exceptions of
228 November and December where the second (2nd) Thursday was selected. Motion made
229 by Mr. Martin, seconded by Mr. Etienne and unanimously voted to adopt the Schedule
230 as presented.

231

232 Term Expiration for Brian Etienne

233

234 Mr. Buttrick stated that Mr. Etienne’s term on the Board expires at the end of the year
235 and that this is his last ZBA meeting and thanked Mr. Etienne for his service – a
236 sentiment shared by other Board Members who also wished him well. Mr. Etienne
237 thanked the Board.

238

239

240 Mr. Sakati made the motion to adjourn. Mr. Etienne seconded that motion. The vote
241 was unanimous. The 12/8/2022 ZBA meeting adjourned at 8:02 PM.

242

243 Respectfully submitted,
244 Louise Knee, Recorder

245

