



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 – February 23, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **February 23, 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). **There will be an Attorney-Client Session, pursuant to RSA 91-A:2.I.(b) (not open to the public) @ 6:30 p.m. The regular meeting will begin immediately after the Attorney-Client Session.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

DEFERRED HEARING:

1. **Case 228-006 (02-23-23) (deferred from 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 006-000; Zoned Business (B); HZO Article XII, Signs; §334-63, Business and Industrial building signs.]

NEW HEARINGS:

2. **Case 167-052 (02-23-23):** Ausama Mohamed Ali & Soukayna El Bouayadi, **135 Highland St., Hudson, NH** request a Home Occupation Special Exception to allow a Family day-care home as permitted in the Table of Permitted Accessory Uses § 334-21, and defined in the Hudson Zoning Ordinance and NH State RSA 170-E:2, IV(a). [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations and HZO Article II: Terminology; §334-6, Definitions.]
3. **Case 105-014 (02-23-23):** Steel Properties, LLC, represented by Stephen L. Chasse, Mgr., 8 Christine Dr., Hudson, NH requests a Variance for **5 Christine Dr., Hudson, NH** to allow an expansion of an existing non-conforming use by demolishing the existing 24,106 SF building and rebuilding a 30,175 SF. industrial building where a nonconforming use shall not be extended or enlarged, except by variance. [Map 105, Lot 014-000; Zoned Business (B); HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]
4. **Case 174-197 (02-23-23):** Properties 79 Ferry LLC, represented by Kenneth Forrence, Member, 11 Ledge St., Nashua, NH requests a Variance for **79 Ferry St., Hudson, NH** [Map 174, Lot 197-000; Zoned Town Residence (TR)] as follows:
 - i. To allow multiple uses in the form of a two-family dwelling (existing) and a third dwelling (existing 600 SF detached garage to be converted to a single family dwelling) in the TR Zone where multiple principal uses are allowed only in the Industrial or Business Zones with sufficient frontage and size to satisfy minimum frontage and lot size requirements. [HZO Article III: General Regulations; §334-10.A, Mixed or dual use on a lot.]
 - ii. To eliminate the requirement of Planning Board site plan approval where no more than one single-family home or duplex shall be constructed on one lot without Planning Board site plan approval. [HZO Article III: General Regulations; §334-16.C(2)(e), Building permits, Conditions of issuance.]

V. REQUEST FOR REHEARING: None

VI. REVIEW OF MINUTES: 01/26/23 edited Draft Minutes

VII. OTHER: Planning & Zoning Spring 2023 Conference- Saturday, April 29, 2023 8:45 AM- 3:30 PM Save the Date! Where: Online (each session will be recorded and available after conference)
Cost:Free Registration Opens: March 17, 2023

Bruce Buttrick, Zoning Administrator

REMINDER:

Please bring the following case application previously mailed in your 01/26/2023 ZBA Meeting Packet:

Case 228-006: 254 Lowell Rd

Variance Application

(Deferred to 02-23-2023)



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: February 23, 2023

BB-2-8-23

Case 167-052 (02-23-23): Ausama Mohamed Ali & Soukayna El Bouayadi, 135 Highland St., Hudson, NH request a Home Occupation Special Exception to allow a Family day-care home as permitted in the Table of Permitted Accessory Uses §334-22, and defined in the Hudson Zoning Ordinance and NH State RSA 170-E:2, IV(a). [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations and HZO Article II: Terminology; §334-6, Definitions.]

Address: 135 Highland St

Zoning district: Residential Two (R-2)

Summary:

Applicant requests a Home Occupation Special Exception for a family day care home, both of which are allowed by special exception in the Table of Permitted Accessory Uses.

From the Definition §334-6: FAMILY DAY-CARE HOME, *An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to six children from one or more unrelated families. The six children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the six children, up to three children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.*

Property description:

This as a developed lot of record with 3.130 Acres, where 1 Acre required and has 210 ft of frontage (150 ft required). Existing single family with ADU. This property has a couple of easements across and through this parcel.

HISTORY:

B.P. 124-94 orig Bldg Permit issued Sept 29, 1993

B.P. 2002-195 12 x 30 Deck issued Oct 18, 2001

Special Exception for ALU by ZBA Feb 24, 2005

B.P. 2005-318 Finish basement for an ALU issued Mar 11, 2005

B.P. 2006-805 16 x 22 Three season deck over existing deck issued Nov 21, 2006

B.P. 2007-00268 install 24 ft A/G pool with 7 x 15 pool deck

B.P. 2011-00440 construct 30 x 8 shed under exist deck/3 season room

In-House comments:

Town Engineer: Yes, see attached.

Inspectional Services/Fire Dept: Yes, see attached.

Town Planner: No Comments.

Attachments:

“A” Referenced permits associated with the house/structure

“B” 2022 Aerial

“C” Town Engineer’s comments

“D” Inspectional Services/Fire Dept comments

TOWN OF HUDSON



2996

OCCUPANCY PERMIT

FITCHSTONE PROPERTIES

Owner or Builder

MAP 24 LOT 4-7

135 HIGHLAND STREET

BUILDING PERMIT NO. 104-04

Address of Building

PERMISSION IS HEREBY GRANTED TO OCCUPY THIS BUILDING:

Date DECEMBER 10, 19 00

David P. Madigan
Building Inspector's Approval

No person shall occupy this building until Inspector's approval.

A₁

TOWN OF HUDSON
ATTN: SUSAN SNIDE
ZONING ADMINISTRATOR
12 SCHOOL STREET
HUDSON, NH 03051

BUILDING PERMIT

AMOUNT PAID
DEPT. FILE COPY
MAP 24 LOT 4-7
VALIDATION

DATE SEPTEMBER 29, 19 93 PERMIT NO. 124-94
APPLICANT ETCHSTONE PROPERTIES, INC. ADDRESS 167 W. HOLLIS STREET, NASHUA NH 889-5208
(NO.) (STREET) (CONTR'S LICENSE)
CONSTRUCT SINGLE-
PERMIT TO FAMILY DWELLING (2) STORY RESIDENTIAL NUMBER OF DWELLING UNITS 1
(TYPE OF IMPROVEMENT) NO. (PROPOSED USE)

AT (LOCATION) 135 HIGHLAND STREET ZONING DISTRICT _____
(NO.) (STREET)
BETWEEN GREELEY STREET AND DERRY ROAD
(CROSS STREET) (CROSS STREET)

SUBDIVISION HIGHLAND MEADOWS LOT 4-7 BLOCK 24 LOT SIZE 136,480 SQ. FT.

ELECTRICAL/PLUMBING PERMITS ARE REQUIRED PRIOR TO INSPECTION REQUEST.

BUILDING IS TO BE _____ FT. WIDE BY _____ FT. LONG BY _____ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

CERTIFICATE OF OCCUPANCY REQUIRED. SEE ATTACHED 'CERTIFICATE OF OCCUPANCY REQUIREMENTS'.

TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION _____

CONSTRUCT SINGLE-FAMILY HOUSE, WOOD FRAME, GAS HEAT, TOWN SEWER/WATER, (TYPE)

REMARKS: 3 FINISHED BEDROOMS, 1 1/2 BATHROOMS.

A CERTIFIED PLOT PLAN IS REQUIRED AT TIME OF FOUNDATION PLACEMENT, PRIOR TO FRAMING.

STONE BOUNDS/IRON PINS ARE TO BE SET AND INDICATED ON THE CPP, AS WELL DISTANCES

FROM ANY WETLANDS ON THE LOT.

AREA OR VOLUME 1,650 SQ. FT. ESTIMATED COST \$ 35,910.00 PERMIT FEE \$ 202.00
(CUBIC/SQUARE FEET)

OWNER ETCHSTONE PROPERTIES, INC
ADDRESS 167 W. HOLLIS STREET, NASHUA NH

BUILDING DEPT. BY Edward P. Maloney

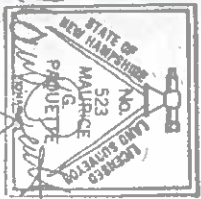
(Affidavit on reverse side of application to be completed by authorized agent of owner)

A₂

HIGHLAND STREET



I CERTIFY THAT THE FOUNDATION WAS LOCATED AS SHOWN AND THAT IT CONFORMS TO THE ZONING ORDINANCES OF THE TOWN OF HUDSON.



APR 2	5/11/10	CERT.	B	3001
DRAWN	CHECKED	BOOK - PAGE	TITLE	SIZE
				JOB NUMBER

CERTIFIED PLOT PLAN
 LOT 4-7 / MAP 24
 HIGHLAND STREET
 HUDSON, N.H.
 SCALE: 1" = 50'
 DATE: AUGUST 1993

MAYNARD & PAQUETTE INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 23 EAST PEARL STREET - NASHUA, N.H. 03060 - (603) 883-8884

RECEIVED
 NOV 02 1993
 TOWN OF HUDSON
 DEPT OF PUBLIC WORKS

RECEIVED
 GLOVER BROOK
 APPROX. CENTER LINE OF BROOK



A3

Building Permit

Amount Paid

Date 18-Oct-2001 Permit# 2002-195

Applicant Nicolas Yassmine

135 Highland Street

Contractor's License

Permit To Addition

0 Story Deck

of Dwelling Units 0

At (Location) 135 Highland Street

Zoning District

Between Derry Street

And Central Street

Subdivision

Map 24

Lot 4

Sublot 7

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.

Construct a 12' x 30' deck.

Area or Volume

0 Estimated Cost \$

\$10,627.00 Permit Fee \$

\$45.00

Owner

Marisol Lopez

Approved



Address

135 Highland Street, Hudson, NH 03051

Date

10/18/01

A4

A43

Hudson Town Hall
Community Development Department
12 School Street
Hudson, NH 03051

FEES:	14.37
SURCHARGE:	2-
CASH:	-

Town of Hudson

Zoning Board of Adjustment

Decision to Grant Special Exception Permit for An Accessory Living Unit (ALU)

On **2/24/05**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 167-52**, concerning a request by **David Thompson, 135 Highland Street, Hudson**, for a Special Exception Permit to allow **an Accessory Living Unit (ALU) to be constructed within the existing dwelling**. [Map 167, Lot 52; Zoning R-2, HZO Article XIII A, Section 334-73.1.]

Following the hearing of testimony by the applicant, together with subsequent deliberation, the members of the Board determined that this ALU Special Exception Permit should be granted.

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

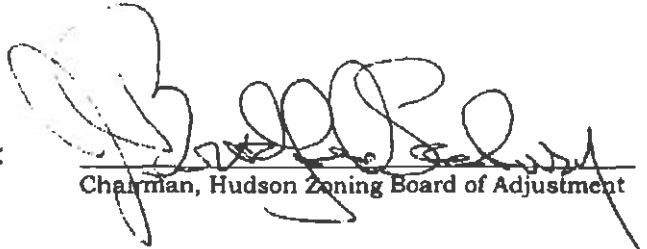
All representations of fact or intention made by the applicant or any applicant's representative(s) during testimony before the Zoning Board of Adjustment relative to the obtaining of this variance shall be considered conditions of the variance, regardless of the fact that such facts or intentions were not specifically stated as part of the motion to grant.

In the event that the requested use subsequently is found by the Hudson Community Development Director to demonstrate deliberate or preventable lack of compliance with any applicable stipulation or restriction, including the verbally specified restrictions described in the preceding paragraph, such use shall be held to be in violation of the covenant made with the Board, and the approval shall be held to be null and void.

BK 7427 PG 2764

A5

Signed:


Chairman, Hudson Zoning Board of Adjustment

Date:

03/05/05

Signed:


Community Development Director

Date:

3/7/05

BK 7427PG2765

A6

Building Permit

Date 11-Mar-2005 Permit# 2005-318

Applicant **Dave Thompson**

135 Highland Street

Contractor's License

Permit To **ALU**

0 Story One Family

of Dwelling Units **0**

At (Location) **135 Highland Street**

Zoning District

Between **Greeley Street**

And **Central Street**

Subdivision **Granted 2/24/05**

Map **167**

Lot **52**

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.**

Finish basement to be an Accessory Living Unit.

A final inspection is required by the fire and building departments prior to occupancy.

Area or Volume

0 Estimated Cost \$

\$14,000.00

Permit Fee \$

\$150.00

Owner

Dave Thompson

Approved

William A. O'Brien

Address

135 Highland Street, Hudson, NH 03051

Date

MAR 11 2005

A7

Building Permit

Date 21-Nov-2006 Permit# 2006-805

Applicant **Champion Window & Patio 230 Ballardvale Street, Wilmington** Contractor's License

Permit To **Three Season Porch** 0 Story **One Family** # of Dwelling Units **0**

At (Location) **135 Highland Street**
Between **George Street**

Zoning District
And **Derry Road**

Subdivision Map **167** Lot **52** 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.**

Construct a 16' x 22' three season deck over existing deck.

Area or Volume **0** Estimated Cost \$ **\$32,000.00** Permit Fee \$ **\$105.60**

Owner **Dave & Fran Thompson**

Approved *William A. Olschak*

Address **135 Highland Street, Hudson, NH 03051**

Date NOV 21 2006

As



Town of Hudson, NH
POOL PERMIT

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

Permit Number
2007-00268
Date of Issue
7/11/2007
Expiration Date
7/10/2008

Owner: THOMPSON, DAVID A.

Applicant: THOMPSON, DAVID A.

Location of Work: 135 HIGHLAND ST
(No. and Street) (Unit or Building)

Description of Work: Install a 24' above ground pool with a 7' x 15' pool deck.

ZONING DATA: District: R-2 Map\Lot: 167-052-000

REMARKS:

Required inspections

Decks:

- dug holes for depth determination (frost depth is considered 48". The closest property line should be clearly marked for setback determinations.
 - Attachment to the building by lag bolts not more than 24" on center spacing
 - Rails not less than 36" high for residential with no space greater than 4"
 - Stairs with a maximum rise of 7 5/8" & a minimum tread depth of 10"
 - **Building Permit Issuance Conditions are as follows:**
 - THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
 - THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
 - APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
 - NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
 - WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
 - WORK MUST BE STARTED WITHIN 6 MONTHS, AND COMPLETED WITHIN 1 YEAR FROM THE DATE OF PERMIT ISSUANCE.
 - ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.
- ALL CONSTRUCTION MUST BE LOCATED 15 FEET FROM THE SIDE AND REAR PROPERTY LINES.
- A SEPARATE ELECTRICAL PERMIT IS REQUIRED.
 - A FENCE IS REQUIRED FOR ALL IN GROUND POOLS OR IF POOL IS LESS THAN 4 FEET HIGH. THE FENCE MUST BE AT LEAST 48" TALL AT ALL AREAS ALONG ITS ENTIRE LENGTH. GATES SHALL BE LOCKABLE. DECKS ATTACHING FROM AN OCCUPIABLE BUILDING WITH A POOL SHALL HAVE LOCKABLE DOORS AS WELL AS A PASSAGE ALARM.

INSPECTION APPROVALS

Building	_____ / _____ / _____	Date	_____
Plumbing	_____ / _____ / _____	Date	_____
Electrical	_____ / _____ / _____	Date	_____
Other	_____ / _____ / _____	Date	_____

Permit Holder: THOMPSON, DAVID A. (Taking Responsibility for the Work)
Company/Affiliation: Owner Job Site Phone Number:

Constr Cost: \$3,000	Permit Fee: \$45.00	Check No.:	Cash: \$0.00
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The Permit Card Shall be Posted and Visible From the Street During Construction

<i>William A. Peabody</i> Code Official	JUL 11 2007 Date
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A9



Town of Hudson, NH
Building Permit

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

Permit Number
2011-00440
Date of Issue
8/30/2011
Expiration Date
8/29/2012

Owner: THOMPSON, DAVID A.

Applicant: THOMPSON, DAVID A.

Location of Work: 135 HIGHLAND ST
(No. and Street) (Unit or Building)

Description of Work: Construct a 30' x 8' shed underneath existing deck/three season room.

ZONING DATA: District: R-2 Map\Lot: 167-052-000

REMARKS:

Required Inspections

Sheds:

- Generally a single inspection of the completed shed will be performed after the basic structure is up and complete. This will include supports and placement relative to setbacks. The property line closest should be clearly marked for setback determinations.
- Per the Hudson Zoning Ordinance Section 334-27-1 (C) "Accessory structures (sheds) shall be placed to the rear of the main building."

ALL CONSTRUCTION MUST BE LOCATED 15 FEET FROM THE SIDE AND REAR PROPERTY LINES.

Building Permit Issuance Conditions are as follows:

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

Page 1 of 2

Permit Holder: THOMPSON, DAVID A. (Taking Responsibility for the Work)	Job Site Phone Number:
Company/Affiliation: Owner	

Constr Cost:	\$3,000	Permit Fee:	\$50.00	Check No.:	Cash:	\$0.00
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The Permit Card Shall be Posted and Visible From the Street During Construction

THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

<i>William A. Clebank</i> Code Official	<i>David Thompson</i> Permit Holder	8/30/2011 Date
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A10

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

REQUEST FOR REVIEW/COMMENTS:

Case: 167-052 (02-23-23) HOME OCCUPATION

Property Location: 135 Highland St SPECIAL EXCEPTION

For Town Use

Plan Routing Date: 02/08/2023 Reply requested by: 02/13/2023 ZBA Hearing Date: 02/23/2023

I have no comments I have comments (see below)

EZD Name: Elvis Dhima Date: 02/09/2023
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

1. Applicant should be aware that the three parking spaces marked on Attachment A should not be included as available parking spaces.
2. This property is serviced by municipal water and sewer and has the ability to accommodate the proposed use.

C

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

REQUEST FOR REVIEW/COMMENTS:

Case: 167-052 (02-23-23) **HOME OCCUPATION**
Property Location: 135 Highland St **SPECIAL EXCEPTION**

For Town Use

Plan Routing Date: 02/08/2023 Reply requested by: 02/13/2023 ZBA Hearing Date: 02/23/2023

I have no comments I have comments (see below)

DRH _____ Name: David Hebert Date: 02/13/2023
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

See attached

D.



TOWN OF HUDSON

FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISION



12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

Emergency 911
Business 603-886-6005
Fax 603-594-1142

Scott Tice
Chief of Department

TO: Bruce Buttrick
Zoning Administrator

FR: David Hebert
Fire Marshal

DT: 2/13/2023

RE: 135 Highland Street, Family Group Child Care

Licensing shall be obtained from the State of NH, DHHS
State required inspections shall be performed and approved prior to operating

David Hebert
Fire Marshall

D₂

HUDSON ZONING BOARD OF ADJUSTMENT

Home Occupation Special Exception Decision Worksheet

On **02/23/2023**, the Hudson Zoning Board of Adjustment heard Case **167-052**, being a request by **Ausama Mohamed Ali & Soukayna El Bouayadi, 135 Highland St., Hudson, NH** and request a **Home Occupation Special Exception to allow a Family day-care home as permitted in the Table of Permitted Accessory Uses § 334-21, and defined in the Hudson Zoning Ordinance and NH State RSA 170-E:2, IV(a).** [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations and HZO Article II: Terminology; §334-6, Definitions.]

After reviewing the petition, and after hearing all testimony and documentary evidence supplied by the Applicant(s) and any other interested citizens, and after taking into consideration personal knowledge of the property in question, the undersigned member of the Hudson Zoning Board of Adjustment, sitting for this case, made the following determinations.

The intended use for which a Home Occupation Special Exception has been requested complies with the definition of a home occupation as an accessory use which by custom has been carried entirely within a dwelling unit, which is incidental and subordinate to the dwelling use, and which complies with the requirements of §334-24 as follows:

- | | | |
|---|---|--|
| Y | N | The proposed use is a sales / service operation for goods produced or services provided on-site. |
| Y | N | The proposed use shall be secondary to the principal use of the home as the business owner's residence. |
| Y | N | The proposed use shall be carried on within the residence and / or accessory structure. |
| Y | N | Other than the home occupation sign(s) permitted under Article XII, Section 334-67, there shall not be any exterior display nor other exterior indication of the home occupation, and there shall not be any variation from the primarily residential character of the principal or accessory building. |
| Y | N | There shall not be any exterior storage, unless permitted by a special exception (if permitted, must be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area, unless this requirement is waiver by the Board because of existing foliage and / or long distances). |
| Y | N | There shall not be any objectionable circumstances (such as noise, vibrations, dust smoke, electrical disturbances, odors, heat or glare) produced as the result of this proposed use. |
| Y | N | Traffic generated by the proposed home occupation activity shall not be substantially greater in volume than would normally be expected in the neighborhood. |
| Y | N | Parking provided for the home occupation activity shall be off-street, located outside of the setback areas and / or the front yard, in driveways or paved areas, and limited to no more than two vehicles at one time. |
| Y | N | The home occupation shall be conducted only by residents of the dwelling. |
| Y | N | Excluding any personal vehicle that can also be used for business purposes, parking of no more than one business vehicle (limited to no more than 13,000 pounds with adequate screening in the B, G. and I zones) shall occur. |

Signed: _____ Date _____
Sitting Member of the Hudson ZBA

**APPLICATION FOR A HOME OCCUPATION
SPECIAL EXCEPTION**

TOWN OF HUDSON
FEB 02 REC'D
2023
Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

**Entries in this box are to be filled out by
Land Use Division personnel**
Case No. 167-052 (02-23-23)
Date Filed 2/2/23

Name of Applicant Ausama Mohamed Ali, Soukayna EL Bouayadi Map: 167 Lot: 052 Zoning District: R-2
Telephone Number (Home) (857) 891-9306 (Work) _____
Mailing Address 135 Highland Street, Hudson, NH 03051
Owner Soukayna EL Bouayadi, Ausama Mohamed Ali
Location of Property 135 Highland Street, Hudson, NH 03051
(Street Address)

El Bouayadi, [Signature] _____ Date 01/30/2023
Signature of Applicant
El Bouayadi, [Signature] _____ Date 01/30/2023
Signature of Property-Owner(s)

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

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

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

Date received: 2/2/23

COST:
Application fee (processing, advertising & recording) (**non-refundable**): \$ 185.00
6 Abutter Notice:
6 Direct Abutters x Certified postage rate \$ 4.60 = \$ 27.60
8 Indirect Abutters x First Class postage rate \$ 0.60 = \$ 4.80
Total amount due: \$ 217.40
Amt. received: \$ 217.40
Receipt No.: 717,021

Received by: [Signature]

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

credit
Visa

TOWN OF HUDSON, NH

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>AA</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
SE, <u>AA</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) <u>12</u> single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
SE, <u>AA</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, <u>Home Occupation</u> 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>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>AA</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>mailing labels missing.</u> <u>TG</u>
<u>AA</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>
SE, <u>AA</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>AA</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
Childcare
Floor plan
Parking plan

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

N/A
TG

GIS

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

E/Bouafadi, [Signature]
Signature of Applicant(s)

01/30/2023
Date

E/Bouafadi, [Signature]
Signature of Property Owner(s)

01/30/2023
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
167	052	*Include Applicant & Owner(s) Awwama Mohamed Ali Soukayna EL Babradi	135 Highland Street, Hudson, NH 03051
167	046	Parent, Bryan P. Parent, Meaghan	132 Highland Street, Hudson, NH 03051
167	047	Roussel, Ronald A., TR. ; Roussel, Winifred E., TR. ; Roussel Irrev Trust	134 Highland Street, Hudson, NH 03051
167	048	Dearborn, Gerald A., TR. ; Dearborn, Clarice R., TR. ; Dearborn Rev Trust	136 Highland Street, Hudson, NH 03051
167	051	Velez en zuela, Ismael	PO Box 413, Burlington, MA 01803
167	053	Livingston, Michael P., TR. ; Livingston, Terry L., TR. ; Livingston Family Rev Trust	129 Highland Street, Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

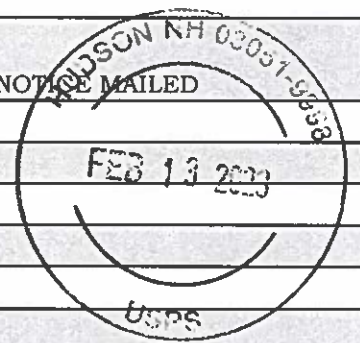
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
167	031	Jones, Shanna	128 Highland Street, Hudson, NH 03051
167	045	Bizarro, Evaristo S. ; Bizarro, Maria M.	3 Bonnie lane, Hudson, NH 03051
167	050	Moreau, Kevin C., TR. ; Moreau, Pamela A., TR. ; Moreau Family Trust	139 Highland Street, Hudson, NH 03051
167	054	Daigle, Bruce A. ; Daigle, Bernadette	127 Highland Street, Hudson, NH 03051
167	079	Bradbury, Susan ; Bradbury, Walter J.	17 Washington Drive, Hudson, NH 03051
167	080	Witt, Dennis, JR.	15 Washington Dr. Hudson, NH 03051
167	082	Plante, Alan G.	6 Monroe Street, Hudson, NH 03051
167	083	Foden, Christopher M.	10 Monroe ST., Hudson, NH 03051-3812
167	084	Town of Hudson	12 School Street, Hudson, NH 03051

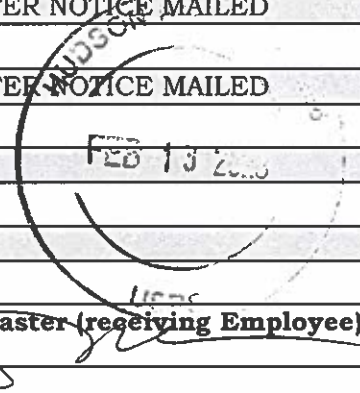
USPS-Verified Mail

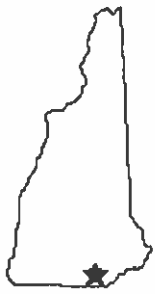
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 167-052 Home Occup. Spcl. Exempt. 135 Highland Street Map 167/Lot 052-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/23/2023 ZBA Meeting
1	7022 3330 0000 3692 7852	ALI, AUSAMA MOHAMED; BOUAYADI, SOUKAYNA EL 135 HIGHLAND STREET, HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	7022 3330 0000 3692 7869	PARENT, BRYAN P.; PARENT, MEAGHAN 132 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7022 3330 0000 3692 7876	ROUSSEL, RONALD A., TR.; ROUSSEL, WINIFRED E., TR.; ROUSSEL IRREV. TRUST 134 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7022 3330 0000 3692 7883	DEARBORN, GERALD A., TR.; DEARBORN, CLARICE R., TR.; DEARBORN REV TRUST 136 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7022 3330 0000 3692 7890	VALENZUELA, ISMAEL PO BOX 413, BURLINGTON, MA 01803	ABUTTER NOTICE MAILED
6	7022 3330 0000 3692 7906	LIVINGSTON, MICHAEL P., TR.; LIVINGSTON, TERRY L., TR.; LIVINGSTON FAMILY REV TRUST 129 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7			
8			
9			
10			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office <i>6</i>	Postmaster (receiving Employee) <i>[Signature]</i>



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 167-052 Home Occup. Spcl. Excpt. 135 Highland Street Map 167/Lot 052-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/23/2023 ZBA Meeting
1	Mailed First Class	JONES, SHANNA 128 HIGHLAND ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	BIZARRO, EVARISTO S.; BIZARRO, MARIA M. 3 BONNIE LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	MOREAU, KEVIN C., TR.; MOREAU, PAMELA A., TR.; MOREAU FAMILY TRUST 139 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	DAIGLE, BRUCE A.; DAIGLE, BERNADETTE 127 HIGHLAND STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	BRADBURY, SUSAN; BRADBURY, WALTER J. 17 WASHINGTON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	WITT, DENNIS, JR. 15 WASHINGTON DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	PLANTE, ALAN G. 6 MONROE STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	Mailed First Class	FODEN, CHRISTOPHER M. 10 MONROE ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9			
10			
	Total # of pieces listed by sender 8	Total # of pieces rec'vd at Post Office 8	Postmaster (receiving Employee) <i>[Signature]</i>





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

February 13, 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, **02/23/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 167-052 (02-23-23): Ausama Mohamed Ali & Soukayna El Bouayadi, 135 Highland St., Hudson, NH request a Home Occupation Special Exception to allow a Family day-care home as permitted in the Table of Permitted Accessory Uses § 334-21, and defined in the Hudson Zoning Ordinance and NH State RSA 170-E:2, IV(a). [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions; §334-24, Home Occupations and HZO Article II: Terminology; §334-6, Definitions.]

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

Respectfully,

Bruce Buttrick

Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for 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

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION

A home occupation is a wholesale sales or service operation for goods produced or services provided on-site and is permitted only as a special exception upon approval by the Zoning Board of Adjustment. In granting such an exception, the Board must find the home occupation to be in full compliance with the requirements listed below. Per Hudson Zoning Ordinance Article VI, Special Exceptions; §334-24 F, **On-site retail sales are an expressly prohibited home occupation special exception use.**

Please explain, in detail, the nature of your home business.

Please see (1) on attached sheet

Is the home occupation secondary to the principal use of the home as the business owners' residence? Please explain.

Please see (2)

Will the home occupation business be carried on within the residence and/or within a structure accessory to the residence? Please explain.

Please see (3)

Other than the sign(s) permitted under Article XII, will there be exterior display or other exterior indications of the home occupation? Will there be any variation from the primarily residential character of the principal or accessory building? Please explain.

Please see (4)

APPLICATION FOR A HOME OCCUPATION SPECIAL EXCEPTION (CONTINUED)

Will there be exterior storage and will it be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area? In situations where a combination of existing foliage and/or long distances to neighboring views provide screening, the fencing requirements may be waived at the discretion of the Board. Please explain how you will comply.

Please see (5)

Will there be noise, vibrations, dust, smoke, electrical disturbances, odors, heat or glare produced? Please explain, and if there will be electrical disturbances, describe the frequency.

Please see (6)

Will the traffic generated by the home occupation activity be substantially greater in volume that would normally be expected in the neighborhood? Please explain the expected traffic to your business.

Please see (7)

Where will customer/client parking for the home occupation be located? Please explain.

Please see (8)

Who will be conducting the home occupation? Please explain.

Please see (9)

Will there be a vehicle(s) for the home occupation? Please explain the type and number of vehicle(s).

Please see (10)

Explanations for pages 6 and 7

1. The nature of our home business will be a family daycare home as described by the state of New Hampshire document (He-C 4002.34). We are pursuing a license from the state. The number of children we expect is 6 preschool age and 3 school age, so the total number will be 9. The program will run Monday through Friday from 7:00 am to 5:30 pm. The children will enter the house through the side door that is accessible by entering the driveway and going straight. The children will have a classroom for learning, a bedroom for a nap, a living room for dining, and a kitchen for preparing breakfast, lunch, and snacks. Please see the floor plan attached.

2. The house has two floors. The first floor has a primary bedroom, sunroom, living room, and kitchen with 1 full bathroom and ½ bathroom. The second floor has three bedrooms and a full bathroom. The first floor will be used for childcare, and the second floor will be used for residency.

3. No, the family childcare will be run in the house on the first floor, which is separated from the residential area. All activities will be conducted on the first floor. A safety gate will be placed by the stairs to isolate the residential space. For the drop-off and pick-up, the cars will park on the driveway.
4. There will be no such sign, indication, or variation to the building.

5. There will be no exterior storage.

6. There will be no such things except possible noise when children play outside for a short time, maybe about 2 hours a day if the weather permits. The children will be reminded to reduce noise if there is any. We don't think noise will disturb our neighbors as they are not located so close to our house; besides, our childcare will run during work hours for most people.

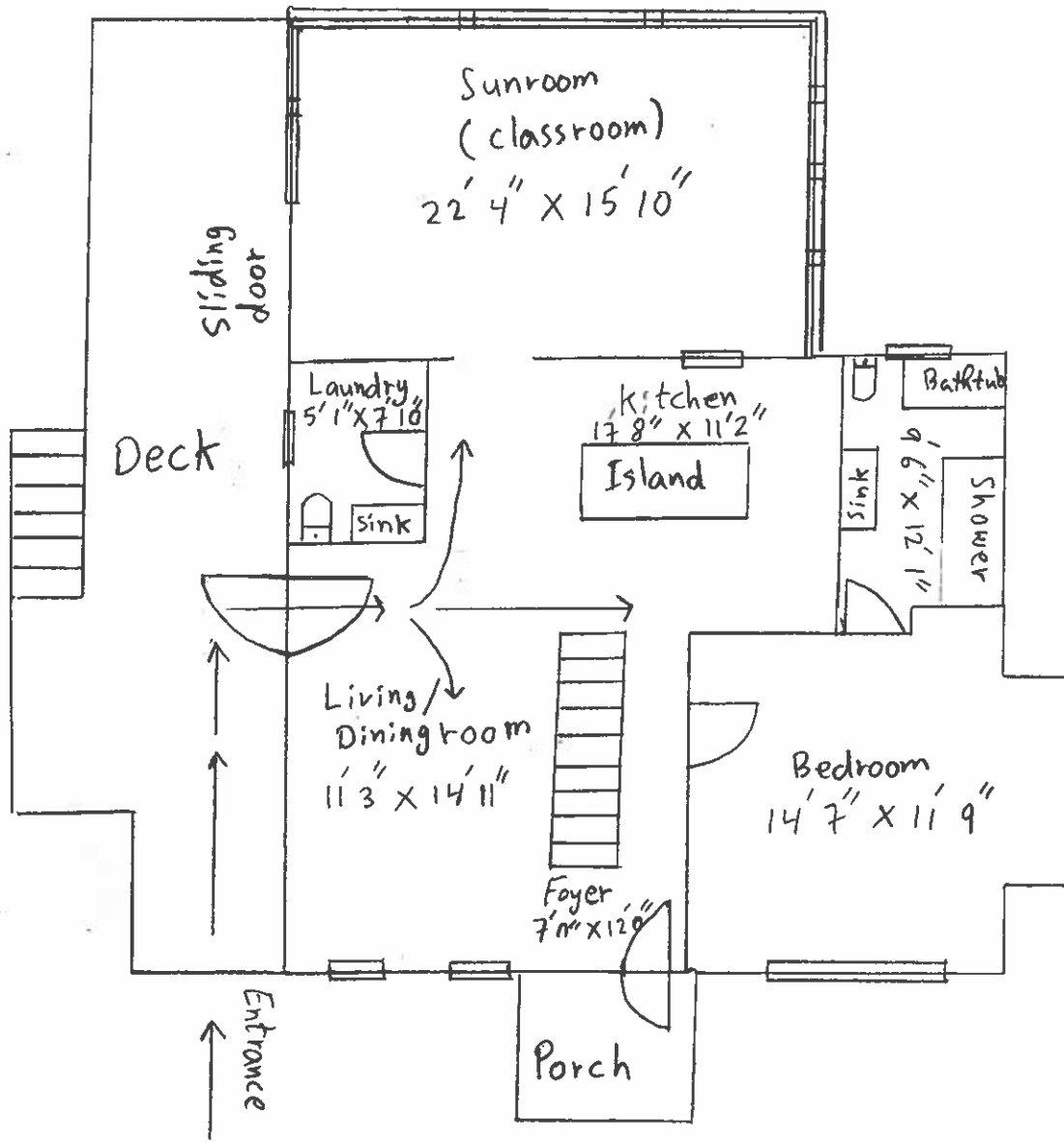
7. Traffic will not be greater than normal. Parents or guardians will drop off and pick up the kids. They will enter our driveway from highland street and won't block traffic. Per our experience with our son in daycare, parents won't come at the same time. If we assume they will show up simultaneously, they can park on our driveway, which is suitable for approximately 11 cars. Please see the parking plan attached.

8. Parents and guardians will park their vehicles on our driveway. They will be directed to park as shown in the parking plan. Please see it attached.

9. Soukayna EL Bouayadi and Ausama Mohamed Ali (both living at the address mentioned here) will be conducting the home occupation. Soukayna has been working at Boston Medical Center since 2014 as an assistant in the operation room, anesthesia technician, and cytology lab technician, and she has a CPR certificate. As mentioned before, we are seeking a family childcare license from the state of New Hampshire.

10. There will be no vehicle for our home occupation.

First Floor Childcare floor plan



Parking Plan



January 13, 2023

..... Easement_Lines

▭ Parcels

1 inch = 37 feet

0 40 80 Feet





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-005

January 19, 2023

Ausama Mohamed Ali
and Soukayna El Bouayadi
135 Highland St
Hudson, NH 03051

And via email

Re: **135 Highland St Map 167 Lot 052-000**
District: Residential Two (R-2)

Dear Ausama and Soukayna,

Your request: Can you open a home childcare service on this property?

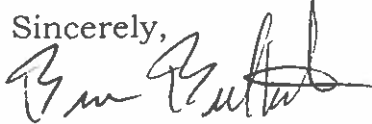
Zoning Review / Determination:

In this zoning district, per §334-22 Table of Permitted Accessory Uses you would be allowed as a *Home Occupation Special Exception* for a Family Day-Care Home which is:

An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to six children from one or more unrelated families. The six children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the six children, up to three children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays. Provided you comply with the requirements for the Special Exception.

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

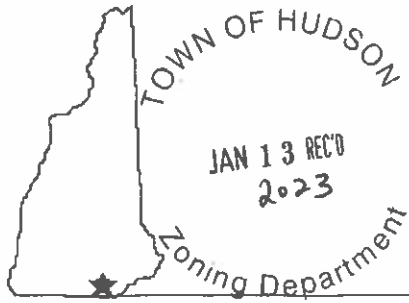
Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public File
B. Groth, Town Planner
File

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



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

23-005



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 1-13-23

Property Location 135 Highland Street, Hudson, NH 03051
Map 167 Lot 052 Sublot 000

Zoning District if known R-2

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)

Open an in home childcare (family)
Group

STATE Lic
1 person @ d.l.c

Applicant Contact Information:

Name: Soukayna EL Bouayadi, Ansama Mohamed Ali
Address: 135 Highland Street, Hudson, NH 03051
Phone Number: (857) 891-9306, (480) 833-0922
Email: akhalid1310@gmail.com

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

ZONING

334 Attachment 2

Town of Hudson
Table of Permitted Accessory Uses
 [Amended 3-14-1995 by Amdt. No. 3; 3-13-2001 by Amdt. No. 3;
 3-11-2008 by Amdt. No. 2; 2-2-2019 ATM, Art. 07, adopted 3-12-2019]

Accessory Uses	Districts						
	R-1	R-2	TR	B	I	G	G-1
Traditional secondary accessory uses and structures, including garages, toolsheds, parking areas, recreational facilities, outdoor in-ground swimming pools ¹ and other customary uses and structures	P	P	P	P	P	P	P
Home occupation	S	S	S	S	N	S	S
Family day-care home	S	S	S	P	P	P	P
Family group day-care home	N	N	N	P	P	P	P
Nonprofit recreational facilities, including membership clubs		N	N	P	P	S ¹	S ¹
Banquet or function hall, as an accessory use to a restaurant	N	N	N	P	P	P	P
Health, fitness or athletic club	N	N	N	P	P	P	P
Garaging or parking of one light commercial vehicle	P	P	P	P	P	P	P
Garaging or parking of two or more light commercial vehicles	N	N	N	P	P	P	P
Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P*	P*	P*
General retail sales	N	N	N	P	P	P	P
Sales from vending machines	S ¹	P	N	P	P	P	P
Miscellaneous service and repair	N	N	N	P	P	P	P



NOTES:

P = Permitted

S = Permitted by special exception only (see Article VI)

S¹ = Permitted only where secondary to and developed as a part of a residential subdivision or site plan

N = Prohibited

* = Permitted only if served by Town water and sewer

¹ = See § 334-12I of this chapter for additional requirements.

P* = Permitted only in accordance with § 334-15B(2) on Commercial sites within the I, G and G1 Zones



FAMILY DAY-CARE HOME

An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to six children from one or more unrelated families. The six children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the six children, up to three children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.

FAMILY GROUP DAY-CARE HOME

An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
ALI, AUSAMA MOHAMED		RE	Residential Average		2022	1070	376,800	2022	1070	198,400	2021	1070	198,400
BCUAYADI, SOUKAYNA EL		TOPO	UTILITIES			1070	159,800		1070	105,600		1070	105,600
135 HIGHLAND STREET		Steep	Town Water			1070	11,300		1070	7,100		1070	7,100
HUDSON NH 03051			Town Sewer										
					Total		547,900	Total		311,100	Total		311,100

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
ALI, AUSAMA MOHAMED		9528 156	09-17-2021	Q	I	500,000	00	Grantor: THOMPSON, DAVID A.	Appraised Bldg. Value (Card)				344,700
THOMPSON, DAVID A.		8844 0723	03-18-2016	U	I	0	38	Grantor: THOMPSON, DAVID A.	Appraised Xf (B) Value (Bldg)				32,100
THOMPSON, DAVID A.		7189 2663	03-22-2004	Q	I	299,000	00	Grantor: THOMPSON, DAVID A.	Appraised Ob (B) Value (Bldg)				11,300
YASSMINE, MARISOL		7117 0887	08-31-2003	U	I	0	38	Grantor: YASSMINE, MARISOL.	Appraised Land Value (Bldg)				159,800
LOPEZ, MARISOL		6222 0348	03-24-2000	U	I		99	Grantor: LOPEZ, MARISOL	Special Land Value				0
						Total	547,900		Total Appraised Parcel Value				547,900

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY	
Parcel ID	Zoning	Flood Hazard	Description	Code	Assessed	Assessed	Valuation Method	
167-052-000	R2:RESD TWO	A	BLDG	1070	376,800	376,800	C	
			LAND	1070	159,800	159,800		
			OB	1070	11,300	11,300		
			Total		547,900	547,900		

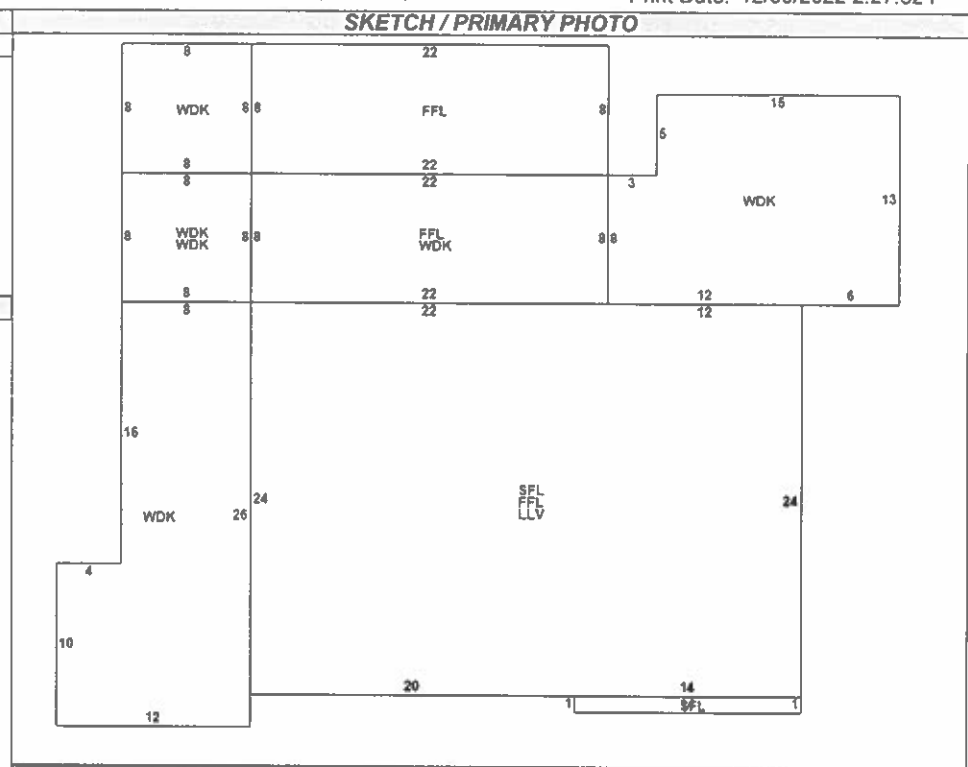
NOTES		VISIT / CHANGE HISTORY				
		Date	Id	Cd	Purpost/Result	
JUNE 2006 - PERMIT VISIT FOR ALU, INSPEC TED. COMPLETE. ALU HAS 1 FB, WOOD AND CER. TILE FLOORS, AND NEW DECK/WHIRLPOOL TUB IN UPSTAIRS BATHROOM 8X30 SHD BENEATH H EFP ESTIMATED, LOOSE DOG.2/21 JS CLOSE TO POWER LINES		2022 - EG - REAR FENCED - EST - FPL	08-17-2022	01	18	Hearing - Change
		07-19-2022	24	45	Field Review	
		03-29-2022	23	04	Info At Door	
		03-29-2022	23	02	Measured	
		02-26-2021	18	02	Measured	
		02-26-2021	18	04	Info At Door	
		05-12-2020	21	15	Permit Visit	
		03-07-2012	12	15	Permit Visit	

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2019-00288	04-17-2019	DK	Deck	1,000	C			
2018-00650	07-02-2018	DRV	Driveway		C			
2015-00120	02-17-2015	MECH	Mechanical	0	C			Visit Notes: Free Stand Gas Fp;
2011-00440	08-30-2011	SH	Shed	3,000	C			Visit Notes: Const 8x30 Shed Under Deck/Encl;
2006-805	11-21-2006	PO	Porch	32,000	C			
2005-318	03-11-2005	IR	Int Renov	14,000	C			Visit Notes: Alu Completed Prior To 04-01-06.;
2002-195	10-18-2001	DK	Deck	10,627	C			Visit Notes: 12 X 30;

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	1070	ACCESSORY LIVING U	Site	1.000	AC	170,000	1.00	5	1.00	RE	1.00	Topo	0.95		0.95	PSNH EASEMENT;	153,400
1	1070	ACCESSORY LIVING U	Excess	2.130	AC	6,000	1.00	0	1.00	RE	1.00	Topo	0.50		1.00		6,400
Total Card Land Units:				3.130 AC		Parcel Total Land Area:				3.130		AC		Total Land Value:		159,800	

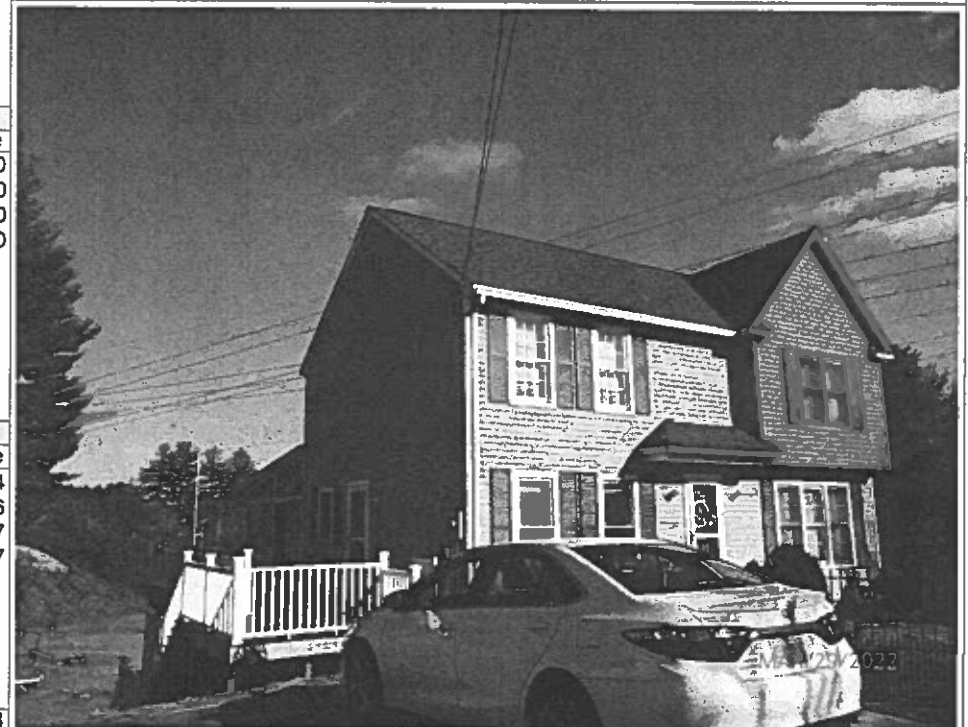
Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	2		Extra Kitchens	1	
Style:	03	Colonial	Add Kitchen Ra	AV	
Grade:	C+	Avg/Good			Average
(Liv) Units	2				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asph Shing			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	9				
Bedrooms	4				
Full Baths	2				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	GD	Good			
Half Bath Rating	AV	Average			
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Rating					
WS Flues	1				
Color	TAUPE				
Avg Ht/FL	8				
Extra Kitchens	1				
			COST / MARKET VALUATION		
			Building Value New		391,744
			Year Built		1994
			Effective Year Built		2010
			Depreciation Code		AV
			Remodel Rating		
			Year Remodeled		
			Depreciation %		12
			Functional Obsol		
			External Obsol		
			Trend Factor		1.000
			Condition		
			Condition %		
			Percent Good		88
			RCNLD		344,700
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		

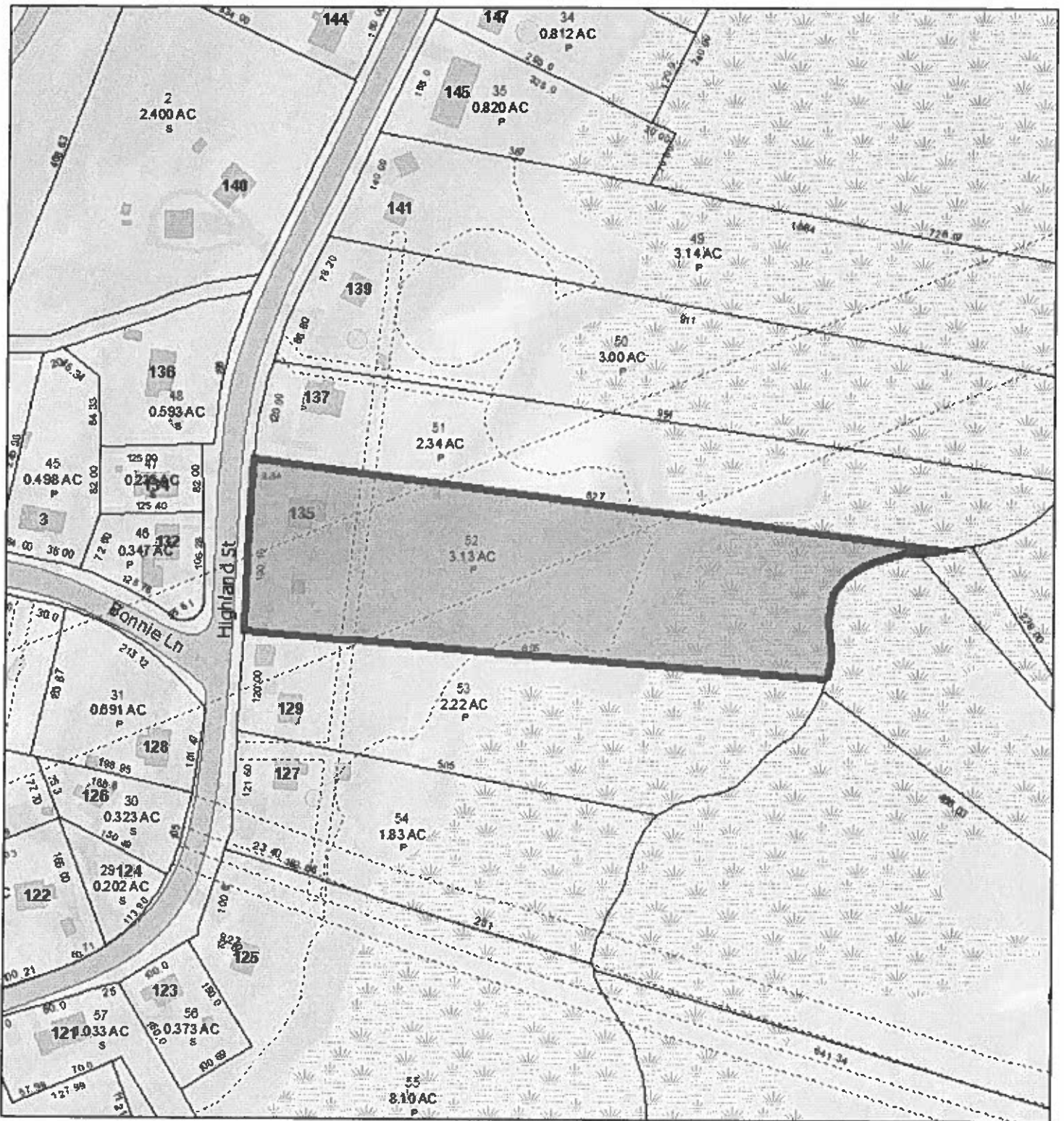


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Pri	Yr Bilt	Cnd.	% G	Assd. Value	
POOLDK	Abv Grnd Pool Wood Deck	L	640	UNITS	0.00	2010	AV	60	0	
SHEDWD	Shed-Wood	L	168	UNITS	31.02	2004	GD	80	4,200	
SHEDWD	Shed-Wood	L	240	UNITS	31.02	2011	EX	95	7,100	
XALLLV	Finished Living Area, ALU in	B	694	SQ. FT	52.50	1994	AV	88	32,100	

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
FFL	First Floor, Finished	1,168	1,168	1,168	159.96	186,834
	Lower Level, Unfinished	0	816	367	71.94	58,706
	Second Floor, Finished	830	830	830	159.96	132,767
WDK	Wood Deck, or Composite Dk	0	835	84	16.09	13,437
Total Liv Area/Gr. Area/Eff Are		1,998	3,649	2,449	Total Value	391,744



135 Highland St (Map/Lot 167-052-000)



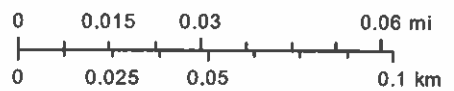
December 30, 2022

1:2,021

Legend

----- Easement_Lines

▭ Parcels



Printed
2/02/2023
12:40PM
Created
2/02/2023
12:35 PM

Transaction Receipt

Receipt# 717,021
publicw

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

Description	Current Invoice	Payment	Balance Due
1.00 Zoning Application 135 Highland St Map/Lot 167-052-000 Home Occupation SE	0.00	217.4000	0.00
		Total:	217.40

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
MOHAMED ALI/AUSAMA	CREDIT	1275	217.40	0.00	217.40

Total Due:	217.40
Convenience Fee:	6.41
Total Tendered:	223.81
Total Change:	0.00
Net Paid:	223.81

SERVICE CHARGE NOTICE

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

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

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

SIGNED: _____



DATE: _____

02/02/2023

Type _____

VISA



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: February 23, 2023 *RB 2-14-23*

Case 105-014 (02-23-23): Steel Properties, LLC, represented by Stephen L. Chasse, Mgr., 8 Christine Dr., Hudson, NH requests a Variance for **5 Christine Dr., Hudson, NH** to allow an expansion of an existing non-conforming use by demolishing the existing 24,106 SF building and rebuilding a 30,175 SF. industrial building where a nonconforming use shall not be extended or enlarged, except by variance. [Map 105, Lot 014-000; Zoned Business (B); HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]

Address: 5 Christine Dr

Zoning district: Business (B)

Summary:

Applicant requests a variance to demolish a 24,000 sqft building with existing non-conforming use and to rebuild with a 30,175 sqft building. Per §334-29 Extension or enlargement of nonconforming uses: “*A nonconforming use shall not be extended or enlarged, except by variance*” which **applies to the proposed building footprint increase.**

Property description:

This parcel is an existing conforming lot of record with an approved site plan on 3-19-1988 (HCRD #21909) dated Sept 1985, allowing non-conforming uses (“light industrial”) in a 24,000 sqft building housing mixed uses.

In-House comments:

Town Engineer: No comments.

Inspectional Services/Fire Dept: No comments.

Town Planner: Yes, See attached.

Attachments:

A: Town Planner in-house comment.

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

REQUEST FOR REVIEW/COMMENTS:

Case: 105-014 (02-23-23) (VARIANCE)

Property Location: 5 Christine Drive

For Town Use

Plan Routing Date: 02/08/2023 Reply requested by: 02/13/2023 ZBA Hearing Date: 02/23/2023

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 2/13/23
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

If granted, this will also require Site Plan Review by the Planning Board.

A

TOWN OF HUDSON

APPLICATION FOR A VARIANCE

FEB 02 REC'D
2023 (72)
Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 105-014(02-23-23)

Date Filed 2/2/23

Name of Applicant Steel Properties, LLC Map: 105 Lot: 14 Zoning District: B
(Stephen L. Chasse, Manager)

Telephone Number (Home) _____ (Work) 603-886-3436

Mailing Address 8 Christine Drive, Hudson, NH 03051

Owner Steel Properties, LLC

Location of Property 5 Christine Drive, Hudson, NH 03051
Steel Properties, LLC (Street Address)

By: Stephen L. Chasse MGR 1/ 22 /2023
Signature of Applicant Date

Steel Properties, LLC

By: Stephen L. Chasse MGR 1/ 22 /2023
Signature of Property-Owner(s) Date

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

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

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

Date received: 2/2/23

COST:

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

9 Abutter Notice:
Direct Abutters x Certified postage rate \$ 4.78 = \$ 43.02

4 Indirect Abutters x First Class postage rate \$ 0.63 = \$ 2.52

Total amount due: \$ 230.54

Amt. received: \$ 230.54

Receipt No.: 717,065

check #
14596

Received by: (TSB)

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

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

Steel Properties, LLC
8 Christine Drive
Hudson, New Hampshire 03051

February 2, 2023

Zoning Board of Adjustment
Town of Hudson
12 School Street
Hudson, New Hampshire 03051

**Re: 5 Christine Drive (Map 105, Lot 14)
Variance Application**

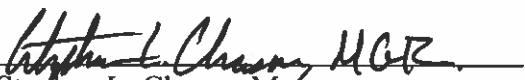
Dear Members of the Board:

Please be advised that J. Bradford Westgate, Esquire and the law firm of Winer and Bennett, LLP, 402 Amherst Street, Suite 302, Nashua, New Hampshire, are authorized to represent Steel Properties, LLC with respect to the variance application being filed by Steel Properties, LLC.

Mr. Westgate and members of the firm of Winer and Bennett, LLP may represent Steel Properties, LLC at any public hearings regarding the variance application and present testimony, information and documentation on behalf of Steel Properties, LLC.

Very truly yours,

Steel Properties, LLC

By: 
Stephen L. Chasse, Manager

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>SLC</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>SLC</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>SLC</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>SLC</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>SLC</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>SLC</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>SLC</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>SLC</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>SLC</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>

**Abutter's List
5 Christine Drive
Hudson, NH**

KNA#22-0126-2

Updated 1/23/2023

Tax Map	Lot	Owner/Applicant
105	14	Steele Properties, LLC 8 Christine Drive Hudson, NH 03051
Tax Map	Lot	<u>Direct Abutters</u>
105	6	Thomas M. Clark Jr. & Suzanne Dumais 5 Iroquois Circle Londonderry, NH 03053
105	8	B & D Properties, LP c/o Tate Brothers Paving CO., Inc. 72 Old Derry Road Hudson, NH 03051
105	12	GNM Corporation 172 Kinsley Street Nashua, NH 03060
105	13	Steel Properties, LLC 8 Christine Drive Hudson, NH 03051
110	39	SLC Development, LLC 8 Christine Drive Hudson, NH 03051
110	6-1	Kimberly Gardner & John Tabor 9A Kingston Way Hudson, NH 03051
110	6-2	Nathan L. Stone 9B Kingston Way Hudson, NH 03051

110 5-1 Douglas E. & Mary E. Albertson
10A Kingston Way
Hudson, NH 03051

110 5-2 Edwin L. Brown & Irilys Aguero
10B Kingston Way
Hudson, NH 03051

Indirect Abutters

110 4-1 Randy F. & Christine K.
Oberhelman
8A Kingston Way
Hudson, NH 03051

110 4-2 Christine Fawcett
8B Kingston Way
Hudson, NH 03051

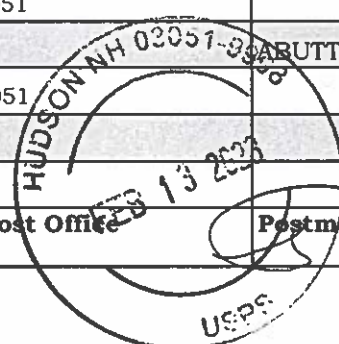
Professionals to be notified:

Engineer/Surveyor
Keach-Nordstrom Associates Inc.
10 Commerce Park North, Suite 3B
Bedford, NH 03110


Legal Counsel
J. Bradford Westgate, Esq.
402 Amherst Street, Suite 302
Nashua, NH 03063

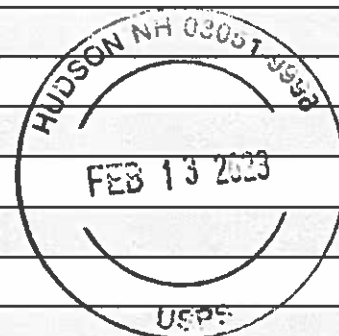
USPS-Verified Mail

SENDER:		US POSTAL SERVICE - CERTIFIED MAIL	Case# 105-014 5 Christine Drive Map 105/Lot 014-000	VARIANCE 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	02/23/2023 ZBA Meeting	
1	7022 3330 0000 3692 7913	STEELE PROPERTIES, LLC; Stephen L. Chasse, Manager 8 CHRISTINE DR., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED	
2	7022 3330 0000 3692 7920	CLARK, JR., THOMAS M.; DUMAIS, SUZANNE 5 IROQUOIS CIRCLE, LONDONDERRY, NH 03053	ABUTTER NOTICE MAILED	
3	7022 3330 0000 3692 7937	B AND D PROPERTIES, LP; C/O TATE BROS. PAVING CO. INC. 72 OLD DERRY ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	7022 3330 0000 3692 7944	GNM CORPORATION 172 KINSLEY STREET, NASHUA, NH 03060	ABUTTER NOTICE MAILED	
5	7022 3330 0000 3692 7951	SLC DEVELOPMENT, LLC 8 CHRISTINE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
6	7022 3330 0000 3692 7968	GARDNER, KIMBERLY; TABOR, JOHN 9A KINGSTON WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
7	7022 3330 0000 3692 7975	STONE, NATHAN L. 9B KINGSTON WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
8	7022 3330 0000 3692 7982	ALBERTSON, DOUGLAS E.; ALBERTSON, MARY E. 10A KINGSTON WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
9	7022 3330 0000 3692 7999	BROWN, EDWIN L.; AGUERO, IRLYS 10B KINGSTON WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
10				
Total Number of pieces listed by sender 9		Total number of pieces rec'd at Post Office	Postmaster (receiving Employee)	



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 105-014 VARIANCE 5 Christine Drive Map 105/Lot 014-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/23/2023 ZBA Meeting
1	Mailed First Class	OBERHELMAN, RANDY F.; OBERHELMAN, CHRISTINE K.	ABUTTER NOTICE MAILED
		8A KINGSTON WAY, HUDSON, NH 03051	
2	Mailed First Class	FAWCETT, CHRISTINE	ABUTTER NOTICE MAILED
		8B KINGSTON WAY, HUDSON, NH 03051	
3	Mailed First Class	KEACH-NORDSTROM ASSOCIATES INC. 10 COMMERCE PARK NORTH, SUITE 3B BEDFORD, NH 03110	APPLICANT NOTICE MAILED
4	Mailed First Class	J. BRADFORD WESTGATE, ESQ. 402 AMHERST STREET, SUITE 302, NASHUA, NH 03063	APPLICANT NOTICE MAILED
5			
6			
7			
8			
9			
	Total # of pieces listed by sender 4	Total # of pieces rec'vd at Post Office 4	Postmaster (receiving Employee) 





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

February 13, 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, **02/23/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 105-014 (02-23-23): Steel Properties, LLC, represented by Stephen L. Chasse, Mgr., 8 Christine Dr., Hudson, NH requests a Variance for 5 Christine Dr., Hudson, NH to allow an expansion of an existing non-conforming use by demolishing the existing 24,106 SF building and rebuilding a 30,175 SF. industrial building where a nonconforming use shall not be extended or enlarged, except by variance.
[Map 105, Lot 014-000; Zoned Business (B); HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]

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

February 13, 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, **02/23/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 105-014 (02-23-23): Steel Properties, LLC, represented by Stephen L. Chasse, Mgr., 8 Christine Dr., Hudson, NH requests a Variance for 5 Christine Dr., Hudson, NH to allow an expansion of an existing non-conforming use by demolishing the existing 24,106 SF building and rebuilding a 30,175 SF. industrial building where a nonconforming use shall not be extended or enlarged, except by variance.

[Map 105, Lot 014-000; Zoned Business (B); HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]

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

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VIII _____ of HZO Section(s) 334-29 and 334-31 .A _____ in order to permit the following:

Expansion of an existing non-conforming use. Demolish the existing industrial building (approximately 24,000 square feet in size) and replace it with a new industrial building (not to exceed 32,000 square feet in size) with related improvements, including an exterior gravel storage area, reconfigured parking and stormwater management facilities.

FACTS SUPPORTING THIS REQUEST:

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

APPLICATION FOR A VARIANCE – ATTACHMENT “A”

**Steel Properties, LLC
5 Christine Drive (Map 105, Lot 14)**

This Attachment “A” is appended to the Application for a Variance and sets forth the summary rationale for each of the five criteria for the granting of a variance.

Property Background

Steel Properties, LLC (the “Applicant”) is the owner of the real estate at 5 Christine Drive (Map 105, Lot 14) (the “Property”). The Property is located at the end of Christine Drive on the northerly side. The Property houses (i) portions of the operations of S.L. Chasse Steel and (ii) two unrelated small businesses. Steel Properties, LLC and S.L. Chasse Steel are owned or controlled by Stephen L. Chasse.

Steel Properties, LLC also owns the adjacent property on the northerly side of Christine Drive and the westerly side of Robinson Road known as 3 Christine Drive (Map 105, Lot 13) while another company, controlled by Mr. Chasse, owns the only other real estate on Christine Drive, that being 2 and 8 Christine Drive (Map 110, Lot 39). As a result, entities controlled by Mr. Chasse own all the properties on Christine Drive.

The Property (and the other properties on Christine Drive) are located in the Business (B) District. The Property is serviced by municipal water and an on-site septic system.

Based on records in the Assessors Office, the existing building was constructed in 1989. According to Zoning Determination #22-113R-1 Revised, by Bruce Buttrick dated September 9, 2022 (the “Zoning Determination”), the Property is an existing conforming lot of record with an approved site plan from 1988, allowing non-conforming uses (light industrial) in the existing building. The existing building houses mixed uses.

S.L. Chasse Welding (preceding S.L. Chasse Steel) first occupied the building in approximately 1995. Since that time, Mr. Chasse’s companies have substantially expanded in terms of facility size and business operations, and also have undergone significant modernization. As a result, Mr. Chasse’s companies have acquired all of the properties on Christine Drive. For example, in 2018, this Board granted variances to permit expansion of S.L. Chasse Steel’s operations at 2 and 8 Christine Drive.

The existing building at the Property (at 5 Christine Drive) is no longer adequate to accommodate S.L. Chasse Steel’s modernized and expanded operations, which include fabricating steel stairs, railings and miscellaneous metals. Consequently, Steel Properties, LLC is requesting this variance to permit the existing building to be razed, a new building to be constructed with related improvements, including an exterior gravel storage area, modernized and improved parking and upgraded stormwater management facilities.

The reason this variance is necessary is because industrial uses at the Property are now non-conforming as noted in the Zoning Determination. At the time the site plan for the Property was approved in 1988 and the building constructed thereafter, the Business (B) District (in which the Property is located) permitted manufacturing, warehousing, truck storage and repair, among uses permitted by right. This was the case at least until 2005. However, under the present Table of Permitted Principal Uses in the Zoning Ordinance, such industrial uses are no longer permitted by right in the Business (B) District. Accordingly, Mr. Buttrick ruled in his Zoning Determination that a variance is needed from Article VIII, Section 334-29 of the Zoning Ordinance to expand an existing non-conforming use.

Proposed Project

As noted, the existing building would be demolished and replaced with a new industrial building with related improvements. Appended to this Application is the ZBA plan set, consisting of 2 sheets, prepared by Keach-Nordstrom Associates, Inc., the Applicant's project engineers. The first sheet of the plan set depicts the existing conditions of the Property while the second sheet depicts the proposed new building and related improvements.

As shown on Sheet 2 of the ZBA plan set, the proposed building would be approximately 30,175 square feet in size with an exterior concrete walk along the front (westerly) side and portion of the northerly side, the proposed gravel storage area, proposed stormwater pond and related improvements, revised parking spaces, in connection to 3 Christine Drive to the east and other improvements. The new building would be fully outside of the wetland buffer area on the westerly side of the Property. Currently, a small corner of the existing building is located within the wetland buffer but will be removed with the full demolition of the existing building.

The Applicant's present intention is that S.L. Chasse Steel will occupy full the new building.

The proposed building will be approximately twenty-five (25) feet in height and all related improvements will comply with all dimensional requirements under the Zoning Ordinance. No dimensional variances are requested.

If the Applicant is successful in obtaining this variance, the Applicant will have to submit a full site plan and application to the Planning Board for review and approval before the project could commence. That process will involve all aspects of site development, including exterior improvements.

Zoning Determination Underlying Variance Application

On behalf of Steel Properties, LLC, Keach-Nordstrom Associates, Inc. filed a Request for Zoning and/or Planning Information/Determination dated September 1, 2022. In response to that Request, Mr. Buttrick issued the Zoning Determination, ruling that the proposal to demolish the 24,000 square foot building and rebuild it with a 30,175 square foot industrial building would require a variance from Article VIII, Section 334-29 of the Zoning Ordinance, given that it would be increasing an existing non-conforming use. In effect, Mr. Buttrick ruled that the increase in

building area (from the old building to the new building) generated the need for the variance as an enlargement or expansion of a non-conforming use.

5 Criteria for Granting a Variance

1. **Granting of the requested variance will not be contrary to the public interest, because:**

It is not contrary to the public interest to allow the Applicant to demolish the existing building and replace it with a new, modern building, with upgraded site improvements, including stormwater management improvements, all of which will permit the Applicant's sister company, S.L. Chasse Steel, to improve its operations in an upgraded, modern facility. 5 Christine Drive has historically been used for industrial uses and in fact was approved and constructed for industrial uses in the late 1980s. At the time it was approved and constructed, the building housed uses permitted in the Business (B) District. Changes in the permitted uses in the Business (B) District subsequent to the approval and construction of the building have rendered it non-conforming.

Steel Properties, LLC and its sister company are the owners of all of the properties on Christine Drive, comprising a homogeneous set of industrial properties under common or related ownership. As such, it is in the public interest to permit further modernization of an industrial property serving an overall business campus which has had, historically, industrial uses for over 30 years. Furthermore, it is in the public interest to permit reasonable, natural expansion of a longstanding business property, when the expansion further modernizes and facilitates operations.

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

The spirit of the ordinance is partially derived from the purposes of the ordinance. Section 334-2 of the Zoning Ordinance sets forth the general purposes, which include promoting efficiency and economy in the process of development by encouraging the most appropriate use of land throughout the Town, and also include conserving property values. If this variance is granted, it (and the related, necessary approvals) will permit modernization and improvements to the Applicant's property and S.L. Chasse Steel's operations, evidencing and encouraging the most appropriate use of land. Granting the variance will further permit improvements to S.L. Chasse Steel's campus, permit an existing building to be replaced by a new, modern building to better facilitate S.L. Chasse Steel's business operations on land historically used for industrial purposes.

3. **Substantial justice would be done to the property-owner by granting the variance, because:**

Substantial justice is done by allowing the existing building to be demolished and replaced with a new building and related improvements, where the Property at 5 Christine Drive is already used for industrial purposes and the expansion of the non-conforming use is only needed because of a net increase in building size by approximately 6,000 square feet while at the same time, actually reducing the overall length of the building (comparing the existing building to the new

building), increasing width, but removing a small portion of the existing building from an encroachment into the 50 foot wetland buffer. The removal of the minor encroachment into the 50 foot wetland buffer will make the Property less non-conforming. Substantial justice is also done by permitting modernized stormwater management facilities, upgraded parking and traffic flow arrangements, all in the context of a property that has been used for industrial purposes for over 30 years.

Substantial justice is done by granting the variance since it permits the possibility that the project can go forward (provided the other necessary approvals are obtained) which would allow an upgrade to the facility. If the variance is granted, the Applicant still needs to obtain non-residential site plan approval from the Planning Board.

Substantial justice is done if the general public realizes no appreciable gain from denying the variance but denial of the variance would cause a significant adverse impact to the applicant. In this case, the general public realizes no appreciable gain if the variance is denied since the variance proposes a modest expansion of the non-conforming use, involving demolition of an existing building to be replaced by a new, modern facility and upgraded improvements on property historically used for industrial purposes. Therefore, if the variance is denied the general public realizes no appreciable gain.

4. **The proposed use will not diminished the values of surrounding properties, because:**

Permitting demolition of the existing building and construction and use of the new building on land historically used for industrial purposes, adjacent to other properties used by S.L. Chasse Steel for its operations, will not diminish the value of surrounding properties. The Property has been used for industrial purposes for over 30 years, and will continue to be used for industrial purposes, but rather in a new, modernized facility. Upgrading facilities housing existing operations, and allowing those operations to be modernized and enhanced, does not adversely affect adjacent property values.

5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:**

RSA 674:33, I(b)(5)(A) provides that “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

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

Consequently, a two-prong “unnecessary hardship” test is established.

The Property (at 5 Christine Drive) has several special conditions. First, when site plan approval was granted in 1988 for the Property and the building built in 1989, and for many years thereafter, industrial uses for the Property were permitted uses in the Business (B) District. At some point after 2005, the permitted uses in the Business (B) District changed to render the current use non-conforming. Consequently, the reason for the need for the variance is a not a result of the Applicant's actions, but rather changes in the Zoning Ordinance itself.

Second, the Property is uniquely situated on Christine Drive, adjacent to the other two properties in Christine Drive all of which are owned by either the Applicant or its sister company, SLC Development, LLC. One related group of companies, owning all the properties on a street to house a campus-like operation is unique, especially when the operations are industrial in nature. Put another way, the Property is not located on a street with a mix of different business uses (some of which are not industrial), but rather is located on a street in which all uses are compatible, and in fact.

In light of these special conditions, the two-prong unnecessary hardship tests is to be measured. First, we note the general public purposes of the ordinance provisions and the specific application of those provisions to the property. In this case, the specific provision is Section 334-29 of the Zoning Ordinance which states that a nonconforming use shall not be extended or enlarged, except by variance. Presumably this provision exists to restrain certain expansions of nonconforming uses (beyond those which may be reasonable under the circumstances) that would have a material, adverse impact on surrounding properties. However, the proposed expansion by the Applicant does not run afoul of these general purposes as demonstrated above.

The proposed expansion consists of demolition of the existing industrial building and replacement with a new industrial building and related improvements. The new industrial building will have approximately 6,000+ more square feet of space than the existing building, but will occupy a footprint not quite as long but a bit wider and be set further back from the 50 foot wetland buffer than the existing building. The new building will meet all dimensional requirements under the Zoning Ordinance. Construction of the new building will include upgraded parking and stormwater management facilities. The new building will provide modernization to an existing business which has expanded significantly over the years. A variance, and subsequent approvals if granted, will allow upgraded, campus-type operations for S.L. Chasse Steel throughout its properties on Christine Drive.

The special conditions of the Property deserve further consideration. As mentioned, when site plan approval was granted and the building first constructed, the uses in the Business (B) District included industrial uses. It is the change in permitted uses in the Business (B) District that necessitate the granting of the variance for the old building to be demolished and the new building constructed.

As a result, in this circumstance no fair and substantial relationship exists between the general public purposes of the ordinance provision (Section 334-29) and the specific application of that provision to the Property, since that specific application would preclude this reasonable expansion of the nonconforming use given the totality of these circumstances.

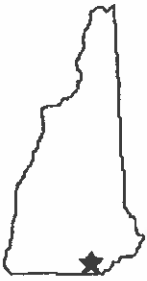
The second prong of the unnecessary hardship test is that the proposed use is a reasonable use. It is self evident that this condition has been satisfied. The use already exists. The variance is simply to enhance and improve operations.

Consequently, the two-prong unnecessary hardship test has been met.

Conclusion

The Applicant respectfully requests that the variance be granted.

The Applicant reserves the right to provide additional testimony and information at the public hearing on this Application.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-113R-1 REVISED

September 9, 2022

Steele Properties, LLC
Att: Shaun Vando – KNA Associates
8 Christine Drive
Hudson, NH 03051

Re: 5 Christine Drive Map 105 Lot 014-000
District: Business (B)

Dear Shaun,

Your request, if proposed site redevelopment is able to continue its' existing non-conformance status?
Plans reviewed: Existing Conditions Plan dated Aug 11, 2022 and Non-Residential Site Layout Plan dated Aug 26, 2022.

Zoning Review:

Our records indicate this parcel is an existing conforming lot of record with an approved site plan on 3-19-1988 (HCRD #21909) dated Sept 1985, allowing non-conforming uses ("light industrial") in a ~~34,000~~ 24,000 sqft building housing mixed uses.

Your proposal is to demolish the ~~34,000~~ 24,000 sqft bldg. and rebuild with 30,175 sqft industrial use bldg.

Revised Determination:

This proposal would require a variance from the Zoning Board of Adjustment, **because: §334-29 Extension or enlargement of nonconforming uses: "A nonconforming use shall not be extended or enlarged, except by variance"** and applies to the increased building area. A review of your proposed plans require a variance, due to the expansion of non-conforming use.

Sincerely,

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

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

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

#22-113



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

SEP 01 2021

Zoning Department



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 09/01/2022

Property Location 5 Christine Drive

Map 105 Lot 14 Sublot _____

Zoning District if known Business

Type of Request

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

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

(See attached)

Existing Conditions and Site Plan Included

Applicant Contact Information:

Name: Steele Properties, LLC
 Address: 8 Christing Drive
 Phone Number: (603) 886-3436
 Email: s.chasse@slchassesteelfab.com

For Office use

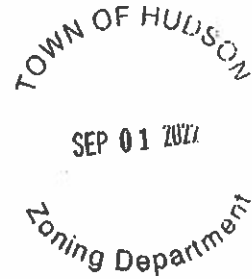
ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____



KEACH-NORDSTROM ASSOCIATES, INC.



September 1, 2022

**Subject: S.L. Chasse Steel – Request for Zoning Use Determination
Map 105; Lot 14
5 Christine Drive, Hudson NH
KNA Project No. 22-0126-2**

Bruce,

5 Christine Drive currently operates as a non-conforming industrial use. The building on-site has neared the end of its life. Our client, S.L. Chasse Steel, is proposing to demolish the existing industrial building and build a new industrial building with its associated parking and site improvements.

We are seeking a determination for the continuance of a non-conforming use on the subject property.

Should you have any questions or concerns, please contact me at (603) 627-2881 or svando@keachnordstrom.com.

Respectfully,

Shaun Vando
Project Engineer
Keach-Nordstrom Associates, Inc.

Civil Engineering

Land Surveying

Landscape Architecture

10 Commerce Park North, Suite 3B

Bedford, NH 03110

Phone (603) 627-2881

Fax (603) 627-2915

Property Location **5 A-I CHRISTINE DR A-I**

Vision ID 5345 Account # 2215

Map ID **105/014/000/1**

Bldg # 1

Bldg Name
Sec # 1 of 1

Card # 1 of 1

State Use 3320

Print Date 09-07-2022 3:51:36 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
STEELE PROPERTIES, LLC 8 CHRISTINE DR. HUDSON NH 03051		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		IG		Ind-General		2022	3320	768,300	2022	3320	765,900	2021	3320	765,900
		TOPO		UTILITIES			3320	607,300		3320	450,500		3320	450,500
		01	Level	09	Priv Water		3320	32,600		3320	26,600		3320	26,600
				00	Septic									
						Total		1,408,200	Total		1,243,000	Total		1,243,000

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
STEELE PROPERTIES, LLC		9177 0305	04-29-2019	U	I	0	40	Grantor: SLC DEVELOPMENT, LLC,	Appraised Bldg. Value (Card)			621,800
SLC DEVELOPMENT, LLC		9110 1887	09-19-2018	U	I	2,660,000	18	Grantor: B AND D LAND DEV. INC.,	Appraised Xf (B) Value (Bldg)			146,500
B AND D LAND DEV. INC.		9103 1351	08-14-2018	U	I	0	40	Grantor: B AND D LAND DEV. INC.,	Appraised Ob (B) Value (Bldg)			32,600
B AND D LAND DEV. INC.		8616 1198	09-24-2013	U	I	0	31	Grantor: B AND D LAND DEV. INC.,	Appraised Land Value (Bldg)			607,300
B AND D LAND DEV. INC.		5160 1324	12-22-1989	Q	I		00	Grantor: HUDSON SPE	Special Land Value			0
								Total Appraised Parcel Value				1,408,200
								Valuation Method				C
								Total Appraised Parcel Value				1,408,200

SUPPLEMENTAL DATA		CURRENT ASSESSMENT				VISIT / CHANGE HISTORY					
Parcel ID	105-014-000	Description	Code	Appraised	Assessed	Date	Id	Type	Is	Cd	Purpost/Result
Zoning	BD:BD	BLDG	3320	768,300	768,300	05-03-2022	24			45	Field Review
Flood Hazard	A	LAND	3320	607,300	607,300	05-12-2021	21			83	Property Location Change
Neigh/Abut1		OB	3320	32,600	32,600	09-05-2019	18			02	Measured
Neigh/Abut2		Total		1,408,200	1,408,200	06-08-2017	09			45	Field Review
Neigh/Abut3						02-24-2017	07			80	Income And Expense Requ
GIS ID	105-014-000					04-17-2013	01			28	Abate-Grante
PREV	0037-0052-0005					05-07-2012	09			45	Field Review
Assoc Pid#						10-28-2009	12			07	Info Em Plan

NOTES	
16' HIGH STEEL FRM, SPRNKL, 8 50X60 BAYS, 16'-19' HIGH W/2OHD, DRY SPRNKL SYS, 18 FIX VIEWED 1 BAY, ALL IDENT OWNERS, / LL adju stment and merger with 110/37 & 110/38; plan #36381. 9/19 MULTIPLE TENANTS+ USES . SERVICE SHOP/LT MFG	

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

LAND LINE VALUATION SECTION															
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acgre Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	3320	AUTO REPR	Comm Site	2.200	AC	260,000	1.00	E	1.00	IG	1.00	For Large Site		PLAN #34519;	572,000
1	3320	AUTO REPR	Comm Exces	1.357	AC	26,000	1.00	0	1.00	IG	1.00				35,300
Total Card Land Units:				3.557 AC		Parcel Total Land Area:				3.557		Total Land Value:		607,300	

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:	25	Service Shops	Frame	02	
Grade	D+	Fair/Avg	Foundation	06	Steel Slab
Stories:	1				
# of Units	8				
Wall Height	16.00				
Exterior Wall 1	18	Corr Steel			
Exterior Wall 2					
Roof Structure	01	Gable			
Roof Cover	09	Metal			
Interior Wall 1	05	Minimal			
Interior Wall 2	01	Drywall			
Interior Floor 1	12	Concrete			
Interior Floor 2	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	07	Unit Heaters			
2nd Heat Type					
AC Percent	10				
Heat/AC					
Full Baths	0				
Half Baths	8				
3/4 Baths	0				
Baths/Plumbing	02	AVERAGE			
Kitchens	0				
Kitchen Rating					
Rooms/Partition	T	Typical			
Ceiling/Wall					
Bath Rating					
% Conn Wall	0.00				
% Heated	100				
# Heat Systems	15				
% Sprinkler	100				

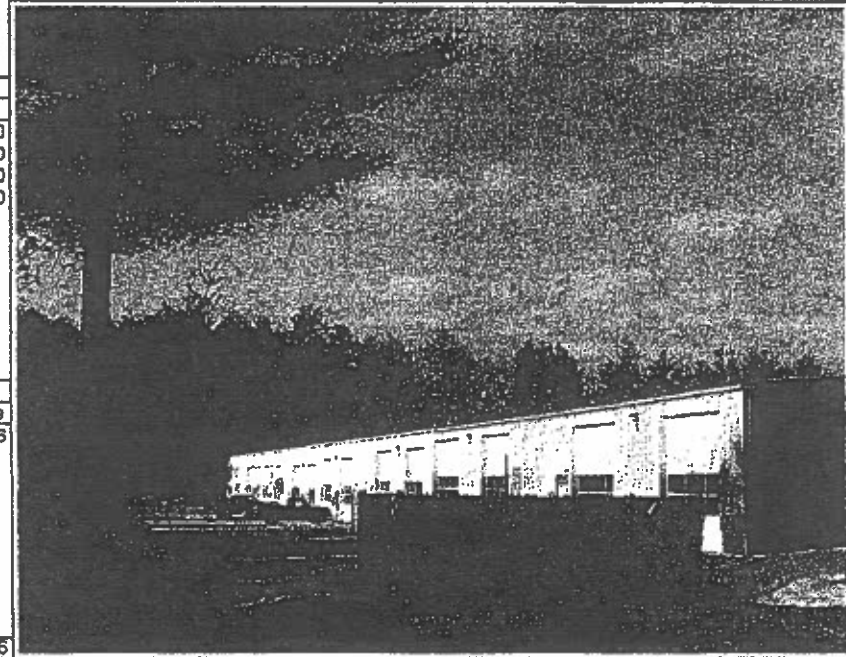
MIXED USE		
Code	Description	Percentage
3320	AUTO REPR	100
		0
		0

COST / MARKET VALUATION	
RCN	1,036,416
Year Built	1989
Effective Year Built	1992
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	30
Functional Obsol	
External Obsol	10
Trend Factor	1.000
Condition	
Condition %	
Percent Good	60
RCNLD	621,800
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

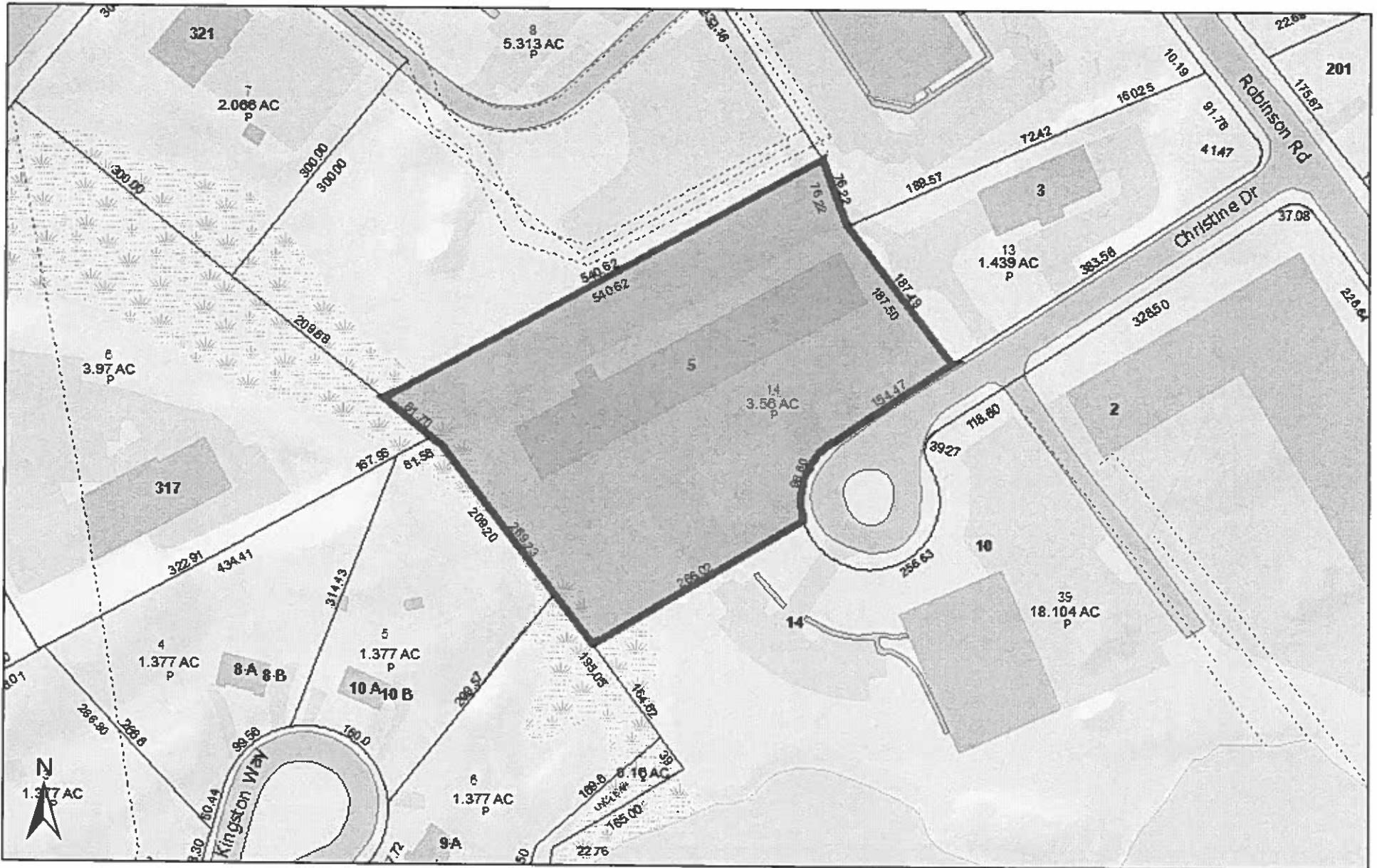
60	FPL	60
		600

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Pnc	Yr Bk	Cond.	% G	Grde	Adj.	Assd. Value
MEZZF	Mezzanine, Finished	B	600	32.00	1989	AV	80	S-AV	1.00	11,500
MEZZU	Mezzanine, Unfinishe	B	525	17.00	1989	AV	80	S-AV	1.00	5,400
PAVASP	Asphalt Paving	L	27,200	2.00	1989	AV	60	S-AV	1.00	32,600
XFOFC	Office	B	2,400	90.00	1989	AV	60	S-AV	1.00	129,600

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
FFL	First Floor	24,000	24,000	24,000	43.18	1,036,416
Total Liv Area / Gross Area / Eff Area		24,000	24,000	24,000	Tot Value	1,036,416



5 CHRISTINE DRIVE



January 27, 2023

----- Easement_Lines

▭ Parcels

1 inch = 148 feet



LEGEND

- IR-F IRON PIPE FOUND
- IR-F IRON ROD FOUND
- DH-F DRILL HOLE FOUND
- ⊕ BENCHMARK
- ⊕ UTILITY POLE
- ⊕ WATER VALVE
- ⊕ WELL
- ⊕ SEWER MANHOLE
- ⊕ CATCH BASIN
- ⊕ ABUTTER LINE
- ⊕ PROPERTY LINE
- ⊕ WETLAND
- ⊕ OVERHEAD UTILITIES
- ⊕ WATER LINE
- ⊕ DRAINAGE LINE
- ⊕ TREELINE
- ⊕ CAPE COD BERM
- ⊕ VERTICAL GRANITE CURB
- ⊕ EDGE OF PAVEMENT
- ⊕ EDGE OF GRAVEL
- ⊕ 10' CONTOUR
- ⊕ 2' CONTOUR
- ⊕ STONEWALL
- ⊕ SOIL LINE
- ⊕ FLOOD LINE
- ⊕ SETBACK
- ⊕ EASEMENT

SCS SOILS LEGEND

- BoA BORGHEMISTS, NEARLY LEVEL
 - DeA DEERFIELD LOAMY FINE SAND 0-3% SLOPES
- SOURCE: USDA-SCS WEB SOIL SURVEY
HILLSBOROUGH COUNTY

MAP 105 LOT 8
B & O PROPERTIES, LP
C/O TATE BROS PAVING CO., INC.
72 OLD DERRY ROAD
HUDSON, NH 03051
ZONING DISTRICT: G-1
BK. 8616 PG. 1205

MAP 105 LOT 12
GMA CORPORATION
172 KIMBLEY STREET
NASHUA, NH 03040
ZONING DISTRICT: B
BK. 8137 PG. 1400

MAP 105 LOT 13
STEELE PROPERTIES, LLC
8 CHRISTINE DRIVE
HUDSON, NH 03051
ZONING DISTRICT: B
BK. 9177 PG. 305

MAP 105 LOT 14
154,791 S.F.
3.55 ACRES

MAP 105 LOT 6
THOMAS M. CLARK JR. &
SUZANNE DUMAIS
5 IRROQUOIS CIRCLE
LONDONDERRY, N.H. 03053
ZONING DISTRICT: B
BK. 8073 PG. 1098

EXISTING 20' WIDE
CONSERVATION EASEMENT
CENTERED ON RELOCATED
BROOK
PER 4873/217

MAP 110 LOT 5-1
DOUGLAS E. & MARY E.
ALBERTSON
10A KINGSTON WAY
HUDSON, NH 03051
ZONING DISTRICT: G-1
BK. 5188 PG. 438

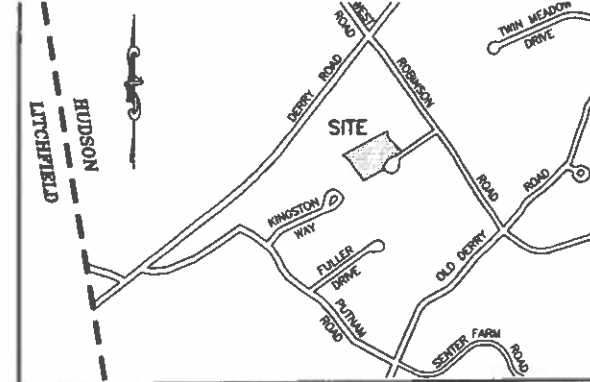
MAP 110 LOT 5-2
EDWIN L. BROWN &
WILLYS AGUIERO
10B KINGSTON WAY
HUDSON, NH 03051
ZONING DISTRICT: G-1
BK. 7107 PG. 2424

MAP 110 LOT 6-1
KIMBERLY GARDNER &
JOHN TABOR
8A KINGSTON WAY
HUDSON, NH 03051
ZONING DISTRICT: G-1
BK. 9295 PG. 1041

MAP 110 LOT 6-2
NATHAN L. STONE
8B KINGSTON WAY
HUDSON, NH 03051
ZONING DISTRICT: G-1
BK. 8249 PG. 0791

WETLAND CERTIFICATION

JURISDICTIONAL WETLANDS SHOWN ON THIS PLAN WERE DELINEATED IN JANUARY OF 2022 BY CHRISTOPHER K. DANFORTH CWS #077. THE WETLANDS WERE DELINEATED ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (1987) AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, NORTH-CENTRAL AND NORTHEAST REGION, VERSION 2, JANUARY 2012. DOMINANT HYDRIC SOILS WITHIN THE WETLAND(S) WERE IDENTIFIED USING "FIELD INDICATORS OF HYDRIC SOILS OF THE UNITED STATES" A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, NRCS, VERSION 8.1, 2017. DOMINANCE OF HYDROPHYTIC VEGETATION WAS DETERMINED USING THE USACE 2020 NATIONAL WETLAND PLANT LIST, NWPL 2020 VERSION 3.5 HTTP://WETLAND-PLANTS.USACEARMY.MIL



LOCUS PLAN
SCALE: 1" = 1,000'

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS PRESENT ON ASSESSORS MAP 105 LOT 14 IN THE TOWN OF HUDSON, N.H.
2. AREA OF SUBJECT PARCEL:
MAP 105 LOT 14 = 154,791 SF OR 3.55 ACRES
3. OWNER OF RECORD:
STEELE PROPERTIES, LLC
8 CHRISTINE DRIVE
HUDSON, NH 03051
BK. 9177 PG. 305
4. THE SUBJECT PARCEL IS LOCATED WITHIN THE BUSINESS DISTRICT (B). DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS FOR LOTS NOT SERVICED WITH MUNICIPAL SEWER:
- FRONT 50 FT
- SIDE 15 FT
- REAR 15 FT
5. TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE DURING FEBRUARY OF 2022.
6. HORIZONTAL DATUM IS NAD 83 AND THE VERTICAL DATUM IS NAVD 88 BASED ON MHOOT CONTROL POINT 315-0910.
7. SITE IS SERVICED BY MUNICIPAL WATER AND ON-SITE SEPTIC SYSTEMS.
8. THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811.
9. EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF HUDSON MAP NUMBER 3300920508D, PANEL 508 OF 701, EFFECTIVE DATE: SEPTEMBER 25, 2009, INDICATES THAT A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA, ZONE A WITH NO BASE FLOOD ELEVATIONS DETERMINED.

REFERENCE PLANS:

1. SUBDIVISION PLAN: ROBINSON & DERRY ROAD, HUDSON, NEW HAMPSHIRE. PREPARED FOR: B&D LAND DEVELOPMENT. DATED: JULY 1980. PREPARED BY: ALLAN H. SWANSON, INC. H.C.R.D. PLAN #14328.
2. "TATE SUBDIVISION, DERRY RD., ROBINSON RD. AND CHRISTINE DR." SCALE: 1"=80', DATED: OCTOBER 11, 2005. PREPARED BY: THAYER/SWANSON, INC. H.C.R.D. PLAN #24519
3. "SUBDIVISION/CONSOLIDATION/EASEMENT PLAN SWL CHASSE WELDING AND FABRICATING, INC." FOR SLC DEVELOPMENT, LLC. SCALE: 1"=50', DATED DECEMBER 27, 2007, BY KEACH-NORDSTROM ASSOCIATES, INC. H.C.R.D. PLAN #36381.
4. "MASTER SITE PLAN, ST. JOSEPH'S MEDICAL CENTER." SCALE: 1"=50', DATED: DECEMBER 5, 2008. PREPARED BY: KEACH-NORDSTROM ASSOCIATES, INC. H.C.R.D. PLAN #36405
5. "MASTER SITE PLAN, B&D PROPERTIES." SCALE: 1"=80', DATED: FEBRUARY 3, 2012. PREPARED BY: KEACH-NORDSTROM ASSOCIATES, INC. H.C.R.D. PLAN #37522
6. "EASEMENT PLAN SWL CHASSE WELDING AND FABRICATING, INC." FOR SLC DEVELOPMENT, LLC. SCALE: 1"=80', DATED SEPTEMBER 5, 2008, BY KEACH-NORDSTROM ASSOCIATES, INC., H.C.R.D. PLAN NO. 37878.

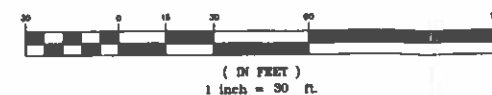
EXISTING CONDITIONS PLAN

S.L. CHASSE STEEL
MAP 105 LOT 14
5 CHRISTINE DRIVE
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD/APPLICANT:
STEELE PROPERTIES, LLC
8 CHRISTINE DRIVE
HUDSON, NH 03051
H.C.R.D. BK. 9177 PG. 305

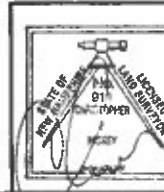
KMA
KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 2B, Bedford, NH 03110 Phone (603) 627-2801

GRAPHIC SCALE



CERTIFICATION:

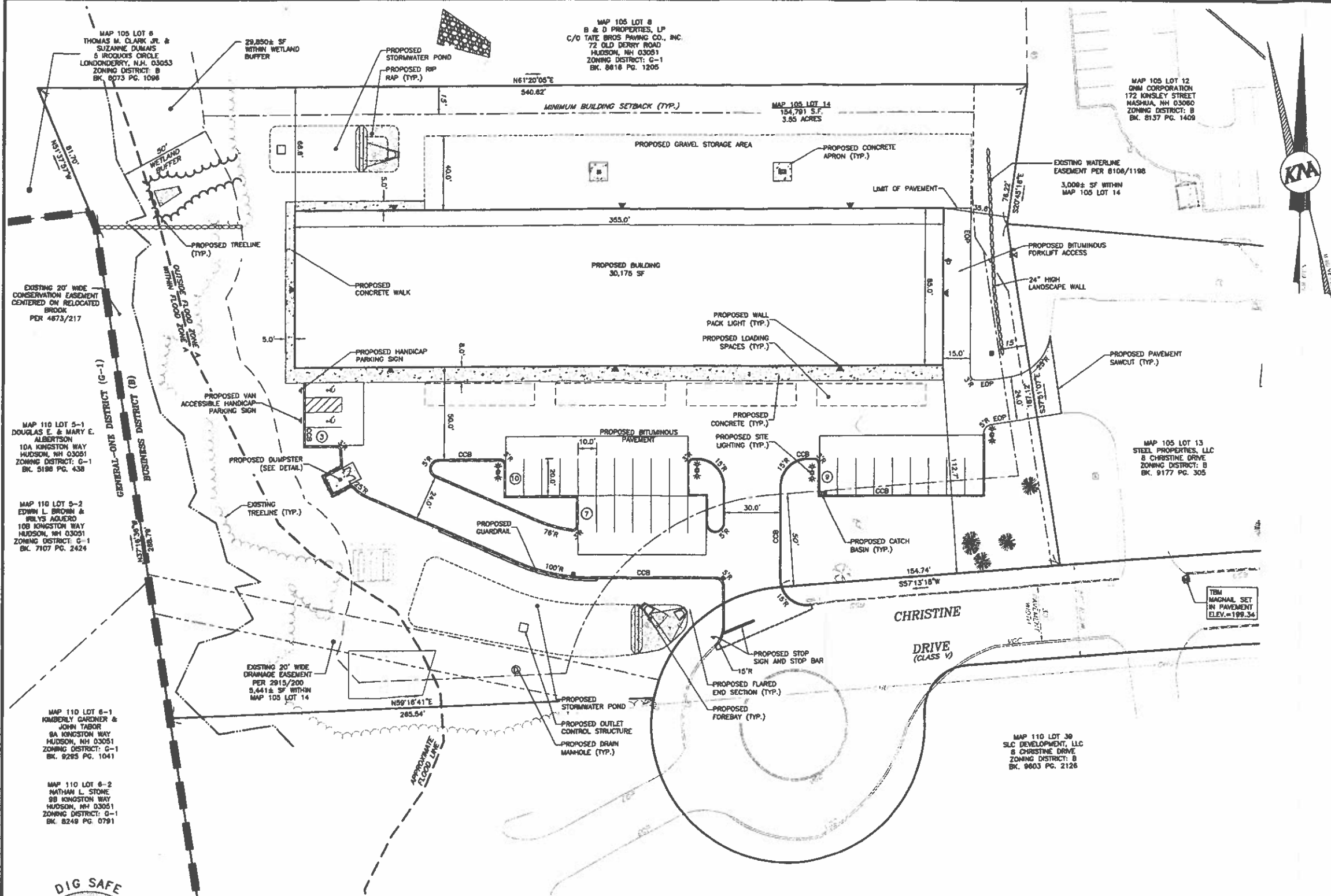
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE DURING FEBRUARY OF 2022. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000).



Christopher K. Danforth
LICENSED LAND SURVEYOR
DATE: 1/23/23

REVISIONS		
No.	DATE	DESCRIPTION

DATE: JANUARY 23, 2023 SCALE: 1" = 30'
PROJECT NO: 22-0126-2 SHEET 1 OF 2



NOTES:
 1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXPANSION OF A NON-COMFORMING USE WITH THE PROPOSED 30,175 SF STRUCTURE ON TAX MAP 105 LOT 14 IN THE TOWN OF HUDSON, NEW HAMPSHIRE.
 2. VARIANCES ARE REQUESTED FROM SECTION 334-28 AND 334-31 TO ALLOW THE ENLARGEMENT AND EXPANSION OF A NON-COMFORMING USE.

- LEGEND**
- PROPOSED TREELINE
 - PROPOSED EDGE OF PAVEMENT
 - PROPOSED BITUMINOUS CURB
 - PROPOSED LANDSCAPE WALL
 - EASEMENT
 - SITE LIGHTING
 - BUILDING WALL PACK LIGHTING
 - UTILITY POLE
 - PROPOSED SIGN
 - PROPOSED HYDRANT
 - PROPOSED DRAINAGE MANHOLE
 - PROPOSED CATCH BASIN
 - PROPOSED OUTLET STRUCTURE
 - ABUTTER LINE
 - PROPERTY LINE
 - WETLAND
 - OVERHEAD UTILITIES
 - TREELINE
 - EDGE OF PAVEMENT
 - STONEWALL

MAP 105 LOT 6
 THOMAS M. CLARK JR. &
 SUZANNE DUMAIS
 6 IRROQUOIS CIRCLE
 LONDONDERRY, N.H. 03053
 ZONING DISTRICT: B
 BK. 8073 PG. 1098

29,250± SF
 WITHIN WETLAND
 BUFFER

PROPOSED STORMWATER POND
 PROPOSED RIP
 RAP (TYP.)

MAP 105 LOT 14
 154,791 S.F.
 3.55 ACRES

MAP 105 LOT 12
 QNH CORPORATION
 172 KINSLEY STREET
 NASHUA, NH 03060
 ZONING DISTRICT: B
 BK. 8137 PG. 1409

EXISTING WATERLINE
 EASEMENT PER 8108/1198
 3,008± SF WITHIN
 MAP 105 LOT 14

EXISTING 20' WIDE
 CONSERVATION EASEMENT
 CENTERED ON RELOCATED
 BROOK
 PER 4873/217

MAP 110 LOT 5-1
 DOUGLAS E. & MARY E.
 ALBERTSON
 10A KINGSTON WAY
 HUDSON, NH 03051
 ZONING DISTRICT: G-1
 BK. 5188 PG. 438

MAP 110 LOT 5-2
 EDWIN L. BROWN &
 RILEY S. AGARD
 10B KINGSTON WAY
 HUDSON, NH 03051
 ZONING DISTRICT: G-1
 BK. 7107 PG. 2424

MAP 110 LOT 6-1
 KIMBERLY GARDNER &
 JOHN TABOR
 8A KINGSTON WAY
 HUDSON, NH 03051
 ZONING DISTRICT: G-1
 BK. 9285 PG. 1041

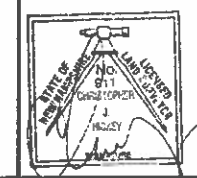
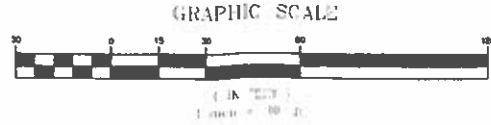
MAP 110 LOT 6-2
 NATHAN L. STONE
 9B KINGSTON WAY
 HUDSON, NH 03051
 ZONING DISTRICT: G-1
 BK. 8249 PG. 0791

MAP 105 LOT 13
 STEEL PROPERTIES, LLC
 8 CHRISTINE DRIVE
 ZONING DISTRICT: B
 BK. 9177 PG. 305

MAP 110 LOT 39
 SLC DEVELOPMENT, LLC
 8 CHRISTINE DRIVE
 ZONING DISTRICT: B
 BK. 9603 PG. 2126

NPDES NOTE

THIS PROJECT DISTURBS IN EXCESS OF 1-ACRE OF LAND. THEREFORE IT WILL BE REQUIRED TO OBTAIN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT COVERAGE AS ISSUED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA). THE OWNER/DEVELOPER AND "OPERATOR" (GENERAL CONTRACTOR) SHALL EACH BE REQUIRED TO PREPARE AND SUBMIT A NOTICE OF INTENT (NOI) TO THE EPA PRIOR TO THE START OF CONSTRUCTION AND SHALL BE RESPONSIBLE FOR THE PREPARATION AND IMPLEMENTATION OF A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) MEETING THE REQUIREMENTS OF THE CURRENT CONSTRUCTION GENERAL PERMIT.



CERTIFICATION:
 I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE DURING FEBRUARY OF 2022. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1/10,000).

CHRISTOPHER J. KELLEY
 LICENSED LAND SURVEYOR
 DATE: 1/23/23

ZONING BOARD OF ADJUSTMENT PLAN
S.L. CHASSE STEEL
 MAP 105 LOT 14
 5 CHRISTINE DRIVE
 HUDSON, NEW HAMPSHIRE
 HILLSBOROUGH COUNTY

OWNER OF RECORD/APPLICANT:
 STEELE PROPERTIES, LLC
 8 CHRISTINE DRIVE
 HUDSON, NH 03051
 H.C.R.D. BK. 9177 PG. 305

KMA KEACH-NORDSTROM ASSOCIATES, INC.
 Civil Engineering Land Surveying Landscape Architecture
 10 Commerce Park North, Suite 38, Bedford, NH 03110 Phone (603) 827-2881

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: JANUARY 23, 2023 SCALE: 1" = 30'
 PROJECT NO: 22-0126-2 SHEET 2 OF 2

Printed
2/02/2023
4:53PM
Created
2/02/2023
4:50 PM

Transaction Receipt

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

Receipt# **717,065**
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-2/23/23 ZBA Mtg. 5 Christine Drive Map/Lot 105-014-000 Business Zone Variance Application	0.00	230.5400	0.00
			Total:	230.54

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Winer and Bennett, LLP	CHECK	TD BANK CHECK# 14596	230.54	0.00	230.54
			Total Due:		230.54
			Total Tendered:		230.54
			Total Change:		0.00
			Net Paid:		230.54



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 ^{DB} Meeting Date: February 23, 2023 ²⁻¹⁴⁻²³

Case 174-197 (02-23-23):, Properties 79 Ferry LLC, represented by Kenneth Forrence, Member, 11 Ledge St., Nashua, NH requests a Variance for **79 Ferry St., Hudson, NH** [Map 174, Lot 197-000; Zoned Town Residence (TR)] as follows:

- i. To allow multiple uses in the form of a two-family dwelling (existing) and a third dwelling (existing 600 SF detached garage to be converted to a single family dwelling) in the TR Zone where multiple principal uses are allowed only in the Industrial or Business Zones with sufficient frontage and size to satisfy minimum frontage and lot size requirements. [HZO Article III: General Regulations; §334-10.A, Mixed or dual use on a lot.]
- ii To eliminate the requirement of Planning Board site plan approval where no more than one single-family home or duplex shall be constructed on one lot without Planning Board site plan approval. [HZO Article III: General Regulations; §334-16.C(2)(e), Building permits, Conditions of issuance.]

Address: 79 Ferry St

Zoning district: Town Residence (TR)

Summary:

Two parts:

i To create/convert an existing non-conforming detached garage (by variance) into a permitted use (single family dwelling), in addition to an existing non-conforming 2 family (by variance) on this lot.

ii. This is for relief from the literal statement (of requirement) for site plan review by the Planning Board within the Zoning Ordinance: Article III: General Regulations; §334-16.C(2)(e),

Property description:

This as a developed lot of record comprising of 21,300 sq ft where 10,000 sq ft is required, 165 ft frontage where 90 ft frontage required.

HISTORY:

“A” May 2, 1974 - Variance granted for garage in side yard setback.

“B” May 3, 1974- B.P. # 229-74 - 24 x 24 2 car garage.

“C” Apr 28, 1975 – B.P. to convert the 2 car Garage: 1 car and lamp shop (Home Occupation).

“D” Nov 9, 1981 – Variance granted for 2 family.

“E” Mar 3, 1981- BP # 199-81 to convert 1 family to 2 family with 18 x 20 addition.

“F” May 12, 1983- BP # 337-83 18x22 living quarters addition.

“G” Jan 22, 2004- ZBA decision to uphold Administrative Decision (not a legal 3 family).

“H” Mar 18, 2004- ZBA to grant a rehearing of Jan 22, 2004 decision.

“I” Apr 22, 2004 Decision to uphold Z.A. opinion on appeal.

“J” April 4, 2005 Letter of compliance (no violations).

Code Enforcement action:

“K” March 4, 2019 thru Oct 23, 2019 Close out of violation #2018-00003 “removal of kitchen in unpermitted dwelling unit in garage”.

In-House comments:

Town Engineer: Yes, see attached.

Inspectional Services/Fire Dept: Yes, see attached

Town Planner: Yes, See attached.

Attachments:

Referenced permits associated with the house/structures in History (above).

“L” Existing conditions 2022

“M” Town Engineer’s comments.

“N” Inspectional Services/Fire Dept comments.

“O” Town Planner’s comments (includes legal (privileged) comments from Town Counsel).

NOTICE OF DECISION

BOARD OF ADJUSTMENT, TOWN OF HUDSON, NEW HAMPSHIRE

You are hereby notified that the request of Mr. Normand Dumont of

~~79 Ferry St.~~ for an exception under a variance ~~XXXXXXXXXXXXXXXXXXXX~~

terms of Article 1 Section 3 (d) of the Zoning Ordinance has been

granted/denied as stated in the following resolution passed by a majority of

the appointed members of the Board of Adjustment:

Resolved, that above petitioner's request to build a two car garage within five feet of side yard, and to waive the twenty five day waiting period.

Resolved, that the following conditions shall apply to the variance:

None

The variance remains in effect for six months and building permit expires

Signed _____
Chairman
Board of Adjustment

Date: May 2, 1974 Case No. 15 2593

Note: Application for rehearing on any question of the Board of Adjustment may be taken within 20 days of said determination by any applicant or person affected thereby.

Notice: The Building Inspector is hereby notified to hold all building permits relative to this case for which variances have been granted for a period of 25 days. After said period, the Building Inspector may revoke all permits unless otherwise notified by the Board of Adjustment of variance for rehearing.

cc. File
Building Inspector
Board of Selectmen

A₁

NOTICE OF DECISION

BOARD OF ADJUSTMENT, TOWN OF HUDSON, NEW HAMPSHIRE

You are hereby notified that the request of Mr. Norman Dumont of 79 Ferry St for an ~~exception~~ under/ a variance to the terms of Article F Section 3(d) of the Zoning Ordinance has been granted/~~denied~~ as stated in the following resolution passed by a majority of the appointed members of the Board of Adjustment:

Resolved, *that above petitioner's request to build a two car garage within 5 feet of side yard, and to waive 25 day waiting period.*

Resolved, that the following conditions shall be attached to such use:

None

Signed R. E. Sudbery
Chairman
Board of Adjustment

Date: May 2 1974 Case No. 15 Tax No. 2593

Note: Application for rehearing on any question of the above determination may be taken within 20 days of said determination by any party to the action or person affected thereby.

Notice: The Building Inspector is hereby notified to hold all building permits relative to this case for which variances have been granted for a period of 25 days. After said period, the Building Inspector may release said permits unless otherwise notified by the Board of Adjustment of an application for rehearing.

cc: File
Building Inspector
Board of Selectmen

A₂

ABM ✓ Trust of Neo Gilbert Wrentham Rd

~~J. T. O'NEAL 83 FERRY~~ GEORGE CADY 93 FERRY ST

Ed SHERMAN 10 THIRDCORNER FOR APPEAL
Warren Howe 12 THIRD

Do not write in
this space.
Case No. _____
Date Filled _____

TO: BOARD OF ADJUSTMENT, TOWN OF HUDSON,
NEW HAMPSHIRE

NAME OF APPLICANT: BERNARD DEMONT

ADDRESS: 79 FERRY

OWNER OF PROPERTY CONCERNED: _____

ADDRESS: SAME

LOCATION OF PROPERTY: _____ TAX NO. 2593

DESCRIPTION OF PROPERTY: RESIDENTIAL

(give length of frontage, side, & rear (inches))

LOT SIZE: 24,000 sq ft (square feet) ZONE OF PROPERTY: RESIDENTIAL

PROPOSED USE, OR EXISTING USE APPEALED: SAME

FILL OUT SECTION 1 OR 2. DO NOT FILL OUT MORE THAN ONE SECTION

SECTION I APPEAL FROM AN ADMINISTRATIVE DECISION

The undersigned alleges that an error has been made in the decision, determination, or requirement by the Building Inspector on _____ (date) by _____ (person requesting Permit) in relation to Article _____ Section _____ of the Zoning Ordinance and hereby appeals said decision.

SECTION II APPLICATION FOR VARIANCE

The undersigned hereby requests a variance to the terms of Article _____ Section 3'd and asks that said terms be waived to permit misc yard

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitutes an unnecessary hardship.

Signed Bernard Demont
(applicant)

The Building Inspector has refused to issue a permit on this request.

Signed J. A. Nutting Jr.
(Building Inspector)

A3

MEETING OF
HUDSON ZONING BOARD OF ADJUSTMENT

TAX # 2593

15

DATE 2 May 1974

TIME 8:30 PM

MEMBERS PRESENT

Quinn

Klose

Sudsbury

Boucher

Must locate new garage
near line to avoid turning
behind house to gain entrance.
Side yard variance.

APPLICANT FOR VARIANCE

NAME Norman Demont

ADDRESS 79 Ferry St

APPROPRIATELY Himself

OPPOSING TO FAVOR OF VARIANCE

NAME Himself

NAME

ADDRESS

ADDRESS

OPPOSING TO VARIANCE

NAME None

NAME

ADDRESS

ADDRESS

(SEE ATTACHED SHEET FOR ADDITIONAL NAMES)

MOVED BY Quinn

SECONDED BY Boucher

ACTION

Grant variance, within 25 days

YES

4

VARIANCE GRANTED

NO

0

VARIANCE DENIED

ABSENT

0

REMARKS ON BACK OF PAGE

A4



TOWN OF HUDSON, N. Y.

Office of Town Building Inspector

BUILDING PERMIT

No. 228-74

May 3 1974

Normal Decrement

This certifies that Normal Decrement History of Occupancy

is granted permission to allow 2 car garage with shed roof Description

as per variation granted 5/2/74

2593 79 Ferry Hill 56-103 Street or Address

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

Pat Heston

1800

Town Building Office

Handwritten mark at the bottom right corner.



Town Of Hudson, N. Y.

Application for a Permit to Build

Date April 15 19 74

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

Subdivision	Yes	<input checked="" type="checkbox"/>
Planning Bd. Approval Sub. Div.	Yes	No
Water Pollution Approval Sub. Div.		
Septic Construction Permit No.		
Necessary Bonds Posted	Yes	No
Plat of Adj. Areas or Grants D. No.		

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

PERMIT NUMBER _____

NAME OF OWNER NORMAN DEWANT ADDRESS 29 FERRY TELE. 859-1531

LAND PURCHASED FROM _____ LOCATION OF LAND _____

AREA OF LOT 24,000 PROPERTY OF LAND _____ PROPERTY TAX NO. 2593

NAME OF GENERAL CONTRACTOR OWEN ADDRESS AND TELE. _____

NAME OF HEATING CONTRACTOR _____ NAME OF ELECTRICAL CONTRACTOR _____

NAME OF MASONRY CONTRACTOR _____ NAME OF PLUMBING CONTRACTOR _____

NAME OF FIRE PLACE CONTRACTOR _____ NAME OF FIREPLACE MASON _____ NO. OF STORIES _____

MATERIAL OF BUILDING wood STYLE OF ROOF _____ ROOF COVERING Asph

SIZE OF FOUNDATION 24x24 LIVING FLOOR AREA _____ TYPE OF HEAT _____

HEIGHT OF FOUNDATION ABOVE STREET _____ WATER _____ SEWER _____

FOUNDATION MATERIAL CONCRETE WIDTH _____ HEIGHT _____ FOOTINGS _____

FIREPLACE _____ NUMBER OF FLUES _____ SIZE _____ CHIMNEY MATERIAL _____

BRIEF DESCRIPTION OF REPAIR, ALTER, OR OTHER 2 CAR GARAGE wood

REMOVE POSSIBLE SHED ROOF

THE UNDERSIGNED HEREBY AGREES THAT THE PROPOSED WORK SHALL BE DONE IN ACCORDANCE WITH THE FOREGOING STATEMENT, AND WITH THE PLANS AND SPECIFICATIONS SUBMITTED; AND THAT THE WORK CONNECTED THEREWITH SHALL CONFORM WITH THE BUILDING LAWS AND REGULATIONS OF THE TOWN OF HUDSON, AND THAT HE WILL NOTIFY THE BUILDING INSPECTOR WHEN FOUNDATION BEFORE BACKFILLING, FRAME, CHIMNEYS, FIRE-STOPS AND HEATER-PIPES, ELECTRICAL WIRING, FIREPLACE BEFORE FLUES AND PLUMBING ARE READY FOR INSPECTION. I ALSO CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO APPLY FOR THIS PERMIT.

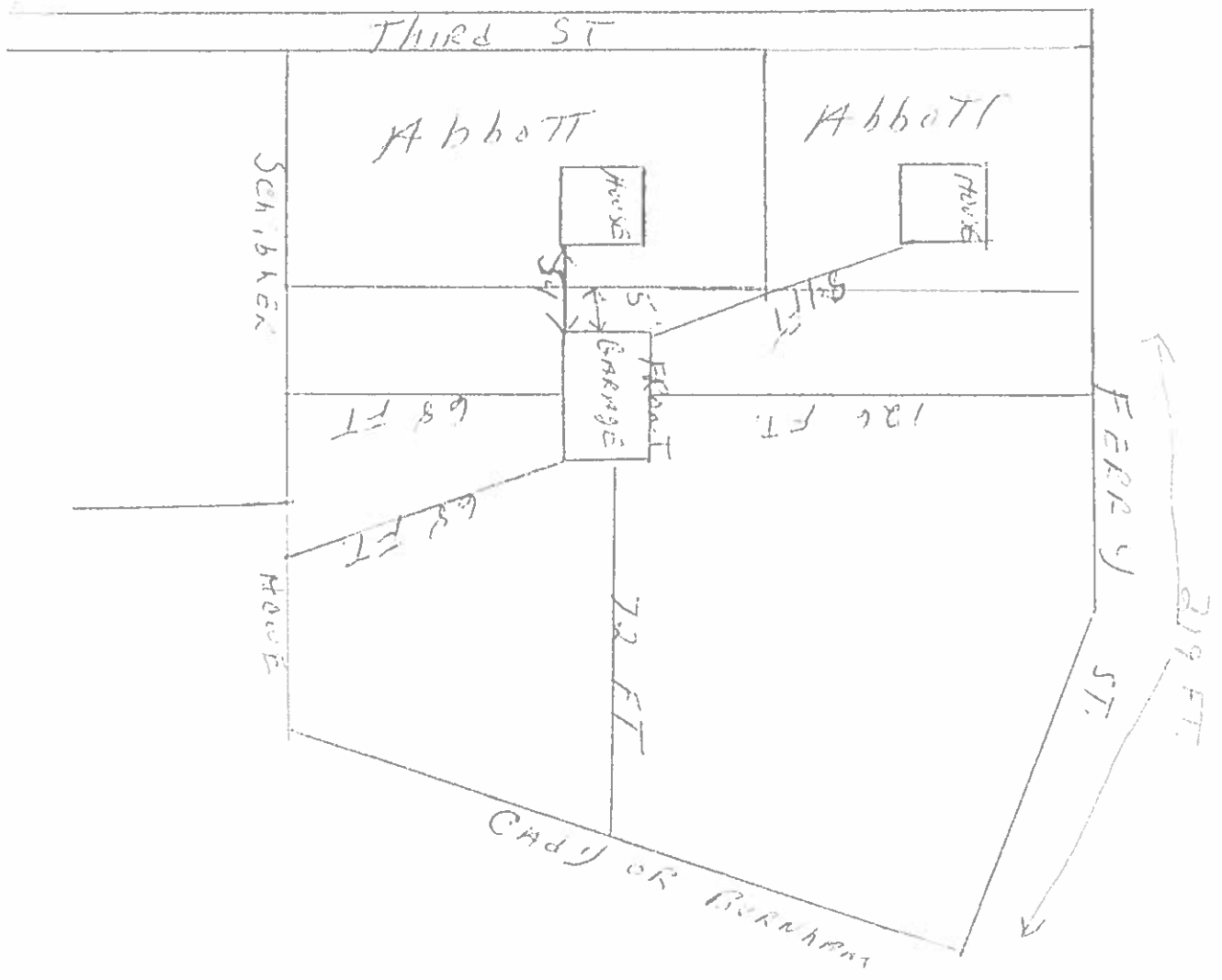
OWNER'S SIGNATURE Norman Dewant

CONTRACTORS SIGNATURE _____

ADDRESS _____

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

B2



B₃



Town of Hudson, N. H.

Office of Town Building Inspector

BUILDING PERMIT

No. 166-75

April 28, 1975

This certifies that Name of Owner

erect
is granted permission to alter Description
repair
move

..... of Building

..... on premises located at and known as

56-103

75 York St Street or Avenue

..... Number

and to do things lawful to that end.

This permit is issued on application number, is subject to the conditions thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof.

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

..... Administrative Officer



Town Of Hudson, N. H.

Application for a Permit to Build

Date April 28 19 75

Residential	
Commercial	
Industrial	
Garage	
Breezeway	
No. Of Units	

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

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

PERMIT NUMBER

166-75

NAME OF OWNER NORMAND DUMONT ADDRESS 79 FERRY ST. TEL. 8871581

LAND PURCHASED FROM _____ LOCATION OF LAND _____

AREA OF LOT _____ PROPERTY TAX NO. 2593

NAME OF GENERAL CONTRACTOR N. Dumont ADDRESS AND TELE. _____

NAME OF HEATING CONTRACTOR _____ NAME OF ELECTRICAL CONTRACTOR NAP PELLERIN

NAME OF MASONRY CONTRACTOR _____ NAME OF PLUMBING CONTRACTOR _____

NAME OF FIRE PLACE CONTRACTOR _____ NAME OF FIRE PLACE MASON _____ NO. OF STORIES 1

MATERIAL OF BUILDING Wood STYLE OF ROOF _____ ROOF COVERING Asph

SIZE OF FOUNDATION 24x24 LIVING FLOOR AREA _____ TYPE OF HEAT ?

CONSTRUCTION FOR OWN USE YES WATER _____ SEWER _____

FOUNDATION MATERIAL Cement Block WIDTH _____ HEIGHT _____ FOOTINGS _____

FIREPLACE _____ NUMBER OF FLUES _____ SIZE _____ CHIMNEY MATERIAL _____

GARAGE LOCATION IF ANY _____ TYPE OF BUSINESS IF ANY Lamp Shop

BRIEF DESCRIPTION OF REPAIR, ALTER. OR OTHER CONVERT 2 CAR GARAGE 24x24 TO 1 CAR GARAGE 12x24 & Lamp Shop 12x24 WITH FIRE WALL SEPARATING BOTH

THE UNDERSIGNED HEREBY AGREES THAT THE PROPOSED WORK SHALL BE DONE IN ACCORDANCE WITH THE FOREGOING STATEMENT, AND WITH THE PLANS AND SPECIFICATIONS SUBMITTED; AND THAT THE WORK CONNECTED THEREWITH SHALL CONFORM WITH THE BUILDING LAWS AND REGULATIONS OF THE TOWN OF HUDSON, AND THAT HE WILL NOTIFY THE BUILDING INSPECTOR WHEN FOUNDATION BEFORE BACKFILLING, FRAME, CHIMNEYS, FIRE-STOPS AND HEATER-PIPES, ELECTRICAL WIRING, FIREPLACE BEFORE FLUES AND PLUMBING ARE READY FOR INSPECTION. I ALSO CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO APPLY FOR THIS PERMIT.

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

OWNER'S SIGNATURE Normand Dumont

CONTRACTORS SIGNATURE _____

ADDRESS 79 Ferry St. Hudson

C2

TOWN OF HUDSON NEW HAMPSHIRE

APPLICATION FOR APPEAL

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

Case no. 3
Map & Lot no. 56 103
Fee 24.00
Date filed 2/9/81
Signed J.M.

Name of Applicant NORMAN DUMONT
Address 79 FERRY ST HUDSON N.H. Tel. # 8891581

Owner of property concerned SAME
Address _____ Tel. # _____

Exact location & description of property (Include scale zoning zoning plot plan, boundaries, dimensions, adjacent roads and right of way, location of buildings, etc. as applicable)
(Use separate sheet if necessary)
On Back of this sheet

Brief description of request CONVERT 8 RM. HOUSE TO 2 APT. WITH SMALL ADDITION

Regarding Article IV Section 4 of the Zoning Ordinance
Tax # 2593 Zone R-2 Present zoning A-1 } Present zoning Section 30(9)

Table with columns for AMENDMENTS and DATE. The table is mostly empty with some faint lines.

Owner/Applicant hereby accepts responsibility for verification of address. All appeals filed after cut off time will be considered as being received the day after next regular meeting. (Cut off time is two weeks prior to the regular meeting held in Board of Adjustment BY-LAWS)

Signed Norman Dumont Date 11-9-81

In the event an on-site inspection of the land is required, would you be willing to allow Board of Adjustment members on site? X
Signed Norman Dumont Date 11-9-81

NOTICE OF DECISION

It is the decision of the Board of Adjustment in a public hearing held on 2/9/81. The Board has decided the following:

- 1. Will/Will not serve the public interest.
2. Will/Will not result in unnecessary hardship.
3. Will/Will not uphold the spirit of the ordinance.
4. Will/Will not provide for substantial justice.

The following stipulations are to be attached to the decision:

none, appeal is upheld.

Note: Variances on which no substantial appeal is filed within 30 days of the date of approval by the Board of Adjustment.

D



Town of Hudson, N. H.

Office of Town Building Inspector

BUILDING PERMIT

No. 119-81

March 17, 1951

This certifies that Approved Permit Name of Owner

is granted permission to alter erect
repair
move Description

15000 of Building
on premises located at and known as
to

74 Perry St Number
116-2113 Street or Avenue

and to do things lawful to that end.
This permit is issued on application number 116-2113, is subject to the conditions thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof.

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

Value \$ 8500.00 Administrative Officer

Fee \$ 10.00

E



TOWN OF HUDSON, N. H.

Application for a Permit To Build

Date 3-13 1981

Residential	
Commercial	
Industrial	
Garage	
Breezeway	
No. of Units	<u>2</u>

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

New	
Alter	<u>X</u>
Addition	<u>X</u>
Repair	

Permit Number
199-81

Name of Owner NORMAN DUMONT Address 79 FERRY ST. Tel. 8891581

Land Purchased From _____ Address _____

Location _____ Property Tax No. 2593

Name of General Contractor SELF Map and Lot No. 56/103

Name of Heating Contr. SELF Name of Electrical Contractor SELF

Type of Heat GAS + wood Name of Plumbing Contractor SELF

Name of Fireplace Mason EXISTING Name of Masonry Contractor ?

Material of Building wood Style of Roof RANCH STYLE Roof Covering ASPHALT SHINGLES

Size of Foundation 18x20 Living Floor Area 18x22-18x22 No. of Stories 1
12x20 OLD

Size of Garage _____ Water TOWN Y Sewer TOWN Y

Foundation Material CONCRETE Width 8 Height 7'6" Footings Yes No

Fireplace No. of Flues _____ Size _____ Chimney Material _____

Brief Description of Repair, Alter or Other CONVERT 1 FAMILY TO TWO FAMILY WITH 18x20 ADDITION

Value 8,000.⁰⁰
Fee 16.⁰⁰

Variance Granted

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

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

Owner's Signature Norman Dumont
Contractor's Signature _____
Address 79 Ferry St. Hudson N.H.

E2

No. _____

Application

For Permit to Build

Location _____

Estimated Cost \$ _____

PERMIT GRANTED

WORK COMPLETED

Building Inspector _____

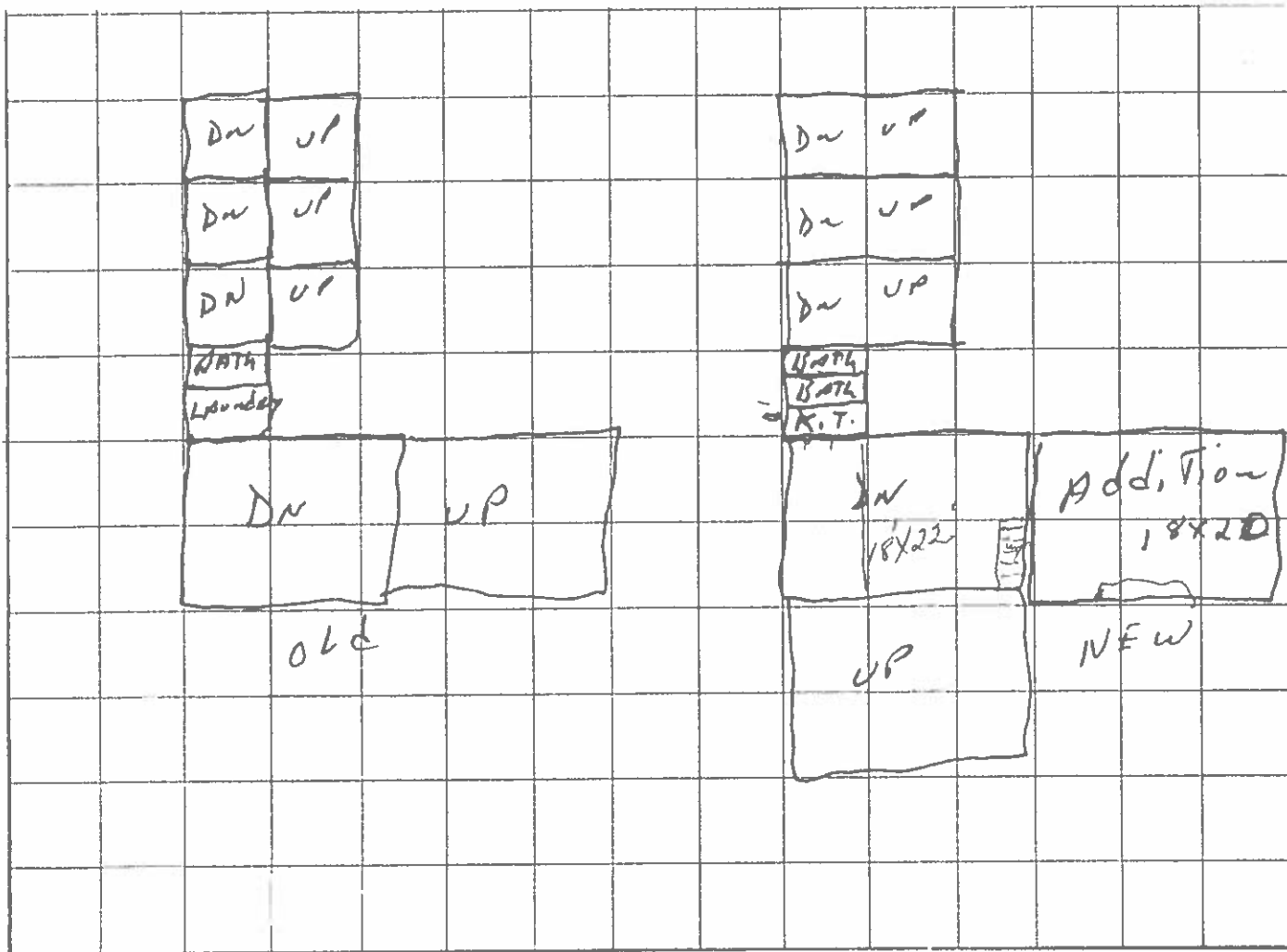
PLOT PLAN

COMMENTS

LOT _____ Owner's Name _____

SHEET _____ No. Street _____

SCALE 1"= _____ ft. _____ District _____





Town of Hudson, N. H.

Office of Town Building Inspector
BUILDING PERMIT

No. 337-83

May 12, 1983

This certifies that Norman Stewart Name of Owner

is granted permission to alter 18' x 22' addition to house Description
erect repair move

of Building 79 Ferry St Street or Avenue
on premises located at and known as ML-56/103

to 7543 Number
and to do things lawful to that end.

This permit is issued on application number 7543, is subject to the conditions thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof.

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

Value \$ 8,000.00

Fee \$ 16.00

Richard E. Millard Administrative Officer

FF



TOWN OF HUDSON, N. H.

Application for a Permit To Build

Date 5-9 1983

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

Subdivision	Yes	No <input checked="" type="checkbox"/>
Planning Bd. Approval Sub Div.	Yes	No
Water Pollution Approval Sub Div. No.		
Septic Construction Permit No.		
Necessary Bonds Posted	Yes	No
Bd. of Adj. Variance Granted If Nec.	Y	

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

Permit Number 337-83

Name of Owner NORMAN & DUMONT Address 79 FERRY ST Tel. 8891581

Land Purchased From _____ Address _____

Location 79 FERRY ST Property Tax No. 2593

Name of General Contractor OWN Map and Lot No. 56/103

Name of Heating Contr. HEAT IS ALREADY Name of Electrical Contractor _____

Type of Heat WOOD & GAS Name of Plumbing Contractor _____

Name of Fireplace Mason _____ Name of Masonry Contractor _____

Material of Building WOOD Style of Roof SHED Roof Covering ASPHALT SHINGLE

Size of Foundation 18 X 22 Living Floor Area 18 X 22 No. of Stories 1

Size of Garage _____ Water TOWN Sewer TOWN

Foundation Material CEMENT Width 8" Height 7 1/2' Footings Yes No

Fireplace No. of Flues 1 Size 13" X 16" Chimney Material CEMENT BLOCK

Brief Description of Repair, Alter or Other ADD 1 NEW ROOM TO back OF HOUSE FOR living quarters 18 X 22

Value 8,000.00
Fee 16.00 Addition

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

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

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

Owner's Signature Norman Dumont
Contractor's Signature _____
Address _____

F2

No. _____

Application For Permit to Build

Location _____

Estimated Cost \$ _____

PERMIT GRANTED

WORK COMPLETED

Building Inspector _____

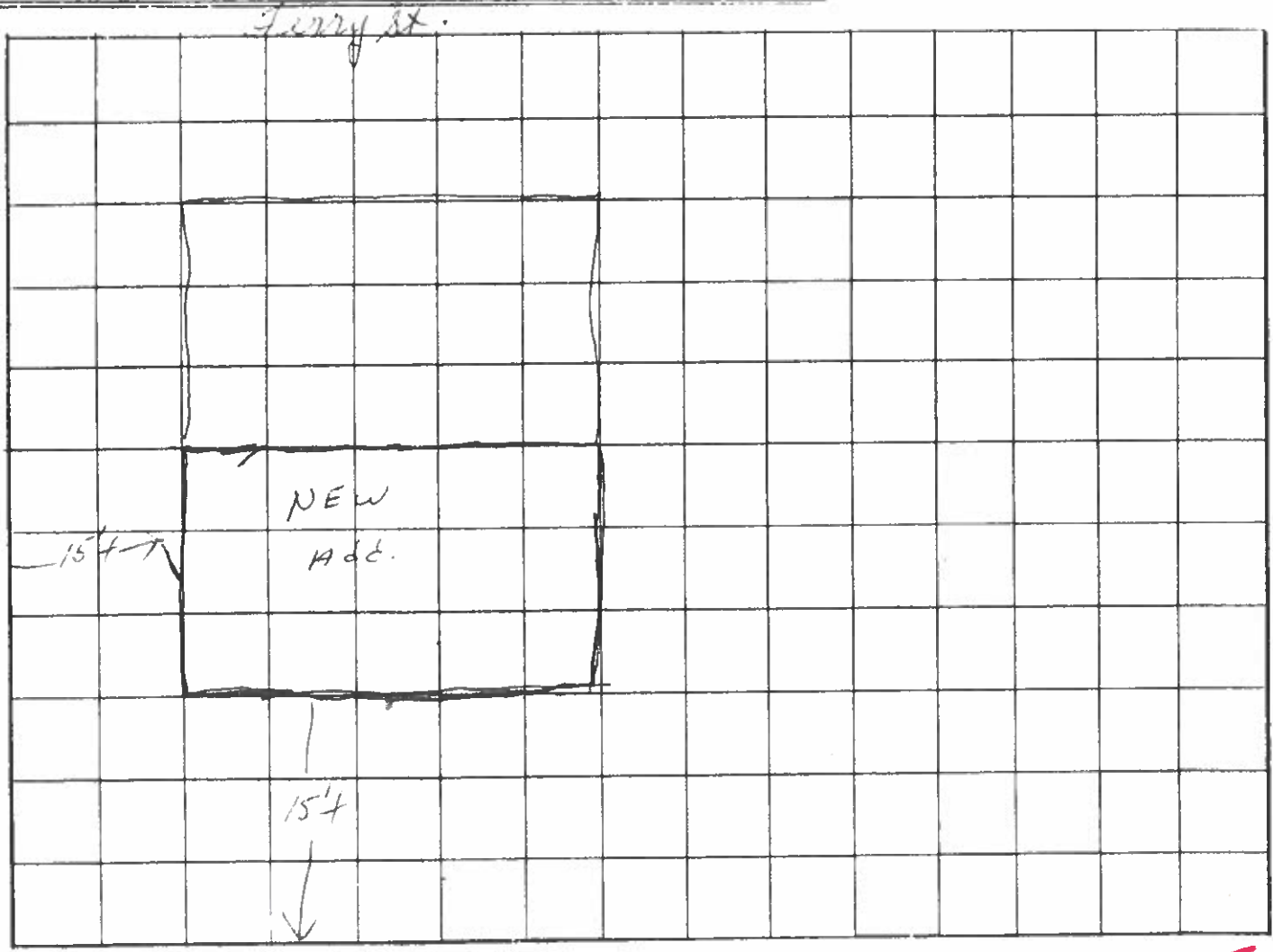
PLOT PLAN

COMMENTS

LOT _____ Owner's Name _____

SHEET _____ No. Street _____

SCALE 1"= _____ ft. _____ District _____



I, _____ certify this plot. Date _____

F3

4008165

2004 JAN 28 PM 12:04

43

Hudson Town Hall
Community Development Department
12 School Street
Hudson, NH 03051

4.37
3-

Town of Hudson

Zoning Board of Adjustment

Decision to Uphold a Zoning Administrative Opinion on Appeal

On 1/22/04 the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 56-103**, constituting an appeal by **Richard Jean, 14 Forsythia Lane, Merrimack**, of a zoning administrative decision issued by the **Code Enforcement Officer/Community Development Director** dated **November 25, 2003** which states that a **three family (multi-family) dwelling is not a permitted use in the Town Residence Zoning District in accordance with Article V, Section 334-21 of the Hudson Zoning Ordinance for property located at 79 Ferry Street.** [Map 56, Lot 103; Zoned TR, HZO Article V, Section 334-21, Table of Permitted Principal Uses.]

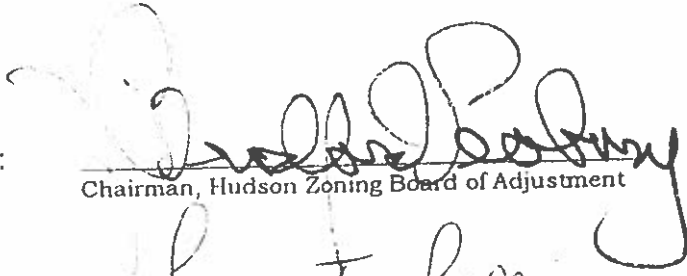
The Board had previously heard a presentation on the decision by the zoning administrator, wherein he explained what decision had been made and on what basis, including all applicable rationale and background considerations, the applicant failed to attend the hearing despite being notified by certified mail. Following the review of that testimony and subsequent review of documentation concerning the case provided by the applicant, the Board engaged in deliberation, to uphold the administrative decision which states that a three family (multi-family) dwelling is not a permitted use the Town Residence Zoning District.

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

BK 7158162019

Gi

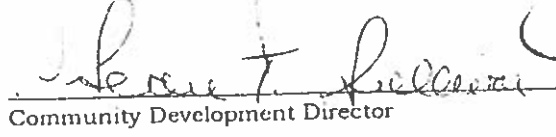
Signed:



Chairman, Hudson Zoning Board of Adjustment

Date: 01-27-04

Signed:



Community Development Director

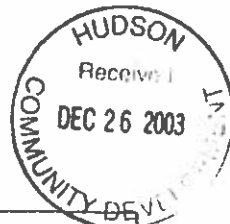
Date: 1/27/04

BK7158PG2050

92

TR

APPLICATION FOR APPEAL



Do not write in this space.
Case No. 56-103
Date Filed 12-26-03

To: Board of Adjustment
Town of Hudson

Name of Applicant Richard Jean Map: 56 Lot: 103
Telephone Number (Home) 204-8630 (Work) 545-3363
Mailing Address 14 Forsythia Lane Merrimack NH 03054
Owner Richard Jean
Location of Property 79 Ferry Street
(Street Address)
[Signature] 12/26/03
(Signature) (Date)

Please note that your signature certifies the abutter lists are correct. If the lists are found to be incorrect, you may be required to appear before the Board a second time, at your expense.

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

Engineering Fire Department Health Officer

NOTE: Fill in Appeal form(s) as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate. If you are not the property owner, please provide documentation that the property owner will allow you to speak on his/her behalf or you have permission to seek a Special Exception.

COST: Application fee is \$75.00, plus \$3.00 for each direct abutter

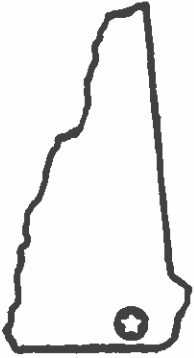
16 Direct abutters x \$3.00 + \$75.00 application fee

Amount due \$ 123.00 Amount received \$ 123.00

Date received 12/26/03 Receipt No. 1734-04

Received by [Signature]

63



TOWN OF HUDSON



12 School Street

Hudson, New Hampshire 03051

603/886-6005

October 8, 1998

*Bill - any word on the progress with this one?
See - 10/16/98 - Bill*

Anthony Dumont
79 Ferry Street
Hudson, New Hampshire 03051

Subject: Three-Unit Dwelling
79 Ferry Street
Map 56, Lot 103

Dear Mr. Dumont:

This office has received a complaint that the dwelling at the above-referenced location is now a three-unit apartment building. Upon a visit to the building, it was noted that there are now three mailboxes (79, 79 A and 79 B).

On November 9, 1981, the Zoning Board of Adjustment granted you a variance to convert a single family home into two apartments at this location. You cannot deviate from that variance.

If three units exist, you must return the structure to the approved two units.

If you have any questions regarding this letter, please do not hesitate to contact me at 886-6005.

Sincerely,

William A. Oleksak
Health/Code Enforcement Officer

WAO/mja

cc: Susan Snide, Zoning Administrator
Inspector Shane Sewade, Fire Department
Paul Sharon, Town Administrator

A 43

Hudson Town Hall
Community Development Department
12 School Street
Hudson, NH 03051

10.37
2
—

Town of Hudson

Zoning Board of Adjustment

Decision to Grant a Request for a Rehearing

On **3/18/04**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 56-103** concerning a request by Richard Jean, 323 West Hollis Street, Nashua, for a **rehearing for property located at 79 Ferry Street for an Appeal from an Administrative Decision previously denied by the Zoning Board of Adjustment on the January 22, 2004 meeting.** [Map 56, Lot 103; Zoned TR; HZO Article V, Section 334-21, Table of Dimensional Requirements.]

During their deliberation, members of the Board collectively agreed to grant the requested rehearing, and the applicant is hereby notified that the rehearing is to be held on the next available agenda.

Following this deliberation, the board voted **to rehear** the request for an Appeal from an Administrative Decision.

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

Signed: 
Chairman, Hudson Zoning Board of Adjustment

Date: 03-25-04

Signed: 
Community Development Director

Date: 3/25/04

BK 7231 PG 1041

H₁

Richard and Joanne Jean

323 West Hollis Street
Nashua, NH 03060
(603) 595-3363



March 2, 2004

VIA FAX, MAIL and HAND DELIVERY

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

*Re: Richard and Joanne Jean
Property address - 79 Ferry Street*

Revised Request for Rehearing

Dear Sir/Madam:

Several weeks ago, my wife and I were forced to appeal a decision by Bob Sousa on the property we had purchased at 79 Ferry Street. As part of our research, we sent a letter to the abutters. As a result of a call from one of the abutters in response to the letter, we discovered that our request for hearing had been scheduled and had taken place. However, we never received notification of that hearing.

I placed a call to the post office to determine why we had not received notice. Even though all previous correspondence had come to my office at 323 West Hollis Street in Nashua, the notice of hearing was sent to the house we were building in Merrimack. Since the letter was apparently sent certified, I assume that it required a signature. The post office attempted delivery on or about January 14, 2004. My understanding is that it was dropped off on February 2, 2004 and no signature was obtained. Upon information and belief, the hearing was scheduled for January 22, 2004 and took place without our knowledge.

As a result of the above information, we are hereby requesting a re-hearing on this matter. Since the Town did not have proper delivery, we are also requesting that any fees associated with this request be waived. In addition, all future correspondence should be directed to:

Richard and Joanne Jean
%Central Realty, Inc.
323 W Hollis Street
Nashua, NH 03060

We look forward to your prompt attention in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Jean".

Richard Jean

cc: abutters

H₂

A73

Hudson Town Hall
Community Development Department
12 School Street
Hudson, NH 03051

14.37
2
-

Town of Hudson

Zoning Board of Adjustment

Decision to Uphold a Zoning Administrative Opinion on Appeal

On **4/22/04, Rehearing from 1/22/04** the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 56-103**, constituting an appeal by **Richard Jean, 14 Forsythia Lane, Merrimack, NH, for an Appeal from an Administrative Decision issued by the Code Enforcement Officer/Community Development Director dated November 25, 2003, which states that a three family (multi-family) dwelling is not a permitted use in the Town Residential Zoning District in accordance with Article V, Section 334-21, of the Hudson Zoning Ordinance for property located at 79 Ferry Street.** [Map 56, Lot 103; Zoned TR, HZO Article V, Section 334-21, Table of Permitted Principal Uses.]

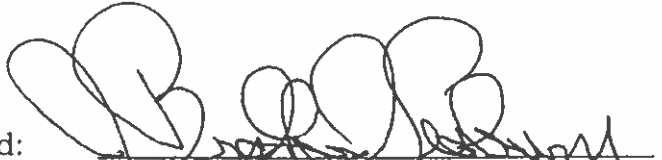
The Board had previously heard a presentation on the decision by the zoning administrator, wherein he explained what decision had been made and on what basis, including all applicable rationale and background considerations, with a presentation by the applicant. Following the review of that testimony and subsequent review of documentation concerning the case provided by the applicant, the Board engaged in deliberation, to uphold administrative decision.

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

BK7231961023

I,

Signed:


Chairman, Hudson Zoning Board of Adjustment

Date: 05-03-04

Signed:


Community Development Director

Date: 5/4/04

BK7231FS1024

I₂

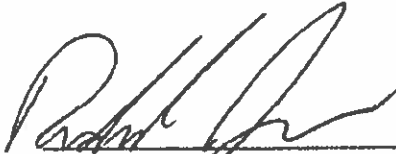
April 4, 2005

To whom it may concern:

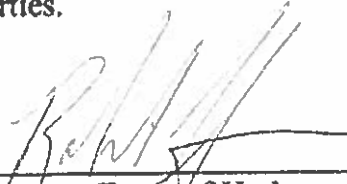
Re: 79 Ferry Street Hudson NH 03051

On April 4, 2005 I Richard Jean met the Town of Hudson Code Enforcement Officer, Rob Sousa at 79 Ferry Street. He determined that currently there are no use violations with reference to the existing garage. In addition Rob took photos of the interior of the unit.

Any party concerned may contact either parties.



Richard Jean - Owner
14 Forsythia Lane
Merrimack NH 03054
603-595-3363



Rob Sousa - Town of Hudson
Community Dev. Department
12 School Street
Hudson NH 03051
603-886-6005





TOWN OF HUDSON

Land Use Division



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

Notice of Violation

March 4, 2019

FUN Properties LLC
3 Cherokee Ave
Nashua, NH 03062

COPY

Certified 7016 3010 0000 6167 0394
and USPS

Re: 79 Ferry Street Map 174 Lot 197-000
District: Town Residence (TR)

To whom it may concern,

Violation:

The use of the detached (old garage) as a residential dwelling.
The additional residential unit would constitute a 3rd residential unit on this property and such use is prohibited in the Hudson Zoning Ordinance, section §334-21 Table of Permitted Principal Uses.

Order:

Cease the operation of the unlawful residential use on this property, and secure a building permit for the removal of the residential unit, **no later than April 1, 2019**, and call me for a compliance inspection when completed.

Sincerely,

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

cc: Public Folder
Dep O'Brien - Inspectional Services
Brian 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.

K.



TOWN OF HUDSON

Land Use Division



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

Violation # 2018-00003
Extension of order and stay of enforcement

April 23, 2019

Certified 7016 3010 0000 6167 0417
and USPS

Fun Properties LLC
C/O Richard Jean
373 West Hollis Street
Nashua, NH 03060

Re: 79 Ferry Street Map 174 Lot 197
District: Town Residence (TR)

Dear Mr Jean,

Regarding – Notice of Violation dated March 4, 2019: the use of the detached (old garage) as a dwelling unit in violation of §334-21 Table of Permitted Principal Uses.

Based on our agreement at the April 19, 2019 meeting, I am willing to offer you an **extension order and stay of enforcement:**

- 1) Either have the dwelling unit eliminated (via building permit) or
- 2) submit a variance application to the Zoning Board of Adjustment, **by July 19, 2019.**

If the new deadline is not complied with, the Town will proceed with the imposition of civil fines and penalties as allowed per RSA 676:17 effective as of the date of my original Notice of Violation dated March 4, 2019.

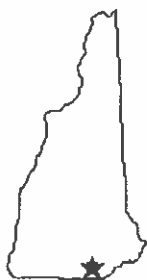
Sincerely,

Bruce Buttrick, MCP
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.

K₂



TOWN OF HUDSON

Land Use Division



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

Violation # 2018-00003
Extension of order and stay of enforcement

July 9, 2019

Certified 7016 2710 0000 0595 2353
and USPS 1st Class

Fun Properties LLC
C/O Richard Jean
373 West Hollis Street
Nashua, NH 03060

Re: **79 Ferry Street Map 174 Lot 197**
District: Town Residence (TR)

Dear Mr Jean,

Regarding - Notice of Violation dated March 4, 2019: the use of the detached (old garage) as a dwelling unit in violation of §334-21 Table of Permitted Principal Uses.

Based on our agreement at the April 19, 2019 meeting, **Your extension order and stay of enforcement deadline is rapidly approaching and I have not seen or signed off on:**

- 1) Either having the dwelling unit eliminated (via building permit) or
- 2) The submission of a variance application to the Zoning Board of Adjustment, **by July 19, 2019.**

If the deadline is not complied with, the Town will proceed with the imposition of civil fines and penalties as allowed per RSA 676:17 effective as of the date of my original Notice of Violation dated March 4, 2019.

Sincerely,

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

encl: March 4, 2019 Notice of Violation
cc: Public Folder
R. Buxton - Inspectional Services
B. Groth - Town Planner
File

K₃



TOWN OF HUDSON

Land Use Division



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

Violation # 2018-00003
Building Permit application # 2019-00730

July 25, 2019

Certified 7016 2710 0000 0595 2391
and USPS 1st Class

Fun Properties LLC
C/O Richard Jean
373 West Hollis Street
Nashua, NH 03060

Re: **79 Ferry Street Map 174 Lot 197**
District: Town Residence (TR)

Dear Mr Jean,

Regarding – Building Permit application 2019-00730: Your application states this property as 3 units, that is incorrect, the approval from a prior ZBA case is for 2 units (see attached). And the type of improvement should check off “alteration/renovation” and other “remove 3rd Dwelling Unit”. Your general description of work and use: is incorrect, It should state: “to remove the Dwelling Unit from structure” (which entails more scope of work than what you submitted).

Therefore I am denying the building permit as submitted as not conforming with the Zoning Ordinance §334-7.

This decision is appealable to the ZBA within 30 days.

Sincerely,

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

encls: ZBA Decision 4/22/04, ZBA minutes 1/22/04, ZBA minutes 4/22/04 & B.P. application

cc: Public Folder
R. Buxton – Inspectional Services
D. Hebert – Building Inspector
J. Michaud – Town Assessor
B. Groth – Town Planner
File

7/25/19
entered
on
Municipal
K4 (18)



TOWN OF HUDSON

Land Use Division



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

**Violation # 2018-00003
Closeout**

October 23, 2019

Certified 7019 0700 0000 2993 5093
and USPS 1st Class

Fun Properties LLC
C/O Richard Jean
373 West Hollis Street
Nashua, NH 03060

Re: **79 Ferry Street Map 174 Lot 197**
District: Town Residence (TR)

Dear Mr Jean,

On October 22, 2019 I inspected and have noted the removal of the kitchen area of what had been an illegal (unpermitted) Dwelling Unit in the detached structure previously known as #79C.

Therefore I am closing out this violation of an illegal additional (3rd) Dwelling Unit.
For the record this property use is an existing non-conforming two family.

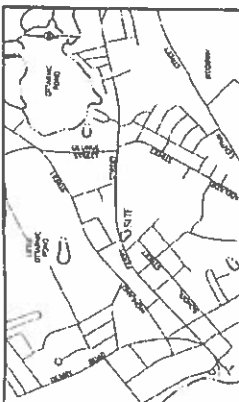
Sincerely,

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

cc: Public Folder
D. Hebert – Building Official
S. Dube – Fire Prevention Officer
J. Michaud – Town Assessor
B. Groth – Town Planner
File

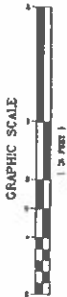
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

K5



NEIGHBORHOOD MAP
SCALE 1" = 1000'

- NOTES:**
1. THE PLAN IS TO BE USED TO PERFORM CONSTRUCTION PERMITS FOR THE LOT 132 OF THE TRACT OF LAND, AS SHOWN ON MAP 174 OF 1977, IN THE TOWN OF HUDSON, NEW HAMPSHIRE.
 2. THE AREA OF THE TRACT IS 22,000 S.F. OR 0.50 ACRES.
 3. OWNER OF RECORD: FERRY STREET, INC. 100 FERRY STREET, HUDSON, NH 03051.
 4. THE SUBJECT PARCEL IS LOCATED DIRECTLY WITHIN THE TOWN OF HUDSON.
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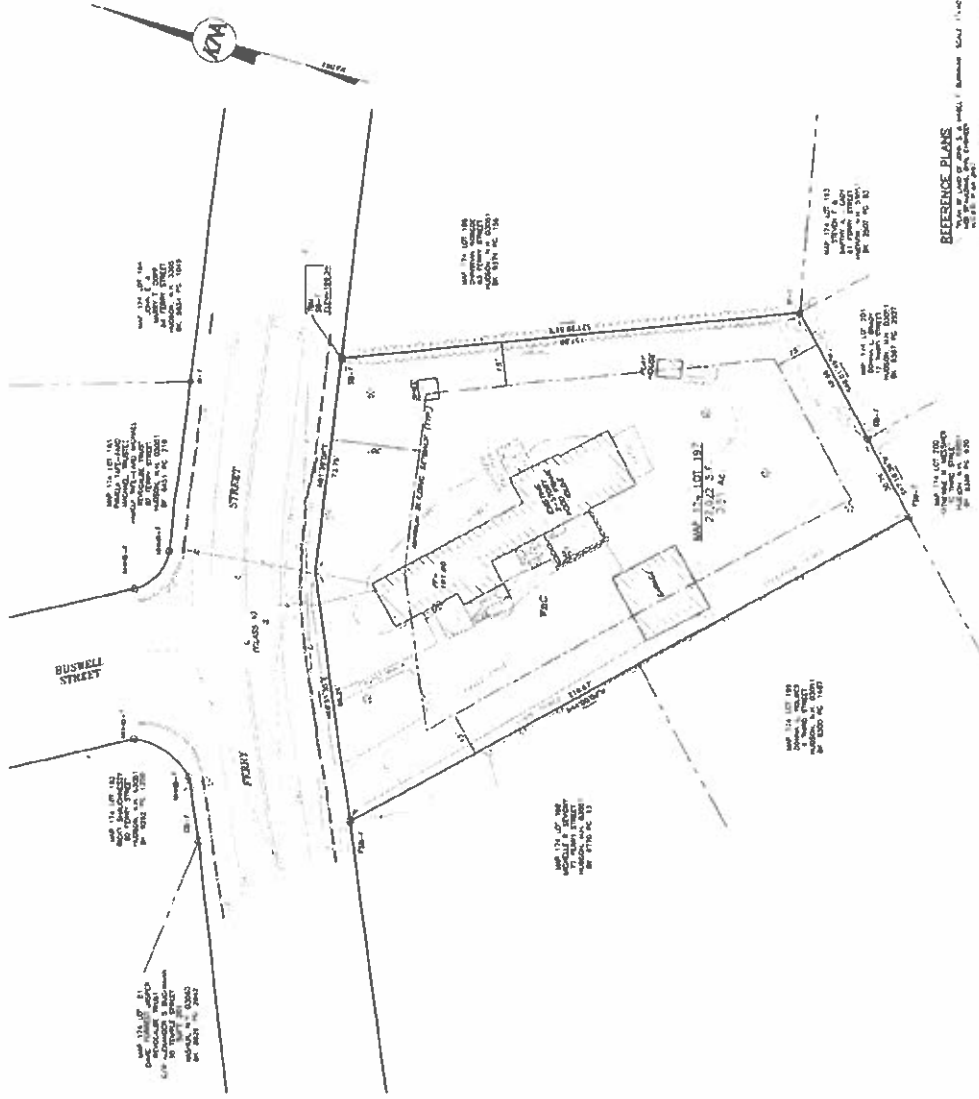


EXISTING CONDITIONS PLAN
FERRY STREET
MAP 174 OF 1977
79 FERRY STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

DRAWN BY:
79 FERRY STREET, LLC
100 FERRY STREET
HUDSON, NH 03051
BY: [Signature]

APPROVED:
[Signature]
100 FERRY STREET
HUDSON, NH 03051

KM
KREMER-NEWMAN ANALYSTS, INC.
100 FERRY STREET
HUDSON, NH 03051
PROJECT NO. 2-103-3
SHEET 1 OF 1



REFERENCE PLANS:
1. MAP 174 OF 1977
2. MAP 174 OF 1977
3. MAP 174 OF 1977
4. MAP 174 OF 1977

SUBMITTER'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NEW HAMPSHIRE. I AM NOT PROVIDING ANY PROFESSIONAL SERVICES TO ANY OTHER PARTY IN CONNECTION WITH THIS PROJECT.

- LEGEND**
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SIDS SOILS LEGEND
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SIDS SOILS LEGEND



UTILITY NO-F
THE INFORMATION CONTAINED HEREON IS FOR INFORMATION ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY OTHER ACTION. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR LOSS OF ANY KIND, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS INFORMATION. THE USER SHALL INDEMNIFY AND HOLD THE ENGINEER HARMLESS FROM AND AGAINST ALL SUCH DAMAGES AND LOSSES.

5

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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-197 (02-23-23) (VARIANCE)

Property Location: 79 Ferry Street

For Town Use

Plan Routing Date: 02/08/2023 Reply requested by: 02/13/2023 ZBA Hearing Date: 02/23/2023

I have no comments I have comments (see below)

EZD Name: Elvis Dhima Date: 02/09/2023
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

1. It is unclear how the garage structure is serviced by water and sewer, based on the plan submitted. Our record indicate one sewer and water service for the entire lot.
2. It is unclear how the billing for water and sewer utilities will be handled. This detached building show have its own water and sewer lateral services.

"M"

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

REQUEST FOR REVIEW/COMMENTS:

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Property Location: 79 Ferry Street

For Town Use

Plan Routing Date: 02/08/2023 Reply requested by: 02/13/2023 ZBA Hearing Date: 02/23/2023

I have no comments I have comments (see below)

DRH Name: David Hebert Date: 02/13/2023
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

See Attached

N



TOWN OF HUDSON

FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISION



12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

Emergency 911
Business 603-886-6005
Fax 603-594-1142

Scott Tice
Chief of Department

TO: Bruce Buttrick
Zoning Administrator

FR: David Hebert
Fire Marshal

DT: 2/13/2023

RE: 79 Ferry Street

No Town records were found to finish the garage as an illegal dwelling unit.

Building permits will be required to convert the garage into a dwelling. All State Adopted Building and Fire Codes shall be followed.

Walls and ceilings will need to be exposed if the inside of the structure has walls and ceiling concealed with drywall or other finishing materials from previous non permitted work.

David Hebert
Fire Marshall

N₂

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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-197 (02-23-23) (VARIANCE)

Property Location: 79 Ferry Street

For Town Use

Plan Routing Date: 02/08/2023 Reply requested by: 02/13/2023 ZBA Hearing Date: 02/23/2023

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 2/13/23
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

Re: 334-16.C(2)(e), requirement of Planning Board site plan approval:

Please refer to opinion issued by Town Counsel.

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O

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

On **02/23/2023**, the Zoning Board of Adjustment heard Case 174-197, being a case brought by **Properties 79 Ferry LLC, represented by Kenneth Forrence, Member, 11 Ledge St., Nashua, NH and requests a Variance for 79 Ferry St., Hudson, NH [Map 174, Lot 197-000; Zoned Town Residence (TR)] as follows:**

- i. To allow multiple uses in the form of a two-family dwelling (existing) and a third dwelling (existing 600 SF detached garage to be converted to a single family dwelling) in the TR Zone where multiple principal uses are allowed only in the Industrial or Business Zones with sufficient frontage and size to satisfy minimum frontage and lot size requirements. [HZO Article III: General Regulations; §334-10.A, Mixed or dual use on a lot.]
- ii. To eliminate the requirement of Planning Board site plan approval where no more than one single-family home or duplex shall be constructed on one lot without Planning Board site plan approval. [HZO Article III: General Regulations; §334-16.C(2)(e), Building permits, Conditions of issuance.]

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

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

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

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

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

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

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

_____ Date

Stipulations: _____

TOWN OF HUDSON

FEB 02 REC'D
2023 (76)

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. 174-197 (02-23-23)

Date Filed 2/2/23

Name of Applicant Properties 79 Ferry LLC Map: 174 Lot: 197 Zoning District: TR

(Kenneth Forrence, Member)
Telephone Number (Home) _____ (Work) 603-234-3602

Mailing Address 11 Ledge Street, Nashua, NH 03060

Owner Properties 79 Ferry LLC

Location of Property 79 Ferry Street, Hudson, NH 03051
Properties 79 Ferry LLC (Street Address)

By: [Signature], Member 1-26-23 1/26/2023
Signature of Applicant Date
Properties 79 Ferry LLC

By: [Signature], Member 1-26-23 1/26/2023
Signature of Property-Owner(s) Date

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

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

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

Date received: 2/2/23

COST:

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

Abutter Notice:

<u>11</u> Direct Abutters x Certified postage rate	\$ <u>4.78</u> =	\$ <u>52.58</u>
<u>10</u> Indirect Abutters x First Class postage rate	\$ <u>0.63</u> =	\$ <u>6.30</u>
Total amount due:		\$ <u>243.88</u>

Amt. received: \$ 243.88

Receipt No.: 717,066

Received by: [Signature]

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

Properties 79 Ferry LLC
11 Ledge Street
Nashua, New Hampshire 03060

February 2, 2023

Zoning Board of Adjustment
Town of Hudson
12 School Street
Hudson, New Hampshire 03051

**Re: 79 Ferry Street (Map 174, Lot 197)
Variance Application**

Dear Members of the Board:

Please be advised that J. Bradford Westgate, Esquire and the law firm of Winer and Bennett, LLP, 402 Amherst Street, Suite 302, Nashua, New Hampshire, are authorized to represent Properties 79 Ferry LLC with respect to the variance application being filed by Properties 79 Ferry LLC.

Mr. Westgate and members of the firm of Winer and Bennett, LLP may represent Properties 79 Ferry LLC at any public hearings regarding the variance application and present testimony, information and documentation on behalf of Properties 79 Ferry LLC.

Very truly yours,

Properties 79 Ferry LLC

By: 

Kenneth Forrence, Member

TOWN OF HUDSON, NH

Variance Application Checklist

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

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

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) X The plot plan shall be drawn to scale on an 8 ½” x 11” or 11” x 17” sheet with a North pointing arrow shown on the plan.
- b) X The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) X The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) X The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property.
(NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) X The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)
- f) X The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g) X The plot plan shall include all proposed buildings, structures, or additions, marked as “PROPOSED,” together with all applicable dimensions and encroachments.
- h) X The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) X 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.

Properties 79 Ferry LLC

By: [Handwritten Signature] Member
Signature of Applicant(s)
Properties 79 Ferry LLC

1/26/2023
Date

By: [Handwritten Signature] Member
Signature of Property Owner(s)

1/26/2023
Date

Abutter's List
79 Ferry Street
Hudson, NH
KNA#22-0323-3
Updated 1/17/2023

Tax Map	Lot	Owner/Applicant
174	197	Properties 79 Ferry LLC 11 Ledge Street Nashua, NH 03060
Tax Map	Lot	<u>Direct Abutters</u>
174	181	David Forrest Jasper Rev Trust c/o Alexander S. Buchanan 30 Temple Street, Suite 201 Nashua, NH 03060
174	182	Ricky Shaughnessy 80 Ferry Street Hudson, NH 03051
174	183	Pamela Tafe-Fard Michael, Trustee The Pamela Tafe-Fard Michael Revocable Trust 82 Ferry Street Hudson, NH 03051
174	184	John E. & Mary T. Dopp 84 Ferry Street Hudson, NH 03051
174	193	Steve F. & Dorthy A. Cady 81 Ferry Street Hudson, NH 03051
174	196	Christian Roscoe 83 Ferry Street Hudson, NH 03051
174	198	Michelle R. Sevigny 77 Ferry Street Hudson, NH 03051
174	199	Donna L. Holmes 6 Third Street Hudson, NH 03051

174	200	Katherine M. Messner 10 Third Street Hudson, NH 03051
174	201	Donna L. Brady 12 Third Street Hudson, NH 03051
<u>Indirect Abutters</u>		
174	144	Kenneth B. & Ann M. Gilman 7 Nottingham Street Hudson, NH 03051
174	185	Nancy Lee & Brenda M. Brown 88 Ferry Street Hudson, NH 03051
175	195	Bobby Clements, Jr. 85 Ferry Street Hudson, NH 03051
174	202	MDP Realty Associates, LLC 9 Old Derry Road Hudson, NH 03051
174	212	Timothy M. Longchamp 11 Third Street Hudson, NH 03051
174	213	James W. Gruenfelder 26 Robinson Road Hudson, NH 03051
174	214	James E. & Amanda M. Mulligan 7 Third Street Hudson, NH 03051
174	215	Deborah G. Wollen, Trustee Wollen Revocable Trust 7 Third Street Hudson, NH 03051

Professionals to be notified:

Engineer/Surveyor
Keach-Nordstrom Associates, Inc.
10 Commerce Street, Suite 3B
Bedford, NH 03110

Legal Counsel

J. Bradford Westgate, Esq.
Winer and Bennett, LLP
402 Amherst Street, suite 302
Nashua, NH 03063

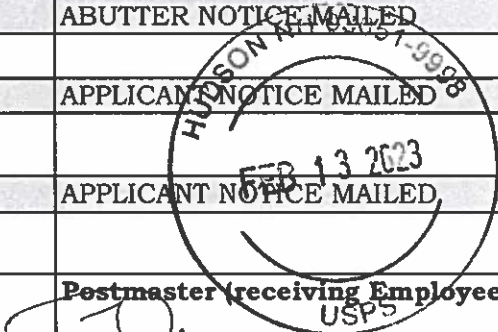
USPS-Verified Mail

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 174-197 79 Ferry Street Map 174/Lot 197-000	VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address		02/23/2023 ZBA Meeting	
1	7022 3330 0000 3692 8019	PROPERTIES 79 FERRY LLC 11 LEDGE ST., NASHUA, NH 03060		APPLICANT/OWNER NOTICE MAILED	
2	7022 3330 0000 3692 8002	DAVID FORREST JASPER REV TRUST; C/O ALEXANDER S. BUCHANAN 30 TEMPLE ST. STE 201, NASHUA, NH 03060		ABUTTER NOTICE MAILED	
3	7022 3330 0000 3692 8026	RICKY SHAUGHNESSY 80 FERRY ST., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
4	7022 3330 0000 3692 8033	PAMELA TAFE-FARD MICHAEL, TRUSTEE THE PAMELA TAFE-FARD MICHAEL REVOCABLE TRUST 82 FERRY ST., HUDSON, NH 03051		ABUTTER NOTICE MAILED	
5	7022 3330 0000 3692 8040	JOHN E. & MARY T. DOPP 84 FERRY STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
6	7022 3330 0000 3692 8057	STEVE F. & DARTHY A. CADY 81 FERRY STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
7	7022 3330 0000 3692 8064	CHRISTIAN ROSCOE 83 FERRY STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
8	7022 3330 0000 3692 8071	MICHELLE R. SEVIGNY 77 FERRY STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
9	7022 3330 0000 3692 8088	DONNA L. HOLMES 6 THIRD STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
10	7022 3330 0000 3692 8095	KATHERINE M. MESSNER 10 THIRD STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
11	7022 3330 0000 3692 8101	DONNA L. BRADY 12 THIRD STREET, HUDSON, NH 03051		ABUTTER NOTICE MAILED	
		Total Number of pieces listed by sender 11	Total number of pieces rec'vd at Post Office 11	Postmaster (receiving Employee) USPS	



Direct Certified

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 174-197 79 Ferry Street Map 174/Lot 197-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/23/2023 ZBA Meeting
1	Mailed First Class	KENNETH B. & ANN M. GILMAN	ABUTTER NOTICE MAILED
		7 NOTTINGHAM STREET, HUDSON, NH 03051	
2	Mailed First Class	NANCY LEE & BRENDA M. BROWN	ABUTTER NOTICE MAILED
		88 FERRY STREET, HUDSON NH 03051	
3	Mailed First Class	BOBBY CLEMENTS, JR.	ABUTTER NOTICE MAILED
		85 FERRY STREET, HUDSON, NH 03051	
4	Mailed First Class	MDP REALTY ASSOCIATES, LLC	ABUTTER NOTICE MAILED
		9 OLD DERRY ROAD, HUDSON, NH 03051	
5	Mailed First Class	TIMOTHY M. LONGCHAMP	ABUTTER NOTICE MAILED
		11 THIRD STREET, HUDSON, NH 03051	
6	Mailed First Class	JAMES W. GRUENFELDER	ABUTTER NOTICE MAILED
		26 ROBINSON ROAD, HUDSON, NH 03051	
7	Mailed First Class	JAMES E. & AMANDA M. MULLIGAN	ABUTTER NOTICE MAILED
		7 THIRD STREET, HUDSON, NH 03051	
8	Mailed First Class	DEBORAH G. WOLLEN, TRUSTEE; WOLLEN REVOCABLE TRUST	ABUTTER NOTICE MAILED
		1 THIRD STREET, HUDSON, NH 03051	
9	Mailed First Class	KEACH-NORDSTROM ASSOCIATES INC.	APPLICANT NOTICE MAILED
		10 COMMERCE PARK NORTH, SUITE 3B BEDFORD, NH 03110	
10	Mailed First Class	J. BRADFORD WESTGATE, ESQ.	APPLICANT NOTICE MAILED
		402 AMHERST STREET, SUITE 302, NASHUA, NH 03063	
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
	10	10	



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

February 13, 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, **02/23/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

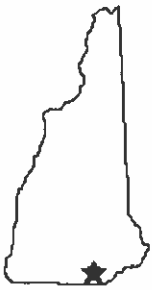
Case 174-197 (02-23-23): Properties 79 Ferry LLC, represented by Kenneth Forrence, Member, 11 Ledge St., Nashua, NH requests a Variance for 79 Ferry St., Hudson, NH [Map 174, Lot 197-000; Zoned Town Residence (TR)] as follows:

- i. **To allow multiple uses in the form of a two-family dwelling (existing) and a third dwelling (existing 600 SF detached garage to be converted to a single family dwelling) in the TR Zone where multiple principal uses are allowed only in the Industrial or Business Zones with sufficient frontage and size to satisfy minimum frontage and lot size requirements. [HZO Article III: General Regulations; §334-10.A, Mixed or dual use on a lot.]**
- ii. **To eliminate the requirement of Planning Board site plan approval where no more than one single-family home or duplex shall be constructed on one lot without Planning Board site plan approval. [HZO Article III: General Regulations; §334-16.C(2)(e), Building permits, Conditions of issuance.]**

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

February 13, 2023

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Case 174-197 (02-23-23): Properties 79 Ferry LLC, represented by Kenneth Forrence, Member, 11 Ledge St., Nashua, NH requests a Variance for 79 Ferry St., Hudson, NH [Map 174, Lot 197-000; Zoned Town Residence (TR)] as follows:

- i. **To allow multiple uses in the form of a two-family dwelling (existing) and a third dwelling (existing 600 SF detached garage to be converted to a single family dwelling) in the TR Zone where multiple principal uses are allowed only in the Industrial or Business Zones with sufficient frontage and size to satisfy minimum frontage and lot size requirements. [HZO Article III: General Regulations; §334-10.A, Mixed or dual use on a lot.]**
- ii. **To eliminate the requirement of Planning Board site plan approval where no more than one single-family home or duplex shall be constructed on one lot without Planning Board site plan approval. [HZO Article III: General Regulations; §334-16.C(2)(e), Building permits, Conditions of issuance.]**

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

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article III _____ of HZO Section(s) 334-10A and 334-16C in order to permit the following:

Allow (i) multiple uses in the form of a two-family dwelling (existing) and a third dwelling (garage to be converted to a single-family dwelling) for property in the TR Zoning District (where multiple principal uses are allowed only in the Industrial or Business Zoning Districts per Section 334-10A) and (ii) elimination of the requirement under Section 334-16C of Planning Board site plan approval. The property contains an existing two-family dwelling and existing detached garage. The Applicant desires to convert the existing garage to a single-family dwelling. The two uses (existing two-family dwelling and proposed single-family dwelling) constitute dual uses within the meaning of Article III, Section 334-10A of the Zoning Ordinance. The Applicant recognizes that Planning Board site plan approval may still be required per the Site Plan Regulations.

FACTS SUPPORTING THIS REQUEST:

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

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

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

(A) The variance will not be contrary to the public interest;

(B) The spirit of the ordinance is observed;

(C) Substantial justice is done;

(D) The values of surrounding properties are not diminished; and

(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

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

(A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(B) The proposed use is a reasonable one.

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

APPLICATION FOR A VARIANCE – ATTACHMENT “A”

Properties 79 Ferry LLC 79 Ferry Street (Map 174, Lot 197)

This Attachment “A” is appended to the Application for a Variance and sets forth the summary rationale for each of the five criteria for the granting of a variance.

Property Background

Properties 78 Ferry LLC (the “Applicant”) is the owner of real estate at 79 Ferry Street (Map 174, Lot 197) (the “Property”). The Property is located on the southerly side of Ferry Street, across from Buswell Street. The Property contains approximately .51 acres (22,022 square feet). It contains an existing two-family (two-story) wood frame house, detached garage and two small out-buildings. The Property has 160.01 feet of frontage on Ferry Street and is located in the TR District. The TR Zoning District has a 10,000 square foot minimum lot area requirement (for properties on town water and sewer) and a 90 foot minimum frontage requirement. The Property is serviced by town water and sewer.

Proposed Project

The Applicant desires to convert the existing garage structure to a single family dwelling. The Zoning Board of Adjustment Plan by Keach-Nordstrom Associates, Inc. accompanying their Application depicts the proposal.

On May 2, 1974, a variance was granted to permit the garage to be located in the side yard setback. On November 9, 1981, a variance was granted to permit a two family dwelling on the Property. On October 23, 2019, while under prior ownership, a zoning violation was closed out by the removal of a kitchen in the unpermitted dwelling unit in the garage.

On December 23, 2021, Timothy Forrence submitted a Request for Zoning and/or Planning Information / Determination inquiring as to whether a third residential unit would be possible for the Property. Bruce Buttrick, Zoning Administrator / Code Enforcement Officer, issued Zoning Determination #21-194 (the “2021 Zoning Determination”) determining that (i) a variance would be needed from Section 334-10A of the Zoning Ordinance because of multiple permitted uses on the lot (which would result if the garage was converted to a third dwelling unit, (ii) a special exception would be needed pursuant to Section 334-10D of the Zoning Ordinance for that third unit and (iii) that site plan approval was required under Section 334-16C(2)(e) of the Zoning Ordinance.

In March of 2022, the voters of the Town of Hudson adopted Ballot Question No. 4 which amended Section 334-10 to remove Section 334-10D, thus eliminating the requirement for a special exception. The Applicant desires to convert the garage to a third residential unit (a detached single family unit). The Applicant recognizes that a variance from Section 334-10A will be required as set forth in the 2021 Zoning Determination. The Applicant also recognizes that

even if a variance is granted from Section 334-16C (relative to site plan approval), site plan approval may still be required by the Planning Board under the Site Plan Regulations.

Any potential footprint changes to the garage (to convert it to a single-family dwelling) would be in compliance with the applicable front, side and rear yard set backs. In his 2021 Zoning Determination, Mr. Buttrick confirmed that the garage received a variance in 1974 for location; consequently, the location within the set back [side yard set back] is allowed by the variance. No dimensional variance is required.

Zoning Determination Underlying Variance Application

Mr. Buttrick has issued two Zoning Determinations with respect to the Property. In the 2021 Zoning Determination, Mr. Buttrick confirmed that the Property (at 79 Ferry Street) was a legal, conforming lot of record comprising 21,300 square feet where 10,000 square feet is required and containing 165 feet of frontage where 90 feet of frontage is required. The actual dimensions of the Property are noted above and shown on the ZBA Plan attached. Mr. Buttrick further noted that a variance was granted for the garage and the side yard set back on May 2, 1974 and a variance for the two-family dwelling was granted on November 9, 1981.

Prior to the Applicant's ownership of the Property, a zoning violation existed which was closed out on October 23, 2019 by removal of a kitchen in the unpermitted dwelling unit in the garage.

The Applicant purchased the Property subsequent to the closeout of the violation and desires to obtain all appropriate permits and approvals to convert the garage to a single-family dwelling.

In the 2021 Zoning Determination, Mr. Buttrick determined that the single-family dwelling, coupled with the existing two-family dwelling (previously allowed by variance), would constitute multiple principal uses on a lot which are permitted in the Industrial and Business Zones, but since the Property is in the TR Zoning District, a variance from Section 334-10A of the Zoning Ordinance would be necessary.

In the 2021 Zoning Determination, Mr. Buttrick also determined that a special exception would be needed for the dual use as required under Section 334-10D of the Zoning Ordinance; however, Section 334-10D was repealed by the 2022 Amendments to Zoning Ordinance. As a result, no special exception is necessary.

Mr. Buttrick also issued Zoning Determination #22-140 (the "2022 Zoning Determination"). In the 2022 Zoning Determination, Mr. Buttrick determined that a change of use from the garage to a single-family dwelling would require a variance, although no variance would be needed for foot-print changes to the garage if expansion or alteration of the garage occurred in compliance with the set back requirements. Thus no variance under Section 334-31 of the Zoning Ordinance is necessary.

5 Criteria for Granting a Variance

1. **Granting of the requested variance will not be contrary to the public interest, because:**

It is not contrary to the public interest to permit the conversion of the existing garage to a modest single-family dwelling when the Property has more than twice as much lot area as required in the TR Zoning District and nearly twice as much frontage as required in the TR Zoning District. The Property can adequately accommodate the single-family dwelling. The Property is on municipal water and sewer; consequently, no significant utility improvements are necessary. Other properties adjacent to or nearby the Property are of similar lot area or in a number of cases smaller, including the property directly across Ferry Street (70 Ferry Street) being only about a third of the size of the Property.

Permitting the variance would allow for an additional unit of affordable, single-family housing.

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

The spirit of the ordinance is partially derived from the purposes of the ordinance. Section 334-2 of the Zoning Ordinance sets forth the general purposes, which include promoting efficiency and economy in the process of development by encouraging the most appropriate use of land throughout the Town, conserving property values and facilitating housing opportunities for all family types and income levels. If the variance is granted, it will permit conversion of a garage to a modest single-family dwelling, to provide one additional unit of affordable housing in the Town. This new single-family dwelling can be done in an efficient and economical manner, consistent with the general purposes and spirit of the Zoning Ordinance, since it does not involve the subdivision of land and allocation of a new parcel to accommodate the dwelling, nor does it involve expansion of the Town's infrastructure. In short, converting the garage to a modest single-family dwelling is as efficient as any way possible to add a unit of affordable housing.

3. **Substantial justice would be done to the property-owner by granting the variance, because:**

Substantial justice is done by allowing the conversion of the garage to a single-family dwelling, without the need of any dimensional variance, on a lot more than adequate to accommodate a single-family dwelling with an existing two-family dwelling, and without the need of a further encroachments into any setbacks. Substantial justice is also done since converting the garage to a single-family dwelling will cause a significant upgrade to the structure which was constructed nearly 50 years ago.

Substantial justice is done if the general public realizes no appreciable gain from denying the variance but denial of the variance would cause a significant adverse impact to the applicant. In this case, the general public realizes no appreciable gain if the variance is denied since the variance would permit conversion of a garage to a modest single-family dwelling, without increasing the necessary land area to accommodate the dwelling, but rather facilitating

construction of an affordable single-family dwelling. All of these objectives are consistent with the public benefit. Therefore, if the variance is denied the general public realizes no appreciable gain.

4. **The proposed use will not diminished the values of surrounding properties, because:**

Permitting conversion of the garage to a small single-family dwelling, on an existing lot, without dimensional variance, will not diminish the value of surrounding properties. The conversion of the garage to the single-family dwelling will result in a significant upgrade to the building. Compatible upgrades to buildings in a residential neighborhood typically enhance the value of surrounding properties.

5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:**

RSA 674:33, I(b)(5)(A) provides that “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

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

Consequently, a two-prong “unnecessary hardship” test is established.

The Property at 79 Ferry Street has several special conditions. First, it has more than twice the lot area required in the TR Zoning District and nearly twice the required frontage. Second, it is located at T-intersection thus having atypical opposite street abutters. Third, the garage is well set back from Ferry Street, having been constructed nearly 50 years ago prior to the adoption of the TR Zoning District. Being set back far from Ferry Street, it does not produce a crowded look on the parcel with the existing two-family dwelling which is much closer to Ferry Street. In effect, if converted to a single-family dwelling, the garage will be a modest, small affordable single-family dwelling, without any impact on the street view along Ferry Street. All of these are unique or special circumstances.

As mentioned, the Property is serviced by Town water and sewer; consequently, conversion of the garage to a single-family dwelling from the garage forms a highly efficient way by which an existing outdated structure can be nicely renovated to be a very usable and desired single-family dwelling.

In light of these special conditions, the two-prong unnecessary hardship tests is to be measured. First, we note the general purposes of the Zoning Ordinance provisions. As previously mentioned, these purposes include conserving property values, encouraging the most appropriate

use of land throughout the Town and facilitating housing opportunities for all family types and income levels.

There are no expressly cited specific purposes for the particular zoning provisions for which this application applies, but, in general, with reference to the general provisions of the Zoning Ordinance, provisions governing dual use and change of use would logically apply to circumstances in which a parcel of land could not adequately accommodate the dual use or a change of use.

In this case, as demonstrated, 79 Ferry Street can readily accommodate this dual use and change of use, a garage to a single-family dwelling, given the size of 79 Ferry Street, its frontage, the existing configuration of the Property and the location of the garage.

Being able to readily accommodate the conversion from the garage to the single-family dwelling, it is apparent that the Property and this application fall squarely within the general purposes of the Zoning Ordinance since this variance would prompt efficiency and economy in the process of development by encouraging the most appropriate use of land throughout the Town, conserve property values and, perhaps most importantly, facilitate adequate provisions for housing opportunities for all family types and income levels.

As a result, in this circumstance no fair and substantial relationship exists between the general public purposes of the Zoning Ordinance, or the purposes of the specific zoning ordinance provisions that are subject to this application, and the specific application of these provisions to the Property, since that specific application would preclude this reasonable conversion of a garage to a modest single-family dwelling.

The second prong of the unnecessary hardship test is that the proposed use is a reasonable use. It is self evident that this condition has been satisfied. A single-family dwelling is a permitted use in the TR Zoning District.

Consequently, the two-prong unnecessary hardship test has been met.

Conclusion

The Applicant respectfully requests that the variance be granted.

The Applicant reserves the right to provide additional testimony and information at the public hearing on this Application.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #21-194

December 27, 2021

Timothy Forrence
274 Ponemah Hill Rd
Milford, NH 03055

79 Ferry St Map 174 Lot 197-000
District: Town Residence (TR)

Dear Timothy,

Your Request:

Can you get an additional dwelling unit, on this parcel?

Zoning Review / Determination:

No plans to review, thus generally:

This is a legal conforming lot of record comprising of 21,300 sq ft where 10,000 sq ft is required, 165 ft frontage where 90 ft frontage required.

History:

May 2, 1974 - Variance granted for garage in side yard setback.

Nov 9, 1981 - Variance granted for 2 family.

Oct 23, 2019 - Close out of violation #2018-00003 "removal of kitchen in unpermitted dwelling unit in garage".

To add an additional dwelling unit in garage (detached):

(1) Would need a variance (by the Zoning Board of Adjustment) from §334-10A, as this lot is not in the Industrial or Business zones:

"A. Multiple Principal Uses on a lot in the Industrial or Business Zones are permitted provided that the lot meets the area and frontage requirements for the principal use for the district in which it is located and each use is in conformity with all other requirements set forth in this chapter and the Hudson Land Use Regulations pertaining to that use."

(2) You would need a Special Exception (by the Zoning Board of Adjustment) per 334-10D:

"D. Multiple or mixed uses on a single lot, which includes a residential use, shall only be allowed by Special Exception in accordance with the general requirements listed in Article VI, § 334-23. In addition to the general requirements for special exception listed in Article VI, § 334-23, the mixed or dual uses shall be compatible."

(3) You would need a site plan review (by the Planning Board) per 334-16 C (2)e:

(e) No more than one single-family home or duplex shall be constructed on one lot without Planning Board site plan approval."

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

To add an additional dwelling unit (3) within the existing 2 family:

Would be classified a multi-family structure:

(1) Would need a variance (by the Zoning Board of Adjustment) from §334-10A, as this lot is not in the Industrial or Business zones:

"A. Multiple Principal Uses on a lot in the Industrial or Business Zones are permitted provided that the lot meets the area and frontage requirements for the principal use for the district in which it is located and each use is in conformity with all other requirements set forth in this chapter and the Hudson Land Use Regulations pertaining to that use."

(2) Would need a variance from the Zoning Board of Adjustment from 334-21 Table of Permitted Principal Uses, as multi-family uses not permitted.

(3) You would need a Special Exception (by the Zoning Board of Adjustment) per 334-10D:

"D. Multiple or mixed uses on a single lot, which includes a residential use, shall only be allowed by Special Exception in accordance with the general requirements listed in Article VI, § 334-23. In addition to the general requirements for special exception listed in Article VI, § 334-23, the mixed or dual uses shall be compatible."

(4) You would need a site plan review (by the Planning Board) per 334-16.1 C:

All multi-family projects would need Planning Board site plan approval."

Sincerely,



Bruce Buttrick

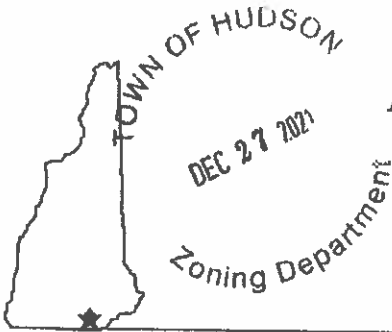
Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Owner
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.



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

#21-194



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 12/23/2021

Property Location 79 Ferry Street

Map 174 Lot 197 Sublot 0

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)

Currently consists of 2-Unit building, looking to see if it is possible to get a 3rd unit, and what it may involve to do so?
Any info would be greatly appreciated, Thank You,

Applicant Contact Information:

Name: Timothy Forrence
 Address: 274 Ponemah Hill Rd Milford NH 03055
 Phone Number: 603-234-3602
 Email: tim@gatecityfence.com

unofficial *For Office use*

ATTACHMENTS: TAX CARD GIS

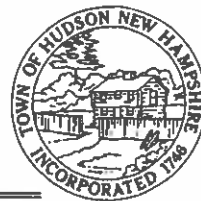
NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-140

November 22, 2022

J. Bradford Westgate, Esq.
Winer and Bennett, LLP
111 Concord St,
Nashua, NH 03064

79 Ferry St Map 174 Lot 197-000
District: Town Residence (TR)

Dear Att'y Westgate,

This is in response/answer to your inquiry of November 2, 2022.

Your request/question:

1. *If a variance is granted from Section 334-16C(2)(e) of the Zoning Ordinance (thus not requiring Planning Board site plan approval) would such a variance also relieve the Applicants from obtaining site plan approval as otherwise required under Sections 275-3 and 275-4 of the Site Plan Review Regulations?*

Zoning Review / Determination:

No, any ZBA action can only apply to the Zoning Ordinance, any Land Use Regulations ie: section 275 adopted by the Planning Board would need any requested relief from the Planning Board, not the ZBA.

Your request/question:

2. *Assuming that there are no changes to that portion of the garage's footprint lying within the side yard setback, would any setback variance be required to convert the garage to a residential unit?*

Zoning Review / Determination:

That garage structure received a variance in 1974 for location, therefore the location within the setback is allowed by variance.

The proposed change of use requires variance(s).

Your request/question:

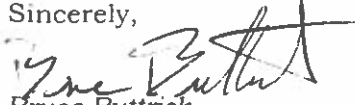
3. *Assuming there are no changes to that portion of the footprint of the existing two family structure lying within the front yard setback, would any variance be needed for the setback requirements for the two family home in connection with the conversion of the single family unit?*

Zoning Review / Determination:

The existing (2 Family) structure is "existing non-conforming" in relation to the front yard setback and no variance would be required. The 1981 variance granted was for use, as a 2 family.

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

encl: Nov 2, 2022 Zoning Determination Request & Zoning Determination #21-194

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.

**REQUEST FOR ZONING and/or PLANNING INFORMATION /
DETERMINATION
(November 2, 2022)**

79 Ferry Street (Map 174, Lot 197)

Attachment

This Attachment is integral part of the Request for Zoning and/or Planning Information / Determination with respect to 79 Ferry Street.

Introduction

79 Ferry Street (Map 174, Lot 197) consists of 0.51 acres of land (22,022 square feet) with a two-story, two family home, detached garage and two other small out buildings (the "Property"). The Property has 160.01 feet of frontage along Ferry Street. The Property is located in the TR District which has a 10,000 square foot minimum lot area requirement (for properties on town water and sewer) and a 90 foot minimum lot frontage requirement. The Property is serviced by town water and sewer.

On May 2, 1974, a variance was granted to permit the garage to be located in the side yard setback. On November 9, 1981, a variance was granted to permit a two family home on the Property. On October 23, 2019, while under prior ownership, a zoning violation was closed out by the removal of a kitchen in the unpermitted dwelling unit in the garage.

On December 23, 2021, Timothy Forrence (one of the four owners) submitted a Request for Zoning and/or Planning Information / Determination inquiring as to whether a third residential unit would be possible for the Property. Bruce Buttrick, Zoning Administrator / Code Enforcement Officer, issued Zoning Determination #21-194 determining that (i) a variance would be needed from Section 334-10A of the Zoning Ordinance because of multiple permitted uses on the lot (which would result if the garage was converted to a third dwelling unit, (ii) a special exception would be needed pursuant to Section 334-10D for that third unit and (iii) that site plan approval was required under Section 334-16C(2)(e).

In March of 2022, the voters of the Town of Hudson adopted Ballot Question No. 4 which amended Section 334-10 of the Zoning Ordinance to remove Section 334-10D, thus eliminating the requirement for a special exception for converting the garage to a third residential unit. The Applicants desire to convert the garage to a third residential unit (a detached single family unit). The Applicants recognize that a variance from Section 334-10A will be required as set forth in Zoning Determination #21-194. The Applicants have additional questions for which a zoning determination or information is hereby required.

The Property is depicted in the Existing Conditions Plan prepared by Keach-Nordstrom Associates, Inc. dated April 12, 2022, a copy of which is attached.

Questions

1. If a variance is granted from Section 334-16C(2)(e) of the Zoning Ordinance (thus not requiring Planning Board site plan approval) would such a variance also relieve the Applicants

from obtaining site plan approval as otherwise required under Sections 275-3 and 275-4 of the Site Plan Review Regulations?

2. Assuming that there are no changes to that portion of the garage's footprint lying within the side yard setback, would any setback variance be required to convert the garage to a residential unit?

3. Assuming there are no changes to that portion of the footprint of the existing two family structure lying within the front yard setback, would any variance be needed for the setback requirements for the two family home in connection with the conversion of the single family unit?

Discussion

1. It is respectfully submitted that if a variance is granted from Section 334-16C(2)(e) of the Zoning Ordinance, then by its terms Planning Board site plan approval would not be otherwise required by Sections 275-3 and 275-4 of the Site Plan Review Regulations. The Zoning Ordinance sets forth the core parameters for land use regulation in the Town of Hudson. Section 334-16C(2)(e) provides that no more than one single family home or duplex shall be constructed on one lot without Planning Board site plan approval. Since the Property already contains a two family dwelling (duplex) Zoning Determination #21-194 determined that site plan review approval would be required since the conversion of the garage to a single family dwelling would fall outside of the exception set forth in Section 334-16C(2)(e) in effect excepting out one single family dwelling or duplex, but not both together. However, if a variance is granted from Section 334-16C(2)(e) then site plan review approval would not be required by the zoning ordinance and logically not required under the Site Plan Review Regulations since Section 275-4 of the Site Plan Review Regulations has the same exception (other than one or two family residential activity) as set forth in the Zoning Ordinance. Therefore, for consistency in ordinance interpretation, if the variance is granted from Section 334-16C(2)(e) of the Zoning Ordinance, it should also eliminate the need for site plan approval under the Site Plan Review Regulations.

2. Section 334-31 of the Zoning Ordinance governs alteration or expansion of non-conforming structures. Section 334-31A provides that a non-conforming structure may be altered, reconstructed, externally or structurally modified, provided such alterations do not make any portion or portions of the existing structure non-conforming.

A portion of the garage is located in the side yard setback. Given its pre-existing nature, assuming that no changes to that portion of the garage's footprint located in the side yard setback are maintained, it is respectfully submitted that no variance is needed. In addition, it is submitted that alterations to the footprint of the garage located outside the side yard setback would not need a variance since such alterations would be in compliance with the side yard setback requirements.

3. The Applicants propose no changes to any portion of the two-family dwelling located within the front yard setback. Therefore, without any alterations to that structure, no variance should be required merely because variances are required in connection with converting the garage to a single-family dwelling unit.

Property Location: 79 FERRY ST
 Vision ID: 7815 Account # 2690

Parcel ID 174/197/000/1
 Bldg # 1

Card Address
 Card # 1 of 1

LUC 1040
 Print Date 01-27-2023 11:06:44

CURRENT OWNER		ASSESSING NEIGHBORHOOD		PREVIOUS ASSESSMENTS (HISTORY)									
PROPERTIES 79 FERRY LLC		Nbhd	Nbhd Name	Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed	
11 LEDGE ST.		RD	Residential Avg/Fair	2022	1040	292,200	2022	1040	164,500	2021	1040	164,500	
NASHUA NH 03060		YOPO	UTILITIES			132,400			88,500			88,500	
		Level	Town Water			18,200			26,400			26,400	
			Town Sewer										
Total						442,800	Total						279,700
Total							Total						279,400

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
PROPERTIES 79 FERRY LLC		8476 2846	05-20-2021	U	I	375,000	25	no mts. appears valid	Appraised Bldg. Value (Card)				292,200
FUN PROPERTIES, LLC		9016 2177	10-12-2017	U	I	0	40	Grantor FUN PROPERTIES, LLC.	Appraised Xf (B) Value (Bldg)				0
JEAN, RICHARD W.		8472 1920	09-10-2012	U	I	0	39	Grantor JEAN, RICHARD W.	Appraised Ob (B) Value (Bldg)				18,200
JEAN, RICHARD W.		6923 1414	05-06-2003	U	I	146,300	44	Grantor JEAN, RICHARD W. Grantor DUMONT, ANTHONY.	Appraised Land Value (Bldg)				132,400
									Special Land Value				0
									Total Appraised Parcel Value				442,800
									Valuation Method				C
Total:									442,800	442,800	Total Appraised Parcel Value		442,800

SUPPLEMENTAL DATA		CURRENT ASSESSMENT			
Parcel ID	174-197-000	Descrpt	Code	Appraised	Assessed
Zoning	TR:TOWN RESD	BLDG	1040	292,200	292,200
Flood Hazard	C	LAND	1040	132,400	132,400
Neigh/Abut1		OB	1040	18,200	18,200
Neigh/Abut2					
Neigh/Abut3					
GIS ID	174-197-000				
	PREV 0056-0103-0000				
	Assoc Pid#				
Total:				442,800	442,800
Total Appraised Parcel Value				442,800	

NOTES		VISIT / CHANGE HISTORY			
		Date	Id	Cd	Purpost/Result
2019, owner has removed the illegal 3rd unit that had been operating in the "CAB IN": FULL BTH AND FURNACE IN ATTIC (PDAS) 2019 EXTERIOR = SIDING, WINDOWS, ROOF .existing non-conforming 2 fam'ly per Z A 10/19 EXT VG TEMP CARPORT=NV		07-19-2022	28	45	Field Review
		09-13-2021	21	30	Sales Data Verification
		10-30-2019	19	02	Measured
		10-22-2019	12	14	Inspected
		08-26-2019	01	20	Other Change
		11-20-2013	15	02	Measured
		03-26-2007	10	03	Meas/Inspect
		08-18-2005	01	71	Increase Adjustment From New Map

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

LAND LINE VALUATION SECTION													
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acreage Dec	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	
1	1040	TWO-FAMILY DWELLIN	Site	0.489 AC	170,000		1.67	5	1.00	RD	0.95	132,400	
Total Card Land Units:				0.489 AC	Parcel Total Land Area:				0.489	AC	Total Land Value:		132,400

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

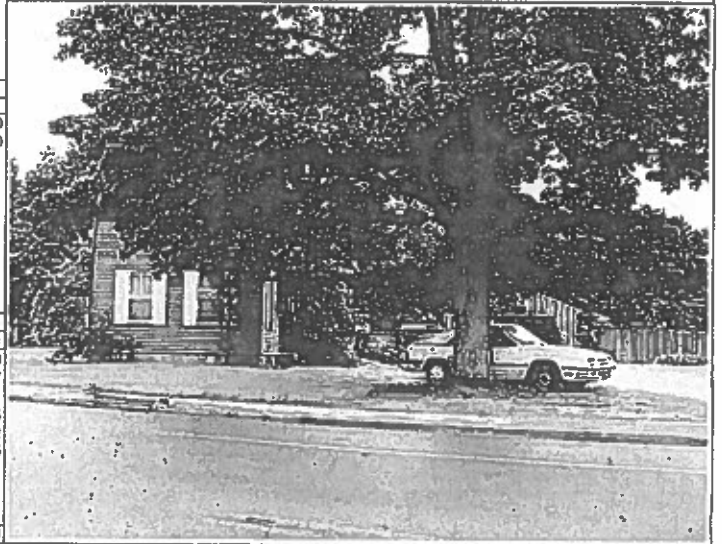
Property Location: 79 FERRY ST
 Vision ID: 7815 Account #: 2690

Parcel ID: 174/ 197/ 000/ 1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1040
 Print Date: 01-27-2023 11:06:45

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)			SKETCH / PRIMARY PHOTO			
Element	Cd	Description	Element	Cd	Description				
Model	01		Avg H/WFL	8					
Stories:	2		Extra Kitchens	0					
Style:	113	NEW ENGLANDR	Add Kitchen Ra						
Grade:	C-	Avg/Fair							
(L/v) Units	2								
Exterior Wall 1	04	Vinyl							
Roof Structure	01	Gable							
Roof Cover	01	Asph Shing							
Frame	01	Wood							
Foundation	03	Brick/Stone							
Interior Wall 1	01	Drywall							
Interior Floor 1	04	Carpet							
Heat Fuel	02	Gas							
Heat Type	01	Forced Air							
# Heat Systems	1								
AC Percent	0								
Total Rooms	7								
Bedrooms	3								
Full Baths	3								
3/4 Baths	0								
Half Baths	0								
Extra Fixtures	0								
Kitchens	2								
Kitchen Rating	AV	Average							
Bath Rating	AV	Average							
Half Bath Rating									
Bsmnt Garage	0								
Fireplace(s)	1								
Fireplace Rating	AV	Average							
WS Flues	0								
Color	GRAY								
Avg H/WFL	8								
Extra Kitchens	0								
			COST / MARKET VALUATION						
			Building Value New		380,731				
			Year Built		1900				
			Effective Year Built		2003				
			Depreciation Code		VG				
			Remodel Rating						
			Year Remodeled						
			Depreciation %		19				
			Functional Obsol						
			External Obsol						
			Trend Factor		1.000				
			Condition						
			Condition %						
			Percent Good		81				
			RCNLD		292.200				
			Dep % Ovr						
			Dep Ovr Comment						
			Mic Imp Ovr						
			Mic 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 Bilt	Cnd.	% G	Assd. Value
CABIN	Cabin	L	576	SQ. FT	52.58	1900	AV	60	18,200
SHEDNV	Shed No Value - Less Than 1	L	36	UNITS	0.00	2019	AV	60	0
BUILDING SUB-AREA SUMMARY SECTION									
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value			
ATC	Attic, Finished	104	414	104	35.75	14,789			
BMT	Basement, Unfinished	0	603	151	35.63	21,487			
FFL	First Floor, Finished	1,783	1,783	1,783	142.30	253,721			
HST	Half Story, Finished	88	185	88	71.51	13,945			
SFL	Second Floor, Finished	388	388	388	142.30	55,212			
WDK	Wood Deck, or Composite Dk	0	111	11	14.10	1,565			
Total Liv Area/Gr. Area/Eff Are		2,373	3,494	2,535	Total Value	380,729			



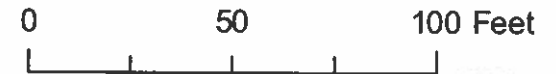
79 FERRY STREET



January 27, 2023

 Parcels

1 inch = 47 feet

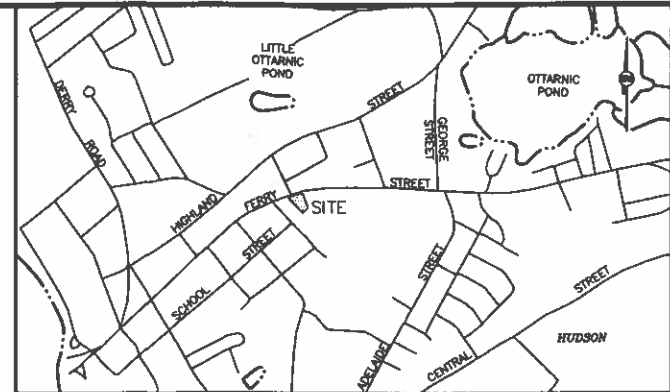
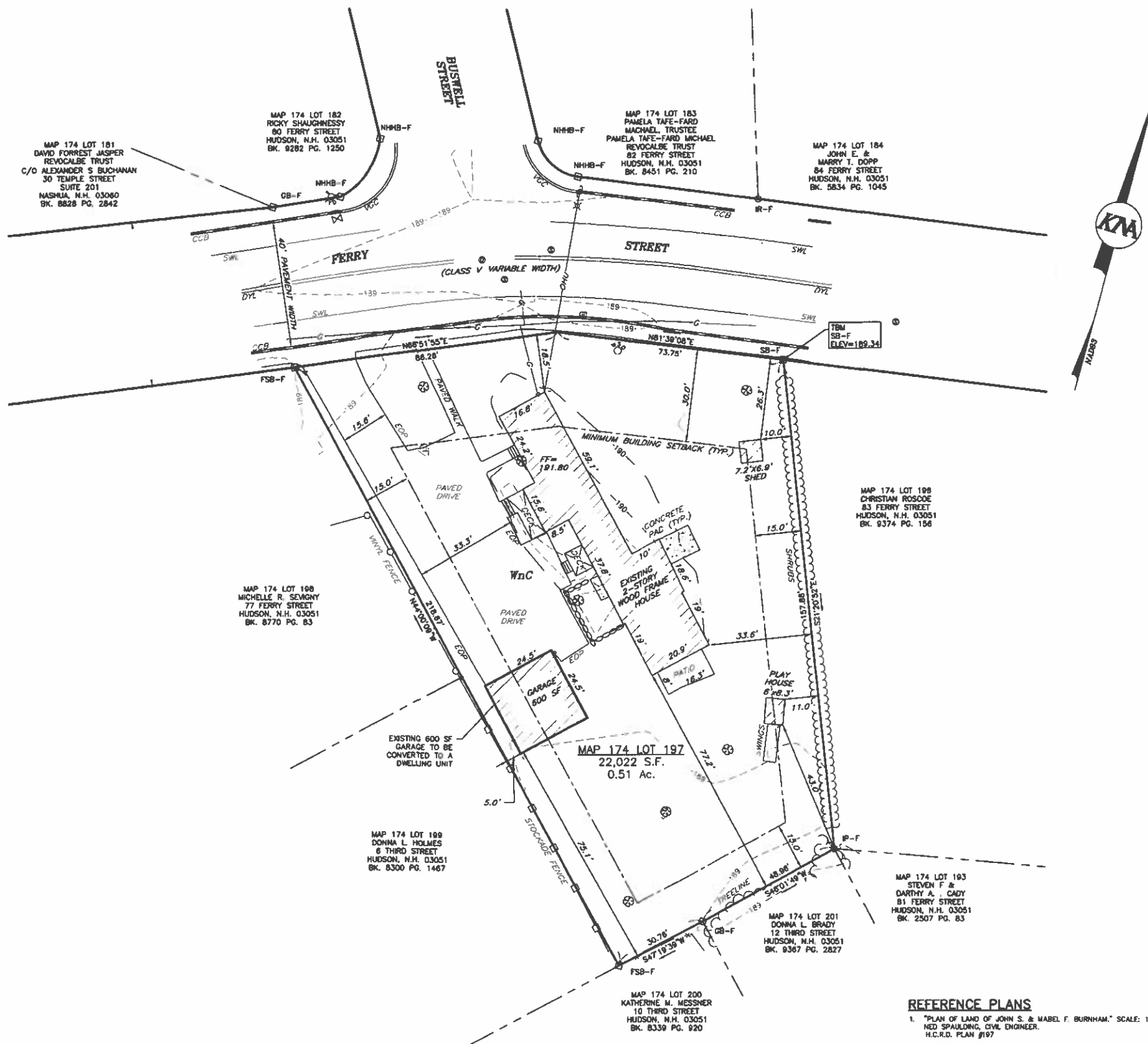


LEGEND

- FSB-F FIELD STONE BOUND FOUND
- SB-F STONE BOUND FOUND
- NHHB-F-F N.H. HIGHWAY BOUND FOUND
- GB-F GRANITE BOUND FOUND
- IP-F IRON PIPE FOUND
- ⊗ STREET LIGHT
- ⊕ WATER VALVE
- ⊕ HYDRANT
- ⊕ WATER SHUT OFF
- ⊕ SEWER MANHOLE
- ⊕ DRAINAGE MANHOLE
- ⊕ CATCH BASIN
- ABUTTER LINE
- PROPERTY LINE
- STOCKADE FENCE
- VINYL FENCE
- WIRE WIRE FENCE
- OHU OVERHEAD UTILITIES
- G GAS LINE
- T TREELINE
- CCB CAPE COD BERM
- VGC VERTICAL GRANITE CURB
- EOP EDGE OF PAVEMENT
- 10' CONTOUR
- 2' CONTOUR
- SETBACK

SCS SOILS LEGEND

WnC WINDSOR-URBAN LAND COMPLEX
3 TO 15% SLOPES
SOURCE: USDA-SCS WEB SOIL SURVEY
HILLSBOROUGH COUNTY



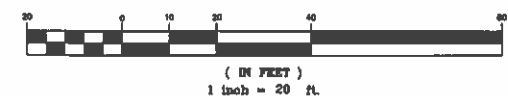
VICINITY PLAN
SCALE: 1" = 1000'

- NOTES:**
- THE PURPOSE OF THIS PLAN IS TO DEPICT THE CONVERSION OF THE EXISTING GARAGE INTO A DWELLING UNIT ON MAP 174 LOT 197 IN THE TOWN OF HUDSON, NEW HAMPSHIRE.
 - EXISTING AREA OF PARCEL = 22,022 S.F. OR 0.51 ACRES.
 - OWNER OF RECORD:
PROPERTIES 79 FERRY LLC
11 LEDGE STREET
NASHUA, N.H. 03080
BK. 9476 PG. 2846
 - THE SUBJECT PARCEL IS LOCATED ENTIRELY WITHIN THE TOWN RESIDENTIAL (TR) ZONING DISTRICT.
 - DIMENSIONAL REQUIREMENTS (LOCAL ROADWAY) FOR A LOT WITHIN THE TOWN RESIDENTIAL ZONE ARE AS FOLLOWS:

TABLE OF ZONING REQUIREMENTS			
DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	10,000 SF	22,022 SF	22,022 SF
MINIMUM LOT FRONTALAGE	90 FT	180 FT	180 FT
FRONT YARD SETBACK	30 FT	18.5 FT	18.5 FT
SIDE YARD SETBACK	15 FT	5 FT	5 FT
REAR YARD SETBACK	15 FT	43 FT	43 FT

- TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON ARE BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE IN APRIL OF 2022.
- THE HORIZONTAL DATUM IS NAD 83 AND THE VERTICAL DATUM NAVD 88 BASED ON NHDOT CONTROL POINT 315-0910.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF HUDSON N.H., HILLSBOROUGH COUNTY, MAP NUMBER 33011C05180, PANEL 518 OF 701, EFFECTIVE DATE, SEPTEMBER 25, 2009 INDICATES THAT NO PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR OR OWNER SHALL CONTACT DIG-SAFE AT 811.
- EASEMENTS, RIGHTS AND RESTRICTIONS SHOWN OR IDENTIFIED HEREON ARE THOSE FOUND DURING RESEARCH AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS. OTHER EASEMENTS, RIGHTS AND RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF THE SUBJECT PREMISES MAY DETERMINE.
- VARIANCES ARE REQUESTED FROM (I) SECTION 334-10(A) TO ALLOW MULTIPLE PRINCIPAL USES IN THE FORM OF A TWO-FAMILY DWELLING (EXISTING) AND A THIRD DWELLING (GARAGE CONVERTED TO DWELLING UNIT) AND (II) THE REQUIREMENT FOR SITE PLAN APPROVAL UNDER SECTION 334-16(C)(2)(e).

GRAPHIC SCALE



ZONING BOARD OF ADJUSTMENT PLAN
FERRY STREET
MAP 174 LOT 197
79 FERRY STREET
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER/APPLICANT:
PROPERTIES 79 FERRY LLC
11 LEDGE STREET
NASHUA, N.H. 03080
BK. 9476 PG. 2846

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

- REFERENCE PLANS**
- "PLAN OF LAND OF JOHN S. & MABEL F. BURRHAM." SCALE: 1"=40'. DATED: MARCH 1984. PREPARED BY: H.C.R.D. PLAN #197
 - "SUBDIVISION OF GEORGE CADY & BARBARA CADY PROPERTY." SCALE: 1"=40'. DATED: JUNE, 1978. PREPARED BY: WILLIAM A. BEAN JR. R.L.S. H.C.R.D. PLAN #9578
 - "BOUNDARY PLAN--LOTS 104 & 105/MAP 56." SCALE: 1"=20'. DATED: MARCH 1984. PREPARED BY: MAYNARD & PAQUETTE, INC. H.C.R.D. PLAN #16625

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE DURING APRIL OF 2022. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1/10,000) OR BETTER.

[Signature]
LICENSED LAND SURVEYOR

1/17/23
DATE

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: JANUARY 17, 2023
PROJECT NO: 22-0323-3

SCALE: 1"=20'
SHEET 1 OF 1



UTILITY NOTE

THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN DRAWN FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING DRAWINGS. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, KEACH-NORDSTROM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-NORDSTROM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

Printed
2/02/2023
5:02PM
Created
2/02/2023
4:53 PM

Transaction Receipt

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

Receipt# 717,066
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application- 2/23/23 ZBA Mtg. 79 Ferry Street Map/Lot 174-197-000 TR Zone Variance Application	0.00	243.8800	0.00
			Total:	243.88

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Properties 79 Ferry LLC	CHECK	CHECK# 1405	185.00	0.00	185.00
Properties 79 Ferry LLC	CHECK	CHECK# 1406	58.88	0.00	58.88
			Total Due:		243.88
			Total Tendered:		243.88
			Total Change:		0.00
			Net Paid:		243.88



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 – January 26, 2023 – as edited

The Hudson Zoning Board of Adjustment met on Thursday, January 26, 2023 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

Acting Chair Jim Pacocha called the meeting to order at 7:00 PM and invited everyone to stand and join in the Pledge of Allegiance.

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

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

- 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.]

Mr. Buttrick stated that he has received a request to defer hearing on this Case to the February meeting as the Applicant is ill and referred to the Supplemental Meeting Packet for the email dated 1/23/2023 from Jeff Davis.

Not Official until reviewed, approved and signed.

As Edited [BB, [NM](#)]

42
43 Motion made by Mr. Martin and seconded by Mr. Nichols to defer the Case to
44 the 2/23/2023 per the Applicant's request. Roll call vote was 5:0. Motion
45 passed. Case deferred to the 2/23/2023 meeting.

46
47 **V. REQUEST FOR REHEARING:** None
48

49 No requests were presented for Board consideration.

50
51 **VI. REVIEW OF MINUTES:**
52

53 12/08/22 edited Draft Minutes
54

55 The edited 12/8/2022 draft Minutes were reviewed. Question was raised on
56 the edits applied on Page 3 Line 22 and comment made that it appeared
57 "jibberishgibberish" with all the strikethroughs. Mr. Buttrick [downloaded the](#)
58 [draft from the Town's website and](#) read the section as edited and no additional
59 edits were made to the section questioned or to the edited Minutes. Mr. Martin
60 made the motion to approved the 12/8/2022 Minutes as edited and presented.
61 Mr. Nicolas seconded the motion. Vote was 5:0.

62
63 **VII. OTHER:**
64

65 Election of Zoning Board of Adjustment Officers
66

67 **Chairman:** Mr. Buttrick stated that he broached the possibility with Mr.
68 Daddario prior to the meeting and stated that he would be willing to continue
69 as Chairman. Motion made by Mr. [Dakati-Sakati](#) and seconded by Mr. Nicolas
70 to nominate Gary Daddario to continue as Chairman. Being no other
71 nominations presented, Mr. Martin made the motion to close the nominations
72 and elect Gary Daddario by acclamation. Mr. Nicolas seconded the motion.
73 Vote was unanimous. Motion carried. Gary Daddario re-elected as Chairman
74 for 2023.

75
76 **Vice Chairman:** Motion made by Mr. Pacocha and seconded by Mr. Nicolas to
77 nominate Normand Martin as Vice Chairman. No other nominations were
78 presented. Mr. Pacocha made the motion to close nominations and elect
79 Normand Martin by acclamation. Mr. Nicolas seconded the motion. Vote was
80 unanimous. Normand Martin elected as Vice Chairman for 2023.

81
82 **Clerk:** The challenge for a Regular Voting Member to also be a Clerk was
83 noted. Mr. Sakati made the motion to nominate Edward Thompson. Mr.
84 Nicolas seconded the motion. Mr. Thompson stated that the Board recently
85 discussed the role of the Clerk and asked [was-what](#) had been reached. The

86 ByLaws were reviewed. Mr. Thompson accepted the nomination. Vote was
87 unanimous. Ed Thompson elected as Clerk for 2023.
88

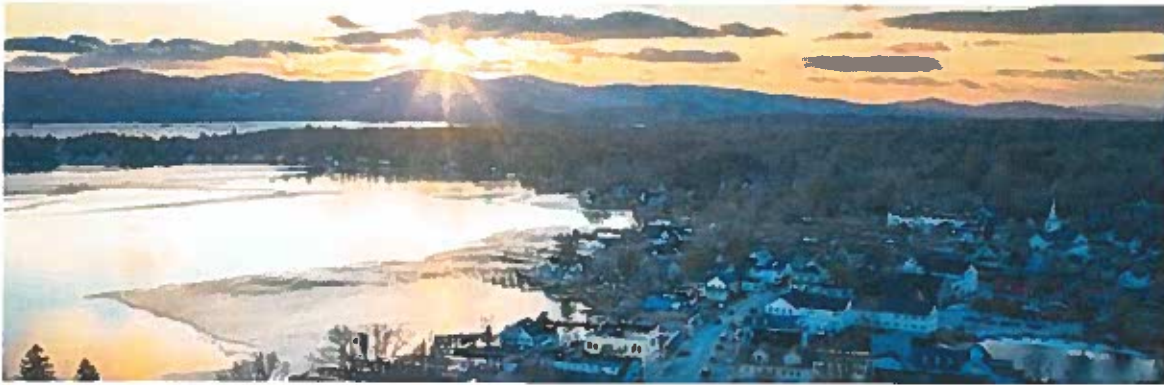
89 Miscellaneous
90

91 Mr. Buttrick stated that there is a new updated RSA Book and that all
92 Members have been issued a badge. Mr. Buttrick noted that the State of NH
93 has offered an optional test and upon successful completion a “frame-able”
94 certificate is available and that he would forward the link. Mr. Sakati noted
95 that the training video [of the NHMA presentation to the ZBA](#) was very good.
96

97 Mr. Buttrick stated that the Court hearing was held for the appeal on the 8
98 Washington Drive Case, that the Judge did do a Site Walk and remanded the
99 Case back to the ZBA for reevaluation of the hardship criteria. Mr. Sakati asked
100 if the Board should schedule a Site Walk. Mr. Buttrick noted that there is a
101 full Agenda for the February meeting but the Board could schedule a Site Walk
102 for the second Thursday. The option was discussed and consensus reached to
103 do individual drive-by review. Mr. Pacocha cautioned everyone to be mindful
104 about engaging ~~un~~-in any side conversations until it formally comes before the
105 Board.
106

107
108 Motion made by Mr. Martin, seconded by Mr. Nicolas and unanimously voted
109 to adjourn the meeting. The 1/26/2023 ZBA meeting adjourned at 7:25 PM
110

111
112 Respectfully submitted,
113 Louise Knee, Recorder



Planning & Zoning Spring 2023 Conference- Save the Date!

Save the date for the NH Office of Planning and Development's Spring 2023 Planning and Zoning conference.

- **When:** Saturday, April 29, 2023 from 8:45 AM to 3:30 PM
- **Where:** Online (each session will be recorded and available after conference)
- **Cost:** Free
- **Registration Opens:** March 17, 2023

Please note that this year's conference will be held virtually, but new this year it will only take place over one full Saturday. There will be six tracks including: Planning Board, Zoning Board of Adjustment, Historic Preservation, Housing, Data & Mapping, and Special Topics.

More details, including a tentative agenda, will be available soon on our [conference's web page](#).

We look forward to seeing you then!
NH Office of Planning and Development