



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 – April 27, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **April 27, 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).

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

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

1. **Case 174-197 (04-27-23)(deferred from 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.]

NEW HEARINGS:

1. **Case 191-042 (04-27-23):** Christopher Reilly, **24 B Street, Hudson, NH** requests a Variance to install an above ground pool within the front yard setback leaving 15 feet (“A” street side) where 30 feet is required. [Map 191, Lot 042-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
2. **Case 204-003 (04-27-23):** Daniel Proulx, Jr., Managing Member of Monument Construction, LLC, **149 Lowell Rd., Hudson, NH** requests a Variance to allow a proposed gravel area for equipment storage in the rear of the existing garage (to be converted to office space) and three (3) 8’ x 40’ storage containers on a ¼” stone pad constituting an Industrial Use as a Contractor’s Yard (E-15) where it is not permitted in the Business Zone. [Map 204, Lot 003-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
3. **Case 110-011 (04-27-23):** Donald Lamothe, **19 Putnam Rd., Hudson, NH** requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain approx. eight (8) feet in the rear yard setback where 15 feet is required. [Map 110, Lot 011-000; Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
4. **Case 136-001 (04-27-23):** Joseph A Miara, Jr., Trustee, Granite Realty Trust, **12 Bockes Road, Hudson, NH** requests a Variance to build a proposed 80 ft. x 120 ft. garage and attached 80 ft. x 45 ft. covered awning. This is an expansion of an existing, non-conforming use, not permitted in the R-2 district. [Map 136, Lot 001-000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]
5. **Case 165-139 (04-27-23):** Kevin A. & Lucie Y. Jeffery, **99 Webster St., Hudson, NH** requests a Variance to allow a proposed 805 sq. ft. deck expansion on an existing non-conforming structure. The deck expansion encroaches 12.7 feet into the side yard setback leaving 2.3 feet where 15 feet is required and 30.8 feet into the front yard setback leaving 19.2 feet where 50 feet is required. [Map 165, Lot 139-000, Zoned Business (B); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

V. REQUEST FOR REHEARING: None

VI. REVIEW OF MINUTES:

03/09/23 edited Draft Minutes; 03/23/23 edited Draft Minutes

VII. OTHER:

- 1) Reminder: Planning & Zoning Spring 2023 Conference- **Saturday, April 29, 2023** 8:45 AM-3:30 PM
- 2) Reminder: May 11, 2023 carry-over ZBA mtg

Bruce Buttrick, Zoning Administrator

REMINDER:

Please bring the following case application previously mailed in your 02/23/2023 ZBA Meeting Packet:

Case 174-197: 79 Ferry St.

**Variance Application
(Deferred to 04-27-2023)**

HUDSON ZONING BOARD OF ADJUSTMENT
REQUEST FOR WITHDRAWAL WORKSHEET

On **04/27/2023**, The Hudson Zoning Board of Adjustment heard Case **174-197 (deferred from 02-23-23)**, being a request by **Properties 79 Ferry LLC, represented by Kenneth Forrence, Member, 11 Ledge St., Nashua, NH** and now requests a **withdrawal of the Variance request 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.]**

Y N Members sitting on the Zoning Board of Adjustment vote to accept this withdrawal request without prejudice.

Signed: _____ Date: _____
Sitting Member of the Hudson ZBA

Print Name: _____

Goodwyn, Tracy

From: Buttrick, Bruce
Sent: Tuesday, March 21, 2023 2:08 PM
To: 'tim@gatecityfence.com'
Cc: Gary Daddario; Goodwyn, Tracy; Brad Westgate
Subject: RE: 79 ferry street

Tim,

1) Thank-you for the update/status and your plans for the detached structure.

2) I will accept this as the "written notice" and will note at your case/application at the April 27 cont'd hearing, this request for withdrawal in accordance with the ZBA's bylaws as follows:

§ 143-10 Deferment and Withdrawal.

A. After public notice has been given, each application presented to the Board for consideration may be deferred or withdrawn only by action of the Board, following receipt of written notice to the Zoning Administrator or to the Board, itself, by the applicant. A sitting member must make a motion to defer until the next regular meeting or a date specific, that motion must be seconded and voted on by the sitting members of the case in question, and abutter notice shall be presumed to have been accomplished by the decision of the Board's vote.

3) Please apply for a building permit (paper trail) to convert the "detached" bldg. to storage for the existing residential units use.

Bruce

Bruce Buttrick
Zoning and Code Enforcement

Town of Hudson

Land Use Division
12 School Street
Hudson, NH 03051
Ph: (603) 886-6008
F: (603) 594-1142



From: tim@gatecityfence.com <tim@gatecityfence.com>
Sent: Tuesday, March 21, 2023 1:41 PM
To: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Subject: 79 ferry street

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Good Day Bruce,

From: tim@gatecityfence.com <tim@gatecityfence.com>

Sent: Tuesday, March 21, 2023 1:41 PM

To: Buttrick, Bruce <bbuttrick@hudsonnh.gov>

Subject: 79 ferry street

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

Good Day Bruce,

This is Tim Forrence, of 79 Ferry St. Hudson. I am reaching out in regards to the zoning board meeting in February, we pushed out until April. I am not sure if attorney Brad Westgate reached out on our behalf, but I just wanted to confirm we will not be pursuing our original goal of getting another unit and to remove us from the docket. I am curious, if we wanted to turn the existing building into storage for our tenants if that involved a building permit or if any other permit is required?

Thanks,

Tim Forrence

Gate City Fence Co. Inc.

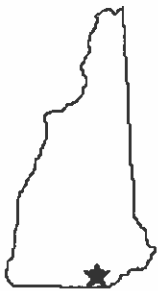
11 Ledge St.

Nashua, NH 03060

tim@gatecityfence.com

office: (603)883-3217

fax: (603)882-0616



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 *2/24/23* Meeting Date: April 27, 2023

Case 191-042 (04-27-23): Christopher Reilly, 24 B Street, Hudson, NH requests a Variance to install an above ground pool within the front yard setback leaving 15 feet ("A" street side) where 30 feet is required. [Map 191, Lot 042-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Address: 24 B Street

Zoning district: Town Residence (TR)

Summary:

Requests a variance to locate an A/G pool within a front yard setback that is being used as a side yard, and to comply with side yard setbacks, as this parcel is a corner lot.

Property description:

Our records indicate this parcel is an existing conforming developed lot with 12,196 Sq ft where 10,000 sq ft is required and is a **corner lot** with 124 ft frontage on B St and 135 ft frontage on A St, where 90 ft is required. This is a conforming use (single family).

In-House comments:

Inspectional Services/Fire Dept: no comments

Town Planner: no comments

Town Engineer: yes

History/Attachments:

A: B.P. # 2003-116 dated 10-Sept-2002 "Construct a 10' x 12' shed".

B: B.P. # 2005-590 dated 17-Jun-2005 "Construct a 27' x 27' deck for hot tub".

C: In house comments from Town Engineer.

Building Permit

Amount Paid

Date **10-Sep-2002** Permit# **2003-116**

Applicant **David & Phobe Marinoble 24 B Street**

Contractor's License

Permit To **Addition**

0 Story **One Family**

of Dwelling Units **0**

At (Location) **24 B Street**

Zoning District

Between **A Street**

And **County Road**

Subdivision

Map **49**

Lot **15**

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 10' x 12' shed.

Area or Volume

0 Estimated Cost \$

\$2,500.00

Permit Fee \$

\$25.00

Owner

The Marinoble Family Revocable Trust

Approved

William A. O'Brien

Address

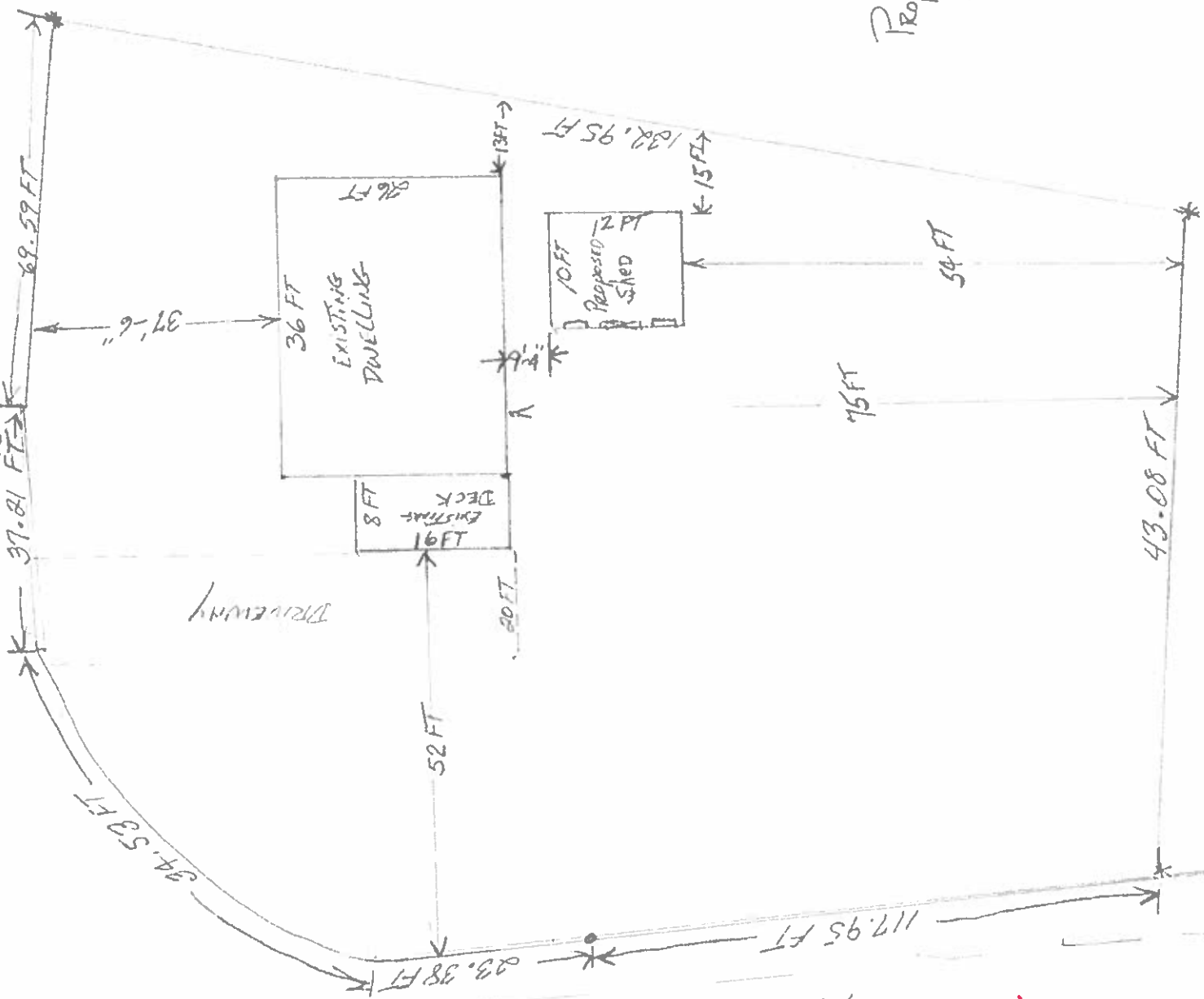
24 B Street, Hudson, NH 03051

Date

SEP 10 2002

A

B ST.



LOT 13
 Book 3397
 PG. 21

PART of Subdivision
 PLAN PART II, TESSIER
 HEIGHTS, Belknap Rd,
 HUDSON NH dated 26 Apr
 1960, DH Hamilton, Surveyor

PROPERTY of
 THE MARINOOLE Family
 REVOCABLE TRUST
 24 B ST.
 HUDSON, NH 03051

PROPOSED SHED
 LOCATION



A ST

A₂

Building Permit

Date 17-Jun-2005 Permit# 2005-590

Applicant Chris Griffin

24 B Street

Contractor's License

Permit To Deck

0 Story One Family

of Dwelling Units 0

At (Location) 24 B Street

Zoning District

Between A Street

And Belknap Road

Subdivision

Map 191

Lot 42

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 27' x 27' deck.

2' x 10's are required at the hot tub.

Area or Volume

0 Estimated Cost \$

\$1,200.00

Permit Fee \$

\$55.00

Owner

Chris Griffin

Approved

William A. O'Brien

Address

24 B Street, Hudson, NH 03051

Date

JUN 17 2005

6/17/05 - Spoke w/ Chris

B.

2x8

42" oc 44" - current

50' ±

Stairs

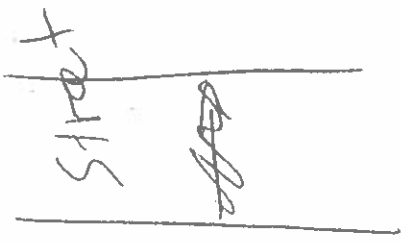
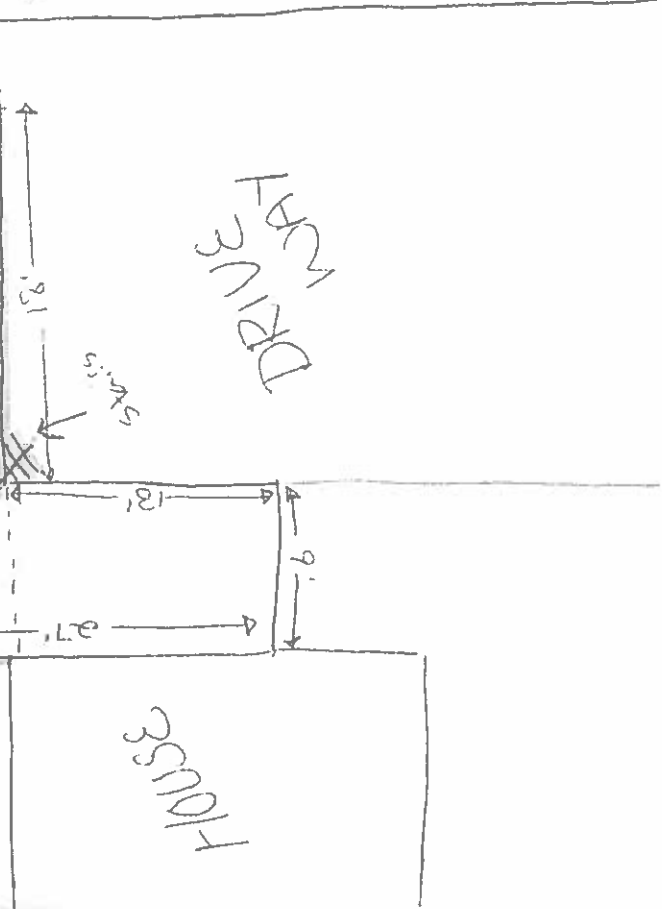
27'



SHED

HOUSE

DRIVEWAY



20' ±

Proposed deck

Existing deck

Current end of deck



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

REQUEST FOR REVIEW/COMMENTS:

Case: 191-042 (04-27-23) (VARIANCE)

Property Location: 24 B Street

For Town Use

Plan Routing Date: 03/17/2023 Reply requested by: 03/24/2023 ZBA Hearing Date: 04/27/2023

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 03/20/2023
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

Applicant shall provide location of the backwash discharge

C

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 4-17-23)**

On **04/27/2023**, the Zoning Board of Adjustment heard **Case 191-042**, being a case brought by **Christopher Reilly, 24 B Street, Hudson, NH** requests a **Variance to install an above ground pool within the front yard setback leaving 15 feet (“A” street side) where 30 feet is required.** [Map 191, Lot 042-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

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

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

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

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

(Continue-next page-Hardship Criteria)

TOWN OF HUDSON

APPLICATION FOR A VARIANCE

MAR 17 REC'D
2023

TS

Zoning Department

Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 191-042 (04-27-23)
Date Filed 3/17/23

Name of Applicant Christopher Reilly Map: 191 Lot: 42 Zoning District: TR

Telephone Number (Home) 603-341-0131 (Work) _____

Mailing Address 24 B Street, Hudson, NH 03051

Owner Christopher Reilly

Location of Property 24 B Street, Hudson, NH 03051
(Street Address)

[Handwritten Signature]
Signature of Applicant

3/2/23
Date

Signature of Property-Owner(s)

3/2/23
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: 3/17/23

COST:

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

Abutter Notice:

12 Direct Abutters x Certified postage rate \$ 4.78 = \$ 57.36

12 Indirect Abutters x First Class postage rate \$ 0.63 = \$ 7.56

Total amount due: \$ 249.92

Amt. received: \$ 249.92

Receipt No.: 722,054

check #
2426

Received by: TS

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

Engineering Fire Dept. Health Officer _____ Planner Other _____

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
<u>CR</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>CR</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 13 (thirteen) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>CR</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>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>CR</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>CR</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>CR</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>CR</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 GIS Map attached.

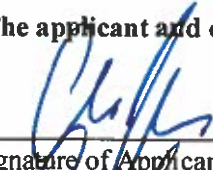
Not applicable, above ground pool

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

N/A

16

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



Signature of Applicant(s)

3/2/23

Date



Signature of Property Owner(s)

3/2/23

Date

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
191	42	Christopher Reilly	24 B St., Hudson, NH 03051
191	41	Noel Andres Perez Ashley Mollie Bennett Marchal	22 B St., Hudson, NH 03051
191	43	Jennifer D. Benning Justo J. Rivera	29 A St., Hudson, NH 03051
191	59	Daniel J. McKeon Mary E. Gannon	26 B Street, Hudson, NH 03051
191	60	Jason A. Broome, Sr.	29 B Street, Hudson, NH 03051
191	33	Robert A. Tate, Jr., Tr. Diane Tate, Tr. Tate Rev. Family Trust	27 B Street, Hudson, NH 03051
191	34	John J. Bobola	25 B Street, Hudson, NH 03051
191	58	Nicholas Leavitt Lisa Leavitt	30 A Street, Hudson NH 03051
191	34	Janice M. Weirs Joyce M. Wise	10 Deerwood Dr, Merrimack NH 03054 11 Hurley St., Hudson, NH 03051
191	34	James J. Bobola	747 Mammoth Rd, Unit 3, Manchester, NH 03104
Legal Representative		Israel F. Piedra, Esq.	29 Factory Street Nashua, NH 03060

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

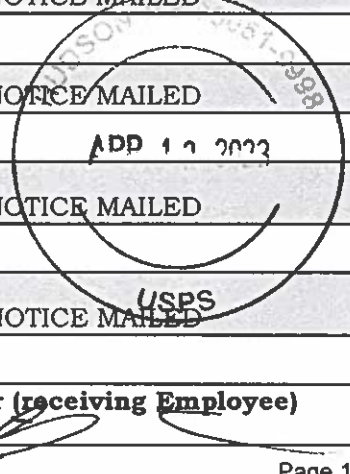
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
191	35	Tamye Caron	23 B Street, Hudson, NH 03051
191	40	Roland G. Michaud Marion I. Michaud	20 B St., Hudson, NH 03051
191	44	Deborah A. Yost	25 A St., Hudson, NH 03051
191	57	Calvin A. Kempton, Jr. Charles C. Kempton	28 A St., Hudson, NH 03051
191	56	Matthew E. Holland Mark A. Holland	5 F St., Hudson, NH 03051
191	36	David A. Tate, Tr. Rosemary A. Tate, Tr. Tate Revocable Family Trust	21 B St., Hudson, NH 03051
191	28	Christopher Ferentino	24 Belknap Rd, Hudson, NH 03051
191	29	Paul S. Simard	26 Belknap Rd, Hudson, NH 03051
191	30	Bethanne Almachar	28 Belknap Rd, Hudson, NH 03051
191	61	Pauline Boisvert Rev Trust	36 A St., Hudson, NH 03051
191	72	Aric L. Clarke Noreen Clarke	31 B St., Hudson, NH 03051
191	73	Shannon L. Baluta William J. Janocha	28 B St., Hudson, NH 03051

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 191-042 24 B Street (TR Zone) Map 191/Lot 042-000	VARIANCE 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting		
1	7022 3330 0000 3692 8484 REILLY, CHRISTOPHER S. 24 B STREET, HUDSON, NH 03051	APPLICANT NOTICE MAILED		
2	7022 3330 0000 3692 8491 PEREZ, NOEL ANDRES; MARCHAL, ASHLEY MOLLIE BENNETT 22 B ST., HUDSON, NH 03051	<i>Abutter</i> APPLICANT NOTICE MAILED		
3	7022 3330 0000 3692 8507 BENNING, JENNIFER D.; RIVERA, JUSTO J. 29 A STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
4	7022 3330 0000 3692 8514 MCKEON, DANIEL J.; GANNON, MARY E 26 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
5	7022 3330 0000 3692 8521 BROOME, JASON A. SR. 29 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
6	7022 3330 0000 3692 8538 TATE, ROBERT A. JR., TR.; TATE, DIANE, TR.; TATE REV. FAMILY TRUST 27 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
7	7022 3330 0000 3692 8545 BOBOLA, JOHN J. 25 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
8	7022 3330 0000 3692 8552 LEAVITT, NICHOLAS; LEAVITT, LISA 30 A ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED		
9	7022 3330 0000 3692 8569 WEIRS, JANICE M. 10 DEERWOOD DR., MERRIMACK, NH 03054	ABUTTER NOTICE MAILED		
10	7022 3330 0000 3692 8576 WISE, JOYCE M. 11 HURLEY ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED		
11	7022 3330 0000 3692 8583 BOBOLA, JAMES J. 747 MAMMOTH RD., UNIT 3, MANCHESTER, NH 03104	ABUTTER NOTICE MAILED		
12	7022 3330 0000 3692 8590 ISRAEL F. PIEDRA, ESQ. 29 FACTORY STREET, NASHUA, NH 03060	APPLICANT NOTICE MAILED		
Total Number of pieces listed by sender 12		Total number of pieces rec'd at Post Office 12	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# 191-042 VARIANCE 24 B Street (TR Zone) Map 191/Lot 042-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting
1	Mailed First Class	CARON, TAMYE	ABUTTER NOTICE MAILED
		23 B STREET, HUDSON, NH 03051	
2	Mailed First Class	MICHAUD, ROLAND G.;	ABUTTER NOTICE MAILED
		MICHAUD, MARION I.	
		20 B STREET, HUDSON, NH 03051	
3	Mailed First Class	YOST, DEBORAH A.	ABUTTER NOTICE MAILED
		25 A STREET, HUDSON, NH 03051	
4	Mailed First Class	KEMPTON, CALVIN A. JR.;	ABUTTER NOTICE MAILED
		KEMPTON, CHARLES C.	
		28 A STREET, HUDSON, NH 03051	
5	Mailed First Class	HOLLAND, MATTHEW E.;	ABUTTER NOTICE MAILED
		HOLLAND, MARK A.	
		5 F ST., HUDSON, NH 03051	
6	Mailed First Class	TATE, DAVID A., TR.;	ABUTTER NOTICE MAILED
		TATE, ROSEMARY A., TR.;	
		TATE REVOCABLE FAMILY TRUST	
		21 B STREET, HUDSON, NH 03051	
7	Mailed First Class	FERENTINO, CHRISTOPHER	ABUTTER NOTICE MAILED
		24 BELKNAP RD., HUDSON, NH 03051	
8	Mailed First Class	SIMARD, PAUL S.	ABUTTER NOTICE MAILED
		26 BELKNAP RD., HUDSON, NH 03051	
9	Mailed First Class	ALMACHAR, BETHANNE	ABUTTER NOTICE MAILED
		28 BELKNAP RD., HUDSON, NH 03051	
10	Mailed First Class	BOISVERT, PAULINE REV TRUST	ABUTTER NOTICE MAILED
		36 A STREET, HUDSON, NH 03051	
11	Mailed First Class	CLARKE, ARIC L.;	ABUTTER NOTICE MAILED
		CLARKE, NOREEN	
		31 B ST., HUDSON, NH 03051	
12	Mailed First Class	BALUTA, SHANNON L.;	ABUTTER NOTICE MAILED
		JANOCHA, WILLIAM J.	
		28 B ST., HUDSON, NH 03051	
Total # of pieces listed by sender	12	Total # of pieces rec'vd at Post Office 12	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

April 11, 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, **04/27/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 191-042 (04-27-23): Christopher Reilly, 24 B Street, Hudson, NH requests a Variance to install an above ground pool within the front yard setback leaving 15 feet ("A" street side) where 30 feet is required. [Map 191, Lot 042-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

Respectfully,

Bruce Buttrick

Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

April 11, 2023

ABUTTER NOTIFICATION

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for 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 VII of HZO Section(s) 334-27 in order to permit the following:

An above ground pool to be located within the property's front setback. The property is a 0.277 acre corner lot. Because there are "front" setbacks from both of the streets, there is very little land on the lot that is outside of the setbacks. The small amount of land outside the setbacks has topographical challenges and would require re-grading and construction of a retaining wall, which would be unduly burdensome and costly.

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.”)

Please see attached sheet.

- 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.”)

Please see attached sheet.

- 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.)

Please see attached sheet.

- 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.)

Please see attached sheet.

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

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

Please see attached sheet.

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

Please see attached sheet.

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

N/A

ATTACHMENT TO VARIANCE APPLICATION

FACTS SUPPORTING THIS REQUEST:

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

The proposed use is an above-ground pool for the Applicant and his family to use in their backyard. Because the Applicant's property is a corner lot, it is subject to "front setback" requirements on two sides of the lot instead of one. More specifically, because of his status as a corner lot, there is a 30 foot setback imposed on the yard area Applicant uses as his "side" yard, instead of the typical 5 foot "accessory building setback" for non-corner-lot side yards in the zone.

The optimal location for the proposed pool is within the "front setback" from Applicant's "side" yard. Because the lot is only 0.277 acres in size, there is minimal space in the backyard *not* encumbered by the setback, and the proposed location is flat and suitable for an above-ground pool.

The available area *outside* the setbacks is topographically unsuitable for a pool. Applicant has spoken with a pool installation expert and has been advised that the area outside the setbacks has slopes that would require re-grading and the construction of a retaining wall that would be unduly expensive and raise other concerns.

The primary purpose of setback requirements is to prevent the overcrowding of land. *See Devaney v. Windham*, 132 N.H. 302, 307 (1989). Here, the proposed use is very modest: an above ground pool. No new buildings will be constructed. There will be no overcrowding of land due to this proposal.

Additionally, the proposed pool will be in the property's back yard. It will be nowhere near the junction of the two streets that form the corner lot, and will therefore not serve as any visual impediment.

Therefore, the requested variance will not be contrary to the public interest.

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

The purpose of the Hudson Zoning Ordinance is to "promote the health, safety and general welfare of the inhabitants" of Hudson. HUDSON CODE § 334-2. The installation of an above-ground pool in a residential zone will not harm health, safety, or general welfare of Hudson citizens, and it will promote the health, safety, and general welfare of the Applicant and his family. It also will increase the property value of Applicant's home and surrounding homes.

The request is also in accord with the essential character of the TR zoning district: small residential lots which "reflect traditional New England town or village lot development

patterns.” HUDSON CODE § 334-18(C). A backyard pool is a quintessential part of suburban life. At least two direct abutters have pools, and many other houses in the neighborhood have pools.

Furthermore, none of the zoning purposes of setbacks will be impaired by the requested variance. As noted above, no overcrowding or safety concerns will result. Neither will there be any aesthetic change to the neighborhood. As such, the proposed use will observe the spirit of the ordinance.

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

Because of the property’s small lot size and status as a corner lot, the Applicant is left with very little buildable space on his property. The buildable space that is available does not have a suitable topography and would require re-grading and construction of a retaining wall. This would be onerous and unjust under the circumstances.

The Applicant’s request to install an above-ground pool is modest and reasonable. Granting this variance would do substantial justice to the Applicant by allowing him to utilize his property in a way that is reasonable and equitable, taking into consideration the rights of other property owners and the public interest.

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

A pool is a common feature in the neighborhood and will not negatively impact surrounding properties. Multiple abutters have pools themselves.

The pool will still be 60-100 feet away from the dwellings of abutters on the side where the variance is sought (because those abutters are all the way across the street). Indeed, the proposed use may raise the value of surrounding properties by raising the value of the Applicant’s property.

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

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

To start, the property has special conditions that distinguish it from other lots: it is a corner lot with an irregular shape and limited acreage. Because of its status as a corner lot, it has two 30-foot setbacks encumbering most of the property. It also only has contiguous abutters to the rear of the Applicant’s house; the front and side yards abut only the roadways.

Here, the irregular positioning of the lot mean that an onerous 30-foot “front” setback is effectively being applied to the property’s side yard. Lots in the zone *without* this irregular positioning have only a 5-foot side setback for accessory “buildings” such as pools. In other

words, if the Applicant's property had the same dimensions, but had another residential lot abutting to the north instead of A Street, there would only be a 5-foot setback requirement and no variance would be needed since the proposed pool is 15 feet from the "side" property line.

Applicant's property is also small in size at only 0.277 acres. The small amount of available land outside of the setbacks is topographically unsuitable for a pool and would require expensive re-grading of the land and construction of a retaining wall.

Strict adherence to the setback provisions under these circumstances would be unreasonable. It would heavily limit the Applicant's reasonable use of his property in a way other property owners are not restricted. The setback requirements are not served by literal enforcement in this situation.

B. Explain how the special conditions of the property cause the proposed use to be reasonable:

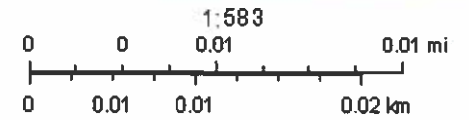
Because of the unique positioning and dimensions of the property, the pool will still be approximately 15 feet from Applicant's "side yard" property line. 15 feet is three times what the required "accessory building" setback would be for a true side yard abutting another lot (five feet). Additionally, the topography of the property makes the proposed location the optimal place to put a pool.

Thus, under the circumstances the requested variance is reasonable.

24 B Street



2/22/2023





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-037

March 16, 2023

Christopher Reilly
24 B Street
Hudson, NH 03051

Re: 24 B St Map 191 Lot 042-000
District: Town Residence (TR)

Dear Mr Reilly,

Request: to install an above ground pool within a required setback.

Zoning Review / Determination:

This parcel is an existing conforming developed lot with 12,196 Sq ft where 10,000 sq ft is required and is a corner lot with 124 ft frontage on B St and 135 ft frontage on A St, where 90 ft is required. This is a conforming use (single family).

The proposed location at 15 ft within the required "front" setback of 30 ft from A St. This proposal would require a **variance from HZO §334-27 Table of Minimum Dimensional Requirements.**

Sincerely,

Bruce Buttrick

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

cc: Public Folder
B. Groth, Town Planner
Att'y Piedra
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

#23-037



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 02/27/2023

Property Location 24 B Street, Hudson, NH
 Map 191 Lot 42 Sublot 600

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)

Applicant wishes to install above-ground pool approximately 28 feet in diameter approximately 15 feet from the property line on A Street. Applicant's property is a corner lot bounded by A Street and B Street. The proposed site is in the area which functions as the Applicant's backyard for his home. See attached proposed plot plan.
Please advise whether this proposal is permitted by zoning.

Applicant Contact Information:

Name: Christopher Reilly
 Address: 24 B Street, Hudson, NH
 Phone Number: 603-341-0131
 Email: ipiedra@lawyersnh.com (attorney)

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: Variance Application in process for 4/27/23 ZBA Mtg.

ZONING DETERMINATION LETTER SENT - DATE: _____

24 B Street

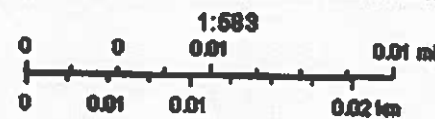


2/22/2023


135 F

69.54
37.21
17.26

124.06





 = STRUCTURES PROHIBITED
(REQUIRES SETBACK)

Property Location: 24 B ST
 Vision ID: 6761

Account #: 1166

Parcel ID: 191/042/000/1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 2/27/2023 11:09:10 A

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
REILLY, CHRISTOPHER S.		RE	Residential Average		2022	1010	272,500	2022	1010	162,900	2021	1010	162,900
24 B STREET		TOPO	UTILITIES			1010	126,600		1010	86,100		1010	86,100
HUDSON NH 03051		Rolling	Town Water			1010	2,800		1010	2,600		1010	2,600
			Town Sewer										
						Total	401,900	Total		251,600	Total		251,600

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	APPAISED VALUE SUMMARY			
REILLY, CHRISTOPHER S.				9266	2690	12-28-2019	Q	I	344,900	00	Appraised Bldg. Value (Card)		251,300
MCCARTHY, ALYSSA J.				9260	2570	12-28-2019	U	I	0	38	Appraised Xf (B) Value (Bldg)		21,200
MCCARTHY, ALYSSA J.				8394	2317	02-03-2012	Q	I	220,000	00	Appraised Ob (B) Value (Bldg)		2,800
GRIFFIN, CHRISTOPHER				7362	2121	11-18-2004	Q	I	255,000	00	Appraised Land Value (Bldg)		126,600
MARINOBLE, DAVID M., TR				6098	1379	04-27-1999	U	I		38	Special Land Value		0

SUPPLEMENTAL DATA				CURRENT ASSESSMENT								
Parcel ID	191-042-000			Descript	Code		Appraised	Assessed				
Zoning	TR:TOWN RESD			BLDG	1010		272,500	272,500				
Flood Hazard	C			LAND	1010		126,600	126,600				
Neigh/Abut1				OB	1010		2,800	2,800				
Neigh/Abut2												
Neigh/Abut3		PREV 0049-0015-0000										
GIS ID	191-042-000	Assoc Pid#					Total:	401,900	401,900	Total Appraised Parcel Value		401,900
									Total Appraised Parcel Value		401,900	

NOTES				VISIT / CHANGE HISTORY			
30' REAR DORMER. 6/19 EST PAT=IRREG SHAP				Date	Id	Cd	Purpost/Result
E.crown/coffered ciels/wainscotting in				07-10-2020	21	30	Sales Data Verification
dr				06-13-2019	19	02	Measured
				03-30-2012	12	25	Sale Data Verified And Inspected
				03-22-2012	12	30	Sales Data Verification
				11-30-2011	14	02	Measured
				08-04-2007	06	03	Meas/Inspect
				06-30-2006	04	15	Permit Visit
				09-08-2005	01	71	Acreeage Adjustment From New Man

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2016-00002	01-04-2016	MECH	Mechanical	3,500	C			Visit Notes: Gas Furnace;
2005-590	06-17-2005	DK	Deck	1,200	C			Visit Notes: 27x27;

LAND LINE VALUATION SECTION																
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value
1	1010	SINGLE FAMILY DWEL	Site	0.277	AC	170,000	2.68	5	1.00	RE	1.00					126,600

Total Card Land Units: 0.277 AC Parcel Total Land Area: 0.277 AC Total Land Value: 126,600

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

Property Location: 24 B ST
 Vision ID: 6761 Account #: 1166

Parcel ID: 191/042/000/1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 2/27/2023 11:09:10 A

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)			SKETCH / PRIMARY PHOTO			
Element	Cd	Description	Element	Cd	Description				
Model	01	Residential	Avg Ht/FL	8					
Stories:	1.75		Extra Kitchens	0					
Style:	04	Cape Cod	Add Kitchen Ra						
Grade:	C	Average							
(Liv) Units	1								
Exterior Wall 1	04	Vinyl							
Roof Structure	01	Gable							
Roof Cover	01	Asph Shing							
Frame	01	Wood							
Foundation	01	Concrete							
Interior Wall 1	01	Drywall							
Interior Floor 1	03	Hardwood							
Heat Fuel	02	Gas							
Heat Type	01	Forced Air							
# Heat Systems	1								
AC Percent	100								
Total Rooms	7								
Bedrooms	4								
Full Baths	2								
3/4 Baths	0								
Half Baths	1								
Extra Fixtures	0								
Kitchens	1								
Kitchen Rating	AV	Average							
Bath Rating	AV	Average							
Half Bath Rating	AV	Average							
Bsmt Garage	0								
Fireplace(s)	0								
Fireplace Rating									
WS Flues	0								
Color	BEIGE								
Avg Ht/FL	8								
Extra Kitchens	0								
			COST / MARKET VALUATION						
			Building Value New		299,148				
			Year Built		1962				
			Effective Year Built		2006				
			Depreciation Code		GD				
			Remodel Rating						
			Year Remodeled						
			Depreciation %		16				
			Functional Obsol						
			External Obsol						
			Trend Factor		1.000				
			Condition						
			Condition %						
			Percent Good		84				
			RCNLD		251,300				
			Dep % Ovr						
			Dep Ovr Comment						
			Misc Imp Ovr						
			Misc Imp Ovr Comment						
			Cost to Cure Ovr						
			Cost to Cure Ovr Comment						
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
HTUB		B	4		0.00	2000	AV	84	0
PATIO	Patio	L	140	UNITS	7.30	2019	AV	60	600
SHEDWD	Shed-Wood	L	120	UNITS	31.02	2005	AV	60	2,200
XFRRM	Rec Room,Fin,BMT	B	562	SQ. FT	45.00	1962	AV	84	21,200
BUILDING SUB-AREA SUMMARY SECTION									
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value			
BMT	Basement, Unfinished	0	936	234	38.97	36,478			
FFL	First Floor, Finished	936	936	936	155.89	145,911			
TQS	3/4 Story, Finished	702	936	702	116.92	109,433			
WDK	Wood Deck, or Composite Dk	0	470	47	15.59	7,327			
Total Liv Area/Gr. Area/Eff Are		1,638	3,278	1,919	Total Value	299,149			



Printed
3/17/2023
2:18PM
Created
3/17/2023
1:59 PM

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

Receipt# 722,054
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application- 4/27/23 ZBA Meeting 24 B Street Map/Lot 191-042-000 (TR Zone)			
	Variance App-Setback	0.00	249.9200	0.00
			Total:	249.92

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Shamrock Mechanical Services	CHECK	CHECK #2426	249.92	0.00	249.92
			Total Due:		249.92
			Total Tendered:		249.92
			Total Change:		0.00
			Net Paid:		249.92



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: April 27, 2023 *BH 4-14-23*

Case 204-003 (04-27-23): Daniel Proulx, Jr., Managing Member of Monument Construction, LLC, 149 Lowell Rd., Hudson, NH requests a Variance to allow a proposed gravel area for equipment storage in the rear of the existing garage (to be converted to office space) and three (3) 8' x 40' storage containers on a ¾" stone pad constituting an Industrial Use as a Contractor's Yard (E-15) where it is not permitted in the Business Zone. [Map 204, Lot 003-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

Address: 149 Lowell Rd
Zoning district: Business (B)

Property description:

This as a developed lot of record with existing non-conforming Residential use.

Summary/History:

Code Enforcement action:

April 15, 2021: Conversion/change of use from residential to non-residential use, without permits/approvals.

April 27, 2021: Stay of Enforcement, to allow time to abate the violation(s), by June 2, 2021.

Zoning Administrator Determinations:

#21-154, initial inquiry as "Construction Business and incidental accessories", resulted with my zoning determination as: "this will require a site plan review by P.B."

#22-167, was a revision (clarification) of my previous Z.D. #21-154, after review of the submitted site plan to P.B. the proposed use is as a "contractors yard" (E-10) in the Table of Permitted Principal Uses §334-21, and is not a permitted use in the Business (B) district.

#23-016, was a request dated Jan 31, 2023 to review my Zoning Determination #22-167 by owner/applicant. I maintained that my prior determination/decision still stands: "*that the proposed site plan depicts a contractors yard and therefore would need a Variance to do such use.*"

ZBA action:

The ZBA affirmed and concurred with Zoning Administrator's administrative decision upon appeal on 3-23-23, that this proposed activity does constitute as a contractors yard, which is not a permitted use and needs a variance to continue and as proposed.

In-House comments:

Inspectional Services/Fire Dept: no comments.

Town Engineer: Yes, see attached (primarily, site plan review comments)

Town Planner: Yes, see attached.

Attachments:

“A” ZBA 3-23-23 Notice of Decision affirming Z.A decision.

“B” Variance section from “The Zoning Board of Adjustment in NH” handbook.

“C” Town Eng. In-House comments.

“D” Town Planner In-House comments.

Send recorded copy to

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

NOTICE OF DECISION

Map 204, Lot 003-000, Zone Business (B), Case # 204-003

ZBA Decision 03/23/2023

Appeal from Zoning Administrator issued Zoning Determination #23-016

DENIED

Applicant/Property Owner: Daniel Proulx, Jr., Managing Member of Monument Construction, LLC
149 Lowell Road, Hudson, NH 03051

Applicants' Legal Representative: Robert M. Shepard, Esq., Smith-Weiss Shepard Kanakis & Spony,
P.C., 47 Factory Street, P.O. Box 388, Nashua, NH 03061-0388

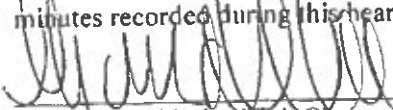
Property Location: 149 Lowell Road, Hudson, NH 03051

Action sought: Appeal from an Administrative Decision to allow the proposed three (3) 8' x 40' storage containers on a ¼" stone pad and proposed gravel area for equipment storage in the rear of the existing garage (to be converted to office space) constituting an Industrial Use as a Contractor's Yard (E-10) where it is not permitted in the Business Zone.

Zoning Ordinance Article: V: Permitted Uses; §334-21, Table of Permitted Principal Uses.

Action denied: After review of the testimony, acknowledgement that "Contractor's Yard" is not a defined term in the Zoning Ordinance, State RSAs or Building Code therefore resorting to dictionary definition and discussion, motion made, seconded and unanimously voted 5:0 to uphold the Zoning Administrator's Determination and deny the Appeal. Variance required for Contractor's Yard.

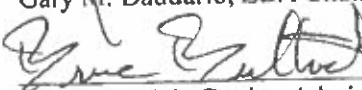
Note: All representations of fact or intention made during testimony and deliberation shall be considered factors of this denial. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.



Gary M. Daddario, ZBA Chairman

4/11/23

Date



Bruce Buttrick, Zoning Administrator

4-11-23

Date

A

The local ordinance cannot limit or increase the powers of the board to grant variances beyond statutory authority; this power must be exercised within specific bounds.

The Five Variance Criteria

1. The variance will not be contrary to the public interest.

In the case of *Gray v. Seidel*, 143 N.H. 327 [February 8, 1999] the New Hampshire Supreme Court reaffirmed the variance standard in RSA 674:33, I(b) [1996], which states that the board has the power to “[a]uthorize... [a] variance from the terms of the zoning ordinance as will not be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.” [emphasis added] The court clarified that RSA 674:33, I(b) should not be read to imply an applicant must meet any burden higher than required by statute (i.e., there must be a demonstrated public benefit if the variance were to be granted) but merely must show that there will be no harm (i.e., “will not be contrary”) to the public interest if granted.

COMMENT: Proving a Negative

“The applicant still has the burden of persuasion on all five variance criteria, but my advice to ZBA members is not to be procedural sticklers when it comes to the “public interest” criterion. If an applicant makes even a conclusory statement like: “As you can see, there’s no adverse effect on the public interest,” that should be enough, unless abutters or board members themselves identify some specific adverse effect on the public interest, in which case the applicant will have the burden of overcoming it. To put it another way, if the applicant satisfies the other four criteria, a denial based solely on the “public interest” criterion is, in my view, unlikely to be upheld in Court unless your decision identifies some specific way in which the proposed variance is contrary to that interest.”

1999 Municipal Law Update: The Courts; H. Bernard Waugh, Jr., Esq., Chief Legal Counsel, NHMA, October 1999.

For the variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. To determine this, does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public? See *Chester Rod and Gun Club, Inc. v. Town of Chester*, 152 N.H. 577 (2005).

2. The spirit of the ordinance is observed.

The power to zone is delegated to municipalities by the state. This limits the purposes for which zoning restrictions can be made to those listed in the state enabling legislation, RSA 674:16-20. In general, the provisions must promote the “health, safety, or general welfare of the community.” They do this by lessening congestion in the streets; securing safety from fires, panic and other dangers; and providing for adequate light and air. In deciding whether or not a variance will violate the spirit and intent of the ordinance, the board of adjustment must determine the legal purpose the ordinance serves and the reason it was enacted. This may include a review of the master plan upon which the ordinance was based.

For instance, a zoning ordinance might control building heights specifically to protect adjoining property from the loss of light and air that could be caused by high buildings. The owner of a piece of property surrounded on three sides by water might be allowed a height variance without violating the spirit and intent if the ordinance clearly states that this is the sole purpose for the building height

limitation. On the other hand, if a landowner requested a variance for a proposed building that would shut out light and air from neighboring property, the granting of the variance might be improper.

As another example, consider the question of frontage requirements. Most zoning ordinances specify a minimum frontage for building lots to prevent overcrowding of the land. If a lot had ample width at the building line but narrowed to below minimum requirements where it fronted the public street, a variance might be considered without violating the spirit and intent of the ordinance, because to do so would not result in overcrowding. There are many other variations of lot shapes and sizes that might qualify for a variance; the principles remain the same. The courts have emphasized in numerous decisions that the characteristics of the particular parcel of land determine whether or not a hardship exists.

However, when the ordinance contains a restriction against a particular use of the land, the board of adjustment would violate the spirit and intent of the ordinance by allowing that use. If an ordinance prohibits industrial and commercial uses in a residential neighborhood, granting permission for such activities would be of doubtful legality. Again, the board cannot change the ordinance.

In *Margaret Bacon v. Town of Enfield*, 150 N.H. 468 (2004), the ZBA denied a variance for a small propane boiler shed attached to the outside of a lakefront house because (1) it did not satisfy the *Simplex* “hardship” standard; (2) it would violate the spirit of the ordinance; and (3) it would not be in the public interest. The supreme court noted that there were three grounds for the superior court’s decision and explained, “In order to affirm the trial court’s decision, we need only find that the court did not err in its review concerning at least one of these factors.”

Focusing on the “spirit of the ordinance” factor, the court concluded, “While a single addition to house a propane boiler might not greatly affect the shorefront congestion or the overall value of the lake as a natural resource, the cumulative impact of many such projects might well be significant. For this reason, uses that contribute to shorefront congestion and over development could be inconsistent with the spirit of the ordinance.”

In *Malachy Glen Associates, Inc. v. Town of Chichester*, 155 NH 102 (2007), the supreme court stated that “[t]he requirement that the variance not be contrary to the public interest is related to the requirement that the variance be consistent with the spirit of the ordinance. . . . [T]o be contrary to the public interest... the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives. One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality... Another approach to [determine] whether granting the variance would violate basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare.” (Internal citations and quotations omitted.)

In *Perreault v. New Hampton*, 171 NH 183 (2018), the “cumulative effect” or “cumulative impact” theory was again in play, in context of a denial of a side setback variance needed for a permanent shed. In part, the superior court found that the ZBA was reasonable in considering the cumulative effect that these types of variances may have on the area. Such theory has never been officially adopted by the supreme court; however, because it was not objected to in *Perreault*, the Court determined, without deciding, that it was a proper consideration in context of a variance.

Through that lens, the Court concluded that the superior court’s decision was not unlawful or unreasonable. It found that preventing overcrowding is a legitimate purpose of zoning and found no error in the superior court’s conclusion that the ZBA was not unlawful in focusing on the

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neighborhood's aesthetics and the desire to avoid the appearance of overcrowding. The Court also upheld the lower court's determination that the existence of other outbuildings in the area did not require the ZBA to grant the variance at issue. In doing so, the Court cited the ZBA's findings that distinguished the existing structures from the proposed shed. This included the fact that some were allowed by variance granted under a prior legal standard; some were on land that was distinguishable from the applicant's property; and the majority were either pre-existing, nonconforming structures (i.e., existed prior to the enactment of the setback requirement) or were not actually in a setback.

3. Substantial justice is done.

It is not possible to set up rules that can measure or determine justice. Board members must determine each case individually. Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. The injustice must be capable of relief by granting a variance that meets the other four qualifications. A board of adjustment cannot alleviate an injustice by granting an illegal variance.

Any loss to the individual which is not outweighed by a gain to the general public is an injustice. Also, the court will examine whether the proposed development is consistent with the area's present use. *Malachy Glen Associates v. Town of Chichester* 155 N.H. 102 (2007).²

4. The values of surrounding properties are not diminished.

Perhaps Attorney Timothy Bates says it best in an OEP training video, Zoning and the ZBA:

"Whether the project made possible by the grant of a variance will decrease the value of surrounding properties is one of those issues that will depend on the facts of each application. While objections to the variance by abutters may be taken as some indication that property values might be decreased, such objections do not require the zoning board of adjustment to find that values would decrease. Very often, there will be conflicting evidence and dueling experts on this point, and on many others in a controversial application. It is the job of the ZBA to sift through the conflicting testimony and other evidence and to make a finding as to whether a decrease in property value will occur."

"The ZBA members may also draw upon their own knowledge of the area involved in reaching a decision on this and other issues. Because of this, the ZBA does not have to accept the conclusions of experts on the question of value, or on any other point, since one of the functions of the board is to decide how much weight, or credibility, to give testimony or opinions of witnesses, including expert witnesses. Keep in mind that the burden is on the applicant to convince the ZBA that it is more likely than not that the project will not decrease values."³

Also, in *Nestor v. Town of Meredith Zoning Board of Adjustment*, 138 N.H. 632 (1994), the court stated that the resolution of conflicts is a function of the zoning board of adjustment.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

The term "hardship" has caused more problems for boards of adjustment than anything else connected with zoning, possibly because the term is so general and has so many applications outside

² NHMA Law Lecture #1 - Procedural Basics for Planning and Zoning Boards, Fall 2012; Attorney Steven Whitley, Mitchell Municipal Group, P.A. and Attorney Paul G. Sanderson; New Hampshire Local Government Center, page 32.

³ Zoning and the ZBA, NH OSP video script (Timothy Bates, Esq.), pg. 3.

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of zoning law. By its basic purpose, a zoning ordinance imposes some hardship on all property by setting lot size dimensions and allowable uses. The restrictions on one parcel are balanced by similar restrictions on other parcels in the same zone. When the hardship so imposed is shared equally by all property owners, no grounds for a variance exist. Only when some characteristic of the particular land in question makes it different from others can unnecessary hardship be claimed.

The fact that a variance may be granted in one town does not mean that in another town on an identical fact pattern, that a different decision might not be lawfully reached by a zoning board. Even in the same town, different results may be reached with just slightly different fact patterns. “This does not mean that either finding or decision is wrong per se, it merely demonstrates in a larger sense the home rule aspects of the law of zoning that are at the core of New Hampshire’s land use regulatory scheme.” *Nestor v. Town of Meredith Zoning Board of Adjustment*, 138 N.H. 632(1994). Moreover, evolution in the law on “hardship” creates further confusion on the issue.⁴

RSA 674:33, I(b)(1) Powers of Zoning Board of Adjustment

For purposes of 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 (referred to by some as the relationship test)

Is the restriction on the property necessary in order to give full effect to the purpose of the ordinance, or can relief be granted to this property without frustrating the purpose of the ordinance? Is the full application of the ordinance to this particular property necessary to promote a valid public purpose? Once the purposes of the ordinance provision have been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to his property would not advance the purposes of the ordinance provision in any “fair and substantial” way.⁵

This test attempts to balance the public good resulting from the application of the ordinance against the potential harm to a private landowner. It goes to the question of whether it creates a necessary or “unnecessary” hardship.

And:

- (B) The proposed use is a reasonable one. (referred to by some as the reasonable use test)

The applicant must establish that, because of the special conditions of the property, the proposed use is reasonable.

RSA 674:33 does not require an investigation of how severely the zoning restriction interferes with the owner’s use of the land. It merely requires a determination that, owing to special conditions of the property, the proposed use is reasonable. This is necessarily a subjective judgment – as is almost

⁴ In 2001, the New Hampshire Supreme Court issued an opinion in *Simplex Technologies, Inc. v. Town of Newington & a*, which dramatically changed the then-existing standard for granting zoning variances. See Appendix E for background information on *Simplex*. In 2004, the New Hampshire Supreme Court further refined the law when it issued *Michael Boccia & a. v. City of Portsmouth & a*. For a detailed analysis of the evolution in variance case law, see “The Five Variance Criteria in the 21st Century” NHMA Law Lecture #2, Fall 2009 (available at <https://www.nh.gov/osi/resource-library/zoning/documents/the-five-variance-criteria-in-the-21st-century.pdf>).

⁵ This is comparable to the standard suggested in *St. Onge v. Concord*, 95 N.H. 306, 308 [1949]: “It may, therefore, be stated that ‘unnecessary’ as used in this connection, means ‘not required to give full effect to [the] purpose of the ordinance’.”

everything having to do with variances – but presumably it includes an analysis of how the proposed use would affect neighboring properties and the municipality’s zoning goals generally. It clearly includes “whether the landowner’s proposed use would alter the essential character of the neighborhood.” *John R. Harrington & a. v. Town of Warner*, 152 N.H. 74, 81 (2005); see also *Farrar v. City of Keene*, 158 N.H. 684 (2009).

The second of the two parts of the hardship criteria in RSA 674:33, I(b)(5)(A)(ii) – “The proposed use is a reasonable one” – cannot be considered in isolation and must be read in conjunction with the introductory language in subparagraph A – “. . . owing to special conditions of the property that distinguish it from other properties in the area . . .” – so that the criterion as a whole is “. . . owing to special conditions of the property . . . the proposed use is a reasonable one.” In other words, the board needs to find that a use (or dimensional requirement) which otherwise must be considered unreasonable (because it violates the ordinance) is rendered reasonable by the special conditions of the property (or of its setting or environment, as *Simplex* says).

Board members should also be cognizant of the intent of Ch. Law 307 (2009) (the law that amended RSA 674:33) which was to eliminate the separate “use” and “area” variance standards of the *Boccia* decision and to deem that the unnecessary hardship standard is satisfied if the applicant meets the standards established in *Simplex* as those standards have been interpreted by subsequent decisions of the supreme court.

The Five Variance Criteria in the 21st Century, New Hampshire Municipal Association Law Lecture #2, Fall 2009.

In the context of sign variances, for example, the size of a building may constitute the “special conditions” that form the basis for “unnecessary hardship.” See *Harborside Associates, LP v. Parade Residence Hotel, LLC*, 162 N.H. 508 (2011).

“Use” and “Area” Variances and “Spot Zoning”

New Hampshire law has not distinguished between a “use” or “area” variance since RSA 674:33’s amendment in 2009. Since then, all variances require the existence of unnecessary hardship, whether it is for a use not allowed in a particular zone or a deviation from a dimensional requirement. If they have not already done so, municipalities should review their variance application forms and make necessary changes to reflect the elimination of the distinction between use and area variances. See the suggested form in Appendix C.

The granting of a variance should not be confused with “spot zoning,” defined by the New Hampshire Supreme Court as the singling out of a parcel of land by the legislative body through the zoning process for treatment unjustifiably differing from that of surrounding land, thereby creating an island having no relevant differences from its neighbors. *Bosse v. Portsmouth*, 107 N.H. 523(1967). Boards should not dismiss variance requests merely on the basis of a claim of improper spot zoning. On the contrary, although a variance which has been granted with no basis for treating the subject parcel in a manner different from surrounding property may create an effect similar to spot zoning, the grant of a variance is not spot zoning.

All requests for variances should be reviewed very carefully. Denial of a proper variance request may result in a taking or loss of legitimate property rights of a landowner while the granting of an improper variance may alter the character of a neighborhood, forever beginning a domino effect as adjacent, affected properties seek similar requests due to the now changed character of the area.

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Spot zoning occurs when an area is unjustly singled out for treatment different from that of similar surrounding land. The mere fact that an area is small and is zoned at the request of a single owner does not make it spot zoning. Persons challenging a rezoning have the burden before the trial court to demonstrate that the change is unreasonable or unlawful. The zoning amendment, which merely extends a pre-existing agricultural land boundary and does not create a new incongruous district, is not spot zoning. The court also noted that the zoning amendment was supported by a majority of the public and would protect the health and welfare of area residents. See *Miller v. Town of Tilton*, 139 N.H. 429 (1995).

Granting Variances for the Disabled

RSA 674:33 authorizes zoning boards of adjustment to grant variances to zoning ordinances for a person or persons having a recognized physical disability, which may be granted for as long as the particular person has a need to use the premises. RSA 674:33, V states:

- V. Notwithstanding subparagraph I(a)(2), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:
- (a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.
 - (b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

RSA 674:33-a Equitable Waiver of Dimensional Requirement

- I. When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:
- (a) That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;
 - (b) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;
 - (c) That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and
 - (d) That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.
- IV. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction,

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

REQUEST FOR REVIEW/COMMENTS:

Case: 204-003 (04-27-23) (VARIANCE)

Property Location: 149 Lowell Road

For Town Use

Plan Routing Date: 04/06/2023 Reply requested by: 04/12/2023 ZBA Hearing Date: 04/27/2023

I have no comments I have comments (see below)

EZD Name: ELvis Dhima, P.E. Date: 04/05/2023
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

1. Applicant shall provide the total area of proposed impervious surface
2. Applicant shall provide BMPs and drainage improvements to meet pre versus post drainage requirements
3. Applicant shall provide snow storage area
4. Applicant shall provide existing water utility information or well location.

C

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

REQUEST FOR REVIEW/COMMENTS:

Case: 204-003 (04-27-23) (VARIANCE)

Property Location: 149 Lowell Road

For Town Use

Plan Routing Date: 04/06/2023 Reply requested by: 04/12/2023 ZBA Hearing Date: 04/27/2023

I have no comments I have comments (see below)

BK Name: Brian Groth Date: 04/13/2023
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

1. The application states that the primary use is office and is in conformance with the Business Zoning District. However, the primary use is contractor's yard , a use permitted in the Industrial district, not the Business District.
§334-18.D Districts described; Business (B): "The B District is established to provide for the development of general wholesale and retail commercial uses, services, office uses, multifamily dwellings and customary accessory uses and structures."
2. In criteria #4 the application refers to businesses across the street that are permitted uses in the B zone (E.9, E.17, E.29). The site also abuts multi-family residential (permitted), a dog day care (permitted by special exception) and a mix of retail and restaurant uses (permitted).
3. A site walk may be useful in informing the Board's decision.

D

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 4-17-23)**

On **04/27/2023**, the Zoning Board of Adjustment heard **Case 204-003**, being a case brought by **Daniel Proulx, Jr., Managing Member of Monument Construction, LLC, 149 Lowell Rd., Hudson, NH** requests a **Variance to allow a proposed gravel area for equipment storage in the rear of the existing garage (to be converted to office space) and three (3) 8' x 40' storage containers on a ¾" stone pad constituting an Industrial Use as a Contractor's Yard (E-15) where it is not permitted in the Business Zone.** [Map 204, Lot 003-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

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.

(Continue-next page-Hardship Criteria)

TOWN OF HUDSON

APR 04 ENT'D

2023 (76)

APPLICATION FOR A VARIANCE

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. 204-003 (04-27-23)

Date Filed 4/4/23

Name of Applicant Daniel Proulx, Jr. Map: 204 Lot: 003 Zoning District: B

Telephone Number (Home) _____ (Work) (603) 966-4578 (ext. 1001)

Mailing Address 149 Lowell Road, Hudson, NH 03051

Owner Monument Construction, LLC

Location of Property 149 Lowell Road, Hudson, NH 03051
(Street Address)

Signature of Applicant [Signature]

Date

3/29/2023

Signature of Property-Owner(s) [Signature]

Date

3/29/2023

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

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

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

Date received: 4/4/23

COST:

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

1 Abutter Notice: \$ 4.78 = \$ 33.46

3 Direct Abutters x Certified postage rate \$ 0.63 = \$ 3.15

3 Indirect Abutters x First Class postage rate \$ 0.63 = \$ 221.61

Total amount due: \$ 221.61

Amt. received: \$ 221.61

Receipt No.: 724,414

Received by: TSG

check #
17669

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

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
<u>JD</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>JD</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>JD</u> N/A	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>N/A</u>
<u>JD</u> N/A	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>JD</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>JD</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>JD</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>JD</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>JD</u> N/A	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

CERTIFIED PLOT PLAN:

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

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

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

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

[Signature]
Signature of Applicant(s)

4/4/2023
Date

[Signature] Memorandum/
Signature of Property Owner(s)

4/4/2023
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
204	003	*Include Applicant & Owner(s) Monument Construction, LLC Daniel Proulx, Jr., Managing Member	149 Lowell Road, Hudson, NH 03051
204	002	Richard George Demers	22 Lisa Lane, Lowell, MA 01854
204	004	DBV, Inc.	P.O. Box 1435, North Hampton, NH 03862
204	073	Manuel & Kathleen Sousa	46 Lowell Road, Hudson, NH 03051
204 204	074 074-001	Richard Charbonneau Marck Charbonneau	1 Continental Drive, Londonderry, NH 03053
209	001-001	Friars Court Condominium	235 Bear Hill Road, Suite 400 Waltham, MA 02451
		Smith-Weiss Shepard Kanakis & Spony, P.C. Robert M. Shepard, Esq.	47 Factory Street; PO Box 388 Nashua, NH 03061-0388

ALL INDIRECT ABUTTERS WITHIN 200 FEET

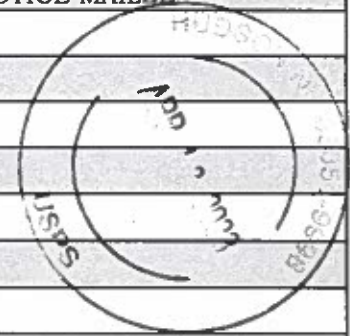
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective 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
204	001	Lowell Road, LLC	P.O. Box 1435, North Hampton, NH 03862
204	005	143 Lowell Road, LLC	4 Paula Circle, Hudson, NH 03051
204	006	Fox Hollow Condominium Association c/o Great North Property Management	636 Daniel Webster Highway, Merrimack, NH 03054
204	075	Boyer Associates	65 Plateau Ridge Road, Loudon, NH 03307-0711
209	001-000	Lowell Road Prop Owner DE, LLC	133 Pearl Street, Boston, MA 02110

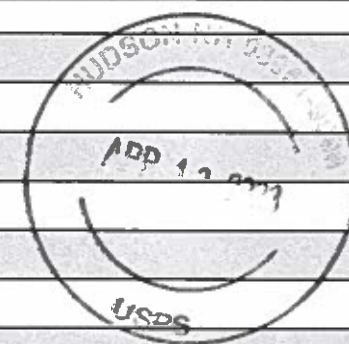
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 204-003 VARIANCE 149 Lowell Rd. Map 204/Lot 003-000	1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting	
1	7022 3330 0000 3692 8699	MONUMENT CONSTRUCTION, LLC; DANIEL PROULX, JR.; Managing Member 149 LOWELL RD, HUDSON, NH 03051	APPLICANT NOTICE MAILED	
2	7022 3330 0000 3692 8705	RICHARD DEMERS 22 LISA LANE, LOWELL, MA 01854	ABUTTER NOTICE MAILED	
3	7022 3330 0000 3692 8712	DBV, INC. PO BOX 1435, NORTH HAMPTON, NH 03862	ABUTTER NOTICE MAILED	
4	7022 3330 0000 3692 8729	MANUEL & KATHLEEN SOUSA 46 LOWELL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5	7022 3330 0000 3692 8736	CHARBONNEAU, RICHARD; CHARBONNEAU, MARK; 1 CONTINENTAL DRIVE, LONDONDERRY, NH 03053	ABUTTER NOTICE MAILED	
6	7022 3330 0000 3692 8743	FRIARS COURT CONDOMINIUM 235 BEAR HILL RD SUITE 400, WALTHAM, MA 02451	ABUTTER NOTICE MAILED	
7	7022 3330 0000 3692 8750	RICHARD M. SHEPARD. ESQ.; SMITH-WEISS SHEPARD KANAKIS & SPONY, P.C. 47 Factory Street; P.O. Box 388, NASHUA, NH 03061-0388	APPLICANT NOTICE MAILED	
8				
9				
10				
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee) <i>Paula Angeli</i>	



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 204-003 VARIANCE 149 Lowell Rd. Map 204/Lot 003-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting
1	Mailed First Class	LOWELL ROAD, LLC PO BOX 1435, NORTH HAMPTON, NH 03862	ABUTTER NOTICE MAILED
2	Mailed First Class	143 LOWELL ROAD, LLC 4 PAULA CIR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	FOX HOLLOW CONDOMINIUM ASSOC; C/O GREAT NORTH PROPERTY MGMT 636 DANIEL WEBSTER HWY., MERRIMACK, NH 03054	ABUTTER NOTICE MAILED
4	Mailed First Class	BOYER ASSOCIATES 65 PLATEAU RIDGE RD., LOUDON, NH 03307-0711	ABUTTER NOTICE MAILED
5	Mailed First Class	LOWELL ROAD PROP OWNER DE, LLC 133 PEARL ST., BOSTON, MA 02110	ABUTTER NOTICE MAILED
6			
7			
8			
9			
	Total # of pieces listed by sender 5	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee) <i>Paula Angelli</i>





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

April 11, 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, **04/27/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 204-003 (04-27-23): Daniel Proulx, Jr., Managing Member of Monument Construction, LLC, 149 Lowell Rd., Hudson, NH requests a Variance to allow a proposed gravel area for equipment storage in the rear of the existing garage (to be converted to office space) and three (3) 8' x 40' storage containers on a ¾" stone pad constituting an Industrial Use as a Contractor's Yard (E-15) where it is not permitted in the Business Zone. [Map 204, Lot 003-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal 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

April 11, 2023

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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 VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V _____ of HZO Section(s) 334-21 in order to permit the following:

Request a Variance to allow a construction company business office in the Business District at 149 Lowell Road (Map 204, Lot L 003-000) with three (3) storage containers on a three-quarter inch stone pad in the back of the lot, which is considered to be a contractor's yard and not permitted in the Business District.

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

(B) The proposed use is a reasonable one.

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

SEE ATTACHED.

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

SEE ATTACHED.

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

SEE ATTACHED.

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

SEE ATTACHED.

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

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

SEE ATTACHED.

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

SEE ATTACHED.

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

SEE ATTACHED.

**Application for Variance
Monument Construction, LLC
Attachment**

FACTS SUPPORTING THIS REQUEST

Monument Construction, LLC purchased the parcel of land with buildings thereon located at 149 Lowell Road on July 15, 2020. The parcel of land and buildings at 149 Lowell Road is located in the Business District. The property that was purchased by Monument Construction, LLC was a non-conforming residential use, consisting of a house and a detached garage. Monument Construction, LLC intends to use the property as a business office for its affiliated company, Monument Construction Services, LLC. On or about November 9, 2022, Monument Construction, LLC submitted a Site Plan Application for the 149 Lowell Road property to the Hudson Planning Board. A copy of the proposed Site Plan is attached hereto as Exhibit A. The proposed Site Plan showed that the existing dwelling would be converted to office space and that the existing detached garage would also be converted to office space. The proposed Site Plan detailed parking for the office space and detailed an area in the back of the property that would contain three (3) storage containers. The storage containers would be used to store construction materials and equipment for Monument Construction Services, LLC. Monument Construction Services, LLC focuses on federal and VA work and there are no customers that come to the site. Occasionally, politicians such as U.S. Senators and representatives will come to the site for a publicity photo because Monument Construction Services, LLC is a Veteran-owned business.

The three (3) storage containers to be located at the rear of the property are considered to be accessory buildings that are accessory to the main purpose of the property, which is the business office for Monument Construction Services, LLC. The Site Plan Application in this case was halted because the Zoning Administrator determined that the primary use of the property was no a business office, which is permitted in the Business District, but it is a contractor's yard, that is not permitted in the Business District. A contractor's yard is permitted in the Industrial District and the General and General-1 Districts.

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

The property at 149 Lowell Road was a non-conforming, residential use. The Applicant is looking to convert the property to a business office for Monument Construction Services, LLC, which is a permitted use in the Business District. The property is located in the Business District. Adding three (3) storage units in the rear of the property, according to an approved Site Plan, will allow the Applicant to fully use the business office for the construction company. The use of the three (3) storage containers will not alter the essential character of the neighborhood, threaten public health, safety, or welfare or otherwise injure public rights. The use of the property will be according to an approved Site Plan from the Hudson Planning Board.

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

The primary use of the property will be for the business office for Monument Construction Services, LLC. This construction company primarily focuses on federal and VA work. Other than employees who come to the site for work in the business office, there will be no customers that come to the site. The spirit of the ordinance is being observed since a business office is permitted in the Business District.

The Planning Board will be able to require that fencing be installed and perimeter plants be planted to ameliorate the contractor's yard impact in the business zone. The Planning Board can require hours of operation for the contractor's yard.

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

The primary use of the property will be as a business office for Monument Construction Services, LLC. This is a permitted use in the Business District. As an accessory use and structure, Monument Construction Services, LLC will utilize the three (3) storage containers in the back of the property to store construction materials, supplies and equipment. This will allow Monument Construction Services, LLC to better service its customers. There will be no harm to the general public or other individuals. The storage containers will be located in the rear of the property, according to a Site Plan to be approved by the Hudson Planning Board.

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

The proposed use will be in conformity with the Business Zoning District. The previous use was a non-conforming use. The conversion of the dwelling into office space and the conversion of the detached garage into office space will enhance the value of the Applicant's property and it will enhance surrounding property values. The proposed use is consistent with other uses in the area. The following businesses are located across the street from the Applicant's property:

One Stop Auto Body, Jok Auto Sales and Services, Line-X of Southern New Hampshire (truck accessories store), Boyers Truck Equipment and Advance Spa and Pool.

The use of the Applicant's property will be less intensive than the use of the properties across the street, which are all located within the same Business District.

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

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

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

The primary use of the Applicant's property will be as a business office for a construction company known as "Monument Construction Services, LLC". It is a normal use for a construction business office to also have storage available for construction materials, supplies and equipment. According to the Zoning Administrator for the Town of Hudson, because of the three (3) storage units that are proposed to be located in the rear of the property, the Applicant's property will not primarily be a business office, but will be a contractor's yard. The contractor's yard portion of the Applicant's property will be accessory to the business office. However, according to the strict application of the Ordinance, the storage units are not permitted in the Business District. It is fair and reasonable to expect that a business office for a construction company would want to have storage capability for the storage of construction materials, supplies and equipment.

See Paragraph 2 below as well.

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

The Applicant's property, located at 149 Lowell Road, is located on a busy highway and the Applicant's property is surrounded by other more, intensive commercial uses. The special condition of the Applicant's property is that the storage units would be located in the rear of the property, out of the sight of the public at large, and pursuant to an approved Site Plan from the Hudson Planning Board. The ability to have three (3) storage containers on the Applicant's property is essential to the operation of a construction business office. Unfortunately, according to

the opinion of the Hudson Zoning Administrator, the storage units are not permitted within the Business District. The storage units are permitted in the Industrial District, the General District and the General-1 District. There were no other properties available for the Applicant to acquire as a business office for the affiliated construction company. The proposed use by the Applicant as a business office with storage capability for construction materials, supplies and equipment, is a reasonable use.

There is limited availability in the Town of Hudson for a construction company business office in the Industrial District. The location at 149 Lowell Road is an ideal location for the Applicant's business. The Zoning Ordinance does not define the term "contractor's yard". The use of the contractor's yard, in conjunction with the business office, can be controlled by conditions to be imposed by the Planning Board. These conditions can make the contractor's yard a compatible use in the Business District. Furthermore, it should be noted that the Zoning Board of Adjustment granted a variance to Blue Bird Self Storage, LLC on September 9, 2021 to construct a three-story, 40,000 square foot building for an in-door self-storage warehouse in the Business District at 196, 202 Central Street, which use is only permitted in the Industrial District. This approved use is much more intensive than the use proposed by the Applicant. It is not clear from reviewing the Zoning Ordinance that the intent of the Zoning Ordinance is to only allow a business office for a construction company in the Industrial District.

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

This section is not applicable to the Variance Application in this case.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-016

February 2, 2023

Robert Shepard, Esq.
Smith-Weiss.Shepard.Kanakis&Spony, P.C.
P.O. Box 388
Nashua, NH 03061-0388

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

Dear Att'y Shepard,

I have received your letter of January 31, 2022.

1) I have reviewed my prior Determination #22-167 of December 29, 2022 and still maintain that this application/proposal constitutes a Contractor's Yard (E-10) in the Table of Permitted Principal Uses §334-21 and is not permitted and would need a Variance from the Zoning Board of Adjustment for such use.

The Zoning Ordinance does not specifically define "contractor's yard" within §334-6 Definitions. The Zoning Ordinance directs one to 334-5C for hierarchy of word usage and interpretation as follows: (3) "*Terms and words not defined in this article, the RSAs or in the Building Code shall have the meanings understood in common usage and as defined in standard American dictionaries.*"

I could not find any definition of contractor's yard in the RSA's or the Building Code, therefore I used a standard American dictionary, specifically Law Insider as follows:

"Contractor's Yard means a lot, building or part thereof wherein vehicles, equipment and/or supplies are parked, stockpiled, stored and maintained for use by a contractor for the construction and/or renovation trades. Facilities for the administration or management of the business as well as minor maintenance and assembly work normally considered to be accessory to the trade are permitted. It does not include the lease, retail, or wholesale sale of construction materials or supplies, or home improvement materials, equipment or supplies."

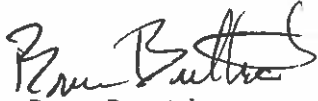
Furthermore, I would note that the context of the description as "Contractor's yard" means possessive with the "s" linking to contractor (singular), such as the applicant is, not a plural "s" which would mean multiple contractors of a retail nature, like a Lowes or Home Depot.

2) I would agree that those 3 storage containers are accessory buildings as our Z.O. §334-6 definitions: BUILDING, ACCESSORY "*A building in which a use that is customarily incidental and subordinate to that of the principal use is being conducted, including temporary or portable structures.*"

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

I consider those "storage containers" as an accessory building (structure), from our definition: " *including temporary or portable*" and would need to comply with Zoning Ordinance as such.

Sincerely,



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

encl: Contractor's Yard definition
cc: Public Folder
B. Groth, Town Planner
D. Hebert, Fire Marshal
File

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

Contractor's Yard definition

Related Definitions

Open Split View

Share Cite

Contractors

Sub-Contractors

Contractor's Personnel

Contractor's Equipment

Subcontractors

EPC Contractor

Contractor

Construction Contractor

Contractor System

Contractor Personnel

Building Contractor

General Contractor

Prime Contractor

Plumbing contractor

The Site,

Contractor Project Manager

Sub-Contractor

The Work

O&M Contractor

Contractor's Yard means a yard of any building trade or contractor where equipment and material are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

Sample 1

Sample 2

Sample 3

Based on 10 documents

Save

Copy

Adobe Acrobat Pro DC
Perfect your resume as a PDF.
Try free

Remove Advertising

Contractor's Yard means a premises of any general contractor or builder where equipment and/or materials are stored or where a contractor performs shop or assembly work.

Sample 1

Sample 2

Sample 3

Based on 5 documents

Save

Copy

Contractor's Yard means a lot, building or part thereof wherein vehicles, equipment and/or supplies are parked, stockpiled, stored and maintained for use by a contractor for the construction and/or renovation trades. Facilities for the administration or management of the business as well as minor maintenance and assembly work normally considered to be accessory to the trade are permitted. It does not include the lease, retail, or wholesale sale of construction materials or supplies, or home improvement materials, equipment or supplies.

Sample 1

Sample 2

Sample 3

Based on 4 documents

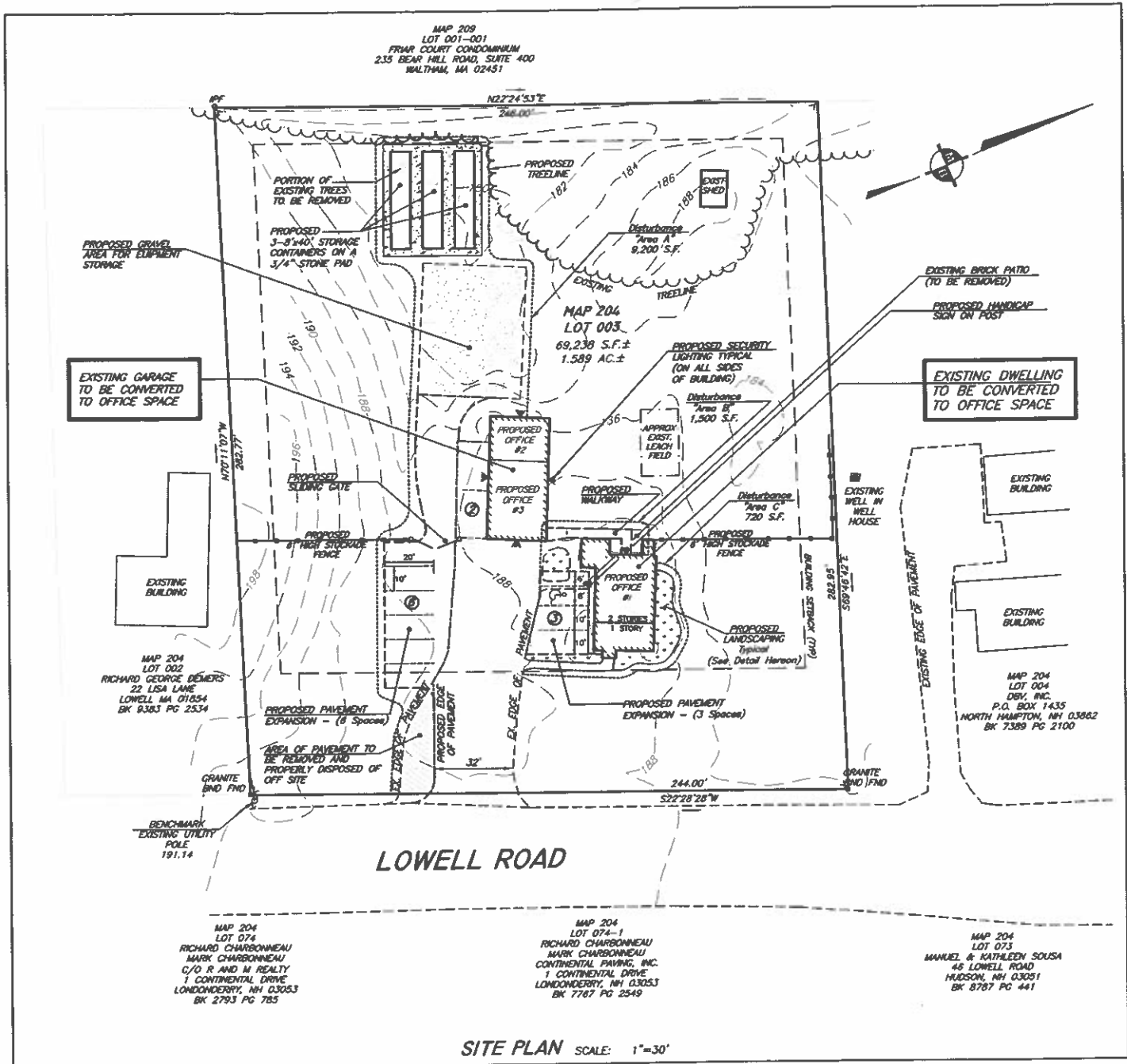
Save

Copy

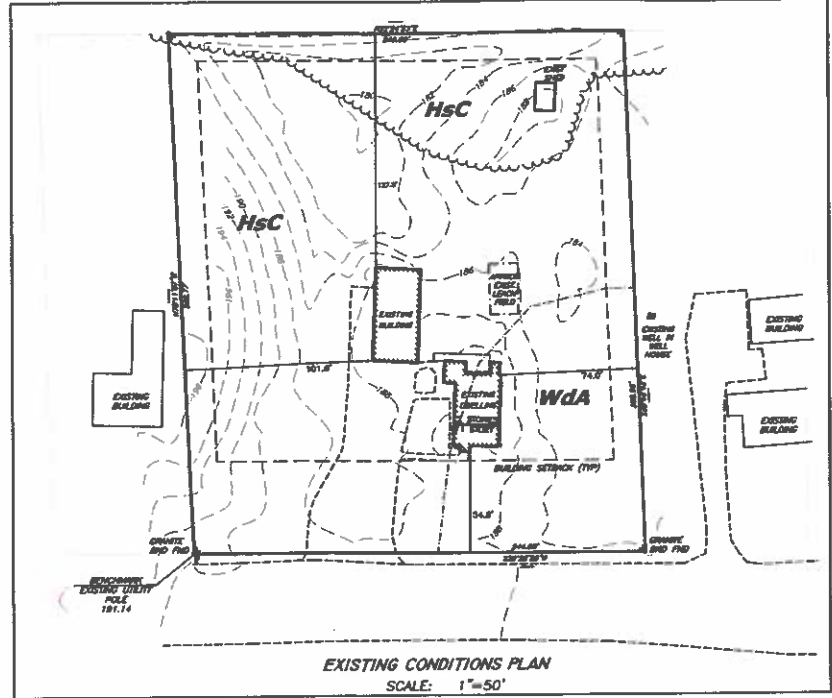


EXHIBIT A

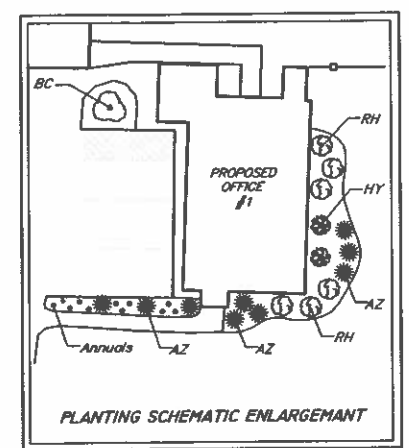
113 MONUMENT CONST-PROJ04242313 Monument Case-Prod- SITE PLAN-MB-prod.dwg, 3/28/2023 3:07:45 PM, Canon PLOT700 (Monument)P72L.pcl



SITE PLAN SCALE: 1"=30'

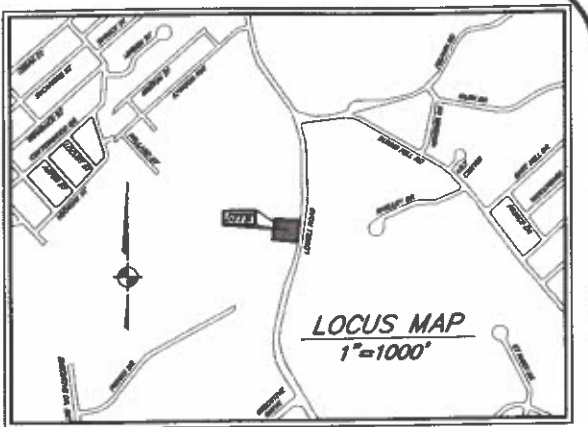


EXISTING CONDITIONS PLAN SCALE: 1"=50'



PLANTING SCHEMATIC ENLARGEMENT

PLANTING SCHEDULE					
SYMBOL	QTY.	ABV.	BOTANICAL NAME	COMMON NAME	SIZE
	1	BC	River Birch (Clump)	Betula Nigra	8&8
	6	AZ	Azalea	Autumn Cheer 'compact'	2 Gal.
	6	RH	Rhododendron Carolinianum	Carolina Rhododendron	2 Gal.
	2	HY	Ilex Opaca	American Holly	2 Gal.
			Annals		
			Area of Bark Mulch		



GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE CONVERSION OF AN EXISTING DWELLING AND A GARAGE INTO OFFICE SPACE AND REQUIRED PARKING.
2. OWNER OF RECORD: MONUMENT CONSTRUCTION, LLC. 21 FACTORY STREET, SUITE 1 NASHUA, NH 03060 BOOK: 9320 PAGE: 733
3. PRESENT ZONING: BUSINESS
4. ORIGINAL LOT AREA: 228,709 S.F.± OR 5.25 AC.±
5. MINIMUM BUILDING SETBACKS: FRONT = 50 FEET SIDE = 15 FEET REAR = 15 FEET WETLANDS = 50 FEET
6. MINIMUM LOT SIZE REQUIRED: 43,560 S.F.
7. MINIMUM LOT FRONTAGE REQUIRED: 150 FEET
8. MAXIMUM BUILDING HEIGHT: 38 FEET
9. SUBJECT PREMISES DOES NOT FALL WITHIN 100 YEAR FLOOD PLAN PER FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER 33011C06560 DATED SEPTEMBER 25, 2009.
10. PROPERTIES ARE SERVICED BY MUNICIPAL WATER AND ON SITE SEPTIC SYSTEM.
11. BOUNDARY INFORMATION WAS COMPILED FROM PLAN REFERENCES.
12. ELEVATIONS DEPICTED HEREON ARE BASED ON MVD29 PER GPS OBSERVATIONS BY THIS OFFICE ON JULY 25, 2022, BEING TIED TO "MASSCORS" USING BASE STATION "WES2" WITH AN ELEVATION LISTED AT 374.18' (CONVERTED TO NVD USING VERTCON).
13. LOT IS SERVICED BY PUBLIC WATER SUPPLY.
14. TOTAL LIMIT OF DISTURBANCE = 11,420 S.F.
15. ALL SIGNS ARE SUBJECT TO APPROVAL BY THE HUDSON ZONING ADMINISTRATION PRIOR TO INSTALLATION THEREOF.

PLAN REFERENCES:

1. LOT LINE REVISION PLAN LOTS 13-7 & 13-8 LOCATED AT 149 & 153 LOWELL ROAD HUDSON, NEW HAMPSHIRE. PREPARED FOR RUPERT E (JR) & ALICE E TATE AND ROBERT P BERUBE. SCALE: 1"=20'. DEC. 18, 1984. PREPARED BY: DAVID M O'HARA, L.L.S. RECORDED AT TH MCRD AS PLAN # 17646.
2. DEED REFERENCE: BOOK 9320 PAGE 773

NO. 1

SITE PLAN

MONUMENT CONSTRUCTION, LLC.
149 LOWELL ROAD
HUDSON, NEW HAMPSHIRE ASSESSOR'S MAP 204 / LOT 003

OWNER/APPLICANT
MONUMENT CONSTRUCTION, LLC.
21 FACTORY STREET, SUITE 1
NASHUA, NH 03060

PREPARED BY:

MEISNER BREM CORPORATION
202 MAIN STREET, SALEM, NH 03079 (803) 883-3301
142 LITTLETON RD., STE. 16, WESTFORD, MA 01886 (878) 892-1313

SCALE: 1" = 30 FT. SHEET: 1 OF 1 DATE: NOVEMBER 9, 2022

"Approved by the HUDSON, NH PLANNING BOARD,"

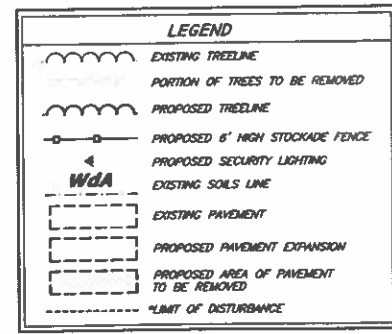
Date of Meeting: _____

PLANNING BOARD Chairman _____ Signature Date _____

PLANNING BOARD Secretary _____ Signature Date _____

"Site PLANS are valid for two years from the date of PLANNING BOARD meeting date at which the PLAN receives final approval."

"Pursuant to the Site Review Regulations of the HUDSON PLANNING BOARD, The SITE PLAN Approved Granted Herein Expires Two Years from Date of Approval."



PARKING REQUIREMENTS

Zone - Business, Use - Office
1 Space/300 S.F.

Total Proposed Building Area	- 3,182 S.F.
Proposed Office #1 (1st Floor)	- 1,128 S.F.
Proposed Office #2 (2nd Floor)	- 826 S.F.
Proposed Office #3	- 438 S.F.
Proposed Office #3	- 792 S.F.

Required Parking Spaces
3,182 S.F. / 300 S.F. = 10.6 **11 Spaces**

Proposed Parking Spaces **11 Spaces**

Total Parking Spaces	Existing	Proposed
	6 Spaces	11 Spaces

Call Dig Safe before you dig.
It's smart, it's free.
It's the law.

Dial 811

I CERTIFY THAT THE FIELD WORK NECESSARY FOR THE PREPARATION OF THIS PLAN HAS AN ERROR OF CLOSURE NO GREATER THAN 1/8" IN 10,000.

KURT D. MOSHER, L.L.S. #732 3-30-23

OWNERS ACKNOWLEDGMENT

DANIEL FROULX - MONUMENT CONSTRUCTION, LLC.
21 FACTORY STREET, SUITE 1
NASHUA, NH 03060

TOWN OF HUDSON
APR 04 2023
Zoning Department

KURT D. MOSHER, L.L.S. #732

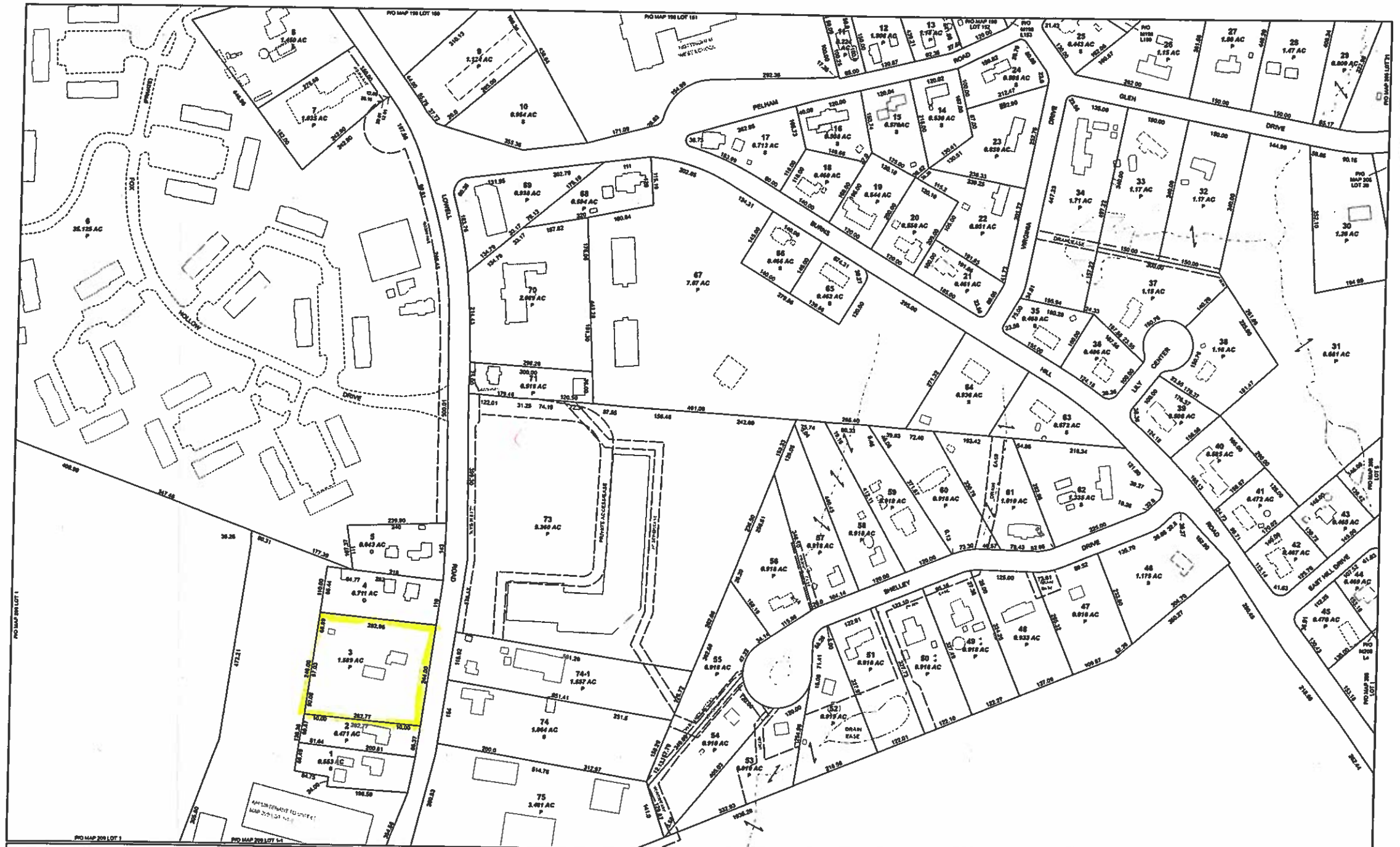
OWNER OF RECORD:
MONUMENT CONSTRUCTION, LLC.
21 FACTORY STREET, SUITE 1
NASHUA, NH 03060
BOOK: 9320 PAGE: 733

ZONING CLASS: B
BUSINESS

JOB NO.: 8513


© 2022 MEISNER BREM CORP.

GIS MAP



Notes:


- 1) For Tax Assessment Purposes
Not to be Used for Conveyances
- 2) P - Parcel Information from Recorded Plan
D - Parcel Information from Recorded Deed
S - Parcel Information from Map Scale Only



TOWN OF HUDSON
12 SCHOOL STREET
HUDSON, NH 03051


MAP LEGEND

PARCEL BOUND	ROAD RIGHT OF WAY	PRIVATE RIGHT OF WAY
PAPER ROAD	WETLAND	PARCEL NUMBER
BUILDING	BASMENT LINE	PARCEL DIMENSION
WATER LINE	TOWN LINE	PARCEL AREA
		MATCH LABEL



1 in = 100 ft (SCALE APPLIES TO PAPER SIZE ARCH D)

NEW HAMPSHIRE STATE PLANE COORDINATE GRID; NAD 1983; US FEET
PHOTOGRAPHY DATE: APRIL 4, 1998
PARCEL MAPPING BY GARY COAST MAPPING, INC.
UPDATED BY AERIAL SURVEY & PHOTO, INC.
UPDATED BY NRPC - 2021



NRPC

INDEX DIAGRAM

197	198	199
203	204	205
209	210	211

PROPERTY MAP
TOWN OF HUDSON
HILLSBOROUGH COUNTY
NEW HAMPSHIRE

204

ASSESSOR'S CARD

11/1/2020 11/1/2020 11/1/2020 11/1/2020 11/1/2020 11/1/2020

11/1/2020 11/1/2020 11/1/2020 11/1/2020 11/1/2020 11/1/2020

Property Location: 149 LOWELL RD
 Vision ID: 1524 Account #: 3870

Parcel ID: 204/003/000/1
 Bldg #: 1

Card Address: Card #: 1 of 1

LUC: 1010
 Print Date: 03-08-2023 10:53:06

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
MONUMENT CONSTRUCTION, LLC		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed	
149 LOWELL RD.		ML2	Comm- Upper Lowell St		2022	1010	188,600	2022	1010	117,400	2021	1010	117,400	
HUDSON NH 03051		TOPO		UTILITIES			1010	259,800		1010		1010	286,600	
		Rolling		Town Water			1010	26,100		1010		1010	22,800	
				Town Sewer										
Total							474,500	Total			433,200	Total		433,200

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
MONUMENT CONSTRUCTION, LLC				9320 733	07-14-2020	Q	I	475,000	00	Grantor: TATE, RUPERT E.	Appraised Bldg. Value (Card)			179,600
TATE, RUPERT E.				9235 48	11-21-2019	U	I	0	44	Grantor: TATE, RUPERT E., TR. REV. TRST	Appraised Xf (B) Value (Bldg)			9,000
TATE, RUPERT E., TR. REV. TRST				8091 0291	05-19-2009	U	I	0	44	Grantor: TATE, RUPERT JR.	Appraised Ob (B) Value (Bldg)			26,100
TATE, RUPERT JR				2103 0069	11-16-1970	U	I		38	Grantor: N/A	Appraised Land Value (Bldg)			259,800
											Special Land Value			0
											Total Appraised Parcel Value			474,500
											Valuation Method			C

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				TOTAL						
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Descrpt	Code	Appraised	Assessed				
204-003-000	BD:BD	C				204-003-000	BLDG	1010	188,600	188,600				
							LAND	1010	259,800	259,800				
							OB	1010	26,100	26,100				
PREV 0013-0009-0000							Total:		474,500	474,500	Total Appraised Parcel Value			474,500

NOTES				VISIT / CHANGE HISTORY							
Date	Id	Cd	Purpos/Result								
10-6-11 INTERIOR INSPECTION:SINK AND SHOWER IN BSMT, STAND ALONE=FAIR RATING.5/1				07-27-2022	21	20	Other Change				
9 EXT AVG+GOOD/ For Sale 7-2019 - \$599,900				07-11-2022	26	45	Field Review				
				03-12-2021	21	30	Sales Data Verification				
				05-28-2019	19	02	Measured				
				08-20-2012	01	20	Other Change				
				10-06-2011	14	03	Meas/Inspect				
				06-30-2007	06	02	Measured				
				07-23-2002	00	18	Hearing - Change				

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

LAND LINE VALUATION SECTION																	
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acreage Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value	
1	1010	SINGLE FAMILY RES	Site	1.000	AC	170,000		1.00	5	1.00	ML2	1.50	Develop	0.95			242,300
1	1010	SINGLE FAMILY RES	Excess	0.589	AC	26,000		1.00	0	1.00	ML2	1.50	Topo	0.80	0.95		17,500
Total Card Land Units:				1.589	AC	Parcel Total Land Area:				1.589	AC	Total Land Value:			259,800		

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

Property Location: 149 LOWELL RD
 Vision ID: 1524 Account #: 3870

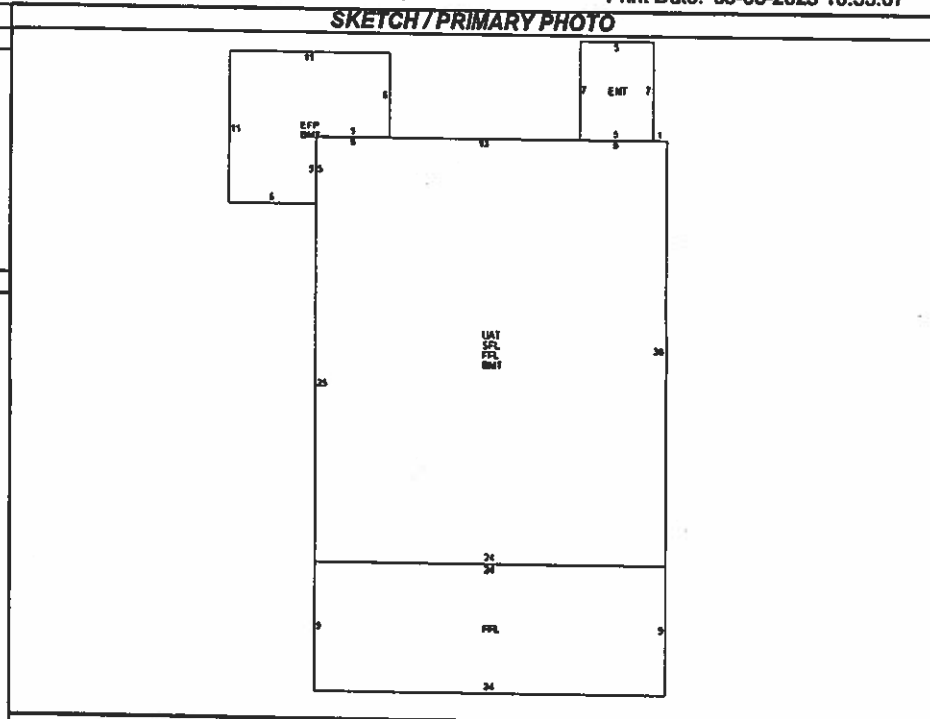
Parcel ID: 204/003/000/
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 03-08-2023 10:53:07

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg H/FL	8	
Stories:	2.25		Extra Kitchens	0	
Style:	113	NEW ENGLANDR	Add Kitchen Ra		
Grade:	C+	Avg/Good			
(Liv) Units	1				
Exterior Wall 1	03	Aluminum			
Roof Structure	01	Gable			
Roof Cover	01	Asph Shing			
Frame	01	Wood			
Foundation	02	Conc Block			
Interior Wall 1	02	Plaster			
Interior Floor 1	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	6				
Bedrooms	3				
Full Baths	1				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	2				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating	AV	Average			
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Rating	GD	Good			
WS Flues	0				
Color	brown				
Avg H/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	366,620
Year Built	1940
Effective Year Built	1991
Depreciation Code	AG
Remodel Rating	
Year Remodeled	
Depreciation %	31
Functional Obsol	20
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	49
RCNLD	179,600
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
GAR1	Garage, 1 story	L	720	SQ. FT	33.70	1940	AV	60	14,600
SHEDWD	Shed-Wood	L	165	UNITS	31.02	1940	AV	60	3,100
SHOP	Shop	L	480	SQ. FT	29.00	1940	AV	60	8,400
XFRM	Rec Room, Fin, BMT	B	408	SQ. FT	45.00	1940	AV	49	9,000

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	816	204	42.79	34,916
EFP	Encl. Porch, Finished	0	96	67	119.45	11,468
ENT	Entry	0	35	35	171.16	5,991
FFL	First Floor, Finished	936	936	936	171.16	160,204
SFL	Second Floor, Finished	720	720	720	171.16	123,234
UAT	Attic, Unfinished	0	720	180	42.79	30,808
Total Liv Area/Gr. Area/Eff Are		1,656	3,323	2,142	Total Value	366,621



Printed
4/04/2023
4:20PM
Created
4/04/2023
4:14 PM

Transaction Receipt

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

Receipt# 724,414
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application -4/27/23 ZBA Meeting 149 Lowell Rd Map/Lot 204-003-000 (B-Zone) Variance Application	0.00	221.6100	0.00
			Total:	221.61

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Monument Construction, LLC	CHECK	CHECK # 17669	221.61	0.00	221.61

Total Due: 221.61
Total Tendered: 221.61
Total Change: 0.00
Net Paid: 221.61

Monument Construction, LLC.

17669

Record#: 83338
Check#: 17669
Date: 03/29/2023
Description: Variance
Amount: 221.61
Vendor#: 1439
Payee: Town of Hudson
Address: PO Box 9572
Manchester NH 03108-9572





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: April 27, 2023 3/4-14-23

Case 110-011 (04-27-23): Donald Lamothe, 19 Putnam Rd., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain approx. eight (8) feet in the rear yard setback where 15 feet is required. [Map 110, Lot 011-000; Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Address: 19 Putnam Rd
Zoning district: General One (G-1)

Summary:

To allow a 12' x 12' shed structure to remain which encroaches 7 ft. into the rear/side setback leaving 8 ft where 15 ft is required.

Property description:

Our records indicate this parcel is an existing corner lot of record with non-conforming area of 44,866 SF where 87,120 SF is required, and use is conforming as residential single family. Attached garage exists in setback per variance granted June 25, 1987.

In-House comments:

Town Engineer, Town Planner, and Inspectional Services/Fire Dept: no comments
Zoning Administrator comments: yes

History/Attachments:

A: ZBA variance approval June 25, 1987: " *Variance for front yard setback of not less than 16 ft*" for detached garage.

B: B.P. # 2010-00609 issued 11/05/2010 for: " *construct 12 x 12 shed*"

C: In house comments from Zoning Administrator.

NOTICE OF APPROVAL

On June 25, 1987, The Hudson Zoning Board of Adjustment heard
case 06/87/37-29:, pertaining to a request by
Donald E. and Maureen A. Lamothe
for variance for front yard set back of not less than 16 feet approved
19 Putnam Road [Map 37 Lot 29] Zone D, Article I, Section 5.0 [1.03 Acres]

A majority of the members sitting on the Zoning Board of Adjustment for this hearing voted to grant the request, finding that it satisfied all requirements.

For 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 during testimony before the Zoning Board of Adjustment relative to the obtaining of this special exception shall be considered conditions of that special exception, 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 Zoning Administrator 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 this Board, and the approval shall be held to be null and void.

Signed: *Donald E. Lamothe*
(Chairman of the Zoning Board of Adjustment)

Date: 09-13-87

Signed: *Nick Richards*
(Hudson Zoning Administrator)

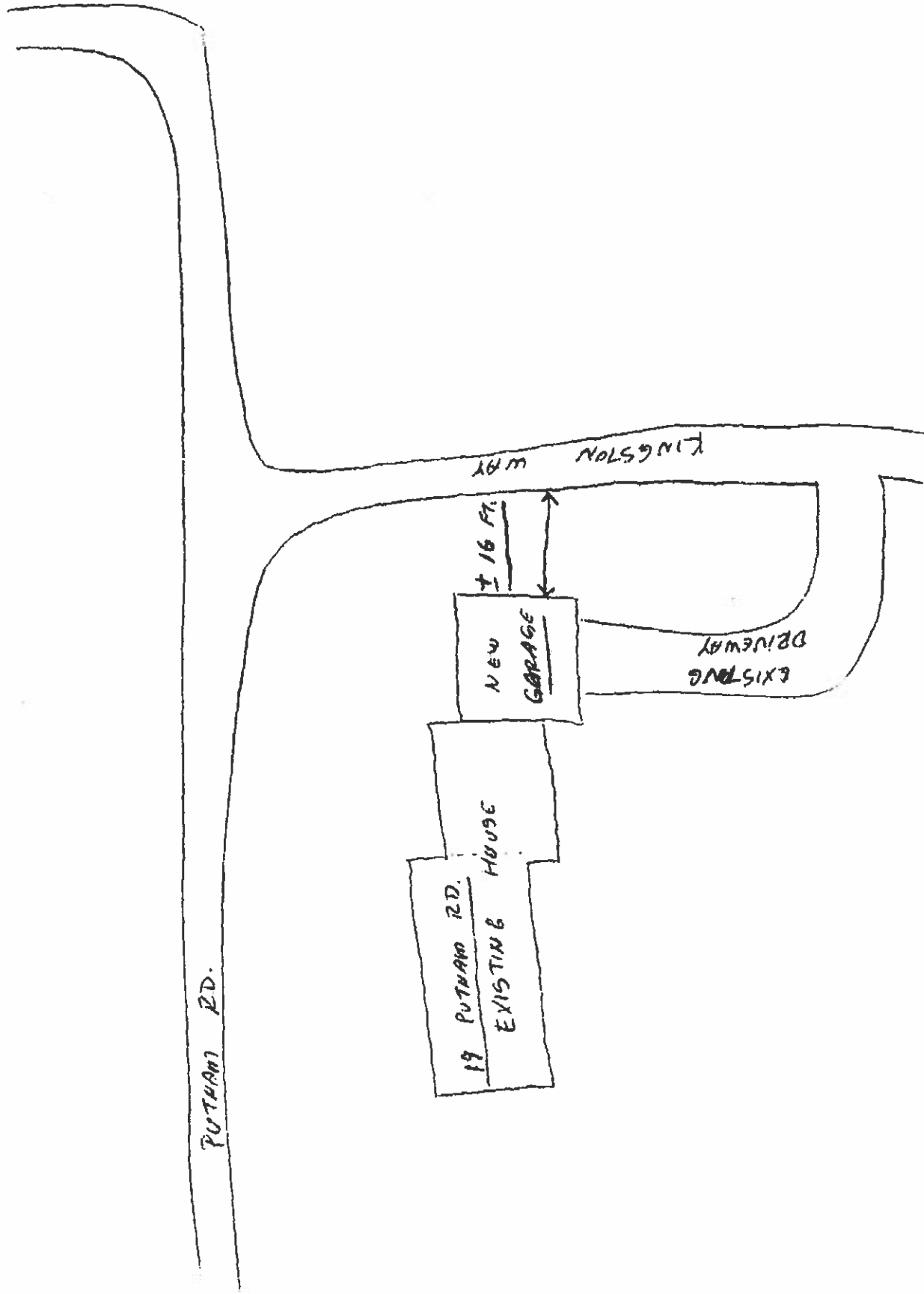
Date: 6-26-87

Donald E. Lamothe
(Applicant signature)

Date
10-5-87

A,

DON. LAMOTHE



A₂



Town of Hudson, NH
Building Permit
 Community Development Department
 12 School Street
 Hudson, NH 03051
 603-886-6005

Permit Number
 2010-00609
Date of Issue
 11/05/2010
Expiration Date
 11/05/2011

Owner: LAMOTHE, DONALD LAMOTHE, MAUREEN
Applicant: LAMOTHE, DONALD LAMOTHE, MAUREEN
Location of Work: 19 PUTNAM RD
 (No. and Street) (Unit or Building)

Description of Work: Construct a 12' x 12' shed

ZONING DATA: District: G-1 Map\Lot: 110-011-000

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: LAMOTHE, DONALD LAMOTHE, MAUREEN

(Taking Responsibility for the Work)

Company/Affiliation: Owner

Job Site Phone Number:

Constr Cost: \$2,000 **Permit Fee:** \$25.00 **Check No.:** **Cash:** \$0.00

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.

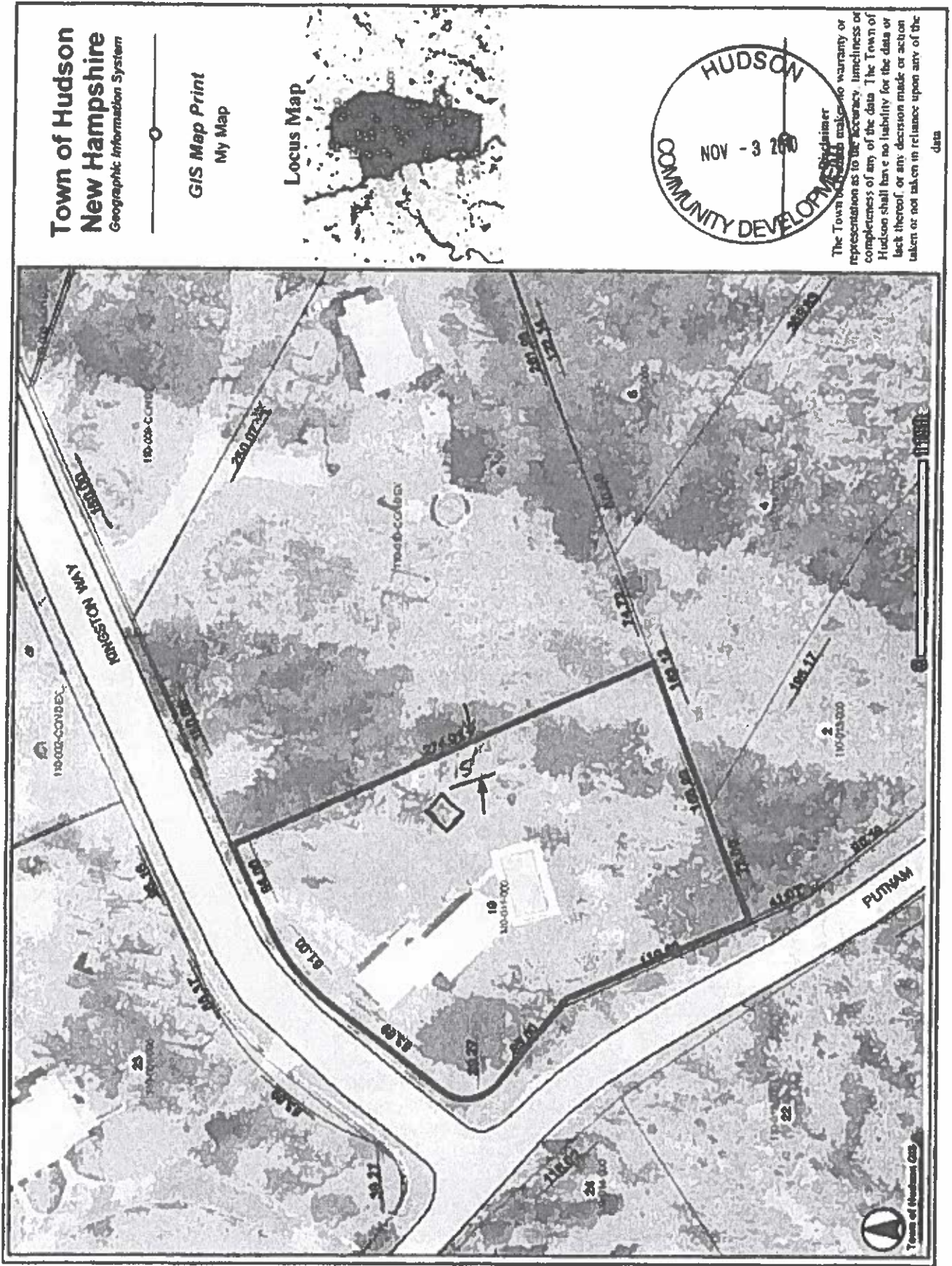
William A. O'Rourke
 Code Official

Donald Lamothe
 Permit Holder

11/05/2010
 Date

B,

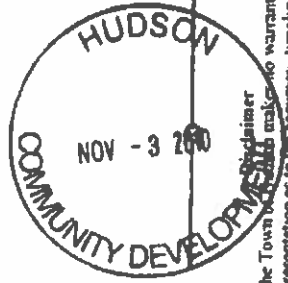
Map Output



Town of Hudson
New Hampshire
Geographic Information System

GIS Map Print
My Map

Locus Map



The Town of Hudson makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The Town of Hudson shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.

B₂



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Comment

Case 110-011 (04-27-23): Donald Lamothe, 19 Putnam Rd., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain approx. eight (8) feet in the rear yard setback where 15 feet is required. [Map 110, Lot 011-000; Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Facts:

Applicant had secured a building permit.

Indicated the setbacks on the B.P.

Had inspection by the Town and was approved (see attachment).

No notice of violation nor deficiency noted.

Therefore, I believe the principal of estoppel applies here.

“Courts are not without some degree of sympathy to individuals or companies that take actions on the basis of local officials’ zoning and other decisions that governments later contend were made in error. However, in the absence of affirmative misconduct, courts generally will not preclude municipalities from discharging their statutory duties to enforce their zoning and other laws and correcting their mistakes.”

Thus, the Equitable Waiver of Dimension Requirement provision is available to correct the prior “approval” in a wrong location.

C₁

Run: 12/22/10
2:47PM

Building Permit
Application\Permit Detail Report
Town of Hudson, NH

Page 1
jkennedy

Permit 2010-00609 SHED PERMIT

Description: Construct a 12' x 12' shed.

ENTERED

Owner: LAMOTHE, DONALD LAMOTHE, MAUREEN

Street: 19 PUTNAM RD Unit

Map\Lot: 110-011-000

Zone: G-1

Scheduled Date: 12/23/2010

Inspection Code: SHED

Date of Inspection:

Inspection Description: SHED INSPECTION

Inspector: BM

Inspection Notes: Donald Lamothe - 882-6787

OK

Inspection Status: In Process

Inspector:

Blake C. Miller

Date:

12/23/10

C2

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

Option 2- (Per RSA 674:33-a, II)

Equitable Waivers are granted, pursuant to RSA 674:33-a, I: When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement... **II. In lieu of the findings required by the board under subparagraphs I(a) and (b), the owner may demonstrate the following to the satisfaction of the board:**

On **04/27/2023**, the Hudson Zoning Board of Adjustment heard Case **110-011**, being a request by **Donald Lamothe, 19 Putnam Rd., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain approx. eight (8) feet in the rear yard setback where 15 feet is required.** [Map 110, Lot 011-000; Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Y N **TEN YEARS OR MORE:** The applicant has demonstrated that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected; and

Y N **NO NUISANCE:** The applicant has successfully demonstrated that the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

Y N **HIGH CORRECTION COST:** The applicant has successfully demonstrated that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

Signed: _____ Date _____
 Sitting Member of the Hudson ZBA

APPLICATION FOR AN EQUITABLE WAIVER

APR 04 ENT'D 2023 (TG)

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. 110-011(04-27-23)

Date Filed 4-4-2023

Name of Applicant DONALD LAMOTHE Map: 110 Lot: 011 Zoning District: G-1

Telephone Number (Home) 882-6787 (Work) SAME

Mailing Address 19 PUTNAM RD.

Owner DONALD + MAUREEN LAMOTHE

Location of Property 19 PUTNAM RD.
(Street Address)

Donald Lamothe _____ Date 3-29-23
Signature of Applicant

Donald Lamothe Maureen Lamothe _____ Date 3-29-23
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 Equitable Waiver.

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

Date received: 4/4/23

COST:

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

<u>9</u> Abutter Notice:		
Direct Abutters x Certified postage rate	\$ <u>4.78</u> =	\$ <u>43.02</u>
<u>5</u> Indirect Abutters x First Class postage rate	\$ <u>0.63</u> =	\$ <u>3.15</u>
Total amount due:		\$ <u>231.17</u>

Amt. received: \$ 231.17

Receipt No.: 724,417

Received by: (TSG)

check: 1654

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

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

 Please review the application with the Zoning Administrator or staff.

TG

 The applicant must provide the original (with wet signatures) of the complete filled-out application form and all required attachments listed below together with ~~10 (ten)~~ **single-sided** copies of the assembled application packet. (Paper clips, no staples) **13**

TG

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

TG

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

N/A

 Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website:
<https://www.hudsonnh.gov/community-development/page/gis-public-use>

TG

(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.)

 GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief.

TG

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

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

TG

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

TG pending from Z. A.

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

N/A

CERTIFIED PLOT PLAN:

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

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

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

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

Donald Lamotte
Signature of Applicant(s)
Maurice Lamotte
Donald Lamotte
Signature of Property Owner(s)

3-29-23
Date
3-29-23
3-29-23
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
110	011-000	*Include Applicant & Owner(s) LAMOthe, DONALD; LAMOthe, MAUREEN	19 PUTNAM Rd HUDSON, NH 03051
109	014-000	Keating, ERIC Keating, AMY	24 PUTNAM Rd HUDSON, NH 03051
109	015-000	HIGGINS, ROBERT W. TR; ROBERT W HIGGINS TRUST	11 CUTLER Rd, HUDSON, NH
110	001-000	NEAULT, RAYMOND J. JR. TR NEAULT, LINDA, TR NEAULT REVOCABLE TRUSTS	23 PUTNAM RD HUDSON, NH 03051
110	010-001	A + NH Properties, LLC	134 GREELEY ST HUDSON, NH 03051
110	010-002	Wilson, ASHLEY PARZYCH, JOSEPH Robert	3B KINGSTON WAY HUDSON, NH 03051
110	012-001	MACLEAN, ROBERT G. TR	19 COLONIAL DR.
110	012-002	MACLEAN, SHEILAGH M, TR MACLEAN FAMILY REV TRUST	Litch Field, NH 03052
110	013-000	FULLER, DALE FULLER, ANNE	2 FULLER DR. HUDSON, NH 03051
110	014-000	Pied, PAUL P. TR Pied, CAROL M. TR Pied FAMILY TRUST	4 FULLER DR. HUDSON, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

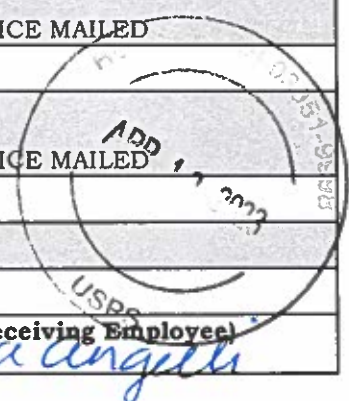
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective 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
110	002-001	MURPHY, ROBERT E.	4A KINGSTON WAY HUDSON, NH 03051
110	002-002	GIOVANNIELLO, MICHAEL REES, PAMELA	4B KINGSTON WAY UNIT 2 HUDSON, NH 03051
110	009-001	MADDEU, MATTHEW MADDEU, JENNIFER	5A KINGSTON WAY HUDSON, NH 03051
110	009-002	VILLANDRY, CHRISTOPHER T. FELLS, TAYLOR L.	5B KINGSTON WAY HUDSON, NH 03051
110	015-000	PALENO, JOSEPH ZBAWIONY, CAROLINE	6 FULLER DRIVE HUDSON, NH 03051

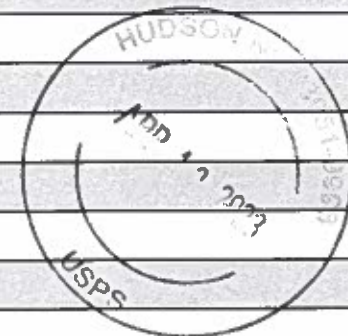
USPS-Verified Mail

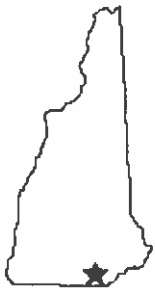
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 110-011 EQUITABLE WAIVER of DIM. REQ. 19 Putnam Rd Map 110/Lot 011-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting
1	7022 3330 0000 3692 8767	LAMOHE, DONALD; LAMOHE, MAUREEN 19 PUTNAM RD., HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7022 3330 0000 3692 8774	KEATING, ERIC; KEATING, AMY 24 PUTNAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7022 3330 0000 3692 8781	HIGGINS, ROBERT W., TR.; ROBERT W. HIGGINS TRUST 11 CUTLER ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7022 3330 0000 3692 8798	NEAULT, RAYMOND J. JR., TR.; NEAULT, LINDA L., TR.; NEAULT REVOCABLE TRUSTS 23 PUTNAM ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7022 3330 0000 3692 8804	A+NH PROPERTIES, LLC 134 GREELEY ST, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7022 3330 0000 3692 8811	WILSON, ASHLEY; PARZYCH, JOSEPH ROBERT 3B KINGSTON WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7022 3330 0000 3692 8828	MACLEAN, ROBERT G., TR.; MACLEAN, SHEILAGH M., TR.; MACLEAN FAMILY REV TRUST 19 COLCONIAL DR., LITCHFIELD, NH 03052	ABUTTER NOTICE MAILED
8	7022 3330 0000 3692 8835	FULLER, DALE; FULLER, ANNE 2 FULLER DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	7022 3330 0000 3692 8842	PIED, PAUL P., TR.; PIED, CAROL M., TR.; PIED FAMILY TRUST 4 FULLER DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10			
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee) <i>Paula Angeli</i>



USPS-Verified Mail

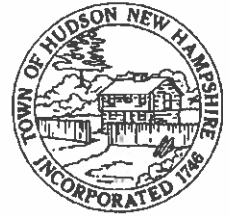
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 110-011 EQUITABLE WAIVER of DIM. REQ. 19 Putnam Rd Map 110/Lot 011-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting
1	Mailed First Class	MURPHY, ROBERT E. 4A KINGSTON WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	GIOVANDITTO, MICHAEL; REES, PAMELA 4B KINGSTON WAY- UNIT 1, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	MADDEN, MATTHEW; MADDEN, JENNIFER 5A KINGSTON WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	VILLANDRY, CHRISTOPHER T.; FELLS, TAYLOR L. 5B KINGSTON WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	PALENO, JOSEPH; ZBAWIONY, CAROLINE 6 FULLER DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6			
7			
8			
9			
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
	5		<i>Paula Angeli</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

April 11, 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, **04/27/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

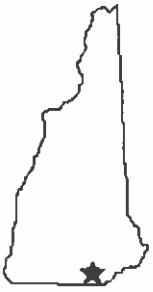
Case 110-011 (04-27-23): Donald Lamothe, 19 Putnam Rd., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain approx. eight (8) feet in the rear yard setback where 15 feet is required. [Map 110, Lot 011-000; Zoned General-One (G-1);HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

Respectfully,

Bruce Buttrick

Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

April 11, 2023

ABUTTER NOTIFICATION

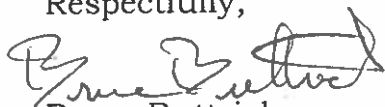
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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for providing information or comments on the proposal. If you are unable to attend, you may also mail or email your comments 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 AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT
Select Option 1 or Option 2 only

Per RSA674:33-a, II, Equitable Waiver of Dimensional Requirement: (OPTION 2)

II. In lieu of the findings required by the board under subparagraphs I(a) and (b), the owner may demonstrate the following to the satisfaction of the board:

TEN YEARS OR MORE: Please explain how the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected; and

SEE ATTACHMENT

(c) **NO NUISANCE.** Please explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

SEE ATTACHMENT

(d) **HIGH CORRECTION COST.** Please explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

SEE ATTACHMENT

Equitable Waiver of Dimensional Requirement: (OPTION 2)

TEN YEARS OR MORE:

The shed in question was built in 2010. At that time, I believed it to be located approximately 25 feet from the property line. This was based on information I received from the developer that built the home behind me back in 1986. I was told then that my property line was approximately 25 feet from the tree line. Clearly he was mistaken and the shed ended up about 8 feet from the property line, not the required 15 feet.

No enforcement action has been taken because the discrepancy was just noticed on March 27, 2023 by the Zoning & Code Enforcement, Administrative Aide Tracy Goodwyn. No persons have been affected by the sheds current location as the shed is completely on my property. The area of land on the abutting property is a wooded section of land that is not being used by the property owners.

NO NUISANCE:

The location of my shed is completely on my property and it does not create any public or private nuisance, nor does it obstruct or prevent anyone from using their property.

The property adjacent to where the shed in question is located was developed in 1986. The section of that property directly adjacent to where my shed is, is an unused wooded area. In the 37 years in which that home has existed, no one has ever used the wooded area of land adjacent to where the shed exists. If the residences of that property decide to use that wooded area, the location of my shed would not prevent them from doing so.

HIGH CORRECTION COST:

I don't believe that any public or private benefit would be gained by moving the shed as it is not interfering with or impeding any use or access of any public or private land use. If the shed needs to be moved the cost would include at a minimum;

1. Having my property surveyed to identify the exact location of the property line in question.
2. Modifying the irrigation system to more/remove some sprinkler heads.
3. The expense of physically moving the shed.
4. Preparing the new location for the shed.

I have obtained the following estimates for this work;

Surveying (randomly selected from a Google search of local surveying companies);

Gate City Survey, Nashua NH = \$3000

Promised Land Survey, Derry NH = \$1200-2000

Meridian Land Services, Amherst NH = \$1500-2300

Irrigation System (from the company that installed it);

Young Brothers Well & Pump Co. = \$150-250

Moving the Shed (randomly selected from a Google search of local crane/moving companies);

Quick Pick Crane Services, Bow NH = \$900-1200

S N F Crane Services, Hampstead NH = Pending

Altitude Crane Service, Nashua NH = Pending



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-049

March 28, 2023

Don Lamothe
19 Putnam Rd
Hudson, NH 03051

Re: 19 Putnam Rd Map 110 Lot 011-000
District: General One (G-1)

Subject: Shed encroachment.

Dear Mr. Lamothe,

Zoning Determination:

Your property has a shed located within the required building/structure setbacks. On your property, the required side and rear setback are 15 ft from property lines.

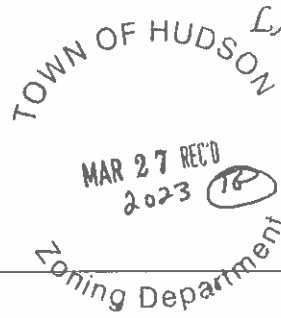
I found a building permit (#2010-00609) for this shed (12 x 12) issued 11/05/2010. You would need an Equitable Waiver of Dimensional Requirement from the Zoning Board of Adjustment for this shed to remain.

Sincerely,

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

encl: B.P. #2010-00609 (4 pages)
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.



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

#23-049



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 3-27-23

Property Location 19 PUTNAM RD.

Map 110 Lot 011 Sublot 000

Zoning District if known G-1

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)

Requesting Equitable Waiver for existing shed which is less than 15 feet (approx. 8-10 feet) set back. Shed was built in 2010 and believe to be at least 15 feet from property line at that time. Permit was issued & shed was inspected and approved.

Applicant Contact Information:

Name: DON LAMOTHE
 Address: 19 PUTNAM RD.
 Phone Number: 603-882-6752
 Email: DONL@MOTHE@COMCAST.NET

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: Gave EQ Waiver Application

ZONING DETERMINATION LETTER SENT DATE: _____



Town of Hudson, NH
Building Permit

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

Permit Number
2010-00609
Date of Issue
11/05/2010
Expiration Date
11/05/2011

Owner: LAMOTHE, DONALD LAMOTHE, MAUREEN

Applicant: LAMOTHE, DONALD LAMOTHE, MAUREEN

Location of Work: 19 PUTNAM RD
(No. and Street) (Unit or Building)

Description of Work: Construct a 12' x 12' shed

ZONING DATA: District: G-1 Map\Lot: 110-011-000

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: LAMOTHE, DONALD LAMOTHE, MAUREEN
(Taking Responsibility for the Work)

Company/Affiliation: Owner **Job Site Phone Number:**

Constr Cost: \$2,000 **Permit Fee:** \$25.00 **Check No.:** **Cash:** \$0.00

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.

William A. DeBorja
Code Official

Donald Lamothe
Permit Holder

11/05/2010
Date



Town of Hudson, NH
Building Permit

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

Permit Number
2010-00609
Date of Issue
11/05/2010
Expiration Date
11/05/2011

Owner: LAMOTHE, DONALD LAMOTHE, MAUREEN

Applicant: LAMOTHE, DONALD LAMOTHE, MAUREEN

Location of Work: 19 PUTNAM RD (Unit or Building)
(No. and Street)

INSPECTION APPROVALS

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

Permit Holder: LAMOTHE, DONALD LAMOTHE, MAUREEN
(Taking Responsibility for the Work)
Company/Affiliation: Owner **Job Site Phone Number:**

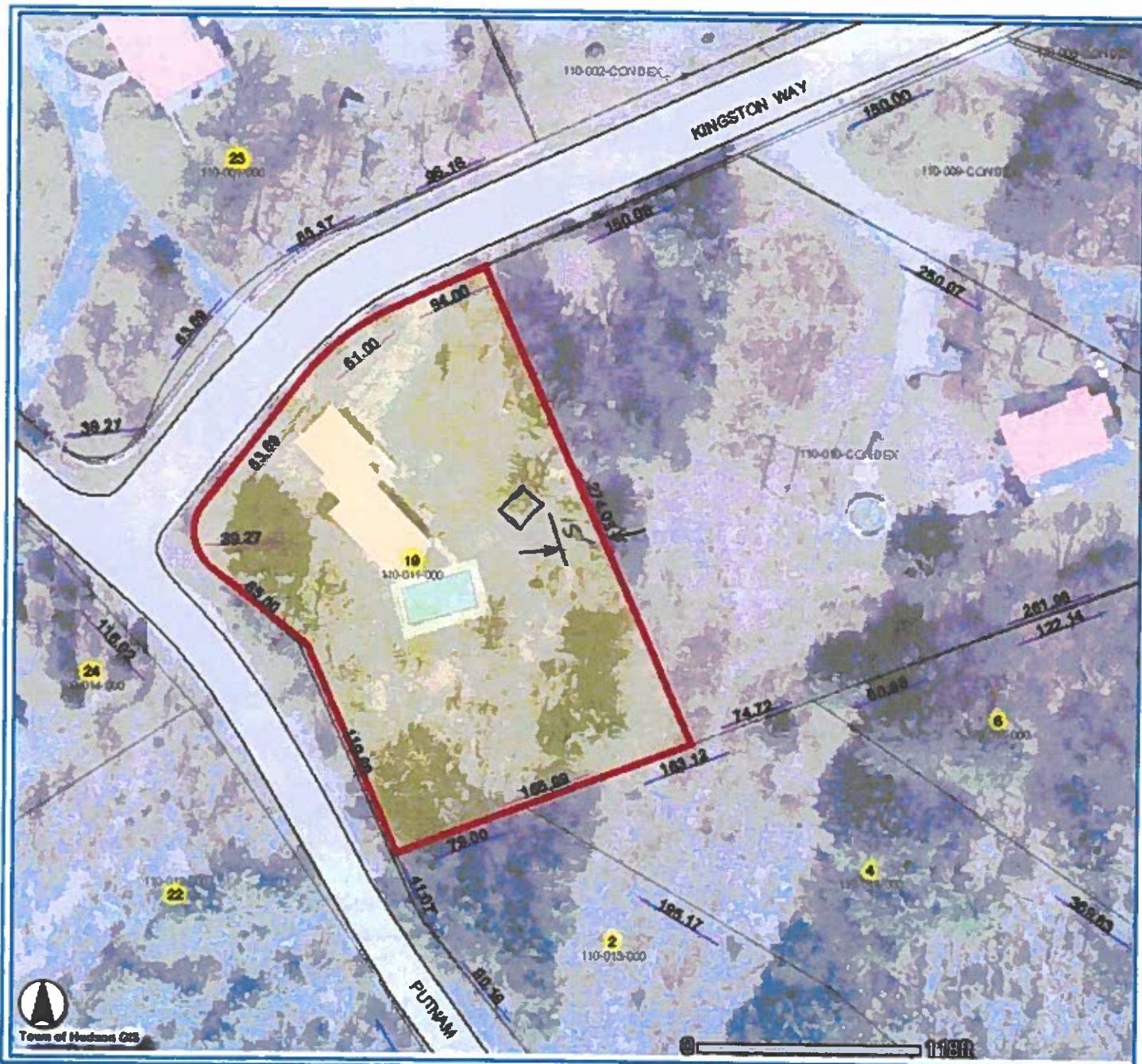
Constr Cost: \$2,000 **Permit Fee:** \$25.00 **Check No.:** **Cash:** \$0.00

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.

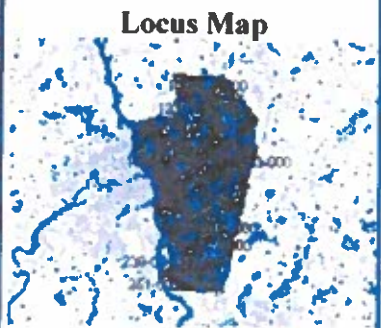
William A. Stebbins _____ 11/05/2010
Code Official **Permit Holder** **Date**

Map Output



Town of Hudson New Hampshire Geographic Information System

GIS Map Print
My Map



Disclaimer
The Town of Hudson makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The Town of Hudson shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.

Run: 12/22/10
2:47PM

Building Permit
Application\Permit Detail Report
Town of Hudson, NH

Page 1
jkennedy

Permit 2010-00609 SHED PERMIT

Description: Construct a 12' x 12' shed.

ENTERED

Owner: LAMOTHE, DONALD LAMOTHE, MAUREEN

Street: 19 PUTNAM RD

Unit:

Map\Lot: 110-011-000

Zone: G-1

Scheduled Date: 12/23/2010

Inspection Code: SHED

Date of Inspection:

Inspection Description: SHED INSPECTION

Inspector: BM

Inspection Notes: Donald Lamothe - 882-6787

OK

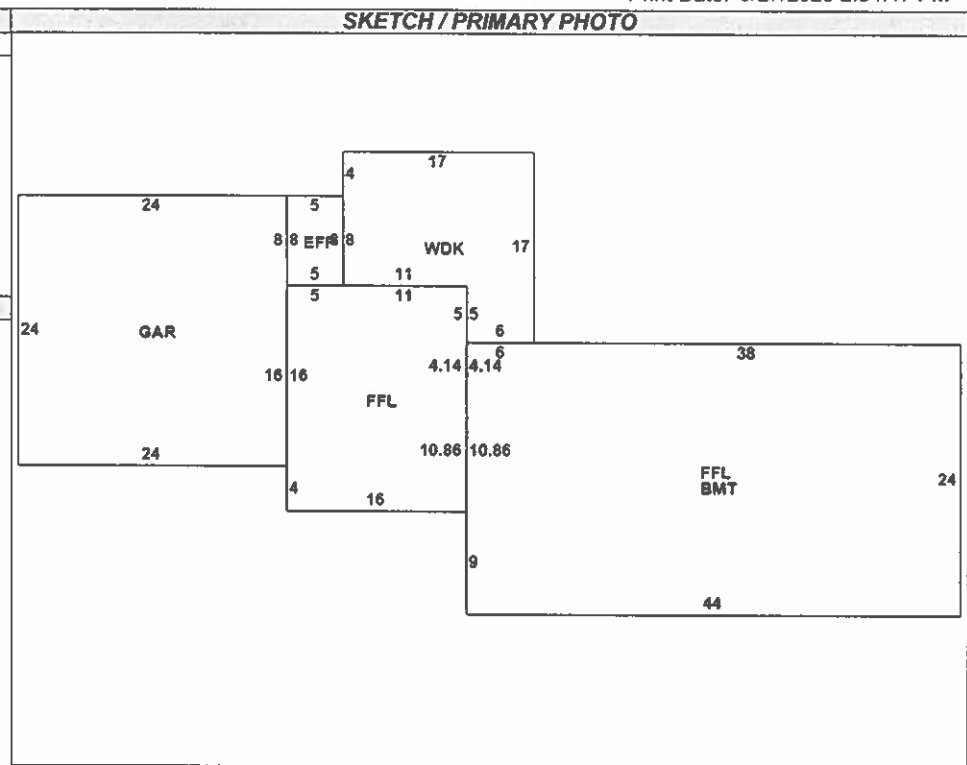
Inspection Status: In Process

Inspector: *Blake G. Miller* Date: *12/23/10*

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1		Extra Kitchens	0	
Style:	01	Ranch	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asph Shing			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	03	Hardwood			
Heat Fuel	01	Oil			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	6				
Bedrooms	3				
Full Baths	1				
3/4 Baths	0				
Half Baths	0				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating					
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Rating	GD	Good			
WS Flues	1				
Color	GREEN				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION

Building Value New	309,099
Year Built	1960
Effective Year Built	2002
Depreciation Code	GD
Remodel Rating	
Year Remodeled	
Depreciation %	20
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	80
RCNLD	247,300
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



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

Code	Description	UB	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
POOLIV	Pool - Vinyl Lined In Ground	L	648	UNITS	40.10	1998	AV	60	15,600
SHEDWD	Shed-Wood	L	144	UNITS	31.02	2015	GD	80	3,600

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,056	264	40.82	43,107
EFB	Encl. Porch, Finished	0	40	28	114.30	4,572
FFL	First Floor, Finished	1,376	1,376	1,376	163.29	224,681
GAR	Garage	0	576	202	57.26	32,984
WDK	Wood Deck, or Composite Dk	0	234	23	16.05	3,756
Total Liv Area/Gr. Area/Eff Are		1,376	3,282	1,893	Total Value	309,100



Property Location: 19 PUTNAM RD
 Vision ID: 5313 Account #: 4526

Parcel ID: 110/011/000/
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 3/27/2023 2:54:47 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
LAMOTHE, DONALD		RE	Residential Average		2022	1010	247,300	2022	1010	163,700	2021	1010	163,700
LAMOTHE, MAUREEN		TOPO	UTILITIES			1010	170,200		1010	110,200		1010	110,200
19 PUTNAM ROAD		Rolling	Priv Water			1010	19,200		1010	8,000		1010	8,000
HUDSON NH 03051			Septic										
					Total		436,700	Total		281,900	Total		281,900

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY		
LAMOTHE, DONALD				3339 0395	09-01-1985	Q	I	96,500	00	Grantor N/A	Appraised Bldg. Value (Card)		247,300
											Appraised Xf (B) Value (Bldg)	0	
											Appraised Ob (B) Value (Bldg)	19,200	
											Appraised Land Value (Bldg)	170,200	
											Special Land Value	0	
											Total Appraised Parcel Value	436,700	
											Valuation Method	C	

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY					
Parcel ID	Zoning	Flood Hazard	Neigh/Abut	Neigh/Abut2	Neigh/Abut3	GIS ID	PREV	Assoc Pid#	Descript	Code	Appraised	Assessed	Total Appraised Parcel Value
110-011-000	G1:GENERAL ONE	C				110-011-000	0037-0029-0000		BLDG	1010	247,300	247,300	436,700
										LAND	1010	170,200	170,200
										OB	1010	19,200	19,200
										Total:		436,700	436,700
											Total Appraised Parcel Value	436,700	

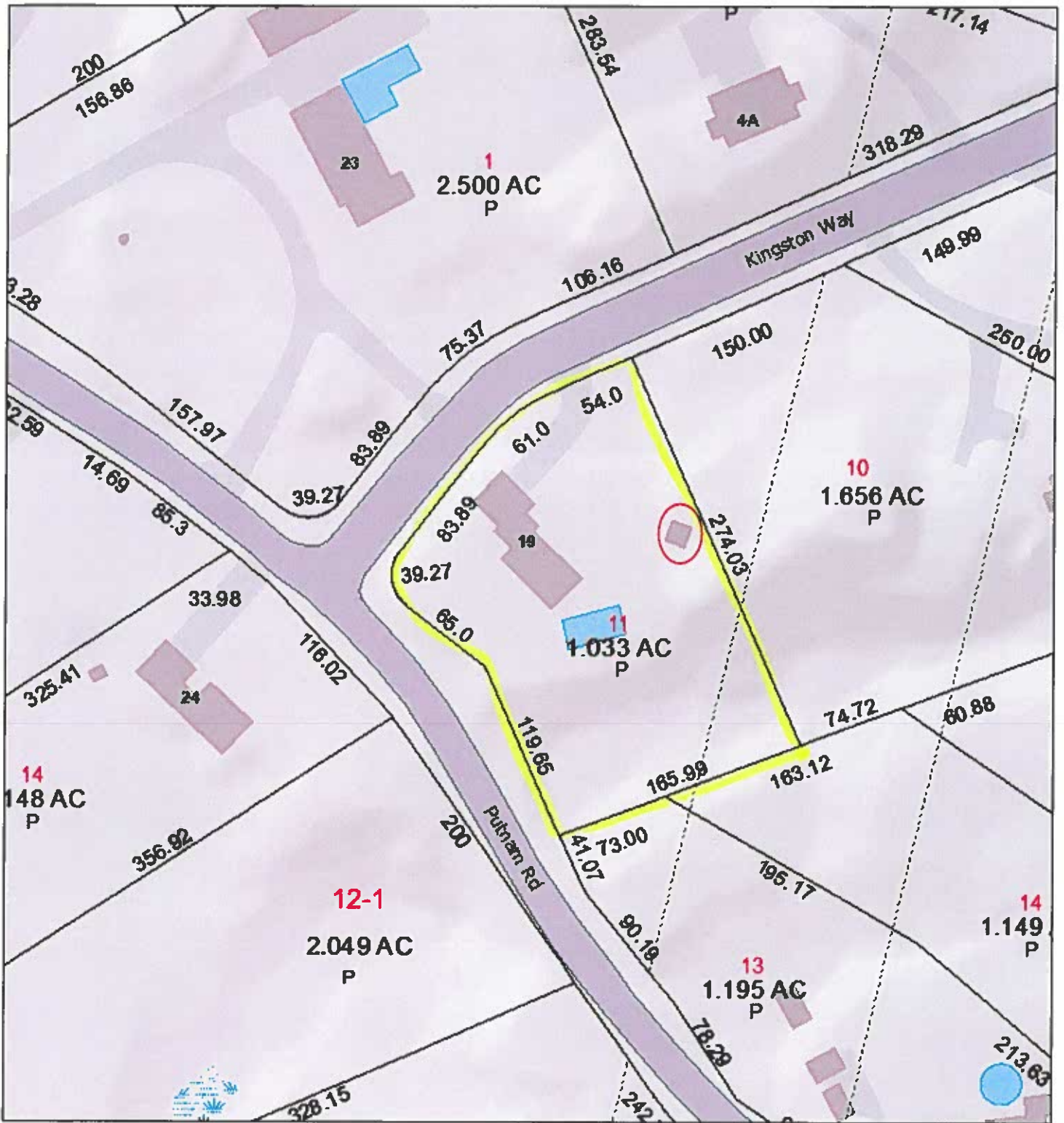
NOTES				VISIT / CHANGE HISTORY			
				Date	Id	Cd	Purpost/Result
200A, A/C 2019				07-19-2022	26	45	Field Review
				04-23-2020	21	15	Permit Visit
				05-07-2015	15	02	Measured
				06-19-2008	10	02	Measured
				02-22-2005	01	71	Acreage Adjustment From New Map
				06-19-2004	06	02	Measured
				05-21-2001	00	03	Meas/Inspect
				06-24-1996	02	14	Inspected

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2019-00552	06-19-2019	ELEC	Electrical		C			
2019-00453	05-29-2019	ELEC	Electrical	1,400	C			

LAND LINE VALUATION SECTION														
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	1.000 AC	170,000		1.00	5	1.00	RE	1.00			170,000
1	1010	SINGLE FAMILY RES	Excess	0.033 AC	6,000		1.00	0	1.00	RE	1.00			200
Total Card Land Units:				1.033 AC		Parcel Total Land Area:				1.033 AC		Total Land Value:		170,200

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

19 Putnam Rd (Map/Lot 110-011-000) G-1 Zone



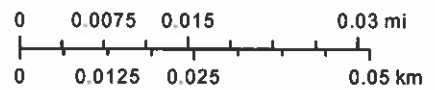
April 5, 2023

Legend

----- Easement_Lines

▭ Parcels

1:1,083



Printed
4/04/2023
4:41PM
Created
4/04/2023
4:31 PM

Transaction Receipt

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

Receipt# 724,417
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application- 4/27/23 ZBA Mtg. 19 Putnam Rd. Map/Lot 110-011-000 (Zone G-1) Equitable Waiver App	0.00	231.1700	0.00
			Total:	231.17

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Donald & Maureen Lamothe	CHECK	CHECK # 1654	231.17	0.00	231.17

Total Due:	231.17
Total Tendered:	231.17
Total Change:	0.00
Net Paid:	231.17



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: April 27, 2023 *BB 4-17-23*

Case 136-001 (04-27-23): Joseph A Miara, Jr., Trustee, Granite Realty Trust, 12 Bockes Road, Hudson, NH requests a Variance to build a proposed 80 ft. x 120 ft. garage and attached 80 ft. x 45 ft. covered awning. This is an expansion of an existing, non-conforming use, not permitted in the R-2 district. [Map 136, Lot 001-000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]

Address: 12 Bockes Rd

Zoning district: Residential Two (R-2)

Summary:

Applicant requests a variance to allow the construction of an 80 ft. x 120 ft. garage and attached 80 ft. x 45 ft. covered awning, as an expansion of a non-conforming use.

Property description:

Lot of record, 9.216 Acres – 1.38 Acres required / 577.84 ft Frontage – 159 ft required

Existing non-conforming use: The prior tenant and use was a permitted use (1984), In 1985 the property was rezoned to R-2 district, becoming “existing non-conforming” use.

LAND USE HISTORY:

ZBA: 3/24/22 Variance to erect a 80ft x 79ft x 34ft high “hoop” structure

ZBA: 9/29/16 Variance to expand parking/storage area/loading area and 2,430 sqft maintenance bldg.

ZBA: 9/29/16 Wetland Special Exception proposed storage expansion of 56,000 sqft of which 37,250 sqft in Wetland and Buffer areas.

Planning Board: 1-11-17 Site improvements for site expansion, including trailer and specialty trailer storage area a 2,430 sqft maint. shop addition.

Planning Board: 12-17-01 Site plan modification (addition) to the Verizon building easement

Planning Board: 4-2-92 As built site plan: 19,972 sqft warehouse w/3,261 sqft 2 story office, 2,430 sqft maint shop and associated site parking.

Planning Board: 6-11-87 Approved site plan 29,196 sqft warehouse w/3,648 sqft 2 story office, 3,000 sqft maint shop and associated site parking (no variance needed, was permitted use).

ASSESSING HISTORY:

Industrial Warehouse and Auto Repair

Town in-house review comments:

Town Engr: comments: yes

Town Planner: comments: yes

Fire Dept: comments: no

Attachments:

A: ZBA: 3/24/22 Variance – Expansion of non-conforming use (additional structure)

B: ZBA: 9/29/16 Variance – Expansion of non-conforming use

C: ZBA: 9/29/16 Wetland Special Exception

D: Planning Board 1-11-17 site plan expansion

E: Planning Board 12-17-01 site plan expansion of Verizon Bldg

F: Planning Board 4-2-92 as built site plan

G: Planning Board 6-11-87 approved site plan

H: Town Engr comments

I: Town Planner comments

10.53
DUPLICATE 2.00
CASH -

Send recorded copy to:

A43
TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT
12 School Street, Hudson, New Hampshire 03051

NOTICE OF DECISION

Map 136, Lot 001-000, Zone R-2 (Residential-Two), Case # 136-001
ZBA Decision 03/24/2022

Variance - GRANTED with 2 stipulations

Property Owner: Joseph A. Miara Jr., Trustee, Granite Realty Trust
12 Bockes Road, Hudson, NH 03051

Agent/Representative: Anthony M. Basso, LLS. Keach-Nordstrom Associates, Inc.
10 Commerce Park North, Suite 3, Bedford, NH 03110

Legal Representative: J. Bradford Westgate, Esquire, Winer and Bennett, LLP
111 Concord Street, Nashua, NH 03064

Property Location: 12 Bockes Road, Hudson, NH 03051

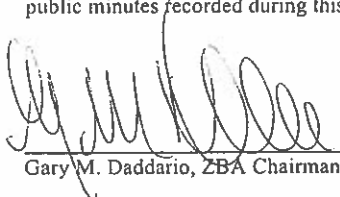
Action sought: Variance to erect a 80 ft. x ~79 ft. x 34 ft. high 'hoop' structure attached by 4 (four) 40 ft. ocean containers used as a base with a proposed location in the rear of the property

Zoning Ordinance Article: VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses

Action granted: After consideration of the testimony, review of the proposed site plan and aerial views of the site and surrounding areas; and with recognition that when site was developed it was a permitted use but became a non-conforming use when the zone changed to residential; and after review of the criteria for the granting of a Variance and determining that the criteria have been satisfied, motion made, seconded and voted 5:0 to grant the Variance with two (2) stipulations:

- (1) that the canvas/vinyl tarp roof material be earth tone color, not white, and be extended to cover the outside of the storage container anchors; and
- (2) that the ZBA input/comments be forwarded to the Planning Board.

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


Gary M. Daddario, ZBA Chairman

4/8/22
Date


Bruce Buttrick, Zoning Administrator

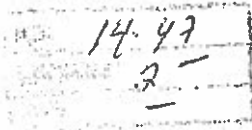
4-7-22
Date

A

Carmela D. Coughlin

Hudson Town Hall
Hudson Zoning Board
12 School Street
Hudson, NH 03051

A43



Town of Hudson

Zoning Board of Adjustment

Decision to Grant a Variance

On 9/29/16, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case# 136-001**, pertaining to a request by **Joseph A. Miara Jr., 12 Bockes Road, Hudson, NH** for a Variance **to allow expansion of the existing non-conforming use to expand the parking area (storage), loading area, and construction of 2,430 sq-ft maintenance building addition.** [Map 136, Lot 001, Zoned R-2; HZO Article VIII §334-29, Extension or enlargement of nonconforming uses.]

Following review of the testimony and deliberation, a majority of the members of this Zoning Board voted that the variance 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 permit shall be considered conditions of the Variance, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion to grant.

B.

In the event that the requested use subsequently is found by the Hudson Zoning Administrator 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 corrective action(s) will be enforced under N.H. R.S.A. 676:17, Fines and Penalties, which allows a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue, as well as recovery of costs and reasonable attorney's fees.

Signed: Maryellen Davis
Maryellen Davis
Chairman, Hudson Zoning Board of Adjustment

Date: 07-Oct-16

Signed: Bruce Buttrick
Bruce Buttrick
Zoning Administrator

Date: 10-6-16

B₂

Hudson Town Hall
Hudson Zoning Board
12 School Street
Hudson, NH 03051

A43

FEES	14.47
SURCHARGE	2.
CASH	-

Town of Hudson

Zoning Board of Adjustment

Decision to Grant a Wetlands Special Exception Permit

On 9/29/16, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard Case# 136-001, pertaining to a request by Joseph A. Miara Jr., 12 Bockes Road, Hudson, NH to allow for a Wetland Special Exception from Article IX, Section 334-35, to allow the proposed storage expansion area of approximately 56,000 sq-ft, to impact a wetland & buffer area of 37,250 sq-ft in order to provide access and maneuverability for trucks and other company vehicles through the site. [Map 136, Lot 001, Zoned R-2; HZO Article VII §334-35, Uses within Wetland Conservation District.]

Following the hearing of testimony by the applicant, a majority of the members of this Zoning Board voted that this Wetlands Special Exception should be granted, with the following stipulations:

1. With stipulation to carry out all requirements or stipulations of the Conservation Commission as follows:
 - a. Construction and restoration shall comply with BEST MANAGEMENT PRACTICES TO CONTROL NON-POINT SOURCE POLLUTION: A GUIDE FOR CITIZENS AND TOWN OFFICIALS (NH Dept of Environmental Services - Current Issue).
 - b. During construction and restoration, erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer.

C1

- c. Install "Do not Cut, Do not Disturb" Town conservation markers along the conservation district boundaries.
- d. All notes found on the Construction Detail sheets 4 through 6 of the Wetland and Wetland Buffer Impact Plan dated June 23, 2016 that pertain to alteration of terrain and storm-water runoff and management will be strictly adhered to during all phases of construction.

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 special exception shall be considered conditions of the special exception, 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 Zoning Administrator 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 corrective action(s) will be enforced under N.H. R.S.A. 676:17, Fines and Penalties, which allows a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue, as well as recovery of costs and reasonable attorney's fees.

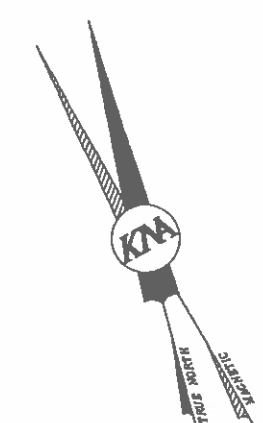
Signed: Maryellen Davis Date: 07-Oct-16
Maryellen Davis
Chairman, Hudson Zoning Board of Adjustment

Signed: Bruce Buttrick Date: 10-6-16
Bruce Buttrick
Zoning Administrator

39181

LEGEND

- IRON PIN FOUND
- DRILL HOLE FOUND
- UTILITY POLE
- SIGN
- LIGHT
- WELL
- SEWER MANHOLE
- DRAINAGE MANHOLE
- CATCH BASIN
- OVERHEAD UTILITIES
- TREE LINE
- RETAINING WALL
- ABUTTER LINE
- PROPERTY LINE
- WETLAND
- STOCKADE FENCE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- STONE WALL
- BUILDING SETBACK
- GREEN SPACE BUFFER
- EASEMENT
- ZONE LINE
- PROPOSED EDGE OF GRAVEL
- PROPOSED STOCKADE FENCE



MAP 135 LOT 32
STINSON HILLS, LLC
317 SOUTH RIVER ROAD
BEDFORD, NH 03110
ZONING DISTRICT: R-2
H.C.R.D. BK. 8623 PG. 2367

MAP 136 LOT 2
PETER J. & TAMMY L. MORRIS
16 BOCKES ROAD
HUDSON, NH 03051
ZONING DISTRICT: R-2
H.C.R.D. BK. 6422 PG. 0918

MAP 136 LOT 36
HUDSON MEMORIAL, POST 5791 W/M
15 BOCKES ROAD
HUDSON, NH 03051
ZONING DISTRICT: G-1
H.C.R.D. BK. 3113 PG. 0342

MAP 145 LOT 3
JOSEPH & LOIS IRELAND
70 FERRY STREET
HUDSON, NH 03051
ZONING DISTRICT: G-1
H.C.R.D. BK. 3000 PG. 0904

MAP 145 LOT 2
JOSEPH & LOIS IRELAND
70 FERRY STREET
HUDSON, NH 03051
ZONING DISTRICT: G-1
H.C.R.D. BK. 3300 PG. 0891

MAP 145 LOT 1
1 BOCKES ROAD, LLC
25 PELHAM ROAD, SUITE 103
SALM, NH 03078
ZONING DISTRICT: G-1
H.C.R.D. BK. 8752 PG. 7019

MAP 135 LOT 37
STINSON HILLS, LLC
317 SOUTH RIVER ROAD
BEDFORD, NH 03110
ZONING DISTRICT: R-2
H.C.R.D. BK. 8692 PG. 1479

MAP 135 LOT 38
STINSON HILLS, LLC
317 SOUTH RIVER ROAD
BEDFORD, NH 03110
ZONING DISTRICT: R-2
H.C.R.D. BK. 8692 PG. 1479

MAP 144 LOT 21-8
STINSON HILLS, LLC
317 SOUTH RIVER ROAD
BEDFORD, NH 03110
ZONING DISTRICT: R-2

MAP 144 LOT 21
STINSON HILLS, LLC
317 SOUTH RIVER ROAD
BEDFORD, NH 03110
ZONING DISTRICT: R-2
H.C.R.D. BK. 8623 PG. 2367

THE CALCULATED CAP FEE FOR THIS PROJECT IS \$2,940.30

OWNER OF MAP 136 LOT 1
SIGNATURE: *[Signature]*
DATE: 2/8/17

MICHELE F. GREMER, CERTIFIED WETLAND SCIENTIST #102, PERFORMING THE WETLAND MAPPING IN APRIL 2016 ACCORDING TO THE CORPS OF ENGINEERS WETLAND Delineation Manual, AND THE REGIONAL Supplement to the CORPS OF ENGINEERS WETLAND Delineation Manual, NORTH-CENTRAL AND NORTH-EAST REGION, VERSION 2.0, JANUARY 2012, US ARMY CORPS OF ENGINEERS.



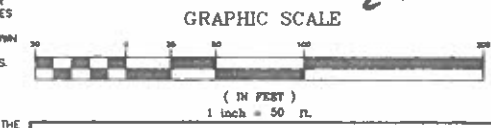
PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: 1-11-17
SIGNATURE: *[Signature]* SIGNATURE DATE: 2-22-17
SIGNATURE: *[Signature]* SIGNATURE DATE: 2/22/17

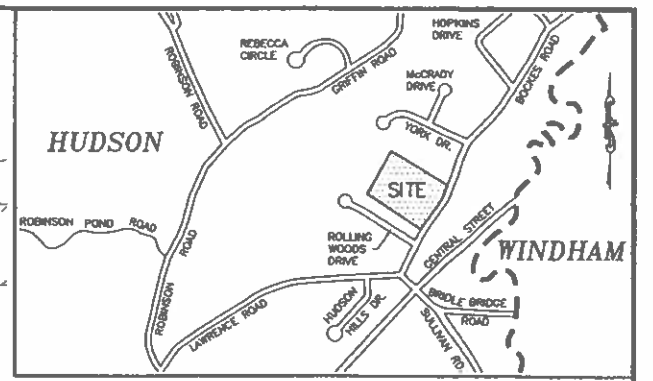


NOTES (CONTINUED):

22. HOURS FOR REFUSE REMOVAL AND DELIVERIES OF SUPPLIES SHALL BE NO EARLIER THAN 7:00 AM AND NO LATER THAN 7:00 PM, MONDAY THROUGH FRIDAY ONLY.
23. HOURS OF OPERATION: 7:00 AM TO 6:00 PM, MONDAY THROUGH SATURDAY.
24. WAIVERS GRANTED ON JANUARY 11, 2017.
25. PERMITS REQUIRED: NHC 278.11.(b)(12)(c) - 100' BUFFER NHDES WETLANDS. STATUS: APPROVED. PERMIT NUMBER: 2016-02751.
26. THE TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT GRANTED A VARIANCE AND WETLANDS SPECIAL EXCEPTION ON SEPTEMBER 29, 2016 TO ALLOW THE EXPANSION OF AN EXISTING, NON-CORPORATING USE AND WETLANDS BUFFER DISTURBANCES (CASE #136-001).
27. PLOWED SNOW FROM THE FACILITIES, DRIVEWAY, PARKING LOTS AND SIDEWALK SHALL BE STORED IN THE DESIGNATED AREAS SHOWN IN THIS PLAN SET. WHEN THE SNOW STORAGE AREAS ARE AT CAPACITY, SUBSEQUENT SNOW SHALL BE HAULED OFF-SITE AND DISPOSED OF IN AN ENVIRONMENTALLY SOUND FASHION AND IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.
28. ON-SITE DRAINAGE SYSTEM SHALL BE CONSTRUCTED AND MAINTAINED IN COMPLIANCE WITH NHDES REQUIREMENTS FOR SUCH SYSTEMS.
29. THE APPLICANT'S ENGINEER AND/OR CONTRACTOR SHALL CONTACT THE TOWN OF HUDSON TO SCHEDULE A PRECONSTRUCTION MEETING, WHICH WILL BE HELD WITH STAFF PRIOR TO STARTING CONSTRUCTION.
30. ALL STIPULATIONS OF APPROVAL SHALL BE INCORPORATED INTO THE DEVELOPMENT AGREEMENT, WHICH SHALL BE RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS, TOGETHER WITH THE SITE PLAN OF-RECORD.
31. ALL IMPROVEMENTS SHOWN ON THE SITE PLAN OF-RECORD, INCLUDING NOTES 1-34, SHALL BE COMPLETED IN THEIR ENTIRETY AND AT THE EXPENSE OF THE APPLICANT OR HIS ASSIGNS.
32. AFTER ISSUANCE OF THE FOUNDATION PERMIT FOR THE PROPOSED BUILDING, AND PRIOR TO THE ISSUANCE OF THE FRAMING PERMIT THEREOF, THE APPLICANT SHALL SUBMIT TO THE HUDSON COMMUNITY DEVELOPMENT DEPARTMENT A FOUNDATION "AS-BUILT" PLAN ON A TRANSPARENT AND TO THE SAME SCALE AS THE APPROVED SITE PLAN. THE FOUNDATION "AS-BUILT" PLAN SHALL INCLUDE ALL STRUCTURAL DIMENSIONS AND LOT LINE SETBACK MEASUREMENTS TO THE FOUNDATION AND BE STAMPED BY A LICENSED LAND SURVEYOR. ANY DISCREPANCY BETWEEN THE APPROVED SITE PLAN AND FOUNDATION "AS-BUILT" PLANS SHALL BE DOCUMENTED BY THE APPLICANT AND BE PART OF THE FOUNDATION "AS-BUILT" SUBMISSION.
33. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, A L.L.S. CERTIFIED "AS-BUILT" SITE PLAN SHALL BE PROVIDED TO THE TOWN OF HUDSON COMMUNITY DEVELOPMENT DEPARTMENT, CONFIRMING THAT THE SITE CONFORMS WITH THE PLANNING BOARD APPROVED PLAN.
34. ALL EXISTING AND PROPOSED BUILDING HEIGHTS ARE UNDER 38'.



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 MARCH OF 2016. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) OR BETTER.
[Signature] 2-8-17
LICENSED LAND SURVEYOR DATE



LOCUS PLAN

SCALE: 1"=1,000'

REFERENCE PLANS:

1. SUBDIVISION PLAN OF LAND, PREPARED FOR, BERTHA A. MOONEY, HUDSON, NH, SCALE: 1"=50', DATED: MAY 29, 1884, PREPARED BY RONALD R. BURD, INC. H.C.R.D. PLAN NO. 1910E.
2. BOUNDARY PLAN OF MAP 36 LOT 27 & 28, LOCATED ON, BOCKES ROAD, HUDSON, N.H., SCALE: 1"=100', DATED: NOV. 18, 1987, PREPARED BY GEORGE F. KELLER INC. H.C.R.D. PLAN NO. 2159S.
3. AS-BUILT SITE PLAN: TAX MAP 36 LOT 29-2, ABC MOVING AND STORAGE CO., c/o FRANK FISHER, BOCKES ROAD, HUDSON, N.H., SCALE: 1"=50', DATED: JANUARY 15, 1990, WITH REVISIONS THROUGH 11/12/90, PREPARED BY GEORGE F. KELLER INC.

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED SITE IMPROVEMENTS FOR THE SITE EXPANSION, INCLUDING TRAILER AND SPECIALTY TRAILER STORAGE AREA AND ADDITIONAL MAINTENANCE BUILDING, ON TAX MAP 136 LOT 1.
2. TOTAL LOT AREA = 401,449 SF, OR 9.216 ACRES.
3. MAP 136 LOT 1 INDICATES TOWN OF HUDSON TAX ASSESSOR'S MAP AND LOT NUMBERS.
4. OWNER OF RECORD: JOSEPH A. MIARA JR., TRUSTEE GRANITE REALTY TRUST HUDSON, NH 03051 H.C.R.D. BK. 8410 PG. 2473
5. THE SUBJECT PARCEL IS LOCATED WITHIN THE RESIDENTIAL 2 DISTRICT (R-2). DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS FOR LOTS NOT SERVICED WITH MUNICIPAL SEWER AND WATER:
- MINIMUM LOT AREA: 60,000 SF
- MINIMUM LOT FRONTAGE: 120 FT
- MINIMUM BUILDING SETBACKS:
 - FRONT: 50
 - SIDE: 15
 - REAR: 15
6. TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON REFERENCE PLAN #1 AND AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE DURING MARCH OF 2016.
7. HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 29.
8. WETLAND MAPPING WAS PERFORMED BY MICHELE F. GREMER, CERTIFIED WETLAND SCIENTIST #102, IN APRIL OF 2016.
9. SITE IS SERVICED BY PRIVATE ON-SITE WELL AND SEPTIC SYSTEM.
10. 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. UTILITIES SHOWN HEREON ARE ONLY THOSE FOUND WITHIN THE AREA OF KMA FIELD SURVEY AND ARE SOLELY BASED UPON VISIBLE SURFACE EVIDENCE. PRIOR TO ANY EXCAVATION ON THIS SITE THE CONTRACTOR SHALL CONTACT DIG-SAFE AT 811.
11. EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF HUDSON MAP NUMBER 330920536D, PANEL 536 OF 701, EFFECTIVE DATE: SEPTEMBER 25, 2009 INDICATES THAT NO PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
12. TOTAL PERMANENT WETLAND IMPACT = 5,550 SF
TOTAL PERMANENT WETLAND BUFFER IMPACT = 31,700 SF
13. OPEN SPACE REQUIRED = 35%
OPEN SPACE PROPOSED = 55.4%
14. PARKING CALCULATIONS:
PARKING REQUIRED = 2 SPACES/AUTOMOTIVE BAY + 2 BAYS = 4 SPACES
= 1 SPACE/300 SF OFFICE + 6,500 SF = 21.7 SPACES
TOTAL PARKING REQUIRED = 23.7 = 26 SPACES
TOTAL PARKING PROVIDED = 32 SPACES EXISTING (INCLUDES 2 HANDICAP SPACES)
15. LOADING:
1 SPACE/FIRST 5,000 SF + (1 SPACE/10,000 SF + 23,049 SF) = 1 + 2.3 = 3.3 SPACES
TOTAL SPACES REQUIRED: 4 SPACES
TOTAL SPACES PROVIDED: 4+ SPACES
16. NO NEW SITE LIGHTING IS PROPOSED.
17. LANDSCAPE PLANTINGS THAT FAIL TO THRIVE SHALL BE REPLACED IN KIND AT THE EXPENSE OF THE DEEDED PROPERTY OWNER IN PERPETUITY.
18. SITE IMPROVEMENTS DEPICTED ON THE PLAN SHALL CONFORM WITH 404 TITLE III OF THE AMERICANS WITH DISABILITIES ACT WITH REGARD TO DIMENSION AND GRADE.
19. IT SHALL BE UNLAWFUL TO MODIFY, CHANGE, OR ALTER ANY STRUCTURE OR USE SHOWN ON THIS SITE PLAN, OR CHANGE THE ABOVE USE INDICATED ON THE PLAN WITHOUT RECEIVING APPROVAL FROM THE TOWN OF HUDSON PLANNING BOARD.
20. EXTERIOR CONSTRUCTION ACTIVITIES ON THE SITE SHALL BE LIMITED TO BETWEEN 7:00 AM AND 5:00 PM MONDAY THROUGH SATURDAY. NO CONSTRUCTION ACTIVITIES SHALL OCCUR ON SUNDAYS.
21. IF LOT DEVELOPMENT INVOLVES BLASTING AND/OR RAMMING OF BEDROCK MATERIALS, SAID ACTIVITIES SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 5:00 PM MONDAY THROUGH FRIDAY ONLY. SAID BLASTING/RAMMING ACTIVITIES SHALL BE PROHIBITED ON WEEKENDS.

MASTER PLAN

MIARA TRANSPORTATION
MAP 136 LOT 1
12 BOCKES ROAD
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD:
JOSEPH A. MIARA JR., TRUSTEE
GRANITE REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051
H.C.R.D. BK. 8410 PG. 2473

APPLICANT:
JOSEPH A. MIARA JR., TRUSTEE
GRANITE REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051



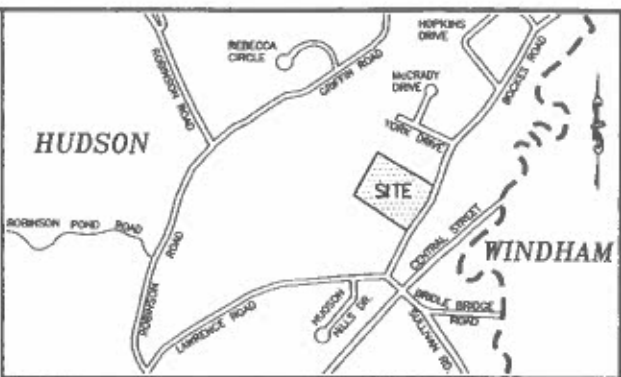
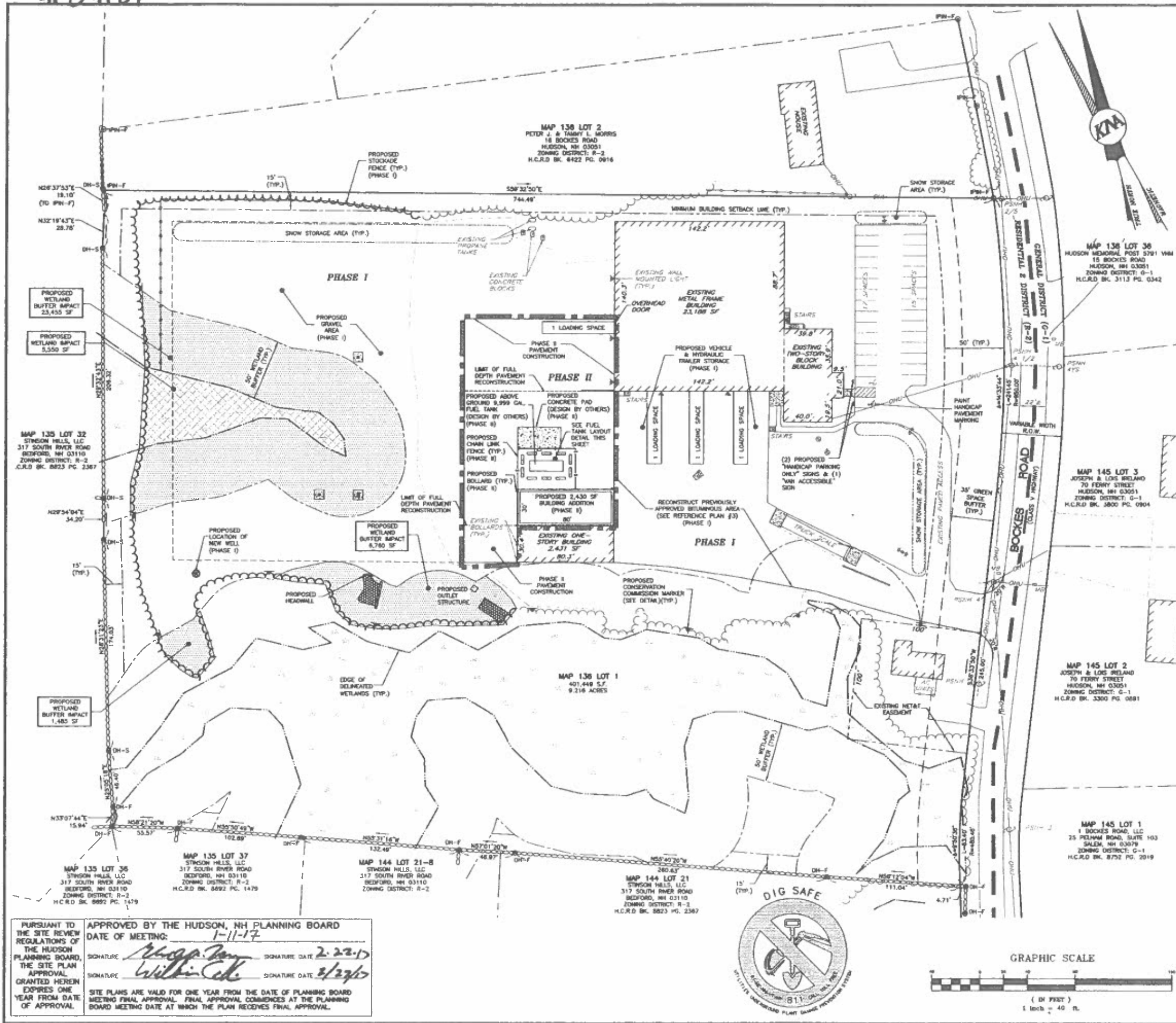
KMA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 38, Bedford, NH 03110 Phone (603) 627-2881

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	01/18/2017	PER REVIEW COMMENTS	POC

DATE: OCTOBER 3, 2016 SCALE: 1" = 50'
PROJECT NO: 16-0223-1 SHEET 1 OF 11

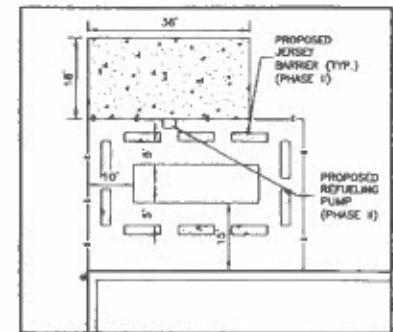
HCRD # 39181

#39181



LOCUS PLAN
SCALE: 1"=1,000'

SEE SHEET 1 FOR NOTES & REFERENCE PLANS



FUEL TANK LAYOUT DETAIL
SCALE: 1" = 20'

- LEGEND**
- PNH-F ROR PNH FOUND
 - OH-F DRILL HOLE FOUND
 - U-1 UTILITY POLE
 - S SIGN
 - L LIGHT
 - M MELL
 - S SEWER MANHOLE
 - D DRAINAGE MANHOLE
 - C CATCH BASIN
 - O OVERHEAD UTILITIES
 - T TREETRUNK
 - R RETAINING WALL
 - ABUTTER LINE
 - PROPERTY LINE
 - WETLAND
 - STOCKADE FENCE
 - EDGE OF PAVEMENT
 - EDGE OF GRAVEL
 - STONEWALL
 - BUILDING SETBACK
 - GREEN SPACE BUFFER
 - EASEMENT
 - ZONE LINE
 - PROPOSED EDGE OF GRAVEL
 - PROPOSED STOCKADE FENCE
 - AREA OF WETLAND IMPACT
 - AREA OF WETLAND BUFFER IMPACT

NON-RESIDENTIAL SITE LAYOUT PLAN
MIARA TRANSPORTATION
MAP 136 LOT 1
12 BOCKES ROAD
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNERS OF RECORD:
JOSEPH A. MIARA JR., TRUSTEE
GRANITE REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051
H.C.R.D. BK. 8410 PG. 2473

APPLICANT:
JOSEPH A. MIARA JR., TRUSTEE
GRANITE REALTY TRUST
12 BOCKES ROAD
HUDSON, NH 03051

KM KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 20, Bedford, NH 03110 Phone (603) 827-5881

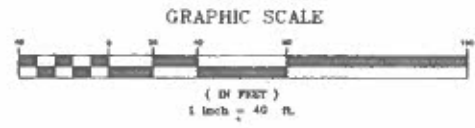
REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	01/18/2017	PER REVIEW COMMENTS	POC
D ₂			
DATE: OCTOBER 3, 2016		SCALE: 1" = 40'	
PROJECT NO: 16-0223-1		SHEET 4 OF 11	

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

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: 1-11-17

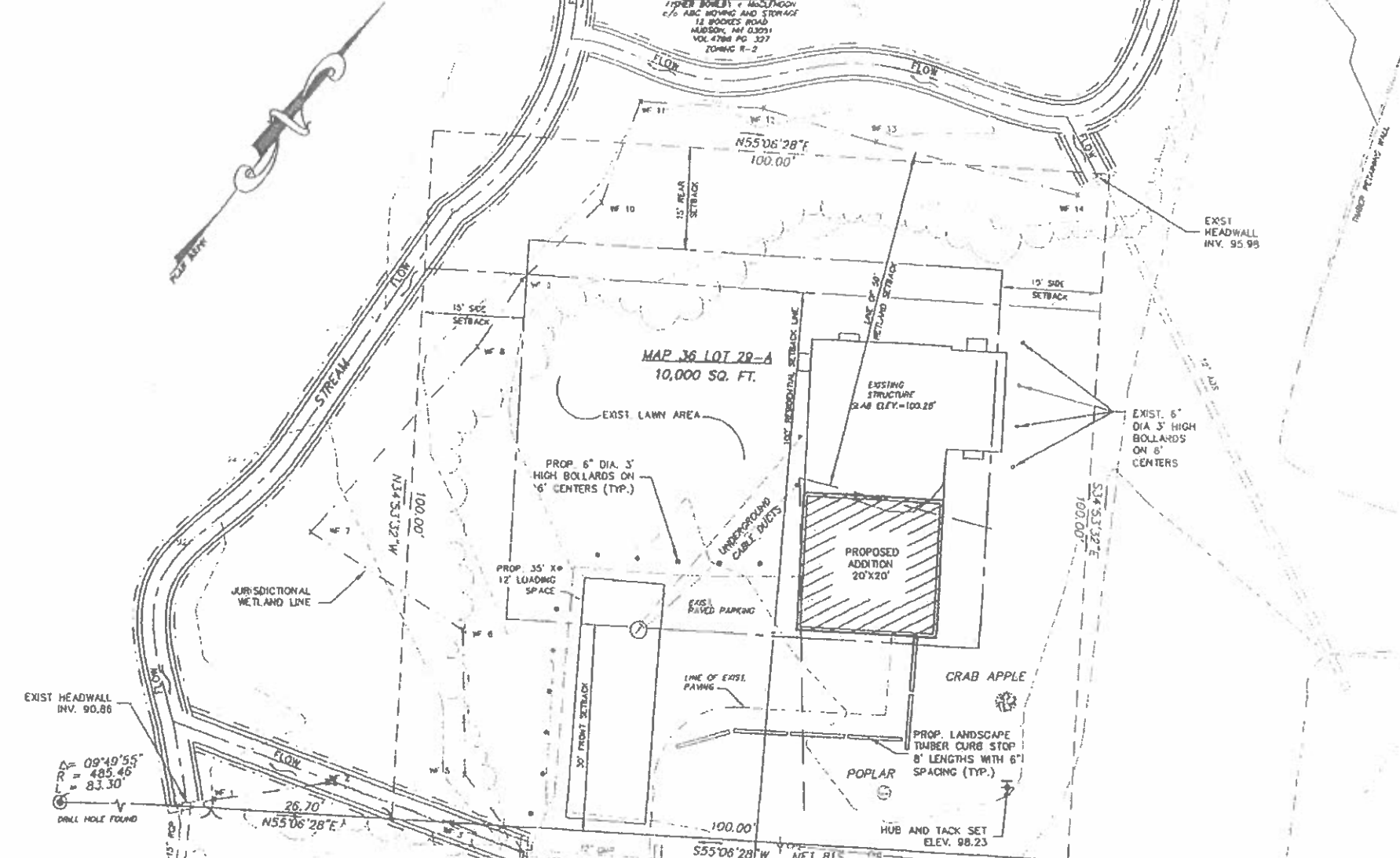
SIGNATURE: *[Signature]* SIGNATURE DATE: 2-22-17
SIGNATURE: *[Signature]* SIGNATURE DATE: 2/27/17

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



HCRD# 39181

PARCELS WITHIN 200'
 MAP LOT ADDRESS
 MAP 36 LOT 29-2: PETER T. & TAMMY L. MORRIS
 PAUL C. DECATO
 18 BOCKES ROAD
 HUDSON, NH 03051
 MAP 36 LOT 27: MATARAZZO HUDSON ASSOC. INC.
 25 MAIN STREET
 NASHUA, NH 03040
 MAP 36 LOT 29-1: HUDSON MEMORIAL POST 5701 VW
 15 BOCKES ROAD
 HUDSON, NH 03051
 MAP 36 LOT 50-2: JOSEPH & LOIS PELAND
 70 FERRY STREET
 HUDSON, NH 03051
 MAP 36 LOT 51-0: ANTHONY MATARAZZO, TRUSTEE
 31 CLEMENT STREET
 NASHUA, NH 03060



REFERENCE PLANS

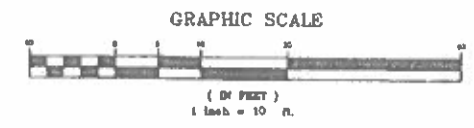
- 1) "SUBDIVISION PLAN OF LAND"; PREPARED FOR: BERTHA A. MOONEY HUDSON, N.H.; PREPARED BY: RONALD R. BURD, INC. DATED: MAY 29, 1984; SCALE: 1"=50'; H.C.R.D. PLAN #V.104
- 2) "SITE PLAN LOT 29-2/MAP 36 BOCKES ROAD, HUDSON, N.H."; PREPARED FOR: FRANK FISHER c/o ABC MOVING AND STORAGE CO.; PREPARED BY: WAYNARD AND PAQUETTE, INC. DATED: MAR. 1985; SCALE: 1"=50'; H.C.R.D. PLAN # 20,760.
- 3) "AS-BUILT SITE PLAN: TAX MAP 36 LOT 29-2"; PREPARED FOR: ABC MOVING AND STORAGE CO. c/o FRANK FISHER, BOCKES ROAD HUDSON, N.H.; PREPARED BY: GEORGE F. KELLER INC. DATED JANUARY 15, 1990. LAST REVISED: 8/20/99; SCALE: 1"=50'; ON FILE AT TOWN OF HUDSON BUILDING DEPARTMENT.
- 4) "SITE PLAN MAP 36/LOT29-2 NEW ENGLAND TELEPHONE SITE PLAN BOCKES ROAD HUDSON, NEW HAMPSHIRE"; PREPARED FOR: NEW ENGLAND TELEPHONE CO. 1228 ELM STREET LANCASTER, N.H. 03101; PREPARED BY: WAYNARD AND PAQUETTE; DATED: DECEMBER 3, 1992; LAST REVISED: 3/1/93; SCALE: 1"=20'; ON FILE AT TOWN OF HUDSON BUILDING DEPARTMENT.
- 5) "ADDITIONS TO BELL ATLANTIC, BOCKES ROAD, HUDSON, NH"; PREPARED BY TRUE ENGINEERING & SURVEYING; DATED: AUG. 2, 2000.



LOCATION PLAN NOT TO SCALE

NOTES

- 1) THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED 400 SF. ADDITION TO THE EXISTING BUILDING ON HUDSON TAX ASSESSORS MAP 36 LOT 29-2A.
- 2) DEED REFERENCE FOR METCO VOL. 2785 PG. 325
- 3) A WETLAND SPECIAL EXCEPTION WAS GRANTED TO NEW ENGLAND TELEPHONE FOR A 472 SQUARE FOOT STRUCTURE WITHIN THE 50 FOOT WETLAND SETBACK, RECORDED AT H.C.R.D. VOL.5417 PG.1371
- 4) ELEVATIONS BASED ON PLAN REFERENCE #3
- 5) THE SUBJECT PARCEL IS ZONED RESIDENTIAL TWO. THE SURROUNDING PARCELS ARE ZONED GENERAL ON THE SOUTH SIDE OF BOCKES ROAD AND RESIDENTIAL TWO ON THE NORTH SIDE OF BOCKES ROAD.
- 6) NO SIGNS ARE PROPOSED AS PART OF THIS PLAN
- 7) THERE WILL BE NO EXTERIOR LIGHTING.
- 8) THERE ARE TWO PARKING SPACES WITHIN THE EXISTING PAVED AREAS ONE OF WHICH IS A 12' X 35' LOADING SPACE.
- 9) TOTAL AREA OF THE EASEMENT IS 10,000 SF, 980 SF IS COVERED BY BUILDING AND 1,270 SF BY PAVEMENT LEAVING 7,750 SF OR 77% OPEN SPACE.
- 10) HUDSON ZONING BOARD CASE 36-29-2 DETERMINED THE FOLLOWING ITEMS: THE PROPER FRONT SETBACK IS 30'; THE USE IS A REASONABLE EXPANSION OF THE PREVIOUSLY APPROVED USE; AND A WETLANDS SPECIAL EXCEPTION PERMIT IS GRANTED.
- 11) THE EXTERIOR AND SCOPE OF THE ADDITION SHALL BE THE SAME AS THE EXISTING BUILDINGS.
- 12) AS PART OF THE APPLICATION WAIVERS HAVE BEEN REQUESTED AND GRANTED, THEY ARE: 275-B.B.12 FROM THE 100' RESIDENTIAL SETBACK 275-9.A,B,C,D AND H FROM DETAILED STORM, TRAFFIC, NOISE, FISCAL IMPACT, AND SOIL STUDIES.
- 13) A DEVELOPMENT AGREEMENT, DATED [REDACTED] IS ON FILE WITH THE TOWN OF HUDSON AND IS RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS.
- 14) A COST ALLOCATION PROCEDURE AMOUNT OF \$52.00 (MIN-WAREHOUSE/SECTOR 3), SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY SUBJECT TO ANNUAL INFLATION INDEXING, AS PERMITTED BY THE IMPACT FEE METHODOLOGY
- 15) ALL AREAS NOT COVERED BY PAVEMENT, BUILDING, OR NATURAL VEGETATION SHALL BE COVERED WITH A 4" COMPACTED THICKNESS OF LOAM AND SEEDS TO ESTABLISH LAWN.
- 16) WETLAND DELINEATION BY DOVE ENVIRONMENTAL SERVICES IN APRIL, 1999 AND SURVEYED BY TRUE ENGINEERING ON 4/9/99.
- 17) RICHARD P. DREW LLC, 8842 WAS IN RESPONSIBLE CHARGE OF THE SURVEY PORTION OF THIS PLAN AS AN EMPLOYEE OF TRUE ENGINEERING AND SURVEY, INC.



IN ASSOCIATION WITH: **DENNIS MIRES P.A.**
 THE ARCHITECTS
 69 Union Street, Manchester NH 03101
 TEL: (603) 259-4701
 FAX: (603) 259-7412

RICHARD P. DREW LLC
 286 TULLY BROOK ROAD
 RICHMOND, NH 03470
 TEL: (603) 259-4701
 FAX: (603) 259-7412

LEGEND

- 10' CONTOUR
- 2' CONTOUR
- EDGE OF PAVEMENT
- TREELINE
- UTILITY POLE SIGN

MAP 36 LOT 50-1
 JOSEPH AND LOIS PELAND
 70 FERRY STREET
 HUDSON, NH 03051
 ZONING G-1

OWNER'S SIGNATURE

John Jandi 12-18-01
 OWNER DATE

NO.	DATE	DESCRIPTION	BY
3	12/17/1	NOTE 17, CERTIFICATIONS, CLEANUP	RAP
2	10/29/1	PER NOTICE OF APPROVAL 10/19/1	RAP
1	10/4/1	PER IDR RENEW MEETING OCT 4, 2001	RAP

RSA 676:15
 "I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."
 DATE: 11/17/01
 Richard P. Drew
 LICENSED LAND SURVEYOR

APPROVED BY THE HUDSON, NH PLANNING BOARD

ON: _____
 CERTIFIED BY: CHAIRMAN *Scott P. [Signature]* DATE: 12/20/01
 SECRETARY *Dorothy [Signature]* DATE: 1/20/02

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

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY HAVING A MAXIMUM ERROR OF CLOSURE OF 1 PART IN 10,000.



NON-RESIDENTIAL SITE PLAN PREPARED FOR:
ADDITIONS TO VERIZON
BOCKES ROAD
 HUDSON TAX MAP 36 LOT 29-2A
 8 BOCKES ROAD; HUDSON, NEW HAMPSHIRE

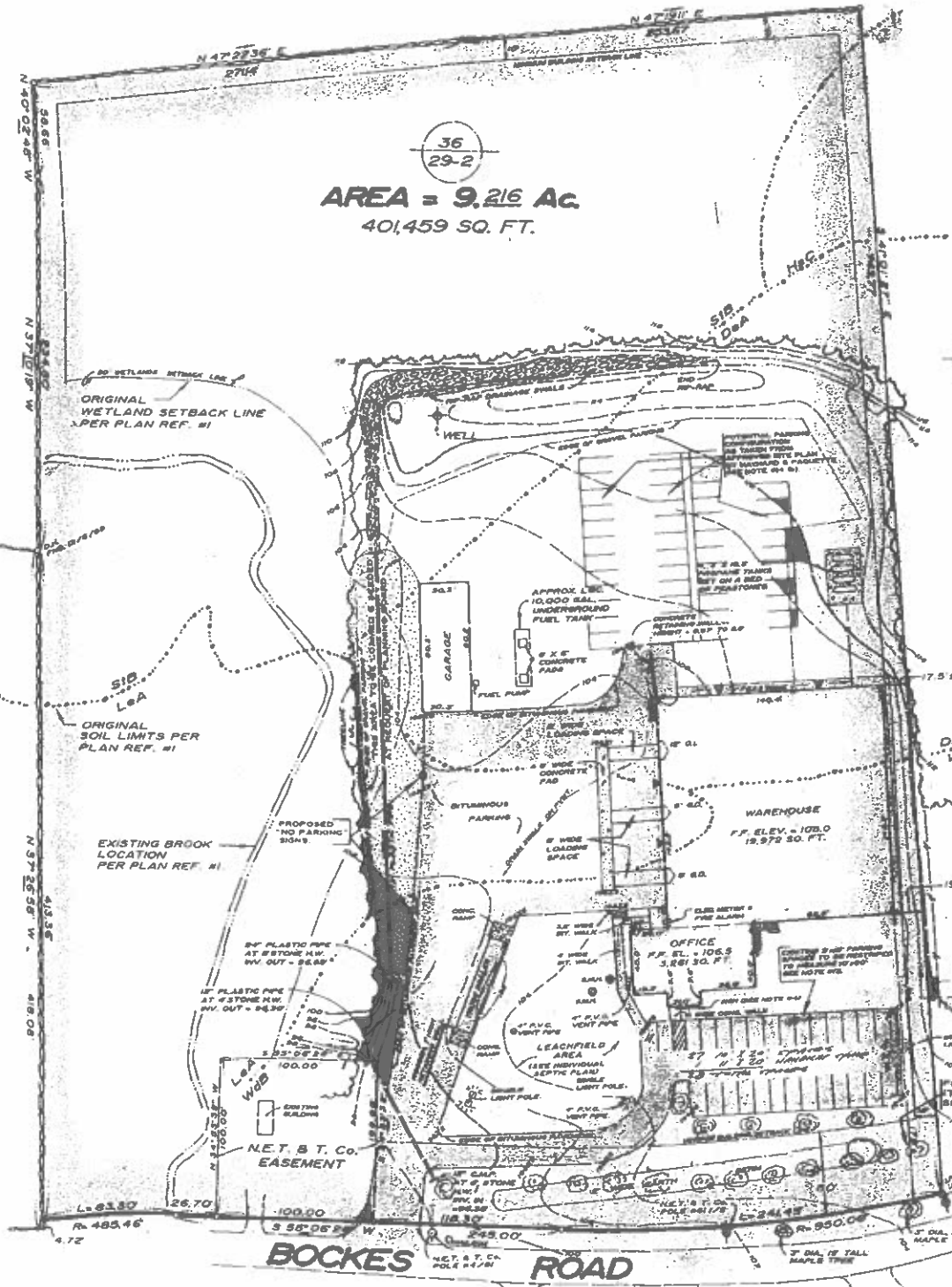
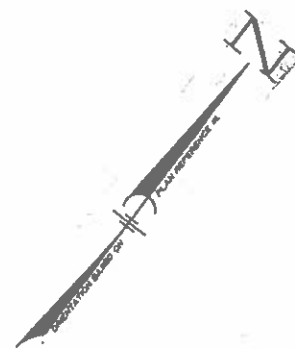
OWNER: NEW ENGLAND TELEPHONE PROPERTY TAX DEPARTMENT/ 31ST FLOOR
 1095 AVENUE OF THE AMERICAS
 NEW YORK, NEW YORK 10036

APPLICANT: DENIS MIRES, THE ARCHITECTS
 697 UNION STREET
 MANCHESTER, NEW HAMPSHIRE 03104

PROJ. NO: 01-0710-3
 DATE: AUGUST 3, 2001
 SCALE: 1" = 10'
 SHEET NO. 1 OF 3

KM KRACH-NORDSTROM ASSOCIATES, INC.
 Civil Engineering Land Planning Landscape Architecture
 19 Commerce Park North, Suite 20, Bedford, NH 03110 Phone (603) 487-0801

MAP # 3151

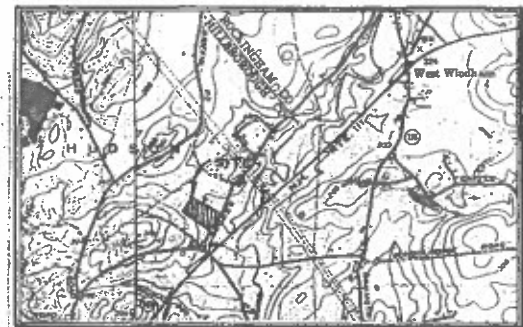


ABUTTERS

MAP 36 LOT #	NAME	ADDRESS
29-2	APRIL '88 REALTY TRUST	12 BOCKES RD. HUDSON, NH
29-5	JOHN JACOBS	16 GOWING RD. HUDSON, NH
27-0	MATARAZZO HUDSON ASSOC.	25 MAIN ST. HUDSON, NH
50-3	JOSEPH & LOIS IRELAND	146 ROBINSON RD. HUDSON, NH
50-2	JOSEPH & LOIS IRELAND	146 ROBINSON RD. HUDSON, NH
50-1	HUDSON V.F.W.	BOCKES RD. HUDSON, NH
50-0	ROBERT ROYSTON & ANDREA MADICK	72 KIMBALL HILL RD. HUDSON, NH
29	DONALD BRUSSARD	16 BOCKES RD. HUDSON, NH

NOTES, CONTINUED :

6. K. ADD CONCRETE PAD FOR TRAILER LANDING GEAR.
- L. EXTENDED THE PAVING TO ABUT THE GARAGE STRUCTURE.
- M. SIDEWALK IN FRONT OF BUILDING NOT CONSTRUCTED.
- N. SIGN LOCATION CHANGED.
- O. ADDED UNDERGROUND 10,000 GAL. FUEL TANK.
7. CURRENT ZONING IS A-2. RESIDENTIAL.
8. OPEN SPACE REQUIRED: 401,459 S.F. (40%) = 160,584 S.F. OPEN SPACE PROVIDED: 333,459 S.F. = 83% +/-.
9. THE FOLLOWING PLAN REQUIREMENTS ARE REQUESTED TO BE WAIVED:
 - A. VICINITY PLAN TO BE SHOWN AT 1"=2,000'.
 - B. AS-BUILT SITE PLAN SCALE TO BE 1"=50'.
10. THE FOLLOWING NOTES WERE TAKEN DIRECTLY FROM THE APPROVED SITE PLAN BY HATHWARD & PAQUETTE, INC. (PLAN REF. #1) AT THE REQUEST OF THE TOWN OF HUDSON, NH PLANNING BOARD AND DO NOT NECESSARILY REFLECT THE AS-BUILT SITE CONDITIONS FOUND BY THIS OFFICE.
 - A. SEPTIC SYSTEM APPROVAL #115814.
 - B. NO STEAM CLEANING OF ENGINES ON SITE.
 - C. NO SOIL STERILANTS TO BE USED ON SITE.
 - D. NORMAL HOURS OF TRACTOR TRAILER OPERATION TO BE FROM 7:00 AM TO 6:00 PM.
 - E. NO TRUCKS ARE TO USE BOCKES ROAD EAST OF YORK ROAD AS A THRU STREET.
 - F. SPECIAL EXCEPTION TO FILL IN A WETLAND AREA GRANTED BY THE HUDSON ZBA.
 - G. DREDGE AND FILL PERMIT GRANTED BY THE STATE OF NEW HAMPSHIRE WETLANDS BOARD 1-22-85; PERMIT #A-475.
 - H. TRAFFIC CONSIDERATIONS: THE INTENSITY OF THE USE OF THE SITE IS LIMITED TO ASSUMPTIONS DETAILED IN TRAFFIC STUDY BY HATHWARD & PAQUETTE, INC., DATED: 12/1/84 ON FILE WITH THE TOWN OF HUDSON REGARDING THIS PRESENTLY PROPOSED SITE. (1% 102 VEHICLES PER AVERAGE DAY).
 - I. SIGN STATING "NO THRU TRUCKS PERMITTED" TO BE INSTALLED ALONG BOCKES ROAD WEST OF YORK ROAD INTERSECTION.
 - J. LINE OF TREE SCREENING AS NOTED AT NORTH & EAST SIDES OF PROPERTY TO BE MAINTAINED.
 - K. AS REQUESTED BY THE TOWN OF HUDSON, NH PLANNING BOARD, VEHICLE PARKING SHALL BE IN DESIGNATED AREAS ONLY.
 12. AS REQUESTED BY THE TOWN OF HUDSON, NH PLANNING BOARD, DECIDUOUS TREES ARE TO BE PLANTED IN THE LOCATIONS SHOWN HEREON AND ARE TO BE A MINIMUM OF 4 FEET IN HEIGHT.
 13. AS REQUESTED BY THE TOWN OF HUDSON, NH PLANNING BOARD, THE EXISTING PARKING LOT IS TO BE RESTORED FOR A TOTAL OF 29, 10'x20' PARKING SPACES WITH A 20' DRIVE AISLE.
 14. THE TOWN OF HUDSON, NH PLANNING BOARD, ON NOVEMBER 28, 1990 VOTED TO CONDITIONALLY APPROVE THIS AS BUILT PLAN SUBJECT TO THE FOLLOWING CONDITIONS:
 - a) NOTE 23 OF THE ORIGINAL PLAN TO BE ADDED.
 - b) THE PLAN IS TO DELINEATE A PARKING PLAN IN THE REAR GRAVEL PARKING AREA.
 - c) THE GRAVEL AREA TO THE WEST OF THE PLAN IS TO BE LOAMED & SEEDED.
 - d) THE PARKING SPACES IN THE FRONT ARE TO BE 10'x20' WITH A 20' DRIVE AISLE WITH A TOTAL OF 29 PARKING SPACES.
 - e) THE PLAN IS TO INDICATE THE SEVENTEEN (17) TREES AS INDICATED ON THE APPROVED SITE PLAN AT A MINIMUM OF 14 FT. IN HEIGHT.



VICINITY PLAN 1"=2000'

PLAN REFERENCES

1. SITE PLAN LOT 29-2/HAP 36, BOCKES ROAD, HUDSON NEW HAMPSHIRE, FOR FRANK FISHER, C/O ABC MOVING & STORAGE CO., 9 HAMPSHIRE DRIVE, HUDSON, NH HAMPSHIRE 03051, PHONE: 881-9444; SCALE: 1"=50'; DATED: MARCH, 1985; BY HATHWARD & PAQUETTE, INC., NASHUA, N.H. RECORDED IN THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS AS PLAN NO. 20760.
2. INDIVIDUAL SEWAGE DISPOSAL SYSTEM PLAN (SHEET 1 OF 2), LOT 29-2, BOCKES ROAD, HUDSON, N.H.; PREPARED FOR: ABC MOVING & STORAGE CO., 9 HAMPSHIRE DRIVE HUDSON, N.H.; SCALE: 1"=20'; DATED: JULY, 1984; BY HATHWARD & PAQUETTE INC., NASHUA, N.H. APPROVED BY THE STATE OF NH WATER SUPPLY AND POLLUTION CONTROL COMMISSION AS CONSTRUCTION APPROVAL NO. 115814 ON OCT. 11, 1984.
3. SUBDIVISION PLAN OF LAND, PREPARED FOR: BERTHA A. HOONEY, HUDSON, N.H.; SCALE: 1"=50'; DATED: MAY 29, 1984; BY RONALD R. BURD, MANCHESTER, N.H.

NOTES

1. BOUNDARY INFORMATION IS TAKEN FROM PLAN REFERENCE #1 AND #3.
2. VERTICAL DATUM IS TAKEN FROM PLAN REFERENCE #1.
3. THE PURPOSE OF THIS PLAN IS TO SHOW THE AS-BUILT SITE CONDITIONS THAT EXISTED ON DECEMBER 12, 1989.
4. 45 SQUARE FOOT SIGN (3' X 15') INTERNALLY LIT, MOUNTED ON THE EXTERIOR FACE OF THE BUILDING; 22 +/- FEET ABOVE THE GROUND.
5. MINIMUM BUILDING AND WETLAND SETBACK LINES WERE TAKEN FROM THE APPROVED SITE PLAN, SHOWN HEREON AS PLAN REFERENCE #1.
6. THE FOLLOWING DIFFERENCES BETWEEN THE APPROVED SITE PLAN (PLAN REF. #1) AND THIS AS-BUILT SURVEY WERE NOTED BY THIS OFFICE. ADDITIONAL CHANGES MAY HAVE OCCURED THAT THIS OFFICE HAS NO KNOWLEDGE OF.
 - A. THE MAIN WAREHOUSE BUILDING WAS REDUCED FROM 29,196 S.F. TO 19,972 S.F.
 - B. THE TWO STORY OFFICE BUILDING WAS REDUCED FROM 3,648 S.F. PER FLOOR TO 3,261 S.F. PER FLOOR.
 - C. THE GARAGE WAS REDUCED FROM 3,500 S.F. TO 2,430 S.F. AND MOVED SLIGHTLY.
 - D. THE TRUCK SCALE WAS MOVED APPROXIMATELY 40 FEET.
 - E. LIGHTING DETAIL WAS CHANGED.
 - F. PROPANE TANKS FOR HVAC WERE ADDED.
 - G. AN EARTH BERM WAS CONSTRUCTED IN FRONT OF THE BUILDING IN LIEU OF SHRUBBERY. THE THREE DECIDUOUS TREES SHOWN ARE PROPOSED, NOT EXISTING.
 - H. A 12 INCH PLASTIC DRAIN PIPE WAS INSTALLED ADJACENT TO GARAGE AND UNDER THE ENTRANCE IN LIEU OF DRAIN SWALES.
 - I. CHAIN LINK FENCE WAS NOT CONSTRUCTED.
 - J. LOADING DOCK LOCATIONS WERE CHANGED.

LEGEND

- AS-BUILT SPOT ELEVATION
- GAS LINE
- 7' TALL STOCKADE FENCE
- UTILITY POLE
- SEWER MANHOLE
- BITUMINOUS PAVEMENT
- HEADWALL
- BUILDING MOUNTED AREA LIGHT
- ENTRANCE DOOR W/ OVERHEAD LIGHT
- GARAGE DOOR AT LOADING AREA
- TAX MAP LOT NUMBER

AS-BUILT SITE PLAN: TAX MAP 36 LOT 29-2
ABC MOVING AND STORAGE CO.
 C/O FRANK FISHER
 BOCKES ROAD
 HUDSON, N.H.

SCALE: 1"=50' JANUARY 15, 1990

PREPARED BY:
GEORGE F. KELLER INC.
 LAND SURVEYORS & PLANNERS CIVIL ENGINEERS
 P.O. BOX 134, DANIEL WESTER HIGHWAY
 MERRIMACK, NEW HAMPSHIRE 03064 PH. 1-603-424-1200

REVISIONS

DATE	NO.	DESCRIPTION	BY
1/15/90	1	ADD NOTE # 4	M.F.S.
1/15/90	2	AMIC REVISIONS & ADDITIONS PER TOWN	M.F.S.
1/15/90	3	AMIC REVISIONS & ADDITIONS PER TOWN PLANNING BOARD	M.F.S.
1/15/90	4	LOADING DOCK PARKING LOT TO NEW	M.F.S.
1/15/90	5	18 TRUCK STATION AT STRINGS	M.F.S.

BOUNDARY INFORMATION TAKEN FROM PLAN REFERENCE #1. THIS OFFICE ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY. LOT 36-29-2 MATHEMATICALLY CLOSED WITH AN ERROR OF CLOSURE BETTER THAN 1/10,000. AS-BUILT SURVEY WAS MADE BY THIS OFFICE ON THE GROUND ON DEC. 8, 1989.

OWNER OF RECORD
 APRIL 88 REALTY TRUST
 12 BOCKES ROAD
 HUDSON, NH 03051
 FRANK FISHER - TRUSTEE

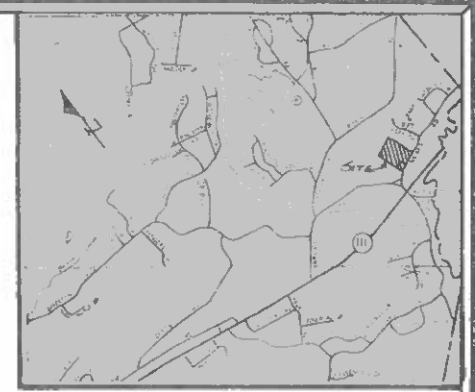
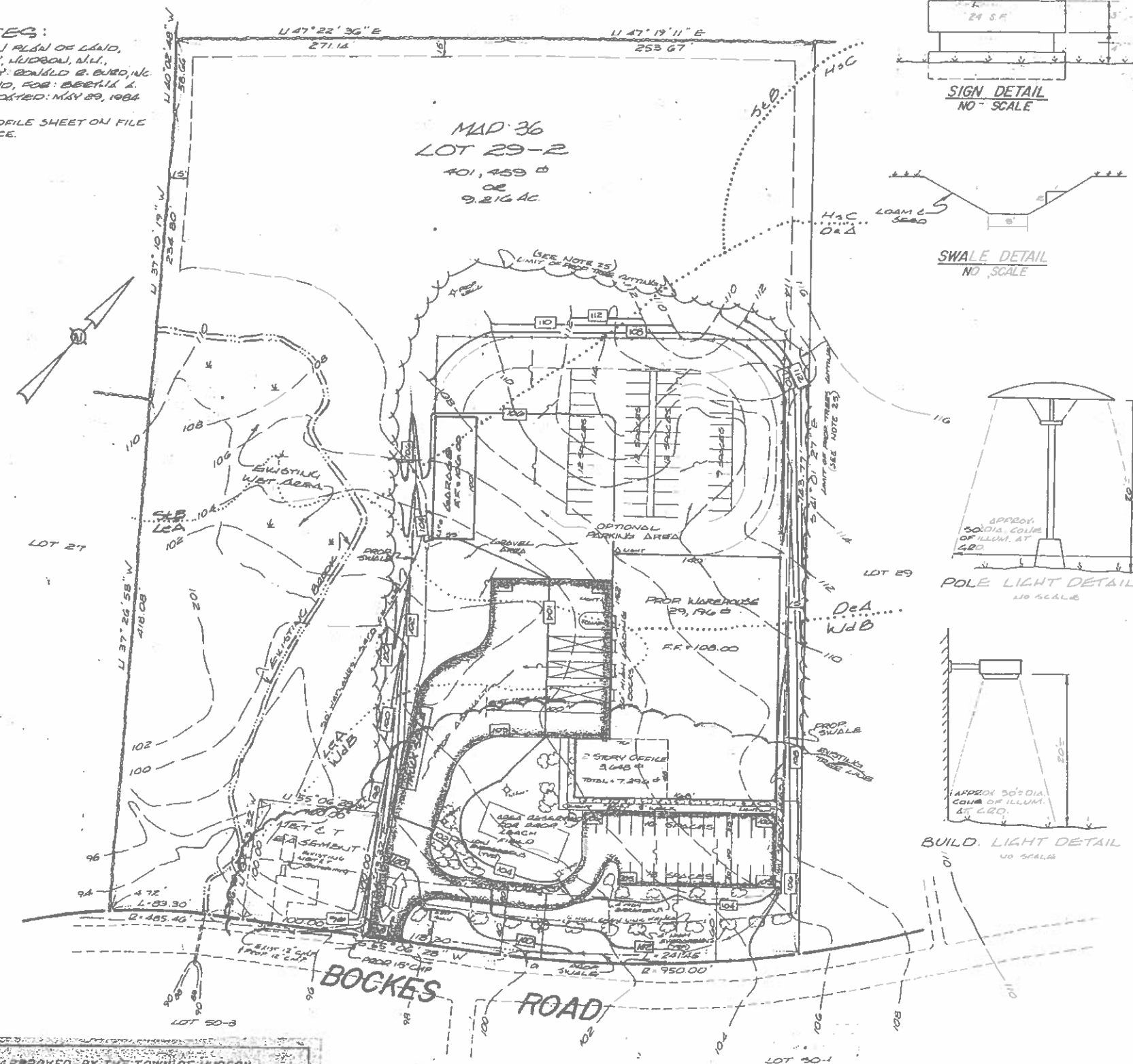
APPROVED BY THE TOWN OF HUDSON PLANNING BOARD
 [Signature] 4-1-92
 CHAIRMAN DATE
 [Signature] 4-2-92
 SECRETARY DATE



HERD 25705

PLAN REFERENCES:
 1. PRELIMINARY SUBDIVISION PLAN OF LAND, FOR: BERTHA A. MOONEY, HUDSON, N.H., DATED: MAY 29, 1984, BY: DONALD E. BURD, INC.
 2. SUBDIVISION PLAN OF LAND, FOR: BERTHA A. MOONEY, HUDSON, N.H., DATED: MAY 29, 1984 BY: DONALD E. BURD, INC.
 3. BOCKES ROAD PLAN & PROFILE SHEET ON FILE IN TOWN ENGINEER'S OFFICE.

MAP 36
 Lot 51
 Anthony & Rose
 Mattarazzo
 31 Clemont Street
 Nashua, NH 03060
 Lots 50-2, 50-3
 McCrady & Manroe
 38 Bockes Road
 Hudson, NH 03051
 Lots 29, 29-2, 50-1
 Bertha A. Mooney
 18 Bockes Road
 Hudson, NH 03051
 Lot 27
 Mattarazzo Hudson Assoc.
 25 Main Street
 Nashua, NH 03060
 Lot 34
 Wayne & Lorraine Wright
 York Road
 Hudson, NH 03051



- NOTE-5:**
- MAP 36 / LOT 29-2.
 - PRESENT ZONING - 'C' INDUSTRIAL.
 - PROPOSED USE - INDUSTRIAL.
 - TOTAL AREA OF LOT 9.216 AC OR 401,459 sq ft.
 - TOTAL AREA OF BUILDING - 36,492 sq ft.
 - AREA OF OPEN SPACE - 70%.
 - SOIL TYPES
 WJB = HUDSON LOAMY SOIL.
 O2A = DEBRAND LOAMY FINE SAND.
 3+B = SCITUATE STONEY FINE SAND.
 H3C = HUNCELEY LOAMY SAND
 4A = WECHESTER SOIL.
 - PARKING -
 OFFICE = 7,296 sq ft / 300 = 24
 INDUSTRIAL = 29,196 sq ft / 600 = 49
 74 SPACES REQ'D
 74 SPACES PROVIDED
 - 12" RCP PIPES TO BE SET @ ALL LOT CORNERS BY SURVEYOR
 - HEIGHT OF BUILDING APPROX. = 28'
 - SIGN -
 GROUND SIGN - 24 sq ft (SEE DETAIL)
 FACE SIGN - 30 sq ft
 - EXISTING ELEVATION - 96'
 PROPOSED ELEVATION - 96'
 - INDICATES TRAFFIC FLOW
 - SURFACE DRAINAGE
 - SEPIC SYSTEM APPROVAL NO 11594
 - SITE SERVED BY PRIVATE WELL.
 - LIGHTING TO BE MED LEVEL INCANDESCENT (YELLOW) LIGHTS - SEE DTLS & PLAN FOR LOC.
 - NO STEAM CLEANING OF EQUIPMENT ON SITE
 - NO SOIL STERILANTS TO BE USED ON SITE
 - NORMAL HOURS OF TRACTOR TRAILOR OPERATION TO BE FROM 7:00 A.M. TO 8:00 P.M.
 - NO TRUCKS ARE TO USE BOCKES ROAD EAST OF YORC ROAD, AS A THRU STREET.
 - SPECIAL EXCEPTION TO FILL IN A WETLAND AREA GRANTED BY THE HUDSON ZBA 11-81-85.
 - DEBRIS AND FILL PERMIT GRANTED BY THE STATE OF NEW HAMPSHIRE WETLANDS BOARD 1-28-85, PERMIT NO A-875.
 - TRAFFIC CONSIDERATIONS: THE INTENSITY OF THE USE OF THE SITE IS LIMITED TO ASSUMPTIONS DETAILED IN TRAFFIC STUDY BY MAYNARD & PAQUETTE INC., DATED: 12/1/83 ON FILE WITH THE TOWN OF HUDSON REGARDING THE PRESENTLY PROPOSED SITE. (1.1A 102 VEHICLES PER AVERAGE DAY.)
 - LINE OF TREE SCREENING AS NOTED AT NORTH & EAST SIDES OF PROPERTY TO BE MAINTAINED.
 - SIGN STATING "NO THRU TRUCKS PERMITTED" TO BE INSTALLED ALONG BOCKES ROAD WEST OF YORK RD INTERSECTION.
- Frank Fisher, 7/24/84 DATE
 FRANK FISHER
 9 HAMPSHIRE DRIVE
 HUDSON, NEW HAMPSHIRE 03051
 27 CLEANING SOLVENTS UTILIZED ON SITE SHALL CONFORM TO O.S.H.A. 20 SHEETS

SITE PLAN LOT 29-2 / MAP 36
BOCKES ROAD
 HUDSON, NEW HAMPSHIRE
 FOR
 FRANK FISHER
 4 B.C. MOVING & STORAGE CO
 9 HAMPSHIRE DRIVE
 HUDSON, NEW HAMPSHIRE 03051
 PHONE 881-9444
 SCALE: 1" = 50'
 DATE: MARCH, 1985
MAYNARD & PAQUETTE INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 23 EAST PEARL STREET - NASHUA, N.H. 03060 - (603) 883-8384

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

APPROVED BY THE TOWN OF HUDSON
 [Signature]
 6/1/85
 [Signature]
 6/1/87

I CERTIFY THAT THIS PLAN IS BASED ON A FIELD SURVEY MADE ON THE GROUND ON JULY 1984 IN ACCORDANCE WITH THE REGULATIONS OF THE TOWN OF HUDSON
 MAURICE S. PAQUETTE L.E. 54323
 MAYNARD & PAQUETTE, INC.



H.C.R.D. # 20760

REV'S	3/23/87	NOTES	20, 25, 26, 27
RAM		PLAN	REL
DATE			

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

REQUEST FOR REVIEW/COMMENTS:

Case: 136-001 (04-27-23) (VARIANCE)

Property Location: 12 Bockes Road

For Town Use

Plan Routing Date: 04/06/2023 Reply requested by: 04/12/2023 ZBA Hearing Date: 04/27/2023

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 04/05/2023
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

Applicant should clarify if they intent to providing water / sewer to the proposed structure

H

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

REQUEST FOR REVIEW/COMMENTS:

Case: 136-001 (04-27-23) (VARIANCE)

Property Location: 12 Bockes Road

For Town Use

Plan Routing Date: 04/06/2023 Reply requested by: 04/12/2023 ZBA Hearing Date: 04/27/2023

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 04/13/2023
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

As indicated by the applicant, if approved by the ZBA, this proposal is subject to site plan review and approval by the Planning Board.

I

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 4-17-23)**

On **04/27/2023**, the Zoning Board of Adjustment heard **Case 136-001**, being a case brought by **Joseph A Miara, Jr., Trustee, Granite Realty Trust, 12 Bockes Road, Hudson, NH** requests a **Variance to build a proposed 80 ft. x 120 ft. garage and attached 80 ft. x 45 ft. covered awning. This is an expansion of an existing, non-conforming use, not permitted in the R-2 district.** [Map 136, Lot 001-000, Zoned Residential-Two (R-2); HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-29, Extension or enlargement of nonconforming uses.]

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.

(Continue-next page-Hardship Criteria)

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 4-17-23)**

(Continued)

Y
N
N/A

5. A. The Applicant established that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

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

(2) The proposed use is a reasonable one.

Y
N

B. Alternatively, if the criteria above (5.A) 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.

Member Decision: _____

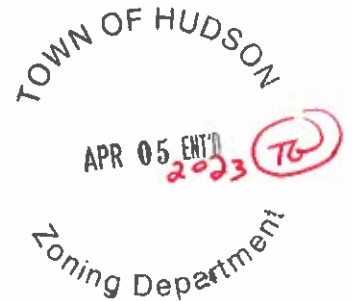
Signed: _____
Sitting member of the Hudson ZBA Date

Print name: _____

Stipulations: _____

Variance Application

Miara Transportation
12 Bockes Road
Hudson, New Hampshire
Tax Map 136 Lot 1
KNA Project No. 16-0223-1



March 27, 2023

Prepared For: Joseph A. Miara, Jr., Trustee
Granite Realty Trust
12 Bockes Road
Hudson, New Hampshire 03051

Prepared By: Keach-Nordstrom Associates, Inc.
10 Commerce Park North, Suite 3
Bedford, New Hampshire 03110
(603) 627-2881 (phone)
(603) 627-2915 (fax)

KNA KEACH-NORDSTROM ASSOCIATES, INC.

TABLE OF CONTENTS

Executed Zoning Board of Adjustment Application for Variance

Exhibit A: Hudson ZBA Variance Application

Exhibit B: Owner Affidavit

Exhibit C: Abutters List

Exhibit D: Property Assessor's Card

Exhibit E: Town GIS Map

Exhibit F: Written Zoning Determination from the Hudson Zoning Administrator

Exhibit G: Zoning Board of Adjustment Plan

Exhibit A

APPLICATION FOR A VARIANCE

APR 05 ENT'D 2023 TO

To: Zoning Board of Adjustment
Zoning Department
Town of Hudson

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

Case No. 136-001(04-27-23)

Date Filed 4/5/23

Name of Applicant Joseph A. Miara, Jr. Trustee of Granite Realty Trust Map: 136 Lot: 1 Zoning District: R-2

Telephone Number (Home) _____ (Work) (978) 658-3616

Mailing Address 12 Bockes Road, Hudson, NH 03051

Owner Joseph A. Miara, Jr., Trustee of Granite Realty Trust

Location of Property 12 Bockes Road, Hudson, NH 03051
(Street Address)

Signature of Applicant _____ Date April, 3, 2023

Signature of Property Owner(s) _____ Date April, 3, 2023

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

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

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

Date received: 4/5/23

COST:

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

Abutter Notice:

11 Direct Abutters x Certified postage rate \$ 4.78 = \$ 52.58

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

Total amount due: \$ 240.10

Amt. received: \$ 240.10

Receipt No.: _____

Received by: TSG

check # 068746



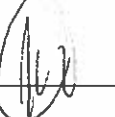
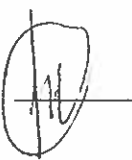
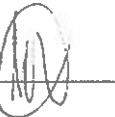
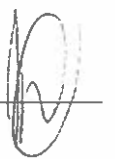



By determination of the Zoning Administrator, the following Departmental review is required:

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

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
	Please review the application with the Zoning Administrator or staff.	<u>TG</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>
	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>
	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>
	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>
	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>
	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>
	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>
	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>TG/N/A</u>

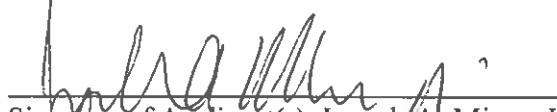
CERTIFIED PLOT PLAN:

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

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

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

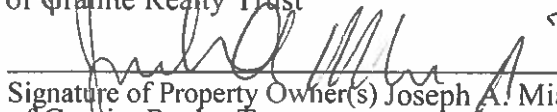
The applicant and owner have signed and dated this form to show his/her awareness of these requirements.



 Signature of Applicant(s) Joseph A. Miara, Jr., Trustee
 of Granite Realty Trust

April 3rd, 2023

 Date



 Signature of Property Owner(s) Joseph A. Miara, Jr., Trustee
 of Granite Realty Trust

April 3rd, 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
		*Include Applicant & Owner(s) See attached.	

ALL INDIRECT ABUTTERS WITHIN 200 FEET

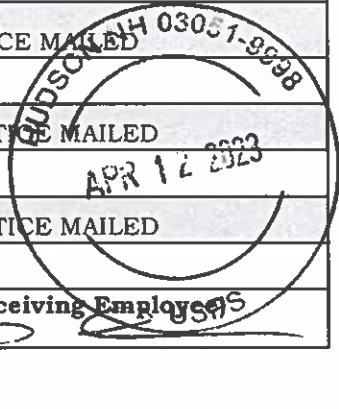
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

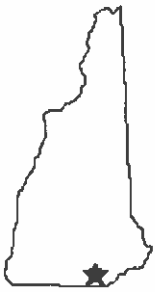
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 136-001 12 Bockes Road Map 136/Lot 001-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting
1	7022 3330 0000 3692 8859	JOSEPH A. MIARA, JR., TRUSTEE; GRANITE REALTY TRUST 12 BOCKES RD., HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7022 3330 0000 3692 8866	MORRIS REV. TRUST; PETER J. & TAMMY L. MORRIS, TRUSTEES; 16 BOCKES RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7022 3330 0000 3692 8873	VFW HUDSON MEMORIAL POST 5791 15 BOCKES RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7022 3330 0000 3692 8880	JOSEPH M. DONOHUE, TRUSTEE; JOSEPH IRELAND 2016 FAMILY TRUST 70 FERRY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7022 3330 0000 3692 8897	1 BOCKES ROAD, LLC 25 PELHAM RD. SUITE 103, SALEM, NH 03079	ABUTTER NOTICE MAILED
6	7022 3330 0000 3692 8903	ROLLING WOODS HOA; C/O JAMES WEAVER 27 ROLLINGS WOODS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7022 3330 0000 3692 8910	GARRET D. SANTOS & MELISSA F. PIERCE 21 ROLLINGS WOODS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	7022 3330 0000 3692 8927	JAMES R. & VARINIA G. WEAVER 27 ROLLINGS WOODS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	7022 3330 0000 3692 8934	STEFAN & DIANE R. MIKOLAJCZUK, TRUSTEES MIKOLAJCZUK REV. TRUST 29 ROLLINGS WOODS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	7022 3330 0000 3692 8941	KEACH-NORDSTROM ASSOCIATES, INC. 10 COMMERCE PARK NORTH, SUITE 3, BEDFORD, NH 03110	APPLICANT NOTICE MAILED
11	7022 3330 0000 3692 8958	J. BRADFORD WESTGATE, ESQ. 402 AMHERST STREET, NASHUA, NH 03063	APPLICANT NOTICE MAILED
	Total Number of pieces listed by sender 11	Total number of pieces rec'vd at Post Office 11	Postmaster (receiving Employee)



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 136-001 12 Bockes Road Map 136/Lot 001-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting
1	Mailed First Class	BRIAN T. & JILL C. LEONARD, .	ABUTTER NOTICE MAILED
		37 ROLLING WOODS DRIVE, HUDSON, NH 03051	
2	Mailed First Class	DONALD J. & GEORGIA F. BRUSSARD	ABUTTER NOTICE MAILED
		18 BOCKES ROAD, HUDSON, NH 03051	
3	Mailed First Class	MICHAEL P. GOYETTE	ABUTTER NOTICE MAILED
		20 BOCKES ROAD, HUDSON, NH 03051	
4	Mailed First Class	SHANE HOWARD	ABUTTER NOTICE MAILED
		4A YORK ROAD, HUDSON, NH 03051	
5			ABUTTER NOTICE MAILED
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

April 11, 2023

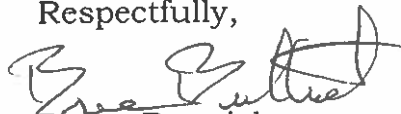
APPLICANT NOTIFICATION

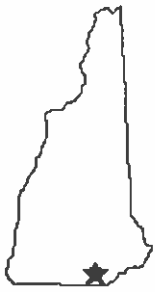
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **04/27/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 136-001 (04-27-23): Joseph A Miara, Jr., Trustee, Granite Realty Trust, 12 Bockes Road, Hudson, NH requests a Variance to build a proposed 80 ft. x 120 ft. garage and attached 80 ft. x 45 ft. covered awning. This is an expansion of an existing, non-conforming use, not permitted in the R-2 district.[Map 136, Lot 001-000, Zoned Residential-Two (R-2); 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

April 11, 2023

ABUTTER NOTIFICATION

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

76

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VII I of HZO Section(s) 334-29 in order to permit the following:

Expansion of an existing non-conforming use. Construction of a proposed garage (approximately 80 feet by 120 feet), proposed covered area (approximately 80 feet by 45 feet), a parking area, paved area and related improvements

Four horizontal lines for additional details.

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.

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

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

See Attachment A.

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

See Attachment A.

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

Not addressed.

APPLICATION FOR A VARIANCE – ATTACHMENT “A”

**Joseph A. Miara, Jr., Trustee of Granite Realty Trust
12 Bockes Road (Map 136, Lot 1)**

This Attachment 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

Joseph A. Miara, Jr., Trustee of Granite Realty Trust (the “Applicant”), is the owner of real estate at 12 Bockes Road (Map 136, Lot 1). The property is located on the northwesterly side of Bockes Road, across from the VFW facility. The property is located south of York Drive and near Lawrence Road and Route 111 (Central Street). The property is approximately 9.216 acres in overall area, housing the existing Miara Transportation facility. The developed portion of the property is in the northerly half of the parcel, as detailed on the ZBA Plan submitted with this Application. There are undeveloped areas on the southerly half of the property.

Prior to the Applicant acquiring the property, ABC Moving and Storage Company (“ABC”) operated at this site. Lying to the northeast of the property is a duplex at 16 Bockes Road (Map 136, Lot 2) (built in 1989 – after ABC received its certificate of occupancy). The duplex is situated on a deep lot (with the duplex in the front of the lot). Abutting the property to the northwest is Map 135, Lot 32, an open space parcel for a residential subdivision, through which runs the 150 foot wide Public Service Company power line easement. The southerly half of the property (from Bockes Road to the back property line) is undeveloped, generally wet and wooded, providing a substantial buffer (approximately in the order of 200’ in width) from the developed portion of the property to homes abutting the property to the south.

Three (3) buildings exist on the property, the largest of which has a footprint of approximately 23,188 square feet and functions as a warehouse (storage facility). The other two buildings at the property are considerably smaller. One is an existing two-story block building attached to the warehouse. The other is a stand-alone one-story building.

In 2016, this Board approved the Applicant’s application for a variance to allow the existing non-conforming use to expand its parking area and loading area and allow construction of 2,430 square foot maintenance building addition. Also, in 2016 this Board granted a wetland special exception to allow the proposed storage expansion area to impact the wetland and wetland buffer area to the west. The wetland special exception allowed for access and maneuverability of the trucks and other vehicles throughout the site. After receiving the variance and special exception, the Applicant obtained related site plan approval from the Planning Board. The maintenance building addition has not yet been built.

In 2022, this Board granted the Applicant's Application for a Variance for the proposed "Hoop" building to be located in the westerly side of the property. No new wetland special exception was required for the "Hoop" building.

As it pursued the "Hoop" building project further, including discussions with the officials in the Town of Hudson Building Department, the Applicant determined that the "Hoop" building would be treated as a permanent structure, to include a foundation and additional ground anchoring. The initial plans the Applicant obtained from the manufacturer contemplated four (4) 40 foot containers to serve as the foundation, while welding I-beams from the frame of the "hut" portion of the building to the containers.

It was determined that additional costs involving engineering, the foundation and anchoring drove project costs to be nearly what would be incurred to construct a more traditional building with customary walls and roofing. Since the "Hoop" building was always intended to be a cost-effective solution for the Applicant to store vehicles and equipment out of the elements, allow Miara Transportation's personnel to clear snow and ice from the equipment in a building and ready the equipment for travel and transport on the public roads, the Applicant has determined that (given comparable costs) a more traditional building is the better solution.

Original Use and Previous Zoning

The property was originally home to ABC Moving and Storage Company ("ABC"). ABC obtained site plan approval for the facility in 1987. When ABC first applied for site plan approval (in 1984), the property was located in the "C" Industrial District. In 1985, the property was rezoned to the then A-2 Residential District. As noted, the property is currently located in the Residential – Two (R-2) District.

Proposed Project

The project contemplates improvements on the westerly portion of the property. These improvements include a proposed garage building approximately 80 feet by 120 feet and approximately 25 feet in height. The project also includes a proposed covered area 45' by 80' adjacent to and immediately east of the proposed garage as well as parking spaces, additional paved surfaces (for vehicle maneuverability) and stormwater management and related improvements.

Attached to the Application for a Variance are the Zoning Board of Adjustment Plan prepared by Keach-Nordstrom Associates, Inc. (further detailing, in general, the project) and the Existing Conditions Plan also prepared by Keach-Nordstrom Associates, Inc.

As noted, the purposes of the improvements are to enable Miara Transportation to better keep vehicles and equipment out of the elements, enable Miara Transportation's personnel to clean snow and ice off the roof of their vehicles as required by Jessica's Law and prepare the vehicles and equipment for travel over the public roads, without being burdened with snow and ice. Its noted that many of Miara Transportation's vehicles have rolling tarp system trailers.

The building will be built slab on grade. It is anticipated to be a pre-fabricated steel building with garage doors on the north and east sides. From the east side, access would run under the covered area into the building. In general, an open floor plan is contemplated. The floor of the covered area is anticipated to be concrete with a fixed overhang (roof) and three (3) open sides.

Nonresidential site plan approval from the Planning Board will be necessary.

As described to the Board in 2016 and in 2022, Miara Transportation operates a specialty moving and storage business. Unlike a transportation and storage company that ships general goods, Miara Transportation primarily deals in specialty, contract shipping. For example, many of its customers hire Miara Transportation to ship (and sometimes store or warehouse before shipping) machinery for manufacturing, fabricating and other commercial or industrial facilities. This type of shipping requires a number of specialty and often different and unique flatbed trailers as well as box trailers.

Often Miara Transportation ships oversized loads requiring special permitting. From time to time Miara Transportation stores or warehouses equipment pending shipping to its ultimate destination. For example, if a manufacturing facility or other business is expanding its operations, it may order items of equipment that cannot be delivered until the customer's new building is ready to receive the item of equipment; hence, it may be stored at Miara Transportation pending shipment.

Zoning Determination Underlying Variance Application

In connection with this matter, Bruce Buttrick, Zoning Administrator / Code Enforcement Officer, issued a Zoning Determination #23-045R-1 REVISED on March 29, 2023. Mr. Buttrick determined that a variance would be needed as the proposal constituted an expansion of a use not permitted in the R-2 District, citing Section 334-29 of the Zoning Ordinance. Mr. Buttrick also noted that if the variance was granted, approval from the Planning Board of an amended site plan would be needed. Accordingly, the Applicant has filed this Application for a Variance to permit the proposed expansion of the non-conforming use – construction of the proposed garage, proposed covered area, parking spaces, paved surface, stormwater management facilities and related improvements.

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 construction and use of the proposed garage, proposed covered area, parking spaces, paved area, stormwater management facilities and related improvements to enable Miara Transportation to improve its operations, including aid in its compliance with Jessica's Law, on a parcel of land originally zoned industrial, located very near a major thoroughfare (Route 111), which property historically has been used for a moving and transportation business. In addition, it is noted that the improvements will be constructed on the westerly portion of the property. The property immediately abutting to the west is an open space parcel for residential development (with a power line easement through it).

Finally, it is in the public interest to permit reasonable, natural expansion of a long standing business property, when the expansion modernizes and facilitates operations, enhancing on and off road safety.

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, the variance (and the related, necessary approvals) will permit a reasonable improvement to the Applicant's property and Miara Transportation's operations evidencing and encouraging the most appropriate use of land. The variance and the other required approvals would permit construction of a building that improves Miara Transportation's operations, provides an "out-of-the elements" environment for Miara Transportation's employees to facilitate snow and ice removal from equipment and vehicles, and aids Miara Transportation in its compliance with Jessica's Law, all on a portion of the site for which operations are already permitted.

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

Substantial justice is done by allowing construction and use of the proposed garage, proposed covered area, parking and paved areas on a portion of land already used for operations. As noted in 2016, this portion of the property has good buffering to the west (by virtue of the remaining wetlands on the property, the open space lot abutting to the west and the power line easement through the open space parcel, and to the south (buffered by the wooded and wetland area on the property itself). 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.

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 reasonable expansion of the non-conforming use. 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 construction and use of the proposed garage, proposed covered area, parking spaces, additional paved area, stormwater management facilities and related improvements on the westerly portion of the property, buffered as mentioned, on land generally dedicated to operations, will not diminish the value of surrounding properties. Besides the aforementioned buffering to the west and south, the proposed garage and proposed overhang area will be several hundreds of feet away from the duplex at 16 Bockes Road and many hundreds of feet away from the properties on the easterly side of Bockes Road.

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.

As the Applicant noted in the 2016 and 2022 hearings before this Board, the property at 12 Bockes Road has several special conditions. First, when ABC applied for site plan approval the property was zoned “C” Industrial; thus, the proposed use was permitted in that district at the time of ABC’s site plan application. Subsequent to that application, the zoning district changed to what is now the R-2 District.

Also, the property’s location is uniquely qualified for its operations. The property is located in close proximity to a main thoroughfare (NH Route 111 (Central Street)) and thus only hundreds of feet from Route 111. This permits the vehicles leaving the facility to access Route 111 without the need to go through residential neighborhoods and be on local roads for only a brief period of time. Also, the property is located across the street from the G-1 zoning district which permits a wide variety of uses, including numerous commercial and industrial uses (including warehouse and a transportation or freight terminal). Put another way, if located across the street,

no variance would be necessary. It is only because of the change in the zoning district, after the original site plan application was first filed (in 1984) that this variance is required.

The property is relatively large in size, in comparison with the other nearby properties, has existed for over 30 years as a developed moving and storage facility. It has good, on-site buffering in its southerly half and buffering to the west.

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 construction of the proposed garage, proposed covered area and other improvements on a portion of property already dedicated to operations. The proposed garage, proposed covered area and other improvements will modernize and enhance Miara Transportation's operations and be integral to Miara Transportation's compliance with Jessica's Law. These improvements will not have a material impact on the abutting properties, given that the proposed garage, proposed covered area, and other improvements will be set back from Bockes Road, buffered to the west as noted and buffered to the south by wooded area and wetland on the site. In short, this is the type of expansion of a nonconforming use that should be permissible under the ordinance.

The special conditions of the property deserve further consideration. As mentioned, the property was initially zoned industrial, is across the street from the G-I District (which would permit this use or its expansion without the need of a variance) and also nearby other nonresidential uses, and importantly, only a matter of hundreds of feet from Route 111. Its proximity to Route 111 enables vehicles to access a main thoroughfare without the need to go through local or neighborhood roads to any significant degree. It is a logical location for Miara Transportation's operations and for the proposed expansion to further improve its operations.

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 to that provision to this 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.

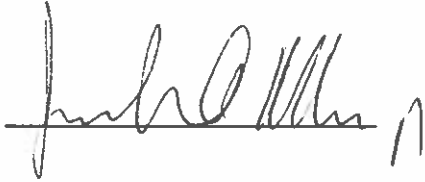
Exhibit B

Owner Affidavit

I, Joseph A. Miara Jr., authorized representative of Granite Realty Trust, and owner of the property referenced on Tax Map 136 as Lot 1, located at 12 Bockes Road, Hudson, New Hampshire, hereby verify that I have authorized Keach-Nordstrom Associates, Inc. and Winer and Bennett, LLP to submit on my behalf, any and all applicable State and local permit applications as they pertain to improvements on said property.

Additionally, I authorize Keach-Nordstrom Associates, Inc. and Winer and Bennet, LLP to aid in the representation of these applications throughout the approval process.

Signature of Owner:



Printed Name of Owner:

Joseph A Miara jr

Address of Owner:

12 Bockes Road

Hudson, NH 03051

Date:

4/5/23

Granite Realty Trust
12 Bockes Road
Hudson, New Hampshire 03051

April 3, 2023

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


**Re: 12 Bockes Road (Map 136, Lot 1)
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 Granite Realty Trust (Joseph A. Miara, Jr., Trustee) with respect to the variance application being filed by Granite Realty Trust.

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

Very truly yours,



Joseph A. Miara, Jr., Trustee of Granite
Realty Trust

Exhibit C

Abutters List
Miara Transportation
Hudson, NH
KNA#16-0223-1
Updated 4/4/2023

Tax Map	Lot	Owner/Applicant
136	001	Joseph A. Miara, Jr., Trustee Granite Realty Trust 12 Bockes Road Hudson, NH 03051
Tax Map 136	Lot 2	Abutter Morris Rev. Trust Peter J. & Tammy L. Morris, Trustees 16 Bockes Road Hudson, NH 03051
136	036	VFW-Hudson Memorial Post 5791 15 Bockes Road Hudson, NH 03051
145 145	003 002	Joseph M. Donahue, Trustee Joseph Ireland 2016 Family Trust 70 Ferry Street Hudson, NH 03051
145	001	1 Bockes Road, LLC 25 Pelham Road, Suite 103 Salem, NH 03079
144&135	021 & 032	Rolling Woods HOA c/o James Weaver 27 Rollings Woods Dr. Hudson, NH 03051
144	21-08	Garret D. Santos & Melissa F. Pierce 21 Rolling Woods Dr. Hudson, NH 03051
135	37	James R. & Varinia G. Weaver 27 Rolling Woods Dr. Hudson, NH 03051

135	36	Stefan and Diane R. Mikolajczuk, Trustees Mikolajczuk Rev. Trust 29 Rolling Woods Dr. Hudson, NH 03051
Tax Map 135	Lot 35	Abutter Within 200-ft Brian T. & Jill C. Leonard 37 Rolling Woods Drive Hudson, NH 03051
136	3	Donald J. & Georgia F. Brussard 18 Bockes Road Hudson, NH 03051
136	4	Michael P. Goyette 20 Bockes Road Hudson, NH 03051
136	5	Shane Howard 4A York Road Hudson, NH 03051

Professional to be notified:

Engineer & Survey
Keach-Nordstrom Associates, Inc.
10 Commerce Park North, Suite 3
Bedford, NH 03110

Legal Representative
J. Bradford Westgate, Esq.
402 Amherst Street
Nashua, NH 03063

Exhibit D

Property Location: 12 BOCKES RD
 Vision ID: 5188 Account #: 7366

Parcel ID: 136/001/000//
 Bldg #: 1

Bldg Name:
 Card #: 1 of 2

LUC: 0430
 Print Date: 4/6/2023 1:51:01 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
MIARA, JOSEPH A. JR., TR. GRANITE REALTY TRUST 12 BOCKES ROAD HUDSON NH 03051		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		IG		Ind-General		2022	0401	1,122,212	2022	0401	1,206,700	2021	0401	1,206,700
		TOPO		UTILITIES			0401	606,879		0401	522,500		0401	522,500
		01	Level	09	Priv Water		0401	27,300		0401	85,800		0401	85,800
				00	Septic		3320	201,288						
						3320	60,021							
						Total	2,134,200	Total	1,815,000	Total	1,815,000	Total	1,815,000	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY		
MIARA, JOSEPH A. JR., TR.		8410	2473	03-27-2012	Q	I	1,500,000	00	Grantor: FISHER, BOWLBY AND MCLENDON, Grantor: N/A	Appraised Bldg. Value (Card)	867,000
FISHER, BOWLBY AND MCLENDON		4788	0327	06-02-1988	Q	I	0	00		Appraised Xf (B) Value (Bldg)	456,500
										Appraised Ob (B) Value (Bldg)	78,700
										Appraised Land Value (Bldg)	732,000
										Special Land Value	0
										Total Appraised Parcel Value	2,134,200
										Valuation Method	C

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY	
Parcel ID	136-001-000		Descript	Code	Appraised	Assessed	Total Appraised Parcel Value 2,134,200 Valuation Method C	
Zoning	R2:RES2 TWO		BLDG	0401	1,122,212	1,122,212		
Flood Hazar	C		LAND	0401	606,879	606,879		
Neigh/Abut1	MVRP		OB	0401	27,300	27,300		
Neigh/Abut2			BLDG	3320	201,288	201,288		
Neigh/Abut3		PREV 0036-0029-0002	LAND	3320	60,021	60,021		
GIS ID	136-001-000	Assoc Pid#	OB	3320	Total:	2,134,200		

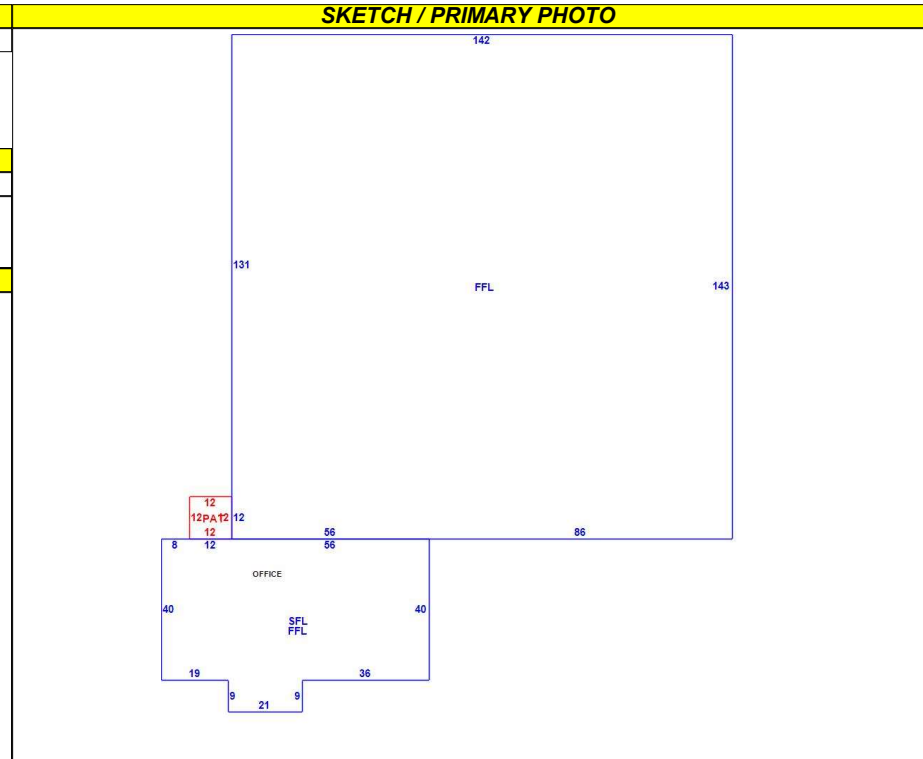
NOTES		VISIT / CHANGE HISTORY					
BEIGE,A/C IN COF ONLY,DRYWALL,CPT,GH,4-1		Date	ld	Type	Is	Cd	Purpost/Result
0' OHD,1-14' OHD, FIRE ALARM/NO SPRNKL R 5.		05-16-2022	24			45	Field Review
06 AC WETLAND. 34' CEILING WHS/ZBA 9=29-		12-05-2019	18			03	Meas/Inspect
2016 variance and special exception to a		06-12-2017	09			45	Field Review
llow for expansion, 12/2016 proposed add		03-09-2017	12			15	Permit Visit
ditional 56,000 SF expansion with related		03-03-2016	12			15	Permit Visit
		05-10-2012	09			45	Field Review
		04-27-2012	09			14	Inspected
		03-01-2007	09			03	Meas/Inspect

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft	Comments
2015-920-1EL	05-13-2016	SI	Signs		C			
2015-00920	10-02-2015	SI	Signs	0	C			Visit Notes: 3x10 Wall Sign;
2014-00033	01-22-2014	MECH	Mechanical	0	C			Visit Notes: Repl Hvac Unit;
2013-00753	11-19-2013	MECH	Mechanical	0	C			Visit Notes: Install Pipe From Tank To Building;

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	0401	IND WHSES	Site	2.700	AC	260,000	1.00	E	1.00	IG	1.00	Restricted	0.95			666,900
1	4010	IND WAREHSE	Excess	6.516	AC	26,000	0.96	0	1.00	IG	1.00	Easement	0.40		WET/TEL EASE;	65,100
Total Card Land Units:				9.216 AC		Parcel Total Land Area:				9.216		AC		Total Land Value:		732,000

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		
Style:	45	Indus. Warehouse	Frame	02	
Grade	C	Average	Foundation	06	
Stories:	2				
# of Units	2				
Wall Height	34.00				
Exterior Wall 1	18	Corr Steel			
Exterior Wall 2	21	Conc Block			
Roof Structure	04	Flat			
Roof Cover	04	Tar/Gravel			
Interior Wall 1	05	Minimal			
Interior Wall 2	01	Drywall			
Interior Floor 1	12	Concrete			
Interior Floor 2	04	Carpet			
Heat Fuel	05	None			
Heat Type	08	None			
2nd Heat Type					
AC Percent	20				
Heat/AC					
Full Baths	0				
Half Baths	6				
3/4 Baths	1				
Baths/Plumbing	02	AVERAGE			
Kitchens	0				
Kitchen Rating					
Rooms/Partition	T	Typical			
Ceiling/Wall					
Bath Rating					
% Comn Wall	0.00				
% Heated	0				
# Heat Systems	0				
% Sprinkler					
MIXED USE					
	Code	Description	Percentage		
	0401	IND WHSES	91		
	3320	AUTO REPR	9		
			0		
COST / MARKET VALUATION					
	RCN		1,093,881		
	Year Built		1988		
	Effective Year Built		1993		
	Depreciation Code		AG		
	Remodel Rating				
	Year Remodeled				
	Depreciation %		29		
	Functional Obsol				
	External Obsol				
	Trend Factor		1.000		
	Condition				
	Condition %				
	Percent Good		71		
	RCNLD		776,700		
	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 Price	Yr Blt	Cond.	% Gd	Assd. Value
LITESN	Exterior Light On Pole	L	1	UNITS	1100.00	1990	AV	60	1,300
LOADLV	Load Leveler	B	1	UNITS	3600.00	1988	AV	71	2,600
PAVASP	Asphalt Paving	L	28,675	UNITS	2.00	1988	FR	50	28,700
SCALE	Scale	B	60	UNITS	869.00	1988	AV	71	37,000
XFOFC	Office	B	3,229	SQ. FT	90.00	1988	AV	71	206,300
XFOFC	Office	B	3,295	SQ. FT	90.00	1988	AV	71	210,600

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
FFL	First Floor, Finished	23,535	23,535	23,535	40.85	961,405
PAT	Patio	0	144	14	3.97	572
SFL	Second Floor, Finished	3,229	3,229	3,229	40.85	131,905
Total SQFT / Sketched Area / Eff Area		26,764	26,908	26,778	Totl Value	1,093,882



Property Location: 12 BOCKES RD
 Vision ID: 5188 Account #: 7366

Parcel ID: 136/001/000//
 Bldg #: 2

Bldg Name:
 Card #: 2 of 2

LUC: 0430
 Print Date: 4/6/2023 1:51:02 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)									
MIARA, JOSEPH A. JR., TR. GRANITE REALTY TRUST 12 BOCKES ROAD HUDSON NH 03051		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed	
		IG		Ind-General		2022	0401	1,122,212	2022	0401	1,206,700	2021	0401	1,206,700	
		TOPO		UTILITIES			0401	606,879		0401	522,500		0401	522,500	
		01	Level		09	Priv Water					0401	85,800		0401	85,800
					00	Septic									
						Total		2,134,200	Total		1,815,000	Total		1,815,000	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
MIARA, JOSEPH A. JR., TR. FISHER, BOWLBY AND MCLENDON		8410 4788	2473 0327	03-27-2012 06-02-1988	Q Q	I I	1,500,000 0 00	Grantor: FISHER, BOWLBY AND MCLENDON, Grantor: N/A	Appraised Bldg. Value (Card)			867,000
									Appraised Xf (B) Value (Bldg)			456,500
									Appraised Ob (B) Value (Bldg)			78,700
									Appraised Land Value (Bldg)			732,000
									Special Land Value			0
									Total Appraised Parcel Value			2,134,200
									Valuation Method			C

SUPPLEMENTAL DATA				CURRENT ASSESSMENT									
Parcel ID	136-001-000			Descript	Code	Appraised	Assessed						
Zoning	R2:RES2 TWO			BLDG	0401	1,122,212	1,122,212						
Flood Hazar	C			LAND	0401	606,879	606,879						
Neigh/Abut1	MVRP			OB	0401	27,300	27,300						
Neigh/Abut2				BLDG	3320	201,288	201,288						
Neigh/Abut3		PREV	0036-0029-0002	LAND	3320	60,021	60,021						
GIS ID	136-001-000	Assoc Pid#		OB	3320			Total:	2,134,200	2,134,200	Total Appraised Parcel Value		2,134,200

NOTES						VISIT / CHANGE HISTORY					
BRN, USED FRO TRUCK REPAIR, 16' HIGH 3-14 ` DOORS 12/19 A/C COMPRESSOR UNDER CANOP Y						Date	ld	Type	Is	Cd	Purpost/Result
						12-05-2019	18			03	Meas/Inspect
						06-12-2017	09			45	Field Review
						05-10-2012	09			45	Field Review
						03-01-2007	09			03	Meas/Inspect
						10-03-2001	00			03	Meas/Inspect
						03-04-1991	02			14	Inspected

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

LAND LINE VALUATION SECTION														
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
2	3320	AUTO REPR	Site	0.000 AC	0		1.00	0	1.00	IG	1.00			0
Total Card Land Units:				0.000 AC	Parcel Total Land Area:				9.216	AC	Total Land Value:			0

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)			SKETCH / PRIMARY PHOTO				
Element	Cd	Description	Element	Cd	Description					
Model	94	Com/Ind	% Sprinkler							
Style:	25	Service Shops	Frame	02						
Grade	D+	Fair/Avg	Foundation	06						
Stories:	1		MIXED USE							
# of Units	2		Code	Description	Percentage					
Wall Height	12.00		3320	AUTO REPR	100					
Exterior Wall 1	18	Corr Steel			0					
Exterior Wall 2					0					
Roof Structure	04	Flat	COST / MARKET VALUATION							
Roof Cover	09	Metal	RCN							
Interior Wall 1	05	Minimal	Year Built			1986				
Interior Wall 2			Effective Year Built			1985				
Interior Floor 1	12	Concrete	Depreciation Code			FR				
Interior Floor 2			Remodel Rating							
Heat Fuel	01	Oil	Year Remodeled							
Heat Type	07	Unit Heaters	Depreciation %			37				
2nd Heat Type			Functional Obsol							
AC Percent	100		External Obsol							
Heat/AC			Trend Factor			1.000				
Full Baths	0		Condition							
Half Baths	1		Condition %							
3/4 Baths	0		Percent Good			63				
Baths/Plumbing	02	AVERAGE	RCNLD			90,300				
Kitchens	0		Dep % Ovr							
Kitchen Rating	L	Light	Dep Ovr Comment							
Rooms/Partition			Misc Imp Ovr							
Ceiling/Wall			Misc Imp Ovr Comment							
Bath Rating			Cost to Cure Ovr							
% Comn Wall	0.00		Cost to Cure Ovr Comment							
% Heated	100									
# Heat Systems	0									
% Sprinkler										
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Price	Yr Blt	Cond.	% Gd	Assd. Value	
BOXTR	Box Trailer As Shed/20 Ft. Un	L	1	UNITS	5000.00	2012	AV	60	21,000	
CNP	Canopy	L	100	SQ. FT	21.00	2012	AV	60	1,300	
PUMPSN	Pump/Single	L	1	UNITS	13200.00	1988	FR	50	6,600	
TANKIG	Tank/In-Ground	L	10,000	UNITS	3.30	1988	AV	60	19,800	
BUILDING SUB-AREA SUMMARY SECTION										
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value				
FFL	First Floor, Finished	2,400	2,400	2,400	59.70	143,290				
Total SQFT / Sketched Area / Eff Area		2,400	2,400	2,400	Totl Value	143,290				



Exhibit E

12 Bockes Road - GIS Map



3/27/2023

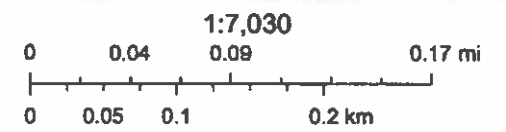


Exhibit F



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-045R-1 REVISED

March 29, 2023

Allison Lewis
KNA
10 Commerce Park N, Suite 3
Bedford, NH 03110

RE: 12 Bockes Rd Map 136 Lot 001-000
District: Residential Two (R-2)

Dear Ms. Lewis,

Your request: What approvals are needed for: an 80 x 120 garage bldg. and 80 x 45 covered awning per Dwg sheet 1 of 9 dated January 4, 2023 titled "Garage Layout Concept Plan-B"?

Zoning Review / Determination:

This determination supersedes and voids #23-045 dated March 22, 2023.

A variance from the Zoning Board of Adjustment would be needed, as this proposal is an expansion of a use not permitted in the R-2 district, according to §334-29, Extension or enlargement of non-conforming uses: "A nonconforming use shall not be extended or enlarged, except by variance" and applies to the increased building and improved site area..

If successful with a variance, you would need approval of an amended site plan from the Planning Board, contact Brian Groth - Town Planner (603) 886-6009 for details. Without any architectural plans to review: be mindful of the Height requirement of 38 ft per §334-14 Building Height.

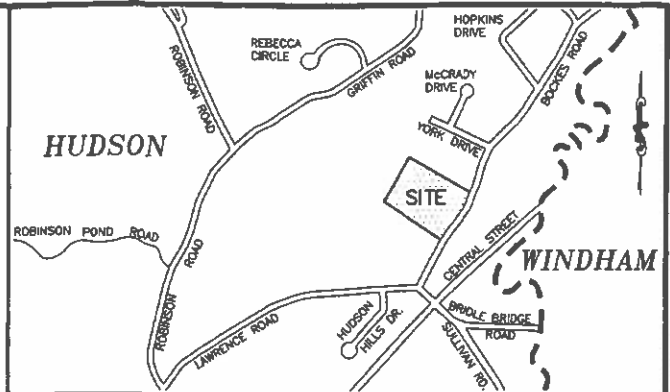
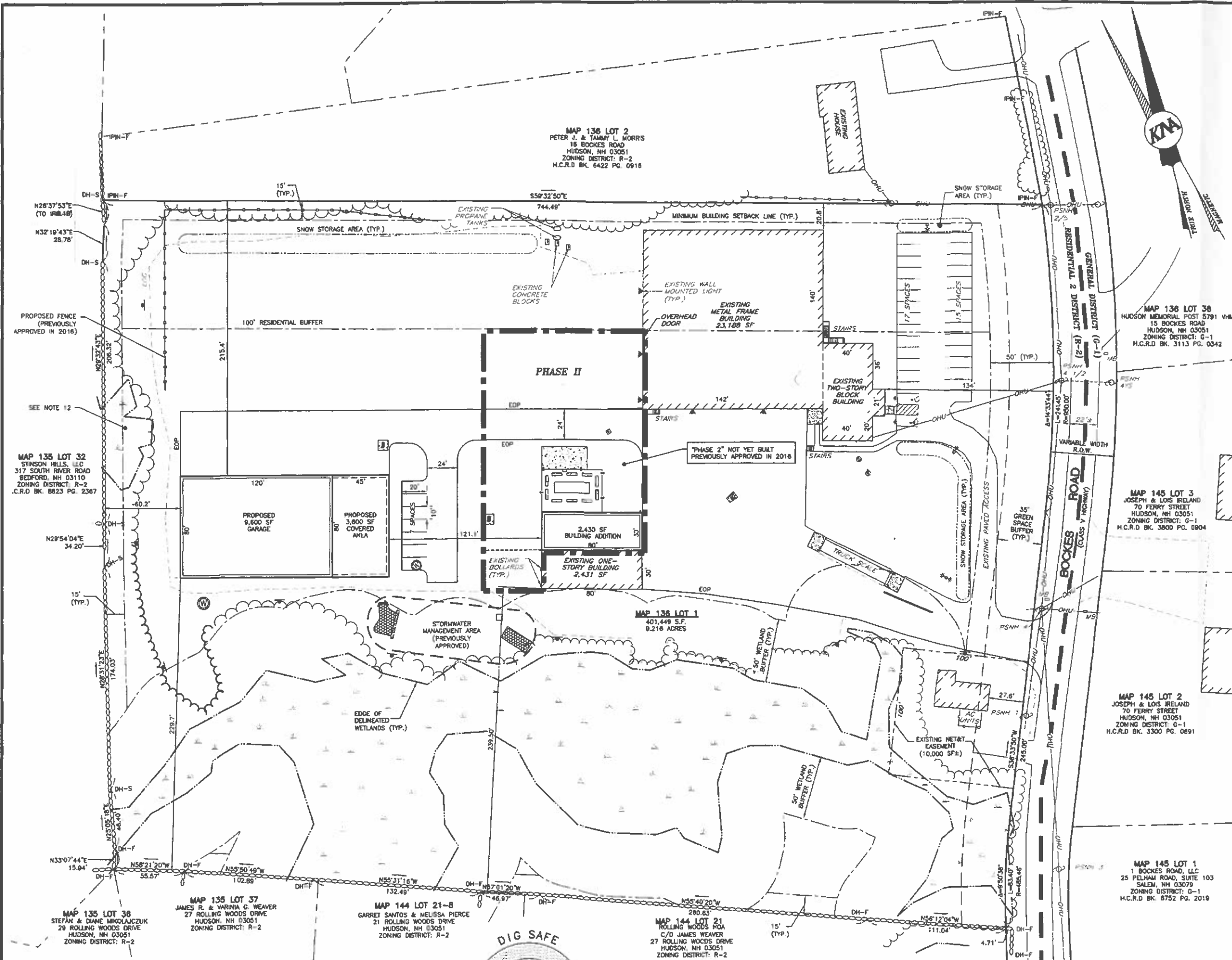
Sincerely,

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

cc: Public Folder
B. Groth - Town Planner
B. Westgate - Att'y
File

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

Exhibit G



LOCUS PLAN
SCALE: 1"=1,000'

- REFERENCE PLANS:**
1. "SUBDIVISION PLAN OF LAND, PREPARED FOR, BERTHA A. MOONEY, HUDSON, NH," SCALE: 1"=50', DATED: MAY 29, 1984, PREPARED BY RONALD R. BURD, INC. H.C.R.D. PLAN NO. 19108.
 2. "BOUNDARY PLAN OF MAP 36 LOT 27 & 28, LOCATED ON: BOCKES ROAD, HUDSON, N.H.," SCALE: 1"=100', DATED: NOV. 16, 1987, PREPARED BY GEORGE F. KELLER INC. H.C.R.D. PLAN NO. 21586.
 3. "AS-BUILT SITE PLAN: TAX MAP 36 LOT 29-2, ABC MOVING AND STORAGE CO., c/o FRANK FISHER, BOCKES ROAD, HUDSON, NH.," SCALE: 1"=50', DATED: JANUARY 15, 1990, WITH REVISIONS THROUGH 11/12/90, PREPARED BY GEORGE F. KELLER INC.

- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO SHOW AN EXPANSION OF A NON-CONFORMING USE WITH A PROPOSED 9,600 SF GARAGE AND A 3,600 SF ON TAX MAP 136 LOT 1.
 2. TOTAL LOT AREA = 401,449 SF, OR 9.216 ACRES.
 3. MAP 136 LOT 1 INDICATES TOWN OF HUDSON TAX ASSESSOR'S MAP AND LOT NUMBERS.
 4. OWNER OF RECORD: JOSEPH A. MIARA JR., TRUSTEE GRANITE REALTY TRUST 12 BOCKES ROAD HUDSON, NH 03051 H.C.R.D. BK. 8410 PG. 2473
 5. THE SUBJECT PARCEL IS LOCATED WITHIN THE RESIDENTIAL 2 DISTRICT (R-2). DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS FOR LOTS NOT SERVICED WITH MUNICIPAL SEWER AND WATER:

MINIMUM LOT AREA	REQUIRED: 80,000 SF	EXISTING: 401,449 SF	PROPOSED: 401,449 SF
MINIMUM LOT FRONTAGE	REQUIRED: 120 FT	EXISTING: 589.85 FT	PROPOSED: 589.85 FT
MINIMUM BUILDING SETBACKS:			
- FRONT	50 FT	27.6 FT	27.6 FT
- SIDE	15 FT	22.8 FT	20.8 FT
- REAR	15 FT	427.1 FT	60.2 FT
 6. TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON REFERENCE PLAN #1 AND AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE DURING MARCH OF 2016.
 7. HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 29.
 8. WETLAND MAPPING WAS PERFORMED BY CHRIS DANFORTH, CERTIFIED WETLAND SCIENTIST #077, IN JANUARY OF 2022.
 9. SITE IS SERVICED BY PRIVATE ON-SITE WELL AND SEPTIC SYSTEM.
 10. 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. UTILITIES SHOWN HEREON ARE ONLY THOSE FOUND WITHIN THE AREA OF KNA FIELD SURVEY AND ARE SOLELY BASED UPON VISIBLE SURFACE EVIDENCE. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG-SAFE AT 811.
 11. EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF HUDSON MAP NUMBER 33008205360, PANEL 536 OF 701, EFFECTIVE DATE: SEPTEMBER 25, 2009 INDICATES THAT NO PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
 12. A WETLAND EXCEPTION FROM ARTICLE IX, SECTION 334-35, TO ALLOW THE PROPOSED STORAGE EXPANSION AREA OF APPROXIMATELY 56,000 SF, TO IMPACT A WETLAND AND BUFFER AREA WAS APPROVED BY THE HUDSON ZONING BOARD ON SEPTEMBER 26, 2016. THE WESTERLY WETLAND SHOWN ON THIS PLAN IS THE REMAINING WETLAND AREA AFTER THE APPROVED 2016 IMPACTS.
 13. A VARIANCE TO ALLOW EXPANSION OF THE EXISTING NON-CONFORMING USE TO EXPAND THE PARKING AREA, LOADING AREA, AND CONSTRUCTION OF A 2,430 SF MAINTENANCE BUILDING WAS APPROVED BY THE HUDSON ZONING BOARD ON SEPTEMBER 29TH, 2016.
 14. A VARIANCE TO ALLOW EXPANSION OF THE EXISTING NON-CONFORMING USE TO CONSTRUCT A 90 FT BY 79 FT "HOOP" STRUCTURE IN THE REAR OF THE PROPERTY WAS APPROVED BY THE HUDSON ZONING BOARD ON MARCH 24, 2022.
 15. OPEN SPACE: CURRENT OPEN SPACE = 58.1% PROPOSED OPEN SPACE = 58.1%
 16. A VARIANCE IS BEING REQUESTED FROM SECTION 334-29 TO ALLOW THE EXPANSION OF THE EXISTING NON-CONFORMING USE TO CONSTRUCT A 9,600 SF GARAGE AND 3,600 SF ATTACHED COVERED AREA.

ZONING BOARD OF ADJUSTMENT PLAN
MIARA TRANSPORTATION
MAP 136 LOT 1
12 BOCKES ROAD
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER OF RECORD: JOSEPH A. MIARA JR., TRUSTEE GRANITE REALTY TRUST 12 BOCKES ROAD HUDSON, NH 03051 H.C.R.D. BK. 8410 PG. 2473	APPLICANT: JOSEPH A. MIARA JR., TRUSTEE GRANITE REALTY TRUST 12 BOCKES ROAD HUDSON, NH 03051
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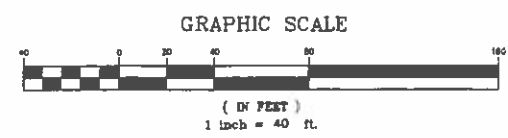
KNA KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 887-2881

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

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

SIGNATURE _____ SIGNATURE DATE _____
SIGNATURE _____ SIGNATURE DATE _____

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



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 MARCH OF 2016. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) OR BETTER.

[Signature]
LICENSED LAND SURVEYOR DATE 4/03/23

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: MARCH 20, 2022 SCALE: 1" = 40'
PROJECT NO: 16-0223-1 SHEET 1 OF 1

Printed
4/05/2023
4:15PM
Created
4/05/2023
4:13 PM

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

Receipt# 724,576
tgoodwyn

	Description	Current Invoice	Payment	Balance Due	
1.00	Zoning Application 12 Bockes Road Map/Lot 136-001-000 (R-2 Zone) Variance Application	0.00	240.1000	0.00	
			Total:	240.10	
Remitter	Pay Type	Reference	Tendered	Change	Net Paid
J.A Miara Transportation, Inc	CHECK	CHECK # 068746	240.10	0.00	240.10
			Total Due:		240.10
			Total Tendered:		240.10
			Total Change:		0.00
			Net Paid:		240.10

J.A. MIARA TRANSPORTATION, INC.

068746

Town of Hudson			4/4/2023			
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
4/4/2023	Bill	20230404	240.10	240.10		240.10
					Check Amount	240.10

Eastern Bank Checkin zoning board application fee 240.10

HUDSON ZONING BOARD OF ADJUSTMENT

REQUEST FOR DEFERRAL WORKSHEET

On **04/27/2023**, The Hudson Zoning Board of Adjustment heard Case **110-011**, Being a request by **Kevin A. & Lucie Y. Jeffery, 99 Webster St., Hudson, NH** requests a **Variance to allow a proposed 805 sq. ft. deck expansion on an existing non-conforming structure. The deck expansion encroaches 12.7 feet into the side yard setback leaving 2.3 feet where 15 feet is required and 30.8 feet into the front yard setback leaving 19.2 feet where 50 feet is required.** [Map 165, Lot 139-000, Zoned Business (B); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]. This case is being deferred for additional information.

Y **N** Members sitting on the Zoning Board of Adjustment vote to accept this deferral request to **May 11, 2023**.

Signed: _____ Date: _____
Sitting Member of the Hudson ZBA

TOWN OF HUDSON

APR 06 ENT'D
2023

TG

Zoning Department

APPLICATION FOR A VARIANCE

Zoning Board of Adjustment
Town of Hudson

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

Case No. 165-139 (04-27-23)

Date Filed 4/6/23

Name of Applicant Kevin & Lucie Jeffery Map: 165 Lot: 139 Zoning District: B

Telephone Number (Home) 603-398-1955 (Work) -

Mailing Address 99 Webster Street Hudson, N.H. 03051

Owner Kevin & Lucie Jeffery

Location of Property 99 Webster Street Hudson, N.H. 03051
(Street Address)

Lucie Jeffery
Signature of Applicant

April 5th, 2023
Date

Kevin & Lucie Jeffery
Signature of Property-Owner(s)

April 5th, 2023
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: 4/6/23

COST:

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

<u>6</u>	Abutter Notice:		
	Direct Abutters x Certified postage rate	\$ <u>4.78</u> =	\$ <u>28.68</u>
<u>7</u>	Indirect Abutters x First Class postage rate	\$ <u>0.63</u> =	\$ <u>4.41</u>
Total amount due:			\$ <u>218.09</u>

Amt. received: \$ 218.09

Receipt No.: 724,694

Check #
0112

Received by: TSG

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

Engineering Fire Dept. Health Officer Planner Other

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
HJ.	Please review the completed application with the Zoning Administrator or staff before making copies in next step.	TG
HJ.	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples)	TG
HJ.	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
HJ.	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	N/A
HJ.	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	TG
HJ.	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	TG
HJ.	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	TG
HJ.	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	TG
HJ.	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	N/A

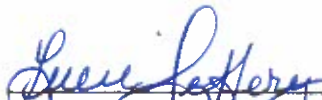
CERTIFIED PLOT PLAN:

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

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

- a) The plot plan shall be drawn to scale on an ~~8 1/2" x 11"~~ or 11" x 17" sheet with a North pointing arrow shown on the plan. TG
- b) The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- 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. TG
(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.) TG
- 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. TG
- g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) The plot plan shall indicate all parking spaces and lanes, with dimensions. TG

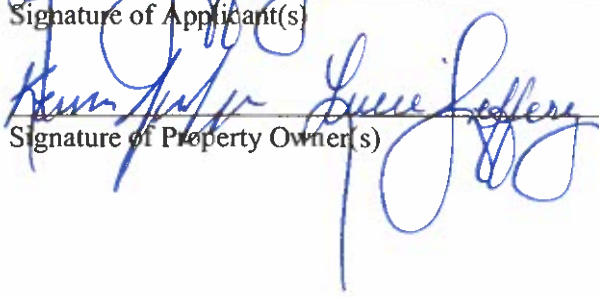
The applicant and owner have signed and dated this form to show his/her awareness of these requirements.



Signature of Applicant(s)



Date



Signature of Property Owner(s)



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
165	139	*Include Applicant & Owner(s) Kevin & Lucie Jeffery	99 Webster St. HUDSON, NH 03051
165	138	Town of Hudson ^{1 Kenyon St.}	12 School St. HUDSON, NH 03051
165	039	Don & Lisa Fitzgerald	100 Webster St. HUDSON NH 03051
165	127	Debra & Gary Lavoie	4 Maywood St. HUDSON NH 03051
165	138	Kelly & Norman Nantel	16 Summer Ave HUDSON NH 03051
165	140	Daniel & Patricia Farland	34 Grand Ave HUDSON NH 03051
165	141	Abbot Farm Condominiums c/o Great North Property Mgmt. ATTN: TRACEY MADDEN	636 Daniel Webster Hwy Merrimack, NH 03054

ALL INDIRECT ABUTTERS WITHIN 200 FEET

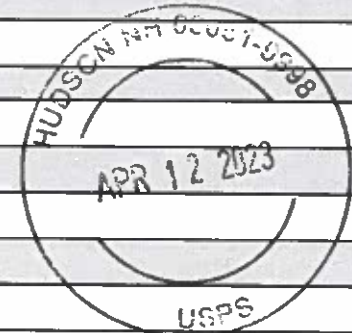
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

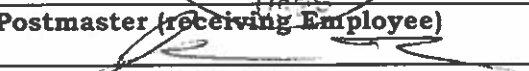
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
165	006	Paul & Donna Thorn	12 Grouse Lane Litchfield, NH 03052
165	037	Alexander Galloway	3 Kenyon Street Hudson, NH 03051
165	040	Piche, Jay	2 Merrimack St Hudson, NH 03051
165	041	Piche, Jay	2 Merrimack St. Hudson, NH 03051
165	042	Aaron Ives	6 Merrimack St Hudson NH 03051
165	126	Debra & Gary Lavoie <u>Esther Leresque Life Estate</u>	4 Maywood St HUDSON NH 03051
165	128	Raymond & Donna Turcotte Turcotte Family Rev. Trust	11 Summer Ave HUDSON NH 03051
165	137	Charles Laurette Donna St. Louis	14 Summer St. Hudson, NH 03051
(TB) 165	126 →		7 Newland Ave. Hudson, NH 03051 (TB)

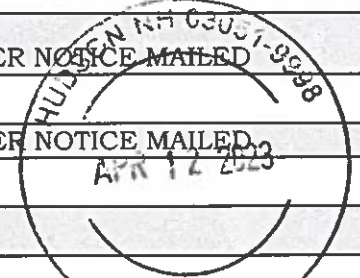
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 165-139 VARIANCE 99 Webster Street Map 165/Lot 139-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting
1	7022 3330 0000 3692 8965	JEFFERY, KEVIN A. & LUCIE Y. 99 WEBSTER ST., HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7020 1810 0001 5291 2298	FITZGERALD, DONALD R. & LISA Y. 100 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7020 1810 0001 5291 2304	LAVOIE, DEBRA L. AND GARY 4 MAYWOOD STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7020 1810 0001 5291 2311	NANTEL, KELLY R. & NORMAN G. 16 SUMMER AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7020 1810 0001 5291 2328	FARLAND, DANIEL A. & PATRICIA 34 GRAND AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7020 1810 0001 5291 2335	ABBOTT FARM CONDOMINIUMS; C/O GREAT NORTH PROPERTY MGMT; ATTN: TRACEY MADDEN 636 DANIEL WEBSTER HWY., MERRIMACK, NH 03054	ABUTTER NOTICE MAILED
7		TOWN OF HUDSON 12 SCHOOL STREET, HUDSON, NH 03051	N/C for Notice- RE: 1 Kenyon St., Hudson, NH 03051 Variance application received.
8			
9			
10			
11			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster (receiving Employee)



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-139 99 Webster Street Map 165/Lot 139-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/27/2023 ZBA Meeting
1	Mailed First Class	THORN, PAUL D. & DONNA I. 12 GROUSE LANE, LITCHFIELD, NH 03052	ABUTTER NOTICE MAILED
2	Mailed First Class	GALLOWAY, ALEXANDER C. 3 KENYON ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	PICHE, JAY 2 MERRIMACK STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	IVES, AARON 6 MERRIMACK STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	LAVOIE, DEBRA LEE & GARY E.; 4 MAYWOOD STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	TURCOTTE, RAYMOND R. DONNA E., TRUSTEES; TURCOTTE FAMILY REV TRUST 11 SUMMER AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	LAURETTE, CHARLES E.; ST. LOUIS. DONNA A. 14 SUMMER AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	Mailed First Class	LEVESQUE, ESTHER, LIFE ESTATE 7 NEWLAND AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9			
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
	8	8	





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

April 11, 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, **04/27/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 165-139 (04-27-23): Kevin A. & Lucie Y. Jeffery, 99 Webster St., Hudson, NH requests a Variance to allow a proposed 805 sq. ft. deck expansion on an existing non-conforming structure. The deck expansion encroaches 12.7 feet into the side yard setback leaving 2.3 feet where 15 feet is required and 30.8 feet into the front yard setback leaving 19.2 feet where 50 feet is required. [Map 165, Lot 139-000, Zoned Business (B);HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

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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 VARIANCE

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

We would like to please use more of the setback of 15 feet. Our deck would leave 2.3 feet to our property line.

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

Granting the request will not be contrary to the public interest because it will become more beautiful, be safer and ensure that no injury comes or threatens public health. The deck cannot be seen by passers by, overlooks a wooded lot and will better suit the home! The public such as delivery people, emergency people will benefit more.

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.”)

This request does not conflict with the “spirit of the ordinance” at all.

It will add character & beauty to the home and therefore the public and the neighborhood. Again it will be safer to all that may use it or approach it.

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.)

Substantial justice would be done to us as home-owners, if granted is absolutely true. We would be so grateful, the value will increase and bring great joy.

The public will not, however, lose any benefits already in existence or have any harm in any way come to them if granted.

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.)

There will not be a diminish of value to any surrounding property if granted. It will add curb appeal if approached and value to the home and neighborhood.

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

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

IF the ordinance is enforced and we cannot enlarge the deck, I feel it would not serve the purpose of the restriction fairly & reasonably. We will cause no harm to any neighbor, public passerby or alter the character of the neighborhood.

We will not inflict any injury to public rights nor threaten the health, safety or welfare of the public's rights.

We as homeowners who are faithful tax payers and want the best for ourselves and the community, would be safer and happier. We have elderly family and sickness (within ourselves where we have wheelchairs & walkers. It is very much a hardship on the existing deck to accommodate these health mechanisms.

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

The special conditions of the property would "allow" the use to be reasonable by giving ourselves and many of our family the use of wheelchairs and walkers, and safer accommodations.

What makes this property characteristically different from others is that it is directly adjacent to a vacant and "unbuildable" piece of property with a 32 foot drop. It is secluded on ~~all~~ almost 30 sides, except the back shutters Kelly & Norman Nantel. The home was also built in 1931 and on a hill that is private. Zoning was non-existent back then, and setbacks too. My house is ~~not~~ actually sitting on a strange property zoned as business, not residential.

We only wish to utilize a bit more of the land within the boundary line.

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

Thank You
All.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-050

April 3, 2023

Luci Jeffery
99 Webster St
Hudson, NH 03051

Re: **99 Webster St Map 165 Lot 139-000**
District: Business (B)

Dear Ms. Jeffery,

Your request: You propose to remove the existing deck and stairs and rebuild as a larger footprint. What to do about an existing shed in the rear setback?

Zoning Review / Determination:

This parcel and structure is an existing non-conforming lot and use.

- 1) You would need a variance to expand the footprint, as this residential use is an existing non-conforming use within the business district, per §334-29: "*A nonconforming use shall not be extended or enlarged, except by variance.*"
- 2) You would need a variance (to further encroach into the required setbacks) from §334-27 Table of Minimum Dimensional Requirements.
- 3) Regarding the existing shed in the rear setback: either move into compliance leaving 15 ft of setback, or apply for an Equitable Waiver of Dimensional Requirement, per RSA 674:33-a.

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.

Property Location: 99 WEBSTER ST
 Vision ID: 7467 Account #: 5650

Parcel ID: 165/ 139/ 000/ /
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 3/30/2023 3:57:50 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
JEFFERY, KEVIN A.		RE	Residential Average		2022	1010	183,500	2022	1010	125,000	2021	1010	125,000
JEFFERY, LUCIE Y.		TOPO	UTILITIES			1010	123,500		1010	83,600		1010	83,600
99 WEBSTER ST.		Abv St	Town Water			1010	1,900		1010	1,200		1010	1,200
HUDSON NH 03051			Town Sewer										
					Total		308,900	Total		209,800	Total		209,800

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
JEFFERY, KEVIN A.				9531 1210	09-23-2021	U	I	349,900	38	Grantor: BARTON, RITA V. Grantor: BARTON, RITA V.	Appraised Bldg. Value (Card)			183,500
BARTON, RITA V.				2576 157	11-28-1977	Q	I		00		Appraised Xf (B) Value (Bldg)			0
											Appraised Ob (B) Value (Bldg)			1,900
											Appraised Land Value (Bldg)			123,500
											Special Land Value			0
											Total Appraised Parcel Value			308,900
											Valuation Method			C

SUPPLEMENTAL DATA				CURRENT ASSESSMENT									
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Descrpt	Code	Appraised	Assessed			
165-139-000	BD:BD	C				165-139-000	BLDG	1010	183,500	183,500	Total Appraised Parcel Value		
							LAND	1010	123,500	123,500	Valuation Method		
							OB	1010	1,900	1,900	C		
							Total:		308,900	308,900	Total Appraised Parcel Value		
											308,900		

NOTES				VISIT / CHANGE HISTORY			
				Date	Id	Cd	Purpost/Result
4/22 - EG - DOG - NO INFO				07-19-2022	24	45	Field Review
				04-11-2022	23	04	Info At Door
				04-11-2022	23	02	Measured
				01-15-2021	18	02	Measured
				06-04-2014	15	03	Meas/Inspect
				06-06-2006	03	14	Inspected
				05-11-2006	08	02	Measured
				07-20-2005	01	71	Acreeage Adjustment From New Map

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2019-01259	12-13-2019	MECH	Mechanical		C			

LAND LINE VALUATION SECTION																
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd	Nbhd Adj.	Land Adjustment			Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	0.333 AC	170,000		2.29	5	1.00	RE	1.00	Location	0.95		DRAINAGE;	123,500

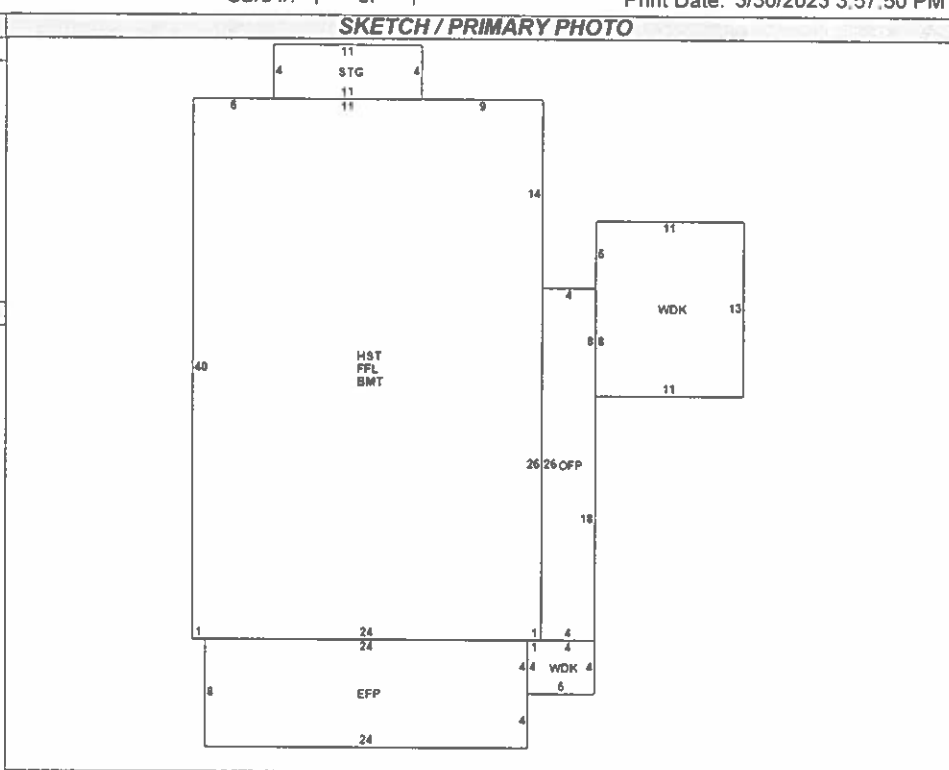
Total Card Land Units: 0.333 AC Parcel Total Land Area: 0.333 AC Total Land Value: 123,500

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1		Extra Kitchens	0	
Style:	113	NEW ENGLANDR	Add Kitchen Ra		
Grade:	C-	Avg/Fair			
(Liv) Units	1				
Exterior Wall 1	21	Conc Block			
Roof Structure	01	Gable			
Roof Cover	01	Asph Shing			
Frame	01	Wood			
Foundation	03	Brick/Stone			
Interior Wall 1	02	Plaster			
Interior Floor 1	03	Hardwood			
Heat Fuel	01	Oil			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	6				
Bedrooms	3				
Full Baths	1				
3/4 Baths	0				
Half Baths	0				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating					
Bsmt Garage	1				
Fireplace(s)	1				
Fireplace Rating	AV	Average			
WS Flues	0				
Color	TAN				
Avg Ht/FL	8				
Extra Kitchens	0				
			COST / MARKET VALUATION		
			Building Value New		282,275
			Year Built		1931
			Effective Year Built		1987
			Depreciation Code		AV
			Remodel Rating		
			Year Remodeled		
			Depreciation %		35
			Functional Obsol		
			External Obsol		
			Trend Factor		1.000
			Condition		
			Condition %		
			Percent Good		65
			RCNLD		183,500
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
SHEDWD	Shed-Wood	L	100	UNITS	31.02	2010	AV	60	1,900

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,040	260	35.21	36,623
FFL	Encl. Porch, Finished	0	192	134	98.31	18,875
FFL	First Floor, Finished	1,040	1,040	1,040	140.86	146,490
HST	Half Story, Finished	520	1,040	520	70.43	73,245
OFF	Open Frame Porch	0	104	21	28.44	2,958
STG	Storage, Unfinished	0	44	13	41.62	1,831
WDK	Wood Deck, or Composite Dk	0	163	16	13.83	2,254
Total Liv Area/Gr. Area/Eff Are		1,560	3,623	2,004	Total Value	282,276



2022

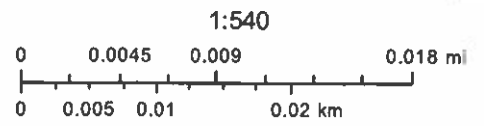


March 22, 2023

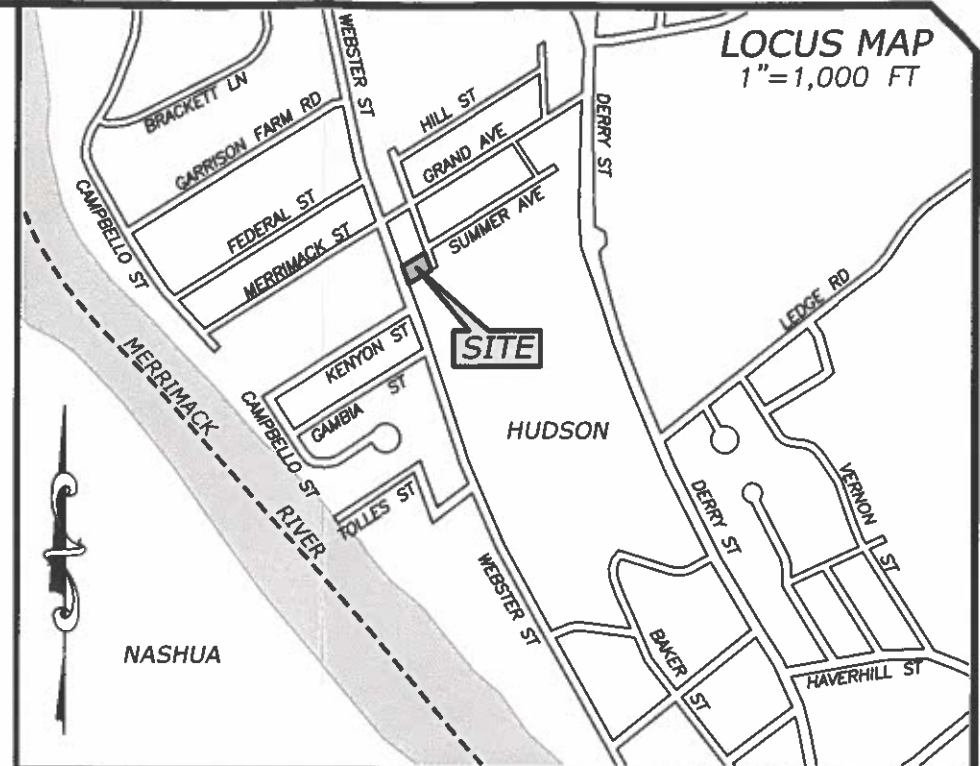
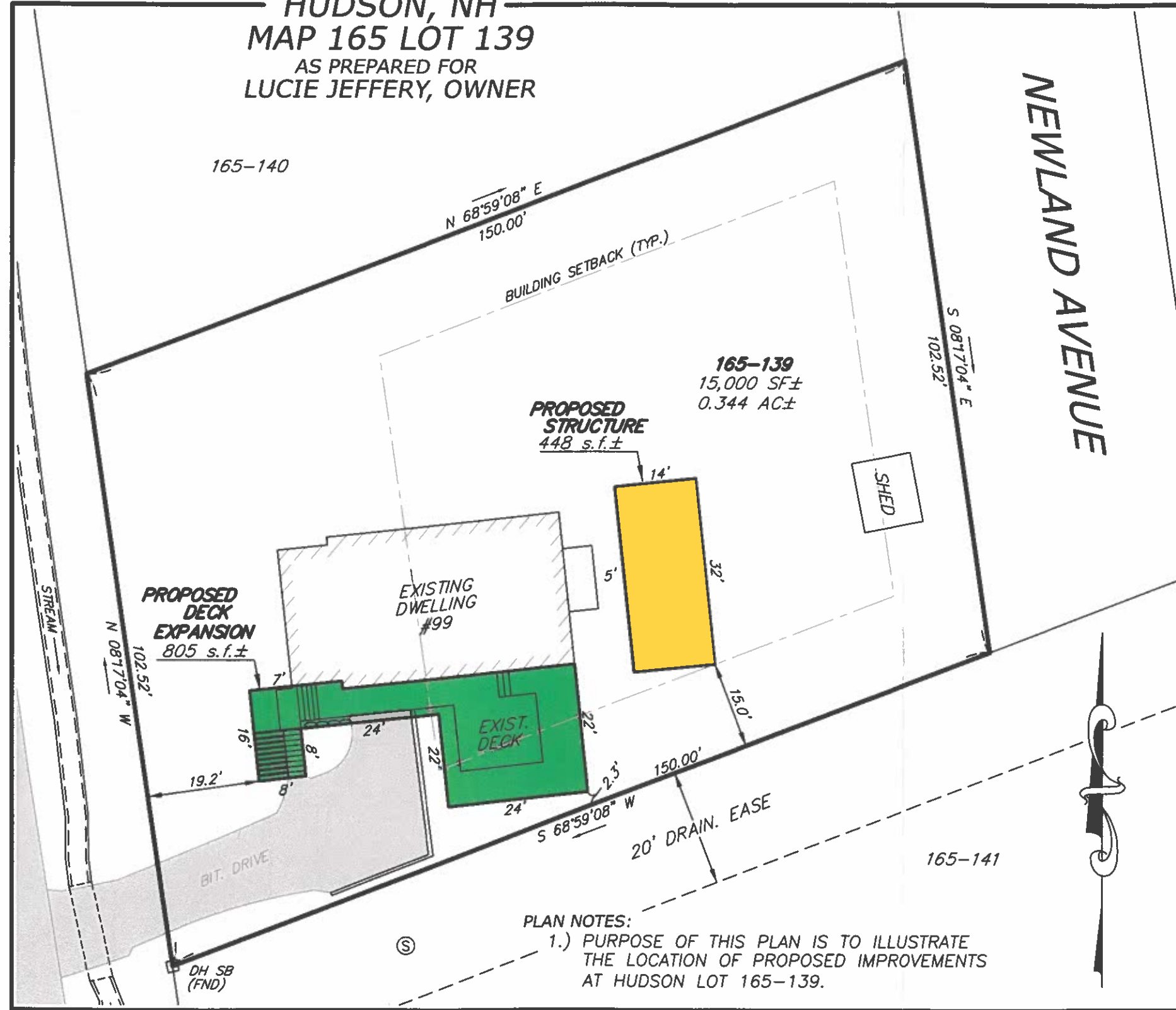
Legend

----- Easement_Lines

▭ Parcels

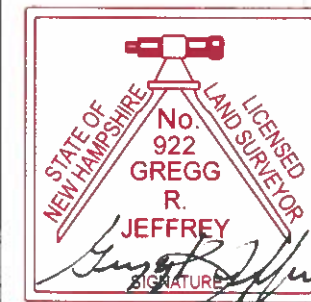
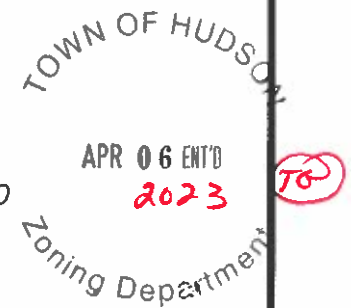


**PLAN OF LAND
99 WEBSTER STREET
HUDSON, NH
MAP 165 LOT 139**
AS PREPARED FOR
LUCIE JEFFERY, OWNER



REV. 2		BY:
REV. 1		BY:

ZONING DISTRICT: B
REQUIRED SETBACKS:
FRONT - 50 FEET
SIDE - 15 FEET
REAR - 15 FEET
DEED REF: BK. 9531 PG. 1210
PLAN REF.: HCRD PL. 510
PLAN SCALE: 1"=20'
DATE: JAN 2023
JOB REF.: 023-001-JEFF



I HEREBY CERTIFY:
THAT THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY AND THAT ALL MEASUREMENTS HEREON ARE TO BE CONSIDERED TRUE AND ACCURATE.

JEFFREY LAND SURVEY LLC

1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089



Printed
4/06/2023
3:01 PM
Created
4/06/2023
2:58 PM

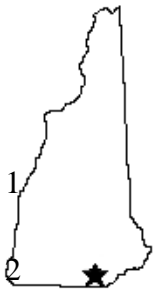
Transaction Receipt

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

Receipt# 724,694
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application- 4/27/23 ZBA Mtg 99 Webster Street Map/Lot 165-139-000 (Zone B) Variance Application	0.00	218.0900	0.00
			Total:	218.09

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Lucie Jeffery	CHECK	CHECK # 0112	218.09	0.00	218.09
			Total Due:		218.09
			Total Tendered:		218.09
			Total Change:		0.00
			Net Paid:		218.09



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 – March 09, 2023 – as edited

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Acting Chair Normand Martin called the meeting to order at 7:13 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board’s Bylaws) regarding the procedure and process of the meeting.

III. ATTENDANCE

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

Alternate Lanphear was appointed to vote in Mr. Daddario’s absence.

Alternate Dion was appointed to vote in Mr. Sakati’s absence.

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 101-004 (03-09-23):** Vital Delivery Solutions LLC, represented by Mateusz Kozlowski, Manager, 57 Harvey Rd., Londonderry, NH requests a Variance for **21 West Rd., Hudson, NH** to allow a warehouse use in the Business Zone where it is not an allowed use. [Map 101, Lot 004-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses (E-8).]

Mr. Buttrick read the Case into the record, referenced his Staff Report, noted that the Planning Board (PB) approved Site Plan Review (SPR) on 12/19/2000 for a Warehouse and that in 2010 there was a change from storage/warehousing to manufacturing/machine shop and that both the Fire Department and Town Planner provided comments. In brief, the Town Planner stated to define specific Use as there is a proposed Zoning Amendment to delineate Use Code E8 into four (4) specific categories. The Fire Marshal made two comments. In Brief they were: (1) any storage in excess of 12’ in height shall require a sprinkler system & (2) need a description of

47 what is to be stored as the storage of any hazardous, combustible materials or
48 flammable liquids or solids would require additional review.

49
50 Carl Dubay of The Dubay Group, Inc., introduced himself and Matt Kozlowski,
51 Manager of Vital Delivery Solutions LLC. Mr. Kozlowski stated that the property is
52 under a Purchase and Sales Agreement contingent upon getting this variance and site
53 plan approval from the Planning Board to expand his operation which has its main
54 operation at 57 Harvey Road, Londonderry, NH, and has 15,000 SF of warehouse
55 capability for their clients and they are in need of additional warehousing space for
56 one of their major clients, Cabot Mac and Cheese.

57
58 Mr. Dubay stated that non-hazard material is stored. Mr. Dubay stated that the site
59 is in the Business District, but, just across the street is the Industrial District and the
60 proposed site is surrounded by commercial businesses and industrial uses, with two
61 (2) warehouses just across the street. The site underwent Planning Board (PB) Site
62 Plan Review (SPR) for warehouse use in the year 2000 and in the year 2010 the
63 occupant changed to a machine shop and today the plan is to revert the 11,000 SF
64 building back to warehouse use, which is considered a change-of-use, so they will
65 need to go back to the Planning Board. Mr. Dubay stated that are no changes
66 proposed for the building except for the elimination of the machine shop to return it
67 back to open space.

68
69 Mr. Dubay next addressed the variance criteria. The information shared
70 included:

- 71
72 (1) *not contrary to public interest*
73 • The use fits with the current uses of the abutting properties
74 • There will be no physical changes to this property
75 • Warehouse use was the original intent when property was initially developed
76 (2) *will observe the spirit of the Ordinance*
77 • The spirit of the Ordinance is to keep certain uses separated
78 • This use fits in with the neighborhood
79 • The two properties across the street are in the Industrial Zone and their uses
80 listed as “warehouse” – see Exhibit A
81 • Granting of this variance would maintain the similar separation of uses as
82 currently exists
83 (3) *substantial justice done*
84 • Substantial justice would be done to the property owner because the current
85 site was approved and constructed based on site plans approved by the
86 Planning Board stating that the proposed use would be
87 “warehouse/general light industrial (no showroom/retail use)”. See Note
88 3 on recorded Site Plan, Exhibit B
89 (4) *not diminish surrounding property values*
90 • The proposed use will be consistent with the other uses in the neighborhood
91 and therefor not have a negative effect on abutting parcels
92 (5) *hardship*
93 • The building was built as a warehouse and the removal of the current
94 machine shop would revert the use back to what it was originally

95 approved, recorded and built in accordance with the Site Plan the
96 Planning Board approved

- 97 • With the exception of a small concrete pad that will be used in conjunction
98 with an allowed use, there are no changes proposed to the property
99

100 Public testimony opened at 7:36 PM. No one addressed the Board.
101

102 Mr. Lanphear questioned the concrete pad and noted that holiday times could require
103 more inventory and if any of that inventory would be hazardous. Mr. Dubay stated
104 that the concrete pad would be addressed with the Planning Board during Site Plan
105 Review. Mr. Kozlowski stated that he spoke with the Fire Marshal and that there
106 would be no flammable materials at this site. Mr. Thompson noted that Vital Delivery
107 Solutions is headquartered in Londonderry and questioned if this site would be just
108 for the storage of food. Mr. Kozlowski stated that the site has potential for many uses
109 and added that the primary motivator to obtaining it is to provide their service to their
110 customer, Cabot. Both Mr. Dion and Mr. Nicolas questioned whether any other Vital
111 storage sites store any flammables and Mr. Kozlowski responded that there are no
112 hazardous materials stored in any of his sites and there is no dealings with hazmat.
113 Mr. Kozlowski added that Cabot popcorn is coming out soon but that is not hazardous
114 in storage and is an example of Cabot's growth and their need for ever-growing
115 inventory requiring storage.
116

117 Ms. Roy stated that the Fire Marshal's other comment pertained to the need for a
118 sprinkler system if there is any storage of material greater than twelve feet (12') in
119 height. Mr. Kozlowski stated that he also discussed this with the Fire Marshal and
120 their storage is less than twelve feet (12') in height, so a sprinkler system will not be
121 needed. Ms. Roy asked how many employees would be at this site and Mr. Kozlowski
122 responded that there is only one (1) employee needed at this site to move the
123 inventory.
124

125 Mr. Lanphear asked the hours of operation for this site. Mr. Kozlowski stated that it
126 would be standard business hours, 9:00 AM – 5:00 PM Monday through Friday.
127

128 Mr. Buttrick asked about the number of trips planned to/from this site. Mr.
129 Kozlowski responded that it is anticipated that there will be one tractor-trailer to this
130 site every other week to receive inventory and smaller delivery trucks to local
131 supermarkets going out one to two (1-2) times per day.
132

133 Mr. Nicolas made the motion to grant the variance with two stipulations: (1) If there is
134 to be storage of any hazardous, combustible or flammable and/or liquids, additional
135 review and approval will have to be required from the Fire Marshal before continuing
136 with storage; and (2) storage racks to be kept under twelve feet (12') in height, else a
137 sprinkler system shall be installed. Mr. Lanphear seconded the motion.
138

139 Mr. Nicolas stated that the proposed use is not contrary to public interest, that the
140 area is currently being used for such industrial use, that the proposed use does not
141 conflict with explicit or implicit purpose of the Ordinance or alter the character of the
142 neighborhood, that the benefits to the property owner are not outweighed by harm to
143 the general public, that surrounding property values will not be diminished and that

144 there is no unnecessary hardship and the site will be used as originally intended and
145 approved.

146

147 Mr. Lanphear agreed with Mr. Nicolas and added that it is in an industrial area and
148 works well in the neighborhood, there is no impact on surrounding property values
149 and will not bring high traffic to the area.

150

151 Mr. Pacocha voted to grant the Variance with the two (2) stipulations as it is not
152 contrary but compatible with the abutting properties, substantial justice would be
153 done because the benefits to the property owner are not outweighed by harm to the
154 general public, surrounding property values will not be diminished and special
155 conditions do exist as there is current use established in the neighborhood that is not
156 allowed.

157

158 Mr. Dion voted to grant with the two (2) stipulations noting that it is in an industrial
159 area and is a warehouse and will not harm the neighborhood or create any safety
160 concerns or impact surrounding property values, it is already a warehouse with only a
161 slight alteration to the parking, and it was initially built as a warehouse from an
162 approved Site Plan and that it is good that it maintain its original purpose.

163

164 Mr. Martin voted to grant with the two (2) stipulations stating that no public rights will
165 be injured, that it is compatible with surrounding properties and will observe the spirit
166 of the Ordinance, will not diminish surrounding property values and the use is going
167 to revert back to the original and approved use, that the hardship is satisfied as the
168 Zone change in the Zoning Ordinance is now requiring a variance.

169

170 Vote was 5:0 to grant the Variance with two (2) stipulations. The 30-day Appeal period
171 was noted along with the need for Site Plan review with the Planning Board.

172

173 2. **Case 216-026 (03-09-23):** David Doherty, **8 Hunter Lane, Hudson, NH** requests
174 a Home Occupation Special Exception to operate a machine shop as an accessory
175 use in his detached garage to fabricate firearms and accessories for a class 7
176 Federal Firearms License (FFL). [Map 216, Lot 026-000; Zoned Residential-Two (R-
177 2); HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and
178 HZO Article VI: Special Exceptions; §334-24, Home Occupations.]

179

180 Mr. Buttrick read the Case into the record, referenced his Staff Report, and that the
181 Fire Marshal listed five (5) items in his 2/28/2023 letter regarding outstanding items
182 on the detached garage building permit (BP) issued 2/8/2021: (1) the BP is still open
183 and needs a final inspection yet to be scheduled or performed; (2) no electrical permit
184 applied for or issued for the garage; (3) no electrical inspection performed or approved;
185 (4) no propane tank permit applies for or issued for the garage; and (5) no gas boiler
186 inspection scheduled or performed

187

188 Mr. Buttrick noted that DTB Fabrication LLC was registered on 2/2/2020 as a
189 domestic limited liability (LLC) type with an address of 8 Hunter Lane without benefit
190 of having received a Home Occupation Special Exception to use this address. Mr.
191 Buttrick stated that he received a telephone call that afternoon from an abutter who
192 expressed concern if there was going to be any firing of firearms on site and suggested
193 that any test firing be done in a gun range and not in the neighborhood.

194
195 David Doherty introduced himself and stated that there is no retail involved, no gun
196 storage, just prototyping and noted that ATF makes no distinction between a hobby
197 and business and treats everything as a business. Mr. Doherty stated that he has a
198 full time job, three children and this is just his hobby with a hope to maybe sell an
199 idea or get a patent.

200
201 Mr. Doherty addressed the criteria for the granting of a Special Exception and the
202 information shared included:

203

204 *(1) Proposed use for services provided on-site*

- 205 • Prototyping, designing and machining of firearms and accessories of
206 very small custom quantity – maybe 4-5 a year
- 207 • Following all laws pertaining to ATF regulations and registration – and
208 pursuing Class 7 Federal Firearms License

209 *(2) Proposed use shall be secondary to principal residential use*

- 210 • Yes, house is his primary residence

211 *(3) Proposed use shall be conducted within the residence*

- 212 • Proposed use will be conducted inside detached 36'40' detached
213 garage

214 *(4) There shall be no exterior indication of the proposed use*

- 215 • There will be no sign or any exterior indication of proposed use

216 *(5) There shall be no exterior storage unless*

- 217 • There will be no exterior storage

218 *(6) There shall be no objectionable circumstances such as noise, odors, dust*

- 219 • No noise, vibrations, dust, smoke or disturbances of any kind will be
220 produced

221 *(7) Traffic in the neighborhood shall not be substantially increased*

- 222 • There will be no traffic

223 *(8) Off-street parking required*

- 224 • Off street parking is available as there are 3 parking spaces in front of
225 the detached garage
- 226 • Expectation would be no more than 1 car per month
- 227 • Hours of operation would be afternoons and Saturdays from 8AM -
228 3PM

229 *(9) Home occupation shall be conducted only by residents*

230 • Only the Applicant/Property Owner will be involved – David Doherty
231 (10)Any vehicles required for Home Occupation?

232 • There will be no vehicles needed for the proposed use

233

234 Public testimony opened at 8:05 PM. No one addressed the Board.

235

236 Mr. Roy asked what the largest caliber would be involved and Mr. Doherty responded
237 that it could be a 50 caliber which is approximately a half inch (1/2") wide for a
238 suppression and added that there would be no test firing on site.

239

240 Mr. Lanphear inquired about the Fire Marshall's comments. Mr. Doherty stated that
241 he was unaware of these outstanding items, that he hired professionals to construct
242 the garage and just assumed they did what needed doing, but apparently not, and
243 added that he would address, now that he knows.

244

245 Mr. Thompson stated that the site is located in a short cul-de-sac and when he drove
246 by he noticed a commercial truck in the driveway. Mr. Doherty stated that vehicle is a
247 company truck from his employer. Mr. Thompson inquired if the weight of the vehicle
248 is an issue. Mr. Buttrick checked the Zoning Ordinance and the limit is 13,000 GVW
249 (Gross Vehicle Weight) for Home Occupations, but this vehicle is not for the Home
250 Occupation. Mr. Doherty stated that the truck is greater than 13K GVW.

251

252 Mr. Pacocha asked and received confirmation that there would be no customers
253 coming to the site.

254

255 Mr. Martin asked if the operation is just fabrication and Mr. Doherty confirmed that it
256 is just machining and welding. Mr. Pacocha asked if and Mr. Doherty confirmed that
257 involved creating a functional weapon. Mr. Dion asked about the Class 7 Federal
258 Firearms License and Mr. Doherty explained that any assembly greater than 80% is
259 classified a firearm and what he receives is already 80% so the minute he touches it, it
260 gets classified as a firearm.

261

262 Mr. Lanphear asked if the machinery is loud. Mr. Doherty responded that it is not,
263 that the legs are self-leveling and the sound cannot be heard at his home.

264

265 Mr. Martin asked how testing would be accomplished. Mr. Doherty stated that he will
266 not test a weapon on site, that he is a member of Nashua Fish and Game or he can go
267 to his brother's land (75 +/- acres) to test.

268

269 Mr. Pacocha made the motion to grant the Home Occupation Special Exception (HO
270 SE) as all the criteria have been satisfied. Mr. Lanphear seconded the motion stating
271 that the criteria have been met, that the Applicant Is sincere and the operation will not
272 affect the neighborhood.

273

274 Mr. Nicolas voted to grant the HO SE as the criteria have been satisfied and the
275 Applicant has testified that the firearms would be discharged offsite.

276

277 Mr. Dion voted to grant the HO SE as the criteria have been satisfied and the
 278 restrictions by ATF is why it is before the Board even though it is purely a hobby.
 279

280 Mr. Martin voted to grant for the same reasons, noted that this HO SE is more of a
 281 service than sales and the Applicant has testified that the outstanding issues
 282 regarding the detached garage Building Permit will be dealt with.
 283

284 Vote was 5:0. HO SE granted. The 30-day Appeal Period was noted.
 285
 286

287 3. **Case 168-018 (03-09-23):** Michael Pruitt, **20 Madison Dr., Hudson, NH**
 288 requests two (2) Equitable Waivers of Dimensional Requirement [Map 168, Lot
 289 018-000; Zoned Residential-Two (R-2)] as follows:
 290

291 Mr. Buttrick read both requests into the record, referenced his Staff Report and noted
 292 that the violations were discovered when the certified plot plan accompanied Building
 293 Permit #2022-01319 to construct an ADU (Accessory Dwelling Unit)
 294

295 a. To allow a 240 SF pavilion structure to remain, which encroaches 12
 296 ft. into the sideyard setback leaving 3 ft. where 15 ft. is required. [HZO
 297 Article VII: Dimensional Requirements; §334-27, Table of Minimum
 298 Dimensional Requirements.]
 299

300 Michael Pruitt introduced himself and stated that about five (5) years ago he decided
 301 to place an outdoor kitchen in his back yard and went ahead and did it, without
 302 having any idea about setbacks or that an open space pavilion would be considered a
 303 building. The outdoor kitchen sits on a six inch (6") concrete slab measuring twenty
 304 feet by twelve feet (20'x12') with an island grill and four (4) sonotubes for the six inch
 305 (6") posts to hold up the roof.
 306

307 Mr. Pruitt addressed the four (4) criteria for Option 1 of the Equitable Waiver of
 308 Dimensional Requirement. The information shared included:
 309

310 | (a) *Discovered too late*

311 • Was totally unaware of any setbacks until I had a certified plot plan done
 312 for an addition to my home and the surveyor informed me that both the
 313 pavilion and the shed are in the setback

314 (b) *Innocent mistake*

315 • Did not believe I needed any permit for the outdoor kitchen because the
 316 structure would be open on all sides and not considered a permanent
 317 structure

318 (c) *No nuisance*

319 • The entire backyard is fenced in with 6' vinyl fencing and the only thing
 320 visible to my neighbors is the roof and that does not block any views or
 321 access to their property

322 • We have had many of our neighbors compliment on the work we have done
 323 to our house/property over the years and never received any complaint or
 324 negative comment about the outdoor kitchen

325 (d) *High correction cost*

- 326 • It would be costly to bring in multiple pieces of equipment to even attempt
327 to move it, if at all possible
328 • Some of the material would not be salvageable, like the island grill which
329 is glued and mortared together and the post and beam construction
330

331 Mr. Martin asked and received confirmation that the fence is a six foot (6') high vinyl
332 fence and the grill is under/inside the pavilion. Mr. Pacho asked when the pavilion
333 was built, how close to the property line the pavilion is and whether there have been
334 any neighbor complaints. Mr. Pruitt stated that he built it about five (5) years ago and
335 has never received a complaint. Mr. Buttrick stated that according to the surveyed
336 plot plan the pavilion is three feet (3') from the property line.
337

338 Public testimony opened at 8:30 PM. No one addressed the Board.
339

340 Ms. Roy asked if there is any power and water to the pavilion. Mr. Pruitt stated that
341 there is power but no water. In response to Ms. Roy's next question, Mr. Buttrick
342 stated that there was no Electrical Permit issued for the pavilion. Mr. Dion asked the
343 source of the water in the pavilion and Mr. Pruitt responded that it comes from the
344 irrigation system.
345

346 Mr. Buttrick read the provisions for Equitable Waivers and Variances and noted that
347 RSA 674:33-a,I provides two options : (1) that the error occurred over ten (10) years
348 ago or (2) that the infraction meet all four (4) criteria
349

350 Mr. Lanphear made the motion to grant the Equitable Waiver of Dimensional
351 Requirement with the stipulation that the property owner shall obtain the necessary
352 Building and Electrical Permits. Mr. Pacocha seconded the motion.
353

354 Mr. Lanphear spoke to his motion noting the excessive cost to correct, that it was an
355 innocent mistake discovered too late and has not been a nuisance. Mr. Pacocha spoke
356 to his second noting that is was discovered too late after it was constructed, that the
357 mistake was wanting it in a convenient position, that it is not a nuance especially with
358 the six foot high fence around the yard and the high cost of correcting.
359

360 Mr. Dion voted to grant with the stipulation as it was discovered too late, there is no
361 going back, that it was an innocent mistake and has not been a nuisance, that there
362 have been no complaints received and the high correction cost. Mr. Nicolas voted to
363 grant with the stipulation as all the criteria have been met. Mr. Martin voted to grant
364 with the stipulation stating that after five (5) years it is too late, that it hasn't been a
365 nuisance and that maybe it was an innocent mistake but that doesn't outweigh the
366 high cost to correct.
367

368 Vote was 5:0 to grant the Equitable Waiver of Dimensional Requirement with one
369 stipulation. The 30-day Appeal period was noted
370

- 371 b. To allow an approx. 224 SF shed structure to remain which
372 encroaches 15 ft. into the rear yard setback leaving 0 ft. and approx. 4
373 ft. into the side yard setback leaving approx. 11 ft. where 15 ft. is
374 required in both setbacks. [HZO Article VII: Dimensional

375 Requirements; §334-27, Table of Minimum Dimensional
376 Requirements.]

377

378 Mr. Pruitt stated that when he bought the property there was a shed in that
379 back corner and at one point there was also a playhouse, which is no longer
380 there. When the shed started to rot out, he built a new one behind the old one
381 and added that he inadvertently caused some damage to the new shed when he
382 demolished the rotted one. GIS pictures were displayed showing the corner with
383 both the old shed and the new shed and the shift in position was noted.

384

385 Mr. Pruitt addressed the four (4) criteria for Option 1 of the Equitable Waiver of
386 Dimensional Requirement. The information shared included:

387]

388 (a) *Discovered too late*

389 • Was totally unaware of any setbacks until I had a certified plot plan done
390 for an addition to my home and the surveyor informed me that both the
391 pavilion and the shed are in the setback

392 (b) *Innocent mistake*

393 • The shed was built to replace an old rotting shed that was on the property
394 when purchased in 2001

395 • The original shed had always been along the right-side property line.

396 • The new shed was built behind the old shed

397 • Was under the impression that I did not need s building permit as the new
398 shed is under 200 SF

399 (c) *No nuisance*

400 • The entire backyard is fenced in with 6' vinyl fencing and the only thing
401 visible to my neighbors is the roof and that does not block any views or
402 access to their property

403 • A shed has always been in that back corner, only now it is new and in
404 better condition

405 (d) *High correction cost*

406 • The cost would be expensive to move as the fencing would have to come
407 down to gain access with a machine to move it, there would be damage to
408 my fairly new lawn irrigation system and it would have to located 25' from
409 the fire pit to meet the Town's requirement as a safe distance to a
410 combustible structure

411

412 Public testimony opened at 8:52 PM. No one addressed the Board.

413

414 Mr. Dion asked if there was any power or water to the shed. Mr. Pruitt responded that
415 there is one (1) outlet and one (1) bulb in the shed. Mr. Buttrick noted that a Building
416 Permit and an Electrical Permit are needed for this shed.

417

418 Mr. Pacocha made the motion to grant the Equitable Waiver of Dimensional
419 Requirement with the stipulation that the property owner obtain the necessary
420 Building and Electrical Permits. Mr. Lanphear seconded the motion.

421

422 Mr. Pacocha spoke to his motion noting that the criteria have been satisfied, that it
423 was an innocent mistake, it was discovered too late and has not posed a nuisance and
424 that the cost is too high to relocate it. Mr. Lanphear spoke to his second noting that
425 the criteria have been met and added that there is a necessity to marinating a twenty
426 five foot (25') from the firepit. Mr. Nicolas, Mr. Dion and Mr. Martin all voted to grant
427 the request with the stipulation as the criteria outlined in RSA 674:33-a have all been
428 met.

429
430 Vote to grant with stipulation was 5:0.
431

432 Vote to grant the Equitable Waiver of Dimensional Requirement with one stipulation
433 was 5:0. The 30-day Appeal period was noted.

434
435 **V. OTHER**

436
437 Mr. Roy reminded everyone to vote next week

438
439 **VI. ADJOURN**

440
441 Motion made, seconded and unanimously voted to adjourn the meeting. The 3/9/2023
442 ZBA meeting adjourned at 8:54 PM. ~~+~~

443
444 Respectfully submitted,
445 Louise Knee, Recorder

AS Edited



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman Kara Roy, Selectmen Liaison

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

PUBLIC MEETING & HEARING MINUTES – MARCH 23, 2023 - As Edited

The Hudson Zoning Board of Adjustment met on Thursday, March 23, 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
- IV. SEATING OF ALTERNATES

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

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

Excused was Marcus Nicolas (Regular). Alternate Lanphear was appointed to vote.

V. PUBLIC MEETING:

Case 168-020 (03-23-23): Paul & Sandra O'Sullivan, **8 Washington Drive**, Hudson, NH, a remanded case from Superior Court back to the ZBA to consider the first standard for unnecessary hardship under RSA 674:33, I(b)(1), for a variance request to build a 9 ft. x 20 ft. covered porch, on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

Mr. Buttrick read the Case into the record, referenced his Staff Report initialed 2/14/2022 and noted that the Case is before the Board as it was remanded from

47 Superior Court. Mr. Daddario noted that the remand is for the Board to specifically
48 revisit the fifth criteria, that of the hardship criteria.
49

50 Atty. Robert Sheppard of Smith-Weiss, Shepard, Kanakis & Spony, PC in Nashua, NH
51 introduced himself and Paul O'Sullivan, Property Owner of 8 Washington Drive. Atty.
52 Sheppard confirmed that no new evidence would be presented, confirmed that they are
53 only to reconsider the hardship criteria and proceeded to provide a history of the Case
54 and the property. In brief the information shared included:
55

- 56 • Purchased the house in 1990, raised three (3) children there
- 57 • Seek a front covered porch and measured out nine feet (9') to line up with the
58 existing walkway and steps to the driveway
- 59 • History:
 - 60 • Informed needed a Variance to add a covered porch
 - 61 • Case heard and Variance not granted 12/9/2021
 - 62 • Rehearing requested 1/27/2022 and reheard 2/7/2022, Variance failed
 - 63 • To Superior Court 4/4/2022, had hearing 12/9/2022, Case remanded
64 back to ZBA to revisit Hardship criteria
- 65 • House was built in 1968, 25' from the property line, not the 30' required by
66 Ordinance
- 67 • Received an "after-the-fact" variance for encroachment into the front setback
- 68 • Proposed Use is a Permitted Use
- 69 • There are no safety concerns
- 70 • No abutters objected
- 71 • Already has the walkway and stairs, makes sense to line up the porch to them
- 72 • Adds a safety component to the house
- 73 • A porch is a reasonable and common Use
- 74 • The standard is not that there's "already a reasonable use"

75
76 Atty. Shepard stated that a condition could be added to reduce the width of the porch
77 from nine feet (9') to six feet (6') if the Board feels that nine feet (9') is too far out.
78

79 Public testimony opened at 7:24 PM. No one addressed the Board.
80

81 Mr. Lanphear stated that during his drive-through he questioned whether the setback
82 on #20 across the street met the front 30' setback. Mr. Buttrick responded that it did,
83 measures 30.1 feet. Mr. Dion stated that he also questioned the front setback for that
84 lot as well as others, even along Jefferson Street, noted that the neighborhood has
85 been constructed so that anyone seeking to add a front porch could need a Variance to
86 breach the front setback and expressed concern that a precedent could be established
87 should the Board decide to grant this particular encroachment. Discussion ensued,
88 additional measurements were pursued confirming the tightness of the front setback
89 to others in the neighborhood and it was noted that a precedent should not be set as
90 this particular Case has the actual house violating the front setback.
91

92 Mr. Pacocha questioned the two (2) highlighted areas on the plan prepared by Jeffery
93 Land Survey, LLC. It was noted that the larger area represented the proposed porch
94 and that the smaller is a garage overhang. Mr. O'Sullivan confirmed that the overhang
95 has not yet been constructed. Mr. Buttrick noted that the overhang falls within the

96 building envelope and would not require a Variance and added that a Building Permit
97 would be needed prior to its construction.

98
99 Discussion continued. The OSI Handbook was consulted. The pPurpose and intent of
100 front setback explored particularly with the safety need to keep structures away from
101 the roadside in the event of an emergency, like fire.

102
103 Mr. Martin stated that the house was built into the front setback and that could create
104 a unique condition for the property which the Board did grant an after-the-fact
105 Variance, but the fact remains that it is still close to the road, the terrain is flat and
106 literal enforcement of the Zoning Ordinance (ZO) does not cause the hardship, that
107 allowing another Variance to further encroach the setback does not result in an
108 unnecessary hardship.

109
110 Mr. Pacocha asked and received the timeline: the house was constructed in 1968, the
111 after-the-fact Variance for the house constructed five feet (5') into the front setback
112 was granted on 5/2/1984 and O'Sullivan bought the property in 1990.

113
114 Mr. Daddario stated that he is a proponent that a property owner has the freedom to
115 use his own property but the criteria outlined in #5.A.1) is just not a true statement,
116 the purpose of the front setback is to keep structures away from the road and
117 especially since the area is flat and the granting of this Variance would reduce the
118 required front setback by greater than half. Several Members agreed which led to a
119 discussion of whether reducing the encroachment by three feet (3') would make a
120 difference.

121
122 Mr. O'Sullivan confirmed his offer to reduce the width from nine feet (9') to six feet (6')
123 and that he would just move the stone steps to line up. Mr. Daddario asked if there
124 was a means to enter the house from the garage to which Mr. O'Sullivan confirmed
125 and added that visitors do not have that option.

126
127 Mr. Pacocha made the motion to grant the Variance with the stipulation that the width
128 be reduced from the proposed nine feet to six feet. Mr. Martin seconded the motion for
129 discussion only. Mr. Martin questioned whether the Board can reduce the width when
130 the Remand is on a nine foot width. Mr. Daddario stated that one of the options posed
131 by Town Counsel was that the Applicant could return to the Board with a different
132 application and a reduced width constitutes a different application. Mr. Dion
133 questioned whether the reduced width meets criteria 5.A.1).

134
135 Mr. Sakati asked Atty. Sheppard his input on criteria 5.A.1). Atty. Sheppard stated
136 that it is a Permitted Use and a Variance can allow a Reasonable Use and the
137 reduction in width is a reasonable condition and is less of an encroachment and would
138 not, in his opinion need to be republished. Mr. Daddario noted that if the Board goes
139 with the six-foot width stipulation, the decision could be appealed by the Public.

140
141 Mr. Martin withdrew his second. Mr. Lanphear seconded the motion to grant the
142 Variance with the stipulation that the width of the porch isbe reduced to six feet (6').

143
144 Mr. Pacocha spoke to his motion noting that the Property Owner is starting with the
145 hardship that his house was constructed five feet (5') into the front setback and agrees

146 that a porch is a reasonable use and the reduction in width to six feet (6') is a
147 reasonable compromise providing for a reasonable porch and less intrusion into the
148 front setback, there's been no abutter or neighbor objection, it serves a purpose and
149 anyone else wanting a front porch may need a variance but they would be from their
150 structure already in the setback. Mr. Lanphear concurred and added that appreciated
151 the reduced width being offered by the Property Owner.
152

153 Roll Call vote:

154 Mr. Pacocha: to grant with stipulation that width be no greater the six feet (6')

155 Mr. Lanphear: to grant with reduced width

156 Mr. Sakati: to grant as it is a reasonable use and safety is maintained due to
157 the extra wide road as noted in the Director of Public Works email dated 12/22/2021

158 Mr. Martin: not to grant as the Applicant has not demonstrated unnecessary
159 hardship, the Zoning Ordinance (ZO) was established to prevent overcrowding in
160 Town, the restriction applied by the ZO is reasonable, there are no natural special
161 conditions on/from the property and allowing a structure closer to the road is in
162 violation of the ZO and sets precedent.

163 Mr. Daddario: not to grant as unnecessary hardship has not been
164 demonstrated, the ZO is reasonable and fair, it sets a precedent not justifiable and
165 there are no special conditions that exist from the land and the granting of this
166 Variance would reduce the ZO required front setback by ~~less~~-more than fifty percent
167 (<50%)
168

169 Roll call vote was 3:2 with Mr. Daddario and Mr. Martin opposed. Variance granted
170 with the stipulation that the width of the porch cannot be greater than six feet (6').
171 The 30-day Appeal Period was noted.
172

173 Board took a break from 8:11 PM to 8:15 PM.
174
175

176 VI. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

177 **Case 204-003 (03-23-23):** Daniel Proulx, Jr., Managing Member of Monument
178 Construction, LLC, **149 Lowell Rd.**, Hudson, NH requests an Appeal from an
179 Administrative Decision to allow the proposed three (3) 8' x 40' storage containers
180 on a ¾" stone pad and proposed gravel area for equipment storage in the rear of
181 the existing garage (to be converted to office space) constituting an Industrial Use
182 as a Contractor's Yard (E-10) where it is not permitted in the Business Zone.
183 [Map 204, Lot 003-000; Zoned Business (B); HZO Article V: Permitted Uses;
184 §334-21, Table of Permitted Principal Uses.]
185

186 Mr. Buttrick read the Case into the record, referenced his Staff Report initialed
187 3/15/2023, stated that attention to this lot began with Code Enforcement action when
188 it underwent a change from residential Use to non-residential Use in 2021 which led
189 to his determinations that the proposed change would require Site Plan Review (SPR)
190 by the Planning Board and a Variance from the ZBA to conduct a contractor's yard as
191 outlined on the Site Plan. Mr. Buttrick stated that the Zoning Ordinance (ZO) does
192 not specify or define contractor's yard and under these conditions, if the term is also
193 not found in the Building Code or the RSAs, then the common usage of the word as
194 found in an American dictionary would be its meaning.
195

196
|197 Atty. Robert Sheppard of Smith-Weiss, Shepard, Kanakis & Spony, PC in Nashua, NH
198 introduced himself and Daniel Proulx, Jr. of Monument Construction LLC and noted the
199 novelty of appearing before the same Board in the same meeting for two different clients.
|200 Atty. Sheppard stated that Mr. Proulx owns Monument Construction, is a disabled vet and
201 does various VA jobs throughout New England as well as New York, Texas, North Carolina
|202 and Florida. Mr. Sheppard stated that once there were over sixty-five (>65) employees and
203 currently have approximately twenty-four (~24) employees.
204

|205 Atty. Sheppard distributed a copy of the Site Plan submitted to the Planning, identified the
206 existing house and garage structures noting that both would be converted to office space
207 as the intent of this site is to become the main headquarter of Monument Construction,
|208 and noted that there were three (3) conex storage boxes to the rear of the site that slopes
209 down and will not be seen from Lowell Road when fence and landscaping are introduced.
|210 The primary purpose ~~for~~ of the site is office space for the Project Managers, Controllers,
211 Estimators, Human Resources etc., not a staging area or storage of equipment and that
|212 the conex boxes are mainly needed to store fencing that ~~may~~ may be required at some job
213 sites. Atty. Sheppard stated that vehicles, equipment and assembly could be conditions of
214 Site Plan Review and added that contractor's yard has "visitors" which is not proposed for
215 this site. Mr. Proulx added that since COVID, they've experienced a higher need than
216 normal to store more equipment and noted that he pays stipends to his workers to use
217 their own personal vehicles to get to job sites.
218

|219 ~~Mr~~Ms. Roy asked if the containers are movable and whether there would be any outside
220 storage. Mr. Proulx stated that they are moveable, could be rented, noted that the longer
221 one used to be a site-trailer, and that normally there would be no outside storage, but
222 there is some today due to COVID. Atty. Sheppard stated that the plan is not to have any
223 outdoor storage and that too could be a condition of SPR.
|224

225 Mr. Dion inquired why security lighting is proposed on all sides and what kind of noise
226 can be expected. Mr. Proulx stated that lighting is proposed on all four (4) sides of the
227 garage building for safety reasons, noted that there is a cellar under the garage and noise
228 would be mostly from pick-up trucks, no bulldozers or heavy machinery except for a mini
229 excavator as they do a lot of subcontracting.
230

231 Public testimony opened at 8:37 PM. Abutter Paige Schaucer stated that she only received
|232 notice yesterday (3/22/2023) from the Condo Association Management firm and
233 questioned if the three (3) containers would remain or would be replaced as they can be
234 seen from Lowell Road. Mr. Proulx answered that they will not be seen from Lowell Road
235 once the fence and landscaping are installed. Being no one else, public testimony closed
|236 at 8:43 PM.
237

238 Ms. Roy noted that the Town Planner agrees with Mr. Buttrick, that it is a contractor's
239 yard and required a Variance.
240

241 Mr. Martin noted that residential use is not a Permitted use in the Business Zone but once
242 Site Plan is approved and the existing buildings are converted to office use, it will become
243 a permitted Use and that the inclusion of three (3) storage containers, even if only
244 generating traffic between jobs, constitutes a contractor's yard and require a Variance in
245 the Business Zone. Mr. Dion agreed and added that even if not constant, it will exist on

246 site. Mr. Lanphear agreed that it is a contractor's yard, complete with gravel area on site.
247 Mr. Daddario concurred and noted that it is unfortunate that there is no definition of
248 Contractor's Yard in the Zoning Ordinance or in the RSAs and noted that failing a definition
249 from either of those sources, Mr. Buttrick cited the dictionary definition of the ordinary
250 meaning of the term and that since this was a yard, associated with a contractor's business,
251 where some amount of materials related to the contracting business would be stored, one
252 must reach the conclusion that this is a contractor's yard. -
253

254 Mr. Martin made the motion to uphold the Zoning Administrator's determination that the
255 Site Plan presented to the Planning Board with the three (3) storage containers and gravel
256 area on site constitute a Contractor's Yard and requires a Variance in the Business Zone.
257 Mr. Sakati seconded the motion. Roll call vote was 5:0. Motion passes. Zoning
258 Determination upheld. Variance needed.
259

260 **VII. REQUEST FOR REHEARING:** None

261
262 No requests received for Board consideration.
263

264 **VIII. REVIEW OF MINUTES:**

265 2/23/23 edited Draft Minutes
266

267
268 Board reviewed the edited Draft Minutes. Motion made by Mr. Martin, seconded by Mr.
269 Sakati and unanimously voted (5:0) to approve the 2/23/2023 Minutes as edited.
270

271 **IX. OTHER**

272
273 Mr. Buttrick noted that Board Contact Sheet has been updated; that the Spring Zoning
274 Conference scheduled for Saturday 4/29/2023 is now open for registration and
275 encouraged enrollment; and lastly, that he has submitted his resignation for June – he will
276 be retiring. Many were stunned with the last announcement. Everyone wished him well.
277 Ms. Roy stated that the Town is now seeking a replacement for Mr. Buttrick and would
278 appreciate any referrals or recommendations.
279

280 **X. ADJOURN**

281
282 Motion made by Mr. Pacocha, seconded by Mr. Lanphear and unanimously voted to
283 adjourn the meeting. The 3/23/2023 ZBA meeting adjourned at 8:59 PM.
284

285 Respectfully submitted,
286 Louise Knee, Recorder