



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

### MEETING AGENDA – July 27, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **July 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:**

1. **Case 191-073 (07-27-23):** Shannon L. Baluta and William J. Janocha, **28 B Street, Hudson, NH** requests a Variance to build a proposed 864 SF car port within the front yard setback leaving 17.9 feet where 30 feet is required. [Map 191, Lot 073-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
2. **Case 165-155 (07-27-23):** Jared Buttles, 8 Wire Road, Merrimack, NH requests a Variance for **77 Derry Street (Unit A-1D), Hudson, NH** owned by Hudson-Vickerry, LLC to allow the uses of warehousing (E-10) and distribution (E-8) of toys from online retail sales in the Business Zone where these uses are not permitted. [Map 165, Lot 155-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

**V. REQUEST FOR REHEARING: None**

**VI. REVIEW OF MINUTES:**

07/08/23 edited Draft Site Walk Minutes

07/13/23 edited Draft Minutes

**VII. OTHER:**

Chris Sullivan, Zoning Administrator



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Administrator Staff Report

Meeting Date: July 27, 2023

CS  
7/18/23

**Case 191-073 (07-27-23):** Shannon L. Baluta and William J. Janocha, 28 B Street, Hudson, NH requests a Variance to build a proposed 864 SF car port within the front yard setback leaving 17.9 feet where 30 feet is required. [Map 191, Lot 073-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

**Address:** 28 B Street

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

#### **Property Description:**

Our records indicate this parcel is an existing lot of record is of 15,246 SF where 10,000 SF is required, and use it as a residential single family. The applicant requests a variance to allow the construction of a carport 12' into a 30' front setback leaving 17' - 9'.

#### **In-House comments:**

Town Engineer: No comments

Inspectional Services/Fire Dept.: No comment

Town Planner: No comment

#### **History/Attachments:**

**A:** 2023-031 - Zoning Determination/Inquiry, February 24, 2023

**B:** Certified plot plan dated: March - 2023

**C:** 2022 Aerial



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-031

February 24, 2023

Elizabeth Domingue  
Northeast Contracting  
28 Charleston Ave  
Londonderry, NH 03053

Email: [northeastcontracting@icloud.com](mailto:northeastcontracting@icloud.com)

Re: **28 B St Map 191 Lot 073-000**  
**District: Town Residence (TR)**

Dear Ms. Domingue,  
Your request, if you can you add a 24 x 30 carport in front of the existing garage area?

**Zoning Review:**

Our records indicate this parcel is an existing lot of records with an existing use as a single family.

**Determination:**

Not having any scaled plot plan to review, and based on the sketches submitted, it appears the addition of a 24 x 30 carport would encroach into the front setback, in violation of §334-27 Table of Minimum Dimensional Requirements, this district requires a 30 ft front setback.

You would need a Variance to §334-27 to proceed with this proposal.

Sincerely,

*Bruce Buttrick*  
Zoning Administrator/Code Enforcement Officer  
(603) 816-1275  
[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)

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

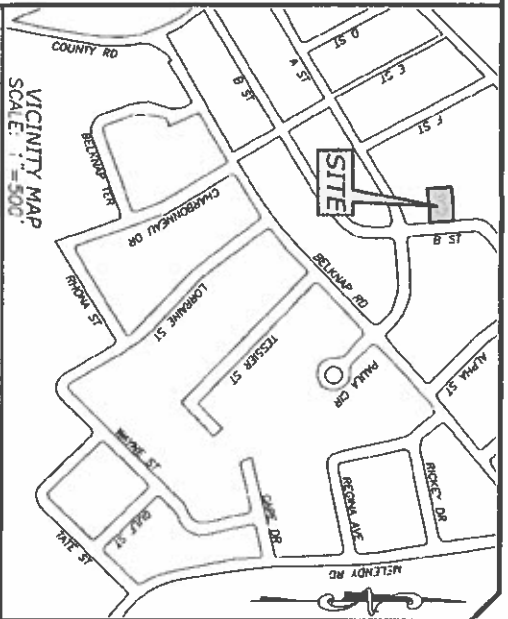
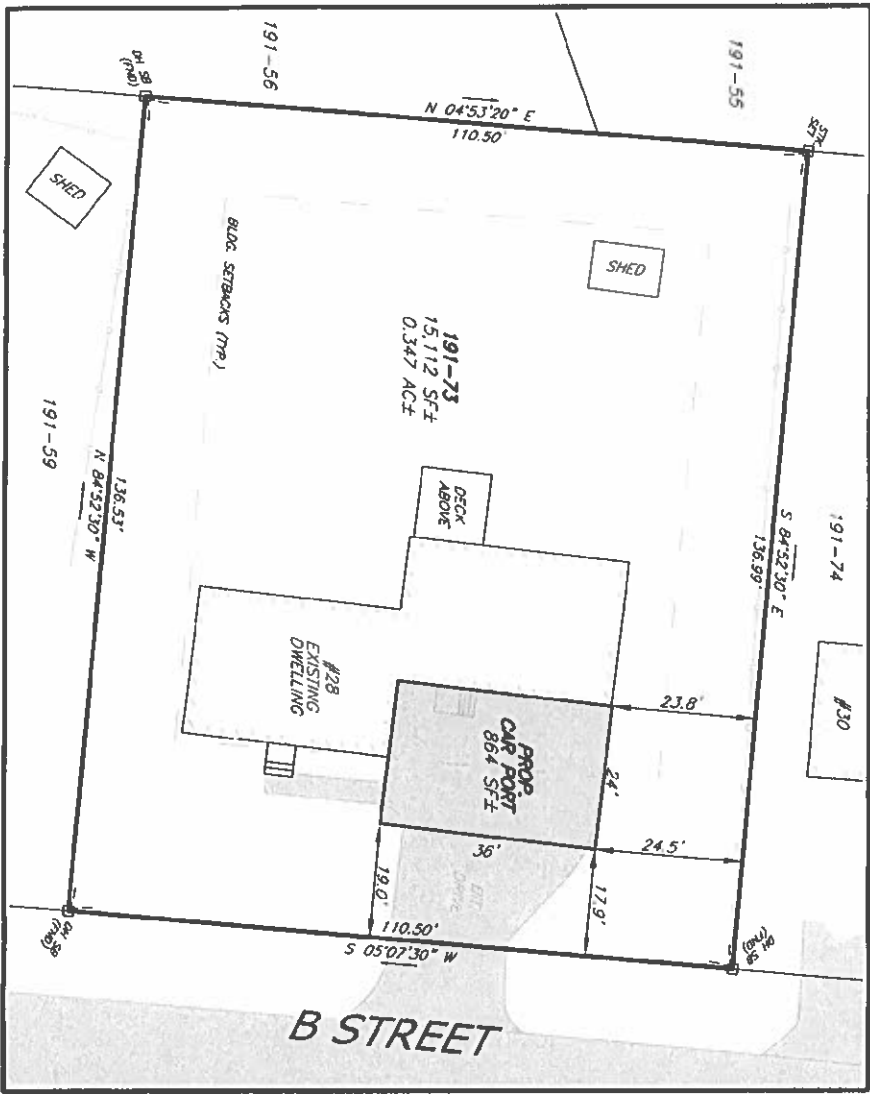
*NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.*





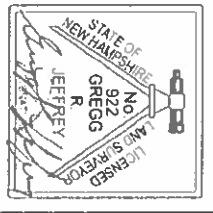
PLAN NOTES:  
 1.) PURPOSE OF THIS PLAN IS TO ILLUSTRATE  
 THE LOCATION OF A PROPOSED ADDITION  
 AT HUDSON LOT 191-73.

PLAN OF LAND  
 28 B STREET  
 HUDSON, NH  
 MAP 191 LOT 73  
 AS PREPARED FOR  
 WILLIAM JANOCHA, OWNER



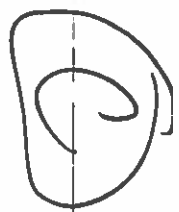
REV 2	BY:
REV 1	BY:

ZONING DISTRICT: TR  
 REQUIRED SETBACKS:  
 FRONT - 30 FEET  
 SIDE - 15 FEET  
 REAR - 15 FEET  
 DEED REF: BK. 9021 PG. 1754  
 PLAN REF: HORD PL. 2465  
 PLAN SCALE: 1"=20'  
 DATE: MAR. 2023  
 JOB REF.: 023-013-JANO



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



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

On **07/27/2023**, the Zoning Board of Adjustment heard **Case 191-073**, being a case brought by **Shannon L. Baluta and William J. Janocha, 28 B Street, Hudson, NH** requests a **Variance to build a proposed 864 SF car port within the front yard setback leaving 17.9 feet where 30 feet is required.** [Map 191, Lot 073-000; 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.”

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**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.”

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**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.

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

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**(Continue-next page-Hardship Criteria)**



APPLICATION FOR A VARIANCE

JUN 12 REC'D 2023 TSG

To: Zoning Board of Adjustment  
Town of Hudson  
Zoning Department

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

Case No. 191-073(07-27-23)

Date Filed 6/12/23

Name of Applicant Shannon Baluta Map: 191 Lot: 073 Zoning District: TR

Telephone Number (Home) 603-275-5789 (Work) \_\_\_\_\_

Mailing Address 28 B Street Hudson NH 03051

Owner Shannon Baluta + William Janocha

Location of Property 28 B Street  
(Street Address)

Shannon Baluta + William Janocha 6/12/2023  
Signature of Applicant Date

Shannon Baluta + William Janocha 6/12/23  
Signature of Property-Owner(s) Date

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

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

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

Date received: 6/12/23

**COST:**

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

8 Abutter Notice:

8 Direct Abutters x Certified postage rate \$ 4.78 = \$ 38.24

10 Indirect Abutters x First Class postage rate \$ 0.63 = \$ 6.30

**Total amount due:** \$ 229.54

Amt. received: \$ 229.54

Receipt No.: 733,410

Received by: TSG

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

Engineering  Fire Dept.  Health Officer  Planner  Other

Check # 2567

6/14/23



# 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>DB, wj</u>	Please review the completed application with the Zoning Administrator or staff <b>before making copies in next step.</b>	<u>TG</u>
<u>DB, wj</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen <b>(13) single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>DB, wj</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>
<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). <b>(NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)</b>	<u>N/A</u>
<u>DB, wj</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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> <b>(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.)</b>	<u>TG</u>
<u>DB, wj</u>	<b>GIS LOCATION PLAN:</b> 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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>TG</u>
<u>DB, wj</u>	Provide a copy of all <b>single sided pages</b> of the assessor's card. <b>(NOTE: these copies are available from the Assessor's Office)</b>	<u>TG</u>
<u>DB, wj</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).

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

Shannon Baluta, William Janocha  
Signature of Applicant(s)

6/2/2023  
Date

Shannon Baluta + William Janocha  
Signature of Property Owner(s)

6/2/2023  
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)	
191	073	Balata, Shannon L. Janocha William J	28 B Street Hudson NH 03051
191	055	Allard, Lauren V	7 F Street Hudson NH 03051
191	056	Holland, <del>Matthew</del> Matthew E Holland, Mark A	5 F Street Hudson NH 03051
191	059	McKeon, Daniel J Gannon, Mary E	26 B Street Hudson NH 03051
191	060	Broome, Jason A. SR.	29 B Street Hudson NH 03051
191	071	Cloutier, Ronald E + Jeri J	33 B Street Hudson NH 03051
191	072	Clarke, Eric L. Clarke, Noreen	31 B Street Hudson NH 03051
191	074	Naro, Henry + Nancy L.	30 B Street Hudson NH 03051
191	033	Tate, Robert A JR, TR Tate, <del>Eric</del> Diane TR Tate Rev. Family Trust	27 B Street Hudson NH 03051
191	042	Reilly, Christopher S	24 B Street Hudson NH 03051
191	043	Benning, Jennifer D Rivera, Justo J	29 A Street Hudson NH 03051
191	057	Kempton, Calvin A JR Kempton, Charles C.	28 A Street Hudson NH 03051
191	058	Leavitt, Nicholas + Lisa	30 A Street Hudson NH 03051

**(TB)**  
Indirect



**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.

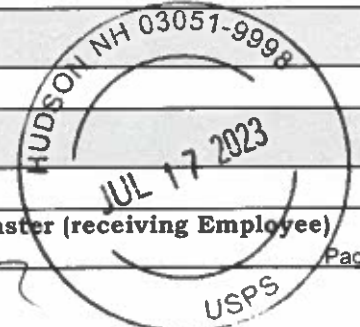
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
191	051	Boirenst, Pauline Rev trust	36A Street Hudson NH 03051
191	0070	Williams, Henry + Heather	35 B Street Hudson NH 03051
191	075	Eaton, Vanessa, N Boudreau, Sean K	32 B Street Hudson NH 03051
191	076	Brown, Alexandria M Reed, Kyle D	34 B Street Hudson NH 03051
191	116	Sensible Self Storage LLC 248 Calef Highway LLC 328 Cambridge LLC	22 Brady Dr Hudson NH 03051



**USPS-Verified Mail**

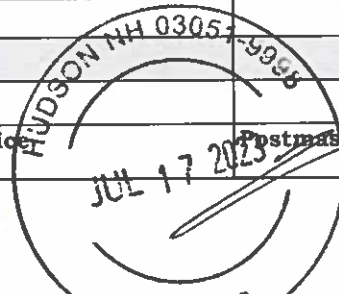
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 191-073 28 B STREET Map 191/Lot 073-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	07/27/2023 ZBA Meeting
1	7022 2410 0001 2971 6859	BALUTA, SHANNON L.; JANOCHA, WILLIAM J. 28 B ST., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	7022 2410 0001 2971 6866	ALLARD, LAUREN V. 7 F ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	7022 2410 0001 2971 6873	HOLLAND, MATTHEW E.; HOLLAND, MARK A. 5 F ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7022 2410 0001 2971 6880	MCKEON, DANIEL J.; GANNON, MARY E. 26 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7022 2410 0001 2971 6897	BROOME, JASON A. SR. 29 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7022 2410 0001 2971 6903	CLOUTIER, RONALD E. & JERI J. 33 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7022 2410 0001 2971 6910	CLARKE, ARIC L.; CLARKE, NOREEN 31 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	7022 2410 0001 2971 6927	NARO, HENRY L. & NANCY L. 30 B STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9			
10			
11			
	<b>Total Number of pieces listed by sender 8</b>	<b>Total number of pieces rec'vd at Post Office</b> Direct Certified	<b>Postmaster (receiving Employee)</b>



*[Handwritten signature]*

**USPS-Verified Mail**

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 191-073 28 B STREET Map 191/Lot 073-000	VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	07/27/2023 ZBA Meeting	
1	Mailed First Class	TATE, ROBERT A. JR., TR.; TATE, DIANE, TR.; TATE REV. FAMILY TRUST	ABUTTER NOTICE MAILED	
		27 B STREET, HUDSON, NH 03051		
2	Mailed First Class	REILLY, CHRISTOPHER S.	ABUTTER NOTICE MAILED	
		24 B STREET, HUDSON, NH 03051		
3	Mailed First Class	BENNING, JENNIFER D.; RIVERA, JUSTO J.	ABUTTER NOTICE MAILED	
		29 A STREET, HUDSON, NH 03051		
4	Mailed First Class	KEMPTON, CALVIN A. JR.; KEMPTON, CHARLES C.	ABUTTER NOTICE MAILED	
		28 A STREET, HUDSON, NH 03051		
5	Mailed First Class	LEAVITT, NICHOLAS & LISA	ABUTTER NOTICE MAILED	
		30 A STREET, HUDSON, NH 03051		
6	Mailed First Class	BOISVERT, PAULINE REV TRUST	ABUTTER NOTICE MAILED	
		36 A STREET, HUDSON, NH 03051		
7	Mailed First Class	WILLIAMS, HENRY & HEATHER	ABUTTER NOTICE MAILED	
		35 B STREET, HUDSON, NH 03051		
8	Mailed First Class	EATON, VANESSA N.; BOUDREAU, SEAN K.	ABUTTER NOTICE MAILED	
		32 B STREET, HUDSON, NH 03051		
9	Mailed First Class	BROWN, ALEXANDRIA M.; REED, KYLE D.	ABUTTER NOTICE MAILED	
		34 B STREET, HUDSON, NH 03051		
10	Mailed First Class	SENSIBLE SELF-STORAGE, LLC; 248 CALEF HIGHWAY LLC; 328 CAMBRIDGE LLC	ABUTTER NOTICE MAILED	
		22 BRADY DR., HUDSON, NH 03051		
	Total # of pieces listed by sender 10	Total # of pieces rec'vd at Post Office 10	Postmaster (receiving Employee)	



Indirect First Class



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

July 17, 2023

### APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **07/27/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 191-073 (07-27-23): Shannon L. Baluta and William J. Janocha, 28 B Street, Hudson, NH requests a Variance to build a proposed 864 SF car port within the front yard setback leaving 17.9 feet where 30 feet is required. [Map 191, Lot 073-000; 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,

Chris Sullivan  
Zoning Administrator



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

July 17, 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 to provide 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 Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: [csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov). In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan  
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:

36' x 74' Car Port off of the front of existing garage  
Encroaches the front yard set back 12.1 ft  
leaving 17.9 ft of set back where 30 ft is required

**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 requested variance will not be contrary to the public interest as it is to have a carport structure built in front of the existing garage to protect our vehicles from the elements and keep them off of the street side

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

The proposed use will observe the spirit of the ordinance as it will be to pull our vehicles into to protect against the elements and keep them off the street I can not put it on the side of the house as it would be too close to 30 B Street, also would cause us to build up the land and add pavement, it is also to protect falls for my elderly mother in law/mother This is being done to code and to not make the property unappealing

- 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 the property owner as it will help us to keep our vehicles on our own property and keep them protected

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

The proposed use will not diminish the value of surrounding properties but it will instead help them as it will help keep them off the street side







# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-031

February 24, 2023

Elizabeth Domingue  
Northeast Contracting  
28 Charleston Ave  
Londonderry, NH 03053

Email: [northeastcontracting@icloud.com](mailto:northeastcontracting@icloud.com)

Re: **28 B St Map 191 Lot 073-000**  
**District: Town Residence (TR)**

Dear Ms. Domingue,  
Your request, if you can you add a 24 x 30 carport in front of existing garage area?

**Zoning Review:**

Our records indicate this parcel is an existing lot of record with an existing use as single family.

**Determination:**

Not having any scaled plot plan to review, and based on the sketches submitted, it appears the addition of a 24 x 30 carport would encroach into the front setback, in violation of §334-27 Table of Minimum Dimensional Requirements, this district requires a 30 ft front setback.

You would need a Variance to §334-27 to proceed with this proposal.

Sincerely,

Bruce Buttrick

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

cc: Public Folder  
B. Groth, Town Planner  
Owner  
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](http://www.hudsonnh.gov)

# 23-031



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request FEBRUARY 21<sup>st</sup> 2023  
 Property Location 28 B ST HUDSON NH 03051  
 Map 191 Lot 073 Sublot 000  
 Zoning District if known TR

Type of Request

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

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

Home owner is looking to add a 36' x 24' car port

Applicant Contact Information:

Name: Elizabeth Domingue (Northeast Contracting)  
 Address: 28 Charleston Ave Londonderry NH 03053  
 Phone Number: 603-505-1627  
 Email: northeastcontracting@icloud.com

For Office Use

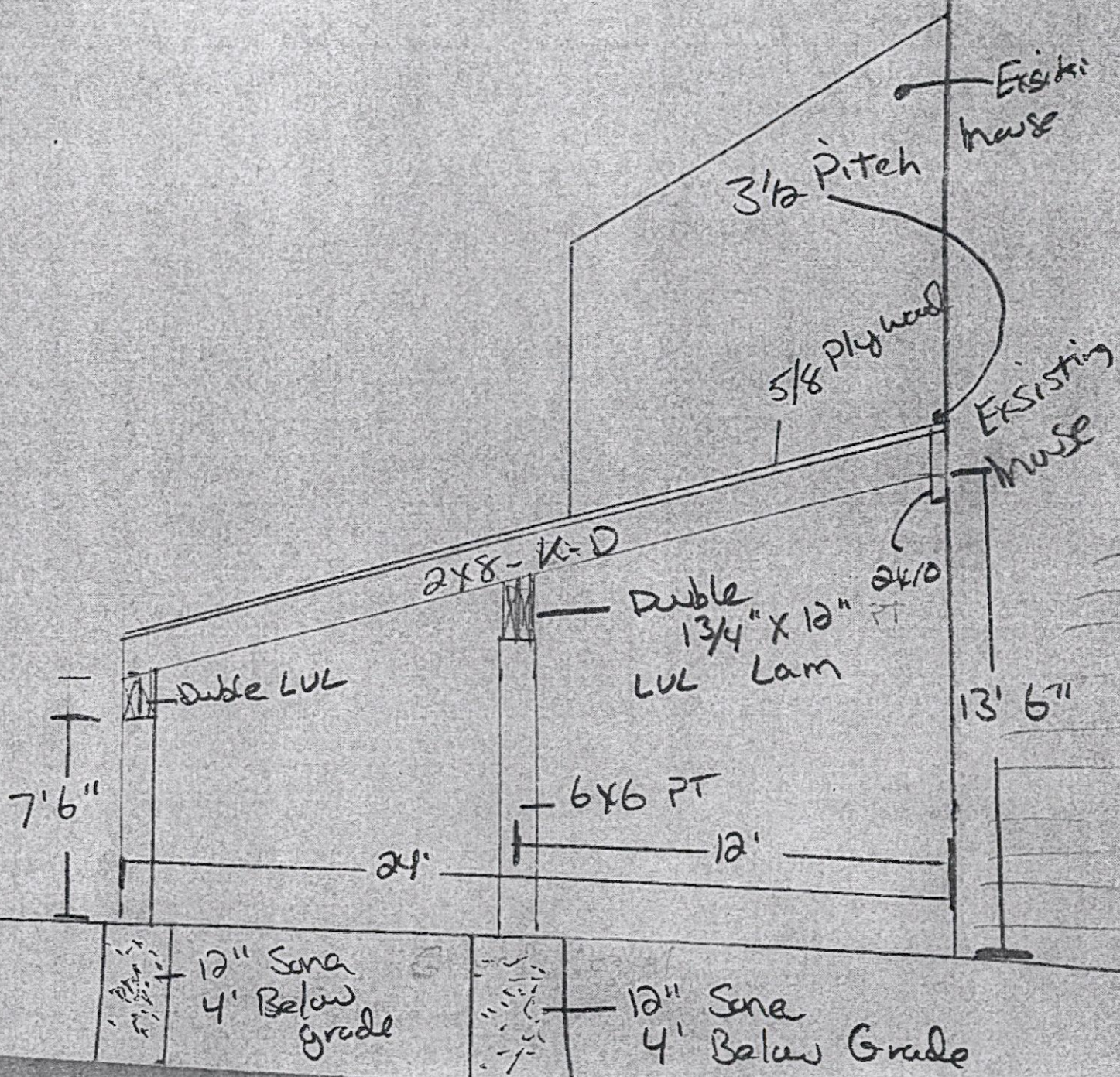
ATTACHMENTS: TAX CARD  GIS

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

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



Scale  
 $\frac{1}{4}'' = 1'$



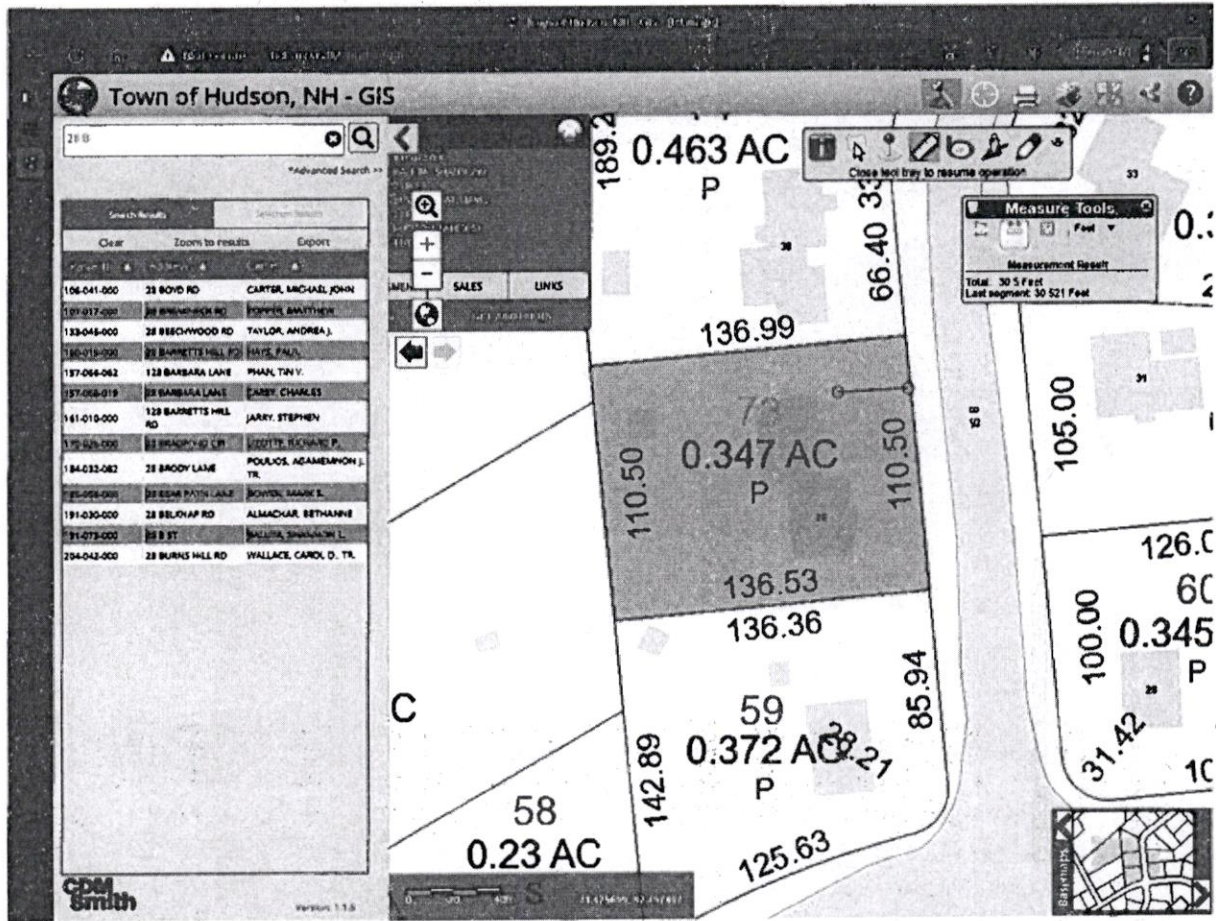






Front setback:

30 ft:







Property Location: 28 B ST  
 Vision ID: 6777

Account #: 1170

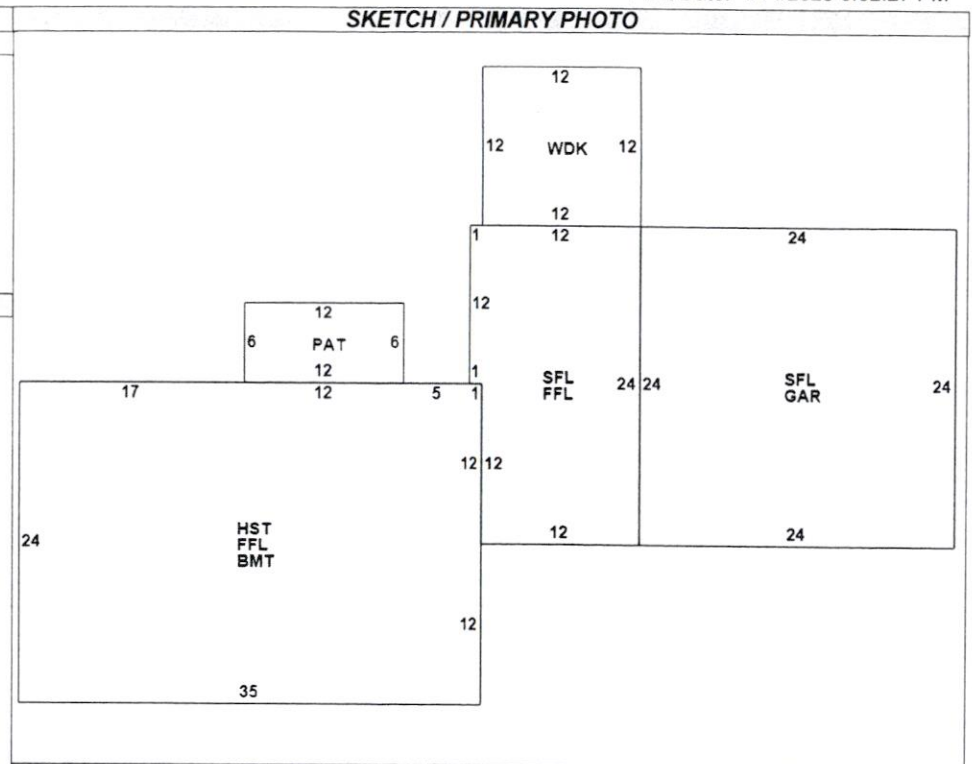
Parcel ID: 191/073/000/1  
 Bldg #: 1

Card Address:  
 Card #: 1 of 1

LUC: 1010  
 Print Date: 4/14/2023 3:02:27 PM

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.5		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	15	Wood Laminates, Pe			
Heat Fuel	02	Gas	Building Value New		347,430
Heat Type	03	Forced Hw			
# Heat Systems	1		Year Built		1963
AC Percent	0		Effective Year Built		2002
Total Rooms	7		Depreciation Code		AG
Bedrooms	4		Remodel Rating		
Full Baths	1		Year Remodeled		
3/4 Baths	1		Depreciation %		20
Half Baths	0		Functional Obsol		
Extra Fixtures	0		External Obsol		
Kitchens	1		Trend Factor		1.000
Kitchen Rating	AV	Average	Condition		
Bath Rating	AV	Average	Condition %		
Half Bath Rating			Percent Good		80
Bsmt Garage	0		RCNLD		277,900
Fireplace(s)	0		Dep % Ovr		
Fireplace Rating			Dep Ovr Comment		
WS Flues	0		Misc Imp Ovr		
Color	BEIGE		Misc Imp Ovr Comment		
Avg Ht/FL	8		Cost to Cure Ovr		
Extra Kitchens	0		Cost to Cure Ovr Comment		

**COST / MARKET VALUATION**



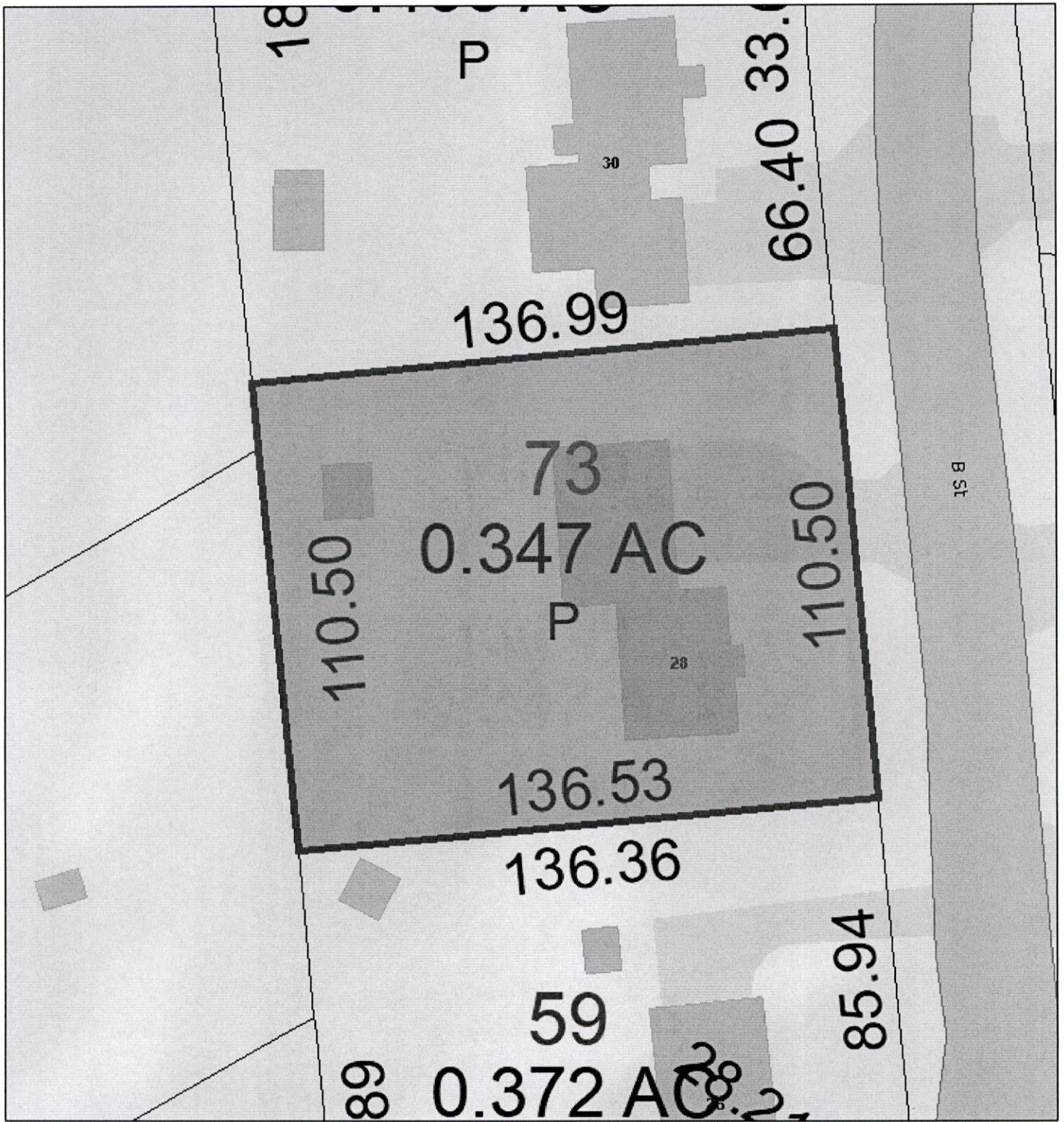
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value	
SHEDNV	Shed No Value - Less Than 1	L	96	UNITS	0.00	1963	AV	60		0
SOLARE	Solar Exempt	L	8	kW	0.00	2020	EX	95		0

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	840	210	30.27	25,431
FFL	First Floor, Finished	1,140	1,140	1,140	121.10	138,052
GAR	Garage	0	576	202	42.47	24,462
HST	Half Story, Finished	420	840	420	60.55	50,861
PAT	Patio	0	72	7	11.77	848
SFL	Second Floor, Finished	876	876	876	121.10	106,082
WDK	Wood Deck, or Composite Dk	0	144	14	11.77	1,695
Total Liv Area/Gr. Area/Eff Are		2,436	4,488	2,869	Total Value	347,431





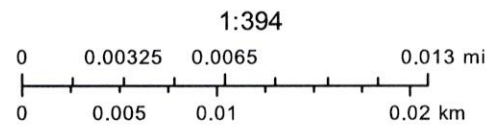
28 B Street (Map/Lot 191-073-000)



April 14, 2023

Legend

 Parcels

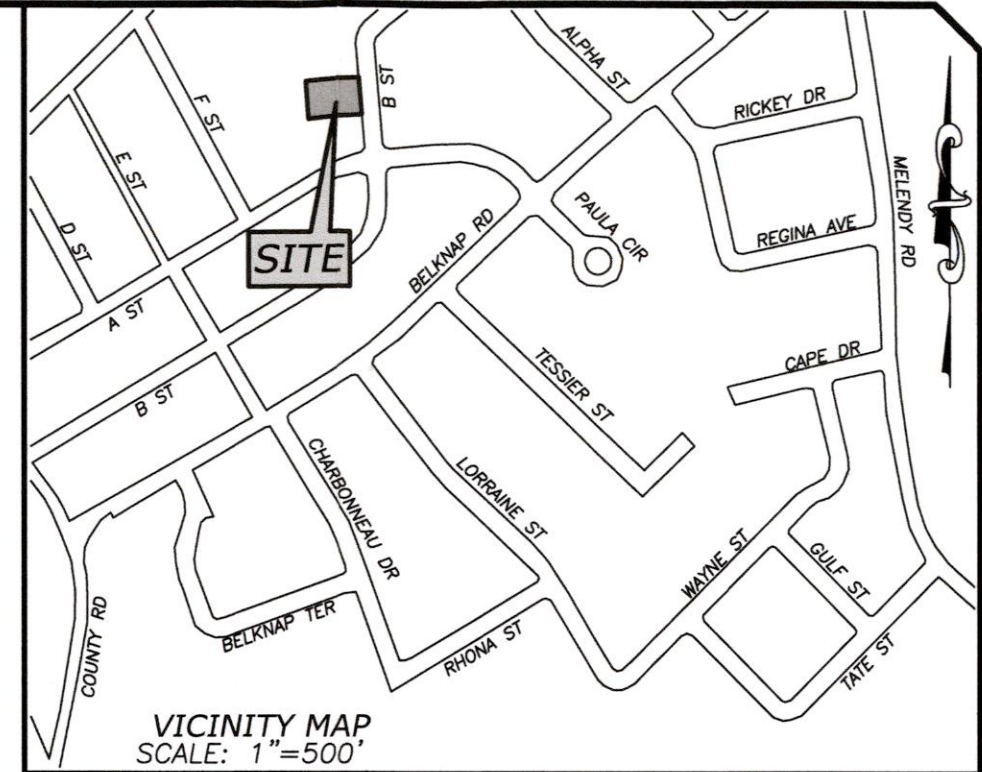
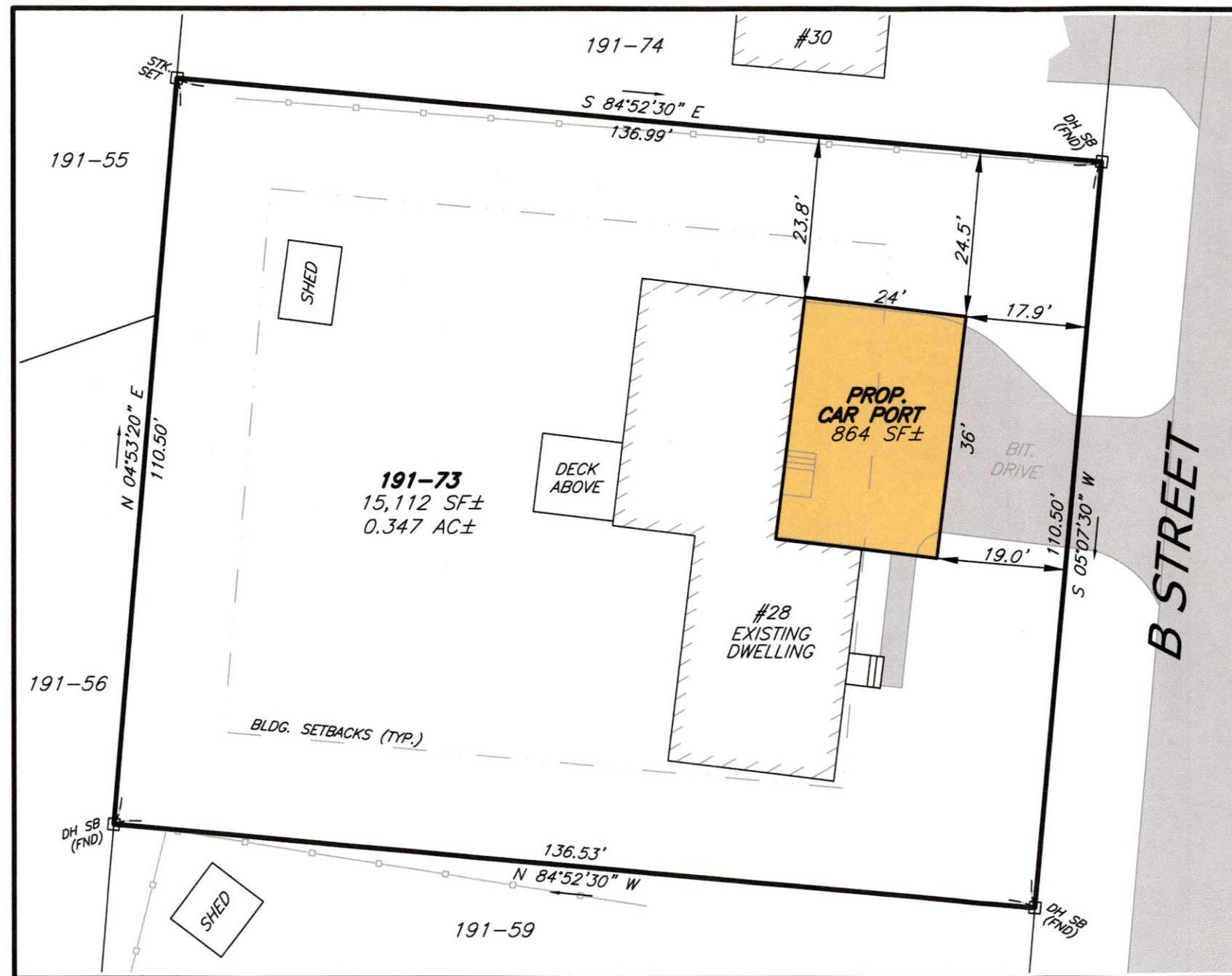




PLAN NOTES:

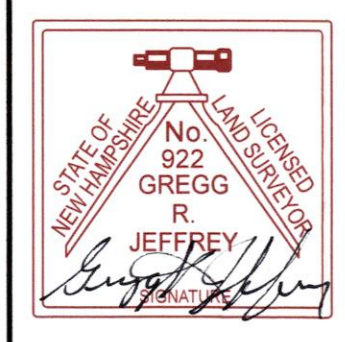
- PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED ADDITION AT HUDSON LOT 191-73.

PLAN OF LAND  
28 B STREET  
HUDSON, NH  
MAP 191 LOT 73  
AS PREPARED FOR  
WILLIAM JANOCHA, OWNER



REV. 2		BY:
REV. 1		BY:

ZONING DISTRICT: TR  
REQUIRED SETBACKS:  
FRONT - 30 FEET  
SIDE - 15 FEET  
REAR - 15 FEET  
DEED REF: BK. 9021 PG. 1754  
PLAN REF.: HCRD PL. 2465  
PLAN SCALE: 1"=20'  
DATE: MAR. 2023  
JOB REF.: 023-013-JANO



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  
6/12/2023  
4:23PM  
Created  
6/12/2023  
4:17 PM

# Transaction Receipt

Receipt# 733,410  
tgoodwyn

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

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application- 7/27/23 ZBA Mtg. 28 B Street Map-Lot 191-073-000 (TR Zone) Variance Application	0.00	229.5400	0.00
			<b>Total:</b>	<b>229.54</b>

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Shannon L. Baluta	CHECK	CHECK # 2567	229.54	0.00	229.54

Total Due: 229.54  
Total Tendered: 229.54  
Total Change: 0.00  
Net Paid: 229.54



# TOWN OF HUDSON

Land Use Division

7/18/23



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

## Zoning Administrator Staff Report Meeting Date: July 27, 2023

**Case 165-155 (07-27-23):** Jared Buttles, 8 Wire Road, Merrimack, NH requests a Variance for **77 Derry Street (Unit A-1D), Hudson, NH** owned by Hudson-Vickerry, LLC to allow the uses of warehousing (E-10) and distribution (E-8) of toys from online retail sales in the Business Zone where these uses are not permitted. [Map 165, Lot 155-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

**Address:** 77 Derry Street  
**Zoning district:** Business (B)

### Property Description:

Our records indicate this parcel is an existing lot of record of 461,736 SF site. This is a site with an approved site plan. The applicant requests a variance to allow the uses of warehousing (E-10) in the permitted uses and (E-8) in the permitted uses and the distribution of toys from online retail sales (E-8) in the permitted uses in the Business Zone (B)

### In-House comments:

Town Engineer: No comments  
Inspectional Services/Fire Dept.: No comment  
Town Planner: No comment

### History/Attachments:

**A:** Zoning Determination/Inquiry, June 29, 2023  
**B:** 2022 Aerial  
**C:** Lease Plan



A

# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-090

June 29, 2023

Morgan Hollis  
C/O Jared Butties  
39 East Pearl St  
Nashua, NH 03060

Re: 77 Derry Rd Map 165 Lot 155-000  
District: Business (B)

Dear Mr. Hollis,  
Your request, can your client can use Unit #A-1D for tenant use to warehouse and distribution of toys.

#### Zoning Review/Determination:

This would be a change to another use (E-8) in The Table of Permitted Principal Uses §334-21, which is not permitted. You would need a Variance from the Zoning Board of Adjustment (ZBA) to §334-21 Table of Permitted Principal Uses and, you would need a site plan approval by the Planning Board per §334-16.1 site plan approval.

Sincerely,

Chris Sullivan  
Zoning Administrator/Code Enforcement Officer  
(603) 816-1275  
[csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov)

encl: Table of Permitted Principal Uses §334-21  
cc: Public Folder  
B. Groth, Town Planner  
Owner  
File

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

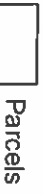
77 Derry Street (2022 Aerial)

(B)



July 18, 2023

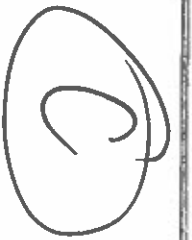
Parcels - Aerials



Parcels

1 inch = 261 feet





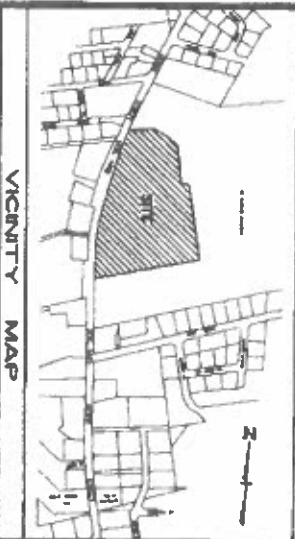
# TENANT DIRECTORY HUDSON MALL

UNIT TENANT NAME LEASE (SF)

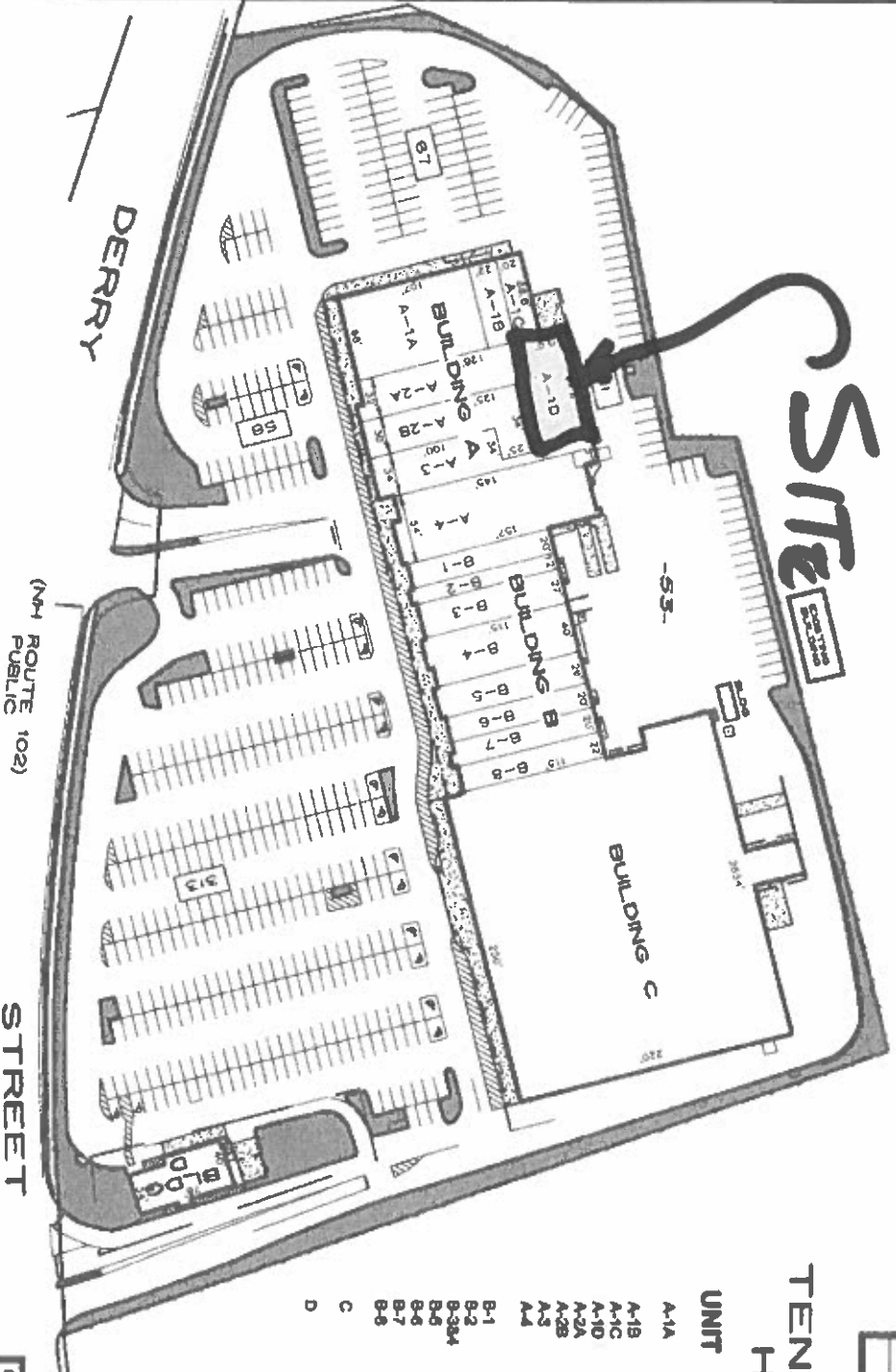
A-1A	AUTO ZONE	7,000
A-1B	RIVER DRAGON MARTIAL ARTS	1,200
A-1C	RIVER DRAGON MARTIAL ARTS	1,200
A-1D	AVAILABLE	3,300
A-2A	AVAILABLE	4,500
A-2B	ANYTIME FITNESS	5,400
A-3	PAPA GIMORS	2,894
A-4	CVS	8,900
B-1	CRICKET WIRELESS	2,300
B-2	GREAT CLIPS	1,740
B-3	AVAILABLE	7,821
B-3B4	HALE PRICE CARDS	3,002
B-4	LAWSH NAIL & SPA	2,350
B-7	US POST OFFICE	2,315
B-8	HAR BLOCK	2,333
C	HAWKSFORD	97,128
D	Mc DONALD'S® GROUND LEASE	15,098

TOTAL SQUARE FOOTAGE 112,822  
 PARKING SPACES PROVIDED: 409  
 LAST UPDATE 01/08/2018

NOTE:  
 UNIT CONDITIONS SHOWN ARE BASED  
 ON THE AS SHOWN AS SURRENDERED AND  
 MAY BE LIMITED BY THE AS SURRENDERED AND  
 DIMENSIONS



VICINITY MAP



DERRY

(NH) ROUTE 102

STREET

**LEASE PLAN**  
**HUDSON MALL**  
 DERRY STREET - ROUTE 102  
 HUDSON, NEW HAMPSHIRE

OWNER:  
 HUDSON VICKERREY, LLC

MANAGED & LEASED BY:  
 THE MEG COMPANIES

TEL: (603) 434-6700 FAX: (603) 421-1896

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

On **07/27/2023**, the Zoning Board of Adjustment heard **Case 165-155**, being a case brought by **Jared Buttles, 8 Wire Road, Merrimack, NH requests a Variance for 77 Derry Street (Unit A-1D), Hudson, NH owned by Hudson-Vickerry, LLC to allow the uses of warehousing (E-10) and distribution (E-8) of toys from online retail sales in the Business Zone where these uses are not permitted.** [Map 165, Lot 155-000; 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.”

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**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.”

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**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.

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

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**(Continue-next page-Hardship Criteria)**





TOWN OF HUDSON  
 JUL 12 REC'D  
 2023 (76)  
 Zoning Department

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment  
 Town of Hudson

Entries in this box are to be filled out by  
 Land Use Division personnel  
 Case No. 165-155 (7-27-23)  
 Date Filed 7/12/23

Name of Applicant Jared Buttles Map: 165 Lot: 155 Zoning District: B

Telephone Number (Home) 774-249-1197 (Work) \_\_\_\_\_

Mailing Address 8 Wire Road, Merrimack, NH 03054

Owner Hudson Vickerry, LLC

Location of Property 77 Derry Street  
 (Street Address)

Signature of Applicant [Signature] Date 7/5/23

Signature of Property-Owner(s) [Signature] Date 7/13/23

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: 7/12/23

**COST:**

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

Abutter Notice:

<u>11</u> Direct Abutters x Certified postage rate	\$ <u>5.01</u> =	\$ <u>55.11</u>
<u>4</u> Indirect Abutters x First Class postage rate	\$ <u>0.66</u> =	\$ <u>2.64</u>
<b>Total amount due:</b>		\$ <u>242.75</u>

Amt. received: \$ 242.75 *Check 16732*

Receipt No.: 738,787

Received by: (TS6)

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
Emj	Please review the completed application with the Zoning Administrator or staff <b>before making copies in next step.</b>	TG
	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) <b>single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	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.)	TG
	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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (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
	<b>GIS LOCATION PLAN:</b> 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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	TG
	Provide a copy of all <b>single sided pages</b> 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 ZD #23-090
NA Emj	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.
- 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.

EMH

N/A  
TC

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

  
\_\_\_\_\_  
Signature of Applicant(s)

7/5/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Property Owner(s)

7/9/23  
\_\_\_\_\_  
Date

July 3, 2023

Re: Hudson Mall, Hudson NH.

Dear Zoning Board of Adjustment:

Please be advised that I hereby authorize, Jared Buttles, to file an application seeking a variance at the above-referenced location.

Thank you,

A handwritten signature in blue ink that reads "Daniel M. Gordon". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Daniel M. Gordon

Owner, Hudson Vickerry, LLC

JARED BUTTLES  
8 WIRE ROAD  
MERRIMACK, NH 03054

June 29, 2023

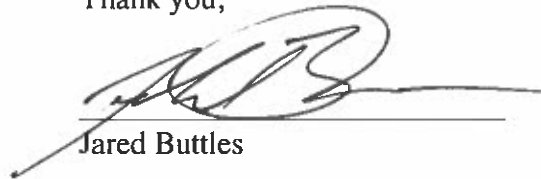
*Via hand-delivery*

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

Dear Chairman,

I, Jared Buttles, hereby authorize Gottesman & Hollis, P.A. to represent me, a potential tenant at property owned by Hudson Vickerry, LLC in my application for variance and the presentation to the Zoning Board of Adjustment thereof.

Thank you,

A handwritten signature in black ink, appearing to read 'Jared Buttles', is written over a horizontal line. The signature is stylized and cursive.

Jared Buttles

**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.

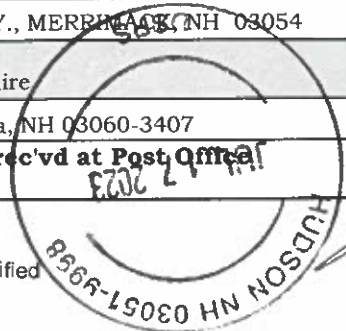
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
165	155	*Include Applicant & Owner(s) Jared Buttles	8 Wire Road, Merrimack, NH 03054
165	155	Hudson Vickerry, LLC	25 Orchard View Drive Londonderry, NH 03053
166	001	ST PATRICK CEMETERY	Bishop of Manchester Roman Catholic 153 Ash Street Manchester, NH 03104
165	150	CAFUA REALTY TRUST IX LLC	280 MERRIMACK ST METHUEN, MA 01844
165	147	102 PLAZA, INC.	PO BOX 188 BEVERLY, MA 01915-0188
165	148	BANK OF NEW HAMPSHIRE ATTN: TD BANK	380 WELLINGTON ST. TWR B, FL 12 LONDON, ON N6A 4S4
165	149	GLOBAL COMPANIES, LLC c/o ENGIE INSIGHT- MS 5534	PO BOX 2440 SPOKANE, WA 99210-2440
165	151	BRANFORD PROPERTIES OF NEVADA, LLC	5451 ARVILLE ST. LAS VEGAS, NV 89118
165	152	BALDWIN, RUSSELL SOUSA, EMILY	327 BOYLSTON ST. LOWELL, MA 01852
165	141	ABBOTT FARM CONDOMINIUMS C/O GREAT NORTH PROPERTY MGMT	636 DANIEL WEBSTER HWY MERRIMACK, NH 03054




**USPS-Verified Mail**

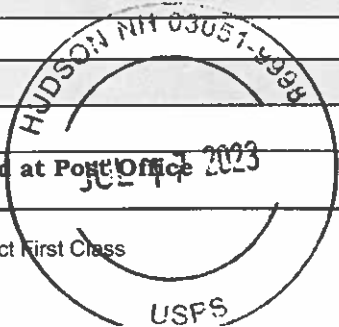
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 165-155 77 DERRY STREET Map 165/Lot 155-000 VARIANCE 1 of 1
		Name of Addressee, Street, and post office address	07/27/2023 ZBA Meeting
1	7022 2410 0001 2971 7078	JARED BUTTLES 8 WIRE ROAD, MERRIMACK, NH 03054	APPLICANT/OWNER NOTICE MAILED
2	7022 2410 0001 2971 7061	HUDSON-VICKERRY, LLC 25 ORCHARD VIEW DRIVE, LONDONDERRY, NH 03053	APPLICANT/OWNER NOTICE MAILED
3	7022 2410 0001 2971 7054	ST PATRICK CEMETERY; Bishop of Manchester Roman Catholic 153 Ash Street, Manchester, NH 03104	ABUTTER NOTICE MAILED
4	7022 2410 0001 2971 7047	CAFUA REALTY TRUST IX LLC 280 MERRIMACK ST, METHUEN, MA 01844	ABUTTER NOTICE MAILED
5	7022 2410 0001 2971 7030	102 PLAZA, INC. PO BOX 188, BEVERLY, MA 01915-0188	ABUTTER NOTICE MAILED
6	<i>Mailed First Class - (No international certified)</i>	BANK OF NEW HAMPSHIRE; ATTN: TD BANK 380 WELLINGTON ST. TWR B, FL 12 LONDON, ON, N6A 4S4	ABUTTER NOTICE MAILED
7	7022 2410 0001 2971 7023	GLOBAL COMPANIES, LLC; c/o ENGIE INSIGHT- MS 5534 PO BOX 2440, SPOKANE, WA 99210-2440	ABUTTER NOTICE MAILED
8	7022 2410 0001 2971 7016	BRANFORD PROPERTIES OF NEVADA, LLC 5451 ARVILLE ST., LAS VEGAS, NV 89118	ABUTTER NOTICE MAILED
9	7022 2410 0001 2971 7009	BALDWIN, RUSSELL; SOUSA, EMILY 327 BOYLSTON ST., LOWELL, MA 01852	ABUTTER NOTICE MAILED
10	7022 2410 0001 2971 6996	ABBOTT FARM CONDOMINIUMS; C/O GREAT NORTH PROPERTY MGMT; ATTN: TRACEY MADDEN 636 DANIEL WEBSTER HWY., MERRIMACK, NH 03054	ABUTTER NOTICE MAILED
11	7022 2410 0001 2971 6989	Gottesman & Hollis P.A. Attn: Morgan A. Hollis, Esquire 39 East Pearl Street, Nashua, NH 03060-3407	APPLICANT/OWNER NOTICE MAILED
Total Number of pieces listed by sender 11		Total number of pieces rec'd at Post Office	Postmaster (receiving Employee)





**USPS-Verified Mail**

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-155 77 DERRY STREET Map 165/Lot 155-000 <b>VARIANCE</b> 1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>07/27/2023 ZBA Meeting</b>
1	Mailed First Class	ANTONELL, CLIFFORD R.; ANTONELL, KIM R.	ABUTTER NOTICE MAILED
		1 WILDFLOWER LN., WAYLAND, MA 01778	
2	Mailed First Class	DUVAL, MAURICE E., TR.; DUVAL, DENISE E., TR.; DUVAL FAMILY REVOCABLE TRUST	ABUTTER NOTICE MAILED
		2 SUMMER STREET, HUDSON, NH 03051	
3	Mailed First Class	BROOKS, DEANNA; BROOKS, DONALD	ABUTTER NOTICE MAILED
		100 DERRY ST., HUDSON, NH 03051	
4	Mailed First Class	DT RETAIL PROPERTIES, LLC	ABUTTER NOTICE MAILED
		500 VOLVO PARKWAY, CHESAPEAKE, VA 23320	
5			
6			
7			
8			
9			
10			
4	Total # of pieces listed by sender 4	Total # of pieces rec'vd at Post Office 4	Postmaster (receiving Employee) 



Indirect First Class



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

July 17, 2023

### APPLICANT NOTIFICATION

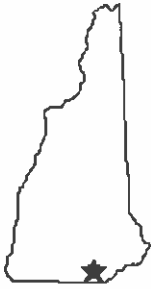
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **07/27/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 165-155 (07-27-23): Jared Buttles, 8 Wire Road, Merrimack, NH requests a Variance for 77 Derry Street (Unit A-1D), Hudson, NH owned by Hudson-Vickerry, LLC to allow the uses of warehousing (E-10) and distribution (E-8) of toys from online retail sales in the Business Zone where these uses are not permitted. [Map 165, Lot 155-000; 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,

Chris Sullivan  
Zoning Administrator



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

July 17, 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 to provide 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 Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: [csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov). In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan  
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article 334 \_\_\_\_\_ of HZO Section(s) 21.E.8 \_\_\_\_\_ in order to permit the following:

To allow the warehousing and distribution of toys from an online retail presence with very little if any "street" retail in the business zone.

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**FACTS SUPPORTING THIS REQUEST:**

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

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

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

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

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

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

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

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



## FACTS SUPPORTING THIS REQUEST:

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

1. Granting of the requested variance will not be contrary to the public interest, because:  
(Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)  
The proposed use is a toy distribution and warehouse use in a 3,300 sf area in the rear of what is known as the “Hudson Mall”. The unit within the mall does not have a street view and is located in the back of the building where shipments and deliveries take place for the existing grocery store and other tenants. Granting the variance will not alter the character of the neighborhood, as there will be no change to the street front of the building and shipping and receiving already occur behind this building for the existing businesses. Allowing a warehouse and distribution of toys behind the building that does not have a store front in the typical sense is not contrary to the public interest.
2. The proposed use will observe the spirit of the ordinance, because:  
(Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)  
The lot is zoned Business, which allows for retail uses, but not the storage of retail goods. The proposed use will be in the back of a mall where many deliveries are made daily. The proposed use is not an industrial type use, but rather a warehouse and distribution of toys from an online storefront, much like a retail store, without the same level of store front traffic. The proposed warehouse will not alter the essential character of the neighborhood and will not threaten the public health, safety, or welfare as water and sewer are available at the unit and more than adequate space for truck deliveries exist and such movements do not threaten pedestrian safety.
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.)  
If granted, there will be no harm to the general public or any other individual. The location of the unit where the proposed use will be is behind the portion of the building used for retail and public parking for such use and is where all storage, deliveries and shipping normally occur for the retail uses. For the limited foot traffic, if any, there is sufficient parking and access to the unit. The proposed use will not alter the essential character of the neighborhood as the use will not be any different than shipping and receiving for retail uses that already exist and there is no street view of the unit, denial will impose substantial harm to the applicant that is not outweighed by harm to the public.
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.)  
Granting the variance will not cause any real change to the neighborhood. This is a Business district and the use will be located in only 3,300 sf and be for storage and distribution of toys, similar to any retail store that has more of an online presence. The proposed use will have no effect upon or be noticeable by the surrounding properties. Truck deliveries will be by smaller vehicles than those delivering to other users, notably the grocery store.

**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*

This property is unique in that it is a shopping center which contains a grocery store and retail store fronts, with this single unit in the rear. This unit was created when the original grocery store relocated to the newer addition to the south and its former space was divided into small retail units with those units being shortened in depth as no user would agree to pay for the rear area. The unit has remained remarkable unrentable due to no visibility from the front and the delivery trucks at its entry door area. To gain access to this particular unit, access is from the delivery lane around the back of the building. If the proposed use is granted, there will be no change to the existing retail uses and there will be no visible changes to the public. Enforcing the business district where retail is allowed without allowing this small unit to store and distribute toys from an online retail business has no fair and substantial relationship to the purpose of the zone as this portion of the building is really near the industrial type use of the property and the proposed use while similar to the retail uses permitted and existing only with no storefront presence. The proposed use does not belong in the district where warehousing and distributions are permitted, nor in the strictly retail location rather than other industrial uses where the use is permitted.

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

It is reasonable to allow this light industrial use of storing toys and distributing them in the rear of a retail center.

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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.

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# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-090

June 29, 2023

Morgon Hollis  
C/O Jared Buttles  
39 East Pearl St  
Nashua, NH 03060

Re: 77 Derry Rd Map 165 Lot 155-000  
District: Business (B)

Dear Mr. Hollis,  
Your request, can your client can use Unit #A-1D for tenant use to warehouse and distribution of toys.

#### Zoning Review/Determination:

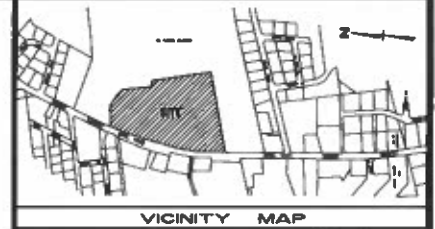
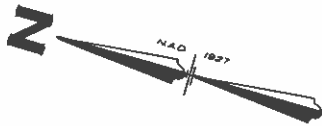
This would be a change to another use (E-8) in The Table of Permitted Principal Uses §334-21, which is not permitted. You would need a Variance from the Zoning Board of Adjustment (ZBA) to §334-21 Table of Permitted Principal Uses and, you would need a site plan approval by the Planning Board per §334-16.1 site plan approval.

Sincerely,

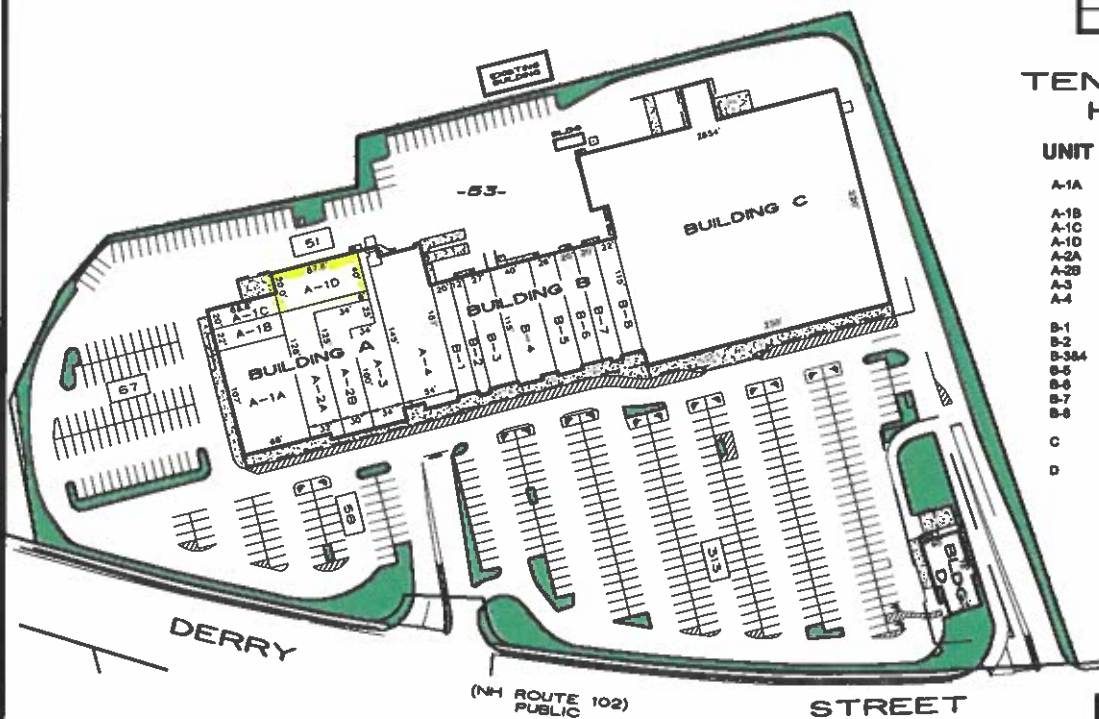
Chris Sullivan  
Zoning Administrator/Code Enforcement Officer  
(603) 816-1275  
[csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov)

encl: Table of Permitted Principal Uses §334-21  
cc: Public Folder  
B. Groth, Town Planner  
Owner  
File

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



VICINITY MAP



## TENANT DIRECTORY HUDSON MALL

UNIT	TENANT NAME	LEASE (SF)
A-1A	AUTO ZONE	7,088
A-1B	INNER DRAGON MARTIAL ARTS	1,200
A-1C	INNER DRAGON MARTIAL ARTS	1,200
A-1D	AVAILABLE	3,300
A-2A	AVAILABLE	4,500
A-2B	ANYTIME FITNESS	5,400
A-3	PAPA GINO'S	2,634
A-4	CVS	8,600
B-1	CRICKET WIRELESS	2,360
B-2	GREAT CLIPS	1,740
B-3&4	AVAILABLE	7,521
B-5	HALF PRICE CARDS	3,022
B-6	LAVISH NAIL & SPA	2,320
B-7	US POST OFFICE	2,315
B-8	H&R BLOCK	2,333
C	HANNAFORD	57,128
D	Mc DONALD'S® *GROUND LEASE	15,036
<b>TOTAL SQUARE FOOTAGE</b>		<b>112,822</b>
<b>PARKING SPACES PROVIDED: 480</b>		
<b>LAST UPDATE: 01/08/2016</b>		

NOTE:  
UNIT DIVISIONS SHOWN ARE BASED  
ON INFORMATION AS SUPPLIED AND  
MAY OR MAY NOT REFLECT EXACT  
DIVISIONS

### LEASE PLAN **HUDSON MALL** DERRY STREET - ROUTE 102 HUDSON, NEW HAMPSHIRE

OWNER:  
**HUDSON VICKERRY, LLC**  
MANAGED & LEASED BY:  
**THE MEG COMPANIES**  
TEL: (603) 434-6700 FAX: (603) 421-1896

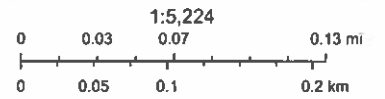
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©Meyer/Saunders, Inc. PROJ. 1208 R-1120510WG\1208\LES1



# 77 Derry Street



6/30/2023

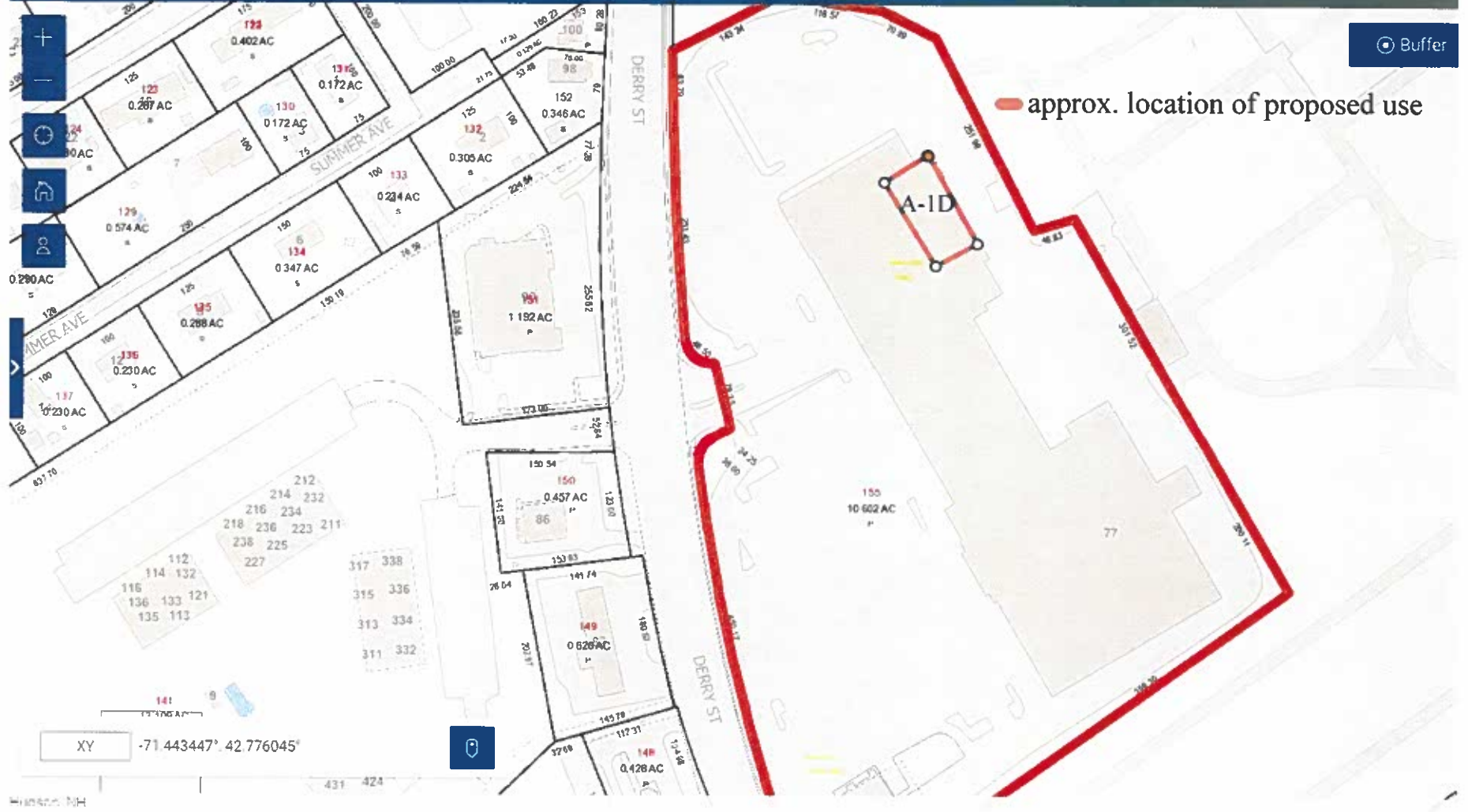


77 Derry Street



Town of Hudson, NH - GIS  
Geographic Information System

Buffer



CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
HUDSON-VICKERRY, LLC  25 ORCHARD VIEW DRIVE  LONDONDERRY NH 03053		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		MD3		Mid Derry Comm Area		2023	3230	4,756,700	2022	3230	9,522,000	2022	3230	10,264,300
		TOPO		UTILITIES			3240	4,857,000		3230	4,229,900		3230	2,868,900
		01	Level	03	Town Water		3240	4,229,900		3230	467,500		3230	221,200
				02	Town Sewer			467,500						
						Total	14,311,100	Total	14,219,400	Total	13,354,400			

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
HUDSON-VICKERRY, LLC				9501	1786	05-20-2020	U	I	0	69	autozone lease-20 year	Appraised Bldg. Value (Card)			9,425,300
HUDSON-VICKERRY, LLC				6307	1987	10-25-2000	U	I	0	40	Grantor: HUDSON-VICKERRY, LLC. Grantor: GORDON, R., TRUSTEE	Appraised Xf (B) Value (Bldg)			188,400
											Appraised Ob (B) Value (Bldg)			467,500	
											Appraised Land Value (Bldg)			4,229,900	
											Special Land Value			0	
											Total Appraised Parcel Value			14,311,100	
											Valuation Method			C	

SUPPLEMENTAL DATA				CURRENT ASSESSMENT			
Parcel ID	165-155-000	Descript	Code	Appraised	Assessed		
Zoning	BD:Business District	BLDG	3230	4,756,700	4,756,700		
Flood Hazard	C	BLDG	3240	4,857,000	4,857,000		
Neigh/Abut1		LAND	3240	4,229,900	4,229,900		
Neigh/Abut2		OB	3240	467,500	467,500		
Neigh/Abut3		<b>Total:</b>		14,311,100	14,311,100	Total Appraised Parcel Value	
GIS ID	165-155-000	Assoc Pid#				14,311,100	

NOTES	VISIT / CHANGE HISTORY					
The Hudson Mall//this sketch is HANNAFOR DS only, see card 2 for STRIP MALL/ AC C HANGE PER 96 SITE PLAN/2006 - plus lease d McDonalds pad//2020-added generator an d yb change to bldg and yi new epdm roof 2022	Date	Id	Type	Is	Cd	Purpost/Result
	03-15-2023	21			15	Permit Visit
	05-03-2022	24			45	Field Review
	06-16-2020	01			20	Other Change
	04-01-2020	21			15	Permit Visit
	01-09-2020	18			03	Meas/Inspect
	02-01-2019	12			15	Permit Visit
	06-11-2017	09			45	Field Review
	03-30-2017	12			15	Permit Visit

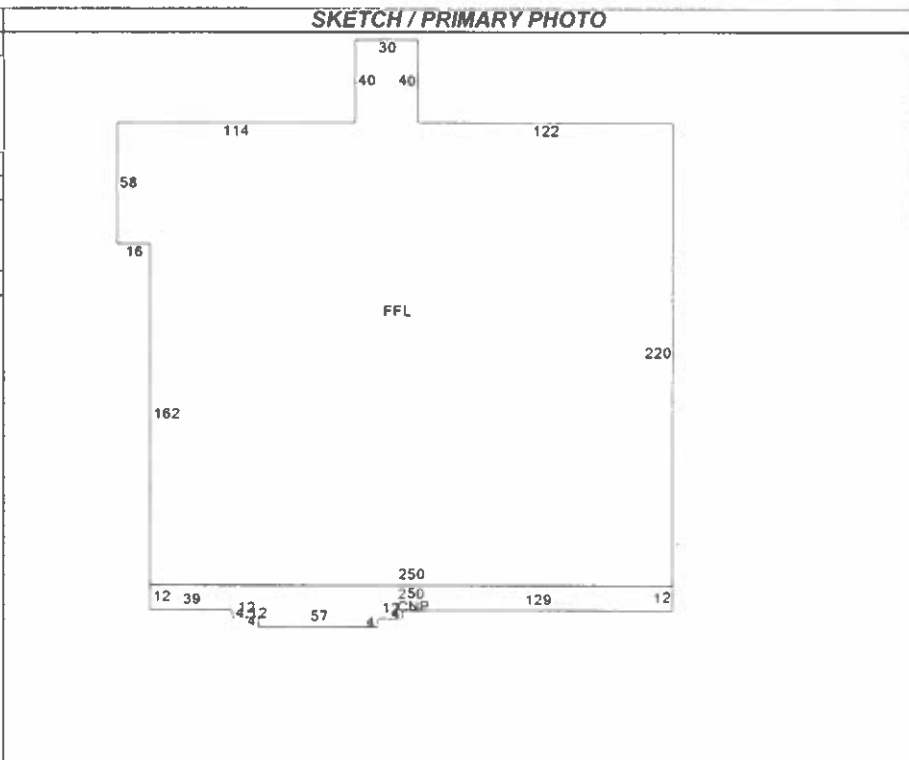
BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft	Comments	
2023-00620	05-30-2023	SI		4,588	24	First Sign		Internally illuminated wall sign: 1' 6" x 10' 5", ""24/7 GYM""	
2023-00389	04-07-2023	MG		0	24	Denron-Mechanical		Putting gas pressure test on existing gas piping	
2022-00834	08-02-2022	MC		5,900	C	Joyce Cooling & Heating		Replace RTU	
2022-00738	07-07-2022	SI		1,685	C	Viewpoint Sign and Awnin		Install 2 ft 7.5 in. by 7 ft 6.5 in. pylon panel. ""PAPA GINO'S DIANGELO"" tenant panel chan	
2022-00570-1-E	06-13-2022	EL		8,000	C	Blue Brick Electric Inc.		Electrical for renovating H2Go space within store.	
2022-00570	06-03-2022	CF		47,777	C	CapEx Services		Renovating H2Go space within store. A point of sale counter partition will be constructed 5' i	
2022-00379	04-19-2022	RF		489,000	C	A & M Roofing Services		Remove and properly dispose of existing ballast and EPMD membrane roof system. Mecha	
2021-01005	09-28-2021	POA	Assembly		C				
2019-00540	06-17-2019	ELEC	Electrical	70,000	C				
2018-00149	03-16-2018	IR	Int Renov	53,000	C				
2016-854-4fs	11-29-2016	SP	Sprinkler	0	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	3240	SUPERMARKET	Site	10.602	AC	260,000	0.93	1.00	E	1.00	MD3	1.65	USE/LEASE; MCDON	4,229,900
Total Card Land Units:				10.602	AC	Parcel Total Land Area:				10.602	AC	Total Land Value: 4,229,900		

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	94	Com/Ind	Frame	02	
Style:	22	Supermarkets	Foundation	06	
Grade	B-	Good/Avg	Bsmt Garage	0	
Stories:	1				
# of Units	14				
Wall Height	23.00				
Exterior Wall 1	21	Conc Block			
Exterior Wall 2	07	Brick			
Roof Structure	04	Flat			
Roof Cover	08	Above Avg			
Interior Wall 1	01	Drywall			
Interior Wall 2					
Interior Floor 1	09	Above Avg			
Interior Floor 2					
Heat Fuel	02	Gas			
Heat Type	15	Hvac			
2nd Heat Type					
AC Percent	100				
Heat/AC	02	HEAT/AC SPLIT			
Full Baths	0				
3/4 Baths	0				
Half Baths	2				
Kitchens	1				
Baths/Plumbing	02	AVERAGE			
Bedrooms	0				
Ceiling/Wall					
Rooms/Partition	T	Typical			
% Conn Wall	0.00				
% Heated	100				
# Heat Systems	9				
% Sprinkler	100				
Frame	02	Steel			

MIXED USE		
Code	Description	Percentage
3240	SUPERMARKET	100
		0
		0

COST / MARKET VALUATION	
RCN	6,497,171
Year Built	1989
Effective Year Built	1995
Depreciation Code	GD
Remodel Rating	
Year Remodeled	2015
Depreciation %	27
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	73
RCNLD	4,742,900
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
FENC6	Fence-6ft	L	172	UNITS	19.00	1980	AV	60	2,000
FRZER	Commercial Freezer	B	100	SQ. FT	63.00	1987	AV	73	9,200
FRZER	Commercial Freezer	B	140	SQ. FT	63.00	1987	AV	73	6,400
FRZER	Commercial Freezer	B	840	SQ. FT	63.00	1987	AV	73	38,600
GENC	Commercial Generator	L	650	UNITS	400.00	1997	AV	60	156,000
LITEDB	2 Headed Exterior Light On P	L	1	UNITS	2090.00	1987	AV	60	2,500
LITETR	3 Headed Exterior Light On P	L	1	UNITS	3080.00	1987	AV	60	12,900
LOADLV	Load Leveler	B	1	UNITS	3600.00	1987	AV	73	10,500
MEZZF	Mezzanine, Finished	B	880	SQ. FT	32.00	1987	AV	73	20,600
MEZZF	Mezzanine, Finished	B	1,232	SQ. FT	32.00	1987	AV	73	28,800
PAVASP	Asphalt Paving	L	239,000	UNITS	2.00	1987	AV	60	286,800
SGNIL	Internally Lighted Sign	L	206	SQ. FT	44.00	2000	GD	80	7,300

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
CNP	Canopy	0	3,554	711	22.47	79,868
FFL	First Floor, Finished	57,128	57,128	57,128	112.33	6,417,302
Total SQFT / Sketched Area / Eff Area		57,128	60,682	57,839	Totl Value	6,497,170



CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
HUDSON-VICKERRY, LLC  25 ORCHARD VIEW DRIVE  LONDONDERRY NH 03053		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		MD3		Mid Derry Comm Area		2023	3230	4,756,700	2022	3230	9,522,000	2022	3230	10,264,300
		TOPO		UTILITIES			3240	4,857,000		3230	4,229,900		3230	2,868,900
		01	Level	03	Town Water		3240	4,229,900		3230	467,500		3230	221,200
				02	Town Sewer			467,500						
						Total	14,311,100	Total	14,219,400	Total		13,354,400		

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY
HUDSON-VICKERRY, LLC	9501 1786	05-20-2020	U	I	0	69	autozone lease-20 year	Appraised Bldg. Value (Card) 9,425,300
HUDSON-VICKERRY, LLC	6307 1987	10-25-2000	U	I	0	40	Grantor: HUDSON-VICKERRY, LLC. Grantor: GORDON, R. TRUSTEE	Appraised Xf (B) Value (Bldg) 188,400 Appraised Ob (B) Value (Bldg) 467,500 Appraised Land Value (Bldg) 4,229,900 Special Land Value 0 Total Appraised Parcel Value 14,311,100 Valuation Method C

SUPPLEMENTAL DATA			CURRENT ASSESSMENT			
Parcel ID	165-155-000	Descript	Code	Appraised	Assessed	
Zoning	BD:Business District	BLDG	3230	4,756,700	4,756,700	
Flood Hazar	C	BLDG	3240	4,857,000	4,857,000	
Neigh/Abut1		LAND	3240	4,229,900	4,229,900	
Neigh/Abut2		OB	3240	467,500	467,500	
Neigh/Abut3		<b>Total:</b>		14,311,100	14,311,100	
GIS ID	165-155-000	PREV Assoc Pid#	0059-0053-000A			

NOTES	VISIT / CHANGE HISTORY																																										
This card 2-sketch is strip mall/origina ; FETCH A PET STORE/ KARATE STUDIO l location of Alexanders, is now Autozon e and others//Hannafords on card 1/12 te nants front and 1 rear: POST OFFICE; AUT OZONE; PAPA GINO'S; GREAT CLIPS;LAVISH NAIL AND SPA; 4 VACANT UNITS= H&R BLOCK	<table border="1"> <thead> <tr> <th>Date</th> <th>Id</th> <th>Type</th> <th>Is</th> <th>Cd</th> <th>Purpost/Result</th> </tr> </thead> <tbody> <tr> <td>10-27-2020</td> <td>21</td> <td></td> <td></td> <td>15</td> <td>Permit Visit</td> </tr> <tr> <td>01-09-2020</td> <td>18</td> <td></td> <td></td> <td>03</td> <td>Meas/Inspect</td> </tr> <tr> <td>06-11-2017</td> <td>09</td> <td></td> <td></td> <td>45</td> <td>Field Review</td> </tr> <tr> <td>05-07-2012</td> <td>09</td> <td></td> <td></td> <td>45</td> <td>Field Review</td> </tr> <tr> <td>12-26-2006</td> <td>09</td> <td></td> <td></td> <td>03</td> <td>Meas/Inspect</td> </tr> <tr> <td>12-24-1990</td> <td>02</td> <td></td> <td></td> <td>14</td> <td>Inspected</td> </tr> </tbody> </table>	Date	Id	Type	Is	Cd	Purpost/Result	10-27-2020	21			15	Permit Visit	01-09-2020	18			03	Meas/Inspect	06-11-2017	09			45	Field Review	05-07-2012	09			45	Field Review	12-26-2006	09			03	Meas/Inspect	12-24-1990	02			14	Inspected
Date	Id	Type	Is	Cd	Purpost/Result																																						
10-27-2020	21			15	Permit Visit																																						
01-09-2020	18			03	Meas/Inspect																																						
06-11-2017	09			45	Field Review																																						
05-07-2012	09			45	Field Review																																						
12-26-2006	09			03	Meas/Inspect																																						
12-24-1990	02			14	Inspected																																						

BUILDING PERMIT RECORD							
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft
2022-00905	09-27-2022	PA		0	C	Papa Gino's	
2022-00737	07-07-2022	SI		7,265	C	Viewpoint Sign and Awnin	
2020-01031	10-28-2020	SI	Signs		C		
2020-01030	10-28-2020	SI	Signs	1,160	C		
2020-00874-2	10-21-2020	PLMG	Plumbing	1,860	C		
2020-00874-1	10-09-2020	ELEC	Electrical	1,500	C		
2020-00874	09-22-2020	IR	Int Renov	4,000	C		
2020-00804	09-22-2020	POA	Assembly		C		
2019-01122	11-13-2019	IR	Int Renov		C		
2019-00940	10-09-2019	POA	Assembly		C		
2019-00184	03-22-2019	POA	Assembly		C		

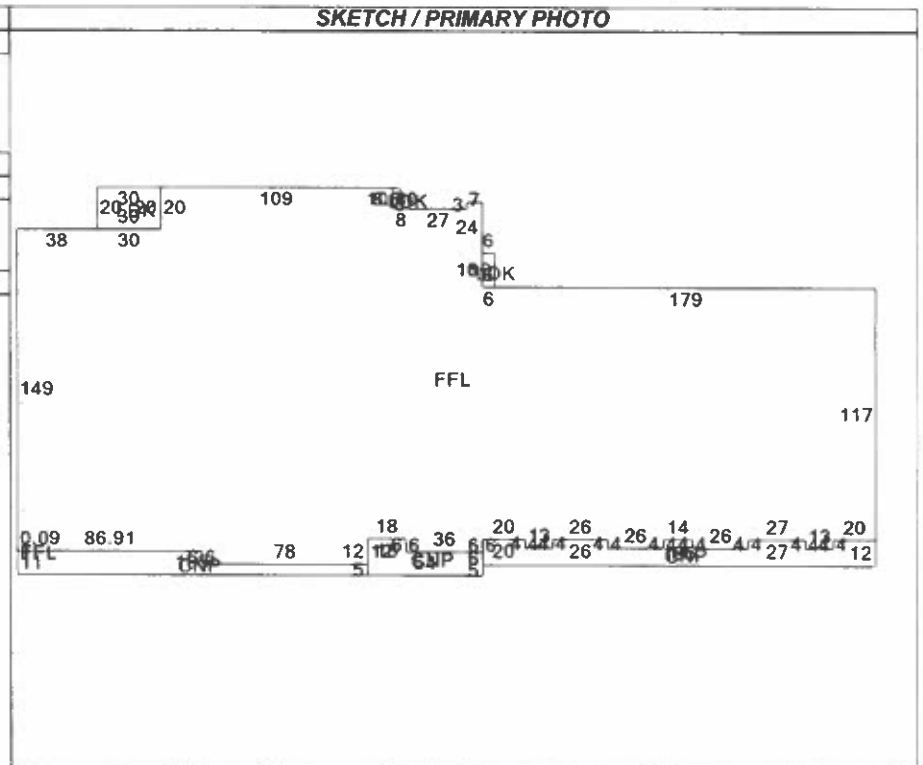
LAND LINE VALUATION SECTION													
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	
2	3230	SHOPPING CENTER	Site	0.000 AC	0		1.00	0	1.00	MD3	1.65		
<b>Total Card Land Units:</b>				<b>0.000 AC</b>	<b>Parcel Total Land Area:</b>				<b>10.602</b>	<b>AC</b>	<b>Total Land Value:</b>		<b>0</b>



CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	94	Com/Ind	Frame	02	
Style:	16	Shop Center LO	Foundation	06	
Grade	C+	Avg/Good	Bsmt Garage	0	
Stories:	1				
# of Units	14				
Wall Height	8.00				
Exterior Wall 1	21	Conc Block			
Exterior Wall 2	23	Glass			
Roof Structure	04	Flat			
Roof Cover	11	Membrane			
Interior Wall 1	01	Drywall			
Interior Wall 2					
Interior Floor 1	05	Lino/Vinyl			
Interior Floor 2	15	Wood Laminates, Pergo Et			
Heat Fuel	02	Gas			
Heat Type	15	Hvac			
2nd Heat Type					
AC Percent	100				
Heat/AC					
Full Baths	0				
3/4 Baths	0				
Half Baths	14				
Kitchens	0				
Baths/Plumbing	02	AVERAGE			
Bedrooms	0				
Ceiling/Wall					
Rooms/Partition	T	Typical			
% Conn Wall	0.00				
% Heated	100				
# Heat Systems	20				
% Sprinkler	100				
Frame	02	Steel			

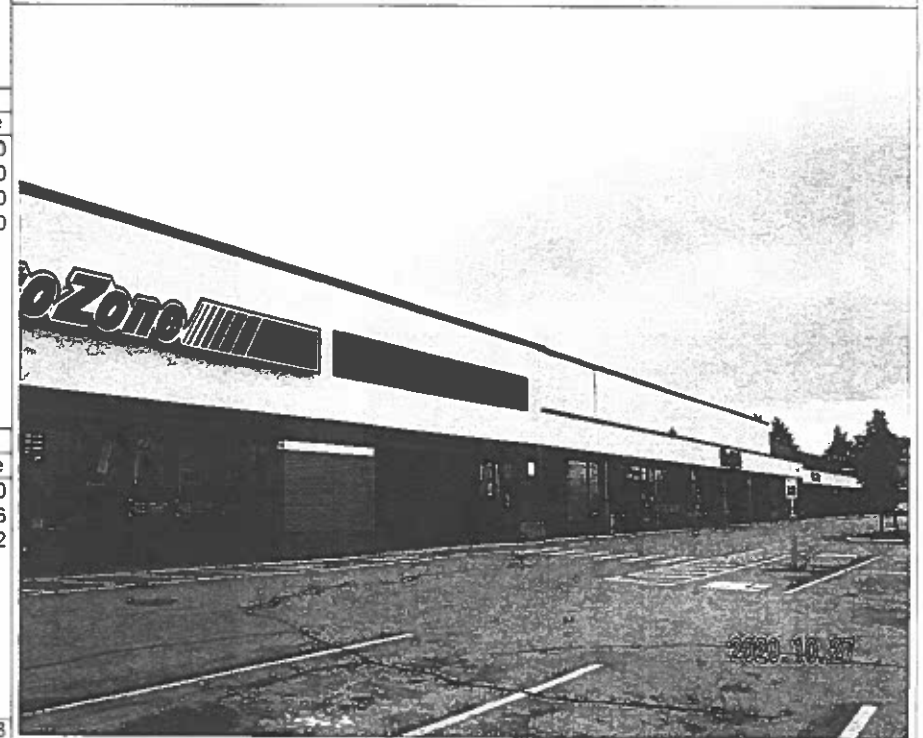
MIXED USE		
Code	Description	Percentage
3230	SHOPPING CENTER	100
		0
		0

COST / MARKET VALUATION	
RCN	6,689,109
Year Built	1974
Effective Year Built	1992
Depreciation Code	GD
Remodel Rating	
Year Remodeled	1989
Depreciation %	30
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	70
RCNLD	4,682,400
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
COOLER	Commercial Refrigerator/Cool	B	350	SQ. FT	49.11	1980	AV	70	12,000
COOLER	Commercial Refrigerator/Cool	B	528	SQ. FT	46.46	1980	AV	70	17,200
COOLER	Commercial Refrigerator/Cool	B	588	SQ. FT	45.93	1980	AV	70	18,900
COOLER	Commercial Refrigerator/Cool	B	840	SQ. FT	44.52	1980	AV	70	26,200

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
CNP	Canopy	0	3,956	791	22.77	90,090
FFL	First Floor, Finished	57,788	57,788	57,788	113.89	6,581,706
LDK	Loading Dock	0	759	152	22.81	17,312
Total SQFT / Sketched Area / Eff Area		57,788	62,503	58,731	Totl Value	6,689,108



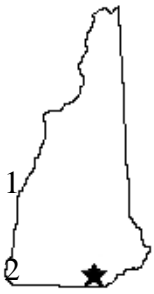
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7/12/2023  
11:46AM  
Created  
7/12/2023  
11:31 AM

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

Receipt# 738,787  
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-7/27/23 ZBA Meeting 77 Derry Street Map 165 Lot 155-000 Zone B Variance Application	0.00	242.7500	0.00
			Total:	242.75

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Gottesman & Hollis, P.A.	CHECK	CHECK # 16732	242.75	0.00	242.75
			Total Due:		242.75
			Total Tendered:		242.75
			Total Change:		0.00
			Net Paid:		242.75



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman      Dillon Dumont, Selectmen Liaison

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

### SITE WALK MEETING MINUTES – July 8, 2023- draft

The Hudson Zoning Board of Adjustment members met for a Site Walk at 181-189 Webster Street, Hudson, NH on Saturday, July 8, 2023.

The meeting opened at 9:04 AM by Chairman Daddario.

ZBA Clerk, Edward Thompson took attendance. Members present were Gary Daddario (Regular/Chair), Jim Pacocha (Regular), Dean Sakati (Regular), Edward Thompson (Alternate/Clerk), Tim Lanphear (Alternate), Tristan Dion (Alternate). Also present were Chris Sullivan, Zoning Administrator and Dillon Dumont, Selectman Liaison. Excused were Marcus Nicolas (Regular) and Normand Martin (Regular/Vice Chair). Alternates, Mr. Lanphear and Mr. Dion were seated for Mr. Nicholas and Mr. Martin.

Other Attendees were Andrew Prolman (Applicant’s Attorney), Vatche Manoukian (Mgr., Derry & Webster, LLC), Mike Regis (Regis Landscaping), Dave Wilmot (Regis Landscaping) and Tim Wyatt (Resident).

Some members took notes from their observations and reserved for discussion at the July 13, 2023 scheduled Zoning Board of Adjustment meeting. This was a site-walk meeting for review of the lot areas occupied by Regis Landscaping and input for the following Variance requests:

**Case 147-016 (07-13-23) (deferred from 05-25-23):** Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests four (4) Variances for **181 B Webster St., Hudson, NH** [Map 147, Lot 016-000; Zoned Residential-Two (R-2)] as follows:

- a. To allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district.; [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- b. To allow an existing (non-permitted) landscaping business to continue to sell retail landscaping products where this use is not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- c. To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]
- d. To allow the continuation of additional mixed uses on the lot where mixed uses on a lot are not permitted in the R-2 district. [HZO Article III: General Regulations; §334-10A., Mixed or dual use on a lot.]

The meeting adjourned at 10:01 AM.

Respectfully submitted,

\_\_\_\_\_  
Gary M. Daddario, ZBA Chairman