

# 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

### MEETING AGENDA – July 13, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **July 13, 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).

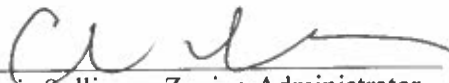
- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ATTENDANCE
- IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

#### DEFERRED HEARINGS:

**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.]

- V. REQUEST FOR REHEARING: None
- VI. REVIEW OF MINUTES:  
6-22-23 edited Draft Minutes
- VII. OTHER:

  
Chris Sullivan, Zoning Administrator

# **REMINDER:**

**Please bring the following case application previously mailed in your 05/25/2023 ZBA Meeting Packet:**

**Case 147-016: 181 B Webster St.**

**Four (4) Variance Applications (a-d)  
(Deferred to 07-13-2023)**



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Administrator Staff Report *CAS 6/29/23* Meeting Date: July 13, 2023

**Case 147-016 (07-13-23): Deferred from 5/25/23: 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)] The reason for the Deferment from 5/25/23 for reasons as follows: for a site, walk was scheduled for Saturday, July 8, 2023.**

- 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.]

#### **Introduction:**

This request/application is a result of a Code Enforcement action and a subsequent Court Order.

#### **Property Description:**

This is an existing developed lot of records with non-conforming uses (thus the Code Enforcement action), some by recent variance.

#### **HISTORY:**

**December 1964** Variance -approval of the sale of Agricultural products.

**3-29-1990** -The Property was the subject of a prior zoning code enforcement action, which resulted in a Consent Decree: *"The Property may only be used for 1) residential purposes as permitted under the ordinance, 2) a convenience store as it has been operated in the past, and 3) for agricultural purposes, specifically defined as growing, cultivation, and harvesting of crops, produce, nursery stock, flowers, and other plants, and the sale of same grown on the Property."*

**9-30-2019** Code Enforcement complaint from Town - notice of violations.

**10-28-2019** Code Enforcement complaint(s), against landscaping business.

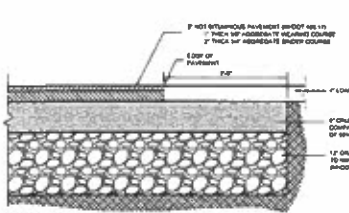
**1-23-2020**, the ZBA granted a variance relative to the expansion of the existing convenience store.  
**11-23-2020** Town files lawsuit – Zoning violations.  
**4-14-2022** Numerous variances granted for other bldgs./uses.  
**4-28-2022** Variance extension for 181A convenience store (2yrs).  
**8-3-2022** Final Order – Superior Court.

**Town (in-house) review/comments:**

Fire Dept.: no comments.  
Engineering: no comments.  
Town Planner: yes, see attachment.

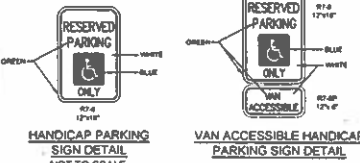
**Attachments:**

- A** 3-29-1990 Consent Decree.
- B** 9-30-2019 Code Enforcement complaint from Town.
- C** 10-28-2019 Code Enforcement complaint(s), against landscaping business.
- D** 1-23-2020, the ZBA granted a variance relative to the expansion of the existing convenience store.
- E** 11-23-2020 Town files lawsuit – Zoning violations.
- F** 4-14-2022 Numerous variances granted for other bldgs./uses.
- G** 4-28-2022 Variance extension for 181A convenience store expansion (2yrs).
- H** 8-3-2022 Final Order (item #14) – Superior Court.
- I** Town Planner’s in-house review comments.
- J** Updated Letter from an Abutter and Neighbors signatures, Dated: May 19, 2023,  
Received lettered June 22, 2023
- K** ZBA Variance request-Proposed Site Plan Dated: June 7 2023



VICINITY MAP  
SCALE: N.T.S.

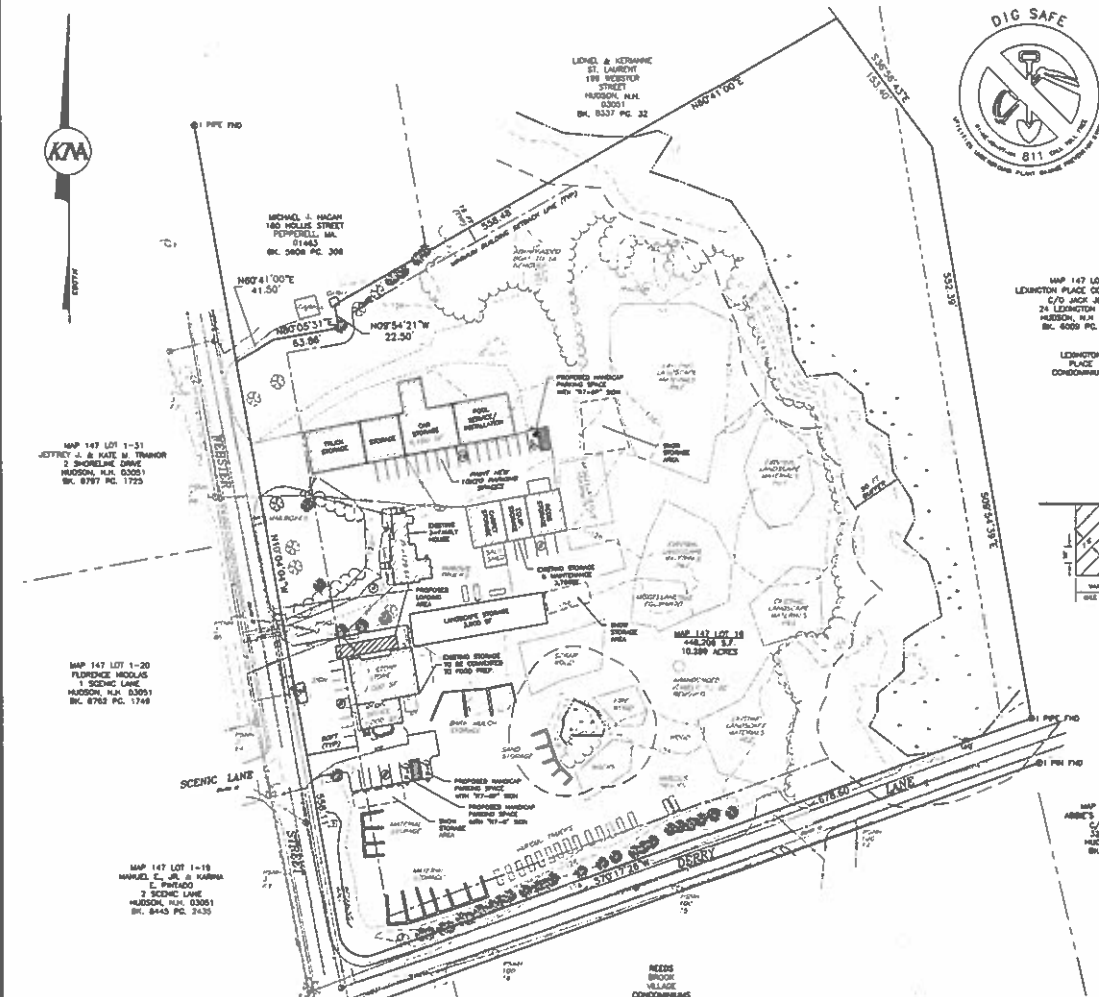
- NOTES:
1. THE PURPOSE OF THIS PLAN IS TO:  
1. SHOW EXISTING UTILITIES ON SITE.  
2. SHOW PROPOSED FOOT PREPARATION IN THE RETAIL BUILDING WITH SITE IMPROVEMENTS.  
2. AREA OF PARCELS = 46,000 SQ. YARDS ACRES.  
3. REFERENCE THESE PARCELS AS TOWN OF HUDSON TAX MAP 147, LOT 16.  
4. PRESENT ZONING: RESIDENTIAL (R-2)  
5. PRESENT ZONING: RESIDENTIAL (R-2)  
6. PRESENT ZONING: RESIDENTIAL (R-2)  
7. EXISTING UTILITIES:  
- LOT AREA: 45,300 SQ. YD. WITH WATER AND SEWER  
- LOT AREA: 60,000 SQ. YD. WITH WATER AND SEWER  
- LOT FRONTAGE: 150 FT. APARTIAL COLLECTOR  
- LOT FROM: 120 FT. LOCAL ROAD WITH WATER AND SEWER



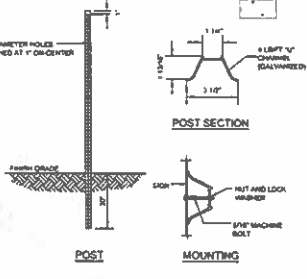
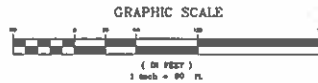
HANDICAP STRIPES DETAIL  
NOT TO SCALE

LEGEND

- OB-1 GRANITE BOUNDARY
- OB-2 H.K. HIGHWAY BOUNDARY
- OB-3 IRON PIPE FOUND
- OB-4 IRON PIPE FOUND
- OB-5 IRON PIPE FOUND
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- OB-99 IRON PIPE FOUND
- OB-100 IRON PIPE FOUND



OWNER OF MAP 147 LOT 16  
SIGNATURE: *Mark Webster*  
DATE: *6/23*



STEEL SIGN POST DETAIL  
NOT TO SCALE  
DATE: 06/23

CERTIFICATION:  
I CERTIFY THAT THIS SURVEY WAS MADE ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE BY HONORABLE A. DECKER OF 2018. SAID SURVEY WAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1/10,000). FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.  
DATE: *6/23*  
LICENSED LAND SURVEYOR

APPROVED BY THE HUDSON, NH PLANNING BOARD  
DATE OF MEETING: \_\_\_\_\_  
SIGNATURE DATE: \_\_\_\_\_  
SIGNATURE DATE: \_\_\_\_\_  
SITE PLANS ARE VALID FOR TWO YEARS 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.

UTILITY NOTE  
THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN DRAWN FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING RECORDS. REACH-HORNDROW ASSOCIATES, INC. MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE ACCURATE. REACH-HORNDROW ASSOCIATES, INC. DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. REACH-HORNDROW ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.

OWNER CERTIFICATION:  
I CERTIFY THAT THE USES SHOWN ON THIS PLAN AREA ACCURATE.  
SIGNATURE: *Mark Webster*  
DATE: *6/23*

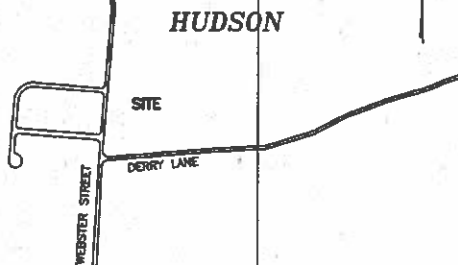
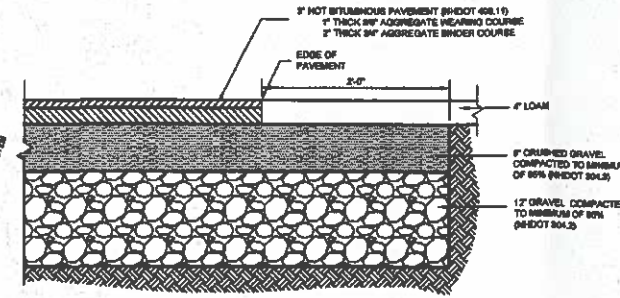
ZBA VARIANCE REQUEST -  
PROPOSED SITE PLAN  
LAND OF  
DERRY & WEBSTER, LLC  
MAP 147 LOT 16  
185 A, B & C WEBSTER STREET  
HUDSON, NEW HAMPSHIRE  
HILLSBOROUGH COUNTY

OWNER OF RECORD:  
DERRY & WEBSTER, LLC  
253 MAIN STREET  
NASHUA, N.H. 03060  
HCRD BK.6834 PG.1327

KMA REACH-HORNDROW ASSOCIATES, INC.  
Civil Engineering, Landmark Architects  
10 Conover Park North, Suite 200, Bedford, NH 03110 Phone (603) 887-0880

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	7/8/20	REVISED PER COMMENTS	PCW
2	6/7/23	2ND SUBMITTAL FOR 2-75-23 SITE REQUEST	PCW

DATE: MARCH 3, 2020 SCALE: 1" = 80'  
PROJECT NO: 10-1105-1 SHEET 1 OF 1



VICINITY MAP  
SCALE: N.T.S.

NOTES:

- THE PURPOSE OF THIS PLAN IS TO:
  - SHOW EXISTING USES ON SITE.
  - SHOW PROPOSED FOOD PREPARATION IN THE RETAIL BUILDING WITH SITE IMPROVEMENTS.
- AREA OF PARCEL = 448,206 SF, 10.289 ACRES
- REFERENCE THESE PARCELS AS TOWN OF HUDSON TAX MAP 147, LOT 16.
- PRESENT OWNER OF RECORD:
  - MAP 147 - LOT 16: DERRY & WEBSTER, LLC, 253 MAIN STREET, NASHUA, NH 03060, H.C.R.D. BK. 6834, PG. 1327
  - MAP 147 - LOT 17: LEXINGTON PLACE CONDOMINIUMS, C/O JACK JOYCE, 24 LEXINGTON COURT, HUDSON, N.H. 03051, BK. 6009 PG. 1710
  - MAP 147 LOT 1-31: JEFFREY J. & KATE M. TRAINOR, 2 SHORELINE DRIVE, HUDSON, N.H. 03051, BK. 8792 PG. 1725
  - MAP 147 LOT 1-20: FLORENCE NICOLAS, 1 SCENIC LANE, HUDSON, N.H. 03051, BK. 8782 PG. 1749
  - MAP 147 LOT 1-19: MANUEL E. JR. & KARINA E. PINTADO, 2 SCENIC LANE, HUDSON, N.H. 03051, BK. 8445 PG. 2435
  - MAP 147 LOT 7: SUSAN J. AUCCON, 177 WEBSTER STREET, HUDSON, N.H. 03051, BK. 8080 PG. 858
  - MAP 156 LOT 6: SPARKLING RIVER CONDOMINIUM ASSOCIATION, c/o CHRISTINA MADONEN, DIRECTOR, 23 WEYMOUTH COURT, HUDSON, N.H. 03051, BK. 8648 PG. 850
  - MAP 156 LOT 20-23: ABBIE'S LANDING HOMEOWNERS, C/O ALFRED SALVI, 32 BOWEN CIRCLE, HUDSON, N.H. 03051, BK. 7045 PG. 818
  - REEDS BROOK VILLAGE CONDOMINIUMS
  - REEDS BROOK HOMEOWNER'S ASSOC., C/O SANDRA POTTLE-TREASURER, 8 MADELEINE COURT, HUDSON, N.H. 03051, BK. 8634 PG. 2911
- PRESENT ZONING: RESIDENTIAL (R-2)
  - MINIMUM LOT REQUIREMENTS:
    - LOT AREA: 45,560 SF WITH WATER AND SEWER
    - LOT AREA: 60,000 SF WITHOUT WATER AND SEWER
    - LOT FRONTAGE: 150 FT ARTERIAL/COLLECTOR
    - LOT FRONTAGE: 120 FT LOCAL ROAD WITH WATER AND SEWER
  - MINIMUM BUILDING SETBACKS:
    - FRONT: 30 FT ARTERIAL/COLLECTOR
    - FRONT: 30 FT LOCAL ROADWAYS
    - SIDE: 15 FT
    - REAR: 15 FT
    - OPEN SPACE REQUIRED: 35%
    - OPEN SPACE PROVIDED: 43%
- TOPOGRAPHIC INFORMATION DEPICTED HEREON IS A RESULT OF AN ON-GROUND FIELD SURVEY PREPARED BY THIS OFFICE IN NOVEMBER 2019. ELEVATIONS ARE NAVD 83.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, MAP NUMBER 330100014E, PANEL 514 OF 701, EFFECTIVE DATE APRIL 18, 2011 INDICATES THAT THE SUBJECT PARCELS ARE NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
- SITE IS SERVICED BY MUNICIPAL WATER AND SEWER.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811.
- ALL WASTE MATERIALS AND RECYCLABLES SHALL BE CONTAINED WITHIN THE BUILDING(S) OR APPROVED STORAGE FACILITIES AND SHALL NOT BE OTHERWISE STORED ON THE PROPERTY. TRASH SERVICE PICKUP SHALL BE LIMITED TO MONDAY THRU FRIDAY.
- ALL PROPOSED SIGNS SHALL CONFORM TO THE TOWN OF HUDSON ZONING REGULATIONS.
- THERE ARE NO RESTRICTIONS ON PROPOSED HOURS OF OPERATION.
- PARKING CALCULATIONS:
  - RETAIL: 1 SPACE/200 SF @ 2,900 SF = 13.0 SPACES
  - STORAGE: 1 SPACE/1000 SF @ 18,780 SF = 18.7 SPACES
  - OFFICE: 1 SPACE/500 SF @ 1,003 SF = 2.0 SPACES
  - RESIDENTIAL: 2 SPACES/2 UNITS = 4.0 SPACES
  - TOTAL REQUIRED: = 37.15 SPACES
  - EXISTING PROPOSED: = 12 SPACES
- ON JANUARY 23, 2020, THE ZONING BOARD OF ADJUSTMENT GRANTED A VARIANCE TO ALLOW THE SALE OF FOOD WITHIN THE R-2 ZONING DISTRICT (CASE NUMBER 147-016).
- THE EXISTING STRUCTURES AND ACCESS POINTS ON SITE ARE PREEXISTING WORKING CONDITIONS THAT HAVE BEEN GRANDFATHERED INTO THE ZONING ORDINANCE. THIS PLAN DOES NOT PROPOSE TO IMPACT ANY OF THESE ISSUES.

LEGEND

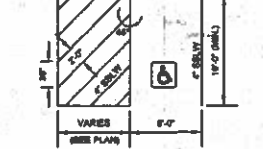
- OB-F GRANITE BOUND FOUND
- NH-H-F N.H. HIGHWAY BOUND FOUND
- IP-F IRON PIPE FOUND
- IP-F IRON PIN FOUND
- OB-TBS GRANITE BOUND TO BE SET
- IP-TBS IRON PIN TO BE SET
- SMW STREET LIGHT
- SMW SIGN
- SMW SEWER MANHOLE
- SMW DRAINAGE MANHOLE
- SMW ABUTTER LINE
- SMW PROPERTY LINE
- SMW WETLAND
- SMW STOCKADE FENCE
- SMW EDGE OF PAVEMENT
- SMW 10' CONTOUR
- SMW 2' CONTOUR
- SMW SETBACK
- SMW TRELISE
- SMW GAS LINE
- SMW SEWER LINE
- SMW OVERHEAD UTILITIES
- SMW POST & RAIL FENCE
- SMW CONCRETE PAD



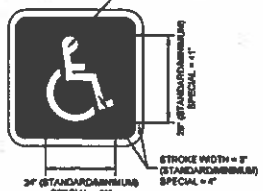
HANDICAP PARKING SIGN DETAIL  
NOT TO SCALE  
(MARCH 2008)



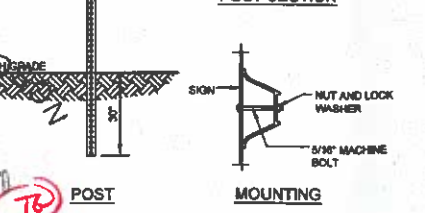
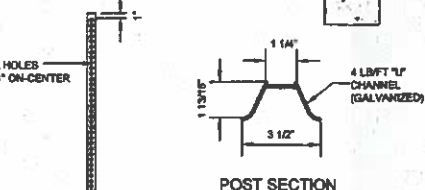
VAN ACCESSIBLE HANDICAP PARKING SIGN DETAIL  
NOT TO SCALE  
(NOVEMBER 2016)



HANDICAP STRIPING DETAIL  
NOT TO SCALE

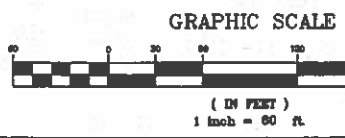


STANDARD HANDICAP SIGN DETAIL  
NOT TO SCALE



STEEL SIGN POST DETAIL  
NOT TO SCALE  
(MARCH 2009)

OWNER/OF MAP 147 LOT 16  
 SIGNATURE: *[Signature]*  
 DATE: 6/8/23



OWNER CERTIFICATION:  
 I CERTIFY THAT THE USES SHOWN ON THIS PLAN AREA ACCURATE.  
 SIGNATURE: *[Signature]* DATE: 6/8/23

CERTIFICATION:  
 I CERTIFY THAT THIS SURVEY PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE ON THE GROUND BY THIS OFFICE IN NOVEMBER & DECEMBER OF 2019. SAID SURVEY HAS AN ERROR OF CLOSURE BETTER THAN ONE PART IN TEN THOUSAND (1:10,000). FURTHER, THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.  
 SIGNATURE: *[Signature]* DATE: 6/8/23  
 LICENSED LAND SURVEYOR

\*APPROVAL NOTE: THE APPROVAL OF THIS PLAN IS STRICTLY TO ALLOW A CHANGE OF USE FOR THE RETAIL STORE TO INCLUDE FOOD PREPARATION ON SITE. PRE-EXISTING USES IN OTHER BUILDINGS AND AREAS OF THE SITE SHALL NOT BE CONSIDERED APPROVED NOR GRANDFATHERED BY AN APPROVAL OF THIS PLAN.

APPROVED BY THE HUDSON, NH PLANNING BOARD  
 DATE OF MEETING: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 SITE PLANS ARE VALID FOR TWO YEARS 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.

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

ZBA VARIANCE REQUEST -  
 PROPOSED SITE PLAN  
 LAND OF  
**DERRY & WEBSTER, LLC**  
 MAP 147 LOT 16  
 185 A, B & C WEBSTER STREET  
 HUDSON, NEW HAMPSHIRE  
 HILLSBOROUGH COUNTY

OWNER OF RECORD:  
 DERRY & WEBSTER, LLC  
 253 MAIN STREET  
 NASHUA, N.H. 03060  
 HCRD BK.6834 PG.1327

**KMA** KEACH-NORDSTROM ASSOCIATES, INC.  
 Civil Engineering Land Surveying Landscape Architecture  
 10 Commerce Park North, Suite 30, Bedford, NH 03111 Phone (603) 827-8811

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	7/8/20	REVISED PER COMMENTS	PCM
2	6/7/23	ZBA SUBMITTAL PER 5-25-23 WFO REQUEST	GPC

DATE: MARCH 3, 2020 SCALE: 1" = 60'  
 PROJECT NO: 19-1105-1 SHEET 1 OF 1

Project:1911051\Map\Production Drawings\1911051-AMENDED SITE PLAN.dwg, 6/8/2023 7:44:06 AM, ITP 660-A\CAD.pcd

TOWN OF HUDSON

JUN 22 REC'D

2023

TG

Zoning Department

Hudson Zoning Board  
Attn: Mr. Bruce Buttrick  
12 School St.  
Hudson, NH 03051

May 19, 2023

Subject: Code violations against Regis Landscaping

Regis Landscaping of 187 Webster St. in Hudson has over the past years chosen to ignore our towns Zoning bylaws. As an 82 year old former police officer in Nashua, I do know that their operational hours should be 7:00 AM to 7:00 PM. Numerous calls to Hudson Police, including Chief Dionne, Bill Avery have failed to get Regis to abide by the law. An officer would respond and advise Regis that his hours of operation are 7:00 AM to 7:00 PM. At 5:45 in the morning you start hearing the beep-beep sounds of his equipment backing which wakes the whole neighborhood in Abbey's Landing. There are many residents (a few on hospice) and they already have difficulty sleeping. Once the police leave, they choose to start operating once again.

Every year people procure loam, stone, rocks, mulch, etc. and the dust blows across Derry Lane onto our homes for which we have to pay to power wash. It is particularly frustrating to pay \$225 for a pressure washing only to have the house covered with dirt again after only a few days. In addition, Regis has redesigned his loading area 120 feet away making this problem worse. I would sincerely ask the Zoning Board to Deny this variance request.

Sincerely,

Richard Lynch  
5 Madeline Ct.  
Hudson, NH 03051



Note: On summer nights, the sun goes down at 8:30 to 9:00 and they are still working away.

<del>Julia and David Hudson</del>	<del>3 Madeline Court</del>	<del>Hudson NH</del>
<del>Judith Lynch</del>	<del>25 Amanda Dr</del>	<del>Hudson NH</del>
<del>Monica D. Pease</del>	<del>3 Amanda Dr</del>	<del>Hudson NH</del>
<del>Teresa McCormack</del>	<del>15 Amanda Dr</del>	<del>Hudson, NH</del>
<del>Janice M Rogers</del>	<del>9 Amanda Dr</del>	<del>Hudson NH</del>
<del>Lucille Sagnon</del>	<del>19 Amanda Dr</del>	<del>Hudson NH</del>
<del>Sandra Pottle</del>	<del>8 Madeline Ct</del>	<del>Hudson, NH</del>
<del>John Amador</del>	<del>2 Katherine Ct</del>	<del>Hudson N.H</del>

Ira Cox 7 Madeleine et

Stephanie D. Amador Dr

Robert Johnson 2 Madison CT

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Nick Lynch  
5 Madeline Ct.  
Hudson, N.H.  
03051



TOWN OF HUDSON  
JUN 22 REC'D  
2023  
Zoning Department

Hudson Zoning Bd

~~Returned for  
Additional  
Postage~~



Hudson Zoning Bd  
12 School St  
Hudson, NH 03051

ATEY! DRKS BofHidc



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

On **07/13/2023**, the Zoning Board of Adjustment heard **Case 147-016 a.**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests a Variance for 181 B Webster St., Hudson, NH to allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district.** [Map 147, Lot 016-000; Zoned Residential-Two (R-2); 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)**

**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**

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- (2) The proposed use is a reasonable one.

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**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.

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Member Decision: \_\_\_\_\_

Signed: \_\_\_\_\_  
Sitting member of the Hudson ZBA

\_\_\_\_\_ Date

Print name: \_\_\_\_\_

Stipulations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

On **07/13/2023**, the Zoning Board of Adjustment heard **Case 147-016 b.**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests a Variance for 181 B Webster St., Hudson, NH 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.** [Map 147, Lot 016-000; Zoned Residential-Two (R-2); 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)**

**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**

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(2) The proposed use is a reasonable one.

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**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.

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Member Decision: \_\_\_\_\_

Signed: \_\_\_\_\_  
Sitting member of the Hudson ZBA
Date

Print name: \_\_\_\_\_

Stipulations: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

On **07/13/2023**, the Zoning Board of Adjustment heard **Case 147-016 c.**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH** requests a **Variance for 181 B Webster St., Hudson, NH** 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. [Map 147, Lot 016-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory 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)**



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

On **07/13/2023**, the Zoning Board of Adjustment heard **Case 147-016 d.**, being a case brought by **Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests a Variance for 181 B Webster St., Hudson, NH 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.** [Map 147, Lot 016-000; Zoned Residential-Two (R-2); HZO Article III: General Regulations; §334-10A., Mixed or dual use on a lot.]

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)**



**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**

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(2) The proposed use is a reasonable one.

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**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.

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Member Decision: \_\_\_\_\_

Signed: \_\_\_\_\_

Sitting member of the Hudson ZBA

\_\_\_\_\_ Date

Print name: \_\_\_\_\_

Stipulations: \_\_\_\_\_

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# 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

### MEETING MINUTES – JUNE 22, 2023 – draft

The Hudson Zoning Board of Adjustment met on Thursday, June 22, 2023 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level Hudson Town Hall, 12 School St., Hudson, NH,

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

Chairman Gary Daddario called the meeting to order at 7:01 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, Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote), and Chris Sullivan, New Zoning Administrator. Excused was Marcus Nicolas (Regular). Alternate Dion was appointed to vote.

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

1. **Case 151-009 (05-25-23):** Mari Fontaine, VP, Timber & Stone Outdoor Spaces, 96 Allen St., Manchester, NH requests a Variance **for 30 Barretts Hill Road, Hudson, NH** to build a proposed 35 ft. x 8 ft. covered farmers porch on an existing non-conforming structure which further encroaches into the front yard setback an additional 8 feet leaving 8.6 feet where 50 feet is required. [Map 151, Lot 009-000, Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Mr. Sullivan read the case into the record, referenced his Staff Report initialed 6/9/2023 and noted that the Case was continued from the 5/25/2023 meeting to allow the Applicant to provide elevations and show distances of the porch to the property line and roofline and eave.

Mr. Martin stated that the Applicant had addressed the details of the application and the Variance Criteria at the 5/25/2023 meeting and questioned whether it needed to

Not Official until reviewed, approved and signed.

D R A F T

44 be readdressed at this meeting noting that Alternate Lanphear voted on the Case at  
45 the May meeting and Alternate Dion would be voting at this meeting. In response to  
46 Mr. Daddario, Mr. Dion stated that did hear the Applicant's testimony and  
47 participated in Board discussion at the May meeting and felt confident to vote and  
48 agreed that there is no need to re-represent the application and focus on the new  
49 information.

50

51 Mari Fontaine addressed the Board and referenced the four (4) sheets submitted  
52 6/9/2023:

- 53 (1) Elevation View showing the proposed deck roof with its eave 7.5' to the  
54 property line and the proposed deck 8.6' to the property line
- 55 (2) A pictorial rendition of the proposed deck
- 56 (3) A Plan view
- 57 (4) A pictorial rendition of the Plan view showing the porch roof alignment to  
58 the house roofline

59

60 Ms. Fontaine noted that in each rendition, it is clear that the porch and eave do not  
61 extend to the existing bump-out of the main building and that the proposed porch roof  
62 overhang is thirteen inches (13") past the porch.

63

64 Mr. Dion asked if the plans were to scale and noted that the front stairs of the porch  
65 extend beyond the overhang. Ms. Fontaine responded that the measurements are not  
66 exact but very close and that the Zoning Ordinance excludes open steps and added  
67 that just the foundations are considered in a building's assessment.

68

69 Mr. Daddario asked if the porch roof overhang would be the furthest point out from  
70 the existing house and Ms. Fontaine responded that the thirteen inch (13") porch roof  
71 overhang would be the furthest point out from the porch, excluding the stairs, but  
72 would still be less of an encroachment than the existing building.

73

74 Public testimony opened at 7:18 PM. No one addressed the Board.

75

76 Mr. Dion stated that he had concerns with the roofline and appreciated the additional  
77 information. Mr. Martin agreed and added that the pictures present a more  
78 impressive and appealing porch.

79

80 Mr. Dion made the motion to grant the Variance with no stipulations. Mr. Pacocha  
81 seconded the motion. Mr. Dion stated that the granting of the Variance does not  
82 impede or harm the public, nor affect or harm the neighborhood, that the original  
83 house was located prior to Zoning and too close to the road, that the granting of the

84 Variance would not diminish property values, that the inclusion of a porch would not  
85 increase encroachment into the front setback than what already exists and that a  
86 porch is reasonable. Mr. Pacocha noted that there would be no greater intrusion into  
87 the front setback that what currently exists, that there is no harm to the general  
88 public, that new construction would only enhance property values and that the  
89 hardship criteria is due to where the existing house is located and noted that it was  
90 built in 1800, pre Zoning and setback requirements.

91

92 Mr. Martin stated that there are no public rights injured, that the spirit of the  
93 Ordinance is observed and substantial justice done, and no proof has been given that  
94 this project will diminish property values and that the hardship is that the house was  
95 built prior to the existence of the Zoning Ordinance and that the proposed porch is a  
96 reasonable use, as presented on the plans. Mr. Sakati concurred and stated that  
97 there is no threat to public health, does not conflict with the spirit of the Ordinance,  
98 that justice would be done as it is difficult onto this house due to its age and changes  
99 to Zoning over the years, that property values will likely increase, that hardship is  
100 satisfied due to the location of the house based on changes made to Zoning and that  
101 the proposed use is a reasonable use. Mr. Daddario stated that the proposed porch is  
102 consistent with the character and does not harm the public and does not encroach  
103 further than the existing encroachment and is a reasonable use, that no evidence or  
104 testimony suggests diminution of property values and that the hardship is that the  
105 house pre-dates zoning setbacks and does not further encroach.

106

107 Roll call vote was 5:0. Variance granted. The 30-day appeal period was noted

108

109 **V. REQUEST FOR REHEARING:**

110 No request received for Board Consideration.

111

112 **VI. REVIEW OF MINUTES:**

113

114 05/11/23 edited Draft Minutes

115 Mr. Martin questioned the wording on Page 4. Consensus reached to change the word  
116 "diminish" to "diminution". Motion made by Mr. Martin, seconded by Mr. Sakati and  
117 unanimously voted to adopt the 5/11/2023 Minutes as edited and amended.

118

119 5/25/23 edited Draft Minutes

120 Motion made by Mr. Martin, seconded by Mr. Pacochai and unanimously voted to  
121 adopt the 5/25/2023 Minutes as edited.

122

123 **VII. OTHER**

124

125 Selectmen inquiry

126 Mr. Buttrick stated that Selectman Chair McGrath is interested in finding out which  
127 ZBA Member received Zoning Education in the past year. Brief discussion arose on  
128 the value of education.

129

130 Upcoming Site Walk

131 Mr. Buttrick reminded the Board that the Site Walk for Case 147-016 has been  
132 scheduled for July 8<sup>th</sup> at 181 B Street and Public Hearing set for July 13<sup>th</sup>.

133

134 ZORC – Zoning Ordinance Review Committee

135 Mr. Buttrick stated that Mr. Martin and Mr. Lanphear volunteered to represent ZBA  
136 and suggested that roofline definition be considered as well as foundation, especially  
137 with consideration to calculation of distances to property line.

138

139 Thank You and Welcome

140 Mr. Martin thanked Mr. Buttrick for his 7.5 years of service and welcomed Mr.  
141 Sullivan as the new Zoning Administrator. The sentiment was shared by every  
142 Member and Mr. Buttrick wished a happy retirement.

143

144

145 Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to  
146 adjourn the meeting. The 5/25/2023 ZBA meeting adjourned at 7:38 PM.

147

148 Respectfully submitted,

149 Louise Knee, Recorder

