



# TOWN OF HUDSON

## Zoning Board of Adjustment



Charlie Brackett, Chairman      David Morin, Selectmen Liaison

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

### MEETING AGENDA (Revised 1/22/19) – January 24, 2019

The Hudson Zoning Board of Adjustment will hold a meeting on January 24, 2019, in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall (please enter by ramp entrance at right side). The public hearings for applications will begin at 7:00 PM, with the applications normally being heard in the order listed below.

SUITABLE ACCOMMODATIONS FOR THE SENSORY IMPAIRED WILL BE PROVIDED UPON ADEQUATE ADVANCE NOTICE BY CALLING 886-6008 OR TDD 886-6011. The following items before the Board will be considered:

#### **I. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD**

1. Case 169-011 (1-24-19): Stephen Hebert, 27 Windham Rd, Hudson, NH requests a Variance to construct a 48 ft. x 28 ft. residential garage, in the Business district where residential use is not a permitted use. [Map 169, Lot 011, Zoned B; HZO Article V §334-21, Table of Permitted Principal Uses].
2. Case 211-039 (1-24-19): Janice Jabczanka, 61 Burns Hill Road, Hudson, NH, requests a Variance, to build a 1,250 square foot Accessory Dwelling Unit, where 750 square feet max is allowed. [Map 211, Lot 039, Zoned R-2; HZO Article XIII A, §334-73.3 H, ADU Provisions].

#### **II. REVIEW OF MINUTES**

1. 12-13-18 Minutes


#### **III. REQUEST FOR REHEARING**

1. Case 240-016 (12-13-18): Request for Rehearing of Variance for MOOZIT, LLC c/o Anthony Karistianos at 14 River Road, Hudson, NH to allow an apartment/residential dwelling unit for the owner of the business above the automotive service garage which would become a mixed/dual use property. [Map 240, Lot 016, Zoned G-1; HZO Article III §334-10A, Mixed or dual use on a lot].

Reference letter dated January 18, 2019, from Attorney Robert M. Shepard of Smith –Weiss Shepard, P.C. Attorneys, to Charles Brackett, Chairman, Hudson Zoning Board of Adjustment

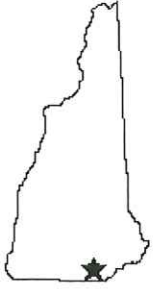
**IV. OTHER**

1. Proposed Zoning Ordinance amendments going to ballot.
2. Election of Officers
3. Proposed State legislation of interest.



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Bruce Buttrick  
Zoning Administrator



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Administrator Staff Report

January 11, 2019

BR

**Case 169-011 (1-24-19):** Stephen Hebert, 27 Windham Rd, Hudson, NH requests a Variance to construct a 48 ft. x 28 ft. residential garage, in the Business district where residential use is not permitted. [Map 169, Lot 011, Zoned B; HZO Article V §334-21, Table of Permitted Principal Uses].

**Address:** 27 Windham Road  
**Zoning district:** Business (B)

#### Summary:

Applicant proposes to construct a detached residential garage on this parcel. This parcel is zoned business and single family residential uses are not allowed per the Table of Permitted Principal Uses.

#### Property description:

This as a developed lot of record: Having approx. 32,365 sqft where 30,000 sqft required, and 220 ft of frontage where 150 ft is required. The existing structure satisfies all required setbacks. The current use as residential is by Variance granted March 22, 2001.

#### HISTORY:

ZBA: Variance granted 3/22/01 to build a single family residence in the Business zone.

Building Permits: #2001-459 issued 3/3/01: New Building "One Family".

Other: Superior Court case # 01-E-0550 decision dated 8/07/2002 rejecting petitioner request to overturn ZBA's denial of allowing mixed use (car sales).

#### Attachments:

- "A" Assessing record
- "B" ZBA variance of 3/22/01
- "C" Building Permit #2001-459 and Certificate of Occupancy
- "D" Superior Court decision #01-E-0550.

**Previous Assessments**

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2018	101 - ONE FAMILY	191,300	0	96,400	0.74	0.00	287,700
2018	101 - ONE FAMILY	191,300	0	96,400	0.74	0.00	287,700
2017	101 - ONE FAMILY	191,300	0	96,400	0.74	0.00	287,700
2017	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2017	101 - ONE FAMILY	191,300	0	96,400	0.74	0.00	287,700
2016	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2016	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2015	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2015	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2014	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2014	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2013	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2013	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2012	101 - ONE FAMILY	158,200	0	92,100	0.74	0.00	250,300
2012	101 - ONE FAMILY	173,500	0	122,700	0.74	0.00	296,200
2011	101 - ONE FAMILY	173,500	0	122,700	0.74	0.00	296,200
2011	101 - ONE FAMILY	173,500	0	122,700	0.74	0.00	296,200
2010	101 - ONE FAMILY	173,500	0	122,700	0.74	0.00	296,200
2010	101 - ONE FAMILY	167,800	0	122,700	0.74	0.00	290,500
2009	101 - ONE FAMILY	167,800	0	122,700	0.74	0.00	290,500
2008	101 - ONE FAMILY	167,800	0	122,700	0.74	0.00	290,500
2008	101 - ONE FAMILY	167,800	0	122,700	0.74	0.00	290,500
2007	101 - ONE FAMILY	167,800	0	122,700	0.74	0.00	290,500
2007	101 - ONE FAMILY	164,500	0	96,900	0.74	0.00	261,400
2006	101 - ONE FAMILY	164,500	0	96,900	0.74	0.00	261,400
2006	101 - ONE FAMILY	164,500	0	96,900	0.74	0.00	261,400
2005	101 - ONE FAMILY	164,500	0	96,900	0.74	0.00	261,400
2005	101 - ONE FAMILY	164,500	0	96,800	0.74	0.00	261,300
2004	101 - ONE FAMILY	165,800	0	96,800	0.74	0.00	262,600
2004	101 - ONE FAMILY	135,100	0	73,800	0.74	0.00	208,900
2003	101 - ONE FAMILY	135,100	0	73,800	0.74	0.00	208,900
2003	101 - ONE FAMILY	135,100	0	73,800	0.74	0.00	208,900
2002	101 - ONE FAMILY	135,100	0	73,800	0.74	0.00	208,900
2002	101 - ONE FAMILY	135,100	0	73,800	0.74	0.00	208,900
2001	101 - ONE FAMILY	0	0	50,300		0.00	50,300
2000	101 - ONE FAMILY	0	0	50,100	0.71	0.00	50,100
1999	101 - ONE FAMILY	0	0	50,100	0.71	0.00	50,100

A





TOWN OF HUDSON  
ZONING BOARD OF ADJUSTMENT



12 School Street

Hudson, New Hampshire 03051

603/886-6005

**Decision to Approve a Request for a Use Variance**

On **March 22, 2001**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 25-216 (03/22/01)**, concerning a request by **Darrin Vigeant, 18A River Road, Hudson, NH**, for a **Use Variance** to allow the construction of a single-family residence at **27 Windham Road, Hudson, NH**, in a **Business zone**. [Map 25, Lot 216, zoned B, HZO Article V, Sections 334-217, Table of Permitted Principal Uses.]

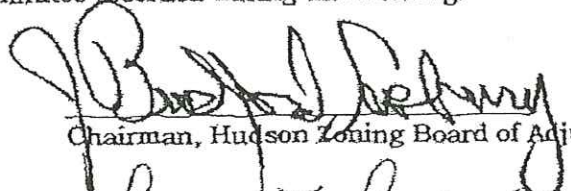
The Board heard a presentation by Mr. Leonard Vigeant, the applicant's uncle, in which Mr. Vigeant addressed the requirements for a variance, with no abutters speaking for or against the proposal. The general arguments presented by Mr. Vigeant were that the lot in question was of adequate size in a residentially developed area, with town water and sewer available, and that it would be inappropriate to have a commercial activity on this site in such a residential neighborhood.

Following this presentation, the members of the Board deliberated on the issue, concluding that the area in question in fact was residentially developed, except for a planned highway connection and that this proposed construction would be in keeping with the character of the neighborhood.

At the applicant's request, the Board also granted a waiver of the 30-day waiting period, at the applicant's risk.

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

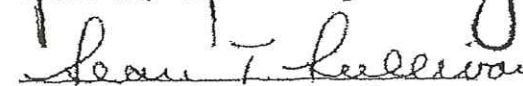
Signed:

  
Chairman, Hudson Zoning Board of Adjustment

Date:

04-10-01

Signed:

  
Community Development Director

Date:

4/11/01

"B"



# TOWN OF HUDSON

## Land Use Division



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

### **Zoning Determination #18-145 Building Permit application 2018-01227 denial**

December 4, 2018

Stephen Hebert  
27 Windham Rd  
Hudson, NH 03051

Re: 27 Windham Road Map 169 Lot 011  
**District: Business (B)**

Dear Mr. Hebert,

Your building permit application: to construct a 28' x 48' detached garage has been denied.

#### **Zoning Review / Determination:**

This proposed structure is an accessory use to the currently existing non-conforming single family residential use and needs to conform with the Hudson Zoning Ordinance section §334-21 "Table of Permitted Principal Uses", which does not allow single family residential use.

You would need to apply for a variance from the Zoning Board of Adjustment to allow the accessory use for an existing non-conforming use, to proceed with your building permit application as proposed.

Sincerely,

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

encl: 2001 ZBA variance to allow single family residential use  
cc: Public Folder  
J. Kennedy, Permit Tech  
Dep. O'Brien, Inspectional Services  
B. Groth, Town Planner  
File

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

BP# 2001-459



# TOWN OF HUDSON — Building/Zoning

APPLICATION FOR  
PLAN EXAMINATION AND  
BUILDING PERMIT  
886-6005

RECEIVED

FEB 26 2007

TOWN OF HUDSON

**IMPORTANT — Applicant to complete all items in sections I, II, III, IV, and IX.**

### I. LOCATION OF BUILDING

AT (LOCATION) 27 Windham Rd. (STREET) ZONING DISTRICT Business

BETWEEN St 11 AND Barnett Hill Rd

SUBDIVISION Dodgegate Apt 2 MAP 25 LOT 216 LOT SIZE 31,356

### II. TYPE AND COST OF BUILDING — All applicants complete Parts A-D

#### A. TYPE OF IMPROVEMENT

- 1  New Building
- 2  Addition (if residential, enter number of Bdrm/Baths added, if any, in Sec. III, Part L.)
- 3  Alteration (See 2 above)
- 4  Repair, replacement
- 5  Wrecking (if multi-family residential, enter number of units in building in Part D. 13)
- 6  Moving (relocation)
- 7  Foundation only

#### D. PROPOSED USE - (For "Wrecking" most recent use)

- |  |  |
|--|--|
| <b>Residential</b>   | <b>Non-Residential</b>   |
| 12 <input checked="" type="checkbox"/> One family  | 18 <input type="checkbox"/> Amusement, recreational            |
| 13 <input type="checkbox"/> Two family   | 19 <input type="checkbox"/> Church, other religious            |
| 14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units                 | 20 <input type="checkbox"/> Industrial                         |
| 15 <input checked="" type="checkbox"/> Garage <u>2 Car. attached</u>                                     | 21 <input type="checkbox"/> Parking garage                     |
| 16 <input type="checkbox"/> Carport  | 22 <input type="checkbox"/> Service station, repair garage     |
| 17 <input type="checkbox"/> Multi-Family - Townhouse, Apartment, etc (enter number of residential units) | 23 <input type="checkbox"/> Hospital, institutional            |
| 18 <input type="checkbox"/> Other - Specify (shed, pool, fireplace)                                      | 24 <input type="checkbox"/> Office, bank, professional         |
|  | 25 <input type="checkbox"/> Public utility                     |
|  | 26 <input type="checkbox"/> School, library, other educational |
|  | 27 <input type="checkbox"/> Stores, merchantile                |
|  | 28 <input type="checkbox"/> Tanks, towers                      |
|  | 29 <input type="checkbox"/> Other - Specify                    |

#### B. OWNERSHIP

- 8  Private (individual, corporation, nonprofit institution, etc.)
- 9  Public (Federal, State, or local government)

#### C. COST

- 10 Cost of improvement \$85,000
- (Costs installed but not included in the above cost)*
- a. Electrical \$5,000
  - b. Plumbing \$5,000
  - c. Heating, air conditioning \$7,000
  - d. Other (elevator, etc.) Wood Windows \$8,000
11. TOTAL COST OF IMPROVEMENT \$ 85,000

Nonresidential - Describe in detail proposed use of buildings, e.g., food processing, machine shop, laundry building, schools, college, parking garage, rental office building, industrial plant.

If use of existing building is being changed, enter proposed use.

### III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete Parts E-L; for wracking, complete only Part J, for all others skip to IV.

#### E. PRINCIPAL TYPE OF FRAME

- 30  Masonry (wall bearing)
- 31  Wood Frame
- 32  Structural steel
- 33  Reinforced concrete
- 34  Other - Specify

#### G. TYPE OF SEWAGE DISPOSAL

- 40  Town or private company
- 41  Private (septic tank, etc.) (#40 requires town permit)

#### J. DIMENSIONS

- 48. Number of stories 2
- 49. Total square feet of floor area all floors, based on exterior dimensions 1,570
- 50. Total land area, sq. ft. 31,356

#### H. TYPE OF WATER SUPPLY

- 42  Public or private company
- 43  Private (well, cistern)

#### K. NUMBER OF OFF-STREET PARKING SPACES

- 51. Enclosed 2
- 52. Outdoors 4

#### F. PRINCIPAL TYPE OF HEATING FUEL

- 35  Gas
- 35a  Undergrd
- 36  Oil
- 35b  Tank
- 37  Electricity
- 38  Coal
- 39  Other - Specify

#### I. TYPE OF MECHANICAL

- Will there be central air conditioning?
- 44  Yes
- 45  No
- Will there be an elevator?
- 46  Yes
- 47  No

#### L. RESIDENTIAL BUILDINGS ONLY

- 53. Total Bedroom Capacity 3 Bed
- 54. Number of bathrooms 2 Bath

MAP 25 LOT 216 STREET 27 Windham Rd

C

IV. IDENTIFICATION - To be completed by all applicants

	NAME	MAILING ADDRESS - NUMBER, STREET, CITY, AND STATE	ZIP CODE	TEL. NO.
1. Owner or Lessee	Leonard Vegetant Dennis Vegetant	4 Hilltop Dr Hudson N.H.	03051 cell	8808963 321-1946
2. Elec., Plumb, Masonry, Heating, Gen. Contractor	Accurate Elec Fabrice Blumbein Joyce Heaton	Bush Hill Rd Clarendon Dr. Northwood N.H.		331-3872 882-4244
3. Architect or Engineer				

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

SIGNATURE OF APPLICANT <i>Leonard Vegetant</i>	ADDRESS <i>4 Hilltop Dr.</i>	APPLICATION DATE <i>2-22-01</i>
---	---------------------------------	------------------------------------

DO NOT WRITE BELOW THIS LINE

V. PLAN REVIEW RECORD - For office use

Plans Review Required	Date Rec'd.	Date Plans Check	Started	Date Plans By	Approved	By	Notes
BUILDING							
PLUMBING							
MECHANICAL							
ELECTRICAL							
SITE							
OTHER							

VI. ZONING PLAN EXAMINERS NOTES.

VII. REQUIRED PERMIT APPROVAL NOS.

DISTRICT:	SEPTIC PERMIT:
USE:	SEWER PERMIT:
FRONT YARD:	SUBDIVISION APPROVAL:
SIDE YARD:	CONSTRUCTION APPROVAL:
REAR YARD:	EXCAVATION PERMIT:
LOT AREA:	DRIVEWAY PERMIT:
FRONTAGE:	SITE PLAN APPROVAL:
NOTES:	H.C.R.D. PLAN NO.:

VIII. VALIDATION

*2240596 garage?*

BLDG. PERMIT NO. _____	IMPACT FEES \$ _____
BLDG. PERMIT ISSUED _____ 19____	REVIEW FEES \$ _____
BLDG. PERMIT FEE \$ <i>308</i>	INSPECTION FEES \$ _____
APPROVED BY <i>M. S. [Signature]</i> <i>3/12/01</i>	SEWER FEES \$ _____
BUILDING INSPECTOR	OTHER FEES \$ _____
BLDG. PERMIT FEE COLLECTED \$ _____	\$ _____
BY FINANCE _____	\$ _____
TITLE _____	

*C2*



**A Certificate of Occupancy is required.  
Please apply for the CO a minimum of 3  
weeks prior to the date it is required.**

# BUILDING PERMIT

Amount Paid

Date 30-Mar-2001 Permit# 2001-459

Applicant Leonard Vigeant

4 Hilltop Drive, Hudson, NH

Contractor's License

Permit To New Building

2 Story One Family

# of Dwelling Units 0

At (Location) 27 Windham Road

Zoning District

Between Route 111

And Barretts Hill Road

Subdivision

Map 25

Lot 216

Sublot 0

Lot Size 0

Building is to be

0 ft. Wide by

0 ft. Long by

0 ft. in Height and Shall Conform in Construction

to Type Wood Frame

Use Group

Foundation Type

Remarks All construction must conform to Hudson Town Codes.

Construct a two story single family residence with an attached two car garage.

Area or Volume

0 Estimated Cost \$

\$85,000.00 Permit Fee \$

\$308.00

Owner

Leonard Vigeant

Approved

*William A. Wilbur*

Address

4 Hilltop Drive, Hudson, NH 03051

Date

3.30.01

C3

# TOWN OF HUDSON

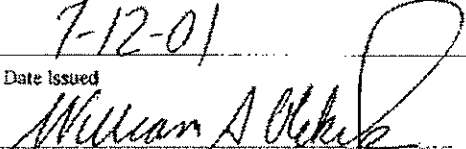


CO # 84

## CERTIFICATE OF OCCUPANCY

Darrin Vigeant			
Owner/Builder/Applicant			
27 Windham Road	25	216	0
Address	Map	Lot	Sublot
SFR	2001-459		
Construction Type	Building Permit #		
	194-01	95-01	
Other	Electrical Permit #	Plumbing Permit #	

**PERMISSION IS HEREBY GRANTED TO OCCUPY THIS BUILDING**

7-12-01  
Date Issued  
  
Building Inspector's Approval

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

C4

**THE STATE OF NEW HAMPSHIRE**  
**Southern District of Hillsborough County**

30 Spring Street  
P. O. Box 2072  
Nashua, NH 03061 2072  
603 883-6461

**NOTICE OF DECISION**

DAVID E LEFEVRE ESQ  
BOSSIE KELLY HODES & BUCKLEY PA  
440 HANOVER STREET  
MANCHESTER NH 03104

01-E-0550 Darrin Vigeant v. Town of Hudson

Enclosed please find a copy of the Court's Order dated 8/07/2002  
relative to:

**Court Order**

08/07/2002

Marshall A. Buttrick  
Clerk of Court

cc: Andrew A Prolman Esq

D,

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.  
SOUTHERN DISTRICT

SUPERIOR COURT

No. 01-E-550

Darrin Vigeant

v.

Town of Hudson

ORDER

In this case, the plaintiff, Darrin Vigeant (plaintiff), appeals two adverse decisions by the Town of Hudson Zoning Board of Adjustment (Board). In the first decision, the Board denied the plaintiff's appeal of the Town of Hudson's Community Development Director's decision to recommend that the New Hampshire Department of Motor Vehicles deny the plaintiff's request for a Bonded Retail Vehicle permit. In the second decision, the Board denied the plaintiff's request for a home occupation special exception from the Hudson Zoning Ordinance. Upon due consideration, the Court **AFFIRMS** the Board's decisions.

I. Factual Background

The Court finds that the pertinent facts are as follows. In 1996, the plaintiff resided at 18 River Road in Hudson, located in the General Use Zoning District. The plaintiff applied to the New Hampshire Department of Motor Vehicles (DMV) for a Bonded Retail Vehicle permit, which would allow him to sell automobiles. In order to insure that the plaintiff was operating in compliance with local ordinances, the DMV sought a recommendation from the Town of Hudson as to whether it should approve, deny or defer the

D<sub>2</sub>



plaintiff failed to establish that the Board's decision denying his request for a home occupation special exception was unlawful or unreasonable.

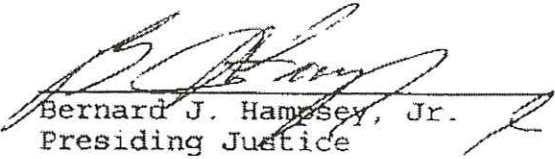
IV. Conclusion

The Court finds and rules that the plaintiff failed to sustain his burden of proving that the decisions of the Board were unlawful or unreasonable. Accordingly, the Board's decisions are **AFFIRMED**.

In view of the detailed narrative order, the Court declines to rule on the Town's requests for findings of facts and rulings of law submitted in this case. See Geis v. Bourassa, 140 N.H. 629, 632-33 (1996). The requests are granted to the extent they are consistent with this order and are otherwise denied.

So ORDERED.

Date: August 7, 2002

  
Bernard J. Hampsey, Jr.  
Presiding Justice

Zoning Department  
JAN 07 2019  
TOWN OF HUDSON

**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. 169-011

Date Filed 1/7/19

Name of Applicant STEPHEN HEBERT Map: 169 Lot: 011 Zoning District: B

Telephone Number (Home) 781-640-7284 (Work) \_\_\_\_\_

Mailing Address 27 WINDHAM RD HUDSON NH 03051

Owner STEPHEN HEBERT

Location of Property 27 WINDHAM RD HUDSON NH  
(Street Address)

[Signature] Signature of Applicant Date 1/31/18

[Signature] Signature of Property-Owner(s) Date 12/31/18

TOWN OF HUDSON  
JAN 07 2019  
Zoning Department

**NOTE:** Fill in all portions of the Application Form(s) as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate. If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak 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**

<b>COST:</b>		Date received: <u>1/7/19</u>
Application fee:	<u>\$130.00</u>	
<u>6</u> Direct Abutters x \$3.95 =	<u>23.70</u>	
<u>2</u> Indirect Abutters x \$0.50 =	<u>1.00</u>	
<b>Total amount due:</b>	<u>\$ 154.70</u>	Amt. received: <u>\$ 154.70</u>
		Receipt No.: <u>535,019</u>
Received by: <u>[Signature]</u>		

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

\_\_\_\_\_ Engineering \_\_\_\_\_ Fire Department \_\_\_\_\_ Health Officer \_\_\_\_\_ Planner

# TOWN OF HUDSON, NH

## NOTICE TO APPLICANTS

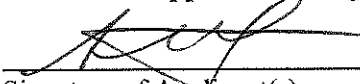
The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
<u>snh</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
<u>snh</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	_____
<u>snh</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e. <u>Variance</u> , Special Exception, Home Occupation Special Exception, Wetland 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>snh</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:</b> if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG.</u>
<u>snh</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 from the assessor's office. ( <b>NOTE:</b> the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>snh</u>	A copy of both sides of the assessor's card shall be provided. ( <b>NOTE:</b> these copies are available from the Assessor's Office)	<u>TG.</u>
<u>snh</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>snh</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

**PLOT PLAN-**

- snh Except for requests pertaining to 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): TG
- a)snh 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)snh The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c)snh The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d)snh 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: copies of the GIS map can be obtained at the Land Use Division.) TG
- e)snh The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements. N/A
- f)snh 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)snh The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h)snh The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i)snh The plot plan shall indicate all parking spaces and lanes, with dimensions. TG

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

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

12/21/18  
 \_\_\_\_\_  
 Date

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.



**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 is either contiguous or separated from the subject tract of land by a street or stream. 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
169	005	JASON W. SULLIVAN	22 WINDHAM RD HUDSON NH 03051
169	010	KRISTEN RETA PEREIRA TR.	25 WINDHAM RD HUDSON NH 03051
169 169 169	014 012 015	STATE OF NEW HAMPSHIRE	PO 483 CONCORD NH 03302
169	004	ANGEL GALVIS	28 WINDHAM RD HUDSON NH 03051
169	011	STEPHEN HEBERT	27 WINDHAM RD HUDSON NH 03051
169	013	STANLEY ALUKONIS	255 CENTRAL ST HUDSON NH 03051



SENDER: TOWN OF HUDSON  
 12 SCHOOL STREET  
 HUDSON, NH 03051

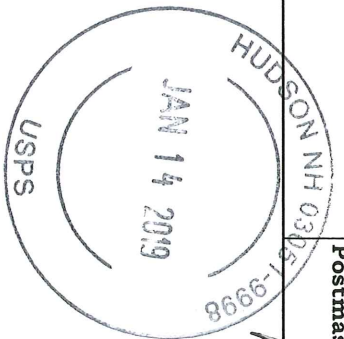
US POSTAL SERVICE - CERTIFIED MAIL

Case# 169-011 Variance-  
 27 Windham Road  
 Map 169/Lot 011-000

1 of 1

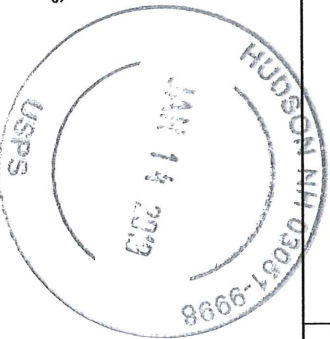
ARTICLE NUMBER	Name of Addressee, Street, and post office address	APPLICANT/OWNER-NOTICE SENT
1	27 Windham Rd., Hudson, NH 03051 Stephen Hebert	ABUTTER NOTICE SENT
2	22 Windham Rd., Hudson, NH 03051 Jason W. Sullivan	ABUTTER NOTICE SENT
3	25 Windham Rd., Hudson, NH 03051 Kristen Reta Pereora TR.	ABUTTER NOTICE SENT
4	State of New Hampshire, Dept of Transportation PO Box 483, Concord, NH 03302-0483	ABUTTER NOTICE SENT
5	28 Windham Rd., Hudson, NH 03051 Angel Galvis	ABUTTER NOTICE SENT
6	123 Central Street, Hudson, NH 03051 Stanley Alukonis	ABUTTER NOTICE SENT
7		
8		
9		
10		
Total Number of pieces listed by sender 6		Postmaster, Per (receiving Employee)
Total number of pieces rec'd at Post Office		

01/24/19 ZBA Meeting





SENDER: TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051		US POSTAL SERVICE - FIRST CLASS MAIL	Case# 169-011 Variance- 27 Windham Road Map 169/Lot 011-000 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address		01/24/19 ZBA Meeting
1	N/A-mailed First Class Andrew Gurski 23 Windham Rd., Hudson, NH 03051		
2	N/A-mailed First Class Village at Barretts Hill. c/o Northpoint Management 55 Lake St., 4th Flr., Suite 7, Nashua, NH 03060		
3			
4			
5			
6			
7			
8			
9			
10			
11			
Total Number of pieces listed by sender 2		Total number of pieces rec'd at Post Office	Postmaster, Per (receiving Employee)



Non-Direct First Class





**TOWN OF HUDSON**  
ZONING BOARD OF ADJUSTMENT

**APPLICANT NOTIFICATION**

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **01/24/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 169-011 (01-24-19): Stephen Hebert, 27 Windham Rd, Hudson, NH requests a Variance to construct a 48 ft. x 28 ft. residential garage, in the Business district where residential use in not a permitted use. [Map 169, Lot 011, Zoned B; HZO Article V §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 a representative, are expected to attend the hearing, and make a presentation.

Respectfully,

Bruce Buttrick  
Zoning Administrator

**FILE COPY**



**TOWN OF HUDSON**  
ZONING BOARD OF ADJUSTMENT

**ABUTTER NOTIFICATION**

12 School Street

Hudson, New Hampshire 03051

603/886-6008



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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this Application is available for your review in the Community Development Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick  
Zoning Administrator

**FILE COPY**

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article 334-217 of HZO Section(s) TABLE OF PRINCIPLE USES in order to permit the following change or use:

CONSTRUCTION OF A DETACHED 3 STALL GARAGE

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

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

- I. "The Zoning Board of Adjustment shall have the power to: ...
(b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:
(1) The variance will not be contrary to the public interest;
(2) The spirit of the ordinance is observed;
(3) Substantial justice is done;
(4) The values of surrounding properties are not diminished; and
(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
(ii) The proposed use is a reasonable one.
(B) If the criteria in subparagraph (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.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

New Hampshire case law has established, on the basis of the preceding 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.”)

Proposed construction would be in keeping with the character of the neighborhood as this  
an established residential neighborhood in a bussiness zone.

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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 addition of a garage is an accessory use for the residential use, causes no change to  
the character of the established residential neighborhood.

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

The addition of a garage is an accessory use for the residential use. The business zone is  
out of character for the neighborhood.

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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.)

Proposed construction would be in keeping with the character of the neighborhood and  
allows for good housekeeping and storage of vehicles in a garage.

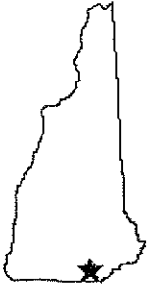
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# TOWN OF HUDSON

## Land Use Division



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

### **Zoning Determination #18-145 Building Permit application 2018-01227 denial**

December 4, 2018

Stephen Hebert  
27 Windham Rd  
Hudson, NH 03051

Re: **27 Windham Road**      **Map 169 Lot 011**  
**District: Business (B)**

Dear Mr. Hebert,

Your building permit application: to construct a 28' x 48' detached garage has been denied.

#### **Zoning Review / Determination:**

This proposed structure is an accessory use to the currently existing non-conforming single family residential use and needs to conform with the Hudson Zoning Ordinance section §334-21 "Table of Permitted Principal Uses", which does not allow single family residential use.

You would need to apply for a variance from the Zoning Board of Adjustment to allow the accessory use for an existing non-conforming use, to proceed with your building permit application as proposed.

Sincerely,

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

encl: 2001 ZBA variance to allow single family residential use  
cc: Public Folder  
J. Kennedy, Permit Tech  
Dep. O'Brien, Inspectional Services  
B. Groth, Town Planner  
File

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





TOWN OF HUDSON  
ZONING BOARD OF ADJUSTMENT



12 School Street

Hudson, New Hampshire 03051

603/886-6005

**Decision to Approve a Request for a Use Variance**

On **March 22, 2001**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 25-216 (03/22/01)**, concerning a request by **Darrin Vigeant, 18A River Road, Hudson, NH**, for a **Use Variance** to allow the **construction of a single-family residence at 27 Windham Road, Hudson, NH, in a Business zone.** [Map 25, Lot 216, zoned B, HZO Article V, Sections 334-217, Table of Permitted Principal Uses.]

The Board heard a presentation by Mr. Leonard Vigeant, the applicant's uncle, in which Mr. Vigeant addressed the requirements for a variance, with no abutters speaking for or against the proposal. The general arguments presented by Mr. Vigeant were that the lot in question was of adequate size in a residentially developed area, with town water and sewer available, and that it would be inappropriate to have a commercial activity on this site in such a residential neighborhood.

Following this presentation, the members of the Board deliberated on the issue, concluding that the area in question in fact was residentially developed, except for a planned highway connection and that this proposed construction would be in keeping with the character of the neighborhood.

At the applicant's request, the Board also granted a waiver of the 30-day waiting period, at the applicant's risk.

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

Signed:

Date:

04-20-01

Chairman, Hudson Zoning Board of Adjustment

Signed:

Date:

4/11/01

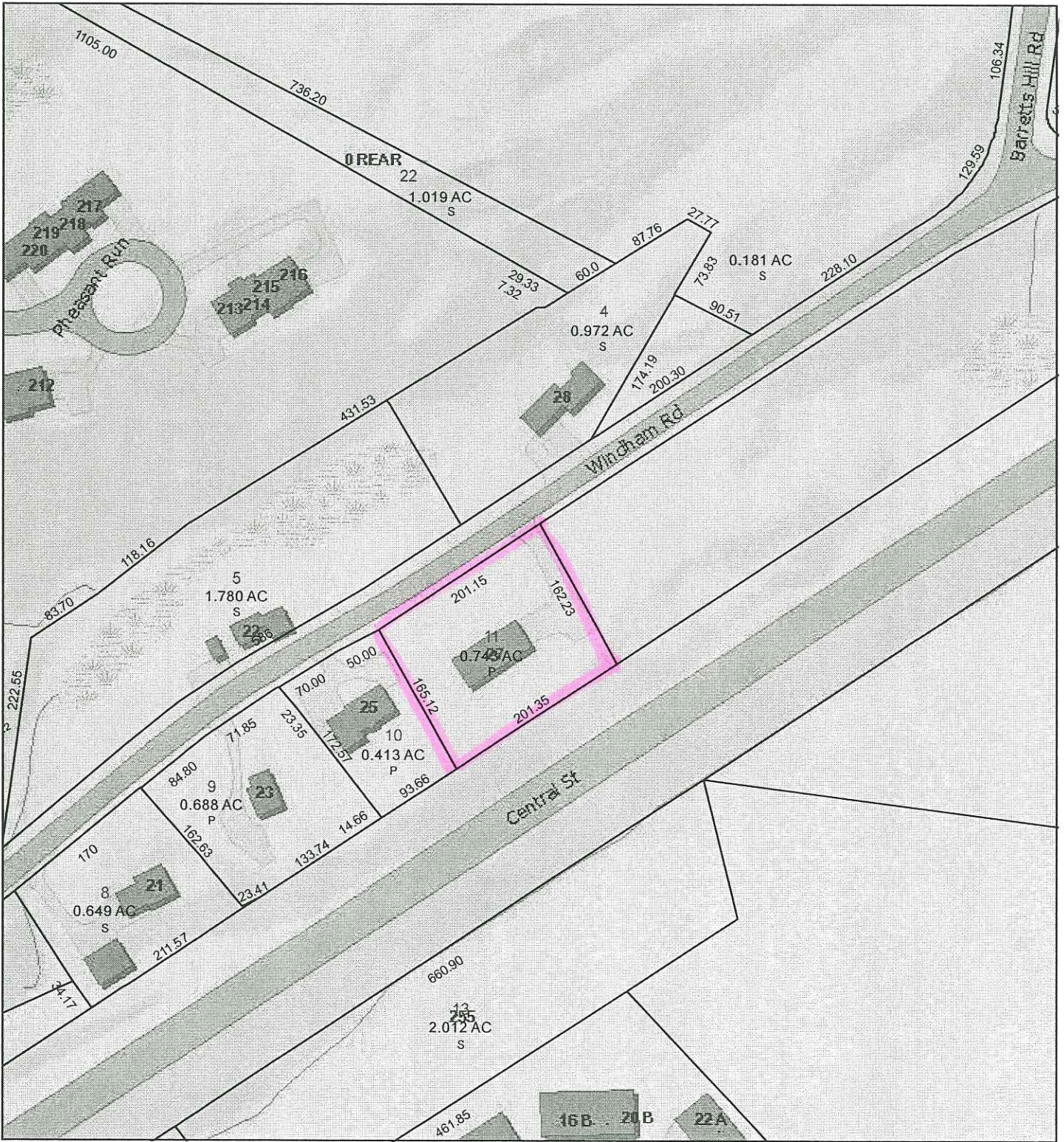
Community Development Director





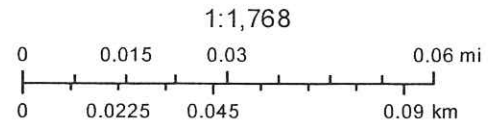


# 27 Windham Rd



January 9, 2019

Legend  
[ ] Parcels





# Town of Hudson, NH - GIS

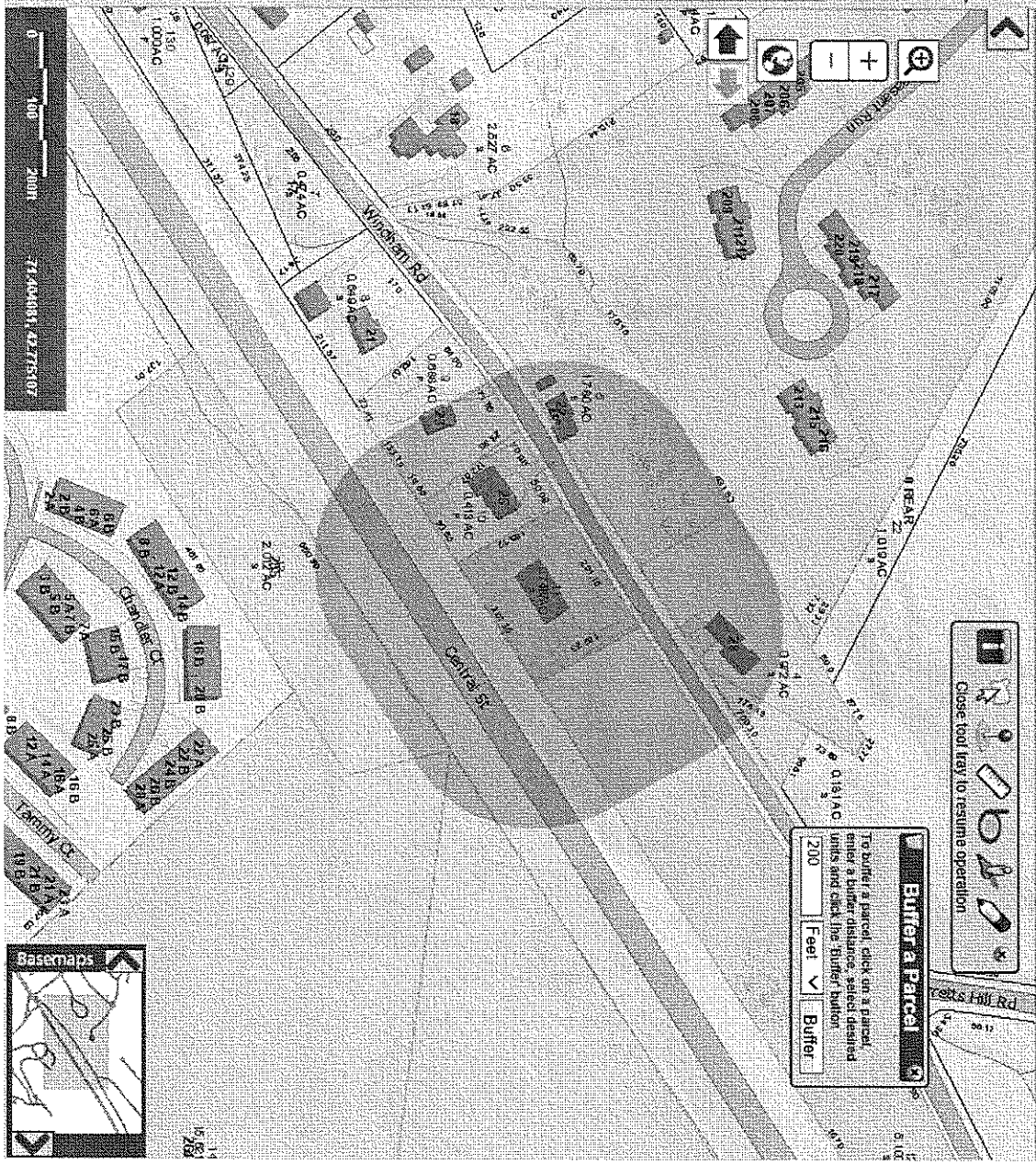
27 Windham

Advanced Search >>

Parcel ID	Address	Owner
169-005-000	22 WINDHAM RD	SULLIVAN, JASON W.
169-011-003	27 WINDHAM RD	PERRET, STEPHEN N.
168-068-004	304 PHEASANT RUN	DOMAQUE, KATHLEEN E.
168-068-040	320 FOX RUN	WILKES, CHRISTOPHER
168-068-013	213 PHEASANT RUN	OWENS, ROBIN
168-068-023	302 FOX RUN	LEE, A. EDWARD
168-068-057	402 ELK RUN	RODRIGUEZ, FERNANDO
168-068-093	418 ELK RUN	MUSKE, PAULINE E.
168-068-017	217 PHEASANT RUN	O'BRIEN, CRAIG J.
168-068-022	303 FOX RUN	GEARIN, ELEANOR T.
168-068-051	406 ELK RUN	HE, PING
168-068-063	407 ELK RUN	CALAMAN, DELSIE GERALDINE
168-068-044	324 FOX RUN	MULLINS, GERALD V. TR.
168-068-039	415 FOX RUN	ASKEW, ANITA E.A.
168-068-075	420 ELK RUN	SENGOUR, MELD.
168-068-027	422 ELK RUN	TAVILIO, ROBERT J. TR.
168-068-028	308 FOX RUN	CLARE, DOUGLAS J.
168-068-077	418 ELK RUN	MENTA, ZEPHANIA
168-068-029	309 FOX RUN	DEFELICE, MICHAEL J.
168-068-008	308 PHEASANT RUN	DAVINE, LINDA D.
168-068-059	404 ELK RUN	ROBERTS, PATRICIA C. TR.
168-068-033	313 FOX RUN	CECONA, DENISE
168-068-049	328 FOX RUN	BIONDO, PAUL A.
168-068-072	419 ELK RUN	LIMA, CECRO A.
168-068-078	423 ELK RUN	GEORGIN, ELEANOR T.
168-068-082	427 ELK RUN	DELCHAIE, KATHLEEN S. TR.

CDM  
Smith

Version: 1.15



Close tool layer to resume operation

**Buffer a Parcel**

To buffer a parcel, click on a parcel, enter a buffer distance, select desired units and click the 'Buffer' button.

200 Feet Buffer



Basemaps

NEWPORT GARAGE FOR:

# STEPHEN HEBERT

27 WINDHAM RD.  
HUDSON, NH 03051



DESIGN DATA:

ROOF SNOW LOAD:	60 PSF
BASIC WIND SPEED:	111 MPH (3 SEC. GUST)
BUILDING CODE REFERENCE:	2009 INTERNATIONAL RESIDENTIAL CODE FOR ON AND TWO FAMILY DWELLINGS OF THE STATE OF NEW HAMPSHIRE

28' X 36' NEWPORT 1-1/2 STORY 3-CAR GARAGE

REVISION DATE: 11/16/18

REVISION #:1

DESIGNED & FABRICATED BY:



DRAWING LIST

COVER	TITLE SHEET & DESIGN DATA
SHEET 1	FRONT ELEVATION
SHEET 2	LEFT ELEVATION
SHEET 3	RIGHT ELEVATION
SHEET 4	REAR ELEVATION
SHEET 5	FOUNDATION PLAN
SHEET 6	FIRST FLOOR PLAN
SHEET 7	ROOF FRAMING PLAN & NOTES
SHEET 8	BUILDING SECTION
SHEET 9	BRACED WALL SECTION & DETAILS
SHEET 10	TRUSS INFORMATION

### THE BARN YARD

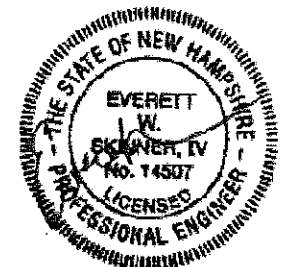
MANUFACTURING & DESIGN FACILITY

9 VILLAGE ST.  
ELLINGTON, CT 06023  
860.454.9103

SHOWCASE LOCATIONS

120 WEST RD. RTE. 6  
ELLINGTON, CT 06023 BETHEL, CT 06801  
860.896.0636 203.740.7433

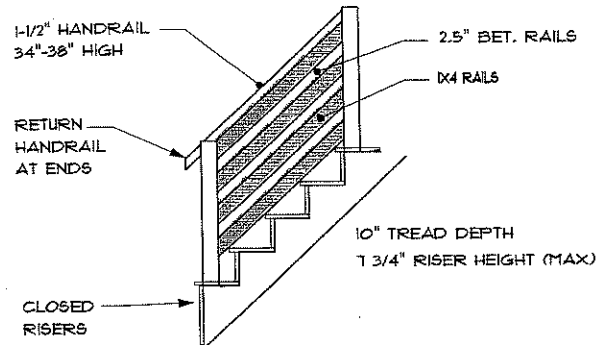
www.greatcountrygarages.com CT LICENSE \* 558916 MA LICENSE \* 127550



PROJECT NO. 4289

PRINT DATE: 11.16.2018

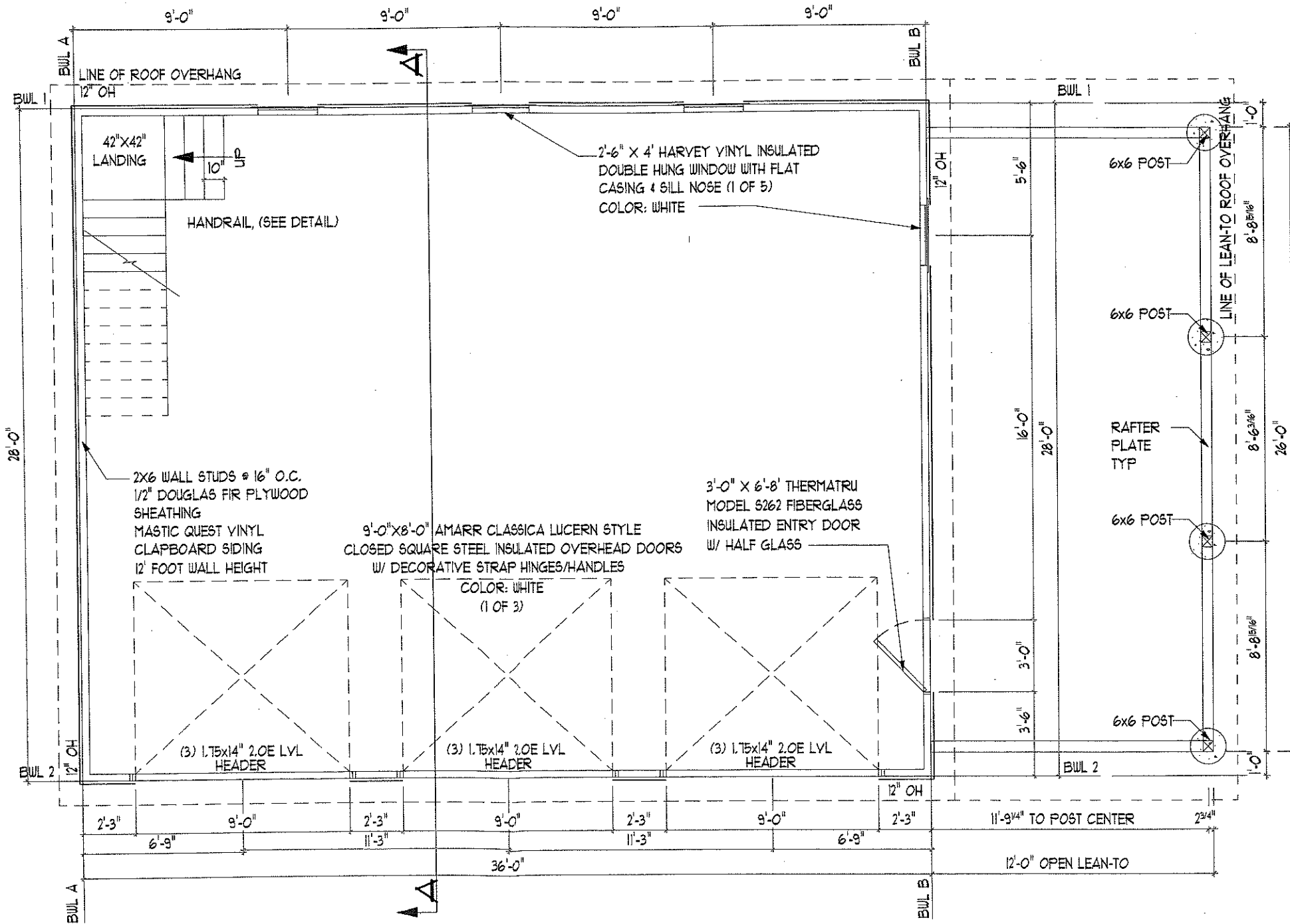




ALL HANDRAILS, RISERS & TREADS TO MEET CODE REQUIREMENTS  
NO OPENINGS MORE THAN 4" DIAMETER

**STAIR / HANDRAIL DETAILS**

SCALE: NT6



WINDOW SCHEDULE				
MANUFACTURER	MODEL #	TEMP	QTY	ROUGH OPENING
HARVEY	24310	N	5	2'-6" X 4'-1 1/2"
HARVEY	24310	Y	1	2'-6" X 4'-1 1/2"

DOOR SCHEDULE						
MANUFACTURER	MODEL #	SIZE	HINGE	SWING	QTY	ROUGH OPENING
THERMA TRU	S262	3'X6'8"	L	IN	1	38 3/8" X 82 1/2"
AMARR CLASSICIA OHD	LUCERN STYLE	9'X8'			3	9'-0"X8'-0"

— = BRACED WALL PANEL "BWP" LOCATION IN ACCORDANCE WITH METHOD CS-WSP SECTION R602.10.4 SEE SCHEDULE ON SHEET 9

— = BRACED WALL PANEL "BWP" LOCATION IN ACCORDANCE WITH METHOD CS-PF SECTION R602.10.4.1.1 SEE SCHEDULE ON SHEET 9

**FIRST FLOOR PLAN**

SCALE: 3/16"=1'-0"

REVISION DATE: 11/16/18

REVISION #:1

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DESIGNED & FABRICATED BY:

**THE BARN YARD**  
MANUFACTURING & DESIGN FACILITY  
3 VILLAGE ST.  
MILLINGTON, CT 06029  
860.84.9103  
R.F.E. 06001  
DOUBT FLOORING & FINISHES  
MILLINGTON, CT 06029  
860.84.9103  
R.F.E. 06001  
www.greatcountrygarages.com MA LICENSE # 177850



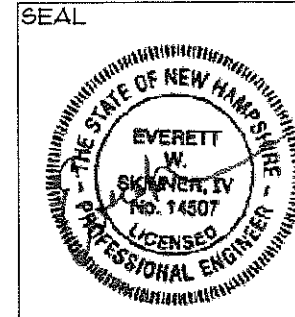
DESIGNED FOR:

**NEUPORT GARAGE FOR:**  
STEPHEN HEBERT  
21 WINDHAM RD.  
HUDSON, NH 03051

**FIRST FLOOR PLAN**

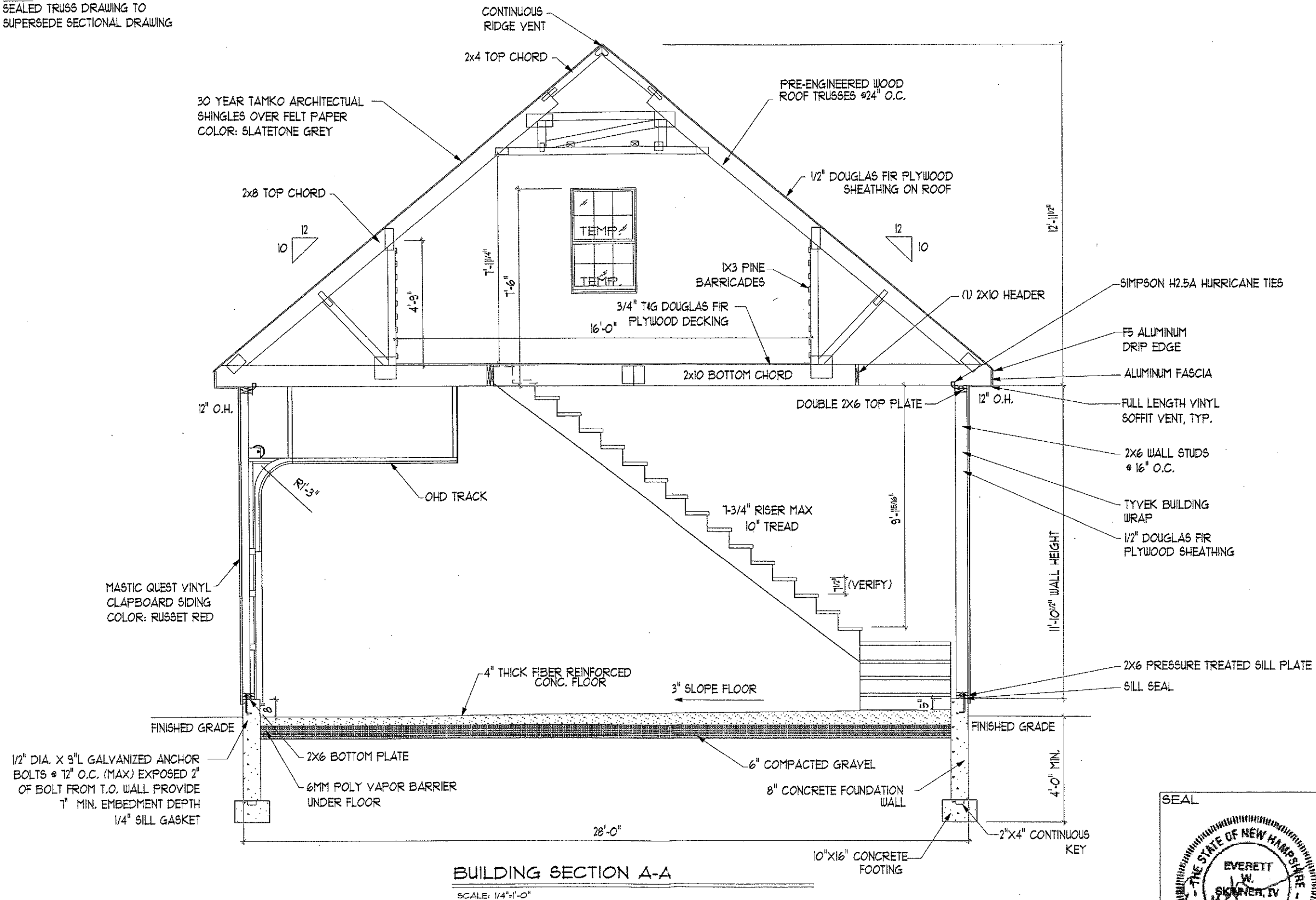
6TLYE:  
NEUPORT

JOB NO.: 4289  
DATE: 11-16-18  
SCALE: AS NOTED  
DRAWN BY: BD  
CHKD BY: EWS



**S-6**

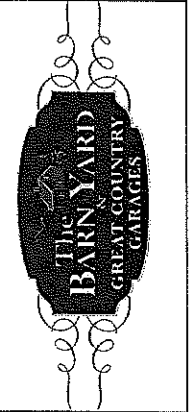
NOTE:  
SEALED TRUSS DRAWING TO  
SUPERSEDE SECTIONAL DRAWING



BUILDING SECTION A-A  
SCALE: 1/4"=1'-0"

COPYRIGHT © 2011 THE BARN YARD. All Rights Reserved. This drawing is the property of The Barn Yard and is loaned with the understanding and shall not be copied, reproduced, or otherwise disposed of directly or indirectly without consent.

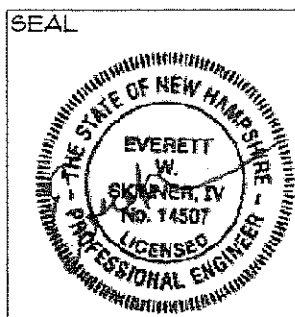
THE BARN YARD  
MANUFACTURING & DESIGN FACILITY  
9 VILLAGE ST.  
BELLINGHAM, CT 06026  
860.847.3003  
SUGGESTIBLE LOCATIONS  
100 W. MAIN ST. BETHEL, CT 06801  
ELKINGTON, CT 06028  
860.836.0606  
www.barnyardgarages.com  
MA LICENSE # 17950



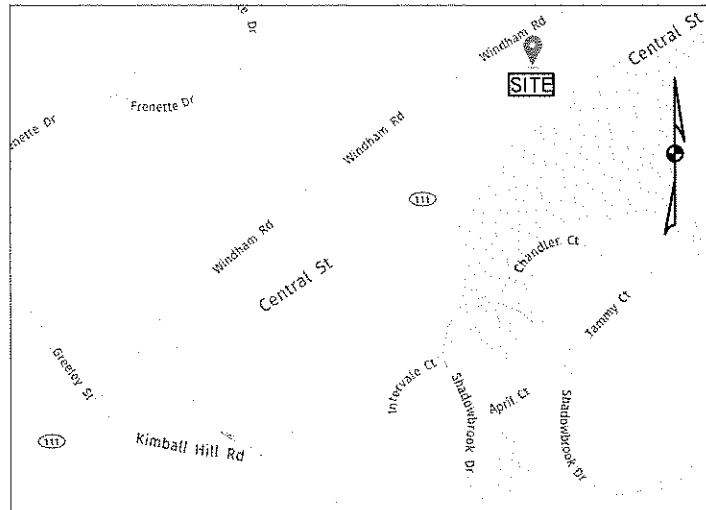
NEUPORT GARAGE FOR:  
STEPHEN HEBERT  
27 WINDHAM RD.  
HUDSON, NH 03051

BUILDING SECTION  
STYLE:  
NEUPORT

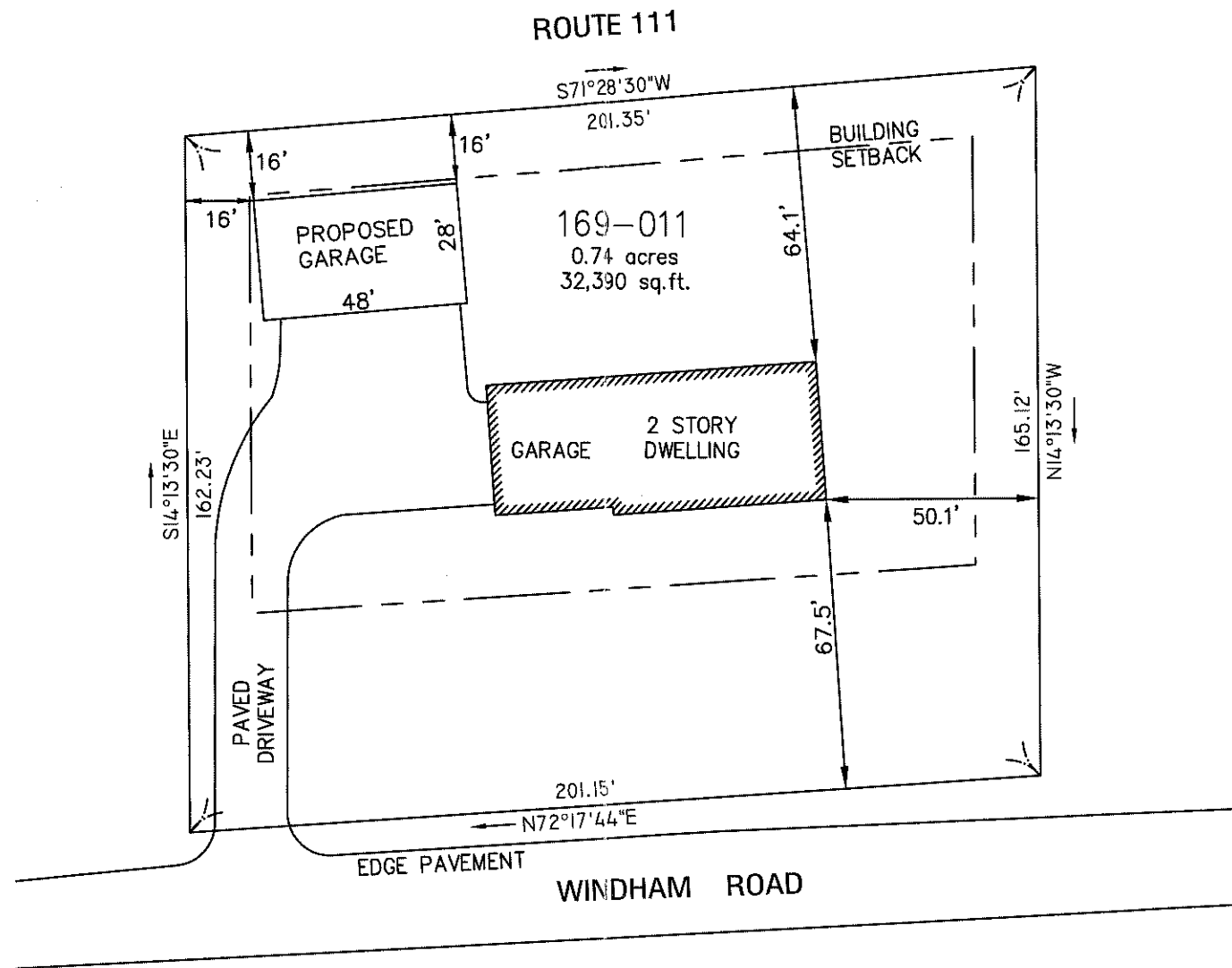
JOB NO.:	4289
DATE:	11-16-18
SCALE:	AS NOTED
DRWN BY:	BD
CHKD BY:	ELIS



S-8



VICINITY MAP



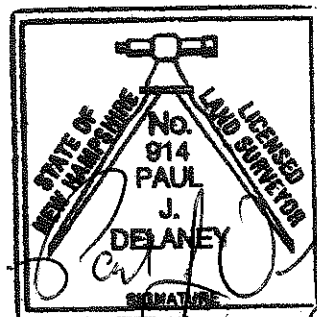
NOTES:

1. SUBJECT PARCEL:  
27 WINDHAM ROAD  
HUDSON, NH 03051  
TAX ID: 169-011-000
  2. THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED GARAGE LOCATION ON THE SUBJECT PARCEL.
  3. BOUNDARY SHOWN HEREON IS FROM A BOUNDARY PLAN RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS: PLAN NUMBER 31222.
- MINIMUM BUILDING SETBACKS:  
FRONT: 50'  
SIDE: 15'  
REAR: 15'

RECEIVED  
NOV 13 2018  
PLANNING & ZONING DEPT. - ATTN: [unclear]

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL ON THE GROUND SURVEY CONDUCTED BY THIS OFFICE DURING OCTOBER, 2018 AND THAT THE EXISTING STRUCTURES AND IMPROVEMENTS ARE LOCATED ON THE GROUND AS SHOWN.

DATE: 10/12/18



1 inch = 40 ft.

CERTIFIED PLOT PLAN

27 Windham Road  
Hudson, NH

TAX MAP 169 LOT 011

PROJECT# 18252 DWG: CPP SCALE: 1"= 40' DATE: 10 / 12 / 18 SHEET 1 OF 1



**DELANEY GROUP**

Surveying • Planning • Consulting

186 Pine Hill Road Hollis, NH 03049

Tel. 603-882-4655



# 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 January 11, 2019

**Case 211-039 (1-24-19):** Janice Jabczanka, 61 Burns Hill Road, Hudson, NH, requests a Variance, to build a 1,250 square foot Accessory Dwelling Unit, where 750 square feet max is allowed.[Map 211, Lot 039, Zoned R-2; HZO Article XIII A, §334-73.3 H, ADU Provisions].

**Address:** 61 Burns Hill Rd

**Zoning district:** Residential Two (R-2)

#### **Summary:**

Applicant requests a Variance to create an ADU with 1,250 sqft, that exceeds the allowed maximum of 750 sqft.

#### **Property description:**

This as a developed corner lot of record: Having approx. 6.04 Acres where 1 Acre is required. The frontage on Burns Hill Rd is 496 ft where 150 ft required, and frontage on Saint Anthony Dr is 505 ft where 120 ft is required. Existing structure satisfies all setbacks.

#### **HISTORY:**

**Assessing:** Lists as a Single Family residence.

**Building Permits:** #2017-00563 issued 6/07/2017 remodel guest suite, create new master bedroom.

#### **Attachments:**

“A” Assessing record

“B” Building Permit # 2017-00563

**Previous Assessments**

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2018	101 - ONE FAMILY	398,000	0	131,400	6.04	0.00	529,400
2018	101 - ONE FAMILY	398,000	0	131,400	6.04	0.00	529,400
2017	101 - ONE FAMILY	301,100	400	131,400	6.04	0.00	432,900
2017	101 - ONE FAMILY	287,000	300	133,800	6.04	0.00	421,100
2017	101 - ONE FAMILY	301,100	400	131,400	6.04	0.00	432,900
2016	101 - ONE FAMILY	420,900	3,500	133,800	6.04	0.00	558,200
2016	101 - ONE FAMILY	420,900	3,500	133,800	6.04	0.00	558,200
2015	101 - ONE FAMILY	420,900	3,500	133,800	6.04	0.00	558,200
2015	101 - ONE FAMILY	420,900	3,500	133,800	6.04	0.00	558,200
2014	101 - ONE FAMILY	420,900	3,500	133,800	6.04	0.00	558,200
2014	101 - ONE FAMILY	420,900	3,500	133,800	6.04	0.00	558,200
2013	101 - ONE FAMILY	420,900	3,500	133,800	6.04	0.00	558,200
2013	101 - ONE FAMILY	420,900	3,500	133,800	6.04	0.00	558,200
2012	101 - ONE FAMILY	420,900	3,500	133,800	6.04	0.00	558,200
2012	101 - ONE FAMILY	491,300	2,200	167,000	6.04	0.00	660,500
2011	101 - ONE FAMILY	498,300	2,200	167,000	6.04	0.00	667,500
2011	101 - ONE FAMILY	498,300	2,200	167,000	6.04	0.00	667,500
2010	101 - ONE FAMILY	498,300	2,200	167,000	6.04	0.00	667,500
2010	101 - ONE FAMILY	498,300	2,200	167,000	6.04	0.00	667,500
2009	101 - ONE FAMILY	498,300	2,200	167,000	6.04	0.00	667,500
2008	101 - ONE FAMILY	498,300	2,200	167,000	6.04	0.00	667,500
2008	101 - ONE FAMILY	498,300	2,200	167,000	6.04	0.00	667,500
2007	101 - ONE FAMILY	498,300	2,200	167,000	6.04	0.00	667,500
2007	101 - ONE FAMILY	596,900	1,600	131,100	6.04	0.00	729,600
2006	101 - ONE FAMILY	596,900	1,600	131,100	6.04	0.00	729,600
2006	101 - ONE FAMILY	596,900	1,600	131,100	6.04	0.00	729,600
2005	101 - ONE FAMILY	596,900	1,600	131,100	6.04	0.00	729,600
2005	101 - ONE FAMILY	596,900	1,600	131,100	6.04	0.00	729,600
2004	101 - ONE FAMILY	596,900	1,600	131,100	6.04	0.00	729,600
2004	101 - ONE FAMILY	513,800	1,000	103,800	6.04	0.00	618,600
2003	101 - ONE FAMILY	513,800	1,000	103,800	6.04	0.00	618,600
2003	101 - ONE FAMILY	513,800	1,000	103,800	6.04	0.00	618,600
2002	101 - ONE FAMILY	513,800	1,000	103,800	6.04	0.00	618,600
2002	101 - ONE FAMILY	513,800	1,000	103,800	6.04	0.00	618,600
2001	101 - ONE FAMILY	414,100	0	94,800		0.00	508,900
2000	101 - ONE FAMILY	408,700	5,400	94,800	6.04	0.00	508,900
1999	101 - ONE FAMILY	352,200	5,400	196,400	6.04	0.00	554,000

A





# TOWN OF HUDSON

## FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-594-1077

**RECEIVED**

HUDSON FIRE DEPARTMENT  
INSPECTIONAL SERVICES DIVISION

### BUILDING PERMIT APPLICATION - PLEASE PRINT

Address: 61 BURNS HILL ROAD Unit # \_\_\_\_\_

Site/Sub Plan: 211-039-000 HCRD \_\_\_\_\_

Office use:  
Map 211  
Lot 039  
Zone R-2  
2017  
Permit # 00563

**Residential**

Single family detached  
 Modular Homes  
 Duplex  
 3+ family dwelling (# of units \_\_\_\_\_)  
 Other \_\_\_\_\_

**Type of Improvement**

New Building  
 Addition  
 Alteration/Renovation  
 Repair/Replacement  
 Conversion of +/- dwelling units  
 Other \_\_\_\_\_

Deck  
 Shed  
 Swim Pool  
 Garage  
 Carport

**Commercial**

Office/Bank/Professional  
 Hospital/Medical  
 Industrial/Warehouse  
 Restaurant  
 Other \_\_\_\_\_

Garage  
 School  
 Store  
 Utility

**Type of Improvement**

New Building  
 Addition  
 Alteration/Renovation  
 Repair/Replacement  
 Conversion from residential to commercial space  
 Other \_\_\_\_\_

Deck  
 Shed  
 Swim Pool  
 Interior Demo

Will the applicant/owner manufacture, assemble or produce any product, regardless of water use?  
 Yes  (Need IDA Form) No  (Need IDA Checklist) \*Please consult the Town Engineer at 886-6008 with any questions

**Total Cost of Project:**  
 \$ 100,000

**General Description of Work and Use** Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use.  
REMODEL 1ST FLOOR TO CREATE NEW MASTER BEDROOM SUITE W/NEW BATH ROOM, REMODEL GUEST SUITE W/BATHROOM, RELOCATE 1ST FLOOR 1/2 BATH, RESTORE CATHEDRAL CEILING IN FAMILY ROOM, OPEN UP WALLS, REPAIR DRYWALL, FLOORS, PAINT COMPLETE (MORE BELOW)

**Square Footage** Footprint 3336 Renovated 1278 Number of stories 2  
 Living area of new home (exclude unfinished areas and garage) \_\_\_\_\_ Total area of bldg 5742

**Principal Type of Frame**

Masonry (wall bearing)  Wood Frame  Structural steel  
 Reinforced concrete  Other-Specify \_\_\_\_\_

**Type of Sewage Disposal**

Town or private company (requires Town permit)  
 Private (septic tank, etc.)

\* REMOVE & REPLACE KITCHEN CABINETRY, REMOVE 2 BATHROOMS, REMOVE & REPLACE REAR DECK.

B.





# TOWN OF HUDSON

## FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-886-6042

RECEIVED  
JUN -1 2017

INSPECTIONAL SERVICES DIVISION  
FIRE DEPARTMENT

Type of Water Supply  Town  Private (well, cistern)

Type of Heat Source  Gas  Oil  Electric

	Name	Address	City/State/Zip	Phone
Owner	JANICE JABCIANKA	41 BURNS HILL RD	HUDSON NH 03051	(978) 967-5674
Lessee	_____	_____	_____	_____
Contractor	OWNER	ABOVE	_____	_____
Architect	_____	_____	_____	_____
Engineer	_____	_____	_____	_____

I hereby certify the owner of record authorizes the proposed work and I have been authorized by the owner to make this application as his agent and to conform to all applicable laws of the Town of Hudson. I hereby attest all statements made on this application are true to the best of my knowledge. The signature on this building permit authorizes all Code Officials, Building Inspector and Assessor or their Agents to conduct inspections from time to time during and upon completion of the work for which this permit is issued. If said structure is commercial or industrial I understand that an as-built plan is required prior to occupancy of the structure.

Signature of applicant Janice Jabzanka Date 5/31/2017

Address 41 BURNS HILL ROAD HUDSON N.H. 03051

Email: JANICE.JABCIANKA@GMAIL.COM Phone: (978) 967-5674 \*

Filing fee \$ 30.00 Receipt # 461,696 Date 6.1.17

Building permit fee \$ 401.70 Receipt # \_\_\_\_\_ Date \_\_\_\_\_

THIS BUILDING PERMIT IS

Issued subject to the following condition(s) \_\_\_\_\_  Denied for the following reason(s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Plans received \_\_\_\_\_ Date \_\_\_\_\_ Use group: \_\_\_\_\_

Comments: \_\_\_\_\_ Construction type \_\_\_\_\_

Certificate of Occupancy  Required  Final Inspection (Building & HFD) \_\_\_\_\_ Live loading \_\_\_\_\_

Comments: \_\_\_\_\_ Occupancy load \_\_\_\_\_

Approved \_\_\_\_\_  Denied \_\_\_\_\_

David R. [Signature] Inspectional Services Official or Designee Date 6-2-17

\* Electrical Permit, Plumbing Permit, Mechanical Permit, Certificate of Occupancy, Water, Sewer and Driveway are to be applied for separately, when applicable.

B2



Town of Hudson, NH  
**Building Permit**

Hudson Fire - Inspectional Services Division  
 12 School Street  
 Hudson, NH 03051  
 603-886-6005

Permit Number  
 2017-00563  
 Date of Issue  
 6/07/2017  
 Expiration Date  
 12/04/2017

Owner: JABCZANKA, JANICE

Applicant: JABCZANKA, JANICE

Location of Work: 61 BURNS HILL RD  
 (No. and Street) (Unit or Building)

Description of Work: Create new master bedroom suite with bathroom, remodel guest suite with bathroom, relocate first floor 1/2 bath, restore cathedral ceiling, remove walls and install LVL beams, remove/replace 9' x 28' rear deck

ZONING DATA: District: R-2 Map\Lot: 211-039-000

**REMARKS:**

A FINAL INSPECTION IS REQUIRED BY THE INSPECTIONAL SERVICES DEPARTMENT PRIOR TO OCCUPANCY

• **Building Permit Issuance Conditions are as follows:**

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

**INSPECTION APPROVALS**

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

Permit Holder: JABCZANKA, JANICE  
 (Taking Responsibility for the Work)  
 Company/Affiliation: Owner Job Site Phone Number:

Constr Cost: \$100,000 Permit Fee: \$401.70 Check No.: Cash: \$0.00

The Permit Card Shall be Posted and Visible From the Street During Construction

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

*Ret M. Tet* Code Official *Janice Jabczanka* Permit Holder 6/07/2017 Date

B<sub>3</sub>



TOWN OF HUDSON

APPLICATION FOR A VARIANCE

JAN 07 2019

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. 211-039

Date Filed 1/7/19

Name of Applicant Janice Jabczanka Map: 211 Lot: 039 Zoning District: R-2

Telephone Number (Home) 978-967-5674 (Work) N/A

Mailing Address 61 Burns Hill Rd, Hudson, NH 03051

Owner Janice Jabczanka

Location of Property 61 Burns Hill Rd  
(Street Address)

Signature of Applicant Janice Jabczanka Date 1/7/19

Signature of Property-Owner(s) Janice Jabczanka Date 1/7/19

NOTE: Fill in all portions of the Application Form(s) as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate. If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak 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

**COST:**

Application fee:	\$130.00
<u>16</u> Direct Abutters x \$3.95 =	<u>63.20</u>
<u>7</u> Indirect Abutters x \$0.50 =	<u>3.50</u>
<b>Total amount due:</b>	<b><u>\$196.70</u></b>

Date received: 1/7/19

Amt. received: \$196.70

Receipt No.: 535,016

Received by: J Hadley

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

\_\_\_\_\_ Engineering    \_\_\_\_\_ Fire Department    \_\_\_\_\_ Health Officer    \_\_\_\_\_ Planner

# TOWN OF HUDSON, NH

## NOTICE TO APPLICANTS

The following **requirements/checklist** pertain to the Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

Applicant Initials		Staff Initials
<u>JJ</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TBP</u>
<u>JJ</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>BB</u>
<u>JJ</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, Wetland 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>BB</u>
<u>JJ</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>BB</u>
<u>JJ</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 from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>BB</u>
<u>JJ</u>	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>BB</u>
<u>JJ</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>BB</u>
<u>NA</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>BB</u>



**PLOT PLAN-**

- NA Except for requests pertaining to 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) NA 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) NA The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) NA The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) NA 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: copies of the GIS map can be obtained at the Land Use Division.)
- e) NA The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements.
- f) NA 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) NA The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) NA The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) NA The plot plan shall indicate all parking spaces and lanes, with dimensions.

BK

BK

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

Janice Jabrynska  
Signature of Applicant(s)

1/7/19  
Date

The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in the Town Hall, the Post Office, and the Rogers Library and also printed in a newspaper, and a notice will be mailed to the applicant, all abutters, and any other parties whom the Board may deem to have an interest.

After the public hearing, the Board will deliberate and then reach a decision either to grant the request (perhaps with stipulations to make it palatable) or to deny the request—or to defer final action to another meeting, or perhaps to accept a request for withdrawal. You will be sent a Notice of Decision during the following week.

If you believe that the Board's decision is wrong, you have the right to appeal. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of your case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.



**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 is either contiguous or separated from the subject tract of land by a street or stream. 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
211	063	Robinson R. Smith	48 Burns Hill Rd, Hudson
211	040	Bonnie Lynn Lavallee	51 Burns Hill Rd, Hudson
211	015	Jason M. Gerard Lauren M. Gerard	4 St. Anthony Dr., Hudson
211	012	Provincial Heights Neigh. Assoc	14 St. Francis Pl., Hudson
211	016	Larry Matone	8 St. Anthony Dr., Hudson
211	017	Kelly Garnick Kevin Garnick	10 St. Anthony Dr., Hudson
211	018	Kenneth Dickinson Maria Dickinson	12 St. Anthony Dr., Hudson
211	019	Don Morrier Eveline Morrier	14 St. Anthony Dr, Hudson
211	038	Michael Dean Corinne E. Dean	13 St. Anthony Dr., Hudson
211	037	George Joseph Hunt Danielle Alissa Lima	17 St. Anthony Dr., Hudson
211	036	Elizabeth A. Cohen Mitchell B. Cohen	19 St. Anthony Dr, Hudson
211	034	Gina L. Salvalzo Joseph E. Salvalzo	3 St. Mary Dr., Hudson
211	065	Denise G. Matthews, TR Claire G. Mikulis, TR TGG Realty Trust	50 Burns Hill Rd, Hudson

13 Direct



**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. 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
211	033	Ryan Coy	5 St. Mary Dr, Hudson
211	014	Alice Denise Chapman	65 Burns Hill Rd, Hudson
211	041	Peter Radziewicz JoAnne Radziewicz	49 Burns Hill Rd, Hudson
211	035	James R. Hankins Martha J. Hankins	1 St. Mary Dr, Hudson
211	020	Robert J. Hylton Cheryl L. Howard	16 St. Anthony Dr, Hudson
211	062	Jules Mathieu Lorraine Mathieu	3 Glen Dr, Hudson
211	032	Mary F. Linnehan Paul B. Linnehan	7 St. Mary Dr, Hudson

7-Indirect.




SENDER: TOWN OF HUDSON  
 12 SCHOOL STREET  
 HUDSON, NH 03051

US POSTAL SERVICE - CERTIFIED MAIL

Case# 211-039 Variance-  
 61 Burns Hill Road  
 Map 211/Lot 039-000

01/24/19 ZBA Meeting

1 of 2

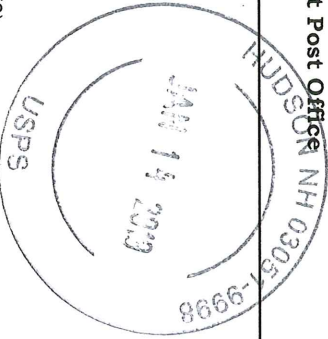
ARTICLE NUMBER	Name of Addressee, Street, and post office address	Postmaster, Per (receiving Employee)
1	Janice Jabczanka 61 Burns Hill Rd., Hudson, NH 03051	ABUTTER/OWNER-NOTICE SENT
2	Robinson R. Smith 48 Burns Hill Rd., Hudson, NH 03051	ABUTTER NOTICE SENT
3	Bonnie Lynn Lavallee 51 Burns Hill Rd., Hudson, NH 03051	ABUTTER NOTICE SENT
4	Jason M. & Lauren M. Gerard 4 St. Anthony Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
5	Provincial Heights Neigh. Assoc. 14 St. Francis Pl., Hudson, NH 03051	ABUTTER NOTICE SENT
6	Larry Matone 8 St. Anthony Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
7	Kelly & Kevin Garnick 10 St. Anthony Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
8	Kenneth & Maria Dickinson 12 St. Anthony Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
9	Don & Eveline Morrier 14 St. Anthony Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
10	Michael & Corinne E. Dean 13 St. Anthony Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
<b>Total Number of pieces listed by sender 10</b>		<b>Total number of pieces rec'd at Post Office</b> 



Direct Certified USPS



SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 211-039 Variance- 61 Burns Hill Road Map 211/Lot 039-000	2 of 2
ARTICLE NUMBER			Name of Addressee, Street, and post office address	01/24/19 ZBA Meeting	
1	7016 3010 0000 6168 2946		George Joseph Hunt; Danielle Alissa Lima	ABUTTER NOTICE SENT	
2	7016 3010 0000 6168 2953		17 St. Anthony Dr., Hudson, NH 03051 Elizabeth A. & Mitchell B. Cohen	ABUTTER NOTICE SENT	
3	7016 3010 0000 6168 2960		19 St. Anthony Dr., Hudson, NH 03051 Gina L. & Joseph E. Salvalzo	ABUTTER NOTICE SENT	
4	7016 3010 0000 6168 2977		3 St. Mary Dr., Hudson, NH 03051 Denise G. Matthews, Tr.; Claire G. Mikulis, Tr.; TGG Realty Trust	ABUTTER NOTICE SENT	
5	7016 3010 0000 6168 2984		50 Burns Hill Road, Hudson, NH 03051 Robert G. & Denise Matthews	ABUTTER NOTICE SENT	
6			50 Burns Hill Road, Hudson, NH 03051 Provincial Heights Neigh. Assoc.	*Duplicate-Abutter Notice not sent	
7	7016 3010 0000 6168 2991		14 St. Francis Pl., Hudson, NH 03051 Thomas J. Leonard, Esq.; Welts, White & Fontaine, P.C.	ABUTTER/APPLICANT NOTICE SENT **Added-label provided by applicant	
8			29 Factory Street, Nashua, NH 03060		
9					
10					
Total Number of pieces listed by sender 6		Total number of pieces rec'd at Post Office		Postmaster, Per (receiving Employee)	

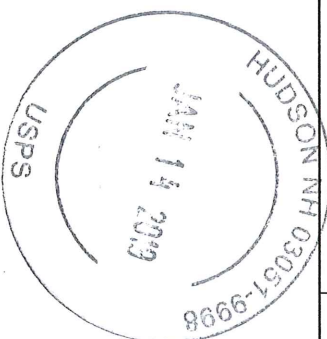




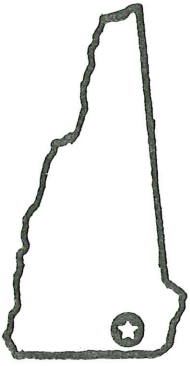
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 211-039 Variance- 61 Burns Hill Road Map 211/Lot 039-000
ARTICLE NUMBER		Name of Addressee, Street, and post office address	01/24/19 ZBA Meeting 1 of 1
1	N/A-mailed First Class	Ryan Coy 5 St. Mary Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	Alice Denise Chapman 65 Burns Hill Rd., Hudson, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	Peter & JoAnne Radziewicz 49 Burns Hill Rd., Hudson, NH 03051	ABUTTER NOTICE SENT
4	N/A-mailed First Class	James R. & Martha J. Hankins 1 St. Mary Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
5	N/A-mailed First Class	Robert J. Hylton; Cheryl L. Howard 16 St. Anthony Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
6	N/A-mailed First Class	Jules & Lorraine Mathieu 3 Glen Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
7	N/A-mailed First Class	Mary F. & Paul B. Linnehan 7 St. Mary Dr., Hudson, NH 03051	ABUTTER NOTICE SENT
8			
9			
10			
11			
	Total Number of pieces listed by sender 7	Total number of pieces rec'd at Post Office	Postmaster, Per (receiving Employee)

7

*[Signature]*



Non-Direct First Class



TOWN OF HUDSON  
ZONING BOARD OF ADJUSTMENT

FILE COPY

APPLICANT NOTIFICATION



12 School Street

Hudson, New Hampshire 03051

603/886-6008

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **01/24/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

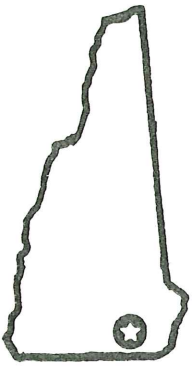
- 1. Case 211-039 (1-24-19): Janice Jabczanka, 61 Burns Hill Road, Hudson, NH, requests a Variance, to build a 1,250 square foot Accessory Dwelling Unit, where 750 square feet max is allowed.[Map 211, Lot 039, Zoned R-2; HZO Article XIII A, §334-73.3 H, ADU Provisions].**

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

Respectfully,

Bruce Buttrick  
Zoning Administrator





**TOWN OF HUDSON**  
ZONING BOARD OF ADJUSTMENT

**FILE COPY**

**ABUTTER NOTIFICATION**

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **01/24/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 211-039 (1-24-19): Janice Jabczanka, 61 Burns Hill Road, Hudson, NH, requests a Variance, to build a 1,250 square foot Accessory Dwelling Unit, where 750 square feet max is allowed. [Map 211, Lot 039, Zoned R-2; HZO Article XIII A, §334-73.3 H, ADU Provisions].**

Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

A full copy of this Application is available for your review in the Community Development Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick  
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article \_\_\_\_\_ of HZO Section(s) \_\_\_\_\_ in order to permit the following change or use:

See attached

You must attach to this application a copy of some form of determination that the proposed change or use is not permitted without a variance, consisting of a denial in writing of a building permit or use authorization by the Zoning Administrator, with the reasons for the denial being cited thereon.

FACTS SUPPORTING THIS REQUEST:

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

- I. "The Zoning Board of Adjustment shall have the power to: ....
(b) Authorize upon appeal in specific cases a variance from the terms of the zoning ordinance if:
(1) The variance will not be contrary to the public interest;
(2) The spirit of the ordinance is observed;
(3) Substantial justice is done;
(4) The values of surrounding properties are not diminished; and
(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
(ii) The proposed use is a reasonable one.
(B) If the criteria in subparagraph (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.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction of use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.



New Hampshire case law has established, on the basis of the preceding statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement; do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

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

See attached

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

See attached

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

See attached

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

See attached



## ATTACHMENT IN SUPPORT OF APPLICATION FOR A VARIANCE

### APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance, Article XIII A of HZO, Section 334-73.3 Provision H in order to permit the following change or use:

#### FACTS

The property is located at 61 Burns Hill Road, Hudson, NH. It is single family home located on approximately 6.04 acres of land. The Zoning District is R-2. The Tax Assessor's card for the property indicates that the house has a gross area of 11,714 square feet of which 5,742 square feet is above ground level and finished. The Assessor's sheets also confirm that it has been assessed as a single family home.

The property is the former "Provincial House" of the Oblate Fathers associated with the former owners-the Missionary Oblates of Mary Immaculate. Originally the house was built as a home for several of the Oblate Fathers associated with the retreat. The home was built and continues to have one heating system, one well and one septic system.

In late 1980's, the Provincial House was sold as part of a development effort. The Provincial House became a single family house. Through the course of time, the home became "run down" and in need of repairs/renovation. The present owners acquired the property in 2018 with the intention of improving it and adding an accessory dwelling unit for a family member.

During the process of acquiring the property, the present owner inquired about the possibilities of an accessory dwelling unit. She requested information from the Town and she requested information from the realtor. Both confirmed that the property was appropriate for an accessory dwelling unit or for a second unit as a duplex.

The existing building has two (2) floors above ground and a basement with several "unfinished" rooms. Because of the substantial size of the house, the basement includes lolly columns for bearing walls. Many of the walls for the "unfinished" rooms are located in order to accommodate the lolly columns.

One section of the basement is a complete walk-out basement with access through an existing side entry door and additional access through an existing six foot slider window.

The existing basement also has existing plumbing for an existing bath and existing sinks associated with a "dark room". There are also two (2) existing stairways from the basement to the first floor of the home.

The Applicant's proposal is to finish an area as an accessory dwelling unit to be used by the Applicant's sister as an independent residential living unit. The proposal is for a one (1) bedroom home with a kitchen area, living area, one full bathroom, one half bathroom and a laundry area.

The Applicant has identified the primary area for the accessory dwelling unit to be the area of the basement which has an existing side entrance and a full walk-out slider. In that general area, there are existing electrical closets, existing stairways, and an existing foundation/base for the fireplace located on the first floor.

After considering the limitations of the area and after accommodating the existing location of plumbing, the Applicant has a plan for a reasonable and modest one bedroom accessory dwelling unit which includes approximately 1,250 square feet. The existing basement space is inflexible and does not allow the Applicant to meet the limitations of the existing Ordinance (750 square feet).

The following are facts supporting the request for a variance:

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

The Town of Hudson and the State of New Hampshire have identified and confirmed the importance of diverse housing within a community. The Town of Hudson and the State of New Hampshire have also identified the need for affordable housing. Hudson has specifically confirmed that accessory dwelling units provide a housing alternative that can serve a wide range of needs.

The proposal provides an independent living space for a family member without any impact to the neighborhood, the community or the public interests. The exterior structure will not change. The neighborhood and community character will not be modified or changed in any fashion. The public interests and general welfare of the community are met in that adequate and appropriate water, sewer and fire access already exist and can easily be accomplished in accordance with the rules and regulations for the Town and State.

Using the standard set out in Chester Rod and Gun Club, Inc. vs. Town of Chester, 152 N.H. 577 (2005) to be contrary to the public interest or injurious to the public rights of others so as to justify denial of a variance, the variance "must unduly, and in a marked degree, conflict with the ordinance such that the variance violates the ordinance's basic zoning objectives". Granting this variance request will not conflict with the ordinance such that the variance violates the ordinance's basic zoning objectives.

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

The spirit of the Ordinance is observed for reasons stated above in no. 1. Also the Ordinance specifically states that it is designed to "increase the supply of affordable housing in



the Town without the need for more infrastructure or further land development". The proposal will do exactly that and will maintain the existing aesthetics without change.

The Ordinance also intends to maintain a relationship between the size of the accessory dwelling unit and the size of the primary unit. This property has a very large home consisting of approximately 11,714 square feet of gross building area, which includes 5,742 square feet above ground living area plus 3, 376 square feet above ground. There is also a garage and deck. The primary living space for the primary unit is 5,742 square feet, plus the garage and deck. After the proposal, the primary living unit will retain the same finished living area and the same garage and deck. The proposed accessory dwelling unit is approximately 13% of the area presently included in the basement, first story and second story. It is approximately 37% of the basement. The scale of the accessory dwelling unit is consistent with the spirit of the Ordinance. The principal residence will continue to be the clear primary use.

There is no threat to public health, safety or welfare and the dominant design of the Zoning Act will remain intact.

**3. Substantial justice will be done by granting the variance because:**

The Applicant has made a very specific, directed and extensive effort to design a one bedroom independent living unit with appropriate facilities. It is very clear that the best location for this unit is in the section of the basement that has the access and windows. In the design, the Applicant has had to accommodate: an existing stairway, an existing electric/utility closet, an existing chimney base, existing plumbing, and existing access and egress. If the Applicant is required to comply with the ADU limitation on the size of the unit, the accessory living unit will not have facilities and storage reasonably appropriate to an independent one bedroom living unit. The cost to redesign and relocate existing structural and utility improvements would be excessive.

To deny the request for variance would be a very substantial financial burden on the applicant. The burdens would be imposed without any benefit to the general zoning scheme or to the neighborhood.

As the New Hampshire Supreme Court has stated "any loss to the individual that is not outweighed by a gain to the general public is an injustice". Malachy Glen Associates, Inc. vs. Town of Chichester, 155 N.H. 102 (2007).

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

The improvements to the property will increase the value of the property and will establish reasonable use to the property. There will be no exterior changes. The character of the neighborhood and the character of the community will not change and will not be impacted. The value of the surrounding properties will not be impacted in any fashion.

5. **Literal enforcement of the ordinance results in unnecessary hardship,** because:

**(A) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:**

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

The existing property is an unusually large single family home with an existing walk-out basement that has existing structural walls, utilities, etc. which must be accommodated. The special conditions of the existing building distinguish it from other properties in the area. In view of the purposes of the Accessory Dwelling Unit Ordinance and the stated purposes in the Town of Hudson Master Plan, as well as the stated purposes of the New Hampshire Zoning laws, limiting an accessory dwelling unit in this property to the 750 square feet as stated in the Ordinance does not accomplish the general purposes of the state law and local ordinances to afford diverse housing opportunities and to provide affordable housing to family members while maintaining the principal residence as primary. Rather, it would unreasonably restrict a good opportunity to prove an appropriate and modest independent living unit. The scale of the unit as compared to the main use is appropriate. The design is reasonable. There is no fair and substantial relationship between the requirement and the public purpose as applied to this unusual property.

The proposed use as an accessory dwelling unit is a permitted use. While a duplex unit is also permitted, the Applicant wishes to continue this building as a single family building with an independent unit for a family member. The use is a reasonable one. It will not be unreasonably intense, the proposal will leave the existing principal use unchanged and the proposal will meet all other state and local regulations and rules.









# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #18-150

December 26, 2018

Janice Jabczanka  
61 Burns Hill Road  
Hudson, NH 03051

Re: **61 Burns Hill Rd** **Map 211 Lot 039-000**  
**District: Residential Two (R-2)**

Dear Ms. Jabczanka,

Your request: Can you build an ADU larger than the allowed 750 SqFt?

#### **Zoning Review / Determination:**

Our records indicate this as a developed corner lot of record with 6.04 Acres (1.0 Acres required) and 408 ft of frontage along Burns Hill Rd (150ft required) & 506 ft of frontage along Saint Anthony Dr (120ft required). Existing dwelling unit structure satisfies all setbacks.

You would need to apply for a variance from the Hudson Zoning Board of Adjustment to Article XIII A, section §334-73.3 Provisions: #H "...the Gross Living Area (GLA) shall not be greater than 750 sqft...."

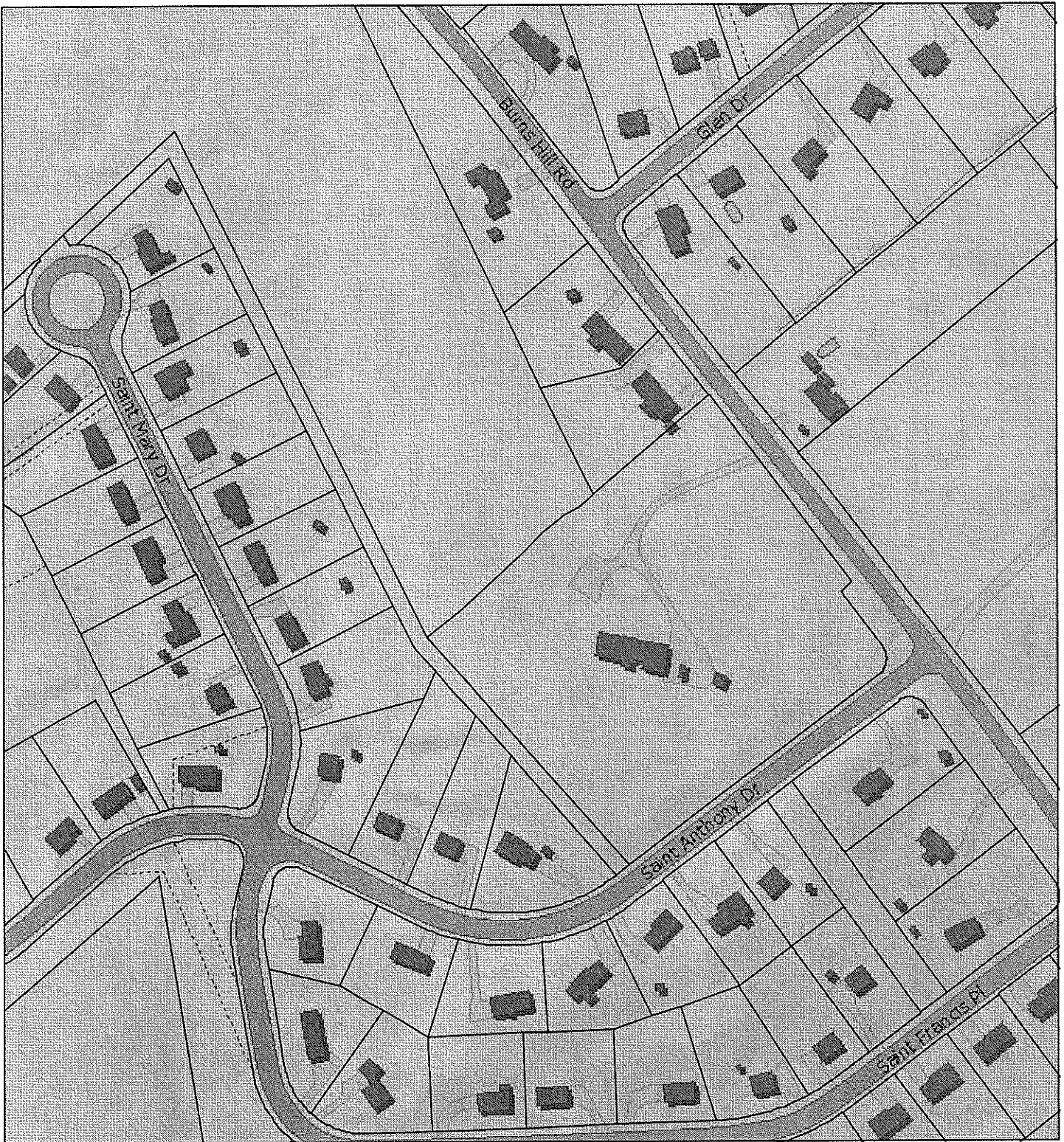
Sincerely,

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

cc: Public Folder  
B. Groth, Town Planner  
File

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

# 61 Burns Hill Rd



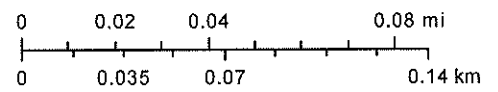
December 14, 2018

Legend

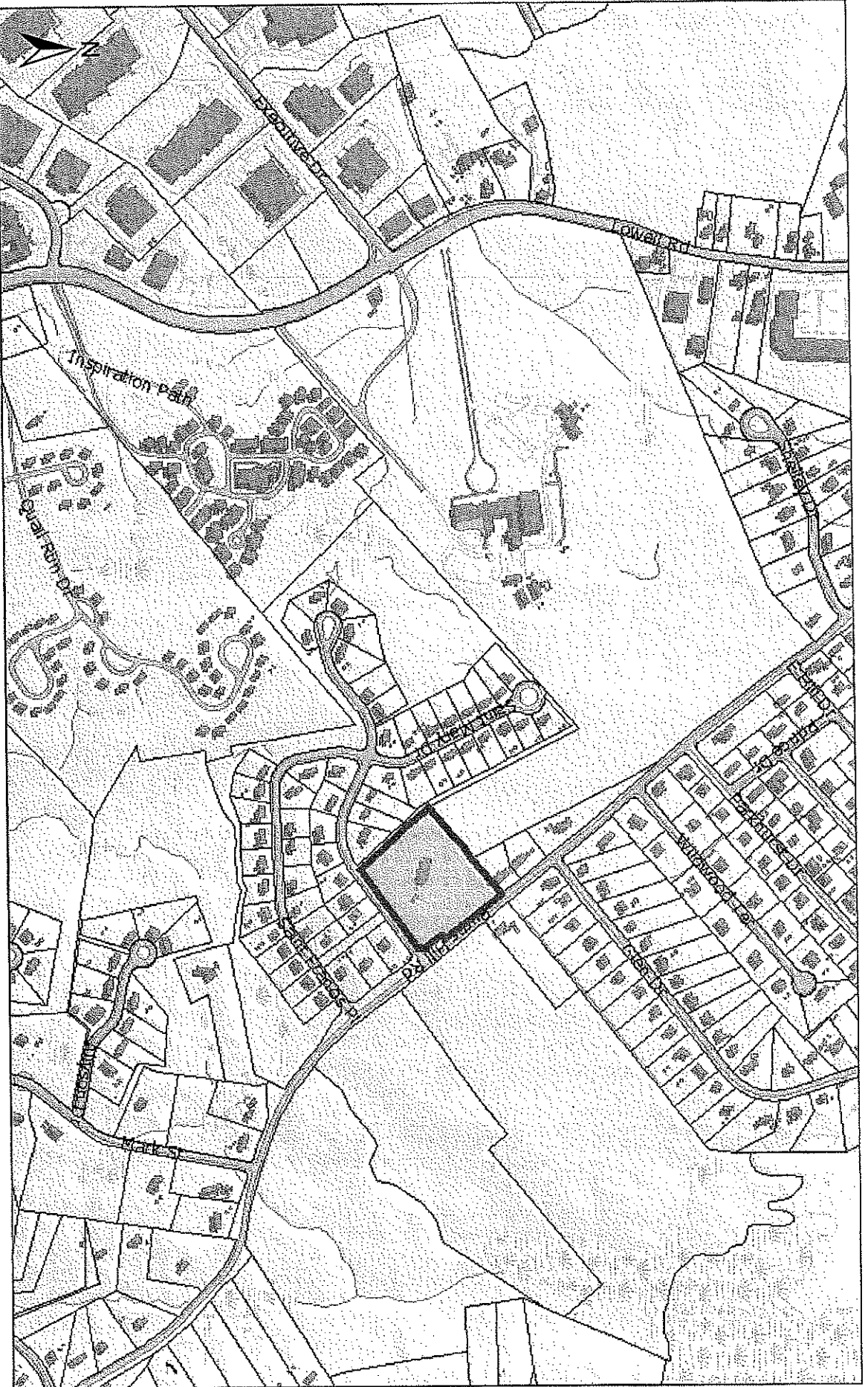
----- Easement\_Lines

▭ Parcels

1:2,601



61 BURNS HILL RD



December 14, 2018

Parcels

1 inch = 688 feet







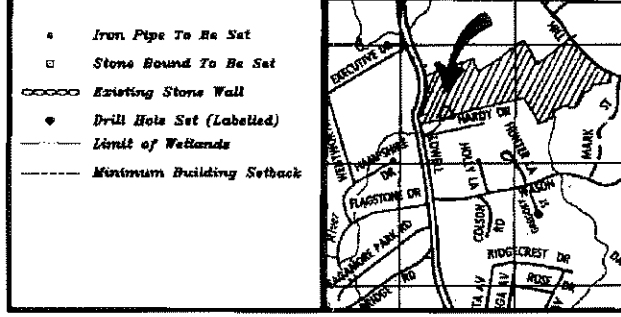
**ABUTTERS:**

- Map 10/Lot 17 Missionary Oblates of Mary Immaculate, Inc. 200 Lowell Rd. Hudson, NH 03051
- Map 14/Lot 176 John Rowley Assoc. 203 Lowell Rd. Hudson, NH 03051
- Map 10/Lot 9 Patricia & Ralph Chaput 281 Lowell Rd. Hudson, NH 03051
- Map 10/Lot 10 Eltek, Inc. 189 Lowell Rd. Hudson, NH 03051
- Map 10/Lot 11-5 Tung-Chien Tral 199 Lowell Rd. Hudson, NH 03051
- Map 10/Lot 13-1 Two Executive Drive Assoc. 22 Cotton Rd. Nashua, NH 03061
- Map 10/Lot 18 St. Joseph Hospital 172 Kinsley St. Nashua, NH 03060
- Map 10/Lot 20 Charles & Marjorie Hardy 6 Hardy Rd. Hudson, NH 03051
- Map 10/Lot 21 Joseph Jancovics Compass Point Condominium 39 Quail Run Dr. Hudson, NH 03051
- Map 10/Lots 177 & 177-1 Oblate Fathers, Inc. 120 Lowell Rd. Hudson, NH 03051
- Map 14/Lot 177-1 Eva C. Waz, Estate Barbara Romanek, Exec. Stafford Rd. Hudson, NH 03051
- Map 14/Lot 176 Roger & Loretta Gourette 15 Williams St. Nashua, NH 03060
- Map 14/Lot 176-1 Robert & Denise Matthews 50 Burns Hill Rd. Hudson, NH 03051
- Map 14/Lot 175 Gail & Paul Trocki 49 Burns Hill Rd. Hudson, NH 03051
- Map 14/Lot 141-2 Maurice & Marguerite Larallee 51 Burns Hill Rd. Hudson, NH 03051
- Map 14/Lot 2 Presentation of Mary Convent 122 Cotton Rd. Nashua, NH 03061
- Map 15/Lot 6 Walter & Lorraine Mahan 69 Burns Hill Rd. Hudson, NH 03051
- Map 15/Lot 7 Town of Hudson 12 School Street Hudson, NH 03051
- Map 10/Lot 11-4 Temporal Family Inc. Property 402 Kestrel St. Nashua, NH 03063
- Map 10/Lot 19 Frederick & Winifred Gowing 4 Hardy Rd. Hudson, NH 03051
- Map 14/Lot 174 Jules & Lorraine Mathieu 3 Glen Dr. Hudson, NH 03051
- Map 14/Lot 142 Margaret Larouque 69 Burns Hill Rd. Hudson, NH 03051

**WAIVERS REQUESTED:**

- NYC 224-41-B (LOT AREA FRONTAGE BUILDING SETBACKS)
- NYC 224-18-7 (ROAD CHANGES >75' ST. ASPHALT DRIVE, ST. 8' TO 9' AND ST. 12' TO 14' AND 12' TO 14')
- NYC 224-27-810 (LOCUS SCALE)

LOT NUMBER	AREA		LOT NUMBER	AREA	
	sq. ft.	ac.		sq. ft.	ac.
177-2	20,000	0.46	177-19	23,374	0.54
177-3	20,000	0.46	177-20	21,292	0.49
177-4	20,000	0.46	177-21	20,000	0.46
177-5	21,332	0.49	177-22	20,000	0.46
177-6	23,440	0.54	177-23	20,000	0.46
177-7	22,316	0.51	177-24	22,175	0.51
177-8	22,218	0.51	177-25	20,010	0.46
177-9	20,147	0.46	177-26	21,643	0.60
177-10	20,000	0.46	177-27	20,603	0.47
177-11	20,772	0.48	177-28	21,889	0.50
177-12	21,928	0.50	177-29	28,803	0.66
177-13	20,000	0.46	177-30	22,786	0.52
177-14	20,941	0.48	177-31	26,805	0.62
177-15	23,333	0.54	177-32	26,886	0.62
177-16	21,025	0.48	177-41*	38,377	0.88
177-17	20,300	0.47	177-42*	790,849	18.18
177-18	21,346	0.49	177-58*	20,602	0.46



**VICINITY PLAN**  
SCALE: 1" = 200'

**LEGEND**

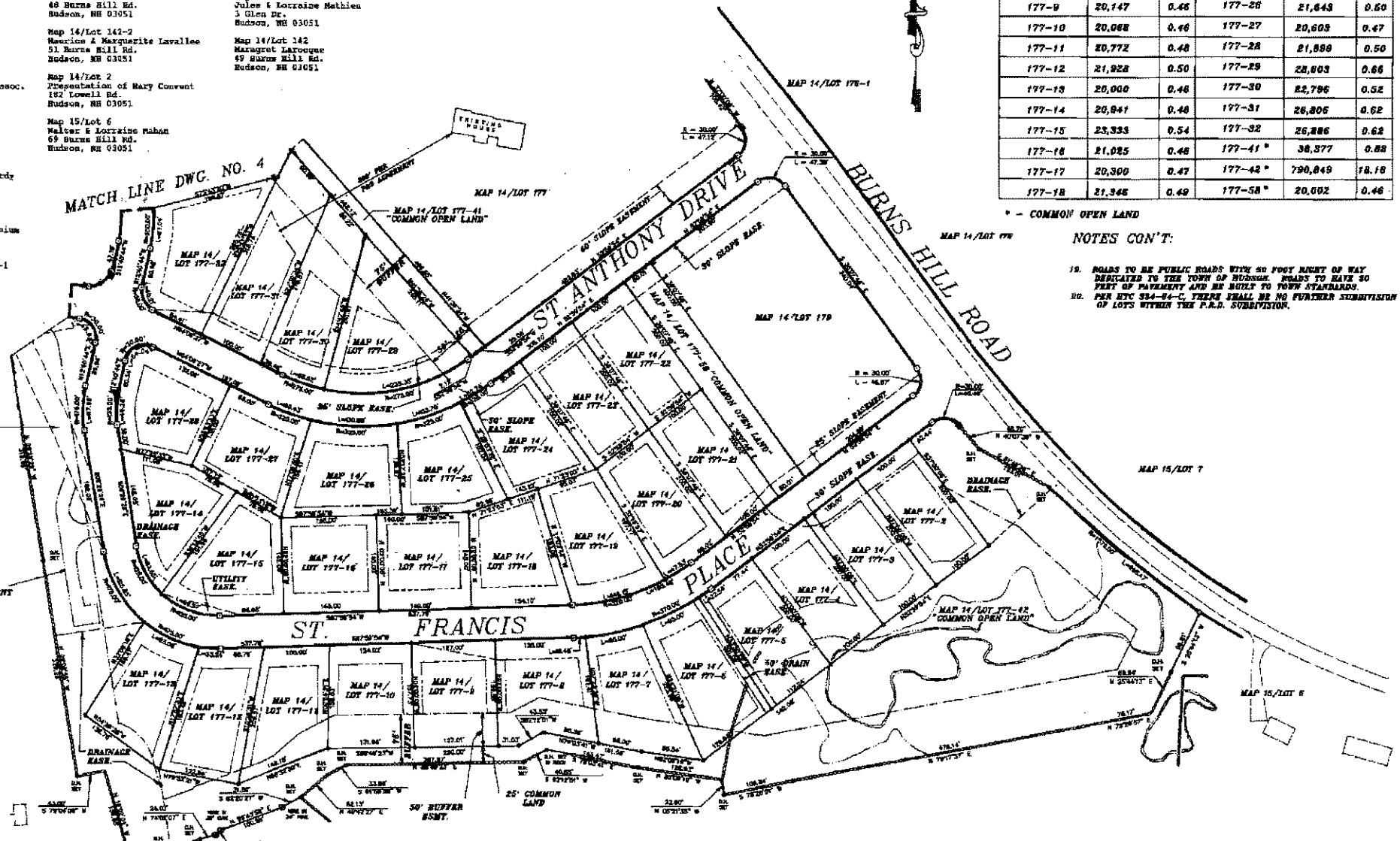
- Iron Pipe To Be Set
- Stone Bound To Be Set
- Existing Stone Wall
- Drill Hole Set (Labelled)
- Limit of Wetlands
- Minimum Building Setback

**NOTES:**

- PRESENT ZONING "A-2" RESIDENTIAL
- PROPOSED USE: RESIDENTIAL P.R.D. SUBDIVISION
- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE ONE LOT (MAP 14/Lot 177-2) INTO 54 NEW SINGLE FAMILY LOTS (MAP 14/Lots 177-2 THRU 177-31, 177-22 THRU 177-40, AND 177-43 THRU 177-47 AND THESE "COMMON OPEN LAND" LOTS 177-42, 177-41 AND 177-48)
- TOTAL AREA OF THE PARCEL: 3,348,493 SQ. FT. OR (82.86 AC.)
- LOT NUMBERS REFER TO ASSASSORS MAP 14.
- THIS PROJECT SHALL BE CONSTRUCTED IN THREE PHASES:  
PHASE I: LOTS 177-2 THRU 177-21, AND LOT 177-22 (21 LOTS)  
PHASE II: LOTS 177-23 THRU 177-27, 177-28 THRU 177-31, AND LOTS 177-32 THRU 177-40 (15 LOTS)  
PHASE III: LOTS 177-41 AND 177-42 THRU 177-47 (15 LOTS)
- PHASE I, II, AND III TO BE INDEPENDENTLY CONSTRUCTED AND/OR BOUNDARIES, SURVEYABLE PLANS AND NOTES TO BE RECORDED FOR EACH BUILDING PHASE AT THE H.C.R.D.
- IRON PIPES TO BE SET AT ALL LOT CORNERS PRIOR TO ISSUANCE OF OCCUPANCY PERMITS. STONE BOUNDS TO BE SET AT ALL POINTS OF TANGENCY AND CURVATURE ALONG THE RIGHT-OF-WAY BY A LICENSED LAND SURVEYOR PRIOR TO THE SECOND YEAR MAINTENANCE PERIOD.
- LOTS SHALL BE SERVED BY TOWN SEWER AND WATER. SERVICES TO BE EXTENDED FROM LOWELL ROAD AND/OR BURNS HILL ROAD BY PHASE PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
- WATER MAIN DESIGN, HYDRANT AND FIRE DEPARTMENT CONNECTION LOCATIONS ARE SUBJECT TO COORDINATION, REVIEW, AND APPROVAL BY THE HUDSON FIRE DEPARTMENT AND SOUTHERN NEW HAMPSHIRE WATER COMPANY PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
- STREET ADDRESSES TO BE OBTAINED FROM THE HUDSON FIRE DEPARTMENT PRIOR TO THE ISSUANCE OF INDIVIDUAL BUILDING PERMITS.
- DEVELOPMENT AGREEMENT DATED 3-11-82 IS ON FILE WITH THE TOWN OF HUDSON AND IS RECORDED AT THE H.C.R.D.
- C.A.P. AMOUNT OF \$53.37 PER LOT TO BE PAID PRIOR TO THE ISSUANCE OF INDIVIDUAL BUILDING PERMITS.
- ALL UTILITIES TO BE INSTALLED UNDERGROUND.
- WETLANDS DELINEATION AND SOIL DETERMINATION BY BREDDER & ASSOCIATES, INC. - MAY RESPONSIBLE SOIL SCIENTIST - DURING GROUND OBSERVATIONS IN JULY/AUGUST 1982.
- STATE OF NEW HAMPSHIRE WETLANDS BOARD PERMIT NO. 82-01960 GRANTED ON OCTOBER 20, 1982.
- WETLANDS SPECIAL EXEMPTION GRANTED ON DECEMBER 17, 1982 (CASE NO. 10-17) WITH THE FOLLOWING STIPULATIONS:  
1. SILTATION/EROSION CONTROLS SHALL BE IN PLACE PRIOR TO CONSTRUCTION; SHALL BE MAINTAINED DURING CONSTRUCTION, AND SHALL REMAIN UNTIL THE AREA IS STABILIZED.  
2. WORK SHALL BE DONE DURING LOW FLOW.  
3. AREA SHALL BE REGRADEN TO ORIGINAL CONTOURS FOLLOWING COMPLETION OF THE WORK.  
4. TOTAL WIDTH BETWEEN SILTATION FENCES IS NO GREATER THAN 25 FEET.  
5. WORK IS TO BE DONE DURING THE DRY SEASON (AUGUST AND SEPTEMBER).  
6. THE SOIL FERTILIZERS ARE TO BE REMOVED AND REPLACED IN EXACTLY THE SAME WAY AS THEY OCCUR NATURALLY.  
7. DEGREE OF COMPACTION ON SOILS BELOW ORGANIC SOILS AND PIPE PLACEMENT IS TO BE CHECKED.  
8. CHECK TRENCHES/DAMS PLACES (TO PREVENT THE DRAWDOWN OF WATER), TO BE CONSTRUCTED OF BENTONITE, AND PLACED BELOW WETLAND, AND HALF WAY BETWEEN LOWELL ROAD AND NEARBY WETLAND.  
9. IN WET AREAS, MANHOLES ARE TO BE AT LEAST ONE FOOT ABOVE GROUND LEVEL TO PREVENT WATER INFILTRATION.  
10. THE TOWN ENGINEER OR HIS DESIGNER (WHO IS MUTUALLY AGREED UPON BY THE TOWN ENGINEER AND THE APPLICANT), AT THE EXPENSE OF THE APPLICANT, IS TO MONITOR AND ENSURE THE WORK IS DONE IN A CONTINUOUS MANNER, WITH WRITTEN DOCUMENTATION TO BE FILED IN OUR FILES. ONCE THE INSPECTOR IS DEEMED UPON, A LETTER IS TO BE PLACED AT LEAST ONE WEEK BEFORE TO PREPARE FOR THE INSPECTION.
- MINIMUM BUILDING REQUIREMENTS: (SEE WAIVER REQUEST #1)  
LOT SIZE = 20,000 SQ. FT.  
ROAD FRONTAGE = 30 FEET  
BUILDING SETBACKS: FRONT YARD = 30 FEET  
SIDE AND REAR YARD = 15 FEET  
ANNUAL PROPERTY = 75 FEET  
WETLAND = 50 FEET

**NOTES CON'T:**

- ROADS TO BE PUBLIC ROADS WITH 50 FOOT RIGHT OF WAY DEDICATED TO THE TOWN OF HUDSON. ROADS TO HAVE 50 FEET OF PAVEMENT AND BE BUILT TO TOWN STANDARDS.
- PER NYC 224-24-C THERE SHALL BE NO FURTHER SUBMITTAL OF LOTS WITHIN THE P.R.D. SUBDIVISION.



APPROVED BY THE HUDSON, N.H. PLANNING BOARD  
DATE OF MEETING: 1-9-84  
Signature: *[Signature]* DATE: 3-21-86  
STIPULATIONS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. THE FOUR-YEAR EXEMPTION (SEE NH RSA 674:35) STARTS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL.

I CERTIFY THAT THE WETLAND MAPPING SHOWN ON THIS PLAN IS THE RESULT OF AN ON-SITE INVESTIGATION AND MEETS THE DELINEATION CRITERIA ESTABLISHED IN LOCAL, STATE, AND FEDERAL REGULATIONS.  
*[Signature]*  
MARY GOSPODAREK, C.S.S.

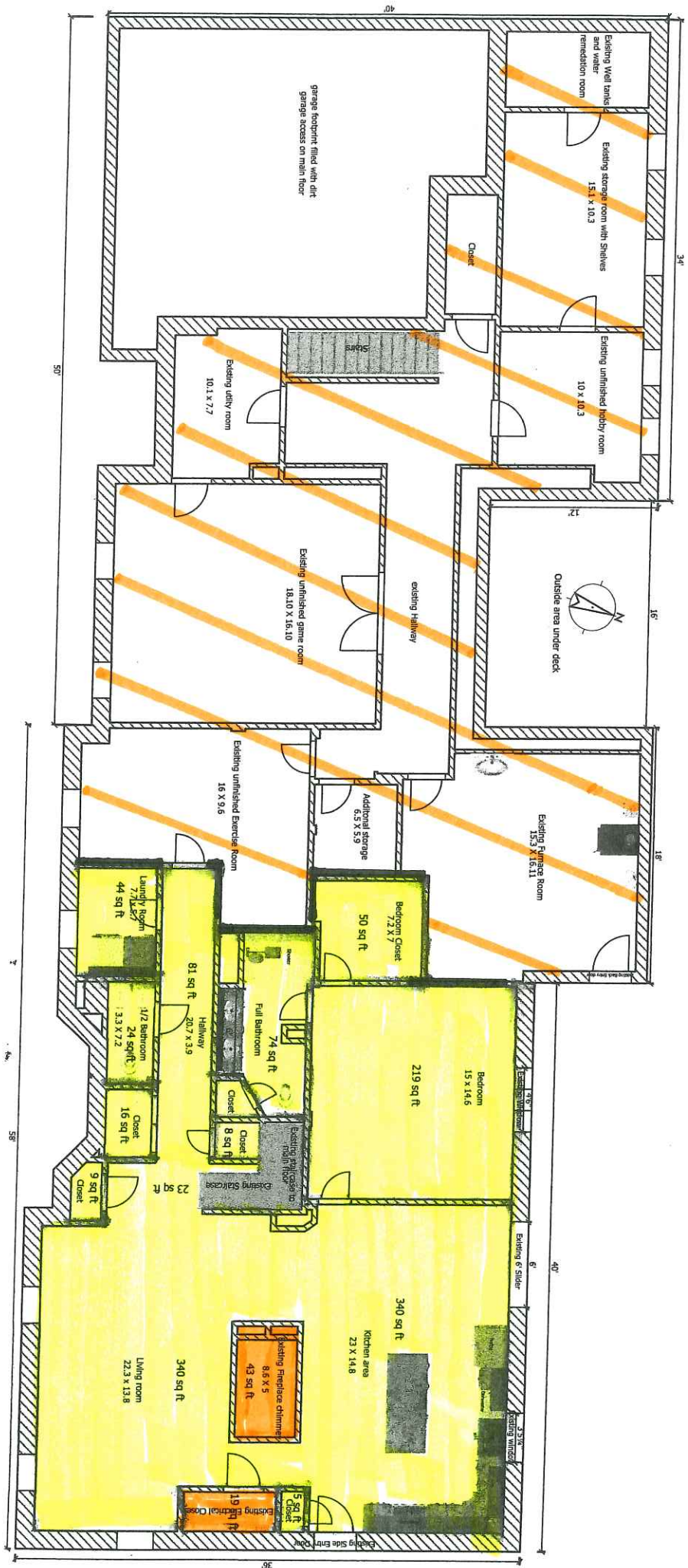
I CERTIFY THAT THIS PLAN WAS PREPARED FROM BOUNDARY INFORMATION SHOWN ON PLAN REFERENCE NO. 1 - 2 & A FIELD SURVEY MADE ON THE GROUND ON AUGUST 11, 1982 HAVING A MAXIMUM ERROR OF CLOSURE OF 1:10,000, IN ACCORDANCE WITH THE REGULATIONS OF THE TOWN OF HUDSON.  
*[Signature]*

**SUBDIVISION PLAN**  
**PROVINCIAL HEIGHTS**  
**A P.R.D. SUBDIVISION**  
**BURNS HILL ROAD**  
**HUDSON, NEW HAMPSHIRE**

PREPARED FOR:  
MISSIONARY ORLATES OF MARY IMMACULATE  
61 BURNS HILL ROAD  
HUDSON, NEW HAMPSHIRE 03051

SCALE: 1" = 100'  
AUGUST 25, 1983  
Maynard & Paquette, Inc.  
Consulting Engineers & Land Surveyors  
23 East Pearl Street, Nashua, NH 03060  
(603) 883-8384

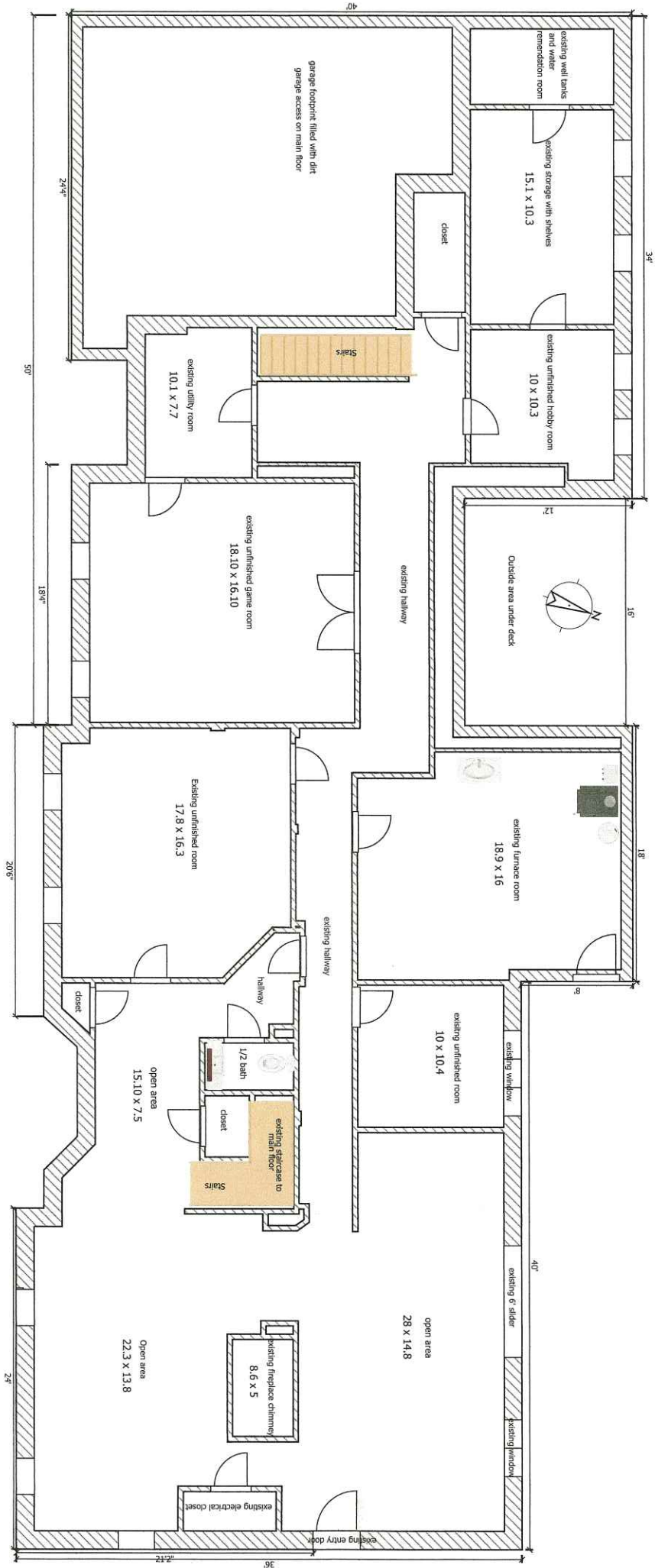
# Proposed Layout



ADU 1,250 sq ft  
 Not ADU

# Original Basement Layout

3,376 sq ft



# APPROVAL FOR OPERATION

THE INDIVIDUAL SEWAGE OR WASTE DISPOSAL SYSTEM CONSTRUCTED FOR:

N.H. DEPARTMENT OF ENVIRONMENTAL SERVICES  
WATER SUPPLY & POLLUTION CONTROL DIVISION  
P.O. BOX 95, 6 HAZEN DRIVE, CONCORD, NH 03301

OWNER:

APPROVAL NO. 1066893

DELAPE, CATHERINE  
500 LAUREL ROAD  
MERRIMACK, NH 03053

Lot Numbers:

Subd. Appvl. No.:

Subd. Name:

Type of System:

COPY SENT TO:

Town/City Location:

Street Location:

Installer

Permit No. 1066893

Owner Installed For His Domicile

Was Inspected On (Date) 6-26-85  
Before Covering And Is Hereby Approved For Use.

Date Approved:

By:

Authorized Agent Of N.H. Water Supply And  
Pollution Control Division

(OVER)

Subsurface waste disposal systems must be operated and maintained in a manner so as to prevent nuisance or health hazard due to system failure. (RSA 149-E:3-b)

It is unlawful to discharge any hazardous chemicals or substances into subsurface waste disposal systems. Included are paints, thinners, gasoline and chlorinated hydrocarbon solvents such as TCE, sometimes used to clean failed septic systems and auto parts. (WS 410.05)

REVISED 2/87

NHDES, WSPCD FILE





# TOWN OF HUDSON

## Zoning Board of Adjustment

Charlie Brackett, Chairman      David Morin, Selectmen Liaison

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

### MEETING MINUTES – December 13, 2018 - edited

The Hudson Zoning Board of Adjustment met on December 13, 2018, in the Board of Selectmen Meeting Room in the lower level of Hudson Town Hall. Chairman Charlie Brackett called the meeting to order at 7:01 PM, gave a brief overview of the purpose of the Zoning Board and the process of the meeting, asked that anyone addressing the Board to give their name, with spelling, and address, noted that there is no smoking in the building, asked everyone to turn off the ringers on their cell phones and to refrain from talking unless addressing the Board, noted that there are copies of the Agenda and Appeal process on the side table and recognized that there are only four (4) Members present, that normally there are five (5), that three (3) is a quorum, that a vote of three (3) Members is needed to pass any motion and offered the opportunity to the applicants to defer the hearing on their Case until next month in the hope that there would be five (5) voting Members present. Neither applicant asked for a deferment.

Members present were: Charlie Brackett (Chair), Gary Daddario (Regular), Gary Dearborn (Regular/Acting Clerk), and James Pacocha (Vice Chair). Also present were David Morin, Selectman Liaison, Bruce Buttrick, Zoning Administrator and Louise Knee, Recorder. Excused were: Maryellen Davis (Regular) and Kevin Houle (Alternate/Clerk). It was ~~noted~~ commented that Alternate Mike Pitre was no longer a Member. For the record, the four (4) Members present would be Voting Members for this meeting.

#### **I. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD**

1. Case 240-016 (12-13-18): Patrick Gendron, 579 Bridge Street, Pelham, NH requests a Variance for MOOZIT, LLC c/o Anthony Karistianos at 14 River Road, Hudson, NH to allow an apartment/residential dwelling unit for the owner of the business above the automotive service garage which would become a mixed/dual use property. [Map 240, Lot 016, Zoned G-1; HZO Article III §334-10A, Mixed or dual use on a lot].

Mr. Buttrick read the Case into the record and noted the attention to this location came via an individual interested in the property for sale with garage and apartment. Research into the Town's records found no paperwork for the construction or occupancy of the apartment and violations were noted regarding the apartment's existence as well as old code violations for the accumulations of tires on the site. The Case is a result of a Code Enforcement Action taken on 10/3/2018 resulting from a

1 physical inspection with the Fire Department Officer Dube of the second floor that  
2 confirmed the existence of the second floor a-dwelling unit. Mixed Use is allowed in  
3 the G1 Zone; however, a Variance is required as the lot is non-conforming with regard  
4 to area and frontage and Site Plan Review for Change-of-Use by the Planning Board  
5 would also be needed.

6  
7 Patrick Gendron introduced himself as representing his mother-in-law Kim Gobbi who  
8 resides in the apartment with her significant other, Anthony Karistianos of MOOZIT  
9 LLC. Mr. Gendron stated his mother-in-law is in her eighties, has lived in the  
10 apartment for fifteen (15) years and neither speaks nor understands English well. The  
11 apartment is small, totaling approximately ~~one thousand~~ seven hundred and sixty  
12 square feet (~~1,760~~ SF). The apartment existed when they bought the building and the  
13 only renovation they have done is get a permit to install a new septic system in 2009.  
14 The in-laws wish to retire to Florida and put the property up for sale. Mr. Gendron  
15 stated that they are seeking permission to continue living in the apartment until the  
16 property is sold and that the new owner can pursue legalizing it with the Planning  
17 Board.

18  
19 Chair Brackett stated that the granting of a Variance is given serious consideration  
20 because it stays with the land, it is not temporary and has five (5) specific criteria that  
21 the Board must determine have been satisfied and asked Mr. Gendron to address each  
22 criteria.

23  
24 Mr. Gendron addressed each of the five criteria for the granting of a variance and the  
25 following information was shared:

26  
27 1) *not contrary to public interest*

- 28 • not visible to the public
- 29 • apartment is on second floor of existing building, no exterior changes
- 30 • area is within a mix of commercial and residential properties
- 31 • septic system sized to accommodate 300 gallons per day, ample for both
- 32 business and residence
- 33 • property has enough parking area to accommodate both business &
- 34 apartment

35  
36 2) *spirit of Zoning Ordinance observed*

- 37 • area is within a mix of commercial and residential properties
- 38 • apartment not obvious from the exterior
- 39 • septic system is State approved
- 40 • there is a well on site
- 41 • allowing apartment will not threaten health & welfare of the public

42  
43 3) *substantial justice done*

- 44 • granting variance will allow property owner to live on premise to watch
- 45 over business during non-business hours

46  
47 4) *surrounding property values not diminished*

- 48 • there is no change to existing building
- 49 • apartment on second story falls within footprint of existing building

- 1           • the mixed use of garage/apartment will not affect property values in the  
2           area  
3

4           5) *unnecessary hardship if not granted*

- 5           • building has existing space above service garage  
6           • it is a small business and there is ample space on main level  
7           • there is no real value of an “office” on the second floor, it is better served  
8           as an apartment for the business owner to live on premise  
9           • granting of the variance will allow reasonable use of the accessory  
10          apartment to occupy the office space on the second floor  
11          • there is no harm done to the public by allowing the apartment  
12          • an apartment is not a detriment to the neighborhood that already  
13          contains a mixed use of both commercial and residential  
14

15 In conclusion, Mr. Gendron stated that the apartment existed when they bought the  
16 building, that they have been living in it for fifteen (15) years, that they are now elderly  
17 and want to sell and move to Florida, that his mother-in-law is Vietnamese with  
18 limited use and understanding of the English language, and that her significant other,  
19 Anthony Karistianos, is Greek with similar English limitations and that is why he was  
20 asked to represent them and their case to the Board.  
21

22 In response to Mr. Dearborn’s question, Mr. Buttrick stated that it has only ~~ever~~ been  
23 classified as “auto repair” since the year 2001. Mr. Dearborn noted that the Building  
24 Permit issued in 1988 was to raise the roof to install two garage doors with no mention  
25 of any construction of a second floor.  
26

27 Public testimony opened at 7:14 PM. No one addressed the Board.  
28

29 Mr. Pacocha asked how familiar Mr. Gendron was with the building. Mr. Gendron  
30 stated that the apartment existed when it was purchased. Mr. Daddario noted that  
31 there were Code Enforcement issues identified in 2007 and 2011 with people living  
32 upstairs. Mr. Pacocha stated that there was also a note to “continue monitoring” in  
33 2010. Mr. Buttrick added that the Code Enforcement activities were multi-faceted  
34 with one violation being with the accumulation of tires being stored. In response to  
35 Mr. Dearborn’s question regarding recent violations, Mr. Buttrick stated that no  
36 violations have been filed since he’s been with the Town.  
37

38 Mr. Dearborn stated that there is documentation of a meeting with Ms. Gobbi in 2010  
39 and a letter signed by her dated 1/16/2008 stipulating that the second floor was not  
40 to be a living area. Mr. Gendron did not dispute it but added that his mother-in-law  
41 does not understand the spoken English well and understands the English written  
42 language even less. Mr. Buttrick confirmed the struggles with the English language in  
43 his dealings with Ms. Gobbi and appreciates Mr. Gendron’s involvement. Mr.  
44 Dearborn expressed concern for the lack of a Building Permit or plumbing & electrical  
45 inspections or a Certificate of Occupancy for the apartment or an office on the second  
46 floor. It was noted that the Replacement Septic System plan dated 11/6/2009  
47 identified the building as “Existing Service Garage / Office”.  
48

49 Mr. Daddario stated that it is understandable to utilize the open space, to create an  
50 office and even for an office to contain a kitchenette, but, according to his

1 understanding, a variance applies to the land impact to justify the hardship criteria  
2 and does not believe the Board has the authority to grant this variance. Mr. Brackett  
3 acknowledged and noted that at one point in time when variances could have been  
4 distinguished based on use, Simplex could have been applied, as there are similar  
5 uses in the area.

6  
7 Discussion continued and focused on attempting to reconstruct the sequence of  
8 events noting that a Building Permit was not issued for the second floor office or  
9 apartment, that there were several notices of violations of people living at the building,  
10 that the Town's records are scant or missing, and that the violation has continued  
11 without any attempt, by the Town or residents, to correct and speculated that  
12 correction is only now being sought in order to sell the property as a commercial  
13 garage with accompanying apartment and concern that a variance goes with the land.

14  
15 Mr. Buttrick stated that it is a non-conforming residential use, that the lot is not large  
16 enough for a Mixed-Use, that the variance is needed to establish the Mixed-Use  
17 designation and that execution would also require Planning Board Site Plan Review for  
18 implementation.

19  
20 Mr. Brackett stated that he would have a greater concern if the apartment was  
21 converted from an Office. Mr. Daddario stated that the hardship criteria apply to the  
22 property and asked what would need to happen to the property if the variance was not  
23 granted. Discussion arose on whether the second floor office could include a kitchen  
24 and it was determined that it's dual use could be a break-room and that it is common  
25 for a break-room to have a kitchenette. Mr. Brackett stated that the real issue is that  
26 a variance goes with the land.

27  
28 Motion made by Mr. Dearborn and seconded by Mr. Daddario to not grant the  
29 variance, as the hardship criterion has not been met. Mr. Daddario stated that it gives  
30 him no pleasure to deny the variance but the land presents no hardship, that the  
31 present owner is selling the property, which is not dependent on the apartment and  
32 noted that the apartment can be used as a break-room. Mr. Brackett agreed that the  
33 relief is to be based on the land and the primary use of this land is as a service garage.  
34 Vote was 4:0. Variance request denied.

35  
36 The thirty-day appeal period was noted. Mr. Gendron inquired about the Appeal  
37 process and was given the Appeal paperwork. Mr. Brackett stated that an Appeal  
38 stems from either the Board having made an error in judgment or there is new  
39 evidence to be considered.

- 40  
41 2. Case 198-027 (12-13-18): Paul L. Ferronetti, 18 Forest Street, Haverhill, MA,  
42 requests a Variance at 68 Lowell Road, Hudson, NH, to demolish the  
43 existing non-conforming structure in the required front setbacks and rebuild  
44 on same slab footprint. [Map 198, Lot 027, Zoned Business-(B); HZO Article  
45 VIII, §334-31, Alteration and expansion of non-conforming structures].  
46

47 Mr. Buttrick read the Case into the record and referenced his Staff Report dated  
48 12/3/2018 and his Zoning Determination dated 10/2/2018. Mr. Buttrick stated that  
49 it is an existing non-conforming lot of record due to it's size with a non-conforming  
50 building due to its setbacks, that the shape of the lot is triangular with frontage on



1 two sides, and that, per the Zoning Ordinance, requires a variance when a non-  
2 conforming structure is being voluntarily demolished and reconstructed.

3  
4 Paul Ferronetti introduced himself as the owner of the business and property and  
5 stated that the building is not insulated, that it does have baseboard and that the  
6 pipes have frozen twice already. Mr. Ferronetti stated that he plans to install  
7 insulated walls on the same foundation and put on a pitched roof to better blend the  
8 building with the surrounding properties.

9  
10 Mr. Ferronetti addressed the criteria for the granting of a variance and shared the  
11 following information:

12  
13 1) *not contrary to public interest*

- 14 • Would not be contrary to the public interest
- 15 • Would not alter the essential character of the neighborhood which is
- 16 currently a mix of single family homes, multi-family homes and
- 17 businesses
- 18 • Would not injure public rights as it is a business / commercial store
- 19

20 2) *spirit of Zoning Ordinance observed*

- 21 • area is in the Business Zone and surrounded by a mix of commercial
- 22 businesses and residential properties
- 23 • permitting an alteration to a business / commercial store conserves
- 24 property values as well as preserves and enhances the quality of life for
- 25 the occupants and maintains the character of the area
- 26 • spirit is observed because the improvements satisfies the general
- 27 purposes of the Zoning Ordinance which includes promoting efficiency
- 28 and economy in the process of development by encouraging the most
- 29 appropriate use of the land, conserving property values and preserving
- 30 and enhancing quality of life
- 31

32 3) *substantial justice done*

- 33 • granting variance will allow property owner to renovate his business and
- 34 enhance the property value and quality of life for the occupants
- 35 • substantial justice is done if the general public realizes no appreciable
- 36 gain if the variance is denied; however the general public would benefit
- 37 by the granting of the variance with an improved building renovated in
- 38 style to better fit in with the neighborhood
- 39

40 4) *surrounding property values not diminished*

- 41 • surrounding property values will not be diminished and will most likely
- 42 be enhanced with an improved newly renovated building
- 43

44 5) *unnecessary hardship if not granted*

- 45 • the lot is unique with its triangular configuration with two frontages with
- 46 increased setbacks constricting the structure's placement
- 47 • the newly renovated building will be constructed on the existing slab
- 48 • the proposed use is a reasonable use
- 49

1 Mr. Ferronetti concluded by saying that it is an older un-insulated building, that it  
2 would be rebuilt on the same foundation with a pitch roof and fit better within the  
3 neighborhood.

4  
5 Public Testimony opened at 7:53 PM. Donald ~~Uldrich~~-Aldrich of 5 Roosevelt Avenue,  
6 Hudson, NH addressed the Board, stated that he walks by this property everyday with  
7 his dogs, that it is a “shanty”, that the proposed rebuild would be an improvement and  
8 has no problem with the proposal. Being no one else to address the Board, Public  
9 Testimony closed at 7:53 PM.

10  
11 Mr. Dearborn asked if the new plans for the building have been designed and if there  
12 was a time selected to do the construction. Mr. Ferronetti stated that the plans have  
13 not been finalized and added that it will have a pitched roof to better suit the  
14 neighborhood, that it will be just a single-story and will be built on the same  
15 foundation which already houses the electrical and plumbing and that construction  
16 could be the first two weeks of July, 2019. Mr. Daddario asked if the building would  
17 have the same dimensions and Mr. Ferronetti responded that it would internally but  
18 would probably go over the slab foundation by approximately one foot on each side.  
19 Mr. Buttrick stated that the increase in footprint is to accommodate the insulated  
20 walls and noted that if the building was to be built much bigger it could interfere with  
21 traffic flow and could then need the plan still has to go before the Planning Board for a  
22 Modification to Site Plan Review Change of Use from a coffee shop to a bigger building  
23 for the store and added that prior to the coffee shop the site had a gas station. Mr.  
24 Brackett stated that he remembers all the discussion when this site# changed from a  
25 gas station to a coffee shop and how the coffee shop# was a better suited use for this  
26 unique lot and expressed surprise that documentation was not part of the packet. Mr.  
27 Buttrick stated that he provided all the information regarding this site that he found  
28 on the Town’s files.

29  
30 Mr. Pacocha asked Mr. Buttrick if the applicant could have just added insulated  
31 panels to the exterior of the building and not have to come before the Zoning Board.  
32 Mr. Buttrick confirmed that could have been done and added that he had to deny the  
33 Building Permit application because the non-conforming structure was being  
34 demolished voluntarily would still need to go before the Planning Board for Change of  
35 Use to the Site Plan.

36  
37 Motion made by Mr. Dearborn and seconded by Mr. Daddario to grant the variance as  
38 requested. Mr. Dearborn stated that the proposed changes is a definite improvement  
39 to the property and will remain a single story structure. Mr. Daddario stated that the  
40 first four (4) variance criteria have been satisfied as all are improvements and that the  
41 fifth criteria is satisfied by the land with its size and triangular shape. Mr. Pacocha  
42 agreed and added that the argument could be made that the Zoning Ordinance caused  
43 the hardship. Mr. Brackett expressed concern regarding the coffee shop  
44 documentation as, in his opinion, the coffee shop was the perfect use of the property.  
45 Vote was 4:0. Motion approved. Variance granted. The thirty-day appeal period was  
46 noted. Mr. Brackett stated that considering the project still has to go before the  
47 Planning Board and construction is not scheduled until June, there is little chance of  
48 the applicant beginning construction during the appeal period; however, someone  
49 could be opposed. Mr. Dearborn noted that no one spoke in opposition.

50

1  
2 **II. REVIEW OF MINUTES**  
3

4 1. 11-08-18 Minutes  
5

6 Board reviewed the edited version presented. Motion made by Mr. Dearborn, seconded  
7 by Mr. Daddario and unanimously voted to approve the 11/8/18 Minutes as edited  
8 and presented.  
9

10  
11 **III. REQUEST FOR REHEARING**  
12

13 There were no requests for rehearing presented for Board consideration.  
14

15 **IV. OTHER**  
16

17 1. Recap of ZBA workshop meeting 11/15/18: Zoning Ordinance amendments  
18

19 Mr. Buttrick stated that the workshop meeting was held and the focus was on the  
20 backyard animals proposal with the Animal Control Officer. It was noted that this  
21 amendment still needs to be fine-tuned and would not be on the 2019 ballot. Mr.  
22 Brackett stated that the final draft still has to be prepared before going to the Planning  
23 Board and that the group would meet again after the holidays sometime in January.  
24 Mr. Pacocha stated that the Zoning Ordinance already addresses the Raising and  
25 Keeping of Livestock to which Mr. Buttrick confirmed if the use is a Principal Use and  
26 noted that what is being discussed is back-yard animals as an Accessory Use.  
27

28 Mr. Brackett stated that Brian Groth, Town Planner, presented the proposed Zoning  
29 Ordinance amendments to the Planning Board and noted that they were well received  
30 but the general feeling was that perhaps there were too many to present on the 2019  
31 ballot, like the tiny houses.  
32

33 2. Propose ZBA Bylaw amendment to address Variance voting per HB 1215  
34

35 The general consensus was to select the vertical voice choice. Mr. Buttrick noted that  
36 adding it to the Bylaws requires two (2) public hearings/meetings. Motion made by  
37 Mr. Dearborn, seconded by Mr. Brackett and unanimously voted to schedule the  
38 required hearings to adopt the voting vertical criteria for the granting of variances into  
39 the Bylaws. Motion passed. Mr. Buttrick asked to advertise for the next two public  
40 meetings.  
41

42 3. Proposed 2019 ZBA Meeting Schedule  
43

44 Board reviewed the proposed schedule. It was noted that meeting dates are  
45 changeable. Motion made by Mr. Dearborn, seconded by Mr. Pacocha and  
46 unanimously voted to adopt the ZBA 2019 Meeting Schedule as presented.  
47

48 4. ZBA Members  
49

1 Mr. Dearborn asked the Selectmen to address the lack of ZBA Members. Mr.  
2 Dearborn noted that Alternate and Clerk Kevin Houle's term expires at the end of the  
3 month and he is not re-enlisting and the Board has no Alternate Members. Mr.  
4 Dearborn stated that he didn't mind performing the duties of Clerk this meeting but it  
5 is too compromising/distracting onto a Regular Voting Member and there are no  
6 Alternate Members on ZBA. ZBA needs Members; there are currently only five (5).  
7 Selectman Normand Martin, 3 Edgar Court, stated that the Selectmen are working on  
8 the problem. Selectman Morin stated that all the Boards in Town are affected with  
9 reduced membership. Mr. Brackett stated he discussed this with former ZBA Member  
10 Donna Shuman and they want to suggest that a news article in the Hudson Litchfield  
11 News might help. Mr. Daddario inquired about the applicant with the dog-rescue who  
12 seemed to be interested in joining the Board. Mr. Buttrick stated that he did send her  
13 an email but has not received a response and was asked to check again.  
14

15 Motion made by Mr. Daddario, seconded by Mr. Pacocha and unanimously voted to  
16 adjourn the meeting. The 12/13/2018 ZBA meeting adjourned at 8:35 PM.

17  
18 Respectfully submitted,  
19 Louise Knee, Recorder





# 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

January 18, 2019 *BB*

#### REQUEST FOR RE-HEARING

**Case:** 240-016 (12-13-18): Patrick Gendron, 579 Bridge Street, Pelham, NH requests a Variance for MOOZIT, LLC c/o Anthony Karistianos at 14 River Road, Hudson, NH to allow an apartment/residential dwelling unit for the owner of the business above the automotive service garage which would become a mixed/dual use property. [Map 240, Lot 016, Zoned G-1; HZO Article III §334-10A, Mixed or dual use on a lot].

**Address:** 14 River Road

**Zoning districts:** General One (G-1)

#### Summary:

At the December 13, 2018 ZBA Hearing on the above case, the Board denied the application for a Variance.

On January 18, 2019 this office received a hand delivered motion for Rehearing dated January 18, 2019.

According to RSA 677:2 *Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions*. **The applicant has missed the timeliness (30 days) for filing of a request for rehearing.** According to the statute: “*Within 30 days after any order or decision of the zoning board of adjustment, .... or any decision of the board of appeals in regard to its zoning, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order .....*” **This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote [BB note: this doesn't apply here as the minutes and the Notice of Decision were available 5 business days] pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed.**

For this case, the statutory “day timeliness calculation” of RSA 677:2 is as follows: The ZBA decision was made on December 13, 2018, start the count on Friday December 14, 2018.

30 days forward = (Dec 14 to 31 = 18 days) + (Jan 1 to 12 = 12) thus Saturday January 12, 2019 is the 30<sup>th</sup> day deadline. Today is January 18, 2019.

The applicant did not make application in a timely manner (as required) for a rehearing.

**RECOMMENDATION:**

I would propose that the Board make a motion to deny such request, due to the lack of satisfying the required timeframe in RSA 677:2 of within 30 days of the decision.

# TITLE LXIV PLANNING AND ZONING

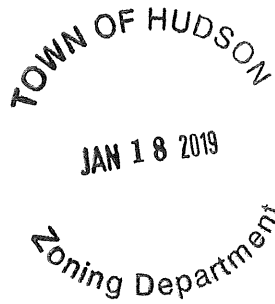
## CHAPTER 677 REHEARING AND APPEAL PROCEDURES

### Rehearing Procedures Before Board of Adjustment, Board of Appeals and Local Legislative Body

#### Section 677:2

**677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions.** – Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed. If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.

**Source.** 1983, 447:1. 1988, 131:4. 1994, 116:1. 1995, 243:3. 2000, 144:2. 2005, 105:1. 2009, 266:2, eff. Sept. 14, 2009.



January 18, 2019

**HAND-DELIVERED**

Charles Brackett, Chairman  
Hudson Zoning Board of Adjustment  
12 School Street  
Hudson, NH 03051

RE: Motion for Rehearing  
Case 240-016 (12/13/2018)  
14 River Road, Map 240, Lot 016

Dear Mr. Brackett:

Please be advised that this office represents Moozit, LLC, which is the owner of the above-referenced property. By a Decision dated December 20, 2018, the Zoning Board of Adjustment voted to deny the request for a variance. In this case, a request for a variance was filed with the Zoning Board of Adjustment to allow an apartment/residential dwelling unit, which would be located above the automotive service garage and would be a mixed/dual use property. Section 334-10 A of the Hudson Zoning Ordinance provides that multiple uses on a lot are permitted, provided that the lot meets the area and frontage requirements for the principal use for the district in which it is located and each use is in conformity with all other requirements set forth in the Zoning Ordinance in the Hudson Land use Regulations. It is our position that the Decision of the Hudson Zoning Board denying the request for a variance was unlawful and/or unreasonable.

The Applicant in this case, Moozit, LLC, purchased the property in question by a Warranty Deed from James T. Butterworth and Mildred E. Butterworth, recorded at the Hillsborough County Registry of Deeds on February 3, 2003 at Book 6829, Page 1861. The property that was purchased by Moozit, LLC was a combination of Lots 8 and 7 as shown on Plan No. 1215. This subdivision plan was approved by the Hudson Planning Board on April 14, 1955. There are eight (8) lots in this 1955 subdivision ranging in size from 30,800 square feet to 9,900 square feet. Lot 8 contained 13,300 feet and the deed into Moozit, LLC contained approximately 7,650 feet from Lot #7 for a total square footage of 20,950 feet. When Moozit, LLC purchased the property in February of 2003, the automotive repair facility was

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BRENDA C. SMITH-WEISS = ROBERT M. SHEPARD = TANYA L. SPONY = VALERIE A. WEBER



located on the first floor of the structure and a one (1) bedroom apartment was located on the second floor of the structure. Moozit, LLC has made no significant renovations to this property since purchasing the property. On or about November 20, 2009, a replacement septic system plan was approved by the Hudson Health Officer. Upon information and belief, the replacement septic system was installed by Moozit, LLC.

The Decision of the Hudson Zoning Board was illegal or unreasonable because the variance will not be contrary to the public interest. The majority of the lots located on Stuart Street and all of the lots on Plan No. 1215 are under-sized according to today's standards and regulations. Allowing an apartment above the automotive repair facility on 14 River Road would be consistent with the uses in the area of this property. Stuart Street has a complete mix of residential and business uses. There are at least four (4) businesses located on Stuart Street. Several of the businesses are closely associated with residential dwellings. It does not appear that the properties on Stuart Street and identified on Plan No. 1215 have sufficient frontage according to today's standards and regulations. The subject property has approximate 149 feet of frontage on Stuart Street and has approximately 94 feet of frontage on River Road. The property at 14 River Road has had a mixed/dual use for at least the past 15 years. There has been no problem with overcrowding of the lot or excessive or dangerous traffic. Granting the variance will in no way interfere with the objections of the Hudson Zoning Ordinance.

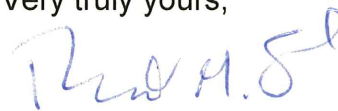
The spirit of the Ordinance would be observed if the variance was granted. The Ordinance permits mixed uses such as the mixed use that is in place at 14 River Road. However, the Ordinance requires that the lot meet the area and frontage requirements for the principal use. In this case, the area requirement is 87,120 square feet and the frontage requirement is 200 feet. None of the lots identified on Plan 1215 could comply with this requirement. All of the lots identified on Plan 1215 were approved long before this section of the Ordinance was enacted. The Applicant is attempting to comply with the Ordinance by applying for this variance. The Applicant did not construct the apartment that is above the repair facility. This apartment was in existence at the time that the property was purchased by the Applicant. The septic system that was installed in 2009 or 2010 is adequate for the purpose of this property. It is not known when the apartment was actually constructed on the second floor, but as previously stated, it was in existence at the time that the Applicant purchased this property. If this property had additional square footage, then the apartment would be permitted. Because the lots in this neighborhood were created in 1955, they cannot comply with current day standards and regulations. The Hudson Zoning Ordinance was enacted to lessen congestion in the streets; to secure safety from fires, panic and other dangers; to promote health and general welfare; to prevent the overcrowding of the land (see RSA 674:17). Permitting the mixed/dual use of this property will not be contrary to the purpose of the Ordinance.

Substantial justice would be done by granting the variance in this case. The Applicant operates a modest automotive repair facility at 14 River Road. Associated with this modest automotive repair facility is a one (1) bedroom apartment. Anthony Karistianos is the person who operates the automotive repair facility and who lives in the apartment above the facility. The apartment above the facility provides for security for the automotive repair facility, after hours. The apartment above the automotive repair facility allows Anthony to conduct his business and to operate this modest automotive repair facility. From a review of the Code Violation Log for the Town of Hudson, it appears that the first entry pertaining to the unit above the garage was in November of 2007. At that point, the apartment had been in use for more than four (4) years. It is not known how long before Moozit, LLC purchased the property that the apartment had been use. When the Applicant purchased the property, it had thought that the existing apartment was a legal use of the property. As previously stated, such a mixed use is permitted pursuant to the Hudson Zoning Ordinance. The Applicant had no reason to believe, when it purchased the property, that the apartment was an illegal apartment.

The special conditions exist such that the literal enforcement of the Ordinance would result in unnecessary hardship. In this case, the special condition is the age of the lot in question as well as the size of the lots created by the 1955 subdivision plan. The lot in question was created initially by a 1955 plan identified as Plan No. 1215. In February of 2003 Moozit, LLC, the Applicant, purchased Lot No. 8 on Plan No. 1215 and one-half of Lot No. 7 on Plan No. 1215. This combined lot had approximate square footage of 20,950 square feet. The lot also had frontage on Stuart Street in the amount of 149 feet. There is no more land available in this area for the Applicant to acquire in order to comply with the present zoning regulations and standards. It is not known how long the apartment above the garage has been in existence, but it clearly was in existence prior to the purchase by the Applicant. The use of the property by the Applicant, as an automotive repair facility with an apartment for the owner above the facility, is a reasonable use. This use is permitted by the Hudson Zoning Ordinance, provided there is sufficient square footage and frontage. However, in this case, it would be impossible for the Applicant to comply with the Zoning Ordinance because of the age and configuration of the lots as described on Plan No. 1215. Granting the variance would allow the applicant to use its property in a reasonable and beneficial manner.

In summary, the Applicant requests that the court vote to re-hear this variance application.

Very truly yours,



Robert M. Shepard

RMS:jrw

# Zoning Amendments 2019

## STAFF REPORT

January 3 2018

At its last meeting, the Planning Board moved the following zoning amendments to their first public hearing on January 9, 2019. These amendments have been reviewed with the Town's attorney. In some cases, amendments have been combined for the purpose of the warrant article.

After considering public comment, the Planning Board should determine if further changes are needed for the draft amendments. If no changes are made, the Board may move an amendment to the warrant article. If changes are made, and are not substantive, the Board should vote to conduct a second public hearing on January 23, 2019.

*After each amendment, the Board should make one of the following motions:*

*I move to recommend the zoning amendment as presented.*

*Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_*

*I move to conduct a second public hearing on January 23, 2019 to consider the changes as discussed.*

*Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Carried/Failed: \_\_\_\_\_*

### **1) Article XIII A, Accessory Dwelling Units, § 334-73.3**

H. "The ~~gross living area (GLA)~~ **size** of an ADU shall not be less than 350 square feet nor greater than 750 square feet. The ~~above-grade GLA size~~ of the principal dwelling shall not be reduced to less than 850 square feet in order to accommodate the creation of an ADU. **Measurement of size shall be consistent with Town Assessor's practices.**"

O. An ADU shall make provision for adequate water supply and sewage disposal in compliance with RSA 485-A: 38 and regulations adopted by the New Hampshire Department of Environmental Services, but separate systems shall not be required for the principal STRUCTURE and ADU. **Verification of compliance with RSA 485-A:38 shall be filed with the Town prior to issuance of a building permit.**

## 2) Article II, Terminology §334-6 Definitions

CORNER LOT – see LOT, CORNER

LOT, CORNER - “A **corner lot is defined as a lot located at the intersection of two HIGHWAYS that has frontage on each public or private HIGHWAY** ~~with two adjacent sides abutting intersecting public streets (HIGHWAYS).~~”

## 3) Article III, General Regulations, § 334-14 Building Height

No ~~habitable~~ **occupiable** structure may exceed 38 feet in height in any district, except as provided in Subsection A below. Height is measured from the average elevation of the finished grade within five feet of the structure to the highest point of the roof, excluding accessory, unoccupied protuberances such as antennas, flagpoles and the like. ~~Nonhabitable~~ **Non-occupiable** structures such as church spires, steeples, smokestacks, flagpoles, lightpoles and other similar structures may not exceed 100 feet in height in any district, except as provided for in Article VI, Special Exceptions. In all cases, a ~~nonhabitable non-~~ **occupiable** structure shall not be capable of falling or collapsing beyond the bounds of the property on which it is situated. The maximum heights and special exception conditions for communications towers, masts and antennas are separately addressed within Article XVIII, Commercial Wireless Telecommunication, Radio Service and Receive-Only Facilities.

- A. In the following described zoning districts/parcels, the maximum allowed ~~habitable~~ **occupiable** building height shall be 50 feet, and said maximum height shall be restricted to those areas of buildings used exclusively for manufacturing, warehouse, distribution and office space ancillary to said principal uses. ~~A~~ Sagamore Industrial Park (IP), located in an Industrial (I) Zoning District, bordered by Sagamore Bridge Road to the south, the Merrimack River to the west, the existing General (G) District to the north and the existing Business (B) District, abutting Lowell Road. (Rte. 3A) to the east, and including all parcels located within this I Zoning District. The General (G) Zoning District abutting to the north of the above-described Sagamore IP, and known locally as the "Friar Property," having frontage off Friars Drive and 161 Lowell Road (Map 209/Lot 001). The portion of the General-One (G-1) Zoning District located to the south of Sagamore Bridge Road and exclusive to the following parcels: Green Meadow Golf Club, 43 Steele Road (Map 239/Lot 001), 11 Steele Road (Map 234/Lot 005), 2 Friel Golf Road (Map 234/Lot 001), 267 Lowell Road (Map 234/Lot 035) and 273 Lowell Road (Map 234/Lot 034). The Industrial (I) Zoning District located along the south border of Central Street (NH Rte. 111), starting at the westernmost border of this I District (i.e., just west of Hudson Park Drive), running along said south border of Central Street to the west border of Sullivan Road and including all parcels located within this I Zone. The Industrial (I) Zoning District located along the north side of Derry Street (NH Rte. 102), at the intersection of West Street, and including all parcels located within this I Zone.



4) **§334 Attachment 1 - Table of Permitted Principal Uses**

Table of Permitted Principal Uses

USE	R-1	R-2	TR	B	I	G	G-1
D. Commercial Uses							
28. <del>Garaging or parking of one light commercial vehicle</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
29. <del>Garaging or parking of two or more light commercial vehicles</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
30- <del>28</del> . General retail							
31. <del>Garaging or parking of heavy commercial vehicles and equipment</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P</del>	<del>P</del>	<del>P</del>
32. <del>29</del> . Retail sale of agriculture, horticulture, floriculture and viticulture products.	N	N	N	P	N	P	P
33. <del>30</del> . Tattoo parlor	N	N	N	P	N	N	N
34. <del>31</del> . Body art/piercing	N	N	N	P	N	N	N

Table of Permitted Accessory Uses

Accessory Uses	R-1	R-2	TR	B	I	G	G-1
<b>Garaging or parking of one light commercial vehicle</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Garaging or parking of two or more light commercial vehicles</b>	N	N	N	P	P	P	P
<b>Garaging or parking of heavy commercial vehicles and equipment</b>	N	N	N	N	<b>P*</b>	<b>P*</b>	<b>P*</b>

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

5) **Article III, General Regulations, §334-10. Mixed or dual use on a lot; Article VI, §334-26 Reduction of Requirements for mixed and dual uses; compatibility of uses.**

§334-10. Mixed or dual use on a lot.

- A. Multiple **Principal** Uses on a lot **in the Industrial or Business Zones** lot are permitted provided that the lot meets the area and frontage requirements for the principal use for the district in which it is located and each use is in conformity with all other requirements set forth in this chapter **and the Hudson Land Use Regulations** pertaining to that use.
  - (1) **The Business or Industrial lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage.**
  - (2) **The Business or Industrial lot is of sufficient size to satisfy the minimum lot size requirement for the principal use requiring the most lot area.**
- B. For the purposes of this chapter, multiple commercial or industrial uses/activities developed as part of a single site are considered a single principal use.
- C. For the purposes of this article, the addition of accessory uses to a principal use does not result in a dual or mixed use of the property.
- D. **Multiple or mixed uses on a single lot, which includes a residential use, shall only be allowed by Special Exception in accordance with the general requirements listed in Article VI, Section 334-23. In addition to the general requirements for special exception listed in Article VI, § 334-23, the mixed or dual uses shall be compatible.**

~~§334-26. Reduction of Requirements for mixed and dual uses; compatibility of uses. (Reserved)~~

- ~~A. The minimum frontage and lot size requirements, as required in Article III, §334-10, for mixed or dual use on a lot in the Industrial or Business Zones may be reduced by special exception, to the sum of the minimum frontage and/or lot size requirement for the principal use requiring the most frontage, plus not less than 50% of the minimum frontage and/or lot size requirement for each additional principal use.~~
- ~~B. In addition to the general requirements for special exception listed in Article VI, § 334-23, the mixed or dual use shall be compatible. An example of a compatible mixed or dual use would be a single residence and a business, where the residence would be occupied by the business owner or manager.~~

**6) Article IV Establishment of Districts, §334-18. Districts described.**

- D. Business (B). The B district is established to provide for the development of general wholesale and retail commercial uses, services, office uses, ~~industry, warehousing,~~ multifamily dwellings and customary accessory uses and structures.

## REMINDER.....

FROM THE ZBA BYLAWS,  
Election of Officers:

### § 143-5 Officers.

#### A.

A Chairman shall be elected annually by a majority vote of the Board at the first meeting in the month of January. The Chairman shall preside over all meetings and hearings, appoint such committees as directed by the Board and shall affix his/her signature in the name of the Board.

#### B.

A Vice-Chairman shall be elected annually by a majority vote of the Board at the first meeting in the month of January. The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters which come before the Board during the absence of the Chairman.

#### C.

A Clerk shall be elected annually by a majority vote of the Board at the first meeting in the month of January. The Clerk shall maintain a record of all meetings, transactions and decisions of the Board, and perform such other duties as the Board may direct by resolution.



## **ELECTION OF NEW OFFICERS FOR CALENDAR YEAR 2019**

**Chairman, Charlie Brackett shall address the need to elect new officers for reorganization of the Board, and shall first ask for a nomination for the position of Chairman.**

### **DRAFT MOTIONS FOR ELECTION OF OFFICERS:**

#### **MOTION FOR CHAIRMAN:**

**I move to nominate \_\_\_\_\_ to be Chairman.**

**Second: \_\_\_\_\_.**

**If there are no other nominations for this office, the next motion is:**

#### **MOTION:**

**There being no other nominations, I move to close the nominations and to elect**

**\_\_\_\_\_ as Chairman by acclamation.**

**Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Motion carried/failed: \_\_\_\_\_.**

#### **MOTION FOR VICE-CHAIRMAN:**

**I move to nominate \_\_\_\_\_ to be Vice-Chairman.**

**Second: \_\_\_\_\_.**

**If there are no other nominations for this office, the next motion is:**

#### **MOTION:**

**There being no other nominations, I move to close the nominations and to elect**

**\_\_\_\_\_ as Vice-Chairman by acclamation.**

**Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Motion carried/failed: \_\_\_\_\_.**

**MOTION FOR SECRETARY:**

**I move to nominate \_\_\_\_\_ to be Secretary.**

**Second: \_\_\_\_\_.**

**If there are no other nominations for this office, the next motion is:**

**MOTION:**

**There being no other nominations, I move to close the nominations and to elect**

**\_\_\_\_\_ as Secretary by acclamation.**

**Motion by: \_\_\_\_\_ Second: \_\_\_\_\_ Motion carried/failed: \_\_\_\_\_.**



	323			
2019-0634	SB	<b>Title:</b>	relative to third party inspections conducted pursuant to a planning board approval.	
2019-0827	HB	<b>Title:</b>	relative to the definition of agriculture and existing agricultural uses.	

Bruce

*Bruce Buttrick, MCP*  
*Zoning and Code Enforcement*



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



HB 312 - AS INTRODUCED

2019 SESSION

19-0483

11/10

HOUSE BILL **312**

AN ACT relative to municipal regulation of tiny houses.

SPONSORS: Rep. Testerman, Merr. 2

COMMITTEE: Municipal and County Government

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ANALYSIS

This bill defines tiny houses and provides for the authority and requirements for municipal regulation.

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Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~in brackets and struck through.~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19-0483

11/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to municipal regulation of tiny houses.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Subdivision; Tiny Houses. Amend RSA 674 by inserting after section 73 the following new subdivision:

Tiny Houses

674:74 Definition. As used in this subdivision, "tiny house" means a small structure intended for year-round occupancy that meets the requirements of the state building code, as defined in RSA 155-A, and may include single-room structures, and which is built on either a permanent foundation or on a chassis that is suitable for registration for transport on public highways of the state.

674:75 Individual Tiny Houses.

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow tiny houses as a matter of right in all zoning districts that permit single family dwellings, and may allow in its discretion tiny houses in all other districts.

II. If a municipality permits detached accessory dwelling units pursuant to RSA 674:73, it shall permit a tiny house as a detached accessory dwelling unit. Municipalities allowing tiny houses pursuant to this paragraph may require additional lot area if it has such a requirement for detached accessory dwelling

units, and may require the tiny house meet the municipality's zoning dimensional standards for detached accessory dwelling units if such standards exist.

III. A tiny house used for habitation shall be connected to both a public water system or a private well and to a public sewer system or a subsurface wastewater disposal system that has been approved by the department of environmental services. Alternatively, a tiny house used for habitation may include self-contained drinking water and sanitary systems.

IV.(a) If built on a chassis, a tiny house used for habitation shall be taxable as real estate, but shall not otherwise be regarded as real property.

(b) If a tiny house is located on the land of another, the owner of the tiny house shall be liable for property taxes on the tiny house according to RSA 72:7-a unless exempted under RSA 72:7-d.

674:76 Tiny House Parks. Municipal zoning ordinances shall also make provision for locating tiny homes in group park settings of at least 4 units, in which no more than one of the units may be the property owner. Units shall be adequately spaced to allow for access by fire-fighting apparatus. The overall lot size shall be at least 10,000 square feet, but if the park is not served by public water and sewer, then the park or units shall meet the minimum overall lot-size standards for a community system. The property owner shall have discretion to use either individual lots or a single lot and either individual or community wastewater and drinking systems.

2 Effective Date. This act shall take effect 60 days after its passage.

## HB 370 - AS INTRODUCED

2019 SESSION

19-0590  
11/03HOUSE BILL **370**

AN ACT relative to membership on city and town planning boards.

SPONSORS: Rep. Cloutier, Sull. 10; Rep. Merchant, Sull. 4; Rep. Stapleton, Sull. 5; Rep. O'Hearne, Sull. 3; Sen. Hennessey, Dist 5

COMMITTEE: Municipal and County Government

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ANALYSIS

This bill removes the prohibition against appointed city planning board members holding other municipal office, and permits any 2 appointed or elected members of a city or town planning board to serve on other municipal boards or commissions, subject to certain restrictions.

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Explanation: Matter added to current law appears in ***bold italics***.Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19-0590  
11/03

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to membership on city and town planning boards.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Local Land Use Boards; Appointment, Number and Terms of Alternate Members. Amend RSA 673:6, IV to read as follows:

IV. Every alternate member appointed to a planning board under this section shall comply with the multiple membership requirements of RSA 673:7, I [~~and II~~].

2 Local Land Use Boards; Planning Board Members Serving on Other Local Boards. Amend RSA 673:7 to read as follows:

673:7 Planning Board Members Serving on Other Local Boards.

I. [~~In the case of towns,~~] Any 2 appointed or elected members of the planning board ***in a city or town*** may also serve together on any other municipal board or commission, except that no more than one ***appointed or elected*** member of the planning board shall serve on the conservation commission, the local governing body, or a local land use board as defined in RSA 672:7.

~~II. In cities, appointed members shall not hold any other municipal office, except that:~~

- ~~(a) One of the appointed members may be a member of the zoning board of adjustment;~~
- ~~(b) Either one appointed member or one ex officio member may be a member of the conservation commission if one exists in the city; and~~
- ~~(c) Either one appointed member or one ex officio member may be a member of the heritage commission, the historic district commission, the agricultural commission, the housing commission, or all 4 if such commissions exist in the municipality.]~~

~~[III.]~~ **II.** In counties in which there are located unincorporated towns or unorganized places, the county commissioners shall determine which members of the planning board for those towns and places, if any, may serve on other municipal boards or commissions.

3 Effective Date. This act shall take effect 60 days after its passage.



HB 371 - AS INTRODUCED

2019 SESSION

19-0221  
08/10

HOUSE BILL **371**

AN ACT adding cats to the definition of commercial kennel.

SPONSORS: Rep. Flanagan, Hills. 26; Rep. Hunt, Ches. 11

COMMITTEE: Environment and Agriculture

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ANALYSIS

This bill adds cats to the definition of commercial kennel.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19-0221  
08/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT adding cats to the definition of commercial kennel.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1 Commercial Kennel; Cats Included. Amend RSA 437:1, II to read as follows:  
II. "Commercial kennel" means any person, business, corporation, ***cattery*** or other entity that transfers 10 or more litters or 50 or more puppies, ***cats, or kittens*** in any 12-month period.
- 2 License Exceptions; Commercial Kennels; Cats. Amend RSA 437:7 to read as follows:  
437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs ***or cats*** that do not meet the definition of commercial kennel in RSA 437:1, veterinarians, or the transfer of livestock or poultry.
- 3 Effective Date. This act shall take effect upon its passage.

HB 404 - AS INTRODUCED

2019 SESSION

19-0457  
06/03

HOUSE BILL **404**

AN ACT relative to a local option for liquefied natural gas storage facility sitings.

SPONSORS: Rep. Vallone, Rock. 9; Rep. Berrien, Rock. 18; Rep. McConnell, Rock. 11; Rep. DiLorenzo, Rock. 17; Rep. Ward, Rock. 28; Rep. McGhee, Hills. 40; Rep. Andrew Bouldin, Hills. 12; Rep. Muscatel, Graf. 12; Sen. Dietsch, Dist 9; Sen. Levesque, Dist 12

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill permits a town to vote on whether or not to site a liquified natural gas storage facility in the town.

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~in brackets and struckthrough.~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
19-0457  
06/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to a local option for liquefied natural gas storage facility sitings.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Subdivision; Liquefied Natural Gas Storage Facility Siting. Amend RSA 31 by inserting after section 109 the following new subdivision:

Liquefied Natural Gas Storage Facility Siting

31:109-a Local Option for Siting Liquefied Natural Gas Storage Facility in Towns.

Notwithstanding the provisions of any other law, no liquefied natural gas storage facility shall be located in any town unless the town approves it as follows:

- I. The governing body may approve a site plan for a liquefied natural gas storage facility by a 2/3 majority vote.
- II. The governing body may place the question of whether or not to approve the location of a liquefied natural gas storage facility in such town on the ballot to be voted upon at any regular municipal or biennial election, or at a special election called for the purpose of voting on such question. The special election shall be held at the usual polling places by the regular election officers. Should a referendum be

held, the following question shall be placed on the ballot: "Shall a liquified natural gas storage facility be permitted within the town of ( )?" Said question shall be printed in the form prescribed by RSA 656:13. If a majority of those voting on the question vote in the affirmative, then approval shall be deemed granted and the governing body shall be bound by the outcome. If a majority of those voting on the question vote in the negative, approval shall be deemed not granted and no liquified natural gas storage facility may be located in the town unless approval is subsequently granted in accordance with this paragraph or paragraph III.

III. Upon submission to the governing body of a petition signed by at least 10 percent of the registered voters of the town requesting a referendum on the question of whether or not a liquified natural gas storage facility should be located in said town, the governing body shall direct that the question appear on the ballot at the next regular municipal or biennial election. If such petition is submitted at any time prior to 2 months before the next regular municipal or biennial election, the governing body shall direct that a special election be called. The election procedure and the form of the question shall be as provided in paragraph II. If a majority of those voting on the question vote in the affirmative, then approval shall be deemed granted and the governing body shall be bound by the outcome. If a majority of those voting on the question vote in the negative, approval shall be deemed not granted and no liquified natural gas storage facility may be located in the town unless approval is subsequently granted in accordance with this paragraph or paragraph II.

IV. Nothing in this section shall be construed as changing, modifying, or affecting in any way the provisions of RSA 674 relating to zoning regulations.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 323 - AS INTRODUCED

2019 SESSION

19-0552  
08/03

HOUSE BILL **323**

AN ACT relative to signage advertising liquor or beverages.

SPONSORS: Rep. Janvrin, Rock. 37; Rep. Abramson, Rock. 20; Rep. Fowler, Rock. 20

COMMITTEE: Commerce and Consumer Affairs

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ANALYSIS

This bill repeals certain requirement for signs advertising the sale of liquor or beverages.

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Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19-0552  
08/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to signage advertising liquor or beverages.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1 Liquor and Beverage Sales Advertising. RSA 179:25 is repealed and reenacted to read as follows:  
179:25 Sign Restrictions. All exterior signs advertising liquor and beverage sales shall be in conformance with city or town requirements.
- 2 Effective Date. This act shall take effect 60 days after its passage.