

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 AGENDA – February 28, 2019

The Hudson Zoning Board of Adjustment will hold a meeting on February 28, 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 208-001 (2-28-19): Richard & Robin Sevigny, 161 Bush Hill Rd, Hudson, NH requests a Variance to be able to park a vehicle greater than 13,000 lbs (GWV) on their property located at 161 Bush Hill Rd, Hudson, NH. [Map 208, Lot 001, Zoned G-1; HZO Article III §334-15 B (2), General Regulations, Parking].
2. Case 256-001 (2-28-19): Ramenbhati K. Patel, Trustee of the Hudson Realty Trust, 99 River Road, Hudson, NH requests a Special Exception to convert his convenience store second floor space into an accessory/caretaker's residential space. [Map 256, Lot 001, Zoned G-1; HZO Article V §334-22, Table of Permitted Accessory Uses].
3. Case 147-001-020 (2-28-19): Florence and Marcus Nicolas, 1 Scenic Lane, Hudson, NH requests a Variance to construct an addition to an existing two (2) car garage creating a three (3) car garage resulting with a front yard setback of 44.8 ft setback, where 50 ft is required. [Map 147, Lot 001-020, Zoned R-2; HZO Article VII §334-27, Table of Minimum Dimensional Requirements].
4. Case 209-001 (2-28-19): Mark Pilotte of Dakota Partners, LLC, 1264 Main St., Waltham, MA requests a Variance at 161 Lowell Road, Hudson, NH to permit the use of the entire buildable lot area (after subdivision) within the Applicant's lot for calculation of density, using a portion of that buildable lot area within the G Zone. [Map 209, Lot 001, Split districts: Zones B and G; HZO Article VII §334-27, Table of Minimum Dimensional Requirements-Note 2].

II. Public Hearing:
By-Laws amendment

III. Minutes:

1. 01-24-19 Minutes
2. 04-27-17 Minutes

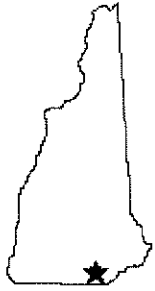
IV. REQUEST FOR REHEARING

V. OTHER

1. Election of Officers



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

Meeting Date: February 28, 2019

BB 2-14-19

Case 208-001 (2-28-19): Richard & Robin Sevigny, 161 Bush Hill Rd, Hudson, NH requests a Variance to be able to park a vehicle greater than 26,000 lbs (GVW) on their property located at 161 Bush Hill Rd, Hudson, NH. [Map 208, Lot 001, Zoned G-1; HZO Article III §334-15 B (2), General Regulations, Parking].

Address: 161 Bush Hill Rd

Zoning district: General One (G-1)

Summary:

Applicant requests a Variance to be allowed to park a vehicle (box truck) > 13,000 GVW on their property (residential use) of almost 8 Acres. The Zoning Ordinance §334-15 B (2) states (as prohibited): *"Outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13, 000 pounds."*

Note: the Zoning Ordinance Table of Permitted Principal Uses allows the parking and garaging of Heavy Commercial vehicles (D-32) in the G-1 district.

Property description:

This as a developed lot of record: Having almost 8.0 Acres where 2 Acres are required. The frontage on Bush Hill Rd is 684 ft where 200 ft required. The existing structure (as house) does not appear to satisfy the required front setback.

HISTORY:

Assessing: Listed as a Two Family residence (permitted use in G-1 district).

Building Permits: #2017-00332: replacement of A/G 500 gal propane tank, #2011-00674: install a 43' x 16' canvas structure, #312-98: construct 345 sq ft shed.

Easement found: Drainage easement to Town for the brook /drainage maintenance.

Code Enforcement: 2012: prior owner burning plywood/trash. 2018: owner @ 167 Bush Hill logged complaint(s): easement/ driveway access, litter, unregistered vehicles, and parking of the over-sized truck (for this variance).

Attachments:

"A" Assessing record

"B" Drainage easement

"C" 2018 Code enforcement

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2018	104 - TWO FAM	204,600	13,700	153,600	7.98	0.00	371,900
2018	104 - TWO FAM	204,600	13,700	153,600	7.98	0.00	371,900
2017	104 - TWO FAM	204,600	13,700	153,600	7.98	0.00	371,900
2017	104 - TWO FAM	217,800	18,700	144,200	7.98	0.00	380,700
2017	104 - TWO FAM	204,600	13,700	153,600	7.98	0.00	371,900
2016	104 - TWO FAM	217,800	18,700	144,200	7.98	0.00	380,700
2016	104 - TWO FAM	217,800	18,700	144,200	7.98	0.00	380,700
2015	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2015	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2014	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2014	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2013	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2013	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2012	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2012	104 - TWO FAM	237,300	16,000	177,400	7.98	0.00	430,700
2011	104 - TWO FAM	237,300	16,000	177,400	7.98	0.00	430,700
2011	104 - TWO FAM	237,300	16,000	177,400	7.98	0.00	430,700
2010	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2010	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2009	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2008	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2008	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2007	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2007	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2006	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2006	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2005	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2005	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2004	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2004	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2003	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2003	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2002	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2002	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2001	104 - TWO FAM	137,100	0	95,400		0.00	232,500
2000	104 - TWO FAM	127,000	10,100	95,400	7.98	0.00	232,500
1999	104 - TWO FAM	125,700	9,000	95,400	7.98	0.00	230,100

"A"

DRAINAGE AND UTILITY EASEMENT DEED

Eugene P. and Eleanor J. Dunn, being married, of 161 Bush Hill Road, Hudson, Hillsborough County, New Hampshire, the GRANTORS, for valuable consideration received, grant and convey, with Warranty Covenants, to the TOWN OF HUDSON, a New Hampshire Municipal Corporation with offices at Town Hall, 12 School Street, Hudson, New Hampshire, the "TOWN", a permanent and exclusive easement in, over, under and through a certain tract of land situated in the Town of Hudson, Hillsborough County, New Hampshire. This easement is more specifically described as follows:

A 30 foot wide drainage easement, 15 feet from either side of the center line of the brook running across the property now owned by Eugene P. and Eleanor J. Dunn shown as Lot 1, Map 19 on a plan entitled "Subdivision Plan: Lot 1/Map 19 for Ronald Page, 19 Blodgett Street, Lowell, Massachusetts, 01850, Scale 1" = 50', Dated July 1985; Maynard & Paquette, Inc., consulting Engineers & Land Surveyors" recorded herewith. Also shown as Lot 1004-001 on plan of land entitled "Subdivision Plan 'Bush Hill Road,' Hudson, New Hampshire, surveyed by the A.E. Maynard Civil Engineers, Nashua, New Hampshire, Scale: 1" = 100', August, 1976, recorded in the Hillsborough County Registry of Deeds as Plan #10390.

Being a portion of the land and premises granted to the within-named grantors by Ruth G. Strickholm, by deed dated August 10, 1977 and recorded in the Hillsborough County Registry of Deeds, Book 2551, Page 801. Also being a portion of the land and premises

known as 161 Bush Hill Road, Hudson, New Hampshire, Map 19, Lot 1 on the Hudson Tax Map.

The purpose of this conveyance is to grant a perpetual and exclusive easement in order for the TOWN to layout, construct, build, install, maintain, repair, improve, remove, replace, and/or rebuild the following:

(1) conduits, improvements and appurtenances to collect, transport, and/or discharge water drainage, and,

(2) public and municipal utility lines, including municipal sewer, conduits, appurtenances.

The Grantor shall not make any improvements within or abutting this easement which interferes with or will interfere with the Town's exercise of its rights under this deed.

The Town, its employees, and its agents shall have the right to enter and leave the easement area with workers, equipment, and material in order to inspect and survey the easement and to carry out the easement purposes. The Town, its employees and its agents, shall also be given permission by the Grantor to cross the Grantors' property from an existing gated way to the east of the easement in order to inspect and survey the easement and to carry out the easement purposes. However, the Town, its employees and agents, will only seek to cross the Grantors' property in this manner when it would be impossible or a hardship to access the easement from Bush Hill Road. The Town, its employees or agents, must give the Grantor at least 48 hours notice of its intent to seek the Grantors' permission to cross their property in this

manner.

By accepting and recording this deed, the Town covenants and agrees to repair or replace in a workmanlike manner, all areas within the easement damaged or destroyed by its employees or agents. The Town also covenants and agrees to repair or replace in a workmanlike manner all areas of the Grantors' property which are damaged or destroyed in any way or at any time by its employees or agents while crossing or using any part of the Grantors' property to access the easement.

The rights, conditions, restrictions and duties created by this deed shall run with the land and shall accrue to and be binding on the successors-in-interest, heirs and assigns of the Grantors and the Town.

Dated: 10-27-91

Eugene P. Dunn
Eugene P. Dunn

Witness: Hein M. R. Page

Eleanor J. Dunn
Eleanor J. Dunn

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this day of October, 1991, by Eugene P. Dunn and Eleanor J. Dunn, the Grantors.



Donald F. Sevigny Jr.
Notary Public/Justice of Peace

DONALD F. SEVIGNY JR., Justice of the Peace
My Commission Expires March 22, 1994

BK 5296 Pg 1394

"B"

546

18.29 chrg

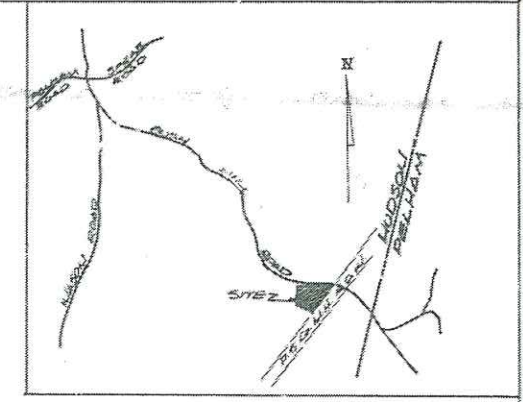
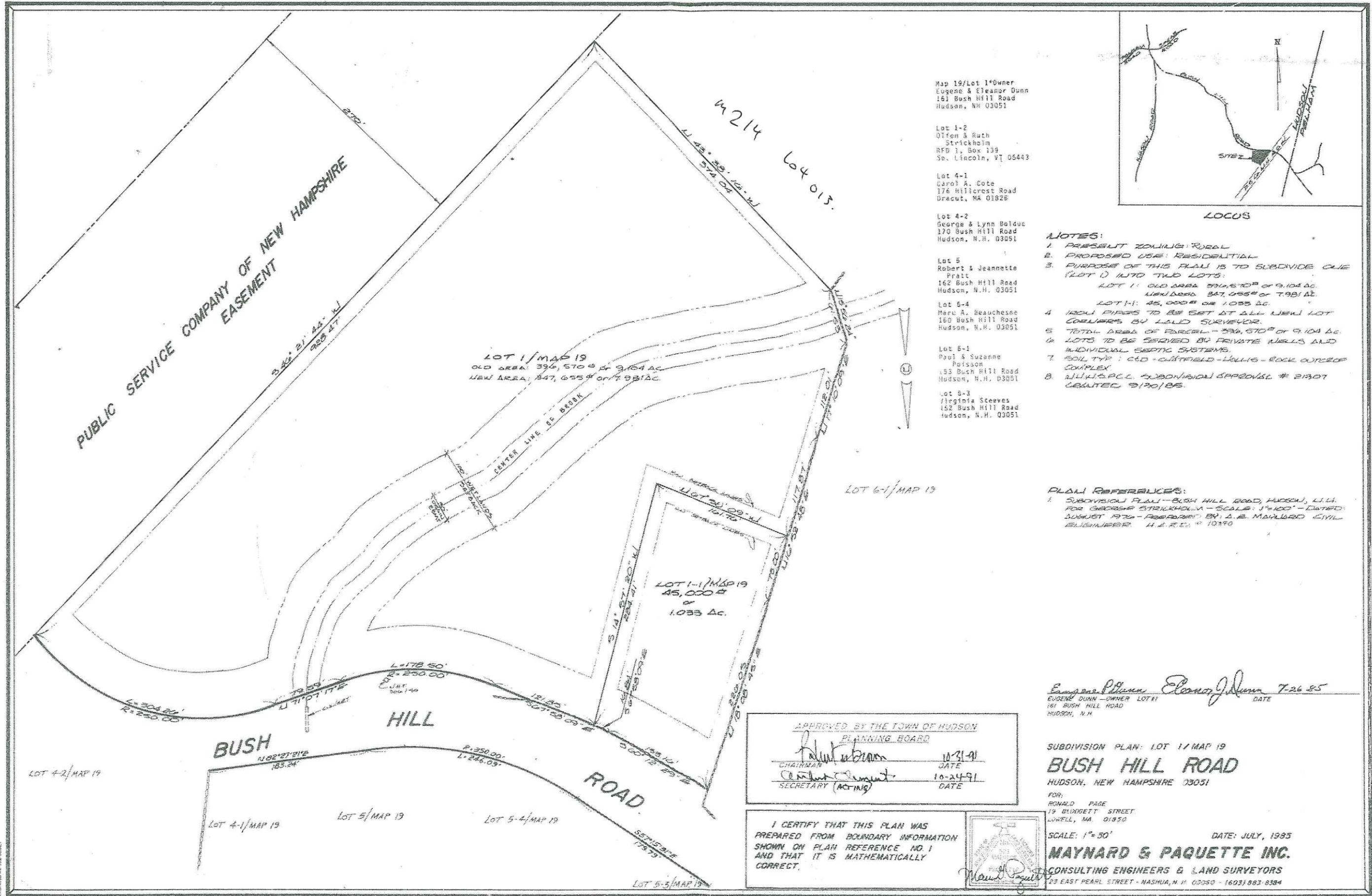
Hudson P. B

RECEIVED AND RECORDED
HILLSBOROUGH COUNTY
REGISTRY OF DEEDS

Judith A. McDonald

REGISTRAR

"B"
4



Map 19/Lot 1 Owner
Eugene & Eleanor Dunn
161 Bush Hill Road
Hudson, NH 03051

Lot 1-2
Oliver & Ruth
Strickholm
RFD 1, Box 139
So. Lincoln, VT 05443

Lot 4-1
Carol A. Cote
176 Hillcrest Road
Dracut, MA 01826

Lot 4-2
George & Lynn Balduc
170 Bush Hill Road
Hudson, N.H. 03051

Lot 5
Robert & Jeannette
Pratt
162 Bush Hill Road
Hudson, N.H. 03051

Lot 5-4
Marc A. Beauchesne
160 Bush Hill Road
Hudson, N.H. 03051

Lot 5-1
Paul & Suzanne
Poisson
155 Bush Hill Road
Hudson, N.H. 03051

Lot 5-3
Virginia Steeves
152 Bush Hill Road
Hudson, N.H. 03051

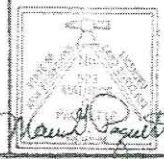
- NOTES:**
1. PRESENT ZONING: RURAL
 2. PROPOSED USE: RESIDENTIAL
 3. PURPOSE OF THIS PLAN IS TO SUBDIVIDE ONE (LOT 1) INTO TWO LOTS:
 LOT 1-1: OLD AREA 394,570 SQ FT OF 9.104 AC.
 NEW AREA 347,655 SQ FT OF 7.981 AC.
 LOT 1-2: 45,000 SQ FT OR 1.033 AC.
 4. 100' EASEMENTS TO BE SET AT ALL NEW LOT CORNERS BY LAND SURVEYOR.
 5. TOTAL DEED OF DEEDS - 394,570 SQ FT OF 9.104 AC.
 6. LOTS TO BE SERVED BY PRIVATE WELLS AND INDIVIDUAL SEPTIC SYSTEMS.
 7. SOIL TYPE: C1D - GILFIELD - WOLFE - ROCK OUTCROP COMPLEX
 8. ALL STATE & FEDERAL APPROVALS # 21307 DATED 9/20/85.

- PLAN REFERENCES:**
1. SUBDIVISION PLAN - BUSH HILL ROAD, HUDSON, N.H. FOR GEORGE STRICKHOLM - SCALE: 1"=100' - DATED AUGUST 1976 - PREPARED BY: S.E. MAYNARD CIVIL ENGINEER, N.H. REG. # 10390

Eugene Dunn, Eleanor Dunn 7-26-85
 EUGENE DUNN - OWNER LOT 1
 161 BUSH HILL ROAD
 HUDSON, N.H. DATE

APPROVED BY THE TOWN OF HUDSON
 PLANNING BOARD
 Chairman: Robert Pratt 10-31-91
 Secretary (Acting): Catherine Pratt 10-24-91

I CERTIFY THAT THIS PLAN WAS PREPARED FROM BOUNDARY INFORMATION SHOWN ON PLAN REFERENCE NO. 1 AND THAT IT IS MATHEMATICALLY CORRECT.



SUBDIVISION PLAN: LOT 1 / MAP 19
BUSH HILL ROAD
 HUDSON, NEW HAMPSHIRE 03051

FOR:
 RONALD PAGE
 19 BRIDGETT STREET
 LURELL, MA 01850
 SCALE: 1"=50'
 DATE: JULY, 1985
MAYNARD & PAQUETTE INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 25 EAST PEARL STREET - NASHUA, N.H. 03050 - (603) 883-8384

MAPS	D	1539
BOOK & PAGE	TYPE	SIZE
		19/1

HCRD 25507

Old Map 19 Lot 1

New Map 808 Lot 1001

B²₅

V2018-00054

RECEIVED

AUG -1 2018



TOWN OF HUDSON LAND USE DIVISION

HUDSON FIRE DEPARTMENT
INSPECTIONAL SERVICES DIVISION

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

Code Enforcement/Investigation Form

Address in Question: 161 Bush Hill Rd (Richard Sevigny)

Business Name (if applicable): _____

Type of Occupancy: Residential Commercial Industrial

Please write your question or concern below. Please be as specific as possible.

My driveway is on an easement on Sevigny's land. He is continuing (out of site) to heavily litter this easement to harass me and my family. 40 foot box trailer (labeled "HAZARDOUS") UNREGISTERED box truck, lots of TRASH (destroyed furniture - 55 gal. drums - etc, etc, ...) words can't describe. Also fake cameras in the trees - threatening signs about animal leg traps on the land.

Your Name: Robert Boutin Daytime Phone #: (978) 821-3093

Address: 167 Bush Hill Rd

Signature: [Signature] Date: 7-30-18

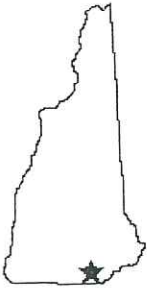
(over)

For Office Use Only Date Filed: 8/6/18 Map: 208 Lot: 001-000

Pending Enforcement Issues: Yes No
Environmental Issues: Yes No Date Forwarded to Engineering: _____
Possible Site Plan Infractions: Yes No Date Forwarded to Planning: _____
Other Department Notifications: Department: _____ Date Forwarded: _____

Additional Comments:

"C1"



TOWN OF HUDSON

Land Use Division



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

Notice of Violation Case # 2018-00054

November 6, 2018

Certified 7016 2710 0000 0595 2193

Richard and Robin Sevigny
161 Bush Hill Rd
Hudson, NH 03051

rich
Sevigny
e03
508-7535

Re: 161 Bush Hill Rd Map 208 Lot 001-000
District: General One (G-1)

Dear Mr. & Mrs. Sevigny,

Complaint: Parking and garaging of vehicles and equipment > 13,000 GVW which is not a permitted mixed use in the G-1 District without Site Plan approval by the Planning Board.

Violation: The parking and garaging of vehicles and equipment (and in excess of 13,000 GVW) in addition to the residential use, is a change of use (category) in the Table of Permitted Principal Uses §334-21, thus a violation of the Zoning Ordinance. The change of use (and mixed use) requires a site plan approval by the Planning Board per **§334-16.1 Site plan approval**. *"No person, persons, partnership, proprietorship, company, trust or corporation shall commence a new use, change a use or commence any site development activity (other than one- or two-family residential activity) without first securing site plan approval from the Hudson Planning Board pursuant to this chapter. These regulations shall apply to the development or change or expansion of use of tracts for nonresidential uses....."*

Furthermore, the outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds **is prohibited per §334-15 B (2) "Parking prohibited"**. You would need a Variance from the Zoning Board of Adjustment to continue such activity, If you wish to continue the outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds, you will need to apply for a Variance from the Zoning Board of Adjustment, **application submitted by December 13, 2018.**

If you wish to continue with the parking of any light or heavy Commercial vehicles, equipment or commercial trailers you must:

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

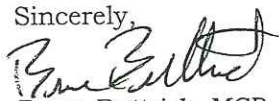
"C3"

Obtain a site plan approval from the Planning Board, as these activities are uses that constitute mixed or dual uses per §334-10 which is in addition to your use as a principal use as residential, **application must be submitted by January 23, 2019.**

If you don't wish to continue with the above described activities you must: **Cease and desist** the above described actions immediately, and remove said vehicles, equipment, and trailers **no later than November 26, 2018** and please contact this office for a follow-up and compliance inspection.

If these violation are not abated, the Town will likely pursue legal action for compliance. **If you would like to meet me with you on your property to discuss your options, please contact me at (603) 816-1275 to set up an appointment.**

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Brian Groth – Town Planner
File

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

11
11
C4

**Code Enforcement
Violation Detail
Town of Hudson, NH**

Number: V2018-00054 **Type:** Zoning8 **Status:** Pending

Permit Number: **Business License:**
Reported: 8/06/2018 **Issued:** 8/06/2018 **Resolved:**

Description: 8/1/18 - CE Complaint received from resident at 167 Bush Hill Rd, whose driveway is on an easement which runs through the property at 161 Bush Hill Rd. The complaint states that this property owner continues to litter this easement with items such as a 40 foot box trailer labeled "Hazardous," an unregistered box truck, lots of trash such as destroyed furniture and 55 gallon drums, etc. There are also fake cameras in the trees and threatening signs about animal leg traps on the land. Most recently, there was animal manure and brush. On 7/31/18, he attempted to block access to the home at 167 Bush Hill, which made the driveway impassable, and required police assistance.

1-22-19 Owner scheduled mtg w/ CEO Buttrick and Town Planner Groth at Town Hall.

2/4/19- Applicant Robin Sevigny stopped by office to review ZBA Variance application completeness to be heard before the ZBA Board. Gave to Zoning Administrator-B Buttrick for Review. Complete application to be submitted on/before ZBA deadline of 2/15/19.

Site Information:

Name: SEVIGNY, RICHARD SEVIGNY, ROBIN J.
Map Lot: 208-001-000
Street: 161 BUSH HILL RD

Owner Information:

Name: SEVIGNY, RICHARD SEVIGNY, ROBIN J.
Street: 0 161 BUSH HILL ROAD

" C 11
5

**Code Enforcement
Violation Detail
Town of Hudson, NH**

Number: V2018-00054 **Type:** Zoning8 **Status:** Pending

Activities:

Date Entered	Entered By	Type	Due Date	Status
8/06/2018	AutoEntry	Initial entry Violation - Auto Activity Initial Entry of Violation	/ /	C
8/28/2018	bbuttrick	Made site inspection to verify 8-28-18 CEO Buttrick went out to site to check and take pictures. There is a setback violation/issue.	8/28/2018	C
8/28/2018	bbuttrick	Certified Letter sent out 8-28-18 CEO Buttrick sent out NOV certified and USPS: parking of vehicle within the front setback. Deadline to move/remove Sept 7, 2018.	9/07/2018	O
11/19/2018	tgoodwyn	Letter Returned 9/14/18- Notice of Violation dated 8/28/18 and mailed via certified mail was returned unclaimed.	11/19/2018	C
11/19/2018	tgoodwyn	Certified Letter sent out 11/6/18- Notice of Violation mailed certified mail to cease and desist. Also informed need to apply for Zoning variance w/ application submittal by 12/13/18 and Planning Board application by 1/23/19.	11/26/2018	O
11/19/2018	tgoodwyn	Letter mailed 11/6/18- Notice of Violation mailed certified mail to cease and desist. Also informed need to apply for Zoning variance w/ application submittal by 12/13/18 and Planning Board application by 1/23/19.	11/26/2018	O
11/19/2018	tgoodwyn	Owner or Complainant called in 11/19/18- Rcvd call from owner- Rich Sevigny requesting to meet with CEO-B. Buttrick and Town Planner-B. Groth. Meeting Date TBD.	11/19/2018	C
11/29/2018	bbuttrick	Site visit 11-28-18 Site visit by CEO Buttrick and Town Planner Groth with Owner and wife to discuss their options for compliance.	11/29/2018	C
11/29/2018	bbuttrick	Email out to Owner or Complainant 11-19-18 CEO Buttrick replied to Owner's email requesting the Variance route and application. Will stay Enforcement action till Feb 12, 2019.	2/12/2019	O
1/22/2019	bbuttrick	Meeting with Complainant, Owner, Violato 1-22-19 Owner scheduled mtg w/ CEO Buttrick and Town Planner Groth at Town Hall.	1/23/2019	O
2/05/2019	tgoodwyn	Owner or Complainant came in 2/4/19- Applicant Robin Sevigny stopped by office to review ZBA Variance application completeness to be heard before the ZBA Board. Gave to Zoning Administrator-B Buttrick for Review. Complete application to be submitted on/before ZBA deadline of 2/15/19.	2/12/2019	O

Reported By Information:

Name	Title	Phone
Email		

Handwritten red initials "CG" with a checkmark.

FEB 07 2019

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 208 - 001

Date Filed 2/7/19

Name of Applicant Richard & Robin Sevigny Map: 208 Lot: 001 Zoning District: G-1

Telephone Number (Home) (603) 508-7535 (Work) SAME

Mailing Address 161 Bush Hill Rd Hudson, NH 03051

Owner Richard & Robin Sevigny

Location of Property 161 Bush Hill Rd. Hudson, NH 03051
(Street Address)

Robin Sevigny
Signature of Applicant

Feb 4 2019
Date

Robin Sevigny
Signature of Property-Owner(s)

Feb 4 2019
Date

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: 4.05
10 Direct Abutters x \$3.95 =
1 Indirect Abutters x \$0.50 =
Total amount due: 0.55

\$130.00
40.50
0.55
\$171.05

Date received: 2/7/19

Amt. received: \$171.05

\$171.05 Receipt No.: 538,170

Received by: T. Goodwyn

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>RS</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>VS</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>RS</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>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>VS</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>TG</u>
<u>RS</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>TG</u>
<u>RS</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	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-

N/A
OK-TG ✓

- 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) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
 - b) The plot plan shall be up-to date and dated, and shall be no more than three years old.
 - c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
 - d) The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)
 - e) 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) The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
 - g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
 - h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
 - i) The plot plan shall indicate all parking spaces and lanes, with dimensions.

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

Robert Scrimgeour
Signature of Applicant(s)

Sept 4 2019
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
219	003	Town of Hudson	12 School Street Hudson NH 03051
208	003	David L. Clark	151 Bush Hill Rd Hudson NH 03051
214	013	Robert Paul Boutin	167 Bush Hill Road Hudson NH 03051
208	001	Richard Seigny (owner)	161 Bush Hill Road Hudson NH 03051
208	005	Robert White	160 Bush Hill Road Hudson NH 03051
208	002	Beau J. Bergeron	155 Bush Hill Road Hudson NH 03051
208	007	Anthony Cote	164 Bush Hill Road Hudson NH 03051
208	010	Raymond J. Michaud Jr	170 Bush Hill Road Hudson NH 03051
208	006	Farrell T. Woods	162 Bush Hill Road Hudson NH 03051
208	011	Public Service of N.H.	P.O. Box 270 Hartford CT 06141-0270

Town of Hudson
12 School Street
Hudson, NH 03051

Public Service of NH
PO BOX 270
Hartford, CT 06141-0270

David L. Clark
151 Bush Hill Road
Hudson, NH 03051

Robert Paul Boutin
167 Bush Hill Road
Hudson, NH 03051

Richard Sevigny
161 Bush Hill Road
Hudson, NH 03051

Robert White
160 Bush Hill Road
Hudson, NH 03051

Beau J. Bergeron
155 Bush Hill Road
Hudson, NH 03051

Anthony Cote
164 Bush Hill Road
Hudson, NH 03051

Virginia Steeves
152 Bush Hill Road
Hudson, NH 03051

Raymond J. Michaud JR.
170 Bush Hill Road
Hudson, NH 03051

Farrell T. Woods
162 Bush Hill Road
Hudson, NH 03051

Town of Hudson
12 School Street
Hudson, NH 03051

Public Service of NH
PO BOX 270
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152 Bush Hill Road
Hudson, NH 03051

Raymond J. Michaud JR.
170 Bush Hill Road
Hudson, NH 03051

Farrell T. Woods
162 Bush Hill Road
Hudson, NH 03051

Labels

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article III of HZO Section(s) 334-15 B (2) 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.

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

(Explain why you believe this to be true—keeping in mind that you must establish that, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* that you must establish that the special conditions of the property cause the proposed use to be reasonable. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.)

see attached.

Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer’s Office prior to submittal of this application to determine if connection is required or will be allowed, together with the procedure for such application.

Attachment for Application of Variance

Richard and Robin Sevigny

Page 6:

I am requesting relief of section 334-15 B (2) to be able to park an overweight vehicle of 26000 lbs GVW on my property. The vehicle is owned and operated by my brother's company, DC ATM. My brother is unable to park this vehicle on his own property as it would be a violation of the town's ordinance there and he lives in a residential area. There is no business being run out of my property, this vehicle will only be parked here. In exchange for parking the vehicle on my property, my brother is allowing me to use it for removing items and junk left by the previous property owners. Without the use of this vehicle, clean up and improvement to my property will be impeded. All these complaints being sent to the town are due to a civil matter in court between the Boutin's and ourselves. This was not an issue prior to the start of that civil suit as we purchased the property in March 2017, we have continued clean up since then.

Page 7:

1. My request is not contrary to public interest because the parking of Heavy Trucks is allowed per the Table of Permitted Uses in zoning district G-1 (General-One). We are using the truck to help clean up the mess left by the previous owners and will only improve this community's safety and appearance.
2. This parcel has almost 8 acres and nearly 682 ft. of road frontage, therefore more than enough space and area to support the parking of a Heavy Commercial Truck. Having the truck readily available allows us to clean and maintain the property. We have been able to move 27 loads of unwanted items to the town dump from our house, sheds, barn and yard. We plan to continue clean up at this pace if we are allowed to park and use this truck.
3. Because the parking of Heavy Commercial Trucks are a permitted use, the granting of this variance would allow me to achieve my goal of cleaning up my property and enjoy full use of all my land. This would also benefit my brother as he is unable to ask for a variance of this matter on his own property due to residential restrictions.
4. The parking of the truck is not posing any threat to surrounding property values as we have almost 8 acres of land and the truck can be kept in a reasonable location. The truck is not a permanent fixture and allows cleanup of the existing property which will only raise the value of the surrounding properties.

Page 8:

5. The Hudson Zoning Ordinance allows the parking of heavy commercial trucks, yet the specific section 334-15 B(2) from the Zoning Ordinance prohibits the parking of such type of vehicle if the parcel is used as residential, as is our situation. The variance would allow the use of this vehicle however, without it, cleaning up my property would be prolonged and unnecessarily difficult. The amount of unwanted items left abandoned here for years by the previous owners needs to be removed for the benefit of myself, the neighbors and the community.



TOWN OF HUDSON

Land Use Division



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

Notice of Violation Case # 2018-00054

November 6, 2018

Certified 7016 2710 0000 0595 2193

Richard and Robin Sevigny
161 Bush Hill Rd
Hudson, NH 03051

Re: 161 Bush Hill Rd Map 208 Lot 001-000
District: General One (G-1)

Dear Mr. & Mrs. Sevigny,

Complaint: Parking and garaging of vehicles and equipment > 13,000 GVW which is not a permitted mixed use in the G-1 District without Site Plan approval by the Planning Board.

Violation: The parking and garaging of vehicles and equipment (and in excess of 13,000 GVW) in addition to the residential use, is a change of use (category) in the Table of Permitted Principal Uses §334-21, thus a violation of the Zoning Ordinance. The change of use (and mixed use) requires a site plan approval by the Planning Board per **§334-16.1 Site plan approval**. *"No person, persons, partnership, proprietorship, company, trust or corporation shall commence a new use, change a use or commence any site development activity (other than one- or two-family residential activity) without first securing site plan approval from the Hudson Planning Board pursuant to this chapter. These regulations shall apply to the development or change or expansion of use of tracts for nonresidential uses....."*

Furthermore, the outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds **is prohibited per §334-15 B (2) "Parking prohibited"**. You would need a Variance from the Zoning Board of Adjustment to continue such activity, If you wish to continue the outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds, you will need to apply for a Variance from the Zoning Board of Adjustment, **application submitted by December 13, 2018.**

If you wish to continue with the parking of any light or heavy Commercial vehicles, equipment or commercial trailers you must:

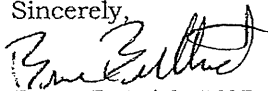
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

Obtain a site plan approval from the Planning Board, as these activities are uses that constitute mixed or dual uses per §334-10 which is in addition to your use as a principal use as residential, **application must be submitted by January 23, 2019.**

If you don't wish to continue with the above described activities you must: **Cease and desist** the above described actions immediately, and remove said vehicles, equipment, and trailers **no later than November 26, 2018** and please contact this office for a follow-up and compliance inspection.

If these violation are not abated, the Town will likely pursue legal action for compliance. **If you would like to meet me with you on your property to discuss your options, please contact me at (603) 816-1275 to set up an appointment.**

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

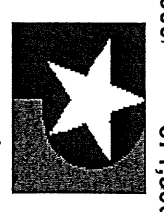
(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Brian Groth – Town Planner
File

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

208 001 000
 MAP LOT SUB
 1 of 1 RESIDENTIAL
 CARD Hudson
 APPRAISED: 371,900 / Total Parcel 371,900
 USE VALUE: 371,900 / 371,900
 ASSESSED: 371,900 / 371,900



PROPERTY LOCATION

No	Alt No	Direction/Street/City
161		BUSH HILL RD, HUDSON

OWNERSHIP

Owner #	Name	Unit #	AV
1	SEVIGNY, RICHARD		
2	SEVIGNY, ROBIN J.		
3			

Street 1: 161 BUSH HILL ROAD
 Street 2:
 Twn/City: HUDSON
 S/Prov: NH
 Postal: 03051

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
104	7.981	204,600	13,700	153,600	371,900
Total Card		7,981	204,600	13,700	153,600
Total Parcel		7,981	204,600	13,700	153,600

Source: Market Adj Cost Total Value per SQ unit/Card: 137.58 / Parcel: 137.58
 Parcel ID: 208-001-000

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value
2018	104	FV	204,600	13,700	7,981	153,600	371,900	371,900
2017	104	FV	204,600	13,700	7,981	153,600	371,900	371,900
2016	104	FV	204,600	13,700	7,981	153,600	371,900	371,900
2015	104	FV	217,800	18,700	7,981	144,200	380,700	380,700

LEGAL DESCRIPTION

Entered Lot Size: 7.981
 Total Land: 7.981
 Land Unit Type: AC

USER ACCT

123091

PRINT

Date	Time
8/27/2018	5/9/2018
10/26/2017	8/28/2017
01/22/19	12:01:12

LAST REV

Date	Time
5/10/2017	8/30/2016
5/11/2016	5/11/2016
11/30/17	11:15:05
any	any

NARRATIVE DESCRIPTION

This parcel contains 7.981 ACRES of land mainly classified as TWO FAM with a TRI LEVEL Building built about 1978, having primarily VINYL Exterior and 2703 Square Feet, with 2 Units, 3 Baths, 0 3/4 Bath, 1 Hall/Bath, 10 Rooms, and 6 Bdrms.

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif
DUNN, EUGENE P	8851-1309	1	3/6/2017	NO EXPOSURE	338,000	No	No	No
	2551-801		8/19/1977					

TAX DISTRICT: PAT ACCT. Notes: sold in AS IS condition, not sold via MLS

BUILDING PERMITS

Date	Number	Descr	Amount	C/O	Last Visit	Fed Code	F. Descr	Comment
4/12/2017	2017-00332					C		

ACTIVITY INFORMATION

Date	Result	By	Name
6/30/2017	Field Review	12	TECH ASMT
6/1/2017	Sale Data V	12	TECH ASMT
4/25/2016	Bldg Inacc	12	TECH ASMT
10/4/2010	Meas/Inspect	14	APPR TECH 4
11/18/2006	Meas/Inspect	6	RB
7/21/2001	Inspected	0	PATRIOT
6/8/2001	Left Notice	0	PATRIOT
5/18/1991	Inspected	2	AVITAR

OTHER ASSESSMENTS

Code	Descr/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	G1	GENERAL		water	9	PRIV WATER
				Sewer	0	SEPTIC
				Electri		
				Exmpt	V1	VET CREDIT
				Topo	3	BEL ST
				Street		
				Gas:		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC	No of Units	Depth / Price Units	Unit Type	Land Type
104	TWO FAM	1.1	1		SITE ACRE SITE	
104	TWO FAM	1.1	6.981		ACRES EXCESS	

PROPERTY FACTORS

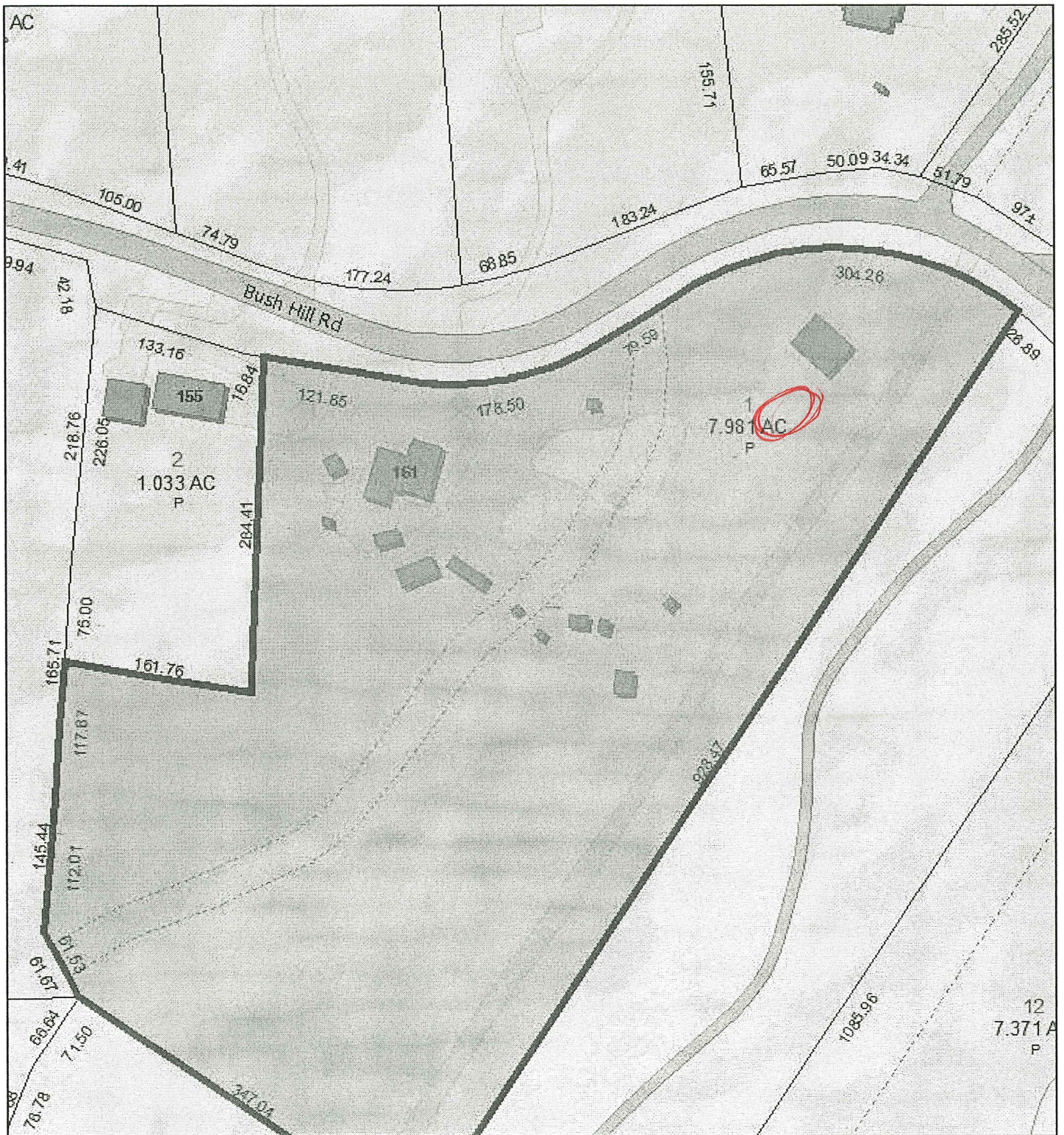
LT	Factor	Base Value	Unit Price	Adj	Neigh Inllu	Neigh Mod	Locatic	%	Intf 1	%	Intf 2	%	Intf 3	%	Appraised Value	Alt	Spec	J	Fact	Use Value	Notes
		0	110,000	1.05	RE		LOCATIC	-5							114,950					115,000	SITE/USE
		0	4,750	1.17	RE		TOPO	-10							38,641					38,600	TOPO

TOTALS

Total AC/H.A:	7.98100	Total SF/S.M:	347652	Parcel LUC:	104	TWO FAM	Prime NB Descr:	RES AVG	Total:	153,591	Spl Credit:	Total:	153,600
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Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro - AssessPro milkep 2019

161 Bush Hill Rd



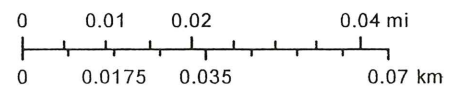
January 22, 2019

Legend

----- Easement_Lines

▭ Parcels

1:1,435



161 Bush Hill Rd




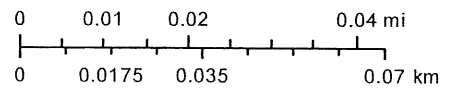
January 22, 2019

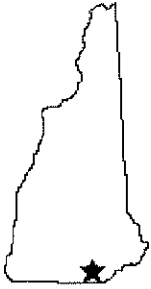
1:1,435

Legend

 Parcels - Aerials

 Parcels





TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: February 28, 2019 *BB 2-15-19*

Case 256-001 (2-28-19): Ramenbhati K. Patel, Trustee of the Hudson Realty Trust, 99 River Road, Hudson, NH requests a Special Exception to convert his convenience store second floor space into an accessory/caretaker's residential space. [Map 256, Lot 001, Zoned G-1; HZO Article V §334-22, Table of Permitted Accessory Uses].

Address: 99 River Rd

Zoning district: General One (G-1)

Summary:

Applicant requests a Special Exception to utilize the second floor as an accessory use (caretaker's residential unit). §334-22 states: .." *Accessory uses, not provided for in the Table of Permitted Accessory Uses, that are appropriate to a district can be permitted as a special exception...*" and "..... *The addition of such accessory uses does not result in the mixed or dual use of a parcel...*"

Property description:

Our records indicate this as a developed lot of record bisected by the Town line of Tyngsboro Mass. with 16,465 sqft (87,120 sqft required) and 148.75 ft of frontage (200 ft required) in Hudson, and 5,216 sqft of area in Tyngsboro This is an existing non-conforming lot. Existing structure appears to satisfy all required setbacks.

In-house review/comments: 1) Engineering has noted that the septic should be evaluated for the additional use as residential and redesigned if necessary.

HISTORY:

Assessing: Listed as Store.

Site Plan: Approved as convenience store 5/11/2011.

ZBA: Variance request denied 11/19/2013 install a freestanding sign.
Withdrawal of Variance request for mixed uses granted 4/25/2013.

Building Permits: #2012-00661: Construct a 2,120 sqft convenience store.

Code Enforcement: 2019-0007: upstairs residential use not permitted.

Attachments:

“A” Assessing record

“B” 5/11/11 Approved site plan

“C” Building Permit # 2012-00661, application, plans and cert of occ

“D” 4/25/13 withdrawal of variance request for mixed uses

“D1” ZBA 2/28/13 minutes

“D2” ZBA 4/25/13 minutes

“D3” Planning Board (ZBA) input 4/10/13 minutes

“D4” Planning Board (ZBA) input 4/12/13

“E” 2019 in-house review comments

“F” Code Enforcement case 2019-0007

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2018	325 - STORE	402,400	22,400	94,000	0.38	0.00	518,800
2018	325 - STORE	402,400	22,400	94,000	0.38	0.00	518,800
2017	325 - STORE	402,400	22,400	94,000	0.38	0.00	518,800
2017	325 - STORE	427,100	20,300	94,000	0.38	0.00	541,400
2017	325 - STORE	402,400	22,400	94,000	0.38	0.00	518,800
2016	325 - STORE	427,100	20,300	94,000	0.38	0.00	541,400
2016	325 - STORE	427,100	20,300	94,000	0.38	0.00	541,400
2015	325 - STORE	427,100	20,300	94,000	0.38	0.00	541,400
2015	325 - STORE	427,100	20,300	94,000	0.38	0.00	541,400
2014	325 - STORE	427,100	17,200	94,000	0.38	0.00	538,300
2014	325 - STORE	427,100	17,200	94,000	0.38	0.00	538,300
2013	325 - STORE	84,300	0	94,000	0.38	0.00	178,300
2013	325 - STORE	84,300	0	94,000	0.38	0.00	178,300
2012	325 - STORE	67,000	3,200	94,000	0.38	0.00	164,200
2012	325 - STORE	63,900	3,100	94,000	0.38	0.00	161,000
2011	325 - STORE	63,900	3,100	94,000	0.38	0.00	161,000
2011	325 - STORE	63,900	3,100	94,000	0.38	0.00	161,000
2010	325 - STORE	63,900	3,100	94,000	0.38	0.00	161,000
2010	325 - STORE	63,900	3,100	94,000	0.38	0.00	161,000
2009	325 - STORE	63,900	3,100	92,700	0.36	0.00	159,700
2008	325 - STORE	63,900	3,100	92,700	0.36	0.00	159,700
2008	325 - STORE	63,900	3,100	92,700	0.36	0.00	159,700
2007	325 - STORE	63,900	3,100	92,700	0.36	0.00	159,700
2007	325 - STORE	58,500	2,900	84,900	0.36	0.00	146,300
2006	325 - STORE	70,100	2,900	84,900	0.36	0.00	157,900
2006	325 - STORE	70,100	2,900	117,000	0.50	0.00	190,000
2005	325 - STORE	70,100	2,900	117,000	0.50	0.00	190,000
2005	325 - STORE	70,100	2,900	117,000	0.50	0.00	190,000
2004	325 - STORE	70,100	2,900	117,000	0.50	0.00	190,000
2004	325 - STORE	65,000	1,500	97,500	0.50	0.00	164,000
2003	325 - STORE	65,000	0	97,500	0.50	0.00	162,500
2003	325 - STORE	65,000	0	97,500	0.50	0.00	162,500
2002	325 - STORE	65,000	0	97,500	0.50	0.00	162,500
2002	325 - STORE	65,000	0	97,500	0.50	0.00	162,500
2001	325 - STORE	74,200	0	60,800		0.00	135,000
2000	CI - N/A	74,200	0	60,800	0.50	0.00	135,000
1999	CI - N/A	43,300	0	60,800	0.50	0.00	104,100

" A "

NOTES

- OWNER OF RECORD OF LOTS 256-001-000 (HUDSON, NH) AND 18-48-0 (TYNGSBOROUGH, MA): RAMANBHATI K. PATEL, TRUSTEE OF THE HUDSON REALTY TRUST, 22 LONG DRIVE, WESTBOROUGH, MA 01581. DEED TO PARCEL IS RECORDED AT HILLSBOROUGH COUNTY, NH BK. 8154 PG. 1094 AND MIDDLESEX NORTH, MA BK. 23547, PG. 233. TOTAL AREA OF PARCEL = 21,681 S.F. ± OR 0.4977 ACRES ±. AREA OF PARCEL IN NH = 16,466 S.F. ± OR 0.3780 ACRES ±. AREA OF PARCEL IN MASS. = 5,216 S.F. ± OR 0.1197 ACRES ±.
- [256-001-0] INDICATES TOWN OF HUDSON MAP AND LOT NUMBER.
- THE PURPOSE OF THIS PLAN IS TO CHANGE THE USE OF THE SITE FROM A LANDSCAPE SUPPLY BUSINESS TO A CONVENIENCE STORE. IT IS PROPOSED TO CONSTRUCT A 1-STORY 2,120 SF CONVENIENCE STORE (WITH BASEMENT) AND RECONFIGURE THE PAVED PORTION OF THE SITE TO INCORPORATE LANDSCAPE AREAS.
- CURRENT ZONING IS GENERAL 1 (G-1); ZONING DISTRICT FOR LAND IN HUDSON, NH:

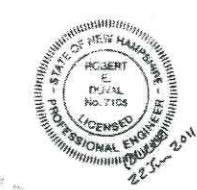
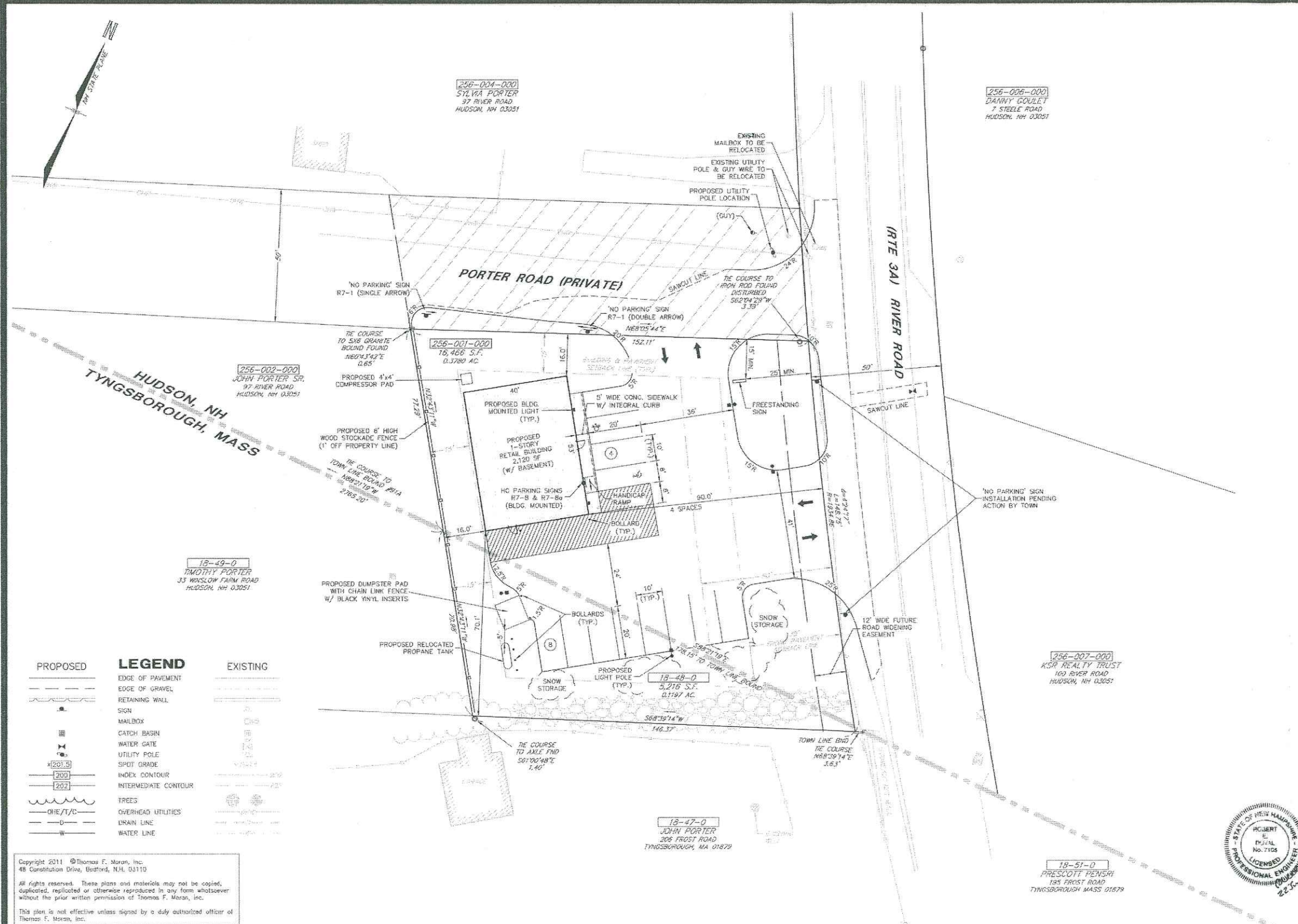
MIN. LOT SIZE:	REQUIRED: 87,1200 S.F.	PROVIDED: 16,466 S.F.
MIN. LOT FRONTAGE:	200'	148.75'
MIN. BUILDING SETBACKS:		
FRONT:	50'	90'
SIDE:	15'	16'
REAR:	15'	16'
MIN. PAVEMENT SETBACKS:		
FRONT:	35'	18'
SIDE:	15'	15'
REAR:	15'	16'
MAX. BUILDING HEIGHT:	38'	1 STORY
MIN. OPEN SPACE:	40%	44.6% (10.8% EXIST.)

 CURRENT ZONING IS BUSINESS 2 (B-2); ZONING DISTRICT FOR LAND IN TYNGSBOROUGH, MA:

MIN. LOT SIZE:	REQUIRED: 20,000 S.F.	PROVIDED: 5,216 S.F.
MIN. LOT FRONTAGE:	50'	N/A
MIN. LOT WIDTH:	50'	N/A
MIN. BUILDING SETBACKS:		
FRONT:	30'	N/A
SIDE:	15'	16'
REAR:	15'	16'
MIN. PAVEMENT SETBACKS:		
FRONT:	30'	N/A
SIDE:	17'	17'
REAR:	15'	16'
MAX. BUILDING HEIGHT:	38'	1 STORY
- PARKING CALCULATIONS:

REQUIRED: 1 SP. / 200 SF	TOTAL REQUIRED = 11 SPACES
RETAIL: 2,120 SF / 200 SF = 10.6	
PROPOSED: 12 SPACES (INCL. 1 ACCESSIBLE)	1 LOADING SPACE
- THE PROPERTY WILL BE SERVICED BY THE FOLLOWING:

SEWER:	PRIVATE
WATER:	MUNICIPAL
GAS:	PROPANE
ELECTRIC:	POW-H
TELEPHONE:	FARRPOINT COMMUNICATIONS
CABLE:	COMCAST
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE HILLSBOROUGH COUNTY, NEW HAMPSHIRE AND MIDDLESEX NORTH, MASSACHUSETTS REGISTRIES OF DEEDS PER REFERENCE PLAN. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCELS WOULD DETERMINE.
- THE FOLLOWING WAIVER WAS GRANTED FROM THE SITE PLAN REGULATIONS AT THE MAY 11, 2011 PLANNING BOARD MEETING:
 - 275-B.8(12)(d) 100' SETBACK FROM RESIDENTIAL USE.
- THE FOLLOWING WAIVERS WERE GRANTED AT THE MARCH 23, 2011 PLANNING BOARD MEETING:
 - 193-10(B) MULTIPLE DRIVEWAYS ON A SINGLE LOT
 - 275-B.8(22) 35' GREEN AREA BETWEEN RIGHT-OF-WAY AND ANY PAVEMENT
 - 275-B.8(30)(c) LOADING WITHIN 100' TO ANY RESIDENTIAL USE WITHOUT SCREENING
 - 275-B.8(32) SCREENING BETWEEN PARKING AND LOADING AREAS TO ADJUTING RESIDENTIAL USE
 - 275-B.9.C NOISE STUDY
 - 275-B.9.D FISCAL AND ENVIRONMENTAL IMPACT STUDY
- THIS PROJECT REQUIRES THE FOLLOWING STATE PERMITS:
 - ANDOT DRIVEWAY PERMIT - PERMIT NO. 05-229-0011 & 05-229-0012
 - NHDES SEPTIC PERMIT - PERMIT NO. CA2010103273
- THE C.A.P. FEE IN THE AMOUNT OF \$9,928.00 IS TO BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- A PROPANE STORAGE PERMIT MUST BE OBTAINED AT THE TYNGSBOROUGH, MA FIRE DEPARTMENT FOR THE PROPANE TANK.
- FIREWORKS SHALL NOT BE SOLD AT THE STORE.
- CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THROUGH SATURDAY. CONSTRUCTION ACTIVITIES SHALL BE PROHIBITED ON SUNDAYS.
- IF DEVELOPMENT INVOLVES BLASTING AND/OR RAMMING OF BEDROCK MATERIALS, SAID ACTIVITIES SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY ONLY. SAID BLASTING/RAMMING ACTIVITIES SHALL BE PROHIBITED ON WEEKENDS.
- ALL BUILDING AND SITE SIGNAGE SHALL BE IN ACCORDANCE WITH THE TOWN OF HUDSON ZONING ORDINANCE, ARTICLE XI.
- THE DAILY HOURS OF OPERATION SHALL NOT EXCEED THE HOURS BETWEEN 8:00 AM AND 10:00 PM.
- HOURS FOR REFUSE REMOVAL SHALL BE EXCLUSIVE TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM MONDAY THROUGH SATURDAY.



TAX LOT ID NUMBER 256-001-000, HUDSON, NH
 TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA
SITE LAYOUT PLAN
RETAIL DEVELOPMENT
99 RIVER ROAD HUDSON, NH
 OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSTEE
 22 LONG DRIVE, WESTBOROUGH, MA 01581
SCALE: 1"=20' **5 NOVEMBER 2010**

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 This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.

PURSUANT TO THE SITE REVIEW REGULATIONS OF HUDSON PLANNING BOARD, THE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE (1) YEAR FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD, DATE OF MEETING: 5/11/11

Sean R. Hill 7/22/11
 PLANNING BOARD CHAIRMAN SIGNATURE DATE

Walter Moran 7-27-11
 PLANNING BOARD SECRETARY SIGNATURE DATE

SITE PLANS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.



OWNERS SIGNATURE: *R.K. Patel* 6/22/11
 OWNER OR REPRESENTATIVE DATE

REV.	DATE	DESCRIPTION	DR	CK
7	19 MAY 11	REVISED PER CONDITIONS OF APPROVAL	WBL	CRK
6	01 MAY 11	REVISED PER TOWN COMMENTS	WBL	CRK
5	19 APR 11	ADD ABUTTERS WELL	PC	PC
3	10 MAR 11	REVISED PER TOWN COMMENTS	WBL	CRK
2	6 DEC 10	REVISE SEPTIC TANK & GREASE TRAP	PC	PC

17430.04	DR: WBL	PR: CRK	2005	17430.04	SHEET 4 OF 10
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HCRO # 37194



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

Permit Number
 2012-00681
 Date of Issue
 12/31/2012
 Expiration Date
 12/31/2013

Owner: PATEL, RAMANBHATI K., TR. HUDSON REALTY TRUST

Applicant: Parekh Construction LLC

Location of Work: 99 RIVER RD
 (No. and Street) (Unit or Building)

Description of Work: Construct a 2,120 square foot one story convenience store

ZONING DATA: District: R-1 Map/Lot: 256-001-000

CONTRACTOR: Parekh Construction LLC 617-504-6541

REMARKS:

...ATTENTION... AN IMPACT FEE IS HEREBY ASSESSED ON THIS PERMIT.

It has been determined that an impact fee is required to be paid for development of this lot. This fee must be PAID IN FULL, upon submission of the Certificate of Occupancy application or for any use of the building. This fee may be paid earlier, but only with the express approval of the Planning Board at the time of plan approval. Any appeal of the impact fee assessment must be made in accordance with the provisions of Article XIV, Section 334-74.6 of the Hudson Zoning Ordinance and N.H. R.S.A. 677:15. The filing of an appeal of the impact fee could stop any further construction activities until the matter is reviewed by the Hillsborough County Superior Court. Acceptance of this permit, subsequent construction and absence of a filed appeal shall constitute an agreement to pay the assessed impact fee. The impact fee assessment amount is listed as such in the attached document. A CERTIFICATE OF OCCUPANCY IS REQUIRED. PLEASE APPLY FOR THE CERTIFICATE OF OCCUPANCY A MINIMUM OF TWO WEEKS PRIOR TO THE DESIRED DATE OF 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 APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

Page 1 of 2

Permit Holder: Parekh Construction LLC
 (Taking Responsibility for the Work)
 Company/Affiliation: Contractor Job Site Phone Number:

Constr Cost: \$499,000 Permit Fee: \$750.00 Check No.: Cash: \$0.00

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

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

William A. Olsbark *Nalini Parekh* 12/31/2012
 Code Official Permit Holder Date

H H
 C₁



BUILDING PERMIT APPLICATION COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson
12 School Street
Hudson, New Hampshire
Phone (603) 886-6005 Fax (603) 594-1142

2012-00661



Address: 99 River Rd. Unit # _____

Cross Roads: Poster Rd. and _____

Site/ Sub Plan: _____

Map _____
Lot _____
Zone _____
HCRD _____

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

Total Cost of Project Excluding plumbing, electrical, mechanical, fire suppression, elevator, etc.
\$ 499,000.00

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.
Basement (Storage) & First Floor Retail Store Construction. Concrete Foundation, 1st Floor steel Framing, Rest of Construction Wood. Electric - Fire Alarm Plumbing work Drywall, Painting, ceramic Tile & all related work

Square Footage Footprint 2,120 Renovated/ added _____ Number of stories _____
Living area of new home (exclude unfinished areas and garage) _____ Total area of bldg _____

Principal Type of Frame Masonry (wall bearing) Wood Frame Roof Structural steel
Reinforced concrete Other-Specify Steel Frame, 1st Floor

Type of Sewage Disposal Town or private company (requires Town permit)
 Private (septic tank, etc.)

Type of Water Supply Town Private (well, cistern) Type of Heat Source Gas Other _____
Oil
 Electric



BUILDING PERMIT APPLICATION

COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson
12 School Street
Hudson, New Hampshire
Phone (603) 886-6005 Fax (603) 594-1142

	Name	Address	City/State/Zip	Phone
Owner	Ramanbhati K. Patel Hudson Realty Trust	Trustee 22 Long Drive	Westborough Ma. 015810	508-333-3690
Lessee	Same			
Contractor	PAREKH CONSTRUCTION LLC	P.O. Box 66	N. Billerica MA 01862	617-504-6541
Architect	Bruce Ronayne Hamilton	833 Turnpike Rd. Arch. New Ipswich NH 03071	New Ipswich NH 03071	603-878-4823
Engineer	T.F. Moran Structural Eng.	49 Constitution Dr.	Bedford N.H. 03110	603-472-4486

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 Nalinikone Parekh, Parekh Construction LLC Date 10/2/12
Address P.O. Box 66 N. Billerica, MA 01862

Filing Fee	\$ 30.00	Receipt #	257,104	Date	11-14-12	PL
Building permit fee	\$ 1250.00	Receipt #		Date		

THIS BUILDING PERMIT IS

<input type="checkbox"/> Issued subject to the following condition(s)	<input type="checkbox"/> Denied for the following reason(s)
	$ \begin{array}{r} \$1250.00 \text{ total} \\ 500.00 \\ \hline 750.00 \\ \text{foundation only} \\ \text{due at framing} \end{array} $

Plans received <u>Yes</u> Date _____ Comments: _____	Use group: _____ Construction type _____
Certificate of Occupancy <input checked="" type="checkbox"/> Required <input type="checkbox"/> Final Inspection (Building & HFD) Comments: _____	Live loading _____ Occupancy load _____

Approved _____ Date 11/19/12
 Denied _____
 Building Inspector _____ Date _____

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

"C3"



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DATE: 08/14/12
BY: EAD/SV

REVISIONS

NO. 1
DATE 08/14/12
BY EAD/SV

NO. 2
DATE 08/14/12
BY EAD/SV

NO. 3
DATE 08/14/12
BY EAD/SV

NO. 4
DATE 08/14/12
BY EAD/SV

NO. 5
DATE 08/14/12
BY EAD/SV

NO. 6
DATE 08/14/12
BY EAD/SV

NO. 7
DATE 08/14/12
BY EAD/SV

NO. 8
DATE 08/14/12
BY EAD/SV

NO. 9
DATE 08/14/12
BY EAD/SV

NO. 10
DATE 08/14/12
BY EAD/SV

NO. 11
DATE 08/14/12
BY EAD/SV

NO. 12
DATE 08/14/12
BY EAD/SV

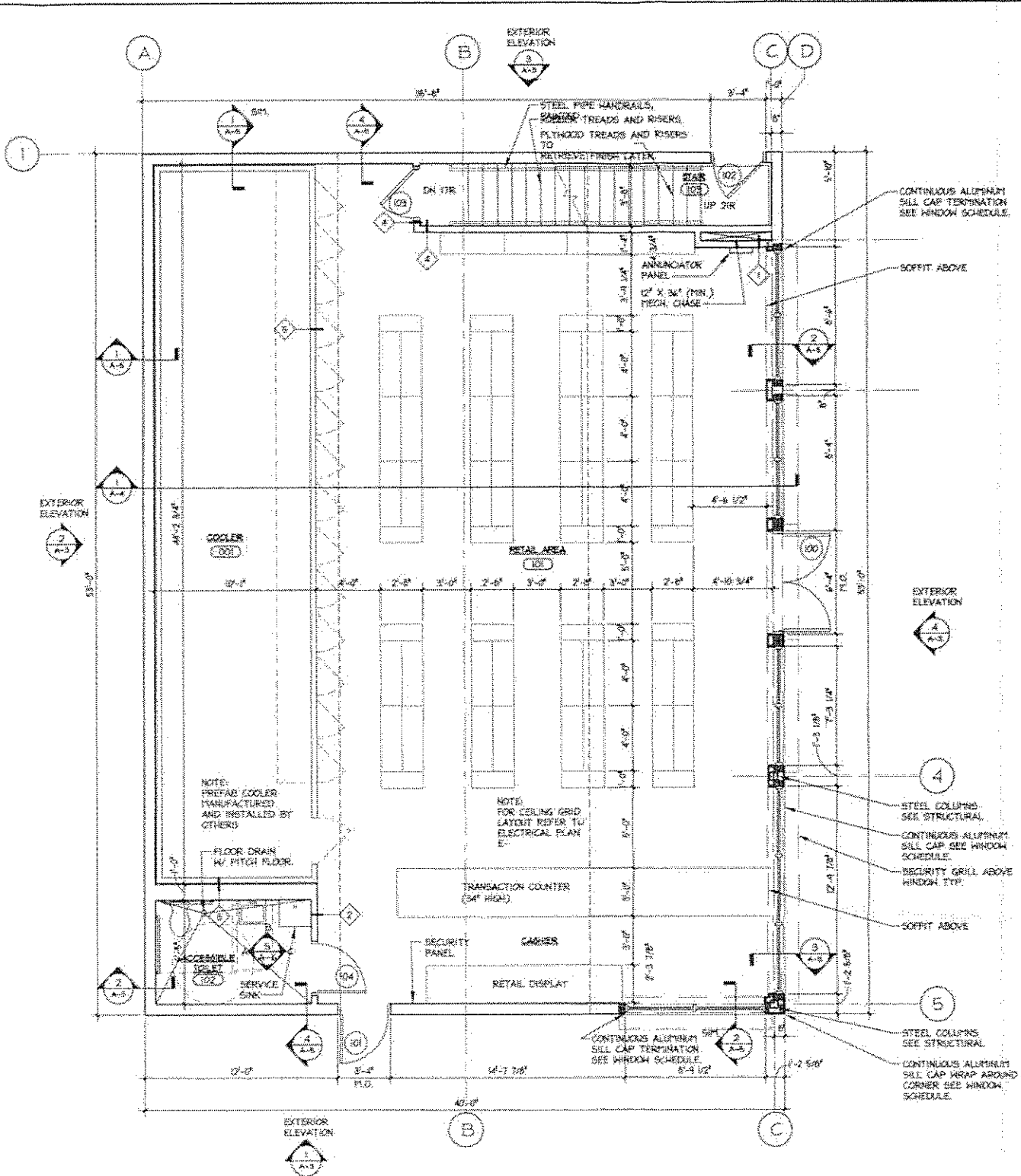
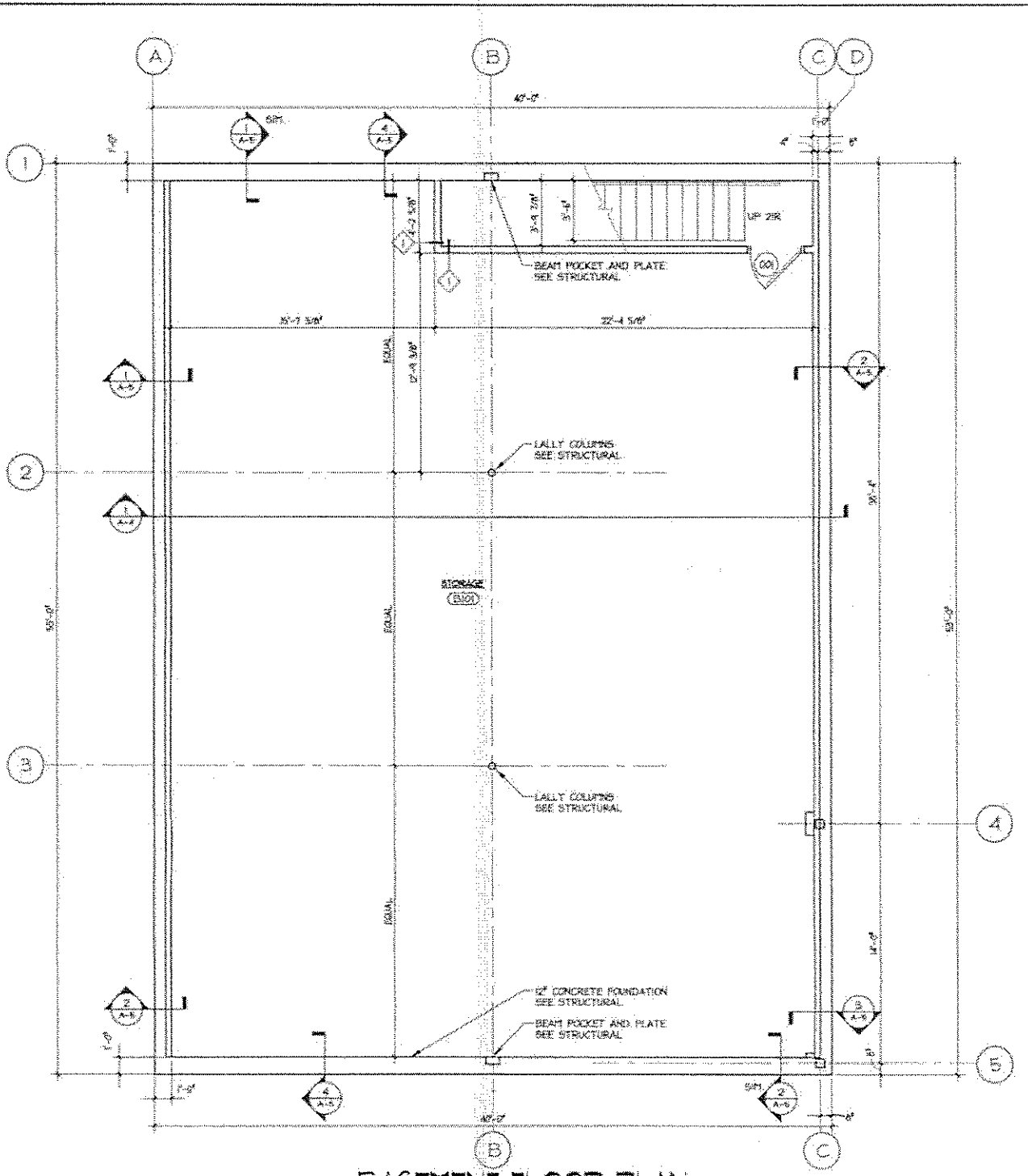
NO. 13
DATE 08/14/12
BY EAD/SV

**CONVENIENCE STORE
HUDSON, NEW HAMPSHIRE
BASEMENT AND
FIRST FLOOR PLAN**

PROJECT: CONVENIENCE STORE
SCALE: 1/4" = 1'-0"
DATE: 08-14-12
DRAWN BY: EAD/SV

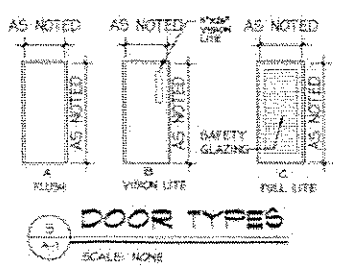
SHEET NO. 1
DATE: 08-14-12
DRAWN BY: EAD/SV

SCALE: NONE



ROOM FINISH SCHEDULE

NO.	ROOM/SPACE	FLOOR	BASE	WALLS	CEILING	HEIGHT	REMARKS
00	COOLER	VARIES FLOOR	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	AS NOTED	SEE PLAN
1A	RETAIL AREA	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	AS NOTED	SEE PLAN
1B	ACCESSIBLE SANSEY TOILET	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	AS NOTED	SEE PLAN
1C	STAIR	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	AS NOTED	AS NOTED ON EACH FLOOR PLAN
1D	ATTENDANCE	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	AS NOTED	SEE PLAN
1E	STORAGE	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	12" CHANGING TILE	AS NOTED	VARIES



DOOR SCHEDULE

NUMBER	TYPE	SIZE (W X H)	RATING	DOOR MATL.	GLASS MATL.	CLOSURE/FUNCTION	REMARKS
101	B	3'-0" X 7'-0"	1 1/2 HR	SS METAL	METAL	• HANGAGE • ENTRY	
102	C	3'-0" X 7'-0"	1 1/2 HR	SS METAL	ALUM.	• HANGAGE • ENTRY	
103	B	3'-0" X 7'-0"	3 HR	SS METAL	ALUM.	• HANGAGE • ENTRY	
104	B	3'-0" X 7'-0"	3 HR	SS METAL	ALUM.	• HANGAGE • ENTRY	
105	A	3'-0" X 7'-0"	3 HR	SS METAL	ALUM.	• HANGAGE • ENTRY	



1/4" = 1'-0"
08-14-12
EAD/SV



**BRUCE
RONAYNE
HAMILTON
ARCHITECTS**

ARCHITECTURE
LAND PLANNING
INTERIOR DESIGN
3D VISUALIZATION

471 TURNPIKE ROAD
SUITE 208
NEW BRISBACH
NEW HAMPSHIRE 03071



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DATE: 10/15/15
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CHECKED BY: [Signature]

DESIGNED FOR PERMIT
BASED ON RECORDS, NOT FOR CONSTRUCTION
INSURANCE: [Signature]

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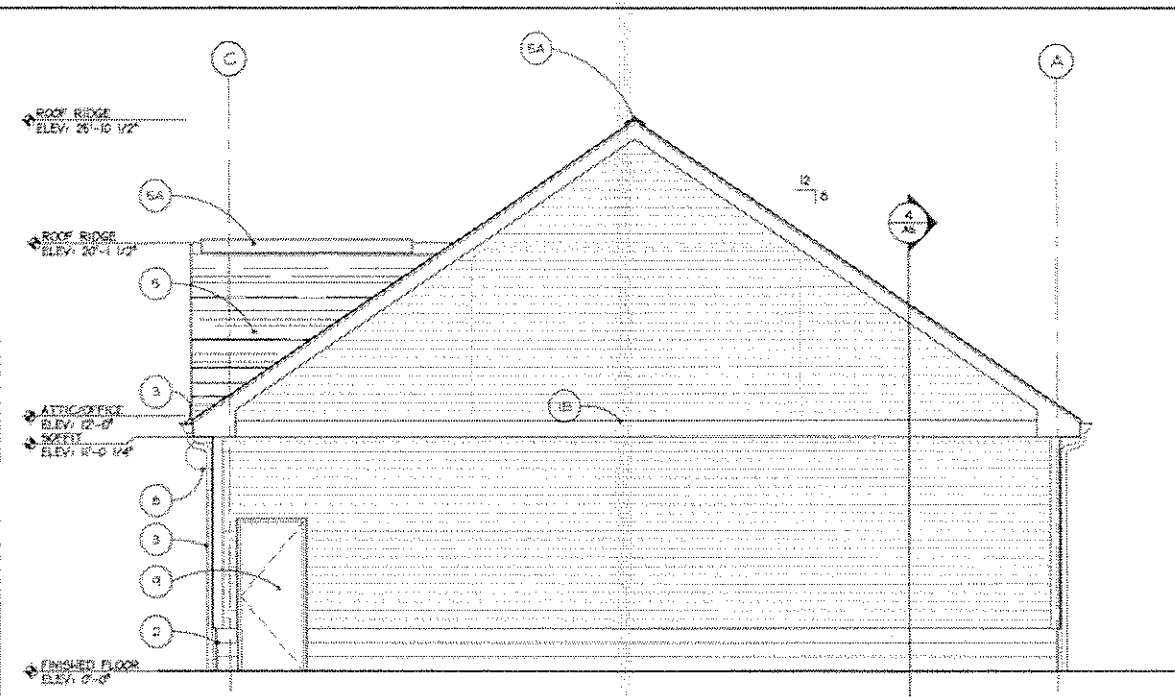
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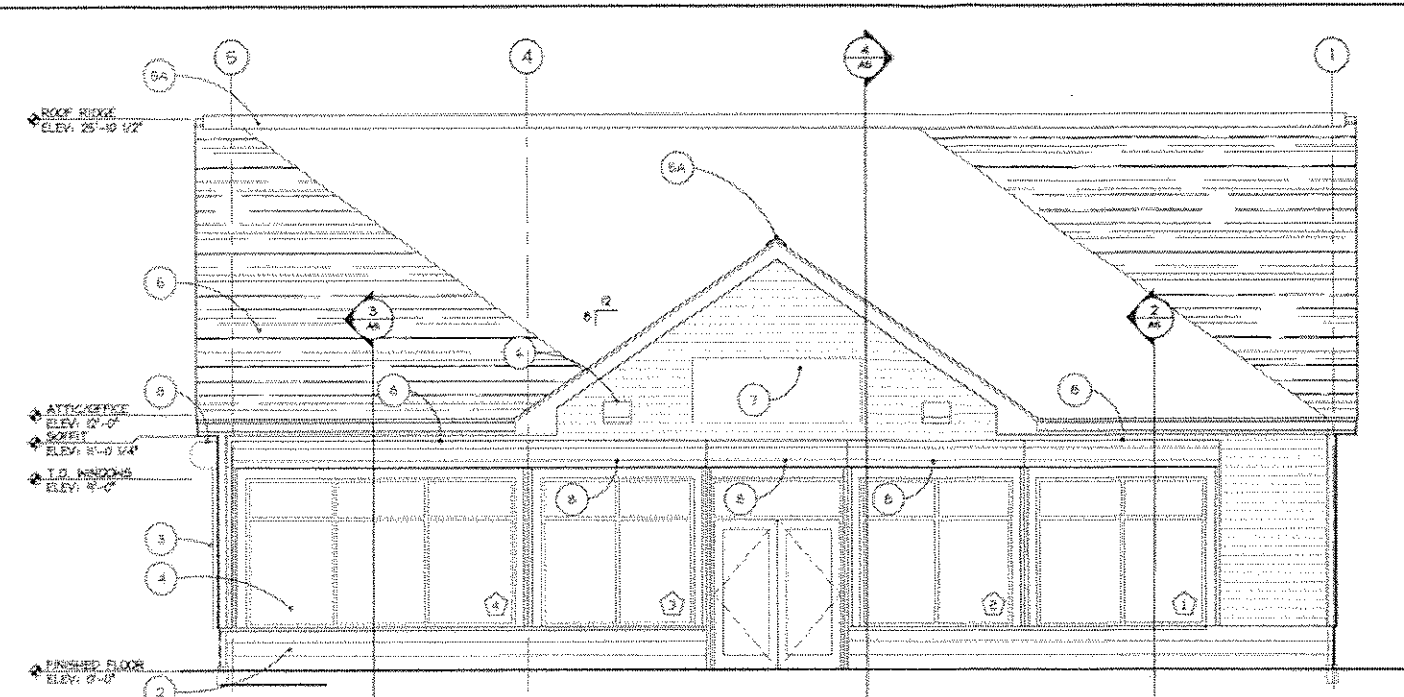
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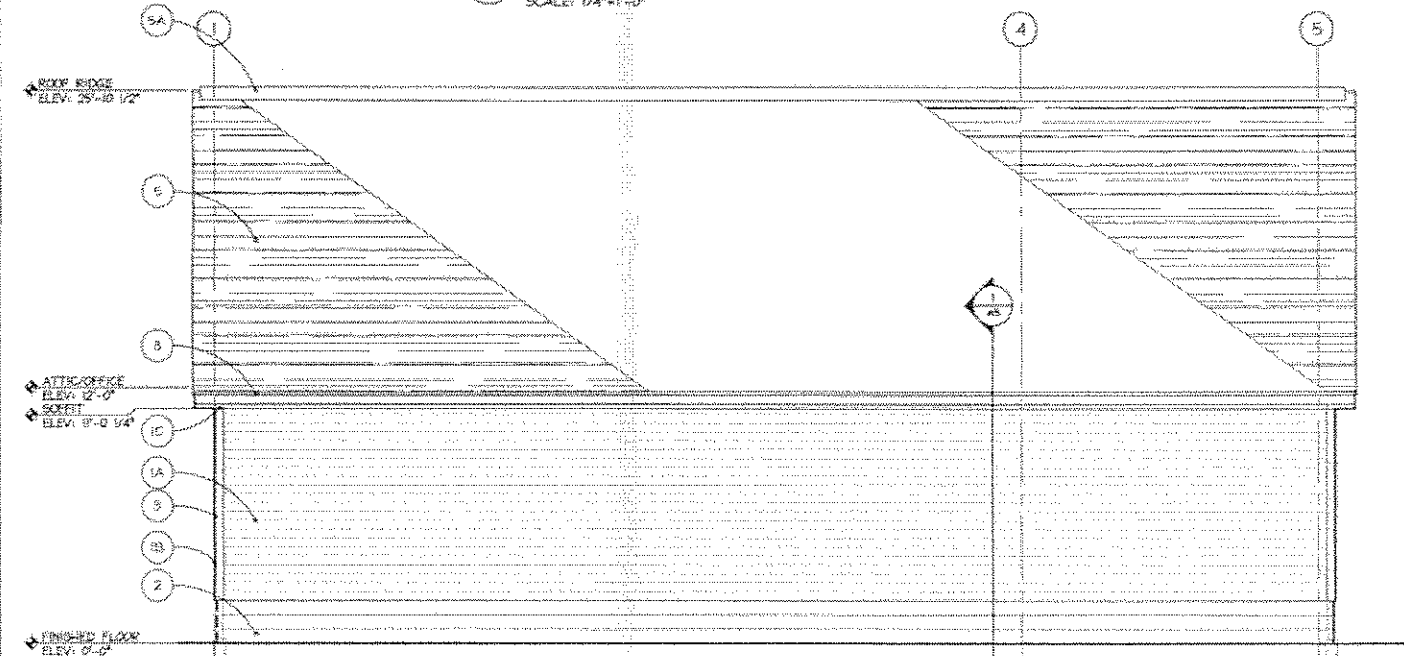
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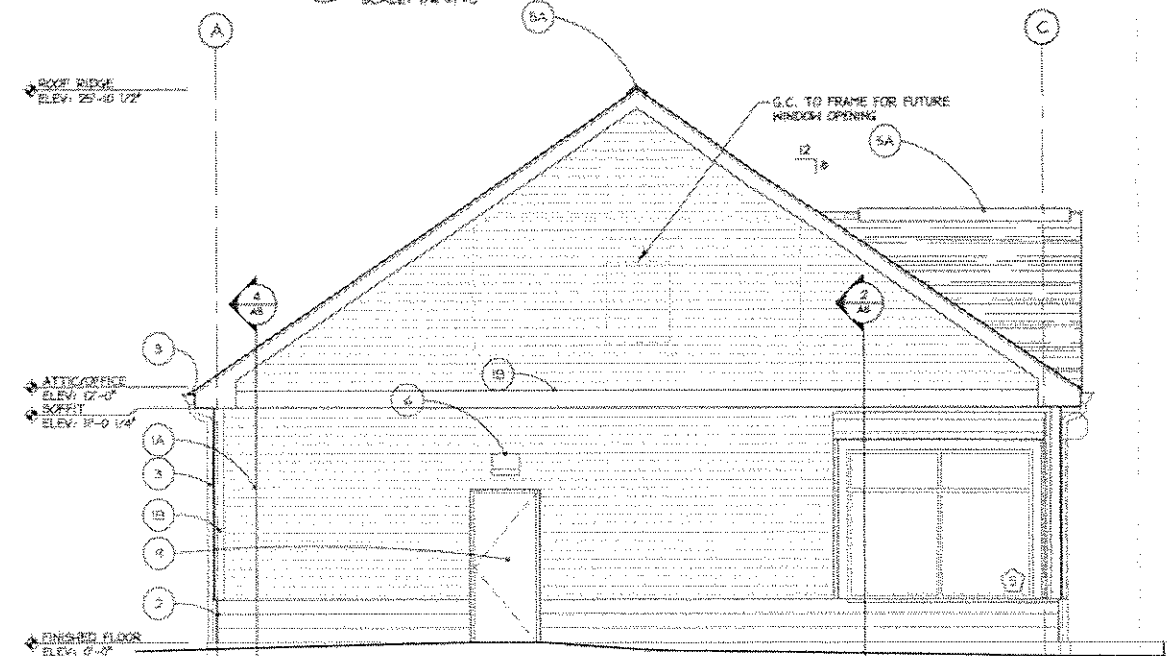
3 NORTH ELEVATION
SCALE: 1/4"=1'-0"



4 EAST ELEVATION
SCALE: 1/4"=1'-0"



2 WEST ELEVATION
SCALE: 1/4"=1'-0"



1 SOUTH ELEVATION
SCALE: 1/4"=1'-0"

MATERIAL LEGEND	
1 EXTERIOR SIDING COMPONENTS: HARDIEPLANK, HARDIEPANEL AND HARDIESHINGLE FIBER-CEMENT SIDING, HARDIETRM FASCIA, FOLDING AND ACCESSORIES WHERE SHOWN ON THESE DRAWINGS TO FOLLOW MANUFACTURER'S SPECIFICATIONS. JAMES HARDIE BUILDING PRODUCTS 1-800-1-HARDIE	3 ROOF SHINGLES AND ACCESSORIES: OWENS CORNING ARCHITECTURAL TYPE 30 YEAR OR EQUAL
2 SIDING TO BE SMOOTH TYPE 5 1/4" W/ 4" EXPOSURE OR EQUAL	4 ROOF RIDGE VENT: OWENS CORNING ARCHITECTURAL TYPE 30 YEAR OR EQUAL
3 TRIM TO BE SMOOTH TYPE 5 1/2" HARDIETRM FASCIA OR EQUAL	5 EXTERIOR LIGHTING FIXTURES AND ACCESSORIES: (SEE ELECTRICAL PLANS)
4 SOFFITS TO BE SMOOTH TYPE HARDIEPANEL OR EQUAL	6 EXTERIOR SIGNAGE: (SIGNAGE TO CONFORM TO ZONING REGULATIONS FOR THE TOWN OF HUDSON) SIGNAGE TO BE SELECTED BY THE OWNER. CONTRACTOR TO PROVIDE BLOCKING AS REQUIRED FOR SIGNAGE SUPPORT
5 MASONRY: SPLIT FACE CONCRETE MASONRY UNITS, BOND BEAM # TOP COURSE	7 SECURITY GRILL: (VENDOR TO BE SELECTED AND PROVIDED BY OWNER)
6 GUTTERS AND RAIN LEADERS: ALUMINUM W/ OPIC PROFILE FOLLOW MANUFACTURER'S OR EQUAL SPECIFICATIONS FOR MOUNTING TO FIBER-CEMENT BASE MATERIAL	8 EXTERIOR METAL DOOR: (SEE ARCHITECTURAL PLAN A-4 FOR TYPES AND SIZES)
7 STOREFRONT SYSTEMS: KARNER ALUMINUM AND GLASS STOREFRONT WINDOWS W/ INSULATED GLASS, THERMALLY BROKEN FRAMES # ALUMINUM SILL CAP OR EQUAL	

**CONVENIENCE STORE
HUDSON, NEW HAMPSHIRE**

EXTERIOR ELEVATIONS

7
A
23
C5



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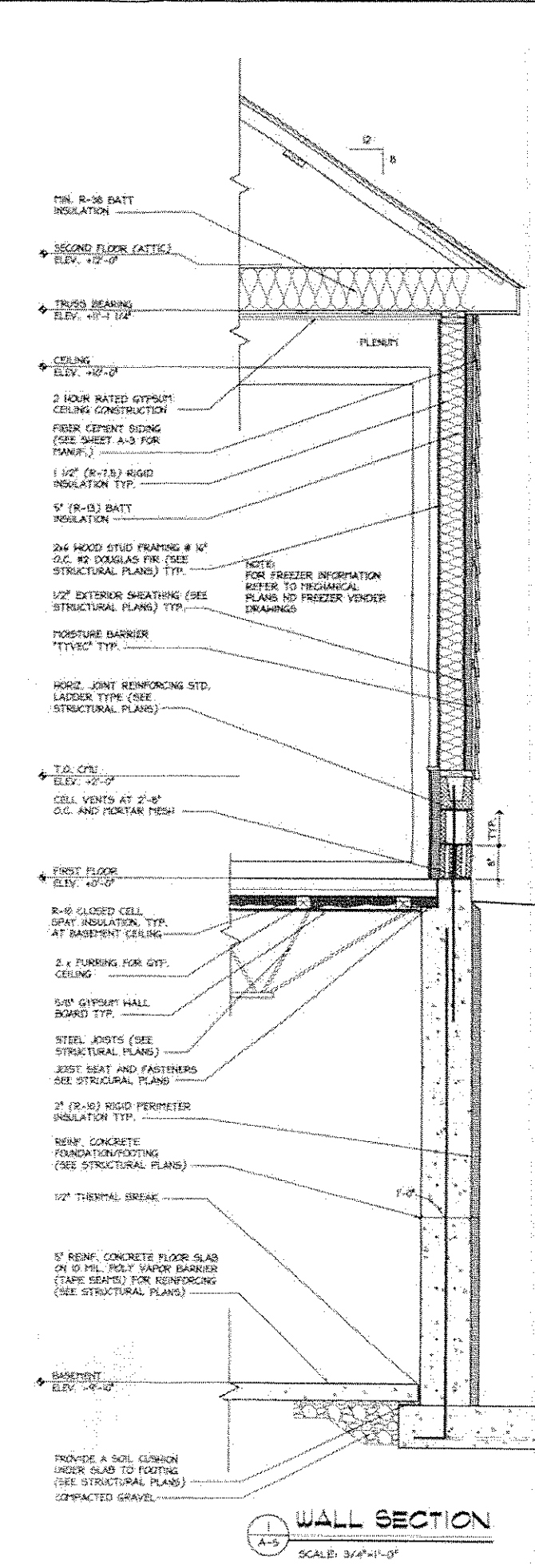
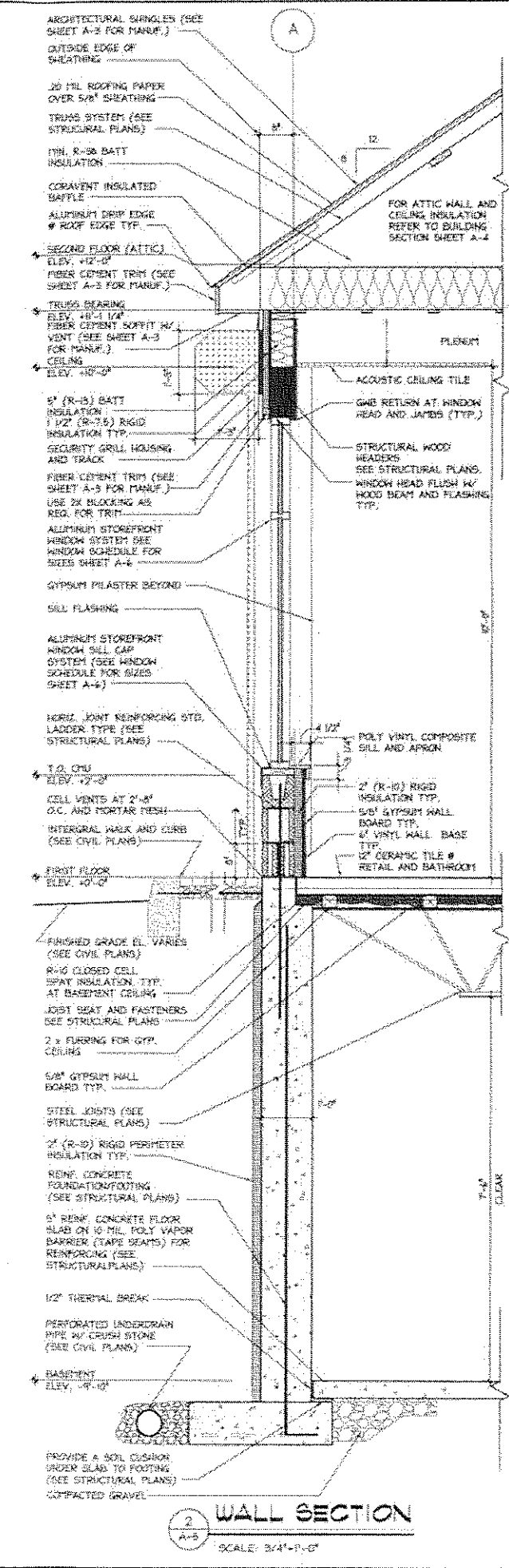
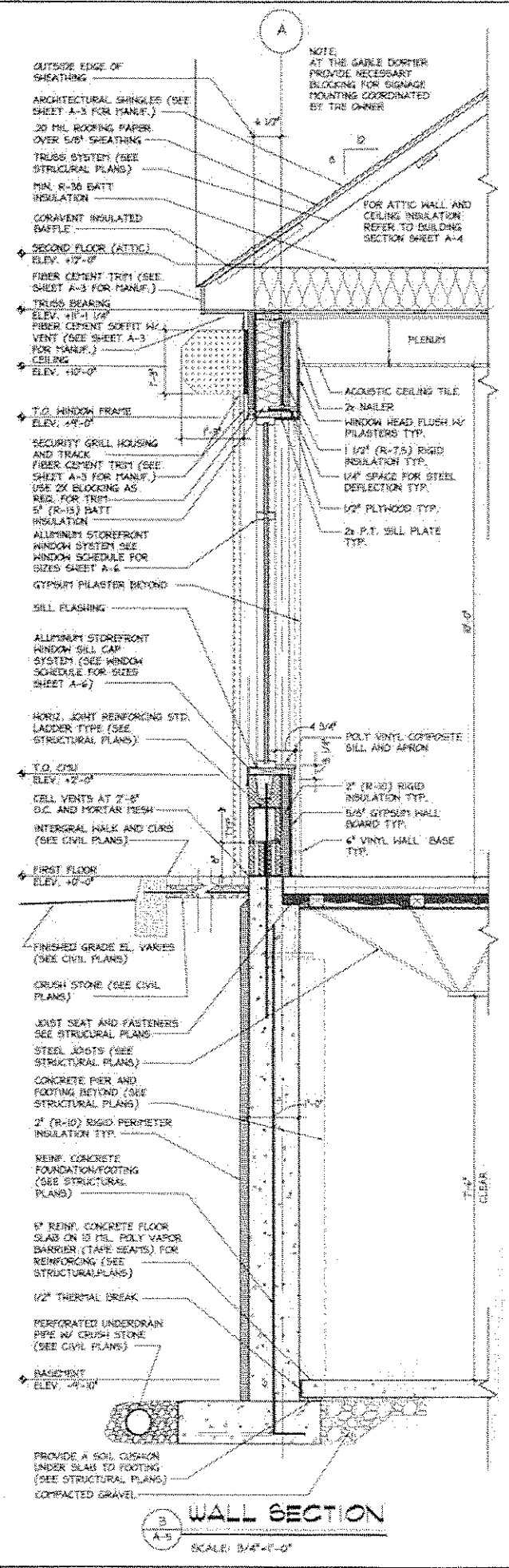
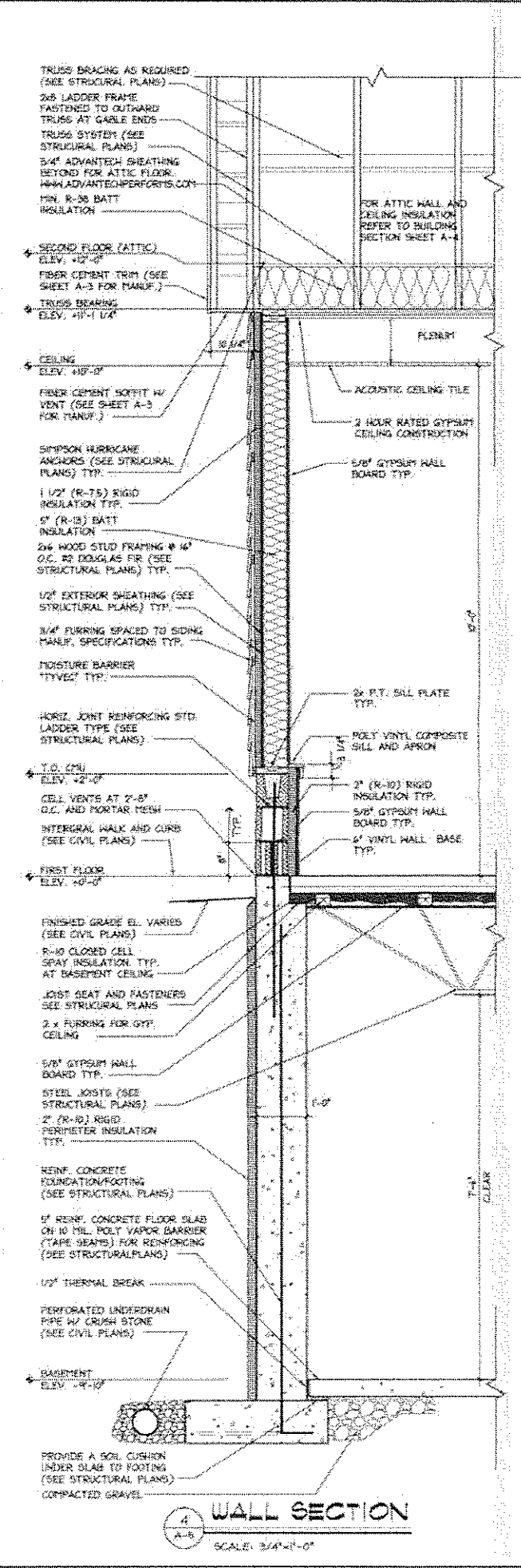
NO.	DATE	BY	CHKD	APP'D	REV	INT.
1	9-14-12	EAD/SV				

CONVENIENCE STORE
HUDSON, NEW HAMPSHIRE

WALL SECTIONS

PROJECT:	NO.:	DATE:	SCALE:
CONVENIENCE STORE	1018	3/4/11-01	3/4"=1'-0"
DATE:	9-14-12	DESIGNED BY:	EAD/SV
PROJECT NO.:			

A-5
26





Town of Hudson, NH
Certificate of Occupancy

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

Owner, Lessee or Occupant: HUDSON REALTY TRUST

Location of Work: 99 RIVER RD (Unit or Building)
(No. and Street)

Desc of Work: Construct a 2,120 square foot one story convenience store

Map/Lot: 256-001-000 **IBC Bldg Code Edition:** 2009

District: R-1

Permit(s): 2012-00661, 2012-00661-1-FC, 2012-00661-2-EL, 2012-00661-3-PL, 2012-00661-4-WA

Use Group: M

Fire Sprinkler System Required: NO

Fire Alarm System Required: NO

This is to certify that HUDSON REALTY TRUST has/have obtained all final inspections and has been found to substantially conform to all regulations and codes and is hereby approved for occupancy and use, as limited or otherwise noted below.

This Certificate of Occupancy is issued prior to occupancy. Any change of occupant, use or modification to the structure shall require a new Certificate of Occupancy.

Date of Issue: 11/12/2013

Signed:

David R. Belis II

C7

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

Town of Hudson

Zoning Board of Adjustment

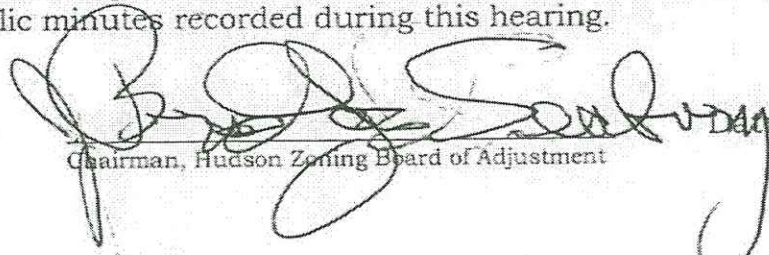
Decision to Accept the Withdrawal of a Variance

On **4/25/13**, **Deferred from 2/28/13**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, met to hear **Case 256-001**, pertaining to a request by **Hudson Realty Trust, 22 Long Drive, Westborough Ma.**, for an **Variance to allow a mixed use of a convenience store on the first floor and a one-bedroom residence on the second floor for property located at 99 River Road, Hudson.** [Map 256, Lot 001; Zoned G-1, HZO Article III, Section 334-10, Mixed or dual use of a lot.]

Following receipt of a written request by the applicant for withdrawal of this Variance request, the members of this Zoning Board voted to approve a properly made and seconded motion to accept the request for withdrawal without prejudice.

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:

04-26-13

Signed:


Zoning Administrator

Date:

4/29/13

"D"

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article III of HTC Section(s) 334-10 in order to permit the following change or use:

TO ALLOW A DUAL USE ON THE PROPERTY (99 RIVER ROAD, TAX MAP 256 LOT 001-000):

FIRST FLOOR = PREVIOUSLY APPROVED CONVENIENCE STORE (CURRENTLY UNDER CONSTRUCTION)

SECOND FLOOR = PROPOSED ONE-BEDROOM RESIDENTIAL APARTMENT

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 Office, 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.")

The proposed use will keep the previously approved convenience store on the first floor and add a one-bedroom residential apartment on the second floor. The existing neighborhood is currently a mix of uses, including residential, office, and retail. The proposed mixed use will be in keeping with the uses of the surrounding area and the character of the neighborhood.

In addition, the property is located in the General-1 (G-1) Zoning District which allows both proposed uses.

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.")

There is no adverse effect on health, safety, and general welfare of the Town inhabitants as a result of the proposed mixed use. In fact, there is added safety as a result of the one-bedroom residential apartment as there will be more occupation of the building outside of normal business hours, reducing the risk of crime and fire loss. The addition of the upstairs one-bedroom apartment does not affect the previously approved architectural plans/elevations of the building. The proposed dual use will have a complete sprinkler system. In addition, the purpose of the G-1 Zoning District is to permit a wide variety of uses, and the proposed mixed use is in keeping with the surrounding area and neighborhood. The previously approved convenience store and the proposed upstairs one-bedroom apartment are both permitted uses in the current zoning district.

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.)

It allows for an owner-occupied business while keeping the character of the neighborhood. The proposed uses are consistent with the surrounding area/neighborhood. The previously approved convenience store and the proposed upstairs one-bedroom apartment are both permitted uses in the current zoning district. Denying the variance would cause no benefit to the public.

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

The proposed addition of the upstairs one-bedroom apartment will not alter the previously approved architectural plans/elevations. In addition, the proposed mixed use of residential and retail is in keeping with surrounding uses in the area, and will tend to reduce the risk of crime and fire loss.

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Mr. Dearborn made a motion to approve the request for a Wetland Special Exception with the noted stipulations of the Conservation Commission and the Planning Board.

Mr. Nolin seconded the motion.

Mr. Dearborn, speaking on his motion, stated that he felt it was a very civic endeavor and was proud to approve the request.

Mr. Nolin, speaking on his second, stated that he too thought the project was beneficial to the town.

VOTE: Acting Chairman Martin asked Clerk Houle to poll the Board on the motion to approve the request for the Wetland Special Exception, with the noted stipulations, and to record the members' votes, which were as follows:

Mr. Dearborn	To approve
Mr. Nolin	To approve
Mr. Houle	To approve
Ms. Shuman	To approve
Mr. Martin	To approve

Acting Chairman Martin declared that, there having been five votes to approve the request for a Wetland Special Exception, with the noted stipulations, the motion had carried.

Acting Chairman Martin declared a break at 8:05pm; calling the meeting back to order at 8:10pm.

3. Case 256-001 (2/28/13): Hudson Realty Trust, 22 Long Drive, Westborough, MA, requests a Variance to allow a mixed use of a convenience store on the first floor and a one-bedroom residence on the second floor for property located at 99 River Road, Hudson, NH. [Map 256, Lot 001, Zoned G-1, HZO Article III, Section 334-10, Mixed or Dual use of a lot.]

Clerk Houle read aloud the posted notice, as recorded above.

Acting Chairman Martin read aloud an e-mail dated January 30, 2013, from the owner of the property, Mr. Ajay Patel, addressed to Mr. Chris Rice as summarized below:

As I am currently out of the country, and as required as part of the application, this e-mail is intended to notify the Zoning Board of Adjustment that I, owner of the property at 99 River Road in Hudson, NH, hereby authorize Chris Rice of TF Moran, Inc., to act on my behalf and present before any Town Planning Board or Zoning Board as necessary.

"DI,"

HUDSON ZONING BOARD OF ADJUSTMENT – Meeting Minutes
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Acting Chairman Martin stated that the e-mail was not signed and that was a requirement of the Board. He further stated that he would prefer that the letter of authorization be notarized.

Ms. McGrath stated that she too felt the document should have been signed, the e-mail heading was from "Frank Patel" and the closing name was from "Ajay Patel," and the Planning Board had requested to provide input to the ZBA prior to a decision being made.

Mr. Chris Rice, representing the applicant, addressed the Board, stating that if his request was approved at this Zoning Board of Adjustment meeting, he had planned on appearing before the Planning Board for a site plan adjustment.

Ms. McGrath replied that if the Zoning Board approved the request, the property would be allowed to be used as a dual use. She further replied that the Planning Board wanted to have input prior to the property being able to be used for more than a single use.

Mr. Nolin stated that he felt the case should be deferred.

Ms. Shuman also stated that she felt the case should be deferred.

Mr. Dearborn made a motion to defer the case pending Planning Board input and appropriate owner notarized signatures were received.

Mr. Nolin seconded the motion.

VOTE: Acting Chairman Martin asked Clerk Houle to poll the Board on the motion to defer the case pending Planning Board input and appropriate owner notarized signatures were received, and to record the members' votes, which were as follows:

Mr. Dearborn	To defer
Mr. Nolin	To defer
Mr. Houle	To defer
Ms. Shuman	To defer
Mr. Martin	To defer

Acting Chairman Martin declared that, there having been five votes to defer the case, the motion had carried.

4. Case 160-105 (2/28/13): William Tate, 72 Old Derry Road, Hudson, NH, requests the following for property located at 297 Central Street:

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April 25, 2013

Ms. McGrath asked if an e-mail giving another person(s) permission to represent them should be allowed. Attorney Buckley replied that, as a rule, an unsigned e-mail should not be accepted.

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD

2. Case 256-001 (4/25/13, Deferred from 2/28/13): Hudson Realty Trust, 22 Long Drive, Westborough, MA, requests a Variance to allow a mixed use of a convenience store on the first floor and a one-bedroom residence on the second floor for the property located at 99 River Road, Hudson. [Map 256, Lot 001, Zoned G-1, HZO Article III, Section 334-10, Mixed or dual use of a lot.] (The applicant has requested a Withdrawal.)

Clerk Davis read aloud the posted notice, as recorded above.

Ms. McGrath commented that although she did not actually sit on the case, she had participated in the discussions pertaining to this case when it was before the Planning Board. Chairman Seabury and Ms. McGrath both stated that they did not feel there was any need for her to step down from the case.

Chairman Seabury stated that at the last meeting, the Zoning Board had decided to ask the Planning Board to provide input with regard to this case. He further stated that, the Planning Board was not in agreement with the applicant's proposal and as a result, the applicant and his attorney had produced the following letter from Mr. Christopher Rice, Project Manager, TFMoran, Inc., as summarized below:

On behalf of my client, Hudson Realty Trust, we hereby withdraw the application for a Variance for a dual use without prejudice.

Mr. Dearborn made a motion to accept the request for a withdrawal without prejudice.

Mr. Pitre seconded the motion.

VOTE: Chairman Seabury asked Clerk Davis to poll the Board on the motion to approve the request for the withdrawal without prejudice, and to record the members' votes, which were as follows:

Mr. Dearborn	To approve the request for withdrawal
Mr. Pitre	To approve the request for withdrawal
Ms. Shuman	To approve the request for withdrawal

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VIII. PERFORMANCE SURETIES

No Performance Sureties items were addressed this evening.

VIX. ZBA INPUT ONLY

A. 99 River Road/Hudson Realty Trust
ZI# 01-13
River Road

Map 256/Lot 001-000
99

Purpose of plan: Amend previously approved site plan to allow a dual use on the property. First floor is previously approved convenience store. Proposing to add one-bedroom residential apartment on second floor. No external changes to previously approved building or site layout proposed.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said he had nothing to add to his staff report.

Ms. McGrath noted that she also sat on the ZBA and was conveying a message that the ZBA wanted input from the Planning Board. She said she did not feel this presented her with a conflict.

Mr. Cris Rice, from TF Moran, appeared before the Board as the representative of the applicant, along with Atty. J. Bradford Westgate, of the firm of Winer & Bennett, 111 Concord Street, Nashua, NH, legal representative for the applicant.

Mr. Rice affixed a plan on the wall and then discussed details of the application and previously discussed issues. He noted that the previous occupant of the site had been a landscape business, saying he felt the proposed development would be a major improvement. He said the building was under construction, and the owner had asked how to get a one-bedroom apartment on the second floor, adding that they had been to the Zoning Board of Adjustment on this issue and had been deferred. He said the owner was aware that this was not to be rented out, saying it was for the living space of an employee working in the store on the first floor. He noted that the lot lacked sufficient frontage and acreage for a dual use, saying they did not feel the added apartment would be detrimental to the site, as the footprint would not change. He said they were willing to restrict the resident of the apartment to one parking space, noting that the Town of Tyngsboro had asked that the plan return to them out of courtesy if the request were approved by Hudson.

Atty. J. Bradford Westgate, of the Devine, Millimet, & Branch Professional Association, 111 Amherst Street, Manchester, NH, legal representative for the applicant, noted he had been involved in this case back in 2010 and 2011, when it first came before the Planning Board. Noting that Town Planner Cashell had pointed out the requirements for a dual use, he said the approval was granted two years ago and the Planning Board obviously had recognized at that time that the improvements justified that approval, so they would respectfully request that any recommendation or input from this Planning Board to the Zoning Board of Adjustment not be conditioned on any concern that the lot did not meet the now current dual-use requirements with

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HUDSON PLANNING BOARD Meeting Minutes
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respect to frontage or lot area. He said adding an apartment to a structure that would have no footprint change was contrary to what this Planning Board had decided—that this property could serve for that use.

He said the lot did not meet the now current requirements but could function adequately, saying the apartment would have minimal impact on how the lot would work out.

Mr. Rice said they would be coming back to the Planning Board if the variance request were approved.

Chairman Russo opened the meeting for public input and comment, in favor of the application. No one coming forward, Chairman Russo asked if anyone wished to speak in opposition or to provide comments or questions concerning the application.

Mr. Roget Coutu, 10 Rita Avenue, acknowledged that he had a bias, as he owned another convenience store in that same neighborhood, but said he was present to oppose the dual use, saying he had been watching this with a little bit of envy, because it was a beautiful building. He said he had originally opposed the original plan because he thought it was saturating the neighborhood and would result in a lot of traffic problems. He said he had noticed while watching the building be constructed that the upstairs space left for what was originally supposed to be an office and storage space was about the size of a trailer, and he had questioned why. He said he questioned the dual use, noting that the basement of that building was approximately ten feet high, and he asked if the dual use would allow them to do something with the basement. He noted that the Board had heard a promise that they would only have one tenant, but he wondered if there might be two later. If having an apartment required two parking spaces, he said, that took customer parking space away. He said having the store there was a stretch for him, and allowing the apartment would be an every greater stretch. He said he understood that the Planning Board had become very business friendly, which was an asset to the community, but he disagreed with the vote that had passed and adding more to that property for the size they had would be a stretch.

Atty. Westgate said the focus of the Planning Board's conclusions should be the things typically considered for a site, as opposed to building design issues or what had happened in the past. He suggested the Board should focus on what was happening this evening, which was a request to allow the upper floor to be used for an apartment, for an employee—adding that he supposed it could be a husband and his wife, both of whom would be store employees—noting that this would be a one-bedroom apartment. He said they were simply asking if that did any violence to how the site worked, and they would respectfully submit that it did not, because the site would work, with that apartment there or not, saying all the apartment did was add one or two residents, perhaps with one or two vehicles. He said the parking requirement was 11 plus 2 under the standard parking regulations, so the Board would have to waive that, but the Planning Board could make a decision on that when they returned for a site plan amendment, and it was not a material issue. He said having an apartment there provided a little security and safety for the site.

Mr. Rice said he would need a parking space for an employee driving to the store if there were not one living upstairs. He reiterated that the owner had agreed to a one-vehicle limit for the apartment.

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HUDSON PLANNING BOARD Meeting Minutes
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No one else coming forward, Chairman Russo declared the matter before the Board, asking if any members of the Board had any questions.

Ms. Merrill said it narrowed down to at least two parking spaces, as the resident might have visitors. She asked if the owner would be the occupant. A negative answer was provided.

Ms. McGrath said a dual use, once approved, would carry with the property, even if the store use changed, noting that the Zoning Board of Adjustment would have to grapple with that problem. She said she lived near that site, noting that it had not been an approved landscaping site and also had not been an approved bus depot, saying the last approved plan was for Hudson Auto, a number of years ago, and that use had been discontinued for many years. She pointed out that there would be no control over the convenience store owner hiring someone and having them move upstairs, and she questioned if the Town had the capability to track that. If the store owner sold the property, she added, she questioned how the new owner would be bound by that agreement. She then concluded by asking what would prevent a future owner from converting the space to a retail use or some other use.

Mr. van der Veen said there had been a lot of discussion about this site, with most members feeling too much was being proposed for the lot. He said the Board had approved what it thought would fit on that lot, and he thought this was going beyond what had been the intent.

Selectman Maddox said it had been brought up at the beginning, when the plan first came before the Board, and now they were back. He noted the plan was to have 40 feet of cooler in the store, saying product would be pouring out and there were going to be multiple employees. He said he had not voted for it the first time, saying this was only a quarter of the size the building should have been, and he could not agree with a dual use.

Mr. Della-Monica said he tended to agree, saying the first plan was putting a gallon into a pint jar and it had been trimmed down to put a quart in a pint jar to get approval. With all the discussion on potential parking problems, he said, having one car there permanently plus a car for another employee, was one more than there they should have there. He said the size of the lot was a problem.

Mr. Hall asked what the access would be. Mr. Price said there would be an interior stairwell, with no exterior stairs. Mr. Hall said that seemed to be a significant fire danger, if there were no exterior egress. He said his main concern was the parking issue, saying he understood the intent, and he predicted that there was a good chance over the years that the individuals in the apartment would not be employees, saying it would be unenforceable for the Town to go there and see if the occupant were an employee. He said it could be a man and a wife, and it might then be two people who were not employed there. He said it sounded good, but the Board had to look at all the possibilities that it might not work out—adding that the parking issue had been an issue to start with. He said he would have to be opposed.

Chairman Russo asked what the apartment size would be. Mr. Rice said he would have to check with the architect, but it was not very large, just a center corridor with truss construction. Chairman Russo said it sounded like 1,000 ft², adding that this

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HUDSON PLANNING BOARD Meeting Minutes
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Board had to determine if there were concerns to be addressed to the Zoning Board of Adjustment regarding parking, and to evaluate what parking was needed, and that the Board had to evaluate what the owner had a potential to build. He expressed a belief that they were hearing the sentiments of the Board, noting that they could not control who was going to live there for certain. He said the proposal was just not enforceable, noting that this original plan was passed by this Planning Board by just one vote, and now the parking would be even more difficult. He said the Board could be fairly competent that people would be parking in spaces that were not feasible. If this employee had a child, he continued, the lot established for a business use would not be a suitable environment for that child.

Chairman Russo said this Planning Board had a strong opinion that parking was an issue, noting that this Board could waive that, but the Board would push it if it came back. He said a little better planning had to be involved.

Chairman Russo then addressed the dual-use requirements, saying the second use could be 50% more by special exception. Town Planner Cashell demurred, saying it could be anything. Chairman Russo said Atty. Westgate had given a strong argument as to whether it was required, saying that would have to be considered. He said he would have a hard time overcoming the parking issues, saying he thought the Planning Board input to the Zoning Board of Adjustment would have strong concern about that. He then expressed concern about allowing something that would not be enforceable, noting that the Board had asked about the second-floor use and had been told it would be an office.

Ms. Merrill asked if there were any windows right now on that second floor. Mr. Rice responded in the negative. Chairman Russo said he did not want to get into that at this time, but it would be an issue for the Fire Department and the Building Department—adding that the amount of windows might be issues for the Building Department, requiring some structural changes, and the Fire Department might say it had to be sprinklered.

Mr. Rice said he would have to check with the Fire Department, saying his understanding was that it would have to be sprinklered if an apartment were added, but he added that it would have to comply with all building regulations.

Chairman Russo said the size of the lot was also an issue, noting there had been a lot of discussion on that. He noted that a required amount of land was needed for each living unit in the Zoning Ordinance. Town Planner Cashell said he wanted to correct himself, saying the acreage could be reduced 50% but could go more by variance. Atty. Westgate confirmed that they were going for a variance. Town Planner Cashell questioned if they did not, technically, have to ask for a special exception as well. Atty. Westgate responded that he did not think so, as the Zoning Administrator had said a variance was required. He said the variance would meet any need for the special exception.

Mr. Rice said he had space on the site to add parking, but it would not meet all setback requirements. He asked if the Planning Board would be amenable to that. Chairman Russo said that would be up to the Planning Board.

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HUDSON PLANNING BOARD Meeting Minutes
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Selectman Maddox held up his NO GOOD DEED GOES UNPUNISHED sign and said this had all been discussed the first time, when the Board had told the applicant that an apartment would not work. He said parking had just barely been met, and this was coming back to ask for a second bite of the apple with nothing having been changed.

Mr. Della-Monica noted there were new problems with the outdoor space if they were constructing a residence, as the barbecue & swing set, should there ever need to be one, would go either next to the propane tank or the compressor pad, if they were to exist, and both of those would be inappropriate as a family space. He said there had to be some outdoor family space, noting this was part of the reason for requiring additional acreage for a dual use.

Mr. van der Veen said he also recalled the discussion about the apartment in the first go-around, saying he supported Selectman Maddox's statement and did not think the Board had to go there again.

Mr. Hall moved to relate to the Zoning Board of Adjustment that the Planning Board had significant concerns about an apartment that would further exacerbate a problem with parking that already existed, adding that it also exacerbated issues with the size of the site to begin with, noting it was a substandard-sized lot.

Mr. van der Veen and Town Planner Cashell indicated a desire to work on the wording of the motion, and Ms. McGrath read aloud her version, that the Planning Board would convey to the Zoning Board that the Planning Board had substantial concerns that the apartment would exacerbate the parking problem that already existed on the lot and that the size of the substandard lot was an issue. Mr. Hall added further that it also exacerbated issues with the size of the lot, as well.

Chairman Russo said he had an issue with that text, as this Planning Board had determined by a 4-3 vote that there was sufficient parking, although he would agree to a statement that this was adding to the problem. Mr. Della-Monica suggested stating that the parking lot was already maximized, allowing for no additional room for further additional use that would increase the number of cars on the lot, and the existing remaining outdoor land was not sufficient to support a residential use. Chairman Russo said he could not say that for certain, as he had looked at the requirements, but he would say that a dual use would be overextending what that land was capable of providing.

Selectman Maddox said that he would also like to point out that what this Planning Board had already granted, including multiple driveways on a single lot, the 100-foot setback from residential use, the 35-foot green area between the right-of-way and the pavement, and all the other things that the Board had already waived, maximized the use of the lot.

Chairman Russo suggested taking a break and letting Town Planner Cashell, Mr. van der Veen, and Mr. Della-Monica to work out the final working of the message that would be sent to the Zoning Board of Adjustment. Chairman Russo then declared a brief intermission at 8:00 p.m., calling the meeting back to order at 8:17 p.m., noting that Mr. Della-Monica had made some changes to Mr. Hall's proposed motion.

Mr. Della-Monica moved to express the Planning Board's concerns with the apartment proposed, because the parking was already maximized on the lot and there

D35

was no room for additional parking to accommodate a residential unit. Also, the substandard sized lot further exacerbates the problem, leaving no outside space for the usual and customary use by tenants. In addition, there were several significant waivers awarded to this site plan, and it was felt that the site was fully utilized as originally approved.

Mr. Hall seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

X. DESIGN REVIEW PHASE

No Design Review Phase items were addressed this evening.

XI. OLD BUSINESS

No Old Business items were addressed this evening.

XII. DESIGN REVIEW PHASE

No Design Review Phase items were addressed this evening.

XIII. CONCEPTUAL REVIEW ONLY

No Old Business items were addressed this evening.

XIV. NEW BUSINESS/PUBLIC HEARINGS

No New Business items were addressed this evening.

XV. OTHER BUSINESS

A. Review/Discussion on Impact Fees.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said he had had another conversation with Town Counsel, who had requested that he bring this matter to the Board tonight, saying it really was essential for the Planning Board to update the present impact fee structure for the corridor accounts. He noted that he had prepared a draft motion in that effect.

Chairman Russo asked if the Board members had had a chance to review the attorney's discussion.

Mr. Barnes noted that Dracut Road was not included but nowadays carried a large amount of traffic, and he asked if that could be included. Town Planner Cashell said it was outside of the scope, noting that the south end of Route 3-A, the north end of

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TOWN OF HUDSON
PLANNING BOARD

NOTICE



12 School Street

Hudson, New Hampshire 03051

603/886-6005

April 12, 2013

To: J. Bradford Seabury, Chairman
Zoning Board of Adjustment

Attention: William Oleksak – Zoning Administrator

Subject: 99 River Road/Hudson Realty Trust
Map 256/Lot 001-000 – 99 River Road

Planning Board Input to the ZBA – Purpose of plan: Amend previously approved site plan to allow a dual use on the property. First floor is previously approved convenience store. Proposing to add one-bedroom residential apartment on second floor. No external changes to previously approved building or site layout proposed.

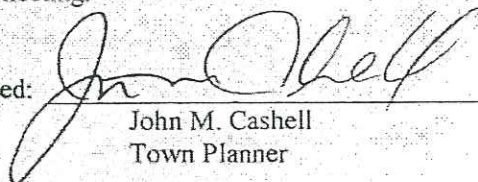
Dear Zoning Board of Adjustment:

At its April 10, 2013 meeting, the Planning Board voted to forward the following “ZBA Input Only” recommendation to the ZBA, concerning 99 River Road/Hudson Realty Trust – Map 256/Lot 001-000 – 99 River Road.

The Planning Board has concerns with the apartment proposed, because the parking is already maximized on the lot and there is no room for additional parking to accommodate a residential unit. Also, the substandard sized lot further exacerbates the problem, leaving no outside space for the usual and customary use by tenants. In addition, there were several significant waivers awarded to this site plan, and it is felt that the site is fully utilized as originally approved.

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

Signed:


John M. Cashell
Town Planner

Date:

4-12-13

cc: T.F. Moran, Inc.

D4,

99 River Road Retail ZBA Input Only

Staff Report

April 10, 2013

SITE: 99 River Road -- Map 256/Lot 001 -- ZI# 01-13

ZONING: G-1

PURPOSE OF PLAN: to allow a dual use on the property, i.e., a convenience store on the ground floor and one-bedroom residential apartment on the second floor. No external changes are proposed regarding the approved building and site plan layout.

PLAN UNDER REVIEW ENTITLED: Site Layout Plan Retail Development, 99 River Road, Hudson, NH Tax Map 256, Lot 001, prepared by TFM Engineers, 48 Constitution Drive Bedford, NH 03110, dated Nov. 5, 2010, latest revision May 1, 2011, consisting of Sheet 4 of 10 and Notes 1 - 17 and an Elevation Sheet entitled: Retail Development 99 River Road, Hudson, NH, dated December 8, 2010(said plans are attached hereto).

APPLICANT REPRESENTATIVE: Christopher Rice, P.E., TFM, Inc.

ATTACHMENTS:

- ZBA Input Only application, date stamped Mar. 12, 2013 -- "A".

OUTSTANDING ISSUES:

- 1) On May 11, 2011, the Planning Board approved the 99 River Rd. Site Plan, as follows. Please note, the attached Sheet 4 of 10 is the recorded Site Plan-of-Record for this project.

Planning Board Minutes/Decisions
May 11, 2011

I. OLD BUSINESS/PUBLIC HEARINGS

- | | |
|----------------------------|---------------------|
| A. 99 River Road Site Plan | Map 256/Lot 001-000 |
| SP# 11-10 | 99 River Road |

Purpose of plan is to construct a 2,120 sq. ft. convenience store with associated access drive and parking. Existing building on-site (former landscape supply business) to be demolished. Hearing. Deferred Date Specific from the April 13, 2011 Planning Board Meeting.

Mr. Maddox moved to reconsider vote on 100 ft. setback. Motion seconded by Mr. Della-Monica. All in favor - motion carried.

Mr. Maddox moved to grant the requested waiver HTC 275-8B(12)(b) - 100 ft. Residential Buffer - because the specific terms and conditions of approval for this project shall safeguard any residential abutters who may otherwise be adversely

D4¹₂

impacted by the activities associated with this project, and as such, the granting of this waiver is not contrary to the spirit and intent of the Site Plan regulations. Motion seconded by Mr. Della-Monica. All in favor – motion carried.

Mr. Maddox moved to defer further review of the 99 River Road Convenience Mart Site Plan application, Map 256/Lot 001, date specific, to the June 8, 2011 Planning Board Meeting to allow members to visit the site. Motion seconded by Mr. Della-Monica. Vote: RM, IM, GD in favor; TM, JB, GH, VR opposed. Motion failed.

Mr. Hall moved to approve the Site Plan entitled: Hudson Realty Trust Ramanbhati K. Patel Trust Retail Development, 99 River Road, Hudson, NH Tax Map 256, Lot 001, prepared by TFM Engineers, 48 Constitution Drive Bedford, NH 03110, dated Nov. 5, 2010, latest revision May 1, 2011, consisting of Sheets 1 – 10, L1, A1, E1 & 1-4 and Notes 1 – 17 on Sheet 4 of 10, in accordance with the following terms and conditions:

- 1) All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Site Plan-of-Record.
- 2) Prior to the Planning Board endorsement of the Site Plan, the Development Agreement and easement document concerning the future widening of River Rd. shall be favorably reviewed and recommended on by Town Counsel.
- 3) All improvements shown on the Site Plan-of-Record, including Notes 1-17, shall be completed in their entirety and at the expense of the Applicant or his assigns.
- 4) The calculated CAP fee of \$9,928.00, prepared in accordance with the 2010 CAP Fee Matrix, shall be submitted to the Town prior to the issuance of the Certificate of Occupancy.
- 5) After the issuance of foundation permit for the structure and prior to the issuance of framing permit, the applicant shall submit to the Hudson Community Development Department a foundation "As-Built" plan on a transparency and to the same scale as the approved site plan. The foundation "As-Built" plan shall include all structural dimensions and lot line setback measurements to the foundation and be stamped by a licensed land surveyor. Any discrepancy between the approved site plan and foundation "As-Built" plan shall be documented by the applicant and be part of the foundation "As-Built" submission.
- 6) Prior to the issuance of a final certificate of occupancy, a L.L.S. certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.
- 7) Onsite landscaping shall be provided for in accordance with the plant and tree species specified on Sheet 7 of 10 of the Site Plan.

- 8) Construction activities on the site shall be limited to between 7:00 A.M. and 7:00 P.M. Monday through Saturday. No construction activities shall occur on Sundays.
- 9) This approval shall be subject to final engineering review.
- 10) The applicant or his assigns, at his/her expense, shall be responsible for repairing all construction cuts, on River Road, and this work shall be properly bonded with the Town of Hudson, and the State of New Hampshire.
- 11) The daily hours of operation shall not exceed the hours between 6:00 A.M. and 10:00 P.M.
- 12) Hours for refuse removal shall be exclusive to the hours between 7:00 A.M. and 7:00 P.M. Monday through Saturday.
- 13) Existing Plan Note 17 shall be deleted and replaced with above conditions 11 & 12 which shall then become Notes 17 & 18 on the Plan. The foregoing note amendments shall be made to said Plan prior to Planning Board endorsement of same.
- 14) Prior to issuance of Certificate of Occupancy, and at the owner's expense, two "No Parking" signs shall be placed along the southerly side of Porter Road (a private way), abutting the development parcel, and if allowed by NHDOT, two "No Parking" signs shall be installed in front of said parcel along River Road (Rte. 3A).

Motion seconded by Mr. Barnes. Vote: 4 - 3 (RM, VR & IM) opposed. Motion carried.

- 2) The present ZBA Input Only application is specific to requesting the ZBA to issue a Special Exception for a dual use of the property. The applicant is not asking for an accessory use to a principal use. As such, the following Sections of the Town's Zoning Ordinance apply:

§ 334-10. Mixed or dual use on a lot.

A. Multiple principal uses on a lot are permitted only as follows:

- (1) The lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage and not less than 100% of the minimum frontage requirement for each additional principal use, except as provided by special exception under Article VI, § 334-26.

Staff Comment: The subject lot has 148.75 ft. of frontage on a Class V highway, the minimum frontage for a principle use is 200 ft. and 200 ft. for each additional principal use.

- (2) The lot is of sufficient size to satisfy the minimum lot size requirements of each use independently.

3
D44

- *Staff Comment: The subject lot is 16,466 sf, the minimum required lot size for the zoning district it is located in – G-1 - is 87,120 sf. As such, the proposed dual use would require 174,240 sf.*

(2) Each use is in conformity with all other requirements set forth in this chapter pertaining to that use.

- *Staff Comment: The parking requirements for the convenience store are: 2120 sf of retail space /250 sf = 10.6 spaces - 12 are provided; §275-8(26)(o) of the Zoning Ordinance requires 2 parking spaces per residential unit. As proposed on the Plan, the site is 1 parking space short of the 13 spaces required for the 2 principal uses.*

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.

Staff Comment: N/A.

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 property.

Staff Comment: As stated above, this application is exclusive to the proposal of adding a second principal use. Thus, constituting a dual or mixed use of the subject property.

3) Since this property is located in two different municipalities and two different states, approval of the proposed dual/mixed uses will most likely require both municipalities to agree and approve this proposal in accordance with the bylaws of each jurisdiction.

NO OTHER ISSUES REMAIN OUTSTANDING.

APPLICATION TRACKING:

- 03/12/13 - ZBA Input Only application submitted.
- 04/10/13 ZBA Input Only Initial **Public** Hearing schedule before the Planning Board.

RECOMMENDATION:

DRAFT MOTIONS:

I move to accept the ZBA Input Only application for 99 River Road, which calls for the dual use on the property, i.e., a convenience store on the ground floor and one-bedroom residential apartment on the second floor.

Motion by: _____ Second: _____ Carried/Failed: _____

I move to defer further review of the 99 River Road Convenience Mart Site Plan application, Map 256/Lot 001, date specific, to the May 8, 2013 Planning Board meeting .

Motion by: _____ Second: _____ Carried/Failed: _____

DRAFT MOTION:

I move to forward correspondence to the ZBA, citing that the Planning Board has the following concerns with the 99 River Road ZBA Input Only application, relative to the proposed dual/mixed use of the subject property:

This ZBA Input Only application specifically requests the ZBA to issue a Special Exception for a dual/mixed use of 99 River Road, Map 256/Lot 001. As such, the following Sections of the Town's Zoning Ordinance apply:

§ 334-10. Mixed or dual use on a lot.

A. Multiple principal uses on a lot are permitted only as follows:

- (1) The lot has sufficient frontage to satisfy the minimum frontage requirement for the principal use requiring the most frontage and not less than 100% of the minimum frontage requirement for each additional principal use, except as provided by special exception under Article VI, § 334-26.
 - *Planning Board Concerns: The subject lot has 148.75 ft. of frontage on a Class V highway; the minimum frontage for a principle use is 200 ft. and 200 ft. for each additional principal use.*
- (2) The lot is of sufficient size to satisfy the minimum lot size requirements of each use independently.
 - *Planning Board Concerns: The subject lot is 16,466 sf, the minimum required lot size for the zoning district it is located in – G-1 - is 87,120 sf. As such, the proposed dual/mixed uses would require 174,240 sf.*
- (3) Each use is in conformity with all other requirements set forth in this chapter pertaining to that use.
 - *Planning Board Concerns: The parking requirements, as set forth in the Planning Board's Site Plan Review Regulations for a convenience store are: 1 space for every 250 sf of retail use, at 2,120 sf of retail use / 250 sf = 10.6 spaces; 12 parking spaces are provided on the property; §275-8(26)(o) of said regulations require 2 parking spaces per residential unit. As such, the site is 1 parking space short of the 13 spaces required for the two proposed principal/mixed uses.*

- 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.

Planning Board Concerns: N/A.

- 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 property.

Planning Board Concerns: As stated above, this application specifically calls for adding a second principal use to the property, therefore, constituting a dual/mixed use of the subject property, as prescribed in § 334-10. Mixed or dual use on a lot.

NOTE: since this property is located in two different municipalities and in two different states, approval of the proposed dual/mixed uses will most likely require both municipalities to agree and approve this proposal in accordance with the bylaws of each jurisdiction, including amending the approved Site Plan.

Motion by: _____ Second: _____ Carried/Failed: _____



ZBA INPUT ONLY
APPLICATION FOR REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE

Date of Application: MARCH 12, 2013 Tax Map # 256 Lot # 001-000

Name of Project: HUDSON REALTY TRUST / 99 RIVER ROAD

Zoning District: _____ General Zoning ID# ZI # 01-13
(For Office Use) (For Office Use)

ZBA Action: REQUESTING VARIANCE FROM ARTICLE II SECTION 334-10 TO ALLOW A DUAL USE

PROPERTY OWNER:

DEVELOPER:

Name: HUDSON REALTY TRUST

SAME AS OWNER

Address: 22 LONG DRIVE

Address: WESTBOROUGH, MA 01581

Telephone # (508) 333-3690

Fax # _____

Email: ajayekta05@aol.com

PROJECT ENGINEER

Name: CHRIS RICE / FMORAN INC.

Telephone # (603) 472-4488

Address: 48 CONSTITUTION DRIVE

Fax # (603) 472-9747

Address: BEDFORD, NH 03110

Email: crice@fmoran.com

PURPOSE OF PLAN:

AMEND PREVIOUSLY APPROVED SITE PLAN TO ALLOW A DUAL USE ON THE PROPERTY. FIRST FLOOR IS PREVIOUSLY APPROVED CONVENIENCE STORE, PROPOSING TO ADD ONE-BEDROOM RESIDENTIAL APARTMENT ON SECOND FLOOR. NO EXTERNAL CHANGES TO PREVIOUSLY APPROVED BUILDING OR SITE LAYOUT PROPOSED.

(For Office Use)

Plan Routing Date: _____ Plan Date: _____

_____ I have no comments _____ I have comments (attach to form)

_____ Title: _____ Date: _____

(Initials)

Department:

_____ Zoning _____ Engineering _____ Assessor _____ Police _____ Fire _____ Planning

_____ Highway _____ Consultant Review _____ Fees Paid

D4

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

REQUEST FOR REVIEW/COMMENTS:

For Town Use

Plan Routing Date: 2/13/19 ZBA Hearing Date: 2/28/19

I have no comments I have comments (attach to form)

EZO Title: Town Engineer Date: 2/14/19
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

99 River Rd.

"E"

Buttrick, Bruce

From: Dhima, Elvis
Sent: Thursday, February 14, 2019 7:03 AM
To: Buttrick, Bruce
Cc: Goodwyn, Tracy
Subject: 99 River Road Review

Bruce

This property appears to be on a septic system

With the additional usage on the second floor this property should have an approved septic system that can handle the addition usage

The septic system could be located in MA and if that's the case a copy of the new approved septic would suffice

This would be my only comment

E

*Elvis Dhima, P.E.
Town Engineer*

Town of Hudson, NH
12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Mobile: (603) 318-8286



"E"

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

REQUEST FOR REVIEW/COMMENTS:

For Town Use

Plan Routing Date: 2/13/19 ZBA Hearing Date: 2/28/19

I have no comments I have comments (attach to form)

SOB Title: Deputy Fire Chief Date: 2/14/19
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

99 River Rd.

"E"
3



TOWN OF HUDSON

FEB 11 2019

TOWN OF HUDSON

LAND USE DIVISION

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

Number: 2019-00007

Code Enforcement/Investigation Form

V2019-00007

Address in Question: 99 River Road

Business Name (if applicable): _____

Type of Occupancy: Residential Commercial Industrial

Please write your question or concern below. Please be as specific as possible.

Upskins is not to be used for residential

Your Name: Marilyn E. McBrath Daytime Phone #: 882-0739

Address: 81 River Road

Signature: Marilyn E. McBrath Date: 2/8/19

For Office Use Only Date Filed: _____ Map: 256 Lot: 001-000

Pending Enforcement Issues: Yes No G-1

Environmental Issues: Yes No Date Forwarded to Engineering: _____

Possible Site Plan Infractions: Yes No Date Forwarded to Planning: _____

Other Department Notifications: Department: _____ Date Forwarded: _____

Additional Comments:

"F1"

Run: 2/11/19
9:48AM

**Code Enforcement
Violation Detail
Town of Hudson, NH**

Page: 1
tgoodwyn
ReportViolationDetail

Number: V2019-00007 **Type:** Zoning8 **Status:** Active

Permit Number: **Business License:**
Reported: 2/11/2019 **Issued:** **Resolved:**

Description: 2/11/19- Rcvd CE/Investigation Form;
Complaint- Upstairs is not to be used for residential

Site Information:

Name: PATEL, RAMANBHATI K., TR. HUDSON REALTY TRUST
Map Lot: 256-001-000
Street: 99 RIVER RD

Owner Information:

Name: PATEL, RAMANBHATI K., TR. HUDSON REALTY TRUST
Street: 0 99 RIVER RD.

Activities:

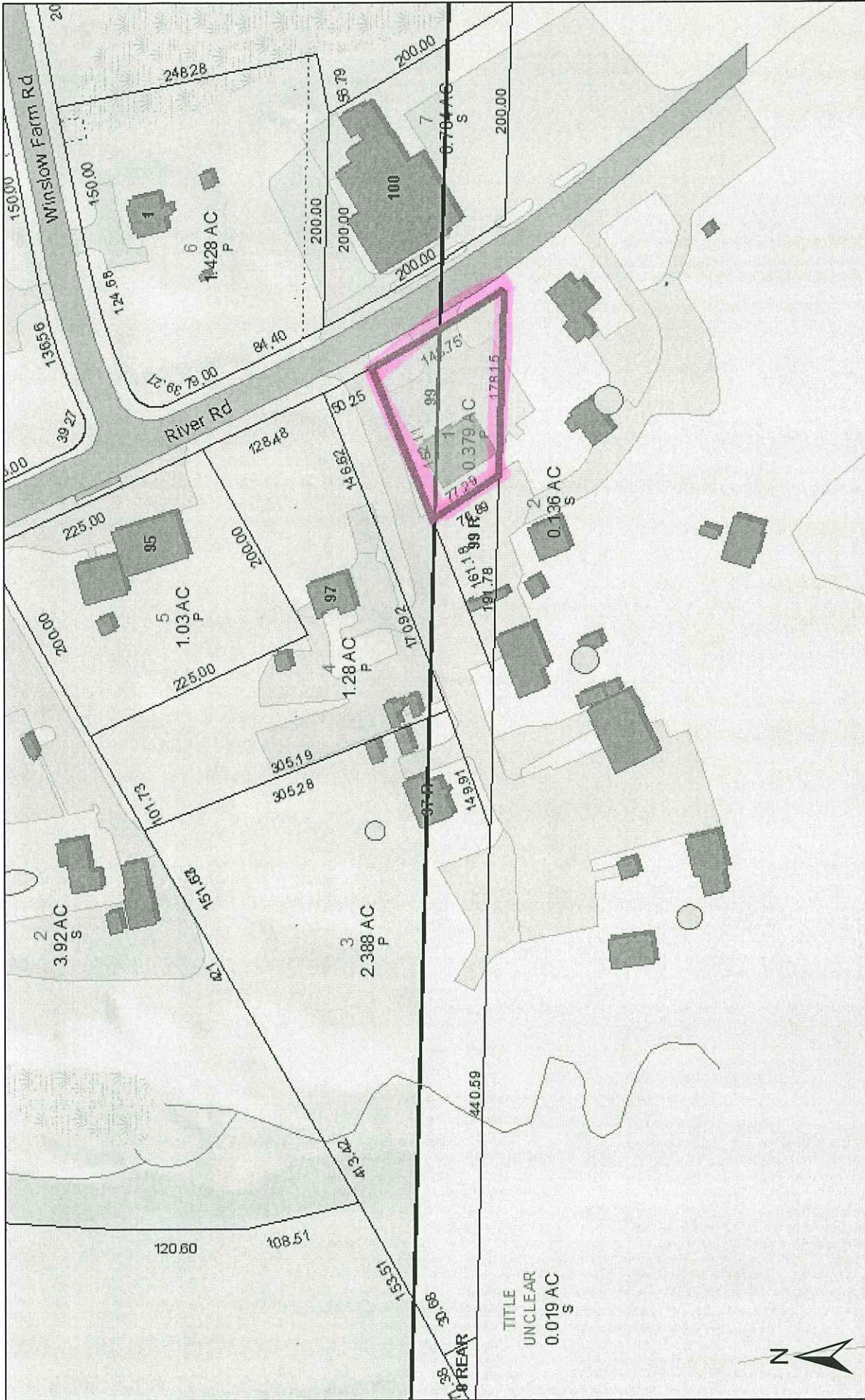
Date Entered	Entered By	Type	Due Date	Status
2/11/2019	AutoEntry	Initial entry Violation - Auto Activity	//	C
Initial Entry of Violation				

Reported By Information:

Name	Title	Phone
Marilyn McGrath		882-0739

"F₂"

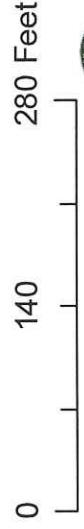
99 River Rd



February 11, 2019

- Easement_Lines
- ▭ Parcels

1 inch = 130 feet



Buttrick, Bruce

From: Buttrick, Bruce
Sent: Tuesday, February 12, 2019 3:22 PM
To: Marilyn McGrath
Cc: Malizia, Steve
Subject: 99 River Road - Complaint
Attachments: ZBA withdrawal of Variance request 4-25-13.pdf; Z.D. 19-009 - 99 River Road.pdf

Marilyn,

In response to your complaint about 99 River Road:

- 1) They had asked for a Variance in 2013 but was withdrawn – see attached.
- 2) There was a recent Zoning Determination #19-009 (to Att’y Westgate) about a residential use (caretaker’s unit) as accessory use to the convenience store – see attached.
- 3) Att’y Westgate is on the 2/28/19 ZBA agenda for the required Special Exception.

I trust this answers your concerns/question.

Regards,

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

TOWN OF HUDSON

APPLICATION FOR A SPECIAL EXCEPTION

FEB 08 2019

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 256-001
Date Filed 2/8/19

Name of Applicant Ramenbhati K. Patel, Trustee of the Hudson Realty Trust Map: 256 Lot: 001 Zoning District: G-1

Telephone Number (Home) _____ (Work) 508-333-3690

Mailing Address 99 River Road, Hudson, NH 03051

Owner Ramenbhati K. Patel, Trustee of the Hudson Realty Trust

Location of Property 99 River Road
(Street Address)

R K Patel TRUSTE 2/8/2019
Signature of Applicant Date

R K Patel TRUSTE 2/8/2019
Signature of Property-Owner(s) Date

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 special exception.

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

COST:

Application fee: 4.05 \$130.00
6 Direct Abutters x \$3.95 = 24.30
3 Indirect Abutters x \$0.50 = 1.65
Total amount due: \$155.95

Date received: 2/8/19

Amt. received: \$155.95

Receipt No.: 538,367

Received by: S Hoodneys

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> <i>R</i> </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> <i>TG</i> </u>
<u> <i>R</i> </u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u> <i>TG</i> </u>
<u> <i>R</i> </u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, <u>Special Exception</u> , 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> <i>TG</i> </u>
<u> <i>N/A</i> </u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u> <i>TG</i> </u>
<u> <i>R</i> </u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained 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> <i>TG</i> </u>
<u> <i>R</i> </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> <i>TG</i> </u>
<u> <i>R</i> </u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u> <i>TG</i> </u>
<u> <i>N/A</i> </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> <i>N/A</i> </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) _____ The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
 - b) _____ The plot plan shall be up-to date and dated, and shall be no more than three years old.
 - c) _____ The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
 - d) _____ The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)
 - e) _____ 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) _____ The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
 - g) _____ The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
 - h) _____ The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
 - i) _____ The plot plan shall indicate all parking spaces and lanes, with dimensions.

NA

To be printed.

✓ TG.

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

R. K. Parred TRUSTEE
Signature of Applicant(s)

2/8/2019
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.

W&B

Winer and Bennett, LLP

Peter W. Bennett*
David K. Pinsonneault
J. Bradford Westgate*
Peter G. Webb
Kent M. Barker

All Admitted in NH
*Admitted in NH and MA

Attorneys at Law

www.winerbennett.com

John M. Edwards*
Brian C. Kelly*
Brenner G. Webb
Barbara W. Halevi*

S. Robert Winer (1920-2019)
John V. Dwyer, Jr. (1946-2013)

February 8, 2019

HAND DELIVERED

Bruce Buttrick, MCP
Zoning Administrator / Code Enforcement Officer
Town of Hudson
Land Use Division
12 School Street
Hudson, New Hampshire 03051

**Re: 99 River Road (Map 256, Lot 001)
Application for a Special Exception**

Dear Mr. Buttrick:

Winer and Bennett, LLP represents Ramanbhati K. Patel, Trustee of the Hudson Realty Trust. Mr. Patel, as Trustee of the Hudson Realty Trust, is the owner of real estate at 99 River Road which houses a convenience store and related improvements.

As you are aware, by letter of January 14, 2019 addressed to me, you issued Zoning Determination #19-009 pursuant to which you determined that the property is an existing non-conforming lot and that the proposed "caretaker's" residential unit is an accessory use to the existing retail store. You further determined that a special exception would need to be issued by the Hudson Zoning Board of Adjustment for the caretaker's residential unit.

Accordingly, on behalf of Mr. Patel (as owner and applicant), I enclose an original and thirteen (13) copies of the Application for a Special Exception. Attached to the application is a copy of both sides of the assessor's card and your Zoning Determination #19-009.

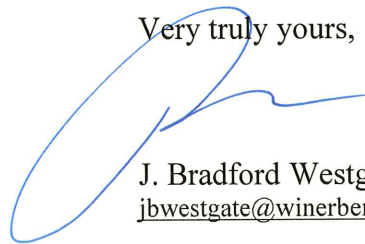
Also enclosed are two sets of mailing labels for the abutter notification lists. Finally, enclosed are check(s) for the filing fee and notification fees.

February 8, 2019
Page 2

As we discussed, no plot plan is required. I will bring to the hearing the as built plan of the site prepared in 2013 by the project engineers, TF Moran, Inc. That will be displayed during the public hearing.

Thank you for your kind assistance. Kindly advise as to whether or not we will be placed on the agenda for February 28, 2019 for public hearing.

Very truly yours,



J. Bradford Westgate
jbwestgate@winerbennett.com

JBW:cns

Enclosure

cc: Ramenbhati K. Patel, c/o Jitendra Patel (w/enc.) (via email only)

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
256	002	John Porter, Sr.	97 River Road Hudson, NH 03051
256	006	Danny Goulet Jimmy Goulet	20 Par Lane Hudson, NH 03051
256	007	Joseph E. Robitaille, Trustee Suzanne R. Robitaille, Trustee KSR Realty Trust	100 River Road Hudson, NH 03051
		John R. Porter, Sr. Nancy S. Porter	206 Frost Road Tyngsboro, MA 01879
		Town of Hudson	c/o Town Administrator 12 School Street Hudson, NH 03051

6 (5+ owner)

John Porter, Sr.
97 River Road
Hudson, NH 03051

Danny Goulet
Jimmy Goulet
20 Par Lane
Hudson, NH 03051

John R. Porter, Sr.
Nancy S. Porter
206 Frost Road
Tyngsboro, MA 01879

Town of Hudson
c/o Town Administrator
12 School Street
Hudson, NH 03051

J. Bradford Westgate, Esquire
Winer and Bennett, LLP
111 Concord Street
P.O. Box 488
Nashua, NH 03061-0488

Linda Hubert, Trustee
Country Lane Associates
Realty Trust
P.O. Box 365
Pelham, NH 03076-0365

John R. Porter, Sr.
Sylvia Porter
97 River road
Hudson, NH 03051

John Porter, Sr.
97 River Road
Hudson, NH 03051

Joseph E. Robitaille, Trustee
Suzanne R. Robitaille, Trustee
KSR Realty Trust
100 River Road
Hudson, NH 03051

John R. Porter, Sr.
Nancy S. Porter
206 Frost Road
Tyngsboro, MA 01879

Ramenbhati K. Patel, Trustee
Hudson Realty Trust
99 River Road
Hudson, NH 03051

J. Bradford Westgate, Esquire
Winer and Bennett, LLP
111 Concord Street
P.O. Box 488
Nashua, NH 03061-0488

Linda Hubert, Trustee
Country Lane Associates
Realty Trust
P.O. Box 365
Pelham, NH 03076-0365

Michael J. Casey
Melissa J. Casey
97R River Road
Hudson, NH 03051

Danny Goulet
Jimmy Goulet
20 Par Lane
Hudson, NH 03051

Joseph E. Robitaille, Trustee
Suzanne R. Robitaille, Trustee
KSR Realty Trust
100 River Road
Hudson, NH 03051

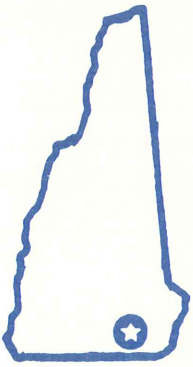
Town of Hudson
c/o Town Administrator
12 School Street
Hudson, NH 03051

Ramenbhati K. Patel, Trustee
Hudson Realty Trust
99 River Road
Hudson, NH 03051

John R. Porter, Sr.
Sylvia Porter
97 River Road
Hudson, NH 03051

Michael J. Casey
Melissa J. Casey
97R River Road
Hudson, NH 03051

Labels



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

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, **02/28/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

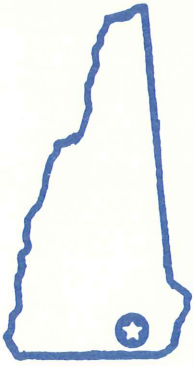
- 1. Case 256-001 (2-28-19): Ramenbhati K. Patel, Trustee of the Hudson Realty Trust, 99 River Road, Hudson, NH requests a Special Exception to convert his convenience store second floor space into an accessory/caretaker's residential space. [Map 256, Lot 001, Zoned G-1; HZO Article V §334-22, Table of Permitted Accessory Uses].**

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 Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator



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, **02/28/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

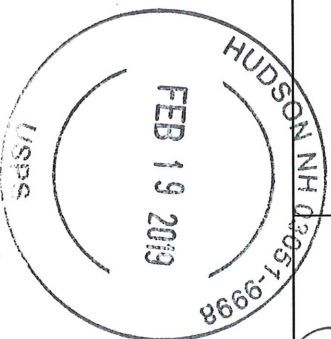
- 1. Case 256-001 (2-28-19): Ramenbhati K. Patel, Trustee of the Hudson Realty Trust, 99 River Road, Hudson, NH requests a Special Exception to convert his convenience store second floor space into an accessory/caretaker's residential space. [Map 256, Lot 001, Zoned G-1; HZO Article V §334-22, Table of Permitted Accessory 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,

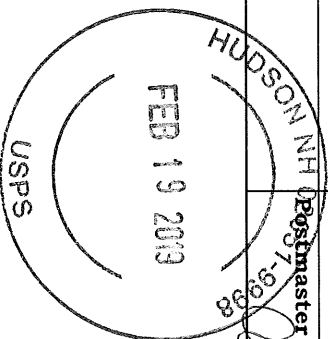
Bruce Buttrick
Zoning Administrator

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 256-001 Special Exception 99 River Road Map 256/Lot 001-000 1 of 1
1	APPLICANT R. NIMMER 7016 3010 0000 6168 3479	Name of Addressee, Street, and post office address RAMANBHATI K. PATEL, TR., HUDSON REALTY TRUST 99 RIVER RD., HUDSON, NH 03051	02/28/19 ZBA Meeting APPLICANT/OWNER-NOTICE SENT
2	7016 3010 0000 6168 3486	JOHN R. PORTER SR. 97 RIVER ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	7016 3010 0000 6168 3493	DANNY GOULET, JIMMY GOULET 20 PAR LANE, HUDSON, NH 03051	ABUTTER NOTICE SENT
4	7016 3010 0000 6168 3509	KSR REALTY, JOSEPH E. ROBITAILLE, TR.; SUZANNE R. ROBITAILLE, TR. 100 RIVER RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	7016 3010 0000 6168 3516	JOHN R. PORTER, SR.; NANCY S. PORTER 206 FROST ROAD, TYNGSBORO, MA 01879	ABUTTER NOTICE SENT
6	7016 3010 0000 6168 3523	J. BRADFORD WESTGATE, ESQUIRE; WINER AND BENNETT, LLP 111 CONCORD STREET, P.O. BOX 488, NASHUA, NH 03061-0488	APPLICANT/OWNER-NOTICE SENT
7			
8			
9			
10			
	Total Number of pieces listed by sender 6	Total number of pieces rec'd at Post Office	Postmaster (receiving Employee)



Direct Certified

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 256-001 Special Exception 99 River Road Map 256/Lot 001-000 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	02/28/19 ZBA Meeting
1	N/A-mailed First Class	LINDA HUBERT, TRUSTEE; COUNTRY LANE ASSOC REALTY TRUST P. O. BOX 365, PELHAM, NH 03076-0365	ABUTTER NOTICE SENT
2	N/A-mailed First Class	JOHN R. PORTER, SR., SYLVIA PORTER 97 RIVER ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	MICHAEL J. CASEY, MELISSA J. CASEY 97R RIVER ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
4			
5			
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 3	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee) 02-19-2019



For any appeal, the application form must be properly filled out. The application form is intended to be self-explanatory, but be sure that you show:

1. Who owns the property? If the applicant is not the owner, please include a statement from the owner that you have permission to speak on his/her behalf.
2. Where the property is located.
3. What you propose to do. Supply twelve copies of an 8.5" x 11" or 11" x 17" scale plan which gives lot area, frontage, side and rear lot lines, natural features, existing and proposed structures, alteration to the lot, and distance to lot lines or wetlands. Pictures and construction plans are helpful.
4. Why your proposed use requires an appeal. Please fill out the attached appeal forms completely. Include why the appeal should be granted.
5. List of abutters, per NH RSA 672:3. This includes property and the name(s) of the owner(s) of properties which physically touch the subject property, across the street and kitty-corner to the subject property.

Prepare a list of all abutting property owners using the Assessing Office records, and attach it to your application. **The accuracy of the list is your responsibility. If the list is found to be incorrect, you may be required to appear before the ZBA a second time, at your expense.**

6. Deliver the completed application, with all attachments, to the office of the Zoning Administrator. A fee is charged sufficient to cover the cost of preparing and mailing the legally required notices. If paying by check, make the check payable to the Town of Hudson and submit with your application.

The Zoning Office will schedule a public hearing within thirty (30) days of receipt of your **properly-completed** application. Applications are scheduled on a first come, first serve basis. **Only completed applications will be scheduled for a hearing.** Public notice of the hearing will be posted and printed in a newspaper, and a notice will be mailed to you, all abutters and other parties whom the Board may deem to have an interest.

After the public hearing, the Board will reach a decision. You will be sent a Notice of Decision.

If you believe that the Board's decision is wrong, you have the right to appeal. Any party affected has the right to appeal the decision of your case. To appeal, you just first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The motion must be made within thirty (30) days of 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 its' opinion, good reason is stated in the motion. 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.

See **NH RSA Chapter 677** for more detail on rehearing and appeal procedures.

Requests before the Board may require connection to the municipal sewer system. Please contact the Town Engineer prior to submittal of this application to determine if connection is required, and the procedures for such application.

**ATTACHMENT TO APPLICATION FOR A SPECIAL EXCEPTION
(99 River Road – Map 256, Lot 001)**

Applicant and Owner – Ramanbhati K. Patel, Trustee of the Hudson Realty Trust

Introduction

The Applicant and Owner is the owner of real estate at 99 River Road, Hudson, New Hampshire. The property includes land both in Hudson and in Tyngsboro, Massachusetts. The Hudson portion of the property is known as Map 256, Lot 001-000 (containing 16,466 square feet). The Tyngsboro portion of the property is known as Map 18, Lot 48-0 (on the Tyngsboro Tax Maps), and contains 5,216 square feet. The Hudson portion and the Tyngsboro portion are collectively referred to herein as the “Premises”.

The Premises contain an existing convenience store and related improvements. The store itself is located on the Hudson portion. Access to the Premises is through the Hudson portion. Parking spaces are located both on the Hudson portion and the Tyngsboro portion.

Site plan approval for the convenience store and related improvements was granted by the Hudson Planning Board on May 11, 2011. The store has been in operation since its completion.

Purpose for Application for a Special Exception

The convenience store contains second floor space presently used for storage. Without making any adjustments to the building footprint, the Applicant and Owner would like to convert the second-floor space into accessory residential space for use by the store manager or other store employee (and his or her spouse). The only work at the Premises to undertake such conversion to accessory residential space would be that necessitated by code compliance (building, fire and life safety codes) and internal fit-up. Necessary egress requirements under the building code or fire code would be implemented, which may or may not include installation of an exterior stairway.

Bruce Buttrick, MCP, Zoning Administrator/Code Enforcement Officer, issued Zoning Determination #19-009 on January 14, 2019, a copy of which is attached. Mr. Buttrick determined that the Premises are an existing non-conforming lot and that the existing structure appears to satisfy all required setbacks.

Mr. Buttrick further confirmed that the proposed use as a “caretaker’s” residential unit is an accessory use to the retail store use. He further determined that Section 334-22 of the Zoning Ordinance provides that a special exception would be required for the proposed use and further determined that the addition of such accessory use does not result in the mixed or dual use of a parcel and does not require additional lot area, frontage or setbacks. Consequently, Mr. Buttrick determined that no variances would be required.

In light of the foregoing, the Applicant and Owner has filed this Application for a Special Exception.

Rationale for Granting the Special Exception

Section 334-23 of the Zoning Ordinance governs the granting of a special exception. It sets forth 5 criteria which will be discussed below.

A. Although the accessory residential use or “caretakers” residential unit is not expressly listed in the Table of Permitted Accessory Uses, a caretaker’s residential unit or residential space is a customary use for certain types of businesses, especially those that require an on-site presence for lengthy daily hours of operation. Historically, retail stores or small shops often had a combination of residential space and retail space in the same building. Mr. Buttrick has already determined, in the Zoning Determination #19-009, that the proposed use is, in fact, an accessory use to the retail store, thereby satisfying criteria A in Section 334-23.

B. The proposed use (the accessory residential use or “caretaker’s” residential unit) meets all applicable requirements established in Chapter 334 since there are no specific requirements established for this particular type of accessory use. Some accessory uses in the Town of Hudson, allowed by special exception, do contain specific requirements, such as wetland special exceptions. This is not the case here.

C. The proposed use (the accessory residential space or “caretaker’s” residential unit) is consistent with the purpose and intent of the zoning district (the G-1 zone). The G-1 zone allows various residential uses thus an accessory residential use would be consistent with the purpose and intent of that district.

D. The proposed use is compatible with the character of the surrounding neighborhood. The surrounding neighborhood includes a mix of uses, including other commercial uses and residential uses. Since the appearance of the convenience store will not change in a material manner, but rather merely the second floor would be converted to caretaker’s residential unit, the proposed use would remain compatible with the surrounding neighborhood. The surrounding neighborhood will recognize no change in use whatsoever.

E. Non-residential principal uses must have primary access from an arterial or collector road. In this case, the proposed use is a residential use, therefore this criteria is not applicable. Of course, access to the property is from River Road which is an arterial road.

Conclusion

It is respectfully requested that the Zoning Board of Adjustment grant the special exception. The Applicant and Owner reserves the right to submit additional information and documentation at the hearing on the Application.

256 001 000
MAP LOT SUB

1 of 1 COMMERCIAL
CARD Hudson

Total Card / Total Parcel
518,800 / 518,800
518,800 / 518,800
518,800 / 518,800

APPRaised: 518,800
USE VALUE: 518,800
ASSESSed: 518,800



PROPERTY LOCATION

No	Alt No	Direction/Street/City
99		RIVER RD, HUDSON

OWNERSHIP

Owner #	Name	Unit #
1	PATEL, RAMANBHATTI K., TR.	
2	HUDSON REALTY TRUST	
3	HUDSON REALTY TRUST	

PREVIOUS OWNER

Owner #	Name
1	PATEL, RAMANBHATTI K., TR.
2	HUDSON REALTY TRUST

NARRATIVE DESCRIPTION

This parcel contains 3.78 ACRES of land mainly classified as STORE with a CONV MARKET Building built about 2013, having primarily VINYL Exterior and 3180 Square Feet, with 1 Unit, 0 Bath, 0 3/4 Bath, 1 HalfBath, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code	Description	Amount	Com. Int

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
325	0.378	402,400	22,400	94,000	518,800
Total Card		0.378	402,400	22,400	518,800
Total Parcel		0.378	402,400	22,400	518,800

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes
2018	325	FV	402,400	22,400	378	94,000	518,800	518,800	Year End Roll
2017	325	FV	402,400	22,400	378	94,000	518,800	518,800	Year End Roll
2016	325	FV	402,400	22,400	378	94,000	518,800	518,800	Year End Roll
2015	325	FV	402,400	22,400	378	94,000	518,800	518,800	Year End Roll

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif
PATEL, RAMANBH	8347-1966	6	7/27/2011	EASEMENT		No	No	
PORTER, JOHN	8154-1094	1	11/17/2009	MULTI TP	325,000	No	No	
NICOLOSI, ROBER	6880-2774	1	3/31/2003	SALE ABUTTER	90,000	No	No	
DUMONT, SR, LE	5963-1345	6/30/1998			100,000	No	No	
	5236-1136	1/30/1991			86,500	No	No	
	5236-1136	1/30/1991			86,500	No	No	
	5234-827	1/16/1991			125,000	No	No	

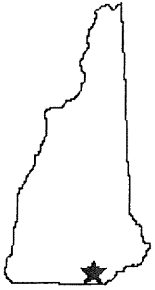
BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
6/26/2014	2014-00284	ELECTRIC	350.00	C			10X10 SIGN	
6/26/2014	2014-00284	ELECTRIC	350.00	C			ELEC FOR SIGN	
4/28/2014	2014-00284	SIGNS	17,900.00	C			10'X10' ILLUM SIGN	
11/12/2013	2012-00661	CERT OCC		C			TEMP CO	
10/28/2013	2012-00661	CERT OCC		C			AWNING WITH GRAPHI	
10/23/2013	2013-00633	SIGNS		C				
5/13/2013	2013-00661	PLUMBING	12,000.00	C				
5/12/2013	2012-00661	ELECTRIC	15,000.00	C				
12/31/2012	2012-00661	STRUCTUR	499,000.00	C			2120SF CONV STORE	
11/26/2012	2012-00661	FOUNDATI	499,000.00	C			2120SF CONV STORE	

ACTIVITY INFORMATION

Date	Result	By	Name
6/19/2017	Field Review	PVA	
2/24/2017	1&E Mailed	DC	
2/25/2015	Permit Visit	TECH ASMNT	
3/24/2014	Permit Visit	TECH ASMNT	
11/15/2013	NC Visit	TECH ASMNT	
4/1/2013	Permit Visit	TECH ASMNT	
5/18/2012	Field Review	PVA	
3/1/2012	1&E Mailed	ASST ASSESS	
12/10/2009	Info Fm Plan	DC	

Total AC/H/A:	0.37800	Total SF/SM:	16466	Parcel LUC:	325	STORE	Prime NB Desc:	C-GENERAL	Total:	94,020	Spl Credit:	Total:	94,000			
Use Description Code	LUC	No of Units	Depth / PricedUnits	Unit Type	Land Type	LT	Base Value	Unit Price	Adj	Neigh Infl	Neigh Mod	Appraised Value	Alt Class	Spec Land Code	Fact Use Value	Notes
325 STORE		0.378		SITE ACRE SITE			0.150,000.	1.66	MG			94,020			94,000	



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-009

January 14, 2019

J. Bradford Westgate, Esq.
Winer and Bennett, LLP
P.O. Box 488
Nashua, NH 03061-0488

Re: **99 River Rd** **Map 256 Lot 001-000**
District: General One (G-1)

Dear Att'y Westgate,

Your request: from your January 10, 2019 letter, if a conversion and new use of the second floor level be used as an accessory residential use to the existing convenience store?

Zoning Review / Determination:

Our records indicate this as a developed lot of record with 16,465 sqft (87,120 sqft required) and 148.75 ft of frontage (200 ft required). This is an existing non-conforming lot. Existing structure appears to satisfy all required setbacks.

Regarding your questions in your conclusions in your letter:

- 1) I agree that the proposed use as a "caretakers' residential unit is an accessory use to the retail store use.
- 2) Section §334-22 Table of Permitted Accessory Uses states: "*Accessory uses, not provided for in the Table of Permitted Accessory Uses, that are appropriate to a district can be permitted as a special exception from the Zoning Board of Adjustment in accordance with the general requirements of Article VI.*" Therefore a Special Exception would be required.
- 3) Section §334-22 Table of Permitted Accessory Uses states: "*The addition of such accessory uses does not result in the mixed or dual use of a parcel and does not require additional lot area, frontage or setbacks.*" There would not be any variances required from the ZBA.

If you are successful with a Special Exception from the ZBA, a site plan amendment would also be required by the Planning Board.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Buttrick". The signature is stylized with a large initial "B" and a cursive "Buttrick".

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

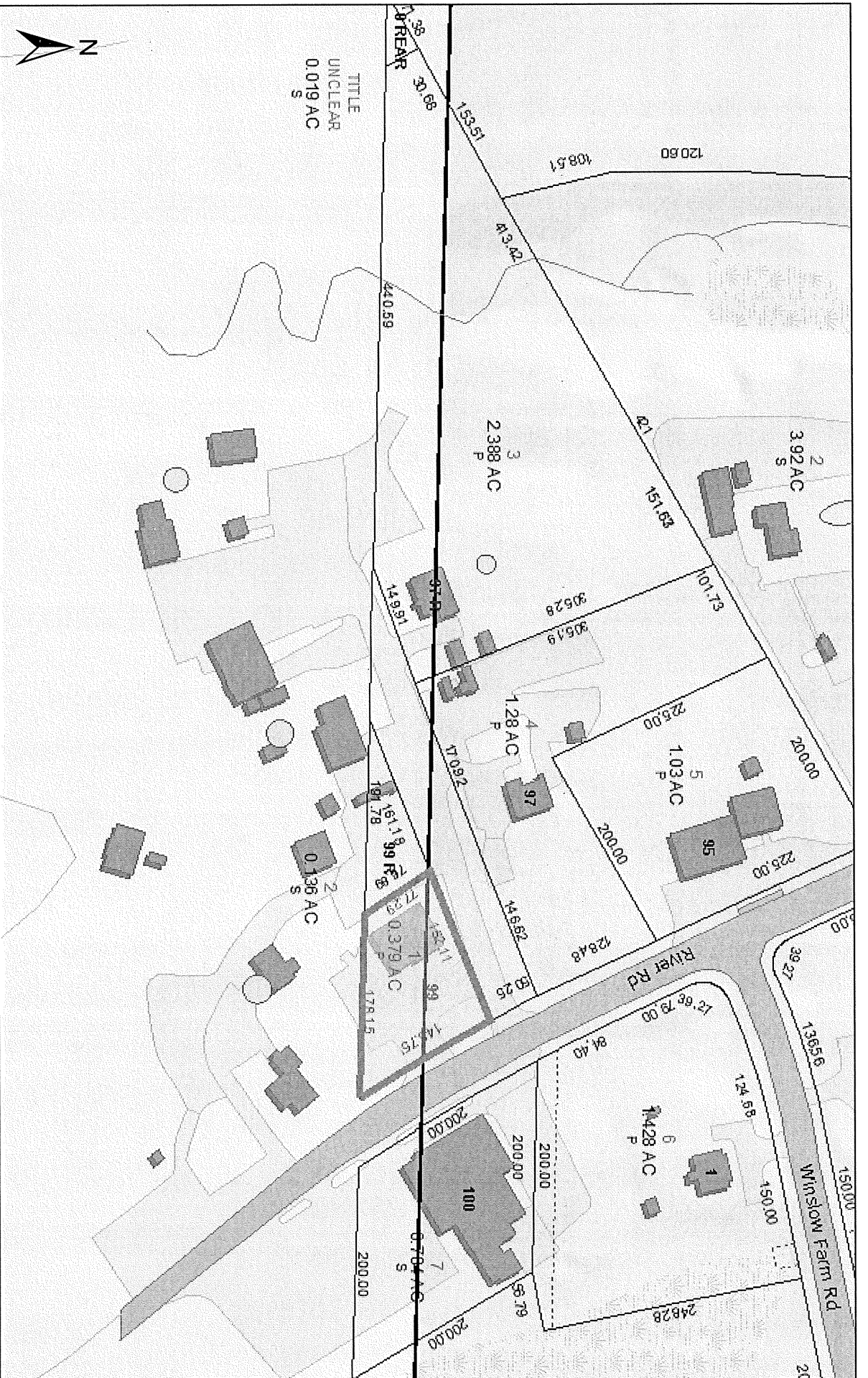
(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth – Town Planner
File

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

99 River Road

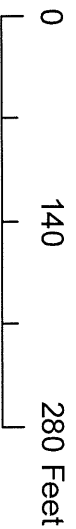


February 8, 2019

----- Easement_Lines

▭ Parcels

1 inch = 130 feet



Printed
2/08/2019
2:52PM
Created
2/08/2019
2:48 PM

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

Receipt# 538,367
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning-Special Exception App Fee 99 River Rd Map 256/Lot 001-00			
	Variance App fee	0.00	155.9500	0.00
			Total:	155.95

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
IRAJ CORP DBA HUDSON QUICK STOP	CHECK	2094	155.95	0.00	155.95

Total Due: 155.95
Total Tendered: 155.95
Total Change: 0.00
Net Paid: 155.95

Buttrick, Bruce

From: Groth, Brian
Sent: Tuesday, February 19, 2019 3:57 PM
To: Buttrick, Bruce
Subject: ZBA comments

Bruce,

99 River Road – as you stated, if the applicant is successful in obtaining a Special Exception from the ZBA, their next step will be a site plan amendment for Planning Board review. Note that parking and circulation will be addressed during site plan review.

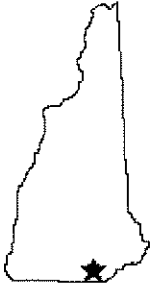
161 Lowell Rd – My comments primarily relate to subdivision and site plan issues. The applicant should identify the number of units buildable as of right versus number of units buildable with the requested variance.

Brian

Brian Groth
Town Planner



12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Fax: (603) 594-1142
bgroth@hudsonnh.gov



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: February 28, 2019 *RM 2-15-19*

Case 147-001-020 (2-28-19): Florence and Marcus Nicolas, 1 Scenic Lane, Hudson, NH requests a Variance to construct an addition to an existing two (2) car garage creating a three (3) car garage resulting with a front yard setback of 44.8 ft setback, where 50 ft is required. [Map 147, Lot 001-020, Zoned R-2; HZO Article VII §334-27, Table of Minimum Dimensional Requirements].

Address: 1 Scenic Lane

Zoning district: Residential Two (R-2)

Summary:

Applicant requests a Variance to build an addition to his existing 2 car garage, creating a 3 car garage, because this property is a corner lot, this lot has two front yard setbacks. The resultant setback is 44.8 ft where 50 ft is required. If this was a conventional lot this requested variance would not be needed as it would be a side yard setback and well out of the required side yard setback of 15 ft.

Property description:

This as a developed lot of record with 33,201 sqft where 43,560 sqft required, (existing non-conforming) and 150 ft of frontage along Scenic Lane where 120 ft required, and 210 ft of frontage along Webster Street where 150 ft is required. Existing dwelling unit structure satisfies all setbacks.

HISTORY:

Building Permits:

#2006-323 Issued 12/15/2005 for construction of new SFR.

Certified foundation plan March 15, 2006.

Certificate of Occupancy Nov 9, 2006.

Attachments:

“A” Assessing record

“B” Building Permit application #2006-323

“C” Certified foundation plan

“D” Certificate of Occupancy

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2018	101 - ONE FAMILY	329,400	2,700	105,900	0.76	0.00	438,000
2018	101 - ONE FAMILY	329,400	2,700	105,900	0.76	0.00	438,000
2017	101 - ONE FAMILY	329,400	2,700	105,900	0.76	0.00	438,000
2017	101 - ONE FAMILY	299,300	2,500	101,500	0.76	0.00	403,300
2017	101 - ONE FAMILY	329,400	2,700	105,900	0.76	0.00	438,000
2016	101 - ONE FAMILY	299,300	2,500	101,500	0.76	0.00	403,300
2016	101 - ONE FAMILY	299,300	2,500	101,500	0.76	0.00	403,300
2015	101 - ONE FAMILY	299,300	2,500	101,500	0.76	0.00	403,300
2015	101 - ONE FAMILY	282,200	0	101,500	0.76	0.00	383,700
2014	101 - ONE FAMILY	282,200	0	101,400	0.76	0.00	383,600
2014	101 - ONE FAMILY	282,200	0	101,400	0.76	0.00	383,600
2013	101 - ONE FAMILY	282,200	0	101,400	0.76	0.00	383,600
2013	101 - ONE FAMILY	282,200	0	101,400	0.76	0.00	383,600
2012	101 - ONE FAMILY	282,200	0	101,400	0.76	0.00	383,600
2012	101 - ONE FAMILY	302,000	0	148,200	0.76	0.00	450,200
2011	101 - ONE FAMILY	302,000	0	148,200	0.76	0.00	450,200
2011	101 - ONE FAMILY	302,000	0	148,200	0.76	0.00	450,200
2010	101 - ONE FAMILY	302,000	0	148,200	0.76	0.00	450,200
2010	101 - ONE FAMILY	302,000	0	148,200	0.76	0.00	450,200
2009	101 - ONE FAMILY	301,200	0	148,200	0.76	0.00	449,400
2008	101 - ONE FAMILY	301,200	0	148,200	0.76	0.00	449,400
2008	101 - ONE FAMILY	301,200	0	148,200	0.76	0.00	449,400
2007	101 - ONE FAMILY	301,200	0	148,200	0.76	0.00	449,400
2007	101 - ONE FAMILY	276,900	0	125,400	0.76	0.00	402,300
2006	101 - ONE FAMILY	0	9,900	125,400	0.76	0.00	135,300
2006	101 - ONE FAMILY	0	9,900	125,400	0.76	0.00	135,300
2005	130 - VAC RESD	0	0	112,800	0.76	0.00	112,800
2005	130 - VAC RESD	0	0	112,800	0.76	0.00	112,800
2004	130 - VAC RESD	0	0	97,500	0.76	0.00	97,500
2004	130 - VAC RESD	0	100	2,662,900	33.29	0.00	2,663,000
1999	CI - N/A	0	2,300	317,400	33.29	0.00	319,700



BUILDING PERMIT APPLICATION
COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson
12 School Street
Hudson, New Hampshire
Phone (603) 886-6005 Fax (603) 594-1142

2006-323



Address: 1 Scenic Lane Map 147
 Cross Roads: Webster St and Shoreline Drive Lot 1-20
 Site/Sub Plan: _____ Zone _____
 HCRD _____

Residential

Single family detached
 Townhouse
 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

Total Cost of Project Excluding plumbing, electrical, mechanical, fire suppression, elevator, etc.
 \$ 145,000

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.

New Home
2 1/2 Bathrooms
2 car Garage 4 Bedrooms
12x12 Deck Public water & sewer

Square Footage Footprint 76x32 Renovated/added _____ Number of stories _____
 Living area of new home (exclude unfinished areas and garage) 3200 Total area of bldg _____

Principal Type of Frame

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

Type of Sewage Disposal

Town of private company (requires Town permit)
 Private (septic tank, ect.)

Type of Water Supply

Public or private
 Private (well, cistern)

11
B.



**BUILDING PERMIT APPLICATION
COMMUNITY DEVELOPMENT DEPARTMENT**

**Town of Hudson
12 School Street
Hudson, New Hampshire
Phone (603) 886-6005 Fax (603) 594-1142**

Name	Address	City/State/Zip	Phone
Owner	Mr. & Mrs. James D. DeFuria 111 Darius Ln. Apt 1 Hwy	Nashua NH 03060	
Lessee			
Contractor	Michael L. Casse Homes 12 Harvard St	Nashua NH 03060	321-8374
Architect	Drawings Unlimited 88 Nashua Rd	Londonderry NH 03053	434-2780
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 we agree 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. Applicants are advised that the making of a false statement on this form is of criminal offense.

Signature of applicant Paul DeFuria # 689-5116 Date 9-19-05

Address 2 Hayden Nashua NH 03060 cell 689-5116

Filing Fee \$ _____ Receipt # _____ Date _____

Building permit fee \$ 835.20 Receipt # _____ Date _____

THIS BUILDING PERMIT IS

Issued subject to the following condition(s) _____

Denied for the following reason(s) _____

<input checked="" type="checkbox"/> Plans received Comments: _____ Date _____	Use group: _____ Construction type _____ Live loading _____ Occupancy load _____
Certificate of Occupancy <input checked="" type="checkbox"/> Required _____ Final Inspection (Building & HFD) Comments: _____	

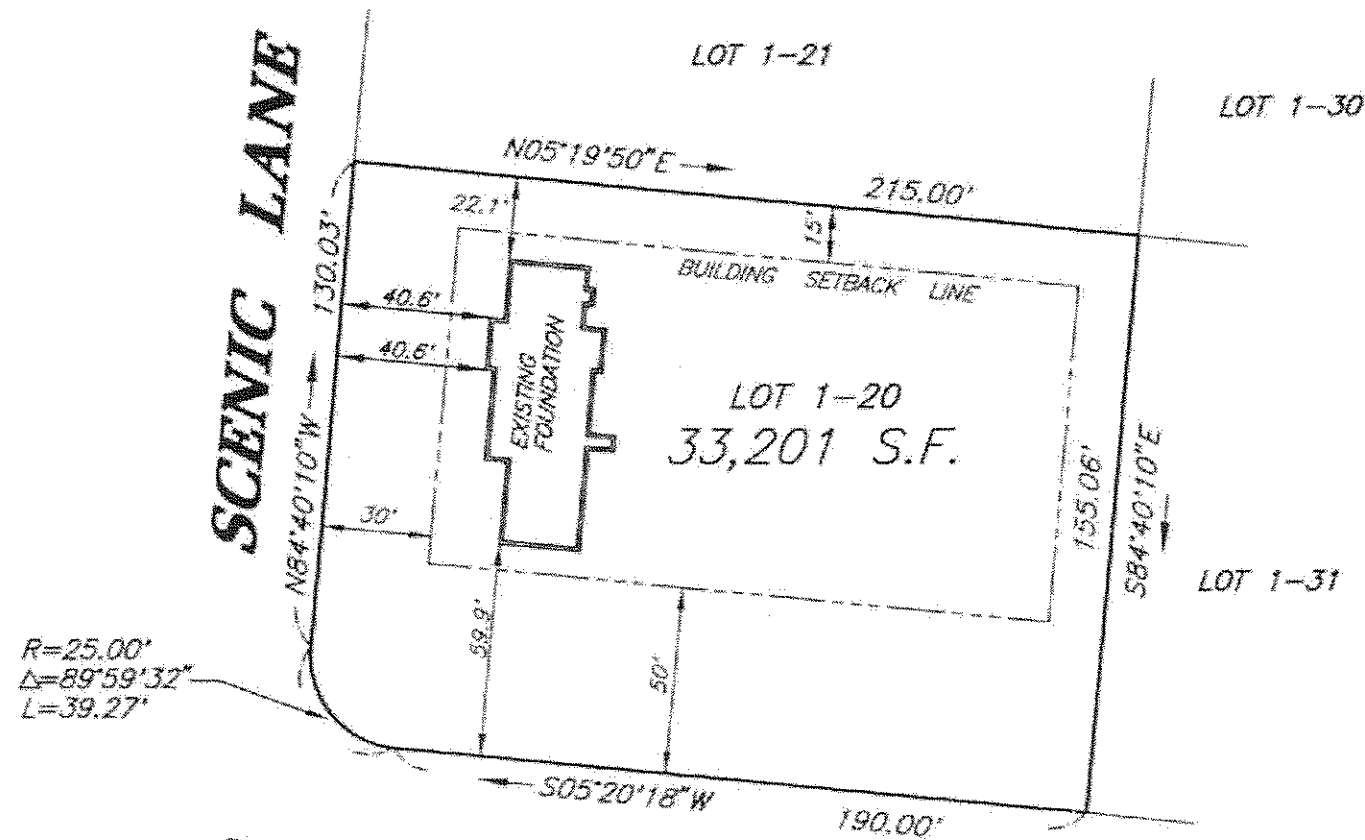
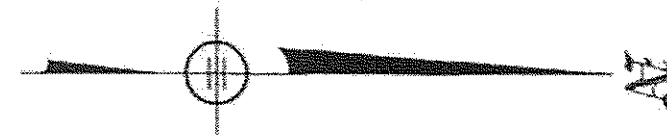
Approved

Denied

Michael L. Casse
Building Inspector

12-15-05
Date

*Electrical Permit, Plumbing Permit, Building Certificate, Certificate of Occupancy, Water, Sewer and Driveway are to be applied for separately when
.. .. **B₂**



WEBSTER STREET - Rte. 3A

OFF
STS

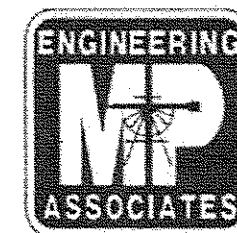
I CERTIFY THAT THE FOUNDATION WAS LOCATED AS SHOWN ON MARCH 14, 2006. AUTHORIZED COPIES OF THIS PLAN WILL BEAR A SIGNATURE IN BLUE INK.

CERTIFIED FOUNDATION PLAN
LOT 1-20 / MAP 147 (FORMERLY LOT 5-20/MAP 23)

1 SCENIC LANE
HUDSON, N.H.

SCALE: 1" = 50'

DATE: MARCH 15, 2006



Maynard & Paquette
Engineering Associates, LLC
Consulting Engineers and Land Surveyors
23 East Pearl Street, Nashua, N.H. 03060
Phone: (603)883-8433 Fax: (603)883-7227



PLAN REFERENCE:

- 1) SUBDIVISION PLAN MAP 23/LOT 5, WATERVIEW LANDING WEBSTER STREET, HUDSON, NEW HAMPSHIRE DATED MAY 6, 2003 BY MAYNARD & PAQUETTE ENGINEERING ASSOC., LLC. FILED HCRO AS PLAN No. 13139.

JWY	JWY	696/28			11568
DRAFTED	CHECKED	BOOK / PAGE	TYPE	SIZE	JOB NUMBER

C

TOWN OF HUDSON



CO # 1143

CERTIFICATE OF OCCUPANCY

Michel Lacasse Home LLC

Owner/Builder/Applicant

1 Scenic Lane

147 1 20

Address

Map Lot Sublot

SFR

323-06

Construction Type

Building Permit #

Other

406-06
Electrical Permit #

237-06
Plumbing Permit #

PERMISSION IS HEREBY GRANTED TO OCCUPY THIS BUILDING

NOV - 9 2006

Date Issued

William A. Oleksak, Building Inspector

No person shall occupy this building until Inspector's approval

1
D^m

APPLICATION FOR A VARIANCE

FEB 12 2019

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 147-001-020

Date Filed 2/12/19

Name of Applicant Florence Nicolas Marcus Nicolas Map: 147 Lot: 001 Zoning District: R-2

Telephone Number (Home) 603-557-0297 (Work) 603-557-0297

Mailing Address 1 Scenic Lane Hudson NH, 03051

Owner Florence Nicolas

Location of Property 1 Scenic Lane Hudson NH, 03051

(Street Address)

Florence Nicolas Marcus Nicolas 2-12-2019
Signature of Applicant Date

Florence Nicolas Marcus Nicolas 2-12-2019
Signature of Property-Owner(s) Date

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:	<u>4.05</u>	<u>\$130.00</u>
<u>7</u> Direct Abutters x <u>\$3.95</u> =		<u>\$28.35</u>
<u>4</u> Indirect Abutters x <u>\$0.50</u> =	<u>2.00</u>	<u>\$2.20</u>
Total amount due:	<u>8.05</u>	<u>\$157.55</u>
		<u>\$160.55</u>

Date received: 2/12/19

CASH \$ 157.55

Amt. received: \$ 3.00 cash

Receipt No.: 538,623

Received by: S. Goodwyn

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

CONSENT FOR VARIANCE APPLICATION

I Florence Nicolas hereby give consent for my husband Marcus Nicolas to submit the application for a Variance on my behalf. I am the legal property owner of 1 Scenic Lane, Hudson NH 03051. Marcus Nicolas has full permission to discuss all variance related matters and has full permission to speak on my behalf.

Should you have any questions, please feel free to contact me at (603) 557-0297.

Date: 2/11/2019

Signature: Florence Nicolas

Print Name: Florence Nicolas

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
	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>
	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG.</u>
<u>N/A</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>X</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG.</u>
	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained 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>TG.</u> <i>Additional used for Direct only.</i>
<u>X</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>TG.</u>
<u>X</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG.</u>
<u>N/A</u>	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>

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
147	001	Harkesh Krishan	7 Scenic Lane Hudson NH, 03051
147	001	Vithaldas L. Rathi	4 Shoreline Dr Hudson NH, 03051
147	001	Paul Mocerri	6 Scenic Lane Hudson NH, 03051
147	001	Florence Nicolas	1 Scenic Lane Hudson NH, 03051
147	001	Manuel E. Pintado Jr	2 Scenic Lane Hudson NH, 03051
147	001	Jeffrey J. Trainor	2 Shoreline Drive Hudson NH, 03051
147	016	Derry & Webster LLC	253 Main St Nashua NH, 03060

7

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
147	001	Robert J. Jarvis	8 Shoreline Dr Hudson NH, 03051
147	001	Michael Lacasse	9 Scenic Lane Hudson NH, 03051
147	001	Michele R. Murray	8 Scenic Lane Hudson NH, 03051
147	015	Michael J. Hagan	180 Hollis St Pepperell MA, 01463

Florence Nicolas
1 Scenic Lane
Hudson NH, 03051

Harkesh Krishan
7 Scenic Lane
Hudson NH, 03051

Vithaldas L. Rathi
4 Shoreline Drive
Hudson NH, 03051

Robert J. Jarvis
Peggy D. Jarvis
6 Shoreline Drive
Hudson NH, 03051

Manuel E. Pintado Jr
Karina E. Pintado
2 Scenic Lane
Hudson NH, 03051

Paul and Kimberly Mocerri
6 Scenic Lane
Hudson NH, 03051

Michael Lacasse
9 Scenic Lane
Hudson NH, 03051

Jeffrey J. Trainor
Kate M. Trainor
2 Shoreline Drive
Hudson NH, 03051

Michele R. Murray
8 Scenic Lane
Hudson NH, 03051

Derry & Webster LLC
253 Main Street
Nashua NH, 03060

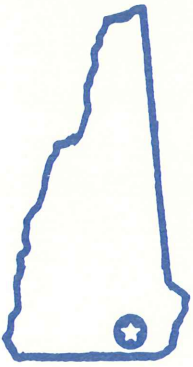
Michael J. Hagan
180 Hollis Street
Pepperell MA, 01463

Florence Nicolas
1 Scenic Lane
Hudson NH, 03051

Florence Nicolas
1 Scenic Lane
Hudson NH, 03051

Florence Nicolas
1 Scenic Lane
Hudson NH, 03051

Labels



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

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, **02/28/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

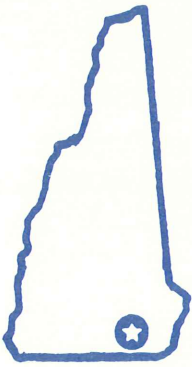
- 1. Case 147-001-020 (2-28-19): Florence and Marcus Nicolas, 1 Scenic Lane, Hudson, NH requests a Variance to construct an addition to an existing 2 car garage creating a three car garage resulting with a front yard setback of 44.8 ft. setback, where 50 ft. is required. [Map 147, Lot 001-020, Zoned R-2; HZO Article VII §334-27, Table of Minimum Dimensional Requirements].**

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 Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator



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, **02/28/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 147-001-020 (2-28-19): Florence and Marcus Nicolas, 1 Scenic Lane, Hudson, NH requests a Variance to construct an addition to an existing 2 car garage creating a three car garage resulting with a front yard setback of 44.8 ft. setback, where 50 ft. is required. [Map 147, Lot 001-020, Zoned R-2; HZO Article VII §334-27, Table of Minimum Dimensional Requirements].**

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

Respectfully,

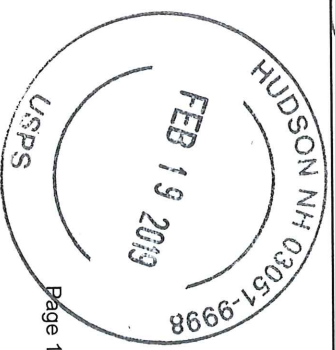
Bruce Buttrick
Zoning Administrator

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

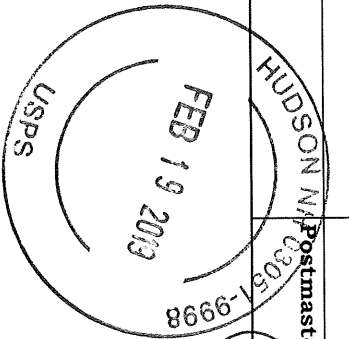
US POSTAL SERVICE - CERTIFIED MAIL

Case# 147-001-020 Variance
 1 Scenic Lane
 Map 147/Lot 001-020
 1 of 1

ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/28/19 ZBA Meeting
1	7016 3010 0000 6168 3400 KRISHAN, HARKESH, LEKHI, NEERU	ABUTTER NOTICE SENT
2	7016 3010 0000 6168 3417 7 SCENIC LANE, HUDSON, NH 03051 RATHI, VITHALDAS L.	ABUTTER NOTICE SENT
3	7016 3010 0000 6168 3424 4 SHORELINE DRIVE, HUDSON, NH 03051 MOCERI, PAUL & KIMBERLY	ABUTTER NOTICE SENT
4	7016 3010 0000 6168 3431 6 SCENIC LANE, HUDSON, NH 03051 NICOLAS, FLORENCE & MARCUS	APPLICANT/OWNER-NOTICE SENT
5	7016 3010 0000 6168 3448 1 SCENIC LANE, HUDSON, NH 03051 PINTADO JR., MANUEL E. & KARINA E.	ABUTTER NOTICE SENT
6	7016 3010 0000 6168 3455 2 SCENIC LANE, HUDSON, NH 03051 TRAINOR, JEFFREY J. & KATE M.	ABUTTER NOTICE SENT
7	7016 3010 0000 6168 3462 2 SHORELINE DR., HUDSON, NH 03051 DERRY & WEBSTER LLC	ABUTTER NOTICE SENT
8	253 MAIN ST., NASHUA, NH 03060	
9		
10		
	Total Number of pieces listed by sender 7	Total number of pieces received at Post Office
		Postmaster (receiving Employee)



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 147-001-020 Variance 1 Scenic Lane Map 147/Lot 001-020 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/28/19 ZBA Meeting	
1	N/A-mailed First Class JARVIS, ROBERT J. & PEGGY D. 6 SHORELINE DR, HUDSON, NH 03051	ABUTTER NOTICE SENT	
2	N/A-mailed First Class LACASSE, MICHAEL 9 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE SENT	
3	N/A-mailed First Class MURRAY, MICHELE R. 8 SCENIC LANE, HUDSON, NH 03051	ABUTTER NOTICE SENT	
4	N/A-mailed First Class HAGAN, MICHAEL J. 180 HOLLIS ST., PEPPERELL, MA 01463	ABUTTER NOTICE SENT	
5			
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 4	Total number of pieces rec'd at Post Office	Postmaster (receiving Employee) <i>[Signature]</i>



APPLICATION FOR A VARIANCE

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

Lot corner extension of existing 2 car garage by adding a third car garage to the property as shown in the plot plan. Per the Code Enforcement officer placement of the proposed garage would be an encroachment of 5'4" into a front yard setback and would require variance

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.”)

Granting proposed variance is no impact on the essential character of the neighborhood. In fact, other properties have 3 car garage or more and in 2018, #9 Scenic Lane added another 2 car garage on their property. There is no threat to public health, safety, welfare, or injure of public rights. This is a straightforward and simple construction to add an additional garage to the existing 2 car garage. The design will conform with all applicable building requirements.

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

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

The proposed ordinance will not conflict with the essential character of the neighborhood. It will not interfere with the aesthetics of the neighborhood as the proposed structure will be conforming to the existing structure as it will be in similar nature. Structure will be built by a licensed contractor within the zoning guidelines. There is no threat to public safety, welfare or injury to the public rights. There is no substantial intrusion. The main issue is that this is a corner lot and as such proposed design encroaches by 5'4" into front yard setback and we ask for that approval.

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.)

Based on the ordinance and the current design, there is no substantial conflict explicit or implicit in the purpose of the ordinance. Homeowner request a 5'4" encroachment into front yard setback. Based on the design which is detailed in the plot plans, there seems to be no harm to the general public or other individuals. The proposed design is conforming to the existing structure and will be aesthetically pleasing and will not alter the essential character of the neighborhood. As previously mentioned, #9 Scenic Lane added a 2 car garage to their lot and there are other properties in the subdivision with 3 or more garages. There is no threat of a potential diminishment of property values. In fact, the opposite.

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.)

Property values in this subdivision have increased in the past 3 years since homeowner purchased the property. 19 Shoreline drive sold for \$805,000 and it has 6 car garage. #23 Shoreline drive which only has a 2 car garage recently sold in October 2018 for \$525,000. The addition of the garage will not diminish the values that are currently on the rise. If anything the property value of the home would increase. As previously mentioned, #9 Scenic lane recently extended their garage and there has been no negative impact to the neighborhood.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-011

January 24, 2019

Marcus & Flo Nicolas
1 Scenic Lane
Hudson, NH 03051

Re: 1 Scenic Lane Lot 147 Map 001-020
District: Residential Two (R-2)

Dear Mr. & Mrs. Nicolas,

Your request for zoning review and determination regarding the building of a garage which would encroach into a yard setback has been completed.

Zoning review / Determination:

Our research shows this property as a corner lot. By zoning definition a corner lot has two front yard setbacks.

"§334-6: LOT, CORNER A lot with two adjacent sides abutting intersecting public rights-of-way. LOT LINE, FRONT The property line dividing a lot from any street or public right-of-way without regard to the arrangement or orientation of buildings or structures on the lot."

Your placement of the proposed garage would be an encroachment of 2'-6" into a front yard setback and would require a variance from the Zoning Board of Adjustment.

Variance applications are available online: <http://www.hudsonnh.gov/docs/cdd/cdd-zn-variance.pdf> or in our office in Town Hall. A survey/plot plan of the proposal with the dimensions would be required with the application.

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

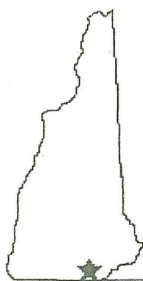
(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
File

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

19-11



TOWN OF HUDSON
COMMUNITY DEVELOPMENT DEPARTMENT
JAN 15 2019
Zoning Department

12 School Street
Hudson, NH 03051
(603)886-6005
www.hudsonnh.gov



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request January 15, 2019

Property Location 1 Scenic Lane, Hudson NH 03051
 Map 147 Lot 001-020

Zoning District if known R-2

Type of Request

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

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

We are planning on Building a 3rd Car garage attached to our existing 2 car garage. We were told by our Contractor that we need a variance yet I was told on another occasion that we do not. I put an arrow and shaded the area where we plan to build. We need a total of 12ft and the contractor told use we have 9 1/2 feet. ~~So~~ If we do need a variance, can you please let us know what steps we need to take. I will provide my wifes and my email address. Thank-you.

Applicant Contact Information:

Name: Marcus Nicolas and Florence Nicolas
 Address: 1 Scenic Lane, Hudson NH 03051
 Phone Number: _____
 email: marcusnicolas1@gmail.com / Flonicolas1@gmail.com

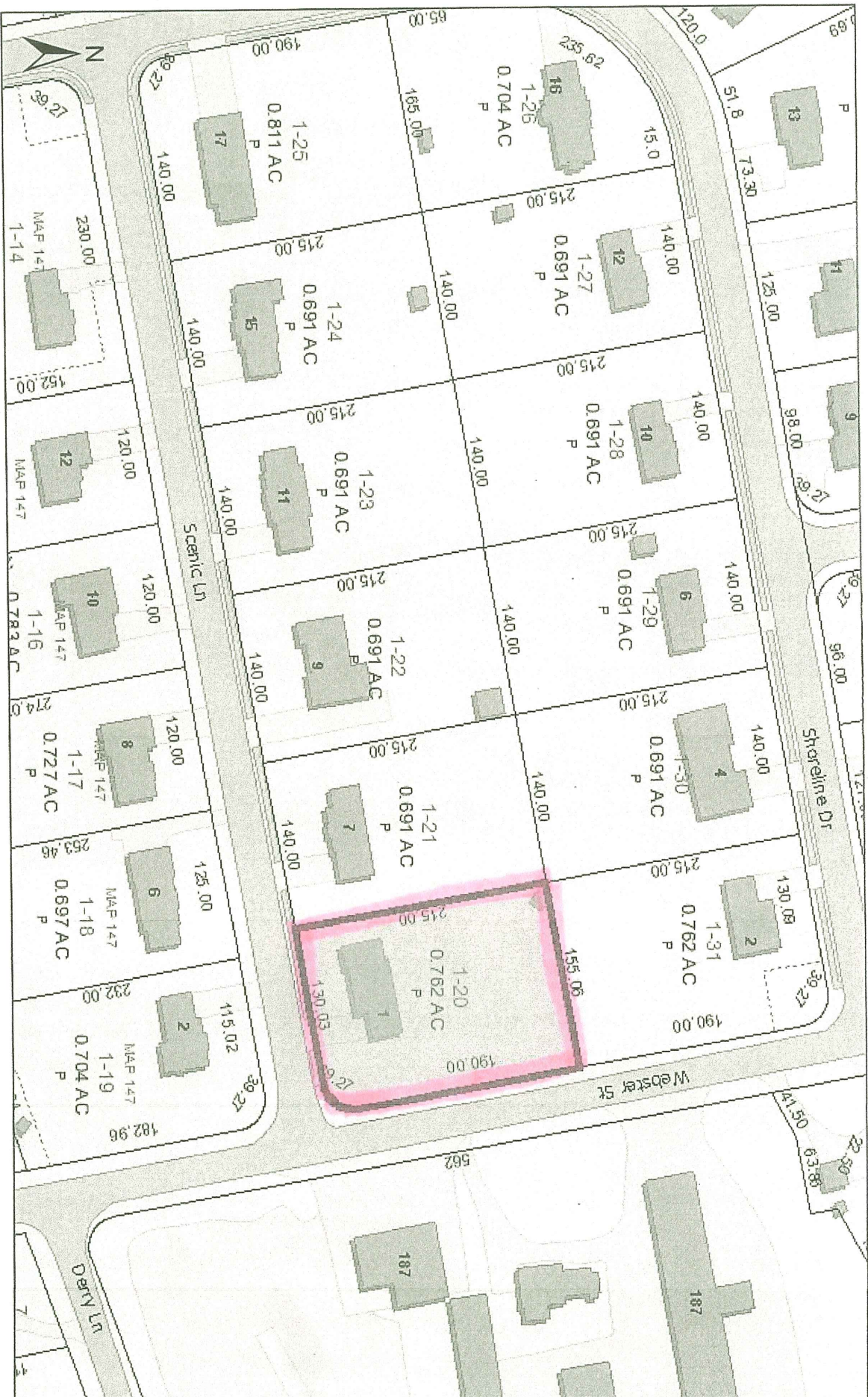
For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: 1-24-19

1 Scenic Lane



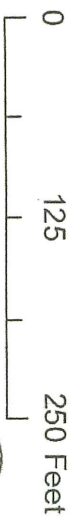
January 15, 2019

Easement Lines



Parcels

1 inch = 115 feet



EXTERIOR INFORMATION

Type: 06 - COLONIAL	Full Bath: 2	Rating: GOOD
Sty Ht: 2 - TWO STY	A Bath: 1	Rating: GOOD
(Lvl) Units: 1	3/4 Bath: 1	Rating: GOOD
Foundation: 1 - CONCRETE	A 3/4Bth: 1	Rating: GOOD
Frame: 1 - WOOD	1/2 Bath: 2	Rating: GOOD
Prime Wall: 04 - VINYL	A HBth: 1	Rating: GOOD
Sec Wall: 1 - GABLE	Other Fk: 1	Rating: GOOD
Roof Struct: 1 - ASPH SHING	OTHER FEATURES	
Roof Cover: 1 - ASPH SHING	Kits: 1	Rating: GOOD
Color: WHITE	A Kits: 1	Rating: AVERAGE
View / Desir: 1	Fppl: 1	Rating: AVERAGE
GENERAL INFORMATION		
Grade: B - GOOD	WSFlue: 1	Rating: GOOD
Year Bilt: 2007	CONDO INFORMATION	
Alt LUC: 1	Location: 1	Rating: GOOD
Jurisdct: 1	Total Units: 1	Rating: GOOD
Const Mod: 1	Floor: 1	Rating: AVERAGE
Lump Sum Adj: 1	% Owr: 1	Rating: AVERAGE
Name: 1		

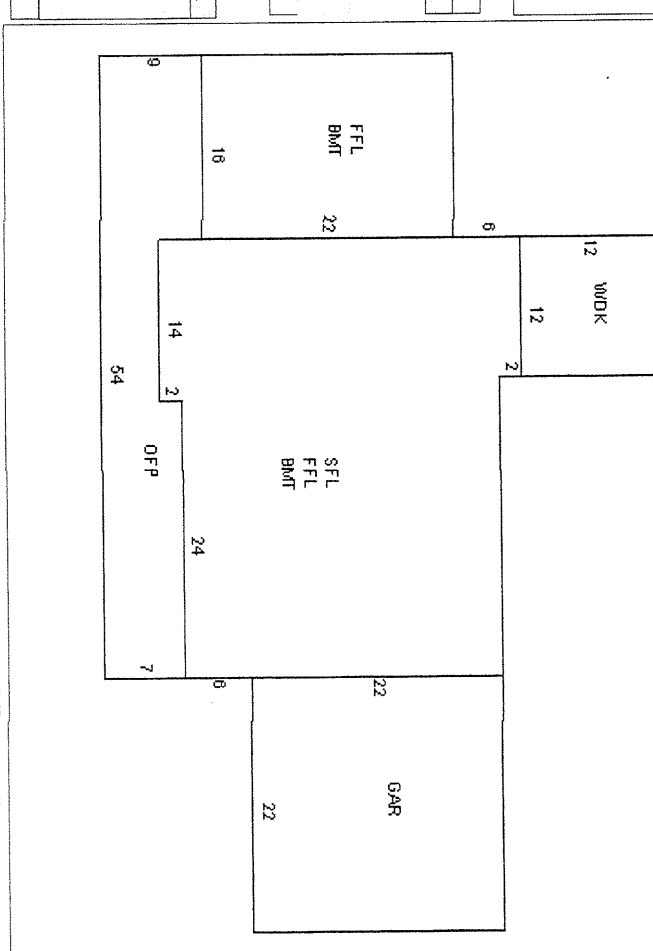
BATH FEATURES

Full Bath: 2	Rating: GOOD
A Bath: 1	Rating: GOOD
3/4 Bath: 1	Rating: GOOD
A 3/4Bth: 1	Rating: GOOD
1/2 Bath: 2	Rating: GOOD
A HBth: 1	Rating: GOOD
Other Fk: 1	Rating: GOOD

COMMENTS

WATERVIEW LANDING - PLAN #33114.

SKETCH



REMODELING

Exterior: 1	No Unit	RMS	BRS	FL
Interior: 1	1	8	4	M
Residential Grid	1st Res Grid Desc: Line 1			
Level: 1	FY LR DR D K FR RR BR FB HB L	O	# Units: 1	
Other: 1	Level: 1			
Upper: 1	Lvl 2			
Lvl 1: 1	Lvl 1			
Lower: 1	Lvl 1			
Totals	Rms: 8	BRS: 4	Baths: 2	HB: 2

RES BREAKDOWN

Exterior: 1	No Unit	RMS	BRS	FL
Interior: 1	1	8	4	M
Totals	1	8	4	4

DEPRECIATION

Phys Condi: GD - Good	10.0%
Functional: 1	%
Economic: 1	%
Special: 1	%
Override: 1	%
Total:	10.6%

CALC SUMMARY

Basic \$ / SQ: 94.00	Rate	Parcel ID	Typ	Date	Sale Price
Size Adj.: 0.94829724					
Const Adj.: 0.98588008					
Adj \$ / SQ: 78.614					
Other Features: 24846					
Grade Factor: 1.25					
NBHD Inf: 1.00000000					
NBHD Mod: 1.00					
LUC Factor: 1.00					
Adj Total: 368509					
Depreciation: 39062					
Depreciated Total: 329447					

COMPARABLE SALES

W/W\$/SQ:	AVRate:	Ind Val
Jurs. Factor:	Before Dep: 98.27	
Special Features: 0	Val/Su Net: 65.07	
Final Total: 329400	Val/Su SzAd: 127.48	
Serial #:	Year:	Color:

SUB AREA

Code	Description	Area - SQ	Rate - AV	Underpr Value
BMT	BASEMENT	1,468	25.310	37,161
FFL	FIRST FLOOR	1,468	78.610	115,405
SFL	SECOND FLR	1,116	78.610	87,733
GAR	GARAGE	484	35.720	17,288
OPF	OPEN PCH	382	25.500	9,743
WDK	WOOD DECK	144	18.270	2,632
Net Sketched Area: 5,062		Total:		269,962
Size Ad: 2584		Gross Area:		2584
		5062 FinArea		

SUB AREA DETAIL

Sub	%	Descrp	%	Qu #	Ten
Area	Ushl	100	RRM		
Area	Ushl	100	EX		

MOBILE HOME

Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	DIS	Dep	LUC	Fact	NB Fa	Appr Value	JCod	Fact	Jurs Value
------	-------------	-------	-----	----------	------	-----	------	------------	-----	-----	-----	------	-------	------------	------	------	------------

SPEC FEATURES/YARD ITEMS

2	SHELDWOOD	D	Y	1	10X12	GD	EX	2014	29	73	T	25	101	2,700	JCod	Fact	Jurs Value
---	-----------	---	---	---	-------	----	----	------	----	----	---	----	-----	-------	------	------	------------

PARCEL ID

147-001-020

More: N

Total Yard Items: 2,700

Total Special Features: 2,700

Total: 2,700

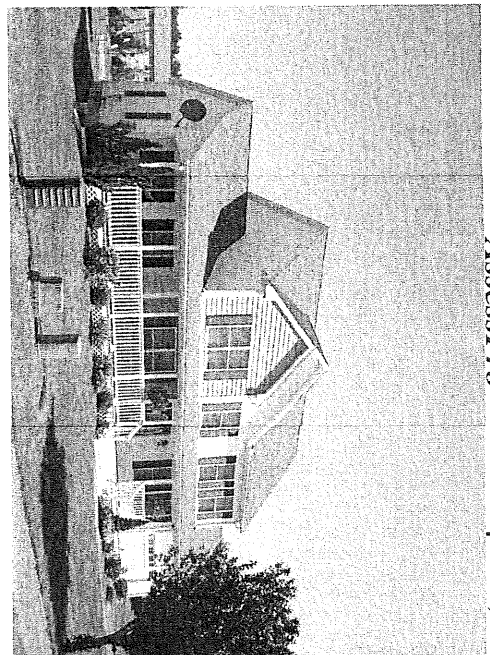
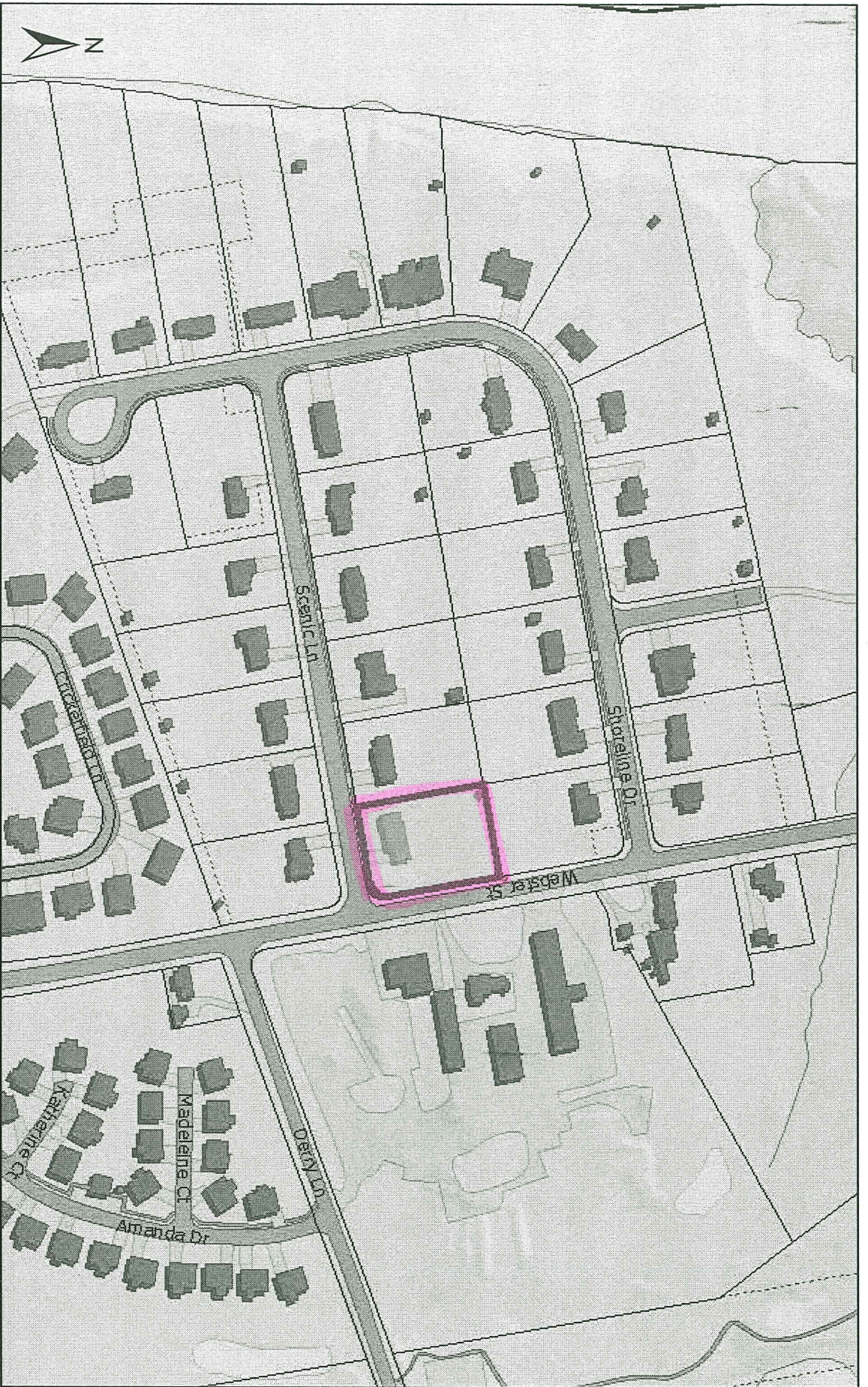


IMAGE
AssessPro Patriot Properties, Inc

1 Scenic Drive

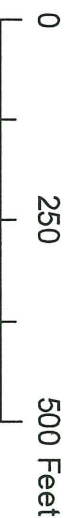


February 8, 2019

----- Easement Lines

▭ Parcels

1 inch = 229 feet



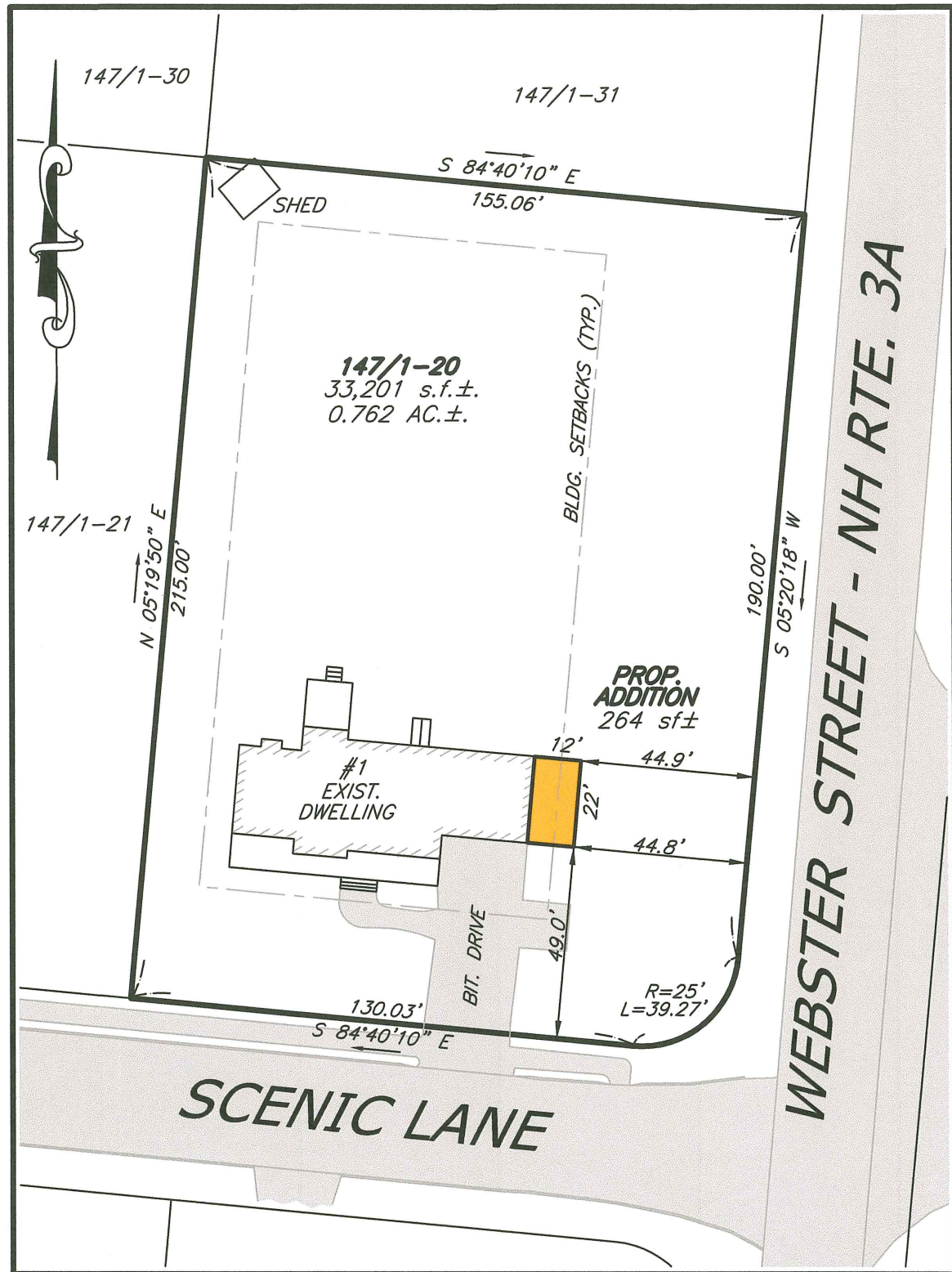


12 Foot extension for garage would end here



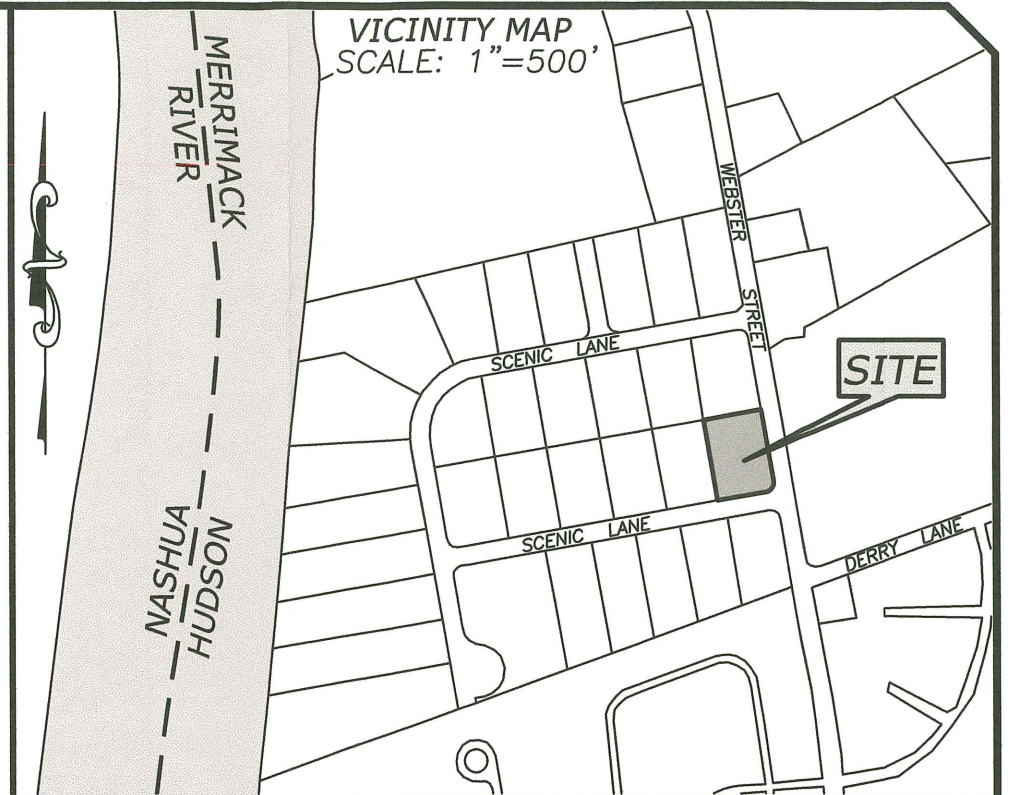
12 foot extension for garage would end here

**PLAN OF LAND
1 SCENIC LANE
HUDSON, NH
MAP 147 LOT 1-20**
AS PREPARED FOR
FLORENCE & MARCUS NICOLAS, OWNER



PLAN NOTES:

- 1.) PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF IMPROVEMENTS AT HUDSON TAX MAP 147 LOT 1-20.

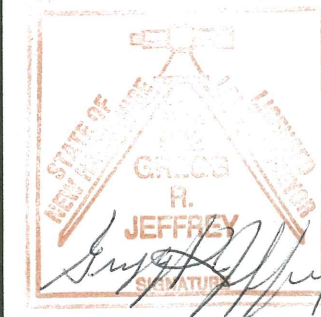


REV. 2		BY:
REV. 1		BY:

ZONING DISTRICT: R-2
REQUIRED SETBACKS:

FRONT (WEBSTER ST) - 50 FEET
FRONT (SCENIC LN) - 30 FEET
SIDE - 15 FEET
REAR - 15 FEET

DEED REF: BK. 8762 PG. 1749
PLAN REF.: HCRD PL. 33114
PLAN SCALE: 1"=40'
DATE: JAN 2019
JOB REF.: 019-004-NICO



I HEREBY CERTIFY:

THAT THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY AND THAT ALL MEASUREMENTS HEREON ARE TO BE CONSIDERED TRUE AND ACCURATE.

JEFFREY LAND SURVEY LLC

1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089



Printed
2/12/2019
10:08AM

Transaction Receipt

Receipt# 538,623
tgoodwyn

Created
2/12/2019
10:00 AM

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

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Variance Application 1 Scenic Lane Map 147 Lot 001-000 Variance App	0.00	160.5500	0.00
			Total:	160.55

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Marcus & Florenc Nicolas	CHECK	0007	157.55	0.00	157.55
Marcus & Florenc Nicolas	CSH	CASH-TG	3.00	0.00	3.00

Total Due:	160.55
Total Tendered:	160.55
Total Change:	0.00
Net Paid:	160.55



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 *BB 2-19-19* Meeting Date: February 28, 2019

Case 209-001 (2-28-19): Mark Pilotte of Dakota Partners, LLC, 1264 Main St., Waltham, MA requests a Variance at 161 Lowell Road, Hudson, NH to permit the use of the entire buildable lot area (after subdivision) within the Applicant's lot for calculation of density, using a portion of that buildable lot area within the G Zone. [Map 209, Lot 001, Split districts: Zones B and G; HZO Article VII §334-27, Table of Minimum Dimensional Requirements- Note 2].

Address: 161 Lowell Rd

Zoning district: Split zones: Business (B), General (G) and Industrial (I)

Summary:

Applicant requests a Variance to utilize some of the General (G) zone area for the density requirement for multi-family units in the Business (B) zone per footnote (2) in the Table of Minimum Dimensional Requirements §334-27.

Property description:

This is an existing lot (of record) w/88.8 Acres having 3 zoning districts bisecting this property. Frontage is 758 ft along Lowell Rd where 150 ft is required. The front zone being Business zone district having ~ 480,587 sqft of area.

In-house review/comments: Town Planner: comments/issues would relate to subdivision and site plan regulations.

HISTORY:

Assessing: Listed as vacant commercial and industrial.

ZBA: Prior ZBA approvals for Wetland Special exception for future Commerce Drive – apparently the proposal was abandoned.

Attachments:

“A” Assessing record

“B” 12/9/1999 ZBA Granted Wetland Special Exception for construction of future Commerce Drive and subsequent subdivision.

“C” 07/26/01 ZBA Granted a Wetland Special Exception for construction of future Commerce Drive and subsequent subdivision.

“D” 2019 in-house review comments.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2018	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2018	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2018	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2018	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2017	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2017	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2017	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2017	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2017	390 - VAC COM	0	0	1,050,000	2.00	0.00	1,050,000
2017	440 - VAC IND LAND	0	0	3,957,600	86.86	0.00	3,957,600
2016	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2016	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2016	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2016	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2015	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2015	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2015	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2015	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2014	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2014	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2014	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2014	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2013	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2013	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2013	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2013	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2012	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2012		0	0	2,849,400	86.86	0.00	2,849,400

A

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
	440 - VAC IND LAND						
2012	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2012	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2011	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2011	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2011	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2011	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2010	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2010	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2010	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2010	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2009	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2009	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2008	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2008	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2008	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2008	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2007	390 - VAC COM	0	0	840,000	2.00	0.00	840,000
2007	440 - VAC IND LAND	0	0	2,849,400	86.86	0.00	2,849,400
2007	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2007	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2006	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2006	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2006	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2006	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2005	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2005	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2005	390 - VAC COM	0	0	600,000	2.00	0.00	600,000

A₂

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2005	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2004	390 - VAC COM	0	0	600,000	2.00	0.00	600,000
2004	440 - VAC IND LAND	0	0	3,746,000	86.87	0.00	3,746,000
2004	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2004	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2003	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2003	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2003	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2003	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2002	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2002	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2002	390 - VAC COM	0	0	500,000	2.00	0.00	500,000
2002	440 - VAC IND LAND	0	0	3,121,600	86.87	0.00	3,121,600
2001	390 - VAC COM	0	0	2,569,100		0.00	2,569,100
2000	CI - N/A	0	0	2,569,100	88.87	0.00	2,569,100
1999	CI - N/A	0	0	3,681,700	88.87	0.00	3,681,700

13

NOTICE OF APPROVAL

On December 9, 1999, the Hudson Zoning Board of Adjustment heard case 13-8 (12/09/99), pertaining to a request by Five Way Realty Trust, c/o Walter Flowers, Post Office Box 38, Londonderry NH, for a Special Exception to encroach into the wetland buffer in four areas and directly impact the wetlands in two areas for the construction of Commerce Drive and Friars Drive. [Map 13, Lot 8; Split-zoned I, G and B; HZO Article IX, Section 334-35.1

See Findings and Stipulations on reverse.

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

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

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

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

Signed: [Signature] Date: 05-11-00
 Chairman, Zoning Board of Adjustment

Signed: [Signature] Date: 5/11/00
 Zoning Administrator

BK6254PG0718

"B"

CASE 13-8 (12/09/99)
FIVE WAY REALTY TRUST
161 LOWELL ROAD
WETLAND SPECIAL EXCEPTION

The Board voted to grant the request for Special Exception finding that:

1. The applicant has made a very thorough presentation.
2. Erosion control measures built into the design by Tony Basso of Hayner/Swanson meet the needs of the community as well as the criteria of the ordinance.
3. This is a very appropriate plan for the proposal, keeping wetland crossings to a minimum and placing the road as far away from the wetlands as possible.
4. Drainage from the project is to remain on site; and with the development of the proposed parcels storm water management is to be handled by them individually.
5. The overall storm water system is designed to handle any overload.
6. Plan presented to the ZBA at the hearing is to be part of the record as it outlines the design of the wetland impacts.

HK 6254 PG 0719

*Town of Hadley
143
14 99*

RECEIVED AND RECORDED
HILLSBOROUGH COUNTY REGISTRY OF DEEDS
Judith A. MacDonald
JUDITH A. MACDONALD, CPO, REGISTRAR

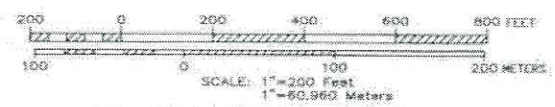
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No.	DATE	REVISION	BY

WETLAND/BUFFER IMPACT PLAN
COMMERCE DRIVE SUBDIVISION
 LOWELL ROAD
 HUDSON, NEW HAMPSHIRE
 PREPARED FOR/RECORD OWNER:
5WAY REALTY TRUST
 P.O. BOX 38 LONDONDERRY, NH 03053

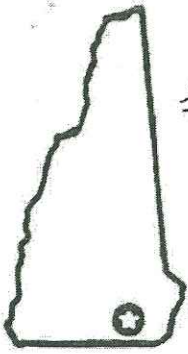


5 AUGUST 1999

HSI Hayner/Swanson, Inc.
 Civil Engineers/Land Surveyors
 Three Congress Street, Nashua, New Hampshire 03062-3301
 Tel (603) 883-2057 Fax (603) 883-9357
 www.haynerswanson.com

B₃

TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT



#A43
HUDSON
ZONING

14.34
2
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12 School Street

Hudson, New Hampshire 03051

603/886-6005



Decision to Approve A Wetlands Special Exception

On 07-26-01, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard a continuation of Case 13-8(7/26/01), concerning a request by 5 Way Realty Trust, c/o Prunier & Leonard, P.A., 20 Trafalgar Square, Nashua, NH, for a Wetlands Special Exception in accordance with the provisions of Article IX, Section 334-35(1) (a) through (2)(e), to allow encroachment into the wetland buffer in four areas and directly impact the wetlands in two areas for the construction of Commerce Drive and Friars Drive, as previously approved by this Zoning Board of Adjustment in December, 1999, but not yet constructed. [Map 13, Lot 8; Split-zoned B, I and G; HZO Article IX, Section 334-35-B.]

Following the hearing of testimony by the applicant's legal representative and engineer, together with expressions of concern from two abutters, the members of the Zoning Board of Adjustment unanimously determined to approve the requested Wetlands Special Exception, in accordance with the original stipulations listed on the 1999 approval which remain applicable as follows:

1. The applicant had made a very thorough presentation.
2. Erosion control measures built into the design by Tony Basso of Hayner/Swanson meet the needs of the community as well as the criteria of the ordinance.
3. This was a very appropriate plan for the proposal, keeping wetland crossings to a minimum and placing the road as far away from the wetlands as possible.
4. Drainage from the project was to remain on site and, with the development of the proposed parcels storm water management, was to be handled by them individually.
5. The overall storm water system shall be designed to handle any overload.
6. The plan presented to the ZBA at the hearing shall be part of the record, as it outlines the design of the wetland impacts.

In making this motion, members of the Board stated that the developer of the parcel was taking great care to protect the wetlands, with the runoff being kept on site, and that the proposal was a well-developed plan, given the circumstances of the wetlands in the area. It was also noted that this was a rehearing of a plan that had already been approved at one time, with no change in the plan and no apparent changes in the circumstances.

UN 0062760269

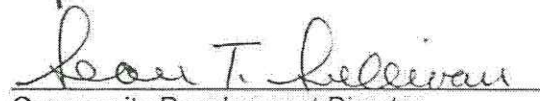
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C
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For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

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

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

Signed:  Date: 02-05-02
Chairman, Hudson Zoning Board of Adjustment

Signed:  Date: 2/9/02
Community Development Director

BK 6582P60210

"C"



A43

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2 -

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TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

12 School Street

Hudson, New Hampshire 03051

603/886-6005



Decision to Approve A Wetlands Special Exception

On 07-26-01, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard a continuation of Case 18-8(7/26/01), concerning a request by 5 Way Realty Trust, c/o Prunier & Leonard, P.A., 20 Trafalgar Square, Nashua, NH, for a Wetlands Special Exception in accordance with the provisions of Article IX, Section 334-35(1) (a) through (2)(e), to allow encroachment into the wetland buffer in four areas and directly impact the wetlands in two areas for the construction of Commerce Drive and Friars Drive, as previously approved by this Zoning Board of Adjustment in December, 1999, but not yet constructed. [Map 13, Lot 8; Split-zoned B, I and G; HZO Article IX, Section 334-35-B.]

Following the hearing of testimony by the applicant's legal representative and engineer, together with expressions of concern from two abutters, the members of the Zoning Board of Adjustment unanimously determined to approve the requested Wetlands Special Exception, subject to the following stipulations:

1. A recommendation be made to the Planning Board that they consider waiving their maximum length of cul-de-sac regulations to the concept 2 proposal. This waiver would result in a reduction of construction impacts to the Wetland Conservation District.
2. An easement be granted to the Town as proposed by the developer that encompasses the wetlands and its buffer along the western side of the property. This wetland area was part of the Musquash Pond drainage area.
2. A 20-foot pedestrian easement be granted to the Town as proposed by the developer, that would allow access from the Town owned abutting property to the north to the abutting property to the south.
3. The remaining impacts, as outlined in the September 17, 1999 letter from T. F. Moran to Conservation Commission, shall apply.
4. A conservation fence and hay bales shall be placed around the wetland buffer area to prevent erosion, and the area shall be loamed and reseeded as quickly as possible.

In addition, the Zoning Board also noted that the original stipulations of the 1999 approval would also still apply, as follows:

1. The applicant had made a very thorough presentation.
2. Erosion control measures built into the design by Tony Basso of Hayner/Swanson meet the needs of the community as well as the criteria of the ordinance.

"C"
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11/13/01 7:00 AM

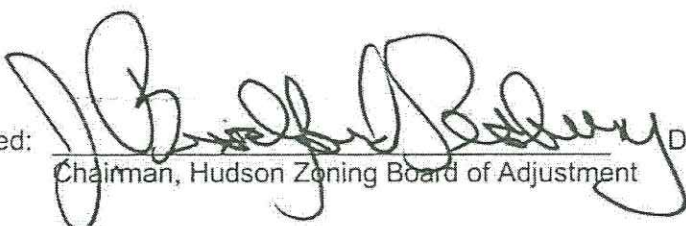
3. This was a very appropriate plan for the proposal, keeping wetland crossings to a minimum and placing the road as far away from the wetlands as possible.
4. Drainage from the project was to remain on site and, with the development of the proposed parcels storm water management, was to be handled by them individually.
5. The overall storm water system shall be designed to handle any overload.
6. The plan presented to the ZBA at the hearing shall be part of the record, as it outlines the design of the wetland impacts.

In making this motion, members of the Board stated that the developer of the parcel was taking great care to protect the wetlands, with the runoff being kept on site, and that the proposal was a well-developed plan, given the circumstances of the wetlands in the area. It was also noted that this was a rehearing of a plan that had already been approved at one time, with no changed in the plan and no apparent changes in the circumstances.

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

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

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

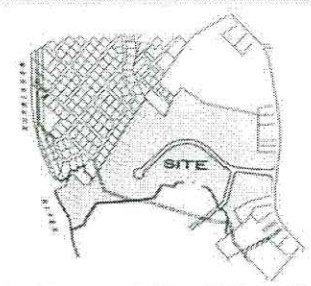
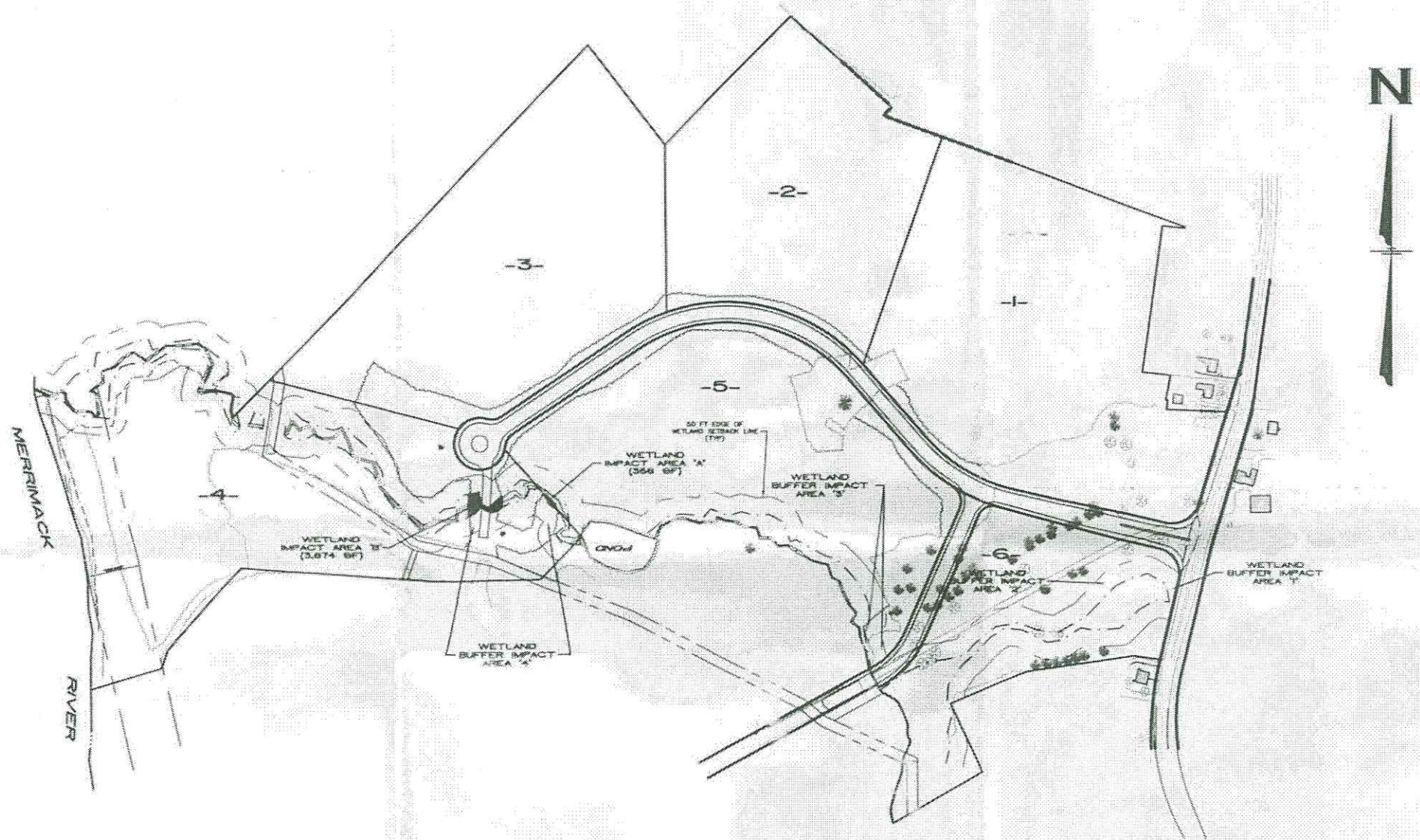
Signed:  Date: 11-06-01
Chairman, Hudson Zoning Board of Adjustment

Signed:  Date: 11/9/01
Community Development Director

HK 652110011

"C4"

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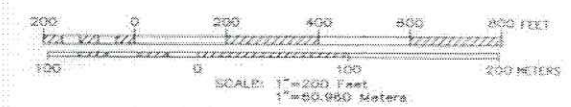
VICINITY MAP

NOTES:

- TOTAL SITE AREA = 68,024 SF
- PRESENT ZONING:
 - B: BUSINESS
 - I: INDUSTRIAL
 - G: GENERAL
- MINIMUM LOT REQUIREMENTS:
 - LOT AREA: 43,500 SF
 - LOT FRONTAGE (COLLECTOR ST): 150 FT
- MINIMUM BUILDING SETBACKS:
 - FRONT: 50 FT
 - SIDE: 15 FT
 - REAR: 15 FT
- PURPOSE OF PLAN: TO SHOW PROPOSED WETLAND AND WETLAND BUFFER IMPACTS
- PRESENT OWNER OF RECORD:
 - LOTS 8, MAP 12
 - 5 WAY REALTY TRUST
 - 60 WALTER FLOWERS
 - PO BOX 38
 - LONDONDERRY, NEW HAMPSHIRE 03053

NO.	DATE	REVISION	BY

WETLAND/BUFFER IMPACT PLAN
COMMERCE DRIVE SUBDIVISION
 LOWELL ROAD
 HUDSON, NEW HAMPSHIRE
 PREPARED FOR/RECORD OWNER:
5 WAY REALTY TRUST
 P.O. BOX 38 LONDONDERRY, NH 03053



22 JUNE 2001

HISI Hayner/Swanson, Inc.
 Civil Engineers/Land Surveyors
 Three Congress Street, Nashua, New Hampshire 03063
 Tel: (603) 883-2057 Fax: (603) 883-5057
 www.haynerswanson.com

RECEIVED
 JUN 22 2001
 TOWN OF HUDSON

Buttrick, Bruce

From: Groth, Brian
Sent: Tuesday, February 19, 2019 3:57 PM
To: Buttrick, Bruce
Subject: ZBA comments

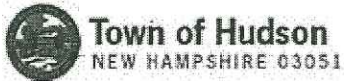
Bruce,

99 River Road – as you stated, if the applicant is successful in obtaining a Special Exception from the ZBA, their next step will be a site plan amendment for Planning Board review. Note that parking and circulation will be addressed during site plan review.

161 Lowell Rd – My comments primarily relate to subdivision and site plan issues. The applicant should identify the number of units buildable as of right versus number of units buildable with the requested variance.

Brian

Brian Groth
Town Planner



12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Fax: (603) 594-1142
bgroth@hudsonnh.gov

TOWN OF HUDSON
FEB 12 2019
Zoning Department

APPLICATION FOR A VARIANCE

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

Case No. 209-001

Date Filed 2/12/19

To: Zoning Board of Adjustment
Town of Hudson

Name of Applicant Dakota Partners, LLC Map: 209 Lot: 001 Zoning District: B and G

Telephone Number (Home) _____ (Work) (617) 759-3027

Mailing Address 1264 Main Street, Waltham, MA 02461

Owner PETER HORNE
~~Water Flowers, Trustee of 5 Way Realty Trust~~

Location of Property 161 Lowell Road, Hudson, NH
(Street Address)

Signature of Applicant Mark Pilon Date 2-12-2019

Signature of Property-Owner(s) Peter Horne Date 2-9-2019
~~Water Flowers, Trustee~~
5 Way Realty Trust

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:	<u>4.05</u>	<u>\$130.00</u>	Date received: <u>2/12/19</u>
<u>38</u> Direct Abutters x \$3.95		<u>153.90</u>	
<u>11</u> Indirect Abutters x \$0.50 =		<u>6.05</u>	
Total amount due:		\$289.95	Amt. received: <u>289.95</u>
Received by: <u>S. Gooden</u>			Receipt No: <u>538,672</u>

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

Engineering Fire Department Health Officer Planner

February 11, 2019


Hudson Zoning Board of Adjustment
Hudson Town Hall
10 School Street
Hudson, NH 03051

RE: Hudson Crossing, Hudson NH
Permitting of the property located at
161 Lowell Road
Portion of Parcel 209-001
Hudson, NH 03051

ZBA,

Please accept this letter as confirmation that Dakota Partners and the professionals representing them have authority to make and present the zoning application for review/variance.

Sincerely,



Peter Horne, Trustee
5 Way Realty Trust

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
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)	TG.
Before making the 13 copies, please review the application with the Zoning Administrator or staff.	TG.
A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, 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.	TG.
If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	TG.
Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained 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.)	① MAP E Lot ② Name of owners ③ mailing address TG.
A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	TG.
A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	TG.
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.	NA.

PLOT PLAN-

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) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)
- e) 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) The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) The plot plan shall indicate all parking spaces and lanes, with dimensions.

TG

GIS ✓ TG

✓ TG

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

Signature of Applicant(s)

FEB 8 2019

Date FEB. 12 - 2019

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.

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Direct	Indirect	ParcelID	Location	Owner A	Owner B	Owner C	BillingAddress	City	State	Zip
SUBJECT	PARCEL	209-001-000	161 LOWELL RD	5 WAY REALTY TRUST	C/O WALTER FLOWERS		PO BOX 1435	NORTH HAMPTON	NH	3862
x		203-012-000	14 WILLARD ST	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	3051
x		203-013-000	5 WILLARD ST	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	3051
x		203-028-000	8 HICKORY ST	NELSON, GREGORY A.	NELSON, LEE ANN		8 HICKORY STREET	HUDSON	NH	3051
x		203-029-000	10 HICKORY ST	MACSWEENEY, PHILIP J.	MACSWEENEY, JOAN M.		10 HICKORY STREET	HUDSON	NH	3051
x		203-030-000	12 HICKORY ST	NEWCOSBE, TODD R.	FAGUNDES-NEWCOSBE, DINA M.		12 HICKORY STREET	HUDSON	NH	3051
x		203-031-000	14 HICKORY ST	COULTER, TIMOTHY	COULTER, BARBARA		14 HICKORY STREET	HUDSON	NH	3051
x		203-032-000	16 HICKORY ST	HULSE JOINT REVOCABLE TRUST	HULSE, JAMES M., TR.	HULSE, DENISE M., TR.	16 HICKORY STREET	HUDSON	NH	3051
x		203-033-000	18 HICKORY ST	OLSON, RICHARD W.	OLSON, LISA A.		18 HICKORY STREET	HUDSON	NH	3051
x		203-034-000	20 HICKORY ST	BOISSONNEAULT, CHARLES	BOISSONNEAULT, MARY		20 HICKORY ST.	HUDSON	NH	3051
x		203-035-000	22 HICKORY ST	OUELLETTE, DONALD H.	OUELLETTE, DEBORAH		22 HICKORY STREET	HUDSON	NH	3051
x		203-036-000	24 HICKORY ST	CHARTRAND, PAMELA M.	CHARTRAND, DONALD J.		24 HICKORY STREET	HUDSON	NH	3051
x		203-037-000	26 HICKORY ST	GOMEZ, VICTOR			26 HICKORY ST.	HUDSON	NH	3051
x		203-038-000	7 JUNIPER ST	DAVIS, JONATHAN D.	DAVIS, DOROTHY A.		7 JUNIPER ST.	HUDSON	NH	3051
x		203-039-000	5 JUNIPER ST	SEIBERG, DALE	SEIBERG, SUSAN		5 JUNIPER STREET	HUDSON	NH	3051
x		203-040-000	47 COTTONWOOD DR	QUEENAN, JAMES F.	QUEENAN, SHEILA A.		47 COTTONWOOD DRIVE	HUDSON	NH	3051
x		203-041-000	45 COTTONWOOD DR	CREEDEN LIVING TRUST	CREEDEN, JOHN J., III, TR	CREEDEN, ARLENE M., TR	17 MURPHY CIR.	MIDDLETOWN	RI	2842
x		203-042-000	43 COTTONWOOD DR	GODUCO, EVAN C.			43 COTTONWOOD DR.	HUDSON	NH	3051
x		203-055-000	19 HICKORY ST	SCHMITT, JOSEPH W., TR.	SCHMITT REVOCABLE TRUST		19 HICKORY STREET	HUDSON	NH	3051
x		203-116-000	9 HICKORY ST	RICE, MICHAEL P.			9 HICKORY STREET	HUDSON	NH	3051
x		203-125-000	7 HICKORY ST	PHILLIPS, ZACHARY S.			7 HICKORY ST.	HUDSON	NH	3051
x		204-001-000	155 LOWELL RD	LOWELL ROAD, LLC			PO BOX 1435	NORTH HAMPTON	NH	3862
x		204-002-000	153 LOWELL RD	COWAN, PATRICK I.			153 LOWELL ROAD	HUDSON	NH	3051
x		204-003-000	149 LOWELL RD	TATE, RUPERT E., TR. REV. TRST	TATE, ALICE E., TR., REV. TRST		7 PRINCE DR.	HUDSON	NH	3051
x		204-004-000	145 LOWELL RD	DBV, INC.	C/O WALTER FLOWERS		15 COURT SQ. STE 340	BOSTON	MA	2108
x		204-005-000	143 LOWELL RD	ZHENG, YUE YUN	ZHENG, ZHOU DENG		4 PAULA CIR.	HUDSON	NH	3051
x		204-006-000	0 FOX HOLLOW DR	FOX HOLLOW CONDOMINIUM ASSOC	C/O GREAT NORTH PROPERTY MGMT		PO BOX 65434	HOUSTON	TX	77210-5434
x		204-006-421	421 FOX HOLLOW DR	LAFOND, DAVID J., PRESIDENT	FOX HOLLOW CONDOMINIUM ASSOCIATION		421 FOX HOLLOW DRIVE	HUDSON	NH	3051
x		204-075-000	156 LOWELL RD	BOYER ASSOCIATES			65 PLATEAU RIDGE RD	LOUDON	NH	03307-0711
x		209-002-000	55 EXECUTIVE DR	FARLEY WHITE HUDSON, LLC			1 BEDFORD FARMS DR. SUITE 200	BEDFORD	NH	3110
x		209-004-000	22 FRIARS DR	MATRIX REALTY, LLC			9389 WAPLES ST.	SAN DIEGO	CA	92121
x		209-005-000	17 FRIARS DR	HAYTAYAN, HARRY M., TR	HAYTAYAN, HARRY M. REV TRUST		17 FRIARS DRIVE	HUDSON	NH	3051
x		210-006-000	175 LOWELL RD	CDC REALTY GROUP, INC.			175 LOWELL ROAD	HUDSON	NH	3051
x		210-007-000	173 LOWELL RD	GREGOIRE, PAUL E.	GREGOIRE, JEAN		173 LOWELL ROAD	HUDSON	NH	3051
x		210-008-000	171 LOWELL RD	171 JMJ REALTY LLC			175 LOWELL RD.	HUDSON	NH	3051
x		210-009-000	162 LOWELL RD	BOYER, ROSEMARIE J., TR	BOYER, ROSEMARIE J. REV TRUST		65 PLATEAU RIDGE ROAD	LOUDON	NH	03307-0711
x		210-010-000	182 LOWELL RD	PRESENTATION OF MARY CONVENT			182 LOWELL ROAD	HUDSON	NH	3051
x				LEONARD, THOMAS, J., ESQ.	WELTS, WHITE & FONTAINE, PC		29 FACTORY STREET	NASHUA	NH	3060
x	x	203-010-000	10 WILLARD ST	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	3051
x		203-011-000	12 WILLARD ST	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	3051
x		203-014-000	40 ATWOOD AVE	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	3051
x		203-027-000	6 HICKORY ST	SAVARD, CHERYL A.	SAVARD, CHRISTINE M.		6 HICKORY STREET	HUDSON	NH	3051
x		203-043-000	41 COTTONWOOD DR	TAVARES, DAVID J.			41 COTTONWOOD DRIVE	HUDSON	NH	3051
x		203-056-000	17 HICKORY ST	MARTIN, JOSEPH	LEMIEUX, LINDSAY		17 HICKORY ST.	HUDSON	NH	3051

x	203-104-000	15 HICKORY ST	DELUCA, KATLYN PEARL	BURNS, NICHOLAS ADAM		15 HICKORY ST.	HUDSON	NH	3051
x	203-105-000	13 HICKORY ST	GARNEAU, JENNIFER			13 HICKORY ST	HUDSON	NH	3051
x	203-115-000	11 HICKORY ST	SCANLON, MARK J.	SCANLON, CAROL A.		11 HICKORY STREET	HUDSON	NH	3051
x	204-074-000	152 LOWELL RD	C/O R AND M REALTY	CHARBONNEAU, RICHARD H.	CHARBONNEAU, MARK	1 CONTINENTAL DRIVE	LONDONDERRY	NH	3053
x			MARTINEZ, MICHAEL	GREAT NORTH PROPERTY MANAGEMENT		636 DW HIGHWAY	MERRIMACK	NH	3054

Applicant	Mark @ Dakota
Attorney	Thomas J. Lenoard
Civil Eng	Karl Dubay
Surveyor	Tim Sutherland
Wet Sci	Luke Hurley

Town of Hudson
12 School Street
Hudson, NH 03051

Richard W. Olson
Lisa A. Olson
18 Hickory Street
Hudson, NH 03051

Town of Hudson
12 School Street
Hudson, NH 03051

Charles Boissonneault
Mary Boissonneault
20 Hickory Street
Hudson, NH 03051

Gregory Al Nelson
Lee Ann Nelson
8 Hickory Street
Hudson, NH 03051

Donald H. Ouellette
Deborah Ouellette
22 Hickory Street
Hudson, NH 03051

Philip J. MacSweeney
Joan M. MacSweeney
10 Hickory Street
Hudson, NH 03051

Pamela M. Chartrand
Donald J. Chartrand
24 Hickory Street
Hudson, NH 03051

Todd R. Newcombe
Dina M. Fagundes-Newcombe
12 Hickory Street
Hudson, NH 03051

Victor Gomez
26 Hickory Street
Hudson, NH 03051

Timothy Coulter
Barbara Coulter
14 Hickory Street
Hudson, NH 03051

Jonathan D. Davis
Dorothy A. Davis
7 Juniper Street
Hudson, NH 03051

James M. Hulse, Trustee
Denise M. Hulse, Trustee
Hulse Joint Revocable Trust
16 Hickory Street
Hudson, NH 03051

Dale Seiberg
Susan Seiberg
5 Juniper Street
Hudson, NH 03051

Walter Flowers, Trustee
5 Way Realty Trust
PO Box 1435
North Hampton, NH 03862

James F. Queenan
Sheila A. Queenan
47 Cottonwood Drive
Hudson, NH 03051

Thomas J. Leonard, Esq.
Welts, White & Fontaine, P.C.
29 Factory Street
Nashua, NH 03060

John J. Creeden, III Trustee
Arlene M. Creeden, Trustee
Creeden Living Trust
17 Murphy Circle
Middletown, RI 02843

Evan C. Goduco
43 Cottonwood Drive
Hudson, NH 03051

Lowell Road, LLC
PO Box 1435
North Hampton, NH 03862

Joseph W. Schmitt, Trustee
Schmitt Revocable Trust
19 Hickory Street
Hudson, NH 03051

Patrick I. Cowan
153 Lowell Road
Hudson, NH 03051

Michael P. Rice
9 Hickory Street
Hudson, NH 03051

Rupert E. Tate, Trustee
Alice E. Tate, Trustee
Rupert E. Tate and Alice E. Tate Revocable Trust
7 Prince Drive
Hudson, NH 03051

Zachary S. Phillips
7 Hickory Street
Hudson, NH 03051

DBV, Inc.
c/o Walter Flowers
15 Court Square, #340
Boston, MA 02108

Yue Yun Zheng
Zhou Deng Zheng
4 Paul Circle
Hudson, NH 03051

Fox Hollow Condo Assoc.
c/o Great North Property Mgmt
PO Box 65434
Houston, TX 77210-5434

David J. Lafond, President
Fox Hollow Condo Assoc.
421 Fox Hollow Drive
Hudson, NH 03051

Boyer Associates
65 Plateau Ridge Road
Loudon, NH 03307

Farley White Hudson, LLC
1 Bedford Farms Drive, Suite 200
Bedford, NH 03110

Matrix Realty, LLC
9389 Waples Street
San Diego, CA 92121

Harry M. Haytayan, Trustee
Harry M. Haytayan Revocable Trust
17 Friars Drive
Hudson, NH 03051

CDC Realty Group, Inc.
175 Lowell Road
Hudson, NH 03051

Paul E. Gregoire
Jean Gregoire
173 Lowell Road
Hudson, NH 03051

171 JMJ Realty LLC
171 Lowell Road
Hudson, NH 03051

Rosemarie J. Boyer, Trustee
Rosemarie J. Boyer Revocable Trust
65 Plateau Ridge Road
Loudon, NH 03307

Presentation of Mary Convent
182 Lowell Road
Hudson, NH 03051

Town of Hudson
12 School Street
Hudson, NH 03051

Town of Hudson
12 School Street
Hudson, NH 03051

Town of Hudson
12 School Street
Hudson, NH 03051

Cheryl A. Savard
Christine M. Savard
6 Hickory Street
Hudson, NH 03051

David Tavares
41 Cottonwood Drive
Hudson, NH 03051

Joseph Martin
Lindsay Lemieux
17 Hickory Street
Hudson, NH 03051

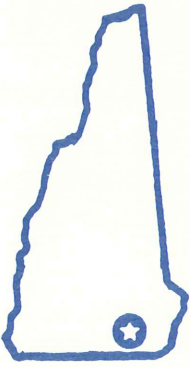
Katlyn Pearl Deluca
Nicholas Adam Burns
15 Hickory Street
Hudson, NH 03051

Jennifer Garneau
13 Hickory Street
Hudson, NH 03051

Mark J. Scanlon
Carol A. Scanlon
11 Hickory Street
Hudson, NH 03051

Richard H. Charbonneau
Mark Charbonneau
c/o R and M Realty
1 Continental Drive
Londonderry, NH 03053

Michael Martinez
Great North Property Management
636 DW Highway
Merrimack, NH 03054



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

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, **02/28/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

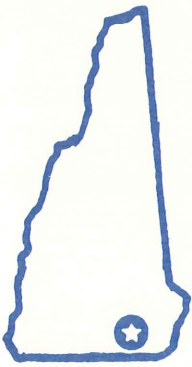
- 1. Case 209-001 (2-28-19): Mark Pilotte of Dakota Partners, LLC, 1264 Main St., Waltham, MA requests a Variance at 161 Lowell Road, Hudson, NH to permit the use of the entire buildable lot area (after subdivision) within the Applicant's lot for calculation of density, using a portion of that buildable lot area within the G Zone. [Map 209, Lot 001, Split districts: Zones B and G; HZO Article VII §334-27, Table of Minimum Dimensional Requirements- Note 2].**

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 Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator



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, **02/28/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

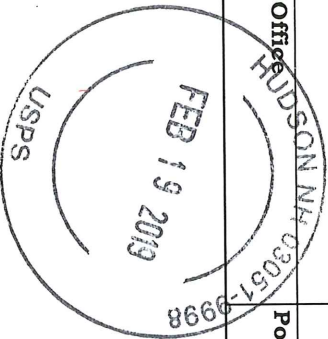
- 1. Case 209-001 (2-28-19): Mark Pilotte of Dakota Partners, LLC, 1264 Main St., Waltham, MA requests a Variance at 161 Lowell Road, Hudson, NH to permit the use of the entire buildable lot area (after subdivision) within the Applicant's lot for calculation of density, using a portion of that buildable lot area within the G Zone. [Map 209, Lot 001, Split districts: Zones B and G; HZO Article VII §334-27, Table of Minimum Dimensional Requirements- Note 2].**

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,

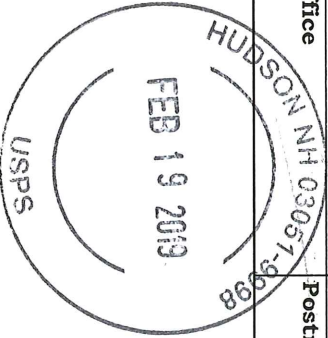
Bruce Buttrick
Zoning Administrator

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 209-001 Variance 161 Lowell Rd Map 209/Lot 001-000
ARTICLE NUMBER			02/28/19 ZBA Meeting	
1	7016 3010 0000 6168 3035	5 WAY REALTY TRUST C/O WALTER FLOWERS PO BOX 1435, NORTH HAMPTON, NH 03862	APPLICANT/OWNER-NOTICE SENT	
2		TOWN OF HUDSON		
3	7016 3010 0000 6168 3042	12 SCHOOL STREET, HUDSON, NH 03051 NELSON, GREGORY A. & LEE ANN	ABUTTER NOTICE SENT	
4	7016 3010 0000 6168 3059	8 HICKORY STREET, HUDSON, NH 03051 MACSWENEY, PHILIP J. & JOAN M.	ABUTTER NOTICE SENT	
5	7016 3010 0000 6168 3066	10 HICKORY STREET, HUDSON, NH 03051 NEWCOMBE, TODD R., FAGUNDES-NEWCOMBE, DINA M.	ABUTTER NOTICE SENT	
6	7016 3010 0000 6168 3073	12 HICKORY STREET, HUDSON, NH 03051 COULTER, TIMOTHY & BARBARA	ABUTTER NOTICE SENT	
7	7016 3010 0000 6168 3080	14 HICKORY STREET, HUDSON, NH 03051 HULSE, JAMES M., TR. & DENISE M., TR.; HULSE JOINT REVOCABLE TRUST	ABUTTER NOTICE SENT	
8	7016 3010 0000 6168 3097	16 HICKORY STREET, HUDSON, NH 03051 OLSON, RICHARD W. & LISA A.	ABUTTER NOTICE SENT	
9	7016 3010 0000 6168 3103	18 HICKORY STREET, HUDSON, NH 03051 BOISSONNEAULT, CHARLES & MARY	ABUTTER NOTICE SENT	
10	7016 3010 0000 6168 3110	20 HICKORY STREET, HUDSON, NH 03051 OUELLETTE, DONALD H. & DEBORAH	ABUTTER NOTICE SENT	
		22 HICKORY STREET, HUDSON, NH 03051		
Total Number of pieces listed by sender 9		Total number of pieces rec'd at Post Office		Postmaster (receiving Employee)



[Handwritten Signature]

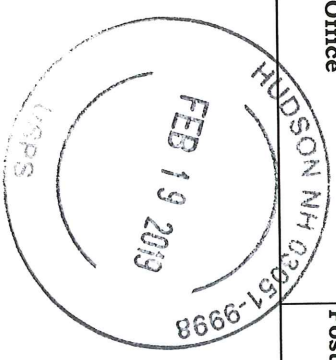
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 209-001 Variance 161 Lowell Rd Map 209/Lot 001-000
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/28/19 ZBA Meeting
1	7016 3010 0000 6168 3127	CHARTRAND, PAMELA M. & DONALD J.	ABUTTER NOTICE SENT
2	7016 3010 0000 6168 3134	24 HICKORY STREET, HUDSON, NH 03051 GOMEZ, VICTOR	ABUTTER NOTICE SENT
3	7016 3010 0000 6168 3141	26 HICKORY STREET, HUDSON, NH 03051 DAVIS, JONATHAN D. & DOROTHY A.	ABUTTER NOTICE SENT
4	7016 3010 0000 6168 3158	7 JUNIPER ST., HUDSON, NH 03051 SEIBERG, DALE & SUSAN	ABUTTER NOTICE SENT
5	7016 3010 0000 6168 3165	5 JUNIPER ST., HUDSON, NH 03051 QUEENAN, JAMES F. & SHEILA A.	ABUTTER NOTICE SENT
6	7016 3010 0000 6168 3172	47 COTTONWOOD DRIVE, HUDSON, NH 03051 CREEDEN III, JOHN J., TR. & ARLENE M., TR.; CREEDEN LIVING TRUST	ABUTTER NOTICE SENT
7	7016 3010 0000 6168 3189	17 MURPHY CIR., MIDDLETON, RI 02842 GODUCCO, EVAN C.	ABUTTER NOTICE SENT
8	7016 3010 0000 6168 3196	43 COTTONWOOD DRIVE, HUDSON, NH 03051 SCHMITT, JOSEPH W., TR., SCHMITT REVOCABLE TRUST	ABUTTER NOTICE SENT
9	7016 3010 0000 6168 3202	19 HICKORY STREET, HUDSON, NH 03051 RICE, MICHAEL P.	ABUTTER NOTICE SENT
10	7016 3010 0000 6168 3219	9 HICKORY STREET, HUDSON, NH 03051 PHILLIPS, ZACHARY S.	ABUTTER NOTICE SENT
		7 HICKORY STREET, HUDSON, NH 03051	
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 209-001 Variance 161 Lowell Rd Map 209/Lot 001-000	3 of 4
ARTICLE NUMBER	Name of Addressee, Street, and post office address		02/28/19 ZBA Meeting	
1	7016 3010 0000 6168 3226 LOWELL ROAD, LLC	ABUTTER NOTICE SENT		
2	7016 3010 0000 6168 3240 PO BOX 1435, NORTH HAMPTON, NH 03862 COWAN, PATRICK I.	ABUTTER NOTICE SENT		
3	7016 3010 0000 6168 3233 153 LOWELL ROAD, HUDSON, NH 03051 TATE, RUPERT E., TR. REV. TRST, TATE, ALICE E., TR., REV. TRST	ABUTTER NOTICE SENT		
4	7016 3010 0000 6168 3257 7 PRINCE DR., HUDSON, NH 03051 DBV, INC., C/O WALTER FLOWERS	ABUTTER NOTICE SENT		
5	7016 3010 0000 6168 3264 15 COURT SQ. STE 340, BOSTON, MA 02108 ZHENG, YUE YUN & ZHOU DENG	ABUTTER NOTICE SENT		
6	7016 3010 0000 6168 3271 4 PAULA CIR, HUDSON, NH 03051 FOX HOLLOW CONDOMINIUM ASSOC., C/O GREAT NORTH PROPERTY MGMT	ABUTTER NOTICE SENT		
7	7016 3010 0000 6168 3288 PO BOX 65434, HOUSTON, TX 77210-5434 LAFOND, DAVID J., PRESIDENT, FOX HOLLOW CONDOMINIUM ASSOCIATION	ABUTTER NOTICE SENT		
8	7016 3010 0000 6168 3295 421 FOX HOLLOW DRIVE, HUDSON, NH 03051 BOYER ASSOCIATES	ABUTTER NOTICE SENT		
9	7016 3010 0000 6168 3301 65 PLATEAU RIDGE RD, LOUDON, NH 03307-0711 FARLEY WHITE HUDSON, LLC	ABUTTER NOTICE SENT		
10	7016 3010 0000 6168 3318 1 BEDFORD FARMS DR, SUITE 200, BEDFORD, NH 03110 MATRIX REALTY, LLC	ABUTTER NOTICE SENT		
	9389 WAPLES ST., SAN DIEGO, CA 92121	ABUTTER NOTICE SENT		
	Total Number of pieces listed by sender 10	Total number of pieces recvd at Post Office		Postmaster (receiving Employee)

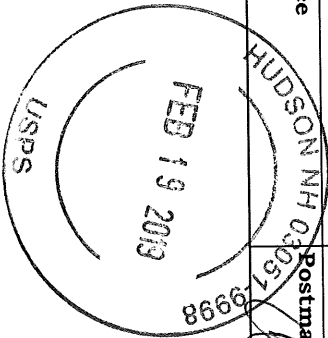
10

[Handwritten Signature]



SENDER: TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051		US POSTAL SERVICE - FIRST CLASS MAIL		Case# 209-001 Variance 161 Lowell Rd Map 209/Lot 001-000		1 of 1	
ARTICLE NUMBER		Name of Addressee, Street, and post office address		02/28/19 ZBA Meeting			
1	N/A-mailed First Class	SAVARD, CHERYL A.; SAVARD, CHRISTINE M.		ABUTTER NOTICE SENT			
2	N/A-mailed First Class	6 HICKORY STREET, HUDSON, NH 03051		ABUTTER NOTICE SENT			
3	N/A-mailed First Class	TAVARES, DAVID J.		ABUTTER NOTICE SENT			
4	N/A-mailed First Class	41 COTTONWOOD DRIVE, HUDSON, NH 03051		ABUTTER NOTICE SENT			
5	N/A-mailed First Class	MARTIN, JOSEPH ; LEMIEUX, LINDSAY		ABUTTER NOTICE SENT			
6	N/A-mailed First Class	17 HICKORY ST., HUDSON, NH 03051		ABUTTER NOTICE SENT			
7	N/A-mailed First Class	DELUCA, KATLYN PEARL; BURNS, NICHOLAS ADAM		ABUTTER NOTICE SENT			
8	N/A-mailed First Class	15 HICKORY ST., HUDSON, NH 03051		ABUTTER NOTICE SENT			
9	N/A-mailed First Class	GARNEAU, JENNIFER		ABUTTER NOTICE SENT			
10	N/A-mailed First Class	13 HICKORY ST., HUDSON, NH 03051		ABUTTER NOTICE SENT			
11	N/A-mailed First Class	SCANLON, MARK J. & CAROL A.		ABUTTER NOTICE SENT			
12	N/A-mailed First Class	11 HICKORY ST., HUDSON, NH 03051		ABUTTER NOTICE SENT			
13	N/A-mailed First Class	CHARBONNEAU, RICHARD H.; CHARBONNEAU, MARK; C/O R AND M REALTY		ABUTTER NOTICE SENT			
14	N/A-mailed First Class	1 CONTINENTAL DRIVE, LONDONDERY, NH 03053		ABUTTER NOTICE SENT			
Total Number of pieces listed by sender 7		Total number of pieces rec'd at Post Office					

HUDSON NH 03051
Postmaster (receiving Employee)
9998



Non-Direct First Class

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VII of HZO Section(s) 334-27 Table Note 2 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

5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because:
(Explain why you believe this to be true—keeping in mind that you must establish that, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* that you must establish that the special conditions of the property cause the proposed use to be reasonable. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.)

See attached.

Requests before the Zoning Board of Adjustment may require connection to the municipal sewer system. Please contact the Town Engineer's Office prior to submittal of this application to determine if connection is required or will be allowed, together with the procedure for such application.

ATTACHMENT IN SUPPORT OF APPLICATION FOR A VARIANCE

APPLICATION FOR A VARIANCE

The Zoning Administrator has determined that, for a lot which is partially in the B zone and partially in the G zone, only land area within the B zone may be considered when calculating the permitted density for a multifamily development because multifamily use is not permitted in the G zone.

This form constitutes an appeal of the Zoning Administrator's determination and a request for a variance to permit a density calculation using the lot's land in both zones. It is a variance from the application of the Hudson Zoning Ordinances permitted uses (Table of Permitted Principal Uses) and the application of the provisions of note 2 of the Hudson Zoning Ordinance, Article VII Dimensional Requirements, Section 334-27 (the Table of Minimum Dimensional Requirements), a copy of both Tables is attached hereto and incorporated herein for reference.

FACTS

Existing lot

The existing lot, Map 209, Lot 1, is approximately 88 acres located along Lowell Road back to the Merrimack River. The lot is bisected by the Business Zone (B) which runs parallel with Lowell Road, approximately five hundred (500) feet off the center of Lowell Road. The balance of the Map 209, Lot 1 is the General Zone (G).

Map 209, Lot 1 is presently a large undeveloped lot which is abutted by several different zones and uses. To the east along Lowell Road, the area is zoned Business and has mixed business uses. Within the B zone, to the north east of the Lot, there is a large multifamily residential condominium development. South of the Lot is zoned Industrial with industrial uses. To the north and west, the Lot is abutted by the TR-Town Residential Zone.

Applicant's Lot

The Applicant, Dakota Partners, LLC, has a Purchase Agreement to acquire a portion of Map 209, Lot 1. The Applicant and the owner have agreed to subdivide the existing Map 209, Lot 1 into two lots: one lot for purposes of development in the Applicant's Project (the "Applicant's Lot"), and the other (the "Remainder Lot") for purposes which are still undetermined. The Applicant's Lot will be approximately twelve and 7/10 (12.7) acres. Approximately nine and 7/10 (9.7) acres will be in the Business Zone and approximately three (3) acres will be in the General Zone. The Remainder Lot of approximately seventy five (75) acres will be entirely within the General Zone. Both lots will comply with all of Hudson's rules and regulations for a "lot".

The Applicant's Lot will have frontage/access on Lowell Rd and is serviced by existing public sewer and public water.

Applicant's Project

The Applicant intends to develop the Applicant's Lot (approximately eleven (11) acres) as a multifamily rental project consisting of 96 units in two separate three-story buildings together with a clubhouse for use by the residents of the development (the Applicant's Project'). A portion of the units will be guaranteed to meet the State's definition of workforce housing for rental housing.

The Applicant's proposal is to construct all buildings and all parking improvements on the portion of the Applicant's Lot that is within the B Zone. There will be no buildings or parking areas within the G Zone. A copy of the conceptual plan is attached for reference.

This Application is the zoning request in support of the Applicant's residential development.

Surrounding Area

The Applicant's Lot, as proposed, will be abutted by several different zones and uses. Along Lowell Road, the area is zoned Business and has mixed business uses. Within the B zone, to the north of the Applicant's Lot, there is a large multifamily residential condominium development. South of the Applicant's Lot is zoned Business (B) or Industrial with mostly business or industrial uses. To the west, the Applicant's Lot will be abutted by the Remainder Lot which is zoned G.

RELEVANT SECTIONS OF HUDSON ZONING ORDINANCE

Section 334-18. Districts Described.

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

"F. General (G). The G District includes all areas not specifically designated as being within an R-1, R-2, TR, B or I District. The District is designed to permit a wide diversity of land uses. Most uses permitted in the other five (5) Districts are permitted in the G District. The G District is intended to allow natural constraints, such as infrastructure development and market forces to determine the most appropriate use of the land. It is also intended that the G District will eventually be absorbed by the expansion of other existing districts or replaced by newly created districts. The Planning Board will be responsible for maintaining sound planning concepts in this District and shall ensure the conflicting land uses do not abut each other without appropriate buffers."

Section 334-27. Dimensional Requirements Table.

“B. Zone. . .

“Note 2: Multifamily 53,560 square feet of buildable lot area for the building of three (3) attached dwelling units of a multifamily complex with each additional dwelling unit requiring a minimum of 5,000 square feet of additional buildable lot area.”

Within the Hudson Zoning Code, there is no guidance regarding lots which are bisected by zoning districts.

RELIEF REQUESTED

The Zoning Administrator has determined that land within the Applicant’s Lot but also within the G zone may not be considered in calculating multifamily density for Applicant’s Lot.

The Applicant is requesting relief from the Zoning Administrator’s Determination. The Applicant is requesting a variance to permit to use of the entire buildable lot area within the Applicant’s Lot for calculation of density even though a portion of that buildable lot area is within the G Zone.

The following are additional facts supporting the request for a variance:

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

The requirement that a variance not be contrary to the public interest is related to the requirement that it be consistent with the spirit of the ordinance. The first step in analyzing whether granting a variance would not be contrary to the public interest and would be consistent with the spirit of the ordinance is to examine the applicable ordinance. The provisions of an ordinance represent a declaration of public interest; accordingly we must determine whether to grant the variance would “unduly and in a market degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” Mere conflict with the terms is insufficient. Malachy Glen Associates, Inc. vs. Town of Chichester, 155 N.H. 102 (2007)

The NH Courts has recognized two approaches to ascertain whether granting a variance would violate an ordinance’s “basic zoning objectives”. One is to examine whether granting the variance would “alter the essential character of the neighborhood”. Another is “to examine whether granting the variance would threaten the public health, safety or welfare”.

The basic purpose of a Zoning Ordinance is to promote the health, safety and welfare of the community. Also, both New Hampshire state law and Hudson local ordinances state that achieving a balanced supply of housing is an urgent and compelling public policy goal. Shortage of affordable housing is a serious threat to the State and local economy.

This Project is certainly “not contrary to the public interest”. The public has an interest in establishing and maintaining a community with many different opportunities for housing to meet the many different income levels and lifestyles for members of the community. This Project offers new rental housing for different income groups and for different sized families. It offers rental units that are affordable to individuals and families who are at the beginning of their working career and to individuals and families at the end of their working careers. The housing is relatively small units associated with amenities and which are designed to be rental units.

This Project meets the purpose of New Hampshire workforce housing statute and it meets the purpose of the Hudson Master Plan regarding housing.

In the zoning scheme, the General Zone is specifically identified as a zone “that [the G District] will eventually be absorbed by the expansion of other existing districts or replaced by new created districts.” Here the proposed residential development is immediately next to another multifamily development. The Property is serviced by sewer and water making it appropriate for higher density residential development. The proposed use is a use that is permitted. All buildings and parking areas will be located in the zone that permits the use. To permit the variance is certainly not contrary to the zoning objectives. It will not alter the essential character of the neighborhood.

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 Applicant’s request observes the spirit of the ordinance. The spirit of the ordinance is similar to the public interest. Many of the same facts pertain to the “spirit of the ordinance”. Generally, the standard with regard to spirit of the ordinance is – will the variance alter the essential character of the neighborhood and violate basic zoning objections?

The Project provides a kind of housing that is in limited supply-multifamily residential rental units with amenities and easy access to main corridors. It is consistent with the legitimate objectives of the Hudson Zoning Ordinance, the Hudson Master Plan and State law regarding zoning, as well as State law regarding housing.

Here all buildings and parking will be in the B Zone. The proposed use is actually located where it is permitted and it is consistent with the existing uses. There are no buildings or parking areas located in the G Zone.

One of the objectives of the Hudson Zoning is to prevent overcrowding in areas that don’t have appropriate infrastructure. Here there is public sewer and public water. There is also

sufficient land, it just happens to be in a different zone. The density is consistent with densities in the immediate area and with the requirements of the Hudson Zoning Ordinance. The proposal will not have an adverse impact on aesthetics or the municipal infrastructure. The basic zoning objections are all met.

In addition, the purposes of the G Zone are met. The area will be used to “allow natural constraints, such as infrastructure development and market forces to determine the most appropriate use of the land”; and, the G zone area “will be absorbed by the expansion of the [abutting] existing districts” as intended.

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

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

This Project and granting a variance to allow the lot area within the G Zone to be considered in the determination of density will result in substantial justice to the Applicant and to the Town of Hudson. The standard for substantial justice requires two (2) inquiries: Whether the gain to the general public by denying the variance will outweigh any loss to the individuals; and whether the proposed development is consistent with the area’s present use.

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).

Here the Applicant’s Lot is sufficiently large enough and has sufficient land to support development of the ninety six (96) unit multifamily residential Project. However, the Applicant’s Lot is bisected by a zone line. The zone line is arbitrary - approximately five hundred (500) feet from the center of Lowell Road. There was no other reason for the zone line. There is sufficient infrastructure, etc. In addition, the G Zone is intended as an expansion zone. In the end, this Project is consistent with all of the purposes of Hudson Zoning Ordinances. To limit the Applicant to the number of units based upon the buildable lot area within the B Zone (and disregard the area in the G Zone) will cause substantial harm to the Applicant with no benefit to the Town of Hudson or the general public.

The Zoning Regulation is vague and does not specifically discuss lots which are split zoned. Strict enforcement of the vague Regulation will not advance any legitimate purpose of the Zoning Ordinance and will cause substantial harm to the Applicant and will also have a negative impact on the kind of housing that the Applicant will be able to offer to the general public.

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

The proposed use is a permitted use within the B Zone, and the actual use (buildings and parking) will be in the B Zone. Therefore, it is a use which the Town of Hudson has identified as

appropriate and without negative impact. The Property will be developed in a thoughtful, carefully designed manner with aesthetics consistent with the general neighborhood and with appropriate amenities including a clubhouse. The exteriors of the buildings will be architecturally designed and pleasing. There will be no adverse impact on value of surrounding properties. More likely, the new construction and careful planning by the Applicant is likely to improve values of surrounding properties.

There is no testimony from any real estate expert to support a conclusion that this new Project will diminish the value of surrounding properties.

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.**

In analyzing whether there is an unnecessary hardship, we must examine the purposes of the applicable ordinance. Density requirements are to prevent over use of land and to maintain safety – prevent over-crowding. The regulations and restrictions are intended to protect against situations where the soils and quality of the land cannot support the proposed density, or where the infrastructure is insufficient to support the proposed density. Density Regulations are also intended to allocate municipal resources efficiently and in a manner which permits density where the infrastructure supports the density.

Use districts generally prevent incompatible uses in close proximity to one another and generally encourage efficient use of infrastructure and other municipal resources.

All ordinances and regulations are interpreted in the context of public policy. Both State law and local zoning law have identified a diverse housing supply as a primary goal. Achieving a balanced supply of housing is an urgent and compelling public policy goal. Shortage of affordable housing is a serious threat to the State and local economy.

This proposal is a reasonable use. It is a permitted use within the B Zone and all buildings and parking improvements are proposed to be located within the B Zone. The actual use is in the B Zone. By definition, a permitted use is a reasonable use.

The land area of the Applicant’s Lot and the buildable land area of the Applicant’s Lot both satisfy the Hudson Zoning Ordinance requirements regarding soil quality and area for a project the size of the Project proposed.

The difficulty with this Applicant's Lot is that it is split by a zone line where the proposed use only relates to one (1) of the two (2) zones. As interpreted by the Zoning Administrator, the restriction infers with a reasonable use of the Applicant's Lot. As applied to the specific circumstances of the Applicant's Lot, strict application of the regulations does not accomplish the purposes of the regulations. In this specific application, there is no fair and substantial relationship between the general purpose of the regulations and strict enforcement of the regulation on this Property.

In the instant case, the proposed density is consistent with the regulations for the B Zone. The proposed density is also consistent with densities in abutting properties. Access is excellent; sewer and water are immediately available. The Applicant is not asking for density beyond what the buildable land supports. Similarly, the existing infrastructure supports the proposed density, without concern. The purposes of density regulations/restrictions are met.

Interestingly, the Project will have all buildings located within the B Zone, the area within which they are permitted. In the end, the actual uses are with similar permitted uses and the vacant open land will be in the G Zone land. The Project will have a buffer to whatever uses occur on the Remainder Lot.

By allowing this variance, the Town will accomplish its zoning goals regarding density, separation of incompatible uses and meeting the need for affordable housing.

Literal application of the ordinances requires that we disregard the land area which is in the G Zone (even though it is upland and high quality buildable land with infrastructure in place). The effect of literal application is that a parcel of land which is appropriate for ninety six (96) units is restricted to substantially fewer (based upon the land in the B Zone only). The particular application to the Applicant's Lot is not fair or reasonable. It does not prevent over-use of poor quality land and it does not promote efficient use of high quality land with infrastructure. Simply stated, literal enforcement has no benefit to the Town or the public. In fact, it has an adverse impact on the stated housing goals of the State and the Town.

Literal application is arbitrary - there is no substantial relationship between strict enforcement and the purposes of the Hudson Zoning Ordinances. The strict application of the Hudson Zoning Ordinances, on this particular Applicant's Lot, results in an unnecessary hardship.

Granting this variance will not harm public or private rights.

ZONING

334 Attachment 4

Town of Hudson

Table of Minimum Dimensional Requirements
(See § 334-27)
[Amended 3-14-1995 by Amdt. No. 3; 3-13-2001 by Amdt. No. 3;
3-11-2008 by Amdt. No. 1; 3-10-2009 by Amdt. No. 1]

	Zoning District						
	R-1	R-2	TR	B	I	G	G-1
Minimum lot area (square feet)							
With Town water and sewer	30,000	43,560	10,000	30,000 ²	30,000	43,560	87,120
Without Town water or sewer	43,560	60,000 (43,560 for single- family)	10,000 ¹	43,560	43,560	43,560	87,120
Minimum lot frontage (linear feet)							
Local roadways with Town water and sewer	120	120	90	150	150	150	200
Arterial and collector	150	150	90	150	150	150	200
Building setback requirements (front/side/rear, in feet)							
Arterial and collector roadways	50/15/15	50/15/15	30/15/15	50/15/15	50/15/15	50/15/15	50/15/15
Local roadways	30/15/15	30/15/15	30/15/15	50/15/15	50/15/15	30/15/15	30/15/15

Notes:

- ¹ Must obtain proper state/municipal permits.
- ² Multifamily developments with both Town water and sewer shall require 53,560 square feet of buildable lot area for the building of three attached dwelling units of a multifamily complex, with each additional dwelling unit requiring a minimum of 5,000 square feet of additional buildable lot area.

ZONING

334 Attachment 1

Town of Hudson

Table of Permitted Principal Uses
 [Amended 3-8-1994 by Amdt. No. 5; 3-9-1999; 3-13-2001 by Amdt. No. 3;
 3-13-2001 by Amdt. No. 7; 3-12-2002 by Amdt. No. 3; 3-9-2004; 3-13-2007 by Amdt. No. 5]

USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
A. RESIDENTIAL USES							
1. Single-family detached dwelling	P	P	P	N	N	P	P
2. Two-family dwelling	N	P	N	N	N	P	P
3. Multifamily dwelling	N	N	N	P ¹	N	N	N
4. Manufactured housing parks/subdivisions	N	N	N	N	N	P	P
5. Older persons housing developments	N	P ¹	P ¹	N	N	P ¹	N
6. Assisted living facility	P	P	P	P	N	P	P
B. AGRICULTURAL USES							
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	P	P	P	P	P	P	P
2. Facilities for the sale of produce, and wine and dairy products	P	P	P	P	P	P	P
C. COMMUNITY FACILITIES USES							
1. Use of land or structures for religious purposes	S	P	S	P	N	P	P
2. Child daycare facility and group daycare facility, public/private	N	N	N	P	P	P	P
3. Cemeteries, public/private	S	S	N	N	N	S	S
4. Municipal services and facilities	P	P	P	P	P	P	P
5. Water towers, reservoirs and sewer and water pumping stations	P	P	P	P	P	P	P
6. Hospital, public/private	N	N	N	P	P	P	P
7. Schools, public/private	P	P	P	P	P	P	P
D. COMMERCIAL USES							
1. Seasonal farm stand for retail sale of produce or Christmas trees	P	P	P	P	N	P	P
2. Animal clinic or hospital; kennel	N	N	N	S	P	P	P
3. Personal service establishment, per definition provided in § 334-6	N	N	N	P	P	P	P
4. Funeral home	N	N	N	P	P	P	P
5. Hotel/motel	N	N	N	S ¹	P ¹	P ¹	P ¹
6. Bed-and-breakfast	N	N	N	N	N	P	P
7. Retail food or drug store	N	N	N	P	P	P	P
8. Retail sale of beer and wine and state liquor stores	N	N	N	P	P	P	P

HUDSON CODE

USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
D. COMMERCIAL USES (cont'd)							
9. Motor vehicle, motorcycle, trailer, snowmobile, or boat sales and rental	N	N	N	P	P	P	P
10. Motor vehicle light service; motor vehicle general and body repair	N	N	N	P	P	P	P
11. Automotive fuel station	N	N	N	P	P	P	P
12. Automotive fuel station with general retail	N	N	N	P	P	P	P
13. Car wash	N	N	N	P	P	P	P
14. Limousine, taxicab or livery business	N	N	N	P	P	P	P
15. Restaurant	N	N	N	P	P	P	P
16. Restaurant, fast-food or drive-in	N	N	N	P	P	P	P
17. Business or professional office	N	N	N	P	P	P	P
18. Convalescent or nursing home	N	S	N	P	N	P	P
19. Adult, child and group child daycare facilities	N	N	N	P	P	P	P
20. Indoor commercial recreation	N	N	N	P	P	P	P
21. Outdoor commercial recreation	N	N	N	S	P	P	P
22. Membership club, civic, social, professional or fraternal organization	N	N	N	P	P	P	P
23. Adult use establishment, per definitions provided in § 334-6	N	N	N	N	S	N	N
24. Wireless communications facility, per Article XVIII, §§ 334-91 – 334-107	N	N	N	N	S	S	S
25. Mobile parked food service	N	N	N	N	P	N	N
26. Itinerant roadside vending	N	N	N	N	P	N	N
27. Major commercial project	N	N	N	N	P	P	P
28. Massage therapy (licensed)	N	N	N	P	P	P	P
29. Garaging or parking of one light commercial vehicle	P	P	P	P	P	P	P
30. Garaging or parking of two or more light commercial vehicles	N	N	N	P	P	P	P
31. General retail	N	N	N	P	P	P	P
32. Garaging or parking of heavy commercial vehicles and equipment	N	N	N	N	P	P	P
33. Retail sale of agriculture horticulture, floriculture and viticulture products	N	N	N	P	N	P	P
34. Tattoo parlor	N	N	N	P	N	N	N
35. Body art/piercing	N	N	N	P	N	N	N
E. INDUSTRIAL USES							
1. Removal of loam, sand or gravel	N	N	N	N	P	P	P
2. Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances	N	N	N	N	P	P	P
3. Welding shop	N	N	N	N	P	P	P
4. Machine shop	N	N	N	N	P	P	P
5. Stone or monument works	N	N	N	N	P	P	P
6. Manufacturing	N	N	N	N	P	P	P
7. Retail sale of products manufactured on the premises	N	N	N	N	P	P	P

ZONING

USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
E. INDUSTRIAL USES (cont'd)							
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility; includes parking of recreational vehicles, buses and/or boats	N	N	N	N	P	P	P
9. Heating fuel storage and sales	N	N	N	N	P	P	P
10. Contractor's yard or landscaping business	N	N	N	N	P	P	P
11. Transportation or freight terminal	N	N	N	N	P	N	N

NOTES:

¹ = Permitted only if serviced by Town water and sewer

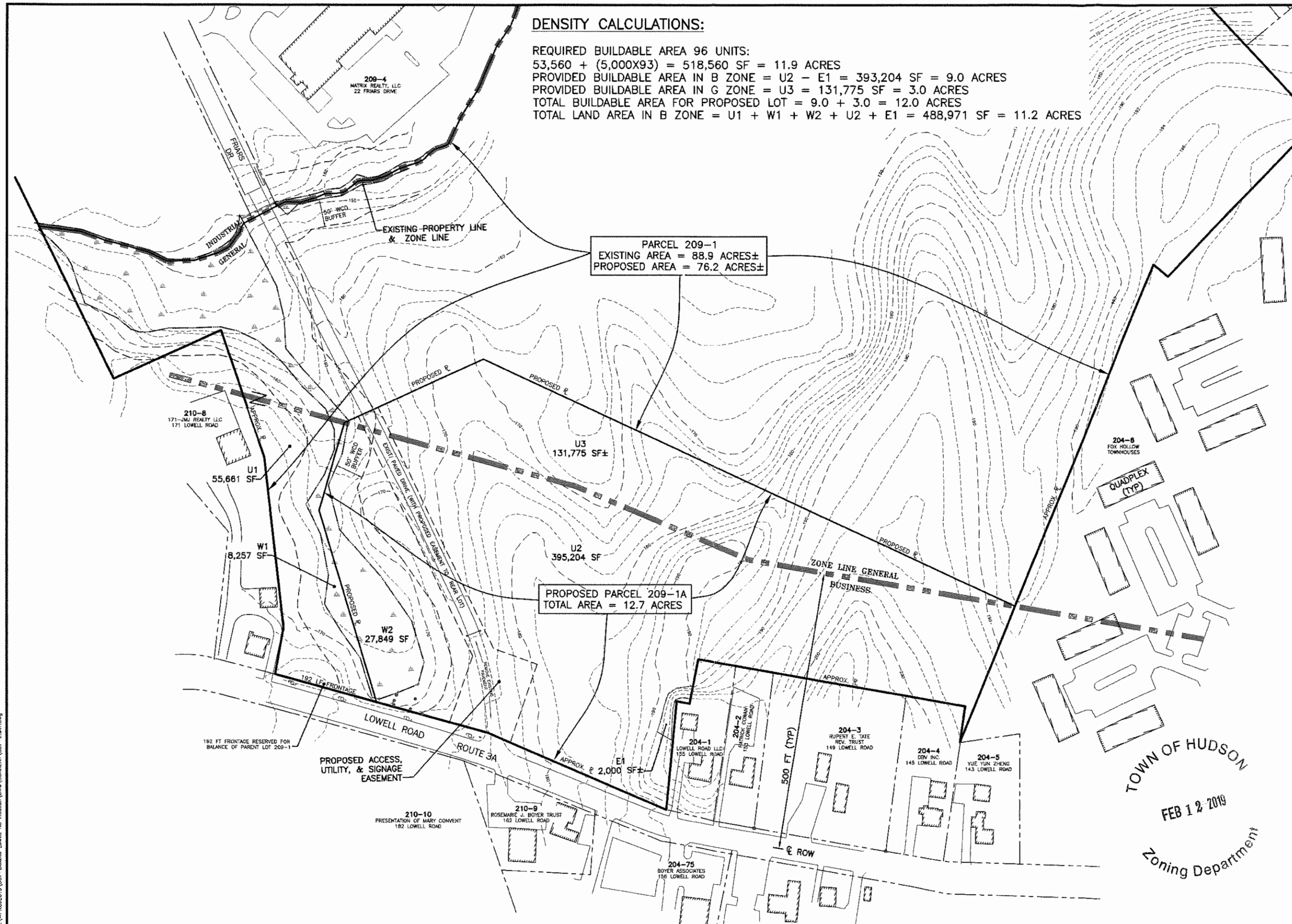
S = Special Exception Required (see article VI)

P = Permitted Use

N = Not an Allowed Use

DENSITY CALCULATIONS:

REQUIRED BUILDABLE AREA 96 UNITS:
 $53,560 + (5,000 \times 93) = 518,560 \text{ SF} = 11.9 \text{ ACRES}$
 PROVIDED BUILDABLE AREA IN B ZONE = U2 - E1 = 393,204 SF = 9.0 ACRES
 PROVIDED BUILDABLE AREA IN G ZONE = U3 = 131,775 SF = 3.0 ACRES
 TOTAL BUILDABLE AREA FOR PROPOSED LOT = 9.0 + 3.0 = 12.0 ACRES
 TOTAL LAND AREA IN B ZONE = U1 + W1 + W2 + U2 + E1 = 488,971 SF = 11.2 ACRES



The Dubai Group, Inc.

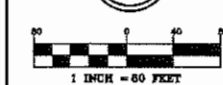
84 Range Road
 Windham, NH 03087
 603-458-6462

Engineers

Planners

Surveyors

TheDubayGroup.com



REVISIONS:			
REV.	DATE	COMMENT	BY:
1	1/2/19	MISC. REVS.	WA
2	1/9/19	MISC. REVS.	WA
3	1/10/19	MISC. REVS.	WA
4	1/18/19	MISC. REVS.	WA
5	2/7/19	MISC. REVS.	WA
6	2/8/19	MISC. REVS.	WA
7	2/11/19	MISC. REVS.	WA

DRAWN BY: WA
 CHECKED BY: KRD
 DATE: DEC. 28, 2018
 SCALE: 1"=80'
 FILE: 357-ZBA1
 DEED REF: -

PROJECT:
MAP 209 LOT 1
 161 LOWELL ROAD
 HUDSON, NH

FOR:
DAKOTA PROPERTIES
 1264 MAIN STREET
 WALTHAM, MA 02451

TOWN OF HUDSON

FEB 12 2019

Zoning Department

SHEET TITLE:
**CONCEPTUAL
 AREA DENSITY
 CALCULATIONS**



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-012

January 23, 2019

Thomas J Leonard, Esq.
Welts, White & Fontaine P.C.
29 Factory Street
P.O. Box 507
Nashua, NH 03061

Re: 161 Lowell Rd Map 209 Lot 001-000
District: split- Business (B) and General (G)

Dear Att'y Leonard,

Your requests: Based on Drawing: "Conceptual Area Density Calculations" dated Dec 28, 2018 rev 4 1/18/19 and Att'y Leonard request for Zoning Determination dated January 23, 2019.

Zoning Review / Determination:

This is an existing lot (of record) w/88.8 Acres having 2 zoning districts bisecting this property. Frontage is 758 ft along Lowell Rd where 150 ft is required. The front zone being Business zone district having ~ 480,587 sqft of area.

Question #1: Whether land in the general zone may be used for purposes of calculation density when no building or other improvement is proposed for the land in the general zone?

Answer: My determination is no, you cannot apply another zone for calculation purposes, because it's the business district that requires the density calculation, and there is no provision in the Zoning Ordinance to allow calculations from other districts. The density requirement is prescribed in the Table of Minimum Dimensional Requirements §334-27, as a foot note #2, and only applies/allowed in the B zoning district.

Question #2: How does the Town calculate the size of a residential living unit? Specifically, we understand that to determine the multifamily unit size in order to determine compliance with Section 334-1 6.C(2)(d), the calculation is done by taking the total gross area of the building and dividing by the number of units to determine the multifamily unit size.

Answer: By gross dimensions of the footprint, for example based on your submitted plan indicating 48 units per building the total sqft footprint would need to be 750 sqft x 48 = 36,000 sqft building, if you have 3 floor levels: 36,000 sqft / 3 floor = 12,000 sqft footprint.

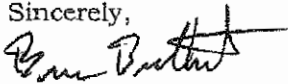
Let me answer your last unnumbered request in your letter, about future plans to subdivide. The resultant frontage of 150 ft of frontage along Lowell Road would satisfy §334-27

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

Table of Minimum Dimensional Requirements referenced in §334-27.2 Lot requirements for subdivision of land, please note: "The minimum lot area shall be contiguous land and shall not be separated by a wetland, a waterway, or a right of way. The minimum lot area shall not contain wetland, as defined by the Hudson Zoning Ordinance, and shall contain no slopes in excess of 25%". It appears from the submitted drawing that there is wetland/wetland buffers and future/proposed ROW within the newly created lot in the rear, and would possibly need a Wetland Special Exception from the ZBA for development.

There appears to be some parking area within the building setback area which would need relocating or a waiver from the Planning Board. There may be other required items in the Hudson Site Plan regulations that apply for this proposed development, please contact Brian Groth the Town Planner (603) 886-6008 for details and the process for the required Site Plan approval from the Planning Board.

Sincerely,

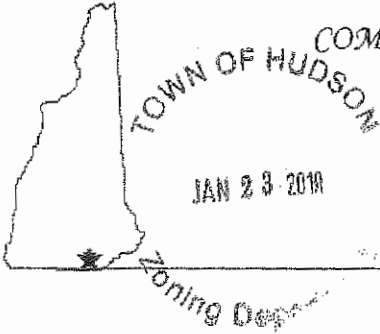


Bruce Buttrick, MCP
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
Brian Groth - Town Planner
File

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

#19-12



COMMUNITY DEVELOPMENT DEPARTMENT

12 School Street
Hudson, NH 03051
(603)886-6005
www.hudsonnh.gov



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 01/23/2019
Property Location 161 Lowell Road
Map 209 Lot 1
Zoning District if known General

Type of Request

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

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

Confirm Zoning requirements:

- 1) Whether land in the General zone may be used for purposes of calculation density when no building or other improvements is proposed for the land in the general zone.
- 2) How does the Town calculate the size of a residential/multi family living unit ?
- 3) Land will be subdivided. 1. Proposing to leave approx. 150 ft along Lowell Road+addtl access/frontage. Review access to lot.

Applicant Contact Information:

(Representing Dakota Partners, LLC)

Name: Welts, White & Fontaine, P.C. Attorneys at Law
Address: 29 Factory Street, Nashua, NH 03061
Phone Number: 603-883-0797

For Office use

ATTACHMENTS: TAX CARD |

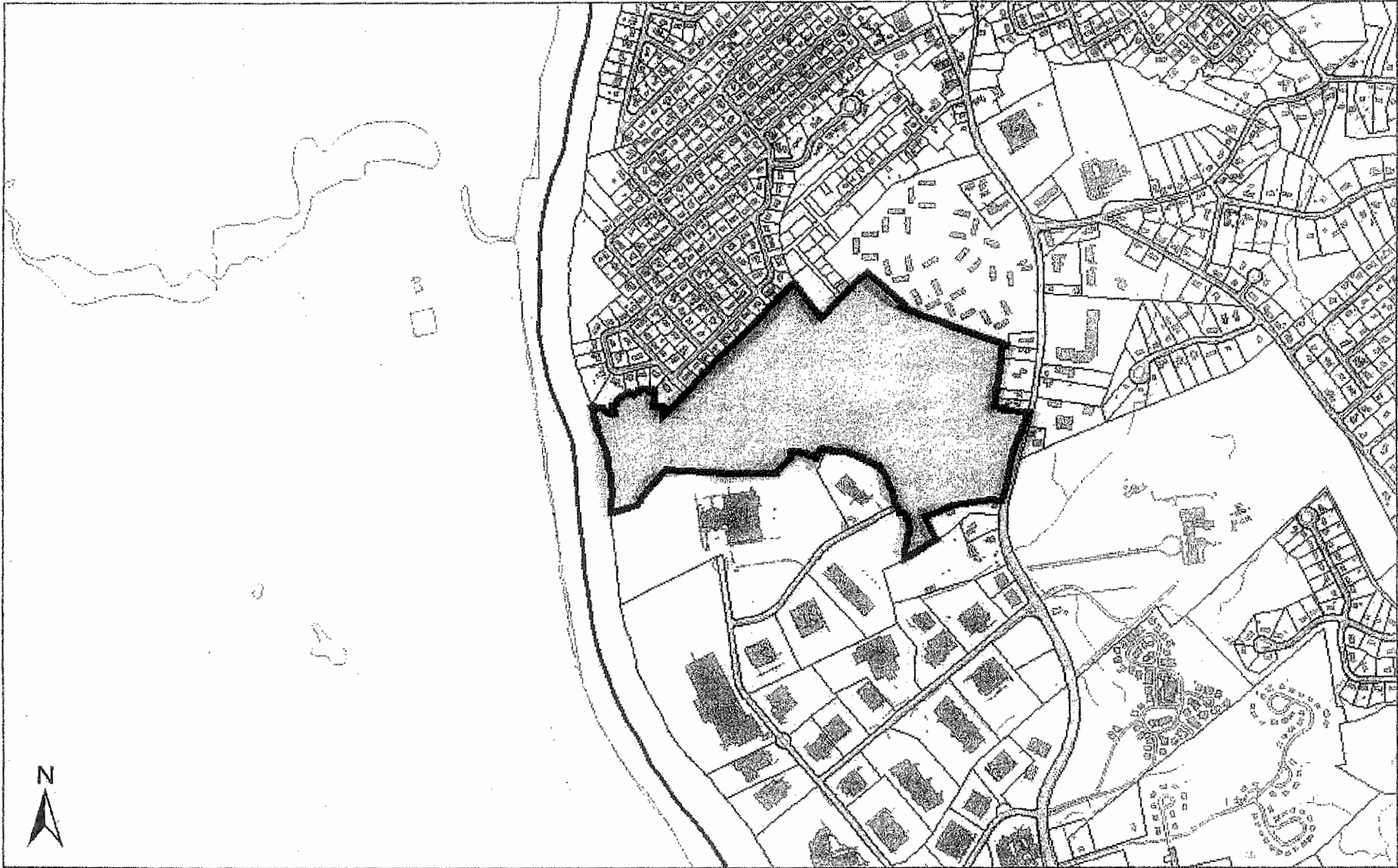
GIS M ✓

NOTES: _____

ZONING DETERMINATION LETTER SENT ✓ DATE: 1-23-19

\$ via Email

161 Lowell Road



January 23, 2019

Parcels

1 inch = 1,118 feet

0 1,150 2,300 Feet



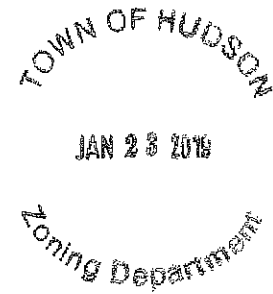


WELTS, WHITE & FONTAINE, P.C.
Attorneys at Law

THOMAS J. LEONARD
tjleonard@lawyersnh.com

via Email
VIA HAND DELIVERY

January 17, 2019



Bruce Buttrick, Zoning Administrator
Town of Hudson Zoning/Code Enforcement
12 School Street
Hudson, NH 03051

RE: Workforce Housing Project, Lowell Road, Hudson, NH

Dear Mr. Buttrick:

This office represents Dakota Partners, LLC, the developer of property located on Lowell Road in Hudson, NH. The proposal is for workforce housing in a multifamily rental development. The developers will be proceeding under the laws, rules and regulations for workforce housing as set forth in NH RSA 674:58 et seq. and in accordance with the applicable ordinances and regulations adopted by the Town of Hudson.

The project is proposed for land which is a portion of Map 209, Lot 1, 161 Lowell Road, Hudson, NH. The developer proposes to use the area along Lowell Road, which is within the business zone, and some additional area which is within the general zone. All buildings and all parking and all other improvements will be located within the business zone. The land in the general zone will only be used as an open space. I have enclosed a Conceptual Plan for your reference.

The proposal is for multifamily residential units affordable to a wide cross section of the population. A portion of the units will qualify as workforce housing rental units under NH RSA 674:58 IV. All units will be rental housing.

The development will be accomplished in two phases. The first phase will include area shown in Phase I, and the second phase will include the additional area as shown in Phase II.

The purpose of this letter is to obtain a zoning determination. Please confirm the zoning requirements which will be necessary to accomplish this development, including:

(1) Whether land in the general zone may be used for purposes of calculation density when no building or other improvement is proposed for the land in the general zone; and

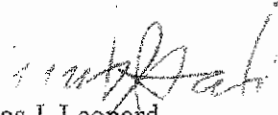
(2) How does the Town calculate the size of a residential living unit? Specifically, we understand that to determine the multifamily unit size in order to determine compliance with Section 334-16.C(2)(d), the calculation is done by taking the total gross area of the building and dividing by the number of units to determine the multifamily unit size.

Also, the land for this project will be subdivided from the larger tract of Map 209, Lot 1. Our proposal is to leave approximately one hundred fifty (150) feet along Lowell Road. The large remainder piece will then have frontage on an existing road (Lowell Road) and will also have an opportunity for additional access/frontage on what is known as Friars Drive. We recognize that use of the remainder lot will require a formal review of access to that lot. However, it is our understanding that formal and final access to the remainder lot is not necessary for the subdivision and it is not necessary for development of our project. Please confirm that we are understanding the matter properly.

If there are other zoning issues or concerns that must be addressed, please let me know.

If you would like any further information or if you would like to discuss the matter in detail, I am happy to do that, at your earliest convenience.

Very truly yours,



Thomas J. Leonard

/laa
Enclosure

209 001 000
MAP LOT SUB

1 of 1
CARD

Hudson

Total Card / Total Parcel
APPRAISED: 5,007,600 / 5,007,600
USE VALUE: 5,007,600 / 5,007,600
ASSESSED: 5,007,600 / 5,007,600

PROPERTY LOCATION

No	Alt No	Direction/Street/City
161		LOWELL RD, HUDSON

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
440	88.860			3,957,600	3,957,600
390	2.000			1,050,000	1,050,000
Total Card	88.860			5,007,600	5,007,600
Total Parcel	88.860			5,007,600	5,007,600

Legal Description	User Acct
	6133
	GIS Ref
	GIS Ref
Entered Lot Size	
Total Land: 88.866	
Land Unit Type: AC	

Insp Date	12/04/90
Parcel ID	209-001-000
	115171

OWNERSHIP

Owner 1:	5 WAY REALTY TRUST
Owner 2:	C/O WALTER FLOWERS
Owner 3:	
Street 1:	PO BOX 1435
Street 2:	
Twn/City:	NORTH HAMPTON
St/Prov:	NH Cntry
Postal:	03862

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2018	043	FV		0	88.86	5,007,600	5,007,600	5,007,600	Year End Roll	8/27/2018
2018	043	JB		0	88.86	5,007,600	5,007,600	5,007,600	Year End Roll	5/9/2018
2017	043	FV		0	88.86	5,007,600	5,007,600	5,007,600	Year End Roll	10/26/2017
2017	043	PV		0	88.86	5,007,600	5,007,600	5,007,600	Year End Roll	8/28/2017
2017	043	JB		0	88.86	3,689,400	3,689,400	3,689,400	Year End Roll	5/10/2017
2016	043	FV		0	88.86	3,689,400	3,689,400	3,689,400	Year End Roll	8/30/2016
2016	043	JB		0	88.86	3,689,400	3,689,400	3,689,400	Year End Roll	5/11/2016
2015	043	FV		0	88.86	3,689,400	3,689,400	3,689,400	Year End Roll	8/26/2015

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	
Postal:	

NARRATIVE DESCRIPTION

This Parcel contains 88.86 ACRES of land mainly classified as IND-COMM

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
CENTURY PARK, L	6046-1132		12/29/1998	DIV INT	1,250,000	Yes	No		
DIGITAL EQUIPME	5878-0940		11/25/1997		2,500,000	No	No		
	2826-0213		3/6/1981			No	No		

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	GD	GENERAL		water	3	TOWN WATE
				Sewer		
				Electri	6	SEWERAC
				Exmpt		
				Flood Haz: AE		
				Topo		
				Street		
				Gas:		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
6/15/2017	Field Review	9	PVA
5/15/2012	Field Review	9	PVA
7/11/2007	Vacant Lot	9	PVA
9/18/2001	Vacant Lot	0	PATRIOT
12/4/1990	Inspected	2	AVITAR

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class %	Spec Land	J Code	Fact	Use Value	Notes
390	VAC COM		2		SITE ACRE	COMM SITE		0 525,000.	1.00	ML1				ECO-RE			1,050,000					1,050,000	
440	VAC IND LAN		15		SITE ACRE	IND SITE		0 250,000.	0.72	IS				ACREAG	-28	ECO-RE	2,700,000					2,700,000	WET/TOPO/ACCESS
440	VAC IND LAN		71.86		ACRES	IND EXCESS		0 25,000.	0.70	IS				ECO-RE			1,257,550					1,257,600	

Total AC/HA: 88.86000 Total SF/SM: 3870742 Parcel LUC: 043 IND-COMM Prime NB Desc: C-LOWELL Total: 5,007,550 Spl Credit Total: 5,007,600

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

Database: Assesspro - HudsonNH

amym

2019



Patriot Properties Inc.

USER DEFINED

Prior Id # 1:	0013
Prior Id # 2:	0008
Prior Id # 3:	0000
Prior Id # 1:	SP
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	
CivilDistrict:	
Ratio:	

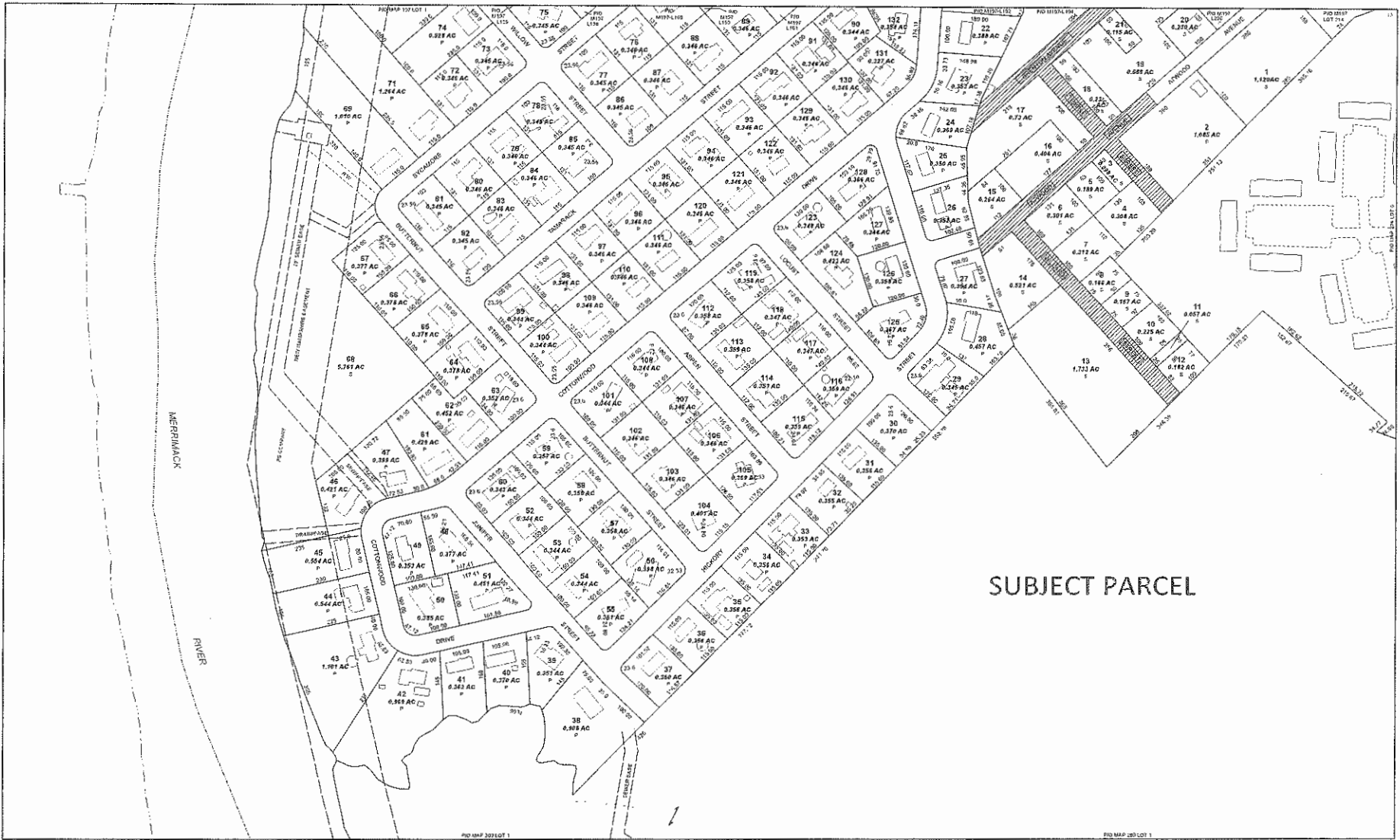
PRINT

Date	Time
02/11/19	09:00:20



LAST REV

Date	Time
08/20/18	12:01:29

jmichaud 1517



SUBJECT PARCEL

<p>Notes:</p> <p>1) For Tax Assessment Purposes Not to be Used for Conveyances</p> <p>2) P - Parcel Information from Recorded Plan D - Parcel Information from Recorded Deed S - Parcel Information from Map Scale Only</p>	 <p>TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03041</p>	<p>MAP LEGEND</p> <table border="0"> <tr> <td></td> <td>PARCEL BOUND</td> <td></td> <td>RIGHT OF WAY</td> </tr> <tr> <td></td> <td>PAPER ROAD</td> <td></td> <td>PRIVATE RIGHT OF WAY</td> </tr> <tr> <td></td> <td>WETLAND</td> <td></td> <td>PARCEL DIMENSION</td> </tr> <tr> <td></td> <td>BUILDING</td> <td></td> <td>PARCEL AREA</td> </tr> <tr> <td></td> <td>EASEMENT LINE</td> <td></td> <td>HATCH LABEL</td> </tr> <tr> <td></td> <td>WATER LINE</td> <td></td> <td></td> </tr> <tr> <td></td> <td>TOWN LINE</td> <td></td> <td></td> </tr> </table>		PARCEL BOUND		RIGHT OF WAY		PAPER ROAD		PRIVATE RIGHT OF WAY		WETLAND		PARCEL DIMENSION		BUILDING		PARCEL AREA		EASEMENT LINE		HATCH LABEL		WATER LINE				TOWN LINE			<p>100 50 0 100 200 300 Feet</p> <p>1 in = 100 ft. (SCALE APPLIES TO PAPER SIZE ARCH D)</p> <p>NEW HAMPSHIRE STATE PLANE COORDINATE GRID, NAD 1983, US FEET PHOTOGRAPHY DATE APRIL 4, 1995 PARCEL MAPPING BY EAST COAST MAPPING, INC. UPDATED BY AERIAL SURVEY & PHOTO, INC. UPDATED BY NRPC - 2016</p>	 <p>NRPC</p>	<p>INDEX DIAGRAM</p> <table border="1" style="border-collapse: collapse; text-align: center;"> <tr> <td>197</td> <td>198</td> </tr> <tr> <td>203</td> <td>204</td> </tr> <tr> <td>209</td> <td>210</td> </tr> </table>	197	198	203	204	209	210	<p>PROPERTY MAP TOWN OF HUDSON HILLSBOROUGH COUNTY NEW HAMPSHIRE</p> <p style="font-size: 2em; font-weight: bold;">203</p>
	PARCEL BOUND		RIGHT OF WAY																																					
	PAPER ROAD		PRIVATE RIGHT OF WAY																																					
	WETLAND		PARCEL DIMENSION																																					
	BUILDING		PARCEL AREA																																					
	EASEMENT LINE		HATCH LABEL																																					
	WATER LINE																																							
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197	198																																							
203	204																																							
209	210																																							



SUBJECT PARCEL

Notes.

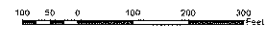
- 1) For Tax Assessment Purposes
Not to be Used for Conveyances
- 2) P - Parcel Information from Recorded Plan
D - Parcel Information from Recorded Deed
S - Parcel information from Map Scale Only



TOWN OF HUDSON
12 SCHOOL STREET
HUDSON, NH 03051

MAP LEGEND

- PARCEL BOUND
- PAPER ROAD
- WETLAND
- BUILDING
- EASEMENT LINE
- WATER LINE
- TOWNLINE
- ROAD RIGHT OF WAY
- PRIVATE RIGHT OF WAY
- PARCEL NUMBER
- PARCEL DIMENSION
- PARCEL AREA
- MATCH LABELS



1 in = 100 ft. (SCALE APPLIES TO PAPER SIZE ARCH D)
NEW HAMPSHIRE STATE PLANNING COORDINATE GRID, NAD 1983, US FEET
PHOTOGRAPHY DATE: APRIL 4, 1999
PARCEL MAPPING BY: EAST COAST MAPPING, INC.
UPDATED BY AERIAL SURVEY & PHOTO, INC.
UPDATED BY NRPC - 2015



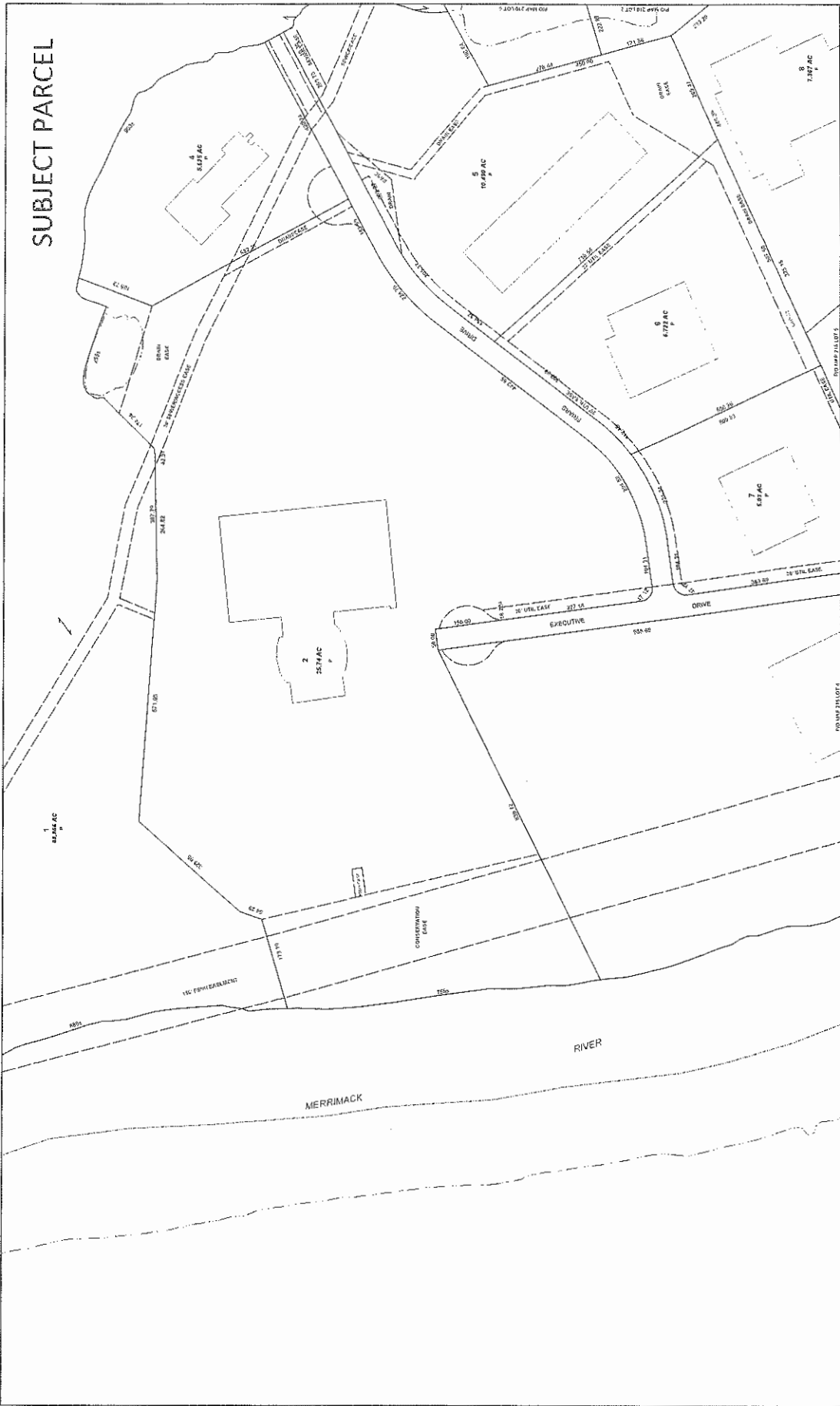
INDEX DIAGRAM

197	198	199
203	204	205
209	210	211

PROPERTY MAP
TOWN OF HUDSON
HILLSBOROUGH COUNTY
NEW HAMPSHIRE

204

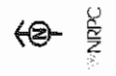
SUBJECT PARCEL



PROPERTY MAP TOWN OF HUDSON HILLSBOROUGH COUNTY NEW HAMPSHIRE

INDEX DIAGRAM

203	204
209	210
215	216



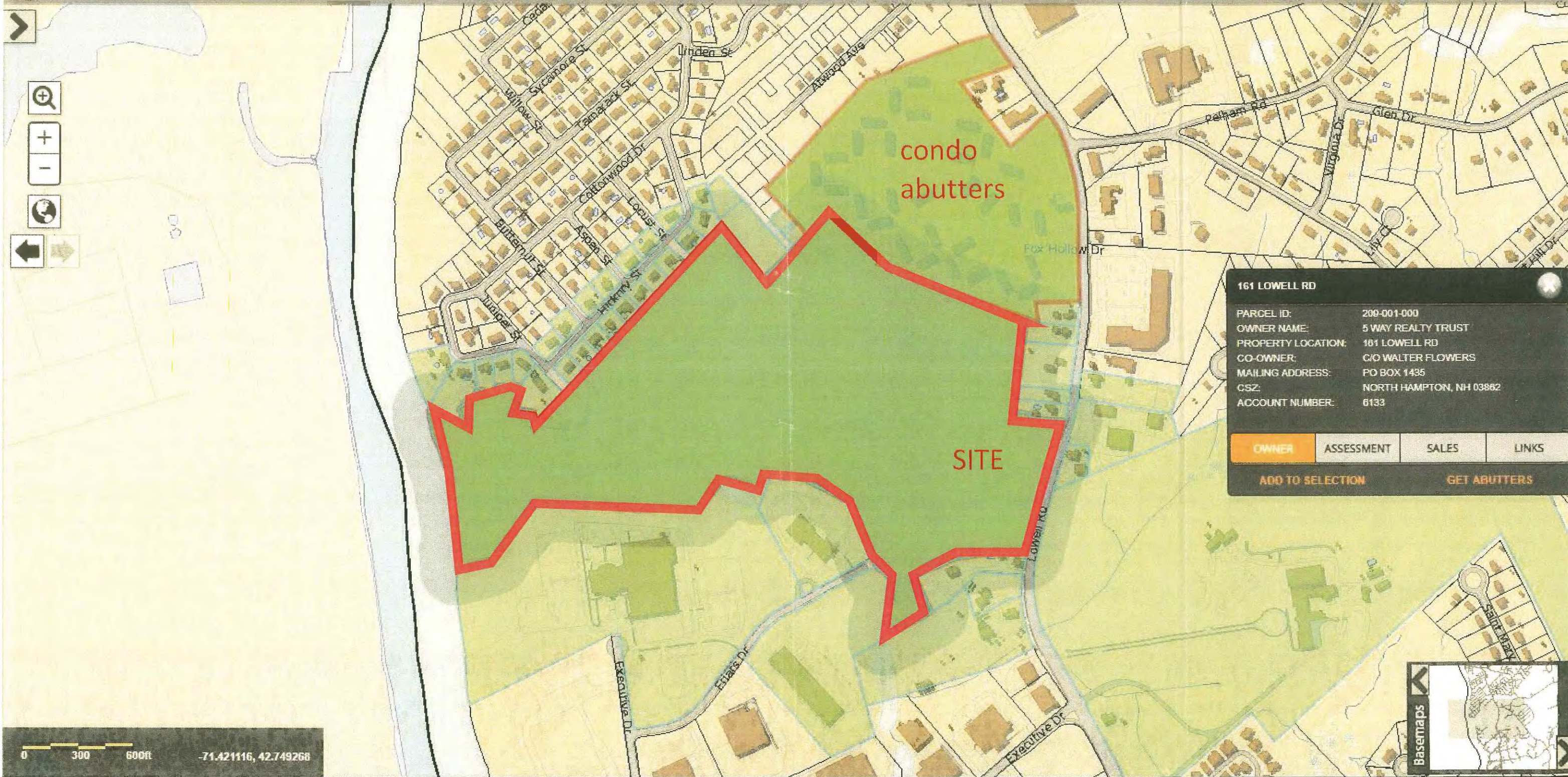
100 50 0 100 200 300 Feet
 1 in = 100 ft (SCALE APPLIES TO PAPER SIZE ARCH D)
 NEW HAMPSHIRE STATE PLANS COMMISSION (NSPC) HAS MADE THIS SET OF
 PHOTOGRAPHIC DATE 08/24/14, 10/27/14, 11/17/14, 12/17/14
 PLANNED BY FRANKLIN, SURVEY & PLANNING, INC.
 IMPROVED BY NRPC-2015

MAP LEGEND

	PARCEL EASEMENT
	PAPER ROAD
	PRIVATE RIGHT OF WAY
	PARCEL NUMBER
	PARCEL DIMENSION
	PARCEL AREA
	EASEMENT LINE
	CENTER LINE
	TOPOGRAPHY



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



161 LOWELL RD

PARCEL ID:	209-001-000
OWNER NAME:	5 WAY REALTY TRUST
PROPERTY LOCATION:	161 LOWELL RD
CO-OWNER:	C/O WALTER FLOWERS
MAILING ADDRESS:	PO BOX 1435
CSZ:	NORTH HAMPTON, NH 03862
ACCOUNT NUMBER:	6133

OWNER ASSESSMENT SALES LINKS

ADD TO SELECTION GET ABUTTERS



Printed
2/12/2019
12:00PM
Created
2/12/2019
11:52 AM

Transaction Receipt

Receipt# 538,672
tgoodwyn

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

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning-Variance Application 161 Lowell Road Map 209/lot 001 Variance app	0.00	289.9500	0.00
			Total:	289.95

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Welts, White & Fontaine, P.C.	CHECK	77917	289.95	0.00	289.95
			Total Due:		289.95
			Total Tendered:		289.95
			Total Change:		0.00
			Net Paid:		289.95

- c. Members and Alternates of the Board, and any party to the case, may ask questions at any point during testimony once recognized by the Chairman.
- d. Each person who appears shall be required to state his/her name and address for the record and indicate whether he/she is a party to the case or an agent or counsel of a party to the case.
- e. The applicant shall be called to present his appeal.
- f. Those appearing in favor of the appeal shall be allowed to speak.
- g. Those in opposition or neutral to the appeal shall be allowed to speak.
- h. The applicant and those in favor shall be allowed to speak in rebuttal.
- i. Those in opposition to the appeal shall be allowed to speak in rebuttal.
- j. Any person who wants the Board to compel the attendance of a witness shall present his request in writing to the Chairman in accordance with RSA 673.15
- k. The Board of adjustment will hear with interest any evidence that pertains to the facts of the Case or how the facts relate to the provisions of the zoning ordinance and state zoning law.
- l. The Chairman shall present a summary setting forth the facts of the case and the claims made for each side (see Findings of Facts form in Appendix C). Opportunity shall be given for correction from the floor.
- m. The public hearing on the Case shall be declared closed and the Case will be declared to be before the Board. The Board will deliberate and make its decision.
- n. All subsequent cases shall then be heard in the order they were presented.

143.9 Decision Process

Before deliberations begin, the Chairman shall allow non-sitting alternates, the Selectmen's Liaison, if present, and the Zoning Administrator or his/her replacement to ask questions and give input, if they so desire.

Once this phase is completed, the Chairman shall declare the matter before the Board and the sitting members present who are voting will raise any further questions they may have and then deliberate all concerns in order to reach a decision on the request.

The Board shall vote on each of the applications for which testimony was given, after adequate deliberations—.

For the granting of variances: the Board will consider a "vertical" (member) method of voting on each criteria.

The Chairman shall announce all decisions after the vote has been taken.

143.10 Deferment and Withdrawal


**TARBELL
& BRODICH, PA**
ATTORNEYS AT LAW



August 10, 2018

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

RE: Legislative Update

Dear Chairman Brackett and Members of the Board of Adjustment:

I am writing to the Board to discuss HB 1215 and SB 339, which involve two (2) new amendments to RSA § 674:33. Copies of both new laws are attached.

HB 1215

HB 1215 amends RSA § 674:33, by adding new subparagraph I (c), which states that, "[t]he board shall use one voting method consistently for all applications until it formally votes to change the method. Any change in the board's voting method shall not take effect until 60 days after the board has voted to adopt such change and shall apply only prospectively, and not to any application that has been filed and remains pending at the time of the change."

While the obvious intention of the amendment is to promote consistency in voting, I think the law recognizes that there are different ways for the ZBA to vote, and rather than promoting any particular methodology, the statute gives the ZBA the ability to decide for itself how it will conduct its voting.

To elaborate further, how the ZBA conducts its voting can have dramatically different results. Consider the following hypothetical:

*Eaton W. Tarbell, Jr.
Nicholas Brodich
Shane R. Stewart
Eaton W. Tarbell, III
Friedrich K. Moeckel*
James F. Pross**
David E. LeFevre*

*All Attorneys admitted
in New Hampshire
or as otherwise designated.*

**Also admitted in Massachusetts
**Admitted in Maine only*

Reply to:
Concord, NH Office
45 Centre Street
Concord, NH 03301

1-877-898-1135
603-226-3900 Tel
603-225-5398 Fax

Auburn, ME Office
86 Main Street, Suite 203
Auburn, ME 04210

207-333-6005 Tel
207-333-6006 Fax

Variance Criteria	Member 1	Member 2	Member 3	Member 4	Member 5
Hardship	No	Yes	Yes	Yes	Yes
Public Interest	Yes	No	Yes	Yes	Yes
Spirit and Intent	Yes	Yes	No	Yes	Yes
Substantial Justice	Yes	Yes	Yes	No	Yes
Diminution of Property Values	Yes	Yes	Yes	Yes	No

If the votes are counted "horizontally" by criteria, the collective vote of the board is that each individual criteria are satisfied by a margin of 4-1, resulting in an approval of the variance.

If the votes are counted "vertically" by member, the result is a denial, because each member has individually determined that the applicant has failed to satisfy all five (5) of the criteria.

Accordingly, I think the ZBA needs to have a discussion about its voting procedure, and formally adopt that procedure as part of its bylaws. I would also add that I know the ZBA has been using decision worksheets for many years, and periodically questions have been raised about the worksheets, and I would suggest that the ZBA can take this opportunity to incorporate (or not) the use of its worksheets as part of its voting procedure.

SB 339

SB 339 amends RSA § 674:33, III, to provide that the vote of "any 3 members" of the ZBA are needed to "take any action" on matters before the Board. This amendment does not change the requirement that the ZBA still needs a concurring vote of 3 to act. However, it does clarify who may vote.

I believe this new law is intended to address the situation in which the members who are present at one meeting are not the same members present at a subsequent meeting, such as when alternates are appointed. The new law clarifies that "any" 3 members are needed to take action, regardless of who participated in a prior meeting or may participate in a subsequent meeting. Thus, the make-up of the ZBA's members need not be the same from the original vote on an application, to when the Board considers a motion to rehearing, or acts on a rehearing.

I also suspect the amendment may have been intended to address procedural rules, for example, which required that only the persons voting against an application could vote in favor of a rehearing.

If the Board has any questions regarding these new laws, please let me know.

CHAPTER 168
HB 1215 - FINAL VERSION

6Mar2018... 0738h
04/12/2018 1352s

2018 SESSION

18-2035
03/08

HOUSE BILL **1215**

AN ACT relative to voting on variances.

SPONSORS: Rep. J. Belanger, Hills. 27; Rep. Gauthier, Sull. 3

COMMITTEE: Municipal and County Government

ANALYSIS

This bill establishes requirements for zoning boards of adjustment voting on variances.

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.
6Mar2018... 0738h
04/12/2018 1352s 18-2035
03/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to voting on variances.

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

168:1 Variance; Procedure. Amend RSA 674:33, I to read as follows:

I. ~~(a)~~ The zoning board of adjustment shall have the power to:

~~[(a)]~~ **(1)** Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and

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

~~[(1)]~~ **(A)** The variance will not be contrary to the public interest;

~~[(2)]~~ **(B)** The spirit of the ordinance is observed;

~~[(3)]~~ **(C)** Substantial justice is done;

~~[(4)]~~ **(D)** The values of surrounding properties are not diminished; and

~~[(5)]~~ **(E)** Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

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

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

~~[(C)]~~ (B) The proposed use is a reasonable one.

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

(3) The definition of "unnecessary hardship" set forth in ~~subparagraph (5)]~~ *subparagraphs (1) and (2)* shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

(c) The board shall use one voting method consistently for all applications until it formally votes to change the method. Any change in the board's voting method shall not take effect until 60 days after the board has voted to adopt such change and shall apply only prospectively, and not to any application that has been filed and remains pending at the time of the change.

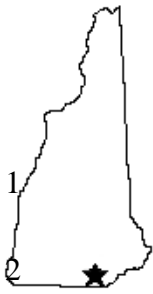
168:2 Reference Changed. Amend the introductory paragraph of RSA 674:33, V to read as follows:

V. Notwithstanding subparagraph ~~[(b)]~~ *I(a)(2)*, any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

168:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 08, 2018

Effective Date: August 07, 2018



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 – January 24, 2019 – draft

The Hudson Zoning Board of Adjustment met on January 24, 2019, in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall.

Chairman Charlie Brackett called the meeting to order at 7:00 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 due to the sensitivity of the microphones, stated that there are copies of the Agenda and Appeal process on the shelf by the door, noted that should anyone disagree with a decision made by the Board, that an appeal can be filed within thirty days and should include new evidence or specify the error the Board made. Mr. Brackett 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), Maryellen Davis (Regular/Acting Clerk), Gary Dearborn (Regular) and James Pacocha (Vice Chair). Also present were David Morin, Selectman Liaison, and Louise Knee, Recorder. Excused were: Gary Daddario (Regular) and Bruce Buttrick, Zoning Administrator. Absent was Mike Pitre (Alternate). Kevin Houle (Alternate/Clerk)'s term has expired. Ms. Davis was asked to perform the duty of the Clerk for this meeting. 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 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 VII §334-21, Table of Permitted Principal Uses].

Ms. Davis read the Case into the record. Stephen Hebert introduced himself, stated that he would like to construct a 3-car garage stand-alone garage on his property to accommodate his collector cars, that his home ~~is~~ is in the 'B' (Business Zone) even though there is only one business in his neighborhood, the rest being ~~d~~ d=single-family

Not Official until reviewed, approved and signed.

As edited [GD1, **BB, MD**]

47 homes and that because of the Zone, is seeking a variance for a garage, which is a
48 reasonable accessory use for a home.

49

50 Mr. Hebert addressed the criteria necessary for the granting of a variance and the
51 information shared included the following:

52

53 1) *not contrary to public interest*

- 54 • proposed construction would be in keeping with the character of the
55 established residential neighborhood in a business zone

56

57 2) *spirit of Zoning Ordinance observed*

- 58 • is met as a garage is an established accessory use to a residence and
59 would be in character with the established residential neighborhood

60

61 3) *substantial justice done*

- 62 • the addition of a garage is an accessory use for the residential use
63 already established in the

64

65 4) *surrounding property values not diminished*

- 66 • proposed construction would be in keeping with the character of the
67 established residential neighborhood
- 68 • proposed construction allows for good housekeeping and storage of
69 vehicles in a garage

70

71 5) *unnecessary hardship if not granted*

- 72 • garage is a common accessory to every and any residence
- 73 • the proposed garage meets all other requirements, except Zone
- 74 • the placement of this neighborhood in the “B” (Business) Zone causes the
75 hardship

76

77 Public testimony opened at 7:08 PM. No one addressed the Board.

78

79 Mr. Dearborn stated that he went to the site and there were all homes in the
80 neighborhood and was surprised that it was classified as the “B” Zone and thought
81 perhaps it was due to the proximity to Route 111. Mr. Brackett noted that variances
82 were given to build the houses. In response to Mr. Dearborn’s question regarding the
83 second floor of the garage, Mr. Hebert stated that there would be no plumbing and
84 would not be or become an ADU (Accessory Dwelling Unit). Ms. Davis questioned the
85 personal use of the garage and Mr. Hebert stated that he is a collector of vehicles. Mr.
86 Brackett noted that a curb cut onto Route 111 is not proposed and that the existing
87 curb cut on Windham Road will remain as is and would not be altered.

88

89 Motion made by Mr. Pacocha and seconded by Mr. Dearborn to grant the Variance as
90 presented and with no conditions. Mr. Pacocha spoke to his motion noting that even
91 though it is Zoned “B”, the neighborhood is all residential homes and that a garage is
92 a standard accessory to any home and would be in character with the neighborhood.
93 Mr. Dearborn agreed with Mr. Pacocha noting that the zone classification could
94 possibly be due to its close proximity to Route 111 and added that the hardship is
95 met/due by the zone classification. Vote was 4:0. Motion passed. Variance granted.
96 The 30-day appeal period was noted.

97

98
99 2. Case 211-039 (1-24-19): Janice Jabczanka, 61 Burns Hill Road, Hudson,
100 NH, requests a Variance, to build a 1,200 square feet Accessory Dwelling
101 Unit (ADU), where 750 square feet max is allowed.[Map 211, Lot 039, Zoned
102 R-2; HZO Article XIII A, §334-73.3, ADU Provisions].
103

104 Ms. Davis read the Case into the record. Jay Leonard introduced himself as an
105 attorney from Nashua representing Janice Jabczanka who was also present and
106 sitting with the public. Atty. Leonard referenced the Fact Sheet submitted with the
107 application, Mr. Buttrick's Staff Report dated 1/11/2019, the Assessor's record and
108 two (2) floor plans, one titled "Original Basement Layout" and the other titled
109 "Proposed Layout".
110

111 Atty. Leonard stated that the property is the former "Provincial House" of the Oblate
112 Fathers associated with the former owners, the Missionary Oblates of Mary
113 Immaculate, and was built as a home for several Oblate Fathers associated with the
114 retreat. The home was built, and continues to have, one heating system, one well and
115 one septic system. In the late 1980's, the Provincial House was sold as part of a
116 development effort. The size of the Provincial House lot is 6.04 acres and the new lots
117 created in the development were created close to the one-acre minimum lot size.
118

119 Atty. Leonard stated that the house itself is also an unusual home, referenced the
120 Assessor's Sheet and noted that the house has two (2) floors above ground and a
121 basement totaling 11,714 SF (square feet) of gross living area of which 5,742 SF is
122 above ground level and finished and a basement with 3,376 SF. Due to the size of the
123 structure, the basement has several ~~lolly lally~~ columns to provide support for bearing
124 walls, two (2) existing stairways to/from the first floor, a half bath, a utility room, a
125 furnace room, an electrical closet, an unfinished hobby room and game room, several
126 other unfinished rooms and an 8.6'x5' chimney base. There exists two (2) external
127 access/egress points from the basement, at the opposite end from the existing garage,
128 one regular door and one 6' sliding glass door, and a couple of windows.
129

130 Atty. Leonard stated that the intent of the ADU (Accessory Dwelling Unit) is to provide
131 housing for the property owner's sister Brenda, who is also present at the meeting and
132 sitting in the public, and proceeded to identify how an ADU is one mechanism for a
133 community to offer diverse housing options for independent living, that the State
134 recently passed law defining and mandating ADUs to be available, that ADUs are
135 designed to protect the single family character of a neighborhood, and that Hudson
136 complies and has stipulated a more restrictive size limitation of 750 SF. Atty. Leonard
137 stated that the proposed 1,250 SF ADU is acceptableokay, per State Law but notwith
138 the Town of Hudson.
139

140 Atty. Leonard directed the Board's attention to the "Proposed Layout", noted that the
141 ADU area is colored in yellow, located on the right, away from the garage and where
142 plumbing, windows and doors are already located and noted that it only has one
143 bedroom with no opportunity for a second bedroom. Atty. Leonard stated that there
144 would be no exterior changes to the house building, that this is a modest proposal
145 given the existing 8.5' x 5' fireplace/chimney base between the proposed Kitchen and
146 living room, that the ADU would consume approximately one third (1/3) of the
147 basement area and that the ADU complies with all State regulations and Hudson's

148 criteria with the exception of square footage. Atty. Leonard noted that the Board (ZBA)
149 has approved larger ADU units in the past and cited examples on Kara's Crossing and
150 Schaeffe^r Circle. Atty. Leonard also noted that the applicant sent letters to her
151 neighbors regarding the proposal and received no objections.
152

153 Atty. Leonard next addressed the variance criteria and shared the following
154 information:
155

156 1) *not contrary to public interest*

- 157 • Proposal provides an independent living space for a family member
158 without any impact to the neighborhood, the community or public
159 interests.
- 160 • The exterior structure will not change
- 161 • Public interests and general welfare of the community are met in that
162 appropriate water, sewer and fire access already exists
163

164 2) *spirit of Zoning Ordinance observed*

- 165 • The Ordinance specifically states that it is designed to "increase the
166 supply of affordable housing in Town without the need for more
167 infrastructure or further land development.
- 168 • The Ordinance also intends to maintain a relationship between the size
169 of the accessory dwelling unit and the size of the primary unit. The
170 primary unit has 5,742 SF of finished space plus garage and deck. The
171 accessory unit will have 1,250 SF of finished space that represents
172 approximately 13% of the finished space within the structure and will
173 consume approximately 27% of the total basement level.
- 174 • There is no threat to public health, safety or welfare
175

176 3) *substantial justice done*

- 177 • The property owner will always reside at the premise and desires to
178 pursue an ADU instead of a duplex.
- 179 • The cost to redesign and relocate existing structural and utility
180 improvements would be a substantial financial burden on the applicant
181 and that burden would be imposed without any benefit to the general
182 zoning scheme or to the neighborhood.
183

184 4) *surrounding property values not diminished*

- 185 • With no exterior changes, there will be no impact to surrounding
186 property values, nor will there be changes to the character of the
187 neighborhood.
188

189 5) *unnecessary hardship if not granted*

- 190 • The size of the lot and the size of the house are unique in that both are
191 larger than the others in the area/neighborhood
- 192 • The house with its walk-out basement also has existing structural walls
193 that must be accommodated
- 194 • The inclusion of a laundry room and storage closets are reasonable for a
195 dwelling unit. The design is reasonable.
- 196 • The scale of the ADU is appropriate when compared to the primary living
197 unit. There is no change to the primary living unit.

- 198 • The proposed ADU meets all State of NH conditions and all of Hudson's
199 conditions except for the size.
200

201 Public testimony opened at 7:36 PM. No one addressed the Board.
202

203 Board discussion ensued. Mr. Brackett asked if this was the residence that had the
204 short wave radio antenna and Atty. Leonard confirmed and added that there are no
205 antennae currently on the property. Mr. Brackett stated that the garage is at the
206 other end of the house from the proposed ADU and asked if a garage and driveway are
207 being considered for the ADU and Atty. Leonard responded that neither are proposed.
208

209 Ms. Davis stated that the house is big, asked how many bedrooms and bathrooms
210 currently exist, noted the number of unfinished rooms and space in the non-ADU
211 section of the basement, noted that variances stay with the land and expressed
212 concern that it could become a boarding house, which would require Planning Board
213 approval. Discussion arose on how to safeguard against it becoming more than just
214 an ADU. One suggestion was to have the deed adjusted to reflect the ADU. Atty.
215 Leonard stated that the ADU would be specified on the Building Permit and with the
216 Assessors. Mr. Brackett stated that there is historical evidence that unless recorded
217 with the registry, a check of Town records could be overlooked by a new owner.
218 Suggestion made to have the specificity reflected in the Notice of Decision because it is
219 recorded at the Registry of Deeds. Janice Jabczanka addressed the Board, stated that
220 she is trying to follow all the rules, has no intent to create a duplex, an apartment or
221 a boarding house and has no objection if the variance approval specifies it is just for
222 an ADU and that get recorded at the Registry.
223

224 Motion made by Mr. Dearborn and seconded by Mr. Pacocha to grant the variance
225 allowing a 1,250 SF ADU (Accessory Dwelling Unit) with the stipulation that it is just
226 for an ADU to be filed with the Registry of Deeds and with the understanding that any
227 further changes to the structure would require appropriate Town approvals. Vote was
228 3:1 to grant with the stipulation. Ms. Davis opposed based on the size. Motion
229 passed. Variance granted with stipulation. The thirty-day appeal period was noted.
230

231

232 **II. REVIEW OF MINUTES**

233

234 1. 12-13-18 Minutes

235

236 Board reviewed the edited version presented and made no additional changes. Motion
237 made by Mr. Dearborn and seconded by Mr. Pacocha to approve the 12/13/2018
238 Minutes as edited and presented. Vote 3:0:1. Ms. Davis abstained
239

240 **III. REQUEST FOR REHEARING**

241

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

248
 249 Ms. Davis read the request into the record. Mr. Pacocha stated that he read the letter
 250 from Atty. Robert Shepard from Smith-Weiss Shepard, PC of Nashua and thought it
 251 was more of an argument for the variance application than an appeal. Mr. Dearborn
 252 stated that there was no new evidence presented. Mr. Brackett noted that it was
 253 received six (6) days after the appeal period expired and stated that the 30-day appeal
 254 period is extremely important and it is up to the applicant to do their due diligence
 255 and that, in his opinion, ~~it~~ a rehearing is not warranted.

256
 257 Motion made by Mr. Dearborn and seconded by Mr. Pacocha to deny the request for
 258 re-hearing for the following ten (10) reasons:

- 259
- 260 (1) the request was not filed within the 30-day appeal period
 - 261 (2) there was no new evidence presented
 - 262 (3) the Building Permit issued in 1988 was to raise the existing roof to
 263 accommodate garage doors with no mention of office space or living
 264 accommodations
 - 265 (4) in 2008 Kim Gobbi agreed that the office space would not be used for living
 266 space
 - 267 (5) the lot is undersized for Mixed / Dual Use. A minimum of 87,120 SF is
 268 required and this lot has 20,950 SF which is about a quarter of the size
 - 269 (6) the lot does not have the required 200' frontage. It has 149' frontage on
 270 River Road and 94' frontage on Stuart Street
 - 271 (7) there have been multiple code violations over the years
 - 272 (8) there was never a Building Permit pulled for the living accommodations
 - 273 (9) the 30-day appeal period was clearly stated by the Chairman
 - 274 (10) the living space has existed without any form of Town approval

275
 276 Vote to deny the Request for Re-hearing was 3:0:1. Ms. Davis abstained. Request
 277 denied.

278
 279 **IV. OTHER**

- 280
 281 1. Proposed Zoning Ordinance amendments going to ballot.

282
 283 Mr. Brackett stated that he attended the Planning Board meeting; thought Brian
 284 Groth, Town Planner, did a good job translating Zoning to the Planning Board; that
 285 the Planning Board only wants to submit ~~six~~ six (6) Warrant Articles for the ballot;
 286 that Mr. Groth managed to combine nine (9) proposed amendments into six (6); that
 287 Tiny Houses needs more work, that the State is also working on it and the Planning
 288 Board thought it prudent to wait for the State. Mr. Brackett stated that Zoning
 289 Amendments falls under the Planning Board's jurisdiction and that going forward Mr.
 290 Groth should be included for both his knowledge and his ability to feed the Planning
 291 Board.

292
 293 Ms. Davis stated that the process invoked this year worked well, that the next
 294 changes, Tiny Houses and Backyard Animals, will be more substantive and require
 295 much more work and would welcome Mr. Groth to the process.

- 296
 297 2. Election of Officers

298

299 Suggestion made to defer until full Board present. Selectman Morin agreed.
300

301

302 3. Proposed State legislation of interest.

303

303 Mr. Buttrick identified six (6) House Bills of interest, one pertaining to Tiny Houses.
304 By general consensus, discussion deferred so Mr. Buttrick could participate.

305

306

307 4. Status of Alternate Mike Pitre

308

308 Mr. Brackett stated that he has reached out to Mike Pitre but has not received a
309 response, that he values Mr. Pitre's input and that the cost of the mailings is now
310 questioned especially if Mr. Pitre is no longer able to serve on the Board. Mr. Brackett
311 asked Mr. Morin to have the Selectman reach out to Mr. Pitre to determine his status
312 and if Mr. Pitre is no longer able to be a Member to please make sure to thank him for
313 his service. Mr. Morin agreed and asked if ZBA has the 3-missed meetings clause in
314 their Rules and Ms. Davis confirmed.

315

316 Mr. Brackett emphasized the Board's need for Alternate Members

317

318 5. Training by NH Municipal Association

319

320 Selectman Morin reported that he attended a two-hour class by NH Municipal
321 Association that was very beneficial and hopes to make it available to all Chairmen,
322 Vice Chairmen and all Members of every Town Board and Commission – after March's
323 Town Vote.

324

325

326 Motion made by Mr. Dearborn, seconded by Mr. Pacocha and unanimously voted to
327 adjourn the meeting. The January 24, 2019 meeting adjourned at 8:29 PM.

328

329 Respectfully submitted,

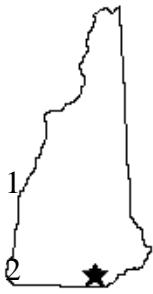
330

330 Louise Knee, ZBA Recorder

331

332

333



TOWN OF HUDSON

Zoning Board of Adjustment

Normand Martin, Chairman Marilyn McGrath, Selectmen Liaison

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

MEETING MINUTES – APRIL 27, 2017 - draft

The Hudson Zoning Board of Adjustment met on April 27, 2017, at 7:30 PM in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall. Chair Normand Martin called the meeting to order and made the following announcements: to please silence all cell phones; that there are copies of the Agenda and Appeal process on the shelf by the door; no smoking in the building; to address the Board to either sit at the table or stand by the lectern and to provide your name and address, with spelling; curfew is 11:00 PM; and to please refrain from talking in the audience.

Members present were: Charlie Brackett (R), Maryellen Davis (R), Normand Martin (R), Jim Pacocha (R), Mike Pitre (A), Donna Shuman (R) and Maurice Nolin (A/Clerk). Also present was Bruce Buttrick, Zoning Administrator. Excused were Kevin Houle (A) and Selectmen Representative Marilyn McGrath.

For the record, the Regular (R) Members voted. Mr. Martin directed the Board's attention to the second Public Hearing Case.

I. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD

1. Case 175-109 (4-27-17): Robert Gonthier, 9 Ferry Avenue, Hudson, NH, requests the following:
 - a) a Variance to expand the existing non-conforming use with the construction of a residential garage [Map 174, Lot 109, Zoned R-2 & B; HZO Article VII §334-27, Table of Dimensional Requirements]
 - b) a Variance to allow a 24' x 40' garage to be built within the side-yard setback, 15-feet required, 6-feet proposed [Map 174, Lot 109, Zoned R-2 & B; HZO Article VII §334-27, Table of Dimensional Requirements]

Mr. Nolin read the Case into the record. Mr. Buttrick referenced his Zoning Determination dated 6/7/2017 and stated that the lot is divided by two (2) Zones – Business (B) and Residential (R-2) – that the location of the proposed

44 garage is in the B Zone section of the Lot which is not an allowed Use even
45 though a garage is a normal accessory Use to a residence. In addition, the
46 proposed garage is to encroach into the side-yard setback.

47

48 Ron Gonthier of 9 Ferry Avenue introduced himself to the Board and stated
49 that he would like to build a garage next to the house, which is an existing
50 non-conforming use in the Business district, and to place the proposed 24' x
51 40' garage nine feet (9') into the side-yard setback.

52

53 Mr. Gonthier addressed the criteria for the granting of a variance and the
54 information shared included:

55

56 *(1) not contrary to the public interest*

57

58 • a garage is a common accessory use to a residence
59 • will not alter the character of the neighborhood as the house is
60 the last house on a dead-end section that contains only private
61 residences

62 • will not threaten public health, safety, or welfare as it would not
63 affect anything the public has access to, or otherwise injure
64 public rights

65 *(2) proposed use observes the spirit of the Ordinance*

66

67 • property is split zoned and used as residential
68 • there are only residences in the neighborhood and some have
69 garages

70 • a garage is a customary accessory to a residence

71 • spirit of the Ordinance includes allowing an appropriate use of
72 property and enhancing quality of living

73 • public health, safety and welfare will not be threatened

74 *(3) substantial justice done*

75

76 • property value will be increased
77 • garage will provide storage for vehicles, lawn equipment and
78 toys as well as a wood storage area

79 • the dilapidated shed will be eliminated

80 *(4) proposed use will not diminish surrounding property values*

81

82 • house is the last house on a dead-end street

83 • other houses have garages in the neighborhood

84 • the property is owned by Rene & Sheila Jette who also own the
85 property at 7 Ferry Avenue which abuts the property line where
86 the proposed garage is intended to be placed

87 • the garage would only be visible to one other residence, the
88 house across the street

89 *(5) hardship*

90

91 • house was built prior to the zone change to "B" (Business)

92 • house has always been used as a residence

93 • house is the last structure on a dead-end street

Not Official until reviewed, approved and signed.

As edited (BB, MD, LK)

- 89
- a garage is a customary accessory use to a home
- 90
- house location on the lot restricts the space and an
- 91
- encroachment into the side-yard setback is necessary to keep
- 92
- access to the backyard and to allow for snow removal
- 93
- there is a pool in the backyard and a septic system on the other
- 94
- side of the house
- 95
- a detached garage is proposed as an attached garage is not
- 96
- reasonable or economical
- 97

98 Ms. Davis clarified that the Board would first address the expansion of the
99 non-conforming use variance and if approved would then address the variance
100 for the garage to encroach the side-yard set-back.

101
102 Public testimony opened at 7:43 PM. The following individuals addressed the
103 Board:

104 (1) Rene Jette, 9 Ferry Avenue, stated that he owns both (9 & 7 Ferry
105 Avenue and that he has no problem with the proposed garage being
106 close to the property line.

107 (2) Greg Sutter ~~(sp?)~~, an abutter on 126 Central Street asked for
108 clarification and the positioning of the garage on the proposed lot,
109 received a copy of the plan and expressed no concerns.

110 Being no one else to speak, Public Testimony closed at 7:45 PM.

111
112 Mr. Pitre commented that a 40' garage is a big garage and Mr. Gonthier stated
113 that it's length is 40' but it is only 24' wide. Ms. Shuman asked if other areas
114 of the lot were considered for the garage and Mr. Gonthier responded that he
115 had and determined that the selected location is the ultimate best location
116 because the septic system is on the other side of the house and there is an
117 existing pool in the backyard. Mr. Brackett noted that the house preceded the
118 change in zone, that the whole area is residential, that in his opinion the
119 request seems reasonable and the applicant addressed each of the variance
120 criteria.

121
122 Ms. Davis asked what is the long-term plan for the two-car garage, specifically
123 the second story of the garage. Mr. Gonthier responded that it will be used for
124 storage, that it will be unfinished and would not be a complete second floor due
125 to the roof-line, that it would be basically a center strip more like a shelf. Mr.
126 Brackett asked and received confirmation from Mr. Gonthier that it would
127 never be converted to a dwelling unit.

128
129 Mr. Pacocha noted that the garage would reside in the Business zone.

130
131 Motion made by Mr. Pacocha to grant the variance for the expansion of a non-
132 conforming use to construct a garage with the stipulation that there would be
133 no further expansion of or construction of a dwelling unit in the garage.

134 Motion seconded by Ms. Davis. Mr. Pacocha spoke to his motion nothing that
135 it is in a residential neighborhood and a garage is a common accessory and
136 that the change in zoning caused the hardship and that denial would impose a
137 hardship on the individual and deny him a customary use. Ms. Davis
138 concurred and noted that the condition satisfies her concerns. Mr. Martin
139 noted that there is already a garage with a second dwelling unit on this lot that
140 was approved by variance back in 1987. Vote was 4:1. Mr. Martin opposed.
141 Motion carried. Variance to expand existing non-conforming use granted with
142 one stipulation.

143

144 The second variance, to allow a garage to be built nine feet (9') into the
145 required fifteen-foot (15') side-yard setback, was addressed. Mr. Gonthier
146 responded to the variance criteria and the following information was shared:

147

148 *(1) not contrary to the public interest*

149

- there is little to no public interest due to the residential neighborhood on a dead-end street
- a garage is a common accessory use to a residence
- there are other houses in the neighborhood that have a garage
- will not alter the character of the neighborhood as the house is the last house on a dead-end section that contains only private residences

150

151

152

153

154

155

156 *(2) proposed use observes the spirit of the Ordinance*

157

158

159

160

161

162

- will preserve property values, allow appropriate use of the land
- property is split zoned and used as residential
- a garage is a customary accessory to a residence
- spirit of the Ordinance includes allowing an appropriate use of property and enhancing quality of living
- public health, safety and welfare will not be threatened

163

164 *(3) substantial justice done*

165

166

167

168

169

- garage will improve property value and appearance
- garage will provide storage for vehicles, lawn equipment and toys as well as a wood storage area
- the dilapidated shed will be eliminated
- construction of garage will not harm public or individuals

170

171 *(4) proposed use will not diminish surrounding property values*

172

173

174

175

176

- house is the last house on a dead-end street
- other houses have garages in the neighborhood
- the property is owned by Rene & Sheila Jette who also own the property at 7 Ferry Avenue which abuts the property line where the proposed garage is intended to be placed
- the garage would only be visible to one other residence, the house across the street

177

178 *(5) hardship*

- house is the last structure on a dead-end street

Not Official until reviewed, approved and signed.

As edited (BB, MD, LK)

- 179
- a garage is a customary accessory use to a home
- 180
- house location on the lot restricts the space and an
- 181
- encroachment into the side-yard setback is necessary to keep
- 182
- access to the backyard and to allow for snow removal and use
- 183
- of the existing ramp
- 184
- other locations were considered and discarded as there is a pool
- 185
- in the backyard and a septic system on the other side of the
- 186
- house
- 187
- a detached garage is proposed as an attached garage is not
- 188
- reasonable or economical
- 189

190 Mr. Gonthier acknowledged that there already exists a garage on the property
191 with a dwelling unit above it, noted that there are two families living on this 3+
192 acre lot and added that he does not have access to the existing garage. Mr.
193 Gonthier stated that he would like a garage close to his home to contain his
194 vehicles, lawn care equipment and toys.

195

196 Public testimony opened at 7:58 PM. No one addressed the Board.

197

198 Mr. Brackett questioned the type of toys to be stored in the garage. Mr.
199 Gonthier stated that he has two (2) children and would use the garage to store
200 their power wheels, bicycles, boat, tractor; the garage would help unclutter the
201 lawn of these items and provide clean storage.

202

203 Ms. Davis asked if there is a fence between 7 & 9 Ferry Street and Mr. Gonthier
204 responded that there is for a short distance and no fence by the proposed
205 garage. Ms. Davis asked the distance between the house next door in relation
206 to the proposed garage as there is a need to insure enough space for fire
207 personnel to have access to both structures in the event of an emergency. Mr.
208 JettiJette shared the concern and confirmed that there is enough space
209 between the two structures and would still be enough space if the garage was
210 built right on the property line. Mr. JettiJette added that there is enough
211 space for him to take a backhoe or a dump truck through. Ms. Davis noted
212 that there is a white fence in the front of the property and Mr. JettiJette
213 confirmed noting that that fence is on the other side of his property between
214 his neighbor Mark Turner and himself.

215

216 Discussion ensued. It was noted that there is enough space between the
217 proposed garage and the house at 9 Ferry Avenue and should fire trucks need
218 access the rear of 7 Ferry Avenue, they could access via 9 Ferry Street driveway
219 or go around the house at 7 Ferry Street through their driveway on the other
220 side of the structure.

221

222 Mr. Pacocha inquired about the row of arborvitae and the two big trees and Mr.
223 Jette stated that the arborvitae would remain and that the two trees would

224 need to be cut down. It was also noted that the existing shed with its lean-to
225 for wood storage would be removed.

226
227 Mr. Brackett stated that a two-car garage is common and has no concern with
228 the width of twenty-four feet (24'), that the critical dimension is the depth of
229 forty feet (40') which extends the encroachment of the side-yard setback and
230 added that, in his opinion, forty feet (40') is reasonable to accommodate the
231 vehicles, yard equipment and toys. Mr. Brackett stated that it is not
232 uncommon to have garages encroach side-yard setbacks, that the placement of
233 existing structures on this lot dictates garage location and added that
234 consideration has been given for heavy equipment maneuvering and noted that
235 there was no opposing testimony presented.

236
237 Ms. Davis stated that this particular lot is unique in that the owner owns both
238 this property and the adjacent property and that the public rights of others
239 would not be injured. Mr. Pacocha stated that the owner could sell one of the
240 lots and Ms. Davis agreed but noted that the garage would be in existence then
241 and noticed.

242
243 Mr. Pacocha inquired about the woods road and Mr. Jette state stated that it
244 extends from his driveway, leads to the barn and beyond as it circles around to
245 9 Ferry Road.

246
247 Motion made by Ms. Davis to approve the variance to construct a 24' x 40' free-
248 standing garage nine feet (9') into the side-yard setback with no conditions.
249 Motion seconded by Mr. Brackett. Ms. Davis spoke to her motion noting that
250 every case is different, that it amazes her how conversation and testimony
251 clarify so many questions and issues, that having two lots with one owner is
252 unique, that public rights are not violated, that there is no other feasible place
253 to locate the garage and it satisfied all the criteria. Mr. Brackett agreed with
254 Ms. Davis, that it meets all the criteria because of the uniqueness of the
255 property and there was no opposing testimony. Vote was 4:1. Mr. Martin
256 opposed. Motion passed. Variance granted.

257
258 Mr. Martin stated that a Notice of Decision would be issued within the week
259 and advised the Applicant of the 30-day Appeal period.

260
261 2. Case 176-026 (4-27-17): Lori McGibbon, 7 Stuart Street, Hudson, NH,
262 requests a Variance to establish a dog training facility at 214-216
263 Central Street, Hudson, NH, which is not a use specifically listed in
264 the Table of Permitted Uses. [Map 176, Lot 026, Zoned B; HZO Article
265 V §334-20, Allowed Uses provided in tables]

266
267 Mr. Martin read the Case into the record and stated that the Board received an
268 email request yesterday from Bob James, authorized representative from Keller
269 Williams Realty Nashua, that the applicant no longer wants to pursue the dog

270 training facility. Motion made by Ms. Davis to accept the withdrawal of Case
271 #176-026 (4-27-17) without prejudice. Motion seconded by Ms. Shuman. Ms.
272 Davis stated the applicant has well maintained the property at 7 Stuart Street
273 and that if this variance had been pursued, she would have been inclined to
274 approve it. Ms. Shuman concurred. Motion passed. Vote 5:0. Case
275 withdrawn without prejudice.

276

277 **II. REVIEW OF MINUTES**

278

279 1. 1-26-17 Minutes

280

281 Board reviewed the draft Minutes. Ms. Davis noted that the letterhead needs to
282 be changed to reflect Mr. Martin as the Chairman. Ms. Shuman noted that her
283 name has a variety of spellings. Additional edits to clarify were made on page
284 4, changing "ruling" to "decision" and clarification on the Rehearing Case and
285 additional edits made for spelling and grammatical errors.

286

287 Motion made by Ms. Shuman to approve the 1/26/2017 Minutes as amended.
288 Motion seconded by Ms. Davis. Vote was unanimous. Motion carried.
289 Minutes approved.

290

291 2. 4-23-17 Workshop Meeting – Minutes?

292

293 Mr. Martin noted that the workshop was held and that Minutes were not taken.
294 Mr. Buttrick prepared skeletal Minutes to satisfy the RSA and noted that there
295 is no need for the Board to vote on them.

296

297 **III. REQUEST FOR REHEARING**

298

299 There were no requests presented for Board consideration.

300

301 **IV. OTHER**

302

303 1. Bylaws

304

305 Mr. Martin stated that when the Bylaws were amended in 2011, the Board did
306 not formally present them to the Board of Selectmen. Mr. Buttrick stated that
307 Board went through the correct process of holding Public Hearings and
308 formally adopting the Amended Version in June 2011, but the Town Code has
309 the old version of the Bylaws and when he investigated he was told that the
310 Board of Selectmen had to approve the Amended Bylaws before inclusion into
311 the Town Code. Mr. Buttrick suggested making a formal motion at this
312 meeting to present the June 2011 Bylaws to the Board of Selectmen for
313 inclusion into the Town Code.

314

315 Motion made by Ms. Davis, seconded by Mr. Brackett to present to the Board of
316 Selectmen (BoS) the 2011 Bylaws of the ZBA that were approved by the ZBA
317 after two (2) Public Hearings on June 23, 2011 to update the Town Code,
318 Section 143 titled Zoning Board of Adjustment. Letter to the BoS is to be
319 written by ZBA Chairman, Normand Martin. Mr. Brackett suggested
320 identifying the two (2) Public Hearing dates in the letter. Mr. Buttrick
321 concurred. Vote was unanimous, 5:0. Motion passed.

322
323 2. Discussion of any Town/State activity of interest to the Board
324

325 Mr. Martin made the following announcements regarding upcoming events:
326

- 327 • Next Saturday the OEP (Office of Estate Planning) Conference will be held
328 at the Grapponne Center in Concord, NH
- 329 • Next Tuesday, 5/2/17 at 7:00 PM, there is a Joint meeting scheduled
330 with the BoS, Town Council and ZBA in a non-public session
- 331 • Next Workshop meeting tentatively scheduled for May 11th at 7:00 PM,
332 Mr. Buttrick to post Notice to satisfy Right-to-Know Law
333

334 Discussion arose on the meeting times. By general consensus, the start time
335 for ZBA meetings will be 7:00 PM. Ms. Davis questioned whether the change
336 can be effective under the old Bylaws or whether the Board had to wait for the
337 BoS to approve the 2011 ByLaws
338

339 Ms. Davis asked about the ZORC (Zoning Ordinance Review Committee)
340 meetings as there have been several discrepancies noted that should be
341 addressed. Ms. Shuman thought the next meeting was scheduled for sometime
342 in May. Mr. Buttrick was asked to email the Planning Board Chairman, with a
343 copy to ZBA, regarding the next meeting.
344

345 Motion made by Ms. Davis, seconded by Mr. Brackett and unanimously voted
346 to adjourn the meeting. The 4/27/2017 ZBA meeting adjourned at 8:26 PM.
347
348

349 NOTE: Minutes prepared in January 2019 from audio recording by current
350 Recorder, Louise Knee, reviewed and approved at ZBA 2/28/2019 meeting and
351 signed by 2019 ZBA Chairman.

352
353 Respectfully submitted,
354 Louise Knee, Recorder
355
356

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: _____.