

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 – April 11, 2019

The Hudson Zoning Board of Adjustment will hold a meeting on April 11, 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 191-116 & 115 (4-11-19): James D. Allard, 26 Cherokee Avenue, Nashua, NH requests a Variance at 23 & 27 Roosevelt Ave, Hudson, NH to permit a self-storage facility (and related improvements including parking) on split-zoned land, located partially in the Business (B) District and partially in the Town Residence (TR) District which is a use not permitted in either district. [Map 191, Lots 116 & 115, Split Zoned B and TR; HZO Article V, §334-20 Allowed uses provided in tables and §334-21 Table of Permitted Principal Uses].
2. Case 222-003, 004, 005 & 006 (4-11-19): The Lannan Company, 7D Taggart Drive, Nashua, NH requests a Variance for RDALE Holdings LLC, RDB Holdings LLC, Hol-Bri, Inc. and Corner Lot, LLC located at 225 Lowell Road, 227 Lowell Road, 2 Flagstone Drive and an unnumbered lot at the corner of Flagstone Dr. and Lowell Rd., Hudson, NH to construct a proposed bank structure and associated drive-thru-canopy and trash enclosure with fifteen(15) ft. resultant setback from Sagamore Park Rd, where a fifty (50) foot front yard building setback is required. [Map 222, Lots 003, 004, 005 & 006, Zoned Industrial (I); HZO Article VII §334-27, Table of Minimum Dimensional Requirements].

II. Public Hearing:

Second Reading of proposed by-law amendment

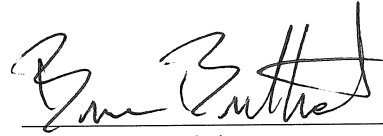
III. REVIEW OF MINUTES:

1. 03/14/19 Minutes
2. 03/21/19 Minutes

IV. REQUEST FOR REHEARING: None

V. OTHER:

1. OSI June 1, 2019 Spring Planning & Zoning Conference – registrations.
2. Planning Board ZORC: propose possible Z.O. amendments.
3. Discussion of possible ZBA Bylaws revisions regarding Clerk, Selectman's Rep. & Recorder duties.

A handwritten signature in black ink, appearing to read "Bruce Buttrick", written over a horizontal line.

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 *Bl 3-29-19* Meeting Date: April 11, 2019

Case 191-116 & 115 (4-11-19): James D. Allard, 26 Cherokee Avenue, Nashua, NH requests a Variance at 23 & 27 Roosevelt Ave, Hudson, NH to permit a self-storage facility (and related improvements including parking) on split-zoned land, located partially in the Business (B) District and partially in the Town Residence (TR) District which is a use not permitted in either district. [Map 191, Lots 116 & 115, Split Zoned B and TR; HZO Article V §334-20 Allowed uses provided in tables and §334-21 Table of Permitted Principal Uses].

Address: 23 & 27 Roosevelt Ave

Zoning district: Split: Business (B) & Town Residential (TR)

Property description: After the proposed 2 lot consolidation:

Lot area: 3.04 acres (132,400 sqft) 43,560 sqft required (for Business Zone/Use).

The particular geometry of this lot has two street frontages.

Frontage: Along Roosevelt Ave: 372.33 ft, 150 ft required.

Along F Street: 165 ft, 150 ft required.

Summary: Applicant proposes to consolidate both lots into one. Applicant requests a variance to permit a use (indoor self-storage mini warehouse) which is E-8 in the Table of Permitted Principal Uses §334-21. The use category E-8 is not permitted in either the B zone or T-R zone. The proposed building and property is bisected with the two zoning districts.

Town Staff review/comments:

Town Planner: yes Fire Dept: no Town Engineer: no

Other: Support letter from direct abutter.

HISTORY:

Zoning: Case 191-116 (10-26-17) Variance.

ATTACHMENTS:

“A” Assessing record of 23 Roosevelt Ave (Map 191 – Lot 116)

“B” Assessing record of 27 Roosevelt Ave (Map 191 – Lot 115)

“C” 10/26/17 ZBA Granted variance for change one existing non-conforming use to another non-conforming use.

“D” Town Staff review comments.

“E” Direct abutter comment letter.

23 ROOSEVELT AVE
Lot 116

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2018	401 - IND WAREHSE	75,700	3,400	219,400	2.25	0.00	298,500
2018	401 - IND WAREHSE	75,700	3,400	219,400	2.25	0.00	298,500
2017	401 - IND WAREHSE	75,700	3,400	219,400	2.25	0.00	298,500
2017	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2017	401 - IND WAREHSE	75,700	3,400	219,400	2.25	0.00	298,500
2016	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2016	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2015	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2015	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2014	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2014	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2013	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2013	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2012	401 - IND WAREHSE	66,200	4,100	164,500	2.25	0.00	234,800
2012	401 - IND WAREHSE	65,100	4,500	164,500	2.25	0.00	234,100
2011	401 - IND WAREHSE	65,100	4,500	164,500	2.25	0.00	234,100
2011	401 - IND WAREHSE	65,100	4,500	164,500	2.25	0.00	234,100
2010	401 - IND WAREHSE	65,100	4,500	164,500	2.25	0.00	234,100
2010	401 - IND WAREHSE	65,100	4,500	164,500	2.25	0.00	234,100
2009	401 - IND WAREHSE	65,100	4,500	164,500	2.25	0.00	234,100
2008	401 - IND WAREHSE	65,100	4,500	164,500	2.25	0.00	234,100
2008	401 - IND WAREHSE	65,100	4,500	164,500	2.25	0.00	234,100
2007	401 - IND WAREHSE	65,100	4,500	164,500	2.25	0.00	234,100
2007	401 - IND WAREHSE	101,900	6,400	175,200	2.25	0.00	283,500
2006	401 - IND WAREHSE	101,900	6,400	175,200	2.25	0.00	283,500
2006	401 - IND WAREHSE	101,900	6,400	175,200	2.25	0.00	283,500
2005	401 - IND WAREHSE	101,900	6,400	175,200	2.25	0.00	283,500
2005	401 - IND WAREHSE	101,900	6,400	210,600	2.70	0.00	318,900
2004	401 - IND WAREHSE	101,900	6,400	210,600	2.70	0.00	318,900
2004	401 - IND WAREHSE	91,500	7,300	189,000	2.70	0.00	287,800
2003	401 - IND WAREHSE	91,500	7,300	189,000	2.70	0.00	287,800
2003	401 - IND WAREHSE	91,500	7,300	189,000	2.70	0.00	287,800
2002	401 - IND WAREHSE	91,500	7,300	189,000	2.70	0.00	287,800
2002	401 - IND WAREHSE	91,500	7,300	189,000	2.70	0.00	287,800
2001	401 - IND WAREHSE	67,200	0	151,800		0.00	219,000
2000	CI - N/A	58,100	9,100	151,800	2.70	0.00	219,000
1999	CI - N/A	58,100	9,100	151,800	2.70	0.00	219,000

"A"

27 ROOSEVELT AVE
LOT 115

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2018	130 - VAC RESD	0	0	82,900	0.77	0.00	82,900
2018	130 - VAC RESD	0	0	82,900	0.77	0.00	82,900
2017	130 - VAC RESD	0	0	82,900	0.77	0.00	82,900
2017	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2017	130 - VAC RESD	0	0	82,900	0.77	0.00	82,900
2016	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2016	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2015	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2015	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2014	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2014	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2013	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2013	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2012	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2012	130 - VAC RESD	0	0	82,000	0.77	0.00	82,000
2011	130 - VAC RESD	0	0	82,000	0.77	0.00	82,000
2011	130 - VAC RESD	0	0	82,000	0.77	0.00	82,000
2010	130 - VAC RESD	0	0	82,000	0.77	0.00	82,000
2010	130 - VAC RESD	0	0	82,000	0.77	0.00	82,000
2009	130 - VAC RESD	0	0	82,000	0.77	0.00	82,000
2008	130 - VAC RESD	0	0	82,000	0.77	0.00	82,000
2008	130 - VAC RESD	0	0	82,000	0.77	0.00	82,000
2007	130 - VAC RESD	0	0	82,000	0.77	0.00	82,000
2007	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2006	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2006	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2005	130 - VAC RESD	0	0	61,500	0.77	0.00	61,500
2005	130 - VAC RESD	0	0	59,000	0.64	0.00	59,000
2004	130 - VAC RESD	0	0	59,000	0.64	0.00	59,000
2004	130 - VAC RESD	0	0	45,000	0.64	0.00	45,000
2003	130 - VAC RESD	0	0	45,000	0.64	0.00	45,000
2003	130 - VAC RESD	0	0	45,000	0.64	0.00	45,000
2002	130 - VAC RESD	0	0	45,000	0.64	0.00	45,000
2002	130 - VAC RESD	0	0	45,000	0.64	0.00	45,000
2001	130 - VAC RESD	0	0	37,300		0.00	37,300
2000	101 - ONE FAMILY	0	0	37,300	0.64	0.00	37,300
1999	101 - ONE FAMILY	0	0	37,300	0.64	0.00	37,300

"B"

A43 Hudson
Zoning

FEES:	10.46
SURCHARGE:	2.00
CASH:	—

Send recorded copy to:

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

NOTICE OF DECISION

Map 191, Lot 116, Zone TR (Town Residential) & B (Business), Case # 191-116

ZBA Decision 10/26/2017

Property Owners & Addresses: James Allard, 26 Cherokee Ave, Nashua, NH 03062

Property Location: 23 Roosevelt Ave., Hudson, NH 03051

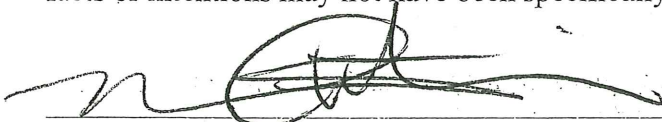
Authorized Representative: Gerald Prunier, Esq., Prunier & Prolman, PA
20 Trafalgar, Square Suite 626, Nashua NH 03063

Action sought: Variance to change an existing non-conforming use (woodshop/manufacturing) to another non-conforming use (indoor personal & group class training).

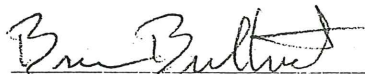
Zoning Ordinance Article: VIII §334-30, Changes to or discontinuance of non-conforming uses

Action granted: Motion made, duly seconded, and voted 4:1 to approve the request in Case #191-116 submitted by James Allard for a Variance to change from one existing non-conforming use (woodshop/manufacturing) to another non-conforming use (indoor personal & group class training).

NOTE: 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 Variance shall be considered conditions of this Variance, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion.


Normand Martin, ZBA Chairman, Town of Hudson Signature

11/6/17
Date


Bruce Buttrick, Zoning Administrator, Town of Hudson Signature

11-6-17
Date

15
C

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

REQUEST FOR REVIEW/COMMENTS:

Case 191-116 & 115 (03/28/19)
23 & 27 Roosevelt Ave

For Town Use

Plan Routing Date: 3/11/19 Reply requested by: 3/15/19 ZBA Hearing Date: 3/28/19

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

BG Title: Town Planner Date: 3/12/19
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

33,400 sf
(5000) 15%

98,000 sf
31,000 (31%)

131,400
34,000
(27%)

"D."

Groth, Brian

From: Groth, Brian
Sent: Tuesday, March 12, 2019 11:18 AM
To: Buttrick, Bruce
Subject: 23 & 27 Roosevelt Ave

Bruce,

I have the following comments for the Application for a Variance at 23 & 27 Roosevelt Avenue:

1. Split-zoned lots are a common issue throughout Hudson. In this case, I think it is appropriate to treat the properties in question as B (Business) zoned land. More than 2/3's (~70%) of 23 Roosevelt about 85% of 27 Roosevelt are in the Business Zone. Also, the primary frontage for both lots are along Roosevelt Ave in the B zone. Last, the character of the lot has historically been that of the B Zone.
2. The proposed use of climate-controlled indoor self-storage is very low impact in terms of traffic, noise and other nuisances. I think the nature of it being climate controlled and indoors distinguishes itself from a typical warehouse self-storage facility in terms of architecture and how it is used. Much of the activity (loading/unloading the units) will take place indoors, rather than outdoors as in the case of an outdoor facility.

Brian

Brian Groth
Town Planner



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

"D₂"

Goodwyn, Tracy

From: Buttrick, Bruce
Sent: Wednesday, March 27, 2019 7:46 AM
To: JIm@AllardContracting.com
Cc: Goodwyn, Tracy
Subject: RE: 21 Roosevelt

Jim,

We will include it in the ZBA member packet, that each member gets, I will mention it in my staff report, and of course that letter will become part of the case file (record).

Bruce

From: Jim@AllardContracting.com [mailto:Jim@AllardContracting.com]
Sent: Tuesday, March 26, 2019 7:31 AM
To: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Subject: 21 Roosevelt

Hi Bruce

So I don't have to disturb you when I stop by. The neighbor at 21 Roosevelt is going to be out of town on 4/11 and can't be at the meeting. Communicating with them has been an import part of going the direction I am going. They wanted to make sure the board new their opinion. They have written a letter in support and I am going to drop of at your office this afternoon. I am assuming this will be acceptable to the board for a form of communicating their thoughts if you have any other recommendations let me know. I will leave an envelope for you at the front desk this afternoon with the signed letter.

Thank you,

Jim Allard

Jim Allard Contracting, LLC
26 Cherokee Avenue
Nashua, NH 03052
603-880-6664
jim@allardcontracting.com

" E "

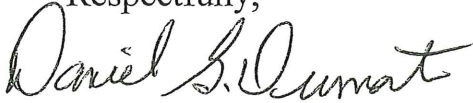
To Members of the Town of Hudson Zoning Board,

My name is Daniel Dumont. My wife Virginia and I reside at 21 Roosevelt Ave. lot 191-117-000 abutting the lot that the zoning board will be discussing for a variance. Unfortunately we are unable to be present at this meeting due to a previous commitment.

Mr. James Allard, the owner of the lot being discussed, has kept us apprised of what he would like to do with the property. He showed us his plans for a climate controlled storage facility. We would definitely be in favor of a climate controlled storage facility on this property.

We want to be on record that we are in support of a zoning change that would allow a climate controlled facility on this property.

Respectfully,



Daniel G. Dumont



Virginia L. Dumont



"E₂"

TOWN OF HUDSON

MAR 11 2019

APPLICATION FOR A VARIANCE

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 191-116 & 115

Date Filed 3/11/19

Name of Applicant James D. Allard Map: 191 Lots 116 Zoning District: B and TR
and 115

Telephone Number (Home) 882 26 (cell) 603-966-0016 (Work) _____

Mailing Address 29 Cherokee Avenue, Nashua, NH 03062

Owner James D. Allard

Location of Property 23 Roosevelt Avenue (Lot 116) and 27 Roosevelt Avenue (Lot 115)
(Street Address)

James D. Allard _____ March 8, 2019
Signature of Applicant James D. Allard Date

James D. Allard _____ March 8, 2019
Signature of Property-Owner(s) James D. Allard 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>27</u> Direct Abutters x \$3.95 =		<u>109.35</u>
<u>13</u> Indirect Abutters x \$0.50 = <u>0.55</u>		<u>7.15</u>
Total amount due:		<u>\$ 246.50</u>

Date received: 3/14/19

Amt. received: \$ 246.50

Receipt No.: 541,457

CHK #
1438

Received by: J. Hoody

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>gja</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
	<u>gja</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>gja</u>	<u>NA</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>gja</u>	<u>NA</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>gja</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>gja</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>gja</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>gja</u>	<u>NA</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

PLOT PLAN-

- 889 Except for requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted): TG
- a) 889 The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. TG
- b) 889 The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) 889 The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d) 889 The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.) TG
- e) 889 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. TG
- f) 889 The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. TG
- g) 889 The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) 889 The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) 889 The plot plan shall indicate all parking spaces and lanes, with dimensions. TG

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

James D. Allard
Signature of Applicant(s) James D. Allard

March 8, 2019
Date

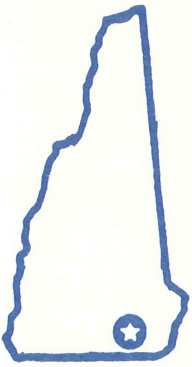
The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in 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.



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



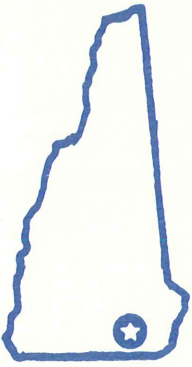
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **04/11/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 191-116 & 115 (4-11-19): James D. Allard, 26 Cherokee Avenue, Nashua, NH requests a Variance at 23 & 27 Roosevelt Ave, Hudson, NH to permit a self-storage facility (and related improvements including parking) on split-zoned land, located partially in the Business (B) District and partially in the Town Residence (TR) District which is a use not permitted in either district. [Map 191, Lots 116 & 115, Split Zoned B and TR; HZO Article V, §334-20 Allowed uses provided in tables and §334-21 Table of Permitted Principal Uses].**

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

Respectfully,

Bruce Buttrick
Zoning Administrator



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, **04/11/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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

A full copy of this Application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Bruce Buttrick
Zoning Administrator

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

US POSTAL SERVICE - CERTIFIED MAIL

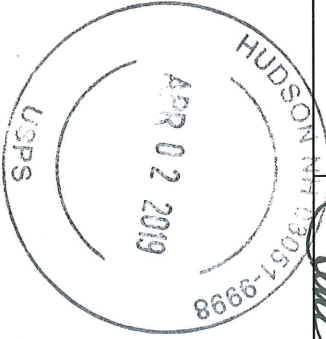
Case# 191-116 & 115 Variance
 23 & 27 Roosevelt Ave
 Map 191/Lots 116 & 115

04/11/19 ZBA Meeting

1 of 3

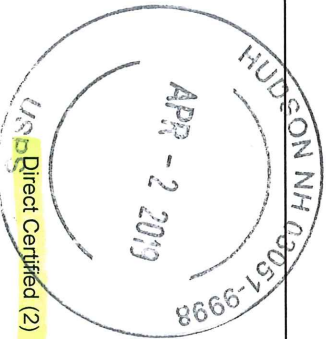
ARTICLE NUMBER	Name of Addressee, Street, and post office address	ABUTTER NOTICE SENT
1	FRANKLIN D. ESTATES CONDO ASSOC. c/o VIRGINIA LUNT	ABUTTER NOTICE SENT
2	43 ROOSEVELT AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
3	FRANKLIN D. ESTATES CONDO ASSOC.	ABUTTER NOTICE SENT
4	45 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
5	LADUE, JENNIFER	ABUTTER NOTICE SENT
6	31 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
7	DOROCAR, MARY ANN	ABUTTER NOTICE SENT
8	35 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
9	WOLF, MARK A; SEILHAN, LUCINDA B.	ABUTTER NOTICE SENT
10	41 ROOSEVELT AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
11	HOLDSWORTH, ALYSSA; HOLDSWORTH, DAWN M.	ABUTTER NOTICE SENT
12	39 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
13	LUNT, VIRGINIA, TR.; LUNT REVOCABLE TRUST	ABUTTER NOTICE SENT
14	43 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
15	YIATRAS, CHERYL	ABUTTER NOTICE SENT
16	47 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
17	SAAD, LAURIE A.	ABUTTER NOTICE SENT
18	45 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
19	GIBSON, NANCY J.	ABUTTER NOTICE SENT
20	33 ROOSEVELT AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
Total Number of pieces listed by sender 10		Total number of pieces rec'd at Post Office

Postmaster (receiving Employee)
Suzanne [Signature]

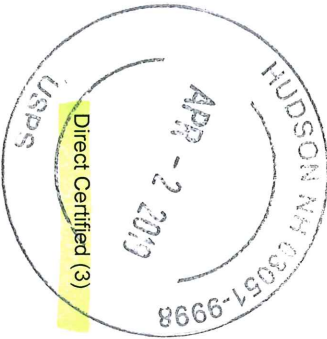


Direct Certified

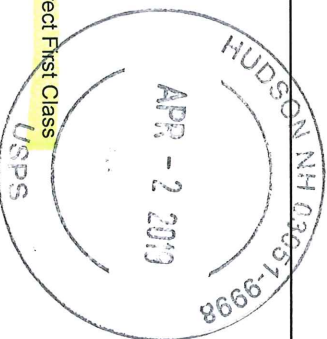
SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 191-116 & 115 Variance 23 & 27 Roosevelt Ave Map 191/Lots 116 & 115
ARTICLE NUMBER	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS		04/11/19 ZBA Meeting	
1	7015 0640 0006 2848 4537	ZAMOIDA, CHERYL J., TR., ZAMOIDA REVOCABLE TRUSTEE	ABUTTER NOTICE SENT	
2	7015 0640 0006 2848 4544	37 ROOSEVELT AVENUE, HUDSON, NH 03051 EATON, VANESSA N.; BOUDREAU, SEAN K.	ABUTTER NOTICE SENT	
3	7015 0640 0006 2848 4551	32 B STREET, HUDSON, NH 03051 NARO, HENRY L. & NANCY L.	ABUTTER NOTICE SENT	
4	7015 0640 0006 2848 4558	118 CITRUS RIDGE DR., DAVENPORT, FL 33837-9410 NARO, HENRY L. & NANCY L.	ABUTTER NOTICE SENT	
5	7015 0640 0006 2848 4575	30 B STREET, HUDSON, NH 03051 DUMONT, DANIEL G., TR.; DUMONT, VIRGINIA L., TR.; DUMONT REVOCABLE TRUST	ABUTTER NOTICE SENT	
6	7015 0640 0006 2848 4582	21 ROOSEVELT AVENUE, HUDSON, NH 03051 VIENS, ROBERT M., CARLSON, SUSAN D.	ABUTTER NOTICE SENT	
7	7015 0640 0006 2848 4599	6 F STREET, HUDSON, NH 03051 PROLYN CORPORATION	ABUTTER NOTICE SENT	
8	7015 0640 0006 2848 4605	5 LAWRENCE CORNER ROAD, PELHAM, NH 03076 ROOSEVELT AVE CONDO ASSOC, c/o NANCY NORDSTROM	ABUTTER NOTICE SENT	
9	7015 0640 0006 2848 4612	15B ROOSEVELT AVE., HUDSON, NH 03051 ROOSEVELT AVE CONDO ASSOC.	ABUTTER NOTICE SENT	
10	7015 0640 0006 2848 4629	15B ROOSEVELT AVE., HUDSON, NH 03051 LAWN, ADELAIDE A. 15D ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT	
Total Number of pieces listed by sender 10		Total number of pieces rec'd at Post Office	10	Postmaster (receiving Employee)



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 191-116 & 115 Variance 23 & 27 Roosevelt Ave Map 191/Lots 116 & 115
ARTICLE NUMBER	Name of Addressee, Street, and post office address		04/11/19 ZBA Meeting
1	7015 0640 0006 2848 4636 MACQUARIE, RICHARD 15C ROOSEVELT AVE., HUDSON, NH 03051		ABUTTER NOTICE SENT
2	7015 0640 0006 2848 4643 MDP REALTY ASSOCIATES, LLC 9 OLD DERRY ROAD, HUDSON, NH 03051		ABUTTER NOTICE SENT
3	7015 0640 0006 2848 4650 NORDSTROM, MAURITZ W. & NANCY E. 15B ROOSEVELT AVE., HUDSON, NH 03051		ABUTTER NOTICE SENT
4	7015 0640 0006 2848 4667 PETRILLO, ANTHONY J. 12 MACKEY DR., TYNGSBOROUGH, MA 01879		ABUTTER NOTICE SENT
5	7015 0640 0006 2848 4674 ALLARD, JAMES D. 26 CHEROKEE AVE., NASHUA, NH 03062		APPLICANT/OWNER-NOTICE SENT
6	7015 0640 0006 2848 4681 J. BRADFORD WESTGATE, ESQUIRE;WINER AND BENNETT, LLP 111 CONCORD STREET, PO BOX 488, NASHUA, NH 03061-0488		APPLICANT/OWNER-NOTICE SENT
7	7015 0640 0006 2848 4698 KEACH-NORDSTROM ASSOCIATES, INC. 10 COMMERCE PARK NORTH, SUITE 3, BEDFORD, NH 03110		APPLICANT/OWNER-NOTICE SENT
8			
9			
10			
Total Number of pieces listed by Sender 7		Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee) <i>[Signature]</i>



SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051		US POSTAL SERVICE - FIRST CLASS MAIL		Case# 191-116 & 115 Variance 23 & 27 Roosevelt Ave Map 191/Lots 116 & 115	
ARTICLE NUMBER	Name of Addressee, Street, and post office address	ABUTTER NOTICE SENT	04/11/19 ZBA Meeting				
1	N/A-mailed First Class ZADALIS, JONATHAN	ABUTTER NOTICE SENT					
2	N/A-mailed First Class 9 ROOSEVELT, HUDSON, NH 03051 MACHTOMPSON REALTY, INC.	ABUTTER NOTICE SENT					
3	N/A-mailed First Class 3 MARMON DR., NASHUA, NH 03060 K & D FOUNDATION, LLC	ABUTTER NOTICE SENT					
4	N/A-mailed First Class 10 ROOSEVELT AVE., HUDSON, NH 03051 CLOUTIER, RONALD E. & JERI J.	ABUTTER NOTICE SENT					
5	N/A-mailed First Class 33 B STREET, HUDSON, NH 03051 BROWN, ALEXANDRIA M.; REED, KYLE D.	ABUTTER NOTICE SENT					
6	N/A-mailed First Class 34 B STREET, HUDSON, NH 03051 CASELEY, CLIFFORD D.	ABUTTER NOTICE SENT					
7	N/A-mailed First Class 36 B STREET, HUDSON, NH 03051 GILBERT, ALAN R. & PATRICIA M.	ABUTTER NOTICE SENT					
8	N/A-mailed First Class 11 COLL STREET, HUDSON, NH 03051 BOYER, NORMAN	ABUTTER NOTICE SENT					
9	N/A-mailed First Class 65 PLATEAU RIDGE RD., LOUDON, NH 03307-0711 HOLLAND, MATTHEW E.; HOLLAND, MARK A.	ABUTTER NOTICE SENT					
10	N/A-mailed First Class 5 F ST., HUDSON, NH 03051 BALUTA, SHANNON L.; JANOCCHA, WILLIAM J.	ABUTTER NOTICE SENT					
11	N/A-mailed First Class 28 B ST., HUDSON, NH 03051 KEMPTON, JR., CALVIN A.; KEMPTON, CHARLES C.	ABUTTER NOTICE SENT					
Total Number of pieces listed by sender 11		Total number of pieces rec'vd at Post Office		11			
		Postmaster (receiving Employee)		<i>ST</i>			



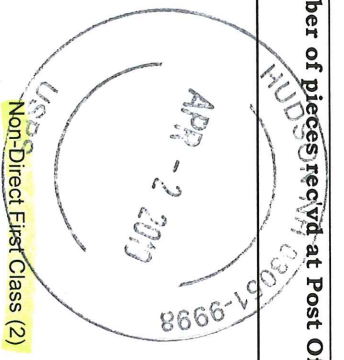
TOWN OF HUDSON
 12 SCHOOL STREET
 HUDSON, NH 03051

US POSTAL SERVICE - FIRST CLASS MAIL

Case# 191-116 & 115 Variance
 23 & 27 Roosevelt Ave
 Map 191/Lots 116 & 115

2 of 2

ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/11/19 ZBA Meeting
1	FRUSTERI, WILLIAM J. & JEAN E. 22 A STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
2	FRUSTERI, WILLIAM J. & JEAN E. 24 A STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
3		
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10		
11		
Total Number of pieces listed by sender 2		Total number of pieces received at Post Office
		2
		Postmaster (receiving Employee)
		<i>[Signature]</i>



USPS Non-Direct First Class (2)

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
		See attached. - 27 Direct.	

Application for a Variance
Tax Map 191, Lots 116 and 115
James Allard

Direct Abutter Information

Tax Map	Lot	Abutter
191	114	Franklin D. Estates Condo Assoc. c/o Virginia Lunt 43 Roosevelt Avenue Hudson, New Hampshire 03051
191	114	Franklin D. Estates Condo Assoc. 45 Roosevelt Avenue Hudson, New Hampshire 003051
191	114-1	Jennifer Ladue 31 Roosevelt Avenue Hudson, New Hampshire 03051
191	114-3	Mary Ann Dorocak 35 Roosevelt Avenue Hudson, New Hampshire 03051
191	114-6	Mark A. Wolf Lucinda B. Seilhan 41 Roosevelt Avenue Hudson, New Hampshire 03051
191	114-5	Alyssa Holdsworth Dawn M. Holdsworth 39 Roosevelt Avenue Hudson, New Hampshire 03051
191	114-7	Virginia Lunt, Trustee Lunt Revocable Trust 43 Roosevelt Avenue Hudson, New Hampshire 03051
191	114-9	Cheryl Yiatras 47 Roosevelt Avenue Hudson, New Hampshire 03051

191	114-8	Laurie A. Saad 45 Roosevelt Avenue Hudson, New Hampshire 03051
191	114-2	Nancy J. Gibson 33 Roosevelt Avenue Hudson, New Hampshire 03051
191	114-4	Cheryl J. Zamoida, Trustee Zamoida Revocable Trustee 37 Roosevelt Avenue Hudson, New Hampshire 03051
191	75	Vanessa N. Eaton Sean K. Boudreau 32 B Street Hudson, New Hampshire 03051
191	74	Henry L. Naro Nancy L. Naro 118 Citrus Ridge Drive Davenport, Florida 33837-9410 Henry L. Naro Nancy L. Naro 30 B Street Hudson, New Hampshire 03051
191	117	Daniel G. Dumont, Trustee Virginia L. Dumont, Trustee Dumont Revocable Trust 21 Roosevelt Avenue Hudson, New Hampshire 03051
191	054	Robert M. Viens Susan D. Carlson 6 F Street Hudson, New Hampshire 03051
191	132	Prolyn Corporation 5 Lawrence Corner Road Pelham, New Hampshire 03076

191	118	Roosevelt Avenue Condominium Association c/o Nancy Nordstrom 15B Roosevelt Avenue Hudson, New Hampshire 03051
191	118	Roosevelt Avenue Condominium Association 15B Roosevelt Avenue Hudson, New Hampshire 03051
191	118-4	Adelaide A. Lawn 15D Roosevelt Avenue Hudson, New Hampshire 03051
191	118-3	Richard MacQuarrie 15C Roosevelt Avenue Hudson, New Hampshire 03051
191	118-1	MDP Realty Associates, LLC 9 Old Derry Road Hudson, New Hampshire 03051
191	118-2	Mauritz W. Nordstrom Nancy E. Nordstrom 15B Roosevelt Avenue Hudson, New Hampshire 03051
191	118-5	Anthony J. Petrillo 12 Mackey Drive Tyngsborough, Massachusetts 01879

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
		See attached. 13 - Indirect	

Application for a Variance
Tax Map 191, Lots 116 and 115
James D. Allard

Abutters within 200 Feet

Tax Map	Lot	Abutter
191	125	Jonathan Zedalis 9 Roosevelt Avenue Hudson, New Hampshire 03051
191	131	Macthompson Realty, Inc. 3 Marmon Drive Nashua, New Hampshire 03060
191	131	K and D Foundation, LLC 10 Roosevelt Avenue Hudson, New Hampshire 03051
191	071	Ronald E. Cloutier Jeri J. Cloutier 33 B Street Hudson, New Hampshire 03051
191	076	Alexandria M. Brown Kyle D. Reed 34 B Street Hudson, New Hampshire 03051
191	077	Clifford D. Caseley 36 B Street Hudson, New Hampshire 03051
191	113	Alan R. Gilbert Patricia M. Gilbert 11 Coll Street Hudson, New Hampshire 03051
191	133	Norman Boyer 65 Plateau Ridge Road Loudon, New Hampshire 03307-0711

191 056 Matthew E. Holland
Mark A. Holland
5 F Street
Hudson, New Hampshire 03051

191 073 Shannon L. Baluta
William J. Janocha
28 B Street
Hudson, New Hampshire 03051

191 57 Calvin A. Kempton, Jr.
Charles C. Kempton
28 A Street
Hudson, New Hampshire 03051

191 53-1 William J. Frusteri
Jean E. Frusteri
22 A Street
Hudson, New Hampshire 03051

191 53-1 William J. Frusteri
Jean E. Frusteri
24 A Street
Hudson, New Hampshire 03051

Others to be Notified:

Direct
James D. Allard
26 Cherokee Avenue
Nashua, New Hampshire 03062

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

Direct
Keach-Nordstrom Associates, Inc.
10 Commerce Park North, Suite 3
Bedford, New Hampshire 03110

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V _____ of HZO Section(s) 334-20 and 334-21 (Table of Permitted Principal Uses) in order to permit the following change or use:

To permit a self-storage facility (and related improvements) on split-zoned land, located _____ partially in the Business (B) District and partially in the Town Residence (TR) District. See the Attachment to an Application for a Variance appended hereto for additional information.

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 TO APPLICATION FOR A VARIANCE
(Section 334-20 and Section 334-21 (Table of Permitted Principal Uses))

James D. Allard
23 Roosevelt Avenue (Map 191, Lot 116) and
Land Roosevelt Avenue (Map 191, Lot 115)

This Attachment is appended to the Application for a Variance. This Attachment also provides background regarding the property in question, summarizes the proposed project and sets forth the rationale for each of the five criteria for the granting of a variance from the provisions of Section 334-20 and Section 334-21 (Table of Permitted Principal Uses) of the Zoning Ordinance.

Property Background

Mr. Allard owns the property known as 23 Roosevelt Avenue (Map 191, Lot 116) (“Lot 116”) and adjacent land on Roosevelt Avenue known as Map 191, Lot 115 (“Lot 115”). Lot 116 and Lot 115 are collectively referred to herein as the “Premises”.

Lot 116 contains an existing commercial building and related improvements. The commercial building was constructed in 1945 (approximately) and had been used for various commercial purposes, including from approximately 1964 through 2017 as a woodworking shop. Lot 115 is vacant.

The Premises are split-zoned. The northwesterly portion of the Premises (approximately 2/3rds of the Premises) is located in the Business (B) District while the remainder of the Premises is located in the Town Residence (TR) District. In fact, the building on Lot 116 itself straddles the two Districts. 23 Roosevelt Avenue (Lot 116) is currently serviced by town water and an on-site septic system.

The portion of the Premises (and the portion of the existing building) situated in the TR District constituted a pre-existing, non-conforming use since such a business use is not currently permitted in the TR District.

Mr. Allard commissioned S&H Land Services, LLC to prepare an existing conditions plan of the Premises. That plan entitled “Existing Conditions Plan Tax Map 91 Lots 5, 115 & 116” dated March 15, 2018 is attached (the “Existing Conditions Plan”). The Existing Conditions Plan (appended hereto) provides topographical data relative to the Premises, and indicates the presence of wetlands in the northerly portion of Lot 115. As the Existing Conditions Plan depicts, there is a significant upward slope in the southeasterly and easterly portions of the Premises. This slope, which is also heavily wooded, provides significant buffering for the benefit of residential properties shown as Tax Map 191, Lot 74, Tax Map 191, Lot 75 and Tax Map 191, Lot 114 on the Existing Conditions Plan. The wetlands in the northerly corner of Lot 115 are the only known wetlands on the Premises.

23 Roosevelt Avenue (Lot 116) had been used for commercial or industrial purposes for decades, starting approximately in 1945 (if not earlier). This use pre-exists various residential uses in the area.

The general area of Roosevelt Avenue (and adjacent or nearby streets) consists of a mixture of uses, including commercial uses on the north side of Roosevelt Avenue, multi-family properties (permitted in the Business (B) District) and single family or duplex residences.

Proposed Project

Mr. Allard desires to raze the existing building on Lot 115 and construct a climate controlled self-storage facility (single building) with up to three (3) stories, with related parking and other necessary improvements. The building would be serviced by town water and an on-site septic system. Lot 116 and Lot 115 would be consolidated (the Premises would become one parcel totaling approximately 3.04 acres). The building would meet all applicable zoning setback requirements. One or more waivers from the Hudson Planning Board may be necessary from buffer requirement(s) under the Site Plan Review Regulations.

Accompanying the Application for a Variance is a plan entitled “Zoning Board of Adjustment Plan 23 Roosevelt Ave. Map 191; Lots 115 & 116 23 Roosevelt Avenue Hudson, New Hampshire, Hillsborough County” prepared by Keach-Nordstrom Associates, Inc. (the Applicant’s project engineers), dated February 6, 2019 (the “ZBA Plan”). The ZBA Plan depicts a conceptual layout of the proposed self-storage building and related improvements (including parking). The ZBA Plan also indicates zoning setback requirements and the Proposed Limit of Clearing (Typ), showing how various sections of vegetation and portions of the aforementioned slope to the southeasterly and easterly portions of the Premises will remain.

Also accompanying the Application is a plan entitled “Existing Conditions Plan Tax Map 191 Lots 55, 115 & 116 Land of: James D. Allard Located at: Roosevelt Avenue & F Street Hudson, New Hampshire” which depicts the existing conditions of the Premises.

Zoning Determination Underlying Variance Application

On February 22, 2019, Mr. Allard filed a Request for a Zoning and/or Planning Information/Determination to identify what approval(s) from the Zoning Board of Adjustment (the “ZBA”) would be required for the project. In response to that request, Bruce Buttrick, Zoning Administrator / Code Enforcement Officer, issued Zoning Determination No. 19-021 (in the form of his letter of February 27, 2019) addressed to the Applicant. Mr. Buttrick ruled that (i) 23 Roosevelt Avenue (Lot 116) is a conforming lot, (ii) Lot 115 is a conforming lot, (iii) a self-storage facility is not a permitted use in either the TR District or the Business (B) District, (iv) a variance will be needed under Section 334-21 (the Table of Permitted Principal Uses) to permit a self-storage facility on the Premises and (v) no other relief under the Zoning Ordinance would be required; assuming that the project met all necessary setback and other dimensional requirements under the Zoning Ordinance. Mr. Buttrick also noted that the project would need site plan approval from the Planning Board.

5 Criteria for Granting a Variance

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

It is not contrary to the public interest to allow single building, self-storage facility on a split-zoned lot, where (i) approximately two-thirds of the Premises is located in the Business (B) District with frontage on a road (Roosevelt Avenue) that has other non-residential and multi-family residential uses, (ii) Lot 116 had been used for decades for commercial or industrial purposes, which uses pre-exist the establishment of certain nearby single family residences, and (iii) the self-storage facility would generate relatively low traffic and have minimal or modest impact on town infrastructure and utility services. Furthermore, locating a single building self-storage facility (climate-controlled) in a mixed-use area, that includes residential uses, is not contrary to the public interest since it provides self-storage opportunities for nearby residential and non-residential neighbors.

In addition, it is not contrary to the public interest to permit a use which upgrades and modernizes a long standing commercial or industrial property, by permitting the razing of the existing building and the construction of a modern facility, compatible with the needs of nearby residential and non-residential neighbors, especially where the use has low traffic impact and minimal use of town infrastructure and utility services. Permitting a new, modern use of an existing commercial or industrial property, which use would have a smaller impact than virtually any other reasonable use (permitted by variance or otherwise) is in the public interest.

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

The spirit of the ordinance is partially derived from the purposes of the ordinance. Section 334-2 of the Zoning Ordinance sets forth the general purposes, which include promoting efficiency and economy in the process of development by encouraging the most appropriate use of land throughout the Town, and also include conserving property values. These purposes are observed by permitting a use which permits the razing of a long-standing existing commercial or industrial structure, and replacing it with a modern use, that provides a service to all users nearby or in the general area, which in turn is consistent with encouraging the most appropriate use of land and allowing for efficient, modernization of an outdated facility.

If this variance is granted, it will permit significant improvements to the Premises evidencing and encouraging the most appropriate use of land, and encouraging modernization of an outdated commercial or industrial property in a decade's old neighborhood, consistent with the general purposes of Zoning Ordinance.

In addition, the variance would demonstrate vitality in the immediate neighborhood.

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

Substantial justice is done by permitting a project which would eliminate an outdated commercial or industrial facility, allow the existing building to be razed and permit the construction and use of a new, modern single building self-storage facility (climate control) on a split-zoned property, in an area that is, in part, zoned for business uses, for a use that is compatible with the needs of nearby properties.

The New Hampshire Supreme Court has said that substantial justice is done if the general public realizes no appreciable gain from denying the variance, but the Applicant is adversely affected in a material manner. In this case, the general public realizes no appreciable gain if the variance is denied since the variance would allow elimination of a commercial or industrial building and construction of a modern, single building self-storage facility, without an adverse impact on the general public. If the variance is denied the general public realizes no appreciable gain while the Applicant is materially and adversely affected. Consequently, under this test, substantial justice is done if the variance is granted.

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

Eliminating an outdated commercial or industrial facility, and replacing it with a modern commercial facility, on a lot that is partially (approximately two-thirds) located in the Business (B) District, will not adversely affect adjoining property values. Property values are generally enhanced with nearby new development, especially when new development replaces an old, outdated facility. In addition, the single building self-storage building will meet appropriate setback requirements, is on a parcel of land sufficient in size to not only accommodate it, but accommodate requisite parking, and can provide appropriate buffering (by topography and vegetation) for its most immediate neighbors.

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

RSA 674:33, I(b)(5)(A) provides that “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

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

Consequently, a two-prong “unnecessary hardship” test is established.

The Property has several special conditions. First, the Premises are split-zoned. Approximately one-third of the Premises is located in the Town Residence (TR) District (that

closest to the immediate residential abutters) while the remaining (approximately) two-thirds of the Premises is located in the Business (B) District.

This split-zoned nature of the Premises renders any reasonable uniform use of the Premises difficult, without a variance. This is especially true given the fact that very few permitted uses in the TR District overlap with permitted uses in the B District. This is evident when comparing the permitted uses in those two respective Districts in the Table of Permitted Principal Uses. First of all, the scope of permitted uses in the TR District itself is relatively modest. Other than certain nominal (or not applicable) uses such as agricultural uses and certain municipal uses which are permitted in both Districts, the only uses permitted in both Districts which are of any substance or significance are assisted living facilities and schools. However, both such uses have significantly greater impact from a traffic perspective and infrastructure and utility system use perspective than that proposed by the Applicant – a single building self-storage facility (climate controlled).

Second, the Premises have historically been used for commercial and industrial purposes from approximately 1945 (or earlier) to 2017, thus pre-existing the establishment of the TR District and other constraints in the Zoning Ordinance which would preclude a broader scope of commercial or industrial uses. Furthermore, Lot 116 has housed such a use prior to the development of certain nearby residential uses.

Third, the Premises have frontage on two town roads, thus generating two 50 foot front yard setback requirements. These setback requirements restrict uniform development of, for example, a multi-building residential project, and steer the Premises towards a single building development.

Fourth, although the Premises are located in the Town's sewer district, sanitary sewer service does not exist along the frontage of the Premises on Roosevelt Avenue. This condition favors a use that has minimal septic needs.

In light of these special conditions, the two-prong unnecessary hardship test is to be measured. First, we note the general public purposes of the ordinance provisions set forth in Section 334-2, which include lessening congestion in streets, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, and conserving property. Presumably, the purpose of Section 334-21 (the Table of Permitted Principal Uses), is to provide some compatibility of uses in particular zones. However, this goal is severely limited in the case of split-zoned parcels, given the minimal number of uses allowed in both applicable Districts.

With these special conditions in mind, and given the aforementioned general public purposes of the ordinance, it is clear that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision (Section 334-21 (the Table of Permitted Principal Uses)) to the Premises. First, the general public purposes of the ordinance (set forth in Section 334-2 and recited above) are not fulfilled by the denial of the variance application, but rather would be fulfilled if the variance application was granted. The reasoning is simple. The proposed project (a single building self-storage facility),

fulfills a number of these general purposes. It lessens congestion in the street (being a modest traffic generator, especially in comparison to multi-family residential uses, assisted living facility or a school), provides for adequate light and air given the acreage of the Premises, the single building nature of the project and the ability to meet building setback requirements and provide buffering, avoids undue concentration of population by not constituting a multi-family development, but rather providing relief (for storage needs) of nearby residential properties, and conserves property values (by removing an outdated commercial or industrial facility and replacing with a modern facility). Furthermore, given the minimal number of uses permitted in both zoning districts, it provides relatively compatible use for those districts, compared to other uses, most of which would require a variance of some type or another. For example, although multi-family buildings are allowed in the B District, they are not allowed in the TR District. On the other hand, single family and two-family residences are allowed in the TR District, but not in the B District. Therefore, virtually any traditional residential use would require a variance. Obviously, practically any commercial use would require a variance with respect to the TR District portion of the Premises.

Most uses of virtually any type imaginable, would impose a greater impact on traffic and town infrastructure, especially water and sewer. The Applicant's project does none of this imposes little impact on town infrastructure.

The second prong of the unnecessary hardship test is that the proposed use is a reasonable use. It is self-evident that this condition has been satisfied, given the nature of the Premises, the nature of the proposed facility, and the obvious beneficial impact given other alternatives, most of which would require variances of some other type.

Consequently, the two-prong unnecessary hardship test has been met.

Conclusion

The Applicant respectfully requests that the variance be granted.

The Applicant reserves the right to provide additional testimony and information at the public hearing on this Application.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-021

February 27, 2019

James D Allard
26 Cherokee Avenue
Nashua, NH 03062

Re: **23 Roosevelt Ave** **Map 191 Lot 116-000**
District: Business (B) / Town Residential (TR)

27 Roosevelt Ave **Map 191 Lot 115-000**
District: Business (B) / Town Residential (TR)

7 F Street **Map 191 Lot 055-000**
Town Residential (TR)

Dear Mr. Allard,

Your request dated February 22, 2019 you ask the following:

- 1) Whether Lot 116 is a conforming lot under the Zoning Ordinance, including without limitation, conforming in terms of lot area and frontage.
- 2) Whether the portion of lot 116 located in the TR district, which was used for commercial purposes until 2017 is (or was) a pre-existing non-conforming use in what is currently that portion of the premises located in the TR district.
- 3) Whether Lot 115 is a conforming lot.
- 4) Whether lot 55 (7 F Street) is a conforming lot.
- 5) Whether a self-storage facility is a permitted (principal) use at the Premises, recognizing the Premises are split zoned, a portion of the premises being

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

located in the town residence (TR) district and the remainder being located in the Business (B) district.

6) Whether a variance will be required for the construction and use of a self-storage facility at the Premises.

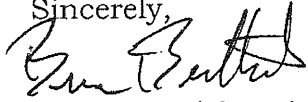
7) Whether any other relief under the Zoning Ordinance will be required for the construction and use of a self-storage facility at the Premises, where the facility will meet all setback and other dimensional requirements under the Zoning Ordinance.

Zoning Review / Determination:

- 1) *Lot 116 is a lot of record that has two street frontages and is split with two zone districts. Frontage along Roosevelt Ave shows ~246 ft where 150 ft is required in the business district. Frontage along F Street: using the B district as most restrictive is ~ 170 ft, where 150 ft is required, therefore, I deem the frontage as conforming. Lot area: using the B district as most restrictive has ~ 103,359 sqft where 43,560 sqft is required. I deem this lot as conforming.*
- 2) *The rear portion of lot 116 was used as manufacturing and would be classified as existing non-conforming, however the applicant has/had expressed interest in re-developing this site (and the associated building). The existing non-conforming use as manufacturing has since been abandoned, lapsed and discontinued for more than 1 year, therefore §334-30: "Changes to or discontinuance of non-conforming uses" applies.*
- 3) *Lot 115 is a lot of record that is split zone district within. The Business district zone portion has approx. 126 ft of frontage along Roosevelt Ave, which requires 150 ft, thus non-conforming. Using the Business district lot area requirement of 43,560 sqft and 29,054 sqft is available, thus non-conforming lot.*
- 4) *Lot 55 (7 F Street) is a conforming lot of record and has approx. 114 ft of frontage along F Street, where 90 ft is required. The lot area is approx. 49,919 sqft, where 10,000 sqft is required. Therefore, this lot is conforming.*
- 5) *The primary principal use as a self-storage facility (E-8) in the Table of Permitted Principal Uses is not permitted in the Business (B) and Town Residence (TR) districts.*
- 6) *A variance from the Table of Permitted Principal Uses §334-21 by the Zoning Board of Adjustment would be required to construct and use as a self-storage facility.*
- 7) *Based on the presented scope of development, it doesn't appear any further use variances would be necessary.*

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

Sincerely,

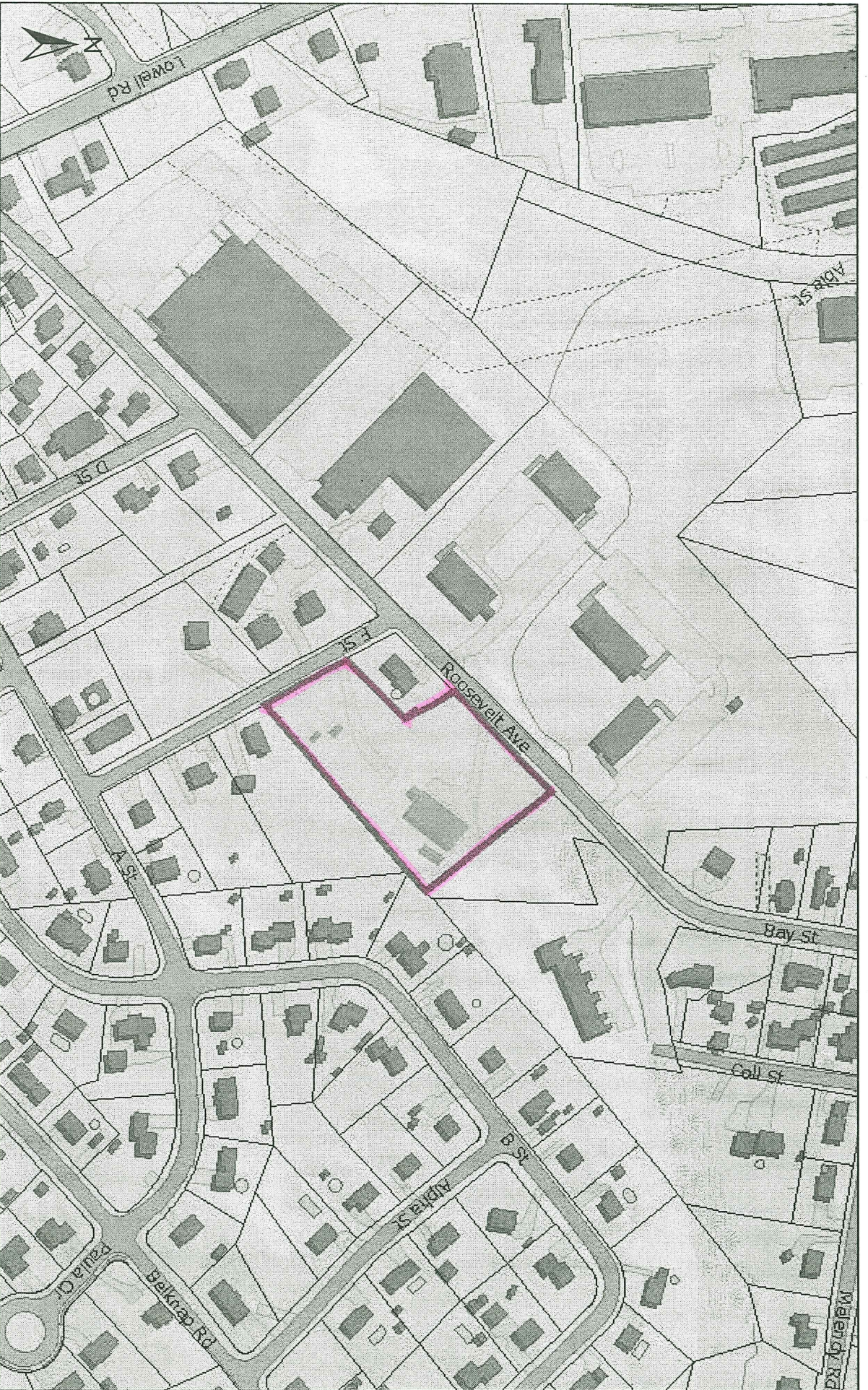


Bruce Buttrick, MCP
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public File
B. Groth – Town Planner
File

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

23 Roosevelt Ave (Map 191 Lot 116-000)



March 7, 2019

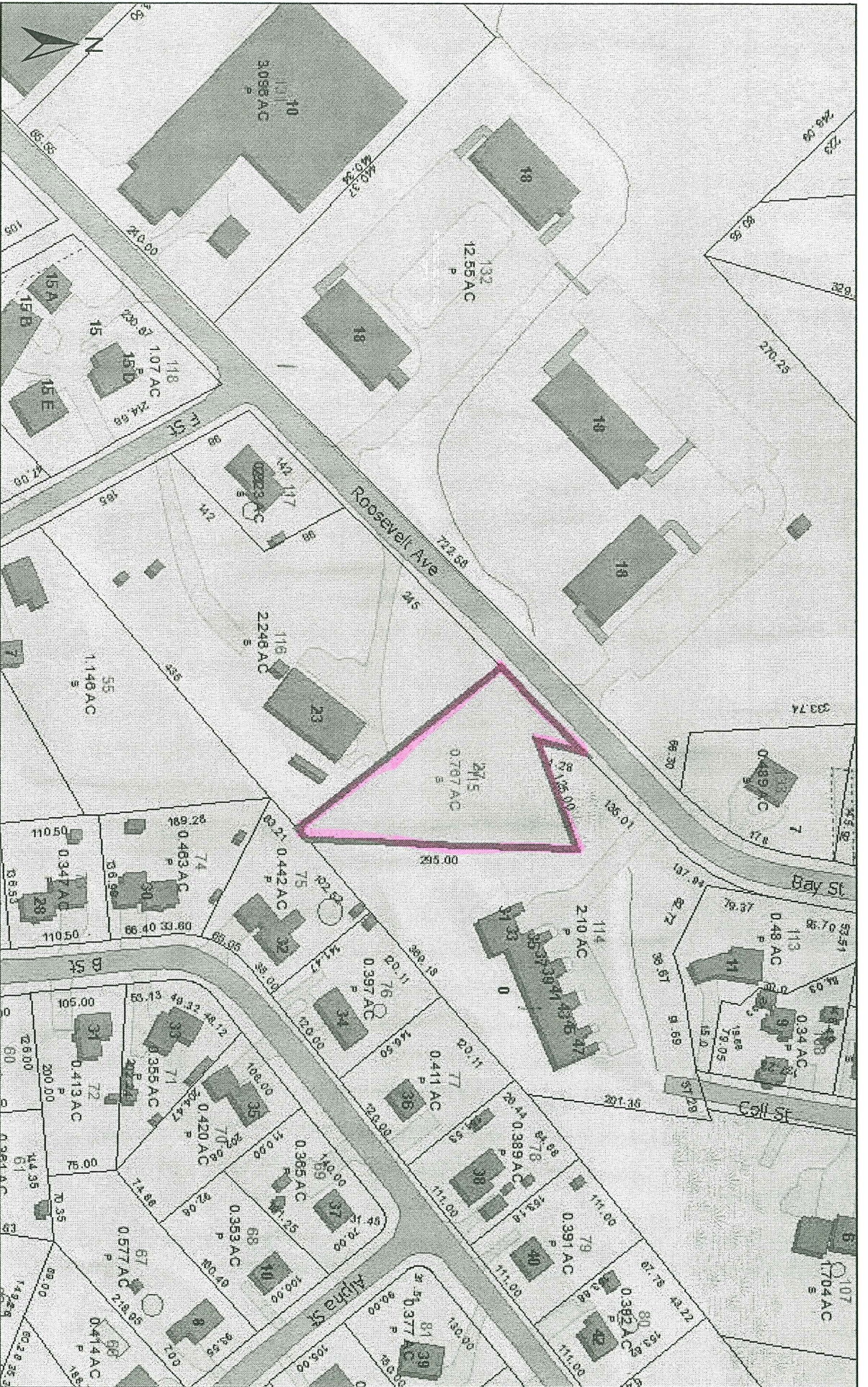
----- Easement_Lines

▭ Parcels

1 inch = 244 feet



27 Roosevelt Ave (Map 191 Lot 115-000)

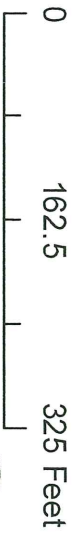


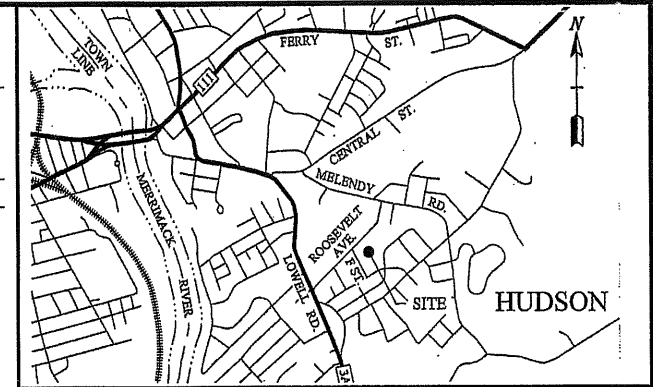
March 7, 2019

----- Easement_Lines

▭ Parcels

1 inch = 151 feet





LOCUS PLAN
NTS

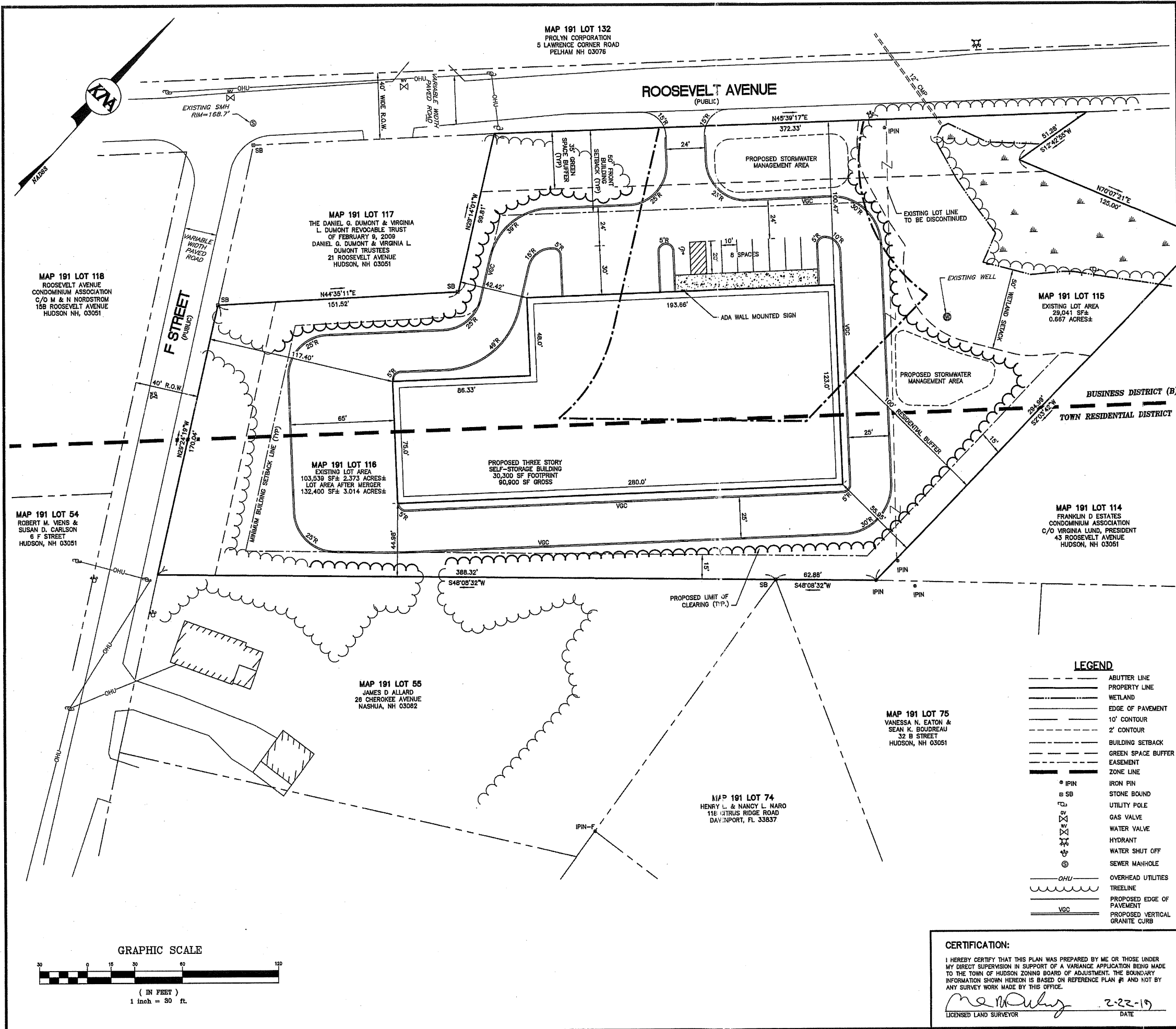
GENERAL NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT A CONCEPTUAL SITE PLAN FOR A 90,900 SF CLIMATE CONTROLLED SELF STORAGE FACILITY ON MAP 191 LOTS 115 & 116. THE PARCELS WILL BE CONSOLIDATED BY VOLUNTARY MERGER.
- MAP 191 LOT 115 & 116 INDICATES TOWN OF HUDSON, NEW HAMPSHIRE TAX ASSESSOR'S MAP AND LOT NUMBER.
- LOT AREA:
MAP 191 LOT 115 = 29,041 S.F., OR 0.667 ACRES
MAP 191 LOT 116 = 103,359 S.F., OR 2.373 ACRES
TOTAL LOT AREA = 132,400 S.F., OR 3.04 ACRES
- OWNER OF RECORD:
JAMES D. ALLARD
26 CHEROKEE AVE
NASHUA, NH 03082
- THE SUBJECT PARCEL IS LOCATED WITHIN THE TOWN RESIDENCE (TR) & BUSINESS (B) ZONING DISTRICTS AND SUBJECT TO THE FOLLOWING DIMENSIONAL REGULATIONS:

	"TR"	"B"
- MINIMUM LOT AREA (WITHOUT SEWER & WATER):	10,000 SF	43,580 SF
- MINIMUM LOT FRONTAGE:	30 FT	150'
- FRONT BUILDING SETBACK:	30 FT	50'
- SIDE BUILDING SETBACK:	15 FT	15'
- REAR BUILDING SETBACK:	15 FT	15'
- THE LOT IS WITHIN THE SERVICE AREA FOR MUNICIPAL WATER AND SEWER, BUT THE EXISTING BUILDING IS SERVICED BY MUNICIPAL WATER AND AN ONSITE SEPTIC SYSTEM.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED BY S & H LAND SERVICES, LLC IN MARCH 2018.
- HORIZONTAL DATUM IS NHSPC (NAD83) PER REF PLAN #1.
- VERTICAL DATUM IS NGVD 88 PER REF PLAN #1.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 33011C0518D PANEL B18 OF 701, REVISED DATE SEPTEMBER 25, 2009 INDICATES THAT THE SUBJECT PARCEL IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. KEACH-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811.
- A VARIANCE FROM ARTICLE V, SECTION 334-20 AND THE TABLE OF PERMITTED PRINCIPAL USES OF THE HUDSON ZONING ORDINANCE IS REQUESTED TO ALLOW THE CONSTRUCTION AND USE OF A NON-PERMITTED USE (IN PARTICULAR A SELF-STORAGE FACILITY) IN THE BUSINESS (B) DISTRICT AND IN THE TOWN RESIDENCE (TR) DISTRICT.
- A WAIVER FROM SECTION 276.11.1(12)(C) WILL BE REQUIRED FROM THE PLANNING BOARD TO REDUCE THE 100' RESIDENTIAL BUILDING SETBACK.

REFERENCE PLANS:

- "EXISTING CONDITIONS PLAN" TAX MAP 191 LOTS 55, 115 & 116, FOR JAMES D ALLARD, HUDSON, N.H. DATED: MARCH 15, 2018. PREPARED BY: S&H LAND SERVICES, LLC.



LEGEND

- ABUTTER LINE
- PROPERTY LINE
- WETLAND
- EDGE OF PAVEMENT
- 10' CONTOUR
- 2' CONTOUR
- BUILDING SETBACK
- GREEN SPACE BUFFER
- EASEMENT
- ZONE LINE
- IPIN
- SB
- IRON PIN
- STONE BOUND
- UTILITY POLE
- GAS VALVE
- WATER VALVE
- HYDRANT
- WATER SHUT OFF
- SEWER MANHOLE
- OHU
- TREELINE
- PROPOSED EDGE OF PAVEMENT
- VGC
- PROPOSED VERTICAL GRANITE CURB

ZONING BOARD OF ADJUSTMENT PLAN
23 ROOSEVELT AVE.
MAP 191 LOTS 115 & 116
23 ROOSEVELT AVENUE
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

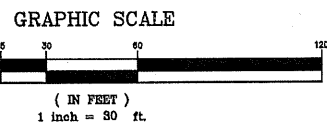
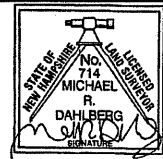
OWNER / APPLICANT:
JAMES D. ALLARD
26 CHEROKEE AVE
NASHUA, NH 03062

K/A KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 627-2881

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: FEBRUARY 6, 2019 SCALE: 1" = 30'
PROJECT NO: 18-1210-1 SHEET 1 OF 1

CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION IN SUPPORT OF A VARIANCE APPLICATION BEING MADE TO THE TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON REFERENCE PLAN #1 AND NOT BY ANY SURVEY WORK MADE BY THIS OFFICE.
Michael R. Dahlberg 2-22-19
LICENSED LAND SURVEYOR DATE

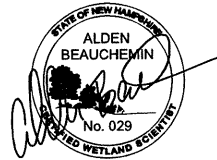


REFERENCE PLANS

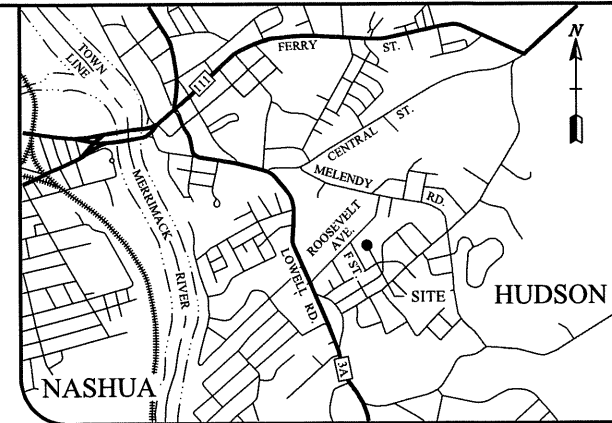
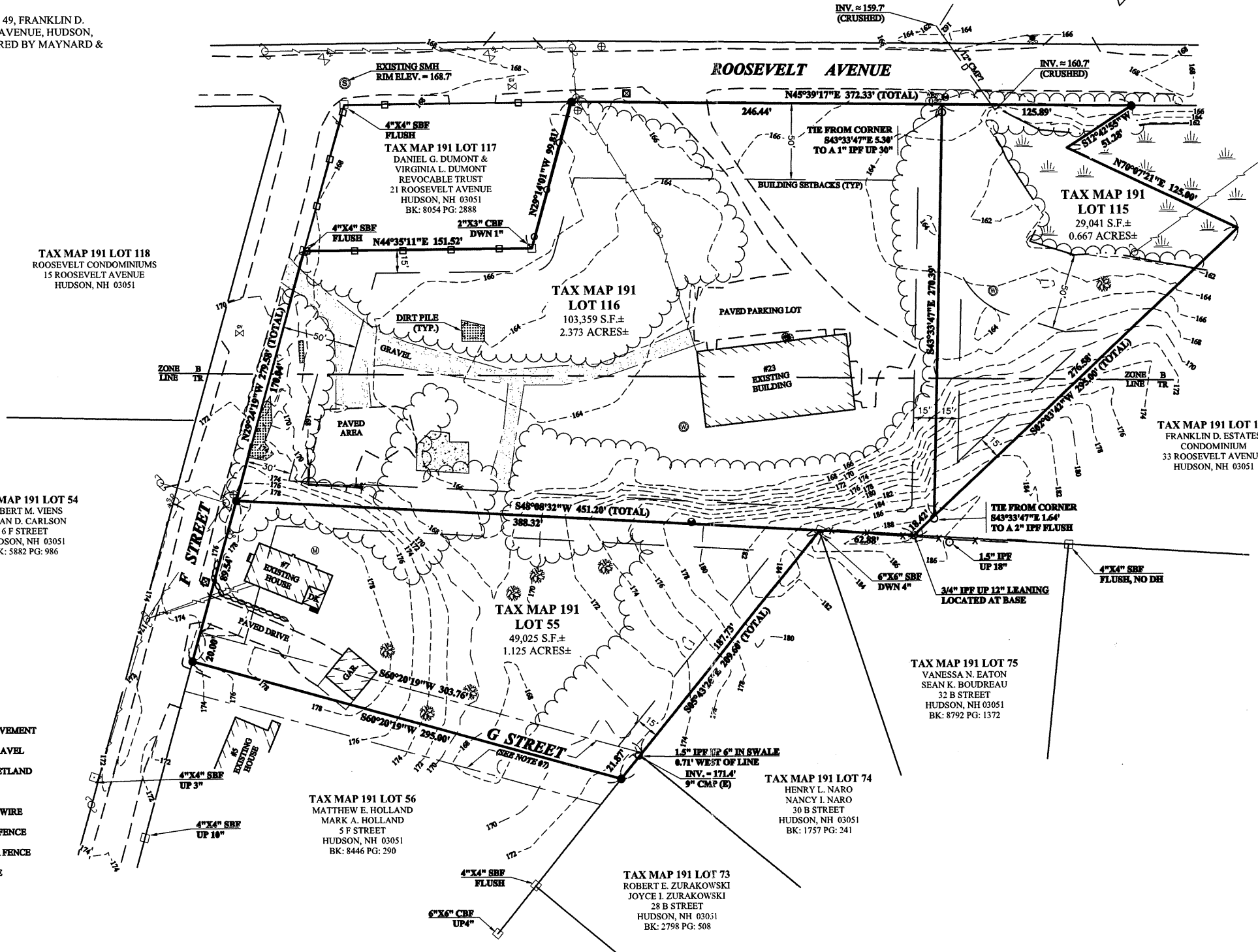
1. "PLAN OF BROOKSIDE PARK, HUDSON, N.H." DATED OCTOBER 1912 AND PREPARED BY E. HATHAWAY, C.E. H.C.R.D. PLAN #416.
2. "PLAN OF LAND OF PAUL P. & ROSE G. TANGUAY, ROOSEVELT AVE, HUDSON, N.H." LAST REVISED MARCH 1959 AND PREPARED BY NED SPAULDING, C.E. H.C.R.D. PLAN #1683.
3. "PART NO. 3, TESSIER HEIGHTS, BELKNAP ROAD, HUDSON, N.H." DATED APRIL 1963 AND PREPARED BY NED SPAULDING, C.E. H.C.R.D. PLAN #2465.
4. "CONDOMINIUM SITE PLAN - LOT 61 / MAP 49, FRANKLIN D. ESTATES, A CONDOMINIUM, ROOSEVELT AVENUE, HUDSON, N.H." DATED MARCH 12, 1990 AND PREPARED BY MAYNARD & PAQUETTE, INC. H.C.R.D. PLAN #24316.

WETLAND CERTIFICATION

WETLANDS SHOWN ON THIS PLAN HAVE BEEN DELINEATED IN DECEMBER 2017 IN ACCORDANCE WITH THE 1987 ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, AND THE N.E. REGIONAL SUPPLEMENT, DATED JANUARY 2012, BY ALDEN BEAUCHEMIN, N.H. CERTIFIED WETLAND SCIENTIST #29, OF KEYLAND ENTERPRISES, LLC, 412 WEST RIVER ROAD, HOOKSETT, NH 03106, (603) 485-5125.



TAX MAP 191 LOT 132
PROLYN CORPORATION
5 LAWRENCE CORNER ROAD
PELHAM, NH 03076
BK: 5629 PG: 262



LOCUS MAP
NOT TO SCALE

NOTES

1. OWNER OF RECORD:
TAX MAP 191 LOT 55: JAMES D. ALLARD, 26 CHEROKEE AVE, NASHUA, NH 03062, BK: 8933 PG: 2741
TAX MAP 191 LOT 115: JAMES D. ALLARD, 26 CHEROKEE AVE, NASHUA, NH 03062, BK: 8933 PG: 2771
TAX MAP 191 LOT 116: JAMES D. ALLARD, 26 CHEROKEE AVE, NASHUA, NH 03062, BK: 8933 PG: 2790
2. THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT PARCELS AND THE EXISTING IMPROVEMENTS THEREON.
3. THE SUBJECT AND ABUTTING PARCELS ARE ZONED "B" AND "TR". DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:

DISTRICT	"B"	"TR"
MINIMUM LOT SIZE:	30,000 SQ FT	10,000 SQ FT
MINIMUM FRONTAGE:	150'	90'
MINIMUM SETBACKS:		
FRONT:	50'	30'
SIDE:	15'	15'
REAR:	15'	15'
4. THIS PLAN REPRESENTS EXISTING CONDITIONS, BOUNDARY EVIDENCE, AND MONUMENTATION AS OBSERVED DURING A SURVEY BY THIS OFFICE IN JANUARY & FEBRUARY 2018.
5. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR HILLSBOROUGH COUNTY, NEW HAMPSHIRE. MAP NUMBER 33011C0518D. EFFECTIVE DATE SEPTEMBER 25, 2009.
6. ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE. THIS OFFICE HAS NOT LOCATED ANY UNDERGROUND UTILITIES. ALWAYS CALL DIG SAFE TO MARK OUT UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION ACTIVITIES.
7. AT THE 1948 TOWN MEETING, WARRANT ARTICLE 18 WAS "TO SEE IF THE TOWN WILL VOTE TO AUTHORIZE THE SELECTMEN TO TAKE PROPER STEPS COVERING THE LEGAL PROCESS NECESSARY TO CLOSE G STREET". THIS OFFICE HAS NOT BEEN ABLE TO RECOVER A RECORD OF THE RESULT OF THE VOTE. DISCONTINUANCE BY THE TOWN DOES NOT EXTINGUISH PRIVATE RIGHTS TO THE RIGHT-OF-WAY. A QUIET TITLE ACTION IS RECOMMENDED.
8. THE HORIZONTAL DATUM IS NHSPC (NAD83) AND THE VERTICAL DATUM IS NGVD 88, OBTAINED FROM STATIC GPS OBSERVATIONS.

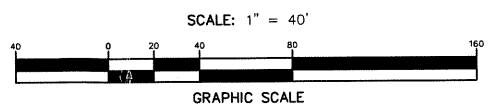
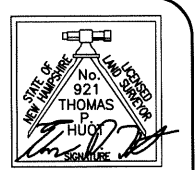
SYMBOL LEGEND

- BOUND FOUND
- IRON PIPE FOUND
- IRON ROD FOUND
- IRON ROD TO BE SET
- UTILITY POLE
- ⊙ GUY ANCHOR
- MANHOLE
- ⊙ SEWER MANHOLE
- ✱ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊙ WATER SHUTOFF
- ⊙ GAS VALVE
- ⊙ GAS METER
- ⊙ MAILBOX
- ⊙ WELL
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- EDGE OF WETLAND
- TREELINE
- OVERHEAD WIRE
- STOCKADE FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- ⊙ TREE
- ⊙ BOLLARD
- ⊙ POST

SURVEYOR'S CERTIFICATION

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN TEN THOUSAND (1:10,000)."

Thomas P. ...
MARCH 8, 2019
LICENSED LAND SURVEYOR DATE



EXISTING CONDITIONS PLAN
TAX MAP 191 LOTS 55, 115 & 116
LAND OF:
JAMES D. ALLARD
LOCATED AT:
ROOSEVELT AVENUE & F STREET
HUDSON, NEW HAMPSHIRE

S&H LAND SERVICES, LLC
SHLANDSERVICES.COM
1600 CANDIA ROAD, SUITE #5 - MANCHESTER, NH
PHONE: (603)-628-8500, FAX: (603)-548-7791

SCALE: 1" = 40' DATE: MARCH 15, 2018 FB: 22 PG: 36 & TSC3 JOB #2017290



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: April 11, 2019

PH 2-29-19

Case 222-003, 004, 005 & 006 (4-11-19): The Lannan Company, 7D Taggart Drive, Nashua, NH requests a Variance for RDALE Holdings LLC, RDB Holdings LLC, Hol-Bri, Inc. and Corner Lot, LLC located at 225 Lowell Road, 227 Lowell Road, 2 Flagstone Drive and an unnumbered lot at the corner of Flagstone Dr. and Lowell Rd., Hudson, NH to construct a proposed bank structure and associated drive-thru-canopy and trash enclosure with fifteen(15) ft. resultant setback from Sagamore Park Rd, where a fifty (50) foot front yard building setback is required. [Map 222, Lots 003, 004, 005 & 006, Zoned Industrial (I); HZO Article VII §334-27, Table of Minimum Dimensional Requirements].

Address: 225 & 227 Lowell Rd, and 2 Flagstone Dr.

Zoning district: Industrial (I)

Property description: After the proposed 4 lot consolidation:

Lot area: 2.7 acres (117,612 sqft) 30,000 sqft required.

The particular geometry of this lot has three street frontages.

Frontage: Along Lowell Rd: 372.33 ft, 150 ft required.

Along Flagstone Dr: 165 ft, 150 ft required.

Along Sagamore Park Rd: 298 ft, 150 ft required.

Summary: Applicant proposes to consolidate four lots into one. Applicant requests a variance to allow encroachment of structures into the required front setback from Sagamore Park Rd.

Three building/structure elements require dimensional variance:

- 1) The dumpster enclosure appears to encroach ~ 20 ft leaving ~ 30 ft of setback.
- 2) The drive thru canopy appears to encroach ~35 ft leaving ~ 15 ft of setback.
- 3) A corner of the building associated w/ the drive thru, appears to encroach ~ 20ft leaving ~ 30 ft of setback.

Town Staff review/comments:

Town Planner: yes Fire Dept: no Town Engineer: no

HISTORY:

N/A

ATTACHMENTS:

“A” Town Staff review comments.

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

REQUEST FOR REVIEW/COMMENTS:

Case 222-003 thru 006 (03/28/19)
225 & 227 Lowell Rd, 2 Flagstone Dr.

For Town Use

Plan Routing Date: 3/12/19 Reply requested by: 3/15/19 ZBA Hearing Date: 3/28/19

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

BG Title: Town Planner Date: 3/28/19
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner



" "
 A
 |

Groth, Brian

From: Groth, Brian
Sent: Thursday, March 28, 2019 12:26 PM
To: Buttrick, Bruce
Cc: Goodwyn, Tracy
Subject: 225 & 227 Lowell Rd

Bruce,

Regarding the Variance application for Case 222-003:

- The applicant is essentially asking that the lot line along Sagamore Park Drive be treated as a rear or side yard setback.
- I assume that the variance would be contingent on site plan approval
- This plan came before the Planning Board for Conceptual Review. Several Board members voiced support for access to Sagamore Park Drive, which would alter the eventual plan. Therefore, I recommend that (if approved) the variance NOT be tied to the Conceptual Plan in whole, but with respect to the location of building footprints as presented.
 - My guess is that if the applicant does propose access to Sagamore Park Drive it will be somewhere near the existing driveway. If true, the location of the encroachment would still be distanced from public view and benefitted by approximately 25 feet of landscaped area within the Sagamore Park Drive ROW.
 - It is not expected that access from Sagamore Park Drive will be a primary entrance in character, but more to improve emergency ingress/egress.

Please let me know if you or the ZBA would like additional input or clarification of my comments.

Regards,
Brian
Brian Groth
Town Planner



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

A handwritten red mark resembling the letter 'A' with a horizontal bar across its middle. The top left and right points of the 'A' are labeled with 'N', and the bottom right point is labeled with '2'.

TOWN OF HUDSON

MAR 12 2019

APPLICATION FOR A VARIANCE

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 222-003,004,005 & 006

Date Filed 3/12/19

Name of Applicant The Lannan Company Map: 222 Lot: 3, 4, 5 Zoning District: Industrial (I) and 6

Telephone Number (Home) N/A (Work) (603) 888-8950

Mailing Address 7D Taggart Drive, Nashua, NH 03060

Owner Multiple Owners (See Attached List)

Location of Property 225 & 227 Lowell Road, 2 Flagstone Drive
(Street Address)

Signature of Applicant [Signature] Date 3/11/19

Signature of Property-Owner(s) [Signature] Date 3/11/19

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

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

COST:

Application fee:	\$130.00	Date received: <u>3/12/19</u>
<u>10</u> Direct Abutters x \$4.05 =	<u>40.50</u>	
<u>1</u> Indirect Abutters x \$0.55 =	<u>0.55</u>	
Total amount due:	<u>\$171.05</u>	Amt. received: \$ <u>171.05</u>

Received by: [Signature] Receipt No.: 541,568

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

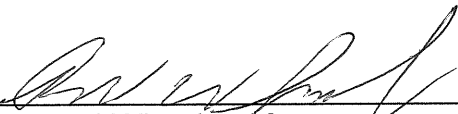
Engineering Fire Department Health Officer Planner

AUTHORIZATION


RDB Holdings, LLC, RDALE Holdings, L.L.C., Hol-Bri, Inc. and Corner Lot, LLC, the owners of property located at (i) 225 Lowell Road, Hudson, New Hampshire, (ii) 227 Lowell Road, Hudson, New Hampshire, (iii) 2 Flagstone Drive, Hudson, New Hampshire and (iv) an unnumbered lot at the corner of Flagstone Drive and Lowell Road, Hudson, New Hampshire (collectively the "Property"), hereby authorize The Lannan Company, Inc. to apply for a variance or variances before the Town of Hudson Zoning Board of Adjustment concerning, the Property.

Date: March 5, 2019

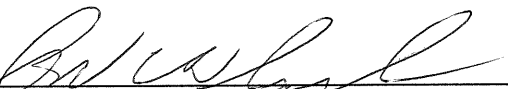
RDB Holdings, LLC

By: 
Richard Wheeler, Manager

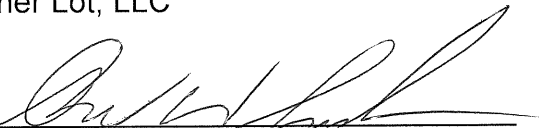
RDALE Holdings, LLC

By: 
Richard Wheeler, Manager

Hol-Bri, Inc.

By: 
Richard Wheeler, President

Corner Lot, LLC

By: 
Richard Wheeler, Manager

List of Property Owners

225 & 227 Lowell Road, 2 Flagstone Drive
Hudson, NH

Property Owners:

Map 222 Lot 3
RDB Holdings, LLC
PO Box 302
Brookline, NH 03033

Map 222 Lot 4
N/F Corner Lot, LLC
PO Box 601
Brookline, NH 03033

Map 222 Lot 5
RDale Holdings, LLC
PO Box 601
Brookline, NH 03033

Map 222 Lot 6
N/F Hol-BRI, INC.
2 Flagstone Drive
Hudson, NH 03051

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>RGL</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
<u>RGL</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	_____
<u>RGL</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>RGL</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>
<u>RGL</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>RGL</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>RGL</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>RGL</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-

RGL Except for requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted):

TG

a) RGL The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.

TG

b) RGL The plot plan shall be up-to date and dated, and shall be no more than three years old.

TG

c) RGL The plot plan shall have the signature and the name of the preparer, with his/her/their seal.

TG

d) RGL The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at the Land Use Division.)

TG

e) RGL 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.

TG

f) RGL The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.

TG

g) RGL The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.

TG

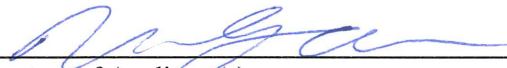
h) RGL The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.

TG

i) RGL The plot plan shall indicate all parking spaces and lanes, with dimensions.

TG

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


Signature of Applicant(s)

3/11/19
Date

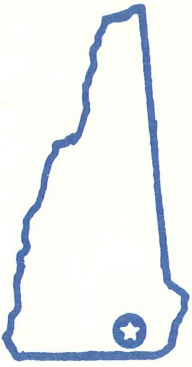
The Land Use Division will schedule a public hearing at the next available meeting of the Hudson Zoning Board of Adjustment for your properly-completed application. Applications are scheduled on a first-come, first-served basis. Public notice of the hearing will be posted on public bulletin boards in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

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

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

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

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



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



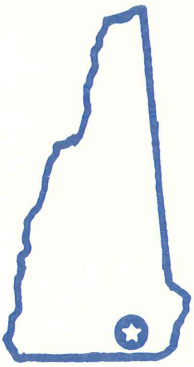
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **04/11/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 222-003, 004, 005 & 006 (4-11-19): The Lannan Company, 7D Taggart Drive, Nashua, NH requests a Variance for RDALE Holdings LLC, RDB Holdings LLC, Hol-Bri, Inc. and Corner Lot, LLC located at 225 Lowell Road, 227 Lowell Road, 2 Flagstone Drive and an unnumbered lot at the corner of Flagstone Dr. and Lowell Rd., Hudson, NH to construct a proposed bank structure and associated drive-thru-canopy and trash enclosure with fifteen(15) ft. resultant setback from Sagamore Park Rd, where a fifty (50) foot front yard building setback is required. [Map 222, Lots 003, 004, 005 & 006, Zoned Industrial (I); 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



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, **04/11/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.


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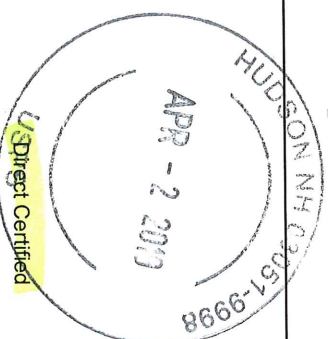
Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.


A full copy of this Application is available for your review on the Hudson Town Hall website: www.hudsonnh.gov or in the Land Use Department located at Hudson Town Hall.

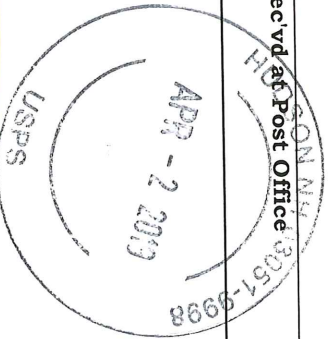
Respectfully,

Bruce Buttrick
Zoning Administrator

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 222-003_004_005_006 225 & 227 Lowell Rd, 2 Flagstone Dr Map 222/Lots 3, 4, 5 & 6	Variance 1 of 1
ARTICLE NUMBER	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/11/19 ZBA Meeting		
1	7015 0640 0006 2848 4704	RDB HOLDINGS LLC BOX 601, BROOKLINE, NH 03033	APPLICANT/OWNER NOTICE SENT		
2	7015 0640 0006 2848 4711	CORNER LOT, LLC BOX 601, BROOKLINE, NH 03033	APPLICANT/OWNER NOTICE SENT		
3	7015 0640 0006 2848 4438	RDAL HOLDINGS, LLC P.O. BOX 601 - 174 Rt 13N, BROOKLINE, NH 03033	APPLICANT/OWNER NOTICE SENT		
4	7015 0640 0006 2848 4445	HOL-BRI, INC. 2 FLAGSTONE DRIVE, HUDSON, NH 03051	APPLICANT/OWNER NOTICE SENT		
5	7015 0640 0006 2848 4452	ROSE, RICHARD W. 3 SAGAMORE PARK RD., HUDSON, NH 03051	ABUTTER NOTICE SENT		
6	7016 2710 0000 0595 2568	NASH-TAMPOSI 20 TRAFALGAR SQ SUITE 602, NASHUA, NH 03060	ABUTTER NOTICE SENT		
7	7016 2710 0000 0595 2575	JA VENTURA REALTY LLC 280 MERRIMACK ST., METHUEN, MA 01844	ABUTTER NOTICE SENT		
8	7016 2710 0000 0595 2582	SOSA, MANUEL D. & KATHLEEN M. c/o SOSA REALTY AND DEVELOP. 46 LOWELL RD, HUDSON, NH 03051	ABUTTER NOTICE SENT		
9	7016 2710 0000 0595 2599	1987 TAMPOSI LIMITED PARTNRSHP 20 TRAFALGAR SQ, SUITE 602, NASHUA, NH 03063	ABUTTER NOTICE SENT		
10	7016 2710 0000 0595 2605	NEW HAMPSHIRE STATE OF, DEPT OF TRANSPORTATION PO BOX 483, CONCORD, NH 03302-0483	ABUTTER NOTICE SENT		
Total Number of pieces listed by sender 10		Total number of pieces rec'vd at Post Office	10		
		Postmaster (receiving Employee)			



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 222-003 004 005 006 225 & 227 Lowell Rd, 2 Flagstone Dr Map 222/Lots 3, 4, 5 & 6	Variance 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	04/11/19 ZBA Meeting	
1	N/A-mailed First Class	DSM MB II LLC 875 EAST STREET, TEWKSBURY, MA 01876	ABUTTER NOTICE SENT	
2	Mailed First Class	THE LANNAN COMPANY; RICHARD G. LANNAN 7D TAGGART DRIVE, NASHUA, NH 03060	APPLICANT/OWNER NOTICE SENT	
3	(Added to abutter list-no label provided)			
4				
5				
6				
7				
8				
9				
10				
11				
	Total Number of pieces listed by sender 2	Total number of pieces rec'vd at Post Office	2	Postmaster (receiving Employee) 



Non-Direct First Class

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
222	003	RDB HOLDINGS LLC	BOX 601 BROOKLINE, NH 03033
222	004	CORNER LOT, LLC	BOX 601 BROOKLINE, NH 03033
222	005	RDALD HOLDINGS, LLC	P.O. BOX 601 - 174 Rt 13N BROOKLINE, NH 03033
222	006	HOL-BRI, INC.	2 FLAGSTONE DRIVE HUDSON, NH 03051
222	007	ROSE, RICHARD W.	3 SAGAMORE PARK RD. HUDSON, NH 03051
222	014	NASH-TAMPOSI	20 TRAFALGAR SQ, SUITE 602 NASHUA, NH 03060
222	015	JA VENTURA REALTY LLC	280 MERRIMACK ST. METHUEN, MA 01844
222	041-001	SOUSA, MANUEL D. & KATHLEEN M. C/O SOUSA REALTY AND DEVELOP.	46 LOWELL RD HUDSON, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. 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
222	013	1987 TAMPOSI LIMITED PARTNRSHP	20 TRAFALGAR SQ, SUITE 602 NASHUA, NH 03060
222	018	DSM MB II LLC	875 EAST STREET TEWKSBURY, MA 01876
222	044	NEW HAMPSHIRE STATE OF DEPT. OF TRANSPORTATION	PO BOX 483 1 HAZEN DRIVE, ROOM 204 CONCORD, NH 03302-0483

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:

To construct structures to within fifteen (15) feet minimum of the Sagamore Park Road right-of-way property boundary, where literal enforcement of the Hudson Zoning Ordinance requires a fifty (50) foot front yard building setback. Please see enclosed preliminary site plans and narratives for additional information. Structures proposed within fifteen (15) feet of the Sagamore Park Road right-of-way property line include: a.) Proposed bank structure and associated drive-thru-canopy; b.) Proposed trash enclosure.

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.”)

Please see Attachment to Variance Application.

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

Please see Attachment to Variance Application.

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

Please see Attachment to Variance Application.

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

Please see Attachment to Variance Application.

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.)

Please see Attachment to Variance Application.

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.



March 12, 2019

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

Attention: Bruce Buttrick, Zoning Administrator

**Re: Proposed Multi-Use Commercial Redevelopment
Application for Variance
225 & 227 Lowell Road, 2 Flagstone Drive, Hudson, NH – Map 222, Lots 3, 4, 5, & 6**



Dear Members of the Board:

The Lannan Company (“Applicant”) proposes to redevelop the above referenced site with a multi-use commercial development and we are proceeding with the entitlement process in support of same. The Applicant respectfully requests to be on the agenda with the Zoning Board of Adjustment at their March 28, 2019 hearing for review of the subject Application for a Variance. The following documents are enclosed in support of this request:

- One (1) original and thirteen (13) copies of the Application for a Variance submission package:
 - *Application for a Variance, dated March 11, 2019;*
 - *List of Property Owners;*
 - *Attachment to Variance Application;*
 - *Zoning Determination #19-022, dated February 28, 2019;*
 - *Written Authorization from Property Owner(s), dated March 5, 2019;*
 - *Hudson, NH GIS Map;*
 - *Assessor Property Record Cards;*
 - *Preliminary Site Plan (11”x17”), dated March 11, 2019;*
 - *Reduced size (11”x17”) ALTA/NSPS Land Title Survey, prepared by MHF Design Consultants, Inc., dated October 23, 2018;*
- Two (2) sets of Mailing Labels for the Abutter Notifications;
- One (1) \$171.05 Fee Check

The site consists of four (4) parcels containing approximately 2.7± acres and located on the southwest corner of Lowell Road (NH Route 3A) and Flagstone Drive in Hudson, New Hampshire. The parcels are denoted as Lots 3, 4, 5, and 6 on Assessors Map 222 and is located within the Industrial (I) Zoning District. The site is bordered to the east by Lowell Road (NH Route 3A), to the west by Diggins & Rose moving company, and to the south by the terminus of Sagamore Park Road. The property currently contains a 9,994± square-foot



concrete block commercial building (Lot 6), an 8,488± square-foot multi-use commercial building (Lot 5), and an existing single-family dwelling with garage (Lot 3).

The project proposes to remove the existing structures, consolidate the subject lots, and to construct two (2) separate buildings containing a 2,200± square-foot restaurant with drive-thru, a 5,000± square-foot bank with drive-thru, and 10,700± square-feet of retail space. The proposed uses are permitted-by-right in the Industrial (I) Zoning District. The project proposes one (1) full access driveway to Flagstone Drive and approximately one-hundred and eight (108) parking spaces. Please see the enclosed Preliminary Site Plan for more information. The project is anticipated to file for Site Plan Review with the Planning Board subsequent to the subject application with the Zoning Board of Adjustment.

As noted within the enclosed Zoning Review / Determination (#19-022), the project requires a variance for the location of the proposed building, drive-thru canopy, and dumpster enclosure from the front yard building setback to Sagamore Park Road as further detailed below. Please note that the Zoning Review / Determination states that a variance would be required from the location of a dumpster enclosure within the setback to Flagstone Drive, however the enclosed Preliminary Site Plan has been modified to eliminate the need for that variance.

Article VII, Section 334-27:

Requirement: Fifty (50) foot minimum front yard building setback within the Industrial (I) Zoning District.

Requested: Construction of structures to within fifteen (15) feet from the Sagamore Park Road right-of-way boundary, consistent with the minimum side yard building setback for the Industrial (I) District.

The section of Sagamore Park Road abutting the subject parcel represents the terminus of the roadway and currently provides only access to the single-family dwelling on the subject property which is proposed to be removed. This section of Sagamore Park Road will no longer serve as a travelled public way after the implementation of the project. Accordingly, the project proposes to maintain a setback consistent with the side yard setback requirements for the underlying Zoning District, which allows for appropriate use of the parcel and an improvement of same through the redevelopment. Please refer to the enclosed Application for Variance and supporting materials for more information.

We look forward to discussing this project further with you at the upcoming hearing on March 28, 2019. We trust that this information is sufficient for your needs at this time. Please do not hesitate to contact us at (508) 480-9900 should you have any questions or wish to discuss further.

Sincerely,

BOHLER ENGINEERING

Matthew Bombaci, P.E.

Attachment to Variance Application

225 & 227 Lowell Road, 2 Flagstone Drive (Map 222, Lots 3, 4, 5, & 6), Hudson, NH

Date: March 11, 2019

Project Summary:

The subject property is located within the Industrial (I) District and is denoted on Assessors Map 222 as Lots 3, 4, 5, and 6. The property currently contains a 9,994± square-foot concrete block commercial building (Lot 6), an 8,488± square-foot multi-use commercial building (Lot 5), and an existing single-family dwelling with garage (Lot 3). The project proposes to remove the existing structures, consolidate the subject lots, and to construct a 2,200± square-foot restaurant with drive-thru, a 5,000± square-foot bank with drive-thru, and 10,700± square-feet of retail space. The subject property is bordered on three (3) sides by public right-of-ways, to the east by Lowell Road (NH Route 3A), to the north by Flagstone Drive, and to the south by Sagamore Park Road.

A variance is requested from the Town of Hudson Zoning Ordinance as further detailed below:

Article VII, Section 334-27:

Requirement: Fifty (50) foot minimum front yard building setback within the Industrial (I) Zoning District.

Requested: Construction of buildings to within fifteen (15) feet from the Sagamore Park Road right-of-way boundary, consistent with the minimum side yard building setback for the Industrial (I) District.

Facts in support of granting the variance:

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

The project requests relief from the fifty (50) foot minimum front yard building setback to the Sagamore Park Road right-of-way boundary and proposes to provide a minimum fifteen (15) foot setback to same, consistent with the minimum side yard building setback requirement associated with the dimensional requirements of the Industrial (I) District.

The section of the Sagamore Park Road abutting the subject parcel represents the terminus of the existing right-of-way. This section of roadway currently provides only access to the existing single-family dwelling on the subject property. With the construction of the project, this portion of Sagamore Park Road will no longer serve the former residence, nor does the project intend to obtain access from Sagamore Park Road. The property on the opposite side of Sagamore Park Road from the subject property is a State owned right-of-way associated with the Circumferential Highway, with a large vegetated strip of land between Sagamore Park Road and the paved Circumferential Highway ramp. Accordingly, a reduction of the building setback from Sagamore Park Road to one consistent with the requisite side yard setback for the underlying zoning district would not be contrary to the public interest or that of the surrounding

neighborhood, as the spirit and intent of the Ordinance would be maintained on account of the project meeting the side yard building setback requirements.

The proposed commercial uses are permitted-by-right in the Industrial (I) District and are harmonious with surrounding uses along the Route 3A corridor proximate to the site, which consist of primarily commercial development. The project is in concert with the Future Land Use vision of the 2006 Town of Hudson Master Plan, which notes "Redevelopment of commercial properties on Hudson's major state highways (NH 3A, 102, and 111) is a feasible alternative to expanding the Business District." (Page IX-6). The Master Plan also notes as a goal to "provide for growth of commercial and light industrial uses in limited areas with adequate utility services and direct access to the State designated highway system." (Page I-1). The proposed project is consistent with these goals through the reasonable commercial redevelopment of the site.

The Master Plan continues to state "Flexibility in development regulations, such as minimum parking requirements and front setbacks, can result in more efficient land use as well as improve community appearance." (Page IX-6). The proposed project and requested variance is consistent with this vision by making appropriate use of the subject parcels through the requested front yard building setback from an unutilized right-of-way. The project also meets the vision of the Master Plan by consolidating the existing four (4) lots into a single lot, providing one (1) access point, and shared parking for the proposed uses. Accordingly, the project and requested relief is not contrary to public interest.

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

The Purpose of the Town of Hudson Zoning Ordinance (as stated in Section 334-2) is to "...promote the health, safety and general welfare of the inhabitants as well as efficiency and economy in the process of development, by encouraging the most appropriate use of land throughout the Town...".

As previously detailed, the section of Sagamore Park Road adjacent to the site will no longer be utilized as a travelled public right-of-way with the implementation of the project. By still maintaining the minimum side yard building setback for the underlying Zoning district, the project meets the spirit and intent of the Ordinance. The requisite front yard setbacks are met for the portions of the property which front on Lowell Road and Flagstone Drive, respectively. The project proposes to expand the landscape buffer between Flagstone Drive such that it is compliant with the dimensional requirements of the Land Use Regulations, improving an existing non-conformity associated with the current commercial development. The existing residence, which is located within the front yard setbacks associated with Lowell and Sagamore Park Roads is proposed to be removed.

The property on the opposite side of Sagamore Park Road from the subject site is a State owned right-of-way associated with the Circumferential Highway ramp system. As previously noted, the proposed use is consistent with other commercial uses along Route 3A and is consistent with the intended development considerations described in the Master Plan. There are no

known resource areas on the subject site or in the vicinity of same. Accordingly, the proposed project and requested setback relief is consistent with the spirit and intent of the Zoning Ordinance and allows for reasonable use of the subject property.

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

The property is encumbered by its frontage on three public roads, one of which (Sagamore Park Road) is intended to serve a residence which will be removed as part of the proposed redevelopment of the subject property. The property, having three frontages, imposes more restrictive setback limitations on a prospective development program, substantially limiting the available development potential of the property. The project does propose to maintain the requisite front yard setbacks from both Lowell Road and Flagstone Drive, while treating the property boundary along Sagamore Park Road as a side yard and meeting the requirements or same. The project proposes to meet the other bulk Zoning requirements of the underlying Zoning District and those of the Hudson Land Use Regulations.

Overall, the project proposes a development of slightly less total building square footage when compared to the existing buildings present on the site. The requested variance relief allows the proposed redevelopment to improve on the existing development through consolidated and formalized access, improved parking and circulation, and landscaping enhancements, while maintaining a development program of similar scale to that which exists today. Substantial justice would be done through the requested relief, as it allows a project which better utilizes the subject parcels without representing a detriment to the surrounding neighborhood or the interests of the Zoning Ordinance.

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

The proposed development is harmonious with nearby uses along this section of Route 3A, which includes a variety of commercial uses. Uses to the west of the subject property include various industrial uses. No residential use exists in the vicinity of the subject site. Currently, the property contains a mix of abandoned commercial uses with a total square footage similar to that of the proposed development program. The project proposes the redevelopment of the subject development and represents an improvement over same. Accordingly, the proposed use is not anticipated to diminish values of surrounding properties.

As previously detailed, the section of Sagamore Park Road adjacent to the site is not proposed to be utilized as a travelled public right-of-way after construction of the proposed site improvements. The property opposite the site and across from Sagamore Park Road is a State owned right-of-way associated with the Circumferential Highway ramp system. Accordingly, the requested variance from the front yard building setback to Sagamore Park Road does not impact neighboring properties.

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

The subject property is surrounded on three (3) sides by public right-of-ways, with the project proposing access from Flagstone Drive. The project is encumbered by the Zoning front yard building setback requirements associated with three rights-of-ways, as well as the front yard landscape setbacks within the Land Use Regulations. The Sagamore Park Road frontage is a unique condition in which the section of the roadway abutting the subject site only serves a single residential use, which is proposed to be demolished as part of this project. As such, this portion of Sagamore Park Road will have limited to no functionality as a public road at the completion of the project. Accordingly, no substantial relationship exists to enforcing the front yard building setback from Sagamore Park Road, as this section of road will not serve the purposes of a travelled public right-of-way, and a more appropriate relationship exists by maintaining the requisite side yard building setback. The project and requested relief proposes reasonable use of the property by maintaining the other bulk dimensional requirements and meets the spirit and intent of the Zoning Ordinance and Master Plan. Requiring the project to maintain the front yard building setback from Sagamore Park Road would represent an unnecessary hardship and limit reasonable use of the property.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-022

February 28, 2019

Richard Lannan
The Lannan Company
70 Taggart Drive
Nashua, NH 03060

Re: **227 Lowell Rd - Map222/Lot003; corner lot Flagstone Dr/Lowell Rd - Map222/Lot004; 225 Lowell Rd - Map222/Lot005 & 2 Flagstone Dr - Map222-Lot006**

District: Industrial (I)

Dear Mr. Lannan,

Your request: What setback variances if any would be required based on the proposed concept plan dated 02/20/2019?

Zoning Review / Determination:

Based on the proposed concept plan, it appears the consolidation of the four lots will satisfy the minimum lot area and frontage requirements of 30,000 sqft and 150 ft respectively, per §334-27 Table of Dimensional Requirements.

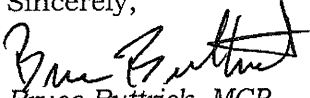
I would classify the new lot as having 3 street frontages: Flagstone Dr, Lowell Rd and Sagamore Park Rd. Any building setbacks along these 3 streets are considered front yard setbacks and require 50 ft., the remaining is a rear setback requirement of 15 ft. per §334-27 Table of Dimensional Requirements.

The proposed concept plan shows a portion of the proposed bank, the drive thru canopy, and a dumpster enclosure within the required setback of 50 ft from Sagamore Park Rd and a dumpster enclosure within the required setback of 50 ft from Flagstone Drive and would need a variance from section §334-27 Table of Minimum Dimensional Requirements by the Zoning Board of Adjustment.

I would suggest that you secure any requested variances from the ZBA prior to application of the required site plan approval (§334—16.1) from 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,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl: Concept plan dated 02/20/2019

cc: Public File

B. Groth - Town Planner

M. Bombaci - Bohler Engineering

File

#19-022



TOWN OF HUDSON
COMMUNITY DEVELOPMENT DEPARTMENT
FEB 25 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 02/21/2019
Property Location 225 & 227 Lowell Road
Map 222 Lot 3, 4, 5 & 6
Zoning District if known Industrial (I)

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)

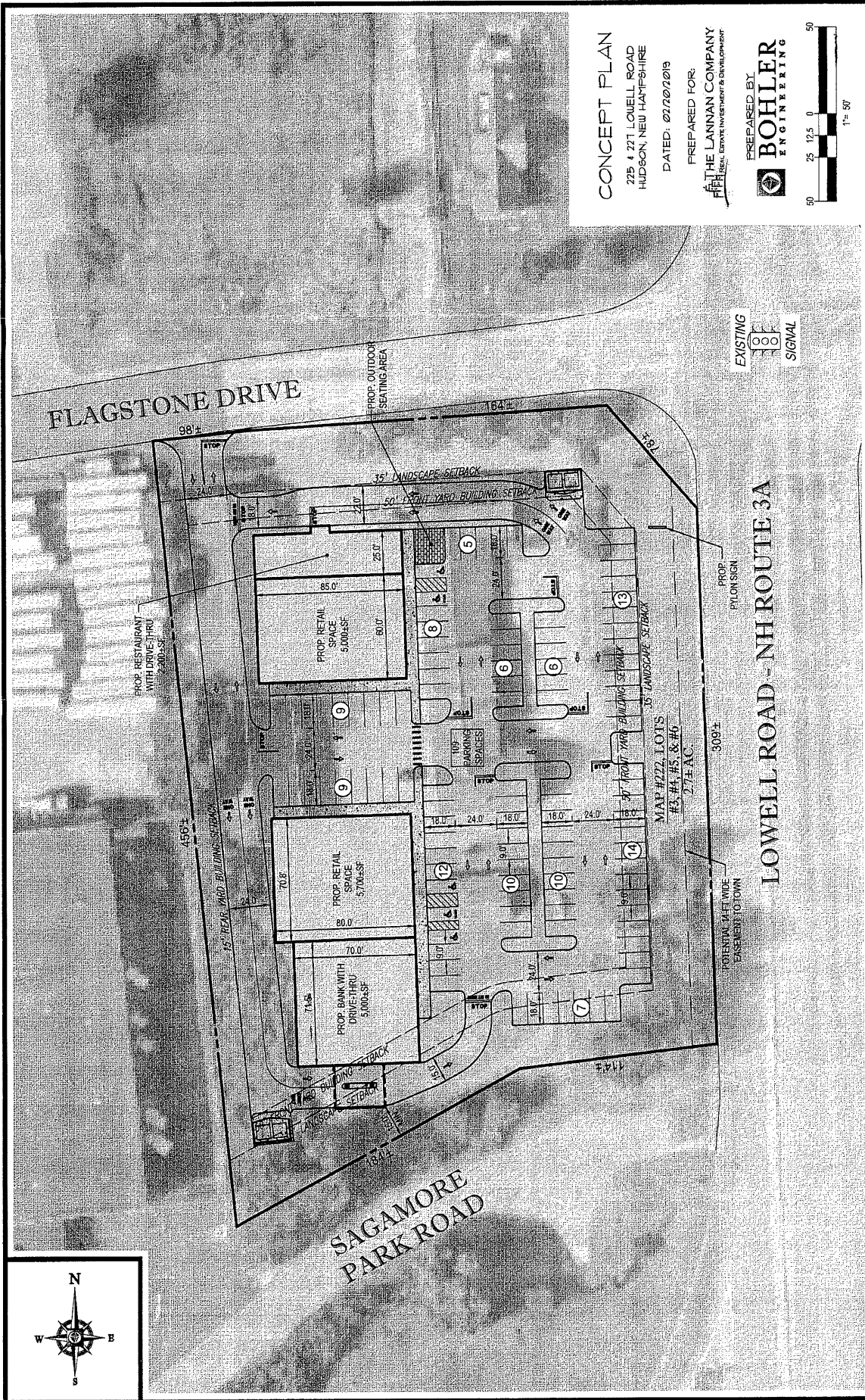
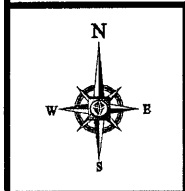
The project proposes to develop the subject site with a 2,200+ SF restaurant with the drive-thru, a 5,000+ SF bank with drive-thru, and 10,700+ SF of retail space. The project proposes to construct buildings to within 15-feet of the Sagamore Park Road right-of-way property boundary, and is anticipated to require a variance from the 50-foot front yard building setback associated with same. Please refer to the enclosed Concept Plan for additional information.

Applicant Contact Information:

Name: The Lannon Company (Richard Lannan)
Address: 70 Taggart Drive, Nashua, NH 03060
Phone Number: (603) 888-8950

For Office use

ATTACHMENTS: TAX CARD GIS ✓ Concept plan 2/20/19
NOTES: _____
ZONING DETERMINATION LETTER SENT DATE: 2-28-19



CONCEPT PLAN

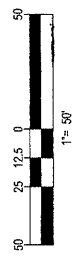
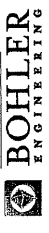
275 & 271 LOWELL ROAD
HUDSON, NEW HAMPSHIRE

DATED: 02/20/2019

PREPARED FOR:

THE LAINAN COMPANY
REAL ESTATE INVESTMENT & DEVELOPMENT

PREPARED BY:



EXISTING



SIGNAL

LOWELL ROAD - NH ROUTE 3A

PROP. Pylon SIGN

POTENTIAL 14' WIDE EASEMENT TO TOWN

MAP #222, LOTS #3, #4, #5, & #6
2.77 AC

10' FRONT YARD BUILDING SETBACK
10' FRONT YARD BUILDING SETBACK
10' FRONT YARD BUILDING SETBACK

15' LANDSCAPE SETBACK
15' LANDSCAPE SETBACK
15' LANDSCAPE SETBACK

50' FRONT YARD BUILDING SETBACK
50' FRONT YARD BUILDING SETBACK

35' LANDSCAPE SETBACK
35' LANDSCAPE SETBACK

PROP. OUTDOOR SEATING AREA

15' TREE TRUNK BUILDING SETBACK

PROP. RESTAURANT WITH DRIVE-THRU 5,200-SF

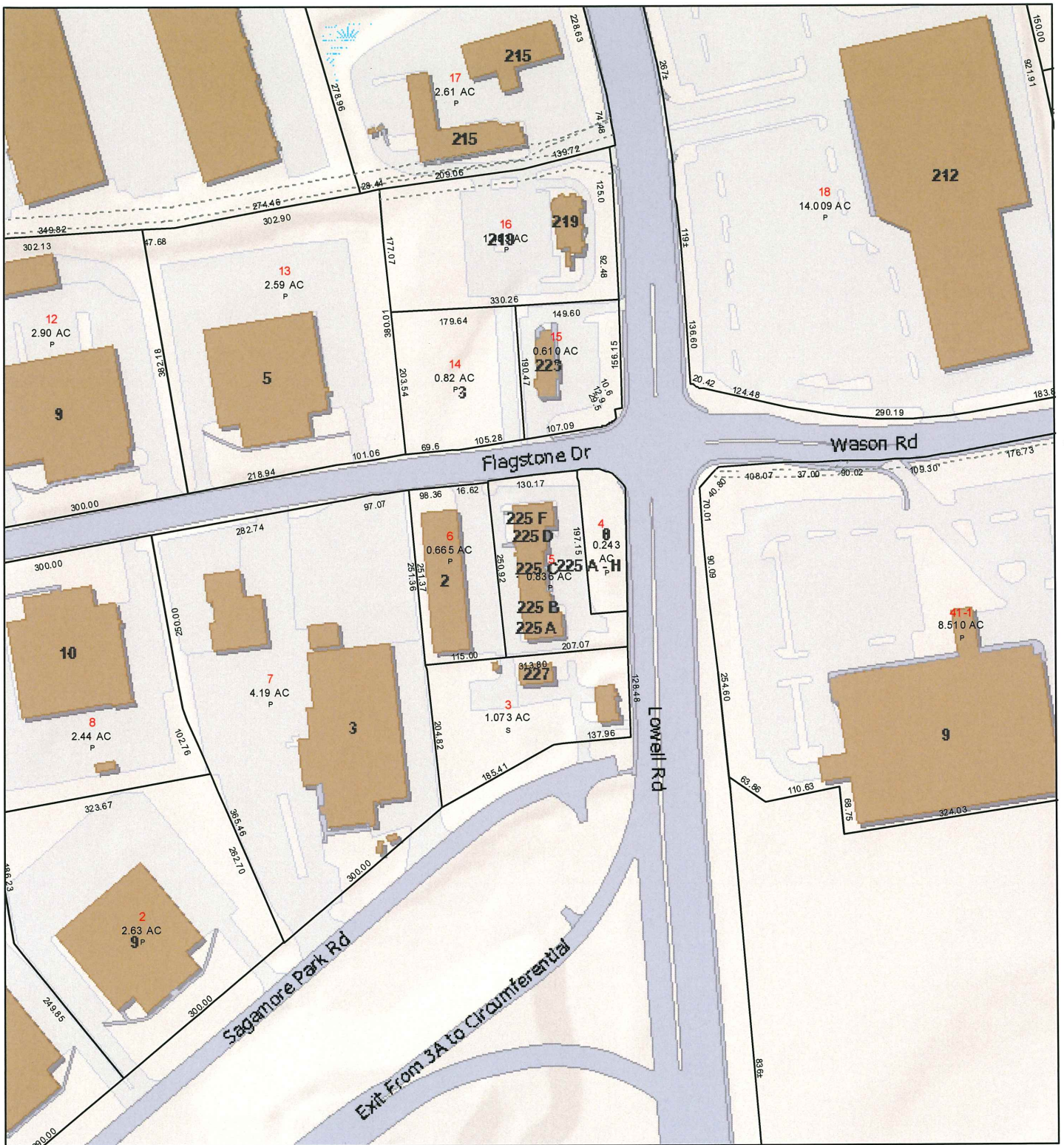
PROP. RETAIL SPACE 5,000-SF

PROP. RETAIL SPACE 5,700-SF

SAGAMORE PARK ROAD

FLAGSTONE DRIVE

225 & 227 Lowell Road, 2 Flagstone Drive



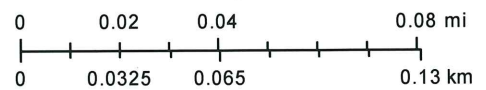
March 7, 2019

Legend

----- Easement_Lines

▭ Parcels

1:2,438





Patriot
Properties Inc.

USER DEFINED
Prior Id # 1: 0010
Prior Id # 2: 0004
Prior Id # 3: 0001
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:
Land Reason:
Bid Reason:
CMI/District:
Ratio:

PROPERTY LOCATION

No. Direction/Street/City
Map No. FLAGSTONE DR, HUDSON

OWNERSHIP

Owner 1: CORNER LOT, LLC
Owner 2:
Owner 3:
Street 1: PO BOX 601
Street 2:
Twn/City: BROOKLINE
S/P Prov: NH Cntry/ Own Occ: Type:
Postal: 03033-0601

PREVIOUS OWNER

Owner 1:
Owner 2:
Street 1:
Twn/City:
S/P Prov: Cntry/
Postal:

NARRATIVE DESCRIPTION

This Parcel contains .243 ACRES of land mainly classified as VAC COM

OTHER ASSESSMENTS

Table with columns: Code, Description No, Amount, Com. Int

PROPERTY FACTORS

Table with columns: Item Code, Description, %, Item Code, Description, Sewer, Water, Electri, Exmpt, Census, Flood Haz: C

Table with columns: Use Code, Description, LUC, No of Units, Depth / Paved Units, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj Neigh, Neigh Influ, Neigh Mod, Int 1 %, Int 2 %, Int 3 %, Appraised Value, Alt Class, Spec % Land Code, Fact Use Value, Notes

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value

Table with columns: Total Card, Total Parcel, Source: Market Adj Cost, Total Value per SQ unit, Card: N/A, Parcel: N/A, Land Unit Type: JAC

Table with columns: Legal Description, User Acct, GIS Ref, Insp Date

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Assest'd Value, Notes, Date

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif

TAX DISTRICT

PAT ACCT.

BUILDING PERMITS

Table with columns: Date, Number, Descrip, Amount, C/O, Last Visit, Fed Code, F, Descrip, Comment

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name

Table with columns: Date, Description, LUC, No of Units, Depth / Paved Units, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj Neigh, Neigh Influ, Neigh Mod, Int 1 %, Int 2 %, Int 3 %, Appraised Value, Alt Class, Spec % Land Code, Fact Use Value, Notes

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro - Counter
Total A/C/H/A: 0.24300 Total SF/SM: 10555 Parcel LUC: 390 VAC COM Prime NB Desc: IND-SAG
Total: 7,594 Sp Credit: Total: 7,600 apro
2016

222 006 000
MAP LOT SUB

1 of 1 INDUSTRIAL
CARD Hudson

Total Card / Total Parcel
650,800 / 650,800
APPRAISED: 650,800 / 650,800
USE VALUE: 650,800 / 650,800
ASSESSED: 650,800 / 650,800



Patriot
Properties Inc.

USER DEFINED
111141

PRINT
Date Time
03/11/19 16:00:34

LAST REV
Date Time
07/05/17 15:56:47

PAT ACCT.
Notes
11114

ACTIVITY INFORMATION
Date Result By Name
6/19/2017 Field Review 9 PVA
2/24/2017 I&E Mailed 7 DC
5/15/2012 Field Review 9 PVA
3/1/2012 I&E Mailed 1 ASST ASSESS
2/16/2007 I&E Mailed 1 ASST ASSESS
10/27/2006 Meas/Inspect 9 PVA
7/20/2006 New Maps 1 ASST ASSESS
8/28/2003 Other Change 1 ASST ASSESS
4/25/2002 I&E Returned 0 PATRIOT

Legal Description
Entered Lot Size
Total Land: 0.665
Parcel: 65.08
Land Unit Type: AC

GIS Ref
3949

User Acct
3949

Insp Date
10/27/06

Parcel ID
222-006-000

PREVIOUS ASSESSMENT
Tax Yr Use Cat Bidg Value Yrd Items Land Size Land Value Total Value Asses'd Value Notes Date
2018 316 FV 393,800 7300 .665 249,700 650,800 650,800 Year End Roll 8/27/2018
2017 316 FV 393,800 7300 .665 249,700 650,800 650,800 Year End Roll 5/9/2018
2016 316 FV 393,800 7300 .665 249,700 650,800 650,800 Year End Roll 10/26/2017
2015 316 FV 393,800 7300 .665 249,700 650,800 650,800 Year End Roll 8/28/2017
2014 316 FV 393,800 7300 .665 249,700 650,800 650,800 Year End Roll 5/10/2017
2013 316 FV 393,800 7300 .665 249,700 650,800 650,800 Year End Roll 8/30/2016
2012 316 FV 393,800 7300 .665 249,700 650,800 650,800 Year End Roll 5/1/2016
2011 316 FV 393,800 7300 .665 249,700 650,800 650,800 Year End Roll 8/26/2015

SALES INFORMATION
Grantor Legal Ref Type Date Sale Code Sale Price V Tst Verif
BISHOP, HAROLD 5637-1584 8/26/1977 200,000 No No
2553-0587 8/26/1977 No No

BUILDING PERMITS
Date Number Descrip Amount C/O Last Visit Fed Code F. Descrip Comment

PROPERTY FACTORS
Item Code Description % Item Code Description
Z ID IND DISTRI Water 3 TOWN WATE
Sewer 2 TOWN SEWE
Electri
Census:
Flood Haz: C Exmpt
Topo 1 LEVEL
Street
Gas: 1

LAND SECTION (First 7 lines only)
Use Code LUC No of Units Depth / Price Units Unit Type Land Type LT Factor Base Value Unit Price Adj Neigh Infru Neigh Infru 1 Neigh Infru 2 Neigh Infru 3 Appraised Value Alt Class Spec J Fact Use Value Notes
316 COMM WRHS 0.665 SITE ACRE IND SITE 0.250,000 1.501S COMM U 25 ECO-REI 249,687

PREVIOUS OWNER
Owner 1:
Owner 2:
Owner 3:
Street 1:
Street 2:
Town/City:
SHP/Prov:
Postal: 03051

OWNERSHIP
Owner 1: HOL-BRI, INC.
Owner 2:
Owner 3:
Street 1: 2 FLAGSTONE DRIVE
Street 2:
Town/City: HUDSON
SHP/Prov: NH
Postal: 03051

PROPERTY LOCATION
No Alt No Direction/Street/City
2 FLAGSTONE DR, HUDSON

NARRATIVE DESCRIPTION
This parcel contains .665 ACRES of land mainly classified as COMM WRHSE with a WAREHOUSE Building built about 1978, having primarily CONC BLOCK Exterior and 10000 Square Feet, with 1 Unit, 0 Bath, 0 3/4 Bath, 2 HalfBaths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS
Code Descrip/No Amount Com. Int

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro - Counter apro 2016

Use Code	LUC	No of Units	Depth / Price Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh Infru	Neigh Infru 1	% Infru 2	% Infru 3	Appraised Value	Alt Class	Spec J	Fact Use Value	Notes
316	COMM WRHS	0.665	SITE ACRE	IND SITE			0.250,000	1.501S			COMM U	25 ECO-REI		249,687			249,700	
<p>Total AC/H/A: 0.66500 Total SF/S/M: 28967 Parcel LUC: 316 COMM WRHSE Prime NB Desc: IND-SAG Total: 249,687 Spl Credit Total: 249,700</p>																		

EXTERIOR INFORMATION

Type:	43 - WAREHOUSE
Sty Ht:	1 - ONE STY
(Liv) Units:	1 Total:1
Foundation:	6 - SLAB
Frame:	3 - CONCRETE
Prime Wall:	21 - CONC BLOCK
Sec Wall:	
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	WHITE
View / Desir:	

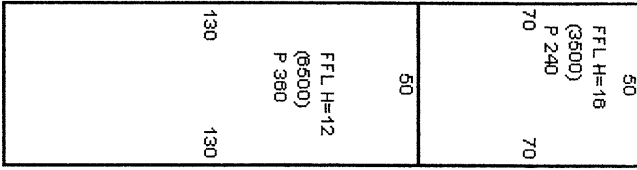
BATH FEATURES

Full Bath:	Rating:
A Bath:	Rating:
3/4 Bath:	Rating:
A 3QBth:	Rating:
1/2 Bath:	2 Rating: AVERAGE
A HBth:	Rating:
Other/Fix:	Rating:

COMMENTS

WHT 50X90 FFU IS SHIP/REC. 14' TO JOIST,
CONC FLR NO HEAT. 50X44 SALES FLR, 50X66
REPAIR AREA, AVG COND. 4 FIXT, FIRE
ALBMNO SPRKLR, 2-10' CHD, LANDLORD OWNS
BUSNSS TOO/BRIAN 6038821573.

SKETCH



OTHER FEATURES

Kits:	Rating:
A Kits:	Rating:
Frl:	Rating:
WS/Fue:	Rating:

RESIDENTIAL GRID

1st Res Grid:	Desc:	# Units:
Level:	FY LR DR D K FR RR BR FB HB L O	0
Other:		
Upper:		
Lvl 2:		
Lvl 1:		
Lower:		
Totals:	Rms: BRS: Baths: HB2	

DEPRECIATION

Phys Cond:	AV - Average	35.1%
Functional:	D - DESIGN	10.1%
Economic:		
Special:		
Override:		
Total:		41.59%

REMODELING

Exterior:	No Unit	RMS	BRS	FL
Interior:				
Additions:				
Kitchen:				
Baths:				
Plumbing:				
Electric:				
Heating:				
General:				

RES BREAKDOWN

Rate:	Parcel ID	Typ	Date	Sale Price
COMPARABLE SALES				
Total: 41.59%				

SUB AREA

Code	Description	Area - SQ	Rate - AV	Underp Value
FFL	FIRST FLOOR	10,000	67,400	673,970
Net Sketched Area:		10,000		
Gross Area		10,000		
Fin Area				673,970
Total:				10,000

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu # Ten
FFL	100	RTL	35	AV
FFL	100	SER	25	AV

MOBILE HOME

Make:		Model:		Year:		Color:	
-------	--	--------	--	-------	--	--------	--

SPEC FEATURES/YARD ITEMS

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	App Value	JCod	JFac	Juris Value
85	PAVING ASPH	D	Y	1	18400	AV	AV	1978	2.10	T	58.5	316			7.300			7.300

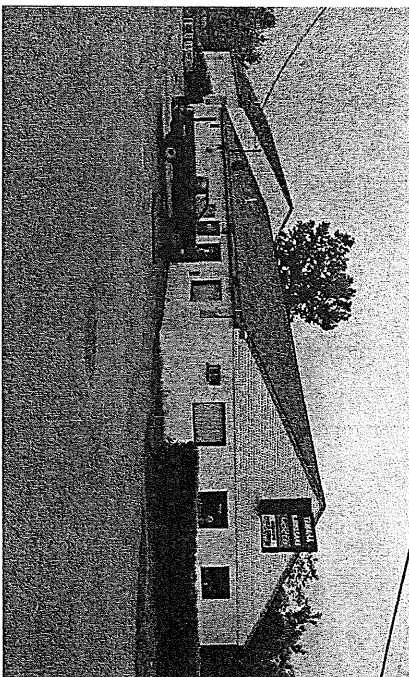
PARCEL ID

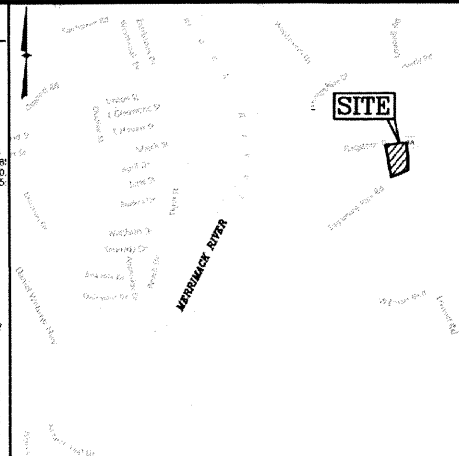
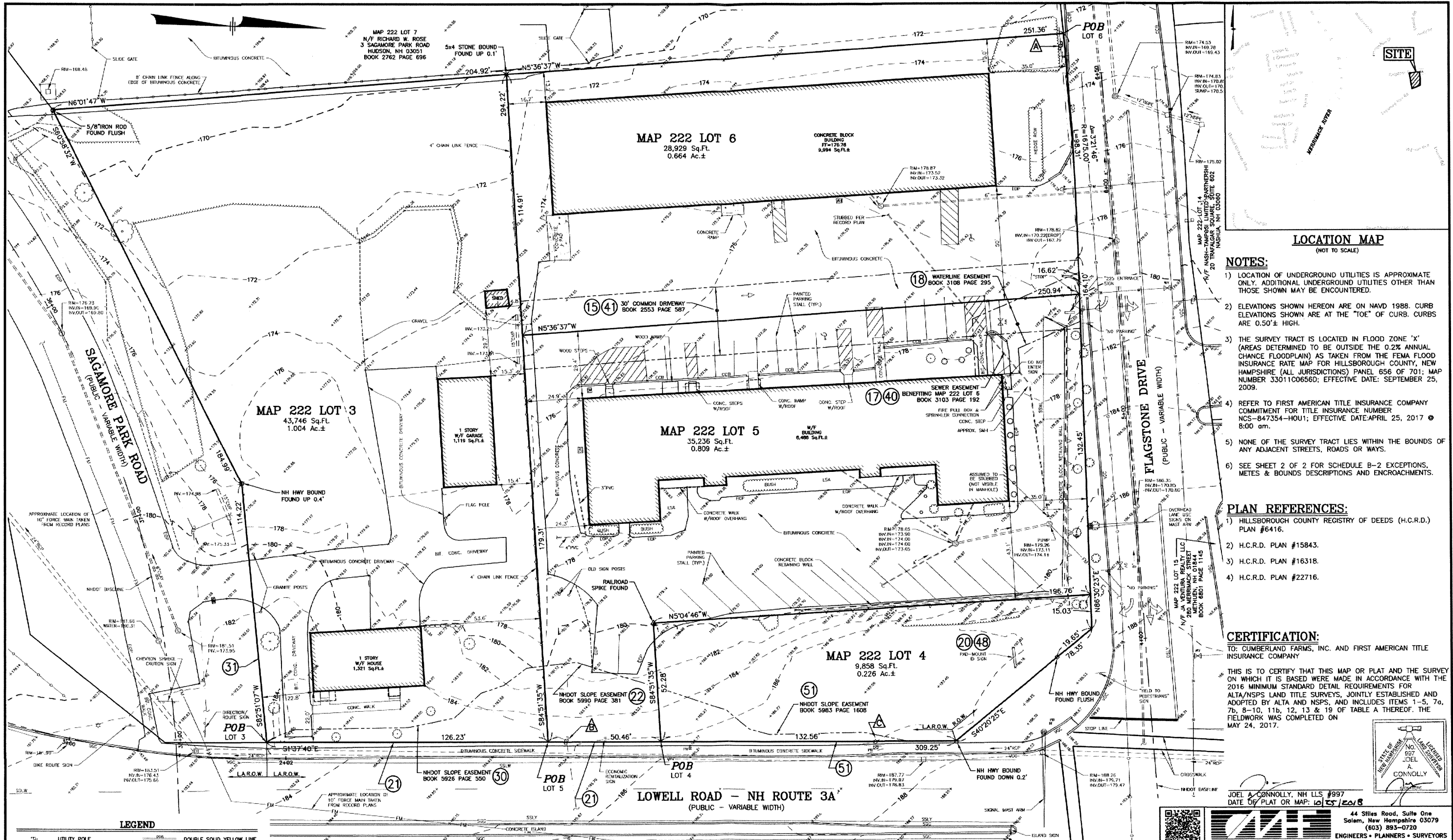
Parcel ID	222-006-000
-----------	-------------

IMAGE

AssessPro Patriot Properties, Inc

More:	N	Total Yard Items:	7,300	Total Special Features:		Total:	7,300
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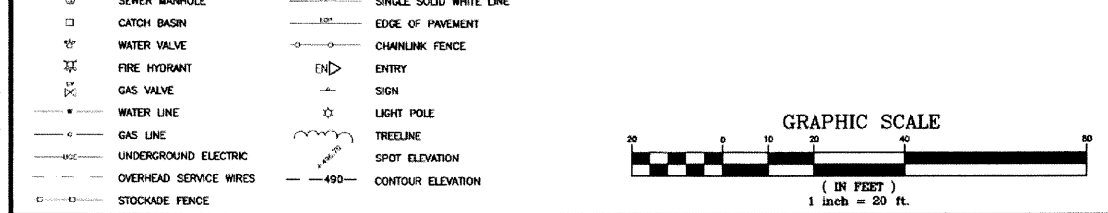


- NOTES:**
- 1) LOCATION OF UNDERGROUND UTILITIES IS APPROXIMATE ONLY. ADDITIONAL UNDERGROUND UTILITIES OTHER THAN THOSE SHOWN MAY BE ENCOUNTERED.
 - 2) ELEVATIONS SHOWN HEREON ARE ON NAVD 1988. CURB ELEVATIONS SHOWN ARE AT THE "TOE" OF CURB. CURBS ARE 0.50' ± HIGH.
 - 3) THE SURVEY TRACT IS LOCATED IN FLOOD ZONE 'X' (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANGE FLOODPLAIN) AS TAKEN FROM THE FEMA FLOOD INSURANCE RATE MAP FOR HILLSBOROUGH COUNTY, NEW HAMPSHIRE (ALL JURISDICTIONS) PANEL 656 OF 701; MAP NUMBER 3301100656D; EFFECTIVE DATE: SEPTEMBER 25, 2009.
 - 4) REFER TO FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NUMBER NCS-847354-HOU1; EFFECTIVE DATE: APRIL 25, 2017 @ 8:00 am.
 - 5) NONE OF THE SURVEY TRACT LIES WITHIN THE BOUNDS OF ANY ADJACENT STREETS, ROADS OR WAYS.
 - 6) SEE SHEET 2 OF 2 FOR SCHEDULE B-2 EXCEPTIONS, METES & BOUNDS DESCRIPTIONS AND ENCROACHMENTS.

- PLAN REFERENCES:**
- 1) HILLSBOROUGH COUNTY REGISTRY OF DEEDS (H.C.R.D.) PLAN #6416.
 - 2) H.C.R.D. PLAN #15843.
 - 3) H.C.R.D. PLAN #16318.
 - 4) H.C.R.D. PLAN #22716.

CERTIFICATION:
TO: CUMBERLAND FARMS, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-5, 7a, 7b, 8-10, 11b, 12, 13 & 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON MAY 24, 2017.



OWNERS OF RECORD:

MAP 222 LOT 3
RDB HOLDINGS, L.L.C.
PO BOX 301
BROOKLINE, NH 03033
BOOK 7532 PAGE 1206

MAP 222 LOT 4
N/F CORNER LOT, LLC
PO BOX 601
BROOKLINE, NH 03033
BOOK 6115 PAGE 818

MAP 222 LOT 5
RDAL HOLDINGS, L.L.C.
PO BOX 601
BROOKLINE, NH 03033
BOOK 7262 PAGE 1615

MAP 222 LOT 6
N/F HOL-BRI, INC.
2 FLAGSTONE DRIVE
HUDSON, NH 03051
BOOK 5637 PAGE 1584

REVISIONS			
NO.	DATE	REV. BY.	DESCRIPTION

117,769 SQUARE FEET
2.703 ACRES
V# NEW
Store# NEW
Gas Station# NEW

225-227 LOWELL ROAD
HUDSON, NH 03051

CUMBERLAND FARMS INC.
165 FLANDERS ROAD
WESTBOROUGH, MA 01581

44 Shiles Road, Suite One
Salem, New Hampshire 03079
(603) 893-0720
ENGINEERS • PLANNERS • SURVEYORS
www.mhfdesign.com

SCALE: 1"=20'
DATE: 10/23/2018
FILE: 4159TWS.DWG
DRAWN BY: JAC
CHECKED BY: JAC

ALTA/NSPS LAND TITLE SURVEY CFG02.0

MHF PROJECT NO. 415916 SHEET 2 OF 17

Town of Hudson, New Hampshire Bylaws
Zoning Board of Adjustment
(Revised as of ~~October 12, 2017~~xxx)

Chapter 143

- 143.1 History
- 143.2 Authority
- 143.3 Purpose
- 143.4 Amendments
- 143.5 Officers
- 143.6 Members and Alternates
- 143.7 Meetings
 - 1. Regular Meetings
 - 2. Quorum
 - 3. Disqualification
 - 4. Order of Business
- 143.8 Application Process
 - 1. Applications
 - 2. Forms
 - 3. Public Notice
 - 4. Public Hearing
- 143.9 Decision Process
- 143.10 Deferment and Withdrawal
- 143.11 Reconsideration by the Board
- 143.12 Motions for Rehearing
- 143.13 Records
- 143.14 Waivers
- 143.15 Joint Meetings and Hearings

143.1 History

Adopted by the Zoning Board of Adjustment of the Town of Hudson 12-14-1978; amended in its entirety 06-23-1988, and amended again in its entirety on 06-23-2011. Subsequent amendments noted where applicable. Amended in entirety on 10-12-17.

143.2 Authority

These bylaws of the Hudson Zoning Board of Adjustment, hereinafter referenced simply as the Board, are adopted under the Authority of NH-RSA (New Hampshire Revised Statutes Annotated) 676:1. In the event of a difference between these bylaws and the applicable NH-RSAs, the NH-RSAs take precedence over these Bylaws.

143.3 Purpose

The purpose of these bylaws is to ensure an orderly procedure in the execution of the duties of the Board.

143.4 Amendments

These bylaws may be amended by a majority vote of the voting members at a regular meeting of the Board provided such amendments are read at two successive public meetings.

143.5 Officers

1. 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.

2. 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.

3. 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.

4. All officers shall serve for one year and shall be eligible for re-election.

143.6 Members and Alternates

1. Five Regular Members shall be appointed by the Board of Selectmen attend all meetings, and sit as voting members

2. Five Alternate Members shall be appointed by the Board of Selectmen, attend all meetings to familiarize themselves with the workings of the Board and stand ready to serve whenever a regular member of the Board is unable to fulfill his/her responsibilities.

3. A Selectman Liaison may be appointed by the Board of Selectman to act as a liaison between the two Boards and should attend all meetings but shall have no voting powers nor the ability to sit in place of any regular member not in attendance.

4. At meetings of the Board, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the Chairman to temporarily fill the unexpired term of a vacancy may participate with the Board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, ask questions and interact with other Board members, the applicant, abutters and the public. Alternates shall not be allowed to make or second motions. Once the Board moves into deliberations, alternates shall remove themselves from any further deliberations with the Board. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the Chairman shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

5. All members and alternates must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairman as soon as possible. Members, including the Chairman and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.

143.7 Meetings

1. Regular meetings (for appeals and Hearings) shall be held at Hudson Town Hall, at 7:00pm on the fourth Thursday of each month in accordance with RSA 676:5-7 and RSA 91-A:2. The Chairman may schedule additional overflow meetings, or reschedule meetings after consultation with the Zoning Administrator (or designee).

2. Other meetings may be held on the call of the Chairman, or a majority vote of the Board in accordance with RSA 91-A: 2II.

All Board members shall be given notice of meetings by mail or email one week prior to the meeting date.

3. Quorum: A quorum for all meetings of the Board shall be three members, including alternates sitting in place of members.

a. The Chairman shall make every effort to ensure that all five members, and one or two alternates, are present for the consideration of any appeal or application.

b. If any regular Board member is absent from any meeting or hearing, or disqualifies

himself from sitting on a particular case, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member, and such alternate shall be in all respects a full member of the Board while so sitting.

c. Alternates shall generally be activated on a rotating basis from those present at a particular meeting. When an alternate is needed, the Chairman shall select the alternate who has not been activated for the longest time.

d. If there are less than five members (including alternates) present, the Chairman shall give the option to proceed or not to the applicant. Should the applicant choose to proceed with less than five members present that shall not solely constitute grounds for a rehearing should the application fail.

3. Disqualifications: If any member finds it necessary to disqualify himself from sitting in a particular case, as provided in RSA 673:14, he shall notify the Chairman as soon as possible so that an alternate may be requested to sit in his place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the Board may request the Board to vote on the question of disqualification. Any such request shall be made before the public hearing gets underway. The vote shall be advisory and non-binding.

Determining the threshold of disqualification can be difficult. To assist a member in determining whether or not they should step down (recuse themselves) Board members should review the questions which are asked of potential jurors to determine qualification (RSA 500-A: 12). A potential juror may be asked whether he or she:

- a. Expects to gain or lose upon the disposition of the case;
- b. Is related to either party;
- c. Has advised or assisted either party;
- d. Has directly or indirectly given an opinion or formed an opinion;
- e. Is employed by or employs any party in the case;
- f. Is prejudiced to any degree regarding the case; or
- g. Employs any of the counsel appearing in the case in any action then pending in the court.

Either the Chairman or the Member disqualifying himself/herself before the beginning of the public hearing on the case shall announce the disqualification. The disqualified shall step away from the table during the public hearing and during all deliberation on the case as they so choose.

4. Order of Business

The order of business for regular meetings shall be as follows:

- a. Call to order by the Chairman.
- b. Roll call by the clerk
- c. Unfinished Business (Continued or Deferred Hearings)
- d. New Hearing(s)
- e. Requests for Rehearing
- f. Approval of Minutes from Previous Meeting (s)

- g. New Business
- h. Communications and items of interest to the Board, Other Business
- i. Adjournment

(Note: Although this is the usual order of business, the Board may wish to hold the hearings immediately after the roll call in order to accommodate the public, based on a positive vote of the Board.)

143.8 Application Process

1. Applications

- a. Each application for a hearing before the Board shall be made on forms provided by the Board and shall be presented to the Zoning Administrator (or designee) who shall record the date and time of receipt.

Application deadline for meeting is 12:00 noon, 12 business days (Monday-Friday including Holidays) prior the scheduled meeting date.

Only complete and accurate applications will be submitted for agenda action, incomplete or inaccurate applications will not be submitted for agenda action.

- b. Appeals from an administrative decision taken under RSA 676:5 shall be filed within 30 days of the decision or when such decision becomes known or reasonably could have been known by the petitioner as determined by the Board.
- c. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these rules of procedure

2. Public Notice

- a. Public notice of hearings on each application shall be given in general newspaper and shall be posted at Town Hall, Town Public Library and the Post Office not less than five (5) days before the date fixed for the hearing. Notice shall include the name of the applicant, description of property to include tax map identification, action desired by the applicant, provisions of the zoning ordinance concerned, the type of appeal being made, and the date, time and place of the hearing.
- b. Personal notice shall be made by certified mail to the applicant and all direct abutters and regular mail for indirect abutters within 200' not less than five (5) days before the date of the hearing.
- c. The applicant shall pay for all required notice costs in advance.

3. Public Hearing

The conduct of public hearings shall be governed by the following rules:

- a. The Chairman shall call the hearing in session by instructing the clerk to report on the first case.
- b. The Zoning Administrator shall report why the case has been brought before the Board.

- 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 request.

The Chairman shall announce all decisions after the vote has been taken.

143.10 Deferment and Withdrawal

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

In the event that a deferred applicant is not ready when the case comes back before the Board, the Board may initiate withdrawal of the application, with or without prejudice, where "with prejudice" means that any new application (unless substantially changed) cannot be filed for a period of one year. Filing fees shall not be returned for withdrawn cases that have been reviewed and processed by staff with public notice of a scheduled hearing having been posted.

Moreover, once an application has been withdrawn, any re-application shall be considered a new application and the applicant shall be required to pay all applicable fees for consideration. In the event of a Board-initiated deferment, because members felt it necessary for more information or other reason, a sitting member must make a motion to defer until the next regular meeting or a date specific, that motion must be seconded and voted on by the voting members of the case in question, and abutter notice shall be presumed to have been accomplished by the decision of the Board's vote, but in some rare instances the Board may require that notification fees be paid again for deferred cases in order to ensure that abutters are properly notified. In the event of the Board's acceptance of a request for deferment by the applicant at the meeting, the request shall be handled in the same manner as a Board-initiated deferment. In the event that the applicant is not ready when the case comes back before the Board, the Board may initiate withdrawal of the application, with or without prejudice, as described above.

143.11 Reconsideration by the Board

The Board may reconsider a decision to grant or deny an application or grant or deny a motion for rehearing provided such reconsideration is within the appeal period of the original decision as per RSA 667:3

143.12 Motions for Rehearing

If the Board grants a motion for rehearing, the new public hearing shall be held within 30 days of the decision to grant the rehearing provided all notice fees are paid and an updated abutters list is submitted by the party requesting the rehearing. Notification of the rehearing shall follow the procedures set forth in RSA 677:2. [October 2012]

143.13 Records

1. The records of the Board shall be kept by the Zoning Administrator and made available for public inspection at Hudson Town Hall in accordance with RSA 673:17.
2. Final written decisions will be placed on file and available for public inspection within 5 business days after the decision is made. RSA 676:3
3. Minutes of all meetings including names of Board members, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection within 5 business days of the public meeting. RSA 91-A:2 II

143.14 Waivers

Any portion of these rules of procedure may be waived in such cases where, in the opinion of the Board, strict conformity would pose a practical difficulty to the applicant and a waiver would not be contrary to the spirit and intent of the rules. A majority of the Board present shall vote any waiver.

143.15 Joint Meetings and Hearings

1. RSA 676:2 provides that the Board of Adjustment may hold joint meetings or hearings with other "Land Use Boards," including the Planning Board, the Historic District Commission, the Building Code Board of Appeals, and the Inspector of Buildings, and that each Board shall have discretion as to whether or not to hold a joint meeting with any other land use Board.
2. Joint business meetings with any other land use Board may be held at any time when called jointly by the Chairman of the two Boards.
3. A public hearing on any appeal to the Board of Adjustment will be held jointly with another Board only under the following conditions:
 - a. The joint public hearing must be a formal public hearing on appeals to both Boards regarding the same subject matter; and
 - b. **If** the other Board is the Planning Board, RSA 676:2 requires that the Planning Board Chairman shall chair the joint hearing. **If** the other Board is not the Planning Board, then the Board of Adjustment Chairman shall chair the joint hearing; and
 - c. The provisions covering the conduct of public hearings, set forth in these rules, together with such additional provisions as may be required by the other Board, shall be followed; and
 - d. The other Board shall concur with the above.



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 – March 14, 2019 - edited

The Hudson Zoning Board of Adjustment held a meeting on March 14, 2019, in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall at 7:00 PM.

Chairman Charlie Brackett called the meeting to order at 7:04 PM with an apology for the late start due to the non-public session and the recording crew needing to warm up the equipment to record the public session.

Mr. Brackett stated that the Board is assembled to hear requests for relief from the State Laws and Local Zoning Ordinance; noted that copies of the Agenda as well as Appeal Forms are located on the shelf by the door; outlined the process of the meeting noting that the Board would first hear a presentation from the applicant before hearing from the public and asked that everyone addressing the Board to come either to the table or lectern and to give their name and address, with spelling, and lastly; outlined housekeeping issues that included turning cell phones off, no talking in the audience and no smoking.

Members present were Charlie Brackett (Regular), Gary ~~Dearborn~~-Daddario (Regular), Maryellen Davis (Regular/Acting Clerk), Gary Dearborn (Regular) and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator, Dave Morin, Selectmen Representative, and Louise Knee, Recorder. For the record, all Regular Members voted.

I. NON-PUBLIC MEETING WITH TOWN COUNSEL, DAVID LEFEVRE BEGINNING 6:00 PM

Noted as held until 6:52 PM

II. CONTINUED PUBLIC HEARINGS OF DEFERRED APPLICATIONS BEFORE THE BOARD BEGINNING 7:00 PM

1. Case 256-001 (Deferred from 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].

Acting Clerk Davis read the Case into the record. Mr. Buttrick referenced his Zoning Determination dated 1/14/2019, recapped his Staff Report signed 2/15/2019 and

Not Official until reviewed, approved and signed.

As edited [BB, GD2, MD, GD1]

47 noted that at the last meeting there was discussion regarding his Zoning
48 Determination rationale and distributed his supporting documentation.
49

50 Atty. Brad Westgate of Winer and Bennett at 111 Concord Street in Nashua, NH,
51 introduced himself as representing the owner and applicant, Ramenbhati Patel,
52 Trustee of Hudson Realty Trust.
53

54 Mr. Brackett stated that he was not at the last meeting, that it is his understanding
55 that because there were not three (3) positive votes to either motion made, it was
56 agreed that, even though there was discussion, the entire Case would be presented
57 tonight. Atty. Westgate concurred and in the interest of efficiency distributed a
58 package of material that contained:

- 59 • A excerpt of Hudson's Zoning Ordinance (ZO) Section 334-22 Table of
60 Permitted Accessory Uses and 334-23 General requirements (Special
61 Exceptions);
- 62 • Zoning Determination #19-009 dated 1/14/2019;
- 63 • As-built Plan dated 12/20/2013 prepared by TF Moran showing that the
64 property is split between Hudson, NH, and Tyngsborough, MA, with the store
65 and septic system on the NH side and a few parking spaces in MA;
- 66 • letter from Venkata Reddy Emani, Manager Hudson Quick Stop dated
67 2/28/2019 regarding more than sufficient available parking spaces;
- 68 • letter from PE Thomas Burns of TF Moran dated and stamped 2/28/2019
69 regarding the existing subsurface disposal system's ability to accommodate the
70 apartment; and
- 71 • copies of emails with their architect Karl Frank and Steven Dube of Hudson
72 Fire Department attesting that only one (1) stairwell and one (1) life-safety-code-
73 compliant window is required for ~~a 750 SF~~ second floor apartment measuring
74 under 2,000 SF and noted that the plan presented was for a 750 SF apartment.
75

76 Atty. Westgate stated that they are seeking a Special Exception under Sections 334-22
77 and 334-23 of the Zoning Ordinance (ZO) to permit as an Accessory Use a caretaker's
78 residential unit on the second floor of the existing convenience store at 99 River Road.
79 Atty. Westgate stated that the convenience store underwent Site Plan Review with the
80 Planning Board, that it was approved in 2011 and that as a condition of approval an
81 As-built Plan was produced in 2013. The property is split by NH/MA State line, with
82 the store, on-site septic system, most of the twelve (12) parking spaces and the
83 entrance onto the property are located in NH. The property has a total acreage in the
84 twenty-one thousand square foot (21K SF) range. The first floor of the building is used
85 for the convenience store.
86

87 Atty. Westgate stated that a residential caretaker's dwelling unit is a regularly and
88 historically acceptable accessory use to a retail operation. In ZO Section 334-22, Atty.
89 Westgate highlighted two (2) sentences: (1) that "the addition of such accessory uses
90 does not result in the mixed or dual use of a parcel and does not require additional lot
91 area, frontage or setbacks"; and (2) that "accessory uses listed in the Table of
92 Permitted Accessory Uses are not intended to be the only accessory uses allowed" but
93 would require a Special Exception.
94

95 Atty. Westgate stated that the purpose of the accessory dwelling unit, the caretaker's
96 residence, is to provide living quarters for the store manager, or a full time employee,
97 with a spouse. The addition of the living quarters will have no impact to the exterior of
98 the building, no change in its footprint, no raised roof and it will meet Fire and Safety
99 Codes. The property is serviced by an on-site septic system and as attested by PE
100 Tom Burns from TF Moran the septic system has enough capacity to accommodate the
101 proposed dwelling unit and the convenience store. During Site Plan Review, the
102 Planning Board determined that eleven (11) parking spaces were required for the
103 convenience store and according to Mr. Buttrick there should be two (2) parking
104 spaces for the apartment. There exist twelve (12) parking spaces on site. An
105 argument can be made that a parking space is designated for an employee of the store
106 and if an employee is residing in the apartment, only one additional parking space
107 should be sufficient; however, if that is not acceptable, they will ask the Planning
108 Board for a waiver on the required eleven (11) parking spaces based on the testimony
109 in the store manager's 2/28/2019 letter. With regard to egress requirements, Mr. Jit
110 Patel met with his architect, Karl Frank, who reached out to the Hudson Fire
111 Department and according to the emails exchanged, only one (1) stairwell and one (1)
112 life-safety-code-compliant window is required for a 750 SF second floor apartment.
113

114 Atty. Westgate next addressed the criteria for the granting of a Special Exception and
115 the information shared included:
116

- 117 A) *use not in the Table of Permitted or Accessory Uses*
- 118 • proposal is for an Accessory Use, as per Zoning Determination
 - 119 • a caretaker apartment is not listed in the Table
 - 120 • they are seeking a Special Exception per ZO Section 334-22
- 121 B) *proposed use meets applicable requirements*
- 122 • there is nothing specific in ZO for caretaker dwelling units like there is
123 for wetlands
- 124 C) *proposed use is consistent with purpose and intent of District*
- 125 • the G-1 District allows a variety of uses, including both commercial and
126 residential; therefore having one within the other meets the ZO
- 127 D) *proposed use is compatible with character of surrounding neighborhood*
- 128 • surrounding area has mixed uses already - the Porter house and Ayotte's
129 store were cited as examples
 - 130 • 84 River Road kept the house when storage units were added
 - 131 • there will be no changes to the footprint or exterior of the building,
 - 132 • there is no change proposed for utilities
 - 133 • there will be no operational changes as the tenant will be an employee
- 134 E) *primary access from arterial or collector roads*
- 135 • access is River Road, an arterial road, and no changes are proposed
136

137 With regard to compliance and to insure that the tenant is an employee, with spouse,
138 of the convenience store, Atty. Westgate stated that an affidavit signed at the onset,
139 prior to the issuance of a CO (Certificate of Occupancy), and possibly reaffirmed every
140 year, would suffice because any violation of an affidavit would be subject to the
141 penalty of perjury. Atty. Westgate also noted that the Code Enforcement Officer can
142 follow-up at anytime.
143

144 Public testimony opened at 7:31 PM and closed at 7:32 PM. Only one individual
145 addressed the Board. John Porter, 97 River Road, stated that he lives next to the
146 store and sees no problem with it having an apartment for an employee, there's plenty
147 of parking and added that it is a good thing.
148

149 Ms. Davis questioned the existing doors. Jit Patel, 5 Baldwin Lane, Hopkinton, MA,
150 son-in-law and manager of Mr. Ramenbhati Patel's various properties, responded that
151 the door entering the building from the north leads to the stairway and to the door
152 leading into the store which can be locked and that the other door at the back of the
153 building is for deliveries only and does not have access to the apartment.
154

155 Mr. Dearborn noted that the Building Permit specified a one-story building and now it
156 exists as a 1½-story building. Mr. Westgate stated that the convenience store is
157 located on one floor. Mr. Ramenbhati Patel stated that even at the time of
158 construction there were references made to the lower floor, the middle floor and the
159 upper floor. Mr. Brackett noted that in 2013 there was a variance application
160 submitted and then withdrawn for an apartment and wondered if work on the second
161 floor occurred then. Atty. Westgate stated that it could be reviewed with the Planning
162 Board when they pursue a Modification to their Site Plan Review.
163

164 Mr. Dearborn asked for clarification on the term 'caretaker' and whether the living unit
165 would be lived in seven days a week. Atty. Westgate stated that the tenant would be
166 either the store manager or a full-time employee with their spouse, that the apartment
167 could be their permanent address and added that their application is not requesting a
168 "caretaker" apartment, that the term was coined for ease in reference for the living
169 quarters to be an accessory use. Mr. Daddario asked whether a condition of approval
170 specify that the 'employee tenant' be a full-time employee of the store and Atty.
171 Westgate stated that they would not object to the specificity and added that it would
172 need to also include a spouse.
173

174 Mr. Brackett stated that the variance application of several years ago was withdrawn
175 but not prior to receiving quite a bit of testimony and asked if those comments apply
176 to today and this application. Atty. ~~Dearborn-Westgate~~ stated that it is not applicable,
177 that prior request was for a variance to create a Dual Use and has never been
178 introduced to the record for this Special Exception application. Mr. Brackett stated
179 that historically, in Hudson, this type of request has always been handled as a
180 secondary Primary Use, a Dual Use, and until the Determination was made, had not
181 even contemplated an apartment as an Accessory Use to a business. Mr. Brackett
182 referenced the Table of Permitted Accessory Uses and the first sentence states
183 "traditional" "secondary uses" and to his way of thinking, an apartment is not a
184 traditional accessory use to a business *in Hudson* and expressed concern with setting
185 a precedent letting a Principal Use to become an Accessory Use. A Residential Use has
186 traditionally been considered a Primary Use in Hudson.
187

188 Ms. Davis expounded and stated that in Hudson accessory use is customarily viewed
189 as being compatible to the primary use and for a store, in her opinion, that could
190 ~~entail-include~~ a deli or a coffee bar. Mr. Brackett referenced ZO Section 334-23
191 Criteria A that states that the accessory use being sought "is so similar to other uses
192 permitted by special exception in the relevant district" but according to his
193 recollection, the Board has never approved an apartment as an accessory use to a

194 business and therefore, this request does not meet this criteria, nor does it meet
195 criteria C & D.

196
197 Atty. Westgate's response included the following statements. In terms of how to
198 analyze the ZO, it is not Hudson specific, accessory uses can be permitted whether on
199 the Table or not, and it becomes more of a question of whether the proposed use is
200 adjunct or not to the principal use. What has occurred in history cannot encompass
201 all that could happen in the future. Historically, resident and shop combinations have
202 coexisted in the same building. It is the dynamic of the business that defines the
203 scope and the need. Atty. Westgate went to the Assessor's Office and received a list of
204 all properties in Town with multiple uses but would have to go to the Community
205 Development Department and pull their records to identify the specific uses.
206 Reference made again to 84 River Road and the Assessor Card lists both residence and
207 self-storage units and does not recall whether it needed a variance. With regard to
208 character of the neighborhood impact, there is no external reference to an apartment.
209 The Dual Use analogy is not before the Board, a Zoning Determination was made and
210 the appeal period has expired, it is now binding. Atty. Westgate stated that he has
211 never heard of a Zoning Board appealing a Zoning Determination.

212
213 Side discussion arose on the new process of not distributing Zoning Determinations
214 but rather just making them available in the Public Folder and how, as in this case,
215 this practice can be impacting cases before the Board. The 30-day appeal period holds
216 firm.

217
218 Motion made by Mr. Daddario to grant the special exception allowing a 750 SF
219 apartment to be constructed on the second floor of the convenience floor with the
220 following five (5) conditions:

- 221
222 (1) that there be no exterior access serving solely the apartment, access to
223 remain solely the existing internal stairway
224 (2) that the apartment will share the utilities with the convenience store – the
225 apartment will not have separate utilities
226 (3) the apartment can only be occupied by the store manager or a fulltime
227 employee of the business along with a spouse
228 (4) an affidavit attesting the identity and employment of the tenant be
229 submitted prior to issuance of a Certificate of Occupancy and submitted
230 every year after
231 (5) parking for the apartment resident is limited to one (1) assigned space
232

233 Mr. Pacocha seconded the motion. Mr. Daddario stated that he made his motion
234 based on his acceptance of the Zoning Determination that the apartment is an
235 accessory use and that the criteria for the granting of a special exception have been
236 met. Mr. Pacocha stated that even though he believes this should be a Dual Mixed
237 Use variance, he supports the Zoning Determination. Ms. Davis and Mr. Dearborn
238 stated that the residence is a Principal Use and not an Accessory use to the Principal
239 Use of a store. Vote was 3:2. Ms. Davis and Mr. Dearborn opposed. Motion passed.
240 Special Exception granted. The 30-day appeal period was noted.

241
242

243 2. Case 209-001 (Deferred from 2-28-19): Mark Pilotte of Dakota Partners,
244 LLC, 1264 Main St., Waltham, MA requests a Variance at 161 Lowell Road,
245 Hudson, NH to permit the use of the entire buildable lot area (after
246 subdivision) within the Applicant's lot for calculation of density, using a
247 portion of that buildable lot area within the G Zone. [Map 209, Lot 001, Split
248 districts: Zones B and G; HZO Article VII §334-27, Table of Minimum
249 Dimensional Requirements- Note 2].
250

251 Ms. Davis read the Case into the record. Mr. Buttrick referenced his Zoning
252 Determination dated 1/23/2019 and his Staff Report signed 2/19/2019 and
253 summarized as follows: the entire lot is almost eighty nine acres (88.8) and is divided
254 by the B Zone along Lowell Road and the ~~G-1G~~ Zone to the rear; the intent is to
255 subdivide the lot into two parcels and develop multi-family housing in the B Zone; and
256 the applicant desires to utilize acreage located in the ~~G-1G~~ Zone to calculate density
257 for units in the B Zone; and there is no provision in the Zoning Ordinance addressing
258 utilization of land in another Zone for density calculation and he has determined that
259 it cannot be done without a variance from the ZBA. Mr. Buttrick also noted receipt of
260 Town Planner Brian Groth emails dated 2/19/2019 and 2/25/2019.
261

262 Atty. Thomas J. Leonard of Welts, White & Fontaine, P.C. of Nashua, NH, introduced
263 himself as representing Dakota Partners, noted that Mark Pilotte of Dakota Partners
264 and Carl Dubay, PE, were also present. Atty. Leonard stated that he submitted a
265 thumb drive to Mr. Buttrick that contains copies of the plans and proceeded to
266 distribute paper copies as well. Atty. Leonard summarized the material: application,
267 Zoning Determination, a subdivision plan, a site plan, a tax map, a GIS map, the
268 Table of Uses, the Dimensional Requirements Table.
269

270 Atty. Leonard stated that it is at present a large parcel, approximately eighty-eight (88)
271 acres with frontage on Lowell Road, has sewer and water and is split zoned, with B
272 Zone on the front along Lowell Road and G Zone to the rear. The interesting aspect is
273 the assignment of the B Zone seems to be arbitrarily assigned five hundred feet (500)
274 from Lowell Road without any consideration to the land or lot configuration.
275

276 Atty. Leonard stated that the Dakota Partners are residential developers focusing on
277 multi-family homes that are affordable, also known as workforce housing. The
278 property owner and Dakota Partners intend to subdivide the property and create
279 roughly a twelve to thirteen (12-13) acre lot and a seventy-five (75) acre lot. Atty.
280 Leonard referenced the Conceptual Plan for Subdivision and a Conceptual Plan for
281 Site Plan. The proposal for the front 12.8 acres is to construct two (2) buildings, in
282 two (2) phases, with each building having forty-eight (48) units each, and noted that
283 all the buildings and parking would be contained in the B Zone that allows multi-
284 family dwellings. One unit in the first building will serve as a model and an office.
285

286 Atty. Leonard stated that they sought the Zoning Administrator to determine the lot
287 area needed to support the ninety-six (96) units. Note 2 in the Table of Dimensional
288 Requirements gives a mathematical requirement regarding the buildable lot area. The
289 proposed Site Plan has the required amount. In reviewing the concept, one of the
290 issues that has been raised is that the lot has two (2) zones and Mr. Buttrick has
291 determined that for purposes of calculating buildable lot area, only the land in the B

292 Zone can be used in the calculations. Atty. Leonard stated that they do not agree and
293 that consideration should be given to where on the lot the use will reside.

294
295 Atty. Leonard stated that they are before the Board questioning the Zoning
296 Determination and if the Board agrees with Mr. Buttrick, then they are before the
297 Board for a Variance to use the total buildable area of the proposed 12.7-acre lot.

298
299 Ms. Davis asked the amount of acreage in the B Zone and the ~~G-1G~~ Zone. Atty.
300 Leonard responded that the total acreage for the multifamily lot would be 12.7 acres,
301 that there are approximately nine (9) acres in the B Zone and referenced the Proposed
302 Subdivision Plan that displays the Density Calculations based on buildable area.
303 Discussion branched into 'buildable lot area' and whether the buildable lot area of the
304 proposed lot has to be distinguished by Zone especially, in Atty. Leonard's opinion,
305 when Zone is not referenced in ZO Article VII Section 333-27.1 for the definition of
306 minimum buildable lot area. Atty. Leonard also stated that dimensional requirements
307 also serve Hudson to control overcrowding, and in his opinion, they comply because
308 there is enough land with 12.7 acres.

309
310 Atty. Leonard stated that workforce housing is a NH need and supported by RSA
311 674:58 and RSA 674:59, and that both the Hudson Master Plan and Hudson Zoning
312 Ordinance support it in policy. Districts/Zones are configured based on compatible
313 uses and with consideration for infrastructure. The G Zone is a generalized zone that
314 allows multiple land uses with consideration to surrounding uses. The B Zone is the
315 only Zone in Hudson that allows multifamily homes and the B Zone comprises
316 approximately five percent (5%) of Hudson land and there are few spaces left in the B
317 Zone for the proposed development. Atty. Leonard pointed out that all the B "use" has
318 been contained in the B zone of the 12.7-acre lot and added that they also meet all
319 other Zoning requirements.

320
321 Atty. Leonard stated that the State of NH is in the middle of a housing crisis,
322 according to last month's *NH Business* magazine's cover story; there is not sufficient
323 housing to support new workforce members.

324
325 Atty. Leonard stated that workforce housing can either be ownership or rental. The
326 proposed project is only rental. Each of the two (2) buildings will contain forty eight
327 (48) units of which twenty four (24) will be one--bedroom apartments and twenty four
328 (24) will be two-bedroom apartments. Of the forty eight (48) units, thirty two (32)
329 units will be rent restricted by agreement with the NH Housing Finance Authority to
330 qualify as workforce housing. Atty. Leonard stated that they would *not* be Section 8
331 housing and outlined approximate income levels needed for tenants in order to rent a
332 workforce unit. It was noted that the salary range includes professions such as
333 teachers and municipal workers and anyone starting out in the workforce.

334
335 Discussion branched and included percentage of income affordability, the difference in
336 percentages with rentals versus purchase, number in household, differences between
337 one- or two- bedroom units, family growth, the intent of meeting both ends of the
338 spectrum from people entering the workforce to those leaving the workforce, to
339 managing rental units versus condominiums.

340

341 Atty. Leonard next addressed the criteria for granting of a variance. The information
 342 shared included:
 343

344 1) *not contrary to public interest*

345 2) *spirit of Zoning Ordinance observed*

- 346 • the request is not contrary to public interest,
- 347 • the development of multifamily units is contained in the B Zone area of
- 348 the lot,
- 349 • it does observe the spirit of the Ordinance
- 350 • it does not alter the essential character of the neighborhood
- 351 • does not violate the basic Zoning objectives
- 352 • it is serviced by Municipal water and sewer
- 353 • the area of the lot is ample for what is being proposed
- 354 • “open space” and passive recreational space are permitted in the G Zone
- 355 • there is approximately three (3) acres in the G Zone and when/if the
- 356 remaining lot is developed it will provide a buffer
 - 357 • Mr. Daddario asked if it is the intent to keep the acreage in the G
 - 358 Zone as open space. Atty. Leonard confirmed that the three acres in the
 - 359 G Zone section will not be developed. Mr. Daddario asked if that would
 - 360 be put in writing and Atty. Leonard agreed.
 - 361 • Atty. Leonard stated that they are asking for 96 units on a 12.7
 - 362 acre lot and only the three acres in the G Zone section of the lot is what
 - 363 is before the Board for its use in the density calculation. The G Zone
 - 364 portion will not be developed now or in the future.
 - 365 • Mr. Dearborn stated that the lot is being subdivided among two
 - 366 zones and asked ~~of if~~ the lot could be created in just the B Zone.
 - 367 • Atty. Leonard stated that two compliant lots ~~needs~~ to be created
 - 368 and each one needs frontage on Lowell Road. Enough frontage along
 - 369 Lowell Road has been set aside to service the rear 75 acres. Another
 - 370 consideration are the wetlands on site and a small area of steep slopes.
 - 371 • ~~proposal-Proposal~~ violates no private rights of others
 - 372 • ~~all-All~~ construction for the project is contained in the B Zone section of
 - 373 the lot, where it is permitted

374
 375 3) *substantial justice done*

- 376 • ~~the-The~~ question “is there any loss to the individual that is not
- 377 outweighed by a gain to the general public” – in other words, if the Board
- 378 is going to impose a restriction it should benefit the public – a balancing
- 379 act
- 380 • ~~this-This~~ is an important piece of land in Hudson and one of the few
- 381 pieces that has adequate infrastructure (sewer / water) and can
- 382 accommodate a multifamily development /workforce housing.
- 383 • There is no “magic” to the B Zone line running 500’ from Lowell Road
- 384 • Strict enforcement does not accomplish any purpose that is important to
- 385 the Town or to the public generally
- 386 • The proposal offers a more effective and efficient use of the land to
- 387 accommodate multifamily units.
- 388 • Workforce housing is important, it is essential to the economy of
- 389 communities

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4) *surrounding property values not diminished*

- ~~proposed~~-Proposed use is similar to abutters on Fox Hollow, with the main difference being that Fox Hollow offers ownership and has some of its buildings in the G Zone. This proposal only offers rentals and development is all in the B Zone.
- There is no impact on surrounding property values, it is zoned for multifamily and it fits into the Town's Master Plan
- Kensington Place in Bedford NH [a Dakota property] was cited as an example along with the Muse development which is a single family cluster development
- Buildings will be architecturally designed, ample open space will be provided, there will be a Club House, the property will be maintained and the project will increase the value of surrounding properties

5) *unnecessary hardship if not granted*

- property is split zoned and the Zoning Ordinance does not stipulate how to deal with split zones
- line for the B Zone is arbitrary – set at 500' off Lowell Road with no consideration to the land or lots – and does not serve a real public purpose
- wetlands on site
- size of lot is 88 acres and to subdivide, each lot must have access off Lowell Road
- State of NH has indicated that workforce housing is essential to the economic growth of the community
- Multifamily homes are only allowed in the B Zone and there are few tracks of land in the B Zone large enough to support multifamily developments, and there is of 5% of Hudson land in the B Zone
- There is public policy to support a particular use and available land is not widespread, it is important to make exceptions to the rules
- Indirect and unintended consequences exist with the arbitrary zone line and interferes with Town goals

Mr. Brackett stated that ~~the~~-considering the hour and the number of people present, all public testimony will be taken tonight but deliberation may be continued to the next meeting. Mr. Brackett stated that the issue before the Zoning Board is the utilization of the land in the G Zone for density calculations and added that issues pertaining to architectural considerations, traffic, travel ways will be explored by the Planning Board, that the plans presented tonight are conceptual plans subject to fine tuning by the Planning Board.

Public testimony opened at 9:10 PM. The following individuals addressed the Board:

- (1) Philip MacSweeney, 10 Hickory Street, the first street directly behind this lot in a development of approximately two hundred fifty (250) houses with ten (10) houses along the back property line. This project proposes to squeeze ninety plus families in a small geographical area and it will have an impact regardless of the number of actual occupants. Going down Lowell Road today is bad, especially early morning or around four or so in the afternoon

Not Official until reviewed, approved and signed.

As edited [BB, GD2, MD, GD1]

440 and this project will add over a hundred cars. Another concern is with the
441 sewage as about thirty (30) years ago there was a storm and he ended up
442 with sewage in his basement. Schools are another concern, especially after
443 yesterday when they cut their programs at Albert-Alvirne High School and
444 shot down full day kindergarten. This project will affect everyone in Town.
445

446 (2) Valerie Moore from Nutter, McClemmen and Fish at 155 Seaport Blvd. in
447 Boston, MA, and is representing Farley White Hudson LLC who owns 55
448 Executive Drive, an immediate abutter to the west of this property in the
449 Industrial Zone and the site is occupied by Comcast who operates their
450 nationwide call center. The G Zone serves an important purpose for this
451 industrial lot as a buffer. Farley White is concerned that this project is the
452 first step for bringing residences closer to industrial uses and does not
453 support this project as it could limit their ability to grow and sets a
454 precedent that will eventually interfere. This project does not meet the
455 criteria for a variance with regard to unnecessary hardship. A split zone is
456 not unique. The project is allowed by right but not to the scale proposed.
457 The applicant is creating the hardship. If the Board chooses to grant this
458 project, please consider placing a restriction on the remaining 75 acre parcel
459 in the G Zone that it will not contain residences.
460

461 (3) Andrew Doyle, 18 Fox Hollow, asked how many units would be allowed
462 without considering the land in the G Zone, how many vehicles will be
463 allowed per unit, and how many parking spaces will be provided, and what
464 use will there be in the G Zone acreage. Traffic is a concern. Testimony was
465 given that there are not many rentals in Hudson but Fox Hollow alone has
466 plenty of rentals available. Statement also made that it will have no affect
467 on surrounding property values but no real estate expert testimony was
468 provided and neither was evidence that it would not affect property values.
469 Mr. Doyle stated that he-his background is in finance and he has his real
470 estate license and does consider himself a real state expert and this project
471 will affect surrounding property values. And lastly, the hardship criteria has
472 not been satisfied and referred to Ms. Moore's comments.
473

474 (4) Joan MacSweeney, 10 Hickory Street, asked how this project will affect the
475 land across Lowell Road in addition to altering their view. According to Mr.
476 Buttrick, the size of the sewer pipe in front of the property is eight inches
477 (8") and that will probably not accommodate this project.
478

479 Being no one else to speak, public testimony closed at 9:29 PM.
480

481 Mr. Buttrick stated that one of the arguments of the applicant is the result of his
482 Zoning Determination. Mr. Buttrick posted the Subdivision conceptual plan and
483 explained his rationale to the public.
484

485 Atty. Leonard responded to the testimony received and his response included:

- 486 • That he heard the neighbors
- 487 • The Town of Hudson has a zoning scheme
- 488 • Yes, there will be more traffic but that is a Planning Board concern and they
489 will be paying approximately \$170,000 in road impact fees and that may or may

- 490 not included a traffic light. Mr. Brackett stated that the Planning Board may
 491 require that a Traffic Study be performed.
- 492 • Studies have shown that there will be between ten to twenty school age children
 493 from this type of project. Some of those students may already be in the Hudson
 494 school system. They will be paying approximately \$350,000 in school impact
 495 fees.
 - 496 • Atty. Moore's comments and concern for encroachment onto the I Zone
 497 neighbor are addressed by the fact that this development is contained in the B
 498 Zone section of the property and the Zoning Board is the first in a series of
 499 steps to get this project approved.
 - 500 • There is no precedent for the encroachment issue
 - 501 • There is hardship and it is caused by the arbitrary line of the B Zone. The lot
 502 has Municipal water and sewer and the site is appropriate. Mr. Brackett noted
 503 that if there were less units, they would not need land in the G Zone for density
 504 calculations.
 - 505 • The yield would be 81 units if the entire B Zone land was used; but it cannot all
 506 be used because access to the back lot must also come from Lowell Road.
 - 507 • The yield utilizing just the B Zone section in the proposed subdivision would
 508 yield 71 units. The economics are challenged with this number. A certain
 509 number is needed to cost balance the project. Approximately two thirds (2/3) of
 510 the units will be under the NH Housing Financing Authority. The economics
 511 work with 96 units.
 - 512 • The Zone line is the only issue. The acreage supports 96 units.
 - 513 • Mr. Doyle's property is over five hundred feet (500') away from any of the
 514 proposed buildings. There will be no clear cutting of trees.
 - 515 • Mr. Doyle stated that there are plenty of rentals available in Fox Hollow but the
 516 real question is whether they are under NH Housing Financing Authority?
 - 517 • Public health and welfare regarding the sewer will be addressed by the Planning
 518 Board to ensure there is no threat to public health or welfare.
 - 519 • Changing the neighborhood? This project is in Hudson's Zoning Scheme, it is
 520 in the only zone that permits multifamily residences, there are other
 521 multifamily residences in this zone
 - 522 • Land values will not be negatively impacted, evaluation must take in
 523 surrounding sites versus what permitted uses are allowed.

524
 525 Mr. Pacocha asked what determined that Hudson needs workforce housing. Atty.
 526 Leonard stated that every community needs it, needs housing affordable to medium
 527 income earners, that there is less than 10% of the rents in NH for those with income
 528 in the forty thousand dollar range (\$40,000), that house prices in NH averages over
 529 \$300,000 and referenced the NH Business magazine. Atty. Leonard offered to send
 530 Mr. Buttrick the link. Atty. Leonard added that they are time table dependent and
 531 would like to be "shovel ready" by summer.

532
 533 Public testimony opened for the second round at 9:58 PM. Only one individual
 534 addressed the Board. Kevin Lynch, 733 Fox Hollow, stated that after the last meeting
 535 he went home and Googled workforce housing and it clearly states low to moderate
 536 income and asked how that cannot impact, especially when you have Goodwill a mile
 537 from Fox Hollow and call it what you want it will be low income housing, may not be
 538 subsidized, and is a good concept for police officers and teachers but there is no

539 guarantee they will be the tenants. Another concern is the introduction of over two
540 hundred (200) cars with no traffic light. Mr. Brackett restated that traffic will be
541 handled by the Planning Board and Mr. Lynch asked how he would be informed when
542 they would be meeting and was informed that he would receive a certified letter just as
543 he did for the Zoning Board meeting. Public testimony concluded at 10:01 PM.
544

545 Mr. Brackett announced that they will discuss the variance application and the use of
546 the G Zone for the density calculation. Ms. Davis noted that public testimony is now
547 closed for this application. Mr. Brackett added that this application would be first on
548 the Agenda.
549

550 Atty. Leonard stated that the workforce housing definition can be found in RSA 674:58
551 and in the specific definition there is mention "affordable" is costing 30% of
552 household's gross annual income and that "workforce housing" is 30% of the medium
553 household income for ownership purposes and for rental it is no more than 60% of the
554 medium income for a three-person household. Atty. Leonard also submitted a 2018
555 chart of medium income and noted that for the Nashua area it is \$57,400.
556

557 Discussion arose on the next meeting date. The next scheduled meeting is March
558 28th. Only four (4) Members will be present. Everyone checked their calendars and
559 the full Board could meet the following week.
560

561 Motion made by Ms. Davis to continue the hearing on Case #209-001 to next
562 Thursday, March 21, 2019 and noted there would be no public input, just Board
563 deliberation. Motion seconded by Mr. Pacocha. No further discussion. Vote was 5:0.
564 Motion passed. Case continued to 3/21/2019.
565

566 Board took a ten-minute break. Mr. Brackett called the meeting back to order at
567 10:26 PM and directed the Board's attention to Agenda VI. Election of Officers.
568

569 **III. Public Hearing:**

570 By-Laws amendment 2nd reading

571 Discussed. Board reviewed the wording. Need to change the Vote Sheets to add a line
572 for the Member's overall vote on the entire Case. A wording error was noted – a
573 revision is needed to not indicate that the vote is taken on each criteria but by Member
574 as that reflects how the Board operates.
575
576
577

578 **IV. Minutes:**

579 No Minutes were available for review.
580
581

582 **V. REQUEST FOR REHEARING**

583 No requests were submitted for Board consideration.
584
585

586 **VI. OTHER**

587 1. Election of Officers

588
589

590 Chairman: Charlie Brackett

591

592 Motion made by Ms. Davis and seconded by Mr. Pacocha to re-elect Mr. Brackett as
593 the Chairman. No discussion. Vote was unanimous at 5:0. Motion passed.

594

595 Vice Chair: Gary Dearborn

596

597 Motion made by Mr. Pacocha and seconded by Ms. Davis to elect Mr. Dearborn as Vice
598 Chairman. No discussion. Vote was unanimous at 5:0. Motion passed.

599

600 Clerk: vacant

601

602 Discussed. ~~According to the Bylaws~~Historically, the Clerk ~~ih~~as ~~to~~been an Alternate
603 Member of the Board. There are no Alternate Members. A plea to the Selectmen was
604 made again. The position is too cumbersome requiring note taking and participation
605 in Board review of Cases. The position has been tended to alternately between Ms.
606 Davis and Mr. Dearborn. The purpose of the role was discussed and the overlap with
607 the Meeting Recorder. Need to check the RSAs, the Bylaws and discuss
608 administratively how the roles of Clerk and Recorder and Admin Support Staff should
609 blend.

610

611 2. Alternate Mike Pitre no longer a ZBA Member

612

613 Selectman Morin stated that the Town has not received a letter of resignation but the
614 Selectmen has deemed the position vacated.

615

616 3. ZORC – Zoning Ordinance Review Committee

617

618 Mr. Brackett noted that all the Zoning Amendments were voted into effect and that it
619 is time to reengage ZORC and that one of the items to consider is mixed use in strip
620 malls.

621

622 4. Court Case

623

624 Mr. Buttrick stated that a Court Case has been filed on 14 River Road. Mr. Brackett
625 stated that in his discussion with Town ~~Council~~Counsel the 30-day appeal is “in-
626 violate” and applies to everyone, including the Board.

627

628

629 Motion made by Mr. Dearborn, seconded by Mr. Pacocha and unanimously voted to
630 adjourn the meeting. The 3/14/2019 Zoning Board meeting adjourned at 10:44 PM.

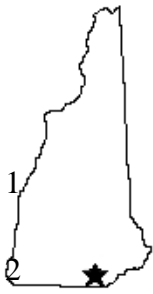
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632 Respectfully submitted,

633 Louise Knee, Recorder

634

635



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 – March 21, 2019 - edited

The Hudson Zoning Board of Adjustment met on March 21, 2019, in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall.

Chairman Charlie Brackett called the meeting to order at 7:00 PM; stated that it is a special meeting to conclude the business begun at the 3/14/2019 meeting where two (2) rounds of public testimony were received; noted that copies of the Agenda and the Appeal are on the shelf by the door; and announced housekeeping matters that included silencing cells phones, no talking and no smoking.

Members present were Charlie Brackett (Regular), Gary Daddario (Regular), Maryellen Davis (Regular/Acting Clerk), Gary Dearborn (Regular) and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator, Dave Morin, Selectmen Representative, and Louise Knee, Recorder. For the record, all Regular Members voted.

I. CONTINUED PUBLIC HEARINGS OF DEFERRED APPLICATIONS BEFORE THE BOARD BEGINNING 7:00 PM

1. Case 209-001 (Deferred from 3-14-19): 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].

Ms. Davis read the Case into the record. Mr. Buttrick stated that included in the supplemental packet are copies of the three (3) Exhibits submitted at the last meeting: (1) Exhibit A 2018 Workforce Housing Purchase and Rent Limits, RSA 674:58-61; Exhibit B Hudson Crossing specifics; and Exhibit C February 2019 NH Magazine article on Affordable Housing Crisis. Mr. Brackett stated that additional correspondence has been received: (1) an anonymous/unsigned letter speaking out against the proposed project; and (2) a letter from Atty. Leonard addressing the issues raised at the last meeting.

Ms. Davis read the unsigned letter into the record.

Atty. Leonard read his five-page letter dated 3/18/2019 into the record. The three (3) issues addressed and excerpts included:

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(1) Hardship criteria

- Multifamily homes are only allowed in the B Zone
- Only 5% of the land in Hudson is in the B Zone
- The exact location of the B Zone is defined by Lowell Road rather than characteristics of the land or other factual matters
- The lot has wetlands and steep slopes that reduce the buildable area
- Full buildable area of a lot is considered for every use except Multifamily. It is a “quirk” in the Zoning Ordinance and in the Zoning Administrator’s Zoning Determination
- Where a particular public need has been declared (NH RSA 674:59) the NH Supreme Court has stated that “the suitability of a specific parcel of land for that purpose should be considered for the purposes of determining hardship”.
- The adjacent multifamily development uses land in both its G & B Zones
- The proposed construction will be entirely contained in the B Zone portion of the lot. The acreage in the G Zone will not be developed and will remain passive recreation and serve as a buffer.
- A smaller number of units will have an adverse impact on the economics of the project and its ability to support professional management and administration
- Designing a smaller building adds a substantial cost and the cost will be added to the unit price

(2) No Fair and Substantial Relationship

- The general purpose of a Zoning Ordinance is to separate incompatible uses; to locate uses where infrastructure exists; and to assure highest and best use of land to benefit both the private owner and public
- The general purpose for determining buildable lot area is to prevent overcrowding; to have spacing for safety access reasons; and to afford opportunities for active and passive recreation
- Zone area is irrelevant
- The proposed construction will be entirely contained in the B Zone portion of the lot.

(3) Reasonable Use

- The proposed construction (buildings and parking) will be entirely contained in the B Zone portion of the lot where multifamily is permitted.
- The only use on the G section will be open space / passive recreation
- It is a reasonable use.

Mr. Pacocha stated that as presented, the proposal does not meet the criteria, especially “not being contrary to public interest” because, in his mind, it is contrary and will add an additional tax burden to the Town and believes Hudson has ‘workforce’ housing already with rents in the range proposed for this project.

Ms. Davis clarified that the use of the land is not questioned, just whether the land in the G Zone can be used to calculate the number of units in the B Zone and added that she questions whether the hardship criteria has been satisfied because hardship applies to the land and there is nothing unique about the land in this property. Mr.

96 Brackett stated that multifamily use is by right in the B Zone and that is not in front
97 of the Board, just the increase in the number of units by utilizing the buildable land in
98 the G Zone.

99

100 Ms. Davis noted that inclusion of both Zones yields ninety-six (96) units to be
101 constructed in two (2) buildings, each three floors high and each with forty eight (48)
102 units. Utilizing just the land in the B Zone would yield seventy-six (76) units by right,
103 or thirty-eight (38) units in each building.

104

105 Attorney Leonard clarified the numbers. Utilizing just the land in the B Zone section
106 of the proposed lot would yield seventy-one (71) units. If the lot were subdivided to
107 include all of the land in the B Zone (which it cannot as that would create a land lock
108 property), the number could be eight-one (81) units. Utilizing the lot as configured
109 and as a whole (including the land in both the B Zone section and the G Zone section)
110 yields ninety-six (96) units. Atty. Leonard pointed out that Fox Hollow, an abutter,
111 utilized and developed in both their B and G Zones.

112

113 Mr. Dearborn asked, and received confirmation from Atty. Leonard that the additional
114 acreage was selected from the G Zone so that the buildable acreage of the lot would
115 substantiate the desired ninety-six (96) units, that all development would be in the B
116 Zone section of the lot and that the three plus (3+) acres in the G Zone section of the
117 lot would remain undeveloped and designed as open space and recreational land. Mr.
118 Dearborn appreciated the open space area as that would also create a buffer when the
119 larger remaining parcel gets developed. Both Mr. Brackett and Mr. Daddario stated
120 that, if approved, there should be a condition/stipulation that G Zone portion of the
121 lot never be developed.

122

123 Mr. Brackett stated that he checked workforce housing online, discovered that NH is
124 recognized to be short on workforce housing, has the support of the State and
125 recognizes it is being offered as an enticement to bring in business and industry for
126 the State's growth and that any appeal would not come back to the Board but go
127 straight to Court. Ms. Davis stated that does not necessarily apply to Municipalities
128 or to Hudson as she checked earlier in the day and discovered that there are one
129 hundred twenty seven (127) apartments for rent in Hudson in the nine to eleven
130 hundred dollar (\$900 - \$1,100) range. Never the less, Mr. Brackett stated that this
131 land is a good track of land for multifamily development.

132

133 Mr. Brackett stated that he is wrestling with how economics relates to hardship.
134 Workforce housing is a recognized NH problem and he checked out other cities in the
135 State and discovered very few cases and is impressed by the State's position that this
136 need must be met. Ms. Davis stated that is not the issue as multifamily is allowed by
137 right in the B Zone. Mr. Dearborn stated that, as an abutter, he would be more
138 concerned with how the remaining large G Zone lot would be developed than this 12.7-
139 acre lot for multifamily workforce housing.

140

141 Mr. Daddario stated that Hudson is compliant with the State of NH, that the RSAs
142 state the importance of its use, that the need is there and, more important, the
143 Hudson Zoning Ordinance does allow this use. Mr. Daddario stated that the applicant
144 is before the Board for a variance to increase the number of units, from seventy-one to

145 ninety-six (71 to 96), and the Board needs to determine if the variance criteria has
146 been met.

147
148 Atty. Leonard stated that the Board's first step is to determine if a variance is needed
149 as determined by the Zoning Administrator or if the buildable area calculation can use
150 the entire lot as a whole and not by Zone. Atty. Leonard noted that the entire
151 development of the site, buildings and parking, will be contained in the B Zone section
152 of the lot, where it is permitted by right.

153
154 Ms. Davis stated that there is no Zoning issue if the calculation is based on the
155 number yielded by using just the B Zone area. Mr. Brackett and Ms. Davis noted that
156 the subdivided lot could have been created at the B and G Zone line but instead was
157 created with some G Zone land and creating a split zoned lot. Mr. Dearborn noted
158 that the land area in the G Zone section of the subdivided lot would remain
159 undeveloped. Mr. Pacocha stated that he appreciates that that section would remain
160 undeveloped and recognized that there are many lots in Town that have split zones
161 and require variances. Ms. Davis stated that the question is whether the whole area of
162 the subdivided lot, both the land in the B and the G Zones, can be used in the
163 calculation of the number of units.

164
165 Mr. Daddario stated that page 3 of the application, in bold letters, mentioned that
166 there is no guidance in the Zoning Ordinance regarding split-zoned lots. Mr. Buttrick
167 responded and agreed that the Hudson Zoning Ordinance is not well defined for
168 bisected lots, the footnote 2 in the Table led to his determination and it appeared to
169 him that the applicant wanted a specific number of units and included land in the G
170 Zone to achieve that number and thought it best that the Board make that
171 determination. Ms. Davis agreed with Mr. Buttrick. Mr. Buttrick stated that he found
172 no Zoning records on the Fox Hollow development. Mr. Brackett noted that Mr.
173 Buttrick has been consistent in his methodology and to the Board.

174
175 Motion made by Mr. Pacocha and seconded by Mr. Daddario to uphold the Zoning
176 Determination that a variance is required to utilize the land area in the G Zone to
177 calculate the available number of units to build in the B Zone. Mr. Pacocha stated
178 that there are no prior examples and that seeking a variance for a split-zone property
179 is consistent. Mr. Daddario stated that he supports the Zoning Administrator
180 especially because multifamily use is not permitted in the G Zone. Vote was 5:0.
181 Motion passed. Zoning Administrator's Determination upheld. Variance needed.

182
183 Motion made by Mr. Pacocha and seconded by Ms. Davis to not grant the variance
184 request to include land from the G Zone section of the lot in the calculation for the
185 number of units. Mr. Pacocha stated that the hardship criteria has not been met, that
186 the increased number is contrary to the public interest and will add a burden to the
187 community, that the application does not meet the spirit of the Ordinance and that
188 substantial justice is not done as the benefit to the property owner does not outweigh
189 the harm to the general public. Ms. Davis concurred with Mr. Pacocha and added that
190 the use is reasonable with seventy-one (71) units, as per the Zoning Ordinance, and
191 that the desire for ninety-six (96) units is a convenience to the builder, not the public.
192 Mr. Brackett agreed that it is contrary to the public interest, that even though it is a
193 NH State interest/need, there is no change required to Hudson Zoning Ordinance to
194 meet the need, that the hardship criteria has not been met, that a smaller number of

195 units can be built and that it is a matter of scale and that it is not a good precedence
196 to set using adjacent land for calculations. Mr. Daddario noted that only the variance
197 for increased number of units is before the Board, that the project can still proceed
198 with the allowed number of units and added that, in his opinion, criteria #4 has also
199 not been satisfied as Fox Hollow, ~~has ownership and rentals~~ with units available for
200 ownership and rental in the project next door, the new project could very well have a
201 negative impact on the market value of the Fox Hollow units. Vote was 4:1. Mr.
202 Dearborn opposed. Motion passed. Variance denied. The 30-day appeal period was
203 noted.

204

205 Board took a break at 8:12 PM. Meeting called back to order at 8:24 PM.

206

207 **II. Public Hearing:**

208

209 By-Laws amendment 1st reading

210

211 Public Hearing opened at 8:25 PM. Mr. Buttrick noted that at the last hearing, the
212 wording was “will consider the “vertical” (member) method of voting on each criteria.”
213 It should have read “each request”. Mr. Brackett noted that the vertical/member
214 method is the way the Board has always performed and per Town Counsel and State
215 Law, the method should become part of the Board’s Bylaws. Mr. Buttrick stated that
216 one more public hearing is needed to amend the Bylaws. Mr. Brackett asked if anyone
217 else had a comment and, seeing no one, closed the public hearing at 8:27 PM

218

219 **III. Minutes:**

220

221 2/28/19 Minutes

222

223 Board reviewed the edited ~~edition-revision~~ presented and made no further changes.
224 Motion made by Mr. Dearborn and seconded by Ms. Davis to approve the 2/28/2019
225 Minutes as edited and presented. Vote was 5:0. Motion passed. Minutes approved.

226

227 **IV. REQUEST FOR REHEARING**

228

229 There were no requests presented for Board consideration.

230

231 **V. OTHER**

232

233 1. Election of Officers - Clerk

234

235 The election for a Clerk was suspended at the last meeting to pursue shifting of some
236 of the responsibilities to the Recorder and eliminate redundant effort. Mr. Buttrick
237 stated that he has discussed the Clerk “function” and has “unofficial” notification that
238 the Board of Selectmen (BoS) is okay to allow the Recorder to compile votes and issue
239 the Notices of Decisions (NODs). Selectman Morin stated that he has discussed with
240 the Town Administrator and the shift in some of the Clerk responsibilities to the
241 Recorder is acceptable to him. Mr. Buttrick was asked to draft the modifications into
242 the Bylaws. It was noted that two (2) Public Hearings have to be held to affect a
243 change to the Bylaws. Ms. Davis stated that the main shift/reduction in the Clerk
244 duties is the elimination of tracking the discussions of a Case and recapped that the
245 main duties of the Clerk position would be to take the roll call, read the Cases into the
246 record and summarize the votes onto a single page. Brief discussion arose on the

247 NODs. Mr. Brackett stated that it is important that the NODs contain any and all
248 stipulations /conditions the Board has placed on their vote and be specific on any
249 basis for denial. Mr. Dearborn suggested that what is declared on the Agenda be
250 incorporated into all motions so it is clear what the Board is approving / disapproving.
251

252 Motion made by Mr. Brackett and seconded by Mr. Pacocha to elect Ms. Davis as the
253 Clerk with its redefined duties. Vote was unanimous at 5:0. Motion passed.
254

255 2. Meeting suggestions

256

257 Mr. Dearborn noted that some Boards in Town Salute the Flag prior to every meeting
258 and asked why the ZBA did not. No reason. After brief consideration, each Member
259 stated that they would like to begin their meeting with the Pledge of Allegiance.
260

261 Mr. Dearborn asked about having everyone who addresses the Board to be sworn in as
262 the Board relies on their testimony and there should be assurance that they are
263 presenting the truth and only the truth. Briefly discussed. Has been tried before and
264 found to be cumbersome.
265

266 Mr. Brackett stated that he could standardize his introduction of the meetings and
267 having something written would insure that nothing gets omitted.
268

269 3. Board of Selectmen Representative

270

271 Mr. Dearborn stated that he would like to commend Selectman Morin for his
272 participation and dedication to the Board. Everyone concurred and thanked him
273

274 In light of the fact that the ZBA has no Alternatives and that not all five (5) Regular
275 Members can attend every meeting, a suggestion was made to consider allowing the
276 Selectmen Liaison a voting seat to bring the compliment to five (5) Voting Members
277 and avoid a 2-2 split vote that recently occurred. Selectman Morin stated that the BoS
278 is about to elect a new Chairman and once done he would raise the question whether
279 the Selectman Liaison could/should be appointed to vote as needed. It was noted that
280 if changed, the Bylaws would need to be modified.
281

282 4. Next meeting

283

284 Mr. Buttrick stated that the next regular ZBA meeting is scheduled for March 28,
285 2019 and that there are two (2) Cases to be heard; however, only three (3) Members
286 can attend the 28th so he reached out to the applicants and learned that they will ask
287 to defer until there is a full Board and that they inquired if a meeting on the second
288 Thursday, April 11, 2019 could be possible. Members checked their schedule and
289 agreed. No meeting for 3/28/2019. Next meeting to be 4/11/2019.
290

291
292 Motion made by Mr. Dearborn, seconded by Ms. Davis and unanimously voted to
293 adjourn the meeting. The 3/21/2019 ZBA meeting adjourned at 8:42 PM.
294

295 Respectfully submitted,
296 Louise Knee, Recorder



25TH ANNUAL SPRING PLANNING & ZONING CONFERENCE

SATURDAY, JUNE 1, 2019 8:00 AM – 3:30PM

GRAPPONE CONFERENCE CENTER,

CONCORD, NH

CONFERENCE REGISTRATION

Name: _____ Title: _____

Organization: _____

Address: _____ City/Town: _____

State: _____ Zip Code: _____

Telephone: _____ E-Mail: _____

Municipality (If different from City/Town): _____

- Please mail the City/Town an Invoice
 Please send me an invoice
 I will send a check

SESSION SELECTIONS

9:00 AM – 10:15 AM	12:45 PM – 2:00 PM
<input type="checkbox"/> <u>Plenary Session:</u> 25th Annual Celebration of the State's Planning and Zoning Conference	<input type="checkbox"/> Roles & Responsibilities of the Zoning Board of Adjustment (double session) <input type="checkbox"/> Legal Update (double session) <input type="checkbox"/> Plan Reading and Analysis (double session) <input type="checkbox"/> Preparing and Engaging Your Community for Economic Development Success <input type="checkbox"/> The 2020 Census: Why it Matters for Local Land Use Boards <input type="checkbox"/> Short-Term Rentals <p style="color: red; font-size: small;">Due to limited seating, if you selected a double session above, please DO NOT select a session in the following time slot.</p>
10:30 AM – 11:45 AM	2:15 PM – 3:30 PM
<input type="checkbox"/> Introduction to Local Land Use Boards <input type="checkbox"/> Planning Board Basics <input type="checkbox"/> ZBA Decision Making Process <input type="checkbox"/> Introduction to Regional Planning Commissions <input type="checkbox"/> Meeting Mechanics of Land Use Boards <input type="checkbox"/> The Role of Housing in Your Community	<input type="checkbox"/> Roles and Responsibilities of the Zoning Board of Adjustment (con't from 2:00) <input type="checkbox"/> Legal Update (con't from 2:00) <input type="checkbox"/> Plan Reading and Analysis (con't from 2:00) <input type="checkbox"/> Local Energy Planning: Lessons from Dover and New London <input type="checkbox"/> Protecting Groundwater and Drinking Water <input type="checkbox"/> Recreational Trail Planning

This form can be e-mailed to noah.hodgetts@osi.nh.gov or mailed to the address below. Please contact Noah Hodgetts at 603-271-2157 with any questions.

Registration Fee: \$60 per person.

Checks can be made payable to NH OSI and mailed to: **NH Office of Strategic Initiatives**
 107 Pleasant Street, Johnson Hall
 Concord, NH 03301-3834

Registration Deadline: Friday, May 24, 2019 at 4:00pm or until full.

Cancellations received after 4:00 PM on May 24, 2019 will not be refunded.