



# TOWN OF HUDSON

## Zoning Board of Adjustment



Charlie Brackett, Chairman      Marilyn E. McGrath, Selectmen Liaison

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

### MEETING AGENDA – May 23, 2019

The Hudson Zoning Board of Adjustment will hold a meeting on May 23, 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. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

1. Case 209-001 (5-23-19): Mark Pilotte of Dakota Partners, Inc. 1264 Main St., Waltham, MA 02451, requests a Wetland Special Exception on behalf of 5 Way Realty Trust for 161 Lowell Rd., Hudson, NH to allow Wetland Conservation District buffer work relating to roadway improvements to the existing Friars Drive. The wetland buffer area impacted is 19,200 sqft. [Map 209, Lot 001-000, Split districts: Zones General (G), Business (B), and Industrial (I); HZO Article IX, §334-35.B, Uses within Wetland Conservation District and §334-38, Special Provisions].

**IV. REVIEW OF MINUTES:**

1. 04/25/19 Minutes

**V. REQUEST FOR REHEARING: None**

**VI. OTHER:**

1. Recap of recent Right to Know seminar.
2. Discussion of possible ZBA Bylaws revisions.
3. Discussion of possible Zoning Ordinance Amendments.
4. New Hampshire Municipal Association- References Articles.

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Bruce Buttrick  
Zoning Administrator



# TOWN OF HUDSON

## Land Use Division



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

### Staff Report - Zoning Administrator

Meeting Date: May 23, 2019 *BH 5-15-19*

**Case 209-001 (5-23-19):** Mark Pilotte of Dakota Partners, Inc. 1264 Main St., Waltham, MA 02451, requests a Wetland Special Exception on behalf of 5 Way Realty Trust for 161 Lowell Rd., Hudson, NH to allow Wetland Conservation District buffer work relating to roadway improvements to the existing Friars Drive. The wetland buffer area impacted is 19,200 sqft. [Map 209, Lot 001-000, Split districts: Zones General (G), Business (B), and Industrial (I); HZO Article IX, §334-35.B, Uses within Wetland Conservation District and §334-38, Special Provisions].

**Address:** 161 Lowell Road

**Zoning districts:** General (G), Business (B), and Industrial (I).

**Property description:** This is an existing un-developed lot (of record) w/88.8 Acres having 3 zoning districts bisecting this property. Frontage is 758 ft along Lowell Rd where 150 ft is required.

**Summary:** Applicant proposes to subdivide the lot into 2 lots with the proposed “new” back lot by obtaining the required frontage off Friars Drive. This proposal to rebuild and extend Friars Dr. is to enable sufficient frontage to be able to subdivide off Friars Drive and not Lowell Road. The Wetland Special Exception is for the disturbance and encroachment within the Wetland Buffer on an existing roadway (Friars Drive).

Per Zoning Ordinance §334-35B requirements for acting upon a Wetland Special Exception, the ZBA should be in receipt of Conservation Commission and Planning Board reviews, as recommendations were approved by each respective Commission and Board.

**Town Staff in-house review/comments:**

Town Planner: Yes      Town Engineer: None

**HISTORY:**

**Assessing:** Listed as vacant commercial and industrial.

**ZBA:** Prior ZBA approvals (1999 & 2001) for Wetland Special exception for future Commerce Drive – apparently the proposal was abandoned.



**Attachments:**

**"A"** Assessing record

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

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

**"D"** 2019 Town in-house review comments.

Previous Assessments

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



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

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



NOTICE OF APPROVAL

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

See Findings and Stipulations on reverse.

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

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

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

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

Signed: [Signature]  
Chairman, Zoning Board of Adjustment

Date: 05-11-00

Signed: [Signature]  
Zoning Administrator

Date: 5/11/00

RK6254PG0718

"B"

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

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

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

HK 6254 PG 0719

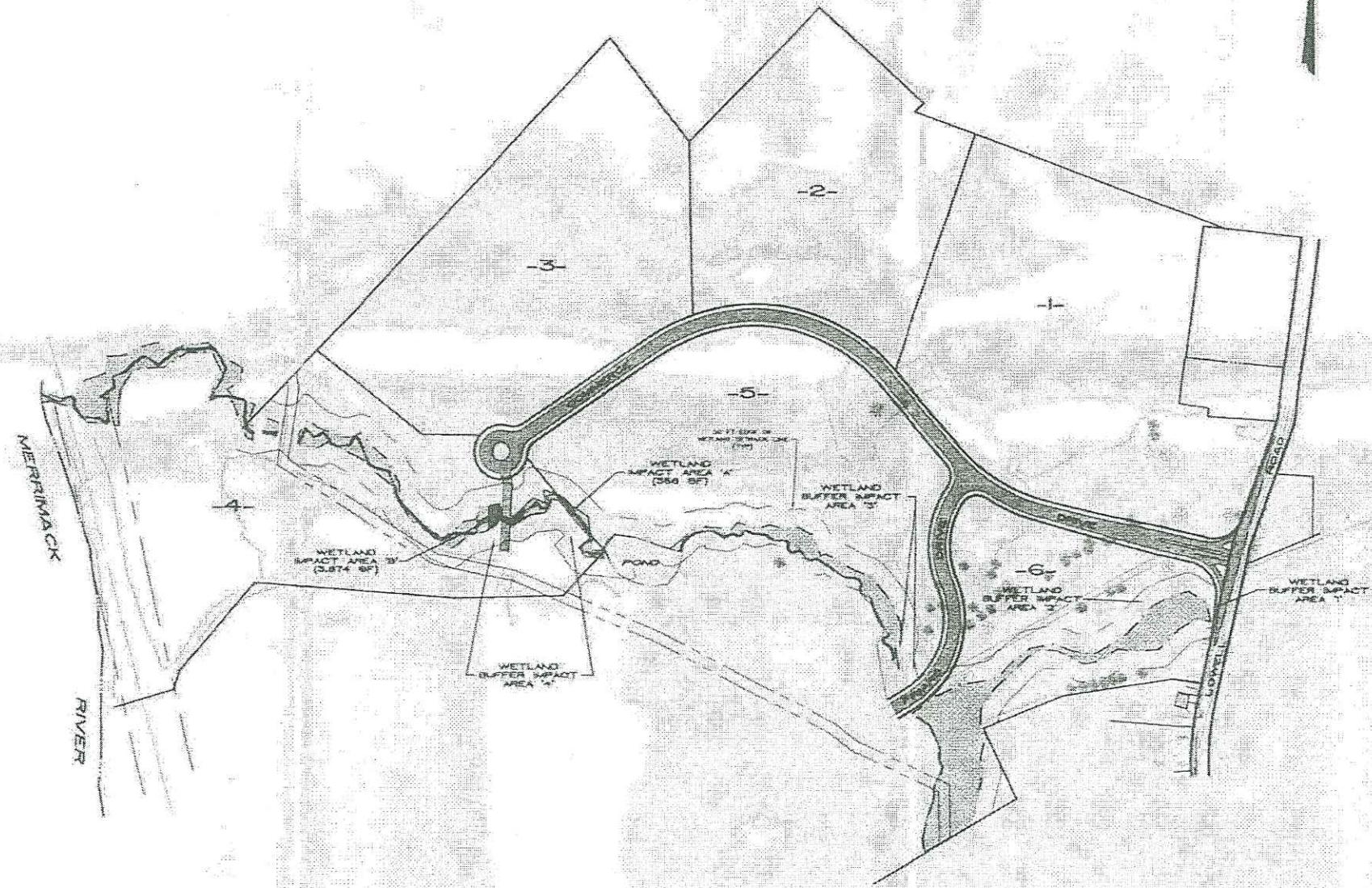
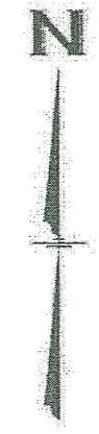
*Tom & Helen  
143  
142*

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

*B<sub>2</sub>*



**DISCLAIMER STATE**  
 This plan may not be used without permission of the engineer. The engineer is not responsible for any errors or omissions in this plan. The engineer is not responsible for any damage or injury resulting from the use of this plan. The engineer is not responsible for any delay or interruption of work resulting from the use of this plan. The engineer is not responsible for any cost or expense incurred by the owner in connection with the use of this plan.



NO.	DATE	REVISION	BY

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



5 AUGUST 1999

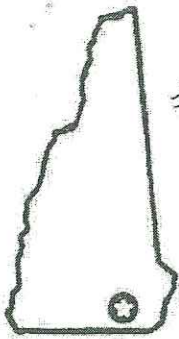
**HSI** Hayner/Swanson, Inc.  
 Civil Engineers/Lead Surveyors  
 Three Corners Street, Nashua, New Hampshire 03062-1807  
 Tel (603) 883-2057 Fax (603) 883-5057  
 www.haynerswanson.com

SHEET 1 OF 2	4386	WBI
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B<sub>2</sub>



TOWN OF HUDSON  
ZONING BOARD OF ADJUSTMENT



#A43  
HUDSON  
ZONING

14.34  
2

12 School Street

Hudson, New Hampshire 03051

603/886-6005



Decision to Approve A Wetlands Special Exception

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

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

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

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

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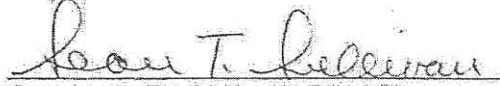


For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

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

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

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

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

BK 0502P60210

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C2



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TOWN OF HUDSON  
ZONING BOARD OF ADJUSTMENT

12 School Street

Hudson, New Hampshire 03051

603/886-6005



### Decision to Approve A Wetlands Special Exception

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

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

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

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

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

147001700/41

C3




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

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

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

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

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

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

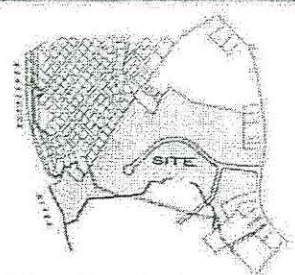
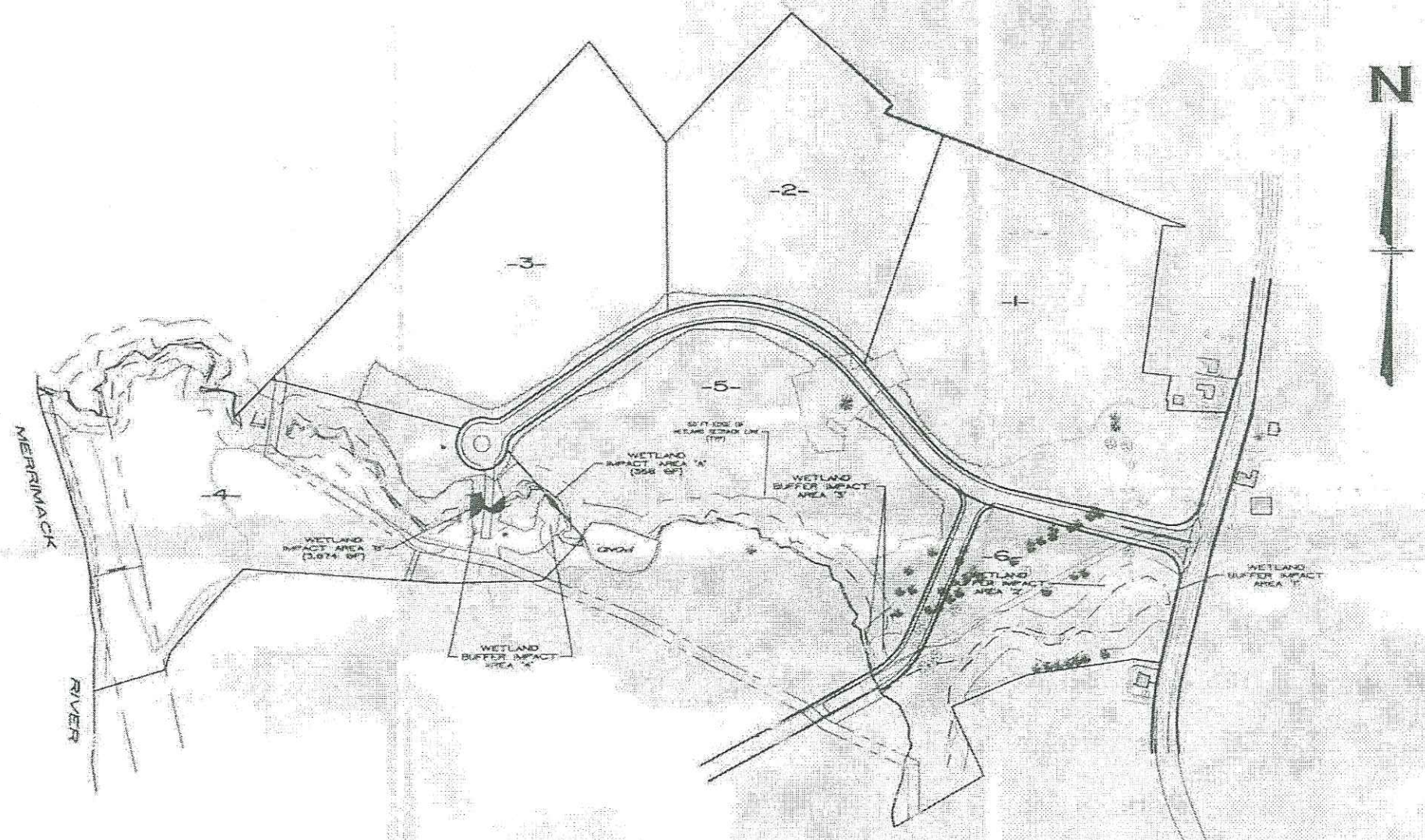
Signed:  Date: 11/9/01  
 Community Development Director

BK 652110001

" C4 "



**DISCLAIMER:**  
 The plan may not be used without the approval of the appropriate regulatory agency. The user assumes all liability for any damage or injury resulting from the use of this plan. The user agrees to hold the engineer harmless from any and all claims, damages, costs, and expenses, including reasonable attorney's fees, that may be incurred by the user as a result of the use of this plan.



VICINITY MAP

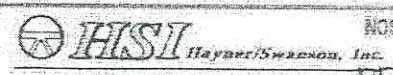
**NOTES:**

- TOTAL SITE AREA: 4.00 AC. OF
- PRESENT ZONING:
  - B: BUSINESS
  - B: BUSINESS
  - G: GENERAL
- MINIMUM LOT REQUIREMENTS:
  - LOT AREA: 43,500 SQ. FT.
  - LOT FRONTAGE (COLLECTOR ST): 100 FT.
  - MINIMUM BUILDING SETBACKS:
    - FRONT: 15 FT.
    - SIDE: 15 FT.
    - REAR: 15 FT.
- PURPOSE OF PLAN: TO SHOW PROPOSED WETLAND AND WETLAND BUFFER IMPACTS.
- PRESENT OWNER OF RECORD:
  - LOTS 5 & MAP 12
  - 5 WAY REALTY TRUST
  - 22 WALTER FLORENCE
  - PO BOX 38
  - SEBECQUENNY, NEW HAMPSHIRE 03602

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



22 JUNE 2001



Civil Engineers/Lead Surveyors  
 Three Congress Street, Nashua, New Hampshire 03063  
 Tel: (603) 883-2057 Fax: (603) 883-8057  
 www.haynes-swanson.com

C5



## Buttrick, Bruce

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**From:** Groth, Brian  
**Sent:** Wednesday, May 15, 2019 10:40 AM  
**To:** Buttrick, Bruce  
**Cc:** Goodwyn, Tracy S  
**Subject:** Case 209-001 161 Lowell Rd

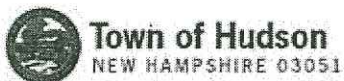
Bruce, the following are my comments regarding Case 209-001, Wetland Special Exception:

1. The special exception is required for the extension of a Town road, Friars Drive. It is not needed for the multi-family site plan application.
2. The extension of Friars Drive requires development within the 50-foot buffer but not within the wetland itself.
3. The extension was previously planned for by the Planning Board in 1997 as part of a subdivision application made by Presstek, Inc.
4. The extension involves improving an existing, paved driveway to Town standards.
5. The extension is a benefit to Access Management & Traffic Mitigation on Lowell Road, as it essentially takes the Friary property off of Lowell Road and puts it on Friars Drive.
6. The extension is consistent with planning principles of connectivity for purposes of traffic management, efficient public utility layout, emergency response and general wayfinding.
7. The alternative is a series of dead-end streets and multiple curb cuts along Lowell Road that would have a more detrimental impact to traffic and safety.
8. The extension facilitates the ability to limit left-turning traffic onto Lowell Road, which was a safety concern raised by the Engineering Dept.
9. The extension came about during the Design Review Phase in response to feedback from the Planning, Engineering and Fire Departments as well as investigation into past strategic planning efforts.

Please let me know if you have any questions or would like further clarification.

Regards,  
Brian

Brian Groth  
Town Planner



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

"D<sub>1</sub>"





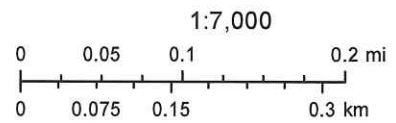
161 Lowell Road



April 17, 2019

Legend

-  Parcels - Aerials
-  1996 Digital Equipment Subdivision
-  1997 Presstek Park Subdivision
-  Temporary Turnaround
-  Approximate Proposed Subdivision



Disclaimer: prepared by the Town of Hudson Planning Department, not by the applicant. For illustrative purposes only.



D<sub>2</sub>

Case-209-001 (05-23-19)-161 Lowell Rd  
Wetland Special Exception  
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2. Memo From Karl Dubay to Hudson ZBA dated April 29, 2019  
(Attached memo for pg. 7 of ZBA WSE Application)
3. Planning Board Notice of Recommendation
4. Planning Board- ZBA Input Application
5. Conservation Commission Notice of Recommendation
6. Conservation Commission Application
7. Memo From Karl Dubay to Hudson Town Engineer &  
Conservation Commission dated April 29, 2019
8. Pictures
9. Plans



TOWN OF HUDSON APPLICATION FOR A WETLAND SPECIAL EXCEPTION

APR 30 2019 To: Zoning Board of Adjustment Town of Hudson Zoning Department

Entries in this box are to be filled out by Land Use Division personnel Case No. 209-001 Date Filed 4/30/19

Name of Applicant Dakota Partners, Inc. Map: 209 Lot: 1 Zoning District: Business

Telephone Number (Home) (Work) 781-889-4002

Mailing Address 1264 Main Street, Waltham, MA 02451

Owner 5 Way Realty Trust, Peter Horne, Trustee

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

Signature of Applicant MARK PILOTTE DAKOTA PARTNERS Date 29 APRIL 2019

Signature of Property-Owner(s) (AUTHORIZATION ATTACHED) 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 wetland special exception.

Items in this box are to be filled out by Land Use Division personnel COST: Application fee: \$4.05 \$0.55 \$130.00 38 Direct Abutters x \$3.95 = \$153.90 18 Indirect Abutters x \$0.50 = \$9.90 Total amount due: \$ 293.80 Date received: 4/30/19 Amt. received: \$ 293.80 Receipt No.: 548,946 Received by: TSG By determination of the Zoning Administrator or Building Inspector, the following Departmental review is required: [X] Engineering [ ] Fire Department [ ] Health Officer [X] 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
KD	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	TG
KD	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	TG
KD	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, <u>Wetland Special Exception</u> , Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
KD	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.)	* original on file in Planning.
KD	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.)	TG
KD	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	TG
(pending)	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	TG
(pending)	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.	pending PB Decision attached ✓

**PLOT PLAN-**

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

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

  
Signature of Applicant(s)

MAY 7 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.

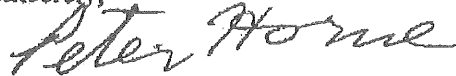
March 21, 2019

**RE: 161 Lowell Road, Hudson, NH/Dakota Partners, LLC**

To Whom It May Concern:

I, Peter Horne, am Trustee of the 5 Way Realty Trust which is owner of the above-referenced property. Please accept this letter as written authorization for Dakota Partners, LLC and any of their representatives, including Mark Pilotte and/or Roberto Arista, to sign applications and other documents and otherwise proceed with land use permitting for a multifamily rental project at 161 Lowell Road, Hudson, NH. I will be unavailable for the month of April and wish to authorize Dakota Partners, LLC to sign all applications and proceed as necessary.

Sincerely,

A handwritten signature in cursive script that reads "Peter Horne".

Peter Horne









Direct	Indirect	ParcelID	Location	Owner A	Owner B	Owner C	BillingAddress	City	State	Zip	
SUBJECT	PARCEL	209-001-000	161 LOWELL RD	5 WAY REALTY TRUST	Peter Horne, Trustee		PO BOX 1435	NORTH HAMPTON	NH	03862	
x		203-012-000	14 WILLARD ST	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	03051	
x		203-013-000	5 WILLARD ST	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	03051	
x		203-028-000	8 HICKORY ST	NELSON, GREGORY A.	NELSON, LEE ANN		8 HICKORY STREET	HUDSON	NH	03051	
x		203-029-000	10 HICKORY ST	MACSWEENEY, PHILIP J.	MACSWEENEY, JOAN M.		10 HICKORY STREET	HUDSON	NH	03051	
x		203-030-000	12 HICKORY ST	NEWCOMBE, TODD R.	FAGUNDES-NEWCOMBE, DINA M.		12 HICKORY STREET	HUDSON	NH	03051	
x		203-031-000	14 HICKORY ST	COULTER, TIMOTHY	COULTER, BARBARA		14 HICKORY STREET	HUDSON	NH	03051	
x		203-032-000	16 HICKORY ST	HULSE JOINT REVOCABLE TRUST	HULSE, JAMES M., TR.	HULSE, DENISE M., TR.	16 HICKORY STREET	HUDSON	NH	03051	
x		203-033-000	18 HICKORY ST	OLSON, RICHARD W.	OLSON, LISA A.		18 HICKORY STREET	HUDSON	NH	03051	
x		203-034-000	20 HICKORY ST	BOISSONNEAULT, CHARLES	BOISSONNEAULT, MARY		20 HICKORY ST.	HUDSON	NH	03051	
x		203-035-000	22 HICKORY ST	OUELLETTE, DONALD H.	OUELLETTE, DEBORAH		22 HICKORY STREET	HUDSON	NH	03051	
x		203-036-000	24 HICKORY ST	CHARTRAND, PAMELA M.	CHARTRAND, DONALD J.		24 HICKORY STREET	HUDSON	NH	03051	
x		203-037-000	26 HICKORY ST	GOMEZ, VICTOR			26 HICKORY ST.	HUDSON	NH	03051	
x		203-038-000	7 JUNIPER ST	DAVIS, JONATHAN D.	DAVIS, DOROTHY A.		7 JUNIPER ST.	HUDSON	NH	03051	
x		203-039-000	5 JUNIPER ST	SEIBERG, DALE	SEIBERG, SUSAN		5 JUNIPER STREET	HUDSON	NH	03051	
x		203-040-000	47 COTTONWOOD DR	QUEENAN, JAMES F.	QUEENAN, SHEILA A.		47 COTTONWOOD DRIVE	HUDSON	NH	03051	
x		203-041-000	45 COTTONWOOD DR	CREEDEN LIVING TRUST	CREEDEN, JOHN J., III, TR	CREEDEN, ARLENE M., TR	17 MURPHY CIR.	MIDDLETOWN	RI	02842	
x		203-042-000	43 COTTONWOOD DR	GODUCO, EVAN C.			43 COTTONWOOD DR.	HUDSON	NH	03051	
x		203-055-000	19 HICKORY ST	SCHMITT, JOSEPH W., TR.	SCHMITT REVOCABLE TRUST		19 HICKORY STREET	HUDSON	NH	03051	
x		203-116-000	9 HICKORY ST	RICE, MICHAEL P.			9 HICKORY STREET	HUDSON	NH	03051	
x		203-125-000	7 HICKORY ST	PHILLIPS, ZACHARY S.			7 HICKORY ST.	HUDSON	NH	03051	
x		204-001-000	155 LOWELL RD	LOWELL ROAD, LLC			PO BOX 1435	NORTH HAMPTON	NH	03862	
x		204-002-000	153 LOWELL RD	COWAN, PATRICK I.			153 LOWELL ROAD	HUDSON	NH	03051	
x		204-003-000	149 LOWELL RD	TATE, RUPERT E., TR. REV. TRST	TATE, ALICE E., TR., REV. TRST		7 PRINCE DR.	HUDSON	NH	03051	
x		204-004-000	145 LOWELL RD	DBV, INC.	C/O WALTER FLOWERS		15 COURT SQ. STE 340	BOSTON	MA	02108	
x		204-005-000	143 LOWELL RD	ZHENG, YUE YUN	ZHENG, ZHOU DENG		4 PAULA CIR.	HUDSON	NH	03051	
x		204-006-000	0 FOX HOLLOW DR	FOX HOLLOW CONDOMINIUM ASSOC	C/O GREAT NORTH PROPERTY MGMT		PO BOX 65434	HOUSTON	TX	77210-5434	
x		204-006-421	421 FOX HOLLOW DR	LAFOND, DAVID J., PRESIDENT	FOX HOLLOW CONDOMINIUM ASSOCIATION		421 FOX HOLLOW DRIVE	HUDSON	NH	03051	
x		204-075-000	156 LOWELL RD	BOYER ASSOCIATES			65 PLATEAU RIDGE RD	LOUDON	NH	03307-0711	
x		209-002-000	55 EXECUTIVE DR	FARLEY WHITE HUDSON, LLC			1 BEDFORD FARMS DR. SUITE 200	BEDFORD	NH	03110	
x		209-004-000	22 FRIARS DR	MATRIX REALTY, LLC			9389 WAPLES ST.	SAN DIEGO	CA	92121	
x		209-005-000	17 FRIARS DR	HAYTAYAN, HARRY M., TR	HAYTAYAN, HARRY M. REV TRUST		17 FRIARS DRIVE	HUDSON	NH	03051	
x		210-006-000	175 LOWELL RD	CDC REALTY GROUP, INC.			175 LOWELL ROAD	HUDSON	NH	03051	
x		210-007-000	173 LOWELL RD	GREGOIRE, PAUL E.	GREGOIRE, JEAN		173 LOWELL ROAD	HUDSON	NH	03051	
x		210-008-000	171 LOWELL RD	171 JMJ REALTY LLC			171 LOWELL RD.	HUDSON	NH	03051	
x		210-009-000	162 LOWELL RD	BOYER, ROSEMARIE J., TR	BOYER, ROSEMARIE J. REV TRUST		65 PLATEAU RIDGE ROAD	LOUDON	NH	03307-0711	
x		210-010-000	182 LOWELL RD	PRESENTATION OF MARY CONVENT			182 LOWELL ROAD	HUDSON	NH	03051	
	x	203-010-000	10 WILLARD ST	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	03051	
	x	203-011-000	12 WILLARD ST	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	03051	
	x	203-014-000	40 ATWOOD AVE	HUDSON, TOWN OF			12 SCHOOL STREET	HUDSON	NH	03051	
	x	203-027-000	6 HICKORY ST	SAVARD, CHERYL A.	SAVARD, CHRISTINE M.		6 HICKORY STREET	HUDSON	NH	03051	
	x	203-043-000	41 COTTONWOOD DR	TAVARES, DAVID J.			41 COTTONWOOD DRIVE	HUDSON	NH	03051	
	x	203-056-000	17 HICKORY ST	MARTIN, JOSEPH	LEMIEUX, LINDSAY		17 HICKORY ST.	HUDSON	NH	03051	
	x	203-104-000	15 HICKORY ST	DELUCA, KATLYN PEARL	BURNS, NICHOLAS ADAM		15 HICKORY ST.	HUDSON	NH	03051	
	x	203-105-000	13 HICKORY ST	GARNEAU, JENNIFER			13 HICKORY ST	HUDSON	NH	03051	
	x	203-115-000	11 HICKORY ST	SCANLON, MARK J.	SCANLON, CAROL A.		11 HICKORY STREET	HUDSON	NH	03051	
	x	204-074-000	152 LOWELL RD	C/O R AND M REALTY	CHARBONNEAU, RICHARD H.	CHARBONNEAU, MARK	1 CONTINENTAL DRIVE	LONDONDERRY	NH	03053	
	x			MARTINEZ, MICHAEL	GREAT NORTH PROPERTY MANAGEMENT		636 DW HIGHWAY	MERRIMACK	NH	03054	
Applicant		Mark Pilotte			Dakota Partners LLC		1264 Main Street	Waltham	MA	02451	
Attorney		Thomas J. Lenoard			WELTS, WHITE & FONTAINE, PC		29 FACTORY STREET	NASHUA	NH	03060	
Civil Eng		Karl Dubay			The Dubay Group, Inc.		84 Range Road	Windham	NH	03087	
Surveyor		Tim Sutherland			The Dubay Group, Inc.		84 Range Road	Windham	NH	03087	
Wet Sci		Luke Hurley			Gove Environmental Services, Inc.		8 Continental Drive, Bldg 2, Unit H	Exeter	NH	03833	

Abutter Notification Labels

April 30, 2019  
161 Lowell Road, Hudson NH 3051  
Parcel 209-001

Page 1 of 2

Town of Hudson  
12 School Street  
Hudson, NH 03051

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

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

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

Charles Boissonneault  
Mary Boissonneault  
20 Hickory Street  
Hudson, NH 03051

Victor Gomez  
26 Hickory Street  
Hudson, NH 03051

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

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

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

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

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

Dale Seiberg  
Susan Seiberg  
5 Juniper Street  
Hudson, NH 03051

Timothy Coulter  
Barbara Coulter  
14 Hickory Street  
Hudson, NH 03051

Evan C. Goduco  
43 Cottonwood Drive  
Hudson, NH 03051

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

James M. Hulse, Trustee  
Denise M. Hulse, Trustee  
Hulse Joint Revocable Trust  
16 Hickory Street  
Hudson, NH 03051  
DBV, Inc.  
c/o Walter Flowers  
15 Court Square, #340  
Boston, MA 02108

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

John J. Creeden, III Trustee  
Arlene M. Creeden, Trustee  
Creeden Living Trust  
17 Murphy Circle  
Middletown, RI 02842

Michael P. Rice  
9 Hickory Street  
Hudson, NH 03051

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

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

Zachary S. Phillips  
7 Hickory Street  
Hudson, NH 03051

Patrick I. Cowan  
153 Lowell Road  
Hudson, NH 03051

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

Rupert & Alice Tate, Trustees  
Rupert E. Tate and Alice E. Tate RT  
7 Prince Drive  
Hudson, NH 03051

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

Boyer Associates  
65 Plateau Ridge Road  
Loudon, NH 03307

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

Joseph Martin  
Lindsay Lemieux  
17 Hickory Street  
Hudson, NH 03051

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

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

Jennifer Garneau  
13 Hickory Street  
Hudson, NH 03051

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

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

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

171 JMJ Realty LLC  
171 Lowell Road  
Hudson, NH 03051

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

David Tavares  
41 Cottonwood Drive  
Hudson, NH 03051

Presentation of Mary Convent  
182 Lowell Road  
Hudson, NH 03051

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

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

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

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

5 Way Realty Trust  
Peter Horne, Trustee  
PO Box 1435  
North Hampton, NH 03862

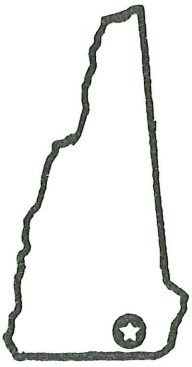
Dakota Partners LLC  
Mark Pilotte  
1264 Main Street  
Waltham, MA 02451

Karl Dubay, PE  
The Dubay Group, Inc.  
84 Range Road  
Windham, NH 03087

Tim Sutherland, LLS  
The Dubay Group, Inc.  
84 Range Road  
Windham, NH 03087

Luke Hurley, CWS  
Gove Environmental Services Inc.  
8 Continental Drive, Bldg 2, Unit H  
Exeter, NH 03833

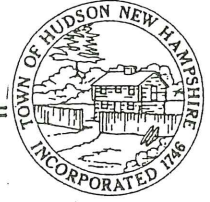




**TOWN OF HUDSON**  
ZONING BOARD OF ADJUSTMENT

**COPY**

**APPLICANT NOTIFICATION**



12 School Street

Hudson, New Hampshire 03051

603/886-6008

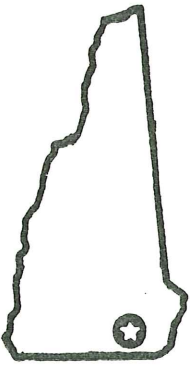
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **05/23/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 209-001 (5-23-19): Mark Pilotte of Dakota Partners, Inc. 1264 Main St., Waltham, MA 02451, requests a Wetland Special Exception on behalf of 5 Way Realty Trust for 161 Lowell Rd., Hudson, NH to allow Wetland Conservation District buffer work relating to roadway improvements to the existing Friars Drive. The wetland buffer area impacted is 19,200 sqft. [Map 209, Lot 001-000, Split districts: Zones General (G), Business (B), and Industrial (I); HZO Article IX, §334-35.B, Uses within Wetland Conservation District and §334-38, Special Provisions].**

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

Respectfully,

Bruce Buttrick  
Zoning Administrator



**TOWN OF HUDSON**  
ZONING BOARD OF ADJUSTMENT

**CC COPY**

**ABUTTER NOTIFICATION**



12 School Street

Hudson, New Hampshire 03051

603/886-6008

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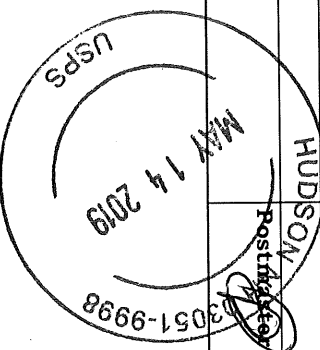
Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

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

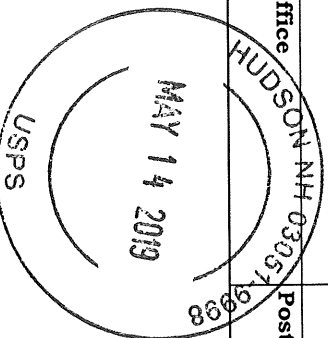
Respectfully,

Bruce Buttrick  
Zoning Administrator

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL		Case# 209-001 Wetland Special Exception 161 Lowell Rd Map 209/Lot 001-000 1 of 4
ARTICLE NUMBER		Name of Addressee, Street, and post office address			05/23/19 ZBA Meeting
1	7016 2710 0000 0595 2933	5 WAY REALTY TRUST <del>G/O WALTER FLOWER</del> PETER HORNE, TRUSTEE			APPLICANT/OWNER-NOTICE SENT
2	7016 2710 0000 0595 2940	PO BOX 1435, NORTH HAMPTON, NH 03862 MARK PILOTTE, DAKOTA PARTNERS LLC			APPLICANT/OWNER-NOTICE SENT
3	7016 2710 0000 0595 2957	1264 MAIN STREET, WALTHAM, MA 02451 NELSON, GREGORY A. & LEE ANN			ABUTTER NOTICE SENT
4	7016 2710 0000 0595 2964	8 HICKORY STREET, HUDSON, NH 03051 MACSWENEY, PHILIP J. & JOAN M.			ABUTTER NOTICE SENT
5	7016 2710 0000 0595 2971	10 HICKORY STREET, HUDSON, NH 03051 NEWCOMBE, TODD R., FAGUNDES-NEWCOMBE, DINA M.			ABUTTER NOTICE SENT
6	7016 2710 0000 0595 2988	12 HICKORY STREET, HUDSON, NH 03051 COULTER, TIMOTHY & BARBARA			ABUTTER NOTICE SENT
7	7016 2710 0000 0595 2995	14 HICKORY STREET, HUDSON, NH 03051 HULSE, JAMES M., TR. & DENISE M., TR.; HULSE JOINT REVOCABLE TRUST			ABUTTER NOTICE SENT
8	7016 2710 0000 0595 3008	16 HICKORY STREET, HUDSON, NH 03051 OLSON, RICHARD W. & LISA A.			ABUTTER NOTICE SENT
9	7016 2710 0000 0595 3015	18 HICKORY STREET, HUDSON, NH 03051 BOISSONNEAULT, CHARLES & MARY			ABUTTER NOTICE SENT
10	7016 2710 0000 0595 3022	20 HICKORY STREET, HUDSON, NH 03051 OUELLETTE, DONALD H. & DEBORAH			ABUTTER NOTICE SENT
		22 HICKORY STREET, HUDSON, NH 03051			
Total Number of pieces listed by sender 10		Total number of pieces rec'd at Post Office			HUDSON Postmaster (receiving Employee)



SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 209-001 Wetland Special Exception 161 Lowell Rd Map 209/Lot 001-000	2 of 4
ARTICLE NUMBER	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS			05/23/19 ZBA Meeting	
1	7016 2710 0000 0595 3039	CHARTRAND, PAMELA M. & DONALD J.		ABUTTER NOTICE SENT	
2	7016 2710 0000 0595 3046	24 HICKORY STREET, HUDSON, NH 03051 GOMEZ, VICTOR		ABUTTER NOTICE SENT	
3	7016 2710 0000 0595 3053	26 HICKORY STREET, HUDSON, NH 03051 DAVIS, JONATHAN D. & DOROTHY A.		ABUTTER NOTICE SENT	
4	7016 2710 0000 0595 3060	7 JUNIPER ST., HUDSON, NH 03051 SEIBERG, DALE & SUSAN		ABUTTER NOTICE SENT	
5	7016 2710 0000 0595 3077	5 JUNIPER ST., HUDSON, NH 03051 QUEENAN, JAMES F. & SHEILA A.		ABUTTER NOTICE SENT	
6	7016 2710 0000 0595 3084	47 COTTONWOOD DRIVE, HUDSON, NH 03051 CREEDEN III, JOHN J., TR. & ARLENE M., TR.; CREEDEN LIVING TRUST		ABUTTER NOTICE SENT	
7	7016 2710 0000 0595 3091	17 MURPHY CIR., MIDDLETON, RI 02842 GODUCCO, EVAN C.		ABUTTER NOTICE SENT	
8	7016 2710 0000 0595 3107	43 COTTONWOOD DRIVE, HUDSON, NH 03051 SCHMITT, JOSEPH W., TR., SCHMITT REVOCABLE TRUST		ABUTTER NOTICE SENT	
9	7016 2710 0000 0595 3114	19 HICKORY STREET, HUDSON, NH 03051 RICE, MICHAEL P.		ABUTTER NOTICE SENT	
10	7016 2710 0000 0595 3121	9 HICKORY STREET, HUDSON, NH 03051 PHILLIPS, ZACHARY S.		ABUTTER NOTICE SENT	
		7 HICKORY STREET, HUDSON, NH 03051			
Total Number of pieces listed by sender 10		Total number of pieces rec'd at Post Office	10	Postmaster (receiving Employee)	

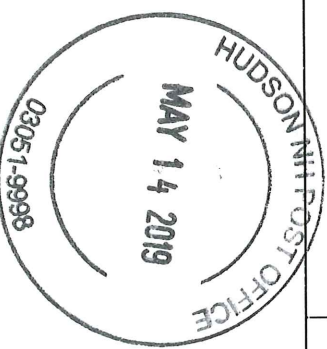




SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 209-001 Wetland Special Exception 161 Lowell Rd Map 209/Lot 001-000 3 of 4
ARTICLE NUMBER	Name of Addressee, Street, and post office address		05/23/19 ZBA Meeting
1	7016 2710 0000 0595 3138 LOWELL ROAD, LLC	ABUTTER NOTICE SENT	
2	7016 2710 0000 0595 3145 PO BOX 1435, NORTH HAMPTON, NH 03862 COWAN, PATRICK I.	ABUTTER NOTICE SENT	
3	7016 2710 0000 0595 3152 153 LOWELL ROAD, HUDSON, NH 03051 TATE, RUPERT E., TR. REV. TRST, TATE, ALICE E., TR., REV. TRST	ABUTTER NOTICE SENT	
4	7016 2710 0000 0595 3169 7 PRINCE DR., HUDSON, NH 03051 DBV, INC., C/O WALTER FLOWERS	ABUTTER NOTICE SENT	
5	7016 2710 0000 0595 3176 15 COURT SQ. STE 340, BOSTON, MA 02108 ZHENG, YUE YUN & ZHOU DENG	ABUTTER NOTICE SENT	
6	7016 2710 0000 0595 3183 4 PAULA CIR., HUDSON, NH 03051 FOX HOLLOW CONDOMINIUM ASSOC., C/O GREAT NORTH PROPERTY MGMT	ABUTTER NOTICE SENT	
7	7016 2710 0000 0595 3190 PO BOX 65434, HOUSTON, TX 77210-5434 LAFOND, DAVID J., PRESIDENT, FOX HOLLOW CONDOMINIUM ASSOCIATION	ABUTTER NOTICE SENT	
8	7016 2710 0000 0595 3206 421 FOX HOLLOW DRIVE, HUDSON, NH 03051 BOYER ASSOCIATES	ABUTTER NOTICE SENT	
9	7016 2710 0000 0595 3213 65 PLATEAU RIDGE RD, LOUDON, NH 03307-0711 FARLEY WHITE HUDSON, LLC	ABUTTER NOTICE SENT	
10	7016 2710 0000 0595 3220 1 BEDFORD FARMS DR. SUITE 200, BEDFORD, NH 03110 MATRIX REALTY, LLC	ABUTTER NOTICE SENT	
	9389 WAPLES ST., SAN DIEGO, CA 92121		
Total Number of pieces listed by sender 10		Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

10

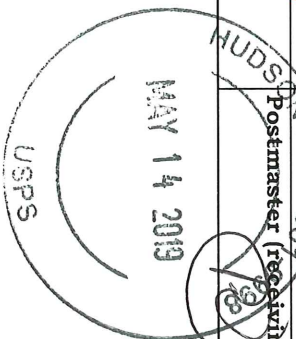
*Bill Jensen*







SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 209-001 Wetland Special Exception 161 Lowell Rd Map 209/Lot 001-000	1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	05/23/19 ZBA Meeting		
1	N/A-mailed First Class	SAVARD, CHERYL A.; SAVARD, CHRISTINE M.	ABUTTER NOTICE SENT		
2	N/A-mailed First Class	6 HICKORY STREET, HUDSON, NH 03051 TAVARES, DAVID J.	ABUTTER NOTICE SENT		
3	N/A-mailed First Class	41 COTTONWOOD DRIVE, HUDSON, NH 03051 MARTIN, JOSEPH ; LEMIEUX, LINDSAY	ABUTTER NOTICE SENT		
4	N/A-mailed First Class	17 HICKORY ST., HUDSON, NH 03051 DELUCA, KATLYN PEARL; BURNS, NICHOLAS ADAM	ABUTTER NOTICE SENT		
5	N/A-mailed First Class	15 HICKORY ST., HUDSON, NH 03051 GARNEAU, JENNIFER	ABUTTER NOTICE SENT		
6	N/A-mailed First Class	13 HICKORY ST., HUDSON, NH 03051 SCANLON, MARK J. & CAROL A.	ABUTTER NOTICE SENT		
7	N/A-mailed First Class	11 HICKORY ST., HUDSON, NH 03051 CHARBONNEAU, RICHARD H.; CHARBONNEAU, MARK; C/O R AND M REALTY	ABUTTER NOTICE SENT		
8	N/A-mailed First Class	1 CONTINENTAL DRIVE, LONDONDERRY, NH 03053 KARL DUBAY, THE DUBAY GROUP, INC.	ABUTTER NOTICE SENT		
9	N/A-mailed First Class	84 RANGE ROAD, WINDHAM, NH 03087 TIM SUTHERLAND, THE DUBAY GROUP, INC.	ABUTTER NOTICE SENT		
10	N/A-mailed First Class	84 RANGE ROAD, WINDHAM, NH 03087 LUKE HURLEY, GOVE ENVIRONMENTAL SERVICES, INC.	ABUTTER NOTICE SENT		
11	N/A-mailed First Class	8 CONTINENTAL DRIVE, BLDG. 2, UNIT H, EXETER, NH 03833 171 SWT Realty LLC 171 Lowell Rd, Hudson, NH 03051	Abutter Ntc sent.		
Total Number of pieces listed by sender 10 11		Total number of pieces recvd at Post Office 11	Postmaster (requiring Employee)		





209 001 000  
MAP LOT SUB

1 of 1  
CARD  
Hudson

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



**PROPERTY LOCATION**

No	Alt No	Direction/Street/City
161		LOWELL RD, HUDSON
<b>OWNERSHIP</b>		
Owner 1:	Way Realty Trust	Unit #:
Owner 2:	C/O WALTER FLOWERS	
Owner 3:		
Street 1:	PO BOX 1435	
Street 2:		
Twn/City:	NORTH HAMPTON	
S/P/Prov:	NH	Own Occ:
Postal:	03862	Type:

**PREVIOUS OWNER**

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

**NARRATIVE DESCRIPTION**

This Parcel contains 88.86 ACRES of land mainly classified as IND-COMM

**OTHER ASSESSMENTS**

Code	Descrpt/No	Amount	Com. Int
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**PROPERTY FACTORS**

Item	Code	Description	%	Item	Code	Description
Z	GD	GENERAL		water	3	TOWN WATE
0				Sewer		
n				Electri	6	SEWERAC
Census:						
Flood Haz: AE						
D				Topo		
s				Street		
t				Gas:		

**IN PROCESS APPRAISAL SUMMARY**

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
440	86.860			3,957,600	3,957,600
390	2.000			1,050,000	1,050,000
<b>Total Card</b>					
88.860					
<b>Total Parcel</b>					
88.860					
<b>Total Value per SQ unit (Card: N/A)</b>					
5,007,600					
<b>Parcel ID</b>					
209-001-000					

**PREVIOUS ASSESSMENT**

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes
2018	043	FV		0	88.86	5,007,600	5,007,600	5,007,600	Year End Roll
2018	043	JB		0	88.86	5,007,600	5,007,600	5,007,600	Year End Roll
2017	043	FV		0	88.86	5,007,600	5,007,600	5,007,600	Year End Roll
2017	043	PV		0	88.86	5,007,600	5,007,600	5,007,600	Year End Roll
2017	043	JB		0	88.86	3,689,400	3,689,400	3,689,400	Year End Roll
2016	043	FV		0	88.86	3,689,400	3,689,400	3,689,400	Year End Roll
2016	043	JB		0	88.86	3,689,400	3,689,400	3,689,400	Year End Roll
2015	043	FV		0	88.86	3,689,400	3,689,400	3,689,400	Year End Roll

**SALES INFORMATION**

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif
CENTURY PARK, L	6046-1132		12/29/1998	DIV INT	1,250,000	Yes	No	No
DIGITAL EQUIPME	5878-0940		11/25/1997		2,500,000	No	No	No
	2826-0213		3/6/1981					

**TAX DISTRICT**

**PAT ACCT.**

**BUILDING PERMITS**

Date	Number	Descrpt	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
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**ACTIVITY INFORMATION**

Date	Result	By	Name
6/15/2017	Field Review	9	PVA
5/15/2012	Field Review	9	PVA
7/11/2007	Vacant Lot	9	PVA
9/18/2001	Vacant Lot	0	PATRIOT
12/4/1990	Inspected	2	AVIAR

**LAND SECTION (First 7 lines only)**

Use Code	Description	LUC	No of Units	Depth / PricedUnits	Unit Type	Land Type	LT	Factor	Base Value	Unit Price	Adj	Neigh	Neigh	Neigh	Neigh	Mod	Int 1	%	Int 2	%	Int 3	%	Appraised Value	Alt Class	Spec %	J Code	Fact	Use Value	Notes
390	VAC COM		2		SITE ACRE COMM SITE				0.525,000	1,000	ML1						ECO-REI						1,050,000					1,050,000	
440	VAC IND LAN		15		SITE ACRE IND SITE				0.250,000	0.72	IS						ACREAG	-28	ECO-REI				2,700,000					2,700,000	WETT/PO/ACCESS
440	VAC IND LAN		71.86		ACRES IND EXCESS				0.25,000	0.70	IS						ECO-REI						1,257,550					1,257,550	

Total AC/H/A:	88.86000	Total SF/SM:	3870742	Parcel LUC:	043	IND-COMM	Prime NB Desc:	C-LOWELL
Total:	5,007,550	Spl Credit:		Total:	5,007,600			

**Sign:** \_\_\_\_\_

VERIFICATION OF VISIT NOT DATA

1 / 1



**EXTERIOR INFORMATION**

Type:	
Sq Ft:	
(Liv) Units:	Total:
Foundation:	
Frame:	
Prime Wall:	
Sec Wall:	
Roof Struct:	
Roof Cover:	
Color:	
View / Desir:	

**BATH FEATURES**

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

**COMMENTS**

4/99 FOR SALE BUTLER REALTY=4,563,000 EST  
 60 ACRES "USEABLE"/FAR/FOR SALE 2017 &  
 2018 = \$9 MILLION -

**SKETCH**

**OTHER FEATURES**

1st Res Grid Desc: # Units

Level	FV	LR	DR	D	K	FR	RR	BR	FB	HB	L	O
Other												
Upper												
Lvl 2												
Lvl 1												
Lower												
Totals												

**REMODELING**

Exterior:	
Interior:	
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

**RES BREAKDOWN**

No Unit	RMS	BRS	FL
Totals			

**INTERIOR INFORMATION**

Avg HWFL:	
Prim Int Wall:	
Sec Int Wall:	
Partition:	
Prim Floors:	
Sec Floors:	
Bsmnt Fir:	
Subfloor:	
Bsmnt Gar:	
Electric:	
Insulation:	
Int vs Ext:	
Heat Fuel:	
Heat Type:	
# Heat Sys:	
% Heated:	
Solar HWV:	
% Com Wall:	

**DEPRECIATION**

Phys Cond:	0.0%
Functional:	
Economic:	
Special:	
Override:	
Total:	0%

**CALC SUMMARY**

Basic \$ / SQ:	1,000,000,000
Size Adj:	1,000,000,000
Const Adj:	16,000,000,000
Adj \$ / SQ:	
Other Features:	0
Grade Factor:	
NBHD Inf:	1,000,000,000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	0
Depreciation:	0
Final Total:	0

**COMPARABLE SALES**

Rate	Parcel ID	Typ	Date	Sale Price
WVAV\$ / SQ:	AVRate:	Ind	Val	
Juris. Factor:		Before	Depr:	0.00
Special Features:		Val/Su	Net:	
Final Total:		Val/Su	SZAd	

**MOBILE HOME**

Make:	
Model:	
Serial #:	
Year:	
Color:	

**SPEC FEATURES/YARD ITEMS**

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	DIS	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFract	Jurs	Value
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**PARCEL ID** 209-001-000

**SUB AREA**

Code	Description	Area - SQ	Rate - AV	Undepr Value
	Net Sketched Area:			
	Gross Area			
	FinArea			
	Total:			

**SUB AREA DETAIL**

Sub Area	% Usbl	Descrp	% Type	Qu # Ten
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**IMAGE**

AssessPro Patriot Properties, Inc

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

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

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

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

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

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

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

The Board may grant such a rehearing if, in its' opinion, good reason is stated in the motion. The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

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

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



## APPLICATION FOR A WETLAND SPECIAL EXCEPTION

Please describe the proposed use, indicating the impact to the wetland and its buffer. Your statement should include justification for the special exception as outlined in the Zoning Ordinance Article IX.

**Do not forget to include your decisions from the Conservation Commission and the Planning Board regarding your special exception request for a wetland and its buffer encroachment.**

(pending)

( See attached Memo )

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N/A Please note your proposal may require State Wetland Board Approval prior to any action taken by the Hudson Zoning Board of Adjustment. Please consult with the Town Engineer or the Zoning Administrator for further clarification.







# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #19-012

January 23, 2019

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

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

Dear Att'y Leonard,

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

**Zoning Review / Determination:**

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

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

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

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

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

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

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

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

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

Sincerely,



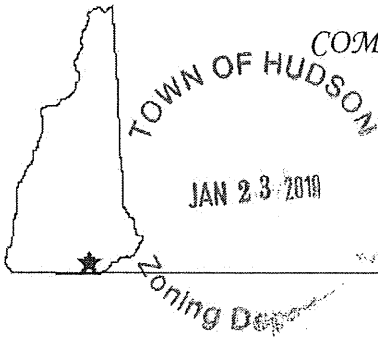
Bruce Buttrick, MCP  
Zoning Administrator/Code Enforcement Officer  
(603) 816-1275  
[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)

cc: Public Folder  
Brian Groth – Town Planner  
File

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



#19-12



COMMUNITY DEVELOPMENT DEPARTMENT

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



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 01/23/2019

Property Location 161 Lowell Road

Map 209 Lot 1

Zoning District if known General

Type of Request

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

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

Confirm Zoning requirements:

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

Applicant Contact Information:

*(Representing Dakota Partners, LLC)*

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

For Office use

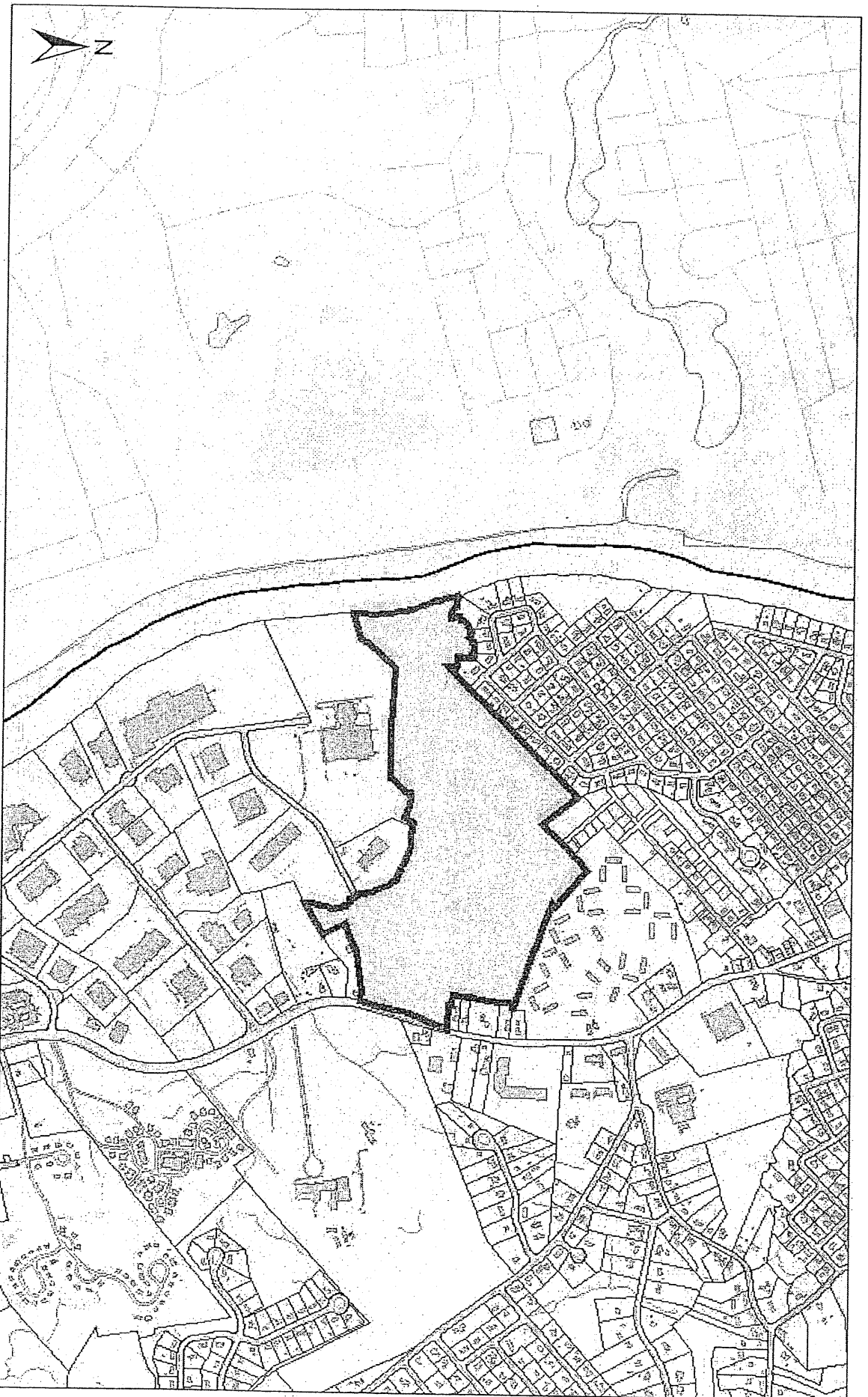
ATTACHMENTS: TAX CARD  GIS

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

ZONING DETERMINATION LETTER SENT  DATE: 1-23-19

*\$ VID ENDIC*

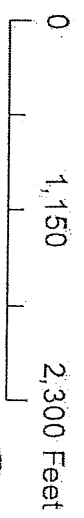
161 Lowell Road



January 23, 2019

Parcels

1 inch = 1,118 feet







WCD Work Area



TOWN OF HUDSON  
PLANNING BOARD

NOTICE OF RECOMMENDATION



12 School Street

Hudson, New Hampshire 03051

603/886-6005

May 10, 2018

Owner or Applicant: DAKOTA PARTNERS, INC.  
1264 MAIN STREET  
WALTHAM, MA 02451

On Wednesday, May 8, 2018, the Hudson Planning Board heard subject case ZI# 01-19 "161 Lowell Road Wetland Special Exception ZBA Input Only".

SUBJECT: PURPOSE OF APPLICATION: AS PART OF A WETLAND SPECIAL EXCEPTION APPLICATION, THIS APPLICATION IS DESIGNED TO SOLICIT INPUT FROM THE PLANNING BOARD. THE APPLICANT IS SEEKING A WETLAND SPECIAL EXCEPTION AS PART OF THE EXTENSION OF FRIARS DRIVE.

LOCATION: 161 LOWELL ROAD - MAP 209/LOT 001

You are hereby notified of the subject ZBA Input Only item presented before the Planning Board and the following action:

The Planning Board moved to forward the following "ZBA Input Only" recommendation to the ZBA concerning the Wetland Buffer Impact associated with the extension of Friars Drive for Map 209/Lot 001. The Planning Board recommended that the Wetland Special Exception be granted provided the applicant follow Best Management Practices.

Signed: Brian Groth Date: 5/14/19  
Brian Groth  
Town Planner

cc: The Dubay Group, Inc.  
Bruce Buttrick, Zoning Administrator  
Elvis Dhima, Town Engineer



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

Date of Application: 4/30/2019 Tax Map # 209 Lot # 1

Name of Project: Friars Court

Zoning District: \_\_\_\_\_ General Zoning ID# \_\_\_\_\_  
(For Office Use) (For Office Use)

ZBA Action: \_\_\_\_\_

**PROPERTY OWNER:**

**DEVELOPER:**

Name: 5 Way Realty Trust, Peter Horne, Trustee

Dakota Partners, Inc. (authorized agent)

Address: PO Box 1435

1264 Main Street

Address: North Hampton, NH 03862

Waltham, MA 02451

Telephone # (use authorized agent)

781-889-4002

Fax # (use email)

(use email)

Email: (use authorized agent)

mpilotte@dakotapartners.net

**PROJECT ENGINEER**

Name: Karl Dubay, PE

Telephone # 603-458-6462

Address: The Dubay Group, Inc., 84 Range Road

Fax # (use email)

Address: Windham, NH 03087

Email: karl@thedubaygroup.com

**PURPOSE OF PLAN:**

Work in WCD for portions of the existing Friars Drive improvements plans.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(For Office Use)**

Plan Routing Date: \_\_\_\_\_ Plan Date: \_\_\_\_\_

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

\_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

(Initials)

Department:

\_\_\_\_\_ Zoning \_\_\_\_\_ Engineering \_\_\_\_\_ Assessor \_\_\_\_\_ Police \_\_\_\_\_ Fire \_\_\_\_\_ Planning

\_\_\_\_\_ Highway \_\_\_\_\_ Consultant Review \_\_\_\_\_ Fees Paid

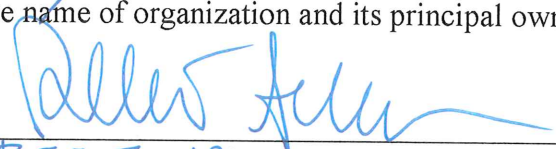
**APPLICATION FOR ZBA INPUT ONLY REVIEW  
TOWN OF HUDSON, NEW HAMPSHIRE**

I hereby apply for ZBA Input Only Review and acknowledge I will comply with all of the Ordinances of the Town of Hudson, New Hampshire State Laws, as well as any stipulations of the Planning Board, in development and construction of this project. I understand that if any of the items listed under the *ZBA Input Only* specifications or application form are incomplete, the application will be considered rejected.

Pursuant to RSA 674:1-IV, the owner(s), by the filing of this application as indicated above, hereby give permission for any member of the Hudson Planning Board, the Town Engineer, the Conservation Commission and such agents or employees of the Town or other persons as the Planning Board may authorize, to enter upon the property which is the subject of this application at all reasonable times for the purpose of such examinations, surveys, tests and inspections as may be appropriate. The owner(s) release(s) any claim or right he/she (they) may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and inspections conducted on his/her (their) property in connection with this applications.

**Signature of Owner:**  DULY AUTHORIZED BY PETER HORNE  
MARK PILOTTE

- ❖ If other than an individual, indicate name of organization and its principal owner, partners, or corporate officers.

**Signature of Developer:**   
ROBERTO ARISTA

- ❖ The developer/individual in charge must have control over all project work and be available to the Code Enforcement Officer/Building Inspector during the construction phase of the project. The individual in charge of the project must notify the Code Enforcement Officer/Building Inspector within two (2) working days of any change.

**Technical Review Signature:** \_\_\_\_\_

**Planner Approval Signature:** \_\_\_\_\_

Twenty-one days prior to the scheduled Planning Board Meeting, a complete subdivision, or site plan application including all supporting materials/documents must be submitted in final form to the Town Planner's Office.

- ❖ Please schedule an appointment with the Town Planner for initial plan submittal.
- ❖ Revisions are due on Tuesday the week prior to the Planning Board deferral date by 10:00AM. Any application/materials received after that time will be deferred until the next available meeting date.



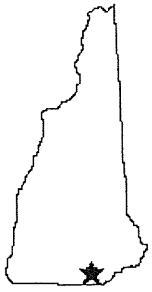
**APPLICATION FOR ZBA INPUT ONLY REVIEW  
TOWN OF HUDSON, NEW HAMPSHIRE**

**SCHEDULE OF FEES**

**A. REVIEW FEES**

1. ZBA Input Only - \$100.00	\$ <u>100.00</u>
2. Advertising Fee - \$ 40.00	\$ <u>40.00</u>
<b>TOTAL</b>	<b>\$ <u>140.00</u></b>

*****			
<b>(For Office Use)</b>			
AMOUNT DUE	\$ _____	DATE RECEIVED	_____
AMOUNT RECEIVED	\$ _____	RECEIPT NO.	_____
		RECEIVED BY	_____



# TOWN OF HUDSON

## Conservation Commission

Randy Brownrigg, Chairman

David Morin, Selectmen Liaison



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

### Motion to Recommend Wetlands Special Exception

**Date:** May 13, 2019

**Case:** Friars Drive Improvements  
161 Lowell Road  
Map 209 Lot 001-000

**Description of Work to be performed:**

The improvements essentially consist of reclaiming the old base, reshaping, and repaving to a 24 foot consistent width. The former shoulders and swales will be cleaned and reshaped and revegetated. All work will be performed in accordance with NHDOT, NHDES, and Town of Hudson requirements.

There are no wetlands impacts associated, nor are there any new proposed drainage piping or systems, other than reshaping the roadside shoulders and swales. The buffer impacts are very limited (refer to plans for data). The buffer work to the wetlands will of course require a ZBA Special Exception. The applicant is providing a settling basin in one area to provide supplemental treatment.

**Members Present:** Randy Brownrigg, Brett Gagnon, William Collins, Ken Dickinson, Elliott Veloso, Michael Drouin, Paula Hubert, Jennifer Parkhurst

**Members Stepping Down:**

**Alternates Seated:** Jennifer Parkhurst

**Motion to Recommend:**

**A motion was made for the Conservation Commission to recommend approval of the Wetlands Special Exception Application for 161 Lowell Road.**

With Stipulations:

Construction and restoration shall comply with: *BEST MANAGEMENT PRACTICES TO CONTROL NON-POINT SOURCE POLLUTION: A GUIDE FOR CITIZENS AND TOWN OFFICIALS* (NH Dept of Environmental Services – Current Issue.)



**Motion By:** Bill Collins


**Second By:** Elliot Veloso

**Vote:** Favorable   4   Unfavorable   3   Abstain         
Unfavorable votes: Brett Gagnon, Jennifer Parkhurst, Mike Drouin

**Summary of Arguments For Recommending:**

**Summary of Arguments Opposed to Recommending:**

**This Wetland Special Exception is recommended to the Zoning Board of Adjustment.**

  
\_\_\_\_\_  
Randy Brownrigg, Conservation Commission Chairman

## NOTICE TO APPLICANTS

### CONSERVATION COMMISSION APPLICATION PROCESS

The following documents shall be submitted with all applications for Conservation Commission Wetland Special Exceptions:

- One original and thirteen copies of the completed application and 11' x 17' plans (scaled to read legibly):
- All Conservation Commission Wetland Special Exception recommendation applications shall require submittal of a plot plan with wetland flagging prepared by a licensed land surveyor and certified wetland scientist prior to being scheduled on the meeting agenda. Plans shall be stamped and dated. Any wetland within 50 feet of the proposed project shall be shown whether on or off the subject property. Topography shall also be depicted on the plan.
- There shall be a signature block on the plan submitted for the Conservation Commission Chairman to sign.
- Deadline for submittal of completed applications shall be Friday 12:00 noon one week prior to the meeting date. (10 calendar days)
- Conceptual plans shall not be allowed.
- The Commission may wave, at its discretion, any of the above requirements.



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

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## GUIDELINES FOR APPLICATION

1. Please abide by the schedule of meeting and application deadline dates for the Hudson Conservation Commission (HCC). The HCC normally meets once a month on the third Monday at 7:00 p.m. in the Planning Department Room, Lower Level Town Hall. If a holiday falls on the third Monday, the meeting automatically is rescheduled for the fourth Monday. For more information, contact the Engineering Department, Town Hall, (603)886-6008.
  
2. Requests to be put on the agenda are made through the Engineering Department.
  
3. You need to submit a completed agenda application and checklist, a narrative description addressing key points as outlined in the checklist, a concept plan, and, if applicable, a copy of the DES Dredge and Fill Application. Please submit colored photos with the documentation. Some of the more detailed information may only be applicable to subdivision and/or larger impact areas.
  
4. The HCC members and Engineering Department need to receive the required project documentation by the application deadline date listed in the attached schedule. If no documentation is received prior to the meeting, the HCC may request the applicant return to the next scheduled meeting after the documentation has been reviewed.
  
5. Refer to Code of the Town of Hudson Revised Ordinances, Chapter 334-33 thru 39, Article IX 'Wetland Conservation District [As Amended].
  
6. For projects subject to the State Wetlands Bureau approval, review the Department of Environmental Services (DES) Guidelines for the Standard Application Process for Wetland Impacts. This information should be included in your application to the HCC. (Contact DES at 6 Hazen Drive, Concord NH 03301, (603)271-3503, [www.state.nh.us/des](http://www.state.nh.us/des), for further information.)
  
7. The HCC may request access to the property for a site review.

**TOWN OF HUDSON  
CONSERVATION COMMISSION  
AGENDA APPLICATION**

Name of Property Owner: 5 Way Realty Trust, Peter Horne, Trustee Phone # 781-889-4002 (authorized agent)

Address: PO Box 1435, North Hampton, NH 03862

Engineering by: Karl Dubay, PE The Dubay Group, Inc. Phone # 603-458-6462

Address: 84 Range Road, Windham, NH 03087

Email address: karl@thedubaygroup.com

Assessor's Map 209

Lot # 1

Zone Business

**Please check the boxes that apply:** [It is possible that I, II and III could be checked on a single application]

- I. Request for Wetlands Special Exception - Available from Hudson Planning Department  
Applies whenever a wetland area is impacted; Wetlands are identified by your Wetland specialist.  
For details see Article IX chapter 334-33 thru 39 of the Hudson Zoning Ordinance.
- II. State Wetlands Permit Application - [www.des.state.nh.us/wetlands/](http://www.des.state.nh.us/wetlands/)
- III. Boat Dock (Requires both Wetlands Special Exception and State Wetlands Bureau Approval)
- IV. Other

Description of proposed project: Extend Friars Drive to Lowell Road via reconstruction of existing paved road.

Wetland: Prime  Other  Name(s) Third Brook. Existing culvert and related upland work are already in place.

Flagged by certified soil scientist (name) Luke Hurley, CWS, Gove Environmental Services, Inc.

Impacts (sq. ft.): Wetland  Temporary  Permanent  Buffer  Temporary  Permanent   
Dredge  none Fill  none

Proposed mitigation: The differential pavement area will be mitigated for the required pre/post drainage flows per town standards. Drainage practices will include infiltration basin that is planted/naturalized. Cuts/fills will be minimized. No wetland impacts are proposed. The existing culvert crossing is already in place as previously planned for this purpose.

**RECOMMENDATION: HUDSON CONSERVATION COMMISSION**

Unfavorable  Favorable  Favorable with Conditions

Signature for HCC: \_\_\_\_\_

Date: \_\_\_\_\_

Town of Hudson  
**Conservation Commission**

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

**CHECKLIST**

Date Completed **4/29/2019**

Project address **161 Lowell Road**

Sheet(s) **209-1** Property

Name(s) of wetland/buffer impact **Third Brook**

Owner **5 Way Realty Trust, Peter Horne, Trustee** Applicant **Dakota Partners, Inc.**

SUPPLY A NARRATIVE REPORT FOR INFORMATION ON THE CHECKLIST  
Check off *Yes*, *No*, or *Not Applicable* in the appropriate circle regarding the documentation provided  
THIS CHECKLIST IS TO BE ATTACHED TO THE HCC APPLICATION FORM

Yes	No	NA	Questions/Information Needed	HCC Comments
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*NARRATIVE REPORT*

**Existing Conditions**

- |                                     |                                     |                                     |  |  |
|-------------------------------------|-------------------------------------|-------------------------------------|--|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Has a DES Dredge and Fill Permit been issued for any part of this site? If yes, provide number, date, and description.                 |  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Is there evidence of altered wetlands or surface waters on site?   |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | All prime and other wetlands in the vicinity, plus any wetlands/watersheds past the immediate vicinity affected by this project        |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | • Description of each wetland and associated values  |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Wetland mapping results – Including the flagging date and technique plus the name, company and qualifications of the wetland scientist |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Was property surveyed? If yes, the date of survey. (Please attach the survey plan)   |  |

**National Wetland Inventory**

- |                                     |                          |                                     |   |  |
|-------------------------------------|--------------------------|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | • Vegetative cover types  |  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | • Existence of vernal pools and associated habitat  |  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | • Unique geological and cultural features   |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | • NH Natural Heritage inventory – For list of rare and endangered species, contact the NH Division of Forests and Lands (603)271-3623 |  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | • Wildlife and fauna species, including estimated number and locations (large projects)   |  |



Yes	No	NA	Questions/Information Needed	HCC Comments
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**NARRATIVE REPORT**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Public or private wells located within the vicinity	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Monitoring well(s) located on site	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	• Current land use and zoning district	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Photos of existing area (please use color photos)	

**Proposed Project Description**

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Entire project and associated activities	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Time table of project and anticipated phasing	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Land use	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grading plan	

**Impact to Wetlands and/or Buffers**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Depending on size and proposed impacts, a report from a biologist may be appropriate	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Removing, filling, dredging, or altering (Area square ft. and locations) <b>Buffer only (temporary)</b>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Intercepting or diverging of ground or surface water (Locations and size)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Change in run-off characteristics	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Delineation of drainage area contributing to each discharge point	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Installation of drainage, sewage, and water systems (Locations of impact)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Estimated water quality characteristics of runoff at each point of discharge for both pre- and post-development	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Erosion control practices	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• If using rip-rap, attach documentation explaining why other erosion control methods are not feasible	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	• How storm water runoff will be handled	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If backyards or lots include a buffer area, buffer restriction wording shall be included in each deed (A physical marker may be requested to designate buffer boundaries at site)	

**Mitigation**

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Square footage of mitigation – wetland and upland areas	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wetland or upland plants identified to replace any losses <b>(maintenance upgrade)</b>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	• Restoration plan for planting and vegetation <b>(naturalized)</b>	

Yes	No	NA	Questions/Information Needed	HCC Comments
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### NARRATIVE REPORT

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conservation easements, including location and aesthetic, wildlife and vegetative values	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>If easement is on or added to the site(s), a copy of the legal document shall be given to the HCC (HCC conservation easement markers may also be required along the easement)</li> </ul>	

### CONCEPTUAL SITE PLAN/DRAWING

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Locus map depicting project site and vicinity within approximately 1/2 mile and also on a larger scale	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All prime and other wetlands in the vicinity	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wetland(s) impacted (identified as prime or other) and the wetland boundaries with 50' buffer areas highlighted in color	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property boundaries and names of abutters	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project, subdivision and/or owner's name	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assessor's sheet(s), lot(s), and property account number(s)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Date of plan	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roadways, showing street/road name	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed structures	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Square footage listed for temporary and permanent impact	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Erosion control plan (Suggested: Biodegradable silt fences so area won't be disturbed again and no hay to avoid invasive species)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Topographical map with contours	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Storm water treatment swales and basins highlighted in color if in buffer area	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conservation and utility easements	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grading plan	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Culvert, arch, bridge - sizes, material, etc.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vegetative cover types	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vernal pools <i>(none at work area)</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed stone walls, tree lines, and unusually large, rare or beautiful trees, and other notable site features	

## QUESTIONS TO CONSIDER BEFORE SUBMITTING

- Will the increased discharge cause erosion and channelization? **No**
- Is there potential for off-site flooding? **No**
- Does the decreased infiltration in the drainage area cause vegetation stress due to reduced or increased ground water or surface water discharge into wetland? **No**
- Will the nutrients in the runoff increase eutrophication potential in downstream water bodies? **No**
- Do you own any adjacent parcels or easements for roadways across adjacent parcels which could be used for access to avoid a wetland crossing? **Not applicable, see master site layout plan**
- Does a wetland crossing occur where it will result in the least amount of alteration to a wetland? **Not applicable (already built)**
- Is preservation of upland areas adjacent to the impacted wetland a priority? **Of course, this is an existing crossing previously planned**
- Can using an alternative crossing design such as a bridge, retaining wall, etc. decrease the width or area of wetland alteration? **N/A**
- Does a proposed road crossing of a wetland exceed the minimum width acceptable to the Planning Board and can this be negotiated downwards? **N/A**
- Have you established that no reasonable alternative access from a public way to an upland is possible? **Yes. Pre-planned crossing**
- Can the parking lot spaces be decreased? **N/A - no parking is proposed or needed.**
- Is the roadway designed in such a way that does not restrict the flow of water? **Correct. Existing culvert is in place.**
- Is additional information needed to assess water quality impacts due to runoff? **N/A**
- Is there an increase in other pollutants (e.g., heavy metals, turbidity, coli form) from streets and parking lots? **No.**
- Is there a need to restrict or prohibit the use of pesticides and fertilizers? **N/A for this culdesac, perimeter areas will be planned to grow in naturally and be retained in that manner**
- Is there a need to restrict the use of roadway salting? **To be determined by Town (existing town road)**





**The Dubai Group, Inc.**  
84 Range Road, Windham, NH 03087  
(603) 458-6462 thedubaygroup.com

## M E M O R A N D U M

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To: Hudson Town Engineer &  
Conservation Commission

Date: April 29, 2019

From: Karl Dubay

Re: Friars Drive Improvements on Lot 209-1

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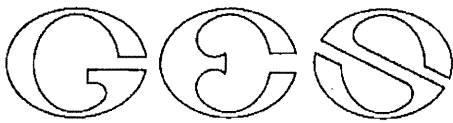
We are pleased to submit, for your review, the improvement plans to existing Friars Drive. These improvements are the first step in providing full access master planning for restoring its connection to Lowell Road. The project scope and phasing are being coordinated with Town Planning & Engineering Staff and the Planning Board.

The improvements essentially consist of reclaiming the old base, reshaping, and repaving to a 24 foot consistent width. The former shoulders and swales will be cleaned and reshaped and revegetated. All work will be performed in accordance with NHDOT, NHDES, and Town of Hudson requirements.

There are no wetlands impacts associated, nor are there any new proposed drainage piping or systems, other than reshaping the roadside shoulders and swales. The buffer impacts are very limited (refer to the plans for data). The buffer work to the wetlands will of course require a ZBA Special Exception. We are providing a settling basin in one area to provide supplemental treatment.

Refer to the plans, details, report from our wetlands/soils scientist, and forms for additional information.

We look forward to working with the Town on the project.



Karl Dubay  
The Dubay Group Inc.  
84 Range Road  
Windham, NH 03087

Subject: Lowell Road Hudson  
Re: Town Application

Dear Mr. Dubay:

Per your request, I have completed the required review of the Town of Hudson Conservation Commission Checklist.

No recent evidence of any NH Des wetland Permits exist on the NH DES website query. It is my understanding that this road has been in since the mid 1970's.

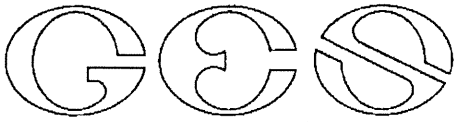
No direct evidence of wetlands disturbance appears to be onsite within the area or the proposed project. An obvious wetland crossing exists on the far side of the site for Friar's Drive.

The wetland system to the rear of the site is part of Third Brook, a perennial stream. The wetland immediately adjacent to the site has no stream system and is not a prime wetland, as the Town of Hudson does not have prime wetland designations.

The wetland adjacent to the proposed project is classified as PEM/SS1E. This wetland is a seasonally saturated emergent and scrub shrub wetland. Significant functions and values are flood flow attenuation, wildlife habitat, and sediment and toxicant retention. The proximity to the existing roadways and surrounding commercial uses has the potential for runoff from the area to enter the wetlands. The dense scrub shrub habitat is habitat to many small songbird species. Wetland vegetation consists of highbush blueberry, winterberry, dogwood and sweet pepper bush in the shrub layer and multiple species of sedges and grasses in the herbaceous layer. Wetlands were delineated based on the following standards.

1. US Army Corps of Engineers Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: North central and Northeast Region, Technical Report ERDC/EL TR-12-19 (Oct 2012).
2. Field Indicators of Hydric Soils in the United States, A Guide for Identifying and Delineating Hydric Soils, Version 7.0. United States Department of Agriculture (2010).
3. North American Digital Flora: National Wetland Plant List, Version 2.2.1 (2009).
4. Classification of Wetlands and Deepwater Habitats of the United States. USFW Manual FWS/OBS-79/31 (1979).

No vernal pools are in this wetland system, as no permanent standing water exists. Recent NH NHB records indicate no rare, threatened or endangered species or exemplary natural communities exist on site.



GOVE ENVIRONMENTAL SERVICES, INC.

A formal flora and fauna study has not been conducted for the project.

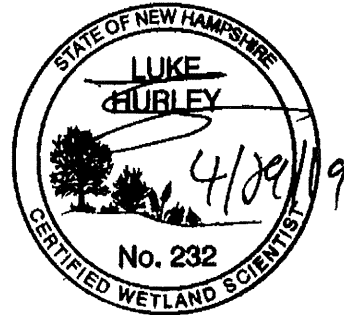
Photos of the site are included. Any wetland impacts associated with the upgrade of the existing through road will have a mitigation as is necessary, should the proposed impacts dictate the need. The Town of Hudson does not have prime wetland designations.

Please let me know if you have any questions or need anything else.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luke D. Hurley', with a long horizontal flourish extending to the right.

Luke D. Hurley, CWS, CSS  
Vice President  
Gove Environmental Services, Inc.



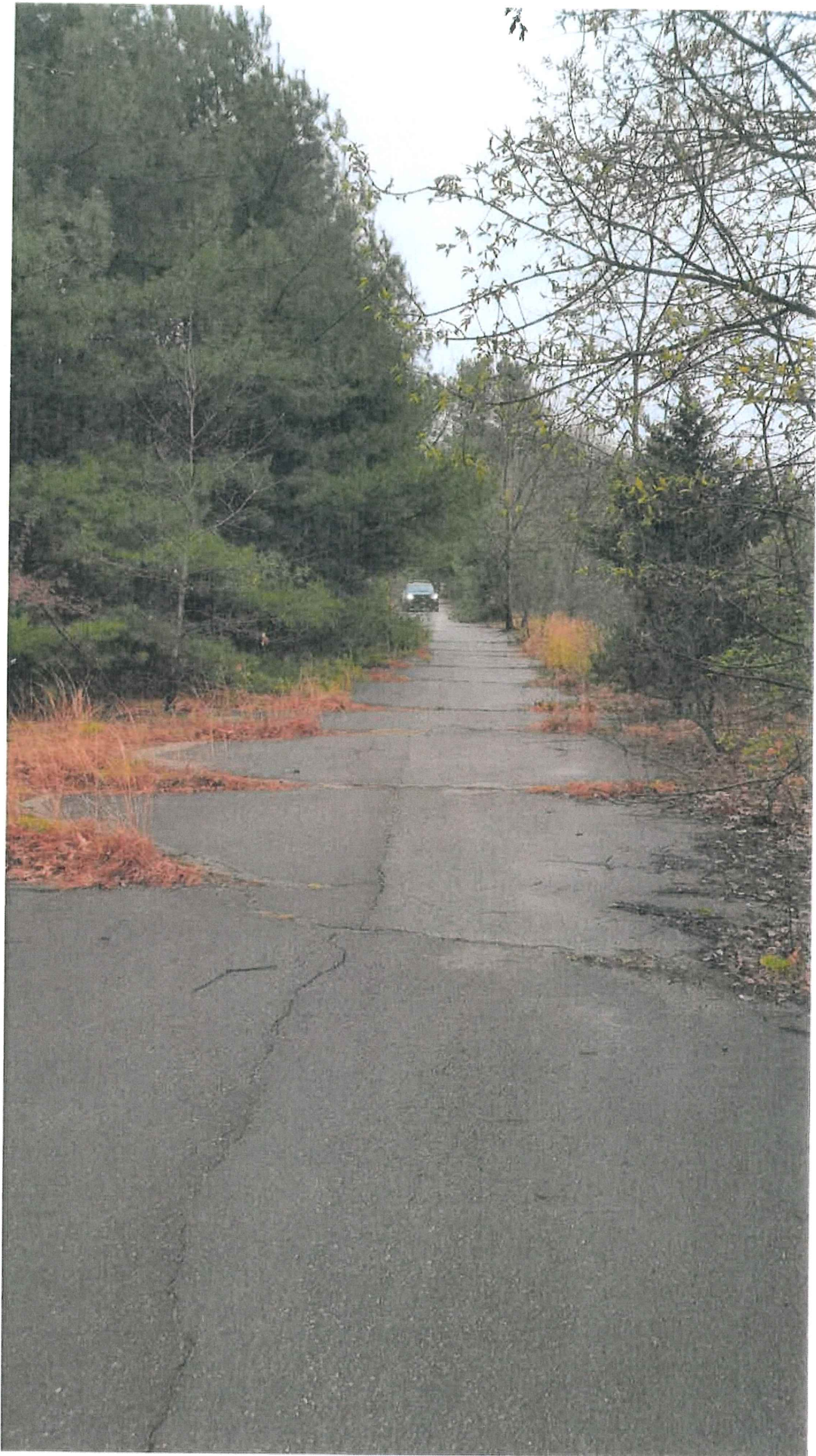
8 Continental Dr Bldg 2 Unit H, Exeter, NH 03833-7526  
Ph (603) 778 0644 / Fax (603) 778 0654  
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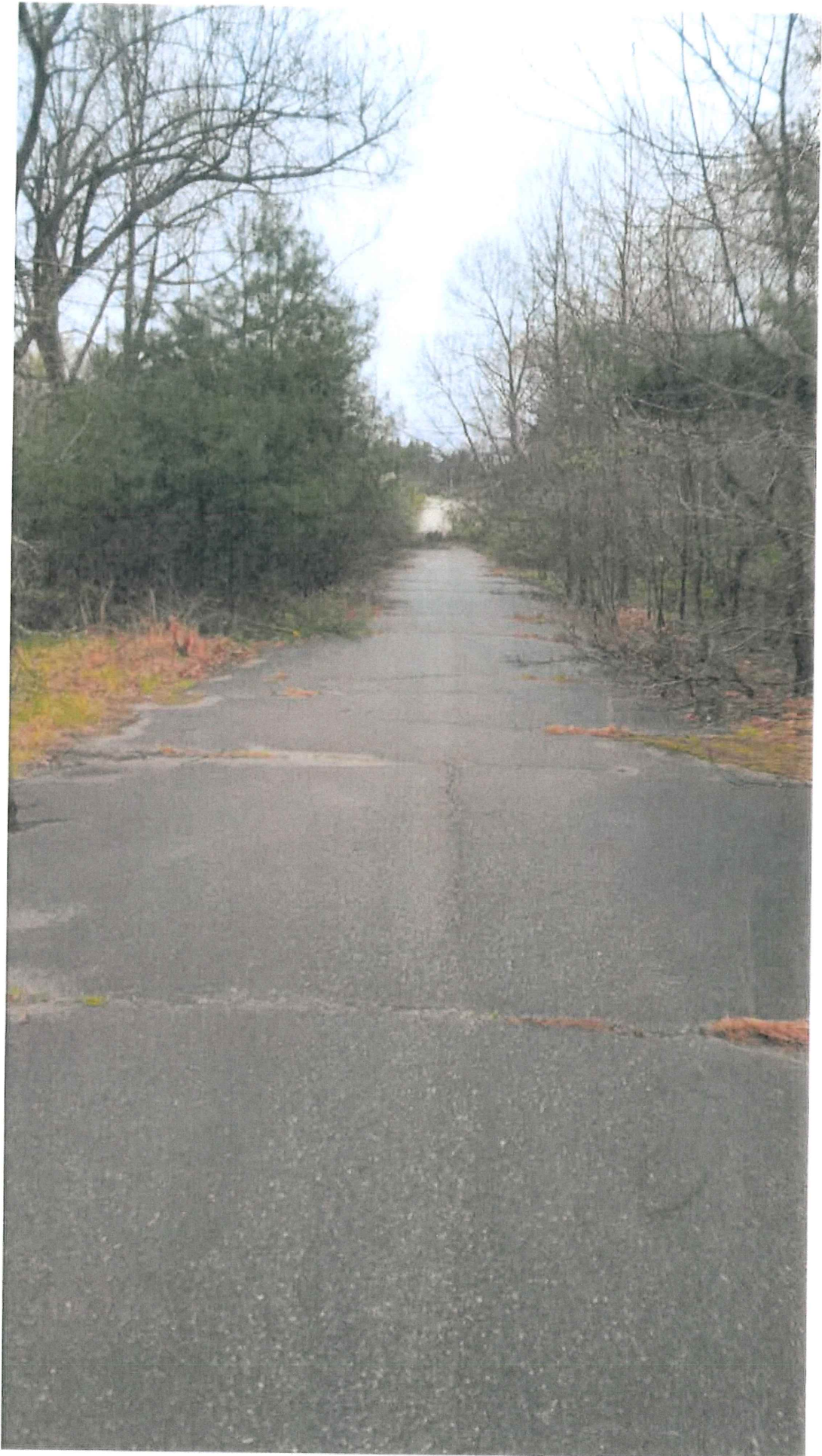






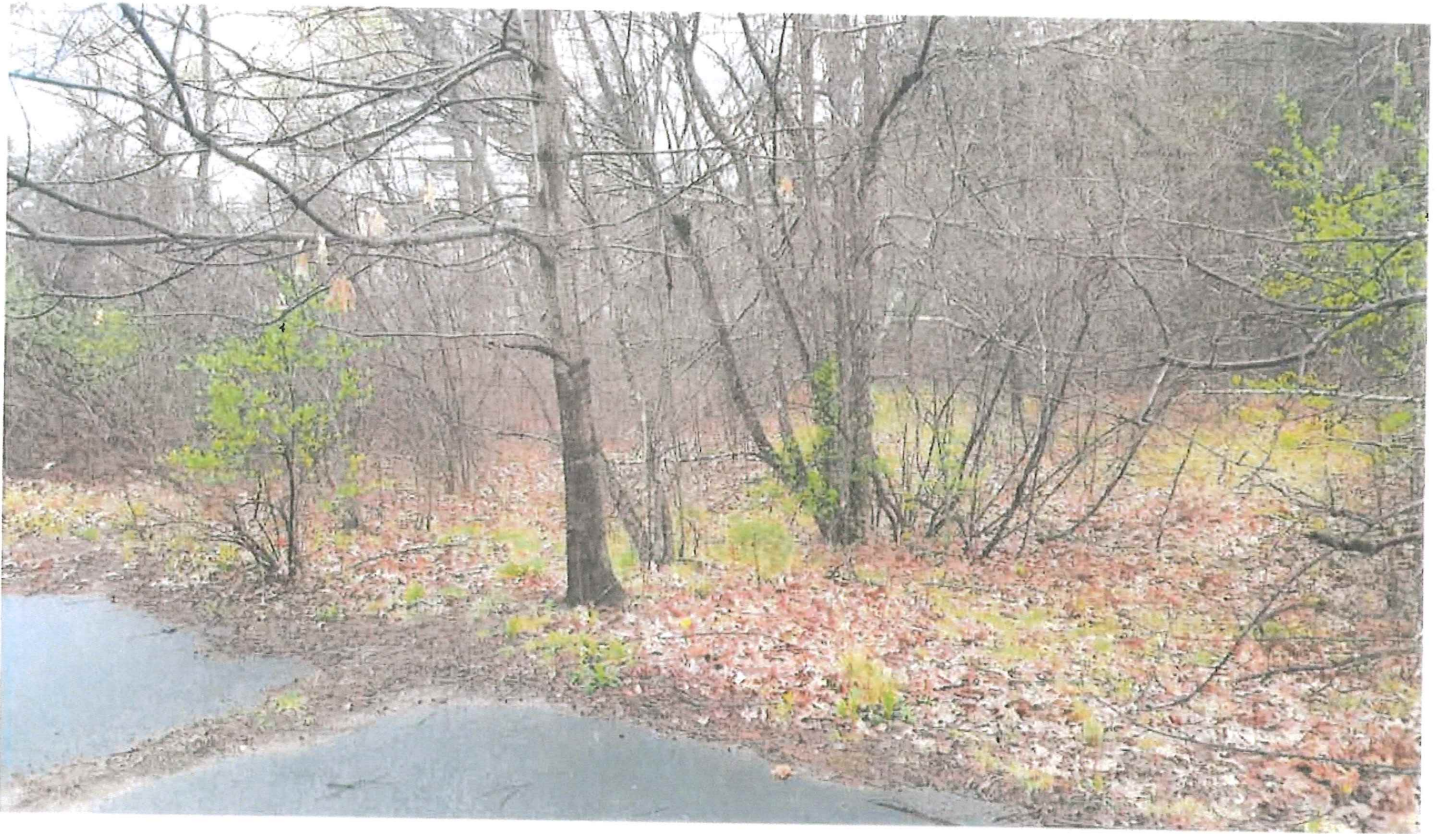




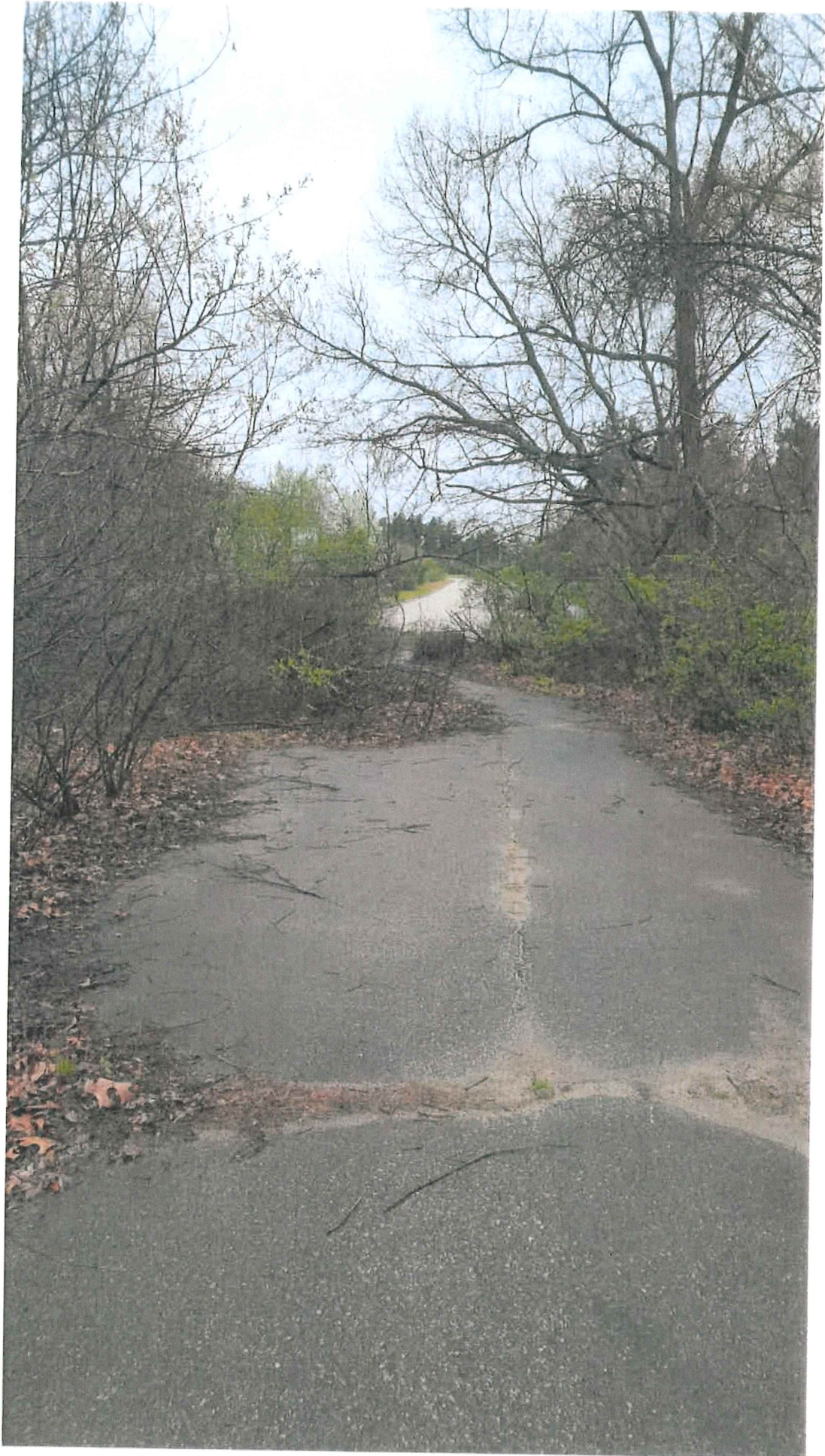




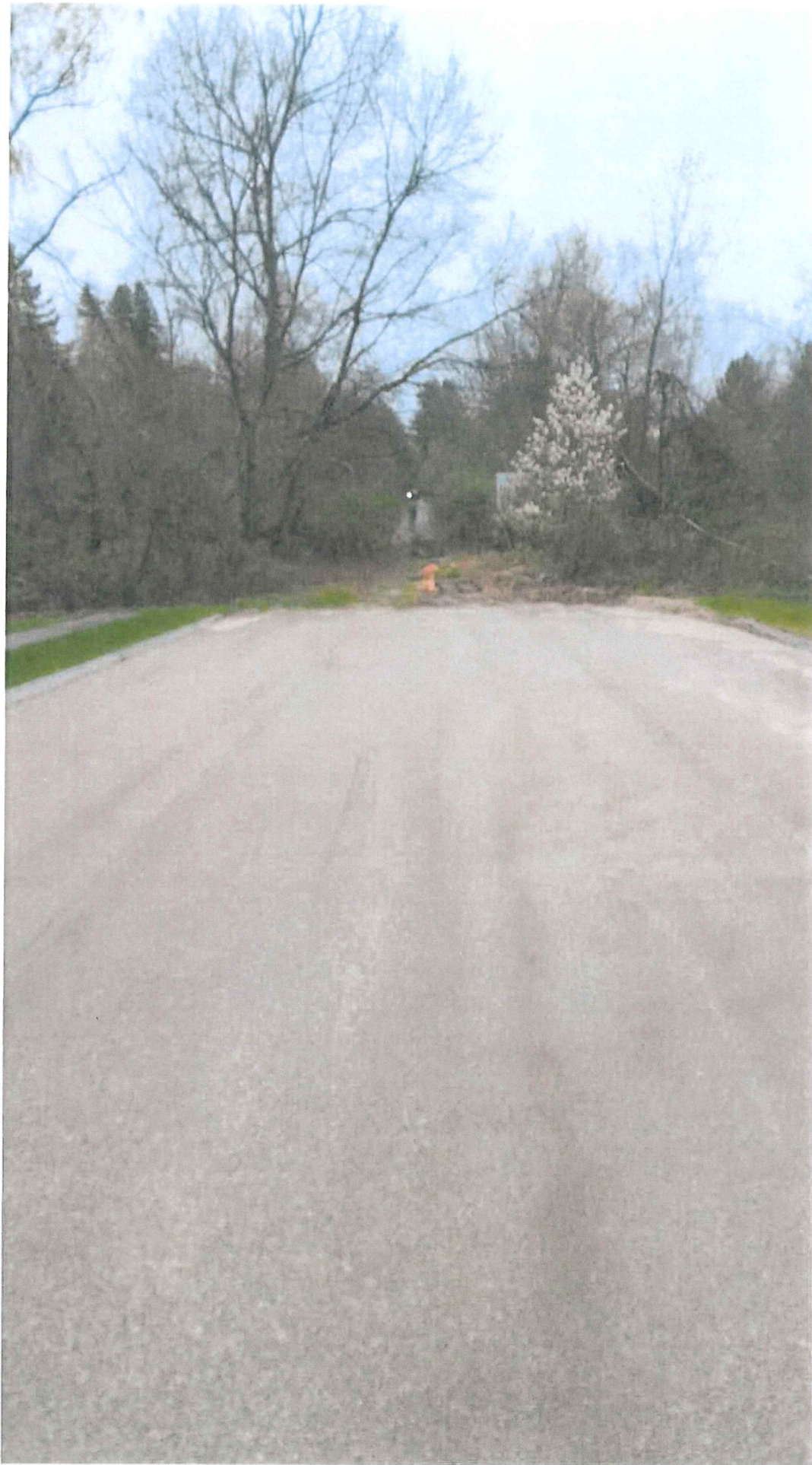


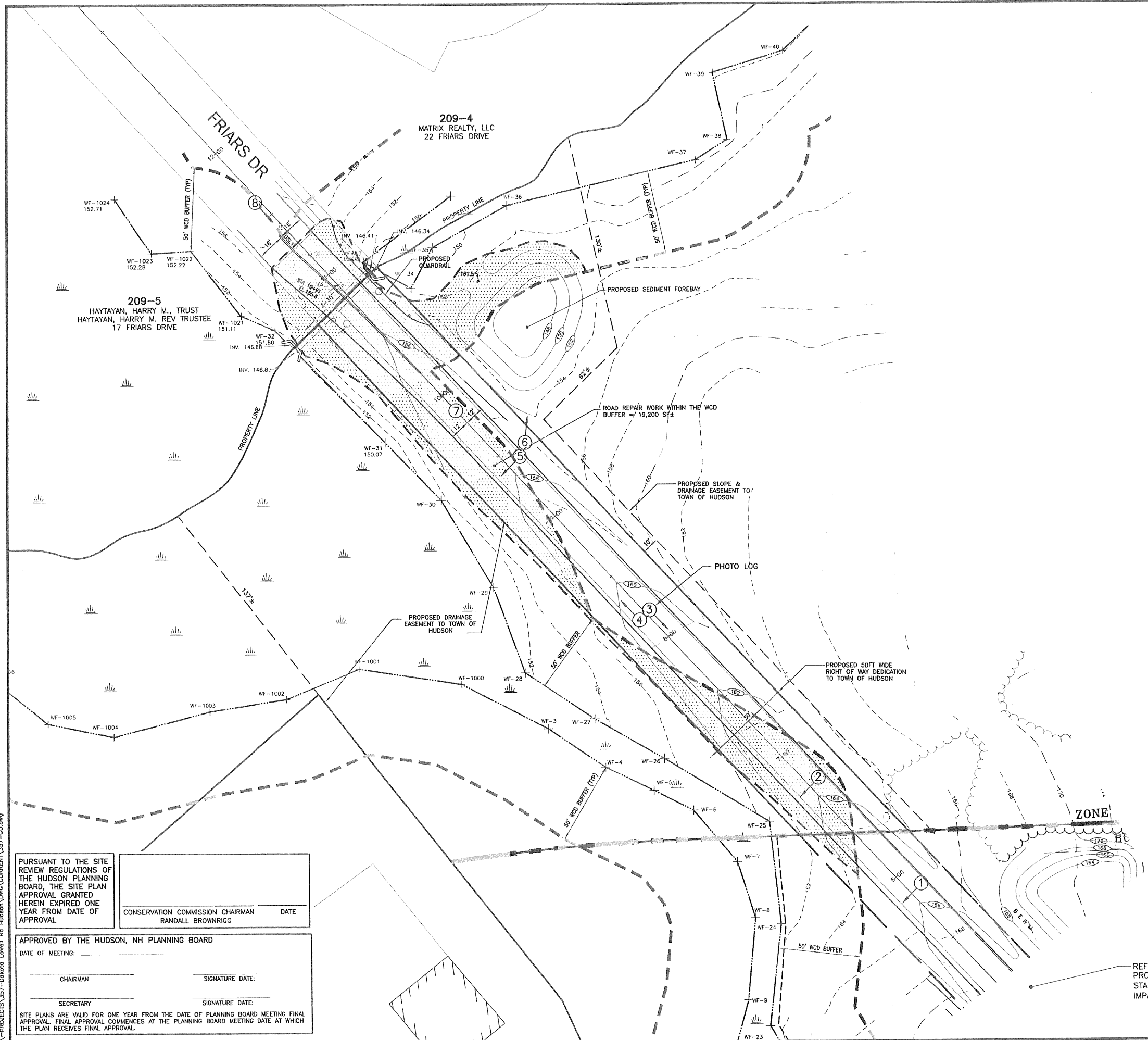












**BUFFER AREA SUMMARY**

EXISTING PAVEMENT AREA WITHIN BUFFER TO BE RECLAIMED:  
5,200 SF± = 27% OF BUFFER IMPACT AREA

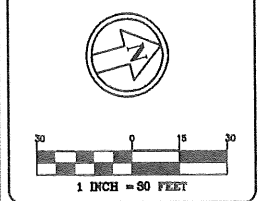
PROPOSED ADDITIONAL PAVEMENT AREA WITHIN BUFFER TO ACHIEVE 24 FT WIDTH PER TOWN STANDARDS:  
2,500 SF± = 13% OF BUFFER IMPACT AREA

SHOULDER AREAS TO BE RESTORED & NATURALIZED WITHIN BUFFER:  
11,500 SF± = 60% OF BUFFER IMPACT AREA



**The Dubai Group, Inc.**  
84 Range Road  
Windham, NH 03087  
603-458-6462

Engineers  
Planners  
Surveyors  
TheDubayGroup.com



REVISIONS:

REV:	DATE:	COMMENT:	BY:

DRAWN BY: WA  
CHECKED BY: KRD  
DATE: APRIL 29, 2019  
SCALE: 1"=30'  
FILE: 357-GU  
DEED REF: -

**WETLAND NOTES**

1. WETLANDS WERE DELINEATED BY GOVE ENVIRONMENTAL SERVICES, INC. IN MARCH 2019, AND LOCATED BY THIS OFFICE IN MARCH 2019
2. WETLAND DELINEATION WAS PERFORMED TO THE STANDARDS OF THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1, (JANUARY, 1987).
3. DOMINANT HYDRIC SOIL CONDITIONS WITHIN THE WETLANDS WERE IDENTIFIED BY GOVE ENVIRONMENTAL SERVICES, INC. UTILIZING THE CRITERIA OF FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 3, 2004.
4. DOMINANCE OF WETLAND VEGETATION WAS ASSESSED BY GOVE ENVIRONMENTAL SERVICES, INC. UTILIZING THE NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: 1988 NORTHEAST (REGION 1) (PORTER B. REED, JR.).

REFER TO SITE PLANS FOR PROPOSED WORK STA 0+00 TO STA 5+00 (NO WETLAND BUFFER IMPACTS PROPOSED)

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRED ONE YEAR FROM DATE OF APPROVAL

CONSERVATION COMMISSION CHAIRMAN  
RANDALL BROWNRIGG

DATE

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: \_\_\_\_\_

CHAIRMAN \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_

SECRETARY \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_

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

PROJECT:

**FRIARS COURT  
MAP 209 LOT 1**  
161 LOWELL ROAD  
HUDSON, NH

FOR

**DAKOTA  
PARTNERS, INC.**  
1264 MAIN STREET  
WALTHAM, MA 02451

SHEET TITLE:

**ROADWAY  
RECONSTRUCTION  
PLAN**

PROJECT #357 SHEET R1





**The Dubai Group, Inc.**

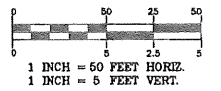
84 Range Road  
Windham, NH 03087  
603-458-6462

Engineers

Planners

Surveyors

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REVISIONS:

REV.	DATE:	COMMENT:	BY:

DRAWN BY: SJK  
CHECKED BY: KRD  
DATE: APRIL 24, 2019  
SCALE: 1"=50'H, 5'V  
FILE: 357-ROAD  
DEED REF: -

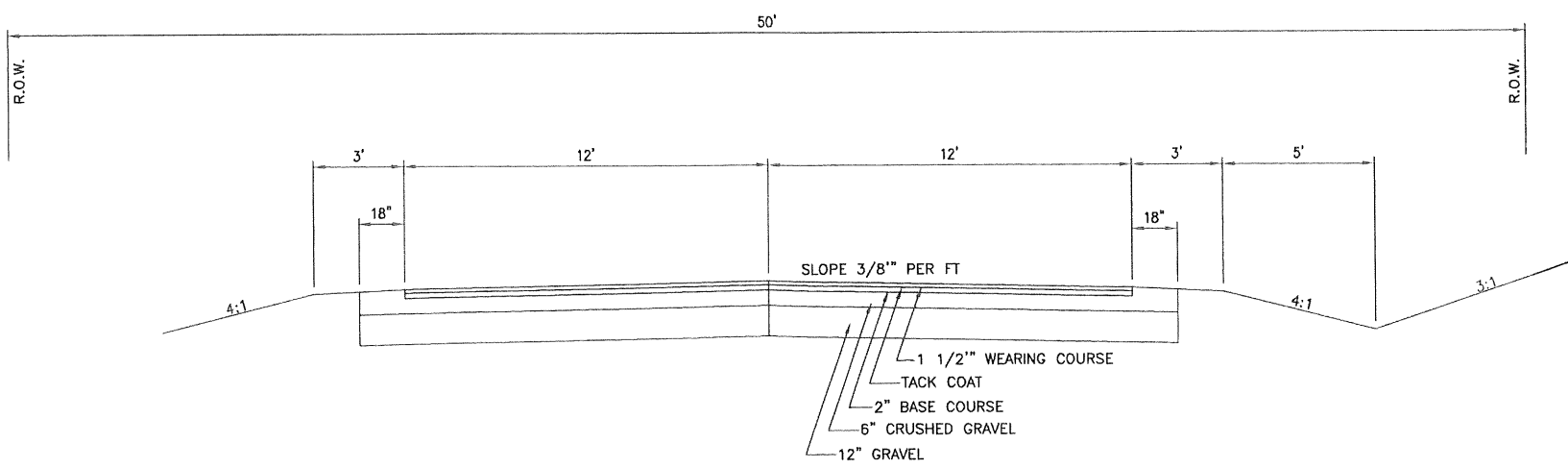
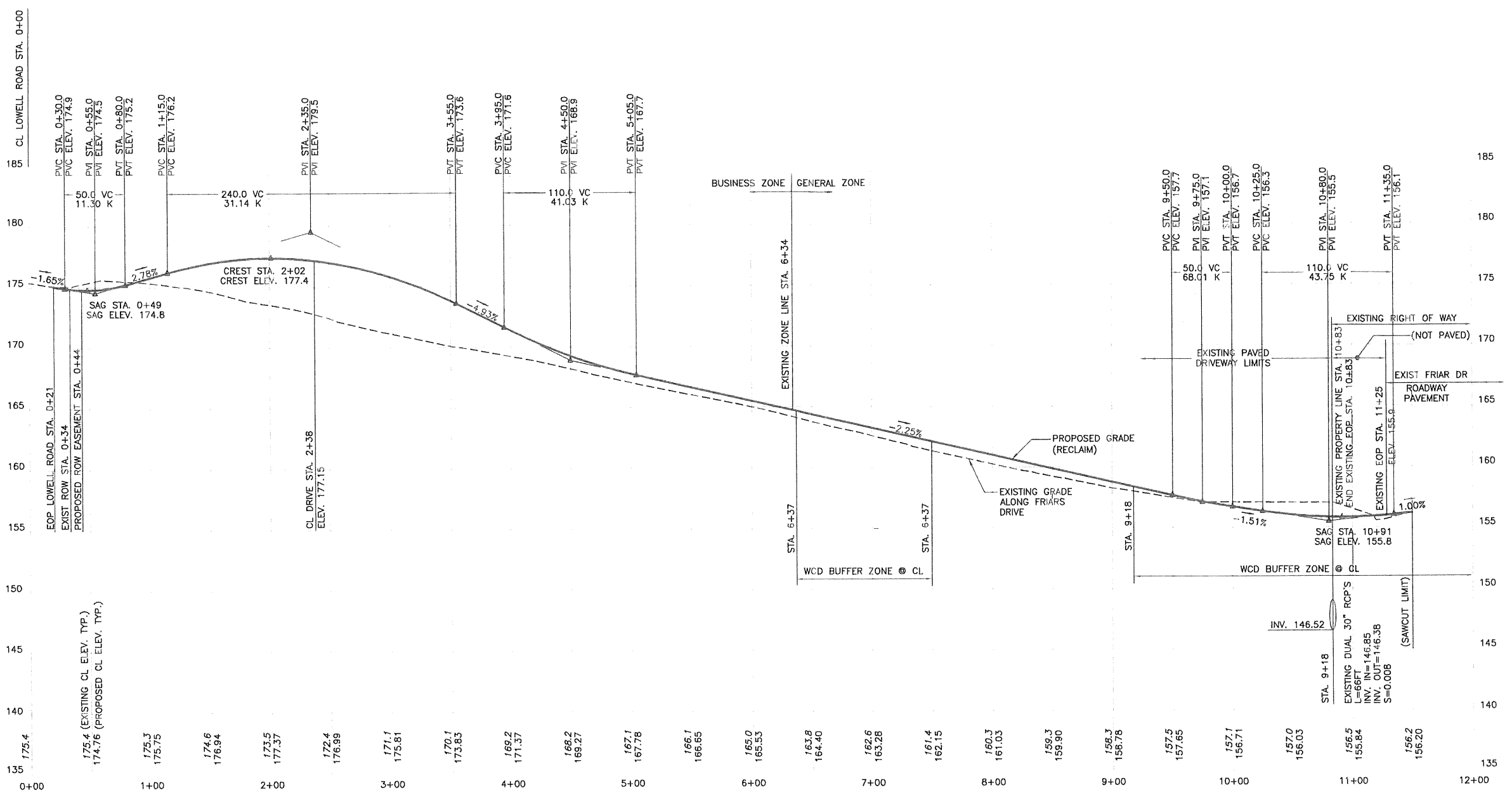
PROJECT:  
**FRIARS COURT  
MAP 209 LOT 1**  
161 LOWELL ROAD  
HUDSON, NH

FOR

**DAKOTA  
PARTNERS, INC.**  
1264 MAIN STREET  
WALTHAM, MA 02451

SHEET TITLE:  
**ROAD  
RECONSTRUCTION  
PROFILE  
&  
TYPICAL SECTION**

PROJECT #357 SHEET R2



**TYPICAL ROADWAY CROSS SECTION**  
NOT TO SCALE

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

CONSERVATION COMMISSION CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_  
RANDALL BROWN RIGG

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: \_\_\_\_\_

CHAIRMAN \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_  
SECRETARY \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_

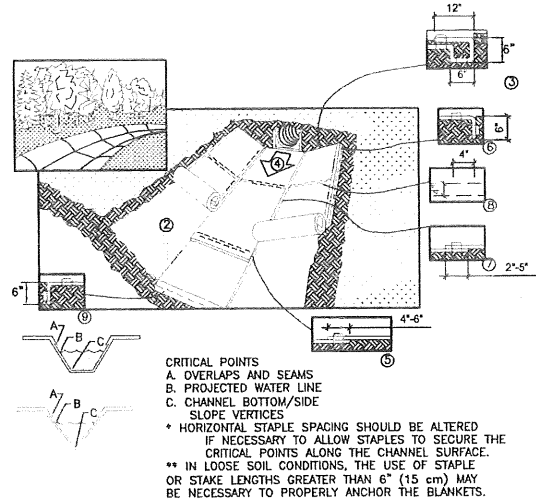
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N:\PROJECTS\357-Dakota Lowell Rd Hudson\DWG\CURRENT\357-ROAD.dwg



**CHANNEL INSTALLATION SPECIFICATIONS**

1. INSTALL PRODUCT IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS
  2. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL-O-SEED, DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH THE PAPER SIDE DOWN.
  3. BEGIN AT THE TOP OF THE CHANNEL BY ANCHORING THE BLANKET IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF BLANKET EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE BLANKET WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" PORTION OF BLANKET OVER SEED AND COMPACTED SOIL. SECURE BLANKET OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE BLANKET.
  4. ROLL CENTER BLANKET IN DIRECTION OF WATER FLOW IN BOTTOM OF CHANNEL. BLANKETS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL BLANKETS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING OPTIONAL DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
  5. PLACE CONSECUTIVE BLANKETS END OVER END (SHINGLE STYLE) WITH A 4"-6" OVERLAP. USE A DOUBLE ROW OF STAPLES STAGGERED 4" APART AND 4"(10") ON CENTER TO SECURE BLANKETS.
  6. FULL-LENGTH EDGE OF BLANKETS AT TOP OF SIDE SLOPES MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
  7. ADJACENT BLANKETS MUST BE OVERLAPPED APPROXIMATELY 2"-5" (DEPENDS ON BLANKET TYPE) AND STAPLED TO ENSURE PROPER SEAM ALIGNMENT. PLACE THE EDGE OF THE OVERLAPPING BLANKET (BLANKET BEING INSTALLED ON TOP) EVEN WITH THE COLORED SEAM STITCH ON THE BLANKET BEING OVERLAPPED.
  8. IN HIGH FLOW APPLICATIONS, A STAPLE CHECK SLOT IS RECOMMENDED AT 30' TO 40' INTERVALS. USE A DOUBLE ROW OF STAPLES STAGGERED 4" APART AND 4" ON CENTER OVER ENTIRE WIDTH OF CHANNEL.
- THE TERMINAL END OF THE BLANKETS MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.

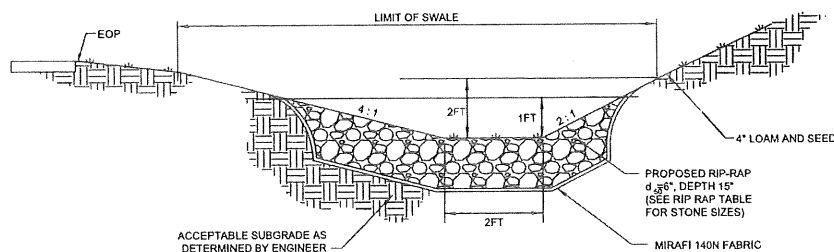


**ROLLED EROSION CONTROL MATTING**  
NOT TO SCALE

(THIS DETAIL IS PROVIDED FOR AREAS THAT MAY REQUIRE ADDITIONAL PROTECTION BASED ON FIELD CONDITIONS.)

TABLE 7-24 - RECOMMENDED RIPRAP GRADATION RANGES

% OF WEIGHT SMALLER THAN THE GIVEN SIZE	SIZE OF STONE
100	1.5 TO 2.0 d
85	1.3 TO 1.8 d
50	1.0 TO 1.5 d
15	0.3 TO 0.5 d



**TYPICAL RIPRAP LINED SWALE DETAIL**  
NOT TO SCALE

(THIS DETAIL IS PROVIDED FOR AREAS THAT MAY REQUIRE ADDITIONAL PROTECTION BASED ON FIELD CONDITIONS.)

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRED ONE YEAR FROM DATE OF APPROVAL

CONSERVATION COMMISSION CHAIRMAN: RANDALL BROWNRIGG

DATE: \_\_\_\_\_

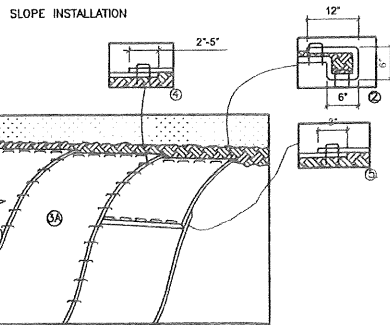
APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_

SECRETARY: \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_

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



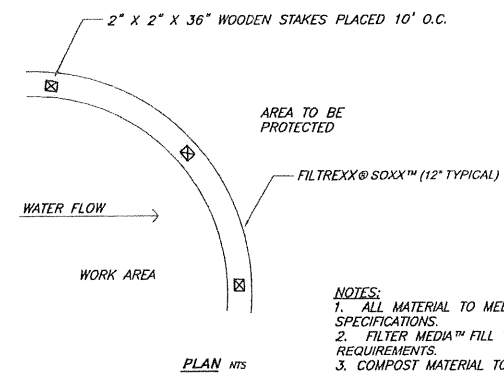
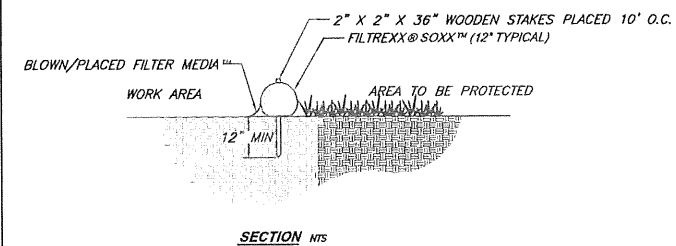
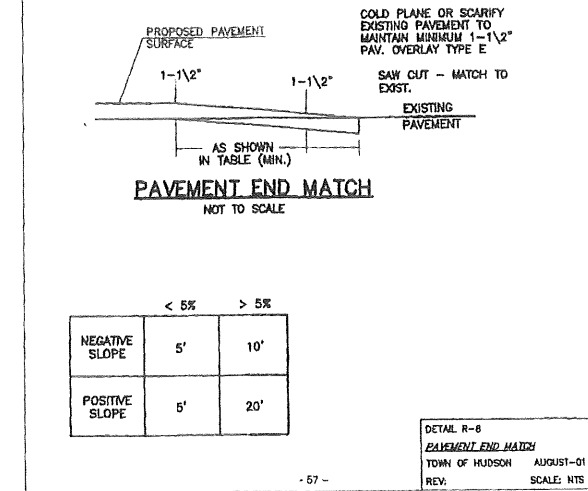
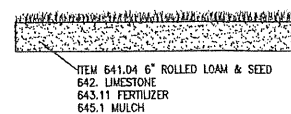
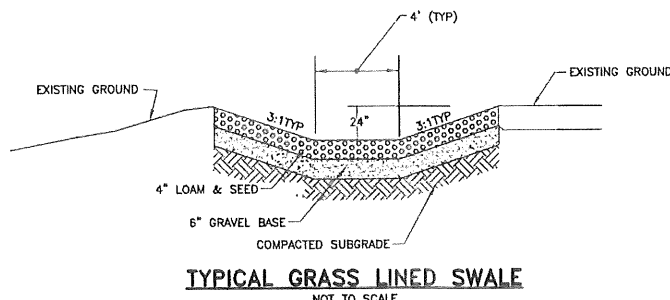
**MATting INSTALLATION NOTES**

1. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE BLANKET IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF BLANKET EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE BLANKET WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" PORTION OF BLANKET BACK OVER SEED AND COMPACTED SOIL. SECURE BLANKET OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE BLANKET.
3. ROLL THE BLANKETS (A) DOWN OR (B) HORIZONTALLY ACROSS THE SLOPE. BLANKETS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL BLANKETS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING OPTIONAL DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
4. THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 2"-5" OVERLAP DEPENDING ON BLANKET TYPE. TO ENSURE PROPER SEAM ALIGNMENT, PLACE THE EDGE OF THE OVERLAPPING BLANKET (BLANKET BEING INSTALLED ON TOP) EVEN WITH THE COLORED SEAM STITCH ON THE PREVIOUSLY INSTALLED BLANKET.
5. CONSECUTIVE BLANKETS SPICED DOWN THE SLOPE MUST BE PLACED END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART ACROSS ENTIRE BLANKET WIDTH.
6. IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" MAY BE NECESSARY TO PROPERLY SECURE THE BLANKETS.
7. INSTALL PRODUCT IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
8. MATting IS REQUIRED ON ALL SLOPES STEEPER THAN 3:1.

**SLOPE PROTECTION EROSION CONTROL MATTING**

NOT TO SCALE

(THIS DETAIL IS PROVIDED FOR AREAS THAT MAY REQUIRE ADDITIONAL PROTECTION BASED ON FIELD CONDITIONS.)



**FILTREXX® SEDIMENT CONTROL**  
NTS



**The Dubay Group, Inc.**  
 84 Range Road  
 Windham, NH 03087  
 603-458-6462

Engineers  
 Planners  
 Surveyors  
 TheDubayGroup.com

REVISIONS:

REV.	DATE:	COMMENT:	BY:

DRAWN BY: SJK  
 CHECKED BY: KR D  
 DATE: APRIL 29, 2019  
 SCALE: AS SHOWN  
 FILE: 357-DETAILS/ROAD  
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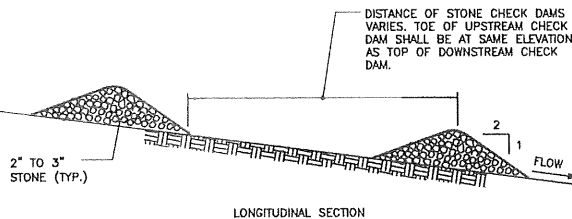
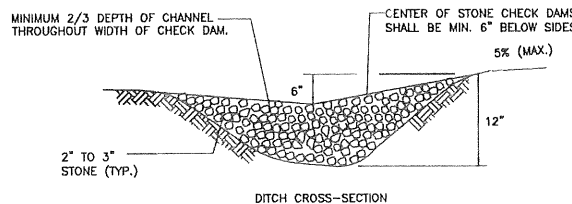
PROJECT:  
**FRIARS COURT**  
**MAP 209 LOT 1**  
 161 LOWELL ROAD  
 HUDSON, NH

FOR  
**DAKOTA**  
**PARTNERS, INC.**  
 1264 MAIN STREET  
 WALTHAM, MA 02451

SHEET TITLE:  
**ROAD UPGRADE**  
**DETAILS - 1**

PROJECT #357 SHEET R4





**STONE CHECK DAM DETAIL**  
NOT TO SCALE

**CONSIDERATIONS**

THIS PRACTICE IS INTENDED FOR USE IN AREAS WITH CONCENTRATED FLOW BUT MUST NOT BE USED IN STREAM CHANNELS (WHETHER PERENNIAL OR INTERMITTENT). THE CHECK DAM MAY BE LEFT IN PLACE PERMANENTLY TO AVOID UNNECESSARY DISTURBANCE OF THE SOIL ON REMOVAL, BUT ONLY IF THE PROJECT DESIGN HAS ACCOUNTED FOR THEIR HYDRAULIC PERFORMANCE AND CONSTRUCTION PLANS CALL FOR THEM TO BE RETAINED.

IF IT IS NECESSARY TO REMOVE A STONE CHECK DAM FROM A GRASS-LINED CHANNEL THAT WILL BE MOWED, CARE SHOULD BE TAKEN TO ENSURE THAT ALL STONES ARE REMOVED. THIS INCLUDES STONE THAT HAS WASHED DOWNSTREAM.

**GENERAL DESCRIPTION**

TEMPORARY CHECK DAMS ARE SMALL TEMPORARY DAMS CONSTRUCTED ACROSS A SWALE OR DRAINAGE DITCH. CHECK DAMS ARE USED TO REDUCE THE VELOCITY OF CONCENTRATED STORMWATER FLOWS, THEREBY REDUCING EROSION OF THE SWALE OR DITCH.

CHECK DAMS MAY ALSO CATCH SMALL AMOUNTS OF SEDIMENT GENERATED IN DITCH ITSELF. HOWEVER, THE CHECK DAM IS NOT A SEDIMENT TRAPPING PRACTICE AND SHOULD NOT BE USED AS SUCH.

THE PRACTICE IS LIMITED TO USE IN SMALL OPEN CHANNELS THAT DRAIN ONE ACRE OR LESS. IT SHOULD NOT BE USED IN EITHER PERENNIAL FLOWING STREAMS OR INTERMITTENT STREAM CHANNELS.

CHECK DAMS CAN BE CONSTRUCTED OF STONE, IN LOCATIONS WHERE STONE IS NOT AVAILABLE, TIMBER CHECK DAMS MAY BE CONSIDERED. TYPICAL APPLICATIONS INCLUDE TEMPORARY OR PERMANENT DITCHES, OR SWALES, WHICH NEED PROTECTION DURING THE ESTABLISHMENT OF GRASS LININGS.

HAY OR STRAW BALES SHOULD GENERALLY NOT BE USED AS CHECK DAMS, OR IN ANY LOCATION WHERE THERE IS CONCENTRATED FLOW. HOWEVER, THEY MAY BE USED FOR CHECK DAMS IN APPLICATIONS WHERE INSTALLATION ACCESS OR OTHER CONDITIONS PREVENT THE USE OF PREFERRED MATERIALS SUCH AS STONE. IN SUCH CASES, INSTALLATION MUST PROVIDE PROPER EMBEDMENT OF THE STRAW OR HAY BALE BARRIER, LIMIT CONTRIBUTING DRAINAGE AREA TO LESS THAN ONE ACRE, AND PROVIDE FOR FREQUENT MONITORING OF BARRIER.

**MAINTENANCE REQUIREMENTS**

CHECK DAMS SHOULD BE INSPECTED AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL AND NECESSARY REPAIRS SHOULD BE MADE IMMEDIATELY.

INSPECTIONS SHOULD VERIFY THAT THE CENTER OF THE DAM IS LOWER THAN THE EDGES.

EROSION CAUSED BY HIGH FLOWS AROUND THE EDGES OF THE DAM MUST BE CORRECTED IMMEDIATELY.

IF EVIDENCE OF SILTATION IN THE WATER IS APPARENT DOWN STREAM OF THE CHECK DAM, THE CHECK DAM SHOULD BE INSPECTED AND ADJUSTED IMMEDIATELY.

CHECK DAMS SHOULD BE CHECKED FOR SEDIMENT ACCUMULATION AFTER EACH SIGNIFICANT RAINFALL. SEDIMENT SHOULD BE REMOVED WHEN IT REACHES ONE HALF OF THE ORIGINAL HEIGHT OR BEFORE.

**SPECIFICATIONS**

TEMPORARY CHECK DAMS SHOULD CONFORM TO THE FOLLOWING REQUIREMENTS:

CHECK DAMS SHOULD BE INSTALLED BEFORE RUNOFF IS DIRECTED TO THE SWALE OR DRAINAGE DITCH.

THE MAXIMUM CONTRIBUTING DRAINAGE AREA TO THE DAM SHOULD BE LESS THAN ONE ACRE.

THE MINIMUM HEIGHT OF THE DAM SHOULD BE ONE FOOT ON SLOPES.

THE MAXIMUM HEIGHT OF THE DAM SHOULD BE TWO FEET.

THE CENTER OF THE DAM SHOULD BE AT LEAST 6 INCHES LOWER THAN THE OUTER EDGES.

THE MAXIMUM SPACING BETWEEN THE DAMS SHOULD BE SUCH THAT THE TOE OF THE UPSTREAM DAM IS AT THE SAME ELEVATION AS THE OVERFLOW ELEVATION OF THE DOWNSTREAM DAM.

THE CHECK DAM SHOULD NOT BE USED IN A FLOWING STREAM.

STONE CHECK DAMS SHOULD BE CONSTRUCTED OF A WELL-GRADED ANGULAR 2-INCH TO 3-INCH STONE. 3/4-INCH STONE ON THE UPGRADIENT FACE IS RECOMMENDED FOR BETTER FILTERING.

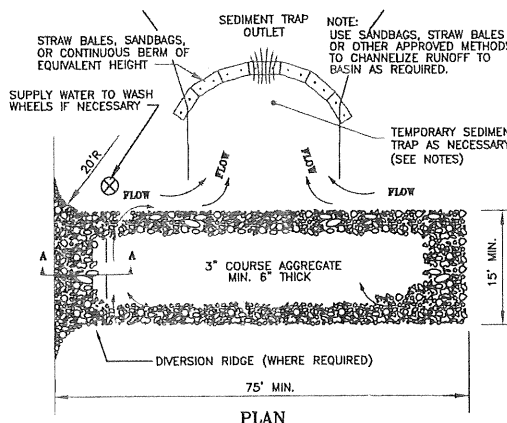
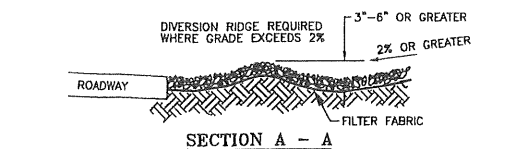
IF CAREFULLY INSTALLED AND MONITORED, TIMBER CHECK DAMS MAY BE USED, AND SHOULD BE CONSTRUCTED OF 4-INCH TO 6-INCH LOGS EMBEDDED AT LEAST 18 INCHES DEEP INTO THE SOIL. HOWEVER, STONE CHECK DAMS ARE GENERALLY PREFERRED. THE STONE HAS THE ABILITY TO CONFORM TO THE CHANNEL AND SETTLE IF SCOUR OCCURS, RENDERING STONE CHECK DAMS LESS SUSCEPTIBLE TO SCOUR AROUND THE ENDS AND DOWNSTREAM OF THE DEVICES.

IF PROVIDED BY DESIGN AND CONSTRUCTION PLANS, LEAVE THE DAM IN PLACE PERMANENTLY.

TEMPORARY STRUCTURES SHOULD BE REMOVED ONCE THE SWALE OR DITCH HAS BEEN STABILIZED.

IN TEMPORARY DITCHES AND SWALES, CHECK DAMS SHOULD BE REMOVED AND THE DITCH FILLED WHEN ITS NO LONGER NEEDED.

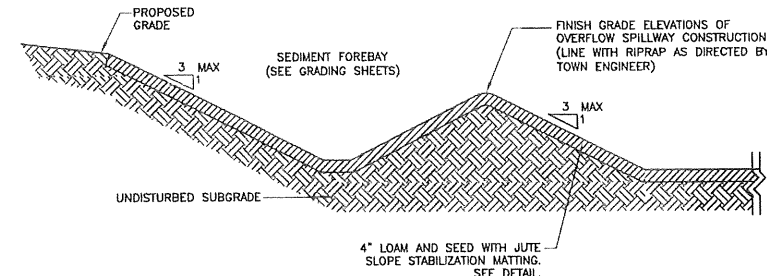
IN PERMANENT STRUCTURES, CHECK DAMS SHOULD BE REMOVED WHEN A PERMANENT LINING HAS BEEN ESTABLISHED. IF THE PERMANENT LINING IS VEGETATION, THE CHECK DAM SHOULD BE RETAINED UNTIL THE GRASS HAS BEEN MATURED TO PROTECT THE DITCH OR SWALE. THE AREA BENEATH THE CHECK DAM MUST BE SEEDED AND MULCHED IMMEDIATELY AFTER REMOVAL.



**TEMPORARY CONSTRUCTION EXIT**

1. THE MINIMUM STONE USED SHALL BE 3-INCH CRUSHED STONE.
2. THE MINIMUM LENGTH OF THE PAD SHALL BE 75 FEET, EXCEPT THAT THE MINIMUM LENGTH MAY BE REDUCED TO 50 FEET IF A 3-INCH TO 6-INCH HIGH BERM IS INSTALLED AT THE ENTRANCE OF THE PROJECT SITE.
3. THE PAD SHALL EXTEND THE FULL WIDTH OF THE CONSTRUCTION ACCESS ROAD OR 15 FEET, WHICHEVER IS GREATER.
4. THE PAD SHALL SLOPE AWAY FROM THE EXISTING ROADWAY.
5. THE PAD SHALL BE AT LEAST 6 INCHES THICK. A GEOTEXTILE FILTER FABRIC SHALL BE PLACED BETWEEN THE STONE PAD AND THE EARTH SURFACE BELOW THE PAD.
6. THE PAD SHALL BE MAINTAINED OR REPLACED WHEN MUD AND SOIL PARTICLES CLOG THE VOIDS IN THE STONE SUCH THAT MUD AND SOIL PARTICLES ARE TRACKED OFF-SITE.
7. A STABILIZED CONSTRUCTION EXIT CONSISTS OF A PAD OF STONE AGGREGATE PLACED ON A GEOTEXTILE FILTER FABRIC, LOCATED AT ANY POINT WHERE TRAFFIC WILL BE LEAVING A CONSTRUCTION SITE TO AN EXISTING ACCESS ROAD WAY OR OTHER PAVED SURFACE. ITS PURPOSE IS TO REDUCE OR ELIMINATE THE TRACKING OF SEDIMENT ONTO PUBLIC ROADS BY CONSTRUCTION VEHICLES. THIS HELPS PROTECT RECEIVING WATERS FROM SEDIMENT CARRIED BY STORMWATER RUNOFF FROM PUBLIC ROADS.
8. ONLY CONSTRUCTION TRAFFIC LEAVING THE SITE SHALL TO USE THE TEMPORARY STABILIZED EXIT. CONSIDER PROVIDING A SEPARATE, UNPROTECTED, ENTRANCE FOR TRAFFIC ENTERING THE SITE. THIS WILL INCREASE THE LONGEVITY OF THE STABILIZED EXIT BY ELIMINATING HEAVY LOADS ENTERING THE SITE AND REDUCING THE TOTAL TRAFFIC OVER THE DEVICE.
9. LOCATE CONSTRUCTION ENTRANCES AS SHOWN ON THE PLAN.
10. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND, AND REPAIR AND/OR MAINTENANCE OF ANY MEASURES USED TO TRAP SEDIMENT.
11. THE EXIT SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY.
12. WHEN THE CONTROL PAD BECOMES INEFFECTIVE, THE STONE SHALL BE REMOVED ALONG WITH THE COLLECTED SOIL MATERIAL, REGRADED ON SITE, AND STABILIZED. THE ENTRANCE SHALL THEN BE RECONSTRUCTED.
13. THE CONTRACTOR SHALL SWEEP THE PAVEMENT AT EXITS WHENEVER SOIL MATERIALS ARE TRACKED ONTO THE ADJACENT PAVEMENT OR TRAVELED WAY.
14. WHEN WHEEL WASHING IS REQUIRED, IT SHALL BE CONDUCTED ON AN AREA STABILIZED WITH AGGREGATE, WHICH DRAINS INTO AN APPROVED SEDIMENT-TRAPPING DEVICE. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERWAYS.
15. NATURAL DRAINAGE THAT CROSSES THE LOCATION OF THE STONE PAD SHALL BE INTERCEPTED AND PIPED BENEATH THE PAD, AS NECESSARY, WITH SUITABLE OUTLET PROTECTION.
16. THESE REQUIREMENTS MAY BE ADJUSTED TO SPECIFIC SITE CONDITIONS PER THE DIRECTION OF JURISDICTIONAL TOWN AND STATE AUTHORITIES, PER SWPPP INSPECTION/MANAGEMENT PROCESSES, AND PER BEST MANAGEMENT PRACTICES.

**TEMPORARY CONSTRUCTION EXIT DETAIL**  
NOT TO SCALE



**TYPICAL POND SECTION & PRINCIPLE SPILLWAY PROFILE DETAIL**  
NOT TO SCALE

**CONSTRUCTION CRITERIA:**

1. FOUNDATION PREPARATION - THE FOUNDATION AREA SHALL BE CLEARED OF TREES, LOGS, STUMPS, ROOTS, BRUSH, BOULDERS, SOD, AND RUBBISH. IF NECESSARY TO ESTABLISH VEGETATION, THE TOPSOIL AND SOD SHALL BE STOCKPILED AND SPREAD ON THE COMPLETED DAM AND SPILLWAYS. FOUNDATION SURFACES SHALL BE SLOPED NO STEEPER THAN 1:1. THE FOUNDATION AREA SHALL BE THOROUGHLY SCARIFIED BEFORE PLACEMENT OF THE MATERIAL. THE SURFACE SHALL HAVE MOISTURE ADDED OR IT SHALL BE COMPACTED IF NECESSARY SO THAT THE FIRST LAYER OF FILL MATERIAL CAN BE COMPACTED AND BONDED TO THE FOUNDATIONS.

THE CUTOFF TRENCH AND ANY OTHER REQUIRED EXCAVATIONS SHALL BE DUG TO THE LINES AND GRADES SHOWN ON THE PLANS OR AS STAKED IN THE FIELD. IF THEY ARE SUITABLE, EXCAVATED MATERIALS SHALL BE USED IN THE PERMANENT FILL.

EXISTING STREAM CHANNELS IN THE FOUNDATION AREA SHALL BE SLOPED NO STEEPER THAN 1:1 AND DEEPEMED AND WIDENED AS NECESSARY TO REMOVE ALL STONES, GRAVEL, SAND, STUMPS, ROOTS, AND OTHER OBJECTIONABLE MATERIAL AND TO ACCOMMODATE COMPACTION EQUIPMENT.

FOUNDATION AREAS SHALL BE KEPT FREE OF STANDING WATER WHEN FILL IS BEING PLACED ON THEM.

2. FILL PLACEMENT - THE MATERIAL PLACED IN THE FILL SHALL BE FREE OF DETRIMENTAL AMOUNTS OF SOD, ROOTS, FROZEN SOIL, STONES MORE THAN 6 INCHES IN DIAMETER (EXCEPT FOR ROCK FILLS), AND OTHER OBJECTIONABLE MATERIAL.

SELECTED BACKFILL MATERIAL SHALL BE PLACED AROUND STRUCTURES, PIPE CONDUITS, AND ANTISEEP COLLARS AT ABOUT THE SAME RATE ON ALL SIDES TO PREVENT DAMAGE FROM UNEQUAL LOADING.

THE PLACING AND SPREADING OF FILL MATERIAL SHALL BE STARTED AT THE LOWEST POINT OF THE FOUNDATION AND THE FILL BROUGHT UP IN HORIZONTAL LAYERS OF SUCH THICKNESS THAT THE REQUIRED COMPACTION CAN BE OBTAINED. THE FILL SHALL BE CONSTRUCTED IN CONTINUOUS HORIZONTAL LAYERS EXCEPT WHERE OPENINGS OR SECTIONALIZED FILLS ARE REQUIRED. IN THOSE CASES, THE SLOPE OF THE BONDING SURFACES BETWEEN THE EMBANKMENT IN PLACE AND THE EMBANKMENT TO BE PLACED SHALL NOT BE STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL. THE BONDING SURFACE SHALL BE TREATED THE SAME AS THAT SPECIFIED FOR THE FOUNDATION SO AS TO INSURE A GOOD BOND WITH THE NEW FILL.

THE DISTRIBUTION AND GRADATION OF MATERIALS SHALL BE SUCH THAT NO LENSES, POCKETS, STREAKS, OR LAYERS OF MATERIAL DIFFER SUBSTANTIALLY IN TEXTURE OR GRADATION FROM THE SURROUNDING MATERIAL. IF IT IS NECESSARY TO USE MATERIALS OF VARYING TEXTURE AND GRADATION, THE MORE IMPERVIOUS MATERIAL SHALL BE PLACED IN THE CENTER AND UPSTREAM PARTS OF THE FILL. IF ZONED FILLS OF SUBSTANTIALLY DIFFERING MATERIALS ARE SPECIFIED, THE ZONES SHALL BE PLACED ACCORDING TO THE LINES AND GRADES SHOWN ON THE DRAWINGS. THE COMPLETE WORK SHALL CONFORM TO THE LINES, GRADES, AND ELEVATIONS SHOWN ON THE DRAWINGS OR AS STAKED IN THE FIELD.

3. MOISTURE CONTROL - THE MOISTURE CONTENT OF THE FILL MATERIAL SHALL BE ADEQUATE FOR OBTAINING THE REQUIRED COMPACTION. MATERIAL THAT IS TOO WET SHALL BE DRIED TO MEET THIS REQUIREMENT, AND MATERIAL THAT IS TOO DRY SHALL HAVE WATER ADDED AND MIXED UNTIL THE REQUIREMENT IS MET.

4. COMPACTION - CONSTRUCTION EQUIPMENT SHALL BE OPERATED OVER THE AREAS OR EACH LAYER OF FILL TO INSURE THAT THE REQUIRED COMPACTION IS OBTAINED. SPECIAL EQUIPMENT SHALL BE USED IF NEEDED TO OBTAIN THE REQUIRED COMPACTION.

IF A MINIMUM REQUIRED DENSITY IS SPECIFIED, EACH LAYER OF FILL SHALL BE COMPACTED AS NECESSARY TO OBTAIN THAT DENSITY.

FILL ADJACENT TO STRUCTURES, PIPE CONDUITS, AND ANTISEEP COLLARS SHALL BE COMPACTED TO A DENSITY EQUIVALENT TO THAT OF THE SURROUNDING FILL BY MEANS OF HAND TAMPING OR MANUALLY DIRECTED POWER TAMPER OR PLATE VIBRATORS. FILL ADJACENT TO CONCRETE STRUCTURES SHALL NOT BE COMPACTED UNTIL THE CONCRETE IS STRONG ENOUGH TO SUPPORT THE LOAD.

5. PROTECTION - A PROTECTIVE COVER OF VEGETATION SHALL BE ESTABLISHED ON ALL EXPOSED SURFACES OF THE EMBANKMENT, SPILLWAY, AND BORROW AREA. SOIL OR CLIMATIC CONDITIONS PERMIT, IF SOIL OR CLIMATIC CONDITIONS PRECLUDE THE USE OF VEGETATION AND PROTECTION IS NEEDED, NON-VEGETATIVE MEANS, SUCH AS MULCHES OR GRAVEL, MAY BE USED. IN SOME PLACES, TEMPORARY VEGETATION MAY BE USED UNTIL CONDITIONS PERMIT ESTABLISHMENT OF PERMANENT VEGETATION. THE EMBANKMENT AND SPILLWAY SHALL BE FENCED IF NECESSARY TO PROTECT THE VEGETATION.

SEEDBED PREPARATION, SEEDING, FERTILIZING, AND MULCHING SHALL COMPLY WITH THE APPROPRIATE VEGETATIVE BMPs.

6. CONCRETE - THE MIX DESIGN AND TESTING OF CONCRETE SHALL BE CONSISTENT WITH THE STRENGTH REQUIREMENTS OF THE JOB. MIX REQUIREMENTS OR NECESSARY STRENGTH SHALL BE SPECIFIED. THE TYPE OF CEMENT, AIR ENTRAINMENT, SLUMP, AGGREGATE, OR OTHER PROPERTIES SHALL BE SPECIFIED IF NECESSARY. ALL CONCRETE IS TO CONSIST OF A WORKABLE MIX THAT CAN BE PLACED AND FINISHED IN AN ACCEPTABLE MANNER. NECESSARY CURING SHALL BE SPECIFIED. REINFORCING STEEL SHALL BE PLACED AS INDICATED ON THE PLANS AND SHALL BE HELD SECURELY IN PLACE DURING CONCRETE PLACEMENT. SUBGRADES AND FORMS SHALL BE INSTALLED TO LINE AND GRADE, AND THE FORMS SHALL BE MORTAR TIGHT AND UNYIELDING AS THE CONCRETE IS PLACED.

7. DO NOT DISCHARGE SEDIMENT-LADEN WATERS FROM CONSTRUCTION ACTIVITIES (RUNOFF, WATER FROM EXCAVATIONS) TO INFILTRATION BASINS.

8. DO NOT TRAFFIC EXPOSED SOIL SURFACE WITH CONSTRUCTION EQUIPMENT. IF FEASIBLE, PERFORM EXCAVATIONS WITH EQUIPMENT POSITIONED OUTSIDE THE LIMITS OF THE INFILTRATION BASIN.

9. AFTER THE BASIN IS EXCAVATED TO FINAL DESIGN ELEVATION, THE FLOOR SHOULD BE DEEPLY TILLED WITH A ROTARY TILLER OR DISC HARROW TO RESTORE INFILTRATION RATES, FOLLOWED BY A PASS WITH A LEVELING DRAG.

10. VEGETATION SHOULD BE ESTABLISHED IMMEDIATELY.

11. DO NOT PLACE INFILTRATION SYSTEMS INTO SERVICE UNTIL CONTRIBUTING AREAS HAVE BEEN FULLY STABILIZED.

**MAINTENANCE:**

MAINTENANCE IS NECESSARY IF DETENTION/RETENTION BASINS ARE TO CONTINUE TO FUNCTION AS ORIGINALLY DESIGNED. A LOCAL GOVERNMENT, A DESIGNATED GROUP SUCH AS A HOMEOWNERS' ASSOCIATION OR SOME INDIVIDUAL MUST BE ASSIGNED RESPONSIBILITY FOR MAINTAINING THE STRUCTURES AND THE BASIN AREA. A MAINTENANCE PLAN SHOULD BE DEVELOPED THAT OUTLINES THE MAINTENANCE OPERATIONS AND A SCHEDULE FOR CARRYING OUT THE PROCEDURES.

THE FOLLOWING ARE SOME ITEMS WHICH SHOULD BE CONSIDERED IN FORMULATING A MAINTENANCE PLAN.

1. EMBANKMENT - THE EMBANKMENT SHOULD BE INSPECTED ANNUALLY TO DETERMINE IF ROBERT BURROWS, WET AREAS, OR EROSION OF THE FILL IS TAKING PLACE.
2. VEGETATION - THE VEGETATED AREAS OF THE STRUCTURE SHOULD BE PROTECTED FROM DAMAGE BY FIRE, GRAZING, TRAFFIC, AND DENSE WEED GROWTH. LIME AND FERTILIZER SHOULD BE APPLIED AS NECESSARY AS DETERMINED BY SOIL TESTS. TREES AND SHRUBS SHOULD BE KEPT OFF THE EMBANKMENT AND EMERGENCY SPILLWAY AREAS.
3. INLETS - PIPE INLETS AND SPILLWAY STRUCTURES SHOULD BE INSPECTED ANNUALLY AND AFTER EVERY MAJOR STORM. ACCUMULATED DEBRIS AND SEDIMENT SHOULD BE REMOVED. IF PIPES ARE COATED, THE COATING SHOULD BE CHECKED AND REPAIRED AS NECESSARY.
4. OUTLETS - PIPE OUTLETS SHOULD BE INSPECTED ANNUALLY AND AFTER EVERY MAJOR STORM. THE CONDITION OF THE PIPES SHOULD BE NOTED AND REPAIRS MADE AS NECESSARY. IF EROSION IS TAKING PLACE THEN MEASURES SHOULD BE TAKEN TO STABILIZE AND PROTECT THE AFFECTED AREA OF THE OUTLET.
5. SEDIMENT - SEDIMENT SHOULD BE CONTINUALLY CHECKED IN THE BASIN. WHEN SEDIMENT ACCUMULATIONS REACH THE PREDETERMINED DESIGN ELEVATION, THEN THE SEDIMENT SHOULD BE REMOVED AND PROPERLY DISPOSED OF.
6. SAFETY INSPECTIONS - ALL PERMANENT IMPOUNDMENTS SHOULD BE INSPECTED BY A QUALIFIED PROFESSIONAL ENGINEER ON A PERIODIC BASIS. IF THERE IS A POTENTIAL FOR SIGNIFICANT DAMAGE OR LOSS OF LIFE DOWNSTREAM, THEN THE INSPECTION SHOULD BE CARRIED OUT ANNUALLY. THE DESIGNATED INDIVIDUAL OR GROUP SHOULD ALSO MAKE INSPECTIONS AFTER EVERY MAJOR STORM EVENT.

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

CONSERVATION COMMISSION CHAIRMAN: RANDALL BROWN RIGG

DATE: \_\_\_\_\_

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_

SECRETARY: \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_

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

**The Dubay Group, Inc.**  
84 Range Road  
Windham, NH 03087  
603-458-6462

Engineers  
Planners  
Surveyors  
TheDubayGroup.com

REVISIONS:

REV.	DATE:	COMMENT:	BY:

DRAWN BY: SJK  
CHECKED BY: KR D  
DATE: APRIL 29, 2019  
SCALE: AS SHOWN  
FILE: 357-DETAILSROAD  
DEED REF: \_\_\_\_\_

PROJECT:

**FRIARS COURT  
MAP 209 LOT 1**  
161 LOWELL ROAD  
HUDSON, NH

FOR \_\_\_\_\_

**DAKOTA  
PARTNERS, INC.**  
1264 MAIN STREET  
WALTHAM, MA 02451

SHEET TITLE:

**ROAD UPGRADE  
DETAILS - 2**

PROJECT #357 SHEET R5

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**EROSION CONTROL NOTES**

**CONSTRUCTION SEQUENCE**

1. AN INITIAL PRE CONSTRUCTION MEETING(S) SHALL TAKE PLACE WITH THE CONTRACTOR, OWNER AND TOWN AGENTS.
2. THIS SITE WILL REQUIRE A USEPA NPDES PERMIT FOR STORMWATER DISCHARGE FOR THE SITE CONSTRUCTION SINCE THE DISTURBANCE EXCEEDS ONE ACRE. THE CONSTRUCTION SITE OPERATOR SHALL DEVELOP AND IMPLEMENT A CONSTRUCTION STORM WATER POLLUTION PREVENTION PLAN (SWPPP), WHICH SHALL REMAIN ON SITE AND MADE ACCESSIBLE TO THE PUBLIC. A COMPLETED NOTICE OF TERMINATION (NOT) SHALL BE SUBMITTED TO NPDES PERMITTING AUTHORITY WITHIN 30 DAYS AFTER EITHER OF THE FOLLOWING CONDITIONS HAVE BEEN MET: FINAL STABILIZATION HAS BEEN ACHIEVED ON ALL PORTIONS OF THE SITE FOR WHICH THE PERMITTED IS RESPONSIBLE; OR ANOTHER OPERATOR/PERMITEE HAS ASSUMED CONTROL OVER ALL AREAS OF THE SITE THAT HAVE NOT BEEN FINALLY STABILIZED.
3. PRIOR TO ANY EARTH MOVING OPERATION INSTALL PERIMETER CONTROLS, I.E SILT FENCE AND/OR SILT SOXX AROUND THE LIMITS OF DISTURBANCE OR OTHER EROSION CONTROL DEVICE (SO AS SHOWN ON THE EROSION CONTROL PLAN, EDGE OF CONSERVATION OVERLAY DISTRICT AND NON-DISTURBANCE (NO-CUT) ZONES SHALL BE DELINEATED IN THE FIELD WITH WETLAND MARKERS PRIOR TO CONSTRUCTION.
4. CONSTRUCT TEMPORARY CONSTRUCTION EXIT.
5. CLEAR AND GRUB WITHIN AREAS OF SHOULDER DISTURBANCE UNLESS OTHERWISE DIRECTED.
6. REMOVE MATERIALS AS REQUIRED.
7. PERFORM SHOULDER AREA SHAPING, DITCHES, AND/OR SWALES.
8. INSTALL DRAINAGE SYSTEMS.
9. DRAINAGE SYSTEMS SHALL BE CONSTRUCTED AND STABILIZED PRIOR TO DIRECTING ANY FLOW TO THEM. ALL SIDE SLOPES SHALL BE STABILIZED WITHIN 72 HOURS.
10. RECLAIM EXISTING PAVEMENT, RESHAPE, AND PREPARE SUBBASE, PER DIRECTION OF TOWN ENGINEER.
11. FINISH GRADE SITE, BACKFILL ROAD SUBBASE GRAVEL IN TWO COMPACTED LIFTS. PROVIDE TEMPORARY EROSION PROTECTION TO DITCHES AND SWALES WHERE APPLICABLE, IN THE FORM OF MULCHING, JUTE MATTING OR STONE CHECK DAMS.
12. PAVE BASE COURSE.
13. ANY PERMANENT DITCHES AND SWALES SHALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM.
14. PLACE BINDER LAYER OF PAVEMENT.
15. PREPARE AND STABILIZE FINAL SITE GRADING BY ADDING TOPSOIL, SEED, MULCH AND FERTILIZER.
16. CONSTRUCT ASPHALT WEARING COURSE.
17. REMOVE TRAPPED SEDIMENTS FROM COLLECTION DEVICES AS APPROPRIATE, AND THEN REMOVE TEMPORARY EROSION CONTROL MEASURES UPON COMPLETION OF FINAL STABILIZATION OF THE SITE.

**GENERAL CONSTRUCTION NOTES**

1. THE TEMPORARY BMPs ASSOCIATED WITH THIS PROJECT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR AND LANDOWNER, WHO WILL BE RESPONSIBLE FOR INSPECTION, OPERATION, AND MAINTENANCE.
2. EROSION CONTROL PROCEDURES SHALL CONFORM TO SECTION 645 OF THE "STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION OF THE NHDOT". EROSION CONTROL SHALL BE INSTALLED DOWNHILL OF ALL AREAS WHERE WORK WILL EXPOSE UNPROTECTED SOIL TO PREVENT SEDIMENT FROM ENTERING CATCH BASINS, DRAINAGE STRUCTURES AND/OR DRAINAGE WAYS. INSTALL TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES PRIOR TO ANY EARTH MOVING OPERATIONS. THE CONTRACTOR SHALL MANAGE THE PROJECT IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER ADR 3800 RELATIVE TO INVASIVE SPECIES.
3. EROSION CONTROL DEVICES SHALL BE INSTALLED WHERE REQUIRED PRIOR TO ANY ON-SITE GRADING OR DISTURBANCE OF EXISTING SURFACE MATERIAL. EROSION CONTROL MEASURES SHALL BE MAINTAINED DURING DEVELOPMENT AND SHALL BE CHECKED PERIODICALLY AND EXCESS SILT SHALL BE REMOVED.
4. ALL DISTURBED AREAS WHICH ARE FINISH GRADED SHALL BE LOAMED (6" MINIMUM) AND SEED. SEE SEEDING AND FERTILIZER SPECIFICATION. SEE SLOPE DESIGN AND/OR LANDSCAPE PLAN FOR ADDITIONAL INFORMATION.
5. ANY DISTURBED AREAS WHICH ARE TO BE LEFT TEMPORARILY, AND WHICH WILL BE REGRADED LATER SHALL BE MACHINED STRAW MULCHED AND SEEDED WITH SLOPE STABILIZATION SEED MIXTURE TO PREVENT EROSION. STRAW MULCH SHALL BE APPLIED AT A RATE OF 2 TONS/ACRE.
6. ALL DRAINAGE SYSTEMS (DITCHES, SWALES, DRAINAGE PONDS/BASINS, ETC.) SHALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM. STORMWATER FLOWS ARE NOT TO BE DIRECTED TO THESE SYSTEMS UNTIL CONTRIBUTING AREAS HAVE ALSO BEEN FULLY STABILIZED.
7. CONTRACTOR SHALL PROVIDE DUST CONTROL MEASURES IN ACCORDANCE WITH NHDES, EPA & TOWN REQUIREMENTS FOR THE DURATION OF THE PROJECT. WATER FOR DUST CONTROL SHALL BE PROVIDED ON SITE. FUGITIVE DUST IS CONTROLLED IN ACCORDANCE WITH ENV-A 1000.
8. ALL EROSION CONTROLS ARE TO BE INSPECTED WEEKLY AND AFTER 0.5" OR GREATER OF RAINFALL WITHIN A 24 HOUR PERIOD.
9. ALL FILLS SHALL BE PLACED AND COMPACTED TO 90% MODIFIED PROCTOR DENSITY IN LAYERS NOT EXCEEDING 18 INCHES IN THICKNESS UNLESS OTHERWISE NOTED. FILL MATERIAL SHALL BE FREE FROM STUMPS, WOOD, ROOTS, ETC. AND SHALL NOT BE PLACED ON FROZEN FOUNDATION SUBGRADE.
10. SILT FENCES AND/OR SILT SOXX SHALL BE PERIODICALLY INSPECTED DURING THE LIFE OF THE PROJECT AND AFTER EACH STORM. ALL DAMAGED SILT FENCES AND/OR SILT SOXX SHALL BE REPAIRED. SEDIMENT DEPOSITS SHALL PERIODICALLY BE REMOVED AND DISPOSED IN A SECURE LOCATION.
11. PAVED AREAS MUST BE KEPT CLEAN AT ALL TIMES.
12. ALL DEWATERING OPERATIONS MUST DISCHARGE DIRECTLY INTO A SEDIMENT FILTER AREA.
13. THE SMALLEST PRACTICAL AREA SHALL BE DISTURBED DURING CONSTRUCTION, BUT IN NO CASE SHALL EXCEED 5 ACRES AT ANY ONE TIME BEFORE DISTURBED AREAS ARE STABILIZED. ALL DISTURBED AREAS SHALL BE STABILIZED WITHIN 72 HOURS AFTER FINAL GRADING. EXPOSURE OF UNSTABILIZED SOILS SHALL BE TEMPORARILY STABILIZED AS SOON AS POSSIBLE BUT NO LATER THAN 45 DAYS OF INITIAL DISTURBANCE.

14. WINTERIZATION EFFORTS FOR AREAS NOT STABILIZED BY NOV 1ST SHALL BE MADE BY THE APPROPRIATE USE OF MATTING, BLANKETS, MULCH AND SEEDING.
15. AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:
  - A. BASE COURSE GRAVELS HAS BEEN INSTALLED IN AREAS TO BE PAVED;
  - B. A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED;
  - C. A MINIMUM OF 3" OF NON-EROSIVE MATERIAL SUCH AS STONE OR RIP RAP HAS BEEN INSTALLED; OR D. EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED.
16. IF, DURING CONSTRUCTION, IT BECOMES APPARENT THAT ADDITIONAL EROSION CONTROL MEASURES ARE REQUIRED TO STOP ANY EROSION ON THE CONSTRUCTION SITE DUE TO ACTUAL SITE CONDITIONS, THE CONTRACTOR SHALL BE REQUIRED TO IMMEDIATELY INSTALL AND MAINTAIN THE NECESSARY EROSION PROTECTION.

**SEEDING SPECIFICATION**

1. TEMPORARY SEED
  - A. TEMPORARY VEGETATIVE COVER SHOULD BE APPLIED WHERE EXPOSED SOIL SURFACES WILL NOT BE FINAL GRADED WITHIN 45 DAYS.
  - B. SEED BED PREPARATION SHALL BE IN ACCORDANCE WITH THE NHDES STORMWATER MANAGEMENT MANUAL, VOLUME 3, TEMPORARY VEGETATION SECTION.
  - C. SEEDING MIXTURE
 

MIXTURE	SPECIES	POUNDS PER ACRE	POUNDS PER 1,000 SQ. FT.
	WINTER RYE	112	2.50
	OATS	80	2.00
	ANNUAL RYEGRASS	40	1.00
	PERENNIAL RYEGRASS	30	0.12
	TOTAL	262	5.67

2. SEEDING SCHEDULE
  - A. SPRING SEEDING USUALLY GIVES THE BEST RESULTS FOR ALL SEED MIXES OR WITH LEGUMES.
  - B. PERMANENT SEEDING SHOULD BE COMPLETED 45 DAYS PRIOR TO THE FIRST KILLING FROST. IF SEEDING CANNOT BE DONE WITHIN THE SPECIFIED SEEDING DATES, MULCH ACCORDING TO THE NEW HAMPSHIRE STORMWATER MANAGEMENT MANUAL, VOLUME 3, CONSTRUCTION PHASE EROSION AND SEDIMENT CONTROLS AND DELAY SEEDING UNTIL THE NEXT RECOMMENDED SEEDING PERIOD.
3. ESTABLISHING A STAND OF GRASS
  - A. STONES AND TRASH SHOULD BE REMOVED FROM LOAMED AREAS SO AS NOT TO INTERFERE WITH THE SEEDING PROCESS.
  - B. WHERE THE SOIL HAS BEEN COMPACTED BY CONSTRUCTION OPERATIONS, LOOSEN SOIL TO A DEPTH OF 2 INCHES BEFORE APPLYING FERTILIZER, LIME AND SEED.
  - C. IF APPLICABLE, FERTILIZER AND ORGANIC SOIL AMENDMENTS SHOULD BE APPLIED DURING THE GROWING SEASON.
  - D. APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TEST RECOMMENDATIONS. IF SOIL TESTING IS NOT FEASIBLE ON SMALL OR VARIABLE SITES, OR WHERE TIMING IS CRITICAL, FERTILIZER MAY BE APPLIED AT THE RATE OF 600 POUNDS PER ACRE OR 13.8 POUNDS PER 1,000 SQUARE FEET OF LOW PHOSPHATE FERTILIZER (N-P205-K20) OR EQUIVALENT. APPLY LIMESTONE (EQUIVALENT TO 50 PERCENT CALCIUM PLUS MAGNESIUM OXIDE) AT A RATE OF 3 TONS PER ACRE (138 LB. PER 1,000 SQUARE FEET).
  - E. FERTILIZER SHOULD BE RESTRICTED TO A LOW PHOSPHATE, SLOW RELEASE NITROGEN FERTILIZER
4. SEED SHOULD BE SPREAD UNIFORMLY BY A METHOD MOST APPROPRIATE FOR THE SITE. METHODS INCLUDING HAND, CYCLONE SEEDER, DRILL, CULTIPACKER TYPE SEEDER OR HYDROSEEDER.
  - A. INOCULATE ALL LEGUME SEED WITH THE CORRECT TYPE AND AMOUNT OF INOCULANTS.
  - B. NORMAL SEEDING DEPTH IS FROM 1/4 TO 1/2 INCH. HYDROSEEDING THAT INCLUDES MULCH MAY BE LEFT ON SOIL SURFACE. SEEDING RATES MUST BE INCREASED 10% WHEN HYDROSEEDING.
  - C. WHERE FEASIBLE, EXCEPT WHERE EITHER A CULTIPACKER TYPE SEEDER OR HYDROSEEDER IS USED, THE SEEDBED SHOULD BE FIRMED FOLLOWING SEEDING OPERATIONS WITH A ROLLER, OR LIGHT DRAG.
  - D. THE GRADE "A" OF SEEDING MIXTURE SHOULD BE USED WITH THE FOLLOWING SEEDING RATES, BASED ON THE SEEDING GUIDE.
 

MIXTURE	SPECIES	POUNDS PER ACRE	POUNDS PER 1,000 SQ. FT.
A	TALL FESCUE	20	0.45
	CREeping RED FESCUE	20	0.45
	LEGUMES	2	0.05
	TOTAL	42	0.95

5. ALTERNATE PERMANENT SEEDING FOR AREAS NOT RECEIVING LAWN OR LANDSCAPING SHALL BE AS FOLLOWS:
  - A. THE NEW ENGLAND EROSION CONTROL/RESTORATION MIX CONTAINS A SELECTION OF NATIVE GRASSES AND WILDFLOWERS DESIGNED TO COLONIZE GENERALLY MOIST, RECENTLY DISTURBED SITES WHERE QUICK GROWTH OF VEGETATION IS DESIRED TO STABILIZE THE SOIL SURFACE. THIS MIX IS PARTICULARLY APPROPRIATE FOR DETENTION BASINS WHICH DO NOT NORMALLY HOLD STANDING WATER. THE PLANTS IN THIS MIX CAN TOLERATE INFREQUENT INUNDATION, BUT NOT CONSTANT FLOODING. IN NEW ENGLAND, THE BEST RESULTS ARE OBTAINED WITH A SPRING OR EARLY FALL SEEDING. SUMMER AND FALL SEEDING CAN BE SUCCESSFUL WITH A LIGHT MULCHING OF WEED-FREE STRAW TO CONSERVE MOISTURE. LATE FALL AND WINTER DORMANT SEEDING REQUIRE A SLIGHT INCREASE IN THE SEEDING RATE. FERTILIZATION IS NOT REQUIRED UNLESS THE SOILS ARE PARTICULARLY INFERTILE.
  - B. APPLICATION RATE: 35 LBS/ACRE 1245 SQ FT/LB
  - C. SPECIES: SWITCHGRASS (PANICUM VIRGATUM), CREEPING RED FESCUE (FESTUCA RUBRA), VIRGINIA WILD RYE (ELYMUS VIRGINICUS), FOX SEDGE (CAREX VULPINOIDEA), CREEPING BENTGRASS (AGROSTIS STOLONIFERA), SILKY WILD RYE (ELYMUS VILLOSUS), NODDING BUR-MARIGOLD (BIDENS CERNUA), SOFT RUSH (JUNCUS EFFUSUS), GRASS-LEAVED GOLDENROD (SOLIDAGO GRAMINIFOLIA), SENSITIVE FERN (ONOCLEA SENSIBILIS), JOE-PYE WEED (EUPATORIUM MACULATUM), BONESET (EUPATORIUM PERFORIATUM), FLAT-TOP ASTER (ASTER UMBELLATUS), NEW YORK ASTER (ASTER NOVI-BELGII), BLUE VERVAIN (VERBENA HASTATA).

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  - A. THE NEW ENGLAND EROSION CONTROL/RESTORATION MIX CONTAINS A SELECTION OF NATIVE GRASSES AND WILDFLOWERS DESIGNED TO COLONIZE GENERALLY MOIST, RECENTLY DISTURBED SITES WHERE QUICK GROWTH OF VEGETATION IS DESIRED TO STABILIZE THE SOIL SURFACE. THIS MIX IS PARTICULARLY APPROPRIATE FOR DETENTION BASINS WHICH DO NOT NORMALLY HOLD STANDING WATER. THE PLANTS IN THIS MIX CAN TOLERATE INFREQUENT INUNDATION, BUT NOT CONSTANT FLOODING. IN NEW ENGLAND, THE BEST RESULTS ARE OBTAINED WITH A SPRING OR EARLY FALL SEEDING. SUMMER AND FALL SEEDING CAN BE SUCCESSFUL WITH A LIGHT MULCHING OF WEED-FREE STRAW TO CONSERVE MOISTURE. LATE FALL AND WINTER DORMANT SEEDING REQUIRE A SLIGHT INCREASE IN THE SEEDING RATE. FERTILIZATION IS NOT REQUIRED UNLESS THE SOILS ARE PARTICULARLY INFERTILE.
  - B. APPLICATION RATE: 35 LBS/ACRE 1245 SQ FT/LB
  - C. SPECIES: SWITCHGRASS (PANICUM VIRGATUM), CREEPING RED FESCUE (FESTUCA RUBRA), VIRGINIA WILD RYE (ELYMUS VIRGINICUS), FOX SEDGE (CAREX VULPINOIDEA), CREEPING BENTGRASS (AGROSTIS STOLONIFERA), SILKY WILD RYE (ELYMUS VILLOSUS), NODDING BUR-MARIGOLD (BIDENS CERNUA), SOFT RUSH (JUNCUS EFFUSUS), GRASS-LEAVED GOLDENROD (SOLIDAGO GRAMINIFOLIA), SENSITIVE FERN (ONOCLEA SENSIBILIS), JOE-PYE WEED (EUPATORIUM MACULATUM), BONESET (EUPATORIUM PERFORIATUM), FLAT-TOP ASTER (ASTER UMBELLATUS), NEW YORK ASTER (ASTER NOVI-BELGII), BLUE VERVAIN (VERBENA HASTATA).

**WINTER NOTES**

1. ALL PROPOSED VEGETATED AREAS WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS ON SLOPES GREATER THAN 3:1, AND SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE, SECURED WITH ANCHORED NETTING, ELSEWHERE. THE INSTALLATION OF EROSION CONTROL BLANKETS OR MULCH AND NETTING SHALL NOT OCCUR OVER ACCUMULATED SNOW OR ON FROZEN GROUND AND SHALL BE COMPLETED IN ADVANCE OF THAW OR SPRING MELT EVENTS;
2. ALL AREAS TO BE PLANTED WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED TEMPORARILY WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS.
3. AFTER NOVEMBER 15TH, INCOMPLETE SURFACES TO BE PAVED, WHERE WORK HAS STOPPED FOR THE WINTER SEASON, SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHDOT ITEM 304.3 OR CRUSHED STONE.

**MAINTENANCE AND PROTECTION**

1. THE CONTRACTOR SHALL TAKE WHATEVER MEASURES ARE NECESSARY TO PROTECT THE GRASS WHILE IT DEVELOPS.
2. TO BE ACCEPTABLE, SEEDING AREAS SHALL CONSIST OF A UNIFORM STAND OF AT LEAST 90 PERCENT ESTABLISHED PERMANENT GRASS SPECIES, WITH A UNIFORM COUNT OF AT LEAST 100 PLANTS PER SQUARE FOOT.
3. SEEDING AREAS WILL BE FERTILIZED AND RE-SEEDING AS NECESSARY TO INSURE VEGETATIVE ESTABLISHMENT.
4. THE SWALES WILL BE CHECKED WEEKLY AND REPAIRED WHEN NECESSARY, UNTIL ADEQUATE VEGETATION IS ESTABLISHED.
5. THE SILT FENCE AND/OR SILT SOXX BARRIER SHALL BE CHECKED AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL.
6. SILT FENCE AND/OR SILT SOXX SHALL BE REMOVED ONCE VEGETATION IS ESTABLISHED, AND DISTURBED AREAS RESULTING FROM SILT FENCE AND/OR SILT SOXX REMOVAL SHALL BE PERMANENTLY SEEDING.

**GENERAL NOTES**

1. ALL WORK SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE TOWN OF HUDSON, AND SHALL BE BUILT IN A WORKMANLIKE MANNER IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.
2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE HIMSELF WITH THE SITE AND ALL EXISTING CONDITIONS SURROUNDING IT AND THEREON. THE CONTRACTOR SHALL ADVISE THE APPROPRIATE AUTHORITY OF HIS INTENTION AT LEAST 48 HOURS IN ADVANCE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS, PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION AND APPROPRIATE REMEDIAL ACTION BE AGREED TO BY THE ENGINEER BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTACT "DIGSAFE" (800-344-7233) AT LEAST 72 HOURS BEFORE DIGGING.
4. THE CONTRACTOR SHALL COORDINATE MATERIALS AND INSTALLATION SPECIFICATIONS WITH THE INDIVIDUAL UTILITY AGENCIES/COMPANIES, AND ARRANGE FOR ALL INSPECTIONS.
5. CONSTRUCTION SHALL CONFORM TO THE TYPICAL SECTIONS AND DETAILS SHOWN ON THE PLANS, AND SHALL MEET LOCAL STANDARDS AND THE REQUIREMENTS OF THE LATEST NHDOT STANDARD SPECIFICATIONS FOR ROADS AND BRIDGE CONSTRUCTION AND THE N.H.D.O.T. STANDARD STRUCTURE DRAWINGS UNLESS OTHERWISE NOTED.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL EROSION AND SEDIMENT CONTROL DEVICES AS SHOWN IN THE PLANS THROUGHOUT THE DURATION OF THE PROJECT IN ACCORDANCE WITH APPLICABLE NHDES STANDARDS. THE DETAILS PROVIDED SERVE AS A GUIDE ONLY.
7. ALL EXCAVATIONS SHALL BE THOROUGHLY SECURED ON A DAILY BASIS BY THE CONTRACTOR AT THE COMPLETION OF CONSTRUCTION OPERATIONS IN THE IMMEDIATE AREA.
8. LIMITS OF WORK ARE SHOWN AS APPROXIMATE. THE CONTRACTOR SHALL COORDINATE ALL WORK TO PROVIDE SMOOTH TRANSITIONS.
9. THE CONTRACTOR IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR THE CONDITIONS AT THE SITE. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT DISCREPANCIES TO THE ENGINEER.
10. ALL WORK IN THE RIGHT OF WAYS SHALL BE PERFORMED PER THE DIRECTION OF THE TOWN, IRRESPECTIVE OF PLAN INFORMATION.
11. EXISTING UTILITIES TO BE PROTECTED & COORDINATED WITH UTILITY COMPANIES.

NOTE: ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH TOWN OF HUDSON SPECIFICATIONS AND NHDOT/NHDES SPECIFICATIONS, AND AS DIRECTED BY TOWN ENGINEER



**The Dubai Group, Inc.**  
84 Range Road  
Windham, NH 03087  
603-458-6462

Engineers  
Planners  
Surveyors  
TheDubayGroup.com



REVISIONS:			
REV#	DATE	COMMENT	BY

DRAWN BY: SUK  
CHECKED BY: KR D  
DATE: APRIL 29, 2019  
SCALE: AS SHOWN  
FILE: 357-DETAILS/ROAD  
DEED REF: -

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

FOR  
**DAKOTA**  
**PARTNERS, INC.**  
1264 MAIN STREET  
WALTHAM, MA 02451

SHEET TITLE:  
**ROAD UPGRADE**  
**DETAILS - 3**

PROJECT #357 SHEET R6

N:\PROJECTS\357-Hudson\DWG\CURRENT\357-DETAILS/ROAD.dwg

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRED ONE YEAR FROM DATE OF APPROVAL

CONSERVATION COMMISSION CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_  
RANDALL BROWN RIGG

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: \_\_\_\_\_

CHAIRMAN \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_

SECRETARY \_\_\_\_\_ SIGNATURE DATE: \_\_\_\_\_

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







# TOWN OF HUDSON

## Zoning Board of Adjustment

Charlie Brackett, Chairman      Marilyn E. McGrath, Selectmen Liaison

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

MINUTES – April 25, 2019 - edited

The Hudson Zoning Board of Adjustment met Thursday, April 25, 2019, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall.

**I. CALL TO ORDER**  
**II. PLEDGE OF ALLEGIANCE**

Chairman Brackett called the meeting to order at 7:00 PM and invited everyone to stand for the Pledge of Allegiance.

Mr. Brackett welcomed new Alternate Member Brian Etienne and explained that Ms. McGrath is the Selectmen Liaison to the Board and is a non-voting Member.

Mr. Brackett stated that the ZBA hears requests for relief from the State Law and Local Ordinances and noted that there are four (4) Cases before the Board. Mr. Brackett outlined the meeting procedure where the applicant will present their request to the Board followed by receipt of public testimony and if negative testimony received, the applicant can address and a second round of public testimony would be opened and invited everyone addressing the Board to come either to the table or the lectern and provide their name and address, with spelling; 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, no smoking and an 11 PM curfew.

Members present were Charlie Brackett (Regular/Chair), Gary Daddario (Regular), Maryellen Davis (Regular/Clerk), Gary Dearborn (Regular/Vice Chair), Brian Etienne (Alternate) and Jim Pacocha (Regular). Also present were Bruce Buttrick, Zoning Administrator, Marilyn McGrath, Selectmen Liaison, and Louise Knee, Recorder. For the record, all Regular Members voted.

**III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

1. Case 247-045-010 (4-25-19): Gabriele Vernacchio, 8 Lucier Park Drive, Hudson, NH requests a Home Occupation Special Exception to allow the medical fostering of dogs, which would allow the registration of their physical address and meet the licensing requirement with the State of NH. [Map 247, Lot 045-010, Zoned Town Residential (TR); HZO Article VI, §334-24, Home Occupations].

47  
48 Clerk Davis read the Case into the record. Mr. Buttrick referenced his Zoning  
49 Determinations, dated 4/2/2019 and 4/12/2019, and his Staff Report signed  
50 4/16/2019 and noted that the Home Occupation Special Exception is for the  
51 registration of her non-profit business, Harvey's Hope Animal Rescue (HHAR), with the  
52 State of NH and to be able to provide medical fostering for dogs. Mr. Buttrick also  
53 noted that he received an email from abutter Michael Maynard of 2 Chestnut Street  
54 expressing concerns.  
55

56 Gabriele Vernacchio, property owner, introduced herself and stated that she started  
57 her business, Harvey's Hope Animal Rescue (HHAR), in 2019 and is in the process of  
58 filing for 501-C3 non-profit status, and noted that she has three (3) dogs and a fenced-  
59 in backyard so her dogs can go off-leash and not escape the yard and added that she  
60 has been involved with rescuing animals since she was ten years old. Ms. Vernacchio  
61 explained that several States (GA, TX, FLA, LA) have strict guidelines to euthanize and  
62 that she has been involved with rescuing dogs, most recently volunteering with Poor  
63 Paws Rescue and Bark Animal Rescue and Rehabilitation for K9s, and even has her  
64 License to Transfer Live Animals ~~orf~~ Birds ~~As Aas a~~ Broker from the State of NH  
65 Department of Agriculture, Markets & Food Division of Animal Industry. The State of  
66 NH requires a physical address for HHAR and she would also like to foster one to two  
67 (1-2) dogs in her home. There is no intention to become a kennel or shelter facility.  
68

69 Ms. Vernacchio stated that her goal is to save and rehome as many dogs as possible,  
70 to provide a safe place for them to heal, relax and prep for adoption as some dogs  
71 come from shelter kennels and are not necessarily familiar with a home setting,  
72 children or other pets (ie cats). The foster goal is a minimum of two (2) weeks until  
73 adoption. The adoption process is strict and includes a home visit. HHAR has no  
74 employees, only volunteers. The adoption fee pays for medical needs. Ms. Vernacchio  
75 stated that all dogs will arrive fully vaccinated and vetted per State requirements  
76 (rabies, distemper, parvo shots, health certificate, etc.) and submitted a letter from  
77 Jamie Terry, DVM and owner of Lake Hartwell Veterinary Clinic stating that they  
78 provide medical services and all recommended vetting for rescues of HHAR and an  
79 email from Jana McMillan, Animal Control Supervisor of Hudson in support of  
80 fostering dogs.  
81

82 Ms. Vernacchio stated that she would like to foster one to two (1-2) dogs and provide  
83 the necessary training for adoption, which can include potty training, socialization etc.  
84 Her three (3) personal dogs go out unleashed in the fenced-in back yard but initially  
85 the foster dogs would go leashed. All dogs (her three and foster dogs) stay on her  
86 property. Rarely are the dogs walked off the property and if so, would be on a leash.  
87

88 Ms. Vernacchio addressed the criteria for the granting of a Special Exception Home  
89 Occupation and shared the following information:  
90

- 91 • Home is her primary residence. They have approximately one quarter (1/4) of
- 92 an acre land and a fenced in back yard
- 93 • Need Home Occupation to register an address with the State of New Hampshire
- 94 to allow medical foster permissions and licensure
- 95 • There are no employees

- 96 • The business is not conducted “on-site” but rather through social/on-line
- 97 network of volunteers
- 98 • There will be no sign, unless required by the Town Of Bow of Hudson
- 99 • There will be no added structures or structural changes to her home
- 100 • There will be no exterior storage
- 101 • The business requires no vehicles, any need will be satisfied by their personal
- 102 vehicles
- 103 • They have a two-car driveway and if ever there is a need, there is space for a
- 104 visitor to park “off street”
- 105 • All dogs bark but barking is controlled and dogs will not be outside unless she
- 106 or her husband are home; no noise disturbances are expected
- 107

108 Public testimony opened at 7:17 PM

- 109
- 110 (1) Michael Maynard, 2 Chestnut Street, stated that he lives directly behind Ms.
- 111 Vernacchio’s residence and referenced his email. There is probably no
- 112 impact to his property value on paper but could affect his home’s salability
- 113 as he can see directly into their backyard and someone may not want to live
- 114 next to a medical foster home for dogs; that there are noise concerns with
- 115 the houses so close together; and there are safety concerns regarding
- 116 potentially aggressive foster dogs and dogs escaping if the fence is ever left
- 117 open or is damaged and added that he has been bitten by his neighbor’s dog
- 118 in another neighborhood and is sensitive to it. Mr. Maynard stated that he
- 119 is supportive of fostering dogs, that his childhood dog was a rescue, and
- 120 asked the Board to consider placing a cap on the number of dogs that could
- 121 be allowed, and suggested a cap of two (2) dogs as Ms. Vernacchio
- 122 mentioned would be fine.
- 123

124 Being no one else to speak, public testimony closed at 7:18 PM.

125

126 Ms. Vernacchio referenced the letters of support received from her neighbors, the

127 HHAR Foster Guidelines, the protocol ~~her-she~~ and her Vet are finalizing to insure the

128 health of the dogs, noting that they are held for forty eight (48) hours to assure that

129 they are disease free, spade or neutered and added that her fiancé and ~~her-she~~ are

130 planning to have children in the next two years and would not take in any aggressive

131 dogs, that they have their own dogs and that they have a protocol in the event an

132 animal needs to be euthanized. With regard to the property values, it is a business

133 license and people would not really know it exists on the property. Ms. Vernacchio

134 also distributed a colored picture depicting the six-foot tall (6’) fence in her back yard.

135 With regard to biting, the dogs are within her own yard and pose no greater risk than

136 any other of her neighbors that have a dog. With regard to noise and barking, dogs

137 bark but are never left outside barking and never left outside all day and if they begin

138 to bark, they are brought inside the house. Ms. Vernacchio stated that the Town

139 allows up to five (5) dogs, she has three (3) personal dogs and is agreeable to only

140 fostering two (2) dogs at any one time.

141

142 Public testimony opened for a second round at 7:25 PM. No one addressed the Board.

143



144 Mr. Etienne asked, with regard to the fencing, if there was any added security for  
145 digging, like chicken wire. Ms. Vernacchio responded that there is no chicken wire,  
146 that they had the fence erected to the ground and would address any gap immediately  
147 if it occurred from erosion or digging. If it becomes an issue, they could put in chicken  
148 wire and noted that they just had the fence adjusted down by the lock because the  
149 land compressed over the winter.

150  
151 Mr. Dearborn asked ifs someone was home all day, whether the dogs are ever left  
152 unattended. Ms. Vernacchio responded that she and her fiancé work off shifts and the  
153 dogs could be left unattended up to four (4) hours a day and added that her dogs are  
154 crated if they are not home.

155  
156 Mr. Dearborn asked to elaborate on the “medical” fostering. Ms. Vernacchio stated  
157 that they are not required to rehabilitate, that it is their goal to prepare each dog to go  
158 to their “forever” home and added that some of the behavioral issues they deal with  
159 include separation anxiety or are not crate trained or potty trained, socialization with  
160 other dogs/pets (cats)/children, and that they do a “meet and greet” with other  
161 dogs/cats/children for fourteen (14) days to acclimate.

162  
163 In response to Mr. Dearborn’s questions, Ms. Vernacchio responded that fostering is a  
164 minimum of two (2) weeks until adoption and adoption can take one to two (1-2)  
165 months and that the State of NH does not impose a limit on the number of dogs to  
166 foster.

167  
168 Mr. Brackett inquired about the volunteer group and the business and any  
169 requirements regarding the certification. Ms. Vernacchio stated that the Home Office  
170 Special Exception will allow her to get her license from the State of NH and that her  
171 business is the coordination of the volunteers throughout the State of NH and that, in  
172 addition, she would also like the ability to provide medical fostering in her home, and  
173 that in the first year the State will conduct an inspection every six (6) months, then  
174 yearly after that..

175  
176 In response to Ms. McGrath’s questions, Ms. Vernacchio responded that she will have  
177 no employees, that she deals with volunteers throughout the State of NH, that the only  
178 person paid is the Vet for his medical service, that the total number of dogs she would  
179 foster at any one time in her home would be two (2) dogs as she has three (3) dogs and  
180 the Town has a limit of five (5) dogs, that she has a NH Broker license to transport the  
181 animals, that ‘tractor trailer’ trucks transporting animals would never come to her  
182 home, that the animals are transported from the South in either USDA licensed  
183 transport or volunteer transport similar in style of a relay race and immediately go to a  
184 quarantine facility, ADC in Manchester, NH, where they are held for a minimum of  
185 forty eight (48) hours and from there are either picked up by an adopter or a fosterer,  
186 that transport is coordinated with volunteers throughout the State and even though  
187 she has had pets her whole life, she too has gone through obedience training.

188  
189 In response to Mr. Pacocha’s question, Ms. Vernacchio responded that her volunteers  
190 are vetted through the same process as one seeking adoption, that she has volunteers  
191 all ef-over the country and needs to be licensed in every State.

192

193 Ms. Davis inquired about dog waste and Ms. Vernacchio responded that it would be no  
194 different than how she treats waste from her three (3) dogs, it is picked and placed in  
195 the trash container outside.

196  
197 Ms. Davis stated that she drove by the property and it is a small lot in a development  
198 of small lots with back-to-back homes with backyards abutting one another and  
199 expressed concern with the activity level five (5) dogs can generate in a small space.  
200 Ms. Vernacchio stated that the Town limit is five (5) dogs, that she can, by right, have  
201 five (5) personal dogs. Mr. Buttrick stated that he is not aware of a Town limit on the  
202 number of dogs, just that each dog is to be licensed and that the owners practice  
203 BEST Management regarding the dogs care and noted that dogs are not regulated in  
204 the Zoning Ordinance. Mr. Buttrick stated that if a problem or unsanitary issues  
205 arise, it would fall under the jurisdiction of the Animal Control Officer; that barking  
206 can become a nuisance, especially after 11 PM, and anyone disturbed can call the  
207 Police; and referenced Jana McMillan, Animal Control Supervisor, email dated  
208 4/3/2019, that clarified that the “pet vendor” license under RSA 437 is what Ms.  
209 Vernacchio is pursuing with the Special Exception to allow her to have medical  
210 fosters. Ms. Vernacchio added that she has another email from Jana McMillan dated  
211 4/3/2019 supporting her application.

212  
213 Motion made by Mr. Pacocha and seconded by Mr. Daddario to grant the Special  
214 Exception Home Occupation application with the following three (3) conditions:  
215

- 216 (1) that there be a maximum of five (5) dogs on the property at any given time;  
217 initially three (3) personal dogs and up to two (2) foster dogs  
218 (2) that one of the property owners be home when the dogs are let outside  
219 (3) that generally the foster dogs be on leash when outside and all dogs to be on  
220 leash when leaving off the property.  
221

222 Mr. Pacocha spoke to his motion noting that all the Special Exception Home  
223 Occupation criteria have been satisfied. Mr. Daddario agreed that the criteria have  
224 been met with the conditions and added that the conditions also address the concerns  
225 raised. Vote was 3:2. Ms. Davis and Mr. Dearborn opposed. Ms. Davis stated that  
226 she is concerned with the number of dogs on the small lot, the behavioral issues that  
227 could arise and the level of outside noise that could be generated with five (5) dogs.  
228 Mr. Dearborn concurred. Motion passed. Home Occupation Special Exception  
229 granted.  
230

231 2. Case 169-011 (4-25-19): Stephen Hebert, 27 Windham Road, Hudson, NH  
232 requests an Equitable Waiver of Dimensional Requirement to allow a newly  
233 poured detached garage foundation that encroaches 2.6 ft. into the rear  
234 setback. [Map 169, Lot 011, Zoned Business (B); HZO Article VII §334-27,  
235 Table of Minimum Dimensional Requirements].  
236

237 Clerk Davis read the Case into the record. Mr. Buttrick referenced his Zoning  
238 Determination and Stop Work Order dated 3/29/2019 and his Staff Report signed  
239 5/15/2019. Mr. Buttrick stated that the applicant was granted a variance on  
240 1/29/2019 to construct a 48'x28' residential garage, obtained the necessary Building  
241 Permit #2018-01227-1, had the foundation poured and upon inspection it was noted  
242 that the rear corner of the garage foundation encroached the setback by 2.6'

243  
244 Stephen Hebert introduced himself, stated that he received permission to construct  
245 the garage, that they (himself, the excavation contractor and the person putting in the  
246 filling) walked the line from a prior survey of his land and staked the corner, that the  
247 stake was removed for the excavation, that it was re-staked and the foundation was  
248 poured and then another survey was conducted to obtain the framing permit and that  
249 is when it was discovered that the rear corner of the foundation encroached into the  
250 setback by approximately two and a half feet. The problem was created when the  
251 garage was re-staked after the excavation even though he instructed them to realign  
252 based on the rear property line, it was realigned to the side property line which is not  
253 perpendicular and created the encroachment.

254  
255 Public testimony opened at 7:54 PM. No one addressed the Board.

256  
257 Mr. Etienne asked if there was an overlay of utility easements. Mr. Hebert stated that  
258 he does not know if there are utility easements, that the rear of his property abuts  
259 Route 111 (Central Street) and that the State owns the land to the left of his property.

260  
261 Mr. Daddario stated that the encroachment into the setback is not a setback to a  
262 neighbor but to a road and occurred despite the fact that there was a survey  
263 performed that was used to stake the foundation, before excavation and the pouring of  
264 the foundation. Mr. Hebert clarified that only the corner was staked because it was  
265 critical, but it had to be removed for the excavation and the re-staking occurred from  
266 the side property line instead of the rear property line.

267  
268 Motion made by Mr. Dearborn and seconded by Ms. Davis to grant the waiver. Mr.  
269 Dearborn spoke to his motion stating that it is his belief that it was an honest  
270 mistake, that the applicant came before the Board to get a variance to construct the  
271 residential garage on his property, that is in the Business Zone with no businesses in  
272 the area. Ms. Davis concurred and added that it was a contractor error. Vote was 5:0.  
273 Equitable waiver granted.

274  
275 3. Case 198-157 (4-25-19): Tim and Mandy Powers, 36 Pelham Road, Hudson,  
276 NH requests a Variance to permit enlargement and rebuilding of existing  
277 front stoop to construct a 27'-7" x 8'-0" farmer's porch which will encroach  
278 in the front setback of the existing non-conforming structure, leaving  
279 resultant front setback of 8.45 ft. [Map 198, Lot 157, Zoned Town  
280 Residential (TR); HZO Article VIII §334-31 and Article VII §334-27, Alteration  
281 and expansion of non-conforming structures and Table of Minimum  
282 Dimensional Requirements].

283  
284 Clerk Davis read the Case into the record. Mr. Buttrick referenced his Zoning  
285 Determination dated 1/29/2019 and his Staff Report signed 4/16/2019, noted that  
286 the existing house is non-conforming as it is in the front setback and that the  
287 applicants wish to replace the front stoop, which currently encroaches approximately  
288 thirty eight feet (38') into the required fifty foot (50') setback, with a farmer's porch  
289 that will encroach approximately forty two feet (41.55') resulting in a front setback of  
290 8.45'. Mr. Buttrick also noted that both the Town Engineer and the Town Planner  
291 have submitted their review responses.

292



293 Tim Powers introduced himself and his wife, Mandy Powers, stated their desire to  
294 build a farmer's porch noting that it is a reasonable and customary addition to a  
295 residence and addressed the Variance criteria. The information shared included:  
296

297 1) *not contrary to public interest*

- 298 • the request is not contrary to public interest
- 299 • the existing stoop is outdated and in poor condition
- 300 • enlarging it by creating a farmer's porch will enhance their ability to
- 301 enjoy their front entrance, yard area and use of their home
- 302

303 2) *spirit of Zoning Ordinance observed*

- 304 • it does observe the spirit of the Ordinance
- 305 • the expansion and rebuilding of the stoop will enhance the safety,
- 306 functionality and normal use of allowable expansion of 'non-
- 307 conformance'
- 308 • a farmer's porch is in character to residential uses
- 309

310 3) *substantial justice done*

- 311 • the house is approximately 140 years old
- 312 • to deny normal and typical use (ie farmer's porch) would harm use as a
- 313 residential home
- 314 • farmer's porches are a normal use of residential homes in Hudson
- 315

316 4) *surrounding property values not diminished*

- 317 • the proposed farmer's porch is a beneficial amenity to any residential
- 318 property
- 319 • adding a farmer's porch will actually add value to the home
- 320

321 5) *unnecessary hardship if not granted*

- 322 • fair and reasonable use would be restricted by not granting the normal
- 323 and typical use of a farmer's porch as proposed and typically allowed
- 324 throughout the Town of Hudson
- 325 • special conditions exist because the house was built around 1875 before
- 326 any Zoning Ordinance
- 327 • in effect, the Town imposed the hardship with the required front
- 328 setbacks, originally set at 30 feet and currently set to 50 feet
- 329 • the restrictions are imposed on the property by the Town and not the
- 330 property owners
- 331

332 Public testimony opened at 8:04 PM. No one addressed the Board.  
333

334 Mr. Daddario asked and received confirmation that currently there is only twelve feet  
335 (12') of the required fifty-foot (50') front setback and the front setback would be  
336 reduced to eight point four five feet (8.45') with the farmer's porch. Mr. Brackett  
337 questioned the math with the proposed eight foot (8') deep farmer's porch and Mr.  
338 Powers stated that the numbers work with the elimination of the front stoop, which is  
339 a little over four feet (4'), and noted that the front stoop would be replaced with the  
340 farmer's porch.  
341

342 Ms. McGrath read Elvis Dhima, PE, Town Engineer email dated 4/11/2019 into the  
343 record: "... I have safety concerns about the front porch so close to the road. During  
344 construction of the new bridge on Pelham Road in 2016, speed and geometry of the  
345 road was the biggest concern. There is currently no guard rail in front of this  
346 property." Ms. McGrath noted the curve of the road on the site plan and noted that  
347 Pelham Road can be a treacherous road especially with the curve in the road close to  
348 the applicant's driveway and questioned the sight distance as that could pose a safety  
349 concern. Ms. Davis added that, at that curve section, the road also takes a dip. Mr.  
350 Etienne asked about the guardrail. An aerial view was put on the screen that showed  
351 the guardrail ending at the applicant's property line and Mrs. Powers added that  
352 coming down the hill, a driver would encounter the guardrail and Mr. Powers noted  
353 that just the appearance of the road narrowing with the guardrail in combination with  
354 the dip and curve tends to slow a driver's speed and added that if a vehicle managed  
355 to go through the guardrail, they would encounter their stonewall and a tree and not  
356 hit their home. Mr. Brackett asked if there were many accidents there and both Mr. &  
357 Mrs. Powers responded "not since the guardrail was installed."  
358

359 Ms. McGrath also noted the Town Planner, Brian Groth, responded and noted his  
360 questions pertaining to any stairs to the farmer's porch creating a further  
361 encroachment to the road and whether the stonewall would remain.  
362

363 Mr. Dearborn stated that he is relying on the Town Planner and the Town Engineer  
364 who both expressed serious concern with the setback encroachment and the  
365 dangerous nature of Pelham Road with speeding and accidents. Ms. Davis stated that  
366 there is a purpose for the setbacks and noted that there is a potential for Pelham Road  
367 expansion because it is a collector road, a through street and heavily traveled. Mr.  
368 Brackett noted that the house was built probably before Pelham was even paved and  
369 the setback has expanded and is needed to provide for future expansion and added  
370 that he too has a safety concern.  
371

372 Mr. Powers stated that with the porch, the illusion will exist of a narrower vision which  
373 will slow people down, that his house is not responsible for the speeding that occurs  
374 and enforcement is not his responsibility, that there would be no stairs to the farmer's  
375 porch, just a 7" concrete slab, and that the stonewall will remain.  
376

377 Discussion branched into future possible road expansion, eminent domain  
378 possibilities, the fact that a 50' setback was established and placed the house into the  
379 setback, to whether or not road expansion is in the Master Plan or whether it will get  
380 mandated due to increased traffic, winter road conditions and the increased number  
381 of vehicles colliding into yards and buildings.  
382

383 Ms. Powers stated that she understands the concerns expressed, that it is something  
384 she and her husband have not taken lightly but questions if there is such a safety  
385 concern now for their desire to put on a porch, not a living room or a bedroom or a  
386 kitchen but a porch that will get used d primarily in good weather, and if in the future  
387 the road may be widened questioned why their safety would not be considered and not  
388 have the widening closer to their home. Mr. Brackett stated that their safety will be  
389 considered during the design of the road widening and does not know if eminent  
390 domain will be invoked or not; that the situation exists today with the encroachment

391 and there is concern for further encroachment whether the road gets expanded or not  
392 and that the Board's concerns relates to the property and its future owners.

393  
394 Mr. Powers asked where the concern was for his family's safety when the Town fixed  
395 the bridge and made the road straighter. Ms. McGrath stated that the bridge repair  
396 was mandated by the State of NH because it was red-listed (about to fail) and if not  
397 corrected, the road would have been closed. Mrs. Powers showed a picture and noted  
398 that their stonewall is right on their property line and that there are two trees before  
399 any vehicle could reach the porch.

400  
401 Motion made by Mr. Dearborn and seconded by Ms. Davis to deny the variance  
402 application due to safety concerns and the severe encroachment to the road with just  
403 8.45' of front setback. Ms. Davis noted that the concern for safety applies to both the  
404 public as well as to the homeowners. Mr. Daddario stated that personal preferences  
405 have been presented along with a variety of what-ifs and maybes but with respect to  
406 the criteria, it is his opinion that it failed two (2) criteria: #2 spirit of the Ordinance  
407 with regard to safety and placing human beings closer to the road; and #5, the  
408 hardship criteria as hardship is tied to the land itself and there is nothing from the  
409 land that forces the porch closer to the road. Vote was 5:0 not to grant the variance.  
410 Request denied. The 30-day appeal period was noted.

411  
412 Mr. Powers asked what specifically is the safety concern. Mr. Dearborn responded  
413 and stated that his motion to deny was not just based on safety but based on the  
414 extreme encroachment into the front setback.

415  
416 4. Case 198-173 (4-25-19): Leroy & Denise Thompson, 140 Melendy Road,  
417 Hudson, NH requests a Variance to subdivide and create a new lot with  
418 insufficient frontage required to create a new flag lot with a shared driveway.  
419 [Map 198, Lot 173, Zoned General (G); HZO Article VII §334-27, Table of  
420 Minimum Dimensional Requirements].

421  
422 Clerk Davis read the Case into the record. Mr. Buttrick referenced his Zoning  
423 Determination dated 7/19/2018 and his Staff Report signed 4/16/2019 and stated  
424 that the applicants propose to subdivide their 4+ acre lot into two lots creating a "flag"  
425 or "pork chop" lot to the rear of the property with approximately 2.5 acres where only  
426 one acre is required for the Zone and with insufficient frontage of 62.3 feet where 150'  
427 is required. Mr. Buttrick noted that both the Town Planner and the Town Engineer  
428 responded with comments.

429  
430 Denise and Leroy Thompson sat at the table. Mrs. Thompson stated that they wish to  
431 subdivide their lot and create a second lot; that they have enough frontage but their  
432 home sits in the middle so the new lot cannot meet the frontage requirement and due  
433 to the steep slopes and ledge the new lot will need to share their driveway and not  
434 create its own curb cut.

435  
436 Ms. Thompson addressed the criteria for the granting of a variance and the  
437 information shared included:

- 438  
439 1) *not contrary to public interest*  
440 • the existing lot has enough land to subdivide



- 441           • the benefits of the proposal is that it will not require another curb cut  
 442           onto Melendy Road as it will share the existing driveway  
 443           • the non-conforming garage will be taken down  
 444           •
- 445       2) *spirit of Zoning Ordinance observed*
- 446           • there is already a driveway that exists to the back of the lot  
 447           • there will be easy access to the new flag lot  
 448           • the new flag lot will be larger than required  
 449           • the shared driveway will eliminate a curb cut  
 450           • the new lot is proposed to be a single-family residence  
 451
- 452       3) *substantial justice done*
- 453           • hardship would be avoided to the property owners, the environment and  
 454           the neighbors with no blasting, no possible damage to surrounding  
 455           homes, no upset to the natural wildlife  
 456           • by utilizing existing driveway there will be no additional burb cut which  
 457           will be better for traffic  
 458           • the non-conforming garage by the road will be eliminated  
 459
- 460       4) *surrounding property values not diminished*
- 461           • the proposed use is for a residence  
 462           • the lot will be oversized  
 463
- 464       5) *unnecessary hardship if not granted*
- 465           • the creation of a flag lot with a shared driveway will avoid blasting,  
 466           excavating steep slopes, disturbing wildlife and could upset the  
 467           residential structures of surrounding houses  
 468           • a shared driveway eliminates a curb cut onto Melendy Road  
 469

470       Greg Jeffrey, LLS (Licensed Land Surveyor) referenced his plan dated Feb 2019, noted  
 471       the areas of steep slopes to the left of the existing house and stated that there is also  
 472       ledge which would require blasting to provide a separate access way to the new rear  
 473       lot. Mr. Jeffrey noted that the proposed layout was the least intrusive of the options  
 474       considered. Mr. Jeffrey stated that the new lot will have 2.462 acres, have its own  
 475       septic system and well but will only have 62.31' of frontage that will contain the  
 476       shared driveway along with an easement. Mr. Jeffrey stated that the existing non-  
 477       conforming garage by the road will be removed and that will improve sight distance.  
 478

479       Public testimony opened at 8:40 PM. No one present to address the Board.  
 480

481       Mr. Dearborn asked if the art studio was still in business. Ms. Thompson stated that  
 482       it was but that even though she is allowed to operate it six (6) days a week, it is now  
 483       only opened two (2) days a week, with the busiest day being Saturday with generally  
 484       seven (7) cars. Mr. Dearborn noted that the shared driveway would then be servicing  
 485       two residences and the art studio.  
 486

487       Mr. Daddario referenced the Town Planner's comments and noted the preference for  
 488       the variance as there are several other parcels in the neighborhood with similar  
 489       geometry and that the driveway can either be shared or separate and parallel, to be  
 490       determined by the Planning Board. Discussion ensued. Ms. McGrath stated that in

491 all the years she's been on the Planning Board, she does not recall parallel driveways,  
492 just shared and added that shared driveways do sometimes result in difficulties with  
493 maintenance responsibility. Mr. Buttrick concurred and added that they become Code  
494 Enforcement problems. Mr. Brackett noted that shared driveways are allowed in  
495 Hudson. Mr. Dearborn noted the easement on the plan. Mr. Etienne questioned  
496 whether a width of 12' is enough for a fire truck to turn around in the back lot. Mr.  
497 Pacocha noted that with the elimination of the non-conforming garage, the width could  
498 be wider. Mr. Jeffrey stated that the proposed 62' works. Both Mr. Brackett and Mr.  
499 Buttrick noted that that would be determined at the Planning Board.

500  
501 Ms. McGrath questioned the septic system for the new residence if the area is all  
502 ledge. Mr. Jeffrey stated that they have proposed a raised bed and Mr. Brackett added  
503 that the septic system would also need NHDES (NH Department of Environmental  
504 Services) approval and permit.

505  
506 Mr. Brackett and Mr. Pacocha curbed the discussion and stated that the ZBA is to  
507 decide on the concept, the creation of a flag lot with insufficient frontage and that the  
508 rest will be handled by the Planning Board.

509  
510 Mr. Daddario stated that in his opinion the hardship criteria has been satisfied, the  
511 steep slopes, ledge and need for blasting are land based impositions. Mr. Brackett  
512 concurred and noted that it would create an unnecessary hardship to insist otherwise,  
513 to place a separate driveway to the left of the house.

514  
515 Motion made by Mr. Pacocha and seconded by Mr. Daddario to grant the variance to  
516 create a flag lot based on the plan prepared by Greg Jeffrey, LLS, dated Feb 2019, with  
517 no stipulations. Mr. Pacocha stated that the original lot has enough frontage for two  
518 (2) lots but is topographically impaired and substantial justice is done with the  
519 granting of the variance with no harm to the public as it is not contrary to the public  
520 interest. Mr. Daddario stated that the first four (4) criteria are met in his opinion and  
521 supported by the Town Planner, noted that the lot configuration is consistent with  
522 others in the neighborhood and added that the hardship is met due to the land with  
523 its existing slopes and ledge. Vote was 4:1. Ms. Davis opposed and does not support  
524 the creation of a substandard lot and is a public harm. Motion passed. Variance  
525 granted. The 30-day appeal period was noted.

526  
527 **IV. REVIEW OF MINUTES:**

528  
529 1. 04/11/19 Minutes

530  
531 Board reviewed the edited version presented and made one correction of a street name  
532 to Central Street. Motion made by Mr. Dearborn, seconded by Mr. Daddario and  
533 unanimously voted to approve the 4/11/2019 Minutes as edited and amended.

534  
535 **V. REQUEST FOR REHEARING:**

536  
537 There were no requests presented for Board consideration.

538  
539 **VI. OTHER:**

540  
541 1. OSI June 1, 2019 Spring Planning & Zoning Conference – registrations.

542  
543 Mr. Buttrick reported that registration was closed and the Members are on a waiting  
544 list, at #26-29. Mr. Brackett asked Mr. Buttrick to see if any publications are  
545 available in the event they do not get to attend.

546  
547 2. Continued discussion of possible ZBA Bylaws revisions regarding Clerk,  
548 Selectman's Rep. & Recorder duties.  
549

550 Selectmen Liaison discussed at length. Bottom line, Selectmen Liaison is not to be a  
551 voting alternate, the Selectmen Liaison position is valued and beneficial, and the  
552 Board would like dedicated attendance for both the Town's historical knowledge as  
553 well as keeping communication open between both bodies.  
554

555 Mr. Dearborn suggested adding two items to the Bylaws: (1) three (3) consecutive  
556 unexcused absences from a meeting to be reported to the Selectmen and/or Town  
557 Administrator to investigate/reprimand and take corrective action; and (2) to advise of  
558 the 30-day appeal period and process involved with appeals (error, additional  
559 information etc).

560 The Pledge of Allegiance should also be added to the Bylaws.  
561

562 Mr. Brackett asked for feedback on his Preamble prior to the next meeting.  
563

564 The change in duties for the Clerk and Recorder were reviewed  
565

566  
567 3. ZORC  
568

569 General consensus was that fewer the meetings the better. Board asked to review the  
570 ranking in the spreadsheet and share information/thoughts with Staff for  
571 prioritization.  
572

573 4. Cell Tower notifications are per RSA 12-K:7  
574

575 Mr. Buttrick distributed a copy of RSA 12-K:7 and noted that the Town received  
576 another tower notification from Bedford.  
577

578 5. May 2, 2019 BoS meeting for RTK  
579

580 Mr. Buttrick stated that the Selectmen and Town Administrator have established a  
581 training session for Thursday, 5/2/2019 at 7:00 PM at the Community Center that  
582 will be presented by the NH Municipal Association's on-demand training entitled  
583 "Effective Meetings and Right-to-Know (RTK) Law". Ms. McGrath stated that the  
584 Selectmen have attended and found it beneficial and encouraged everyone to attend.  
585

586 Motion made by Ms. Davis, seconded by Mr. Daddario and unanimously voted to  
587 adjourn the meeting. The 4/25/2019 ZBA meeting adjourned at 9:38 PM.  
588

589 Respectfully submitted,  
590 Louise Knee, Recorder



Town of Hudson, New Hampshire Bylaws  
Zoning Board of Adjustment

~~(Revised as of April 11, 2019)~~  
Working Copy

Chapter 143

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### 143.1 History

12-14-1978: Adopted by the Zoning Board of Adjustment of the Town of Hudson

06-23-1988: Amended in its entirety,

06-23-2011: Amended again in its entirety.

Subsequent amendments noted where applicable.

10-12-17: Amended in entirety.

04-11-19: Subsequent amendments noted where applicable.

### 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.~~ take attendance, read cases into the record, and process the member decision sheets for a summary of decision made.

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

#### 143.5A Recorder

The Recorder is not a Member or Alternate. The Recorder shall transcribe the minutes and notices of decisions in accordance with State RSA requirements, and have such available for members to accept.

#### 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. Three (3) consecutive unexcused absences by a member or alternate shall be reported to the Board of Selectmen through the Town Administrator, to take appropriate action.

#### 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 – introduction/order of business. Attachment “A”.
- b. Pledge of allegiance
- ~~a.~~
- ~~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 [04-11-19]

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, and explain that the appeal/Re-Hearing process is available to all aggrieved w/in 30 days of the meeting vote -

### 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.

## Attachment "A"

### Chairman's introduction/order of business

Good evening ladies and gentlemen. Welcome to the Hudson Zoning Board of Adjustment. I call this meeting to order (state the time).

If you could please stand and join me in the Pledge of Allegiance.....

We will proceed with cases in the order they appear on tonight's agenda unless the Board deems it appropriate to take a case out of order. State law and local ordinances set out the criteria that must be met in order for this Board to grant a request before the Board. These minimum requirements are outlined on application forms in the Town's Land Use Office. Applicants should proceed with this format to provide adequate justification for the Board to grant their request.

The Chairman will open the meeting to hear testimony either for or against the request. The order of testimony will first be the applicant presenting their case as why it should be approved; next testimony from those supporting the applicant will be heard; and last will be testimony from those either neutral to or against the proposed case. If necessary a second round of testimony will be heard to respond to those in opposition and subsequent rebuttal.

All discussions will be between the applicant and the Board. Please be respectful of all and in interest of time refrain from repeating previous testimony. New documentation will be accepted by the Board for consideration this evening, but may cause the case to be continued or deferred. The Board reserves the right to ask for additional testimony at anytime.

After hearing the facts from all parties the Chairman will close the public hearing and the Board will deliberate and vote either to approve, deny or defer the request before moving on to the next case.



Handouts are at the back of the room: consisting of the agenda for tonight, and information for those that feel aggrieved and wish to appeal any decision the Board may have made.

All those that wish to speak are asked to come either to the lecturn or the adjacent table, speak clearly, state your name and address. Please spell your last name for the recorder.

Before we begin a few housekeeping items:

- Turn off your cell phones
- There is no smoking in the building
- Please refrain from talking amongst yourselves as it distracts from hearing the testimony of the case

Will the Clerk please call for attendance.....

<b>Z.O. Section</b>	<b>Item/Topic</b>	<b>Comments</b>	<b>Priority</b>	<b>Discussion</b>
334-31 (A)	*Alteration or Expansion of Non-Conforming Structures	Add to A - tear down and replace in kind	1	*These 3 items should be considered 1 entire meeting to shore up the ordinance; could be a 1
334-31 (A)	*Alteration or Expansion of Non-Conforming Structures	Adding an addition to a non-conforming structure	1	
	*Equitable Waivers	Consider granting as a matter of course if applicant is before the ZBA for something else, as long as conditions are met?	1	
	Doggie Day Care/Training	Add to 'Kennel' definition and section; include dog 'fostering'	1	HOSE or Variance required in the interim; definitions and included on Table of Permitted Uses
	Special Exception - Day Care	Needs specific criteria	1	Correct daycare outside requirements
334-43 (M)	Manufactured Home Parks	Refers to obsolete BOCA code	1	Remove BOCA; shore up what is included w/ Mfg's homes ie mobile?
334 - Attachment 1	Table of Permitted Uses	Align/Streamline Table	1	Dedicated meeting
	Backyard Farming	Defined, where allowed, as an accessory use to a principle dwelling	1	Bruce defined; this is almost ready to go; ensure NO roosters!!
334-60; 334-64	EMC/Electronic Signs	Un-complicate Verbiage	2	Bring experts in, DOT, NH Municipal Assoc - bruce to look at ICC for signs
	Trailers	Include RV's and use on lots	2	Time limit on occupying on residential lots
	Lighting	On signage	2	Turn off at night for "dark skies"
	Ocean Containers	Definition Added; need where allowed/used/restrictions ie painted to remove signage	2	Validate definition on 2018 ballot; add to table of permitted uses
	Campgrounds	Where Used, Table of Permitted Uses	3	Define and add to Table of permitted uses
334-120	Alternative Energy	Includes Small Wind energy Systems and Solar Panels/Cells	3	Define and add to Table of permitted uses (residential + commercial)

<b>Z.O. Section</b>	<b>Item/Topic</b>	<b>Comments</b>	<b>Priority</b>	<b>Discussion</b>
	Town Right of Way	Referring to Parking and/or Activities in Town RoW	3	Clarify to include side and front setbacks
	Tiny Homes	Defined, where allowed, as an accessory use to a principle dwelling	3	Need in ordinance
334.91 - 334.107	Wireless Communication Facility	Remove SE requirement and allow with a Planning Board Conditional Use Permit	?	George Language - Hold off on this one
334-15	Off Street Parking	Clarify to eliminate front/yard setbacks	?	Remove - duplicated
334-15	Driveways		?	Remove/co-ordinate w/ PB/Engr
334:33 - 334:41	Wetland Conservation District	Eliminate permit process for permitted uses; SE exception process for non-permitted uses after Con Comm input	?	George Language



## NEW HAMPSHIRE MUNICIPAL ASSOCIATION (/)

# New Hampshire Town And City

## Crafting Rules of Procedure for Your Public Body

*New Hampshire Town and City, March/April 2019*

By Stephen C. Buckley, Esq.

This article is presented to address some of the most frequently asked questions on the essential content of rules of procedure for a public body in New Hampshire. Even though not all public bodies in New Hampshire municipalities are required to have rules of procedure, it is generally recommended that written rules governing public meetings should be established and followed by all public bodies.

Establishing rules of procedure for public meetings has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the members of the public body and residents to debate matters of public concern in a courteous and respectful manner that lessens the likelihood of discontent and friction. Third, rules provide guidance to public body members on how they are to interact and engage with municipal employees and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the public body are elected or appointed to office. (paraphrased from *Model Rules of Procedure for Council Meetings*, published by the League of Oregon Cities, March 2017).

### ***When are rules of procedure required by law?***

All land use boards are required to have rules of procedure that concern the method of conducting its business. RSA 676:1. This would include the planning board, historic district commission, inspector of buildings, building code board of appeals, zoning board of adjustment, heritage commission, historic district commission, agricultural commission and housing commission. A recreation or park commission established under RSA Chapter 35-B is vested with the authority to adopt rules of procedure, as can the moderator at town meeting. RSA 40:4. Rules of Procedure for a Zoning Board of Adjustment must prescribe the time period for appealing an administrative zoning decision. RSA 675:5, I.

### ***Must our rules of procedure follow Robert's Rules of Order?***

While *Robert's Rules of Order*, 11th Edition, is considered the authoritative reference on parliamentary procedure, it is much too unwieldy to exclusively guide the public meeting business of municipal boards and commissions that have often have 12 or fewer members. If referred to at all in local rules of procedure, *Robert's Rules* would only provide guidance, and not be binding on the presiding officer. *Robert's Rules* itself recognizes that in

small bodies of less than a dozen members “some of the formality necessary in a large assembly would hinder business.” *Robert’s Rules* does provide abbreviated procedures for small boards. *Robert Rules*, §49, pp. 487 – 488.

***Should our rules of procedure provide for election of certain officers, such as chair, vice-chair and secretary?***

Local land use boards are required to have a chairperson elected from the appointed or elected members, and they may create other offices, such as vice-chair and secretary, as deemed necessary. RSA 673:8. Land use board officers have a term of one year and may be re-elected at the end of their term. In the case of planning boards, an ex-officio member (governing body member, etc.) cannot serve as chairperson. RSA 673:9. Otherwise, it is essential that all other municipal boards, bodies and commissions have a presiding officer or chairperson and a vice-chair in case of the absence of the chair.

***What duties should be given/vested in the chair/presiding officer?***

The chairperson should be delegated the responsibility to prepare the agenda for each meeting in consultation with the municipal staff and other board members. The Chair could also be delegated the responsibility to sign official correspondence for the public body and represent the public body before other boards, commissions and state agencies. The Chair would open each meeting, announce the sequence of items to be heard on the agenda, and state any changes in the order of matters to be heard. The Chair would also recognize applicants and presenters to speak, state questions/motions to be put to a vote and decide all questions of order and decorum. Other responsibilities that could be delegated to the Chair would be the ability to schedule emergency and special meetings.

***Should our rules of procedure describe the types of meeting our public body might have?***

It is a good idea to describe in the rules of procedure the types of meetings your public body may have, such as the following:

- Regular Meetings: State in your rules the date, time and place of the regular meetings of your public body.
- Special Meetings: Provide for the possibility of a special meeting called at the discretion of the Chair to address urgent matters that cannot wait until the next regular meeting.
- Emergency Meetings: As permitted by RSA 91-A:2, II, an emergency meeting can be held with less than 24 hours’ notice when the chair determines that immediate, undelayed action is imperative. Notice of an emergency meeting shall be provided as soon as practicable and employ other means that are reasonably available to inform the public that a meeting is to be held. The minutes of the emergency meeting shall clearly spell out the need for the emergency meeting.

***Should our rules address remote participation when a member cannot attend in person?***

The Right-to-Know law permits, but does not require, that public bodies allow a member to participate remotely. If your public body will permit remote participation, the following would be appropriate content for your rules of procedure:

- The member's attendance must be "not reasonably practical," and that reason must be stated in the minutes of the meeting.
- Except in an emergency, at least a quorum of the public body must be physically present at the location of the meeting. The determination that an emergency exists is to be made by the chair, and the facts upon which that determination is based must be included in the minutes.
- All votes taken during such a meeting must be by roll call vote.
- Each part of a meeting that is required to be open to the public must be audible "or otherwise discernable" to the public at the physical location of the meeting.
- Any member participating remotely must identify anyone present at the remote location.

***What type of notice of a public meeting should be provided for in our rules of procedure?***

The Right-to-Know Law requires a minimum of 24 hours' notice to the public prior to a public meeting. The notice must:

- Be given at least 24 hours in advance, not including Sundays or holidays
- Include the date, time and place of the meeting
- Be published in a newspaper *or* posted in two "prominent" public places in the municipality, one of which may be the public body's official website.

Other statutes also may require more notice, particularly when a hearing is required. For example, planning board hearings require 10 days' notice under RSA 676:4, I(d); ZBA hearings require five days' notice under RSA 676:7; select board's hearings on highway petitions require 14 days' notice under RSA 43:2 and RSA 43:3; and budget hearings require 7 days' notice under RSA 32:5.

***Should our rules of procedure provide that the public notice include an agenda stating the matters to be addressed at our meetings?***

The only required contents of the public meeting notice are the date, time and place of the meeting. The law does not require that the purpose of the meeting or a meeting agenda be included in the notice. However, many public bodies do include such information, which certainly can benefit the public. If your own local rules of procedure require you to post an agenda, then local rules giving more access take precedence, RSA 91-A:2, II.

***What rules should we have governing public comment versus public hearings?***

The Right-to-Know Law does not give the public the right to speak at a public meeting. Of course, when a statute requires a public body to hold a public *hearing*—such as a budget hearing—the public must be given the opportunity to speak and weigh in because that's the purpose of a public hearing. Other statutes also provide that specific individuals have a



right to speak at a public hearing, such as a hearing on an application for a variance where the applicant, abutters, or other parties whose rights are being affected have the right to be heard.

On the other hand, a public body may permit, but is not required, to allow the public to comment at regular meetings that are not public hearings. Whether your public body wants to permit public comment or not, here are some suggested guidelines that could be included in your rules to address how to handle public hearings, or, an optional public comment period:

**Public Hearings:**

- Persons wishing to speak shall sign the “hearing roster” with the person’s name and address prior to the commencement of the public hearing at which the person wishes to speak
- Each person shall, prior to giving testimony, provide his or her name, shall indicate whether they are a resident, state their address, and address their remarks to the public body.
- Speakers at hearings on legislative or administrative matters will be subject to a limited time period. Speakers at a hearing on a quasi-judicial matter could be afforded longer time periods as may be warranted based on the status of the speaker:
  - a. Applicant or affected party. Quasi-judicial hearing only.
  - b. Appellant, if other than applicant. Quasi-judicial hearing only
  - c. Other interested persons.
  - d. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing.

**Public Comment (not at public hearings):**

- Public comment will take place after the business portion of the meeting is completed.
- One person speaks at a time (no interrupting).
- No one speaks until recognized by the chair.
- Speaker must sign-in to indicate an intent to speak during public comment.
- The speaker must identify him or herself when beginning to speak.
- Public comment is a time for members of the public to speak; it is not a “question and answer session” with the public body.
- Each speaker will be limited to limited time period.

***Are there suggested procedures for handling voting on motions and motions for reconsideration?***

The Right-to-Know Law requires that minutes of public meetings, indicate the names of public body members whom made or seconded each motion. A motion that receives a tie vote fails. A motion to reconsider may only be made by a member who voted on the prevailing side. No voting at public meeting can take place using a secret ballot.

***What are the suggested procedures for nonpublic sessions?***

A public body is never *required* to enter nonpublic session. A public body may use a nonpublic session only for very limited purposes, all of which are listed in RSA 91-A:3, II. If none of these purposes applies, the discussion may not be held in nonpublic session. The requirements for entering nonpublic session are set out in RSA 91-A:3, I, and are very clear:

- A public body may enter nonpublic session only “pursuant to a motion properly made and seconded.”
- The motion must state on its face the specific exemption in RSA 91-A:3, II, that is relied upon as the purpose for the nonpublic session, and all discussions and decisions made during the session must be confined to the matters set out in the motion.
- The vote on the motion must be by roll call. A simple majority is all that is required.

Minutes of the nonpublic session must be kept, which must contain: the names of members present, the names of persons appearing before the public body, and a brief description of the subject matter discussed and final decision(s) made. The minutes also must “record all actions in such a manner that the vote of each member is ascertained and recorded.” Upon returning to public session, the board should determine if one of the following conditions exist to justify keeping the nonpublic meeting minutes nonpublic, or sealed:

- Disclosure would adversely affect the reputation of a person other than a member of the board;
- Disclosure would render the proposed action ineffective; or
- The discussion in the minutes pertains to terrorism.

The vote to seal the nonpublic meeting minutes is only made when the public body returns to public session.

***What is the best practice for handling public meeting minutes?***

The Right-to-Know Law provides that minutes of public meetings shall contain the following minimum contents: (1) names of members present; (2) other people participating (although it is not necessary to list everyone *present*); (3) a brief summary of subject matter discussed; and (4) any final decisions reached or action taken; (5) indicate the names of public body members who made or seconded each motion.

A public body must have compiled its draft (i.e., “unapproved”) minutes by the fifth business day after the meeting. Those minutes, although not yet reviewed and approved by the body, must be made available to anyone who requests to see or copy them. It does not matter that they have not yet been approved—they are still the minutes, and they cannot be withheld.

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## NEW HAMPSHIRE MUNICIPAL ASSOCIATION (/)

### New Hampshire Town And City

#### RIGGINS RULES: Suggested Do's and Don'ts for the Conduct of Public Hearings and the Department of Chairmen and Members of Boards, Commissions and Other Bodies

*New Hampshire Town and City, March/April 2019*

By Fred Riggins

1. **Don't** accept an appointment or nomination to a Board, Commission, or Council unless you expect to attend 99.9999 percent of the regular and special meetings, including inspection trips, briefings and public functions where your presence is expected. If your participation falls below 85 percent during any 6 month period, you should tender your resignation. You aren't doing your job. You aren't keeping well enough informed to make intelligent decisions, and you are making other people do your work for you.
2. **Do create a good impression of city government.** Remember that this is the first important contact that many of the people in the audience have had with the administration of their municipality and for some, this is the most important matter in which they have ever been involved. Many will never be back again and many will never have another such contact and experience. Your performance will create in their minds the picture, which they will always carry with them of "the way the city/town is run." Make it as pleasant and comforting a picture as possible.
3. **Do be on time.** If the hearing is scheduled at 7:30, the gavel should descend at the exact hour, and the hearing begun, if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time besides creating a very bad beginning for what is a very important occasion for most of those present.
4. **Don't mingle with friends, acquaintances, unknown applicants or objectors in the audience before the meeting** and during a recess period, if it can be politely avoided. You will invariably create the impression with the uninformed that there is something crooked going on, especially when you vote favorably on the case of the applicant you were seen conversing with. When the other fellow's case comes up and you deny it, he says, "Well, it's easy enough to see that you've gotta know the right people if you ever expect to get anywhere around here." Save your socializing for some other time and place.
5. **Don't discuss a case** privately and as a single member of a body with an applicant or objector prior to the filing and prior to the hearing if it can be politely avoided. In the event that it is not avoidable, and many times it is not, be very non-committal, don't be too free

with advice and by all means explain that you are only one member of the body. Be certain that the person concerned understands that you cannot commit yourself in any manner, except to assure him that he may expect a fair and impartial hearing. Even if the case looks pretty good to you it is wise to be pessimistic about the chances of securing approval.

**6. Do your homework.** Spend any amount of time necessary to become thoroughly familiar with each matter which is to come before you. It is grossly unfair to the applicant and to the city for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. And you will make some horrible and disturbing decisions.

**7. Don't indicate by word or action how you intend to vote** during the portion of the hearing devoted to presentations by the applicant, presentations by any persons appearing in objection, and comments by members of the staff. During this period your body is the judge and the jury and it is no more appropriate for you to express an opinion as to the proper decision, prior to hearing all of the testimony, than it would be for a judge or any member to announce his firm conviction in the middle of a court trial regarding the guilt or innocence of the defendant. This is not clearly understood by a majority of persons sitting on hearing bodies. It is not too difficult to phrase one's questions or comments in a manner that implies that you are seeking information rather than stating an irrefutable fact and that your mind is closed to further argument.

**8. Don't fail to disqualify yourself** if either directly or indirectly you have any financial interest in the outcome of the hearing, and let your conscience be your guide where it could be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision. In disqualifying yourself, do not state your reasons inasmuch as the mere statement of your reasons can be construed as exerting influence on your fellow members. To avoid all accusations of undue influence, it is generally wise to leave the room and ask that the record show that you did so and that you did not indicate by word or action whether you were in favor of, or opposed to, the matter under discussion.

**9. Do rotate the seating** in some regular manner each successive meeting to prevent a "strong" member from gradually dominating a "weak" and indecisive member always seated next to him. This will also prevent the forming of little cliques or a not infrequent grouping of members to the left of the Chair who always oppose those to the right of the Chair, regardless of the merits of the case, to the great detriment of the applicant, the City and other interested parties.

**10. Do be attentive.** Those appearing before you have probably spent hours and hours rehearsing their arguments. The least you can do is listen and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes and studying unrelated papers.

**11. Don't interrupt a presentation until the question period,** except for very short and necessary clarifying remarks or queries. Most applicants have arranged their remarks in a logical sequence and the thing about which you are so concerned will probably be covered if you force yourself to be quiet for a few minutes.

**12. Don't permit a person to directly question or interrogate other persons in the audience.** All questions should be addressed to the Chair and to the hearing body. When this person has finished his discussion and stated the questions to which he would like to have answers, then the Chair will permit those who care to make an answer to come forward and do so, but only voluntarily. Do not permit anyone to demand answers to all and sundry questions, especially if it is obviously done for the purpose of harassment.

**13. Don't use first names in addressing anyone at all during the course of the hearing.** This includes audience, applicants, members of your particular body, even if the person concerned is your brother or your best friend. Nothing, repeat nothing creates a more unfavorable impression on the public than this practice. It is poor "hearing manners," destroys the formality of the occasion, and makes the uninformed certain that some sort of "buddy-buddy deal" is about to be consummated. If you just can't bring yourself to call someone Mr. or Mrs., use the third person form and call him "the applicant," or "the person who is objecting," or "the gentleman (or lady)," who is appearing here in connection with this case.

**14. Do show great respect for the Chair,** always addressing the Chairman as "Mr. Chairman," "The Chairman," or "Chairman Jones," and always wait to be recognized before continuing. This will set an example for applicants and others wishing to be heard and will contribute a great deal toward the orderliness of the proceedings.

**15. Don't try to make the applicant or any other person appearing before you look like a fool by the nature of your questions or remarks.** This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it. If you must "expose" someone, do it as gently and kindly as possible.

**16. Don't become involved in altercations.** Some persons seem to come to hearings with the express purpose of "telling them guys down there how the cow ate the cabbage." If you answer their irrelevant rantings, you are immediately involved in a fight. Don't answer or try to defend yourself. You are there to hear testimony and make decisions based thereon, not to head up a debating society. Remember, you are the judge and jury. In most cases, it is sufficient to say, "thank you for coming here and giving us the benefit of your thinking. I am sure that the members of this body will give your remarks serious consideration when they are making their individual determinations on the merits of this case. Is there anyone else who wishes to be heard?"

**17. Do invite interested parties to come forward** where they can see when an applicant is discussing or talking from a diagram, site plan, or exhibit which is not visible to the audience.



**18. Do not permit people to leave the podium or the microphone and approach closer to the hearing body except in unusual circumstances,** usually to show a small exhibit or to explain some detail. This ordinarily breaks down into a small mumbling session at one end of the dais with one or two members of the hearing body, the others are uncertain about what is going on. The conversation usually does not get recorded, cannot be heard by the audience, and is almost impossible to control from the Chair.

**19. Don't become involved in neighborhood quarrels** or wind up as the referee even if you are a veritable Solomon. No matter how fair or impartial you should be, both sides will be mad at you. Stick to the merits of the case and rule out-of-order testimony which is irrelevant, personal hearsay, and not pertinent to the matter being heard.

**20. Do not fail to give a reason when making a motion for approval or denial of an applicant's request.** If you fail to do this, the applicant, any objectors, a reviewing body of higher authority, or the courts may well assume that your decision was an arbitrary one not supported by the facts and should be reversed. Always mention the staff recommendation.

**21. Do not take staff recommendations lightly.** These recommendations are made after much study by professional people with years of experience in their field and are based on pertinent laws, ordinances, regulations, policies, and practices developed by you and your predecessors. The recommendations of a good staff in possession of all the facts will almost always produce a technically correct recommendation. Your job is to temper this recommendation with information developed during the hearings, which was not available to the staff. It is not unusually for the staff to voluntarily reverse or change the details of its recommendation during the course of a hearing. Always announce the staff recommendations prior to hearing any testimony and always make appropriate mention of it in the final decision.

**22. Don't forget that the staff is there to help you in any way possible.** It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect, which is their due. Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearings. Always ask them to comment prior to the final vote.

**23. Don't try to answer technical questions even if you are sure that you know the answer.** You probably don't and will wind up looking like a fool. Refer these matters to staff. That is one of the things they are there for. They have intimate day-by-day working experience with all the pertinent ordinances and can nearly always give a timely, up-to-the-minute, professional dissertation on any subject in their field.

**24. Don't try to ease your conscience and toss the applicant a bone by granting him something less than he asked for,** something he doesn't want, and something he can't use. In all cases where it is appropriate, give him what he asked for or deny it. To do

otherwise will only encourage applicants to ask for the "moon and the stars" in the hope that they will, at the worst, get the minimum requirements. A reputation for approving or denying applications as filed will result in much more realistic requests and make your job much easier.

**25. Do vote by roll call, except for routine administrative matters.** This is wonderful character training for each member of the body and emphasizes the "moment of truth" when he must look the applicant in the eye, make his own individual decision, and say "aye" or "nay" in a loud clear voice, all alone, with no one to hide behind. The alternate voting method is difficult for the Secretary to record, doesn't mean anything on a tape recording, is many times quite confusing and gives cowards an opportunity to change their minds and vote twice when they are caught in the minority.

**26. Don't show any displeasure or elation, by word or action, over the outcome of a vote.** This is very bad hearing manners and won't lead to the maintenance of a friendly cooperative spirit among members of the Body. It will lead to the creation of little cliques whose members vote in a block and become more interested in clobbering each other than in making fair and equitable decisions.

**27. Do discourage any post-mortem remarks by applicants, objectors, or members after the final vote and decision are announced,** especially those afterthoughts designed to reopen the case. It will invariably result an unpleasant wrangle. Just say, "I'm sorry, but the final decision has been made. If you wish to submit additional testimony, it will be necessary for you to state your reasons by letter and the Body will decide at a subsequent meeting whether or not they wish to reopen the case. The next case on the agenda will be \_\_\_\_\_."

**28. Do sit down and have a long soul-searching session with yourself** if you find you are consistently "out in left field," that no one seems inclined to second your profound motions, and that you are quite often a minority of one. You might be theoretically right, and probably are, but give some thought to what is practical, and just. Don't be "stiff-necked" in your opinions. Give a little.

*Originally drafted by Fred Riggins, Former Chairman of the Phoenix, Arizona Planning Commission Adapted from the "Planning Commissioners Journal" Number 13/Winter, 1994*

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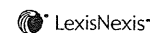
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# NEW HAMPSHIRE PLANNING AND LAND USE REGULATION

## 2018-2019 EDITION Erratum



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*In the 2018-2019 edition of **New Hampshire Planning and Land Use Regulation**, section 91-A:2 was set out incorrectly. This release corrects that section. Separate the correction below at the perforation, moisten the back, and place the correction over the text of the first column on page 99 of your 2018-2019 edition.*

II-b. (a) If a public body maintains an Internet website or contracts with a third party to maintain an Internet website on its behalf, it shall either post its approved minutes in a consistent and reasonably accessible location on the website or post and maintain a notice on the website stating where the minutes may be reviewed and copies requested.

(b) If a public body chooses to post meeting notices on the body's Internet website, it shall do so in a consistent and reasonably accessible location on the website. If it does not post notices on the website, it shall post and maintain a notice on the website stating where meeting notices are posted.

III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.

(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.

(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

(d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

(e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.

### HISTORY:

1967, 251:1. 1969, 482:1. 1971, 327:2. 1975, 383:1. 1977, 540:3. 1983, 279:1. 1986, 83:3. 1991, 217:2, eff. Jan. 1, 1992. 2003, 287:7, eff. July 18, 2003. 2007, 59:2, eff. July 31, 2007. 2008, 278:2, eff. at 12:01 a.m., July 1, 2008. 303:4, eff. July 1, 2008. 2016, 29:1, eff. January 1, 2017. 2017, 165:1, eff. January 1, 2018. 2018, 244:1, eff.