



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

MEETING AGENDA – July 25, 2019

The Hudson Zoning Board of Adjustment will hold a meeting on July 25, 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 208-001 (7-25-19): Richard and Robin Sevigny, 161 Bush Hill Road, Hudson, NH requests an Appeal From An Administrative Decision of a Notice of Violation dated May 24, 2019 citing violations of two provisions in the Hudson Zoning Ordinance: §334-15B (2) Parking prohibited and §334-13 Junkyards prohibited; outdoor storage. [Map 208, Lot 001-000; Zoned General-One (G-1); HZO Article III, §334-15B(2) & §334-13].
2. Case 175-107 (7-25-19): Brian Girard, 8 Ferry Ave, Hudson, NH requests a Variance to allow the expansion of an existing non-conforming use, for the construction of a 36' x 24' detached residential garage. [Map 175, Lot 107-000; Zoned Business (B); HZO Article V, §334-20 Allowed uses provided in Tables & §334-21 Table of Permitted Principal Uses].
3. Case 191-135 (7-25-19): Bernard Campbell of Beaumont & Campbell, Prof. Ass'n. of 1 Stiles Road, Suite 107, Salem, NH representing Salem Manufactured Homes LLC, 3 Bay Street, Hudson, NH requests a Variance to expand the existing non-conforming use (residential structure) from 924 sq. ft. to 1,152 sq. ft. [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].

IV. PUBLIC HEARING:

1st Reading of proposed bylaws amendments.

V. REVIEW OF MINUTES:

1. 06/27/19 Minutes

VI. REQUEST FOR REHEARING: None

VII. OTHER:

1. Possible Zoning Ordinance Amendments as result from 7/11/19 ZBA workshop mtg.

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report Meeting Date: July 25, 2019 BB

Case 208-001 (7-25-19): Richard & Robin Sevigny, 161 Bush Hill Rd, Hudson, NH requests an Appeal of an Administrative Decision. [Map 208, Lot 001, Zoned G-1; HZO Article III General Regulations, §334-15 B (2), Parking, and §334-13 Junkyards prohibited, outdoor storage].

Address: 161 Bush Hill Rd

Zoning district: General One (G-1)

Summary:

Applicant requests the appeal of Notice of Violation dated 5/24/19 alleging violations of:

- 1) Ordinance 334-15B(2) Outside Parking or Storage of Vehicles or Trailers used in commerce at Residential Sites with a Gross Vehicles weight Greater than 13, 000 pounds, and
- 2) Ordinance 334-13 Outdoor storage of Junk.

Property description:

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

HISTORY:

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

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

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

ZBA: 2/28/2019 Variance request denied to allow the parking of box truck (over 13,000 GVW) to be used to clean up the junk and debris cited in 2018 Code Enforcement violation.

Code Enforcement:

2012: *"owner burning plywood/trash"*.

2018: *"owner @ 167 Bush Hill logged complaint(s): easement/ driveway access, litter, unregistered vehicles, and parking of the over-sized truck"*.

2019: Notice of Violation dated 5/24/19 alleging violations of: *§334-15B(2) Outside Parking or Storage of Vehicles or Trailers used in commerce at Residential Sites with a Gross Vehicles weight Greater than 13, 000 pounds, and §334-13 Outdoor storage of Junk.*

Attachments:

"A" Assessing record.

"B" 2019 ZBA Variance denial.

"C" 2018/2019 Code Enforcement (Notice of Violations).

"D" Code Enforcement Officer's 7-15-19 statement of facts in response to applicants' appeal, which includes MuniSmart (Code Enforcement case history).

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	104 - TWO FAM	204,600	13,700	153,600	7.98	0.00	371,900
2018	104 - TWO FAM	204,600	13,700	153,600	7.98	0.00	371,900
2018	104 - TWO FAM	204,600	13,700	153,600	7.98	0.00	371,900
2017	104 - TWO FAM	204,600	13,700	153,600	7.98	0.00	371,900
2017	104 - TWO FAM	217,800	18,700	144,200	7.98	0.00	380,700
2017	104 - TWO FAM	204,600	13,700	153,600	7.98	0.00	371,900
2016	104 - TWO FAM	217,800	18,700	144,200	7.98	0.00	380,700
2016	104 - TWO FAM	217,800	18,700	144,200	7.98	0.00	380,700
2015	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2015	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2014	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2014	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2013	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2013	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2012	104 - TWO FAM	215,200	18,700	144,200	7.98	0.00	378,100
2012	104 - TWO FAM	237,300	16,000	177,400	7.98	0.00	430,700
2011	104 - TWO FAM	237,300	16,000	177,400	7.98	0.00	430,700
2011	104 - TWO FAM	237,300	16,000	177,400	7.98	0.00	430,700
2010	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2010	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2009	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2008	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2008	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2007	104 - TWO FAM	237,800	16,400	177,400	7.98	0.00	431,600
2007	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2006	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2006	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2005	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2005	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2004	104 - TWO FAM	226,400	12,800	139,000	7.98	0.00	378,200
2004	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2003	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2003	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2002	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2002	104 - TWO FAM	181,400	8,500	111,100	7.98	0.00	301,000
2001	104 - TWO FAM	137,100	0	95,400		0.00	232,500
2000	104 - TWO FAM	127,000	10,100	95,400	7.98	0.00	232,500
1999	104 - TWO FAM	125,700	9,000	95,400	7.98	0.00	230,100



#A43

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

FEES:	14.50
SURCHARGE:	2
CASH:	—

Town of Hudson

Zoning Board of Adjustment

Decision to Deny a Variance

On **02/28/19**, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard **Case 208-001**, pertaining to a request by **Richard & Robin Sevigny, 161 Bush Hill Rd, Hudson, NH** for a Variance **to be able to park a vehicle greater than 13,000 lbs. (GVW) on their property located at 161 Bush Hill Rd, Hudson, NH.** [Map 208, Lot 001, Zoned G-1; HZO Article III §334-15 B (2), General Regulations, Parking].

Following review of the testimony and deliberation, the Zoning Board members unanimously voted against (4-0) to deny the requested variance for the following reasons:

1. Granting of the requested variance will be contrary to the public interest.
 - a. It was cited that granting this variance is contrary to the public rights and injures the abutters. Testimony of residents/public spoke against the variance. It is contrary to what the Towns people put in their ordinance.
2. The spirit of the ordinance is not observed.
 - a. It was cited that the parking of a heavy commercial truck threatens public health as the parking near the entrance is very narrow and blocks two (2) lanes of traffic. It is a safety hazard due to trucks blocking sight distance to get out of the property.
 - b. Parking of this commercial heavy truck alters the essential character of the neighborhood. This is a residential setting regardless of what the zone is. It should not be used as a commercial endeavor but as residential. All abutting properties are being used as residential.


"B"
1062

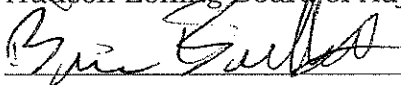
3. Substantial justice is not done.
 - a. The Board cited the rights of others is being denied which is an injustice and totally outweighs the benefit to the applicant.
4. The proposed use will diminish the values of surrounding properties.
5. Special conditions do not exist such that literal enforcement of the ordinance would result in unnecessary hardship.
 - a. There are no special conditions on this property that distinguish it from anything else in the area so the hardship criteria has not been met and no evidence of a hardship condition was presented.
 - b. The Board is concerned that the applicant is requesting the variance for the sake of his brother who is the owner of this heavy commercial truck and is unable to park it in Hudson due his brother's property being in a Town Residential — TR zone. This is a temporary issue especially where the vehicle belongs to someone other than the landowner and is seeking parking ability and use of this commercial vehicle for convenience to clean up his property.
 - c. The Board also cited that after the applicant's property is cleaned up with the use of this vehicle, the applicant could conceivably move vehicles in and out of his property at will if this variance is granted because the variance stays with the property.

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 Variance permit shall be considered conditions of the Variance, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations 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 the Board, and corrective action(s) will be enforced under N.H. R.S.A. 676:17, as well as recovery of costs and reasonable attorney's fees.

Signed:  Date: 11 Mar 2019
 James Pacocha, Vice-Chairman
 Hudson Zoning Board of Adjustment

Signed:  Date: 3-7-19
 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

Notice of Violation

Case # 2018-00054

May 24, 2019

7016 2710 0000 0595 2292

Certified: 7016 2710 0000 0595 2292
& USPS

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

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

Dear Mr. & Mrs. Sevigny,

Violation:

Hudson Zoning Ordinance 334-15B (2): Parking prohibited. Parking or storing of vehicles in excess of the amounts specified in this section is prohibited. (2) "Outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds."

The parking/storage of the T/T trailer needs to be removed.

Hudson Zoning Ordinance 334-13: Junkyards prohibited; outdoor storage. (2) "outdoor storage of any quantity of waste, refuse, junk".

The outdoor refuse and junk needs to be removed.

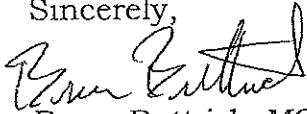
NOTE: this notice may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this notice. §334-81.

"C"
entered on
minutes
5/29/19

You must **abate** the above violations immediately, and abate/remove said violations **no later than June 15, 2019** and please contact this office for a follow-up compliance inspection.

If these violations are not abated, the Town will likely pursue legal action for compliance. **Note: this is your last and final notice.**

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Complainant — *VIA EMAIL*
File

NOTE: this notice may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this notice. §334-81.



TOWN OF HUDSON

Land Use Division



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

Notice of Violations Case # 2018-00054

April 17, 2019

Certified: 7016 3010 0000 6167 0400
& USPS

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

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

Dear Mr. & Mrs. Sevigny,

Violations:

- 1) Hudson Zoning Ordinance 334-13B with "outdoor storage of any quantity of waste, refuse, junk".
- 2) Parked vehicle in the setback is a violation of the Zoning Ordinance 334-15(3) with "Parking spaces (except for driveways) in residential zones shall not be located within front, side or rear setback areas."

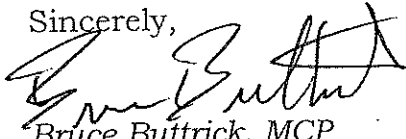
You must **Cease and Desist** the above described actions immediately, and remove said vehicle and junk **no later than May 20, 2019** and please contact this office for a follow-up compliance inspection.

If these violations are not abated, the Town will likely pursue legal action for compliance.

NOTE: this notice may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this notice. §334-81.

4/19/19 -
entered Muni.
TL
3

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Complaints
File

NOTE: this notice may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this notice. §334-81.



TOWN OF HUDSON

Land Use Division



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

Notice of Violation Case # 2018-00054

November 6, 2018

Certified 7016 2710 0000 0595 2193

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

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

Dear Mr. & Mrs. Sevigny,

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

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

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

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

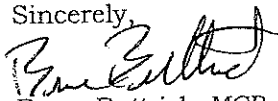
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

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

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

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

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Brian Groth – Town Planner
File

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



TOWN OF HUDSON

Land Use Division



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

Notice of Violation Case # 2018-00054

November 6, 2018

USPS

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

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

Dear Mr. & Mrs. Sevigny,

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

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

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

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

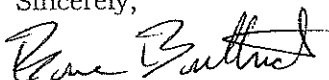
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

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

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

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

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Brian Groth – Town Planner
File

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



TOWN OF HUDSON

Land Use Division



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

Notice of Violation

August 28, 2018

Richard Sevigny
161 Bush Hill Rd
Hudson, NH 03051

Certified 7016 2710 0000 0595 2117
and USPS

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

Dear Mr. Sevigny,

We have received a complaint regarding the following:

Violation:

The parking of a vehicle within the front setback (50ft) **Town Code §334-15A(3) – Parking:** *“Parking spaces (except for driveways) in residential zones shall not be located within front, side or rear setback areas.”* The current parking of the box truck is causing a safety hazard for the access driveway from 167 Bush Hill Rd.

Order:

Cease the parking of vehicle(s) within the front setback area, **no later than September 7, 2018.**

Sincerely,

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

cc: Public Folder
Hudson PD, DPW & Engr
File

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

Attachment "D"

7-15-19 Code Enforcement Officer's Statement of Facts

Table of Contents

CEO1 attachment- Brochure description of a trailer: 48 ft. long @ 68,000 GVW

CEO2 attachment - MuniSmart (Code Enforcement) history attachment (7 pgs.):

- A. Initial complaint (violation) was the parking of the box truck over 13,000 GVW.
- B. Owner applied to ZBA to allow the oversized truck for trash/debris removal.
- C. Owners appeal to ZBA for Variance got denied, Code Enforcement reactivated.
- C1. 3/22/19 email from CEO Buttrick indicating the trailer box ok for storage.
- D. Notice of Violation sent 4/17/19.
- E. Notice of Violation (last and final notice) sent 5/24/19.
- F. Owner was emailed/informed 5/28/19 of the junk/debris "piles" (as part of the violation).

CEO3 attachment- The State of New Hampshire Supreme Court Case No. 2005-0805
(changed CEO Buttrick's opinion of trailer storage)

CEO4 attachment- Select emails between Code Enforcement Officer, B. Buttrick &
Owner, Rich Sevigny

7-15-19

Code Enforcement Officer's statement of facts:

334-15 B (2): Outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds.

The tractor trailer "trailer" is over 13,000 GVW and is used (designed) for commerce.

See attachment "CEO1" brochure description of a trailer: 48 ft long @ 68,000 GVW.

A 40 ft trailer would be 56,640 GVW (at 1,416 LB/ft.)

161 Bush Hill Rd is used as a residential site.

Conclusion: Therefore in violation of 334-15 B (2).

334-13 B: The outdoor storage of any of the following are not permitted in any district:

(2) Any quantity of waste, refuse, junk or ashes.

From Z.O. 334-6 definitions – Junk: Any material, such as, but not limited to, discarded metal, glass, paper, building debris, demolition debris, salvage materials, rubber, textiles, rubbish or trash or junked, dismantled or wrecked motor vehicles or motor vehicle parts.

Please refer to the MuniSmart (Code Enforcement) history attachment "CEO2" (7 pgs):

Initial complaint (violation) was the parking of the box truck over 13,000 GVW. (A)

Owner applied to ZBA to allow the oversized truck for trash/debris removal. (B)

Owners appeal to ZBA for Variance got denied, Code Enforcement reactivated (C)

3/22/19 email from CEO Buttrick indicating the trailer box ok for storage (C1)

Refer to CEO3 attachment: as that changed CEO Buttrick's opinion of trailer storage

Notice of Violation sent 4/17/19 (D)

Notice of Violation (last and final notice) sent 5/24/19 (E)

Owner was emailed/informed 5/28/19 of the junk/debris "piles" (as part of the violation) (F)

And "CEO4" attachment.

Conclusion: Owner is/was aware of what junk/debris needs to be removed.

"D"

LOT # TT318 - 2004 GREAT DANE



Contact Information

ADESA Mercer

📍 Mercer, Pennsylvania 16137

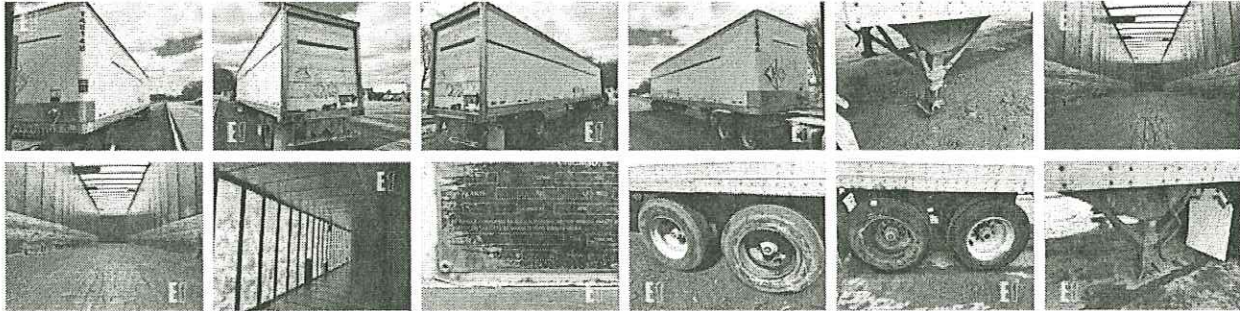
📞 Phone: +1 724-662-4500 Call

Contact: Mark Carr

Event Location:

📍 Mercer, Pennsylvania

📞 Call



Description

2004 GREAT DANE BOX, BOX 48' AS IS, Exempt, , Vin: 1GRAA96284D406529

Specifications

Quantity	1	Stock Number	336656
Year	2004	Manufacturer	GREAT DANE
Condition	Used	Number of Rear Axles	Tandem
Composition	Aluminum	Doors	Roll up
Axle Type	Sliding	Floor Type	Wood Floor
Gross Vehicle Weight	68000	Height	109 ft
Length	48 ft	Roof Type	Translucent
Suspension	Spring	Tires	11R22.5
Wheels	All Steel	Width	102 in
VIN	1GRAA96284D406529	Lift End Gate	No

"CEO1"

Code Enforcement
Violations For Property Owner
Town of Hudson, NH

Dates: 4/02/2018 Through 7/08/2019
Property being searched: 208-001-000

Street	Map Lot	Type	Name	Reported	Issued	Resolved	Status
Violation: <u>V2018-00054</u>							
161	BUSH HILL RD		SEVIGNY, RICHARD	8/06/2018	8/06/2018		
	208-001-000	Zoning8	SEVIGNY, ROBIN J.				Active

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

"CE02"
1 of 7

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

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

Activities:

Date Entered	Entered By	Type	Due Date	Status
8/06/2018	AutoEntry	Initial entry Violation - Auto Activity Initial Entry of Violation	/ /	C
8/28/2018	bbuttrick	Made site inspection to verify 8-28-18 CEO Buttrick went out to site to check and take pictures. There is a setback violation/issue.	8/28/2018	C
8/28/2018	bbuttrick	Certified Letter sent out 8-28-18 CEO Buttrick sent out NOV certified and USPS: parking of vehicle within the front setback. Deadline to move/remove Sept 7, 2018.	9/07/2018	O
11/19/2018	tgoodwyn	Letter Returned 9/14/18- Notice of Violation dated 8/28/18 and mailed via certified mail was returned unclaimed.	11/19/2018	C
11/19/2018	tgoodwyn	Certified Letter sent out 11/6/18- Notice of Violation mailed certified mail to cease and desist. Also informed need to apply for Zoning variance w/ application submittal by 12/13/18 and Planning Board application by 1/23/19.	11/26/2018	O
11/19/2018	tgoodwyn	Letter mailed 11/6/18- Notice of Violation mailed certified mail to cease and desist. Also informed need to apply for Zoning variance w/ application submittal by 12/13/18 and Planning Board application by 1/23/19.	11/26/2018	O
11/19/2018	tgoodwyn	Owner or Complainant called in 11/19/18- Rcvd call from owner- Rich Sevigny requesting to meet with CEO-B. Buttrick and Town Planner-B. Groth. Meeting Date TBD.	11/19/2018	C
11/29/2018	bbuttrick	Site visit 11-28-18 Site visit by CEO Buttrick and Town Planner Groth with Owner and wife to discuss their options for compliance.	11/29/2018	C
11/29/2018	bbuttrick	Email out to Owner or Complainant 11-19-18 CEO Buttrick replied to Owner's email requesting the Variance route and application. Will stay Enforcement action till Feb 12, 2019.	2/12/2019	O
1/22/2019	bbuttrick	Meeting with Complainant, Owner, Violato 1-22-19 Owner scheduled mtg w/ CEO Buttrick and Town Planner Groth at Town Hall.	1/23/2019	O
2/05/2019	tgoodwyn	Owner or Complainant came in 2/4/19- Applicant Robin Sevigny stopped by office to review ZBA Variance application completeness to be heard before the ZBA Board. Gave to Zoning Administrator-B Buttrick for Review. Complete application to be submitted on/before ZBA deadline of 2/15/19.	2/12/2019	O
3/05/2019	tgoodwyn	Meeting with Complainant, Owner, Violato 2/28/19- Owners Richard & Robin Sevigny case heard before ZBA Board. Case was denied Variance. (4-0) voted against allowing heavy commercial truck being parked on property. Status changed from pending to Active.	3/12/2019	O
3/22/2019	tgoodwyn	Misc. actions/information received 3/7/19- CEO B. Buttrick emailed-note that the parking/storage of the 26,000 GVW truck is in violation, but the box trailer is being used as a storage bin and the unregistered truck is allowed (one per parcel). ****Notice of Violation-DRAFT is pending****	3/29/2019	O

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

Number:	V2018-00054	Type:	Zoning8	Status:	Active
3/22/2019	tgoodwyn	Additional complaint rec'd		3/29/2019	O
3/18/19- Received email from Complainant-Beau Bergeron of 155 Bush Hill Rd with 2 CE complaints: 1) Violation of storage of black Dodge Ram along his southern most property line within the 15 ft setback thereby harrasing property owner and his family. 2) Two (2) unregistered broken down vehicles on property at 161 Bush Hill: a white Chevy box truck and a red Pontiac Grand Am of which neither have been registered since the house was purchased. The complainant states the property is an embarassment and should be cleaned up ASAP.					
3/22/2019	tgoodwyn	Additional complaint rec'd		3/29/2019	O
3/22/19- Received email from ZBA Board member, Maryellen Davis that was forwarded to CEO B. Buttrick. The email was from neighbor, Bob Boutin residing at 167 Bush Hill Rd. Summary as follows: 1) Thanked ZBA Board Member 2) Complainant followed up w/ Nashua Dump to inquire and verify if the commercial truck requested for variance ever dumped at their dumpsite. Nashua Dump insisted this truck never dumped at their dumpsite stating proof of residency and garbage would have to come from Nashua address. 3) Complainant requests for recommendations on how to proceed w/cleanup and stating bought their house 16 yrs ago and wants to sell but because of intentional litter harrassment and damage to land, selling would be impossible. Also states it is destroying his home and lowering abutting homeowner property values. ZBA Board member, Maryellen Davis responded with suggestions to complainant (one of which was to forward email to Code Enforcement/Zoning Administrator B. Buttrick-content summary listed above)					
4/08/2019	tgoodwyn	Email-in from Owner or Complainant		4/12/2019	O
4/1/19-email received from Beau Bergeron-checking on status of the Sevigny complaints. States:" ...as of tpday April1st the Sevigny property has as many as 2 or more unregistered vehicles, the Black Dodge Ram and the Lincoln town car, both of which arew now parked sideways along the 15ft side setback in another attempt to harass me..."					
4/08/2019	tgoodwyn	Email out to Owner or Complainant		4/12/2019	O
4/1/19- CEO B. Buttrick sent reply to complainant-Beau Bergeron informing he has a Dept. and Developer meetings and will try to get out to property in afternoon.					
4/09/2019	tgoodwyn	Site visit		4/19/2019	O
4/9/19-B. Buttrick did site visit and took pictures of all vehicles and they are registered but parked in setback.					
4/10/2019	AutoEntry	Image Attached - Auto Activity		/ /	C
Auto Activity Image added - Named BERGERON PHOTOS Description PIC 1 Date Taken 4/09/2019					
4/10/2019	AutoEntry	Image Attached - Auto Activity		/ /	C
Auto Activity Image added - Named BERGERON PHOTOS Description PIC 2 Date Taken 4/09/2019					
4/10/2019	AutoEntry	Image Attached - Auto Activity		/ /	C
Auto Activity Image added - Named BERGERON PHOTOS Description PIC 3 Date Taken 4/09/2019					

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

Number:	V2018-00054	Type:	Zoning8	Status:	Active
4/10/2019	AutoEntry	Image Attached - Auto Activity		//	C
	Auto Activity Image added - Named BERGERON PHOTOS				
	Description PIC 4				
	Date Taken 4/09/2019				
4/10/2019	AutoEntry	Image Attached - Auto Activity		//	C
	Auto Activity Image added - Named BERGERON PHOTOS				
	Description PIC 5				
	Date Taken 4/09/2019				
4/10/2019	AutoEntry	Image Attached - Auto Activity		//	C
	Auto Activity Image added - Named BERGERON PHOTOS				
	Description PIC 6				
	Date Taken 4/09/2019				
4/10/2019	AutoEntry	Image Attached - Auto Activity		//	C
	Auto Activity Image added - Named BERGERON PHOTOS				
	Description PIC 7				
	Date Taken 4/09/2019				
4/10/2019	AutoEntry	Image Attached - Auto Activity		//	C
	Auto Activity Image added - Named BOUTIN PHOTOS				
	Description PIC 1				
	Date Taken 4/09/2019				
4/10/2019	AutoEntry	Image Attached - Auto Activity		//	C
	Auto Activity Image added - Named BOUTIN PHOTOS				
	Description PIC 2				
	Date Taken 4/09/2019				
4/10/2019	AutoEntry	Image Attached - Auto Activity		//	C
	Auto Activity Image added - Named BOUTIN PHOTOS				
	Description PIC 3				
	Date Taken 4/09/2019				
4/10/2019	AutoEntry	Image Attached - Auto Activity		//	C
	Auto Activity Image added - Named BOUTIN PHOTOS				
	Description PIC 4				
	Date Taken 4/09/2019				
4/10/2019	AutoEntry	Image Attached - Auto Activity		//	C
	Auto Activity Image added - Named BOUTIN PHOTOS				
	Description PIC 5				
	Date Taken 4/09/2019				
4/10/2019	tgoodwyn	Owner or Complainant came in		4/12/2019	O
	4/10/19-11:30 AM-				
	Owner- Richard Sevigny came to counter. CEO, B. Buttrick explained the result of site visit on				
	4/9/19- noted the zoning violation- parked truck in the setback. Owner said will remove in approx.				
	2 days.				
4/10/2019	tgoodwyn	Email-in from Owner or Complainant		4/12/2019	O
	4/9/19- Received email from Complainant Bob Boutin of 167 Bush Hill Rd requesting help in				
	enforcing town rule 334-13 (Junkyards Prohibited).				

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

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

4/19/2019	tgoodwyn	Email out to Owner or Complainant	4/17/2019	C
4/11/19- B.Buttrick sent email to Complainants, B. Boutin, Beau Bergeron, Alcon & others giving summary at property: 1) Mr. Boutin's complaint does rise to the level of violation of the Zoning Ordinance 334-13B with "outdoor storage of any quantity of waste, refuse, junk." 2) Mr. Bergeron's complaint of the parked vehicle in the setback isa violation of the Zoning Ordinance 334-15(3) with "Parking spaces (except for driveways) in residential zones shall not be located within front, side, or rear setback areas." Informed- Notice of Violation will be forthcoming.				
4/19/2019	tgoodwyn	Email-in from Owner or Complainant	4/19/2019	C
4/11/19-Received email reply from Complainant, Beau Bergeron states: "Thank you and following up and keep me posted..."				
4/19/2019	tgoodwyn	Certified Letter sent out	5/20/2019	O
4/17/19- Notice of Violations sent : Certified:7016 3010 0000 6167 0400 and USPS 1st Class Requested owner to cease and desist and remove said vehicle and junk no later than May 20, 2019. Requested to contact this office for a follow-up compliance inspection. Informed if violations not abated, the Town will likely pursue legal action for compliance.				
4/19/2019	tgoodwyn	Owner or Complainant came in	4/25/2019	O
4/18/19- Robin Sevigny, owner came and submitted letter requesting Right-to-know for all and any correspondence an and about 161 Bush Hill Rd and 167 Bush Hill Rd... Gave owner copy of 4/9/19 email from complainant BobBoutin per owner request. Informed NOV mailed 4/17/19				
4/22/2019	tgoodwyn	Email-in from Owner or Complainant	5/20/2019	O
4/16/19-Email received from Melissa and Bob Boutin (email address melissa_ann3@aol.com) to B. Buttrick to followup on when violations will be served to 161 Bush Hill and to requested to please cc allcon.				
4/22/2019	tgoodwyn	Email out to Owner or Complainant	4/22/2019	C
Sent email response to owners regarding Right to Know Request. Info is available on the Town Website, Doc Server, and Code Enforcement Folder forthe owners to come in to inspect and copy documents they need. Informed of fee for copies.				
5/20/2019	tgoodwyn	Letter Returned	5/20/2019	C
5/17/19-NOV dated 4/17/19 Certified mail 7016 3010 000 6167 0400 returned unopened. Reason:Unclaimed Unable to Forward				
5/29/2019	tgoodwyn	Notice Sent - Auto Activity	5/29/2019	C
5/24/19 Mailed regular USPS- NOV dated 5/24/19: Must abate and remove by June 15, 2019. This is the last and final notice..				
5/29/2019	tgoodwyn	Notice Sent - Auto Activity	6/17/2019	O
5/29/19 Mailed certified 7016 2710 0000 0595 2292- NOV dated 5/24/19 : Must abate and remove by June 15, 2019. This is the last and final notice..				
5/29/2019	tgoodwyn	Additional complaint rec'd	5/29/2019	C
5/22/19 6:03 PM- received email from Bob Boutin. signed Bob and Melissa Boutin				

D

E

5097

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

Number:	V2018-00054	Type:	Zoning8	Status:	Active
5/29/2019	tgoodwyn	Email out to Owner or Complainant		5/29/2019	C
5/24/19- reply email from B. Buttrick to Bob Boutin. Informed ...prepared final and last notice of violation... to owner					
5/29/2019	tgoodwyn	Email-in from Owner or Complainant		5/29/2019	C
5/23/19 5:39 PM - received email from Bob Boutin re:Mediation session w/owners					
5/29/2019	tgoodwyn	Email out to Owner or Complainant		5/29/2019	C
5/24/19 2: 54 PM B. Buttrick responded to 5/23/19 email from Bob Boutin. Informed: "... civil matter... have addressed the outstanding HZO violations."					
6/03/2019	tgoodwyn	Email-in from Owner or Complainant		6/03/2019	C
5/28/19 7:18 AM email from Beau Bergeron with photo attached Subject: 15 foot setback					
6/03/2019	tgoodwyn	Email out to Owner or Complainant		6/07/2019	O
5/28/19 8:27 AM email reply from B. Buttrick to Beau Bergeron RE:15 foot setback: "I'll look into it...it would need to be 15 ft from side & rear property lines, and 50 ft from Bush Hill Rd property line."... you should file a complaint.					
6/03/2019	tgoodwyn	Email out to Owner or Complainant		6/03/2019	C
5/28/19- B. Buttrick sent email to owner-Rich Sevigny "... seems like Boutin (and the Town) has issues with the T/T trailer and some of the loose junk piles , after those are gone the violation. Informed owner rcvd email from Bergeron RE: 15 ft setback					
6/03/2019	tgoodwyn	Email-in from Owner or Complainant		6/03/2019	C
7/28/19 12:08 PM Received email from owner-Richard Sevigny "Contact my lawyer. I am in violation of nothing" Kent Barker: tel (603) 882-3131 "Please stop harassing me and my family."					
6/03/2019	tgoodwyn	Email out to Owner or Complainant		6/03/2019	C
Latent entry- 5/23/19 2:28 PM email from B. Buttrick to owner R. Sevigny: "... Request for inspection has not occurred"					
6/03/2019	tgoodwyn	Email-in from Owner or Complainant		6/03/2019	C
Latent entry- 5/25/19 8:24 PM email reply from owner R. Sevigny to B. Buttrick: "... didn't realize of just plain forgot to call... assumed you would just come out..."					
6/03/2019	tgoodwyn	Owner or Complainant came in		6/03/2019	C
5/31/19-owner-R. Sevigny's lawyer :Kent M. Barker stopped by counter and requested RTK info from CE folder. Also requested when ZO sighted on Violation Notice dated 5/24/19 was amended. T.Goodwyn assisted with doc server review of ZO's and copied pages selected by K. Barket from the CE folder . Also gave B. Buttrick business card for further questions.					
6/05/2019	tgoodwyn	Additional complaint rec'd		6/07/2019	O
5/30/19 5:34 PM Received email with formal complaint- CE/Investigatve form attached from Beau Bergeron of 155 Bush Hill Rd. "Richard and Robyn Sevigny of 161 Bush Hill placed a large temporary "hut" or "tent" within the 15 ft side setback yesterday May 27th. I informed them it had to be moved and Rich told me to go "F" myself. I ask that the town please enforce the 15 foot setback code.					
6/06/2019	tgoodwyn	Email-in from Owner or Complainant		6/06/2019	C
6/4/19 10:41 AM Received email from Melissa Boutin to B. Buttrck					
6/06/2019	tgoodwyn	Email out to Owner or Complainant		6/06/2019	C
6/4/19 1:14 PM B. Buttrick sent email reply to Melissa Boutin					

F

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

Number:	V2018-00054	Type:	Zoning8	Status:	Active
6/06/2019	tgoodwyn	Email-in from Owner or Complainant		6/06/2019	C
6/4/19 1:41 PM Received email from M Boutin to B. Buttrick					
6/06/2019	tgoodwyn	Email out to Owner or Complainant		6/06/2019	C
6/5/19 9:31 AM B. Buttrick sent email reply to M. Boutin					
6/10/2019	tgoodwyn	Owner or Complainant came in		6/10/2019	C
6/7/19-Kent Barker- lawyer for owner Richard & Robin Sevigny stopped by to counter to meet with B. Buttrick.					
6/13/2019	tgoodwyn	Owner or Complainant came in		6/13/2019	C
6/12/19-approx 3:15 PM-Kent Barker-lawyer for owner stopped by counter to speak with CEO, B. Buttrick.					
6/17/2019	tgoodwyn	Letter Returned		6/17/2019	C
6/17/19 certified mail returned-7016 2710 0000 0595 2292- NOV Returned by USPS unopened due to unclaimed (Delivery Attempts 5/30, 6/4, 6/14)					

Reported By Information:

Name	Title	Phone
Email		

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2005-0805, Town of Hudson v. James F. Kelly, Sr., the court on December 7, 2006, issued the following order:

The petitioner, Town of Hudson (town), appeals an order of the trial court finding that the respondent, James F. Kelly, Sr., is in compliance with the town's zoning ordinances. We reverse and remand.

The interpretation of a zoning ordinance is a question of law which we review *de novo*. Harrington v. Town of Warner, 152 N.H. 74, 79 (2005). Traditional rules of statutory interpretation govern our review; the words and phrases of the ordinance are construed according to the common and approved usage of the language. *Id.*

In this case, the trial court found in its June 2005 order that the principal use of the respondent's property was residential. It later took a view of the property and found that a semi-trailer without wheels used for storage was located thereon. The trial court found the respondent's use of the semi-trailer was in compliance with the town zoning ordinances. We disagree.

The town's zoning ordinances provide that "[a]ny uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited." Hudson Zoning Ordinance § 334-20. The zoning ordinances permit certain structures as accessory uses. In its July 2004 order, the trial court found that "[s]torage trailers are not a permitted accessory use in the G-1 zoning district in which the Property is located," and that "although storage trailers are a permitted principal use in the G-1 zoning district after site plan review and approval by the Hudson Planning Board, the Respondent does not have an approved site plan for storage trailers."

We agree with the trial court's earlier rulings that simply removing the wheels from the trailer did not convert it into a structure. *Cf. Appeal of Town of Pelham*, 143 N.H. 536, 539-40 (1999) (trailers are not fixtures for purposes of taxation). Absent authorization by the planning board, the use of the semi-trailer without wheels is not a permissible use of the respondent's property.

Based upon the record before us, we conclude that the trial court correctly determined in July 2004 that town zoning ordinances did not permit storage trailers as an accessory use in the G-1 district. Given the trial court's additional finding that the respondent had failed to obtain an approved site plan, it was error to later conclude that he was in compliance with town zoning ordinances

"CEO3"

1 of 2

given the continued placement of the storage trailer on his property. Accordingly, we reverse and remand for further proceedings consistent with this order.

Reversed and remanded.

DALIANIS, DUGGAN and GALWAY, JJ., concurred.

**Eileen Fox,
Clerk**

Buttrick, Bruce

6/3/19
new entry
TB

From: RICHARD <rich.sevigny@comcast.net>
Sent: Tuesday, May 28, 2019 12:08 PM
To: Buttrick, Bruce
Subject: Re: 161 Bush Hill Rd - Notice of Violation

Contact my lawyer. I am in violation of nothing.

Kent Barker. Tel: (603) 882-3131

Please stop harassing me and my family.

Sent from XFINITY Connect App

----- Original Message -----

From: Buttrick, Bruce
To: Rich Sevigny
Sent: May 28, 2019 at 8:37 AM
Subject: RE: 161 Bush Hill Rd - Notice of Violation

Rich,
Seems like Boutin (and the Town) has issues with the T/T trailer and some of the loose junk piles, after those are gone the violation (attached) will be done.

Bergeron has sent an email this morning about the portable garage structure being too close to the property line (new fence), please verify that the structure is 15 ft from side and rear property lines and the front setback is 50 ft from Bush Hill Rd Property line.

Regards,

Bruce

Bruce Buttrick, MCP
Zoning and Code Enforcement



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

CR04
6/3/19
new entry
TB

From: Rich Sevigny [mailto:rich.sevigny@comcast.net]
Sent: Saturday, May 25, 2019 8:24 PM
To: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Subject: Re: 161 Bush Hill Rd - Notice of Violation

✓
entered
muni
6/3/19
TB

Sorry Bruce. I didn't realize or I just plain forgot to call you. I assumed you would just come out. Thank you. I am happy to be in compliance with the town. I did tell you I would get rid of that truck it just took some time. Please feel free to contact me on the next complaint. Thanks again.

R.Sevigny

entered
muni
6/3/19
TB

On May 23, 2019, at 2:28 PM, Buttrick, Bruce <bbuttrick@hudsonnh.gov> wrote:

Rich,
I'm following up on the Notice of Violation (attached).
The order was to clean up the junk, remove the unregistered vehicles (with one remaining).
And call me for compliance inspection by May 20.
That request for inspection has not occurred.

Plus I have received another email complaint from Boutin (attached). So I went out today to take pictures, and do want to comment and thank you for removal of most of the "items" (Junk).

FYI.....

Bruce

Bruce Buttrick, MCP
Zoning and Code Enforcement
<image001.png>
Land Use Division
12 School Street
Hudson, NH 03051
Ph: (603) 886-6008
F: (603) 594-1142

<NOV 4-17-19.pdf>

<mime-attachment>

HUDSON ZONING BOARD OF ADJUSTMENT
APPEAL OF ADMINISTRATIVE DECISION WORKSHEET

On **7/25/19**, the Hudson Zoning Board of Adjustment heard **Case 208-001**, pertaining to a request filed by **Richard and Robin Sevigny, 161 Bush Hill Road, Hudson, NH**, to appeal a Notice of Violation **issued by the Zoning Administrator, dated May 24, 2019 which cites violations of two provisions in the Hudson Zoning Ordinance: §334-15B (2) Parking prohibited and §334-13 Junkyards prohibited; outdoor storage. [Map 208, Lot 001-000; Zoned General-One (G-1); HZO Article III, §334-15B(2) & §334-13].**

Members sitting on the Zoning Board of Adjustment for this hearing are to vote to determine if they would make the same decision as the Zoning Administrator.

Y N

I would have made the same decision and/or interpretation based on the evidence presented.

Signed: _____ Date _____
Sitting Member of the Hudson ZBA



APPLICATION FOR APPEAL FROM AN ADMINISTRATIVE DECISION

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 208-001
Date Filed 6/20/19

Name of Applicant Richard Sevigny and Robin Sevigny Map: 208 Lot: 001-000 Zoning District: G-1

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

Mailing Address 161 Bush Hill Road, Hudson, NH 03051

Owner Richard and Robin Sevigny

Location of Property 161 Bush Hill Road
(Street Address)

Richard Sevigny
Signature of Applicant

6-18-19
Date

Richard Sevigny
Signature of Property-Owner(s)

6-18-19
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 appeal from an administrative decision.

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

COST:

Application fee: \$130.00
10 Direct Abutters x \$4.05 = 40.50
1 Indirect Abutters x \$0.55 = 0.55
Total amount due: \$130.00
\$ 171.05

Date received: 6/20/19

Amt. received: \$ 171.05

Receipt No.: 555,881

Received by: TSG

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>RS+RS</u> By KMB	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
<u>RS+RS</u> By KMB	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>RS+RS</u> By KMB	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, (Appeal from an Administrative Decision) and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>RS+RS</u> By KMB <u>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u> <u>N/A</u>
<u>RS+RS</u> By KMB	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>RS+RS</u> By KMB	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>RS+RS</u> By KMB	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>RS+RS</u> By KMB W3 N/A	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

Kent M. Barker


From: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Sent: Monday, June 17, 2019 4:38 PM
To: Kent M. Barker
Subject: RE: Seigny Admin Appeal

Unless you are contesting or proposing a permanent structure with a physical "location", a site plan would not be required.

Regards,

Bruce

Bruce Buttrick, MCP
Zoning and Code Enforcement



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

From: Kent M. Barker [mailto:KBarker@winerbennett.com]
Sent: Monday, June 17, 2019 4:35 PM
To: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Subject: Seigny Admin Appeal

Hi Bruce;

I'm still working on the administrative decision appeal for the Seignys. We discussed that a plot plan would NOT be required for this appeal. Kindly confirm that when you have a moment.

Thanks,

Kent Barker

Kent M. Barker



111 Concord Street, P.O. Box 488
Nashua, New Hampshire 03061-0488
Telephone: (603) 882-5157

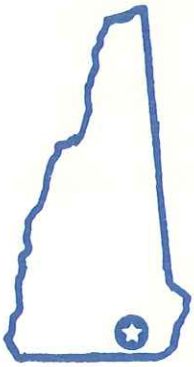
		OWNERS AND APPLICANTS	
208	001-000	Richard Sevigny Robin J. Sevigny	161 Bush Hill Road Hudson, NH 03051

DIRECT ABUTTERS

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
208	010-000	Raymond J. Michaud, Jr. Mary-Ellen Michaud	170 Bush Hill Road Hudson, NH 03051
214	013-000	Robert Paul Boutin	167 Bush Hill Road Hudson, NH 03051-4404
219	003-000	Town of Hudson	12 School Street Hudson, NH 03051
208	002-000	Beau J. Bergeron	155 Bush Hill Road Hudson, NH 03051
208	011-000	Public Service of New Hampshire dba: Eversource Energy	P.O. Box 270 Hartford, CT 06141-0270
208	007-000	Anthony Cote Natasha A. Cote	164 Bush Hill Road Hudson, NH 03051
208	006-000	Farrell T. Woods Nancy A. Leblanc	162 Bush Hill Road Hudson, NH 03051
208	003-000	David L. Clark Wendy W. Clark	151 Bush Hill Road Hudson, NH 03051
208	005-000	Robert White Kathleen White	160 Bush Hill Road Hudson, NH 03051

INDIRECT ABUTTERS

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
208	004-000	Virginia Steeves	152 Bush Hill Road Hudson, NH 03051



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **07/25/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

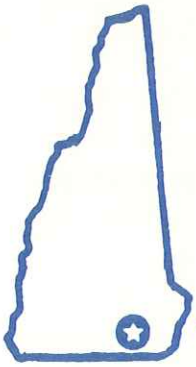
- 1. Case 208-001 (7-25-19): Richard and Robin Sevigny, 161 Bush Hill Road, Hudson, NH requests an Appeal From An Administrative Decision of a Notice of Violation dated May 24, 2019 citing violations of two provisions in the Hudson Zoning Ordinance: §334-15B (2) Parking prohibited and §334-13 Junkyards prohibited; outdoor storage. [Map 208, Lot 001-000; Zoned General-One (G-1); HZO Article III, §334-15B(2) & §334-13].**

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **07/25/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 208-001 (7-25-19): Richard and Robin Sevigny, 161 Bush Hill Road, Hudson, NH requests an Appeal From An Administrative Decision of a Notice of Violation dated May 24, 2019 citing violations of two provisions in the Hudson Zoning Ordinance: §334-15B (2) Parking prohibited and §334-13 Junkyards prohibited; outdoor storage. [Map 208, Lot 001-000; Zoned General-One (G-1); HZO Article III, §334-15B(2) & §334-13].**

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

Respectfully,

Bruce Buttrick
Zoning Administrator

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 208-001 Appeal From An Administrative Decision 161 Bush Hill Rd Map 208/Lot 001-000 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address		07/25/19 ZBA Meeting	
1	701b 2710 0000 0595 3411 SEVIGNY, RICHARD & ROBIN J. 161 BUSH HILL ROAD, HUDSON, NH 03051		APPLICANT/OWNER-NOTICE SENT	
2	701b 2710 0000 0595 3428 MICHAUD JR., RAYMOND J. & MARY-ELLEN 170 BUSH HILL ROAD, HUDSON, NH 03051		ABUTTER NOTICE SENT	
3	701b 2710 0000 0595 3435 BOUTIN, ROBERT PAUL 167 BUSH HILL ROAD, HUDSON, NH 03051		ABUTTER NOTICE SENT	
4	701b 2710 0000 0595 3442 BERGERON, BEAU J. 155 BUSH HILL ROAD, HUDSON, NH 03051		ABUTTER NOTICE SENT	
5	701b 2710 0000 0595 3459 PUBLIC SERVICE OF NH DBA:EVERSOURCE ENERGY PO BOX 270, HARTFORD, CT 06141-0270		ABUTTER NOTICE SENT	
6	701b 2710 0000 0595 3466 COTE, ANTHONY & NATASHA A. 164 BUSH HILL ROAD, HUDSON, NH 03051		ABUTTER NOTICE SENT	
7	701b 2710 0000 0595 3473 WOODS, FARRELL T.; LEBLANC, NANCY A. 162 BUSH HILL ROAD, HUDSON, NH 03051		ABUTTER NOTICE SENT	
8	701b 2710 0000 0595 3480 CLARK, DAVID L. & WENDY W. 151 BUSH HILL RD., HUDSON, NH 03051		ABUTTER NOTICE SENT	
9	701b 2710 0000 0595 3497 WHITE, ROBERT & KATHLEEN 160 BUSH HILL ROAD, HUDSON, NH 03051		ABUTTER NOTICE SENT	
10	701b 2710 0000 0595 3503 KENT M. BARKER, ESQUIRE; WINER AND BENNETT, LLP P.O. BOX 488, NASHUA, NH 03061-0488		APPLICANT/OWNER-NOTICE SENT	
Total Number of pieces listed by Sender 10		Total number of pieces rec'd at Post Office 10	Postmaster, (receiving Employee)	



Direct Certified

SENDER: TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 208-001 Appeal From An Administrative Decision 161 Bush Hill Rd Map 208/Lot 001-000 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	07/25/19 ZBA Meeting ABUTTER NOTICE SENT
1	N/A-mailed First Class STEEVES, VIRGINIA 152 BUSH HILL ROAD, HUDSON, NH 03051	
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
Total Number of pieces listed by sender 1	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee) JUL 16 2019 USPS 3051-9998

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.

APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance.

Decision of the Zoning Administrator to be reviewed:

Notice of Violation dated 05/24/19 alleging violation of Ordinance 334-15 B (2) Outside
Parking or Storage of Vehicles or Trailers used in Commerce at Residential Sites with Gross
Vehicle Weight Greater than 13,000 Pounds and 334-13 Outdoor Storage of Junk.

(Also see attached)

DATE: 05/24/19 ARTICLE: III 334-15(B) 2 and
SECTION: 334-13

of the Zoning Ordinance in question:

334-15 B (2) and 334-13

NOTE: If you are appealing an Administrative Decision, a copy of the decision appealed must be attached to your application.

**ATTACHMENT TO APPLICATION FOR APPEAL
FROM AN ADMINISTRATIVE DECISION**

(Appeal of Notice of Violation)

Richard Sevigny and Robin Sevigny
161 Bush Hill Road
Hudson, New Hampshire 03051
Map 208, Lot 001-000

This Attachment is appended to the Appeal from an Administrative Decision. This Attachment provides background information regarding the subject property and sets forth independent rationale for dismissing the Notice of Violation.

Background

Richard Sevigny and Robin Sevigny own the land, single-family dwelling and related improvements at 161 Bush Hill Road (Map 208, Lot 001-000) (the "Premises"). The Sevignys purchased the Premises from Eugene P. Dunn and Eleanor J. Dunn, receiving title by deed dated March 6, 2017 and recorded with the Hillsborough County Registry of Deeds at Book 8951, Page 1309. The Premises are currently depicted as Lot 1004-001 on Hillsborough County Registry of Deeds Plan No. 10390.

The Premises are subject to an easement (for access) in favor of Lot 1004-002 as shown on Plan No. 10390. Lot 1004-002 is currently owned by Robert Paul Boutin, Sr. The easement in favor of Lot 1004-002 is limited to the so-called present tote road layout on the Premises (owned by the Sevignys). The so-called tote road layout means the layout as of July 31, 2002, the date of the deed to Mr. Boutin of Lot 1004-002.

Situated on the Premises is a so-called BSP Trailer, approximately 45 feet long with four rear wheels (eight tires) and front metal legs (the "Trailer"). The Trailer is not registered for over the road use.

It is the Sevignys understanding that the Trailer has been situated at the Premises since at least 1998 (approximately). The Trailer is located on the southeasterly side of the tote road.

The Trailer has historically been used for storage, generally for household items, including toys, "knick knacks", tools and paper products.

Notice of Violation

On May 24, 2019, Bruce Buttrick, Zoning Administrator/Code Enforcement Officer, issued a Notice of Violation to the Sevignys, a copy of which is attached. The Notice of Violation cites alleged violations of two provisions in the Hudson Zoning Ordinance – Section 334-15B (2) and Section 334-13. For the independent reasons set forth below, the Notice of Violation should be dismissed.

Jurisdiction

The Zoning Board of Adjustment (the "ZBA") has jurisdiction over this appeal by virtue of RSA 674:33, I (a) (1) which provides that zoning boards of adjustment may hear appeals of alleged errors in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance. The Notice of Violation is such an order, decision or determination made by an administrative official, e.g. the Zoning Administrator/Code Enforcement Officer.

Section 334-81 of the Zoning Ordinance also grants the ZBA authority to hear this appeal. In fact, the Notice of Violation advises the Seignys that they may appeal the Notice of Violation to the ZBA within 30 days, pursuant to Section 334-81.

Rationale for Dismissal of Notice of Violation

A. Section 334-15B (2)

1. Under Weight and No Commercial Use. Section 334-15B (2) prohibits the outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds. (emphasis added). The Trailer's gross vehicle weight is less than 13,000 pounds. This is evidenced by the Standard Freight Trailer Guide published by the Cerasis Corporation.

In addition, the Trailer is not used in commerce. As mentioned, the Trailer has been located at the Premises since approximately 1998. To the Seignys' knowledge, the Trailer never left the Premises once it was originally brought to the Premises. Obviously, it is not used in commerce. In addition, as mentioned, it has been used to store household items.

Therefore, Section 334-15B (2) does not apply to the Trailer, it neither being in excess of 13, 000 pounds (gross vehicle weight) nor being used in commerce. As a result, the Seignys are not in violation of Section 334-15B (2).

2. Intent of Section 334-15B (2).

Not only does Section 334-15B (2) not apply by its own terms, Section 334-15B (2) was not intended to apply to a storage trailer used for household or personal items.

Review of the Town Report of 1995 indicates on P. 77, paragraph #7., that a vote of 914 to 573 favored the Zoning Ordinance Amendment "to prohibit the overnight parking and storage of those commercial vehicles and trailers that are larger than pickup trucks or with a gross vehicle weight of 13,000 pounds or greater." Clearly, the intent of the Amendment was to provide relief to those thickly settled parts of the town where long haul truck drivers would park their tractors and trailers in the driveways of neighborhood houses.

This case is distinguished from the situation that the Amendment sought to address. The Trailer has not been on the road for twenty years. It is not near any dwellings. As such, the Seignys are not in violation of 334-15B (2).

B. Section 334-13

The Notice of Violation alleges that the Sevignys are violating Section 334-13 (2) [sic]. The Notice of Violation is apparently referring to Section 334-13B (2) which prohibits the outdoor storage of “any quantity of waste, refuse, junk or ashes.”. Specifically, the Notice of Violation states that “the outdoor refuse and junk needs to be removed.”.

The Notice of Violation does not specify what items constitute “outdoor refuse and junk”. As of the date of this Appeal, there are a modest amount of outdoor items at the Premises. Given the lack of specificity in the Notice of Violation, the Sevignys cannot be held in violation of Section 334-13 of the Zoning Ordinance.

C. Notice of Violation Deficient for Lack of Specificity and No Citation of Underlying Circumstances

The Notice of Violation fails to provide even a minimum basis for the alleged violations of the two provisions in the Zoning Ordinance. This lack of specificity fails to put the Sevignys on notice as to the exact conduct alleged to violate the Zoning Ordinance.

In addition, the Notice of Violation fails to provide a factual basis for violations either under Section 334-15B (2) (relative to the outdoor parking of the Trailer) or Section 334-13 (relative to the outdoor storage of refuse and junk).

First, with respect to the Trailer, there is no factual basis or even allegations demonstrating that the Trailer either weighs over 13,000 pounds or was used for commercial use. With respect to the outdoor refuse and junk, there is no specificity as to the items of refuse and junk which purportedly need to be removed. The Sevignys can hardly be deemed to be in violation of either section of the Zoning Ordinance if the Notice of Violation itself fails to specify the nature, details and extent of the violations.

Conclusion

For the reasons set forth above, the Notice of Violation should be dismissed. The Sevignys reserve the right to provide additional documentation and information at the hearing on this appeal.



TOWN OF HUDSON

Land Use Division



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

Notice of Violation

Case # 2018-00054

May 24, 2019

Certified: 7016 2710 0000 0595 2292
& USPS

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

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

Dear Mr. & Mrs. Sevigny,

Violation:

Hudson Zoning Ordinance 334-15B (2): Parking prohibited. Parking or storing of vehicles in excess of the amounts specified in this section is prohibited. (2) *“Outside parking or storage of vehicles or trailers used in commerce at residential sites with gross vehicle weight greater than 13,000 pounds.”*

The parking/storage of the T/T trailer needs to be removed.

Hudson Zoning Ordinance 334-13: Junkyards prohibited; outdoor storage. (2) *“outdoor storage of any quantity of waste, refuse, junk”.*

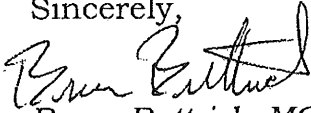
The outdoor refuse and junk needs to be removed.

NOTE: this notice may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this notice. §334-81.

You must **abate** the above violations immediately, and abate/remove said violations **no later than June 15, 2019** and please contact this office for a follow-up compliance inspection.

If these violations are not abated, the Town will likely pursue legal action for compliance. **Note: this is your last and final notice.**

Sincerely,



Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
Complainant
File

NOTE: this notice may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this notice. §334-81.

EXTERIOR INFORMATION

Type: 181 - TRI LEVEL	Full Bath: 3	Rating: AVERAGE
Sy Ht: 2 - TWO STY	A Bath:	Rating:
(Liv) Units: 2	3/4 Bath:	Rating:
Total: 2	A 3QBth:	Rating:
Foundation: 1 - CONCRETE	1/2 Bath: 1	Rating: FAIR
Frame: 1 - WOOD	A HBth:	Rating:
Prime Wall: 04 - VINYL	Oh-Fix: 1	Rating: AVERAGE
Sec Wall:	Other Features:	
Roof Struct: 1 - GABLE	Kits: 1	Rating: AVERAGE
Roof Cover: 1 - ASPH SHING	A Kits: 1	Rating: GOOD
Color: WHITE	Frol: 1	Rating: GOOD
View / Desir:	WSFlue: 2	Rating: AVERAGE

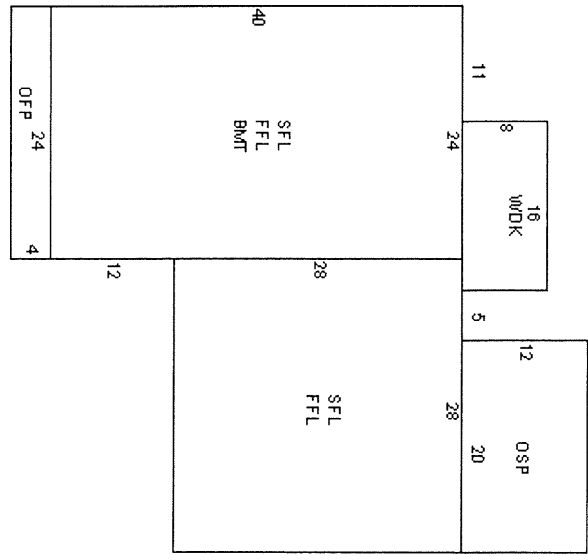
BATH FEATURES

Full Bath: 3	Rating: AVERAGE
A Bath:	Rating:
3/4 Bath:	Rating:
A 3QBth:	Rating:
1/2 Bath: 1	Rating: FAIR
A HBth:	Rating:
Oh-Fix: 1	Rating: AVERAGE
Other Features:	
Kits: 1	Rating: AVERAGE
A Kits: 1	Rating: GOOD
Frol: 1	Rating: GOOD
WSFlue: 2	Rating: AVERAGE

COMMENTS

Two sinks -other fixtures/Bsmt has half bath in fair condition-quality /Bsmt is not finished. No heat or finished flooring noted./was on market for \$379,000 listing expired 11/15/2016, listing notes it sold in AS IS condition and not eligible for certai.

SKETCH



INTERIOR INFORMATION

Avg Ht/Ft: STD	Phys Cond: FR - Fair	39.0%
Prim Int Wall: 1 - DRYWALL	Functional:	
Sec Int Wall:	Economic:	
Partition: T - TYPICAL	Special:	
Prim Floors: 04 - CARPET	Override:	
Sec Floors: 03 - HARDWOOD	Total:	39.0%

DEPRECIATION

Basic \$ / SQ: 104.00	Rate	Parcel ID	Typ	Date	Sale Price
Size Adj.: 0.75802755					
Const Adj.: 0.98490000					
Adj \$ / SQ: 77.644					
Other Features: 34876					
Grade Factor: 1.10					
NBHD Inf: 1.00000000					
NBHD Mod:					
LUC Factor: 1.00					
Adj Total: 335411					
Depreciation: 130810					
Depreciated Total: 204601					

REMODELING

Exterior:	No Unit	RMS	BRS	FL
Interior:	1	4	2	1
Additions:	1	6	4	M
Kitchen:				
Baths:				
Plumbing:				
Electric:				
Heating:				
General:	2	10	6	

RESIDENTIAL GRID

1st Res Grid	Desc: CONV	# Units: 1
Level	FY LR DR D K FR RR BR FB HB L O	
Other		
Upper		
Lower		
Totals	RMS: 10 BRS: 6 Baths: 3 HB: 1	

RES BREAKDOWN

Exterior:	No Unit	RMS	BRS	FL
Interior:	1	4	2	1
Additions:	1	6	4	M
Kitchen:				
Baths:				
Plumbing:				
Electric:				
Heating:				
General:	2	10	6	

CALC SUMMARY

Basic \$ / SQ: 104.00	Rate	Parcel ID	Typ	Date	Sale Price
Size Adj.: 0.75802755					
Const Adj.: 0.98490000					
Adj \$ / SQ: 77.644					
Other Features: 34876					
Grade Factor: 1.10					
NBHD Inf: 1.00000000					
NBHD Mod:					
LUC Factor: 1.00					
Adj Total: 335411					
Depreciation: 130810					
Depreciated Total: 204601					

COMPARABLE SALES

WVA\$/SQ:	AVRate:	Ind Val
Jurs. Factor:	Before Depr: 85.41	
Special Features: 0	Val/Su Net: 41.65	
Final Total: 204600	Val/Su SzAd: 58.66	

SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub %	%
FFL	FIRST FLOOR	1,744	60.170	104,944		
SFL	SECOND FLR	1,744	77.640	135,412		
BMT	BASEMENT	960	15.530	14,908		
OSP	SCREEN PCH	240	30.690	7,366		
WDK	WOOD DECK	128	19.210	2,459		
OFF	OPEN PCH	96	51.810	4,955		
Net Sketched Area: 4,912		Total:		270,044		
Size Adj: 3488		Gross Area	4912	FinArea	2703	

SUB AREA DETAIL

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub %	%
FFL	FIRST FLOOR	1,744	60.170	104,944		
SFL	SECOND FLR	1,744	77.640	135,412		
BMT	BASEMENT	960	15.530	14,908		
OSP	SCREEN PCH	240	30.690	7,366		
WDK	WOOD DECK	128	19.210	2,459		
OFF	OPEN PCH	96	51.810	4,955		
Net Sketched Area: 4,912		Total:		270,044		
Size Adj: 3488		Gross Area	4912	FinArea	2703	

MOBILE HOME

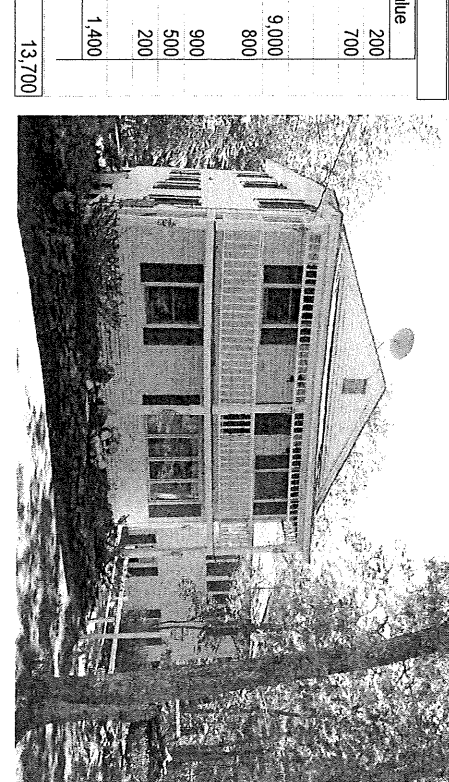
SPEC FEATURES

Code	Description	A Yrs	City	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB	Fa	Appr Value	JCod	Fact	Jurs. Value
42	POULTRY	D Y	114X32	FR	DL	1978	95	11.12 T	95	104					200			200
42	POULTRY	D Y	18X32	FR	PR	1978	104	14.88 T	81.9	104					700			700
02	SHED-1V	D Y	2.8X8	AV	PR	1978	104	0.00 T	90	104								
02	SHED-1V	D Y	3.8X10	AV	AV	1978	104	0.00 T	39	104								
31	BARN	D Y	1.32X41	FR	FR	1978	104	22.90 T	70.2	104					9,000			9,000
14S	SCREEN PORC	D Y	1.12X16	AV	PR	1978	104	42.31 T	90	104					800			800
02	SHED-1V	D Y	1.5X5	AV	AV	1978	104	0.00 T	39	104								
22	DECK-WOOD	D Y	1.8X12	AV	AV	1978	104	22.02 T	58.5	104					900			900
2	SHED-WOOD	D Y	1.8X16	AV	PR	1978	104	23.46 T	81.9	104					500			500
40	LEAN-TO	D Y	1.16X12	AV	PR	1978	104	6.33 T	81.9	104					200			200
02	SHED-1V	D Y	2.8X8	AV	AV	1978	104	0.00 T	39	104								
14G	GAZEBO	D Y	1.80	AV	FR	1978	104	34.34 T	48.8	104					1,400			1,400

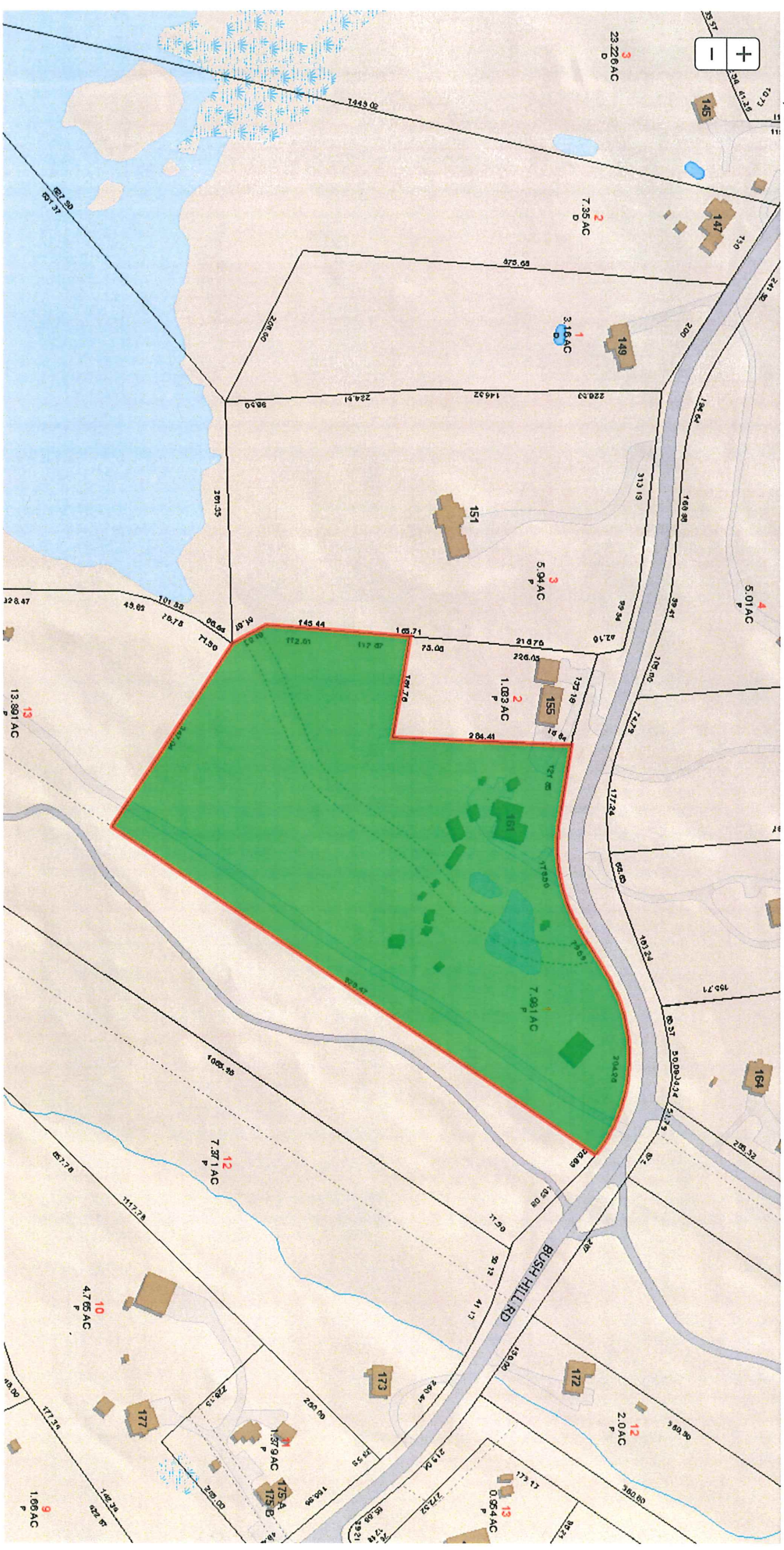
PARCEL ID

Parcel ID	208-001-000
Year	
Color	
Total	13,700

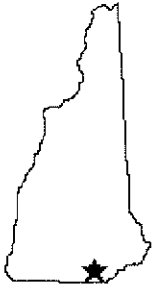
IMAGE



-71.377012, 42.745418



0 100 200ft
Town of Hudson, NH - GIS



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: July 25, 2019 *gB*

Case 175-107 (7-25-19): Brian Girard, 8 Ferry Ave, Hudson, NH requests a Variance to allow the expansion of an existing non-conforming use, for the construction of a 36' x 24' detached residential garage. [Map 175, Lot 107-000; Zoned Business (B); HZO Article V, §334-20 Allowed uses provided in Tables & §334-21 Table of Permitted Principal Uses].

Address: 8 Ferry Ave

Zoning district: Business (B)

Summary:

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

Property description:

This is an existing non-conforming developed lot of record: Having 16,552 sqft where 43,560 sqft is required. The frontage on Ferry Ave is 85ft where 150 ft is required.

HISTORY:

Assessing: Listed as a Single Family residence (not permitted use in B district).

ZBA: 5/26/1948 Variance granted to allow work shop in present garage.

Building Permits: #096-92: build 10 x 10 3 season porch. 5/6/2005 replacement septic system.

Attachments:

“A” Assessing record.

“B” 5/26/1948 Variance

“C” Building Permit #096-92

“D” 5/6/2005 replacement septic plan

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	101 - ONE FAMILY	118,300	6,800	89,500	0.38	0.00	214,600
2018	101 - ONE FAMILY	118,300	6,800	89,500	0.38	0.00	214,600
2018	101 - ONE FAMILY	118,300	6,800	89,500	0.38	0.00	214,600
2017	101 - ONE FAMILY	118,300	6,800	89,500	0.38	0.00	214,600
2017	101 - ONE FAMILY	77,800	5,600	77,300	0.38	0.00	160,700
2017	101 - ONE FAMILY	118,300	6,800	89,500	0.38	0.00	214,600
2016	101 - ONE FAMILY	77,800	5,600	77,300	0.38	0.00	160,700
2016	101 - ONE FAMILY	77,800	5,600	77,300	0.38	0.00	160,700
2015	101 - ONE FAMILY	77,800	5,600	77,300	0.38	0.00	160,700
2015	101 - ONE FAMILY	77,800	5,600	77,300	0.38	0.00	160,700
2014	101 - ONE FAMILY	77,800	5,600	77,300	0.38	0.00	160,700
2014	101 - ONE FAMILY	77,800	5,600	77,300	0.38	0.00	160,700
2013	101 - ONE FAMILY	75,500	5,600	77,300	0.38	0.00	158,400
2013	101 - ONE FAMILY	75,500	5,600	77,300	0.38	0.00	158,400
2012	101 - ONE FAMILY	75,500	5,600	77,300	0.38	0.00	158,400
2012	101 - ONE FAMILY	106,700	4,600	109,900	0.38	0.00	221,200
2011	101 - ONE FAMILY	106,700	4,600	109,900	0.38	0.00	221,200
2011	101 - ONE FAMILY	106,700	4,600	109,900	0.38	0.00	221,200
2010	101 - ONE FAMILY	106,700	4,600	109,900	0.38	0.00	221,200
2010	101 - ONE FAMILY	106,700	4,600	109,900	0.38	0.00	221,200
2009	101 - ONE FAMILY	106,700	4,600	109,900	0.38	0.00	221,200
2008	101 - ONE FAMILY	106,700	4,600	109,900	0.38	0.00	221,200
2008	101 - ONE FAMILY	106,700	4,600	109,900	0.38	0.00	221,200
2007	101 - ONE FAMILY	106,700	4,600	109,900	0.38	0.00	221,200
2007	101 - ONE FAMILY	110,500	5,200	81,400	0.38	0.00	197,100
2006	101 - ONE FAMILY	110,500	5,200	81,400	0.38	0.00	197,100
2006	101 - ONE FAMILY	110,500	5,200	81,400	0.38	0.00	197,100
2005	101 - ONE FAMILY	110,500	5,200	81,400	0.38	0.00	197,100
2005	101 - ONE FAMILY	110,500	5,200	80,500	0.35	0.00	196,200
2004	101 - ONE FAMILY	110,500	5,200	80,500	0.35	0.00	196,200
2004	101 - ONE FAMILY	88,400	5,700	60,400	0.35	0.00	154,500
2003	101 - ONE FAMILY	88,400	5,700	60,400	0.35	0.00	154,500
2003	101 - ONE FAMILY	88,400	5,700	60,400	0.35	0.00	154,500
2002	101 - ONE FAMILY	88,400	5,700	60,400	0.35	0.00	154,500
2002	101 - ONE FAMILY	88,400	5,700	60,400	0.35	0.00	154,500
2001	101 - ONE FAMILY	60,400	0	39,000		0.00	99,400
2000	101 - ONE FAMILY	58,200	2,200	39,000	0.35	0.00	99,400
1999	101 - ONE FAMILY	58,200	2,200	39,000	0.35	0.00	99,400

A

CARON, LEO A.

May 26 1948

Board of adjustment meeting May 26 1948

Petition of Leo A. Caron for work shop in present garage

Names in favor of permit

Paul A Jette
Robert A. King
Mrs Fred Decelle
Mrs Richard Dunkin
Thomas R. Akron
Adrien Labrie
John M. Allard
Ernest E. Lefebvre

OPPOSED TO PETITION

Alfred Wood claims there will be too much noise and devalue
his property

Board members visited property and all five members voted for
permit

Permit granted by board members
Albert Kashulines
Wesly Boyles
Walter Twiss
Charles Parker
Hormidas Beland

Leo A. Caron
Leo A. Caron

Petition

"B"

BUILDING PERMIT

MAP 57, LOT 2

VALIDATION

DATE AUGUST 28, 19 91 PERMIT NO. 096-92
APPLICANT PETER FISETTE ('DECKS FOR YOU!') ADDRESS 21 SPITBROOK RD, NASHUA NH 888-4212
(NO.) (STREET) (CONTR'S LICENSE)

PERMIT TO BUILD ADDITION (1) STORY RESIDENTIAL NUMBER OF DWELLING UNITS N/A
(TYPE OF IMPROVEMENT) (NO.) (PROPOSED USE)

AT (LOCATION) 8 FERRY AVENUE (NO.) (STREET) ZONING DISTRICT _____
BETWEEN FERRY STREET (CROSS STREET) AND ALPINE AVENUE (CROSS STREET)

SUBDIVISION _____ LOT 2 BLOCK 57 LOT SIZE _____

BUILDING IS TO BE _____ FT. WIDE BY _____ FT. LONG BY _____ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION _____ (TYPE)

REMARKS: BUILD 10'X10' THREE-SEASON PORCH

AREA OR VOLUME 100 SQ. FT. (CUBIC/SQUARE FEET) ESTIMATED COST \$ 6,000.00 PERMIT FEE \$ 20.00

OWNER TED MARSHALL 882-4792 BUILDING DEPT. BY Edward P. Madigan
ADDRESS 8 FERRY AVENUE, HUDSON NH 03051

(Affidavit on reverse side of application to be completed by authorized agent of owner)



TOWN OF HUDSON — Building/Zoning RECEIVED

APPLICATION FOR
PLAN EXAMINATION AND
BUILDING PERMIT
886-6005

AUG 22 1991

TOWN OF HUDSON
DEPT. OF PUBLIC WORKS

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

I. LOCATION OF BUILDING	AT (LOCATION) <u>8</u> <u>FERRY AVE</u> (STREET)	ZONING DISTRICT <u>BES.</u>
	BETWEEN <u>FERRY ST.</u> (CROSS STREET) AND <u>ALPINE AVE.</u> (CROSS STREET)	
	SUBDIVISION _____ MAP <u>57</u> LOT <u>2</u> LOT SIZE _____	

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

A. TYPE OF IMPROVEMENT 1 <input type="checkbox"/> New Building 2 <input checked="" type="checkbox"/> Addition (If residential, enter number of Bdrm/Baths added, if any, in Sec. III, Part L.) 3 <input type="checkbox"/> Alteration (See 2 above) 4 <input type="checkbox"/> Repair, replacement 5 <input type="checkbox"/> Wrecking (If multi-family residential, enter number of units in building in Part D, 13) 6 <input type="checkbox"/> Moving (relocation) 7 <input type="checkbox"/> Foundation only		D. PROPOSED USE - (For "Wrecking" most recent use) Residential 12 <input checked="" type="checkbox"/> One family 13 <input type="checkbox"/> Two family 14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____ 15 <input type="checkbox"/> Garage 16 <input type="checkbox"/> Carport 17 <input type="checkbox"/> Multi-Family - Townhouse, Apartment, etc (enter number of residential units) 18 <input type="checkbox"/> Other - Specify (shed, pool, fireplace) _____	
B. OWNERSHIP 8 <input checked="" type="checkbox"/> Private (individual, corporation, nonprofit institution, etc.) 9 <input type="checkbox"/> Public (Federal, State, or local government)		Non-Residential 18 <input type="checkbox"/> Amusement, recreational 19 <input type="checkbox"/> Church, other religious 20 <input type="checkbox"/> Industrial 21 <input type="checkbox"/> Parking garage 22 <input type="checkbox"/> Service station, repair garage 23 <input type="checkbox"/> Hospital, institutional 24 <input type="checkbox"/> Office, bank, professional 25 <input type="checkbox"/> Public utility 26 <input type="checkbox"/> School, library, other educational 27 <input type="checkbox"/> Stores, merchantile 28 <input type="checkbox"/> Tanks, towers 29 <input type="checkbox"/> Other - Specify _____	

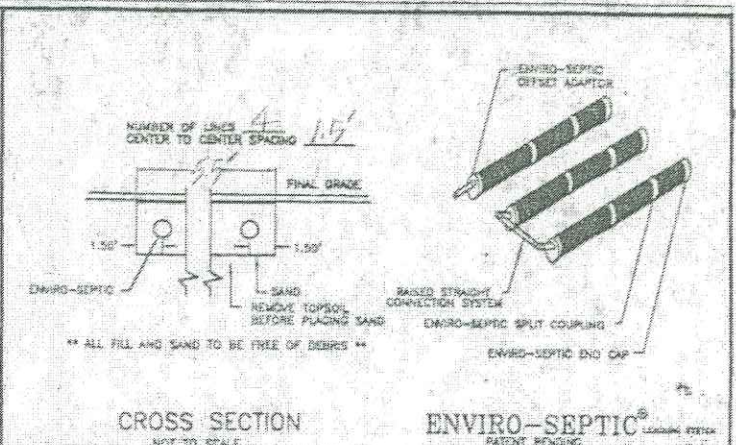
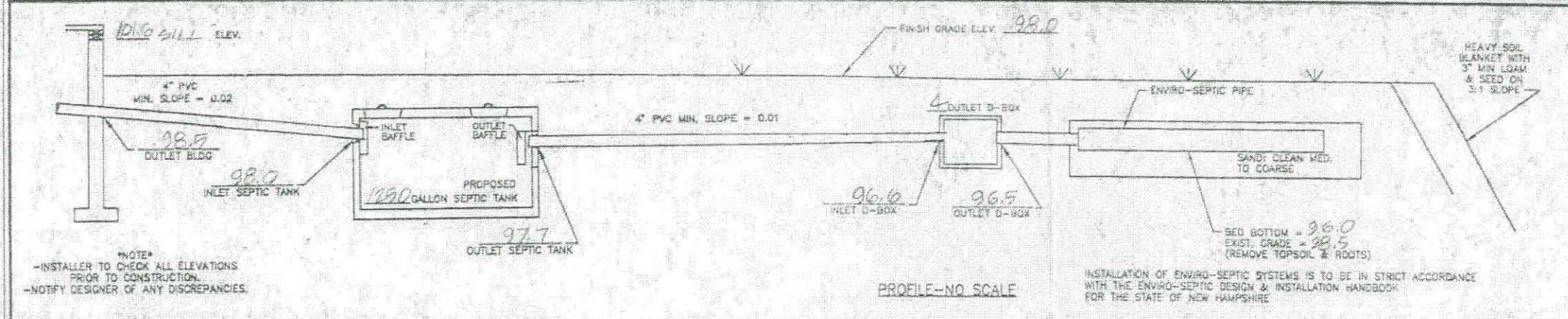
C. COST 10. Cost of improvement <i>To be installed but not included in the above cost</i> a. Electrical b. Plumbing c. Heating, air conditioning d. Other (elevator, etc.) 11. TOTAL COST OF IMPROVEMENT	(Omit cents) \$ <u>6000</u>	Nonresidential - Describe in detail proposed use of buildings, e.g., food processing, machine shop, laundry building, schools, college, parking garage, rental office building, industrial plant. If use of existing building is being changed, enter proposed use. <u>3 Season - Truck</u>
	\$ <u>6000</u>	

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

E. PRINCIPAL TYPE OF FRAME 30 <input type="checkbox"/> Masonry (wall bearing) 31 <input checked="" type="checkbox"/> Wood Frame 32 <input type="checkbox"/> Structural steel 33 <input type="checkbox"/> Reinforced concrete 34 <input type="checkbox"/> Other - Specify _____	G. TYPE OF SEWAGE DISPOSAL 40 <input type="checkbox"/> Town or private company 41 <input checked="" type="checkbox"/> Private (septic tank, etc.) (#40 requires town permit)	J. DIMENSIONS 48. Number of stories <u>1</u> 49. Total square feet of floor area all floors, based on exterior dimensions <u>100</u> 50. Total land area, sq. ft. <u>25,000</u>
	H. TYPE OF WATER SUPPLY 42 <input checked="" type="checkbox"/> Public or private company 43 <input type="checkbox"/> Private (well, cistern)	
F. PRINCIPAL TYPE OF HEATING FUEL 35 <input type="checkbox"/> Gas 35a <input type="checkbox"/> Undergrnd 36 <input checked="" type="checkbox"/> Oil 36b <input type="checkbox"/> Tank 37 <input type="checkbox"/> Electricity 48 <input type="checkbox"/> Coal 49 <input type="checkbox"/> Other - Specify _____	I. TYPE OF MECHANICAL Will there be central air conditioning? 44 <input type="checkbox"/> Yes 45 <input checked="" type="checkbox"/> No Will there be an elevator? 46 <input type="checkbox"/> Yes 47 <input checked="" type="checkbox"/> No	L. RESIDENTIAL BUILDINGS ONLY 53. Total Bedroom Capacity { Finished <u>2</u> { Unfinished 54. Number of bathrooms { Full <u>1</u> { Partial

MAP
LOT
STREET

C"



DESIGN INTENT
 LEACH FIELD BED BOTTOM TO BE SET NO MORE THAN 2.5 FT. BELOW EXISTING GRADE AT HIGH END OF FIELD TO MAINTAIN 3.0 FT. SEPARATION FROM BEDROCK/ESHWT

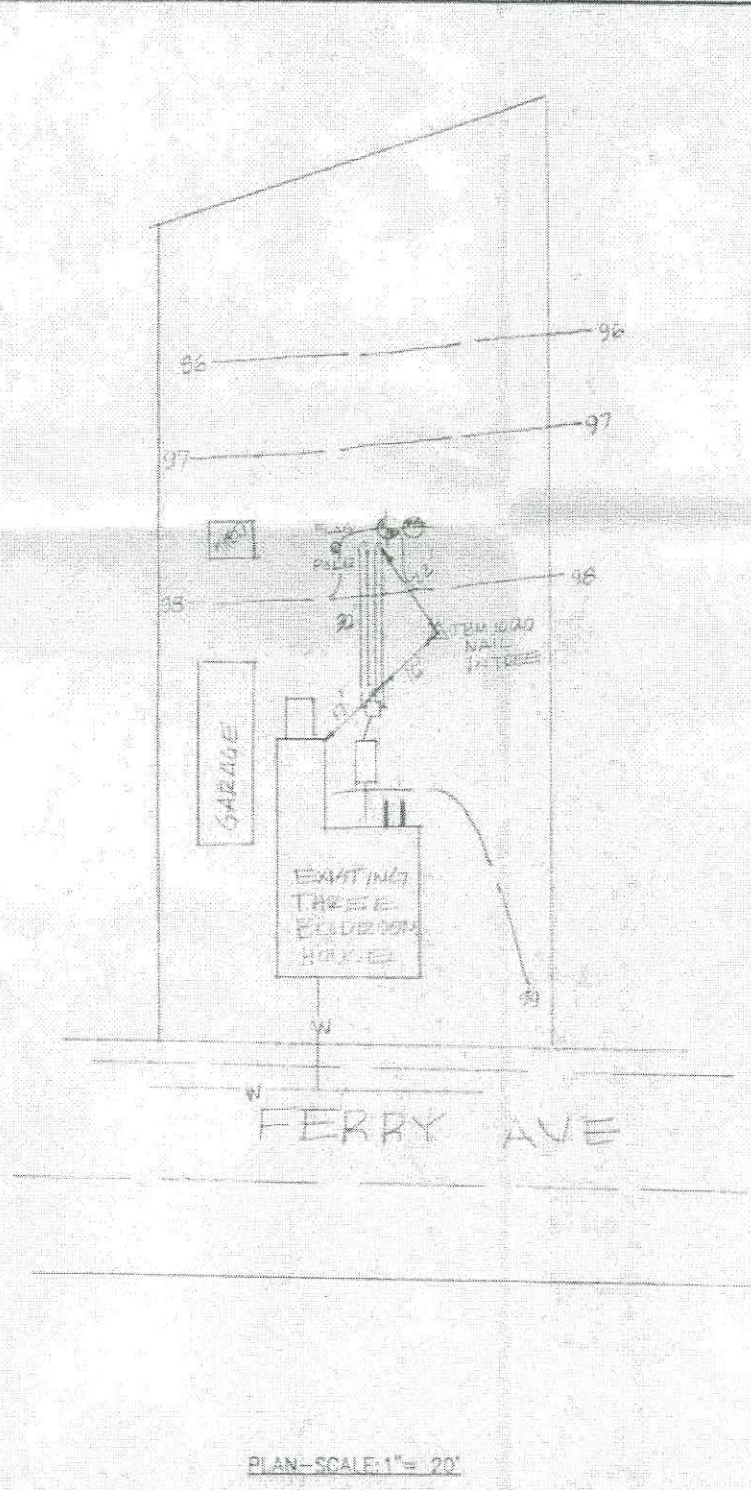
DESIGN CRITERIA
 3 BEDROOMS X 150 GPD/BR = 450 GPD
 PERCOLATION RATE = 2 MIN./IN.
 REQUIRED: 1/2 LF (1.30' X 5.5')
 PROVIDED: 1/2 LF (1.30' X 5.5')
 30 LF FROM 420 W/S

NOTES

ENV-WS 1008.03 MINIMUM DISTANCES:

	SEPTIC TANK	LEACH FIELD
SURFACE WATER	75	75
CULVERT OPENING	50	75
CATCH BASIN	35	35
SWIMMING POOLS (IN-GRO)	20	35
PRIVATE WELLS	75	75
WATER LINES (PRESSURE)	10	25
WATER LINES (SUCTION)	50	75
PROPERTY LINES	10	10
FOUNDATION WITH DRAIN	10	25
FOUNDATION W/O DRAIN	5	10

- INSTALLATION REQUIREMENTS:**
- INSTALLATION OF LEACH FIELD SHALL BE DONE BY A LICENSED NHDES INSTALLER.
 - REMOVE ALL TREES, ROOTS AND LOAM UNDER FIELD AND 3:1 SLOPE AREA PRIOR TO PLACING FILL.
 - PLACE FILL IN 18 INCH LIFTS, CONSOLIDATE AND RAKE BACKFILL BEFORE SETTING FIELD.
 - SAND FILL TO BE MEDIUM TEXTURE (0.5 TO 1.0mm)
 - ALL PIPING OUTSIDE LEACHING AREA MUST BE WATER TIGHT AT ALL CONNECTIONS WITH NON-SHRINK HYDRAULIC CEMENT, OR EQUIVALENT.
 - ALL SEPTIC STONE SHALL BE WASHED AND FREE FROM IRON, FINES AND CLAY AND SIZED ACCORDING TO WS 1014.08.
 - ALL COMPONENTS TO BE LAID LEVEL.
 - WELL RADIUS IS ENTIRELY ON LOT. SEE WELL RELEASE FORM IF NEEDED.
- RECOMMENDED OPERATING PROCEDURES:**
- PUMP SEPTIC TANK EVERY TWO YEARS.
 - SEPTIC TANK SIZE IS NOT DESIGNED FOR GARBAGE CHONDER.
 - USE BIODEGRADABLE DETERGENTS.
 - WATER SAVING DEVICES AND PROCEDURES ARE RECOMMENDED.
 - IN CASE OF FAILURE THIS SYSTEM WILL BE RESULT IN PLACE.
- GENERAL NOTES:**
- NO LIABILITY IS TAKEN FOR THIS PLAN WITH RESPECT TO THE INSTALLATION UNLESS THE DESIGNER IS CONTRACTED TO INSPECT, APPROVE AND CERTIFY ALL MATERIALS AND PROCEDURES USED TO INSTALL THE SYSTEM AS DESIGNED.
 - THIS PLAN DOES NOT REPRESENT A PROPERTY BOUNDARY SURVEY.
 - ANY DISCREPANCY BETWEEN THE PLAN AND FIELD CONDITIONS SHOULD BE REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION.



TEST PIT DATA

DATE: 04/26/05

DEPTH TO LEDGE: NONE

DEPTH TO ESHWT: NONE

OBS. WATER: NONE

PERCOLATION DATA

DATE: 04/26/05

DEPTH: 24"

RATE: 2 MIN./IN.

SOILS DATA

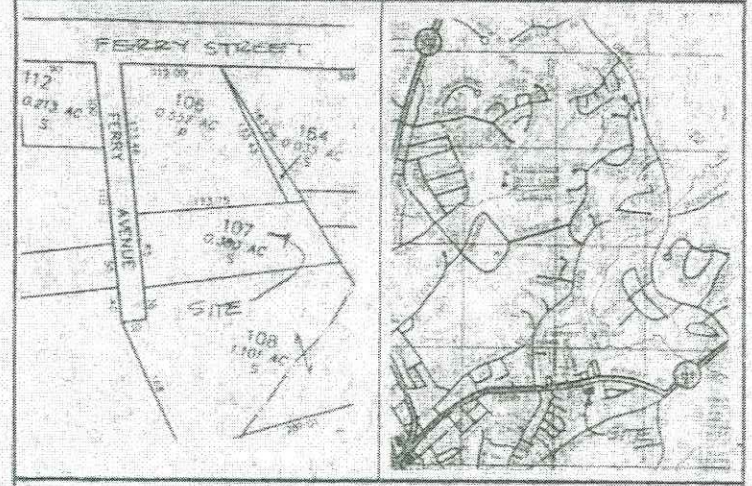
U.S.A. SOILS CLASSIFICATION: VdE

WINDSOR SOILS BOOK

HILLSBORO MAP NO. 25

TEST PIT LOG

9'	TOPSOIL
10'	10V2 S/G MED TO COARSE SAND
16'	2 to 4' 4" MED TO COARSE SAND
42'	2.5' 4" FINE TO MED. SAND
34'	



LOCATION PLAN

EXISTING HOUSE
 8 FERRY LANE
 HUDSON, NH

FAILED SEPTIC SYSTEM

LOT DATA

TAX MAP 115 LOT 107
 HILLSBORO CNTY, BK 42 PL PG. 1575
 SUBDIVISION NAME: FERRY LANE
 NHDES SUB. APPV. NO. 107

OWNER DATA

PRISCILLA WATSON
 29 STONEY LN.
 HUDSON, NH 03051

REVIEWED AND APPROVED
 IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF HUDSON HEALTH OFFICER
 SIGNED: [Signature]
 DATE: 05/05/05

THE CIVIL ENGINEERS
 790 ELM STREET, MANCHESTER, NEW HAMPSHIRE
 (603)824-1840 (603)825-8201 FAX: (603)825-1400
 MAY 6, 2005
 WILLIAM E. SHEEHAN, PE

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 11-06-18)**

On **07/25/19**, the Zoning Board of Adjustment heard Case **175-107**, being a case brought by **Brian Girard, 8 Ferry Ave., Hudson, NH**, for a Variance **to allow the expansion of an existing non-conforming use, for the construction of a 36' x 24' detached residential garage**. [Map 175, Lot 107-000; Zoned Business (B); HZO Article V, §334-20 Allowed uses provided in Tables & §334-21 Table of Permitted Principal Uses].

After reviewing the petition, hearing all of the evidence, and taking into consideration any personal knowledge of the property in question, the undersigned member of the Zoning Board of Adjustment sitting for this case made the following determination:

Y **N** **1.** Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."

Y **N** **2.** The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."

Y **N** **3.** Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.

Y **N** **4.** The proposed use will not diminish the values of surrounding properties.

Y **N** **5.** Special conditions exist such that literal enforcement of the ordinance would result in **unnecessary hardship**, either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way *and also* because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.

Member Decision: _____
Signed: _____ Date _____
 Sitting member of the Hudson ZBA

Stipulations: _____

HUDSON

APPLICATION FOR A VARIANCE

TC

JUL 02 2019

Zoning Department

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 175-107

Date Filed 7-2-19

Name of Applicant BRIAN GIRARD Map: 175 Lot: 107 Zoning District: B

Telephone Number (Home) 603 321 8657 (Work) 603 888 1121 X147

Mailing Address 8 FERRY AVE

Owner BRIAN GIRARD

Location of Property 8 FERRY AVE
(Street Address)

Signature of Applicant [Signature] Date 7/1/19

Signature of Property-Owner(s) [Signature] Date 7/1/19

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

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

COST:

Application fee:	\$130.00	Date received: <u>7/2/19</u>
<u>8</u> Direct Abutters x \$4.05 =	<u>32.40</u>	
<u>5</u> Indirect Abutters x \$0.55 =	<u>2.75</u>	
Total amount due:	<u>\$165.15</u>	Amt. received: \$ <u>165.15</u>

CHK#
3142

Received by: TSG Receipt No.: 558,819

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>Bb</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>TG</u>
<u>Bb</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>Bb</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e. <u>Variance</u> , Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>Bb</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>Bb</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>Bb</u>	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>Bb</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>Bb</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u>

PLOT PLAN-

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

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

[Signature]
Signature of Applicant(s)

7/1/19
Date

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

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

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

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

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

ALL DIRECT ABUTTERS

List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

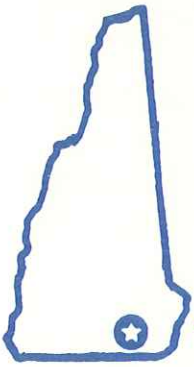
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
175	102	TOWN OF HUDSON	5 ^R STATE ST
175	105	ROY DOVALLE	153 FERRY ST
175	108	MARK TURNER	10 FERRY AVE
175	106	ANDREW AND NATALIE LLC	4 FERRY AVE
175	111	SONIA J PIERPONT	5 FERRY AVE
175	110	RENE-A JETTE	9 FERRY AVE
175	109	RENE-A + SHEILA JETTE	9 FERRY AVE
* Owner- 175	107	Brian J. Girard	8 ferry Ave.

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
175	104	CHRISTOPHER + WARAWAN BROWN	1 STATE ST
175	103	KEVIN + ARRY KATIE + BOLTON	5 STATE ST
175	98	RICHARD + MADINE CHAMBERLIN	27 ALPINE AVE
175	113	STEPHEN + ELLEN MEYER	137 FERRY ST
175	112	MICHAEL COULTER	139 FERRY ST

5



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **07/25/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

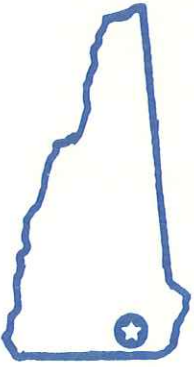
- 1. Case 175-107 (7-25-19): Brian Girard, 8 Ferry Ave, Hudson, NH requests a Variance to allow the expansion of an existing non-conforming use, for the construction of a 36' x 24' detached residential garage. [Map 175, Lot 107-000; Zoned Business (B); HZO Article V, §334-20 Allowed uses provided in Tables & §334-21 Table of Permitted Principal Uses].**

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **07/25/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

- 1. Case 175-107 (7-25-19): Brian Girard, 8 Ferry Ave, Hudson, NH requests a Variance to allow the expansion of an existing non-conforming use, for the construction of a 36' x 24' detached residential garage. [Map 175, Lot 107-000; Zoned Business (B); HZO Article V, §334-20 Allowed uses provided in Tables & §334-21 Table of Permitted Principal Uses].**

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

Respectfully,

Bruce Buttrick
Zoning Administrator

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

US POSTAL SERVICE - CERTIFIED MAIL

Case# 175-107
 Variance
 8 Ferry Avenue
 Map 175/Lot 107-000

07/25/19 ZBA Meeting

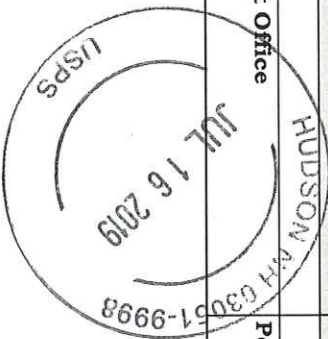
1 of 1

ARTICLE NUMBER	Name of Addressee, Street, and post office address	Total number of pieces rec'd at Post Office	Postmaster, (receiving Employee)
1	Girard, Brian J 8 Ferry Ave., Hudson, NH 03051	7	PSA
2	Dovale, Roy 4 Ferry Ave., Hudson, NH 03051		
3	Turner, Mark S. 10 Ferry Ave., Hudson, NH 03051		
4	Andrew And Natalie, LLC 153 Ferry St., Hudson, NH 03051		
5	Pierpont, Sonia J. 5 Ferry Ave., Hudson, NH 03051		
6	Jette, Rene A. & Sheila; Gonthier, Tricia Jette 9 Ferry Ave., Hudson, NH 03051		
7	Jette, Rene A. & Sheila A. 9 Ferry Ave., Hudson, NH 03051		
8			
9			
10			
Total Number of pieces listed by sender 7		7	PSA



Direct Certified

SENDER: TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051		US POSTAL SERVICE - FIRST CLASS MAIL	Case# 175-107 Variance 8 Ferry Avenue Map 175/Lot 107-000 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	07/25/19 ZBA Meeting	
1	N/A-mailed First Class Brown, Christopher W. & Warawan P. 1 State Street, Hudson, NH 03051	ABUTTER NOTICE SENT	
2	Arey, Kevin L.; Bolton, Katie T. 5 State Street, Hudson, NH 03051	ABUTTER NOTICE SENT	
3	Chamberlin, Richard Q. & Nadine C. 27 Alpine Ave., Hudson, NH 03051	ABUTTER NOTICE SENT	
4	Meyer, Stephen & Ellen 137 Ferry St., Hudson, NH 03051	ABUTTER NOTICE SENT	
5	Coulter, Michael J. 139 Ferry St., Hudson, NH 03051	ABUTTER NOTICE SENT	
6			
7			
8			
9			
10			
11			
Total Number of pieces listed by sender 5		Total number of pieces rec'vd at Post Office	Postmaster, (receiving Employee)
		5	POBA



Non-Direct First Class

APPLICATION FOR A VARIANCE

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

To allow the accessory use of constructing a 36' x 24' detached garage in an existing non-conforming use.

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

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

PROPOSED CONSTRUCTION WOULD BE IN KEEPING THE CHARACTER OF THE NEIGHBORHOOD AS THIS IS A ESTABLISHED RESIDENTIAL NEIGHBORHOOD IN A BUSINESS ZONE

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

THE ADDITION OF A GARAGE WOULD BE A ACCESSORY FOR RESIDENTIAL USE. AND WOULD CAUSE NO CHANGE TO THE NEIGHBORHOOD ESTABLISHED RESIDENTIAL

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

THE NEIGHBORHOOD IS ZONE BUSINESS BUT USED AS RESIDENTIAL AND THE ADDITION OF A GARAGE WOULD BE A ACCESSORY FOR RESIDENTIAL USE

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

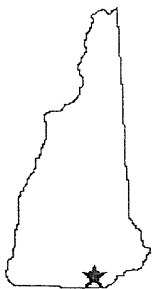
MY PROPOSED CONSTRUCTION WOULD BE FOR STORAGE OF VEHICLES AND KEEPING A RESIDENTIAL NEIGHBORHOOD CLEAN LOOK

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

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

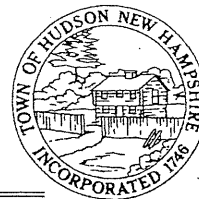
WE ARE IN A BUSINESS ZONED DISTRICT WITH IS THE
KINDSHIP ON THE RESIDENTIAL NEIGHBORHOOD

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-074 Building Permit application

June 20, 2019

Brian Girard
8 Ferry Ave
Hudson, NH 03051

Re: 8 Ferry Ave Map 175 Lot 107
District: Business (B)

Dear Mr. Girard,

Your building permit application: to construct a 36' x 24' detached garage has been denied.

Zoning Review / Determination:

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

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

Sincerely,

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

cc: Public Folder
Chief Buxton, Inspectional Services
B. Groth, Town Planner
File

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

PROPERTY LOCATION

No	Alt No	Direction/Street/City
8		FERRY AVE, HUDSON

OWNERSHIP

Owner 1:	GIRARD, BRIAN J.	Unit #:	
Owner 2:			
Owner 3:			
Street 1:	8 FERRY AVENUE		
Street 2:			
Twn/City:	HUDSON		
S/Prov:	NH	Cnty	
Postal:	03051	Own Occ:	

PREVIOUS OWNER

Owner 1:	MARSHALL, JEANNE B. LIFE ESTAT -
Owner 2:	MARSHALL, THEODORE B., TRUSTEE -
Street 1:	8 FERRY AVENUE
Twn/City:	HUDSON
S/Prov:	NH
Postal:	03051

NARRATIVE DESCRIPTION

This parcel contains .38 ACRES of land mainly classified as ONE FAMILY with a RANCHO Building built about 1960, having primarily VINYL Exterior and 1090 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 0 Hall/Bath, 6 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Code	Description/No	Amount	Com. Int

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yrd Items	Land Value	Total Value
101	0.380	118,300	6,800	89,500	214,600
Total Parcel	0.380	118,300	6,800	89,500	214,600
Source:	Market Adj Cost	Total Value per SQ unit (Card): 196.88		/Parcel: 196.88	

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Blgd Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Parcel ID	Notes
2019	101	JB	118,300	6800	.38	89,500	214,600	214,600	175-107-000	
2018	101	FV	118,300	6800	.38	89,500	214,600	214,600	Year End Roll	
2017	101	FV	118,300	6800	.38	89,500	214,600	214,600	Year End Roll	
2016	101	FV	118,300	6800	.38	89,500	214,600	214,600	Year End Roll	

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif
MARSHALL, JEANN	7475-2955	1	6/3/2005	NON-MARKET	229,900	No	No	No
MARSHALL, THEOD	6021-1559		11/13/1998	FAMILY TRANS		No	No	No

TAX DISTRICT

7836

PAT ACCT.

7836

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment

ACTIVITY INFORMATION

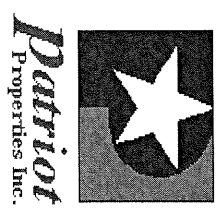
Date	Result	By	Name
11/12/2013	Measured	15	APPR TECH 5
6/13/2007	Measured	10	APPRAISER II
9/1/2005	New Maps	1	CHIEF ASSESS
4/23/2001	Inspected	0	PATRIOT
4/10/2001	Left Notice	0	PATRIOT
1/31/1991	Inspected	2	AVITAR

LAND SECTION (First 7 lines only)

Item Code	Description	%	Item Code	Description
Z	Water	3		TOWN WATE
O	Sewer	0		SEPTIC
n	Electri			
	Exmpt			
	Gas:			
D	Topo	1		LEVEL
s	Street			
t	Gas:			

Use Code	Description	LUC	No of Units	Depth/ Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh Infru	Neigh Mod	Neigh Infr 1	%	Neigh Infr 2	%	Neigh Infr 3	%	Appraised Value	Alt Class	%	Spec Land Code	Fact Use Value	Notes
101	ONE FAMILY		0.38		SITE ACRE SITE			0 110,000.	2,14 RE										89,540				89,500	

Total AC/HA:	0.38000	Total SF/SM:	16553	Parcel LUC:	101	ONE FAMILY	Prime NB Desc	RES AVG	Total:	89,540	Spl Credit	Total:	89,500
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EXTERIOR INFORMATION

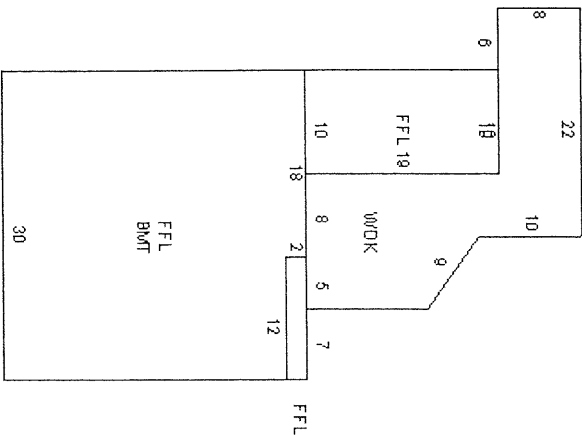
Type:	19 - RANCH
Sy Hr:	1 - ONE STY
(Liv) Units:	1 Total: 1
Foundation:	3 - BRICKSTONE
Frame:	1 - WOOD
Prime Wall:	04 - VINYL
Sec Wall:	%
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	WHITE
View / Desir:	

BATH FEATURES

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

COMMENTS
50% OF BMT HAS 4' CEILING.

SKETCH



GENERAL INFORMATION

Grade:	C - AVERAGE
Year Bilt:	1960
Alt LUC:	
Jurisdic:	
Const Mod:	
Lump Sum Adj:	

OTHER FEATURES

Kits:	1	Rating:	AVERAGE
A Kits:		Rating:	
Frl:		Rating:	
W/SFlue:		Rating:	

RESIDENTIAL GRID

1st Res Grid:	FY LR DR D K FR RR BR FB HB L O	Desc:	CONV	# Units:	1
Level:					
Other:					
Upper:					
Lvl 2:					
Lvl 1:					
Lower:					
Totals:	RMS: 6	BRS: 3	Baths: 1	HB:	

INTERIOR INFORMATION

Avg H/F/L:	STD
Prim Int Wall:	1 - DRYWALL
Sec Int Wall:	8 - PLY PANEL
Partition:	T - TYPICAL
Prim Floors:	04 - CARPET
Sec Floors:	05 - LINO/VINYL
Bsmnt Flr:	12 - CONCRETE
Subfloor:	
Bsmnt Gar:	
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S
Heat Fuel:	2 - GAS
Heat Type:	3 - FORCED HW
Heat Sys:	1
% Heated:	100
Solar HW:	NO
% Com Wal:	% Sprinkled

DEPRECIATION

Phys Cond:	AG - Avg Good	30%
Functional:	B - BMT PROB	1.0%
Economic:		
Special:		
Override:		
Total:		31.1%

REMODELING

Exterior:		No Unit	RMS	BRS	FL
Interior:		1	6	3	M
Additions:					
Kitchen:					
Baths:					
Plumbing:					
Electric:					
Heating:					
General:		1	6	3	

CALC SUMMARY

Basic \$ / SQ:	105.00
Size Adj:	1.32568812
Const Adj:	0.92727822
Adj \$ / SQ:	129.075
Other Features:	2273
Grade Factor:	1.00
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	171732
Depreciation:	53409
Depreciated Total:	118323

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price

SUB AREA

Code	Description	Area - SQ	Rate - AV	Underpr Value	Sub Area	% Usbl	Descr	Type	% Qu	# Ten
FFL	FIRST FLOOR	1,090	129,070	140,691	BMT	100	RRM		25	AV
BMT	BASEMENT	876	26,780	23,462	BMT	100	RRM			
WDK	WOOD DECK	392	13,540	5,306						
Net Sketched Area:		2,358	Total:							
Size Adj		1090	Gross Area	2358	Fin Area					1090

SUB AREA DETAIL

Net Sketched Area:	2,358	Total:	169,459
Size Adj	1090	Gross Area	2358
		Fin Area	1090

MOBILE HOME

Code	Description	A	YIS	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB	Tr	Appr Value	JCod	Fact	Juns	Value
------	-------------	---	-----	-----	----------	------	-----	------	------------	-----	-----	-----	------	----	----	------------	------	------	------	-------

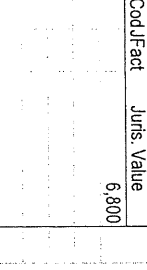
SPEC FEATURES/YARD ITEMS

3	GARAGE	D	Y		1-12X28	AV	FR	1973	40.32	T	50	101				6,800				6,800
02	SHED-NV	D	Y		18X10	AV	AV	1978	0.00	T	39	101								
02	SHED-NV	D	Y		15X8	AV	AV	1973	0.00	T	40	101								
07	POOL-AG-CIR	D	Y		1-20	AV	AV	2008	0.00	T	13.5	101								

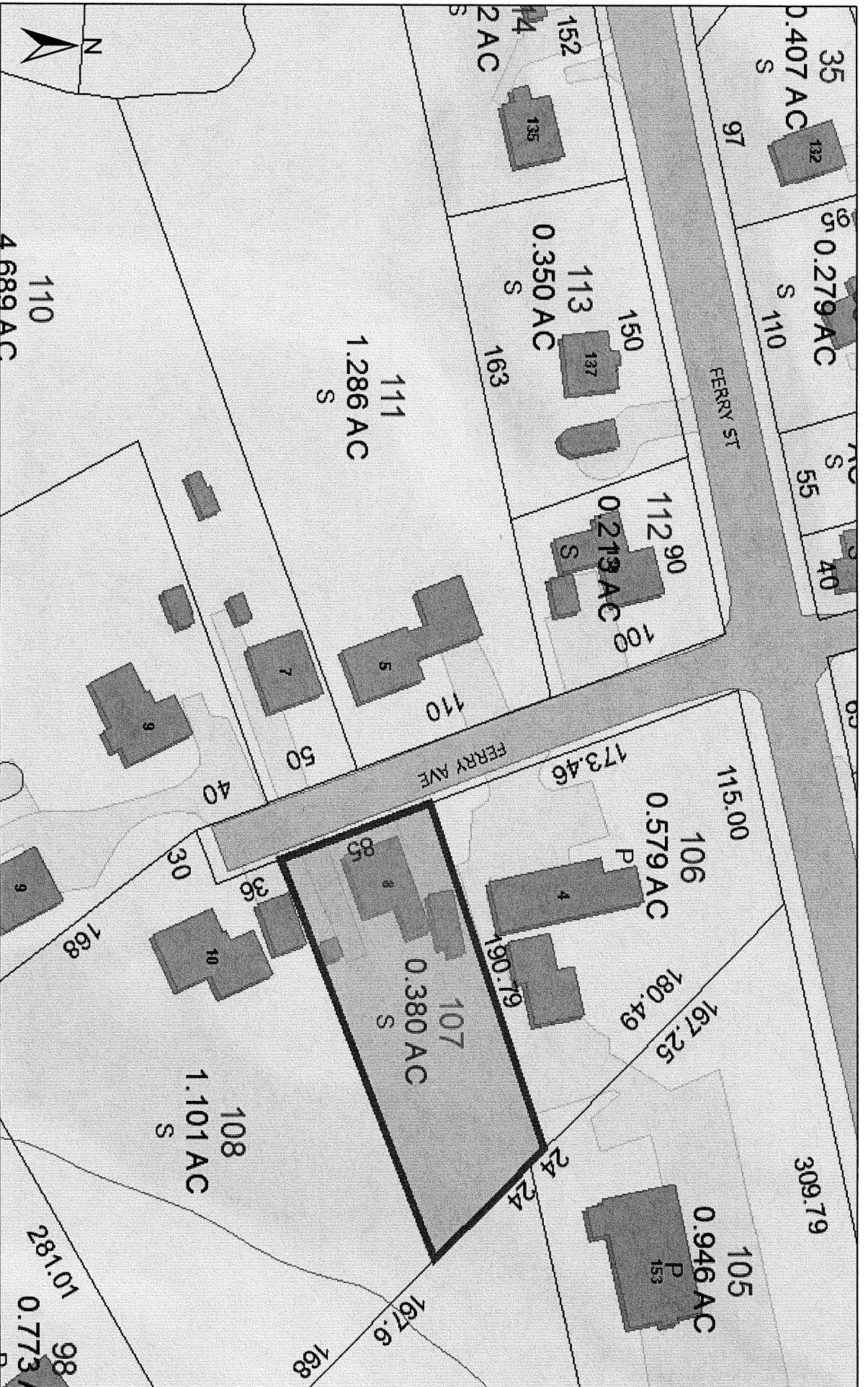
PARCEL ID

Parcel ID	175-107-000
Year	
Color	

IMAGE



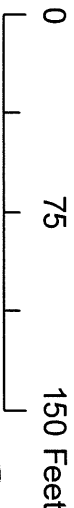
8 Ferry Ave (Map/Lot 175-107-000)



July 1, 2019

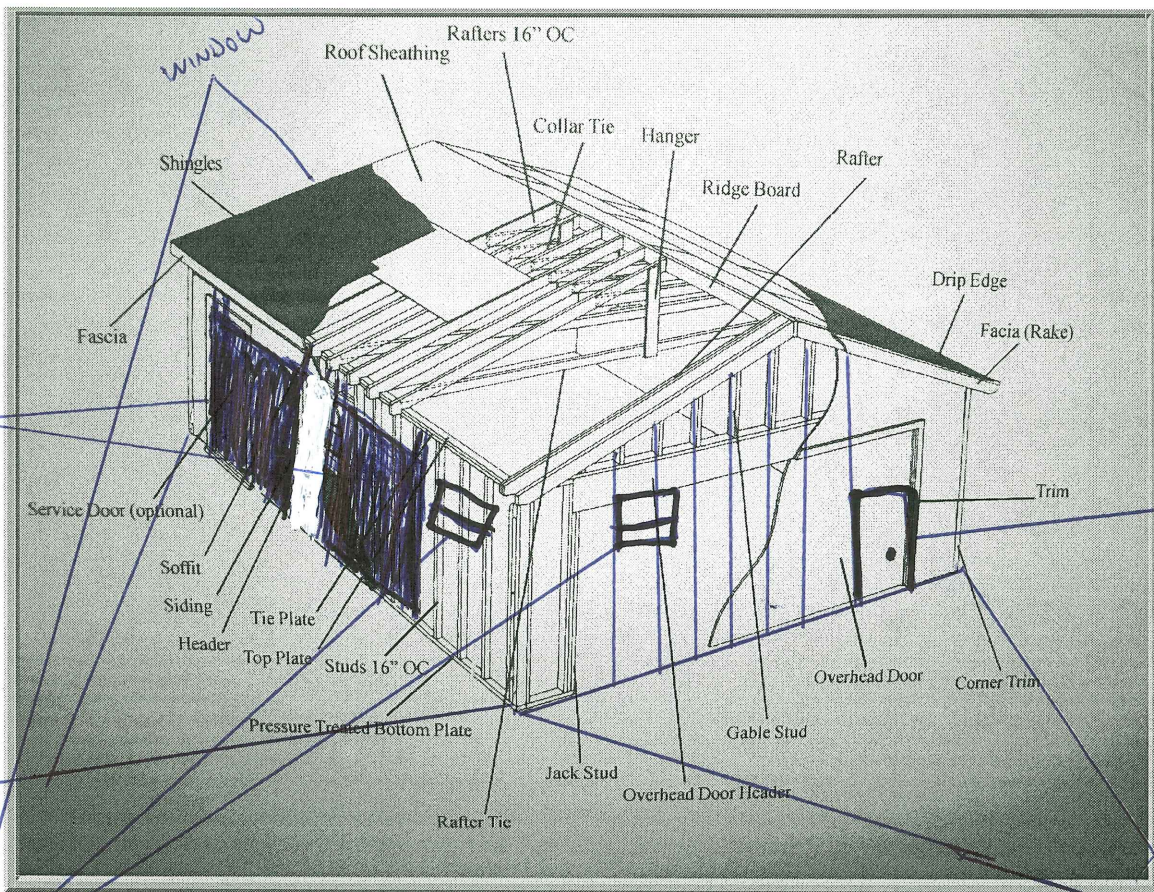
Parcels

1 inch = 73 feet



S. P. Rankin Garage Builders

HOME ABOUT US PRICELIST GARAGE MATERIALS CONTACT



WINDOW

GARAGE DOORS

36.0 FT

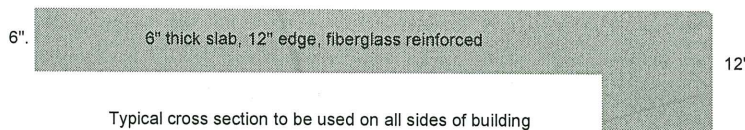
WINDOW 24X32

SERVICE DOOR

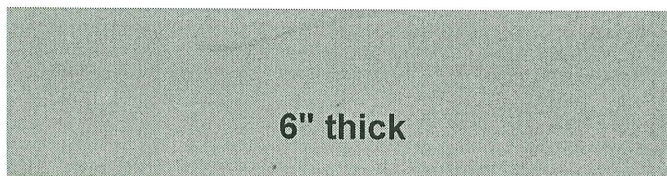
24.0 FT

- Roof sheathing - 1/2" plywood
- Rafters - 2" x 8" 16" OC
- Collar tie - 2" x 4"
- Hanger - 2" x 4"
- Ridge board - 2" x 10"
- Drip edge - galvanized
- Fascia - pine
- Trim - pine
- Gable studs - 2" x 4"
- Garage door header - 2" x 8"
- Jack stud - 2" x 4"
- Rafter tie - 2" x 6" 32"OC

- Bottom plate - 2" x 4" pressure treated
- Studs - 2" x 4" 16"OC
- Tie plate - 2" x 4"
- Top plate - 2" x 4"
- Window & service door headers - 2" x 8"
- Siding - T-111 5/8" fir
- Soffit - AC 3/8" pine
- Shingles - 20 year
- Roof pitch 5/12
- Overhead doors - Steel raised panel insulated
- Windows - double hung 24" x 32" (optional)
- Service door - steel insulated (optional)



Typical cross section to be used on all sides of building



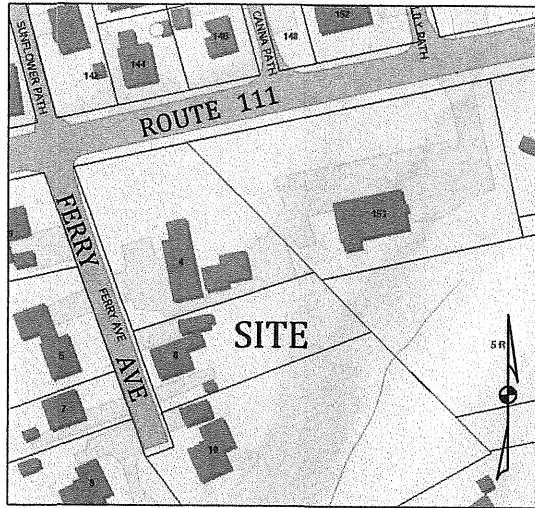
BASIC LOOK
2 CAR SIDE

- STORAGE

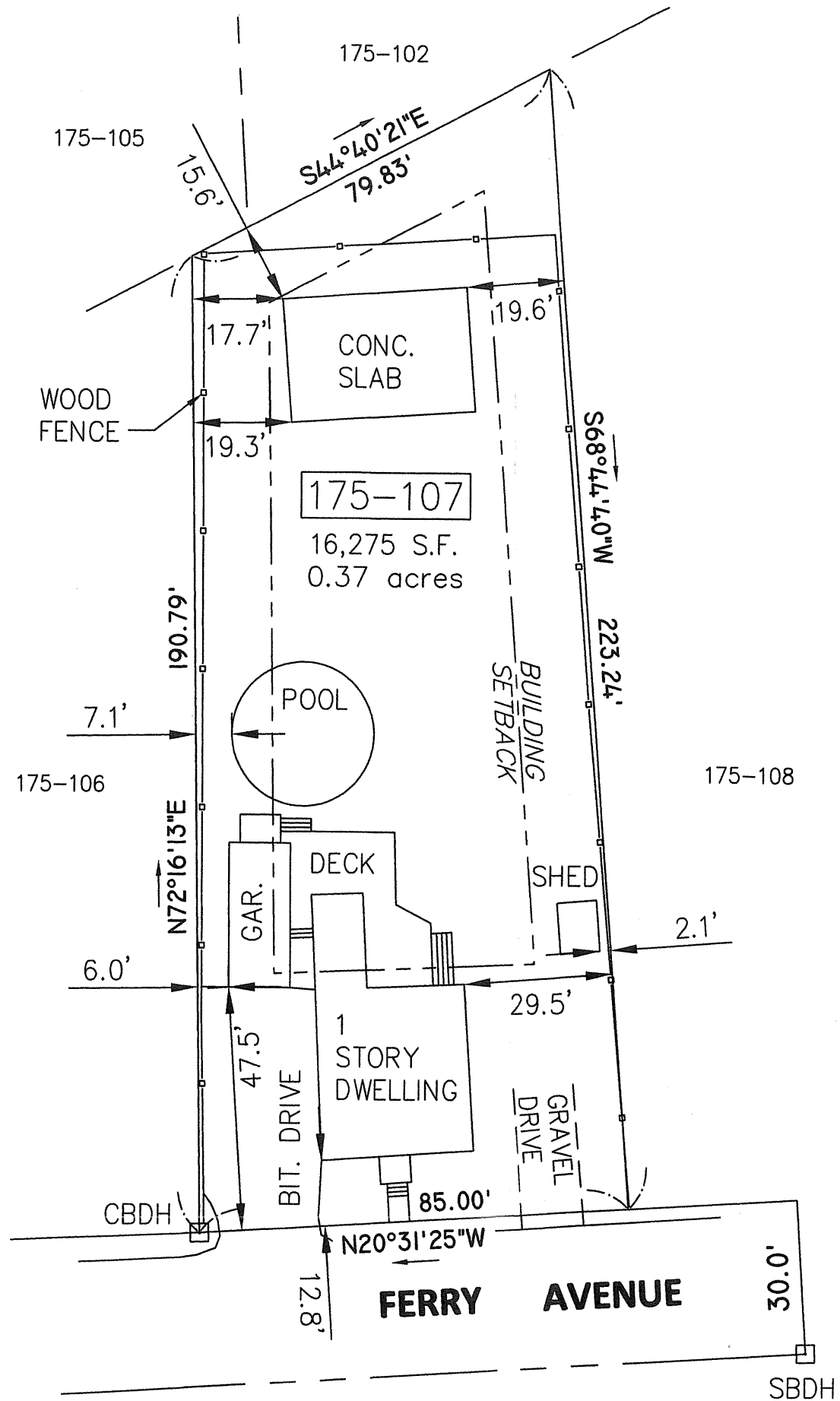
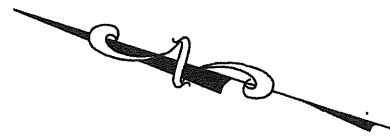


DOOR

WINDOW

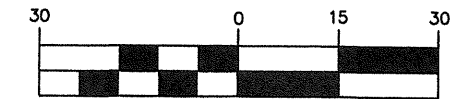


VICINITY MAP



NOTES:

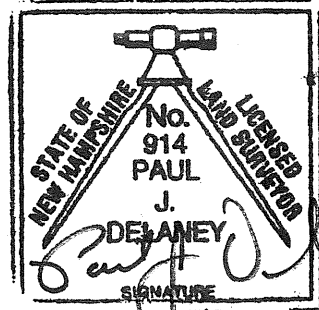
1. SUBJECT PARCEL:
8 FERRY AVENUE
HUDSON, NH
TAX PARCEL ID: 175-107
 2. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING IMPROVEMENTS ON THE SUBJECT PARCEL.
 3. DEED REFERENCE: H.C.R.D. VOL. 7475 PG. 2955
 4. PLAN REFERENCE H.C.R.D. PLAN NO. 704 AND 36966.
 5. CURRENT ZONE: BUSINESS
- MIN. BUILDING SETBACKS:
- FRONT: 50 FEET
- SIDE AND REAR: 15 FEET.



(IN FEET)
1 inch = 30 ft.

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL ON THE GROUND SURVEY CONDUCTED BY THIS OFFICE DURING JUNE, 2019 AND MEETS THE ACCURACY REQUIREMENTS OF AN "URBAN SURVEY" AS DEFINED IN THE ADMINISTRATIVE RULES AS SET FORTH BY THE NH BOARD OF SURVEYORS.

6/24/19



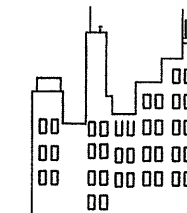
CERTIFIED PLOT PLAN

8 Ferry Avenue
Hudson, NH

TAX PARCEL I.D. 175-107

prepared for:

Brian Girard
8 Ferry Avenue
Hudson, NH



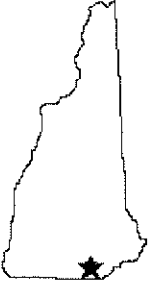
GATE CITY SURVEY

Surveying / Planning / Mapping

WWW.GATECITYSURVEY.COM

1 Tara Boulevard, Nashua, NH 03062 Tel: 603-882-4655

Project: 19262 Scale: 1" = 30' Date: 06/24/2019 SHEET: 1 OF 1



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: July 25, 2019

BM

Case 191-135 (7-25-19): Bernard Campbell of Beaumont & Campbell, Prof. Ass'n. of 1 Stiles Road, Suite 107, Salem, NH representing Salem Manufactured Homes LLC, 3 Bay Street, Hudson, NH requests a Variance to expand the existing non-conforming use (residential structure) from 924 sq. ft. to 1,152 sq. ft. [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].

Address: 3 Bay Street

Zoning district: Business (B)

Summary:

Applicant proposes to replace an existing non-conforming 924 sqft residential manufactured home with a 1,152 sqft residential manufactured home on this parcel. This is an expansion of an existing non-conforming use. This parcel is zoned business and single family residential uses are not allowed per the Table of Permitted Principal Uses. The newly placed manufactured home will satisfy all required setbacks.

Property description:

This is an existing non-conforming developed lot of record: Having 0.320 Acre = 13,939 sqft, which is less than the required minimum of 30,000 sqft, and frontage of 78 ft where 150 is required. The current/existing manufactured home is in the front setback.

HISTORY:

Assessing: Listed as a Single Family residence (not permitted use in B district).

ZBA: 08/24/2000 Use Variance granted to replace MH with new MH.

Building Permits: #2002-96: install a 14 x 66 MH.

Attachments:

“A” Assessing record.

“B” 08/24/2000 Use Variance (meeting minutes)

“C” Building Permit #2002-96

“D” Plot plan for B.P. #2002-96

“E” Proposed plot plan for 2019 installation

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2019	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2018	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2018	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2017	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2017	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2017	103 - MOBILE HM	36,800	7,400	87,600	0.32	0.00	131,800
2016	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2016	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2015	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2015	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2014	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2014	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2013	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2013	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2012	103 - MOBILE HM	30,600	5,900	83,600	0.32	0.00	120,100
2012	103 - MOBILE HM	35,000	4,400	111,400	0.32	0.00	150,800
2011	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2011	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2010	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2010	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2009	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2008	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2008	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2007	103 - MOBILE HM	32,800	4,400	111,400	0.32	0.00	148,600
2007	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2006	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2006	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2005	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2005	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2004	103 - MOBILE HM	40,000	4,100	83,600	0.32	0.00	127,700
2004	103 - MOBILE HM	38,800	4,500	63,700	0.32	0.00	107,000
2003	103 - MOBILE HM	38,800	4,500	63,700	0.32	0.00	107,000
2003	103 - MOBILE HM	32,700	4,500	63,700	0.32	0.00	100,900
2002	103 - MOBILE HM	32,700	4,500	63,700	0.32	0.00	100,900
2002	103 - MOBILE HM	32,700	4,500	63,700	0.32	0.00	100,900
2001	103 - MOBILE HM	11,300	0	38,200		0.00	49,500
2000	101 - ONE FAMILY	9,300	2,000	38,200	0.32	0.00	49,500
1999	101 - ONE FAMILY	9,300	2,000	38,200	0.32	0.00	49,500

A

VOTE: Chairman Seabury asked the Clerk to poll the Board on the motion and to record the members' votes, which were as follows:

Frank Carr	To uphold
James Pacocha	To uphold
Leo Fauvel	Not to uphold
Richard Botteron	Not to uphold
Brad Seabury	To uphold

Chairman Seabury reported that, there having been three votes to uphold the Zoning Administrator's decision to deny a building permit, the motion had carried. He then stated that written notification to that effect would be mailed to the applicant from the Zoning Administrator's office within the next seven to ten days.

B. Case 49-68 (08/24/00): Salem Manufactured Homes LLC, Post Office Box 54, Salem NH, requests a Use Variance for the replacement of a manufactured housing unit with a new unit, residential being a non-permitted use in the Business Zone. [Map 49, Lot 68; Zoned B; HZO Article V, Section 334-21; 3 Bay Street.]

Atty. Bernard Campbell, representing the applicant, asked that information in the previous case be incorporated into this case. He stated that the site was located in the Business zone, that the application was a request to replace a mobile home that was in poor condition with a new unit that would be placed in a conforming location on the site. He noted that his previous appeal was not granted, and the decision that had been made by the Board was that this request needed a variance.

Atty. Campbell pointed out that this was a business zone, with residential homes not being permitted, but that a business would be allowed on this site. He then referenced a plan prepared by M.J. Grainger Engineering, reporting that the lot was approximately 1400 square feet, and he then identified the surrounding lot uses.

In addressing the five criteria necessary for obtaining a variance, Atty. Campbell stated that the proposed use would not diminish surrounding property values because the replacement and upgrading of this site by the placement of a new manufactured house in a conforming location would increase the value of the existing site as well as increase the value of surrounding properties. He said that there was public benefit in that the centering of this unit would allow clearance between this unit and the lot line, and granting this variance would increase the value of the property and would have an increase in tax revenue for the Town of Hudson. He said that denial of the variance would result in unnecessary hardship created to the property primarily because the existing zoning was business in nature, and permitted uses that would be allowed in that area would be detrimental to the area as a whole. He said that the reasonable use of this property was residential

"B"

in nature. He said that granting the variance would do substantial justice, would allow upgrading of this property, enhancing the neighborhood, and that to allow a business use of this property, consistent with its zoning would be an injustice to the neighbors and abutters. He stated that the use was not contrary to the spirit of the ordinance, saying that what was being requested was a waiver from the business regulation and that the purpose of the use regulation was to prevent incompatible uses which would conflict with the surrounding properties. Atty. Campbell then concluded his initial presentation by asking the Board for a positive consideration of the application.

Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in favor of this application. No one coming forth, Chairman Seabury asked if there were anyone present who wished to speak, for the first time, in opposition to this application. Mr. Jay Lynch, of Prolyn Corporation, stated that he was opposed, adding that he would not be opposed if a one-family detached dwelling was constructed.

Mr. Baxter Byrd, 5 Bay Street, an abutter, stated that the existing mobile home had a foundation under it, but he also added that there was a great deal of asbestos on the property, and that any demolition on the property would have to be done safely. Mrs. Byrd said that she would prefer to see a single-family home on the site, rather than a business.

Chairman Seabury stated that there would be a second round of testimony, and he asked if there were any questions from members of the Board at this time. Mr. Carr asked how long had the property been abandoned.

Atty. Campbell stated that the property was acquired by the applicant in November, 1999, through a foreclosure situation. Mr. Gidley stated that the property was never abandoned, stating that the owner had passed away, and that all furnishings had remained in the home until he purchased the property.

Mr. Pacocha said that it seemed to him that, in addition to the use variance being requested, a request should also be to allow a manufactured house on the site.

Atty. Campbell said that the request was to allow a residential use, stating that the reason that the applicant was before the Board was to allow this home in a business zone. He claimed that the vested use was still there, and he read from RSA 674:32, which referenced the ability to locate manufactured housing in different locations within a community. Mr. Gidley said that he would work with the Building Inspector as to the type of foundation that would be installed.

No further input being brought forward, Chairman Seabury declared the matter before the Board.

Mr. Fauvel contended that the Hudson ordinance did not allow manufactured housing to be placed on individual lots, and he voiced

"B"

concern that this lot did not have 100 feet of frontage nor was it a 15,000 square foot lot, as required by the ordinance.

During the deliberation process, discussion evolved on the facts that the non-conforming structure was to be replaced by a unit that would conform with the setback requirements, and further that the manufactured home on the site had been in that location for 40-plus years and therefore had some vested rights.

Mr. Fauvel again expressed concern about the fact that this was to be a manufactured housing unit, which under this town's ordinance was limited to manufactured housing parks. Mr. Seabury stated that he understood Mr. Fauvel's concern and normally would agree, but that he felt this particular case was different because of the fact that this was to be a continuation of a long-standing use, with significant benefit to the neighborhood because of the conformity with setbacks and the unquestionable improvement over the existing situation. He then pointed out that the Board had denied replacement of a manufactured housing unit with a newer unit a year ago for the same reasons being raised by Mr. Fauvel but that the matter had been taken to court and the judge had overruled the Zoning Board's decision on the grounds that an existing unit was being replaced by a similar unit, adding that he had no doubt that a similar decision would be handed down in the event that this case went to court, since a manufactured home had been on this property for nearly 50 years. Chairman Seabury then pointed out that a business use could not be placed on this lot, since Hudson's site plan regulations required that there be a 100-foot buffer between the business use and adjoining residential properties, whereas this property was only 76 feet wide to start with. He then referenced the Belanger vs. Nashua case, expressing a belief that the Town could not insist on a business use on this property, since it was surrounded by residential uses. He said that he agreed with Atty. Campbell that this was a vested use that had existed on this property for nearly half a century, and he further commented that the proposed use would bring this lot into a much more conforming situation that would clearly enhance the value of nearby properties.

Mr. Carr made a motion to grant the variance with the following stipulations: that a permanent foundation be put in place, to be subject to the approval of the Building Inspector, and that the site have two parking spaces.

Mr. Pacocha seconded the motion.

Speaking on his motion, Mr. Carr said that the requirements of the ordinance for a variance had been met by the applicant. He said that this was a long-standing use that was to be modified, which would bring the structures more in conformance with the Zoning Ordinance. He said he had been concerned that the proposed expansion was substantial but he felt that it appeared to be the best solution for the neighborhood. He then added that the zoned use for the property did not seem appropriate in a residential neighborhood.

B²

Speaking on his second, Mr. Pacocha said that the mobile home was in a residential area, and a variance should be granted to establish the use of the lot. He said that the size of the proposed structure met the minimal square footage for a dwelling unit, and the proposed unit would be conforming with setbacks.

Chairman Seabury added that it was clear that the proposed use as modified by the Board's stipulations would apply a positive value for the properties in the neighborhood as opposed to what existed there now. He said that the only problem that he had with this case was whether it was contrary to the spirit of the ordinance, because of the intent of the ordinance to restrict manufactured housing to appropriate housing parks, but that he would approve this particular case, as this was a use that had been on that lot for close to half a century. He said that he would be very strongly opposed to approving this request if it concerned a lot across the street that had a house on it, or even a buildable lot without a house, but that in this case this lot had had a manufactured home on it for many years, and the Board was merely continuing the use while making it better.

Mr. Fauvel said that he would be voting in favor, but that he would do so with many concerns. He said that he believed the new structure would make the appearance of the neighborhood much better, but he voiced concern that this decision might set a precedent of allowing manufactured housing into single-family areas.

VOTE: Chairman Seabury asked the Clerk to poll the Board on the motion and to record the members' votes, which were as follows:

Frank Carr	To grant
James Pacocha	To grant
Leo Fauvel	To grant
Richard Botteron	To grant
Brad Seabury	To grant

Chairman Seabury reported that, there having been five votes to grant, the motion had carried unanimously. He then stated that written notification to that effect would be mailed to the applicant from the Zoning Administrator's office within the next seven to ten days.

- C. Case 7-72 (08/24/00): Bonnie McCarthy, of 3 Ridgecrest Drive, Hudson NH, requests a Special Exception for an in-home Day Care, for a maximum of 12 children. [Map 7, Lot 72; HZO Article 334-24; Zoned R-2; 3 Ridgecrest Drive.]

Mrs. McCarthy read from her application, addressing the requirements for a Home Occupation Special Exception. She stated that she would be in full compliance with all requirements. She stated that she would have the assistance of her two daughters, who were 17 and 19 years of age and

"B"

SALEM MANUFACTURED HOMES, L.L.C.

72 SOUTH BROADWAY
P.O. BOX 54
SALEM, NEW HAMPSHIRE 03079
(603) 898-2144



Town of Hudson
ATTN: Building Department
Hudson, NH 03051

RE: 3 Bay Street

Dear Sir,

Please find enclosed application for building permit to replace the existing mobile home with a new home per variance that was granted on August 24, 2000.

Since there was an appeal that was later dismissed, see attached letter and decision from court, we would like to continue and replace the home.

Please contact me at 898-2144 with any questions you may have.

Sincerely,


Glenn N. Gidley
Business Manger

GNG:nad

Enclosure

2

TAX MAP 48 / LOT 94

N 57°02'20" E
81.34'

(IRON PIPE FOUND)

TAX MAP 49 / LOT 67

S 15°29'00" E
167.23'

PROPERTY NEW UNIT

CAR

TAX MAP 53 / LOT 6

N 67°29'00" W
190.31'

(IRON PIPE FOUND)

MSD

78.00'

(STONE BOUND FOUND)

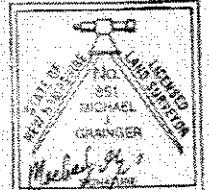
S 73°31'00" W

BAY STREET

TAX MAP 49 / LOT 65

TAX MAP 49 / LOT 64

TAX MAP 53 / LOT 7



PLAN REFERENCES:

- 1) MELENDY PLOT, HUDSON, NH OWNED BY ALBERT LACROIX, MANCHESTER, NH. SCALE: 1" = 40'. DATED: MAY 1925 BY E.H. SHEFFIELD AND RECORDED AT THE H.C.R.D. AS PLAN NO. 546.
- 2) PLAN OF LOT "A" BAY STREET, HUDSON, NH SURVEYED FOR CHARLES & FLORENCE LEFEVRE SCALE: 1" = 20'. DATED: FEBRUARY 1968 BY W. ROBERT HOLTE & ASSOCIATES, RECORDED AT H.C.R.D. AS PLAN NO. 4847.

DRAWING REFERENCE: #308 6182 PAGE 08KB

AREA OF LOT 68 IS 13,844 SQ. FT. OR 0.328 ACRES.

TAX MAP 49 / LOT 68
PROPOSED NEW USE
PLOT PLAN
3 BAY STREET
HUDSON, N.H.

PREPARED FOR: SALEM MANUFACTURED HOMES, LLC
C/O BERNARD H. CAMPBELL
1 STILES ROAD SUITE 107
SALEM, N.H. 03079

JUNE 1, 2000

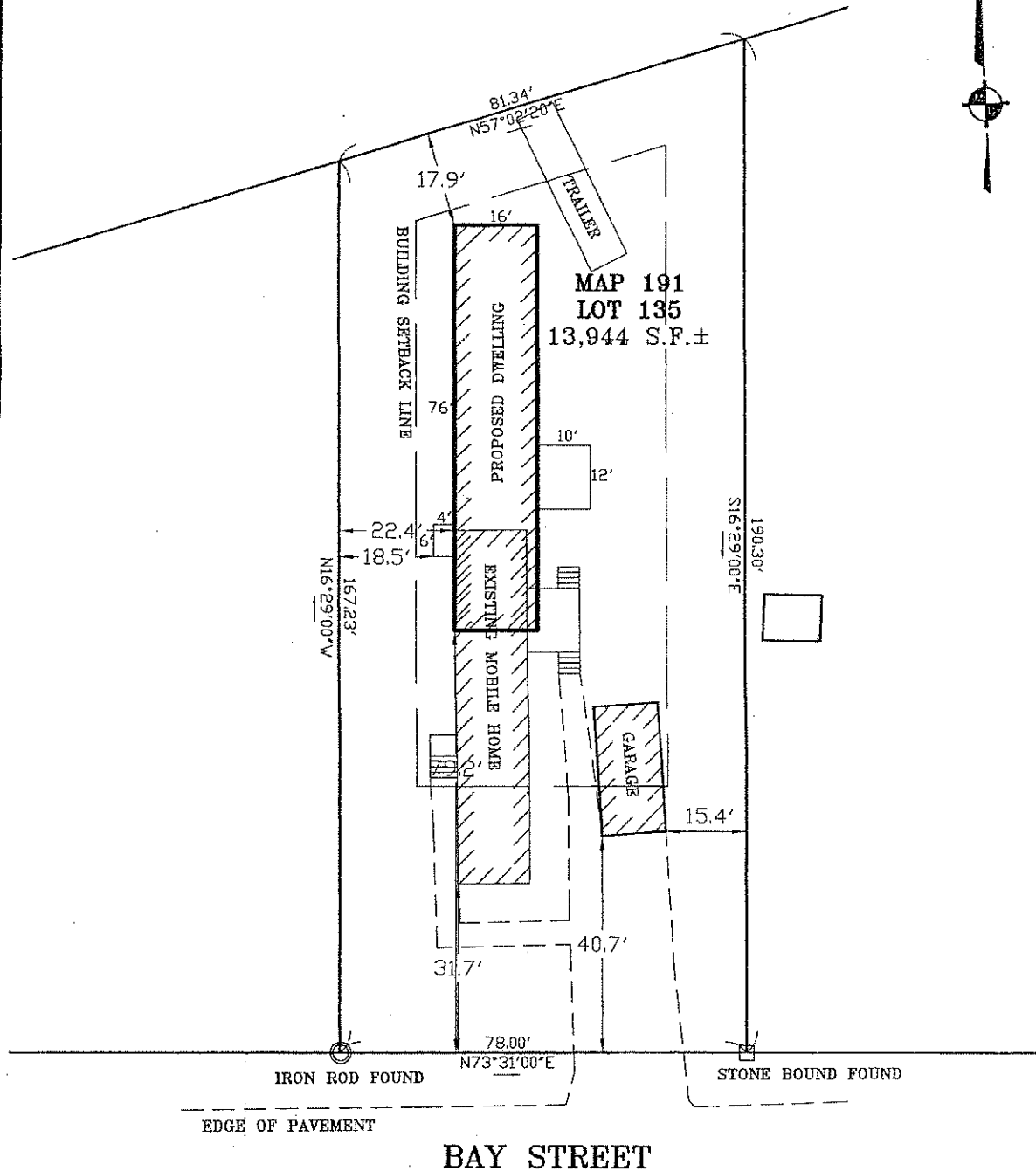
SCALE: 1" = 20'

M. J. GRAINGER, ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD, HUDSON, N.H. (603) 882-4359

I CERTIFY THAT THIS PLAN WAS PREPARED IN PART FROM THE BOUNDARY INFORMATION SHOWN ON THE ABOVE REFERENCED PLANS AND IN PART FROM A SURVEY MADE IN THE FIELD - MAY 2000.

CERTIFIED PLOT PLAN

3 BAY ST.
HUDSON, NH 03051



REFERENCE PLAN:

"PLAN OF LOT 'A' BAY STREET-HUDSON, N.H."
PREPARED BY W. ROBERT NOLTE & ASSOCIATES.
DATED FEBRUARY 1969 AND RECORDED IN THE RCRD
AS PLAN #4047.

CERTIFICATION:

'I HEREBY CERTIFY THAT THE CONTENTS OF THIS
PLAN ARE ACCURATE BASED ON PLANIMETRIC
EVIDENCE & FIELD INSTRUMENT SURVEY PERFORMED
IN NOVEMBER 2018.'

SCALE: 1" = 20'
DATE: NOVEMBER 6, 2018

© 2018 MEISNER BREM CORP.

3 BAY ST.
HUDSON, NH

PREPARED FOR:
SALEM MAN. HOMES

P.O. BOX 54
SALEM, NH 03079

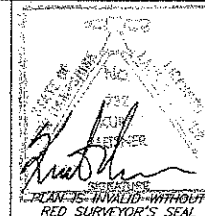
JOB NO. 8137

ZONE DISTRICT: B
MIN. BUILDING SETBACKS:
FRONT = 50 FEET MIN.
SIDE = 15 FEET
REAR = 15 FEET



MEISNER BREM CORPORATION

202 MAIN STREET, SALEM, NH 03079 (603) 893-3301
142 LITTLETON ROAD, SUITE 16, WESTFORD, MA 01886 (978) 692-1313



E

**HUDSON ZONING BOARD OF ADJUSTMENT
Variance Decision Work Sheet (Rev 11-06-18)**

On **07/25/19**, the Zoning Board of Adjustment heard Case **191-135**, being a case brought by **Bernard Campbell of Beaumont & Campbell, Prof. Ass'n. of 1 Stiles Road, Suite 107, Salem, NH representing Salem Manufactured Homes LLC, 3 Bay Street, Hudson, NH**, for a Variance to **expand the existing non-conforming use (residential structure) from 924 sq. ft. to 1,152 sq. ft.** [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].

After reviewing the petition, hearing all of the evidence, and taking into consideration any personal knowledge of the property in question, the undersigned member of the Zoning Board of Adjustment sitting for this case made the following determination:

Y **N** **1.** Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."

Y **N** **2.** The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."

Y **N** **3.** Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.

Y **N** **4.** The proposed use will not diminish the values of surrounding properties.

Y **N** **5.** Special conditions exist such that literal enforcement of the ordinance would result in **unnecessary hardship**, either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way *and also* because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.

Member Decision: _____

Signed: _____
 Sitting member of the Hudson ZBA

Date

Stipulations: _____



JUL 09 2019



APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 191-135
Date Filed 7-9-19

Name of Applicant Salem Manufactured Homes, LLC
By its Attorneys, Map: 191 Lot: 135 Zoning District: B

Telephone Number (Home) _____ (Work) 603-898-2635
Beaumont & Campbell, Prof. Ass'n.

Mailing Address 1 Stiles Road - Suite 107, Salem, New Hampshire 03079

Owner Salem Manufactured Homes, LLC -72 S .Broadway, Salem, New Hampshire 03079

Location of Property 3 Bay Street
(Street Address)

Signature of Applicant Date July 9, 2019
Bernard H. Campbell, Esq.
Attorney for Salem Manufactured Homes, LLC

Signature of Property-Owner(s) _____ Date _____

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

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

COST:		Date received: <u>7/9/19</u>
Application fee:	<u>\$130.00</u>	
<u>8</u> Direct Abutters x \$4.05 =	<u>32.40</u>	
<u>19</u> Indirect Abutters x \$0.55 =	<u>10.40</u>	
Total amount due:	<u>\$ 172.85</u>	Amt. received: <u>\$172.85</u>
		Receipt No.: <u>559498</u>
Received by: <u>Bruce/Brooke</u>		

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

_____ Engineering _____ Fire Department _____ Health Officer _____ Planner

Salem Manufactured Homes, LLC
72 South Broadway
Salem, New Hampshire 03079

July 5th, 2019

Hudson Zoning Board of Adjustment
Municipal Office Building
12 School Street
Hudson, New Hampshire 03051

RE: **Variance Application**
3 Bay Street
Map 191, Lot 135

Dear Ladies and Gentlemen:

Please accept this letter as authorization for Beaumont and Campbell Prof. Ass'n. to file for a variance to replace an existing non-conforming 924 sq. foot manufactured housing unit with a new unit of 1152 sq. feet, conforming to setbacks, an expansion of a non-conforming single family residential use in the Business District.

Yours truly,


Glenn N. Gidley, Manager 

GG/jap

TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applicant Initials		Staff Initials
<u>BHC</u>	The applicant must provide 13 copies including the original of the filled-out application form, together with this checklist and any required attachments listed. (Paper clips, no staples)	<u>BB</u>
<u>BHC</u>	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	<u>BB</u>
<u>BK</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>BB</u>
<u>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>BB</u>
<u>BAC</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>BB</u>
<u>BHC</u>	A copy of both sides of the assessor's card shall be provided. (NOTE: these copies are available from the Assessor's Office)	<u>BB</u>
<u>BHC</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>BB</u>
<u>N/A</u>	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	<u>N/A</u> BB

ALL DIRECT ABUTTERS

List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
191	136	John T. Katsirebas, Trustee	35 Melendy Road Hudson, NH 03051-2815
191	111	Warren F. Fitch	39 Melendy Road Hudson, NH 03051
191	112	Benjamin J. Norton	4 Bay Street Hudson, NH 03051
191	134	Baxter F. Byrd, Jr.	5 Bay Street Hudson, NH 03051
191	132	Prolyn Corporation	5 Lawrence Corner Road Pelham, NH 03076
		Salem Manufactured Homes, LLC	72 S. Broadway Salem, NH 03079
		Bernard H. Campbell, Esq.	Beaumont & Campbell, PA 1 Stiles Road, Suite 107 Salem, NH 03079
		Meisner Brem Corporation	202 Main Street Salem, NH 03079

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

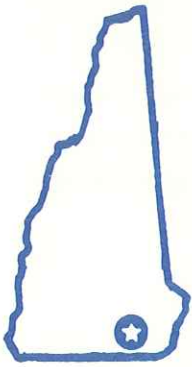
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
191	146	James J. Hickey	34 Melendy Road Hudson, NH 03051
191	144-8	Laurie A. Saad	45 Roosevelt Ave Hudson, NH 03051
191	113	Alan R. Gilbert	11 Coll Street Hudson, NH 03051
191	114-6	Mark A. Wolf	41 Roosevelt Avenue Hudson, NH 03051
165	012	Donna I. Thorn, Trustee	12 Grouse Lane Litchfield, NH 03052
191	144	Lance J. McAdam	28 Melendy Road Hudson, NH 03051
191	114-1	Jennifer Ladue	31 Roosevelt Ave. Hudson, NH 03051
191	114-2	Nancy J. Gibson	33 Roosevelt Ave Hudson, NH 03051
191	114-3	Mary Ann Dorocak	35 Roosevelt Ave Hudson, NH 03051
191	133	Norman Boyer	65 Plateau Ridge Road Loudon, NH 03307-0711
191	114-7	Cheryl Graf	43 Roosevelt Ave Hudson, NH 03051
191	109	Thomas Siracusa	3 Coll Street Hudson, NH 03051
191	114-9	Cheryl Yiatras	47 Roosevelt Ave Hudson, NH 03051

SEE ADDITIONAL SHEET OF INDIRECT ABUTTERS

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
191	110	Antonio Dos Santos	41A Melendy Road Hudson, NH 03051
191	114-5	Alyssa Holdsworth	37 E Dunstable Road Nashua, NH 03060
191	145	James M. Pinard	32 Melendy Road Hudson, NH 03051
191	114-4	Cheryl J. Zamoida, Trustee	37 Roosevelt Avenue Hudson, NH 03051
191	114	Franklin D. Estates Condos	45 Roosevelt Ave Hudson, NH 03051
191	108	Melissa Corson	9 Coll Street Hudson, NH 03051



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

ABUTTER NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **07/25/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

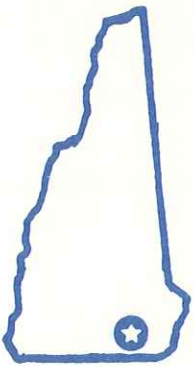
- 1. Case 191-135 (7-25-19): Bernard Campbell of Beaumont & Campbell, Prof. Ass'n. of 1 Stiles Road, Suite 107, Salem, NH representing Salem Manufactured Homes LLC, 3 Bay Street, Hudson, NH requests a Variance to expand the existing non-conforming use (residential structure) from 924 sq. ft. to 1,152 sq. ft. [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].**

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

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT

APPLICANT NOTIFICATION

12 School Street

Hudson, New Hampshire 03051

603/886-6008



You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **07/25/19** starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

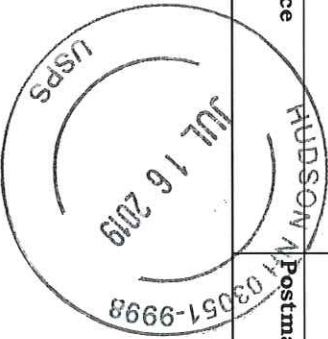
- 1. Case 191-135 (7-25-19): Bernard Campbell of Beaumont & Campbell, Prof. Ass'n. of 1 Stiles Road, Suite 107, Salem, NH representing Salem Manufactured Homes LLC, 3 Bay Street, Hudson, NH requests a Variance to expand the existing non-conforming use (residential structure) from 924 sq. ft. to 1,152 sq. ft. [Map 191, Lot 135-000; Zoned Business (B); HZO Article VIII, §334-29 Extension or enlargement of nonconforming uses].**

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

Respectfully,

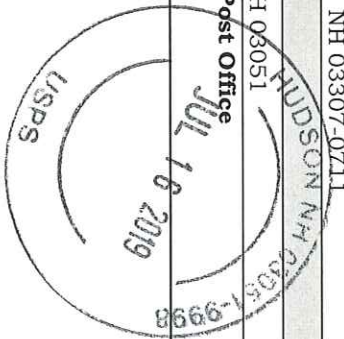
Bruce Buttrick
Zoning Administrator

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 191-135 Variance 3 Bay Street Map 191/Lot 135-000	1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address			07/25/19 ZBA Meeting
1	7016 2710 0000 0595 1936	SALEM MANUFACTURED HOMES, LLC 72 S. Broadway, Salem, NH 03079	APPLICANT/OWNER-NOTICE SENT		
2	7016 2710 0000 0595 1943	Bernard H. Campbell, Esq; Beaumont & Campbell, PA 1 Stiles Road, Suite 107, Salem, NH 03079	APPLICANT/OWNER-NOTICE SENT		
3	7016 2710 0000 0595 1950	Meisner Brem Corporation 202 Main Street, Salem, NH 03079 KATSIREBAS, JOHN T., TR. & JANIS E., TR.; KATSIREBAS REVOCABLE TRUST	ABUTTER NOTICE SENT		
4	7016 2710 0000 0595 1967	35 MELENDY RD., Hudson, NH 03051-2815	ABUTTER NOTICE SENT		
5	7016 2710 0000 0595 1974	FITCH, WARREN F. & LAURIE B. 39 MELENDY ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT		
6	7016 2710 0000 0595 1981	NORTON, BENJAMIN J.; STONE, CORINA M. 4 BAY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT		
7	7016 2710 0000 0595 1998	BYRD, JR., BAXTER F. & BETTY C. 5 BAY STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT		
8	7016 2710 0000 0595 2001	PROLYN CORPORATION 5 LAWRENCE CORNER ROAD, PELHAM, NH 03076	ABUTTER NOTICE SENT		
9					
10					
Total Number of pieces listed by sender 8		Total number of pieces rec'd at Post Office	Postmaster, (receiving Employee)		

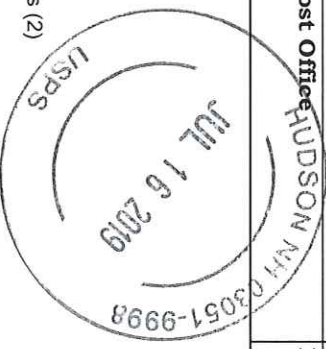


Direct Certified

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 191-135 Variance 3 Bay Street Map 191/Lot 135-000	1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	07/25/19 ZBA Meeting			
1	N/A-mailed First Class HICKEY, JAMES J. & JANET L. 34 MELENDY ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT			
2	N/A-mailed First Class SAAD, LAURIE A. 45 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT			
3	N/A-mailed First Class GILBERT, ALAN R. & PATRICIA M. 11 COLL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT			
4	N/A-mailed First Class WOLF, MARK A; SELIHAN, LUCINDA B. 41 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT			
5	N/A-mailed First Class THORN, DONNA I., TR.; THORN REV TRUST OF 2013 12 GROUSE LANE, LITCHFIELD, NH 03052	ABUTTER NOTICE SENT			
6	N/A-mailed First Class MCADAM, LANCE J. & KAREN E. 28 MELENDY ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT			
7	N/A-mailed First Class LADUE, JENNIFER 31 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT			
8	N/A-mailed First Class GIBSON, NANCY J. 33 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT			
9	N/A-mailed First Class DOROCAK, MARY ANN 35 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT			
10	N/A-mailed First Class BOYER, NORMAN 65 PLATEAU RIDGE RD., LOUDON, NH 03307-0711	ABUTTER NOTICE SENT			
11	N/A-mailed First Class GRAF, CHERYL 43 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT			
Total Number of pieces listed by sender 11		Total number of pieces rec'd at Post Office	Postmaster, (receiving Employee)		
		11	PEA		



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 191-135 Variance 3 Bay Street Map 191/Lot 135-000 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	07/25/19 ZBA Meeting
1	N/A-mailed First Class	SIRACUSA, THOMAS 3 COLL ST., HUDSON, NH 03051	ABUTTER NOTICE SENT
2	N/A-mailed First Class	YIATRAS, CHERYL 47 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
3	N/A-mailed First Class	DOS SANTOS, ANTONIO; SILVA, LEIDE DOS SANTOS 41A MELENDY RD., HUDSON, NH 03051	ABUTTER NOTICE SENT
4	N/A-mailed First Class	HOLDSWORTH, ALYSSA & DAWN M. 37 E DUNSTABLE RD., NASHUA, NH 03060	ABUTTER NOTICE SENT
5	N/A-mailed First Class	PINARD, JAMES M. & JENNIFER L. 32 MELENDY ROAD, HUDSON, NH 03051	ABUTTER NOTICE SENT
6	N/A-mailed First Class	ZAMOIDA, CHERYL J., TR.; ZAMOIDA REVOCABLE TRUST 37 ROOSEVELT AVENUE, HUDSON, NH 03051	ABUTTER NOTICE SENT
7	N/A-mailed First Class	FRANKLIN D. ESTATES CONDOS 45 ROOSEVELT AVE., HUDSON, NH 03051	ABUTTER NOTICE SENT
8	N/A-mailed First Class	CORSON, MELISSA 9 COLL STREET, HUDSON, NH 03051	ABUTTER NOTICE SENT
9			
10			
11			
	Total Number of pieces listed by sender 8	Total number of pieces rec'd at Post Office	Postmaster, (receiving Employee)



Non-Direct First Class (2)

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VIII of HZO Section(s) 334-29 in order to permit the following change or use:

Replacement of an existing non-conforming 924 sq. foot manufactured housing unit (allowed by prior variance) with a new unit of 1152 sq. ft., conforming to setbacks, an expansion of a non-conforming single family residential use in the Business District.

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

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

1. Granting of the requested variance will not be contrary to the public interest, because:
(Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)
The property has a long history of non-conforming residential use. The current existing manufactured housing unit was placed by variance. The new unit, while slightly bigger, will be placed to conform with setbacks. Use will have no impact on health, safety or welfare, will improve character of neighborhood, but will not change essential character as an “in-kind” replacement. Replacement likely will increase assessments and tax revenue.

2. The proposed use will observe the spirit of the ordinance, because:
(Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)
The applicable ordinance provisions (Business) do not allow single family residential, but this section of the zone has numerous single family residential uses, and proposed residential use will have less impact on character of neighborhood than a change to business use.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)
There is no apparent “harm” to the community by granting the variance. The property will remain residential and likely provide an affordable housing option that might otherwise not exist. Replacement increases zoning compliance by meeting setbacks. Applicant benefit includes updated unit with less expected maintenance costs.

4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)
Use is already a previously allowed manufactured housing unit. Replacement unit should enhance character of neighborhood and raise property values.

EXTERIOR INFORMATION

Type: 11 - MOB HOME	Full Bath: 1	Rating: AVERAGE
Sy Ht: 1 - ONE STY	A Bath: 1	Rating: AVERAGE
(Lvl) Units: 1	3/4 Bath: 1	Rating: AVERAGE
Total: 1	A 3/4Bth	Rating: AVERAGE
Foundation: 5 - PIERS	1/2 Bath: 1	Rating: AVERAGE
Frame: 2 - STEEL	A HBth:	Rating: AVERAGE
Prime Wall: 03 - ALUMINUM	Other Fix:	Rating: AVERAGE
Sec Wall: 1 - GABLE	OTHER FEATURES	
Roof Struct: 1 - ASPH SHING	Kits: 1	Rating: AVERAGE
Color: OFF WHITE	A Kits:	Rating: AVERAGE
View / Desir:	Fppl:	Rating: AVERAGE
	WSFlue:	Rating: AVERAGE

GENERAL INFORMATION

Grade: C - AVERAGE	Location:
Year Bilt: 1981	Total Units:
Alt LUC:	Floor:
Jurisdct:	% Own:
Const Mod:	Name:
Lump Sum Adj:	

INTERIOR INFORMATION

Avg Ht/Ft: STD	Phys Cond: FR - Fair	38.3%
Prim Int Wall: 12 - WALL BOARD	Functional:	
Sec Int Wall:	Economic:	
Partition: 1 - TYPICAL	Special:	
Prim Floors: 04 - CARPET	Override:	
Sec Floors:	Total:	38.3%

BATH FEATURES

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

COMMENTS

12-13-11 EXT INSP-ADDED AC UNIT LOCATED NEXT TO THE O.PORCH.

RESIDENTIAL GRID

1st Res Grid	Desc: CONV	# Units: 1
Level	FY LR DR D K FR RR BR FB HB L O	
Other		
Upper		
LM 2		
LM 1		
Lower		
Totals	RMS: 5 BRS: 2 Baths: 1 HB	

REMODELING

Exterior:	No Unit	RMS	BRS	FL
Interior:	1	5	2	M
Additions:				
Kitchen:				
Baths:				
Plumbing:				
Electric:				
Heating:				
General:	1	5	2	

DEPRECIATION

Basic \$ / SQ:	64.00
Size Adj:	1.03290045
Const Adj:	0.96940798
Adj \$ / SQ:	64.070
Other Features:	4124
Grade Factor:	1.00
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	59682
Depreciation:	22838
Depreciated Total:	36824

CALC SUMMARY

Rate	Parcel ID	Typ	Date	Sale Price

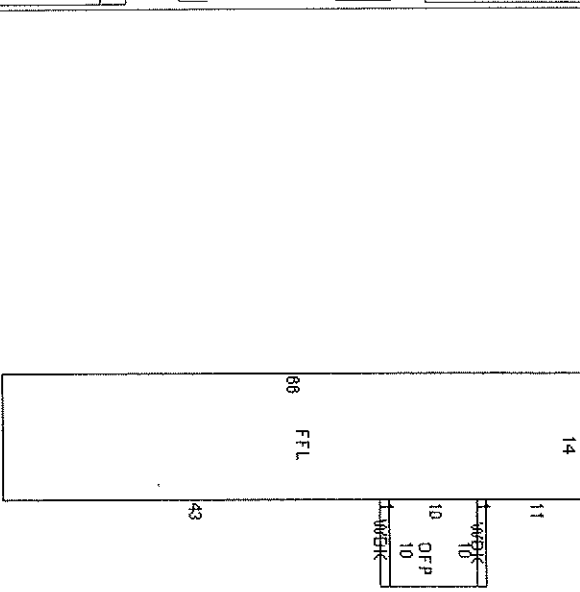
COMPARABLE SALES

WPAV\$/SQ:	AvRate:	Ind Val:
Jur: Factor:	Before Depr:	54.07
Special Features: 0	Val/Su Net:	35.25
Final Total: 36800	Val/Su SZAD:	39.83

MOBILE HOME

Code	Description	A Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFac	Jur	Value
3	GARAGE	D	Y	1	112X24	AV	AV	1999	42.83	T	40	103		7,400				7,400

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	924	54.070	49,961
OPF	OPEN PCH	100	50.220	5,022
WMDK	WOOD DECK	20	28.760	575

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu # Ten

IMAGE



AssessPro Patriot Properties, Inc

More: N

Total Yard Items: 7,400

Total Special Features:

Total: 7,400



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #19-073

June 18, 2019

Adam Gidley
Salem Manufactured Homes
72 S. Broadway
Salem, NH 03079

Re: 3 Bay Street Map 191 Lot 135-000
District: Business (B)

Dear Mr. Gidley,

Your request for zoning review and determination regarding the replacement of a larger Manufactured Home.

Zoning review / Determination:

This lot comprises of 0.320 Acre = 13,939 sqft, which is less than the required minimum of 30,000 sqft, thus is an existing non-conforming lot of record. The existing 14 x 66 (924 sqft) M.H. appears to be within the front setback (having 28.8 ft), where 50 ft is required, thus the structure is existing non-conforming. Your proposed plot plan indicates a 16 x 72 (1,152 sqft) M.H. in compliance with setbacks however, you cannot increase the "Footprint Area" of the residential use (a non-conforming use). This would require a Variance to Hudson Zoning Ordinance §334-29 Extension or enlargement of non-conforming uses. The increased footprint of the M.H. has extended/enlarged the non-conforming use (of the existing footprint).

Sincerely,

Bruce Buttrick, MCP

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder
R. Buxton – Fire Chief
B. Groth – Town Planner
File

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

FORECLOSURE DEED

KeyBank National Association, successor in interest to KeyBank, holder of a mortgage from Dorothy Ann Otis, by power conferred by said mortgage and every other power available to KeyBank National Association, for \$41,000.00 paid, grants to Salem Manufactured Homes, LLC, a New Hampshire Limited Liability Company with a mailing address of P.O. Box 54, Salem, New Hampshire, and a street address of 72 South Broadway, Salem, New Hampshire, the premises conveyed in said Mortgage more particularly bounded and described in Exhibit A attached hereto and subject to all easements, restrictions, unpaid taxes, prior liens or other encumbrances of record to the extent they may affect the premises and together with appurtenant rights and easements benefitting all or any of the premises.

EXECUTED this 12th day of November, 1999.

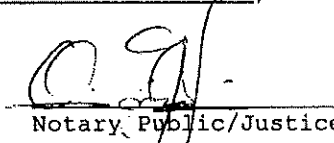


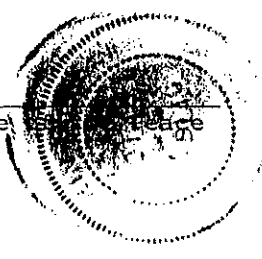
KeyBank National Association
By: William G. Preston, Banking Officer

STATE OF NEW YORK
COUNTY OF ALBANY

Personally appeared before me the above-named William G. Preston, a duly authorized agent of KeyBank National Association, and gave solemn oath that the content of the foregoing document is true and accurate to the best of his/her knowledge and belief this 12th day of November, 1999.

STATE OF NEW HAMPSHIRE	
DEPARTMENT OF REVENUE ADMINISTRATION	REAL ESTATE TRANSFER TAX
***** THOUSAND \$ HUNDRED AND 15 DOLLARS	
11/19/1999	408918 \$ *****615.00
VOID IF ALTERED	


 Notary Public/Justice
 GLEN COFFIN
 Notary Public, State of New York
 No. 0169025703
 Qualified in Albany County
 Commission Expires March 26, 2006



BK6182PG0868

EXHIBIT A

LEGAL DESCRIPTION OF THE PREMISES

A CERTAIN TRACT OR PARCEL OF LAND with the building, including trailers thereon, situated in Hudson, County of Hillsborough and State of New Hampshire, being shown as Lot "A" on a certain plan of land entitled "Plan of Lot "A", Bay Street, Hudson, N.H., surveyed for Charles & Florence Lefebvre, Scale: 1" = 20', February, 1969, W. Robert Nolte & Associates, Land Surveyors, Nashua, N.H.", and being further bounded and described as follows:

BEGINNING at a point in the Northerly side of Bay Street, so-called, which is 100.00 feet South 73 degrees 31' 00" West from Melendy Road;

THENCE continuing (1) South 73 degrees 31' 00" West by said Bay Street, Seventy-Eight and no/100ths (78.00) feet, to a point at other land of Grantors;

THENCE (2) North 16 degrees 29' 00" East by said other land of Grantors, One Hundred Sixty-Seven and Twenty-Three Hundredths (167.23) feet, to land of Robert F. Levesque;

THENCE (3) North 57 degrees 02' 20" West by said Levesque land, Eighty-One and Thirty-Four Hundredths (81.34) feet to still other land of Grantors;

THENCE (4) South 16 degrees 29' 00" East by said Grantors' land (lots 1 thru 8), One Hundred Ninety and Thirty-One Hundredths (190.30) feet to the place of BEGINNING.

CONTAINING 13,944 square feet, more or less, and all according to said Plan. Being Lots 9, 10, 11, and a portion of 12 as shown on a plan entitled "Melendy Plat, Hudson, N.H., owned by Albert W. Lacroix, Manchester, N.H., Scale: 1" = 40', May 1925, E.N. Sheffield, traced from original, Ned Spaulding".

BEING the same premises conveyed to Lloyd Ellis Otis and Dorothy Ann Otis by Deed of Charles Lefebvre and Florence Lefebvre dated March 10, 1969 recorded in Book 2020 page 263.

BK 6182 PG 0869

AFFIDAVIT OF SALE

I, William G. Preston, a Banking Officer of KeyBank National Association, successor in interest to KeyBank and Grantor in the foregoing deed, on my oath say that the obligations to KeyBank National Association secured by the mortgage referred to in the foregoing deed were not performed when due, and that I caused to be published on the 1st, 8th and 15th of September, 1999, in the Manchester Union Leader, a newspaper published in the Town of Manchester in the County of Hillsborough, said newspaper being one of general circulation in the State of New Hampshire, a true copy of the notice which is attached as Exhibit A.

And I further on oath say that KeyBank National Association caused a copy of said notice to be sent by certified mail, return receipt requested on August 23, 1999, to the following:

1. Michael Sheehan, Esquire, Executor, Estate of Dorothy Ann Otis, 58 Pleasant Street, Concord, New Hampshire 03301.
2. Cecile Y. Nichols, Tax Collector, Town of Hudson, 12 School Street, Hudson, New Hampshire 03051.

And I further on oath say that pursuant to said notice, KeyBank National Association on September 22, 1999, the noticed date of the sale, sold the mortgaged premises at public auction to Salem Manufactured Homes, LLC, a New Hampshire Limited Liability Company, for \$41,000.00, said bid being the highest bid at the mortgaged premises at the foreclosure sale.

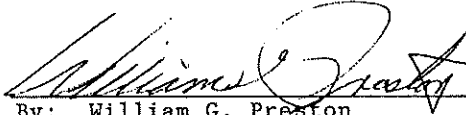
And I further on oath say that no service of petition to enjoin the sale was served on KeyBank National Association.

BK6182PG0870

And I further on oath say that KeyBank National Association has no knowledge that the mortgagor is in the military service as defined by the Soldiers and Sailors Civil Relief Act of 1940 as amended, and further that no person in interest was in the military service at the time of the foreclosure or within three (3) months prior to the foreclosure.

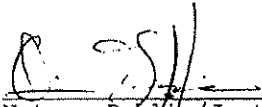
Executed this 12th day of November, 1999.

KEYBANK NATIONAL ASSOCIATION


By: William G. Preston
Its Banking Officer

STATE OF NEW YORK
COUNTY OF ALBANY

Personally appeared before me the above-named William G. Preston and gave solemn oath that the content of the foregoing document is true and accurate to the best of his knowledge and belief this 12th day of November, 1999.


Notary Public/Justice of the Peace
My Commission Expires:

GRIN GRIFFIN
Notary Public, State of New York
No. 01846657653
Qualifying in Albany County
Commission Expires March 25, 2000



BK6182PC0871

Exhibit A

Legal Notice

NOTICE OF FORECLOSURE

BY VIRTUE AND PURSUANT TO the statutory power of sale granted in a certain Mortgage given by Dorothy Ann Otis to KeyBank National Association dated February 27, 1988 and recorded in the Hillsborough County Registry of Deeds at Book 5812, Page 1425 (the "Mortgage"), KeyBank for breach of condition(s) of said Mortgage and for the purpose of foreclosing same, will sell at PUBLIC AUCTION on September 22, 1989 at 11:00 a.m., at the mortgaged premises located at 3 Bay Street, Hudson, New Hampshire, as more particularly described below, all portions of the mortgaged premises ("Premises") situate on certain tracts of land more particularly bounded and described as follows:

A CERTAIN TRACT OR PARCEL OF LAND with the building, including trailers thereon, situated in Hudson, County of Hillsborough and State of New Hampshire, being shown as Lot "A" on a certain plan of land entitled "Plan of Lot 'A', Bay Street, Hudson, N.H., surveyed for Charles & Florence Lefebvre, Scale: 1" = 20', February, 1986, W. Robert Nolte & Associates, Land Surveyors, Nashua, N.H.", and being further bounded and described as follows:

BEGINNING at a point in the Northernly side of Bay Street, so-called, which is 100.00 feet South 73 degrees 31' 00" West from Melendy Road;

THENCE continuing (1) South 73 degrees 31' 00" West by said Bay Street, Seventy-Eight and no/100ths (78.00) feet, to a point at other land of Grantors;

THENCE (2) North 16 degrees 28' 00" East by said other land of Grantors, One Hundred Sixty-Seven and Twenty-Three Hundredths (167.23) feet, to land of Robert F. Levesque;

THENCE (3) North 57 degrees 02' 20" West by said Levesque land, Eighty-One and Thirty-Four Hundredths (81.34) feet to still other land of Grantors;

THENCE (4) South 16 degrees 29' 00" East by said Grantors' land (lots 1 thru 8), One Hundred Ninety and Thirty-One Hundredths (190.30) feet to the place of BEGINNING

CONTAINING 13,944 square feet, more or less, and all according to said Plan. Being Lots 9, 10, 11, and a portion of 12 as shown on a plan entitled "Melendy Plat, Hudson, N.H., owned by Albert W. Lacroix, Manchester, N.H., Scale: 1" = 40', May 1925, E.N. Sheffield, traced from original, Ned Spaulding".

BEING the same premises conveyed to Lloyd Ellis Otis and Dorothy Ann Otis by Warranty Deed recorded in Liber 2020 page 263 on March 10, 1989.

Date, Time and Place of Sale. The sale shall take place on September 22, 1989 at 11:00 a.m. at the Premises in Hudson, New Hampshire.

Town, County and Street of the Premises. The Premises are located at 3 Bay Street, Hillsborough County, Hudson, New Hampshire.

Location Where Original Mortgage Instrument(s) and Security Agreement(s) May Be Examined. The original mortgage instruments may be examined by any interested person at the office of Cleveland, Waters and Bass, P.A., Two Capital Plaza, Concord, New Hampshire 03301 (contact: Mr. William B. Pribis, Esquire at 603-224-7761).

Terms. The Premises will be sold subject to all unpaid taxes and other assessments and liens thereon, and all other liens, restrictions, easements, improvements, covenants, tenancies, rights, encumbrances and matters of any kind and every nature

which may be entitled to precedence over the Mortgage.

The Premises will be sold "AS IS, WHERE IS." Except for warranties arising by operation of law, if any, the conveyance of all or any part of the Premises will be made by KeyBank National Association and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any WARRANTY OF MERCHANTABILITY, any WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, and any representations or warranties as to the accuracy of any statement contained in the aforesaid description of the Premises or the descriptions contained in the Mortgage.

In order to qualify to bid for the Premises at the foreclosure sale, interested persons must present to KeyBank National Association or its agent at the time of sale a \$3,000.00 deposit, in cash or by certified cashier's, treasurer's or bank check, or other funds satisfactory to KeyBank National Association, payable to KeyBank National Association ("Satisfactory Funds").

The successful bidder or bidders shall be required to sign a Memorandum of Sale at the conclusion of the public auction and must pay the balance of the bid price, in full and Satisfactory Funds within thirty (30) days after the sale. Further terms may be announced at the time of sale.

KeyBank National Association reserves the right to (i) cancel or adjourn and continue the foreclosure sale to such later date or dates that KeyBank may deem necessary or desirable; (ii) bid upon and purchase the Premises, or any part thereof, at the foreclosure sale without producing any deposit; (iii) reject any and all bids at the foreclosure sale for all or any part of the Premises; (iv) amend or change the terms of the sale set forth herein by announcement, written or oral, made before or during the foreclosure sale, which such change(s) or amendment(s) shall be binding upon all bidders; or (v) convey the Premises or any part thereof to the second highest bidder should the high bidder default.

Inquiries regarding the auction sale should be addressed to William B. Pribis, Esquire, Cleveland, Waters and Bass, P.A., Two Capital Plaza, P. O. Box 1137, Concord, New Hampshire 03302-1137, 603-224-7761.

To the mortgagor and any and all persons claiming by, from or under them: YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

KEYBANK NATIONAL ASSOCIATION
By its attorneys:
CLEVELAND, WATERS AND BASS, P.A.

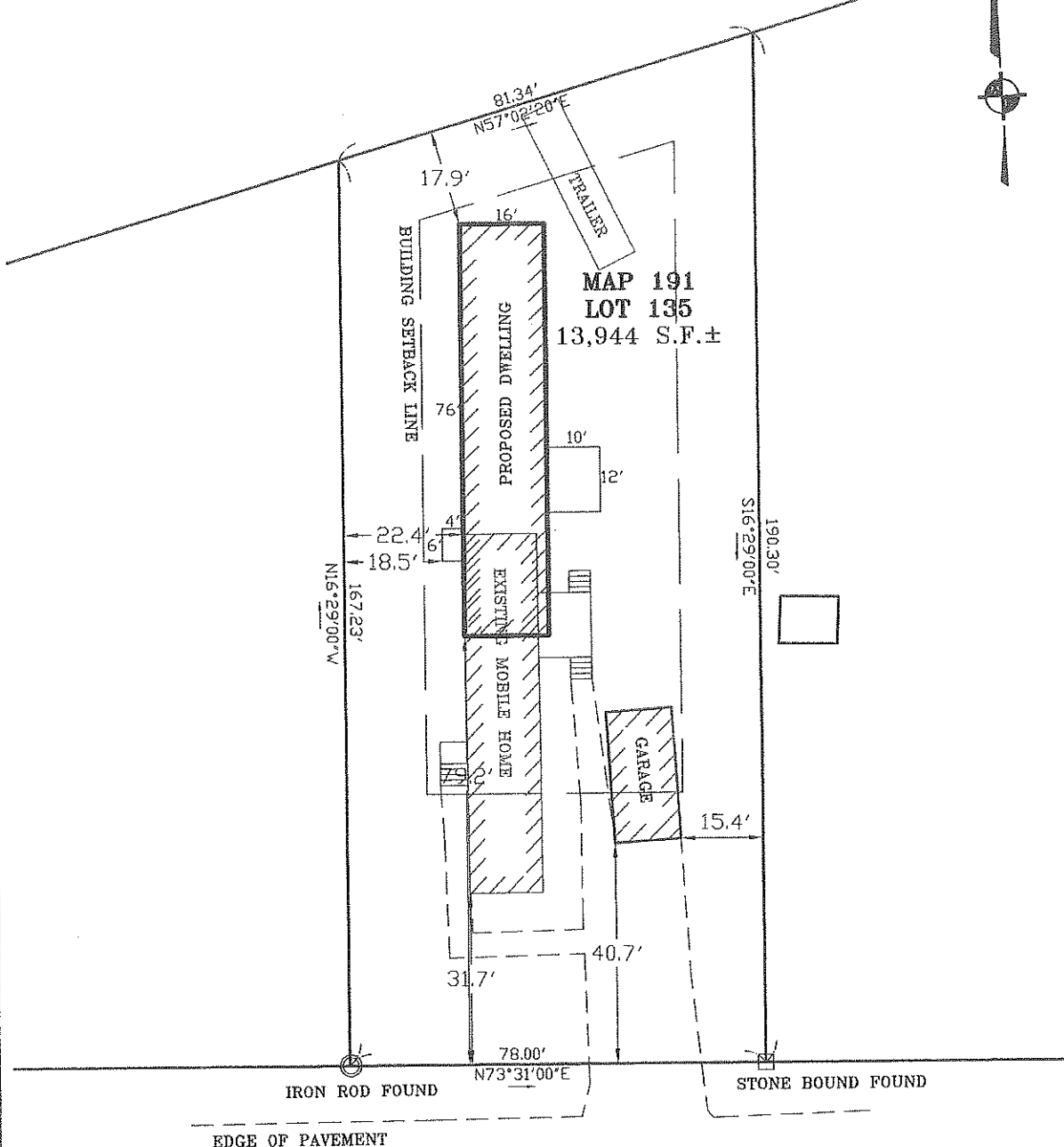
Date: 8/23/89

By: William B. Pribis
Two Capital Plaza
P. O. Box 1137
Concord, NH 03302-1137
603-224-7761

(UL -- Sept. 1, 8, 15)

BK6182PG0872

CERTIFIED PLOT PLAN
 3 BAY ST.
 HUDSON, NH 03051



**MAP 191
 LOT 135
 13,944 S.F.±**

REFERENCE PLAN:

"PLAN OF LOT "A" BAY STREET-HUDSON, N.H."
 PREPARED BY W. ROBERT NOLTE & ASSOCIATES.
 DATED FEBRUARY 1969 AND RECORDED IN THE RCRD
 AS PLAN #4047.

CERTIFICATION:

"I HEREBY CERTIFY THAT THE CONTENTS OF THIS
 PLAN ARE ACCURATE BASED ON PLANIMETRIC
 EVIDENCE & FIELD INSTRUMENT SURVEY PERFORMED
 IN NOVEMBER 2018."

SCALE : 1" = 20'
 DATE : NOVEMBER 6, 2018
 © 2018 MEISNER BREM CORP.

**3 BAY ST.
 HUDSON NH**
 PREPARED FOR:
SALEM MAN. HOMES
 P.O. BOX 54
 SALEM, NH 03079
 JOB NO. 8137

ZONE DISTRICT: B
 MIN. BUILDING SETBACKS:
 FRONT = 50 FEET MIN.
 SIDE = 15 FEET
 REAR = 15 FEET

MEISNER BREM CORPORATION
 202 MAIN STREET, SALEM, NH 03079 · (603) 893-3301
 142 LITTLETON ROAD, SUITE 16, WESTFORD, MA 01886 · (978) 892-1313

[Signature]
 PLAN IS INVALID WITHOUT
 RED SURVEYOR'S SEAL

Town of Hudson, New Hampshire Bylaws
Zoning Board of Adjustment

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

Chapter 143

- 143.1 History
- 143.2 Authority
- 143.3 Purpose
- 143.4 Amendments
- 143.5 Officers
- 143.5A Recorder
- 143.6 Members and Alternates
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 - 1. Regular Meetings
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 - 1. Applications
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- 143.13 Records
- 143.14 Waivers
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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. The Recorder shall have minutes available for members to accept. The Recorder shall have notice of decisions available for the Chairman and Zoning Administrator.

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 (Date) 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.

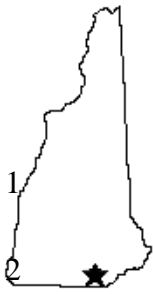
Handouts are at the back of the room: consisting of the agenda for tonight, and information for those that feel aggrieved and wish to appeal any decision the Board may have made. Please be aware of the 30 day time period.

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.....



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

MEETING MINUTES – June 27, 2019 - edited

The Hudson Zoning Board of Adjustment met on June 27, 2019, in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall at 7:00 PM.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Vice Chairman / Acting Chair Gary Dearborn called the meeting to order at 7:02 PM, apologized for the slight delay and invited everyone to stand for the Pledge of Allegiance.

Mr. Dearborn noted that on the shelf by the entry door are two (2) documents: the Agenda for tonight's meeting and an Application for Rehearing if one is needed. Mr. Dearborn stated that there is only one (1) application before the Board tonight and noted that the 11 PM curfew would not be an issue. With regard to housekeeping matters, Mr. Dearborn stated that there is absolutely no smoking in the building and asked everyone to silence their cell phones and to refrain from talking in the audience due to the interruption and interference with the sensitive recording microphones and noted that there were no individuals of the public present. Mr. Dearborn stated that when the application is read into the record, the Applicant may come either to the lectern or the table, state and spell their name and present their application.

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

Mr. Dearborn noted that there are only four (4) Voting Members at this meeting when there are usually five (5) and offered the Applicant the option to defer the hearing of their application to next month when the possibility exists that a full Board (five [5] Voting Members) could be present. Mr. Dearborn explained that for a motion to pass it requires a minimum of three (3) votes and should the vote be 2:2, the motion would fail and the application would be denied.

Not Official until reviewed, approved and signed.

As edited [[GD1](#), [BB](#), [GD2](#)]

44 Selectman McGrath clarified that she is only the Selectmen Liaison, that she
45 may ask questions but is not voting. The Applicant stated that they choose to
46 be heard at this meeting.

47
48

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

51

52 1. Case 168-107 (6-27-19): Richard Tassi, 20 Frenette Drive, Hudson,
53 NH requests a Variance to construct an 18' x 22' carport which
54 encroaches 11.1 ft. into the front yard setback, leaving 18.9 ft. where
55 30 feet is required. [Map 168, Lot 107-000, Zoned R-2; HZO Article
56 VII, §334-27, Table of Minimum Dimensional Requirements].

57

58 Mr. Buttrick read the Case into the record, referenced his Staff Report and
59 noted the positioning of the lot inside the circle of Frenette Drive leaves the lot
60 with no side yard, the lot only has a front yard setback line and a back yard
61 setback line. There exists legal non-conforming aspects; specifically, the lot is
62 nonconforming with regard to size and the existing house is non-conforming
63 being in the front setback. Mr. Buttrick referenced Elvis Dhima, PE, Town
64 Engineer's emails dated 6/12/2019 & 5/16/2019 and shared the two (2)
65 points noted: (1) that a new driveway permit is needed which will require both a
66 plan and profile; and (2) that the original driveway be removed or a second
67 driveway be approved by the Planning Board prior to the proposed new
68 driveway's final inspection.

69

70 Richard Tassi of 20 Frenette Drive introduced himself and Denise Tassi of 20
71 Frenette Drive, stated that they are seeking a variance into the front setback
72 for about eleven feet (11') to construct a carport and addressed each criteria for
73 the granting of a variance. In brief, the information shared included:

74

75 (1) *not contrary to public interest*

76 • there is no physical or visual infringement on any private or public
77 property

78 (2) *spirit of Ordinance observed*

79 • proposed carport will blend with existing concrete apron which
80 appears to have been a driveway at sometime in the past

81 • proposed carport will align with the existing house

82 (3) *substantial justice done*

83 • length of existing driveway is too short, parked vehicles are too
84 close to the edge of the street which creates difficult conditions for
85 snow plowing

86 • both occupants are senior citizens and the granting of this
87 variance would greatly improve access to the house at grade level

88 (4) *surrounding property values not diminished*

89 • proposed carport would blend in with the neighborhood structures

- 90 • proposed carport will be partially concealed by a row of bushes
91 (5) *hardship*
92 • the shape of the lot has no side yards
93 • the location of the existing house, the setback restrictions and the
94 existence of ledge renders the proposed location for the carport the
95 only feasible option
96

97 Mr. Dearborn stated that normally the meeting would be opened to public
98 testimony but noted that there were no other individuals present and asked
99 Mrs. Tassi if she wished to add anything. Denise Tassi stated that there are
100 stairs to the existing driveway and in wintertime it gets slippery, added that
101 last winter she actually fell down and was fortunate not to get hurt much.
102

103 Mr. Dearborn declared the matter before the Board.
104

105 Mr. Etienne stated that the Town Engineer noted that a second driveway would
106 need Planning Board approval and that the mark-up plan submitted identified
107 that the existing driveway would be abandoned “upon completion”, presumably
108 meaning the new driveway for the carport. Mr. Tassi confirmed that it is their
109 intent to no longer use the existing driveway for parking cars and added that it
110 would just be used as a walkway to the front door of their house. Mr. Etienne
111 asked if there would be a walkway from the carport to the house and Mr. Tassi
112 stated that there would be a walkway.
113

114 Mr. Daddario asked if the carport would be constructed against the existing
115 concrete apron so that the concrete apron becomes the new driveway. Mr.
116 Tassi stated that the carport would be further back into the yard, that gravel
117 will initially be laid between the concrete apron and the carport and added that
118 perhaps next year they would concrete the gap.
119

120 Mr. Pacocha asked why the carport could not be constructed further back and
121 out of the setback. Mr. Tassi responded that ledge exists and that the carport
122 is placed as far back as possible. Mr. Dearborn asked if the ledge protrudes
123 from the ground and Mr. Tassi responded that the ledge does not protrude and
124 added that they hit ledge within six inches (6”) of digging which prevents them
125 from placing adequate footings for the carport.
126

127 Discussion focused on the existing non-conformities (lot size and setbacks), a
128 need for an Equitable Waiver, and the need to define “abandon” with regard to
129 the existing driveway. A geographic overview of the lot was placed on the
130 screen that showed two (2) cars parked just off-street in the existing driveway
131 and the concrete pad.
132

133 Both Ms. —Mr. McGrath and Mr. Buttrick agreed on the need to define
134 “abandon”, Mr. Buttrick citing enforcement guidelines and Ms. McGrath citing

135 avoidance of future owners deciding to utilize and encouraged current owners
136 to seeking approval for two (2) residential driveways from the Planning Board or
137 to converting the existing driveway physically to just a walkway. Ms. McGrath
138 inquired if the Town Engineer, Elvis Dhima, has approved the new driveway
139 location and Mr. Buttrick referred to Mr. Dhima's two (2) emails, dated
140 5/16/2019 and 6/12/2019, and noted that the latter one required removing
141 the existing driveway prior to the proposed driveway's final inspection.

142
143 With regard to the fact that the existing house encroaches the front setback,
144 Mr. Buttrick stated that it is a legal non-conformity, added that the shed in the
145 rear of the property is entirely within the setback, and that an Equitable Waiver
146 is a separate application to the Board. It was noted that a lack of an Equitable
147 Waiver may pose a concern should the current owners wish to refinance or sell
148 their property.

149
150 Ms. McGrath noted that there were no abutters present and asked Mr. Buttrick
151 if it would be appropriate for the Applicant to ask for an Equitable Waiver. Mr.
152 Buttrick responded that the Board could not accept such a verbal request as it
153 has not been given due public notice. Ms. McGrath encouraged the Applicants
154 again to pursue the Equitable Waiver and asked Mr. Buttrick if the application
155 fee for the Equitable Waiver could be waived. Mr. Buttrick responded that only
156 the Board of Selectmen could waive fees. Ms. McGrath asked Mr. Buttrick to
157 be proactive in the future to encourage an Equitable Waiver application be filed
158 in tandem with a variance request and to only charge one Application Fee. Mr.
159 Buttrick stated that he does not have the authority to waive fees. Ms. McGrath
160 asked Mr. Buttrick to pursue with the Town Administrator.

161
162 Discussion next focused on the existing driveway and its abandonment.
163 General consensus was that the existing asphalt needed to be eliminated,
164 particularly from the roadside to the ROW (Right-of-Way) line with better
165 demarking from the ROW line to the front door. After some discussion
166 regarding the seeding/grassing/landscaping, Mrs. Tassi suggested mulching
167 and the planting of bushes for ease in maintenance and would appreciate
168 having a walkway at least five feet (5') wide from the street to her front door.
169 Mr. Dearborn questioned where visitors park and Mrs. Tassi stated that they
170 would continue to park on the street, as they do today because they have two
171 (2) cars. Mr. Buttrick referenced Exhibit E, The Proposed Final Site Plan, hand
172 drew the passageway from the street to the front door, showed Mr. & Mrs. Tassi
173 and Mrs. Tassi stated that a pathway would also be needed to the steps by the
174 retaining wall. It was noted that access from the new pathway from the road
175 can occur as that would be on their property.

176
177 Mr. Daddario made the motion to grant the Variance with the stipulation that
178 the existing driveway be abandoned and that the driveway area from the street
179 to the Town ROW (Right-of-Way) line be covered with a form of natural
180 vegetation with the exception of a single path to be no more than five feet (5')

181 wide to allow foot passage from the street to the front door area of the house.
182 Mr. Pacocha seconded the motion. Mr. Daddario spoke to his motion stating
183 that a carport is a common structure and not contrary to public interest; the
184 carport is a common use and does not contradict the spirit of the Ordinance;
185 substantial justice is done as the carport is needed for the senior citizen
186 owners to access their home from the parking area without stairs which are
187 necessarily use with the existing driveway; the proposed use is common and
188 structure is common to residential neighborhoods and will not diminish
189 surrounding property values; and hardship is met due to the fact that behind
190 the proposed location ledge is just six inches (6") below the surface preventing
191 the location of the carport out of the setback. Mr. Daddario stated that the five
192 (5) variance criteria have been met and the stipulation to remove the existing
193 driveway addresses the concerns raised. Mr. Pacocha stated that all the
194 criteria have been met and concurred with Mr. ~~Daddario~~Daddario.

195
196 Ms. McGrath proposed an amendment, suggesting to use the word "eliminated"
197 instead of "abandoned". Mr. Etienne proposed another amendment,
198 specifically to state to decommission the existing driveway to two inches (2")
199 below grade, as that is the standard and allows room for the mulch proposed to
200 keep elevations as they exist today. Both Mr. ~~Daddario~~ and Mr. Pacocha
201 agreed to the change in wording proposed.

202
203 The stipulation to the motion now reads: "that the existing driveway be
204 decommissioned to 2" below grade relative to the driveway area from the street
205 to the Town Right-of-Way line and that this area be covered with some form of
206 natural vegetation with the exception of a single path, no more than 5' wide, to
207 allow foot passage from the street to the area at the front door of the house."

208
209 Vote was 4:0. Motion passed. Variance granted with one stipulation. The 30-
210 day appeal period was noted.

211

212 **IV. REVIEW OF MINUTES:**

213

214 1. 05/23/19 Minutes

215

216 Mr. Etienne suggested that review of the Minutes be tabled to the next meeting
217 due to the absent Members. It was noted that both of those Members have
218 reviewed the Minutes and submitted edits. Mr. Buttrick pointed out that in the
219 footer of the Edited Version are initials. Mr. Pacocha asked why some initials
220 are in upper case and others in lower case, and Ms. Knee stated that those in
221 lower case communicated to her that they read the Minutes and had no edits
222 to offer and that those who did make edits are in upper case.

223

224 Board reviewed the Edited Minutes as presented. Minor amendments were
225 made, specifically to Page 2 Line 52 "the Applicant" was added and to Page 3
226 Line 125 the word "there" was added.

227 Ms. McGrath left the meeting at 7:50 PM.

228

229 Motion made by Mr. Daddario, seconded by Mr. Etienne and unanimously
230 voted to approve the 5/23/2019 Minutes as edited and amended.

231

232 **V. REQUEST FOR REHEARING:**

233

234 There were no requests presented for consideration.

235

236 **VI. OTHER:**

237

- 238 1. Recap of recent 25th Annual Planning and Zoning Conference –
239 Handouts

240

241 Mr. Buttrick referenced the material in the packet – the ZBA Decision Making
242 Process which is the “meat and potatoes” of the Board and The Zoning Board of
243 Adjustment in New Hampshire that offers more details for hearing appeals and
244 also the link for additional material.

245

- 246 2. Continued discussion of possible ZBA Bylaws revisions.

247

248 Mr. Buttrick recapped the recent changes made: redefining the duties of the
249 Clerk; the addition for the Recorder position; action for three (3) consecutive
250 unexcused absences; the addition of the Chairman’s introduction/order of
251 business as Attachment A; the inclusion of the Pledge of Allegiance; and the
252 30-day appeal period and process.

253

254 Board reviewed. Clarification made to the Recorder’s distribution regarding
255 Minutes (to the entire Board) and Notices of Decision (to the Zoning
256 Administrator and Chairman/Acting Chair). Two changes were made to the
257 Chairman’s introduction – the inclusion of the meeting date and the 30-day
258 Appeal period. Consensus reached that the required two (2) public hearings
259 can be scheduled to affect the changes. Mr. Buttrick asked to schedule for
260 July 25, 2019.

261

- 262 3. Discussion of possible Zoning Ordinance Amendments, and prep for
263 7/11/19 ZBA workshop mtg.

264

265 Mr. Buttrick referenced the draft dated 6/27/2019 and drafts prepared for the
266 four (4) top items: (A) Alteration or Expansion of Non-conforming Structures
267 with the possible inclusion of Equitable Waivers; (B) Doggie Day Care/Training
268 adding “kennel” definition and section as well as including dog fostering; (C)
269 Special Exception for Day Cares to include outside requirements; and (D)
270 Manufactured Home Parks and the removal of the BOCA Code.

271

272 Mr. Buttrick offered an electronic copy for editing and noted that the next
273 workshop is scheduled for July 11, 2019.

274
275 Motion made by Mr. Pacocha, seconded by Mr. Daddario and unanimously
276 voted to adjourn the meeting. The 6/27/2019 ZBA meeting adjourned at 8:06
277 PM.
278
279 Respectfully submitted,
280 Louise Knee, Recorder
281
282 For Gerald A. Dearborn, Vice Chair/Acting Chair to sign once approved

AS EDITED

Proposed Zoning Ordinance amendments **7-11-19 ZBA Workshop** Cover Sheet

- 1) Prioritized master list 2 pages.
- 2) Expansion of exist. Non-conforming, 2 pages w/attachment "A".
- 3) Doggie day care , 1 pg.
- 4) Home Occupation Day Care Special Exception, 3 pages.
- 5) Manufactured homes, 1 pg.

Z.O. Section	Item/Topic	Comments	Priority	Discussion
334-31 (A)	Alteration or Expansion of Non-Conforming Structures	Add to A - tear down and replace in kind	1	
334-31 (A)	Alteration or Expansion of Non-Conforming Structures	Adding an addition to a non-conforming structure	1	These 3 items should be considered 1 entire meeting to shore up the ordinance; could be a 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)

	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/ P/B/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

Zoning Ordinance Amendment item 7-11-19 discussion

<u>Item</u>	<u>Z.O. Section</u>	<u>Item/Topic</u>	<u>Comments</u>	<u>Priorit</u>
"A"	334-31 (A)	*Alteration or Expansion of Non-Conforming Structures	Add to A - tear down and replace in kind	1
			See attachment "A"	
"A"	334-31 (A)	*Alteration or Expansion of Non-Conforming Structures	Adding an addition to a non-conforming structure	1
			See attachment "A"	
"A"		*Equitable Waivers	Consider granting as a matter of course if applicant is before the ZBA for something else, as long as conditions are met? Bruce comment: The E.W. of D.R. would need to be "noticed" as a Hearing etc.	1

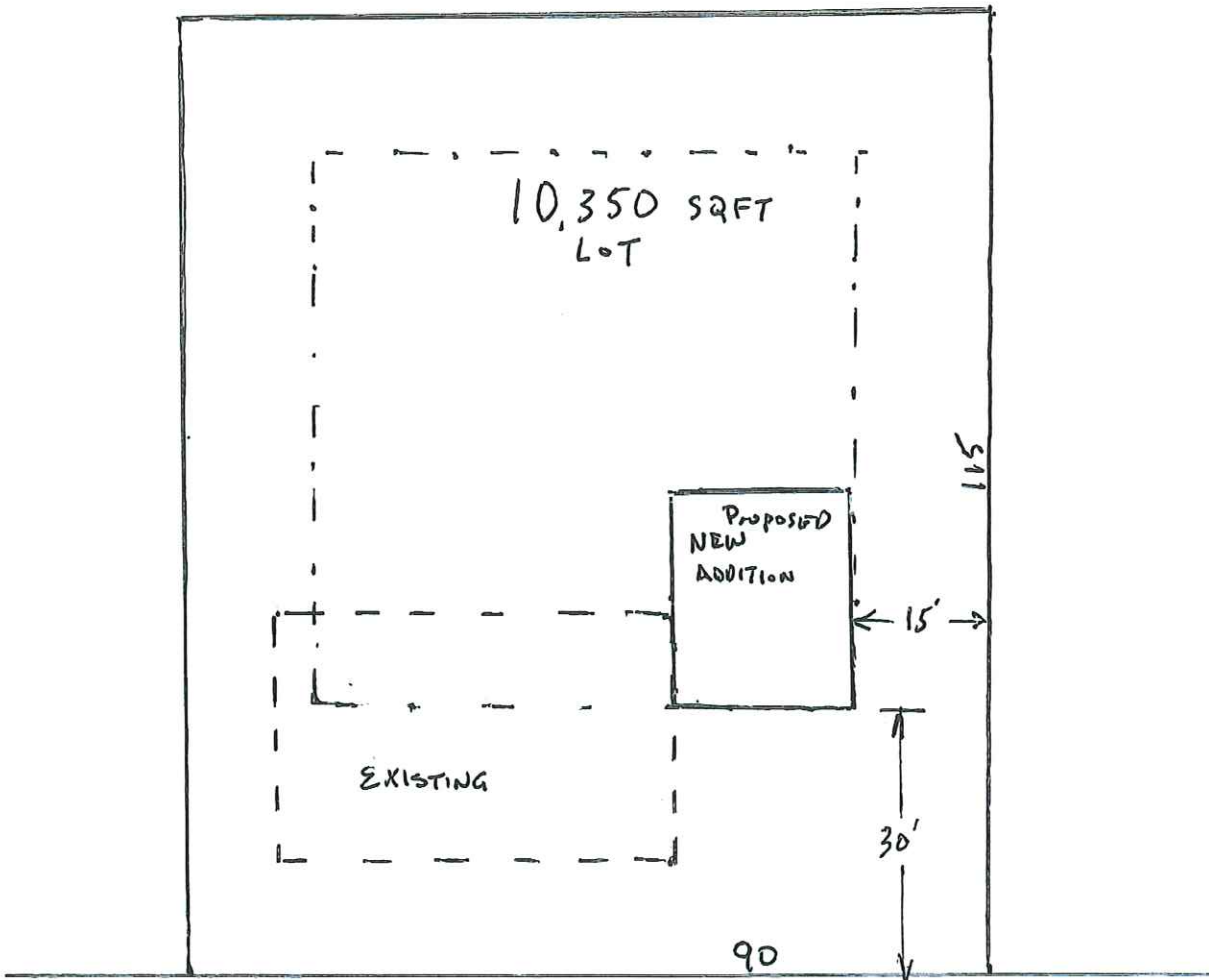
The Ordinance as written, Bruce comments in red:

§ 334-31 Alteration and expansion of nonconforming structures.

A.

"A nonconforming structure may not be altered or expanded, except by variance." If a structure is non-conforming due to a front yard setback encroachment, in my opinion if the expansion is in the rear of the existing structure, (not in the setbacks) why would they need a variance as they are doing the expansion in an area that is allowed. If the expansion is occurring within a setback, yes a variance is required as it is increasing the non-conformance. "A nonconforming structure may be altered, reconstructed, externally or structurally modified, provided that such alterations, reconstruction, extension or structural modification does not make any portion or

portions of the existing structure more nonconforming. A nonconforming structure cannot be reconstructed after demolition, except when the structure was demolished by an act of God, fire or flood". ~~A voluntary demolition of a non-conforming structure may be reconstructed, provided there is no additional non-conformance.~~ "A nonconforming building or a building occupied by a nonconforming use may be strengthened and made safe."



R.O.W.

1" = 20'



Zoning Ordinance Amendment 7-11-19 discussion

Doggie day care etc.

New definition:

Kennel / Doggie day care

An **establishment** in which a primary **use** is housing dogs, cats, or other **household pets**, and/or grooming, breeding, boarding, training, or selling of animals.

Currently:

In Principal Permitted Uses:

R-1	R-2	TR	B	I	G	G-1
N	N	N	S	P	P	P

I propose in Principal Permitted Uses:

R-1	R-2	TR	B	I	G	G-1
N	N	N	S	S	N	N

Kennel / Dog Day Care Special Exception:

Overnight boarding?

Hours of drop off?

Hours for pick up?

Parking?

Employees?

Animal Control Officer Involvement?

Outside/pen area?

Sanitation methods?

Noise control?

Separate bldg.?

Zoning Ordinance amendments 7-11-19 discussion

§ 334-24 Home occupations.

[Amended 3-13-2007 by Amdt. No. 3; 3-10-2009 by Amdt. No. 3]

Home occupations are defined by the Zoning Ordinance as "any activity carried out for gain by a resident in their dwelling unit, and such activity is a secondary use to the residence." The intent of providing a home occupation special exception is to allow for growth and development of a small in-home business while maintaining the character of residential areas. The applicant acknowledges that if the business grows and no longer meets the listed requirements, the business shall be moved to an appropriately zoned location such as Business, General or Industrial. Home occupations which include sales or service operations for wholesale goods produced or services provided on-site shall be permitted only as a special exception. The Zoning Board of Adjustment must find any such home occupation application to be in full compliance with the following requirements prior to approval of such special exception:

A.

The home occupation shall be secondary to the principal use of the home as the business owner's residence.

B.

The home occupation shall be conducted only by the residents of the dwelling who reside on the premises. If the applicant is the owner, the owner must sign an affidavit, stating he/she is the owner, and the residents of the dwelling are the only individuals conducting the activities associated with the home occupation. Said affidavit shall also state that the owner is responsible for any violations of this chapter. If the applicant is a renter, the owner of the dwelling must sign an affidavit, stating he/she is the owner, and shall acknowledge that the home occupation for the premises shall only be conducted by the current renter(s), who shall be identified on the application. The owner shall also acknowledge that he/she, as the owner of the dwelling, is responsible for any violations of this chapter conducted at said dwelling. Approval of the home occupation special exception expires with the change of ownership of the property or the rental agreement in effect at the time the home occupation special exception was granted. The home occupation special exception is conditional on the residents of the dwelling and not on the property.

C.

There shall be no employees or "for hire" staff conducting the home occupation activities, unless the employee(s) also resides on the premises.

D.

The home occupation business shall be carried out within the residence and/or within a structure accessory to the residence, such as a garage. **Exception: Daycares will require outdoor activity playground.**

E.

The requested special exception shall be for an occupation which is consistent for what is routinely and/or typically done in a home environment **such as a day care,** direct office billing, or other activities that are generally service-oriented or produce goods for wholesale purposes.

F.

On-site retail sales are an expressly prohibited home occupation special exception use.

G.

No more than 50% of the finished living space of the dwelling unit shall be used in connection with the home occupation.

H.

Other than the sign(s) permitted under Article [XII](#), there shall be no exterior display nor other exterior indication of the home occupation, nor shall there be any variation from the primarily residential character of the principal or accessory building.

I.

Exterior storage may be permitted only by special exception, granted by the Zoning Board of Adjustment, and must be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area. In situations where a combination of existing foliage and/or long distances to neighboring views provide screening, the fencing requirements may be waived at the discretion of the Board.

J.

Objectionable circumstances, such as, but not limited to, noise, vibrations, dust, smoke, electrical disturbances, odors, heat or glare, shall not be produced.

K.

No traffic shall be generated by the home occupation activity that will be substantially greater in volume than would normally be expected in the neighborhood.

L.

Parking.

(1)

Parking for the home occupation shall be provided off-street and shall not be located in the front yard or within the required setbacks from the side and rear lot lines. Only the existing driveway may be used for the parking of customers. Customer parking shall be limited to a maximum of two vehicles at any one time.

(2)

Parking of vehicles used in commerce:

(a)

One registered vehicle used in commerce may be parked at the principal or accessory structure, and further provided that personal vehicles used in commerce are excluded from this provision.

(b)

In the B, I and G Zones (pertaining only to the home occupation activity), one registered vehicle used in commerce may be parked at the principal or accessory structure, provided that there are no heavy commercial vehicles which exceed a weight of 13,000 pounds (gross vehicle weight) and the screening requirements of § [334-24I](#) are met, and further provided that personal vehicles used for purposes of commerce are excluded from this restriction.

M.

Approval of the home occupation special exception expires with the change of ownership of the property or the rental agreement in effect at the time the home occupation special exception was granted. The home occupation special exception is conditional on the residents of the dwelling and not on the property.

N.

The Community Development Director/Zoning Administrator reserves the right to revoke the home occupation special exception if all conditions of the special exception are not maintained.

From the Zoning Ordinance definitions:

FAMILY GROUP DAY-CARE HOME

An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.

Currently, This is/is not permitted as an Accessory Use:

R-1	R-2	TR	B	I	G	G-1
N	N	N	P	P	P	P

I would propose as follows:

R-1	R-2	TR	B	I	G	G-1
S	S	S	P	P	S	S

FAMILY GROUP DAY-CARE HOME Special Exception

An **owner** occupied **SFR/duplex** residence in which child day care is provided for less than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.

Hours for drop off _____
Hours for pick up _____

Parking available _____

Outdoor area – fenced/barrier?

Employees?

FD/ISD requirements and inspection required

Zoning Ordinance Amendments – 7-11-19 Discussion

<u>Item</u>	<u>Z.O. Section</u>	<u>Item/Topic</u>	<u>Comments</u>	<u>Priority</u>	<u>Discussion</u>
D	334-43 (M)	Manufactured Home Parks	Refers to obsolete BOCA code	1	Remove BOCA; make reference to Federal & State stds.

§ 334-43 Manufactured home parks.

A.

Manufactured home parks shall be permitted in the General District; see the [Table of Permitted Principal Uses](#) in § [334-21](#) of Article [V](#).

M.

All manufactured homes must comply with ~~BOCA-Federal and State standards. current FHA manufactured home standards.~~