

TOWN OF HUDSON, NH

NOTICE TO APPLICANTS

The following requirements pertain to all Town of Hudson, NH, Zoning Board of Adjustment applications, as applicable:

- I.** The applicant must provide one original plus twelve copies of the filled-out application form (this entire packet), together with the required attachments listed in this notice.
- II.** A separate application, signed by the owner(s) of the property, shall be submitted for each request, with a separate application fee for each request, 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.
- III.** 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 Community Development Office will not process the application until this document has been supplied.)
- IV.** The abutter notification lists (Pages 4 & 5), 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 Community Development Department 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.)
- V.** A copy of both sides of the assessor's card shall be provided. (**NOTE:** these copies are available from the Assessor's Office)
- VI.** 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.
- VII.** Except for requests pertaining to above-ground pools, sheds, and decks, the application must include a copy of a certified plot plan from a licensed land surveyor. The plot plan shall include all of the items listed below. Pictures and construction plans also will be helpful. (**NOTE:** it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted)
 - A.** The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North-pointing arrow shown on the plan.
 - B.** The plot plan shall be up-to date-and dated, and shall be no more than three years old.
 - C.** The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
 - D.** The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. (**NOTE:** copies of the GIS map can be obtained at the Community Development Department.)
 - E.** The plot plan shall include the location and dimensions of existing or required services, the area (total square footage), all buffer zones, natural features, any landscaped areas, any recreation areas, any safety zones, all signs, streams or other wetland bodies, and any drainage easements.
 - F.** The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
 - G.** The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
 - H.** The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
 - I.** The plot plan shall indicate all parking spaces and lanes, with dimensions.

VIII. 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.

The applicant should sign and date this form to show his/her awareness of these requirements.

Signature of Applicant(s)

Date

The Community Development Department 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.

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

APPLICATION FOR ACCESSORY LIVING UNIT

To: Zoning Board of Adjustment
Town of Hudson

**Entries in this box are to be filled out by
Community Development Office personnel**
Case No. _____
Date Filed _____

Name of Applicant _____ Map: _____ Lot: _____

Telephone Number (Home) _____ (Work) _____

Mailing Address _____

Owner _____

Location of Property _____
(Street Address)

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 Community Development Office personnel
COST: Application fee is \$100.00, plus \$3.56 for each abutter.
_____ Abutters x \$3.56 + \$100.00 application fee
Amount due: \$ _____ Amount received:” \$ _____
Date received: _____ Receipt No.: _____
Received by: _____ Zoning District: _____

By determination of the Zoning Administrator or Building Inspector, the following
Departmental review is required:
_____ Engineering _____ Fire Department _____ Health Officer

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

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

APPLICATION FOR AN ACCESSORY LIVING UNIT

DEFINITION: "Accessory Living Unit" (ALU) means a secondary dwelling unit, which is accessory and subordinate to a permitted principal one-family dwelling unit, and consists of any kitchen/kitchenette area combined with a sleeping area and optional living room/dining area and bathroom which is located in a contiguous area of the dwelling, that is separate from the primary kitchen and bedroom areas of the permitted one-family dwelling.

PROVISIONS: An ALU shall be permitted only by Special Exception in any zoning district and only in accordance with the provisions listed below.

Please explain how parameters of an ALU, the site will conform as defined by the Hudson to the following Zoning Ordinance.

1. An ALU is allowed only in one-family dwellings. An ALU is not allowed in a two-family or multi-family dwellings, or any non-residential uses. An ALU is expressly prohibited in an Open Space Development. This site will conform to this requirement by:

2. An ALU is not allowed as a free-standing, detached structure or as part of any structure which is detached from the principal dwelling (**submit pictures or drawings**). This site will conform to this requirement by:

3. An ALU is to be occupied only by immediate family members (by blood or marriage) of the owner of record of the principal dwelling. An ALU is not allowed in any principal dwelling in which the owner of record of the principal dwelling does not personally reside. This site will conform to this requirement by:

4. The front face of the principal dwelling structure is to appear as a one-family dwelling after any alterations to the structure are made to accommodate an ALU (**submit pictures or drawings**). This site will conform to this requirement by:

5. At least one common interior access between the principal dwelling unit and an ALU must exist. A second means of egress from an ALU must exist and be located at the side or rear of the structure (**submit pictures or drawings**). This site will conform to this requirement by:

6. Separate utility service connections and/or meters for the principal dwelling unit and an ALU shall not exist. (This does not preclude using a type of heating system for an ALU different from the type for the principal dwelling unit). This site will conform to this requirement by:

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7. Off-street parking shall be provided to serve the combined needs of the principal dwelling unit and an ALU **(submit pictures and drawings)**. This site will conform to this requirement by:

8. The gross living area (GLA) of an ALU shall not be less than 350 square feet, and shall not exceed fifty percent of the principle structure or 1000 square feet, whichever is less. The above-grade GLA of the principal dwelling shall not be reduced to less than 850 square feet in order to accommodate the creation of an ALU **(submit pictures and drawings)**. This site will conform to this requirement by:

9. A Building Permit for an ALU must be approved and issued prior to the construction of an ALU. The ALU shall have an interconnected smoke alarms per Section R313.2.1 of the 2009 IRC Building Code. This site will conform to this request by:

Please initial the items below so that we may be sure you have read and understand them:

_____ The house number for the ALU shall be determined by the Fire Department at time of Building Permit.

_____ TERM OF SPECIAL EXCEPTION APPROVAL: Any Special Exception granted to permit the creation of an ALU in accordance with Provisions 1 through 9 listed on the previous pages of this application, is to benefit the original applicant for same exclusively. The approval by Special Exception granted shall expire when the owner of record of the principal dwelling conveys the property by sale or ceases to personally occupy either the principal dwelling unit or the ALU. In the event the Special Exception approval expires, one of the following provisions must be met:

_____ a. The original applicant shall notify the Zoning Administrator of such occupancy termination. When the original tenant vacates the premises, the owner has the option to relet the ALU to another family member, or remove the ALU at the owners' option. The ALU cannot be rented for financial gain or to a non-family member. Violators shall be charged \$275.00 per day, plus court costs and or attorneys fees.

_____ b. If a new owner of record of the principal dwelling desires to maintain the existence of the previously approved ALU, application for a new Special Exception approval to benefit the new owner of record must be made to the Zoning Board of Adjustment before conveyance of the subject property.

PROCEDURAL REQUIREMENTS: An application for Special Exception approval under the authority of this ordinance shall include the following items:

_____ A letter from the applicant stating the name(s) of the intended occupant(s) of the ALU and the relationship to the applicant shall accompany the application for a Special Exception. Date submitted:

- _____ If the Special Exception is approved, the building permit application for an ALU shall include a copy of the letter, described in Paragraph 15, so that the name and relationship of the intended occupant of an ALU can appear on the approved building permit, and any subsequent certificate of occupancy issued for that ALU. Date issued: _____ (for Office use only)

- _____ All plans submitted with any application for an ALU building permit shall denote, describe, and/or identify the intended ALU area as such.

- _____ **MINIMUM LOT DIMENSION REQUIREMENTS:** An ALU shall not be considered to be an additional dwelling unit for the purpose of determining minimum dimensional Requirements of a principal dwelling lot. An ALU shall be allowed to exist in a principal dwelling on a legal non-conforming lot so long as all provisions of this ordinance can be satisfied.

- _____ **ENFORCEMENT AUTHORITY:** the Zoning Administrator shall be the final authority on compliance and enforcement issues of this ordinance.

- _____ **EXISTING LEGAL NON-CONFORMING AND ILLEGAL ACCESSORY LIVING UNITS:** Accessory dwelling units constructed prior to this ordinance without a building permit or certificate of occupancy shall apply to the Zoning Administrator for a determination of compliance with this ordinance. There shall be an amnesty period of 180 days from the date of adoption (03/14/95) of this article in which to make an application for a determination, and in which no penalty will be assessed for an illegal nonconforming ALU.