



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

MEETING AGENDA – June 27, 2024

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday**, **June 27, 2024**, at **7:00 PM** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

IV. SEATING OF ALTERNATES

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

- <u>Case 182-003-008 (06-27-24)</u>: Peter Madsen, Project Engineer, Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH requests an <u>Equitable Waiver of Dimensional</u> <u>Requirement</u> for <u>18 Garden Circle, Hudson, NH</u> to allow a newly poured foundation to remain in its current location, which encroaches 0.5 feet into the side yard setback leaving 14.5 feet where 15 feet is required. [Map 182, Lot 003, Sublot-008; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]
- <u>Case 198-012 (06-27-24)</u>: Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requests three (3) <u>Variances</u> as follows for a proposed gas station/convenience store/car wash to be constructed at <u>91-97 Lowell Road, Hudson, NH</u> [Map 198 Lots 011, 012, 014, 015, 016]:
 - a. **Wall Signs**: A <u>Variance</u> to allow three (3) Business and Industrial wall signs where only one (1) is permitted. [HZO Article XII: Signs; §334-63, Business and industrial building signs]
 - b. Free-Standing Signs: A <u>Variance</u> to allow a freestanding "pylon" sign with 146.9 SF where a maximum size of 100 square feet is permitted <u>and</u>; To allow five (5) freestanding signs where each individual site may have no more than one (1) freestanding pole or ground sign. [HZO Article XII: Signs; §334-64A and §334-64, Freestanding business and industrial signs]
 - c. **Directional Signs**: A <u>Variance</u> to allow several directional and directory signs to be larger than three (3) SF where no greater than three (3) square feet in area is permitted and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos. [HZO Article XII: Signs; §334-68, Directional and directory signs]
 - 3. <u>Case 165-049 (06-27-24)</u>: Manuel D. Sousa of Sousa Realty & Development Corp., 46 Lowell Rd., Hudson, NH requests a <u>Variance</u> for <u>36 Campbello St., Hudson, NH</u> for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district. [Map 165, Lot 049, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
 - 4. <u>Case 145-005 (06-27-24)</u>: Kyle Segal, Manager, Axis Realty Group, LLC, 270 Nashua Rd., Londonderry, NH requests a <u>Variance</u> for <u>2 Sullivan Rd., Hudson, NH</u> for the proposal to redevelop and expand an existing motel into multi-family housing with up to 14 units where multi-family dwellings are not permitted in the G-1 district. [Map 145, Lot 005, Sublot-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

VI. REQUEST FOR REHEARING: None

VII. REVIEW OF MINUTES: 05/23/2024 edited draft Meeting Minutes

VIII. OTHER BUSINESS: Upcoming: SAVE THE DATE

1. <u>Case 165-021 (07-11-2024 tentative)</u>: Keystone Estates, LLC, 343R High St., Hingham, MA requests an <u>Appeal from an Administrative Decision</u> for <u>12-14 Gambia St., Hudson, NH</u>.

2. Case 144-005 (07-25-24): Rowdy Smith, 19 Robinson Rd., Hudson, NH requests a Variance.

IX. ADJOURNMENT:

Chris Sullivan, Zoning Administrator

Legal Notice

NOTTINGHAM PLANNING BOARD **Public Hearing Notice**

Notice is hereby given that the Nottingham Planning Board will hold a Public Hearing on **Wednes**day, June 26th, 2024, at 7:00 **pm** to review a proposed Site Plan with details below.

Case #24-009 SIT Nottingham Business Park - 145 Old Turnpike Rd - Application from Scott Frankiewicz on behalf of Nottingham Business Park, LLC to bring the site up to a condition that will be presentable to the end user. The site was substantially completed by the former owner. The current owner would like to use the original plans created for USA Springs, Inc. This property is located at 145 Old Turnpike Road, in Nottingham, NH, and is identified as Tax Map # 003, Lot # 010.

Questions? Contact Alana Kenney, Land Use Clerk **Ph.:** (603) 734-4881 E-mail:

plan.zone@nottingham-NH.gov For materials pertaining to the hearing go to: http://www.nottingham-nh.gov/ planning-board THE PUBLIC IS WELCOME TO ATTEND (UL - June 19)

Legal Notice

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES AIR RESOURCES DIVISION CONCORD. NEW HAMPSHIRE **NOTICE OF TITLE V**

OPERATING PERMIT REVIEW PUBLIC HEARING AND COMMENT PERIOD

Pursuant to the New Hampshire Code of Administrative Rules, Env-A 622.02, notice is hereby given that the Director of the New Hampshire Department of Environmental Services, Air Resources Division (Director), has received an application for a Title V Operating Permit from, and based on the information received to date, intends to issue such **Title V Operating Permit to:** University of New Hampshire 22 Colovos Road, Durham, NH 03824 and

Rochester Neck Road, Rochester, NH 03839 The University System of New

Hampshire (UNH), Durham Campus is an educational institution located in Durham, NH. The primary sources of emissions at the Facility are the Central Heating and Cogeneration Plant (CHP), a boiler located at the Thompson School, and emergency generators, small furnaces, and boilers located throughout UNH's Durham cam-pus. UNH also owns and operates a Landfill Gas to Energy (LFGTE) processing facility at Waste Man-agement of New Hampshire Inc.'s Turnkey Recycling and Environmental Enterprise (TREE) landfill facility in Rochester, NH. For purposes of air permitting, the two locations are a single source because the landfill gas processing facility is considered as a support facility to the Durham campus. The Facility is a major source for volatile organic compounds (VOCs), carbon monoxide (CO) and nitrogen oxides (NOx) and is therefore required to obtain a Title Permit The application and draft permit are on file with the Director, New Hampshire Department of Environmental Services. Air Resources Division, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095, (603) 271-1370. The application and draft permit are available through the NHDES <u>OneStop</u> online database (DES Interest ID: 3301700009). Please contact us at the above address and phone number if you would like to review the application or draft permit but cannot access it through OneStop. Additional information may also be obtained by contacting **Sheila Rydel** at the above address and phone number. Requests for a public hearing and/or written comments filed with the Director in accordance with Env-A 622.05, and received no later than **July 19, 2024,** shall be considered by the Director in making a final decision. Craig A. Wright

BOND AS THE COURT MAY <u>s/juvenile-abuse- and-neglect.</u> REQUIRE TO ENJOIN THE Once you appear, you b SCHEDULED FORECLOSURE SALE

The name and address of the mortgagee's agent for service of process is Corporation Service Company, 10 Ferry Street, Suite 313, Concord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at <u>nhbd@banking.nh.gov</u>. The Property will be sold

subject to all unpaid real estate taxes and all other liens and encumbrances, which may be entitled to precedence over the Mortgage. Notwithstanding any title information contained in this notice, the Mortgagee expressly disclaims any representations as to the state of the title to the Property involved as of the date of the notice of the date of sale. The property to be sold at the sale is "AS IS WHERE IS".

TERMS OF SALE

deposit of Five Thousand (\$5,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale.

Dated at Farmington, Connecticut, on June 7, 2024. PHH Mortgage Corporation s/b/mOcwen Loan Servicing, LLC

By its Attorney, Bozena Wysocki Brock & Scott, PLLC 270 Farmington Avenue UL - June 12, 19, 26)

Legal Notice

THE STATE OF **NEW HAMPSHIRE** JUDICIAL BRANCH NH CIRCUIT COURT 6th Circuit - Family Division -Franklin 7 Hancock Terrace Franklin NH 03235

Trainkin INT 03233 Telephone: 1-855-212-1234 TTY/TDD Relay: (800) 735-2964 https://www.courts.nh.gov CITATION FOR SERVICE BY PUBLICATION - ABUSE/ NEGLECT OF CHILD(REN) CO. MABISSA DEFORCT TO: MARISSA DEFORGE **PO BOX 233**

PITTSFIELD, NH 03263 formerly of and now parts

unknown Case Number:

637-2024-JV-00041 - 42 **Notification of Rights** and Consequences Hearing

A petition has been filed, pursuant to RSA 169-C, alleging n) abused/neglected. You are hereby cited to appear at Court, as set forth below, to address the pending petition. If you are named in the petition as the parent alleged to have abused/neglect your child(ren), you are a petitioned parent. If you are not named in the petition as alleged to have abused/neglected your child, you

Once you appear, you have the right to oppose the proceedings and to present evidence. Pursuant to RSA 169-C:10, II(a), a petitioned parent has the right to an attorney, and if such parent cannot afford an attorney, an attorney will be appointed by the Court. The Court has the discretion to appoint an attorney for a non-petitioned parent who is a household member, if such parent cannot afford an attorney. In either of these circumstances, please contact the court to obtain a financial affidavit if you wish to request court-appointed counsel. The Court has no statutory authority to appoint an attorney for a non-petitioned parent who is not a household member, however such parent may hire their own attorney.

Additional information may be obtained from the Family Division Court identified in the heading of this Citation.

If you will need an interpreter or other accommodations for this hearing, please contact the Court

immediately. Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625:11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT June 13, 2024 Lisa M. Lamper, Clerk of Court (1134)

(UL - June 19, 26)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Shaun Page (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for Residential Mortgage Services Inc, and now held by Wells Fargo Bank, N.A. (the "Mortgagee"), said mortgage dated April 30, 2014, and recorded in the Strafford Registry of Deeds in Book 4210, Page 746, (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold

Public Auction on August 16, 2024 at 03:00 PM Said sale to be held on the mortgaged premises hereinafter described and having a present address of **3 Maple St**, Dover, Strafford County, NH 03820.

NOTICE PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORT-GAGED PREMISES ARE SITU-ATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

The name and address of the mortgagee's agent for service of process is C T CORPORATION SYSTEM, 2 1/2 BEACON STREET, Concord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at nhbd@banking.nh.gov. The Property will be sold subject to all unpaid real estate taxes and all other liens and encumbrances, which may be entitled to precedence over the Mortgage. Notwithstanding any title information contained in this notice, the Mortgagee expressly disclaims any representations as to the state of the title to the Property involved as of the date of the notice of the date of sale. The property to be sold at the sale is AS IS WHERE IS". **TERMS OF SALE** A deposit of Five Thousand (\$5,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attor-ney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the

for The Birches Academy of Academics and Art: A Public Charter School (the "Borrower"), a New Hampshire not-for-profit and charitable corporation operating educational facilities. The Bonds will be issued as qualified 501(c)(3)bonds as defined in Section 145 of the Code for the purpose of financing educational facilities as described herein and the proceeds thereof will be loaned to the Borrower.

The proceeds of the Bonds will be applied as follows: **(1)** to finance all or a portion of the costs of acquisition, construction, expansion, renovation, improve-ments and equipping of the Borrower's facilities, including, but not limited to: (i) the acquisition of

a new approximately 61,000 square-foot building located at 419 South Broadway, Salem, New Hampshire 03079; and (ii) the renovation, construction, furnishing and equipping of the acquired property and building for use as the Borrower's educational facili-ties; (2) to refinance taxable indebtedness of the Borrower, the proceeds of which were used to fund capital projects and renovations to the Borrower's facilities; (3) to finance and/or reimburse the Borrower for the costs of miscellaneous capital expenditures, equipment acquisition and installation, and construction and renovations at the Borrower's facilities; (4) to fund capitalized interest on the Bonds, if any, and a debt service reserve fund, if any, for the Bonds; and (5) to pay certain costs of issuing the Bonds. The facilities to be financed or

refinanced with the proceeds of the Bonds will be located at the Borrower's facilities at 419 South Broadway located in Salem, New Hampshire 03079. All of the facilities to be financed with the proceeds of the Bonds are and will be owned and operated by the Borrower.

BONNIE S. PAYETTE EXECUTIVE DIRECTOR NEW HAMPSHIRE HEALTH AND EDUCATION FACILITIES AUTHORITY (UL - June 19)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Kyle Perkins and Scott Perkins** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for EMM Loans LLC, and now held by U.S. Bank National Association (the "Mortgagee"), said mortgage dated November 19, 2021, and recorded in the Merrimack Registry of Deeds in Book 3770, Page 2096, (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction on

August 2, 2024 at 09:00 AM Said sale to be held on the mortgaged premises hereinafter described and having a present address of 22 Hammond Concord, Merrimack County, NH 03301.

NOTICE

PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORT-

A. Denne (the "Mortgagor") to Wells Fargo Bank, N.A., and now held by Bank of New York Mellon Trust Company, N.A. as Trustee for Mortgage Assets Management Series I Trust (the "Mortgagee"), said mortgage dated February 8, 2008, and recorded in the Sullivan Registry of Deeds in Book 1676, Page 425, as affected by a Judgment dated March 1, 2024 and recorded in the Sullivan County Registry of Deeds in Book 2253, Page 770; (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at: Public Auction on

August 7, 2024 at 04:00 PM

Said sale to be held on the mortgaged premises hereinafter described and having a present address of **60 Middle Street**, Newport, Sullivan County, NH 03773.

NOTICE

PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORT-GAGED PREMISES ARE SITU-ATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

The name and address of the mortgagee's agent for service of process is Capitol Corporate Serv-ices, Inc., I Old Loudon Rd, Concord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at

nhbd@banking.nh.gov. The Property will be sold subject to all unpaid real estate taxes and all other liens and encumbrances, which may be entitled to precedence over the Mortgage. Notwithstanding any ti-tle information contained in this notice, the Mortgagee expressly disclaims any representations as to the state of the title to the Property involved as of the date of the notice of the date of sale. The property to be sold at the sale is "AS IS WHERE IS".

TERMS OF SALE

A deposit of Five Thousand (\$5,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attor-ney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale.

Dated at Farmington, Connecticut, on June 17, 2024. Bank of New York Mellon Trust

Company, N.A. as Trustee

for Mortgage Assets Management Serie

Trust sale by written or oral

Pinksten (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for Salem Five Mortgage Company, LLC, and now held by **Wilmington** Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust F (the "Mortgagee"), said mortgage dated November 9, 2012, and recorded in the Hillsborough Registry of Deeds in Book 8492, Page 1287, as affected by a Loan Modification dated March 8, 2022 and recorded in the Hillsborough County Registry of Deeds in Book 9627, Page 1234; as affected by a Loan Modification dated October 18, 2022 and recorded in the Hillsborough County Registry of Deeds in Book 9670, Page 2993; (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction on

August 5, 2024 at 11:00 AM Said sale to be held on the mortgaged premises hereinafter described and having a present address of 8 Blue Hill Ave, Nashua, Hillsborough County, NH 03064.

NOTICE

PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORT-GAGED PREMISES ARE SITU-ATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

The name and address of the mortgagee's agent for service of process is Carrington Mortgage Services, LLC, 1600 South Douglass Road, Suite 200A, Anaheim, ČA 92806. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at

nbd@banking.nb.gov. The Property will be sold subject to all unpaid real estate taxes and all other liens and encumbrances, which may be entitled to precedence over the Mortgage. Notwithstanding any title information contained in this notice, the Mortgagee expressly disclaims any representations as to the state of the title to the Property involved as of the date of the notice of the date of sale. The property to be sold at the sale is AS IS WHERE IS".

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Director Air Resources Division

(UL - June 19)

Public Notices

They're how you know! Public Notices help citizens to stay alert to what is happening in the community.

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by William J. Keane and Jill M. Romanoke (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for Liberty Home Equity Solutions, Inc., and now held by PHH Mortgage Corporation s/b/m Ocwen Loan Servic-ing, LLC (the "Mortgagee"), said mortgage dated September 21, 2015, and recorded in the Grafton Registry of Deeds in Book 4160. Page 0661, (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction on

August 2, 2024 at 12:00 PM Said sale to be held on the

mortgaged premises hereinafter described and having a present address of 206 Prospect Hill Rd, Canaan, Grafton County, NH 03741.

NOTICE PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORT-GAGED PREMISES ARE SITU-ATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH

are a non-petitioned parent. Date: July 31, 2024 Time: 2:00 PM Time Allotted: 30 Minutes

7 Hancock Terrace Franklin NH 03235

CAUTION TO RESPONDENT It is very important that you

personally appear in this Court on the date, time and place provided in this notice. If you fail to personally appear, you will be defaulted and will waive your right to object to any findings made by the Court and orders issued, including but not limited to those made and issued as follows:

• At a Preliminary Hearing, the Court will determine whether there is reasonable cause to find your child(ren) is(are) abused/neglected:

• At a Notification of Rights and Consequences hearing for a non-petitioned parent, the Court will inform the parent about the impact of a finding of abuse/neglect on their parental rights;

• At an Adjudicatory Hearing, the Court will determine whether there is sufficient evidence of abuse/neglect of your child(ren) and if so, will make a finding and schedule a dispositional hearing; and

• At a Dispositional Hearing. the Court will issue a final order of abuse/neglect and issue orders for the conditions of abuse/neglect that must be corrected by parents. Further, by failing to appear

you will not be able to provide the Court with your current address, and thus the Court will have no ability to notify you of subsequent RSA 169-C hearings

IMPORTANT RIGHTS **OF PARENTS**

WHETHER YOU ARE A PETI-TIONED OR NON-PETITIONED PARENT, IF THE COURT DETER-MINES, OR HAS DETERMINED, THERE IS EVIDENCE YOUR CHILD(REN) IS(ARE) ABUSED/NEGLECTED, THE COURT'S ORDERS WILL AFFECT YOU AND YOUR CHILD(REN) AND MAY AFFECT YOUR PARENTAL RIGHTS, INCLUDING THE POSSI-BILITY THAT YOUR PARENTAL RIGHTS MAY BE TERMINATED. THE POSSIBLE CONSEQUENCES TO YOUR PARENTAL RIGHTS MAY BE REVIEWED BY CLICKING ON THE COURT FORM, "Acknowledgement of Possible Consequences to Parental Rights in Abuse & Neglect Cases" (**NHJB-2209-F**) at www.courts.nh.gov/our-courts/c ircuit-court/family-division/form

foreclosure sale. Dated at Farmington, Con-necticut, on June 17, 2024.

Wells Fargo Bank, N.A. By its Attorney, Bozena Wysocki Brock & Scott, PLLC 270 Farmington Avenue Suite 151 Farmington, CT 06032

(UL - June 19, 26; July 3)

Legal Notice

There will be a hearing before Executive Councilor Janet Stevens, conducted by the New Hampshire Health and Education Facilities Authority (the "Authority"), held at The Birches Academy's first floor kindergarten room. located at 419 South Broadway, Salem, New Hampshire 03079, on June, 27, 2024 at 12:00 p.m. The hearing is held pursuant to the provisions of NHRSA-195 D:21 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), with regard to the proposed issuance, in one or more series, by the Authority of up to \$8,500,000 New Hampshire Health and Education Facilities Authority Revenue Bonds, The Birches Academy Issue, Series 2024 (the "Bonds") to provide for a plan of financing and refinancing

GAGED PREMISES ARE SITU-ATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

The name and address of the mortgagee's agent for service of process is Law Division - Trust Legal, U.S. Bank Center - St. Paul, 101 East 5th Street, Saint Paul, MN 55101. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at nhbd@banking.nh.gov.

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Dated at Farmington, Connecticut, on June 7, 2024.

U.S. Bank National Association By its Attorney, Bozena Wysocki Brock & Scott, PLLC 270 Farmington Avenue Suite 151 Farmington, CT 06032 (UL - June 12, 19, 26)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Robert

By its Attorney, Bozena Wysocki Brock & Scott, PLLC 270 Farmington Avenue Suite 151 Farmington, CT 06032 (UL - June 19, 26; July 3)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Julie L.

ment made before or during the foreclosure sale.

Dated at Farmington, Connecticut, on June 6, 2024.

Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust F By its Attorney, Bozena Wysocki Brock & Scott, PLLC 270 Farmington Avenue Suite 151 Farmington, CT 06032 (UL - June 12, 19, 26)

More notices at www.unionleader.com

TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearings THURSDAY, JUNE 27, 2024

The Hudson Zoning Board of Adjustment will hold a public meeting on Thursday, June 27, 2024 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side). PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

- . Case 182-003-008 (06-27-24): Peter Madsen, Project Engineer, Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH requests an Equitable Waiver of Dimensional Requirement for 18 Garden Circle, Hudson, NH to allow a newly poured foundation to remain in its current location, which encroaches 0.5 feet into the side yard setback leaving 14.5 feet where 15 feet is required. [Map 182, Lot 003, Sublot-008; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]
- Case 198-012 (06-27-24): Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requests three (3) Variances as follows for a proposed gas station/ convenience store/car wash to be constructed at 91-97 Lowell Road, Hudson, NH [Map 198 Lots 011, 012, 014, 015, 016]:
- a. Wall Signs: A Variance to allow three (3) Business and Industrial wall signs where only one (1) is permitted. [HZO Article XII: Signs; §334-63, Business and industrial building signs]
- b. Free-Standing Signs: A Variance to allow a freestanding "pylon" sign with 146.9 SF where a maximum size of 100 square feet is permitted and; To allow five (5) freestanding signs where each individual site may have no more than one (1) freestanding pole or ground sign. [HZO Article XII: Signs; §334-64A and §334-64, Freestanding business and industrial signs]
- c. **Directional Signs:** A <u>Variance</u> to allow several directional and directory signs to be larger than three (3) SF where no greater than three (3) square feet in area is permitted and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos. [HZO Article XII: Signs; §334-68, Directional and directory signs]
- Case 165-049 (06-27-24): Manuel D. Sousa of Sousa Realty & Development Corp., 46 Lowell Rd., Hudson, NH requests a Variance for 36 Campbello St., Hudson, NH for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district. [Map 165, Lot 049, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Case 145-005 (06-27-24): Kyle Segal, Manager, Axis Realty Group, LLC, 270 Nashua Rd., Londonderry, NH requests a Variance for <u>2 Sullivan Rd., Hudson, NH</u> for the proposal to redevelop and expand an existing motel into multi-family housing with up to 14 units where multi-family dwellings are not permitted in the G-1 district. [Map 145, Lot 005, Sublot-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses

Chris Sullivan, Zoning Administrator



Land Use Division



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

Zoning Administrator Staff Report Meeting Date: June 27, 2024

6-14-24

<u>Case 182-003-008 (06-27-24)</u>: Peter Madsen, Project Engineer, Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH requests an <u>Equitable Waiver of Dimensional</u> <u>Requirement</u> for <u>18 Garden Circle, Hudson, NH</u> to allow a newly poured foundation to remain in its current location, which encroaches 0.5 feet into the side yard setback leaving 14.5 feet where 15 feet is required. [Map 182, Lot 003, Sublot-008; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

Address: 18 Garden Cir. Map 182, Lot 003-008

Zoning district: Town Residence (TR)

Property Description:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 18,530 sq. ft. where 10,000 is required. The lot is classified as a single-family residence. The Planning Board approved the Frenette Gardens subdivision on June 22, 2022. The foundation was installed on 5-16-24.

In-House comments:

Town Engineer: no comments Inspectional Services/Fire Dept.: no comments Associate Town Planner: no comments

History/Attachments:

AERIAL / PHOTOS A: Aerials (2022) Plans: Foundation As-Built Plan (See Packet) Master Subdivision Packet (see Packet) <u>BUILDING PERMITS</u> B: BP# 2024-00339 Construct a 56' X 60' Single Family Home. (4-11-24) <u>ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE</u> C: Planning Board "Notice of Approval" (June 22, 2022) D: Zoning Determination #24-050 (5-17-24) <u>DEPARTMENTAL COMMENT SHEETS</u> E: Engineering - Request for review (5-31-24) F: Inspectional Services/Fire Dept. Request for review (5-31-24) G: Planning Department - Request for review (5-31-24)



GARDEN CIRCLE - #3-8 FRENETTE GARDENS







FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION 12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-594-1142

BUILDING I	PERMIT	APPLICATION	_	PLEASE	PRINT
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			Office use:	
Address: <u>18 Gard</u> Site/Sub Plan: <u>Fr</u>		Unit # <u>Lot 3-8</u> HCRD <u>41863</u>	$ \begin{array}{r} Map \\ \underline{Map} \\ 182 \\ \underline{Map} \\ 003-008 \\ \hline \\ TR \\ \underline{Cone} \\ \hline \\ TR \\ \underline{O0399} \\ Permit \# \\ \end{array} $	
Residential Type of Improvement _X Single family detached New Building Deck Modular Homes Addition Shed Duplex Alteration/Renovation Swim Pool 3+ family dwelling (# of units) Conversion of +/- dwelling units Carport Other Other				
Commercial Type of Improvement Office/Bank/Professional Garage Hospital/Medical School Industrial/Warehouse Store Restaurant Utility Other Other Will the applicant/owner manufacture, assemble or produce any product, regardless of water use? Yes No (Need IDA Form) No			Shed Swim Pool Interior Demo commercial space	
Total Cost of Project: \$_185,000.	General Description of Work and Us List # of bedrooms and bathrooms if new enter proposed use. Construction of a new single family home 56' x 60' of 12' x 15'4" deck.	w home or added. If use of existing	, building is being changed,	
Square Footage Living area	Square Footage Footprint 1,935 sqft Renovated/added Number of stories 1 Living area of new home (exclude unfinished areas and garage) 1,935 sqft Total area of bldg 4,310 sqft			
Principal Type of I	Frame Masonry (wall bearing)	Wood Frame	Structural steel	
Type of Sewage Di	Type of Sewage Disposal Town or private company (requires Town permit) Private (septic tank, etc.)			



FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION 12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-6005 · Fax: 603-594-1142

Type of Water	Type of Water Supply Image: Town Type of Heat Source Image: Gas Other Private (well cistern) Oil Electric				
	Private (well	, cisternj			
	Name	Address	City/State/Zip	Phone	
Owner	Etchstone Properties, Inc.	179 Amherst Street	Nashua, NH 03064	603-889-5208	
Lessee	<u>N/A</u>				
Contractor	Etchstone Properties, Inc.	179 Amherst Street	Nashua, NH 03064	603-889-5208	
Architect	Envisionary Lines	614 Nashua Street #203	Milford, NH 03055	603-759-0125	
Engineer	Keach-Nordstrom Assoc.	10 Commerce Park North	Bedford, NH 03110	603-627-2881	
agent and to conf of my knowledge conduct inspection commercial or in	he owner of record authorizes the pro- form to all applicable laws of the Tow . The signature on this building per ons from time to time during and adustrial I understand that an as- b	n of Hudson. I hereby attest all state rmit authorizes all Code Officials, I upon completion of the work for uilt plan is required prior to occup	ements made on this applica Building Inspector and Asse which this permit is issue pancy of the structure.	essor or their Agents to d. If said structure is	
Signature of a	pplicant <u>Jaron Sla</u>	ttery		Date = 777727	
Address 179 A	Amherst Street, Nashua, N	1 03064			
Email: jaron(@etchstoneproperties.com	Phone: <u>60</u>	03-889-5208		
Filing fee	\$	Receipt #	Date		
Building perr	nit fee \$	Receipt #	Date		
	NG PERMIT IS subject to the following condit	ion{s}	Denied for the followir	ng reason(s)	
Plans rece	lived	Date	Use group	p:	
			Construct	tion type	
				10 - 10 - 10 - 10 - 10 - 10 - 10 - 10 -	
	f Occupancy Required	— Final Inspection(Building)	« HFD)	ng	
Comments: _	Comments: Occupancy load				
Approve	d				
Denied		Winin Law Dessigner	Date		
	Inspectional Services C	metal or Designee	Date		

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



Planning Board



Timothy Malley, Chairman Robert Guessferd, Selectmen Liaison

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

NOTICE OF APPROVAL

June 28, 2022

Owner or Applicant:

LAURA RIPALDI 46 BUSH HILL ROAD HUDSON, NH 03051

KIMBERLY FRENETTE 88 DUMONT ROAD HUDSON, NH 03061

RICKY FRENETTE 14 TATE STREET HUDSON, NH 03051

On Wednesday, June 22, 2022, the Hudson Planning Board heard subject case SB #03-22 & CU #05-22 "Frenette Gardens".

SUBJECT: TO PROPOSE A TEN LOT SUBDIVISION AND 705 LINEAR FEET OF A NEW DEAD END ROADWAY AND TO SHOW PRPOSED PERMANENT WETLAND BUFFER IMPAXTS ASSOCIATED WITH THE SUBDIVISION OF MAP 182 LOT 3.

LOCATION: 65 CENTRAL STREET, MAP 182 LOT 3

On May 25, 2022, the Planning Board accepted the subdivision and conditional use permit application for Frenette Gardens, 65 Central Street, Map 182 Lot 3.

Waivers Granted:

On May 25, 2022, the Planning Board granted a waiver from § 289-37.A, to waive the requirement to adhere to the phased development schedule, based on the Board's discussion, the testimony of the Applicant's representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Plan Approval:

On June 22, 2022 the Planning Board approved the conditional use permit and subdivision plans entitled: Residential Subdivision Plan & Wetland Buffer Impact Plan, Frenette Gardens, Map 182; Lot 3, 65 Central Street, Hudson, New Hampshire; prepared by: Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110; prepared for: Laura Ripaldi, 46 Bush Hill Road, Hudson, NH 03051 & Kimberly Frenette, 88 Dumont Road, Hudson, NH 03051 & Ricky Frenette, 14 Tate Street, Hudson, NH 03051; consisting of 16 sheets and an additional cover sheet, and general notes 1-22 on Sheet 1; and Construction Notes 1-8 on Sheet 1 of the Wetland Buffer Impact Plan; dated April 20, 2022, last revised June 6, 2022; subject to, and revised per, the following stipulations:

- 1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Plan.
- 2. The Planning Board finds that the Stormwater Management Report, last revised June 6, 2022, complies with the requirements of §290 Stormwater Management.
- 3. All improvements shown on the Plan, including Notes 1-22 on Sheet 1 of the Subdivision Plan and Construction Notes 1-8 on Sheet 1 of the Wetland Buffer Impact Plan, shall be completed in their entirety and at the expense of the applicant or the applicant's assigns.
- 4. A cost allocation procedure (CAP) amount of \$5,991 per single-family residential unit, shall be paid prior to the issuance of a Certificate of Occupancy.
- 5. All monumentation shall be set or bonded for prior to Planning Board endorsement of the Plan-of-Record.
- 6. Approval of this plan shall be subject to administrative review by the Town Planner and Town Engineer.
- 7. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sundays.
- 8. A pre-construction meeting shall be scheduled with the Town Engineer prior to construction.
- 9. Utilities shall be underground.
- 10. During construction and restoration erosion control barriers shall be installed and maintained to the satisfaction of the Town Engineer. A two layer erosion control barrier should be employed in the construction areas along First Brook.

4

- 11. The commission recommends that a stipulation and or note be added to the Erosion and Sediment Control Plan that states "Erosion control blankets shall be used as part of slope stabilization after construction".
- 12. The Town Engineer or his representative shall be allowed to inspect the boundaries of the wetland and wetland buffer areas during construction and report any finding to the applicant and the Conservation Commission for remediation.

- 13. A stipulation and or note be added to the final plan set that states "Stockpiling of construction materials is not allowed in the Wetland Buffer Area".
- 14. A stipulation and or note be added to the final plan set that states "The wetland buffer boundary shall be identified and marked prior to the start of construction per Hudson Zoning Ordinance, Article IX §334-35 (E.)
- 15. A stipulation and or note be added to the final plan set that states that Conservation Commission wetland signage shall be installed along the edge of the wetland buffer boundary of Lots 3-7, 3-8 and 3-9 prior to issuing Certificates of Occupancy per Hudson Zoning Ordinance, Article IX §334-35 (E.)
- 16. If additional impacts are required the plan shall be returned to the Conservation Commission for further review.
- 17. For the purposes of this subdivision plan, the term "active and substantial development" shall mean that underground utilities shall be installed and the roadway shall be brought to subgrade per Town standards.
- 18. The street light shall be removed from the final plan set.

Signed:

Date: 6

Brian Groth, AICP, Town Planner

ce: Keach-Nordstrom Associates, Inc.





Land Use Division

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

Zoning Determination #24-050

May 17, 2024

Sent Via: email and 1st Class Mail

Paul Chisholm 10 Commerce Park N, Suite 3 Bedford, NH 03110

Re: <u>18 Garden Circle 182 Lot 003-008</u> District: Town Residence (TR)

Dear Mr. Chisholm

Your request: On lot 3-8 the foundation was inadvertently staked and the house was laid out 0.5' over the 15' side setback line. The error was discovered upon performing the foundation certification. (See the attached plot plan).

Zoning Review / Determination:

The house is 0.5' over the setback leaving 14.5' what 15' is required. This is a violation of the Town of Hudson Zoning Ordinance per §334-27 - <u>Table of Dimensional Requirements</u>. You can request an equitable waiver from the Zoning Board of Adjustment.

Sincerely,

Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 886-6000 (ext. 1275) csullivan@hudsonnh.gov

cc: Public File Brooke Dubowik Etchstone Properties Owner Inspectional Services File

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



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

REQUEST FOR REVIEW/COMMENTS:

Case: <u>182-003-008(06-27-2</u> (Equitable Waiver of Property Location: <u>18 Garden Circle</u> Dimensional Requirement)

For Town Use					
Plan Routing Date: 05/30/2024 Reply requested by: 06/05/2024Z	Plan Routing Date: 05/30/2024 Reply requested by: 06/05/2024ZBA Hearing Date: 06/27/2024				
I have no comments I have comments (see be	low)				
EZD Name: Ellvis Dhima, P.E.	Date: 05/31/2024				
(Initials)					
DEPT. Town Engineer Fire/Health Department	Associate Town Planner				

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

REQUEST FOR REVIEW/COMMENTS: Case: 182-003-008(06-27-2 (Equitable Waiver of Property Location: 18 Garden Circle Dimensional Requirement)

For Town Use	
Plan Routing Date: 05/30/2024 Reply requested by: 06/05/2024ZB.	A Hearing Date: 06/27/2024
I have no comments I have comments (see belo	w)
DRH Name:David Hebert	_ Date: 05/31/2024
DEDT. Town Engineer Fire/Health Department	Associate Town Planner

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

REQUEST FOR REVIEW/COMMENTS: Case: <u>182-003-008(06-27-2</u> (Equitable Waiver of Property Location: <u>18 Garden Circle</u> Dimensional Requirement)

For Town Use			
Plan Routing Date: 05/30/2024 Reply requested by: 06/05/2024ZBA Hearing Date: 06/27/202			
I have no comments I have comments (see below)			
BWG Name:Benjamin Witham-Gradert D	Date: 05/31/2024		
DEPT. Town Engineer Fire/Health Department As	sociate Town Planner		

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HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET Option 1- (Per RSA 674:33-a, I)

Equitable Waivers are granted, pursuant to RSA 674:33-a, I: When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

On **06-27-2024**, the Hudson Zoning Board of Adjustment heard **Case 182-003-008**, being a request by **Peter Madsen**, **Project Engineer**, **Keach-Nordstrom Associates**, **Inc.**, **10 Commerce Park North, Suite 3B, Bedford, NH for an <u>Equitable Waiver of Dimensional Requirement</u> for <u>18</u> <u>Garden Circle, Hudson, NH</u> to allow a newly poured foundation to remain in its current location, which encroaches 0.5 feet into the side yard setback leaving 14.5 feet where 15 feet is required**. [Map 182, Lot 003, Sublot-008; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

Y	N	agent or representative, or municipal of had been substantially completed, or u	applicant has demonstrated that the d by any owner, former owner, owner's official, until after a structure in violation until after a lot or other division of land in veyance to a bona fide purchaser for value;
Y	N	violation was not an outcome of ign inquire, obfuscation, misrepresentation owner's agent or representative, but error in measurement or calculation m	cant has successfully demonstrated that the orance of the law or ordinance, failure to on, or bad faith on the part of any owner, was instead caused by either a good faith ade by an owner or owner's agent, or by an oplicability made by a municipal official in hich that official had authority; and
Y	N	nor diminish the value of other proper	s not constitute a public or private nuisance,
Y	N	that due to the degree of past construct facts constituting the violation, the cost	applicant has successfully demonstrated tion or investment made in ignorance of the st of correction so far outweighs any public nequitable to require the violation to be
Mem	ber Decis	ion:	
Signe			
	Sitting	Member of the Hudson ZBA	Date

Print name: _____

New ansi	AN EQUITABLE WAIVER	
NAT 3 0 2024 NAT 3 0 2024 LAND USE DIVISION LAND USE DEPT. LAND Coning Board of Adjustment Town of Hudson	Entries in this box are to be filled out by Land Use Division personnel Case No. $182 - 003 - 008(06 - 27 - 24)$ Date Filed $5/30/24$	
Peter Madsen of		
Name of ApplicantKeach-Nordstrom Associate	s, Inc. Map: 182 Lot: 3-8 Zoning District: TR	
Telephone Number (Home)	(Work) (603) 627-2881	
Mailing Address 10 Commerce Park Nort	h, Suite 3B, Bedford, NH 03110	
Owner Etchstone Properties, Inc		
Location of Property <u>18 Garden Circle</u> (Street Address)	udson, NH 03051 (TD) 5/30/24	
Signature of Applicant Date		
	5/29/24	
Signature of Property-Owner(s)	Date /	

By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.

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/represent on his/her/their behalf or that you have permission to seek the described Equitable Waiver.

Items in this box are to be filled out by I	and Use Division p	ersonnel /	
COST:	Date receive	ed: <u>5/30/24</u>	
Application fee (processing, advertising & recording) (non-refundable):	\$ <u>185.00</u>	
<u>5</u> <u>Abutter Notice</u> : Direct Abutters x Certified postage rate Indirect Abutters x First Class postage rate Total amount due		\$ 25.40 \$ 3.40 \$ 2/3.80	a k a c k ii
	Amt. received:	\$ 213.80	JUICA
Received by:	Receipt No.:	776,442	
By determination of the Zoning Administrator, the foll Engineering Fire Dept Health Officer	owing Departmental (Assoc.) PlannerOth	-	

Owner Affidavit

I, <u>JARON</u> SLATTERY, authorized representative of Etchstone Properties, LLC, owner of Tax Map 182; Lot 3-8 in Hudson, New Hampshire, hereby verify that I have authorized Keach-Nordstrom Associates, Inc. to submit on Etchstone's behalf, any and all applicable local permit applications as they pertain to improvements on said property.

Additionally, I authorize Keach-Nordstrom Associates, Inc. to aid in the representation of these applications throughout the approval process. I do so with the understanding and pre-condition that I will not incur any financially liability to Keach Nordstrom or its agents relative to any submittals made in my behalf and subject to the condition that all such submittals shall be reviewed and approved by me prior to any said submissions be made to any state or local agency.

Signature of Owner:

Printed Name of Owner:

Address of Owner:

179 Amherst Street

Nashua, NH 03064

Date:

24 5/29

JARCH SLATTERY of Etchstore Properties, UL

TOWN OF HUDSON, NH Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.

Applicant Initials PM	Please review the application with the Zoning Administrator or staff.	Staff Initials
PM	The applicant must provide the original (with wet signatures) of the complete filled- out application form <u>and</u> all required attachments listed below together with 10 (ten) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	Missing plans
PM	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, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
PM	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	TG Ricud
PM	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 by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	Missing
	(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.)	
N/A	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>not</u> available
PM	Provide a copy of all single sided pages of the assessor's card. (NOTE : these copies are available from the Assessor's Office)	TG-
PM	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	TG
N/A	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N(circle one). If yes, submit an application to the Planning Board.	NA

CERTIFIED PLOT PLAN:

Requests other than above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful.

(NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).

- a) PM The plot plan shall be drawn to scale on an $8\frac{1}{2}$ " x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) PM The plot plan shall be up-to date and dated, and shall be no more than three years old.
- The plot plan shall have the signature and the name of the preparer, with his/her/their seal. c) PM
- d) PM 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: A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use)

- e) PM The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)
- D PM 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) PM The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) PM The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) PM The plot plan shall indicate all parking spaces and lanes, with dimensions.

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

Signature of Applicant(s)

Signature of Property Owner(s)

5/30/24 Date 5/29/24

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 adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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.

MAP LOT NAME OF PROPERTY OWNER MAILING ADDRESS *Include Applicant & Owner(s) 10 Commerce Park North, Suite 3B N/A N/A Keach-Nordstrom Associates, Inc. Bedford, NH 03110 3-1, 2, 3, 179 Amherst Street 4, 5, 6, 7, Etchstone Properties, Inc. 182 Nashua, NH 03064 8 & 9 46 Bush Hill Road 182 3 Lauri Ripaldi Hudson, NH 03051 **8B Dumont Drive** 182 3 **Kimberly Frenette** Hudson, NH 03051 14 Tate Street 182 3 **Ricky Frenette** Hudson, NH 03051

(Use additional copies of this page if necessary)

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. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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
182	4	Clegg Real Estate Inv., LLC	40 Temple Street Nashua, NH 03060
190	114	Robert P. Anger Melanie Anger	10 Gillis Street Hudson, NH 03051
190	115	Richard E. Marshall Stacey J. Adair	12 Gillis Street Hudson, NH 03051
190	116-CDX	Paul S. Platt, Jr. Rachel Trudel	14A Gillis Street Hudson, NH 03051
190	116-CDX	Corey E. Jimmo	14B Gillis Street Hudson, NH 03051
		·······	

USPS-Verified Mail

ENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 182-003-008 EQUITABLE WAIVER OF DIM. REQ. 18 Garden Circle, Hudson, NH 03051 Map 182/Lot 003-008 1 of		
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting		
9589 07	10 5270 0646 5615 28	Keach-Nordstrom Associates Inc. 10 Commerce Park North, Suite 3, Bedford, NH 03110	APPLICANT/OWNER NOTICE MAILED		
9589 07	10 5270 0646 5615 35	Etchstone Properties, Inc.	APPLICANT/OWNER NOTICE MAILED		
		179 Amherst Street, Nashua, NH 03064			
9589 07	10 5270 0646 5615 42	Lauri Ripaldi	ABUTTER NOTICE MAILED		
- 1V		46 Bush Hill Road, Hudson, NH 03051			
9589 07	10 5270 0646 5615 59	Kimberly Frenette	ABUTTER NOTICE MAILED		
		8B Dumont Drive, Hudson, NH 03051			
9589 07	10 5270 0646 5615 66	Ricky Frenette	ABUTTER NOTICE MAILED		
		14 Tate Street, Hudson, NH 03051			
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	Total Number of pieces listed by sender 5	y Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)		

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 182-003-008 EQUITABLE WAIVER OF DIM. REQ. 18 Garden Circle, Hudson, NH 03051 Map 182/Lot 003-008 1 of 1		
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting		
1	Mailed First Class	Clegg Real Estate Inv., LLC	ABUTTER NOTICE MAILED		
		40 Temple Street, Nashua, NH 03060			
2	Mailed First Class	Robert P. Anger; Melanie Anger	ABUTTER NOTICE MAILED		
		10 Gillis Street, Hudson, NH 03051			
3	Mailed First Class	Richard E. Marshall; Stacey J. Adair	ABUTTER NOTICE MAILED		
		12 Gillis Street, Hudson, NH 03051			
4	Mailed First Class	Paul S. Platt, Jr.; Rachel Trudel	ABUTTER NOTICE MAILED		
		14A Gillis Street, Hudson, NH 03051			
5	Mailed First Class	Corey E. Jimmo	ABUTTER NOTICE MAILED		
		14B Gillis Street, Hudson, NH 03051			
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7			ANDSON NH CEOL		
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	Total # of pieces listed by sender 5	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)		





Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

June 14, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, June 27, 2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 182-003-008 (06-27-24)</u>: Peter Madsen, Project Engineer, Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH requests an <u>Equitable Waiver of Dimensional Requirement</u> for <u>18 Garden Circle</u>, Hudson, NH to allow a newly poured foundation to remain in its current location, which encroaches 0.5 feet into the side yard setback leaving 14.5 feet where 15 feet is required. [Map 182, Lot 003, Sublot-008; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

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

Respectfully

Chris Sullivan Zoning Administrator





Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

June 14, 2024

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting to provide information or comments on the proposal. If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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 the Hudson Town Hall.

Respectfully,

Chris Sullivan Zoning Administrator

APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT Select Option 1 or Option 2 only

Per RSA674:33-a, I, Equitable Waiver of Dimensional Requirement: **(OPTION 1)** When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

- (a) DISCOVERED TOO LATE. Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and See attached
- (b) INNOCENT MISTAKE. Explain how the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; and See attached
- (c) **NO NUISANCE**. Please explain how the physical or dimensional violation <u>does not</u> constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and <u>See attached</u>

(d) HIGH CORRECTION COST. Please explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.
 See attached



May 28, 2024

Subject: Frenette Gardens – Equitable Waiver Map 182; Lot 3-8 18 Garden Circle, Hudson NH KNA Project No. 21-0928-1

An equitable waiver is requested of the Hudson Zoning Board of Adjustment for a violation of a dimensional requirement discovered on Map 182 Lot 3-8. The violation stems from an error made during the subdivision application process, in which an alteration was made to a proposed lot line and the corresponding building setback line was never adjusted accordingly. This erroneous setback line carried through the recorded subdivision plan and lot development plans until finally being discovered after the foundation was installed. During the production of the certified plot plan, it was determined that the northwestern corner of the foundation lies within the side yard setback of 15 feet. As constructed, said corner is located 14.5 feet away from the property line. The following four criteria support the requested equitable waiver for the violation.

(a) DISCOVERED TOO LATE. Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and

The violation was not noticed until preparation of the certified plot plan as the minimum building setback line was not updated accordingly upon a revision made to the boundary line of the subject lot during the subdivision application process. The town review engineer noticed that the western boundary line of Lot 3-8 did not intersect the front lot line at an angle of 45 degrees or more, as required by HR 289-17.C. As such, the lot line was modified to comply with the regulation by adding a 13-foot-long segment at the appropriate angle. When this change was made, the associated minimum building setback line was not updated appropriately. The error has carried through both the recorded subdivision plans and the lot development plans and was not discovered until after the foundation had been laid out and poured.

(b) INNOCENT MISTAKE. Explain how the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; and

The violation was caused by a good faith error in calculation by the design engineer and project surveyor during the subdivision application process and was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or

Civil Engineering	Land Surveying	Landso	Landscape Architecture			
10 Commerce Park North, Suite 3B	Bedford, NH 03110	Phone (603) 627-2881	Fax (603) 627-2915			

KEACH-NORDSTROM ASSOCIATES, INC.

bad faith on the part of the owner or owner's agent. As stated, the minimum building setback line was never updated accordingly on the project plans when the western lot line of the subject lot was updated to be compliant with the requirements of HR 289-17.C.

(c) NO NUISANCE. Please explain how the physical or dimensional violation <u>does not</u> constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

The violation <u>does not</u> constitute a public or private nuisance, nor diminish the value of other property in the area, nor adversely affect any present or permissible future uses of any such property as the encroachment into the minimum building setback is only 0.5 feet. The character of the overall development remains the same despite the slight encroachment. Furthermore, the foundation poured on the adjacent Lot 3-7 is situated 32.3 feet away from the subject lot line, which provides double the appropriate spacing between the houses.

(d) HIGH CORRECTION COST. Please explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of corrections far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

The cost of correction of the violation far outweighs any public benefit to be gained as substantial reconstruction would be required to make the foundation compliant. Reconstruction efforts would include re-excavation of the lot, demolition, removal, and disposal of the existing foundation, as well as the layout, forming, and repouring of the new foundation a mere six inches from its current location. Additionally, these efforts will prolong disturbance to the abutting residential properties. In this case, the public benefit to be gained is inconsequential when compared to the cost of correction.

Please consider the explanations provided above for each criterion related to the request for the equitable waiver. Keach-Nordstrom Associates, Inc. (KNA) will be present at the upcoming Zoning Board of Adjustment hearing to discuss the waiver request and answer any questions that arise.

Respectfully

Peter Madsen, EIT Project Engineer Keach-Nordstrom Associates, Inc.

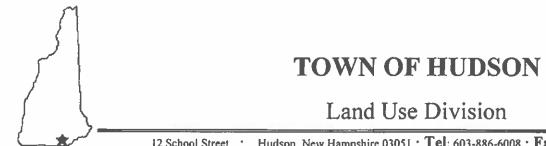
Civil Engineering

Land Surveying

Landscape Architecture

Bedford, NH 03110

Phone (603) 627-2881





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

Zoning Determination #24-050

June 17, 2024

Sent Via: email and 1st Class Mail

Paul Chisholm 10 Commerce Park N, Suite 3 Bedford, NH 03110

Re: 18 Garden Circle 182 Lot 003-008 District: Town Residence (TR)

Dear Mr. Chisholm

Your request: On lot 3-8 the foundation was inadvertently staked and the house was laid out 0.5' over the 15' side setback line. The error was discovered upon performing the foundation certification. (See the attached plot plan).

Zoning Review / Determination:

The house is 0.5' over the setback leaving 14.5' what 15' is required. This is a violation of the Town of Hudson Zoning Ordinance per §334-27 - Table of Dimensional Requirements. You can request an equitable waiver from the Zoning Board of Adjustment.

Sincerely,

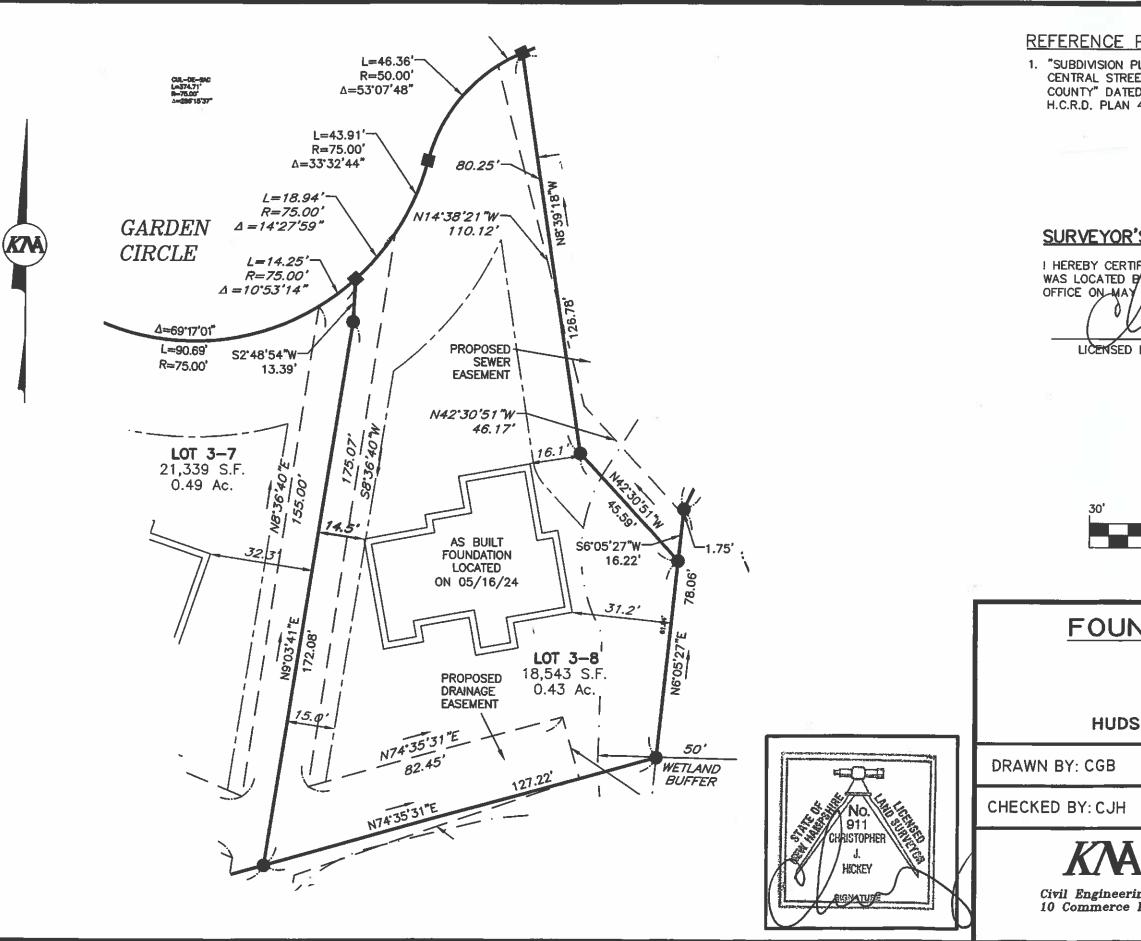
Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 886-6000 (ext. 1275) csullivan@hudsonnh.gov

Public File cc: Brooke Dubowik **Etchstone Properties** Owner **Inspectional Services** File

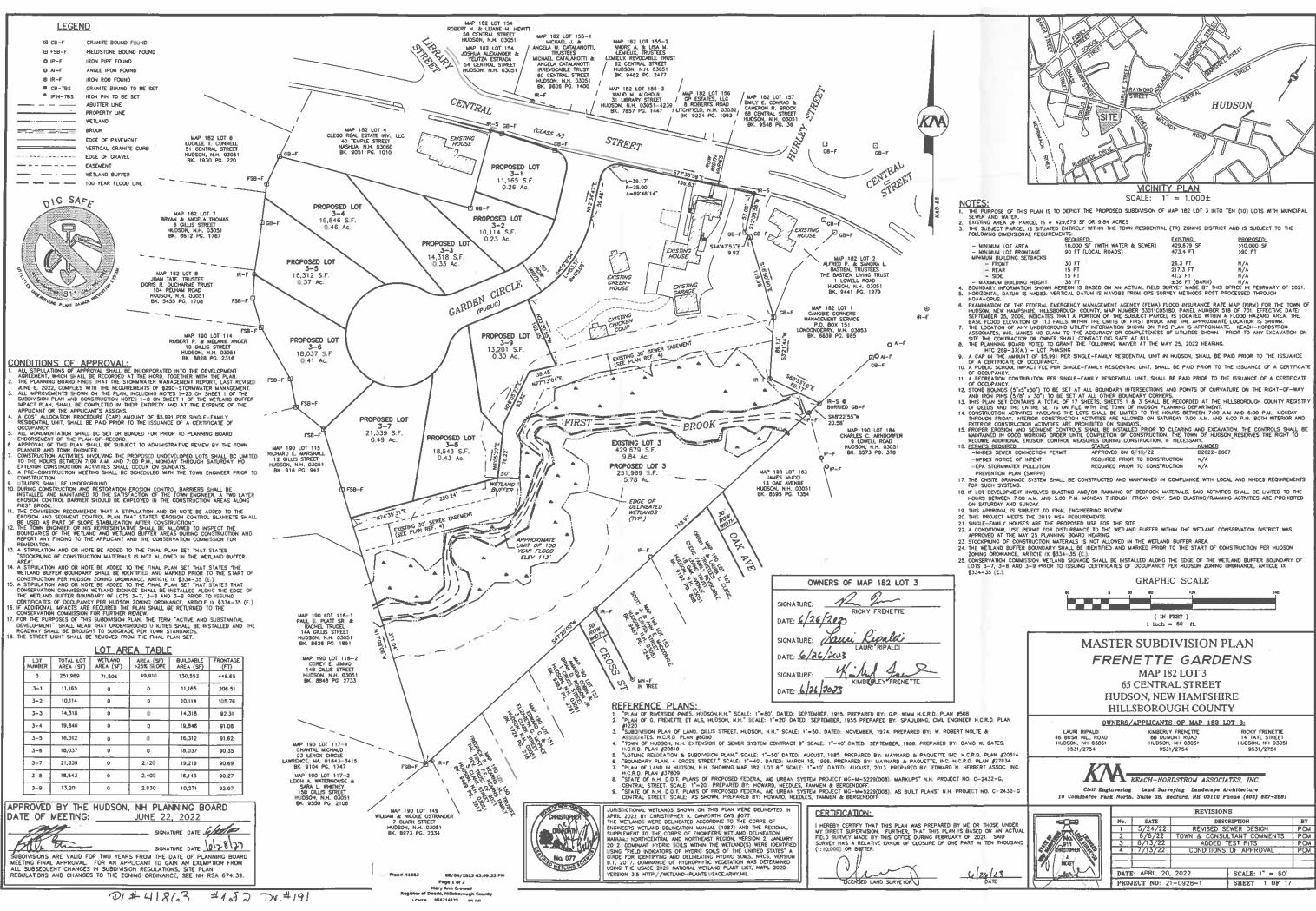
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

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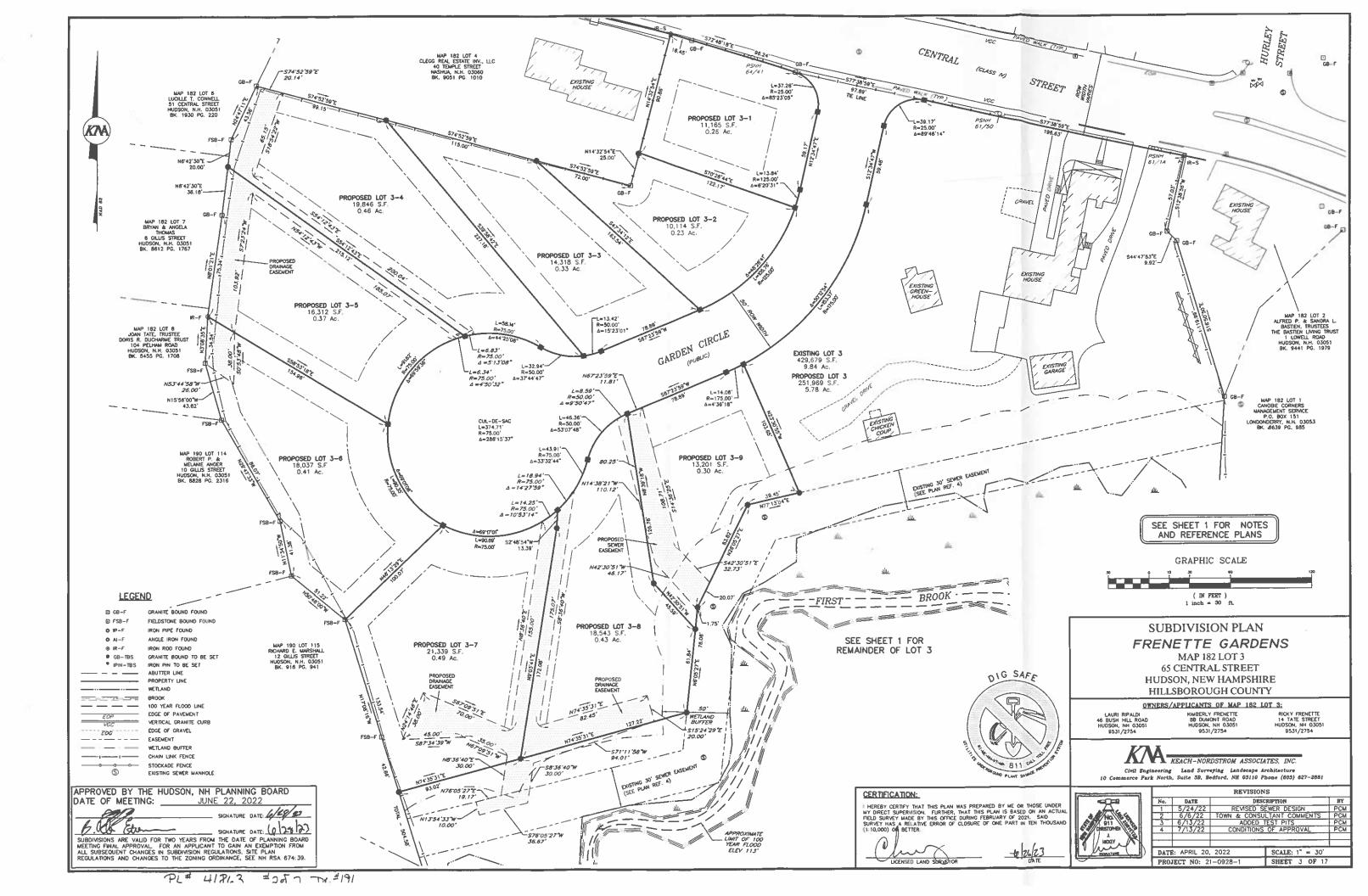
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PLANS: PLAN, FRENETTE GARDENS MAP REET, HUDSON, NEW HAMPSHIRE, TED APRIL 20, 2022, LAST REVIS N 41863.	HILLSBOROUGH
R'S CERTIFICATION:	
GRAPHIC SCALE o' 15' 30' (IN FEET) 1 inch = 30 ft.	OWN HEREON BY THIS 5/23/24 DATE FHUDS New Hampshire 03051 MAY 3 0 2024 LAND USE DIVISION ZONING DEPT. 60'
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KEACH-NORDSTROM ASSOC ring Land Surveying Lands e Park North, Suite 3B, Bedi Phone (603) 627-288	scape Architecture ford, NH 03110



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EACH-NORDSTROM ASSOCIATES, INC.			34159
Town of Hudson		5/30/2024	
	Town of Hudson		213.80

Citizens Checking

Equitable Waiver Request

213:80



Land Use Division



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

Zoning Administrator Staff Report Meeting Date: June 27, 2024



- <u>Case 198-012 (06-27-24)</u>: Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requests three (3) <u>Variances</u> as follows for a proposed gas station/convenience store/car wash to be constructed at <u>91-97 Lowell Road, Hudson, NH</u> [Map 198 Lots 011, 012, 014, 015, 016]:
 - a. Wall Signs: A Variance to allow three (3) Business and Industrial wall signs where only one (1) is permitted. [HZO Article XII: Signs; §334-63, Business and industrial building signs]
 - b. Free-Standing Signs: A Variance to allow a freestanding "pylon" sign with 146.9 SF where a maximum size of 100 square feet is permitted and; To allow five (5) freestanding signs where each individual site may have no more then one (1) freestanding pole or ground sign. [HZO Article XII: Signs; §334-64A and §334-64, Freestanding business and industrial signs]
 - c. **Directional Signs**: A <u>Variance</u> to allow several directional and directory signs to be larger than three (3) SF where no greater than three (3) square feet in area is permitted and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos. [HZO Article XII: Signs; §334-68, Directional and directory signs]

Address: 91-97 Lowell Road Map 198, Lot 014,15,16-000 1 & 7 Atwood Map 198, Lot 012-000 Zoning district: Business (B)

Property Description:

The Town of Hudson, records indicate these parcels are existing lots of records.

<u>198-12 - 7 Atwood</u>: This lot is in the Business district and is 107,157 sq ft. This lot has 2 garages on it and a carport. One of the garages will be removed from the lot.

<u>198-14 - 97 Lowell Rd</u>: This lot is in the Business district and is 9,583 sq ft. This is a vacant commercial lot.

<u>198-15 - 95 Lowell Rd</u>: This lot is in the Business district and is 6,969 sq ft. This is a vacant residential lot.

<u>198-16 - 91 Lowell Rd</u>: This lot is in the Business district and is 8,712 sq ft. This is a vacant commercial lot.

The applicant is going to merge these properties to make one lot. They are proposing a new gas station with a convenience store, car wash, and electric charging stations.

In-House comments:

Town Engineer: no comments Inspectional Services/Fire Dept.: no comments Associate Town Planner: no comments

History/Attachments:

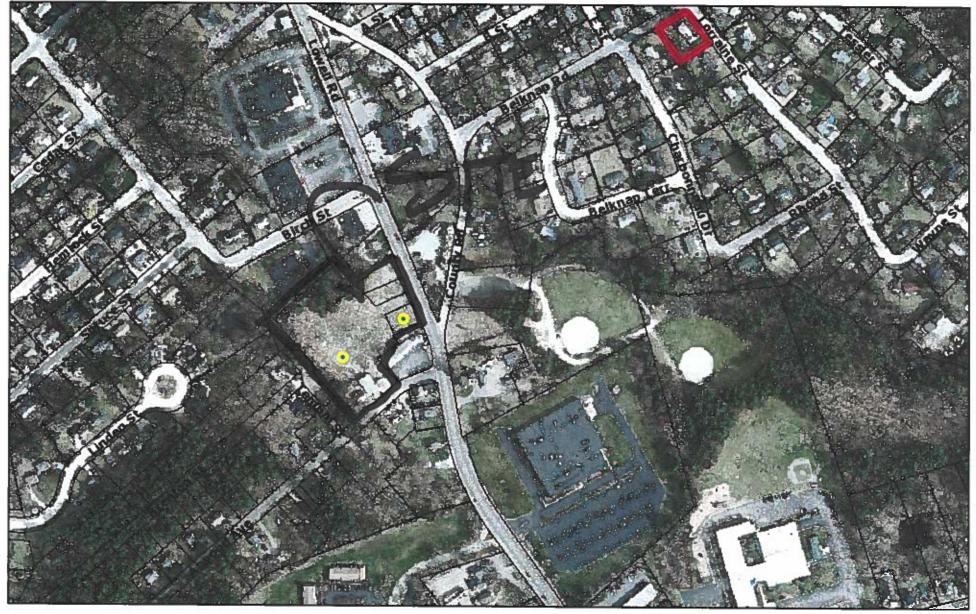
AERIAL / PHOTOS

A: Aerials (2022)

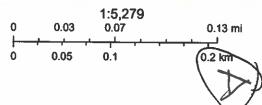
Plans:Signage Plan and Elevations 4-18-24 (See Packet)Overall Site Plan 12-13-23 (see Packet)Elevation on the Convenience store and Car Wash (See Packet)ZONING ADMINISTRATOR/CODE ENFORCEMENT CORRESPONDENCEB: Zoning Determination #24-039R2 (4-28-24)DEPARTMENTAL COMMENT SHEETSC: Engineering - Request for review (6-11-24)D: Inspectional Services/Fire Dept. Request for review (6-11-24)

E: Planning Department - Request for review (6-17-24)

91-97 Lowell Rd (2022)







TOWN OF HUDSON

Land Use Division

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

Zoning Determination #24-039R2

May 28, 2024

Sent Via: Email and 1st class mail

Chris Rice 170 Commerce Way Suite 102 Portsmouth, NH 03801

Re: <u>91/95/97 Lowell Road and 7 Atwood</u> <u>198/016-000; 198/015-000; 198-014-000; 198/012-000</u> District: Business (B)

Dear Mr. Rice:

Your request for zoning to review the sign package for the Seasons gas station

Zoning review / Determination:

After reviewing the sign package as presented there are a few different signs that need variances.

(1) Wall Signs

§ 334-63 Business and industrial building signs.

Except as otherwise permitted in this article, each individual business may have either one wall, roofmounted or projecting sign attached to the building within which the business is located subject to the following requirements. The building sign may be implemented in the form of an awning sign.

- a. According to the plans provided the front of the building there are 3 different signs where (1) one is permitted per §334-63 <u>Business and Industrial building signs</u>. This will require a variance from the Zoning Board of Adjustment.
- (2) Free Standing Sign

§ 334-64 Freestanding Business and Industrial Signs.

Except as otherwise permitted in this article, each individual site may have no more than one freestanding pole or ground sign, not attached to any building, subject to the following requirements:

A. Maximum size: one square foot for each linear foot of road frontage up to a maximum of 100 square feet.

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





- a. According to the plans provided the ID Sign is showing 134 Sq. ft. where 100 sq. ft. is permitted per § 334-64 <u>Freestanding Business and Industrial Signs.</u> (A) This will require a variance from the Zoning Board of Adjustment.
- b. Free Standing Sign: According to the plans provided there are (5) five free standing signs where one is permitted per § 334-64 <u>Freestanding Business and Industrial Signs</u>. The following sign:
 - a. (1) One car wash menu
 - b. (1) This sign identifies the electic charging stations
 - c. (1) One coin box canopy
 - d. (1) Menu Board
 - e. (1) Canopy Sign

The following sign would need a variance from the Zoning Board of Adjustment per § 334-64 Freestanding Business and Industrial Sgns.

(3) Directional Signs:

§ 334-68Directional and directory signs.

Directional or directory signs, other than those excluded under § <u>334-58B(3)</u> Permits Required; <u>Exemptions</u>, are permitted with a permit but are not considered to be freestanding or building signs for the purposes of this article, provided that they are no greater than three square feet in area and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos.

According to the plans provided, they show several signs that at greater the 3 sq. ft. These signs include:

- a. (12) Twelve Dispenser sign 3.1 Sq ft,
- b. (1) One Flip Sign Open/Close 3.7 sq ft,
- c. (1) Car Wash Enter and Exit 5.1 sq. ft.

The Directional signs above will require a variance from the Zoning Board of Adjustment per § 334-68 Directional and <u>Directory signs.</u>

Please feel free to contact me if you have any further questions regarding this matter.

Sincerely,

Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 816-1275 csullivan@hudsonnh.gov

cc: Public File B. Dubowik, Administrative Aide File

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



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

REQUEST FOR REVIEW/COMMENTS: Case: 198-012(06-27-24) VARIANCES a.,b.,c. Property Location: 91-97 Lowell Rd

For Town Use	
Plan Routing Date: 06/11/2024 Reply requested by: 06/17/2024	ZBA Hearing Date: 06/27/2024
I have no comments I have comments (see	below)
EZDName: Elvis Dhima, P.E.	Date: 06/11/2024
DEPT. Town Engineer Fire/Health Department	Associate Town Planner

a. Wall signs:		
b. Free-standing signs:		
c. Directional Signs		



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

REQUEST FOR REVIEW/COMMENTS: Case: <u>198-012(06-27-24)</u> VARIANCES a.,b.,c. Property Location: <u>91-97 Lowell Rd</u>

For Town	Use
Plan Routing Date: 06/11/2024 Reply requested by	y: 06/17/2024ZBA Hearing Date: 06/27/2024
I have no comments I have com	nments (see below)
DRH Name: David Hebert	Date: 06/11/2024
DEPT. Town Engineer Fire/Health Dep	partment Associate Town Planner

a. Wall signs:	
b. Free-standing signs:	
c. Directional Signs	



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

REQUEST FOR REVIEW/COMMENTS: Case: 198-012(06-27-24) VARIANCES a.,b.,c. Property Location: 91-97 Lowell Rd

For Town Use	
Plan Routing Date: 06/11/2024 Reply requested by: 06/17/202	4ZBA Hearing Date: 06/27/2024
I have no comments I have comments (see	below)
BWG Name:Benjamin Gradert	Date: 06/17/2024
DEPT. Town Engineer Fire/Health Department	Associate Town Planner

a. Wall signs:		
b. Free-standing signs:		
c. Directional Signs		

HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)

On 06/27/2024, the Zoning Board of Adjustment heard Case 198-012 a., being a case brought by Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requesting a Variance for 91-97 Lowell Road, Hudson, NH to allow three (3) Business and Industrial wall signs where only one (1) is permitted. This is for a proposed gas station/convenience store/car wash. [Map 198, Lots 011, 012, 014, 015, 016; Zoned Business (B); HZO Article XII: Signs; §334-63, Business and industrial building signs]

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	Ν	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	Ν	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	Ν	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	Ν	4. The proposed use will not diminish the values of surrounding properties.

(Continue-next page-Hardship Criteria)

(Contir	nued)		HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)
Y N N/A	5.	A.	 The Applicant established that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area: (1) No fair and substantial relationship exist between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
			(2) The proposed use is a reasonable one.
Y N		 B.	Alternatively, if the criteria above (5.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.
		-	
			member of the Hudson ZBA Date
Print n	ame: _		
Stipula	tions: -		
	-		
	-		



APPLICATION FOR A VARIANCE

Entries in this box are to be filled out by

VARIANCE a. (Wall sign) (HZO Article XII, § 334-63)

JUN 0 5 2024

LAND USE DIVISION

ZONING DEPT.	Land Use Division personnel
ZONING DEPT. To: Zoning Board of Adjustment Town of Hudson	Case No. 198-012° (06-27-24)
	Date Filed 6/5/24
Name of Applicant Colbea Enterprises, LLC	Map: 198 Lot: 11,12 Zoning District: B-Business
Contact person: Jay Hall, Esq duly autho	rized 14, 15 & 16
Telephone Number (Home) Colbea:401-943-000	5 ext356 (Work) Attorney: 603-624-4333
	Christopher Drescher, Esq.
Mailing Address 695 George Washington Hi	ghway, Lincoln, RI 02865
Owner Colbea Enterprises, LLC, 695 George	Washington Highway, Lincoln, RI 02865
Location of Property91-97 Lowell Road, Hudso	on, NH
× Marst Hall (Street Address)	x 6-3.24
Signature of Applicant Jay Hall, Esq., Duly a	uthorized Date
× y cut Acht	× 6-3.24
Signature of Property-Owner(s) Jay Hall, Esc	q., Duly authorized Date

By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.

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/represent 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 p Date receive COST:		
Application fee (processing, advertising & recording) (non-refundable): <u>Abutter Notice</u> : Direct Abutters x Certified postage rate $\$ 5.0\% =$ Indirect Abutters x First Class postage rate $\$ 0.6\% =$ Total amount due: Chk Covers Variance Amt. received: (a, b., C.) Receipt No.: Received by: <u>TSD</u> (a, b., C.) Receipt No.: By determination of the Zoning Administrator, the following Departmental Engineering Fire Dept. Health Officer <u>Planner</u> Ot	$ \begin{array}{c} $	Ereck # 03158

LETTER OF AUTHORITY/PERMISSION

The undersigned, being the owner of the property known as 91-97 Lowell Road, Map 198, Lots 11, 12, 14, 15 & 16, hereby grants authority and consent to attorneys at Cronin, Bisson & Zalinsky, P.C., to sign and file ZBA and Planning Board applications and any related materials on my behalf and deliver the same to the Town of Hudson, represent me at any hearing(s) concerning these applications, and perform all other necessary actions in connection with such applications.

6-3-24 Date

Signature, Jay Hall. Esq., Duly Authorized for Colbea Enterprises, LLC

TOWN OF HUDSON, NH Variance Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.

Applicant Staff Initials Initial Please review the completed application with the Zoning Administrator or staff before 6making copies in next step. Initial The applicant must provide the original (with wet signatures) of the complete filled-Pending out application form and all required attachments listed below together with thirteen completeness (13) single-sided copies of the assembled application packet. (Paper clips, no staples) process Initial 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, 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. Initial If the applicant is not the property owner(s), the applicant must provide to the Town 6 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.) Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) Initial 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 by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (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.) 16-**GIS LOCATION PLAN:** Requests pertaining to above-ground pools, sheds, decks Initial and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use Provide a copy of all single sided pages of the assessor's card. Initial (NOTE: these copies are available from the Assessor's Office) 16 A copy of the Zoning Administrator's correspondence confirming either that the Initial requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application. If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may Initial be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.

CERTIFIED PLOT PLAN:

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

Initial	a The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North
In this I	pointing arrow shown on the plan.
Initial	b) The plot plan shall be up-to date and dated, and shall be no more than three years old.
Initial	The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
Initial	dy 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: A copy of the GIS map can be obtained by visiting the town website:
	https://www.hudsonnh.gov/community-development/page/gis-public-use)
Initial	The plot plan shall include the area (total square footage), all buffer zones, streams or
Initial	other wetland bodies, and any easements (drainage, utility, etc.)
minar	The plot plan shall include all existing buildings or other structures, together with their
Initial	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
Initial	"PROPOSED," together with all applicable dimensions and encroachments.
	The plot plan shall show the building envelope as defined from all the setbacks required
Initial	by the zoning ordinance.
minute	The plot plan shall indicate all parking spaces and lanes, with dimensions.
	$\langle T \rangle$
	The applicant and owner have signed and dated this form to show his/her awareness of these requirements.
	·//

Signature of Applicant(s) Jay Hall, Esq., Duly authorized

Date

of Property Owner(s) Jay Hall, Esq., Duly authorized

х

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 adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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)

МАР	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
		Please see attached	

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. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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
		Please see attached	
_			
	<u> </u>		

	MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
	SUBJECT P	ROPERTIES	OWNER	
	198	016	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
	198	015	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
	198	014	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
	198	012	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
	198	011	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
	DIRECT AB	UTTERS	· · · · · · · · · · · · · · · · · · ·	
	197	051	KON-SULT, INC.	6 BIRCH STREET HUDSON, NH 03051
(10)	197	189 - 00	WHALEN, STEPHANIE M.	9 LINDEN STREET HUDSON, NH 03051
	197	189-002	GARDINER, MARY J.	11 LINDEN STREET HUDSON, NH 03051
	197	198	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
	197	211	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
	198	010	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
	198	006	SOJKA, JOHN F. SOJKA, ANNE L.	11 ATWOOD AVENUE HUDSON, NH 03051
	198	005	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
	198	004	DILLON -JAMES PROPERTIES LLC	195R CENTRAL STREET HUDSON, NH 03051-4805
TO	198	013-CDX - 001 three 006	STRATOS REALTY TRUST TSOULAKOS, STEVE, TRUSTEE	2651 SAN LUIS RD. HOLIDAY, FL 34691-3115
	198	147	100 LOWELL RD, LLC	122 LOWELL RD S-3 HUDSON, NH 03051
	198	020	94 LOWELL ROAD LLC KATSOULIS, NICHOLAS	88 LOWELL RD. HUDSON, NH 03051
	198	021	KATSOULIS, NICHOLAS G.	88 LOWELL RD. HUDSON, NH 03051
	198	017	LACHANCE, MARTHA	PO BOX 893 HUDSON, NH 03051
	INDIRECT A	BUTTERS		**
87	197	188-CDX	VOLIS, ANTHONY L. VOLIS, ROBERTA M.	13 LINDEN STREET HUDSON, NH 03051
L	197	188-CDX	MANNING, DAVID E.	9 LINDEN STREET HUDSON, NH 03051

197	008	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051
197	197	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051
198	007	SOJKA, BRIAN M.	11 ATWOOD AVENUE
			HUDSON, NH 03051
198	002	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051
198	003	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051
198	148	MAYNARD, RONALD F.	104 LOWELL RD.
		MAYNARD, JERILYN O.	HUDSON, NH 030511
198	146	HUDSON, TOWN OF	12 SCHOOL STREET
			HUDSON, NH 03051
198	018	PATEL, AVANI, TR.;	96 SNOW RD
	00	PATEL, ASHOKKUMAR, TR.	HAVERHILL, MA 01830
198	145	QUIGLEY, PAMELA J.	18 COUNTY ROAD
			HUDSON, NH 03051
ATTORN	EY	CHRISTOPHER DRESCHER	
		CRONIN, BISSON & ZALINSKY	′ P.C.
		722 CHESTNUT STREET	
		MANCHESTER, NH 03104	
ENGINE	ER	TF MORAN, INC.	
		170 COMMERCE WAY, SUITE 1	102
		PORTSMOUTH, NH 03801	
ARCHITE	ECT	HFA-AE	
		31 HAYWARD STREET, SUITE	El
		FRANKLIN, MA 02038	

USPS-Verified Mail

4

SEN	DER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 198-012 VARIANCES a., b., c 91-97 Lowell Rd, Hudson, NH 03051 Map 198/Lot 012-000 1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	
1	9589 071	0 5270 0646 5616 03	COLBEA ENTERPRISES. LLC	O6/27/2024 ZBA Meeting APPLICANT/OWNER NOTICE MAILED
_	1901 011		695 GEORGE WASHINGTON HWY, LINCOLN, RI 02865	INTERNATIONNER NOTICE MAILED
2	9589 071	0 5270 0646 5616 10	KON-SULT, INC.	ABUTTER NOTICE MAILED
_			6 BIRCH STREET, HUDSON, NH 03051	
3	9589 071	0 5270 0646 5616 27	WHALEN, STEPHANIE M.	ABUTTER NOTICE MAILED
		0 5270 0646 5616 34	9 LINDEN STREET, HUDSON, NH 03051 GARDINER. ARTHUR B.;	
1	1001 011		GARDINER. MARY J.	ABUTTER NOTICE MAILED
1	0000 001		11 LINDEN STREET, HUDSON, NH 03051 SOJKA, ANNE L., TR.;	ABUTTER NOTICE MAILED
5	1201 017	0 5270 0646 5616 41	SOJKA REVOCABLE TRUST	
			11 ATWOOD AVENUE, HUDSON, NH 03051	2 A
5	9589 071	0 5270 0646 5616 58	SOJKA, ANNE L., TR.; ANNE L. SOJKA FAMILY TRUST	ABUTTER NOTICE MAILED
_			11 ATWOOD AVENUE, HUDSON, NH 03051	
7	9589 071	0 5270 0646 5616 65	DILLON -JAMES PROPERTIES LLC	ABUTTER NOTICE MAILED
			195R CENTRAL STREET, HUDSON, NH 03051	
3	9589 071	0 5270 0646 5616 72	SOJKA, JOHN F.; SOJKA, ANNE L.	ABUTTER NOTICE MAILED
1000			11 ATWOOD AVENUE, HUDSON, NH 03051	
	9589 0710	3 5270 O646 5616 89	STRATOS REALTY TRUST; TSOULAKOS, STEVE, TRUSTEE	ABUTTER NOTICE MAILED
			2651 SAN LUIS RD., HOLIDAY, FL 34691-3115	
10	9589 07	10 5270 0646 5616 96	LACHANCE, MARTHA	ABUTTER NOTICE MAILED
			PO BOX 893, HUDSON, NH 03051	
		Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)
			10 (E JUN 17	2024 Add Add
			Direct Certified	Page 1

Page 1

USPS-Verified Mail

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SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 198-012 VARIANCES a., b., c 91-97 Lowell Rd, Hudson, NH 03051 Map 198/Lot 012-000 1 of 1
	••	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
1 95	589 0710	0 5270 0646 5617 02	94 LOWELL ROAD LLC; KATSOULIS, NICHOLAS	ABUTTER NOTICE MAILED
			88 LOWELL RD., HUDSON, NH 03051	
2 95	589 071	0 5270 0646 5617 19	KATSOULIS, NICHOLAS G.	ABUTTER NOTICE MAILED
3 95	589 071	 0 5270 0646 5637 26	88 LOWELL RD., HUDSON, NH 03051 100 LOWELL RD, LLC	ABUTTER NOTICE MAILED
4 99	589 071	0 5270 0646 5617 33	122 LOWELL RD S-3, HUDSON, NH 03051 CHRISTOPHER DRESCHER CRONIN, BISSON & ZALINSKY P.C. 722 CHESTNUT STREET, MANCHESTER, NH 03104	APPLICANT/OWNER NOTICE MAILED
5	1 2 2		MARCHESTER, MI 03104	
6				
7				
8				
9				
10	1.48			
		Total Number of pieces listed by sender 4	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)
			A A A A A A A A A A A A A A A A A A A	IN 17 2021
			Direct Codified (2)	Barra 1

10223

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 198-012 VARIANCES a., b., c. 91-97 Lowell Rd, Hudson, NH 03051 Map 198/Lot 012-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
1	Mailed First Class	PURCELL, SCOTT D.; PURCELL, CASSANDRA	ABUTTER NOTICE MAILED
2	Mailed First Class	10 LINDEN STREET, HUDSON, NH 03051 COLBURN, KEVIN P., TR.; COLBURN, KRISTINE V.H., TR.	ABUTTER NOTICE MAILED
		12 LINDEN STREET, HUDSON, NH 03051	
3	Mailed First Class	VOLIS, ANTHONY L.; VOLIS, ROBERTA M.	ABUTTER NOTICE MAILED
		13 LINDEN STREET, HUDSON, NH 03051	
4	Mailed First Class	MANNING, DAVID E.	ABUTTER NOTICE MAILED
5	Mailed First Class	9 LINDEN STREET, HUDSON, NH 03051 SOJKA, BRIAN M.	ABUTTER NOTICE MAILED
6	Mailed First Class	11 ATWOOD AVENUE, HUDSON, NH 03051 PATEL, AVANI, TR.; PATEL, ASHOKKUMAR, TR.	ABUTTER NOTICE MAILED
-		96 SNOW RD., HAVERHILL, MA 01830	
7	Mailed First Class	QUIGLEY, PAMELA J.	ABUTTER NOTICE MAILED
8	Mailed First Class	18 COUNTY ROAD, HUDSON, NH 03051 MAYNARD, RONALD F.; MAYNARD, JERILYN O.	ABUTTER NOTICE MAILED
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9	Mailed First Class	104 LOWELL RD., HUDSON, NH 03051 TF MORAN, INC.	APPLICANT/OWNER NOTICE MAILED
9		170 COMMERCE WAY, SUITE 102 PORTSMOUTH, NH 03801	AFFLICANT/OWNER NOTICE MAILED
10	Mailed First Class	HFA-AE	APPLICANT/OWNER NOTICE MAILED
		31 HAYWARD STREET, SUITE EI FRANKLIN, MA 02038	
	Total # of pieces listed by sender 10	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
		Indirect First Class	BEEEE Page 1



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

June 14, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday**, **June 27**, **2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 198-012 (06-27-24)</u>: Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requests <u>three (3) Variances</u> as follows for a proposed gas station/convenience store/car wash to be constructed at <u>91-97 Lowell Road</u>, Hudson, NH [Map 198 Lots 011, 012, 014, 015, 016]:

- a. <u>Wall Signs</u>: A <u>Variance</u> to allow three (3) Business and Industrial wall signs where only one (1) is permitted. [HZO Article XII: Signs; §334-63, Business and industrial building signs]
- b. <u>Free-Standing Signs</u>: A <u>Variance</u> to allow a freestanding "pylon" sign with 146.9 SF where a maximum size of 100 square feet is permitted <u>and</u>; To allow five (5) freestanding signs where each individual site may have no more than one (1) freestanding pole or ground sign. [HZO Article XII: Signs; §334-64A and §334-64, Freestanding business and industrial signs]
- c. <u>Directional Signs</u>: A <u>Variance</u> to allow several directional and directory signs to be larger than three (3) SF where no greater than three (3) square feet in area is permitted and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos. [HZO Article XII: Signs; §334-68, Directional and directory signs]

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

Respectfully

Chris Sullivan Zoning Administrator



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting to provide information or comments on the proposal. If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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 the Hudson Town Hall.

Respectfully,

Chris Sullivan, Zoning Administrator

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article XII Signs of HZO Section(s) 334-63

in order to permit the following:

Please see attached

FACTS SUPPORTING THIS REQUEST:

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

I.(a) "The Zoning Board of Adjustment shall have the power to:

- (2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:
 - (A) The variance will not be contrary to the public interest;
 - (B) The spirit of the ordinance is observed;
 - (C) Substantial justice is done;
 - (D) The values of surrounding properties are not diminished; and
 - (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
- (b)(1) For purposes of this subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (B) The proposed use is a reasonable one.
 - (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
 - (3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

FACTS SUPPORTING THIS REQUEST:

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (a). New Hampshire case law has established on the basis of this 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.

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

Please see attached 2. The proposed use will observe the spirit of the ordinance, because: (Explain why you feel this to be true-keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.") Please see attached 3. Substantial justice would be done to the property-owner by granting the variance, because: (Explain why you believe this to be true-keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.) Please see attached 4. The proposed use will not diminish the values of surrounding properties, because: (Explain why you believe this to be true-keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

Rev. July 22, 2021

Please see attached

FACTS SUPPORTING THIS REQUEST: (Continued)

- 5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because: (Answer either A(1 and 2) or B according to which applies to your situation)
 - A. 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 <u>and</u>
 Please see attached

2) Explain how the special conditions of the property cause the proposed use to be reasonable.

Please see attached

B. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.
Please see attached

Rev. July 22, 2021

Preliminary Statement

The Applicant requests a variance to allow three Business and Industrial signs (the "Signs" collectively hereafter) where only one is permitted as per Hudson Zoning Ordinance (the "HZO") Section 334-63. See Exhibit "1," sign "C" (Seasons sign main building), sign "D" (Corner Market sign), and sign "E" (Co-Brand sign).

The intended project is a gas station/convenience store/car wash to be constructed at 91-97 Lowell Road in Hudson (the "Property"). The Property is located in the Business Zone ("B Zone") as defined in the HZO.

Currently, the Property is undeveloped and consists of multiple lots that will be merged into one lot totaling 5 acres, give or take. The Property is within the Aquifer area; however, its transmissivity is within the "Low-Moderate Yield." *See* HZO Map III-12 (Aquifer).

The surrounding area is almost exclusively commercial and the Property does abut the Town Residential Zone ("TR Zone").

Relief Requested

Relief is requested from Section 334-63 of the Ordinance which restricts the total number of 'wall signs' that can be placed on the building with which a business is located. Here, the Applicant is requesting relief from the HZO because there a several businesses that are intended to be located within the main building and each business is distinct and separate from the others.

Hence, why the Applicant is requesting relief to allow for the three Signs.

To place all three business on one sign would not only be confusing to a customer but given the restrictions of sign sizes under the HZO it would difficult to fit all the information onto one sign.

1. Granting the variance would not be contrary to the public interest because:

The standard for prongs one and two of the variance criteria is whether the requested relief, if granted, will *alter the essential character of the neighborhood* or *negatively impact the health*, *welfare, and safety of the surrounding area* and *mere conflict with the terms of the ordinance is insufficient* as all variance requests are somewhat averse to an ordinance, hence why the relief is sought in the first instance. <u>Harborside Associates, L.P. v. Parade Residence Hotel, LLC</u>, 162 N.H. 508 (2011).

Furthermore, it important to note that prong 1 is in the <u>negative</u>. That is to say that it does not require the applicant to prove that the proposed use <u>is IN the public interest</u>, but only to prove that it is <u>NOT CONTRARY TO the public interest</u>.

As stated above, there is a lot of information to convey on the signage for the main building, indeed, the Property as a whole. Relative to <u>this</u> application, there is a sign for the business brand (*Season's*), a sign for the Convenience Store (*Corner Market*), and a sign for the co-brand (*usually a coffee-based business (i.e., Dunkin Donuts, etc.*)).

The purpose and goal of the Ordinance, particularly Section 334-63, is to ensure that signage generally does not get too large, too unsightly, or cause any distractions for motorists. More specific to the instant matter is that Section 334-63 restricts the number of signs for the simple legislative goal of avoiding an overabundance of signs on a single structure.

The number of proposed Signs here are not only necessary but will be just enough to accomplish their goal without creating a confusing eye sore or overtly offending the HZO. The Signs do not create a distraction for any drivers as they will only be visible to customers that enter the Property to utilize its services and amenities. There are several businesses being

proposed for the Property and each one should be afforded the right to have their own sign on the building within which the businesses are located.

Overall, the Signs will blend in with the surrounding area because the abutters are largely commercial businesses and will likely benefit said business customers visiting the Property that may be in the area to dine at the nearby restaurants or shop at the nearby stores.

In sum, the Signs are in line with the essential (commercial) character of the neighborhood.

These Signs will certainly pose no threat to the health, welfare, and safety of the surrounding area nor will they be visible from Lowell Road or Atwood Avenue. Rather these signs are needed to identify specific businesses inside the Main building located at the Property.

The Signs would not detract from the essential character of the neighborhood nor be a threat to public safety – indeed – they would seem very common place for what is being proposed.

2. If the variance were granted, the spirit of the ordinance would be observed because:

As a matter of law, the analysis for both prongs one and two of the Variance criteria are the same. As such, the Applicant incorporates and repeats the narrative of Prong 1 (above) and reiterates the same for Prong 2. <u>Harborside Associates, L.P. v. Parade Residence Hotel, LLC</u>, 162 N.H. 508 (2011).

3. Granting the variance would do substantial justice because:

Perhaps the only guiding rule [on this standard] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. <u>Malachy Glen Assocs. v. Town of</u> <u>Chichester</u>, 155 N.H. 102, 109 (2007).

Here, the loss to the applicant in not approving this variance would far outweigh any benefit to the general public. There are several businesses that will be located in the main building and each should enjoy its own advertisement from the building's exterior. The Signs need to accurately convey the various businesses and amenities that will be available in the main building.

The Signs will help bring in customers into the main building and will not block any views, obstruct sightlines, or block any abutting commercial properties.

If denied, the public gains nothing. The signs are meant to be informational and avoid confusing the public. A denial would only result in a more confusing layout for the business wherein nobody wins.

4. <u>If the variance were granted, the values of the surrounding properties would not be</u> <u>diminished because</u>:

The Property currently is an undeveloped 'eye-sore' so the overall project as a whole will be a significant improvement to what exists there today. The abutters are largely other commercial properties with signs to attract customers. The Signs will not block any of the abutters from the sight of their own potential customers. The Signs will not be seen from Lowell Road or Atwood Avenue. Finally, given that the Property is unused and unsightly the proposal as a whole will likely positively affect the surrounding properties.

5. Unnecessary Hardship:

"Hardship," under NH RSA 674:33, I (b) (1) (A) and (B) is a straight forward three step analyses;

- a. What are the special conditions of the property, if any;
- b. '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,' which can be said another way that if the variance is granted would it unreasonably frustrate the purpose ordinance; and,

c. Is the proposed use reasonable?

The special conditions (a) are satisfied due to the unique part of Lowell Road where the Property sits. Despite being right in the heart of the B Zone the immediate Property falls in a bit of a business 'dead zone.' Across the street there is a restaurant, the entrance to County Road, and empty vacant commercial lot. Significantly, there is a dense vegetative buffer along Property line relative to the abutter's lot to the north that would obstruct the Property's view if one is driving south.

The abutting property to the south (99 Lowell Road) is interesting as it would appear that it is preexisting and nonconforming, at least with respect to the setback from Lowell Road. Consequently, the structure at 99 Lowell Road to the south is almost on top of Lowell Road. Furthermore, the part is the structure within the setback is also rather tall, at least, taller than the rest of the structure. As such, similar to the vegetation to the north, the building to the south would obstruct the Property's view for someone travelling north.

What is being proposed, which is a gas station/convenience store/car wash is a common combination of businesses. Given that Lowell Road is a state highway it can handle the traffic and, more specifically, has a lot of traffic making this location a perfect fit for this type of business. Generally, these types of businesses tend to be located along busy main roads to attract its customers.

The HZO does not seem to contemplate a scenario like what is being proposed. The Signs relative to <u>this</u> application are critical to identify the various businesses located in the main building of the Property. It would be illogical to place these businesses on one sign, which

would confuse readers and, furthermore, if the three Signs are crammed onto one sign subject to the HZO's size restrictions it will not only be confusing to the customer but difficult to read with smaller print.

Skipping ahead to (c), the proposed <u>use</u> is commercial and the B Zone allows for commercials businesses such as multi-purpose convenience stores and, thus, the proposed use is reasonable.

Therefore, the remaining question is (b) whether "[n]o fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property." *See* NH RSA 674:33, *et seq.* Or, again, if the variance is granted will it *unreasonably frustrate the purpose of the WZO*.

The purpose and goals of the Ordinance is to ensure that signage does not get too large, too many, too unsightly, or cause any distractions.

Here, despite the request for extra signs for the main building it will not overly offend the HZO. We contend the Signs will be attractive as the Applicant has several similar businesses located throughout New England. Indeed, there is one located at 4 Blackstone Drive in Nashua should any ZBA members wish to take a look in order to familiarize themselves with what is being proposed.

The Signs are needed so that the Applicant can inform their customers of the various businesses and amenities offered in the main building.

Finally, the Signs are, again, a benign ask that will not be seen from Lowell Road or Atwood Avenue but are needed to direct customers to the appropriate area within the Property depending on what the customer is seeking.

TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-039R2

May 28, 2024

Sent Via: Email and 1st class mail

Chris Rice 170 Commerce Way Suite 102 Portsmouth, NH 03801

Re: <u>91/95/97 Lowell Road and 7 Atwood</u> <u>198/016-000; 198/015-000; 198-014-000; 198/012-000</u> District: Business (B)

Dear Mr. Rice:

Your request for zoning to review the sign package for the Seasons gas station

Zoning review / Determination:

After reviewing the sign package as presented there are a few different signs that need variances.

(1) Wall Signs

§ 334-63 Business and industrial building signs.

Except as otherwise permitted in this article, each individual business may have either one wall, roofmounted or projecting sign attached to the building within which the business is located subject to the following requirements. The building sign may be implemented in the form of an awning sign.

- a. According to the plans provided the front of the building there are 3 different signs where (1) one is permitted per §334-63 <u>Business and Industrial building signs</u>. This will require a variance from the Zoning Board of Adjustment.
- (2) Free Standing Sign

§ 334-64 Freestanding Business and Industrial Signs.

Except as otherwise permitted in this article, each individual site may have no more than one freestanding pole or ground sign, not attached to any building, subject to the following requirements:

A. Maximum size: one square foot for each linear foot of road frontage up to a maximum of 100 square feet.

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

- a. According to the plans provided the ID Sign is showing 134 Sq. ft. where 100 sq. ft. is permitted per § 334-64 <u>Freestanding Business and Industrial Signs.</u> (A) This will require a variance from the Zoning Board of Adjustment.
- b. Free Standing Sign: According to the plans provided there are (5) five free standing signs where one is permitted per § 334-64 <u>Freestanding Business and Industrial Signs.</u> The following sign:
 - a. (1) One car wash menu
 - b. 🔅 (1) This sign identifies the electic charging stations
 - c. (1) One coin box canopy
 - d. (1) Menu Board
 - e. (1) Canopy Sign

The following sign would need a variance from the Zoning Board of Adjustment per § 334-64 Freestanding Business and Industrial Sgns.

(3) Directional Signs:

§ 334-68Directional and directory signs.

Directional or directory signs, other than those excluded under § <u>334-58B(3)</u> Permits Required; <u>Exemptions</u>, are permitted with a permit but are not considered to be freestanding or building signs for the purposes of this article, provided that they are no greater than three square feet in area and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos.

According to the plans provided, they show several signs that at greater the 3 sq. ft. These signs include:

- a. (12) Twelve Dispenser sign 3.1 Sq ft,
- b. (1) One Flip Sign Open/Close 3.7 sq ft,
- c. (1) Car Wash Enter and Exit 5.1 sq. ft.

The Directional signs above will require a variance from the Zoning Board of Adjustment per § 334-68 Directional and Directory signs.

Please feel free to contact me if you have any further questions regarding this matter.

Sincerely.

Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 816-1275 csullivan@hudsonnh.gov

cc: Public File B. Dubowik, Administrative Aide File

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

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B #	andUse Code	Description	1	Land Type	Land L	Jnits Ur	it Price	Acrege	size Si	te [_	ond. N		Nbhd					Istment				Notes		Land Value
#		VACANT RES LAI		Site	0.275				Adj. Ind				Adi.				a s caje					NULES		
11	1000			Sile	0.270	ACT	70,000	4	:.70 5	ין י	1.00	RU	0.95					1						120,200
					1																			
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		Total Card Land			0.275	AC			Pa	arcel	Total I	and	Area: 0	275		AC					To	tal Land Va	alue:	120,200

Disclaimer: This information is believed to be correct but is subject to chance and is not warrantied

Property Loca Vision ID: (ation: 14 BRENTON		Parcel ID				Card Address:		LUC: 1300
		ount #: 1530			g #: ⊡		Card #: 1	of 1	Print Date: 5/6/2024 8:31:57 AV
Element	CONSTRUCTION Cd		CONSTRUCTION	DETAIL	(CON	NTINUED)		SKETCH / PRIMA	RYPHOTO
Model	00	Description	Element Co		Des	cription			
Stories:	99	Vacant Land	Avg Ht/FL Extra Kitchens						
Style:	33	Vacant Land	Add Kitchen Ra						
Grade:			Aud Kitchen Ra						
(Liv) Units									
Exterior Wall	4								
Roof Structure									
Roof Cover	°								
Frame									
Foundation									
Interior Wall 1	1		COST/MAR	KETVA	ΙΔΤ	ION			
Interior Floor									
Heat Fuel			Building Value New		0				
Heat Type									(*
# Heat Systen	ms							No Sketc	h
AC Percent			Year Built						
Total Rooms			Effective Year Built		0				
Bedrooms			Depreciation Code						
Full Baths			Remodel Rating						
3/4 Baths			Year Remodeled						
Half Baths			Depreciation %	1					
Extra Fixtures	\$		Functional Obsol						
Kitchens			External Obsol Trend Factor	[4 000	1.0			
Kitchen Rating	g		Condition		1.000				
Bath Rating			Condition %						
Half Bath Rati			Percent Good						
Bsmt Garage			RCNLD		0				
Fireplace(s)			Dep % Ovr		0				
Fireplace Rati	ing		Dep Ovr Comment						
WS Flues			Misc Imp Ovr					• 0.	
Color Avg Ht/FL			Misc Imp Ovr Comment						
Extra Kitchens		55	Cost to Cure Ovr						12
			Cost to Cure Ovr Comm	ent 🕴			10 Ma		
Code	Description	L/B Units	XF - BUILDING EXTRA	FEATUR	ES(B) all and a second second			
Code	Description	L/B Units	UOM Unit Pri Yr B		<u>% G</u>	Asso, value			
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	and the second second second								
Codo	BUI	LDING SUB-AREA	SUMMARY SECTION	司法的建制	Sec.	The action of the	14		
Code	Description	Living Area F	loor Area Eff Area	Unit Cost	Un	deprec Value			
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	11 h A								
lota	I Liv Area/Gr. Area/Ef	ff Are 0	0 0 T	otalValui	e	0	14 M		

	'E int #: 1115			Parcel I	В	ldg #:		//			Card	Address: Card #:	1 of	2		Print	LUC: 0130 Date: 5/6/20	24 8:29:56 AM
CURRENT OWNER	·哈尔·哈兰·西尔曼尔·			NG NEIGI			建設設	25-52	38,52	15年1月21日	和新的 动力		REVIOUS	ASSESS	MENTS (F	ISTOR	Ŋ8	Sale Part Charger
COLBEA ENTERPRISES, LLC		Nbh				Ibhd N			Yea		ode	Assessed	Year	Code	Assessed	Val Y	ear Code	
		RE			Resid	iential.	Averag	je	202		01	72,1		0101			022 0101	72,176
695 GEORGE WASHINGTON HW	an the second	TOP		VICE PLEAN		JTILIT		ANDER	8 S.		01	202,8		0101	202,		0101	202,800
		Leve	91			own W			-		01	8,6		0101		632	0101	8,632
					1	own Se	ewer					57,0	001	1010	5/,	000	1010	57,000
LINCOLN RI 028	65						-			100	Total	706,3	300	Total	706	.300	Tota	706 300
RECORD OF OWNERS	HIP. COMPANY			SALE D				SALE PI	RICE		SAL	ENOTES:	a di Franka	AP	PRAISED	VALUE	SUMMARY	LUMPLENDESS
COLBEA ENTERPRISES, LLC		0	-	08-19-2		J V			0		Gr	antor: SOJKA	Appraised I	Bido, Valu	ie (Card)			206,300
COLBEA ENTERPRISES, LLC SOJKA, ERIC			1847 2518	09-12-2		J 1 2 1		1,1	00,000 0			ERIC.						
		2004	2010	11-20-2	004 1	× 1			0	00	Gra	antor: SOJKA, CHESTER W.,	Appraised 2	(f (B) Vali	ue (Bldg)			7,300
											21		Appraised (45,700
												× 1	• •				C	
		30			ļ					10. See 2			Appraised I	and Valu	ie (Bldg)		33	447,000
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		Kine Constanting out	STEPHIC NUCLE	Des	srint (Code	Î		ppraise		19-10-20	and the second second second	18. J					0
Parcel ID 198-012-000				BLD			-				ASS	sessed	Total Appra	ised Parc	el Value			706,300
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Flood Hazard B				OB	01					8,632		8,632	Valuation M	nethod				≥ C
Neigh/Abut1				LAN						7,000		57,000			55		3.S	
Neigh/Abut2				BLD						1,424		141,424						
Neigh/Abut3	PREV 004	\$6-0013-0	000	LAN						7,200		187,200	23			e2		
GIS ID 198-012-000	Assoc Pid#			OB	33	20	Total	:		6,300			Total Appra	aised Par	cel Value			706,300
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\$1.95 million, for sale 2/2013 for \$1.	5			THERE;	VIXED-	USE							06-15-20		45	Field Re	view	
5 million, includes this site plus 198-	1												05-18-20			Field Re		
1, 14, 15, 16/boundary plan #39005	Back											-	08-25-200			Measure		_
on Market 2018 - Summit Reality as													03-04-200			Fieldrev	And Expense	Request Maile
· · ·	all 255												04-03-200			Meas/In:		
emblage		-									2010.00		02-08-100	1 02		Inspecte		
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Permit Id Issue Date Permi	t C Descrip	ption	Amou	nt Sta	us	Ap	plicant		SQ ft					Cor	nments			
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# Code Description	Land Type	Land L	Jnits Uni	Price Acre	Adj.	Index	Cond.		Nbhd Adi.			Land	Adjustment				Notes	Land Value
1 0101 SINGLE FAMILY RES M	Site	1.000	AC 26	0,000	1.00		1.00		1.50				1			USE;		390,000
1 1010 SINGLE FAMILY RES	Excess	1.461		6,000	1.00			ML2								1002,		57,000
														1				
					38. 1	1		1					. ed *					
1 1 1	1	1	1			E.	1	1				1 1	2.0	1		1		
Total Card Land Units: Disclaimer: This information is believ	ļ					<u> </u>		al Land A				AC					Total Land Va	alue: 447,000

	6315	Account #:		A. (1)		0.024			g#: 1			Card #: 1 of	2	Print Date: 5/6/	2024 8:29:57
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iv) Units	1			1							1.1				
xterior Wa	all 1 04	Vinyl										5			
loof Struct		Gable													
oof Cover			t Shingle												
rame	01	Wood						1			14 EFP	14 14			
oundation		Conc E	Block					3							
terior Wa		Plaster			· 李尔和别子后	COST	/MARK	ET VA	LUATIO	N	1				
terior Floa	or 1 02	Softwo	od		men and the				0.000	19 <u>12</u>					
eat Fuel	01	Oil		1	Building \	Value No	BW		231,323						
eat Type	01	Forced	Air	3					1222222				HST FFL BMT		
Heat Syst	tems 1			1							202		BMT		
C Percent	t 0				Year Buil			1	1940		6	-			
otal Room					Effective				1987						
ledrooms	4				Deprecial		e		AV						
ull Baths	1	1			Remodel										
/4 Baths	0				Year Ren	nodeled									
lalf Baths	0				Depreciat				35						
xtra Fixtur	res 0				Functiona				2			12			
litchens	1				External (3	5						
itchen Rat	ting AV	Averag	e		Trend Fac			1	1.000						
ath Rating	AV	Averag			Condition Condition			3							
alf Bath R	tating				Percent G										
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ireplace R	tating				Dep Ovr (ot								
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Color	YELLOW				Misc Imp		mment				1381			1.1.1	1. 1. 1.
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SAR1	Garage,1 story		L	576	SQ. FT	33.70	1940	AV	60	11,600	C. 200	S 16	1	· · ·	
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	irst Floor, Finished	-		840	840		840	151.		127,084	-R.	A Manufacture of			
	alf Story, Finished			420	840	1	420	75.6		63,542		A Cart March	CONTRACTOR (CA)		
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	otal Liv Area/Gr. A	DOICH A		260	2,604		529 To	to BAT		231,323			- 1		Ser Vision 2 (6)

	sion ID:	6315		AVE count #:	1115				arcel IE	BI	dg #:	2				E	Bidg Nai	me: Card #	:2 of					nt Dat	C: 0130 e: 5/6/2024 8	:29:58 AM
			NT OWNER	活动的动物	내 환자전문	化的同时间的		SESSI	VG NE	GHB				100		电计数因	STORE STORE	P.C. 2295	PREV		SSES	SMEN	TS:(HIS			CONTRACT STOR
	JLBEA I	ENTERF	PRISES, LLC				Nbhd					Nbhd N				Year	Code	Ass	sessed	Year	Code	_	ssessed	_	ear Code	Assessed
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			RISES, LLC			0	0	08-1	9-2022	: U	V			0 0	00				Appraise							206,300
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1	Permit	ld	Issue Date	Permit	D	escription	A	mount	Status		Арр	olicant	0.22	SQ f	t					C. HOMEOVIE	Comn	nents	A STATE OF COMPANY	STREET, STR	and a second	444000,400,000,000,000,000
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В #	LandUse Code	Ę	Description	L	and Type	Land	Units	Unit Pric	e Acrege	Size	Site	Cond	Nbhd.	Nbhd	00				Adjustme		.,				otes	Land Value
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Disclaimer This information is believed to be correct built is subject to channe and is not warrantied

CONSTRUCTION DEFAIL CONSTRUCTION DEFAIL (CONTINUED) Earnert CONSTRUCTION DEFAIL CONSTRUCTION DEFAIL SKETCH (PREMARY PROTO Model Ba Convind Parres 01 Description Parres 01 Stortes 1 Construction Parres 01 Description Parres 01 Stortes 1 Construction Description Parres 01 Stortes 1 Construction Description Parres 0 Stortes 1 Construction Description Parres 0 Barrow Weil 1 13 Construction Description Parres 133.081 Interior Wail 2 10 Oil 0 Hear Parres 1347 135.081 Interior Wail 2 12 Concrete Yee Parres 1360 1447 Stortes 0 Oil 0 Electron Note Commonit 1447 135.081 Interior Wail 2 0 Oil 0 Despreclatored 1000 Despre	Property Location Vision ID: 63	15	Account #: 11	15			В	18/ 012/ 0 Idg #: 2		Bldg Name: Card #: 2 of 2	LUC: 0130 Print Date: 5/6/2024 8:29:58 AM
Model 94 Com/Ind Service Shops Finite Service Shops Finite Band Carrage 0 0 Gaves Bord Units Figure Mail 16 Bord Core Roof Core For Core F				另外和其他的意				TAIL (COI	NTINUED)	SKETCH / PRIMAI	RYPHOTO
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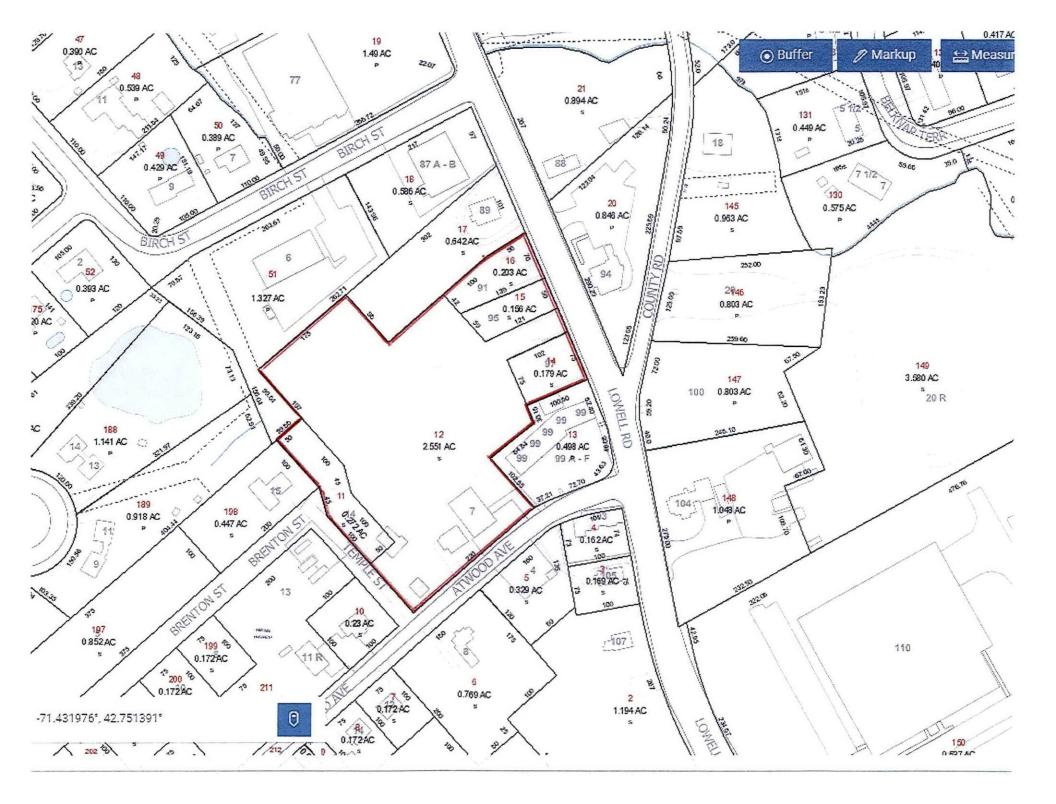
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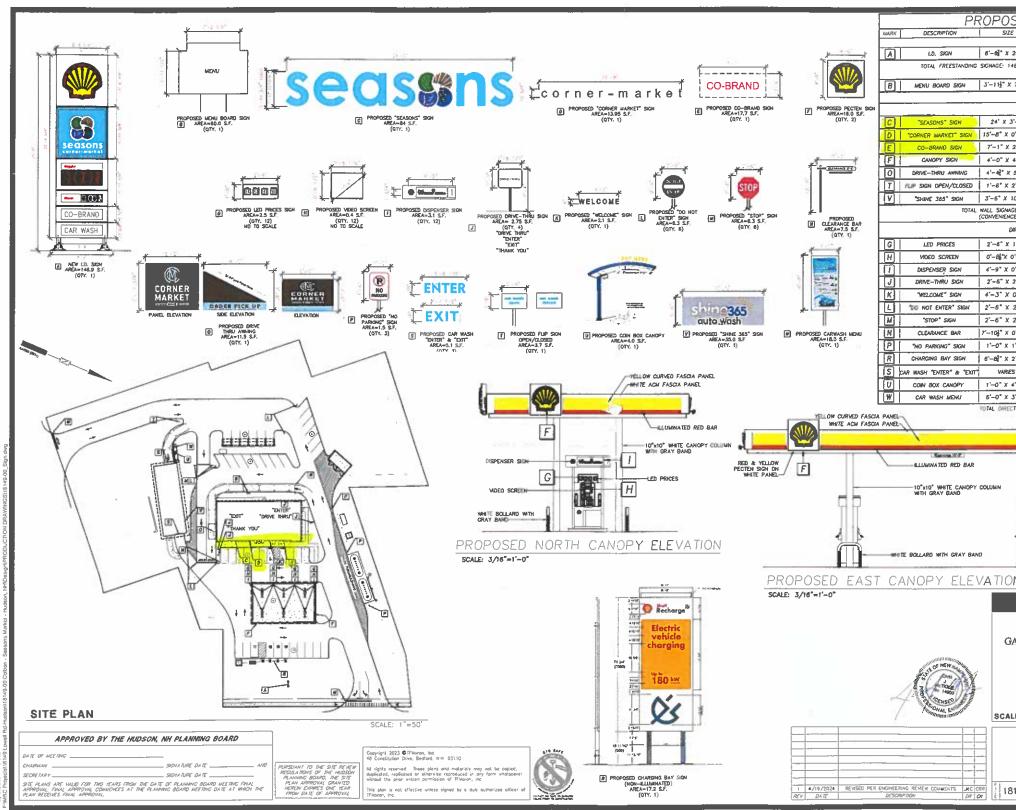
Disclotmen This information is hallowed to be correct hill is subject to change and is not warrantied

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R 3 YRS. P.D./ (4/02/ bounda 2017/Back on las an assemble Permit Id 018-00311 002-46 3 LandUse ¢ Code	INDS STORE, TE A.S. B.P. = NO ST ary plan #39005/un Market 2018 - Sur lage Issue Date Pe 04-16-2018 DN 07-30-2001 MN Description	NANT A ART, RE noccupie mmit Re ermit C A N I I	T WILL FO E-CH ed ealty Descrip Demolition Manual	tion	An Units	mount Unit Price	Status C C	LAN Size S Adj. In	D.LINE 1	PERMIT	SQ ft	RD Visit Notes	s: Demo; Land	Date 07-12-201 06-15-201 02-24-201 05-15-201 03-01-201 02-16-200 11-21-200	Id 9 12 7 09 7 07 2 05 2 01 7 01 6 09 Cor	Cd 2 15 3 45 7 81 7 80 9 45 80 80 9 03 80 9 03 80 9 03	Permit V Field Rev Income A Income A Income A Income A Meas/Ins	Purpost/F sit iew nd Expense iew nd Expense nd Expense bect	Returned Request Maile Request Maile Request Maile

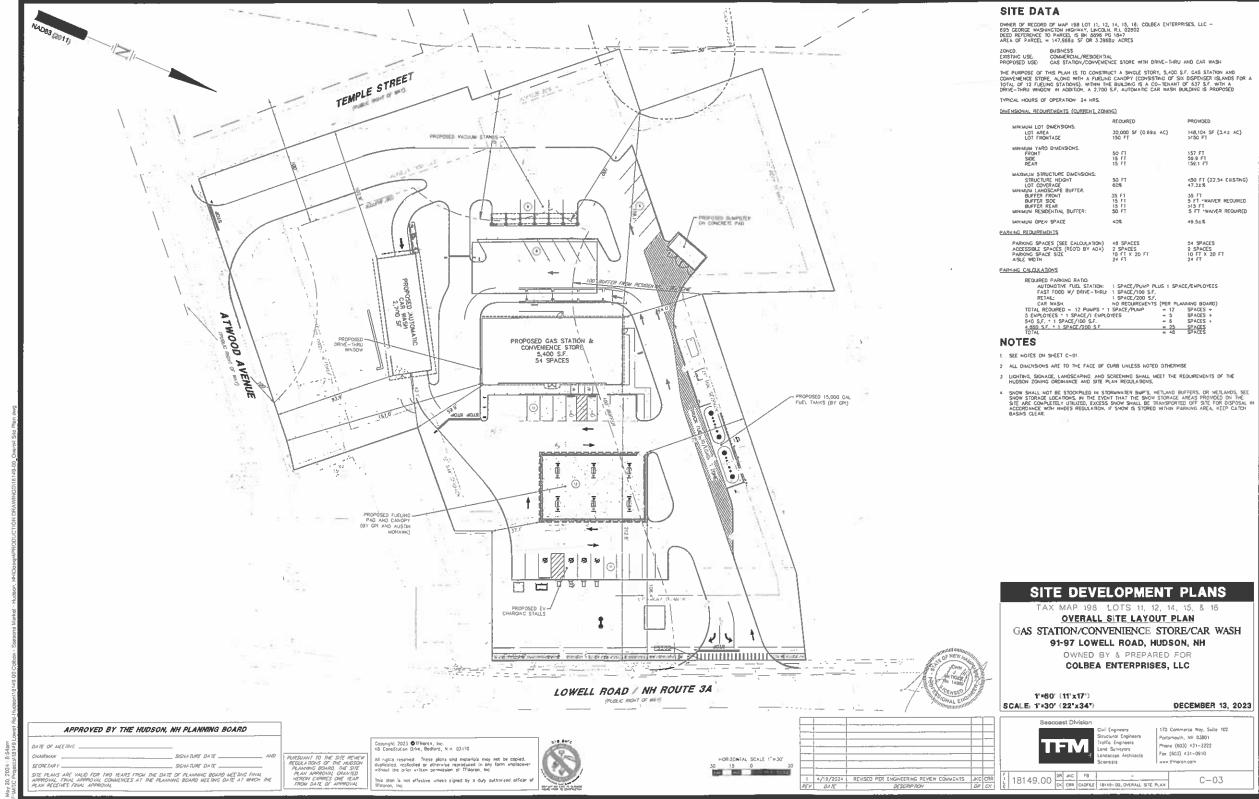
Vision ID: 632		ount #: 3849		ldg #: 1	Card Address: Card #: 1 of 1	LUC: 3900 Print Date: 5/6/2024 8:31:16 A∿
	ONSTRUCTION I		CONSTRUCTION DETA		SKETCH / PRIMA	RY PHOTO
Element Model Stories: Style: Grade: (Liv) Units Exterior Wall 1	Cd 00 99	Description Vacant Vacant Land	Element Cd Avg Ht/FL Extra Kitchens Add Kitchen Ra	Description		
Roof Structure Roof Cover Frame Foundation Interior Wall 1 Interior Floor 1 Heat Fuel Heat Type			COST / MARKET V Building Value New	0	21 4 2	
# Heat Systems AC Percent Total Rooms Bedrooms Full Baths 3/4 Baths Half Baths Extra Fixtures		°C.	Year Built Effective Year Built Depreciation Code Remodel Rating Year Remodeled Depreciation % Functional Obsol External Obsol	0	No Sket	ch
Kitchens Kitchen Rating Bath Rating Half Bath Rating Bsmt Garage Fireplace(s) Fireplace Rating WS Flues			Trend Factor Condition Condition % Percent Good RCNLD Dep % Ovr Dep Ovr Comment Misc Imp Ovr	1.000 0		20. er
Color Avg Ht/FL Extra Kitchens OB - Code	OUTBUILDING Description	& YARD ITEMS(L) // L/B Units	Misc Imp Ovr Comment Cost to Cure Ovr Cost to Cure Ovr Comment XF BUILDING EXTRA FEAT UOM Unit Pri Yr Bit Cni			
5 ÷						
Code	BU Description	LDING SUB-AREA	SUMMARY SECTION Floor Area Eff Area Unit C	ost Undeprec Value		
Total Li	v Area/Gr. Area/E	ff Are 0	0 0 TotalV	alue 0		· · · · · · · · · · · · · · · · · · ·

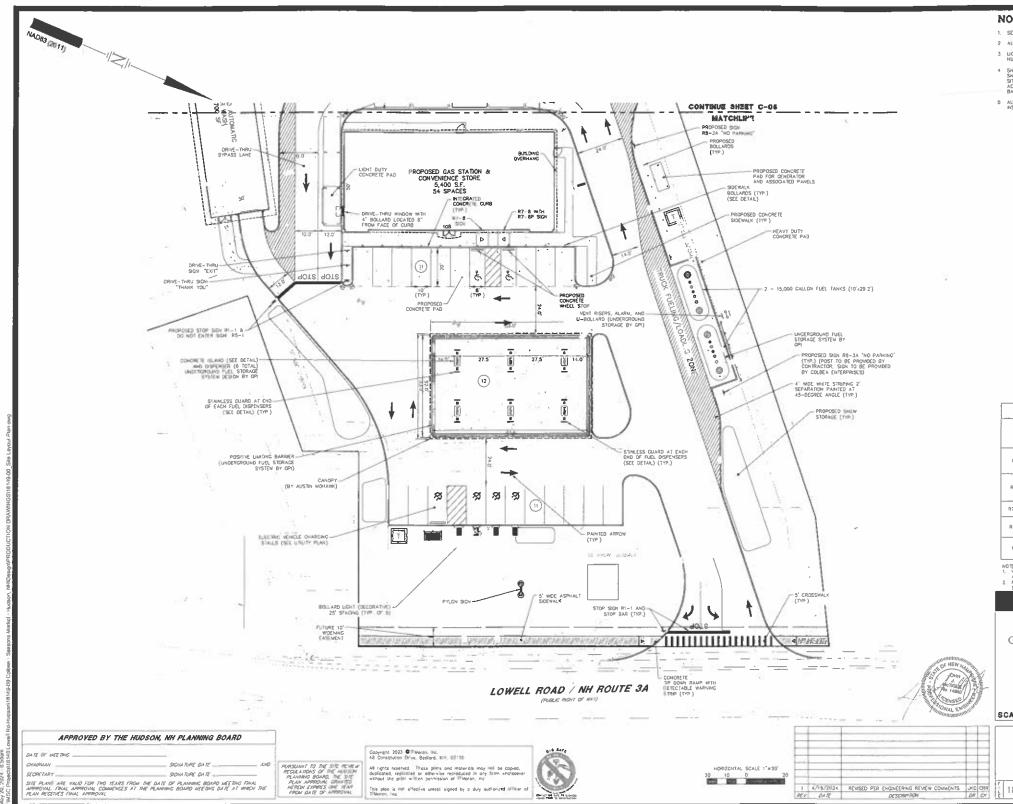






OSED	SIG	V S	CHEDU	II F		
SIZE		OUAN.		ALLANINATION	REMARKS	TYPE
	FREESTANDIN	g signs				
X 25'-0"	146.9	1	146.9	INT	NEW	GROUND
146.9 S.F.	, 25.0' TALL	(100 S	F. TOTAL PER	MITTED; MAX	UMUM HEIGHT 30")
* x 7'-23	60.0	t	60.0	INT	NEW	GROLIND
	NENU BOARD	SIGNAG	,			
	WALL SI	GNS				-
x 3'-6"	84	1	84	INT	NEW	WALL
x o'-ial"	13.95	1	13.95	NON	NEW	WALL
X 2'-5"	17.7	1	17.7	1117	NÊW	WALL
X 4"-0"	16.0	2	32.0	INT	NEW	WALL
' X 5'-0*	11.5	1	11,5	NON	NEW	WALL
X 2'-6*	3.7	1	3.7	NON	NEW	WALL
X 10'-0*	35.0	1	35.0	NON	NEW	WALL
MAGE: 197.8		5.F. PL		C BUILDING	FRONTAGE)	
	FRONTAGE	= 108',	CAR WASH FR			
DIRECTION	AL AND MISC	ELLANEC	HUS SIGNS			
X 1'-0"	2.5	12	30.0	INT	NEW	MISC.
X 0'-6 <u>1</u> "	0.4	12	4.8	INT	NEW	MISC.
x o'-7]"	J .1	12	37.2	NON	NEW	MISC.
X 2"-D"	2.75	4	0.11	INT	NEW	DIRECTIONAL
X 0'-6"	21	1	2.1	INT	NEW	DIRECTIONAL
X 2'-6"	6.3	7	44.1	NON	NEW	DIRECTIONAL
X 2'-6*	6.3	6	37.8	NON	NEW	DIRECTIONAL
× 0'-115"	7.5	1	7.5	NON	NEW	DIRECTIONAL
X 1*-6*	1.5	3	4.5	NON	NEW	DIRECTIONAL
X 2'-75*	17.2	1	17.2	NON	NEW	DIRECTIONAL
VRIES	5.1	t l	5,1	NON	NEW	DIRECTIONAL
X 4'-0"	4.0		4.0	MON	NEW	DIRECTIONAL
x 3°-0"	18.0	1	18.0	NON	NEW	DIRECTIONAL
			SIGNAGE: 223			
19.5	× .	22	0			Th.
	-	5				
	_2	2				U I
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ON						
SI	TE D	EVE	ELOPN	JENT	PLAN	S
TZ	АХ МАР	198	LOTS 1	1, 12, 1	4, 15, & 16	
			PLAN &			
GAS ST	FATION	CON	VENIEN	CE STO	DRE/CAR V	vash
			ELL ROAD			
			BY & PRE			
	co	LBEA	ENTERP	RISES,	LLC	
ALE: NT	S				APRIL	18, 2024
s	escoast Div	ision				
		C. Si	vil Engineers tructural Engineers	170 C	Commerce Way, Suite mouth, NH 03801	102
	IFI	. T	rallic Engineers and Surveyors	Phone	(503) 431-2222	
		- ā. L	and surveyors andscope Architect gientists		503) 431-0910 Imeran.com	
	DR #C	FB 54		। সমন্য য		
18149.0	00 DR JAC		18149-00.	SIGN	C-15	5
		. 1				





NOTES

1. SEE NOTES ON SHEET C+DI

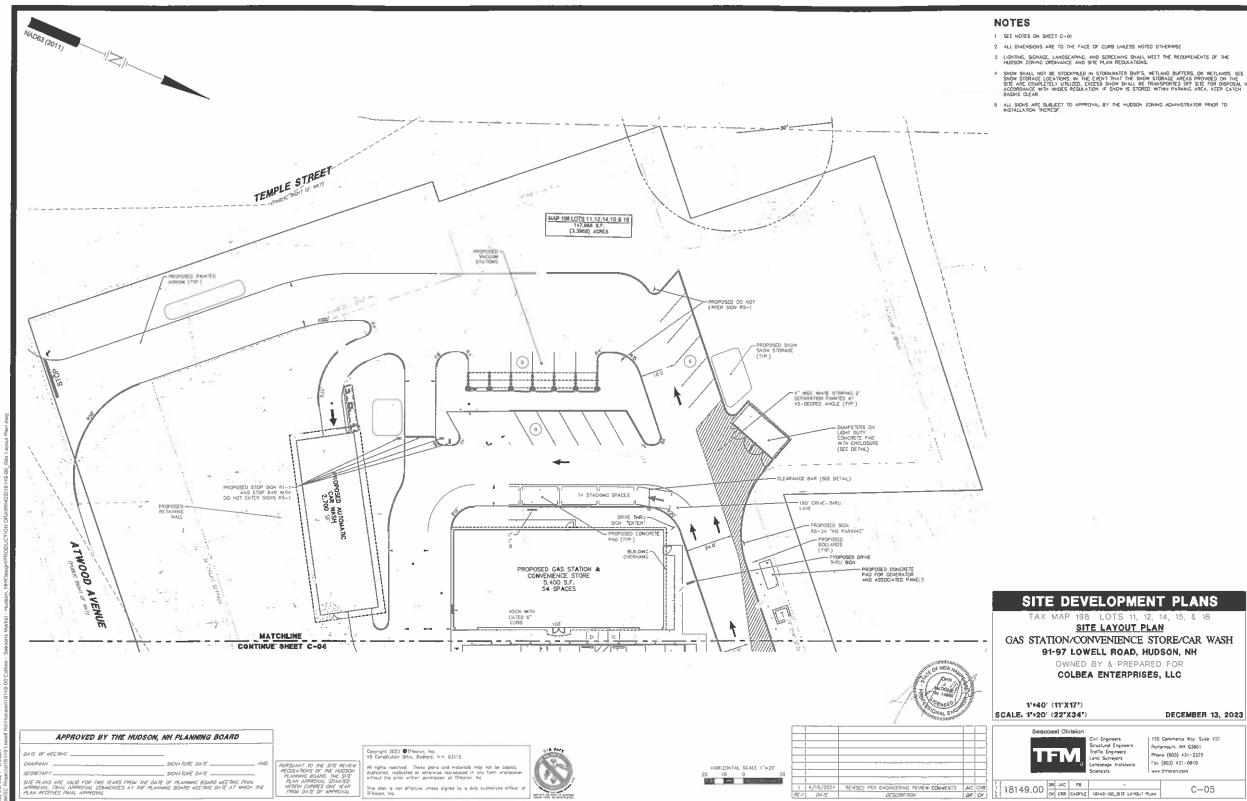
2 ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS NOTED OTHERWISE

3 LIGHTING, SIGNAGE, LANDSCAPING, AND SCREENING SHALL WEET THE REQUIREMENTS OF THE HUDSON ZONING DRDINANCE AND SITE PLAN REGULATIONS

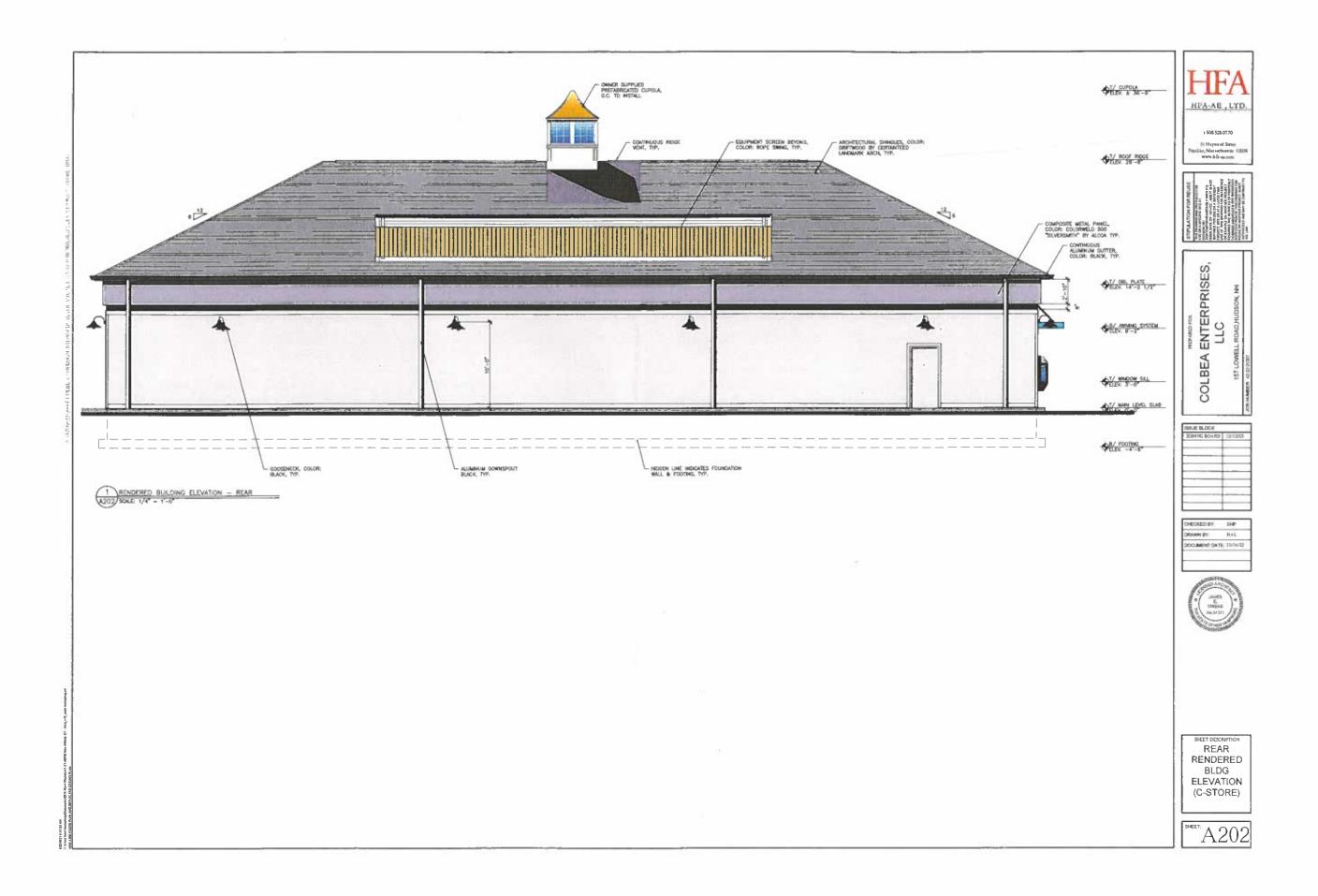
4 SNOW SHALL NOT BE STOCKPILED IN STORMWATER BUP'S, WEILAND BUFFERS, OR WEILANDS, SEE SNOW STORAGE LOCATIONS, IN THE LEVENT THAT THE SNOW STORAGE AREAS PROVIDED ON THE STIE ARE COMPLETLY UTILIZED. EXCESS SNOW SHALL BE TRANSPORTED OT STIE FOR DROTSLA, ACCORDANCE WITH NHOES REGULATION, # SNOW IS STORED WITHIN PARTING AREA, KEEP CATCH BASING CLEAR.

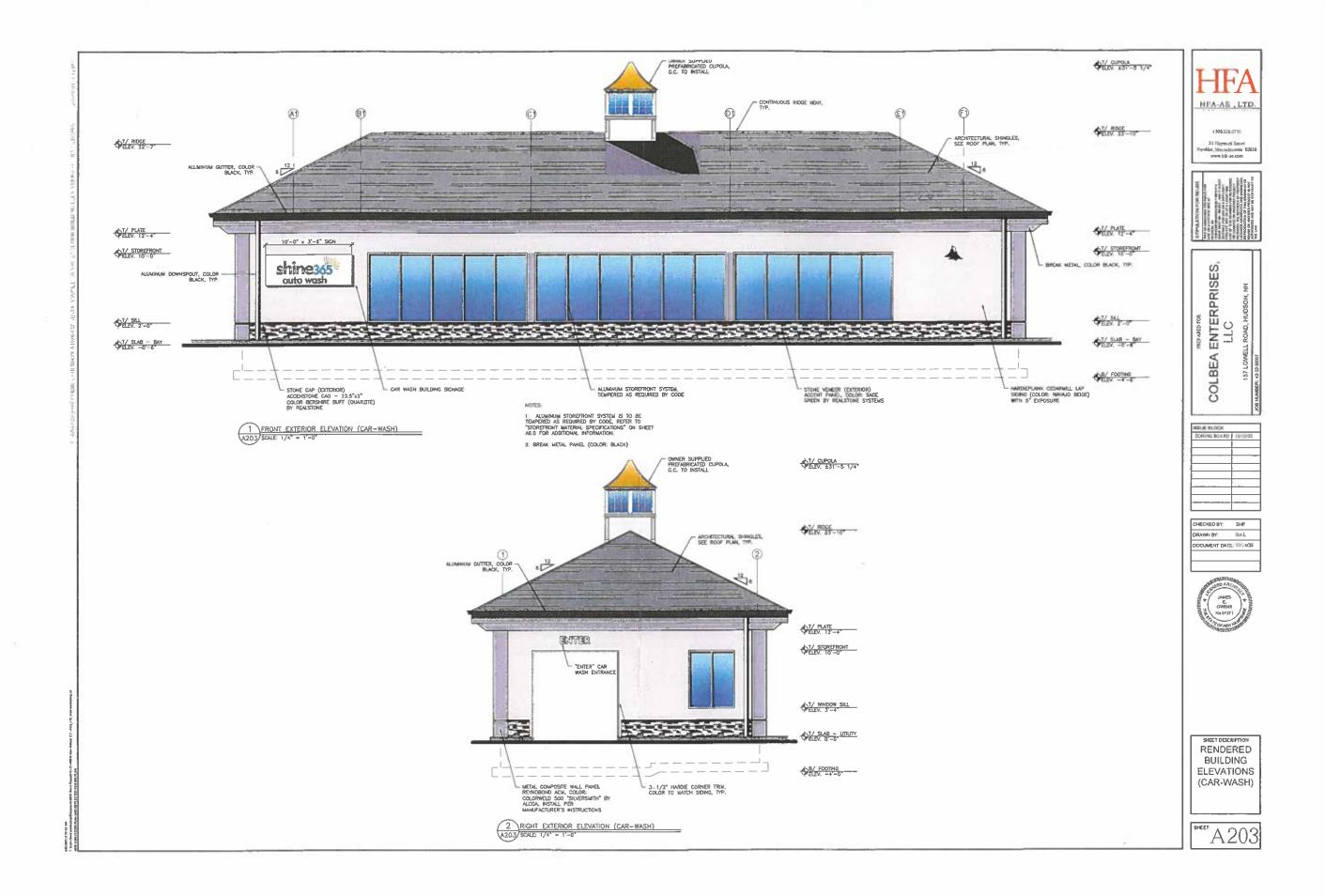
5 ALL SIGNS ARE SUBJECT TO APPROVAL BY THE HUDSON ZOWING ADMINISTRATOR PRIOR TO INSTALLATION THEREOF.

		SIG	N LEGE	ND	
ю	SIGN	SIZE (II	NCMES)	DESIGN (COLORING, TEXT SIZE, SPACING, SHAPE,	NO. OF SIGNS
		WIDTH	HEIGHT	RETROFLECTIVITY, ETC.)	
81-j1)	STOP	30	30		6
R7=81		12	18	REFER TO THE 2009 MANUAL	z
R7-8P7		1 18	9	ON UNFORM TRAFFIC CONTROL DEVICES (MUTCD) FOR STREETS AND HIGHWAYS	1
R8=3A	8	24	30		3
R5=1		30	30		7
S T GAS S	TATION/C 91-97 L Own COL	VEL 198 LC <u>SITE LA</u> CONVEI OWELL ED BY 3 BEA EN	NIENC ROAD, PREP	ENT PLANS 12, 14, 15, 8 16 PLAN E STORE/CAR WA HUDSON, NH ARED FOR ISES, LLC	
	*40' (11"X17 *20' (22"X3			DECEMBER 13	, 2023
18149.		Civil Eng Structure Traffic E Land Sur Landson Scientists	r Engineecs ngineors resyons le Arphitects	170 Commerce Way, Swite 10 Partsmaulte, 181 (330) Phane (803) 431-222 Far. (803) 431-0910 www.ifmeran.etm uit PLAN	2

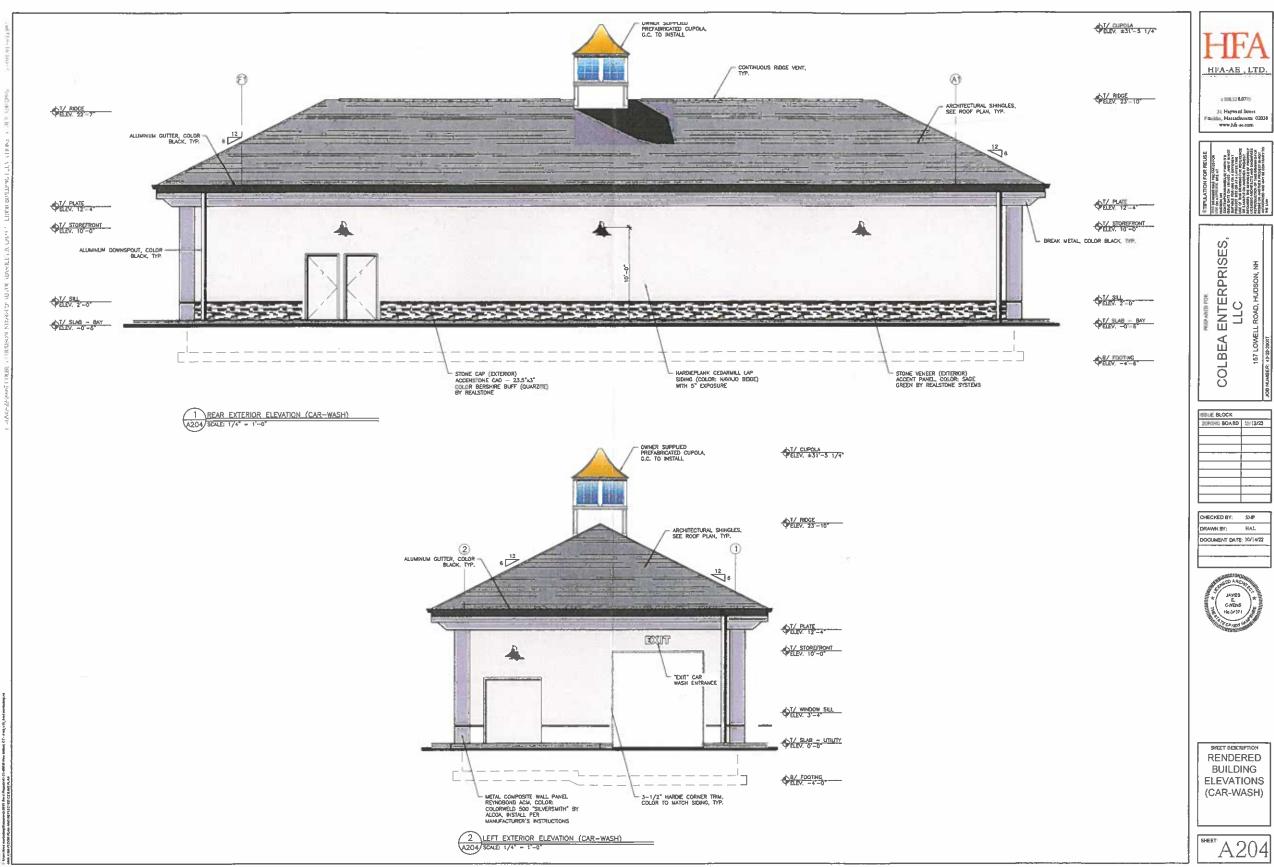








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Printed 6/07/2024 8:55AM Created <u>6/06/2024</u> 9:28 AM			Town of 12 Scl	ion Receipt Hudson, NH hool Street IH 03051-4249		Receipt#	<mark>777,499</mark> tgoodwyn
		Description		Current Invoice	Payment	Balance	Due
	1.00	91-97 Lowell	s 11,12,14-16 Zone- B		262,9200		0.00
			(wan sign: HZO Atticle All, y				
		Variance 2		0.00	185.0000		0.00
		Variance 3		0.00	185.0000		0.00
					Total:		632.92
	Remitter		Рау Туре	Reference	Tendered	Change	Net Paid
	Cronin Bis	son & Zalinsky, P	.C. CHECK	CHECK # 03158	632.92	0.00	632.92
					Total Due:		632.92
					Total Tendered:		632.92
					Total Change:		0.00
					Net Paid:		632.92

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HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)

On 06/27/2024, the Zoning Board of Adjustment heard Case 198-012 b., being a case brought by Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requesting a Variance for 91-97 Lowell Road, Hudson, NH to allow a freestanding "pylon" sign with 146.9 SF where a maximum size of 100 square feet is permitted and; To allow five (5) freestanding signs where each individual site may have no more than one (1) freestanding pole or ground sign. This is for a proposed gas station/convenience store/car wash. [Map 198, Lots 011, 012, 014, 015, 016; Zoned Business (B); HZO Article XII: Signs; §334-64A and §334-64, Freestanding business and industrial signs]

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	Ν	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	Ν	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	Ν	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	Ν	4. The proposed use will not diminish the values of surrounding properties.

(Continue-next page-Hardship Criteria)

(Contin	nued)		HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)			
Y 5. N N/A		 A. The Applicant established that literal enforcement of the provisions of the orwould result in an unnecessary hardship. "Unnecessary hardship" means the to special conditions of the property that distinguish it from other properties area: (1) No fair and substantial relationship exist between the general public put the ordinance provision and the specific application of that provision to property; and 				
			(2) The proposed use is a reasonable one.			
Y N		B.	Alternatively, if the criteria above (5.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.			
		-				
~-5.100			member of the Hudson ZBA Date			
Print n	ame: _					
Stipula	tions: -					
	-					
	-					

× 2021	FOR A VARIANCE D. (Free-Standing Signs HZO Article XII §334-64A &334-64
JUN V JUNISION LAND USE DIVISION ZONG DEPT. ZON: Zoning Board of Adjustment Town of Hudson	Entries in this box are to be filled out by Land Use Division personnel Case No. <u>198-012 b. (06-27-29)</u> Date Filed <u>$6/5/24$</u>
Name of ApplicantColbea Enterprises, LLCContact person: Jay Hall, Esq duly authoTelephone Number (Home) Colbea:401-943-000Mailing Address695 George Washington HiOwnerColbea Enterprises, LLC, 695 George	05 ext356 (Work) Attorney: 603-624-4333 Christopher Drescher, Esq.
Location of Property 91-97 Lowell Road, Hudso Signature of Applicant Jay Hall, Esq., Duly a X Signature of Property-Owner(s) Jay Hall, Esc	authorized $x \overline{5} \overline{3} \overline{24}$ $x \overline{6} \overline{-3} \overline{24}$

By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.

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/represent on his/ her/ their behalf or that you have permission to seek the described Variance.

	ceived: $\frac{6/5}{24}$	
COST:	le): \$ 185.00	
Application fee (processing, advertising & recording) (non-refundab	lej: φ <u>105.00</u>	
<u>Abutter Notice</u> : Direct Abutters x Certified postage rate \$ =	s N/A	
Indirect Abutters x First Class postage rate \$ =	\$ NA	
Total amount due:	\$ 185-	
# Check covers Variances Amt. received: (a.,b., c.) Receipt No:	\$ 632.92	Check # 03158
Receipt No.:	777.499	05170
Received by: (156)		
By determination of the Zoning Administrator, the following Department	ntal review is required:	
By determination of the Zoning Administrator, the following Department Engineering Fire Dept Health Officer Planner	Other	

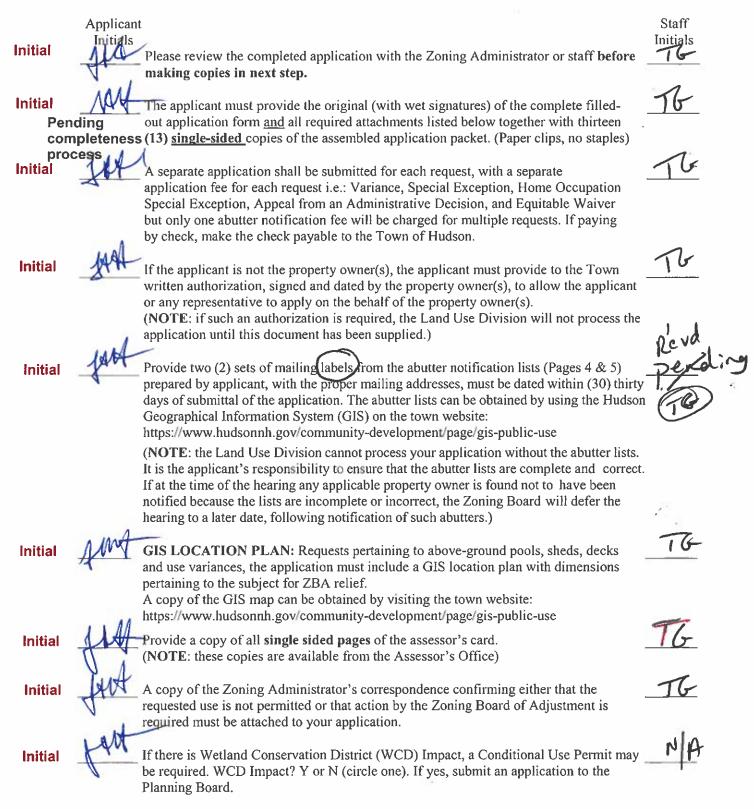
LETTER OF AUTHORITY/PERMISSION

The undersigned, being the owner of the property known as 91-97 Lowell Road, Map 198, Lots 11, 12, 14, 15 & 16, hereby grants authority and consent to attorneys at Cronin, Bisson & Zalinsky, P.C., to sign and file ZBA and Planning Board applications and any related materials on my behalf and deliver the same to the Town of Hudson, represent me at any hearing(s) concerning these applications, and perform all other necessary actions in connection with such applications.

Signature, Jay Hall! Esq., Duly Authorized for Colbea Enterprises, LLC

TOWN OF HUDSON, NH Variance Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.



CERTIFIED PLOT PLAN:

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

Initial	a) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
Initial	by The plot plan shall be up-to date and dated, and shall be no more than three years old.
Initial	The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
Initial	 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: A copy of the GIS map can be obtained by visiting the town website:
	https://www.hudsonnh.gov/community-development/page/gis-public-use)
Initial	The plot plan shall include the area (total square footage), all buffer zones, streams or
Initial	other wetland bodies, and any easements (drainage, utility, etc.) The plot plan shall include all existing buildings or other structures, together with their
Initial	dimensions and the distances from the lot lines, as well as any encroachments. The plot plan shall include all proposed buildings, structures, or additions, marked as
Initial	"PROPOSED," together with all applicable dimensions and encroachments. The plot plan shall show the building envelope as defined from all the setbacks required
Initial	if the plot plan shall indicate all parking spaces and lanes, with dimensions.

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

Signature of Applicant(s) Jay Hall, Esq., Duly authorized

Signature of Property Owner(s) Jay Hall, Esq., Duly authorized

Date

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 adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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
		*Include Applicant & Owner(s)	
		Please see attached	

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. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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.

MAP LOT NAME OF PROPERTY OWNER MAILING ADDRESS Please see attached

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
SUBJECT H	PROPERTIES		
198	016	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
198	015	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
198	014	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
198	012	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
198	011	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
DIRECT AF	BUTTERS		
197	051	KON-SULT, INC.	6 BIRCH STREET HUDSON, NH 03051
197	189	WHALEN, STEPHANIE M.	9 LINDEN STREET HUDSON, NH 03051
197	189	GARDINER, ARTHUR B. GARDINER, MARY J.	11 LINDEN STREET HUDSON, NH 03051
197	198	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
197	211	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
198	010	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
198	006	SOJKA, JOHN F. SOJKA, ANNE L.	11 ATWOOD AVENUE HUDSON, NH 03051
198	005	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
198	004	DILLON -JAMES PROPERTIES LLC	195R CENTRAL STREET HUDSON, NH 03051-4805
198	013-CDX	STRATOS REALTY TRUST TSOULAKOS, STEVE, TRUSTEE	2651 SAN LUIS RD. HOLIDAY, FL 34691-3115
198	147	100 LOWELL RD, LLC	122 LOWELL RD S-3 HUDSON, NH 03051
198	020	94 LOWELL ROAD LLC KATSOULIS, NICHOLAS	88 LOWELL RD. HUDSON, NH 03051
198	021	KATSOULIS, NICHOLAS G.	88 LOWELL RD. HUDSON, NH 03051
198	017	LACHANCE, MARTHA	PO BOX 893 HUDSON, NH 03051
INDIRECT A	ABUTTERS		
197	188-CDX	VOLIS, ANTHONY L. VOLIS, ROBERTA M.	13 LINDEN STREET HUDSON, NH 03051
197	188-CDX	MANNING, DAVID E.	9 LINDEN STREET HUDSON, NH 03051

197	008	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE		
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051		
197	197	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE		
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051		
198	007	SOJKA, BRIAN M.	11 ATWOOD AVENUE		
			HUDSON, NH 03051		
198	002	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE		
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051		
198	003	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE		
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051		
198	148	MAYNARD, RONALD F.	104 LOWELL RD.		
		MAYNARD, JERILYN O.	HUDSON, NH 030511		
198	146	HUDSON, TOWN OF	12 SCHOOL STREET		
			HUDSON, NH 03051		
198	018	PATEL, AVANI, TR.;	96 SNOW RD		
		PATEL, ASHOKKUMAR, TR.	HAVERHILL, MA 01830		
198	145	QUIGLEY, PAMELA J.	18 COUNTY ROAD		
			HUDSON, NH 03051		
ATTORN	EY	CHRISTOPHER DRESCHER			
		CRONIN, BISSON & ZALINSKY	/ P.C.		
		722 CHESTNUT STREET			
		MANCHESTER, NH 03104			
ENGINEER		TF MORAN, INC.			
		170 COMMERCE WAY, SUITE 1	102		
		PORTSMOUTH, NH 03801			
ARCHITECT		HFA-AE	HFA-AE		
		31 HAYWARD STREET, SUITE	El		
		FRANKLIN, MA 02038			

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SEN	12	OWN OF HUDSON SCHOOL STREET JDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 198-012 VARIANCES a., b., c 91-97 Lowell Rd, Hudson, NH 03051 Map 198/Lot 012-000 1 of 1
-			Name of Addressee, Street, and post	
	A1	RTICLE NUMBER	office address	06/27/2024 ZBA Meeting
1	9589 0710	5270 0646 5616 03	COLBEA ENTERPRISES. LLC	APPLICANT/OWNER NOTICE MAILED
_			695 GEORGE WASHINGTON HWY, LINCOLN, RI 02865	
2	9589 0710	5270 0646 5616 10	KON-SULT, INC.	ABUTTER NOTICE MAILED
			6 BIRCH STREET, HUDSON, NH 03051	
3	9589 0710	5270 0646 5616 27	WHALEN, STEPHANIE M.	ABUTTER NOTICE MAILED
_			9 LINDEN STREET, HUDSON, NH 03051	
4		5270 0646 5616 34	GARDINER. ARTHUR B.;	
1			GARDINER. MARY J.	ABUTTER NOTICE MAILED
			11 LINDEN STREET, HUDSON, NH 03051	
5_	9589 0710	5270 0646 5616 41	SOJKA, ANNE L., TR.; SOJKA REVOCABLE TRUST	ABUTTER NOTICE MAILED
			11 ATWOOD AVENUE, HUDSON, NH 03051	
5	9589 0710	5270 0646 5616 58	SOJKA, ANNE L., TR.; ANNE L. SOJKA FAMILY TRUST	ABUTTER NOTICE MAILED
_			11 ATWOOD AVENUE, HUDSON, NH 03051	
7	9589 0710	5270 0646 5616 65	DILLON -JAMES PROPERTIES LLC	ABUTTER NOTICE MAILED
			195R CENTRAL STREET, HUDSON, NH 03051	
3	9589 0710 9	5270 0646 5616 72	SOJKA, JOHN F.; SOJKA, ANNE L.	ABUTTER NOTICE MAILED
1995			11 ATWOOD AVENUE, HUDSON, NH 03051	
)	9589 0710 9	5270 0646 5616 89	STRATOS REALTY TRUST; TSOULAKOS, STEVE, TRUSTEE	ABUTTER NOTICE MAILED
			2651 SAN LUIS RD., HOLIDAY, FL 34691-3115	
0	9589 0710	5270 0646 5616 96	LACHANCE, MARTHA	ABUTTER NOTICE MAILED
			PO BOX 893, HUDSON, NH 03051	
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SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 198-012 VARIANCES a., b., c 91-97 Lowell Rd, Hudson, NH 03051 Map 198/Lot 012-000 1 of 1
	••	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
1 95	589 0710	0 5270 0646 5617 02	94 LOWELL ROAD LLC; KATSOULIS, NICHOLAS	ABUTTER NOTICE MAILED
			88 LOWELL RD., HUDSON, NH 03051	
2 95	589 071	0 5270 0646 5617 19	KATSOULIS, NICHOLAS G.	ABUTTER NOTICE MAILED
3 95	589 071	 0 5270 0646 5637 26	88 LOWELL RD., HUDSON, NH 03051 100 LOWELL RD, LLC	ABUTTER NOTICE MAILED
4 99	589 071	0 5270 0646 5617 33	122 LOWELL RD S-3, HUDSON, NH 03051 CHRISTOPHER DRESCHER CRONIN, BISSON & ZALINSKY P.C. 722 CHESTNUT STREET, MANCHESTER, NH 03104	APPLICANT/OWNER NOTICE MAILED
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SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 198-012 VARIANCES a., b., c. 91-97 Lowell Rd, Hudson, NH 03051 Map 198/Lot 012-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
1	Mailed First Class	PURCELL, SCOTT D.; PURCELL, CASSANDRA	ABUTTER NOTICE MAILED
2	Mailed First Class	10 LINDEN STREET, HUDSON, NH 03051 COLBURN, KEVIN P., TR.; COLBURN, KRISTINE V.H., TR.	ABUTTER NOTICE MAILED
		12 LINDEN STREET, HUDSON, NH 03051	
3	Mailed First Class	VOLIS, ANTHONY L.; VOLIS, ROBERTA M.	ABUTTER NOTICE MAILED
		13 LINDEN STREET, HUDSON, NH 03051	
4	Mailed First Class	MANNING, DAVID E.	ABUTTER NOTICE MAILED
		9 LINDEN STREET, HUDSON, NH 03051	
5	Mailed First Class	SOJKA, BRIAN M.	ABUTTER NOTICE MAILED
6	Mailed First Class	11 ATWOOD AVENUE, HUDSON, NH 03051 PATEL, AVANI, TR.; PATEL, ASHOKKUMAR, TR.	ABUTTER NOTICE MAILED
		96 SNOW RD., HAVERHILL, MA 01830	
7	Mailed First Class	QUIGLEY, PAMELA J.	ABUTTER NOTICE MAILED
		18 COUNTY ROAD, HUDSON, NH 03051	
8	Mailed First Class	MAYNARD, RONALD F.; MAYNARD, JERILYN O.	ABUTTER NOTICE MAILED
		104 LOWELL RD., HUDSON, NH 03051	
9	Mailed First Class	TF MORAN, INC.	APPLICANT/OWNER NOTICE MAILED
		170 COMMERCE WAY, SUITE 102 PORTSMOUTH, NH 03801	
10	Mailed First Class	HFA-AE	APPLICANT/OWNER NOTICE MAILED
		31 HAYWARD STREET, SUITE El FRANKLIN, MA 02038	
	Total # of pieces listed by sender 10	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
		Indirect First Class	86 ⁵⁵ Page 1



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

June 14, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday**, **June 27**, **2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 198-012 (06-27-24)</u>: Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requests <u>three (3) Variances</u> as follows for a proposed gas station/convenience store/car wash to be constructed at <u>91-97 Lowell Road</u>, Hudson, NH [Map 198 Lots 011, 012, 014, 015, 016]:

- a. <u>Wall Signs</u>: A <u>Variance</u> to allow three (3) Business and Industrial wall signs where only one (1) is permitted. [HZO Article XII: Signs; §334-63, Business and industrial building signs]
- b. <u>Free-Standing Signs</u>: A <u>Variance</u> to allow a freestanding "pylon" sign with 146.9 SF where a maximum size of 100 square feet is permitted <u>and</u>; To allow five (5) freestanding signs where each individual site may have no more than one (1) freestanding pole or ground sign. [HZO Article XII: Signs; §334-64A and §334-64, Freestanding business and industrial signs]
- c. <u>Directional Signs</u>: A <u>Variance</u> to allow several directional and directory signs to be larger than three (3) SF where no greater than three (3) square feet in area is permitted and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos. [HZO Article XII: Signs; §334-68, Directional and directory signs]

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

Respectfully

Chris Sullivan Zoning Administrator



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

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- b. <u>Free-Standing Signs: A Variance</u> to allow a freestanding "pylon" sign with 146.9 SF where a maximum size of 100 square feet is permitted <u>and</u>; To allow five (5) freestanding signs where each individual site may have no more than one (1) freestanding pole or ground sign. [HZO Article XII: Signs; §334-64A and §334-64, Freestanding business and industrial signs]
- c. <u>Directional Signs</u>: A Variance to allow several directional and directory signs to be larger than three (3) SF where no greater than three (3) square feet in area is permitted and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos. [HZO Article XII: Signs; §334-68, Directional and directory signs]

Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting to provide information or comments on the proposal. If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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 the Hudson Town Hall.

Respectfully,

Chris Sullivan, Zoning Administrator

APPLICATION FOR A VARIANCE

 This form constitutes a request for a variance from the literal provisions of the Hudson Zoning

 Ordinance Article_XII Signs_____of HZO Section(s)_334-64(A)

in order to permit the following:

Please see attached

FACTS SUPPORTING THIS REQUEST:

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

I.(a) "The Zoning Board of Adjustment shall have the power to:

- (2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:
 - (A) The variance will not be contrary to the public interest;
 - (B) The spirit of the ordinance is observed;
 - (C) Substantial justice is done;
 - (D) The values of surrounding properties are not diminished; and
 - (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
- (b)(1) For purposes of this subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (B) The proposed use is a reasonable one.
 - (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
 - (3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

FACTS SUPPORTING THIS REQUEST:

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (a). New Hampshire case law has established on the basis of this statute and/or its precedent versions, that all of the following requirements must be satisfied in order for a Zoning Board of Adjustment to grant a variance. You must demonstrate by your answers in the following blanks that you do or will meet each and every requirement. Do not presume or say that a requirement does not apply, or your request will be disqualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

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

	Please see attached
2.	The proposed use will observe the spirit of the ordinance, because: (Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.") Please see attached
3.	Substantial justice would be done to the property-owner by granting the variance, because: (Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.) Please see attached
4.	The proposed use will not diminish the values of surrounding properties, because: (Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.) Please see attached

FACTS SUPPORTING THIS REQUEST: (Continued)

- 5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary** hardship, because: (Answer either A(1 and 2) or B according to which applies to your situation)
 - A. 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 <u>and</u>
 Please see attached

 Explain how the special conditions of the property cause the proposed use to be reasonable.
 Please see attached

B. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.
 Please see attached

Preliminary Statement

The Applicant requests a variance to allow a freestanding 'pylon' sign (the "Pylon") with 146.9 Square Foot where 100 square feet is allowed as per Hudson Zoning Ordinance (the "HZO") **Section 334-64 (A)**. *See* Exhibit "1," sign "A" (Signage Plan & Elevations).

Additionally, the Applicant is also requesting a variance from **HZO Section 334-64** to allow for five (5) free standing signs (in addition to the Pylon) where only one (1) is allowed. The additional free-standing signs are the Car Wash Menu (sign "W" on Exhibit 1), the Electric Vehicle Charging Station (sign "R" on Exhibit 1), the Coin Box Canopy (sign "U" on Exhibit 1), the Menu Board (sign "B" on Exhibit 1), and the Canopy Sign (sign "F" on Exhibit 1). Collectively referred to as the "Free-Standing Signs."

The intended project is a gas station/convenience store/car wash to be constructed at 91-97 Lowell Road in Hudson (the "Property"). The Property is located in the Business Zone ("B Zone") as defined in the HZO.

Currently, the Property is undeveloped and consists of multiple lots that will be merged into one lot totaling 5 acres, give or take. The Property is within the Aquifer area; however, its transmissivity is within the "Low-Moderate Yield." *See* HZO Map III-12 (Aquifer).

The surrounding area is almost exclusively commercial and the Property does abut the Town Residential Zone ("TR Zone").

Notably, the Property, when looking head on from Lowell Road, is flanked on the right (north) side by a tall vegetative buffer and on the left (south) side by a 2-story building (*built in 1983 according to tax records*) that is well within the 50-foot setback from Lowell Road.

The project adheres to the 50-foot setback, the gas canopy is setback over 100 feet from Lowell Road, and the main building is setback over 200 feet from Lowell Road. As such, the project will be tucked back from Lowell Road and not very visible to motorists on Lowell Road until they are passing very close to the Property.

Relief Requested

Relief is requested from Section 334-64 (A) of the Ordinance which restricts the total area of a free-standing sign to 100 square feet and a maximum height of 30 feet. The proposed Pylon is only intended to be 25 feet high, therefore, the requested relief is relative to only the square footage. Given the site distance issues as described above, the Pylon needs to have the extra square footage to fit all various types of businesses and relative information in such a way to be readable for motorists. Said motorists will not see the sign until, literally, they are driving by due to the large preexisting structure and vegetation, described above, on the north and south abutting lots.

Relief is also requested from **HZO Section 334-64** to allow for the additional Free-Standing Signs, as described above, as the HZO only allows for one such sign. The Free-Standing Signs are needed to identify different areas of the Property that are set apart from the main structure. The HZO, while very comprehensive and robust, does not lend itself to the type and style of this project. Said project is a gas station/convenience store/car wash, which is a commonplace business for a commercial zone such as the one at issue.

1. Granting the variance would not be contrary to the public interest because:

The standard for prongs one and two of the variance criteria is whether the requested relief, if granted, will *alter the essential character of the neighborhood* or *negatively impact the health*, *welfare, and safety of the surrounding area* and *mere conflict with the terms of the ordinance*

is insufficient as all variance requests are somewhat averse to an ordinance, hence why the relief is sought in the first instance. <u>Harborside Associates, L.P. v. Parade Residence Hotel, LLC</u>, 162 N.H. 508 (2011).

Furthermore, it important to note that prong 1 is in the <u>negative</u>. That is to say that it does not require the Applicant to prove that the proposed use <u>is IN the public interest</u>, but only to prove that it is <u>NOT CONTRARY TO the public interest</u>.

<u>PYLON</u>:

A Pylon of appropriate size showing where and how much gas can be purchased is a benefit to the general public. The Property is located in the B Zone and sits along a busy road in an almost exclusively commercial area. Lowell Road is a main throughway for Hudson, which is also known as State Route 3A, consisting of two lanes of opposite traffic with a middle lane for turning.

Drivers who need, among other things, gas, must know where they are going and the Pylon will help alert motorists to the presence of the business and aid in the traffic flow.

The proposed Pylon is the standard sign that is used by the Applicant at most, if not all, of their businesses. The Pylon will not cause a distraction because it is a relatively standard gas station sign like so many used at many gas stations throughout the state and the Pylon will not obstruct the vision of drivers or block surrounding businesses.

Although 'standard' what makes the needs of <u>this</u> sign different is the number of items that must be displayed as there are multiple businesses and services that are being proposed. The proposal will not only will include a gas station but also a convenience store, separate coffee shop counter business, car wash, and an Electric Vehicle ("EV") charging station. EV charging stations are lacking in the state and the need for such stations are becoming more and more necessary as people make the switch to electric vehicles in these modern times.

The proposed Pylon will be an appropriate sign for the B Zone and it will not alter the overall esthetic of the area since the area is commercial.

The purpose and goal of the Ordinance, particularly Section 334-64 (A), is to ensure that signage does not get too large, unsightly, or cause any distractions for motorists.

The proposed Pylon does not create a distraction because it is a standard gas station sign and it does not obstruct the views of drivers who will benefit from a sign showing where a gas station is located.

Notably, the Pylon is intended to stand at 5 feet less the HZO's height limit so it will not be particularly tall but rather will have slightly more mass to it with the requested square footage.

Overall, the new sign will blend in with the surrounding area because the abutters are largely commercial businesses and will likely benefit said business customers visiting the Property that may be in the area to dine at the nearby restaurants or shop at the nearby stores.

In sum, the Pylon is in line with the essential character of the neighborhood, which is commercial in nature, and poses no significant threat to the health, welfare, and safety of the surrounding area.

Free-Standing Signs:

Much of the same can be said for the additional Free-Standing Signs, which are a relatively benign ask. These signs will certainly pose no threat to the community nor will they even be particularly visible from Lowell Road or Atwood Avenue.

Rather these signs are needed to identify specific areas of the Property so one knows where the car wash is, where the EV charging station is, *etc.* Moreover, given that the car wash and EV charging station are separate from the main building the only way to construct these signs is by having them be 'free standing' since it would be illogical to have them as part of the main building. The signs would not detract from the essential character of the neighborhood, said character being commercial, nor be a threat to public safety – indeed – they would seem very commonplace for what is being proposed.

Finally, since the Free-Standing signs will assist patrons with their movement around the Property they will aid and foster public safety.

2. If the variance were granted, the spirit of the ordinance would be observed because:

As a matter of law, the analysis for both prongs one and two of the Variance criteria are the same. As such, the Applicant incorporates and repeats the narrative of Prong 1 (above) and reiterates the same for Prong 2. <u>Harborside Associates, L.P. v. Parade Residence Hotel, LLC</u>, 162 N.H. 508 (2011).

3. Granting the variance would do substantial justice because:

Perhaps the only guiding rule [on this standard] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. <u>Malachy Glen Assocs. v. Town of</u> <u>Chichester</u>, 155 N.H. 102, 109 (2007).

The Pylon Sign:

Here, the loss to the applicant in not approving this variance would far outweigh any benefit to the general public. A gas station requires a Pylon of appropriate size to help customers find the gas station and see it from a distance so they have ample to time to be in the correct lane to turn into the gas station. Moreover, the Pylon needs to accurately convey the various businesses and amenities that will be available at the Property.

If the Pylon could not be seen from a distance, the customers may be unable to reach the gas station in time and end up driving by or they may attempt to reach the gas station by cutting through multiple lanes, turning around in another business' driveway, etc.

The Pylon will help bring in customers to the Property and the sign will not block any views, obstruct sightlines, or block any abutting commercial properties.

Free Standing Signs:

Finally, the Free-Standing Signs are necessary to identify stand-alone areas of the Property that are not attached to the main building.

If denied, the public gains nothing. The signs are meant to be informational and foster public safety. A denial would only result in a more confusing layout for the business wherein nobody wins.

4. <u>If the variance were granted, the values of the surrounding properties would not be</u> <u>diminished because</u>:

The Property currently is an undeveloped 'eye-sore' so the overall project as a whole will be a significant improvement to what exists there today.

The abutters are largely other commercial properties with signs to attract customers. The Pylon will not block any of the abutters from the sight of potential customers and a large sign showing where a gas station is will attract potential customers to the area.

The Free-Standing Signs would not even been seen from Lowell Road or Atwood Avenue.

Finally, given that the Property is currently unused and unsightly the proposal as a whole will likely positively affect the surrounding properties. Indeed, we contend that this project will be an attractive business when constructed.

5. Unnecessary Hardship:

"Hardship," under NH RSA 674:33, I (b) (1) (A) and (B) is a straight forward three step analyses;

- a. What are the special conditions of the property, if any;
- b. '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,' which can be said another way that if the variance is granted would it unreasonably frustrate the purpose ordinance; and,
- c. Is the proposed use reasonable?

The special conditions (a) are satisfied due to the unique part of Lowell Road where the Property sits.

Despite being right in the heart of the B Zone the immediate Property falls in a bit of a business 'dead zone.' Across the street there is a restaurant, the entrance to County Road, and an empty vacant commercial lot.

Significantly, there is a dense vegetative buffer along the Property line to the north that would obstruct the Property's view if a motorist is driving south.

Similarly, the abutting property to the south (99 Lowell Road) is interesting as it would appear that it might be preexisting and nonconforming, at least with respect to the setback from Lowell Road. The setback is supposed to 50 feet from Lowell Road and 99 Lowell Road is very close to the road well within the setback. Indeed, the structure at 99 Lowell Road to the south is almost on top of Lowell Road.

Furthermore, the structure of 99 Lowell Road that is also rather tall, at least, taller than the rest of the structure. As such, similar to the vegetation to the north, the building to the south will obstruct the Property's view for a motorist travelling north.

Therefore, in light of these special conditions the mass of the Pylon needs to be large enough so a driver can ascertain what amenities are present at the Property within a short span of time since drivers will only have a few seconds to read the sign as its view will be obstructed by the either structures or vegetation to the north and south.

Finally, the Pylon has a lot of information to convey. First, the gas prices need to be displayed prominently – a requirement and staple of all gas stations. Second, there is a convenience store, the gas itself (Shell), the car wash, the coffee shop, and the EV charging station. As such, the extra square footage is needed to convey all the businesses and amenities while still remaining below the height requirement.

Turning to the Free-Standing Signs, the HZO does not seem to contemplate a scenario like what is being proposed. The Free-Standing signs are critical to identify the various areas of the Property given there is a separate EV charging station and a separate car wash. It would be illogical to place these signs upon the main building when said amenities are separate and distinct.

Finally, the Free-Standing signs are all essential as there must be a canopy above the gas pumps, there must be a menu for the car wash, there must be a coin box canopy to alert vehicles of clearance, and the location of the EV chargers need to be identified to direct the EV motor vehicles to their 'quasi gas pumps.'

Skipping ahead to (c), the proposed <u>use</u> for all the signs under this variance is commercial and the B Zone allows for commercials businesses such as gas stations and, thus, the proposed use is reasonable.

Therefore, the remaining question is (b) whether "[n]o fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property." *See* NH RSA 674:33, *et seq.* Or, again, if the variance is granted will it *unreasonably frustrate the purpose of the WZO*.

The purpose and goals of the Ordinance is to ensure that signage does not get too large, too many, too unsightly, or cause any distractions.

Here, despite the extra square footage the Pylon will not be particularly tall, in fact, it will be 5 feet under what is allowed under the HZO. We contend the Pylon will be attractive as the Applicant has several similar businesses located throughout New England. Indeed, there is one located at 4 Blackstone Drive in Nashua should any ZBA members wish to take a look in order to familiarize themselves with what is being proposed.

The Pylon's extra square footage is needed so that the Applicant can fit all the various businesses and amenities that will be offered in a manner that can be read safely by drivers who will only have a short span of time to ascertain the Pylon's verbiage due to the obstructions to the north and south. Finally, the Free-Standing Signs are, again, a benign ask that will not be seen from Lowell Road or Atwood Avenue but are needed to direct customers to the appropriate area of the Property depending on what the customer is seeking (*i.e.*, *car wash or EV charging, etc.*).

Overall, we contend that what the Applicant is asking for with respect to this relief will not unreasonably frustrate the purpose of the HZO.

TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-039R2

May 28, 2024

Sent Via: Email and 1st class mail

Chris Rice 170 Commerce Way Suite 102 Portsmouth, NH 03801

Re: <u>91/95/97 Lowell Road and 7 Atwood</u> <u>198/016-000; 198/015-000; 198-014-000; 198/012-000</u> District: Business (B)

Dear Mr. Rice:

Your request for zoning to review the sign package for the Seasons gas station

Zoning review / Determination:

After reviewing the sign package as presented there are a few different signs that need variances.

(1) Wall Signs

§ 334-63 Business and industrial building signs.

Except as otherwise permitted in this article, each individual business may have either one wall, roofmounted or projecting sign attached to the building within which the business is located subject to the following requirements. The building sign may be implemented in the form of an awning sign.

- a. According to the plans provided the front of the building there are 3 different signs where (1) one is permitted per §334-63 <u>Business and Industrial building signs</u>. This will require a variance from the Zoning Board of Adjustment.
- (2) Free Standing Sign

§ 334-64 Freestanding Business and Industrial Signs.

Except as otherwise permitted in this article, each individual site may have no more than one freestanding pole or ground sign, not attached to any building, subject to the following requirements:

A. Maximum size: one square foot for each linear foot of road frontage up to a maximum of 100 square feet.

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

- According to the plans provided the ID Sign is showing 134 Sq. ft. where 100 sq. ft. is
 permitted per § 334-64 Freestanding Business and Industrial Signs. (A) This will require
 a variance from the Zoning Board of Adjustment.
- b. Free Standing Sign: According to the plans provided there are (5) five free standing signs where one is permitted per § 334-64 <u>Freestanding Business and Industrial Signs.</u> The following sign:
 - a. (1) One car wash menu
 - b. (1) This sign identifies the electic charging stations
 - c. (1) One coin box canopy
 - d. (1) Menu Board
 - e. (1) Canopy Sign

The following sign would need a variance from the Zoning Board of Adjustment per § 334-64 Freestanding Business and Industrial Sgns.

(3) Directional Signs:

§ 334-68Directional and directory signs.

Directional or directory signs, other than those excluded under § <u>334-58B(3)</u> Permits Required; Exemptions, are permitted with a permit but are not considered to be freestanding or building signs for the purposes of this article, provided that they are no greater than three square feet in area and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos.

According to the plans provided, they show several signs that at greater the 3 sq. ft. These signs include:

- a. (12) Twelve Dispenser sign 3.1 Sq ft,
- b. (1) One Flip Sign Open/Close 3.7 sq ft,
- c. (1) Car Wash Enter and Exit 5.1 sq. ft.

The Directional signs above will require a variance from the Zoning Board of Adjustment per § 334-68 <u>Directional and Directory signs.</u>

Please feel free to contact me if you have any further questions regarding this matter.

Sincerely.

Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 816-1275 csullivan@hudsonnh.gov

cc: Public File B. Dubowik, Administrative Aide File

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

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Disclaimer This information is believed to be correct built is subject to channe and is not warrantied

Property Vision ID:	: 631	5	VOOD AVE Account #: 1	115		Parcel ID:	Bidg #	: 2		Bldg Name: Card #: 2 of 2		: 0130 :: 5/6/2024 8:29:58 AM
a state and all			CTION DETAIL	San		STRUCTION	DETAI			SKET	CH/PRIMARY PHOTO	
Eleme	ent	Cd	Descrip	tion	Element		ļ	Desc	ription		40	
Model		94 25	Com/Ind Service Shops		Frame Foundation	01						
Style: Grade		D	Fair		Bsmt Garage							
Stories:		1	Ган		DSITE Garage							
# of Units		2			100000000000000000000000000000000000000	MIX	ED US	EMARK	网络新闻的社会社会			
Wall Heig		12.00			Code	Descr			Percentage			
Exterior W		18	Corr Steel		3320 AL	JTO REPAIR S	SHOPS	5	100			
Exterior W	/all 2	04	Vinyl						0			
Roof Strue		01	Gable						0			
Roof Cove		01	Asphalt Shingle		新学生-STERFORES	COST/MAR	CEI V	ALUATIC	DNAES等影響系的運			
Interior W		05	Minimal		RCN			135,081				
Interior W								100,001				
Interior Flo		12	Concrete									
Interior Flo		01	Oil		Year Built			1947		64	FFL 84	
Heat Type		05	Steam		Effective Yea	ar Built	ŀ	1972				
2nd Heat		00	oteani		Depreciation			FR				
AC Percer		0			Remodel Ra							
Heat/AC		-			Year Remod							
Full Baths		0			Depreciation Functional O		1	50	11			
3/4 Baths		0			External Obs		1					
Half Baths	5	1			Trend Factor		.	1.000				
Kitchens		0			Condition		1					
Baths/Plu		02	AVERAGE		Condition %		- 1					
Bedrooms Ceiling/Wa		0			Percent Goo	d		50				
Rooms/Pa	an artition		Light		RCNLD		- 10	67,500				
% Comn \		0.00	Light		Dep % Ovr							
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Frame		01	Wood		Cost to Cure	Ovr Commen	t		1			
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Property Location: 97 LOWELL RD Vision ID: 6323

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99

Element

Model

Style:

Stories:

Account #: 3850

Vacant

Vacant Land

Description

CONSTRUCTION DETAIL

Cd

Grade: (Liv) Units			Add Kitchell Ra	1		
/Lis/) Linite						
Exterior Wa	all 1	0				
Roof Struct	ure					
Roof Cover						
Frame		2				
Foundation				(
Interior Wal			COST/MARKET		3	
			COST/ INFUTCE1		1	
Interior Floo	or 1		Building Value New	0		
Heat Fuel			Dending value ivew	19		
Heat Type						No Sketch
# Heat Syst	tems					NU SKEICH
AC Percent			Year Built	ł		
Total Room			Effective Year Built	0		
Bedrooms			Depreciation Code			
			Remodel Ratino			
Full Baths			Year Remodeled			
3/4 Baths			Depreciation %			
Half Baths			Functional Obsol			
Extra Fixtur	res		External Obset			
Kitchens			External Obsol Trend Factor	1.000		
kitchen Rat	ting			1.000		
Bath Rating	1		Condition			
Half Bath R			Condition %			
Tall Daul K	laung		Percent Good			
Bsmt Garag	le		RCNLD	0		
ireplace(s)			Dep % Ovr			
Fireplace R	ating		Dep Ovr Comment			
WS Flues			Misc Imp Ovr			
Color			Misc Imp Ovr Comment			
Avg Ht/FL			Cost to Cure Ovr			
Extra Kitche	ens		Cost to Cure Ovr Comment	1		
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Code			SUMMARY SECTION Floor Area Eff Area Unit	t Cost Undeprec Value		
		Living Area	Floor Area Eff Area Unit			

Element

Avg Ht/FL Extra Kitchens

Add Kitchen Ra

Cd

Property Location: 95 LOWELL RD			I	Parcel ID: 1				/			Car	d Address:					LUC: 1300	
Vision ID: 6325 Account		Statistics Press	OCEOCHIC	MEIOUDO		#: ·	1	A Sheet of	- In the second			Card #:				Print I	Date: 5/6/2024	
	7.7.2.2.5.935%	Nbho	SSESSING	NEIGHBU		id Nar	me		Yea	ar L C	Code	Assessed		ASSESS Code	MENTS (H			124511-1252-14
COLBEA ENTERPRISES, LLC		ML2		Cor			Lowell	St	202		1300	138,7		1300	138,7		ear Code 22 1300	Assessed
	2013月23日					ILITIE		(Alland			.000			1500	100,1	20	1300	138,700
695 GEORGE WASHINGTON HWY		Leve				n Wa												
					Tow	n Sev	ver	29										
LINCOLN RI 02865	Parositradire	BK-VOI	/PAGE S	ALE DATE	Q/U	V/I	S S A	I-E-D	RICE	VC	Total	138,7 ENOTES		Total		700	Total SUMMARY	138,700
COLBEA ENTERPRISES, LLC	1. Cupreses (08-19-2022	U	V		ز چ لا ^م سلمگا	0							VALUE	SUMMARY	
COLBEA ENTERPRISES, LLC			1847	09-12-2016	-	V		1,1	00,000			Grantor: 91-95 OWELL ROAD,	Appraised	Bidg. Valu	ie (Card)		i i	(
91-95 LOWELL ROAD, LLC				08-12-2008	U	V.			70,500		1	LLC, 1	Appraised 2	Xf (B) Val	ue (Bldg)			C
SOJKA, CHESTER W. 91-95 LOWELL ROAD, LLC				11-24-2004 01-12-1981	Q	V			U U) 81		Grantor: SOJKA, ERIC	Appraised	Ob (B) Va	iue (Bida)			1
		2010		01 12 1001		·						CHESTED						
											MUN	Grantor: ROF JAMES C	Appraised	Land Valu	ie (Bidg)			138,70(
SUPPLEMEN	TALIDATA	S. C. C. Sec	South Real Providence	法制限部	2216	CI CI	URRE	NTA	SSESS	MENT			Special La	nd Value				C
Parcel ID 198-015-000			10	Descript	Co	de	G	A	pprais	ed	A	ssessed	Total Appra	aised Parc	el Value			138,700
Zoning BD:Business District				LAND	1300)			13	8,700		138,700						100,100
Flood Hazard C													Valuation I	Viethod				С
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Neigh/Abut2			200		1.5												[
Neigh/Abut3	PREV 0046	5-0016-00	000		-	ŀ										3.0		
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GRY/boundary plan #39005/Back on M													07-12-20	19 12		Permit V		
2018 - Summit Realty as an assembla	ige												06-07-20 11-08-20			Measure		
06/19: THIS HO													08-25-20			Measure Measure		
ME HAS BEEN DEMO'D/NOW VACA	NT.												01-13-20		71 /	Acreage	Adjustment Fr	om New Map
												N	03-28-20			Measure Inspecte		
	a Maria - 200 a datao		and the same labor	CHER AND ADDRESS						1000	Harrison and Calife	What has been all the set to party		1.2				
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and the second	a contract of the second second	Marc. 1.05 BL-097	Metal et Section 1		and stated at	10.11	A 1 P - 1 / A	****	TIONIS		0.11		1. Mar. 1. Mar	1.1.1.2. 11 × 1.				
B LandUse Departmention	Land Type	1		Acrege	Size	A11 - 1			Nbhd	ECH	UN				1-912/940-930998			的代码的行为性的
# Code Description		Land L		Disc.	Adj.	ndex	Cond.	TO THE	Adi.				Adjustment				Notes	Land Value
1 1300 VACANT RES LAND	Site	0.156	AC 170,0	000	.35	5	1.00	ML2	1.50	Develo	р	0.80				size;		138,700
			· · ·															
							\approx											
								2					1	04.1 March				
Total Card Land Units:		0.156	AC			Parcel	l Total	Land	Area:	0.156		AC			·		otal Land Val	ue: 138,700

Disclaimer: This information is hallowed to be correct but is subject to change and is not warrantied

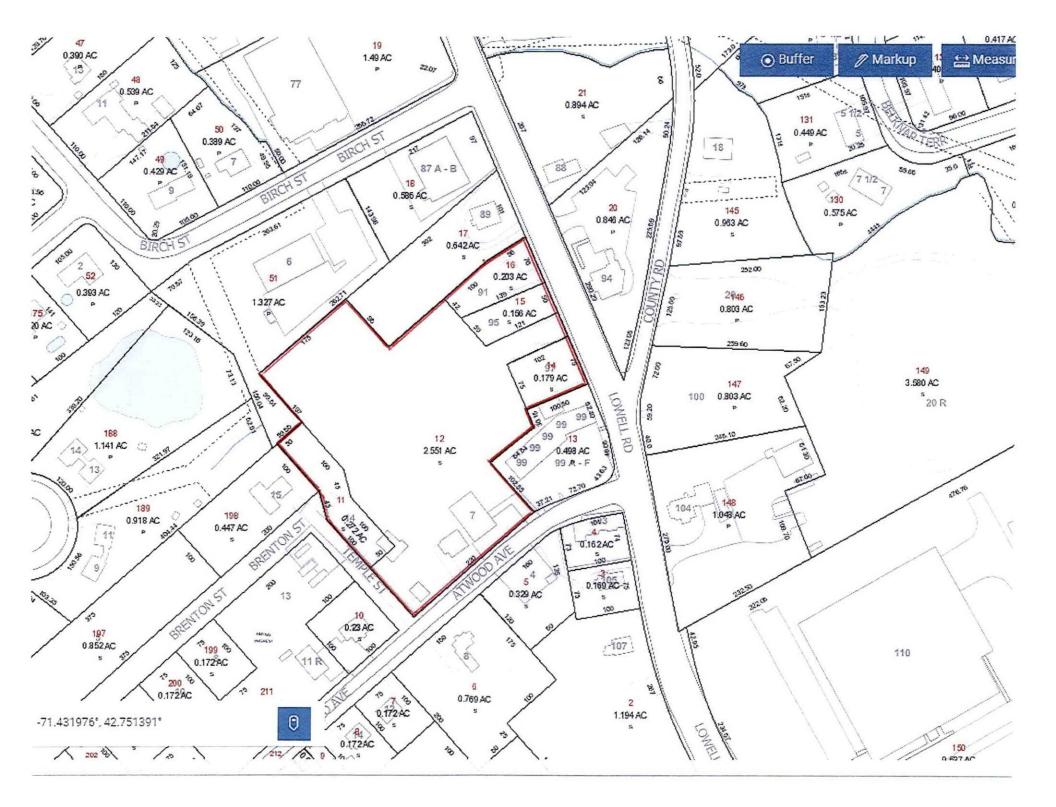
Property Location:	95 LOWELL RD	
Vision ID: 6325	Account #	33

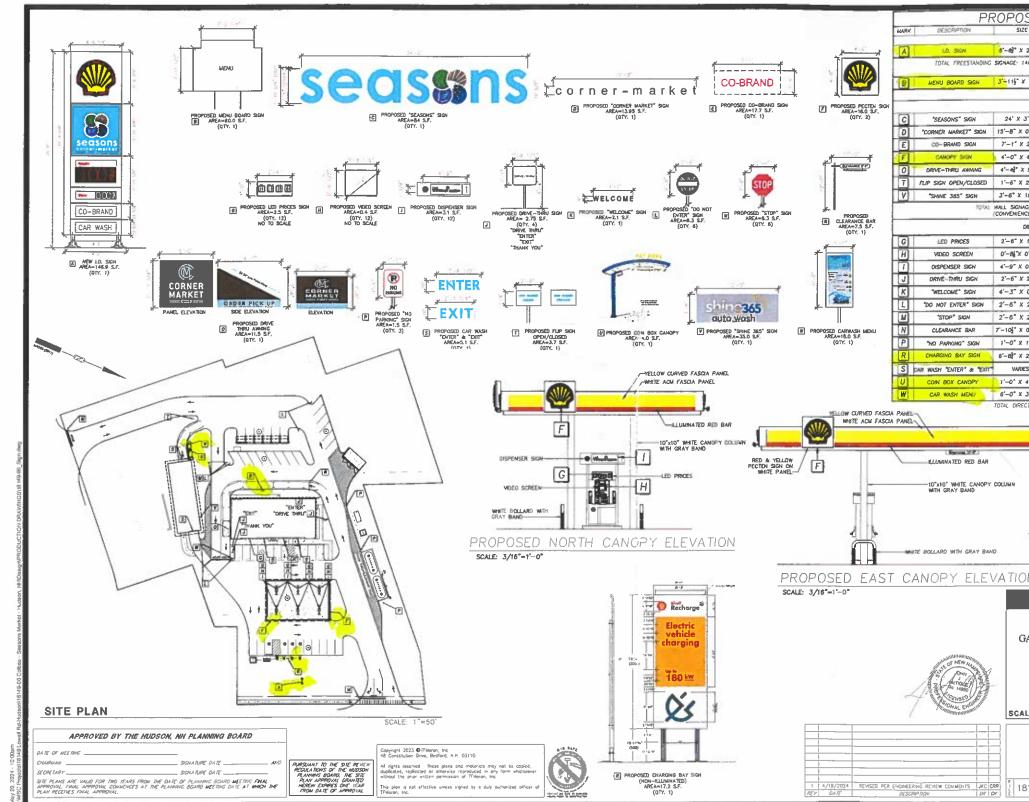
Property Location Vision ID: 632	n: 95 LOWELL F	RD ount #: 3848	Pare		/ 015/ 000/ / dg #: 1	Card Address:	LUC: 1300
	ONSTRUCTION		CONSTRUCT		IL (CONTINUED)	Card #: 1 of 1	Print Date: 5/6/2024 8:30:54 AIV
Element	Cd	Description	Element	Cd Cd	Description	SKETCH / PRIMAR	У РНОТО
Model Stories: Style: Grade:	00 99	Vacant Land	Avg Ht/FL Extra Kitchens Add Kitchen Ra		Description		
(Liv) Units Exterior Wall 1 Roof Structure Roof Cover Frame					3	•	
Foundation Interior Wall 1			COST/	MARKET	ALUATION		
Interior Floor 1 Heat Fuel Heat Type			Building Value Ne	N	0	No Sketch	
# Heat Systems AC Percent Total Rooms Bedrooms Full Baths 3/4 Baths			Year Built Effective Year Buil Depreciation Code Remodel Rating Year Remodeled Depreciation %		0	NO SREICH	
Half Baths Extra Fixtures Kitchens Kitchen Rating Bath Rating Half Bath Rating			Functional Obsol External Obsol Trend Factor Condition Condition % Percent Good		1.000		
Bsmt Garage Fireplace(s) Fireplace Rating WS Flues Color			RCNLD Dep % Ovr Dep Ovr Commen Misc Imp Ovr Misc Imp Ovr Corr		0		
Avg Ht/FL Extra Kitchens			Cost to Cure Ovr Cost to Cure Ovr C	Comment			
OB - Code	Description	& YARD ITEMS(L) /	XF - BUILDING EX	TRA FEAT	JRES(B) I. % G Assd. Value		
	Description						
					->		ж.
		ILDING SUB-AREA					
Code	Description		loor Area Eff Are		ost Undeprec Value		
Total Li	v Area/Gr. Area/E	ff Are 0	0	0 TotalVa	lue 0		

		ocation: 91 LC					Pa	rcel ID: 1				1			Car	d Address:					LUC:	3900	
Vision			Accour	nt #: 3849	and and the states	100FC		FIGURA) #:	1		w. W. Law			Card #				Prin	t Date:	5/6/2024	8:31:15 AM
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Disclaimer: This information is believed to be correct built is subject to chance and is not warrantied

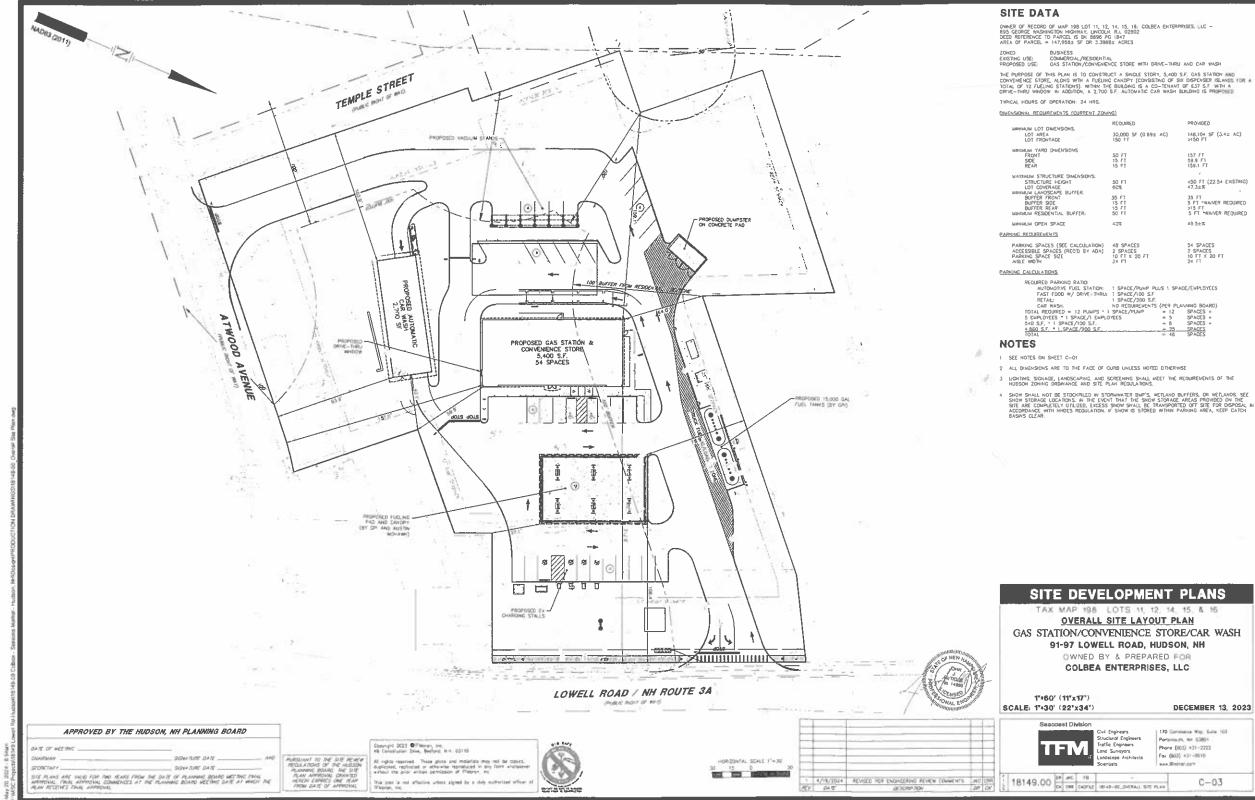
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	ONSTRUCTION	DETAIL	CONSTRUCTION DETA	IL (CONTINUED)	SKETCH / PRIMAR	<u> У РНОТО</u>
Element Model Stories: Style: Grade: (Liv) Units Exterior Wall 1 Roof Structure Roof Cover Frame	Cd 99	Description Vacant Vacant Land	Element Cd Avg Ht/FL Extra Kitchens Add Kitchen Ra	Description		
Foundation Interior Wall 1 Interior Floor 1 Heat Fuel			COST / MARKET V Building Value New	O		
Heat Type # Heat Systems AC Percent Total Rooms Bedrooms Full Baths 3/4 Baths Half Baths Extra Fixtures Kitchens			Year Built Effective Year Built Depreciation Code Remodel Rating Year Remodeled Depreciation % Functional Obsol External Obsol	0	No Sketch	n D)
Kitchen Rating Bath Rating Half Bath Rating Bsmt Garage Fireplace(s) Fireplace Rating WS Flues Color			Trend Factor Condition Condition % Percent Good RCNLD Dep % Ovr Dep Ovr Comment Misc Imp Ovr Misc Imp Ovr	0		53
Avg Ht/FL Extra Kitchens OB	- OUTBUILDING	& YARD ITEMS(L) /	Cost to Cure Ovr Cost to Cure Ovr Comment XF - BUILDING EXTRA FEAT	URES(B)	1.0	
Code	Description	L/B Units	UOM Unit Pri Yr Blt Cnc	1. % G Assd. Value		
		ILDING SUB-AREA	SUMMARY SECTION			
Code	Description	Living Area	Floor Area Eff Area Unit C	ost Undeprec Value		



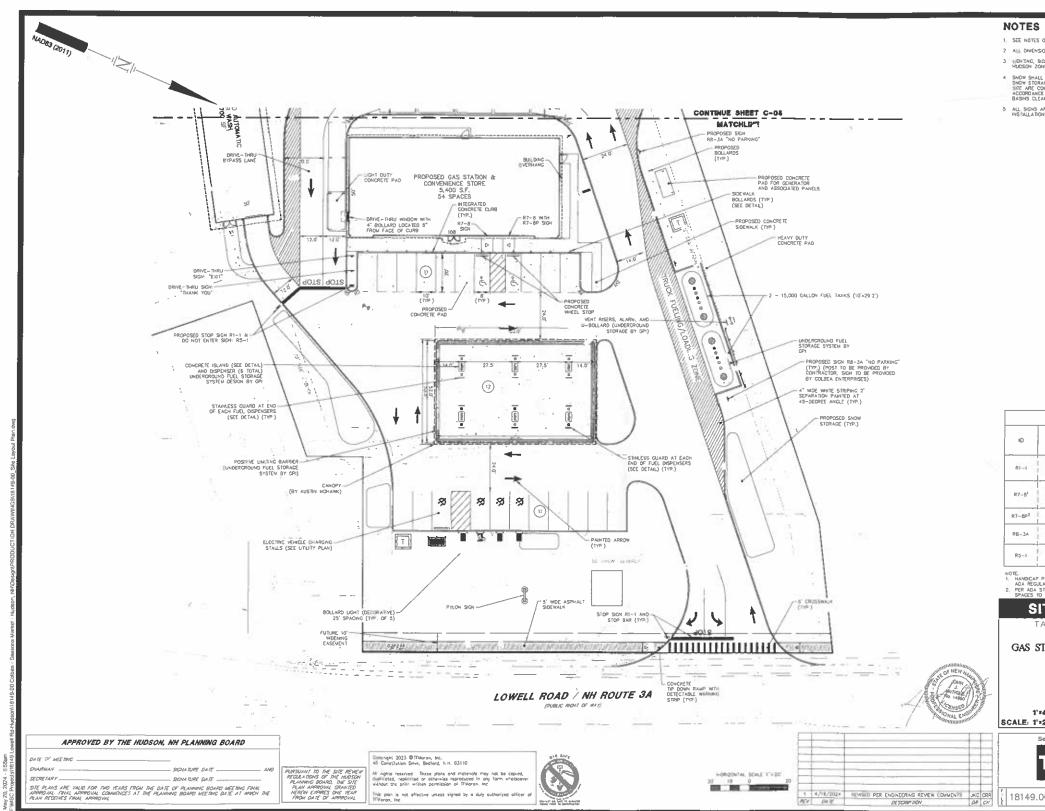




DSED						
	SIGN	V S	CHED	ILE		
SIZE	AREA (SF)			RELEMENTION	REMARKS	her
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146.9 S.F.	25.0' TALL	(100 \$	F. TOTAL PER	WITTED: MOI	ным нерокт з	107
after ten to			-			
x 7'-2 *	\$0.0	1	50.0	INT	NEW	GROUND
TOTAL I	NU BOARD		E: 60 S.F.			
	WALL SI	GNS		-		
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x 0,-108.	13.95	1	13.95	NON	NEW	WALL
X 2'-6"	17.7	T	17.7	INT	NEW	WALL
X 4*-0*	18.D	2	32.0	INT	NEW	WALL
X 5'-0"	11.5	г	11.5	NON	NEW	WALL
X 2'-6"	3.7	r	3.7	NON	NEW	WALL
10'-0"	35.0	T	35.0	NON	NEW	WALL
NAGE: 197.	5 S.F. (276	5 S.F. P(RMITTED - 2	X BUTLDING	PRONTAGE)	
INCE STORE	FRONTAGE	= 108',	CAR WASH F	RONTAGE =	307	
DIRECTION	AL AND MISC	ELLANEO	nus signs			
x 1'-0"	2.5	12	30.0	øл	NEW	MISC.
(0'-6j"	0.4	12	4.8	INT	NEW	MISC.
x 0'-7{	3.1	12	37.2	NON	NEW	MSC.
X 2'-0°	2.75	4	11.0	INT	NEW	DIRECTIONAL
						-
X 0'-6"	2.1	1	2.1	INT	NEW	DIRECTIONAL
X 2'-6"	6.3	7	44.1	NON	NEW	DIRECTIONAL
X 2'-6"	8.3	6	37.8	NON	NEW	DIRECTIONAL
x 0,-113.	7.5	_ T _	7.5	NON	NEW	DIRECTIONAL
x 1'-6"	1.5	3	4.5	NON	NEW	DIRECTIONAL
x 2'-75"	17.2	1	17.2	NON	NEW	DIRECTIONAL
RIES	5.1	ſ	5.1	NON	NEW	DIRECTIONAL
x 4'-0"	4.0	T	4.0	NON	NEW	DIRECTIONAL
x 3'-0*	18.0	1	18.0	NON	NEW	DIRECTIONAL
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ACCINONAL P	WD WISCELL	ANEOUS	SIGNAGE 223	3 S F		100
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		ANEOUS	SIGNAGE 223	3 SF.	020	
		EVE		AENT	PLAN	
	TE D SIGN	EVI 198 JAGE		AENT 11, 12, 14 ELEVAT	1, 15, & 1	6
	TE D AX MAP SIGN FATION	EVI 198 MAGE /CON		AENT IL 12, 14 ELEVAT CE STO	1, 15, & 1 FIONS RÉ/CAR	6
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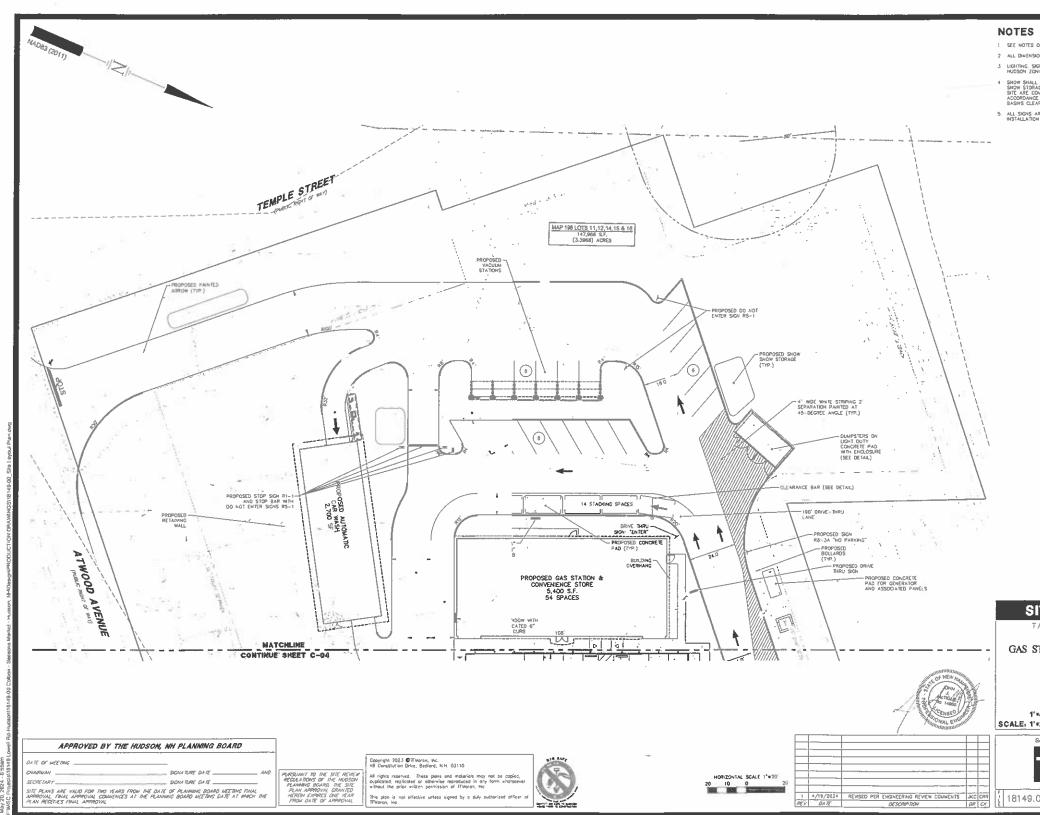
ITE DATA		
NER OF RECORD OF MAP 198 LOT 11, 12,) GEORGE WASHINGTON HIGHWAY, LINCOLN ID REFERENCE TO PARCEL IS BK 8896 PI (A OF PARCEL = 147,9862 SF OR 3.396)	14, 15, 16: COLBEA ENTERPR 8, R.L. 02802 3 1847 8± ACRES	ISES. LLC -
FD BURNESS	L KCE STORE WITH DRIVE-THRU	
PURPOSE OF THIS PLAN IS TO CONSTRU- IVENENCE STORE, ALONG WITH A FUELING (AL OF 12 FUELING STATIONS), WITHIN TH VE-THRU WINDOW IN ADDITION, A 2,700	ICT A SINGLE STORY, 5,400 S. C CANOPY (CONSISTING OF SIX E BUILDING IS A CO-TENANT I S.F. AUTOWATIC CAR WASH BU	F, GAS STATION AND DISPENSER ISLANDS FOR A DF 637 S.F. WITH A JILDING IS PROPOSED
CAL HOURS OF OPERATION: 24 HRS.		
ENSIONAL REQUIREMENTS (CURRENT ZONI	<u>vG}</u>	
LIMMAN BALLOT OBJEMEIONS	REQUIRED	PROVIDED
ANNIMUM LOT DIMENSIONS. LOT AREA LOT FRONTAGE	30,000 SF (0.692 AC) 150 FT	148.104 SF (3.4± AC) >150 FT
MINIMUM YARD DIMENSIONS FRONT SIDE REAR	50 FT 15 FT 15 FT	157 FT 59.9 FT 159.1 FT
and the second		/
WARMAN STRUCTURE HERENT STRUCTURE HERENT LOT COVERACE MRINUM LANDSCAPE BUFFER BUFFER FRONT BUFFER SDE BUFFER REAR DUFFER REAR	50 FT 60%	<50 FT (22.54 EXSTNG) 47.3±%
BUFFER FRONT BUFFER SIDE BUFFER REAR MINIMUM RESIDENTIAL BUFFER:	35 FT 15 FT 15 FT 50 FT	35 FT 5 FT -WAVER REDUIRED >13 FT 5 FT -WAVER REQUIRED
MINIMUM OPEN SPACE	407	49.5±%
MING REQUREMENTS	-04	
PARKING SPACES (SEE CALCULATION) ACCESSIBLE SPACES (REO'D BY ADA) PARKING SPACE SIZE AISLE WIDTH	48 SPACES 2 SPACES 10 FT X 20 FT 24 FT	54 SPACES 2 SPACES 10 FT X 20 FT 24 FT
KINC CALCULATIONS		
REQUIRED PARKING RATIO: AUTOMOTIVE FUEL STATION: FAST FOOD W/DRIVE=THRU: RETAL: CAR WASH. TOTAL REQUIRED = 12 PUMPS * 1 5 SUPLOYEES * 1 SPACE/12 MMC 540 S.F. * 1 SPACE/100 S.F. AUBO.F * 1 SPACE/200 S.F.	1 SPACE/PUMP PUUS 1 SPAC 1 SPACE/100 S.F 1 SPACE/200 S.F 1 SPACE/200 S.F NO REGUREVENTS (PER PUU SPACE/PUAP = 12 YEES = 5	E TWPLOYEES SPACES + SPACES + SPACES + SPACES +
540 S.F. + 1 SPACE/100 S.F. 4.850 S.F. * 1 SPACE/200 S.F. TOTAL	- 6 - 25 - 48	SPACES SPACES
OTES	= 48	SPACES
SEE NOTES ON SHEET C-01		_
ALL DIMENSIONS ARE TO THE FACE OF C		E COUREVENTS OF THE
LIGHTING, SIGNAGE, LANDSCAPING, AND S HUDSON ZONING ORDINANCE AND SITE PI		
SNOW SHALL NOT BE STOCKPILED IN STO SNOW STORAGE LOCATIONS. IN THE EVEN SITE ARE COMPLETELY UTILIZED, EXCESS ACCORDANCE WITH INHOES REGULATION. I BASIN'S CLEAR.	REWAREN BER S. WEILAND BU I THAT DHE SNOW STORAGE / SNOW SHALL BE TRANSPORTE F SNOW IS STORED WITHIN PAU	REAS PROVIDED ON THE) OFF SITE FOR DISPOSAL IN RKING AREA, KEEP CATCH
SITE DEVE	OPMENT 1	
	SITE LAYOUT PLA	
GAS STATION/CONV		
91-97 LOWEL	L ROAD, HUDSON	I, NH
	& PREPARED FC	
COLREA E	INTERPRISES 11	12



1. SEE NOTES ON SHEET C-01

- 2 ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS NOTED OTHERWISE
- 3 UDNING, SIGNAGE, LANDSCAPING, AND SCREENING SHALL MEET THE REQUIREMENTS OF THE HUDSON ZONING ORDINANCE AND SITE PLAN RECULATIONS
- SNOW SHALL NOT BE STOCKPIED IN STORMHATER BMP'S, WEILAND BUFFERS, OR WEILANDS, SRI SNOW STORAGE LOCADONS, IN THE CURN THAT THE BNOW STORAGE AREAS PROVIDED ON THE STIE ARE COMPLETLY UTLIED, DEVERSIS SNOW SHALL BE FINANERVIED ON THE TOR DESIGNAL ACCORDINCE WITH MODES RECULATION. IF SNOW IS STORED WITHIN PARENING AREA, KEEP CATCH BASHIS CLEM.

		SIG	IN LEGE	ND		
ю	SIGN	SIZE (II	NCHES)	DESIGN (COLORING, TEXT SIZE,	NO. OF	
		WIDTH	HEIGHT	SPACING, SHAPE, RETROFLECTIVITY, ETC.)	SIGNS	
R1-1	STOP	30	30		6	
87-81		12	 	REFER TO THE 2009 MANUAL	2	
7-6P ²	Landard L	1.8	1 9	ON UNFORM TRAFFIC CONTROL DEVICES (MUTCO) FOR STREETS AND HIGHWAYS	1	
B-3A	®	24	06		3	
R5-1		30	ەد		7	
	AX MAP	198 LC <u>SITE L/</u>	DTS 11. AYOUT		_	
GAS S 1"	AX MAP TATION/0 91-97 L OWN COL	198 LC SITE LA CONVER OWELL ED BY BEA EN	NIENC 8 PREP	12, 14, 15, 8, 16 PLAN E STORE/CAR W/ HUDSON, NH ARED FOR ISES, LLC	ASH	
GAS S 1'' MLE: 1''	AX MAP TATION/0 91-97 L Own COL	198 LC SITE LA CONVER OWELL ED BY BEA EN	NIENC 8 PREP	12, 14, 15, 8, 16 PLAN E STORE/CAR W/ HUDSON, NH ARED FOR	ASH	



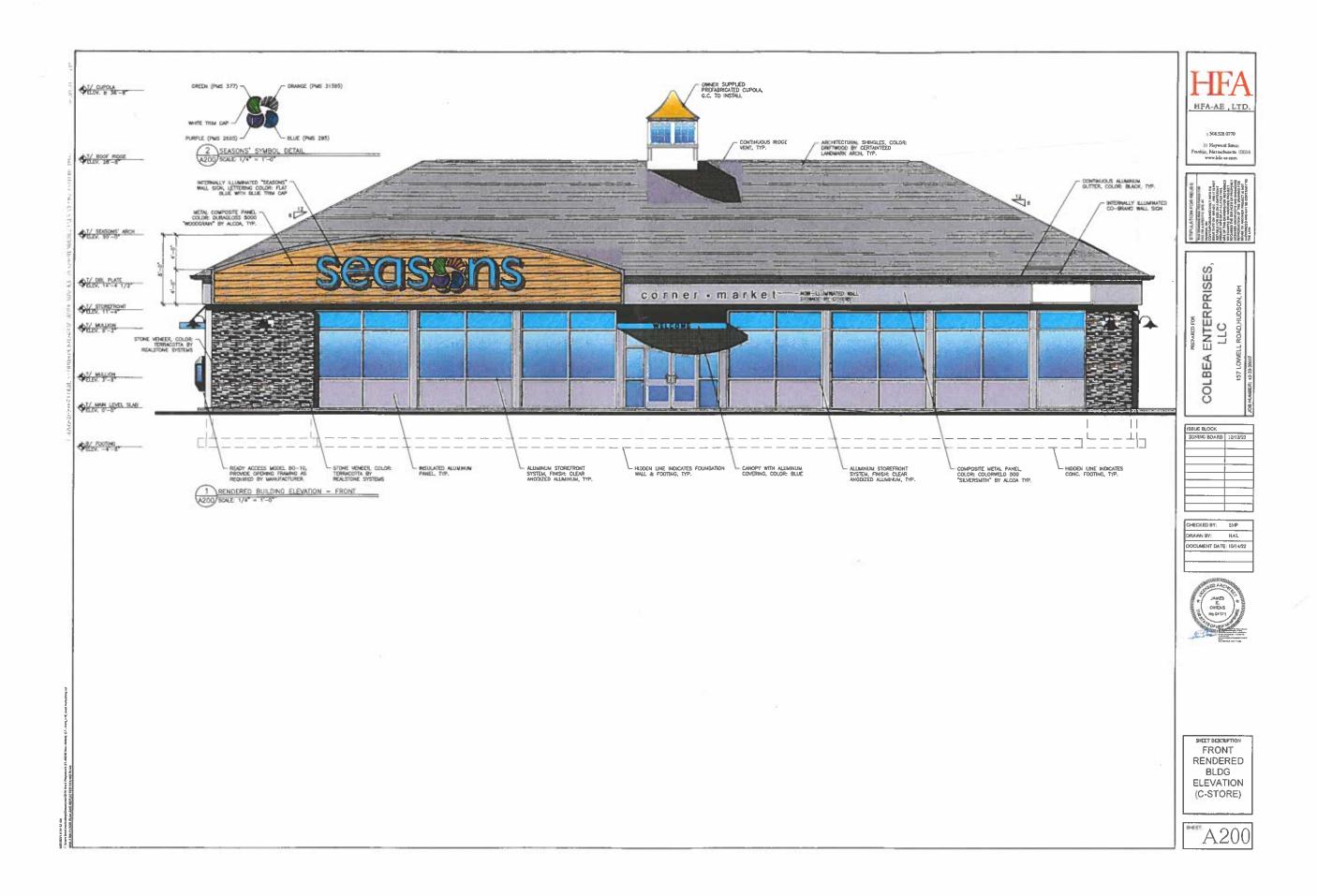
1 SEE NOTES ON SHEET C-01

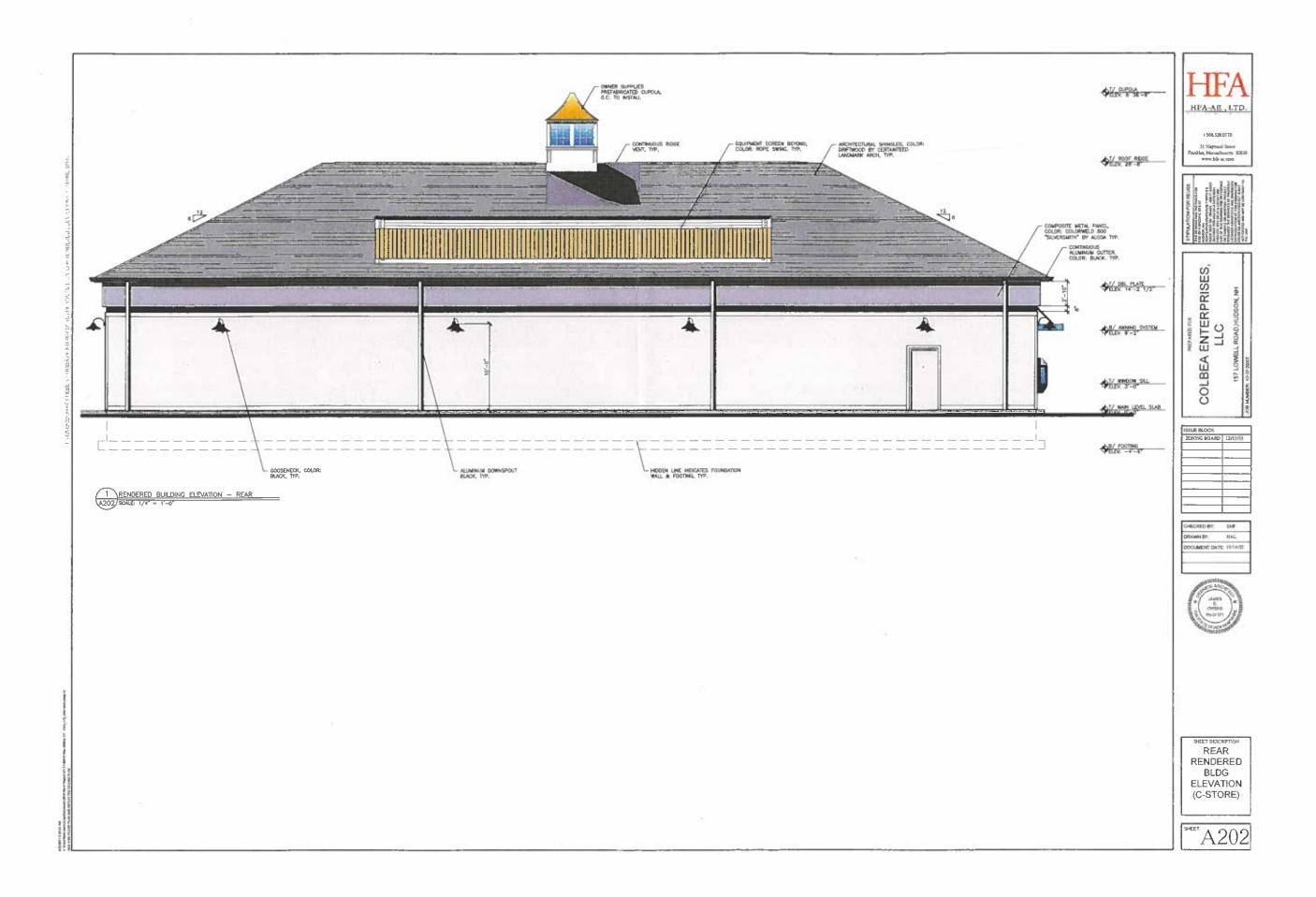
2 ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS NOTED DTHERWISE J LIGHTING, SIGNAGE, LANDSCAPING, AND SCREENING SHALL MEET THE REQUIREMENTS OF THE HUDSON ZONING ORDINANCE AND SITE PLAN REGULATIONS.

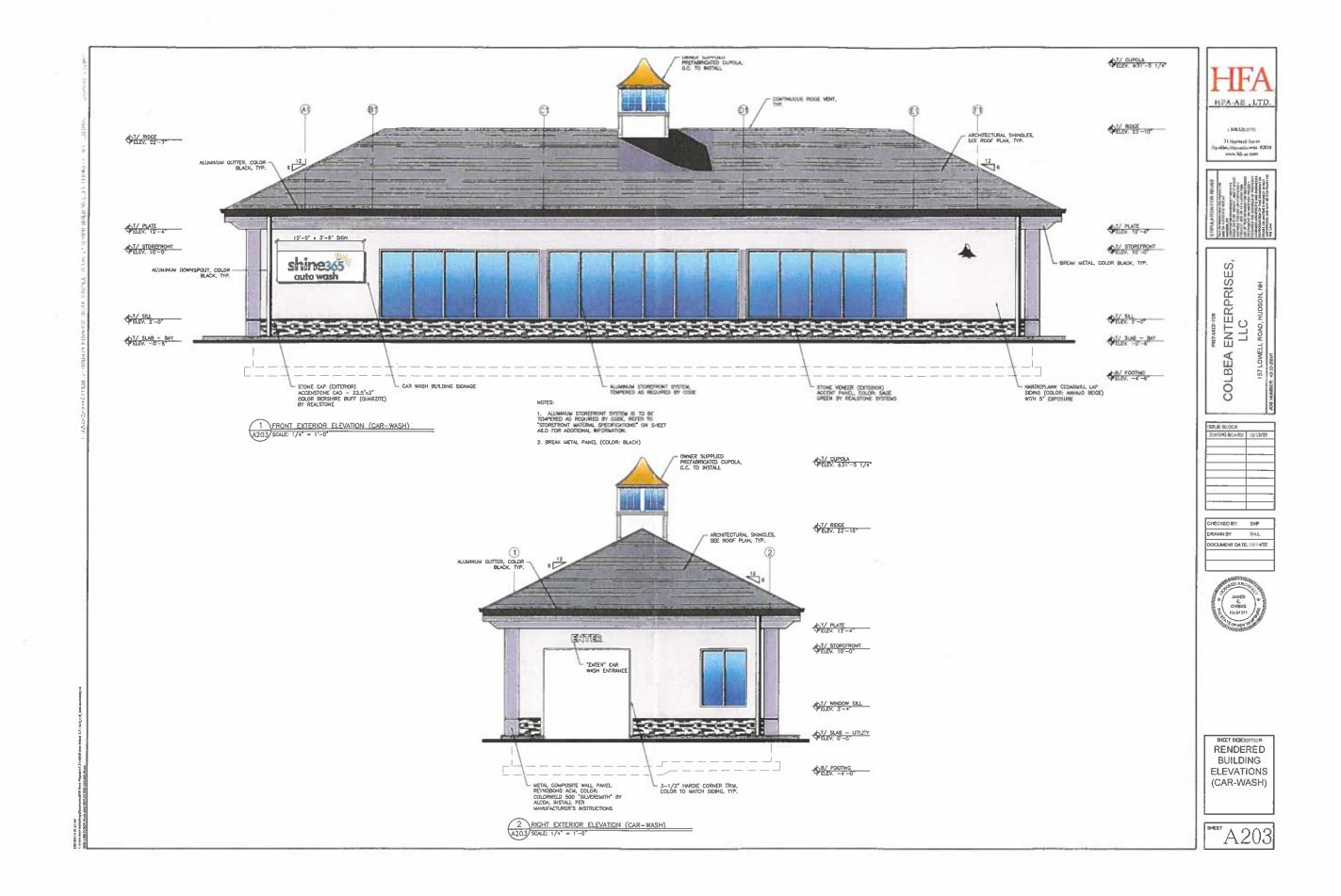
SNOW SHALL NOT BE STOCKPLED IN STORMMATER BUP'S. WETLAND BUFFERS, OR WETLANDS SEE SNOW STORAGE LOCATIONS. IN THE EVENT THAT THE SNOW STORAGE AREAS PROVIDED ON THE STET ARE COMPETENT UNITED. DCCCESS SNOW SHALL BE TRANSPORTED OF STET OR DEPOSAL ACCOMPANIE WITH INDES REGULATION IF SNOW IS STORED WITHIN PARKING AREA. KEP CATCH BASH'S CLARP.

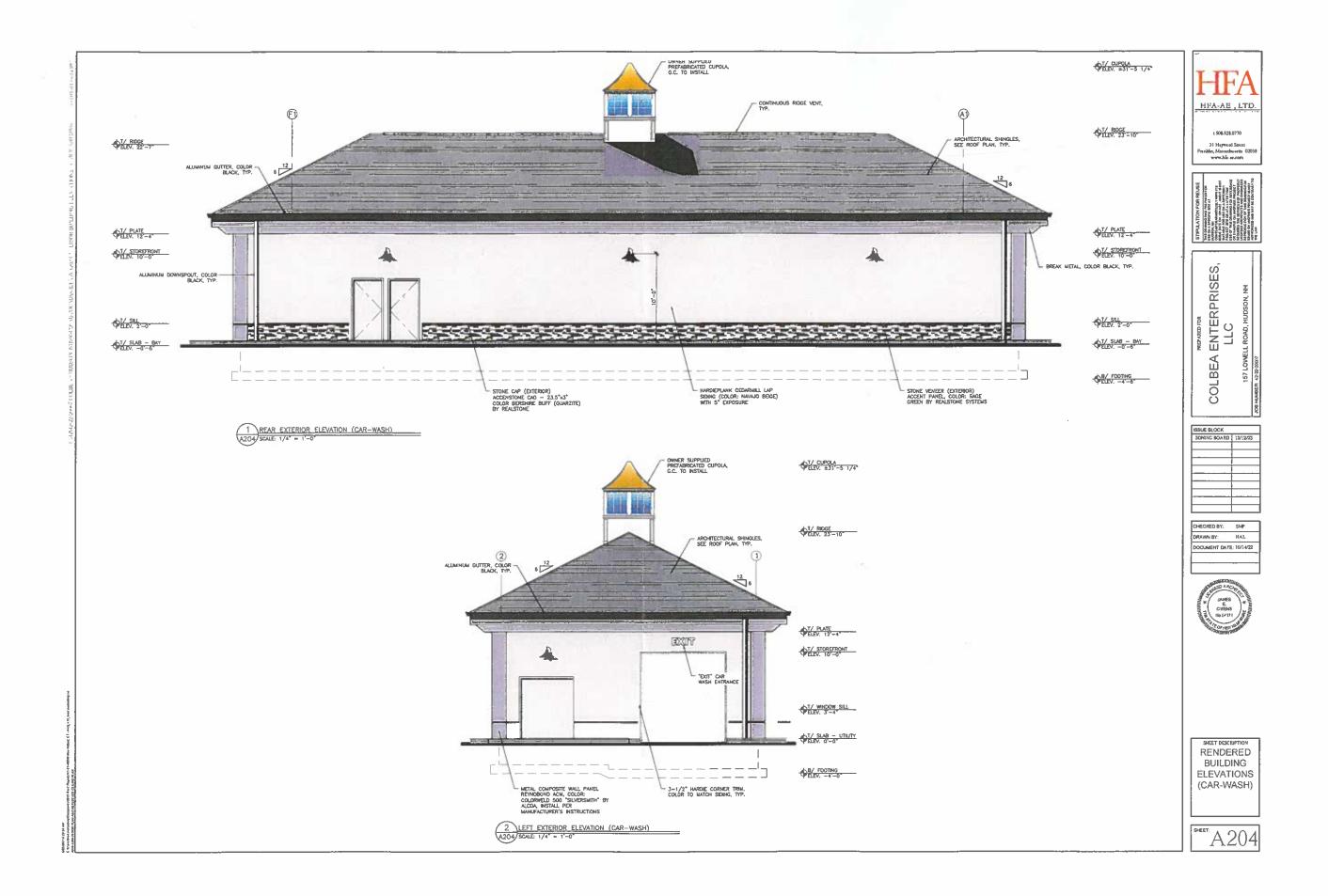
ALL SIGNS ARE SUBJECT TO APPROVAL BY THE HUDSON ZONING ADMINISTRATOR PRIOR TO SUSTALLATION THEREOF.

SITE	DEV	ELOPME	INI	F PLANS
GAS STATIC 91-9 0	SI N/CO 7 LOV	B LOTS 11, TE LAYOUT I NVENIENCE VELL ROAD, BY & PREPA A ENTERPRIS	HUD	DRE/CAR WASH SON, NH
1'=40' (11 ALE: 1'=20' (2)		<u></u>		DECEMBER 13, 2023
Seacceast		Civil Engineers Structural Engineers Traffic Engineers Lond Surreyors Landscope Architects Scientists	Ports Phon Fáx	Commerce Way, Suite 102 moults, Nik (3901 e (803) 431-2222 (603) 431-0910 Ifmeron.com
8140 00	KC FB RB CADFILE		PLAN	C-05









Printed 6/07/2024 8:55AM Created 6/06/2024 9:28 AM	Transaction Receipt Town of Hudson, NH 12 School Street Hudson, NH 03051-4249						t# 777,499 tgoodwyn
	Description		Current In	voice	Payment	<u>Balan</u>	<u>ca Due</u>
1.00	91-97 Lowell Rd Map 198 Lots 11, Variance 1	n- 6/27/24 ZBA Mtg. 12,14-16 Zone- B re-Standing Signs): HZO A: 4-64A &334-64	rticle XII,	0.00 0.00	262.9200 185.0000		0.00 0.00
	Variance 3			0.00	185.0000		0.00
					Total:		632.92
Remitter		Pay Type	Reference		Tendered	Change	Net Pald
Cronin Bis	son & Zalinsky, P.C.	CHECK	CHECK # 03158		632.92	0.00	632.92
					Total Due:		632.92
					Total Tendered:		632.92
					Total Change:		0.00
					Net Paid:		632.92

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HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)

On 06/27/2024, the Zoning Board of Adjustment heard Case 198-012 C., being a case brought by Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requesting a Variance for 91-97 Lowell Road, Hudson, NH to allow several directional and directory signs to be larger than three (3) SF where no greater than three (3) square feet in area is permitted and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos. This is for a proposed gas station/convenience store/car wash. [Map 198, Lots 011, 012, 014, 015, 016; Zoned Business (B); HZO Article XII: Signs; §334-68, Directional and directory signs]

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	Ν	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	Ν	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	Ν	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	Ν	4. The proposed use will not diminish the values of surrounding properties.

(Continue-next page-Hardship Criteria)

(Contir	nued)		HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)
Y N N/A	5.	A.	 The Applicant established that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area: (1) No fair and substantial relationship exist between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
			(2) The proposed use is a reasonable one.
Y N		 B.	Alternatively, if the criteria above (5.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.
		-	·
2151100.			member of the Hudson ZBA Date
Print n	ame: _		
Stipula	tions: -		
	-		
	-		



APPLICATION FOR A VARIANCE

VARIANCE C. (Directional & directory signs) (HZO Article XII, § 334-68)

JUN 0 5 2024

LAND USE DIVISION ZONING DEPT.

Mailing Address

To: Zoning Board of Adjustment Town of Hudson

Entries in this box are to be filled out by Land Use Division personnel
Case No. 198-012C. (06-27-24)
Date Filed 6/5/24

Name of Applicant	Colbea Enterprises, LLC	_Map:_	198	Lot: 11,12 Zoning District: B-Business
	n: Jay Hall, Esq., duly authorized			14, 15 & 16
	Home) Colbea:401-943-0005 ext35	6	(Wo	rk) Attorney: 603-624-4333
1 (/		_ `	Christopher Drescher, Esq.
Mailing Address	695 George Washington Highway,	Lincoli	n, RI	02865

Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI 02865 Owner

91-97 Lowell Road, Hudson, NH Location of Property treet Address) х cant Jay Hall, Esq., Duly authorized App gnatu х

5

Property-Owner(s) Jay Hall, Esq., Duly authorized Signato of

By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.

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/represent 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 p Date receive	ersonnel d: <u>6/5/24</u>	
COST:	,	
Application fee (processing, advertising & recording) (non-refundable):	\$_ 185.00	
<u>Abutter Notice</u> : Direct Abutters x Certified postage rate Indirect Abutters x First Class postage rate NA = Total amount due :	\$ N/A \$ N/A \$ 185-	***
* check covers Variances Amt. received: (a., b., c) Receipt No.:	\$ 632.92	03
Received by: TSG (a., b., C) Receipt No.:	777,499	
By determination of the Zoning Administrator, the following Departmental results and the Dept Health Officer PlannerOtherOther	review is required: ner	

LETTER OF AUTHORITY/PERMISSION

The undersigned, being the owner of the property known as 91-97 Lowell Road, Map 198, Lots 11, 12, 14, 15 & 16, hereby grants authority and consent to attorneys at Cronin, Bisson & Zalinsky, P.C., to sign and file ZBA and Planning Board applications and any related materials on my behalf and deliver the same to the Town of Hudson, represent me at any hearing(s) concerning these applications, and perform all other necessary actions in connection with such applications.

Signature Vay Hall. Esq.,

3.24

Duly Authorized for Colbea Enterprises, LLC

TOWN OF HUDSON, NH Variance Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.

Applicant Staff Initials Initials Initial Please review the completed application with the Zoning Administrator or staff before making copies in next step. Initial The applicant must provide the original (with wet signatures) of the complete filledout application form and all required attachments listed below together with thirteen Pendina completeness (13) single-sided copies of the assembled application packet. (Paper clips, no staples) process Initial 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, 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. Initial ΤĿ 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.) Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) Initial 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 by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.) TG-GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks Initial and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use Initial Provide a copy of all single sided pages of the assessor's card. TG N/F (NOTE: these copies are available from the Assessor's Office) A copy of the Zoning Administrator's correspondence confirming either that the Initial requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application. If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may Initial be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.

CERTIFIED PLOT PLAN:

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

Initial	a) The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.	
Initial	by The plot plan shall be up-to date and dated, and shall be no more than three years old.	
Initial	c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal.	
Initial	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: A copy of the GIS map can be obtained by visiting the town website:	
Initial	e) https://www.hudsonnh.gov/community-development/page/gis-public-use) The plot plan shall include the area (total square footage), all buffer zones, streams or	
Initial	f) the plot plan shall include all existing buildings or other structures, together with their	
Initial	g) (kt) dimensions and the distances from the lot lines, as well as any encroachments. The plot plan shall include all proposed buildings, structures, or additions, marked as	
Initial	h) "PROPOSED," together with all applicable dimensions and encroachments. h) The plot plan shall show the building envelope as defined from all the setbacks required	
Initial	i) by the zoning ordinance. The plot plan shall indicate all parking spaces and lanes, with dimensions.)

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

х Signature of Applicant(s) Jay/Hall, Esq., Duly authorized

 $\begin{array}{c} \mathbf{X} \quad \mathbf{5} \cdot \mathbf{3} \cdot \mathbf{24} \\ \mathbf{Date} \\ \mathbf{X} \quad \mathbf{5} \cdot \mathbf{3} \cdot \mathbf{24} \\ \mathbf{Date} \end{array}$

Rev. July 22, 2021

ature of Property Owner(s) Jay Hall, Esq., Duly authorized

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 adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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
		*Include Applicant & Owner(s)	
		Please see attached	
			· · · · · · · · · · · · · · · · · · ·

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. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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.

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		Please see attached	
			· · · -
			<u></u>
		· · · · · · · · · · · · · · · · · · ·	
			4

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
SUBJECT I	PROPERTIES		<u> </u>
198	016	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
198	015	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
198	014	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
198	012	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
198	011	COLBEA ENTERPRISES, LLC	695 GEORGE WASHINGTON HWY LINCOLN, RI 02865
DIRECT AI	BUTTERS		
197	051	KON-SULT, INC.	6 BIRCH STREET HUDSON, NH 03051
197	189	WHALEN, STEPHANIE M.	9 LINDEN STREET HUDSON, NH 03051
197	189	GARDINER, ARTHUR B. GARDINER, MARY J.	11 LINDEN STREET HUDSON, NH 03051
197	198	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
197	211	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
198	010	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
198	006	SOJKA, JOHN F. SOJKA, ANNE L.	11 ATWOOD AVENUE HUDSON, NH 03051
198	005	SOJKA, ANNE L., TR. SOJKA REVOCABLE TRUST	11 ATWOOD AVENUE HUDSON, NH 03051
198	004	DILLON -JAMES PROPERTIES LLC	195R CENTRAL STREET HUDSON, NH 03051-4805
198	013-CDX	STRATOS REALTY TRUST TSOULAKOS, STEVE, TRUSTEE	2651 SAN LUIS RD. HOLIDAY, FL 34691-3115
198	147	100 LOWELL RD, LLC	122 LOWELL RD S-3 HUDSON, NH 03051
198	020	94 LOWELL ROAD LLC KATSOULIS, NICHOLAS	88 LOWELL RD. HUDSON, NH 03051
198	021	KATSOULIS, NICHOLAS G.	88 LOWELL RD. HUDSON, NH 03051
198	017	LACHANCE, MARTHA	PO BOX 893 HUDSON, NH 03051
INDIRECT /	ABUTTERS		
197	188-CDX	VOLIS, ANTHONY L. VOLIS, ROBERTA M.	13 LINDEN STREET HUDSON, NH 03051
197	188-CDX	MANNING, DAVID E.	9 LINDEN STREET HUDSON, NH 03051

197	008	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE		
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051		
197	197	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE		
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051		
198	007	SOJKA, BRIAN M.	11 ATWOOD AVENUE		
			HUDSON, NH 03051		
198	002	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE		
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051		
198	003	SOJKA, ANNE L., TR.	11 ATWOOD AVENUE		
		SOJKA REVOCABLE TRUST	HUDSON, NH 03051		
198	148	MAYNARD, RONALD F.	104 LOWELL RD.		
		MAYNARD, JERILYN O.	HUDSON, NH 030511		
198	146	HUDSON, TOWN OF	12 SCHOOL STREET		
			HUDSON, NH 03051		
198	018	PATEL, AVANI, TR.;	96 SNOW RD		
		PATEL, ASHOKKUMAR, TR.	HAVERHILL, MA 01830		
198	145	QUIGLEY, PAMELA J.	18 COUNTY ROAD		
			HUDSON, NH 03051		
ATTORNI	EY	CHRISTOPHER DRESCHER			
		CRONIN, BISSON & ZALINSKY	′ P.C.		
		722 CHESTNUT STREET			
		MANCHESTER, NH 03104			
ENGINEER		TF MORAN, INC.			
		170 COMMERCE WAY, SUITE 1	102		
		PORTSMOUTH, NH 03801	PORTSMOUTH, NH 03801		
ARCHITE	СТ	HFA-AE			
		31 HAYWARD STREET, SUITE	El		
		FRANKLIN, MA 02038			

USPS-Verified Mail

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SEN	DER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 198-012 VARIANCES a., b., c 91-97 Lowell Rd, Hudson, NH 03051 Map 198/Lot 012-000 1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	
1	9589 071	0 5270 0646 5616 03	COLBEA ENTERPRISES. LLC	06/27/2024 ZBA Meeting APPLICANT/OWNER NOTICE MAILED
_	1901 011		695 GEORGE WASHINGTON HWY, LINCOLN, RI 02865	MIT EICHNIJ OWNER NOTICE MAILED
2	9589 071	0 5270 0646 5616 10	KON-SULT, INC.	ABUTTER NOTICE MAILED
_			6 BIRCH STREET, HUDSON, NH 03051	
3	9589 071	0 5270 0646 5616 27	WHALEN, STEPHANIE M.	ABUTTER NOTICE MAILED
		0 5270 0646 5616 34	9 LINDEN STREET, HUDSON, NH 03051 GARDINER. ARTHUR B.;	
1	ידוח בסבר	0 3210 0646 3616 34	GARDINER. MARY J.	ABUTTER NOTICE MAILED
			11 LINDEN STREET, HUDSON, NH 03051 SOJKA, ANNE L., TR.;	
5_	9589 071	0 5270 0646 5616 41	SOJKA, ANNE L., TR.; SOJKA REVOCABLE TRUST	ABUTTER NOTICE MAILED
			11 ATWOOD AVENUE, HUDSON, NH 03051	
5	9589 071	0 5270 0646 5616 58	SOJKA, ANNE L., TR.; ANNE L. SOJKA FAMILY TRUST	ABUTTER NOTICE MAILED
			11 ATWOOD AVENUE, HUDSON, NH 03051	
7	9589 071	0 5270 0646 5616 65	DILLON -JAMES PROPERTIES LLC	ABUTTER NOTICE MAILED
			195R CENTRAL STREET, HUDSON, NH 03051	
3	9589 0710	0 5270 0646 5616 72	SOJKA, JOHN F.; SOJKA, ANNE L.	ABUTTER NOTICE MAILED
			11 ATWOOD AVENUE, HUDSON, NH 03051	
	9589 0710	3 5270 O646 5616 89	STRATOS REALTY TRUST; TSOULAKOS, STEVE, TRUSTEE	ABUTTER NOTICE MAILED
			2651 SAN LUIS RD., HOLIDAY, FL 34691-3115	
0	9589 07	10 5270 0646 5616 96	LACHANCE, MARTHA	ABUTTER NOTICE MAILED
			PO BOX 893, HUDSON, NH 03051	
		Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)
			10 (27) JUN 17	2024 Add Add
			Direct Certified	Page 1

Page 1

USPS-Verified Mail

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SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 198-012 VARIANCES a., b., c 91-97 Lowell Rd, Hudson, NH 03051 Map 198/Lot 012-000 1 of 1
	••	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
1 95	589 0710	0 5270 0646 5617 02	94 LOWELL ROAD LLC; KATSOULIS, NICHOLAS	ABUTTER NOTICE MAILED
			88 LOWELL RD., HUDSON, NH 03051	
2 95	589 071	0 5270 0646 5617 19	KATSOULIS, NICHOLAS G.	ABUTTER NOTICE MAILED
3 95	589 071	 0 5270 0646 5637 26	88 LOWELL RD., HUDSON, NH 03051 100 LOWELL RD, LLC	ABUTTER NOTICE MAILED
4 99	589 071	0 5270 0646 5617 33	122 LOWELL RD S-3, HUDSON, NH 03051 CHRISTOPHER DRESCHER CRONIN, BISSON & ZALINSKY P.C. 722 CHESTNUT STREET, MANCHESTER, NH 03104	APPLICANT/OWNER NOTICE MAILED
5	1 2 2		MARCHESTER, MI 03104	
6				
7				
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9				
10	1.48			
		Total Number of pieces listed by sender 4	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)
			A A A A A A A A A A A A A A A A A A A	IN 17 2021
			Direct Codified (2)	Barra 1

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SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 198-012 VARIANCES a., b., c. 91-97 Lowell Rd, Hudson, NH 03051 Map 198/Lot 012-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
1	Mailed First Class	PURCELL, SCOTT D.; PURCELL, CASSANDRA	ABUTTER NOTICE MAILED
2	Mailed First Class	10 LINDEN STREET, HUDSON, NH 03051 COLBURN, KEVIN P., TR.; COLBURN, KRISTINE V.H., TR.	ABUTTER NOTICE MAILED
		12 LINDEN STREET, HUDSON, NH 03051	
3	Mailed First Class	VOLIS, ANTHONY L.; VOLIS, ROBERTA M.	ABUTTER NOTICE MAILED
		13 LINDEN STREET, HUDSON, NH 03051	
4	Mailed First Class	MANNING, DAVID E.	ABUTTER NOTICE MAILED
5	Mailed First Class	9 LINDEN STREET, HUDSON, NH 03051 SOJKA, BRIAN M. 11 ATWOOD AVENUE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	PATEL, AVANI, TR.; PATEL, ASHOKKUMAR, TR.	ABUTTER NOTICE MAILED
		96 SNOW RD., HAVERHILL, MA 01830	
7	Mailed First Class	QUIGLEY, PAMELA J.	ABUTTER NOTICE MAILED
		18 COUNTY ROAD, HUDSON, NH 03051	
8	Mailed First Class	MAYNARD, RONALD F.; MAYNARD, JERILYN O.	ABUTTER NOTICE MAILED
		104 LOWELL RD., HUDSON, NH 03051	
9	Mailed First Class	TF MORAN, INC.	APPLICANT/OWNER NOTICE MAILED
		170 COMMERCE WAY, SUITE 102 PORTSMOUTH, NH 03801	
10	Mailed First Class	HFA-AE	APPLICANT/OWNER NOTICE MAILED
		31 HAYWARD STREET, SUITE El FRANKLIN, MA 02038	
_	Total # of pieces listed by sender 10	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
		Indirect First Class	8665 Page 1



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

June 14, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday**, **June 27**, **2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 198-012 (06-27-24)</u>: Jay Hall, Esq. duly authorized for Colbea Enterprises, LLC, 695 George Washington Highway, Lincoln, RI, requests <u>three (3) Variances</u> as follows for a proposed gas station/convenience store/car wash to be constructed at <u>91-97 Lowell Road</u>, Hudson, NH [Map 198 Lots 011, 012, 014, 015, 016]:

- a. <u>Wall Signs</u>: A <u>Variance</u> to allow three (3) Business and Industrial wall signs where only one (1) is permitted. [HZO Article XII: Signs; §334-63, Business and industrial building signs]
- b. <u>Free-Standing Signs</u>: A <u>Variance</u> to allow a freestanding "pylon" sign with 146.9 SF where a maximum size of 100 square feet is permitted <u>and</u>; To allow five (5) freestanding signs where each individual site may have no more than one (1) freestanding pole or ground sign. [HZO Article XII: Signs; §334-64A and §334-64, Freestanding business and industrial signs]
- c. <u>Directional Signs</u>: A <u>Variance</u> to allow several directional and directory signs to be larger than three (3) SF where no greater than three (3) square feet in area is permitted and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos. [HZO Article XII: Signs; §334-68, Directional and directory signs]

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

Respectfully

Chris Sullivan Zoning Administrator



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting to provide information or comments on the proposal. If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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 the Hudson Town Hall.

Respectfully,

Chris Sullivan, Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article XII Signs of HZO Section(s) 334-68

in order to permit the following:

Please see attached

FACTS SUPPORTING THIS REQUEST:

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

I.(a) "The Zoning Board of Adjustment shall have the power to:

- (2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:
 - (A) The variance will not be contrary to the public interest;
 - (B) The spirit of the ordinance is observed;
 - (C) Substantial justice is done;
 - (D) The values of surrounding properties are not diminished; and
 - (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
- (b)(1) For purposes of this subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (B) The proposed use is a reasonable one.
 - (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
 - (3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

FACTS SUPPORTING THIS REQUEST:

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (a). New Hampshire case law has established on the basis of this 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.

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

	The proposed use will 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 alte the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.") Please see attached
1011101	
(Substantial justice would be done to the property-owner by granting the variance, because (Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.) Please see attached
100 Mar 100 Mar	
(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 experiestimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.) Please see attached

FACTS SUPPORTING THIS REQUEST: (Continued)

- 5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary** hardship, because: (Answer either A(1 and 2) or B according to which applies to your situation)
 - A. 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 <u>and</u>
 Please see attached

 Explain how the special conditions of the property cause the proposed use to be reasonable.
 Please see attached

B. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.
 Please see attached

Rev. July 22, 2021

Preliminary Statement

The Applicant requests a variance to allow several directional and directory signs to be larger than three (3) Square Feet (the "Signs" collectively hereafter) as per Hudson Zoning Ordinance (the "HZO") **Section 334-68**. *See* Exhibit "1," sign "I" (12 Despenser Signs (each at 3.1 Square Feet)), sign "T" (One Flip Sign Open/Close (at 3.7 Square Feet)), and sign "S" (Car Wash Enter and Exit (at 5.1 Square Feet)).

The intended project is a gas station/convenience store/car wash to be constructed at 91-97 Lowell Road in Hudson (the "Property"). The Property is located in the Business Zone ("B Zone") as defined in the HZO.

Currently, the Property is undeveloped and consists of multiple lots that will be merged into one lot totaling 5 acres, give or take. The Property is within the Aquifer area; however, its transmissivity is within the "Low-Moderate Yield." *See* HZO Map III-12 (Aquifer).

The surrounding area is almost exclusively commercial and the Property does abut the Town Residential Zone ("TR Zone").

Relief Requested

Relief is requested from Section 334-68 of the Ordinance which restricts the size of directional and directory signs to a maximum of three (3) Square Feet. Here, the Applicant is requesting relief from the HZO because there a several businesses that are intended to be located at the Property and each business is distinct and separate from the others. More to the point, however, is that these separate businesses are located at different areas of the Property thereby necessitating the need for the various Signs but also the extra size for readability and clarity.

1. Granting the variance would not be contrary to the public interest because:

The standard for prongs one and two of the variance criteria is whether the requested relief, if granted, will *alter the essential character of the neighborhood* or *negatively impact the health*, *welfare, and safety of the surrounding area* and *mere conflict with the terms of the ordinance is insufficient* as all variance requests are somewhat averse to an ordinance, hence why the relief is sought in the first instance. <u>Harborside Associates, L.P. v. Parade Residence Hotel, LLC</u>, 162 N.H. 508 (2011).

Furthermore, it important to note that prong 1 is in the <u>negative</u>. That is to say that it does not require the applicant to prove that the proposed use <u>is IN the public interest</u>, but only to prove that it is <u>NOT CONTRARY TO the public interest</u>.

As stated above, there is a lot of information to convey to the customers and the signage needs to be 'user-friendly' at the Property as a whole. Relative to <u>this</u> application are several directional and directory signs that are necessary to direct customers to which section of the Property they desire to go – be it the car wash, convenience store, gas pump, EV charging station, etc.

The purpose and goal of the Ordinance, particularly Section 334-68, is to ensure that directional and directory signs do not get too large, unsightly, or cause any unintended distractions for motorists. More specific to the instant matter is that Section 334-68 restricts the size of such signs to 3 Square Feet.

The proposed sizes of the Signs are not only necessary but will be just enough to accomplish their goal without creating a confusing eye sore. The Signs at issue do not create a distraction for any drivers but rather are needed to promote safety and orderly motor vehicle movement throughout the Property. There are several businesses being proposed for the Property and each one needs to be identified, as well as how to navigate the Property to get to the desired business. Overall, the Signs will blend in with the surrounding area because the abutters are largely commercial businesses and will likely benefit said business customers visiting the Property that may be in the area to dine at the nearby restaurants or shop at the nearby stores.

In sum, the Signs are in line with the essential (commercial) character of the neighborhood.

These Signs will certainly pose no significant threat to the health, welfare, and safety of the surrounding area nor will they be visible from Lowell Road. Rather these signs are needed to identify specific traffic flows and specific areas of the Property, specifically, the car wash, as well as information at the gas pumps themselves.

The Signs would not detract from the essential character of the neighborhood nor be a threat to public safety – indeed – they would promote safety and seem very commonplace for what is being proposed.

2. <u>If the variance were granted, the spirit of the ordinance would be observed because</u>:

As a matter of law, the analysis for both prongs one and two of the Variance criteria are the same. As such, the Applicant incorporates and repeats the narrative of Prong 1 (above) and reiterates the same for Prong 2. <u>Harborside Associates, L.P. v. Parade Residence Hotel, LLC</u>, 162 N.H. 508 (2011).

3. Granting the variance would do substantial justice because:

Perhaps the only guiding rule [on this standard] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. <u>Malachy Glen Assocs. v. Town of</u> <u>Chichester</u>, 155 N.H. 102, 109 (2007).

Here, the loss to the applicant in not approving this variance would far outweigh any benefit to the general public. There are several businesses that will be located at the Property and each should enjoy its own identification. The Signs need to accurately direct customers to the various businesses and amenities, here being the car wash, that will be available at the Property. Additionally, several of the Signs are for the gas pumps themselves that convey pricing and other advertisements.

The Signs will help direct customers, promote safety, and convey information in a readable manner.

If denied, the public gains nothing. The signs are meant to be informational and foster public safety. A denial would only result in a more confusing layout for the business wherein nobody wins.

4. <u>If the variance were granted, the values of the surrounding properties would not be</u> <u>diminished because</u>:

The Property currently is an undeveloped 'eye-sore' so the overall project as a whole will be a significant improvement to what exists there today. The abutters are largely other commercial properties with signs to attract customers. The Signs will not block any of the abutters from the sight of their own potential customers. The Signs will not be seen from Lowell Road. Finally, given that the Property is unused and unsightly the proposal as a whole will likely positively affect the surrounding properties.

5. <u>Unnecessary Hardship</u>:

"Hardship," under NH RSA 674:33, I (b) (1) (A) and (B) is a straight forward three step analyses;

- a. What are the special conditions of the property, if any;
- b. '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,' which can be said another way that if the variance is granted would it unreasonably frustrate the purpose ordinance; and,

c. Is the proposed use reasonable?

The special conditions (a) are satisfied due to the unique part of Lowell Road where the Property sits. Despite being right in the heart of the B Zone, the immediate Property falls in a bit of a business 'dead zone.' Across the street there is a restaurant, the entrance to County Road, and empty vacant commercial lot. Significantly, there is a dense vegetative buffer along Property line relative to the abutter's lot to the north that would obstruct the Property's view if one is driving south.

The abutting property to the south (99 Lowell Road) is interesting as it would appear that it is preexisting and nonconforming, at least with respect to the setback from Lowell Road. Consequently, the structure at 99 Lowell Road to the south is almost on top of Lowell Road. Furthermore, the part is the structure within the setback is also rather tall, at least, taller than the rest of the structure. As such, similar to the vegetation to the north, the building to the south would obstruct the Property's view for someone travelling north.

What is being proposed, which is a gas station/convenience store/car wash is a common combination of businesses. Given that Lowell Road is a state highway it can handle the traffic and, more specifically, has a lot of traffic, making this location a perfect fit for this type of business. Generally, these types of businesses tend to be located along busy main roads to attract its customers.

The HZO does not seem to contemplate a scenario like what is being proposed. The Signs are critical to identify the traffic flow around the Property, specifically for car wash, but also the Property as a whole, as well as convey consumer information such a gas pricing at the pumps.

Here, some of the Signs at issue function to direct customers to the car wash – where to enter and where to exit, as well as whether the car wash is open or closed. It is important to note that people entering and exiting a car wash will be in a moving car. As such, it is logical to have slightly bigger signage to convey such information with ease.

Similarly, the gas pumps themselves are to have slightly bigger dispenser signs at the gas pumps. There is certainly no harm in increasing the size from 3 square feet to 3.1 square feet as it is minimal. The dispenser sign of a gas pump also tends to contain a lot of safety information such as warnings and caution having to do with fire safety. As such, the added size only stands to be a benefit for public safety.

Skipping ahead to (c), the proposed <u>use</u> is commercial and the B Zone allows for commercials businesses such as multi-purpose convenience store/gas station/car wash and, thus, the proposed use is reasonable.

Therefore, the remaining question is (b) whether "[n]o fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property." *See* NH RSA 674:33, *et seq.* Or, again, if the variance is granted will it *unreasonably frustrate the purpose of the WZO*.

The purpose and goals of the Ordinance is to ensure that signage does not get too large, too many, unsightly, or cause any distractions.

Here, despite the request for slightly larger signs for the gas pumps, the signs associated with the car wash entrance/exit, and whether the car wash is open/closed, none of them will not overtly offend the HZO. We contend the Signs will be attractive as the Applicant has several similar businesses located throughout New England. Indeed, there is one located at 4 Blackstone Drive in Nashua should any ZBA members wish to take a look in order to familiarize themselves with what is being proposed.

Finally, the Signs are needed so that the Applicant can inform their customers of pertinent information at the gas pumps. Additionally, the Signs that are associated with the car wash should be of ample size to direct motorists of where the car wash entrance and exit is and, of course, whether the car wash is open or not.

The relief relative to the Signs are, again, a benign ask and the Signs will not be seen from Lowell Road or Atwood Avenue but are needed to direct customers to the appropriate area of the Property depending on what the customer is seeking.

Furthermore, the extra size being requested is fairly minimal as the HZO mandates a maximum of 3 Square Feet. The ask for the signs relative to the gas pumps is only an increase from 3.0 to 3.1. The ask for the open and close signs relative to the car wash is only an increase from 3.0 to 3.7. The ask for the enter/exit signs relative to the gas pumps is an increase from 3.0 to 5.1 and, while that may be larger than the other signs, this particular sign is crucial to assist motorists (*while driving*) to locate the car wash entrance/exit. As such, given the mobility of the vehicles the extra size will aid safety that the entrance and exit for the car wash can be easily ascertained, located, and navigated.

TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-039R2

May 28, 2024

Sent Via: Email and 1st class mail

Chris Rice 170 Commerce Way Suite 102 Portsmouth, NH 03801

Re: <u>91/95/97 Lowell Road and 7 Atwood</u> <u>198/016-000; 198/015-000; 198-014-000; 198/012-000</u> District: Business (B)

Dear Mr. Rice:

Your request for zoning to review the sign package for the Seasons gas station

Zoning review / Determination:

After reviewing the sign package as presented there are a few different signs that need variances.

(1) Wall Signs

§ 334-63 Business and industrial building signs.

Except as otherwise permitted in this article, each individual business may have either one wall, roofmounted or projecting sign attached to the building within which the business is located subject to the following requirements. The building sign may be implemented in the form of an awning sign.

- a. According to the plans provided the front of the building there are 3 different signs where (1) one is permitted per §334-63 <u>Business and Industrial building signs</u>. This will require a variance from the Zoning Board of Adjustment.
- (2) Free Standing Sign

§ 334-64 Freestanding Business and Industrial Signs.

Except as otherwise permitted in this article, each individual site may have no more than one freestanding pole or ground sign, not attached to any building, subject to the following requirements:

A. Maximum size: one square foot for each linear foot of road frontage up to a maximum of 100 square feet.

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

- a. According to the plans provided the ID Sign is showing 134 Sq. ft. where 100 sq. ft. is permitted per § 334-64 <u>Freestanding Business and Industrial Signs.</u> (A) This will require a variance from the Zoning Board of Adjustment.
- b. Free Standing Sign: According to the plans provided there are (5) five free standing signs where one is permitted per § 334-64 <u>Freestanding Business and Industrial Signs.</u> The following sign:
 - a. (1) One car wash menu
 - b. . (1) This sign identifies the electic charging stations
 - c. (1) One coin box canopy
 - d. (1) Menu Board
 - e. (1) Canopy Sign

The following sign would need a variance from the Zoning Board of Adjustment per § 334-64 Freestanding Business and Industrial Sgns.

(3) Directional Signs:

§ 334-68Directional and directory signs.

Directional or directory signs, other than those excluded under § <u>334-58B(3)</u> Permits Required; <u>Exemptions</u>, are permitted with a permit but are not considered to be freestanding or building signs for the purposes of this article, provided that they are no greater than three square feet in area and do not contain any additional advertising or messages other than incidental corporate or institutional symbols or logos.

According to the plans provided, they show several signs that at greater the 3 sq. ft. These signs include:

a. - (12) Twelve Dispenser sign 3.1 Sq ft,

- b. (1) One Flip Sign Open/Close 3.7 sq ft,
- c. (1) Car Wash Enter and Exit 5.1 sq. ft.

The Directional signs above will require a variance from the Zoning Board of Adjustment per § 334-68 Directional and Directory signs.

Please feel free to contact me if you have any further questions regarding this matter.

Sincerely,

Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 816-1275 csullivan@hudsonnh.gov

cc: Public File B. Dubowik, Administrative Aide File

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

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Total Card Land Units: 2.461 AC Parcel Total Land Area: 2.461 AC Total Land Value: 447	

rmation is believed to be correct but is subject to change and is not warrantied.

Property Loc Vision ID:		ount #: 1115		dg #: 1	Card Address: Card #: 1 of 2	LUC: 0130 Print Date: 5/6/2024 8:29:57 AM
Element	CONSTRUCTION		CONSTRUCTION DETAI	L (CONTINUED)	SKETCH / PRIMA	ARYPHOTO
Element Model Stories: Style: Grade: (Liv) Units Exterior Wall Roof Structur Roof Cover Frame Foundation Interior Wall Interior Floor Heat Fuel Heat Type # Heat Syste AC Percent Total Rooms Bedrooms Bedrooms Bedrooms Full Baths 3/4 Baths Half Baths Extra Fixture: Kitchen Ratir Bath Rating Half Bath Rating	Cd 01 1.5 04 C 1 04 C 1 01 02 1 02 1 02 1 02 1 02 1 02 1 02 1 02 1 02 1 02 1 02 1 03 6 4 0 0 6 4 0 0 0 0 0 0 0 0 0 0 0 0 0 0	DETAIL Description Residential Cape Cod Average Vinyl Gable Asphalt Shingle Wood Conc Block Plaster Softwood Oil Forced Air	CONSTRUCTION DETAIL Element Cd Avg Ht/FL 8 Extra Kitchens 0 Add Kitchen Ra 0 Add Kitchen Ra 0 Building Value New 0 Year Built Effective Year Built Depreciation Code Remodel Rating Year Remodeled Depreciation % Functional Obsol External Obsol External Obsol Trend Factor Condition % Percent Good RCNLD Dep % Ovr Dep Ovr Comment Misc Imp Ovr Misc Imp Ovr	Description	SKETCH / PRIMA 6 14 EFP 14 6 12	30 HST FFL 28 BMT 28 30
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Disclaimer: This information is believed to be correct but is subject to change and is not warrantied

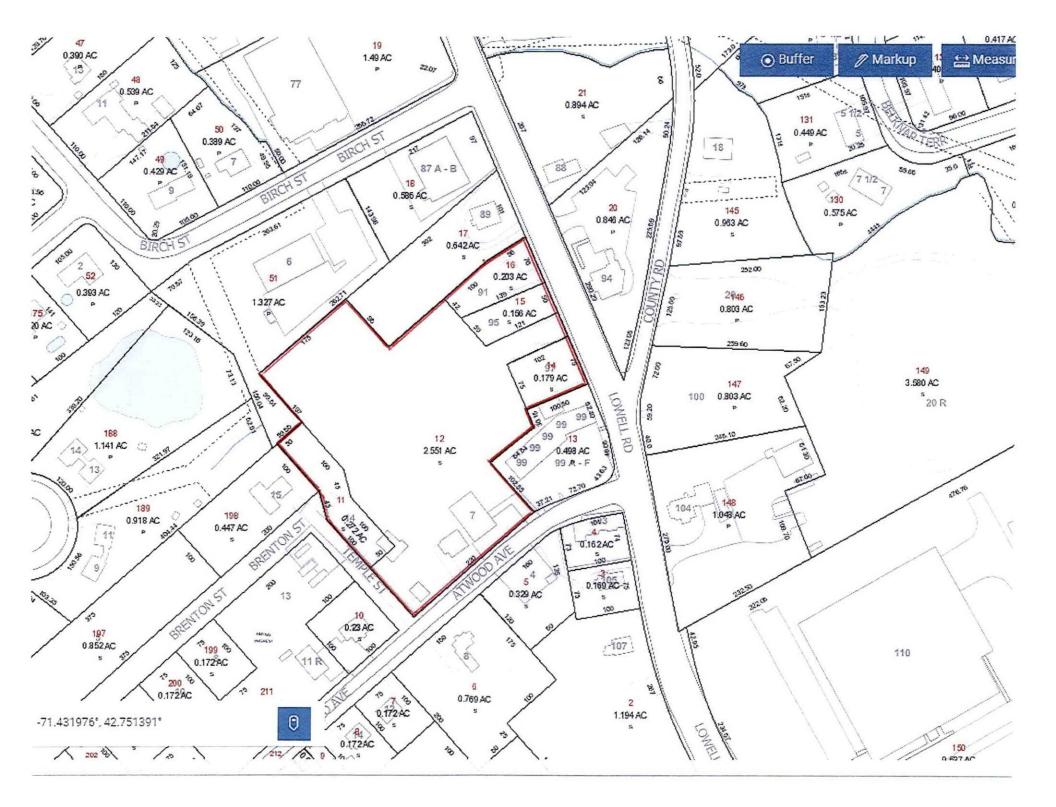
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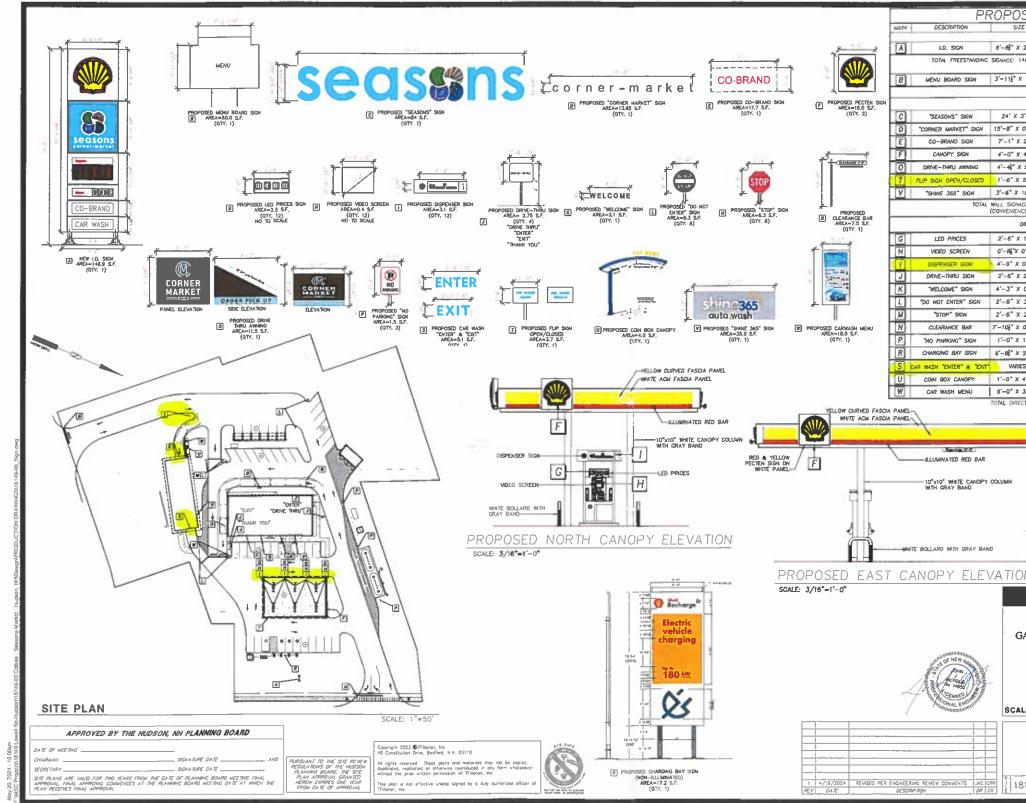
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Element	ONSTRUCTION I	DETAIL Descripti	on	CONSTRUC Element	CTION DET	AIL (CO	NTINUED) scription	SKETCH / PRIMARY	РНОТО
Model Stories: Style: (Liv) Units Exterior Wall 1 Roof Structure Roof Cover	00 99	Vacant Land		Avg Ht/FL Extra Kitchens Add Kitchen Ra		De	scription	(A.S.	
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Interior Wall 1 Interior Floor 1 Heat Fuel Heat Type				Building Value N		0			
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Extra Fixtures Kitchens Kitchen Rating Bath Rating Half Bath Rating Bsmt Garage Fireplace(s)				Functional Obsol External Obsol Trend Factor Condition Condition % Percent Good RCNLD Dep % Ovr	I	1.00	0		
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Code	Description		Units	UOM Unit P		nd. % G	Assd. Value		
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Oada		ILDING SUB-/	REA S	UMMARY SECT		(1.57-74.52) (1.57-74.52)			
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R 3 YRS. P.D.	A.S. B.P. = NO START,	RE-CH													06-15-201			Field Re			
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# Code	Description	Land Type	Land	Units	Unit Price			idex C	Cond. I	NUIIG. I	Adi.			Land	Adjustment				Note	es	Land Value
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	INSTRUCTION L	DETAIL	CONSTRUCTION DE	TAIL (CONTINUED)	SKETCH / PRIMARY F	Print Date: 5/6/2024 8:31:16 AN
Element	Cd	Description	Element Cd	Description		noro
lodel tories: tyle: rade: .iv) Units		Vacant Vacant Land	Avg Ht/FL Extra Kitchens Add Kitchen Ra			
xterior Wall 1 oof Structure oof Cover rame oundation						
terior Wall 1			COST / MARKET	VALUATION		
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otal Rooms edrooms ull Baths			Depreciation Code Remodel Rating Year Remodeled	0		
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/g Ht/FL dra Kitchens		& YARD ITEMS(I)	Cost to Cure Ovr Cost to Cure Ovr Cost to Cure Ovr Comment			
Code	Description	L/B Units	UOM Unit Pri Yr Bit	nd. % G Assd. Value		
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	BU	LDING SUB-AREA	SUMMARY SECTION			
Code	Description	Living Area		Cost Undeprec Value		

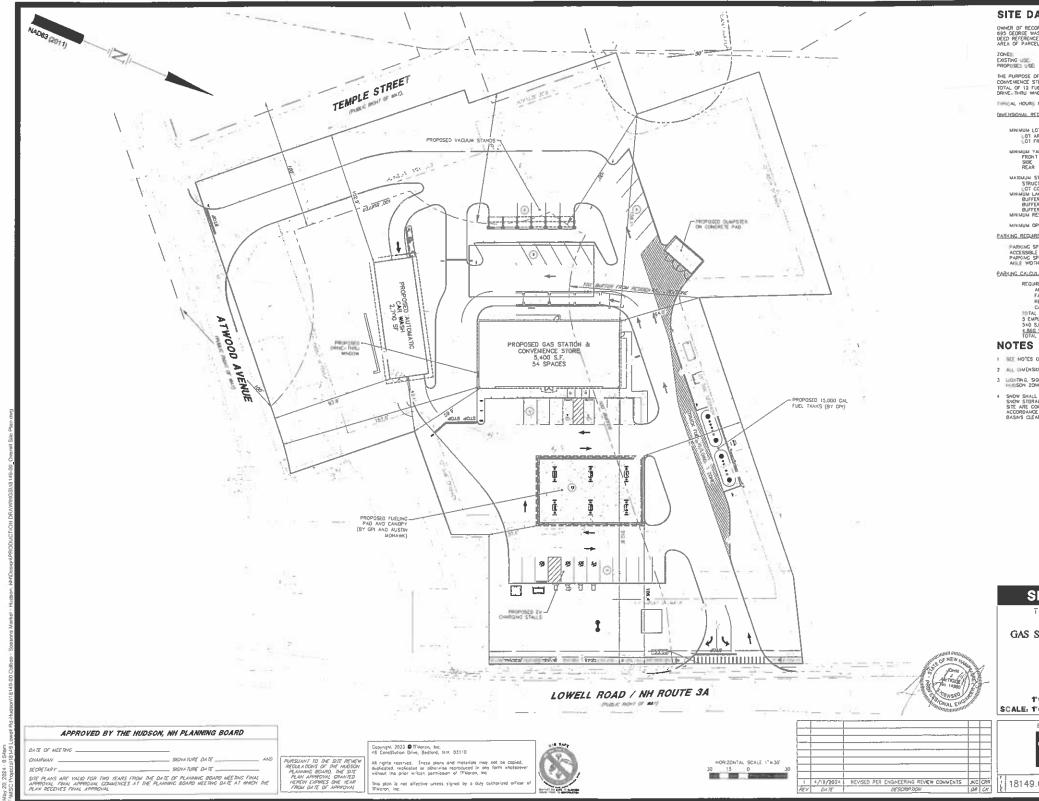




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OSED	SIGN	V SI	CHED	ULÉ	: 	
5/28	AREA (SF)		SIZE (SF)	REUMINATION	REMARKS	TYPE
	FREESTANDIN	ic signs		31 - S		
X 25'-0*	146.9	1	146.9	INT	NEW	GROUND
146.9 S.F.	25.0' TALL	(100 51	TOTAL PER	RMITTED: MAXI	иом нежнт з	0.)
x 7'-2j*	60.0	1	60.0	INT	NEW	GROUND
TOTAL N	NEN BOARD	SIGNAGE	60 S.F.			×
	WALL SP	GNS				
(3'-6*	84	1	84	INT	NEW	WALL
x 0'-108"	13.95	1	13.95	NON	NEW	WALL
X 2'-5"	17.7	t	17.7	INT	NEW	WALL
X 4"0"	18.0	2	32.0	INT	NEW	WALL
x 5'-0"	11.5	T	11.5	NON	NEW	WALL
X 2'-6"	3.7	1	3.7	NON	NEW	WALL
K 10'-0"	35.0	T	35.0	NON	NEW	WALL
MAGE: 197.8	85 S.F. (276	S.F. PD	RMITED - 2	RONTAGE =	RONTAGE)	
	: FRONTAGE			RONTAGE = .	10')	
X 1'-0"	2.5	12	30.0	INT	NEW	M/SC.
				INT		
X 0'-62*	0.4	12	4.8		NEW	MISC.
x o'-2]"	3.1	12	37.2	NON	NEW	MISC.
X 2'-0"	2.75	4	11.0	INT	NEW	DIRECTIONAL
X 0'-6"	2.1	1	2.1	INT	NEW	DIRECTIONAL
X 2'-6"	6.J	7	44.1	NON	NEW	DIRECTIONAL
X 2'-6"	8.3	6	37.8	NON	NEW	DIRECTIONAL
X 0'-112*	7.5	r .]	7.5	NON	NEW	DIRECTIONAL
X 1'-6"	1.5	3	4.5	NON	NEW	DIRECTIONAL
X 2'-7]*	17.2	1	17.2	NON	NEW	DIRECTIONAL
RIES	5.1	T	5.1	NON	NEW	DIRECTIONAL
x 4'-0"	4.0	T	4.0	NON	NEW	DIRECTIONAL
x 3'-0*	18.0	1	18.0	NON	NEW	DIRECTIONAL
		5				
						-
SITE DEVELOPMENT PLANS TAX MAP 198 LOTS 11, 12, 14, 15, & 16 SIGNAGE, PLAN, & ELEVATIONS GAS STATION/CONVENIENCE STORE/CAR WASH 91-97 LOWELL ROAD, HUDSON, NH OWNED BY & PREPARED FOR						
ALE NT	co			PRISES,	LLC	18, 2024
S	seccest Divi		I. Kasharara		rmmerce Way, Suit	- 102
-	TFN	Str Tra	4 Engineers uctural Engineers Mic Engineers nd Surveyers	Portam Phone	outh, NH 03801 (603) 431-2222	# 19/2
			vdscope Architer enlists		03) 431-0910 noron.com	



SITE DATA

OWHER OF RECORD OF MAP 198 LOT 11, 12, 14, 15, 16: COLBEA ENTERPRISES, $L_{\rm I}C$ = 059 COROC WASHINGTON HOHMAY, LINCOLN, R., 02802 DEED REFERENCE TO PARCE, 15 84 8689 PG 1847 AREA OF PARCEL = 147,868± SF OR 3.3968± ACRES

ZONES: BUSINESS EXISTING USE: DOAMERCIAL/RESIDENTIAL PROPISES USE: CAS STATION/CONVENENCE STORE WITH DRIVE-THRU AND CAR WASH THE PURPOSE OF THIS PLAN IS TO CONSTRUCT A SMOLE STORY, 5,400 S.F. CAS STATON AND CONVERENCE STORE, ALONG WITH A FUELWIC CAMPY (CONSSTRUCT OF SXL DSPENSER ISJANDS FOF A DTAL, OF 12 FUELWIG STATAOPS), MITHIN THE BUEDHIG IS A CONTENT OF ASY S F. WITA DRIVE_THRU WINDOW IN ADDITION, A 2,700 S.F. AUTOWATIC CAR WASH BUILDING IS PROPOSED

THREAL HOURS OF OPERATION 24 HRS. DIMENSIONAL REDUREVENTS (CURRENT 20MING

NSIGNAL REDUREVENTS (CURRENT 20MI	<u>ACJ</u>	
	REQUIRED	PROVIDED
MINIMUM LOT DIMENSIONS. LOT AREA LOT FRONTAGE	30,000 SF (0 69± AC) 150 FT	148,104 SF (3.4± AC) >150 FT
SIDE	50 FT 15 FT 15 FT	157 FT 59.9 FT 159.1 FT
MAXIMUM STRUCTURE DIMENSIONS: STRUCTURE HEIGHT OT COVERAGE MINIMUM LANDSCAPE BUFFER;		<50 FT (22.54 EXISTING) 47,32%
BUFFER FRONT BUFFER SIDE BUFFER REAR MINIMUM RESIDENTIAL BUFFER:	15 FT	35 FT S FT *WAIVER REDURED >15 FT S FT *WAIVER REDURED
	40%	49.5±%
ING RECUREMENTS		
PARKING SPACES (SEE CALCULATION ACCESSIBLE SPACES (RECID BY ADA) PARVING SPACE SIZE AILLE WOTH	46 SPACES 2 SPACES 10 FT X 20 FT 24 FT	54 SPACES 2 SPACES 10 FT X 20 FT 24 FT
CING CALCULATIONS		
REQUIRED PARKING RATIO; AUTOMOTIVE FUEL STATION; FAST FOOD W/ DRIVE-THRU- RETALL	1 SPACE/100 S.F.	,
CAR WASH, DTAL REQUIRED = 12 PUMPS * 1 5 EWPLOYEES * 1 SPACE/I EWPLO 540 SE * 1 SPACE/I EWPLO	SPACE/PUMP = 12 MELS = 5	SPACES + SPACES +
540 S.F. + 1 SPACE/100 S.F. <u>4.860 S.F. + 1 SPACE/200 S.F.</u> TOTAL		

1 SEE NOTES ON SHEET C-01

2 ALL DIVENSIONS ARE TO THE FACE OF CURB UNLESS NOTED OTHERWISE

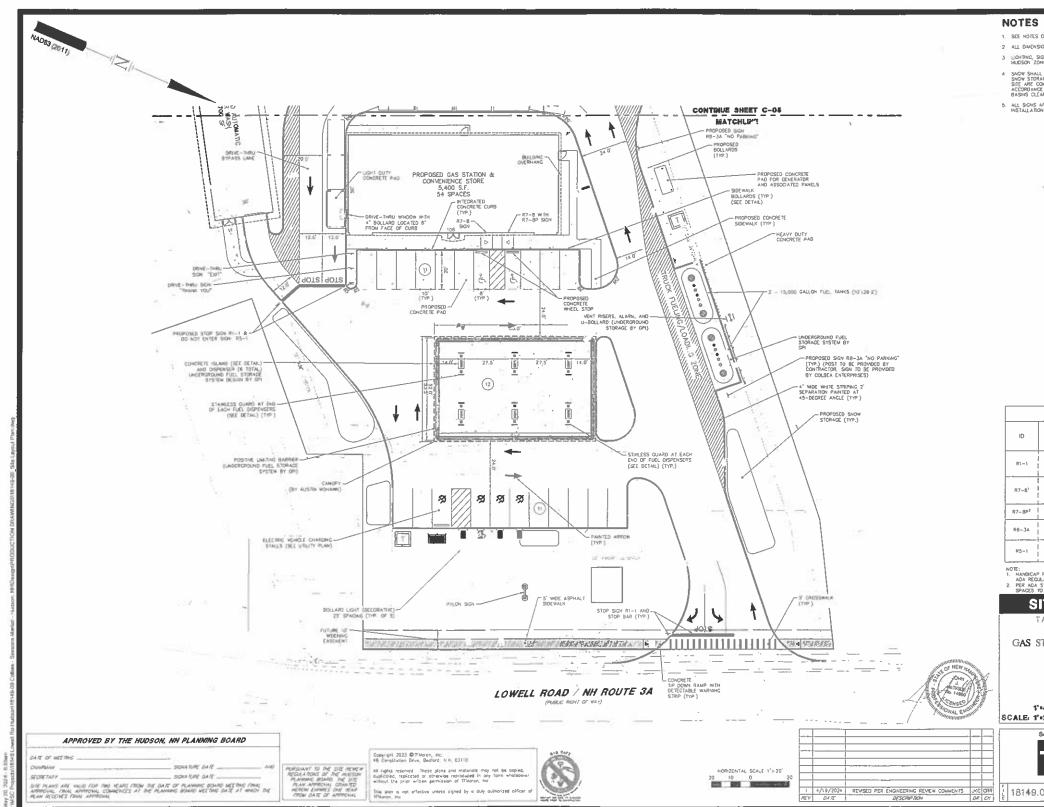
3 LIGHTING, SIGNAGE, LANDSCAPING, AND SCREENING SHALL MEET THE REQUREMENTS OF THE HUDSON ZONING ORDINANCE AND SITE PLAN REGULATIONS.

4 SNOW SHALL NOT BE STOCKPILED IN STORNMATER BLOP'S, WETLAND BUFFERS, OR WETLANDS, SEC SNOW STORAGE LOCATIONS, IN THE VENT THAT THE SNOW STORAGE AREAS PROVIDED ON THE STT ARE COMPLETLY UTILIZED, EXCESS SNOW SHALL BE THANSPORTED OF STE FOR DISPORAL I ACCORDANCE WITH INDES REGULATION IF SNOW IS STORED WITHIN PARKING AREA, KEP CATCH BASINS SLEAR.

SITE DEVELOPMENT PLANS

TAX MAP 198 LOTS 11, 12, 14, 15, & 15 OVERALL SITE LAYOUT PLAN GAS STATION/CONVENIENCE STORE/CAR WASH 91-97 LOWELL ROAD, HUDSON, NH OWNED BY & PREPARED FOR COLBEA ENTERPRISES, LLC

1"+60" (11"x17") CALE: 1"+30" (22"x34")	DECEMBER 13, 202
Seacoast Division	101.0	
TFM	Dull Engineers Structural Engineers Traffic Engineers Lond Surveyors Landscape Architects Scientists	170 Commerce Woy, Suite 102 Portsmouth, NH 0.3801 Phone (60.3) 431-2222 Fax (60.3) 431-0910 www.timpron.com
18149.00	-	C-03
TOTAS.OU CX DRR CADEL	E SHI49-00_OVERALL STE P	1-05



1. SEE NOTES ON SHEET C-S.

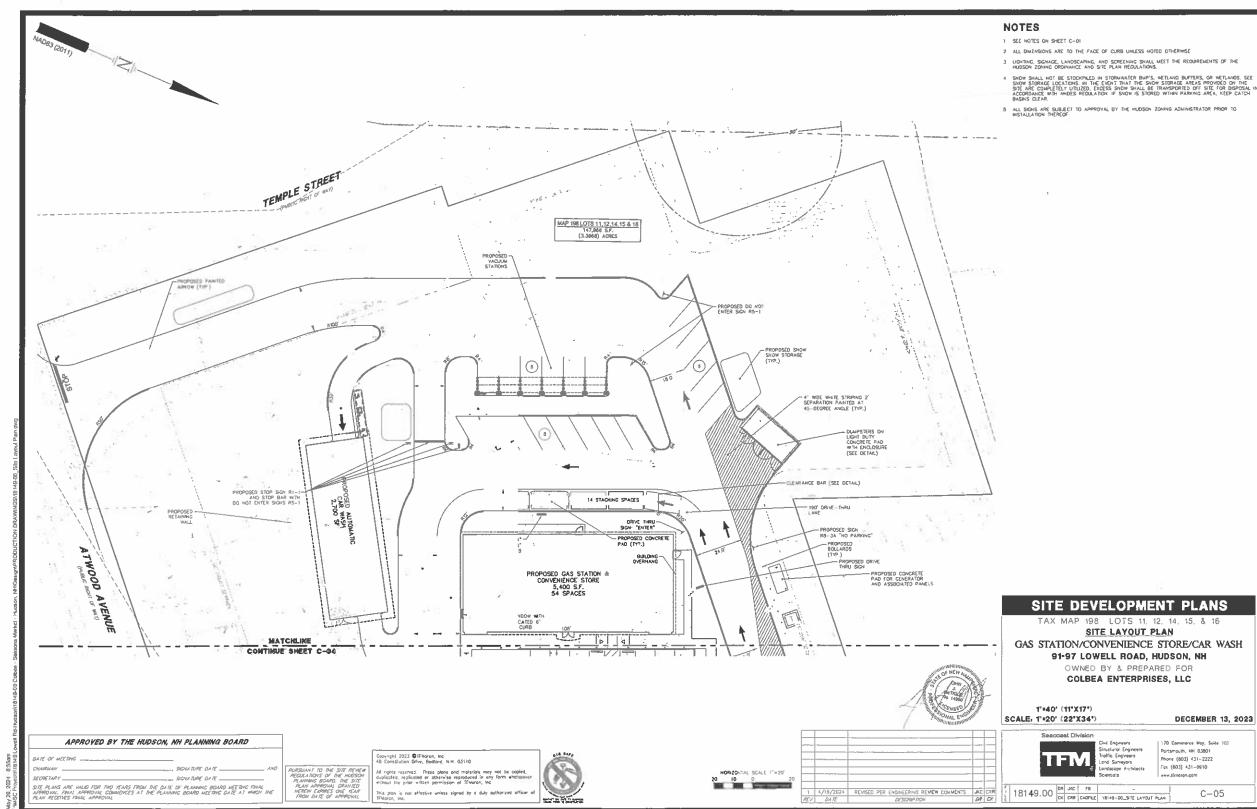
2 ALL DIVENSIONS ARE TO DIE FACE OF CURB UNLESS NOTED OTHERWISE.

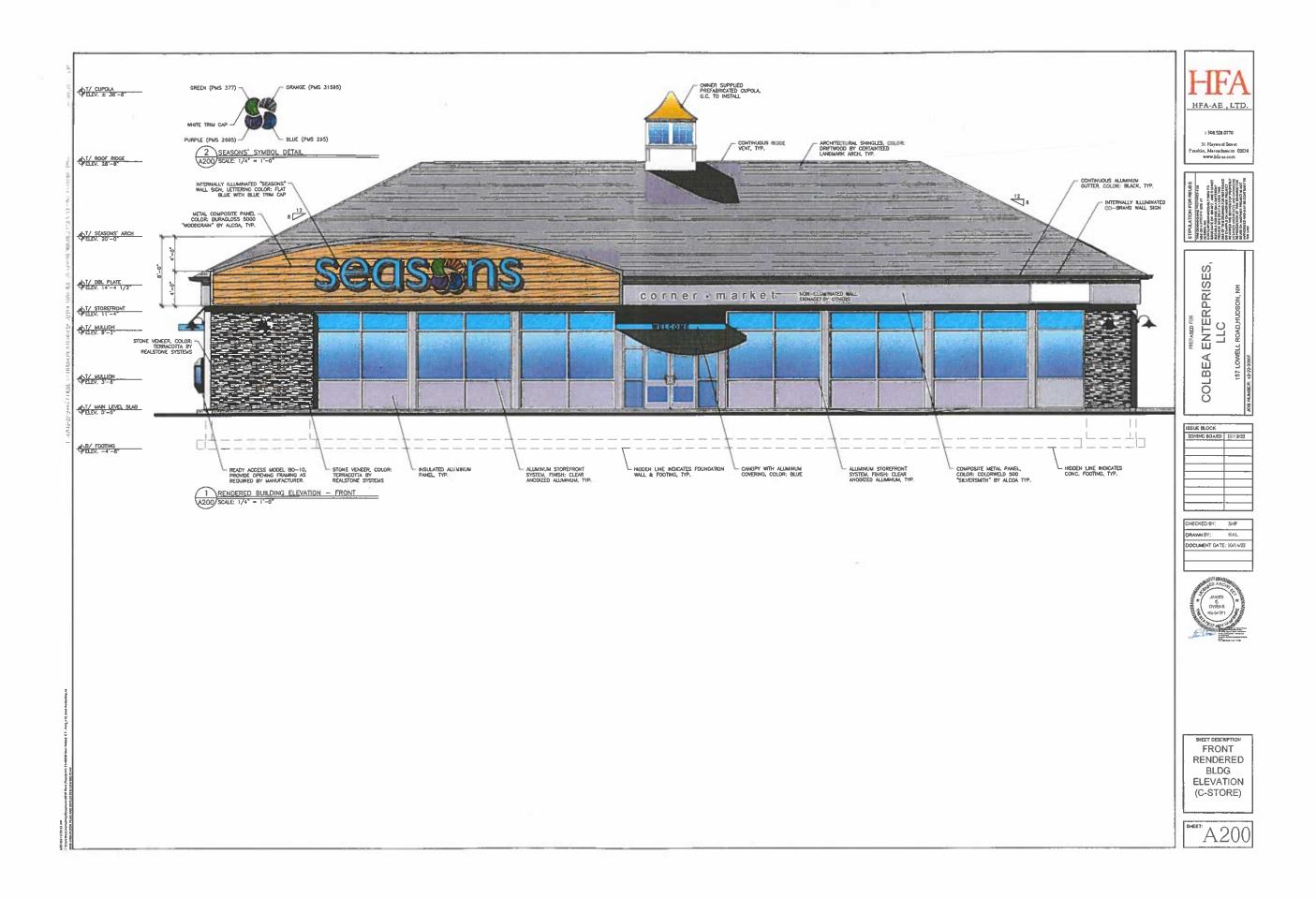
3 UCHTING, SIGNAGE, LANDSCAPING, AND SOREENING SHALL WEET THE REQUIREMENTS OF THE HUDSON ZONING ORDINANCE AND SITE PLAN REGULATIONS

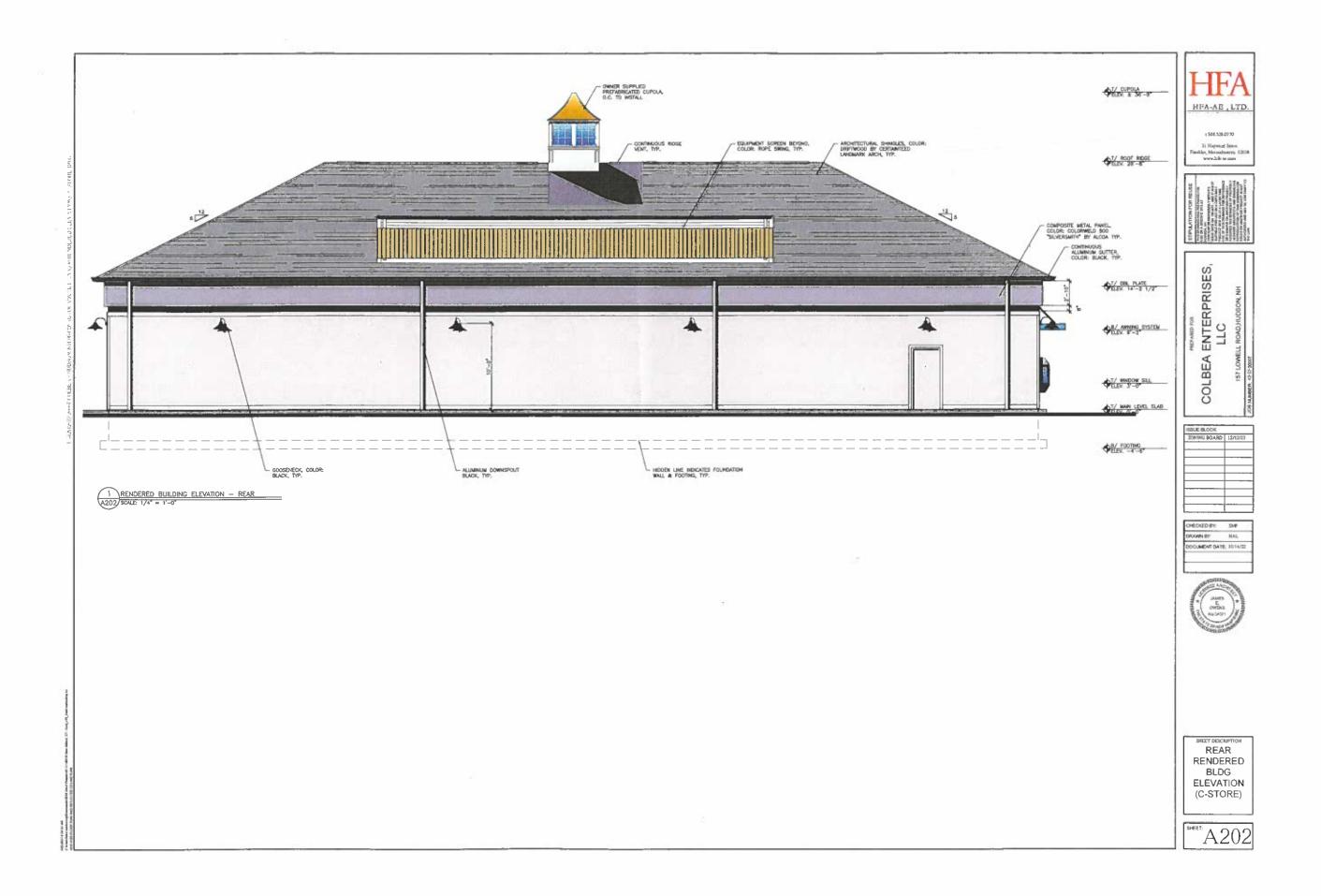
4 SNOW SHALL NOT BE STOCKPIED IN STORMWATER BMP'S, WETLAND BUFFERS, OR WETLANDS, SEI SNOW STORAGE LOCATIONS. IN THE LVENT THAT THE SNOW STORAGE AREAS PROMOED ON THE SITE ARE COMPLETLY UTILIZED. EXECTS SHOW SHALL BE TRUNSPORTED DRIFT FOR DISPOSAL ACCORDANCE WITH MHDES REDULATION. IF SNOW IS STORED WITHIN PARDING AREA, KEEP CATCH BASING CLAR.

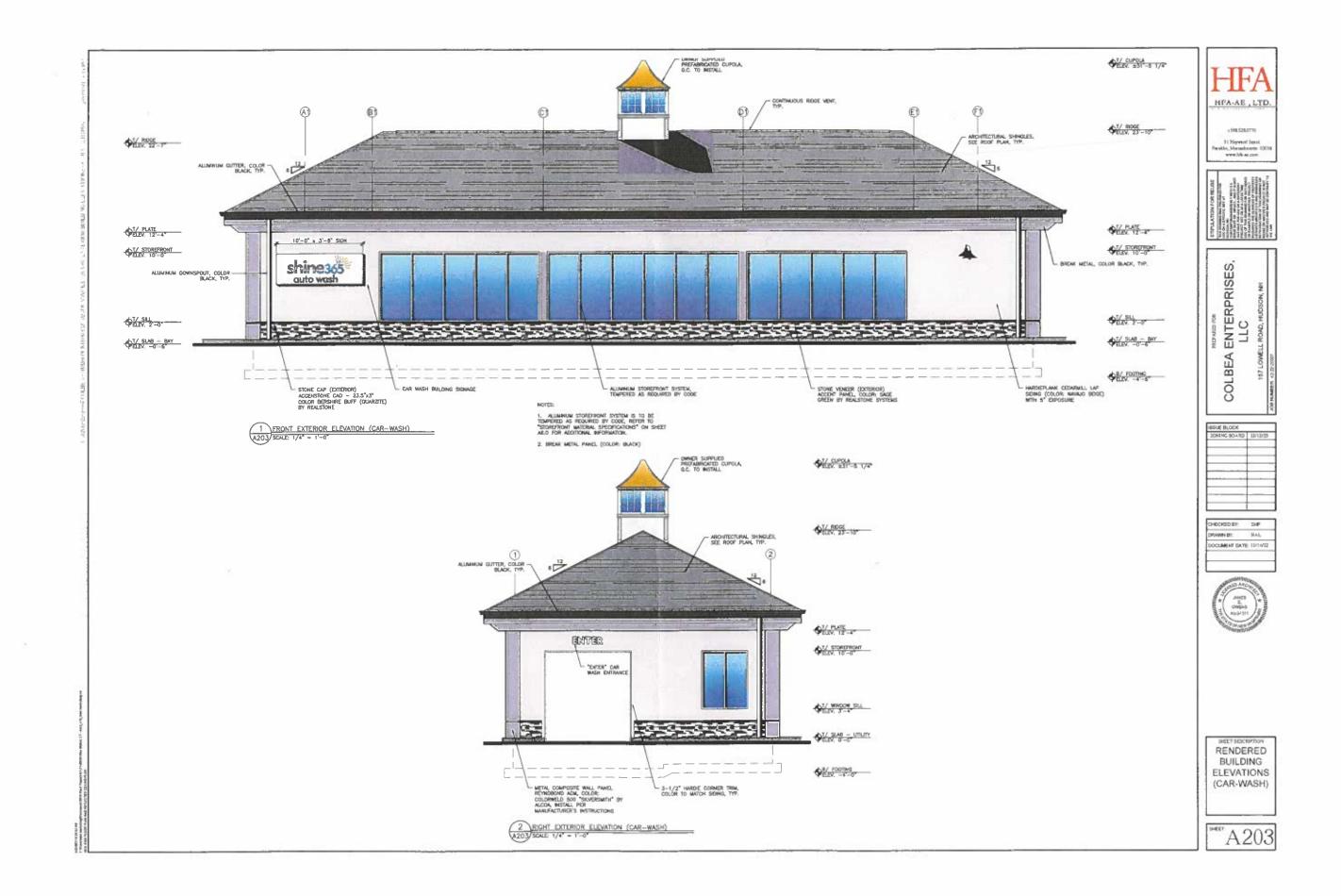
5. ALL SIGNS ARE SUBJECT TO APPROVAL BY THE HUDSON ZOWING ADMINISTRATOR PRIOR TO INSTALLATION THEREOF.

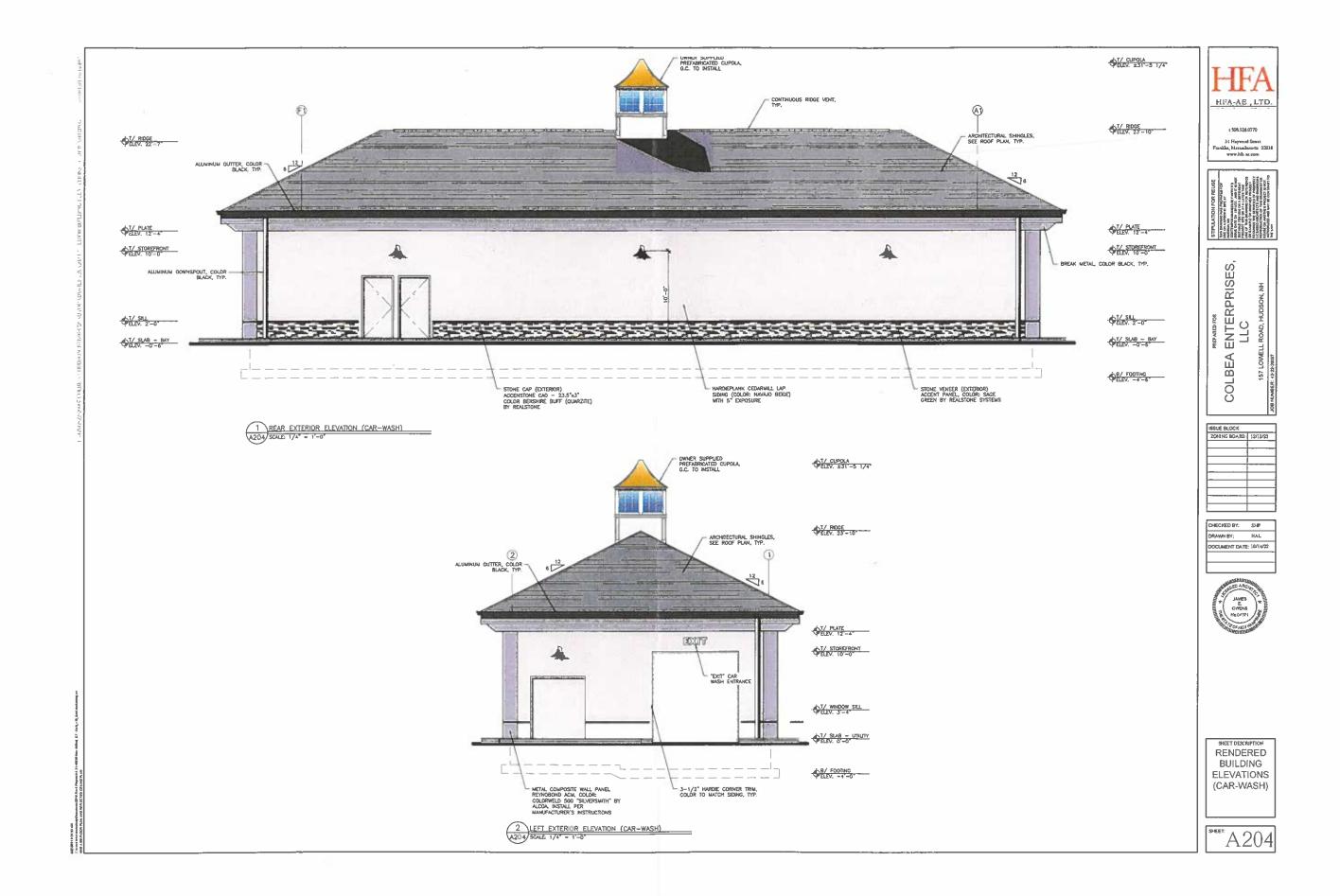
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1D	SIGN	WIDTH	HEIGHT	SPACING, SHAPE, RETROFLECTIMITY, ETC.)	SIGNS
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R7-8P7		18	l 9	ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCO) FOR STREETS AND HIGHWAYS	1
RB-3A	0	24	30		3
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Printed 6/07/2024 8:55AM Created <u>6/06/2024</u> 9:28 AM			Town of F 12 Sch	on Receipt Hudson, NH ool Street H 03051-4249		Receipt#	777,499 tgoodwyn
		Description		Current Invoice	Payment	<u>Balance</u>	Due
	1.00	91-97 Lowel	cation- 6/27/24 ZBA Mtg. I Rd s 11,12,14-16 Zone- B				
		Variance 1		0.00	262.9200		0.00
		Variance 2		0.00	185.0000		0.00
		Variance 3	Directional & directory signs:	0.00	185.0000		0.00
			HZO Article XII, § 334-68		Total:		632.92
	Remitter		Рау Туре	Reference	Tendered	Change	Net Paid
	- Cronin Bis	son & Zalinsky, P	C. CHECK	CHECK # 03158	632.92	0.00	632.92
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					Net Paid:		632.92

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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 (JS 6-17-Meeting Date: June 27, 2024

<u>Case 165-049 (06-27-24)</u>: Manuel D. Sousa of Sousa Realty & Development Corp., 46 Lowell Rd., Hudson, NH requests a <u>Variance</u> for <u>36 Campbello St., Hudson, NH</u> for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district. [Map 165, Lot 049, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Address: 36 Campbello St. Map 165, Lot 049-000

Zoning district: Town Residence (TR)

Property Description:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 206,474. sq. ft. where 10,000 is required. The lot is adjacent to the wetlands on it. The lot is classified as a single-family residence. The existing house was constructed in 1980. The applicant is proposing a site plan with 10 single-family homes on a private road.

In-House comments:

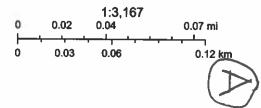
Town Engineer: no comments Inspectional Services/Fire Dept.: no comments Associate Town Planner: no comments

History/Attachments:

AERIAL / PHOTOS A: Aerial (2022) **Plans:** Residential Site Plan 5-29-24 (see Packet) Existing Conditions Plan (1-1980) (see Packet) **BUILDING PERMITS** B: BP# 312-80: Construct a 28'X36'& 12' X16' house with a 24X34' garage (6-4-80) C: BP# 685-88: Construct a 10'X20 Shed (6-27-88) ZONING ADMINISTRATOR/CODE ENFORCEMENT CORRESPONDENCE **D: Application for Appeal (2-6-80)** E: Notice of Decision (3-30-80) F: Shoreland Protection Application (2-21-24) G: Zoning Determination #24-037 (5-17-24) DEPARTMENTAL COMMENT SHEETS H: Engineering - Request for review (6-31-24) I: Inspectional Services/Fire Dept. Request for review (5-31-24) J: Planning Department - Request for review (6-17-24)

Case# 165-049 - 36 Campbello St (2022)





6/17/2024

	Town of Hudson, N. H. Office of Town Building Inspector BUILDING PERMIT
This certifies th is granted permission	erect 25 X 345 E 15 X 16 A Prove repair Description
of Building	with 34 x 34 garage
on premises loc to 734-2-00 Number and to do things law	Street or Avenue

This permit is issued on application number, is subject to the conditions thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof.

This Permit is issued under the condition that this building WILL NOT be occupied until a Certificate of occupancy is obtained from the Building Inspector.

Value \$ 120,000.00

12 HC V 2330

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Administrative Officer

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BUILDING PERMIT	PAID
for SHED	

DEPT. FILE	COPY
VALIDATION	\sim

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	ATKINSON,	LUCILLE						o. <u>685-88</u> Hudson N.	
	erect	10' x 20'	shed	STORY _	(PRC	POSED USE)	DW	Hudson , N.	
AT (LOCA	T10N)	36 Camplo	110	(STREET)				ZONING DISTRICT	A-1
BETWEEN		(choss	STREET	eet	AND_		Merrin	SS STREET	
SUBDIVISI	ON				LOT 17 B	LOCK	LOT SIZE		<u></u>
BUILDING	IS TO BE	FT. WIDE	BY	FT,	LONG BY	FT	. IN HEIGHT AN	D SHALL CONFORM	IN CONSTRUCTION
					BASEMENT W			(TYPE)	
E REMARKS:		Utili	ty shed	10' x	20' approx	8 ¹ 2 high			·
AREA OR VOLUME _		CUBIC/ SQUARE F	EET)	^	ESTIMATED CO	sт \$2 5	00.00	FEE S.	12.00
OWNER	26				2-0588	D	UILDING DEPT.	Bend P. 7	Testigen

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

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ADDRESS .

_ 3 × 50
APPLICATION FOR APPEAL Date Filed 2/6/
This application to be returned to the Selectmen's Office accompanied by \$15.00 plus pointage and a complete list of abutters.
TO: BOARD OF ADJUSTMENT, TOWN OF HUDSON, NEW HAMPSHIRE
NAME OF APPLICANT: A. Jack and Lucille Atvinson
ADDRESS: 100 Webster street
OWNER OF PROPERTY CONCERNED: A. Jack and Lucille Atvinson
AUDRESS: 100 Webster Street
LOCATION OF PROFERTY 100 Webster Street TAX SU. 7362
DESCRIPTION OF THOPERT: Approx 4.7 Acres
251'X 808'
(give length of frontage, side and rear lines)
LOT SIZE: (square feet) ZONE OF PROPERTY
PROPOSED USE, OR EXISTING USE AFFECTED: To build an owner occupied singl
family Dwelling with only 30' frontage on a road. This is a Back L
APPLICATION FOR VARIANCE
The undersigned hereby requests a variance to the terms of Article \overline{X} . Section $3 \cdot 0$ (6) and asks that said terms be waived to permit:
The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitutes an unnecessary hardship.

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Signed (Applicant)

The Building Inspector has refused to issue a permit on this request.

Signed_

(Building Inspector)

ABU'TTERS:	(
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5/20/80	1	To a De		E
Date 3/30/80 Case No		lax No		
	NOTICE OF DECISION		Map 54 Lot 17	
ZONING BOARD OF	ADJUSTMENT, TOWN OF	HUDSON, NEW	HAMPSHIRE	
You are hereby notified that the	request of <u>MR</u>	TACK	Arkinson	07
100 Webster) st. ok	ichonfor an exempti	on under a	variance for th	e terms
of Article X Section 3.00	🦾 of the Zoning Or	dinance has	been granted/d	enied,
for the following reasons:				
1. [Will not serve the]	public interest			

- 2. (Will/will not result in unnessecary hardship
- 3. Spirit of the ordinance (Will/will not be observed
- 4. Substantial justice/will/will not, be done

Resolved, that the following conditions shall be attached to such use:

The variance remains in effect for six months from above date, or, when and if building permit expires.

Chairman, Zoning Beard of Adjustment

ε.

Note: Application for rehearing on any question of the above determination may be taken within 20 days of said determination by any party to the action or person affected thereby.

Notice: The Building Inspector is hereby notified to hold all building permits relative to this case for which variances have been granted for a period of 20 days. After said period, the Building Inspector may release said permits unless otherwise notified by the Board of Adjustment of an application for rehearing.

cc File

Building Inspector Board of Selectmen Planning Board Town Engineer



The State of New Hampshire Department of Environmental Services



Robert R. Scott, Commissioner

SOUSA REALTY & DEVELOPMENT CORP 46 LOWELL ROAD HUDSON NH 03051 February 21, 2024 Town of Hudson Christine Strast-Lizotte, Clerk Date: 2/20/04 Time: 10:30 AM Cc; Selectmen Inspectional Services Div. Land Use Div

Re: Request for More Information – Shoreland Permit Application (RSA 483-B) NHDES File Number: 2024-00179 AOT File Number: 240123-011 Subject Property: 36 Campbello Street, Hudson, Tax Map #165, Lot #49

Dear Applicant:

On February 21, 2024, the New Hampshire Department of Environmental Services (NHDES) Shoreland Program reviewed the above-referenced Shoreland Permit Application (Application). Pursuant to RSA 483-B:5-b, V(a), the NHDES Shoreland Program determined the following additional information is required to complete its evaluation of the Application:

- 1. Please explain the following items and provide a revised copy of a completed Shoreland Application Worksheet as required by Env-Wg 1406.12 as necessary:
 - a. Explain why the submitted worksheet states the impervious area of the primary structure with a deck will be increased when this does not appear to be depicted on the plan drawing.
 - b. Verify whether the gazebo shown on the plan drawings and visible in the submitted photographs is included in the provided worksheet square footage numbers. If not, please add the square footage to the appropriate worksheet columns.
 - c. If this increase includes an expansion of the existing primary structure, any proposed primary structures, or other structures please revise the project description and worksheets as necessary.
- 2. As an impact perimeter or limits of disturbance were not readily visible on the submitted plan sheet provide a revised sheet specifically depicting the dimensions and locations of ALL areas to be impacted during construction and all other relevant features necessary with labeling or legend symbol to clearly define the proposed project as required by Env-Wq 1406.09:
 - a. Also include per Env-Wq 1406.09(h) the dimensions, locations, and descriptions of all proposed temporary impacts associated with completion of the project.
- 3. Please provide a certified mall receipt verifying that the governing body of the municipality in which the project will be located has been notified as required by RSA 483-B:5-b: IV-a and Env-Wq 1406.12. Note, a receipt is not adequate to meet this requirement.
- 4. Please verify that the local river management advisory committee was notified via certified mail receipt as required by RSA 483-B:5-b: IV-a with a copy of the completed and signed application per Env-Wq 1406.13(b)(4). Note, neither an email submission and or a written receipt is adequate to meet this requirement.

Pursuant to RSA 483-B:5-b, V(a), this information must be received by the NHDES Shoreland Program within 60 days of

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095 NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588 TDD Access: Relay NH 1 (800) 735-2964





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-037

April 18, 2024

Sent: Email and 1st Class

Sousa Realty & Development Corp 46 Lowell Rd Hudson, NH 03051

Re: <u>36 Campbello Street</u> Map 165 Lot 049-000 District: Town Residence (TR)

Dear Mr. Jeffrey,

Your request: You are proposing an 11-unit single-family development with a proposed private roadway.

Zoning Review / Determination:

After reviewing your most recent plan we have noticed that your proposed development lacks the frontage required per **§334-27** <u>Table of Minimum Dimensional Requirements</u>. The project proposes 30.37. feet where 90' is required in the (TR) Zone

Due to the lack of frontage, the proposed plan would need a variance from the Zoning Board of Adjustment for frontage per §334-27 Table of Minimum Dimensional Requirements.

Sincerely.

Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 816-1275 <u>csullivan@hudsonnh.gov</u>

cc: Public File Brooke Dubowik (Planning Dept. Admin) Jay Minkarah Sara Simon and David Jordon (GPI) Owner File

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



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

REQUEST FOR REVIEW/COMMENTS: Case: 165-049 (06-27-24) (VARIANCE) Property Location: 36 Campbello Street

For Town Use				
Plan Routing Date: 06/11/2024 Reply requested by: 06/17/2024	ZBA Hearing Date: 06/27/2024			
I have no comments I have comments (see below)				
EZD Name: Elvis Dhima, P.E.	Date: 06/17/2024			
DEPT. Town Engineer Fire/Health Department	Associate Town Planner			

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

REQUEST FOR REVIEW/COMMENTS: Case: <u>165-049 (06-27-24)</u> (VARIANCE) Property Location: <u>36 Campbello Street</u>

For Town Use	
Plan Routing Date: 06/11/2024 Reply requested by: 06/17/2	024ZBA Hearing Date: 06/27/2024
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DRHName:David Hebert	Date: 06/11/2024
DEPT. Town Engineer Fire/Health Department	Associate Town Planner

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

REQUEST FOR REVIEW/COMMENTS: Case: 165-049 (06-27-24) (VARIANCE) Property Location: 36 Campbello Street

For Town Use
Plan Routing Date: 06/11/2024 Reply requested by: 06/17/2024 ZBA Hearing Date: 06/27/2024
I have no comments I have comments (see below)
BWG Name:Benjamin Witham-Gradert Date: 06/17/2024
DEPT. Town Engineer Fire/Health Department Associate Town Planner

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HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)

On 06/27/2024, the Zoning Board of Adjustment heard Case 165-049, being a case brought by Manuel D. Sousa of Sousa Realty & Development Corp., 46 Lowell Rd., Hudson, NH requesting a <u>Variance</u> for <u>36 Campbello St., Hudson, NH</u> for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district. [Map 165, Lot 049, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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:

Ν	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."
Ν	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."
Ν	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.
Ν	4. The proposed use will not diminish the values of surrounding properties.
	N N N

(Continue-next page-Hardship Criteria)

(Contir	nued)		HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)
Y N N/A	5.	A.	 The Applicant established that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area: (1) No fair and substantial relationship exist between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
			(2) The proposed use is a reasonable one.
Y N		 B.	Alternatively, if the criteria above (5.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.
		-	·
2151100.			member of the Hudson ZBA Date
Print n	ame: _		
Stipula	tions: -		
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Page 2|2

New Hampshire A 03051 APPLICATION	FOR A VARIANCE
JUN 0 6 2024 LAND USE DIVISION ZONING DEPT. To: Zoning Board of Adjustment Town of Hudson	Entries in this box are to be filled out by Land Use Division personnel Case No. <u>165-049 (06-27-24)</u> Date Filed <u>6624</u>
Name of Applicant Sousa Realty & Development C Sousa Realty & Development C MANNEL D. Sous A Telephone Number (Home)	Corp. Map: 165 Lot: 49 Zoning District: TR
Mailing Address <u>46 Lowell Road, Hudson, NH</u> Owner <u>Joseph W. Kenny, Trustee of the A. Jack</u> Location of Property <u>36 Campbello Street</u>	
Signature of Applicant (Street Address) Signature of Applicant July Signature of Property-Owner(s)	Le/3/24 Date Date Date
By filing this application as indicated above, the ow it's officials, employees, and agents, including the well as, abutters and other interested members of th of this application during any public meeting con- may be authorized by the ZBA, for the purpose of s be deemed appropriate by the ZBA. The owner(s) r hereafter possess against any of the above identified	wner(s) hereby give permission to the Town of Hudson, members of the Zoning Board of Adjustment (ZBA), as the public, to enter upon the property which is the subject ducted at the property, or at such reasonable times as uch examinations, surveys, tests and inspections as may release(s) any claim to or right he/she (they) may now or ed parties or individuals as a result of any such public tions conducted on his/her (their) property in connection

with this application.

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/represent 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 Date received: $\frac{6/6/24}{4}$				
	Date receive	d: <u>6/6/6</u> /		
COST:				
Application fee (processing, advertising & recording) (non-refundable):	\$ <u>185.00</u>		
	5.08 =	\$ 66.04		
Indirect Abutters x First Class postage rate \$	2.63 =	\$ 12.92		
Total amount due:		\$ 263.96		
	Amt. received:	\$ 263.96		
Gad	Receipt No.:	777,671		
Received by:				
By determination of the Zoning Administrator, the follow	wing Departmental	review is required:		
Engineering 📕 Fire Dept. 📝 Health Officer	_ Manner Oth	ner		



JUN 1 7 2024

LAND USE DIVISION ZONING DEPT.

June 17, 2024

To Whom It May Concern:

I, Joseph W. Kenny, Trustee of the A. Jack Atkinson Revocable Trust Agreement, being the owner of the property at 36 Campbello Street in Hudson, NH (Map 165 Lot 49), hereby give permission to David Jordan / Greenman-Pedersen, Inc. and Sousa Realty & Development Corp. to prepare plans and to submit any and all required permit applications to the Town of Hudson as necessary to receive any required approvals related to a residential development on this property.

A. Jack Atkinson Revocable Trust Agreement of February 25, 1983

Julie (je oseph W. Kenny,

State of New Hampshire County of Hillsborough

The foregoing instrument was acknowledged before me this 17th of June, 2024 by Joseph W. Kenny, in his capacity as Trustee of the A. Jack Atkinson Revocable Trust Agreement of February 25, 1983.

Notary Public My Commission Expires: 7-27-27

AUDRA J. KELLOWAY Notary Public-New Hampshire My Commission Expires July 27, 2027

June 3, 2024

To Whom It May Concern:

I, Joseph W. Kenny, Trustee of the A. Jack Atkinson Revocable Trust Agreement, being the owner of the property at 36 Campbello Street in Hudson, NH (Map 165 Lot 49), hereby give permission to David Jordan / Greenman-Pedersen, Inc. and Sousa Realty & Development Corp. to prepare plans and to submit any and all required permit applications to the Town of Hudson as necessary to receive any required approvals related to a residential development on this property.

3/24 Date:

A. Jack Aktinson Revocable Trust Agreement of February 25, 1983

By dseph W. Kenny, Trustee

Kathleen Delle Chiaie Margaret L. Schellenberg Teresa A. Mostrom George R. Bernard, Jr. James J. Bernard Karen R. (Morgan) Jennings Andrew P. Morgan

Re: A. Jack Atkinson Revocable Trust Agreement of February 25, 1983

Dear Beneficiaries:

In accordance with paragraph A of Article VIII of the A. Jack Atkinson Revocable Trust Agreement of February 25, 1983, upon the death of A. Jack Atkinson on May 30, 2023, I am named as the Successor Sole Trustee of said Trust. Pursuant to paragraph B of Article VIII of said Trust, I do hereby accept the position of Trustee of the A. Jack Atkinson Revocable Trust Agreement of February 25, 1983.

Date: June 2, 2023

State of New Hampshire County of Hillsborough

Before me, this 2nd day of June, 2023, appeared the said Joseph W. Kenny, in his capacity as Trustee of the A. Jack Atkinson Irrevocable Trust Agreement of February 25, 1983, and acknowledged the execution of the foregoing instrument to be his free act and deed.

Notary Public ANNUMBER OF THE OFFICE

HAMBLETT & KERRIGAN P.A. 20 TRAFALGAR SQUARE SUITE 505 NASHUA, NH 03063 (603) 883-5501

CERTIFICATION OF TRUST

KNOW ALL MEN BY THESE PRESENTS that I, Joseph W. Kenny of Amherst, New Hampshire, Trustee under the A. Jack Atkinson Revocable Trust Agreement of February 25, 1983 do hereby certify as follows:

1. The A. Jack Atkinson Revocable Trust Agreement of February 25, 1983 is currently in existence and was executed on February 25, 1983 by A. Jack Atkinson, Grantor. The Grantor amended the Trust on May 15, 1992, July 13, 2010, December 21, 2012, February 28, 2017, April 19, 2022 and November 3, 2022.

2. The current Trustee of the Trust is Joseph W. Kenny. The mailing address of the Trust is Joseph W. Kenny, Trustee of the A. Jack Atkinson Revocable Trust Agreement of February 25, 1983, 20 Trafalgar Square, Suite 505, Nashua, NH 03063. The original Trustee, A. Jack Atkinson died on May 30, 2023. In the event, Joseph W. Kenny should die, resign, refuse or be unable to act as Trustee, then Paul E. Houde of Nashua, New Hampshire shall be Trustee.

3. Article X of said Trust Agreement provides in part as follows:

"B. In addition to and not in limitation of all common law and statutory authority, each Trustee, acting alone, shall have power with regard to both real and personal, tangible and intangible, property held hereunder as follows:

- I. To accept from any source and to retain for as long a period as he shall think proper and in his judgment to purchase from or sell to any person any securities or properties, particularly including common stocks, although of a kind or in an amount which ordinarily would not be considered suitable for a trust investment. To buy, sell and trade in securities of any nature, including short sales, on margin, and for such purposes may maintain and operate margin accounts with brokers, and may pledge any securities held or purchased by him with such brokers as security for loans and advances made to him.
- 2. To exchange property for other property on such terms as he deems advisable.
- 5. To borrow and/or lend money, on such terms and from or to such persons, including the trust beneficiaries, as he may determine to be reasonable and proper.
- 6. To mortgage, to pledge, to lease for whatever period of time he shall determine, even beyond the expected term of this Trust, and with or without option to purchase, and/or to sell in whole or in part at public or private sale without approval of any court, or any beneficiary, all on such terms and to such persons, including the

trust beneficiaries, as he may determine to be reasonable and proper and without liability upon any person dealing with him to see to the application of any money or other property delivered to him..."

"C. All judgments, decisions and actions of the Trustee with respect to any question arising hereunder shall be made in his sole, absolute and unfettered discretion and shall be conclusive on all parties in interest."

4. Upon the death of the Grantor on May 30, 2023, the Trust became irrevocable.

5. The Trust has a taxpayer identification number that will be furnished upon request. The same is being withheld for privacy reasons.

6. Title to Trust Property shall be taken as follows:

Joseph W. Kenny, Trustee of the A. Jack Atkinson Revocable Trust Agreement of February 25, 1983.

7. Article XII of said Trust Agreement provides in part as follows:

"B. The use of feminine, masculine or neuter pronouns shall include the masculine or feminine or neuter pronouns whenever appropriate. The use of the singular or plural shall include the singular and/or plural whenever appropriate. "

8. Article XIV of said Trust Agreement provides as follows:

"A certificate signed by the Trustee hereunder and acknowledged before a notary public shall be conclusive evidence upon all persons and for all purposes of the facts stated in said certificate respecting the terms of this Trust and of the text hereof and of who is from time to time Trustee hereunder."

9. Said Trust Agreement has not been revoked, modified, or further amended in any manner that would cause the representations in this Certificate to be incorrect.

10. In accordance with N.H.R.S.A. 564-B:10-1013(f), "A person who acts in reliance upon a certification of trust without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certification...."

(Signature and Notary Clause are on the next page)

WITNESS my hand this 2nd day of June, 2023.

Witness:

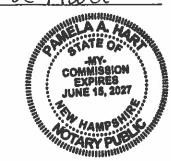
Joseph W. Kenny

State of New Hampshire County of Hillsborough

The foregoing instrument was acknowledged before me this 2nd day of June, 2023, by Joseph W. Kenny, Trustee under the A. Jack Atkinson Revocable Trust Agreement of February 25, 1983.

Д C 1/a

Notary Public



TOWN OF HUDSON, NH Variance Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.

Applicant Initials DRJ/MS	Please review the completed application with the Zoning Administrator or staff before making copies in next step.	Staff Initials
DRJ/MS	The applicant must provide the original (with wet signatures) of the complete filled- out application form <u>and</u> all required attachments listed below together with thirteen (13) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	peopling
DRJ/MS	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, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
DRJ/MS	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.)	Pending Signature
DRJ/MS	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 by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (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.)	
DRJ/MS	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	16
DRJ/MS	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	16
DRJ/MS	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.	16
r la	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	NA

CERTIFIED PLOT PLAN:

Requests other than above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied.

The application may be deferred if all items are not satisfactorily submitted).

C12 The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North a) Y pointing arrow shown on the plan. b) Y The plot plan shall be up-to date and dated, and shall be no more than three years old. The plot plan shall have the signature and the name of the preparer, with his/her/their seal. c) Y The plot plan shall include lot dimensions and bearings, with any bounding streets and d)Y 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: A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use) The plot plan shall include the area (total square footage), all buffer zones, streams or e)Y other wetland bodies, and any easements (drainage, utility, etc.) The plot plan shall include all existing buildings or other structures, together with their f)Y dimensions and the distances from the lot lines, as well as any encroachments. The plot plan shall include all proposed buildings, structures, or additions, marked as g)Y "PROPOSED," together with all applicable dimensions and encroachments. The plot plan shall show the building envelope as defined from all the setbacks required h)Y by the zoning ordinance. The plot plan shall indicate all parking spaces and lanes, with dimensions. i) Y

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

YMUE Signature of Applicant(s)

nature of Property Owner(s

6/3/24 te = 120/24____

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 adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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
		*Include Applicant & Owner(s)	
		Abutters List Included on Following Pages	
	_		

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. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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)

МАР	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		Abutters List Included on Following Pages	
			· · · · · · · · · · · · · · · · · · ·
			·····

ABUTTERS & NOTIFICATION LIST For SOUSA REALTY 36 CAMPBELLO STREET MAP 165 LOT 49 HUDSON, NH GPI # NEX-2300191 AS OF 6/3/24

MAP-LOT # **NAME & ADDRESS** DIRECT ABUTTERS 165-049 (SUBJECT PARCEL) JACK A. ATKINSON TRUSTEE ATKINSON REVOCABLE TRUST **36 CAMPBELLO STREET** HUDSON, NH 03051 165-050 EDWARD J. WELSH II TRUSTEE JOYCE M. WELSH TRUSTEE **38 CAMPBELLO STREET** HUDSON, NH 03051 165-048 JOSELITO MANGUAL **DANIEL R. JOWDERS** 32 MERRIMAKC STREET **HUDSON, NH 03051** 165-047 **ROBERT A. MILLER** SYLVIA E. MILLER **28 MERRIMACK STREET** HUDSON, NH 03051 165-046 **RICHARD H. MORROW 20 MERRIMACK STREET** HUDSON, NH 03051 165-044 **CHESTER E. HURD TRUSTEE** 165-045 JOYCE M. HURD TRUSTEE 165-073 **12 MERRIMACK STREET** 165-074 HUDSON, NH 03051 165-039 **DONALD R. FITZGERALD** LISA Y. FITZGERALD **100 WEBSTER STREET HUDSON, NH 03051** 165-036 JOHN R. COLBY SONYA J. COLBY **11 KENYON STREET** HUDSON, NH 03051

	ABUTTERS & NOTIFICATION LIST
	For
	SOUSA REALTY
	36 CAMPBELLO STREET
	MAP 165 LOT 49
	HUDSON, NH
	GPI # NEX-2300191
	AS OF 6/3/24
165-035	CYNTHIA TUTON
	JOHN TUTON
	13 KENYON STREET
	HUDSON, NH 03051
165-034	FABIAN GALINDO TRUJILLO
	ROSALVA GALINDO
	15 KENYON STREET
	HUDSON, NH 03051
165-033	WILLIAM R. KILLINGSWORTH
	JOAN E. KILLINGSWORTH
	28 CAMPBELLO STREET
	HUDSON, NH 03051
165-032	JOAN E. KILLINGSWORTH
	28 CAMPBELLO STREET
	HUDSON, NH 03051
INDIRECT ABUTTERS	
TOWN OF HUDSON ABUTTERS	
165-006	PAUL D. THORN
165-010	DONNA L. THORN
	12 GROUSE LANE
	LITCHFIELD, NH 03052
165-007	DONNA I. THORN, TRUSTEE
	THORN REV. TRUST OF 2013
	12 GROUSE LANE
	LITCHFIELD, NH 03052
165-008	ERIC A. BATES
	TINA L. BATES
	10 KENYON STREET
	HUDSON, NH 03051
165-009	JEFFREY E. HUDGINS
	KAREN J. HUDGINS
	12 KENYON STREET
	HUDSON, NH 03051

	ABUTTERS & NOTIFICATION LIST
	For
	SOUSA REALTY
	36 CAMPBELLO STREET
	MAP 165 LOT 49
	HUDSON, NH
	GPI # NEX-2300191
	AS OF 6/3/24
	A3 0F 0/ 3/ 24
165-011	STANLEY KAZLOUSKAS
	GAIL KAZLOUSKAS
	18 KENYON STREET
	HUDSON, NH 03051
165-031	BRIAN BRIGHT TRUSTEE
	BRIGHT LIVING TRUST
	26 CAMPBELLO STREET
	HUDSON, NH 030514
165-037	ALEXANDER C. GALLOWAY
	3 KENYON STREET
	HUDSON, NH 03051
	100300, 11103051
165-042	AARON IVES
	6 MERRIMACK STREET
	HUDSON, NH 03051
165-043	SANDRA CAMBRIA
	CHARLES CAMBRIA
	8 MERRIMACK STREET
	HUDSON, NH 03051
165-051	MICHAEL J. GALANTE
	JOSEPH P. KINNEY
	40 CAMPBELLO STREET
	HUDSON, NH 03051
165-064	JEFFREY J. PEPE
103-004	CHRISTINA E. LEIGHTON
	14 FEDERAL STREET
	HUDSON, NH 03051
165-064-001	OXANA SAVGACHEVA
	VADYM IAMTSUN
	19 MERRIMACK STREET
	HUDSON, NH 03051
165-068	PAUL F. TRAVERS TRUSTEE
	ELIZABETH R. TRAVERS
	41 CAMPBELLO STREET
	HUDSON, NH 03051
	11003014, NIL 03031

A	BUTTERS & NOTIFICATION LIST For SOUSA REALTY 36 CAMPBELLO STREET MAP 165 LOT 49 HUDSON, NH GPI # NEX-2300191 AS OF 6/3/24
165-069	ROBERT C. SCIRE TRUSTEE JACQUELINE SCIRE TRUSTEE 6 SCHAEFER CIRCLE HUDSON, NH 03051
165-070	ALTAGRACIA M. VAZQUEZ JOSE A. COLON 29 MERRIMACK STREET HUDSON, NH 03051
165-071	SCOTT P. SLATTERY 27 MERRIMACK STREET HUDSON, NH 03051
165-072	ALAN E. GLYNN DEBRALEE E. GLYNN 23 MERRIMACK STREET HUDSON, NH 03051
APPLICANT	SOUSA REALTY 46 LOWELL ROAD HUDSON, NH 03051
ENGINEER/SURVEYOR	GREENMAN-PEDERSEN, INC. 44 STILES ROAD, SUITE ONE SALEM, NH 03079
WETLAND/SOIL SCIENTIST	GOVE ENVIRONMENTAL SERVICES, INC. 8 CONTINENTAL DRIVE, BLDG 2, UNIT H EXETER, NH 03833-7507

USPS-Verified Mail

	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 165-049 VARIANCE 36 Campbello St, Hudson, NH 03051 Map 165/Lot 049-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
9589 0710	5270 0646 5617 40	Joseph Kenny, Trustee; ATKINSON REVOCABLE TRUST ATKINSON, A. JACK, TR. (deceased)-	APPLICANT/OWNER NOTICE MAILED
		36 CAMPBELLO ST., HUDSON, NH 03051	
9589 0710) 5270 O646 5617 64	KILLINGSWORTH, JOAN E.	ABUTTER NOTICE MAILED
		28 CAMPBELLO ST., HUDSON, NH 03051	
3 9589 0710	3 5270 0646 5617 71	KILLINGSWORTH, WILLIAM R. & JOAN E.	ABUTTER NOTICE MAILED
		28 CAMPBELLO ST., HUDSON, NH 03051-3620	
4 9589 0710	5270 0646 5617 88	TRUJILLO, FABIAN GALINDO; GALINDO, ROSALVA	ABUTTER NOTICE MAILED
		15 KENYON ST., HUDSON, NH 03051	
5 9589 0710	5270 0646 5617 95	TUTON, CYNTHIA & JOHN	ABUTTER NOTICE MAILED
		13 KENYON ST., HUDSON, NH 03051	
6 9589 0710	3 5270 O646 5618 Ol	COLBY, JOHN R. & SONYA J.	ABUTTER NOTICE MAILED
		11 KENYON ST., HUDSON, NH 03051	
7 9589 0710	1 5270 0646 5618 18	FITZGERALD, DONALD R. & LISA Y.	ABUTTER NOTICE MAILED
		100 WEBSTER ST., HUDSON, NH 03051-3650	
8 9589 071	0 5270 0646 5618 25	HURD, CHESTER E. & JOYCE M., TRUSTEES	ABUTTER NOTICE MAILED
<u> </u>		12 MERRIMACK ST., HUDSON, NH 03051	
9 9589 071	0 5270 0646 5618 32	MORROW, RICHARD H.	ABUTTER NOTICE MAILED
		20 MERRIMACK ST., HUDSON, NH 03051	
10 9589 071	0 5270 0646 5618 49	MILLER, ROBERT A . & SYLVIA E.	ABUTTER NOTICE MAILED
		28 MERRIMACK ST., HUDSON, NH 03051	ON 19H 0305
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USPS-Verified Mail

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		ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
1	9649 071	0 5270 0646 5617 57	SOUSA REALTY	APPLICANT/OWNER NOTICE MAILED
<u> </u>			46 LOWELL ROAD, HUDSON, NH 03051	
2	9589 071	0 5270 0646 5618 56	MANGUAL, JOSELITO; JOWDERS, DANIEL R.	ABUTTER NOTICE MAILED
			32 MERRIMACK ST., HUDSON, NH 03051	
3	9589 071	0 5270 0646 5618 63	WELSH, EDWARD J. II, TR.; WELSH, JOYCE M., TR.	ABUTTER NOTICE MAILED
			38 CAMPBELLO ST., HUDSON, NH 03051	
4	9589 071	0 5270 0646 5618 70	Joseph Kenny, Trustee; ATKINSON REVOCABLE TRUST ATKINSON, A. JACK, TR. (deceased)	APPLICANT/OWNER NOTICE MAILED (Added as Courtesy to Mailing address)
			20 TRAFALGAR SQUARE, NASHUA, NH 03063	
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		Total Number of pieces listed by sender 4	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

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SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-049 VARIANCE 36 Campbello St, Hudson, NH 03051 Map 165/Lot 049-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
1	Mailed First Class	THORN, PAUL D. & DONNA I.	ABUTTER NOTICE MAILED
		12 GROUSE LANE, LITCHFIELD, NH 03052	
2	Mailed First Class	THORN, DONNA I., TR.; THORN REV TRUST OF 2013	ABUTTER NOTICE MAILED
		12 GROUSE LANE, LITCHFIELD, NH 03052	
3	Mailed First Class	BATES, ERIC A. & TINA L.	ABUTTER NOTICE MAILED
·		10 KENYON ST., HUDSON, NH 03051	
4	Mailed First Class	HUDGINS, JEFFREY E. & KAREN J.	ABUTTER NOTICE MAILED
		12 KENYON ST., HUDSON, NH 03051	
5	Mailed First Class	KAZLOUSKAS, STANLEY & GAIL	ABUTTER NOTICE MAILED
		18 KENYON ST., HUDSON, NH 03051	
6	Mailed First Class	BRIGHT, BRIAN, TR.; BRIGHT LIVING TRUST	ABUTTER NOTICE MAILED
		26 CAMPBELLO ST., HUDSON, NH 03051	
7	Mailed First Class	GALLOWAY, ALEXANDER C.	ABUTTER NOTICE MAILED
		3 KENYON ST., HUDSON, NH 03051	
8	Mailed First Class	IVES, AARON	ABUTTER NOTICE MAILED
		6 MERRIMACK ST., HUDSON, NH 03051	
9	Mailed First Class	CAMBRIA, SANDRA & CHARLES	ABUTTER NOTICE MAILED
		8 MERRIMACK ST., HUDSON, NH 03051	
10	Mailed First Class	GALANTE, MICHAEL J.; KINNEY, JOSEPH P.	ABUTTER NOTICE MAILED
		40 CAMPBELLO ST., HUDSON, NH 03050N	
	Total # of pieces listed by sender 10	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
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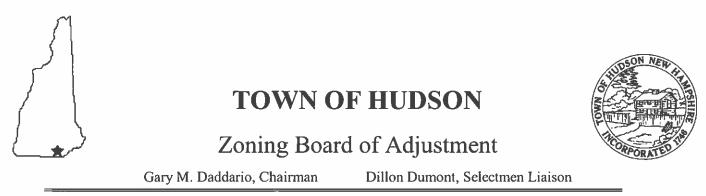
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SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-049 VARIANCE 36 Campbello St, Hudson, NH 03051 Map 165/Lot 049-000 1 of 1
		Name of Addressee, Street, and post office	
	ARTICLE NUMBER	address	06/27/2024 ZBA Meeting
1	Mailed First Class	PEPE, JEFFREY J.; LEIGHTON, CHRISTINA E.	ABUTTER NOTICE MAILED
		14 FEDERAL ST., HUDSON, NH 03051	
1		SAVGACHEVA, OXANA;	
2	Mailed First Class	IAMTSUN, VADYM	ABUTTER NOTICE MAILED
		19 MERRIMACK ST., HUDSON, NH 03051	
		TRAVERS, PAUL F., JR.;	
3	Mailed First Class	TRAVERS, ELIZABETH R.	ABUTTER NOTICE MAILED
		41 CAMPBELLO ST., HUDSON, NH 03051	
4	Mailed First Class	SCIRE, ROBERT C. & JACQUELINE, TRUSTEES	ABUTTER NOTICE MAILED
		6 SCHAEFER CIRCLE, HUDSON, NH 03051	
		VAZQUEZ, ALTAGRACIA M.;	
5	Mailed First Class	COLON, JOSE A.	ABUTTER NOTICE MAILED
U		29 MERRIMACK ST., HUDSON, NH 03051	
6	Mailed First Class	SLATTERY, SCOTT P.	ABUTTER NOTICE MAILED
0		27 MERRIMACK ST., HUDSON, NH 03051	
7	Mailed First Class	GLYNN, ALAN E. & DEBRALEE E.	ABUTTER NOTICE MAILED
		23 MERRIMACK ST., HUDSON, NH 03051	
8	Mailed First Class	GREENMAN-PEDERSEN, INC.	ABUTTER NOTICE MAILED
0			
		44 STILES ROAD, SUITE ONE, SALEM, NH 03079	
9	Mailed First Class	GOVE ENVIRONMENTAL SERVICES, INC.	ABUTTER NOTICE MAILED
		8 CONTINENTAL DRIVE, BLDG 2, UNIT H,	
		EXETER, NH 03833-7507	CON
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	Total # of pieces listed by sender 9	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)
		Indirect First Class (2)	Page 1

Uses



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

June 14, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, June 27, 2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 165-049 (06-27-24)</u>: Manuel D. Sousa of Sousa Realty & Development Corp., 46 Lowell Rd., Hudson, NH requests a <u>Variance</u> for <u>36 Campbello</u> <u>St.</u>, Hudson, NH for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district. [Map 165, Lot 049, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

Respectfully,

Chris Sullivan Zoning Administrator



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

June 14, 2024

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<u>Case 165-049 (06-27-24)</u>: Manuel D. Sousa of Sousa Realty & Development Corp., 46 Lowell Rd., Hudson, NH requests a <u>Variance</u> for <u>36 Campbello St.</u>, Hudson, NH for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district. [Map 165, Lot 049, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting to provide information or comments on the proposal. If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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 the Hudson Town Hall.

Respectfully,

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Chris Sullivan Zoning Administrator

APPLICATION FOR A VARIANCE

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

Construction of a new private road and 10 new single family homes plus retaining the existing single

family home on a lot with 30.37 feet of frontage where a minimum frontage of 90 feet is required in

the Town Residence (TR) district.

FACTS SUPPORTING THIS REQUEST:

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

I.(a) "The Zoning Board of Adjustment shall have the power to:

- (2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:
 - (A) The variance will not be contrary to the public interest;
 - (B) The spirit of the ordinance is observed;
 - (C) Substantial justice is done;
 - (D) The values of surrounding properties are not diminished; and

(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

- (b)(1) For purposes of this subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (B) The proposed use is a reasonable one.
 - (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
 - (3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

FACTS SUPPORTING THIS REQUEST:

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (a). New Hampshire case law has established on the basis of this 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.

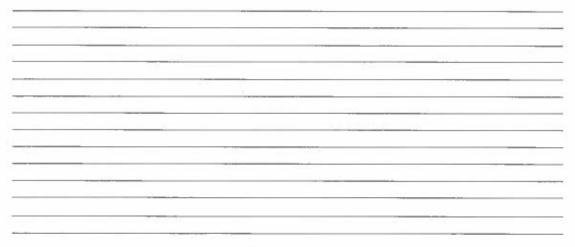
- Granting of the requested variance will not be contrary to the public interest, because: (Explain why you feel this to be true—keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")
- See attached 2. The proposed use will observe the spirit of the ordinance, because: (Explain why you feel this to be true-keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.") See attached 3. Substantial justice would be done to the property-owner by granting the variance, because: (Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.) See attached 4. The proposed use will not diminish the values of surrounding properties, because: (Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.) See attached

FACTS SUPPORTING THIS REQUEST: (Continued)

- 5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary** hardship, because: (Answer either A(1 and 2) or B according to which applies to your situation)
 - A. 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 <u>and</u>
 See attached

 Explain how the special conditions of the property cause the proposed use to be reasonable.
 See attached

B. 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.



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

A variance is not contrary to the public interest where it will neither alter the essential character of the locality, nor threaten the public health, safety, or welfare. <u>Malachy Glen Associates, Inc. v. Town of Chichester</u>, 155 N.H. 102, 105 (2007). This property is a pre-existing lot of record, created through a subdivision plan endorsed by the Hudson Planning Board on May 21, 1980. Granting of the variance to allow a single-family development on the property will not alter the essential character of the area, which is a neighborhood of single-family homes. The property is located withing the Town Residence district and the proposed density of 11 dwellings is less than 15 dwellings allowed per the zoning requirements. The dwellings will be serviced by municipal water and sewer, adequate access from a private roadway capable of accommodating emergency vehicles will be provided, and a stormwater management system meeting all local requirements for treatment, peak flow reduction, and groundwater recharge will protect groundwater and surface water resources, all of which serve to protect the public health, safety, and welfare.

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

The New Hampshire Supreme Court has held that 'public interest' and 'spirit of the ordinance' are related and that for a variance to be contrary to the public interest and inconsistent with the spirit of the ordinance "its grant must violate the ordinance's basic zoning objectives." The granting of this variance will not alter the essential character of the area, nor will it threaten the public health, safety, or welfare as established in the prior section and therefor, remains consistent with the spirit of the ordinance. Likewise, the granting of this variance will neither injure nor infringe upon the public or private rights of others. Granting the variance will allow the applicant to develop the property in a manner consistent with the character of the surrounding area.

- **3.** Substantial justice would be done to the property-owner by granting the variance because: Granting the variance will allow the applicant to develop the property consistent with the requirements of the zoning ordinance and site plan regulations and provide additional housing opportunities at a time when there is a well-documented need for more housing throughout NH. There is no benefit to the public that outweighs the hardship to the applicant if the requested variance were denied.
- 4. The proposed use will not diminish the values of surrounding properties because: The use is allowed and is consistent with the use of the surrounding properties. The construction of 11 new single-family residences with market values equal to or greater than other homes in the area will not diminish the values of the surrounding properties.

5. Special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

A. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of the provision to the property because: This is a pre-existing lot of record created by subdivision in 1980. It is the largest property within this neighborhood and its only frontage is along the end of Campbello Street, which only has a 30-foot wide right-of-way in this area, facts which do distinguish it from other properties in the area. All adjacent properties are privately owned and support other dwellings, therefor there is no opportunity for the owner to acquire the additional frontage needed to conform to the zoning requirement and as such, denial of the variance would result in an unnecessary hardship.

B. The proposed use is a reasonable one because:

The use is allowed by zoning, the property is of sufficient size to accommodate the development, the proposed development will not threaten the public health, safety, or welfare, the proposed development is consistent with the character of the surrounding area, and the project will provide additional housing opportunities at a time when there is a documented housing shortage.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-037

April 18, 2024

Sousa Realty & Development Corp 46 Lowell Rd Litchfield, NH 03052

Re: <u>36 Campbello Street</u> <u>Map 165 Lot 049-000</u> District: Town Residence (TR)

Dear Mr. Jeffrey,

Your request: You are proposing an 11 unit single family development with a proposed private roadway.

Zoning Review / Determination:

After reviewing your most recent plan we have noticed that your proposed development lacks the frontage required per **§334-27** <u>Table of Minimum Dimensional Requirements</u>. The project proposes 30.37. feet where 90' is required in the (TR) Zone

Due to the lack of frontage, the proposed plan would need a variance from the Zoning Board of Adjustment for frontage per §334-27 Table of Minimum Dimensional Requirements.

Sincerely,

Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 816-1275 csullivan@hudsonnh.gov

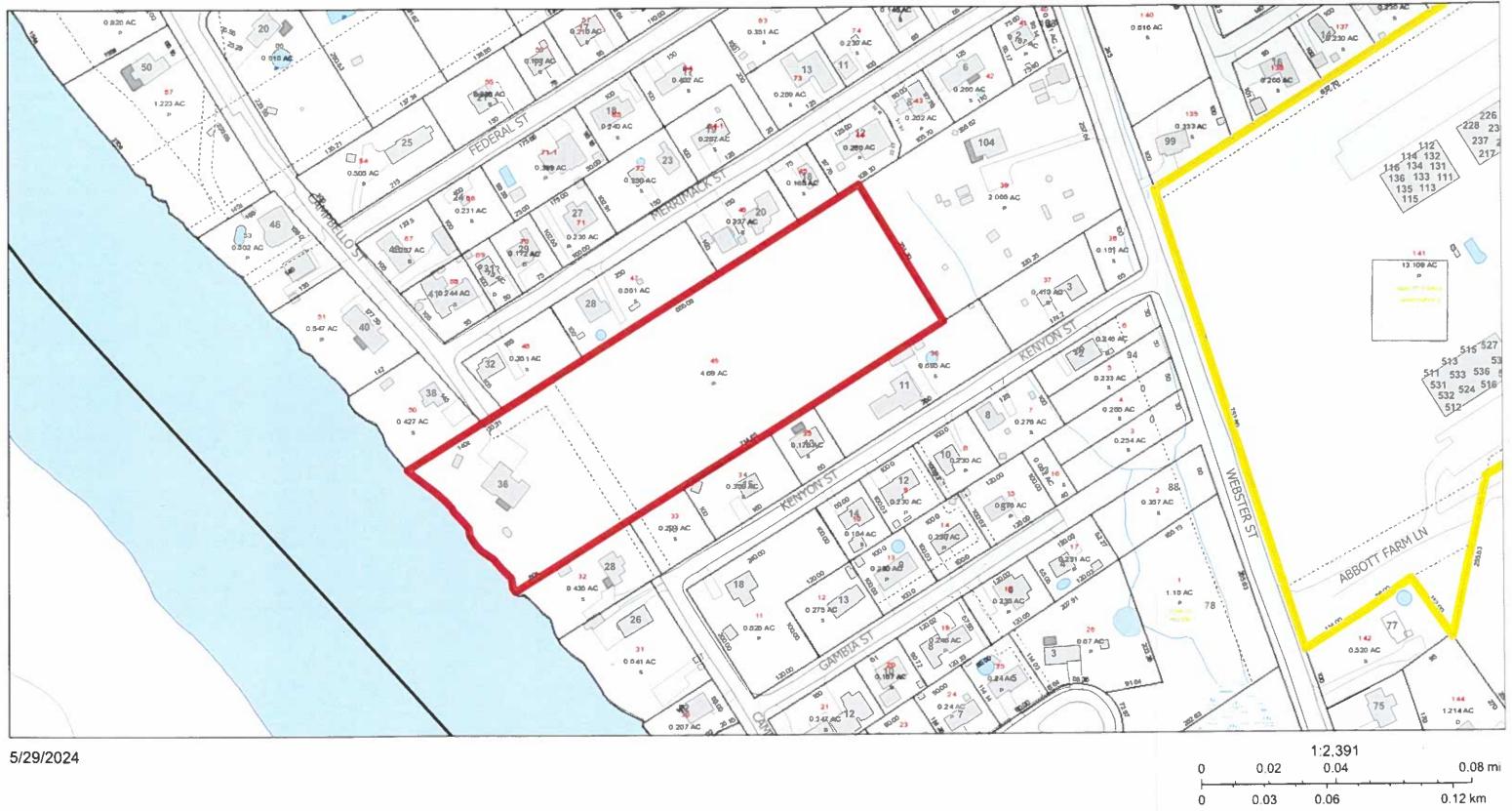
cc: Public File Brooke Dubowik (Planning Dept. Admin) Jay Minkarah (Sara Simon and David Jordon (GPI) Owner File

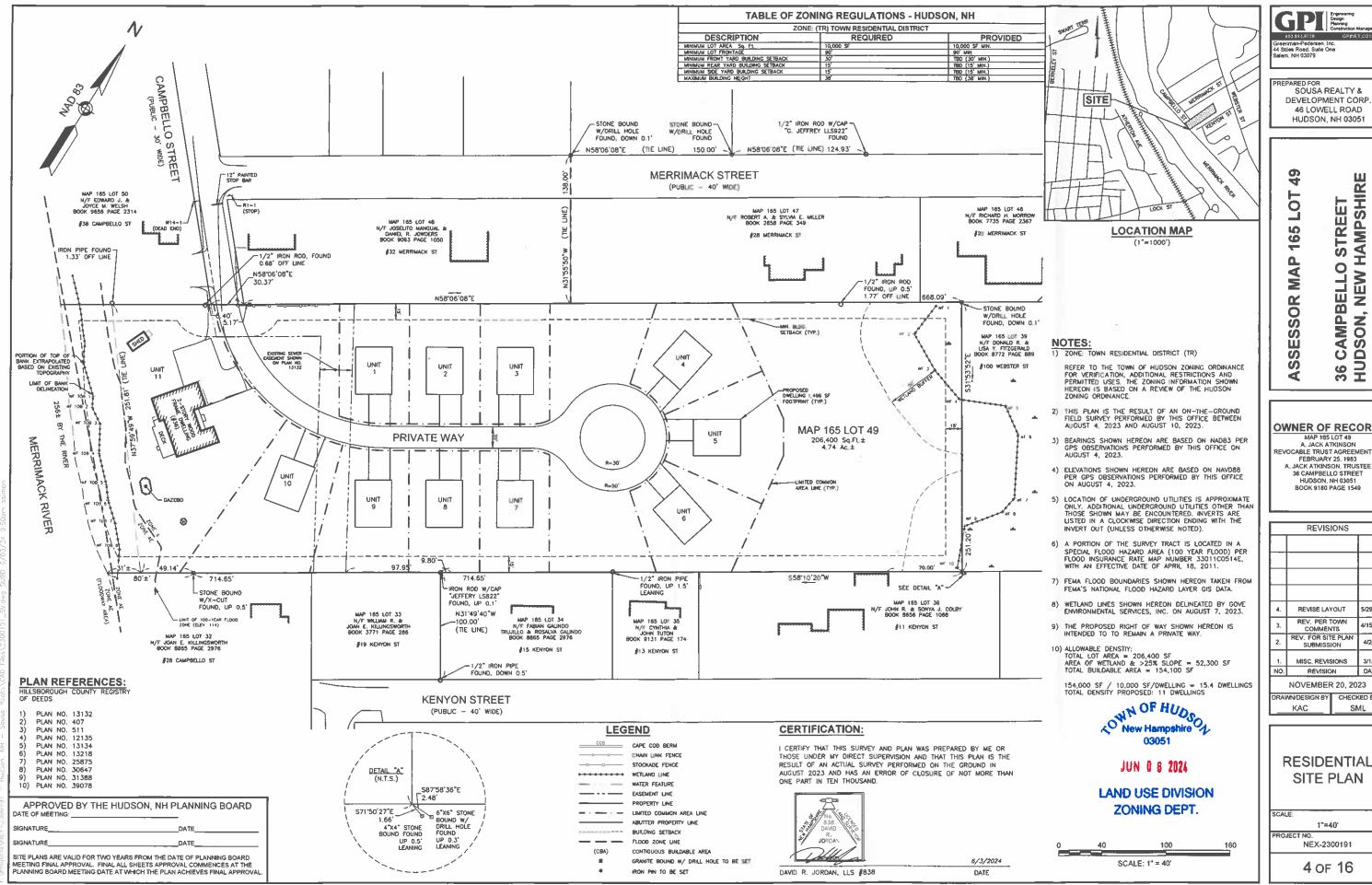
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

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HAMPSHIRE STR O NEW Ш m SON, 36 C/ HUD OWNER OF RECORD: MAP 165 LOT 49 A, JACK ATKINSON EVOCABLE TRUST AGREEMENT C FEBRUARY 25, 1983 A. JACK ATKINSON, TRUSTEE

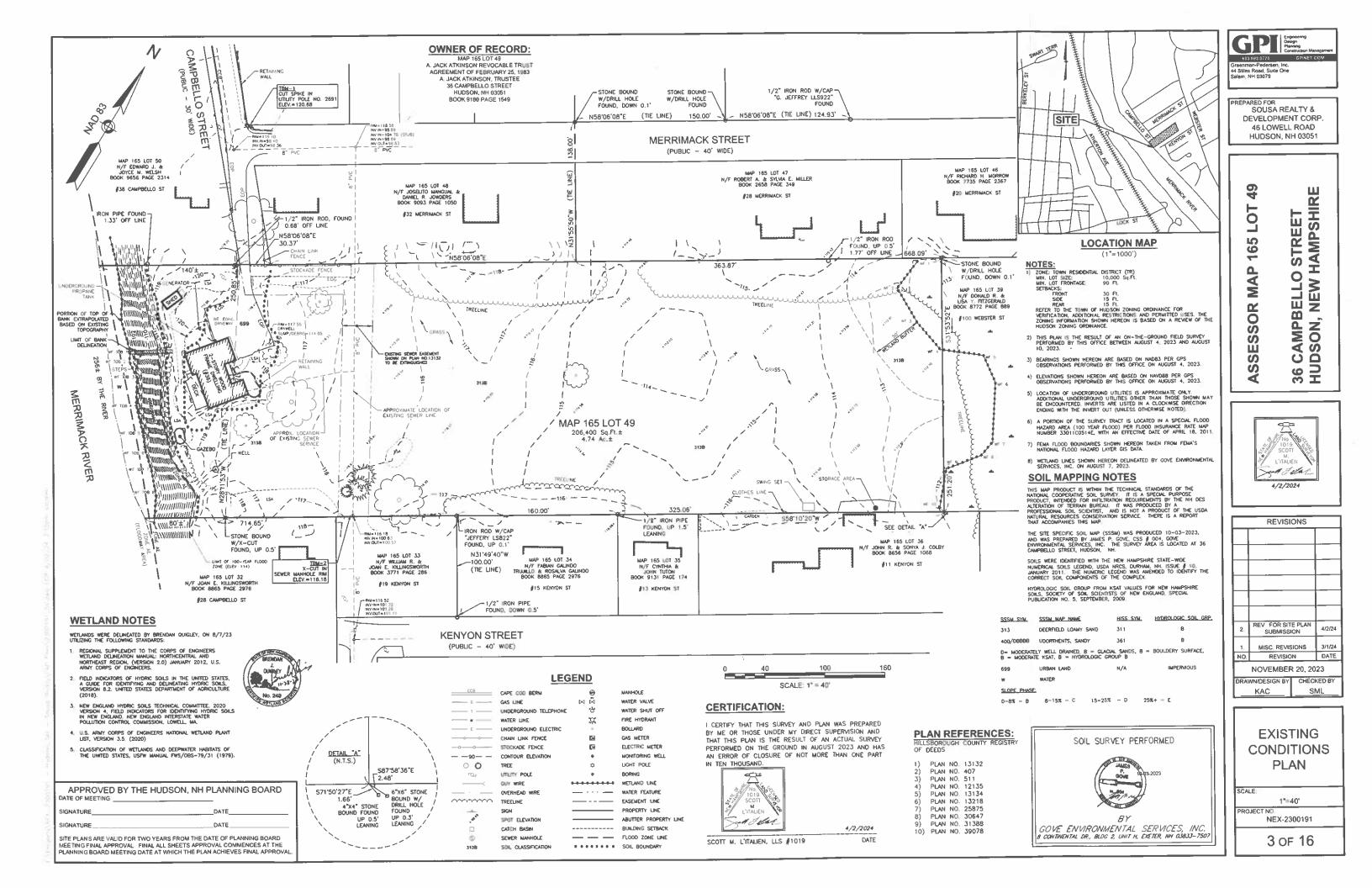
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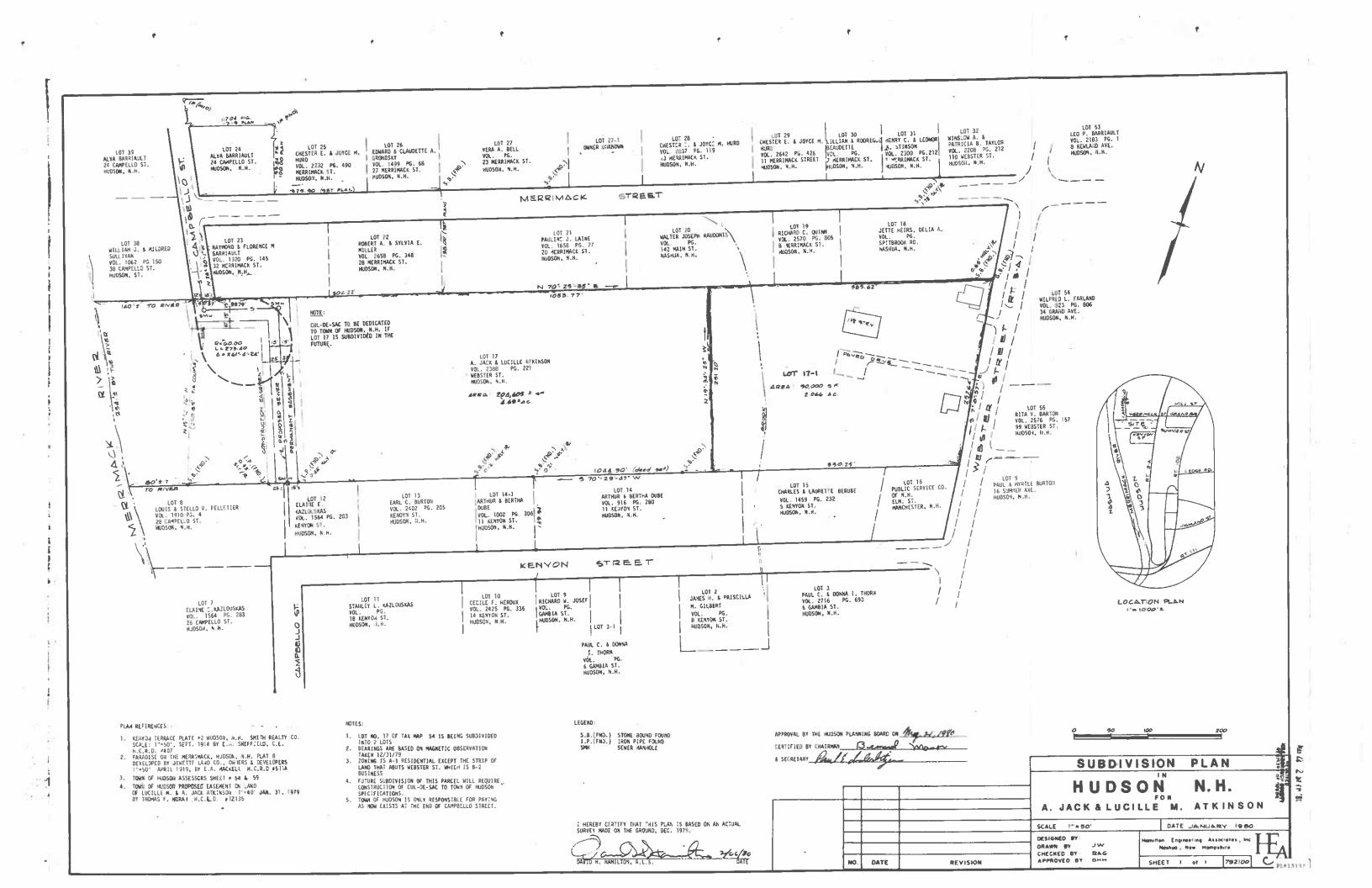
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36 CAMPBELLO STREET HUDSON, NH 03051 BOOK 9180 PAGE 1549

	REVIS	IONS	
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Printed 6/07/2024 9:06AM Created 6/07/2024 8:56 AM			Town o 12 So	tion Receipt f Hudson, NH chool Street NH 03051-4249		Receipt#	777,671 tgoodwyn
		Description		Current Invoice	Payment	Balance	Due
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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: June 27, 2024

<u>Case 145-005 (06-27-24)</u>: Kyle Segal, Manager, Axis Realty Group, LLC, 270 Nashua Rd., Londonderry, NH requests a <u>Variance</u> for <u>2 Sullivan Rd., Hudson, NH</u> for the proposal to redevelop and expand an existing motel into multi-family housing with up to 14 units where multi-family dwellings are not permitted in the G-1 district. [Map 145, Lot 005, Sublot-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

Address: 2 Sullivan Road Map 145 Lot 005-000

Zoning district: General One (G-1)

Property Description:

The Town of Hudson, records indicate this parcel is an existing lot of record. The property is classified as a motel. The Conversion of the motels into apartments is happening throughout the state to help provide affordable housing.

In-House comments:

Town Engineer:

1. Eight parking spaces appear to be in the state right of way. How does this impact the current request in question and the parking spaces required for the new use?

2. This property is served by a private septic system. Applicant shall provide information regarding this lot and ifs possible to accommodate a septic system big enough for the proposed use.

3. This property is served by a private well. The applicant shall provide information regarding the well, its capacity and if the new proposed use will trigger this well to a community well, and if an NHDES permit is required.

4. Applicant shall provide information regarding current fire suppression capabilities and if the new use will require additional fire suppression capacity.

Inspectional Services/Fire Dept.: no comments

Associate Town Planner:

The applicant shall apply for, and receive site plan approval before any work being done on site.

History/Attachments:

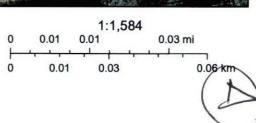
AERIAL / PHOTOS A: Aerials) Plans: Zoning Board of Adjustment Exhibit (6-4-24) (See Packet) **BUILDING PERMITS** B: BP# 92-77 Raise the present to a height of 15' and add a restaurant sign 4X6' (9-7-76) C: BP# 159-77 4X6'x12' Addition (10-29-76) D: BP# 449-77 8X16' screened porch (6-17-77) E: BP# 411-78 6'X23' addition to the rear of the motel for storage (5-22-78) F: BP# 46-81 16'4"X16'4" Deck (8-18-80) G: BP# 132-82 8X12' Sign (10-28-81) H: BP# 140-82 12 X16' bedroom to the present dwelling (11-12-81) I: BP# 2003-464 Construct a 16X20' shed (4-15-03) J: BP# 2006-816 Construct a second floor addition to be 10.6'X20.8' bedroom and 18.7X17.4 Bedroom and a 13'X4.11' Bathroom (12-14-06) ZONING ADMINISTRATOR/CODE ENFORCEMENT CORRESPONDENCE K: Zoning Determination #24-052 (5-31-24) DEPARTMENTAL COMMENT SHEETS L: Engineering - Request for review (6-11-24)

M: Planning Department - Request for review (6-17-24)

N: Inspectional Services/Fire Dept. Request for review (6-17-24)

Case# 145-005 - 2 Sullivan Rd





6/14/2024

Town of Hudson, N. H No. <u>92-</u>77 Office of Town Building Inspector BUILDING PERMIT est. 7 19.76 Frea - afle mote Name of Owner This certifies that ... erect is granted permission to alter Te fice Description aux mesent up repair move add Restansant Sign YXE of Building on premises located at and known as to ML - 36, Street or Avenue ante III Number and to do things lawful to that end. thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof. This Permit is issued under the condition that this building WILL NOT be occupied until a Certificate of occupancy is obtained from the Building Inspector. Richard E. M.

no Charge

ininistrative Officer



Residential Commercial

Industrial

Breezeway No. of Units

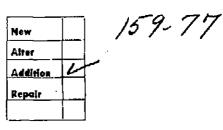
Garage

TOWN OF HUDSON, N. H.



Application for a Permit To Build

Subdivision	Yes	No
Flanning Bd, Approval Sub Div.	Yes	No
Water Pollution Approval Sub D	iv. No.	
Septic Construction Permit No.		
Necessary Bonds Posted	Yes	No
Bd. of Ad]. Variance Granted If	Nec.	



Date 10-29 1976

Name of Owner _HENY D. COTE	Address WINDHAM AD, RFD 3 Tel, 8893798
Land Purchased From Richarp Joseph	Address
Location Dreat Eagle Instal	Property Tax No7524
Name of General Contractor	Name of Architect
Name of Heating Contr.	Name of Electrical Contractor Hanny P. Coto
Type of Heat That WATES	Name of Plumbing Contractor
Name of Fireplace Mason	Name of Masonry Contractor
Material of Building	Style of Roof PITCHED Roof Covering
Size of Foundation 4 × 6	Living Floor Area No. of Stories
Height Foundation above Street	WaterNoSewerNo
	Width 12 Height 2-6 Footings Yes No
Fireplace 🔲 No. of Flues	Size Chimney Material
Brief Description of Repair, Alter or OtherAL	DITION 476×12
· · · · · · · · · · · · · · · · · · ·	

The undersigned hereby agrees that the proposed work shall be done in accordance with the foregoing statement, and with the plans and specifications submitted; and that the work connected therewith shall conform with the building laws and regulations of the town of Hudson, and that will notify the Building Inspector when foundation, frame, chimneys, fire-stops and heater-pipes, electrical wiring and plumbing are ready for inspection. I also certify that I have been authorized by the owner to apply for this permit.

> OVER Sketch of building, show streets set back from property lines on all sides on other side.

Owner's Signature Address Winothon PO 8F0 3

mL - 36/58

Town of Hudson, N. H. No. 449-77 Office of Town Building Inspector BUILDING PERMIT <u>e 17 , 1977</u> V. This certifies that Name of Owner erect L is granted permission to alter Description repair move of Building on premises located at and known as to 7524 undham k Street or Avenue Number and to do things lawful to that end. thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof. This Permit is issued under the condition that this building WILL NOT be occupied until a Certificate of occupancy is obtained from the Building Inspector. Richard E. Mil Administrative Officer

Town of Hudson, N No. <u>411-78</u> Office of Town Building Inspector **BUILDING PERMIT** <u>, 19. Z.C.</u> Para This certifies that Name of Owner erect Elkernet. is granted permission to alter . Déscription repair move of Building on premises located at and known as to[.] _ 36/58 7529 Street or Avenue. Number and to do things lawful to that end. This permit is issued on application number, is subject to the conditions thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof. This Permit is issued under the condition that this building. WILL NOT be occupied until a Certificate of occupancy is obtained from the Building Inspector. Administrative Officer

		E
	Town of Hudson, N. H. Office of Town Building Inspector BUILDING PERMIT Aug	No. 46-81
This certifies that is granted permission t	erect 16"4" X 16"4" o alter repair move	Name of Owner
of Building		
to 75,24 Number	ed at and known as 2 Sullivan Street or Avenue	Qd <u>m-36/58</u>
thereof and to the problem the problem commenced with	ued on application number visions of the Zoning Ordinance, and is void unles in 60 days next after the date hereof.	ss work thereunder shall have
	sued under the condition that this building WII	L NOT be occupied until a
Certificate of occupan	cy is obtained from the Building Inspector.	
Value \$ 50	o.oo Richard	Administrative Officer
Fee \$ 3.	oo	
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Town of Hudson, N. H.

No. <u>132-80</u> Act. 28 18 Office of Town Building Inspector BUILDING PERMIT

Henry Cot This certifies that

erect 4 is granted permission to alter ... repair :

of Building

on premises located at and known as to

move

7524 Numbe

and to do things lawful to that end.

thereof and to the provisions of the Zoning Ordinance, and is void unless work thereunder shall have been commenced within 60 days next after the date hereof.

This permit is issued under the condition that this building WILL NOT be accupied until a Certificate of persionery is obtained from the Building Inspector.

Value 2 3,000.

Richard Emp dministrative Officer

Name of Owner

Description

n1 - 36

Ber # 6

Town of Hudson, N. H.

Office of Town Building Inspector BUILDING PERMIT

nov. 12 <u>, 19, (</u>

No. 140-

Name of Owner

This certifies that

is granted permission to alter repair move

of Building

on premises located at and known as

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1524 Numbei

llevan Rd

Dedroom to

and to do things lawful to that end.

This Permit is assed under the condition that this building WILL NOT be occupied until a

Certificate of occupancy is obtained from the Building Inspector.

Henry E

Value \$ 3,000

Fec \$ 6.

Richard Millard



Building Permit

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Applicant Trusbar Pat Permit To Shed	tel 2 Sulli	yan Road 0 Story	Motel		-	03 Permit# ractor's Lice # of		s 0
At (Location) 2 Sulliva Between Central Stree			And		Zoning Dis Bridge R			
-	0 ft. Wide by Use Gr tion must conform to H 16' x 20' shed.	•	g by	0 Four	t 58 ft. in Heig adation Ty		Lot Size Conform in C	
Area or Volume Owner Address	0 Estimated Cost \$ Trushar Patel 2 Suilivan Road, Huds	ion, NH 03		,700.00	Permit F Approv D		5.00	

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Building Permit

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A Certificate of Occupancy is required. Please apply for the CO a minimum of 1 week prior to the date it is required.

Applicant Trusher Par Permit To Addition	tel 2 Sulliv	van Road 0 Story	Date Hotel	14-Dec-20 Cor	ntractor's L		06-816 ng Units	0	
At (Location) 2 Sulliva Between Central Stree			And Lav	Zoning D vrence Stre					
Subdivision Building is to be to Type Wood Frame	0 ft. Wide by Use Gra tion must conform to He	•	g by Fo	Lot 5 0 ft. in Hei pundation T	•		ot Size orm in Co		
	second floor addition to			18.7' x 17.4 Permit Fe		and 264.00		1 NO A	la
Owner Address	Trusher Patel 2 Sullivan Road, Hudse	on, NH 030)51	Аррго	Date	DEC	n 9 142	006	<u>n</u> r

12/ 14/06 - Left message



j,

TOWN OF HUDSON

Land Use Division

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

Zoning Determination 24-052

May 31, 2024

Sent Via: Email and 1St Class Mail

Fieldstone Land Consultants, PLLC C/O Chad Branon 206 Elm St. Milford, NH 03055

2 Sullivan Rd Map 145 Lot 005-000 Re: Zone: General One (G-1)

Zoning Review / Determination:

Your request is to convert an existing motel into multifamily housing.

Zoning Review / Determination:

Multifamily is not permitted in the General One district. You will need a variance from the Zoning Board of Adjustment per §334-21 (A3) Table of Permitted Principle Uses. The proposed use would require a site plan approval from the Planning Board per §334-16.1 Site Plan **Approval**

Sincerely,

Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 816-1275 csullivan@hudsonnh.gov

Public Folder cc: Brooke Dubowik (Planning Admin Aide) Inspectional Service Owner File

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



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

REQUEST FOR REVIEW/COMMENTS: Case: <u>145-005 (06-27-24)</u> (VARIANCE) Property Location: <u>2 Sullivan Rd.</u>

For Town Use					
Plan Routing Date: 06/11/2024 Reply requested by: 06/17/2024 ZBA Hearing Date: 06/27/2024					
I have no comments I have comments (see below)					
EZD Name: Town Engineer, P.E.	_ Date: 06/11/2024				
DEPT. Town Engineer Fire/Health Department	Associate Town Planner				

1. Eight parking spaces appear to be in the state right of way. How does this impact the current request in question and parking spaces required for the new use.

2. This property is served by a private septic system. Applicant shall provide information regarding this lot and ifs possible to accommodate a septic system big enough for the proposed use.

3. This property is served by a private well. The applicant shall provide information regarding the well, its capacity and if the new proposed use will trigger this well to a community well and if a NHDES permit is required.

4. Applicant shall provide information regarding current fire suppression capabilities and if the new use will require additional fire suppression capacity.



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

REQUEST FOR REVIEW/COMMENTS: Case: <u>145-005 (06-27-24)</u> (VARIANCE) Property Location: <u>2 Sullivan Rd.</u>

For Town Use
Plan Routing Date: 06/11/2024 Reply requested by: 06/17/2024 ZBA Hearing Date: 06/27/2024
I have no comments I have comments (see below)
BWG Name:Benjamin Wittham-Gradert Date: 06/17/2024
DEPT. Town Engineer Fire/Health Department Associate Town Planner

The applicant shall apply for, and receive site plan approval prior to any work being done on site.

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

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REQUEST FOR REVIEW/COMMENTS: Case: <u>145-005 (06-27-24)</u> (VARIANCE) Property Location: <u>2 Sullivan Rd.</u>

For Town Use	
Plan Routing Date: 06/11/2024 Reply requested by: 06/17/202	4ZBA Hearing Date: 06/27/2024
I have no comments I have comments (see	below)
DRH Name:David Hebert	Date: 06/17/2024
(Initials)	
DEPT. Town Engineer Fire/Health Department	Associate Town Planner

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HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)

On 06/27/2024, the Zoning Board of Adjustment heard Case 145-005, being a case brought by Kyle Segal, Manager, Axis Realty Group, LLC, 270 Nashua Rd., Londonderry, NH requesting a <u>Variance</u> for <u>2 Sullivan Rd., Hudson, NH</u> for the proposal to redevelop and expand an existing motel into multi-family housing with up to 14 units where multi-family dwellings are not permitted in the G-1 district. [Map 145, Lot 005, Sublot-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §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	Ν	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	Ν	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	Ν	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	Ν	4. The proposed use will not diminish the values of surrounding properties.

(Continue-next page-Hardship Criteria)

(Contir	nued)		HUDSON ZONING BOARD OF ADJUSTMENT Variance Decision Work Sheet (Rev 4-17-23)
Y N N/A	5.	A.	 The Applicant established that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area: (1) No fair and substantial relationship exist between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
			(2) The proposed use is a reasonable one.
Y N		 B.	Alternatively, if the criteria above (5.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.
		-	
0			member of the Hudson ZBA Date
Print n	ame: _		
Stipula	tions: -		
	-		
	-		

OF HUDSON OF HUDSON New Hampenine OSOST APPLICATION APPLICATION	
ONEW HEITIGE APPLICATION	N FOR A VARIANCE
JUN 1 1 2004 JUN 1 1 2004 LAND USE DIVISION LAND USE DIVISION ZANING DEPT. ZANING DEPT.	Entries in this box are to be filled out by Land Use Division personnel Case No. <u>145-005 (06-27-24)</u> Date Filed <u>6/11/24</u>
Name of Applicant Axis Realty Group, LLC - Kyle Seg	al, Manager Map: 145 Lot: 5 Zoning District: G-1
Telephone Number (Home)	(Work) _603-505-0513
Mailing Address 270 Nashua Rd., Londonderry	, NH 03053
Owner Milap Corporation - Radhika Patel, Owner	
Location of Property2 Sullivan Road, Hudson, N	
(Street Addres	6-10-24
Signature of Applicant	Date
R-T. Put-d Signature of Property-Owner(s)	<u>6-10-24</u> Date

By filing this application as indicated above, the owner(s) hereby give permission to the Town of Hudson, it's officials, employees, and agents, including the members of the Zoning Board of Adjustment (ZBA), as well as, abutters and other interested members of the public, to enter upon the property which is the subject of this application during any public meeting conducted at the property, or at such reasonable times as may be authorized by the ZBA, for the purpose of such examinations, surveys, tests and inspections as may be deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.

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/represent 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 COST:	Land Use Division p Date receive		
Application fee (processing, advertising & recordin <u>Abutter Notice</u> : Direct Abutters x Certified postage rate Indirect Abutters x First Class postage rate Total amount de	\$ <u>508</u> = \$ <u>0.68</u> =	\$ <u>185.00</u> \$ <u>45.72</u> \$ <u>0.68</u> \$ <u>231.40</u>	Can can the
	Amt. received:	\$ 231.40	11122
Received by: TSG	Receipt No.:	718,157	
By determination of the Zoning Administrator, the for Engineering Fire Dept Health Officer	(ASOC)	review is required: her	

May 31, 2024

RE: Tax Map 145 Lot 5 2 Sullivan Road Hudson, NH 03051

To Whom It May Concern:

The undersigned hereby authorizes Fieldstone Land Consultants, PLLC and Axis Realty Group to file the necessary paperwork for seeking the required local, state and federal approvals for the above referenced property. This process will not incur any cost or liabilities for the owner as all services will be performed directly for Axis Realty Group and as such they will be responsible for all associated professional services performed by this office.

Very truly yours,

Owner: Milap Corporation, Radhika Patel, Owner

Signature: <u>R-T. Patel</u> Print: <u>Radhika Patel</u> Date <u>6-1</u>0-24

May 29, 2024

RE: Tax Map 145 Lot 5 2 Sullivan Road Hudson, NH 03051

To Whom It May Concern:

The undersigned hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking the necessary local, state and federal approvals for the above referenced property.

Very truly yours,

Applicant: Axis Realty Group, LLC – Kyle Segal, Manager

Print: <u>Kyle Segal</u> Date <u>(-- /0</u> - 74 Signature:

TOWN OF HUDSON, NH Variance Application Checklist

The following **requirements/checklist** pertain to the Zoning Board of Adjustment applications. Fill in all portions of this Application Form(s) as applicable. This application will not be accepted unless all requirements have been made. Additional information may be supplied on a separate sheet if space provided is inadequate.

Applicant Staff Initials Initials たり Please review the completed application with the Zoning Administrator or staff before TG. making copies in next step. The applicant must provide the original (with wet signatures) of the complete filledout application form and all required attachments listed below together with thirteen (13) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples) DB 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, 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. NB 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.) 10 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 by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (**NOTE**: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.) TG GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use DB Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office) 16 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 <u>8</u>|4 required must be attached to your application. SB If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N(circle one). If yes, submit an application to the Planning Board.

CERTIFIED PLOT PLAN:

Requests other than above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied.

The application may be deferred if all items are not satisfactorily submitted).

THE		ad
a	The plot plan shall be drawn to scale on an $8\frac{1}{2}$ x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.	-(10)
b)DB	The plot plan shall be up-to date and dated, and shall be no more than three years old.))
c) 85	The plot plan shall have the signature and the name of the preparer, with his/her/their seal.	
d) 75	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: A copy of the GIS map can be obtained by visiting the town website:	
-	https://www.hudsonnh.gov/community-development/page/gis-public-use)	
e)	The plot plan shall include the area (total square footage), all buffer zones, streams or	
100	other wetland bodies, and any easements (drainage, utility, etc.)	
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.	1
g)DB	The plot plan shall include all proposed buildings, structures, or additions, marked as	
	"PROPOSED," together with all applicable dimensions and encroachments.	
h DB	The plot plan shall show the building envelope as defined from all the setbacks required	
-	by the zoning ordinance.	\' /
DB	The plot plan shall indicate all parking spaces and lanes, with dimensions.	V
		(1)

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

Signature of Applicant(s)

R.T. Patel Signature of Property Owner(s)

S

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 adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. 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)

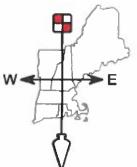
МАР	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
		See Attached	
Χ			
			· · · · · · · · · · · · · · · · · · ·
			<u> </u>

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. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. If at the time of your hearing, any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date following notification of such abutters.

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		See Attached	
		······	
			<u>_</u>



FIELDSTONE

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456 www.FieldstoneLandConsultants.com

Date June 11, 2024 FLC#3859.00 / DEB

Map 145 Lot 005 Milap Corporation 2 Sullivan Rd. Hudson, NH 03051

Map 145 Lot 015 Pierce Hardy Limited Partnership 1019 Rt. 519 Bldg. 4 Eighty Four, PA 15330

Map 144 Lot 024-010 Robert & Jennifer Ganas 63 Lawrence Rd. Hudson, NH 03051 List of Abutters Tax Map 145 Lot Number 5 Hudson, New Hampshire

Applicant: Axis Realty Group Kyle Segal 270 Nashua Rd. Londonderry, NH 03053

Map 145 Lot 006 Flying Crusher LLC c/o Recore Trading 4 Bridle Bridge Rd. Hudson, NH 03051

Map 145 Lot 001 1 Bockes Road, LLC 25 Pelham Rd., Suite 103 Salem, NH 03079 Map 145 Lot 009 Hope M. Gibbs Jason M. Debow 1 Bridle Bridge Rd. Hudson, NH 03051

Map 144 Lot 022-001 State of New Hampshire C/O DRED 172 Pembroke Rd. Pembroke, NH 03302-1856

Engineer: Fieldstone Land Consultants, PLLC 206 Elm Street Milford, NH 03055

Indirect Abutters

Map 145 Lot 010 Melissa Johnson Aaron Locke 8 Sullivan Rd. Hudson, NH 03051

USPS-Verified Mail

SEND	ER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 145-005 VARIANCE 2 Sullivan Rd, Hudson, NH 03051 Map 145/Lot 005-000 1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	06/27/2024 ZBA Meeting
1	9589 071	0 5270 0646 5618 87	MILAP CORPORATION	APPLICANT/OWNER NOTICE MAILED
			2 SULLIVAN ROAD, HUDSON, NH 03051	
2	9589 071	0 5270 0646 5618 94	Axis Realty Group; Kyle Segal	APPLICANT/OWNER NOTICE MAILED
			270 Nashua Rd., Londonderry, NH 03053	
3	9589 071	0 5270 0646 5619 00	Fieldstone Land Consultants, PLLC	APPLICANT/OWNER NOTICE MAILED
			206 Elm Street, Milford. NH 03055	
4	9589 071	0 5270 0646 5619 17	STATE OF NEW HAMPSHIRE ; C/O DRED 172 PEMBROKE ROAD, PEMBROKE, NH 03302-1856	ABUTTER NOTICE MAILED
5	9589 071	0 5270 0646 5619 24	GANAS, ROBERT & JENNIFER	ABUTTER NOTICE MAILED
			63 LAWRENCE RD, HUDSON, NH 03051	1
6	9589 071	0 5270 0646 5619 31	1 BOCKES ROAD, LLC 25 PELHAM RD. SUITE 103 SALEM, NH 03079	ABUTTER NOTICE MAILED
7	9589 071	0 5270 0646 5619 48	FLYING CRUSHER LLC; c/o RECORE TRADING	ABUTTER NOTICE MAILED
1000			4 BRIDLE BRIDGE RD., HUDSON, NH 03051	
8	9589 071	0 5270 0646 5619 55	GIBBS, HOPE M.; DEBOW, JASON M.	ABUTTER NOTICE MAILED
			1 BRIDLE BRIDGE RD., HUDSON, NH 03051	
9	9589 071	0 5270 0646 5619 62	PIERCE HARDY LIMITED PARTNERSHIP 1019 RT. 519 BLDG 4, EIGHTY FOUR , PA 15330	ABUTTER NOTICE MAILED
10		Mailed First Class (Indirect abutter)	JOHNSON, MELISSA; LOCKE, AARON	ABUTTER NOTICE MAILED
			8 SULLIVAN ROAD, HUDSON, NH 03051	13/
×	2 2 00 C. 1-1	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

10 **Direct Certified**

: 28

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TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

June 14, 2024

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, June 27, 2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 145-005 (06-27-24)</u>: Kyle Segal, Manager, Axis Realty Group, LLC, 270 Nashua Rd., Londonderry, NH requests a <u>Variance</u> for <u>2 Sullivan Rd.</u>, Hudson, NH for the proposal to redevelop and expand an existing motel into multi-family housing with up to 14 units where multi-family dwellings are not permitted in the G-1 district. [Map 145, Lot 005, Sublot-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §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 an authorized representative, are expected to attend the hearing and make a presentation.

Respectfully,

Chris Sullivan Zoning Administrator



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

June 14, 2024

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You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, June 27, 2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 145-005 (06-27-24)</u>: Kyle Segal, Manager, Axis Realty Group, LLC, 270 Nashua Rd., Londonderry, NH requests a <u>Variance</u> for <u>2</u> Sullivan Rd., Hudson, NH for the proposal to redevelop and expand an existing motel into multi-family housing with up to 14 units where multi-family dwellings are not permitted in the G-1 district. [Map 145, Lot 005, Sublot-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §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 to provide information or comments on the proposal. If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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 the Hudson Town Hall.

Respectfully, PL-

Chris Sullivan Zoning Administrator

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:

A multi-family use in the General-One District.

FACTS SUPPORTING THIS REQUEST:

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

I.(a) "The Zoning Board of Adjustment shall have the power to:

- (2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:
 - (A) The variance will not be contrary to the public interest;
 - (B) The spirit of the ordinance is observed;
 - (C) Substantial justice is done;
 - (D) The values of surrounding properties are not diminished; and

(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

- (b)(1) For purposes of this subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (B) The proposed use is a reasonable one.
 - (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
 - (3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

FACTS SUPPORTING THIS REQUEST:

The power to grant variances from the local zoning ordinances is established in NH RSA 674:33 I (a). New Hampshire case law has established on the basis of this 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 disgualified. Note that your answers here can be summary in nature, and you can provide additional testimony at the time of your hearing.

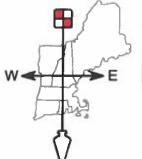
1. Granting of the requested variance will not be contrary to the public interest, because: (Explain why you feel this to be true-keeping in mind that the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood,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

2.	The proposed use will observe the spirit of the ordinance, because: (Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.") See attached
	Substantial justice would be done to the property-owner by granting the variance, because: (Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.) See attached

FACTS SUPPORTING THIS REQUEST: (Continued)

- 5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary** hardship, because: (Answer either A(1 and 2) or B according to which applies to your situation)
 - A. Explain why you believe this to be true—keeping in mind that you must establish that: 1) 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 See attached 2) Explain how the special conditions of the property cause the proposed use to be reasonable. See attached **B.** Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.

See attached





206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456 www.FieldstoneLandConsultants.com

> VARAINCE CRITERIA Multi-Family Housing Development Tax Map 145, Lot 5 2 Sullivan Street - Hudson, NH

> > June 4, 2024

Prepared For: Axis Realty Group

As agent for Axis Realty Group, Fieldstone Land Consultants, PLLC is submitting this variance application for Zoning Board of Adjustment approval. The proposed project consists of converting existing improvements on Tax Map Parcel 145-5 into multi-family housing. The subject property was formerly the location of the Great Eagle Motel. The applicant is proposing redeveloping and expanding the existing motel into multi-family housing with up to 14 units. Tax Map Parcel 145-5 is located in the General-One (G-1) zoning district where multi-family housing is not permitted.

VARIANCE REQUEST: The proposed multi-family use on the property requires a variance pursuant to Article V, Chapter 334, Section 21: Table of Permitted Uses for a multi-family use within the General-One District.

Below are the support statements for the variance. The numbered items below correlate to the variance criteria outlined in the Town of Hudson, NH Application for a Variance.

A variance is being requested pursuant to Article V, Chapter 334, Section 21: Table of Permitted Uses for a multifamily use within the General-One District.

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

Multi-family housing is proposed for the redevelopment of this property. The purpose of the G-1 district is to support a wide diversity of land uses with consideration to the rural nature of the area. The subject property has historically been developed as a 12-unit motel but it currently being used as a long-term rental site. The proposed change in use is from a motel to multi-family housing, so the necessary infrastructure is already in place. Multi-family housing is currently only permitted as a use by right in the Business District (comprising roughly 4.3% of the Town's total area). Granting the variance would allow for the productive use of this property while providing much needed housing in the town and the surrounding area. Granting the variance would result in a housing development that is in the best

FIELDSTONE

Axis Realty Group 2 Sullivan Road - Hudson, NH Variance Application

Page 2 of 3

interest to the public. There is a need for additional permanent housing opportunities in Hudson. The proposed multi-family development will not conflict with the general purpose of the zoning ordinance to promote the health, safety, and general welfare of the community. The proposed redevelopment will repurpose the subject property with a use much needed by the community.

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

Granting the proposed variance will observe the spirit of the ordinance because multi-family use is contemplated within the ordinance in the Business District where water and sewer infrastructure are present. The proposed multi-family use will not be dissimilar to a nursing home, hotel or the existing motel, all of which are permitted in the General-One District. The proposed use will not alter the essential character of the neighborhood, as the property is already being used in a similar way to what is being proposed. The redevelopment into multi-family housing will not threaten public health, safety or welfare, or otherwise injure public rights; for these reasons we believe the proposed use will observe the spirit of the ordinance.

3. <u>Substantial justice would be done to the property-owner by granting the variance, because:</u>

Substantial justice is done by granting the proposed variance. Granting the proposed variance for multifamily use would allow the property owner to redevelop their property with a much-needed use to the community. The proposed multi-family development will productively redevelop this parcel that has private water and sewer infrastructure in place, while providing responsible growth in the community. The redevelopment of the property would allow the owner to better accommodate how the property is currently being utilized by upgrading facilities with long term housing in mind. The public would realize no appreciable gain from denying this variance.

4. Proposed use will not diminish the values of surrounding properties, because:

Surrounding properties are a mix of residential and commercial facilities. There is no evidence that the change from a motel use to the proposed multi-family use would diminish surrounding property values. Granting the variance will allow for long term tenants to live at 2 Sullivan Road rather than transient motel guests. Permanent tenants of multifamily housing have a stake in the appearance and upkeep of the property – it is their home. It has been our experience that redevelopment and investment in communities will often result in positive impacts to property values.

FIELDSTONE

Axis Realty Group 2 Sullivan Road - Hudson, NH Variance Application

Page 3 of 3

- 5. <u>Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship,</u> <u>because:</u>
 - A. Explain why you believe this to be true keeping in mind that you must establish that:
 1) 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*:

The subject property has special conditions that distinguish it from other properties in the area. The properties in this area are developed largely as single-family residential with some commercial. The subject property differs greatly from those surrounding it because it has been developed with a motel facility and use, and is currently being used as long-term rental for temporary tenants. The historic use of this property distinguishes it from others in the area. A conversion from motel to multi-family housing would likely have the least impact to surrounding properties than other types of redevelopment of this property. Redeveloping this property with permitted types of commercial development could be in conflict with the existing residential neighborhood on Sullivan Road and across Central Street. No fair and substantial relationship exists between the general public purpose of the ordinance and the proposed multi-family residential use. Other similar uses are allowed in this zone, and granting this variance will allow the owner to address the needs of the community.

2) Explain how the special conditions of the property cause the proposed use to be reasonable:

The proposed use is reasonable because it will balance the public need for housing with the intent of the ordinance to not over develop areas that lack sufficient infrastructure for development. As this property is already developed as a motel, the change in use is a reasonable repurposing of an existing facility. Granting the variance will allow for the property owner to repurpose the existing building with a similar use. It will allow for the transition from the temporary housing which a motel provides to more permanent housing.

B. 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:

The special conditions of the property as set forth above distinguish this property from other properties in the area and prevent the property from being developed in strict conformance with the ordinance. The most reasonable use of this property would be to repurpose the existing improvements. Because of the special conditions that exist, namely the property being developed as a motel, there are not many uses this existing development could be reasonably repurposed in to. A variance is therefore necessary to enable a reasonable use of the property. The variance for a multi-family housing use is reasonable because it fits the spirit of the ordinance and provides a much needed benefit to the community.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination 24-052

May 31, 2024

Sent Via: Email and 1St Class Mail

Fieldstone Land Consultants, PLLC C/O Chad Branon 206 Elm St. Milford, NH 03055

Re: <u>2 Sullivan Rd Map 145 Lot 005-000</u> Zone: General One (G-1)

Zoning Review / Determination:

Your request is to convert an existing motel into multifamily housing.

Zoning Review / Determination:

Multifamily is not permitted in the General One district. You will need a variance from the Zoning Board of Adjustment per §334-21 (A3) Table of Permitted Principle Uses.

The proposed use would require a site plan approval from the Planning Board per §334-16.1 Site Plan Approval

Sincerely,

 $\neg <' \imath$

Chris Sullivan Zoning Administrator/Code Enforcement Officer (603) 816-1275 csullivan@hudsonnh.gov

cc: Public Folder Brooke Dubowik (Planning Admin Aide) Inspectional Service Owner File

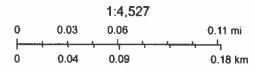
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

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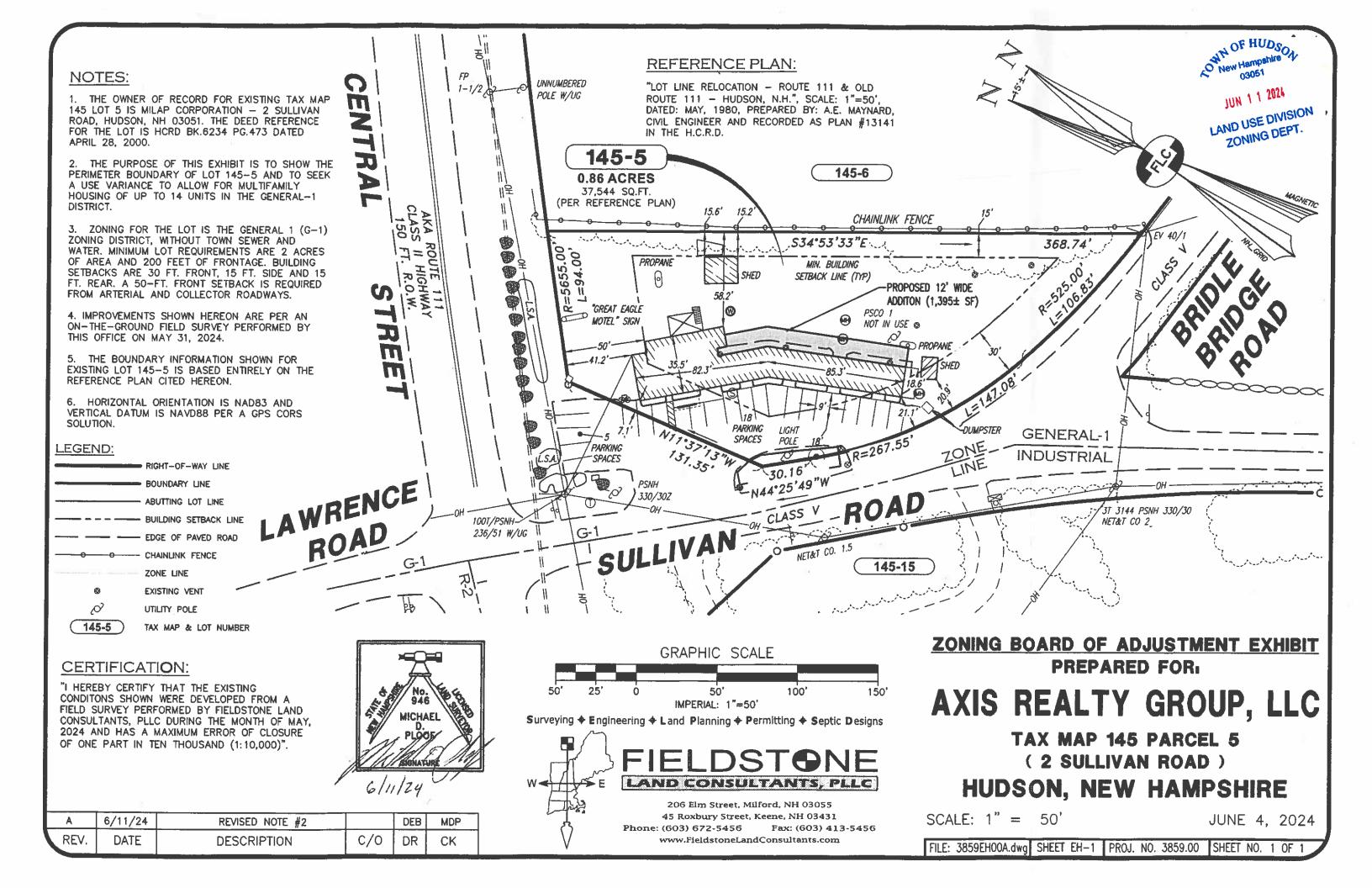
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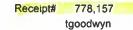
6/4/2024



Printed 6/11/2024 11:31AM Created 6/11/2024

11:24 AM

Transaction Receipt Town of Hudson, NH



12 School Street Hudson, NH 03051-4249

	Description		Current Invoice	Payment Ba		alance Due	
1.00	Zoning Application-6/ 2 Sullivan Rd Map 145 Lot 005-000		eting				
	Variance (Use)		0.00	231,4000		0.00	
				Total:		231.40	
Remitter		Рау Туре	Reference	Tendered	Change	Net Paid	
Fieldstone	Land Consultants, PLLC	CHECK	CHECK #11122	231.40	0.00	231.40	
				Total Due:		231.40	
				Total Tendered:		231.40	
				Total Change:		0.00	
				Net Paid:		231.40	

	TOWN OF HUDSON
3	Zoning Board of Adjustment
4	Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison
5 6	12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fax: 603-594-1142
7 8	MEETING MINUTES – May 23, 2024 – as edited
9 10 11 12	The Hudson Zoning Board of Adjustment met Thursday, May 23, 2024, at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.
12 13 14 15	I. CALL TO ORDER II. PLEDGE OF ALLEGIANCE
16 17 18 19	Chairman Daddario called the meeting to order at 7:00 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board's Bylaws) regarding the procedure and process for the meeting.
	III. ATTENDANCE IV. SEATING OF ALTERNATES
23 24 25 26 27 28 29 30 31 32	Clerk Dion called the attendance. Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate/Clerk), Normand Martin (Regular/Vice Chair) and Dean Sakati (Regular). Also present were Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Excused were Tim Lanphear (Regular) and Dillon Dumont, Selectman Liaison. Alternate Dion was appointed to vote. All Members present voted. Mr. Daddario stated that normally there would be five (5) Members voting, that only four (4) are present, that in order to act on a motion requires three (3), and stated that the Applicants have the prerogative to ask to wait until next month in hopes that there would be five (5) Members in attendance.
33	V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:
34 35 36 37 38 39 40 41 42 43 44 45	 Case 184-021 (05-23-24): Ryan T. Burke, <u>152 Belknap Rd., Hudson, NH</u> [Map 184, Lot 021, Sublot-000; Zoned Residential-Two (R-2)] requests the following: a. A <u>Variance</u> to install a proposed 21 ft. diameter above ground pool 8.5 feet in the side yard setback leaving 6.5 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements] b. An <u>Equitable Waiver of Dimensional Requirement</u> to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Required. [HZO Article VII: Dimensional Requirements]

l

- 46 Mr. Sullivan read both the Variance and the Equitable Waiver into the record,
- 47 referenced his Staff Report initialed 5/13/2024 and noted that the Town Engineer
 48 asked about the location of the water discharge hose and how backwash discharge with
- 48 asked about the location of the water discharge hose and how backwash discharge will49 handled.
- 50

51 Ryan Burke stood at the lectern and introduced himself, stated that the land slopes 52 toward Central Street and drops down in the back, noted that his driveway and garage 53 are below street level and the drainage has been dealt with and has established a path 54 to the rear of his property, that there is a large mature maple tree in the near center of 55 is back yard with overreaching branches, that Jim Hedlund, owner of ASAP on Lowell 56 Road, performed a site visit on 4/24/2024 and due to the tree location, the sloping 57 land of the yard and the existing water drainage concerns, recommended the location 58 of the pool and noted that it is the most level section of his backyard, that any other 59 location could subject it to falling branches or shade from the tree and could cause 60 water drainage issues due to the naturally sloping yard. Mr. Burke stated that the 61 pool would be fenced in and surrounded by flora so as to not be wholly visible from the 62 road and not impact the neighborhood or affect property values.

63

Mr. Burke referenced other properties in his neighborhood citing that most add
on/develop on the left side due to the sloping of the land, that 148 Belknap Road has
a pool, that another lot has a greenhouse and walked the Board through the pictures
that accompanied his application. Mr. Burk stated that in reference to the Town

- 67 that accompanied his application. Mr. Burk stated that in reference to the Town 68 Engineer's comment regarding pool drainage, that he has a five hundred foot (500')
- 69 hose to use that can be directed to where the Engineer directs and added that he
- anticipates the time frame for dismantling the pool to be in September for the winter.
- 71

Public testimony opened at 7:19 PM. Denise Beausoleil, 150 Belknap Road, stated that she is a direct abutter and shares a property line with the Burkes, that they have been neighbors for about six (6) years and that she has no objection to the variance to allow the pool to be installed in their side_yard setback. Being no one else to address the Board, Mr. Daddario declared the public testimony closed at 7:21 PM and the matter before the Board.

78

Mr. Martin stated that the slope on the property could satisfy the hardship criteria, but according to the testimony received, every lot in the neighborhood has to deal with slopes. Mr. Daddario stated that the hardship is to be to the lot in question and after rereading the criteria, it does not mean that it has to be different, that it is okay that the slope is on many of the lots in the neighborhood but that does not negate the fact that it presents a hardship to this lot.

- 85
 86 Mr. Martin made the notion to grant the Variance as requested in Case #184-021A.
 87 Mr. Sakati seconded the notion.
 - 87 88
 - 89 Mr. Martin spoke to his motion stating that the granting would not be contrary to
 - 90 public interest, that the proposed use will observe the spirit of the Ordinance, that
 - 91 substantial justice would be done to the property owner and that the hardship criteria
 - 92 is met due to the sloping in certain areas of the property and the current drainage
 - 93 issues. Mr. Martin voted to grant the Variance.
- 94

95 Mr. Sakati spoke to his second stating that the proposed location is hidden from sight,

does not conflict with the explicit purpose of the Ordinance and does not change the

97 character of the neighborhood, that justice would be done as it is difficult to build on

98 this slope, that there will be no change in values to surrounding properties and that 99 the hardship is met by the slope of the land. Mr. Sakati voted to grant the Variance.

100

Mr. Dion voted to grant stating that the pool will not hurt the neighborhood and will
not obstruct the neighbors or threaten public rights and could likely increase property
values and that the hardship is met by the slopes and that the proposed use is a

- 104 reasonable use.
- 105

Mr. Daddario voted to grant the Variance stating that there is no injury to the public
and a pool is a normal use for a residence in any neighborhood, that it will not cause
public harm, that favorable direct abutter testimony has been received, that there has

109 been no evidence that it would affect property values but it is unlikely that a pool

- 110 would have a negative effect on property values, that it is a reasonable common use to
- 111 have a pool with a residential property, that a portion of the setback will remain, that
- 112 the direct abutter is in favor of the Variance, that the conditions of the property dictate
- 113 the location for the pool.
- 114

115 Vote was 4:0 to grant the Variance as requested in Case 3184-021A. The 30-day

- 116 Appeal period was noted.
- 117

118 Mr. Burke next addressed his application for an Equitable Waiver of Dimensional

119 Requirement and stated that he only recently discovered that it was needed, noted

120 that the shed was in its current location when he bought the property in 2018, that

121 when he checked a 2011 aerial map, the shed was visible in its current location and

122 that his property card identified that the shed was built in the year 2000. Mr. Burke

stated that the shed is being used to store such items as wheel barrels and is in good

124 condition by the wood line and nestled between two (2) trees and not visible by his

125 neighbor or roadside and stated that moving it could damage it and would be 126 encroaching his backyard and that, to his knowledge, it has not been a nuisance to

127 anyone. Mr. Burke showed pictures of the shed in its current location.

128

Public testimony opened at 7:37 PM. No one addressed the Board. Public testimonyclosed at 7:38 PM.

131

132 Mr. Martin made the motion grant the Equitable Waiver of Dimensional Requirement.133 Mr. Sakati seconded the motion.

134

135 Mr. Martin spoke to his motion stating that the shed sits in the corner and is not

- 136 bothering anybody, that it has not posed any nuisance to anyone, that it has existed
- 137 for more than ten (10) years and that it presents a high correction cost to relocating it.
- 138 Mr. Martin voted to grant the request.
- 139

140 Mr. Sakati spoke to his second stating that it has existed more than a decade, that it 141 existed in its current location when the Applicant bought the property, that it has not

- 142 bothered anyone or been a nuisance and that there would be a high correction cost to
- 143 relocate it. Mr. Sakati voted to grant the request.
- 144

- 145 Mr. Dion voted to grant the Equitable Waiver stating that it has existed for more than 146 a decade and was present when the Applicant bought the property, that it has not 147 presented a nuisance, that it is located at the rear of the property and hidden from the 148 street, and that there would be a high correction cost to alter the location.
- 149
- 150 Mr. Daddario voted to grant the Equitable Waiver stating that it has existed for more
- 151 than ten (10) years, that it doesn't and has not presented itself as a nuisance and that 152 relocating a shed that is more than two (2) decades old is tantamount to destroying it.
- 153
- 154 Vote was 4:0 to grant the Equitable Waiver of Dimensional Requirement. The 30-day 155 Appeal period was noted.
- 156
- Mr. Martin thanked Mr. Burke for his well-prepared clear and concise presentation of 157 158 both the Variance and the Equitable Waiver. Mr. Burke thanked the Board for their
- 159 consideration and asked whether he needed to wait the 30-day Appeal period before
- 160 being able to pull a pool/building permit. Mr. Sullivan stated that any work
- 161 performed during the Appeal period was at the Applicant's own risk and asked Mr.
- 162 Burke to come into the office to discuss.
- 163
- 164 2. Case 214-012 (05-23-24): Daniel Barowski, Survey Project Mgr. of Fieldstone Land Consultants, PLLC, 206 Elm St., Milford, NH proposes a two-lot subdivision 165 which requires the following two (2) Variances for 166 173 Bush Hill Road, Hudson, NH [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1)]: 167
- 168 **a.** A Variance to allow the lot area with the existing dwelling (after subdivision) to 169 contain 0.833 acres where 2 acres of contiguous land exclusive of any wetland 170 and slopes in excess of 25% is required. [HZO Article VII: Dimensional Requirements; §334-27.1.B., General requirements and §334-27.2, Lot 171 172 requirements for subdivision of land and §334-27, Table of Minimum **Dimensional Requirements**] 173
- 174 **b.** A Variance to develop a 30 ft. x 40 ft. single-family home on the vacant new lot 175 with 194.66 feet of frontage where 200 feet is required. [HZO Article VII: 176 Dimensional Requirements; §334-27, Table of Minimum Dimensional 177 Requirements]
- 178

179 Mr. Sullivan read the Case into the record and referenced his Staff Report initialed 180 5/14/2024 noting that the Associate Town Planner cited that Planning Board approval 181 of a subdivision application would be required if the Variances are granted and that 182 the Town Engineer made four (4) requests - well and septic system locations for new 183 lot, plan and profile for proposed driveway, sight distance plan and profile for 184 proposed driveway and provide approval by PSNH regarding proposed driveway within 185 the existing PSNH easement.

- 186
- 187 Dan Barowski of Fieldstone Land Consultants, PLLC, introduced himself, identified 188 the location of the 7.37 acre lot with 394.66 feet of frontage and noted that the land
- 189 slopes from northeast to southwest and is bisected by Musquash Brook that requires
- 190 wetland buffers and is encumbered by several areas of steep slopes and has four (4)
- 191 pockets of dry land. Mr. Barowski stated that there is an existing house, built in
- 192 1978, that is located in the northeast corner of the lot leaving most of the lot
- 193 undeveloped and that the proposal is to subdivide the 7+ acres into two residential

lots and that two (2) variances would be required before a subdivision applicationcould be pursued with the Planning Board.

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197 Mr. Barowski stated that the existing residence would be left with 2.57 acres but with 198 only 0.83 acres of contiguous dry non-steep land, 14,961 SF of wetlands and 200' of 199 frontage. The proposed new lot would contain 4.80 acres with 2.94 acres of 200 contiguous dry non-steep land, 6,666 SF of wetlands and 194' of frontage. A variance

is requested to allow only 0.83 acres of contiguous land exclusive of wetlands and
 slopes over 25% for the existing residence and another variance is needed to create the
 new residential lot with 194' of frontage.

- 205 Mr. Barowski addressed the criteria for the granting of a variance and the information
 206 shared included:
 - (1) not contrary to public interest
 - The granting of the variance would allow for the productive use of the existing property
 - The proposal is consistent with the surroundings as several of the lots along Bush Hill Road possess less than 2 acres of land
 - Both of the proposed lots exceed the minimum required lot size, however, the 14,961 SF of wetlands that exist on the lot are configured in such a way as to prevent a large contiguous area
 - No development is proposed on the existing house lot of 2.57 acres which has existed for decades
 - The proposed subdivision would not be contrary to public interest, nor will it alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public
 - The proposal to subdivide the 7+ acre residential parcel into two (2) residential lots would not be contrary to public interest
 - (2) will observe the spirit of the Ordinance
 - The proposed subdivision is reasonable and meets the spirit of the Ordinance especially when one considers the size of the 7+ acre parcel, the size of the lots being proposed (2.57 and 4.8 acres) and the placement of the proposed building sites in relation to the surrounding lots
 - The Zoning Ordinance, Section 334-27.2, requires lots to have their minimum area contiguous and exclusive of wetlands and steep slopes as the intent is to provide adequate separation and buffering between landowners and uses and to ensure each lot has enough useable area for development
 - The Variance for Lot 214-12 is already developed with a single-family residence, driveway and other associated improvements
 - The configuration of the wetlands on the lot, along with the steep slopes present preclude it from being subdivided conventionally
 - The largest section of dry, non-steep area is north of Musquash Brook and not contiguous with the existing dwelling
 - The steep slopes on the revised lot 214-12 are excluded from potential as they are almost all contained within the 50' wetland buffer of Musquash Brood
 - The proposed new lot, 214-12-1, in this proposed subdivision contains 4.8 acres of which 2.94 are contiguous dry land with no steep slopes

243	• The existing residence is already separated from the required two contiguous
244	non-steep dry acres by Musquash Brook; therefore the spirit of the
245	Ordinance is observed
246	(3) substantial justice done
247	• Granting the variance would allow productive use of the land on a 7+ acre
248	parcel and would have no impact on the general public as the proposal is
249	small and consistent with its surroundings
250	• The variance request is for a lot which contains the minimum contiguous
250	dry acreage but is encumbered by steep slopes
252	• Several of the lots along Bush Hill Road and in adjacent developments
252	possess less than two full acres
255 254	• Granting the variance will therefore not alter the essential character of the
254 255	• Granting the variance will therefore not after the essential character of the neighborhood or threaten the health safety welfare of the public
256	• Developing a 7+ acre parcel into two lots while preserving large acreage
257	would not be contrary to the public interest
258	• The granting of the variance would do substantial justice and allow for the
259	productive use of a large tract of land
260	• The proposal is certainly a reasonable use of the property
261	(4) not diminish surrounding property values
262	• The use is consistent with the zoning and the surroundings and as a result
263	will have no negative impact on the surrounding property values and
264	could increase the surrounding property values as it will allow new
265	construction on a larger lot
266	(5) hard
267	• The property is unique given its geometry and size and the fact that
268	Musquash Brook bisects it and other natural features as steep slopes
269	greater than 25%
270	• The G-1 Zone requires 87,120 SF of contiguous area exclusive of wetlands
271	and steep slopes and requires 200' of frontage
272	• The development of this 7+ acre parcel with its 394.66' of frontage into 2
273	residential lots is reasonable and fair when you contemplate the purpose
274	of the Ordinance provision and the specific application of that provision
275	to the property
276	• A variance to permit a subdivision with a lot that contains 0.83 acres of
277	contiguous dry non-steep land on an already developed parcel
278	• The natural features, particularly spots of steep slopes along the banks of
279	Musquash Brook preclude a conventional subdivision from meeting the
280	minimum area requirements
281	• The purpose of this section of the ordinance is to provide
282	adequate space for development
283	• The development is already completed and exists without detriment to the
284	surrounding properties or to Musquash Brook and no new development
285	is being proposed to the existing residence
286	• There is no fair and reasonable relationship between the general public
280	
	purpose of the Ordinance provision and the specific application of that
288	purpose of the Ordinance provision and the specific application of that provision to the property
	purpose of the Ordinance provision and the specific application of that

291 292 293 294 295	• The proposed subdivision requires a variance for contiguous non-steep lot size, the belief is that this style of development is consistent with its surroundings and would be supported by the general public as it meets the spirit and intent of the Ordinance when you consider the size (7+ acres), the size of the lots being proposed (2+ acres and 5+ acres) and the
296 297	placement of the proposed building site in relation to the surrounding lots
298	• The intent of the Ordinance is to provide adequate area for development on
299 300	an already established lot and allow for a subdivision resulting in a large 5+ acre lot with adequate buffering
301	• The proposed subdivision is reasonable and will create a lot with plenty of
302	buffering from adjacent properties
303	• The proposed use and development are reasonable for a practical use when
304 305	you consider the size of the lots and the separation and buffering that will exist
306	• The subdivision is a practical use and a reasonable request and will be
307	consistent with the surroundings
308	
309	With regard to the comments from Hudson's Town Engineer, Mr. Barowski stated that
310	they will be addressed during the Subdivision application process with the Planning
311	Board and noted that the site has not been surveyed for the driveway design but
312	would be once the variances have been obtained and assured the Board that it will
313 314	meet Town standards. With regard to identifying the location of the septic system and
315	well location, Mr. Barowski stated that the location of the proposed new residence would first need to be finalized. Mr. Sakati asked if there were other locations on the
316	proposed new lot to place the house and Mr. Barowski responded affirmatively and
317	pointed to other possible locations on the plan.
318 319	Mr. Martin asked if the brook overflows and if so, could that affect the buffer? Mr.
320	Barowshi stated that according to the contours, any overflow would flow down and
320	should not affect the buffer on the proposed new lot.
321	should not aneet the buller on the proposed new lot.
323	Public testimony opened at 8:04 PM. The following addressed the Board.
324	
325	(1) Robert Boutin, 167 Bush Hill Road, stated that he is opposed to both
326	variances, the new lot with not enough frontage and the existing
327	residence to a smaller non-conforming lot and admitted that if the prior
328	owner, Mr. Williams, needed a variance for health care reasons, he
329	would not object, but Mr. Williams no longer owns the property; and is
330	concerned that the granting of the requested variances will have a
331	negative impact on his well water; that he has been there for over 20
332	years and there is a lot of wildlife in the area and is concerned if
333	emergency services would be able to get to the new house, through the
334	easement and thanked Mr. Martin on the good point raised on what
335 336	would happen to the wetland buffer if the brook overflowed.
330 337	Mr. Dion asked about the negative impact Mr. Boutin referred to. Mr.
338	Boutin stated that he can not see any houses from his home and that is his
339	preference; that the Town has a 2-acre minimum for a reason; that a lot of

340 people and wildlife walk through there, that there are herons galore; and 341 that the easement gets clear cut, that the clear cutting is becoming more 342 and more aggressive with the clear cutting going to the edge of the 343 easement, that sometimes equipment is left on the easement during the 344 process, that the workers often times sit on the equipment in the easement 345 to have their lunch and what would happen of the easement became a 346 driveway – and emergency services were needed at the new house? 347 348 (2) Email dated 5/23/2024 6:09 PM from Christine Cambrils, 9 Woodland 349 Drive, read into the record by Mr. Martin, spoke against the variances 350 (3) Letter received 5/22/2024 from Dominic Jarry and Kay Nash, property 351 owners of 175A Bush Hill Road, read into the record by Mr. Martin, 352 opposed both variances 353 354 Public testimony closed at 8:32 PM 355 356 Mr. Sullivan stated that the Planning Board would be addressing the details regarding 357 the driveway and its use of the easement during their review of the subdivision. Mr. 358 Margin-Martin noted that, if the Variance(s) are granted, the application to the 359 Planning Board would need to be submitted within six (6) months. 360 Mr. Martin asked the length of the proposed driveway and Mr. Barowski responded 361 362 that it would be just shy of six hundred feet (600') and that they would adhere to the 363 restrictions and guidelines specified by the Planning Board during their review. Mr. 364 Dion stated that it is a long driveway and noted that PSNH has free range to do what 365 they need/want in the easement. Mr. Martin noted that inspections are required 366 throughput the process. 367 Mr. Daddario stated that it seems to be a big enough property and the existing house 368 369 seems to be trapped in a corner but if the subdivision is approved, the house would be 370 relegated to a non-conforming lot as it would not meet the two acres of contiguous 371 land without steep slopes and wetland and the proposed new lot would also be a non-372 conforming lot based on frontage. 373 374 Mr. Sakati stated that the variances being requested seem small and/but the hardship 375 criteria is a tough criteria. Mr. Daddario concurred. Mr. Dion asked if the hardship 376 exists because the house exists or because a new lot is being proposed and whether 377 this lot functionally differs from other lots in the area. Aerial views of surrounding lots 378 were reviewed. Mr. Dion stated that the problem seems self-created, that there is no 379 hardship now and that the proposed subdivision causes the hardship and the need for 380 two (2) variances. Mr. Martin agreed. Mr. Daddario noted that the existing house 381 would be placed on a non-conforming lot. Mr. Dion questioned if the creation of the 382 new lot could be configured so as to allow the existing residence to be located on a 383 conforming lot and asked if there was any testimony from the Property Owner that this 384 land is "not practically useable". Mr. Martin noted that without Variance A being 385 granted, then Variance B would become moot. 386 387 At 9:18 PM, Mr. Daddario opened Public Hearing. Mr. Robert Boutin, 167 Bush Hill

Road addressed the Board and noted that currently the residence is vacant, it has no occupant, it was sold for approximately \$100,000 less that its market value and that 390 the point made about it being placed on a non-conforming lot is more important now

because it would not be uncommon for a new property owner to want a garage or even
a swimming pool and be required to seek a variance. Being no one else to address the
Board, Public testimony closed at 9:19 PM.

394

Mr. Daddario stated that both variance requests were now before the Board anddeclared a five-minute recess.

397

Mr. Dion stated that creating a non-conforming lot just does not meet the Spirit of the
Zoning Ordinance and that he is prepared to make a motion to deny. Mr. Martin and
Mr. Sakati agreed.

401

402 Mr. Dion made the motion to deny granting Variance A to create a non-conforming lot
403 that contains just 0.83 acres where 2 acres of contiguous land exclusive of steep
404 slopes and wetland is required. Mr. Sakati seconded the motion.

405

406 Mr. Dion spoke to his motion stating that the granting would not alter the essential
407 character of the neighborhood; that the proposal does not observe the spirit of the
408 Ordinance and that the need for a variance is self induced; that substantial justice

409 could be done to the property owner but currently the property is conforming and has

40 a use with a residence; that the proposed lot reduction will not likely diminish

411 surrounding property values; and the hardship criteria has not been met, as it is self

412 induced, the property has a use developed and to change it to a non-conforming lot

413 goes against the Ordinance. Mr. Dion voted not to grant the Variance.

414

415 Mr. Sakati spoke to his second stating that the only criteria that could be satisfied is 416 that the granting would not diminish surrounding property values but there was no 417 evidence presented; that the request explicitly conflicts with the Ordinance, that the 418 granting would be contrary to public interest; that there is no justice in creating a

419 non-conforming lot; and the hardship criteria has not been met and has been caused

420 with the desire to create a second lot. Mr. Sakati voted not to grant the Variance.

421

422 Mr. Martin voted not to grant the Variance stating that even though three (3) of the 423 criterion could be satisfied, two (2) were definitely not. The proposed Variance may 424 not affect the essential character of the neighborhood, that it would do justice to the 425 property owner and probably would not diminish values of surrounding properties;

426 however, it does not observe the spirit of the Ordinance because two (2) acres are

427 required and the revised lot only provides for 0.833 acres and the hardship is self

- 428 imposed by subdividing this property.
- 429

430 Mr. Daddario voted not to grant stating that there would not be any change to the 431 neighborhood and no substantial threat to the public; that the Variance request 432 introduces significant deficiencies that do not presently exist and that the lot size 433 deficiency is significant regarding the buildable usable space; that the proposal allows 434 use of the property without substantial harm; that no evidence was presented of 435 diminished value to surrounding properties but there is no apparent reason why 436 surrounding properties would suffer diminished value; and that the hardship criteria 437 is not met, that the Ordinance is designed to have sufficient lot size of usable space 438 and noted that the property is being reasonably used. 439

440 Vote was unanimous at 4:0 to not grant the Variance 214-012A as requested as it

- unanimously failed to satisfy criteria 2 (spirit of the Ordinance) & 5 (hardship). The30-day Appeal period was noted
- 442

444 Mr. Sakati made the motion to deny granting Variance B to create a new lot with
445 196.44 feet of frontage where 200 feet is required. Mr. Dion seconded the motion.
446

447 Mr. Sakati spoke to his motion stating that the request conflicts with the purpose of

the Ordinance, that it does not alter the character of the neighborhood, that

substantial justice is not required as land is currently used, that the proposed use

450 may not diminish surrounding property values, that even though it seems a

451 reasonable use, there is no hardship caused by the land, just the desire to divide the 452 land. Mr. Sakati voted to not grant the Variance request.

453

454 Mr. Dion spoke to his second stating that the new lot would not threaten public rights, 455 that it fits within the spirit of the Ordinance, that the land is currently being used and 456 there is nothing harming the owner from current use, that it is not known whether the 457 proposal would affect surrounding property values as the house location has not been 458 established, and that even though it is a reasonable use, the purpose of the Ordinance 459 is to maintain proper lot sizes and the hardship is self induced. Mr. Dion voted not to

- 460 grant the Variance request.
- 461

Mr. Martin voted not to grant the Variance stating that the requested Variance will not
be contrary to public interest, that substantial justice would be done and that new
construction could enhance the values of surrounding properties, but allowing the
property to be subdivided as presented does not observe the spirit of the Ordinance,
that even though the proposed use is reasonable, hardship does not exist, it is self

467 created by the desire to subdivide and create a new non-conforming lot.

468

469 Mr. Daddario voted not to grant stating that variance being requested is minimal, just 470 over five feetinches, and will not alter the character of the neighborhood, that minimal 471 relief is being sought, that the use would benefit the property owner without causing 472 substantial harm to the general public, that no evidence was presented but there is no 473 apparent reason to believe that any diminution of surrounding property values would 474 occur, and that the hardship criteria has not been satisfied, the applicant is creating 475 the non-conformity with the proposed subdivision, the lot has a reasonable use with 476 the existing residence, the utility easement, wetlands and slopes on the lot does not 477 cause the frontage deficiency and do not contribute to it.

478

479 Vote was unanimous not to grant Variance 214-012B to create a lot with reduced
480 frontage as it unanimously failed to satisfy the hardship criteria and did not observe
481 the spirit of the Ordinance. The 30-day Appeal period was noted.

482

483 Mr. Dion stated the Mr. Barowski made a fantastic presentation and hoped that he did 484 not feel attacked. Mr. Barowski thanked the Board for their honest feedback.

486 VI. REQUEST FOR REHEARING:

487

485

488 No requests were presented for Board consideration.

489

490 VII. REVIEW OF MINUTES: 04/25/2024 edited draft Meeting Minutes

491

492 Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to 493 approve the 4/25/2024 Minutes as edited.

494 495VIII. OTHER:

496

497 No other business was presented for Board consideration.

498

499 IX. ADJOURNMENT:

500

- 501 Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to
- 502 adjourn the meeting. The 5/23/2024 ZBA meeting adjourned at 9:58 PM.

503

504

505 Respectfully submitted,

506 Louise Knee, Recorder