

A & C STREET LOT LINE RELOCATION

SB# 07-22

STAFF REPORT

August 24, 2022

SITE: 6 A Street, Map 198 Lot 029-001; 4 C Street, Map 198 Lot 029-002; and 4 County Road, Map 198 Lot 029-000

ZONING: Business District (B)

PURPOSE OF PLAN: To adjust the lot lines between lot 29, 29-1, & 29-2 to make them more conforming to the neighborhood.

PLANS UNDER REVIEW:

Lot Line Relocation Plan, Map 198 Lots 29, 29-1 & 29-2, A Street & C Street, Hudson New Hampshire, Hillsborough County; prepared by: M. J. Grainger Engineering, Inc. 220 Derry Road, Hudson, NH 03051; prepared for: Alan-Ray Properties, LLC, 195R Central Street, Hudson NH 03051; consisting of a single sheet plan and general notes 1-15; dated March 16, 2022; last revised August 9, 2022.

ATTACHMENTS:

- A. Draft Notice of Decisions from Zoning Board of Adjustment
- B. Department Comments
- C. CAP Fee worksheet

APPLICATION TRACKING:

- July 28, 2022 – The Zoning Board of Adjustment granted the Applicant four variances.
- August 1, 2022 – Application received.
- August 24, 2022 – Public hearing scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

There is an existing single family residential building on Map 198 Lot 029-000. All three lots are served by public water and sewer and are nonconforming lots in the Business District; however, they are adjacent to the Town Residence District and similar in size to what is required in TR. On July 28, 2022 the Zoning Board of Adjustment granted four variances (**Attachment A**):

- 6 A Street, Map 198, Lot 029-001: Variance for Size and Frontage to allow a 10,525 SF lot where 30,000 SF is required with 130 feet of frontage where 150 feet is required.

- 6 A Street, Map 198, Lot 029-001: Variance for Use to allow construction of a single-family home in the Business Zone.
- 4 C Street, Map 198, Lot 029-002: Variance for Size and Frontage to allow a 10,168 SF lot where 30,000 SF is required with 124.47 feet of frontage where 150 feet is required.
- 4 C Street, Map 198, Lot 029-002: Variance for Use to allow construction of a single-family home in the Business Zone.

The submitted lot line relocation plan is proposed to adjust the lot lines between all three lots in accordance with the variances granted by the ZBA, making them more conforming to the neighborhood.

There appears to be a non-conforming driveway that bisects the northeast corner of 6 C Street connecting the property at 60 Lowell Road to C Street. The property at 60 Lowell Road does not have any frontage on C Street, therefore if its access were to be maintained, a private easement would be required across either Map 198 Lot 029-002, or the neighboring lot, Map 191 Lot 124. Further, this may result in the need for a waiver from the Driveway Regulations to allow either more than one driveway, a shared driveway depending, or a driveway within side or rear setbacks on the layout.

Alternatively, the driveway could be abandoned. While this matter does not typically fall within the scope of a Lot Line Relocation, it is worthy of discussion to provide the Applicant input for a potential, future driveway waiver application.

DEPARTMENT COMMENTS

See **Attachment B** for comments from town departments.

1. Engineering: applicant shall clarify that lots shall be served by municipal water and sewer utility and provide plan and profile for the proposed driveway curb cuts and driveways, stamped by a NH PE.

DRAFT MOTIONS

ACCEPT the lot line relocation application:

I move to accept the lot line relocation application for the lot line relocation on 6 A Street, Map 198 Lot 029-001; 4 C Street, Map 198 Lot 029-002; and 4 County Road, Map 198 Lot 029-000.

Motion by: _____ Second: _____ Carried/Failed: _____

CONTINUE the public hearing to a date certain:

I move to continue the lot line relocation application for the lot line relocation on 6 A Street, Map 198 Lot 029-001; 4 C Street, Map 198 Lot 029-002; and 4 County Road, Map 198 Lot 029-000, to date certain, _____, 2022.

Motion by: _____ Second: _____ Carried/Failed: _____

APPROVE the lot line relocation application:

I move to approve the lot line relocation application for the Lot Line Relocation Plan, Map 198 Lots 29, 29-1 & 29-2, A Street & C Street, Hudson New Hampshire, Hillsborough County; prepared by: M. J. Grainger Engineering, Inc. 220 Derry Road, Hudson, NH 03051; prepared for: Alan-Ray Properties, LLC, 195R Central Street, Hudson NH 03051; consisting of a single sheet plan and general notes 1-15; dated March 16, 2022; last revised August 9, 2022; subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. A cost allocation procedure (CAP) amount of \$5,991.00 shall be paid prior to the issuance of a Certificate of Occupancy for the new house lot.
3. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
4. Prior to the Planning Board endorsement of the Plan, monumentation shall be set or bonded.
5. Prior to the Planning Board endorsement of the Plan, plan and profile shall for the proposed driveways shall be approved by the Town Engineer.
6. A note shall be added to the plan stating that the lots are served by municipal water and sewer.
7. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
8. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M. No exterior construction activities shall be allowed on Sundays.

Motion by: _____ Second: _____ Carried/Failed: _____

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Send recorded copy to:

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

NOTICE OF DECISION

Map 198, Lot 029-001, Zone B (Business), Case # 198-029-001a

ZBA Decision 07/28/2022

Variance (Use) - GRANTED

Property Owner & Address: DMT Realty LLC, Don Dumont Manager
195R Central Street, Hudson NH 03051

Property Location: **6 A Street, Hudson, NH 03051**

Action sought: A Use Variance for the construction of a single-family home (after lot line adjustment) in the Business Zone where it is not a permitted Use.

Zoning Ordinance Article: V, Permitted Uses; §334-21, Table of Permitted Principal Uses

Action granted: After consideration of the testimony and recognition that it abuts the TR (Town Residence) Zone and was rezoned to B by distance to Lowell Road, and having received no public comment in either opposition or support and after review of the Variance criteria determined that the criteria were satisfied granted the Use Variance with a vote of 5:0.

NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

Gary M. Daddario, ZBA Chairman

Date

Bruce Buttrick, Zoning Administrator

Date

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Send recorded copy to:

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



NOTICE OF DECISION

Map 198, Lot 029-001, Zone B (Business) , Case # 198-029-001b

ZBA Decision 07/28/2022

Variance (Size & Frontage) - GRANTED

Property Owner & Address: DMT Realty LLC, Don Dumont Manager
195R Central Street, Hudson NH 03051

Property Location: **6 A Street, Hudson, NH 03051**

Action sought: A Variance resulting in a reconfigured proposed 10,525 SF (Square Feet) lot area where 30,000 SF is required and proposed 130 feet frontage where 150 feet is required in the B District.

Zoning Ordinance Article: VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements

Action granted: After consideration of the testimony, recognition that lot abuts the TR (Town Residence) Zone and was rezoned to B by distance to Lowell Road, acknowledgement that the proposed size is similar to what is required in the TR Zone and having received no public comment and after review of the Variance criteria determined that the criteria were satisfied voted 5:0 to grant the Variance.

NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

Gary M. Daddario, ZBA Chairman

Date

Bruce Buttrick, Zoning Administrator

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Send recorded copy to:

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

NOTICE OF DECISION

Map 198, Lot 029-002, Zone B (Business), Case # 198-029-002a

ZBA Decision 07/28/2022

Variance (Use) - GRANTED

Property Owner & Address: DMT Realty LLC, Don Dumont Manager
195R Central Street, Hudson NH 03051

Property Location: **4 C Street, Hudson, NH 03051**

Action sought: A Use Variance for the construction of a single-family home (after lot line adjustment) in the Business Zone where it is not a permitted Use.

Zoning Ordinance Article: V, Permitted Uses; §334-21, Table of Permitted Principal Uses

Action granted: After consideration of the testimony and recognition that it abuts the TR (Town Residence) Zone and was rezoned to B by distance to Lowell Road, and having received no public comment in either opposition or support and after review of the Variance criteria and determining that the criteria were satisfied, motion made, seconded and voted 3:2 to grant the Use Variance.

NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

Gary M. Daddario, ZBA Chairman

Date

Bruce Buttrick, Zoning Administrator

Date

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Send recorded copy to:

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



NOTICE OF DECISION

Map 198, Lot 029-002, Zone B (Business) , Case # 198-029-002b

ZBA Decision 07/28/2022

Variance (Size & Frontage) - GRANTED

Property Owner & Address: DMT Realty LLC, Don Dumont Manager
195R Central Street, Hudson NH 03051

Property Location: **4 C Street, Hudson, NH 03051**

Action sought: A Variance resulting in a reconfigured proposed 10,168 SF (Square Feet) lot area where 30,000 SF is required and proposed 124.47 feet frontage where 150 feet is required in the B District.

Zoning Ordinance Article: VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements

Action granted: After consideration of the testimony, recognition that lot abuts the TR (Town Residence) Zone and was rezoned to B by distance to Lowell Road, acknowledgement that the proposed size is similar to what is required in the TR Zone and having received no public comment and after review of the Variance criteria and determining that the criteria were satisfied, motion made, seconded and voted 5:0 to grant the Variance.

NOTE: All representations of fact or intention made by the applicant, owner and agent during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

Gary M. Daddario, ZBA Chairman

Date

Bruce Buttrick, Zoning Administrator

Date

From: Dhima, Elvis
Sent: Tuesday, August 9, 2022 11:43 AM
To: Dubowik, Brooke; Groth, Brian
Subject: RE: Dept Sign Off - A Street LLR SB# 07-22

Please find my comments below

1. Applicant shall clarify that both lots shall be served by municipal water and sewer utility.
2. Applicant shall provide plan and profile for the proposed driveway curb cuts, stamped by a NH PE.
3. Applicant shall provide plan and profile for the proposed driveway, stamped by a NH PE.

E

Elvis Dhima, P.E.
Town Engineer

12 School Street
Hudson, NH 03051
Phone: (603) 886-6008
Mobile: (603) 318-8286





TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman



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

CAP FEE WORKSHEET - 2022

Date: 06-28-22 Zone # 2 Map/Lot: 198/029-001 & 029-002

6 A Street & 4 C Street

Project Name: A & C St Lot Lin Relocation SB #05-22

Proposed ITE Use #1: Single Family Residential Lot

Proposed Building Area (square footage): N/A S.F.

CAP FEES: (ONE CHECK NEEDED)

1.	(Bank 09) 2070-701	Traffic Improvements	\$ <u>2,013.00</u>
2.	(Bank 09) 2050-182	Recreation	\$ <u>400.00</u>
3.	(Bank 09) 2080-051	School	\$ <u>3,578.00</u>
		Total CAP Fee	\$ <u>5,991.00</u>

Check should be made payable to the Town of Hudson.

LOT LINE RELOCATION APPLICATION

Date of Application: 7/29/22 Tax Map #: 198 Lot #: 29, 29-1, & 29-2

Name of Project: Map 198 lot 29, 29-1, & 29-2 Lot Line relocation

Zoning District: TR General SB#: _____
(For Town Use Only)

Z.B.A. Action: _____

PROPERTY OWNER:

Name: Alan-Ray Properties LLC., Posey Investments LLC. & DMT Realty LLC.

Address: 195 R Central St

Address: Hudson NH 03051

Telephone #: 603-231-7344

Fax #: _____

Email: derekmanagement@aol.com

PROJECT ENGINEER:

Name: M.J. Grainger Engineering INC..

Address: 220 Derry Rd

Address: Hudson NH 03051

Telephone #: 603-882-4359

Email: _____

DEVELOPER:

Dumont Realty & Development LLC

43 Lowell Rd Suite 202-A

Hudson NH 03051

603-231-7345

dillon@drdnh.com

SURVEYOR:

Same as engineer

PURPOSE OF PLAN:

To adjust the lot lines between lot 29, 29-1, & 29-2

(For Town Use Only)

Routing Date: _____ Deadline Date: _____ Meeting Date: _____

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

_____ Title: _____ Date: _____

(Initials)

Department:

Zoning: ___ Engineering: ___ Assessor: ___ Police: ___ Fire: ___ DPW: ___ Consultant: ___

LOT LINE RELOCATION DATA SHEET

PLAN NAME: A & C St Lot line relocation plan

PLAN TYPE: LOT LINE RELOCATION PLAN

LEGAL DESCRIPTION: Map 198 Lot 029-001
 Map 198 Lot 029-002

DATE: 7/29/22

Location: 6 A st & 4 C St

Total Area: S.F. 6A: 10,529 4C: 10,161 Acres: 6A: .241 4C: .233

Area in Wetlands: N/A

Zoning: B

Lots Not Meeting
Required Dimensions: 6 A & 4 C

Required Area: 30,000

Required Frontage: 150

Water and Waste System
Proposed: Town Water and Town Sewer

Number of Lots With
Existing Buildings: 0

Existing Buildings
To Be Removed: 0

Flood Zone Reference: N/A

Proposed Linear Feet
Of New Roadway: N/A

LOT LINE RELOCATION DATA SHEET

Dates/Case #/Description/
 Stipulations of ZBA,
 Conservation Commission,
 NH Wetlands Board Action:

6 A St ZBA Case 198-029-001. (7/28/22)
 A.) Granted variance for use of single family home in buisness zone article 5 section 334-21
 B.) Granted variance for dimensional requirments article 7 section 334-27

4 C St ZBA Case 198-029-002 (7/28/22)
 A.) Granted variance for use of single family home in buisness zone article 5 section 334-21
 B.) Granted Variance for dimensional requirements article 7 section 334-27

(Attach Stipulations on
 Separate Sheet)

List Permits Required:

*Waivers Requested:

Hudson Town Code
Reference

Regulation Description

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**(Left Column for Town Use)*

(For Town Use Only)

Data Sheets Checked By: _____ Date: _____

LOT LINE RELOCATION APPLICATION AUTHORIZATION

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

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

Signature of Owner:  MANAGER Date: 8/1/22

Print Name of Owner: Donald Dumont

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

Signature of Developer:  Manager Date: 8/1/22

Print Name of Developer: Dillon Dumont

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

LOT AREA CALCULATION TABLE					
LOT #	TOTAL AREA	WETLAND AREA	AREA >25%	BUILDABLE AREA	FRONTAGE
29	10,716 SF			10,716 SF	92.85 FT
29-01	10,525 SF			10,525 SF	130.0 FT
29-02	10,168 SF			10,168 SF	124.47 FT

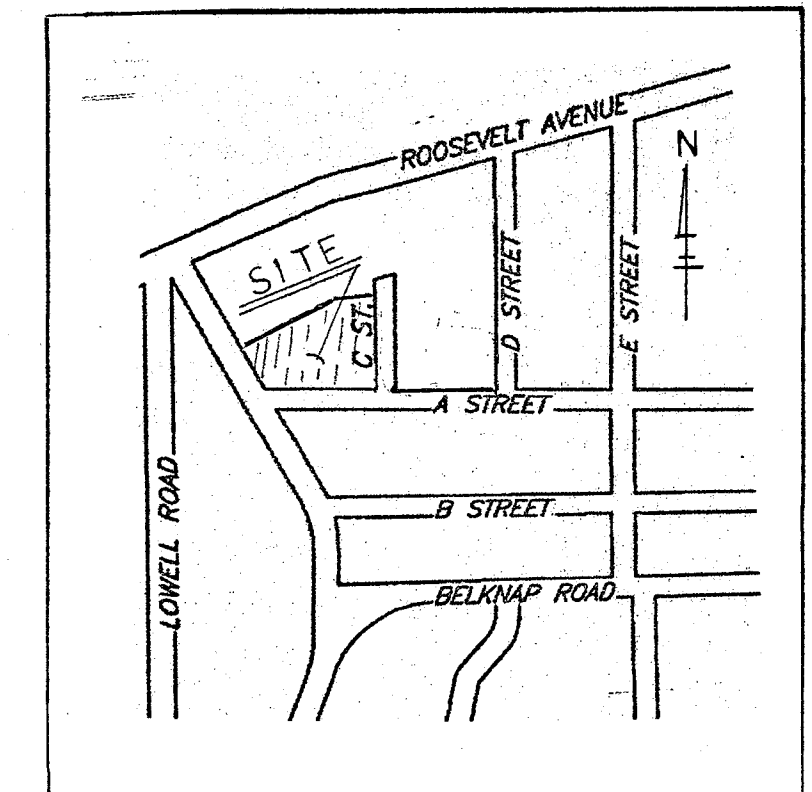
TAX MAP 191 / LOT 124
KRISTEEN PARENT
(loc. 5 C ST)
3 C STREET
HUDSON, NH 03051

TAX MAP 191 / LOT 129
J & D REALTY CORPORATION
(loc. 60 LOWELL ROAD)
64 LOWELL ROAD
HUDSON, NH 03051

TAX MAP 191 / LOT 123
KRISTEEN PARENT
3 C STREET
HUDSON, NH 03051

PLAN REFERENCES

- BROOKSIDE PARK RECORDING AT THE HCRD # 416 PLATE 1. DATED: 1912
- BOUNDARY SURVEY BY STEVEN J. PATRICK LLS 666 DATED AUGUST 28, 1989.



LOCATION PLAN

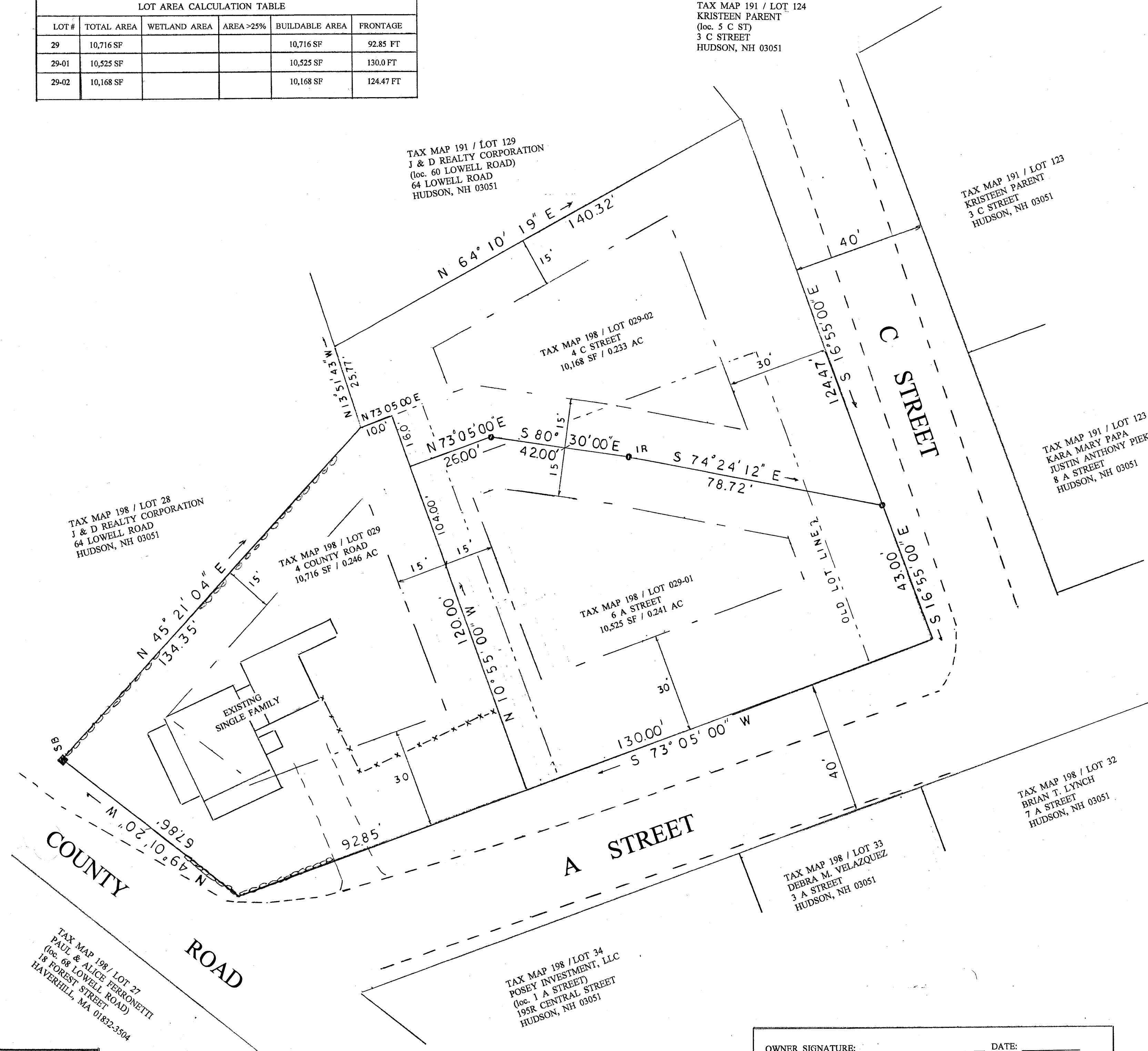
NOTES

- THE PURPOSE OF THIS PLAN IS TO ADJUST THE LOT LINES MAKING THEM MORE CONFORMING TO THE NEIGHBORHOOD.
- TOTAL AREAS: EXISTING LOT 29 0.249 AC / 10,852 SF
LOT 29-01 0.238 AC / 10,365 SF
LOT 29-02 0.234 AC / 10,192 SF
- AREAS OF NEW LOTS: LOT 29 - 10,716 SF / 0.246 AC
LOT 29-01 - 10,525 SF / 0.241 AC
LOT 29-02 - 10,168 SF / 0.233 AC
- LOT NUMBERS REFER TO THE TOWN OF HUDSON ASSESSOR MAPS 191 AND 198.
- PRESENT ZONING: B - BUSINESS
- ZONING REQUIREMENTS: MINIMUM LOT AREA - 30,000 SF
MINIMUM LOT FRONTAGE - 150 FT
MINIMUM BUILDING SETBACKS FRONT 50 FT
SIDE 15 FT
REAR 15 FT
WETLANDS 50 FT
- DEED REFERENCES: LOT 29 BOOK 8613 PAGE 2646
LOT 29-01 BOOK 9333 PAGE 409
LOT 29-02 BOOK 9333 PAGE 434
- OWNER OF RECORD: LOT 29 ALAN-RAY PROPERTIES, LLC
LOT 29-01 POSEY INVESTMENTS, LLC
LOT 29-02 DMT REALTY, LLC
- THERE ARE NO WETLANDS ON THESE LOTS.
- TOWN WATER AND TOWN SEWER ARE PROVIDED FOR THESE LOTS.
- NO PARTS OF THESE LOTS FALL WITHIN THE 100 YR FLOOD ZONE AS SHOWN ON F.I.R.M. COMMUNITY PANEL 33011C0518D, EFFECTIVE 9-25-2009.
- ALL STIPULATIONS OF APPROVAL SHALL BE INCORPORATED INTO THE DEVELOPMENT AGREEMENT WHICH SHALL BE RECORDED AT THE H.C.R.D.
- ALL MONUMENTS SHALL BE SET OR BONDED PRIOR TO THE PLANNING BOARD ENDORSING THIS PLAN.
- APPROVAL OF THIS PLAN SHALL BE SUBJECT TO FINAL ADMINISTRATIVE REVIEW BY THE ENGINEERING AND PLANNING DEPARTMENTS.
- CONSTRUCTION ACTIVITIES INVOLVING THE PROPOSED UNDEVELOPED LOTS SHALL BE LIMITED TO THE HOURS BETWEEN 7:00 AM AND 7:00 PM, MONDAY THRU SATURDAY.



LEGEND

- - STONE BOUND FOUND
- - IRON ROD
- - STONE WALL
- - - - - EDGE OF PAVEMENT
- - - - - BUILDING SETBACK LINE
- - 4' CHAIN LINK FENCE
- - - - - GRAVEL DRIVEWAY
- - - - - OLD LOT LINE



TAX MAP 198 / LOT 28
J & D REALTY CORPORATION
64 LOWELL ROAD
HUDSON, NH 03051

TAX MAP 198 / LOT 029
4 COUNTY ROAD
10,716 SF / 0.246 AC

TAX MAP 198 / LOT 029-01
6 A STREET
10,525 SF / 0.241 AC

TAX MAP 191 / LOT 123-1
KARA MARY PAPA
JUSTIN ANTHONY PIEKOS
8 A STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 32
BRIAN T. LYNCH
7 A STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 33
DEBRA M. VELAZQUEZ
3 A STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 34
POSEY INVESTMENT, LLC
(loc. 1 A STREET)
199R CENTRAL STREET
HUDSON, NH 03051

TAX MAP 198 / LOT 27
PAUL & ALICE FERRONETTI
18 FOREST STREET ROAD
HAVERHILL, MA 01822-3504



APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____
SIGNATURE DATE: _____
SIGNATURE DATE: _____
SUBDIVISIONS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE NH RSA 674:39.

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.
1	8-9-22	Revised areas	MJG	

OWNER SIGNATURE: _____ DATE: _____

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING OCTOBER 2018, JULY 2020 AND AUGUST 2021, HAVING A MAXIMUM ERROR OF 1 IN 10,000, IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.

LOT LINE RELOCATION PLAN

TAX MAP 198 / LOTS 29, 29-1, 29-2
ALAN - RAY PROPERTIES, LLC
A STREET & C STREET
HUDSON, NH 03051

PREPARED FOR: ALAN-RAY PROPERTIES, LLC
195R CENTRAL STREET
HUDSON, NH 03051

MARCH 16, 2022 SCALE: 1" = 20'

M. J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359
J.N. 21 - 116