

# **TOWN OF HUDSON**



# Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

### MEETING AGENDA - February 24, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **February 24, 2022** at 7:00 **PM** in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side). The following items before the Board will be considered:

- I. CONSULTATION WITH TOWN COUNSEL (non-public) per RSA 91-A:2 I (b) START 6:30 PM
- II. CALL TO ORDER
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD: 7:00 PM CONTINUED/DEFERRED HEARINGS:
  - 1. Case 166-031 (02-24-22) (deferred from 01-27-22): Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH 03087 requests a Variance for 8 Lindsay St., Hudson, NH for relief from HZO Article VII, Dimensional Requirements; § 334-27.1 D, General Requirements: to allow the creation of a new lot that has insufficient required frontage on a class V or better portion off Grigas St. [Map 166, Lot 031-000, Zoned Town Residence (TR).]
  - 2. Case 234-016 (02-24-22) (deferred from 12-09-21): Peter & Joyce Drown, 7 Bruce St., Hudson, NH requests a Variance to build a 16 ft. x 24 ft. addition, which encroaches a front yard setback 5.2 feet leaving 24.8 feet where 30 feet is required due to a corner lot with 3 (three) front yard setbacks. [Map 234, Lot 016-000; Zoned General-One (G-1); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

#### **NEW HEARINGS:**

- 1. Case 147-016 (02-24-22): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests an Appeal From An Administrative Decision for 181A Webster St., Hudson, NH to extend the Variance granted with stipulations on 01/23/2020. The renewal/extension was not filed timely by providing an application no later than 30 days prior to the variance expiration or by 12/23/2021. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.]
- 2. Case 168-020 (02-24-22): Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH requests a Variance to build a 9 ft. x 20 ft. covered porch on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]
- V. REQUEST FOR REHEARING:
- VI. REVIEW OF MINUTES:

01/20/22 edited Minutes 01/27/22 edited Minutes

V. OTHER:

1. Continued discussion of proposed ZBA Bylaws amendments: alternate status, recusals and Clerk position/duties.

Bruce Buttrick

Zoning Administrator

# **Legal Notice**

#### MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by Malissa McCormick to Mortgage Electronic Registration Systems, Inc., as mortgagee, acting solely as a nominee for Carrington Mortgage Services, LLC, dated December 24, 2019 and recorded with the Rockingham County Registry of Deeds in Book 6070, Page 128, of which mortgage Barclay's Bank PLC is the present holder by assignment, breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at 66 Fordway Extension, Derry, Rocking-ham County, New Hampshire will be sold at a Public Auction at 2:00 PM on March 9, 2022, being the premises described in the mortgage to which reference is made for a more particular description thereof. Said public auction will occur on the Mortgaged

For mortgagor's title, see deed recorded with the Rockingham County Registry of Deeds in Book 6070, Page 126.

NOTICE TO THE MORTGA-GOR AND ALL INTERESTED PAR-TIES: YOU ARE HEREBY NOTI-FIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREM-ISES ARE SITUATED, WITH SERVICE UPON THE MORTGA-GEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORE-CLOSURE SALE.

THE AGENTS FOR SERVICE OF PROCESS ARE:

BARCLAY'S BANK PLC, c/o Carrington Mortgage Services, LLC, 1600 South Douglass Road, Suite 200-1, Anaheim, CA 92806 (Mortgagee)

CARRINGTON MORTGAGE SERVICES, LLC c/o Corporation Service Company, Registered Agent, 10 Ferry Street Suite 313, Concord, NH 03301 (Mortgage Servicer)

You can contact the New Hampshire Banking Department at 53 Regional Drive #200, Concord, NH 03301 Tel (603) 271-3561 and by email at nhbd

@banking.nh.gov FOR INFORMATION ON GET-TING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE INFORMATION HOTLINE AT 800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMP-SHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS

LIENS AND ENCUMBRAN-CES: The Mortgaged Premises shall be sold subject to any and all easements, unpaid taxes, liens, encumbrances and rights, title and interests of third persons of any and every nature whatsoever which are or may be entitled to precedence over the Mortgage.

NO WARRANTIES: The Mort-

gaged Premises shall be sold by the Mortgagee and accepted by the successful bidder "AS IS" AND "WHERE IS" and with all faults. Except for warranties arising by operation of law, if any, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any representations or warranties with respect to title, possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. All risk of loss or damage to the Mortgaged Premises shall be assumed and borne by the successful bidder immediately after the close of bidding.

TERMS OF SALE: To qualify to bid, bidders must register to bid and present to the Mortgagee or its agent the sum of Five Thou-Dollars and 00/100 (\$5,000.00) by certified check or other form of payment acceptable to the Mortgagee or its agent prior to the commencement of the public auction. The balance of the purchase price must be paid in full by the successful bidder by certified check within thirty (30) days from the date of the public auction, or on delivery of the foreclosure deed, at the option of the Mortgagee. The deposits placed by unsuccessful bidders shall be returned to those bidders at the conclusion of the public auction. The successful bidder auction. The successful shall execute a Memorandum of Foreclosure Sale immediately after the close of bidding. If the successful bidder fails to complete the purchase of the Mortgaged Premises, the Mortgagee may, at its option, retain the deposit as liquidated damages.

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclosure sale. Such change(s) or amendment(s) shall be binding on

Other terms to be announced at sale.

Barclay's Bank PLC Present holder of said mortgage, by its Attorneys Susan W. Cody Korde & Associates, P.C. 900 Chelmsford Street, Suite 3102 Lowell, MA 01851 (978) 256-1500 CGG 21-039089 Mccormick (UL - Feb. 9, 16, 23)

# **Public Notices**

Your right to know. Read them in New **Hampshire Union Leader** and New Hampshire Sunday News and online at www.unionleader.com

# **Legal Notice**

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by Justin Caldon, Melissa J. Haigh a/k/a Melissa Caldon ("the Mortgagor(s)") to Chase Bank USA, N.A., dated July 16, 2007 and recorded in the Belknap County Registry of Deeds in Book 2429, Page 131 (the "Mortgage"), which mortgage is held by JPMorgan Chase Bank, N.A., the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell

Public Auction on March 14, 2022

2:00 PM Said sale being located on the mortgaged premises and having a present address of 33 High Street, Gilmanton, Belknap County, New Hampshire. The premises are more particularly described in the

For mortgagor's(s') title see deeds recorded with the Belknap County Registry of Deeds in Book 1608, Page 1 and Book 1658, Page

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 address of the mortgagee for service of process is 2 1/2 Beacon Street, Concord, 03301 and the name of the mortgagee's agent for service of process is CT Corporation System.

You can contact the New Hampshire Banking Department by e-mail at <a href="mailto:nhbd@banking.nh.gov">nh.gov</a>. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

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 or 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. The description of the premises contained in said mortgage shall control in the event

Dated at Newton, Massachusetts, on January 18, 2022. JPMorgan Chase Bank, N.A. By its Attorney, Lori Bolduc Harmon Law Offices, P.C. PO Box 610389 Newton Highlands, MA 02461 603-669-7963

of an error in this publication.

(UL - Feb. 2, 9, 16)

# **Legal Notice**

January 6, 2022 Request for Proposals STUDENT TRANSPORTATION Sanborn Regional School District - SAU17

You are cordially invited to submit bids for Student Transportation Services in accordance with the attached specifications, terms and conditions. Prospective submitters are advised to read this information over carefully prior to

submitting their proposals.

A copy of the RFP for the Student Transportation Services is located on the district's website at www.sau17.org or call 603-642-3688. All RFP's (Three (3) copies and

one (1) signed) must be submitted in a sealed envelope, plainly marked: "Sealed Student

Transportation Services" Sanborn Regional School District 51 Church Street, PO Box 429

Kingston, NH 03848 Proposals submitted by facsimile or electronic mail

will not be considered. All RFP's must be received no later than Thursday, March 31, 2022, at 10:00 AM. (UL - Jan. 13; Feb. 16)

# **Legal Notice**

#### MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by Raymond J. Cashman Jr. to Mortgage Electronic Registration Systems, Inc., as mortgagee, acting solely as a nominee for Mortgage Master, Inc., dated March 19, 2009 and recorded with the Hillsborough County Registry of Deeds in Book 8068, Page 359, of which mortgage PHH Mortgage Corporation sbm to Ocwen Loan Servicing, LLC is the present holder by assignment, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at **56 Nashua Road, Pelham, Hills**borough County, New Hampshire will be sold at a Public Auction at 10:00 AM on March **16, 2022,** being the premises described in the mortgage to which reference is made for a more particular description thereof. Said public auction will occur on the Mortgaged Premises.

For mortgagor's title, see deeds recorded with the Hillsborough County Registry of Deeds in Book 7651, Page 1536 and in Book 7882, Page 2385. NOTICE TO THE MORTGA-

GOR AND ALL INTERESTED PAR-TIES: YOU ARE HEREBY NOTI-FIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREM-ISES ARE SITUATED, WITH SERVICE UPON THE MORTGA-GEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORE CLOSURE SALE.

THE AGENTS FOR SERVICE OF PROCESS ARE:

PHH MORTGAGE CORPORA-TION SBM TO OCWEN LOAN SERVICING, LLC, C/O CORPORA-TION SERVICE COMPANY, 10 Ferry Street, Suite 313, Concord,

NH 03301 (Mortgagee) You can contact the New Hampshire Banking Department at 53 Regional Drive #200, Concord, NH 03301 Tel (603) 271-3561 and by email at nhbd

@banking.nh.gov FOR INFORMATION ON GET-TING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE IN-FORMATION HOTLINE AT 800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMP-SHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS

LIENS AND ENCUMBRAN-CES: The Mortgaged Premises shall be sold subject to any and all easements, unpaid taxes, liens, encumbrances and rights, title and interests of third persons of any and every nature whatsoever which are or may be entitled to precedence over the Mortgage.

NO WARRANTIES: The Mort-

aged Premises shall be sold by the Mortgagee and accepted by the successful bidder "AS IS" AND "WHERE IS" and with all faults. Except for warranties arising by operation of law, if any, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any representations or warranties with respect to title, possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. All risk of loss or damage to the Mortgaged Premises shall be assumed and borne by the successful bidder immediately after the close of bidding.

TERMS OF SALE: To qualify to bid, bidders must register to bid and present to the Mortgagee or its agent the sum of Five Thousand Dollars and 00/100 (\$5,000.00) by certified check or other form of payment acceptable to the Mortgagee or its agent prior to the commencement of the public auction. The balance of the purchase price must be paid in full by the successful bidder by certified check within thirty (30) days from the date of the public auction, or on delivery of the foreclosure deed, at the option of the Mortgagee. The deposits placed by unsuccessful bidders shall be returned to those bidders at the conclusion of the public auction. The successful bidder shall execute a Memorandum of Foreclosure Sale immediately after the close of bidding. If the successful bidder fails to complete the purchase of the Mortgaged Premises, the Mortgagee may, at its option, retain the deposit as

liquidated damages.

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclo-sure sale. Such change(s) or amendment(s) shall be binding on all bidders.

Other terms to be announced at sale.

PHH Mortgage Corporation sbm to Ocwen Loan Servicing, LLC Present holder of said mortgage, by its Attorneys Šusan W. Cody Korde & Associates, P.C. 900 Chelmsford Street, Suite 3102

Lowell, MA 01851 (978) 256-1500 POW 16-027018 Cashman Jr

(UL - Feb. 16, 23; Mar. 2)

Going Online?
See more public notices at www.unionleader.com

# **Legal Notice**

January 6, 2022 Request for Proposals SPECIAL EDUCATION STUDENT TRANSPORTATION Sanborn Regional

School District - SAU17
You are cordially invited to submit bids for Special Education Student Transportation Services in accordance with the attached specifications, terms and conditions. Prospective submitters are advised to read this information over carefully prior to submitting their proposals

A copy of the RFP for the Special Education Student Transportation Services is located on the district's website at www.sau 17.org or call 603-642-3688.
All RFP's (Three (3) copies and

one (1) signed) must be submitted in a sealed envelope, plainly marked: "Sealed Special Education Student

Transportation Services" Sanborn Regional School District 51 Church Street, PO Box 429 Kingston, NH 03848 Proposals submitted by facsimile or electronic mail

will not be considered. All RFP's must be received no later than Thursday, March 31, 2022, at 10:00 AM. (UL - Jan. 13; Feb. 16)

**Going Online?** See more public notices at www.unionleader.com

## **Legal Notice**

MORTGAGEE'S SALE OF REAL ESTATE By virtue of and in execution

of the Power of Sale contained in a certain mortgage given by Randy **Paquette** to Waterstone Mortgage Corporation, dated April 30, 2015 and recorded with the Hillsborough County Registry of Deeds in Book 8747, Page 0848, of which mortgage Federal National Mortgage Association aka Fannie Mae is the present holder by assignment, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at 24 Balcom Road, Pelham, Hillsborough County, New Hampshire will be sold at a Public Auction at 4:00 PM on March 2, 2022, being the premises described in the mortgage to which reference is made for a more particular description thereof. Said public auction will occur on the Mortgaged Premises.

For mortgagor's title, see deed recorded with the Hillsborough County Registry of Deeds in Book 8747, Page 0845.

NOTICE TO THE MORTGA-GOR AND ALL INTERESTED PAR-TIES: YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREM-ISES ARE SITUATED, WITH SERVICE UPON THE MORTGA-GEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORE-CLOSURE SALE. THE AGENTS FOR SERVICE

OF PROCESS ARE: FEDERAL NATIONAL MORT-

GAGE ASSOCIATION AKA FANNIE MAE, ATTN: Todd Barton Legal Department, Granite Park VII, 5600 Granite Parkway, Plano, TX 75024 (Mortgagee) DOVENMUEHLE MORTGAGE,

INC., C/O C T CORPORATION SYSTEM 2 1/2 Beacon Street, Concord, NH 03301 (Mortgagee You can contact the New

Hampshire Banking Department at 53 Regional Drive #200, Con-NH 03301 Tel 271-3561 and by email at nhbd @banking.nh.gov FOR INFORMATION ON GET-

TING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE IN-FORMATION HOTLINE AT 800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMP-SHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS

LIENS AND ENCUMBRAN-CES: The Mortgaged Premises shall be sold subject to any and all easements, unpaid taxes, liens, encumbrances and rights, title and interests of third persons of any and every nature whatsoever which are or may be entitled to precedence over the Mortgage. NO WARRANTIES: The Mort-

gaged Premises shall be sold by the Mortgagee and accepted by the successful bidder "AS IS" AND "WHERE IS" and with all faults. Except for warranties arising by operation of law, if any, conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any representations or warranties with respect to title, possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. All risk of loss or damage to the Mortgaged Premises shall be assumed and borne by the successful bidder immediately after the close of bidding.
TERMS OF SALE: To qualify to

bid, bidders must register to bid and present to the Mortgagee or its agent the sum of Five Thousand Dollars and 00/100 (\$5,000.00) by certified check or other form of payment acceptable to the Mortgagee or its agent prior to the commencement of public auction. The balance of the purchase price must be paid in full by the successful bidder by certified check within thirty (30) days from the date of the public auction, or on delivery of the foreclosure deed, at the option of the Mortgagee. The deposits placed by unsuccessful bidders Home Sweet Home Healthcare LLC will

be opening a homecare agency in New

Hampshire. The main office is located

in Manchester at 500 Harvey Road

be providing the following services:

HOME SWEET HOME Suite 103A. This homecare agency will

• Home Care Services • Personal Care & Grooming

• Medication Reminder • Companionship • Transportation

Meal Preparation • Light Housekeeping • Laundry

• Progression Care • Respite Care

For more information, contact us at (603)8518366. We

serve the following cities: Manchester, Bedford, Hooksett,

Derry, Londonderry, Nashua, Auburn. Please call to see

if we have services in your area as we are expanding our

service area as the needs of the community grow.

shall be returned to those bidders nominee for Merrimack Mortgage at the conclusion of the public auction. The successful bidder shall execute a Memorandum of Foreclosure Sale immediately after the close of bidding. If the successful bidder fails to complete the purchase of the Mortgaged Premises, the Mortgagee may, at its option, retain the deposit as liquidated damages.

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and pur-chase the Mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclo-sure sale. Such change(s) or amendment(s) shall be binding on all bidders.
Other terms to be announced

at sale.

Federal National Mortgage Association aka Fannie Mae Present holder of said mortgage, by its Attorneys Susan W. Cody Korde & Associates, P.C.

900 Chelmsford Street, Suite 3102

Lowell, MA 01851

(978) 256-1500 DOV 20-036812 Paquette (UL - Feb. 2, 9, 16)

# **Legal Notice**

NOTICE

A meeting of the Board of Directors of the New Hampshire Health and Education Facilities Authority, which is open to the public will be held on February 22, 2022, beginning at 9:30 a.m. at 1 Capitol St, Ste 200, Concord, NH. The matters to be discussed

• Approval of: January 2022 meeting minutes and Financial Report

• Direct Loan PLUS : The Colonial Theatre and Next Charter School

• Executive Director's Report • Other matters as may come before the meeting. (UL - Feb. 16)

## **Legal Notice**

REQUEST FOR PROPOSALS CDBG ADMINISTRATION SCS IMPROVEMENT PROJECT

The City of Claremont is issuing a Request for Proposals (RFP) to qualified firms to serve in a consulting capacity for Grant Administrator to manage a \$235,000 Community Development Block Grant (DBG) Project (Total Project approx. \$315,000). The project is renovations to a women and family homeless shelter at 45 Central Street in Claremont owned by Southwestern Community Services (SCS). Improvements include electrical, electrical, plumbing and heating system upgrades, upgrades to kitchens, flooring, etc. Specific administra-tive services to include the environmental review records, maintenance of records, accounting, meetings, compliance with labor regulations, reporting and other federal adherence required by the CDBG Grant Agreement. This project is funded through

Community Development Block at from the Community Devel opment Finance Authority under the provisions, and subject to the requirements, of Title I of the Housing and Community Development Act of 1974, as amended.

This is an equal opportunity/ affirmative action agency. All qualified proposals will receive consideration without regard to race, color, religion, creed, age, sex, or national origin. Previous CDBG administra-

tion experience required. The city reserves the right to reject any and all bids. Please submit proposals, marked CDBG Administration,

outlining experience and administration fee, no later than 4:00 p.m. on March 4, 2022, to: City Manager City of Claremont

58 Opera House Square, Claremont, NH 03743 Questions about this RFP can directed to Nancy Merrill, Director, Planning & Economic Development, City of Claremont, 14 North Street, Claremont, NH 03743, 603-504-0340. (UL - Feb. 16)

# **Legal Notice**

MORTGAGEE'S NOTICE OF **SALE OF REAL ESTATE** By virtue of a Power of Sale

contained in a certain Mortgage given by Timothy J Salesi (the Mortgagor") to Mortgage Electronic Registration Systems, Inc., as

Company, LLC, its successors and assigns, dated August 14, 2015 and recorded in the Rockingham County Registry of Deeds in Book 5645, Page 2219 (the "Mortgage") of which mortgage the under-signed is present holder by assignment, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purpose of foreclosing same will be sold at:

Public Auction on March 2, 2022 at 11:00 AM

Said sale being located on the mortgaged premises and having a present address of **35 Nancy** Lane, Raymond, Rockingham County, NH. The premises are more particularly described in the Mortgage. 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 mortgagee's name and address for service of process is Lakeview Loan Servicing LLC c/o M&T Bank, 1 Fountain Plaza, Buffalo, NY, 14203. The name and address of the mortgagee's agent for service of process is Lakeview Loan Servicing LLC c/o M&T Bank, 1 Fountain Plaza, Buffalo, NY, 14203. You can contact the New Hampshire Banking Depart-ment by e-mail at <u>nhbd</u> @banking.nh.gov.

For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

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. Ñotwithstanding any title information contained in this no-tice, 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".

The foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations, or agencies claiming by, from or

under them. TERMS OF SALE: A deposit of FIVE THOUSAND DOLLARS AND 00 CENTS (\$5,000.00) in the form of a certified check, bank treasurer's check, or money order will be required to be delivered at or before the time the bid is offered. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Lakeview Loan Servicing LLC Present Holder of said Mortgage, By Its Attorneys, Orlans PC PO Box 540540 Waltham, Massachusetts 02454 Phone: (781) 790-7800

# **Legal Notice**

(UL - Feb. 9, 16, 23)

**INVITATION TO BID** 

The Freedom Board of Selectmen will be accepting sealed bids on the following surplus vehicle: 2016 Ford F-550 Super Duty 6.7L V8 Power Stroke Diesel 4x4 6-Speed Auto, PTO on transmission, 19,500 GVW Cab & chassis only (Former highway department vehicle) To be sold as is, where is, no

warranty expressed or implied Mileage: 53,730 Vehicle can be viewed at the Freedom Highway Garage, Loon Lake Road, Freedom, NH.

All bids must be enclosed in a sealed envelope clearly identified on the outside of the envelope as "Sealed Bid - Ford F550". Each bid must be in a separate envelope. Bids will be accepted at the Selectmen's Office, 33 Old Portland Road, P.O. Box 227, Freedom, NH 03836 until **3:00 pm Monday, March 7, 2022,** with bid opening at 6:00 pm that evening during the weekly

Selectmen's Meeting.

The Town is seeking bids of \$30,000 or more, however, the Board of Selectmen reserves the right to consider any bid submitted, as well as the right to accept

or reject any and all bids. For additional information, please call 539-6323. (UL - Feb. 16)

#### **TOWN OF HUDSON** ZONING BOARD OF ADJUSTMENT **Notice of Public Meeting & Hearings** THURSDAY, FEBRUARY 24, 2022

<mark>Th</mark>e Hudson Zoning Board of Adjustment will hold a meetin<mark>g</mark> on Thursday, February 24, 2022 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the basement of <mark>H</mark>udson Town Hall, 12 School St., Hudson, NH (please enter b<mark>y</mark> ramp entrance at right side). The following cases will be heard:

PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

Case 147-016 (02-24-22): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests an Appeal From An Administrative Decision for 181A Webster St., Hudson, NH to extend the Variance granted with stipulations on 01/23/2020. The renewal/extension was not filed timely by providing an application no later than 30 days prior to the variance expiration or by 12/23/2021. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement

Case 168-020 (02-24-22): Paul & Sandra O'Sullivan,

Bruce Buttrick, Zoning Administrator

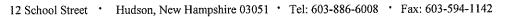
and Miscellaneous Provisions; §334-82 F, Time Limit.]

8 Washington Drive, Hudson, NH requests a Variance to build a 9 ft. x 20 ft. covered porch on the front of an existing nonconforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]



# TOWN OF HUDSON

## Land Use Division



Zoning Administrator Staff Report 2-1-22
Meeting Date: February 24, 2022

(Deferred from January 27, 2022) (Deferred from October 28, 2021)

Case 166-031 (2-24-22): Daniel Flores of SFC Engineering, 183 Rockingham Road Unit 3, East Windham NH 03087 requests the following:

A variance to Article VII, Section 334-27.1 D: to allow the creation of a new lot that has insufficient required frontage on a class V or better portion off **Grigas St**. Map 166, Lot 031, **8 Lindsay St**, Zoned Town Residence (TR).

Address: 8 Lindsay St

Zoning district: Town Residence (TR)

#### **Summary:**

Applicant wishes to subdivide the current lot, with a new lot having access from Grigas and St John St. The Zoning Ordinance requires frontage to be from a Class V or better [§334-27.1 (D)].

NOTE: The October 28, 2022 mtg was deferred to January 27, 2022 (to February 24, 2022) to allow the ZBA to gather questions/concerns for Town Counsel to answer. There will be a non-public session mtg with the ZBA with Town Counsel to discuss the legal opinion offered from Town Counsel.

#### Property description:

This is a lot of record, with an existing non-conforming use as a two family created with permit #102-82 Sept 24, 1981. The minimum lot requirements were 40,000 sqft (with town water and sewer).

#### **Zoning Administrator Comments:**

#### **Zoning Ordinance requirements:**

The remaining "parent" lot (off Lindsay St) with the existing structure/(2 family) use needs to be a minimum of 40,000 sqft. As this property is currently "existing non-conforming" as a two family use.

The new lot with proposed frontage off Grigas St "leg" needs to be a minimum of 10,000 sqft and only for a single family use.

#### **Zoning Ordinance restrictions:**

The proposed lot off the Grigas St "leg" is not a class V or better road, thus a variance would be needed from: §334-27.1 General requirements D. Frontage shall be measured in a continuous



line along the sideline of a Class V or better street between the points of intersection of the side lot lines with the street. If a lot has frontage on more than one street, the frontage on one street only may be used to satisfy the minimum lot frontage.

**Reference:** §334-6 <u>Definitions</u>: FRONTAGE -The distance measured along the FRONT LOT LINE between points of intersection with the SIDE LOT LINES. FRONTAGE along cul-de-sac roadways (HIGHWAYS) shall be measured at the appropriate yard building SETBACK depth from the FRONT LOT LINE between the points of intersection with the SIDE LOT LINES. "FRONTAGE" shall be contiguous and measured along the joining boundary of the FRONT LOT LINE and a Class V or better public RIGHT-OF-WAY. Lot lines bordering limited access roads cannot be considered "FRONTAGE." FRONTAGE shall be capable of providing ACCESS.

#### **LAND USE HISTORY:**

B.P. #102-82 Construct Duplex issued Sept 24, 1982 4/4/1985 ZBA Variance request for additional Duplex - Denied

### **ASSESSING HISTORY:**

Duplex

#### Town in-house review comments:

Town Engr: no comments
Town Planner: non received
Fire Dept: non received

#### Attachments:

A: Assessing History

B: B.P. #102-82 Construct Duplex issued Sept 24, 1982

C: 4/4/1985 ZBA Variance request for additional Duplex - Denied

**Previous Assessments** 

Previous Assessments							
Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2021	104 - TWO FAM	149,500	0	134,100		0.00	283,600
2021	104 - TWO FAM	149,500	0	123,100	1,32	0.00	272,600
2020	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2020	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2019	104 - TWO FAM	149,500	0	123,100	1,32	0.00	272,600
2019	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2018	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
1	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
2017	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
1	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
	104 - TWO FAM	149,500	0	123,100	1.32	0.00	272,600
	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
1	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
2015	104 - TWO FAM	102,200	ĺO	107,400	1.32	0.00	209,600
	104 - TWO FAM	102,200	0	107,400	1.32	0.00	209,600
1	104 - TWO FAM	102,200	lo	107,400	1.32	0.00	209,600
2014	104 - TWO FAM	115,900	0	107,400	1.32	0.00	223,300
2013	104 - TWO FAM	115,900	0	107,400	1.32	0,00	223,300
2013	104 - TWO FAM	115,900	0	107,400	1.32	0.00	223,300
2012	104 - TWO FAM	115,900	О	107,400	1.32	0.00	223,300
2012		159,100	0	142,400	1.32	0.00	301,500
2012	104 - TWO FAM	159,100	lo	142,400	1.32	0.00	301,500
2011	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2010		159,100	10	142,400	1.32	0.00	301,500
2010	to name to the partie of the parties	159,100	0	142,400	1.32	0.00	301,500
2009		159,100	0	142,400	1.32	0.00	301,500
	104 - TWO FAM	159,100	0	142,400	1.32	0.00	301,500
2008		159,100	0	142,400	1.32	0.00	301,500
2007		159,100	0	142,400	1.32	0.00	301,500
2007		144,600	0	106,900	1.32	0.00	251,500
2007		144,600	Ō	106,900	1.32	0.00	251,500
2006		144,600	0	106,900	1.32	0.00	251,500
2005	Name of the last o	144,600	0	106,900	1.32	0.00	251,500
2005		144,600	0	106,900	1.33	0.00	251,500
2004		144,600	0	106,900	1.33	0.00	251,500
2004		109,600	0	81,700	1.33	0.00	191,300
2002		109,600	0	81,700	1.33	0.00	191,300
		109,600	0	81,700	1.33	0.00	191,300
2003		109,600	0	81,700	1.33	0.00	191,300
		109,600	0	81,700	1.33	0.00	191,300
2002		67,400	0	56,900		0.00	124,300
200		67,400	0	56,900	1.33	0.00 _	124,300
2000	104 - TWO FAM	107,400		100,000			



# Town of Hudson, N. H.

Office of Town Building Inspector

No. 102-82

	BÜİLDING	PERMIT	24 1081
This certifies th	iai Jura Constru	ection to Inc.	and framework 18 will be to the control of the cont
is arouted permission	n to alter Duples	24 1/2 65	
is granted permisore	repair move	· samedanae	Description
	Town senses and h	Jacks	. ส.วา. เราะรรรร์ของอักรระบารของระบายบาลพาสตรร
of Building	nanganangganggap <del>agamberas sagaren ara</del>		aaddan ay y Lanna ah
to	eated at and known as		300 1 00/1 2
2184-009 Number	Lindsay be	Street of Avenue	m 1-55/60-3
thereof and to the been commenced w	issued on application number provisions of the Zoning Ordin within 60 days next after the c	lance, and is void unless wor. late hereof.	K distriction situation
	issued under the condition the Bui		
Value 3 47,		Richard E. M.	AMAZA Administrative Officer
Fec \$ 98.			



#### TOWN OF HUDSON, N. H.

# **Application for a Permit To Build**

Date Sept. 21, 1981.

Residential	Х
Commercial	
Industrial	
Garage	T
Breezeway	
No. of Units	2
]	

Subdivision	Yes	No
Planning Ed. Approval Sub Div.	Yes	No
Water Pollution Approval Sub D	v. No.	
Septic Construction Permit No.		,,,,
Necessary Bonds Posted	Yes	No
Bd. of Adj. Variance Granted If	*1	-

New	X	Permit Number
Alter		102-82
Addition	1	
Repair		

Name of Owner Jero Construction Co., Inc. Address 160 Hayden Rd, Geston, Tel. 617-6922890
Land Purchased From NORMAND LAPLANTE Address NASHUA, N.H.
Location La Lindsay ST., Hudson N. H. Property Tax No.
Name of General Contractor Jero ConsT. Map and Lot No. 55/60-3 (2184'-009)
Name of Heating Contr Name of Electrical Contractor
Type of Heat GAS Name of Plumbing Contractor
Name of Fireplace Mason Name of Masonry Contractor
Material of Building wooden Style of Roof 5-12 PITCH Roof Covering SHIMLE
Size of Foundation 24×68 Living Floor Area 1632 54 17. No. of Stories ONE
Size of Garage Water Yes Sewer Yes.
Foundation Material founce Concrete. Width 10" Height 7'6" Footings No
Fireplace No. of Flues Size S' Chimney Material Block & BRICK
Brief Description of Repair, Alter or Other
77 000
Value 49,000 or
Lee 498. Duples

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 Rage a Devision 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 Agus Alexander Trees
Contractor's Signature Sant Contract Co. 2.

Address 60 My Jan Rd., GRSTAN MASS.

 $B_{1}$ 

Rojee De. R. O. C. C. CASIMIR. a caeras 50 GAS STREET 36,154 57,665,06 Logicax LINDSAY 516°0 5 6 넴 Sec. 12:13

# TOWN OF HUDSON NEW HAMPSHIRE APPLICATION FOR APPEAL

Application for a variance a special exception an appeal from administrative	decision Case No. $\frac{4.85-55/60/3}{\text{Map & Lot No.}}$ $\frac{55-60-3}{64.00}$ Date filled $\frac{4.485}{64.00}$
a rehearing	\$1 gned
Name of Applicant ERVIN & ETEL EICHENWI Address 5 AZTEC RD: NASHU	ALD A N.H. 03663 Tel. 1 863-386-5955 GG3-888-6480
Owner of property concerned SAME	Tel. /
Exact location & description of property (Include : dimensions, adjacent roads and right of way, locat separate sheet if necessary).  SEE ATTRONE	scale drawing showing plot plan, boundaries, ion of buildings, as applicable) (Use
Brief description of request	ECOND BUPLEX ON EXISTING LOT.
Regarding Article X Section 3 8 of the Huds  Tax # Zone A-1	on Zoning Ordinance
ABUTTERS - NAME WASHING - BY POWER OF ATTORNEY	ADDRESS
55 66-2 RODGERS, ALVIN H & BETTY A.	22 ABBOTT ST. HUDSON N.H. EYES!
55 50 Y HAEFNER ROBERT H & LYDIA L.	I ST. TOHN ST. " "
EX 49 X CAMPBELL JOHN E. & INSTA B.	3 ST. JOHN SI.
55 48 " FRASER, NOBERT A. F HELEN B.	S ST. TOMN ST.
55 41 CLOUTIER RAYMOND & TULIENNE	21 /2 3/ C 4 5 5 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
10 3 ST. CASTAIR CEMETERY	ST. CASIMIK CHURCH IIG TEMPLEST. WASHUR 0306
Owner/Applicant hereby accepts responsibility for all appeals filed after cut off date will be consired regular meeting. (Cut off date is two weeks prior Adjustment BY-LAWS).  Signed Lott Work.	to the regular meeting as noted in Board of
to the event an on-site inspection of the lang 13	HECEPORTAL MODILE TO BE MILLIONS OF THE
Board of Adjustment members on above property:	10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Signed Foth North	p. s. 13. Date 4/4/83
It is the decision of the Board of Adjustment the The Board based its decision. The Board based its decision of the public interest.  2. Will/Will not result in unnecessary hardship 3. Will/Will not uphold the spirit of the ordinate. Will/Will not provide for substantial justice. The following stipulations are hereby attached to	at the above application has been cision on the following:  ance.  e.  Approximation has been considered by the second co

Note: Variances on which no substantial action has been taken shall become wold six (6) months from date of approval by the Board of Adjustment.



Jown of Hudson
HUDSON, NEW HAMPSHIRE
Zoning Board of Adjustment

# NOTICE TO ABUTTERS

Certified	Mail	No.					•	
⊋ 576 68	9 454				Date:_	Apr1]	17, 1	985
TO: Ervin/	Etel I	lichcnwa	l₹					
5 Azte	e Road	3.	<del></del>					
Nrehus	., N.1i.	03063						
**************************************	<del>*************************************</del>	<u> </u>	<del>-</del>					
This notic	a will	serve	to inform	you the	it a pi	ublic	heari	ng
				<b>3</b>	•			_
concerning					_			
Case 4/85/55 request a ve	<u>i-60-3:</u>	Ervin &	Etel Eiche	nwald. 5/	zrec R econd d	oad. N uplex	ashua. on an	<del></del>
existing lot	tat 8 I	indsay S	treet [Ma	10 55 Lot	60-3.	Zoned	A1	oo 1
(Residentia)	l); Arti	icle X, Se	ection 3(e)	or the m	Jason 2	Ourns .	~ <del>~~~~~</del>	<u></u>
Owner:			Ervin &	Etel Eich	enwald			·
Map No	55		Lot No.	60-3				
will be he						:30	PM,	at the
Town Hall.		*						
TOURT Trume	1							
							Q	
				_6	Dins	is 9	9-a	00
				D 2	ennis oning	J. La	lioe Libera	tor ex
					***			

C<sub>2</sub> -

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

On 02/24/22, the Zoning Board of Adjustment heard Case 166-031 (deferred from 10/28/21 and 1/27/22), being a case brought by Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH 03087 requests a Variance for 8 Lindsay St., Hudson, NH for relief from HZO Article VII, Dimensional Requirements; § 334-27.1 D, General Requirements: to allow the creation of a new lot that has insufficient required frontage on a class V or better portion off Grigas St. [Map 166, Lot 031-000; Zoned Town Residence (TR).]

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

Y	N	<b>1.</b> Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
Y	N	2. The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the
		essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
Y	N	<b>3.</b> Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.
Y	N	4. The proposed use will not diminish the values of surrounding properties.
Y	N	<b>5.</b> Special conditions exist such that literal enforcement of the ordinance would result in <b>unnecessary hardship</b> , either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way <u>and also</u> because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.
Meml Signe	ber Decisi	ion:
~15110		ing member of the Hudson ZBA Date

Stipulations:		
5 c1p c12c125125.		
•		

ONN OF HUDSOZ

	FOR A VARIANCE			
OCT 1 2 2021				
<i>‡</i>	Entries in this box are to be filled out by Land Use Division personnel			
ning Department Town of Hudson	Case No. 166-031 (10-28-21)			
Daniel M. Flores	Date Filed 10/12/21			
Name of Applicant	Map: 166 Lot: 31 Zoning District: TR			
Telephone Number (Home) 603-361-3294	(Work) 603-647-8700 x 313			
Mailing Address 183 Rockingham Road	Unit 3 East Windham NH 03087			
Owner Amnon Waisman Rev Trust				
Location of Property 8 Lindsay Street				
(Street Address)	10/12/2021			
Signature of Applicant	Date			
o gradule of hippindant	Date			
Signature of Property-Owner(s)	Date /			
A Waissum				
NOTE: Fill in all portions of the Aj application is not acceptable unless all r	Application Form(s) as appropriate. This required statements have been made.			
Additional information may be supplied	on a separate sheet if space provided is			
inadequate. If you are not the property of documentation signed by the property of	wner(s) to confirm that the property			
owner(s) are allowing you to speak on hi permission to seek the described varianc	s/her/their behalf or that you have			
	10000			
Items in this box are to be filled out by Lar				
COST: Application fee:	185 Date received: 10/12/21			
Direct Abutters x \$4.10 =  Indirect Abutters x \$0.55 =	6.38			
Total amount dues	\$243.34 Amt. received: \$243.34			
Received by:	Receipt No.: 659, 376			
By determination of the Zoning Administrator Departmental review is required:	or Building Inspector, the following			
Engineering Fire Departme	ent Health Officer Planner			

# TOWN OF HUDSON, NH NOTICE TO APPLICANTS

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

Applica Initials DMF		Staff Initials TG
DMF	Before making the 13 copies, please review the application with the Zoning Administrator or staff.	TG-19
DMF	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Wetland Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	TG
DMF	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-
DMF	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained from the assessor's office. (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	TG
DMF	A copy of both sides of the assessor's card shall be provided. ( <b>NOTE</b> : these copies are available from the Assessor's Office)	TG-
DMF	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	For a Wetland Special Exception, a letter or a copy of the relevant decision from the Hudson Conservation Commission shall be attached to the application for existing single-family and duplex residential uses. All other Wetland Special Exceptions (multifamily, commercial, or industrial uses) must have letters both from the Conservation Commission and from the Planning Board.	NA

	FLOT FLAN-	-37
DMF	Except for requests pertaining to above-ground pools, sheds, decks and use variances,	16
	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) DMF	The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.	16
b) DMF	The plot plan shall be up-to date and dated, and shall be no more than three years old.	TG
c) DMF	The plot plan shall have the signature and the name of the preparer, with his/her/their seal.	76
d) DMF	The plot plan shall include lot dimensions and bearings, with any bounding streets and	TG
:::::::::::::::::::::::::::::::::::::::	with any rights-of-way and their widths as a minimum, and shall be accompanied by a	
	copy of the GIS map of the property. (NOTE: copies of the GIS map can be obtained at	
	the Land Use Division.)	
e) DMF	The plot plan shall include the location and dimensions of existing or required services,	76
	the area (total square footage), all buffer zones, natural features, any landscaped areas,	
	any recreation areas, any safety zones, all signs, streams or other wetland bodies, and	
	any drainage easements.	
f) DMF	The plot plan shall include all existing buildings or other structures, together with their	16
DIVE	dimensions and the distances from the lot lines, as well as any encroachments.	<del></del> ,
g) DMF	The plot plan shall include all proposed buildings, structures, or additions, marked as	76
5145	"PROPOSED," together with all applicable dimensions and encroachments.	
h) DMF	The plot plan shall show the building envelope as defined from all the setbacks required	16
DME	by the zoning ordinance.	-
i) DMF	The plot plan shall indicate all parking spaces and lanes, with dimensions.	TO
		9
The a	pplicant has signed and dated this form to show his/her awareness of these requirement	ents.
1/m	10/12/2021	

DE OT DE AND

Signature of Applicant(s) Date

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

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

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

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

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

#### ALL DIRECT ABUTTERS

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS					
166	031	Waisman, Amnon TR. Amnon Waisman Rev Trust	11 Whitman Rd. Nashua, NH 03062					
166	017	St. Casimir Cemetery Bishop of Manchester Roman Catholic	153 Ash Street Manchester, NH 03104					
166	020	Clouter, Andrew P.	6 Grigas Street Hudson, NH 03051					
166	021	Ferentino, Jeffrey T.	5 St John Street Hudson, NH 03051					
166	022	Longley, Brian P.	3 St John Street Hudson, NH 03051					
166	025	Cataldo, Mark Joseph	8 St John Street Hudson, NH 03051					
166	030	Haefner, Robert H. Haefner, Lydia L.	1 St John Street Hudson, NH 03051					
166	032	Gimbert-Emerson Family Rev Tru Gimbert, David K., TR. Emerson, Marcia C., TR.	10 Lindsay Street Hudson, NH 03051					
166	034	Rodgers, Alvin H., TR. Rodgers, Betty A., TR. Alvin Rodgers Revocable Trust	000 Hunt Community ALLDS 250 Nashua, NH 03060					
Developer		Michael Lacasse M.R. Lacasse Homes, LLC	9 Scenic Lane Hudson, NH 03051					
Engineer		Daniel M. Flores, PE SFC Engineering Partnership, Inc.	183 Rockingham Rd, Unit 3 East Windham, NH 03087					
Surveyor		Timothy A. Peloquin, LLS Promised Land Survey, LLC	PO Box 447 Derry, NH 03038					

#### ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
166	035	Desmarais, Gerald R.	3 Lindsay Street
		Desmarais, Denise J.	Hudson, NH 03051
165	159-004	Nguyen, Tuyet	10 Nellie Ct.
			Hudson, NH 03051
166	026	Spooner, Pamela L.	23 Ledge Road
		Spooner, Paul S.	Hudson, NH 03051
174	041	Middlemiss, Steven F	22 Abbott St.
		Middlemiss, Lee Ann	Hudson, NH 03051
166	029	Smith, Karen	4 Lindsay Street
		Smith, Scott A.	Hudson, NH 03051
166	024	Gregoire, Stephen J.	6 St John Street
		Gregoire, Renee S.	Hudson, NH 03051
165	159-005	Wilcox, David E.	6 Nellie Ct.
		Wilcox, Nancy L.	Hudson, NH 03051
166	023	Malley, Timothy J.	4 St John St.
		Malley, Melissa K.	Hudson, NH 03051
174	048	Brown, Ernest H., TR.	1561 Main St
		Brown, Susan K., TR.	Pittsburg, NH 03592-5511
166	033	Matthews, Kenneth R.	12 Lindsay Street
		Matthews, Kathleen J.	Hudson, NH 03051
166	019	Graves, Robert L., TR.	4 Grigas Street
		Graves, Dorothy J., TR. Graves Family Revocable Trust	Hudson, NH 03051
		The state of the s	

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 166-031 VARIANCE         8 Lindsay Street         Map 166/Lot 031-000       1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/28/2021 ZBA Meeting
707	21 0350 0000 1884 5734	Daniel M. Flores, PE; SFC Engineering Partnership, Inc.	APPLICANT NOTICE MAILED
70	21 0350 0000 1884 5741	183 Rockingham Rd., Unit 3 East, Windham, NH 03087 WAISMAN, AMNON, TR.; AMNON WAISMAN REV TRUST	OWNER/APPLICANT NOTICE MAILED
	21 0350 0000 1884 5758	11 WHITMAN RD., NASHUA, NH 03062 ST. CASIMIR CEMETERY; Bishop of Manchester Roman Catholic	ABUTTER NOTICE MAILED
	   21 0350 0000 1884 5765	153 Ash Street, MANCHESTER, NH 03104 CLOUTIER, ANDREW P.	ABUTTER NOTICE MAILED
	   21	6 GRIGAS STREET, HUDSON, NH 03051 FERENTINO, JEFFREY T.	ABUTTER NOTICE MAILED
70		5 ST JOHN STREET, HUDSON, NH 03051 LONGLEY, BRIAN P.	ABUTTER NOTICE MAILED
7 70	  21 0350 0000 1884 5796	3 ST JOHN STREET, HUDSON, NH 03051 CATALDO, MARK JOSEPH	ABUTTER NOTICE MAILED
3 70	121 0350 0000 1884 5802	8 ST JOHN STREET, HUDSON, NH 03051 HAEFNER, ROBERT H.; HAEFNER, LYDIA L.	ABUTTER NOTICE MAILED
	121 0350 0000 1884 5819	1 ST JOHN STREET, HUDSON, NH 03051 GIMBERT-EMERSON FAMILY REV TRU; GIMBERT, DAVID K., TR; EMERSON, MARCIA C., TR	ABUTTER NOTICE MAILED
	021 0350 0000 1884 0012	10 LINDSAY STREET, HUDSON, NH 03051 RODGERS, ALVIN H., TR.; RODGERS, BETTY A., TR.; ALVIN RODGERS REVOCABLE TRUST	ABUTTER NOTICE MAILED
	021 0350 0000 1884 0029	000 HUNT COMMUNITY ALLDS250, NASHUA, NH 03060 Michael Lacasse; M.R. Lacasse Homes, LLC	APPLICANT NOTICE MAILED
and the second	021 0350 0000 1884 0036	PO BOX 447, DERRY, NH 03038	APPLICANT NOTICE MAILED
	Total Number of pieces listed by sender 12		Postmaster (receiving Employee)

SENDER:	TOWN OF HUDSON  12 SCHOOL STREET NO OF HUDSON, NH 03051, O	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 166-031 VARIANCE 8 Lindsay Street Map 166/Lot 031-000 1 of 1				
	ARTICLE NUMBER OCT 19 2023	Name of Addressee, Street, and post office address	10/28/2021 ZBA Meeting				
1	Mailed First Class	NGUYEN, TUYET	ABUTTER NOTICE MAILED				
	Mailed First Class ng Departus	10 NELLIE CT., HUDSON, NH 03051					
2	Mailed First Class "ing Depart"	WILCOX, DAVID E.; WILCOX, NANCY L.	ABUTTER NOTICE MAILED				
	Mailed	6 NELLIE CT., HUDSON, NH 03051					
3	Mailed First Class	GRAVES, ROBERT L., TR.; GRAVES, DOROTHY J., TR.; GRAVES FAMILY REVOCABLE TRUST	ABUTTER NOTICE MAILED				
		4 GRIGAS STREET, HUDSON, NH 03051					
4	Mailed First Class	MALLEY, TIMOTHÝ J.; MALLEY, MELISSA K.	ABUTTER NOTICE MAILED				
5	Mailed First Class	4 ST JOHN ST., HUDSON, NH 03051 GREGOIRE, STEPHEN J.; GREGOIRE, RENEE S.	ABUTTER NOTICE MAILED				
		6 ST JOHN STREET, HUDSON, NH 03051					
6	Mailed First Class	SPOONER, PAMELA L.; SPOONER, PAUL S.	ABUTTER NOTICE MAILED				
7	Mailed First Class	23 LEDGE ROAD, HUDSON, NH 03051 SMITH, KAREN; SMITH, SCOTT A.	ABUTTER NOTICE MAILED				
		4 LINDSAY STREET, HUDSON, NH 03051					
8	Mailed First Class	MATTHEWS, KENNETH R.; MATTHEWS, KATHLEEN J.	ABUTTER NOTICE MAILED				
		12 LINDSAY STREET, HUDSON, NH 03051					
9	Mailed First Class	DESMARAIS, GERALD R.; DESMARAIS, DENISE J.	ABUTTER NOTICE MAILED				
		3 LINDSAY STREET, HUDSON, NH 03051					
10	Mailed First Class	MIDDLEMISS, STEVEN F; MIDDLEMISS, LEE ANN	ABUTTER NOTICE MAILED				
11	Mailed First Class	22 ABBOTT ST., HUDSON, NH 03051 BROWN, ERNEST H., TR.; BROWN, SUSAN K., TR.; BROWN FAMILY REV TRUST	ABUTTER NOTICE MAILED				
		1561 MAIN ST., PITTSBURG, NH 03592-5511					
	Total Number of pieces listed by sender 11	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)				



# **TOWN OF HUDSON**



# Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

October 18, 2021

#### 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, 10/28/21 starting at 7:00 P.M., Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 166-031 (10-28-21): Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH 03087 requests a Variance for 8 Lindsay St., Hudson, NH for relief from HZO Article VII, Dimensional Requirements; § 334-27.1 D, General Requirements: to allow the creation of a new lot that has insufficient required frontage on a class V or better portion off Grigas St. [Map 166, Lot 031-000, Zoned Town Residence (TR).]

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

Respectfully,

Bruce Buttrick

Zoning Administrator



# **TOWN OF HUDSON**



# Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

October 18, 2021

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

A full copy of this application is available for your review on the Hudson Town Hall website: <a href="www.hudsonnh.gov">www.hudsonnh.gov</a> or in the Land Use Department located at Hudson Town Hall.

Respectfully,

Zoning Administrator

#### APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zonin									
Ordinance Article VII of HZO Section(s) 334-27.1									
in order to permit the following change or use:									
To allow creation of a new lot that does not have the required frontage on a class									
V or better road.									
8									

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

#### **FACTS SUPPORTING THIS REQUEST:**

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

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

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

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

 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 lot creation will be similar in size to the existing lots in the neighborhood. The proposed use of the lot is single family residential, in keeping with other properties in the neighborhood.

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

The proposed lot will meet all other requirements of the zoning ordinance. Although the lot does not have the required frontage on a class V or better road, the lot does have required frontage on the Grigas Road right-of-way. However, Grigas Road was never extended within the right-of-way that forms the proposed lot frontage.

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

The lot at 8 Lindsay Street was created as an 'L' shape that gives the lot frontage on both Lindsay Street and on an extension of the Grigas Street right-of-way depicted on the record subdivision plan. The Grigas Street extension was never built, such that the proposed lot does not have frontage on class V road, as intended with the lot creation. This variance will allow the owner to fully develop the property as intended.

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.)

The proposed lot will not diminish property values. The proposed lot size and configuration will be similar to existing properties along Grigas Street, St John Street, Nellie Court, and Ledge Road.

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

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

The lot has a unique configuration, with an 'L' shape and frontage on both Lindsay Street at the west, and a paper street to the north (Grigas Street right-of-way). Reviewing past recorded plans, it is clear that the intent was to extend Grigas Street to create additional lots. The town never constructed the Grigas Street extension, resulting in the planned Grigas Street frontage not existing.

The following record plans are included that illustrate the lot and Grigas Street right-of-way history:

Plan # 1667 recorded at the Hillsborough Registry of Deeds in 1957. This plan shows Grigas Street extending to the south, with a number of lots created along the frontage.

Plan # 2888 recorded at the Hillsborough Registry of Deeds in 1964. This plan shows changes to the lot along Grigas Street, with Grigas Street continuing to the south.

Plan # 13558 recorded at the Hillsborough Registry of Deeds in 1980 and which created the current lot. This plan shows the Grigas Street right-of-way extending to create the current 'L' configuration of the subject lot.

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

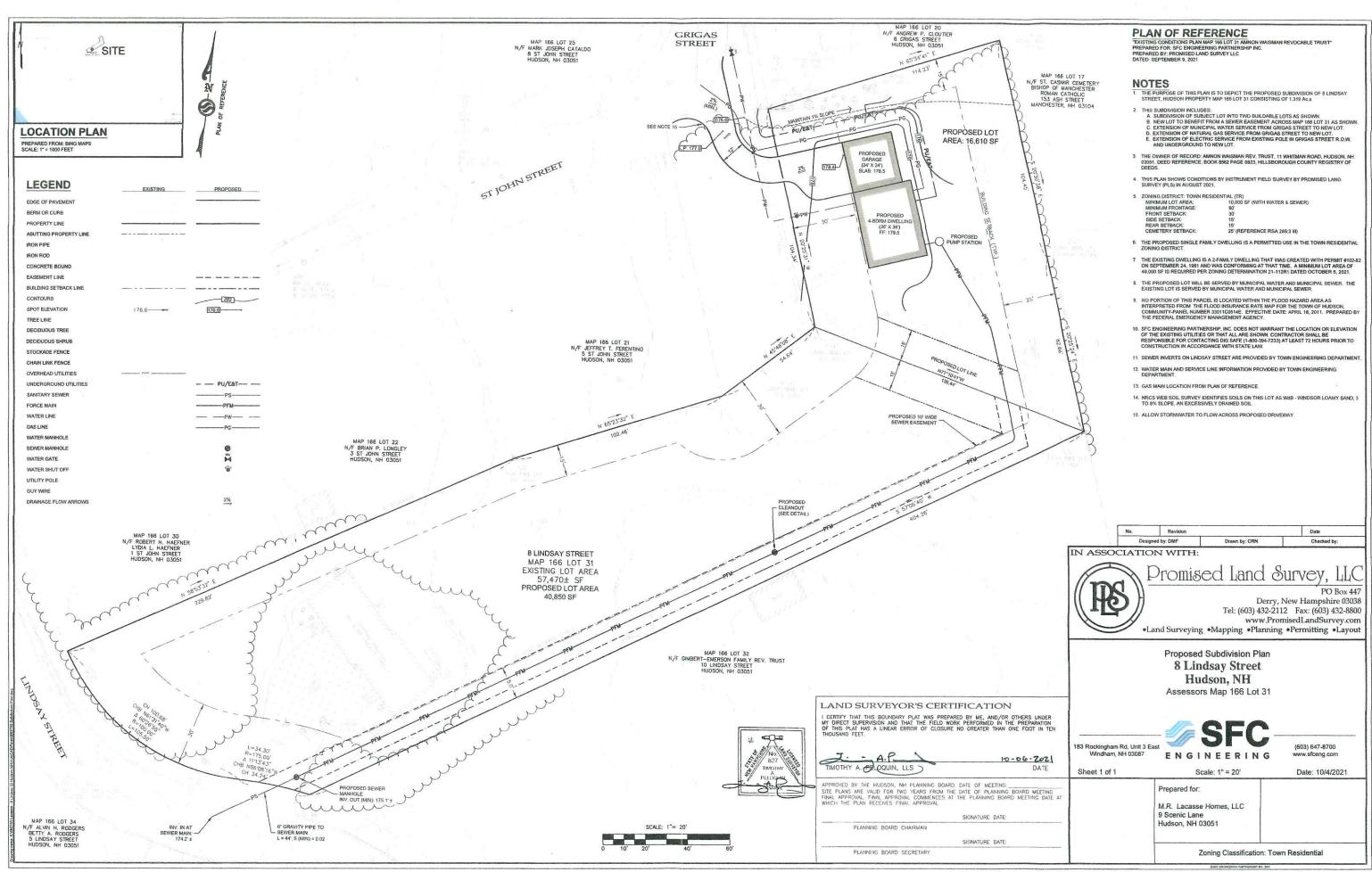
# **ATTACHMENTS**

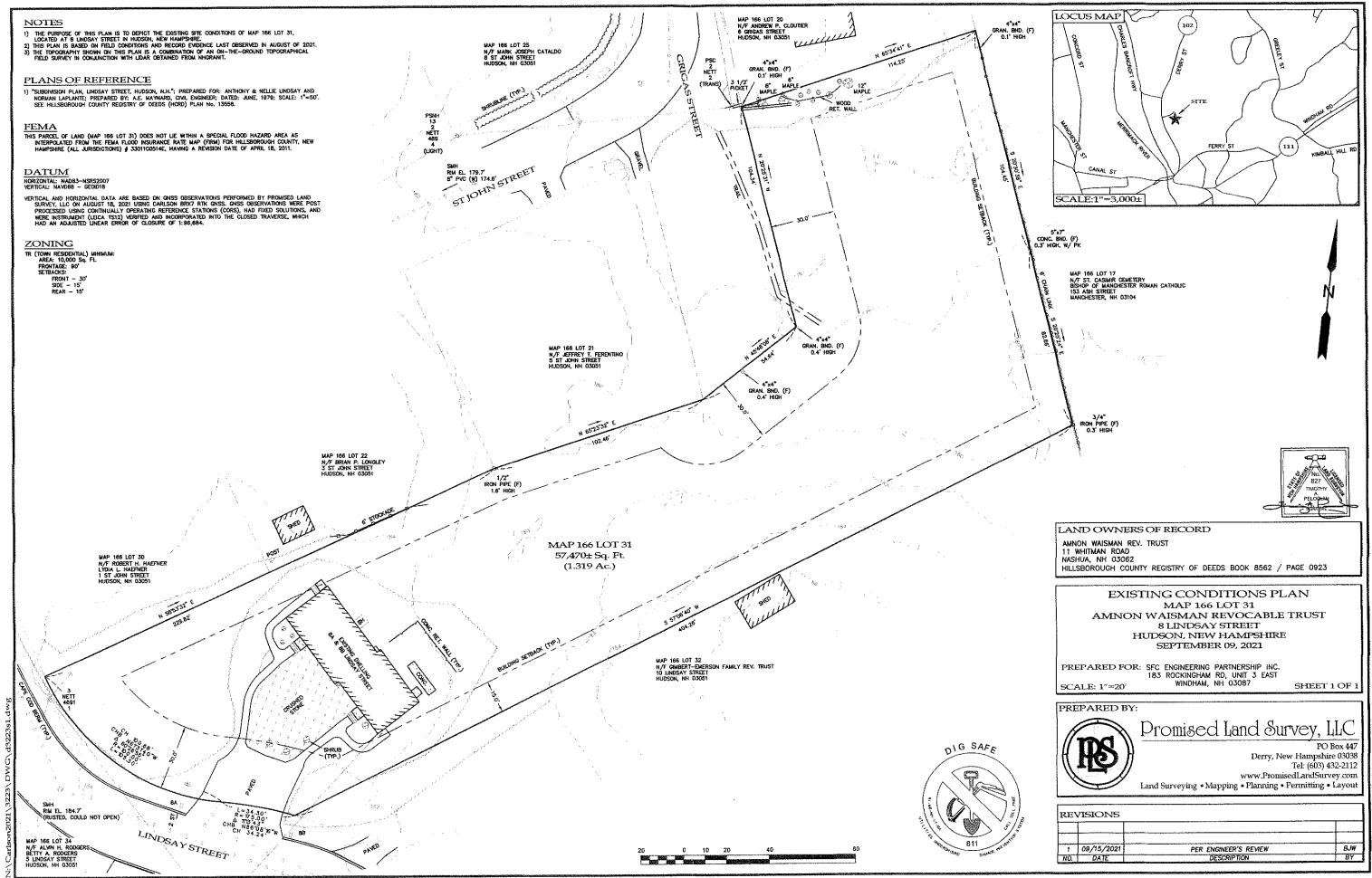
- 1. Subdivision Plan & Existing Conditions Plan
- 2. Letter of Authorization
- 3. Property Card
- 4. Zoning Determination
- 5. GIS Map
- 6. Plan 1667
- 7. Plan 2888
- 8. Plan 13558

Subdivision Plan

showing proposed lot

& Existing Conditions Plan





Letter of Authorization

Town of Hudson Zoning Board of Adjustment 12 School Street Hudson, NH 03051

Re: Letter of Authorization - ZBA 8 Lindsay Street

To the Hudson Zoning Board of Adjustment:

I, Amnon Waisman, trustee of the Amnon Waisman Revocable Trust and owner of Hudson Property Map 166 Lot 31 located at 8 Lindsay Street, hereby authorize SFC Engineering Partnership to represent me at the ZBA meeting and apply for the variance on behalf of the property owner with all corresponding signatures.

14/13/28

Sincerely,

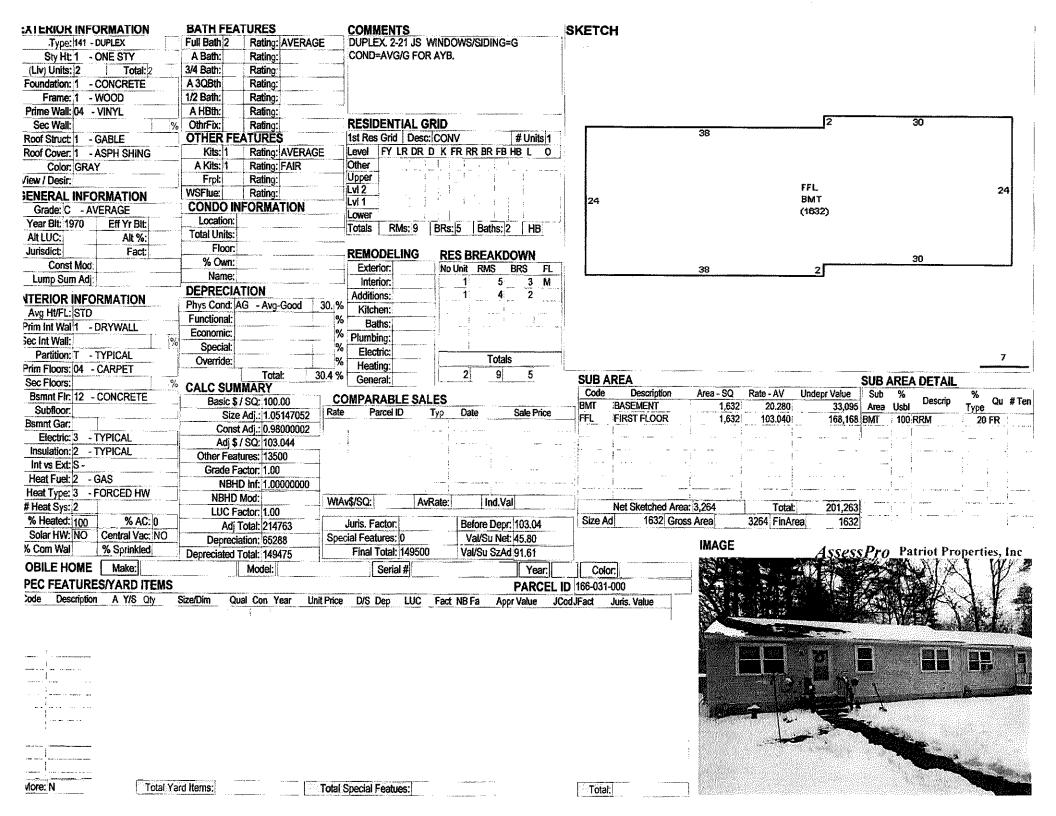
Amnon Waisman, Trustee

Amnon Waisman Revocable Trust

A Maism

11 Whitman Road Nashua, NH 03062 Property Card

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Zoning Determination



# TOWN OF HUDSON

# Land Use Division



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

#### Zoning Determination #21-112R1

Oct 5, 2021

Daniel M Flores, PE SFC Engineering 183 Rockingham Rd Unit 3E Windham, NH 03087

Re:

8 Lindsay St Map 166 Lot 031-000

District: Town Residence (TR)

Dear Mr. Flores,

Your request for zoning/subdivision into two lots, based on sheet 1 of 3 dated 10/4/2021 has been reviewed.

This is a revised Zoning Review / Determination:

This is a lot of record, with an existing non-conforming use as a two family created with permit #102-82 Sept 24, 1981. The minimum lot requirements was 40,000 sqft (with town water and sewer).

The parent (resultant) lot with the existing structure/(2 family) use needs to be a minimum of 40,000 sqft. The new lot needs to be a minimum of 10,000 sqft and only for a single family use.

The proposed lot off the Grigas St "leg" is not a class V or better road, thus a variance would be needed from: §334-27.1 General requirements D. Frontage shall be measured in a continuous line along the sideline of a Class V or better street between the points of intersection of the side lot lines with the street. If a lot has frontage on more than one street, the frontage on one street only may be used to satisfy the minimum lot frontage.

Reference: §334-6 <u>Definitions</u>: FRONTAGE -The distance measured along the FRONT LOT LINE between points of intersection with the SIDE LOT LINES. FRONTAGE along cul-de-sac roadways (HIGHWAYS) shall be measured at the appropriate yard building SETBACK depth from the FRONT LOT LINE between the points of intersection with the SIDE LOT LINES. "FRONTAGE" shall be contiguous and measured along the joining boundary of the FRONT LOT LINE and **a Class V or better public RIGHT-OF-WAY**. Lot lines bordering limited access roads cannot be considered "FRONTAGE." FRONTAGE shall be capable of providing ACCESS.

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

Please be mindful: if wetland and any steep slopes (>25%) exists that would increase the resultant lot size required for buildable area, and other requirements on any proposed lot per § 334-27.2 Lot requirements for subdivision of land.

I note that there is a cemetery adjacent to your proposal, please refer to RSA 289:3 for specific

construction restrictions.

Sincerely,

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder

Owner

E. Dhima - Town Engr

B. Groth - Town Planner

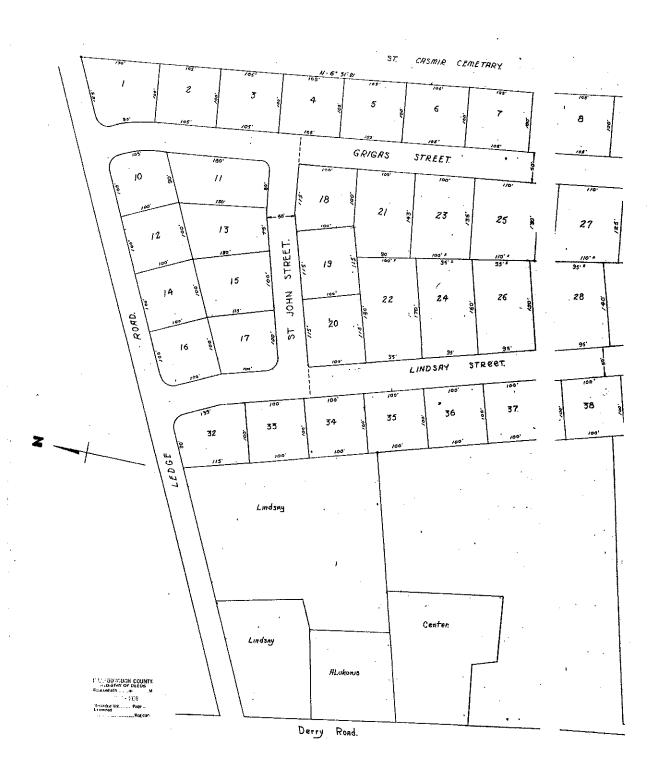
file

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

GIS Map

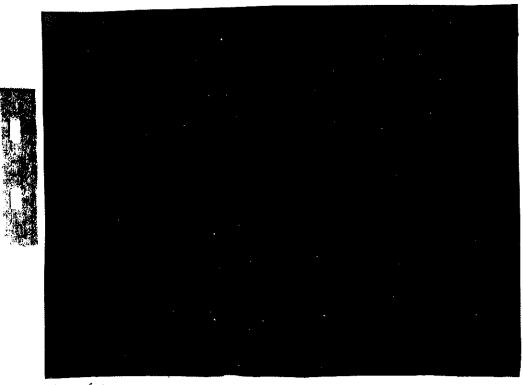


Plan 1667



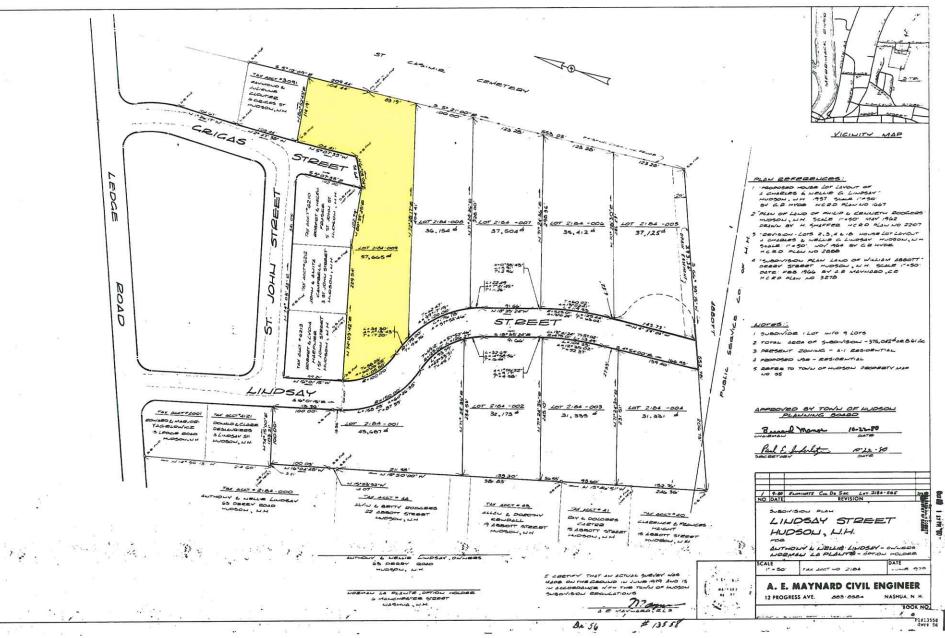
₹ŖĶ SPRUCE 25 Z9 NEWTON ST. 26 50 STREET. 28 et. 40 10YE WELL . 38 39 ABBOTT ST. Recorded well therease 1667 Dequoy Proposed House Lot Layout Of A. Charles & Nellie G. Lindsay
Hudson, N.H. 1957
Scale / Main - 50 M. By GRAYDE. External Boundaries By Ned Spaulding, 1946-1948 COPIED BY GODDWIN & KING.

Plan 2888





Plan 13558



Printed 10/12/2021 4:03PM Created 10/12/2021 3:58 PM

# Transaction Receipt

## Town of Hudson, NH

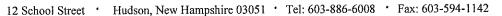
12 School Street Hudson, NH 03051-4249 Receipt# 659,376 tgoodwyn

-	Current Invoice	Payment	Balan	ce Due
	eeting			
	0.00	243.3400		0.00
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Pay Type	Reference	Tendered	Change	Net Paid
CHECK	CHECK # 1661	243.34	0.00	243.34
	_	Total Due:		243.34
		Total Tendered:		243.34
		Total Change:		0.00
		Net Paid:		243.34
	ication- 10/28/21 ZBA M treet 3-031-000 oplication Pay Type	ication- 10/28/21 ZBA Meeting treet 3-031-000 pplication 0.00  Pay Type Reference	ication- 10/28/21 ZBA Meeting treet 3-031-000 pplication 0.00 243.3400 Total:  Pay Type Reference Tendered CHECK CHECK # 1661 243.34  Total Due: Total Tendered: Total Change:	CHECK   CHECK # 1661   Change   Chang



# **TOWN OF HUDSON**

# Land Use Division





#### **Zoning Administrator Staff Report**

Meeting Date: February 24, 2022 Ph 2-1-22 (Deferred from December 9, 2021)

1. Case 234-016 (12-09-21): Peter & Joyce Drown, 7 Bruce St., Hudson, NH requests a Variance to build a 16 ft. x 24 ft. addition which encroaches the side yard setback 5.2 feet leaving 24.8 feet where 30 feet is required due to a corner lot with 3 (three) frontyard setbacks. [Map 234, Lot 016-000; Zoned General-One (G-1); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Address: 7 Bruce St

Zoning district: General One (G-1)

#### **Summary:**

Applicant requests a variance to encroach 5.2 ft into a front yard setback. This property has three front yards.

#### Property description:

Lot surrounded on three sides by streets.

Non-conforming area of 0.64 Acre where 2 Acres required.

Non-conforming frontages:

Linda St and Bruce St with 106.78 ft where 200 ft required and

Conforming frontage:

Linda St with 248.56 where 200 ft required.

#### LAND USE HISTORY:

7/2/75 B.P. # 3-76 for 24 x 4 A/G pool 10/3/16 denial of Restoration of Involuntarily merged lots.

#### **ASSESSING HISTORY:**

Single Family

#### Town in-house review comments:

Town Engr: No comments
Town Planner: None Received

Fire Dept: No comments

#### Attachments:

A: Assessing history

B: 7/2/75 B.P. # 3-76 for 24 x 4 A/G pool

C: 10/3/16 denial of Restoration of Involuntarily merged lots.

**Previous Assessments** 

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2021	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
2021	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
2020	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
2020	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
1	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
2018	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
to a commence	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
2017	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
2017	101 - ONE FAMILY	83,800	12,100	75,900	0.64	0.00	171,800
	101 - ONE FAMILY	123,400	12,000	75,900	0.64	0.00	211,300
	101 - ONE FAMILY	83,800	12,100	75,900	0.64	0.00	171,800
2016	101 - ONE FAMILY	83,800	12,100	75,900	0.64	0.00	171,800
2015	101 - ONE FAMILY	83,800	12,100	75,900	0.64	0.00	171,800
2015		83,800	12,100	75,900	0.64	0.00	171,800
2014		83,800	12,100	75,900	0.64	0.00	171,800
2014	101 - ONE FAMILY	83,800	12,100	75,900	0.64	0.00	171,800
2013		83,800	12,100	75,900	0.64	0.00	171,800
2013		83,800	12,100	75,900	0.64	0.00	171,800
2013		83,800	12,100	75,900	0.64	0.00	171,800
2012		108,900	8,400	112,500	0.64	0.00	229,800
2012	101 - ONE FAMILY	108,900	8,400	112,500	0.64	0.00	229,800
2011	101 - ONE FAMILY	106,100	8,400	112,500	0.64	0.00	227,000
2010		106,100	8,400	112,500	0.64	0.00	227,000
2010		106,100	8,400	112,500	0.64	0.00	227,000
2009		106,100	8,400	112,500	0.64	0.00	227,000
	101 - ONE FAMILY	106,100	8,400	125,000	0.64	0.00	239,500
2008		106,100	8,400	125,000	0.64	0.00	239,500
2007		106,100	8,400	125,000	0.64	0.00	239,500
	101 - ONE FAMILY	121,300	7,800	93,700	0.64	0.00	222,800
1	3 101 - ONE FAMILY	121,300	7,800	93,700	0.64	0.00	222,800
2006	THE RESERVE AND PROPERTY OF THE PROPERTY OF TH	121,300	7,800	93,000	0.62	0.00	222,100
	5 101 - ONE FAMILY	121,300	7,800	93,000	0.62	0.00	222,100
2005		121,300	7,800	93,000	0.62	0.00	222,100
2004		121,300	7,800	93,000	0.62	0.00	222,100
2004		97,600	7,800	70,900	0.62	0.00	176,300
2002	A STATE OF THE PROPERTY OF THE	97,600	7,800	70,900	0.62	0.00	176,300
200		97,600	7,800	70,900	0.62	0.00	176,300
		97,600	7,800	70,900	0.62	0.00	176,300
200		97,600	7,800	70,900	0.62	0.00	176,300
200		62,900	0	46,200		0.00	109,100
200	the state of the s	54,900	8,000	46,200	0.62	0.00	109,100
1200	0 101 - ONE FAMILY	107,300					

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	
1999	101 - ONE FAMILY	54,900	- ,	46,200		0.00	109,100



# Town of Hudson, N. H.

	Office	of Iown Build	ing Inspect	or '		
COMPORATED IN		BUILDING P	ERMIT			1
	rver.		*****		/ ************************************	19
	in the second	1 1				
This certifies that	.,,				Name of	Owner
er s granted permission to all re	ter	4.4		فيشتغيني أنست		**************************************
re	epair				Descrip	tton
III	ove					
*******************************	,					, ************************************
of Building						
	*****		.,,	*******	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
on premises located a	t and known	as			r=1	Ð
to			. 9	11		Q
on premises located at to  Number	. e ( ) ) e e e e e e e e e e e e e e e e	************************************	Street	or Avenue	************************************	***************************************
and to do things lawful to					•	
This permit is issued thereof and to the provisi been commenced within 6	ons of the Zo 30 days next	ning Ordinan after the date	ce, and is vo e hereof.	oid unless wo	rk thereunde	r snan nave
This Permit is issued	under the c	ondition that	this buildi	ng WILL NO	OT be occup	ied until a
Certificate of occupancy i					:	•
				<del>-</del> . Zasta	1	
. 1				- 77, 79	Administrative	
Contraction of the Contraction o		***-		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Administrative	Officer





# Town Of Hudson, N. H.

# Application for a Permit to Build Date July 2 1975

Residential	Subdivision	Yes No	New	PERMIT NUMBER
Commercial	Planning Bd. Approval Sub Div	, Yes No	Alter	3-76
Industrial	Water Pollution Approval Sub		Addition	
Garage	Septic Construction Permit No		Repair	_
Breezeway	Necessary Bonds Posted	Yes No	Pool	
No. Of Units	Bd. of Adj. Variance Granted I	f Nec.	Fence	_
			Other	_1
NAME OF OWNER	en Daran	address <u>_2_/3</u>	Rott	_TELE <u>{</u>
LAKIN DEDCHASED EROM		LOCATION OF LA	ND	
AREA OF LOT		PROPERTY TAX N	10. <u>8 FD</u>	
NAME OF GENERAL CONTRACTOR		ADDRESS AND TE	LF.	
NAME OF HEATING CONTRACTOR.		NAME OF ELECTE	UCAL CONTRACTOR	
NAME OF MASONRY CONTRACTOR		NAME OF PLUMBI	NG CONTRACTOR	
NAME OF MASONRY CONTRACTOR  NAME OF FIRE PLACE CONTRACTOR		NAME OF FIRE P	ACE MASON	NO. OF STORIES
NAME OF FIRE PLACE CONTRACTO	OR	NAME OF THE P		POOF COVERING
MATERIAL OF BUILDING		STYLE OF ROOF,		TAME OF THAT
SIZE OF FOUNDATION.		LIVING FLOOR A	REA	- HER OF BERT
CONSTRUCTION FOR OWN USE		WATER	SEWER,	POOTNICS
FOUNDATION MATERIAL.		H'I'OIW	HEIGHT	POOTINGS
FIREPLACENUMBER OF F	LUES	SIZE	CINMNEY M	ATERIAL
GARAGE LOCATION IF ANY		TYPE OF BUSINE	SS IF ANY	
BRIEF DESCRIPTION OF REPAIR,	ALTER, OR OTHER	<u> </u>	· (i) (i)	/
<u> </u>	of Morrow la	Board Colores	const. Virtual	
DANCE WITH TH AND THAT THE REGULATIONS C WHEN FOUNDAT	IGNED HEREBY AGREES TO E FOREGOING STATEMENT, WORK CONNECTED THEIR THE TOWN OF HUDSON, TON BEFORE BACKFILLING IRING, FIREPLACE BEFORDY THAT I HAVE BEEN AUT	EWITH SHALL CONF AND THAT HE WILL G, FRAME, CHIMNE	ORM WITH THE BUIL L NOTIFY THE BUIL YS, FIRE-STOPS AND	LDING LAWS AND DING INSPECTOR ) HEATER-PIPES, FOR INSPECTION.
		OWNER'S SIGNA	TURE <u>Xa PA</u>	( Sind Drown)
OVER Sketch of building	, show streets	CONTRACTORS	SIGNATURE	
set back from pro all sides on other	operty lines on	ADDRESS		



October 3, 2016

Stephen A. Malizia, Town Administrator Town of Hudson 12 School Street Hudson, New Hampshire 03051

Application for Restoration of Involuntarily Merged Lots Pursuant to RSA § 674:33-aa

Katherine Drown, 7 Bruce Street, Hudson, NH (Tax Map 234, Lot 16)

#### Dear Steve:

I have reviewed the file you sent me regarding the above referenced Application. I do not believe this is an appropriate case to unmerge the lots because it appears as though the lots have been voluntarily merged.

The Property in question is 7 Bruce Street, Hudson, NH, which is also described as Hudson Tax Map 234, Lot 16. The Property is part of the subdivision which is shown on the "Plan of Land of Gordon B. Tate, Lowell Road, Hudson, N.H." recorded at the HCRD as Plan 1509. The original deed to the Property, dated February 27, 1959, is recorded at the HCRD at Book 1560, Page 311. The original deed description, which has carried forward to the present, is that of a single parcel, although the description also states that it is "Lots 9 and 23 as shown on said Plan,"

RSA § 674:39-aa, II, provides that lots which have been "involuntarily merged" by the Town for zoning, assessment, or taxation purposes, may "be restored to their premerger status" at the request of the owner. Unmerging the lots is not appropriate when the owner has "voluntarily merged" the lots. Id. A Voluntary merger includes "... any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line." Id.

In 1942, when the Town first adopted zoning, the side yard setback requirement was five (5) feet. The zoning ordinance was amended at a special town meeting in 1956, which was ratified at the 1958 annual town meeting. At this time, the side yard setback requirement was increased to fifteen (15) feet. According to the Town's tax records, the house was built in 1958.

Eaton W. Tarbell, Jr. Nicholas Brodich Shane R. Stewart Eaton W. Tarbell, III Friedrich K. Moeckel\* James F. Pross\*\* David E. LeFevre

All Attorneys admitted in New Hampshire or as otherwise designated

\*Also admitted in Massachusetts \*\*Admitted in Maine only

Renly to: Concord, NH Office 45 Centre Street Concord, NH 03301

1-877-898-1135 603-226-3900 Tel 603-225-5398 Fax

Auburn, ME Office 86 Main Street, Suite 203 Auburn, ME 04210

207-333-6005 Tel 207-333-6006 Fax While we do not have the benefit of a survey, if you look at the attached image, it appears to me that the garage is very close to the boundary between Lots 9 and 23. While I cannot tell if the garage is wholly on Lot 9, on the line, or encroaching on Lot 23, it does not appear to be set back five (5) feet as required by the 1942 zoning ordinance. It is definitely not set back fifteen (15) feet as required by the 1956 zoning ordinance. Moreover, it does appear that the driveway is encroaching on Lot 23.

The fact that the metes and bounds description in the deed is that of a single lot does not support a finding of voluntary merger. See Roberts v. Windham, 165 N.H. 186 (2013). However, the physical characteristics of the Property do, in my opinion, support a finding of voluntary merger. First, the garage does not appear to have the required setback. In other words, while the house and garage are primarily, possibly entirely, on Lot 9, a portion of Lot 23 is being used to satisfy the side yard setback requirement. Second, the driveway appears to be located at least in part of Lot 23. Lastly, there is what appears to be a shed that is located on Lot 23 which would be an accessory structure to the use of Lot 9, and Lot 23 appears to be maintained, lawn, landscaping, etc., as part of Lot 9.

Based on the foregoing, I think it would be reasonable to conclude that the Lots have been voluntarily merged and the Application should be denied.

Sincerely,

TARBELL & BROCICH, P.A.

By: David E.LeFevre, Esq. e-mail: dlefevre@tarbellpa.com

Enclosure(s)

Cc: Jim Michaud, Assistant Assessor (w/encl.)

Bruce Buttrick, Zoning Administrators (w/encl.)

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

On 02/24/22, the Zoning Board of Adjustment heard Case 234-016 (deferred from 12/09/21), being a case brought by Peter & Joyce Drown, 7 Bruce St., Hudson, NH for a Variance to build a 16 ft. x 24 ft. addition, which encroaches a front yard setback 5.2 feet leaving 24.8 feet where 30 feet is required due to a corner lot with 3 (three) front yard setbacks. [Map 234, Lot 016-000; Zoned General-One (G-1); 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:

Y	N	1. Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
Y	N	2. The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
Y	N	3. Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.
Y	N	4. The proposed use will not diminish the values of surrounding properties.
Y	N	<b>5.</b> Special conditions exist such that literal enforcement of the ordinance would result in <b>unnecessary hardship</b> , either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way <u>and also</u> because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.
Mom1	oor Doois	sion:
Signe		5011:
Ction-		ting member of the Hudson ZBA Date
Supu	iauoiis:	

OF HUDSON APPLICATION			
APPLICATION	FOR A VARIANCE		
WON 18 JULY			
JAN 1 3 2027  Oning © Zoning Board of Adjustment  Town of Hudson	Entries in this box are to be Land Use Division personn de	pe filled out by	
'O	Case No. 234-016 (13	2-9-21) (02	-24-22)
ning Departme	Date Filed 11/18/21		
Name of Applicant Peter and Joyce Drou	1 3413	oning District: 6-1	-
Telephone Number (Home) 603 8828639	(Work) <u>603 ^</u>	1189987	
Mailing Address M Bruce St Hu	dson		
Owner Peter & Joyce Drown		x	
Location of Property 7 Bruce 5+ (Street Address)	Hudson NH		* Revised
Your Drown	-11/19	121- 1/131	Subnitte
Signature of Applicant	Date	7 - 1	(16
Signature of Property-Owner's)	Date 1/1/5	121-1/13	102
By filing this application as indicated above, the ow it's officials, employees, and agents, including the mwell as, abutters and other interested members of the of this application during any public meeting cond may be authorized by the ZBA, for the purpose of sube deemed appropriate by the ZBA. The owner(s) rehereafter possess against any of the above identified meeting, examinations, surveys, tests and/or inspective with this application.	nembers of the Zoning Board of Act e public, to enter upon the property fucted at the property, or at such ich examinations, surveys, tests and elease(s) any claim to or right he/sh d parties or individuals as a result ons conducted on his/her (their) pro-	djustment (ZBA), as which is the subject reasonable times as d inspections as may e (they) may now or tof any such public operty in connection	
If you are not the property owner, you must pro owner(s) to confirm that the property owner(s) are a or that you have permission to seek the described Va	llowing you to speak/represent on l	ed by the property his/her/their behalf	1
Items in this box are to be filled			
COST:	Date receive	ed: 11/18/21	
Application fee (processing, advertising & r Abutter Notice:		\$_185.00	
Direct Abutters x Certified postage r Indirect Abutters x First Class posta Total and	ge rate \$ <b>0.5</b> % =	\$ 43.30 \$ 4.64 \$ 232.94	
Total and	Amt. received:	\$ 232.94	check# 228
Received by:	Receipt No.:	662,945	228
By determination of the Zoning Administrator	r, the following Departmental	review is required:	
Engineering Fire Dept. Health C			

# 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.

A 11		
Applicant Initials		Staff
	Please review the application with the Zoning Administrator or staff.	Initials 11
$\frac{1}{2}$	The applicant must provide the original (with wet signatures) of the complete filled- out application form and all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	e T6 11/1.
	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.	for
NA	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.)	NA
<u> </u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	16-18-2
	(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.)	
J	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	TF
	Provide a copy of all single sided pages of the assessor's card.  (NOTE: these copies are available from the Assessor's Office)	76
()	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
t	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.	MA

#### **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).

ΛΛ		1	$\cup$
a) //	The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North	_	
(6,	pointing arrow shown on the plan.		
b) ]]/\	The plot plan shall be up-to date and dated, and shall be no more than three years old.	_	
c) ( ) D	The plot plan shall have the signature and the name of the preparer, with his/her/their seal.		
d) H)	The plot plan shall include lot dimensions and bearings, with any bounding streets and		
7	with any rights-of-way and their widths as a minimum, and shall be accompanied by a	Т	
v	copy of the GIS map of the property.		
	(NOTE: A copy of the GIS map can be obtained by visiting the town website:		
0 -	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	1	
	other wetland bodies, and any easements (drainage, utility, etc.)		
f) ( )	The plot plan shall include all existing buildings or other structures, together with their	ļ	
Võ.	dimensions and the distances from the lot lines, as well as any encroachments.	1	
g) (/)	The plot plan shall include all proposed buildings, structures, or additions, marked as		
V/2	"PROPOSED," together with all applicable dimensions and encroachments.	ĺ	
h) (1)	The plot plan shall show the building envelope as defined from all the setbacks required		
<u></u>	by the zoning ordinance.		
i)	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)

Date 11/15/21Date 11/15/21Signature of Property Owner(s)

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)	0 -
234	016	Refer and Joyce Drown	7 Bruce St, Hudson, NH
234	013	Roy Carroll	16 Linda St Hudson NH
<i>234</i>	014	Melissa Dom Wong	18 Linda St Hudson NH
234	615	Emerson Barbosa Lesjie	20 Linda St Hudson NH
234	017	Arthur Liakos	9 Linda St Hudson NH PO BOX 242 Hudson NH
234	018	Astacio Aleyandro	Chrodo St 03051
234	019	Amber Leigh Vallancourt Deanna,	5 Bruce St Hudson NIH
234	022	Scott Barger John	6 Bruce St Hudson NH
234	073	Richard Bushong	8 Bruck St Hudson NH
234	024	Richard Bushong Derise Kinsky Rev Trust Leonard Kinsley	10 Bruce St Hudson NH
		,	

#### 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
		Gerald Des Rochess Fam Trust	1396 Derry Rd Hudson NH
234	008	Snott DesRoches Trustee	4 Linda St
	<b>-</b>	Michael, Michelle	
234	009	Theresa Goyette	6 Linda St Hudson NH
· · · · · · · · · · · · · · · · · · ·		,	1
234	010	David Dunn	8 Linda St. Hudson NH
		Tina	
234	OII	Sean Stevens	16 Linda St-Hudsgo NH
•		Kris Marcocció.	
234	012	Mark Tempesta	12 Linda St Hudsav NH
		Owen Aprocable Trust Torget Tara	0
234	020	Ann Dwen Gabriel	3 Bruce St Hudson NH
***************************************		Zarzatian Revocable Trust	A
234	021	Linda Carzatian	4 Bruce St-Hudow NH
· · · · · · · · · · · · · · · · · · ·		Frances Hardy Family Trust	
234	026	Frances Hardy	5 Steele Rd Huden
			, ,
			·

#### Goodwyn, Tracy

From:

McMullen, Amy

Sent:

Wednesday, November 17, 2021 3:21 PM

To:

Goodwyn, Tracy

Subject:

RE: Abuuter Mailing List Review Request- 7 Bruce Street

Hi Tracy,

There are new owners at 3 Bruce St. They are Jorge Gabriel and Tara Gabriel - mailing address is 3 Bruce St.

From: Goodwyn, Tracy <tgoodwyn@hudsonnh.gov> Sent: Wednesday, November 17, 2021 2:58 PM

**To:** McMullen, Amy <amcmullen@hudsonnh.gov>; Rotast, Mike <mrotast@hudsonnh.gov> **Cc:** Michaud, Jim <jmichaud@hudsonnh.gov>; Buttrick, Bruce <bbuttrick@hudsonnh.gov>

Subject: Abuuter Mailing List Review Request- 7 Bruce Street

Hi Amy and Mike

Would one of you review the attached abutter list for any new owners and/or mailing/billing address updates? Thank you!

#### Tracy Goodwyn

Zoning and Code Enforcement Administrative Aide

#### Town of Hudson

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

SENDER		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 234-016       VARIANCE         7 Bruce Street       Map 234/Lot 016-000       1 of 1
SENDER	•	ARTICLE NUMBER	Name of Addressee, Street, and post office address	12/09/2021 ZBA Meeting
1	7021 0	350 0000 1884 4362	PETER K. & JOYCE A. DROWN, TRUSTEES; DROWN REVOCABLE TRUST	APPLICANT/OWNER NOTICE MAILED
2	7021	 	7 BRUCE STREET, HUDSON, NH 03051 ROY & SYLVIA CARROLL	ABUTTER NOTICE MAILED
3	7021 [	1 1350 0000 1884 4386	16 LINDA STREET, HUDSON, NH 03051 DON & MELISSA WONG	ABUTTER NOTICE MAILED
4	7027 [	1 350 0000 1884 4393	18 LINDA STREET, HUDSON, NH 03051 EMERSON BARBOSA	ABUTTER NOTICE MAILED
5	7021	 	20 LINDA STREET, HUDSON, NH 03051 ARTHUR & LESLIE LIAKOS	ABUTTER NOTICE MAILED
6	7021	 	9 LINDA STREET, HUDSON, NH 03051 ASTACIO, ALEJANDRO	ABUTTER NOTICE MAILED
7	7021	 	P.O. BOX 242, HUDSON, NH 03051  AMBER LEIGH VAILLANCOURT	ABUTTER NOTICE MAILED
8	7021	 	5 BRUCE ST., HUDSON, NH 03051 SCOTT W. & DEANNA L. BARGER	ABUTTER NOTICE MAILED
9	7021	 	6 BRUCE ST., HUDSON, NH 03051 RICHARD & JOANN BUSHONG	ABOTTER NOTICE MAILED
10	7021	0350 0000 1884 4454	8 BRUCE ST., HUDSON, NH 03051 LEONARD & DENISE KINGSLEY, TRUSTEES; KINGSLEY REV TRUST	NOV 3 0 12021CE MAILED
11			10 BRUCE ST., HUDSON, NH 03051	
12				USPS
		Total Number of pieces listed by sender 10	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# 234-016				
SDIV D'DIX.	ARTICLE NUMBER	Name of Addressee, Street, and post office address	12/09/2021 ZBA Meeting				
1	Mailed First Class	DESROCHES, J. SCOTT, TRUSTEE; DESROCHES, GERALD R. FAM TRUST	ABUTTER NOTICE MAILED				
		296 DERRY ROAD, HUDSON, NH 03051					
2	Mailed First Class	GOYETTE, THERESA B.;GOYETTE, MICHAEL P.; GOYETTE, MICHELLE L. 6 LINDA ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED				
3	Mailed First Class	DAVID DUNN	ABUTTER NOTICE MAILED				
4	Mailed First Class	8 LINDA ST., HUDSON, NH 03051 SEAN & TINA STEVENS	ABUTTER NOTICE MAILED				
	Mariou 1220 Cities	10 LINDA ST., HUDSON, NH 03051	2				
5	Mailed First Class	MARK TEMPESTA; KRIS MARCOCCIO 12 LINDA ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED				
6	Mailed First Class	JORGE & TARA GABRIEL	ABUTTER NOTICE MAILED				
7	Mailed First Class	3 BRUCE STREET, HUDSON, NH 03051 LINDA ZARZATIAN, TR.; ZARZATIAN REVOCABLE TRUST	ABUTZER NOTICE MADED				
		4 BRUCE STREET, HUDSON, NH 03051	3 6				
8	Mailed First Class	FRANCES HARDY, TR.; FRANCES HARDY FAMILY TRUST	ABUTTER NOTICE MAILED				
		5 STEELE ROAD, HUDSON, NH 03051					
9			Lions				
10			USPS				
11							
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)				



# **TOWN OF HUDSON**



# Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

November 29, 2021

#### 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, **12/09/21** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 234-016 (12-09-21): Peter & Joyce Drown, 7 Bruce St., Hudson, NH requests a Variance to build a 16 ft. x 24 ft. addition, which encroaches a front yard setback 5.2 feet leaving 24.8 feet where 30 feet is required due to a corner lot with 3 (three) front yard setbacks. [Map 234, Lot 016-000; Zoned General-One (G-1); 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

Bruce Buttrick

Zoning Administrator



# TOWN OF HUDSON



# Zoning Board of Adjustment

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

A full copy of this application is available for your review on the Hudson Town Hall website: <a href="www.hudsonnh.gov">www.hudsonnh.gov</a> or in the Land Use Department located at Hudson Town Hall.

Respectfully

Bruce Buttrick

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:
	Roomest for relief from the above zoning ordinance
	to build a 16 x 24 addition which encroaches the
Ann	+ some rack sethock 5, 2 feet leaving 24.8 feet
1.0	where 30 feet is required due to corner lot
	with three front setbarks.

## 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.")  — THIS A SMALL Addition and does not effect any one service and but ours.
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.")  Would not change neighborhood in any way. Addition  15 design with original appearance of house in mind.  Weep it on level with attach to garage and somade kitchen to Bath soom.
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.)  House has been in family 160 years and we recently  Sold 4 bedroom 3 both home to live on one floor  This addition will allow us to have laundry on first floor and come in from garage and live on one floor.
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.)  Lill be but the with existing appearance of house and will increase value of house therefore increase value of house therefore increase value of houses, around me

# FACTS SUPPORTING THIS REQUEST: (Continued)

5.	Special conditions exist such that literal enforcement of the ordinance results in <b>unnecessary</b> hardship, because: (Answer either A(1 and 2) or B according to which applies to your situation)
	<ul> <li>A. Explain why you believe this to be true—keeping in mind that you must establish that:</li> <li>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 <u>and</u></li> </ul>
	The house was built on a corner lot which is why
	30 foot setbacks are required on front + side . Front
	can't ho used because septic is there. Side has well.
	Backyard elevation and gargge in the way. If
	House was not on a corner it would require 15' instead
	of 30 and we wouldn't need variance
	<ol> <li>Explain how the special conditions of the property cause the proposed use to be reasonable.</li> </ol>
	Corner lot requires 30 foot setback on front
	and side. If house not on corner setback would
	be different and would be well under 15 foot setback
	<b>B.</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.
	Because corner lot with septic in front
	and well on side of property and elevation +
	July 49 e 11 succession in the 13 of the 1
	Spot to addition with washer larger + Kitchen
	remodied on 154 floor.

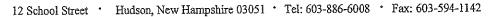
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Rev. July 22, 2021



# TOWN OF HUDSON

# Land Use Division



#### Zoning Determination #21-176

November 16, 2021

Joyce Drown 7 Bruce St Hudson, NH 03051 RE: 7 Bruce Street Map 234 Lot 016-000

District: General One (G1)

Dear Ms. Drown,

Your request if a variance is required for the proposed addition as shown on the attached plan, has been reviewed.

#### Zoning Review / Determination:

Based on submitted plan dated Sept 2021.

Existing non-conforming corner lot of record with 27,953 Sqft where 87,120 sqft required, with 95 ft frontage along Bruce St where 200 ft is required, 225 ft along Linda St where 200 ft is required and 95 ft along Linda St where 200 ft is required. All existing structurers appear to be conforming in regards to required setbacks.

The proposed addition encroaches 5.2 ft into the required front setback from Linda Street, leaving 24.8 ft where 30 ft is required. A variance would be required from §334-27 Table of Minimum Dimensional Requirements.

Sincerely,

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: Public Folder

B. Groth - Town Planner

file

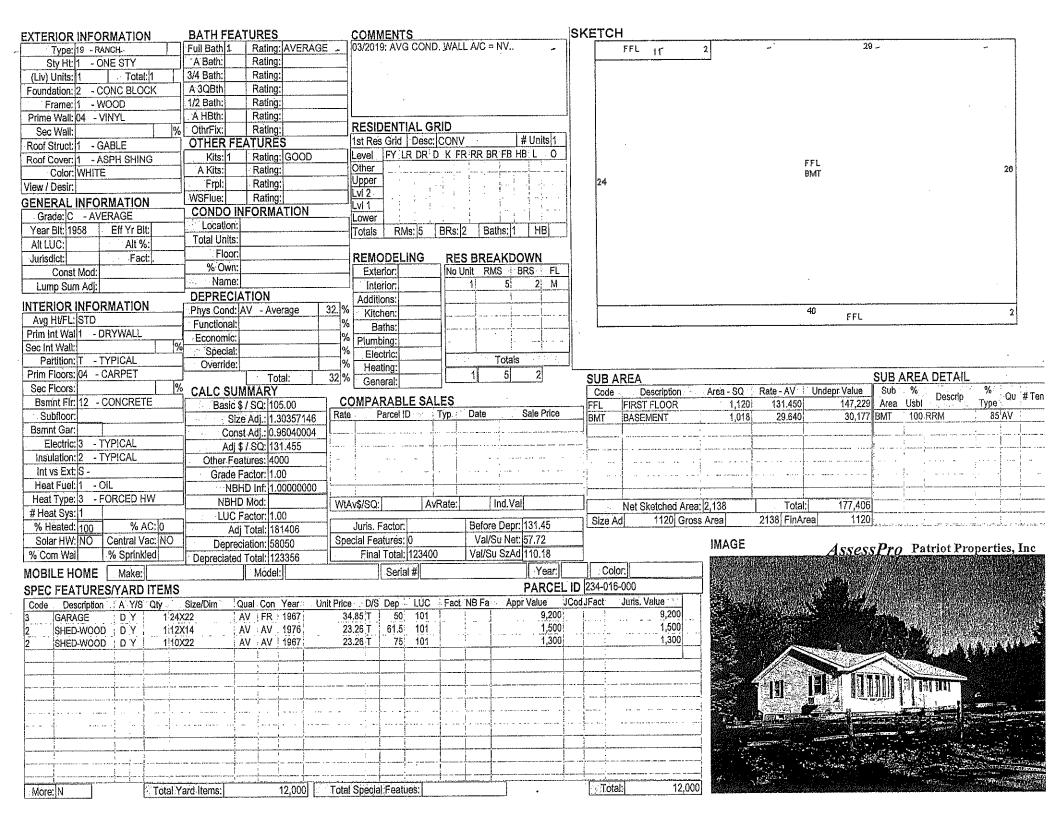
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.



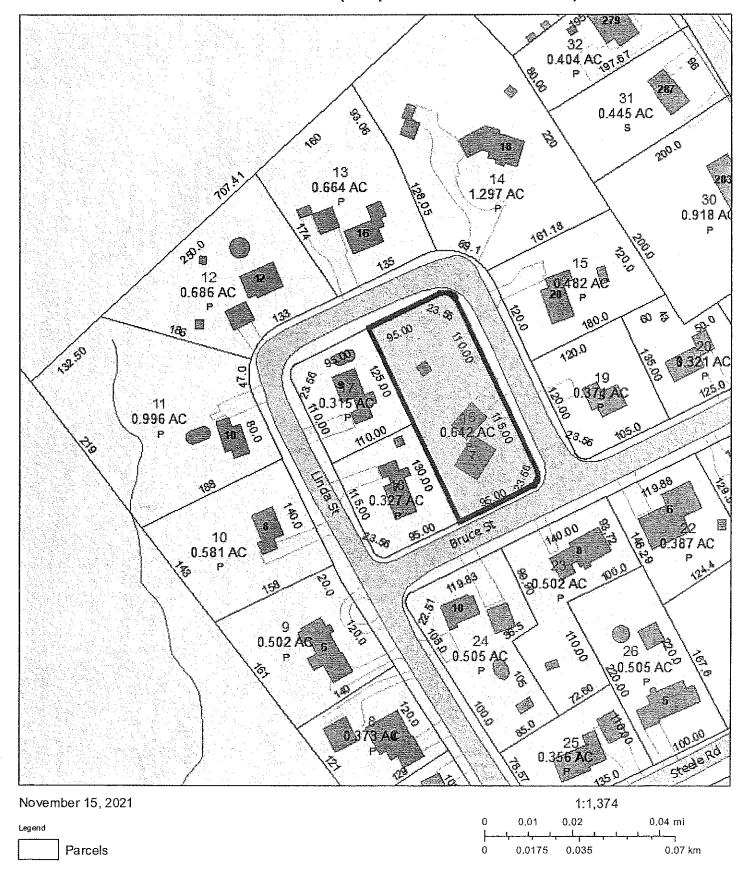
# REQUEST FOR ZONING and/or PLANNING INFORMATION / **DETERMINATION**

Date of request
Property Location 7 Bruce St Hudson NH  Map 234 Lot 16 Sublot
Map 234 Lot 16 Sublot
Zoning District if known G-
Type of Request  ☐ Zoning District Determination ☐ Use Determination ☐ Set-Back Requirements ☐ Process for Subdivision/ Site Plan if required ☐ Other
Description of request / determination: (Please attach all relevant documentation)
Request for relief from 700 ina ordinance to billie a 16 x 24 addition which encroaches the Side yard setbook 5.2 thet leaving 24.8 feel where 30 feel is required due to corner lot
Applicant Contact Information:  Name: Joyce Drown  Address: 7 Bruce St Huden NA  Phone Number: 603.718 9981  Email: JOYCE Grown 22 CG Mail, Com
For Office use
ATTACHMENTS: TAX CARD IV GIS IV
NOTES:
ZONING DETERMINATION LETTER SENT   DATE:
Pay 000401

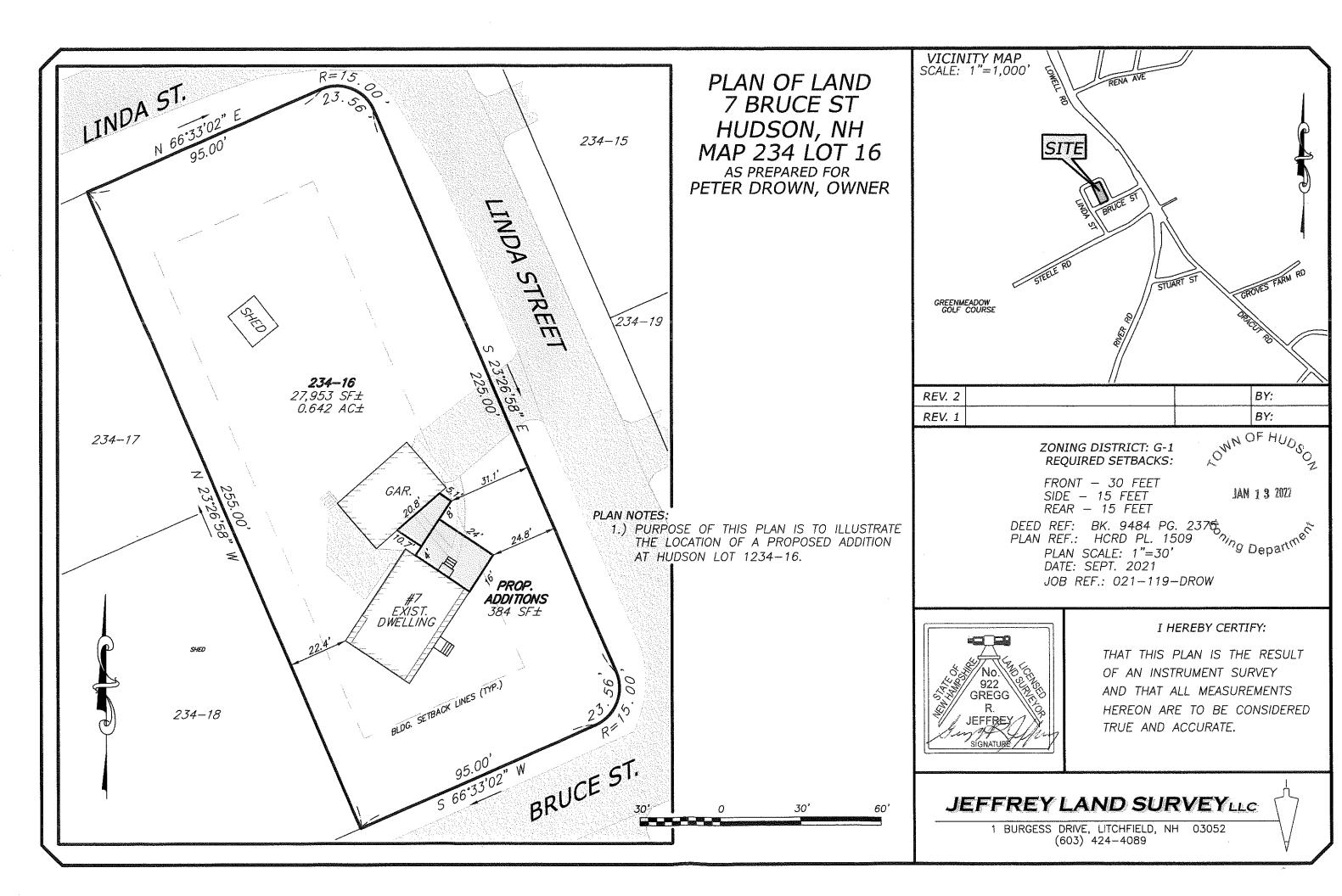
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No Alt No	Direction/Stre	eet/City	Use Code 101	Land Size Bu 0.642	123,400	12,000	75,90		211,300	Lega	l Description		1538			
	UCE ST, HUDSON		<u>  [U]                                   </u>	0.042		12,000		<u> </u>	211,000				GIS F			
OWNERSHIP	Unit #:	L				at the about total throat P (At 1 to						<del> -</del>	GIOT	(6)		
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Owner 2: DROWN, JOYC	E A., TR.		Total Card	0.642	123,400	12,000	75,90		211,300	En	itered Lot Size	-	0,01	(6)	200 Am	*
Owner 3: DROWN REVO			Total Parcel	0.642	123,400	12,000	75,90		211,300	Tota	l Land: 0.642		insp D	ata	1) ati	riot
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Street 2:								Da	rool ID 💆	34-016-000				<u> </u>	JSER DEFI	NED
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Owner 2: DROWN, JOYO			2019 101		alija sama and a samanan sama				211,300 Ye		9/16/2019		ST REV		Prior ld # 3:	
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## 7 Bruce Street (Map/Lot 234-016-000)









### Land Use Division

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

Zoning Administrator Staff Report Meeting Date: February 24, 2022



Case 147-016 (02-24-22): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests an Appeal From An Administrative Decision for 181A Webster St., Hudson, NH to extend the Variance granted with stipulations on 01/23/2020. The renewal/extension was not filed timely by providing an application no later than 30 days prior to the variance expiration or 12/23/2021. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.]

Address: 181A Webster St

Zoning district: Residential-Two (R-2)

#### Summary:

Applicant requests an Appeal from an Administrative Decision issued by the Zoning Administrator dated January 4, 2022. Of a denial of a Variance extension request.

Regarding the interpretation of Hudson Zoning Ordinance §334-82 Time Limit.

#### LAND USE HISTORY:

ZBA granted Variance at meeting of 1/23/2020. Planning Board Notice of Denial (site plan application) 8/21/20

#### **Attachments:**

A: January 4, 2022 Request for Variance extension.

B: January 4, 2022 Zoning Determination #22-002 denial of Variance extension.

C: January 23, 2022 ZBA Notice of Decision.

**D**: August 21, 2020 Planning Board Notice of Denial – Site plan application.

E: Calendar timeframe for calculation per §334-82 F.

F: Zoning Administrator's rationale for denial.



## Derry & Webster, LLC

253 Main Street Nashua, New Hampshire 03060 Office (603) 881-3422 Fax (603) 886-3365



January 4, 2022

Town of Hudson- Zoning Att: Bruce Buttrick 12 School Street Hudson, NH 03051

RE: Extension for Variance Granted 1/23/2020 for 181A Webster St, Hudson, NH 03051

Dear Mr. Buttrick,

I am writing to request a 6-month extension for the variance with conditions that was granted for the property at 181A Webster Street, Hudson, NH 03051 on 1/23/2020. Per the Town of Hudson Zoning Ordinance § 334-82Time limit.[Added 3-14-1995 by Amdt. No. 13] A. A grant of a variance or special exception by the Hudson Zoning Board of Adjustment shall be valid if exercised within a period of two years following the vote of approval by the Zoning Board of Adjustment. Due to the Covid and the inability to get a full panel to vote on the other zoning and planning matters at the property located at 181-189 Webster Street until January 2022 to resolve the remaining conditions of the granted variance for the store we feel that an extension is warranted.

Please advise if you need anything else to grant this 6-month extension till 7/23/2022 for the variance. Your cooperation in this matter is greatly appreciated.

Sincerely,

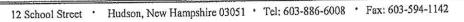
Vatche Manoukian

Manager





## Land Use Division



## Zoning Determination #22-002

January 4, 2022

Vatche Manoukian, Manager Derry and Webster, LLC 253 Main Street Nashua, NH 03060

Re.

Request for variance extension Map 147 Lot 016-000 District: Residential Two (R-2)

Dear Vatche, I'm in receipt of your emailed letter for request for extension of Variance granted 1/23/2020 to 181 A Webster St.

Unfortunately I can not accept this letter requesting an extension.

According to our Zoning Ordinance §334-82F:

"Any request for an extension or renewal of a variance or special exception shall follow the same procedure required for the original appeal: the applicant must fill out a new application, pay a new set of fees in accordance with the fee policy in effect at the time and then bring the matter before the ZBA for a full hearing and review in accordance with the New Hampshire Revised Statutes Annotated, this chapter and the bylaws of the Hudson Zoning Board of Adjustment. Extensions and renewals shall be subject to the statutes, this chapter, regulations and ZBA bylaws in effect at the time of the renewal/extension application. Extensions and renewals are disfavored. A renewal/extension application shall be made no sooner than 90 days prior to the date of expiration and no later than 30 days prior to the variance or special exception expiration."

Your request needs to be in the form of an Application and needs to have been 30 days prior to the expiration (2 yr limit) which would have had to been 12/23/2021 application deadline.

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl:

Jan 4, 2022 emailed letter

cc:

Public File

B. Groth, Town Planner

File

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



Doc # 200013544 Book 9273 Page 1600 03/23/2020 11:16:18 AM Page 1 of 1

Edward Sapienza

Register of Deeds, Hillsborough County

Audson Zoning

Send recorded copy to:

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

#### NOTICE OF DECISION

Map 147, Lot 016, Zone R-2 (Residential-Two), Case # 147-016 ZBA Decision 01/23/2020

Variance - GRANTED with stipulations

Applicant: Alfred Sapochetti, 3B Yale Ct., Hudson, NH 03051

Property Owner & Address: Derry & Webster, LLC, Vatche Manoukian, principal, 253 Main Street, Nashua, NH 03060

Property Owner Agent: Tony Basso, PE, Keach Nordstrom Assoc., Inc., 10 Commerce Park North, Suite 3, Bedford, NH 03110

Property Location: 181A Webster Street, Hudson, NH 03051

Action sought: Variance to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store

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

Action granted: After consideration of the testimony and public support; recognition that a variance was granted in 1964 and reaffirmed in the 1990 Consent Decree regarding the store; assuming that the hardship criteria must have been met for the granting of the 1964 variance; noting that the preparation and servicing of on-site food is a natural evolution for and incidental to the convenience store; understanding that Site Plan Review is required from the Planning Board; and after review of the requirements for the granting of a Variance and determination that each have been met, motion made, seconded and voted 5:0 to grant the Variance as requested with two (2) stipulations: (1) that there shall be no inside seating for eating at all and (2) that Site Plan Review and approval be obtained from the Planning Board.

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.

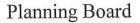
2/10/20
Date

2/10/20
Date

Bruce Buttrick, Zoning Administrator









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

#### NOTICE OF DENIAL

August 21, 2020

Owner or Applicant:

DERRY & WEBSTER LLC

253 MAIN STREET NASHUA, NH 03060

On Wednesday, August 19, 2020, the Hudson Planning Board heard subject case SP# 02-20 "Webster Street Site Plan".

SUBJECT: PURPOSE OF REQUEST: to propose food preparation and sales within a convenience store and associated parking. Application Acceptance & Hearing.

LOCATION: 185 WEBSTER STREET, MAP 147/LOT 016

You are hereby notified of the subject surety release request presented before the Planning Board and the following action:

The Planning Board moved to deny acceptance of the Site Plan Application without prejudice, for 185 Webster Street, Map 147/Lot 016, on the grounds that it did not meet §275-6.N (Conformance with all existing codes) and §275-6.P (compliance with the Zoning Ordinance).

Signed:

Brian Groth

Town Planner

cc: Keach-Nordstrom Associates, Inc.



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From the Zoning Ordinance §334-82 Time Limit.

#### F.

Any request for an extension or renewal of a variance or special exception shall follow the same procedure required for the original appeal: the applicant must fill out a new application, pay a new set of fees in accordance with the fee policy in effect at the time and then bring the matter before the ZBA for a full hearing and review in accordance with the New Hampshire Revised Statutes Annotated, this chapter and the bylaws of the Hudson Zoning Board of Adjustment. Extensions and renewals shall be subject to the statutes, this chapter, regulations and ZBA bylaws in effect at the time of the renewal/extension application. Extensions and renewals are disfavored. A renewal/extension application shall be made no sooner than 90 days prior to the date of expiration and no later than 30 days prior to the variance or special exception expiration.

#### Two points for invalid request for extension as follows:

- 1) Was not on application form as required in 334-82 F:
- "...the applicant must fill out a new application, pay a new set of fees in accordance with the fee policy in effect at the time....."
- 2) The request occurred later than 30 day prior to the expiration.

The date of expiration is 2 yrs from 1/23/2020 (Date of ZBA Variance Decision) which is 1/23/22.

### Application for extension:

"A renewal/extension application shall be made no sooner than 90 days prior [10/23/21] to the date of expiration [1/23/22] and no later than 30 days prior [12/23/21] to the variance or special exception expiration."

The request was received on January 4, 2022 [19 days] which is (later than 30 days prior to) the date of expiration [1/23/22].



		TOWN OF HUDSON 12 SCHOOL STREET		Case# 147-016 Appeal from Administrative Decision 181A Webster St Map 147/Lot 016-000 1 of 1
SENDER		HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Map 147/Lot 016-000 1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/24/2022 ZBA Meeting
1	ח וכחם	350 0000 1884 4775	DERRY & WEBSTER LLC	APPLICANT/OWNER NOTICE MAILED
	LOET O		253 MAIN ST., NASHUA, NH 03060	
2	7021. D	350 0000 1884 4799	ST. LAURENT, LIONEL & KERIANNE	ABUTTER NOTICE MAILED
=4,	LULM D		199 WEBSTER STREET, HUDSON, NH 03051	
3	7077 0	350 0000 1884 4782	AUCOIN, SUSAN J.	ABUTTER NOTICE MAILED
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4	2021 0	250 0000 1000 0005	WEBSTER, BENJAMIN & JANE	ABUTTER NOTICE MAILED
	JUGT D	350 0000 1884 4805 💻	1 SHORELINE DR., HUDSON, NH 03051	
5		250 0000 1000 1012	HAGAN, MICHAEL J.	ABUTTER NOTICE MAILED
<u> </u>	JNGT N	350 0000 1884 4812 <u> </u>	180 HOLLIS ST., PERPPERELL, MA 01463	
6	2021 0	350 0000 1884 4829	NICOLAS, FLORENCE	ABUTTER NOTICE MAILED
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	ñ		8 MADELEINE CT., HUDSON, NH 03051	7
12	7021	0350 0000 1884 4898	SPARKLING RIVER CONDOMINIUM ASSOCIATION INC; C/O RICHARD FRESCURA 19 CRICKETFIELD LANE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
		Total Number of pieces listed by sender 12	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# 147-016 Appeal from Administrative Decision 181A Webster St Map 147/Lot 016-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/24/2022 ZBA Meeting
1	Mailed First Class	PAUL & KIMBERLY MOCERI	ABUTTER NOTICE MAILED
		6 SCENIC LANE, HUDSON, NH 03051	
2	Mailed First Class	BRIAN PIGEON	ABUTTER NOTICE MAILED
		197 WEBSTER STREET, HUDSON, NH 03051	
3	Mailed First Class	WESTCHESTER PLACE CONDOMINIUMS	ABUTTER NOTICE MAILED
		7 WESTCHESTER CT, HUDSON, NH 03051	
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## Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

February 14, 2022

#### 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, **02/24/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 147-016 (02-24-22): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests an Appeal From An Administrative Decision for 181A Webster St., Hudson, NH to extend the Variance granted with stipulations on 01/23/2020. The renewal/extension was not filed timely by providing an application no later than 30 days prior to the variance expiration or by 12/23/2021. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.]

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,

Zoning Administrator





## Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

February 14, 2022

## ABUTTER 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, **02/24/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 147-016 (02-24-22): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests an Appeal From An Administrative Decision for 181A Webster St., Hudson, NH to extend the Variance granted with stipulations on 01/23/2020. The renewal/extension was not filed timely by providing an application no later than 30 days prior to the variance expiration or by 12/23/2021. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.]

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

A full copy of this application is available for your review on the Hudson Town Hall website: <a href="www.hudsonnh.gov">www.hudsonnh.gov</a> or in the Land Use Department located at Hudson Town Hall.

Respectfully.

Bruce Buttrick

**Zoning Administrator** 

#### HUDSON ZONING BOARD OF ADJUSTMENT

#### APPEAL OF ADMINISTRATIVE DECISION WORKSHEET

On 02/24/2022, the Hudson Zoning Board of Adjustment heard Case 147-016, pertaining to a request for 181A Webster Street filed by Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH, to appeal an Administrative Decision issued by the Zoning Administrator, of a Zoning Determination #22-002, dated January 4, 2022. The applicant requests to extend the Variance granted with stipulations on 01/23/2020. The renewal/extension request was not filed timely by providing an application no later than 30 days prior to the variance expiration or by 12/23/2021. [Map 147, Lot 016-000, Zoned Residential-Two (R-2); HZO Article XV, Enforcement and Miscellaneous Provisions; §334-82 F, Time Limit.]

Members sitting on the Zoning Board of Adjustment for this hearing are to vote to

determine if they would make the same decision as the Zoning Administrator.

Y N

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

Signed:

Sitting Member of the Hudson ZBA

Date

ONN OF HUDSON

## APPLICATION FOR APPEAL FROM AN ADMINISTRATIVE DECISION

Date Filed

Toning Departmot

To: Zoning Board of Adjustment Town of Hudson

Entries in this box are to be filled out by Land Use Division personnel	7
Case No. 147-016 (02-24-22)	!

	016-	
Name of Applicant Derry + Webster, UC Att: Vatche Manoukian, manager	_Map: 147 Lot: 000 Zoning District	: <u>R2</u>
Att: Vatche Manoukian, manager		
Telephone Number (Home) 403-840-6860	(Work)	
Cell		
Mailing Address 253 Main St Nashva.	NH 03060	
Owner Derry - Webster, UC		
Location of Property 181 A Webster St Hud	son NH 03051	
(Street Address)		
<i></i>	1-27-22	
Signature of Applicant	Date	
	1-27-22	<del></del>
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 Appeal From An Administrative Decision.

Items in this box are to be filled out by		personnel ved: 1/20/22
COST:		d 105 00
Application fee (processing, advertising & recording Abutter Notice:	ng) ( <b>non-refundable</b> )	: \$ <u>185.00</u>
Direct Abutters x Certified postage rate	\$ 4, 33 =	\$ 51,96
Indirect Abutters x First Class postage rate	• •	\$ 1.74
Total amount d	ue:	\$ 238.70
	Amt. received:	\$ 238.70
	Receipt No.:	670,916
Received by:		′
By determination of the Zoning Administrator, the fe	ollowing Departmenta	l review is required:
Engineering Fire Dept Health Officer	PlannerC	ther

## 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	Please review the application with the Zoning Administrator or staff.  The applicant must provide the original (with wet signatures) of the complete filled-out application form and all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	Staff Initials TG
	0	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	1/20/22 attached
(	(F)	(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) 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	T6 1/20/22
(	2	(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.)  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	To 1/2/22
	(V) (V)	Provide a copy of all single sided pages of the assessor's card.  (NOTE: these copies are available from the Assessor's Office)  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	TG /20/22
	(P)	required must be attached to your application.  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.	N/A

#### CERTIFIED PLOT PLAN:

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 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. Plan Submitt The plot plan shall be up-to date and dated, and shall be no more than three years old. TO ZBA 1-23-The plot plan shall have the signature and the name of the preparer, with his/her/their seal. 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) The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) 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. The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. h) (i) The plot plan shall show the building envelope as defined from all the setbacks required

Requests other than above-ground pools, sheds, decks and use variances, the application must

by the zoning ordinance.  The plot plan shall indicate all parking s	spaces and lanes, with dimensions.
The applicant and owner have signed and dated the	is form to show his/her awareness of these requirements.
Signature of Applicant(s)	1-27-27 Date
Signature of Property Owner(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 is either contiguous or separated from the subject tract of land by a street or stream. If at the time of your hearing any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date, following notification of such abutters. (Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	013	Lionel + Kerianne 8+. Lauren+	199 Mebalu St Hudson, NH 0305 1
156	057	SUSUR J. AUCOIN	Hudson, religion
רטן	ופט	Beganin + Jane Webster	1 Shorelive Br Hudson, NH OBOET
IUT	012	wichael Hugar	180 Hollis St- Pepperell, MA 01403
147	001	Florence Micolas	1 sunc lane Hudson, NH 03051
147	001-	Manuel E. Pintado J.C. Kasina E. Pintado	2 scenic larve Hudson, WH 0305 1
147	031	seffrey J Kide M.	thopsou's of osos.
147	CIL	Berago wiebstes, CLC	1255 Henry 87
ΓUJ	770	Lexington Place (Incl)	thopson, who asout
147	07523	Aboutswaling: Homeowness	32 Brus Circle Hidson, wh 03051
120	008	CP COLPUS BOHTO LASCROLA. PROC SEGOR BROOK HONEONAL PROC	8 Madeline CT Hudson, NH 03051
150	004	Sput Kling Dues, cardo association Up Zanua Frescura	19 Cricketherd Lane Hudson, NH 03051

#### ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

МАР	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
147	001	Paul + Kimberly Moceri	6 Sanic Lance Hudson, NH 03051
147	014	Bran D. Rgeon	197 Webster st Hudson, NH OBOST
147	orz	Westchester 7 kme (orci)	7 Westchester CT Hudson, NH 03:051
		·	

#### APPEAL FROM AN ADMINISTRATIVE DECISION

Per Hudson Zoning Ordinance, Article XV, Enforcement and Miscellaneous Provisions; Section 334-81, Appeals: Any person aggrieved by a decision of the Zoning Administrator or other officer of the Town charged with administering this chapter may appeal to the ZBA. Such an appeal must be made within 30 days from the date of the order or decision complained of, in writing addressed to the Clerk of the ZBA.

DATE:_	1/4/2022	AR	TICLE:	XV	SEC	гіоn: <u>33</u> -	1-82F
of the Zo	1/4/2022 oning Ordinance	in question.	nforce me Prov	istons	NSC.	-T,vv	e Limit
Relating Please in Zoning	to the interpretandicate the Zonin Administrator to denial of	tion and enforcing Determinations be reviewed:	ement of the on Decision	e provisions or Code Enfo	of the Zonii orcement Vic	ng Ordinance, plation of the	,
two	years from	the grai	nting of	f the va	ariance	has exp	ired.
Please ex	xplain why you	are appealing t	he Zoning A	dministrato	r's Decision	ı.	a dada garaga
	variance v	• • •					new Site
	Review ha	200 - 200,000		Inmedia			
coun	sel and st he Plannir	aff, a sing Board	ite plan to even	n was fi	iled, b	ut it wa plan and	s refuse without
givi	ng the apr	olicant a	chance	to exp	lain th	e plan.	In an
atte	mpt to sat	isfy the	Town o	f Hudso	n, the	owner of	the sit
is w	orking wit	h Town s	taff to	rectif	y any p	roblems	that the
Plan	ning Board	l may hav	e. The	Site P	lan is	still fi	led.
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						A Library	
				7.1.2	N20167/		

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

South 40 May

### Derry & Webster, LLC

253 Main Street Nashua, New Hampshire 03060 Office (603) 881-3422 Fax (603) 886-3365



January 4, 2022

Town of Hudson- Zoning Att; Bruce Buttrick 12 School Street Hudson, NH 03051

RE: Extension for Variance Granted 1/23/2020 for 181A Webster St, Hudson, NH 03051

Dear Mr. Buttrick,

I am writing to request a 6-month extension for the variance with conditions that was granted for the property at 181A Webster Street, Hudson, NH 03051 on 1/23/2020. Per the Town of Hudson Zoning Ordinance § 334-82Time limit. Added 3-14-1995 by Amdt. No. 13] A. A grant of a variance or special exception by the Hudson Zoning Board of Adjustment shall be valid if exercised within a period of two years following the vote of approval by the Zoning Board of Adjustment. Due to the Covid and the inability to get a full panel to vote on the other zoning and planning matters at the property located at 181-189 Webster Street until January 2022 to resolve the remaining conditions of the granted variance for the store we feel that an extension is warranted.

Please advise if you need anything else to grant this 6-month extension till 7/23/2022 for the variance. Your cooperation in this matter is greatly appreciated.

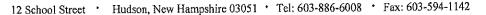
Sincerely,

Vatché Manoukian

Manager



### Land Use Division



### Zoning Determination #22-002

January 4, 2022

Vatche Manoukian, Manager Derry and Webster, LLC 253 Main Street Nashua, NH 03060

Re: Rec

Request for variance extension

Map 147 Lot 016-000 District: Residential Two (R-2)

Dear Vatche,

I'm in receipt of your emailed letter for request for extension of Variance granted 1/23/2020 to 181 A Webster St.

Unfortunately I can not accept this letter requesting an extension.

According to our Zoning Ordinance §334-82F:

"Any request for an extension or renewal of a variance or special exception shall follow the same procedure required for the original appeal: the applicant must fill out a new application, pay a new set of fees in accordance with the fee policy in effect at the time and then bring the matter before the ZBA for a full hearing and review in accordance with the New Hampshire Revised Statutes Annotated, this chapter and the bylaws of the Hudson Zoning Board of Adjustment. Extensions and renewals shall be subject to the statutes, this chapter, regulations and ZBA bylaws in effect at the time of the renewal/extension application. Extensions and renewals are disfavored. A renewal/extension application shall be made no sooner than 90 days prior to the date of expiration and no later than 30 days prior to the variance or special exception expiration."

Your request needs to be in the form of an Application and needs to have been 30 days prior to the expiration (2 yr limit) which would have had to been 12/23/2021 application deadline.

Sincerely,

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

encl:

Jan 4, 2022 emailed letter

cc:

Public File

B. Groth, Town Planner

File

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

Doc # 200013544 Book 9273 Page 1600 03/23/2020 11:16:18 AM

Page 1 of 1

Edward Sapienza
Register of Deeds, Hillsborough County

A43 Aud son Zoning HEES: 10.50 SURCHARGE 2.02

Send recorded copy to:

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

#### NOTICE OF DECISION

Map 147, Lot 016, Zone R-2 (Residential-Two), Case # 147-016

ZBA Decision 01/23/2020

Variance – GRANTED with stipulations

Applicant: Alfred Sapochetti, 3B Yale Ct., Hudson, NH 03051

Property Owner & Address: Derry & Webster, LLC, Vatche Manoukian, principal, 253 Main Street, Nashua, NH 03060

Property Owner Agent: Tony Basso, PE, Keach Nordstrom Assoc., Inc.,

10 Commerce Park North, Suite 3, Bedford, NH 03110

Property Location: 181A Webster Street, Hudson, NH 03051

Action sought: Variance to prepare food (hot & cold) on site for take-out and serve ice cream for take-out within convenience store

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

Action granted: After consideration of the testimony and public support; recognition that a variance was granted in 1964 and reaffirmed in the 1990 Consent Decree regarding the store; assuming that the hardship criteria must have been met for the granting of the 1964 variance; noting that the preparation and servicing of on-site food is a natural evolution for and incidental to the convenience store; understanding that Site Plan Review is required from the Planning Board; and after review of the requirements for the granting of a Variance and determination that each have been met, motion made, seconded and voted 5:0 to grant the Variance as requested with two (2) stipulations: (1) that there shall be no inside seating for eating at all and (2) that Site Plan Review and approval be obtained from the Planning Board.

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.

Charles J. Brackett, ZBA Chairman

2/10/20

Bruce Buttrick, Zoning Administrator

2/10/20 Date

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Street 2:	-				Source:	Market Auj Cost	Total	value per v	od umroc	30.112.02			и туролио		10/17/01		USER DI	EFINED
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Postal: 03060			Type:						1						PRINT	Time	Prior Id #	3: 0002
PREVIOUS OWN	ER														Date	Time	Prior Id #	
Owner 1:				and the latest to the latest t											01/02/20	13:25:29	Prior Id #	
Owner 2:															LAST RE		Prior ld #	
Street 1:															Date	Time	Prior la f	And the second s
Twn/City:															12/03/19	11:58:49	Prior Id #	
St/Prov:	Cntry	and the second second													amyn	1	Prior Id \$	
Postal:	-				SALES INFO	ORMATION		TAX	DISTRICT				PATA	The second secon	25	69	ASR M	-
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OTHER ASSESS				Lat	1												CivilDistr	
Code Descrip/	No Amo	ount	Com	. Int	4												Ra	tio:
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n		Electri				19-00280 INT RE		0					11	Other Chan	08	9	PVA	
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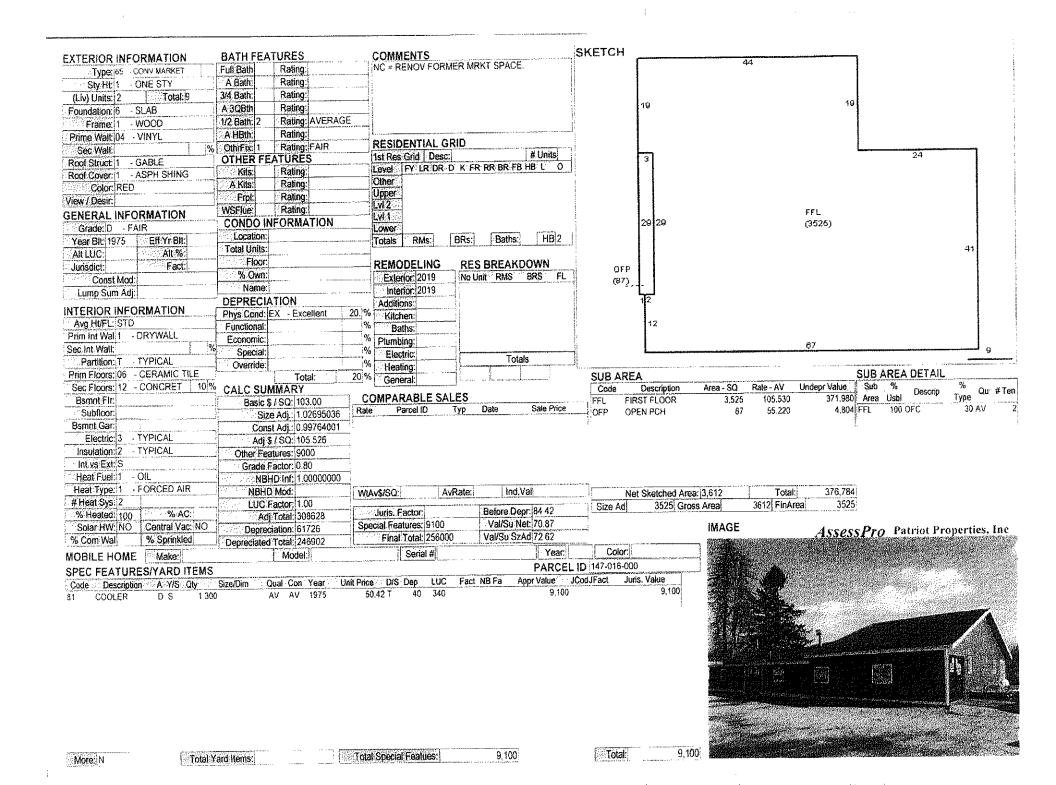
Total SF/SM: 0

Parcel LUC: 031 | COMM-RES

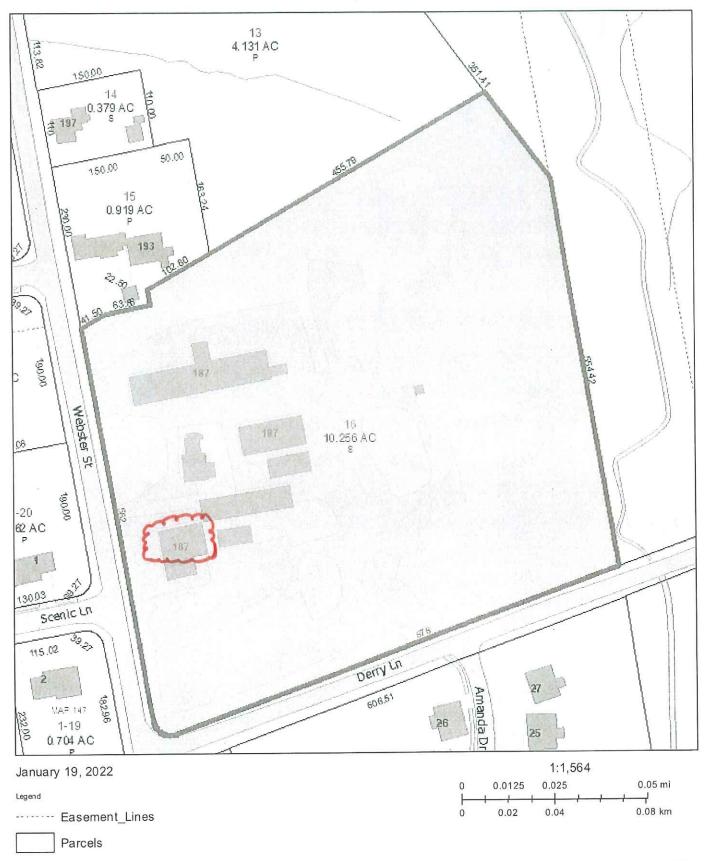
Total:

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amym



## 181-A Webster Street (Map/Lot 147-016-000)



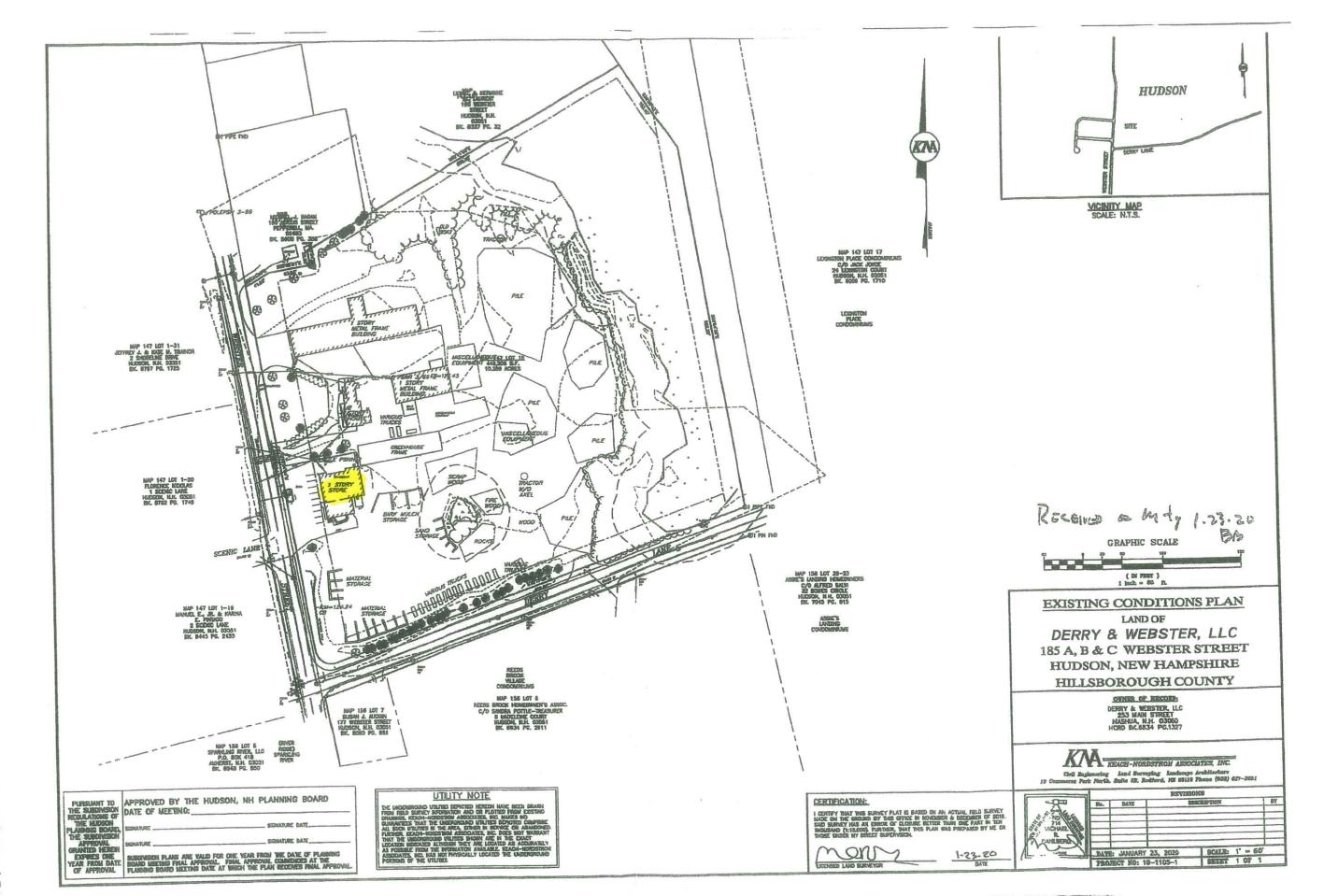


### 185 Webster St

Aerial View



Imagery ©2022 Maxar Technologies, Map data ©2022 50 ft



olect N.911001Nulsey Werking Drawings I.WORKSHEET, dwg, J. 23/ 2020 21940a Pri, SAVAN NO NO NO NO

Printed 1/20/2022 3:32PM Created 1/20/2022 3:24 PM

## Transaction Receipt

### Town of Hudson, NH

12 School Street Hudson, NH 03051-4249 Receipt# 6

Balance Due

670,916 tgoodwyn

1.00	ZBA Application- 02/24/2022 ZBA Mtg
	181A Webster Street
	Man/Lot 147-016-000 R-2 Zone

Appeal Admin Decisio

Description

0.00

Current Invoice

238.7000

<u>Payment</u>

0.00

Total:

238.70

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Derry & Webster, LLC	CHECK	CHECK #1456	238.70	0.00	238.70
		_	Total Due:		238.70
			Total Tendered:		238.70
			Total Change:		0.00
			Net Paid:		238.70



## Land Use Division

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



## Zoning Administrator Staff Report Meeting Date: February 24, 2022 飞り 2-14-22

Case 168-020 (02-24-22): Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH [Map 168, Lot 020-000; Zoned Residential-Two (R-2)] requests the following:

A Variance to build a 9 ft. x 20 ft. covered porch on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

Address: 8 Washington Dr

Zoning district: Residential Two (R-2)

#### **Summary:**

Applicant requests a Variance to build a 9ft x 20ft. covered porch which encroaches 15.2 feet into the front yard setback leaving 14.8 feet where 30 feet is required.

Variance from §334-27 Table of Minimum Dimensional Requirements is requested.

#### Property description:

Corner lot of record.

Non-conforming area of 0.496 Acre where 1.0 Acre required.

Conforming frontage along Washington Dr with 182.37 ft where 120 ft is required.

Non-conforming frontage along Madison Dr with 91.77 ft where 120 ft required.

#### LAND USE HISTORY:

5/2/84 ZBA granted Variance to allow a 25 ft front setback where 30 ft is required (House).

10/17/95 "Void" permit to construct  $10 \times 14$  shed.

11/9/03 B.P. # 2004-00229 to add 8 x 12 Deck.

 $8/23/12 \text{ B.P.} \# 2012-00508 \text{ issued for } 28 \times 30 \text{ addition.}$ 

9/26/13 ZBA approval for ALU (in addition) associated w/ B.P. 2012-00508.

3/21/14 C.O. for BP 2013-00171 "Accessory Living Unit in 28 x 30 addition (B.P. 2012-00508).

7/19/18 B.P. 2018-00700 Kitchen remodel.

#### **ASSESSING HISTORY:**

Single Family w/ ALU

#### Town in-house review comments:

Town Engr: yes comments received

Town Planner: non received

Fire Dept: no comments

#### Attachments:

A: Assessing history

Permits:

B: 5/2/84 ZBA granted Variance to allow a 25 ft front setback where 30 ft is required (House).

C: 10/17/95 "Void" permit to construct  $10 \times 14$  shed.

**D:** 11/9/03 B.P. # 2004-00229 to add 8 x 12 Deck.

E: 8/23/12 B.P. # 2012-00508 issued for 28 x 30 addition.

F: 9/26/13 ZBA approval for ALU (in addition) associated w/ B.P. 2012-00508.

G: 3/21/14 C.O. for BP 2013-00171 "Accessory Living Unit in 28 x 30 addition (B.P. 2012-00508)

H: 7/19/18 B.P. 2018-00700 Kitchen remodel.

In-house comments:

I: Town Engr's comments.

## **Previous Assessments**

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2021	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2020	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2019	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2019	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2018	107 - ALU	216,600	700	93,400	0.50	0.00	310,700
2018	107 - ALU	216,600	700	93,400	0.50	0.00	310,700
2017	107 - ALU	216,600	700	93,400	0.50	0.00	310,700
2017	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2017	107 - ALU	216,600	700	93,400	0.50	0.00	310,700
2016	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2016	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2015	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2015	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2014	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2014	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2013	101 - ONE FAMILY	170,900	700	89,100	0.50	0.00	260,700
2013	101 - ONE FAMILY	170,900	700	89,100	0.50	0.00	260,700
2012	101 - ONE FAMILY	105,900	700	89,100	0.50	0.00	195,700
2012	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2011	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2011	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2010	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2010	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2009	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2008	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2008	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2007	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2007	101 - ONE FAMILY	132,100	1,200	89,100	0.50	0.00	222,400
2006	101 - ONE FAMILY	132,100	1,200	89,100	0.50	0.00	222,400
2006	101 - ONE FAMILY	132,100	0	89,100	0.50	0.00	221,200
2005	101 - ONE FAMILY	132,100	0	89,100	0.50	0.00	221,200
2005	101 - ONE FAMILY	132,100	0	89,600	0.51	0.00	221,700
2004	101 - ONE FAMILY	132,100	0	89,600	0.51	0.00	221,700
	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
1	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
<u></u>	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
2002	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
2002	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
2001	101 - ONE FAMILY	55,400	0	47,600	***************************************	0.00	103,000
2000	101 - ONE FAMILY	55,200	200	47,600	0.51	0.00	103,000

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
1999	101 - ONE FAMILY	55,200	200	47,600	0.51	0.00	103,000

## TOWN OF HUDSON NEW HAMPSHIRE APPLICATION FOR APPEAL

Application for   a variance a special exception an appeal from administrative dec a rehearing  Name of Applicant  BWASHINGTON ST.  Owner of property concerned SAME  Address	Tel. # 1882-7688  Tel. # 1884-7698
Exact location & description of property (Include sca dimensions, adjacent roads and right of way, location separate sheet if necessary).  Same as above	of buildings, as applicable) (Use
Brief description of request request for variance from process of selling home and must comply with legal Regarding Article Section (0) of the Hudson Tax # 3005-01000000000000000000000000000000000	requirements (25' sethack instead of 30')
ABUTTERS - NAME  MAP # LOT #  62 33	the regular meeting as noted in Board of
It is the decision of the Board of Adjustment that to The Board based its decision. The Board based its decision of the public interest.  2. Will/Will not result in unnecessary hardship.  3. Will/Will not uphold the spirit of the ordinance of the ordinance of the ordinance of the ordinance of the following stipulations are hereby attached to the ordinance of the following stipulations are hereby attached to the ordinance of the ordinance of the ordinance of the following stipulations are hereby attached to the ordinance of the	he above application has been on on the following:

Note: Variances on which no substantial action has been taken shall become void six (6) months from date of approval by the Board of Adjustment.

B,



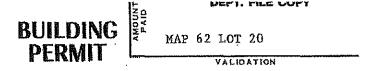
# Jown of Hudson HUDBON, NEW HAMPSHIRE Zoning Board of Adjustment

## NOTICE TO ABUTTERS

	fied Mail No. 4 161 810		·	.Date:	April 26, 1984
ro:	John B. Sowerbutts			,	
_	8 Washington St			,	
_	Hudson, NH 03051				
43	(				
This requ	notice will serve to uest for variance from	inform you to m setback requ	hat a publ linements	ic hear	ing concerning
requ	lest for variance from	m setback requ	irements		
requ Owne	r: John B. Sowerb	m setback requ	uirements ngton Stre		
requ Owne	r: John B. Sowerb	m setback requ outts. 8 Washi Lot No	ngton Stre	et, Huds	
requ Owne Map	r: John B. Sowerb	m setback requ outts. 8 Washi Lot No	ngton Stre	et, Huds	son, NH

122

#### ATTN: SUSAN SNIDE ZONING ADMINISTRATOR 12 SCHOOL STREET HUDSON, NH 03051



DATE	OCTOBER 17, 19 9	5 PERMIT NO. 180-9	16
APPLICANT SANDRA O'SULLIVAN	ADDRESS 8 WASHIN	GTON STREET HUDSON NH	883-5810
•	. (NO.)	(STREET)	(CONTR'S LICENSE)
PERMIT TO CONSTRUCT SHED (	STORY <u>RESIDENTIAL</u> A	ACCESSORY NUMBER OF BWELLING UNITS	ONE-FAMILY
AT (LOCATION) B WASHINGTON STREET		ZONIN	G .
AT (LOCALION) (RO.)	(STREET)	Visin	(, ,
SETWEEN (CROS) STREET)	AND	(CRDSG STREET)	
<u> </u>			
SUBDIVISION	La 201 BOCK	52 LOT SIZE	
BUILDING IS, TO BEFT. WIDE BY	F) LONS/BY	FT. IN HEIGHT AND SHALL.CONP	ORM IN CONSTRUCTION
<u> </u>		S PAINISATION	
Z TO TYPEUSE GROUP	BASEMENT WALLS U	R FOUNDATION	PE)
REMARKS: CONSTRUCT 10'X14' WOODEN 1		E. IF ANY ELECTRICAL W	ORK IS PROPOSEI
AN ELECTRICAL PERMIT IS RI	SQUIRED.		
AREA OR 140 SOUARE FEET		2703-68 PERM	ir # 20.00
VOLUME 140 SOUARE FIRET (CUBIC/SQUARE FEET)	ESTIMATED COST D	FEE	ф <u> </u>
• • • • • • • • • • • • • • • • • • • •			
OWNER PAUL AND SANDRA O'SULLIVA	N	BUILDING DEPT. Educ	0020
ADDRESS 8 WASHINGTON STREET HUDSO	N NH	BY	( V Makey
			U

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

# TOWN OF HUDSON — Building/Zoning

#### APPLICATION FOR PLAN EXAMINATION AND BUILDING PERMIT 886-6005

OCT 10 1995

TOWN OF HUDSON DEPT. OF PUBLIC WORKS

	IMPORTANT —	Applicant to co	mplete all items in	sections I, II, I	I, IV, and IX.	
	AT (LOCATION) & U	Dashing	tion 5+	· · · · · · · · · · · · · · · · · · ·	OX DX	NING STRICT
CATION	(NO.)	. 0	ISTREETI			
	BETWEEN		AND			
ILDING	SUBDIVISIÓN	(CROSS STREET)	1 3	(CROSS	(TREET)	
ac	SUBDIVISION		MAP ([ CT - LOT ]	LOT SIZE_		
						· · · · · · · · · · · · · · · · · · ·
TYPE AN	ID COST OF BUILDING — <u>All</u>	applicants comp	olete Parts A-D			
TYPE OF	IMPROVEMENT	D. PROPOS	SED USE - (For "Wrecking"	'most recent use)		
1 D Ne	w Building	Reside	ntist		Non-Residential	
	dition (# residential, enter number Bdrm/Baths added, if any,	1	One family		18 Cl Amusement, recrea	itional
	Sec. III, Part L.)	1	Iwo family		19 Cl Church, other religi	ous
	eration (See 2 above)	-	,	•	20 D Industrial	
4 D Re	pair, replacement	14 🗆 -	Transient hotel, motel.		21 D Parking garage	
5 🗆 Wr	ecking (If multi-family residential,	3	or dormitory - Enler num		22 D Service station, rep	air garage
	ter number of units in building in	1	of units		23 D Hospital, institution	ni .
-	n D. 13)		Garage		24 D Office, bank, profes	ssional
	oving (relocation)		Carport		25 D Public utility	
7 🛭 Fo	undation only	['' D	Multi-Family - Townhouse (enter number of residen		26 School, library, oth	er educational
OWNERS	HIP	10 7	Other - Specify (shed, po		27 🛘 Stores, merchantile	•
	ivate (Individual, corporation.	" "	Other - Specify (sned. pc	on, mepiace)	28 🗆 Tanks, towers	
	nprofit institution, etc.)	1	Shed 10	<u> </u>	29 Other - Specify	
9 🗅 Pu	iblic (Federal, State, or	1	7			
loc	cal government)		-tor stor	rage		
COST		(Omit cents)	Nonresidential - Descr	ibe in detail propo	sed use of buildings, e.g., fo	ood
		]	processing, machine s rental office building, in		ing, schools, college, parkir	ig garage.
10. Cos	st of improvement	\$			ed, enter proposed use.	
To D	e installed but not included in the above cost					
a.	Electrical					
ь	Plumbing					
c.	Heating, air conditioning					
d.	Other (elevator, etc.)					
	TAL COST OF IMPROVEMENT	\$ 2703-68				
l, SELEC	TEO CHARACTERISTICS OF	BUILDING - For	new buildings and ac wrecking, complete o	lditions, comple nly Part J, for all	'e Parts E-L; 'others skip to IV.	
PRINCIP	AL TYPE OF FRAME	G. TYPE OF SE	WAGE DISPOSAL	J. DIMENSION	s	
		40 FT Town	n or private company		er of stories	
	Masonry (wall bearing) Wood Frame	1	ate (septic tank, etc.)		quare feet of floor area	
	Structural steel	(#40	requires fown permit)	1	rs, based on exterior sions	
	Reinforced concrete	H, TYPE OF W	ATER SUPPLY	}	į	<u> </u>
	Other - Specify			50. Total f	and area, sq. fl	
യ യ	white the same of	l	lic or private company	K. NUMBER O	F OFF-STREET	
		43 LLIV	ate (well, cistern)	PARKING S		
		1 TURE OF FEE	CUANICAL	51. Enclos	sed , ,	· · · · · · · · · · · · · · · · · · ·
. PRINCH	PAL TYPE OF HEATING FUEL	I. TYPE OF ME	CHARTERL	52. Outdo	ors	
35 C	Ges 35a □ Undergnd		be central air			
36 ₽	Oil 365 C Tank	conditionin	•		AL BUILDINGS ONLY	
37 D	Electricity	44 ☐ Yes	45 🗇 No	53. IOIBI	Bedroom ( Finished	
48 🖯	Coal	Will there	be an elevator?	Jupan	Untingned	
49 🗀	Other - Specify	46 ☐ Yes		53 Numb	per of the Full	
		1	., =	bathr	ooms }	
		1		J. Committee	Partial	ļ

	NA	ME		MAILING ADDRE	SS - NUMBER, S	STREET, CITY, AL	ID STATE	ZIP CODE	TEL, NO,
honer or	Poul	40	Sullivan	8 Was	rington	5+		03051	883-5810
Lenset	1.3.4.			Hudson	NH O	3051			
<u> </u>	Home	Der	xot			,			
Elec., Plumb., Hasory, Hendry,	<u> </u>				<u> </u>				<del></del>
Gea, Contractor	<b></b>	,							
t. Andriked or									
niken nuken n		***************************************		, , , , , , , , , , , , , , , , , , ,		, , , , , , , , , , , , , , , , , , ,			
I hereby-co authorized	agent and we	oroposed w agree to c	york is authorize conform to all ap	d by the owner of replicable laws of this	ecord and that I h jurisdiction.	ave been authoriz	ed by the ow		
SIGNATUI	RE OF APPLI	CANT	Λ.,	ADDRES	s			1	TON DATE
San	duxr	nox	ulleva	n Sa	MIL			10-1	0-95
				O NOT WRIT		TUICIINE			
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			For office use	<u> </u>	I note place I		T	<del></del>	
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VI. ZON	ING PLAN I	EXAMINE	RS NOTES			VII. REQUIRE	<del></del>	APPHOVAL	nus.
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# **Building Permit**

Amount Paid

Date 06-Nov-2003 Permit#

2004-229

Applicant Rubin LaCombe

88 Vine Street, Nashua

Contractor's License

Permit To Deck

6 Story One Family

Map 62

# of Dwelling Units 0

At (Location) 8 Washington Street

Between Monroe Drive

And Highland Street

Subdivision

Lot 20

Sublot

Lot Size 0

Building is to be

0 ft. Wide by

0 ft. Long by

8 ft. in Height and Shall Conform in Construction

Zoning District

to Type Wood Frame

Use Group

Foundation Type

Remarks All construction must conform to Hudson Town Codes.

Construct a 8' x 12' deck.

Area or Volume

0 Estimated Cost \$

\$0.00 Permit Fee \$

Owner

Paul O'Sullivan

Address

8 Washington Street, Hudson, NH 03051



# BUILDING PERMIT APPLICATION COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson 12 School Street

Hudson, New Hampshire
Phone (603) 886-6005 Fax (603) 594-1142



Address: Cross Roads : Site/Sub Plan:	Map (, 2 Lot <u>ZO</u> Zone HCRD			
✓ Single family detached  Townhouse  Duplex			Type of Improvement  New Building Addition Alteration/Renovation Repair/Replacement Conversion of +/- dwelling ur Other	
Hospital/Me Industrial/W Restaurant	Commercial Type of Improvement  Office/Bank/Professional Garage New Building Hospital/Medical School Alteration/Renovation Industrial/Warehouse Store Repair/Replacement			Interior Demo o commercial space
Total Cost of Project Excluding plumbing, electrical, mechanical, fire suppression, elevator, etc.	Project  Excluding plumbing, electrical, mechanical, fire suppression, elevator, etc.  List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use.  S'X 12' Deck AHACh 15 the Sack Right Side of the  EXISTING Roll of the Deck Looffing Line of the Line of the Sack Right Side of the Sac			
Square Footage Living area		int Renovated/a ne (exclude unfinished areas an		or of stories
Principal Type of Frame			Structural steel	
Type of Sewage D	Type of Sewage Disposal  Town of private company (requires Town permit)  Private (septic tank, ect.)			
Type of Water Su	pply	Public or private Private (well, cistern)		



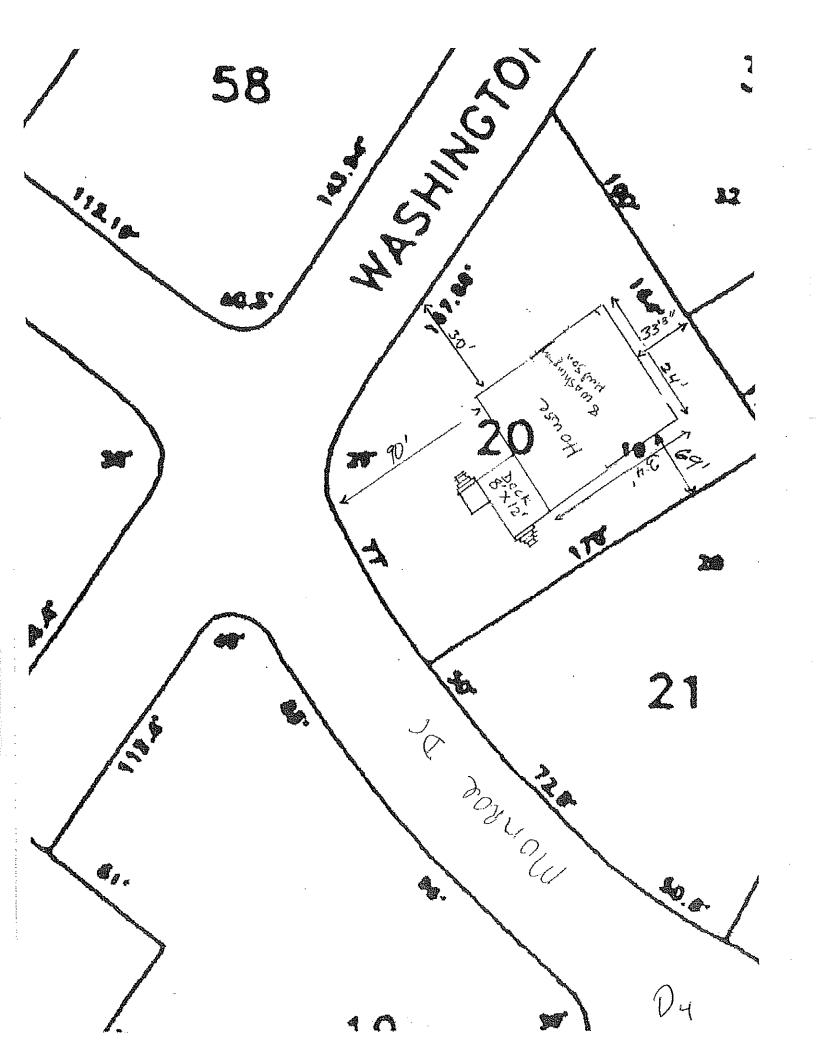
#### COMMUNITY DEVELOPMENT DEPARTMENT

#### Town of Hudson 12 School Street

#### Hudson, New Hampshire Phone (603) 886-6005 Fax (603) 594-1142

Accountage of the second	Name	Address ·	City/State/Zip	Phone			
Owner	Paul Osullivan	& Washington st	Hudson_	<u>883-5810</u>			
Lessee			12.6	7			
Contractor	Rubin LAcomba	88 Vine st	NAShum N	0 - 1 4 886_0083			
Architect	Move						
Engineer	NOVE						
I hereby certify the owner of record authorizes the proposed work and I have been authorized by the owner to make this application as his agent and we agree to conform to all applicable laws of the Town of Hudson. I hereby attest all statements made on this application are true to the best of my knowledge. Applicants are advised that the making of a false statement on this form is of criminal offense.  Signature of applicant  Date 10 20 vs							
	•	hu4 NH 0306					
Filing Fee	\$	Receipt #					
Building peri	nit fee \$ <u>38</u> -	Receipt #	Date				
	THIS BUILDING PERMIT IS  Issued subject to the following condition(s)  Denied for the following reason(s)						
Plans reco	eived	Date		roup:			
Certificate of Comments:	f Occupancy Required	Final Inspection(Building	& HrD)	pancy load			
Approve	ed  MAUM  Building Inspector	reh	Ĭ	<i>j0,71-0</i> 3 Date			

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





COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson 12 School Street

Hudson, New Hampshire
Phone (603) 886-6005 Fax (603) 594-1142



Address: 8 Washing			Map
Cross Roads: McClic		Chopson Dr	Zone <u>Nes-</u> Z HCRD <u>274</u> Z
Residential Single family detached Modular Homes Duplex 3+ family dwelling (# of	units:)	Type of Improvement  New Building  Addition  Alteration/Renovation Repair/Replacement Conversion of +/- dwelling u Other	
Commercial Office/Bank/Profession Hospital/Medical Industrial/Warehouse Restaurant Other	ial Garage School Store Utility	Type of Improvement  New Building Addition Alteration/Renovation Repair/Replacement Conversion from residential Other	Deck Shed Swim Pool Interior Demo to commercial space
Project  Excluding plumbing, clectrical, mechanical,	edrooms and bathrooms if new osed use.  1 d G 28 X30  0 X 16 enact room  1 Covered Porce	se Include dimensions of building home or added. If use of existing to add ton as 12 and 15 a	ouilding is being changed,  ar garage under  an mudroom
Square Footage   Footp			per of stories area of bldg //7/ f g a / 4/5
Principal Type of Frame	☐ Masoriry (wall bearing) ☐ Reinforced concrete	Ø Wood Frame  ☐ Other-Specify	Structural steel
Type of Sewage Disposal	Town or private compan		
Type of Water Supply	Zi Town	Type of Heat Source 🔀 G	



COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson 12 School Street

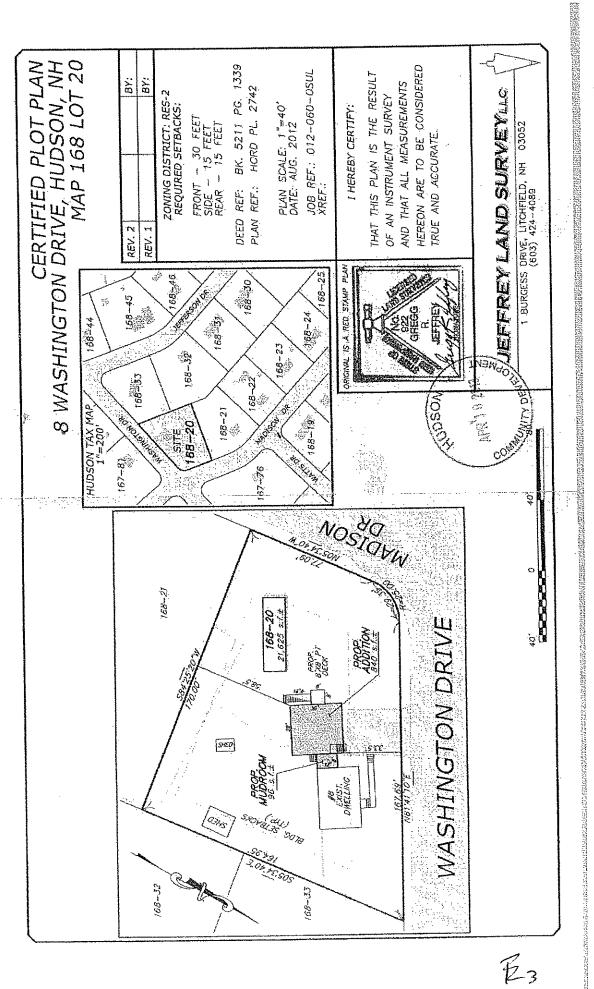
Hudson, New Hampshire Phone (603) 886-6005 Fax (603) 594-1142



	NEW CONTRACTOR
Name Address	City/State/Zip Phone
Owner Paul + Sandy & Washin	ncton Dr Hydeon 10H 883-5810
Lesse O Sullivary	0305/
Contractor Hicks Blds, LLC 6 Folso	mRd Dorry NH 693-437-4472
Architect BX 1973	mRd Derry 10H 693-437-4472 03038 (2) 603-365-9498 Joa
Éngineer	Joe
I hereby certify the owner of record authorizes the proposed work and I agent and to conform to all applicable laws of the Town of Hudson. I he best of my knowledge. The signature on this building permit authorizes conduct inspections from time to time during and upon completion of the commercial or industrial I understand that an as-built plan is required.  Signature of applicant I when the conduction of	reby attest all statements made on this application are true to the all Code Officials, Building Inspector and Assessor or their Agents to he work for which this permit is issued. If said structure is ired prior to occupancy of the structure,
Filing Fee # 255 Z \$30.00 Receip	pt # 249, 368 Date 8.22.12
110.00	pt # Date
THIS BUILDING PERMIT IS	The state of the s
No Accessory Living condition(s)  No Accessory Living umit- No c	Denied for the following reason(s)
Plans received	Date Use group:
Comments:	Construction type
Certificate of Occupancy Required Final Insp	pection(Building & HFD) Live loading
Comments:	Occupancy load
V Approved	2. /
Denièd WWW WWW.  Building Inspector	S/23/12
www.siste.sistapaciti	Date:

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

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#### TOWN OF HUDSON



# COMMUNITY DEVELOPMENT DEPARTMENT



12 School Street • Hudson, New Hampshire 03051 • 603-886-6005 • Fax 603-594-1142

February 27th, 2013

Hicks Building LLC 6 Folsom Road Derry, NH 03038

Re: 8 Washington Drive Hudson, NH(Map: 168/Lot: 020)

Dear Sirs:

Your building permit #2012-00508 was issued on 8/29/12 for construction of a 28' x 30' addition with a two car garage under, a 10' x 16' craft room in the garage, conversion of an existing 8' x 12' area into a mudroom, and construction of an 8' x 8' deck with stairs.

A final inspection is required and our records indicate that this inspection has not been completed. Please contact me at your earliest convenience to schedule this inspection at 603-886-6005.

Thank you.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

Julie Kennedy Administrative Aide

pc:

Paul & Sandy O' Sullivan Zoning Administrator Board of Selectmen

JK/KS

E4

#### TOWN OF HUDSON



# COMMUNITY DEVELOPMENT DEPARTMENT



12 School Street . Hudson, New Hampshire 03051 . 603-886-6005 . Fax 603-594-1142

March 27, 2013

Whitney Law Offices Todd A. Whitney, Esq. One Prospect Street Nashua, NH 03060-3921

8 Washington Drive, Hudson (Map 168/ Lot 020) Re:

Dear Attorney Whitney:

In response to your letter dated March 9, 2013 regarding the open building permit number 2012-00508 that is currently on file for a 28' x 30' addition for the aforementioned property. After multiple discussions with the builder, Mr. Joe Hicks, regarding the space above the garage was not to be used as an Accessory Living Unit (ALU) and after receiving the building permit application for the addition with a letter from Mr. Paul O'Sullivan stating the space will not be used as an ALU, the building permit was issued with the stipulation "No operable kitchen is allowed. This is not to be used as an Accessory Living Unit" (both documents are attached).

Therefore, your clients will be required to submit a new building permit application with the supporting documentation requesting the space above the garage to be an ALU. The documentation will then be reviewed for compliance of the Hudson Zoning Ordinance and Building Codes, After review, the building permit will then be denied and a letter sent stating that Zoning Board approvals will be needed.

Please find, attached hereto, an application for an Accessory Living Unit. This application and any supporting documents must be submitted to the Community Development Department. Upon receipt of said application and supporting documents, the Community Development Department will schedule a hearing on this matter with the Zoning Board of Adjustment.

Please feel free to contact the Community Development Department if you have any further questions.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

William A. Oleksak

Zoning Administrator/Code Enforcement Officer

Board of Selectmen Zoning Board of Adjustment

Millian A Kelson

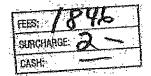
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WO/jk

Doc#3055257 Oct 3, 2013 1:10 PM
Book 8610 Page 0199 Page 1 of 3
Register of Deeds, Hillsborough County
Complaid Coughlin

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

A43



Town of Hudson

#### Zoning Board of Adjustment

# Decision to Grant Special Exception Permit for an Accessory Living Unit (ALU)

On September 26, 2013, the members of the Hudson Zoning Board of Adjustment, as part of its regular public meeting for that date, heard case #168-020, pertaining to a request by Paul & Sandy O'Sullivan, 8 Washington St. for a Special Exception Permit to allow an Accessory Living Unit (ALU) to be above the attached 2-car garage at 8 Washington Street and connected to the principal dwelling via. stairs in a common entry way [Map 168, Lot 020, Zoned R2 in accordance with the provisions of HZO Article XIII A, Section 334-73.3.

Following the hearing of testimony by applicants, representatives, and abutters, together with subsequent deliberation based on their familiarity with the area and knowledge of past cases, a majority of the members of the Board determined that this ALU Special Exception Permit should be granted in this case, because the ALU as proposed would be incompliance with all requirements listed of HZO Article XIII A, Section 334-73.3 and the applicants testified that they had read and understood the provisional restrictions outlined in the application and would abide by those restrictions, which constitute stipulations of this approval, including the following:

- 1. The ALU is to be occupied only by immediate family members of the owner of record of the principal dwelling, who must reside in that principal dwelling.
- 2. At least one common interior access between the principal dwelling unit and the ALU shall exist.
- 3. Separate utility service connections and/or meters for the principal dwelling unit and the ALU shall not exist.
- 4. Off-street parking shall be provided to serve the combined needs of the residents of the principal dwelling unit and the ALU.
- 5. This Special Exception to permit the creation of an ALU is to benefit the original applicant exclusively and shall expire when the owner of record of the principal dwelling unit conveys the property by sale or ceases to personally occupy the principal dwelling unit or the ALU.
- 6. The original applicant shall notify the Hudson Zoning Administrator of termination of the occupancy of the ALU. When the original occupant(s) of the ALU vacate(s) the premises, the property owner has the option to relet the ALU to another family member or to remove the ALU. The ALU cannot be rented for financial gain or to a non-family member.
- 7. If a new owner of record of the principal dwelling desires to maintain the existence of the ALU for use by an immediate family member, application for a new Special Exception approval to benefit the new owner of record must be made to the Community Development Department before conveyance of the subject property.

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

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

Fr

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

Signed:

Alman, Hudson Zoning Board of Adjustment

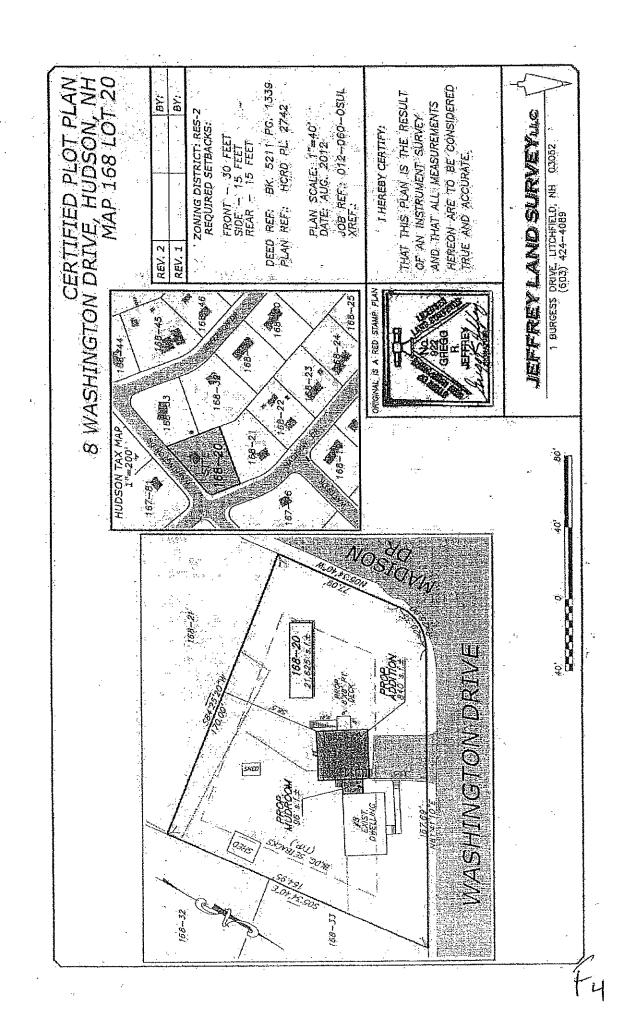
D-01-13

Signed:

Zoning Administrator

Date:

10-01-13



# Town of Hudson, NH Certificate of Occupancy



Hudson Fire - Inspectional Services Division 12 School Street Hudson, NH 03051 603-886-6005

Owner, Lessee or Occupant: O'SULLIVAN, PAUL L. O'SULLIVAN, SANDRA M.

Location of Work:

8 WASHINGTON DR

(No. and Street)

(Unit or Building)

Desc of Work: Construct an Accessory Living Unit with the existing 28' x 30' addition

Map\Lot: 168-020-000

District: R-2

Permit(s): 2013-00171, 2013-00171-2-MG, 2013-00171-2-EL

Use Group:

R-3

Fire Sprinkler System Required:

NO

Fire Alarm System Required:

NO

This is to certify that O'SULLIVAN, PAUL L. O'SULLIVAN, SANDRA M. has/have obtained all final inspections and has been found to substantially conform to all regulations and codes and is hereby approved for occupancy and use, as limited or otherwise noted below.

This Certificate of Occupancy is non-transferable and must conform to the stipulations set forth in the Special Exception issued by the Zoning Board of Adjustment.

Date of Issue: 3/21/2014

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### COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson 12 School Street

Hudson, New Hampshire Phone (603) 886-6005 Fax (603) 594-1142



			Street 19	
Name		Address	City/State/Zip	Phone
Owner Low	1+ Sondy	8 Washington Dr.	Hudson DH	883-28/0
1 0	Sullivan		<u> </u>	
Lessee U				
Contractor Hie	w. Builders LLC	13X 1423	Derry 10H 6	
Architect		6 Folsom Rd	230380)	65-9498X
				-5ge
Engineer				· · · · · · · · · · · · · · · · · · ·
agent and to conform to best of my knowledge. T conduct inspections fro commercial or industr Signature of applica	all applicable laws of the To he signature on this building in time to time during and up fal I understand that an as int	oposed work and I have been authorism of Hudson. I hereby attest all states permit authorizes all Code Officials, non completion of the work for which the built plan is required prior to occup.  Hicks Blds. LtC.  Derry NH 0303	ments made on this applic Building Inspector and Ass his permit is issued. If said ancy of the structure.	ation are true to the essor or their Agents to
Address / C				
Filing Fee	\$ 30.00	Receipt # 275, C	064 Date 4/19	1/13
Building permit fe	e \$ 175,00			<i>'</i>
MAO 10/4/		ition(s)		
Plans received		Date	Use group	1
Comments:			Construct	ion type
		y y est to definition of the Administration of the Community of the Commun		
Certificate of Occ	upancyRequired	Final Inspection(Building	& HFD) Live loadi	ng
Comments:			Occupano	v load
				<b>V</b> • • • • • • • • • • • • • • • • • • •
Approved				
				1. 1
Denied	I land the	There	_/0	[7/13
	Building Inspector		Date <sup>*</sup>	

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



Town of Hudson, NH

### **Building Permit**

Hudson Fire - Inspectional Services Division 12 School Street Hudson, NH 03051 603-886-6005 Permit Number 2018-00700

Date of Issue 7/19/2018

Expiration Date 1/15/2019

Applicant: Specialty k Location of Work: 8	WASHINGT		(Unit c	or Bullding)	
Description of Work:					
ZONING DATA:	District: R-2		Map\Lot:		. •
CONTRACTOR: Spe	cialty Kitchens 603-8	83-9154	•••		
REMARKS:	REQUIRED BY THE INS				
THIS PERMIT CONVE TEMPORARILY OR PI THE ISSUANCE OF T AND OR SITE PLAN A APPROVED PLANS N NO BUILDING SHALL WHEN APPLICABLE, WORK MUST BE STA ALL CONSTRUCTION INSPECTION A	HIS PERMIT DOES NOT INTERPROVAL REQUIREMENT INTO THE RETAINED ON JUST BE RETAINED ON JUST BE OCCUPIED OR USED SEPARATE PERMITS ARE INTED WITHIN 6 MONTHS INTO TO ALLA PPROVALS	PY ANY STREET, RELEASE THE AF NTS. HOB AND THIS CA D UNTIL A FINAL HE REQUIRED FO S FROM THE DA	ALLEY OR SIDEWALK PPLICANT FROM THE C ARD KEPT POSTED UN INSPECTION IS PERFO R ELECTRICAL, PLUMI TE OF PERMIT ISSUAN STATE OF NEW HAMPS	CONDITIONS OF ANY API TIL FINAL INSPECTION F PRMED. BING , AND MECHANICAL CE. SHIRE AND HUDSON TOV	PLICABLE SUBDIVISION HAS BEEN MADE. LINSTALLATIONS.
Building			Date Date		
Electrical		;	Date		
Fire Sprinklers (r		(			
Other	4 -		Date		
Permit Holder: Sp Company/Affiliation	(Taking Re	sponsibility for t	ne Work) ob Site Phone Num	nber:	and the same of th
Constr Cost:	\$37,510 Permi	It Fee: \$3	0.00 Check No	.: Cash:	\$0.00

The Permit Card Shall be Posted and Visible From the Street During Construction

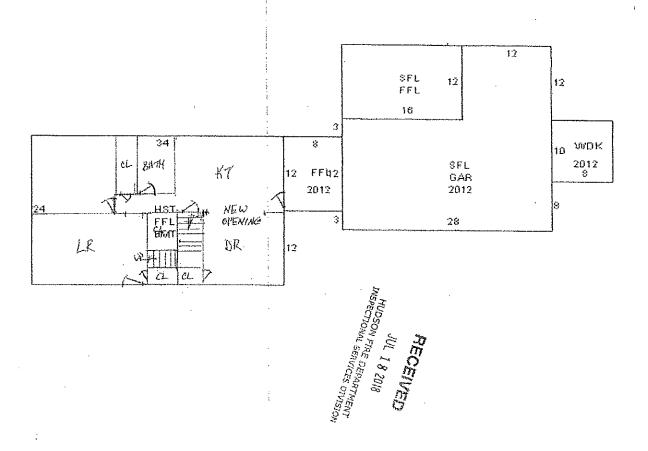
THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

THE TOTAL 7/19/2018

Code Official Permit Holder Date

### O'SULLIVAN

#### 8 WASHINGTON ST., HUDSON, NH



H2

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

REQUEST FOR REVIEW/COMMENTS:

Case: 168-020 (Variance)

Property Location: 8 Washington Dr

	For Town Use
	Plan Routing Date: 11/23/2021 Reply requested by: 11/29/2021 ZBA Hearing Date: 12/09/2021
	I have no comments I have comments (see below)
	EZD Name: Elvis Dhima, PE Date: 11/23/2021
	(Initials)
	DEDT.  Town Engineer Fire/Health Department Town Planner
<b>r</b>	
	. Applicant shall confirm location of the septic system on the property . Applicant is advised to confirm that water service is not under the proposed porch.
-	
-	
1	

SENDER	:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 168-020 VARIANCE 8 Washington Dr. Map 168/Lot 020-000 1 of 1
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/24/2022 ZBA Meeting
1	7021	0350 0000 1884 4690	PAUL L. & SANDRA O`SULLIVAN	APPLICANT/OWNERS NOTICE MAILED
			8 WASHINGTON DR., HUDSON, NH 03051	
2	7021.	0350 0000 1884 4706	TIMOTHY J. & LOUISE N. CHARRON	ABUTTER NOTICE MAILED
	1001		24 MADISON DR., HUDSON, NH 03051	
3 7021 N350 N000 188		0350 0000 1884 4713	DONALD J. & SUZANNE A. LEMMO	ABUTTER NOTICE MAILED
	LUCT		63 PAGE RD., LITCHFIELD, NH 03052	
4	7021	0350 0000 1884 4720	JENNIFER L. LAMBERT, TR.; BARCHARD FAMILY TRUST	ABUTTER NOTICE MAILED
			9 WASHINGTON DR., HUDSON, NH 03051	
5	ובחכ	0350 0000 1884 4737	GARTH A. & JUDITH A. STEVENS	ABUTTER NOTICE MAILED
L LUET			19 MADISON DR., HUDSON, NH 03051	
6	דבחכ	0350 0000 1884 4744	BRIAN FISHER; MONIQUE PROVENCAL	ABUTTER NOTICE MAILED
			12 JEFFERSON DR., HUDSIN, NH 03051	9
7	7071	0350 0000 1884 4751 _	JAMES E. & JOAN CARLEN	ABUTTER NOTICE MAILED
	LUCT		6 WASHINGTON DR., HUDSON, NH 03051	JUDSON AV
8	7077	0200 0000 2000 0210	PAMELA C. FRASER	ABUNTER NOTICE MADED
_	LUCT	0350 0000 1884 4768 _	41 JESSICA DRIVE, NASHUA, NH 03060	
9		DOLLAR STANK THE BACK WAS A PROPERTY OF		
J				143
10	W17-12-14-2			(02) 00
10				
11				(Sp.S
11			STATE OF THE PROPERTY OF THE P	3
12				
		Total Number of pieces listed by sender 8	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# 168-020 VARIANCE  8 Washington Dr.  Map 168/Lot 020-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	02/24/2022 ZBA Meeting
1	Mailed First Class	JUSTIN HATEM	ABUTTER NOTICE MAILED
		14 WASHINGTON DRIVE, HUDSON, NH 03051 PHILIP & KAREN KIM COURTURIER	ABUTTER NOTICE MAILED
2	Mailed First Class	3 MONROE STREET, HUDSON, NH 03051	
3	Mailed First Class	CLIFFORD M. DUNNING; ANGELA M. SCUDERI	ABUTTER NOTICE MAILED
4	Mailed First Class	17 MADISON DRIVE, HUDSON, NH 03051 JAMES E. COLE, TR.; DIANE J. COLE, TR.; COLE FAMILY TRUST	ABUTTER NOTICE MAILED
		10 JEFFERSON DRIVE, HUDSON, NH 03051	
5	Mailed First Class	RUSSELL A. & KIMBERLY A. MARCHAND 2 JACKSON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6			
7			
8			(3)
9			4 (4)
10			USPS
11			
g	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



### **TOWN OF HUDSON**



## Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

February 14, 2022

#### 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, **02/24/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 168-020 (02-24-22): Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH requests a Variance to build a 9 ft. x 20 ft. covered porch on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

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,

Bruce Buttrick
Zoning Administrator



### **TOWN OF HUDSON**



# Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

February 14, 2022

#### ABUTTER 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, **02/24/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 168-020 (02-24-22): Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH requests a Variance to build a 9 ft. x 20 ft. covered porch on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

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

A full copy of this application is available for your review on the Hudson Town Hall website: <a href="https://www.hudsonnh.gov">www.hudsonnh.gov</a> or in the Land Use Department located at Hudson Town Hall.

Respectfully.

Bruce Buttrick

Zoning Administrator

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

On 02/24/22, the Zoning Board of Adjustment heard Case 168-020, being a case brought by Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH for a Variance to build a 9 ft. x 20 ft. covered porch on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

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

Y	N	1. Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
Y	N	2. The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
Y	N	3. Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.
Y	N	4. The proposed use will not diminish the values of surrounding properties.
Y	N	<b>5.</b> Special conditions exist such that literal enforcement of the ordinance would result in <b>unnecessary hardship</b> , either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way <u>and also</u> because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.
Member Signed:		on:

Stipulations:			
0 trp 0.14tro1251			

# ON OF HUDSON

#### APPLICATION FOR A VARIANCE

	ent.
Ton:	artin
ring	D48. Zoning Board of Adjustment
	Town of Hudson

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

Case No. 168 - 020 (02 - 24 - 22)Date Filed 2/7/22

Name of Applicant Paul & Sandy O'Sullivan	Map: 168 Lot: 020-000 Zoning District: R-2
Telephone Number (Home) (603) 883-5810	(Work) (603) 566-6874
Mailing Address 8 Washington Drive Hudson, NH 03	5051
Owner Paul & Sandy O'Sullivan	
Location of Property 8 Washington Drive	
(Street Address)	O7FEB22
Signature of Applicant	Date OFFEB22
Sandra moisullivan	2-7-22
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 Variance.

of that you have permission to seek the described variances		
Items in this box are to be filled out by Land Use Division p	ersonnel	
Date received COST:	ed: 2/7/22	
Application fee (processing, advertising & recording) (non-refundable):	\$ <u>185.00</u>	
Abutter Notice: Direct Abutters x Certified postage rate \$ \(\frac{\psi_33}{5}\) = Indirect Abutters x First Class postage rate \$ \(\frac{\psi_53}{5}\) = \(\frac{\psi_53}{5}\	\$ 34.64 \$ 2.90 \$ 222.54	
Amt. received:	\$ 22.54	paid by
Received by: TSG Receipt No.:	672,641	cc
By determination of the Zoning Administrator, the following Departmental	review is required:	
Engineering Fire Dept Health Officer PlannerOt	her	

# 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.

A 1'		CL CC
Applicant Initials		Staff Initials
405	Please review the application with the Zoning Administrator or staff.	1 Tuliais
POS	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 <b>10</b> (ten) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples) 12	16
<u>P05</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, 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
P05	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.)	T
P65	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.)	
Pos	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	TG
P05	Provide a copy of all <b>single sided pages</b> of the assessor's card. ( <b>NOTE</b> : these copies are available from the Assessor's Office)	TC
905	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
POS	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 <u>other than</u> 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).

		11
a) <u>PC5</u>	The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North	16
	pointing arrow shown on the plan.	D
b) 105	The plot plan shall be up-to date and dated, and shall be no more than three years old.	
c) fos	The plot plan shall have the signature and the name of the preparer, with his/her/their seal.	
d) <u>f &amp; _</u>	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) P05	The plot plan shall include the area (total square footage), all buffer zones, streams or	
	other wetland bodies, and any easements (drainage, utility, etc.)	
DY05	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) P05	The plot plan shall include all proposed buildings, structures, or additions, marked as	
	"PROPOSED," together with all applicable dimensions and encroachments.	
h) POS	The plot plan shall show the building envelope as defined from all the setbacks required	//_
	by the zoning ordinance.	\/
i) 205	The plot plan shall indicate all parking spaces and lanes, with dimensions.	V

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

Paul OSalliva	67FEB22
Signature of Applicant(s)	Date
Parl OSallori	OTFEBZZ
Sandra M O'Sullivan	2-7-22
Signature of Property Owner(s)	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
168	020-000	*Include Applicant & Owner(s) Paul L. & Sandra M. O'Sullivan	8 Washington Drive Hudson, NH 03051
167	076-000	Timothy J. & Louise N. Charron	24 Madison Drive Hudson, NH 03051
167	081-000	Donald J & Suzanne A. Lemmo	63 Page Road Litchfield, NH 03052
167	091-000	Jennifer L. Lambert, TR.; Barchard Family Trust	9 Washington Drive Hudson, NH 03051
168	021-000	Garth A. & Judith A. Stevens	19 Madison Drive Hudson, NH 03051
168	032-000	Brian Fisher; Monique Provencal	12 Jefferson Drive Hudson, NH 03051
168	033-000	James E. & Joan Carlen	6 Washington Drive Hudson, NH 03051
168	034-000	Pamela C. Fraser	41 Jessica Drive Nashua, NH 03060
			·

#### 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
167	077-000	Justin Hatem	14 Washington Drive Hudson, NH 03051
167	090-000	Philip & Karen Kim Courturier	3 Monroe Street Hudson, NH 03051
168	022-000	Clifford M. Dunning; Angela M. Scuderi	17 Madison Drive Hudson, NH 03051
168	031-000	James E. Cole, TR,; Diane J. Cole, TR.; Cole Family Trust	10 Jefferson Drive Hudson, NH 03051
168	035-000	Russell A. & Kimberly A. Marchand	2 Jackson Drive Hudson, NH 03051
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			·
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#### APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article $VIII$ of HZO Section(s) $334-31.A$ in order to permit the following:
Construction of a 9 foot deep by 20 foot wide covered porch over the existing stairs and walkway
on the front of the house which would encroach the front setback by an additional 9.3 feet leaving
14.8 feet where 30 feet is required.

#### **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:

- L(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.")			
	See Attached			
	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			
	A A A A A A A A A A A A A A A A A A A			

#### **FACTS SUPPORTING THIS REQUEST: (Continued)**

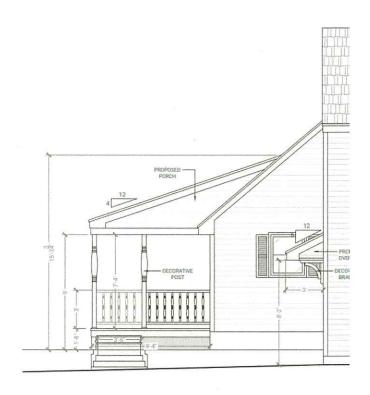
A	Explain why you believe this to be true—keeping in mind that you must establish that:
А.	1) Because of the special conditions of the property in question, the restriction applied t the property by the ordinance does not serve the purpose of the restriction in a "fair
	and reasonable" way and
	See Attached
	2) Explain how the special conditions of the property cause the proposed use to be reasonable.
	See Attached
***************************************	
_	
В.	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.
	Not Applicable, See A (1 and 2) above

#### **Application For A Variance**

- 1. Granting of the requested variance will not be contrary to the public interest, because:
  - a. The proposed porch will be in the exact footprint of the current walkway and steps. It would not present a safety hazard to the public as it is protected by a retaining wall along the driveway and a substantial tree between the proposed porch and street. Should a car leave the street due to slippery conditions or medical emergency, the retaining wall and tree would be contacted prior to the porch (Refer to Exhibit 1).
  - b. There is no through traffic in the neighborhood and the streets are very short which tends to limit speed. My home is also located deeper in the neighborhood further limiting traffic to only neighbors who live further in the neighborhood.
  - c. The proposed porch will be an open-air, single-story structure that will not restrict view, air movement, or cast a shadow on any neighboring property. It would not be a nuisance in any way to neighbors or passers-by.
  - d. Interviews with the Town Engineer, Elvis Dhima and Public Works Director, Jes Forrence indicated that Washington Drive is among the widest streets in town outside of industrial parks. Both men indicated that it is unlikely that the town would ever widen Washington Drive or add sidewalks in established neighborhoods. Mr. Forrence suggested that if sidewalks were ever added to Washington Drive, he would recommend the street be narrowed to accommodate sidewalks (Refer to Exhibit 2). Mr. Dhima suggested that if sidewalks were ever added, they would likely be added to the righthand side of the street as you enter the neighborhood. If this were to happen, that would place the sidewalk across the street from my home.
- 2. The proposed use will observe the spirit of the ordinance, because:
  - a. The proposed porch is not a new use of the space but rather an enhancement of the existing use that preserves the quality of life of the homeowners, enhances property value without infringing on the health, safety, and general welfare of the neighbors or the town.
  - b. As a single-story structure, it would not be imposing from the street or add to any sense of overcrowding.
- 3. Substantial justice would be done to the property-owner by granting the variance, because:
  - a. The home was built over 50 years ago and appears to be the only home in the neighborhood that was built within the 30 foot setback. A variance for a 25 foot setback was grated in 1984, some 15 years after the home was built. My wife and I have lived here since 1990 and raised our family here. As we age, safe and clear access to the front door becomes more and more important while at the same time becoming more difficult to maintain. There is a retaining wall along the driveway and steps to the walkway making it impossible to clear snow with the snow blower. A covered porch would alleviate this condition making maintenance more manageable.

- b. Allowing 14.8 feet where 30 feet is required in this case of an open-air porch in the same footprint as the existing use would be justice administered according to the substance and not necessarily the form of the law.
- 4. The proposed use will not diminish the values of surrounding properties, because:
  - a. The proposed porch is consistent with the character of the neighborhood. Other homes in the neighborhood have similar porches and while the proposed porch would further encroach the setback, it is not an imposing structure at all (refer to exhibit 1). I expect a very modest property value enhancement and expect that to translate into a neutral to modest property value enhancement of surrounding properties.
- 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.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
    - Literal enforcement of the ordinance is an "unnecessary hardship" because the house was built with a 25 foot setback already encroaching 5 feet of the current 30 foot requirement. This creates a special and unique condition that results in an unfair and unreasonable restriction from using my property in a reasonable way. The proposed porch will sit in the same footprint as the existing walkway and stairs with an improved ability to maintain clear and safe access to the front door. The proposed porch would not threaten public health, safety or welfare or otherwise injure public rights in any way. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that ordinance to the property.
  - A.2 Explain how the special conditions of the property cause the proposed use to be reasonable.
    - A covered front porch may seem to be a frivolous reason to request a variance, however it is an essential element in making the home functional and safe as my wife and I age. This makes the proposed use reasonable.
    - My home is the only house in the neighborhood that encroaches the 30 foot setback. This was approved by Variance to allow a 25 ft setback. Therefore as an "existing non-conforming setback" while many homes in the neighborhood have similar porches, none appear to encroach the setback so in this regard, my home is unusual and unique conditions do exist, I need to apply for a variance to do any normal/natural improvements or expansions onto the front of my house. The proposed use is reasonable since it would not create a public nuisance, threat to public safety, or infringe on others ability to use their property. Nor would it impact any future town activities relative to Washington Drive.





Page 1 of 2





FRONT ELEVATION

From: "Forrence, Jess" <jforrence@hudsonnh.gov> Date: December 22, 2021 at 5:48:50 AM EST

To: PAUL OSULLIVAN <posullivan09@yahoo.com>

Cc: "Buttrick, Bruce" <bbuttrick@hudsonnh.gov>, "Dhima, Elvis"

<edhima@hudsonnh.gov>
Subject: RE: Request for help

Good morning Mr. O'Sullivan

To your 1st question,

Washington St is approximately 40' wide one of the widest streets in town other than the Industrial Parks.

Your second question.

If the town were to install sidewalks Public Works would request them remove 5' of existing roadway then installing sidewalks keeping the right away in the same place and narrowing the roadway to helping with maintenance costs.

Your third question.

I do not believe or recall any sidewalks being installed in any existing developments other than a developer extending the roadway.

Thanks and good lick

Jess Forrence
Public Works Director
2 Constitution Dr
Tell #(603 886-6018
Fax # (603 594-1143



From: PAUL OSULLIVAN <posullivan09@yahoo.com>

**Sent:** Tuesday, December 21, 2021 5:09 PM **To:** Forrence, Jess <iforrence@hudsonnh.gov>

Subject: Request for help

Good Morning Jes,

My name is Paul O'Sullivan and I live at 8 Washington Drive in Hudson. I recently attended a Zoning Board meeting (09Dec21), seeking a variance to add a covered porch for my front door. My house encroaches the 30 foot setback requirement by 5 feet and the porch would add another 9 feet encroachment leaving 14 feet 9 inches where 30 feet is required. The request was unanimously rejected over safety concerns and possible future widening or addition of sidewalks to Washington Drive.

I have a list of questions that I hope you can answer:

How wide is Washington Drive and how does it compare to other neighborhood streets in town?

If the town were to add sidewalks, would the right of way be expanded? Does the town have any plans to begin installing sidewalks or widening streets in established neighborhoods?

Has the town ever undertaken such projects in established neighborhoods? I know connector and feeder streets often get widened or sidewalks added as areas develop but I am referring to established residential neighborhoods.

I sincerely thank you for your time. I intend to request a rehearing and need to prepare arguments to rebuff the boards concerns. Any information you can provide will be used to that end. I have already spoken to the Town Engineer, Elvis Dhima and would be happy to discuss over the phone if you prefer.

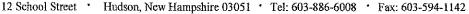
Best Regards, Paul O'Sullivan 8 Washington Drive Hudson, NH 603-566-6874

Sent from Mail for Windows



### **TOWN OF HUDSON**

### Land Use Division





#### **Zoning Determination #21-157**

September 23, 2021

Paul O'Sullivan 8 Washington Dr Hudson, NH 03051

Re:

8 Washington Dr Map 168 Lot 020-000

District: Residential Two (R-2)

Dear Mr. O'Sullivan,

#### **Zoning Review / Determination:**

This structure (house) has a variance granted 5/2/1984 in regards to front setback requirements per Table of Minimum Dimensional Requirements §334-27.

Based on your inquiry if an addition of a front porch with further encroachment would require a variance, I determine that an increase (expansion) of footprint of the proposed front porch would need to conform to §334-31.A Alteration and expansion of nonconforming structures: "A nonconforming structure may not be altered or expanded, except by variance. A nonconforming structure may be altered, reconstructed, externally or structurally modified, provided that such alterations, reconstruction, extension or structural modification does not make any portion or portions of the existing structure more nonconforming." Thereby would need a variance.

To continue with your proposal you would need to start with a Variance application (link): https://www.hudsonnh.gov/zoning/page/variance

Sincerely,

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

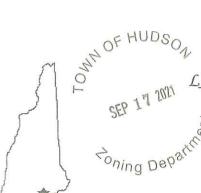
cc:

Public Folder

B. Groth, Town Planner

File

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



LAND USE DEPARTMENT 12 School Street Hudson, NH 03051 (603) 886-6008 www.hudsonnh.gov



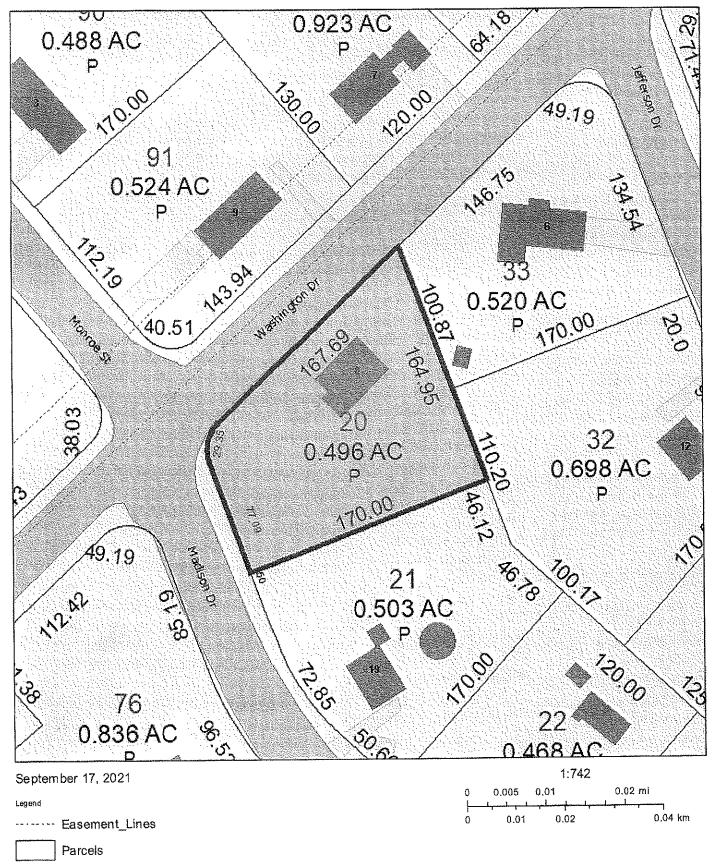


### Town of Hudson

#### REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

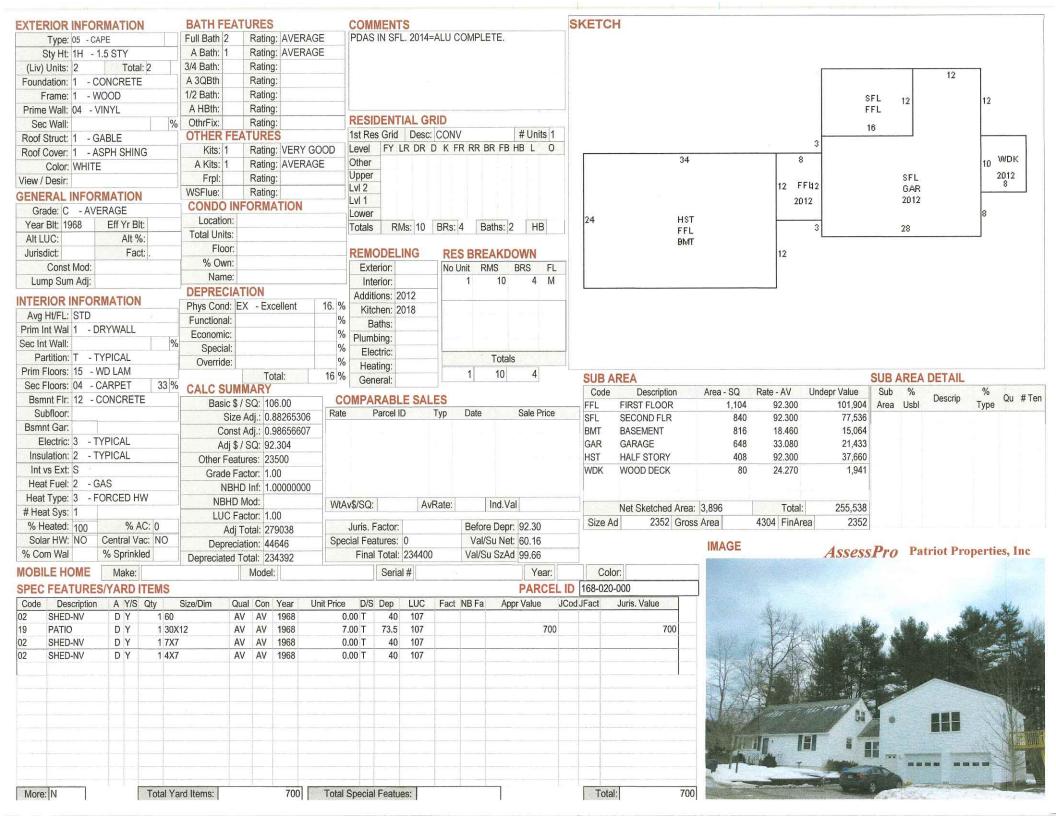
	<u> </u>								
Date of request	17SEP21								
Property Location	8 Washington St. DR								
	Map 168 Lot 020 Sublot 000								
Zoning District if known	R-Z								
☐ Zoning I	Type of Request  District Determination □ Use Determination □ Set-Back Requirements □ Process for Subdivision/ Site Plan if required □ Other								
Description of request /	determination: (Please attach all relevant documentation)								
front of my	There is an existing variance for the house being within the 30-foot setback from the street. I want to know what would be required to build a porch on the front of my house that would further encroach the set back requirement.								
Applicant Contact Information:  Name:  Address:  Phone Number:  Email:  Paul O'Sullivan  St.  1603.883-5810 1603.566-6874  Email:  Posullivan Of E Yahoo.com									
	For Office use								
ATTACHMENTS: TANOTES:	AX CARD GIS L								
ZONING DETERMI	NATION LETTER SENT   DATE:								
The second secon	D 002401								

# 8 Washington Dr (Map/Lot 168-020-000)





	168 <b>MAP</b>			20 <b>o</b> T		000 <b>SUB</b>							1 of CAR		RESIDI	ENTIAL		dson			PPRAIS		Total C 328, 328,		otal Parcel 328,50 328,50
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#### PLAN NOTES:

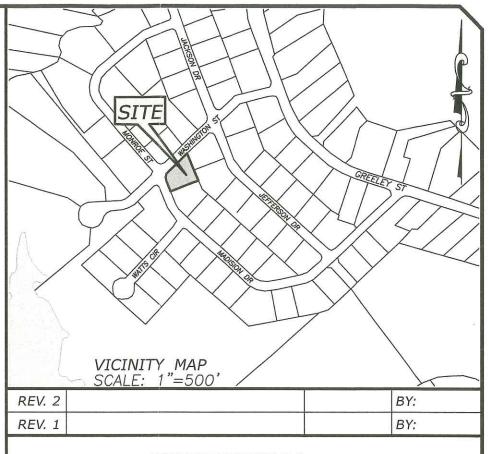
1.) PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF PROPOSED IMPROVEMENTS AT HUDSON LOT 168-20.

PLAN OF LAND 8 WASHINGTON ST. HUDSON, NH MAP 168 LOT 20 AS PREPARED FOR PAUL O'SULLIVAN, OWNER

30'

60'





#### ZONING DISTRICT: R-2 REQUIRED SETBACKS:

FRONT — 30 FEET SIDE — 15 FEET REAR — 15 FEET

DEED REF: BK. 5211 PG. 1339 PLAN REF.: HCRD PL. 2742

HCRD PL. 4083

PLAN SCALE: 1"=30' DATE: NOV. 2021

JOB REF.: 021-140-OSUL



#### I HEREBY CERTIFY:

THAT THIS PLAN IS THE RESULT
OF AN INSTRUMENT SURVEY
AND THAT ALL MEASUREMENTS
HEREON ARE TO BE CONSIDERED
TRUE AND ACCURATE.

# JEFFREY LAND SURVEYLLO

1 BURGESS DRIVE, LITCHFIELD, NH 03052 (603) 424-4089 Printed 2/07/2022 10:32AM Created 2/07/2022 10:29 AM

## Transaction Receipt

### Town of Hudson, NH

12 School Street Hudson, NH 03051-4249 Receipt#

672,641 publicw

	<u>Description</u>		Current Invoice	<u>Payment</u>	Balan	alance Due		
1.00	Zoning Application 2-24 8 Washington Dr Map/Lot 168-020-000	-22 ZBA Mtg						
	Variance		0.00	222.5400		0.00		
				Total:		222.54		
Remitter		Pay Type	Reference	Tendered	Change	Net Paid		
OSULLIVAN/PAUL L		CREDIT	7179	222.54	0.00	222.54		
			<del>.=</del>	Total Due:		222.54		
				Convenience Fee:		6.56		
				Total Tendered:		229.10		
				Total Change:		0.00		
				Net Paid:		229.10		



### TOWN OF HUDSON



### Zoning Board of Adjustment

Gary M. Daddario, Chairman Kara Roy, Selectmen Liaison

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

MEETING MINUTES - January 20, 2022 - as edited

The Hudson Zoning Board of Adjustment met on Thursday, **January 20, 2022** 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.

#### 6:30 PM

#### 13 I. CONSULTATION WITH TOWN COUNSEL (non-public) per RSA 91-A:2 I (b)

Consultation held – no decisions and no motions made.

#### 7:00 PM

#### 17 II. CALL TO ORDER

18III. PLEDGE OF ALLEGIANCE

Chairman Gary Daddario called the meeting to order at 7:03 PM, invited everyone to stand for the Pledge of Allegiance and assigned Normand Martin to Clerk.

Clerk Normand Martin took attendance. Members present were Gary Daddario (Regular/Chair), Normand Martin (Alternate/Clerk), Jim Pacocha (Regular/Vice Chair), Dean Sakati (Alternate) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused were Brian Etienne (Regular) and Marcus Nicolas (Regular). Mr. Daddario appointed the following Alternates to Vote: Mr. Martin for vacant Regular Member seat, Mr. Thompson for Brian Etienne and Mr. Sakati for Mr. Nicolas. Mr. Daddario stated that there would be five (5) Voting Members for this meeting. It was also noted that Town Counsel David Lefevre was present and would be allowed to speak and answer questions.

# $\frac{34}{35}$ IV. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD

Case 147-016 (01-20-22): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests the following for 185 Webster St., Hudson, NH [Map 147, Lot 016-000, Zoned Residential-Two (R-2)]:

Mr. Buttrick read each of the six (6) requests (a-f) into the record. Mr. Buttrick stated that this is unique situation in that the Applicant has chosen to parcel out the buildings on one lot and requested a variance specific to each building with the exception of the building at 181 Webster Street which is not before the Board tonight.

Mr. Daddario stated that the Board would proceed in typical fashion and outlined the process as depicted in the Preamble, Exhibit A in the Board's Bylaws, and that each

variance request would be handled independently in the order of the Agenda. Mr. Daddario asked that anyone addressing the Board to utilize the speakers on the Applicant's table and not the lectern.

Attorney Gerald Prunier of Prunier & Prolman, PA, 20 Trafalgar Square, Suite 100, Nashua, NH 03063, introduced himself as representing the Applicant, Vatache Manoukian for the Property Owner, Derry & Webster, LLC, and noted that Vatache Manoukian was present and available to answer questions, and distributed the following additional material to the Board: (1) letter undated from Nick Ackerman, Real Estate Advisor of NAI Norwood Group, 116 South River Road, Bedford, NH 03110, attesting that site has no adverse impact on surrounding property values; (2) Site Plan of the site identifying the buildings and outside storage of various landscape materials; (3) letter dated 6/23/2020 to Vatache Manoukian from Samuel J. Tamposi, Jr., President of Second Generation Properties, LP, attesting that they acquired this site on 4/22/1994 and sold it to Derry & Webster, LLC, on 2/7/2003 and that the property had the same uses as it does now; (4) email dated 8/19/2020 from Leland Makara of 187 Webster Street stating that he has been there since October 1997 and that the activities on the site have not changed; and (5) letter 11/1/2019 to Property Owner from Lee Makara of 3 Holly Lane, Hudson, NH stated that he has been on the site for twenty two (22) years, that he stores only dry goods, that there has always been a store on site, that all vehicles are operational and registered and that he has been asked to clean up the outside area of the building.

Atty. Prunier identified the location and addresses of the site, 181-189 Webster Street, noted that to the 'old timers' in Hudson, this property was known as the Garrison Farm that was run for many years by George Colby and his family until the late 1980's or early 1990's when the farm went out of business and added that the farm existed before the Town was a Town and had Zoning. Atty. Prunier stated that, except for the farmhouse, the majority of the buildings were constructed in the mid to late 1970's for agricultural and warehousing purposes, and that the use of the site as it is now has existed since the farm went out of business. The buildings still exist and their use is still for storage and warehousing but warehousing is only allowed in the Industrial Zone.

a. A Variance for a <u>Greenhouse Building</u> addressed as **183 Webster Street**-for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.]

Atty. Prunier stated that the use has changed. The building is no longer being used as a greenhouse, but it still exists and is currently being used to warehouse material and equipment and the variance also seeks to include accessory uses of garage, parking of two or more light commercial vehicles and heavy commercial vehicles and equipment. Atty. Prunier stated that when the building was built it was permitted and was used as a greenhouse as well as for warehousing but when the farm terminated, it became a non-conforming use.

Atty. Prunier addressed the criteria for the granting of a variance. In brief, the information shared included:

(1) not contrary to public interest

 • When building was constructed it was utilized for storage as part of the agricultural use of the property by Garrison Farm

 • The requested variance would allow the applicant to continue the use of the building for warehousing, just not agricultural warehousing

 • Use will not violate the basic zoning objectives because the building was constructed to be a warehouse as well as a greenhouse

• There will be no violation of the essential character of the neighborhood considering that the building has existed since the 1980's

(2) will observe the spirit of the Ordinance

 • When constructed, greenhouse and warehouse were permitted for agricultural use

 • Intent is to continue to use the building as a warehouse, just not necessarily for agriculture

(3) substantial justice done

 The proposed use does not adversely impact or harm the abutters or any public rights

• The public will not realize any appreciable gain from denying the variance

(4) not diminish surrounding property valuesThe buildings will not be altered

• The building has been present for 25 – 30 years

• See Real Estate letter from Norwood Group

 (5) hardship

 Because the warehouse has existed for a long time (25-30 years), there is a special circumstance that exists

 The building was unique and permitted when constructed
The building can continue to be used but for different products

 • Continued use would allow the applicant reasonable use of its land

 Mr. But<u>t</u>rick stated that warehousing and equipment need to be better defined, especially considering Code Enforcement, noted that garaging or parking of one (1) light commercial vehicle is permitted in the R-2 District and has concerns regarding heavy equipment that is expressly prohibited on the Zoning Ordinance. Atty. Prunier stated that there is no definition of/for warehousing in the Ordinance and added that a condition could be placed on an approval to restrict warehousing to what it is being used for as of today.

 Mr. Martin asked and received confirmation from Atty. Prunier that the variance being requested is to allow warehousing of material and equipment within the greenhouse structure and to allow Permitted Accessory uses of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment and added that it is a good use of the building noting that it has been used as a warehouse for 25-30 years and there is no nursery use without the farm.

Public testimony opened at 7:32 PM

Town Counsel Dave Lefevre asked and received confirmation from Atty. Prunier that the building being discussed is the one labeled "Landscape Storage" on the plan and that the structure actually exists. Atty. Lefevre asked if the Regis landscaping use that is already on site. Atty. Prunier stated that the variance seeks to allow warehousing and space would be available to "Joe Public".

Mr. Buttrick stated that the possibility would then exist to become multi-units within the structure available to "Joe Public" or sublet to others. Vatche Manoukian, Manager for Property Owner Derry & Webster LLC, stated that the building currently has one (1) tenant, for the past twenty-one (21) years, that each unit would have one tenant as multiple tenants within one unit would not <u>be</u> allowed which in turn minimizes the amount of traffic to the site and did not discount the possibility that it could be subdivided into several units.

Public testimony closed at 7:39 PM.

-Mr. Buttrick asked the Board to consider a Site Walk.

 Mr. Pacocha made the motion to continue the hearing and to schedule a Site Walk. Mr. Thompson seconded the motion. Discussion arose on possible dates for both the continuation and the Site Walk. Dates set. Continuation set to date specific for Thursday 4/14/2022. Site Walk scheduled for Saturday, 4/9/2022, at 9:00 AM. Roll Call vote was 5:0. Case 147-016(a) continued to Thursday 4/14/2022 with Site Walk scheduled for Saturday 4/9/2022 at 9:00 AM.

b. A Variance for a <u>Residential Building</u> addressed as **185 Webster Street** to allow a third dwelling unit, where three-family (multi-family) dwellings are not permitted in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Residential (A-3).]

 Atty. Prunier stated that this building is the original farmhouse and the actual date of construction could not be found in the Town records. Atty. Prunier stated that it appears that the third unit came about when the farm use was discontinued in the late 1970's and has existed for 25-30 more years. Mr. Daddario stated that according to the paperwork he has reviewed, it appears the third unit has existed since 1976. Atty. Prunier stated that the current Property Owner has owned the site for twenty-one (21) years and referenced the letter in file from Mr. Tamposi who owned the site for the decade prior and attested to the fact that the third unit existed when he bought the property.

Atty. Prunier addressed the criteria for the granting of a Variance. The information shared included:

(1) not contrary to public interest

 • There has been three (3) units since at least 1976

• There has been no notices that the third unit threatened public health, safety or welfare during its use

• A third apartment is a minor use in a multi-family area

 • The Zoning Ordinance allows for two-family homes so the intent of the Ordinance is to allow multi-family use

195 (2) will observe the spirit of the Ordinance

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- The existence of the third apartment in not out of character with the neighborhood and does not threaten public health
- It has been used as a rental unit for over 24 years and has not caused a disturbance in the area
- It is a benefit to the general public in allowing for affordable housing
- (3) substantial justice done
  - The benefit of allowing a third unit in the applicant's building is not outweighed by harm to the general public
  - The public will not realize any appreciable gain from denying the variance
- (4) not diminish surrounding property values
  - No exterior changes are being proposed to the building
  - See Real Estate letter The buildings will not be altered
  - The building has been present for 25 30 years
  - See Real Estate letter from Norwood Group from Nick Ackerman, Real Estate Advisor of NAI Norwood Group, 116 South River Road, Bedford, NH 03110, attesting that site has no adverse impact on surrounding property values
- (5) hardship
  - The State of NH has clearly confirmed the State's respect of individuals to make reasonable of their land
  - The NH Courts have recognized that sometimes properties are uniquely situated or especially appropriate for a particular use
  - In special cases, the courts have declared a variance appropriate
  - In this Case, there has been a third unit in the building for over 24 years
  - The use has been reasonable

Mr. Thompson referenced the floor plans of each apartment and asked if each meets Fire Code, egress and life safety. Atty. Prunier could not confirm but added that he does not believe the Town performed any inspection when it was created. Ms. Roy asked Mr. Buttrick if any permits were issued by the Town for the third unit and Mr. Buttrick responded that there was Code Enforcement action of an illegal unit approximately ten to twelve years ago and the Fire Department stated that a fire alarm and sprinkler system were required for a third living unit

Public testimony opened at 7:59 PM.

Town Counsel, David Lefebvre, asked as a point of clarification, there was litigation approximately 1990, that within the residence there was an office, a space being utilized for commercial purposes, and the disposition of that case involved the discontinuance of that commercial use and that the building could only be used for residential purposes as permitted by the Zoning Ordinance. Atty. Lefebvre stated that it is reasonable to speculate that the office space was converted to a third living unit, probably the one labeled 185A with 420 SF.

Ms. Roy asked and received the answer from Atty. Prunier that his client bought the property on 2/7/2003 and it has three (3) apartments in the building.

Public testimony closed at 8:04 PM.

Mr. Pacocha made the motion to continue the hearing 4/14/2022 and to schedule a Site Walk for Saturday, 4/9/2022 at 9:00 AM. Mr. Thompson seconded the motion. Roll Call vote was 5:0. Case 147-016(b) continued to Thursday 4/14/2022 with Site Walk scheduled for Saturday 4/9/2022 at 9:00 AM.

c. A Variance for a <u>Small Garage Building</u> addressed as **187 Webster Street**–for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.]

Atty. Prunier stated that this is an existing building and according to the Town's tax record it was built in 1975, possibly with a variance for storage of agricultural products, and since the farm went out of business it has been used for warehousing. The building is on a concrete slab and the variance being requested is to allow uses, same as for the Greenhouse building. Atty. Prunier noted that the responses to the Variance criteria are the same as that for the Greenhouse and added that it would yield light traffic.

Mr. Sakati referenced the plan in the packet, noted that it has three (3) uses/tenants and asked if there was internal physical division (wall) between the units. Mr. Manoukian responded that it is a metal building but does not know what the internal walls are made of and that the square footage is approximately six thousand. Mr. Buttrick asked if there are separate electrical services for each unit and Mr. Mianoukian responded that he, as the landlord, pays for all the power for all the storage areas.

An aerial view of the site taken in 2020 was posted and it was noted that it has the appearance of a junkyard surrounding the building and was part of the Code Enforcement action taken. Mr. Buttrick stated that the uses need to be identified and whether outside storage would be included and specified for each unit. Mr. Mianoukian responded that the outside surrounding the building has been cleared/cleaned up since the picture was taken, that he does have a Site Plan ready for Planning Board review with no outside storage proposed as it is only a warehouse and there is no reason to have anything for outside storage.

Mr. Buttrick expressed concern for the possibility that an Accessory Use could involve use of the outside area of the building and Mr. Sakati asked it a possible Accessory Use would be to the building or to specific units within the building. Mr. Mianoukian referenced the plan, noted that there are six (6) parking spaces, three (3) for two units, and a loading dock for the third unit, and he expects them to be honored and can/will impose fines onto a tenant for any violation. Mr. Mianoukian stated that there is really no reason for anyone to park there because the first unit is to a person who runs a business off Route 3-A and uses the unit for carpet storage, the second unit, identified as Equipment Storage, is to a man who stores his cars there and the third unit is maintenance for Regis to store such items as his lawnmowers. Mr. Daddario asked and received confirmation from Mr. Manoukian that the tenants have no rights

to use an outdoor space except for the Carpet Storage which has a forklift parked outside.

Mr. Buttrick noted that the plan identifies the middle unit as Equipment Storage but if it is being used for storing vehicles, the plan should be properly labeled as Vehicle or Automotive Storage, both to be an accurate reflection and for any future Code Enforcement.

Ms. Roy questioned the building and Mr. Mianoukian responded that it is a metal building on a footing (concrete slab), that it has electricity and possibly heat

Public testimony opened at 8:18 PM. No one addressed the Board.

Mr. Pacocha made the motion to continue the hearing 4/14/2022 and to schedule a Site Walk for Saturday, 4/9/2022 at 9:00 AM. Mr. Sakati seconded the motion. Roll Call vote was 5:0. Case 147-016(b) continued to Thursday 4/14/2022 with Site Walk scheduled for Saturday 4/9/2022 at 9:00 AM.

d. A Variance for a <u>Large Garage Building</u> addressed as **189 Webster Street**-for a proposed use to warehouse material and equipment, with accessory use of garage or parking of two or more light commercial vehicles and heavy commercial vehicles and equipment where these uses are not permitted as Principal nor Accessory Uses in the R-2 Zone. [HZO Article V, Permitted Uses; §334-21, Table of Permitted Principal Uses, Industrial (E-8) and §334-22, Table of Permitted Accessory Uses.]

Atty. Prunier stated that this is an existing building, built in 1975 when the farm was operating and was legally used as a warehouse for agricultural storage, but since then the farm ceased to exist and the current use of the building needs a variance because warehousing is not allowed in the R-2 Zone. Atty. Prunier noted that the responses to the Variance criteria are the same as that for the Greenhouse (a.) and the Small Garage Building (c.)

Mr. Sakati referenced the plan, noted the four (4) different units within the 8800 SF building, and asked if the painted parking lines exist today and Atty. Prunier responded that there are no parking lines painted today but displayed on the plan to show where parking would/should be restricted to in order to future Code enforcement inspections.

Mr. Sakati asked for specifics as to what is included for storage in each unit. Mr. Manoukian responded with the following information:

(1) the bay marked 'Pool Service/Installation" is a renter since 1980 who stores all his dry good materials needed to install and repair pools – see Gunite Finish letter by Lee Makara – and he has a few employees and when they come to the site to load material into their trucks, they leave their personal vehicles on site during the work day

(2) the bay marked "Car Storage" is rented by an electrician who also details cars on the side inside his unit

(3) the bay marked "Storage" is another individual who also details cars inside his unit

(4) the bay marked "Truck Storage" also does detailing plus window works for cars but there is currently no truck storage today

Mr. Buttrick stated that there is no identification category for vehicle detailing in the Zoning Ordinance Table of Uses, that it could/would fall under D.10, Motor vehicle light service; motor vehicle general and body repair, and cautioned that under the D.10 category could also include oil changes, tune ups etc. and expressed concern, being in the R-2 Zone, with cars revving their engines etc. Mr. Daddario asked if the category of D.13, Car wash, would be more pertinent. Several comments by Board members that D.13 would provide a less slippery slope.

Mr. Pacocha asked and received confirmation that two units operate a business within the units as well as space for storage.

Mr. Sakati questioned whether buffers should be considered to conceal the commercial aspects from the residential neighbors across the street. Mr. Buttrick stated that the Planning Board usually addresses landscaping during Site Plan Review but there is no reason that a condition specifying a buffer requirement could not be attached to the variance. Mr. Manoukian concurred that a buffer is a good idea and added that he developed the residential houses across the street and none have complained to him regarding the commercial activities on this site.

Mr. Thompson inquired about the traffic pattern, whether vehicles can enter from both sides of the building and Mr. Manoukian responded that doors are only on one side of the building, the side where the parking spaces are indicated and added that the cars to be detailed are picked up so the customer does not come to the site and that the building has three (3) man-doors and one overhead door. An aerial view of the site showed a circular path around the building. Mr. Manoukian stated that the overhead door for the unit labeled "Truck Storage" faces Webster Street and is accessed from Webster Street.

Atty. Lefebvre suggested that, between now and the April meeting, the applicant provide a list that identifies who the tenants are specifically for each unit and identify what the Land Use is that they are doing in each unit and a more thorough description of the activities that are undertaken in each unit as well as whether they have employees, customers to the site, etc. Atty. Prunier stated that they would provide such a list and asked that before the list is submitted and distributed to the Board, that he would want to review the Land Use categories associated to specific line items in the Table of Uses with Mr. Buttrick. Mr. Buttrick agreed.

Ms. Roy sought clarification on whether the units marked storage that operate a detailing business within actually do have storage. Atty. Prunier stated that it is both, that the challenge is to correlate the uses to a specific line item in the Table of Uses. Mr. Manoukian stated that Gary, an electrician and a Hudson resident who has been renting that space labeled Car Storage for fifteen (15) years to store his collectible cars and where he details his cars, and one day he asked if he could detail other people's cars and I said sure and had no idea that would violate anything or that he would be before the Board and added that he does not detail everyday, that it is not a detailing business, that Gary also stores his snowmobile there too and why it was classified as storage.

Discussion ensued on what is considered warehouse, storage or detailing business and the importance of specifying and assigning all activities within the storage units to the proper line item(s) on/from the Table of Uses.

Mr. Buttrick asked the Board to consider an 'after the fact' inspections of the structure as there is no history of any Permits – no Building Permit, no Electrical Permit, no Plumbing permit – and life safety issues should also be addressed/inspected to insure everything is up to code. Ms. Roy stated that the same scrutiny is needed for the other structures on site.

Public testimony opened at 8:48 PM. No one addressed the Board.

Motion made by Mr. Pacocha and seconded by Mr. Martin to continue the hearing to the 4/14/2022 meeting and to schedule the Site Walk for Saturday, 4/9/2022 at 9:00 AM. Roll call vote was unanimous at 5:0.

Atty. Prunier stated that the next two (2) applications are dependent on the granting of the variances discussed and asked that they be deferred to the April meeting. Mr. Daddario and Atty. Lefebvre agreed that it does make sense to defer the next two (2) applications to the 4/14/2022 meeting

e. A Variance for the parcel known as **185 Webster Street** (Map-147 Lot-016 Sublot-000)— to allow mixed uses on a lot in a Residential-Two (R-2) district where mixed uses are only allowed in Business and Industrial Districts. [HZO Article III, General Regulations; §334-10.A, Mixed or dual use on a lot.]

Motion made by Mr. Martin and seconded by Mr. Sakati to defer hearing on this application (Case 147-016e for a Variance to allow Mixed Uses) to the date specific meeting scheduled for 4/14/2022 meeting. Roll Call vote was 5:0

f. A Special Exception for the parcel known as **185 Webster Street** (Map-147 Lot-016 Sublot-000)— to allow residential use on a single lot with mixed uses which is only allowed by Special Exception in accordance with the general requirements listed in Article VI, § 334-23. Additionally, the mixed or dual uses shall be compatible. [HZO Article III, General Regulations; §334-10.D, Mixed or dual use on a lot.]

Motion made by Mr. Martin and seconded by Mr. Thompson to defer hearing on this application (Case 147-016f) for a Special Exception to allow a residential use on a mixed-use lot) to the date specific meeting scheduled for 4/14/2022 meeting. Roll Call vote was 5:0

Recap: the Site Walk scheduled for Saturday 4/9/2020 at 9:00 AM is public and the deferred hearings are to a date specific meeting scheduled for Thursday, 4/14/2022 at 7:00 PM

Motion made by Mr. Martin, seconded by Mr. Pacocha and unanimously voted to adjourn the meeting. The 1/20/2022 ZBA meeting adjourned at 8:55 PM

443 Respectfully submitted,

444 Louise Knee, Recorder





### TOWN OF HUDSON



### Zoning Board of Adjustment

Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

12 School Street

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

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MEETING MINUTES - January 27, 2022 - as edited

The Hudson Zoning Board of Adjustment met on Thursday, January 27, 2022 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.

I. CONSULTATION WITH TOWN COUNSEL (non-public) per RSA 91-A:2 I (b) START 6:30 PM

Cancelled.

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#### 17 II. CALL TO ORDER

#### 18III. PLEDGE OF ALLEGIANCE

Chairman Gary Daddario called the meeting to order at 7:03 PM, invited everyone to stand for the Pledge of Allegiance, welcomed Gary Dearborn back to the Board, read the Preamble into the record (Exhibit A in the Bylaws) and assigned Normand Martin to Clerk.

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Clerk Normand Martin took attendance. Members present were Gary Daddario (Regular/Chair), Gary Dearborn (Regular), Brian Etienne (Regular), Normand Martin (Alternate/Clerk), Marcus Nicolas (Regular), Jim Pacocha (Regular/Vice Chair), Dean Sakati (Alternate) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Mr. Daddario noted that all five (5) Regular Members were in attendance and would be voting.

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### 34 IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD: 7:00 35 36

#### CONTINUED/DEFERRED HEARING:

1. Case 166-031 (01-27-22) (deferred from 10-28-21): Daniel M. Flores, PE of SFC Engineering Partnership, Inc., 183 Rockingham Rd, Unit 3 East, Windham NH 03087 8 Lindsay St., Hudson, NH for relief from HZO Article requests a Variance for VII, Dimensional Requirements; § 334-27.1 D, General Requirements: to allow the creation of a new lot that has insufficient required frontage on a class V or better portion off Grigas St. [Map 166, Lot 031-000, Zoned Town Residence (TR).]

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Mr. Buttrick read the Case into the record and stated that he received a request from the Applicant on 1/24/2022 to continue the Case to the February 24, 2022 meeting on account of illness. Motion made by Mr. Dearborn and seconded by Mr. Pacocha to defer/continue the hearing to the 2/24/2022 meeting as requested by the Applicant. Roll call vote was 5:0. Mr. Daddario addressed the public and explained that if any one was present for the Case it would not be heard tonight but on 2/24/2022 and apologized for any inconvenience.

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#### **NEW HEARINGS:**

2. Case 147-024 (01-27-22): James Silverthorn, 28 Mansfield Drive, Hudson, NH requests an Equitable Waiver of Dimensional Requirement due to a foundation setback encroachment discovered upon review of a Certified Foundation Plan dated December 28, 2021 by John W. Yule, LLS which shows the foundation encroaching 1.1 feet into the required side yard setback of 15 feet leaving 13.9 feet. [Map 147, Lot 024-000; Split Zoned Residential-Two (R-2) and Residential-One (R-1); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Mr. Buttrick read the Case into the record and referenced his Staff Report signed 1/14/2022 noting that the setback encroachment was discovered when the certified foundation plan was submitted for the garage.

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James Silverthorn introduced himself and stated that he's trying to build a 30' x 50' garage, had an engineer come to the site and set the stakes, had a separate contractor to come out and dig the hole and a third contractor come out and pour the footings and they missed something and encroached the side yard setback by a foot. Mr. Silverthorn stated that he hired professionals and did not supervise them because he works everyday and when the encroachment was noticed, both of them claimed is was not their fault.

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> Mr. Silverthorn stated that he is pursuing Option 1 for an Equitable Waiver and addressed the criteria. The information shared included:

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#### (a) discovered too late

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discovered when engineers came back to locate the garage and concrete was already backfilled

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#### (b) innocent mistake

82 83 hired a landscaper to dig the hole and a concrete compaeny to pour the footings

84 85 both are claiming the mishap is not their fault

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had an engineer stake out the location and somehow they didn't get it right

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(c) no nuisance

88 89 there is a heavy wooded area surrounding the entire structure it is just one corner of the concrete that breaches the sideyard setback by 11.1'

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(d) high correction cost

92 93  neither party wants to take responsibility looking at a \$10,000 - \$15,000 cost to move

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Mr. Dearborn stated that this type of innocent mistake has come before the Board. Mr. Thompson stated that given the size of this lot is seems like an innocent mistake and asked the number of bays intended for the garage. Mr. Silverthorn stated that he was trying to utilize the existing driveway otherwise he could have placed the garage on the other side and that the plans call for a 4-bay garage lined up to the driveway.

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Public testimony opened at 7:17 PM. No one addressed the Board.

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Mr. Sakati asked how close are the neighboring properties and Mr. Silverthorn responded that there is a great distance, that most of the houses in the neighborhood are much closer to the cul de sac and his house and garage much further back on his odd shaped lot and surrounded by trees and not visible from the road or his neighbors. An aerial view was posted and it was evident how sheltered the house and garage are by the trees. Mr. Martin stated that he has experience with this particular engineer, both from his past experience on the Board and personally and agrees that it is an innocent mistake by the Property Owner. Mr. Silverthorn stated that he utilized this engineer to save money because he did the development and would not need to survey his entire lot.

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Public testimony opened again at 7:19 PM. No one addressed the Board.

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116 Mr. Etienne stated that he agreed with and also recalls the Case Mr. Dearborn, that this encroachment poses no impact to the neighbors or the road and is in a very rural 118 setting nature.

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120 Motion made by Mr. Etienne and seconded by Mr. Dearborn to approve/grant the 121 Equitable Waiver. Mr. Etienne stated that an innocent mistake occurred.

122 Dearborn agreed and noted that there were no abutters present and no opposition received. Roll call vote was 5:0. Equitable Waiver granted. Mr. Daddario noted the 30-day appeal period. Mr. Dearborn questioned whether the appeal period applied to Equitable Waivers. Because it is a decision of the Board, the decision is appealable. Mr. Buttrick noted that this decision is linked to a Building Permit and the Applicant could proceed with construction during the Appeal period but it would be at his own risk.

3. Case 215-009 (01-27-22): Earl Blatchford, P.E., Haynor/Swanson, Inc., 3 Congress St., Nashua, NH requests a Variance at 2 Wentworth Dr., Hudson, NH to permit construction and use of a 12' diameter, 48' high storage silo constructed on a 13.5' x 13.5' concrete pad which encroaches 3 feet into the side yard setback leaving 12 feet where 15 feet is required. [Map 215, Lot 009-000; Zoned Industrial (I); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Mr. Buttrick read the Case into the record and referenced his Staff Report signed 1/14/2022. Atty. Thomas J. Leonard from Welts, White & Fontaine, PC in Nashua, NH introduced himself as representing the Integra Biosciences Corporation, the Property Owner, and Earl Blatchford, PE, of Hayner/Swanson, Inc. in Nashua, NH, who was technically the Applicant acting as the Agent for Integra.

Atty. Leonard identified the location of the site in the Industrial Zone presently used for manufacturing and warehouse and noted that Integra makes medical equipment. The manufacturing facility is a single story building of approximately 42,305 SF (square feet) and the existing building was constructed in two (2) Phases. The southerly section was the original building and the northerly section was constructed as an addition. At the time of the addition, a jog was designed to accommodate the existing silo and ensure compliance with the side yard setback. The plant is running at full capacity and is facing supply restrictions that interfere with the manufacturing process. A second silo has become needed and is essential to the operation of the plant and must be placed adjacent to the first silo. The second silo is 48' high, same height as existing silo, and 12' in diameter and placed on a 13.5' x 13.5' concrete pad. Atty. Leonard stated that the silo cannot be constructed anywhere else on the site in an efficient manner.

Atty. Leonard stated the encroachment into the side yard setback is less than 3' for the silo and noted that the abutting property at 6 Wentworth Drive has a 20' sewer easement along their shared property line, then their parking area then their building. So so that there is a great distance between the two (2) buildings, as is shown on the aerial submitted with the application.

Atty. Leonard went through the criteria necessary for the granting of a Variance and the information shared included:

- (1) not contrary to public interest
  - The variance is for a small side yard encroachment on this fully developed lot
  - The variance will not be contrary to the public interest
  - Site is a manufacturing facility actively and successfully used in a successful medical supply business
  - Under the current economic climate, supplies in the manufacturing process have been interrupted with the uncertain timing of deliveries is causing a serious problem to the plan and presenting a need for a second silo
  - Client's product is in extreme high demand due to the pandemic
  - The pad and silo are a small part of the facility but are essential
  - There will be no violation of the essential character of the neighborhood considering it is in a fully developed Industrial Zone
- (2) will observe the spirit of the Ordinance
  - The proposed use is consistent with the Spirit of the Ordinance
  - Side yard setbacks are to enable access around the building for safety and emergency access, provide access to sunlight and ventilation and avoid an overcrowded appearance
  - The building on the abutting property is a significant distance away with the sewer easement and parking lot

- Mere conflict in the terms of the Ordinance is insufficient
- The area is a developed area of similar uses and the request is minor
  - The variance is essential for an efficient manufacturing facility already existing
  - Granting the Variance will promote the Spirit of the Ordinance to promote the health, safety and welfare of the community

#### (3) substantial justice done

- The existing manufacturing facility was constructed over time and when the addition was constructed, the Applicant provided an indent for the silo which was sufficient and there were no concerns about supply uncertainties
- Times have changed supplies are uncertain and restricted and continue to interfere with the production process
- The small variance is essential to the efficiency and viability of the existing 42,305 SF manufacturing facility
- There will be no adverse affect or effect on the health, safety or welfare of the community and will not impact private rights of any other property owners
- Denying the variance will have a substantial adverse impact on the Property
   Owner as supplies are uncertain and it will interfere with efficient use of
   the existing manufacturing facility and no benefit to the Town

#### (4) not diminish surrounding property values

- An efficient up-to-date manufacturing facility that is able to compete effectively and to operate efficiently in times where supplies are uncertain is a benefit and will not diminish surrounding property values
- An active vibrant industrial building is an important component of the neighborhood and will help maintain values of surrounding properties

#### (5) hardship

- The 42,305 SF manufacturing building is located on the eastern side of the lot, as is the silo and when the addition was constructed, a jog was created for the silo
- There is no opportunity to create another jog and it is a business requirement that the silos be placed close to one another for the manufacturing process
- The special conditions are the existing building, the need for an additional silo and the requirement that the new silo be constructed adjacent to the existing silo
- There is a good distance between this building and the abutting building at 6 Wentworth Drive with its parking lot and sewer easement that the encroachment of 3' would not be noticed
- Checked with the Fire Department and they expressed no concerns

Mr. Daddario asked for clarification regarding the 12' diameter silo on the 13.5' square concrete pad and specifically whether 1.5' of the 3' encroachment is just the pad and the silo only goes into the setback for 1.5'. Earl Blatchford, PE, stated that the concrete pad is flush to the ground and its encroachment into the side yard setback does not require a variance and the variance being sought is the silo's encroachment. Mr. Blatchford stated that the content of the silo are polypropylene pellets, the main feed stock used in their extrusion process.

Mr. Dearborn asked and received confirmation from Atty. Leonard that both silos will be 48' high and contain solid product, not liquid. Mr. Dearborn asked if there is any spillage or dust when the silo is loaded and asked how the material is delivered to the silo and how many deliveries does it take to fill a silo and would that traffic be doubled with the second silo. Mr. Blatchford stated that he believes it is by truck as there are tire marks along the side of the building but he has not ever seen the process and does not work at Integra Biosciences. Atty. Leonard stated that the traffic associated with the silo is diminish to the other traffic to the site.

Mr. Dearborn asked how many days of production are contained in a silo and whether the two (2) silos would be connected in any fashion. Atty. Leonard stated that he did not know if the silos would be connected or just be using the same delivery system within the building and did not know the consumption rate of the material. Mr.

Thompson stated that in his experience he would expect the selection of silo intake to be controlled inside the building and added that he noticed a ladder on the outside of the existing silo and assumes that the same would be on the proposed second silo and asked if the Fire Department reviewed the proposal. Mr. Blatchford responded that the Fire Department did review their specs and MSDA Sheets and expressed no concerns.

Ms. Roy asked if the surfaced is paved along side the building that a truck would use to reach the silo. Atty. Leonard stated that it is not paved and that the current silo has been in place approximately a year and a half. Ms. Roy asked if the trucks traverse in the sewer easement and Atty. Leonard stated that the trucks travel parallel to the building and not over/on the sewer easement as the easement is on the abutting property at 6 Wentworth Drive.

Mr. Etienne expressed concern with access to the silo considering the size of a delivery truck and the probability that it would traverse on the side yard setback and even possibly over the sewer easement for who knows how many trips a week. Mr. Etienne stated that he has heard that there is a need that the silos be close to one another and asked why the second silo could not be located elsewhere on the site or even placed rooftop that would not require a variance and be connected inside the building with the addition of pipes to bring the product to where it needs to be inside the building. Atty. Leonard stated that it would be a substantial expense to place the second silo in any other location and would involve a substantial change in the process. With regard to the sewer easement, Atty. Leonard stated that it is on the abutting property and has been mentioned because it affords an added open area, an additional setback and delivery trucks would not travel over it because that would be trespassing.

Discussion continued. An aerial view was posted. There is 13.5' from the building to the 15' setback line. That distance could provide enough space for a truck to approach the second silo but, without knowing the delivery method, if the delivery truck hase to move to the original silo it might need to scrape the second silo or encroach to reach the current silo because the second silo encroaches the setback 3' and there is not enough space to turn delivery truck around so it would have to back up. Delivery method and number/frequency questioned as well as alternatives to a 12' silo and lack of alternate locations and lack of structural analysis for the silo and reduced access around the building.

Public testimony opened at 8:02 PM. No one was present to address the Board.

Mr. Daddario asked Atty. Leonard of if he would request a referral in order to provide answers to the Board's questions regarding delivery – type, method and frequency – access and encroachment. Atty. Leonard stated that there is no need to delay, silo traffic is diminish to the overall site traffic, there will be no change in current delivery method and is on record confirming that there will be no encroachment on the sewer easement or trespass onto adjacent property.

MMs. F. Roy expressed concern with wear and tear on the unpaved delivery path to the silo. Mr. Martin asked if this change would also require Planning Board review and if so then it can be addressed there. Mr. Buttrick stated that he believes it will need a Modification to Site Plan Review and noted that the property line is also the sewer easement line. Mr. Dearborn stated that it is unfortunate that a representative from the company was not present to answer the questions and Atty. Leonard agreed and apologized for not having anticipated the Board's questions and noted that someone from Integra Biosciences would be present when they appear before the Planning Board.

Mr. Dearborn made the motion to approve the Variance with the stipulation that there shall be no encroachment onto the sewer easement. Mr. Pacocha seconded the motion. Mr. Dearborn stated that despite the fact that there is no company representative present to answer the Board's questions, the variance criteria have been satisfied. Mr. Pacocha concurred. Roll call vote was 4:1, Mr. Etienne opposed.

Mr. Daddario stated that it is an existing facility, that there is an existing use and that the variance criteria are satisfied given consideration that the abutting property building is separated by the sewage easement and their parking and Atty. Leonard's assurances that there would be no trespassing. Mr. Dearborn added that considering the doubling of delivery alongside the building, he hoped the Planning Board would look at that delivery access way and request something more permanent than grass.

Mr. Etienne stated that he is disappointed with the presentation received, that there was no company representative present to answer Board questions of the delivery system/method, that there was no analysis presented regarding other potential silo locations, no price or cost associated with any option, just a "substantial cost" with no evidence presented, that there appears to be a management problem with their delivery systems that is more than the 'pandemic' and questions how any assurance can be taken seriously when delivery is by third party drivers who have no idea where the property line is let alone a sewage easement.

Mr. Daddario stated that the Variance has been granted with one stipulation by a vote of 4:1, that the next step for the Applicant would be to go before the Planning Board and noted the 30-day appeal period.

# $\frac{331}{332}$ V. REQUEST FOR REHEARING:

Case 168-020 (12-09-21): Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH requested a Variance to build a 9 ft. x 20 ft. covered porch on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

Mr. Buttrick read the request into the record, noted that it was filed within thirty (30) days and clarified that this is a request to grant a rehearing, not the rehearing.

Mr. Martin asked if there would be a change in the Voting Members. Mr. Daddario stated that would not be necessary in the decision process whether to grant a Rehearing and added that he would allow the Applicant to speak and noted to the Applicant that there are two requirements that need to be satisfied in order to grant a Rehearing – whether there is new evidence presented or an error was made. Mr. Dearborn recused himself as he was not present for the Variance hearing and stated, that in his opinion, the Voting Members for the Rehearing should have the same Members as with the Variance. Minutes were checked. Mr. Martin appointed to vote.

Mr. O'Sullivan introduced himself and stated that his request for a front porch was denied for the following wrong reasons: due to concerns about safety, a "slippery slope", possible future addition of sidewalks and/or widening of Washington Drive and that the hardship requirement was not satisfied and that additional information is now available that was not at the hearing.

Mr. O'Sullivan stated that the proposed porch is a single story structure and is intended to provide safer access to the front of his home and front door. Constructing a porch elsewhere would not accommodate that need. The porch would be "open air" and although it would encroach an additional nine feet (9') into the setback, it would not be imposing from the street and referred to Exhibit 1 that shows the front of his house and the concept drawing of the intended porch. Mr. O'Sullivan stated that the porch would improve safety to everyone accessing his home by providing a covered walkway to his front door. With regard to the concerns regarding traffic and threat posed by the encroachment, Mr. O'Sullivan noted the retaining wall by the driveway and the existing tree in the front yard would protect the porch and added that there is no through traffic in the neighborhood. Mr. O'Sullivan stated that his house is the only one in the neighborhood that encroaches the front setback and that encroachment was approved by Variance to allow a 25' setback instead of 30' and that makes it unique with regard to the hardship criteria and invalidates the "slippery slope" the Board based its denial upon.

Mr. O'Sullivan stated that he contacted both the Town Engineer and Director of Public Works and both told him there are no plans to widen or place sidewalks on Washington Drive yet both were reasons given for the denial. Exhibit 3 lists several Cases recently approved by the Board for front setback encroachments.

Mr. Martin referenced RSA 677:2 noting that if there is a good reason for the granting of a rehearing, that reason should be part of the motion granting a Rehearing and if you check the Minutes of the meeting, the potential future widening of the street was not given as a reason for the denial but as a comment from one Member that it could happen, and per the RSA, only new evidence is to be considered or recognition that an error was made. Mr. Etienne agreed and referenced point #4 on the Applicant's request and asked if that could/would qualify as new evidence. Mr. Martin noted that each Case before the Board is individually evaluated/reviewed and added that safety is a legitimate concern, for the Applicant and for people driving on the road. Mr. Daddario concurred regarding the individuality of each Case and noted that the O'Sullivan house encroachment itself is greater than one Case on the Applicant's Exhibit #3 which granted a front porch. Ms. Roy asked what is considered "new evidence" because it is important to be consistent. Mr. Daddario agreed and stated that in his opinion there was no error made in the law, but maybe there is new evidence.

Public testimony opened at 8:26 PM. No one was present.

Mr. Buttrick read the segment from the 12/09/2021 Minutes of the Board's deliberation and motion regarding Case #168-020 into the record, pages 6-7

Mr. Daddario referenced the Worksheet and asked Mr. Buttrick whether the correlation between the two (2) factors is an "and" or an "or" - whether both factors had to be met or just one factor met. Mr. Buttrick read RSA 677:2 and 677:3 into the record. The lack of specificity was noted. ZBA Bylaws were referenced – 143.11 Reconsideration by the Board and 143.12 Motions for Rehearing – and both pertained to the timeline.

Mr. Etienne stated that regardless of the ambiguity in the worksheet, he would be willing to vote for a Rehearing with the understanding that the Board could reach the same conclusion – to deny the Variance. Mr. Martin noted that there is no property hardship with this request. Mr. Daddario agreed that a Rehearing is a fair approach and re-emphasized that a Rehearing could yield the same result. Mr. Buttrick agreed to confer with Town Counsel for clarity on the criteria. Both Mr. Pacocha and Ms. Roy agreed that the clarification should be incorporated into the Bylaws.

Motion made by Mr. Etienne and seconded by Mr. Pacocha to grant a Rehearing based on new evidence. Roll call vote was 4:1, Mr. Martin opposed. Rehearing granted. Mr. Buttrick advised Mr. O'Sullivan that fees and an Abutters' List would be needed by the second Tuesday of February, 2/7/2022.

Board took a five-minute break at 9:01 PM. Mr. Daddario called the meeting back to order at 9:06 PM and noted all Members returned to the table.

### 425 VI. REVIEW OF MINUTES:

12/09/21 edited Minutes: Motion made by Mr. Etienne and seconded by Mr. Nicolas to approve the 12/9/2021 Minutes as edited. Vote was 4:0:1, Mr. Dearborn abstained.

# **NII. OTHER:** 432

 1. 2022 Election of ZBA Officers

<u>Chairman</u>: Motion made Mr. Etienne and seconded by Mr. Pacocha to nominate Gary Daddario to continue as Chairman. Mr. Etienne made the motion to close nominations, seconded by Mr. Dearborn and unanimously voted to close nominations. Vote was unanimous. **Gary Daddario** to continue as Chairman for 2022.

<u>Vice Chair:</u> Motion made Mr. Etienne and seconded by Mr. Dearborn to nominate Jim Pacocha to continue as Vice Chair. Mr. Etienne made the motion to close nominations, seconded by Mr. Dearborn and unanimously voted to close nominations. Vote was unanimous. **Jim Pacocha** to continue as Vice Chairman for 2022.

<u>Clerk</u>: Mr. Etienne stated it is challenging and cumbersome for a Regular Voting Member to also Clerk during a meeting and, even though a change in the Bylaws is underway to specify that the Clerk be an Alternate, he would like not to be renominated and added that he is running for Board of Selectmen and if elected would have to resign from ZBA. Mr. Daddario stated that changes to the Clerk position are being drafted for the Board's Bylaws and Mr. Buttrick confirmed and noted that until adopted, the current Bylaws require the Clerk position to be elected every year.

Motion made Mr. Dearborn and seconded by Mr. Nicolas to nominate Alternate Normand Martin as Clerk. Mr. Dearborn made the motion to close nominations, seconded by Mr. Nicolas and unanimously voted to close nominations. Vote was unanimous. **Normand Martin** to be ZBA Clerk for 2022.

2. <u>Discussion of proposed ZBA Bylaws amendments</u>: alternate status, recusals and Clerk position/duties

 Mr. Buttrick stated that the list of revised sections include: 143.3 added gender clarification; 143.4(3) Clerk appointment and added Appendix "B" Clerk Duties; 143.7(3)b on Alternate status for continued/deferred Cases; 143.7(4) by adding Recusals; 143.7(4)g striking "then" and adding "currently"; and 143.7(4) added subsection "h" Direct/Indirect Abutter as disqualification;

Board reviewed the draft changes made in track-change and engaged in discussions. Recap of proposed changes and discussion points included:

- 143.3 consensus reached not to include the change but to make consistent the choice of wording to "Member" and "General Public or Individual"
- 143.5(2) Vice Chairman should have capital "V"

• 143.5(3) – discussion arose on whether the Clerk reads the Cases into the record. Mr. Buttrick expressed his preference to do the reading as it leads into his Staff Report findings of facts. Board agreed.

• 143.5B(3) Clerk position – in-depth discussion, Appendix B reviewed

• 143.6(2) – typo – should be "5", not (%)

- 143.7(4) discussion arose on Direct Abutter versus Indirect Abutter
- 143.9 Decision Process must keep 30 days for appeal per RSA

• 143.11 & 143.12 – Reconsideration & Rehearing – discussed in depth – RSAs consulted, consensus to eliminate 143.11 Reconsideration and add subsection to 143.12 striving for clarity and possibly including criteria

• Exhibit/*Attachment* A versus *Appendix* B versus *Appendix* C – should be same name and Appendix C not attached to draft document for review

Additional review items included the two-year expiration of Cases if not begun and deferment.

 Motion made by Mr. Pacocha, seconded by Mr. Etienne and unanimously voted to adjourn the meeting. The 1/27/2022 ZBA meeting adjourned at 10:22 PM.

Respectfully submitted, Louise Knee, Recorder