

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 – October 27, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **October 27, 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. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ATTENDANCE**
- IV. **PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:**
 1. **Case 181-001-001 (10-27-22):** George Hurd, Member of Tumpney Hurd Clegg, LLC, **25 Webster St., Hudson, NH** requests a Variance to allow for the subdivision of four (4) lots, with frontage along a proposed private street, instead of frontage along a public (Class V or better) street. [Map 181, Lot 001-001; Zoned Town Residence (TR); HZO Article II, Terminology; §334-6, Definitions – Frontage, and HZO Article VII, Dimensional Requirements; §334-27.1 D General Requirements]
- V. **REQUEST FOR REHEARING:** None
- VI. **REVIEW OF MINUTES:**
 - 08/25/22 edited Draft Minutes
 - 09/22/22 edited Draft Minutes
- VII. **OTHER:**
 - Town Engineer Comment RE– ZBA 9/22/22 Decision Stipulation
 - Recap/discussion- ZBA Workshop- *ZBA Decision Making Process*

Bruce Buttrick
Zoning Administrator

Legal Notice

NOTICE OF FORECLOSURE SALE

NOTICE is hereby given that for breach of the conditions set forth in certain Mortgage Deeds, hereinafter sometimes referred to as the "Mortgage Deeds" or the "Mortgages" of **EDWARD PHILIPS BIGGS and TERRI LYNN BIGGS, f/k/a TERRI LYNN ARCHAMBEAULT**, now or formerly of 36 Glenridge Road, Belmont, New Hampshire, 03220, to **LAKES REGION HABITAT FOR HUMANITY, INC.**, a New Hampshire nonprofit corporation now or formerly of 66 Route 25, Suite #3, Meredith, New Hampshire, 03253, with the first mortgage being in the original principal amount of \$65,062.08 dated May 5, 2011 and recorded in the Belknap County Registry of Deeds at Book 3090, Page 998, and a second mortgage from **EDWARD PHILIPS BIGGS and TERRI LYNN ARCHAMBEAULT to LAKES REGION HABITAT FOR HUMANITY, INC.**, being in the original principal amount of \$113,000.00 date May 5, 2011 and recorded in the Belknap County Registry of Deeds at Book 3090, Page 998, and a second mortgage from **EDWARD PHILIPS BIGGS and TERRI LYNN ARCHAMBEAULT to LAKES REGION HABITAT FOR HUMANITY, INC.**, being in the original principal amount of \$113,000.00 date May 5, 2011 and recorded in the Belknap County Registry of Deeds at Book 3090, Page 999, in exercise of the **POWER OF SALE** contained in said Mortgages, **PEMI-VALLEY HABITAT FOR HUMANITY, INC.**, the present holder of said Mortgages, for the purpose of foreclosing the same, will sell at public auction on December 16, 2022 at 1:00 p.m. at the mortgaged premises located at 36 Glenridge Road, Belmont, New Hampshire, 03220, the premises described in said Mortgages, the same being more particularly described as follows:

"A certain piece or parcel of land, together with any buildings and improvements thereon, located on the northeasterly sideline of Glenridge Road in Belmont, County of Belknap and State of New Hampshire, identified as Lot #10 on Plan entitled "Glenridge Estates, Dearborn Street, Belmont, N.H., Belknap County; Scale: 1" = 50", dated July, 1990, last revised November 27, 1990 prepared by Wheeler Surveying and Mapping, P.C." and recorded in the Belknap County Registry of Deeds Plan File L13-75, being more particularly bounded and described as follows:

Beginning at a rebar set in the ground at the easterly sideline of Glenridge Road at the northwesterly corner of the within described tract; thence turning North 69° 04' 22" East, a distance of 219.23 feet to a drill hole found at the end of a stone wall; thence turning sharply to the right and running South 52° 14' 19" West, a distance of 82.30 feet to a drill hole found at the end of a stonewall; thence turning to the left and running South 38° 41' 26" East partially along a stone wall, a distance of 49.72 feet to a rebar set in the ground; thence turning to the right and running North 54° 47' 35" East, a distance of 138.23 feet to a rebar set in the ground on the northeasterly sideline of Glenridge Road; thence turning to the right and running North 51° 40' 43" West, a distance of 56.54 feet to a granite bound set; thence turning and running along the inside of a curve to the right having a radius of 25 feet, a distance of 25.41 feet to a granite bound set; thence running along the outside of a curve to the left having a radius of 70 feet, a distance of 33.59 feet to a rebar in the ground being the bound begun at.

Subject to an easement for discharge of surface water along a man made ditch as shown on the above referenced plan.

Subject to a certain Declaration of Restrictive Covenants for Glenridge Estates dated April 23, 1991 and recorded in the Belknap County Registry of Deeds Book 1168, Page 380 and also to Amendment to said Declaration dated August 14, 1991 and recorded in Belknap County Registry of Deeds Book 1181, Page 512.

TERMS OF REAL ESTATE SALE: Five Thousand Dollars (\$5,000.00) cash, certified check or bank check to be paid at the time of sale, and the balance of the purchase price to be paid in cash, certified check or bank check within thirty (30) days after the date of sale or deposit shall be forfeited. The successful bidder will be required to sign a Foreclosure Sale Purchase Agreement immediately following the auction. The description of the premises contained in said Mortgages shall control in the event of an error in this publication.

EXCLUSIONS OF WARRANTIES: Except for warranties arising by operation of law, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any other express or implied representations or warranties whatsoever, and shall be sold subject to all unpaid taxes and liens, whether or not of record; mortgages, liens, attachments and all other encumbrances and rights and interests of third persons which are entitled to precedence over the Mortgagee; and any other matters affecting title of the Mortgagor to the premises.

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (a) cancel or continue the foreclosure sale to such other date as the Mortgagee may deem desirable, (b) bid upon and pur-

chase the Mortgaged premises at the foreclosure sale, (c) reject any and all bids for the Mortgaged Premises and/or the collateral at the foreclosure sale, (d) solicit bids for the real estate and collateral as a whole and/or in separate lots and finalize the sale accepting the bid or bids which provide(s) the highest sale price, and (e) amend or change the any of the terms of sale as set forth herein by announcement, either written or oral, made before or during the foreclosure sale and such change(s) or amendment(s) shall be binding on all bidders.

The address of the mortgagee for service of process is 583 Tenney Mountain Highway, Plymouth, New Hampshire, 03264 or service may be made on the lender's agent, Conklin & Reynolds, P.A., One Bridge Street, Suite 106, Plymouth, New Hampshire, 03264.

The New Hampshire Banking Department is located at 53 Regional Drive, Suite 200, Concord, NH 03301 and the email address is nhbd@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.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

The original mortgage instrument may be examined by any interested person at the law office of Conklin & Reynolds, P.A., One Bridge Street, Suite 106, Plymouth, New Hampshire, 03264.

Dated at Plymouth, New Hampshire this 17th day of October, 2022.

PEMI-VALLEY HABITAT FOR HUMANITY, INC. /s/ Deborah R. Reynolds
By its attorney:
Deborah R. Reynolds, Esq.
Conklin & Reynolds, P.A.
One Bridge Street, Suite 106
Plymouth, New Hampshire 03264
NHBA #2138
(603) 536-8980
(UL - Oct. 19, 26; Nov. 2)

Legal Notice

There will be a meeting of the New Hampshire Health and Education Facilities Authority Board of Directors held at One Morgan Way, Durham, New Hampshire, on **Tuesday, October 25, 2022 at 9:30 a.m., EST.** The meeting will be open to the public. The agenda for this meeting is available at the Authority's office, One Capitol Street, Concord.

/s/ Bonnie S. Payette
Executive Director
(UL - Oct. 19)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **WILLIAM C. BRAILEY AND DONALD A. RHOADES**, (the "Mortgagors") to TD BANK, N.A., as lender, its successors and assigns (the "Mortgagee"), said Mortgage dated August 31, 2011 and recorded in the Cheshire County Registry of Deeds in Book 2711, Page 0434 in execution of said power, pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction on November 18, 2022 at 12:00 PM

Said sale to be held directly on the mortgaged premises hereinafter described and having a present address of **5 Watson Road, Winchester, Cheshire County, New Hampshire.** The premises are more particularly described in the mortgage.

NOTICE
PURSUANT TO NEW HAMPSHIRE RSA 479:25, II(c) YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

PURSUANT TO NEW HAMPSHIRE RSA 479:25, II(b)(1), THE ADDRESS OF THE MORTGAGEE FOR SERVICE OF PROCESS AND THE NAME OF THE MORTGAGEE'S AGENT FOR SERVICE OF PROCESS ARE AS FOLLOWS:

TD Bank, N.A.
Agent for Service of Process:
Elizabeth M. Lacombe
c/o Duane Morris LLP
100 Pearl Street, 13th Floor
Hartford, CT 06103

Pursuant to New Hampshire RSA 479:25, II(b)(2), the New Hampshire Banking Department can be contacted by mail at: New Hampshire Banking Department, 53 Regional Drive, Suite 200, Concord, NH 03301; by email at: nhbd@banking.nh.gov; by phone at (603) 271-3561 or (603) 271-8675; or by fax at (603) 271-1090 or (603) 271-0750.

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
A deposit of \$5,000.00 in the form of a certified check, bank treasurer's check or other check satisfactory to the 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 the Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to cancel or continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale.

Dated at Hartford, CT on September 29, 2022.

TD BANK, N.A.
By its Attorney,
Elizabeth M. Lacombe
DUANE MORRIS LLP
100 Pearl Street, 13th Floor
Hartford, CT 06103
(UL - Oct. 19, 26; Nov. 2)

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 **Robert Maciorowski and Deborah Maciorowski** to Mortgage Electronic Registration Systems, Inc., as mortgagee, acting solely as a nominee for Paramount Residential Mortgage Group, Inc., dated April 23, 2018 and recorded with the Hillsborough County Registry of Deeds in Book 9066, Page 1640, of which mortgage AmeriHome Mortgage Company, 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 **34 Cummings Road, Lyndeborough, Hillsborough County, New Hampshire** will be sold at a Public Auction at **12:00 PM on November 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 Premises.

For mortgagor's title, see deed recorded with the Hillsborough County Registry of Deeds in Book 9066, Page 1638

NOTICE TO THE MORTGAGOR AND ALL INTERESTED PARTIES: YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

THE AGENTS FOR SERVICE OF PROCESS ARE:

AMERIHOM MORTGAGE COMPANY, LLC, c/o CT Corporation System, 2 1/2 Beacon Street, Concord, NH 03301 (Mortgagee)
CENLAR FSB, 425 PHILLIPS BOULEVARD, EWING, NJ 08618 (Mortgagee Servicer) CEN

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 GETTING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE INFORMATION HOTLINE AT 800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMPSHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS CALL.

LIENS AND ENCUMBRANCES: 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 Mortgagee.

NO WARRANTIES: The Mortgaged Premises shall be sold 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 foreclosure sale. Such change(s) or amendment(s) shall be binding on all bidders.

Other terms to be announced at sale.

AmeriHome Mortgage Company, LLC
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
CEN 19-036004 Maciorowski

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 **Kevin D. Kilgore and Jill M. Vickers Kilgore** to Mortgage Electronic Registration Systems, Inc., as mortgagee, acting solely as a nominee for America's Wholesale Lender, dated December 10, 2004 and recorded with the Hillsborough County Registry of Deeds in Book 7380, Page 0819, of which mortgage The Bank of New York Mellon, F/K/A The Bank of New York as trustee for registered Holders of CWABS, Inc., Asset-Backed Certificates, Series 2004-13 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 **22 Clark Court, Wilton, Hillsborough County, New Hampshire** will be sold at a Public Auction at **3:00 PM on November 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 deed recorded with the Hillsborough County Registry of Deeds in Book 6511, Page 224

NOTICE TO THE MORTGAGOR AND ALL INTERESTED PARTIES: YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

THE AGENTS FOR SERVICE OF PROCESS ARE:

THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-13, 240 Greenwich Street, New York, NY 10286 (Mortgagee)

CARRINGTON MORTGAGE SERVICES, LLC, C/O C T CORPORATION SYSTEM, 2 1/2 Beacon Street, Concord, NH 03301 (Mortgagee 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 GETTING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE INFORMATION HOTLINE AT 800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMPSHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS CALL.

LIENS AND ENCUMBRANCES: 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 Mortgagee.

NO WARRANTIES: The Mortgaged Premises shall be sold 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.

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 foreclosure sale. Such change(s) or amendment(s) shall be binding on all bidders.

AmeriHome Mortgage Company, LLC
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 21-038198 Kilgore

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Rose Scadova** ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for Peoples Bank, dated May 1, 2012 and recorded in the Cheshire County Registry of Deeds in Book 2749, Page 29, (the "Mortgage"), which mortgage is held by Reverse Mortgage Funding, LLC, 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 at:
Public Auction
on
December 5, 2022
at
12:00 PM

Said sale being located on the mortgaged premises and having a present address of 78 Blackjack Crossing Road, Walpole, Cheshire County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor's(s) title see deed recorded with the Cheshire County Registry of Deeds in Book 862, Page 542.

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

The address of the mortgagee for service of process is 14 Centre Street, Concord, NH 03301 and the name of the mortgagee's agent for service of process is Lawyers Incorporating Service.

You can contact the New Hampshire Banking Department by e-mail at nhbd@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. Notwithstanding any title information contained in this notice, the Mortgagee expressly disclaims any representations as to the state of the title to the Property involved as of the date of the notice of the date of sale. The property to be sold at the sale is "AS IS WHERE IS".

TERMS OF SALE
A deposit of Five Thousand (\$5,000.00) Dollars in the form of a certified check 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 of an error in this publication.

Dated at Newton, Massachusetts, on October 10, 2022.

Reverse Mortgage Funding, LLC
By its Attorney,
Autumn Sarzana
Harmon Law Offices, P.C.
PO Box 610389
Newton Highlands, MA 02461
603-669-7963
22390
(UL - Oct. 19, 26; Nov. 2)

INVITATION TO BIDDERS FOR CAPITAL FUND PROGRAM KITCHEN & BATHROOM REPLACEMENT NASHUA HOUSING AND REDEVELOPMENT AUTHORITY

Sealed bids for Kitchen and Bathroom Replacement will be received by the Nashua Housing and Redevelopment Authority (NHRA) at its office, 40 East Pearl Street, Nashua, NH 03060-3462 until **2:00 p.m. local time Wednesday, November 30, 2022**, and then opened and read aloud. NHRA will publicly announce the results by teleconference. Bidders may dial in to the teleconference number on **Wednesday, November 30, 2022, at 2:00 p.m.** To participate in the bid opening please call the following number: **Dial 1-774-220-4000, and when prompted enter 0021970#**

The project will include kitchen and bathroom replacement at two locations: 5-26 Forge Drive and 41/43 Forge Drive (22 units) and 121/123 & 151/153 Flagstone Drive (4 units), all in Nashua, New Hampshire.

Bid Documents must be submitted in duplicate, one original and one copy, including the Form of Bid, the attachment to Form of Bid, the Bid Guarantee, the Non-Collusive Affidavit and completed form HUD-5369-A, "Representations, Certifications, and Other Statements of Bidders", Completed form HUD-2530 "Previous Participation Certification", References and Principals of the Company shall be sealed in an envelope marked with the words "Bid Documents - Kitchen and Bathroom Replacement", and the bidder's company name in order to guard against premature opening. Bids submitted electronically or facsimile (fax) machine will not be considered.

Bid Documents and the Specification Manual, which shall be part of the Contract can be obtained from Signature Digital Imaging, 880 Candia Road, #7 Manchester, NH 03109 (603) 624-4025, at a cost of reproduction and shipping.

Bids must be accompanied by a negotiable bid guarantee, which shall not be less than five percent of the bid amount. The bid guarantee may be a certified check, bank draft, U.S. Government Bond at par value, or a satisfactory bid bond secured by a surety company acceptable to the U.S. Government and authorized to do business in the State of New Hampshire. The successful bidder will be required to furnish and pay for a satisfactory separate performance bond and separate payment bond each in a penal sum of 100 percent of the contract price.

Attention is called to the provisions for equal opportunity, Section 3 requirements, and payment of not less than the minimum salaries and wages that must be paid on this project as prescribed in the specifications. No bid shall be withdrawn for the period of sixty (60) days, Saturdays, Sundays, and holidays excluded, subsequent to the opening of bids without the consent of the NHRA.

An Informational Teleconference is scheduled to occur at **10:00 a.m. Wednesday, November 9, 2022**. During the teleconference the bid process will be reviewed, and questions will be addressed. Participation is recommended but not mandatory. To participate in the Informational Teleconference, please call the following number: **Dial 1-774-220-4000, and when prompted enter 0021970#.**

NHRA will offer a tour of the sites by appointment only. To tour the sites, interested bidders shall contact our Modernization Manager at (603) 883-5661 extension 308. Failure to visit the premises will be no defense to the performance of the contract terms.

The NHRA reserves the right to conduct a pre-award survey for the purpose of determining the bidder's qualifications and capacity to perform the contract. This survey will include review of subcontracting agreements, financial capacity, and quality of work performed on other contracts. The NHRA reserves the right to reject any or all bids or to waive any informalities in the bidding.

NASHUA HOUSING AND REDEVELOPMENT AUTHORITY
Thomas F. Monahan, Chairperson
Dates: October 19 and October 26, 2022

TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT
Notice of Public Meeting & Hearing
THURSDAY, OCTOBER 27, 2022

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday, October 27, 2022 at 7:00 PM** in the Community Development Paul Buxton Meeting Room in the basement of the Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance on the right side. The following case will be heard:

PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 181-001-001 (10-27-22):** George Hurd, Member of Tumpey Hurd Clegg, LLC, 25 Webster St., Hudson, NH requests a Variance to allow for the subdivision of four (4) lots, with frontage along a proposed private street, instead of frontage along a public (Class V or better) street. [Map 181, Lot 001-001; Zoned Town Residence (TR); HZO Article II, Terminology; §334-6, Definitions - Frontage, and HZO Article VII, Dimensional Requirements; §334-27.1 D, General Requirements]

Bruce Buttrick, Zoning Administrator



TOWN OF HUDSON

Land Use Division

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



Zoning Administrator Staff Report

Meeting Date: October 27, 2022 *hH 10-18-22*

1. **Case 181-001-001 (10-27-22)**: George Hurd, Member of Tumpney Hurd Clegg, LLC, 25 Webster St., Hudson, NH requests a Variance to allow for the subdivision of four (4) lots, with frontage along a proposed private street, instead of frontage along a public (Class V or better) street. [Map 181, Lot 001-001; Zoned Town Residence (TR); HZO Article II, Terminology; §334-6, Definitions – Frontage, and HZO Article VII, Dimensional Requirements; §334-27.1 D, General Requirements]

Address: 25 Webster St

Zoning district: Town Residence (TR)

Summary:

Applicant wishes a 4 lot subdivision of the current lot, (with a private road). The Zoning Ordinance requires lots to get access/frontage from a public (class V or better) street.

Property description:

This is a lot of record, recently approved subdivision (with conditional approval)/lot line adjustment consisting of 62,596 Sq Ft.

Zoning Administrator Comments:

All proposed lots satisfies §334-27 Table of Minimum Dimensional Requirements as to the required lot area [10,000 sqft] and required frontage [90 ft].

Zoning Ordinance requirements:

§334-27.1D. *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.*

§334-6 Definitions, 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:

August 24, 2022 Planning Board approval (with conditions) of SB# 06-22 “25 Webster Street Phase 2.

ASSESSING HISTORY:

Vacant lot

Town in-house review comments:

Town Engr: comments received

Town Planner: non received

Fire Dept: no comment

Attachments:

A: Subdivision Plan (phase 2) sheet 4 of 14 dated June 27, 2022 / Rev 2 dated 10/01/22.

B: Planning Board August 24, 2022 Planning Board SB# 06-22 approval.

C: Town Engineer, In House review comments.

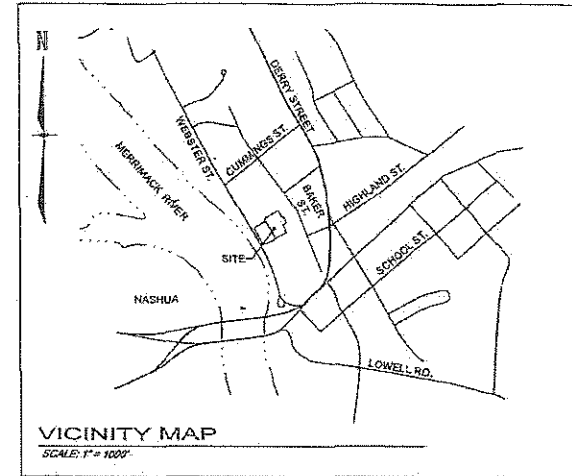
BUILDABLE AREA TABLE				
LOT #	LOT AREA	AREA >25%	WETLAND AREA	BUILDABLE AREA
181-001-001	10,007 SF	0 SF	0 SF	10,007 SF
173-057-000	10,011 SF	0 SF	0 SF	10,011 SF
174-015-002	11,802 SF	0 SF	0 SF	11,802 SF
181-001-002	15,645 SF	0 SF	0 SF	15,645 SF

REFERENCE PLANS:

1. A PLAN TITLED "CONSOLIDATION & SUBDIVISION PLAN, O'LOUGHLIN SUBDIVISION, MAP 174, LOTS 15 & 16, 18 & 22 BAKER STREET, HUDSON, NH" PREPARED FOR THOMAS & JEANNE O'LOUGHLIN ET AL AND COOLANGATTA CAPITAL MANAGEMENT, LLC BY KEACH NORDSTROM ASSOCIATES, INC. DATED LAST REVISED ON OCTOBER 2, 2008 AND RECORDED AT HCRD AS PLAN No. 36,191.
2. A PLAN TITLED "SURVEY PLAN OF LAND OF TUMPNEY HURD CLEGG, LLC, PARCEL ID 181-001, 25 WEBSTER STREET, HUDSON, NH" BY FRANKLIN ASSOCIATES, LLC, DATED FEBRUARY 25, 2021.
3. A PLAN TITLED "CONSOLIDATION & SUBDIVISION PLAN, MAP 174, LOT 15-1 & MAP 181, LOT 1, 20 BAKER STREET & 25 WEBSTER STREET, HUDSON, NH" PREPARED BY MJ GRAINGER ENGINEERING, INC. DATED MARCH 30 2022 AND RECORDED AT HCRD AS PLAN No. 41,456.

NOTES CONTINUED:

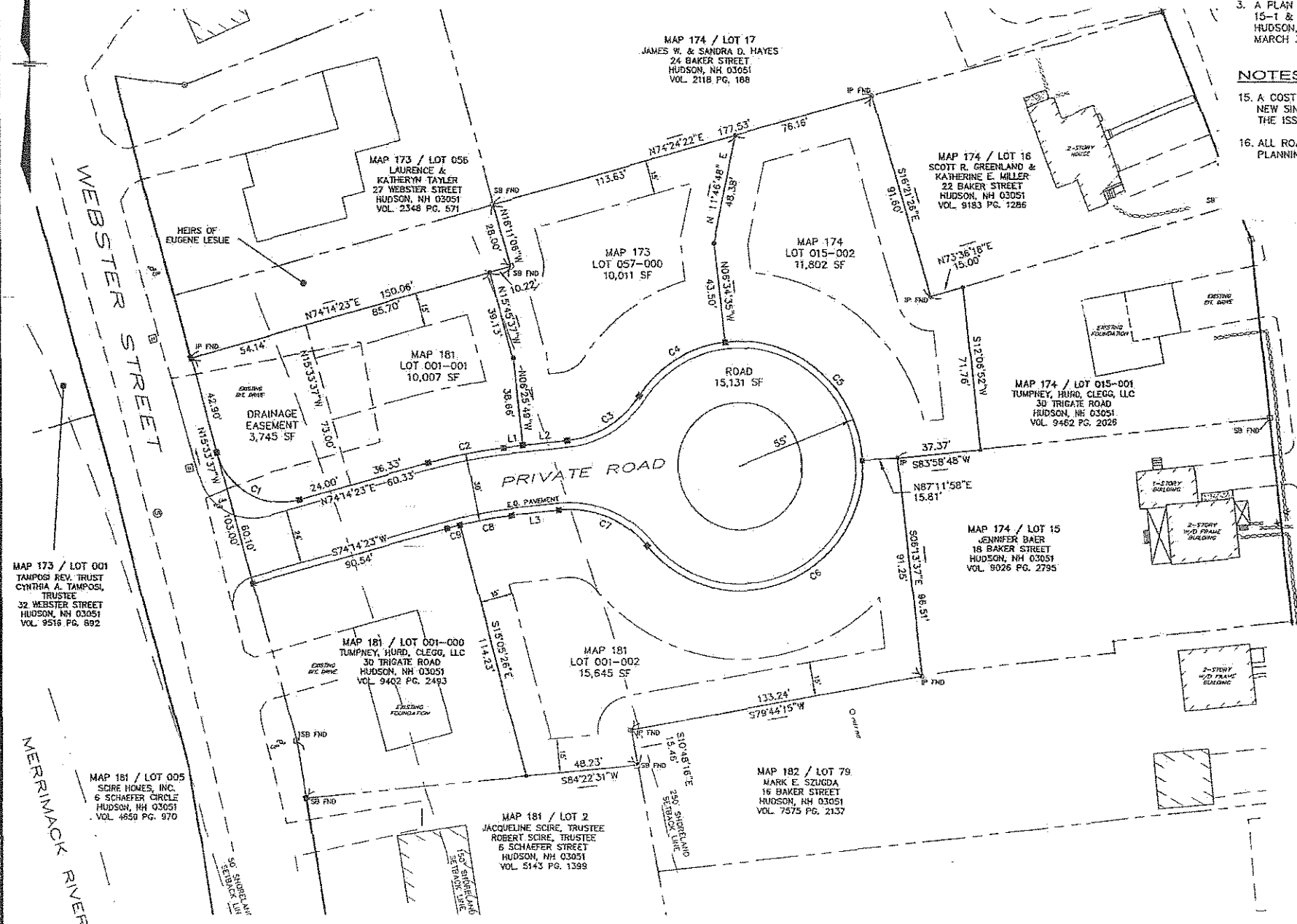
15. A COST ALLOCATION PROCEDURE (CAP) AMOUNT OF \$5,991 PER NEW SINGLE-FAMILY RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
16. ALL ROADWAY IMPROVEMENTS SHALL BE BONDED PRIOR TO THE PLANNING BOARD ENDORSEMENT OF THE PLAN.



NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF LOT 181-001-001 INTO FOUR (4) SINGLE FAMILY RESIDENTIAL BUILDING LOTS.
2. OWNER OF RECORD:
TUMPNEY, HURD, CLEGG, LLC
39 TRIGATE ROAD
NASHUA, NH 03051
3. DEED REFERENCE TO PARCELS IS BK 9402, PG 2493 AND BK 9462, PG 2026 HCRD
4. TOTAL AREA OF LOT 181-001-001 IS 62,596 SF. = 1.437 ACRES
5. PROPERTIES ARE CURRENTLY ZONED: TR - TOWN RESIDENCE
6. ZONING REQUIREMENTS:
LOT AREA: 10,000 SF
MIN. FRONTAGE: 90 feet
FRONT SETBACK: 30 feet
SIDE SETBACK: 15 feet
REAR SETBACK: 15 feet
7. THERE ARE NO WETLANDS ON THIS PROPERTY.
8. THIS PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD HAZARD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY MAP NUMBER 330011C0514E PANEL 5 OF 10, EFFECTIVE DATE APRIL 18, 2011.
9. PROPERTY TO BE SERVICED BY MUNICIPAL SEWER AND WATER.
10. ALL SIGNS ARE SUBJECT TO APPROVAL BY THE HUDSON PLANNING BOARD PRIOR TO INSTALLATION THEREOF.
11. THERE WILL BE NO EXTERIOR LIGHTING.
12. THERE IS MORE THAN 400' SIGHT DISTANCE IN BOTH DIRECTIONS FOR THE PROPOSED ROADWAY AT THE WEBSTER STREET INTERSECTION.
13. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 38'
14. THE PROPOSED ROAD AND UTILITIES, EXCEPT WATER, ARE PRIVATE AND SHALL REMAIN PRIVATE AND THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.

WEBSTER STREET
MERRIMACK RIVER



CURVE	RADIUS	LENGTH	DELTA
C1	30.00	47.23	90°12'00"
C2	215.00	35.01	09°19'47"
C3	45.00	38.92	49°33'20"
C4	55.00	47.45	49°25'48"
C5	55.00	90.00	93°45'35"
C6	55.00	137.17	142°53'38"
C7	45.00	44.41	58°32'40"
C8	185.00	24.03	07°26'27"
C9	185.00	6.10	01°53'20"

LINE	BEARING	DISTANCE
L1	N 83°34'11" W	8.82
L2	N 83°34'11" W	20.01
L3	S 83°34'11" E	21.50

OWNER OF RECORD:
[Signature]
TUMPNEY, HURD, CLEGG, LLC
39 TRIGATE ROAD
HUDSON, NH 03051
(603) 718-2932
DATE: 10-4-22

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING AUGUST AND DECEMBER OF 2021 AND JANUARY OF 2022, WITH AN ERROR OF CLOSURE BETTER THAN 1 PART IN 10,000.
[Signature]
MICHAEL GRAINGER, LLS # 851



APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____
CHAIRMAN _____ DATE _____
SECRETARY _____ DATE _____

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

NO	DESCRIPTION	DATE
1.	AMSC REVISIONS PER 05/01/2022 ENGINEERING REVIEW	05/02/2022
2.	AMSC REVISIONS PER CONDITIONS OF APPROVAL	10/01/2022

SUBDIVISION PLAN
MAP 181, LOT 001-001
25 WEBSTER ST.
HUDSON, NEW HAMPSHIRE

PREPARED FOR:
TUMPNEY, HURD, CLEGG, LLC
39 TRIGATE ROAD
HUDSON, NH 03051

JUNE 27, 2022 SCALE: 1" = 30'

ENGINEER:
RJB ENGINEERING, LLC
2 GLENDALE ROAD
CONCORD, NH 03301
PH. 603-219-0194

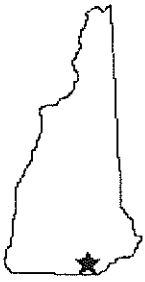
ENGINEER & SURVEYOR:
M.J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359

SCALE: 1" = 30'

SHEET: 4 of 14

LEGEND

EXISTING STONEWALL	-----	WETLANDS	-----
ADJUTERS PROPERTY LINES	-----	DRILL HOLE FOUND	○
SUBJECT PROPERTY LINES	-----	REBAR W/ CAP FOUND	○
PROPOSED PROPERTY LINES	-----	STONE BOUND FOUND	□
PROPERTY DE LINE	-----	5/8" REBAR TO BE SET	■
EDGE OF PAVEMENT	-----	4"x4"x16" GRANITE BOUND TO BE SET	■
EXISTING TREELINE	-----	PROPOSED WELL	○
EXISTING CONTOUR (MNR)	-572		
EXISTING CONTOUR (MNR)	-570		
EXISTING BLOC SETBACK	-----		



TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison



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

NOTICE OF APPROVAL

September 9, 2022

Owner or Applicant: TUMPNEY HURD CLEGG, LLC
39 TRIGATE ROAD
HUDSON, NH 03051

On Wednesday, August 24, 2022, the Hudson Planning Board heard subject case **SB# 06-22 “25 Webster Street Phase 2”**.

SUBJECT: PURPOSE OF PLAN: TO SHOW THE SUBDIVISION OF MAP 181 LOT 001-001 AND LOT LINE RELOCATION OF MAP 181-001-000 AND THEN CONSTRUCT FOUR (4) FOUR SINGLE FAMILY RESIDENCES SERVICED BY A COMMON DRIVEWAY.

LOCATION: 25 WEBSTER STREET, MAP 181/LOTS 001-000 & 001-001

The Planning Board accepted the subdivision application, SB# 06-22, for 25 Webster Street, Map 181/Lots 001-000 & 001-001.

Waivers Granted:

The Planning Board granted a waiver from **§289-14**, which requires conformance with Chapter 334 Zoning, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

The Planning Board granted a waiver from **§289-17**, which requires frontage for new lots to conform to Article VII of the Zoning Ordinance, based on the Board’s discussion, the testimony of the Applicant’s representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

Motion to Approve:

The Planning Board approved the subdivision plan entitled: Subdivision Plan, Map 181 Lots 1 & 1-001, 25 Webster St.; prepared by RJB Engineering, LLC, 2 Glendale Rd. Concord, NH 03301 in association with M.J. Grainger Engineering, Inc., 220 Derry Rd. Hudson, NH 03051; prepared

B

for Tumpney, Hurd, Clegg LLC 39 Trigate Rd. Hudson, NH 03051; consisting of 14 sheets including cover sheet, and general notes 1-14 on Sheet 4; dated June 27, 2022, last revised August 16, 2022 ; subject to, and revised per, the following stipulations:

1. Satisfaction of conditions of approval and Planning Board endorsement of case SB# 04-22.
2. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Plan.
3. A cost allocation procedure (CAP) amount of \$5,991.00 shall be paid prior to the issuance of a Certificate of Occupancy for the new house lots.
4. All monumentation shall be set or bonded for prior to Planning Board endorsement of the Plan-of-Record.
5. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
6. Prior to application for a building permit, the Applicant shall schedule a pre-construction meeting with the Town Engineer.
7. Construction activities involving the subject lot shall be limited to the hours between 7:00 A.M. and 7:00 P.M. No exterior construction activities shall be allowed on Sundays.
8. The easement for the water line shall be reviewed favorably by the Town Engineer and Town Counsel. The easement area shall be shown on the final plan. The easement and final location shall be recorded at time of town acceptance of the water main.
9. Notice of Limits of Municipal Responsibility and Liability: The Town of Hudson neither assumes responsibility for maintenance of the Private Road shown on the Plan, nor liability for any claim, loss, or damages, including those arising for failure to provide municipal services, including police, fire, or ambulance services, resulting in any way from the use of said Private Road. The Owners shall be responsible for transporting any children residing on the Private Road to the nearest regular school bus stop. The Owners shall be responsible, at the Owners own expense, for maintaining the Private Road in a reasonable and safe condition at all times.
10. A note shall be added to the final plan stating condition #9 above.
11. Deed language related to fractional ownership of the private road to be approved by Town Counsel.
12. As proposed the plan does not comply with the Hudson Zoning Ordinance because Map 181/Lot 001-000, Map 181/Lot 001-001, Map 101/Lot 001-002, Map 173/Lot 057-000, and Map 174/Lot 015-002, lack sufficient frontage on a class V or better public highway as required by §334-27.1D (General Requirements) and §334-6 (Definitions). Final approval of

this plan is contingent and subject to the condition precedent of the granting of a variance from the Zoning Board of Adjustment from §334-6, §334-27, and §334-27.1D of the Zoning Ordinance to permit lots without the required frontage.

13. SWPPP (Stormwater Pollution Prevention Plan) shall be required if disturbance is over an acre.

Signed: _____ Date: _____
Brian Groth, Town Planner

cc: M.J. Grainger Engineering, Inc.
RJB Engineering, LLC
Colin Jean, Attorney

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

REQUEST FOR REVIEW/COMMENTS:

Case: 181-001-001 (VARIANCE-frontage off private road)
Property Location: 25 Webster Street

<i>For Town Use</i>		
Plan Routing Date: <u>10/06/2022</u> Reply requested by: <u>10/12/2022</u> ZBA Hearing Date: <u>10/27/2022</u>		
<input type="checkbox"/> I have no comments <input checked="" type="checkbox"/> I have comments (see below)		
EZD (Initials)	Name: <u>Elvis Dhima, P.E.</u>	Date: <u>10/07/2022</u>
DEPT:	<input checked="" type="checkbox"/> Town Engineer <input type="checkbox"/> Fire/Health Department <input type="checkbox"/> Town Planner	

<p>Notes for ZBA Members</p> <p>This development will be served by the following:</p> <ol style="list-style-type: none">1. Private road - subject to completion and testing prior to final CO.2. Private drainage system - Subject to completion and testing prior to issuing last CO3. Private sewer system - Subject to Sewer Acknowledgment by BOS - Prior to issuing first building permit4. Public water - Subject to Water Main Acceptance by BOS - Prior to issuing first building permit



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

On **10/27/2022**, the Zoning Board of Adjustment heard Case 181-001-001, being a case brought by **George Hurd, Member of Tumpney Hurd Clegg, LLC, 25 Webster St., Hudson, NH** requests a **Variance to allow for the subdivision of four (4) lots, with frontage along a proposed private street, instead of frontage along a public (Class V or better) street.** [Map 181, Lot 001-001; Zoned Town Residence (TR); HZO Article II, Terminology; §334-6, Definitions – Frontage, and HZO Article VII, Dimensional Requirements; §334-27.1 D, General 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** **5.** Special conditions exist such that literal enforcement of the ordinance would result in **unnecessary hardship**, either because the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way *and also* because the special conditions of the property cause the proposed use to be reasonable, or, alternatively, there is no reasonable use that can be made of the property that would be permitted under the ordinance, because of the special conditions of the property.

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Stipulations: _____

TOWN OF HUDSON
 OCT 06 2022
 Zoning Department

APPLICATION FOR A VARIANCE

Entries in this box are to be filled out by
 Land Use Division personnel
 Case No. 181-001-001 (10-27-22)
 Date Filed 10/6/22

To: Zoning Board of Adjustment
 Town of Hudson

George Hurd, Member of
 Name of Applicant Tumpney Hurd Clegg LLC Map: 181 Lot: 001-001 Zoning District: TR

Telephone Number (Home) 603-718-2932 (Work) 603-718-2932

Mailing Address 39 Trigate Rd., Hudson, NH 03051

Owner Tumpney Hurd Clegg, LLC

Location of Property 25 Webster St., Hudson, New Hampshire 03051
 (Street Address)

Signature of Applicant [Signature] Date 10-4-22

Signature of Property-Owner(s) [Signature] Date 10-4-22

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

If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak/represent on his/ her/ their behalf or that you have permission to seek the described Variance.

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

Date received: 10/6/22

COST:

Application fee (processing, advertising & recording) (**non-refundable**): \$ 185.00

Abutter Notice:

<u>11</u> Direct Abutters x Certified postage rate	\$ <u>4.60</u> =	\$ <u>50.60 + 18.40</u>
<u>9</u> Indirect Abutters x First Class postage rate	\$ <u>0.60</u> =	\$ <u>5.40</u>
Total amount due:		\$ <u>259.40</u>

+ 4 Additional certified (\$18.40)

Amt. received: \$ 259.40

Receipt No.: 702,735

Received by: [Signature]

By determination of the Zoning Administrator, the following Departmental review is required:
 Engineering Fire Dept. Health Officer Planner Other

Colin Jean
Attorney at Law, LLC

64 McKean Street
P.O. Box 3661
Nashua, New Hampshire 03061

LICENSED IN NH & MA

Tel: (603) 881-5535

E-mail: ColinJean@nhjean.com

October 3, 2022

Mr. Bruce Buttrick, MCP
Zoning Administrator
Town of Hudson
12 School Street
Hudson, NH 03051

RE: **Authorization for Representation – 25 Webster St., Hudson**

Dear Bruce Buttrick:

Kindly accept this communication as formal notice that I authorize Colin Jean, Esquire of the office of Colin Jean Attorney at Law, LLC and Michael Grainger of MJ Grainger Engineering, Inc., to represent the interests of Tumpney Hurd Clegg, LLC at the Town of Hudson Zoning Board of Adjustment meeting scheduled for October 27, 2022 or any subsequent meeting thereafter.

Sincerely,



George Hurd, Member
Tumpney Hurd Clegg, LLC
39 Trigate Road
Hudson, NH 03051

October 3, 2022

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
GH	Please review the application with the Zoning Administrator or staff.	TG
GH	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)	TG
GH	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
GH	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
GH	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	TG
GH	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
	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	TG Missing
GH	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
GH	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:

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

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

- a) GH 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. TG
- b) GH The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) GH The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d) GH 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. TG
 (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) GH The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) TG
- f) GH 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. TG
- g) _____ The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. -
- h) GH The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- 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] _____ 10-4-22 _____
 Signature of Applicant(s) Date

[Signature] _____ 10-4-22 _____
 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
174 181	015-001 001-000	*Include Applicant & Owner(s) Tumpney Hurd Clegg LLC	39 Trigate Rd., Hudson, NH 03051
173	001-000	Tamposi, Cynthia A., Trustee; Tamposi Revocable Trust	32 Webster Street, Hudson, NH 03051
173	056-001	Taylor, Kathryn L., Trustee Taylor Revocable Trust	27 Webster Street, Hudson, NH 03051
174	013-000	Morin Barbara A. & Michael B.	17 Baker Street, Hudson, NH 03051
174	014-000	Douville, Roger J. & Kathleen S.	15 Baker Street, Hudson, NH 03051
174	015-000	Baer, Jennifer	18 Baker Street, Hudson, NH 03051
174	016-000	Greenland, Scott R.; Miller Katherine E.	22 Baker Street, Hudson, NH 03051
181	002-000	Scire, Jacqueline & Robert C., Trustees; 21 Webster Street Trust	6 Schaefer Circle, Hudson, NH 03051
174	017-000	Hayes, James W. & Sandra D.	24 Baker Street, Hudson, NH 03051
181	005-000	Scire Homes Inc.	6 Schaefer Circle, Hudson, NH 03051
182	079-000	Szugda, Mark E.	16 Baker Street, Hudson, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

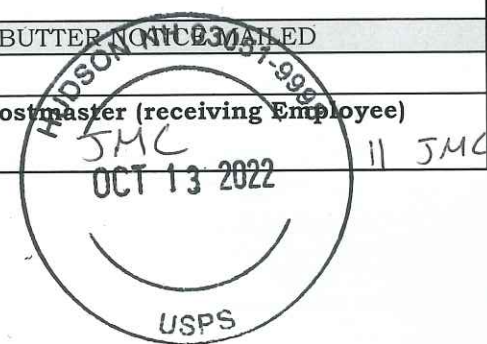
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective 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)

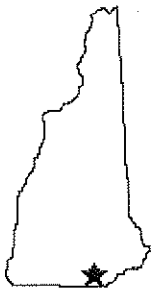
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
181	003-000	Scire, Jacqueline & Robert C., Trustees; 19 Webster Street Trust	6 Schaefer Circle, Hudson, NH 03051
173	042-000	McCoy, Thomas E., & Nancy J., Trustees McCoy 2017 Revocable Trust	27 Hawke Ridge Road, Meredith, NH 03253
173	054-000	Ricci, Jason & Michelle	16 Cummings Street, Hudson, NH 03051
173	055-000	Gendron, Richard J. & Dawn L.	31 Webster Street, Hudson, NH 03051
173	056-000	Freitas Marilyn D.; Petrillo, Carla D.	29 Webster Street, Hudson, NH 03051
174	010-000	Persons, Brandie Santhia	23 Baker Street, Hudson, NH 03051
174	011-000	Simek, Michael D.	21 Baker Street, Hudson, NH 03051
174	012-000	Freitas Lucie L.	19 Baker Street, Hudson, NH 03051
182	078-000	G. Hurd and Son Construction, LLC	13 Merrimack Street, Hudson, NH 03051
182	080-000	Levesque, Jeffrey M.	13 Baker Street, Hudson, NH 03051
Owner		George Hurd, Member Tumpney Hurd Clegg LLC	13 Merrimack Street, Hudson, NH 03051
Engineer		RJB Engineering, LLC: Jeffrey Burd	2 Glendale Road, Concord, NH 03301
Rep. Attorney		Colin Jean Colin Jean Atty. at Law, LLC	64 Mckean Street, Nashua, NH 03060

Rep. Engineer Michael Grainger of MJ Grainger Engineering, Inc 220 Derry Rd, Hudson, NH 03051

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 181-001-001 25 Webster Street Map 181/Lot 001-001	Variance 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/27/2022 ZBA Meeting		
1	7021 0350 0001 9800 5645 TUMPNEY HURD CLEGG, LLC 39 TRIGATE RD., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED		
2	7021 0350 0001 9800 5652 TAMPOSI, CYNTHIA A., TR.; TAMPOSI REVOCABLE TRUST 32 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
3	7021 0350 0001 9800 5669 TAYLOR, KATHRYN L., TR.; TAYLOR REVOCABLE TRUST 27 WEBSTER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
4	7021 0350 0001 9800 5676 MORIN, BARBARA A. & MICHAEL B. 17 BAKER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
5	7021 0350 0001 9800 5683 DOUVILLE, ROGER J. & KATHLEEN S. 15 BAKER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
6	7021 0350 0001 9800 5690 BAER, JENNIFER 18 BAKER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
7	7021 0350 0001 9800 5706 GREENLAND, SCOTT R.; MILLER, KATHERINE E. 22 BAKER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
8	7021 0350 0000 1884 1903 HAYES, JAMES W. & SANDRA D. 24 BAKER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
9	7021 0350 0000 1884 1897 SCIRE, JACQUELINE & ROBERT C., TRSTS.; 21 WEBSTER ST TRUST	ABUTTER NOTICE MAILED		
10	7021 0350 0000 1884 1910 6 SCHAEFER CIRCLE, HUDSON, NH 03051 SCIRE HOMES INC.	ABUTTER NOTICE MAILED		
11	7021 0350 0000 1884 1927 6 SCHAEFER CIRCLE, HUDSON, NH 03051 SZUGDA, MARK E. 16 BAKER STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED		
	Total Number of pieces listed by sender 11	Total number of pieces rec'vd at Post Office 11	Postmaster (receiving Employee) JMC OCT 13 2022	11 JMC



SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 181-001-001 25 Webster Street Map 181/Lot 001-001	Variance 1 of 1
ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/27/2022 ZBA Meeting		
1	Mailed First Class SCIRE, JACQUELINE & ROBERT C., TRSTS.; 19 WEBSTER STREET TRUST	ABUTTER NOTICE MAILED		
2	Mailed First Class 6 SCHAEFER CIRCLE, HUDSON, NH 03051 MCCOY, THOMAS E. & NANCY J., TRSTS.; MCCOY 2017 REV TRUST	ABUTTER NOTICE MAILED		
3	Mailed First Class 27 HAWK RIDGE RD., MEREDITH, NH 03253 RICCI, JASON & MICHELLE	ABUTTER NOTICE MAILED		
4	Mailed First Class 16 CUMMINGS STREET, HUDSON, NH 03051 GENDRON, RICHARD J. & DAWN L.	ABUTTER NOTICE MAILED		
5	Mailed First Class 31 WEBSTER STREET, HUDSON, NH 03051 FREITAS, MARILYN D.; PETRILLO, CARLA D.	ABUTTER NOTICE MAILED		
6	Mailed First Class 29 WEBSTER ST., HUDSON, NH 03051 PERSONS, BRANDIE SANTHIA	ABUTTER NOTICE MAILED		
7	Mailed First Class 23 BAKER STREET, HUDSON, NH 03051 SIMEK, MICHAEL D.	ABUTTER NOTICE MAILED		
8	Mailed First Class 21 BAKER STREET, HUDSON, NH 03051 FREITAS, LUCIE L.	ABUTTER NOTICE MAILED		
9	Mailed First Class 19 BAKER STREET, HUDSON, NH 03051 G. HURD AND SON CONSTRUCTION, LLC	ABUTTER NOTICE MAILED		
10	Mailed First Class 13 MERRIMACK ST., HUDSON, NH 03051 LEVESQUE, JEFFREY M.	ABUTTER NOTICE MAILED		
11	7021 0350 0000 1884 1934 Mailed- Certified 13 BAKER STREET, HUDSON, NH 03051 GEORGE HURD, MEMBER; TUMPNEY HURD CLEGG, LLC	APPLICANT/OWNER NOTICE MAILED		
12	7021 0350 0000 1884 1958 Mailed- Certified 13 MERRIMACK STREET, HUDSON, NH 03051 RJB ENGINEERING, LLC; JEFFREY BURD	APPLICANT/OWNER NOTICE MAILED; (Engineer)		
13	7021 0350 0000 1884 1941 Mailed- Certified 2 GLENDALE ROAD, CONCORD, NH 03301 COLIN JEAN, ESQUIRE; COLIN JEAN ATTORNEY AT LAW, LLC	APPLICANT/OWNER NOTICE MAILED; (Rep. Attorney)		
14	7021 0350 0000 1884 1965 Mailed- Certified 64 MCKEAN STREET, NASHUA, NH 03060 MICHAEL GRAINGER; MJ GRAINGER ENGINEERING, INC	APPLICANT/OWNER NOTICE MAILED; (Rep. Engineer)		
	220 DERRY ROAD, HUDSON, NH 03051			
	Total # of pieces listed by sender 14	Total # of pieces rec'vd at Post Office 14	Postmaster (receiving Employee) JMC OCT 13 2022 14 JMC	



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 12, 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, **10/27/2022** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 181-001-001 (10-27-22): George Hurd, Member of Tumpney Hurd Clegg, LLC, 25 Webster St., Hudson, NH requests a Variance to allow for the subdivision of four (4) lots, with frontage along a proposed private street, instead of frontage along a public (Class V or better) street. [Map 181, Lot 001-001; Zoned Town Residence (TR); HZO Article II, Terminology; §334-6, Definitions – Frontage, and HZO Article VII, Dimensional Requirements; §334-27.1 D General 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. If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA c/o Bruce Buttrick, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: bbuttrick@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

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 334 _____ of HZO Section(s) 27.1 D. _____ in order to permit the following:

Applicant/Owner requests that a variance be granted to allow for lot frontage to be measured along a private roadway, thereby allowing for the development of four single family residences on the 62,596 parcel of land located at 25 Webster Street. The single family homes would each meet all other requirements with respect to zoning and Town regulations (all area and setback requirements met). The private roadway will meet the access requirements of fire and police safety concerns. The Applicant/Owner will record documentation, at the Hillsborough County Registry of Deeds, that all of the private roadway connections, inclusive of culverts, pipes, drainage, sewer and water remain the responsibility of the landowner(s). The proposed private way will have 24 feet of pavement width and a 30 foot right of way. Please see Attachment to Application appended hereto.

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.

GEORGE HURD, MEMBER, TUMPNEY HURD CLEGG LLC – APPLICANT

TUMPNEY HURD CLEGG, LLC – OWNER

(25 Webster Street; Map 181, Lot & 001-001)

ATTACHMENT TO: VARIANCE APPLICATION

Property Summary

Tumpney Hurd Clegg, LLC is the titled owner of the approximately 62,596 square foot (1.437 acre) parcel of land (Map 181 – Lot 001-001), located in a Town (TR) Zoning District. This particular parcel is located with frontage on Webster Street. The property abuts other residential properties on all borders.

Project Overview

It is the intention of Tumpney Hurd Clegg LLC (Applicant & Owner) to subdivide the property into four lots. The project, as proposed, relies on the approval of the construction of a private driveway ending in a cul-de-sac with access from the Webster Street frontage. Section 334-27.1 D., of the Town Ordinances requires that frontage of the proposed residential lots be measured for frontage purposes along a public way. The purpose of the Applicant's/Owner's request presently before the Board is to gain relief from the existing Ordinance and be granted the opportunity to use frontage along the proposed private roadway in lieu of the strict interpretation of the existing zoning requirement. Please see the certified Site Plan appended to the Application.

The proposed four (4) single family residences would each have individual private driveways from the existing and proposed private way. The residences would each be serviced by municipal water and public sewer, and usual utilities. The utilities will be sub-surface/underground. The proposed roadway would be 24 feet in paved width with a 30 foot right of way. The property owner(s) would assume full responsibility and liability for the present and future maintenance and upkeep of the private road. Documentation declaring such indemnity to the Town would be recorded at the Hillsborough County Registry of Deeds as a matter of public record. Granting of the requested variance would not be inconsistent with the spirit and intent of the subject ordinance.

Proposed New Private Way

The construction of the new private way will adequately service the four residences it is intended to provide access for. It is proposed that the new private way be 24 feet in pavement width. The proposed private way will have a 30-foot right-of-way. Consistent with the intent and spirit of the zoning requirement that frontage be measured along a public way, the proposed variance general area there are no proposed sidewalks. The Applicant/Owner will record all necessary documentation indemnifying and relieving the Town of Hudson from any and all liability with respect to the private way maintenance and future usage.

All Requirements Met

The Subdivision Plan as submitted ensures that all density, setback, frontage, and applicable regulations are and will be met.

Proposed Lot 001-001:	10,007 sq. ft. All frontage & set back requirements met
Proposed Lot 001 -002:	10,011 sq. ft. All frontage & set back requirements met
Proposed Lot 001-003:	11,802 sq. ft. All frontage & set back requirements met
Proposed Lot 001-004:	15,645 sq. ft. All frontage and set back requirements met

Proposed New Private Way

The construction of the new private way will adequately service the four residences it is intended to provide access for. It is proposed that the new private way be 24 feet in pavement width. The proposed private way will have a 30-foot right-of-way. Consistent with the general area there are no proposed sidewalks. The Applicant/ Owner will record all necessary documentation indemnifying and relieving the Town of Hudson from any and all liability with respect to the private way maintenance and future usage.

Special Considerations

The Applicant will record at the Hillsborough County Registry of Deeds documentation that all private driveway connections, including structures like culverts, pipes, drainage, sewer remain the continuing responsibility of the landowner. Further, if any private way connection threatens the integrity of the public way due to plugged culverts, erosion, siltation, etc., the Town of Hudson or its designee can require the owner to repair it. If the owner fails to make the repair, the Town may perform the work and assess the costs to the owner.

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.”)

The requested variance for relief from the requirement that lot frontage be measured from (334-27.1) a public roadway would not alter the character of the neighborhood, as the proposed lots would all meet the necessary zoning requirements regarding area, and necessary setbacks. The proposed private roadway would adequately meet the safety and access requirements which appear to be the implicit or explicit purpose of the ordinance. The land owner would remain liable for the maintenance and upkeep of the private way, thereby relieving the Town of any future expense or liability regarding the roadway.

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.”)

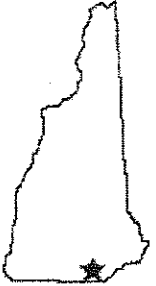
The requested variance will with respect to use will observe the spirit of the ordinance, as the private roadway will be maintained and remain the responsibility of the land owner(s). The accessibility to fire, police and emergency vehicles will be adequately provided for for the proposed 24 feet of paved width and the 30 foot rightt of way area width. The allowance of the use of a private way for lot frontage purposes would be consistent with many other similarly situated residences in the Town. The Applicant/Owner would record any necessary documents at the Hillsborough County Registry of Deeds that would indemnify the Town from any present or future liability regarding the maintenance and upkeep of the roadway and any associated utilities thereunder.

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 granting of the requested variance, allowing relief from the limitation of lot frontage on a private roadway would provide substantial justice to the Applicant/Owner while imposing no harm to the general public, or theTown. The four proposed lots each with at least 90 feet of frontage on the private roadway, and also meeting all other zoning ordinances and regulations would be consistent with the neighborhood and would adequately service the new residences with appropriate access to emergency and service vehicles as might occasionally need to pass to or from the roadway. There would be no negative impact to public safety, welfare or have any adverse impact on the public.

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 allowance of the propsed relief from the ordinance would not diminish the values of surrounding properties. The subject Town Residential zoning of this well established neighborhood would not suffer any negative impact from the addition of four new residences, all of which meet zoning requirements if the requested use of frontage on a private road is granted. The proposed use of frontage on a private way is similar to other projects already existing and there appears to be no evidence of diminished values of surrounding properties.



TOWN OF HUDSON

Land Use Division



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

Subdivision application #06-22 Zoning Review/Comments

July 7, 2022

Re: Map 181, Lot 1 & 1-001
Address: 25 Webster Street
Zoning district: Town Residential (TR)
Proposal: 5 lot subdivision w/ associated new roadway.
 Based on submitted plan: 3 of 12 dated June 27, 2022.

I note the following non-compliance of the Zoning Ordinance:

1) Article VII Dimensional Requirements, §334-27.1 General Requirements, item 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."*

2) §334-6 Definitions.

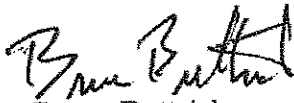
FRONTAGE:

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.

From State of NH RSA 229:5 – *Class V highways shall consist of all other traveled highways which the town has the duty to maintain regularly and shall be known as town*

TOUUS.

There would need to be variance required to 334-27.1D and 334-6, for this subdivision to proceed as presented.



Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

bbuttrick@hudsonnh.gov

cc: B. Groth - Town Planner
file

NOTE: ASSESSOR'S CARD – 25 WEBSTER STREET

The attached Town of Hudson Assessor's Card for 25 Webster Street, Hudson does not reflect the property that is the subject of the parcel seeking a variance. Rather, the Assessor's Card of record reflects the lot that was previously subdivided from the original parcel and is a stand-alone, separate and distinct from the parcel presently seeking the variance.

Property Location: 25 WEBSTER ST
 Vision ID: 6915 Account #: 5624

Parcel ID: 181/001/000/1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 10/6/2022 2:37:07 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
TUMPNEY HURD CLEGG, LLC 39 TRIGATE RD. HUDSON NH 03051		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RE	Residential Average			2022	1010	271,000	2022	3400	129,700	2021	3400	129,700
		TOPO	UTILITIES				1010	159,200		3400	104,100		3400	104,100
		Level	Town Water				1010	4,800		3400	3,200		3400	3,200
		Town Sewer			Total		435,000	Total		286,500	Total		237,000	

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
TUMPNEY HURD CLEGG, LLC BROUGH, RICHARD D.	9402 2493 5346 0632	12-23-2020 06-12-1992	Q Q	I I	290,000 145,000	00 00	Grantor: BROUGH, RICHARD D., Grantor: LAPIERRE, CONRAD J.	Appraised Bldg. Value (Card)				248,800
								Appraised Xf (B) Value (Bldg)				0
								Appraised Ob (B) Value (Bldg)				4,800
								Appraised Land Value (Bldg)				159,200
								Special Land Value				0
								Total Appraised Parcel Value				412,800
								Valuation Method				C

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY			
Parcel ID	181-001-000	Description		Code	Assessed	Assessed	Total Appraised Parcel Value				412,800
Zoning	BD:BD	BLDG		1010	248,800	248,800	Valuation Method				C
Flood Hazard	B	LAND		1010	159,200	159,200					
Neigh/Abut1		OB		1010	4,800	4,800					
Neigh/Abut2											
Neigh/Abut3											
GIS ID	181-001-000	Total			412,800	412,800	Total Appraised Parcel Value				412,800

NOTES				VISIT / CHANGE HISTORY				
2021-house picked up, moved 100 feet to the right, on a new fndtn/est nc=30 for 22, recheck 23 ex cond for int/ext total renovations 2022 RE-LIST. CHECK BP'S PLAN 41546 SPLITTING SWUBLOT 001 OFF OF				DONE AFTER 4-1-2022, ADJUST FOR 2023 TY				
				Date	Id	Cd	Purpost/Result	
				07-14-2022	26	45	Field Review	
				05-16-2022	24	45	Field Review	
				04-06-2022	21	15	Permit Visit	
				06-15-2021	21	30	Sales Data Verification	
				09-20-2019	18	03	Meas/Inspect	
				06-12-2017	09	45	Field Review	
02-24-2017	07	80	Income And Expense Request Maile					
05-10-2012	09	45	Field Review					

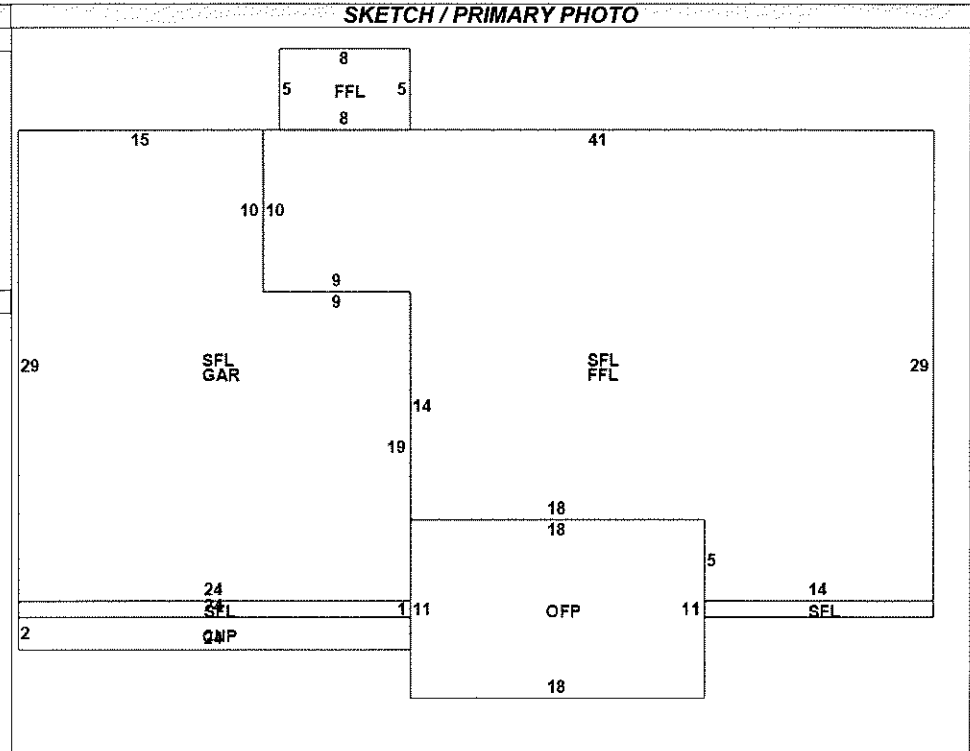
BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2021-01027-6-	02-28-2022	MC		12,000	C	Jolt Electric	0	New gas furnace for single family ranch on same lot. 1680 sq. ft.
2021-01027-5-	02-28-2022	PL		10,000	C	Towne & Country P&H-	0	Plumbing for single family ranch
2021-01027-4-	02-28-2022	MC		0	C	Town & Country P&H-	0	New gas hot water heater and piping
2021-01027-3-	12-10-2021	ELEC		5,000	C	TUMPNEY HURD CLE	0	Electrical and permanent service for split ranch on same lot. 1680 sq. ft. w/o 7294157
2021-01027	10-18-2021	IR	Int Renov	120,000	C			
2021-01027-1	10-12-2021	FD	Foundation	120,000	C			
2021-01027-2	10-06-2021	DRV	Driveway		C			
2021-00964	09-14-2021	ELEC	Electrical		C			
2021-00960	09-13-2021	SEW	Sewer		C			
2021-00955	09-10-2021	WAT	H2o Hookup		C			

LAND LINE VALUATION SECTION														
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
1	1010	SINGLE FAMILY DWEL	Site	0.820 AC	170,000		1.14	5	1.00	RE	1.00		LOC;	159,200
Total Card Land Units:				0.820 AC	Parcel Total Land Area:				0.820 AC	Total Land Value:				159,200

Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	2		Extra Kitchens		
Style:	116	SPLIT LEVEL	Add Kitchen Ra		
Grade:	C+	Avg/Good			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asph Shing			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	8				
Bedrooms	4				
Full Baths	2				
3/4 Baths					
Half Baths	1				
Extra Fixtures	3				
Kitchens	1				
Kitchen Rating	VG	Very Good			
Bath Rating	GD	Good			
Half Bath Rating	GD	Good			
Bsmt Garage					
Fireplace(s)					
Fireplace Rating					
WS Flues					
Color	GREY				
Avg Ht/FL	8				
Extra Kitchens					

COST / MARKET VALUATION	
Building Value New	414,595
Year Built	1970
Effective Year Built	2012
Depreciation Code	EX
Remodel Rating	05
Year Remodeled	2021
Depreciation %	10
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	NC
Condition %	30
Percent Good	60
RCNLD	248,800
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

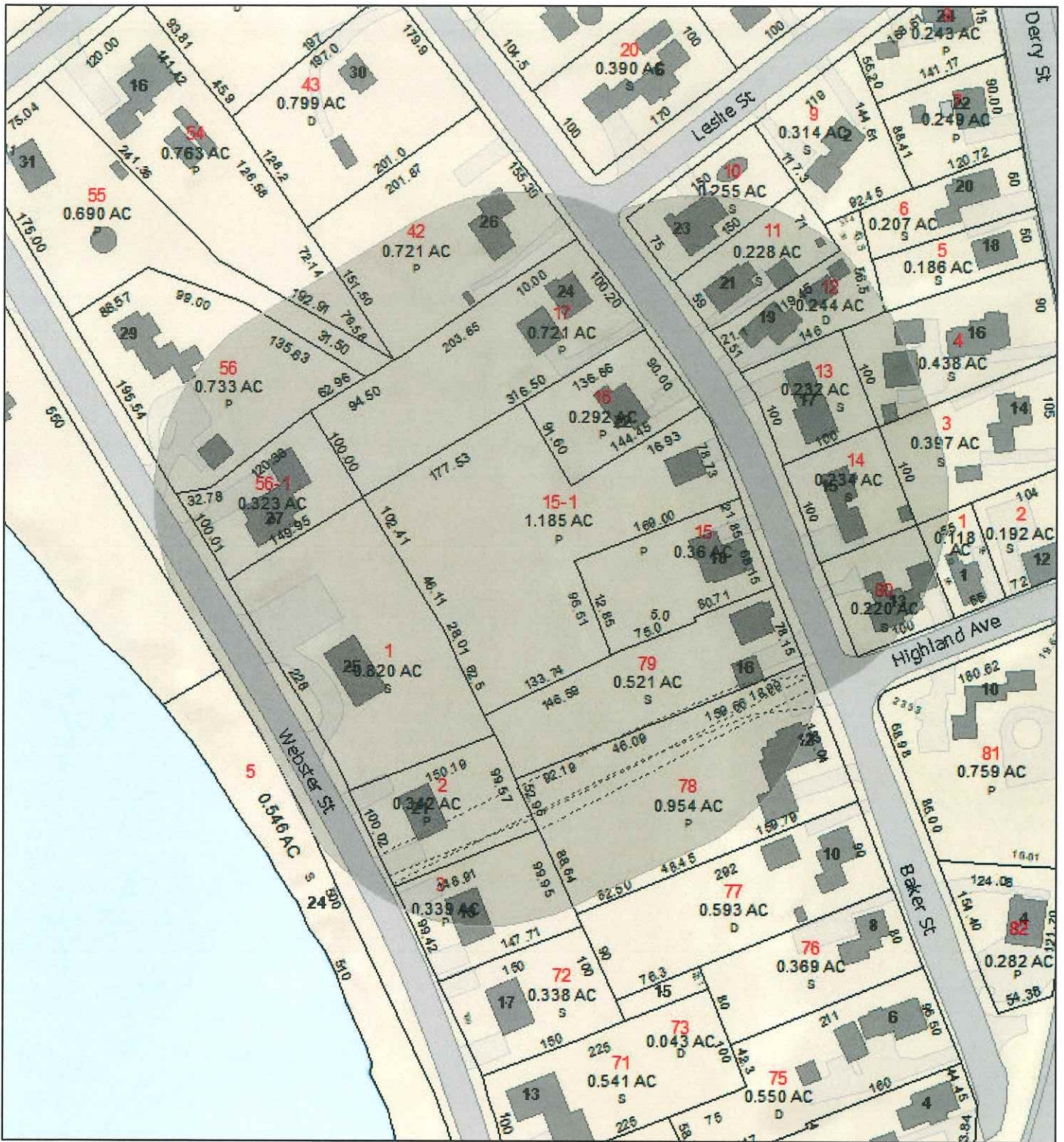


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd	% G	Assd. Value
PAVASP	Asphalt Paving	L	4,000	UNITS	2.00	1970	AV	60	4,800

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
CNP	Canopy	0	48	10	30.83	1,480
FFL	First Floor Finished	968	968	968	147.96	143,229
GAR	Garage	0	606	212	51.76	31,368
OFF	Open Frame Porch	0	198	40	29.89	5,919
SFL	Second Floor, Finished	1,572	1,572	1,572	147.96	232,599
Total Liv Area/Gr. Area/Eff Are		2,540	3,392	2,802	Total Value	414,595



25 Webster Street-GIS Map



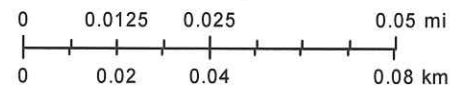
October 4, 2022

1:1,618

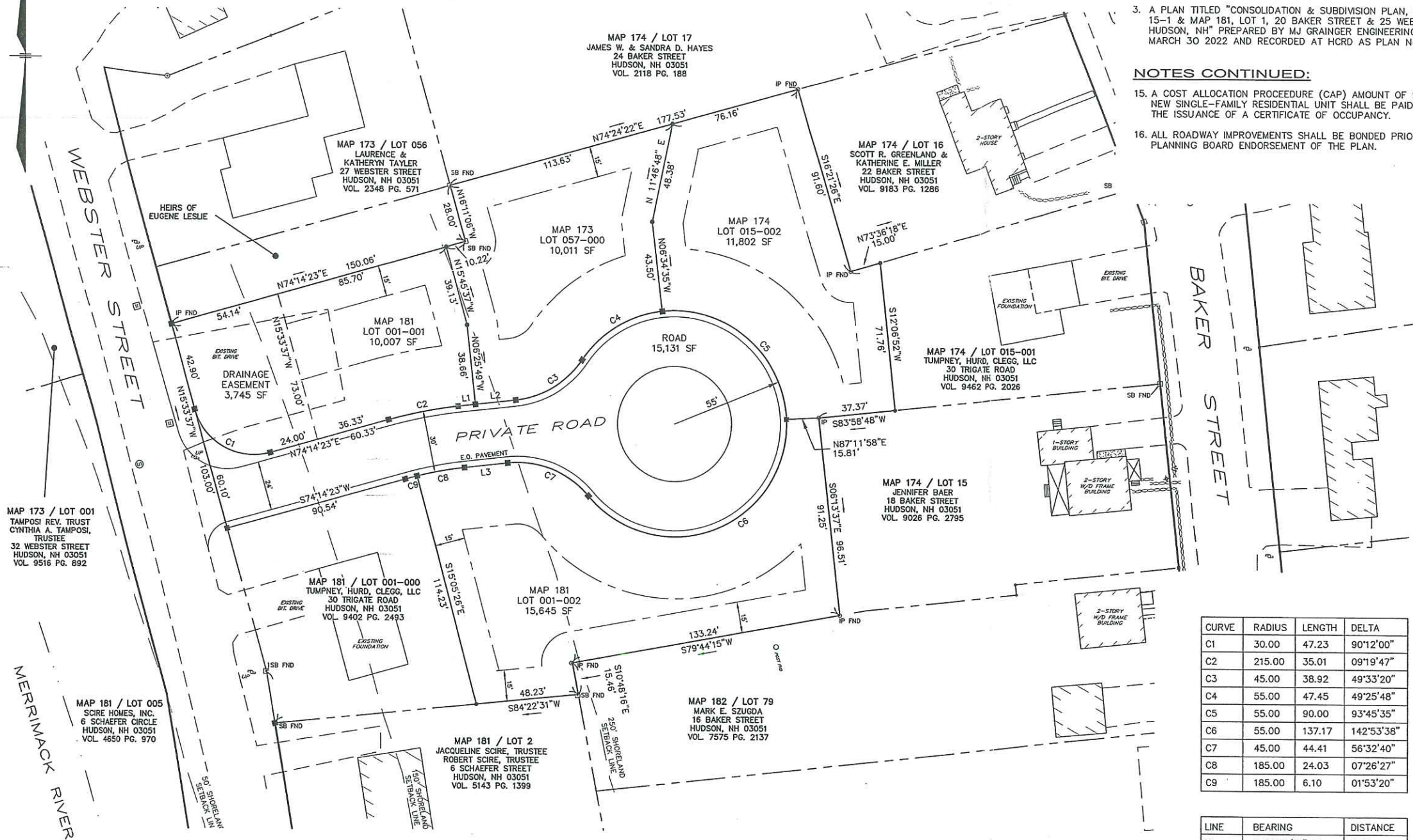
Legend

----- Easement_Lines

▭ Parcels



BUILDABLE AREA TABLE				
LOT #	LOT AREA	AREA >25%	WETLAND AREA	BUILDABLE AREA
181-001-001	10,007 SF	0 SF	0 SF	10,007 SF
173-057-000	10,011 SF	0 SF	0 SF	10,011 SF
174-015-002	11,802 SF	0 SF	0 SF	11,802 SF
181-001-002	15,645 SF	0 SF	0 SF	15,645 SF

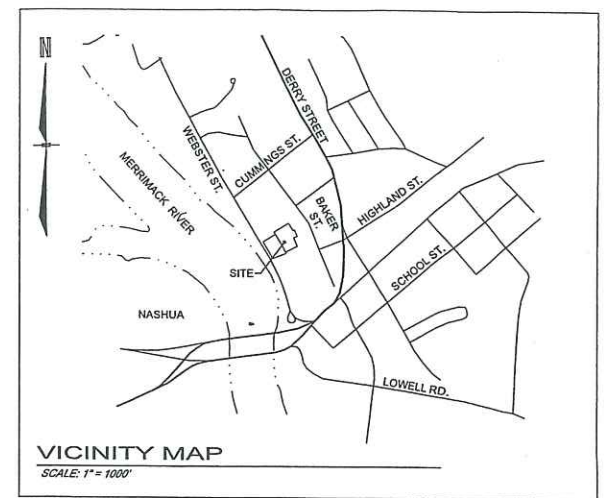


REFERENCE PLANS:

1. A PLAN TITLED "CONSOLIDATION & SUBDIVISION PLAN, O'LOUGHLIN SUBDIVISION, MAP 174, LOTS 15 & 16, 18 & 22 BAKER STREET, HUDSON, NH" PREPARED FOR THOMAS & JEANNE O'LOUGHLIN ET AL, AND COOLANGATTA CAPITAL MANAGEMENT, LLC, BY KEACH NORDSTROM ASSOCIATES, INC. DATED LAST REVISED ON OCTOBER 2, 2008 AND RECORDED AT HCRD AS PLAN No. 36,191.
2. A PLAN TITLED "SURVEY PLAN OF LAND OF TUMPNEY HURD CLEGG, LLC, PARCEL ID 181-001, 25 WEBSTER STREET, HUDSON, NH" BY FRANKLIN ASSOCIATES, LLC, DATED FEBRUARY 25, 2021.
3. A PLAN TITLED "CONSOLIDATION & SUBDIVISION PLAN, MAP 174, LOT 15-1 & MAP 181, LOT 1, 20 BAKER STREET & 25 WEBSTER STREET, HUDSON, NH" PREPARED BY MJ GRAINGER ENGINEERING, INC. DATED MARCH 30 2022 AND RECORDED AT HCRD AS PLAN No. 41,456.

NOTES CONTINUED:

15. A COST ALLOCATION PROCEDURE (CAP) AMOUNT OF \$5,991 PER NEW SINGLE-FAMILY RESIDENTIAL UNIT SHALL BE PAID PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
16. ALL ROADWAY IMPROVEMENTS SHALL BE BONDED PRIOR TO THE PLANNING BOARD ENDORSEMENT OF THE PLAN.



NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF LOT 181-001-001 INTO FOUR (4) SINGLE FAMILY RESIDENTIAL BUILDING LOTS.
2. OWNER OF RECORD:
TUMPNEY, HURD, CLEGG, LLC
39 TRIGATE ROAD
HUDSON, NH 03051
3. DEED REFERENCE TO PARCELS IS BK 9402, PG 2493 AND BK 9462, PG 2026 HCRD
4. TOTAL AREA OF LOT 181-001-001 IS 62,596 SF. = 1.437 ACRES
5. PROPERTIES ARE CURRENTLY ZONED: TR - TOWN RESIDENCE
6. ZONING REQUIREMENTS:
LOT AREA: 10,000 SF
MIN. FRONTAGE: 90 feet
FRONT SETBACK: 30 feet
SIDE SETBACK: 15 feet
REAR SETBACK: 15 feet
7. THERE ARE NO WETLANDS ON THIS PROPERTY.
8. THIS PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD HAZARD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY MAP NUMBER 330011C0514E PANEL 5 OF 10, EFFECTIVE DATE APRIL 18, 2011.
9. PROPERTY TO BE SERVICED BY MUNICIPAL SEWER AND WATER.
10. ALL SIGNS ARE SUBJECT TO APPROVAL BY THE HUDSON PLANNING BOARD PRIOR TO INSTALLATION THEREOF.
11. THERE WILL BE NO EXTERIOR LIGHTING.
12. THERE IS MORE THAN 400' SIGHT DISTANCE IN BOTH DIRECTIONS FOR THE PROPOSED ROADWAY AT THE WEBSTER STREET INTERSECTION.
13. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 38'
14. THE PROPOSED ROAD AND UTILITIES, EXCEPT WATER, ARE PRIVATE AND SHALL REMAIN PRIVATE AND THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.

CURVE	RADIUS	LENGTH	DELTA
C1	30.00	47.23	90°12'00"
C2	215.00	35.01	09°19'47"
C3	45.00	38.92	49°33'20"
C4	55.00	47.45	49°25'48"
C5	55.00	90.00	93°45'35"
C6	55.00	137.17	142°53'38"
C7	45.00	44.41	56°32'40"
C8	185.00	24.03	07°26'27"
C9	185.00	6.10	01°53'20"

LINE	BEARING	DISTANCE
L1	N 83°34'11" W	8.82
L2	N 83°34'11" W	20.01
L3	S 83°34'11" E	21.50

MAP 173 / LOT 001
TAMPOSI REV. TRUST
CYNTHIA A. TAMPOSI,
TRUSTEE
32 WEBSTER STREET
HUDSON, NH 03051
VOL. 9516 PG. 692

MAP 181 / LOT 005
SCIRE HOMES, INC.
6 SCHAEFER CIRCLE
HUDSON, NH 03051
VOL. 4650 PG. 970

MAP 181 / LOT 001-000
TUMPNEY, HURD, CLEGG, LLC
30 TRIGATE ROAD
HUDSON, NH 03051
VOL. 9402 PG. 2493

MAP 181 / LOT 2
JACQUELINE SCIRE, TRUSTEE
ROBERT SCIRE, TRUSTEE
6 SCHAEFER STREET
HUDSON, NH 03051
VOL. 5143 PG. 1399

MAP 174 / LOT 17
JAMES W. & SANDRA D. HAYES
24 BAKER STREET
HUDSON, NH 03051
VOL. 2118 PG. 188

MAP 174 / LOT 16
SCOTT R. GREENLAND &
KATHERINE E. MILLER
22 BAKER STREET
HUDSON, NH 03051
VOL. 9183 PG. 1286

MAP 174 / LOT 015-001
TUMPNEY, HURD, CLEGG, LLC
30 TRIGATE ROAD
HUDSON, NH 03051
VOL. 9462 PG. 2026

MAP 174 / LOT 15
JENNIFER BAER
18 BAKER STREET
HUDSON, NH 03051
VOL. 9026 PG. 2795

MAP 182 / LOT 79
MARK E. SZUGDA
16 BAKER STREET
HUDSON, NH 03051
VOL. 7575 PG. 2137

OWNER OF RECORD:
[Signature]
TUMPNEY, HURD, CLEGG, LLC
39 TRIGATE ROAD
HUDSON, NH 03051
(603) 718-2932

DATE: 10-4-22

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING AUGUST AND DECEMBER OF 2021 AND JANUARY OF 2022, WITH AN ERROR OF CLOSURE BETTER THAN 1 PART IN 10,000.



MICHAEL GRAINGER, LLS # 851

APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: _____

CHAIRMAN _____ DATE _____
SECRETARY _____ DATE _____

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

LEGEND

EXISTING STONEWALL		WETLANDS	
ADJUTERS PROPERTY LINES		DRILL HOLE FOUND	
SUBJECT PROPERTY LINES		REBAR W/ CAP FOUND	
PROPOSED PROPERTY LINES		STONE BOUND FOUND	
PROPERTY TIE LINE		5/8" REBAR TO BE SET	
EDGE OF PAVEMENT		4"x4"x36" GRANITE BOUND TO BE SET	
EXISTING TREELINE		PROPOSED WELL	
EXISTING CONTOUR (MNR)	-572-		
EXISTING CONTOUR (MJR)	-570-		
EXISTING BLDG SETBACK			

No.	DESCRIPTION	DATE
1.	MISC REVISIONS PER 0001/2022 ENGINEERING REVIEW	08/09/2022
2.	MISC REVISIONS PER CONDITIONS OF APPROVAL	10/1/2022

SUBDIVISION PLAN
MAP 181, LOT 001-001
25 WEBSTER ST.
HUDSON, NEW HAMPSHIRE

PREPARED FOR:
TUMPNEY, HURD, CLEGG, LLC
39 TRIGATE ROAD
HUDSON, NH 03051

JUNE 27, 2022 SCALE: 1"=30'

ENGINEER:
RJB ENGINEERING, LLC
2 GLENDALE ROAD
CONCORD, NH 03301
PH. 603-219-0194

ENGINEER & SURVEYOR:
M.J. GRAINGER ENGINEERING, INC.
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359

SHEET: 4 of 14

Printed
10/06/2022
11:56AM
Created
10/06/2022
11:52 AM

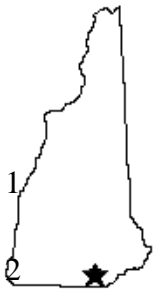
Transaction Receipt

Town of Hudson, NH
12 School Street
Hudson, NH 03051-4249

Receipt# 702,735
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-10/27/22 ZBA Mtg 25 Webster Street Map-Lot-Sublot 18-001-001 Variance Application	0.00	259.4000	0.00
			Total:	259.40

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
THC Excavation LLC	CHECK	CHECK # 1997	259.40	0.00	259.40
			Total Due:		259.40
			Total Tendered:		259.40
			Total Change:		0.00
			Net Paid:		259.40



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 – August 25, 2022 - edited

The Hudson Zoning Board of Adjustment met on Thursday, August 25, 2022 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Chairman Gary Daddario called the meeting to order, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Bylaws) into the record describing the procedure for the meeting.

Clerk Normand Martin took attendance. Members present were Gary Daddario (Regular/Chair), Brian Etienne (Regular), Normand Martin (Alternate/Clerk), Marcus Nicolas (Regular), Dean Sakati (Alternate) and Edward Thompson (Alternate). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused was Jim Pacocha (Regular/Vice Chair). For the record, two (2) Alternates were appointed to vote for the two (2) open ~~Regular~~ Regular seats – Alternate Sakati for Mr. Pacocha and Alternate Thompson for the recently vacated position of Mr. Dearborn.

Appreciation for Mr. Dearborn's years of service to the Board was implied. Ms. Roy confirmed that the Selectmen have recently held an interview for an Alternate and noted that anyone interested in the Regular position would need to apply.

III. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 182-036 (08-25-22):** Patrick & Shannon Lacasse, **7 Fulton Street, Hudson, NH** requests two (2) Variances to permit an existing 2nd dwelling unit to remain as an Accessory Dwelling Unit (ADU) within the existing structure also used as a single family dwelling unit, with relief from the following provisions in the Hudson Zoning Ordinance [Map 182, Lot 036-000; Zoned Town Residence* (TR)]:
 - a. A Variance for relief from the common interior access requirement between the principal dwelling unit and the ADU. [HZO Article XIII A, Accessory Dwelling Units; §334-73.3 E, Provisions]
 - b. A Variance to allow two (2) driveways to remain where a separate driveway for the ADU is not allowed. [HZO Article XIII A, Accessory Dwelling Units; §334-73.3 G, Provisions]

46
47 Mr. Buttrick read the Case and both Variances into the record, referred to his Staff
48 Report initialed 8/17/2022 that outlined the history of the property from records
49 found in the Town's record, noting the Assessor's record that the property was
50 changed from a single family residence to an ADU (Accessory Dwelling Unit) in 2017,
51 without any accompanying Town record or permit for the conversion to an ADU or a
52 two-family, and that from the Assessing record, with a print date of 1/12/1993, that
53 the indicated two-family designation was corrected to a single-family designation. The
54 Town Engineer's review comment dated 8/4/2022 stated that the imagery shows two
55 (2) driveways for this property for the past twenty four (24) years with no Planning
56 Board approval or driveway permit for the second driveway. Mr. Buttrick noted that
57 the Zoning Ordinance changed in 1994 to the TR Zone which allowed the two-family
58 as an "existing non-conforming use" (grandfathered).
59

60 Shannon Lacasse introduced herself and her husband Patrick Lacasse, stated that
61 they purchased the property in December 2000 with the existing apartment and
62 second driveway and considering that they have been taxed for an ADU (Accessory
63 Dwelling Unit), they presumed all was legal and were surprised to learn otherwise.
64 Ms. Lacasse stated that they seek to legitimize the ADU and noted that it is the second
65 story of their deck and shares the wall with their master bedroom and bathroom
66 which would be extremely compromised if they have to connect the ADU and hence
67 the need for a variance. Mr. Lacasse stated that has learned that Steve Shumsky built
68 the apartment back in 1984. Ms. Lacasse stated that both driveways are in use, were
69 in use when they bought the property, and they would like to be able to continue
70 using both, hence the need for a variance, and noted that water pools in the second
71 driveway and that the smaller driveway has a drain in it and if they are forced to
72 eliminate it that drain would be in the middle of their yard. When asked if there were
73 others in the neighborhood that have two (2) driveways, the overview map was
74 displayed and Ms. Lacasse noted that 13 Reed Street has an ADU with two (2)
75 driveways that Mr. Lacasse noted was just repaved.
76

77 Ms. Lacasse ~~ext~~ addressed the criteria for the granting of a Variance and the
78 information shared included:
79

80 (1) *not contrary to public interest*

- 81 • The proposed addition is not contrary to public interest because the house
82 had an ADU with two (2) driveways when the house was purchased in 2000,
83 twenty-one (21) years ago.
84 • There has been no change to the footprint of the house and the driveways
85 have not been changed.

86 (2) *will observe the spirit of the Ordinance*

- 87 • The structure meets almost all the provisions required for an ADU
88 • Property is located in the TR Zone which allows for an ADU
89 • The ADU is six hundred square feet (600 SF), has one (1) bedroom, living
90 room, kitchen and bathroom
91 • The ADU has two (2) exits including an outside door and a fire escape
92 • There is only one (1) mailbox, one (1) utility service connection and the
93 outside stairs and deck are on the side and back of the house so that when
94 you look at the front of the house, it looks like a single-family house
95 • There are four (4) off-street parking spaces available

(3) *substantial justice done*

- Substantial justice would be done to the current property owners because the property was bought with the understanding that the ADU was an approved and legal part of the house and that the two (2) driveways were approved because they were already a functional and used part of the property
- Property has been owned for the past twenty one (21) years and there has been no change to its footprint in that time and both driveways remain in use
- Would like existing ADU to be a legal part of the home

(4) *not diminish surrounding property values*

- The ADU and second driveway have been existing parts of the property for over two (2) decades and has been assessed as such by the Town and is already included in the neighborhood assessment
- The neighborhood has several multi-family properties and even another ADU with two (2) driveways (13 Reed Street)

(5) *hardship*

- The existing layout of the building, which has existed as is since purchase twenty one (21) years ago, is the special condition
- The apartment has all aspects of an ADU except for the common area and that the house has two (2) driveways
- In order to create a common area, the second floor master bedroom and/or bathroom of the main house would be disrupted
- The ADU, master bedroom and bathroom share the same wall
- To create a common area, loss of function to the existing master bedroom or bathroom would result
- The second driveway has always been an existing part of the home and are an intricate part to the flow of the home
- Allowing the ADU, with these two (2) Variances, would allow continued use of the property that was purchased twenty one (21) years ago
- House was built in 1960

Public testimony opened at 7:30 PM. The following individuals addressed the Board:

- (1) Michael Shumsky, 16 Fulton Street, stated that he has been in the neighborhood for seventy-three (73) years and has no objection to either variance.

Ms. Roy asked if it is known when the second driveway was built. Mr. Buttrick stated that they both existed in 1998. Mr. Shumsky stated that those driveways have always been there and added that there once was a garage, but that is now gone but the driveway remained.

- (2) Emily Eastman-Brown, 22 Maple Avenue, asked if the driveways would remain in the same location if there were ever to be replaced. Mr. Lacasse confirmed that his intention is to keep them where they are, perhaps with a slight change to the right side depending on the water concerns. Ms. Eastman-Brown stated that she has no issues with either variance.

- (3) Mary Ellen Bourassa, 16 Fulton Street, stated that ADU's are important, that there are lots of apartments in the neighborhood and this one is not detrimental to the neighborhood.

146
147 Public testimony closed at 7:36 PM

148
149 Board discussion ensued and existing Town records and Permits were reviewed.
150 General agreement was reached that the record is incomplete and that several
151 documents were illegible and that there existed discrepancies, including Building
152 Permit #2005-501 dated 5/4/2005 for the addition of a first floor screened porch with
153 a second floor addition to a bedroom with accompanying Electric Permit #194-06.

154
155 It was noted that it is important that the appropriate relief being sought is identified,
156 and the question answered whether the apartment existed in 1994 before the Zone
157 change to TR thereby having it become a non-conforming 'grandfathered' use, and
158 whether a separate dwelling unit should remain.

159
160 Mr. Etienne asked if the tax record in 1994 identified it as a two-family or an ADU.
161 Mr. Buttrick stated that those records only go back to 2014, noted that the
162 construction is a two-family by configuration, and added that ADUs are allowed in the
163 TR Zone and is why the Variances are being sought to legitimize and allow continued
164 use of the second dwelling unit. Mr. Buttrick stated that the "common area"
165 requirement could readily be satisfied by just adding an adjoining door and that
166 Planning Board approval of a second garage, as well as a Driveway Permit, would also
167 be needed. Mr. Lacasse stated that it is their preference not to connect the two
168 dwelling units, not even if the requirement could be satisfied if they insert a "door".

169
170 Ms. Roy asked how the second dwelling unit has been used and whether there have
171 been any caregiver services provided. Mr. Lacasse responded that David Murray was
172 living there when they purchased the property and stayed until his death, then a
173 friend of Ms. Lacasse lived there for four (4) years, then his friend after for another
174 four (4) years and currently their nephew resides there while he is building his own
175 house. Ms. Lacasse confirmed that they have never been 'care-takers' to the tenants.

176
177 Ms. Lacasse provided a copy of the 1993 tax record with the property listed in the R-2
178 (Residential-Two) Zone and identified as "two-family".

179
180 Discussion arose. With the new information identifying the structure as a two-family
181 prior to the change in Zone, the "use" became a non-conforming use protected by
182 'grandfather' status. Mr. Etienne noted that two (2) driveways are allowed for
183 duplexes. Discussion on how to proceed followed

184
185 Mr. Etienne made the motion to neither grant nor deny the requested Variances as
186 based on the new evidence submitted find that the two-family use existed prior to the
187 Zone change in 1994 and thereby its two-family use became a non-conforming
188 (grandfathered) use and that the two (2) requested variances are not required. Mr.
189 Sakati seconded the motion. Roll call vote was 5:0 with each Member confirming the
190 same finding.

191
192 Mr. Buttrick confirmed that a Notice of Decision regarding the Board's decision would
193 be produced as well as filed in the Town's Land Use Folder and become part of the
194 Town's property file record. Mr. Daddario noted the 30-day Appeal period.

195

196 Board recessed for four (4) minutes at 8:01 PM.

197

198 2. **Case 167-031 (08-25-22):** Shanna Moreau, **128 Highland Street, Hudson, NH**
199 requests a Variance for a proposed installation of a 15 ft. x 30 ft. above ground
200 residential pool to be located 10 feet into the side yard setback leaving 5 feet
201 where 15 feet is required. [Map 167 Lot 031-000; Zoned Residential-Two (R-2);
202 HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum
203 Dimensional Requirements]

204

205 Mr. Buttrick read the Case into the record, and referenced his Staff Report initialed
206 8/17/2022 noting that it is an existing non-conforming corner lot based on lot size
207 and front setback to Highland Street with has access/frontage on Bonnie Lane and is
208 encumbered by a significant and unusable easement and an Eversource ROW (Right-
209 of-Way). Town Engineer provided four (4) comments: (1) significant size Liberty
210 Utilities natural gas station with a possible gas main under the structure that required
211 confirmation; (2) significant elevation drop between 128 & 126 Highland Street which
212 will create a challenge during construction; (3) location of pool discharge hose needs to
213 be identified; and (4) applicant should consider relocating proposed pool behind the
214 house

215

216 Shanna Moreau introduced herself as the property owner and stated that she seeks a
217 variance to locate an above ground pool into the side yard setback and noted that even
218 though the application states that it will be ten feet (10') into the required fifteen foot
219 (15') setback, that because the pool placement is parallel to the house and not parallel
220 to the property line, the other end of the pool would encroach only seven feet (7').

221

222 Ms. Moreau provided a brief history of this project, stated that originally the pool was
223 to be located in the backyard parallel to the existing deck and house, that over the
224 years they have been preparing the land, cutting trees and leveling, that they were
225 aware of the easement line and their original plan had no infringements; however due
226 to issues with the hill, the excavator and the contractor made a field call and took the
227 safest option to correct and the pool excavation traversed into the easement by a few
228 feet. Eversource immediately took action to cease our installation. The pool site has
229 had to be relocated and there were very limited options available. The pool had to be
230 rotated ninety (90) degrees to run parallel to the side of the house and shifted to the
231 side yard. Considering the existing deck, they encroach the side yard setback

232

233 Ms. Moreau stated that she has been working with the utilities, received confirmation
234 from Liberty that they do not have a gas line on/under her property and all is now
235 okay with Eversource. Ms. Moreau added that during this process, she also
236 discovered that the fence was not installed at her property line, which had to be
237 corrected and limited the amount of usable area and increased the encroachment.

238

239 Ms. Moreau next addressed the criteria for the granting of a Variance and the
240 information shared included:

241

242 (1) *not contrary to public interest*

- 243 • Not contrary to public as there is only one (1) direct neighbor on that side of
244 the house
- 245 • Pool will not be visible as a six foot (6') high fence will be installed
- 246 (2) *will observe the spirit of the Ordinance*
- 247 • Not asking to disregard the Ordinance but rather leniency to be able to place
248 the pool ten feet (10') closer to the property line
- 249 (3) *substantial justice done*
- 250 • Eversource shut down the pool installation in backyard after the yard had
251 been excavated.
- 252 • Pool installer moved the plan a few feet to accommodate the hill and
253 inadvertently made the new location encroach over the easement line by a
254 few feet
- 255 • Over \$10,000 has been spent on this project so far and the variance would
256 allow this not to be a total loss
- 257 (4) *not diminish surrounding property values*
- 258 • Pool will not be visible with the installation of a six foot (6') vinyl fence
- 259 • This project will add value to my property which, in turn, should add value
260 to the neighborhood
- 261 (5) *hardship*
- 262 • With almost one (1) acre of land, there is only about ten percent (10%) that
263 can be used with the easements and hill slope in the backyard
- 264 • Have spent seven (7) years and upward to \$15K to remove trees and fix
265 yard in preparation for this project
- 266 • The easement on the property cuts off 90% of the backyard leaving a very
267 small area available for recreational use
- 268 • The location selected is the only possible remaining option for the pool
269 placement
- 270 • We recently learned that the side fence line is not on our actual property
271 line and had to be moved in, leaving us even less usable space in our
272 backyard
- 273 • The terrain makes much of the open available space in the backyard
274 unusable with its downward slope
- 275 • The 15' setback requirement leaves what useable space there is much
276 smaller
- 277 • The easement was incorrectly explained when the property was purchased
- 278 • The only option left is to place the pool at the side of my house and that
279 encroaches into the Town's established side yard setback and needs this
280 variance

281

282 Mr. Sakati noted the Town Engineer's comments regarding the elevation drop and
283 concern for the location of the pool discharge hose. Ms. Moreau stated that the
284 discharge hose will now be on the left side of the pool.

285

286 Public testimony opened at 8:27 PM. No one addressed the Board.

287

288 Mr. Thompson inquired about the fence. Ms. Moreau stated that it was already there
289 but during this whole process discovered that it was placed on her neighbor's land and
290 had to be moved to her property line.

291
292 Mr. Etienne asked if a smaller pool could be considered to reduce some of the side
293 yard impacts. Ms. Moreau responded that it could but it is not what they want and
294 added that it is already half built.

295
296 Board discussed and reviewed the additional information submitted.

297
298 Mr. Etienne made the motion to grant the Variance as requested as it is not contrary
299 to the public interest, is a common accessory use for a home so justice is done,
300 observes the spirit of the Ordinance, is a temporary structure, should not affect
301 surrounding property values and that hardship is met by the utility easements and
302 slope of the land leaving very little land to place the pool. Mr. Sakati seconded the
303 motion for the same reasons. Roll call vote was 5:0. Variance granted. The Applicant
304 was informed of the 30-day Appeal period and requested to submit a revised Building
305 Permit with new pool placement and dimensions (numbers).

306
307 **IV. REQUEST FOR REHEARING:**

308
309 No requests were received for Board consideration.

310
311 **V. REVIEW OF MINUTES:** 07/28/22 edited Draft Minutes

312
313 Board reviewed the edited draft Minutes presented. Mr. Martin questioned the “(sp?)”
314 in Line 209 for the individual that spoke when Public Testimony was opened. Mr.
315 Buttrick confirmed that the individual was not an abutter and a review of the
316 recording offered no further insight. Two (2) other typographical errors were noted as
317 needed – the un-capitulation of “rezone” (Line 212) and capitulation of “Public” (Line
318 214). Motion made by Mr. Etienne, seconded by Mr. Nicolas and unanimously voted
319 5:0 to approve the 7/28/2022 Minutes as edited and amended

320
321 **VI. OTHER:**

322 1) Resignation of Regular Member Gary Dearborn
323 Mr. Dearborn resigned after the last meeting. Ms. Roy noted that if any Alternate
324 Member is interested that they would need to apply through the Board of Selectmen
325 (BoS) and added that the BoS have interviewed one candidate for an open Alternate
326 position.

327
328 2) ZBA Training/Workshop- Member availability and tentative datess-?
329 Mr. Buttrick sent three (3) possible dates to the Municipal Assoc for a two-hour
330 training workshop beginning with Decisions/Motions – September 8, October 6 or
331 October 13 – and asked the Members to reserve those dates pending confirmation.

332
333 3) Notice of Hearing date from Superior Court – 8 Washington Dr. appeal.
334 Mr. Buttrick referenced the email from Town Counsel with its invite to attend.

335
336 Motion made by Mr. Etienne, seconded by Mr. Nicolas and unanimously voted to
337 adjourn the meeting. The 8/25/2022 ZBA meeting adjourned at 8:57 PM

338
339 Respectfully submitted,

340 Louise Knee, Recorder.

As Edited



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 – September 22, 2022 – as edited

The Hudson Zoning Board of Adjustment met on Thursday, September 22, 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. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Acting Chairman Jim Pacocha called the meeting to order at 7:00 PM and invited everyone to stand for the Pledge of Allegiance.

Acting Clerk Brian Etienne read the Preamble (Exhibit A in the Bylaws) into the record describing the procedure for the meeting and took attendance.

Members present were Brian Etienne (Regular), Tim Lanphear (Alternate), 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 Gary Daddario (Regular/Chair), Normand Martin (Alternate/Clerk), Marcus Nicolas (Regular). For the record, all Members present voted.

Mr. Buttrick stated that a request has been received to hear the third Case (#173-029 a-c) first. Mr. Etienne made the motion to take the Agenda out-of-order and address the third Case first. Mr. Lanphear seconded the motion. No discussion. Vote was unanimous.

III. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

3 Case 173-029 a-c (09-22-22): Meghan Lerman, Manager of Burr Signs, 2 Karen Dr., Ste. 4, Westbrook, ME requests three (3) Variances for **56 Derry St., Hudson, NH** [Map 173, Lot 029-000; Zoned Business (B)] as follows:

- a. To locate a proposed free-standing Pylon sign (reference #1), within the required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article XII, Signs; §334-60.C, General requirements]
- b. To locate one (1) additional, 22.25 sq. ft. wall sign on the building south side (reference# 2), in addition to the permitted wall sign on the east side

45 of the building. [HZO Article XII, Signs; §334-63, Business and industrial
46 building signs]
47

48 c. To locate two (2) directional signs (reference #4 and #5), within the
49 required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article
50 XII, Signs; §334-60.C, General requirements and §334-58 B(3), Permit
51 required; exemptions]
52

53 Mr. Buttrick read all three (3) Variances into the record and referenced his Staff
54 Report initialed 9/13/2022 noting that the Planning Board approved the Site Plan
55 9/8/2022 and that both the Town Planner and Town Engineer have submitted their
56 comments. Mr. Pacocha asked if the Applicant should present a global presentation
57 and then the Board could apply individual motions per sign or if each Variance should
58 be presented individually. The general consensus was to address each individually.
59

60 a. To locate a proposed free-standing Pylon sign (reference #1), within the
61 required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article
62 XII, Signs; §334-60.C, General requirements]
63

64 Drew Serbin, President of Burr Signs, introduced himself, noted that his Manager,
65 Meghan Lerman, has been directly involved with this project and working with Bruce
66 Buttrick, who has been very helpful, noted that they have received Site Plan Review
67 (SPR) approval from the Planning Board with the location of the Pylon sign on the final
68 plan. The site is a stand-alone drive-thru location. The Pylon pole stands thirteen feet
69 (13') tall with a width of eight inches (8") and the Aroma Joe's drive-thru sign located
70 eight inches (8") below the top of the pole with dimensions of seven feet six inches wide
71 by three feet in height (7'6" x 3') and offset by one foot six inches (1' 6") towards the
72 road. The Pylon is placed in the culvert, ahead of the drain line and addresses the
73 safety issue by not being in the line of sight for vehicles exiting the site.
74

75 Mr. Serbin addressed the criteria that must be met in order to grant a Variance. The
76 information shared included:
77

78 (1) *not contrary to public interest*

79 • The requested change does not affect the essential character of the
80 neighborhood and addresses issues related to such a small site.

81 (2) *will observe the spirit of the Ordinance*

82 • The proposed use will observe the ordinance because the property owner is
83 simply looking for minor relief due to the setback challenges and the fact
84 that the store is a drive thru location only

85 (3) *substantial justice done*

86 • Substantial justice would be done to the property owner because the
87 movement of the pylon removes it from being in the traffic pattern

88 (4) *not diminish surrounding property values*

89 • The proposed use will not diminish the values of surrounding properties
90 because the requested changes are in keeping with what is reasonable to
91 expect from any business and what signage they typically install roadside

92 (5) *hardship*

- 93 • Special conditions exist at this property and create a hardship because of
94 the way the ordinance stipulates that the sign be set back 25' from the
95 ROW (Right-of-Way), it would put the pylon in the drive thru exit lane
96 • The conditions of the property make the proposed use reasonable because
97 both the lot and building size are small making this a drive thru only
98 location
99 • Request is reasonable for greater vehicular visibility and for dimensional set
|100 back due to ordinance obstruction.

101
102 Public testimony opened at 7:20 PM. No one addressed the Board
103

104 Mr. Etienne inquired why the location was selected and whether there are any utilities
105 below the selected site. Mr. Serbin responded that the location is as per the approved
106 Site Plan and that there are no utilities. Ms. Roy asked if Mr. Serbin has seen the
107 comments/concerns from the Town Engineer and Town Planner and his response to
108 them. Mr. Serbin responded that he has seen them and assured the Board that they
|109 consult Dig Safe ~~and will do echolocation tests~~ and confirmed that the Engineer who
110 designed the drainage system would be present when the holes are augured in the
111 location approved by the Planning Board. Mr. Sakati asked if the proposed location of
112 the pylon sign was considered during Planning Board review. Mr. Serbin responded
113 that it is a detention "pond" with no leading pipe and the footing would occur in the
114 pond. Mr. Buttrick asked that if the variance is granted that it have the condition that
115 it be reviewed and approved by the Site Engineer to testify that drainage, as designed,
116 would not be impacted.

117
118 Mr. Sakati asked if there would be any impact to traffic. Mr. Serbin stated that only
119 the poles would be visible as the sign is above, approximately a foot below the top of
120 the pole.

121
122 Mt Thompson stated that he went and viewed the site and noted that the right turn
123 exit lane is tight to the pond. Mr. Etienne asked if the sign could be moved to the first
124 designated parking spot to avoid setback encroachment and potential snow plowing
125 issues. Mr. Serbin responded that another location could be okay and he could check
126 with the owner but would hesitate because the Site Pan has already been approved
127 and, in his experience, an after-the-fact change is not favorable. Mr. Buttrick noted
128 that the amount of parking spaces is specified based on calculations from the square
129 footage on the Site Plan as #12 in the Notes and Note #18 states that it is unlawful to
130 change convert or alter without PB approval. Mr. Lanphear questioned other possible
131 locations.

132
133 Mr. Thompson inquired about the location of the walk-up window and seating. Mr.
134 Etienne noted that there is significant walking traffic on Derry Street. The walk-up
135 window was identified on the plan as well as the outdoor seating area. It was noted
136 that when parked, a customer would have to traverse two (2) lanes of exiting vehicles.
137 Mr. Thompson stated that the left exit turn lane could experience a long queue and
138 questioned if sight would be impacted with the pylon sign to which Mr. Serbin
139 responded that it would not interfere as the pole would be behind the exiting vehicle.

140
141 Mr. Etienne made a motion to grant the waiver with the stipulation that the Civil (site)
|142 Engineer of Record review, approve and observe the installation of the pylon sign so

143 that it does not interfere with the drainage. Mr. Thompson seconded the motion. Roll
144 Call vote was 5:0. Variance granted with stipulation. Mr. Etienne noted that 30-day
145 Appeal period.

146
147 b. To locate one (1) additional, 22.25 sq. ft. wall sign on the building south
148 side (reference# 2), in addition to the permitted wall sign on the east side
149 of the building. [HZO Article XII, Signs; §334-63, Business and industrial
150 building signs]

151
152 Mr. Buttrick reread the Case into the record, referenced his Staff Report initialed
153 9/13/2022 and noted that neither the Town Engineer nor the Town Planner provided
154 any comment.

155
156 Mr. Serbin stated that the front of the building faces south onto Derry Street and a
157 sign can be when traveling south but not when traveling north so they are requesting
158 another sign for/on the south side of the building. The dimension of the proposed
159 sign is 21" x 96" with the modified apostrophe extending a bit higher, by
160 approximately 10"), for a total of 20.25 SF.

161
162 Mr. Serbin addressed the criteria that must be met in order to grant a Variance. The
163 information shared included:

- 164
165 (1) *not contrary to public interest*
166 • The requested change does not affect the essential character of the
167 neighborhood and addresses issues related to such a small site and
168 addressing the need for better visibility.
169 (2) *will observe the spirit of the Ordinance*
170 • The proposed use will observe the ordinance because the property owner is
171 simply looking for minor relief due to the layout.
172 • The addition of the south facing sign will help combat how the building had
173 to be placed on the property
174 (3) *substantial justice done*
175 • Substantial justice would be done to the property owner because the second
176 sign will allow for visibility for northbound traffic on Derry Street
177 (4) *not diminish surrounding property values*
178 • The proposed use will not diminish the values of surrounding properties
179 because the requested changes are in keeping with what is reasonable to
180 expect from a coffee shop
181 • Many other coffee/fast food establishments have the same amount of wall
182 signs as that being proposed
183 (5) *hardship*
184 • Special conditions exist at this property and create a hardship because of
185 the size of the property and the nature of the location only having a drive
186 thru makes it critical to attract vehicular traffic from both directions
187 • The conditions of the property make the proposed use reasonable because
188 it is within expectation that a business of this nature have more than one
189 sign as many surrounding establishments have.

190
191 Public testimony opened at 7:53 PM. No one addressed the Board.

192
193 Mr. Etienne asked and received confirmation that the pylon sign would be double
194 sided and illuminated. Mr. Thompson questioned how this additional sign was not
195 discussed with the Planning Board during SPR review. Mr. ~~Sakiti-Sakati~~ expressed
196 concern with setting a precedent if Variance granted. Mr. Etienne stated that the
197 Board has faced this type of situation before and have not granted the variance with
198 one exception and that was passed because of the construction of the building
199 obscuring the view-shed. Mr. Lanphear asked and received confirmation that two (2)
200 thru windows are proposed, one as a drive thru and one as a walk thru.

201
202 Mr. Etienne made the motion to not grant the Variance based on not satisfying the
203 criteria, that historically a third (3rd) is not allowed and the site has a dual sided pylon
204 sign seen driving up or down Derry Street. Mr. Lanphear seconded the motion ~~fr~~ for
205 the same reasons and noted that currently the adjacent site is not developed, but one
206 it is the sign would no longer be visible. Roll call vote was 4:1 not to grant the
207 Variance. Mr. Thomson voted to grant the Variance. Variance not granted. The 30-
208 day Appeal period was noted.

209
210 c. To locate two (2) directional signs (reference #4 and #5), within the
211 required front setback of 25 ft. leaving 12.5 ft. of setback. [HZO Article
212 XII, Signs; §334-60.C, General requirements and §334-58 B(3), Permit
213 required; exemptions]

214
215 Mr. Buttrick reread the Case into the record, referenced his Staff Report initialed
216 9/13/2022 and noted that both the Town Engineer and the Town Planner provided
217 comment and concern for sight distance for exiting vehicles.

218 Mr. Buttrick's Zoning Determination dated 6/10/2022 identified the applicable Zoning
219 Ordinance Articles that limit directional signs to be not greater than three square feet
220 (3 SF) and not located greater than fifty percent (50%) into the setback.

221
222 Mr. Serbin stated that the original enter/exit sign design had the branding and was
223 sized at 18" in height and 36" in length but that exceeded to allowed square footage,
224 so the branding was eliminated and the dimension of the signs being proposed is 12"
225 high by 36" length and would be aligned to the pylon sign. The proposed signs would
226 be 48" above the ground, could possibly be reduced to 40" or 36" but it does need to
227 be kept above the snow line.

228
229 Mr. Serbin addressed the criteria that must be met in order to grant a Variance. The
230 information shared included:

- 231
232 (1) *not contrary to public interest*
233 • The requested change does not affect the essential character of the
234 neighborhood and addresses issues related to such a small site and flow of
235 traffic.
236 (2) *will observe the spirit of the Ordinance*
237 • The proposed use will observe the ordinance because the property owner is
238 simply looking for minor relief due to the setback challenges and the fact
239 that the store is a drive thru only location.
240 (3) *substantial justice done*

- 241 • Substantial justice would be done to the property owner because directional
242 signs will provide traffic safety way finding.
243 (4) *not diminish surrounding property values*
244 • The proposed use will not diminish the values of surrounding properties
245 because the requested changes are in keeping with what is reasonable to
246 expect from any drive thru location.
247 (5) *hardship*
248 • Special conditions exist at this property and create a hardship because of
249 the size of the property and the nature of the location only having a drive
250 thru.
251 • The conditions of the property make the proposed use reasonable because
252 with a constant flow of traffic in and out of this location, it is more safety
253 based than aesthetics.
254

255 Mr. Buttrick referred to the Town comments received, specifically the Town Planner's
256 comment that standard eye sight in a passenger car is 3'6" from the ground level and
257 the proposed sign face spans 3' to 4' vertically from the ground level and the Town
258 Engineer's request that the Applicant shall provide plan and profile for sight distance
259 to clearly show it is not compromised. A GIS street view was posted. Mr. Serbin
260 stated that a condition of approval could be that the top of the sign cannot be higher
261 than 40".
262

263 Public testimony opened at 8:14 PM. No one addressed the Board.
264

265 Mr. Thompson asked at what point does the Highway Safety committee get involved
266 with regard to the line of sight safety element, stated that the sign being proposed
267 shows the 48" at top of the sign and with 12" for the wording leaves 36" for visibility
268 (which could be reduced with snow) and noted that there is also a guardrail to keep in
269 mind. Mr. Pacocha stated that a driver could see over the sign. Mr. Etienne stated
270 that a low lying car could not and noted that directional signs are not required at all,
271 that businesses in New England usually have their paved areas plowed and sanded
272 before their business day begins and that it the pavement directional in/out arrows
273 would be visible. Mr. Pacocha added that a second pavement arrow to the right would
274 be better for traffic flow into the site and asked if a divider is proposed between the
275 in/out lanes. No divider is proposed. Other possible locations were considered and
276 dismissed.
277

278 Motion made by Mr. Lanphear to deny the Variance as it does not satisfy the hardship
279 criteria. Mr. Etienne seconded the motion for the same reason stating that it
280 excessive. Mr. Thompson stated that if the Variance is denied, then there would be no
281 vertical directional signage on site. Roll call vote was 5:0 not to grant. Per Decision
282 Worksheet, only Criteria 4, proposed use will not diminish values of surrounding
283 properties, received majority vote as having been satisfied. Variance denied. The 30-
284 day Appeal period was noted
285

- 286 1. **Case 242-064 (09-22-22):** Shawn & Brianna Leite, **2 Somerset Dr., Hudson,**
287 **NH** requests a Variance to build a proposed 8 ft. x 36 ft. farmers porch that will
288 encroach the front yard setback 4.9 feet leaving 25.1 feet where 30 feet is
289 required. [Map 242, Lot 064-000; Zoned Residential-Two (R-2); HZO Article VII,

290 Dimensional Requirements; §334-27, Table of Minimum Dimensional
291 Requirements]

292

293 Mr. Buttrick read the Case into the record, referenced his Staff Report initialed
294 9/13/2022 noting that it is a corner lot of record, that there were no in-house review
295 comments/concerns received and that an Abutter email was placed in the
296 Supplemental Meeting folder.

297

298 Shawn and Brianna Leite introduced themselves and stated that they would like to
299 construct a farmer's porch to the front of their home. Ms. Leite addressed the
300 Variance criteria and the information shared included:

301

302 (1) *not contrary to public interest*

303 • The requested variance will not be contrary to the public interest because it
304 will add value to the home and add to the aesthetics of the neighborhood
305 which in turn will increase the value of the homes in the neighborhood

306 (2) *will observe the spirit of the Ordinance*

307 • The proposed farmers porch will observe the ordinance because it will be an
308 open concept single level construction that will not impede on any
309 neighbor's view

310 • The farmers porch will increase the value of the home without affecting the
311 health, safety or welfare of the Town. ~~Of Bow~~

312 • The farmers porch will not affect parking or traffic flow

313 • The farmer's porch will allow ability to connect with community on a regular
314 basis

315 (3) *substantial justice done*

316 • The proposed farmers porch will add value to the home and improve the
317 aesthetics of the neighborhood

318 • Substantial justice would be done to the property owner without any harm
319 to the general public.

320 (4) *not diminish surrounding property values*

321 • The proposed farmers porch will not diminish the value of the surrounding
322 properties, in fact it would add value to the home and neighborhood

323 • There are other homes in the neighborhood that have similar farmers
324 porches

325 • There are other homes with farmers porches within the community that are
326 built within the 30' setback

327 • This farmers porch will allow the occupants of the property to enjoy more of
328 their property as well as be more connected to the community

329 (5) *hardship*

330 • The enforcement of the Ordinance would not be "fair and reasonable"

331 • The proposed farmers porch will sit closer to the house than the existing
332 walkway

333 • The farmers porch will improve the lives of those living within the home as
334 well as improve the aesthetics and sense of community within the
335 neighborhood

- 336 • The proposed farmers porch will not affect the public health, safety or
337 welfare in any way
338

339 Public testimony opened at 8:39 PM. No one addressed the Board. Mr. Etienne read
340 into the record the email from Thomas and Paula DeAngelis dated 9/19/22 stating
341 that they have no objections.
342

343 Mr. Etienne stated that he drove through the neighborhood and noticed many homes
344 had farmers porches and this request would be in character of the neighborhood.
345

346 Mr. Etienne made the motion to grant the variance as requested noting that the
347 Variance criteria were satisfied. Mr. Sakati seconded the notion for the same reasons.
348 Roll call vote was 5:0. Variance granted. The 30-day appeal period was noted.
349

- 350 2. **Case 182-169 (09-22-22):** Nick Couture of Crossroads Contracting, 15
351 Londonderry Rd., #6, Londonderry, NH requests a Variance for **3 Oakwood St.,**
352 **Hudson, NH** to demolish an existing garage and shed and build a new proposed
353 24 ft. x 26 ft. garage that will encroach the side yard setback 7 feet leaving 8
354 feet where 15 feet is required. [Map 182, Lot 169-000; Zoned Town Residence
355 (TR); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum
356 Dimensional Requirements]
357

358 Mr. Buttrick read the Case into the record and referenced his Staff ~~ff~~^{ff} Report initialed
359 9//13/2022 and noted that the lot is an existing non-conforming lot due to
360 insufficient frontage and that the Town Planner noted that the existing setback
361 encroachment would be reduced with the proposed plan.
362

363 Nick Couture of Crossroads Contracting introduced himself as representing the
364 Property Owners, Peter and Amanda Sanborn, stated that they were present and
365 available to answer questions and noted that the demolition of the existing shed at the
366 property line allows for the gain of a setback by eight feet (8').
367

368 Mr. Couture addressed the criteria that must be met in order to grant a Variance. The
369 information shared included:
370

- 371 (1) *not contrary to public interest*
372 • Granting the request will allow owner to replace a worn down garage with a
373 new one more in character with the neighborhood
374 • Granting will not threaten public health, safety or welfare
375 • Granting will reduce an existing nonconformity and significantly improve its
376 character
377 (2) *will observe the spirit of the Ordinance*
378 • Spirit of the Ordinance is observed since the request does not include
379 rebuilding the attached shed which will reduce the encroachment by 8'
380 (3) *substantial justice done*

- 381 • Granting this variance would allow for improved use of property, increase
382 the home's value and improve curb appeal
383 • It will also be consistent with surrounding properties while reducing an
384 existing encroachment.
385 (4) *not diminish surrounding property values*
386 • The existing garage is old and run down with poor curb appeal
387 • Proposed garage will improve curb appeal and the property value and thus
388 improve the property values of surrounding homes
389 (5) *hardship*
390 • The existing lot configuration makes it unique
391 • The lot is a long rectangle with a total of 15,644 SF (square feet), which if
392 50% of the required 10,000 SF
393 • The TR Zone has the smallest frontage requirement at 90 linear feet. This
394 property has only 70 linear feet which is about 25% less than required
395 • These factors make the side setback requirement significantly more difficult
396 to maintain
397 • Having a garage next to the house is typical and makes this a reasonable
398 request, especially since the requested garage is to replace an existing run
399 down garage and will reduce the existing encroachment more than 50%

401 Public testimony opened at 8:51 PM. Peter Sanborn, 3 Oakwood Street, stated that he
402 is the Property Owner and supports the variance request. Mr. Sakati read the
403 9/19/22 letter received from Gregory Putnam, 7 Oakwood Street, into the record that
404 supports the project and requested that the water run off issue that currently exists
405 between their two properties be addressed. Public testimony closed at 8:55 PM.

406
407 Mr. Etienne asked if gutters and runoff were considered in the design. Mr. Couture
408 stated that they were not considered. Discussion arose that considered option to
409 address the drainage concern and one option for water runoff included gutters to
410 direct water into a drywell as a method to mitigate both the water runoff and snow
411 melt.

412
413 Mr. Etienne inquired about the setback requirement for driveways. Mr. Buttrick
414 responded that driveway permits are handled by the Town's Civil Engineer and are
415 also in the Town Code, Section 193-10 and that any deviation from the Code would
416 require a waiver from Planning Board. Ms. Roy noted that the property was
417 purchased in 2021. Mr. Buttrick stated that in 2017, based on review of GIS aerial,
418 the driveway was in front of the house.

419
420 Mr. Etienne made a motion to grant the waiver with a stipulation that a gutter system
421 and accompanying drywell drainage system shall be provided. Mr. Sakati seconded
422 the motion noting that all five (5) criteria were satisfied and agreed with the stipulation
423 that addresses the needed water mitigation. Roll call vote was 5:0. Variance granted
424 with stipulation.

425 426 **IV. REQUEST FOR REHEARING:**

427
428 No requests were presented for Board consideration.

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454

V. REVIEW OF MINUTES: 08/25/22 edited Draft Minutes

Mr. Etienne apologized to the Board, stated that he has not yet reviewed the Minutes and made the motion to defer ~~adopting~~accepting them until the next meeting. Mr. Sakati seconded the motion stating that he has a few edits to add. Vote was 5:0. Motion passed.

VI. OTHER:

Mr. Buttrick noted the following three (3) upcoming events and encouraged everyone to attend:

- 1) ZBA **in-house** Training/Workshop- *ZBA Decision Making Process* on Oct 13, 2022 @ 7:00 PM
- 2) Saturday Oct 15, 2022 NHMA “Virtual” Training seminar
- 3) Superior Court Hearing 12/09/22 – 8 Washington Dr. appeal- Attendee(s) invite.

Motion made by Mr. Etienne, seconded by Mr. Sakati and unanimously voted to adjourn the meeting. The 9/22/2022 ZBA Meeting adjourned at 9:11 PM

Respectfully submitted,
Louise Knee, Recorder

Ajourned 9:06 pm ?



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

WORKSHOP MEETING MINUTES – October 13, 2022 - draft

I. CALL TO ORDER 7:04pm

II. PLEDGE OF ALLEGIANCE

Mr. Daddario called the meeting to order at 7:01 PM, invited everyone to join in the Pledge of Allegiance and took attendance.

Members present were Gary Daddario (Regular/Chair), Tim Lanphear (Alternate), Jim Pacocha (Regular/Vice Chair), 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), Normand Martin (Alternate/Clerk), Marcus Nicolas (Regular) and Dean Sakati (Alternate).

At 7:02 PM Board went into non-public session for legal consult. At 7:04 PM, Board resumed meeting

III. ZBA TRAINING/WORKSHOP:

Stephen C. Buckley, Legal Services Counsel from the NH Municipal Association has scheduled an On-Demand presentation: *ZBA Decision Making Process* for the ZBA training. Steve will also touch upon the new requirements resulting from the recent passage of House Bill 1661 and what local Land Use Boards need to know.

Mr. Buckley was introduced and welcomed. Mr. Buckley distributed a print out of the power point presentation and invited questions during the presentation. The information shared and discussed included:

- The Right-to-Know (RTK) comes from the NH Constitution and is covered in RSA 91-A
- The role of the ZBA was established in the 1920s
- A public meeting constitutes a gathering of 3 Members

- 42 ○ A public meeting requires public notice, public access and minutes
43 prepared and accessible to the public
44 ○ Draft Minutes are **not** required to be posted, but do need to be
45 available within a timely fashion as per RSA
46 ○ Members should avoid any and every discussion on an open case
47 before the Board – and that includes telephone conversations,
48 texting – in fact, any and all social media
49 ● Conflict of interest
50 ○ See Ethics in RSA 673:14 and 500-A:12
51 ○ If recusing, should leave the Board table and not participate in any
52 Board discussion but can address the Board during intake of
53 public testimony
54 ○ If you are an indirect abutter and if you are directly affected, then
55 you have ‘standing’ and should recuse yourself
56 ● Recusal versus Abstain
57 ○ There’s never a good reason to abstain
58 ○ If a case goes to Court and the vote was 2:2:1, the Court infers the
59 abstaining vote to have been in favor of the motion which in [affect](#)
60 [effect](#) makes the vote 3:2
61 ○ Can stipulate ‘no abstaining’ in the Board’s Rules for Procedure
62 ● The effect of an Appeal to the ZBA places the decision into abeyance until
63 [the](#) ZBA reviews and decides
64 ○ The requestor of an appeal need not be present for the Board to
65 determine whether to hear the appeal as it is based on submitted
66 facts of record, notice of error or new information to be considered
67 ● Every ZBA Notice of Decision (NOD) decision must be based on Findings
68 of Fact
69 ○ Historically, only required to give the reason(s) why a request was
70 denied – specific to which criteria failed
71 ○ HB 1661 now requires, as of 8/23/2022, that the Findings of
72 Facts must also be stated for the granting of [an Approval, a motion](#)
73 [\(Decision\)](#)
74 ○ Findings of Facts also justifies condition(s) as applied to a motion
75 ○ Board can specify whether [the](#) denial is “with” or “without
76 prejudice”
77 ○ “Without prejudice” means the same plan could be resubmitted to
78 the Board
79 ○ “With prejudice” means a new/different plan must be submitted
80 ○ Remember, every Case is unique and considered individually
81 applied to a motion
82 ○ There is no real need to consider “setting a precedence”
83 ● Developments of Regional Impact ([DRI](#)) can be the result of size,
84 proximity, emissions, aquifers, schools, waste etc. [RSA 36:55 is specific](#)
85 [as to what constitutes DRI.](#)
86 ● Cumulative Impact versus Setting Precedent

- 87 ○ Closely related but not identical – every Case is unique and time
88 changes impact
89 ○ Example: Variance is valid for 2 years and if not
90 exercised/activated, it expires – a resubmission for the same
91 variance cannot be extended without review because Zoning may
92 have changed and/or the cumulative effect in a region may be
93 different
94 • Decisions and Decision Sheets
95 ○ There doesn't seem to be enough time for Members to complete,
96 without rushing, during the meeting – one possibility is to continue
97 to the next meeting (not practical) or Chairman can announce the
98 reason for the delay and wait before continuing
99 ○ Chairman should ask each Member during the meeting their
100 determination on each criteria – this also helps to determine if
101 conditions/stipulations are needed
102 ○ But Hudson ZBA elected a Vertical Voting method (per Member not
103 per Criteria) – no problem – by asking each Member during
104 meeting may help in the completion of the Decision Sheets and
105 each Member votes according to their determination on each
106 criteria
107 ○ Vertical / Horizontal decision making is specified in the Board's
108 Rules of Procedure and if a voting method change is elected, must
109 wait 60 days before implementing (per RSA)
110 • ZBA Handbook (2021 edition from the NH Department of Business and
111 Economic Affairs) – keep it handy – every Member has one
112
113

114 Board thanked Mr. Buckley.
115

116
117 **IV. ADJOURN 9:10pm**
118

119
120
121 Respectfully submitted,
122 Louise Knee, Recorder