

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

PUBLIC MEETING & HEARING AGENDA – MARCH 23, 2023

The Hudson Zoning Board of Adjustment will hold a regularly scheduled meeting on Thursday, **March 23, 2023 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. SEATING OF ALTERNATES

V. PUBLIC MEETING:

Case 168-020 (03-23-23): Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH, a remanded case from Superior Court back to the ZBA to consider the first standard for unnecessary hardship under RSA 674:33, I(b)(1), for a variance request to build a 9 ft. x 20 ft. covered porch, on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

VI. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

Case 204-003 (03-23-23): Daniel Proulx, Jr., Managing Member of Monument Construction, LLC, 149 Lowell Rd., Hudson, NH requests an Appeal from an Administrative Decision to allow the proposed three (3) 8' x 40' storage containers on a ¾" stone pad and proposed gravel area for equipment storage in the rear of the existing garage (to be converted to office space) constituting an Industrial Use as a Contractor's Yard (E-10) where it is not permitted in the Business Zone. [Map 204, Lot 003-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

- VII. REQUEST FOR REHEARING: None
- VIII. REVIEW OF MINUTES:
2/23/23 edited Draft Minutes
- IX. OTHER
- X. ADJOURN

Bruce Buttrick
Zoning Administrator

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Robert McDermott and Dianne McDermott** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for PMAC Lending Services, Inc. and now held by **U.S. Bank Trust National Association, not in its individual capacity, but solely as trustee of the Truman 2021 SC9 Title Trust** (the "Mortgagee"), said mortgage dated September 23, 2014, and recorded with the Rockingham County Registry of Deeds in Book 5562 at Page 2240 (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction
On

April 25, 2023 at 2:30 PM

Said sale to be held directly in front of the building in which the unit is located on the mortgaged premises described in said mortgage and having a present address of 22 Royal Lane #15, Raymond, Rockingham County, New Hampshire.

Said Unit will be conveyed together with an undivided percentage interest in the Common Elements of said Condominium appurtenant to said Unit and together with all rights, easements, covenants and agreements as contained and referred to in the Declaration of Condominium, as amended.

Please note this property is being sold subject to the Elderly Housing Covenants contained in the Deed recorded at Book 5976 Page 2851 of the Rockingham County Registry of Deeds.

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.

YOU ARE ALSO NOTIFIED THAT THE ADDRESS OF THE MORTGAGEE FOR SERVICE OF PROCESS IS: 200 BUSINESS PARK DR, SUITE 103, ARMONK, NY 10504. THE NAME OF THE MORTGAGEE'S AGENT FOR SERVICE OF PROCESS IS: ALEX LOPEZ-TRUMAN CAPITAL.

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 contact information for the New Hampshire banking department is 53 Regional Drive, Suite 200, Concord, NH 03301, with an email address of nhd@banking.nh.gov.

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

TERMS OF SALE

A deposit of Five Thousand (\$5,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within sixty (60) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale.

Dated at Farmington, CT on February 22, 2023

U.S. Bank Trust National Association, not in its individual capacity, but solely as trustee of the Truman 2021 SC9 Title Trust
By its Attorney,
Isl Christopher I. Henry, Esq.
Christopher I. Henry, Esq.
Bendett & McHugh, P.C.
270 Farmington Avenue, Ste. 151
Farmington, CT 06032
(860) 677-2868
(UL - Mar. 1, 8, 15)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Diana W. Morgan, individually and as Trustee of The Wiggins Family Trust** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. ("MERS") as mortgagee, as nominee for LoanDepot.com, LLC, its successors and assigns and now held by **loanDepot.com, LLC** (the "Mortgagee"), said mortgage dated June 4, 2021, and recorded with the Carroll County Registry of Deeds in Book 3596 at Page 626 (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction
on

March 29, 2023
at 12:00 PM

Said sale to be held on the mortgaged premises having a present address of 538 Governor Wentworth Hwy, Moultonborough, Carroll County, New Hampshire. The premises are more particularly described in the mortgage.

For Mortgagor's Title see deed recorded in Book 3398 at Page 697 with the Carroll County Registry of Deeds.

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 name and address of the mortgagee's agent for service of process is:

Marinosci Law Group, P.C.
275 West Natick Road, Suite 500
Warwick, RI 02886

The contact information for the New Hampshire Banking Department is:

New Hampshire
Banking Department
53 Regional Drive, Suite 200
Concord, NH 03301
nhd@banking.nh.gov
(603) 271-3561 - main office
(800) 437-5991 - toll free

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 Ten Thousand (\$10,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within forty-five (45) 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 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 Warwick, Rhode Island on February 2, 2023.

loanDepot.com, LLC
By its Attorneys
Marinosci Law Group, P.C.
275 West Natick Road, Suite 500
Warwick, RI 02886
Telephone: 401-234-9200
MLG File No.: 22-07470
(UL - Mar. 8, 15, 22)

When required
to place a
legal notice...
**New Hampshire
Union Leader
and
New Hampshire
Sunday News**
make it easy for you.
Call or email us at
**603-668-4231 x 264 or
legals@unionleader.com**

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Carol Riddle** (the "Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for Liberty Home Equity Solutions, Inc., dated February 11, 2013 and recorded in the Cheshire County Registry of Deeds in Book 2800, Page 164 and as affected by a judgment dated February 7, 2023 and recorded with said Registry on February 14, 2023, in Book No. 3239, at Page 13, (the "Mortgage"), which mortgage is held by Carrington Mortgage Services, 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

April 17, 2023
at

1:00 PM

Said sale being located on the mortgaged premises and having a present address of 149 Dean Farm Road, Jaffrey, Cheshire County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor(s)' title see deed recorded with the Cheshire County Registry of Deeds in Book 2773, Page 255.

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 nhd@banking.nh.gov. For information on getting help with housing and foreclosure is-

ues, 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 February 21, 2023.

Carrington Mortgage Services, LLC
By its Attorney,
Nicholas J Danforth
Harmon Law Offices, P.C.
PO Box 610389
Newton Highlands, MA 02461
617-558-0500
22211
(UL - Mar. 1, 8, 15)

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 **Timothy Patrick Heckerman** to Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for Reliance First Capital, LLC, dated December 4, 2018 and recorded with the Rockingham County Registry of Deeds in Book 5971, Page 1704, of which mortgage Reliance First Capital, 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 **24 Middle Road, Deerfield, Rockingham County, New Hampshire** will be sold at a Public Auction at **11:00 AM on April 12, 2023**, 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 Rockingham County Registry of Deeds in Book 5762, Page 448.

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:

Reliance First Capital, LLC,
C/O C T CORPORATION SYSTEM,
2 1/2 Beacon Street, Concord, NH 03301 (Mortgagee)

Dovenmuehle Mortgage, Inc.
c/o CT Corporation System, 2 1/2 Beacon Street, Concord, NH 03301 (Mortgage Servicer)

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

NO WARRANTIES: The Mortgaged Premises shall be sold by the Mortgagee and accepted by the successful bidder "AS IS" AND "WHERE IS" and with all faults. Except for warranties arising by operation of law, if any, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any representations or warranties with respect to title, possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. All risk of loss or damage to the Mortgaged Premises shall be assumed and borne by the successful bidder immediately after the close of bidding.

TERMS OF SALE: To qualify to bid, bidders must register to bid and present to the Mortgagee or its agent the sum of Five Thousand Dollars and 00/100 (\$5,000.00) by certified check or other form of payment acceptable to the Mortgagee or its agent prior to the commencement of the public auction. The balance of the purchase price must be paid in full by the successful bidder by certified check within thirty (30) days from the date of the public

auction, or on delivery of the foreclosure deed, at the option of the Mortgagee. The deposits placed by unsuccessful bidders shall be returned to those bidders at the conclusion of the public auction. The successful bidder shall execute a Memorandum of Foreclosure Sale immediately after the close of bidding. If the successful bidder fails to complete the purchase of the Mortgaged Premises, the Mortgagee may, at its option, retain the deposit as liquidated damages.

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

Other terms to be announced at sale.

Reliance First Capital, 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
DOV 22-039927 Heckerman

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **James Griffin** (the "Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Equity Partners, LLC, dated January 17, 2020 and recorded in the Merrimack County Registry of Deeds in Book 3663, Page 1401, (the "Mortgage"), which mortgage is held by **NewRez LLC d/b/a Shellpoint Mortgage Servicing**, 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

April 26, 2023
at

4:00 PM

Said sale being located on the mortgaged premises and having a present address of 414 North State Street, Concord, Merrimack County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor(s)' title see deed recorded with the Merrimack County Registry of Deeds in Book 3629, Page 446.

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 55 Beattie Place Suite 110, Greenville, SC 29601 and the name of the mortgagee's agent for service of process is **NewRez LLC, f/k/a New Penn Financial, d/b/a Shellpoint Mortgage Servicing**.

You can contact the New Hampshire Banking Department by e-mail at nhd@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 March 1, 2023.

NewRez LLC d/b/a
Shellpoint Mortgage Servicing
By its Attorney,
Autumn Sarzana
Harmon Law Offices, P.C.
PO Box 610389
Newton Highlands, MA 02461
617-558-0500
23151
(UL - Mar. 8, 15, 22)

Legal Notice

NOTICE OF FORECLOSURE SALE

Pursuant to a power of sale contained in a certain mortgage deed given by **JOHN A. Fiset,**

JR, to Countrywide Home Loans, Inc., its successors or assigns, as lender, dated March 16, 2007, recorded in the Cheshire County Registry of Deeds at Book 2422, Page 0946, assigned to New Hampshire Housing Finance Authority by assignment(s) recorded or to be recorded in said Registry, said assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (459 Warwick Road) in Winchester, Cheshire County, New Hampshire, at

PUBLIC AUCTION

on **April 21, 2023 at 10:00 A.M.** local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

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

Said premises will be sold "as is" in all respects, including, but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

To the mortgagor(s) and any and all persons, firms, corporations or others claiming by, from or under them: YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE 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.

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 New Hampshire Banking Department can be contacted at 53 Regional Dr., #200, Concord, NH 03301 at Tel. No. 603.271.3561 and email at nhd@banking.nh.gov.

For Service of Process, Mortgagee's agent is **Craig Deachman & Associates, PLLC and address is 1662 Elm Street, Manchester New Hampshire 03101.**

Terms of sale will be Five Thousand Dollars (\$5,000.00) cash or certified check satisfactory to the said holder, to be paid at the time of the sale, and the balance to be paid on delivery of foreclosure deed within forty-five (45) days thereafter. The said holder reserves the right to waive any of the above terms at its discretion. The said holder reserves the right to cancel or postpone the sale to such subsequent dates as the holder may deem necessary or desirable.

NEW HAMPSHIRE HOUSING FINANCE AUTHORITY
By Its Attorneys,
CRAIG DEACHMAN & ASSOCIATES, PLLC
1662 Elm Street,
Manchester, NH 03101
(603) 665-9111
March 3, 2023
(UL - Mar. 8, 15, 22)

More notices at www.unionleader.com

Legal Notice

MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **Mark Kushakji** to Mortgage Electronic Registration Systems, Inc., as mortgagee, acting solely as a nominee for **Ally Bank Corp. f/k/a GMAC Bank**, dated February 25, 2010 and recorded with the Hillsborough County Registry of Deeds in Book 8189, Page 1379, of which mortgage Federal National Mortgage Association 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 **135 Barbara Lane, Unit No. 115, Lockwood Place, A Condominium, Hudson, Hillsborough County, New Hampshire** will be sold at a Public Auction at **2:00 PM on April 12, 2023**, 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 8189, Page 1376.

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:
Federal National
Mortgage Association
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
CXE 23-042147 Kushakji

Other terms to be announced at sale.

Federal National
Mortgage Association
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
CXE 23-042147 Kushakji

ISES 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:

FEDERAL NATIONAL MORTGAGE ASSOCIATION, ATTN: Todd Barton, Legal Department, Granite Park VII, 5600 Granite Parkway, Plano, TX 75024 (Mortgagee)

NATIONSTAR MORTGAGE, LLC, C/O CORPORATION SERVICE COMPANY, 10 Ferry Street, Suite 313, Concord, NH 03301 (Mortgage Servicer)

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

NO WARRANTIES: The Mortgaged Premises shall be sold by the Mortgagee and accepted by the successful bidder "AS IS" AND "WHERE IS" and with all faults. Except for warranties arising by operation of law, if any, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any representations or warranties with respect to title, possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. All risk of loss or damage to the Mortgaged Premises shall be assumed and borne by the successful bidder immediately after the close of bidding.

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

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

Other terms to be announced at sale.

Federal National
Mortgage Association
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
CXE 23-042147 Kushakji

Legal Notice

There will be a meeting of the National Finance Authority held at 135 N. State Street, Concord, New Hampshire, on **Monday, March 20, 2023 at 1:00 p.m., EST.** The meeting will be open to the public. The Agenda for this meeting is available at the National Finance Authority's offices, 135 N. State Street, Concord, NH or go to www.nfabonds.com.
/s/ John Stoecker
Program Administrator
(UL - Mar. 15)

TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearing THURSDAY, MARCH 23, 2023



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: February 24, 2022 *BY 2-14-22*

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

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

Address: 8 Washington Dr

Zoning district: Residential Two (R-2)

Summary:

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

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

Property description:

Corner lot of record.

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

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

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

LAND USE HISTORY:

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

10/17/95 "Void" permit to construct 10 x 14 shed.

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

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

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

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

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

ASSESSING HISTORY:

Single Family w/ ALU

Town in-house review comments:

Town Engr: yes comments received

Town Planner: non received

Fire Dept: no comments

Attachments:

A: Assessing history

Permits:

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

C: 10/17/95 "Void" permit to construct 10 x 14 shed.

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

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

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

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

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

In-house comments:

I: Town Engr's comments.

Previous Assessments

Year	Code	Building	Yard Items	Land Value	Acres	Special Land	Total
2021	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2021	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2020	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2020	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2019	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2019	107 - ALU	234,400	700	93,400	0.50	0.00	328,500
2018	107 - ALU	216,600	700	93,400	0.50	0.00	310,700
2018	107 - ALU	216,600	700	93,400	0.50	0.00	310,700
2017	107 - ALU	216,600	700	93,400	0.50	0.00	310,700
2017	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2017	107 - ALU	216,600	700	93,400	0.50	0.00	310,700
2016	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2016	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2015	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2015	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2014	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2014	107 - ALU	180,000	700	89,100	0.50	0.00	269,800
2013	101 - ONE FAMILY	170,900	700	89,100	0.50	0.00	260,700
2013	101 - ONE FAMILY	170,900	700	89,100	0.50	0.00	260,700
2012	101 - ONE FAMILY	105,900	700	89,100	0.50	0.00	195,700
2012	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2011	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2011	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2010	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2010	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2009	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2008	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2008	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2007	101 - ONE FAMILY	121,600	800	118,800	0.50	0.00	241,200
2007	101 - ONE FAMILY	132,100	1,200	89,100	0.50	0.00	222,400
2006	101 - ONE FAMILY	132,100	1,200	89,100	0.50	0.00	222,400
2006	101 - ONE FAMILY	132,100	0	89,100	0.50	0.00	221,200
2005	101 - ONE FAMILY	132,100	0	89,100	0.50	0.00	221,200
2005	101 - ONE FAMILY	132,100	0	89,600	0.51	0.00	221,700
2004	101 - ONE FAMILY	132,100	0	89,600	0.51	0.00	221,700
2004	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
2003	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
2003	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
2002	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
2002	101 - ONE FAMILY	100,900	0	68,200	0.51	0.00	169,100
2001	101 - ONE FAMILY	55,400	0	47,600		0.00	103,000
2000	101 - ONE FAMILY	55,200	200	47,600	0.51	0.00	103,000

A.

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

TOWN OF HUDSON NEW HAMPSHIRE
APPLICATION FOR APPEAL

Application for a variance
 a special exception
 an appeal from administrative decision
 a rehearing

Case No. _____
 Map & Lot No. 62-20
 Fee \$29.-
 Date filed 4-26-84
 Signed J. Sowerbutts

Name of Applicant JOHN B. SOWERBUTTS
 Address B WASHINGTON ST. Tel. # 882-7688
 Owner of property concerned S A M E
 Address S A M E Tel. # OFF: 884-7698

Exact location & description of property (Include scale drawing showing plot plan, boundaries, dimensions, adjacent roads and right of way, location of buildings, as applicable) (Use separate sheet if necessary).
Same as above

Brief description of request request for variance from setback requirement. Owner in process of selling home and must comply with legal requirements. (25' setback instead of 30')

Regarding Article I Section 40(c) of the Hudson Zoning Ordinance
 Tax # 3005-07 Zone A-2

ABUTTERS - NAME MAP # LOT #	ADDRESS
62 33	Jama E + Joan Carlsen 6 Washington St.
32	Gregg A + Paul L Young 17 Jefferson DR.
31	Joseph A + Patricia J. Roberts 19 Madison DR.
19	Robert + Michele F. Lovejoy 24 Madison DR.
48	Donald J + Suzanne A. Thompson 3 Monroe DRIVE
58	Samuel W + Susan V. Borchard 9 Washington St.
59	Castelle Nicholsons 7 Washington St.

Owner/Applicant hereby accepts responsibility for notification of abutters and understands that all appeals filed after cut off date will be considered as being received the day after next regular meeting. (Cut off date is two weeks prior to the regular meeting as noted in Board of Adjustment BY-LAWS).

Signed John B. Sowerbutts Date April 26, 1984

In the event an on-site inspection of the land is necessary, would you be willing to allow Board of Adjustment members on above property? Yes No

Signed John B. Sowerbutts Date April 26, 1984

NOTICE OF DECISION

It is the decision of the Board of Adjustment that the above application has been Approved. The Board based its decision on the following:

1. Will/Will not serve the public interest.
2. Will/Will not result in unnecessary hardship.
3. Will/Will not uphold the spirit of the ordinance.
4. Will/Will not provide for substantial justice.

The following stipulations are hereby attached to the Board's decision: 5/2/84

W. J. Hagman

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

B.



Town of Hudson
HUDSON, NEW HAMPSHIRE
Zoning Board of Adjustment

NOTICE TO ABUTTERS

Certified Mail No.
P 694 161 810

Date: April 26, 1984

ID: John B. Sowerbutts
8 Washington St.
Hudson, NH 03051

This notice will serve to inform you that a public hearing concerning
request for variance from setback requirements.

Owner: John B. Sowerbutts, 8 Washington Street, Hudson, NH

Map No. 62 Lot No. 20

will be held on WEDNESDAY, May 2, 1984, 7:00 PM, at the Town Hall.

FOR THE ZONING BOARD OF ADJUSTMENT

for

Chris Tavares
Chris Tavares
Chairman

B2

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

BUILDING PERMIT

AMOUNT PAID

DEPT. FILE COPY

MAP 62 LOT 20

VALIDATION

DATE OCTOBER 17, 19 95 PERMIT NO. 180-96
APPLICANT SANDRA O'SULLIVAN ADDRESS 8 WASHINGTON STREET HUDSON NH 883-5810
(NO.) (STREET) (CONTR'S LICENSE)

PERMIT TO CONSTRUCT SHED (TYPE OF IMPROVEMENT) (-) STORY RESIDENTIAL ACCESSORY (PROPOSED USE) NUMBER OF DWELLING UNITS ONE-FAMILY

AT (LOCATION) 8 WASHINGTON STREET (NO.) (STREET) ZONING DISTRICT _____
BETWEEN _____ (CROSS STREET) AND _____ (CROSS STREET)

SUBDIVISION _____ LOT 20 BLOCK 62 LOT SIZE _____

BUILDING IS TO BE _____ FT. WIDE BY _____ FT. LONG BY _____ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION _____ (TYPE)

REMARKS: CONSTRUCT 10'X14' WOODEN FRAMED SHED FOR STORAGE. IF ANY ELECTRICAL WORK IS PROPOSED AN ELECTRICAL PERMIT IS REQUIRED.

AREA OR VOLUME 140 SQUARE FEET (CUBIC/SQUARE FEET) ESTIMATED COST \$ 2703.68 PERMIT FEE \$ 20.00

OWNER PAUL AND SANDRA O'SULLIVAN BUILDING DEPT. BY E. Daniel P. Madigan
ADDRESS 8 WASHINGTON STREET HUDSON NH

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

C₁



TOWN OF HUDSON — Building/Zoning

APPLICATION FOR
PLAN EXAMINATION AND
BUILDING PERMIT
886-6005

RECEIVED

OCT 10 1995

TOWN OF HUDSON
DEPT. OF PUBLIC WORKS

IMPORTANT — Applicant to complete all items in sections I, II, III, IV, and IX.

I. LOCATION OF BUILDING	AT (LOCATION) <u>8 Washington St</u> ZONING DISTRICT _____
	BETWEEN _____ AND _____ (CROSS STREET) (CROSS STREET)
	SUBDIVISION _____ MAP <u>62</u> LOT <u>20</u> LOT SIZE _____

II. TYPE AND COST OF BUILDING — All applicants complete Parts A-D

A. TYPE OF IMPROVEMENT 1 <input type="checkbox"/> New Building 2 <input checked="" type="checkbox"/> Addition (If residential, enter number of Bdrm/Baths added, if any, in Sec. III, Part L.) 3 <input type="checkbox"/> Alteration (See 2 above) 4 <input type="checkbox"/> Repair, replacement 5 <input type="checkbox"/> Wrecking (If multi-family residential, enter number of units in building in Part D, 13) 6 <input type="checkbox"/> Moving (relocation) 7 <input type="checkbox"/> Foundation only		D. PROPOSED USE - (For "Wrecking" most recent use) Residential 12 <input checked="" type="checkbox"/> One family 13 <input type="checkbox"/> Two family 14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____ 15 <input type="checkbox"/> Garage 16 <input type="checkbox"/> Carport 17 <input type="checkbox"/> Multi-Family - Townhouse, Apartment, etc (enter number of residential units) 18 <input type="checkbox"/> Other - Specify (shed, pool, fireplace) <u>Shed 10x14</u> <u>for storage</u>	
B. OWNERSHIP 8 <input type="checkbox"/> Private (Individual, corporation, nonprofit institution, etc.) 9 <input type="checkbox"/> Public (Federal, State, or local government)		Non-Residential 18 <input type="checkbox"/> Amusement, recreational 19 <input type="checkbox"/> Church, other religious 20 <input type="checkbox"/> Industrial 21 <input type="checkbox"/> Parking garage 22 <input type="checkbox"/> Service station, repair garage 23 <input type="checkbox"/> Hospital, institutional 24 <input type="checkbox"/> Office, bank, professional 25 <input type="checkbox"/> Public utility 26 <input type="checkbox"/> School, library, other educational 27 <input type="checkbox"/> Stores, merchantile 28 <input type="checkbox"/> Tanks, towers 29 <input type="checkbox"/> Other - Specify _____	

C. COST 10. Cost of Improvement \$ _____ <small>To be installed but not included in the above cost</small> a. Electrical b. Plumbing c. Heating, air conditioning d. Other (elevator, etc.) 11. TOTAL COST OF IMPROVEMENT <u>\$ 2,103.68</u>		Nonresidential - Describe in detail proposed use of buildings, e.g., food processing, machine shop, laundry building, schools, college, parking garage, rental office building, industrial plant. If use of existing building is being changed, enter proposed use. _____ _____ _____	
--	--	---	--

III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete Parts E-L; for wrecking, complete only Part J, for all others skip to IV.

E. PRINCIPAL TYPE OF FRAME 30 <input type="checkbox"/> Masonry (wall bearing) 31 <input checked="" type="checkbox"/> Wood Frame 32 <input type="checkbox"/> Structural steel 33 <input type="checkbox"/> Reinforced concrete 34 <input type="checkbox"/> Other - Specify _____		G. TYPE OF SEWAGE DISPOSAL 40 <input type="checkbox"/> Town or private company 41 <input checked="" type="checkbox"/> Private (septic tank, etc.) (#40 requires town permit)		J. DIMENSIONS 48. Number of stories 49. Total square feet of floor area all floors, based on exterior dimensions 50. Total land area, sq. ft.	
F. PRINCIPAL TYPE OF HEATING FUEL 35 <input type="checkbox"/> Gas 35a <input type="checkbox"/> Undergnd 36 <input type="checkbox"/> Oil 36b <input type="checkbox"/> Tank 37 <input type="checkbox"/> Electricity 48 <input type="checkbox"/> Coal 49 <input type="checkbox"/> Other - Specify _____		H. TYPE OF WATER SUPPLY 42 <input type="checkbox"/> Public or private company 43 <input type="checkbox"/> Private (well, cistern)		K. NUMBER OF OFF-STREET PARKING SPACES 51. Enclosed 52. Outdoors	
		I. TYPE OF MECHANICAL Will there be central air conditioning? 44 <input type="checkbox"/> Yes 45 <input type="checkbox"/> No Will there be an elevator? 46 <input type="checkbox"/> Yes 47 <input type="checkbox"/> No		L. RESIDENTIAL BUILDINGS ONLY 53. Total Bedroom Capacity { Finished / Detached } 54. Number of bathrooms { Full / Partial }	

C₂

MAP _____
LOT _____
STREET _____

IV. IDENTIFICATION - To be completed by all applicants

NAME		MAILING ADDRESS - NUMBER, STREET, CITY, AND STATE	ZIP CODE	TEL. NO.
1. Owner or Lessee	Paul L O'Sullivan	8 Washington St Hudson, NH 03051	03051	883-5810
2. Elec., Plumb., Masonry, Heating, Gen. Contractor	Home Depot			
3. Architect or Engineer				

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

SIGNATURE OF APPLICANT <i>Sandra M O'Sullivan</i>	ADDRESS <i>Same</i>	APPLICATION DATE <i>10-10-95</i>
--	------------------------	-------------------------------------

DO NOT WRITE BELOW THIS LINE

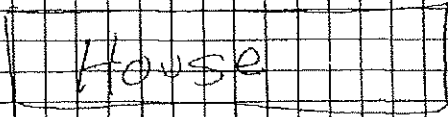
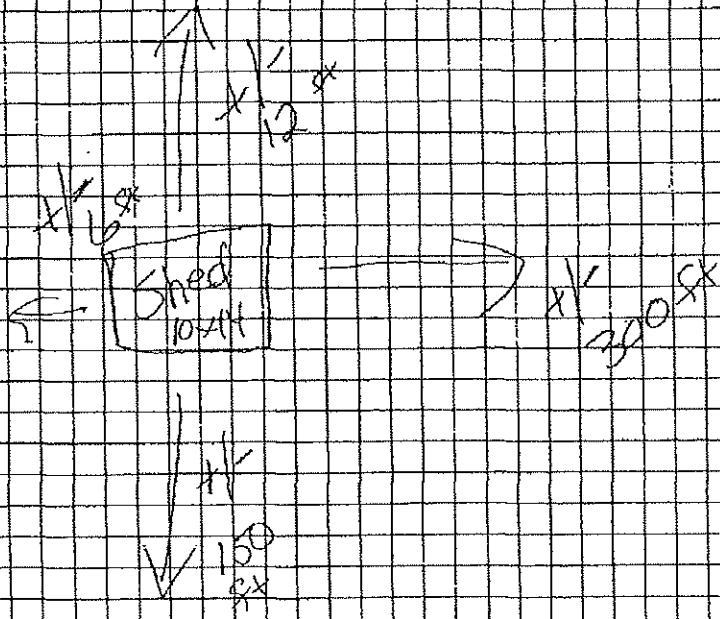
V. PLAN REVIEW RECORD - For office use

Plans Review Required	Date Rec'd.	Date Plans Check	Started	Date Plans By	Approved	By	Notes
BUILDING							
PLUMBING							
MECHANICAL							
ELECTRICAL							
SITE							
OTHER							

VI. ZONING PLAN EXAMINERS NOTES	VII. REQUIRED PERMIT APPROVAL NOS.
DISTRICT:	SEPTIC PERMIT:
USE:	SEWER PERMIT:
FRONT YARD:	SUBDIVISION APPROVAL:
SIDE YARD:	CONSTRUCTION APPROVAL:
REAR YARD:	EXCAVATION PERMIT:
LOT AREA:	DRIVEWAY PERMIT:
FRONTAGE:	SITE PLAN APPROVAL:
NOTES:	H.C.R.D. PLAN NO.:

VIII. VALIDATION	
BLDG. PERMIT NO. _____	IMPACT FEES \$ _____
BLDG. PERMIT ISSUED _____ 19__	REVIEW FEES \$ _____
BLDG. PERMIT FEE \$ <u>2000</u>	INSPECTION FEES \$ _____
APPROVED BY <u>EP Madigan</u> BUILDING INSPECTOR	SEWER FEES \$ _____
BLDG. PERMIT FEE COLLECTED \$ <u>S. Inade 10/12/95</u>	OTHER FEES \$ _____
BY FINANCE _____	\$ _____
TITLE _____	\$ _____

C3



WASHINGTON ST

MADISON STREET

Building Permit

Amount Paid

Date 06-Nov-2003 Permit# 2004-229

Applicant **Rubin LaCombe**

88 Vine Street, Nashua

Contractor's License

Permit To **Deck**

0 Story **One Family**

of Dwelling Units **0**

At (Location) **8 Washington Street**

Zoning District

Between **Monroe Drive**

And **Highland Street**

Subdivision

Map **62**

Lot **20**

Sublot

Lot Size **0**

Building is to be **0** ft. Wide by **0** ft. Long by **0** ft. in Height and Shall Conform in Construction

to Type **Wood Frame**

Use Group

Foundation Type

Remarks **All construction must conform to Hudson Town Codes.**

Construct a 8' x 12' deck.

Area or Volume

0 Estimated Cost \$

\$0.00

Permit Fee \$

^{\$38.00}

Owner

Paul O'Sullivan

Approved

William A. O'Brien

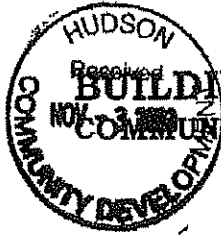
Address

8 Washington Street, Hudson, NH 03051

Date

NOV - 6 2003

D.



BUILDING PERMIT APPLICATION
COMMUNITY DEVELOPMENT DEPARTMENT
 Town of Hudson
 12 School Street
 Hudson, New Hampshire
 Phone (603) 886-6005 Fax (603) 594-1142

2004-229



Address: <u>8 Washington St Hudson</u>	Map <u>62</u>
Cross Roads: <u>Monroe Drive</u> and <u>Highland St.</u>	Lot <u>20</u>
Site/Sub Plan: _____	Zone _____
	HCRD _____

Residential <input checked="" type="checkbox"/> Single family detached <input type="checkbox"/> Townhouse <input type="checkbox"/> Duplex <input type="checkbox"/> 3+ family dwelling (# of units _____) <input type="checkbox"/> Other _____	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion of +/- dwelling units <input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input type="checkbox"/> Garage <input type="checkbox"/> Carport
---	--	--

Commercial <input type="checkbox"/> Office/Bank/Professional <input type="checkbox"/> Hospital/Medical <input type="checkbox"/> Industrial/Warehouse <input type="checkbox"/> Restaurant <input type="checkbox"/> Other _____	<input type="checkbox"/> Garage <input type="checkbox"/> School <input type="checkbox"/> Store <input type="checkbox"/> Utility	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion from residential to commercial space <input type="checkbox"/> Other _____	<input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input type="checkbox"/> Interior Demo
---	--	---	--

Total Cost of Project Excluding plumbing, electrical, mechanical, fire suppression, elevator, etc. \$ _____	General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use. <u>8'x12' Deck Attach to the back Right side of the house with the Deck Roofing lin up with the existing Roof of the house</u>
--	--

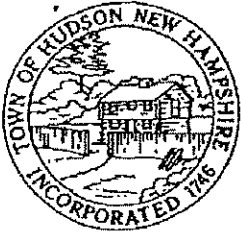
Square Footage Footprint _____ Renovated/added _____ Living area of new home (exclude unfinished areas and garage) _____	Number of stories _____ Total area of bldg _____
---	---

Principal Type of Frame <input type="checkbox"/> Masonry (wall bearing) <input type="checkbox"/> Reinforced concrete	<input type="checkbox"/> Wood Frame <input type="checkbox"/> Other-Specify _____	<input type="checkbox"/> Structural steel
---	---	---

Type of Sewage Disposal <input type="checkbox"/> Town of private company (requires Town permit) <input type="checkbox"/> Private (septic tank, ect.)

Type of Water Supply <input type="checkbox"/> Public or private <input type="checkbox"/> Private (well, cistern)

D₂



BUILDING PERMIT APPLICATION
COMMUNITY DEVELOPMENT DEPARTMENT
 Town of Hudson
 12 School Street
 Hudson, New Hampshire
 Phone (603) 886-6005 Fax (603) 594-1142

	Name	Address	City/State/Zip	Phone
Owner	Paul O'Sullivan	8 Washington St	Hudson	883-5810
Lessee				
Contractor	Rubin LaCombe	88 Vine St	NASHUA NH 03060 *	886-0083
Architect	NONE			
Engineer	NONE			

I hereby certify the owner of record authorizes the proposed work and I have been authorized by the owner to make this application as his agent and we agree to conform to all applicable laws of the Town of Hudson. I hereby attest all statements made on this application are true to the best of my knowledge. Applicants are advised that the making of a false statement on this form is of criminal offense.

Signature of applicant Rubin LaCombe Date 10-20-03

Address 88 Vine St NASHUA NH 03060

Filing Fee	\$ _____	Receipt # _____	Date _____
Building permit fee	\$ <u>30⁻</u>	Receipt # _____	Date _____

THIS BUILDING PERMIT IS

_____ Issued subject to the following condition(s)

_____ Denied for the following reason(s)

<input checked="" type="checkbox"/> Plans received	Date _____	Use group: _____
Comments: _____		Construction type _____
Certificate of Occupancy _____ Required _____ Final Inspection (Building & HFD)		Live loading _____
Comments: _____		Occupancy load _____

Approved

_____ Denied

[Signature] Building Inspector Date 10.27.03

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



58

WASHINGTON ST

20

21

MORRELL DR

D4



BUILDING PERMIT APPLICATION

COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson
12 School Street
Hudson, New Hampshire
Phone (603) 886-6005 Fax (603) 594-1142



2012-60506

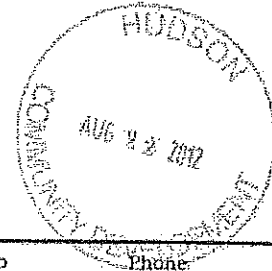
Address: <u>8 Washington Dr Hudson NH # 03051</u>		Map <u>168</u>
Cross Roads: <u>Madison Dr and Jefferson Dr</u>		Lot <u>20</u>
Site/Sub Plan: _____		Zone <u>Res-2</u>
HCRD <u>2742</u>		
Residential <input type="checkbox"/> Single family detached <input type="checkbox"/> Modular Homes <input type="checkbox"/> Duplex <input type="checkbox"/> 3+ family dwelling (# of units _____) <input type="checkbox"/> Other _____	Type of Improvement <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion of +/- dwelling units <input type="checkbox"/> Other _____	
Commercial <input type="checkbox"/> Office/Bank/Professional <input type="checkbox"/> Hospital/Medical <input type="checkbox"/> Industrial/Warehouse <input type="checkbox"/> Restaurant <input type="checkbox"/> Other _____	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion from residential to commercial space <input type="checkbox"/> Other _____	
Total Cost of Project Excluding plumbing, electrical, mechanical, fire suppression, elevator, etc. \$ <u>97,000</u>	General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use. <u>① Build a 28x30 addition w/ 2 car garage under w/ 10x16 encl room in garage area</u> <u>② Covered porch 8x12 finish to mud room</u> <u>③ 8x8 opened P.T. deck w/ stairs</u>	
Square Footage <u>Finished</u> Footprint <u>1000</u> Renovated/added <u>96</u> Number of stories <u>2</u> Living area of new home (exclude unfinished areas and garage) <u>Add mud rm + garage</u> Total area of bldg <u>1776</u>		
Principal Type of Frame <input type="checkbox"/> Masonry (wall bearing) <input checked="" type="checkbox"/> Wood Frame <input type="checkbox"/> Structural steel <input type="checkbox"/> Reinforced concrete <input type="checkbox"/> Other-Specify _____		
Type of Sewage Disposal <input type="checkbox"/> Town or private company (requires Town permit) <input checked="" type="checkbox"/> Private (septic tank, etc.)		
Type of Water Supply <input checked="" type="checkbox"/> Town <input type="checkbox"/> Private (well, cistern)		
Type of Heat Source <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Oil <input type="checkbox"/> Electric <input type="checkbox"/> Other _____		

E1



BUILDING PERMIT APPLICATION
COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson
 12 School Street
 Hudson, New Hampshire
 Phone (603) 886-6005 Fax (603) 594-1142



Name	Address	City/State/Zip	Phone
Owner <u>Paul + Sandy</u>	<u>8 Washington Dr</u>	<u>Hudson NH</u>	<u>883-5810</u>
Lessee <u>O Sullivan</u>		<u>03051</u>	
Contractor <u>Hicks Bldg LLC</u>	<u>6 Folsom Rd</u>	<u>Derry NH</u>	<u>603-437-4402</u>
Architect	<u>BX 1973</u>	<u>03038</u>	<u>(603) 365-9498</u>
Engineer			<u>Joe</u>

I hereby certify the owner of record authorizes the proposed work and I have been authorized by the owner to make this application as his agent and to conform to all applicable laws of the Town of Hudson. I hereby attest all statements made on this application are true to the best of my knowledge. The signature on this building permit authorizes all Code Officials, Building Inspector and Assessor or their Agents to conduct inspections from time to time during and upon completion of the work for which this permit is issued. If said structure is commercial or industrial I understand that an as-built plan is required prior to occupancy of the structure.

Signature of applicant [Signature] Joe Hicks (Hicks Bldg LLC) Date 8/15/12

Address BX 1973, Derry, NH. 03038

Filing Fee #2552 \$ 30.00 Receipt # 249,368 Date 8.22.12

Building permit fee \$ 440.00 Receipt # _____ Date _____

THIS BUILDING PERMIT IS

Issued subject to the following condition(s) _____ Denied for the following reason(s) _____

No Accessory Living unit. NO operable kitchen.

<input type="checkbox"/> Plans received	Date _____	Use group: _____
Comments: _____		Construction type: _____
Certificate of Occupancy _____ Required <input checked="" type="checkbox"/> Final Inspection (Building & HFD)		Live loading: _____
Comments: _____		Occupancy load: _____

Approved

____ Denied

[Signature]
 Building Inspector

8/23/12
 Date

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

Er

CERTIFIED PLOT PLAN
8 WASHINGTON DRIVE, HUDSON, NH
MAP 168 LOT 20

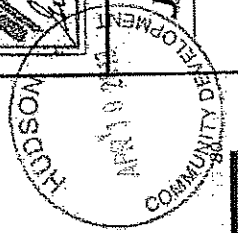
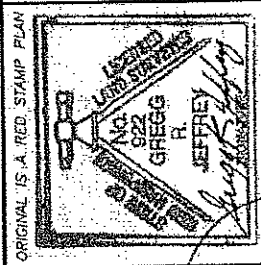
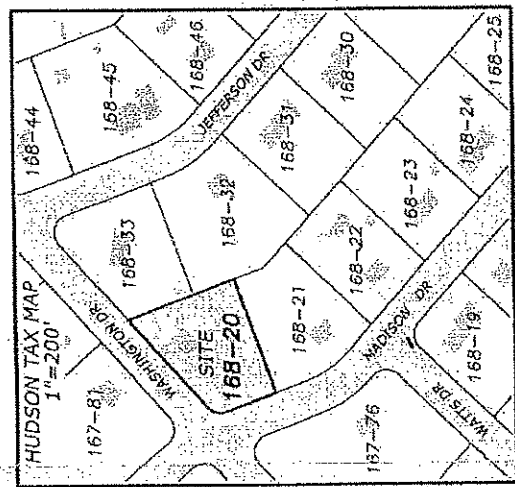
REV. 2	BY:
REV. 1	BY:

ZONING DISTRICT: RES-2
 REQUIRED SETBACKS:
 FRONT - 30 FEET
 SIDE - 15 FEET
 REAR - 15 FEET

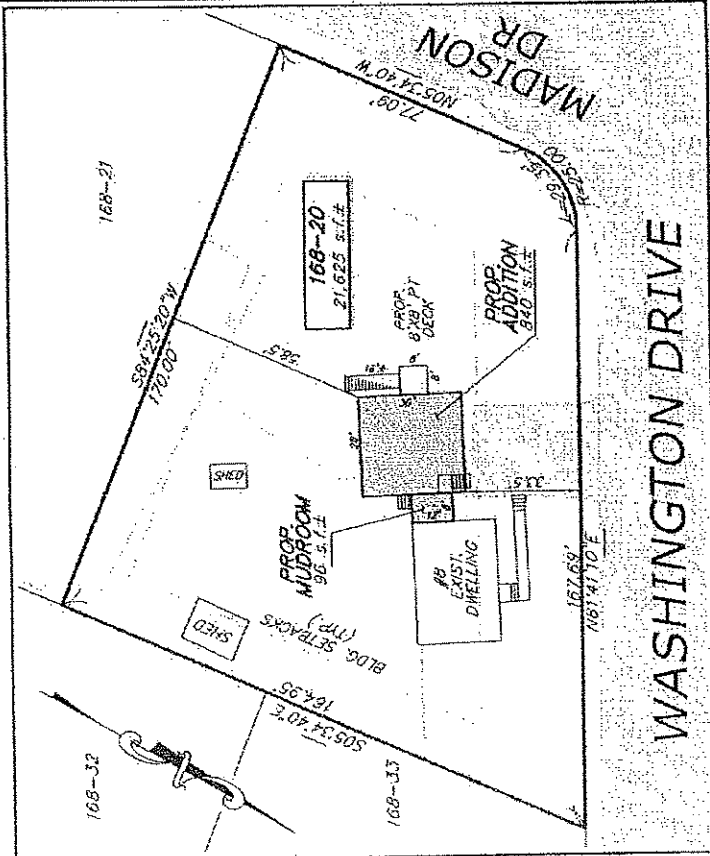
DEED REF: BK. 5211 PG. 1339
 PLAN REF.: HCRD PL. 2742

PLAN SCALE: 1"=40'
 DATE: AUG. 2012
 JOB REF.: 012-060-OSUL
 XREF.:

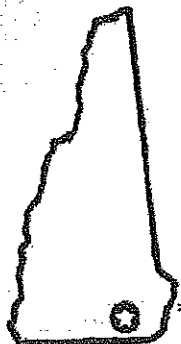
I HEREBY CERTIFY:
 THAT THIS PLAN IS THE RESULT
 OF AN INSTRUMENT SURVEY
 AND THAT ALL MEASUREMENTS
 HEREON ARE TO BE CONSIDERED
 TRUE AND ACCURATE.



JEFFREY LAND AND SURVEY, LLC
 1 BURGESS DRIVE, LITCHFIELD, NH 03052
 (603) 424-4089



E3



TOWN OF HUDSON
COMMUNITY DEVELOPMENT DEPARTMENT



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

February 27th, 2013

Hicks Building LLC
6 Folsom Road
Derry, NH 03038

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

Dear Sirs:

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

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

Thank you.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

Julie Kennedy

Julie Kennedy
Administrative Aide

pc: Paul & Sandy O' Sullivan
Zoning Administrator
Board of Selectmen
File

JK/KS

B4



TOWN OF HUDSON

COMMUNITY DEVELOPMENT DEPARTMENT



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

March 27, 2013

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

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

Dear Attorney Whitney:

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

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

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

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

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

William A. Oleksak
Zoning Administrator/Code Enforcement Officer

cc: Board of Selectmen
Zoning Board of Adjustment
BHC

WO/jk

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

Camela O'Connell

A43

FEES:	1846
SURCHARGE:	2-
CASH:	—

Town of Hudson

Zoning Board of Adjustment

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

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

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

F₁

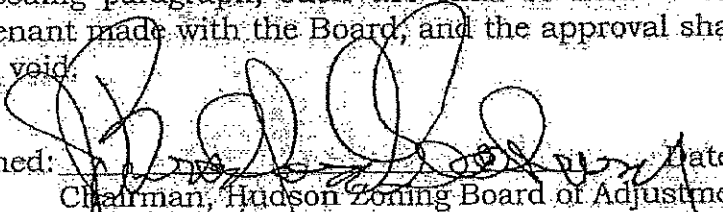
1. The ALU is to be occupied only by immediate family members of the owner of record of the principal dwelling, who must reside in that principal dwelling.
2. At least one common interior access between the principal dwelling unit and the ALU shall exist.
3. Separate utility service connections and/or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

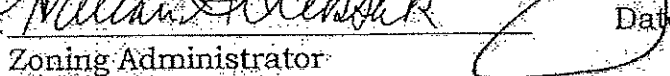
For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

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

F₂

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

Signed:  Date: 10-01-13
Chairman, Hudson Zoning Board of Adjustment

Signed:  Date: 10-01-13
Zoning Administrator

Town of Hudson, NH
Certificate of Occupancy



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

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

Location of Work: 8 WASHINGTON DR (Unit or Building)
(No. and Street)

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

Map/Lot: 168-020-000

District: R-2

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

Use Group: R-3

Fire Sprinkler System Required: NO

Fire Alarm System Required: NO

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

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

Date of Issue: 3/21/2014

Signed:  3/21/14

G.1



BUILDING PERMIT APPLICATION COMMUNITY DEVELOPMENT DEPARTMENT

Town of Hudson
12 School Street
Hudson, New Hampshire
Phone (603) 886-6005 Fax (603) 594-1142



Name	Address	City/State/Zip	Phone
Owner <u>Paul & Sandy O'Sullivan</u>	<u>8 Washington Dr.</u>	<u>Hudson NH 03051</u>	<u>883-5810</u>
Contractor <u>Hicks Builders LLC</u>	<u>BX 1923</u>	<u>Derry NH 03038</u>	<u>603-432-4422</u>
Architect	<u>6 Folsom Rd</u>	<u>03038 (C)</u>	<u>365-9498X</u>
Engineer			<u>See Hicks</u>

I hereby certify the owner of record authorizes the proposed work and I have been authorized by the owner to make this application as his agent and to conform to all applicable laws of the Town of Hudson. I hereby attest all statements made on this application are true to the best of my knowledge. The signature on this building permit authorizes all Code Officials, Building Inspector and Assessor or their Agents to conduct inspections from time to time during and upon completion of the work for which this permit is issued. If said structure is commercial or industrial I understand that an as-built plan is required prior to occupancy of the structure.

Signature of applicant [Signature] Hicks Bldg LLC Date 4/19/12
 Address PO BX 1923 Derry NH 03038

Filing Fee \$ 30.00 Receipt # 295,064 Date 4/19/13
 Building permit fee \$ 175.00 Receipt # _____ Date _____

THIS BUILDING PERMIT IS

Issued subject to the following condition(s) MAO 10/4/13 need to get ZBA APPROVALS FIRST MAO 4/23/13
Sept 26 ZBA VARIANCE FOR ALU OK

Denied for the following reason(s)

<input type="checkbox"/> Plans received _____ Date _____	Use group: _____
Comments: _____	Construction type _____
Certificate of Occupancy _____ Required _____ Final Inspection (Building & HFD) _____	Live loading _____
Comments: _____	Occupancy load _____

Approved _____
 Denied _____
[Signature] Building Inspector Date 10/7/13

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

Gr



Town of Hudson, NH
Building Permit

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

Permit Number
2018-00700
Date of Issue
7/19/2018
Expiration Date
1/15/2019

Owner: O'SULLIVAN, PAUL L. O'SULLIVAN, SANDRA M.

Applicant: Specialty Kitchens

Location of Work: 8 WASHINGTON DR (Unit or Building)
(No. and Street)

Description of Work: Kitchen remodel with removal of bearing wall, installing an LVL

ZONING DATA: District: R-2 Map/Lot: 168-020-000

CONTRACTOR: Specialty Kitchens 603-883-9154

REMARKS:

A FINAL INSPECTION IS REQUIRED BY THE INSPECTIONAL SERVICES DEPARTMENT PRIOR TO OCCUPANCY

• **Building Permit Issuance Conditions are as follows:**

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
- THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
- APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
- NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
- WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
- WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE.
- ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

INSPECTION APPROVALS

Building	_____ / _____ / _____	Date	_____
Plumbing	_____ / _____ / _____	Date	_____
Electrical	_____ / _____ / _____	Date	_____
Fire Sprinklers (rough)	_____ (final) _____		
Other	_____ / _____ / _____	Date	_____

Permit Holder: Specialty Kitchens (Taking Responsibility for the Work)
Company/Affiliation: Contractor Job Site Phone Number: _____

Constr Cost: \$37,510	Permit Fee: \$30.00	Check No.: _____	Cash: \$0.00
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The Permit Card Shall be Posted and Visible From the Street During Construction

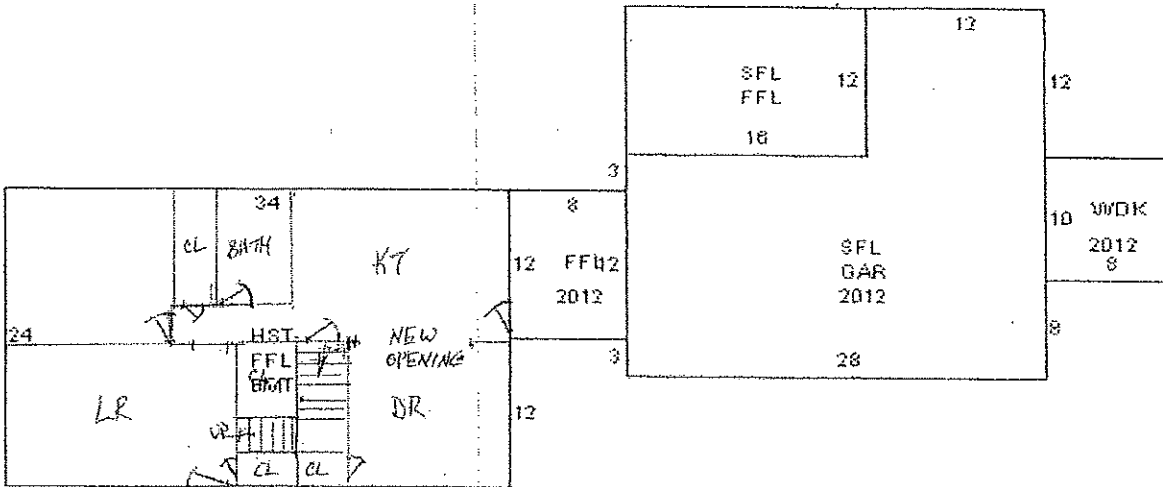
THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

 Code Official	 Permit Holder	7/19/2018 Date
--	--	-------------------

H.

O'SULLIVAN

8 WASHINGTON ST., HUDSON, NH



RECEIVED
JUL 18 2018
HUDSON FIRE DEPARTMENT
INSPECTORAL SERVICES DIVISION

H₂

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

REQUEST FOR REVIEW/COMMENTS:

Case: 168-020 (Variance)

Property Location: 8 Washington Dr

For Town Use

Plan Routing Date: 11/23/2021 Reply requested by: 11/29/2021 ZBA Hearing Date: 12/09/2021

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, PE Date: 11/23/2021
(Initials)

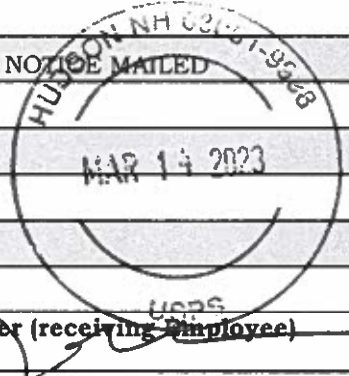
DEPT.
 Town Engineer Fire/Health Department Town Planner

1. Applicant shall confirm location of the septic system on the property
2. Applicant is advised to confirm that water service is not under the proposed porch.


I

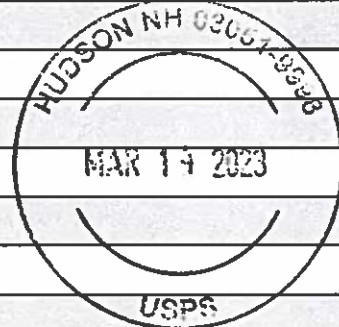
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 168-020 VARIANCE 8 Washington Dr. (Court Remand) Map 168/Lot 020-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	03/23/2023 ZBA Meeting
1	7022 3330 0000 3692 8323	O'SULLIVAN, PAUL L. & SANDRA M. 8 WASHINGTON DR., HUDSON, NH 03051	APPLICANT NOTICE MAILED
2	7022 3330 0000 3692 8330	RICHARD M. SHEPARD. ESQ.; SMITH-WEISS SHEPARD KANAKIS & SPONY, P.C. 47 Factory Street; P.O. Box 388, NASHUA, NH 03061-0388	APPLICANT NOTICE MAILED
3	7022 3330 0000 3692 8347	CHARRON, TIMOTHY J. & LOUISE N. 24 MADISON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7022 3330 0000 3692 8354	BARCHARD, GAGE L. 2 MONROE ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7022 3330 0000 3692 8361	LAMBERT, JENNIFER L., TR.; BARCHARD FAMILY TRUST 9 WASHINGTON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7022 3330 0000 3692 8378	CANADA, AMANDA; CANADA, LEONARD KIEL, JR. 19 MADISON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7022 3330 0000 3692 8385	FISHER, BRIAN; PROVENCAL, MONIQUE 12 JEFFERSON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	7022 3330 0000 3692 8392	CARLEN, JAMES E. & JOAN 6 WASHINGTON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	7022 3330 0000 3692 8408	FRASER, PAMELA C. 41 JESSICA DR., NASHUA, NH 03060	
10			
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office 9	Postmaster (receiving employee)



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 168-020 VARIANCE 8 Washington Dr. (Court Remand) Map 168/Lot 020-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	03/23/2023 ZBA Meeting
1	Mailed First Class	HATEM, JUSTIN 14 WASHINGTON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	COUTURIER, PHILIP & KAREN KIM 3 MONROE ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	DUNNING, CLIFFORD M.; SCUDERI, ANGELA M. 17 MADISON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	COLE, JAMES E. & DIANE J., TRUSTEES; COLE FAMILY TRUST 10 JEFFERSON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	MARCHAND, RUSSELL A. & KIMBERLY A. 2 JACKSON DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6			
7			
8			
9			
	Total # of pieces listed by sender 5	Total # of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) 





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

March 13, 2023

APPLICANT NOTIFICATION

You are hereby notified of a public meeting of the Zoning Board of Adjustment for review and/or action of the case below on Thursday, **03/23/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 168-020 (03-23-23): Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH, a remanded case from Superior Court back to the ZBA to consider the first standard for unnecessary hardship under RSA 674:33, I(b)(1), for a variance request to build a 9 ft. x 20 ft. covered porch, on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

Please be advised, the above notice is being sent to all direct abutters and abutters within 200 feet of the above property. You and your authorized representative, are welcome to attend the meeting.

Respectfully,

Bruce Buttrick
Zoning Administrator



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

March 13, 2023

ABUTTER NOTIFICATION

You are hereby notified of a public meeting of the Zoning Board of Adjustment for review and/or action of the case below on Thursday, **03/23/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 168-020 (03-23-23): Paul & Sandra O'Sullivan, 8 Washington Drive, Hudson, NH, a remanded case from Superior Court back to the ZBA to consider the first standard for unnecessary hardship under RSA 674:33, I(b)(1), for a variance request to build a 9 ft. x 20 ft. covered porch, on the front of an existing non-conforming structure (house), which encroaches the front yard setback an additional 9.3 feet, leaving 14.8 feet where 30 feet is required. [Map 168, Lot 020-000; Zoned Residential-Two (R-2); HZO Article VII, Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article VIII, Nonconforming Uses, Structures and Lots; §334-31.A, Alteration and expansion of nonconforming structures.]

Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting. No new testimony nor public input will be heard. This is a public meeting only.

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

TOWN OF HUDSON
 FEB 07 2022
 Zoning Department

APPLICATION FOR A VARIANCE

Entries in this box are to be filled out by
 Land Use Division personnel
 Case No. 168-020 (02-24-22)
 Date Filed 2/7/22

Name of Applicant Paul & Sandy O'Sullivan Map: 168 Lot: 020-000 Zoning District: R-2
 Telephone Number (Home) (603) 883-5810 (Work) (603) 566-6874
 Mailing Address 8 Washington Drive Hudson, NH 03051
 Owner Paul & Sandy O'Sullivan
 Location of Property 8 Washington Drive
 (Street Address)

Paul O'Sullivan Date 07 FEB 22
 Signature of Applicant
Paul O'Sullivan 07 FEB 22
Sandra M O'Sullivan 2-7-22
 Signature of Property-Owner(s) Date

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

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

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

Date received: 2/7/22

COST:
 Application fee (processing, advertising & recording) (non-refundable): \$ 185.00
8 Abutter Notice:
8 Direct Abutters x Certified postage rate \$ 4.33 = \$ 34.64
5 Indirect Abutters x First Class postage rate \$ 0.58 = \$ 2.90
Total amount due: \$ 222.54
 Amt. received: \$ 222.54
 Receipt No.: 672,641

Received by: TSG

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

paid by
 cc

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.

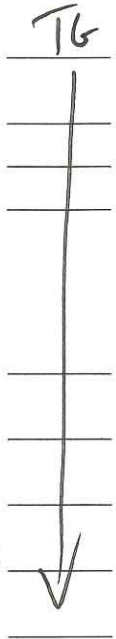
Applicant Initials		Staff Initials
<u>POS</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>POS</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with 10 (ten) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples) <u>12</u>	<u>TG</u>
<u>POS</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>POS</u>	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.)	<u>TG</u>
<u>POS</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (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.)	<u>TG</u>
<u>POS</u>	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<u>POS</u>	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>POS</u>	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.	<u>TG</u>
<u>POS</u>	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.	<u>N/A</u>

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) POS 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.
- b) POS The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) POS The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) POS The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property.
(NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) POS The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)
- f) POS The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g) POS The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) POS The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) POS 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.

Paul O'Sullivan

Signature of Applicant(s)

Paul O'Sullivan
Sandra M O'Sullivan

Signature of Property Owner(s)

07 FEB 22

Date

07 FEB 22
2-7-22

Date

ALL DIRECT ABUTTERS

List name(s) and mailing addresses of the owner(s) of record of the property and all direct abutters as of the time of the last assessment of taxation made by the Town of Hudson, including persons whose property adjoins or is directly across the street or stream from the land under consideration. For abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. If at the time of your hearing, any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date following notification of such abutters.

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
168	020-000	*Include Applicant & Owner(s) Paul L. & Sandra M. O'Sullivan	8 Washington Drive Hudson, NH 03051
167	076-000	Timothy J. & Louise N. Charron	24 Madison Drive Hudson, NH 03051
167	081-000	Donald J & Suzanne A. Lemmo	63 Page Road Litchfield, NH 03052
167	091-000	Jennifer L. Lambert, TR.; Barchard Family Trust	9 Washington Drive Hudson, NH 03051
168	021-000	Garth A. & Judith A. Stevens	19 Madison Drive Hudson, NH 03051
168	032-000	Brian Fisher; Monique Provencal	12 Jefferson Drive Hudson, NH 03051
168	033-000	James E. & Joan Carlen	6 Washington Drive Hudson, NH 03051
168	034-000	Pamela C. Fraser	41 Jessica Drive Nashua, NH 03060

ALL INDIRECT ABUTTERS WITHIN 200 FEET

List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective form of ownership, list the mailing address of the officers of the collective or association only. If at the time of your hearing, any applicable property owner is found not to have been notified because your lists are incorrect or incomplete, the Zoning Board will defer your hearing to a later date following notification of such abutters.

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
167	077-000	Justin Hatem	14 Washington Drive Hudson, NH 03051
167	090-000	Philip & Karen Kim Courturier	3 Monroe Street Hudson, NH 03051
168	022-000	Clifford M. Dunning; Angela M. Scuderi	17 Madison Drive Hudson, NH 03051
168	031-000	James E. Cole, TR.;; Diane J. Cole, TR.;; Cole Family Trust	10 Jefferson Drive Hudson, NH 03051
168	035-000	Russell A. & Kimberly A. Marchand	2 Jackson Drive Hudson, NH 03051

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VIII of HZO Section(s) 334-31.A in order to permit the following:

Construction of a 9 foot deep by 20 foot wide covered porch over the existing stairs and walkway on the front of the house which would encroach the front setback by an additional 9.3 feet leaving 14.8 feet where 30 feet is required.

FACTS SUPPORTING THIS REQUEST:

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

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

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

(b)(1) For purposes of this subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

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

FACTS SUPPORTING THIS REQUEST:

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

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

See Attached

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

See Attached

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

See Attached

- 4. The proposed use will not diminish the values of surrounding properties, because:
(Explain why you believe this to be true—keeping in mind that the Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

See Attached

FACTS SUPPORTING THIS REQUEST: (Continued)

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

A. Explain why you believe this to be true—keeping in mind that you must establish that:

1) Because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way ***and***

See Attached

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

See Attached

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

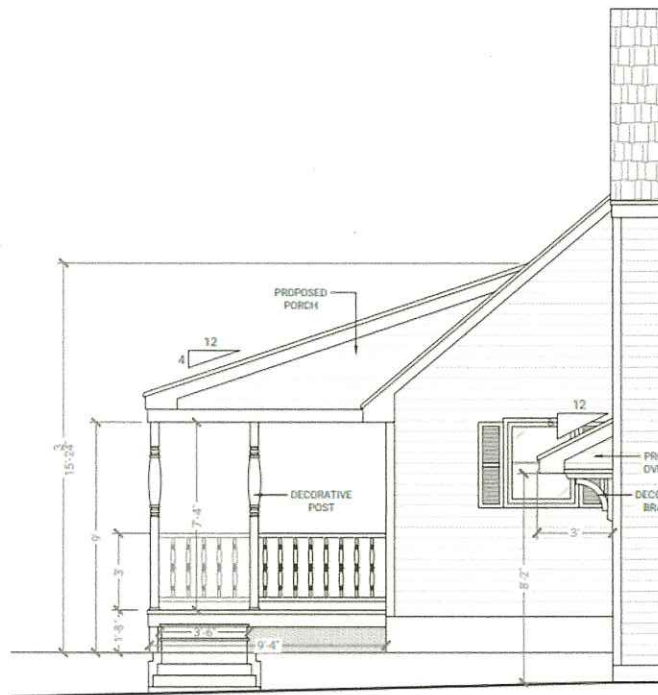
Not Applicable, See A (1 and 2) above

Application For A Variance

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

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

Exhibit 1





FRONT ELEVATION

From: "Forrence, Jess" <jforrence@hudsonnh.gov>
Date: December 22, 2021 at 5:48:50 AM EST
To: PAUL OSULLIVAN <posullivan09@yahoo.com>
Cc: "Buttrick, Bruce" <bbuttrick@hudsonnh.gov>, "Dhima, Elvis" <edhima@hudsonnh.gov>
Subject: RE: Request for help

Good morning Mr. O'Sullivan
To your 1st question,
Washington St is approximately 40' wide one of the widest streets in town other than the Industrial Parks.
Your second question.
If the town were to install sidewalks Public Works would request them remove 5' of existing roadway then installing sidewalks keeping the right away in the same place and narrowing the roadway to helping with maintenance costs.
Your third question.
I do not believe or recall any sidewalks being installed in any existing developments other than a developer extending the roadway.

Thanks and good luck

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



From: PAUL OSULLIVAN <posullivan09@yahoo.com>
Sent: Tuesday, December 21, 2021 5:09 PM
To: Forrence, Jess <jforrence@hudsonnh.gov>
Subject: Request for help

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

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

Exhibit 2

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

If the town were to add sidewalks, would the right of way be expanded?

Does the town have any plans to begin installing sidewalks or widening streets in established neighborhoods?

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

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

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

Sent from [Mail](#) for Windows



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #21-157

September 23, 2021

Paul O'Sullivan
8 Washington Dr
Hudson, NH 03051

Re: 8 Washington Dr Map 168 Lot 020-000
District: Residential Two (R-2)

Dear Mr. O'Sullivan,

Zoning Review / Determination:

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

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

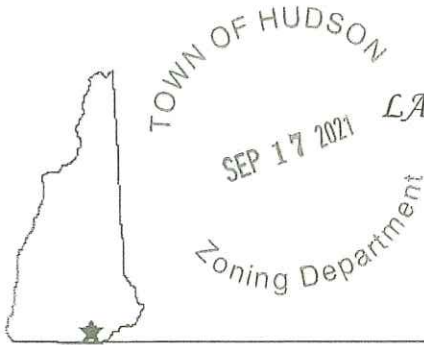
To continue with your proposal you would need to start with a Variance application (link):
<https://www.hudsonnh.gov/zoning/page/variance>

Sincerely,

Bruce Buttrick
Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

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



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

#21-157



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 17 SEP 21

Property Location 8 Washington St. DR
Map 168 Lot 020 Sublot 000

Zoning District if known R-2

Type of Request

Zoning District Determination Use Determination Set-Back Requirements
 Process for Subdivision/ Site Plan if required
 Other

Description of request / determination: (Please attach all relevant documentation)

There is an existing variance for the house being within the 30 foot setback from the street. I want to know what would be required to build a porch on the front of my house that would further encroach the setback requirement.

Applicant Contact Information:

Name: Paul O'Sullivan
Address: 8 Washington St.
Phone Number: 603-883-5810 / 603-566-6874
Email: posullivan09@yahoo.com

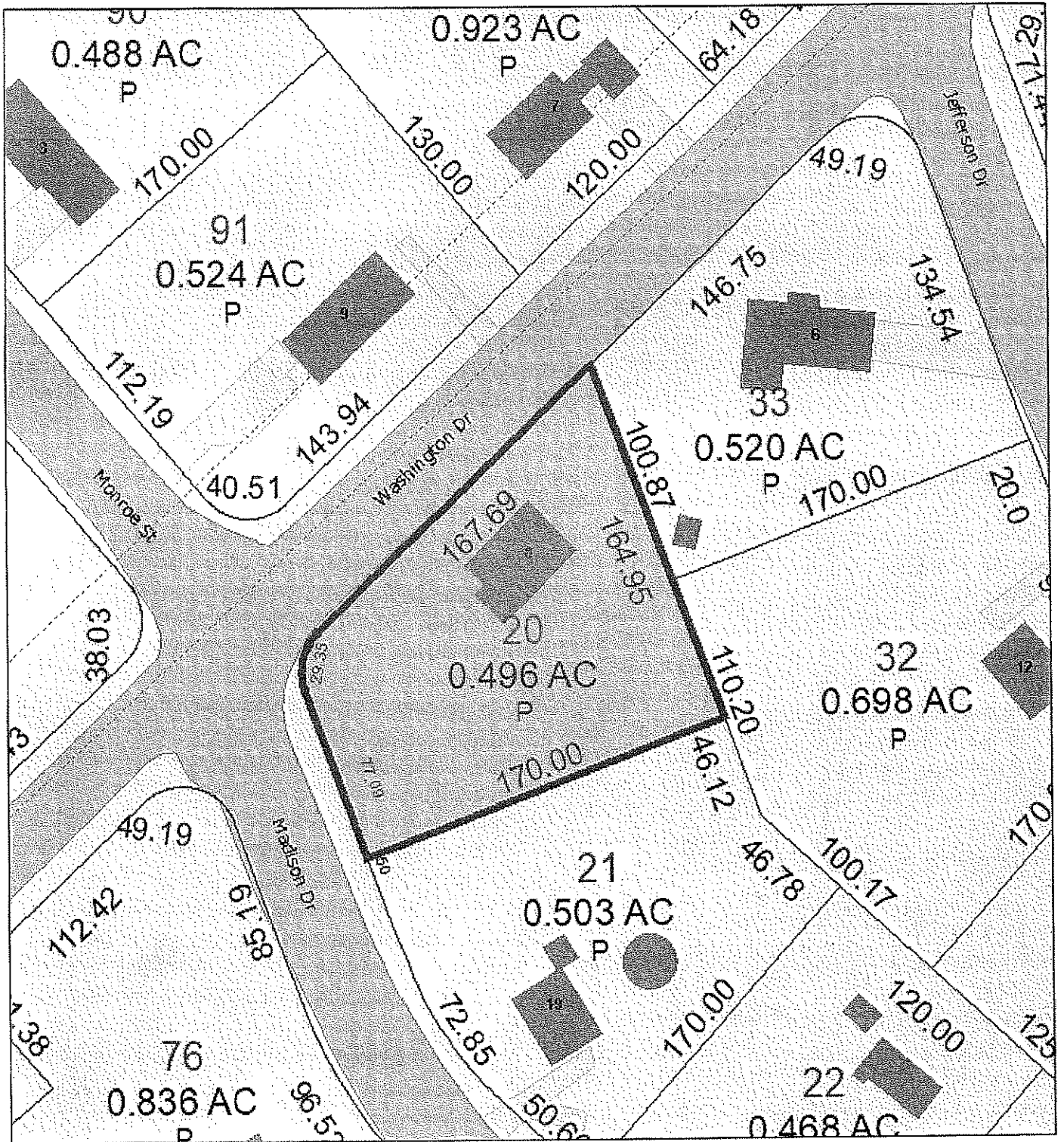
For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

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

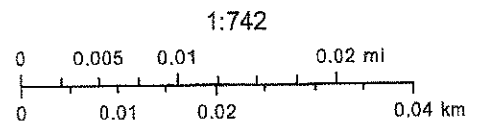


September 17, 2021

Legend

----- Easement_Lines

▭ Parcels



168 020 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD Hudson

APPRaised: 328,500 / 328,500
USE VALUE: 328,500 / 328,500
ASSESSed: 328,500 / 328,500

Total Card / Total Parcel

PROPERTY LOCATION

Table with 3 columns: No, Alt No, Direction/Street/City. Row 1: 8, WASHINGTON DR, HUDSON

OWNERSHIP

Table with 2 columns: Owner Name, Unit#. Owners: O'SULLIVAN, PAUL L., O'SULLIVAN, SANDRA M.

PREVIOUS OWNER

Table with 2 columns: Owner Name, Address. Owners: -, Street: 8 WASHINGTON DRIVE

NARRATIVE DESCRIPTION

This parcel contains .496 ACRES of land mainly classified as ALU with a CAPE Building built about 1968, having primarily VINYL Exterior and 2352 Square Feet, with 2 Units, 3 Baths, 0 3/4 Bath, 0 HalfBath, 10 Rooms, and 4 Bdrms.

OTHER ASSESSMENTS

Table with 4 columns: Code, Descrp/No, Amount, Com. Int.

PROPERTY FACTORS

Table with 7 columns: Item, Code, Description, %, Item, Code, Description. Includes items like water, sewer, electric, flood haz, topo, street, gas.

LAND SECTION (First 7 lines only)

Table with 20 columns: Use Code, Description, LUC Fact, No of Units, Depth / PriceUnits, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Infl, Neigh Mod, Infl 1, %, Infl 2, %, Infl 3, %, Appraised Value, Alt Class, %, Spec Land, J Code, Fact, Use Value, Notes.

IN PROCESS APPRAISAL SUMMARY

Table with 7 columns: Use Code, Land Size, Building Value, Yard Items, Land Value, Total Value. Includes Total Card and Total Parcel rows.

PREVIOUS ASSESSMENT

Table with 10 columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date. Shows assessment history from 2017 to 2021.

SALES INFORMATION

Table with 10 columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Shows sales from 1990.

BUILDING PERMITS

Table with 9 columns: Date, Number, Descrp, Amount, C/O, Last Visit, Fed Code, F. Descrp, Comment. Lists various building permits from 2012 to 2018.

ACTIVITY INFORMATION

Table with 4 columns: Date, Result, By, Name. Lists activity dates and results like Permit Visit, Meas/Inspect, Measured, New Maps, Permit Visit.

Legal Description

Entered Lot Size
Total Land: 0.496
Land Unit Type: AC

User Acct

3033
GIS Ref
GIS Ref
Insp Date
06/25/10

!8393!



USER DEFINED

Table with 2 columns: Prior Id #, Value. Shows prior IDs 0062, 0020, 0000.

PRINT

Table with 2 columns: Date, Time. Row 1: 11/19/21, 09:06:32

LAST REV

Table with 2 columns: Date, Time. Row 1: 01/22/19, 12:08:18

mikep

8393

PAT ACCT.

Table with 10 columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Notes. Shows patent activity.

Sign:

VERIFICATION OF VISIT HOT DATA

Total AC/HA: 0.49600 Total SF/SM: 21606 Parcel LUC: 107 ALU Prime NB Desc RES AVG Total: 93,368 Spl Credit Total: 93,400

EXTERIOR INFORMATION

Type:	05 - CAPE
Sty Ht:	1H - 1.5 STY
(Liv) Units:	2 Total: 2
Foundation:	1 - CONCRETE
Frame:	1 - WOOD
Prime Wall:	04 - VINYL
Sec Wall:	%
Roof Struct:	1 - GABLE
Roof Cover:	1 - ASPH SHING
Color:	WHITE
View / Desir:	

GENERAL INFORMATION

Grade:	C - AVERAGE		
Year Blt:	1968 Eff Yr Blt:		
Alt LUC:		Alt %:	
Jurisdct:		Fact:	
Const Mod:			
Lump Sum Adj:			

INTERIOR INFORMATION

Avg Ht/FL:	STD
Prim Int Wal:	1 - DRYWALL
Sec Int Wall:	%
Partition:	T - TYPICAL
Prim Floors:	15 - WD LAM
Sec Floors:	04 - CARPET 33%
Bsmnt Flr:	12 - CONCRETE
Subfloor:	
Bsmnt Gar:	
Electric:	3 - TYPICAL
Insulation:	2 - TYPICAL
Int vs Ext:	S
Heat Fuel:	2 - GAS
Heat Type:	3 - FORCED HW
# Heat Sys:	1
% Heated:	100 % AC: 0
Solar HW:	NO Central Vac: NO
% Com Wal:	% Sprinkled

BATH FEATURES

Full Bath:	2 Rating: AVERAGE
A Bath:	1 Rating: AVERAGE
3/4 Bath:	Rating:
A 3QBth:	Rating:
1/2 Bath:	Rating:
A HBth:	Rating:
OthrFix:	Rating:

OTHER FEATURES

Kits:	1 Rating: VERY GOOD
A Kits:	1 Rating: AVERAGE
Frpl:	Rating:
WSFlue:	Rating:

CONDO INFORMATION

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

DEPRECIATION

Phys Cond:	EX - Excellent	16.0%
Functional:		%
Economic:		%
Special:		%
Override:		%
Total:		16.0%

CALC SUMMARY

Basic \$ / SQ:	106.00
Size Adj.:	0.88265306
Const Adj.:	0.98656607
Adj \$ / SQ:	92.304
Other Features:	23500
Grade Factor:	1.00
NBHD Inf:	1.00000000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	279038
Depreciation:	44646
Depreciated Total:	234392

COMMENTS

PDAS IN SFL. 2014=ALU COMPLETE.

RESIDENTIAL GRID

1st Res Grid:	Desc: CONV	# Units:	1
Level:	FY LR DR D K FR RR BR FB HB L O		
Other:			
Upper:			
Lvl 2:			
Lvl 1:			
Lower:			
Totals:	RMs: 10 BRs: 4 Baths: 2 HB		

REMODELING

Exterior:	
Interior:	
Additions:	2012
Kitchen:	2018
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

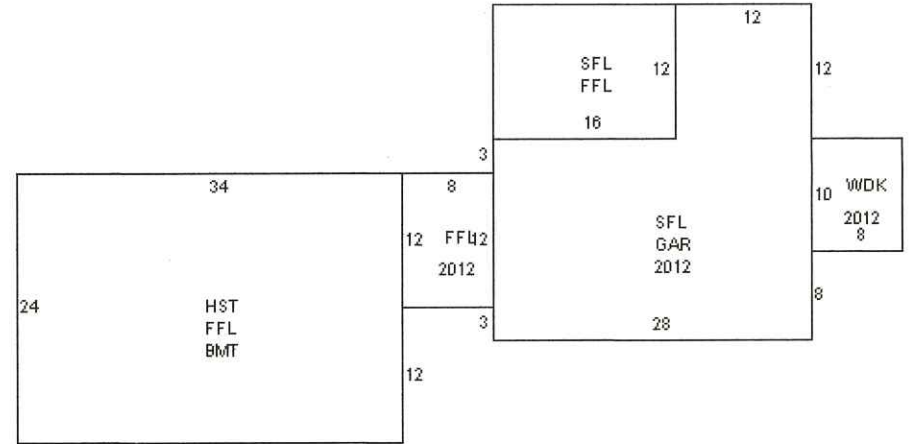
RES BREAKDOWN

No Unit:	RMS:	BRS:	FL:
1	10	4	M
Totals			
1	10	4	

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:		AvRate:		Ind.Val
Juris. Factor:		Before Depr:		92.30
Special Features:	0	Val/Su Net:		60.16
Final Total:	234400	Val/Su SzAd		99.66

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	FIRST FLOOR	1,104	92.300	101,904
SFL	SECOND FLR	840	92.300	77,536
BMT	BASEMENT	816	18.460	15,064
GAR	GARAGE	648	33.080	21,433
HST	HALF STORY	408	92.300	37,660
WDK	WOOD DECK	80	24.270	1,941
Net Sketched Area:		3,896	Total:	255,538
Size Ad	2352 Gross Area	4304 FinArea		2352

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Ten

MOBILE HOME	Make:	Model:	Serial #	Year:	Color:
-------------	-------	--------	----------	-------	--------

SPEC FEATURES/YARD ITEMS

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
02	SHED-NV	D	Y	1	60	AV	AV	1968	0.00	T	40	107						
19	PATIO	D	Y	1	30X12	AV	AV	1968	7.00	T	73.5	107			700			700
02	SHED-NV	D	Y	1	7X7	AV	AV	1968	0.00	T	40	107						
02	SHED-NV	D	Y	1	4X7	AV	AV	1968	0.00	T	40	107						

More:	N	Total Yard Items:	700	Total Special Features:		Total:	700
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IMAGE

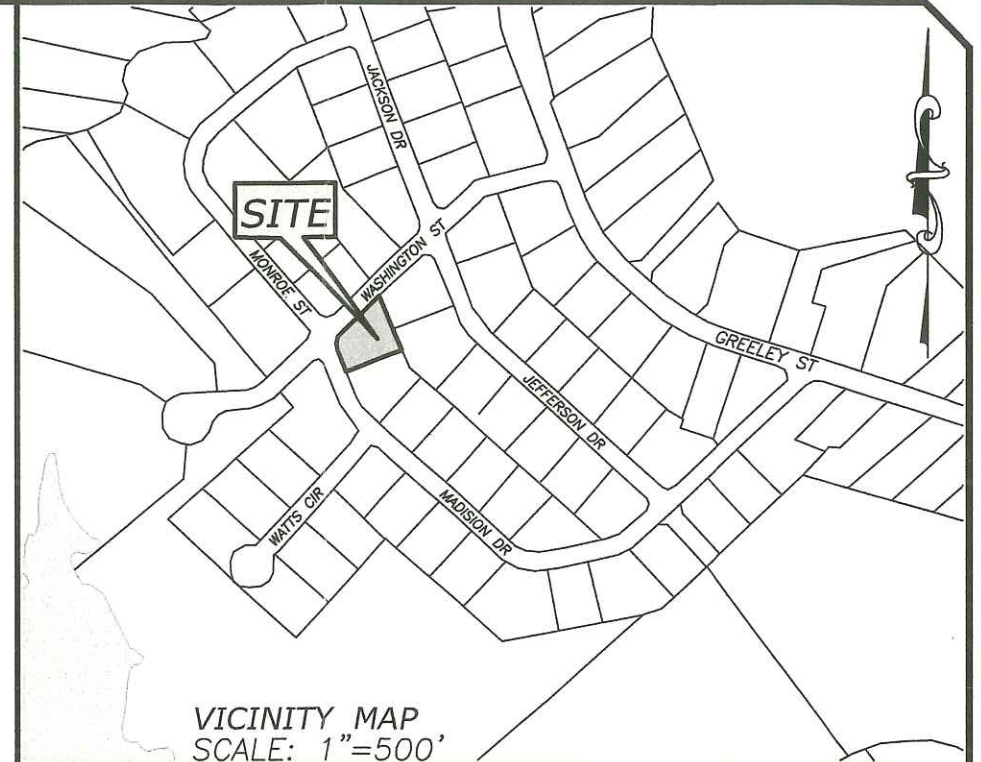
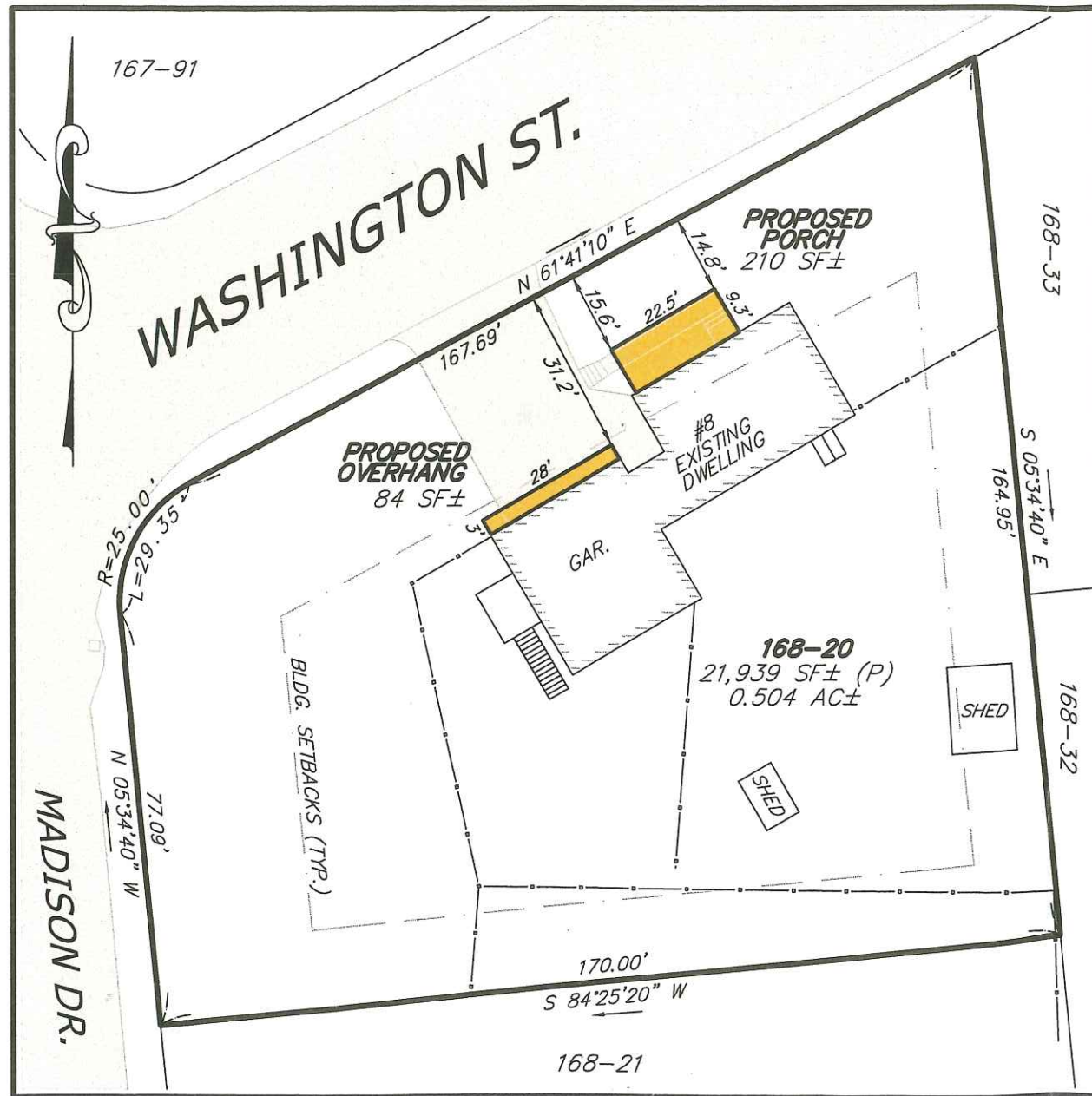
AssessPro Patriot Properties, Inc



PLAN NOTES:

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

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



VICINITY MAP
SCALE: 1"=500'

REV. 2		BY:
REV. 1		BY:

ZONING DISTRICT: R-2
REQUIRED SETBACKS:
FRONT - 30 FEET
SIDE - 15 FEET
REAR - 15 FEET
DEED REF: BK. 5211 PG. 1339
PLAN REF.: HCRD PL. 2742
HCRD PL. 4083
PLAN SCALE: 1"=30'
DATE: NOV. 2021
JOB REF.: 021-140-OSUL



I HEREBY CERTIFY:

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

JEFFREY LAND SURVEY LLC

1 BURGESS DRIVE, LITCHFIELD, NH 03052
(603) 424-4089





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: March 23, 2023

3/15/23

Case 204-003 (03-23-23): Daniel Proulx, Jr., Managing Member of Monument Construction, LLC, 149 Lowell Rd., Hudson, NH requests an Appeal from an Administrative Decision to allow the proposed three (3) 8' x 40' storage containers on a ¾" stone pad and proposed gravel area for equipment storage in the rear of the existing garage (to be converted to office space) constituting an Industrial Use as a Contractor's Yard (E-10) where it is not permitted in the Business Zone. [Map 204, Lot 003-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

Address: 149 Lowell Rd
Zoning district: Business (B)

Property description:

This as a developed lot of record undergoing a proposed change of use from Residential to a Contractor Yard / Business.

Summary/History:

This case is an Appeal of an Administrative Decision as allowed per RSA 674:33 II.

Code Enforcement action:

April 15, 2021: Conversion/change of use from residential to non-residential use, without permits/approvals.

April 27, 2021: Stay of Enforcement, to allow time to abate the violation(s), by June 2, 2021.

Zoning Determinations:

#21-154, initial inquiry as "Construction Business and incidental accessories", resulted with my zoning determination as: "this will require a site plan review by P.B."

#22-167, was a revision (clarification) of my previous Z.D. #21-154, after review of the submitted site plan to P.B. the proposed use is as a "contractors yard" (E-10) in the Table of Permitted Principal Uses §334-21, and is not a permitted use in the Business (B) district.

#23-016, was a request dated Jan 31, 2023 to review my Zoning Determination #22-167 by owner/applicant. I maintained that my prior determination/decision still stands: "that the proposed site plan depicts a contractors yard and therefore would need a Variance to do such use."

The Zoning Ordinance does not specify or define contractor's yard within the Zoning Ordinance.

The following is my basis for my determination: The Zoning Ordinance allows a hierarchy for interpretation of the Z.O. per §334-5 Word usage and interpretation.

In particular §334-5 C(3): "C. *Hierarchy*:

(3) Terms and words not defined in this article, the RSAs or in the Building Code shall have the meanings understood in common usage and as defined in standard American dictionaries."

Please review Attachment F, which is my detailed response (decision) for Zoning Determination #23-016.

In-House comments:

Town Engineer: None received.

Inspectional Services/Fire Dept: no comments.

Town Planner: Yes, See attached.

Attachments:

"**A**" RSA 674:33 II "Appeal From Administrative Decision" (from OSI Handbook).

"**B**" April 15, 2021 Non Compliance Letter – Change of use requires a site plan by P.B.

"**C**" Apr 27, 2021 Stay of Enforcement – Non Compliance – to obtain site plan approval.

"**D**" Sept 23, 2021 Zoning Determination #21-154 – change of use to a construction office

"**E**" Dec 29, 2022 Zoning Determination #22-167 revised #21-154 – the proposed site plan shows a contractor's yard is occurring.

"**F**" Feb 2, 2023 Zoning Determination #23-016 Owner/applicant request to reconsider my prior Determination/interpretation.

"**G**" Town Planner – In-House comments.

The distinction between a Variance and a Special Exception is important to understand.

- A special exception is a use of land or buildings that is permitted, subject to specific conditions that are set forth in the ordinance.
- A variance is a waiver or relaxation of particular requirements of an ordinance when strict enforcement would cause undue hardship because of circumstances unique to the property.

It should be noted that the board of adjustment does not have authority over decisions of the board of selectmen or enforcement official on whether or not to enforce the ordinance. The board does have the authority to hear administrative appeals if it is alleged that there was an error in any order, requirement, decision or determination made by the official. The board of adjustment also has the authority to hear administrative appeals of decisions made by the planning board, which are based on their interpretation of the zoning ordinance. Don't confuse your role as a zoning board member with that of the planning board. The intent is not to interfere with the planning board's authority over subdivision and site plan review, but to allow for review of zoning matters by the zoning board of adjustment. See *Dube v. Town of Hudson*, 140 N.H. 135, 663 A.2d 626 (1995).

APPEAL FROM ADMINISTRATIVE DECISION

RSA 674:33 Powers of Zoning Board of Adjustment

I(a) The zoning board of adjustment shall have the power to:

- (1) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and
- (2)

II. In exercising its powers under paragraph I, the zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

(Also see RSA 676:5, Appeals to Board of Adjustment, on page III-1.)

The board of adjustment decides cases where a claim is made that the administrative officer has incorrectly interpreted the terms of the ordinance such as a district boundary or the exact meaning of an article or term. Most zoning ordinances contain terms that may be confusing and are, therefore, open to interpretation. An ordinance may fail to define what is meant by such requirements as "distance from a road." Does this mean distance from the pavement, shoulder, side ditch, or right-of-way? An honest difference of opinion may easily occur as to the exact meaning when applied to specific circumstances.

In another situation, a person may, rightly or wrongly, question the administrator's reasons for withholding a permit. Because the board of adjustment has the power to referee such cases, every person is afforded a timely hearing and decision without the expense of going to court. Again, it is important for the zoning board of adjustment to establish in their rules a reasonable time that an appeal of an administrative decision may be taken, as required by RSA 676:5, I.

Although this is a relatively simple power, there are several pitfalls to be avoided.

In determining the intent and meaning of a provision of the ordinance and map, the board is restricted to a fairly literal interpretation. The intent of the law is an important consideration, but must be spelled out in terms specific enough to be understood. The board of adjustment cannot make its determination on the strength of a statement of purpose alone when that statement is not backed by concisely phrased provisions. “The construction of the terms of a zoning ordinance is a question of law.... The proper inquiry is the ascertainment of the intent of the enacting body.... Where the ordinance defines the term in issue, the definition will govern.” *Trottier v. City of Lebanon*, 117 N.H. 148 (1977) (citations omitted).

When an appeal is made to a board of adjustment under this provision, the board must apply the strict letter of the law in exactly the same way that a building inspector must. It cannot alter the ordinance and map or waive any restrictions under the guise of interpreting the law.

The petitioner may, of course, ask for a variance after the board of adjustment has defined the law, but this must be done by filing an application for a variance and considered by the board based on the standards required for a variance. Sometimes two forms of relief are requested (e.g. an appeal of an administrative decision of interpretation of the ordinance and a variance request that is based on the outcome of the interpretation of the ordinance) and can both be decided as part of a single application, depending on local rules of procedure. There are no specific criteria for an administrative appeal as with a variance or special exception.

Decisions made by the administrative officer involving what the ordinance says and means are appealable. This includes situations such as a decision by the board of selectmen to issue (or deny) a building permit because of their belief that the proposed use is permitted (or not) in a particular zone. The same applies to decisions by the planning board or any other “administrative officer” regarding the terms of the ordinance. This does not mean, however, that decisions to enforce (or not enforce) the ordinance are also appealable to the board of adjustment. These decisions are discretionary and are not reviewable under RSA 676:5, II (b) or any other statute.

The board should be aware of the difference between an “opinion” and a “decision” of an administrative official. In *Accurate Transport, Inc. v. Town of Derry* (August 11, 2015), the court found that the ZBA had the power to “convert” the appeal of the code enforcement officer’s decision to an appeal of the planning board’s decision because the code enforcement officer had merely expressed an opinion at a technical review committee meeting that the use was allowed. The appealable decision came when the planning board agreed with the code enforcement officer’s opinion and voted to approve the application. Ultimately, the ZBA overturned the planning board’s decision that the use was allowed and the court did not review the validity of the ZBA’s decision because the petitioners did not properly challenge it on its merits.

Notwithstanding technical differences between an administrative “opinion” and a “decision”, cautious applicants (and their attorneys) may file their administrative appeal following an administrative “opinion,” in order to protect their appeal rights.

Pursuant to RSA 676:5, I, administrative appeals to the board of adjustment must be filed within a “reasonable time.” What is, and what is not, reasonable will depend on the specific facts of each case.

“In determining what constitutes a reasonable time, the interests of the party benefitting from the administrative officer’s of town’s determination will be balanced against the interests of the aggrieved party who filed the appeal with the ZBA. The factors that are considered in determining the reasonableness of a time period include “the knowledge of the parties, their conduct, their interests, the possibility of prejudice to any party, and any reason for delay in appealing.”

Peter J. Loughlin, Esq., 15 New Hampshire Practice: Land Use Planning and Zoning, Ch. 22, Powers of the ZBA, § 22.02 (LexisNexis Matthew Bender) (internal footnotes omitted). It is strongly suggested an appeal window be identified in the board's rules of procedure. NH OPD suggests 30 days, which is a common deadline in the state.

In order to bring an appeal of an administrative decision, a person must also have standing. Merely being a resident and taxpayer of a town is not enough to confer standing to appeal a decision of the administrative officer who determined that there was not sufficient basis to pursue an alleged violation of the zoning ordinance concerning the voluntary merger of two lots. See *Goldstein v. Town of Bedford* (November 22, 2006).

Similarly, in *Golf Course Investors of NH, LLC v. Town of Jaffrey & a.* (April 12, 2011), the court found that seven residents who tried to appeal a planning board decision to the ZBA that a condominium conversion did not require site plan review did not have standing as "persons aggrieved." None were abutters, did not address how their properties would be directly affected, were actually in favor of the project with the acceptance of its size, and one had even attended the planning board meeting. To establish standing, an appealing party must show "some direct, definite interest in the outcome of the action or proceeding." Four factors are considered when determining whether a non-abutter has sufficient interest to confer standing: (1) the proximity of the appealing party's property to the property for which approval is sought; (2) the type of change being proposed; (3) the immediacy of the injury claimed; and (4) the appealing party's participation in the administrative hearings. See *Weeks Restaurant Corp. v. City of Dover*, 119 N.H. 541 (1979).

For further discussion on this topic see "Administrative Decisions in Planning and Zoning: How They're Made, How They're Appealed," NHMA Law Lecture #3, Fall 2010.

SPECIAL EXCEPTIONS

RSA 674:33 Powers of Zoning Board of Adjustment

- IV. (a) A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.
- (b) Special exceptions authorized under this paragraph shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.
- (c) The zoning ordinance may be amended to provide for the termination of all special exceptions that were authorized under this paragraph before August 19, 2013 and that have not been exercised. After adoption of such an amendment to the zoning ordinance, the planning board shall post notice of the termination in the city or town hall. The notice shall be posted for one year and shall prominently state the expiration date of the notice. The notice shall state that special exceptions authorized before August 19, 2013 are scheduled to terminate, but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the zoning board of adjustment for good cause.
- V. . . .
- VI. The zoning board of adjustment shall not require submission of an application for or receipt of a permit or permits from other state or federal governmental bodies prior to accepting a submission for its review or rendering its decision.
- VII. Neither a special exception nor a variance shall be required for a collocation or a modification of a personal wireless service facility, as defined in RSA 12-K:2.



TOWN OF HUDSON

Land Use Division



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

Non Compliance

April 15, 2021

USPS 1st Class

Monument Construction, LLC
149 Lowell Rd
Hudson, NH 03051

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

To whom it may concern,

I have received a complaint that your property is in a possible violation of Hudson's Zoning Ordinance as follows:

Complaint:

Use of a parcel without permits and approvals: "Change of use from residential to non residential (construction company operations) use" and parking/storage of construction trailers.

This is a violation of HZO §334-16.1 site plan required: "*No person, persons, partnership, proprietorship, company, trust or corporation shall commence a new use, change a use or commence any site development activity (other than one- or two-family residential activity) without first securing site plan approval from the Hudson Planning Board pursuant to this chapter. These regulations shall apply to the development or change or expansion of use of tracts for nonresidential uses*"

Request:

Abate the violation by either removing the violation or apply for necessary approvals by **May 1, 2021**.

Please call me if you have questions,

Sincerely,

Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

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





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #21-154

September 23, 2021

Dan Proulx
Monument Construction, LLC
Suite 1
21 Factory St
Nashua, NH 03060

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

Dear Dan,

Your request: To convert this property to a business use as your construction business.

Determination: This is an existing lot of record, currently with a non-conforming use as a single family (A-1). It appears that your operation proposed would be as a business office (D-17) with accessory/incidental storage and parking of construction vehicles.

Any conversion/change of use will require a Site Plan review by the Planning Board per §334-16.1 Site plan approval: "For the purpose of this chapter, change of use occurs when the use of any land or building is changed from one land use classification to another or from one category to another category within a land use classification as specified in this chapter."

Please contact Brian Groth, Town Planner for the Site Plan application and process at (603) 886-6008.

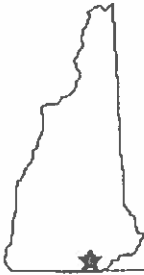
Sincerely,

Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

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





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

#21-154



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

TOWN OF HUDSON

SEP 14 2021

Zoning Department

Date of request 09/13/2021

Property Location 149 Lowell Road Hudson NH
 Map 204 Lot 3 Sublot 0

Zoning District if known ~~Grandfathered Residential~~ Business

Type of Request

- Zoning District Determination
- Use Determination
- Set-Back Requirements
- Process for Subdivision/ Site Plan if required
- Other

Description of request / determination: (Please attach all relevant documentation)

I respectfully request that the above property be converted
from residential to commercial use. I would like the land
usage to be for my Construction Business and any incidental
accessories for my business.

Applicant Contact Information:

Name: Daniel Proulx, Jr
 Address: 21 Factory Street, Nashua NH 03060
 Phone Number: 978-512-0403
 Email: dproulx@monumentnh.com

For Office use

ATTACHMENTS: TAX CARD

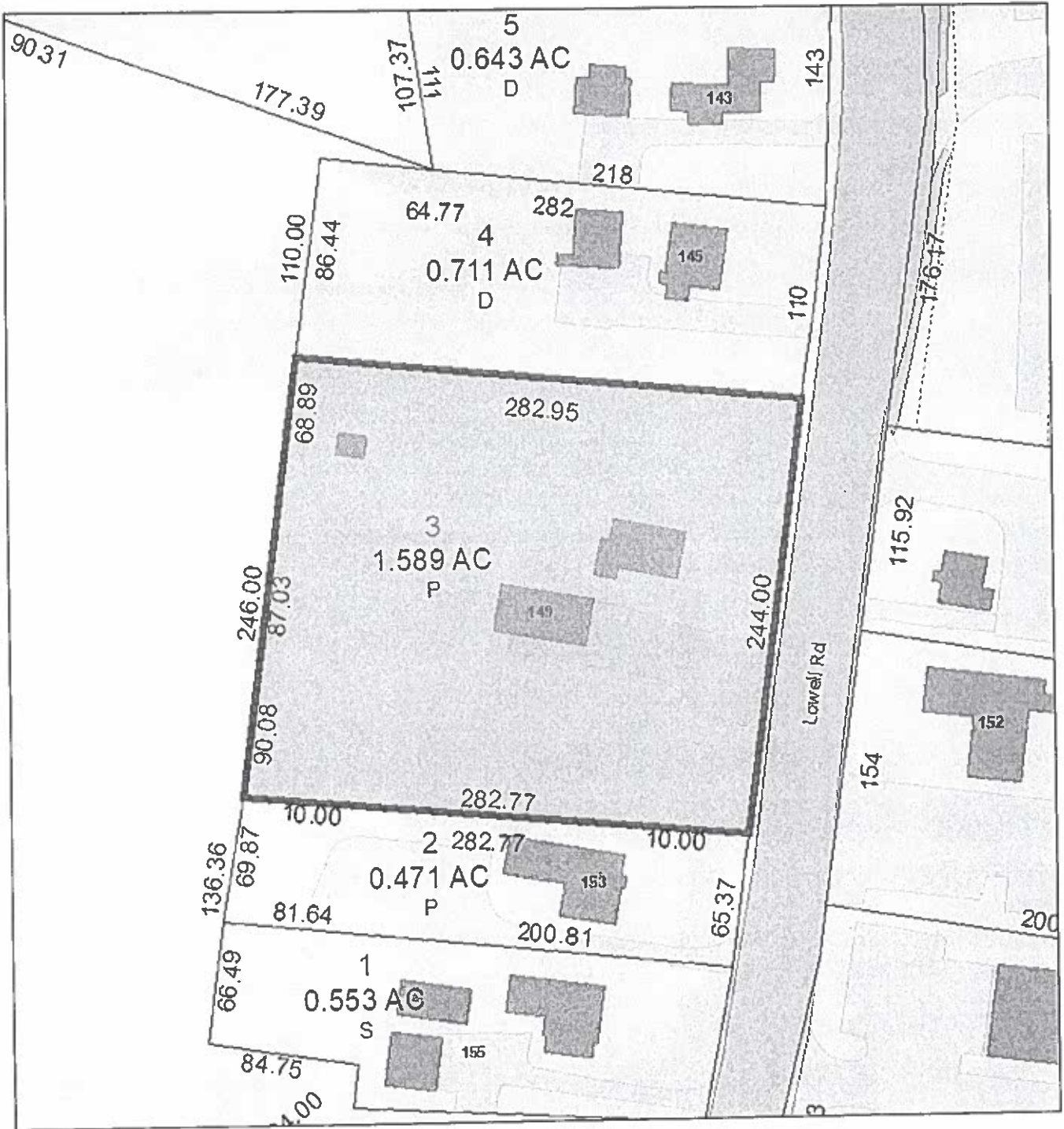
GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

D₃

149 Lowell Rd (Map/Lot 204-003-000)

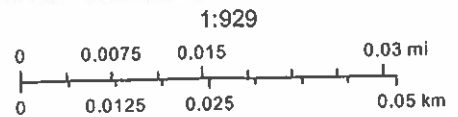


September 15, 2021

Legend

----- Easement_Lines

▭ Parcels





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-167

December 29, 2022

Dan Proulx
Monument Construction, LLC
Suite 1
21 Factory St
Nashua, NH 03060

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

Dear Dan,

This is a revised determination from my previous one in 2021, based on the current situation (under a stay of enforcement) and a pending site plan application to the Planning Board.

Determination: Based on the submitted proposed site plan and current operations on site, it appears that your current operation and proposed use would be as a Contractor's yard (E-10) in the Table of Permitted Principal Uses §334-21 and is not permitted and would need a Variance from the Zoning Board of Adjustment for such use. Please find the link to the Zoning Board of Adjustment forms here: <https://www.hudsonnh.gov/zoning/page/zoning-applications-forms> any questions please contact me.

Sincerely,

Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

encl: 2021 Zoning Determination (attachment A); Site Plan application (attachment B); Code Enforcement (attachment C); Table of Permitted Principal Uses (attachment D1)
cc: Public Folder
B. Groth, Town Planner
D. Hebert, Fire Marshal
File

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





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #21-154

September 23, 2021

Dan Proulx
Monument Construction, LLC
Suite 1
21 Factory St
Nashua, NH 03060

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

Dear Dan,
Your request: To convert this property to a business use as your construction business.

Determination: This is an existing lot of record, currently with a non-conforming use as a single family (A-1). It appears that your operation proposed would be as a business office (D-17) with accessory/incidental storage and parking of construction vehicles.

Any conversion/change of use will require a Site Plan review by the Planning Board per §334-16.1 Site plan approval: "For the purpose of this chapter, change of use occurs when the use of any land or building is changed from one land use classification to another or from one category to another category within a land use classification as specified in this chapter."

Please contact Brian Groth, Town Planner for the Site Plan application and process at (603) 886-6008.

Sincerely,

Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

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

E2

A



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

#21-154



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 09/13/2021

Property Location 149 Lowell Road Hudson NH
 Map 204 Lot 3 Sublot 0

Zoning District if known ~~Grandfathered Residential~~ Business

TOWN OF HUDSON
 SEP 14 2021
 Zoning Department

Type of Request

- Zoning District Determination
- Use Determination
- Set-Back Requirements
- Process for Subdivision/ Site Plan if required
- Other

Description of request / determination: (Please attach all relevant documentation)

I respectfully request that the above property be converted from residential to commercial use. I would like the land usage to be for my Construction Business and any incidental accessories for my business.

Applicant Contact Information:

Name: Daniel Proulx, Jr
 Address: 21 Factory Street, Nashua NH 03060
 Phone Number: 978-512-0403
 Email: dproulx@monumentnh.com

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

E3

A2



MEISNER BREM CORPORATION
ENGINEERS • PLANNERS • LAND SURVEYORS

November 9, 2022

Brian Groth
Hudson Planning Board
12 School Street
Hudson, NH 03051

Re: Site Plan Application
149 Lowell Road, Hudson, NH

Dear Mr. Groth:

On behalf of the applicant, Monument Construction, we hereby submit the following as a Site Plan pursuant to Chapter 275, Hudson Site Plan Regulations.

Monument Construction is a construction company led by a disabled veteran. They purchased this property for use as their home office and propose to simply remodel the existing house and garage bays into offices for its staff and others. There is no plan to enlarge the existing structures or construct any additional buildings.

The site will be slightly improved to utilize the existing paved areas as much as possible to create formal parking primarily for staff totaling 11 spaces (including 1 accessible space). Two small gravel areas will also be created to serve as container and equipment storage as part of the operations. Landscaping will be amended as shown on the plans. Lighting will be added to the facia of the buildings as shown, primarily for security.

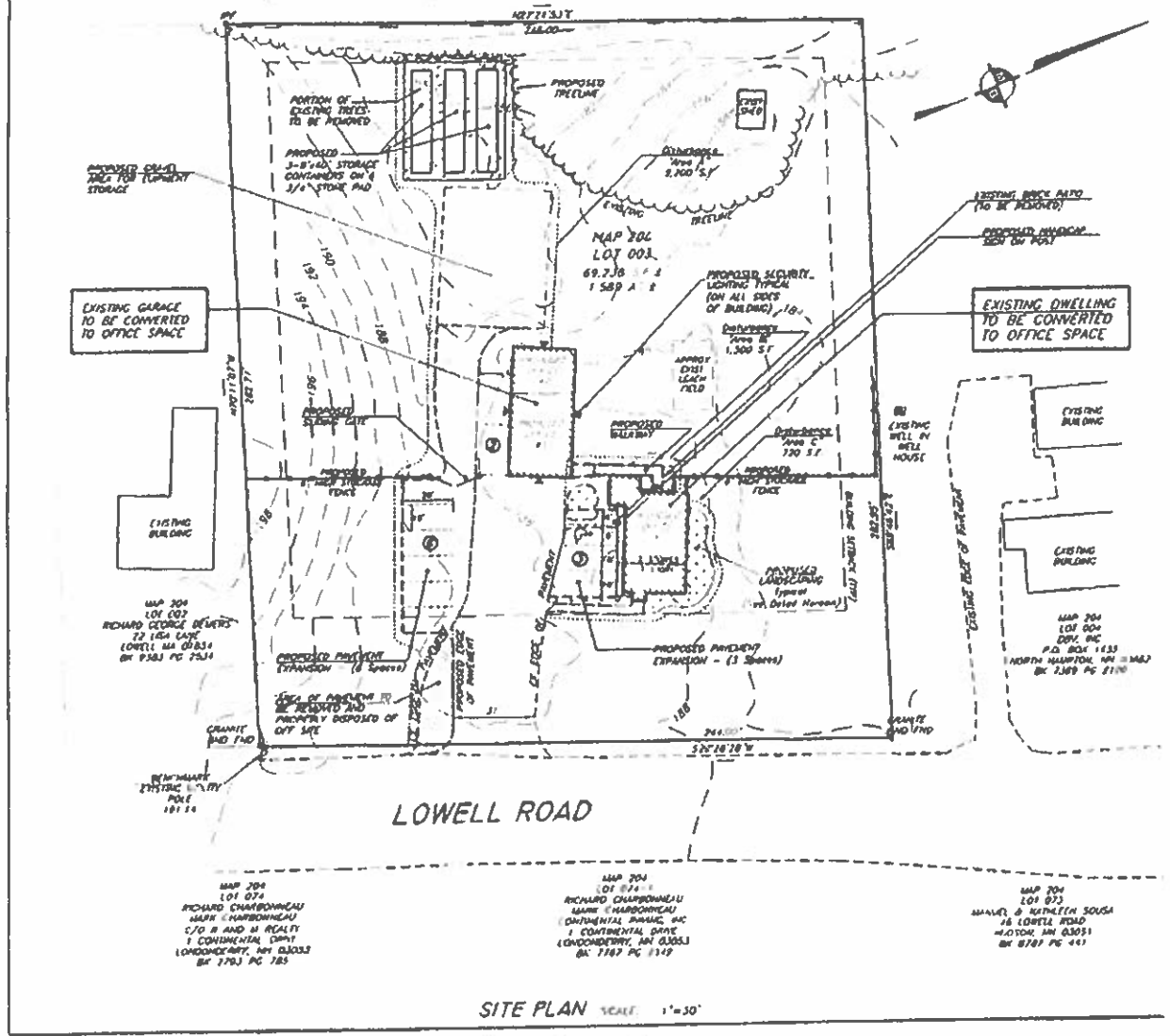
This is a small project to enhance the existing developed site for the proposed professional office use as a Site Plan. This project would conform to the Minor Site Plan standards with the exception that no previous Site Plan was ever submitted for this property.

142 LITTLETON ROAD, STE 16 WESTFORD, MA 01886
202 MAIN STREET SALEM, NH 03079

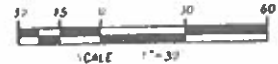
978.692.1313 FAX 978.692.0303
603.893.3301 FAX 603.893.1977

B₁
(E4)

MAP 208
 LOT 001 001
 TRAR COURT CONDOMINIUM
 135 BEAR HILL ROAD, SUITE 100
 WILMOUTH, NH 07451



SITE PLAN SCALE 1"=30'



"Approved by the HUDSON, NH PLANNING BOARD."

Date of Meeting: _____

PLANNING BOARD Chairman: _____ Signature Date: _____

PLANNING BOARD Secretary: _____ Signature Date: _____

Site PLANS are valid for two years from the date of PLANNING BOARD meeting date at which the PLAN receives final approval.

Pursuant to the Site Review Regulations of the HUDSON PLANNING BOARD, the SITE PLAN Approval Granted herein Expires Two Years from Date of Approval.

LEGEND

- EXISTING TREELINE
- PORTION OF TREES TO BE REMOVED
- PROPOSED TREELINE
- PROPOSED 6' HIGH STOCKADE FENCE
- PROPOSED SECURITY LIGHTING
- EXISTING SOAKS LINE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT EXPANSION
- PROPOSED AREA OF PAVEMENT TO BE REMOVED
- LIMIT OF DISTURBANCE

PARKING REQUIREMENTS

Zone - Business, Use - Office
 1 Space/300 S.F.

Total Proposed Building Area
 Proposed Office #1 (1st Floor)
 Proposed Office #2 (2nd Floor)
 Proposed Office #3

Required Parking Spaces
 1182 S.F. / 300 S.F. = 39.4

Proposed Parking Spaces
 3 Existing Parking Spaces
 6 Existing Parking Spaces

Total Parking Spaces Existing
 9 Spaces

ES B₂



TOWN OF HUDSON

Land Use Division



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

Stay of Enforcement Non Compliance

April 27, 2021

USPS 1st Class and email

Dan Proulx
Monument Construction, LLC
Suite 1
21 Factory St
Nashua, NH 03060

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

Dear Dan,

After my discussion with you regarding the following:

Complaint:

Use of a parcel without permits and approvals: "Change of use from residential to non residential (construction company operations) use" and parking/storage of construction trailers.

This is a violation of HZO §334-16.1 site plan required.

Order:

I will stay code enforcement action to allow you time to abate the current violations as you explore your options and to apply for necessary approvals **by June 1, 2021**.

Please contact me to let me know your course of actions etc,

Sincerely,

Bruce Buttrick

Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

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

E6

C1



TOWN OF HUDSON

Land Use Division



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

Non Compliance

April 15, 2021

USPS 1st Class

Monument Construction, LLC
149 Lowell Rd
Hudson, NH 03051

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

To whom it may concern,

I have received a complaint that your property is in a possible violation of Hudson's Zoning Ordinance as follows:

Complaint:

Use of a parcel without permits and approvals: "Change of use from residential to non residential (construction company operations) use" and parking/storage of construction trailers.

This is a violation of HZO §334-16.1 site plan required: "No person, persons, partnership, proprietorship, company, trust or corporation shall commence a new use, change a use or commence any site development activity (other than one- or two-family residential activity) without first securing site plan approval from the Hudson Planning Board pursuant to this chapter. These regulations shall apply to the development or change or expansion of use of tracts for nonresidential uses"

Request:

Abate the violation by either removing the violation or apply for necessary approvals by **May 1, 2021**.

Please call me if you have questions,

Sincerely,

Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

cc: Public Folder
B. Groth, Town Planner
File

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

(E7) C2

ZONING

334 Attachment 1

Town of Hudson

Table of Permitted Principal Uses

[Amended 3-8-1994 by Amdt. No. 5; 3-9-1999; 3-13-2001 by Amdt. No. 3; 3-13-2001 by Amdt. No. 7; 3-12-2002 by Amdt. No. 3; 3-9-2004; 3-13-2007 by Amdt. No. 5; 3-13-2018 ATM by Amdt. No. 5; 2-2-2019 ATM, Art. 07, adopted 3-12-2019]

USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
A. RESIDENTIAL USES							
1. Single-family detached dwelling	P	P	P	N	N	P	P
2. Two-family dwelling	N	P	N	N	N	P	P
3. Multifamily dwelling	N	N	N	P ¹	N	N	N
4. Manufactured housing parks/subdivisions	N	N	N	N	N	P	P
5. Older persons housing developments	N	P ¹	P ¹	N	N	P ¹	N
6. Assisted living facility	P	P	P	P	N	P	P
B. AGRICULTURAL USES							
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	P	P	P	P	P	P	P
2. Facilities for the sale of produce, and wine and dairy products	P	P	P	P	P	P	P
C. COMMUNITY FACILITIES USES							
1. Use of land or structures for religious purposes	S	P	S	P	N	P	P
2. Child daycare facility and group daycare facility, public/private	N	N	N	P	P	P	P
3. Cemeteries, public/private	S	S	N	N	N	S	S
4. Municipal services and facilities	P	P	P	P	P	P	P
5. Water towers, reservoirs and sewer and water pumping stations	P	P	P	P	P	P	P
6. Hospital, public/private	N	N	N	P	P	P	P
7. Schools, public/private	P	P	P	P	P	P	P
D. COMMERCIAL USES							
1. Seasonal farm stand for retail sale of produce or Christmas trees	P	P	P	P	N	P	P
2. Animal clinic or hospital; kennel	N	N	N	S	P	P	P
3. Personal service establishment, per definition provided in § 334-6	N	N	N	P	P	P	P
4. Funeral home	N	N	N	P	P	P	P
5. Hotel/motel	N	N	N	S ¹	P ¹	P ¹	P ¹
6. Bed-and-breakfast	N	N	N	N	N	P	P
7. Retail food or drug store	N	N	N	P	P	P	P
8. Retail sale of beer and wine and state liquor stores	N	N	N	P	P	P	P

D.

E3

HUDSON CODE

USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
D. COMMERCIAL USES (cont'd)							
9. Motor vehicle, motorcycle, trailer, snowmobile, or boat sales and rental	N	N	N	P	P	P	P
10. Motor vehicle light service; motor vehicle general and body repair	N	N	N	P	P	P	P
11. Automotive fuel station	N	N	N	P	P	P	P
12. Automotive fuel station with general retail	N	N	N	P	P	P	P
13. Car wash	N	N	N	P	P	P	P
14. Limousine, taxicab or livery business	N	N	N	P	P	P	P
15. Restaurant	N	N	N	P	P	P	P
16. Restaurant, fast-food or drive-in	N	N	N	P	P	P	P
17. Business or professional office	N	N	N	P	P	P	P
18. Convalescent or nursing home	N	S	N	P	N	P	P
19. Adult, child and group child daycare facilities	N	N	N	P	P	P	P
20. Indoor commercial recreation	N	N	N	P	P	P	P
21. Outdoor commercial recreation	N	N	N	S	P	P	P
22. Membership club, civic, social, professional or fraternal organization	N	N	N	P	P	P	P
23. Adult use establishment, per definitions provided in § 334-6	N	N	N	N	S	N	N
24. Wireless communications facility, per Article XVIII, §§ 334-91 - 334-107	N	N	N	N	S	S	S
25. Mobile parked food service	N	N	N	N	P	N	N
26. Itinerant roadside vending	N	N	N	N	P	N	N
27. (Reserved)							
28. Massage therapy (licensed)	N	N	N	P	P	P	P
29. General retail	N	N	N	P	P	P	P
30. Retail sale of agriculture horticulture, floriculture and viticulture products	N	N	N	P	N	P	P
31. Tattoo parlor	N	N	N	P	N	N	N
32. Body art/piercing	N	N	N	P	N	N	N
E. INDUSTRIAL USES							
1. Removal of loam, sand or gravel	N	N	N	N	P	P	P
2. Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances	N	N	N	N	P	P	P
3. Welding shop	N	N	N	N	P	P	P
4. Machine shop	N	N	N	N	P	P	P
5. Stone or monument works	N	N	N	N	P	P	P
6. Manufacturing	N	N	N	N	P	P	P
7. Retail sale of products manufactured on the premises	N	N	N	N	P	P	P
E. INDUSTRIAL USES (cont'd)							
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility; includes parking of recreational vehicles, buses and/or boats	N	N	N	N	P	P	P
9. Heating fuel storage and sales	N	N	N	N	P	P	P

E9

D₂

ZONING

USE	Districts						
	R-1	R-2	TR	B	I	G	G-1
10. Contractor's yard or landscaping business	N	N	N	N	P	P	P
11. Transportation or freight terminal	N	N	N	N	P	N	N

NOTES:

' = Permitted only if serviced by Town water and sewer

S = Special Exception Required (see article VI)

P = Permitted Use

N = Not an Allowed Use

(E10)

D₃



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-016

February 2, 2023

Robert Shepard, Esq.
Smith-Weiss.Shepard.Kanakis&Spony, P.C.
P.O. Box 388
Nashua, NH 03061-0388

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

Dear Att’y Shepard,

I have received your letter of January 31, 2022.

1) I have reviewed my prior Determination #22-167 of December 29, 2022 and still maintain that this application/proposal constitutes a Contractor’s Yard (E-10) in the Table of Permitted Principal Uses §334-21 and is not permitted and would need a Variance from the Zoning Board of Adjustment for such use.

The Zoning Ordinance does not specifically define “contractor’s yard” within §334-6 Definitions. The Zoning Ordinance directs one to 334-5C for hierarchy of word usage and interpretation as follows: (3) “*Terms and words not defined in this article, the RSAs or in the Building Code shall have the meanings understood in common usage and as defined in standard American dictionaries.*”

I could not find any definition of contractor’s yard in the RSA’s or the Building Code, therefore I used a standard American dictionary, specifically Law Insider as follows:

“Contractor’s Yard means a lot, building or part thereof wherein vehicles, equipment and/or supplies are parked, stockpiled, stored and maintained for use by a contractor for the construction and/or renovation trades. Facilities for the administration or management of the business as well as minor maintenance and assembly work normally considered to be accessory to the trade are permitted. It does not include the lease, retail, or wholesale sale of construction materials or supplies, or home improvement materials, equipment or supplies.”

Furthermore, I would note that the context of the description as “Contractor’s yard” means possessive with the “’s” linking to contractor (singular), such as the applicant is, not a plural “s” which would mean multiple contractors of a retail nature, like a Lowes or Home Depot.

2) I would agree that those 3 storage containers are accessory buildings as our Z.O. §334-6 definitions: BUILDING, ACCESSORY “*A building in which a use that is customarily incidental and subordinate to that of the principal use is being conducted, including temporary or portable structures.*”

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

F,

I consider those "storage containers" as an accessory building (structure), from our definition: " *including temporary or portable*" and would need to comply with Zoning Ordinance as such.

Sincerely,



Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

encl: Contractor's Yard definition
cc: Public Folder
B. Groth, Town Planner
D. Hebert, Fire Marshal
File

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

F₂

Contractor's Yard definition

Related Definitions

- Contractors
- Sub-Contractors
- Contractor's Personnel
- Contractor's Equipment
- Subcontractors
- EPC Contractor
- Contractor
- Construction Contractor
- Contractor System
- Contractor Personnel
- Building Contractor
- General Contractor
- Prime Contractor
- Plumbing contractor
- The Site,
- Contractor Project Manager
- Sub-Contractor
- The Work
- O&M Contractor

Contractor's Yard means a yard of any building trade or contractor where equipment and material are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein

Sample 1 Sample 2 Sample 3 [View all 3 Documents](#)

Acrobat Pro DC
Perfect your resume as a PDF.
Try free

Remove Advertising

Contractor's Yard means a premises of any general contractor or builder where equipment and/or materials are stored or where a contractor performs shop or assembly work.

Sample 1 Sample 2 Sample 3 [View all 3 Documents](#)

Contractor's Yard means a lot, building or part thereof wherein vehicles, equipment and/or supplies are parked, stockpiled, stored and maintained for use by a contractor for the construction and/or renovation trades. Facilities for the administration or management of the business as well as minor maintenance and assembly work normally considered to be accessory to the trade are permitted. It does not include the lease, retail, or wholesale sale of construction materials or supplies, or home improvement materials, equipment or supplies.

Sample 1 Sample 2 Sample 3 [View all 3 Documents](#)





SMITH-WEISS • SHEPARD • KANAKIS & SPONY, P.C.

Attorneys

January 31, 2023

VIA EMAIL AND REGULAR MAIL

bbuttrick@hudsonnh.gov

Bruce Buttrick, Zoning Administrator/Code Enforcement Officer
Zoning Board of Adjustment
Town of Hudson
12 School Street
Hudson, NH 03051

RE: Monument Construction, LLC
149 Lowell Road, Map 205, Lot 003-000
District: Business (B)

Dear Mr. Buttrick:

I have the pleasure of representing Daniel Proulx and Monument Construction, LLC in connection with preparing an Application for a Variance for the business office located at 149 Lowell Road. I have carefully reviewed your correspondence on this matter as well as the Hudson Zoning Ordinance. I have enclosed for your review a copy of the draft of the site plan for the 149 Lowell Road property. In the back of the lot, you can see a proposed location for three (3) storage containers on a three-quarter inch stone pad. The primary use of this lot will be as a business office for Monument Construction, LLC. The existing house and garage will be used as business offices for this construction business. The three (3) storage containers are temporary or portable structures that is an incidental or subordinate use to the principal use of a lot, as a business office. Materials for various construction projects will be stored in these three (3) storage containers. I would classify the three (3) storage containers as accessory buildings. This would not be a contractor's yard where subcontractors and other people would be coming to the yard for materials and supplies. In fact, no customers would be coming to this site. I am told by Dan Proulx that Monument Construction, LLC focuses on federal and VA work. Again, there are no customers that come to the site. Occasionally, politicians such as US Senators and Representatives would come to the site for a publicity photo because Monument Construction, LLC is a Veteran-owned business.

Brenda C. Smith-Weiss - Robert M. Shepard - Mark D. Kanakis - Tanya L. Spomy

Nicholas A. Kanakis - Brittney M. White

47 Factory Street - PO Box 388 - Nashua, NH 03061-0388

603-883-1571 - Fax: 603-883-1574

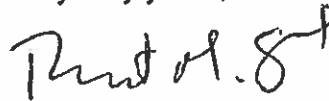
www.nhlaw-nashua.com

F4

I request that you reconsider your zoning determination expressed in the letter dated December 29, 2022. If you are not able to reconsider your zoning determination, could you please provide me with a definition of a contractor's yard and would you please let me know whether you consider the storage containers to be temporary or portable structures under the Hudson Zoning Ordinance.

I appreciate your consideration in connection with this matter. If necessary, we are prepared to move forward with an Application for a Variance.

Very truly yours,



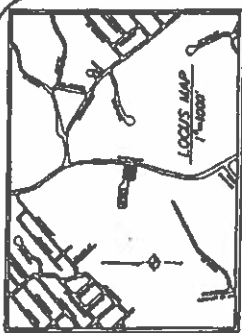
Robert M. Shepard

RMS:jrw

Enclosure

cc: Daniel Proulx, Jr.
Monument Construction, LLC



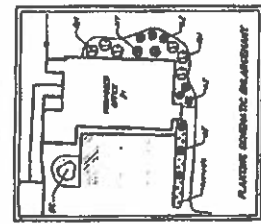
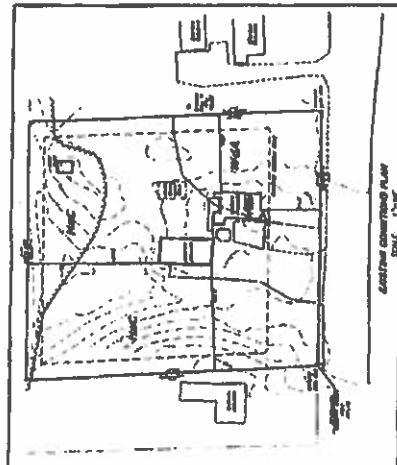


GENERAL NOTES:
 1. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF LOWELL, MASSACHUSETTS.
 2. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE MASSACHUSETTS STATE PLANNING BOARD REGULATIONS.
 3. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE MASSACHUSETTS STATE PLANNING BOARD REGULATIONS.
 4. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE MASSACHUSETTS STATE PLANNING BOARD REGULATIONS.

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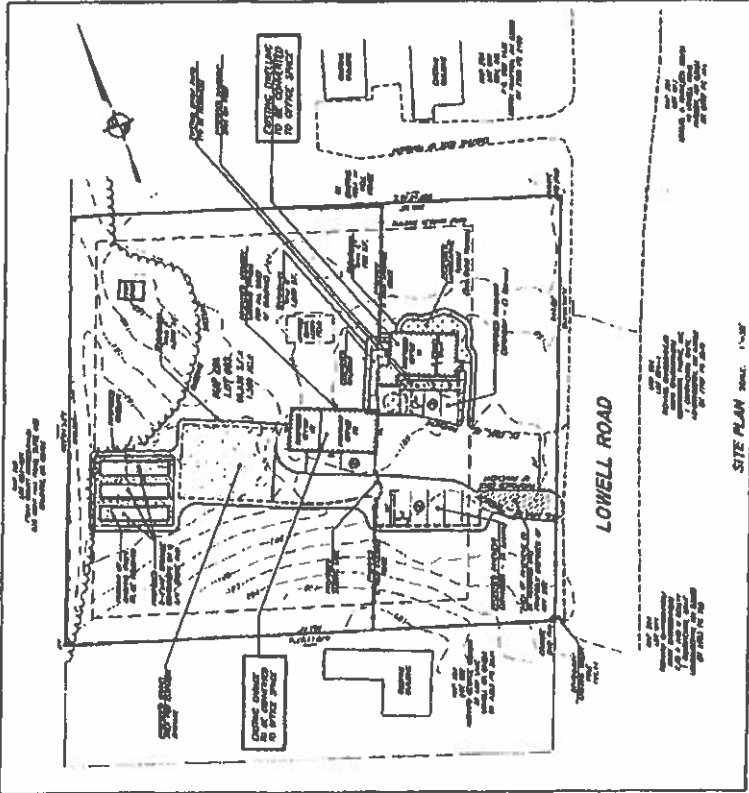
PLAN DESCRIPTION:
 1. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF LOWELL, MASSACHUSETTS.
 2. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE MASSACHUSETTS STATE PLANNING BOARD REGULATIONS.
 3. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE MASSACHUSETTS STATE PLANNING BOARD REGULATIONS.
 4. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE MASSACHUSETTS STATE PLANNING BOARD REGULATIONS.

PROJECT INFORMATION:
 PROJECT NAME: [Name]
 PROJECT ADDRESS: [Address]
 PROJECT CITY: [City]
 PROJECT STATE: [State]
 PROJECT ZIP: [ZIP]
 PROJECT CONTACT: [Contact]
 PROJECT PHONE: [Phone]
 PROJECT FAX: [Fax]
 PROJECT EMAIL: [Email]
 PROJECT WEBSITE: [Website]



NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	10/1/00
2	REVISED PLAN	10/1/00
3	REVISED PLAN	10/1/00
4	REVISED PLAN	10/1/00
5	REVISED PLAN	10/1/00
6	REVISED PLAN	10/1/00
7	REVISED PLAN	10/1/00
8	REVISED PLAN	10/1/00
9	REVISED PLAN	10/1/00
10	REVISED PLAN	10/1/00

PROJECT INFORMATION:
 PROJECT NAME: [Name]
 PROJECT ADDRESS: [Address]
 PROJECT CITY: [City]
 PROJECT STATE: [State]
 PROJECT ZIP: [ZIP]
 PROJECT CONTACT: [Contact]
 PROJECT PHONE: [Phone]
 PROJECT FAX: [Fax]
 PROJECT EMAIL: [Email]
 PROJECT WEBSITE: [Website]



NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	10/1/00
2	REVISED PLAN	10/1/00
3	REVISED PLAN	10/1/00
4	REVISED PLAN	10/1/00
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6	REVISED PLAN	10/1/00
7	REVISED PLAN	10/1/00
8	REVISED PLAN	10/1/00
9	REVISED PLAN	10/1/00
10	REVISED PLAN	10/1/00

PROJECT INFORMATION:
 PROJECT NAME: [Name]
 PROJECT ADDRESS: [Address]
 PROJECT CITY: [City]
 PROJECT STATE: [State]
 PROJECT ZIP: [ZIP]
 PROJECT CONTACT: [Contact]
 PROJECT PHONE: [Phone]
 PROJECT FAX: [Fax]
 PROJECT EMAIL: [Email]
 PROJECT WEBSITE: [Website]

APPROVALS:
 PROJECT OWNER: [Name]
 PROJECT ARCHITECT: [Name]
 PROJECT ENGINEER: [Name]
 PROJECT PLANNING BOARD: [Name]
 PROJECT ZONING BOARD: [Name]
 PROJECT CITY: [City]
 PROJECT STATE: [State]
 PROJECT ZIP: [ZIP]

F6



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-167

December 29, 2022

Dan Proulx
Monument Construction, LLC
Suite 1
21 Factory St
Nashua, NH 03060

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

Dear Dan,

This is a revised determination from my previous one in 2021, based on the current situation (under a stay of enforcement) and a pending site plan application to the Planning Board.

Determination: Based on the submitted proposed site plan and current operations on site, it appears that your current operation and proposed use would be as a Contractor's yard (E-10) in the Table of Permitted Principal Uses §334-21 and is not permitted and would need a Variance from the Zoning Board of Adjustment for such use. Please find the link to the Zoning Board of Adjustment forms here: <https://www.hudsonnh.gov/zoning/page/zoning-applications-forms> any questions please contact me.

Sincerely,

Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

encl: 2021 Zoning Determination (attachment A); Site Plan application (attachment B); Code Enforcement (attachment C); Table of Permitted Principal Uses (attachment D1)
cc: Public Folder
B. Groth, Town Planner
D. Hebert, Fire Marshal
File

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

F₇

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

REQUEST FOR REVIEW/COMMENTS:

Case: 204-003 (03-23-23) (APPEAL FROM AN
Property Location: 149 Lowell Rd ADMINISTRATIVE DECISION

For Town Use

Plan Routing Date: 03/08/2023 Reply requested by: 03/13/2023 ZBA Hearing Date: 03/23/2023

I have no comments I have comments (see below)

BLG Name: Brian Groth Date: 03/14/2023
(Initials)

DEPT.
 Town Engineer Fire/Health Department Town Planner

This was submitted to the Planning Department as a site plan application to the Planning Board. Town Planner and the Town's peer review engineer agree with the Zoning Administrator's finding that the proposal represents a contractor's yard.

As indicated by the Applicant's representative(s), the site includes an outdoor gravel area for equipment storage in addition to an area with storage containers for construction materials, supplies and equipment. These are defining characteristics of a contractor's yard.

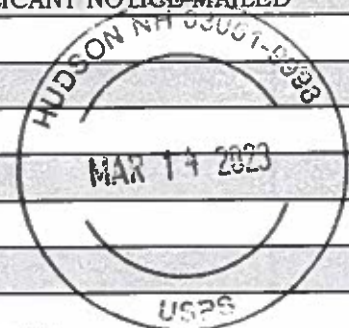
It appears that the office space exists in support of the contracting business. This (office) is a traditional accessory use.

Staff recommends considering a site visit if needed.

G

USPS-Verified Mail

SENDER:		US POSTAL SERVICE - CERTIFIED MAIL		Case# 204-003 Appeal Admin Decision 149 Lowell Rd. Map 204/Lot 003-000 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address		03/23/2023 ZBA Meeting
1	7022 3330 0000 3692 8415	MONUMENT CONSTRUCTION, LLC; DANIEL PROULX, JR.; Managing Member 149 LOWELL RD, HUDSON, NH 03051		APPLICANT NOTICE MAILED
2	7022 3330 0000 3692 8422	RICHARD DEMERS 22 LISA LANE, LOWELL, MA 01854		ABUTTER NOTICE MAILED
3	7022 3330 0000 3692 8439	DBV, INC. PO BOX 1435, NORTH HAMPTON, NH 03862		ABUTTER NOTICE MAILED
4	7022 3330 0000 3692 8446	MANUEL & KATHLEEN SOUSA 46 LOWELL ROAD, HUDSON, NH 03051		ABUTTER NOTICE MAILED
5	7022 3330 0000 3692 8453	CHARBONNEAU, RICHARD; CHARBONNEAU, MARK; 1 CONTINENTAL DRIVE, LONDONDERRY, NH 03053		ABUTTER NOTICE MAILED
6	7022 3330 0000 3692 8460	FRIARS COURT CONDOMINIUM 235 BEAR HILL RD SUITE 400, WALTHAM, MA 02451		ABUTTER NOTICE MAILED
7	7022 3330 0000 3692 8477	RICHARD M. SHEPARD, ESQ.; SMITH-WEISS SHEPARD KANAKIS & SPONY, P.C. 47 Factory Street; P.O. Box 388, NASHUA, NH 03061-0388		APPLICANT NOTICE-MAILED
8				
9				
10				
Total Number of pieces listed by sender 7		Total number of pieces rec'vd at Post Office 7		Postmaster (receiving Employee)



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 204-003 Appeal Admin Decision 149 Lowell Rd. Map 204/Lot 003-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	03/23/2023 ZBA Meeting
1	Mailed First Class	LOWELL ROAD, LLC	ABUTTER NOTICE MAILED
		PO BOX 1435, NORTH HAMPTON, NH 03862	
2	Mailed First Class	143 LOWELL ROAD, LLC	ABUTTER NOTICE MAILED
		4 PAULA CIR., HUDSON, NH 03051	
3	Mailed First Class	FOX HOLLOW CONDOMINIUM ASSOC; C/O GREAT NORTH PROPERTY MGMT	ABUTTER NOTICE MAILED
		636 DANIEL WEBSTER HWY., MERRIMACK, NH 03054	
4	Mailed First Class	BOYER ASSOCIATES	ABUTTER NOTICE MAILED
		65 PLATEAU RIDGE RD., LOUDON, NH 03307-0711	
5	Mailed First Class	LOWELL ROAD PROP OWNER DE, LLC	ABUTTER NOTICE MAILED
		133 PEARL ST., BOSTON, MA 02110	
6			
7			
8			
9			



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

March 13, 2023

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, **03/23/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 204-003 (03-23-23): Daniel Proulx, Jr., Managing Member of Monument Construction, LLC, 149 Lowell Rd., Hudson, NH requests an Appeal from an Administrative Decision to allow the proposed three (3) 8'x40' storage containers on a ¾" stone pad and proposed gravel area for equipment storage in the rear of the existing garage (to be converted to office space) constituting an Industrial Use as a Contractor's Yard (E-10) where it is not permitted in the Business Zone. [Map 204, Lot 003-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

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

Respectfully,

Bruce Buttrick
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Kara Roy, Selectmen Liaison

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

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for 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

HUDSON ZONING BOARD OF ADJUSTMENT
APPEAL OF ADMINISTRATIVE DECISION WORKSHEET

On **03/23/2023**, the Hudson Zoning Board of Adjustment heard **Case 204-003**, pertaining to a request by **Daniel Proulx, Jr., Managing Member of Monument Construction, LLC, 149 Lowell Rd., Hudson, NH**, to appeal an Administrative Decision issued by the **Zoning Administrator, of a Zoning Determination #23-016, dated February 2, 2023**. The applicant requests to allow the proposed three (3) 8' x 40' storage containers on a ¾" stone pad and proposed gravel area for equipment storage in the rear of the existing garage (to be converted to office space) constituting an Industrial Use as a Contractor's Yard (E-10) where it is not permitted in the Business Zone. [Map 204, Lot 003-000, Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

Members sitting on the Zoning Board of Adjustment for this hearing are to vote to determine if they would make the same decision as the Zoning Administrator.

Y N

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

Signed: _____ Date _____
Sitting Member of the Hudson ZBA

TOWN OF HUDSON
 MAR 08 REC'D
 2023
 Zoning Department

APPLICATION FOR APPEAL FROM AN ADMINISTRATIVE DECISION

Entries in this box are to be filled out by Land Use Division personnel
 Case No. 204-003 (03-23-23)
 Date Filed 3/8/23

To: Zoning Board of Adjustment
 Town of Hudson

Name of Applicant Daniel Proulx, Jr. Map: 204 Lot: 003 Zoning District: B

Telephone Number (Home) _____ (Work) (603) 966-4578, X 1001

Mailing Address 149 Lowell Road, Hudson, NH 03051

Owner Monument Construction, LLC

Location of Property 149 Lowell Road, Hudson, NH 03051
 (Street Address)

[Signature] Date 3/11/2023
 Signature of Applicant
[Signature] Member/manager Date 3/11/2023
 Signature of Property-Owner(s)

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 deemed appropriate by the ZBA. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above identified parties or individuals as a result of any such public meeting, examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this application.

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

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

Date received: 3/8/23

COST:

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>
<u>7</u> Abutter Notice:		
<u>7</u> Direct Abutters x Certified postage rate \$ <u>4.78</u> =	\$	<u>33.46</u>
<u>5</u> Indirect Abutters x First Class postage rate \$ <u>0.63</u> =	\$	<u>3.15</u>
Total amount due:		\$ <u>221.61</u>
	Amt. received:	\$ <u>221.61</u>
	Receipt No.:	<u>721,127</u>

Received by: [Signature]

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

check
17648

TOWN OF HUDSON, NH

Application Checklist

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

Applicant Initials		Staff Initials
<u>TG</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>TG</u>	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)	<u>TG</u>
<u>TG</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>TG</u>	N/A 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.)	<u>N/A</u>
<u>TG</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (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.)	<u>TG</u>
<u>TG</u>	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<u>TG</u>	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>TG</u>	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.	<u>TG</u>
<u>TG</u>	N/A If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

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) N/A The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- b) N/A The plot plan shall be up-to date and dated, and shall be no more than three years old.
- c) N/A The plot plan shall have the signature and the name of the preparer, with his/her/their seal.
- d) N/A The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property.
 (NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) N/A The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)
- f) N/A The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments.
- g) N/A The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.
- h) N/A The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.
- i) N/A The plot plan shall indicate all parking spaces and lanes, with dimensions.

* see site plan dated 11/9/22
 (TB)

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

[Signature]
 Signature of Applicant(s)

3/1/2023
 Date

[Signature] Manager/member
 Signature of Property Owner(s)

3/1/2023
 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
204	003	*Include Applicant & Owner(s) Monument Construction, LLC Daniel Proulx, Jr., Managing Member	149 Lowell Road, Hudson, NH 03051
204	002	Richard George Demers	22 Lisa Lane, Lowell, MA 01854
204	004	DBV, Inc.	P.O. Box 1435, North Hampton, NH 03862
204	073	Manuel & Kathleen Sousa	46 Lowell Road, Hudson, NH 03051
204 204	074 074-001	Richard Charbonneau Marck Charbonneau	1 Continental Drive, Londonderry, NH 03053
209	001-001	Friars Court Condominium	235 Bear Hill Road, Suite 400 Waltham, MA 02451
		Smith-Weiss Shepard Kanakis & Spony, P.C. Robert M. Shepard, Esq.	47 Factory Street; PO Box 388 Nashua, NH 03061-0388

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
204	001	Lowell Road, LLC	P.O. Box 1435, North Hampton, NH 03862
204	005	143 Lowell Road, LLC	4 Paula Circle, Hudson, NH 03051
204	006	Fox Hollow Condominium Association c/o Great North Property Management	636 Daniel Webster Highway, Merrimack, NH 03054
204	075	Boyer Associates	65 Plateau Ridge Road, Loudon, NH 03307-0711
209	001-000	Lowell Road Prop Owner DE, LLC	133 Pearl Street, Boston, MA 02110

**Application for Appeal From an Administrative Decision
Monument Construction, LLC
Attachment**

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance, please indicate the Zoning Determination Decision or Code Enforcement Violation of the Zoning Administrator to be reviewed:

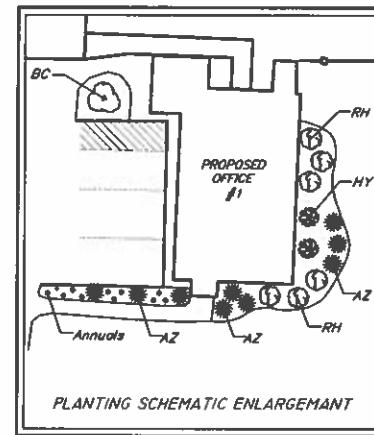
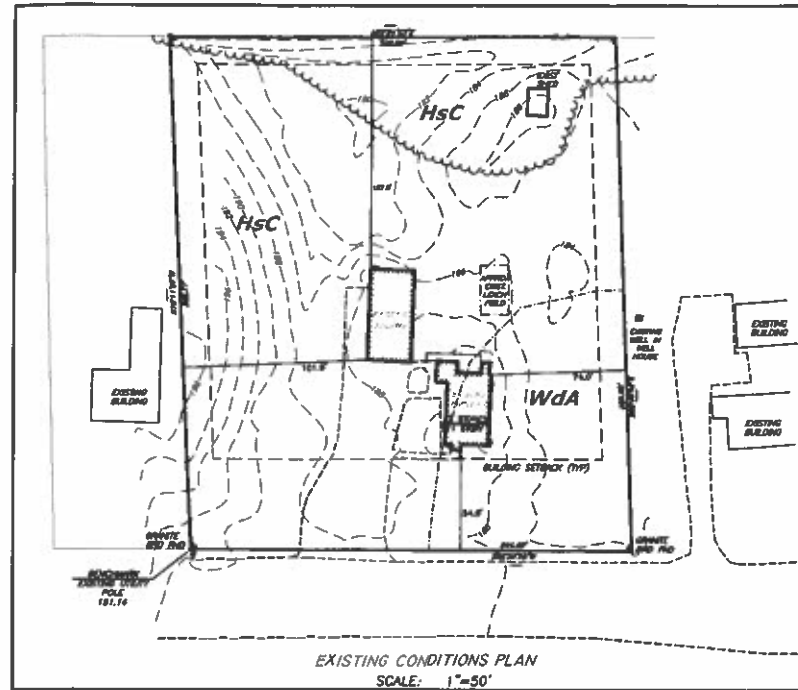
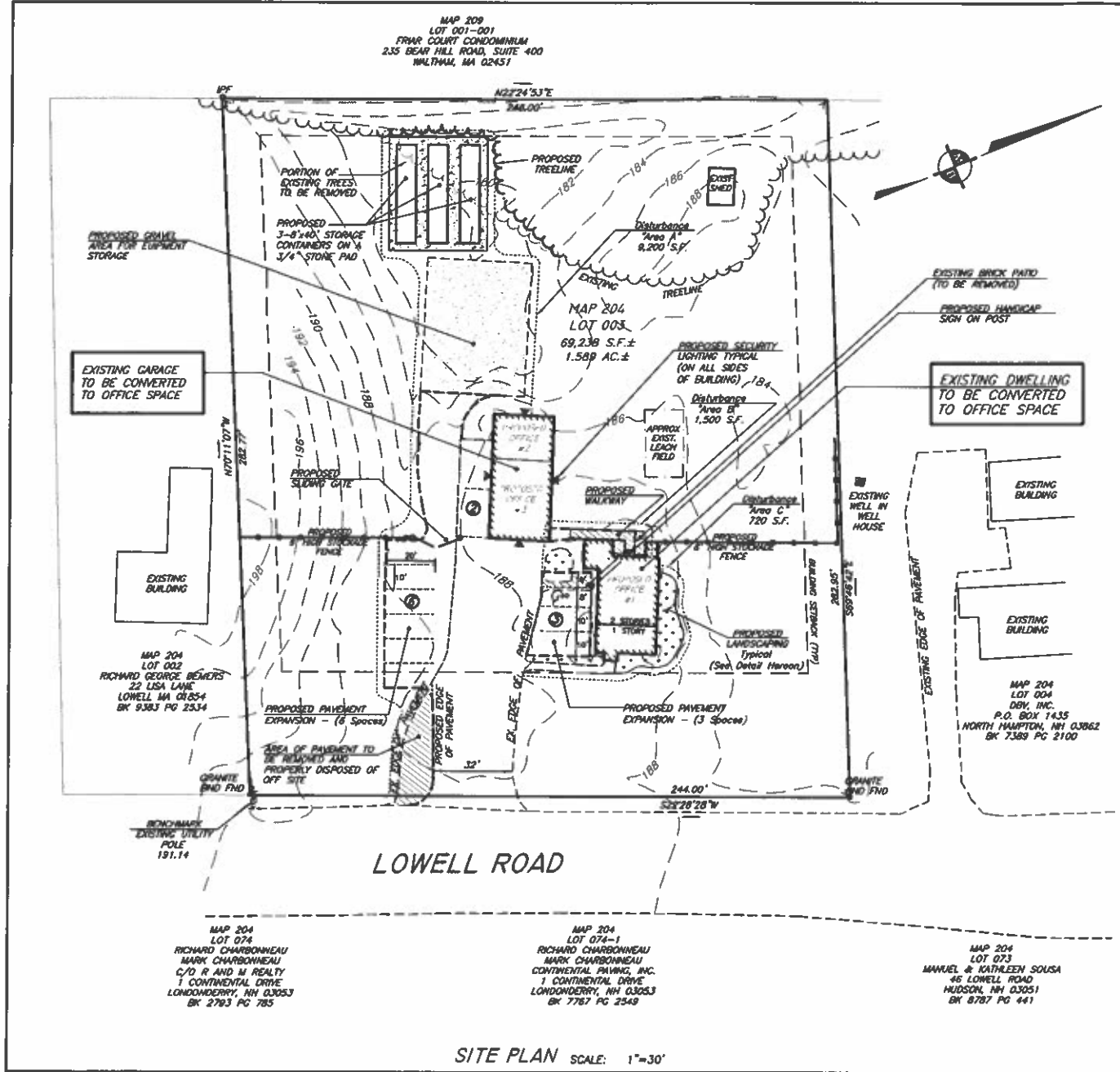
By a letter dated February 2, 2023, the Zoning Administrator issued Zoning Determination No. 23-016. The Zoning Administrator maintains that the Application/proposal constitutes a Contractor's Yard (E-10) in the Table of Permitted Uses, Section 334-21 and is not permitted and would need a Variance from the Zoning Board of Adjustment for such use.

Please explain why you are appealing the Zoning Administrator's Decision:

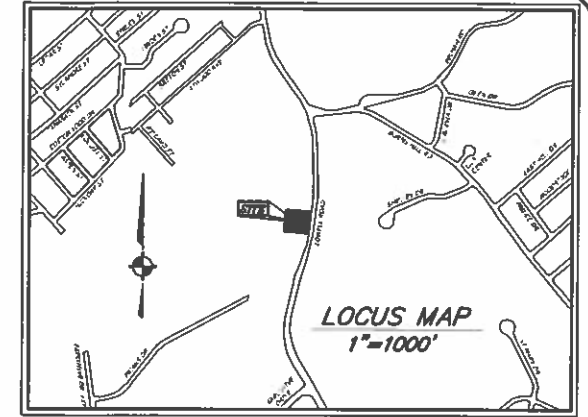
Monument Construction, LLC purchased the land and buildings located at 149 Lowell Road (Map 204, Lot 003-000) on or about July 15, 2020. The property purchased by Monument Construction, LLC was a non-conforming, residential use, located within the Business District. Monument Construction, LLC intends on using the property as a business office for its affiliated company, Monument Construction Services, LLC. Monument Construction, LLC submitted a proposed Site Plan to the Hudson Planning Board in November of 2022. The Site Plan application process was interrupted by a determination of the Zoning Administrator (#22-167) that a Variance was required. A copy of the proposed Site Plan is attached hereto as Exhibit A. The proposed Site Plan shows that the Applicant will convert the existing dwelling to office space and will convert the existing detached garage to office space as well. This office space will be used as the business office for Monument Construction Services, LLC. The proposed Site Plan shows parking spaces for employees who will be working at the business office and it shows in the rear of the property, an area for three (3) storage containers. The storage containers would be used to store construction materials, supplies and equipment for the construction company. The Applicant does not agree with the determination of the Zoning Administrator. The primary use of the property at 149 Lowell Road is for a business office for a construction company that primarily services federal and VA projects. The proposed storage containers are accessory to the primary use of the property. The proposed three (3) storage containers allow the business office to be better used and allow the reasonable storage of construction materials, supplies and equipment. The proposed use of the Applicant's property is not as a Contractor's Yard. The Hudson Zoning Ordinance does not define a Contractor's Yard. A Contractor's Yard implies that trucks and vehicles will constantly be coming in and out of the property to pick up and deliver supplies

and materials. This is not the case. Excess materials will occasionally be brought to the storage unit from various federal and VA projects. On occasion, these excess materials and supplies will be used on new projects. Again, the primary use of the property is as a business office for a construction company.

EXHIBIT A



PLANTING SCHEDULE					
SYMBOL	QTY	ABV	BOTANICAL NAME	COMMON NAME	SIZE
(Tree symbol)	1	BC	River Birch (Clump)	Betula Nigra	8&8
(Shrub symbol)	6	AZ	Azelea	Autumn Cheer 'compact'	2 Gal
(Shrub symbol)	6	RH	Rhododendron Carolinianum	Carolina Rhododendron	2 Gal
(Shrub symbol)	2	HY	Llex Opaca	American Holly	2 Gal
(Area symbol)			Annuals	Area of Bark Mulch	



- GENERAL NOTES:
- THE PURPOSE OF THIS PLAN IS TO SHOW THE CONVERSION OF AN EXISTING DWELLING AND A GARAGE INTO OFFICE SPACE AND REQUIRED PARKING.
 - OWNER OF RECORD: MONUMENT CONSTRUCTION, LLC. 21 FACTORY STREET, SUITE 1 NASHUA, NH 03060 BOOK: 9320 PAGE: 733
 - PRESENT ZONING: BUSINESS
 - ORIGINAL LOT AREA: 228,709 S.F. ± OR 5.25 AC. ±
 - MINIMUM BUILDING SETBACKS: FRONT = 50 FEET SIDE = 15 FEET REAR = 15 FEET WETLANDS = 50 FEET
 - MINIMUM LOT SIZE REQUIRED: 43,560 S.F.
 - MINIMUM LOT FRONTAGE REQUIRED: 150 FEET
 - MAXIMUM BUILDING HEIGHT: 38 FEET
 - SUBJECT PREMISES DOES NOT FALL WITHIN 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER 33011C0656D DATED SEPTEMBER 25, 2009.
 - PROPERTIES ARE SERVICED BY MUNICIPAL WATER AND ON SITE SEPTIC SYSTEM.
 - BOUNDARY INFORMATION WAS COMPILED FROM PLAN REFERENCES.
 - ELEVATIONS DEPICTED HEREON ARE BASED ON NAVD83 PER GPS OBSERVATIONS BY THIS OFFICE ON JULY 25, 2022, BEING TIED TO "MASSCONS" USING BASE STATION "WES2" WITH AN ELEVATION LISTED AT 374.18' (CONVERTED TO NGVD USING VERTCON).
 - LOT IS SERVICED BY PUBLIC WATER SUPPLY.
 - TOTAL LIMIT OF DISTURBANCE = 11,420 S.F.
 - ALL SIGNS ARE SUBJECT TO APPROVAL BY THE HUDSON ZONING ADMINISTRATION PRIOR TO INSTALLATION THEREOF.

- PLAN REFERENCES:
- LOT LINE REVISION PLAN LOTS 13-7 & 13-9 LOCATED AT 149 & 153 LOWELL ROAD HUDSON, NEW HAMPSHIRE, PREPARED FOR RUPERT E. (JR) & ALICE E. TATE AND ROBERT P. BERUBE. SCALE: 1"=20', DEC. 18, 1984. PREPARED BY: DAVID M. O'HARA, L.L.S. RECORDED AT TH HCRD AS PLAN # 17846.
 - DEED REFERENCE: BOOK 9320 PAGE 773

NO. 1

SITE PLAN

MONUMENT CONSTRUCTION, LLC.
149 LOWELL ROAD
HUDSON, NEW HAMPSHIRE ASSESSOR'S MAP 204 / LOT 003

OWNER/APPLICANT
MONUMENT CONSTRUCTION, LLC.
21 FACTORY STREET, SUITE 1
NASHUA, NH 03060

PREPARED BY:
MEISNER BREM CORPORATION
202 MAIN STREET, SALEM, NH 03079 (603) 883-3300
142 LITTLETON RD., STE. 16, WESTFORD, MA 01886 (978) 892-1313

SCALE: 1" = 30 FT. SHEET: 1 OF 1 DATE: NOVEMBER 9, 2022

OWNER OF RECORD:
MONUMENT CONSTRUCTION, LLC.
21 FACTORY STREET, SUITE 1
NASHUA, NH 03060
BOOK: 9320 PAGE: 733

ZONING CLASS: B
BUSINESS

JOB NO.: 8513

"Approved by the HUDSON, NH PLANNING BOARD,"

Date of Meeting: _____

PLANNING BOARD Chairman _____ Signature Date _____

PLANNING BOARD Secretary _____ Signature Date _____

"Site PLANS are valid for two years from the date of PLANNING BOARD meeting date at which the PLAN receives final approval."

"Pursuant to the Site Review Regulations of the HUDSON PLANNING BOARD, The SITE PLAN Approval Granted Herein Expires Two Years from Date of Approval."

LEGEND

- EXISTING TREELINE
- PORTION OF TREES TO BE REMOVED
- PROPOSED TREELINE
- PROPOSED 6" HIGH STORAGE FENCE
- PROPOSED SECURITY LIGHTING
- EXISTING SOILS LINE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT EXPANSION
- PROPOSED AREA OF PAVEMENT TO BE REMOVED
- LIMIT OF DISTURBANCE

PARKING REQUIREMENTS

Zone - Business, Use - Office

1 Space/300 S.F.

Total Proposed Building Area = 3,182 S.F.

Proposed Office #1 (1st Floor) = 1,126 S.F.

Proposed Office #1 (2nd Floor) = 826 S.F.

Proposed Office #2 = 438 S.F.

Proposed Office #3 = 792 S.F.

Required Parking Spaces 3,182 S.F. / 300 S.F. = 10.6 11 Spaces

Proposed Parking Spaces 11 Spaces

3 Additional Parking Spaces

8 Existing Parking Spaces

Total Parking Spaces	Existing	Proposed
	6 Spaces	11 Spaces



I CERTIFY THAT THE FIELD WORK NECESSARY FOR THE PREPARATION OF THIS PLAN HAS AN ERROR OF CLOSURE NO GREATER THAN 1 PART IN 10,000.

KURT O. MEISNER L.L.S. #732

OWNERS ACKNOWLEDGMENT

DANIEL PROULX - MONUMENT CONSTRUCTION, LLC.
21 FACTORY STREET, SUITE 1
NASHUA, NH 03060

TOWN OF HUDSON
MAR 08 REC'D
Zoning Department



RECEIVED

FEB - 6 2023

BY: _____

TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-016

February 2, 2023

Robert Shepard, Esq.
Smith-Weiss.Shepard.Kanakis&Spony, P.C.
P.O. Box 388
Nashua, NH 03061-0388

Re: 149 Lowell Rd Map 204 Lot 003-000
District: Business (B)

Dear Att'y Shepard,

I have received your letter of January 31, 2022.

1) I have reviewed my prior Determination #22-167 of December 29, 2022 and still maintain that this application/proposal constitutes a Contractor's Yard (E-10) in the Table of Permitted Principal Uses §334-21 and is not permitted and would need a Variance from the Zoning Board of Adjustment for such use.

The Zoning Ordinance does not specifically define "contractor's yard" within §334-6 Definitions. The Zoning Ordinance directs one to 334-5C for hierarchy of word usage and interpretation as follows: (3) "Terms and words not defined in this article, the RSAs or in the Building Code shall have the meanings understood in common usage and as defined in standard American dictionaries."

I could not find any definition of contractor's yard in the RSA's or the Building Code, therefore I used a standard American dictionary, specifically Law Insider as follows:

"Contractor's Yard means a lot, building or part thereof wherein vehicles, equipment and/or supplies are parked, stockpiled, stored and maintained for use by a contractor for the construction and/or renovation trades. Facilities for the administration or management of the business as well as minor maintenance and assembly work normally considered to be accessory to the trade are permitted. It does not include the lease, retail, or wholesale sale of construction materials or supplies, or home improvement materials, equipment or supplies."

Furthermore, I would note that the context of the description as "Contractor's yard" means possessive with the "'s" linking to contractor (singular), such as the applicant is, not a plural "s" which would mean multiple contractors of a retail nature, like a Lowes or Home Depot.

2) I would agree that those 3 storage containers are accessory buildings as our Z.O. §334-6 definitions: BUILDING, ACCESSORY "A building in which a use that is customarily incidental and subordinate to that of the principal use is being conducted, including temporary or portable structures."

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

I consider those "storage containers" as an accessory building (structure), from our definition: " *including temporary or portable*" and would need to comply with Zoning Ordinance as such.

Sincerely,



Bruce Buttrick

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

encl: Contractor's Yard definition
cc: Public Folder
B. Groth, Town Planner
D. Hebert, Fire Marshal
File

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

Contractor's Yard definition

Related Definitions

Open Split View

Share Cite

Contractors

Sub-Contractors

Contractor's Personnel

Contractor's Equipment

Subcontractors

EPC Contractor

Contractor

Construction Contractor

Contractor System

Contractor Personnel

Building Contractor

General Contractor

Prime Contractor

Plumbing contractor

The Site.

Contractor Project Manager

Sub-Contractor

The Work

O&M Contractor

Contractor's Yard means a yard of any building trade or contractor where equipment and material are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

Sample 1

Sample 2

Sample 3

Export to PDF

Save

Copy



Remove Advertising

Contractor's Yard means a premises of any general contractor or builder where equipment and/or materials are stored or where a contractor performs shop or assembly work.

Sample 1

Sample 2

Sample 3

Export to PDF

Save

Copy

Contractor's Yard means a lot, building or part thereof wherein vehicles, equipment and/or supplies are parked, stockpiled, stored and maintained for use by a contractor for the construction and/or renovation trades. Facilities for the administration or management of the business as well as minor maintenance and assembly work normally considered to be accessory to the trade are permitted. It does not include the lease, retail, or wholesale sale of construction materials or supplies, or home improvement materials, equipment or supplies.

Sample 1

Sample 2

Sample 3

Export to PDF

Save

Copy



GIS MAP



Notes:
 1) For Tax Assessment Purposes
 Not to be Used for Conveyances
 2) P - Parcel Information from Recorded Plan
 D - Parcel Information from Recorded Deed
 S - Parcel Information from Map Scale Only



MAP LEGEND

PARCEL BOUND	ROAD RIGHT OF WAY
PAPER ROAD	PRIMATE RIGHT OF WAY
WETLAND	PARCEL NUMBER
BUILDING	PARCEL DIMENSION
EASEMENT LINE	PARCEL AREA
WATER LINE	MATCH LABEL
TOWN LINE	

100 50 0 100 200 300 Feet
 1 in = 100 ft (SCALE APPLIES TO PAPER SIZE ARCH D)
 NEW HAMPSHIRE STATE PLANE COORDINATE GRID; NAD 1983; US FEET
 PHOTOGRAPHY DATE: APRIL 4, 1998
 PARCEL MAPPING BY EAST COAST MAPPING, INC.
 UPDATED BY AERIAL SURVEY & PHOTO, INC.
 UPDATED BY NRPC - 2021



INDEX DIAGRAM

197	198	199
203	204	205
209	210	211

PROPERTY MAP
TOWN OF HUDSON
 HILLSBOROUGH COUNTY
 NEW HAMPSHIRE
204

ASSESSOR'S CARD

Property Location: 149 LOWELL RD
 Vision ID: 1524 Account #: 3870

Parcel ID: 204/003/000/1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 03-08-2023 10:53:06

CURRENT OWNER		ASSESSING NEIGHBORHOOD			PREVIOUS ASSESSMENTS (HISTORY)									
MONUMENT CONSTRUCTION, LLC		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed	
149 LOWELL RD.		ML2	Comm- Upper Lowell St		2022	1010	188,600	2022	1010	117,400	2021	1010	117,400	
		TOPO		UTILITIES		1010	259,800		1010	286,600		1010	286,600	
		Rolling		Town Water		1010	26,100		1010	29,200		1010	22,800	
				Town Sewer		Total			474,500	Total			433,200	Total

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY					
MONUMENT CONSTRUCTION, LLC		9320	733	07-14-2020	Q	I	475,000	00	Grantor: TATE, RUPERT E., TR. REV. TRST Grantor: TATE, RUPERT JR., Grantor: N/A	Appraised Bldg. Value (Card)				179,600
TATE, RUPERT E.		9235	48	11-21-2019	U	I	0	44		Appraised Xf (B) Value (Bldg)				9,000
TATE, RUPERT E., TR. REV. TRST		8091	0291	05-19-2009	U	I	0	44		Appraised Ob (B) Value (Bldg)				26,100
TATE, RUPERT JR		2103	0069	11-16-1970	U	I		38		Appraised Land Value (Bldg)				259,800
										Special Land Value				0
										Total Appraised Parcel Value				474,500
										Valuation Method				C
										Total Appraised Parcel Value				474,500

SUPPLEMENTAL DATA				CURRENT ASSESSMENT								
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Assoc Pid#	Descrpt	Code	Appraised	Assessed	
204-003-000	BD:BD	C				204-003-000		BLDG	1010	188,600	188,600	
								LAND	1010	259,800	259,800	
								OB	1010	26,100	26,100	
				PREV 0013-0009-0000				Total:		474,500	474,500	
										Total Appraised Parcel Value		474,500

NOTES				VISIT / CHANGE HISTORY			
10-6-11 INTERIOR INSPECTION:SINK AND SHO WER IN BSMT, STAND ALONE=FAIR RATING.5/1 9 EXT AVG+GOOD/ For Sale 7-2019 - \$599,9 00				Date	Id	Cd	Purpost/Result
				07-27-2022	21	20	Other Change
				07-11-2022	26	45	Field Review
				03-12-2021	21	30	Sales Data Verification
				05-28-2019	19	02	Measured
				08-20-2012	01	20	Other Change
				10-06-2011	14	03	Meas/Inspect
				06-30-2007	06	02	Measured
				07-23-2002	00	18	Hearing - Change

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments

LAND LINE VALUATION SECTION															
B #	Land/Use 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 RES	Site	1.000	AC	170,000	1.00	5	1.00	ML2	1.50	Develop	0.95		242,300
1	1010	SINGLE FAMILY RES	Excess	0.589	AC	26,000	1.00	0	1.00	ML2	1.50	Topo	0.80	0.95	17,500

Total Card Land Units: 1.589 AC Parcel Total Land Area: 1.589 AC Total Land Value: 259,800

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

Printed
3/08/2023
1:50PM
Created
3/08/2023
1:45 PM

Transaction Receipt

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

Receipt# 721,127
tgoodwyn

Description	Current Invoice	Payment	Balance Due
1.00 Zoning Application- 3/23/23 ZBA Meeting 149 Lowell Rd Map/Lot 204-003-000 Zone B Appeal Admin Decisio	0.00	221 6100	0.00
		Total:	221.61

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Monument Construction, LLC	CHECK	CHECK 17648	221.61	0.00	221.61
			Total Due:		221.61
			Total Tendered:		221.61
			Total Change:		0.00
			Net Paid:		221.61

Monument Construction, LLC.

17648

Record#: 83080
Check#: 17648
Date: 03/08/2023
Description: Filing fee
Amount: 221.61
Vendor#: 1439
Payee: Town of Hudson
Address: PO Box 9572
Manchester NH 03108-9572





TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman Kara Roy, Selectmen Liaison

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

MEETING AGENDA – February 23, 2023

The Hudson Zoning Board of Adjustment met Thursday, February 23, 2023 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
- III. ATTENDANCE

Chairman Gary Daddario called the meeting to order at 7:00 PM, invited everyone to stand for the Pledge of Alligiance and read the Preamble (Exhibit A in the Board’s Bylaws) regarding the procedure and process of the meeting.

Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate), Normand Martin (Regular), Jim Pacocha (Regular/Vice Chair), Dean Sakati (Regular) and Edward Thompson (Alternate/Clerk). Also present were Bruce Buttrick, Zoning Administrator, Louise Knee, Recorder (remote) and Kara Roy, Selectman Liaison. Excused were Tim Lanphear (Alternate) and Marcus Nicolas (Regular). Alternate Dion was appointed to vote.

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

DEFERRED HEARING:

- 1) **Case 228-006 (02-23-23) (deferred from 01-26-23):** Jeffrey R. Davis, Permit Coordinator of pb2 Architecture & Engineering, 2809 Ajax Ave., Suite 100, Rogers, AR requests a Variance for **254 Lowell Rd., Hudson, NH** to allow three (3) additional wall signs on the west front side of the Walmart Store (#1785) building where one wall sign is allowed. [Map 228, Lot 006-000; Zoned Business (B); HZO Article XII, Signs; §334-63, Business and Industrial building signs.]

Mr. Buttrick read the Case into the record, referred to his Staff Report initialed 1/17/2023 noting that this is an existing developed lot of record with one sign per building per the Zoning Ordinance and noted that no comments have been received from the Town Planner, Fire Department nor Town Engineer.

45 Jeffrey Davis, Permit Coordinator of pb2 Architecture & Engineering, 2809 Ajax
46 Avenue, Suite 100, Rogers, AR introduced himself as representing Walmart
47 who is seeking three (3) additional wall signs on the west front side to identify
48 the locations of:

- 49 (1) "Outdoor" supplies to be positioned on the left side of building by
50 fenced-in area and total 20.67 SF (Square Feet)
- 51 (2) "Pharmacy" sign to be positioned right of center to approximate the
52 location within the store and total 17.63 SF and
- 53 (3) "Pick-up" to be positioned on the right side of building and total 32.37
54 SF. Mr. Davis noted that on-line business is an important aspect of
55 Walmart's business and added that placement will require relocation
56 of existing Subway sign
57

58 Mr. Davis stated that the Zoning Ordinance allows size of signage based on
59 size/length of building frontage and noted that the addition of three (3) more
60 signs totaling 70.67 SF to the front of the building will total less than the 840
61 SF (square feet) that what the Zoning Ordinance would allow.
62

63 Mr. Davis addressed the variance criteria. The information shared included:
64

- 65 (1) *not contrary to public interest*
 - 66 • The additional exterior signs will not adversely affect any of Walmart's
67 surrounding neighbors or the community
 - 68 • The three (3) signs being proposed are relatively small when considering the
69 distance from the front of the store to the adjacent properties and the
70 distance to Lowell Road
- 71 (2) *will observe the spirit of the Ordinance*
 - 72 • The spirit of the Ordinance accounts for smaller commercial businesses and
73 structures which are closer to rights-of-way and thoroughfares
 - 74 • According to the Zoning Ordinance, the allowed sign for this building size
75 would a maximum of 840 SF and the existing Walmart logo sign is only
76 368.67 SF, less than half of what is allowed
- 77 (3) *substantial justice done*
 - 78 • The requested signs are primarily installed to help customers find their way
79 to the correct location within the building
 - 80 • This store is made up of many departments with a variety of goods and
81 services
 - 82 • If the store were broken down into individual businesses and lined up along
83 a traditional hypothetical Main street, the grocery, pharmacy, outdoor,
84 online pick-up etc would all have their own signs to help customers find
85 their business.
- 86 (4) *not diminish surrounding property values*
 - 87 • Due to the distances of the surrounding properties, the new sign package till
88 not affect he surrounding property values
 - 89 • The proposed new signs are an important part of operating a business and
90 would not have a negative impact on surrounding businesses or
91 properties
 - 92 • The new signs will bring a clean fresh look to the store and community
- 93 (5) *hardship*

- 94 • The location of the Walmart store is behind a screen of trees and a large
95 berm of raised ground between the road and the parking lot
96 • Since visibility is compromised, additional signs would not be visible from
97 Lowell Road and intended to direct customers already in the parking lot
98 • The function of the signs is to direct customers to the goods and services
99 within the store and to the pickup parking location on the outside of the
100 building

101

102 Public testimony opened at 7:28 PM. No one addressed the Board.

103

104 Mr. Sakati asked if the proposed Pickup sign would be visible to the residents
105 abutting the property. Mr. Davis responded that the sign faces Lowell Road,
106 not the abutters so there would be no direct line of sight and added that the
107 sign would be internally lit. Mr. Dion inquired about the relocation of the
108 Subway sign and Mr. Davis responded that Subway has that responsibility and
109 will handle whatever permitting is required and the moving of their sign. Mr.
110 Sakiti stated that the Board recently denied additional signs for Aroma Jo's but
111 noted that this is a much larger lot and a different Case altogether.

112

113 Mr. Pacocha inquired about whether the location of the proposed signs would
114 only be on the west, roadside, of the building and their actual measurements
115 compared to what is allowed by the Zoning Ordinance (ZO). Mr. Buttrick
116 stated that according to the ZO, a building of this size would be permitted an
117 eight hundred forty square foot (840 SF) sign, that the total square feet
118 proposed for the three (3) additional signs is 70.67 SF which would yield 368
119 SF for all signage, existing and proposed, and noted that the total is less than
120 half of what is allowable per ZO. Mr. Pacocha asked and received confirmation
121 that the Variance being sought is for multiple signs. Mr. Thompson stated that
122 it would be impractical to clump all the signs into one sign.

123

124 Mr. Pacocha made the motion to grant the Variance as requested. Mr. Dion
125 seconded the motion. Mr. Pacocha spoke to his motion noting that it is not
126 contrary to public interest, there's no impact to the neighbors, observes the
127 spirit of the Zoning Ordinance, the building is not close to the road, that the
128 signs are helpful to customers, that justice is done, that there's no harm to the
129 public and no diminution of property values and that there is a screen of trees
130 and elevation of terrain in the front of the property. Mr. Dion spoke to his
131 second stating that there is no threat to the public and no impact to the
132 neighborhood, that the spirit of the Ordinance is being observed, that justice is
133 being done by the granting of the Variance with no harm being done to the
134 public, that there is no impact to the neighborhood, that there is no impact to
135 surrounding property values as all signs face the street, that there is a berm
136 roadside and trees screening the building, and that a small percentage (less
137 than half) of total allowable signage in square feet is being requested.

138

139 Mr. Sakati voted to grant the Variance as it is not contrary to public interest,
140 that no harm will be done to the public, that abutters cannot see the proposed

141 signs, that the spirit of the ZO is observed as the signage is applied tastefully
142 and not seen by the residential abutters, that substantial justice is done to the
143 property owner and helps efficient commerce and will not impact surrounding
144 property values as the signs will not be seen by the abutters and that the signs
145 are needed to help property owner's interaction with customers
146

147 Mr. Martin voted to grant, stated that he agreed with Mr. Sakati noting that no
148 public interest would be injured, that the building is designed for the types of
149 signage proposed, that the spirit is observed, that justice is done with no harm
150 to the general public and no diminution of surrounding property values and
151 even though the land does not create a hardship it is a good use.
152

153 Mr. Daddario voted to grant the Variance and noted that there will be no
154 change in use or character, no harm to the public, total square footage of all
155 the signs combined is less than what is allowable in the ZO, just requesting
156 multiple signs for the benefit to the public, that no change is expected to
157 surrounding property values as all signs face Lowell Road and hardship does
158 exist as the property is raised roadside by a berm and the planting of trees and
159 if signage is located elsewhere they would not serve their intended purpose.
160

161 Roll Call vote was 5:0. Variance granted with no stipulations. The 30-day
162 Appeal period was noted.
163

164 **NEW HEARINGS:**

165
166 2) **Case 167-052 (02-23-23):** Ausama Mohamed Ali & Soukayna El
167 Bouayadi, **135 Highland St., Hudson, NH** request a Home Occupation
168 Special Exception to allow a Family day-care home as permitted in the
169 Table of Permitted Accessory Uses § 334-21, and defined in the Hudson
170 Zoning Ordinance and NH State RSA 170-E:2, IV(a). [Map 167, Lot 052-
171 000; Zoned Residential-Two (R-2); HZO Article VI: Special Exceptions;
172 §334-24, Home Occupations and HZO Article II: Terminology; §334-6,
173 Definitions.]
174

175 Mr. Buttrick read the Case into the record and referenced his Staff Report
176 initialed 2/8/2023 noting that there are a couple of easements across and
177 through the property and that comments were received from the Town
178 Engineer and Inspectional Services/Fire Department. Both reports were read
179 into the record.
180

181 Elvis Dhima, Town Engineer made two comments: "(1) Applicant should be
182 aware that the three parking spaces marked on Attachment A should not be
183 included as available parking spaces. (2) This property is serviced by municipal
184 water and sewer and has the ability to accommodate the proposed use."

185 David Hebert, Fire Marshall, stated that “licensing shall be obtained from the
186 State of NH DHHS. State required inspections shall be performed and
187 approved prior to operating.”

188

189 Ausama Mohamed Ali & Soukayna El Bouayadi introduced themselves as the
190 property owners and stated that they seek a Special Exception to operate a day
191 care from their home and are seeking a license with the State of NH for six (6)
192 pre-school aged children, which will also include their son, and three (3)
193 school-aged children.

194

195 Mr. Ali and Ms. Bouayadi addressed the criteria for the granting of a Special
196 Exception and the information shared included:

197

198 *(1) Proposed use for services provided on-site*

- 199 • The family daycare will be as described in NH document He-C4002.34
- 200 • In the process of obtaining a State license for the daycare for six (6)
- 201 preschool age and three (3) school age children for a total of 9 children
- 202 • One of the six (6) preschool age children will be for their son
- 203 • Hours of operation to be 7:00 AM – 5:00 PM
- 204 • Children to enter house through the side door that is accessible by
- 205 entering the driveway and going straight
- 206 • Children will have a classroom for learning as well as a toy room in the
- 207 sunroom, a bedroom for nap, a living/dining room for eating and a
- 208 kitchen for preparing breakfast, lunch and snacks
- 209 • See attached floor plan
- 210 • The second floor will be for the primary residents and stairway will be
- 211 blocked off

212 *(2) Proposed use shall be secondary to principal residential use*

- 213 • The house has 2 floors
- 214 • The 2nd floor has 3 bedrooms and a full bathroom and will be for the
- 215 primary residents and the stairway to it will be gated keeping it separate
- 216 from the daycare
- 217 • The 1st floor has a primary bedroom, sunroom, living/dining room.
- 218 kitchen and a ½ bath

219 *(3) Proposed use shall be conducted within the residence*

- 220 • Proposed use will be solely conducted on the first floor
- 221 • For drop off & pickup the cars will park in the driveway

222 (4) *There shall be no exterior indication of the proposed use*

- 223 • There will be no sign or any exterior indication of proposed

224 (5) *There shall be no exterior storage unless*

- 225 • There will be no exterior storage

226 (6) *There shall be no objectionable circumstances such as noise, odors, dust*

- 227 • Aside from the normal children's voices there should be no
228 objectionable noises, odors, dust etc

- 229 • House not close to any neighbors and hours of operation is within
230 normal working hours when neighbors are off to their work

231 (7) *Traffic in neighborhood shall not be substantially increased*

- 232 • Traffic will not be greater than normal

- 233 • Parents/guardians will enter driveway from Highland Street and won't
234 block traffic

- 235 • Parents do not often arrive at the same time and driveway can handle
236 parking for 11 cars

237 (8) *Off-street parking required*

- 238 • Off street parking is available - see attached parking plan

- 239 • No objection to eliminating the spaces identified by the Town Engineer
240 as it leaves enough for the proposed use

241 (9) *Home occupation shall be conducted only by residents*

- 242 • Both property owners will be conducting the proposed use

- 243 • Ms. Bouayadi has a CPR Certificate

244 (10) *Any vehicles required for Home Occupation?*

- 245 • There will be no vehicles for the proposed use – both property owners
246 have their own vehicles

247

248 Mr. Dion inquired about the above ground pool. Mr. Ali stated that there is no
249 pool, that there was no pool when they moved there in 2021.

250

251 Mr. Pacocha asked about the outdoor play area required for the daycare and
252 was informed that a 27' x 22' area was planned in the front of the house. In
253 depth discussion arose and concerns were expressed. Front is very close to
254 Highland Street. The proposed 3.5' high fence would not stop a moving vehicle.
255 The size of the play area was questioned if it was satisfactory to meet State of
256 NH requirements.

257 Safety is a serious concern. The backyard was suggested for the play area but
258 there are easements on the property. Mr. Ali stated that he would check with
259 the State.

260

261 Public testimony opened at 8:08 PM. No one addressed the Board.

262

263 Mr. Sakato made the motion to grant the Home Occupation Special Exception
264 with no stipulations and with the acknowledgement that the State of NH would
265 need to issue a license for it. Mr. Pacocha seconded the motion. Mr. Skati
266 spoke to his motion noting that the proposed use is a service operation
267 secondary to the principal residential use that will be conducted on the
268 property by the property owners with no exterior display or sign or exterior
269 storage with off street parking provided and no substantial increase to traffic or
270 excess noise produced. Mr. Pacocha and Mr. Dion both agreed that all the
271 criteria have been satisfied and voted to grant the motion. Mr. Martin stated
272 that he objects to the location of the outdoor play area being in the front of the
273 house as it is too close the Highland Street and a 3.5' high fence would not
274 stop an on-coming vehicle which poses a serious concern for the safety of the
275 children, noted that the State of NH may want/require a bigger play area and
276 asked if an affidavit should be required that the property owners will be the
277 only individuals to operate the day care and voted to not grant the request. Mr.
278 Daddario voted to grant the request as all the criteria have been met and noted
279 that the State of NH will do an inspection prior to the granting of a permit and
280 the decision regarding the size and location of the proposed outdoor play area
281 lies in their jurisdiction, not the Board's.

282

283 Roll Call vote was 4:1. Mr. Martin opposed due to safety concerns with outdoor
284 play area located in the front yard. Motion passed to grant the Home Office
285 Special Exception. The 30-day appeal period was noted as well as the need to
286 have NHHS permit/license issued.

287

288 1. **Case 105-014 (02-23-23):** Steel Properties, LLC, represented by Stephen
289 L. Chasse, Mgr, 8 Christine Dr., Hudson, NH requests a Variance for **5**
290 **Christine Dr., Hudson, NH** to allow an expansion of an existing non-
291 conforming use by demolishing the existing 24,106 SF building and
292 rebuilding a 30,175 SF. industrial building where a nonconforming use
293 shall not be extended or enlarged, except by variance. [Map 105, Lot 014-
294 000; Zoned Business (B); HZO Article VIII: Nonconforming Uses,
295 Structures and Lots; §334-29, Extension or enlargement of
296 nonconforming uses.]

297

298 Mr. Buttrick read the Case into the record and referenced his Staff Report
299 initialed 2/14/2023 noting that it is an existing, now non-conforming, lot of

300 record for its Use and requires a Variance to enlarge the footprint of the
301 existing building. Mr. Buttrick stated that Town Planner has advised that if
302 this Variance is granted, it will require Site Plan Review by the Planning Board
303 and that neither the Town Engineer nor the Fire Department submitted any
304 review comments.

305
306 Mr. Daddario stated that he was formerly engaged in the practice of law with Atty.
307 Westgate but is no longer and that their practice together had nothing to do with this
308 Case, that he does not feel prejudiced in voting on the Case and asked whether he
309 should recuse himself. No Board Member asked for his recusal.

310
311 Atty. J. Bradford Westgate of Winer and Bennett, LLP, in Nashua, NH introduced
312 himself as representing the Applicant, Stephen L. Chase, Manager for Steel Properties,
313 LLC, stated that he has no opposition with Mr. Daddario sitting on the Case, and
314 introduced Anthony Basso, LLS of Keach Nordstrom Associates, Inc. in Bedford, NH
315 and noted that the Applicant/Owner was also present.

316
317 Atty. Westgate stated that the building was constructed in 1989 after having
318 received Site Plan Review approval from the Planning Board in 1988. Atty.
319 Westgate stated that since that time, the Zone was changed to Business and in
320 2005, Industrial Use was no longer permitted in the Business Zone, thereby
321 rendering the Use as Non-conforming. The existing building is 24,106 SF
322 (Square Feet) and the proposed new building will be 30,175 SF and the Zoning
323 Ordinance requires a Variance for any expansion of a non-conformity.

324
325 Atty. Westgate identified the location of the building and noted that every
326 parcel on Christine Drive is now owned by companies controlled by Stephen
327 Chasse - either Steel Properties, LLC or by S.L. Chasse Welding or by S.L.
328 Chasse Steel - and all are serviced by Municipal water and sewer.

329
330 Atty. Westgate stated that the property at 5 Christine Drive is no longer
331 adequate to accommodate S.L. Chase Steel's modernized and expanded
332 operations, which include fabricating steel stairs, railings and miscellaneous
333 metals, and the decision to demolish the current building with its walled-off
334 internal sections and two (2) tenants and replace it with a shorter wider open
335 space building, moved out of the wetland buffer, was made.

336
337 Atty. Westgate stated that the type of Use is not changing and that they are
338 aware that Site Plan Review would be needed once the Variance is granted.

339
340 Atty. Westgate addressed the criteria required for the granting of a Variance
341 and the information shared included:

342
343 (1) *not contrary to public interest*

- 344 • Not contrary to public interest to allow demolishing existing building and
345 replace it with a new modern building with upgraded site improvements,
346 including stormwater management and no impact to the wetland buffer,

- 347 which will permit the Applicant's sister company, S.L. Chasse Steel, to
 348 improve its operation in an updated modern facility
- 349 • All businesses on Christine Drive have industrial uses, have had industrial
 350 uses for over 30 years and now have common or related ownership forming
 351 a campus like setting
 - 352 • It is in the public interest to permit reasonable natural expansion of a
 353 longstanding business property when the expansion further modernizes and
 354 facilitates operation
- 355 (2) *will observe the spirit of the Ordinance*
- 356 • The spirit of the Ordinance is partially derived from the purpose of the
 357 Ordinance which includes promoting efficiency and economy in the
 358 process of development
 - 359 • If the variance is granted, it will permit modernization and improvements and
 360 encouraging the most appropriate use of the land
 - 361 • The proposed new building will be a new modern building to better facilitate
 362 the business operation on land historically used for industrial purposes
- 363 (3) *substantial justice done*
- 364 • Substantial justice is done by allowing the existing building to be
 365 demolished and replaced with a new building and related improvements
 - 366 • The property is already used for industrial purposes and the expansion of
 367 the non-conforming use is only needed because of the net increase in
 368 building size by approximately 6,000 SF while at the same time reducing
 369 the overall length of the building (by shortening the length and
 370 increasing the width, and removing the existing encroachment into the
 371 wetland buffer
 - 372 • Removing the encroachment into the 50' wetland buffer encroachment
 373 actually makes the property less non-conforming
 - 374 • Substantial justice is also done by permitting modernized stormwater
 375 management facilities, upgraded parking and traffic flow arrangements
 376 which will be addressed by the Planning Board during Site Plan Review
 - 377 • Substantial justice is done if the general public realizes no appreciable gain
 378 from denying the variance but the denial of a variance would cause
 379 significant adverse impact to the Applicant
- 380 (4) *not diminish surrounding property values*
- 381 • The demolition of the existing building and replacement with a new
 382 modernized building adjacent to other properties used by S.L. Chasse for
 383 its operations will not diminish surrounding property values
 - 384 • The property has been used for industrial purposes for over 30 years
 - 385 • Allowing the business operations to be modernized and enhanced does not
 386 adversely affect surrounding property values
- 387 (5) *hardship*
- 388 • When the Site Plan was approved for this property in 1988, industrial use
 389 was allowed in the Business District but in 2005 it changed and removed
 390 industrial use from the B District rendering this industrial use non-
 391 conforming
 - 392 • The need for a variance to expand this now non-conforming use is a direct
 393 result of a change to the Zoning Ordinance [ZO]
 - 394 • This building, as all the other properties on Christine Drive are all industrial
 395 and all owned by companies controlled by the Applicant
 - 396 • The two prong test of the hardship criteria are met

397 (1) There is no fair and substantial relationship between the general public
398 purposes of ZO Section 334-29 and the specific application to this property and
399 enforcement to this reasonable expansion of the non-conforming use

400 (2) The proposed use is a reasonable use that has existed since its inception
401 and the variance is simply to enhance and improve operations
402

403 Ms. Roy inquired about the purpose of the new building and Mr. Daddario
404 questioned if it would have the same use. Stephen Chasse responded stated
405 that it will be part of his steel fabrication business with light manufacturing
406 and that the existing building has internal walls separating each bay and the
407 new building will be open concept. Mr. Chasse added that one of his tenants
408 has found another location and that he's assisting his last tenant in relocating.
409

410 Mr. Dion asked about the back of the building and the proposed gravel storage
411 area and whether there would be trucks entering or just be used for
412 stockpiling. Mr. Chasse stated that there would be no trucks going in or out,
413 that currently his tenant has trucks in that area but they will go when he
414 relocates.
415

416 Mr. Dion asked about the actual dimensions of the proposed new building and
417 Mr. Basso stated that the proposed new industrial building would be 355' long,
418 85' wide and 25' high. Mr. Dion noted that it abuts St. Joseph's medical
419 building and asked if a berm or shielding has been considered for their privacy.
420 Mr. Sakati asked about landscaping plans in general. Mr. Basso responded
421 that would be addressed by the Planning Board during Site Plan Review. Mr.
422 Thompson asked about the four (4) proposed loading spaces identified in the
423 front of the building. Mr. Basso stated that there are no loading docks and
424 added that specifics would occur during SPR.
425

426 Mr. Dion inquired about the proposed hours of operation. Mr. Chasse
427 responded they started running two (2) shifts per day when Covid broke out
428 and it has worked out well. Mr. Chasse stated that the first shift covers the
429 hours between 7:00 AM – 3 PM.
430

431 Public testimony opened at 8:49 PM. No one addressed the Board.
432

433 Mr. Martin stated that rarely does one see removal of building out of a wetland
434 buffer impact and stated that, in his opinion, this is a win-win for the Town
435 and the Applicant.
436

437 Mr. Buttrick confirmed that the Planning Board will deal with the issues
438 questioned plus other items during Site Plan Review.
439

440 Mr. Martin made the motion to grant the Variance as requested. Mr. Pacocha
441 seconded the motion. Mr. Martin spoke to his motion stating that all the
442 criteria have been satisfied, that the granting of the variance will not be
443 contrary to the public interest, will observe the spirit of the Ordinance and does

444 not alter the character of the neighborhood and will enhance property values in
445 the area, and substantial justice will be done to the property owner and the
446 land with the removal of the building from the wetland buffer and that
447 hardship is met due to the wetland in the side of the property. Mr. Pacocha
448 spoke to his second agreeing that the criteria have been satisfied, that allowing
449 the applicant to make and upgrade site improvements is not contrary to public
450 interest, that making improvements is in the spirit of the Ordinance and
451 substantial justice is done by making improvements without harm to the
452 public and the chance in the uses allowed in this zone forcing the need to
453 obtain a variance to make improvements is in itself a hardship.

454
455 Mr. Sakati voted to grant the variance stating that there is no change in
456 property use, no alteration in the existing character, that justice is done
457 because the owner needs to reorganize to run/expand his business, that a new
458 building with landscape improvements will not diminish surrounding property
459 values and a hardship would be done to the property owner is not allowed to
460 re-organize.

461
462 Mr. Dion voted to grant as all the criteria have been satisfied, that all the
463 buildings and businesses on Christine Drive have related ownership, that
464 adding a new up-to-date building will increase the character of the
465 neighborhood and increase property values without causing any harm to the
466 general public and that hardship is met due to a change in use for the B
467 District and a variance is needed for the productive growth of the business.

468
469 Mr. Daddario voted to grant as there is no harm to the public and appearance
470 seems to be the same but improved with new construction and benefit from
471 proposed plan includes compliance with wetland buffer, substantial justice
472 done as the proposal would allow existing business to modernize with no harm
473 to the public and with no benefit to the public if variance denied, new
474 construction should not diminish surrounding property values especially
475 considering all surrounding properties on Christine Drive are commonly owned
476 and the Applicant's use was originally conforming and use has remained
477 consistent and what made the use non-conforming was a change to the Zoning
478 Ordinance.

479
480 Vote was 5:0. Variance granted with no stipulations. The 30-day Appeal
481 period was noted.

482
483 Board took a break at 8:58 PM. Meeting resumed at 9:07 PM.

- 484
485 (3) **Case 174-197 (02-23-23):** Properties 79 Ferry LLC, represented by
486 Kenneth Forrence, Member, 11 Ledge St., Nashua, NH requests a
487 Variance for **79 Ferry St., Hudson, NH** [Map 174, Lot 197-000; Zoned
488 Town Residence (TR)] as follows:
489 i. To allow multiple uses in the form of a two-family dwelling (existing)
490 and a third dwelling (existing 600 SF detached garage to be

491 converted to a single family dwelling) in the TR Zone where multiple
492 principal uses are allowed only in the Industrial or Business Zones
493 with sufficient frontage and size to satisfy minimum frontage and lot
494 size requirements. [HZO Article III: General Regulations; §334-10.A,
495 Mixed or dual use on a lot.]
496

497 ii. To eliminate the requirement of Planning Board site plan approval
498 where no more than one single-family home or duplex shall be
499 constructed on one lot without Planning Board site plan approval.
500 [HZO Article III: General Regulations; §334-16.C(2)(e), Building
501 permits, Conditions of issuance.]
502

503 Mr. Buttrick read the Case into the record. Mr. Martin stated that the Board
504 should not hear the second part of the application and the Applicant should
505 withdraw it because the ZBA cannot usurp Planning Board's jurisdiction, rules
506 or regulations.
507

508 Atty. Westgate addressed the Board, stated that the submission of the second
509 variance request is on his head, not the Applicant's, and explained his
510 reasoning, understanding full well that the dismissing of the Site Plan Review
511 (SPR) requirement lies in the jurisdiction of the Planning Board (PB), not the
512 ZBA, but should the PB decide to waive it, a variance from the ZBA would still
513 be needed because the Zoning Ordinance (ZO) stipulates that an SPR is
514 required. Atty. Westgate stated that he did receive a call from Town Counsel
515 confirming that only the PB can decide whether to waive SPR requirement. Mr.
516 Daddario stated that a condition could possibly be applied to the variance that
517 stipulates that the PB has to make the determination regarding SPR and if
518 required the variance would be rendered moot.
519

520 Atty. Westgate stated that, like in the previous Case, he has no issue with Mr.
521 Daddario voting on this Case despite their one time association with the same
522 law firm.
523

524 Mr. Buttrick continued the introduction and referenced his Staff Report
525 initialed 2/14/23 noting the of the property's history and that Town Staff
526 comments have been received from the Town Engineer, the Town Planner and
527 the Fire / Health Department. Mr. Buttrick read the comments into the record:
528

529 Town Engineer: (1) It is unclear how the garage structure is serviced by
530 water and sewer ... Our record indicate one sewer and water service for the
531 entire lot. (2) It is unclear how the billing for water and sewer utilities will be
532 handled. This detached building should show have its own water and sewer
533 lateral services.
534

535 Town Planner: Re 334-16.C(2)(e) requirement of Planning Board site plan
536 approval
537

538 Fire / Health: No town records were found to finish the garage as an
539 illegal dwelling unit. Building permits will be required to convert the garage
540 into a dwelling . All State Adopted Building and Fire Codes shall be followed.
541 Walls and ceilings will need to be exposed if the inside of the structure has
542 walls and ceilings concealed with drywall i=or other finishing materials from
543 previous non-permitted work.

544

545 Atty. J. Bradford Westgate of Winer and Bennett, LLP, in Nashua, NH introduced
546 himself as representing the Property Owner, Properties 79 Ferry, LLC, and introduced
547 Anthony Basso, LLS of Keach Nordstrom Associates, Inc. in Bedford, NH and noted
548 that both Timothy and Kenneth Florence, Members of the LLC and operators of Gate
549 City Fence, were also present to answer any questions.

550

551 Atty. Westgate identified the location of the site at the T-intersection of Ferry
552 Street and Buswell Street and noted that has greater than the half acre
553 required in the TR Zone with a two-story house, detached garage, two (2) out
554 buildings and serviced by municipal water and sewer. The detached garage
555 was granted a variance to be in the sideyard setback in 1974 and another
556 variance was granted in 1981 for a two-family residence. In 1975 a Building
557 Permit was issued to convert the two-car garage to a 1-car garage with a Home
558 Occupation lamp shop. In 2019 the violation (and subsequent removal) of an
559 unpermitted kitchen in the in the garage was closed. All this occurred prior to
560 his client purchasing the property.

561

562 Atty. Westgate stated that his clients wish to convert the detached garage that
563 has existed for approximately fifty (50) years, into a single-family dwelling
564 residence. The garage is approximately 600 SF and a single family residence in
565 Hudson needs 850 SF of living space and the garage could be expanded for the
566 extra square footage with the addition meeting all setback requirements in the
567 building envelope and would not require an additional curb cut. Mr. Buttrick
568 made the determination that a Variance would be needed for multiple principal
569 uses – a two-family and a one-family.

570

571 Atty. Westgate addressed the criteria required for the granting of a Variance
572 and the information shared included:

573

574 (1) *not contrary to public interest*

575

- Not contrary to public interest – the lot has twice as much lot area and more frontage than is required in the TR Zone – but not enough to subdivide

577

- The property is serviced by municipal water and sewer so no significant utility improvements would be necessary

578

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

580

- One of the purposes of the Zoning Ordinance (ZO) is to promote efficiency and economy and facilitating housing opportunities for all family types and income levels

582

- The conversion of the garage will provide a modest single-family dwelling in an efficient way to add a unit of affordable housing

583

584

585

(3) *substantial justice done*

- 586 • Substantial justice is done by allowing the the conversion of the garage to a
 587 single-family residence without the need for any dimensional variances
 588 on a lot that can accommodate the single-family dwelling with an existing
 589 two-family dwelling
- 590 • Substantial justice also done since the conversion of the garage to a single-
 591 family dwelling will cause a significant upgrade to the structure that was
 592 constructed nearly 50 years ago
- 593 • If the variance is denied, the general public would realize no appreciable
 594 gain
- 595 (4) *not diminish surrounding property values*
- 596 • The conversion of the garage to a single-family residence will not diminish
 597 the value of surrounding properties
- 598 • The garage is located to the rear of the property so they will be no “crowding”
 599 onto Ferry Street
- 600 • Please see attached letter from Realtor attesting to no negative impact
- 601 (5) *hardship*
- 602 • Special conditions of the lot include its location at the T-intersection having
 603 no direct opposite abutter, the lot area is more than twice the size for the
 604 TR Zone and its frontage is nearly twice the required length
- 605 • The purpose of regulating Dual Use is to prevent overburdening a property
 606 but this ia a large parcel with the garage being set back onto the property
 607 it avoids overcrowding onto Ferry Street
- 608 • Denying the variance would frustrate the purpose of the ZO – the proposed
 609 use is a reasonable use and a single-family dwelling is a Permitted Use in
 610 the TR Zone

611
 612 Mr. Pacocha stated that in reviewing the history, a 3-family was denied and
 613 questioned how it can appear before the Board again. Mr. Buttrick stated that
 614 a variance was granted for a two-family residence and another variance was
 615 granted to build the garage into the side setback. Atty. Westgate stated that if
 616 the property were to be subdivided, it would create a non-conformity for lack of
 617 frontage; that in 2003 the Zoning Administrator made a Determination that a
 618 30family was not allowed; and that today they are seeking a Variation for Dual
 619 Use – a two-family residence and a single-family residence, so it is a different
 620 concept. Mr. Basso added that there’s also a change in the definition of the 3-
 621 family, this proposal is not to be specifically attached, but stand-alone 3rd unit.

622
 623 Mr. Martin asked how the garage would be expanded to increase the square
 624 footage. Timothy Forrence stated that they are thinking of building out
 625 towards the two-family structure as they are trying to avoid impact to the two
 626 (2) abutters. An aerial view showed their close proximity.

627
 628 Mr. Dion stated that there are safety health concerns and questioned the
 629 connections of the sewer lines – and water. Atty. Westgate stated that
 630 whatever the Code requires will be done. Mr. Basso added that they will send a
 631 camera down and map the lines and will comply with whatever the Town
 632 Engineer decides. Mr. Buttrick noted the past illegal activity and stated that it

633 is unknown what really exists today. Mr. Basso agreed and noted the lack of
634 service records prompts the need for a full check.

635
636 Public testimony opened at 10:02 PM. No one addressed the Board.

637
638 Discussion ensued. Ms. Roy and Mr. Sakati expressed concern that it will
639 change the character of the neighborhood, that depending on how the
640 additional square footage is added to the garage it could easily create a 3-family
641 residence. Mr. Dion agreed that the third unit does not fit the character of the
642 neighborhood. Mr. Sakati expressed concern for the absence of abutter voices.
643 It was noted that the weather could have deterred them from attending this
644 meeting.

645
646 Mr. Basso stated that there are several options to modify the garage to gain the
647 extra square footage needed for a single-family house and if the meeting were
648 continued he could prepare a few options and also speak with the abutters.
649 Atty. Westgate asked the Board to please table so that can prepare more
650 precise visuals for the expansion of the garage. Mr. Buttrick asked for a date
651 specific. Atty. Westgate stated that they should be ready for the regular April
652 meeting.

653
654 Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to
655 defer/continue the Case to the 4/27/2023 meeting.

656
657 **V. REQUEST FOR REHEARING:** None

658
659 No requests were received for Board consideration.

660
661 **VI. REVIEW OF MINUTES:** 01/26/23 edited Draft Minutes

662
663 Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to
664 approve the 1/26/2023 Minutes as edited and presented.

665
666 **VII. OTHER:** Planning & Zoning Spring 2023 Conference- **Saturday, April 29,**
667 **2023 8:45 AM- 3:30 PM Save the Date!** Where: Online (each session will be
668 recorded and available after conference) Cost:Free Registration Opens: March
669 17, 2023
670

671 Mr. Buttrick read the item into the record, referenced the announcement
672 published by NH BEA (Business and Economic Affairs) and encouraged
673 everyone to sign up and attend.

674
675 Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to
676 adjourn the meeting. The 2/23/2023 ZBA meeting adjourned at 10:10 PM

677
678 Respectfully submitted, Louise Knee, recorder