



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

MEETING AGENDA – August 24, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **August 24, 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).

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 201-002 (08-24-23):** David Arvedon, **115 Bush Hill Rd., Hudson, NH** requests a Variance to continue the operation of a boarding house with 6 residents where boarding houses are a prohibited use. [Map 201, Lot 002-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses and §334-20, Allowed uses provided in tables and HZO Article III; General Regulations; §334-16, Building permits.]
2. **Case 174-080 (08-24-23):** Kenneth & Catherine Richard, **21 Derry St., Hudson, NH** requests a Variance for a proposed 375 sqft. addition with encroachments of 0.8 ft into the required front yard setback of 30 ft., leaving 29.2 ft. of setback and 3.3 ft into the required side yard setback of 15 ft. leaving 11.7 ft. This is a request for a new Variance due to the expiration of the Variance previously granted on 4/22/2021 and not filed for extension/renewal no later than 30 days prior to the Variance expiration. [Map 174, Lot 080-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements, HZO Article XV: Enforcement and Miscellaneous Provisions; §334-82, Time Limit and RSA 674:33.1-a.(a)]

V. REQUEST FOR REHEARING: None

VI. REVIEW OF MINUTES:

07/13/23 edited Draft Minutes

07/27/23 edited Draft Minutes

VII. OTHER:

Chris Sullivan, Zoning Administrator

GOP

From Page A3

convictions. "I would be much better off if he (Trump) wasn't in the race," Ramaswamy said. "This is about standing on the side of principle, that is not how I want to win."

Ramaswamy, the son of Indian immigrants, joined the two major Black Republican candidates for president, ex-Texas Congressman Will Hurd and California radio talk show host Larry Elder, at a New Hampshire Republican Party Golf Tournament luncheon at the Wentworth-By-The-Sea Country Club.

Elder said Trump was a victim of a political prosecution.

"I think it is very difficult for Trump to get a fair trial in Georgia, in Fulton County or in Manhattan or Washington, D.C., for that matter," Elder said.

Hurd has been critical of Trump's legal troubles.

Iowa GOP partisans booed at a dinner last month when Hurd said Trump was running to "stay out of jail."

These latest charges are serious, Hurd said.

"The (conspiracy) crime

again is when you get people together and say we are going to commit a crime," Hurd said.

"You don't have to be successful in that."

During a conference call with New England media, DeSantis said this latest indictment was unfair.

"I think it is an example of the criminalization of politics," DeSantis said. "I don't think this is something that is good for the country."

Both Hurd and Elder used the Seacoast event to urge like-minded activists to send at least \$1 million so they could reach the 40,000 donor hurdle needed to get on the stage of the first GOP debate next Wednesday in Milwaukee, Wisconsin.

Hurd said he needed 2,000 more to make the grade.

"I think I'm going to get there in the coming days," Hurd told reporters.

Elder said he needs 10,000 more contributions and said he would offer a unique perspective at the debate with his crusade against the growing "fatherlessness" in America, especially for Black children.

Grant

From Page A3

It Happen, Amoskeag Health, and the Manchester Health Department — to achieve project goals.

"The Manchester Health Department congratulates the Manchester School District on securing this grant award and applauds their efforts in making the mental and behavioral health needs of our community's children a priority," Anna Thomas, Manchester public health director, said in a statement.

Jonathan Routhier, executive vice president and chief operating officer of the Greater Manchester Mental Health Center, said partnering with city schools will strengthen access to "high quality behavioral health supports" for Manchester youth.

"By providing on-site clinicians who are well-trained in evidence-based practices, we can support students where they are learning, and help them gain resilience and skills they need for success in their education and community life," Routhier said in a statement.

The Manchester School

District's work on the project is headed up by Stacy Champey, hired as the district's first MTSS-B coach a few years ago.

"I am excited to be leading this work for the Manchester School District in collaboration with our community partners," Champey said in a statement. "This funding will allow us to build capacity around current work while creating the sustainable structures and systems needed to support student behavioral health. We have a responsibility to the whole student, and addressing behavioral health from prevention through intervention supports positive outcomes for our students."

Project AWARE, administered by the Substance Abuse and Mental Health Services Administration, is a program created to develop a sustainable infrastructure for school-based mental health programs and services.

Manchester School District is one of just 21 organizations around the country to receive funding via this grant opportunity.

Lotteries

NEW HAMPSHIRE

Pick 3 & Pick 4 (Aug. 15).....Day: 590 & 8933 Night: 005 & 6589
Gimme 5 (Aug. 15).....6-9-16-19-33
Lucky For Life (Aug. 14).....6-25-37-39-47 LB 7
Megabucks Plus (Aug. 12).....1-16-26-36-41 MB 3
Mega Millions (Aug. 11).....8-9-18-35-41 MB 18
Powerball (Aug. 14).....32-34-37-39-47 PB 3

MASSACHUSETTS

Daily Lottery (Aug. 15).....Day: 5437
Mass Cash (Aug. 14).....9-11-12-17-35
Megabucks Doubler (Aug. 12).....2-7-15-18-25-29 DB 8

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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 **Andrew Scanlon and Cassandra Scanlon** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for Mortgage Research Center, LLC dba Veterans United Home Loans, and now held by **Mortgage Research Center, LLC d/b/a Veterans United Home Loans, a Missouri Limited Liability Company** (the "Mortgagee"), said mortgage dated April 6, 2021, and recorded in the Rockingham Registry of Deeds in Book 6263, Page 2707. (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 September 13, 2023 at 12:00 PM

Said sale to be held on the mortgaged premises hereinafter described and having a present address of 1 South Policy Street, Salem, Rockingham County, NH 03079.

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 Corporation Service Company d/b/a Lawyers Incorporating Service, 10 Ferry Street, Suite 313, Concord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at nhbdb@banking.nh.gov.

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

TERMS OF SALE

A deposit of Five Thousand (\$5,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's 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 Pawtucket, Rhode Island, on July 24, 2023.

Mortgage Research Center, LLC d/b/a Veterans United Home Loans, a Missouri Limited Liability Company
 By its Attorney,
 Jeffrey J. Hardiman
 Brock & Scott, PLLC
 1080 Main Street, Suite 200
 Pawtucket, RI 02860
 (UL - Aug. 16, 23, 30)

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 and in execution of the Power of Sale contained in a certain mortgage given by **Edward**

E. Jones & Lindsey E. Evans (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for Stearns Lending, LLC and now held by **PHH Mortgage Corporation** (the "Mortgagee"), said mortgage dated April 7, 2021, and recorded with the Hillsborough County Registry of Deeds in Book 9452 at Page 61 (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

September 21, 2023 at 11:00 AM
 Said sale to be held on the mortgaged premises described in said mortgage and having a present address of 2 Dunloggin Drive, Merrimack, Hillsborough County, New Hampshire.

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: 10 FERRY STREET, SUITE 313, CONCORD, NH 03301. THE NAME OF THE MORTGAGEE'S AGENT FOR SERVICE OF PROCESS IS: CORPORATION SERVICE COMPANY.

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 nhbdb@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 July 27, 2023.

PHH Mortgage Corporation
 By its Attorney,
 s/ Bozena Wysocki
 Bozena Wysocki, Esq.
 Bendett & McHugh, P.C.
 270 Farmington Avenue, Ste. 151
 Farmington, CT 06032
 (860) 677-2868
 (UL - Aug. 2, 9, 16)

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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 **Shawn R Drew** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. ("MERS"), as mortgagee, as nominee for PHH Mortgage Corporation d/b/a Coldwell Banker Mortgage its successors and assigns and now held by **Lakeview Loan Servicing LLC** (the "Mortgagee"), said mortgage dated December 29, 2009, and recorded with the Carroll County Registry of Deeds in Book 2836 at Page 0716 (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction on

August 30, 2023 at 12:00 PM

TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearings THURSDAY, AUGUST 24, 2023

The Hudson Zoning Board of Adjustment will hold a public meeting on **Thursday, August 24, 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).

PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

- Case 201-002 (08-24-23):** David Arvedon, 115 Bush Hill Rd., Hudson, NH requests a Variance to continue the operation of a boarding house with 6 residents where boarding houses are a prohibited use. [Map 201, Lot 002-000; Zoned General-One (G-1); HZO Article V; Permitted Uses; §334-21, Table of Permitted Principal Uses and §334-20, Allowed uses provided in tables and HZO Article III; General Regulations; §334-16, Building permits.]
- Case 174-080 (08-24-23):** Kenneth & Catherine Richard, 21 Derry St., Hudson, NH requests a Variance for a proposed 375 sqft. addition with encroachments of 0.8 ft. into the required front yard setback of 30 ft. leaving 29.2 ft. of setback and 3.3 ft. into the required side yard setback of 15 ft. leaving 11.7 ft. This is a request for a new Variance due to the expiration of the Variance previously granted on 4/22/2021 and not filed for extension/renewal no later than 30 days prior to the Variance expiration. [Map 174, Lot 080-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements, HZO Article XV: Enforcement and Miscellaneous Provisions; §334-82, Time Limit and RSA 674:33.I-a.)]

Chris Sullivan, Zoning Administrator

Said sale to be held on the mortgaged premises having a present address of 78A Walker Hill Road, Ossipee, Carroll County, New Hampshire. The premises are more particularly described in the mortgage.

For Mortgagor's Title see deed recorded in Book 2836 at Page 712 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
nhbdb@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 June 23, 2023.

Lakeview Loan Servicing 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.: 23-02277
 (UL - Aug. 9, 16, 23)

Legal Notice

THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH SUPERIOR COURT Hillsborough Superior Court Northern District 300 Chestnut Street Manchester NH 03101 Telephone: 1-855-212-1234 TTY/TDD Relay: (800) 735-2964 http://www.courts.state.nh.us

CITATION FOR PUBLICATION COMPLAINT TO QUIET TITLE Superior Court Rule 4(d)
 Case Name: **Matthew Gingues, et al v Valley Vista Condominium**

Association and The Unknown Persons who claim any interest or estate in and to the subject matter of this action

Case Number: **216-2023-CV-00479**
 Date Complaint Filed: July 24, 2023

A Complaint to Quiet Title to a certain tract of land with any attached buildings located in Manchester, in the State of New Hampshire has been filed with this court. The property is described as follows: **Beginning at a point in the southerly line of Bell Street at the intersection of the easterly line of Hall Street; thence easterly, along the south line of said Bell Street, about 124 feet to a point in the westerly line of land formerly of the Amoskeag Company as shown on an untitled plan recorded as plan number 560 at the Manchester Department of Highways office; thence, northerly by the said westerly line of the Amoskeag Company about 50 feet to a point at the intersection with the northerly line of Bell Street; thence, westerly by the northerly line of Bell Street about 125.75 feet to a point at the intersection of the easterly line of Hall Street; thence, southerly by the said easterly line of Hall Street about 50 feet to the point of beginning.**

The Court ORDERS:
 Michelle Dusseault; Matthew Gingues shall give notice to The Unknown Persons who Claim any interest of estate; Valley Vista Condominium Association of this action by publishing a verified copy of this Citation for Publication once a week for three successive weeks in the Union Leader, a newspaper of general circulation. The last publication shall be on or before September 18, 2023.

Also, **ON OR BEFORE 30 days after the last publication** - The Unknown Persons who Claim any interest of estate; Valley Vista Condominium Association shall electronically file an Appearance and Answer or responsive pleading with this court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

October 09, 2023 - Michelle Dusseault; Matthew Gingues shall electronically file the Return of Publication with this Court. Failure to do so may result in this action being dismissed without further notice.

Notice to The Unknown Persons who Claim any interest of estate; Valley Vista Condominium Association: If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party. Complete the registration/log in process then select "I am filing into an existing case". Enter the case number above and click Next. Follow the instructions to complete your filing.

Once you have responded to the Complaint, you can access documents electronically filed through our Case Access Portal by going to <https://odvpa.nhccourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you do not comply with these requirements, you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:
 John F. Bisson, ESQ, Cronin Bisson & Zalinsky PC, 722 Chestnut St, Manchester NH 03104
 BY ORDER OF THE COURT August 04, 2023
 W. Michael Scanlon Clerk of Court
 (1261021)
 (UL - Aug. 9, 16, 23)

INVITATION TO BIDDERS ELEVATOR SERVICE NASHUA HOUSING AND REDEVELOPMENT AUTHORITY

Sealed bids for Elevator Service will be received by the Nashua Housing and Redevelopment Authority, (NHRA), at its office, 40 East Pearl Street, Nashua, NH 03060-3462 until **2:00 p.m. on Thursday, September 28, 2023**, and then opened and publicly read aloud.

NHRA will publicly announce the bid results by teleconference. Bidders may dial in to the teleconference number on Thursday, September 28, 2023 at 2:00 p.m. **To participate in the bid opening please call the following number: Dial 1-774-220-4000, and when prompted enter 0021970#.**

Bid documents, including the Form of Bid, Non-Collusive Affidavit, Insurance Requirements, References, Principals of the Company and completed form HUD-5369-A, "Representations, Certifications, and Other Statements of Bidders", shall be sealed in an envelope and marked with the words "**Bid Documents - Elevator Service**", and the bidder's company name in order to guard against premature opening. Bids submitted electronically or facsimile (fax) machines will not be considered.

The Scope of Work and complete contract documents are on file at the NHRA office and may be obtained by contacting the Purchasing Department at (603) 883-5661, extension 306.

No bid shall be withdrawn for the period of sixty (60) days, Saturdays, Sundays, and holidays excluded, subsequent to the opening of bids without the consent of the NHRA.

A Pre-Bid Teleconference is scheduled to occur at **10:00 a.m. on Wednesday, September 6, 2023**. During the teleconference the bid process will be reviewed, and questions will be addressed. Participation is recommended but not mandatory. **To participate in the Pre-Bid Teleconference, please call the following number: Dial 1-774-220-4000, and when prompted enter 0021970#.**

NHRA will offer a tour of the sites by appointment only. No more than two people from the interested company shall attend the tour, and **masks are recommended**. To tour the sites, interested bidders shall contact the Facilities Manager at (603) 883-5661, ext. 352. Failure to visit the premises will be no defense to the performance of the contract terms.

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

NASHUA HOUSING AND REDEVELOPMENT AUTHORITY
 Thomas F. Monahan, Chairperson

Dates: August 16 and 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: August 24, 2023

CJS 8/10/23

Case 201-002 (08-24-23): David Arvedon, 115 Bush Hill Rd, Hudson, NH requests a Variance to continue the operation of a boarding house with 6 residents where boarding houses are a prohibited use. [Map 201, Lot 002-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses and §334-20, Allowed uses provided in tables and HZO Article III; General Regulations; §334-16, Building permits.]

Address: 115 Bush Hill Rd

Zoning district: General One (G-1)

Property Description:

Our records indicate this parcel is an existing lot of record of 49,222.8 SF. The property has a 4-bedroom single-family residence with 2 1/2 baths and a 2-car garage. The applicant requests a variance to continue to use his residence as a boarding house. There are 6 residents who live on the property and 2 of them are related. Boarding houses are a prohibited use per); **HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses, and §334-20 Allowed uses provided in tables and HZO Article III; General Regulations; §334-16, Building permits.]**

In-House comments:

Town Engineer:

1. House has septic for 3 bedrooms

Inspectional Services/Fire Dept.:

Inspectional Services shall be permitted to perform a life safety inspection on all rooms for compliance with the Life Safety Code NFPA 101 2018 Edition, Rooming Houses.

- 1.
2. Smoke detectors shall be installed in all bedrooms
3. One Carbon Monoxide/Smoke detector combination unit shall be installed on each floor common area
4. Second means of escape from each bedroom shall meet the minimum egress size window for existing or an exterior door from the bedroom leading directly outdoors.

Town Planner: No comment

History/Attachments:

A: Notice of complaint 6-8-23

B: Complaint Follow-up 6-16-23

C: Property Card

D: 2022 Aerial

E: Inspectional Services/Fire Department review form (7/27/2023)

E1: Memo Dated (July 27, 2023)

F: Engineer review form (7/27/2023)

F1: Construction Permit for the septic system. (July 14, 1977)

“G” Planning review form (8/10/2023)

A



TOWN OF HUDSON

Land Use Division



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

Notice of Complaint

June 8, 2023

David and/or Lloyd Arvedon,
115 Bush Hill Rd
Hudson, NH 03051

Re: 115 Bush Hill Road Map 201 Lot 002
District: General One (G-1)

Dear Sir,

Complaint: Operation of a Boarding House without approvals.

Violations: This is a violation of the Zoning Ordinance sections:
§334-16: Building Permit. "Any person, firm or corporation shall obtain a building permit before commencing work on the erection, alteration or movement of any building or structure, No premise shall be occupied without a certificate of occupancy issued by the Building Inspector"
And
§334-21: Table of Permitted Principal Uses: Boarding Houses are not permitted use within this district.

Can we schedule a convenient time to validate the complaint by June 23, 2023.

Sincerely,

Chris Sullivan
Zoning and Code Enforcement

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

cc: Public Folder
B. Groth - Town Planner
R. Abair - Building Official
File

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



(B)

TOWN OF HUDSON

Land Use Division



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

Complaint Follow-up

June 16, 2023

David and/or Lloyd Arvedon.
115 Bush Hill Rd
Hudson, NH 03051

Re: 115 Bush Hill Road Map 201 Lot 002
District: General One (G-1)

Dear Sir,

Thank you for letting us visit your residence today, we appreciate the tour that you gave us. I have determined that this is a Boarding house and Boarding houses are not allowed in this zone per section §334-21: Table of Permitted Uses. *You need to bring your property into compliance by August 31, 2023.* To continue as a Boarding House, you would need a Variance approved by the ZBA.

Sincerely,

Chris Sullivan
Zoning and Code Enforcement

Town of Hudson



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

cc: Public Folder
B. Groth - Town Planner
R. Abair - Building Official
File

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

Property Location: 115 BUSH HILL RD
 Vis on ID 2358 Account #: 1663

Parcel ID: 2011 0021 0001
 Bldg # 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 7/12/2023 2:58:51 PM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
ARVEDON, DAVID K.		RE	Residential Average			2023	1010	341,500	2022	1010	341,500	2022	1010	178,800
ARVEDON, LLOYD B.		TOPO		UTILITIES			1010	162,300		1010	162,300		1010	105,300
115 BUSH HILL RD		Rolling		Prv Water			1010	14,900		1010	14,900		1010	5,200
HUDSON NH 03051				Septic										
						Total		518,700	Total		518,700	Total		289,300

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
ARVEDON, DAVID K.		9107 2489	09-04-2018	Q	I	360,000	00	Grantor GUNDUZ, DOGAN,	Appraised Bldg. Value (Card)				303,900
GUNDUZ, DOGAN		8612 0426	09-17-2013	U	I	220,000	52	SHORT SALE PER	Appraised Xf (B) Value (Bldg)				37,600
LESSARD JR, RUDY		6207 0423	02-08-2000	U	I		99	MLS #4223021	Appraised Ob (B) Value (Bldg)				14,900
LESSARD, RUDY (HENRY)		3371 0084	08-30-1985	Q	I	0	00	Grantor: LESSARD JR, RUDY,	Appraised Land Value (Bldg)				162,300
								Grantor: LESSARD, RUDY (HENRY)	Special Land Value				0
								Grantor: N/A	Total Appraised Parcel Value				518,700

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY								
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	PREV	Assoc Pid#	Descript	Code	Appraised	Assessed	Valuation Method		
201-002-000	G1:General-1					201-002-000	0019-0018-0000		BLDG	1010	341,500	341,500	C		
									LAND	1010	162,300	162,300			
									OB	1010	14,900	14,900			
											Total:	518,700	518,700	Total Appraised Parcel Value	518,700

NOTES		VISIT / CHANGE HISTORY			
		Date	Id	Cd	Purpost/Result
WARD CEDAR LOG HOME. PDAS: OTH. FIX=XT		07-21-2022	28	45	Field Review
RA SINK. SECOND SFD ADJ. TO ROAD DEMO'S		05-28-2019	12	25	Sale Data Verified And Inspected
3/2017. RADON MIT SYS.		05-23-2019	12	30	Sales Data Verification
		04-28-2017	15	15	Permit Visit
		04-16-2015	15	15	Permit Visit
		12-29-2014	15	15	Permit Visit
		03-31-2014	15	39	Check Bp Progress From Previous Y
		11-21-2013	12	30	Sales Data Verification

BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments	
2014-00300	05-20-2014	ELEC	Electrical	1,000	C			Visit Notes: Fin Bmt And Bath;	
2014-00300	05-12-2014	PLMG	Plumbing	2,000	C			Visit Notes: 45x24 Bmnt Fin;	
2014-00300	05-06-2014	FB	Finish Bmt	4,500	C			Visit Notes: Fin Bmnt H Ba;	
2014-00050	01-27-2014	MECH	Mechanical	0	C			Visit Notes: Gas Piping For Stove And Dryer Only;	

LAND LINE VALUATION SECTION															
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	1.000	AC	170,000	1.00	5	1.00	RE	1.00	Location	0.95		161,500
1	1010	SINGLE FAMILY RES	Excess	0.127	AC	6,000	1.00	0	1.00	RE	1.00			USE,	800
Total: Card Land Units				1.127 AC		Parcel Total Land Area:				1.127 AC		Total Land Value:		162,300	



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

REQUEST FOR REVIEW/COMMENTS:

Case: 201-002 (08-24-23) (VARIANCE-USE)

Property Location: 115 Bush Hill Rd

For Town Use

Plan Routing Date: 07/21/2023 Reply requested by: 07/28/2023 ZBA Hearing Date: 08/24/2023

I have no comments I have comments (see below)

DRH _____ Name: David Hebert Date: 07/27/2023
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

See Attached

(E1)



TOWN OF HUDSON

FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISION



12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

Emergency 911
Business 603-886-6005
Fax 603-594-1142

Scott Tice
Chief of Department

TO: Christopher Sullivan
Zoning Administrator

FR: David Hebert
Fire Marshal

DT: July 27, 2023

RE: 115 Bush Hill Road

Inspectional Services shall be permitted to perform a life safety inspection on all rooms for compliance with the Life Safety Code NFPA 101 2018 Edition, Rooming Houses

- Smoke detectors shall be installed in all bedrooms
- One Carbon Monoxide/Smoke detector combination unit shall be installed on each floor common area
- Second means of escape from each bedroom shall meet the minimum egress size window for existing or an exterior door from the bedroom leading directly outdoors

David Hebert
Fire Marshall



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

REQUEST FOR REVIEW/COMMENTS:

Case: 201-002 (08-24-23) (VARIANCE-USE)

Property Location: 115 Bush Hill Rd

For Town Use

Plan Routing Date: 07/21/2023 Reply requested by: 07/28/2023 ZBA Hearing Date: 08/24/2023

I have no comments I have comments (see below)

EZD _____ Name: Elvis Dhima, P.E. Date: 07/24/2023
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

1. Our records indicate that this property is served by a 3 bedroom septic system

APPROVAL FOR CONSTRUCTION

#1

N.H. Water Supply & Pollution Control Commission
Prescott Park, 105 Loudon Rd., Concord, NH 03301

THE PLANS AND SPECIFICATIONS FOR SEWAGE
OR WASTE DISPOSAL SYSTEM SUBMITTED FOR:

APPROVAL # 10324

Owner:

Leo Guerette
Brush Hill Rd.
Hudson, NH 03051

LOT NUMBERS:
SUBD. APPVL.#:
SUBD. NAME:

Copy of Plan & Approval sent to:

Board of Selectmen
Town Office
Hudson, NH 03051

TYPE OF SYSTEM: THREE BEDROOM HOUSE

TOWN/CITY LOCATION: HUDSON, NH
STREET LOCATION: BRUSH HILL ROAD

By Applicant:

A. E. Maynard
12 Progress Ave.
Hudson, NH 03060

PLEASE POST IN A CONSPICUOUS PLACE
DURING CONSTRUCTION.

THIS APPROVAL DOES NOT SUPERCEDE
ANY EQUIVALENT OR MORE STRINGENT
LOCAL ORDINANCES OR REGULATIONS.
STATE STANDARDS ARE MINIMAL
AND MUST BE MET STATEWIDE.

WHITE= Applicant's; YELLOW= Town's; BLUE= NHWS&PCC file; GOLD= Owner's - (No Action Required)

NOTE: () Gravity system

() Gravity system to septic tank and effluent pump chamber

with disposal system to be constructed on a properly prepared base.

Bed bottom to be set () no deeper than _____" below the original ground

() no less than _____" above the original ground

() no lower than the original ground

to maintain () 4' minimum above the reported seasonal high water table.

() _____' minimum above the reported ledge depth.

() _____' minimum above the reported impermeable soil.

() Fill required to prepare disposal area should be a medium to coarse textured sand (0.5 to 1.0 mm).

CONDITION: No foundation drains allowed with this design.

ADVISE YOUR CONTRACTOR
OF REQUIRED CHANGES IN
PLANS AS INDICATED ON THIS
CONDITIONAL APPROVAL.

are hereby
approved
on this date:

By:

14 Jul 77
Louis G. Hill
N.H. Water Supply and Pollution Control
Commission Staff



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

REQUEST FOR REVIEW/COMMENTS:

Case: 201-002 (08-24-23) (VARIANCE-USE)

Property Location: 115 Bush Hill Rd

For Town Use

Plan Routing Date: 07/21/2023 Reply requested by: 07/28/2023 ZBA Hearing Date: 08/24/2023

I have no comments I have comments (see below)

BB Name: Brian Groth Date: 08/10/2023
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

[Empty rectangular box for additional comments or routing information]

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

On **08/24/2023**, the Zoning Board of Adjustment heard **Case 201-002**, being a case brought by **David Arvedon, 115 Bush Hill Rd., Hudson, NH** requests a **Variance to continue the operation of a boarding house with 6 residents where boarding houses are a prohibited use**. [Map 201, Lot 002-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses and §334-20, Allowed uses provided in tables and HZO Article III; General Regulations; §334-16, Building permits.]

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

Y **N** **1.** Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”

Y **N** **2.** The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”

Y **N** **3.** Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.

Y **N** **4.** The proposed use will not diminish the values of surrounding properties.

(Continue-next page-Hardship Criteria)

TOWN OF HUDSON

JUL 13 REC'D

2023

TG

APPLICATION FOR A VARIANCE

Zoning Department

Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 201-002(08-24-23)
Date Filed 7/13/23

Name of Applicant David Arvedon Map 201 Lot 002 Zoning District: G-1
Telephone Number (Home) 603-417-6981 (Work) 617-650-3034
Mailing Address 115 Bush Hill Rd., Hudson, N.H. 03051

Owner David Arvedon
Location of Property 115 Bush Hill Rd., Hudson, N.H. 03051
(Street Address)

Signature of Applicant DAK Arvedon Date 7-6-23

Signature of Property-Owner(s) DAK Arvedon Date 7-6-23

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: 7/13/23

COST:

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>
<u>3</u> <u>Abutter Notice:</u>		
<u>3</u> Direct Abutters x Certified postage rate \$ <u>5.01</u> =	\$	<u>15.03</u>
<u>4</u> Indirect Abutters x First Class postage rate \$ <u>0.66</u> =	\$	<u>2.64</u>
Total amount due:	\$	<u>202.67</u>
Amt. received:	\$	<u>202.67</u>
Receipt No.:		<u>738,938</u>

Received by: (TSG)

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

Cash
Re'vd.

goultar1@comcast.net

7/6/2023 3:50 PM

Owner Authorization Letter

To Christopher Sullivan <csullivan@hudsonnh.gov> • DAVID ARVEDON <goultar1@comcast.net>

I, Lloyd Arvedon, give my brother sole authorization to fill out and file an application for a variance with Hudson Town Hall for the property at 115 Bush Hill Rd., Hudson, N.H., 03051. My brother is the sole owner of the property. My name is listed as a cosigner on the mortgage with Bank of America.

Yours Truly
Lloyd Arvedon



Date 7/6/23

On 07/05/2023 3:54 PM EDT Sullivan, Christopher <csullivan@hudsonnh.gov> wrote:

Here is some more info, I am checking on the certified plot plan for you I think that will be all your questions.

First of all, although I am the legal owner of the property, my brother Lloyd Arvedon cosigned on my mortgage loan with Bank of America. All of the appropriate mortgage payments have been and will continue to be automatically taken out of my personal Bank of America checking account. Would my brother be required to sign these forms? Type up an owner's authorization letter and have him sign it.

The Hudson zoning ordinance article and the HZO sections are items of which I have no knowledge. Again, I am sure this information is on file at Town Hall. Please advise. You would need a variance from Section, 334-21 of the Table of Permitted Uses. This is so you can have a Boarding house.

Chris

From: goultar1@comcast.net <goultar1@comcast.net>
Sent: Tuesday, July 4, 2023 3:09 PM
To: Sullivan, Christopher <csullivan@hudsonnh.gov>
Subject: Questions regarding my application for a variance

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

TOWN OF HUDSON, NH

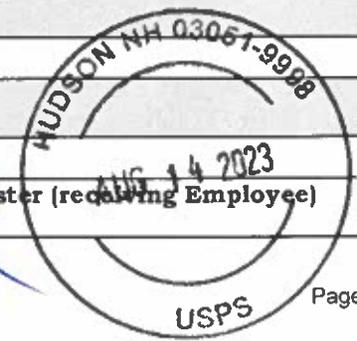
Variance Application Checklist

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>DA</u>	Please review the completed application with the Zoning Administrator or staff before making copies in next step.	<u>TG</u>
<u>DA</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 thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>DA</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>DA</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>OK</u>
<u>DA</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>DA</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>DA</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>DA</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>DA</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <input checked="" type="radio"/> (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

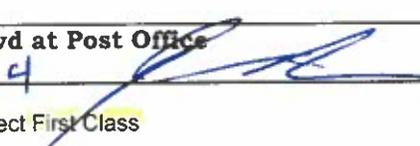
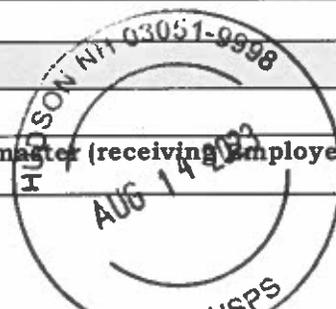
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 201-002 115 BUSH HILL RD Map 201/Lot 002-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	08/24/2023 ZBA Meeting
1	9589 0710 5270 0646 5624 33	ARVEDON, DAVID K.; ARVEDON, LLOYD B. 115 BUSH HILL RD., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5624 40	TYLER, DONALD F., TR.; TYLER REVOCABLE TRUST 119 BUSH HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5624 57	NASH, Q. PETER TR.; Q. PETER NASH 2004 REV. TRUST 91 AMHERST STREET, NASHUA, NH 03064	ABUTTER NOTICE MAILED
4		TOWN OF HUDSON 12 SCHOOL ST., HUDSON, NH 03051	No charge for Notice to Town owned property-112 Bush Hill Rd (Variance application received acts as Notice)
5			
6			
7			
8			
9			
10			
	Total Number of pieces listed by sender 3	Total number of pieces rec'd at Post Office 3	Postmaster (receiving Employee)



Direct Certified

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 201-002 115 BUSH HILL RD Map 201/Lot 002-000	VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	08/24/2023 ZBA Meeting	
1	Mailed First Class	FREEMAN, SHAWN; FREEMAN, JULIE 11 MOOSE HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
2	Mailed First Class	MASSE, BERT D., JR. 7 MOOSE HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	Mailed First Class	COHEN, CHARLOTTE; SMITH, TIMOTHY D. 101 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	Mailed First Class	PLANTE, STEVEN; POULIN, MARIE-CLAUDE 110 BUSH HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5				
6				
7				
8				
9				
10				
	Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)	
	4	4	 	

Indirect First Class



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

August 10, 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, **08/24/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 201-002 (08-24-23): David Arvedon, 115 Bush Hill Rd., Hudson, NH requests a Variance to continue the operation of a boarding house with 6 residents where boarding houses are a prohibited use. [Map 201, Lot 002-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses and §334-20, Allowed uses provided in tables and HZO Article III; General Regulations; §334-16, Building permits.]

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

Respectfully,

Chris Sullivan
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

August 10, 2023

ABUTTER NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **08/24/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article ~~V BUNHAT~~ of HZO Section(s) ~~101-334-21~~ in order to permit the following:

Boarding house at 115 Bush Hill Rd
Total of 6 residents including myself and my brother. NO transient resides. Shared kitchen, living room, dining room and bathrooms.

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.”)

4 responsible people live at this property in addition to myself and my brother.

- 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.”)

There is plenty of space between my house and all other houses.

- 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.)

I need people here to care for my dog, my disabled brother and myself (senior citizen). Also, I need substantial help maintaining the property and paying for utilities and other property expenses.

- 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.)

Nobody in surrounding properties is remotely close to my house. I have a lot less people at my house than most other houses this size.

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

It is the other people in this house who would face hardships, not myself. These people would end up homeless because of exorbitant rental prices.

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

This house is huge. It is surrounded by vast wasteland.

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.



TOWN OF HUDSON

Land Use Division



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

Notice of Complaint

June 8, 2023

David and/or Lloyd Arvedon.
115 Bush Hill Rd
Hudson, NH 03051

Re: **115 Bush Hill Road Map 201 Lot 002**
District: General One (G-1)

Dear Sir,

Complaint: Operation of a Boarding House without approvals.

Violations: This is a violation of the Zoning Ordinance sections:

§334-16: Building Permit. "Any person, firm or corporation shall obtain a building permit before commencing work on the erection, alteration or movement of any building or structure, No premise shall be occupied without a certificate of occupancy issued by the Building Inspector"

And

§334-21: Table of Permitted Principal Uses: Boarding Houses are not permitted use within this district.

Can we schedule a convenient time to validate the complaint by **June 23, 2023**.

Sincerely,

Chris Sullivan
Zoning and Code Enforcement



Town of Hudson

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

cc: Public Folder
B. Groth - Town Planner
R. Abair - Building Official
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

Complaint Follow-up

June 16, 2023

David and/or Lloyd Arvedon.
115 Bush Hill Rd
Hudson, NH 03051

Re: 115 Bush Hill Road Map 201 Lot 002
District: General One (G-1)

Dear Sir,

Thank you for letting us visit your residence today, we appreciate the tour that you gave us. I have determined that this is a Boarding house and Boarding houses are not allowed in this zone per section §334-21: Table of Permitted Uses. *You need to bring your property into compliance by August 31, 2023.* To continue as a Boarding House, you would need a Variance approved by the ZBA.

Sincerely,

Chris Sullivan
Zoning and Code Enforcement

Town of Hudson

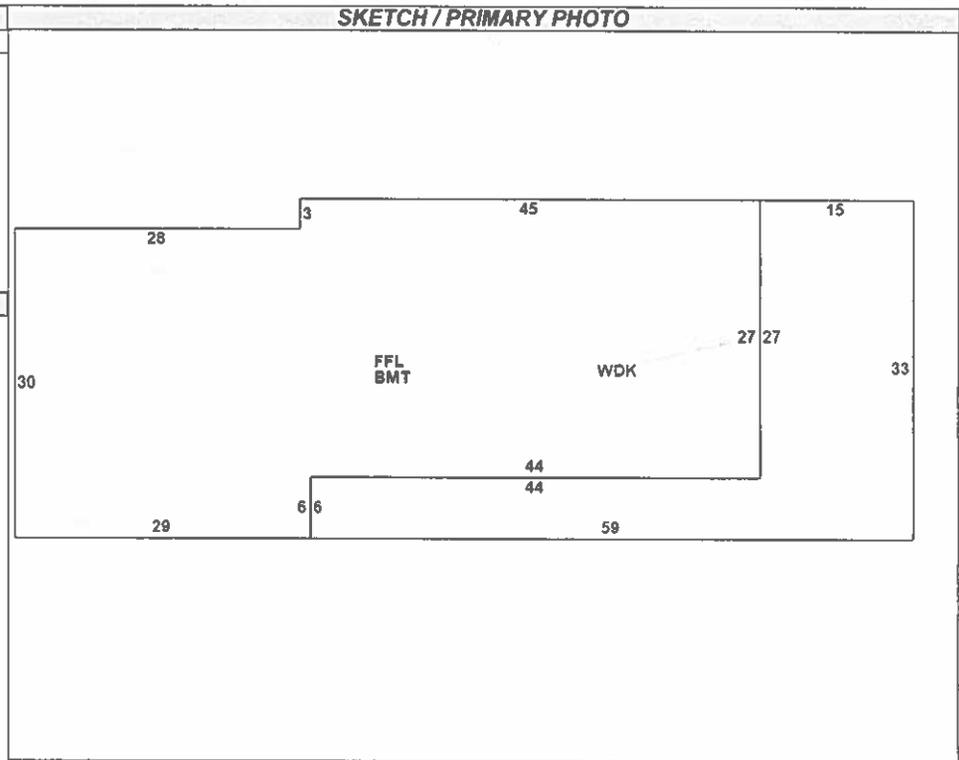


Land Use Division
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Hudson, NH 03051
Ph: (603) 886-6008
F: (603) 594-1142

cc: Public Folder
B. Groth – Town Planner
R. Abair – Building Official
File

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg H/FL	8	
Stories:	1		Extra Kitchens	0	
Style:	01	Ranch	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	10	Logs			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	04	Solid Wood			
Interior Floor 1	02	Softwood			
Heat Fuel	01	Oil			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	7				
Bedrooms	4				
Full Baths	2				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	1				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating	AV	Average			
Bsmt Garage	2				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	1				
Color	NATURAL				
Avg H/FL	8				
Extra Kitchens	0				
			COST / MARKET VALUATION		
			Building Value New		375,185
			Year Built		1980
			Effective Year Built		2003
			Depreciation Code		AV
			Remodel Rating		
			Year Remodeled		
			Depreciation %		19
			Functional Obsol		
			External Obsol		
			Trend Factor		1.000
			Condition		
			Condition %		
			Percent Good		81
			RCNLD		303,900
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value	
CPORT	Carport	L	570	UNITS	22.00	1960	PR	45	5,600	
GAR1	Garage, 1 story	L	324	SQ. FT	33.70	1960	PR	45	4,900	
POOLAO	Oval Above Ground Pool	L	480	UNITS	0.00	2011	AV	60	0	
POOLDK	Abv Grnd Pool Wood Deck	L	200	UNITS	0.00	2011	AV	60	0	
PORSCR	Screen Porch	L	50	SQ. FT	34.54	2011	AV	60	1,000	
SHEDWD	Shed-Wood	L	216	UNITS	31.02	1960	FR	50	3,400	
XFRRM	Rec Room, Fin, BMT	B	1,031	SQ. FT	45.00	1980	AV	81	37,600	

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	2,061	515	35.35	72,858
FFL	First Floor, Finished	2,061	2,061	2,061	141.47	291,575
WDK	Wood Deck, or Composite Dk	0	759	76	14.17	10,752
Total Liv Area/Gr. Area/Eff Are		2,061	4,881	2,652	Total Value	375,185



115 Bush Hill Rd (Map/Lot 201-002-000) G-1 Zone

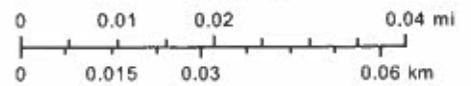


July 12, 2023

Legend

 Parcels

1:1,214



Printed
7/13/2023
2:33PM
Created
7/13/2023
2:31 PM

Transaction Receipt

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

Receipt# 738,938
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application- 115 Bush Hill Rd Map 201 Lot 002-000 Variance Application	0.00	202.6700	0.00
			Total:	202.67

8/24/23 ZBA Mtg

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
David Arvedon	CSH	CASH-TG	203.00	0.33	202.67

Total Due:	202.67
Total Tendered:	203.00
Total Change:	0.33
Net Paid:	202.67



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: August 24, 2023

CJS 8/10/23

Case 174-080 (08-24-23): Kenneth & Catherine Richard, 21 Derry St., Hudson, NH requests a Variance for a proposed 375 sq. ft. addition with encroachments of 0.8 ft. into the required front yard setback of 30 ft., leaving 29.2 ft. of setback and 3.3 ft. into the required side yard setback of 15 ft. leaving 11.7 ft. This is a request for a new Variance due to the expiration of the Variance previously granted on 4/22/2021 and not filed for extension/renewal no later than 30 days prior to the Variance expiration. [Map 174, Lot 080-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements, HZO Article XV: Enforcement and Miscellaneous Provisions; §334-82, Time Limit and RSA 674:33.I-a.(a)]

Address: 21 Derry St

Zoning district: Town Residence (TR)

Property Description:

The property at 21 Derry Street is an existing (oversized) lot of record, with 14,375 sq. ft. where 10,000 sq. ft. is required and 120 ft. of frontage where 90 ft. is required.

Summary:

The applicant requests a variance to construct a 375-square-foot addition. The addition will encroach minimally 0.8 ft. in the front setback, and 3.3 ft. into the side setback leaving 11.7 ft. of setback. The applicant had a variance that was granted on 4/22/21 to do the construction of a new addition, but the variance has expired.

In-House comments:

Engineering: Confirm the location of the sewer lateral that serves 8 Highland Street

Inspectional Services/Fire Dept.: No comment

Town Planner: No Comment

History and Attachments:

“A” Property Card

“B” 2022 Aerial

“C” Notice of Decision, (Granted Variance 4/22/21)

“D” Zoning Determination and Building Permit Denial (July 19, 2023)

“E” Inspectional Services/Fire Department review form (7/27/2023)

“F” Engineering review form (7/27/2023)

“F1” GIS plan showing the possible location of the sewer lateral line.

“G” Planning review form (8/10/2023)

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
RICHARD, KENNETH & CATHERINE MACGREGOR, CYNTHIA & TIMOTHY 21 DERRY ST HUDSON NH 03051		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RD	Residential Avg/Fair		2023	1010	219,200	2022	1010	219,200	2022	1010	141,400
		TOPO	UTILITIES			1010	117,400		1010	117,400		1010	72,200
		Level	Town Water										
			Town Sewer										
					Total	336,600		Total	336,600		Total	213,600	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
RICHARD, KENNETH & CATHERINE		9697 2424	04-21-2023	U	I	0	38	Grantor: BRIAND, BRUCE A., PROBATE DOC DATED 4/16/18. BACK-DATED FOR PURPOSE OF SEQUENTIAL SALE RECORDS. Grantor: BRIAND .IO	Appraised Bldg. Value (Card)			196,400
RICHARD, KENNETH		9058 2431	03-23-2018	U	I	235,000	81		Appraised Xf (B) Value (Bldg)			22,800
BRIAND, JOANNE V.		316-2 ET-009	03-22-2018	U	I	0	48		Appraised Ob (B) Value (Bldg)			0
RICHARD, KENNETH		8917 1577	11-01-2016	U	I	0	44		Appraised Land Value (Bldg)			117,400
BRIAND, JOANNE V., TR.		8413 2413	04-02-2012	U	I	0	44		Special Land Value			0
									Total Appraised Parcel Value			336,600
									Valuation Method			C
									Total Appraised Parcel Value			336,600

SUPPLEMENTAL DATA		CURRENT ASSESSMENT					NOTES		VISIT / CHANGE HISTORY						
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Assoc Pid#	Descrpt	Code	Appraised	Assessed	Date	Id	Cd	Purpost/Result
174-080-000	TR:Town Residential	C				174-080-000		BLDG	1010	219,200	219,200	07-19-2022	28	45	Field Review
								LAND	1010	117,400	117,400	08-01-2018	12	25	Sale Data Verified And Inspected
												07-31-2018	12	30	Sales Data Verification
												04-18-2014	15	03	Meas/inspect
												08-28-2006	03	14	Inspected
												08-23-2006	03	02	Measured
												08-05-2005	01	71	Acreage Adjustment From New Map
												02-23-2001	00	03	Meas/Inspect
2014=OTHER FIX IS A SINK IN BMT															
Total: 336,600 336,600 Total Appraised Parcel Value 336,600															

Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ Ft	Comments							
2019-01202	11-22-2019	ELEC	Electrical		C										
2019-00257	04-04-2019	DRV	Driveway		C										

LAND LINE VALUATION SECTION															
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acreage Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	0.335 AC	170,000		2.28	5	1.00	RD	0.95	Location	0.95		117,400

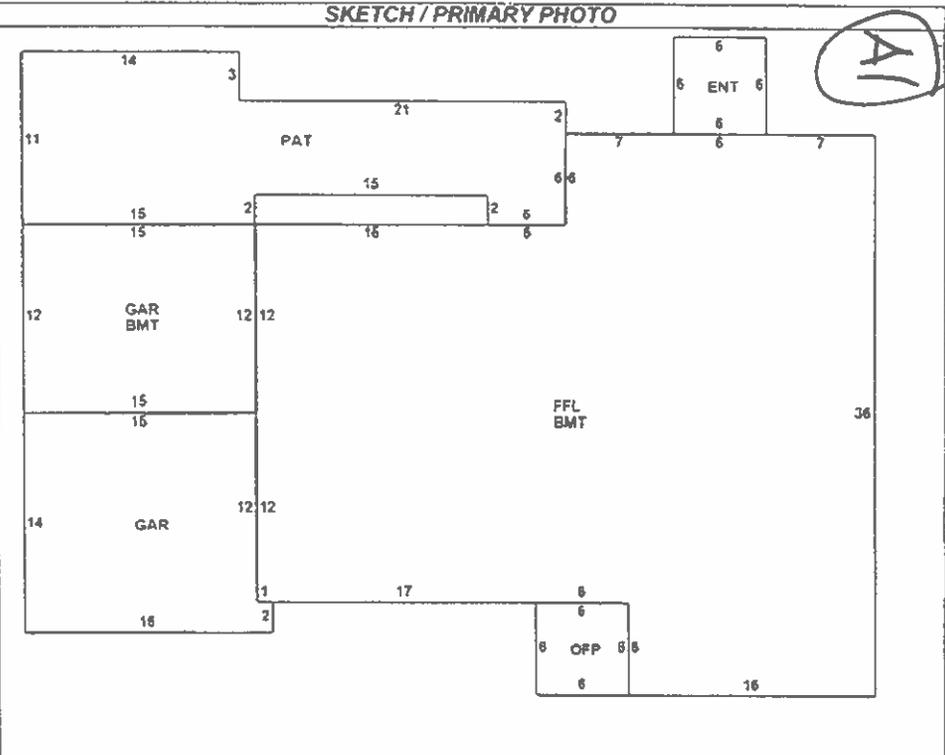
A

Total Card Land Units :				0.335 AC	Parcel Total Land Area:				0.335	AC	Total Land Value:				117,400
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Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1		Extra Kitchens	0	
Style:	01	Ranch	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	02	Hip			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	100				
Total Rooms	6				
Bedrooms	3				
Full Baths	1				
3/4 Baths	0				
Half Baths	0				
Extra Fixtures	1				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	AV	Average			
Half Bath Rating					
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color					
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	288,780
Year Built	1959
Effective Year Built	1995
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	27
Functional Obsol	
External Obsol	5
Trend Factor	1.000
Condition	
Condition %	
Percent Good	68
RCNLD	196,400
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

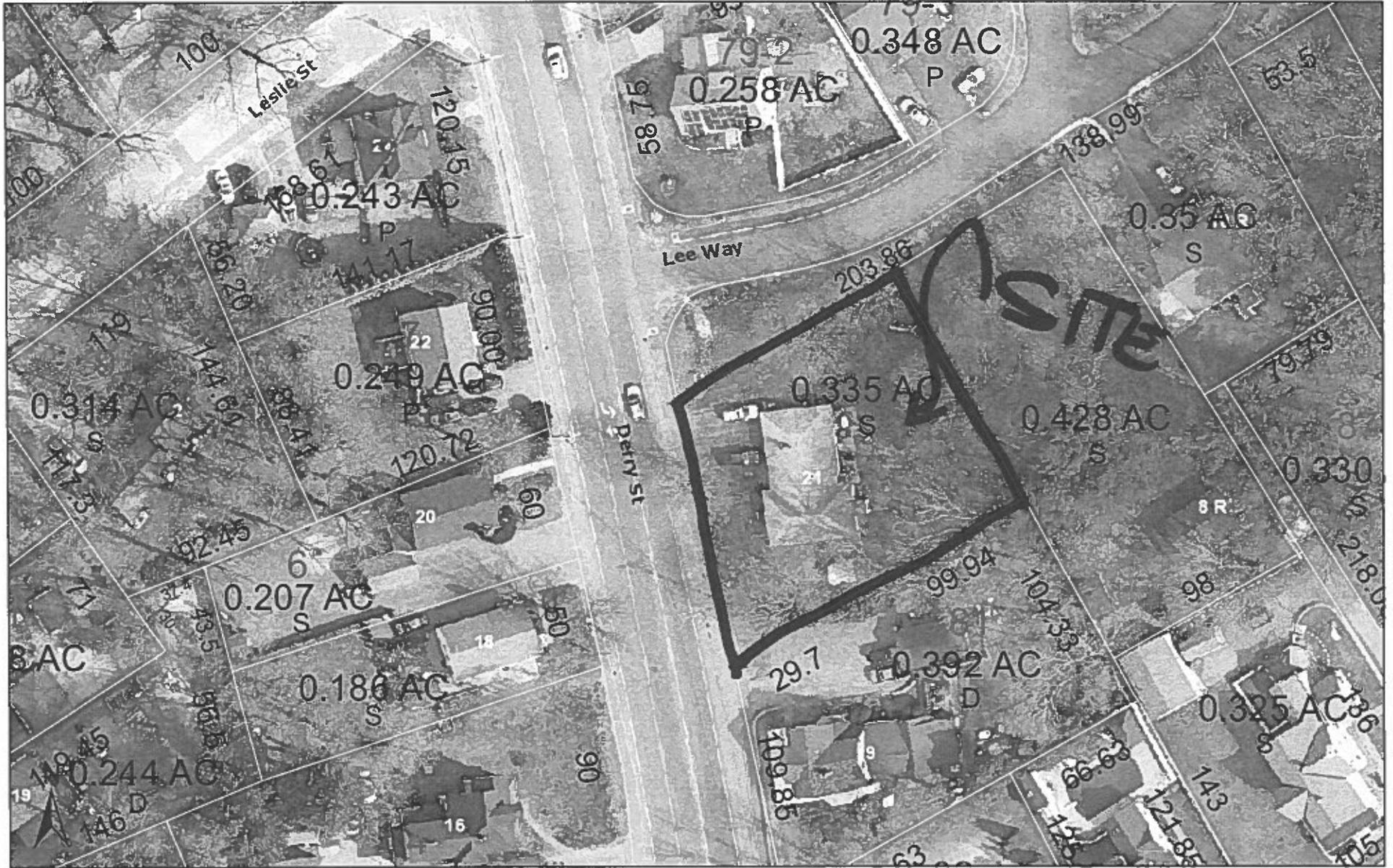


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	U/B	Units	UOM	Unit Pri	Yr Blt	Cnd	% G	Assd. Value
XFRRM	Rec Room, Fin, BMT	B	746	SQ. FT	45.00	1959	AV	68	22,800

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,356	339	41.88	56,784
ENT	Entry	0	36	36	167.51	6,030
FFL	First Floor, Finished	1,176	1,176	1,176	167.51	196,987
GAR	Garage	0	392	137	58.54	22,948
OFF	Open Frame Porch	0	36	7	32.57	1,173
PAT	Patio	0	292	29	16.64	4,858
Total Liv Area/Gr. Area/Eff Are		1,176	3,288	1,724	Total Value	288,780



21 Derry Street Map 174 lot 80-000



August 1, 2023

1 inch = 62 feet

- Parcels - Aerials
- Parcels



For Registry of Deed use only

C

AY3
Hudson Zoning

Doc # 210036804 05/28/2021 11:34:43 AM
Book 9475 Page 2283 Page 1 of 1
Mary Ann Crowell
Register of Deeds, Hillsborough County

FEES: 10.51
SURCHARGE: 2.00
CASR: —

Send recorded copy to:

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

NOTICE OF DECISION

Map 174, Lot 080-000, Zone TR (Town Residence), Case # 174-080

ZBA Decision 04/22/2021

Variance – GRANTED

Property Owner & Address: Catherine Richard and Kenneth Richard
21 Derry Street, Hudson, NH 03051

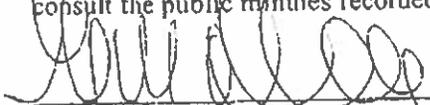
Property Location Variance: 21 Derry Street, Hudson, NH 03051

Action sought: Variance for a proposed 375 square foot addition with encroachments of 0.8 feet into the required front yard setback of 30 feet, leaving 29.2 feet of setback and 3.3 feet into the required side yard setback of 15 feet leaving 11.7 feet.

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

Action granted: After consideration of the testimony, review of the surveyed lot by Jeffrey Land Survey, LLC, stamped by Gregg R. Jeffrey, LLS, and recognition that the placement of the house is skewed and not parallel to the road and evaluation of the Variance criteria and determination that each criteria had been satisfied, motion made, seconded and voted 4:0 to grant the Variance.

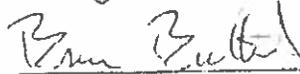
NOTE: All representations of fact or intention made by the applicant during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated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



Gary M. Daddario, ZBA Chairman

5/25/21

Date



Bruce Buttrick, Zoning Administrator

5-24-21

Date



D

TOWN OF HUDSON

Land Use Division



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

**Zoning Determination #23-096
Building Permit Denial
#2023/00909**

July 19, 2023

Catherine and Kenneth Richard
21 Derry Street
Hudson, NH 03051

Re: **21 Derry St Map 174 Lot 080-000**
District: Town Residence (TR)

Dear Mr. and Mrs. Richard,

Request: On April 22, 2021 you received Variance for a proposed 375 square foot addition with encroachments of 0.8 feet into the required front yard setback of 30 feet, leaving 29.2 feet of setback and 3.3 feet into the required side yard setback of 15 feet leaving 11.7 feet This parcel is an existing non-conforming parcel with 10,018.8 sq. ft. where 30,000 sq. ft. is required, and the side and rear setbacks are 15'. The proposed porch is encroaching 3' into the 15' side setback. **This variance has expired.** Variances are only good for 2 years.

The Hudson Zoning Ordinance per **§ 334 – 82 (D) Time Limits: For variances or special exceptions which do not require subsequent Planning Board review, all variances and special exceptions shall expire within two years of the vote of approval as specified in Subsection A above, unless active and substantial development or building has begun on the site in accordance with the special exception, variance or building permit or the variance or exception granted from the terms of this chapter has been otherwise exercised by the applicant or successor in interest.**
[Amended 3-13-2018 ATM by Amdt. No. 4]

You will need to refile a new variance application with the Zoning Board of Adjustment and get a new variance granted for your addition.

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



Sincerely,

A handwritten signature in black ink, appearing to be 'CS' followed by a stylized surname.

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

Att. Notice of Decision (4-22-2021)
cc: Public Folder
B. Groth, Town Planner
R. Abair, Building Official
File

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



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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-080 (08-24-23) (VARIANCE-Dimensional)

Property Location: 21 Derry Street

For Town Use

Plan Routing Date: 07/25/2023 Reply requested by: 08/01/2023 ZBA Hearing Date: 08/24/2023

I have no comments I have comments (see below)

DRH Name: David Hebert Date: 07/27/2023
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

F

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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-080 (08-24-23) (VARIANCE-Dimensional)

Property Location: 21 Derry Street

For Town Use

Plan Routing Date: 07/25/2023 Reply requested by: 08/01/2023 ZBA Hearing Date: 08/24/2023

I have no comments I have comments (see below)

EZD Name: Elvis Dhima Date: 07/27/2023
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

1. There is an existing sewer lateral that is serving 8R Highland Street, which could be impacted by the proposed work. In addition, it would be difficult to service this private sewer lateral in the future.

Lee Way

LEE1
9.1'

Sewer lateral for 8R Highland St

Proposed Addition

21

8-R

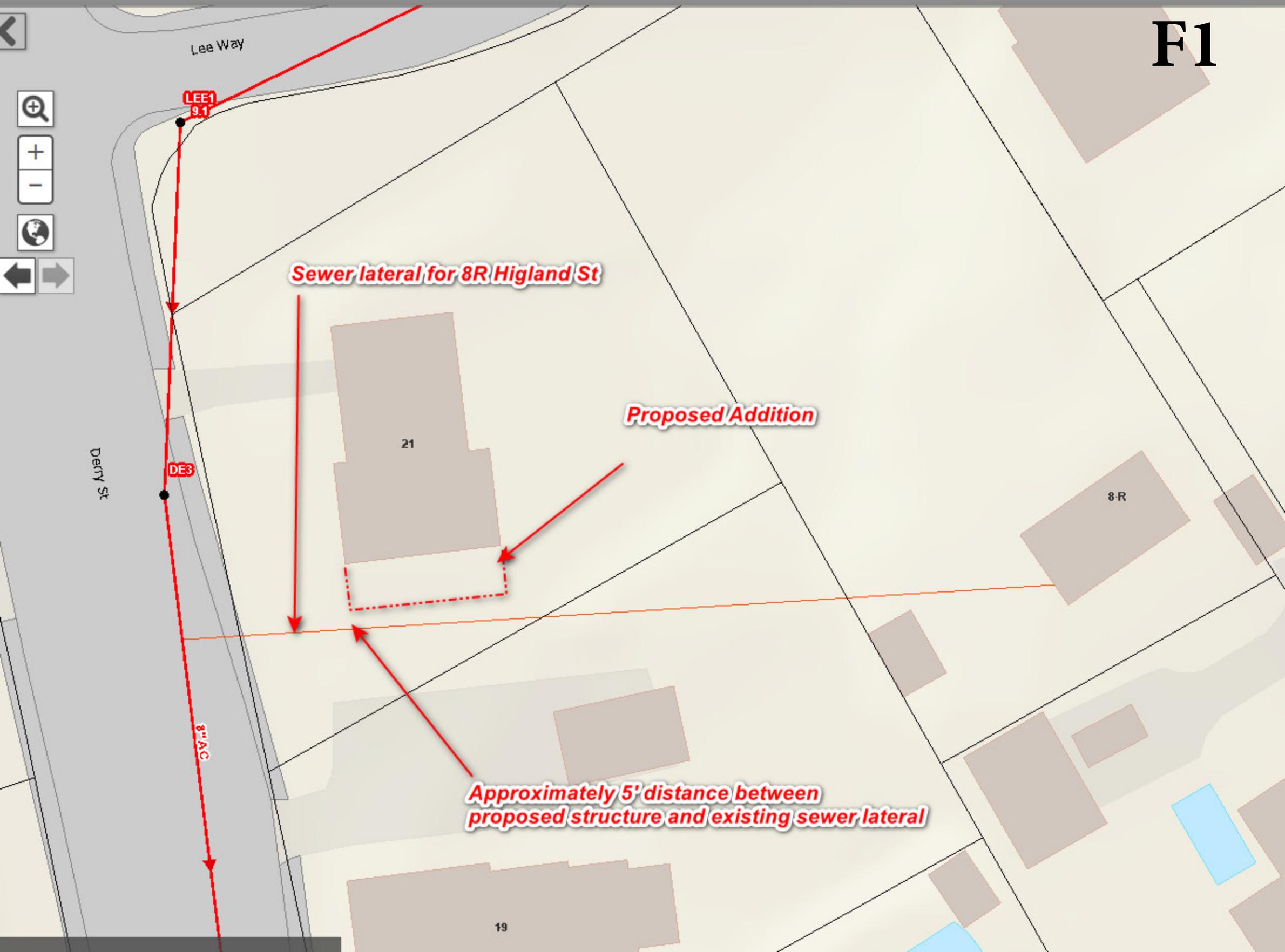
DE3

Derry St

3' VAC

*Approximately 5' distance between
proposed structure and existing sewer lateral*

19



G

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

REQUEST FOR REVIEW/COMMENTS:

Case: 174-080 (08-24-23) (VARIANCE-Dimensional)

Property Location: 21 Derry Street

For Town Use

Plan Routing Date: 07/25/2023 Reply requested by: 08/01/2023 ZBA Hearing Date: 08/24/2023

I have no comments I have comments (see below)

BB Name: Brian Groth Date: 08/10/2023
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

[Empty box for comments]

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

On **08/24/2023**, the Zoning Board of Adjustment heard **Case 174-080**, being a case brought by **Kenneth & Catherine Richard, 21 Derry St., Hudson, NH** requests a **Variance for a proposed 375 sqft. addition with encroachments of 0.8 ft. into the required front yard setback of 30 ft., leaving 29.2 ft. of setback and 3.3 ft. into the required side yard setback of 15 ft. leaving 11.7 ft.** This is a request for a new Variance due to the expiration of the Variance previously granted on 4/22/2021 and not filed for extension/renewal no later than 30 days prior to the Variance expiration. [Map 174, Lot 080-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements, HZO Article XV: Enforcement and Miscellaneous Provisions; §334-82, Time Limit and RSA 674:33.I-a.(a)]

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

Y **N** **1.** Granting of the requested variance will not be contrary to the public interest, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”

Y **N** **2.** The proposed use will observe the spirit of the ordinance, since the proposed use does not conflict with the explicit or implicit purpose of the ordinance and does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”

Y **N** **3.** Substantial justice would be done to the property-owner by granting the variance, and the benefits to the property owner are not outweighed by harm to the general public or to other individuals.

Y **N** **4.** The proposed use will not diminish the values of surrounding properties.

(Continue-next page-Hardship Criteria)

TOWN OF HUDSON

JUL 25 REC'D
2023

(76)

APPLICATION FOR A VARIANCE

Zoning Department

Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 174-080 (08-24-23)
Date Filed 7/25/23

Name of Applicant Kenneth Richard Catherine Richard Map: 174 Lot: 080 Zoning District: TR

Telephone Number (Home) 603-568-8832 (Work) 603-247-7289

Mailing Address 21 Derry St Hudson, NH 03051

Owner Kenneth & Catherine Richard
Cynthia Timminy MacGregor

Location of Property 21 Derry St Hudson NH
(Street Address)

Signature of Applicant Catherine R Richard Date 07-24-2023

Signature of Property Owner(s) Cynthia MacGregor Timminy MacGregor Date 07-24-2023

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: 7/25/23

COST:

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

8 Abutter Notice:

8 Direct Abutters x Certified postage rate \$ 5.01 = \$ 40.08

13 Indirect Abutters x First Class postage rate \$ 0.66 = \$ 8.58

Total amount due: \$ 233.66

Amt. received: \$ 233.66

Receipt No.: 740,078

Received by: (TSO)

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

check #
90

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>CRK</u>	Please review the completed application with the Zoning Administrator or staff before making copies in next step.	<u>CS</u>
<u>CRK</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 thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>CRK</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>q</u>
<u>CRK</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>cr</u>
<u>CRK</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>CRK</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>q</u>
<u>CRK</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>q</u>
<u>CRK</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>q</u>
<u>CRK</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>q</u>

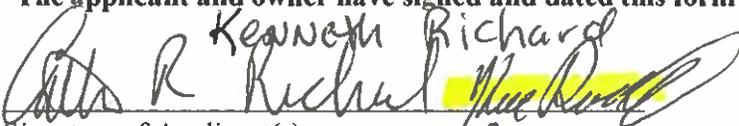
CERTIFIED PLOT PLAN:

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) CRR 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. cy
- b) CRR The plot plan shall be up-to date and dated, and shall be no more than three years old. cy
- c) CRR The plot plan shall have the signature and the name of the preparer, with his/her/their seal. cy
- d) CRR 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. cy
 (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) CRR The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) cy
- f) CRR 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. cy
- g) CRR The plot plan shall include all proposed buildings, structures, or additions, marked as “PROPOSED,” together with all applicable dimensions and encroachments. cy
- h) CRR The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. cy
- i) CRR The plot plan shall indicate all parking spaces and lanes, with dimensions. cy

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


 Signature of Applicant(s)

 Signature of Property Owner(s)

07-24-2023
Date

07-24-2023
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
174	080	*Include Applicant & Owner(s) Catherine & Ken Richard Cynthia & Tim Macgregor	21 Derry St Hudson
174	005	Roger & Elaine Meuse Meuse Joint Revocable Trust	18 Meuse Derry St Hudson
174	081	Robert & Jennifer Younghusband	19 Derry St Hudson
174	006	Timothy W. Melanson Patricia Ann Melanson	20 Derry St Hudson
174	004	16 Derry St LLC	3 Hibiscus Way, Nashua NH 16 Derry St 03062
174	086	Gary A Wilson Pamela H Wilson	3 Lee Way Hudson
174	007	Andre-Neto Zacharias Andre, Marin Elizabeth	22 Derry St. Hudson
174	085	Scott Herbert K, TR Revocable trust, Herbert	4 Foster Rd 8 R Highland Ave Merrimack NH 03054

8

edits - (TG) 7/25/23

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
174	008	Jessica, Chadwick Leandary, Colon	24 Derry St Hudson
174	079- ⁰⁰⁵	Christopher B & Amber Martin	7 Lee Way Hudson
174	084	Richard, JR & Blanche, TR Morgan	8 highland St Hudson
174	082	Morgan Family Trust Rev Jenxco Realty LLC	9 Broadview Dr 10 Derry St Litchfield NH 030
174	009	William J, TR. Smilikis Rev Trust of 2014 Smilikis	2 Leslie Street Hudson
174	079- ⁰⁰³	Tan Zong Zou LI HUA	6 Lee Way Hudson
174	002	FIA Realty LLC	911 Candia Rd Man NH 03109
174	003 ^(TG)	Gregory, Sullivan J, TR. Sullivan Revocable Trust	156 Sojamore St Manchester NH 03104-
174	083	Harold & Catherine TRS. Morgan, Morgan Revocable Trust	6 Highland St Hudson 3219
174	079- ⁰⁰²	Robert Hugh Young Barbara Ellen Chirone Young	25 Derry St. Hudson
174	078	Genghe Zheng Yi Chac Isabel Cecilia Chin	3 Ricky Dr, Hudson
174	088	Michael E, TR Reney Reney living trust	12 Highland St. Hudson
174	087	Richard Sott Teal	10 Highland St Hudson

13

edits - (TG) 7/25/23

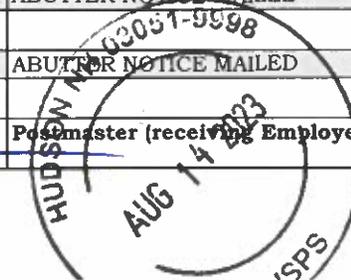
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 174-080 21 DERRY STREET Map 174/Lot 080-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	08/24/2023 ZBA Meeting
1	9589 0710 5270 0646 5624 71	RICHARD, KENNETH & CATHERINE; MACGREGOR, CYNTHIA & TIMOTHY M. JR. 21 DERRY ST., NNASHUA, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5624 88	MEUSE, ROGER & ELAINE, TRSTEES; MEUSE JOINT REVOCABLE TRUST 18 DERRY ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5624 95	YOUNGHUSBAND, ROBERT; YOUNGHUSBAND, JENNIFER 19 DERRY ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5625 01	MELANSON, TIMOTHY W. ; MELANSON, PATRICIA ANN 20 DERRY ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5625 18	16 DERRY ST LLC 3 HIBISCUS WAY, NASHUA, NH 03062	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5625 25	WILSON, GARY A. ; WILSON, PAMELA H. 3 LEE WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5625 32	ANDRE-NETO, ZACHARIAS; ANDRE, MARIA ELIZABETH Z. 22 DERRY ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5625 49	HERBERT, SCOTT K., TR. ; HERBERT REVOCABLE TRUST 4 FOSTER RD., MERRIMACK, NH 03054	ABUTTER NOTICE MAILED
9			
10			
	Total Number of pieces listed by sender 8	Total number of pieces received at Post Office 8	Postmaster (receiving Employee) AUG 14 2023 USPS

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 174-080 21 DERRY STREET Map 174/Lot 080-000	VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	08/24/2023 ZBA Meeting	
1	Mailed First Class	CHADWICK, JESSICA; COLON, LEANDRY	ABUTTER NOTICE MAILED	
		24 DERRY ST., HUDSON, NH 03051		
2	Mailed First Class	MARTIN, CHRISTOPHER B.; MARTIN, AMBER K.	ABUTTER NOTICE MAILED	
		7 LEE WAY, HUDSON, NH 03051		
3	Mailed First Class	MORGAN, RICHARD & BLANCHE, TRSTEEES; MORGAN FAMILY REV TRUST	ABUTTER NOTICE MAILED	
		8 HIGHLAND STREET, HUDSON, NH 03051		
4	Mailed First Class	JENNCO REALTY, LLC	ABUTTER NOTICE MAILED	
		9 BROADVIEW DR., LITCHFIELD, NH 03052		
5	Mailed First Class	SMILIKIS, WILLIAM J., TR.; SMILIKIS REV TRUST OF 2014	ABUTTER NOTICE MAILED	
		2 LESLIE STREET, HUDSON, NH 03051		
6	Mailed First Class	ZOU, ZONG TAN; LI, HUA	ABUTTER NOTICE MAILED	
		6 LEE WAY, HUDSON, NH 03051		
7	Mailed First Class	FIA REALTY, LLC	ABUTTER NOTICE MAILED	
		911 CANDIA RD., MANCHESTER, NH 03109		
8	Mailed First Class	SULLIVAN, J. GREGORY, TR.; SULLIVAN REVOCABLE TRUST	ABUTTER NOTICE MAILED	
		156 SAGAMORE ST., MANCHESTER, NH 03104-3219		
9	Mailed First Class	MORGAN, HAROLD & CATHERINE, TRSTEEES; MORGAN REVOCABLE TRUST	ABUTTER NOTICE MAILED	
		6 HIGHLAND STREET, HUDSON, NH 03051		
10	Mailed First Class	YOUNG, ROBERT HUGH; YOUNG, BARBARA ELLEN CHIRONE	ABUTTER NOTICE MAILED	
		25 DERRY ST., HUDSON, NH 03051		
11	Mailed First Class	ZHENG, GENGHE; CHIN YI CHAC, ISABEL CECILIA	ABUTTER NOTICE MAILED	
		3 RICKY DR., HUDSON, NH 03051		
12	Mailed First Class	RENEY, MICHAEL E., TR.; RENEY LIVING TRUST	ABUTTER NOTICE MAILED	
		12 HIGHLAND STREET		
13	Mailed First Class	TEAL, RICHARD SCOTT	ABUTTER NOTICE MAILED	
		10 HIGHLAND STREET, HUDSON, NH 03051		
	Total # of pieces listed by sender 13	Total # of pieces rec'vd at Post Office 13	Postmaster (receiving Employee)	

Indirect First Class





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

August 10, 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, **08/24/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 174-080 (08-24-23): Kenneth & Catherine Richard, 21 Derry St., Hudson, NH requests a Variance for a proposed 375 sqft. addition with encroachments of 0.8 ft into the required front yard setback of 30 ft., leaving 29.2 ft. of setback and 3.3 ft into the required side yard setback of 15 ft. leaving 11.7 ft. This is a request for a new Variance due to the expiration of the Variance previously granted on 4/22/2021 and not filed for extension/renewal no later than 30 days prior to the Variance expiration. [Map 174, Lot 080-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements, HZO Article XV: Enforcement and Miscellaneous Provisions; §334-82, Time Limit and RSA 674:33.I-a.(a)]

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

Respectfully,

Chris Sullivan
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

August 10, 2023

ABUTTER NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **08/24/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 174-080 (08-24-23): Kenneth & Catherine Richard, 21 Derry St., Hudson, NH requests a Variance for a proposed 375 sqft. addition with encroachments of 0.8 ft into the required front yard setback of 30 ft., leaving 29.2 ft. of setback and 3.3 ft into the required side yard setback of 15 ft. leaving 11.7 ft. This is a request for a new Variance due to the expiration of the Variance previously granted on 4/22/2021 and not filed for extension/renewal no later than 30 days prior to the Variance expiration. [Map 174, Lot 080-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements, HZO Article XV: Enforcement and Miscellaneous Provisions; §334-82, Time Limit and RSA 674:33.I-a.(a)]

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

APPLICATION FOR A VARIANCE

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

Requesting variance for addition adding bedroom, new bathroom. The side requirement of 15 feet requesting 3.3 ft into side setback leaving 11.7 feet. Also front requesting encroachment of 0.8 ft out of required 30 ft leaving 2.9 ft setback.

FACTS SUPPORTING THIS REQUEST:

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

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

(2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

- (A) The variance will not be contrary to the public interest;**
- (B) The spirit of the ordinance is observed;**
- (C) Substantial justice is done;**
- (D) The values of surrounding properties are not diminished; and**
- (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

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

- (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and**
- (B) The proposed use is a reasonable one.**

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

(3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

FACTS SUPPORTING THIS REQUEST:

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

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

This request does not threaten public health, safety or welfare of the public. The house will still be a ranch with a hip roof just longer. The siding that will be removed will be used in front to match original. This addition will add a bedroom needed and change the bathroom that has been there for 60 years.

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

The proposed use of the addition will have a fourth bedroom extend the Master bedroom and construct a new bathroom. This house hold 3 children and 4 adults with a baby on the way. The original bathroom is too small and needs of repair? mold in shower wall. The bathroom has been there for 61 years. We want to preserve and enhance the quality of life and add to property value.

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

The addition without the variance would be only 9 feet making all rooms very narrow after minus outside walls and siding about 8.5 feet wide moving the wall width to 10.5 feet would be more usable safe space.

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.)

Having 4 bedrooms and a newer bathroom bring up the value of this property, helping the new houses built next door keep there value.

FACTS SUPPORTING THIS REQUEST: (Continued)

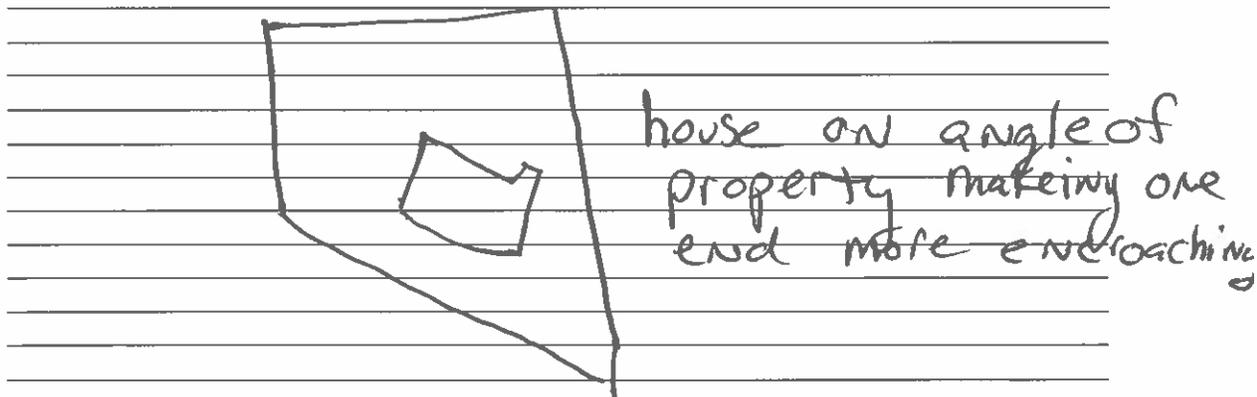
5. Special conditions exist such that literal enforcement of the ordinance results in **unnecessary hardship**, because: (Answer either A(1 and 2) or B according to which applies to your situation)

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

The house is currently oriented at a skewed angle in relationship to the lot. Any addition on the north side would be by the garage and not practical addition for our needs. Thus the only reasonable expansion/addition is on the south side of the existing house. Due to the skewed configuration of the house and the lot has the angled side of lot line cause our planned expansion addition to encroach minimally leaving 15-11 feet of side yard set back. Front yard set back encroachment is due to the skewed orientation of house on the lot, and is a minimum encroachment of 0.8 feet

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



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.

We have to go out of side of house because behind the house would cause bedroom in side bedroom not hall to new bedroom.



TOWN OF HUDSON

Land Use Division



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

**Zoning Determination #23-096
Building Permit Denial
#2023/00909**

July 19, 2023

Catherine and Kenneth Richard
21 Derry Street
Hudson, NH 03051

Re: **21 Derry St Map 174 Lot 080-000**
District: Town Residence (TR)

Dear Mr. and Mrs. Richard,

Request: On April 22, 2021 you received Variance for a proposed 375 square foot addition with encroachments of 0.8 feet into the required front yard setback of 30 feet, leaving 29.2 feet of setback and 3.3 feet into the required side yard setback of 15 feet leaving 11.7 feet This parcel is an existing non-conforming parcel with 10,018.8 sq. ft. where 30,000 sq. ft. is required, and the side and rear setbacks are 15'. The proposed porch is encroaching 3' into the 15' side setback. **This variance has expired.** Variances are only good for 2 years.

The Hudson Zoning Ordinance per **§ 334 – 82 (D) Time Limits: For variances or special exceptions which do not require subsequent Planning Board review, all variances and special exceptions shall expire within two years of the vote of approval as specified in Subsection A above, unless active and substantial development or building has begun on the site in accordance with the special exception, variance or building permit or the variance or exception granted from the terms of this chapter has been otherwise exercised by the applicant or successor in interest.**
[Amended 3-13-2018 ATM by Amdt. No. 4]

You will need to refile a new variance application with the Zoning Board of Adjustment and get a new variance granted for your addition.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'CS', is positioned above the typed name.

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

Att. Notice of Decision (4-22-2021)
cc: Public Folder
B. Groth, Town Planner
R. Abair, Building Official
File

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

For Registry of Deed use only

AY3
Hudson Zoning

Doc # 210036804 05/28/2021 11:34:43 AM
Book 9475 Page 2283 Page 1 of 1
Mary Ann Crowell
Register of Deeds, Hillsborough County

FEES: 10.51
SURCHARGE: 2.00
CASH: —

Send recorded copy to:

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

NOTICE OF DECISION

Map 174, Lot 080-000, Zone TR (Town Residence), Case # 174-080

ZBA Decision 04/22/2021

Variance – GRANTED

Property Owner & Address: Catherine Richard and Kenneth Richard
21 Derry Street, Hudson, NH 03051

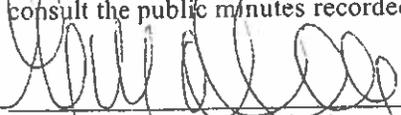
Property Location Variance: 21 Derry Street, Hudson, NH 03051

Action sought: Variance for a proposed 375 square foot addition with encroachments of 0.8 feet into the required front yard setback of 30 feet, leaving 29.2 feet of setback and 3.3 feet into the required side yard setback of 15 feet leaving 11.7 feet.

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

Action granted: After consideration of the testimony, review of the surveyed lot by Jeffrey Land Survey, LLC, stamped by Gregg R. Jeffrey, LLS, and recognition that the placement of the house is skewed and not parallel to the road and evaluation of the Variance criteria and determination that each criteria had been satisfied, motion made, seconded and voted 4:0 to grant the Variance.

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


Gary M. Daddario, ZBA Chairman

5/25/21
Date


Bruce Buttrick, Zoning Administrator

5-24-21
Date



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #21-058

Catherine Richard
21 Derry St
Hudson, NH 03051

Re: 21 Derry St Map 174 Lot 080-000
District: Town Residence (TR)

Dear Ms. Richard,

Zoning Review / Determination:

This is a developed conforming lot of record, with a single family use. The submitted plot plan indicates encroachments of 0.8 ft into the required front setback of 30 ft, leaving 29.2 ft of setback, and 3.3 ft into the required side setback of 15 ft leaving 11.7 ft.

To continue with this proposal you would need to do the following:
Obtain a variance from the ZBA for relief from §334-27 Table of Minimum Dimensional Requirements.

Sincerely,

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

cc: Public Folder
D. 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.

#21-058



COMMUNITY DEVELOPMENT DEPARTMENT

12 School Street
Hudson, NH 03051

(603)886-6005

www.hudsonnh.gov

RECEIVED

MAR 25 2021

HUDSON FIRE DEPARTMENT
INSPECTIONAL SERVICES DIVISION



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request

03-26-2021

Property Location

21 Derry St Hudson

Map 174 Lot 80

Zoning District if known

TR

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)

Addition to house to gain another bedroom and update bathroom. Also, extending kitchen area out 4' so kitchen table can fit with more room to get around it, very tight now small kitchen area.

Applicant Contact Information:

Name:

Catherine Richard

Address:

21 Derry St Hudson, NH

Phone Number:

603-568-8832

Alnertken61@gmail.com

* Call before 8:30 AM

WORKS Night Shift

For Office use

ATTACHMENTS: TAX CARD GIS

NOTES: _____

ZONING DETERMINATION LETTER SENT DATE: _____

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
RICHARD, KENNETH & CATHERINE MACGREGOR, CYNTHIA & TIMOTHY 21 DERRY ST HUDSON NH 03051		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed	
		RD	Residential Avg/Fair		2023	1010	219,200	2022	1010	219,200	2022	1010	141,400	
		TOPO	UTILITIES			1010	117,400		1010	117,400		1010	72,200	
		Level	Town Water											
			Town Sewer											
					Total	336,600		Total	336,600		Total	213,600		

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY		
RICHARD, KENNETH & CATHERINE				9697 2424	04-21-2023	U	I	0	38	Grantor: BRIAND, BRUCE A., PROBATE DOC DATED 4/16/18. BACK-DATED FOR PURPOSE OF SEQUENTIAL SALE RECORDS. II Grantor: BRIAND, JO	Appraised Bldg. Value (Card)		196,400
RICHARD, KENNETH				9058 2431	03-23-2018	U	I	235,000	81		Appraised Xf (B) Value (Bldg)		22,800
BRIAND, JOANNE V.				316-2 ET-009	03-22-2018	U	I	0	48		Appraised Ob (B) Value (Bldg)		0
RICHARD, KENNETH				8917 1577	11-01-2016	U	I	0	44		Appraised Land Value (Bldg)		117,400
BRIAND, JOANNE V., TR.				8413 2413	04-02-2012	U	I	0	44		Special Land Value		0

SUPPLEMENTAL DATA				CURRENT ASSESSMENT					
Parcel ID	174-080-000			Descrpt	Code	Appraised	Assessed		
Zoning	TR:Town Residential			BLDG	1010	219,200	219,200	Total Appraised Parcel Value	
Flood Hazard	C			LAND	1010	117,400	117,400	Valuation Method	
Neigh/Abut1								Total Appraised Parcel Value	
Neigh/Abut2		PREV 0051-0076-0000						336,600	
Neigh/Abut3		Assoc Pid#						336,600	
GIS ID	174-080-000							336,600	

NOTES				VISIT / CHANGE HISTORY			
2014=OTHER FIX IS A SINK IN BMT				Date	Id	Cd	Purpost/Result
				07-19-2022	28	45	Field Review
				08-01-2018	12	25	Sale Data Verified And Inspected
				07-31-2018	12	30	Sales Data Verification
				04-18-2014	15	03	Meas/Inspect
				08-28-2006	03	14	Inspected
				08-23-2006	03	02	Measured
				08-05-2005	01	71	Acreage Adjustment From New Map
02-23-2001	00	03	Meas/Inspect				

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2019-01202	11-22-2019	ELEC	Electrical		C			
2019-00257	04-04-2019	DRV	Driveway		C			

LAND LINE VALUATION SECTION														
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	0.335 AC	170,000		2.28	5	1.00	RD	0.95	Location	0.95	117,400

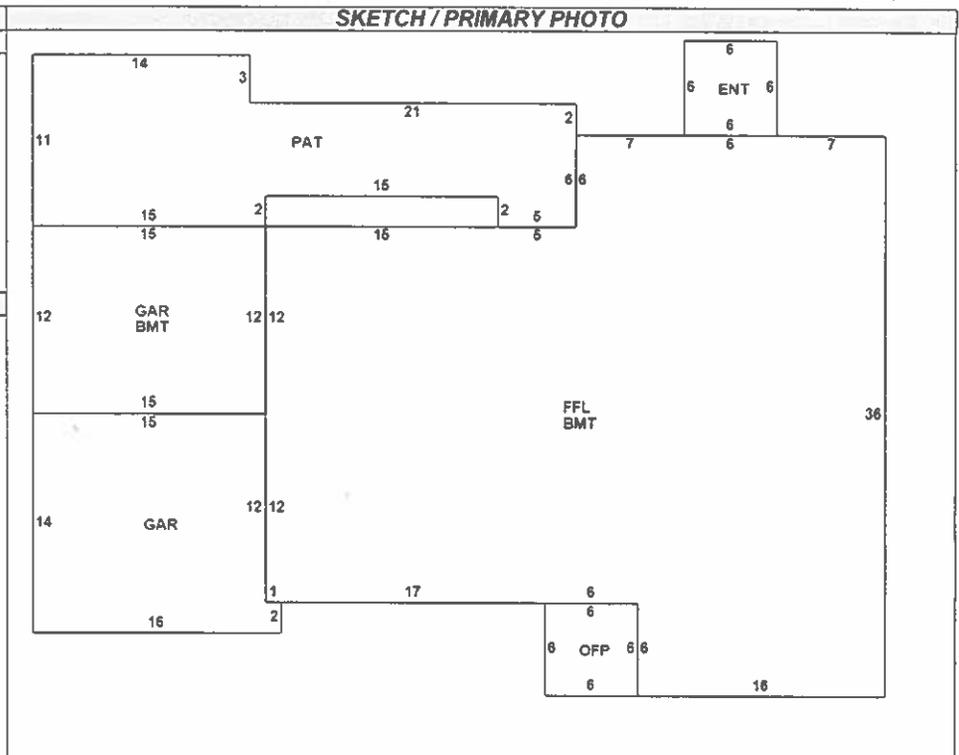
Total Card Land Units: 0.335 AC Parcel Total Land Area: 0.335 AC Total Land Value: 117,400

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1		Extra Kitchens	0	
Style:	01	Ranch	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	02	Hip			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	100				
Total Rooms	6				
Bedrooms	3				
Full Baths	1				
3/4 Baths	0				
Half Baths	0				
Extra Fixtures	1				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	AV	Average			
Half Bath Rating					
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color					
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION

Building Value New	288,780
Year Built	1959
Effective Year Built	1995
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	27
Functional Obsol	
External Obsol	5
Trend Factor	1.000
Condition	
Condition %	
Percent Good	68
RCNLD	196,400
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

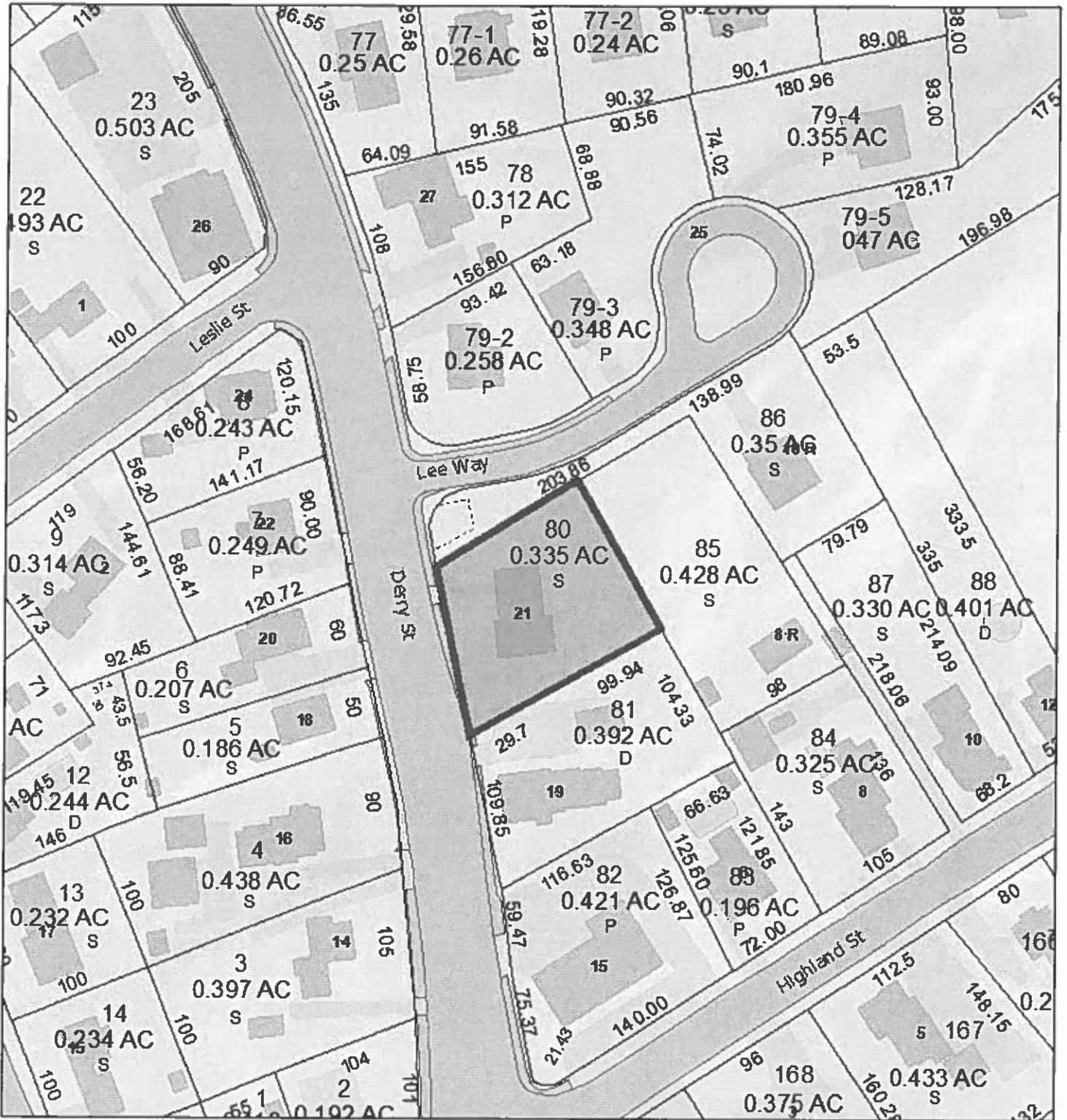


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
XFRM	Rec Room, Fin, BMT	B	746	SQ. FT	45.00	1959	AV	68	22,800

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,356	339	41.88	56,784
ENT	Entry	0	36	36	167.51	6,030
FFL	First Floor, Finished	1,176	1,176	1,176	167.51	196,987
GAR	Garage	0	392	137	58.54	22,948
OFF	Open Frame Porch	0	36	7	32.57	1,173
PAT	Patio	0	292	29	16.64	4,858
Total Liv Area/Gr. Area/Eff Are		1,176	3,288	1,724	Total Value	288,780



21 Derry St (Map 174 Lot 080-000) TR Zone



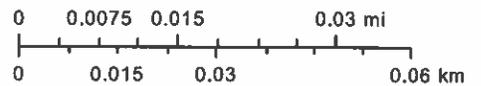
July 24, 2023

1:1,155

Legend

----- Easement_Lines

▭ Parcels





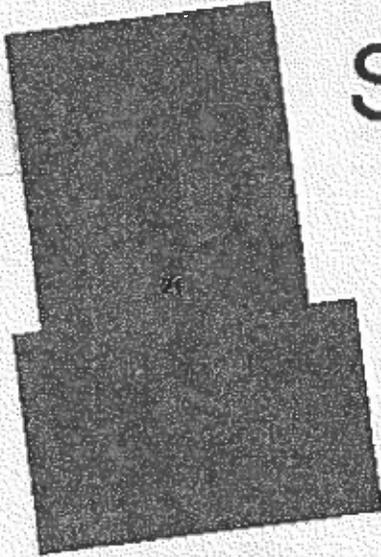
LEE WAY

203.86

80

0.335 AC

S



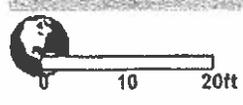
99.94

81

0.392 A

29.7

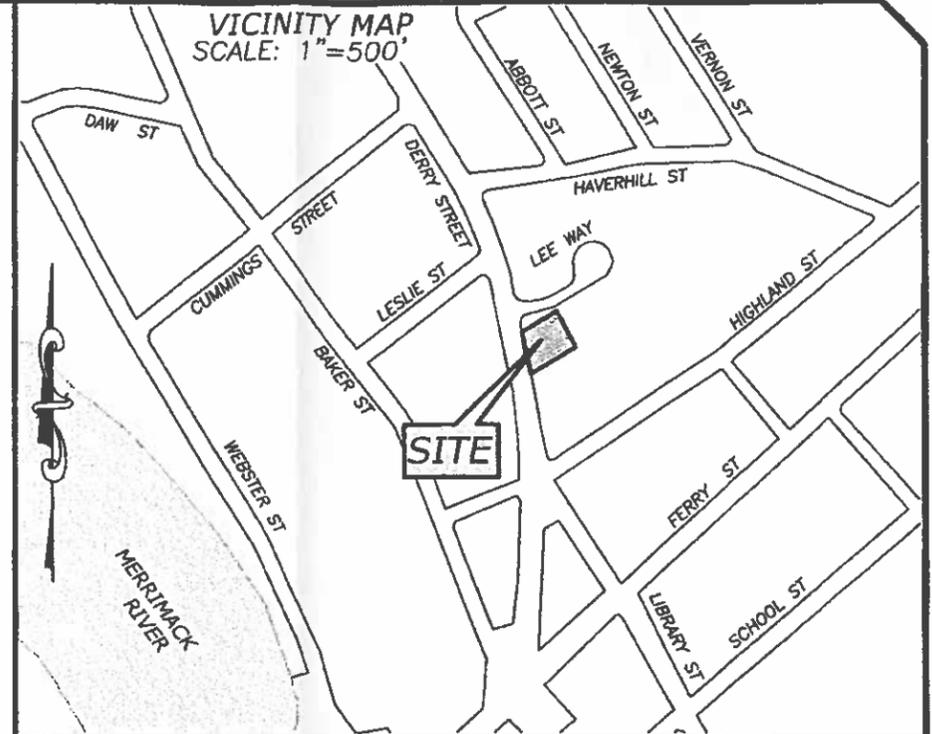
DERRY ST



PLAN NOTES:

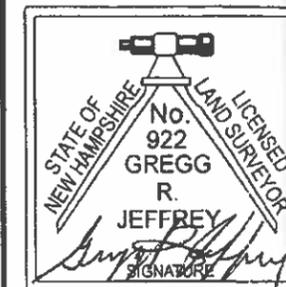
- PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED IMPROVEMENTS AT HUDSON LOT 174/80.

PLAN OF LAND
21 DERRY STRETT
HUDSON, NH
MAP 174 LOT 80
AS PREPARED FOR
CATHERINE RICHARD



REV. 2		BY:
REV. 1		BY:

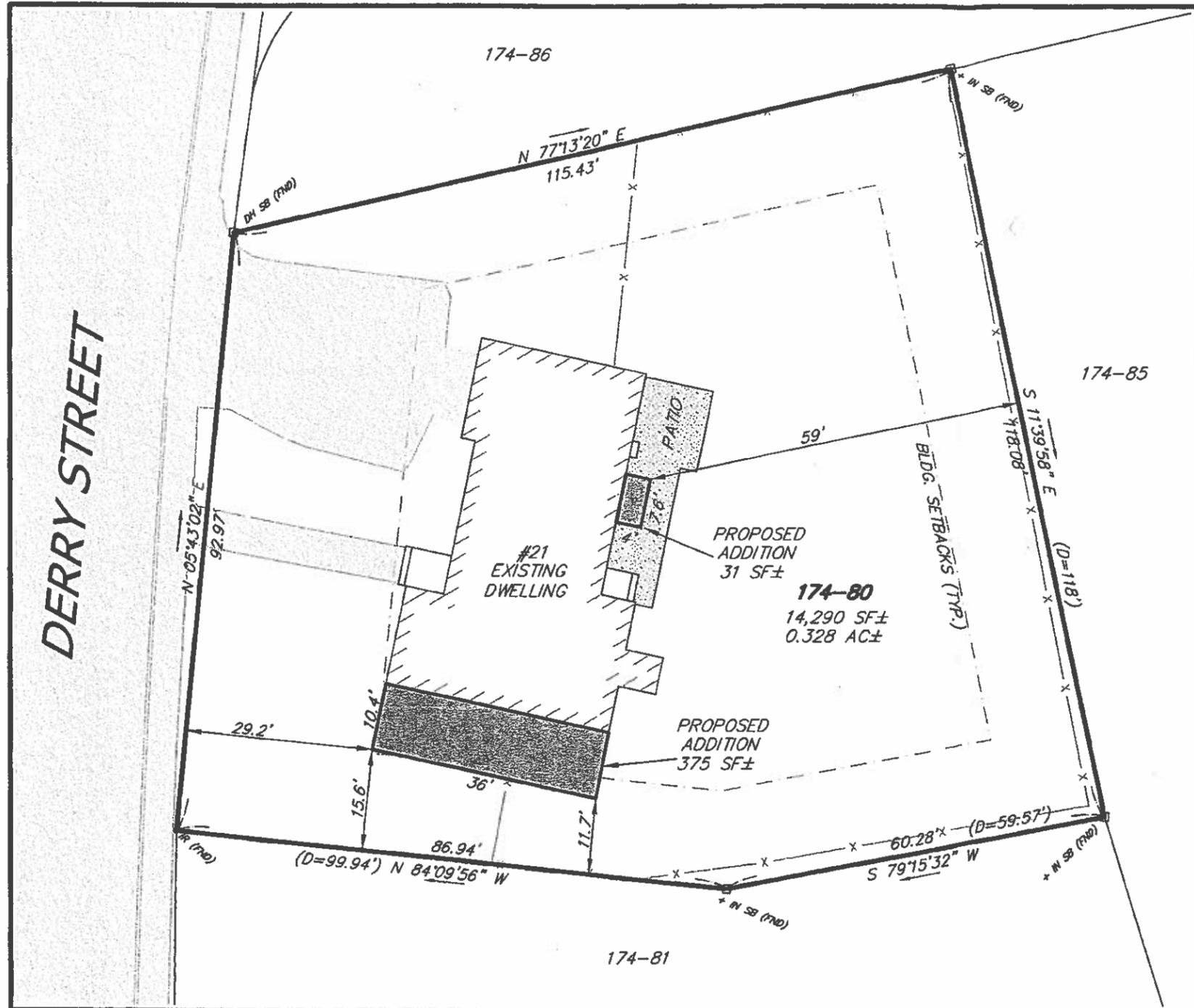
ZONING DISTRICT: TR
REQUIRED SETBACKS:
FRONT - 30 FEET
SIDE - 15 FEET
REAR - 15 FEET
DEED REF: BK. 9058 PG. 2431
PLAN SCALE: 1"=20'
DATE: MAR 2021
JOB REF.: 020-051-RICH



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



Printed
7/25/2023
10:29AM
Created
7/25/2023
10:25 AM

Transaction Receipt

Receipt# 740,078
tgoodwyn

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

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-8/24/23 ZBA Mtg. 21 Derry St Map 174 Lot 080-000 Zone-TR Variance Application	0.00	233.6600	0.00
			Total:	233.66

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Timothy M. Macgregor JR	CHECK	CHECK # 90	233.66	0.00	233.66
			Total Due:		233.66
			Total Tendered:		233.66
			Total Change:		0.00
			Net Paid:		233.66



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

MEETING MINUTES - July 13, 2023 - drafts edited

The Hudson Zoning Board of Adjustment met on Thursday, July 13, 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 7:01 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board's Bylaws) regarding the procedure and process of the meeting.

Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate), Tim Lanphear (Alternate), Normand Martin (Regular/Vice Chair), Jim Pacocha (Regular), Dean Sakati (Regular) and Edward Thompson (Alternate/Clerk). Also present were Dillon Dumont, Selectman Liaison (arrived 7:13 PM), Louise Knee, Recorder (remote), and Chris Sullivan, Zoning Administrator. Excused was Marcus Nicolas (Regular) and it was noted that he would have recused himself as he is an abutter to the Case before the Board. Alternate Dion was appointed to vote.

IV. **PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

DEFERRED HEARINGS:

Case 147-016 (07-13-23) (deferred from 05-25-23): Derry & Webster LLC, c/o Vatche Manoukian, Manager, 253 Main St., Nashua, NH requests four (4) Variances for **181 B Webster St., Hudson, NH** [Map 147, Lot 016-000; Zoned Residential-Two (R-2)] as follows:

- a. To allow an existing (non-permitted) landscaping business to remain/continue where landscaping use is not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- b. To allow an existing (non-permitted) landscaping business to continue to sell retail landscaping products where this use is not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- c. To allow the continued use of existing (non-permitted) garaging or parking of commercial vehicles and equipment where the garaging or parking of two or more light commercial vehicles or heavy commercial vehicles and equipment are not permitted in the R-2 district. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses.]

Not Official until reviewed, approved and signed.

As edited [GD, TG]

- 50
51 **d.** To allow the continuation of additional mixed uses on the lot where mixed
52 uses on a lot are not permitted in the R-2 district. [HZO Article III: General
53 Regulations; §334-10A, Mixed or dual use on a lot.]
54

55 Mr. Sullivan read the Case and the four (4) separate Variances into the record and
56 noted that it was deferred from the May 25, 2023 meeting and that a Site Walk was
57 held Saturday July 8, 2023 at 9:00 AM. Mr. Daddario stated that regardless of
58 whether the Applicant presents each Variance request separately or provides the
59 general overview, the Board will need to address the five (5) criteria required to be
60 satisfied for each of the four (4) Variances being requested.

61 Atty. Andrew Prolman of Prunier & Prolman, PLLC introduced himself as representing
62 the Property Owner Derry & Webster LLC and noted that Vatche Manoukian, Manager
63 of Derry & Webster LLC, Tony Basso, PE of Keach-Nordstrom, Inc. and Mike Regis of
64 Regis Landscaping were also present, thanked the Board for the Site Walk held last
65 Saturday (7/8/2023), and submitted two (2) letters from nearby neighbors, one from
66 Laurie Greer of 28 Derry Lane dated 5/25/2023 stating that Regis Landscaping was
67 there when she bought the property fourteen (14) years ago and stated that she has no
68 issue with the landscaping business and one from Steven Manna of 34 Mansfield
69 Drive dated 5/24/2023 stated that he lives 0.7 miles from Regis Landscaping and he
70 hears no noise from any hour coming from them. Atty. Prolman provided some history
71 of the site noting that it was once part of the Garrison Farm, that was farmed by the
72 Colby family, that the office of Regis Landscaping is in part of the convenient store
73 building with the farm stand, that there has been historical presence and consistent
74 use of landscaping businesses on site – from Sherwood Excavation, then the site was
75 sold to Tamposi in 1988 with Tamerie Tamarack Landscaping, then sold to Second
76 Generation Properties in 1996 and then sold to Derry & Webster in 2003 with Regis
77 Landscaping. Atty. Prolman referenced Samuel Tamposi letter dated 6/23/202~~0~~₃
78 attesting that the site has the same uses then as now and re-dated the letter
79 5/22/2023 (1994 – 2023).

80 Atty. Prolman provided a letter from Nick Ackerman Real Estate Advisor from NAI
81 Norwood Group attesting that the uses on the site have had no adverse impact on
82 surrounding property values and provided actual sales numbers and average sale
83 prices from 2019 – 2023. Atty. Prolman added that there were eighteen (18) sales from
84 Sparkling River between 10/2~~1~~/202~~1~~₂ to 6/22/2023.

85 Atty. Prolman acknowledged their awareness that their next step is to the Planning
86 Board for Site Plan Review and dealing with the wetland encroachments noticed at the
87 Site Walk. Atty. Prolman stated that at the Site Walk Mike Regis stated that he would
88 be amenable to erect a fence, provide a tree buffer and relocate the shifterscreener.

89 Mike Regis of Regis Earth Products and Landscaping joined Atty. Prolman at the
90 Applicant's table. Mr. Regis stated that he has been in the landscaping business for
91 thirty (30) years and in Hudson for twenty (20) years; that he has twelve (12)
92 employees now but prefers fifteen (15); that his business hours are 7:00AM – 6:00 PM
93 Monday through Friday, 8:00 AM – 4:00 PM Saturdays during peak season then
94 reducing closing time to 1:00 PM and closed on Sundays; that their season ends in
95 October; that they keep no chemicals on site; that there are no sales in the wintertime
96 and that they only do commercial plowing in wintertime; and that he has more than
97 ten thousand (>10,000) customers and submitted Regis Earth Products Contact List

98 as of May 22, 2023 that consisted of thirty (30) pages of single spaced contact
99 information.

100 Atty. Prolman noted that this site was originally part of Garrison Farms and the use
101 has been consistent for decades, that the surrounding area was all farmland and that
102 the area around this site has been developed with full knowledge that this site with its
103 mixed uses was in existence.

104 The Board reviewed the correspondence received to date -Mr. Dumont asked and
105 received confirmation from Mr. Sullivan that no other correspondence has been
106 received. Mr. Dion asked and received confirmation from Mr. Regis that he has
107 received no complaints from Village Reeds Brook Condominium, Shoreline Drive,
108 Scenic Lane residents and noted that they do masonry work but the development
109 across the street has their own landscaper.

110 Atty. Prolman addressed the criteria necessary for the granting of a Variance and the
111 information shared included:

112 (1) *not contrary to public interest*

- 113 • There has been a landscaping business at this site for decades
- 114 • Allowing existing landscaping business on this lot to continue will not alter
115 the character of the neighborhood nor threaten the public health safety or
116 welfare of the neighborhood nor the Town of Hudson

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

- 118 • Allowing Regis Landscaping to continue on this large lot will not ~~h~~ harm any
119 public rights nor alter the character of the neighborhood
- 120 • Indeed, a landscaping business on this lot have been going on so long that it
121 is part of the character of the neighborhood

122 (3) *substantial justice done*

- 123 • Regis Landscaping is an ongoing business providing services to residences
124 and businesses in the Town of Hudson and surrounding communities
125 and maintains many employees through the year
- 126 • Allowing Regis to continue is a significant benefit to Regis, its employees,
127 and the property owner with no adverse impact to the Town.
- 128 • The balancing test of substantial justice criteria weighs in favor of the
129 applicant

130 (4) *not diminish surrounding property values*

- 131 • We know there has been no impact to surrounding property values because
132 of the successful build-out of nearby developments

133 (5) *hardship*

- 134 • The property is unique and unusual given its history with multiple mixed
135 uses
- 136 • There are large area wetlands at the rear of the property which must be
137 respected
- 138 • Given the successful use of a landscaping business on the property for
139 many many years, the restriction of prohibiting landscaping businesses
140 at this site is not fair and reasonable to the applicant nor Regis
141 Landscaping
- 142 • Regis's operation is a benign commercial operation, as opposed to heavy
143 industrial uses
- 144 • Regis's business provided provides services to residential customers

- 145 • Allowing the long time landscaping operation to continue is a reasonable use
146 of this lot
147 • There is a fundamental fairness to be obtained with the granting of this
148 variance
149

150 Mr. Daddario asked if there were any changes in the Zoning Ordinance and Atty.
151 Prolman responded that the Zone was changed to R2 after Garrison Farm ceased
152 operating. Mr. Lanphear commented that the surrounding houses have been built
153 since 2005. Board reviewed aerial views from 2005 and 2020 for comparisons. Atty.
154 Prolman stated that the driveway off Derry Lane has been abandoned and Mr. Regis
155 stated that he could beautify the front. Mr. Dion referenced the prior Code
156 Enforcement action taken in 1989 and the 1990 Consent Order. Mr. Sakati
157 referenced the court docket and Mr. Dumont stated that it predates complaints
158 received.

159 Mr. Thompson stated that back in 2020, the Planning Board (PB) declined Site Plan
160 Review and Mr. Dumont stated that the reason was their determination that ZBA
161 action was necessary before presentation to the Planning Board. Mr. Basso stated
162 that the application to the PB in 2020 was for the store and the deli's ability to make
163 food on site.

164 Mr. Thompson stated that when he drove by the site he was able to see through the
165 arborvitae and saw lots of logs onsite. Mr. Regis stated that he sells cordwood but is
166 not a processing center. Mr. Daddario questioned the splitter on site and Mr. Regis
167 stated that he could enclose the area for a sound buffer. Mr. Martin stated that
168 cutting during the day is "normal" noise, whether splitting or chain sawing, to which
169 Mr. Dumont stated that the normal hours of operation is 7:00 AM - 5:00 PM,
170 Saturdays 8:00 AM - 4:00 PM in April, May and June and Sundays 9:00 AM - 2:00
171 PM. Discussion arose. It was noted that hours of operation is considered and defined
172 by the PB during Site Plan Review.

173 Mr. Sakati stated that there is a lot of dust at, on and around the site and referenced
174 the Town Planner's review comment #5 - material stockpiles approximately 20'-30' in
175 height without any buffering or sufficient screening - and attributed the lack of
176 enforcement over the years to be a contributing factor. Mr. Regis stated that they do
177 screening on site to make loam, and yes it does create dust and Mr. Regis stated that
178 that he has water tank on site that he could use to dampen the dust.

179 Mr. Dion asked if Regis Landscaping keeps any chemicals, hydro feed or fertilizers on
180 site and noted that chemicals and fertilizers are kept in the greenhouse on site. Mr.
181 Regis responded that he buys as needed for his jobs but does not store any.

182 Mr. Dumont asked if there is any paving proposed and Atty. Prolman responded that
183 the area of/for the eight (8) parking spaces would be paved.

184 Mr. Lanphear questioned the wetland encroachment. Atty. Prolman confirmed that it
185 is their intent to preserve the wetland buffer. Mr. Dumont noted that it is a man-
186 made wetland and questioned its value. Mr. Martin stated that it was 'created' in the
187 1980's to handle drainage from Webster Street and Derry Lane, and, in his opinion,
188 should have never been allowed.

189 Public testimony opened at 8:40 PM. No one addressed the Board.

190 a. To allow existing Landscaping business to remain

191 Mr. Martin made the motion to grant the Variance. Mr. Pacocha stated that he would
192 seconded the motion if a stipulation could be added – specifically, that all unregistered
193 vehicles and inoperable/unusable equipment be removed from site. Mr. Martin agreed
194 to add the stipulation to his motion. Mr. Pacocha seconded the motion to grant with
195 the stipulation

196 Mr. Martin spoke to his motion stating that this project will not be contrary to public
197 interest; the property has had landscaping activity for decades, before the homes were
198 constructed in the area; it observes the spirit of the Ordinance and does not injure
199 public or private rights; substantial justice would be done to the property owner and
200 Regis Landscaping; the Applicant provided testimony that surrounding property
201 values will not be diminished; hardship is met because the Zone changes since the
202 property was in use, the houses surrounding this site were constructed in the last
203 decade or so, that there's no negative abutter testimony from the whole, just a
204 scattered few from the general area and this is a reasonable use for this property.

205 Mr. Pacocha agreed with Mr. Martin stating that this property has existed in its
206 present state for over twenty (20) years and defined the character of the neighborhood
207 over that time period and observes the spirit of the Ordinance and does no harm to the
208 public; the Applicant demonstrated that surrounding property values have continued
209 have continued to rise over time; and that hardship criteria is satisfied with the
210 change in Zone from G (General) to R2 (Residential 2) which in essence amounts to
211 estoppel; and the proposed use is reasonable and has existed for over twenty (20)
212 years.

213 Mr. Daddario stated that this is a tough Casecase, that the business existed and
214 operated prior to the residences being built, that even though the next step is to go to
215 the Planning Board for Site Plan Review, it is this Board's responsibility to strike a
216 balance which, in his opinion, requires more stipulations and suggested three (3)
217 more: (2) that the discontinuance of the Derry Lane driveway, even though proclaimed
218 by the Applicant, should be stipulated along with the requirement to create a
219 landscape buffer along Derry Lane and to Webster Street also; (3) that dust
220 maintenance be defined with the use of water wetting the area; and (4) that hours of
221 operation be declared that would also define which hours the chainsaw can be used.
222 Board discussed. Mr. Martin agreed to add stipulation (2) and (3) to his motion but
223 not (4) and suggested that the roadside beautification be its own stipulation. Mr.
224 Pacocha agreed to second the motion with the three (3) additional stipulations for a
225 total of four (4) – removal of inoperable, unusable and unregistered vehicles and
226 equipment; discontinuance of Derry Lane driveway; roadside buffers; and dust
227 maintenance.

228 Roll call vote taken. Mr. Daddario voted to grant with the four (4) stipulations noting
229 that it is not contrary to public interest, that the use predates the developments
230 around it, that the business serves the community that includes a depository of grass
231 clippings and selling of cord wood, that there is no conflict or injury, that it allows the
232 property owner to continue to make long standing use and does not create harm to the
233 general public, that the only evidence presented supports that there is no negative
234 impact to surrounding property values, that the specific application of the Use Table is
235 unreasonable with respect to this property at this time, the use has been on this
236 property for decades and is part of the character of the neighborhood, and it is
237 reasonable for this property, the lot has been designed and situated for this use and
238 business has been conducted in this form for many years.

239 Mr. Sakati voted not to grant the variance as it is contrary to the purpose of the
 240 Ordinance and does not comply with the spirit of the Ordinance, that the property
 241 suffers from several decades of ignored zoning, that the size of the material piles and
 242 dust created on site diminishes neighboring property values, the character of the
 243 neighborhood cannot be defined by one property, that special conditions related to the
 244 property do not exist and it is not reasonable in the R2 Zone. Only criteria 3 satisfied.

245 Mr. Dion voted not to grant the variance as the business does not fit the character of
 246 the neighborhood and the complaints of the neighborhood cannot be ignored; thereby
 247 criteria 1 and 2 not satisfied.

248 Roll call vote was 3:2 with Mr. Dion and Mr. Sakati opposed. Variance granted with
 249 the following stipulations:

- 250 (1) Any vehicles not registered and inoperable equipment ~~shall~~ be removed
 251 from property
- 252 (2) Driveway from Derry Lane to be discontinued
- 253 (3) Buffer to be added to front of property on Webster Street and to be similar to
 254 buffer off Derry Lane and to be approved by the Planning Board
- 255 (4) Dust control mitigation to be made when necessary with wetting by water
 256 truck spraying

257 The 30-day Appeal period was noted.

258 Board took a five (5) minute break at 9:07 PM.

259

260 b. To allow Regis Landscaping to continue to sell retail landscaping products

261 Atty. Prolman stated that the retail products include mulch and topsoil. Mr. Regis
 262 added that compost and loam are produced on site

263 Atty. Prolman addressed the criteria necessary for the granting of a Variance and the
 264 information shared included:

- 265 (1) *not contrary to public interest*
- 266 • There has been a landscaping business at this site for decades
 - 267 • Regis Landscaping provides services off site and sells retail landscaping
 268 products from 187 Webster Street. In that regard Regis is conducting itself
 269 like any other landscaping business
 - 270 • Allowing the sale of landscaping products on this lot to continue will not alter
 271 the character of the neighborhood, nor threaten the public health safety or
 272 welfare of the neighborhood or the Town of Hudson
- 273 (2) *will observe the spirit of the Ordinance*
- 274 • Allowing the sale of landscaping products to continue on this large lot will not
 275 harm any public rights nor alter the character of the neighborhood
 - 276 • Indeed, the retail sales on this site have been going on so long that they are
 277 the character of the neighborhood
- 278 (3) *substantial justice done*
- 279 • Regis Landscaping is an ongoing business providing services to residences
 280 and businesses in the Town of Hudson and surrounding communities
 281 and maintains many employees through the year

- 282 • Allowing Regis to continue its current operations is a significant benefit to
 283 Regis, its employees and the property owner with no adverse impact to
 284 the Town
- 285 • The balancing test of substantial justice criteria weighs in favor of the
 286 applicant
- 287 (4) *not diminish surrounding property values*
- 288 • We know there has been no impact to surrounding property values because
 289 of the successful build-out of nearby developments
- 290 (5) *hardship*
- 291 • The property is unique and unusual given its history with multiple mixed
 292 uses
- 293 • There are large area wetlands at the rear of the property which must be
 294 respected
- 295 • Given the successful use of a landscaping business of the property for so
 296 many years, the restriction of prohibiting retail sale of landscaping
 297 products is not fair and reasonable to the applicant nor Regis
 298 Landscaping
- 299 • Regis's operation is a benign commercial operation, as opposed to heavy
 300 industrial uses
- 301 • Regis's business provided provides services to residential customers
- 302 • Allowing the long time landscaping operation to continue is a reasonable use
 303 of this lot
 304

305 Mr. Regis stated that in the winter they do plowing and provide snow deicers. Mr.
 306 Thompson asked if the twelve (12) employees include the store. Mr. Regis responded
 307 that it does and added that there is also a part-timer in the office on weekends. Mr.
 308 Regis stated that pre-Covid they had approximately thirty (30) employees with sixty
 309 (60) in the wintertime for the shovelers. Mr. Dumont asked if the garage up the road
 310 had retail and Mr. Regis responded that they do not. Mr. Dion asked approximately
 311 how many customers come to the site during peak season and Mr. Regis responded
 312 that maybe twenty-five to fifty (25-50) people on a Saturday and maybe five to ten (5-
 313 10) people during the week.

314 Public testimony opened at 9:31 PM. No one addressed the Board.

315 Board discussion ensued. Mr. Martin stated that, in his opinion, the change from the
 316 G Zone to the R-2 Zone constitutes Municipal estoppel. Mr. Dumont stated that the
 317 original court Order allowed retail sales, Mr. Daddario stated that it relates to
 318 incidental sales and Mr. Lanphear added that he was in the landscaping business for
 319 sixteen (16) years and can attest that mulch and compost are part of the business.
 320 Mr. Sakati read the Court Order into the record.

321 Motion made by Mr. Martin and seconded by Mr. Pacocha to grant the variance with
 322 no stipulations. Mr. Martin spoke to his motion noting that because the use has
 323 existed for decades, it is not contrary to public interest and does observe the spirit of
 324 the Ordinance, that substantial justice would be done to the property owner and the
 325 landscaping business, that there has been no evidence presented to show use would
 326 diminish surrounding property values, and that changes to the Zone from G to R-2
 327 caused this site to be in violation of the Zoning Ordinance and the use is a reasonable
 328 use. Mr. Pacocha spoke to his second noting that allowing the retail sale of
 329 landscaping products will not alter the essential character of the neighborhood,

330 threaten public health, safety welfare or public rights, that the request does not do
 331 harm to others that outweigh the benefit to the applicant, that the applicant has
 332 presented material that property values have not been diminished and that the
 333 hardship criteria is because of the change of Zone from G to R-2, which in effect
 334 amounts to estoppel, and it is directly related to the business.

335 Mr. Sakati voted to deny the Variance as it conflicts with the purpose of the Zoning
 336 Ordinance for the R-2 Zone and does not observe the spirit of the Ordinance, that
 337 justice is done to the property owner with no harm to the general public, that selling
 338 landscaping product does not diminish property values, and there is no hardship
 339 related to special conditions to the land.

340 Mr. Dion voted to grant the Variance as it is not contrary to public interest and is
 341 consistent with surrounding business and the business has existed for decades and
 342 does not effect the surrounding neighborhood and has not slowed growth of the
 343 neighborhoods and has continued to increase surrounding property values and the
 344 property has been used for landscaping for a considerable amount of time and this
 345 reasonable use became noncompliant with the change in Zone.

346 Mr. Daddario voted to grant the variance for the same reasons cited in granting the
 347 Variance to allow the landscaping business to remain.

348 Roll call vote was 4:1 to grant the Variance for retail sales of landscaping products
 349 with no stipulations. Mr. Sakati opposed. The 3-day Appeal period was noted.

350

351 c. To allow the continued garaging or parking of commercial vehicles and equipment

352 Atty. Prolman addressed the criteria necessary for the granting of a Variance and the
 353 information shared included:

354 (1) *not contrary to public interest*

- 355 • There has been a landscaping business at this site for decades and a
 356 successful landscaping business inherently has multiple commercial
 357 vehicles
- 358 • Allowing Regis's commercial vehicles to continue using this lot will not alter
 359 the character of the neighborhood, nor threaten the public health safety or
 360 welfare of the neighborhood or the Town

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

- 362 • Allowing multiple commercial vehicles to continue on this large lot will not
 363 harm any public rights nor alter the character of the neighborhood
- 364 • Indeed, the landscaping business on this lot has been going on so long that
 365 they it is part of the character of the neighborhood

366 (3) *substantial justice done*

- 367 • Regis Landscaping is an ongoing business providing services to residences
 368 and businesses in the Town of Hudson and surrounding communities
 369 and maintains many employees through the year
- 370 • Allowing Regis to continue its current operations is a significant benefit to
 371 Regis, its employees and the property owner with no adverse impact to
 372 the Town

- 373 • The balancing test of substantial justice criteria weighs in favor of the
 374 applicant

375 (4) *not diminish surrounding property values*

- 376 • We know there has been no impact to surrounding property values because
377 of the successful build-out of nearby developments
378 (5) *hardship*
379 • The property is unique and unusual given its long history with multiple
380 mixed uses
381 • There are large area wetlands at the rear of the property which must be
382 respected
383 • Given the successful use of a landscaping business of the property for so
384 many years, the restriction of prohibiting multiple commercial vehicles is
385 not fair and reasonable to the applicant nor Regis Landscaping
386 • Regis's operation is a benign commercial operation, as opposed to heavy
387 industrial uses
388 • Regis's business provided provides services to residential customers
389 • Allowing the long time landscaping operation to continue is a reasonable use
390 of this lot
391

392 Mr. Regis stated that not all his equipment require a CDL license and he does not have
393 any that are heavier the 26,000 GVW (Gross Vehicle Weight) and shared that he has a
394 one-yard loader with a bucket in front, a three-yard loader, ~~in~~ skid steers, a mini
395 excavator and a three quarter-yard excavator-, several pick-up trucks, a screener for
396 loam compost, three (3) bobcats but he's about to sell one, three (3) three quarter (3/4)
397 ton pickup trucks but one is his personal truck, ~~six~~ (6) one-ton pick-up trucks.

398 In-depth discussion ensued. Mr. Daddario and Mr. Dion proposed specifying exactly
399 what and how many should be included in the variance, similar to the NOD granted to
400 185 Webster Street. Mr. Dumont cautioned and advised to set no list or limit to avoid
401 creating a code enforcement issue in the future. Mr. Thompson agreed if a condition
402 could be made that all vehicles on site need to be registered and equipment
403 operational. Discussion continued and explored growth of the business. Mr. Regis
404 stated that he has no plans to grow his business. Atty. Prolman stated that a
405 significant and material change to Regis Landscaping would constitute an expansion
406 of business and they would be required to go back to the Planning Board to modify
407 their Site Plan.

408 Public testimony opened at 10:34 PM. No one addressed the Board.

409 Motion made by Mr. Martin and seconded by Mr. Pacocha to grant the Variance as
410 requested. Mr. Martin spoke to his motion stating that the business already exists on
411 the site and is not contrary to public interest and does observe the spirit of the
412 Ordinance and substantial just would be done to the property owner and the
413 landscaping business owner, that there is no diminution of surrounding properties,
414 that the hardship is due to the change in the Zone which forced this business to be in
415 violation of the Ordinance as this is a reasonable use. Mr. Pacocha spoke to his
416 second stating that the garaging or parking of commercial vehicles is essential to
417 operating a landscaping business and does not alter the character of the neighborhood
418 or threaten public health safety or welfare or injure public rights, that justice would be
419 done to the property owner that is not outweighed by harm to the public, that
420 demonstrated by the sales history provided by the Applicant there is no diminution to
421 surrounding property values and that the hardship occurred due to the rezoning of the
422 property from the G Zone to the R-2 Zone when the use, when established, was an
423 allowed use and that the use is reasonable for the business type.

424 Mr. Sakati voted to deny the variance as it is contrary to the purpose of the Ordinance
 425 for the R-2 Zone and does not observe the spirit of the Ordinance and character of the
 426 neighborhood, that substantial justice would be done to finalize the conduct of the
 427 business, that it is not consistent with the R-2 Zone or surrounding property values
 428 and that there are no special property conditions that provide a hardship. Criteria 1,
 429 2, 4 and 5 were not met.

430 Mr. Dion voted to deny the variance stating that equipment and heavy trucks do not
 431 match the aesthetics of the neighborhood, that sound complaints and noise pollution
 432 and dust cannot be ignored, that trucks coming in and out do not match the
 433 neighborhood character, that trucks idling late into the evening can be a nuisance,
 434 that the public has been living with the location, that there has been no diminution of
 435 surrounding property values as they are continuing to rise and even though it is a
 436 reasonable use, there is no unique conditions of the property to satisfy the hardship
 437 criteria. Criteria 1, 2 and 5 not met.

438 Mr. Daddario voted to grant the variance with the same rationale provided with the
 439 first and second variance and with the understanding that a significant change to the
 440 business would require additional relief from the Planning Board and possibly ZBA.

441 Roll call vote was 3:2. Variance granted with no stipulations. The 30-day Appeal
 442 period was noted.

443

444 d. To allow the continuation of additional mixed uses on the lot

445 Atty. Prolman addressed the criteria necessary for the granting of a Variance and the
 446 information shared included:

447 (1) *not contrary to public interest*

- 448 • There has been a landscaping business at this site for decades
- 449 • Allowing the mixed uses on this lot to continue will not alter the character of
 450 the neighborhood, nor threaten the public health safety or welfare of the
 451 neighborhood or the Town

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

- 453 • Allowing multiple uses to continue on this large lot will not harm any public
 454 rights nor alter the character of the neighborhood
- 455 • Indeed, the mixed uses on this lot has been going on so long that they are the
 456 character of the neighborhood

457 (3) *substantial justice done*

- 458 • Regis Landscaping is an ongoing business providing services to residences
 459 and businesses in the Town of Hudson and surrounding communities
 460 and maintains many employees through the year
- 461 • Allowing Regis to continue its current operations is a significant benefit to
 462 Regis, its employees and the property owner with no adverse impact to
 463 the Town
- 464 • The balancing test of substantial justice criteria weighs in favor of the
 465 applicant

466 (4) *not diminish surrounding property values*

- 467 • We know there has been no impact to surrounding property values because
 468 of the successful build-out of nearby developments

469 (5) *hardship*

- 470 • The property is unique and unusual given its long history with multiple
471 mixed uses
- 472 • There are large area wetlands at the rear of the property which must be
473 respected
- 474 • Given the successful use of the property, the restriction of prohibiting mixed
475 uses is not fair and reasonable to the applicant nor Regis Landscaping
- 476 • Regis's operation is a benign commercial operation, as opposed to heavy
477 industrial uses
- 478 • Regis's business provides services to residential customers
- 479 • Allowing the long time landscaping operation to continue is a reasonable use
480 of this lot

481 Mr. Pacocha noted that this variance is similar to previous variance granted and Mr.
482 Daddario noted that the previous Variance excluded Regis Landscaping.

483 Public testimony opened at 10:34 PM. No one addressed the Board.

484 Motion made by Mr. Martin and seconded by Mr. Pacocha to grant the Variance as
485 requested. Mr. Martin spoke to his motion stating that this business has been in
486 operation for twenty plus (20+) years so the granting of this request will not be
487 contrary to public interest, that the proposed use will observe the Ordinance, that
488 substantial justice would be done to the property owner and the business owner, that
489 it will not diminish values of surrounding properties, that the use is a reasonable and
490 that hardship is due to the change in Zone. Mr. Pacocha spoke to his second stating
491 that his reasoning is the same for the first four criteria as it was for the second
492 variance granted this meeting, that hardship exists due to the rezoning from the G
493 Zone to the R-2 Zone resulting in estoppel and that the business use with sales of
494 accessories is a reasonable use.

495 Mr. Dion voted to deny the variance request stating that the property interferes with
496 public health, the sound pollution, noise pollution and dust complaints by public
497 cannot be ignored, that the use effects public health and happiness and character of
498 the neighborhood, that surrounding property values continue to increase, that it is a
499 reasonable use but there are no specific nuances to the property creating a hardship.
500 Criteria 1, 2 & 5 were not satisfied.

501 Mr. Sakati voted to deny the variance stating that the request conflicts with the
502 purpose of the Ordinance for the R-2 Zone and does not observe the spirit of the
503 Ordinance, that substantial justice would be done because the landscaping business
504 has operated for over twenty (20) years, that the usage changes the character in the R-
505 2 Zone and hardship does not exist. Criteria 1, 2, 4 & 5 were not satisfied.

506 Mr. Daddario voted to grant the variance with the same reasoning he voiced for the
507 first variance heard and granted.

508 Roll call vote was 3:2. Variance granted with no stipulations. The 30-day Appeal
509 period was noted.

510 Atty. Prolman thanked the Board. Mr. Regis walked around the Board table and
511 shook every hand and said thank-you.

512

513 **V. REQUEST FOR REHEARING:**

514

515 No requests were presented for Board consideration.

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VI. REVIEW OF MINUTES:

6-22-23 edited Draft Minutes

Board reviewed and made no changes. Motion made by Mr. Martin, seconded by Mr. Pacocha and unanimously voted to approve the 6/22/2023 Minutes as edited.

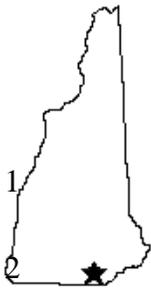
VII. OTHER:

No other business was presented.

Motion made, seconded and unanimously voted to adjourn the meeting. The 7/13/2023 ZBA meeting adjourned at 10:51 PM.

Respectfully submitted,
Louise Knee, Recorder

AS EDITED



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

MEETING MINUTES – July 27, 2023 – as edited

The Hudson Zoning Board of Adjustment met Thursday, July 27, 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**

Vice Chairman Normand Martin called the meeting to order at 7:03 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board’s Bylaws) regarding the procedure and process of the meeting.

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

IV. **PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

1. **Case 191-073 (07-27-23):** Shannon L. Baluta and William J. Janocha, **28 B Street, Hudson, NH** requests a Variance to build a proposed 864 SF car port within the front yard setback leaving 17.9 feet where 30 feet is required. [Map 191, Lot 073-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Mr. Sullican read the Case into the record and referenced his Staff Report initialed 7/18/2023. It was noted that no comments were received from in-house Officials and a certified plot plan prepared by Gregg R. Jeffrey, LLS, of Jeffrey Land Survey LLC dated March 2023 was received on 6/12/2023 that locates the proposed eight hundred sixty four foot (864 SF) car port with dimensions of 24’ x 36’ directly in front of existing garage leaving 17.9’ of front setback from the northern corner and 19’ from the southern corner.

Shannon Baluta and William Janocha introduced themselves as the property owners and sat at the Applicants’ table. Ms. Baluta addressed the criteria required for the granting of a variance and the information shared included:

Not Official until reviewed, approved and signed.

As Edited [LK]

- 46 (1) *not contrary to public interest*
47 • Not contrary to public interest as having a carport in front of existing garage
48 will protect our vehicles from the elements and keep them off the street side
49 • Vehicles are expensive
- 50 (2) *will observe the spirit of the Ordinance*
51 • The proposed carport does observe the spirit of the Ordinance and is a
52 reasonable use and would allow us to place our vehicles under cover
53 from the elements and off the roadside
54 • The carport cannot be placed on the side of the house as it would be too close
55 to 30 B Street and require the land to be built up and add pavement
56 • The carport will also help to protect from falls for her 88 year old mother in-
57 law who lives with them
58 • The carport will be built to code and will not make the property unappealing
- 59 (3) *substantial justice done*
60 • Substantial justice would be done to us as the property owners as it will
61 help us keep our vehicles on our property and keep them protected
62 • The balancing test weighs in favor of the property owners and their mother
- 63 (4) *not diminish surrounding property values*
64 • proposed carport will not diminish surrounding property values but instead
65 help them as it will keep our cars off the street – in fact, the proposed
66 carport could help increase property values in the neighborhood with its
67 proper construction
- 68 (5) *hardship*
69 • There is no reasonable use that can be made of the property that would be
70 permitted under the Ordinance
71 • Need the variance to have the ability to enter the garage under the
72 protection of the carport and keep our vehicles out of the elements and
73 also keep them off the street and protected
74 • There is no other location to place to locate the carport on the lot.

75

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

77

78 Mr. Sakati inquired if others in the neighborhood had carports and Ms. Baluta
79 responded that she did not know but has seen some of those cloth-covered tents. Mr.
80 Dumont noted that all the lots in this neighborhood are small lots and that there is
81 only a five foot (5') setback required for driveways and that no comments were received
82 from DPW (Department of Public Works).

83

84 Mr. Dion asked and received conformation from Mr. Janocha that the carport would
85 be open-air supported by eight (8) twelve inch (12") sona tubes to a dept of four feet
86 (4') below grade due to being in a snow-zone. Ms. Baluta added that it will be a sound
87 structure with roofline matching the house.

88

89 Mr. Dion asked to view the street view and questioned if there were plans to widening
90 the driveway and needing a curb cut. Mr. Janocha responded that it should line-up,
91 that the Town is currently redoing A Street and then next B Street and ideally he
92 would want a straight shot from his driveway to the carport.

93 Motion made by Mr. Pacocha and seconded by Mr. Sakati to grant the Variance as
94 requested. Mr. Pacocha spoke to his motion stating that it will not be contrary to
95 public interest and not alter the character of the neighborhood, that it observes the
96 spirit of the Ordinance and does not conflict with its purpose, that there would be no
97 harm to the general public and improvements do not diminish surrounding property
98 values and that the size of the lot and location of the home there hinders reasonable
99 use. Mr. Sakati spoke to his second stating that it does not alter the character of the
100 neighborhood or introduce safety issues, that justice is done because the applicant
101 needs this shelter and it does not diminish value of surrounding property values and
102 there was no public opposition presented and that literal enforcement of the
103 Ordinance would result in unnecessary hardship.
104

105 Mr. Nicolas voted to approve the motion as public health and safety do not seem to be
106 threatened and the character of the neighborhood will not be altered and public
107 welfare will not be outweigh benefit to owner, property values will not be diminished,
108 and the house lot configuration is not uniform thereby posing a challenge to find
109 reason not to grant.
110

111 Mr. Dion voted to grant the Variance stating that the carport is providing shelter to
112 vehicles and does not intrude public way or safety, compared to other properties in
113 local area the garage carport does not seem out of place, there is no harm done to the
114 general public and will potentially increase the safety of the occupants, will not
115 diminish property values and is a valuable addition to the property, the properties are
116 small and location of the property limits potential for change and the proposed carport
117 is a reasonable use.
118

119 Mr. Martin voted to grant stating that it will not be contrary to public interest, will
120 observe the spirit of the Ordinance and substantial justice would certainly be done to
121 the property owners, that no evidence supported to show that this project will
122 diminish the values of surrounding properties and that the Zoning Ordinance creates
123 these hardships.
124

125 Roll call vote was 5:0. Variance granted with no stipulations. The 30-day Appeal
126 period was noted.
127
128

- 129 2. **Case 165-155 (07-27-23):** Jared Buttles, 8 Wire Road, Merrimack, NH requests
130 a Variance for **77 Derry Street (Unit A-1D), Hudson, NH** owned by Hudson-
131 Vickery, LLC to allow the uses of warehousing (E-10) and distribution (E-8) of
132 toys from online retail sales in the Business Zone where these uses are not
133 permitted. [Map 165, Lot 155-000; Zoned Business (B); HZO Article V:
134 Permitted Uses; §334-21, Table of Permitted Principal Uses.]
135

136 Mr. Sullivan read the Case into the record and referenced his Staff Report initialed
137 7/18/2023 [and Zoning Determination #23-090](#) and noted that authorization letters
138 have been filed by Daniel Gordon if Property Owner Hudson Vickery, LLC for the
139 Applicant Jared Buttles and by Jared Buttles authorizing Gottesman & Hollis, PA and

140 that, by his Zoning Determination #23-090 dated 6/29/2023, if the Variance is
141 granted, the Applicant would then need Site Plan Approval by the Planning Board.
142

143 Atty. Morgan Hollis of Gottesman & Hollis, PA, in introduced himself as representing
144 both the Applicant, Jared Buttles, and Property Owner Dan Gordon of Hudson
145 Vickery, LLC. Atty. Hollis noted that Building A of the Hudson Mall got divided into
146 smaller spaces with all the front spaces designed for retail space and noted that the
147 rear unit with access to the loading dock (Unit A-1D) has been vacant for a while.
148 Atty. Hollis stated that what is before the Board is an unusual ask and an unusual
149 property. Atty. Hollis stated that Mr. Buttles seeks space with a loading dock to
150 store/warehouse toys for later distribution, either through mail or delivery, with very
151 little, if any, "street" retail. Atty. Hollis stated that a tractor-trailer would deliver to the
152 site every two (2) weeks and box vans, like UPS, would come/go every business day.
153

154 Atty. Hollis addressed the criteria required for the granting of a variance and the
155 information shared included:
156

157 (1) *not contrary to public interest*

- 158 • The proposed use is a toy distribution and warehouse use in a 3,300 SF area
159 in the rear of what is known as the "Hudson Mall" in Unit A-1D.
- 160 • Unit A-1D within the mall does not have a street view and is located in the
161 back of the building where shipments and deliveries take place for the
162 existing grocery store (Hannaford) and other tenants.
- 163 • Granting the Variance will not alter the character of the neighborhood, as
164 there will be no change to the street front of the building and shipping and
165 receiving already occur behind this building for existing businesses.
- 166 • Allowing a warehouse and distribution of toys behind the building that does
167 not have a storefront in the typical sense is not contrary to the public
168 interest.

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

- 170 • The lot is Zoned Business (B) which allows for retail uses, but not storage of
171 retail goods.
- 172 • The proposed use will be in the back of the mall where many deliveries are
173 made daily.
- 174 • The proposed use is not an industrial use, but rather a warehouse and
175 distribution of toys from an online storefront, much like a retail store,
176 without the same level of storefront traffic.
- 177 • The proposed warehouse will not alter the essential character of the
178 neighborhood and will not threaten the public health, safety or welfare as
179 water and sewer are available at the unit and more than adequate space
180 for truck deliveries exist and such movements do not threaten pedestrian
181 safety.

182 (3) *substantial justice done*

- 183 • If granted, there will be no harm to the general public or any other
184 individual.
- 185 • The location of the unit where the proposed use will be is behind the portion
186 of the building used for retail and public parking for such use and is

187 where all storage, deliveries and shipping normally occur for the retail
188 uses.

- 189 • For the limited foot traffic, if an, there is sufficient parking and access to the
190 unit.
 - 191 • The proposed use will not alter the essential character of the neighborhood
192 as the use will not be any different than shipping and receiving for retail
193 uses that already exist and there is no street view of the unit.
 - 194 • Denial will impose substantial harm to the applicant that is not outweighed
195 by harm to the public and harm to the owner with unusable space
 - 196 • The balancing test weighs in favor of the property owner and the applicant.
- 197 (4) *not diminish surrounding property values*
- 198 • Granting the variance will not cause any real change to the neighborhood.
 - 199 • This is a Business district and the use will be located in only 3,300 SF (of
200 112,822 SF) and be for storage and distribution of toys, similar to any
201 retail store that has more of an online presence.
 - 202 • The proposed use will have no effect upon or be noticeable by the
203 surrounding properties.
 - 204 • Truck deliveries will be by smaller vehicles than those delivering to other
205 users, notably the grocery store

206 (5) *hardship*

- 207 • This property is unique in that it is a shopping center which contains a
208 grocery store and retail store fronts, with this single unit in the rear.
- 209 • This unit was created when the original grocery store relocated to the newer
210 addition to the south and its former space was divided into small retail
211 units with those units being shortened in depth as no user would agree
212 to pay for the rear area.
- 213 • The unit has remained remarkable un-rentable due to no visibility from the
214 front and the delivery trucks at its entry door area.
- 215 • To gain access to this particular unit, access is from the delivery lane
216 around the back of the building.
- 217 • If the proposed use is granted there will be no change to the existing retail
218 uses and there will be no visible changes to the public
- 219 • Enforcing the Business District where retail is allowed without allowing this
220 small unit to store and distribute toys from an online retail business has
221 no fair and substantial relationship to the purpose of the Zone as this
222 portion of the building is really near the industrial type use of the
223 property and the proposed use while similar to the retail uses permitted
224 and existing only with no storefront presence.
- 225 • The proposed use does not belong in the district where warehousing and
226 distribution are permitted, nor in the strictly retail location rather than
227 other industrial where the use is permitted
- 228 • It is reasonable to allow this light industrial use of storing toys and
229 distributing them in the rear of a retail center.

230

231 Public testimony opened at 7L50 PM. No one addressed the Board.

232

233 Mr. Nicolas asked and received confirmation that the proposed use is just to house
234 inventory for later shipping.

235
236 Mr. Dion inquired about customer pick up and Mr. Buttles stated that would be a very
237 rare occurrence. Mr. Dion noted that there is no wheelchair access and not ADA
238 compliant. Atty. Hollis stated that it would be okay to place a condition of approval
239 that there is to be no customer pickup.

240
241 Mr. Sakati reviewed the list of the other retailers in the mall and questioned if the
242 variance, if granted, would stay with the property. Mr. Martin responded in the
243 affirmative, that the variance remains in perpetuity but only for this specific unit (Unit
244 A-1D) for small package distribution. Mr. Thompson questioned whether there would
245 be any accessory storage and Atty. Hollis confirmed that there would be no accessory
246 storage. Mr. Thompson inquired how many employees there would/could be and Mr.
247 Sakati questioned the hours of operation. Atty. Hollis responded that the Applicant,
248 Mr. Buttles, would be the only employee and that the hours of operation would be
249 determined and stipulated at Site Plan Review with the Planning Board.

250
251 Mr. Dion questioned the shelving proposed, whether there would be any pallet
252 stacking. Mr. Buttles responded and stated that it would be normal shelving, eight to
253 ten feet in height, and there would be no need for a forklift

254
255 Mr. Nicolas made the motion to grant the Variance with the stipulation that the
256 property unit is not to be used as a storefront retail store. Mr. Pacocha seconded the
257 motion. Mr. Nicolas spoke to his motion stating that it does not alter the essential
258 character of the neighborhood or threaten public health and safety, that it will not
259 alter the character of the neighborhood nor will it infringe on public rights, the benefit
260 to the owner will not be outweighed by harm to the general public, that property
261 values will not be diminished and the property (unit) is hidden from public view, that
262 it is a shopping center and delivery to the rear is normal in a center like this and the
263 proposed use is reasonable.

264
265 Mr. Pacocha spoke to his second noting that it is not contrary to public interest and
266 does not conflict or alter the character of the neighborhood, that there is no harm to
267 the general public, there is no noticeable change so there should be no diminution of
268 surrounding property values and because it is basically retail sales without walk-in
269 customers, the use is more suited to the use proposed than the use allowed in the
270 Ordinance.

271
272 Mr. Sakati voted to deny the Variance stating that there is no threat to public health
273 or safety but it does conflict with the purpose of the Ordinance and even though there
274 is no harm to the general public hardship and hardship was not established because
275 the alterations were a choice made by the property owner. Criteria 2 & 5 were not
276 satisfied.

277
278 Mr. Dion voted to grant the Variance with the stipulation stating that the
279 neighborhood is already being utilized for storefronts and light industrial, that the
280 neighborhood already has lots of trucks going in and out that are transporting goods

281 so this will not be noticeable, that the general public will have minimal to no impact
282 due to the small size of the operation, that it potentially maintains or increases the
283 property due to upkeep and maintenance, that the size and location of the property
284 limits tenants and uses and the proposed use is a reasonable use.
285

286 Mr. Martin stated that he is in agreement with Mr. Dion, that they have the quietest
287 neighbors with the abutting cemetery to the rear and voted to grant the Variance with
288 the stipulation stating that the property already exists on this project and it will not be
289 contrary to the public interest and will observe the spirit of the Ordinance and
290 substantial justice will be done to the property owner and the proposed use will not
291 diminish the surrounding property values, the property has been in use for a long time
292 and hardship exists because of the zone in which this type of use is allowed and the
293 proposed use is a reasonable one.
294

295 Roll call vote was 4:1 to grant the Variance with the stipulation that the property unit
296 (#A-1D) is not to be used as a storefront retail store. Mr. Sakati opposed. The 30-day
297 Appeal period was noted.
298

299 **V. REQUEST FOR REHEARING:**

300
301 No requests were presented for Board consideration.
302

303 **VI. REVIEW OF MINUTES:**

304
305 07/08/23 edited Draft Site Walk Minutes

306 Motion made by Mr. Martin, seconded by Mr. Dion and unanimously voted to approve
307 the 7/8/2023 Minutes as presented.
308

309 07/13/23 edited Draft Minutes
310 Not available for review.
311

312 **VII. OTHER:**

313
314 No other business presented for Board consideration.
315

316
317 Motion made by Mr. Nicolas, seconded by Mr. Martin and unanimously voted to adjourn
318 the meeting. The 7/27/2023 ZBA meeting adjourned at 8:05 PM.
319

320
321 Respectfully submitted,
322 Louise Knee, Recorder