

# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

### MEETING AGENDA – September 28, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **September 28, 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 149-022 (09-28-23):** Daniel & Lisa Mahoney, 7 Rosemary Ct., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a 2020 installed above-ground pool, in an Open Space Subdivision, to remain which completely encroaches into the required 7.5 ft. rear setback. [Map 149, Lot 022-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article XI: Open Space Development; §334-52, Dimensional requirements.]
  2. **Case 231-017 (09-28-23):** Dennis Wilkinson & Laurie Brown, 9 Beaver Path, Hudson, NH requests a Variance to locate a proposed 12 ft. x 16 ft. shed in the front yard where accessory storage structures (sheds) shall be placed to the rear of the main building. [Map 231, Lot 017-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27.1(C), General Requirements.]
  3. **Case 165-154 (09-28-23):** Keri Demers, 153 Lowell Rd., Hudson, NH requests a Special Exception for 102 Derry St., Hudson, NH to allow a dog & cat daycare facility with retail services of grooming, training, animal rescue services, pet supplies retail sales, community pet education and kennel (day & overnight boarding). [Map 165, Lot 154-000; Zoned Business (B); HZO Article VI: Special Exceptions; §334-23, General Requirements and HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses (D-2).]
- V. **REQUEST FOR REHEARING:** None
- VI. **REVIEW OF MINUTES:**  
08/24/23 edited Draft Minutes
- VII. **OTHER:**

Chris Sullivan, Zoning Administrator

# su | do | ku

© Puzzles by Pappocom

5			4			7	6	
6		2	1					
			6	5				
	5			4	9		8	
8	1	3					5	
				3	2			
					5	1		9
3	7			1				4

Fill in the puzzle so that every row, every column and every 3x3 grid contains the digits 1 through 9. That means that no number is repeated in any row, column or grid. Shown at right is the answer to yesterday's puzzle.

6	3	1	7	2	4	8	9	5
7	4	8	6	9	5	1	2	3
2	9	5	1	8	3	4	6	7
4	2	7	3	1	8	6	5	9
9	8	3	4	5	6	2	7	1
1	5	6	2	7	9	3	8	4
8	6	4	9	3	7	5	1	2
5	1	9	8	4	2	7	3	6
3	7	2	5	6	1	9	4	8

### Legal Notice

**Public Notice**  
The Community College System of New Hampshire (CCSNH) Request for Proposals For: APPRENTICESHIP BUILDING AMERICA (ABA) GRANT PARTNER At: CCSNH System Office, Concord, NH Project # CHA24-01

The Community College System of New Hampshire, CCSNH, is soliciting proposals from qualified vendors to become Apprenticeship Building America (ABA) Grant Partners, administered by Community College System of NH's System Office in Concord, NH. The resulting contract will be for one (1) year. The proposals shall be in accordance with the conditions and specifications in the request for proposal available on the Community College System of New Hampshire's website at <https://www.ccsnh.edu/about-ccsnh/bidding-rfp/>. Proposals will be accepted until Friday, October 13th, 2023. (UL - Sept. 18, 19, 20)

### Legal Notice

Sealed Bids will be received by the Town of Merrimack until 2:00 PM on Monday, October 2, 2023 to supply and deliver one wheel handler loader for the Wastewater Treatment Facility. To obtain a related bid package, please contact Kelly Valluzzi at [kvalluzzi@merrimacknh.gov](mailto:kvalluzzi@merrimacknh.gov) or (603) 424-7075. (UL - Sept. 20)

### 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 David Litwinovich and Shantel Litwinovich (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for Sovereign Bank, and now held by Wells Fargo Bank, N.A. (the "Mortgagee"), said mortgage dated November 12, 2010, and recorded in the Hillsborough Registry of Deeds in Book 8262, Page 1386, (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 **November 14, 2023 at 09:00 AM**  
Said sale to be held on the mortgaged premises hereinafter described and having a present address of 163 Beard Road, New Boston, Hillsborough County, NH 03070.  
(UL - Sept. 13, 20, 27)

### 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 CT Corporation System, 2 1/2 Beacon Street, 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 [nhbd@banking.nh.gov](mailto:nhbd@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 Farmington, Connecticut, on September 5, 2023.  
Wells Fargo Bank, N.A.  
By its Attorney,  
Bozenna Wysocki  
Brock & Scott, PLLC  
270 Farmington Avenue,  
Suite 151  
Farmington, CT 06032  
(UL - Sept. 13, 20, 27)

Going Online? See more public notices at [www.unionleader.com](http://www.unionleader.com)

### TOWN OF HUDSON

#### ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearings THURSDAY, SEPTEMBER 28, 2023

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Chris Sullivan, Zoning Administrator

# WONDERWORD

By DAVID OUELLET

HOW TO PLAY: All the words listed below appear in the puzzle — horizontally, vertically, diagonally and even backward. Find them, circle each letter of the word and strike it off the list. The leftover letters spell the WONDERWORD.

ACRYLIC DESIGNS Solution: 7 letters

M	I	N	I	M	A	L	T	N	E	I	D	A	R	G
S	A	L	O	N	O	O	T	R	A	C	L	E	L	L
T	R	N	C	E	E	L	B	R	A	M	T	O	S	I
A	C	E	I	L	N	L	A	V	O	A	S	R	T	T
M	I	S	K	C	A	F	I	N	E	S	A	E	E	T
P	L	W	E	C	U	S	D	W	Y	T	F	M	N	E
P	E	W	A	N	I	R	S	S	S	R	F	M	C	R
O	D	O	N	V	I	T	E	I	E	E	L	U	I	L
L	E	B	A	G	E	L	S	E	C	N	O	S	L	A
K	H	N	I	L	K	S	H	K	L	D	W	P	E	N
A	C	I	A	N	Q	A	N	R	T	K	E	I	T	O
D	Y	A	I	U	N	I	L	A	Y	O	R	T	S	S
O	S	R	A	D	T	C	A	R	T	S	B	A	A	A
T	P	R	E	D	W	O	P	O	L	I	S	H	P	E
S	E	I	R	R	E	H	C	U	T	I	C	L	E	S

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Abstract, Almond, Cartoon, Cherries, Classic, Cuticles, Fine, Flower, Freehand, Gel, Glitter, Glossy, Gradient, Knit, Lines, Manicure, Marble, Minimal, Neon, Oval, Pastel, Polish, Polka Dots, Powder, Psychedelic, Rainbow, Royal, Salon, Seasonal, Sparkle, Sprinkles, Square, Stamp, Stars, Stencil, Stickers, Summer, Sweater, Tips, Trend, Waves  
Yesterday's Answer: Baroque

### Cryptoquip

The cryptoquip is a simple substitution cipher in which each letter used stands for another. If you think the X equals O, it will equal O throughout the puzzle. Single letters, short words and words using an apostrophe can give you clues to locating vowels. Solution is accomplished by trial and error.

TK WVAMPVCR TW SGOEMUTZX  
OPVOGC O LUOZM, VZM ATXBS  
WOR SBMR'GM AVETZX OS  
SBM WLMCM VK KUTXBS.

Yesterday's Cryptoquip: FAMOUS ACTOR THEY PICKED TO PLAY SHAKESPEARE IN AN UPCOMING BIOGRAPHICAL FILM: BARD PITT.

Today's Cryptoquip Clue: B equals H

### Bridge

Steve Becker

This deal occurred during the famous Culbertson-Lenz match in 1931.

Josephine Culbertson opened one diamond, and Oswald Jacoby made a weak jump-overcall of two hearts. Ely Culbertson bid three spades — a jump-shift indicating a powerful hand — and Sidney Lenz passed. Mrs. Culbertson then bid three notrump.

This might have been the right bid in those days, but by modern standards four diamonds would surely be regarded as preferable for two reasons: First, hands with

6-4-2-1 distribution don't lend themselves well to notrump play. Second, three notrump did not express the slam possibilities suggested by a hand with 17 high-card points facing a jump-shift.

Nevertheless, several rounds of bidding later the Culbertsons found themselves in six diamonds. It was an unsound contract, of course, but it had a good chance of succeeding — depending on the opening lead.

Jacoby had no clear-cut lead. The Culbertsons had bid all four suits, and where to attack was by no means obvious. It seemed to him there was a good chance that North had the A-Q of spades for his three-spade bid, and that a later finesse against his king would win.

So Jacoby decided to put Mrs. Culbertson under immediate pressure by leading the six of spades. He thought she might read the lead as a singleton and go up with the ace.

Jacoby's plan succeeded beyond his wildest dreams. Lenz won the trick with the ace and returned a spade, quickly nipping the slam in the bud. Had Jacoby led any other suit, Mrs. Culbertson would have scored all 13 tricks!

Tomorrow:  
Malfeasance in office.  
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### Crossword

Eugene Sheffer

<b>ACROSS</b>	<b>DOWN</b>
<b>1</b> Felonious flights	<b>1</b> Staying power
<b>5</b> Wrestling surface	<b>2</b> Region
<b>8</b> Historic Scott	<b>3</b> Behave
<b>12</b> Composer Satie	<b>4</b> Yarn bundles
<b>13</b> Coach Par-seghian	<b>5</b> Avril follower
<b>14</b> Used a loom	<b>6</b> Joan of —
<b>15</b> Science of heredity	<b>7</b> Cold War news agency
<b>17</b> Israel's Abba	<b>8</b> Resided
<b>18</b> "Sexy" Beatles girl	<b>9</b> Tech-nology relating to automa-tions
<b>19</b> Beauty parlors	<b>10</b> Author Hunter
<b>21</b> Tennis barriers	<b>11</b> Lairs
<b>24</b> Hairy Addams cousin	<b>16</b> Golf prop
<b>25</b> Low range	<b>20</b> Has a bug
<b>28</b> October stone	
<b>30</b> British verb ending	
<b>33</b> Antlered grazer	
<b>34</b> Russian range	
<b>35</b> When doubled, it's a dance	
<b>36</b> — kwon do	<b>59</b> Take it easy
<b>37</b> Postpaid enc.	
<b>38</b> Jacob's twin	
<b>39</b> "Frontline" aier	
<b>41</b> Roman 1109	
<b>43</b> Supplies food for	
<b>46</b> Untamed	
<b>50</b> Landed	
<b>51</b> Delicate dinner party topic	
<b>54</b> Mythical birds	
<b>55</b> Vitamin stat	
<b>56</b> Jazz singer James	
<b>57</b> Booked solid	
<b>58</b> "Cer-tainly!"	
<b>22</b> Afghanis-tan's — Bora region	<b>23</b> Tic
<b>25</b> Wager	<b>26</b> Pie — mode
<b>27</b> Doubters	<b>29</b> Mr. Guinness
<b>31</b> — Na Na	<b>32</b> Water (Fr.)
<b>34</b> Cold War initials	<b>38</b> New Hamp-shire town
<b>40</b> Flag maker Ross	<b>42</b> "— Were a Rich Man"
<b>43</b> Keto restriction	<b>44</b> Matty of baseball
<b>45</b> Agile	<b>47</b> Bar mitzvah, e.g.
<b>48</b> Play parts	<b>49</b> Aspiring atty.'s exam
<b>52</b> Poetic tribute	<b>53</b> Scale notes

Solution time: 23 mins.

M	I	N	I	A	B	S	A	L	L	S		
R	O	O	T	V	A	C	R	E	A	P		
T	U	N	A	F	I	S	H	F	A	V	A	
				L	E	D	O	M	A	H	A	N
C	O	K	I	E	M	O	O	R				
U	S	N	A	T	O	L	L	F	R	E	E	
R	H	O	C	E	D	E	D	E	A	R		
T	A	X	F	R	A	U	D	S	A	R	A	
				R	A	M	S	P	U	M	P	S
S	C	R	U	B	S	O	I	L				
O	L	E	G		T	A	K	E	F	I	V	E
L	A	N	A	E	V	A	U	R	A	L		
O	P	E	L		R	A	Y		R	E	N	D

Yesterday's answer 9-20

1	2	3	4		5	6	7		8	9	10	11		
12					13				14					
15					16				17					
18									19	20				
				21		22	23		24					
25	26	27						29			30	31	32	
33						34					35			
36						37					38			
				39	40				41	42				
43	44						45			46		47	48	49
50									51	52	53			
54													56	
57										58				59

### Horoscope

Eugenia Last

**IF BORN ON THIS DATE:** A positive change will help you fulfill your dreams. Get on the information highway and discover what's possible. Add to your skills, knowledge and insight by looking into what's trending. Your numbers are 6, 10, 24, 29, 35, 41, 49.

**Birthdate of:** Phillip Phillips, 33; Kristen Johnston, 56; Gary Cole, 67; Sophia Loren, 89.

### ARIES

(March 21-April 19)

Socializing will offer an intro to someone who can show you a diverse way to use your skills to get what you want.

### TAURUS

(April 20-May 20)

An open mind and compassionate heart will be your passage to new beginnings and openings perfect for the skills and qualifications you offer.

### GEMINI

(May 21-June 20)

Domestic, professional and relationship issues are priorities. Maintain a positive and flexible dialogue to avoid confusion and disappointment.

### CANCER

(June 21-July 22)

A challenge is apparent and must be dealt with gracefully and with

dignity. Put positive energy into the process and you'll have an impact on both participants and onlookers.

### LEO

(July 23-Aug. 22)

Keep life simple, drama-free and running smoothly. Now is not the time to cause upset or make costly or unnecessary changes.

### VIRGO

(Aug. 23-Sept. 22)

Check your availability before wasting time on something implausible. You may desire a change, but timing is crucial if you want to be successful.

### LIBRA

(Sept. 23-Oct. 22)

Actions speak louder than words, and putting effort behind your promises will give you the necessary edge to impress people. Spend time with someone who lifts your spirits.

### SCORPIO

(Oct. 23-Nov. 21)

You know what you need and want, and you can convince anyone you encounter to see things your way. Your aim to stabilize your personal or professional life will pan out.

### SAGITTARIUS

(Nov. 22-Dec. 21)

Control is necessary to make things happen. Take the initiative to strengthen your connections to people with skills to help you reach your goal.

### CAPRICORN

(Dec. 22-Jan. 19)

Put a budget, project guidelines and an exercise routine in place, and it will improve your thinking, attitude and lifestyle. Choose peace over friction.

### AQUARIUS

(Jan. 20-Feb. 18)

Take a moment to clear your head and assess whatever situation you face. Put your energy into what matters, and take care of unfinished business to alleviate stress. Romance is favored.

### PISCES

(Feb. 19-March 20)



# 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: September 28, 2023

CJS  
9/19/23

**Case 149-022 (09-28-23):** Daniel & Lisa Mahoney, 7 Rosemary Ct., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a 2020 installed above-ground pool, in an Open Space Subdivision, to remain which completely encroaches into the required 7.5 ft. rear setback. [Map 149, Lot 022-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article XI: Open Space Development; §334-52, Dimensional requirements.]

**Address:** 7 Rosemary Ct.

**Zoning district:** Residence Two (R-2)

#### Property Description:

Our records indicate this parcel is an existing lot of record of 16,117.2 sf. The property is in an open-space development.

#### Summary:

The applicant is requesting a variance to allow an above-ground pool to completely encroach into the required 7.5 ft. rear setback.

#### §§334-48 Definitions

##### Open Space Development (OSD):

A form of land subdivision where lot size and other dimensional requirements and minimum road widths may be reduced in exchange for the permanent preservation or provision of proportional areas of open space, farmland, recreational land, and other lands. An "OSD" shall adhere to the permitted uses and density requirements otherwise applicable to the district in which the "OSD" is located.

##### § 334-52 Dimensional requirements:

[Amended 3-13-2001 by Amdt. No. 2]

Frontage and setback requirements for individual lots within an OSD may be reduced up to 50% of the minimum frontage and setback requirements established in **Article VII**, as provided herein, if approved by the Planning Board.

- A. No reduced frontage lots shall be allowed to front on preexisting streets, roads, or highways.
- B. Setback reductions shall not be permitted along property lines that abut non-OSD residentially developed properties.

**In-House comments:**

**Town Engineer: No comment**

**Inspectional Services/Fire Dept.:** Swimming pool and electrical permits as well as inspections will be required if the pool is dismantled and reassembled

**Town Planner: No comment**

**History/Attachments:**

**A:** Zoning Determination/Notice of Violation, (December 5, 2022)

**B:** 2022 Aerial

**C:** Property Card

**D:** Aerial showing encroachments

**E:** Foundation location plan showing the pool and the shed that has been moved.  
(Plan Date - 11-18-22)

**F:** Engineer review form (August 21, 2023)

**G:** Inspectional Services/Fire Department review form (August 17, 2023)

**G1:** Memo from Inspectional Services Dated (August 17, 2023)

**H:** Planning review form (August 28, 2023)

A



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #22-153 Notice of Violation

December 5, 2022

Lisa and Daniel Mahoney  
7 Rosemary Ct.  
Hudson, NH 03051

**Re:** 7 Rosemary Ct Map 149 Lot 022-000  
**District:** Residential Two (R-2)

**Subject:** Above ground pool and shed encroachments.

Dear Lisa and Daniel,

I am in receipt of a recent certified plot plan that indicates 2 violations of the Zoning Ordinance.

**Zoning Review / Determination:**

Your property is within an "Open Space Development" which allows certain reductions of required building and structure setbacks. On your property, the required rear setback is 7.5 ft from property lines. The submitted certified plot plan indicates 2 violations as follows:

- 1) Lack of required setback per §334-27 Table of Dimensional Requirements. The above ground pool is located within the required setback. Please remove/move the pool into compliance, or apply for an Equitable Waiver of Dimensional Requirement from the Zoning Board of Adjustment.
- 2) Lack of required setback per §334-27 Table of Dimensional Requirements. The shed is located in violation of the required setbacks and is trespassing onto another property. Please remove or move the shed into a complying location.

I attach recent documentation (permits and applications) of the recent pool and associated deck.

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

12/6

A

Sincerely,  
*Bruce Buttrick*

*Bruce Buttrick*  
Zoning Administrator/Code Enforcement Officer  
(603) 816-1275  
[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)

encl: 11/18/22 Certified Plot Plan, Pool permit/application (attachment "A") and Deck permit/application (attachment "B").

cc: Public Folder  
D. Hebert, Fire Marshal  
B. Groth, Town Planner  
Adjacent "open space" Landowner  
File

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

(A)

7 Rosemary Ct.

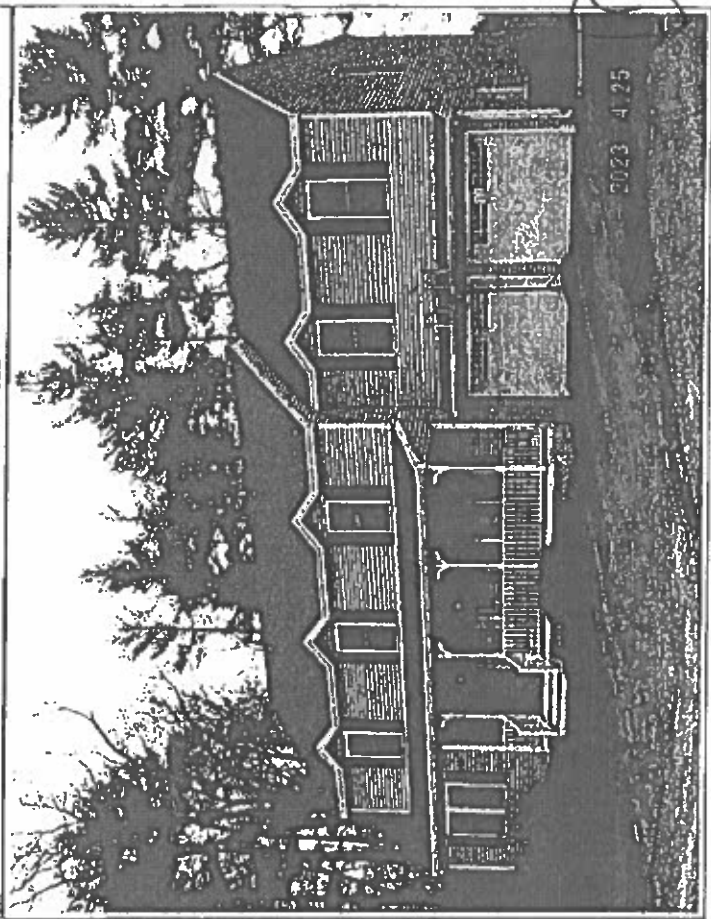
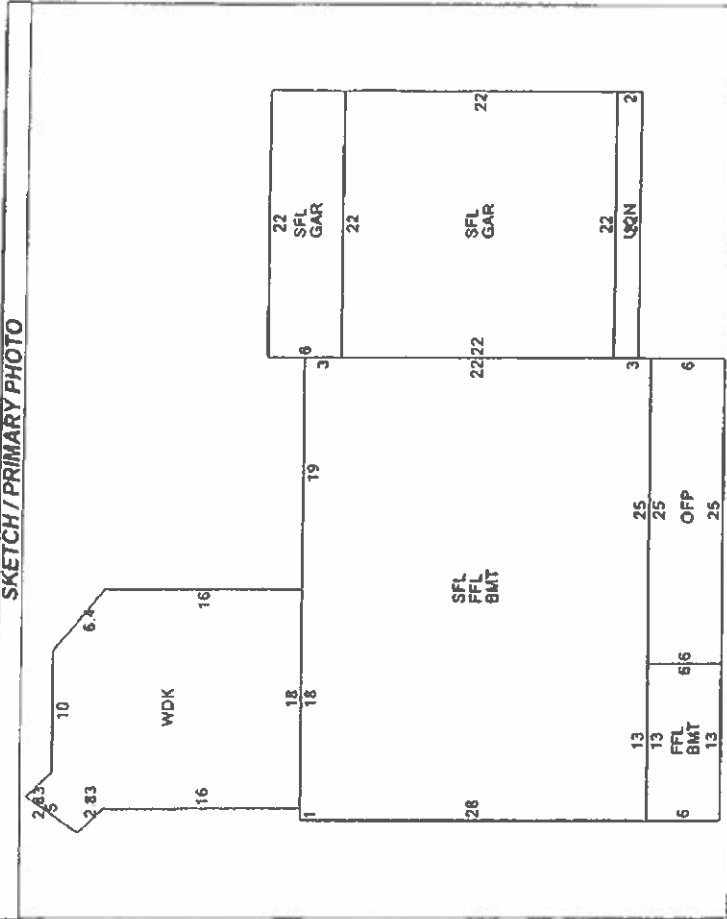


August 18, 2023

- Parcels - Aerials
- Parcels

1 inch = 40 feet





CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Description	Element	Description
01	Residential	8	Avg Ht/FL
02	Colonial	0	Extra Kitchens
03	Good		Add Kitchen Ra
04	Vinyl		
01	Gable		
01	Asphalt Shingle		
01	Wood		
01	Concrete		
01	Drywall		
04	Carpet		
02	Gas		
01	Forced Air		
1	# Heat Systems		
100	AC Percent		
8	Total Rooms		
5	Bedrooms		
2	Full Baths		
1	3/4 Baths		
2	Half Baths		
0	Extra Fixtures		
1	Kitchens		
AV	Kitchen Rating		
GD	Bath Rating		
AV	Half Bath Rating		
0	Bsmt Garage		
0	Fireplace(s)		
0	Fireplace Rating		
0	WS Flues		
8	Color		
0	Avg Ht/FL		
0	Extra Kitchens		

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)		COST / MARKET VALUATION	
Code	Description	Unit	Value
POOLAO	Oval Above Ground Pool	0.00	477,586
POOLDK	Abv Grnd Pool Wood Deck	UNITS	1999
SHEDWD	Shed-Wood	UNITS	2016
XFRRM	Rec Room Fin, BMT	SQ. FT	VG
GENR	Residential Generator	UNITS	6
		UNITS	1,000
		UNITS	94
		UNITS	448,900

BUILDING SUB-AREA SUMMARY SECTION			
Code	Description	Living Area	Eff Area
BMT	Basement, Unfinished	0	286
FFL	First Floor, Finished	1,142	1,142
GAR	Garage	0	216
OFF	Open Frame Porch	0	150
SFL	Second Floor Finished	1,680	1,680
UCN	Unfinished Canopy	0	44
WDK	Wood Deck, or Composite Dk	0	358
	<b>Total Liv Area/Gr. Area/Eff Are</b>	<b>2,822</b>	<b>5,132</b>
	<b>Total Value</b>	<b>3,394</b>	<b>477,505</b>



CURRENT OWNER		ASSESSING NEIGHBORHOOD		PREVIOUS ASSESSMENTS (HISTORY)			
Year	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
2023	473,100	2022	1010	401,000	2022	1010	236,900
	145,200		1010	145,200		1010	109,400
	9,600		1010	9,600		1010	1,900
<b>Total</b>		<b>Total</b>		<b>Total</b>		<b>Total</b>	
627,900		555,800		627,900		348,200	

RECORD OF OWNERSHIP		SALE PRICE		SALE NOTES	
BK-VOL/PAGE	SALE DATE	Q/U	V/I	VC	Assessed
8659 1418	05-12-2014	U	U	0 44	473,100
8510 2007	12-26-2012	U	U		145,200
8459 0212	08-13-2012	U	U		9,600
6160 0374	09-22-1999	Q	U		

SUPPLEMENTAL DATA		CURRENT ASSESSMENT	
Parcel ID	Description	Code	Assessed
149-022-000	R2: Residential-2	1010	473,100
	Flood Hazard C	1010	145,200
	Neigh/About1	1010	9,600
	Neigh/About2		
	Neigh/About3		
GIS ID	149-022-000		
	PREV 0029-0048-0028		
	Assoc Pld#		
<b>Total:</b>			<b>627,900</b>

NOTES		VISIT / CHANGE HISTORY	
Parcel ID	Description	Date	Purpose/Result
149-022-000	PONDVIEW SUBDIV/PHASE III/PLAN #29216/21	04-25-2023	21 15 Permit Visit
	/nice composite decks/attached to pool/s	07-15-2022	27 45 Field Review
	ame level of existing deck/not valued as	05-18-2022	21 15 Permit Visit
	pool deck/21-shed 7/21 GL EXT=AVG	07-13-2021	22 02 Measured
	22/23-new addition over gar	07-13-2021	22 04 Info At Door
		05-28-2021	21 15 Permit Visit
		03-25-2021	21 15 Permit Visit
		05-10-2018	12 15 Permit Visit

BUILDING PERMIT RECORD		COMMENTS	
Permit ID	Issue Date	Permit C	Description
2022-01175-4-	01-30-2023	EL	Electr for Residential Addition adding 2nd floor master suite to garage and storage room to
2022-01175-3-	01-20-2023	MC	Install Mitsubishi Hyper HPCT Pump system, 1 18k Ductless and 1 24K duct system
2022-01175-2-	01-18-2023	PL	Plumbing for residential addition
2022-01175-1-	11-21-2022	RA	Residential Addition adding 2nd floor master suite to garage and storage room to rear of ga
2021-01034-1	10-14-2021	FD	Foundation for storage room and master suite addition
2021-01034	09-28-2021	GEN	Visit Notes: Piping For Gen-22kw.
2020-00457	06-12-2020	DK	
2020-00408	05-27-2020	AP	
2017-00426	05-03-2017	DK	

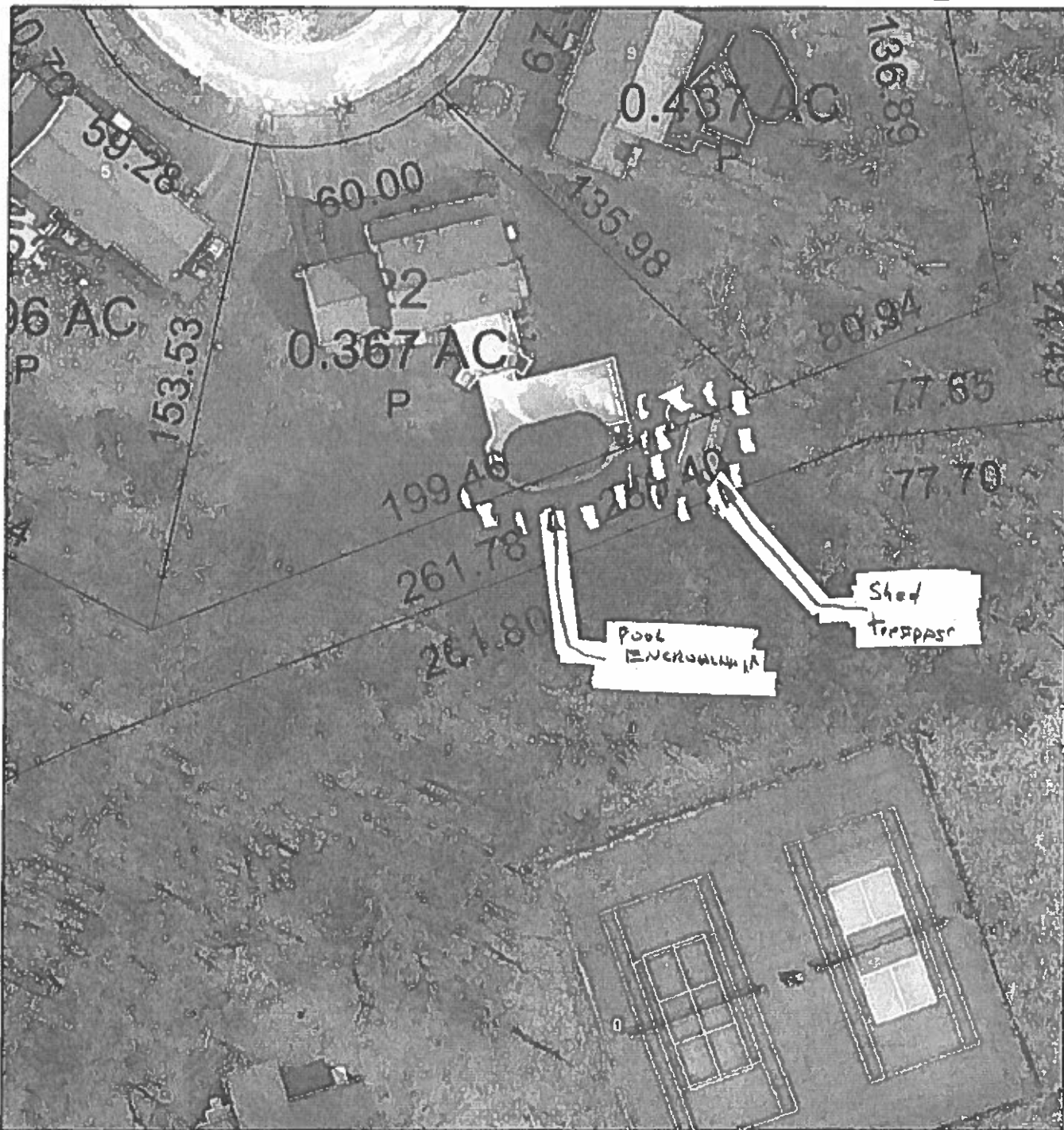
LAND LINE VALUATION SECTION		BUILDING PERMIT RECORD	
Permit ID	Issue Date	Permit C	Description
2022-01175-4-	01-30-2023	EL	Electr for Residential Addition adding 2nd floor master suite to garage and storage room to
2022-01175-3-	01-20-2023	MC	Install Mitsubishi Hyper HPCT Pump system, 1 18k Ductless and 1 24K duct system
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2017-00426	05-03-2017	DK	

# 7 Rosemary Ct encroachments

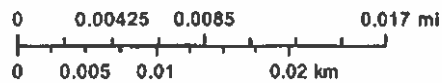


December 2, 2022

Legend

 Parcels

1:522



CTV

NOTES:

1. PROPERTY LOCATION: ROSEMARY COURT, HUDSON, NH. TAX MAP 149 LOT 22.
2. RECORD OWNERS: LISA MAHONEY TR. AND DANIEL MAHONEY TR.
3. CURRENT ZONING: R2.
4. THE PURPOSE OF THIS PLAN IS TO DENOTE THE EXISTING FOUNDATION ON THE SUBJECT PARCEL.
5. THIS SUBJECT PARCEL DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FEMA "FIRM" - FLOOD INSURANCE RATE MAP, TOWN OF HUDSON, COUNTY OF HILLSBOROUGH, NH. MAP NO. 301700100, EFFECTIVE DATE SEPTEMBER 21, 2004.

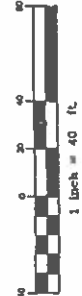
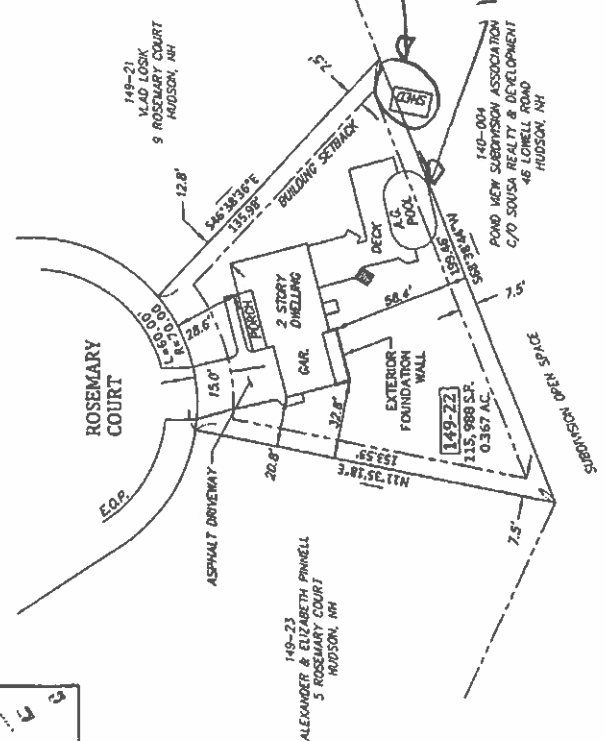
Foundation Location Plan  
 Tax Map 149 Lot 22  
 7 Rosemary Court  
 Hudson, NH

prepared for  
 Lisa & Daniel Mahoney  
 7 Rosemary Court  
 Hudson, NH  
[www.gatecitysurvey.com](http://www.gatecitysurvey.com)

Gate City Survey  
 Land Surveying & Civil Engineering  
 1 Turn Boulder rd - Spire 200 - Nahua, NH 03043 Tel: 603-482-4051  
 Project: 22281 Scale: 1" = 40' Date: 11/18/2022 SHEET: 1 OF 1

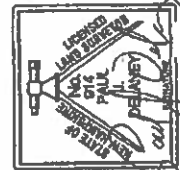


VICINITY MAP



CERTIFICATION:

I CERTIFY THAT THIS PLAN WAS PREPARED BY THIS OFFICE BASED ON FIELD WORK CONDUCTED BY THIS OFFICE DURING NOVEMBER, 2022 AND THAT MEASUREMENTS WERE MADE AND FOUND TO BE ACCURATE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ADMINISTRATIVE RULES BY THE BOARD FOR LAND SURVEYORS.



*Paul J. Kelly*  
 Surveyor

F

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

REQUEST FOR REVIEW/COMMENTS:

Case: 149-022 (09-28-23) (Equitable Waiver of  
Property Location: 7 Rosemary Ct Dimensional Requirement)

*For Town Use*

Plan Routing Date: 08/16/2023 Reply requested by: 08/23/2023 ZBA Hearing Date: 09/28/2023

I have no comments  I have comments (see below)

EZD Name: Elvis Dhima Date: 08/21/2023  
(Initials)

DEPT.  Town Engineer  Fire/Health Department  Town Planner

[Empty rectangular box for comments]

9

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 149-022 (09-28-23) (Equitable Waiver of  
Property Location: 7 Rosemary Ct Dimensional Requirement)

*For Town Use*

Plan Routing Date: 08/16/2023 Reply requested by: 08/23/2023 ZBA Hearing Date: 09/28/2023

I have no comments  I have comments (see below)

DRH Name: David Hebert Date: 08/17/2023  
(Initials)

DEPT:  Town Engineer  Fire/Health Department  Town Planner

See attached comments

91



# 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: August 17, 2023

RE: Above Ground Pool

Swimming pool and electrical permits as well as inspections will be required if the pool is dismantled and reassembled

David Hebert  
Fire Marshall

H

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 149-022 (09-28-23) (Equitable Waiver of  
Property Location: 7 Rosemary Ct Dimensional Requirement)

*For Town Use*

Plan Routing Date: 08/16/2023 Reply requested by: 08/23/2023 ZBA Hearing Date: 09/28/2023

I have no comments     I have comments (see below)

BG Name: Brian Groth Date: 08/28/2023  
(Initials)

DEPT:  Town Engineer     Fire/Health Department     Town Planner

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

Option 1- (Per RSA 674:33-a, I)

Equitable Waivers are granted, pursuant to RSA 674:33-a, I: When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

On 09-28-2023, the Hudson Zoning Board of Adjustment heard Case 149-022, being a request by Daniel & Lisa Mahoney, 7 Rosemary Ct., Hudson, NH for an Equitable Waiver of Dimensional Requirement to allow a 2020 installed above-ground pool, in an Open Space Subdivision, to remain which completely encroaches into the required 7.5 ft. rear setback. [Map 149, Lot 022-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article XI: Open Space Development; §334-52, Dimensional requirements.]

Y N DISCOVERED TOO LATE. The applicant has demonstrated that the violation was not noticed or discovered by any owner, former owner, owner’s agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and

Y N INNOCENT MISTAKE. The applicant has successfully demonstrated that the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner’s agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner’s agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; and

Y N NO NUISANCE: The applicant has successfully demonstrated that the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

Y N HIGH CORRECTION COST: The applicant has successfully demonstrated that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

Member Decision: \_\_\_\_\_

Signed: \_\_\_\_\_ Date \_\_\_\_\_  
Sitting Member of the Hudson ZBA

Print name: \_\_\_\_\_



TOWN OF HUDSON

AUG 09 REC'D

2023

76

APPLICATION FOR AN EQUITABLE WAIVER

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. 149-022(09-28-23)

Date Filed 8/9/23

Name of Applicant DANIEL MAHONEY Map: 149 Lot: 022 Zoning District: R-2

Telephone Number (Home) 603-305-0869 (Work) N/A

Mailing Address 7 ROSEMARY CT, HUDSON, NH 03051

Owner DANIEL & LISA MAHONEY

Location of Property 7 ROSEMARY CT, HUDSON, NH 03051  
(Street Address)

*[Handwritten Signature]*

Signature of Applicant

7/13/2023  
Date

*[Handwritten Signature]*

Signature of Property Owner(s)

7/13/2023  
Date

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

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

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

Date received: 8/9/23

COST:

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

<u>1</u> Abutter Notice:		
<u>4</u> Direct Abutters x Certified postage rate	\$ <u>5.01</u> =	\$ <u>35.07</u>
<u>4</u> Indirect Abutters x First Class postage rate	\$ <u>0.66</u> =	\$ <u>2.64</u>
<b>Total amount due:</b>		\$ <u>222.71</u>

Amt. received: \$ 222.71

Receipt No.: 742,164

Received by: TSG

check #1417

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

# TOWN OF HUDSON, NH

## Application Checklist

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

- | Applicant<br>Initials |   | Staff<br>Initials |
|-----------------------|---|-------------------|
| <u>TD</u>             | Please review the application with the Zoning Administrator or staff.   | <u>TG</u>         |
| <u>TD</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 <del>10 (ten)</del> <b>single-sided</b> copies of the assembled application packet. (Paper clips, no staples) <b>13</b>  | <u>TG</u>         |
| <u>TD</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>TD</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).<br>(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>TD</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:<br><a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a><br>(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>TD</u>             | <b>GIS LOCATION PLAN:</b> 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.<br>A copy of the GIS map can be obtained by visiting the town website:<br><a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>   | <u>TG</u>         |
| <u>TD</u>             | Provide a copy of all <b>single sided pages</b> of the assessor's card.<br>(NOTE: these copies are available from the Assessor's Office)  | <u>TG</u>         |
| <u>TD</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>TD</u>             | If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.   | <u>N/A.</u>       |

**CERTIFIED PLOT PLAN:**

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

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

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

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

D. Mary  
Signature of Applicant(s)

7/13/2023  
Date

D. Mary  
Signature of Property Owner(s)

7/13/2023  
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
		*Include Applicant & Owner(s)	
149	022	MAHONEY, DANIEL, TR. MAHONEY, LISA, TR. MAHONEY FAMILY LIVING TRUST	7 ROSEMARY CT HUDSON, NH 03051
140	004	K&M DEVELOPERS, LLC	46 LOWELL ROAD HUDSON, NH 03051
149	018	FLOYD, JOHN A. FLOYD, KAREN A.	4 ROSEMARY CT. HUDSON, NH 03051
149	019	BRUNELL, BRANDON JULIAN, LAURA	6 ROSEMARY CT. HUDSON, NH 03051
149	020	FALLON, GARY FALLON, ERIN M.	8 ROSEMARY CT. HUDSON, NH 03051
149	021	LOSIK, VLAD LOSIK, ZHANNA	9 ROSEMARY CT. HUDSON, NH 03051
149	023	PINNELL, E. ALEXANDER PINNELL, ELIZABETH L.	5 ROSEMARY CT HUDSON, NH 03051

**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

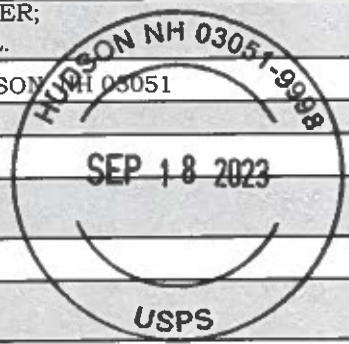
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
149	001	HIGHLAND WOODS CONDOMINIUM C/O GREAT NORTH PROP. MGMT.	636 DANIEL WEBSTER HWY MERRIMACK, NH 03054
149	017	STUART, ALAN C. STUART, LINDA J.	2 ROSEMARY CT. HUDSON, NH 03051
149	024	RONDEAU, DONNA B. RONDEAU, KEVIN M.	3 ROSEMARY CT. HUDSON, NH 03051
149	025	ZUCCARO, JEFFREY W. ZUCCARO, MELISSA	1 ROSEMARY CT. HUDSON, NH 03051

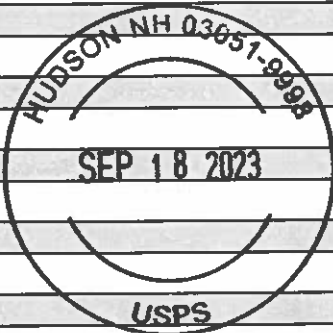
**USPS-Verified Mail**

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 149-022 <b>EQUITABLE WAIVER</b> 7 Rosemary Ct Map 149/Lot 022-000    - 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/28/2023 ZBA Meeting
1	9589 0710 5270 0646 5625 70	MAHONEY, DANIEL, TR.; MAHONEY, LISA, TR.; MAHONEY FAMILY LIVING TRUST	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5625 87	7 ROSEMARY CT., HUDSON, NH 03051 K&M DEVELOPERS, LLC	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5625 94	46 LOWELL RD., HUDSON, NH 03051 FLOYD, JOHN A.; FLOYD, KAREN A.	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5626 00	4 ROSEMARY CT., HUDSON, NH 03051 BRUNELL, BRANDON; JULIAN, LAURA	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5626 17	6 ROSEMARY CT., HUDSON, NH 03051 FALLON, GARY; FALLON, ERIN M.	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5626 24	8 ROSEMARY CT., HUDSON, NH 03051 LOSIK, VLAD; LOSIK, ZHANNA	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5626 31	9 ROSEMARY CT., HUDSON, NH 03051 PINNELL, E. ALEXANDER; PINNELL, ELIZABETH L.	ABUTTER NOTICE MAILED
8		5 ROSEMARY CT., HUDSON, NH 03051	
9			
10			
	Total Number of pieces listed by sender <b>7</b>	Total number of pieces rec'vd at Post Office <b>7</b>	Postmaster (receiving Employee) <b>JC</b>



USPS-Verified Mail

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 149-022 <b>EQUITABLE WAIVER</b> 7 Rosemary Ct Map 149/Lot 022-000 <span style="float:right">1 of 1</span>
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>09/28/2023 ZBA Meeting</b>
1	Mailed First Class	HIGHLAND WOODS CONDOMINIUM; C/O GREAT NORTH PROP. MGMT  636 DANIEL WEBSTER HWY, MERRIMACK, NH 03054	ABUTTER NOTICE MAILED
2	Mailed First Class	STUART, ALAN C.; STUART, LINDA J.	ABUTTER NOTICE MAILED
3	Mailed First Class	2 ROSEMARY CT., HUDSON, NH 03051 RONDEAU, DONNA B.; RONDEAU, KEVIN M.	ABUTTER NOTICE MAILED
4	Mailed First Class	3 ROSEMARY CT., HUDSON, NH 03051 ZUCCARO, JEFFREY W.; ZUCCARO, MELISSA	ABUTTER NOTICE MAILED
5		1 ROSEMARY CT., HUDSON, NH 03051	
6			
7			
8			
9			
10			
11			
12			
13			
	<b>Total # of pieces listed by sender</b> 4	<b>Total # of pieces rec'vd at Post Office</b> 4	<b>Postmaster (receiving Employee)</b> JC





# 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

September 15, 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, **09/28/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 149-022 (09-28-23): Daniel & Lisa Mahoney, 7 Rosemary Ct., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a 2020 installed above-ground pool, in an Open Space Subdivision, to remain which completely encroaches into the required 7.5 ft. rear setback. [Map 149, Lot 022-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and HZO Article XI: Open Space Development; §334-52, Dimensional requirements.]**

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

Respectfully,

Chris Sullivan  
Zoning Administrator





# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

---

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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](mailto: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](http://www.hudsonnh.gov) or in the Land Use Department located at the Hudson Town Hall.

Respectfully,

Chris Sullivan

Zoning Administrator

APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT  
Select Option 1 or Option 2 only

Per RSA674:33-a, I, Equitable Waiver of Dimensional Requirement: (OPTION 1)

When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

- (a) **DISCOVERED TOO LATE.** Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and

In May of 2020 we installed an above ground pool.

Pool installation was completed in 2020, however the lack of required setback was not discovered until December 2022.

- (b) **INNOCENT MISTAKE.** Explain how the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; and

The above ground pool was placed using measurements from the front of the lot. We believed that we had successfully placed the pool inside of the required boundary.

- (c) **NO NUISANCE.** Please explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

The above ground pool is not outside of the required setback, it sits a few feet within the required setback.

The setback borders an unused wooded area of our homeowner's association, Pond View.

- (d) **HIGH CORRECTION COST.** Please explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

There would be substantial cost involved in moving the above ground pool, including adjusting the surrounding accompanying deck & deck supports. There is no public benefit to moving the above ground pool.



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #22-153 Notice of Violation

December 5, 2022

Lisa and Daniel Mahoney  
7 Rosemary Ct.  
Hudson, NH 03051

Re: 7 Rosemary Ct Map 149 Lot 022-000  
District: Residential Two (R-2)

Subject: Above ground pool and shed encroachments.

Dear Lisa and Daniel,

I am in receipt of a recent certified plot plan that indicates 2 violations of the Zoning Ordinance.

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

Your property is within an "Open Space Development" which allows certain reductions of required building and structure setbacks. On your property, the required rear setback is 7.5 ft from property lines. The submitted certified plot plan indicates 2 violations as follows:

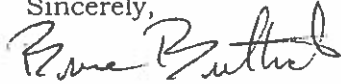
- 1) Lack of required setback per §334-27 Table of Dimensional Requirements. The above ground pool is located within the required setback. Please remove/move the pool into compliance, or apply for an Equitable Waiver of Dimensional Requirement from the Zoning Board of Adjustment.
- 2) Lack of required setback per §334-27 Table of Dimensional Requirements. The shed is located in violation of the required setbacks and is trespassing onto another property. Please remove or move the shed into a complying location.

I attach recent documentation (permits and applications) of the recent pool and associated deck.

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

12/6

Sincerely,



*Bruce Buttrick*

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)

encl: 11/18/22 Certified Plot Plan, Pool permit/application (attachment "A") and Deck permit/application (attachment "B").

cc: Public Folder

D. Hebert, Fire Marshal

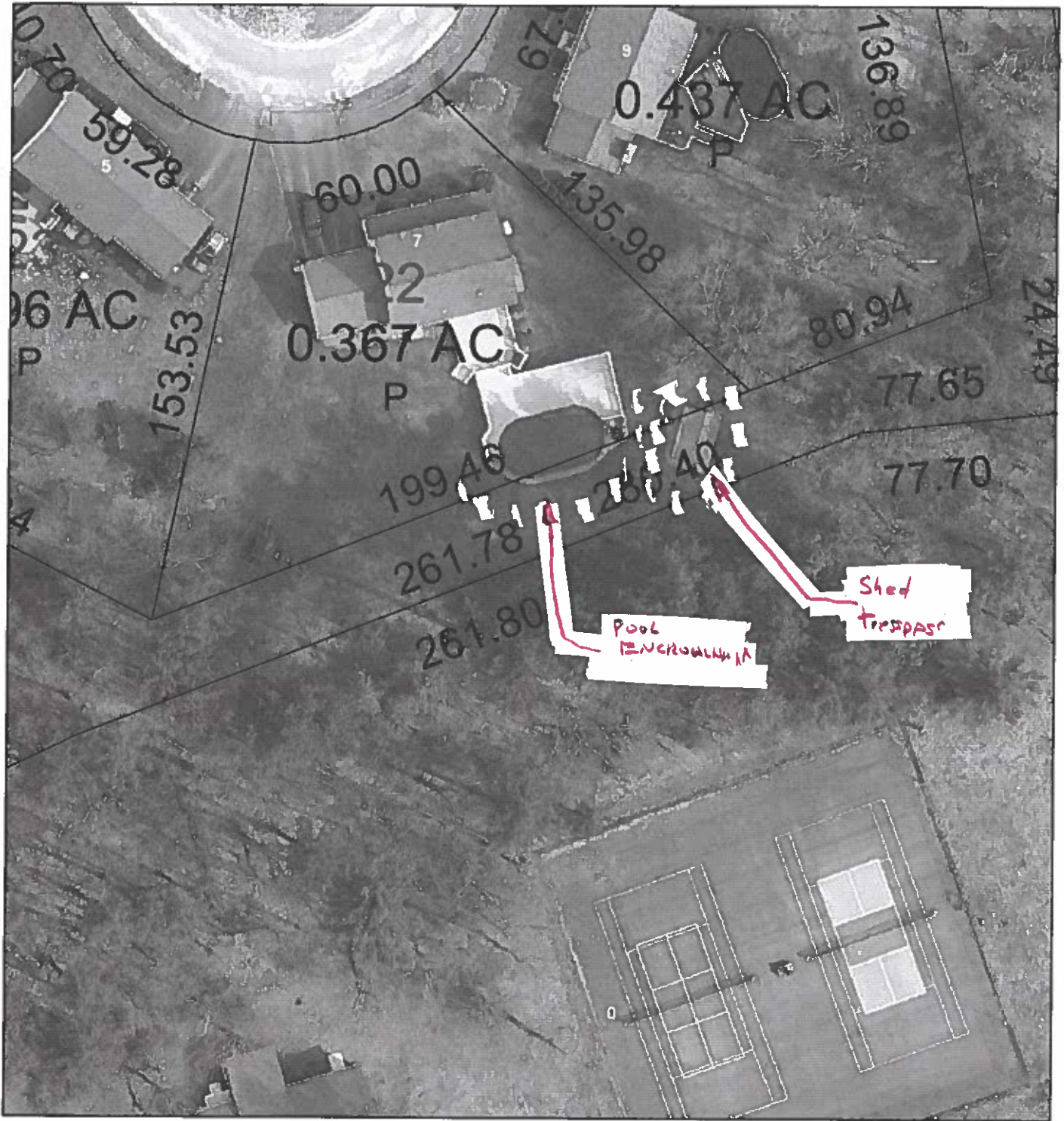
B. Groth, Town Planner

Adjacent "open space" Landowner

File

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

# 7 Rosemary Ct encroachments

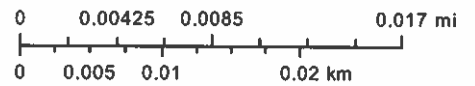


December 2, 2022

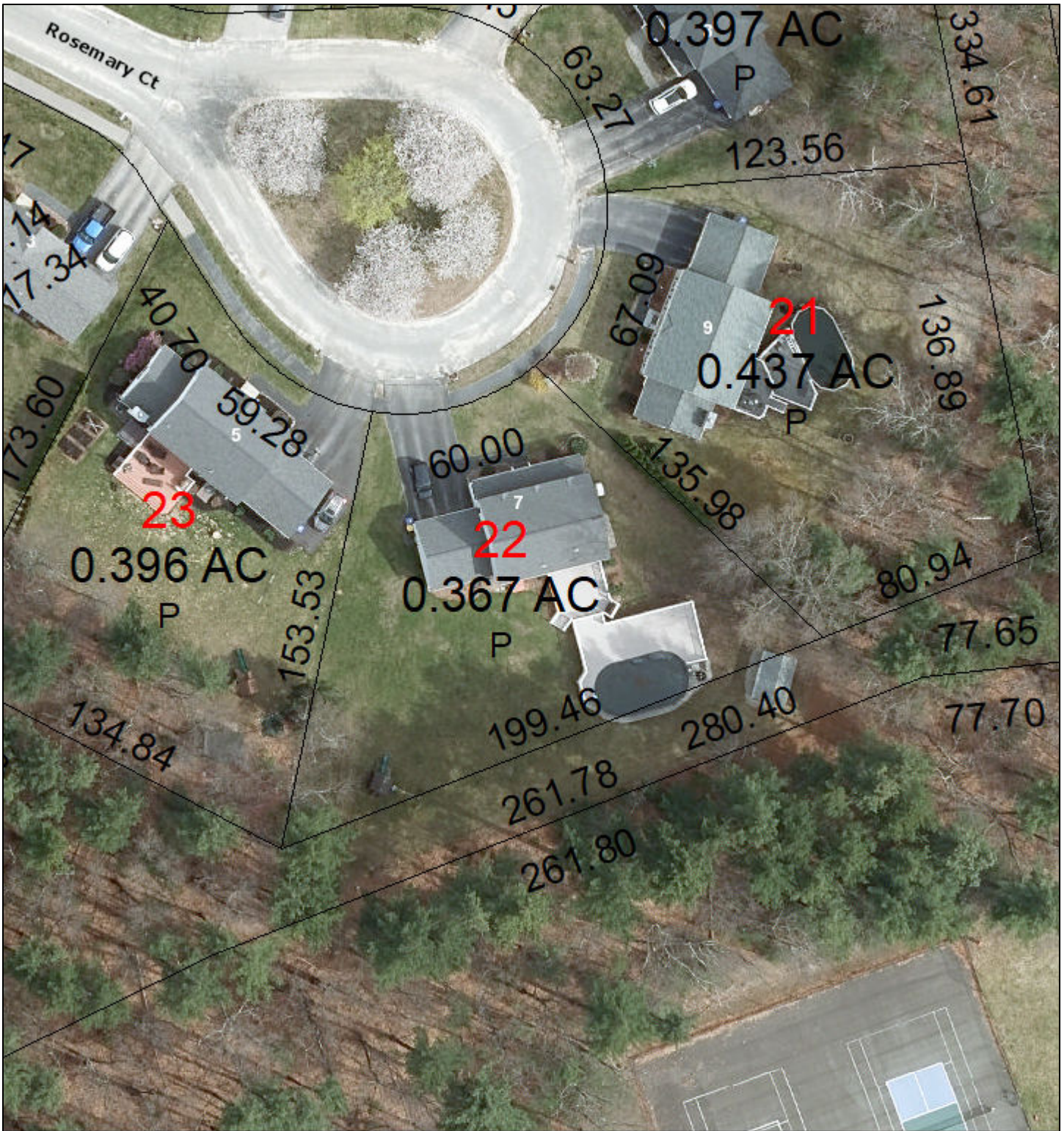
Legend

 Parcels

1:522



# 7 Rosemary Ct -Aerial view

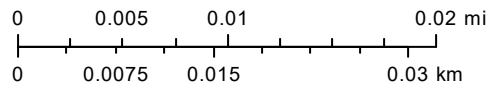


July 18, 2023

Legend

 Parcels

1:581



Property Location: 7 ROSEMARY CT  
 Vision ID: 4125 Account #: 9574

Parcel ID: 149/ 022/ 000/ 1

Card Address:  
 Card #: 1 of 1

LUC: 1010  
 Print Date: 7/13/2023 12:31:13 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
MAHONEY, DANIEL, TR.		RG	Residential Very Good			2023	1010	473,100	2022	1010	401,000	2022	1010	236,900
MAHONEY, LISA, TR.		<b>TOPO</b>	<b>UTILITIES</b>				1010	145,200		1010	145,200		1010	109,400
7 ROSEMARY CT.		Level	Town Water				1010	9,600		1010	9,600		1010	1,900
HUDSON NH 03051		Town Sewer			Total 627,900			Total 555,800			Total 348,200			

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
MAHONEY, DANIEL, TR.				8659 1418	05-12-2014	U	I	0	44	Grantor: MAHONEY, DANIEL	Appraised Bldg. Value (Card)			448,900
MAHONEY, DANIEL				8510 2007	12-26-2012	U	I	278,000	37	Grantor: FEDERAL NAT. MORT. ASSOC.,	Appraised Xf (B) Value (Bldg)			24,200
FEDERAL NAT. MORT. ASSOC.				8459 0212	08-13-2012	U	I	277,900	51	Grantor: MCCORD, GREGORY P.	Appraised Ob (B) Value (Bldg)			9,600
MCCORD, GREGORY P.				6160 0374	09-22-1999	Q	I	204,100	00	Grantor: SOUSA REALTY AND DEVELOP	Appraised Land Value (Bldg)			145,200

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				Total		Total				
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Descrpt	Code	Appraised	Assessed	Total Appraised Parcel Value		Valuation Method
149-022-000	R2:Residential-2	C				149-022-000	BLDG	1010	473,100	473,100	627,900		C
							LAND	1010	145,200	145,200			
							OB	1010	9,600	9,600			
							<b>Total:</b>		<b>627,900</b>	<b>627,900</b>	<b>627,900</b>		

NOTES	VISIT / CHANGE HISTORY			
	Date	Id	Cd	Purpost/Result
PONDVIEW SUBDIV/PHASE III/PLAN #29216/21 /nice composite decks/attached to pool/s ame level of existing deck/not valued as pool deck//21-shed 7/21 GL EXT=AVG 22/23-new addition over gar	04-25-2023	21	15	Permit Visit
	07-15-2022	27	45	Field Review
	05-18-2022	21	15	Permit Visit
	07-13-2021	22	02	Measured
	07-13-2021	22	04	Info At Door
	05-28-2021	21	15	Permit Visit
	03-25-2021	21	15	Permit Visit
	05-10-2018	12	15	Permit Visit

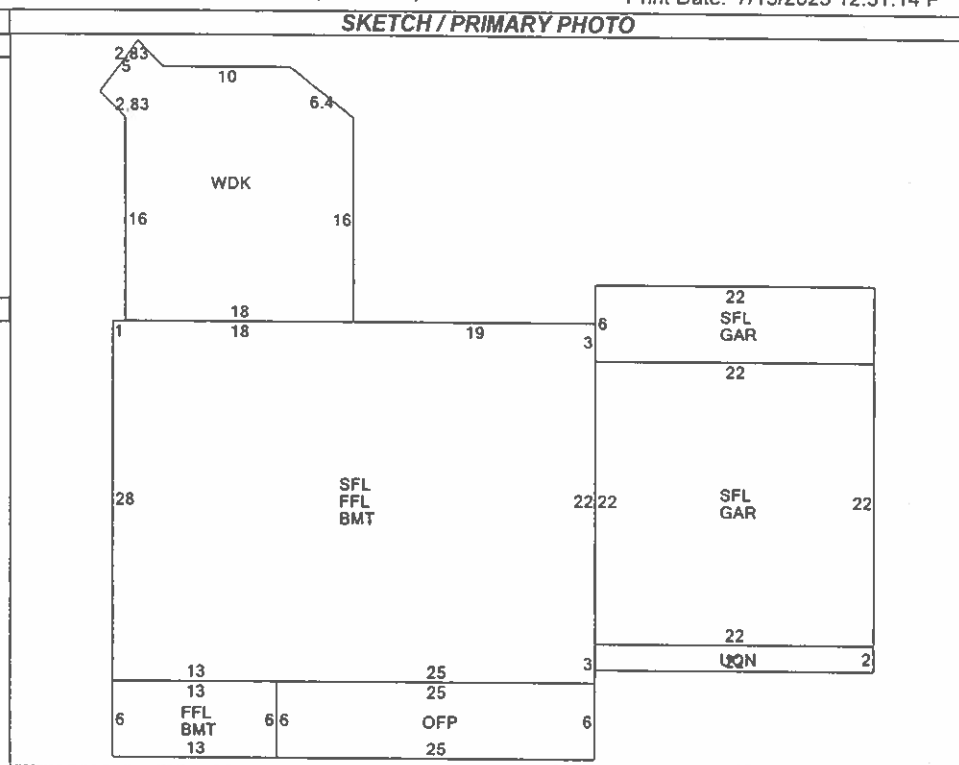
BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments	
2022-01175-4-	01-30-2023	EL		46,000	C	Gary Fallon Electric LL		Electr for Residential Addition adding 2nd floor master suite to garage and storage room to	
2022-01175-3-	01-20-2023	MC		22,995	C	Correct Temp Inc, HVA		Install Mitsubishi Hyper HPCT Pump system, 1 18k Ductless and 1 24K duct system	
2022-01175-2-	01-18-2023	PL		17,000	C	DAIGLE P&H-Plumbing		Plumbing for residential addition	
2022-01175	11-21-2022	RA		193,000	C	Robert Bellavance		Residential Addition adding 2nd floor master suite to garage and storage room to rear of ga	
2022-01175-1-	10-28-2022	FD		193,000	C	Robert Bellavance		Foundation for storage room and master suite addition	
2021-01034-1	10-14-2021	MECH	Mechanical	1,000	C			Visit Notes: Piping For Gen-22kw;	
2021-01034	09-28-2021	GEN	Generator	10,000	C				
2020-00457	06-12-2020	DK	Deck	35,000	C				
2020-00408	05-27-2020	AP	Ab-Grnd Pool	9,000	C				
2017-00426	05-03-2017	DK	Deck	6,100	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	0.367 AC	170,000		2.11	5	1.00	RG	1.10			145,200
Total Card Land Units:				<b>0.367 AC</b>	Parcel Total Land Area:				<b>0.367</b>	<b>AC</b>	Total Land Value:			<b>145,200</b>

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	2		Extra Kitchens	0	
Style:	03	Colonial	Add Kitchen Ra		
Grade:	B	Good			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
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	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	8				
Bedrooms	5				
Full Baths	2				
3/4 Baths	1				
Half Baths	2				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	GD	Good			
Half Bath Rating	AV	Average			
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color	GREY				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	477,586
Year Built	1999
Effective Year Built	2016
Depreciation Code	VG
Remodel Rating	
Year Remodeled	
Depreciation %	6
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	94
RCNLD	448,900
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

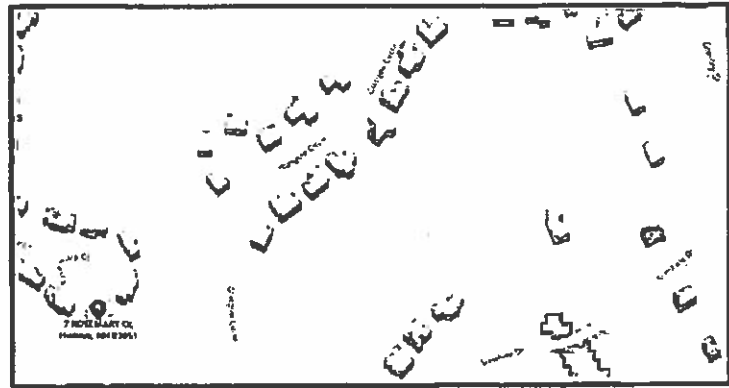


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
POOLAO	Oval Above Ground Pool	L	627	UNITS	0.00	2020	AV	60	0
POOLDK	Abv Grnd Pool Wood Deck	L	745	UNITS	0.00	2020	AV	60	0
SHEDWD	Shed-Wood	L	160	UNITS	31.02	2020	AV	60	3,000
XFRRM	Rec Room,Fin,BMT	B	571	SQ. FT	45.00	1999	AV	94	24,200
GENR	Residential Generator	L	22	UNITS	500.00	2021	AV	60	6,600

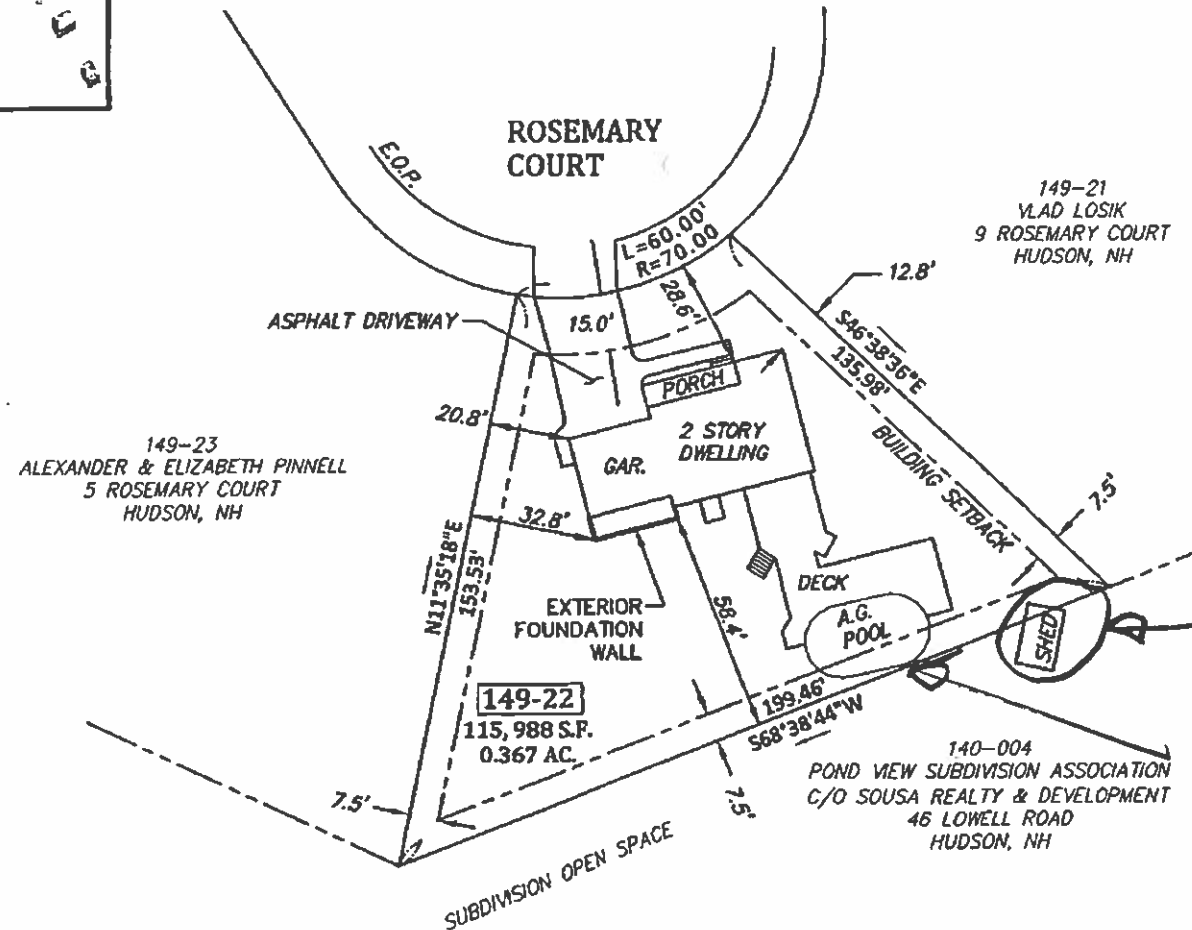
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,142	286	35.24	40,244
FFL	First Floor, Finished	1,142	1,142	1,142	140.71	160,696
GAR	Garage	0	616	216	49.34	30,394
OFF	Open Frame Porch	0	150	30	28.14	4,221
SFL	Second Floor, Finished	1,680	1,680	1,680	140.71	236,401
UCN	Unfinished Canopy	0	44	4	12.79	563
WDK	Wood Deck, or Composite Dk	0	358	36	14.15	5,066
<b>Total Liv Area/Gr. Area/Eff Are</b>		<b>2,822</b>	<b>5,132</b>	<b>3,394</b>	<b>Total Value</b>	<b>477,585</b>







VICINITY MAP

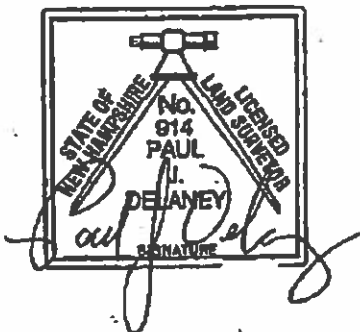


**NOTES:**

1. PROPERTY LOCATION:  
7 ROSEMARY COURT  
HUDSON, NH  
TAX MAP 149 LOT 22
2. RECORD OWNERS:  
LISA MAHONEY TR. AND  
DANIEL MAHONEY TR.
- HILLSBOROUGH COUNTY REGISTRY OF DEEDS REFERENCES:  
DEED BOOK: 8659 PG. 1418  
PLAN NUMBER: 29652
3. CURRENT ZONING: R2
- BUILDING SETBACKS PER APPROVED OPEN SPACE SUBDIVISION.  
FRONT: 15' / SIDE AND REAR: 7.5'  
SEE PLAN REF. H.C.R.D. 29652
4. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING FOUNDATION ON THE SUBJECT PARCEL.
5. THE SUBJECT PARCEL DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FEMA "FIRM" - FLOOD INSURANCE RATE MAP, TOWN OF HUDSON, COUNTY OF HILLSBOROUGH, NH MAP NO. 33011C0516D, EFFECTIVE DATE SEPTEMBER 25, 2009.

**CERTIFICATION:**

I CERTIFY THAT THIS PLAN WAS PREPARED BY THIS OFFICE BASED ON FIELD WORK CONDUCTED BY THIS OFFICE DURING NOVEMBER, 2022 AND THAT MEASUREMENTS EXCEED THE MINIMUM ACCURACY REQUIREMENT FOR AN "URBAN SURVEY" AS CLASSIFIED IN THE ADMINISTRATIVE RULES BY THE NH BOARD FOR LAND SURVEYORS.



**Foundation Location Plan**  
Tax Map 149 Lot 22  
7 Rosemary Court  
Hudson, NH  
prepared for  
Lisa & Daniel Mahoney  
7 Rosemary Court  
Hudson, NH  
[www.gatecitysurvey.com](http://www.gatecitysurvey.com)

**Gate City Survey**  
Land Surveying & Civil Engineering  
1 Tara Boulevard - Suite 200 - Nashua, NH 03062 Tel: 603-882-4655  
Project: 22381 Scale: 1" = 40' Date: 11/18/2022 SHEET: 1 OF 1

*2 - Resolved.*

Printed  
8/10/2023  
3:38PM  
Created  
8/10/2023  
3:34 PM

# Transaction Receipt

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

Receipt# 742,164  
tgoodwyn

<u>Description</u>		<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>	
1.00	Zoning Application- 9/28/23 ZBA Mtg. 7 Rosemary Ct Map 149 Lot 022-000 Equitable Waiver	0.00	222.7100	0.00	
			Total:	222.71	
<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Lisa M & Daniel P Mahoney	CHECK	CHECK # 1417	222.71	0.00	222.71
Total Due:					222.71
Total Tendered:					222.71
Total Change:					0.00
Net Paid:					222.71



# 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: September 28, 2023

CJS  
9/19/23

**Case 231-017 (09-28-23):** Dennis Wilkinson & Laurie Brown, 9 Beaver Path, Hudson, NH requests a Variance to locate a proposed 12 ft. x 16 ft. shed in the front yard where accessory storage structures (sheds) shall be placed to the rear of the main building. [Map 231, Lot 017-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27.1(C), General Requirements.]

**Address:** 9 Beaver Path.

**Zoning district:** Residence Two (R-2)

#### Property Description:

The Town of Hudson's records indicate this parcel is an existing lot of record. The lot is 49,658 sf. The lot has an existing single-family residence. To the right of the property, there is a designated wetland.

#### Summary:

To allow the 12'x16' shed to be installed in the front yard, a variance is required per HZO Article VII: Dimensional Requirements; §334-27.1(C), General Requirements.

#### In-House comments:

##### **Town Engineer:**

- Engineering has no objections regarding the proposed shed but advises the applicant to confirm the location of the septic system on the lot before the shed installation.
- Unfortunately, we have no record of the leaching field, and the applicant should avoid installing the shed over the system for future maintenance or replacement.

**Inspectional Services/Fire Dept.: No comment**

**Town Planner: No comment**

#### History/Attachments:

**A:** Zoning Determination #23-095 Date July 12, 2023

**B:** Plan

**C:** 2022 Aerial

**D:** Property Card

**E:** Inspectional Services/Fire Department review form (August 29, 2023)

**F:** Planning review form (August 28, 2023)

**G:** Engineer review form (August 18, 2023)

**H:** Septic System Sketch (May 7, 2010)

A



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-095

July 12, 2023

Dennis Wilkinson  
9 Beaver Path  
Hudson, NH 03051

**9 Beaver Path Map 231 Lot 017-000**  
**District: Residential Two (R-2)**

**Zoning Review / Determination:**

The resident would like to install a proposed 12'X16', shed in the front yard.

**General Requirements.** A variance from the Zoning Board of Adjustment to allow the shed to be located in the front yard per §334-27.1(C) **General Requirements.** This requires that all accessory storage structures (sheds) shall be placed at the rear of the main building

Sincerely,

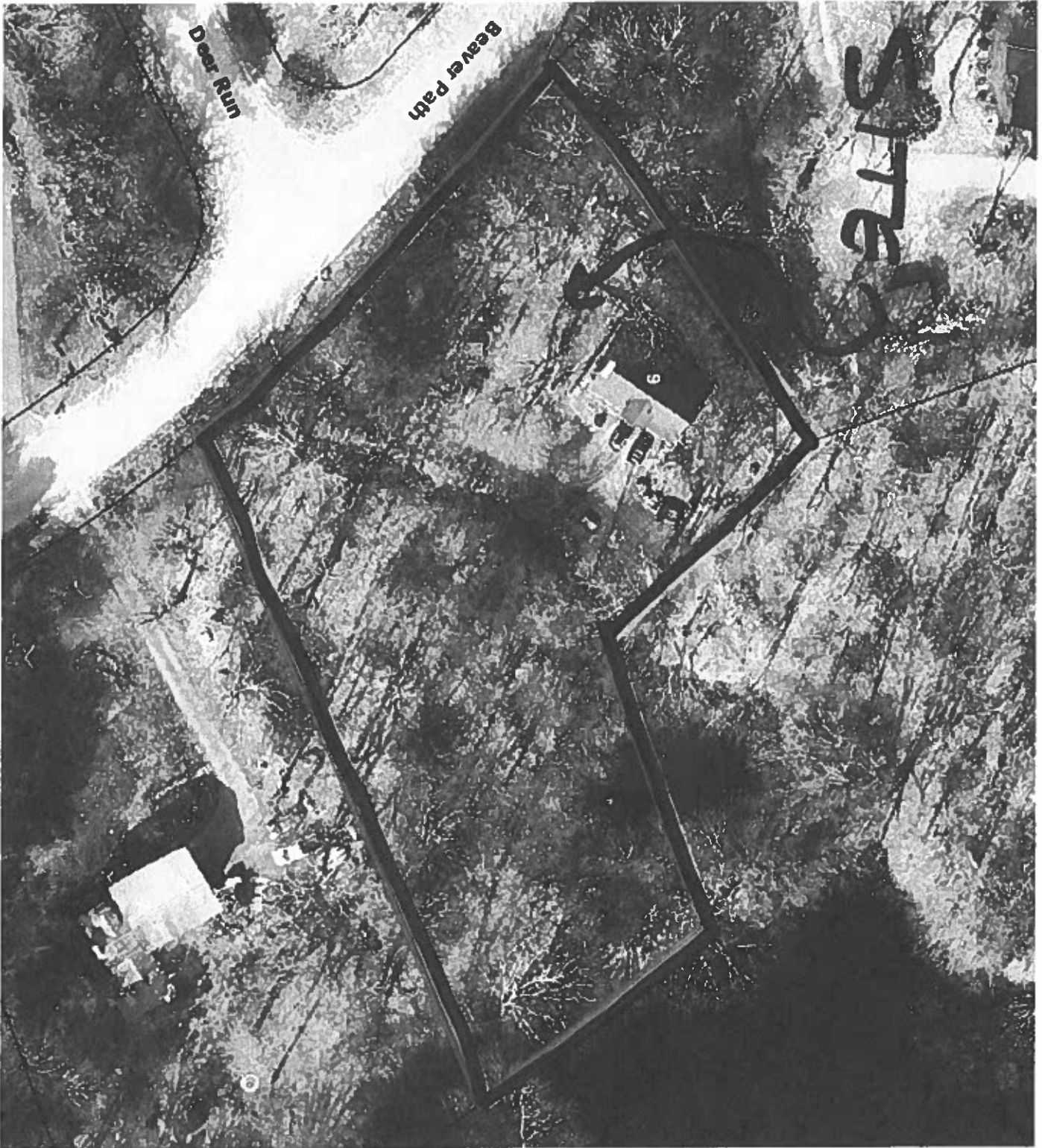
*Chris Sullivan*

Zoning Administrator/Code Enforcement Officer  
(603) 816-1275 [csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov)

cc: Public File  
B. Groth, Town Planner  
File

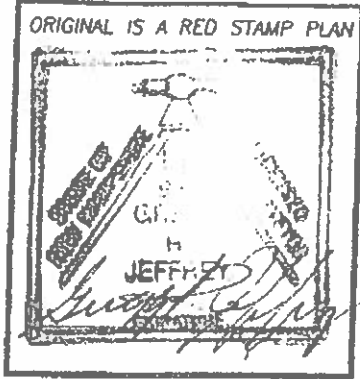
*NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.*

(B)



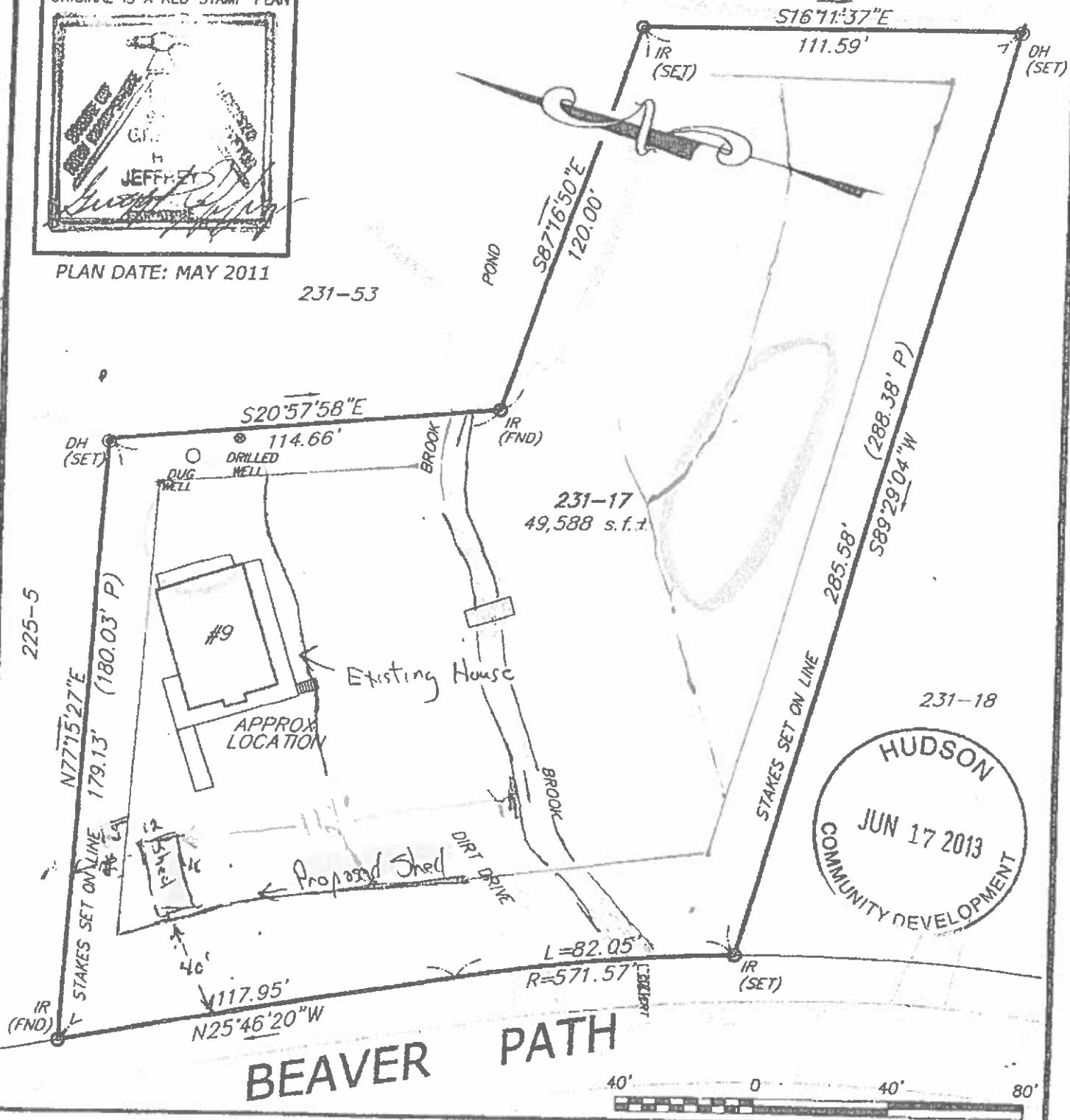
C

# 9 BEAVER PATH, HUDSON, NH



PLAN DATE: MAY 2011

231-53



## BEAVER PATH

### JEFFREY LAND SURVEY LLC

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



CURRENT OWNER		ASSESSING NEIGHBORHOOD		PREVIOUS ASSESSMENTS (HISTORY)							
Nbhd	Nbrhd Name	Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assess	
BROWN, LAURIE B.	RE	Residential Average	2023	1010	247,300	1010	247,300	2022	1010	131	
WILKINSON, DENNIS C.	TOPO	Utilities		1010	170,600	1010	170,600		1010	111	
9 BEAVER PATH	Rolling	Priv Water		1010	4,000	1010	4,000		1010		
		Septic									
HUDSON NH 03051		SALE PRICE		Total		421,900		Total		421,900	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	VI	SALE PRICE	VC	SALE NOTES
BROWN, LAURIE B.	8217 0738	06-30-2010	Q	I	220,000	00	Grantor: HOLM MAREN S.	
HOLM, MAREN S.	5881 1546	12-12-1997	Q	I	124,500	00	Grantor: RAYMOND, LEO J.	

SUPPLEMENTAL DATA		CURRENT ASSESSMENT	
Parcel ID	Code	Appraised	Assessed
231-017-000	1010	247,300	247,300
Zoning G1:General-1	1010	170,600	170,600
Flood Hazard A	1010	4,000	4,000
Neigh/Abut1			
Neigh/Abut2			
Neigh/Abut3			
GIS ID 231-017-000		421,900	421,900

VISIT / CHANGE HISTORY	
Date	Purpose/Result
07-20-2022	28 45 Field Review
02-01-2019	18 03 Meas/Inspect
03-24-2014	15 15 Permit Visit
12-16-2010	14 03 Meas/Inspect
10-02-2007	10 14 Inspected
10-02-2007	01 20 Other Change
01-27-2007	06 02 Meas/Inspect
06-14-2001	00 03 Meas/Inspect

BUILDING PERMIT RECORD								
Permit ID	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2023-00742-1	06-19-2023	EL	HERITAGE Home Servi	2,078	24	HERITAGE Home Servi		Electrical for new mini-split AC
2023-00742	06-19-2023	MC	HERITAGE Home Servi	5,786	24	HERITAGE Home Servi		New mini-split AC
2019-00006	01-03-2019	MECH	Mechanical	5,600	C			
2013-00322	06-25-2013	SH	Shed	3,200	C			Visit Notes: 10'x16' Shed;

LAND LINE VALUATION SECTION													
B Land Use Code	Description	Land Type	Land Units	Unit Price	Ageage Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbrhd Adj.	Land Adjustment	Notes	Land
1 1010	SINGLE FAMILY RES	Site	1.000 AC	170,000		1.00	5	1.00	RE	1.00			17
1 1010	SINGLE FAMILY RES	Excess	0.140 AC	6,000		1.00	0	1.00	RE	1.00	0.75		
Total Card Land Units		1.140 AC											
Parcel Total Land Area:		1.140 AC											

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



Property Location: 9 BEAVER PATH Account #: 2961 Parcel ID: 231/0171/000/1 Bldg #: 1

Card Address: Card #: 1 of 1 LUC: 1010 Print Date: 08-11-2023 12:24:56

**CONSTRUCTION DETAIL**

Element	Cd	Description	Element	Cd	Description
01		Residential	Avg HVFL	B	
1.5		Modern/Contemp	Extra Kitchens	0	
07		Avg/Good	Add Kitchen Ra		
C+		Wood			
1		Gable			
26		Asphalt Shingle			
01		Wood			
01		Concrete			
01		Solid Wood			
04		Carpet			
04		Oil			
01		Forced Air			
01					
1					
100					
5					
3					
2					
0					
0					
1					
1					
AV					
AV					
0					
1					
0					
0					
8					
0					

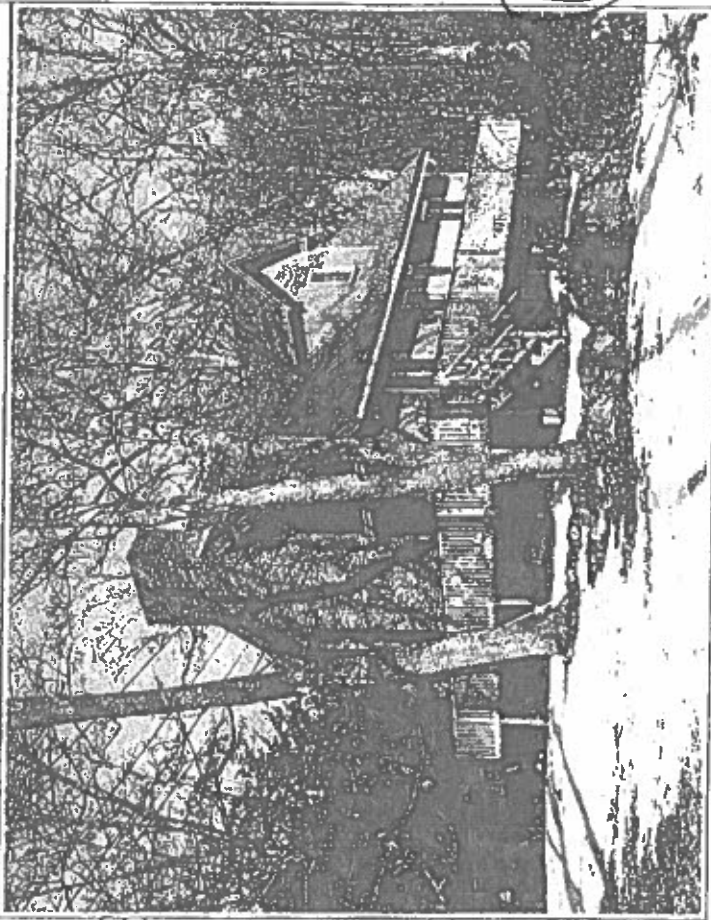
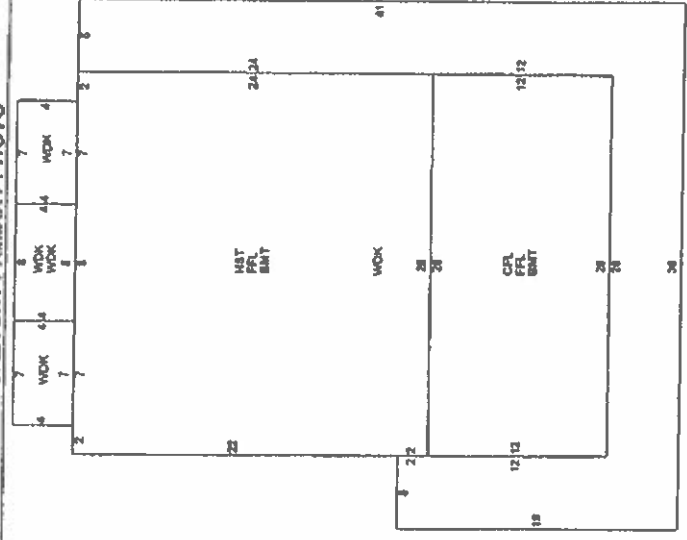
**OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

Description	U/A	Units	UOM	Unit PH	Yr. Bk. Cnd.	% G	Ased. Value
Wood Shed-Wood	L	160	UNITS	31.02	2013	GD	80
Rec Room, Fin, BMT	B	281	SQ. FT	45.00	1979	AV	79
							4,000
							10,000

**BUILDING SUB-AREA SUMMARY SECTION**

Description	Living Area	Floor Area	Eft Area	Unit Cost	Undeprec Value
Basement, Unfinished	0	936	234	47.90	44,830
Cathedral Ceiling Area, not Sq.	0	312	31	19.04	5,939
First Floor, Finished	936	936	936	191.58	179,319
Half Story, Finished	312	624	312	95.79	59,773
Wood Deck, or Composite Dk	0	550	55	18.16	10,537
<b>Total Liv Area/Gr. Area/Eft Area</b>	<b>1,248</b>	<b>3,356</b>	<b>1,568</b>	<b>Total Value</b>	<b>300,398</b>

**SKETCH / PRIMARY PHOTO**



①



E

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 231-017 (09-28-23) **(VARIANCE)**

Property Location: 9 Beaver Path

*For Town Use*

Plan Routing Date: 08/18/2023 Reply requested by: 08/25/2023 ZBA Hearing Date: 09/28/2023

I have no comments     I have comments (see below)

DRH \_\_\_\_\_ Name: David Hebert Date: 08/29/2023  
(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: 231-017 (09-28-23) (VARIANCE)

Property Location: 9 Beaver Path

*For Town Use*

Plan Routing Date: 08/18/2023 Reply requested by: 08/25/2023 BA Hearing Date: 09/28/2023

I have no comments     I have comments (see below)

BG Name: Brian Groth Date: 08/28/2023  
(Initials)

DEPT:  Town Engineer     Fire/Health Department     Town Planner

Empty rectangular box for comments or additional information.

9

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 231-017 (09-28-23) (**VARIANCE**)

Property Location: 9 Beaver Path

*For Town Use*

Plan Routing Date: 08/18/2023 Reply requested by: 08/25/2023 ZBA Hearing Date: 09/28/2023

I have no comments  I have comments (see below)

EZD Name: Elvis Dhima, P.E Date: 08/18/2023  
(Initials)

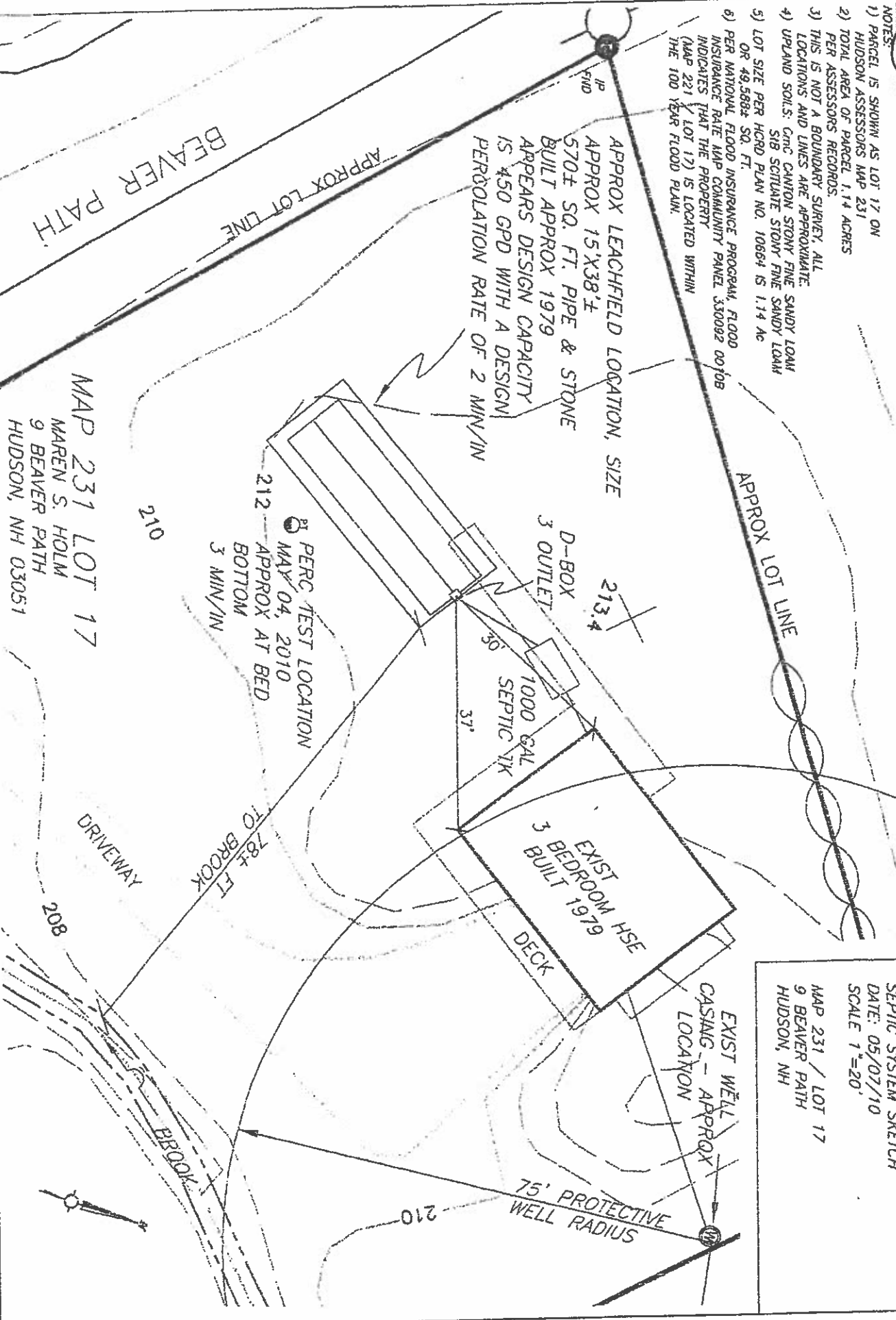
DEPT.  Town Engineer  Fire/Health Department  Town Planner

Engineering has no objections regarding the proposed shed but advises the applicant to confirm the location of the septic system on the lot before shed installation.

Unfortunately we have no record of the leaching field and the applicant should avoid installing the shed over the system for future maintenance or replacement.

F

- NOTES:
- 1) PARCEL IS SHOWN AS LOT 17 ON HUDSON ASSESSORS MAP 231
  - 2) TOTAL AREA OF PARCEL 1.14 ACRES PER ASSESSORS RECORDS.
  - 3) THIS IS NOT A BOUNDARY SURVEY, ALL LOCATIONS AND LINES ARE APPROXIMATE.
  - 4) UPLAND SOILS: GNC CANTON STONY FINE SANDY LOAM SIB SCITLATE STONY FINE SANDY LOAM
  - 5) LOT SIZE PER HGRD PLAN NO. 10664 IS 1.14 AC OR 49,588± SQ. FT.
  - 6) PER NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP COMMUNITY PANEL 330092 0010B (MAP 221 / LOT 17) IS LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.



SEPTIC SYSTEM SKETCH  
 DATE: 05/07/10  
 SCALE 1"=20'  
 MAP 231 / LOT 17  
 9 BEAVER PATH  
 HUDSON, NH

MAP 231 LOT 17  
 MAREN S. HOLM  
 9 BEAVER PATH  
 HUDSON, NH 03051

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

On **09/28/2023**, the Zoning Board of Adjustment heard **Case 231-017**, being a case brought by **Dennis Wilkinson & Laurie Brown, 9 Beaver Path, Hudson, NH** to request a **Variance to locate a proposed 12 ft. x 16 ft. shed in the front yard where accessory storage structures (sheds) shall be placed to the rear of the main building.** [Map 231, Lot 017-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27.1(C), General Requirements.]

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

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

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**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.”

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**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.

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

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**(Continue-next page-Hardship Criteria)**

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

(Continued)

**Y**  
**N**  
**N/A**

**5.**

**A.** The Applicant established that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(1) No fair and substantial relationship exist between the general public purposes of the ordinance provision and the specific application of that provision to the property; **and**

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(2) The proposed use is a reasonable one.

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**Y**  
**N**

**B.** Alternatively, if the criteria above (5.A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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Member Decision: \_\_\_\_\_

Signed: \_\_\_\_\_

Sitting member of the Hudson ZBA

Date

Print name: \_\_\_\_\_

Stipulations: \_\_\_\_\_

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TOWN OF HUDSON

AUG 17 REC'D  
2023

76

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment  
Zoning Department  
Town of Hudson

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

Case No. 231-017 (09-28-23)

Date Filed 8/17/23

Name of Applicant Dennis Wilkinson  
Laurie Brown Map: 231 Lot: 017 Zoning District: R-2

Telephone Number (Home) 603-889-8671 (Work) 603-582-0452

Mailing Address 9 Beaver Path, Hudson, NH 03051

Owner Laurie B. Brown, Dennis C. Wilkinson

Location of Property 9 Beaver Path  
(Street Address)

Dennis Wilkinson, Laurie B.  
Signature of Applicant Date 08/15/23

Dennis Wilkinson, Laurie B.  
Signature of Property-Owner(s) Date 08/15/23

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: 8/17/23

**COST:**

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

Abutter Notice:

6 Direct Abutters x Certified postage rate \$ 5.01 = \$ 30.06

4 Indirect Abutters x First Class postage rate \$ .66 = \$ 2.64

**Total amount due:** \$ 217.70

Amt. received: \$ 217.70

Receipt No.: 742,836

Received by: TSG

By determination of the Zoning Administrator, the following Departmental review is required:

Engineering  Fire Dept.  Health Officer  Planner  Other

Check #  
3254

# 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>DW</u>	Please review the completed application with the Zoning Administrator or staff <b>before making copies in next step.</b>	<u>TG</u>
<u>DW</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) <b>single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	<u>CK</u>
<u>N/A</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>DA N/A</u>
<u>N/A</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>N/A</u>
<u>DW</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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (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>CK</u>
<u>DW</u>	<b>GIS LOCATION PLAN:</b> 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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>DS</u>
<u>DW</u>	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>CS</u>
<u>DW</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>SS</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>



**CERTIFIED PLOT PLAN:**

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

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

N/A

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

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

Dennis Wilkinson, Jamie B  
Signature of Applicant(s)

8/11/23  
Date

Jamie B, Dennis Wilkinson  
Signature of Property Owner(s)

8/11/23  
Date

**ALL DIRECT ABUTTERS**

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
219	003	TOWN of HUDSON	12 School ST, Hudson, NH
225	005	Kent R. Dumas	11 Beaver Path, Hudson, NH
231	016	Steven Seymour	12 Beaver Path, Hudson, NH
231	017	Laurie Brown Dennis Wilkinson	9 Beaver Path, Hudson, NH
231	018	David Ciarcia Jennifer Ciarcia	7 Beaver Path, Hudson, NH
231	023	Raphael Silva Sara Silva	8 Beaver Path, Hudson, NH

**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

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

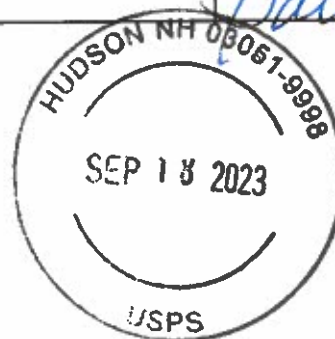
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
231	015	Page Heffernan Zachery Martin	12 Deer Run, Hudson, NH
231	019	Melissa Mills Daniel Porter	5 Beaver Path, Hudson, NH
231	022	Stuart Bernstein Susan Bernstein Bernstein Rev. Trust	8 Beaver Path, Hudson, NH
231	053-003	K.L.N Construction Co, INC	70 Bridge St, Unit 1, Pelham, NH

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 231-017 VARIANCE 9 Beaver Path Map 231/Lot 017-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	09/28/2023 ZBA Meeting
1	9589 0710 5270 0646 5626 48	BROWN, LAURIE B.; WILKINSON, DENNIS C. 9 BEAVER PATH, HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5626 55	DUMAIS, KENT R. 11 BEAVER PATH, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5626 62	HEFFERNAN, PAIGE; MARTIN, ZACHARY 12 DEER RUN RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5626 79	CIARCIA, DAVID A.; CIARCIA, JENNIFER L. 7 BEAVER PATH, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5626 86	SILVA, RAPHAEL D.; SILVA, SARA 8 BEAVER PATH, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5626 93	TOWN OF HUDSON 12 SCHOOL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7			
8			
9			
10			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster (receiving Employee) <i>Douglas J. [Signature]</i>

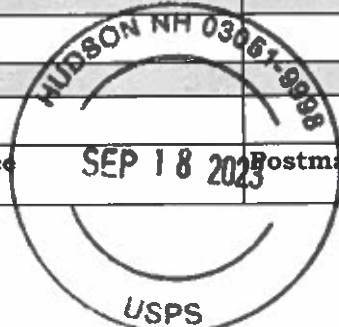
Direct Certified



**USPS-Verified Mail**

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - <b>FIRST CLASS MAIL</b>	Case# 231-017 9 Beaver Path Map 231/Lot 017-000	<b>VARIANCE</b> - 1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>09/28/2023 ZBA Meeting</b>	
1	Mailed First Class	SEYMOUR, STEVEN N. 12 BEAVER PATH, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
2	Mailed First Class	MILLS, MELISSA A.; PORTER, DANIEL S. 5 BEAVER PATH, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	Mailed First Class	BERNSTEIN, STUART, TR.; BERNSTEIN, SUSAN, TR.; BERNSTEIN REV TRUST 6 BEAVER PATH, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	Mailed First Class	K.L.N. CONSTRUCTION CO., INC 70 BRIDGE ST. UNIT 1, PELHAM, NH 03076	ABUTTER NOTICE MAILED	
5				
6				
7				
8				
9				
10				
11				
12				
13				
	<b>Total # of pieces listed by sender</b>	<b>Total # of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>	
	4	4	SEP 18 2023	<i>Paula Angeli</i>

Indirect First Class





# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

September 15, 2023

### APPLICANT NOTIFICATION

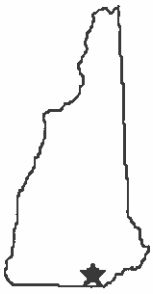
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, **09/28/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 231-017 (09-28-23): Dennis Wilkinson & Laurie Brown, 9 Beaver Path, Hudson, NH requests a Variance to locate a proposed 12 ft. x 16 ft. shed in the front yard where accessory storage structures (sheds) shall be placed to the rear of the main building. [Map 231, Lot 017-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27.1(C), General Requirements.]**

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

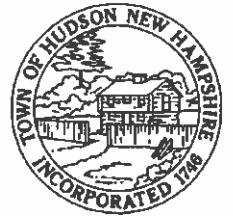
Respectfully,

Chris Sullivan  
Zoning Administrator



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

September 15, 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, **09/28/2023** 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](mailto: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](http://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) 334-27.1(C) in order to permit the following:

Place a 12x16' shed in front of house

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**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.”)

Proposed placement of shed is within a stand of trees that minimizes view of shed from the road (Beaver Path), abutters, and adjacent neighbors and would not be an eyesore to the surrounding neighbors

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 ordinance for accessory storage units (in this case a shed) states that these accessory units be placed in the rear of the main household. However the proposed placement of this shed would be located in a stand of trees in the front yard, offset to the right of the house, which limits the view of the shed from the road and surrounding neighbors

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.)

Placement of the shed in this area allows for easy access and allow us to store various yard equipment and other items currently stored in our basement and not easily accessible today

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

The proposed placement of a shed would mostly be shielded from view from the road and surrounding neighbors and should not pose as a distraction.

**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

Our property space is approximately 1.2 acres and is divided in half by a stream. The space behind the house is relatively small and has a steep dropoff to the property line. Adjoining property line is also too close to squeeze a shed. Putting a shed on the left side of the house is too close to the stream (wetlands) and putting shed across the stream limits accessibility to it.

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

In this case the most likely area to place a shed is in front of house but offset in a small stand of trees that is not highly visible from the road or surrounding neighbors

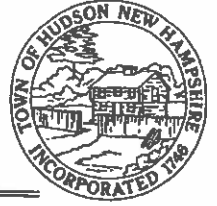
B. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance.

N/A



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-095

July 12, 2023

Dennis Wilkinson  
9 Beaver Path  
Hudson, NH 03051

**9 Beaver Path Map 231 Lot 017-000**  
**District: Residential Two (R-2)**

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

The resident would like to install a proposed 12'X16', shed in the front yard.

**General Requirements.** A variance from the Zoning Board of Adjustment to allow the shed to be located in the front yard per §334-27.1(C) **General Requirements.** This requires that all accessory storage structures (sheds) shall be placed at the rear of the main building

Sincerely,

*Chris Sullivan*

Zoning Administrator/Code Enforcement Officer  
(603) 816-1275 [csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov)

cc: Public File  
B. Groth, Town Planner  
File

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

Property Location: 9 BEAVER PATH  
 Vision ID: 1448 Account #: 2961

Parcel ID: 231/017/000/1

Card Address:  
 Card #: 1 of 1

LUC: 1010  
 Print Date: 08-11-2023 12:24:

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
BROWN, LAURIE B.		RE	Residential Average		2023	1010	247,300	2022	1010	247,300	2022	1010	131
WILKINSON, DENNIS C.		TOPO	UTILITIES			1010	170,600		1010	170,600		1010	110
9 BEAVER PATH		Rolling	Priv Water			1010	4,000		1010	4,000		1010	
HUDSON NH 03051			Septic										
					Total		421,900	Total		421,900	Total		25

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
BROWN, LAURIE B.		8217 0738	06-30-2010	Q	I	220,000	00	Grantor: HOLM, MAREN S., Grantor: RAYMOND, LEO J.	Appraised Bldg. Value (Card)				23
HOLM, MAREN S.		5881 1546	12-12-1997	Q	I	124,500	00		Appraised Xf (B) Value (Bldg)				1
									Appraised Ob (B) Value (Bldg)				
									Appraised Land Value (Bldg)				17
									Special Land Value				

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				SALE NOTES		APPRAISED VALUE SUMMARY								
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	PREV 0012-0008-0012	Assoc Pid#	Descript	Code	Appraised	Assessed					
231-017-000	G1:General-1	A				231-017-000			BLDG	1010	247,300	247,300	Total Appraised Parcel Value				42
									LAND	1010	170,600	170,600	Valuation Method				
									OB	1010	4,000	4,000					
									Total:		421,900	421,900	Total Appraised Parcel Value				42

NOTES				VISIT / CHANGE HISTORY			
				Date	Id	Cd	Purpost/Result
func= metal spiral stairway to HST FR/A				07-20-2022	28	45	Field Review
V COND, MINOR DEF MAINT. PORTION OF BMT				02-01-2019	18	03	Meas/Inspect
BRM, CEN HEAT, FIN CEIL + WL. A FRAM CON				03-24-2014	15	15	Permit Visit
STRUCTION				12-16-2010	14	03	Meas/Inspect
				10-02-2007	10	14	Inspected
				10-02-2007	01	20	Other Change
				01-27-2007	06	02	Measured
				06-14-2001	00	03	Meas/Inspect

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2023-00742-1-	06-19-2023	EL		2,078	24	HERITAGE Home Servi		Electrical for new mini-split AC
2023-00742	06-19-2023	MC		5,786	24	HERITAGE Home Servi		New mini-split AC
2019-00006	01-03-2019	MECH	Mechanical	5,600	C			
2013-00322	06-25-2013	SH	Shed	3,200	C			Visit Notes: 10'x16' Shed;

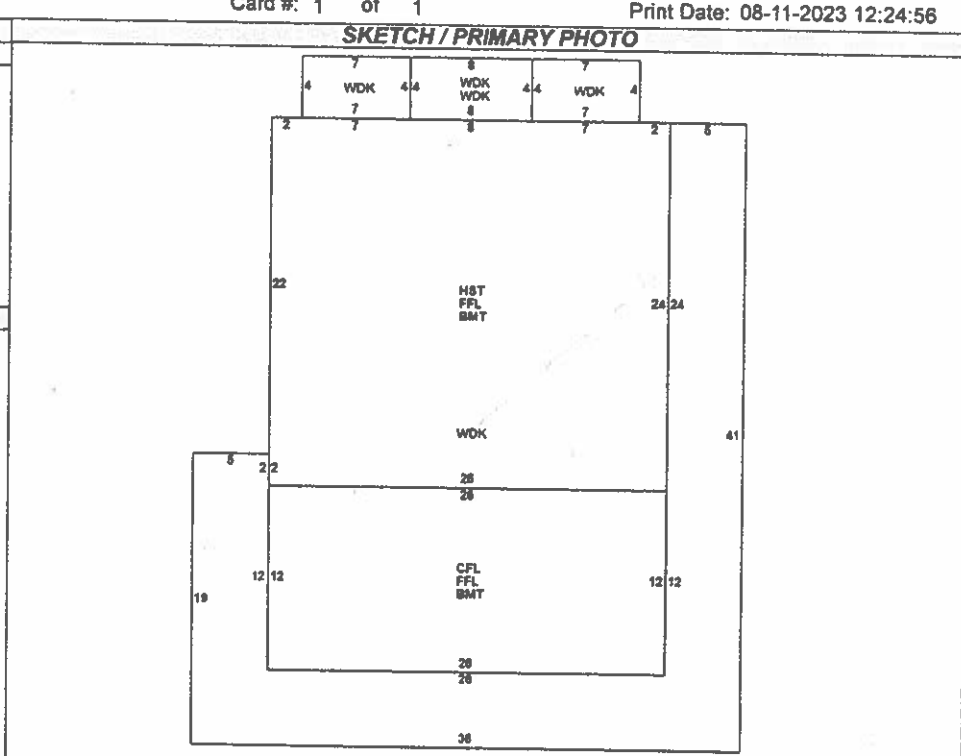
LAND LINE VALUATION SECTION																
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acreage Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land
1	1010	SINGLE FAMILY RES	Site	1.000	AC 170,000		1.00	5	1.00	RE	1.00					17
1	1010	SINGLE FAMILY RES	Excess	0.140	AC 6,000		1.00	0	1.00	RE	1.00	Topo	0.75			

Total Card Land Units: 1.140 AC Parcel Total Land Area: 1.140 AC Total Land Value: 17

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
el	01	Residential	Avg Ht/FL	8	
es:	1.5		Extra Kitchens	0	
r:	07	Modern/Contemp	Add Kitchen Ra		
le:	C+	Avg/Good			
Units	1				
rior Wall 1	26	Wood			
Structure	01	Gable			
Cover	01	Asphalt Shingle			
le	01	Wood			
idation	01	Concrete			
or Wall 1	04	Solid Wood			
or Floor 1	04	Carpet			
Fuel	01	Oil			
Type	01	Forced Air			
at Systems	1				
ercent	100				
Rooms	5				
ooms	3				
Baths	2				
aths	0				
Baths	0				
Fixtures	1				
ens	1				
en Rating	AV	Average			
Rating	AV	Average			
Bath Rating					
Garage	0				
lace(s)	1				
lace Rating	GD	Good			
ues	0				
	GRAY				
H/FL	8				
Kitchens	0				

COST / MARKET VALUATION	
Building Value New	300,398
Year Built	1979
Effective Year Built	2003
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	19
Functional Obsol	2
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	79
RCNLD	237,300
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

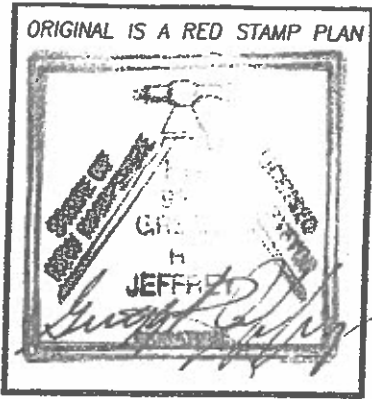


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
de	Description	L/B	Units	UOM	Unit Pri	Yr Bkt	Cnd.	% G	Assd. Value	
JWD	Shed-Wood	L	160	UNITS	31.02	2013	GD	80	4,000	
IM	Rec Room, Fin, BMT	B	281	SQ. FT	45.00	1979	AV	79	10,000	

BUILDING SUB-AREA SUMMARY SECTION						
le	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
	Basement, Unfinished	0	936	234	47.90	44,830
	Cathedral Ceiling Area, not Sq.	0	312	31	19.04	5,939
	First Floor, Finished	936	936	936	191.58	179,319
	Half Story, Finished	312	624	312	95.79	59,773
	Wood Deck, or Composite Dk	0	550	55	19.16	10,537
	<b>Total Liv Area/Gr. Area/Eff Are</b>	<b>1,248</b>	<b>3,358</b>	<b>1,568</b>	<b>Total Value</b>	<b>300,398</b>

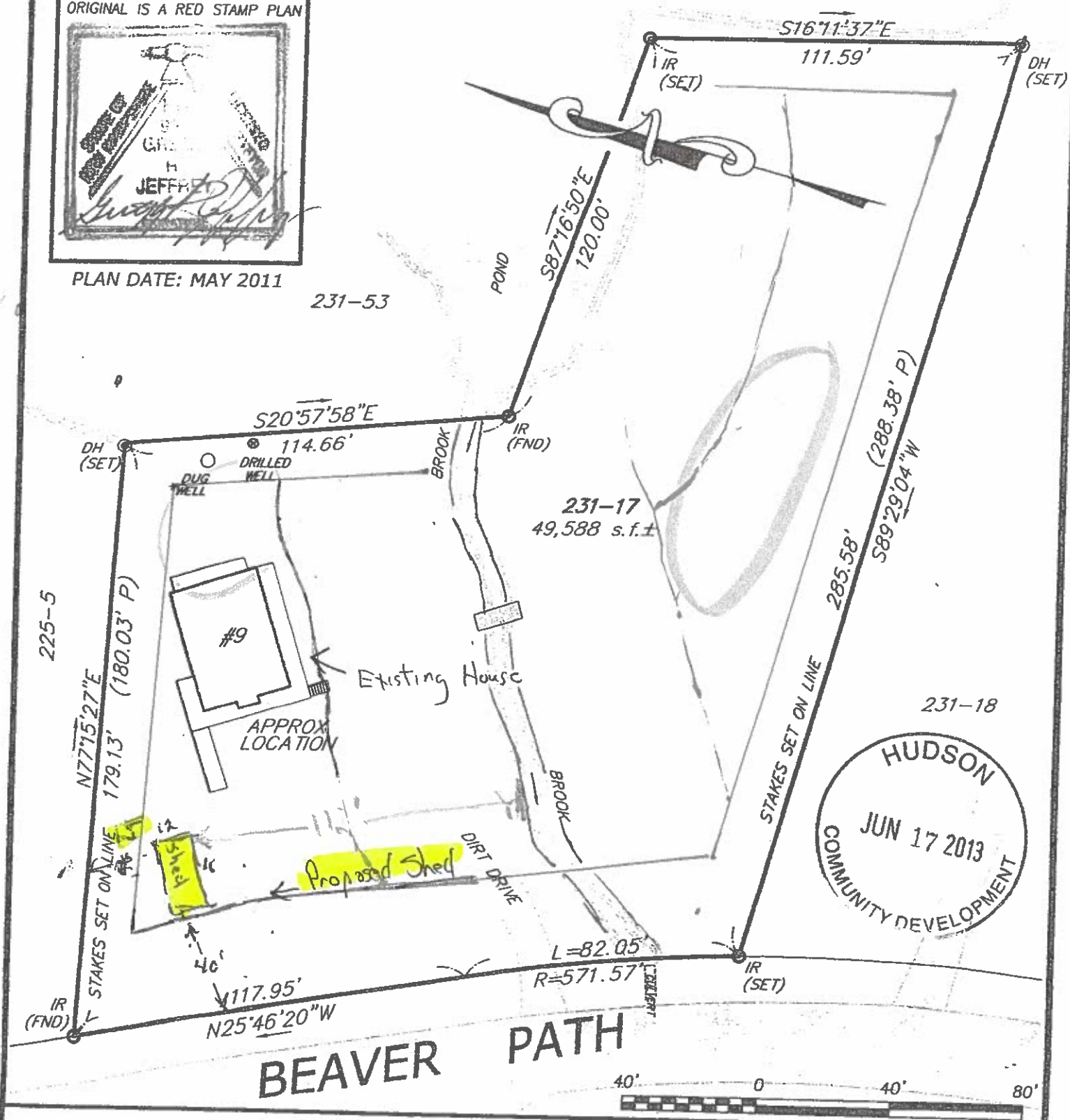


# 9 BEAVER PATH, HUDSON, NH



PLAN DATE: MAY 2011

231-53

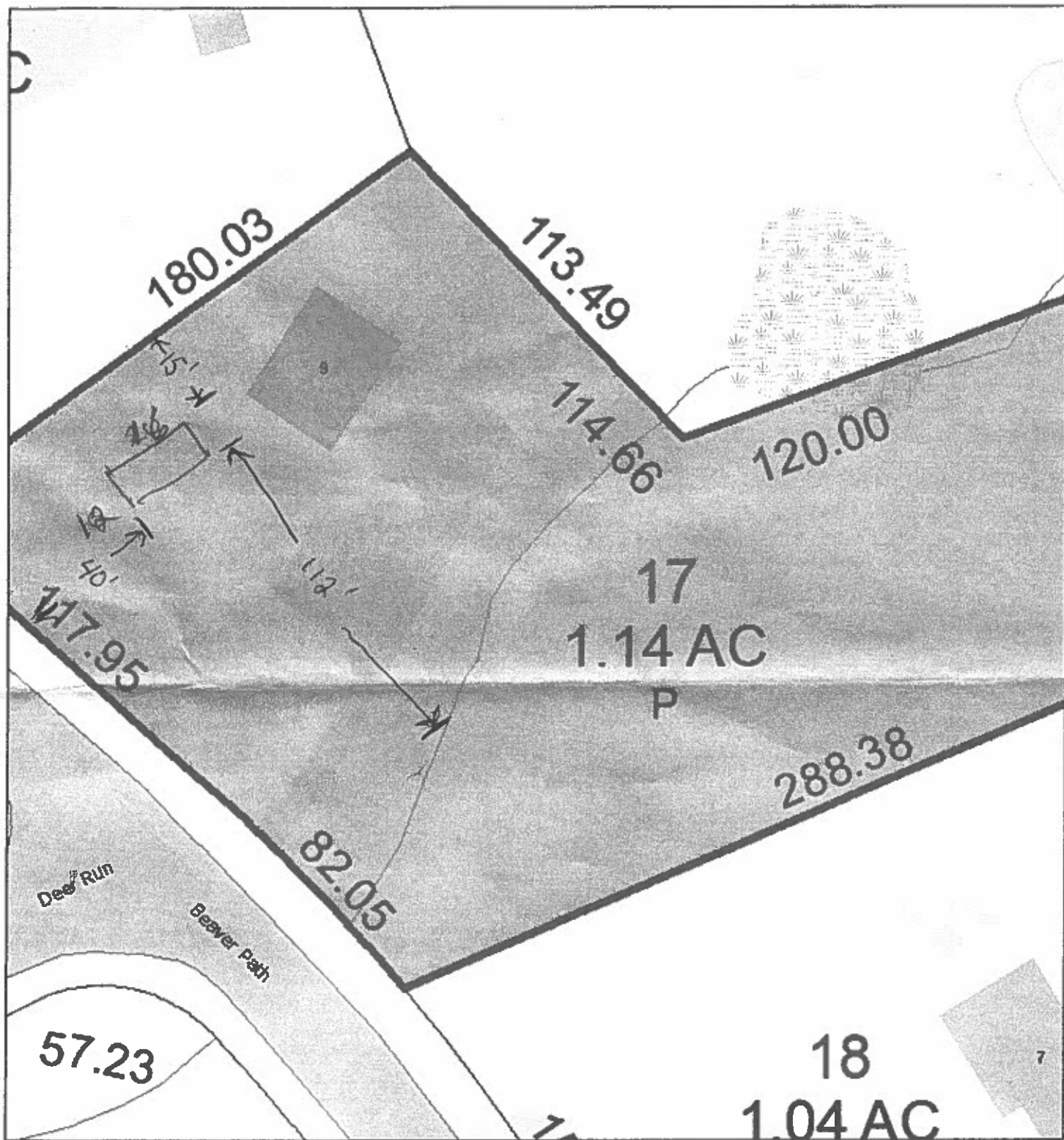


## JEFFREY LAND SURVEY LLC

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



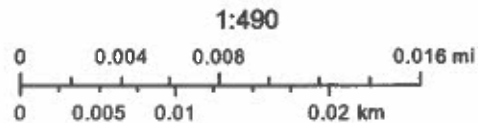
# 9 Beaver Path (Map/Lot 231-017-000)



May 22, 2023

Legend

Parcels



Printed  
8/17/2023

3:12PM

Created  
8/17/2023  
3:03 PM

# Transaction Receipt

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

Receipt# 742,836  
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application- 9/28/23 ZBA Mtg. 9 Beaver Path Map 231 Lot 017-000 Zone R-2 Variance Application	0.00	217.7000	0.00
			Total:	217.70

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Laurie B Brown & Dennis C Wilkinson	CHECK	CHECK #3254	217.70	0.00	217.70
			Total Due:		217.70
			Total Tendered:		217.70
			Total Change:		0.00
			Net Paid:		217.70





# 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: September 28, 2023

CJS  
9/19/23

**Case 165-154 (09-28-23):** Keri Demers, 153 Lowell Rd., Hudson, NH requests a Special Exception for 102 Derry St., Hudson, NH to allow a dog & cat daycare facility with retail services of grooming, training, animal rescue services, pet supplies retail sales, community pet education and kennel (day & overnight boarding). [Map 165, Lot 154-000; Zoned Business (B); HZO Article VI: Special Exceptions; §334-23, General Requirements and HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses (D-2).]

**Address:** 102 Derry Street  
**Zoning district:** Business (B)

**Property Description:**

Our records indicate this parcel is an existing lot of record of 68,389.2sf. The property has a 5,979 sq. ft. building and an existing parking lot.

**Summary:**

The applicant is looking to run a Kennel/Boarding for dogs and cats. The property is in the Business zone. The use requires a special exception per HZO Article V: Table of Permitted Uses; §334-21: D-2

**In-House comments:**

**Town Engineer:** No comment

**Inspectional Services/Fire Dept.:**

- 1) Permits through Inspectional Service will be required for renovations to accommodate the proposed use and layout.
- 2) A certificate of Occupancy will be required prior to operating the business.
- 3) All state-adopted building codes and fire codes shall apply.
- 4) ADA accessibility is required

**Town Planner:**

- 1) If a special exception is granted, the proposal will require site plan approval from the Planning Board

**History/Attachments:**

**A:** Zoning Determination, (May 8, 2023)

**B:** 2022 Aerial

**C:** GIS Plan

**D:** Property Card

**E:** Floor Plan

**E1:** Floor Plan

**F:** Engineer review form (September 13, 2023)

**G** Planning review form (September 18, 2023)

**H:** Inspectional Services/Fire Department review form (September 15, 2023)

**H1:** Inspectional Services/Fire Department-Memo (September 15, 2023)



A

# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination # 23-066

May 8, 2023

Keri Demers  
153 Lowell Rd  
Hudson, NH 03051

102 Derry St Map 165 Lot 154-000  
District: (B) Business

Dear Ms. Demers,

**Request for determination:** If pet daycare/grooming/training/cat boarding/pet supply be allowed on this property?

**Zoning Review/Determination:**

This is an existing developed site, with an approved site plan (HCRD # 17153) for hair salon/beauty school.

You would need a Special Exception approval from the ZBA for any "kennel/boarding" activity.

You would need Planning Board approval to amend the site plan, due to the use category change, reference: §334-16.1. Please contact Brian Groth - Town Planner (603) 886 6008 for application details.

Sincerely,

Bruce Buttrick

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

[bbuttrick@hudsonnh.gov](mailto:bbuttrick@hudsonnh.gov)

cc: Public Folder  
B. Groth, Town Planner  
Owner  
File

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

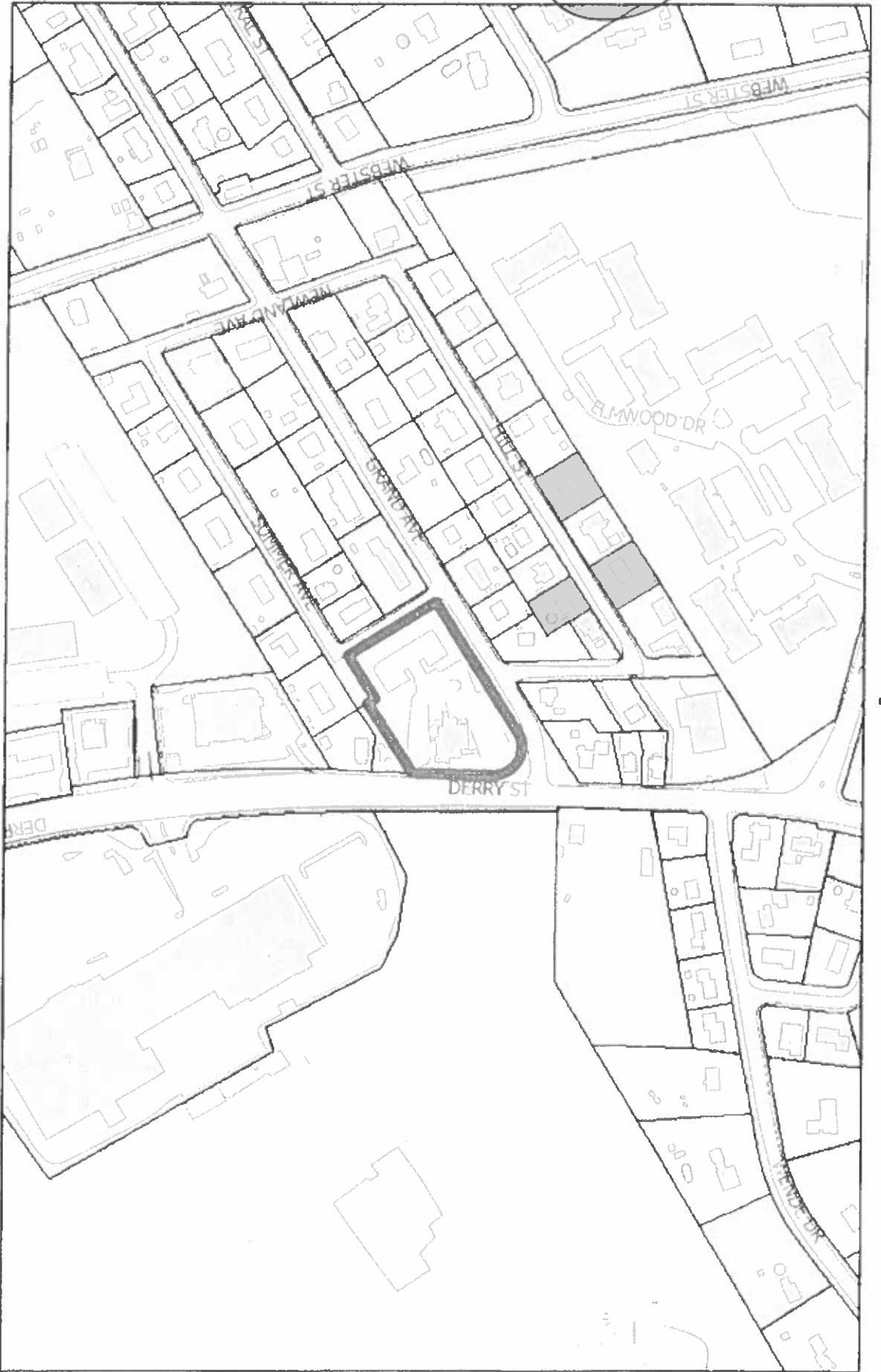
(B)



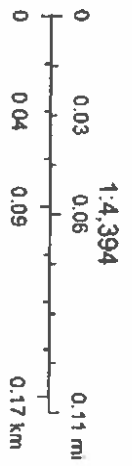
102 Derry Street

102 Derry Street

C



9/5/2023





CURRENT OWNER		ASSESSING NEIGHBORHOOD		PREVIOUS ASSESSMENT'S HISTORY	
Year	Code	Assessed	Year	Code	Assessed
2023	3510	263,900	2022	3510	349,800
	3510	453,600		3510	346,200
	3510	29,200		3510	22,000
<b>Total</b>		<b>746,700</b>	<b>Total</b>		<b>717,800</b>

RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE		QU/VL		SALE PRICE		VC		SALE NOTES		APPRAISED VALUE SUMMARY	
Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed				
2022	3510	263,900	2022	3510	263,800	2022	3510	349,800							
	3510	453,600		3510	453,600		3510	346,200							
	3510	29,200		3510	29,200		3510	22,000							
<b>Total</b>		<b>746,700</b>	<b>Total</b>		<b>746,600</b>	<b>Total</b>		<b>717,800</b>							

SUPPLEMENTAL DATA		CURRENT ASSESSMENT	
Parcel ID	165-154-000	Describe	Code
Zoning	BD:Business District	BLDG	3510
Flood Hazard	C	LAND	3510
Neigh/Abut1		OB	3510
Neigh/Abut2			
Neigh/Abut3			
GIS ID	165-154-000	PREV Assoc Pct#	0059-0003-0000
		<b>Total:</b>	<b>746,700</b>

CONTINENTAL ACADEMIE OF HAIR. MANY ADDS		NOTES	
Date	ID	Type	Is
07-15-2022	11	Measured	02
05-03-2022	24	Field Review	45
08-08-2019	18	Meas/Inspect	03
09-15-2017	09	Hearing - Change	18
06-11-2017	09	Field Review	45
02-24-2017	07	Income And Expense Requ	80
05-07-2012	09	Field Review	45
04-20-2011	12	Permit Visit	15

BUILDING PERMIT RECORD		Comments	
Permit ID	Issue Date	Permit	Description
2010-00381	08-02-2010	IR	Int Renov
2010-381-2PL	07-16-2010	PLMG	Plumbing
2010-381-1EL	07-15-2010	IR	Int Renov
2008-162	10-04-2005	SI	Signs

LAND LINE VALUATION SECTION											
#	Landuse Code	Description	Land Type	Land Units	Unit Price	Amount	Saus	Applcmt	SO Ft	Land Adjustment	Notes
1	3510	EDUC BLDG	Site	1,000	AC	260,000	C	1.00	E	1.00	MD3 1.65
1	3510	EDUC BLDG	Comm Exces	0.573	AC	26,000	C	1.00	0	1.00	MD3 1.65
<b>Total Card Land Units:</b>				<b>1.573 AC</b>				<b>Parcel Total Land Area</b>		<b>1.573 AC</b>	
								<b>Total Land Value:</b>		<b>453,600</b>	

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

**CONSTRUCTION DETAIL**

**CONSTRUCTION DETAIL (CONTINUED)**

**SKETCH / PRIMARY PHOTO**

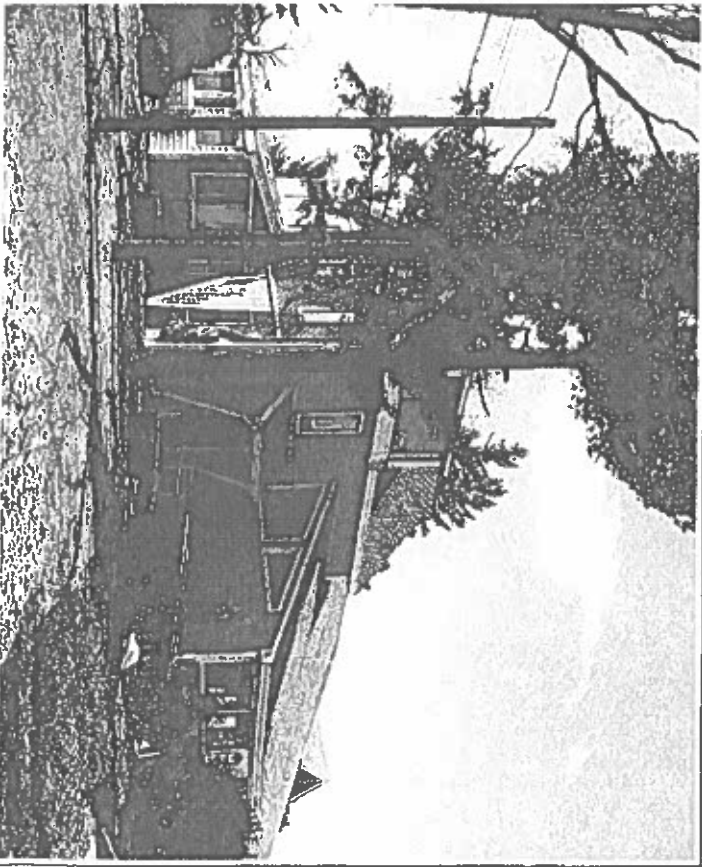
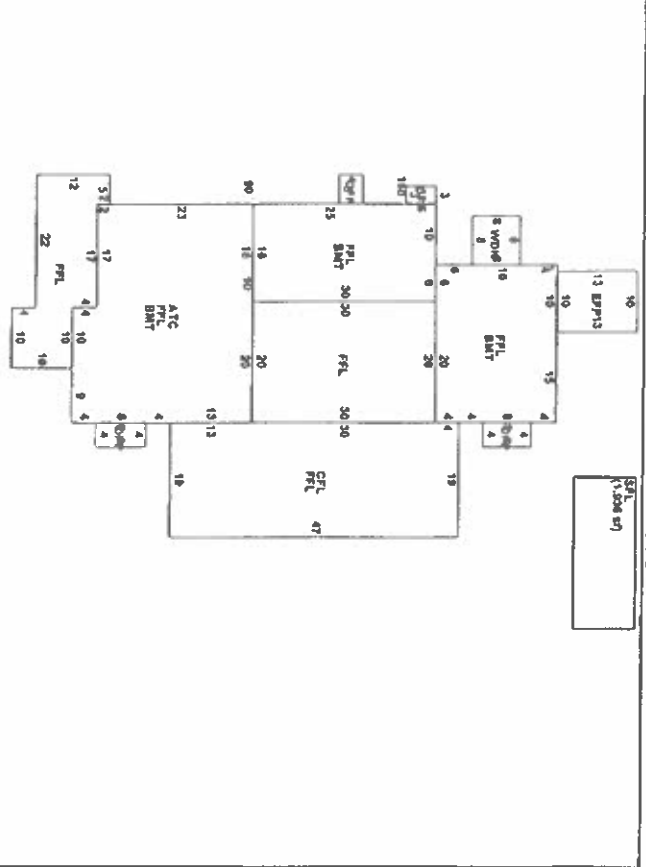
Element	Cd	Description	Element	Cd	Description
Model	94	Com/Ind	Frame	01	
Style:	18	Office Bldg	Foundation	03	
Grade	C	Average	Brmt Garage	0	
Stores:	2.25				
# of Units	1				
Wall Height	8.00				
Exterior Wall 1	04	Vinyl			
Exterior Wall 2	26	Wood			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Interior Wall 1	01	Drywall			
Interior Wall 2	08	Ply Panel			
Interior Floor 1	06	Ceramic Tile			
Interior Floor 2	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
2nd Heat Type					
AC Percent	50				
Heat/VAC					
Full Baths	0				
3/4 Baths	0				
Half Baths	4				
Kitchens	0				
Baths/Plumbing	02	AVERAGE			
Bedrooms	0				
Ceiling/Wall					
Rooms/Partition	T	Typical			
% Conn Wall	0.00				
% Heated	100				
# Heat Systems	2				
% Sprinkler					
Frame	01	Wood			

**OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

Code	Description	UB	Units	UCM	Unit Price	Yr Bkt	Cond.	% Cd	Assd. Value
PAVSP	Asphalt Paving	L	20,400	UNITS	2.00	1985	AV	60	24,500
SGNIL	Internally Lighted Sign	L	36	SQ. FT	44.00	2003	AV	60	1,000
SHEWD	Shed-Wood	L	200	UNITS	31.02	1985	AV	60	3,700

**BUILDING SUB-AREA SUMMARY SECTION**

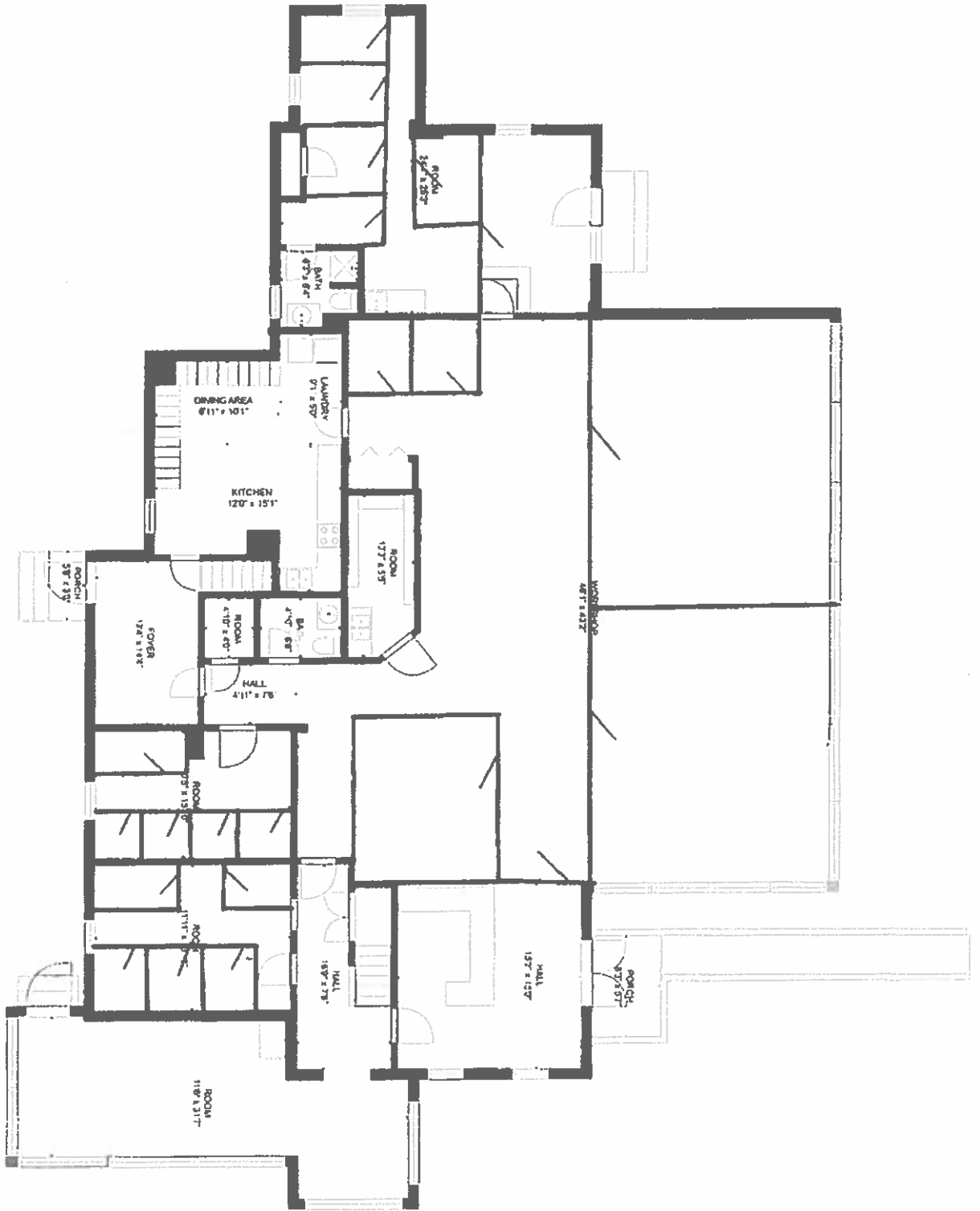
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprc Value
ATC	Attic, Finished	244	976	244	25.33	24,722
BMT	Basement, Unfinished	0	1,976	494	25.33	50,052
CFL	Cathedral Ceiling Area, not Sq. Ft	0	893	89	10.10	9,017
FFL	End. Porch, Finished	0	130	91	70.92	9,220
FFL	First Floor, Finished	3,799	3,799	3,799	101.32	384,915
OFFP	Open Frame Porch	0	99	20	20.47	2,026
SFL	Second Floor, Finished	1,936	1,936	1,936	101.32	196,156
WDK	Wood Deck, or Composite Dk	0	64	6	9.50	608
<b>Total SQFT / Sketched Area / Eff Area</b>		<b>5,979</b>	<b>9,873</b>	<b>6,679</b>	<b>Total Value</b>	<b>676,718</b>



# Proposed Floor Plan First Floor

(E)

S and B Connections



**GROSS INTERNAL AREA**

FLOOR 1: 3970 sq. ft. FLOOR 2: 1858 sq. ft.

FLOOR 3: 695 sq. ft. DECK: 82 sq. ft.

UNFINISHED AREA: 5 sq. ft.

TOTAL: 6523 sq. ft.

SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.



F

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

REQUEST FOR REVIEW/COMMENTS:

Case: 165-154 (09-28-23) (SPECIAL EXCEPTION)

Property Location: 102 Derry Street

*For Town Use*

Plan Routing Date: 09/12/2023 Reply requested by: 09/19/2023 ZBA Hearing Date: 09/28/2023

I have no comments  I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 09/13/2023  
(Initials)

DEPT:  Town Engineer  Fire/Health Department  Town Planner

[Empty rectangular box for comments]

G

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 165-154 (09-28-23) (SPECIAL EXCEPTION)

Property Location: 102 Derry Street

*For Town Use*

Plan Routing Date: 09/12/2023 Reply requested by: 09/19/2023 ZBA Hearing Date: 09/28/2023

I have no comments  I have comments (see below)

BG Name: Brian Groth Date: 09/18/2023  
(Initials)

DEPT.  Town Engineer  Fire/Health Department  Town Planner

If the special exception is granted, the proposal will require site plan approval from the Planning Board.

H

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 165-154 (09-28-23) **(SPECIAL EXCEPTION)**

Property Location: 102 Derry Street

*For Town Use*

Plan Routing Date: 09/12/2023 Reply requested by: 09/19/2023 ZBA Hearing Date: 09/28/2023

I have no comments  I have comments (see below)

DRH Name: David Hebert Date: 09/15/2023  
(Initials)

DEPT.  Town Engineer  Fire/Health Department  Town Planner

See attached



# TOWN OF HUDSON

FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISION



---

12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

Emergency 911  
Business 603-888-6005  
Fax 603-594-1142

Scott Tice  
Chief of Department

TO: Christopher Sullivan  
Zoning Administrator

FR: David Hebert  
Fire Marshal

DT: September 15, 2023

RE: Dewey and Friends

- 1) Permits through Inspectional Services will be required for renovations to accommodate the proposed use and layout
- 2) A certificate of occupancy will be required prior to operating the business
- 3) All State Adopted Building and Fire Codes shall apply
- 4) ADA accessibility is required

David Hebert  
Fire Marshall

# HUDSON ZONING BOARD OF ADJUSTMENT

## Use Special Exception Decision Work Sheet

On **09/28/2023**, the Zoning Board of Adjustment heard Case# **165-154**, being a case brought by **Keri Demers, 153 Lowell Rd, Hudson, NH** for a Use Special Exception **for 102 Derry St., Hudson, NH to allow a dog & cat daycare facility with retail services of grooming, training, animal rescue services, pet supplies retail sales, community pet education and kennel (day & overnight boarding).** [Map 165, Lot 154-000; Zoned Business (B); HZO Article VI: Special Exceptions; §334-23, General Requirements and HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses (D-2).]

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. The use requested is listed as permitted by Special Exception in the Table of Permitted Principal or Accessory Uses for the district in which the use is requested, or is so similar to other uses permitted by Special Exception in the relevant district that prohibition of the proposed use could not have been intended. |
| Y | N | 2. The proposed use meets all the applicable requirements established in this Ordinance.   |
| Y | N | 3. The proposed use is consistent with the purpose and intent of the district in which it is proposed to be located.   |
| Y | N | 4. The proposed use is compatible with the character of the surrounding neighborhood.  |
| Y | N | 5. Nonresidential principal uses proposed to be located in residential districts must take primary access from arterial or collector roads.  |

Member Decision: \_\_\_\_\_

Signed: \_\_\_\_\_  
Sitting member of the Hudson ZBA

\_\_\_\_\_  
Date

Print name: \_\_\_\_\_

SEP 12 REC'D  
2023



APPLICATION FOR A SPECIAL EXCEPTION

Zoning Department

To: Zoning Board of Adjustment  
Town of Hudson

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

Case No. 165-154 (09-28-23)

Date Filed 9/12/23

Name of Applicant Heri Demers Map: 165 Lot: 154 Zoning District: B

Telephone Number (Home) 978-337-0773 (Work) 978-995-5827

Mailing Address 153 Lowell Road Hudson, NH 03051

Owner Kim R. Antonelli, Clifford Antonelli

Location of Property 102 Derry Street Hudson, NH 03051  
(Street Address)

Heri Demers  
Signature of Applicant Date 9/15/23

KRA Clifford Antonelli  
Signature of Property-Owner(s) Date 8/31/2023

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 Special Exception.

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

Date received: 9/12/23

COST:

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

Abutter Notice:

16 Direct Abutters x Certified postage rate \$ 5.01 = \$ 80.16

17 Indirect Abutters x First Class postage rate \$ 0.66 = \$ 11.22

Total amount due: \$ 276.38

Amt. received: \$ 276.38

Receipt No.: 745,384

Received by: TSG

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


August 31, 2023

To: Town of Hudson, New Hampshire Planning Board

We, Kim Antonell and Clifford Antonell, owners of the property located at 102 Derry St Hudson NH, authorize Richard Demers and Keri Demers of Dewey & Friends Pet Resort to apply for a ZBA special exception and all permits required from the Town of Hudson for use of this property.

Please contact us should you require further documentation or information. We may be reached at [antonellmanagement@gmail.com](mailto:antonellmanagement@gmail.com).

Thank you,



\_\_\_\_\_

Kim Antonell



\_\_\_\_\_

Clifford Antonell

# TOWN OF HUDSON, NH

## Application Checklist

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

Applicant Initials		Staff Initials
<u>KD</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>KD</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 <del>10 (ten)</del> <b>single-sided</b> copies of the assembled application packet. (Paper clips, no staples) <b>13</b>	<u>TG</u>
<u>KD</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>KD</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>KD</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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (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>KD</u>	<b>GIS LOCATION PLAN:</b> 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: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>TG</u>
<u>KD</u>	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>KD</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>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>



**CERTIFIED PLOT PLAN:**

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

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

*See attached Proposed Floor Pl.*

- a) KD The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. N/A
- b) KD The plot plan shall be up-to date and dated, and shall be no more than three years old. |
- c) KD The plot plan shall have the signature and the name of the preparer, with his/her/their seal. |
- d) KD The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property. |  
(NOTE: A copy of the GIS map can be obtained by visiting the town website: <https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) KD The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) |
- f) KD The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. |
- g) KD The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. |
- h) KD The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. |
- i) KD The plot plan shall indicate all parking spaces and lanes, with dimensions. |

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

Kari Dena  
Signature of Applicant(s)

9/5/23  
Date

KRA Cliff Oronoff  
Signature of Property Owner(s)

8/31/2023  
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
		*Include Applicant & Owner(s) Heri Demers	153 Lowell Road Hudson, NH 03051
165	154	Clifford R Antonelli Kim R. Antonelli	233 Dodge Street Beverly MA 01915
156	054	MAK trust c/o Rosa Chan	142 Lowell Road Unit 17 #125 Hudson, NH 03051
156	059	Leonard & Frances E Leach	108 Derry Street Hudson, NH 03051
165	117	IAN Kenney Nicole Mahogany	15 Grand Ave Hudson, NH 03051
165	118	John Markgren Jr.	13 Grand Ave Hudson, NH 03051
165	119	Lisa A. Daigle	11 Grand Ave Hudson, NH 03051
165	120	Bruce J. Morse	4 Essex Ave Hudson, NH 03051
165	121	Colleen Tyler	5 Grand Ave Hudson, NH 03051
165	122	Daniel W. O'Brien, TR Mary Ann O'Brien, TR O'Brien IRB Trust	14 Grand Ave Hudson NH 03051
165	131	Richard Tyler trustee Richard J. Tyler Revoc Trust	1 Summer St Hudson, NH 03051
165	132	Maurice E Duval TR Denise E Duval TR Duval Family Revocable Trust	2 Summer St Hudson, NH 03051
165	133	Hildreth Stoltz	4 Summer Street Hudson, NH 03051



**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

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

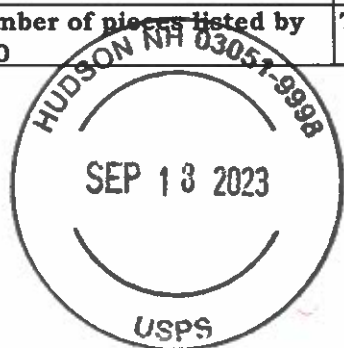
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
156	055	Danielle M Tomkawicz	2 Hill Street Hudson, NH 03051
156	060	Shawn m miner matthew R. Passalacqua	P.O. Box 147 Hudson, NH 03051
156	060	Shawn m miner matthew R. Passalacqua	12 Senter Farm Rd Hudson, NH 03051
156	060	St. Armand-Lombardo, Cheryle Dean Lombardo	9 Essex Ave Hudson, NH 03051
165	105	Kenneth R Underwood Kimberly A Underwood	4 Hill Street Hudson, NH 03051
165	106	Lisa Marie Hauen	6 Hill Street Hudson, NH 03051
165	107	Judy F. Husted TR Husted Revocable Trust	8 Hill Street Hudson, NH 03051
165	108	Harvey J. & Christine D Husted	10 Hill Street Hudson, NH 03051
165	109	Elizabeth Le	12 Hill Street Hudson, NH 03051
165	116	Kimberly A. Greenwood	17 Grand Ave Hudson, NH 03051
165	129	Robert A. Nelson Pamela E Ramsey	7 Summer Ave Hudson, NH 03051
165	130	mark A. & michelle J. kelley christopher R. Kelley	3 Summer st Hudson, NH 03051
165	134	Richard L. Leduc	6 Summer Ave Hudson, NH 03051



**USPS-Verified Mail**

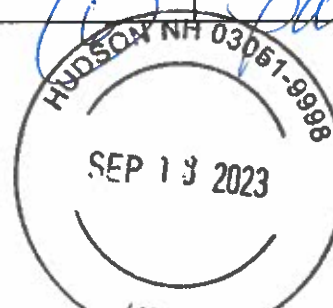
SENDER:		US POSTAL SERVICE - CERTIFIED MAIL	Case# 165-154 SPECIAL EXCEPTION 102 Derry St Map 165/Lot 154-000 1 of 2
ARTICLE NUMBER		Name of Addressee, Street, and post office address	09/28/2023 ZBA Meeting
1	9589 0710 5270 0646 5627 30	Kerri Demers 153 Lowell Rd., Hudson, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5627 47	ANTONELL, CLIFFORD R.; ANTONELL, KIM R. 233 DODGE ST., BEVERLY, MA 01915	APPLICANT/OWNER NOTICE MAILED
3	9589 0710 5270 0646 5627 54	MAK TRUST; C/O ROSA CHAN 142 LOWELL RD. UNIT17 #125, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5627 61	LEACH, LEONARD & FRANCES E. 108 DERRY ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5627 78	KENNEY, IAN; MAHOGANY, NICOLE 15 GRAND AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5627 85	MARKGREN, JOHN JR. 13 GRAND AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5627 92	DAIGLE, LISA A. 11 GRAND AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5628 08	MORSE, BRUCE J 4 ESSEX AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5628 15	TYLER, COLLEEN 5 GRAND AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0646 5628 22	O'BRIEN, DANIEL W. & MARY ANN, TRUSTEES; O'BRIEN IRR TRUST 14 GRAND AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
Total Number of pieces listed by sender 10		Total number of pieces rec'd at Post Office 10	Postmaster (receiving Employee) JC

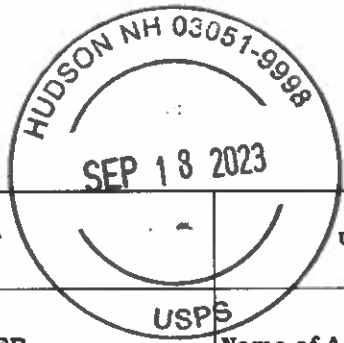


Direct Certified

**USPS-Verified Mail**

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - <b>CERTIFIED MAIL</b>	Case# 165-154 <b>SPECIAL EXCEPTION</b> 102 Derry St Map 165/Lot 154-000 <b>2 of 2</b>
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>09/28/2023 ZBA Meeting</b>
1	9589 0710 5270 0646 5628 39	TYLER, RICHARD, TRUSTEE; RICHARD J. TYLER REVOC. TRUST	ABUTTER NOTICE MAILED
		1 SUMMER STREET, HUDSON, NH 03051	
2	9589 0710 5270 0646 5628 46	DUVAL, MAURICE E. & DENISE E., TRUSTEES; DUVAL FAMILY REVOCABLE TRUST	ABUTTER NOTICE MAILED
		2 SUMMER STREET, HUDSON, NH 03051	
3	9589 0710 5270 0646 5628 53	STULTZ, HILDRETH H.	ABUTTER NOTICE MAILED
		4 SUMMER STREET, HUDSON, NH 03051	
4	9589 0710 5270 0646 5628 60	BROOKS, DEANNA; BROOKS, DONALD	ABUTTER NOTICE MAILED
		100 DERRY ST., HUDSON, NH 03051	
5	9589 0710 5270 0646 5628 77	HUDSON-VICKERRY, LLC	ABUTTER NOTICE MAILED
		25 ORCHARD VIEW DRIVE, LONDONDERRY, NH 03053	
6	9589 0710 5270 0646 5628 84	ST PATRICK CEMETERY; Bishop of Manchester Roman Catholic	ABUTTER NOTICE MAILED
		153 Ash Street, Manchester, NH 03104	
7			
8			
9			
10			
	<b>Total Number of pieces listed by sender 6</b>	<b>Total number of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b> <i>Paula Angell</i>





USPS-Verified Mail

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-154 SPECIAL EXCEPTION 102 Derry St Map 165/Lot 154-000 1 of 2
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>09/28/2023 ZBA Meeting</b>
1	Mailed First Class	TOMKOWICZ, DANIELLE M. 2 HILL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	MINER, SHAWN M.; PO BOX 147, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	PASSALACQUA, MATTHEW R. 12 SENTER FARM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	ST. ARMAND-LOMBARDO, CHERYLE; LOMBARDO, DEAN 9 ESSEX AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	UNDERWOOD, KENNETH R; UNDERWOOD, KIMBERLY A. 4 HILL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	HAVEN, LISA MARIE 6 HILL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	HUSTED, JUDY F., TR.; HUSTED REVOCABLE TRUST 8 HILL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	Mailed First Class	HUSTED, HARVEY J. & CHRISTINE D. 10 HILL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	Mailed First Class	LE, ELIZABETH 12 HILL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	Mailed First Class	GREENWOOD, KIMBERLY A. 17 GRAND AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
11	Mailed First Class	NELSON, ROBERT A.; RAMSEY, PAMELA E. 7 SUMMER AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
12	Mailed First Class	KELLEY, MARK A. & MICHELLE J.; KELLEY, CHRISTOPHER R. 3 SUMMER AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
13	Mailed First Class	LEDUC, RICHARD L. 6 SUMMER AVE., HUDSON, NH 03051	ABUTTER NOTICE MAILED
	<b>Total # of pieces listed by sender</b> 13	<b>Total # of pieces rec'vd at Post Office</b> 13	<b>Postmaster (receiving Employee)</b> JC

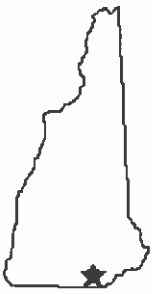
Indirect First Class



**USPS-Verified Mail**

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 165-154 SPECIAL EXCEPTION 102 Derry St Map 165/Lot 154-000 <b>2</b> of 2
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>09/28/2023 ZBA Meeting</b>
1	Mailed First Class	ABBOTT FARM CONDOMINIUMS; C/O GREAT NORTH PROPERTY MGMT; ATTN: TRACEY MADDEN 636 DANIEL WEBSTER HWY, MERRIMACK, NH 03054	ABUTTER NOTICE MAILED
2	Mailed First Class	BRANFORD PROPERTIES OF NEVADA, LLC 5451 ARVILLE ST., LAS VEGAS, NV 89118	ABUTTER NOTICE MAILED
3	Mailed First Class	BALDWIN, RUSSELL; SOUSA, EMILY 327 BOYLSTON ST., LOWELL, MA 01852	ABUTTER NOTICE MAILED
4	Mailed First Class	Jess Hepler, c/o The Masiello Group 163 South River Rd., Bedford, NH 03110	ABUTTER NOTICE MAILED
5			
6			
7			
8			
9			
10			
11			
12			
13			
	<b>Total # of pieces listed by sender</b> 4	<b>Total # of pieces rec'vd at Post Office</b> 4	<b>Postmaster (receiving Employee)</b> <i>Paula Angeli</i>

Indirect First Class (2)



# 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

September 15, 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, **09/28/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 165-154 (09-28-23): Keri Demers, 153 Lowell Rd., Hudson, NH requests a Special Exception for 102 Derry St., Hudson, NH to allow a dog & cat daycare facility with retail services of grooming, training, animal rescue services, pet supplies retail sales, community pet education and kennel (day & overnight boarding). [Map 165, Lot 154-000; Zoned Business (B); HZO Article VI: Special Exceptions; §334-23, General Requirements and HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses (D-2).]**

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

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

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Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting 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](mailto: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](http://www.hudsonnh.gov) or in the Land Use Department located at the Hudson Town Hall.

Respectfully,

Chris Sullivan  
Zoning Administrator

APPLICATION FOR A SPECIAL EXCEPTION

Per Hudson Zoning Ordinance, Article VI, Special Exceptions; §334-23, General Requirements: Unless otherwise specified, the Zoning Board of Adjustment shall permit a use by special exception, subject to the following conditions:

1. Describe the proposed use showing justification for a Special Exception, as specified in the Hudson Zoning Ordinance (HZO), § 334-21, Table of Permitted Principal Uses, or § 334-22, Table of Permitted Accessory Uses, or § 334-10 D, Multiple or mixed uses on a single lot, which includes a residential use.

ARTICLE: V-Permitted uses SECTION(S): 334-21

The use requested is listed as permitted by special exception in the table of permitted principle for the district in which the use is required or is so similar to other uses permitted by special exception in the relevant district. Dog Kennel is listed as requiring a special exception in this district (B) business.

2. Describe how the proposed use meets all the applicable requirements established in this chapter.

Dewey and friends will be in the business district and we will be offering retail services, such as day care, overnight boarding, training, grooming, cat boarding, client education as well as community services.

3. Describe how the proposed use is consistent with the purpose and intent of the district in which it is proposed to be located. *Descriptions of the districts can be found in HZO, Article IV, Establishment of Districts; § 334-18, Districts described.*

Dewey and friends is a dog daycare and boarding facility. We hope to expand to offer dog training, grooming, and cat boarding. As well as potential cats/dogs for adoption, client education, among other services offered to the community for their pets. The B district is established to provide for the development of general wholesale, and retail commercial uses services, office uses, industry, warehousing, multi family dwellings and customary accessory uses and structures. Due to the boarding of dogs overnight this triggers a use (kennel) that requires a special Rev. July 22, 2021 exception and thus the request from the ZBA for a special exception

APPLICATION FOR A SPECIAL EXCEPTION

(CONTINUED)

4. Describe how the proposed use is compatible with the character of the surrounding neighborhood.

The location is in the B district and we are offering "retail" services. Many homes have pets, most families work full time, we are asking to allow a service to assist these families by letting their dogs be monitored safely while they are at work, or away for a period of time

5. Describe how the nonresidential principal uses proposed to be located in residential districts must take primary access from arterial or collector roads.

not applicable as in the B district

# Proposed Floor Plan First Floor



GROSS INTERNAL AREA  
 FLOOR 1: 3970 sq. ft, FLOOR 2: 1858 sq. ft

FLOOR 3: 695 sq. ft, EXCLUDED AREAS:

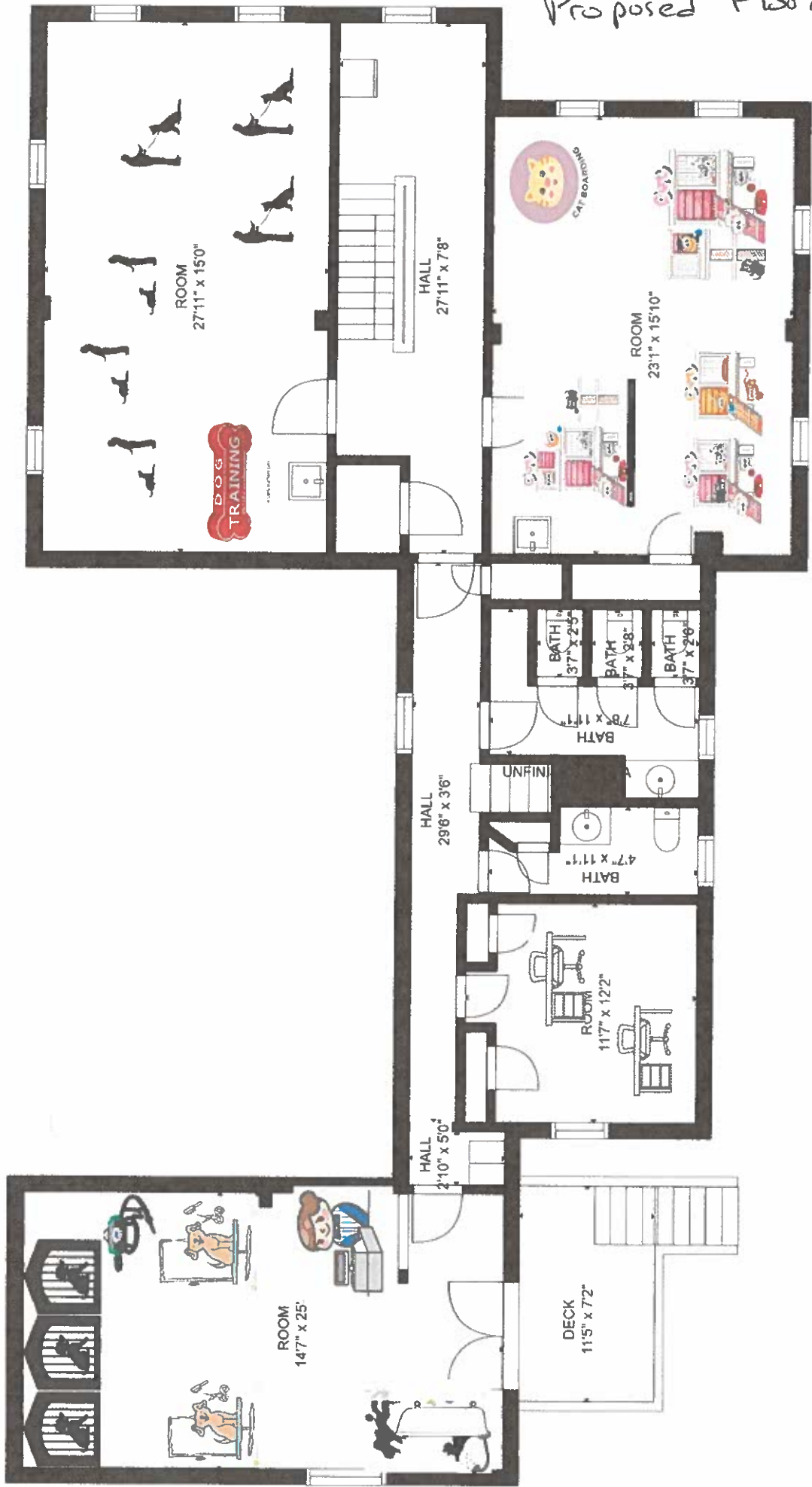
PORCH: 63 sq. ft, DECK: 82 sq. ft

UNFINISHED AREA: 5 sq. ft

TOTAL: 6523 sq. ft

SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.

# Proposed Floor Two



GROSS INTERNAL AREA  
 FLOOR 1: 3970 sq. ft.; FLOOR 2: 1858 sq. ft.  
 FLOOR 3: 695 sq. ft.; EXCLUDED AREAS:  
 PORCH: 63 sq. ft.; DECK: 82 sq. ft.  
 UNFINISHED AREA: 5 sq. ft.  
 TOTAL: 6523 sq. ft.

SIZES AND DIMENSIONS ARE APPROXIMATE. ACTUAL MAY VARY.



S and B Connections



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination # 23-066

May 8, 2023

Keri Demers  
153 Lowell Rd  
Hudson, NH 03051

102 Derry St Map 165 Lot 154-000  
District: (B) Business

Dear Ms. Demers,

**Request for determination:** If pet daycare/grooming/training/cat boarding/pet supply be allowed on this property?

**Zoning Review/Determination:**

This is an existing developed site, with an approved site plan (HCRD # 17153) for hair salon/beauty school.

You would need a Special Exception approval from the ZBA for any "kennel/boarding" activity.

You would need Planning Board approval to amend the site plan, due to the use category change, reference: §334-16.1. Please contact Brian Groth - Town Planner (603) 886-6008 for application details.

Sincerely,

Bruce Buttrick

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

cc: Public Folder  
B. Groth, Town Planner  
Owner  
File

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





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

TOWN OF HUDSON

#23-066

MAY 01 ENT'D  
 2023

Zoning Department



Town of Hudson

REQUEST FOR ZONING and/or PLANNING INFORMATION / DETERMINATION

Date of request 04/28/2023

Property Location 102 Derry Street Hudson NH 03051  
 Map 165 Lot 154 Sublot 000

Zoning District if known Business

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

Description of request / determination: (Please attach all relevant documentation)  
Would like to lease for Dewey and Friends Pet Resort additional space for Daycare/Grooming/Training/Cat boarding/Pet Supply Sales

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Applicant Contact Information:**  
 Name: Keri Demers  
 Address: 153 Lowell Road Hudson NH 03051  
 Phone Number: 978-337-0773  
 Email: Keri@deweyandfriends.com

*For Office use*

ATTACHMENTS: TAX CARD  GIS

NOTES: \_\_\_\_\_

ZONING DETERMINATION LETTER SENT  DATE: \_\_\_\_\_

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
ANTONELL, CLIFFORD R. ANTONELL, KIM R. 233 DODGE ST. BEVERLY MA 01915		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		MD3		Mid Derry Comm Area		2023	3510	263,900	2022	3510	263,800	2022	3510	349,600
		TOPO		UTILITIES			3510	453,600		3510	453,600		3510	346,200
		01	Level	03	Town Water		3510	29,200		3510	29,200		3510	22,000
		02	Town Sewer			Total		746,700	Total		746,600	Total		717,800

RECORD OF OWNERSHIP				SALE PRICE				SALE NOTES		APPRAISED VALUE SUMMARY			
BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC								
9675 1350	12-27-2022	Q	I	600,000	00	Grantor: N/A		Appraised Bldg. Value (Card)				263,900	
2745 0315	01-03-1980	Q	I	0	00			Appraised Xf (B) Value (Bldg)				0	
								Appraised Ob (B) Value (Bldg)				29,200	
								Appraised Land Value (Bldg)				453,600	
								Special Land Value				0	
								Total Appraised Parcel Value				746,700	
								Valuation Method				C	

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				VISIT / CHANGE HISTORY									
Parcel ID	Zoning	Flood Hazard	Neigh/Abut	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Descript	Code	Appraised	Assessed	Date	Id	Type	Is	Cd	Purpost/Result
165-154-000	BD:Business District	C					165-154-000	BLDG	3510	263,900	263,900	07-15-2022	11			02	Measured
								LAND	3510	453,600	453,600	05-03-2022	24			45	Field Review
								OB	3510	29,200	29,200	08-08-2019	18			03	Meas/Inspect
								Total:		746,700	746,700	09-15-2017	09			18	Hearing - Change
								Total:		746,700	746,700	06-11-2017	09			45	Field Review
								Total:		746,700	746,700	02-24-2017	07			80	Income And Expense Requ
								Total:		746,700	746,700	05-07-2012	09			45	Field Review
								Total:		746,700	746,700	04-20-2011	12			15	Permit Visit

NOTES																
CONTINENTAL ACADEMIE OF HAIR. MANY ADDS For Sale 11 2021 \$849,900																
SINCE ORIGINALLY BUILT, BMT HAS PANELING 5/22 CONVERTED HOUSE																
, CONC FLR STUDENT APARTMENT REMOVED 94.																
/Access and Layout=Func=2006. 8/19 VINYL																
EXT 16X30 UAT POOR ACCESS +UTIL-NV ATT																
IC -OFFICE, SFL-CLASSROOM, FFL-SALON																

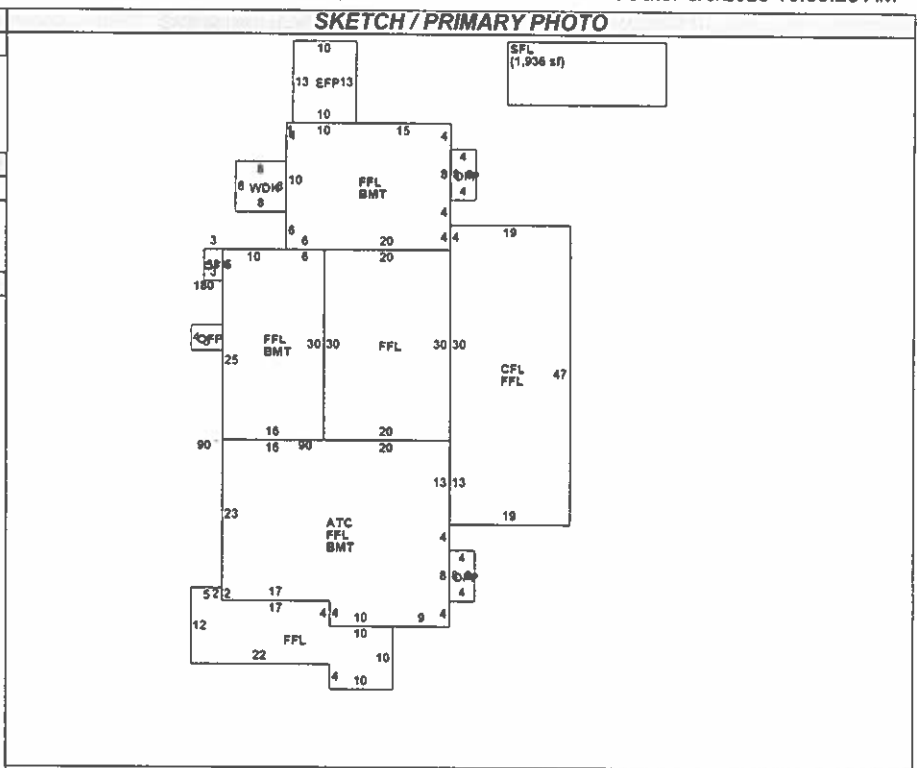
BUILDING PERMIT RECORD																
Permit Id	Issue Date	Permit	Description	Amount	Status	Applicant	SQ ft	Comments								
2010-00381	08-02-2010	IR	Int Renov	65,500	C			Visit Notes: Int Reno;								
2010-381-2PL	07-16-2010	PLMG	Plumbing	2,000	C			Visit Notes: Plumbing Int Reno;								
2010-381-1EL	07-15-2010	IR	Int Renov	2,500	C			Visit Notes: Electrical Fixtures, Etc;								
2006-162	10-04-2005	SI	Signs		C			Visit Notes: Temp 3x8 Banner;								

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	3510	EDUC BLDG	Site	1.000 AC	260,000		1.00	E	1.00	MD3	1.65						429,000
1	3510	EDUC BLDG	Comm Exces	0.573 AC	26,000		1.00	0	1.00	MD3	1.65						24,600
Total Card Land Units:				1.573 AC	Parcel Total Land Area:				1.573	AC	Total Land Value:				453,600		

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	94	Com/Ind	Frame	01	
Style	18	Office Bldg	Foundation	03	
Grade	C	Average	Bsmt Garage	0	
Stories:	2.25				
# of Units	1				
Wall Height	8.00				
Exterior Wall 1	04	Vinyl			
Exterior Wall 2	26	Wood			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Interior Wall 1	01	Drywall			
Interior Wall 2	08	Ply Panel			
Interior Floor 1	06	Ceramic Tile			
Interior Floor 2	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
2nd Heat Type					
AC Percent	50				
Heat/AC					
Full Baths	0				
3/4 Baths	0				
Half Baths	4				
Kitchens	0				
Baths/Plumbing	02	AVERAGE			
Bedrooms	0				
Ceiling/Wall					
Rooms/Partition	T	Typical			
% Conn Wall	0.00				
% Heated	100				
# Heat Systems	2				
% Sprinkler					
Frame	01	Wood			

MIXED USE		
Code	Description	Percentage
3510	EDUC BLDG	100
		0

COST / MARKET VALUATION	
RCN	676,716
Year Built	1900
Effective Year Built	1983
Depreciation Code	AG
Remodel Rating	
Year Remodeled	
Depreciation %	39
Functional Obsol	22
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	39
RCNLD	263,900
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

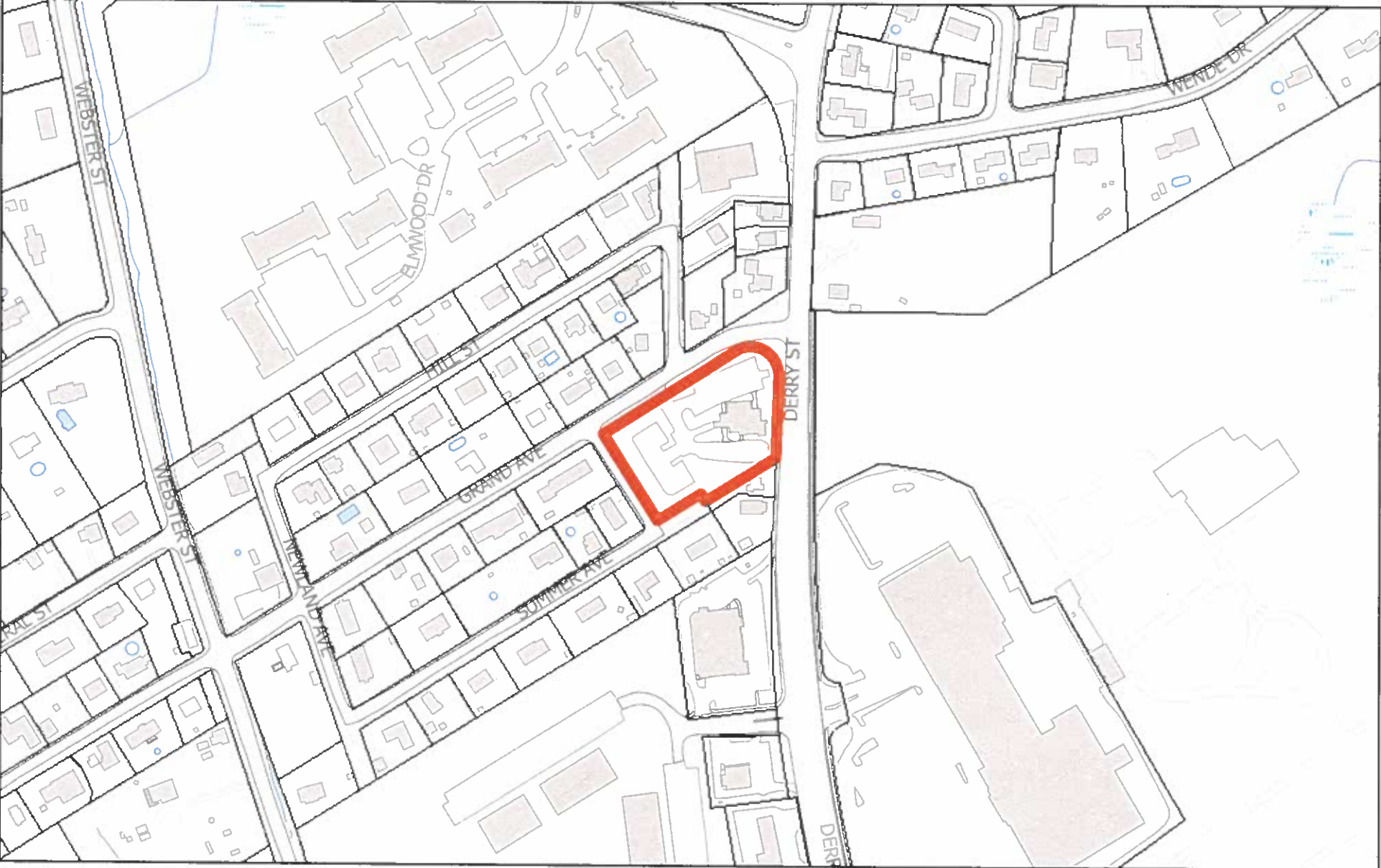


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Price	Yr Blt	Cond.	% Gd	Assd. Value
PAVASP	Asphalt Paving	L	20,400	UNITS	2.00	1985	AV	60	24,500
SGNIL	Internally Lighted Sign	L	36	SQ. FT	44.00	2003	AV	60	1,000
SHEDWD	Shed-Wood	L	200	UNITS	31.02	1985	AV	60	3,700

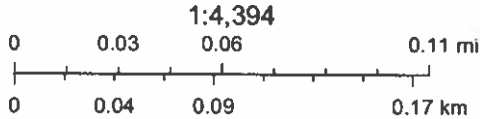
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
ATC	Attic, Finished	244	976	244	25.33	24,722
BMT	Basement, Unfinished	0	1,976	494	25.33	50,052
CFL	Cathedral Ceiling Area, not Sq. Ft	0	893	89	10.10	9,017
EFP	Encl. Porch, Finished	0	130	91	70.92	9,220
FFL	First Floor, Finished	3,799	3,799	3,799	101.32	384,915
OFF	Open Frame Porch	0	99	20	20.47	2,026
SFL	Second Floor, Finished	1,936	1,936	1,936	101.32	196,156
WDK	Wood Deck, or Composite Dk	0	64	6	9.50	608
	<b>Total SQFT / Sketched Area / Eff Area</b>	<b>5,979</b>	<b>9,873</b>	<b>6,679</b>	<b>Totl Value</b>	<b>676,716</b>



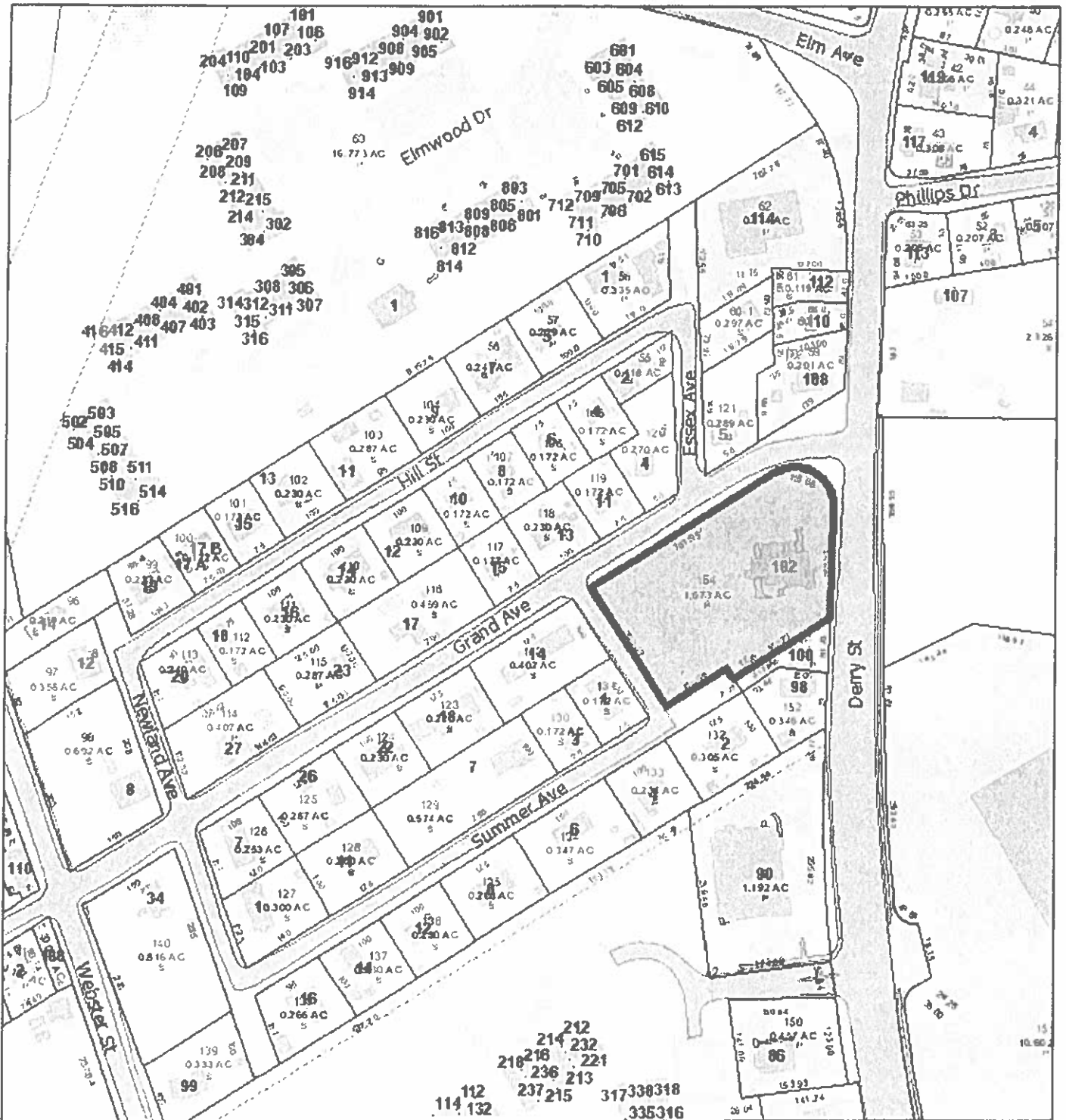
# 102 Derry Street



9/5/2023



# 102 Derry St (Map/Lot 165-154-000)



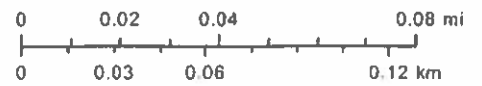
May 4, 2023

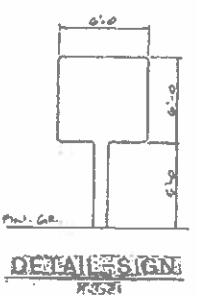
1:2,378

Legend

----- Easement\_Lines

▭ Parcels





SECRETARY,  
ST. PATRICK'S ROMAN CATHOLIC CHURCH

AREA TO BE DEDICATED  
TO OWN OF HUDSON  
LEAVE PAVED DRIVE  
VIEWS (SEE PAGE 1)

REVISED GRAND AVENUE, R.O.M.  
PROPOSED AT THE FEB. 22, 1980  
PUBLIC HEARING OF THE DERRY ST.  
(N.H. ROUTE 102) RECONSTRUCTION  
PROJECT, THIS IS NOT A DEDICATION.

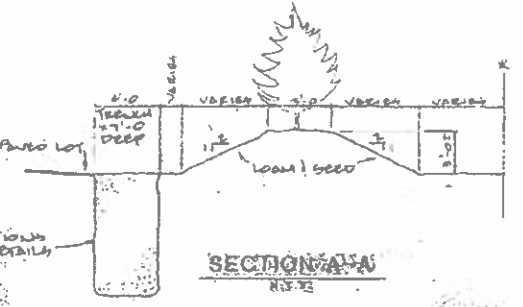
APPROX. E.O.W. NECESSARY TO  
RECONSTRUCT DECK AT GRAND  
AVENUE TO MATCH EXISTING

NEW DIRT CLEARED TO BE  
DOGGED ALONG PORTAGE  
OF PARKING AT GRAND  
AVENUE

**LEGEND**

- C.B. CATCH BASIN
- S.M.H. SEWER MANHOLE
- UTILITY POLE
- ◇ HYD. HYDRANT
- I.P. IRON PIPE
- - - SEWER LINE

SEE COMPUTATIONS  
FOR CONCRETE DETAILS



**SECTION A-A**  
N15-12

OWNER:  
CAR DEVELOPMENT CORPORATION  
152 LOWELL ROAD  
HUDSON, NH

DATE: 5/1/82

DAVID A. FARR, P.E.  
HAMILTON ENGINEERING ASSOC., INC. 282-0463

APPROVED BY THE HUDSON PLANNING BOARD DATE: 10/21/81

APPROVED BY THE CHAIRMAN DATE: 10/21/81

APPROVED BY THE SECRETARY DATE: 10/21/81



NO	DATE	REVISION
1	10-21-81	ISSUE FOR PERMITS
2	11-1-81	REVISIONS TO PERMITS
3	1-1-82	REVISIONS TO PERMITS

**SITE PLAN**  
PREPARED FOR  
**CONTINENTAL HAIR DESIGN**  
HUDSON, NH

SCALE: AS NOTED DATE: DEC. 8 11

DESIGNED BY: BPH  
DRAWN BY: BPH  
CHECKED BY: JLV  
APPROVED BY: BAF

HAMILTON ENGINEERING ASSOCIATES  
HUDSON, NEW HAMPSHIRE 5913

SHEET 1 OF 1



**LOCATOR MAP**  
SCALE: 1" = 100'

**NOTES**

- ZONING IS B-2 BUSINESS.
  - LOT AREA = 20,902 S.F. NEW AREA 60,520 S.F.
  - TAX MAP 50, 191 NO. 3
  - PARKING REQUIRED - 54 SPACES
  - GREEN SPACE - 21,720 S.F. 30% REQUIRED (37,720 S.F. - 57% SHOWN)
  - DY-HOUST SILL-CALL 100.00
7. PARKING REQUIRED:
- 7 STUDENT RESIDENCES + 7 STAFF = 14 @ 5 SPACES / EACH = 70 SPACES
  - 1 RESIDENT = 1 SPACE
  - 36 CLIENTS @ 5 SPACES/CLIENT = 180 SPACES
  - 56 STUDENTS @ 5 SPACES/STUDENT = 280 SPACES
  - TOTAL SPACES REQUIRED = 54 SPACES
  - TOTAL SUPPLIED = 61 SPACES
8. MAX. WINDROW LOAMY SAND, 0 TO 3 PERCENT SLOPES. THIS SOIL HEAVILY LEVEL AND EXCESSIVELY GRAINED. IT IS ON TERRACES AND OUTWASH PLAINS. PERCENTAGE OF THIS WINDSOR SOIL IS RAPID AND AVAILABLE WATER CAPACITY IS VERY LOW.
9. WATER GRANTED BY HUDSON PLANNING BOARD FOR 20' PARKING AISLE WIDTH IN NEW PARKING LOT ON 4/28/82.
10. WATER GRANTED BY HUDSON PLANNING BOARD FOR EXISTING PARKING LOT WITHIN 20' SETBACK ALONG GRAND AVENUE ON 4/28/82.

**PLAN REFERENCE**

- BOUNDARY AND TOPOGRAPHICAL INFORMATION TAKEN FROM PLAN ENTITLED: SITE PLAN 102 DERRY STREET DATED OCT. 21, 1981 BY F.G. SPRAGUE, P.L.S. & C.E. HUDSON, N.H.



Printed  
9/12/2023  
12:54PM  
Created  
9/12/2023  
12:47 PM

# Transaction Receipt

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

Receipt# 745,384  
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application -9/28/23 ZBA Meeting 102 Derry Street Map 165 Lot 154-000 (Zone-B) Special Exception	0.00	276.3800	0.00
			Total:	276.38

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Dewey & Friends LLC	CHECK	CHECK # 1636	276.38	0.00	276.38
			Total Due:		276.38
			Total Tendered:		276.38
			Total Change:		0.00
			Net Paid:		276.38



# 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 – August 24, 2023 – as edited

The Hudson Zoning Board of Adjustment met Thursday, August 24, 2023 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ATTENDANCE

Chairman Gary Daddario called the meeting to order at 7:00 PM, invited everyone to stand for the Pledge of 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), Tim Lanphear (Alternate), Normand Martin (Regular/Vice Chair), Marcus Nicolas (Regular), Jim Pacocha (Regular), and Edward Thompson (Alternate/Clerk). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote), and Chris Sullivan, Zoning Administrator. Excused ~~were~~ Dean Sakati (Regular). ~~Absent [or excused?] was and~~ Tristan Dion (Alternate). Alternate Lanphear was appointed to vote.

#### 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.]

Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 8/10/2023 and added that his determination and classification that this residence is being used as a Boarding house was based on physical inspection and added that the Zoning Ordinance does not address (or mention) Boarding Houses. Mr. Sullivan stated that the Town Engineer commented that this site has a 3-bedroom septic system capacity and that the Fire Marshall commented on need to be in compliance with Life Safety Code NFPA 101 (2018 Edition) for Boarding Houses.

David Arvedon introduced himself, stated that he is deaf in one ear and hard of hearing out of the other and asked the Board's indulgence. Mr. Arvedon stated that he is seventy seven (77) years old and his brother is an invalid and last year he threw



47 his back out shoveling and the four (4) people who he shares his home with are good  
48 people he has known for years, in fact one worked for him for five (5) years, and they  
49 help out caring for his brother and the dogs and yard maintenance and shoveling and  
50 utilities and running errands and if they are forced to leave they would probably  
51 become homeless with the exorbitant rental rates of today and he would have to sell  
52 his home and find alternate care for his brother because it would be too much for him  
53 alone, being a senior citizen and all. His house is not a boarding house because it is  
54 big and a home where everyone shares the kitchen, living room, deck, bathrooms and  
55 each one has a bedroom. Mr. Arvedon stated that it is good karma, doing the right  
56 thing sharing his home

57  
58 Mr. Daddario asked Mr. Arvedon to address the Variance criteria. Mr. Arvedon stated  
59 that the hardship would not be to him but to his people as they would end up  
60 homeless if they had to move and that it not fair – this is a huge house surrounded by  
61 vast wasteland with no close neighbors.

62  
63 The other information contained in the application included

- 64  
65 (1) *not contrary to public interest*  
66 • Four (4) responsible people live at this property in addition to himself and his  
67 brother  
68 (2) *will observe the spirit of the Ordinance*  
69 • There is plenty of space between house and all other houses  
70 (3) *substantial justice done*  
71 • Need people here to care for my dogs, my disabled brother and myself, being  
72 a senior citizen  
73 • Also need constant help maintaining the property and paying for utilities  
74 and other property expenses  
75 (4) *not diminish surrounding property values*  
76 • Nobody in surrounding properties is remotely close to my house  
77 • There are less people in my house than most other houses this size  
78 (5) *hardship*  
79 • It is the other people in this house who would face hardship because they  
80 would end up homeless  
81 • He would be forced to sell his home and find alternate care for his disabled  
82 brother  
83

84 Mr. Martin asked and received confirmation from Mr. Sullivan that he did have a tour  
85 of the residence and because the residents were not related, except for the brothers  
86 who own the property, and there is an exchange of money, he determined that the  
87 closest definition is that of a boarding house and added that there is no mention or  
88 definition of boarding houses in the Zoning Ordinance and because it is not listed in  
89 the Table of Permitted Uses, he concluded that it was not allowed and needed a  
90 Variance.

91  
92 Mr. Pacocha inquired if the house is a single-family residence or modified into  
93 apartments/separate living quarters. Mr. Sullivan stated that it is a single-family  
94 residence. Mr. Pacocha asked why it is before the ZBA. Mr. Sullivan stated that the  
95 Fire Department was called to the house and it was noted that the people there were  
96 not related. Mr. Dumont expressed his opinion that it is wrong that a call to the Fire

97 Department for an ambulance could lead to this and asked Mr. Sullivan what the  
98 difference is between a boarding house and receiving help with health care and house  
99 maintenance. Mr. Sullivan stated that it is the exchange of money. Mr. Martin asked  
100 if there wasis any type of proof of payment and Mr. Sullivan responded that no proof of  
101 payments was submitted. Mr. Martin noted that there does not appear to be an issue  
102 with the type of boarders and that there is no code enforcement issue. Mr. Dumont  
103 asked how long the boarders have been there and Mr. Arvedon responded that they  
104 have been with him for about four (4) years. Mr. Dumont asked Mr. Arvedon if he  
105 advertised rooms for rent and Mr. Arvedon stated that he has never advertised, that he  
106 knows his people, and Mr. Dumont noted that this is not a business.

107  
108 Public testimony opened at 7:33 PM. The following individuals addressed the Board:

- 109 (1) James Mills, 118 Bush Hill Road, stated that he met Mr. Arvedon when he  
110 first moved to the neighborhood and recalled his surprise by the welcoming  
111 because where he came from (Massachusetts) people just didn't do that,  
112 noted that the property has always been well maintained and cited that even  
113 the cedar logs were sanded and refinished, that he has met all the people  
114 living there and noted that there are less people living there now than in the  
115 past and that he supported granting Mr. Arvedon the variance as it is no  
116 impact to him or the neighborhood
- 117 (2) Bert and Lisa Masse, 7 Moose Hill Road, sent an email on 8/20/2023  
118 stating that they are opposed to the granting of this variance because it is  
119 prohibited and they don't want boarding houses in their neighborhood.

120  
121 Mr. Dumont asked if any other classification is possible besides boarding house? Mr.  
122 Martin noted that there is nothing in the Zoning Ordinance for Boarding Houses and  
123 questioned why it was even before the ZBA. Mr. Pacocha stated that there can-not be  
124 a Variance for Boarding House without the proper procedure and process that  
125 includes the Planning Board and reminded the Board of the similar issue they had  
126 with an Air B&B application.

- 127  
128 (3) James Mills, 118 Bush Hill Road, asked if the variance could be limited to  
129 the current owner only? It was noted that Variances usually stay with the  
130 land.

131  
132 Public testimony closed at 7:41 PM.

133  
134 Mr. Daddario stated that it would give him no pleasure to deny the Variance but would  
135 have to because the underlay is that all five (5) criteria need to be met and by the  
136 Applicant's own admission, there is no hardship; but there's still the question of what  
137 is happening at the house, considering that there are six (6) people in six (6) bedrooms  
138 with a three-bedroom the septic system leading to a potential issue; that there's no  
139 definition of Boarding House in the Zoning Ordinance; and as Mr. Pacocha pointed  
140 out, the Board must be consistent in its decision making process. Mr. Arvedon asked  
141 what difference is there between two (2) people in each of the three (3) bedrooms or six  
142 (6) people in six (6) bedrooms, that Triangle Septic maintains his system, and that he  
143 would suffer a hardship, from guilt being forced to tell his people to move out, from  
144 having to find an alternate home and care for his disabled brother and having to sell  
145 his home.

146

147 Mr. Lanphear stated that in RSA 540.1-A there is a requirement that involves  
148 transitioning every ninety (90) days, but that under Landlord and Tenant, not Land  
149 Use and the people at this address have been there for four (4) years. Mr. Daddario  
150 stated that if the Hudson Zoning Ordinance does not define Boarding House then the  
151 ZBA is unable to grant a variance for it. Mr. Martin stated that the application should  
152 be withdrawn and the Application fees refunded as this is not an enforcement issue,  
153 that observations were made and ZORC (Zoning Ordinance Review Committee) should  
154 address.

155  
156 Mr. Arvedon asked the Board for time in order to get everyone resettled especially  
157 since one of his people has muscular dystrophy. Mr. Daddario spoke louder stating  
158 that nobody would be asked to leave tonight and that the Board is unable to grant the  
159 variance. Mr. Martin also spoke up stating that the option exists for Mr. Arvedon to  
160 withdraw his application and request his ~~Application-application~~ fee refunded. Mr.  
161 Arvedon asked to withdraw his application. Mr. Arvedon stated that he is happy that  
162 no one has to move and if it costs him his ~~Application-application~~ fee, then so be it.

163  
164 Motion made by Mr. Martin to accept the Applicant's request to withdraw his Variance  
165 Application without prejudice and to refund the Application Fee of two hundred two  
166 dollars and sixty-seven cents (\$202.67). Mr. Lanphear seconded the motion. Roll call  
167 vote was unanimous at 5:0. Variance withdrawal and refund granted.

168  
169 The Board took a five-minute recess. The mMeeting resumed at 8:02 PM.

170  
171 2. **Case 174-080 (08-24-23):** Kenneth & Catherine Richard, **21 Derry St.,**  
172 **Hudson, NH** requests a Variance for a proposed 375 sqft. addition with  
173 encroachments of 0.8 ft into the required front yard setback of 30 ft., leaving  
174 29.2 ft. of setback and 3.3 ft into the required side yard setback of 15 ft. leaving  
175 11.7 ft. This is a request for a new Variance due to the expiration of the  
176 Variance previously granted on 4/22/2021 and not filed for extension/renewal  
177 no later than 30 days prior to the Variance expiration. [Map 174, Lot 080-000;  
178 Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-  
179 27, Table of Minimum Dimensional Requirements, HZO Article XV:  
180 Enforcement and Miscellaneous Provisions; §334-82, Time Limit and RSA  
181 674:33.I-a.(a)]

182  
183 Mr. Sullivan read the Case into the record, referenced his Staff Report initialed  
184 8/10/2023, noted that ZBA previously granted the Variance on 4/22/2021 for this  
185 addition but it expired and this should be considered a new application, and that the  
186 Town Engineer noted that there is an existing sewer lateral that is serving 8R  
187 Highland Street which could be impacted by the proposed work which could also make  
188 it difficult to service that private sewer lateral in the future. Mr. Dumont asked who's  
189 responsibility ~~its~~ ~~ist~~ to check out the exact location of this existing sewer lateral, and  
190 why it was not noted in the previously granted variance. Mr. Sullivan stated that it is  
191 the Applicant's responsibility to identify its location and to make sure that they stay  
192 five feet (5') away from it for this new construction. Mr. Dumont questioned if the  
193 sewer lateral should be on the LLS Plan. Mr. Martin stated that the sewer lateral  
194 should have been discovered prior to now and questioned if the hearing should be  
195 deferred to give the Applicant the opportunity to get it located and placed on the plan  
196 prepared by Jeffrey Land Survey, LLC dated March 2021 as this plan does not get

197 Planning Board review. Mr. Dumont noted that Inspectional Services gets to do their  
198 job and this should get addressed during the BP (Building Permit) process.

199

200 Mr. Daddario asked and received confirmation from Mr. Sullivan that what is before  
201 the Board is not an extension of the original Variance granted in 2021 because it has  
202 expired and the Board is to treat this as a brand new application.

203

204 Mr. Martin commented that 375 SF is about the area of a parking space.

205

206 Kenneth Richard, Cynthia Macgregor and Timothy Macgregor introduced themselves  
207 as the Property Owners. Mr. Macgregor apologized, as he knew the Variance was  
208 granted and he thought it remained forever but was unaware that it had any kind of  
209 expiration. Ms. Macgregor stated that the proposed addition is to renovate the existing  
210 bathroom and create another bathroom and a bedroom as they are expecting a child  
211 and need the space.

212

213 Mr. Macgregor addressed the Variance criteria and the information shared included:

214

215 (1) *not contrary to public interest*

- 216 • The requested variance will not threaten public health or welfare of the public
- 217 • The house will still be a ranch with a hip roof line, just longer
- 218 • The siding that will be removed will be used in the front of the addition to
- 219 match original
- 220 • This addition will add a needed bedroom and change the bathroom that has
- 221 been there for 60 years

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

- 223 • The proposed use of the addition will have a fourth bedroom, extend the
- 224 master bedroom and construct a new bathroom.
- 225 • This house holds 3 children and 4 adults with a baby on the way
- 226 • The original bathroom is too small and needs repair with questionable mold in
- 227 the shower wall
- 228 • The existing bathroom has been there for approximately 61 years
- 229 • We want to preserve and enhance the quality of life and add property value

230 (3) *substantial justice done*

- 231 • The addition without the variance would only be nine feet (9') making all the
- 232 rooms very narrow and after we minus the outside wall and siding would
- 233 probably be about eight and a half feet (8.5') wide or less
- 234 • Moving the addition's wall to ten point eight feet (10.8') would provide more
- 235 usable space

236 (4) *not diminish surrounding property values*

- 237 • Having four (4) bedrooms and a newer bathroom brings up the value of this
- 238 property
- 239 • Increasing our property value will have a positive effect on the new houses
- 240 next door keep their value

241 (5) *hardship*

- 242 • The house sits at a skewed angle to the property lines making one end more
- 243 encroaching than the other
- 244 • An addition to the north side would be by the garage and not a practical

- 245           • An addition to the rear of the house would force an existing and needed  
246           bedroom to become a hallway or force having to go outside of the house  
247           to access the new bedroom  
248           • The only reasonable expansion/addition is on the south side of the existing  
249           house for our needs  
250           • The proposed addition would encroach 3.3' into the 15' sideyard leaving  
251           11.7'  
252           • The proposed addition would encroach 0.8' into the required 30' front  
253           setback leaving 29.20'

254

255 Public testimony opened at 8:20 PM. No one addressed the Board.

256

257 Mr. Lanphear made the motion to grant the Variance as requested with two  
258 stipulations: (1) obtain the BP (Building Permit) after the 30-day Appeal period has  
259 passed; and (2) identify the lateral sewer line on the plan prepared by Jeffrey Land  
260 Survey LLC. Mr. Martin seconded the motion. Board discussed. Mr. Dumont  
261 disagreed ~~with to~~ the stipulations as a BP is needed, any work prior to the lapse of the  
262 Appeal period is at the risk ~~of~~ to the Applicant and the inclusion of the sewer lateral  
263 can and should be handled during the BP process. Mr. Macgregor stated that their BP  
264 application was denied and asked if they need to reapply. Mr. Sullivan advised that  
265 reapplication was not necessary, that it was denied because the Variance had expired  
266 and if the Board grants this motion, the hold/denial on the BP will be lifted and the  
267 process can resume. Revised motion: grant the Variance as requested.

268

269 Mr. Lanphear spoke to his motion stating that the granting of the variance is not  
270 contrary to public interest and does not conflict with the purpose of Zoning Ordinance  
271 (ZO) and does observe spirit of the ZO, and does not alter the character of the  
272 neighborhood, that substantial justice would be done to the Property Owners and will  
273 not diminish the property values of surrounding properties and that hardship is met  
274 with the placement of the house at a skewed angle to the property line.

275

276 Mr. Martin spoke to his second noting that the granting of this variance is not  
277 contrary to public interest and does not conflict with the purpose of the ZO and does  
278 not alter the essential character of the neighborhood or threaten public health or  
279 rights, that the spirit of the ZO is met and substantial justice would be done to the  
280 property owners and will not diminish values of surrounding properties and that  
281 hardship is met with the placement of the house not being parallel to the property  
282 lines. Mr. Martin expressed concern that the lateral sewer line was not known back in  
283 2021 and that it appears that no easements were found for the lateral sewer line.

284

285 Mr. Nicolas voted to grant the motion with no stipulations as the granting of the  
286 variance would not be contrary to public interest and will not alter the essential  
287 character of the neighborhood or injure public rights, that the spirit of the ZO is  
288 maintained and substantial justice would be done to the property owners with no  
289 diminishment of surrounding property values and that hardship is met with the way  
290 the house sits on the lot and the internal floor plan.

291

292 Mr. Pacocha voted to grant as all the criteria have been satisfied, that it will not be  
293 contrary to public interest, that is does not alter the essential character of the

294 neighborhood or injure public rights and observes the spirit of the ZO, that justice  
295 would be done to the property owners with no harm to the general public, that it will  
296 not diminish surrounding property values and that hardship exists because of the  
297 placement of the house on the lot.  
298

299 Mr. Daddario voted to grant with no stipulations stating that the granting of the  
300 variance would not be contrary to public interest nor alter the character of the  
301 neighborhood or injure public rights, that the spirit of the ZO is observed, that  
302 substantial justice would be done to the property owners without any harm to the  
303 general public nor diminish surrounding property values and increase their own  
304 property value, and that Part B of the hardship criteria has been satisfied with the  
305 angle of the house on the lot and the placement of the garage leaving only one side for  
306 the proposed addition. Mr. Daddario congratulated Mr. and Mrs. Macgregor on their  
307 new child.  
308

309 Roll call vote was 5:0. Motion granted with no stipulations. The 30-day Appeal period  
310 was noted.  
311

312  
313 **V. REQUEST FOR REHEARING:** None  
314

315 No requests were received for Board consideration.  
316

317 **VI. REVIEW OF MINUTES:**  
318

319 07/13/23 edited Draft Minutes

320 Board reviewed the edited version and Mr. Sullivan made a date correction to Line #84  
321 from 6/22/2023 to 6/28/2022. Mr. Martin made the motion to approve the  
322 7/13/2023 Minutes as edited and amended. Mt Lanphear seconded the motion. Vote  
323 was unanimous at 5:0. The 7/13/2023 Minutes were approved as edited and  
324 amended.  
325

326 07/27/23 edited Draft Minutes

327 Board reviewed the edited version and no further changes made. Mr. Martin made the  
328 motion to approved the 7/27/2023 Minutes as edited. Mt Lanphear seconded the  
329 motion. Vote was unanimous at 5:0. The 7/27/2023 Minutes were approved as  
330 edited.  
331

332 **VII. OTHER:**  
333

334 No other business was presented for Board consideration.  
335

336  
337 Motion made by Mr. Nicolas, seconded by Mr. Lanphear and unanimously voted to  
338 adjourn the meeting. The ZBA 8/24/2023 meeting adjourned at 8:45 PM.  
339

340  
341 Respectfully submitted,  
342 Louise Knee, Recorder