



TOWN OF HUDSON

Zoning Board of Adjustment

Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

MEETING AGENDA – October 26, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday, October 26, 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. SEATING OF ALTERNATES

V. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 182-108 (10-26-23):** Craig Parks, 41 School St., Hudson, NH requests a Variance for a proposed subdivision of a 20,332 sq. ft. lot into 2 lots resulting in a new lot with 80 feet of frontage where a minimum of 90 feet is required. [Map 182, Lot 108-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
2. **Case 198-147 (10-26-23):** Benjamin Mercuri, 30 Temple St., Nashua, NH requests a Variance for 100 Lowell Rd., Hudson, NH to build a proposed eight (8) unit multifamily dwelling on a 34,848 sq. ft. existing lot of record where multifamily developments with both Town water and sewer shall require 53,560 square feet of buildable lot area for the building of three (3) attached dwelling units of a multifamily complex, with each additional dwelling unit requiring a minimum of 5,000 square feet of additional buildable lot area. This equates to a total of 78,560 sq. ft. required. [Map 198, Lot 147-000; Zoned Business (B); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

VI. REQUEST FOR REHEARING: None

VII. REVIEW OF MINUTES: 9/28/23 edited Draft Minutes

VIII. ADJOURNMENT

Chris Sullivan, Zoning Administrator

Legal Notice

Skiff's Towing & Recovery is taking bids on an abandoned 28' Camper, a 2016 Ultra Light Shadow Cruiser VIN: 5RXTD2823G1034002, color White, Grey. All paperwork has been done pursuant to RSA 262:34 and/or RSA 444:4-A. Bids will be taken from 10:30 am till 11:30 am On Wednesday 18 October, at 118 Daniel Plummer Rd., Goffstown, NH. For starting bid and more info call 603-644-0101. (UL - Oct. 18)

Legal Notice

Rakuten Card USA, Inc., with a principal place of business at 900 Concar Drive, 3F, San Mateo, CA 94402, hereby gives notice that as of October 16, 2023 it has ceased conducting business as a money transmitter in New Hampshire and has surrendered its license(s) to the New Hampshire Bank Commissioner. For information about pending transactions, contact Carrieann Borges at 900 Concar Drive, 3F, San Mateo, CA 94402 and (801) 308-7734. (UL - Oct. 18, 25)

Legal Notice

NOTICE PUBLIC HEARING PREMIUM RATES IN THE HEALTH INSURANCE MARKET
Pursuant to the provisions of RSA 400-A:17 and RSA 420-G:14-a (V), the New Hampshire Insurance Department will hold a public hearing concerning premium rates in the health insurance market and the factors, including health care costs and cost trends, that have contributed to rate increases during the prior year. The public hearing shall be held and recorded on October 27, 2023, from 9:00 a.m. - 1:00 p.m. at UNH Franklin Pierce School of Law, 2 White Street, Concord, NH 03301 and online via webinar.
To view the hearing and learn how to provide written comment, visit: <https://www.nh.gov/insurance/media/events/annual-hearing.htm>
The New Hampshire Insurance Department invites all interested parties with a pecuniary interest in the sale or purchase of health insurance, including but not limited to insurance producers, insurers and all persons purchasing coverage, to participate in the public hearing. Persons who participate in the hearing may testify and offer oral and/or written testimony. Written comments will be accepted until November 10, 2023. (UL - Oct. 18, 20, 24, 26)

Legal Notice

Public Notice
In accordance with RSA 7:19a.11 (d), we hereby give notice that The Founders Academy Foundation board of trustees approved and paid for the fiscal year 2023 (July 1, 2022 - June 30, 2023), the pecuniary benefit transaction in the aggregate amount of \$3,570 with Timothy Zumbo and also hereby gives notice of the pecuniary benefit with Kimberly Lavallee during the same time period a pecuniary benefit of \$54,999.97. The Founders Academy Public Charter School board of trustees approved and paid for the fiscal year 2023 (July 1, 2022 - June 30, 2023), the pecuniary benefit transaction in the aggregate amount of \$450 with Timothy Zumbo. (UL - Oct. 18)

Legal Notice

**Grant's Towing
236 State Route 27
Raymond, NH 03077
603-895-1171
Car Auction
October 31, 2023 AT 9AM**
99 MERZ CLK
01 AUDI TT
05 SUBA IMPREZA
07 BUICK LACROSSE
12 FORD F-150
**All Vehicles Damaged.
SOLD as is. NO Returns**
(UL - Oct. 18)

Legal Notice

**Public Auction
J&M Towing and Recovery
410 South Stark Highway
Weare, NH 03281
November 1, 2023
at 10:00 am**
2007 Toyota Avalon
VIN: 4T1BK36B7U223566
2006 Honda Civic
VIN: 2HGFA155X6H515174
2005 Honda Civic
VIN: 2HGES16535H622525
2005 GMC Sierra
VIN: 1GTHK24U55E132154
2004 Jeep Grand Cherokee
VIN: 1J4GW48S94C145630
2004 Jeep Grand Cherokee
VIN: 1J4GW48N54C370251
(UL - Oct. 18)

Legal Notice

**Town of Merrimack
Public Hearing**
Residents of Merrimack are hereby advised that the Town Council will hold a public hearing to consider the addition of Chapter 168, **Illicit Discharge Detection and Elimination (IDDE)**, to update the Merrimack Town Code to the current requirements of the EPA MS4 Permit, pursuant to Charter Article V. Copies of the proposed chapter are available at the Town Manager's office, Town Clerk's office, the Merrimack Public Library and also on the Town's website. All interested parties are invited to attend. The public hearing will be held on **Thursday, October 26, 2023, at 7:00 PM** in the Matthew Thornton Room located at 8 Baboosic Lake Road in Merrimack. (UL - Oct. 18)

Legal Notice

**Town of Merrimack
Public Hearing**
Residents of Merrimack are hereby advised that the Town Council will hold a public hearing to consider the recommended changes to Chapter 167, **Stormwater Management Standards**, of the Town Code, pursuant to Charter Article V. Copies of the proposed changes are available at the Town Manager's office, Town Clerk's office, the Merrimack Public Library and also on the Town's website. All interested parties are invited to attend. The public hearing will be held on **Thursday, October 26, 2023, at 7:00 PM** in the Matthew Thornton Room located at 8 Baboosic Lake Road in Merrimack. (UL - Oct. 18)

Legal Notice

**Public Notice
The Community College System of New Hampshire (CCSNH)
Request for Proposals
For: SNOW REMOVAL SERVICES
At: River Valley Community College, Claremont, NH
Project # RVC24-01**
The Community College System of New Hampshire, CCSNH, is soliciting proposals from qualified vendors for Snow Removal Services at River Valley Community College in Claremont, 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/bid-ding-rfp/>. Proposals will be accepted until Friday, October 27th, 2023. (UL - Oct. 16, 17, 18)

Legal Notice

**THE STATE OF NH
JUDICIAL BRANCH
SUPERIOR COURT**
Hillsborough Superior Court
Southern District
30 Spring Street,
Nashua, NH 03060
Telephone: 1-855-212-1234
TTY/TDD Relay: 1-800-735-2964
**CITATION FOR PUBLICATION
Superior Court Rule 4(d)**
Case Name: **SIMON ADELL V. GMAC MORTGAGE CORP.; MORTGAGE ELECTRONIC REGISTRATION SERVICES.**
Case Number: **226-2023-CV-00449**
The above-entitled action is now pending in this Court. The original pleading is on file and may be examined by interested parties. The Court has issued an Order for Service by Publication and permit Petitioner to serve GMAC Mortgage Corp.; Mortgage Electronic Registration Services.
The Court ORDERS:
Simon Adell shall give notice to GMAC Mortgage Corp.; Mortgage Electronic Registration Services of this action by publishing a verified copy of this Citation for Publication once a week for three successive weeks in the Union Leader, a newspaper of general circulation. The last publication shall be on or before November 3, 2023.
Also, **ON OR BEFORE 30 days after the last publication** - GMAC Mortgage Corp.; Mortgage Electronic Registration Services shall electronically file an Appearance and Answer or responsive pleading with this court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.
November 24, 2023 - Simon Adell shall electronically file the Return of Publication with this Court. Failure to do so may result in this action being dismissed without further notice.
Notice to GMAC Mortgage Corp.; Mortgage Electronic Registration Services: If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: [www.courts.state.nh.us](https://odvpa.nhccourt.us/portal), select the Electronic Services icon and then select the option for a self-represented party. Complete the registration/log in process then select "I am filing into an existing case." Enter the case number above and click Next. Follow the instructions to complete your filing.
Once you have responded to the Complaint, you can access documents electronically filed through our Case Access Portal by going to <https://odvpa.nhccourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.
If you do not comply with these requirements, you will be considered in default and the Court may issue orders that affect you without your input.
Send copies to:
Thomas J. Santolucito, ESQ., Harmon Law Offices PC, 150 California Street, Newton MA 02458
Donald A. Kennedy, ESQ., Law Office of Donald A. Kennedy, 908 Hanover St, Unit 1, Manchester NH 03101
BY ORDER OF THE COURT
September 29, 2023
W. Michael Scanlon
Clerk of Court
(1261021)
(UL - Oct. 11, 18, 25)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY
By virtue of a Power of Sale contained in a certain mortgage given by **Jack D. Phinney** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for Envoy Mortgage, Limited Partnership, and now held by **Federal National Mortgage Association** (the "Mortgagee"), said mortgage dated August 14, 2020, and recorded in the Merrimack Registry of Deeds in Book 3691, Page 2567, (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 27, 2023 at 09:00 AM**
Said sale to be held directly in front of the building in which the unit is located on the mortgaged premises hereinafter described and having a present address of 84 Branch Tpke Unit 3, Concord, Merrimack County, NH 03301.
Said Unit will be conveyed together with an undivided percentage interest in the Common Elements of said Condominium appurtenant to said Unit and together with all rights, easements, covenants and agreements as contained and referred to in the Declaration of Condominium, as amended.
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 FNMA, R. Scott Luttrull - Associate General Counsel, Granite Park VII - 5600 Granite Parkway, Plano, TX 75024. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991.
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. The description of the premises contained in said mortgage shall control in the event of an error in this publication.
Dated at Newton, Massachusetts, on September 27, 2023.
U.S. Bank National Association, not in its individual capacity but solely in its capacity as Indenture Trustee of CIM Trust 2021-NR2
By its Attorney,
Autumn Sarzana
Harmon Law Offices, P.C.
PO Box 610389
Newton Highlands, MA 02461
617-558-0500
24379
(UL - Oct. 4, 11, 18)

Legal Notice

Public Notice
In accordance with RSA 7:19a.11 (d), we hereby give notice that The Founders Academy Foundation board of trustees approved and paid for the fiscal year 2023 (July 1, 2022 - June 30, 2023), the pecuniary benefit transaction in the aggregate amount of \$3,570 with Timothy Zumbo and also hereby gives notice of the pecuniary benefit with Kimberly Lavallee during the same time period a pecuniary benefit of \$54,999.97. The Founders Academy Public Charter School board of trustees approved and paid for the fiscal year 2023 (July 1, 2022 - June 30, 2023), the pecuniary benefit transaction in the aggregate amount of \$450 with Timothy Zumbo. (UL - Oct. 18)

Legal Notice

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**
Hillsborough Superior Court

Northern District
300 Chestnut Street
Manchester NH 03101
Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>
**CITATION FOR PUBLICATION
Superior Court Rule 4(d)**
Case Name: **Sun West Mortgage Company, Inc. v The Heirs, Devisees, and Legal Representatives of Raymond R. Frechette, et al**
Case Number: **216-2023-CV-00621**
The above entitled action is now pending in this Court. The original pleading is on file and may be examined by interested parties. The Court has issued an Order for Service by Publication on defendant(s) The Heirs, Devisees, and Legal Representatives of Raymond R. Frechette.
The Court ORDERS:
Sun West Mortgage Company, Inc. shall give notice to; The Heirs, Devisees, and Legal Representatives of Raymond R. Frechette of this action by publishing a verified copy of this Citation for Publication once a week for three successive weeks in the Union Leader, a newspaper of general circulation. The last publication shall be on or before November 13, 2023.
Also, **ON OR BEFORE 30 days after the last publication** - The Heirs, Devisees, and Legal Representatives of Raymond R. Frechette shall electronically file an Appearance and Answer or other responsive pleading with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.
December 04, 2023 - Sun West Mortgage Company, Inc. shall electronically file the Return of Publication with this Court. Failure to do so may result in this action being dismissed without further notice.
Notice to; The Heirs, Devisees, and Legal Representatives of Raymond R. Frechette: If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party. Complete the registration/log in process then select "I am filing into an existing case". Enter the case number above and click Next. Follow the instructions to complete your filing.
Once you have responded to the Complaint, you can access documents electronically filed through our Case Access Portal by going to <https://odvpa.nhccourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.
If you do not comply with these requirements, you will be considered in default and the Court may issue orders that affect you without your input.
Send copies to:
Thomas J. Santolucito, ESQ., Harmon Law Offices PC, 150 California Street, Newton MA 02458
Donald A. Kennedy, ESQ., Law Office of Donald A. Kennedy, 908 Hanover St, Unit 1, Manchester NH 03101
BY ORDER OF THE COURT
September 29, 2023
W. Michael Scanlon
Clerk of Court
(1261021)
(UL - Oct. 11, 18, 25)

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY
By virtue of a Power of Sale contained in a certain mortgage given by **Avril A. Hevey-Doucette, Kevin M. Doucette** ("the Mortgagor(s)") to Beneficial Mortgage Co. of New Hampshire, dated September 26, 2006 and recorded in the Rockingham County Registry of Deeds in Book 4713, Page 2006, (the "Mortgage"), which mortgage is held by U.S. Bank National Association, not in its individual capacity but solely in its capacity as Indenture Trustee of CIM Trust 2021-NR2, the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:
Public Auction on **November 24, 2023 at 12:00 PM**
Said sale being located on the mortgaged premises and having a present address of 5 North Main Street, Newton, Rockingham County, New Hampshire. The premises are more particularly described in the Mortgage.
For mortgagor(s)' title see deed recorded with the Rockingham County Registry of Deeds in Book 4276, Page 487.
NOTICE
PURSUANT TO NEW HAMPSHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE TO ENJOIN THE SCHEDULED FORECLOSURE SALE.
The address of the mortgagee for service of process is 10 Ferry Street Suite 313, Concord, NH 03301 and the name of the mortgagee's agent for service of process is Corporation Service Company d/b/a Lawyers Incorporation.
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 FNMA, R. Scott Luttrull - Associate General Counsel, Granite Park VII - 5600 Granite Parkway, Plano, TX 75024. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991.
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. The description of the premises contained in said mortgage shall control in the event of an error in this publication.
Dated at Farmington, Connecticut, on October 5, 2023.
Federal National Mortgage Association
By its Attorney,
Bozena Wysocki
Brock & Scott, PLLC
270 Farmington Ave, Suite 151
Farmington, CT 06032
(UL - Oct. 18, 25; Nov. 1)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE
By virtue of a Power of Sale contained in a certain Mortgage given by **John J. McIntyre** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for Aegis Lending Corporation, its successors and assigns, dated October 14, 2005 and recorded in the Cheshire County Registry of Deeds in Book 2294, Page 255 (the "Mortgage") of which mortgage the undersigned is present holder by assignment, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purpose of foreclosing same will be sold at:
**Public Auction on
November 1, 2023 at 1:00 PM**
Said sale being located on the mortgaged premises and having a present address of **864 Marlboro Road, Keene, Cheshire County, NH**. The premises are more particularly described in the Mortgage.
For reference purposes, the following information was omitted from the legal description attached to the mortgage: This tract contains 10,560 square feet, more or less, and is conveyed with all buildings thereon, being the small tract of land indicated on a pen and ink plan drawn by Harry O'Neil showing the premises.
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.
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TERMS OF SALE:
A deposit of FIVE THOUSAND DOLLARS AND 00 CENTS (\$5,000.00) in the form of a certified check, bank treasurer's check, or money order will be required to be delivered at or before the time the bid is offered. The description of the premises contained in said mortgage shall control in the event of an error in this publication.
U.S. Bank National Association, as trustee, on behalf of the holders of the Asset Backed Securities Corporation Home Equity Loan Trust, Series AEG 2006-HE1 Asset Backed Pass-Through Certificates, Series AEG 2006-HE1 Present Holder of said Mortgage, By Its Attorneys,
Orlans PC
PO Box 540540
Waltham, Massachusetts 02454
Phone: (781) 790-7800
(UL - Oct. 11, 18, 25)

Legal Notice

**TOWN OF HUDSON
ZONING BOARD OF ADJUSTMENT
Notice of Public Meeting & Hearings
THURSDAY, OCTOBER 26, 2023**
The Hudson Zoning Board of Adjustment will hold a public meeting on **Thursday, October 26, 2023 at 7:00 PM** in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side).
PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:
1. Case 182-108 (10-26-23): Craig Parks, 41 School St., Hudson, NH requests a Variance for a proposed subdivision of a 20,332 sq. ft. lot into 2 lots resulting in a new lot with 80 feet of frontage where a minimum of 90 feet is required. [Map 182, Lot 108-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
2. Case 198-147 (10-26-23): Benjamin Luceri, 30 Temple St., Nashua, NH requests a Variance for **100 Lowell Rd., Hudson, NH** to build a proposed eight (8) unit multifamily dwelling on a 34,848 sq. ft. existing lot of record where multifamily developments with both Town water and sewer shall require 53,560 square feet of buildable lot area for the building of three (3) attached dwelling units of a multifamily complex, with each additional dwelling unit requiring a minimum of 5,000 square feet of additional buildable lot area. This equates to a total of 78,560 sq. ft. required. [Map 198, Lot 147-000; Zoned Business (B); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
Chris Sullivan, Zoning Administrator

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Chris Sullivan, Zoning Administrator

ments, covenants and agreements as contained and referred to in the Declaration of Condominium, as amended.

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Dated at Farmington, Connecticut, on October 5, 2023.
Federal National Mortgage Association
By its Attorney,
Bozena Wysocki
Brock & Scott, PLLC
270 Farmington Ave, Suite 151
Farmington, CT 06032
(UL - Oct. 18, 25; Nov. 1)

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE
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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 FNMA, R. Scott Luttrull - Associate General Counsel, Granite Park VII - 5600 Granite Parkway, Plano, TX 75024. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991.
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 DOLLARS AND 00 CENTS (\$5,000.00) in the form of a certified check, bank treasurer's check, or money order will be required to be delivered at or before the time the bid is offered. The description of the premises contained in said mortgage shall control in the event of an error in this publication.
U.S. Bank National Association, as trustee, on behalf of the holders of the Asset Backed Securities Corporation Home Equity Loan Trust, Series AEG 2006-HE1 Asset Backed Pass-Through Certificates, Series AEG 2006-HE1 Present Holder of said Mortgage, By Its Attorneys,
Orlans PC
PO Box 540540
Waltham, Massachusetts 02454
Phone: (781) 790-7800
(UL - Oct. 11, 18, 25)

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE
By virtue of a Power of Sale contained in a certain Mortgage given by **John J. McIntyre** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for Aegis Lending Corporation, its successors and assigns, dated October 14, 2005 and recorded in the Cheshire County Registry of Deeds in Book 2294, Page 255 (the "Mortgage") of which mortgage the undersigned is present holder by assignment, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purpose of foreclosing same will be sold at:
**Public Auction on
November 1, 2023 at 1:00 PM**
Said sale being located on the mortgaged premises and having a present address of **864 Marlboro Road, Keene, Cheshire County, NH**. The premises are more particularly described in the Mortgage.
For reference purposes, the following information was omitted from the legal description attached to the mortgage: This tract contains 10,560 square feet, more or less, and is conveyed with all buildings thereon, being the small tract of land indicated on a pen and ink plan drawn by Harry O'Neil showing the premises.
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For reference purposes, the following information was omitted from the legal description attached to the mortgage: This tract contains 10



TOWN OF HUDSON

Land Use Division



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

Zoning Administrator Staff Report

Meeting Date: October 26, 2023

CJS
10/17/23

Case 182-108 (10-26-23): Craig Parks, 41 School St., Hudson, NH requests a variance for a proposed subdivision of a 20,332 sq. ft. lot into 2 lots resulting in a new lot with 80 feet of frontage where a minimum of 90 feet is required. [Map 182, Lot 108-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Address: 41 School St.

Zoning district: Town Residence (TR)

Property Description:

The Town of Hudson's records indicate this parcel is an existing lot of record in the Town Residence district. The lot has an existing single-family residence. The lot is located at the corner of School Street and First Street. The subdivision plan that was provided by the applicant shows the lot has 20,332 sq. ft. The minimum lot area is 10,000 sq. ft. per lot.

Summary:

The proposal is to subdivide the property into 2 lots. The new lot does not meet the frontage requirements at 80 feet where 90 feet is required. A variance is required per §334-27, Table of Minimum Dimensional Requirements.

In-House comments:

Town Engineer: No comment

Inspectional Services/Fire Dept.: No comment

Town Planner: No comment

History/Attachments:

A: Zoning Determination #23-110 (REV) September 29, 2023

B: 2022 Aerial

C: Subdivision Plan September 29, 2023

D: Inspectional Services/Fire Department review form (October 3, 2023)

E: Planning review form (August 28, 2023)

F: Engineer review form (October 3, 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 #23-110 (REV)

September 29, 2023

Gregg Jeffrey, LLS
1 Burgess Drive
Litchfield, NH 03052

Email and First Class Mail

Re: 41 School St Map 182 Lot 108-000
District: Town Residence (TR)

Dear Mr. Jeffrey,

Your request: Would like to subdivide the lot into 2 lots. **(Plan Provided)**

Zoning Review / Determination:

The plan provided shows the lot having 20,332 sq. ft. The lot has 140.01 ft. of frontage on First St and 145.20 ft. of frontage on School St. The new lot would need to satisfy **§334-27 Table of Minimum Dimensional Requirements**. Those requirements include 10,000 sq. ft. per lot and 90 ft. of frontage for each lot.

The lot has enough area but it does not appear there is enough frontage available to do a subdivision without a variance from the Zoning Board of Adjustment.

If a variance is granted you will need to go through planning to get a subdivision approved. Please contact Brian Groth—Town Planner at bgroth@hudsonnh.gov or phone, (603) 886-6008 for application details.

Sincerely,

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

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

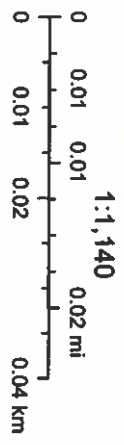
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

MA

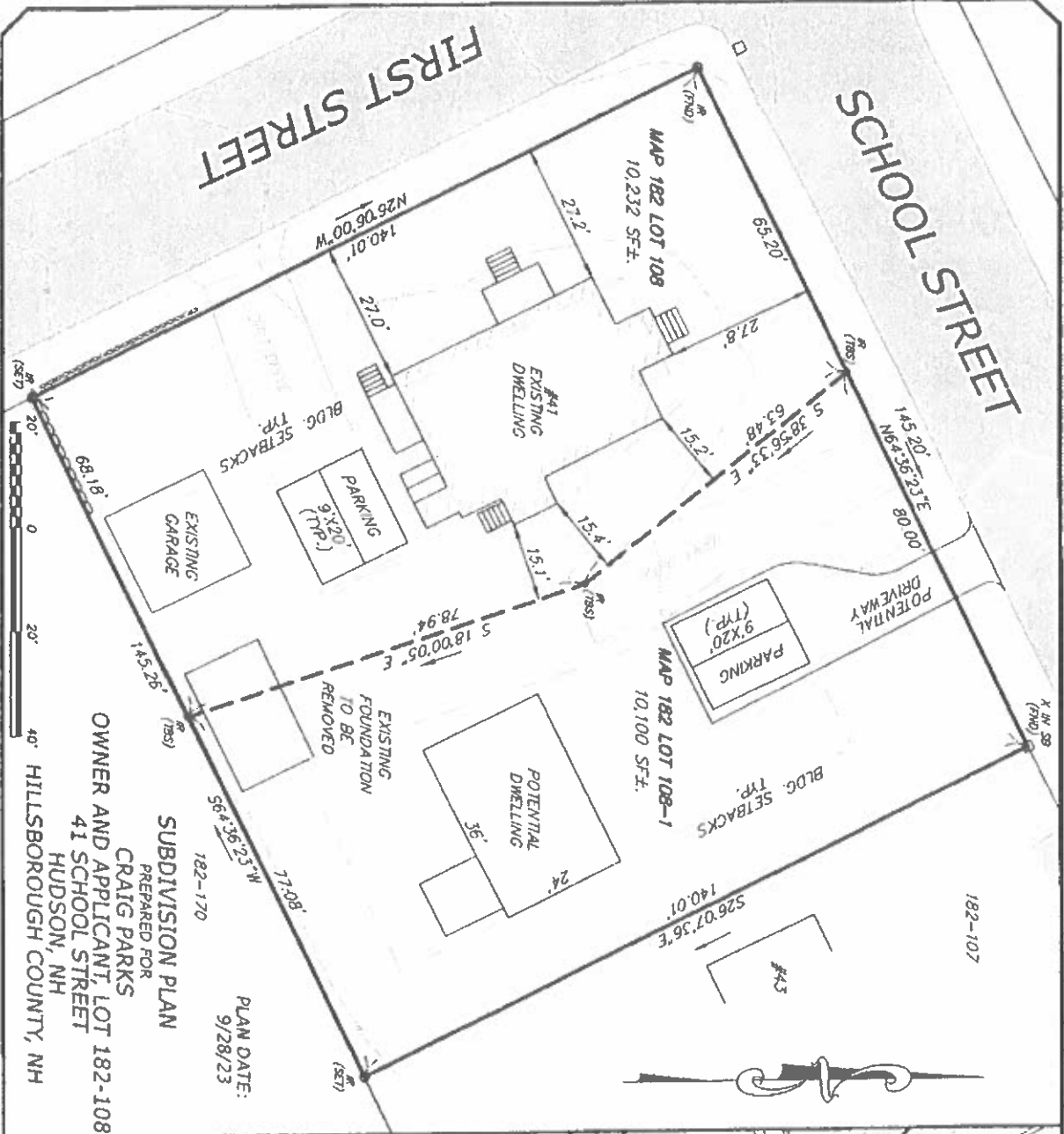
41 SCHOOL ST



10/4/2023

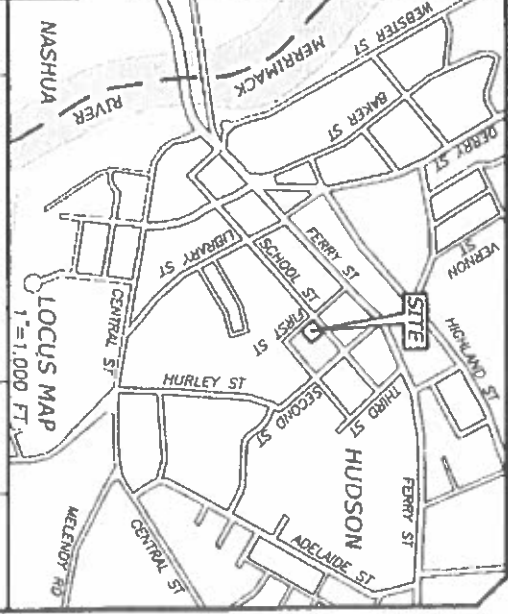


2



OWNER AND APPLICANT, LOT 182-108
 CRAIG PARKS
 PREPARED FOR
 SUBDIVISION PLAN
 41 SCHOOL STREET
 HUDSON, NH
 HILLSBOROUGH COUNTY, NH

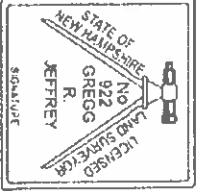
PLAN DATE:
 9/28/23



REV. 2
 REV. 1 ADD HOUSE AND DRIVE
 9/28/23
 BY: GRJ

1. THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE A PROPOSED SUBDIVISION OF HUDSON LOTS 106-19 AND 102-10.
2. PROPOSED FINAL LOT AREA
 TAX MAP 182 LOT 108 = 10,232 SF OR 0.235 AC.
 TAX MAP 182 LOT 108-1 = 10,100 SF OR 0.232 AC.

3. CURRENT ZONING DISTRICT: TR
 MINIMUM SETBACKS: FRONT = 30'
 SIDE = 15'
 REAR = 15'
 MIN. AREA = 10,000 SF
 MIN. FRONTAGE = 90'



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

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



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

REQUEST FOR REVIEW/COMMENTS:

Case: 182-108 (10-26-23) (**VARIANCE**)

Property Location: 41 School Street

For Town Use

Plan Routing Date: 10/02/2023 Reply requested by: 10/09/2023 ZBA Hearing Date: 10/26/2023

I have no comments I have comments (see below)

DRH Name: David Hebert Date: 10/03/2023
(Initials)

DEPT:
 Town Engineer Fire/Health Department Town Planner

E

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

REQUEST FOR REVIEW/COMMENTS:

Case: 182-108 (10-26-23) **(VARIANCE)**

Property Location: 41 School Street

For Town Use

Plan Routing Date: 10/02/2023 Reply requested by: 10/09/2023 ZBA Hearing Date: 10/26/2023

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 10/16/2023
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

[Empty rectangular box for comments or additional information]

F

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

REQUEST FOR REVIEW/COMMENTS:

Case: 182-108 (10-26-23) (VARIANCE)

Property Location: 41 School Street

For Town Use

Plan Routing Date: 10/02/2023 Reply requested by: 10/09/2023 ZBA Hearing Date: 10/26/2023

I have no comments I have comments (see below)

EZD _____ Name: Elvis Dhima, PE Date: 10/03/2023
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

[Empty rectangular box for comments]

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

On **10/26/2023**, the Zoning Board of Adjustment heard **Case 182-108**, being a case brought by **Craig Parks, 41 School St., Hudson, NH** to request a **Variance for a proposed subdivision of a 20,332 sq. ft. lot into 2 lots resulting in a new lot with 80 feet of frontage where a minimum of 90 feet is required.** [Map 182, Lot 108-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

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

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

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

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

(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**

(2) The proposed use is a reasonable one.

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.

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Print name: _____

Stipulations: _____

TOWN OF HUDSON
 OCT 02 REC'D
 2023
 Zoning Department
 To: Zoning Board of Adjustment
 Town of Hudson

APPLICATION FOR A VARIANCE

Entries in this box are to be filled out by Land Use Division personnel
 Case No. 182-108(10-26-23)
 Date Filed 10/2/23

Name of Applicant Craig Parks Map: 182 Lot: 108 Zoning District: TR
 Telephone Number (Home) 603-365-0602 (Work) 603-365-0602
 Mailing Address 41 School Street, Hudson, NH
 Owner Craig Parks

Location of Property 41 School Street, Hudson, NH
 (Street Address)

Craig Parks
 Signature of Applicant Date 9/28/23

Craig Parks
 Signature of Property-Owner(s) Date 9/28/23

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: 10/2/23

COST:
 Application fee (processing, advertising & recording) (non-refundable): \$ 185.00
 Abutter Notice:
6 Direct Abutters x Certified postage rate \$ 5.01 = \$ 30.06
9 Indirect Abutters x First Class postage rate \$ 0.66 = \$ 5.94
Total amount due: \$ 221.00

Amt. received: \$ 221.00
 Receipt No.: 747,593

Received by: TSG

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

Paid by
 CC

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
	Please review the completed application with the Zoning Administrator or staff before making copies in next step.	<u>TG</u>
<i>cp</i>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<i>cp</i>	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>
<i>cp</i>	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>
<i>cp</i>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u> <i>Pending Review of abutters.</i>
<i>cp</i>	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<i>cp</i>	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<i>cp</i>	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>
<i>W/A</i>	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) CP 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) CP The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) CP The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TG
- d) CP 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) CP 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) CP 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) CP The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) CP The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) CP 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.

Cam Park
 Signature of Applicant(s)

9/28/23
 Date

Cam Park
 Signature of Property Owner(s)

9/28/23
 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
182	108	*Include Applicant & Owner(s) CRAIG PARKS (OWNER)	41 SCHOOL STREET HUDSON, NH 03051
174 182	228 107	DENNIS & ELIZABETH SHENK	8 FIRST STREET HUDSON, NH 03051
182	170	TOWN OF HUDSON	12 SCHOOL STREET HUDSON, NH 03051
174	230	LOUIS & JENNA BIONDI	44 SCHOOL ST HUDSON, NH 03051
182	106	RAYMOND & MARY GENDRON	7 FIRST ST HUDSON, NH 03051
182	109	TOWN OF HUDSON SCHOOL DIST.	20 LIBRARY ST HUDSON, NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

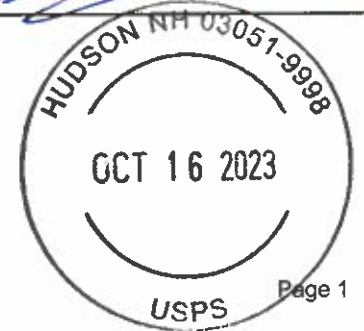
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective 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
182	105	DANIEL & DENISE ENXING	4 GRANITE HILL RD WINDHAM, NH 03087
174	229	RONALD & LAURA FORTIER	6 FIRST ST HUDSON, NH 03051
174	231	WALTER STEINER	46 SCHOOL ST HUDSON, NH 03051
174	232	WILLIAM & DIANA ABBOTT	48 SCHOOL ST HUDSON, NH 03051
174	227	ZAIDA & MARIBEL LOPEZ CARRASCO	9 SECOND ST HUDSON, NH 03051
182	171	NANCY MOLNAR	13 SECOND ST HUDSON, NH 03051
182	168	GREGORY & ERIN PUTNAM	7 OAKWOOD ST HUDSON, NH 03051
182	169	PETER & AMANDA SANBORN	3 OAKWOOD ST HUDSON, NH 03051

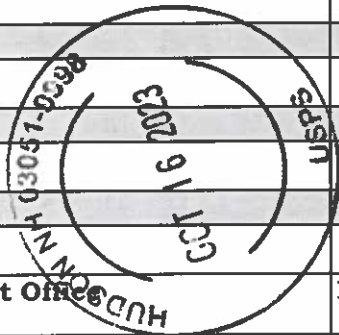
USPS-Verified Mail

SENDER:		US POSTAL SERVICE - CERTIFIED MAIL		Case# 182-108	VARIANCE
TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051				41 School Street	1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address		10/26/2023 ZBA Meeting	
1	9589 0710 5270 0646 5629 07	CRAIG PARKS	41 SCHOOL ST., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED	
2	9589 0710 5270 0646 5629 14	DENNIS & ELIZABETH SHENK	8 FIRST STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	9589 0710 5270 0646 5629 21	LOUIS & JENNA BIONDI	44 SCHOOL ST., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	9589 0710 5270 0646 5629 38	RAYMOND & MARY GENDRON	7 FIRST STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5	9589 0710 5270 0646 5629 45	TOWN OF HUDSON	12 SCHOOL STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
6	9589 0710 5270 0646 5629 52	TOWN OF HUDSON, SCHOOL DISTRICT	20 LIBRARY 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)	



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 182-108 41 School Street Map 182/Lot 108-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/26/2023 ZBA Meeting
1	Mailed First Class	DANIEL & DENISE ENXING	ABUTTER NOTICE MAILED
		4 GRANITE HILL RD, WINDHAM, NH 03087	
2	Mailed First Class	RONALD & LAURA FORTIER	ABUTTER NOTICE MAILED
		6 FIRST ST., HUDSON, NH 03051	
3	Mailed First Class	WALTER STEINER III	ABUTTER NOTICE MAILED
		46 SCHOOL ST., HUDSON, NH 03051	
4	Mailed First Class	WILLIAM & DIANA ABBOTT	ABUTTER NOTICE MAILED
		48 SCHOOL ST., HUDSON, NH 03051	
5	Mailed First Class	ZAIDA & MARIBEL LOPEZ CARRASCO	ABUTTER NOTICE MAILED
		9 SECOND ST., HUDSON, NH 03051	
6	Mailed First Class	NANCY MOLNAR	ABUTTER NOTICE MAILED
		13 SECOND ST., HUDSON, NH 03051	
7	Mailed First Class	GREGORY & ERIN PUTNAM	ABUTTER NOTICE MAILED
		7 OAKWOOD ST., HUDSON, NH 03051	
8	Mailed First Class	PETER & AMANDA SANBORN	ABUTTER NOTICE MAILED
		3 OAKWOOD ST., HUDSON, NH 03051	
9	Mailed First Class	Greg R. Jeffrey, LLS; Jeffrey Land Survey LLC	ABUTTER NOTICE MAILED
		1 Burgess Drive, Litchfield, NH 03052	
10			
11			
12			
13			
	Total # of pieces listed by sender 9	Total # of pieces rec'vd at Post Office 9	Postmaster (receiving Employee)





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

October 13, 2023

APPLICANT NOTIFICATION

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, 10/26/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 182-108 (10-26-23): Craig Parks, 41 School St., Hudson, NH requests a Variance for a proposed subdivision of a 20,332 sq. ft. lot into 2 lots resulting in a new lot with 80 feet of frontage where a minimum of 90 feet is required. [Map 182, Lot 108-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

Respectfully,

Chris Sullivan
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

October 13, 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, 10/26/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 182-108 (10-26-23): Craig Parks, 41 School St., Hudson, NH requests a Variance for a proposed subdivision of a 20,332 sq. ft. lot into 2 lots resulting in a new lot with 80 feet of frontage where a minimum of 90 feet is required. [Map 182, Lot 108-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

APPLICATION FOR A VARIANCE

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

to allow frontage of 80' where frontage of 90' is required.

FACTS SUPPORTING THIS REQUEST:

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

2. The proposed use will observe the spirit of the ordinance, because:
(Explain why you feel this to be true—keeping in mind that, as detailed above, the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”)
if the variance is granted, the applicant proposes a modest single-family
dwelling which will be consistant with the other houses in the immediate
neighborhood, adding to its character.

3. Substantial justice would be done to the property-owner by granting the variance, because:
(Explain why you believe this to be true—keeping in mind that the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)
the applicant owns a lot of 20,332 square feet, which is more than twice
the permitted area in the TR zone. The applicant wishes to utilize the
property to its fullest and not leave the majority of the property vacant.

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 use is a single-family residence, which is consistant with the
existing houses in the neighborhood. The addition of a new house in the
neighborhood will serve to bolster the property values of the surrounding
dwellings.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-110 (REV)

September 29, 2023

Gregg Jeffrey, LLS
1 Burgess Drive
Litchfield, NH 03052

Email and First Class Mail

Re: 41 School St Map 182 Lot 108-000
District: Town Residence (TR)

Dear Mr. Jeffrey,

Your request: Would like to subdivide the lot into 2 lots. (Plan Provided)

Zoning Review / Determination:

The plan provided shows the lot having 20,332 sq. ft. The lot has 140.01 ft. of frontage on First St and 145.20 ft. of frontage on School St. The new lot would need to satisfy **§334-27 Table of Minimum Dimensional Requirements**. Those requirements include 10,000 sq. ft. per lot and 90 ft. of frontage for each lot.

The lot has enough area but it does not appear there is enough frontage available to do a subdivision without a variance from the Zoning Board of Adjustment.

If a variance is granted you will need to go through planning to get a subdivision approved. Please contact Brian Groth—Town Planner at bgroth@hudsonnh.gov or phone, (603) 886-6008 for application details.

Sincerely,

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

cc: Public File
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.

Property Location: 41 SCHOOL ST
 Vision ID: 7077 Account #: 5132

Parcel ID: 182/ 108/ 000/ /
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1040
 Print Date: 9/28/2023 9:04:58 AM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
PARKS, CRAIG J.		RE	Residential Average		2023	1040	190,000	2023	1040	190,000	2022	1040	190,000
41 SCHOOL ST.		TOPO	UTILITIES			1040	137,000		1040	137,000		1040	137,000
HUDSON NH 03051		Level	Town Water			1040	20,000		1040	20,000		1040	20,000
			Town Sewer										
						Total	347,000	Total	347,000	Total	347,000	Total	347,000

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
PARKS, CRAIG J.		7882 0499	07-31-2007	U	I	185,000	81	Grantor: PANKO, FLORETTE	Appraised Bldg. Value (Card)				182,200
PANKO, FLORETTE		6057 0649	12-29-1998	U	I		38	Grantor: HUDSON, TOWN OF	Appraised Xf (B) Value (Bldg)				7,800
HUDSON, TOWN OF		5964 1199	06-22-1998	U	I	0	38	Grantor: N/A	Appraised Ob (B) Value (Bldg)				20,000
									Appraised Land Value (Bldg)				137,000
									Special Land Value				0
									Total Appraised Parcel Value				347,000
									Valuation Method				C

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY					
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Descrpt	Code	Appraised	Assessed	Total	Total
182-108-000	TR:Town Residential	C				182-108-000	BLDG	1040	190,000	190,000	347,000	347,000
							LAND	1040	137,000	137,000		
							OB	1040	20,000	20,000		
							Total:		347,000	347,000		

NOTES		VISIT / CHANGE HISTORY			
		Date	Id	Cd	Purpost/Result
2013=CONVERTED TO 2 FAM, PER OWNER/2 HEATING SYS. 2ND UNIT AND BMT NOT VIEWED. PER OWNER, 2ND FL UNIT 3 RMS 1 BED 1 BATH, FIRST FLOOR BATH AND KIT TO BE REBUILT AND BMT HAS HALF BATH AND BEDROOM. 8/19 EXT=F		07-14-2022	26	45	Field Review
nc=0 foundation is in rear of lot, n/c ck 2023		06-15-2021	21	39	Check Bp Progress From Previous Y
		08-01-2019	19	02	Measured
		09-20-2013	15	03	Meas/Inspect
		06-05-2007	10	03	Meas/Inspect
		05-10-2004	05	02	Measured
		02-22-2001	00	02	Measured
		05-18-1991	02	14	Inspected

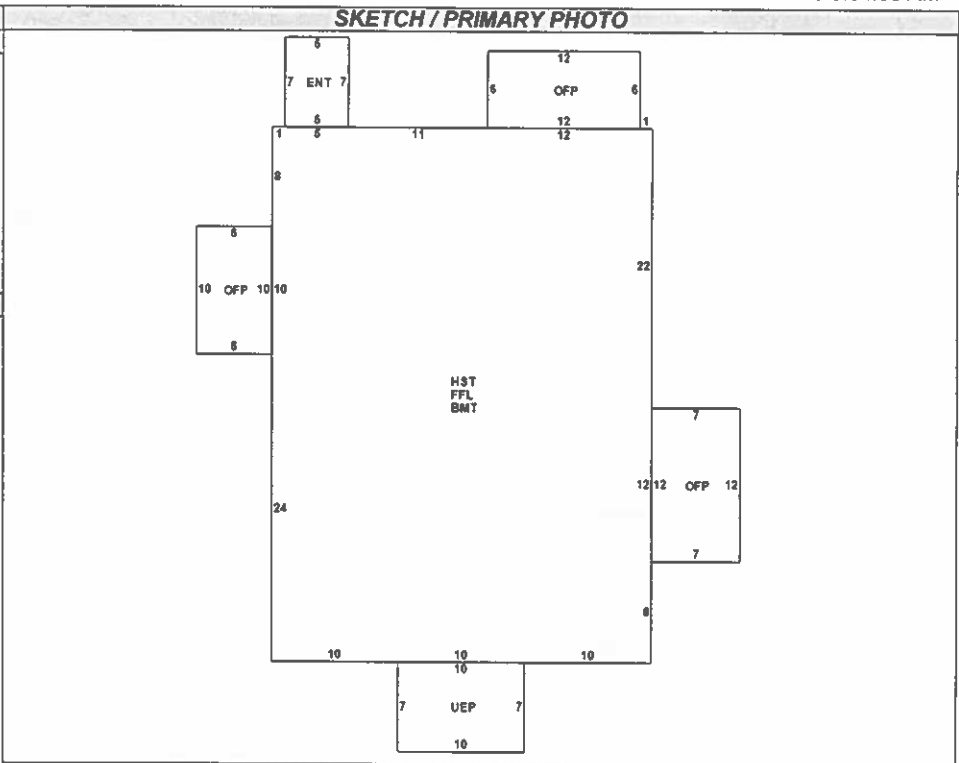
BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2020-00946	09-29-2020	ELEC	Electrical		C			Visit Notes: Service Upgrade;
2020-00916	09-25-2020	MECH	Mechanical		C			
2015-00211	03-24-2014	ELEC	Electrical	1,200	C			
2013-00156	04-16-2013	ELEC	Electrical	1,200	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	1040	TWO-FAMILY DWELLIN	Site	0.450 AC	170,000		1.79	5	1.00	RE	1.00			137,000	
Total Card Land Units:				0.450 AC	Parcel Total Land Area:				0.450	AC	Total Land Value:				137,000

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

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.5		Extra Kitchens	0	
Style:	11	Family Conver.	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	2				
Exterior Wall 1	02	Clapboard			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
# Heat Systems	2				
AC Percent	0				
Total Rooms	8				
Bedrooms	4				
Full Baths	3				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	0				
Kitchens	2				
Kitchen Rating	FR	Fair			
Bath Rating	AV	Average			
Half Bath Rating	AV	Average			
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color	WHITE				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	331,246
Year Built	1930
Effective Year Built	1977
Depreciation Code	FR
Remodel Rating	
Year Remodeled	
Depreciation %	45
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	NC
Condition %	0
Percent Good	55
RCNLD	182,200
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

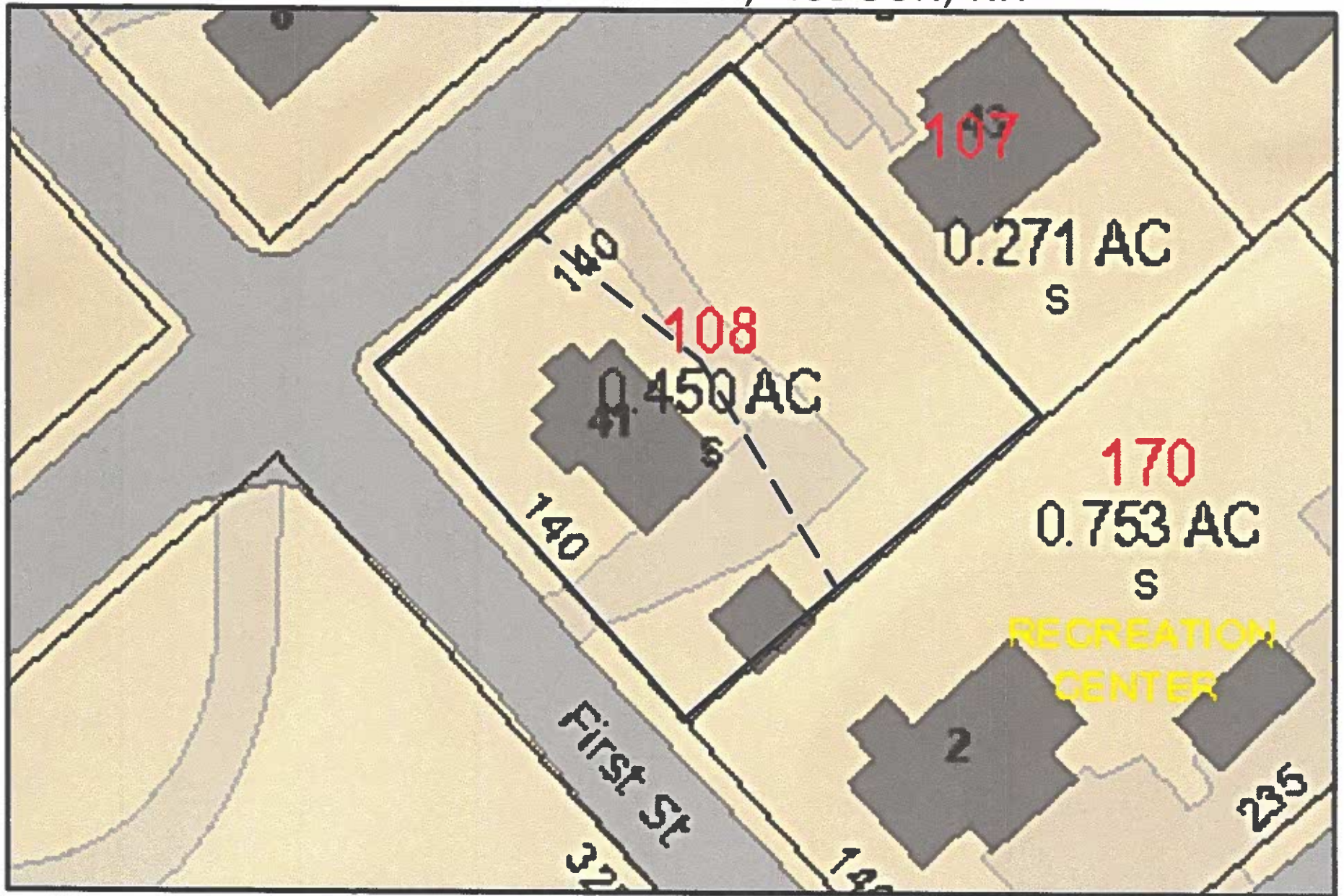


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value	
FOUND	Foundation	L	1	UNITS	26500.	2019	PR	45	11,900	
GAR1	Garage, 1 story	L	400	SQ. FT	33.70	1930	AV	60	8,100	
XFRRM	Rec Room, Fin, BMT	B	315	SQ. FT	45.00	1930	AV	55	7,800	

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,260	315	35.73	45,014
ENT	Entry	0	35	35	142.90	5,002
FFL	First Floor, Finished	1,260	1,260	1,260	142.90	180,056
HST	Half Story, Finished	630	1,260	630	71.45	90,028
OFF	Open Frame Porch	0	216	43	28.45	6,145
UEP	Unfinished Enclosed Porch	0	70	35	71.45	5,002
Total Liv Area/Gr. Area/Eff Are		1,890	4,101	2,318	Total Value	331,247



TOWN OF HUDSON GIS MAP
41 SCHOOL STREET, HUDSON, NH



Printed
10/02/2023
2:37PM
Created
10/02/2023
2:32 PM

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

Receipt# 747,593
publicw

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-10/26/23 ZBA Mtg 41 School Street Map 182 Lot 108-000 Zone-TR Variance Application	0.00	221.0000	0.00
			Total:	221.00

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
PARKS/CRAIG	CREDIT	6125	221.00	0.00	221.00

Total Due:	221.00
Convenience Fee:	6.52
Total Tendered:	227.52
Total Change:	0.00
Net Paid:	227.52

SERVICE CHARGE NOTICE

Credit and Debit card payments are processed by Invoice Cloud. Invoice Cloud is a third-party payment provider, operating under an agreement with the Town of Hudson to process credit and debit card payment on your behalf.

You will be charged \$2.95 for any transaction total \$100.00 or less or a service fee of 2.95% of your total balance over \$100.00, whichever is smaller. The 2.95% service charge is added to your payment and will appear as a separate item on your credit card statement. The service charge is not a fee assessed by your institution. **The Service Charge is not refundable, even if the payment to which it relates is cancelled, refunded, credited or charged back.**

BY USING THIS SERVICE AND AGREE TO PAY THE SERVICE CHARGE.

SIGNED: Craig Park DATE: 10/2/23 Type: MC Visa Amex



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 **CS** Meeting Date: October 26, 2023 **10/17/23**

Case 198-147 (10-26-23): Benjamin Mercuri, 30 Temple St., Nashua, NH requests a Variance for 100 Lowell Rd., Hudson, NH to build a proposed eight (8) unit multifamily dwelling on a 34,848 sq. ft. existing lot of record where multifamily developments with both Town water and sewer shall require 53,560 square feet of buildable lot area for the building of three (3) attached dwelling units of a multifamily complex, with each additional dwelling unit requiring a minimum of 5,000 square feet of additional buildable lot area. This equates to a total of 78,560 sq. ft. required. [Map 198, Lot 147-000; Zoned Business (B); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Address: 100 Lowell

Zoning district: Business (B)

Property Description:

The Town of Hudson's records indicate this parcel is an existing lot of record in the business district. The records also show that the lot is vacant. The lot is 34,848 sq. ft. and contiguous fronts two (2) separate roads, County Rd and Lowell Rd. The lot has 169.93 LF of contiguous frontage between the two side lot lines.

Summary:

The proposal is to construct an eight (8) unit multifamily dwelling unit. This use would require a variance for minimum lot size per §334-27, Table of Minimum Dimensional Requirements

In-House comments:

Town Engineer: Note: From a traffic standpoint, residential use of this parcel would be preferred compared to commercial use which would generate more traffic in and out of this parcel.

Inspectional Services/Fire Dept.: No comment

Town Planner: If granted this proposal will be subject to site plan review and approval from the Planning Board.

History/Attachments:

A: Zoning Determination (#23-120 September 20, 2023_

B: 2022 Aerial

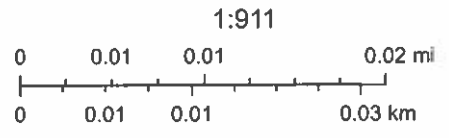
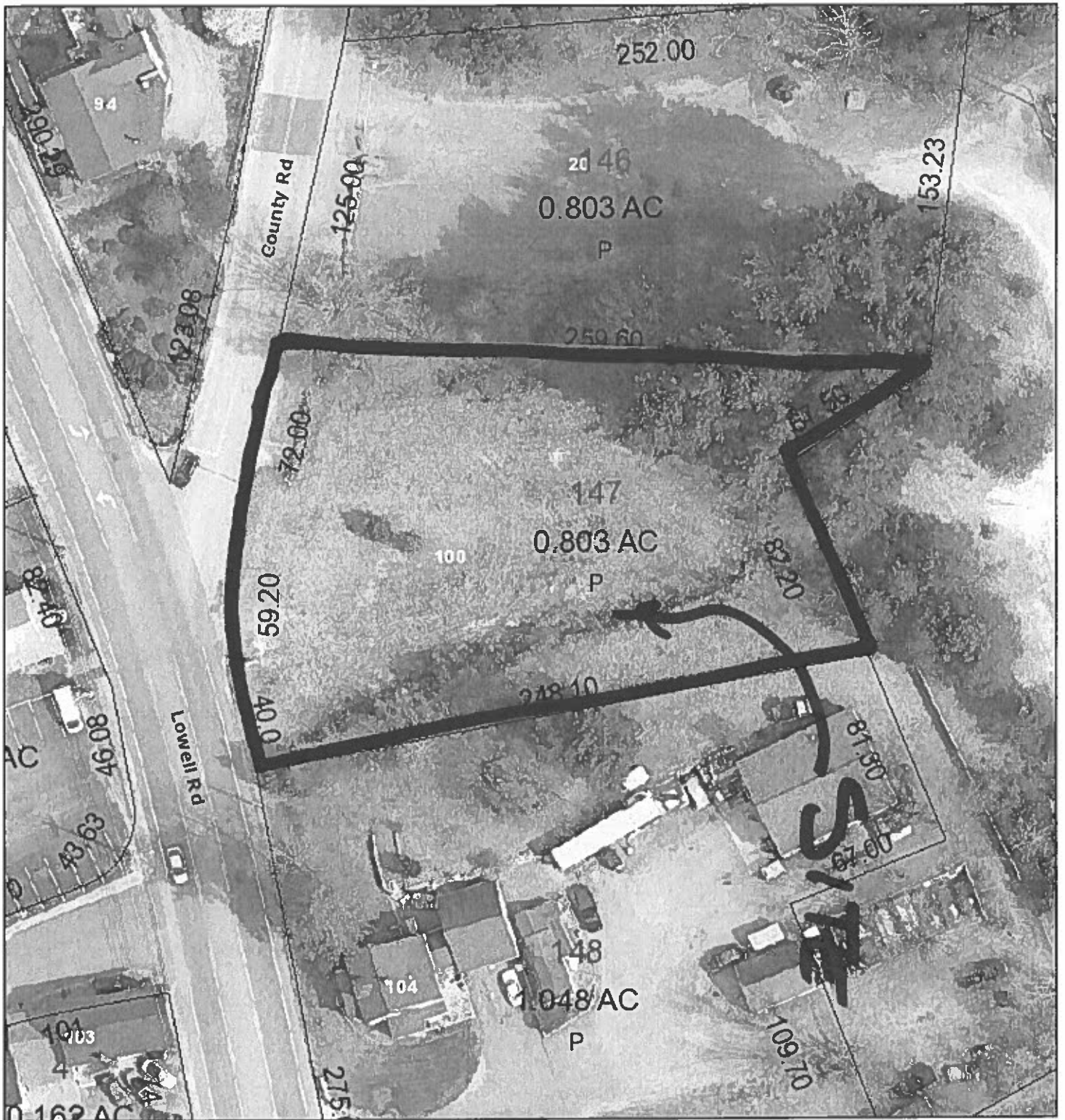
C: Conceptual Site Plan (October 9, 2023)

D: Inspectional Services/Fire Department review form (October 3, 2023)

E: Planning review form (October 16, 2023)

F: Engineer review form (October 3, 2023)

100 Lowell Road





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-120

September 20, 2023

Ben Mercuri
30 Temple St
Nashua, NH 03060

First Class Mail

Re: **100 Lowell Road Map 198 Lot 147-000**
District: Business (B)

Dear Mr. Mercuri,

Your request is if you can build an 8-unit townhouse (multi-family) building and on this parcel. (Rough concept supplied)

Zoning Review / Determination:

Our records indicate this parcel is an existing lot of record with 34,848 sq. ft. of the area and with an approximate frontage of 40 ft. on Lowell Road and 131.20 ft. on Country Rd, non-conforming as for frontage requirements.

For a multi-family use **§334-27. Table of Minimum Dimensional Requirements** requires a lot size of 53,560 sq. ft., of buildable lot area for the building of 3 attached dwelling units of a multifamily complex with each additional dwelling unit requiring a minimum of 5,000 sq. ft. of additional buildable area.

Due to the size of the lot you would need a variance to the **Table of Minimum Dimensional Requirements §334-27.**

This project would need Site Plan Review from the Planning Board per **§334-16.1 Site Plan Approval.** Please contact Brian Groth–Town Planner bgroth@hudsonnh.gov (603) 886-6008 for application details.

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

D

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

REQUEST FOR REVIEW/COMMENTS:

Case: 198-147 (10-26-23) (**VARIANCE**)

Property Location: 100 Lowell Road

For Town Use

Plan Routing Date: 10/11/2023 Reply requested by: 10/17/2023 ZBA Hearing Date: 10/26/2023

I have no comments I have comments (see below)

DRH _____ Name: David Hebert Date: 10/12/2023
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

[Empty rectangular box for comments]



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

REQUEST FOR REVIEW/COMMENTS:

Case: 198-147 (10-26-23) (VARIANCE)

Property Location: 100 Lowell Road

For Town Use

Plan Routing Date: 10/11/2023 Reply requested by: 10/17/2023 ZBA Hearing Date: 10/26/2023

I have no comments I have comments (see below)

BG Name: Brian Groth Date: 10/16/2023
(Initials)

DEPT: Town Engineer Fire/Health Department Town Planner

If granted, this proposal will be subject to site plan review and approval from the Planning Board. This

F

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

REQUEST FOR REVIEW/COMMENTS:

Case: 198-147 (10-26-23) (**VARIANCE**)

Property Location: 100 Lowell Road

For Town Use

Plan Routing Date: 10/11/2023 Reply requested by: 10/17/2023 ZBA Hearing Date: 10/26/2023

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, PE Date: 10/12/2023
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

Note: From a traffic standpoint , residential use of this parcel would be preferred compared to commercial use which would generate more traffic in and out of this parcel.

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

On **10/26/2023**, the Zoning Board of Adjustment heard **Case 198-147**, being a case brought by **Benjamin Mercuri, 30 Temple St., Nashua, NH** to request a Variance for **100 Lowell Rd., Hudson, NH** to build a proposed **eight (8) unit multifamily dwelling** on a **34,848 sq. ft. existing lot of record** where multifamily developments with both Town water and sewer shall require **53,560 square feet of buildable lot area** for the building of **three (3) attached dwelling units of a multifamily complex**, with each additional dwelling unit requiring a minimum of **5,000 square feet of additional buildable lot area**. This equates to a total of **78,560 sq. ft. required**. [Map 198, Lot 147-000; Zoned Business (B); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

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

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

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

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

(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**

(2) The proposed use is a reasonable one.

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.

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Print name: _____

Stipulations: _____

APPLICATION FOR A VARIANCE

OCT 11 2023
LAND USE DIVISION
ZONING DEPT.

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 198-147(10-26-23)

Date Filed 10/11/23

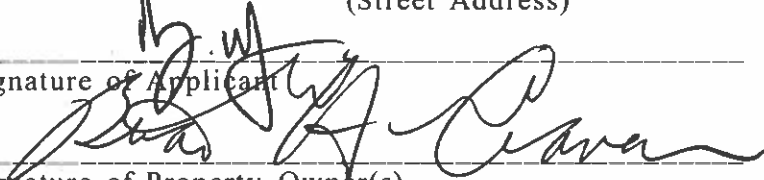
Name of Applicant Benjamin Meacuci Map: 198 Lot: 147 Zoning District: B

Telephone Number (Home) 603-966-6982 (Work) 603-499-4200

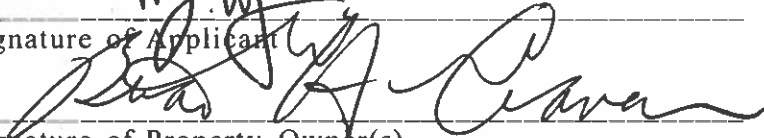
Mailing Address 30 Temple St. NASHUA NY, 03060

Owner BRIAN CRAVEN / TRUSTEE

Location of Property 100 LOWELL ROAD
(Street Address)

Signature of Applicant 

Date 9/15/2023

Signature of Property-Owner(s) 

Date 9/15/2023

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

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

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

Date received: 10/11/23

COST:

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

Abutter Notice:

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

6 Indirect Abutters x First Class postage rate \$ 0.66 = \$ 3.96

Total amount due: \$ 219.02

Amt. received: \$ 219.02

Receipt No.: 748,330

Received by: 

check #
1553

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

Brian Craven
88 Speare Road
Hudson, New Hampshire 03051
Bcraven1231@gmail.com
603-315-3510

TO: Town of Hudson / Zoning Board & Planning Board

RE: 100 Lowell Road, Hudson, NH 03051

October 2, 2023

Dear Board Members,

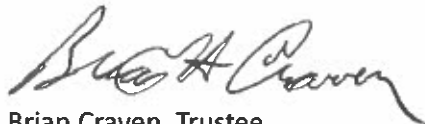
My name is Brian Craven. I am a resident of the Town of Hudson and the Trustee to my late parents' Estates; Ronald and Nancy Craven.

Their property located at 100 Lowell Road is currently under contract with Benjamin Mercuri.

As Trustee, I grant permission to Benjamin Mercuri to apply for variances from the town, for allowable use for the property.

Please review his application and respond at your earliest convenience.

Respectfully,

A handwritten signature in black ink that reads "Brian H. Craven". The signature is written in a cursive style with a large initial "B".

Brian Craven, Trustee

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>Bm</u> ✓	Please review the completed application with the Zoning Administrator or staff before making copies in next step.	<u>TG</u>
<u>Bm</u> ✓	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>Bm</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>Bm</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.)	<div style="border: 1px solid black; border-radius: 50%; padding: 2px; display: inline-block;">TG</div> <i>original pending</i> Rcvd 10/11/23
<u>Bm</u> ✓	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	10/11/23 <div style="border: 1px solid black; border-radius: 50%; padding: 2px; display: inline-block;">TG</div> <i>pending abutter list</i> OK - <div style="border: 1px solid black; border-radius: 50%; padding: 2px; display: inline-block;">TG</div>
<u>Bm</u> ✓	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<u>Bm</u> ✓	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>Bm</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>NA</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <u>N</u> (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 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. 10/11/23
TB
Pending.
 - b) The plot plan shall be up-to date and dated, and shall be no more than three years old. TB
 - c) The plot plan shall have the signature and the name of the preparer, with his/her/their seal. TB
 - 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. TB
- (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.) TB
 - 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. TB (N/A)
 - g) The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TB
 - h) The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TB
 - i) The plot plan shall indicate all parking spaces and lanes, with dimensions. TB


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



Signature of Applicant(s)

10/2/2023

Date



Signature of Property Owner(s)

10/02/2023

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
198-146-000		*Include Applicant & Owner(s) TOWN OF HUDSON	12 SICHON ST, HUDSON
198	147-000	Ronald D. Craven Revocable Trust Nancy J. Craven Revocable Trust	88 Spare Road Hudson NH 03051
198	020-000	94 Lowell Road, LLC	88 Lowell Road HUDSON NH 03051
198	012-000	Colbea Enterprises, LLC	695 George Washington Hwy Lincoln, RI 02865
198 000	013-001, 002, 003, 004, 005, 006	Stratos Realty Trust TSOLAKOS, Steve, Trustee	2651 Sun Luis RD Holiday, FL 34691-3115
198	148-000	Ronald Maynard F. Jerrilyn Maynard O.	104 Lowell RD HUDSON, NH 03051
-	-	BEN MERCURI	30 Temple st. Ste 504 NASHUA, NH 03060

ALL INDIRECT ABUTTERS WITHIN 200 FEET

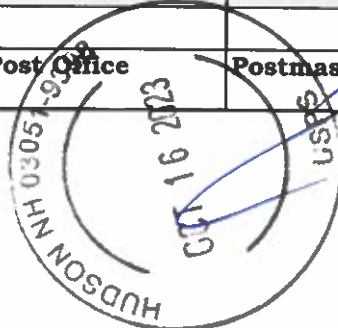
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

(Use additional copies of this page if necessary)


MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
198	003-000	Anne L. Sojka, TR Sojka Reversible trust	11 Atwood Ave Hudson, NY 03051
198	005-000	Anne L. Sojka, TR Sojka Reversible Trust	11 Atwood Ave Hudson NY 03051
198	004-000	Dillon - James Properties, LLC	195A Central St Hudson NY 03051-4805
198	012-000 015-000 016-000	Colben Enterprises, LLC	645 George Washington Hwy Lincoln, RI 02865
198	130-001	Donato Flores	7 Bellknop Terrace Hudson, NY 03051
198	130-002	Lisa Gauthier	7 1/2 Bellknop Terrace Hudson NY 03051
198	145-000	Pamela J Quigley	18 County Rd Hudson NY 03051
198	150-000	TELEDYNE technologies Inc.	4736 Socialville Foster Rd Mason OH 45040-8265

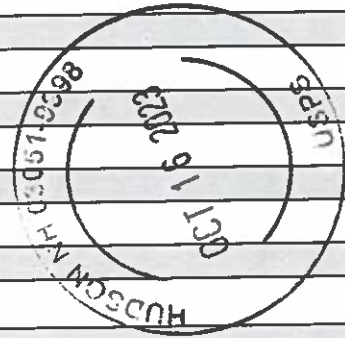
USPS-Verified Mail

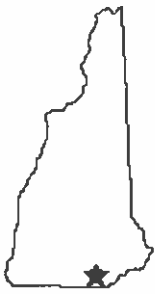
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 198-147 100 Lowell Road Map 198/Lot 147-000	VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/26/2023 ZBA Meeting	
1	9589 0710 5270 0646 5629 76	BEN MERCURI 30 TEMPLE ST., STE 504, NASHUA, NH 03060	APPLICANT/OWNER NOTICE MAILED	
2	9589 0710 5270 0646 5629 83	BRIAN H. CRAVEN, TR.; CRAVEN REVOCABLE TRUSTS 88 SPEARE RD., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED	
3	9589 0710 5270 0646 5629 90	94 LOWELL ROAD LLC; KATSOULIS, NICHOLAS 88 LOWELL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	9589 0710 5270 0646 5630 03	COLBEA ENTERPRISES, LLC 695 GEORGE WASHINGTON HWY., LINCOLN, RI 02865	ABUTTER NOTICE MAILED	
5	9589 0710 5270 0646 5630 10	STRATOS REALTY TRUST; TSOULAKOS, STEVE, TRUSTEE 2651 SAN LUIS RD., HOLIDAY, FL 34691-3115	ABUTTER NOTICE MAILED	
6	9589 0710 5270 0646 5630 27	MAYNARD, RONALD F.; MAYNARD, JERILYN O. 104 LOWELL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
7		TOWN OF HUDSON 12 SCHOOL ST., HUDSON, NH 03051	N/C for Notice - RE: Map 198 Lots 146 & 149	
8			Notified by Variance application submission.	
9				
10				
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office 6	Postmaster (receiving Employee)	



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 198-147 100 Lowell Road Map 198/Lot 147-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	10/26/2023 ZBA Meeting
1	Mailed First Class	ANNE L. SOJKA, TR.; SOJKA REVOCABLE TRUST	ABUTTER NOTICE MAILED
		11 ATWOOD AVENUE, HUDSON, NH 03051	
2	Mailed First Class	DILLON -JAMES PROPERTIES LLC	ABUTTER NOTICE MAILED
		195R CENTRAL STREET, HUDSON, NH 03051-4805	
3	Mailed First Class	DONALD FLORES	ABUTTER NOTICE MAILED
		7 BELKNAP TERRACE, HUDSON, NH 03051	
4	Mailed First Class	LISA GAUTHIER	ABUTTER NOTICE MAILED
		7 1/2 BELKNAP TERRACE, HUDSON, NH 03051	
5	Mailed First Class	PAMELA J. QUIGLEY	ABUTTER NOTICE MAILED
		18 COUNTY ROAD, HUDSON, NH 03051	
6	Mailed First Class	TELEDYNE TECHNOLOGIES INC.	ABUTTER NOTICE MAILED
		4736 SOCIALVILLE FOSTER RD., MASON, OH 45040-8265	
7			
8			
9			
10			
11			
12			
13			
	Total # of pieces listed by sender 6	Total # of pieces rec'vd at Post Office 6	Postmaster (receiving Employee) 





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

October 13, 2023

APPLICANT NOTIFICATION

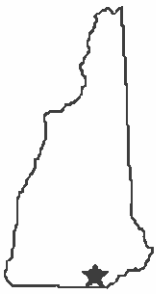
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, 10/26/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 198-147 (10-26-23): Benjamin Mercuri, 30 Temple St., Nashua, NH requests a Variance for 100 Lowell Rd., Hudson, NH to build a proposed eight (8) unit multifamily dwelling on a 34,848 sq. ft. existing lot of record where multifamily developments with both Town water and sewer shall require 53,560 square feet of buildable lot area for the building of three (3) attached dwelling units of a multifamily complex, with each additional dwelling unit requiring a minimum of 5,000 square feet of additional buildable lot area. This equates to a total of 78,560 sq. ft. required. [Map 198, Lot 147-000; Zoned Business (B); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

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

Respectfully,

Chris Sullivan
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

October 13, 2023

ABUTTER NOTIFICATION

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article 7 of HZO Section(s) 334-27 in order to permit the following:

BUILD AN 8 unit multifamily dwelling served by public water and sewer. Each unit will be 960 sqft, 2 bedrooms, 1.5 bathroom and offer a full basement.

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

FACTS SUPPORTING THIS REQUEST:

Relief Sought from Section (s):

1. Granting of the requested variance will not be contrary to public interest, because: Additional housing units are ever so needed within Hudson and southern New Hampshire. Our proposed development will not alter the character of the neighborhood, but will rather maintain and attractively add to the existing character which is mixed use and residential. We believe that the intensity of the proposed development and its use will be minimal and that it will not be a threat to public health, safety, or welfare or otherwise injure public rights.
2. The proposed use will observe the spirit of the ordinance, because: While we fully understand and appreciate the intent of the ordinance, we feel that our proposed development will be “reviving”, and/or “bringing back to life” a city lot of record that has been sitting vacant for years. In turn, we will be preserving and adding to the character of this section of town which in recent years has experienced an increase in new development, new uses and new growth for the Town of Hudson.
3. Substantial justice would be done to the property-owner by granting the variance, because: It would be injustice to deny this project as the public gain outweighs any potential public loss. Housing units are much needed throughout Hudson currently! A denial of this project would result in no gain and a much bigger loss to the public versus myself. Allowing residential multifamily housing on this lot serves substantial justice to a very “undersized” business zoned, lot. In addition, our proposed building would be consistent with the current uses in this area of town.
4. The proposed use will not diminish the values of surrounding properties, because: Our proposal will “breathe life”, back into an existing undersized vacant business-zoned lot. Once the development is complete, this proposed development would improve the cosmetic appearance, landscape and functional appeal of this lot. Property maintenance and landscaping would be routinely maintained and we feel that this will only help add to the value of this property, but more importantly we feel that this would add to the marketability of the neighborhood resulting in an increase of the value on the surrounding and neighboring properties as well.
5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:
 - a.
 - i.
 - ii. The proposed use is a reasonable since it continues with the use of the property that is similar in nature to the neighboring and surrounding properties. Our proposed use is also a less intensive use on the property than the current business use allowed on this property now. Lastly, I believe our proposed use is more in-line with the needs of “Todays”, Town of Hudson. Housing and residential use is currently the number 1 need within Hudson and that is why redeveloping and/or repurposing this property I believe is reasonable and the highest and best use for the parcel.
 - b. Due to the unique size, topography and the current zoning of this property, it seems that the current zoning restrictions prohibit reasonable use of the property as the property is located within the business zone, is irregularly shaped with topography challenges and

also, the property has challenges with the access on & off the Lowell Road-County Road intersection. All of this combined create major challenges for this Business Zoned property and use! Challenges that could serve a bigger and better need of residential use rather than a business use. Neighboring properties have been similarly used (as residential) for a very long time, and even with the challenges mentioned above, this parcel is setup perfectly for the exact redevelopment of this land that I would like to proceed with, and that is why I seek a variance to enable a reasonable use of this parcel.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-120

September 20, 2023

Ben Mercuri
30 Temple St
Nashua, NH 03060

First Class Mail

Re: **100 Lowell Road Map 198 Lot 147-000**
District: Business (B)

Dear Mr. Mercuri,

Your request is if you can build an 8-unit townhouse (multi-family) building and on this parcel. (Rough concept supplied)

Zoning Review / Determination:

Our records indicate this parcel is an existing lot of record with 34,848 sq. ft. of the area and with an approximate frontage of 40 ft. on Lowell Road and 131.20 ft. on Country Rd, non-conforming as for frontage requirements.

For a multi-family use **§334-27. Table of Minimum Dimensional Requirements** requires a lot size of 53,560 sq. ft., of buildable lot area for the building of 3 attached dwelling units of a multifamily complex with each additional dwelling unit requiring a minimum of 5,000 sq. ft. of additional buildable area.

Due to the size of the lot you would need a variance to the **Table of Minimum Dimensional Requirements §334-27.**

This project would need Site Plan Review from the Planning Board per **§334-16.1 Site Plan Approval.** Please contact Brian Groth–Town Planner bgroth@hudsonnh.gov (603) 886-6008 for application details.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'CS', with a long, sweeping horizontal stroke extending to the right.

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

Property Location: 100 LOWELL RD
 Vision ID: 6433 Account #: 3854

Parcel ID: 198/ 147/ 000/ 1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 3900
 Print Date: 10-02-2023 2:46:27 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
CRAVEN, BRIAN H., TR. CRAVEN REVOCABLE TRUSTS 88 SPEARE RD. HUDSON NH 03051		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		ML1	Comm-Lowell St Map 10 Area		2023	3900	348,700	2023	3900	348,700	2022	3900	348,700
		TOPO	UTILITIES										
		Abv St	Town Water										
			Town Sewer										
						Total	348,700	Total	348,700	Total	348,700	Total	348,700

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
CRAVEN, BRIAN H., TR.		8034	1233	11-08-2008	U	V	227,500	49	Grantor: TESTAGROSSA, DENNIS. Grantor: CRAVEN, RONALD D., TR. Grantor: CRAVEN, RONALD/NANCY	Appraised Bldg. Value (Card)			0
TESTAGROSSA, DENNIS		7761	2867	10-30-2006	U	V	269,000	25		Appraised Xf (B) Value (Bldg)			0
TESTAGROSSA, DENNIS		6079	1293	03-15-1999	U	V		38		Appraised Ob (B) Value (Bldg)			0
										Appraised Land Value (Bldg)			348,700
										Special Land Value			0
										Total Appraised Parcel Value			348,700
										Valuation Method			C
										Total Appraised Parcel Value			348,700

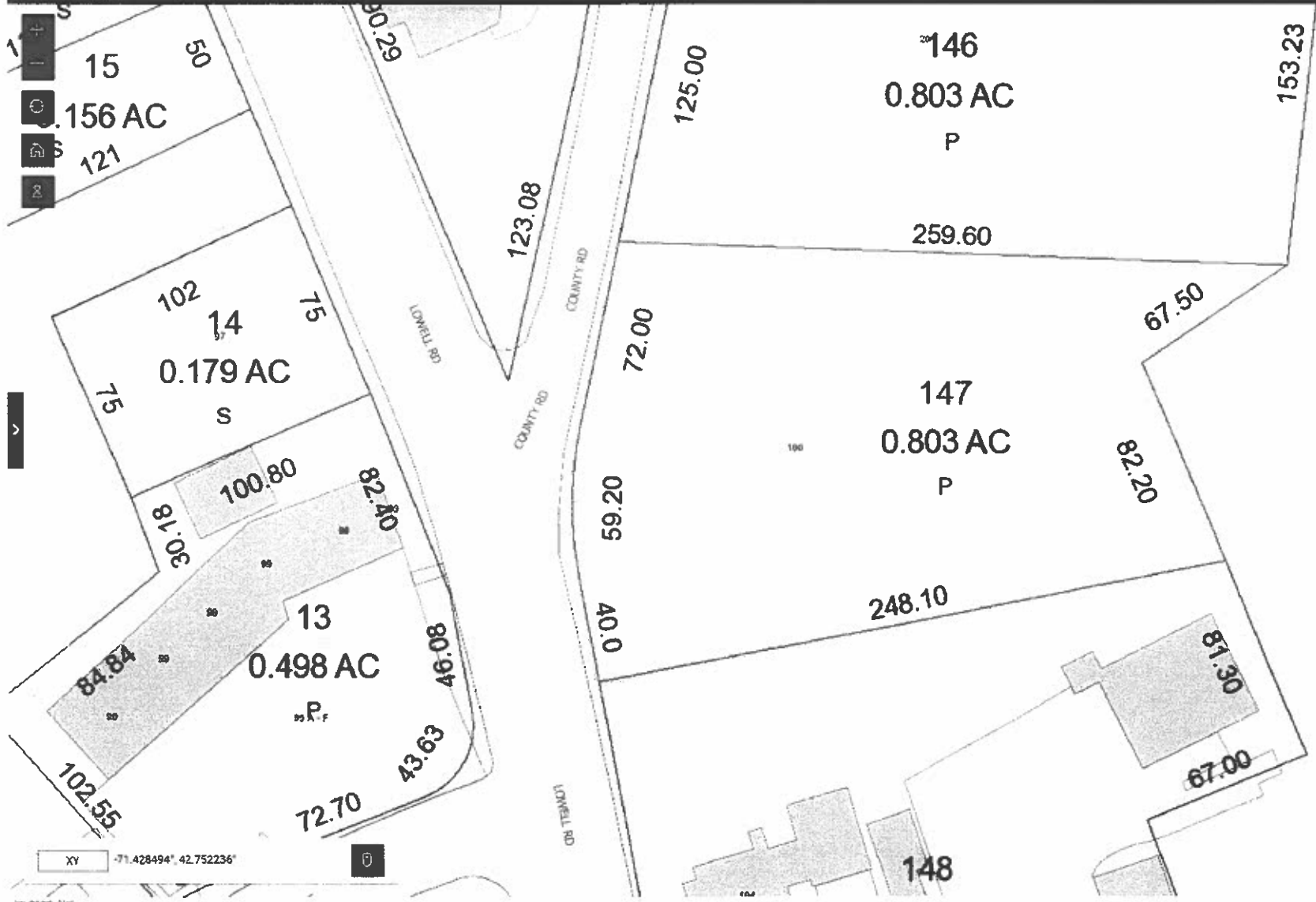
SUPPLEMENTAL DATA				CURRENT ASSESSMENT							
Parcel ID	198-147-000	PREV 0046-0121-0000 Assoc Pid#	Descript	Code	Appraised	Assessed					
Zoning	BD:Business District		LAND	3900	348,700	348,700					
Flood Hazard	C										
Neigh/Abut1											
Neigh/Abut2											
Neigh/Abut3											
GIS ID	198-147-000			Total:	348,700	348,700	Total Appraised Parcel Value				348,700

NOTES				VISIT / CHANGE HISTORY			
bldg demo'd in 2010/ON MARKET 2017 for \$ 239,000/2020 - august on market for \$299 ,000 remax innovative				Date	Id	Cd	Purpost/Result
				06-15-2017	09	45	Field Review
				03-01-2012	01	80	Income And Expense Request Maile
				03-28-2011	14	15	Permit Visit
				10-15-2008	08	14	Inspected
				08-25-2007	06	02	Measured
				08-07-2006	07	71	Acreage Adjustment From New Map
				05-24-2001	00	14	Inspected
03-28-2001	00	02	Measured				

BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments	
2010-00362	07-23-2010	DM	Demolition		C			Visit Notes: Demo Of Existing Bldg;	

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	3900	VAC COMMERCIAL LA	Site	0.803 AC	260,000		1.14	E	1.00	ML1	2.60	Frontage	0.70	0.80	348,700
Total Card Land Units:				0.803 AC	Parcel Total Land Area:				0.803	AC	Total Land Value:				348,700

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





EXTERIOR ELEVATION FRONT



EXTERIOR ELEVATION LEFT

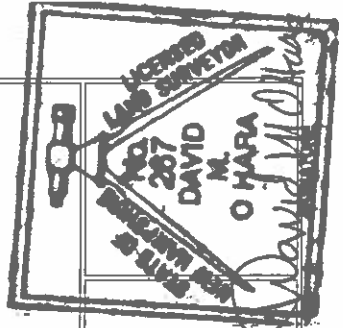
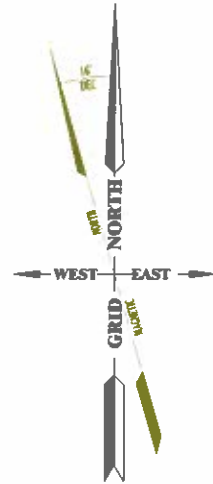


Number	Date	Artist	Revision

Six Unit Townhouse
 Tax Map 796 / Lot 12
 South Mammoth Road, Manchester, N.H.

**BUILDING
 RENDERINGS**

DATE:
 7/27/2023
 SCALE:
 1/4" = 1'-0"
 SHEET:
P-1



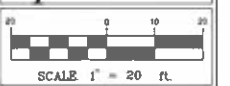
A.C. Engineering & Consulting
 Civil Engineering & Land Planning
 Phone: (603) 425-9100
 acengineering@att.net
 43 Bear Hill Road
 East Washington, N.H. 03240

NO.	DATE	DESCRIPTION	BY

APPLICANT:
 Goldwyne Properties, LLC
 90 Temple Street - Suite 504
 Nashua, N.H. 03060

OWNER:
 Craven Revocable Trust
 Brian H. Craven, Trustee
 88 Spears Road
 Hudson, N.H. 03051

CONCEPTUAL SITE PLAN
 8-Unit Townhouse
 Tax Map 198 / Lot 147
 100 Lowell Road ~ Hudson, N.H.



DATE: 10/9/23
 DWG: 2345-BASE

LEGEND

	PROPERTY LINE
	BUILDING SETBACKS
	EXISTING EDGE OF PAVEMENT
	PROPOSED EDGE OF PAVEMENT
	EXISTING CHAIN LINK FENCE
	EXISTING 2' CONTOUR
	EXISTING 10' CONTOUR
	UTILITY POLE
	EXISTING IRON PIPE
	EXISTING BOUND

PLAN REFERENCES

1. REFERENCE PLAN ENTITLED "PLAN OF LAND FELIX MAYNARD", DATED OCTOBER 1969, SCALE: 1" = 40', PREPARED FOR FELIX MAYNARD, PREPARED BY ROLAND CIRIOUARD AND RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS ON NOVEMBER 7, 1969 AS PLAN #4281.

ZONING TABLE

BUSINESS DISTRICT (B)	REQUIRED	PROVIDED
• MIN. LOT SIZE (BUILDABLE)	30,000 S.F.*	24,530 S.F.
• MINIMUM FRONTAGE	150'	131.20'
• FRONT BUILDING SETBACK	50'	54.5'
• SIDE BUILDING SETBACK	15'	16.7'
• REAR BUILDING SETBACK	15'	23.5'
• MAXIMUM HEIGHT	38'	<38'

* MULTIFAMILY DEVELOPMENTS WITH BOTH TOWN WATER AND SEWER SHALL REQUIRE 53,560 SQUARE FEET OF BUILDABLE LOT AREA FOR THE BUILDING OF THREE ATTACHED DWELLING UNITS OF A MULTIFAMILY COMPLEX, WITH EACH ADDITIONAL DWELLING UNIT REQUIRING A MINIMUM OF 5,000 SQUARE FEET OF ADDITIONAL BUILDABLE LOT AREA

REQUIRED AREA FOR 8 UNIT BUILDING:
 53,560 SF ÷ (5,000 SF x 8) = 78,560 SF

- NOTES**
- THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED BUILDING AND PARKING LOCATIONS RELATIVE TO EXISTING AND PROPOSED SETBACKS.
 - OWNER OF RECORD: CRAVEN REVOCABLE TRUST, BRIAN H. CRAVEN, TRUSTEE, 88 SPEARS ROAD, HUDSON, N.H. 03051
 - PROPERTY IS LOCATED IN THE BUSINESS DISTRICT (B).
 - BUILDING TO BE SERVICED BY MUNICIPAL WATER SUPPLY AND SEWER.
 - THE PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP 3301 IC0518D EFFECTIVE DATE 9/25/2009.
 - BOUNDARY & TOPOGRAPHIC DATA PROVIDED BY DAVID M. O'HARA & ASSOCIATES, 81 SCOBIE ROAD, NEW BOSTON, N.H. 03070. THERE ARE EXISTING BOUNDARY CONFLICTS THAT NEED TO BE RESOLVED.

PARKING & LOADING

USE	REQUIREMENT	PROPOSED	REQUIRED	PROVIDED
RESIDENTIAL UNITS	2 PER UNIT	8 UNITS	16 SPACES	16 SPACES

PARKING SPACE DIMENSIONS: 10' x 20'

TAX MAP 198 / LOT 14
 Colbea Enterprises, LLC
 695 George Washington Highway
 Lincoln, R.I. 02865

TAX MAP 198 / LOT 20
 94 Lowell Road LLC &
 Nicholas Katsoulis
 88 Lowell Road
 Hudson, N.H. 03051

TAX MAP 198 / LOT 13-CDX
 Stratos Realty Trust
 Steve Tsoulakos, Trustee
 2651 San Luis Road
 Holiday, FL 34691-3115

TAX MAP 198 / LOT 146
 Town of Hudson
 12 School Street
 Hudson, N.H. 03051

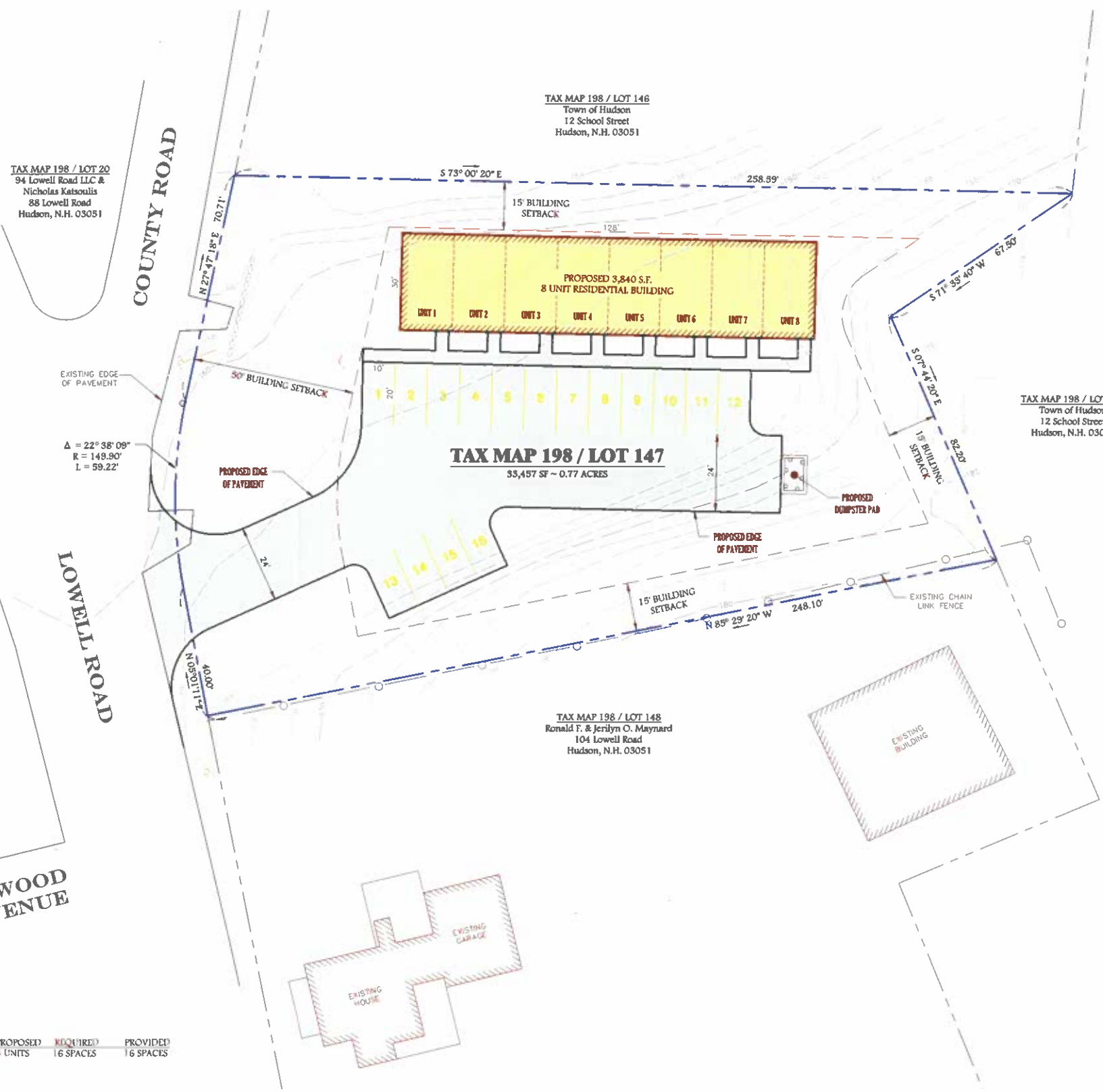
TAX MAP 198 / LOT 149
 Town of Hudson
 12 School Street
 Hudson, N.H. 03051

TAX MAP 198 / LOT 148
 Ronald F. & Jerilyn O. Maynard
 104 Lowell Road
 Hudson, N.H. 03051

ATWOOD AVENUE

COUNTY ROAD

LOWELL ROAD



Printed
10/11/2023
10:24AM
Created
10/11/2023
10:21 AM

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

Receipt# 748,330
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-10/26/23 ZBA Mtg 100 Lowell Road Map 198 Lot 147-000 Variance Application	0.00	219.0200	0.00
			Total:	219.02

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Goldeneye Properties, LLC	CHECK	CHECK# 1553	219.02	0.00	219.02
			Total Due:		219.02
			Total Tendered:		219.02
			Total Change:		0.00
			Net Paid:		219.02



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

MEETING AGENDA – September 28, 2023 – as edited

The Hudson Zoning Board of Adjustment met on Thursday, September 28, 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. LEDGE OF ALLEGIANCE
- III. ATTENDANCE

Chairman Gary Daddario called the meeting to order at 7:01 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board's Bylaws) regarding the procedure and process of the meeting.

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

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.]

Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 9/19/2023 and noted that the violations were documented by Bruce Buttrick in his 12/5/2022 Notice of Violation that was based on a recent certified plot plan that showed two (2) violations, the pool into the setback up to the property line and the shed that crossed the property line onto Lot 140-004, the land dedicated to Open Space of the Subdivision.

Daniel Mahoney introduced himself and stated that the error was caused by the engineer they hired and thought they were within their lines and added that ~~the~~ this strip of land would never be used as it is open space for the development and that he

Not Official until reviewed, approved and signed.

As edited [GD, NM]

48 has been maintaining it for the past decade. In response to Board questions, Mr.
49 Mahoney responded that there are approximately a hundred homeowners in the
50 development and the existing trees block view of the pool

51
52 Mr. Mahoney addressed the criteria for the granting of an Equitable Waiver of
53 Dimensional Requirement and the information shared included:
54

55 (1) *discovered too late*

- 56 • pool was installed in May of 2020
- 57 • lack of required setback was not discovered until December 2022 when
58 they had their land surveyed in preparation of an addition to their
59 home

60 (2) *innocent mistake*

- 61 • the above ground pool was placed using measurements from the front of
62 the lot
- 63 • we believed that we had successfully placed the pool inside the required
64 boundary

65 (3) *no nuisance*

- 66 • the above ground pool is not outside the required setback, it sits a few
67 feet within the required setback
- 68 • the setback borders an unused grassy area that leads into the wooded
69 area of our homeowner's association, the pond view

70 (4) *high correction cost*

- 71 • there would be substantial cost involved in moving the above ground
72 pool, including adjusting the accompanying deck and deck supports
- 73 • there is no public benefit to moving the above ground pool
74

75 Mr. Dion noted that it seems that the pool was located right up to the property line
76 and inquired about the status of the shed that was placed over the property line. Mr.
77 Mahoney stated that he thought the pool could be placed up to the property line and
78 was not concerned when it was placed up to the property line because it was
79 professionally installed with the proper Permit and inspection and added that the shed
80 has already been removed from its trespass onto Lot 140-004. Mr. Daddario inquired
81 about the line through the pool and Mr. Sullivan stated that it represents the property
82 line, but that aerial views are known for inaccuracies and that reference to the
83 certified plot plan shows that the pool is fully located on the Mahoney property. Mr.
84 Mahoney also confirmed that the pool was professionally installed and that a Permit
85 was obtained.

86
87 Public testimony opened at 7:15 PM. No one addressed the Board.

88
89 Mr. Lanphear inquired if there were any measurements on the pool plan and Mr.
90 Sullivan responded that there were measurements for the pool but not of any
91 distances from any property line.

92
93 Board discussion ensued and included whether or not to place conditions on an
94 approval to potential eventualities like replacing the above ground pool should it ever
95 be required to the ability to replace, in like kind, but if it were dismantled to be

96 replaced by an in-ground pool, the in-ground pool would have to be located outside
97 the setback and fully onto/into the lot
98

99 Mr. Martin made the motion to grant the Equitable Waiver. Mr. Sakati seconded the
100 motion. Mr. Martin spoke to his motion stating that the error was discovered two (2)
101 years after, that it abuts open space and tennis courts, that there is a high correction
102 cost and that perhaps it was an innocent mistake from the property owner but the
103 developer should have known better. Mr. Sakati spoke to his second noting that is
104 was discovered too late, has a high correction cost, poses no nuisance and with the
105 existing tree line there is no visibility.
106

107 Mr. Daddrio voted ~~the~~ to grant stating that it was discovered too late, that it was an
108 innocent mistake, that the proper Permits were pulled, that it poses no nuisance and
109 has no visibility to the neighbors and it presents a high correction cost.
110

111 Mr. Lanphear voted to grant stating that it has a high correction cost, that Permits
112 were pulled, that it was not discovered until two (2) years after installation and it does
113 not present any nuisance.
114

115 Mr. Dion voted to grant stating that it does present a high cost to correct, that it was
116 discovered two (2) years after installation, that it was probably an innocent mistake by
117 the agent and noted that there was no opposition presented.
118

119 Roll call vote was unanimous at 5:0. Equitable Waiver granted. The 30-day Appeal
120 period was noted.
121

122 2. **Case 231-017 (09-28-23):** Dennis Wilkinson & Laurie Brown, **9 Beaver Path,**
123 **Hudson, NH** requests a Variance to locate a proposed 12 ft. x 16 ft. shed in the
124 front yard where accessory storage structures (sheds) shall be placed to the rear
125 of the main building. [Map 231, Lot 017-000; Zoned Residential-Two (R-2); HZO
126 Article VII: Dimensional Requirements; §334-27.1(C), General Requirements.]
127

128 Mr. Sullivan read the Case into the record, referenced his Staff Report initialed
129 9/19/2023 and noted that the Town Engineer advised to locate the placement of the
130 septic system and leach field as the Town has no record and placement of the shed
131 should not interfere with future maintenance or replacement. Mr. Sullivan stated that
132 the Property Owners provided their septic system sketch that identified the location of
133 the one thousand (1,000) gallon septic tank and location of the leach field for a three-
134 bedroom house that was built in 1979 as well as the location of the well with its
135 seventy-five foot (75') protective well radius.
136

137 Dennis Wilkinson and Laurie Brown sat at the Applicants' table and introduced
138 themselves. Mr. Wilkinson stated that they seek a variance to place the shed to the
139 front of the house, which is not really the front of the house as the front of their house
140 is perpendicular to the road and considering that they have a stream that bisects their
141 property and imposes additional wetland setbacks and that the back of their house is
142 hilly and has a high water table that the ground is often saturated, leaves the only
143 possible location for a shed to be accessible/useable is to the rear of their house just
144 outside the front setback.
145

146 Mr. Wilkinson addressed the Variance criteria and the information shared included:
147

148 (1) *not contrary to public interest*

- 149 • The proposed placement of the shed is within a stand of trees that minimizes
150 view of the shed from the road (Beaver Path), abutters and adjacent
151 neighbors and would not be an eyesore to surrounding neighbors
- 152 • An aerial view was reviewed and showed a combination of evergreen and
153 deciduous trees, so providing a visual screen year-round

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

- 155 • A shed is a reasonable accessory use for a dwelling
- 156 • The Ordinance stated that sheds ~~have to~~must be to the rear of the house and
157 technically the proposed location is to its rear, but the front of the house
158 does not face the road and the rear of the house places the shed closer to
159 the road adjacent to the front setback line
- 160 • The proposed location of the shed is in a stand of trees by the roadside which
161 will limit view of the shed from the road and surrounding neighbors

162 (3) *substantial justice done*

- 163 • The placement of the shed in this area will allow easy access and allow for
164 storage of various yard equipment and items currently stored in the
165 basement of the house and not easily accessible today

166 (4) *not diminish surrounding property values*

- 167 • The proposed placement would mostly be shielded from view from the road
168 and surrounding neighbors and should not pose as a distraction

169 (5) *hardship*

- 170 • The lot is approximately 1.2 acres and is divided in half by a stream
- 171 • The space behind the house is relatively small and has a steep drop off to
172 the property line
- 173 • Abutters property line is also too close to squeeze in a shed
- 174 • The front of the house does not face the road and the proposed placement of
175 the shed is to the rear of it and would be placed outside the 40' front
176 setback and 15' side yard setback and would be shielded by a grove of
177 trees that include both evergreen and deciduous trees to provide year-
178 round screening

180 Public testimony opened at 7:35 PM. No one addressed the Board.
181

182 Mr. Thompson inquired about adding a condition/stipulation that the existing tree
183 screening remain intact. Ms. Brown stated that she has no intention ~~to~~of cutting any
184 trees. Mr. Sakati asked if the Applicants have spoken to their neighbors regarding the
185 placement of the shed and received confirmation that neither Applicant discussed with
186 the neighbors. Mr. Lanphear stated that he is familiar with the property, that it is a
187 tough property with the “ebb and flow” of the high-~~water~~ table and wetland setbacks
188 and added that the shed would probably have to be constructed on site to avoid
189 cutting trees.

190
191 Mr. Martin made the motion to grant the Variance with no stipulations. Mr. Lanphear
192 seconded the motion. Mr. Martin spoke to his motion stating that the requested
193 Variance would not injure the public or private rights of any abutter, that the selected
194 location for the shed is the only reasonable place and would observe the spirit of the

195 Ordinance, that substantial justice would be done to the property, that the shed would
196 not be seen from the street, and locating the shed across the property over the stream
197 would not be good for the property owner and that the proposed use is a reasonable
198 use. Mr. Lanphear spoke to his second stating that the position of the house with its
199 front not facing the road and the extensive wetlands on the property and the necessary
200 added wetland setbacks cause the hardships on this property and limits the location
201 of the shed which will not be contrary to public and provide substantial justice to the
202 property owners.
203

204 Mr. Sakati voted to grant the Variance noting that it will not be contrary to public
205 interest and observes the spirit of the Ordinance and does not alter the character of
206 the neighborhood or diminish surrounding property values, that there is no practical
207 alternative to locate the shed on the property, that the proposed shed is a reasonable
208 use and that the hardship criteria is satisfied with the topography of the property and
209 the orientation of the house on the property.
210

211 Mr. Dion voted to grant the Variance stating that the shed will not threaten public
212 rights and is a reasonable use, that it will be shielded from view and is a common
213 accessory use and is of similar size to others in the neighborhood, that there is very
214 little feasible locations to locate a shed that allows access without threat of flooding
215 and that literal enforcement allows essentially no leeway for locating the shed due to
216 all the required setbacks on the property.
217

218 Mr. Daddario voted to grant stating that sheds are customary for residential areas, will
219 not cause public harm and don't interfere with front and side setbacks, that
220 substantial justice would be done to the property owners without causing public
221 harm, that there is no reason to believe a shed would negatively impact property
222 values and that the hardship is due to the angle of the house on the lot as well as the
223 steep slope and well at the rear and the setbacks required for the stream that crosses
224 the lot and the wetlands beside it.
225

226 Roll call vote was unanimous at 5:0. Variance granted with no stipulations. The 30-
227 day Appeal period was noted.
228

229 3. **Case 165-154 (09-28-23):** Keri Demers, 153 Lowell Rd., Hudson, NH requests
230 a Special Exception for **102 Derry St., Hudson, NH** to allow a dog & cat
231 daycare facility with retail services of grooming, training, animal rescue
232 services, pet supplies retail sales, community pet education and kennel (day &
233 overnight boarding). [Map 165, Lot 154-000; Zoned Business (B); HZO Article
234 VI: Special Exceptions; §334-23, General Requirements and HZO Article V:
235 Permitted Uses; §334-21, Table of Permitted Principal Uses (D-2).]
236

237 Mr. Sullivan read the Case into the record, referenced his Staff Report initialed
238 9/19/2023, noted that even though the address is Derry Street the access to the lot is
239 by driveway on Grand Avenue, that there is an existing Site Plan previously approved
240 ~~the-that~~ would require a Modification by the Planning Board if the Special Exception
241 is granted as it would constitute a Change of Use, and that the Fire Marshall provided
242 four (4) comments: (1) that Permits through Inspectional Services would be required
243 for the renovations to accommodate the proposed Use and layout; (2) that a Certificate
244 of Occupancy would be required prior to operating the business; (3) that all State

245 Adopted Building and Fire Codes shall apply; and (4) that ADA accessibility would be
246 required.

247
248 Applicant Keri Demers sat at the Applicant's table and introduced herself as residing
249 at 153 Lowell Road and co-owner of Dewey and Friends Pet Resort that opened two
250 and a half (2½) years ago, in May 2021, and has already reached capacity.

251
252 Ms. Demers addressed the Special Exception requirements and the information shared
253 included:

- 254
255 (1) *Use specified in the Table of Permitted Uses*
256 • The use requested is listed as permitted by Special Exception
257 • Dog kennel (overnight boarding) is specifically identified in the Table as
258 requiring a Special Exception
259 (2) *Proposed use meets all requirements of Article V*
260 • Dewey and Friends will be in the Business District and we will be offering
261 "retail" services such as day care, overnight boarding, training, grooming,
262 cat boarding, client education as well as community services
263 (3) *Proposed use is consistent with purpose and intent of the district*
264 • Dewey and Friends is a dog daycare and boarding facility
265 • We hope to expand to offer dog training, grooming ad cat boarding as
266 well as potential cats/dogs for adoption, client education among other
267 services offered to the community for their pets.
268 • The Business District is established to provide for the development of
269 general wholesale, retail commercial uses, office uses, industry,
270 warehousing, multi-family dwellings and customary accessory uses and
271 structures
272 • Due to the boarding of dogs overnight, this triggers a kennel use that
273 requires a Special Exception from -the ZBA
274 (4) *Proposed use compatible with character of surrounding neighborhood*
275 • The location is in the Business District and we are offering "retail"
276 services.
277 • Many homes have pets and more families work full time
278 • We are asking to allow a service to assist these families by letting their
279 dogs be monitored safely while they are at work, or away for a period of
280 time
281 (5) *Nonresidential uses to have primary access from arterial or collector roads*
282 • Not applicable as the location is in the Business District
283

284 Mr. Lanphear asked and received confirmation from Ms. Demers that the plan is to
285 use the existing building. Mr. Dion questioned the floor plans, asked about overnight
286 boarding and what a "typical day" might look like. Ms. Demers stated that the first
287 floor would be dedicated mostly to dogs with three (3) large play-rooms, and the
288 second floor would have a room for cats, a training room and a grooming station.
289 With regard to the hours of operation, there is no set time for drop-offs and pick-ups,
290 that they are open from 7:00 AM to 7:00 PM Monday through Friday and 9:00 AM to
291 5:00 PM on Saturdays. Mr. Dion questioned overnight boarding and whether it would
292 be staffed and whether the lodging for the staff would be considered a dwelling unit.
293 Mr. Sullivan confirmed that it would not be considered a dwelling unit.

294
295 Mr. Dion questioned the outdoor area and whether it would be fenced. Ms. Demers
296 identified the triangular area on the Site Plan prepared for the hair academy and
297 stated that she would be installing an eight foot (8') high vinyl fence.
298

299 Mr. Sakati inquired about the noise. Mr. Sullivan referred to the email received from
300 an abutter, Cheryle Lombardo, 9 Essex Avenue, who expressed similar concerns and
301 questioned whether there would be dog walking in the neighborhood. Ms. Demers
302 responded that there would be no dog walking outdoors and that her staff are trained
303 to control dog barking, generally the leash and remove method is very effective, that
304 currently she serves twenty five to thirty (25-30) dogs with two to three (2-3) onsite
305 staff and could grow this business to fifty (50) dogs with the three (3) play areas. Mr.
306 Lanphear noted that there ~~is-are~~ approximately four to five thousand square feet (4-5K
307 SF) in the proposed facility. Mr. Dion asked if additional staff ~~is-are~~ proposed. Ms.
308 Demers confirmed ~~as-that~~ there would be more dogs and now cats would be included.
309 Mr. Daddario inquired about time spent outdoor and Ms. Demers responded that it is
310 weather dependent, if it's too hot or too cold or rainy, then they are out to do their
311 business and if it is a good weather day, they could be outdoors a few hours.
312

313
314 Public testimony opened at 8:09 PM. The following individuals addressed the Board:
315

- 316 (1) Ms. Julie Frosten stated that she is the dog daycare manager, that she has
317 been a vet technician for ten years and does the training of the staff and
318 stated that barking is the method of communication among dogs but they do
319 control it as best they can and noted that the barking is mostly in the
320 morning hours during drop offs because they get excited.
321 (2) Denise Duval, 2 Summer Avenue, stated that she has concern with the
322 noise, with dogs being walked in the neighborhood, with headlights coming
323 into her house, with where the dogs and cats up for adoption would come
324 from (abandoned or puppy mill?), with waste management, ground upkeep,
325 whether there are licenses required for the groomers, whether there will be
326 staff overnight and whether now two (2) locations can both be serviced.
327

328 Ms. Demers confirmed that dog walking is not part of the service she provides or will
329 provide; that it is very rare to have any car coming to the center after 7:00 PM so that
330 there should be no issue with headlights interfering in the neighborhood after then;
331 that she lives at the current location of Dewey and Friends and overnight borders are
332 generally quite, that music is played for them, that there are cameras in each sleep
333 area that is monitored; that they control dog waste as they occur and spray the area
334 and bag before placing in one of the three (3) baskets on site but could look into a
335 dumpster; and that the grooming service would be new to her business.
336

337 Mr. Martin noted that all the questions are great questions, but they fall under the
338 ~~prevue-pervue~~ of the Planning Board to address – things like hours of business, waste
339 management, noise etc.
340

- 341 (3) Colleen Tyler, 5 Grand Avenue, stated that she lives directly in front of the
342 property and that the land is slanted and is concerned with water runoff and
343 whether there is any drainage around the proposed play area

344
345 Ms. Demers responded that the outside fence would be left alone, that there are two
346 (2) possible locations for the proposed outside area and that she is unaware if any
347 drainage exists. Mr. Sullivan stated that that would be determined when an engineer
348 prepares the Site Plan for the Planning Board who would address the drainage and
349 noted that all drainage would be maintained on site. Mr. Daddario stated that the
350 Zoning Board only has four (4) criteria pertaining to the Special Exception and they all
351 pertain to the proposed Use.

352
353 (4) Bruce Morse, 4 Essex Drive, stated that his driveway is on Grand Avenue,
354 that the proposed is a business in a residential neighborhood, that he is
355 concerned with outside noise including the noise from snow removal and the
356 hours that snow will be plowed and commented that if it is commercially
357 plowed, they would hear the plow drop its blade and is also concerned with
358 staffing, whether there is enough to control the animals.

359
360 Ms. Demers stated that she is unsure if snow removal would become her responsibility
361 or remain with the landowner, that she has her current location plowed and can exert
362 preference that it not be done in the middle of the night, unless of course it is a major
363 snowstorm, and that her plan is to close her current operation for a month so that
364 experienced staff would be onsite when this location opens and the training of new
365 staff begins.

366
367 (5) Pamela Ramsey, 7 Summer Avenue, stated that she supports the concerns
368 her neighbors have expressed in opposition to this application.
369 (6) Lisa Daigle, 11 Grand Avenue, stated that she is concerned with outside
370 noise as she works from home three (3) days a week and is curious why a
371 Special Exception is needed.

372
373 Mr. Sullivan responded that the Special Exception is required for the kennel/overnight
374 boarding aspect of the business. If that service was not requested/included, the
375 business could just proceed to the Planning Board and not be seen by the Zoning
376 Board. Mr. Martin referenced the Table of Uses, other Permitted Uses, that this lot
377 could become, and cited examples that included convenience store, massage parlor,
378 restaurant, gas station and commented that the proposed use is a relatively less
379 impacting one for the abutting residential neighborhood.

380
381 Being no one else to address the Board, public testimony closed at 8:39 PM

382
383 Mr. Lanphear asked if it is okay to drain from the dog play area into the Town's sewer
384 system and Mr. Sullivan stated that it would be addressed by the Planning Board. Mr.
385 Dion asked about the eight-foot high (8'h) fence, whether it would be a chain link and
386 Ms. Demers responded that her intent is for a vinyl fence so the dogs can't see through
387 it and hopefully lack of sight will help reduce barking. Mr. Dion asked about noise
388 control methods. Ms. Demers stated that she belongs to various different online
389 groups and the preferred method is to "leash and remove" from immediate are and the
390 proposed building will have small rooms/bedrooms for "time out", generally twenty to
391 thirty (20-30) minutes, to help calm a dog.

392

393 Mr. Martin stated that he works from home too, that it is a natural instinct for a dog
394 to bark, noted that this site was a hair academy since 1984 and that other Uses, like a
395 Membership Club, like Knights of Columbus, could move right in and convert space
396 for dining banquet halls, a bar or even a Dunkin Donut with all its traffic.
397

398 Mr. Sakati asked for clarification between the ZBA and PB roles and responsibility to
399 which Mr. Sullivan that the ZBA is to focus on the Use proposed for this lot and the
400 PB would focus on specific items like noise, light, fencing, hours of operation, play
401 area, number of employees and drainage. Mr. Sakati stated that he has been
402 impressed with the dialog and respect that has occurred at this meeting, that it is
403 evident the Applicant is sensitive and considerate to her neighbors' concerns. Mr.
404 Dion stated that the success of local businesses is vital to Hudson, that this business
405 has been successful and has outgrown it's current location and is ready to expand and
406 open a second location and the selected location is a bit iffy with the noise (barking)
407 factor but that seems manageable and certainly not as intrusive as other businesses
408 that could enter this location with no ZBA involvement/intervention.
409

410 Mr. Martin made the motion to grant the Special Exception with no stipulations. Mr.
411 Dion seconded the motion.
412

413 Mr. Martin spoke to his motion stating that the criteria have been satisfied, that a
414 more intrusive use could be allowed per the Table of Uses that would be more
415 intrusive, that a local business is expanding and staying in Town and unoccupied, the
416 site is not really being maintained. Mr. Dion spoke to his second stating that the
417 proposed use is compatible with the neighborhood, that he has two (2) dogs, a Huskie
418 and a German Sheppard Huskie mix and dogs are loud, that it is a good thing having
419 a local business expand itself in Town and that the criteria for the granting of a
420 Special Exception have been met.
421

422 Mr. Lanphear voted to grant the motion stating that the criteria have all been satisfied,
423 that it is in the Business District and seems like the best decision/selection.
424

425 Mr. Sakati voted to grant the motion, that the criteria have been satisfied with the
426 exception of #4, compatible with the character of the surrounding neighborhood, but
427 not because of the proposed Use, just any Business Use abutting a residential
428 neighborhood.
429

430 Mr. Daddario voted to grant the motion as it is a Permitted Use and satisfies all the
431 Special Exception criteria even though Criteria #4 is dicey for the reason Mr. Sakati
432 stated, but dogs in the neighborhood is consistent with the character of residential
433 use.
434

435 Roll call vote was 5:0. Special Exception was granted with no stipulations. The 30-
436 day Appeal period was noted.
437

438 Mr. Daddario encouraged the public to bring their concerns to the Planning Board.
439 Mr. Sullivan stated that they will receive notification of the Planning Board meeting
440 ~~similar to like~~ what they received from the ZBA. Mr. Sakati asked if there is a
441 mechanism where ZBA can communicate the concerns expressed to the PB and Mr.

442 Sullivan responded that he receives the opportunity to comment on PB applications
443 and will include the concerns raised at this meeting on it.

444

445 **V. REQUEST FOR REHEARING:** None

446

447 No requests were presented for Board consideration.

448

449 **VI. REVIEW OF MINUTES:**

450

451 08/24/23 edited Draft Minutes

452

453 Motion made by Mr. Martin, seconded by Mr. Lanphear and unanimously voted (5:0) to

454 approve the 8/24/2023 Minutes as edited.

455

456 **VII. OTHER:**

457

458 No other items were presented for Board consideration.

459

460

461 Motion made by Mr. Martin, seconded by Mr. Dion and unanimously voted (5:0) to adjourn

462 the meeting. The 9/28/2023 ZBA Meeting adjourned at 8:59 PM.

463

464

465 Respectfully submitted,

466 Louise Knee, Recorder

467

468
