



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

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### MEETING AGENDA – November 16, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **November 16, 2023** at **7:00 PM** in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side).

#### I. CALL TO ORDER

#### II. PLEDGE OF ALLEGIANCE

#### III. ATTENDANCE

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

1. **Case 101-006 (11-16-23):** Benjamin Bosowski, Mgr., Bosowski Properties, LLC., 40 Temple St., Nashua, NH, requests a Variance for **19 West Rd., Hudson, NH** to allow three (3) multi-tenant buildings with nine (9) Industrial Uses not allowed in the Business District which includes: **(E.2.)** Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances; **(E.3.)** Welding shop; **(E.4.)** Machine shop; **(E.6.)** Manufacturing; **(E.8.)** Distribution facility of 100,000 square feet or less; **(E.10.)** Warehouse of 100,000 square feet or less; **(E.12.)** Wholesale; **(E.13.)** Self-storage; includes parking of recreational vehicles, buses and/or boats; **(E.15.)** Contractor's yard or landscaping business. [Map 101, Lot 006-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
2. **Case 166-011 (11-16-23):** Todd A. Boyer, Trustee of The Boyer Family Revocable Trust of 2019, 2 Merrill Street, Hudson, NH, requests a Variance for **32 Ledge Rd., Hudson, NH** for a proposed 4-lot subdivision to allow three (3) lots within the R-2 Zone with lot areas of 12,192 SF and 12,401 SF and 21,088 SF where 43,560 square feet is required for each lot. [Map 166, Lot 011-000; Split Zoned Residential-Two (R-2) and Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Permitted Principal Uses.]
3. **Case 218-024 (11-16-23):** Alan Simoneau, C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC, 24 Eastman Ave., Suite C3, Bedford NH, requests two (2) Variances for **4 Homestead Lane, Hudson, NH** [Map 218, Lot 024-000; Zoned General One (G-1)] as follows:
  - a. To allow the continued existing (non-permitted) mixed principal uses: **(A.1.)** Residential Use– Single family detached dwelling and **(E.15.)** Industrial Use– Contractor's yard on the lot where mixed uses on a lot are not permitted in the G-1 district. [HZO Article III: General Regulations; §334-10 A, Mixed or dual use on a lot.]
  - b. To allow the continued accessory use of existing (non-permitted) garaging or parking of heavy commercial vehicles and equipment where these uses are not permitted in the G-1 district if the property is not served by Town water and sewer. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article III: General Regulations; §334-15 B.(2).]

**MEETING AGENDA – November 16, 2023 (Continued)**

4. **Case 167-052 (11-16-23):** Ausama Mohamed Ali & Soukayna El Bouayadi, **135 Highland St., Hudson, NH** requests a Variance to allow a Family group day-care home with a maximum of 12 preschool children and 5 school age children with assistant staff. This is an Accessory Use prohibited in the R-2 Zone. [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article II: Terminology; §334-6, Definitions and NH State RSA 170-E:2, IV(b).]
5. **Case 236-020 (11-16-23):** Carl & Debrah Howes, **2 Glenview Dr., Hudson, NH** requests a Variance to build a proposed 12 ft. x 12 ft. deck on the rear of the house which will encroach the rear yard setback approx. 4.5 feet leaving approx. 10.5 feet where 15 feet is required. [Map 236, Lot 020-000, Zoned Residential -Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

V. **REQUEST FOR REHEARING:** None

VI. **REVIEW OF MINUTES:**  
10/26/23 edited draft Minutes

VII. **ADJOURNMENT**

  
Chris Sullivan, Zoning Administrator

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Deborah Nelson** (the "Mortgagor") to MetLife Bank, N.A., and now held by **Mortgage Assets Management, LLC** (the "Mortgagee"), said mortgage dated September 18, 2008, and recorded in the Rockingham Registry of Deeds in Book 4955, Page 0706, (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  
**December 11, 2023**  
at **11:00 AM**

Said sale to be held on the mortgaged premises hereinafter described and having a present address of 25 Auburn Street, Exeter, Rockingham County, NH 03833.

### 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 Capitol Corporate Services, Inc., 1 Old Loudon Road, Concord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at [nhbdbanking.nh.gov](mailto:nhbdbanking.nh.gov).

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

### TERMS OF SALE

A deposit of Five Thousand (\$5,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale.

Dated at Farmington, Connecticut, on October 25, 2023.

Mortgage Assets Management, LLC  
By its Attorney,  
Bozenna Wysocki  
Brock & Scott, PLLC  
270 Farmington Ave, Suite 151  
Farmington, CT 06032  
(UL - Nov. 1, 8, 15)

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

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **John C. Robbins** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for People's United Bank and now held by U.S. Bank Trust National Association, not in its individual capacity but solely as Owner Trustee for RCF 2 Acquisition Trust (the "Mortgagee"), said mortgage dated October 8, 2010, and recorded with the Cheshire County Registry of Deeds in Book 2660 at Page 314 (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 30, 2023  
at 02:00 PM

Said sale to be held on the mortgaged premises having a present address of 368 GREAT ROAD, JAFFREY, Cheshire County, New Hampshire. The premises are more particularly described in the mortgage.

For Mortgagor's Title see deed recorded in Book 2660 at Page 0312 with the Cheshire County Registry of Deeds.

### NOTICE

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

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

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

The contact information for the New Hampshire Banking Department is:

New Hampshire  
Banking Department  
53 Regional Drive, Suite 200  
Concord, NH 03301  
[nhbdbanking.nh.gov](mailto:nhbdbanking.nh.gov)

(603) 271-3561 - main office  
(800) 437-5991 - toll free

For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call.

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

### TERMS OF SALE

A deposit of Ten Thousand (\$10,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within forty-five (45) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to cancel or continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale.

Dated at Warwick, Rhode Island on October 6, 2023.

U.S. Bank Trust National Association, not in its individual capacity but solely as Owner Trustee for RCF 2 Acquisition Trust  
By its Attorneys  
Marinosci Law Group, P.C.  
275 West Natick Road, Suite 500  
Warwick, RI 02886  
Telephone: 401-234-9200  
MLG File No.: 19-09295  
(UL - Nov. 8, 15, 22)

## Legal Notice

**Public Auction**  
**Queen City Towing LLC**  
**134 Maple Street**  
**Manchester, NH 03103**  
**November 08, 2023**  
at **10:00 am**

2019 Nissan Versa  
3N1CN7AP4KL808430  
2016 Subaru Impreza  
JF1GPAAY61G8261745  
2004 Jeep Grand Cherokee  
1J4GW48S24C326536  
2010 Nissan Altima  
1N4AL2AP3AN518973  
2009 Mazda 3  
JM1BK32F991193942  
2006 Honda Odyssey  
5FNRL38466B053917  
2016 Jeep Patriot  
1C4NJBFB3GD585949  
2008 Audi A4  
WAUDF78E98A062007  
2006 Honda Civic  
1HGFA16886L009144  
2004 Chevrolet Trail Blazer  
1GNDT13SX42399481  
2011 Toyota Corolla  
2T1BU4EE9BC679087  
2006 Toyota Highlander  
JTEHP21A060171059  
(UL - Nov. 8)

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue of a Power of Sale contained in a certain Mortgage given by **Justin L. Jeror and Sarah A. Jeror, husband and wife as joint tenants** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for Alpine Mortgage, LLC, its successors and assigns, dated February 18, 2011 and recorded in the Grafton County Registry of Deeds in Book 3777, Page 17 and as affected by a Loan Modification Agreement recorded on September 16, 2019 in said Registry of Deeds in Book 4465, Page 204 (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 22, 2023**  
at **11:00 AM**

Said sale being located on the mortgaged premises and having a present address of **403 Lockehaven Road, Enfield, Grafton County, NH**. The premises are more particularly described in the Mortgage.

### 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 mortgagee's name and address for service of process is U.S. Bank Trust National Association, not in its individual capacity, but solely as Owner Trustee for Citigroup Mortgage Loan Trust 2021-A c/o Nationstar Mortgage LLC at 8950 Cypress Waters Blvd, Coppell, TX, 75019. The name and address of the mortgagee's agent for service of process is Corporation Street Company at 10 Ferry Street, Suite 313, Concord, NH 03301. You can contact the New Hampshire Banking Department by e-mail at [nhbdbanking.nh.gov](mailto:nhbdbanking.nh.gov).

For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

The property will be sold subject to all unpaid real estate taxes and all other liens and encumbrances which may be entitled to precedence over the Mort-

gage. 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".

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

### 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 Trust National Association, not in its individual capacity, but solely as Owner Trustee for Citigroup Mortgage Loan Trust 2021-A  
Present Holder of said Mortgage.  
By Its Attorneys,  
Orlans PC  
PO Box 540540  
Waltham, Massachusetts 02454  
Phone: (781) 790-7800  
(UL - Nov. 1, 8, 15)

## Legal Notice

### THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH SUPERIOR COURT

Hillsborough Superior Court  
Northern District  
300 Chestnut Street  
Manchester NH 03101  
Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

### CITATION FOR PUBLICATION COMPLAINT TO QUIET TITLE Superior Court Rule 4(d)

Case Name: **New Hampshire Housing Finance Authority v Unknown Heirs of Julien R. Pepin**  
Case Number: **216-2023-CV-00699**  
Date Complaint Filed: October 18, 2023

A Complaint to Quiet Title to a certain tract of land with any attached buildings located in Manchester, in the State of New Hampshire has been filed with this court. The property is described as follows: **493 Manchester Street, Manchester, NH 03103.**  
**The Court ORDERS:**  
New Hampshire Housing Finance Authority shall give notice to Unknown Heirs of Julien R. Pepin 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 December 11, 2023.

### Also, ON OR BEFORE 30 days after the last publication - Unknown Heirs of Julien R. Pepin 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.

**January 01, 2024** - New Hampshire Housing Finance Authority 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 Unknown Heirs of Julien R. Pepin:** 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](http://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://odypa.nhccourts.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:  
Brittney Ann Millay, ESQ,  
Craig Deachman & Associates PLLC, 1662 Elm St, Ste 100, Manchester, NH 03101  
BY ORDER OF THE COURT  
October 27, 2023  
W. Michael Scanlon  
Clerk of Court  
(UL - Nov. 1, 8, 15)

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Steven R. Landry** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for Residential Mortgage Services, Inc., and now held by **Federal Home Loan Mortgage Corporation** (the "Mortgagee"), said mortgage dated March 18, 2021, and recorded in the Hillsborough Registry of Deeds in Book 9443, Page 2005, as affected by a Loan Modification dated December 8, 2022 and recorded in the Hillsborough County Registry of Deeds in Book 9675, Page 1902; (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  
**December 21, 2023**  
at **01:00 PM**

Said sale to be held on the mortgaged premises hereinafter described and having a present address of 6 Brookline Street, Goffstown, Hillsborough County, NH 03045.

### 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 Don Layton, 8200 Jones Branch Drive, McLean, VA 22101. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at [nhbdbanking.nh.gov](mailto:nhbdbanking.nh.gov).

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

### TERMS OF SALE

A deposit of Five Thousand (\$5,000.00) Dollars in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale.

Dated at Farmington, Connecticut, on November 3, 2023.

Federal Home Loan Mortgage Corporation  
By its Attorney,  
Bozenna Wysocki  
Brock & Scott, PLLC  
270 Farmington Ave, Suite 151  
Farmington, CT 06032  
(UL - Nov. 8, 15, 22)

## Legal Notice

### INVITATION TO BID

Sealed Bids will be received at the Town Hall Offices, Office of the Town Clerk, 12 School Street, Hudson, NH, until **10:00 AM, local time, December 7, 2023**, for the following project:

### SEWER CAMERA HUDSON, NEW HAMPSHIRE

Bids submitted or received after this date and time will not be accepted. This project is 100% funded by Town of Hudson.

All questions with regard to the Invitation to Bid should be addressed (in writing only) to the attention of:

Mr. Jason Twardosky  
Director of Public Works  
Public Works Department  
2 Constitution Drive  
Hudson, NH 03051  
[jtwardosky@hudsonnh.gov](mailto:jtwardosky@hudsonnh.gov)

### A MANDATORY PRE-BID MEETING WILL BE HELD AT 2 CONSTITUTION DRIVE (DPW FACILITY) @ 10:00 AM, NOVEMBER 21, 2023.

### THIS IS AN EQUIPEMENT PURCHASE BID.

The deadline for all questions shall be at 10:00 a.m. on **NOVEMBER 27, 2023**.

The successful bidder shall comply with all applicable Federal, State, and local laws, ordinances, rules, regulations, and codes in the performance of this contract.

The bids will be evaluated based on cost and experience of the firm.

All qualified bidders will receive consideration without regard to race, color, religion, creed, age, sex, or national origin. The Town of Hudson is an equal opportunity employer.

The OWNER reserves the right to waive any informalities, to negotiate with any bidder and to reject any or all bids. No bidder may withdraw his bid within 90 days after the actual date of the opening thereof.

All bid package information will be available on the town website.  
(UL - Nov. 8)

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Timothy F. MacDougall** (the "Mortgagor(s)") to Granite State Mortgage Corp., dated April 19, 1999 and recorded in the Hillsborough County Registry of Deeds in Book 7959, Page 2765, and as affected by a confirmatory mortgage recorded with said Hillsborough County Registry of Deeds in Book 7959, Page 2765, (the "Mortgage"), which mortgage is held by Federal Home Loan Mortgage Corporation, the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:

Public Auction on  
December 6, 2023  
at  
11:00 AM

Said sale being located on the mortgaged premises and having a

present address of 399 Paige Hill Road, Goffstown, Hillsborough County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor(s)'s title see deed recorded with the Hillsborough County Registry of Deeds in Book 5781, Page 291.

### 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 6200 S Quebec St, Greenwood Village, CO 80111 and the name of the mortgagee's agent for service of process is Specialized Loan Servicing.

You can contact the New Hampshire Banking Department by e-mail at [nhbdbanking.nh.gov](mailto:nhbdbanking.nh.gov). For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 1-800-437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

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Dated at Newton, Massachusetts, on October 17, 2023.

Federal Home Loan Mortgage Corporation  
By its Attorney,  
Nicholas J Danforth  
Harmon Law Offices, P.C.  
PO Box 610389  
Newton Highlands, MA 02461  
617-558-0500  
22849

(UL - Oct. 25; Nov. 1, 8)

## Legal Notice

### THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH SUPERIOR COURT

Stratford Superior Court  
259 County Farm Road, Suite 301  
Dover NH 03820  
Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

### TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearings THURSDAY, NOVEMBER 16, 2023

The Hudson Zoning Board of Adjustment will hold a public meeting on **Thursday, November 16, 2023 at 7:00 PM** in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side).

### PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

- Case 101-006 (11-16-23):** Benjamin Bosowski, Mgr., Bosowski Properties, LLC., 40 Temple St., Nashua, NH, requests a Variance for **19 West Rd., Hudson, NH** to allow three (3) multi-tenant buildings with nine (9) Industrial Uses not allowed in the Business District which includes: (E.2.) Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances; (E.3.) Welding shop; (E.4.) Machine shop; (E.6.) Manufacturing; (E.8.) Distribution facility of 100,000 square feet or less; (E.10.) Warehouse of 100,000 square feet or less; (E.12.) Wholesale; (E.13.) Self-storage; includes parking of recreational vehicles, buses and/or boats; (E.15.) Contractor's yard or landscaping business. [Map 101, Lot 006-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]
- Case 166-011 (11-16-23):** Todd A. Boyer, Trustee of The Boyer Family Revocable Trust of 2019, 2 Merrill Street, Hudson, NH, requests a Variance for **32 Ledge Rd., Hudson, NH** for a proposed 4-lot subdivision to allow three (3) lots within the R-2 Zone with lot areas of 12,192 SF and 12,401 SF and 21,088 SF where 43,560 square feet is required for each lot. [Map 166, Lot 011-000; Split Zoned Residential-Two (R-2) and Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Permitted Principal Uses.]
- Case 218-024 (11-16-23):** Alan Simoneau, C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC, 24 Eastman Ave., Suite C3, Bedford NH, requests two (2) Variances for **4 Homestead Lane, Hudson, NH** [Map 218, Lot 024-000; Zoned General-One (G-1)] as follows:
  - To allow the continued existing (non-permitted) mixed principal uses: (A.1.) Residential Use- Single family detached dwelling and (E.15.) Industrial Use- Contractor's yard on the lot where mixed uses on a lot are not permitted in the G-1 district. [HZO Article III: General Regulations; §334-10 A, Mixed or dual use on a lot.]
  - To allow the continued accessory use of existing (non-permitted) garaging or parking of heavy commercial vehicles and equipment where these uses are not permitted in the G-1 district if the property is not served by Town water and sewer. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article III: General Regulations; §334-15 B.(2).]
- Case 167-052 (11-16-23):** Ausama Mohamed Ali & Soukayna El Bouayadi, **135 Highland St., Hudson, NH** requests a Variance to allow a Family group day-care home with a maximum of 12 preschool children and 5 school age children with assistant staff. This is an Accessory Use prohibited in the R-2 Zone. [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article II: Terminology; §334-6, Definitions and NH State RSA 170-E:2, IV(b).]
- Case 236-020 (11-16-23):** Carl & Debrah Howes, **2 Glenview Dr., Hudson, NH** requests a Variance to build a proposed 12 ft. x 12 ft. deck on the rear of the house which will encroach the rear yard setback approx. 4.5 feet leaving approx. 10.5 feet where 15 feet is required. [Map 236, Lot 020-000, Zoned Residential -Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Chris Sullivan, Zoning Administrator

### CITATION FOR PUBLICATION COMPLAINT TO QUIET TITLE Superior Court Rule 4(d)

Case Name: **NewRez LLC v David M Michaud, Michelle D Boylan, William J Fortier**

Case Number: **219-2023-CV-00168**

Date Complaint Filed: May 11, 2023

A Complaint to Quiet Title to a certain tract of land with any attached buildings located in Rochester, in the State of New Hampshire has been filed with this court. The property is described as follows: **1 Mill Street, Rochester, NH 03866.**

### The Court ORDERS:

NewRez LLC, shall give notice to David M Michaud 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 December 11, 2023.

### Also, ON OR BEFORE 30 days after the last publication - David M Michaud 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.



# 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: November 16, 2023

CJS  
11/7/23

**Case 101-006 (11-16-23):** Benjamin Bosowski, Mgr., Bosowski Properties, LLC., 40 Temple St., Nashua, NH, requests a Variance for **19 West Rd., Hudson, NH** to allow three (3) multi-tenant buildings with nine (9) Industrial Uses not allowed in the Business District which includes: **(E.2.)** Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances; **(E.3.)** Welding shop; **(E.4.)** Machine shop; **(E.6.)** Manufacturing; **(E.8.)** Distribution facility of 100,000 square feet or less; **(E.10.)** Warehouse of 100,000 square feet or less; **(E.12.)** Wholesale; **(E.13.)** Self-storage; includes parking of recreational vehicles, buses and/or boats; **(E.15.)** Contractor's yard or landscaping business. [Map 101, Lot 006-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

**Address:** 19 West Rd

**Zoning district:** Business (B)

#### **Property description:**

This is vacant commercial property in the business zone. This is a lot of record with 462,171.6 sf.

**Summary:** The applicant is requesting a variance to allow 9 industrial uses at a business zone property. These uses include **(E.2.)** Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances; **(E.3.)** Welding shop; **(E.4.)** Machine shop; **(E.6.)** Manufacturing; **(E.8.)** Distribution facility of 100,000 square feet or less; **(E.10.)** Warehouse of 100,000 square feet or less; **(E.12.)** Wholesale; **(E.13.)** Self-storage; includes parking of recreational vehicles, buses and/or boats; **(E.15.)** Contractor's yard or landscaping business.

**History:** On August 23, 2023 the applicant was granted approval with stipulations to do a 2 lot Subdivision at 19 West Road Map 101 lot 006 by the Planning Board.

#### **In-House comments:**

**Town Engineer:** No Comments: (October 30, 2023)

**Inspectional Services/Fire Dept.:** No Comment (October 31, 2023)

#### **Town Planner:**

1. A subdivision of this lot was recently approved by the Planning Board but is not reflected in this application. The applicant should clarify if the intent is to abandon the subdivision approval. If approved, the ZBA may want to consider adding a condition acknowledging abandonment of the approved (but not yet recorded) subdivision.

2. The character of West Road is consistent with the Industrial Zone. Essentially, the applications request is to be treated as an industrially zoned parcel. The Zoning Ordinance Review Committee has discussed the possibility of changing the zoning of this side of West Road to Industrial

**Attachments:**

- “A” Zoning Determination: 23-129 (Rev) (October 25, 2023)
- “B” Notice of approval (Hudson Planning Board) (September 8, 2023)
- “C” 2022 Aerial
- “D” Conceptual Site Plan: (October 23, 2023)
- “E” Town Engineer’s comments: (October 30, 2023)
- “F” Inspectional Services/Fire Dept. comments: (October 31, 2023)
- “G” Town Planner comments: (October 31, 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 #23-129 (Rev)

October 25, 2023

Morgan A. Hollis, Esq.  
For Bosowski Properties, LLC  
39 Easter Pearl Street  
Nashua NH 03060

Emailed and Mailed 1<sup>st</sup> Class

Re: 19 West Road Map 101 Lot 006-000  
District: Business (B)

Dear Mr. Hollis,

**Your request:** To allow three multi tenant buildings with industrial uses including research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances, welding shop, machine shop, manufacturing, distribution facility of 100,000 square feet or less, warehouse of 100,000 square feet or less, wholesale, self-storage, includes parking of recreational vehicles, buses and/or boats a contractor's yard or landscaping business

**History Record:**

The town records show that this is a vacant commercial lot and there is 462,171.6 sq. ft. At the rear of the property, there is a ballfield.

**Zoning Review / Determination:**

All nine uses in your request are not permitted in the business district and would require a variance for use per § 334-21 – **Table of Permitted Uses.**

This proposal would need a site plan approval per §334-16.1 you should contact Brian Groth – Town Planner 603 886-6008 for site plan review details.

Sincerely,

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

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

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

B



# TOWN OF HUDSON

## Planning Board



Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison

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

### NOTICE OF APPROVAL

September 8, 2023

Owner or Applicant: BOSOWSKI PROPERTIES, LLC  
40 TEMPLE STREET  
NASHUA, NH 03060

On Wednesday, August 23, 2023, the Hudson Planning Board heard subject case **SB# 01-23 "West Road 2-Lot Subdivision Plan"**.

**SUBJECT:** TO SUBDIVIDE THE EXISTING 10.52-ACRE LOT INTO ONE 1.51-ACRE LOT, LEAVING THE EXISTING LOT WITH 9.01 ACRES.

**LOCATION:** 19 WEST ROAD, MAP 101/LOT 006

The Planning Board accepted the subdivision application for the 19 West Road 2-Lot Subdivision Plan SB# 01-23, 19 West Road, Map 101/Lot 006.

The Planning Board approved the subdivision application for the Bosowski Subdivision, Map 101 Lot 6, 19 West Road, Hudson, New Hampshire; prepared by: Maynard & Paquette Engineering Associates, LLC, 31 Quincy Street, Nashua, NH 03060; prepared for: Bosowski Properties, LLC, 40 Temple Street, Nashua, NH 03060; consisting of 2 sheets and general notes 1-11 on Dwg. No. 1; dated March 21, 2023, last revised July 10, 2023; and:

That the Planning Board finds that this application complies with the Zoning Ordinances, and with the Land Use Regulations; and for the reasons set forth in the written submissions, together with the testimony and factual representations made by the applicant during the public hearing; Subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. All monimentation shall be set or bonded for prior to Planning Board endorsement of the Plan-of-Record.
3. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.

Signed: Brian Groth Date: 9/8/2023  
Brian Groth  
Town Planner

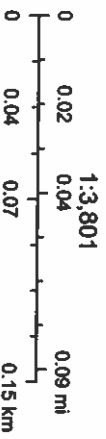
cc: Maynard & Paquette Engineering Associates, LLC

①

19 West Rd.



11/2/2023







E

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

REQUEST FOR REVIEW/COMMENTS:

Case: 101-006 (11-16-23) (VARIANCE)

Property Location: 19 West Road

*For Town Use*

Plan Routing Date: 10/30/2023 Reply requested by: 11/06/2023 ZBA Hearing Date: 11/16/2023

I have no comments  I have comments (see below)

EZD Name: Elvis Dhima, PE Date: 10/30/2023  
(Initials)

DEPT.  Town Engineer  Fire/Health Department  Town Planner

Empty rectangular box for comments or routing notes.

F

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

REQUEST FOR REVIEW/COMMENTS:

Case: 101-006 (11-16-23) (VARIANCE)

Property Location: 19 West Road

*For Town Use*

Plan Routing Date: 10/30/2023 Reply requested by: 11/06/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

DRH \_\_\_\_\_ Name: David Hebert Date: 10/31/2023  
(Initials)

DEPT:  Town Engineer     Fire/Health Department     Town Planner

[Empty rectangular box for comments]

①

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

REQUEST FOR REVIEW/COMMENTS:

Case: 101-006 (11-16-23) (**VARIANCE**)

Property Location: 19 West Road

*For Town Use*

Plan Routing Date: 10/30/2023 Reply requested by: 11/06/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

BG Name: Brian Groth Date: 11/03/2023  
(Initials)

DEPT.  Town Engineer     Fire/Health Department     Town Planner

1. A subdivision of this lot was recently approved by the Planning Board but is not reflected in this application. The applicant should clarify if the intent is to abandon the subdivision approval. If approved, the ZBA may want to consider adding a condition acknowledging abandonment of the approved (but not yet recorded) subdivision.

2. The character of West Road is consistent with the Industrial Zone. Essentially, the application's request is to be treated as an Industrially zoned parcel. The Zoning Ordinance Review Committee has discussed the possibility of changing the zoning of this side of West Road to Industrial.

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

On **11/16/2023**, the Zoning Board of Adjustment heard **Case 101-006**, being a case brought by **Benjamin Bosowski, Mgr., Bosowski Properties, LLC., 40 Temple St., Nashua, NH**, requesting a **Variance for 19 West Rd., Hudson, NH** to allow **three (3) multi-tenant buildings with nine (9) Industrial Uses not allowed in the Business District which includes: (E.2.) Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances; (E.3.) Welding shop; (E.4.) Machine shop; (E.6.) Manufacturing; (E.8.) Distribution facility of 100,000 square feet or less; (E.10.) Warehouse of 100,000 square feet or less; (E.12.) Wholesale; (E.13.) Self-storage; includes parking of recreational vehicles, buses and/or boats; (E.15.) Contractor's yard or landscaping business.** [Map 101, Lot 006-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

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

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

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

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

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

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

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

(Continued)

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

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

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

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(2) The proposed use is a reasonable one.

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**Y**  
**N**

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

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

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

Sitting member of the Hudson ZBA

Date

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

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

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TOWN OF HUDSON

OCT 26 REC'D

Zoning Department

APPLICATION FOR A VARIANCE

Zoning Board of Adjustment  
Town of Hudson

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

Case No. 101-006 (11-16-23)

Date Filed 10/26/23

Benjamin Bosowski as Manager of

Name of Applicant Bosowski Properties, LLC Map: 101 Lot: 6 Zoning District: B

Telephone Number (Home) 603-882-9399 (Work) \_\_\_\_\_

Mailing Address 40 Temple Street, Nashua, NH 03060

Owner Bosowski Properties, LLC

Location of Property 19 West Rd

BOSOWSKI PROPERTIES, LLC (Street Address)

By: [Signature] Benjamin Bosowski, Manager Date October 24, 2023

Signature of Applicant BOSOWSKI PROPERTIES, LLC Date October 24, 2023

By: [Signature] Benjamin Bosowski, Manager Date \_\_\_\_\_

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

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

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

Date received: 10/26/23

COST:

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

Abutter Notice:

10 Direct Abutters x Certified postage rate \$ 5.01 = \$ 50.10

3 Indirect Abutters x First Class postage rate \$ 0.66 = \$ 1.98

Total amount due: \$ 237.08

Amt. received: \$ 237.08

Receipt No.: 749,899

check #  
17028

Received by: [Signature]

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

Engineering \_\_\_\_\_ Fire Dept. \_\_\_\_\_ Health Officer \_\_\_\_\_ Planner \_\_\_\_\_ Other \_\_\_\_\_

BOSOWSKI PROPERTIES, LLC  
40 TEMPLE ST.  
NASHUA, NH 03060

October 24, 2023

*Via hand-delivery*

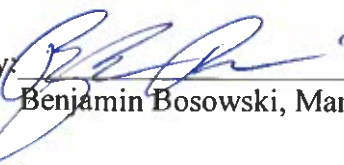
Town of Hudson  
Zoning Board of Adjustment  
12 School Street  
Hudson, NH 03051

Dear Chairman,

I, Benjamin Bosowski, Manager of Bosowski Properties, LLC, hereby authorize Gottesman & Hollis, P.A. to represent me, owner of 19 West Road, Hudson, NH in my application for variance and the presentation to the Zoning Board of Adjustment thereof.

Thank you,

BOSOWSKI PROPERTIES, LLC

By:   
Benjamin Bosowski, Manager



# 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>EMA</u>	Please review the completed application with the Zoning Administrator or staff <b>before making copies in next step.</b>	<u>TG</u>
_____	The applicant must provide the original (with wet signatures) of the complete filled-out application form <b>and</b> all required attachments listed below together with thirteen (13) <b>single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
_____	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>EMA</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>EMA</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>EMA</u>	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>TG</u>
<u>EMA</u>	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>EMA</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

**CERTIFIED PLOT PLAN:**

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


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

  
~~stamp~~  
NH LLS  
Stamp

- a) EMD The plot plan shall be drawn to scale on an 8 1/2" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. TG
- b) EMD The plot plan shall be up-to date and dated, and shall be no more than three years old. TG
- c) \_\_\_\_\_ The plot plan shall have the signature and the name of the preparer, with his/her/their seal. \_\_\_\_\_
- d) EMD 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) EMD 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) N/A The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. N/A
- g) EMD The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. TG
- h) EMD The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. TG
- i) EMD 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.**

BOSOWSKI PROPERTIES, LLC

By:   
Signature of Applicant(s) Benjamin Bosowski, Manager

October 24, 2023  
Date

BOSOWSKI PROPERTIES, LLC

By:   
Signature of Property Owner(s) Benjamin Bosowski, Manager

October 24, 2023  
Date

**ALL DIRECT ABUTTERS**

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

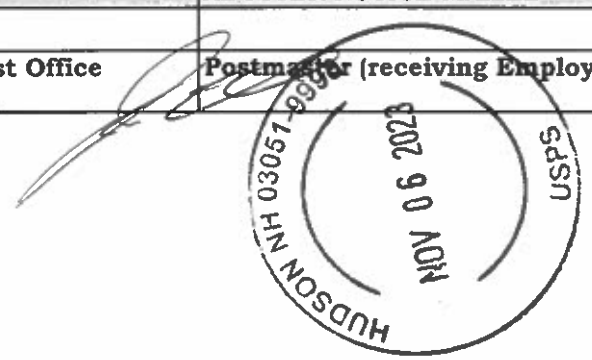
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
101	6	*Include Applicant & Owner(s) Bosowski Properties, LLC	40 Temple Street Nashua, NH 03060
101	5	All-New Development LLC	2 West Rd., Hudson NH 03051
101	4	21 West Road, LLC	PO Box 338 Williston, VT 05495
101	2	Michael A. Pettengill Assoc.	20 West Rd. Hudson, NH 03051
101	1	Six Able Street, LLC	18 West Rd. Hudson, NH 03051
105	1	ZJBV Properties, LLC	300 Gay St. Manchester, NH 03103
105	2	L.P. Gas Equipment, Inc./ Eastern Propane Gas Accounts Payable 56846/500	PO Box 1800 Rochester, NH 03866
101	12	Superior Plus Energy Services Inc.	401-200 Wellington St W. Toronto, ON M5V3C7
101	13	Tracy Lane Condominium Association	26 Cherokee Ave. Nashua, NH 03062
101	14	SMT 7 Tracey Lane, LLC	3 Tracy Lane Hudson, NH 03051




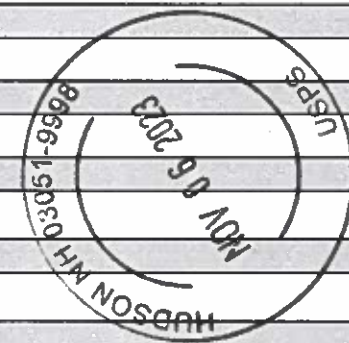
**USPS-Verified Mail**

SENDER:		US POSTAL SERVICE - CERTIFIED MAIL	Case# 101-006 19 West Rd Map 101/Lot 006-000	VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/16/2023 ZBA Meeting	
1	7022 2410 0001 2971 7092	Benjamin M. Bosowski; Bosowski Properties, LLC	APPLICANT/OWNER NOTICE MAILED	
2	7022 2410 0001 2971 7108	40 Temple St., Nashua, NH 03060 All- New Development LLC	ABUTTER NOTICE MAILED	
3	7022 2410 0001 2971 7115	2 West Rd., Hudson, NH 03051 21 West Road, LLC	ABUTTER NOTICE MAILED	
4	7022 2410 0001 2971 7122	PO Box 338, Williston, VT 05495 Michael A. Pettengill Assoc.	ABUTTER NOTICE MAILED	
5	7022 2410 0001 2971 7139	20 West Rd., Hudson, NH 03051 Six Able Street, LLC	ABUTTER NOTICE MAILED	
6	7022 2410 0001 2971 7146	18 West Rd., Hudson, NH 03051 ZJBV Properties, LLC	ABUTTER NOTICE MAILED	
7	7022 2410 0001 2971 7153	300 Gay St., Manchester, NH 03103 L.P. Gas Equipment, Inc./Eastern Propane Gas; Accounts Payable 56846/500	ABUTTER NOTICE MAILED	
8	7022 2410 0001 2971 7177	PO Box 1800, Rochester, NH 03866-1800 Superior Plus Energy Services Inc.	ABUTTER NOTICE MAILED	
9	7022 2410 0001 2971 7184	13 Tracy Lane, Hudson, NH 03051 Tracy Lane Condominium Association	(No certified Notices to foreign mailing address) ABUTTER NOTICE MAILED	
10	7022 2410 0001 2971 7191	26 Cherokee Ave., Nashua, NH 03062 SMT 7 Tracey Lane, LLC	ABUTTER NOTICE MAILED	
Total Number of pieces listed by sender 10		3 Tracy Lane, Hudson, NH 03051 Total number of pieces rec'vd at Post Office 10	Postmaster (receiving Employee)	

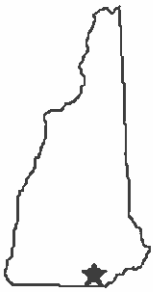


**USPS-Verified Mail**

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 101-006 19 West Rd Map 101/Lot 006-000 VARIANCE 1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>11/16/2023 ZBA Meeting</b>
1	Mailed First Class	SMT Rebel Road LLC 3 Tracy Lane, Hudson, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	Meglin Realty LLC 22 West Rd., Hudson, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	Elizabeth M. Hartigan, Esquire; Gottesman & Hollis P.A.	APPLICANT/OWNER NOTICE MAILED
4	Mailed First Class	39 East Pearl Street, Nashua NH 03060-3407 Superior Plus Energy Services Inc.	ABUTTER NOTICE MAILED
5		* 401-200 WELLINGTON ST. W, TORONTO, ON M5V3C7	*mailed 1st class. <u>No certified to foreign addresses.</u>
6			
7			
8			
9			
10			
11			
12			
13			
	<b>Total # of pieces listed by sender</b>	<b>Total # of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>
	4	4	



Indirect First Class



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

November 6, 2023

### APPLICANT NOTIFICATION

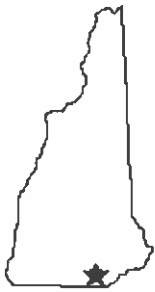
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, 11/16/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 101-006 (11-16-23): Benjamin Bosowski, Mgr, Bosowski Properties, LLC., 40 Temple St., Nashua, NH, requests a Variance for 19 West Rd., Hudson, NH to allow three (3) multi-tenant buildings with nine (9) Industrial Uses not allowed in the Business District which includes: (E.2.) Research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances; (E.3.) Welding shop; (E.4.) Machine shop; (E.6.) Manufacturing; (E.8.) Distribution facility of 100,000 square feet or less; (E.10.) Warehouse of 100,000 square feet or less; (E.12.) Wholesale; (E.13.) Self-storage; includes parking of recreational vehicles, buses and/or boats; (E.15.) Contractor's yard or landscaping business. [Map 101, Lot 006-000; Zoned Business (B); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]**

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

Respectfully,

Chris Sullivan  
Zoning Administrator



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

November 6, 2023

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

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

Respectfully,

Chris Sullivan  
Zoning Administrator



APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article 5 of HZO Section(s) 334, 20-21 in order to permit the following:

To allow three multi-tenant buildings with industrial uses including research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances, welding shop, machine shop, manufacturing, distribution facility of 100,000 square feet or less, warehouse of 100,000 square feet or less, wholesale, self-storage, includes parking of recreational vehicles, buses and/or boats, contractor's yard and landscaping in the business district.

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**FACTS SUPPORTING THIS REQUEST:**

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

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

**FACTS SUPPORTING THIS REQUEST:**

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

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

See Attached

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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

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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

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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

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## **FACTS SUPPORTING THIS REQUEST:**

**1. Granting of the requested variance will not be contrary to the public interest, because:**

The public interest is to not have conflicting uses in neighborhoods. The lot is located in an area where the Industrial zone is across the street with existing industrial uses and the abutting uses in the Business zone are industrial in nature. The area is fully developed. The uses which are permitted within the Business zoning district would not be in keeping with the character of the neighborhood and are not reasonable uses for this location. Granting the variance will not alter the character of the neighborhood as there will be no visible difference from the current uses in the area. One direct abutter in the General Business district is a manufacturing warehouse and the other is propane storage and delivery. Allowing the proposed multi-tenant industrial uses which are permitted in the Industrial zoning district on this lot is not contrary to the public interest.

**2. The proposed use will observe the spirit of the ordinance, because:**

The lot is zoned Business, which allows for retail uses, not for industrial uses. However, nearly all existing uses within the immediate neighborhood are uses which are industrial in nature including direct abutter uses. The purpose of the Zoning Ordinance is to keep similar uses together to protect property values and protect against adverse impacts on neighbors. The proposed use of multi-tenant mixed industrial uses will not alter the essential character of the neighborhood and will not threaten the public health, safety or welfare.

**3. Substantial justice would be done to the property-owner by granting the variance, because:**

The lot is zoned Business, but the surrounding uses are industrial uses. No permitted use in the Business district is reasonable on this lot and requiring such uses while prohibiting industrial uses is of great harm to the owner. If a variance to allow multi-tenant industrial uses is granted, there will be no harm to the general public or any other individual. The proposed multi-tenant buildings with industrial uses would be in keeping with the essential character of the neighborhood and would not threaten public health, safety or welfare. There is more than adequate space on the lot for sewerage/septic requirements for industrial uses and public water is on site. Denial will impose substantial harm to the applicant that is not outweighed by harm to the public.

**4. The proposed use will not diminish the values of surrounding properties, because:**

Granting the variance will not cause any real change to the neighborhood. There is a fuel storage area to one side of the property and a manufacturer to the other side, with industrial uses across the street. There are business uses to the rear of the property; however they are located on and have access by way of other roads not in the vicinity of the proposed access for this lot. The proposed use will have no adverse effect upon the

values of the surrounding properties as the proposed use will be similar in nature to the existing properties accessing from West Road.

**5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:**

- A. The property is unique in that it is a large parcel surrounded by industrial uses on West Road in an area fully developed by existing uses permitted in the Industrial zoning district and not in the Business zoning district. Enforcing the ordinance to require only uses permitted in Business district which are functional for this lot in this location and not allowing the proposed multi-tenant industrial uses has no fair and substantial relationship to the purpose of the Zoning Ordinance. The permitted uses do not belong on this lot, rather industrial uses should be permitted to match the character of the neighborhood, as this lot is well-suited for and surrounded by existing industrial uses. The proposed use is similar to the industrial uses which surrounds it and is a reasonable use.
- B. The lot is the sole remaining undeveloped lot in the zoning district and is surrounded by existing industrial uses. None of the uses permitted in the Business district are reasonable due to the size, location and surrounding uses. Relief is necessary and the proposed use is reasonable.



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-129 (Rev)

October 25, 2023

Morgan A. Hollis, Esq.  
For Bosowski Properties, LLC  
39 Easter Pearl Street  
Nashua NH 03060

Emailed and Mailed 1<sup>st</sup> Class

Re: 19 West Road Map 101 Lot 006-000  
**District: Business (B)**

Dear Mr. Hollis,

**Your request:** To allow three multi-tenant buildings with industrial uses including research laboratories, manufacture of equipment, electronics industry, assembling of electrical appliances, welding shop, machine shop, manufacturing, distribution facility of 100,000 square feet or less, warehouse of 100,000 square feet or less, wholesale, self-storage, includes parking of recreational vehicles, buses and/or boats a contractor's yard or landscaping business

**History Record:**

The town records show that this is a vacant commercial lot and there is 462,171.6 sq. ft. At the rear of the property, there is a ballfield.

**Zoning Review / Determination:**

All nine uses in your request are not permitted in the business district and would require a variance for use per § 334-21 – **Table of Permitted Uses.**

This proposal would need a site plan approval per §334-16.1 you should contact Brian Groth – Town Planner 603 886-6008 for site plan review details.

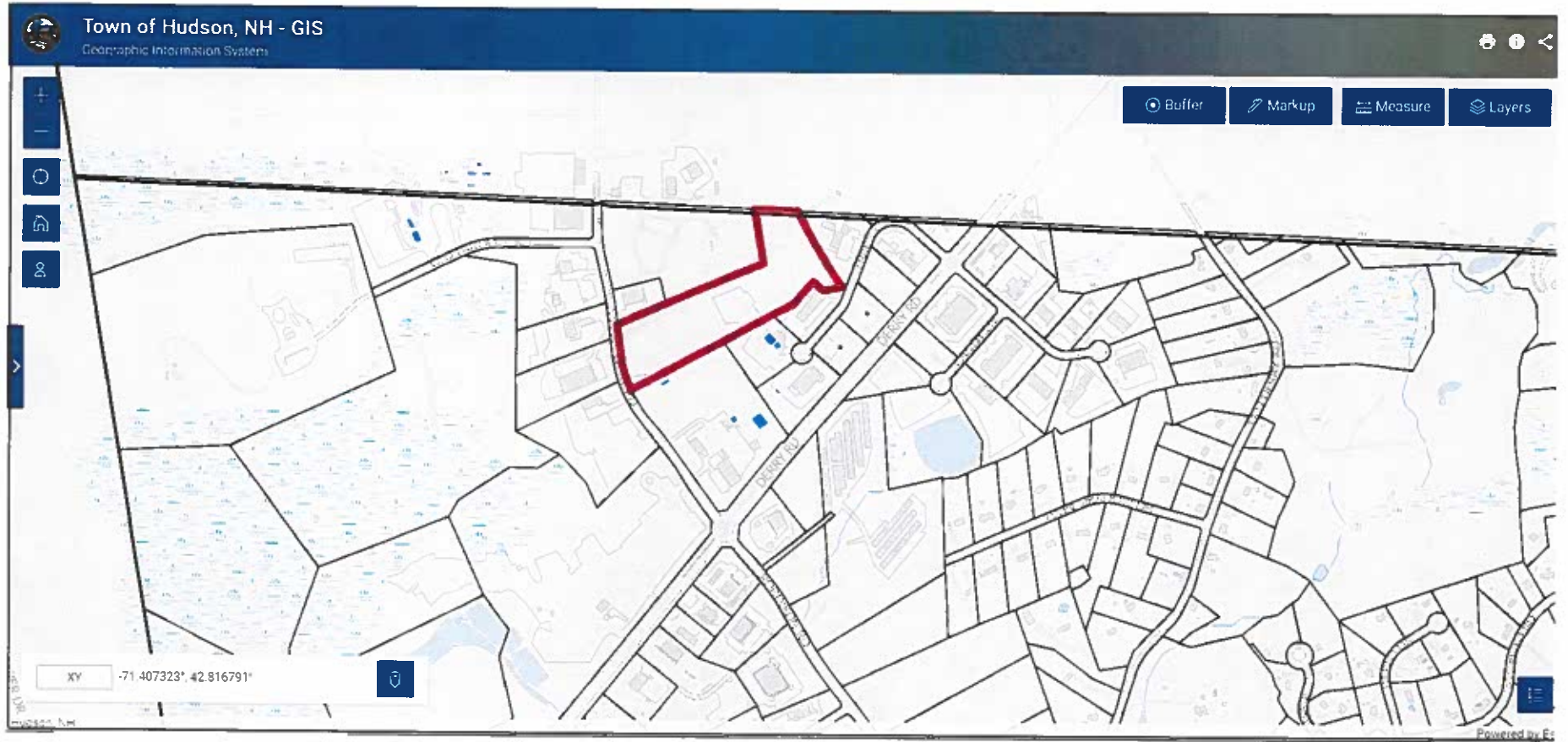
Sincerely,

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

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

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

# 19 West Road

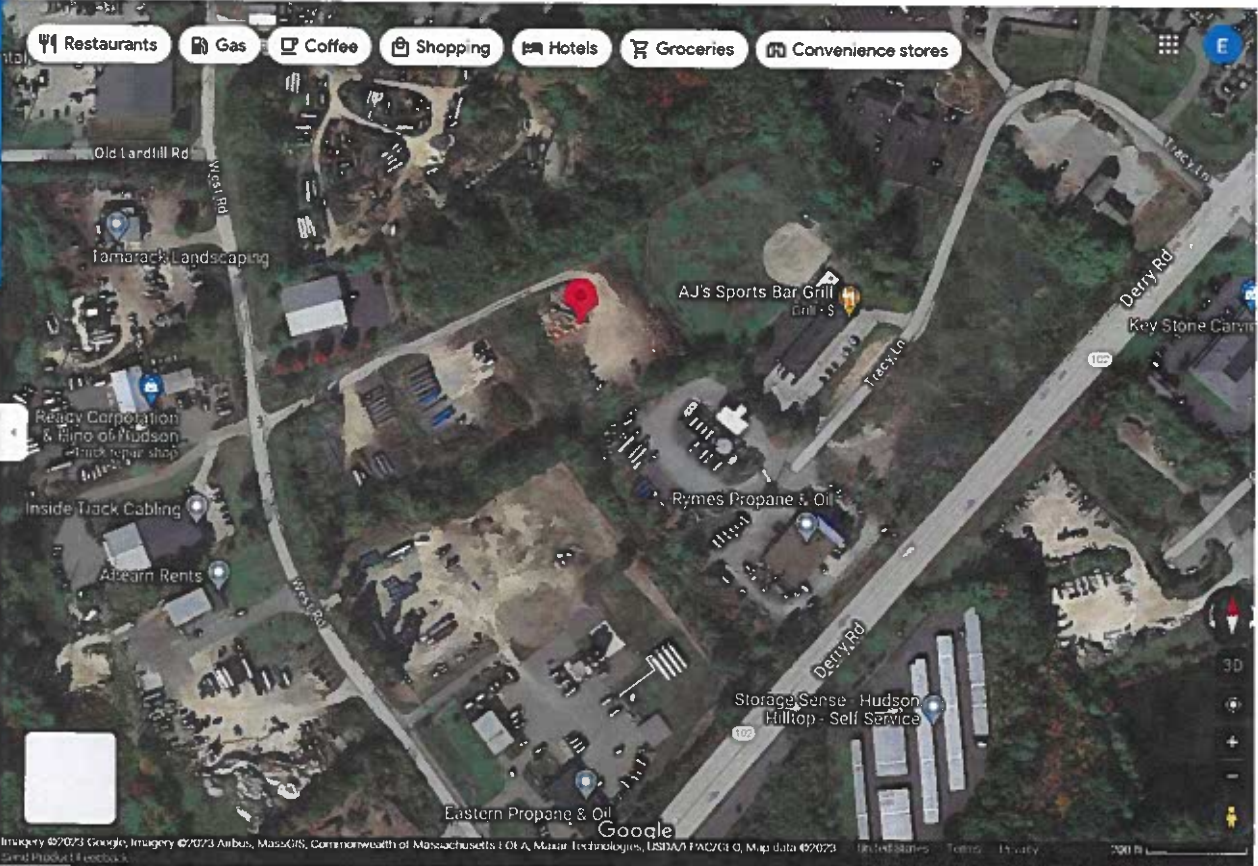


19 West Road, Hudson, NH

19 West Rd

[Directions](#)
[Save](#)
[Nearby](#)
[Send to phone](#)
[Share](#)

- 19 West Rd, Hudson, NH 03051
- RHFP+6M Hudson, New Hampshire
- Suggest an edit on 19 West Rd
- Add a missing place
- Add your business
- Add a label







Search by Owner, Address, or ID

Buffer Markup Measure Layers

Parcels

Select Buffer Zoom



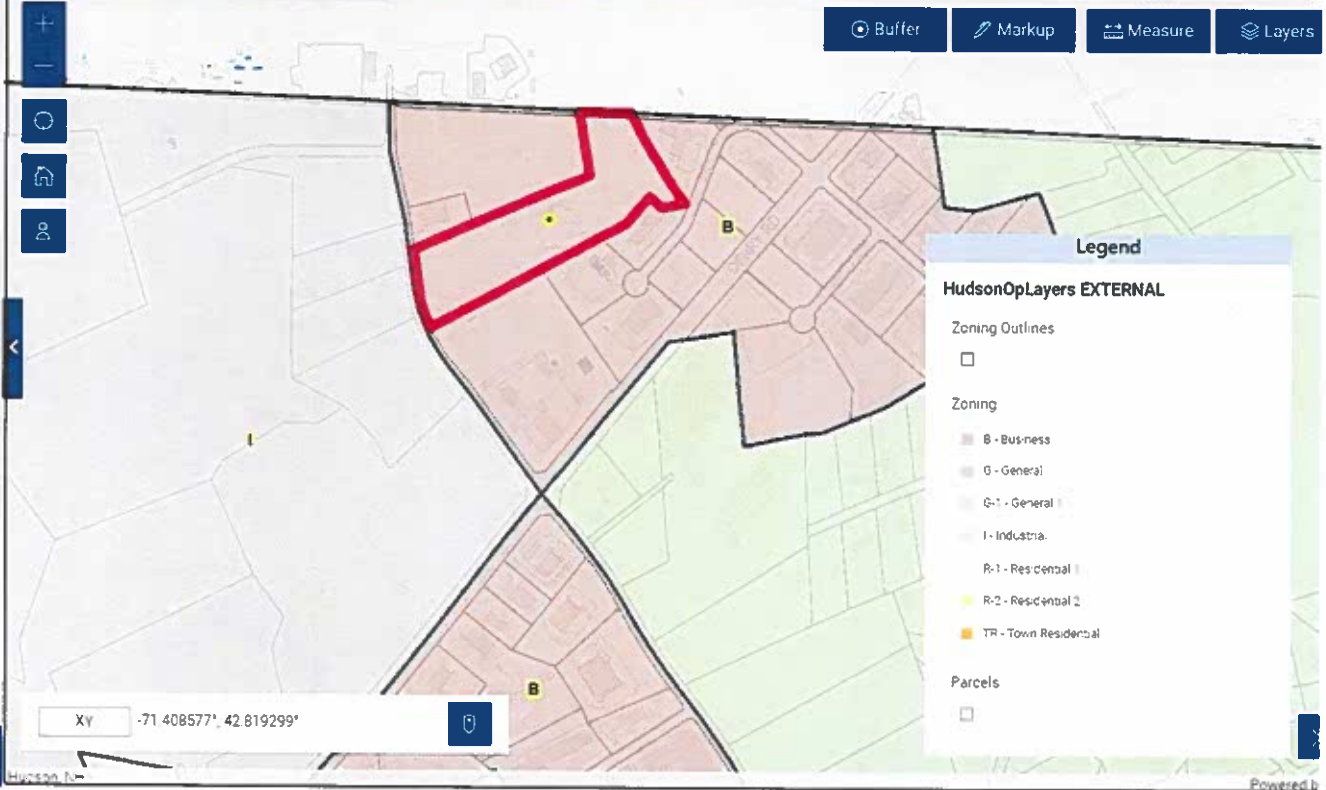
Property Details

LOCATION: 19 WEST RD  
PARCEL ID: 101-086-000  
ACCOUNT: 5449  
BUILDING TYPE:  
YEAR BUILT:

Ownership

OWNER 1: BOSWORTH PROPERTIES, LLC  
OWNER 2:  
LOCATION: 19 WEST RD

CP&S  
Smith



Powered by

Property Location: 19 WEST RD  
 Vision ID: 5755 Account #: 9608

Parcel ID: 101/006/000/  
 Bldg #: 1

Card Address:  
 Card #: 1 of 1

LUC: 3900  
 Print Date: 10/24/2023 10:40:48

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
BOSOWSKI PROPERTIES, LLC  40 TEMPLE ST.  NASHUA NH 03060		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		IG	Ind-General			2023	3900	1,085,600	2023	3900	1,085,600	2022	3900	1,087,000
		TOPO		UTILITIES										
		Varied		Town Water										
						Total		1,085,600	Total		1,085,600	Total		1,087,000

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
BOSOWSKI PROPERTIES, LLC		9431 1634	02-26-2021	Q	V	1,100,000	00	Grantor: LLTZ, LLC, Grantor: FILION, BERNARD, Grantor: FILION, BERNARD, Grantor: HAMM, C / FILION, B.	Appraised Bldg. Value (Card)				0
LLTZ, LLC		8858 2337	05-25-2016	Q	V	500,000	00		Appraised Xf (B) Value (Bldg)				0
FILION, BERNARD		6433 1262	05-21-2001	U	V	0	46		Appraised Ob (B) Value (Bldg)				0
FILION, BERNARD		6101 1818	03-30-1999	U	V		38		Appraised Land Value (Bldg)				1,085,600
									Special Land Value				0
									Total Appraised Parcel Value				1,085,600
									Valuation Method				C
									Total Appraised Parcel Value				1,085,600

SUPPLEMENTAL DATA				CURRENT ASSESSMENT							
Parcel ID	101-006-000	Descript	Code	Appraised	Assessed						
Zoning	ID:Industrial District	LAND	3900	1,085,600	1,085,600						
Flood Hazard	C										
Neigh/Abut1											
Neigh/Abut2											
Neigh/Abut3	PREV 0041-0004-0001										
GIS ID	101-006-000	Assoc Pid#		Total:	1,085,600	1,085,600	Total Appraised Parcel Value				1,085,600

NOTES				VISIT / CHANGE HISTORY			
PLAN #29576 - SUBDIVIDED FROM LOT 04 PLA N #30321 FURTHER SUBDIVISION/ PLAN 34102 /FOR SALE JUNE 2016 = \$1.25 MILLION/3 po tential whses @ 9,000 sf each/2021-used as contractor parking/light storage/dirt dw/plan 41472 lot line adj with tax map				101 lot 13			
				Date	Id	Cd	Purpost/Result
				05-07-2021	21	30	Sales Data Verification
				06-08-2017	09	45	Field Review
				03-09-2017	09	45	Field Review
				03-09-2017	09	45	Field Review
				05-07-2012	09	45	Field Review
				07-11-2007	09	10	Vacant Lot
				04-07-2006	01	07	Info Fm Plan
				11-17-2004	01	07	Info Fm Plan

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

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	Comm Site	3.500	AC	260,000	1.00	E	1.00	IG	1.00			910,000
1	3900	VAC COMMERCIAL LA	Comm Exces	7.108	AC	26,000	0.95	0	1.00	IG	1.00		TOPO:	175,600
Total Card Land Units:				10.608 AC			Parcel Total Land Area:				10.608	AC	Total Land Value: 1,085,600	

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

Property Location: 19 WEST RD  
 Vision ID: 5755 Account #: 9608

Parcel ID: 101/006/000//  
 Bldg #: 1

Card Address:  
 Card #: 1 of 1

LUC: 3900  
 Print Date: 10/24/2023 10:40:49

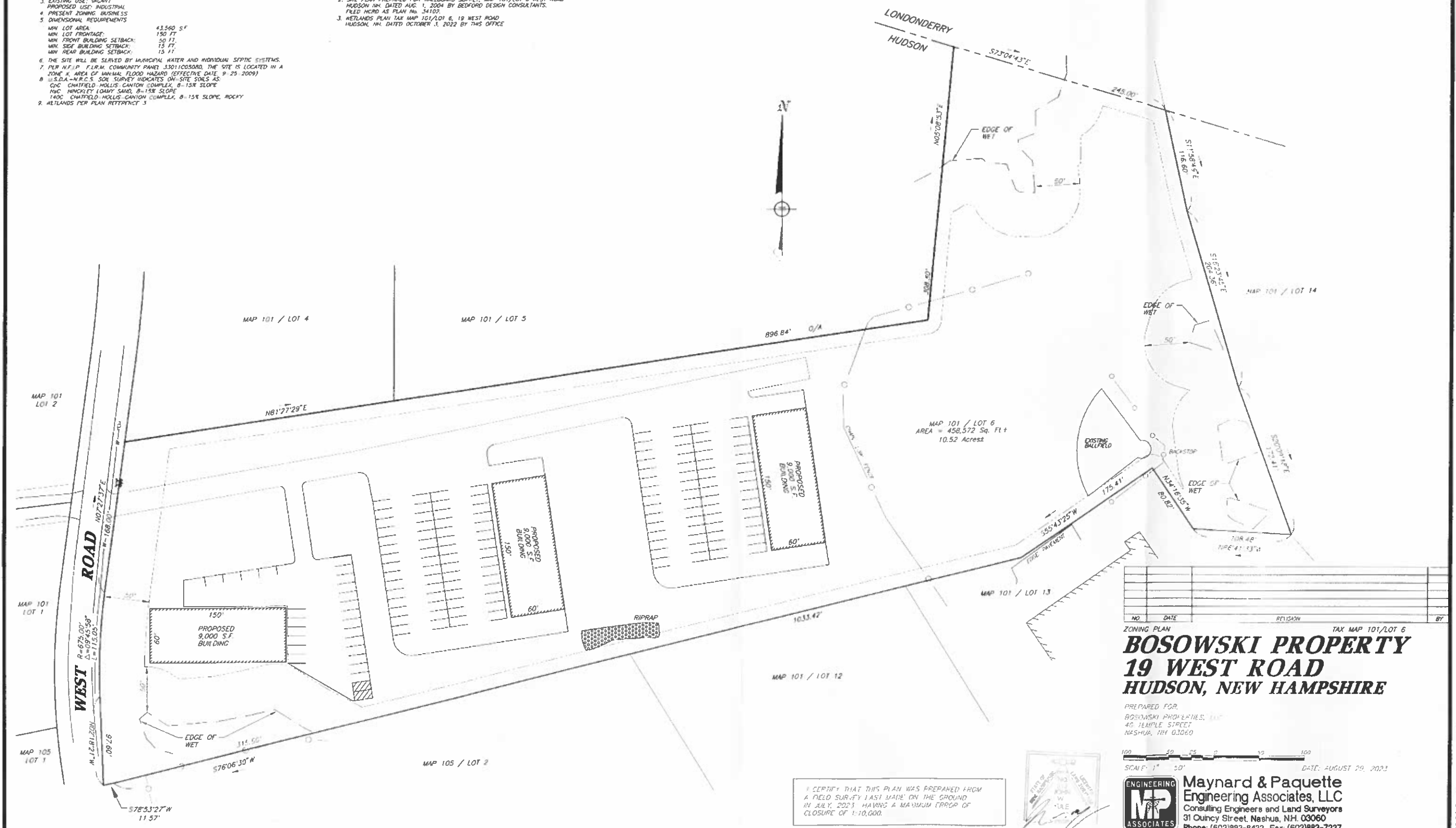
CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)			SKETCH / PRIMARY PHOTO													
Element	Cd	Description	Element	Cd	Description														
Model	00	Vacant	Avg H/FL			No Sketch													
Stories:	99	Vacant Land	Extra Kitchens																
Style:			Add Kitchen Ra																
Grade:																			
(Liv) Units																			
Exterior Wall 1																			
Roof Structure																			
Roof Cover																			
Frame																			
Foundation																			
Interior Wall 1																			
Interior Floor 1																			
Heat Fuel																			
Heat Type																			
# Heat Systems																			
AC Percent																			
Total Rooms																			
Bedrooms																			
Full Baths																			
3/4 Baths																			
Half Baths																			
Extra Fixtures																			
Kitchens																			
Kitchen Rating																			
Bath Rating																			
Half Bath Rating																			
Bsmt Garage																			
Fireplace(s)																			
Fireplace Rating																			
WS Flues																			
Color																			
Avg H/FL																			
Extra Kitchens																			
<b>COST / MARKET VALUATION</b>																			
			Building Value New		0														
			Year Built																
			Effective Year Built		0														
			Depreciation Code																
			Remodel Rating																
			Year Remodeled																
			Depreciation %																
			Functional Obsol																
			External Obsol																
			Trend Factor		1.000														
			Condition																
			Condition %																
			Percent Good																
			RCNLD		0														
			Dep % Ovr																
			Dep Ovr Comment																
			Misc Imp Ovr																
			Misc Imp Ovr Comment																
			Cost to Cure Ovr																
			Cost to Cure Ovr Comment																
<b>OB - OUTBUILDING &amp; YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</b>																			
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value										
<b>BUILDING SUB-AREA SUMMARY SECTION</b>																			
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value													
Total Liv Area/Gr. Area/Eff Are		0	0	0	Total Value	0													

**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO SEEK A ZONING CHANGE FOR LOT 101/6.
2. TOTAL AREA = 458,572 SF OR 10.52 AC±
3. EXISTING USE: VACANT  
PROPOSED USE: INDUSTRIAL
4. PRESENT ZONING: BUSINESS
5. DIMENSIONAL REQUIREMENTS  
 MIN. LOT AREA: 43,560 SF  
 MIN. LOT FRONTAGE: 150 FT  
 MIN. FRONT BUILDING SETBACK: 50 FT  
 MIN. SIDE BUILDING SETBACK: 15 FT  
 MIN. REAR BUILDING SETBACK: 15 FT
6. THE SITE WILL BE SERVED BY MUNICIPAL WATER AND INDIVIDUAL SEPTIC SYSTEMS.
7. PER N.H.P. F.R.M. COMMUNITY PANEL 3301005000, THE SITE IS LOCATED IN A ZONE X, AREA OF ANNUAL FLOOD HAZARD (EFFECTIVE DATE: 9-25-2009)
8. U.S.D.A.-N.R.C.S. SOIL SURVEY INDICATES ON-SITE SOILS AS:  
 CFC CHATFIELD-MOLLS CANYON COMPLEX, 8-15% SLOPE  
 HVC HINCKLEY LOAMY SAND, 8-15% SLOPE  
 T40C CHATFIELD-MOLLS CANYON COMPLEX, 8-15% SLOPE, ROCKY
9. WETLANDS PER PLAN RETRACT 3

**PLAN REFERENCES:**

1. LOT LINE RELOCATION PLAN, PREPARED FOR NAMP, LLC MAP 101/LOT 13 11 TRACY LANE, HUDSON NH, DATED APRIL 2022 BY JETREY LAND SURVEY, LLC. FILED MCRD AS PLAN No. 41432.
2. SITE PLAN PREPARED FOR HILLBORO SURVEY, MAP 101/LOT 6 WEST ROAD HUDSON NH, DATED AUG. 1, 2004 BY BEDFORD DESIGN CONSULTANTS, FILED MCRD AS PLAN No. 34102.
3. WETLANDS PLAN TAX MAP 101/LOT 6, 19 WEST ROAD HUDSON, NH, DATED OCTOBER 3, 2022 BY THIS OFFICE



NO.	DATE	REVISION	BY

**ZONING PLAN** TAX MAP 101/LOT 6  
**BOSOWSKI PROPERTY**  
**19 WEST ROAD**  
**HUDSON, NEW HAMPSHIRE**

PREPARED FOR:  
 BOSOWSKI PROPERTIES, LLC  
 40 TEMPLE STREET  
 NASHUA, NH 03060

SCALE: 1" = 20' DATE: AUGUST 29, 2023

**ENGINEERING**  
**MP ASSOCIATES**  
**Maynard & Paquette**  
**Engineering Associates, LLC**  
 Consulting Engineers and Land Surveyors  
 31 Quincy Street, Nashua, NH 03060  
 Phone: (603)883-8433 Fax: (603)883-7227

I CERTIFY THAT THIS PLAN WAS PREPARED FROM A FIELD SURVEY LAST MADE ON THE GROUND IN JULY, 2023 HAVING A MAXIMUM ERROR OF CLOSURE OF 1:10,000.



JWY	JWY	746/64	12732
DRAWING	CHECKED	BOOK / PAGE	TYPE / SIZE / JOB NUMBER

© COPYRIGHT, ALL RIGHTS RESERVED 2023  
 MAYNARD & PAQUETTE ENGINEERING ASSOCIATES, LLC

Printed  
10/26/2023  
4:31PM  
Created  
10/26/2023  
4:28 PM

# Transaction Receipt

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

Receipt# 749,899  
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application- ZBA Mtg 11/16/2023 19 West Rd Map/Lot 101-006-000 Zone-B Variance Application	0.00	237.0800	0.00
			<b>Total:</b>	<b>237.08</b>

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Gottesman & Hollis, P.A.	CHECK	CHECK # 17028	237.08	0.00	237.08
			<b>Total Due:</b>		<b>237.08</b>
			<b>Total Tendered:</b>		<b>237.08</b>
			<b>Total Change:</b>		<b>0.00</b>
			<b>Net Paid:</b>		<b>237.08</b>



# 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: November 16, 2023

ES  
11/16/23

**Case 166-011 (11-16-23):** Todd A. Boyer, Trustee of The Boyer Family Revocable Trust of 2019, 2 Merrill Street, Hudson, NH, requests a Variance for **32 Ledge Rd., Hudson, NH** for a proposed 4-lot subdivision to allow three (3) lots within the R-2 Zone with lot areas of 12,192 SF and 12,401 SF and 21,088 SF where 43,560 square feet is required for each lot. [Map 166, Lot 011-000; Split Zoned Residential-Two (R-2) and Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Permitted Principal Uses.]

**Address:** 32 Ledge Rd

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

#### Property description:

The town property Records show the lot has 54,450 sf. The records also show that the lot is vacant residential land. In the rear of the property there is a cemetery.

There is a 25' setback from the cemetery per **Chapter 289 section 289.3. III** New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

**Summary:** The applicant would like to subdivide 32 Ledge Rd into 4 Lots. The first lot will be in the Town Residence Zone. This lot will be 10,007 sf where 10,000 sf is required. The applicant is requesting a variance to subdivide the remaining lot into 3 separate parcels in the Residential Two (R-2) zone. The lots will be 12,192, 12,401, and 21,088 sf respectively where 43,560 is required per **§334-27, Table of Minimum Dimensional**

**In-House comments:**

**Town Engineer:** October 30, 2023

1. There is currently no water infrastructure in front of the proposed lots
2. There is currently no sewer infrastructure in front of the proposed lots
3. Water main extensions are subject to BOS approval
4. Water main and sewer main acceptance are subject to BOS approval

**Inspectional Services/Fire Dept.:** No Comment (October 31, 2023)

**Town Planner:**

1. The proposed lot sizes are consistent with the neighborhood, however this lot is not served by water or sewer, unlike the rest of the neighborhood.
- 2, Per RSA 289:3.111, no new construction, excavation or building shall be conducted within 25-feet of a cemetery. Excavation may be a challenge for the conceptual house footprint on Lot 11-3

**Attachments:**

“A” Zoning Determination: (October 18, 2023)

“B” 2022 Aerial

“C” Conceptual Subdivision Plan: (October 23, 2023)

“D” Town Engineer’s comments: (October 30, 2023)

“E” Inspectional Services/Fire Dept. comments: (October 31, 2023)

“F” Town Planner comments: (November 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 23-130

October 20, 2023

Elizabeth Hartigan Esq.  
For The Boyer Family Revocable Trust of 2019  
39 East Pearl Street  
Nashua, NH 03060

First Class Mail

Re: 32 Ledge Rd Map 166 Lot 121-000

Your inquiry:

To allow 3 Lots within the Residential Two (R-2) zone with 12,192, 12,401, and 21,088 sf respectively where 43,560 is required. (Plan Provided)

#### Zoning Review / Determination:

The town property Records show the lot has 54,450 sf. The records also show that the lot is vacant residential land.

Upon review of your descriptions of the above and the proposed plan dated: October 18, 2023. Lot 11 in the (TR zone) meets the minimum lot area of 10,000 SF with a lot size of 10,007 SF, and Lot 11-1 - 12,192, 11-2-12,401, and 11-3. In the (R -2 zone) these lots do not meet the minimum lot area where 43,560 is required. You would need a variance for lot area per §334-27 Table of Minimum Dimensional Requirements.

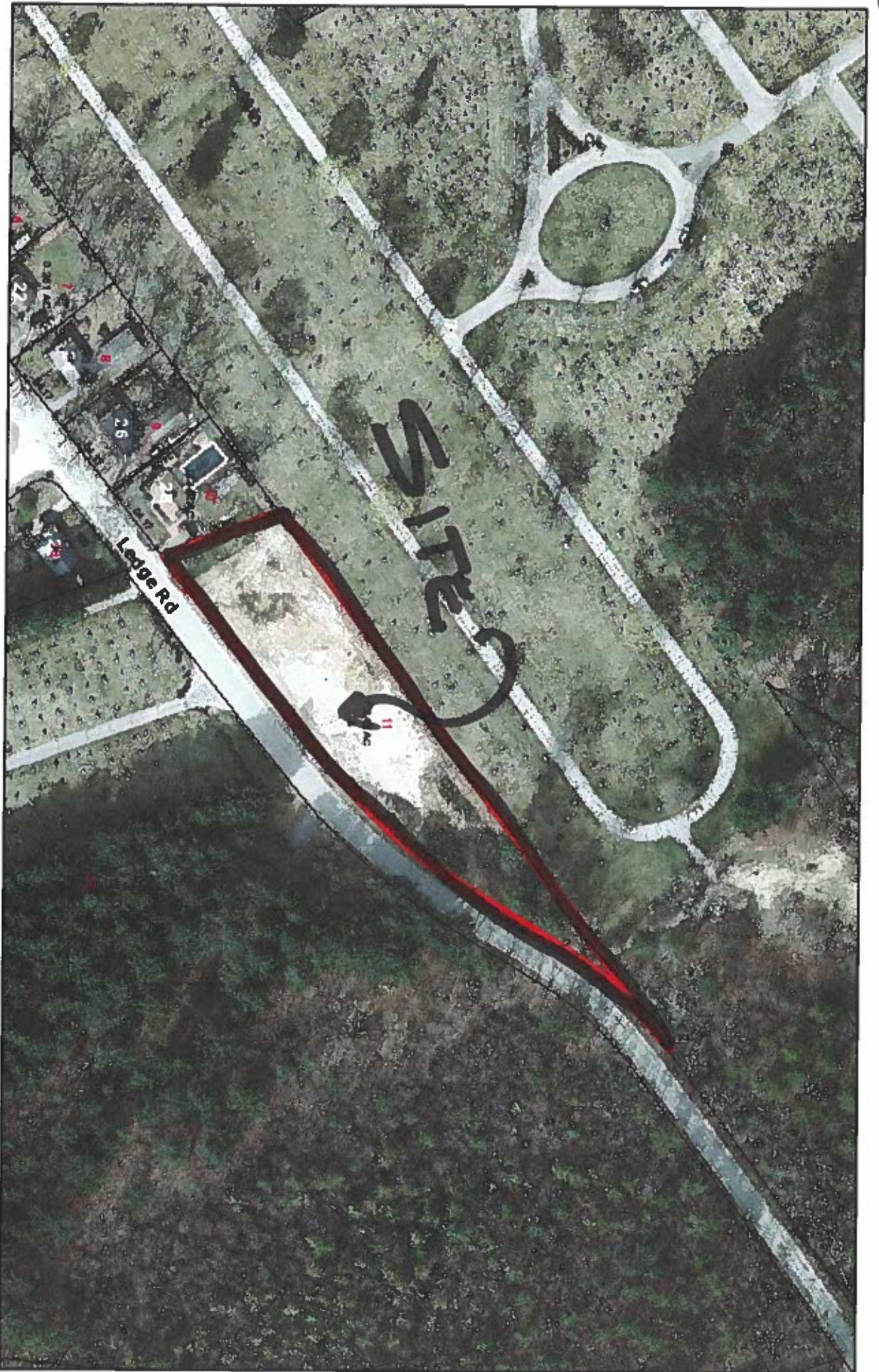
Sincerely,

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

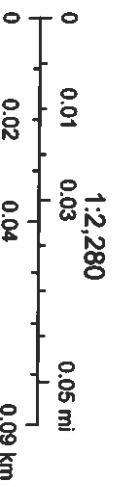
cc: Public Folder  
B. Groth – Town Planner  
Owner  
File

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



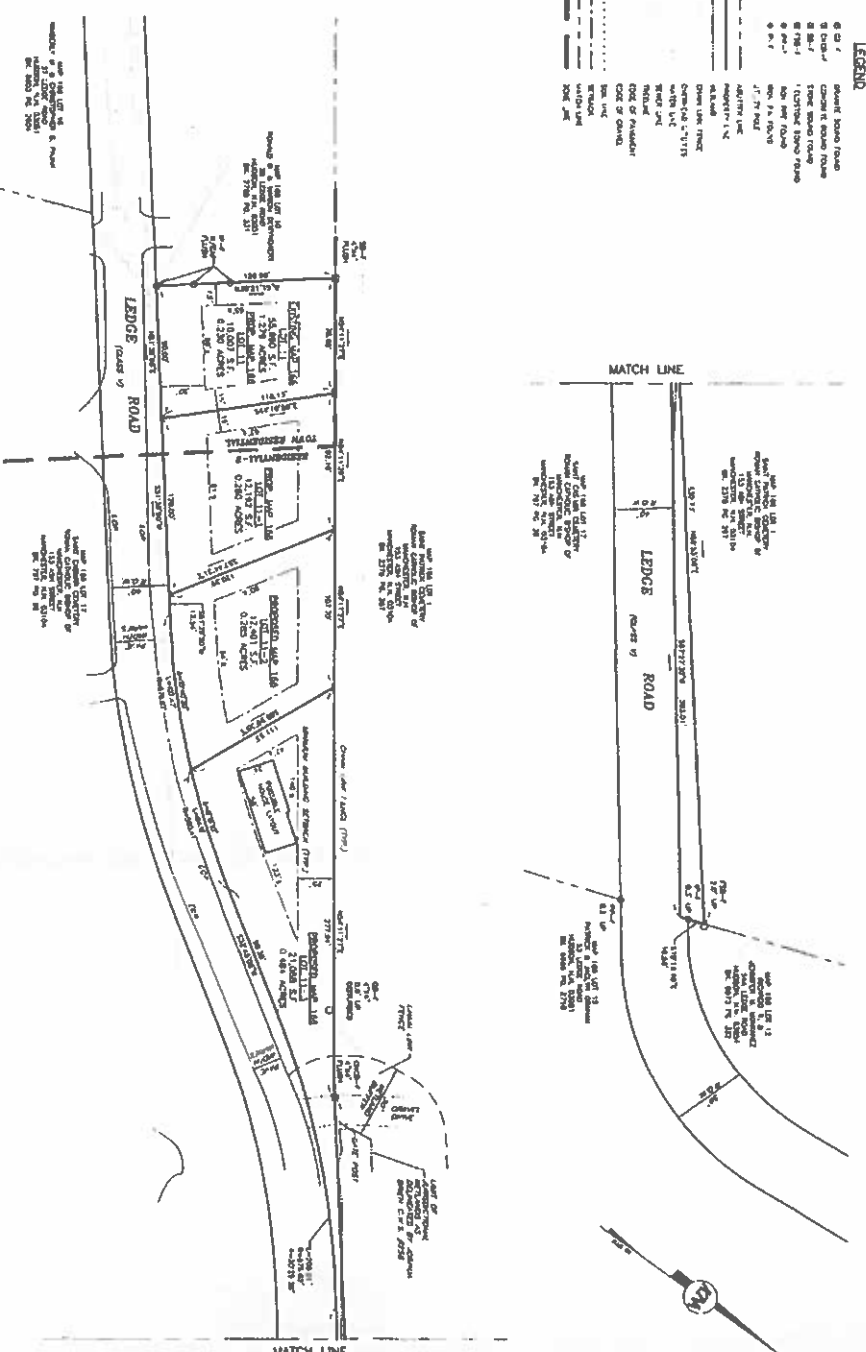


11/2/2023



3

- LEGEND**
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  - 100' Point Source Zone



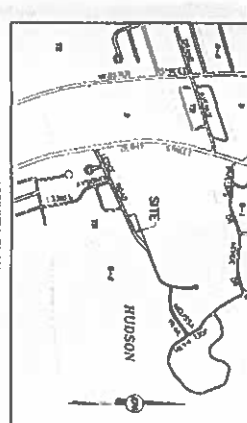
**LOT AREA TABLE**

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120
2	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120
3	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120
4	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120
5	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120
6	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120
7	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120
8	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120
9	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120
10	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120	10,120

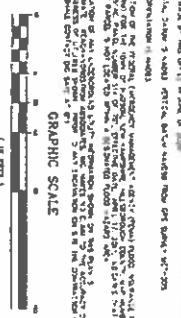
- REFERENCE PLANS:**
1. [Reference Plan 1]
  2. [Reference Plan 2]
  3. [Reference Plan 3]

**SEAL AND SIGNATURE:**

12/29/23



- NOTES:**
1. [Note 1]
  2. [Note 2]
  3. [Note 3]
  4. [Note 4]
  5. [Note 5]
  6. [Note 6]
  7. [Note 7]
  8. [Note 8]
  9. [Note 9]
  10. [Note 10]



**ZONING BOARD OF ADJUSTMENT PLAN**

**32 LEDGE ROAD**

**MAP 106 LOT 11**

**32 LEDGE ROAD**

**HUDSON, NEW HAMPSHIRE**

**HILLSBOROUGH COUNTY**

**OWNER & APPLICANT:**

**KM KATHY-HANCOCK ASSOCIATES, INC.**

**DATE:** OCTOBER 23, 2023

**PROJECT NO.:** 23-00001



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

REQUEST FOR REVIEW/COMMENTS:

Case: 166-011(11-16-23) (**VARIANCE**)

Property Location: 32 Ledge Road

*For Town Use*

Plan Routing Date: 10/30/2023 Reply requested by: 11/06/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

EZD \_\_\_\_\_ Name: Elvis Dhima Date: 10/30/2023  
(Initials)

DEPT.  Town Engineer     Fire/Health Department     Town Planner

1. There is currently no water infrastructure in front of the proposed lots
2. There is currently no sewer infrastructure in front of the proposed lots
3. Water main extensions are subject to BOS approval
4. Water main and sewer main acceptance are subject to BOS approval

E

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

REQUEST FOR REVIEW/COMMENTS:

Case: 166-011(11-16-23) (VARIANCE)

Property Location: 32 Ledge Road

*For Town Use*

Plan Routing Date: 10/30/2023 Reply requested by: 11/06/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

DRH \_\_\_\_\_ Name: David Hebert Date: 10/31/2023  
(Initials)

DEPT.  Town Engineer     Fire/Health Department     Town Planner

F

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 166-011(11-16-23) (**VARIANCE**)

Property Location: 32 Ledge Road

*For Town Use*

Plan Routing Date: 10/30/2023 Reply requested by: 11/06/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

BG Name: Brian Groth Date: 11/03/2023  
(Initials)

DEPT:  Town Engineer     Fire/Health Department     Town Planner

1. The proposed lot sizes are consistent with the neighborhood, however this lot is not served by water or sewer, unlike the rest of the neighborhood.
2. Per RSA 289:3.III, no new construction, excavation or building shall be conducted within 25-feet of a cemetery. Excavation may be a challenge for the conceptual house footprint on Lot 11-3.

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

On **11/16/2023**, the Zoning Board of Adjustment heard **Case 166-011**, being a case brought by **Todd A. Boyer, Trustee of The Boyer Family Revocable Trust of 2019, 2 Merrill Street, Hudson, NH**, requesting a **Variance for 32 Ledge Rd., Hudson, NH** for a proposed 4-lot subdivision to allow three (3) lots within the R-2 Zone with lot areas of 12,192 SF and 12,401 SF and 21,088 SF where 43,560 square feet is required for each lot. [Map 166, Lot 011-000; Split Zoned Residential-Two (R-2) and Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Permitted Principal Uses.]

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

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

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

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

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

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

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

(Continued)

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

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

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

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(2) The proposed use is a reasonable one.

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**Y**  
**N**

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

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

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

Sitting member of the Hudson ZBA

Date

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

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

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TOWN OF HUDSON

OCT 26 REC'D

Zoning Department

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment  
Town of Hudson

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

Case No. 166-011 (11-16-23)

Date Filed 10/26/23

Name of Applicant Todd A. Boyer, Trustee Map: 166 Lot: 11 Zoning District: TR & R-2

Telephone Number (Home) 603-321-5318 (Work) \_\_\_\_\_

Mailing Address 2 Merrill Street, Hudson, NH 03051

Owner The Boyer Family Revocable Trust of 2019

Location of Property 32 Ledge Road, Hudson, NH  
(Street Address)

Todd Boyer  
Signature of Applicant Todd A. Boyer, Trustee Date 10/24/23  
The Boyer Family Revocable Trust of 2019

Todd Boyer  
Signature of Property-Owner(s) Todd A. Boyer, Trustee Date 10/24/23

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: 10/26/23

COST:

Application fee (processing, advertising & recording) (non-refundable): \$ 185.00  
Abutter Notice:  
5 Direct Abutters x Certified postage rate \$ 5.01 = \$ 25.05  
4 Indirect Abutters x First Class postage rate \$ 0.66 = \$ 2.64  
**Total amount due:** \$ 212.69

Amt. received: \$ 212.69  
Receipt No.: 749,900

Credit #  
17027

Received by: TSG

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



THE BOYER FAMILY REVOCABLE TRUST OF 2019  
2 MERRILL ST.  
HUDSON, NH 03051

October 24, 2023

*Via hand-delivery*

Town of Hudson  
Zoning Board of Adjustment  
12 School Street  
Hudson, NH 03051

Dear Chairman,

I, Todd Boyer, Trustee of The Boyer Family Revocable Trust of 2019, hereby authorize Gottesman & Hollis, P.A. to represent me, owner of 32 Ledge Road, Hudson, NH in my application for variance and the presentation to the Zoning Board of Adjustment thereof.

Thank you,

THE BOYER FAMILY  
REVOCABLE TRUST OF 2019

By: 

Todd Boyer, 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>EMD</u>	Please review the completed application with the Zoning Administrator or staff <b>before making copies in next step.</b>	<u>TG</u>
_____	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen <b>(13) <u>single-sided</u></b> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>EMD</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>EMD</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u>
<u>EMD</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>EMD</u>	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>TG</u>
<u>EMD</u>	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>EMD</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

**CERTIFIED PLOT PLAN:**

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

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

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

Todd Bay  
Signature of Applicant(s)

10/24/23  
Date

Todd Bay  
Signature of Property Owner(s)

10/24/23  
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
166	11	*Include Applicant & Owner(s) Todd A. Boyer, Trustee of The Boyer Family Trust of 2019	2 Merrill Street Hudson, NH 03051
166	1	St. Patrick Cemetery Bishop of Manchester Roman Catholic Church	153 Ash St. Manchester, NH 03104
166	10	Ronald & Marion Dewyngaert	28 Ledge Rd Hudson, NH 03051
166	17	St. Casimir Cemetery Bishop of Manchester Roman Catholic Church	153 Ash St. Manchester, NH 03104


**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

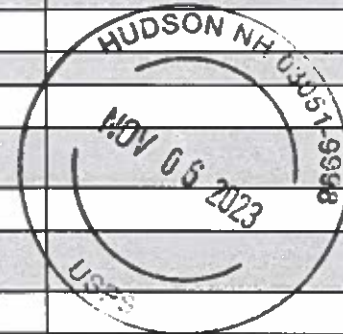
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective 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
166	9	Thomas & Paulette Witham	26 Ledge Rd Hudson, NH 03051
166	8	Augustine Piantidosi & Shirley Lachance	24 Ledge Rd Hudson, NH 03051
166	18	Kimberly & Christopher Pajak	27 Ledge Rd Hudson, NH 03051
166	19	Robert & Dorothy Graves	4 Grigas Street Hudson, NH 03051

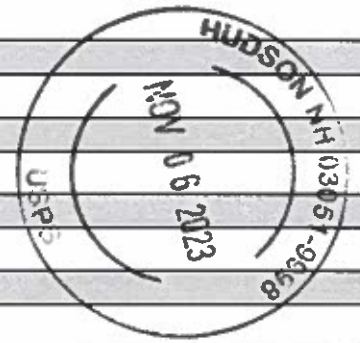
USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 166-011 32 Ledge Rd Map 166/Lot 011-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/16/2023 ZBA Meeting
1	7022 2410 0001 2971 7160	Todd A. Boyer, Trustee The Boyer Family Revocable Trust of 2019	APPLICANT/OWNER NOTICE MAILED
		2 Merrill Street, Hudson, NH 03051	
2	7022 2410 0001 2971 7207	St. Patrick Cemetery; Bishop of Manchester Roman Catholic	ABUTTER NOTICE MAILED
		153 Ash Street, Manchester, NH 03104	
3	7022 2410 0001 2971 7214	Ronald & Marion Dewyngaert	ABUTTER NOTICE MAILED
		28 Ledge Rd., Hudson, NH 03051	
4	7022 2410 0001 2971 7221	St. Casimir Cemetery; Bishop of Manchester Roman Catholic	ABUTTER NOTICE MAILED
		153 Ash Street, Manchester, NH 03104	
5	7022 2410 0001 2971 7238	Kimberly & Christopher Pajak	ABUTTER NOTICE MAILED
		27 Ledge Rd., Hudson, NH 03051	
6			
7			
8			
9			
10			
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) 



**USPS-Verified Mail**

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 166-011 32 Ledge Rd Map 166/Lot 011-000 <b>VARIANCE</b> 1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>11/16/2023 ZBA Meeting</b>
1	Mailed First Class	Thomas & Paulette Witham 26 Ledge Rd., Hudson, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	Augustine Plantidosi & Shirley Lachance 24 Ledge Rd., Hudson, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	Robert & Dorothy Graves 4 Grigas Street, Hudson, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	Elizabeth M. Hartigan, Esquire; Gottesman & Hollis P.A. 39 East Pearl Street, Nashua NH 03060-3407	APPLICANT/OWNER NOTICE MAILED
5			
6			
7			
8			
9			
10			
11			
12			
13			
	<b>Total # of pieces listed by sender</b> 4	<b>Total # of pieces rec'd at Post Office</b> 4	<b>Postmaster (receiving Employee)</b> 





# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

November 6, 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, 11/16/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 166-011 (11-16-23): Todd A. Boyer, Trustee of The Boyer Family Revocable Trust of 2019, 2 Merrill Street, Hudson, NH, requests a Variance for 32 Ledge Rd., Hudson, NH for a proposed 4-lot subdivision to allow three (3) lots within the R-2 Zone with lot areas of 12,192 SF and 12,401 SF and 21,088 SF where 43,560 square feet is required for each lot. [Map 166, Lot 011-000; Split Zoned Residential-Two (R-2) and Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Permitted Principal Uses.]**

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

Respectfully,

Chris Sullivan  
Zoning Administrator





# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

November 6, 2023

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

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

Respectfully,

Chris Sullivan  
Zoning Administrator

APPLICATION FOR A VARIANCE

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

To allow three lots within the R-2 zone with 12,192 sf, 12,401 sf, and 21,088 sf respectively where 43,560 sf is required.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FACTS SUPPORTING THIS REQUEST:**

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

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

**FACTS SUPPORTING THIS REQUEST:**

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

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

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- 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**

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- 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**

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- 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**

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## **FACTS SUPPORTING THIS REQUEST:**

- 1. Granting of the requested variance will not be contrary to the public interest, because:**

The public interest is to have similar lots sizes in neighborhoods. This lot is at the end of the Town Residence zoning district neighborhood and is by far the largest residential lot in the immediate neighborhood before the cemetery. A portion of the lot is in the Town Residence Zone ("TR") and the Residential Two Zone (R-2); however, it is not really a part of the R-2 zoning district. The lot's only residential abutter is located in the TR zone, the remainder of the lot is surrounded by cemetery. The requirement to have one acre lots within the R-2 zone would not be in keeping with the neighborhood as the neighborhood is cemetery and TR, not R-2 lots residential. Granting the variance will not alter the character of the neighborhood as there will be no visible difference from the current lot sizes in the area. Allowing lots to comply with the TR lot size for this split zoned lot would not be contrary to the public interest and as municipal water and sewer will be provided, granting the variance would not threaten public or private health, safety or welfare.

- 2. The proposed use will observe the spirit of the ordinance, because:**

The lot is zoned both TR and R-2, which allows for one lot to be a minimum of 10,000 sf but requires that the remainder of the lot must meet the larger lot size of 43,560 sf which would be the largest in the neighborhood. This lot is in the TR zone and has no relationship to properties further down the road past the cemetery in the R-2 zone. The property is surrounded on three sides by cemetery. The purpose of the Zoning Ordinance is to keep similar uses together to protect property values and protect against adverse impacts on neighbors. The proposed use of lots that fit in the TR zone will not alter the essential character of the neighborhood and will not threaten the public health, safety or welfare.

- 3. Substantial justice would be done to the property-owner by granting the variance, because:**

The lot is zoned both TR and R-2, but the surrounding residential uses are in the TR zone. The requirement that half of the lot must comply with the increased lot size required in the R-2 zone is not reasonable for this lot when all residential lots in the immediate neighborhood are zoned TR and have significantly smaller lot sizes than required in the R-2 zone. If a variance to allow three lots that meet the size requirements in the TR zone is granted, there will be no harm to the general public or any other individual. The proposed three TR sized lots would be in keeping with the essential character of the neighborhood and would not threaten public health, safety or welfare. The lots will be serviced by municipal water and sewer and will meet the setback requirements and lot size of the TR zone. Denial will impose substantial harm to the applicant that is not outweighed by harm to the public.

**4. The proposed use will not diminish the values of surrounding properties, because:**

Granting the variance will not cause any real change to the neighborhood. The only developed residential lots abutting the properties in the area are in the TR zone and have smaller lot sizes than required in the R-2 zone. Allowing the lots to comply with the existing TR zone rather than the R-2 zone will have no adverse effect upon the values of the surrounding properties as the proposed use will be similar in nature to the existing properties on Ledge Road before the cemetery.

**5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:**

- A. The property is unique in that it is a large parcel surrounded by cemetery and the TR zone with its primary access being through the TR zone neighborhood. Other than the cemetery which is on three sides of the lot, lots of approximately 10,000 sf are the closest in proximity as the cemetery buffers the lot from the other larger R-2 residential lots at the end of the street. Enforcing the ordinance to require that the lot comply with the R-2 zone when the abutting residential lots are in the TR zone has no fair and substantial relationship to the purpose of the Zoning Ordinance in that municipal sewer and water is available and the neighboring lots are of similar size. R-2 residential lot size does not belong on this lot, rather TR lot sizes match the character of the neighborhood, as this lot is surrounded by cemetery and the only residential abutter is in the TR zone. The proposed lot size is similar to the TR lots which surrounds it and is a reasonable use.
- B. The lot is the sole remaining undeveloped residential lot in the neighborhood and is surrounded by cemetery and TR lots. Requiring the lot to comply with R-2 lot size is not reasonable due to the surrounding neighborhood. Relief is necessary and the proposed use is reasonable.



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination 23-130

October 20, 2023

Elizabeth Hartigan Esq.  
For The Boyer Family Revocable Trust of 2019  
39 East Pearl Street  
Nashua, NH 03060

First Class Mail

Re: 32 Ledge Rd Map 166 Lot 121-000

Your inquiry:

To allow 3 Lots within the Residential Two (R-2) zone with 12,192, 12,401, and 21,088 sf respectively where 43,560 is required. (**Plan Provided**)

#### Zoning Review / Determination:

The town property Records show the lot has 54,450 sf. The records also show that the lot is vacant residential land.

Upon review of your descriptions of the above and the proposed plan dated: October 18, 2023. Lot 11 in the (TR zone) meets the minimum lot area of 10,000 SF with a lot size of 10,007 SF, and Lot 11-1 - 12,192, 11-2-12,401, and 11-3. In the (R -2 zone) these lots do not meet the minimum lot area where 43,560 is required. You would need a variance for lot area per §334-27 Table of Minimum Dimensional Requirements.

Sincerely,

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: 32 LEDGE RD  
 Vision ID: 8308 Account #: 6355

Parcel ID: 166/011/000/  
 Bldg #: 1

Card Address:  
 Card #: 1 of 1

LUC: 1300  
 Print Date: 10/24/2023 10:41:41

CURRENT OWNER		ASSESSING NEIGHBORHOOD			PREVIOUS ASSESSMENTS (HISTORY)								
BOYER, TODD A., TR. BOYER, LORRIE A., TR. 2 MERRILL ST.  HUDSON NH 03051		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RE	Residential Average		2023	1300	171,500	2023	1300	171,500	2022	1300	171,500
		TOPO		UTILITIES									
		Varied											
					Total	171,500		Total	171,500		Total	171,500	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
BOYER, TODD A., TR. BOYER, TODD ST. CASIMIR CHURCH		9349 2274	09-15-2020	U	V	0	44	Grantor: BOYER, TODD, not exposed to the market, no mts II Grantor: ST. CASIMIR CHURCH, Grantor: N/A	Appraised Bldg. Value (Card)				0
		9321 1876	07-16-2020	U	V	120,000	99		Appraised Xf (B) Value (Bldg)				0
		TEST 118	01-01-1900	Q	V		00		Appraised Ob (B) Value (Bldg)				0
									Appraised Land Value (Bldg)				171,500
									Special Land Value				0
									Total Appraised Parcel Value				171,500
									Valuation Method				C
									Total Appraised Parcel Value				171,500

SUPPLEMENTAL DATA			CURRENT ASSESSMENT						
Parcel ID	166-011-000		Descript	Code	Appraised	Assessed			
Zoning	R2:Residential-2		LAND	1300	171,500	171,500			
Flood Hazard	C								
Neigh/Abut1									
Neigh/Abut2									
Neigh/Abut3		PREV 0060-0002-0000							
GIS ID	166-011-000	Assoc Pid#							
			Total:		171,500	171,500	Total Appraised Parcel Value		171,500

NOTES		VISIT / CHANGE HISTORY			
Zoning Determination issued for 11-2020 saying a variance would be needed to sub divide this lot		Date	Id	Cd	Purpost/Result
		12-14-2020	21	33	Value Adj.
		10-26-2020	01	20	Other Change
		08-10-2020	21	30	Sales Data Verification
		08-10-2020	21	30	Sales Data Verification
		07-20-2005	01	71	Acreage Adjustment From New Map Inspected
	02-01-1991	02	14		

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2021-00592	06-03-2021	SEP	Septic		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	1300	VACANT RES LAND	Site	1 UT	1		1.00	5	1.00	RE	1.00			0
1	1300	VACANT RES LAND	Excess	0.249 AC	6,000		1.00	0	1.00	RE	1.00		AC EST;	1,500
1	1300	VACANT RES LAND	Site	1.000 AC	170,000		1.00	5	1.00	RE	1.00			170,000
Total Card Land Units:				1.249 UT	Parcel Total Land Area:				1.249	UT		Total Land Value:		171,500

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



Property Location: 32 LEDGE RD  
 Vision ID: 8308 Account #: 6355

Parcel ID: 166/011/000//  
 Bldg #: 1

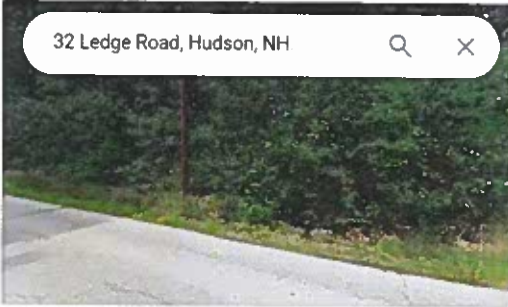
Card Address:  
 Card #: 1 of 1

LUC: 1300  
 Print Date: 10/24/2023 10:41:41

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)			SKETCH / PRIMARY PHOTO			
Element	Cd	Description	Element	Cd	Description				
Model	00		Avg Ht/FL			No Sketch			
Stories:	99	Vacant Land	Extra Kitchens						
Style:			Add Kitchen Ra						
Grade:									
(Liv) Units									
Exterior Wall 1									
Roof Structure									
Roof Cover									
Frame									
Foundation									
Interior Wall 1									
Interior Floor 1									
Heat Fuel									
Heat Type									
# Heat Systems									
AC Percent									
Total Rooms									
Bedrooms									
Full Baths									
3/4 Baths									
Half Baths									
Extra Fixtures									
Kitchens									
Kitchen Rating									
Bath Rating									
Half Bath Rating									
Bsmt Garage									
Fireplace(s)									
Fireplace Rating									
WS Flues									
Color									
Avg Ht/FL									
Extra Kitchens									
<b>COST / MARKET VALUATION</b>									
			Building Value New		0				
			Year Built						
			Effective Year Built		0				
			Depreciation Code						
			Remodel Rating						
			Year Remodeled						
			Depreciation %						
			Functional Obsol						
			External Obsol						
			Trend Factor		1.000				
			Condition						
			Condition %						
			Percent Good						
			RCNLD		0				
			Dep % Ovr						
			Dep Ovr Comment						
			Misc Imp Ovr						
			Misc Imp Ovr Comment						
			Cost to Cure Ovr						
			Cost to Cure Ovr Comment						
<b>OB - OUTBUILDING &amp; YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</b>									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
<b>BUILDING SUB-AREA SUMMARY SECTION</b>									
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value			
	Total Liv Area/Gr. Area/Eff Are	0	0	0	Total Value	0			

# 32 Ledge Road





32 Ledge Road, Hudson, NH

### 32 Ledge Rd

- Directions
- Save
- Nearby
- Send to phone
- Share

- 32 Ledge Rd, Hudson, NH 03051
- QHF6+X8 Hudson, New Hampshire
- Suggest an edit on 32 Ledge Rd
- Add a missing place
- Add your business
- Add a label

#### Photos

Restaurants Shopping Coffee Groceries Gas Beauty salons Apparel

Autozone Auto Parts  
Once-Thru Walgreens  
Great Clips  
Hannaford  
McDonald's  
bar and grill  
Dollar Tree  
St Patrick Cemetery  
St John St  
Holy Cross Lithuanian Cemetery  
UI party rentals  
Harmont Hill Farm

Layers

Google

Imagery ©2023 Google, Imagery ©2023 Airbus, CNLS / Airbus, MassGIS, Commonwealth of Massachusetts | OLA, Maxar Technologies, USDAVI PAC/GLO, Map data ©2023 United States, Terms 200 ft



Search by Owner, Address, or ID

Parcels

Select, Buffer, Zoom buttons

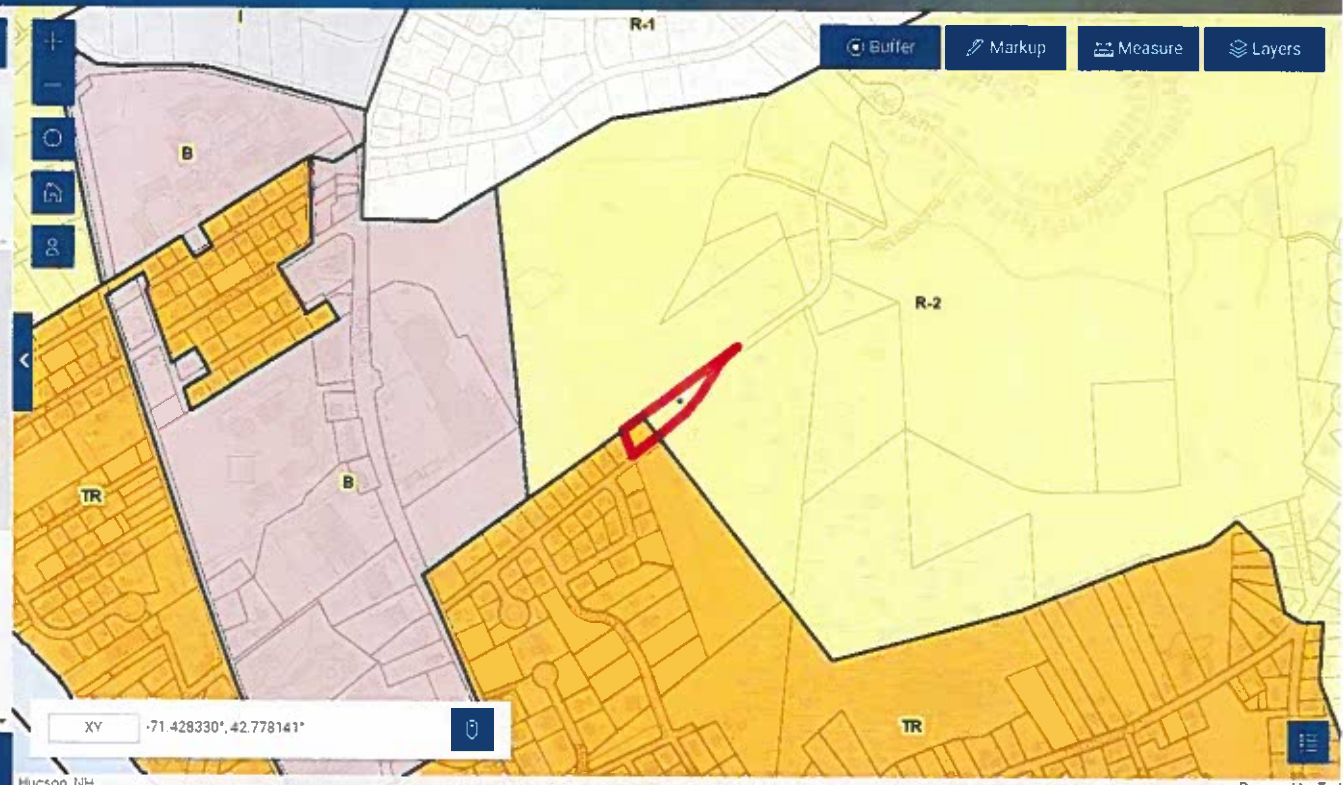


Property Details

LOCATION: 32 LEDGE RD
PARCEL ID: 166-011-000
ACCOUNT: 7557
BUILDING TYPE:
YEAR BUILT:

Ownership

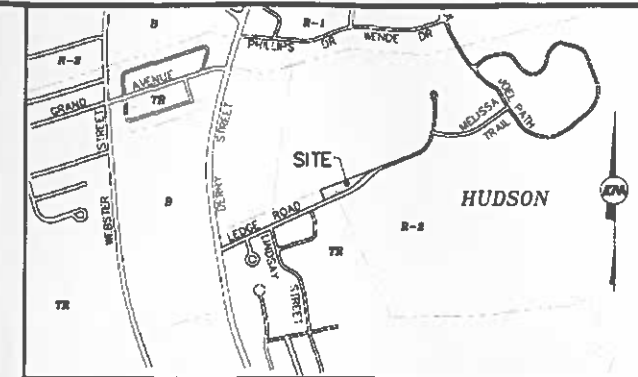
OWNER 1: BOYER TODD A TR
OWNER 2: BOYER LORRIE A TR
LOCATION: 32 LEDGE RD



Buffer, Markup, Measure, Layers buttons

**LEGEND**

- GB-F GRANITE BOUND FOUND
- CNCB-F CONCRETE BOUND FOUND
- SB-F STONE BOUND FOUND
- FSB-F FLOSTONE BOUND FOUND
- IP-F IRON PIPE FOUND
- IP-F IRON PA FOUND
- UTILITY POLE
- ASUTTER LINE
- PROPERTY LINE
- WETLAND
- CHAIN LINK FENCE
- OVERHEAD UTILITIES
- WATER LINE
- SEWER LINE
- TREELINE
- EDGE OF PAYEMENT
- EDGE OF GRAVEL
- SOIL LINE
- SETBACK
- MATCH LINE
- ZONE LINE



**VICINITY PLAN**  
SCALE: 1" = 1,000±

- ZONE LEGEND:**
- B BUSINESS
  - R-1 RESIDENTIAL 1
  - R-2 RESIDENTIAL 2
  - TR TOWN RESIDENTIAL

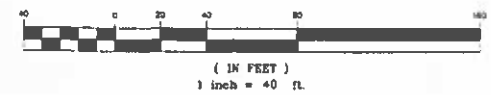
**NOTES:**

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED SUBDIVISION OF MAP 166 LOT 11 INTO FOUR (4) LOTS AS SHOWN HEREON. A VARIANCE IS REQUIRED FOR PROPOSED LOTS 11-1, 11-2 & 11-3 FROM THE REQUIRED 43,560 S.F. MINIMUM LOT SIZE PER THE TABLE OF DIMENSIONS REQUIREMENTS FOR LOTS LOCATED IN THE R-2 ZONE. EXISTING LOT 11 IS LOCATED PARTIALLY IN ZONES TR (TOWN RESIDENTIAL) AND R-2 (RESIDENTIAL 2). THE PROPOSED LOTS WILL MEET ALL OF THE DIMENSIONAL REQUIREMENTS OF ZONE TR.
- EXISTING AREA OF PARCEL = 55,690 SF, OR 1.279 ACRES
- OWNER OF RECORD: BOYER FAMILY TRUST OF 2019, TODD A. BOYER, TRUSTEE, LORRIE A. BOYER, TRUSTEE, 2 MERRILL STREET, HUDSON, N.H. 03051, BK. 9349 PG. 2274
- THE SUBJECT PARCEL IS SITUATED WITHIN THE TOWN RESIDENTIAL (TR) AND RESIDENTIAL 2 (R-2) ZONING DISTRICTS AND IS SUBJECT TO THE FOLLOWING DIMENSIONAL REQUIREMENTS:

DESCRIPTION	REQUIRED ZONE TR	REQUIRED ZONE R-2	EXISTING
MINIMUM LOT SIZE	10,000 SF	43,560 SF	55,690 SF
MINIMUM LOT FRONTAGE	90 FT	120 FT	1,082.52 FT
FRONT YARD SETBACK	30 FT	30 FT	30 FT
SIDE YARD SETBACK	15 FT	15 FT	15 FT
REAR YARD SETBACK	15 FT	15 FT	15 FT

- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE IN JUNE OF 2020
- HORIZONTAL DATUM IS NAD83 VERTICAL DATUM NAVD83 FROM GPS SURVEY METH005.
- NORTH ORIENTATION IS NAD83.
- EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF HUDSON, NEW HAMPSHIRE, HILLSBOROUGH COUNTY, MAP NUMBER 33010004E, PANEL NUMBER 514 OF 701, EFFECTIVE DATE, APRIL 17, 2011, INDICATES THAT THE SUBJECT PARCEL IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. READ-NORDSTROM ASSOCIATES, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN PRIOR TO ANY EXCAVATION ON SITE. THE CONTRACTOR OR OWNER SHALL CONTACT DIG SAFE AT 811.

**GRAPHIC SCALE**



**ZONING BOARD OF ADJUSTMENT PLAN**

**32 LEDGE ROAD**  
MAP 166 LOT 11  
32 LEDGE ROAD  
HUDSON, NEW HAMPSHIRE  
HILLSBOROUGH COUNTY

**OWNER & APPLICANT:**  
THE BOYER FAMILY REVOCABLE TRUST OF 2019  
TODD A. BOYER, TRUSTEE  
LORRIE A. BOYER, TRUSTEE  
2 MERRILL STREET  
HUDSON, N.H. 03051  
BK. 9349 PG. 2274

**KM KEACH-NORDSTROM ASSOCIATES, INC.**  
Civil Engineering Land Surveying Landscape Architecture  
10 Commerce Park North, Suite 30, Bedford, NH 03110 Phone (603) 827-2801

**REVISIONS**

No.	DATE	DESCRIPTION	BY

DATE: OCTOBER 23, 2023 SCALE: 1" = 40'  
PROJECT NO: 20-C60-1 SHEET 1 OF 1

**REFERENCE PLANS:**

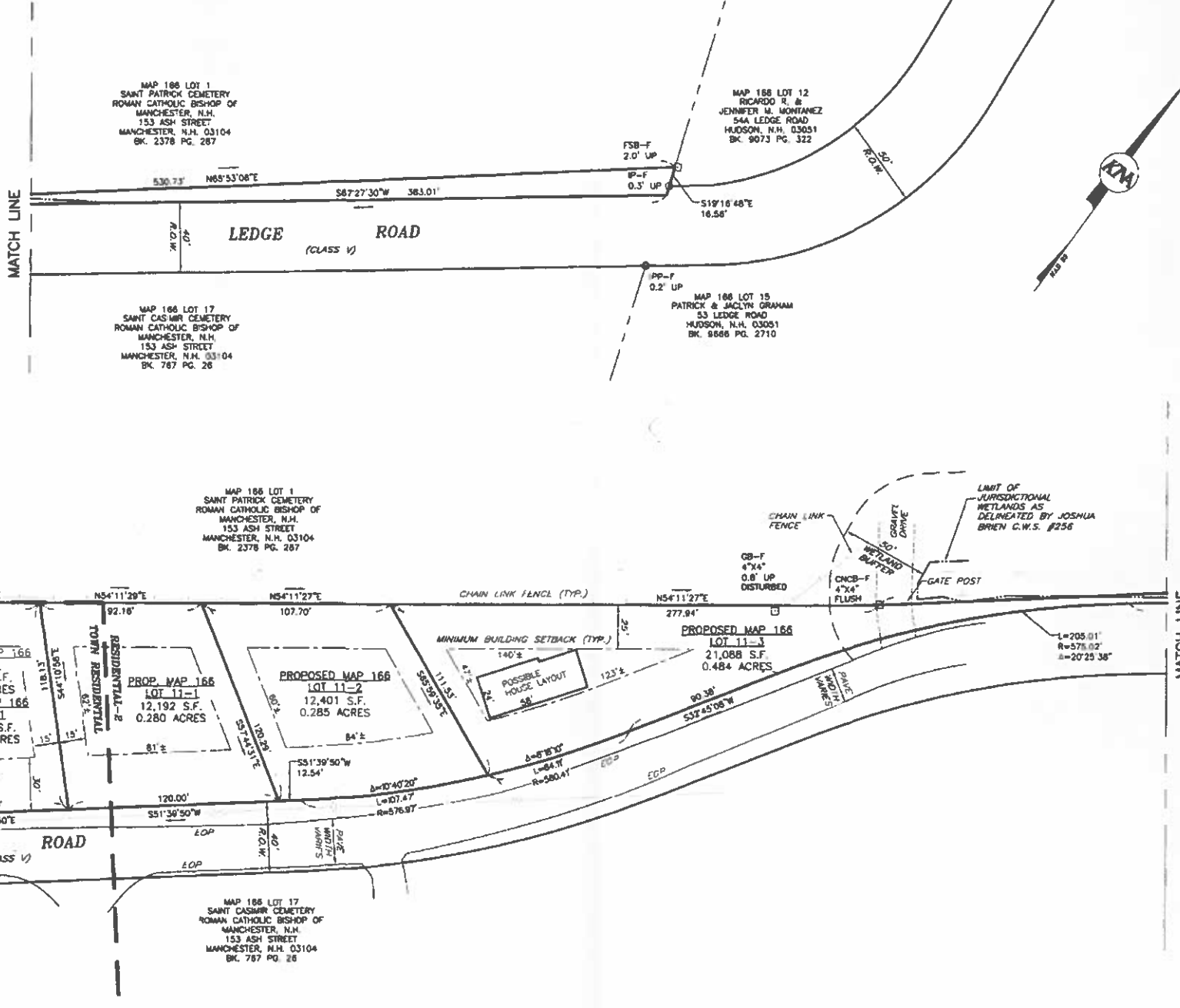
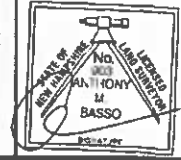
- "LAND OF ROMAN CATHOLIC BISHOP OF MANCHESTER-PLAN OF LAND OF HOLY CROSS CEMETERY" SCALE 1"=100', DATED 12-23-87, PREPARED BY: ROLAND O'NEILL & ASSOCIATES, RECORDED AT THE H.C.R.D. AS PLAN #2164.
- "PLAN OF LAND OF JAMES C. ABBOTT" LEDGE ROAD, HUDSON, NEW HAMPSHIRE SCALE 1"=50', DATED NOVEMBER, 1963, PREPARED BY: NED SPAULDING RECORDED AT THE H.C.R.D. AS PLAN #2816

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE DURING JUNE OF 2020. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1/10,000) OR BETTER.

*Anthony M. Basso*  
ANTHONY M. BASSO  
LICENSED LAND SURVEYOR

10/27/23  
DATE



**LOT AREA TABLE**

LOT NUMBER	TOTAL LOT AREA (SF)	WETLAND AREA (SF)	AREA (SF) >25% SLOPE	BUILDABLE AREA (SF)	FRONTAGE (FT)
11-1	10,007 SF	0 SF	0 SF	10,007 SF	90 FT
11-2	12,192 SF	0 SF	0 SF	12,192 SF	120 FT
11-3	12,401 SF	0 SF	0 SF	12,401 SF	120 FT
11-4	21,088 SF	3,685 SF	0 SF	17,203 SF	762.5 FT



Printed  
 10/26/2023  
 4:34PM  
 Created  
 10/26/2023  
 4:31 PM

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

Receipt# 749,900  
 tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-11/16/23 ZBA Mtg 32 Ledge Road Map/Lot 166-011-000 Split (R-2/TR) Variance Application	0.00	212.6900	0.00
			<b>Total:</b>	<b>212.69</b>

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Gottesman & Hollis, P.A.	CHECK	CHECK # 17027	212.69	0.00	212.69
			<b>Total Due:</b>		<b>212.69</b>
			<b>Total Tendered:</b>		<b>212.69</b>
			<b>Total Change:</b>		<b>0.00</b>
			<b>Net Paid:</b>		<b>212.69</b>



# 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: November 16, 2023

CSS  
11/16/23

**Case 218-024 (11-16-23):** Alan Simoneau, C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC, 24 Eastman Ave., Suite C3, Bedford NH, requests two (2) Variances for **4 Homestead Lane, Hudson, NH** [Map 218, Lot 024-000; Zoned General One (G-1)] as follows:

- a. To allow the continued existing (non-permitted) mixed principal uses: (A.1.) Residential Use– Single family detached dwelling and (E.15.) Industrial Use– Contractor’s yard on the lot where mixed uses on a lot are not permitted in the G-1 district. [HZO Article III: General Regulations; §334-10 A, Mixed or dual use on a lot.]
- b. To allow the continued accessory use of existing (non-permitted) garaging or parking of heavy commercial vehicles and equipment where these uses are not permitted in the G-1 district if the property is not served by Town water and sewer. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article III: General Regulations; §334-15 B.(2).]

**Address:** 4 Homestead lane  
**Zoning district:** General One (G-1)

**Property Description:**

Our records indicate this parcel is an existing lot of record of 217,800 sf. The property has a single family, 1,600 sf garage with 800 sf 2<sup>nd</sup> floor and a 2,200 sf barn.

**In-House comments:**

**Town Engineer:**

- 1. All driveway components related to buildings in question shall comply with the driveway rules.
- 2. 2022 flyover indicates driveway related to the two buildings in the back is not located entirely on the lot or outside the building setbacks.

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

**Town Planner:**

- 1. If approved, this will be subject to site plan review and approval and subject to the comments made by the Town Engineer.

**History/Attachments:**

**A:** Zoning Determination/Notice # 23-115 (Rev) (September 1, 2023)

**B:** 2022 Aerial

**C:** Existing Conditions Plan (October 20, 2023)

**D:** Site Plan (October 20, 2023)

**E:** Engineer review form (October 30, 2023)

**F:** Inspectional Services/Fire Department review form (October 31, 2023)

**G:** Planning review form (November 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 # 23-115 (REV)

September 1, 2023

Alan Simoneau  
C/O Brett Allard, Esq.  
24 Eastman Ave Suit C3  
Bedford, NH 03110

Re: **4 Homestead Lane Map 218 Lot 024-000**  
**District: General-One (G-1)**

**Your request:** Using the Property to park commercial vehicles and mixed uses.

#### Zoning Review / Determination:

1. You need a variance per **334-10 "Mixed Uses"**: for a residential and contractors' yard/landscaping business (**E-15**), as well as a variance to **Table of Permitted Accessory** uses: if any are "heavy commercial" vehicles > 13,000 DVW. This would require a variance. This would need to go to **the Planning Board per §334-16.1** for site plan review.
2. To operate the CSA farming use would need to go to **the Planning Board per §334-16.1** for site plan review.
3. The driveway installed (extended) in violation of the required side setback area, a violation **193-10 H "DRIVEWAYS are not permitted in side or rear setback areas unless a shared ACCESS is required by the PLANNING BOARD."** This will be addressed during the site plan application process to the Planning Board.
4. Structure erected/constructed w/o approvals and Building Permit, per *Town Code § 334-16 Building permits.* "Any person, firm or corporation shall obtain a building permit before commencing work on the erection, alteration or movement of any building or structure" **A permit was pulled, but there was no inspection done.**

*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 "Chris Sullivan". The signature is fluid and cursive, with the first name "Chris" and the last name "Sullivan" clearly distinguishable.

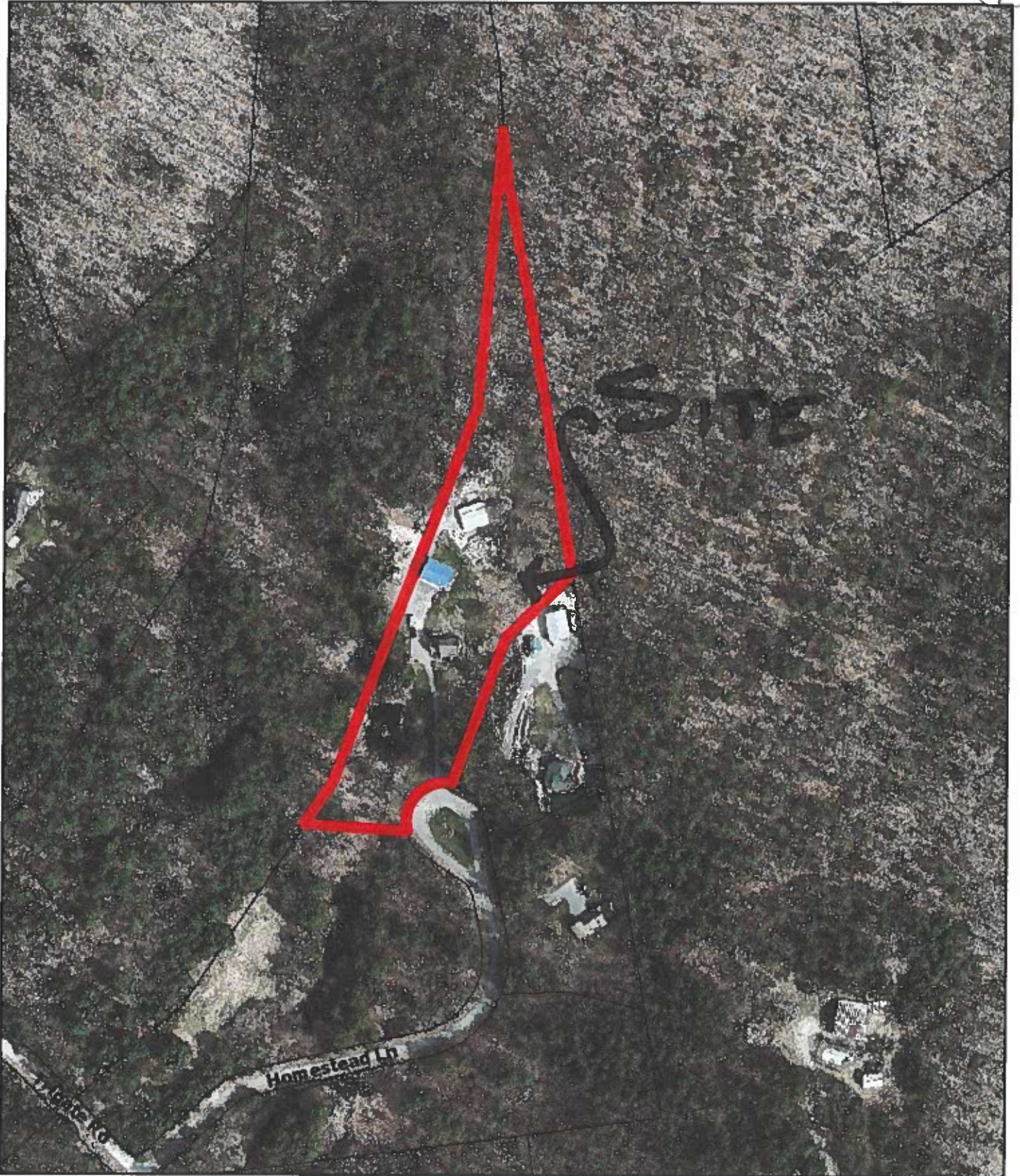
*Chris Sullivan*  
Zoning Administrator/Code Enforcement Officer  
(603) 816-1275  
[csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov)

cc: Public File  
Brett Allard, Esq.  
Brian Groth, Town Planner  
Owner  
File

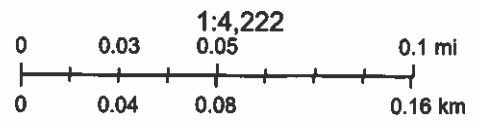
*NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.*

# 4 Homestead Land

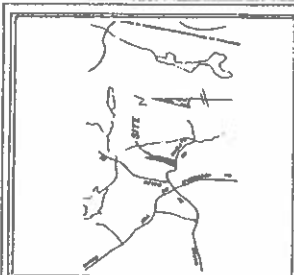
(B)



10/5/2023



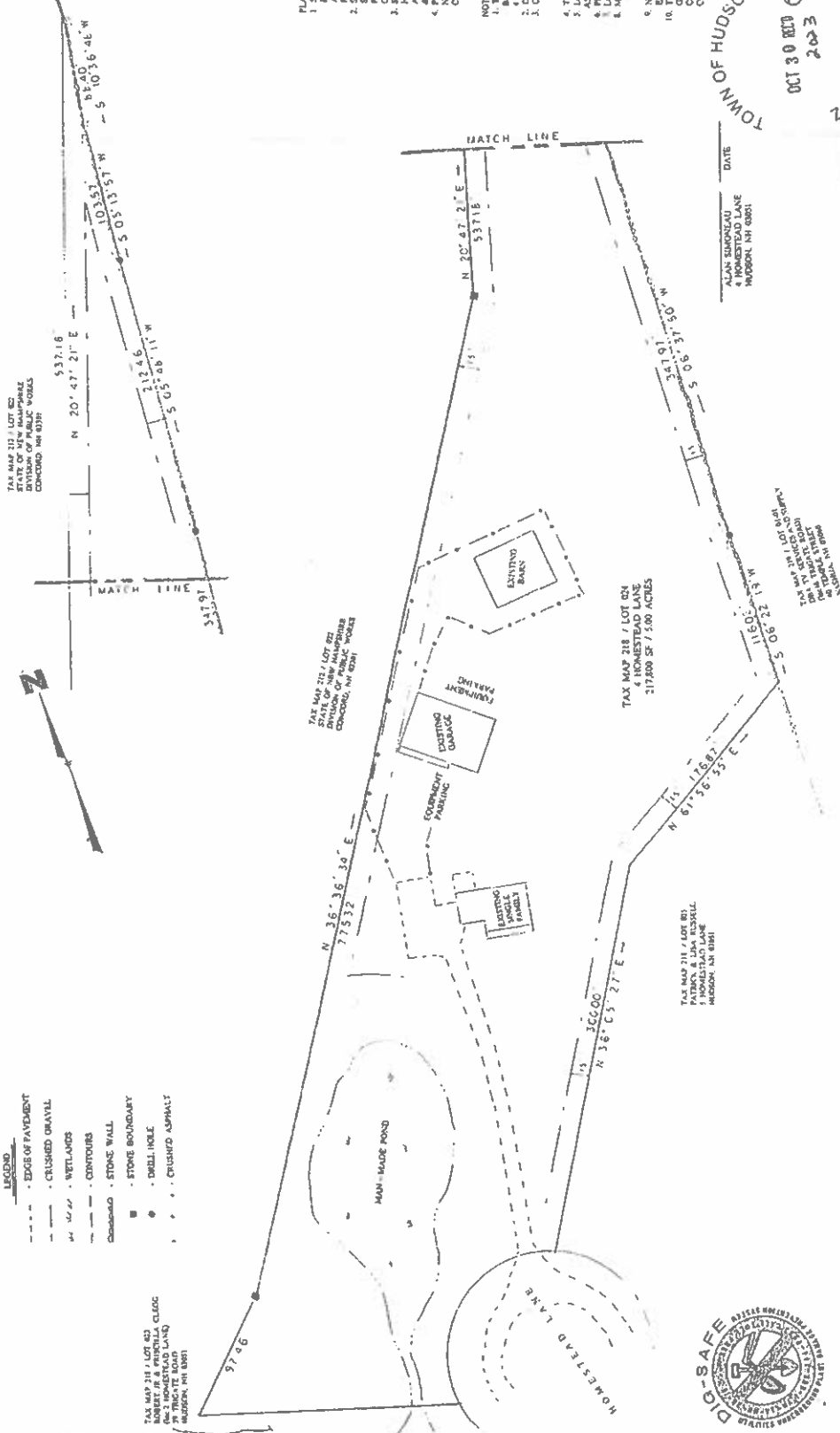




LOCATION PLAN

- PLANS REFERENCES:
1. SIMONEAU MAP 218 / LOT 024, HUDSON, NH PREPARED BY M.J. CRANINGER ASSOCIATES, DATED MAY 11, 1997 1" = 80' AND 1" = 100'.
  2. SUBDIVISION MAP 218 / LOT 024, HUDSON, NH PREPARED BY M.J. CRANINGER ASSOCIATES, DATED MAY 11, 1997 1" = 80' AND 1" = 100'.
  3. SUBDIVISION MAP 218 / LOT 024, HUDSON, NH PREPARED FOR PAUL SIMONEAU, DATED 1997, 1" = 80' BY CUOCO & ASSOCIATES, INC.
  4. SUBDIVISION MAP 218 / LOT 024, HUDSON, NH PREPARED FOR TOWNE PLAZA DEVELOPMENT, DATED JUNE 1, 1999 1" = 80' BY CUOCO & ASSOCIATES, INC.
  5. PLOT PLAN LOT 25-4, 4 HOMESTEAD LAKE, HUDSON, NH 1" = 100' DATED JANUARY 1, 2003 BY CUOCO & ASSOCIATES, INC.

- NOTES:
1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING BUILDINGS AND CONDITIONS OF TAX MAP 218 / LOT 024, 4 HOMESTEAD LAKE, HUDSON, NH.
  2. THE TOTAL AREA OF THE SITE IS 3.00 ACRES.
  3. LOT NUMBERS REFER TO THE TOWN OF HUDSON TAX MAP 218 / LOT 024.
  4. TOTAL AREA OF THE SITE IS 3.00 ACRES.
  5. LOT NUMBERS REFER TO THE TOWN OF HUDSON TAX MAP 218 / LOT 024.
  6. LOT IS SERVED BY AN INDIVIDUAL WELL AND SEPTIC TANK.
  7. MINIMUM BUILDING SETBACKS: FRONT - 30' REAR - 15' SIDE - 5'.
  8. NH WETLANDS ROAD, DREDGE AND FILL PERMIT S-1460 EXPIRATION DATE 1994.
  9. THE SITE IS ADJACENT TO THE TOWN OF HUDSON ROAD.
  10. GRANTEE SPECIAL ZONING BOARD OF ADJUSTMENT CONSTRUCTION WITHIN 12' OF WETLAND CONSERVATION BUFFER, JULY 1994 CASE 0784115-251.



TAX MAP 218 / LOT 024  
4 HOMESTEAD LAKE  
HUDSON, NH 03051

TAX MAP 218 / LOT 024  
4 HOMESTEAD LAKE  
HUDSON, NH 03051

TAX MAP 218 / LOT 024  
4 HOMESTEAD LAKE  
HUDSON, NH 03051

PREPARED FOR: ALAN SIMONEAU  
218 HERB ROAD HUDSON, NH 03051

OCTOBER 20, 2022 SCALE: 1" = 40'

M.J. CRANINGER ENGINEERING, INC.  
PROFESSIONAL ENGINEER  
230 HERB ROAD HUDSON, NH 03051 (603) 884-9338  
E.N. 71-112



I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY SURVEY AND FIELD NOTES OF THE PROJECT AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

TOWN OF HUDSON

OCT 30 2022

Zoning Department

DATE

ALAN SIMONEAU  
4 HOMESTEAD LAKE  
HUDSON, NH 03051

- LEGEND
- - - - - EDGE OF PAVEMENT
  - - - - - CRUSHED GRAVEL
  - - - - - WETLANDS
  - - - - - CONTOURS
  - - - - - STONE WALL
  - - - - - STONE BOUNDARY
  - • • • • DRILL HOLE
  - • • • • CRUSHED ASPHALT

TAX MAP 218 / LOT 024  
4 HOMESTEAD LAKE  
HUDSON, NH 03051

TAX MAP 218 / LOT 024  
4 HOMESTEAD LAKE  
HUDSON, NH 03051

TAX MAP 218 / LOT 024  
4 HOMESTEAD LAKE  
HUDSON, NH 03051

TAX MAP 218 / LOT 024  
4 HOMESTEAD LAKE  
HUDSON, NH 03051

TAX MAP 218 / LOT 024  
4 HOMESTEAD LAKE  
HUDSON, NH 03051

APPROVED BY THE HUDSON, NH PLANNING BOARD

DATE OF MEETING: \_\_\_\_\_

SIGNATURE DATE: \_\_\_\_\_

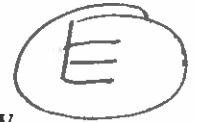
DATE: \_\_\_\_\_

BY: \_\_\_\_\_

FOR: \_\_\_\_\_

THIS PLAN IS VALID FOR THE PERIOD OF \_\_\_\_\_ MONTHS FROM THE DATE OF MEETING. FINAL APPROVAL OF THE PLANNING BOARD MUST BE OBTAINED WITHIN \_\_\_\_\_ MONTHS FROM THE DATE OF MEETING.





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

REQUEST FOR REVIEW/COMMENTS:

Case: 218-024 (11-16-23) (2-VARIANCES a & b)

Property Location: 4 Homestead Lane

*For Town Use*

Plan Routing Date: 10/30/2023 Reply requested by: 11/06/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

(Initials) \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_

DEPT.  Town Engineer     Fire/Health Department     Town Planner

1. All driveway components related to buildings in question shall comply with the driveway rules
2. 2022 flyover indicates driveway related to the two buildings in the back is not located entirely on the lot or outside the building setbacks

F

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

REQUEST FOR REVIEW/COMMENTS:

Case: 218-024 (11-16-23) (2-VARIANCES a & b)

Property Location: 4 Homestead Lane

*For Town Use*

Plan Routing Date: 10/30/2023 Reply requested by: 11/06/2023 ZBA Hearing Date: 11/16/2023

I have no comments  I have comments (see below)

DRH \_\_\_\_\_ Name: David Hebert Date: 10/31/2023  
(Initials)

DEPT:  Town Engineer  Fire/Health Department  Town Planner

[Empty box for comments]

G

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

REQUEST FOR REVIEW/COMMENTS:

Case: 218-024 (11-16-23) (2-VARIANCES a & b)

Property Location: 4 Homestead Lane

*For Town Use*

Plan Routing Date: 10/30/2023 Reply requested by: 11/06/2023 ZBA Hearing Date: 11/16/2023

I have no comments  I have comments (see below)

BG Name: Brian Groth Date: 11/03/2023  
(Initials)

DEPT:  
 Town Engineer  Fire/Health Department  Town Planner

If approved, this will be subject to site plan review and approval and subject to the comments made by the Town Engineer.



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

On 11/16/2023, the Zoning Board of Adjustment heard **Case 218-024 a**, being a case brought by **Alan Simoneau, C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC, 24 Eastman Ave., Suite C3, Bedford NH**, requesting a **Variance for 4 Homestead Lane, Hudson, NH to allow the continued existing (non-permitted) mixed principal uses: (A.1.) Residential Use– Single family detached dwelling and (E.15.) Industrial Use– Contractor’s yard on the lot where mixed uses on a lot are not permitted in the G-1 district. [Map 218, Lot 024-000; Zoned General-One (G-1); HZO Article III: General Regulations; §334-10 A, Mixed or dual use on a lot.]**

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

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

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

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

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

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

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

(Continued)

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

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

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

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(2) The proposed use is a reasonable one.

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**Y**  
**N**

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

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

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

Sitting member of the Hudson ZBA

Date

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

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

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

On 11/16/2023, the Zoning Board of Adjustment heard **Case 218-024 b**, being a case brought by **Alan Simoneau, C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC, 24 Eastman Ave., Suite C3, Bedford NH**, requesting a **Variance for 4 Homestead Lane, Hudson, NH to allow the continued accessory use of existing (non-permitted) garaging or parking of heavy commercial vehicles and equipment where these uses are not permitted in the G-1 district if the property is not served by Town water and sewer.** [Map 218, Lot 024-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article III: General Regulations; §334-15 B.(2).]

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

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

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

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

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

---

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

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

(Continued)

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

**5.**

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

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

---

---

---

(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.

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

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

Sitting member of the Hudson ZBA

Date

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

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

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TOWN OF HUDSON

APPLICATION FOR A VARIANCE

2-VARIANCES (a. & b.)

OCT 17 2023  
LAND USE DIVISION  
ZONING DEPT.

Zoning Board of Adjustment  
Town of Hudson

Entries in this box are to be filled out by  
Land Use Division personnel  
Case No. 218-024 (11-16-23)  
Date Filed 10/30/23

Name of Applicant Alan Simoneau C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC Map: 218 Lot: 24 Zoning District: G-1

Telephone Number (Home) (603) 644-4357 ext. 3 (Work) (603) 644-4357 ext. 3

Mailing Address 24 Eastman Ave., Suite C3, Bedford, NH 03110

Owner Earl Simoneau

Location of Property 4 Homestead Lane  
(Street Address)

Signature of Applicant [Signature] original (Applicant) Date 9/13/2023

Signature of Property-Owner(s) Earl W. Simoneau Date 9/13/2023

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: 10/30/23

**COST:**

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>	
<u>7</u> Abutter Notice:			
Direct Abutters x Certified postage rate	\$	<u>5.01</u> =	\$ <u>35.07</u>
<u>N/A</u> Indirect Abutters x First Class postage rate	\$	<u>0.66</u> =	\$ <u>        </u>
<b>Total amount due:</b>			\$ <u>220.07</u>
<u>Variance b. \$185.</u>	Amt. received:	\$	<u>405.07</u>
	Receipt No.:		<u>750, 111</u>

Received by: [Signature]

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

*Variance a*  
*Check # 3959*

TOWN OF HUDSON

APPLICATION FOR A VARIANCE

OCT 17 2023  
LAND USE DIVISION  
ZONING DEPT.

Zoning Board of Adjustment  
Town of Hudson

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

Case No. \_\_\_\_\_

Date Filed \_\_\_\_\_

Name of Applicant Alan Simoneau C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC Map: 218 Lot: 24 Zoning District: G-1

Telephone Number (Home) (603) 644-4357 ext. 3 (Work) (603) 644-4357 ext. 3

Mailing Address 24 Eastman Ave., Suite C3, Bedford, NH 03110

Owner Earl Simoneau

Location of Property 4 Homestead Lane  
(Street Address)

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

*Earl W. Simoneau*  
Signature of Property-Owner(s) \_\_\_\_\_

9/13/2023  
Date \_\_\_\_\_

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

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

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

Date received: \_\_\_\_\_

**COST:**

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

**Abutter Notice:**

\_\_\_\_\_ Direct Abutters x Certified postage rate \$ \_\_\_\_\_ = \$ \_\_\_\_\_

\_\_\_\_\_ Indirect Abutters x First Class postage rate \$ \_\_\_\_\_ = \$ \_\_\_\_\_

**Total amount due:** \$ \_\_\_\_\_

Amt. received: \$ \_\_\_\_\_

Receipt No.: \_\_\_\_\_

Received by: \_\_\_\_\_

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

Engineering \_\_\_\_\_ Fire Dept. \_\_\_\_\_ Health Officer \_\_\_\_\_ Planner \_\_\_\_\_ Other \_\_\_\_\_

Original  
(owner)

OWNER AUTHORIZATION

I, Earl Simoneau, owner of the property known as 4 Homestead Lane, Hudson, New Hampshire (Tax Map 218, Lot 24) pursuant to Quitclaim Deed dated October 15, 2011 and recorded in the Hillsborough County Registry of Deeds at Book 8360, Page 1745, hereby authorize Alan Simoneau and his agent, Brett W. Allard, Esq. of Shaughnessy Allard, PLLC, to apply for any and all permits and approvals incidental to the project described herein, including, but not limited to, variances from the Town of Hudson Zoning Board of Adjustment.

Dated: September 13, 2023

*Earl W. Simoneau*

\_\_\_\_\_  
Earl Simoneau

# 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<br>Initials |  | Staff<br>Initials |
|-----------------------|--|-------------------|
| <u>RA</u>             | Please review the completed application with the Zoning Administrator or staff <b>before making copies in next step.</b>   | <u>TG</u>         |
| <u>RA</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 <b>thirteen (13) single-sided</b> copies of the assembled application packet. (Paper clips, no staples)   | <u>TG</u>         |
| <u>RA</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>RA</u>             | If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s).<br><b>(NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)</b>  | <u>TG</u>         |
| <u>RA</u>             | Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website:<br><a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a><br><b>(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.)</b> | <u>TG</u>         |
| <u>RA</u>             | <b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief.<br>A copy of the GIS map can be obtained by visiting the town website:<br><a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>  | <u>TG</u>         |
| <u>RA</u>             | Provide a copy of all <b>single sided pages</b> of the assessor's card.<br><b>(NOTE: these copies are available from the Assessor's Office)</b>  | <u>TG</u>         |
| <u>RA</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>RA</u>             | If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.  | _____             |



**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).

10/30/23  
Rcvd  
Existing  
Conditions  
Site Plans  
TO

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

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

[Signature] Original (Applicant)

9/13/2023  
Date

Earl W. Linneman  
signature of Property Owner(s)

9/13/2023  
Date

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(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).

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

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Date

Original  
(Owner)

*Earl W. Linneman*  
\_\_\_\_\_  
Signature of Property Owner(s)

*9/13/2023*  
\_\_\_\_\_  
Date

**ALL DIRECT ABUTTERS**


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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
212	22	State of New Hampshire Department of Transportation	PO Box 483, 1 Hazen Drive/Room 204 Concord, NH 03302-0483
219	1	Nash Family Investment Properties	40 Temple Street Nashua, NH 03060
218	25	Patrick Russell & Lisa Russell	5 Homestead Lane, Hudson, NH 03051
218	26	Selective Properties - Petersen & Associates, LLC	11 Majestic Avenue Pelham, NH 03076
218	23	Robert Clegg, Jr. & Priscilla Clegg	39 Trigate Road Hudson, NH 03051
218	24	OWNER: Earl Simoneau	4 Daniels Drive Enfield, NH 03748 - 3061
218	24	APPLICANT: Alan Simoneau C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC	24 Eastman Avenue, Suite C3 Bedford, NH 03110



**USPS-Verified Mail**

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 218-024 4 Homestead Ln Map 218/Lot 024-000	VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/16/2023 ZBA Meeting	
1	7022 2410 0001 2971 7245	Alan Simoneau; C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC	APPLICANT/OWNER NOTICE MAILED	
2	7022 2410 0001 2971 7252	24 Eastman Avenue, Suite C3, Bedford, NH 03110 Earl Simoneau	APPLICANT/OWNER NOTICE MAILED	
3	7022 2410 0001 2971 7269	4 Daniels Drive, Enfield, NH 03748-3061 State of New Hampshire; Department of Transportation	ABUTTER NOTICE MAILED	
4	7022 2410 0001 2971 7276	PO Box 483, 1 Hazen Drive/Room 204, Concord, NH 03302-0483 Nash Family Investment Properties	ABUTTER NOTICE MAILED	
5	7022 2410 0001 2971 7283	40 Temple Street, Nashua, NH 03060 Patrick Russell & Lisa Russell	ABUTTER NOTICE MAILED	
6	7022 2410 0001 2971 7290	5 Homestead Lane, Hudson, NH 03051 Selective Properties Petersen & Associates, LLC	ABUTTER NOTICE MAILED	
7	7022 2410 0001 2971 7306	11 Majestic Avenue, Pelham, NH 03076 Robert Clegg, Jr. & Priscilla Clegg 39 Trigate Road, Hudson, NH 03051	ABUTTER NOTICE MAILED	
8				
9				
10				
	Total Number of pieces listed by sender 7	Total number of pieces rec'vd at Post Office 7	Postmaster (receiving Employee) 	





# 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

November 6, 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, 11/16/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 218-024 (11-16-23): Alan Simoneau, C/O Brett W. Allard, Esq., Shaughnessy Allard, PLLC, 24 Eastman Ave., Suite C3, Bedford NH, requests two (2) Variances for 4 Homestead Lane, Hudson, NH [Map 218, Lot 024-000; Zoned General One (G-1)] as follows:**

- a. **To allow the continued existing (non-permitted) mixed principal uses: (A.1.) Residential Use- Single family detached dwelling and (E.15.) Industrial Use- Contractor's yard on the lot where mixed uses on a lot are not permitted in the G-1 district. [HZO Article III: General Regulations; §334-10 A, Mixed or dual use on a lot.]**
- b. **To allow the continued accessory use of existing (non-permitted) garaging or parking of heavy commercial vehicles and equipment where these uses are not permitted in the G-1 district if the property is not served by Town water and sewer. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article III: General Regulations; §334-15 B.(2).]**

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

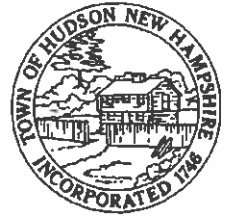
Respectfully,

Chris Sullivan  
Zoning Administrator



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

November 6, 2023

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- b. **To allow the continued accessory use of existing (non-permitted) garaging or parking of heavy commercial vehicles and equipment where these uses are not permitted in the G-1 district if the property is not served by Town water and sewer. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article III: General Regulations; §334-15 B.(2).]**

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

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

Respectfully,

Chris Sullivan  
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article III & V of HZO Section(s) 334-10 (Mixed or Dual Use on a Lot) & 334-22 (Permitted Accessory Uses) in order to permit the following:

A mixed principal use on the subject property located in the G-1 District to include a single-family residential use and a contractor's yard use, and to permit the garaging/parking of certain heavy commercial vehicles and equipment as an accessory use to the contractor's yard.

**FACTS SUPPORTING THIS REQUEST:**

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

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

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

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

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

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

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

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



**FACTS SUPPORTING THIS REQUEST:**

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

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

See attached.

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

See attached.

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

See attached.

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

See attached.

**FACTS SUPPORTING THIS REQUEST: (Continued)**

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

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

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

See attached.

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

See attached.

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

N/A

## Introduction

Alan Simoneau (the “Applicant”) resides at the property situated at 4 Homestead Lane (Tax Map/Lot No.: 218/24). The property consists of approximately five acres and is situated in the General-One (“G-1”) District. It contains an existing single-family dwelling built by the Applicant in 1988 and occupied by him since same. The dwelling is connected to a private well and septic system. The lot also contains an existing garage and barn on the rear side of the property behind the residence. The property is, for the most part, densely wooded. Access is via a driveway curbed off the northerly end of the Homestead Lane cul-de-sac. Homestead Lane is a private road also built and maintained by the Applicant since 1987. There are only three developed lots on Homestead Lane, including the Applicant’s lot.

Mr. Simoneau is the owner of an excavation company known as Simoneau Excavation, LLC. All excavation and related work in connection with the business occurs off-site at job sites for which he is contracted. In or around 2001, the Applicant began parking vehicles and equipment on the property in connection with his excavation business. At that time, the Applicant was unaware that any permits or approvals were required for such storage because he was not conducting his business on the property or excavating on the property – he was merely storing his vehicles until they are transported to off-site jobs.

It was not until the Town issued a Notice of Violation suggesting that Mr. Simoneau was “operating an excavation business/operation from the property without approval” that he became aware of the need for any permits or approvals. During subsequent discussions with Bruce Buttrick, the former Zoning Administrator, the Applicant learned that he needed relief from this Board to permit his continued use of the property in this manner. Again, since all excavation and related work in connection therewith occurs off-site, he had not considered that storing vehicles and equipment on his property in between jobs could be considered a “use” that is not allowed on the property. However, almost immediately after receiving the notice from the Town, Mr. Simoneau began making efforts to remedy the situation, including multiple meetings/conversations with Town staff and engaging legal counsel to assist him through the permitting process.

Accordingly, the Applicant is requesting a variance (1) from Section 334-10 of the zoning ordinance to allow the existing single-family residential and contractor’s yard uses to continue as mixed uses on the lot; and (2) from Section 334-22 to allow the garaging/parking of certain heavy commercial vehicles and equipment as an accessory use to the contractor’s yard. Notably, a variance is only required from Section 334-10 to allow the mixed uses because the lot is not in an industrial or business district. If the property were located in an industrial or business district, the mixed uses would be permitted by right. Moreover, if there were no existing residence and the Applicant only proposed a contractor’s yard on the property, that would also be permitted by right because contractor’s yards are a permitted principal use in the G-1 District. Further, a variance is only required from Section 334-22 to allow the accessory use because the lot is not connected to Town water and sewer.

For the reasons set forth below, the Applicant submits that he has satisfied the five variance criteria and requests that this Board grant both variances.

**1 & 2. Granting the variances will not be contrary to the public interest and will be consistent with the spirit of the ordinance.**

For a variance to be contrary to the public interest, the proposal has to conflict with the ordinance so much that it violates the ordinance's basic zoning objectives. Farrar v. City of Keene, 158 N.H. 684 (2009). The relevant tests are (1) whether the proposal will alter the essential character of the neighborhood; and (2) whether it threatens the public health, safety or welfare. Id. Because it is in the public's interest to uphold the spirit of the ordinance, the Supreme Court has held that these two criteria are related. Id. If you meet one test you almost certainly meet the other. Id. As such, the Applicant addresses these two criteria together.

The residential districts in Town consist of the Residential-One ("R-1") District, the Residential-Two ("R-2") District, and the Town Residence District. While some types of dwellings are permitted in the G-1 District, it is not a "residential district" in the same sense as the R-1, R-2, and Town Residence Districts. Rather, pursuant to Section 334-18(G) of the zoning ordinance, the purpose and intent of the G-1 District is to "permit a wide diversity of land uses at a density appropriate to the rural nature of the area, the natural constraints of the land and the lack of infrastructure." As discussed above, contractor's yards are permitted by right in the G-1 District. As such, contractor's yards are *per se* consistent with the purpose and intent of the G-1 District. See c.f. Malachy Glen Assocs., Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007) (permitted uses are *per se* reasonable). Indeed, the proposed contractor's yard is particularly compatible with rural areas that lack infrastructure because parking vehicles and equipment is not a use that requires any substantial infrastructure, and the garaging/parking of heavy commercial vehicles and equipment is reasonably ancillary thereto.

For the reasons set forth above, granting the variances will not alter the essential character of the neighborhood. Moreover, the Applicant's property is very private and surrounded by a dense wooded buffer that the Applicant intends to maintain. This wooded buffer shields sight lines into the property from abutting properties. Since the vehicles and equipment can, essentially, not be seen from the road or abutting properties, there is no impact on the character of the surrounding neighborhood and, therefore, the proposed use is compatible with the character of the area. As such, the Applicant's use of the property will remain consistent with the residential character of the neighborhood, and storage of vehicles and equipment does not in any way threaten public health, safety, or welfare. Accordingly, granting the variances will not be contrary to the public interest and will be consistent with the spirit of the ordinance.

**3. Granting the variances will result in substantial justice being done.**

The Supreme Court has held that measuring substantial justice requires balancing public and private rights. "Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." Harborside Assocs., L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508, 515 (2011). There is no public gain by denying the variances because the vehicles and equipment are stored within the confines of a thick wooded buffer that precludes the storage use from having any visual impact on the surrounding area. Moreover, the storage use does not generate any additional traffic than would a solely residential use of the

property. There would only be loss to the Applicant in denying these variances because he would be prevented from storing his vehicles and equipment in between jobs on his property that is uniquely situated to support such a use without compromising the character of the area or abutting residential uses. Therefore, “the general public would realize no appreciable gain from denying” these variances. U-Haul Co. of New Hampshire & Vermont v. City of Concord, 122 N.H. 910, 913 (1982). As such, substantial justice is done by granting the variances.

**4. Granting the variances will not diminish the value of surrounding properties.**

All building setbacks are being held, and the Applicant is not requesting to build structures within any setbacks closer to abutting properties than is otherwise allowed under the zoning ordinance such that the value of surrounding properties could potentially be compromised. Moreover, as discussed below, the property is more than double the size of the other two developed lots on Homestead Lane. Traffic to and from the property is not any more intense than if there were exclusively a single-family use on the property, and the dense wooded buffer surrounding the property precludes any visual impact on surrounding properties. Therefore, granting the variances will not diminish the value of surrounding properties.

**5. Literal enforcement of the ordinance would result in unnecessary hardship.**

Unnecessary hardship will be found when the subject property has special conditions or circumstances that distinguish it from other properties in the area and (1) there is no fair and substantial relationship between the purpose of the ordinance and the specific application of the ordinance as applied to the property; and (2) the proposed use is reasonable. See RSA 674:33.

The Applicant’s property has several special conditions that distinguish it from other properties in the area. The property is extremely private in that there is a long driveway leading to the home that is surrounded by a dense wooded buffer. Additionally, the Applicant’s property is much larger than other properties in the area. At five acres, the property is more than double the size of the other two developed lots on Homestead Lane. The Applicant’s property is also unique for the area in that the existing garage is located behind his existing residence opposite the roadside of the lot.

Owing to these special conditions, there is no fair and substantial relationship between the purpose and application of the zoning ordinance’s prohibitions against a contractor yard as a dual use on the property with accessory heavy commercial vehicle and equipment storage. Due to the lot’s long driveway, large size, and unique building configuration, it is much more private than other properties in the area. This privacy uniquely situates the property in such a way that it can support the Applicant’s storage use without interfering with neighboring properties and with sufficient natural screening to protect sight lines into the property.

Moreover, as discussed above, the purpose and intent of the G-1 District is to “permit a wide diversity of land uses at a density appropriate to the rural nature of the area, the natural constraints of the land and the lack of infrastructure” and contractor’s yards are permitted by right in the G-1 District. As such, contractor’s yards are *per se* consistent with the purpose and intent of the G-1 District. See c.f. Malachy Glen Assocs., Inc. v. Town of Chichester, 155 N.H. 102, 107

(2007) (permitted uses are *per se* reasonable). If the property were located in an industrial or business district, these mixed uses would be permitted by right. Moreover, if there were no existing residence and the Applicant only proposed a contractor's yard on the property, that would also be permitted by right because contractor's yards are a permitted principal use in the G-1 District. Nonetheless, the proposed contractor's yard is particularly compatible with rural areas that lack infrastructure because parking vehicles and equipment is not a use that requires any substantial infrastructure, and the garaging/parking of heavy commercial vehicles and equipment is reasonably ancillary thereto. Accordingly, the purposes that the zoning ordinance seeks to protect are not in any way threatened if the variances are granted. It is these types of hardships inherent in the strict and literal application of zoning ordinances from which the variance mechanism is designed provide relief to landowners. Therefore, the Applicant can show unnecessary hardship.

**The proposed use is reasonable.**

For all of the foregoing reasons, which are incorporated herein by reference, the proposed use is reasonable, and the Applicant respectfully requests that the Board grant the variances.



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination # 23-115 (REV)

September 1, 2023

Alan Simoneau  
C/O Brett Allard, Esq.  
24 Eastman Ave Suit C3  
Bedford, NH 03110

Re: **4 Homestead Lane Map 218 Lot 024-000**  
**District: General-One (G-1)**

**Your request:** Using the Property to park commercial vehicles and mixed uses.

#### Zoning Review / Determination:

1. You need a variance per **334-10 "Mixed Uses"**: for a residential and contractors' yard/landscaping business (**E-15**), as well as a variance to **Table of Permitted Accessory** uses: if any are "heavy commercial" vehicles > 13,000 DVW. This would require a variance. This would need to go to **the Planning Board per §334-16.1** for site plan review.
2. To operate the CSA farming use would need to go to **the Planning Board per §334-16.1** for site plan review.
3. The driveway installed (extended) in violation of the required side setback area, a violation **193-10 H "DRIVEWAYS are not permitted in side or rear setback areas unless a shared ACCESS is required by the PLANNING BOARD."** This will be addressed during the site plan application process to the Planning Board.
4. Structure erected/constructed w/o approvals and Building Permit, per *Town Code § 334-16 Building permits.* "Any person, firm or corporation shall obtain

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

*a building permit before commencing work on the erection, alteration or movement of any building or structure" A permit was pulled, but there was no inspection done.*

*Sincerely,*



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

cc: Public File  
Brett Allard, Esq.  
Brian 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: 4 HOMESTEAD LN  
 Vision ID: 2097 Account #: 7629

Parcel ID: 218/024/000/1  
 Bldg #: 1

Card Address:  
 Card #: 1 of 2

LUC: 1010  
 Print Date: 10-02-2023 2:21:08 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
SIMONEAU, EARL W.  4 DANIELS DR.  ENFIELD NH 03748-3061		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RG	Residential Very Good			2023	1010	458,900	2023	1010	458,900	2022	1010	458,900
		TOPO	UTILITIES				1010	200,200		1010	200,200		1010	200,200
		Rolling	Priv Water				1010	36,300		1010	36,300		1010	36,300
			Septic											
Total						695,400	Total						695,400	

RECORD OF OWNERSHIP			BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
SIMONEAU, EARL W.			8360 1745	10-15-2011	U	I	0	38	Grantor: SIMONEAU, EARL W.	Appraised Bldg. Value (Card)			458,900	
SIMONEAU, EARL W.			7887 1893	08-13-2007	U	I	0	38	Grantor: SIMONEAU, EARL W.	Appraised Xf (B) Value (Bldg)			0	
SIMONEAU, EARL W.			7837 1292	04-20-2007	U	I	525,000	38	Grantor: SIMONEAU, ALAN J.	Appraised Ob (B) Value (Bldg)			36,300	
SIMONEAU, ALAN J.			5577 391	09-09-1994	U	I	100,000	99	Grantor: SIMONEAU, DOLORES	Appraised Land Value (Bldg)			200,200	
SUPPLEMENTAL DATA										CURRENT ASSESSMENT			Special Land Value	0
Parcel ID	218-024-000		Descript	Code		Appraised	Assessed	Total Appraised Parcel Value			695,400			
Zoning	G1:General-1		BLDG	1010		458,900	458,900	Valuation Method			C			
Flood Hazard	C		LAND	1010		200,200	200,200	Total Appraised Parcel Value			695,400			
Neigh/Abut1			OB	1010		36,300	36,300	Total Appraised Parcel Value			695,400			
Neigh/Abut2	CH	PREV 0015-0025-0004	Total:			695,400	695,400	Total Appraised Parcel Value			695,400			
Neigh/Abut3		Assoc Pid#												
GIS ID	218-024-000													

NOTES				VISIT / CHANGE HISTORY			
Date	Id	Cd	Purpost/Result				
2010 EXT INSP:TOOK OFF 40x40 GARAGE OFF THIS CARD. CARD#2 OF THIS SAME PARCEL ALREADY HAS GARAGE ON IT.4/19 EXT=AVG. NEE DS ROOF. INT REFUSAL. BARN=METAL/ BUILDING FOR HOUSING ANIMALS				07-12-2022	26	45	Field Review
				04-11-2019	19	02	Measured
				04-11-2019	19	11	Entry Denied
				11-01-2010	14	02	Measured
				04-14-2007	06	02	Measured
				06-19-2003	03	15	Permit Visit
				07-17-2001	00	14	Inspected
				06-22-2001	00	02	Measured

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2003-334	01-07-2003	GA	Garage	35,000	C			

LAND LINE VALUATION SECTION																
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	1.000 AC	170,000		1.00	5	1.00	RG	1.10					187,000
1	1010	SINGLE FAMILY RES	Excess	4.000 AC	6,000		1.00	0	1.00	RG	1.10	Topo	0.50			13,200
Total Card Land Units:				5.000 AC	Parcel Total Land Area:				5.000	AC	Total Land Value:				200,200	

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

Property Location: 4 HOMESTEAD LN  
 Vision ID: 2097 Account #: 7629

Parcel ID: 218/ 024/ 000/ 1  
 Bldg #: 1

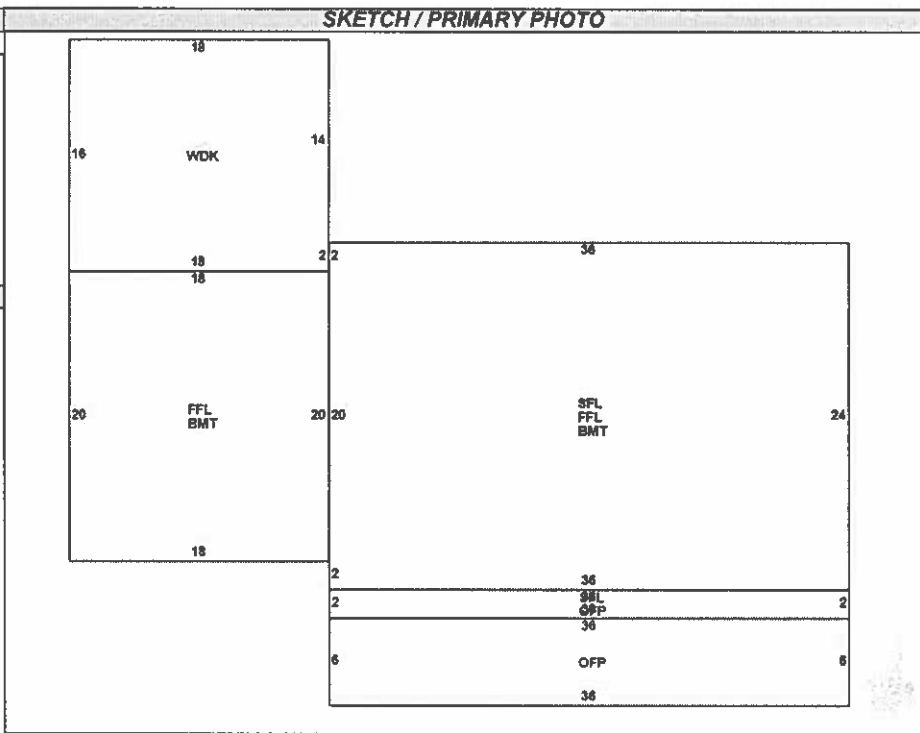
Card Address:  
 Card #: 1 of 2

LUC: 1010  
 Print Date: 10-02-2023 2:21:09 P

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg H/FL	8	
Stories:	2		Extra Kitchens	0	
Style:	03	Colonial	Add Kitchen Ra		
Grade:	B-	Good/Avg			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	02	Gas			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	7				
Bedrooms	4				
Full Baths	1				
3/4 Baths	1				
Half Baths	1				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating	AV	Average			
Bsmt Garage	1				
Fireplace(s)	1				
Fireplace Rating	AV	Average			
WS Flues	1				
Color	TAN				
Avg H/FL	8				
Extra Kitchens	0				

**COST / MARKET VALUATION**

Building Value New	394,210
Year Built	1988
Effective Year Built	2007
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	15
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	85
RCNLD	335,100
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 Bilt	Cnd.	% G	Assd. Value
BRN	Bam	L	2,200	SQ. FT	27.53	2019	AV	60	36,300
SHEDNV	Shed No Value - Less Than 1	L	64	UNITS	0.00	1988	FR	50	0

**BUILDING SUB-AREA SUMMARY SECTION**

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,224	306	38.60	47,250
FFL	First Floor, Finished	1,224	1,224	1,224	154.41	188,998
OFF	Open Frame Porch	0	288	58	31.10	8,956
SFL	Second Floor, Finished	936	936	936	154.41	144,528
WDK	Wood Deck, or Composite Dk	0	288	29	15.55	4,478
<b>Total Liv Area/Gr. Area/Eff Are</b>		<b>2,160</b>	<b>3,960</b>	<b>2,553</b>	<b>Total Value</b>	<b>394,210</b>



Property Location: 4 HOMESTEAD LN  
 Vision ID: 2097 Account #: 7629

Parcel ID: 218/024/000/1  
 Bldg #: 2

Card Address: Card #: 2 of 2

LUC: 1010  
 Print Date: 10-02-2023 2:21:09 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
SIMONEAU, EARL W.		RG	Residential Very Good		2023	1010	458,900	2023	1010	458,900	2022	1010	458,900
4 DANIELS DR.		<b>TOPO</b>	<b>UTILITIES</b>			1010	200,200		1010	200,200		1010	200,200
		Rolling	Priv Water			1010	36,300		1010	36,300		1010	36,300
ENFIELD NH 03748-3061			Septic										
						Total	695,400	Total	695,400	Total	695,400	Total	695,400

RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY	
SIMONEAU, EARL W.				8360 1745	10-15-2011	U	I	0	38	Grantor: SIMONEAU, EARL W.	Appraised Bldg. Value (Card)	458,900
SIMONEAU, EARL W.				7887 1893	08-13-2007	U	I	0	38	Grantor: SIMONEAU, EARL W.	Appraised Xf (B) Value (Bldg)	0
SIMONEAU, EARL W.				7837 1292	04-20-2007	U	I	525,000	38	Grantor: SIMONEAU, ALAN J. .	Appraised Ob (B) Value (Bldg)	36,300
SIMONEAU, ALAN J.				5577 391	09-09-1994	U	I	100,000	99	Grantor: SIMONEAU, DOLORES	Appraised Land Value (Bldg)	200,200
											Special Land Value	0
											Total Appraised Parcel Value	695,400
											Valuation Method	C
								Total:	695,400	695,400	Total Appraised Parcel Value	695,400

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				VISIT / CHANGE HISTORY			
Parcel ID	218-024-000			Descript	Code	Appraised	Assessed	Date	Id	Cd	Purpost/Result
Zoning	G1:General-1			BLDG	1010	458,900	458,900	04-11-2019	19	02	Measured
Flood Hazard	C			LAND	1010	200,200	200,200	04-11-2019	19	11	Entry Denied
Neigh/Abut1				OB	1010	36,300	36,300	11-01-2010	14	02	Measured
Neigh/Abut2	CH										
Neigh/Abut3		PREV 0015-0025-0004									
GIS ID	218-024-000	Assoc Pid#									

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

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
2	1010	SINGLE FAMILY RES	Site	0.000 AC	0		1.00	0	1.00	RG	1.10				0

Total Card Land Units: 0.000 AC Parcel Total Land Area: 5.000 AC Total Land Value: 0

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

Property Location: 4 HOMESTEAD LN  
 Vision ID: 2097 Account #: 7629

Parcel ID: 218/024/000/1  
 Bldg #: 2

Card Address:  
 Card #: 2 of 2

LUC: 1010  
 Print Date: 10-02-2023 2:21:09 P

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg H/FL		
Stories:	1		Extra Kitchens	0	
Style:	119	ACC IMP GAR	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	0				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	09	Metal			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	06	Average			
Interior Floor 1	12	Concrete			
Heat Fuel	04	Propane			
Heat Type	10	Not Ducted			
# Heat Systems	1				
AC Percent	0				
Total Rooms	0				
Bedrooms	0				
Full Baths	0				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	0				
Kitchens	0				
Kitchen Rating					
Bath Rating					
Half Bath Rating	AV	Average			
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color					
Avg H/FL					
Extra Kitchens	0				

**COST / MARKET VALUATION**

Building Value New	136,037
Year Built	2003
Effective Year Built	2013
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	9
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	91
RCNLD	123,800
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

SKETCH / PRIMARY PHOTO			
40			20
40	GAR	40 40	FFL BMT 40
40			20

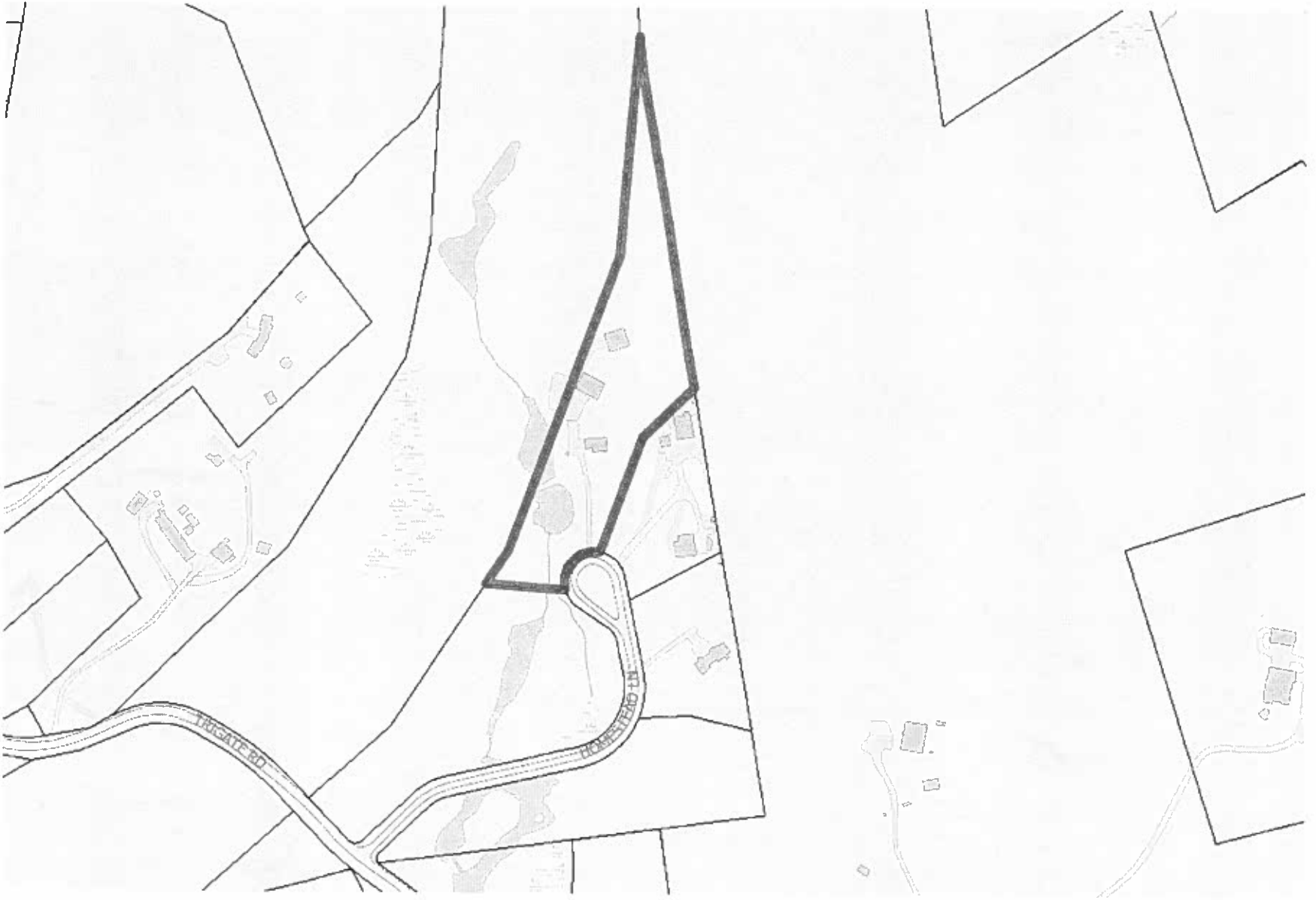
**OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

Code	Description	U/B	Units	UOM	Unit Pri	Yr Blt	Cnd	% G	Assd. Value

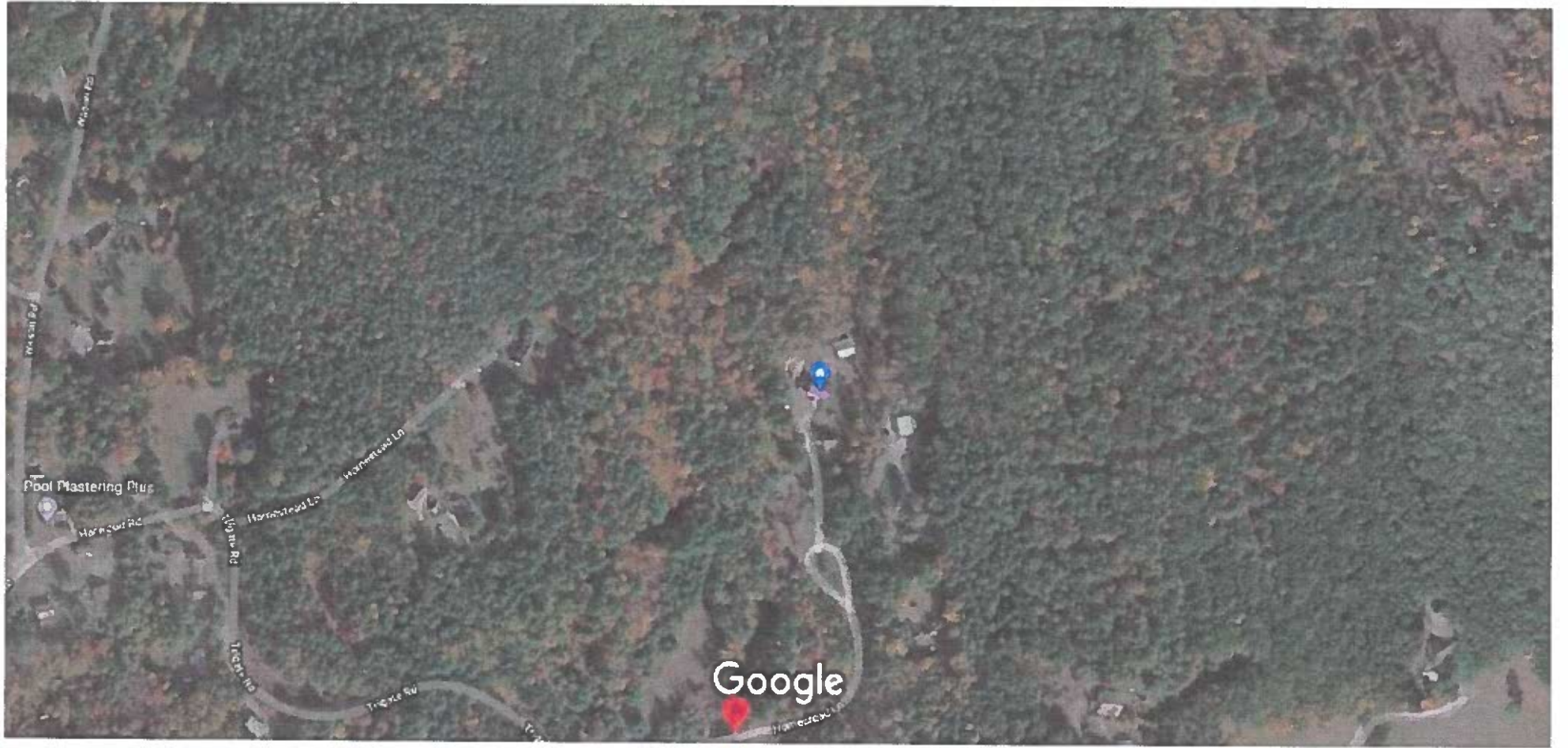
**BUILDING SUB-AREA SUMMARY SECTION**

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	800	200	21.80	17,441
FFL	First Floor, Finished	800	800	800	87.20	69,763
GAR	Garage	0	1,600	560	30.52	48,834
	<b>Total Liv Area/Gr. Area/Eff Are</b>	<b>800</b>	<b>3,200</b>	<b>1,560</b>	<b>Total Value</b>	<b>136,038</b>













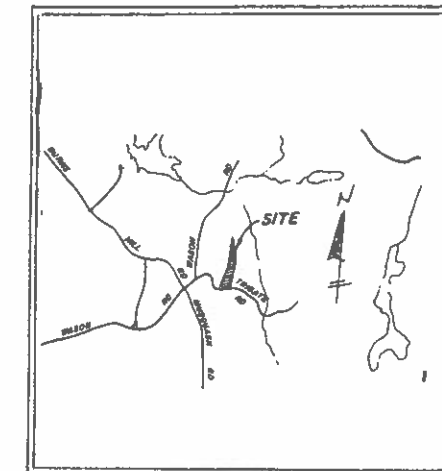


**LEGEND**

- - - - - EDGE OF PAVEMENT
- - - - - CRUSHED GRAVEL
- W W W W W WETLANDS
- - - - - CONTOURS
- ▬▬▬▬▬▬ STONE WALL
- - STONE BOUNDARY
- - DRILL HOLE
- CRUSHED ASPHALT

TAX MAP 218 / LOT 023  
ROBERT, JR & PRISCILLA CLEGG  
(loc 2 HOMESTEAD LANE)  
39 TRIGATE ROAD  
HUDSON, NH 03051

TAX MAP 212 / LOT 022  
STATE OF NEW HAMPSHIRE  
DIVISION OF PUBLIC WORKS  
CONCORD, NH 03301



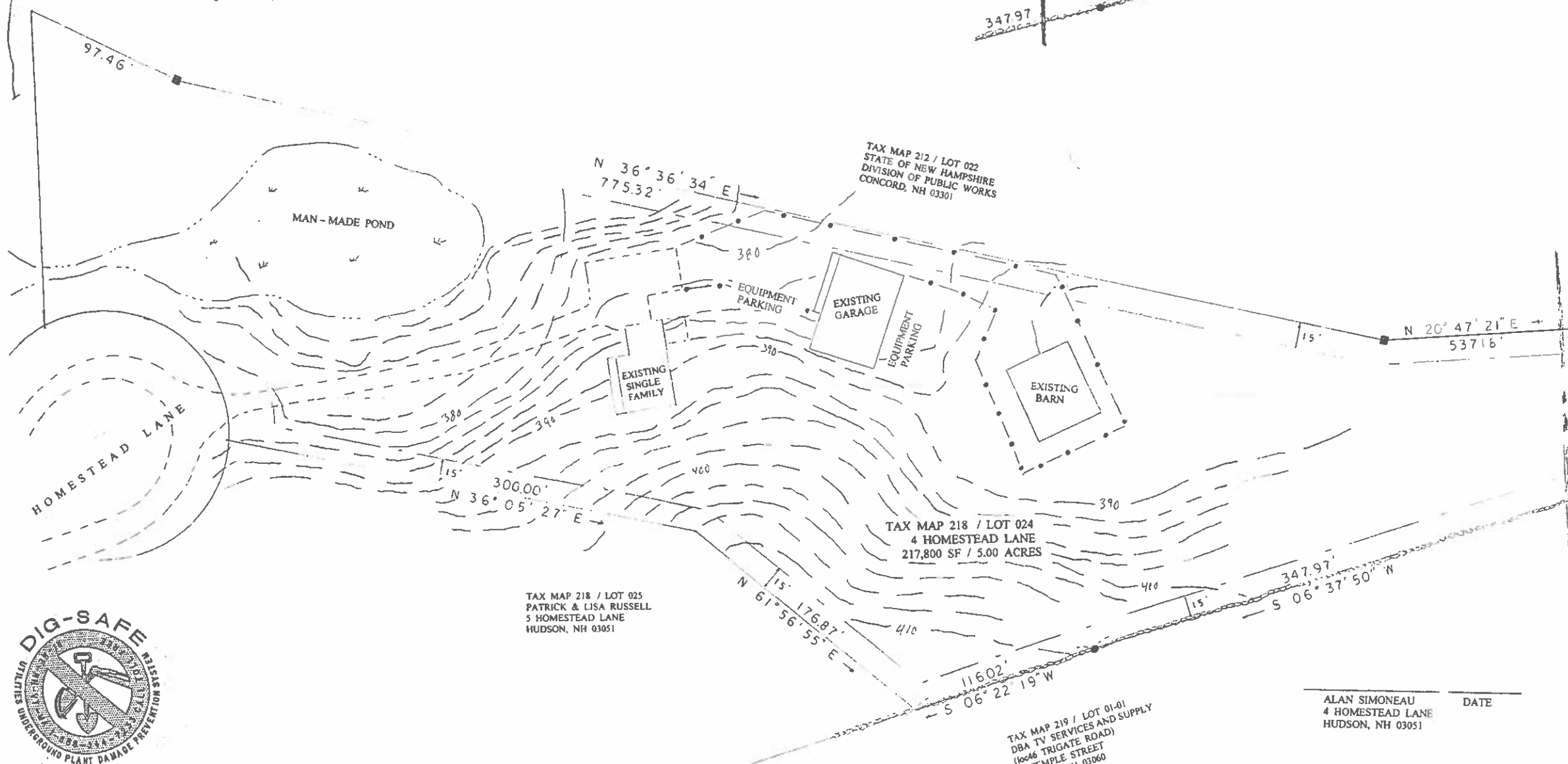
LOCATION PLAN

**PLAN REFERENCES:**

1. SUBDIVISION PLAN ( MAP 15 LOT 25-1) HOMESTEAD HEIGHTS, HUDSON, NH, PREPARED BY TOWNE PLAZA ASSOCIATES, DATED MAY 15, 1987 1" = 80' AND RECORDED HCRD # 21755.
2. SUBDIVISION PLAN MAP 12 & 15, LOT 25-4 SIMONEAU SUBDIVISION, HOMESTEAD LANE, PREPARED FOR PAUL SIMONEAU DATE 1990, 1" = 80' BY CUOCO & CORMIER, INC RECORDED HCRD 25832.
3. SUBDIVISION PLAN ( MAP 15, LOT 25-1 ) HOMESTEAD HEIGHTS, HUDSON, NH PREPARED FOR TOWNE PLAZA ASSOCIATES DATED JUNE 5, 1992 1" = 80' BY CUOCO & CORMIER, INC RECORDED HCRD # 27303.
4. PLOT PLAN LOT 25-4, 4 HOMESTEAD LANE HUDSON, NH 1" = 100' DATED JANUARY 3, 2003 BY CUOCO & CORMIER, INC.

**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING BUILDINGS AND CONDITIONS OF TAX MAP 218 LOT 024, 4 HOMESTEAD LANE.
2. DEED REFERENCE: BOOK 8360 PAGE 1745.
3. OWNER OF RECORD: EARL W. SIMONEAU  
4 DANIELS DR  
ENFIELD, NH 03748
4. TOTAL AREA OF THIS LOT IS 217,800 SF OR 5.00 ACRES.
5. LOT NUMBERS REFER TO THE TOWN OF HUDSON TAX ASSESSOR MAP 218.
6. PRESENT ZONING: G1 - GENERAL ONE.
7. LOT IS SERVICED BY AN INDIVIDUAL WELL AND SEPTIC.
8. MINIMUM BUILDING SETBACKS:  
FRONT - 30'  
SIDE - 15', REAR - 15', WETLANDS - 50'
9. NH WETLANDS BOARD DREDGE AND FILL PERMIT S-1440 EXPIRATION DATE 1988.
10. TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT GRANTED SPECIAL EXCEPTION TO ALLOW ROAD CONSTRUCTION WITHIN 50' OF WETLAND CONSERVATION BUFFER. JULY 1986 CASE 07/86115 - 25-1



**APPROVED BY THE HUDSON, NH PLANNING BOARD**  
DATE OF MEETING: \_\_\_\_\_  
SIGNATURE DATE: \_\_\_\_\_  
SIGNATURE DATE: \_\_\_\_\_  
SITE PLANS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

TAX MAP 219 / LOT 01-01  
DBA TV SERVICES AND SUPPLY  
(loc 46 TRIGATE ROAD)  
40 TEMPLE STREET  
NASHUA, NH 03060

ALAN SIMONEAU  
4 HOMESTEAD LANE  
HUDSON, NH 03051



TAX MAP 218 / LOT 024  
"EXISTING CONDITIONS PLAN"  
SIMONEAU SITE PLAN  
4 HOMESTEAD LANE  
HUDSON, NH 03051

PREPARED FOR: ALAN SIMONEAU  
4 HOMESTEAD LANE  
HUDSON, NH 03051

OCTOBER 20, 2022 SCALE: 1" = 40'



I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING NOVEMBER & DECEMBER, 2021, HAVING AN ERROR OF CLOSURE BETTER THAN 1 IN 10,000, IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.

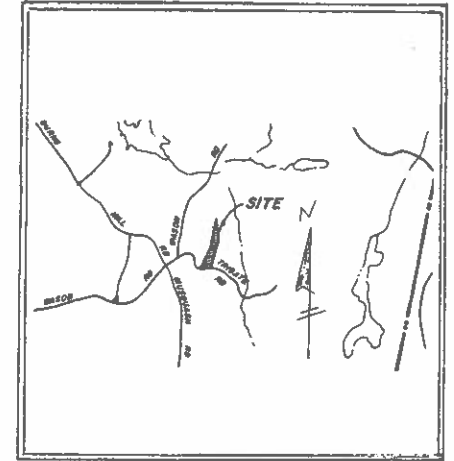
M. J. GRAINGER ENGINEERING, INC.  
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS  
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359  
SHEET 2 OF 2 J.N. 21-133

**LEGEND**

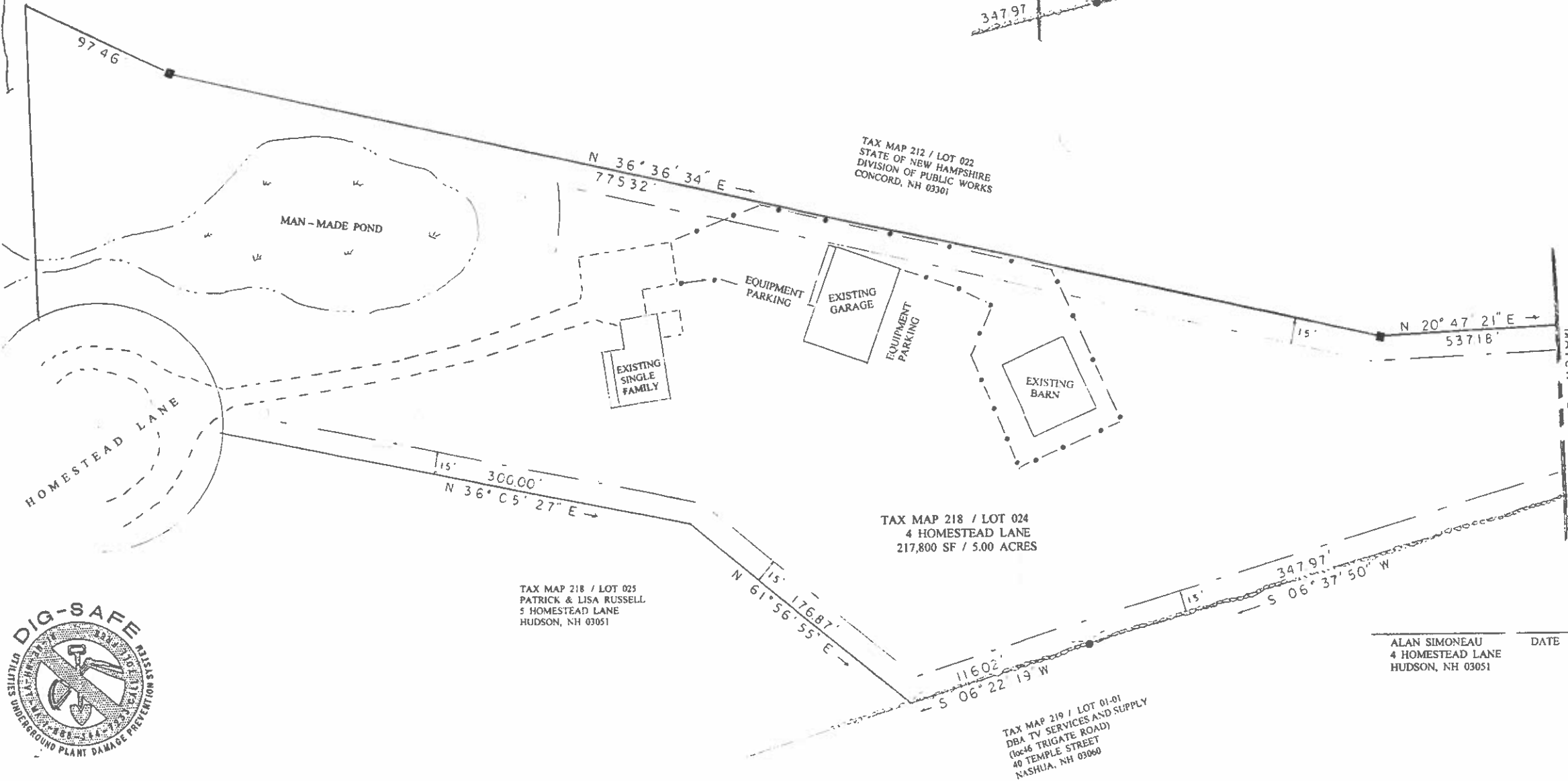
- - - - - EDGE OF PAVEMENT
- - - - - CRUSHED GRAVEL
- W W W W W WETLANDS
- - - - - CONTOURS
- — — — — STONE WALL
- - STONE BOUNDARY
- - DRILL HOLE
- CRUSHED ASPHALT

TAX MAP 218 / LOT 023  
ROBERT, JR & PRISCILLA CLEGG  
(loc 2 HOMESTEAD LANE)  
39 TRIGATE ROAD  
HUDSON, NH 03051

TAX MAP 212 / LOT 022  
STATE OF NEW HAMPSHIRE  
DIVISION OF PUBLIC WORKS  
CONCORD, NH 03301



LOCATION PLAN



TAX MAP 212 / LOT 022  
STATE OF NEW HAMPSHIRE  
DIVISION OF PUBLIC WORKS  
CONCORD, NH 03301

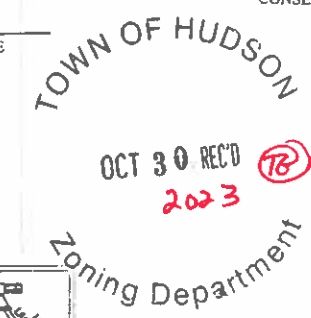
TAX MAP 218 / LOT 024  
4 HOMESTEAD LANE  
217,800 SF / 5.00 ACRES

TAX MAP 218 / LOT 025  
PATRICK & LISA RUSSELL  
5 HOMESTEAD LANE  
HUDSON, NH 03051

TAX MAP 219 / LOT 01-01  
DBA TV SERVICES AND SUPPLY  
(loc 16 TRIGATE ROAD)  
40 TEMPLE STREET  
NASHUA, NH 03060

ALAN SIMONEAU  
4 HOMESTEAD LANE  
HUDSON, NH 03051

DATE



- PLAN REFERENCES:
- SUBDIVISION PLAN (MAP 15 LOT 25-1) HOMESTEAD HEIGHTS, HUDSON, NH, PREPARED BY TOWNE PLAZA ASSOCIATES, DATED MAY 15, 1987 1" = 80' AND RECORDED HCRD # 21755.
  - SUBDIVISION PLAN MAP 12 & 15, LOT 25-4 SIMONEAU SUBDIVISION, HOMESTEAD LANE, PREPARED FOR PAUL SIMONEAU DATE 1990, 1" = 80' BY CUOCO & CORMIER, INC RECORDED HCRD 25832.
  - SUBDIVISION PLAN (MAP 15, LOT 25-1) HOMESTEAD HEIGHTS, HUDSON, NH PREPARED FOR TOWNE PLAZA ASSOCIATES DATED JUNE 5, 1992 1" = 80' BY CUOCO & CORMIER, INC RECORDED HCRD # 27303.
  - PLOT PLAN LOT 25-4, 4 HOMESTEAD LANE HUDSON, NH 1" = 100' DATED JANUARY 3, 2003 BY CUOCO & CORMIER, INC.

- NOTES:
- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING BUILDINGS AND CONDITIONS OF TAX MAP 218 LOT 024, 4 HOMESTEAD LANE.
  - DEED REFERENCE: BOOK 8360 PAGE 1745.
  - OWNER OF RECORD: EARL W. SIMONEAU  
4 DANIELS DR  
ENFIELD, NH 03748
  - TOTAL AREA OF THIS LOT IS 217,800 SF OR 5.00 ACRES.
  - LOT NUMBERS REFER TO THE TOWN OF HUDSON TAX ASSESSOR MAP 218.
  - PRESENT ZONING: G1 - GENERAL ONE.
  - LOT IS SERVICED BY AN INDIVIDUAL WELL AND SEPTIC.
  - MINIMUM BUILDING SETBACKS:  
FRONT - 30'  
SIDE - 15', REAR - 15', WETLANDS - 50'
  - NH WETLANDS BOARD DREDGE AND FILL PERMIT S-1440 EXPIRATION DATE 1988.
  - TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT GRANTED SPECIAL EXCEPTION TO ALLOW ROAD CONSTRUCTION WITHIN 50' OF WETLAND CONSERVATION BUFFER. JULY 1986 CASE 07/86115 - 25-1

TAX MAP 218 / LOT 024  
**SIMONEAU SITE PLAN**  
4 HOMESTEAD LANE  
HUDSON, NH 03051

PREPARED FOR: ALAN SIMONEAU  
4 HOMESTEAD LANE  
HUDSON, NH 03051

OCTOBER 20, 2022 SCALE: 1" = 40'

M. J. GRAINGER ENGINEERING, INC.  
PROFESSIONAL ENGINEERS - SURVEYORS - PLANNERS  
220 DERRY ROAD HUDSON, NH 03051 (603) 882-4359  
SHEET 1 OF 2 J.N. 21-133



PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES TWO YEARS FROM DATE OF APPROVAL

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

\_\_\_\_\_  
SIGNATURE DATE: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE DATE: \_\_\_\_\_

SITE PLANS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

REVISIONS				
NO.	DATE	DESCRIPTION	BY	APP.

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION REFERENCED ABOVE AND A FIELD SURVEY MADE ON THE GROUND DURING NOVEMBER & DECEMBER 2021, HAVING AN ERROR OF CLOSURE BETTER THAN 1 IN 10,000, IN ACCORDANCE WITH THE TOWN OF HUDSON REGULATIONS.



Printed  
**10/30/2023**  
 10:53AM  
 Created  
 10/30/2023  
 10:45 AM

# Transaction Receipt

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

Receipt# **750,111**  
 tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application 4 Homestead Lane Map/Lot 218-024-000 Zone-G-1			
	Variance 1-Mixed Use	0.00	<b>220.0700</b>	0.00
	Variance 2-Accessory	0.00	<b>185.0000</b>	0.00
			<b>Total:</b>	<b>405.07</b>

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Shaughnessy Raiche PLLC	CHECK	<b>CHECK# 3959</b>	405.07	0.00	405.07

Total Due: 405.07  
 Total Tendered: 405.07  
 Total Change: 0.00  
 Net Paid: **405.07**

SHAUGHNESSY RAICHE PLLC

**3959**

Town of Hudson

Simoneau ZBA Application Fee

10/16/2023

405.07

Primary Bank

Simoneau ZBA Application Fee

405.07



# 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: November 16, 2023

CJS  
11/16/23

**Case 167-052 (11-16-23):** Ausama Mohamed Ali & Soukayna El Bouayadi, 135 Highland St., Hudson, NH requests a Variance to allow a Family group day-care home with a maximum of 12 preschool children and 5 school age children with assistant staff. This is an Accessory Use prohibited in the R-2 Zone. [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article II: Terminology; §334-6, Definitions and NH State RSA 170-E: 2, IV (b).]

**Address:** 135 Highland St  
**Zoning district:** Residential Two (R-2)

#### **Summary:**

Applicant requests a variance for a Group Family Day Care home, per the **§334-22 Table of Permitted Accessory Uses**.

From the Definition **§334-6: FAMILY GROUP DAY-CARE HOME**, *An occupied residence in An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated. The 12 children Family shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.*

#### **Property description:**

This as a developed lot of record in the Residential Two (R-2) with 3.130 Acres, where 1 Acre required and has 210 ft. of frontage (150 ft. required). Existing single family with ADU. This property has a couple of easements across and through this parcel.

#### **History:**

The applicant was granted a Home Occupation Special Exception by the Zoning Board of Adjustment to run a Family Day Care Home on (February 23, 2023)

**In-House comments:**

**Town Engineer:**

1. This property is served by Town water and sewer and has no restriction to the proposed use.
2. Applicant shall provide a schedule of drop off and pick up to clearly show that the site has no restriction or issues related to the vehicle traffic related to the proposed use.

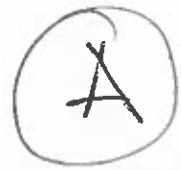
**Inspectional Services/Fire Dept.:**

1. Licensing shall be obtained from the State of NH, DHHS State required inspections shall be performed and approved prior to operating

**Town Planner: No Comments.**

**Attachments:**

- “A” Zoning Determination 23-133 (Rev) (October 23, 2023)
- “B” Notice of Decision (2-23-2023)
- “C” 2022 Aerial
- “D” 2022 Aerial Close Up
- “E” First Floor Childcare Floor Plan
- “F” Parking Plan
- “G” Town Engineer’s comments (November 1, 2023)
- “H” Inspectional Services/Fire Dept. (November 1, 2023)
- “H1” Inspectional Services/Fire Dept. Memo (November 1, 2023)
- “I” Town Planner (November 3, 2023)



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-133 (REV)

October 23, 2023

Ausama Mohamed Ali  
and Soukayna El Bouayadi  
135 Highland St  
Hudson, NH 03051

First Class Mail and Email

Re: **135 Highland St Map 167 Lot 052-000**  
**District: Residential Two (R-2)**

Dear Ausama and Soukayna,

**Your request:** Is to change the number of children from 9 to 17 at your home daycare.

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

In this zoning district, per §334-22 Table of Permitted Accessory Uses, this use is not permitted and would need a variance to have a **Family Group Daycare**. Family Group Daycare is:

*An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.*

*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 "Chris Sullivan". The signature is written in a cursive style with a large initial "C" and "S".

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

cc: Public File  
B. Groth, Town Planner  
File

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



(B)

Send recorded copy to:

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

**NOTICE OF DECISION**

**Map 167, Lot 052-000, Zone R-2 (Residential-Two), Case # 167-052**

**ZBA Decision 2/23/2023**

**Home Occupation Special Exception (day-care) - GRANTED**

**Property Owner & Address:** Ausama Mohamed Ali and Soukayna El Bouayadi  
135 Highland Street, Hudson, NH 03051

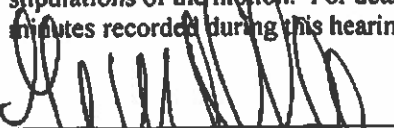
**Property Location:** 135 Highland Street, Hudson, NH 03051

**Action sought:** A Home Occupation Special Exception to allow a Family day-care home business for up to nine (9) children to include six (6) pre-school aged children and three (3) school-aged children.

**Zoning Ordinance Articles:** II: Terminology §334-6, Definitions (Family Day-Care Home), V: §334-22, Table of Permitted Accessory Uses, VI: Special Exceptions, §334-24 Home Occupations and NH State RSA 170-E:2, IV(a).

**Action granted:** After consideration of the testimony, review of the internal floor plan, the parking plan as revised by the Town Engineer and aerial view of the property; and with the understanding that the State of NH Division of Health and Human Services (DHHS) would review, evaluate the safety concerns raised pertaining to the location of the outdoor play area and inspect prior to the issuance of a license to conduct a home day care operation; and after review of the Special Exception Home Occupation criteria and determining that each criterion was satisfied, motion made, seconded and voted 4:1 to grant the Special Exception Home Occupation.

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

  
\_\_\_\_\_  
Gary M. Daddario, ZBA Chairman

3/23/23  
Date

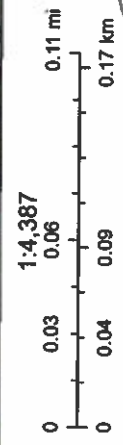
  
\_\_\_\_\_  
Bruce Buttrick, Zoning Administrator

3-13-23  
Date

135 Highland St



11/1/2023



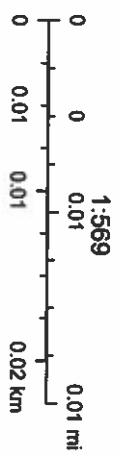
C

A

135 Highland St Close Up

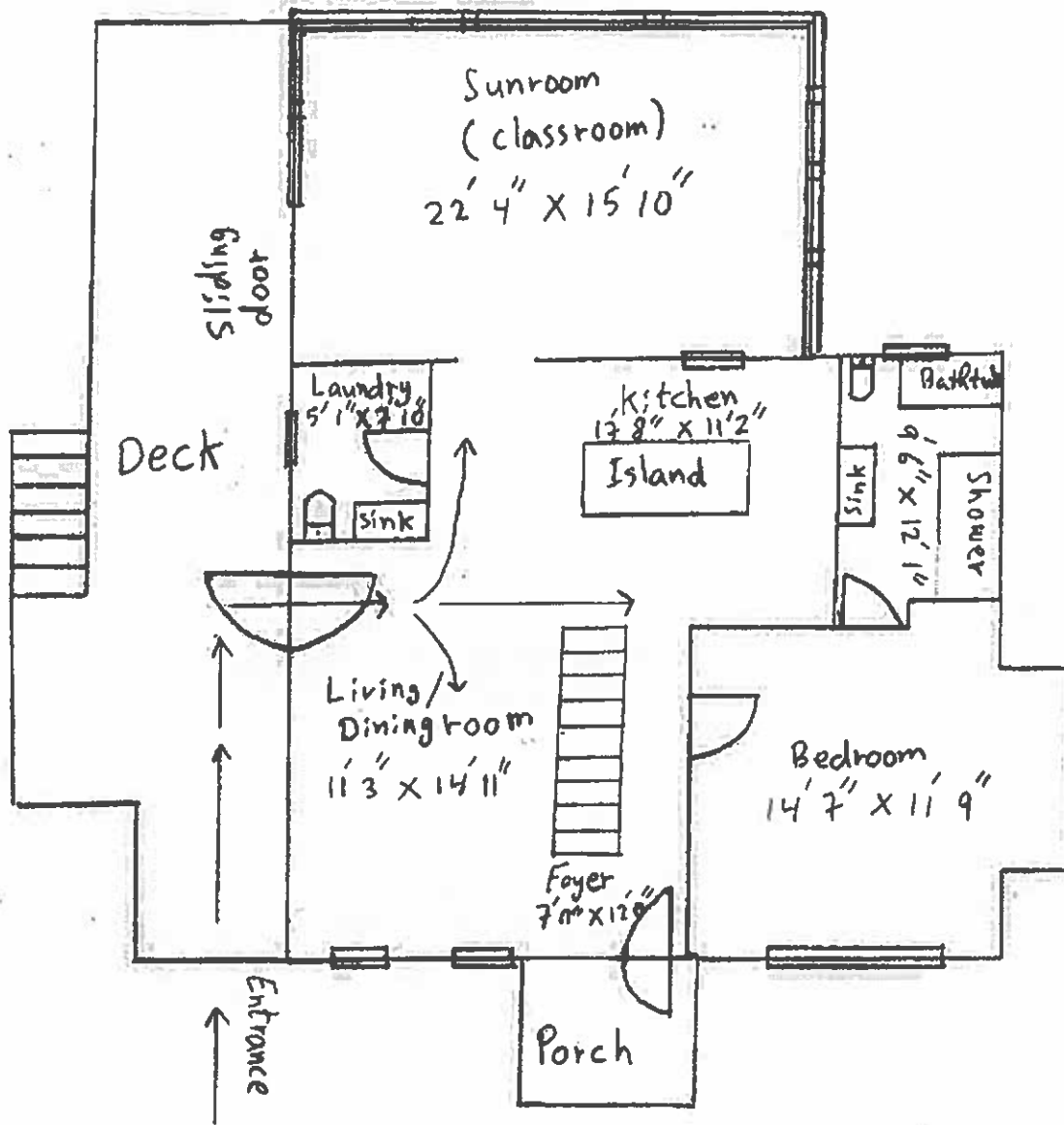


11/1/2023



# First Floor Childcare floor plan

(E)

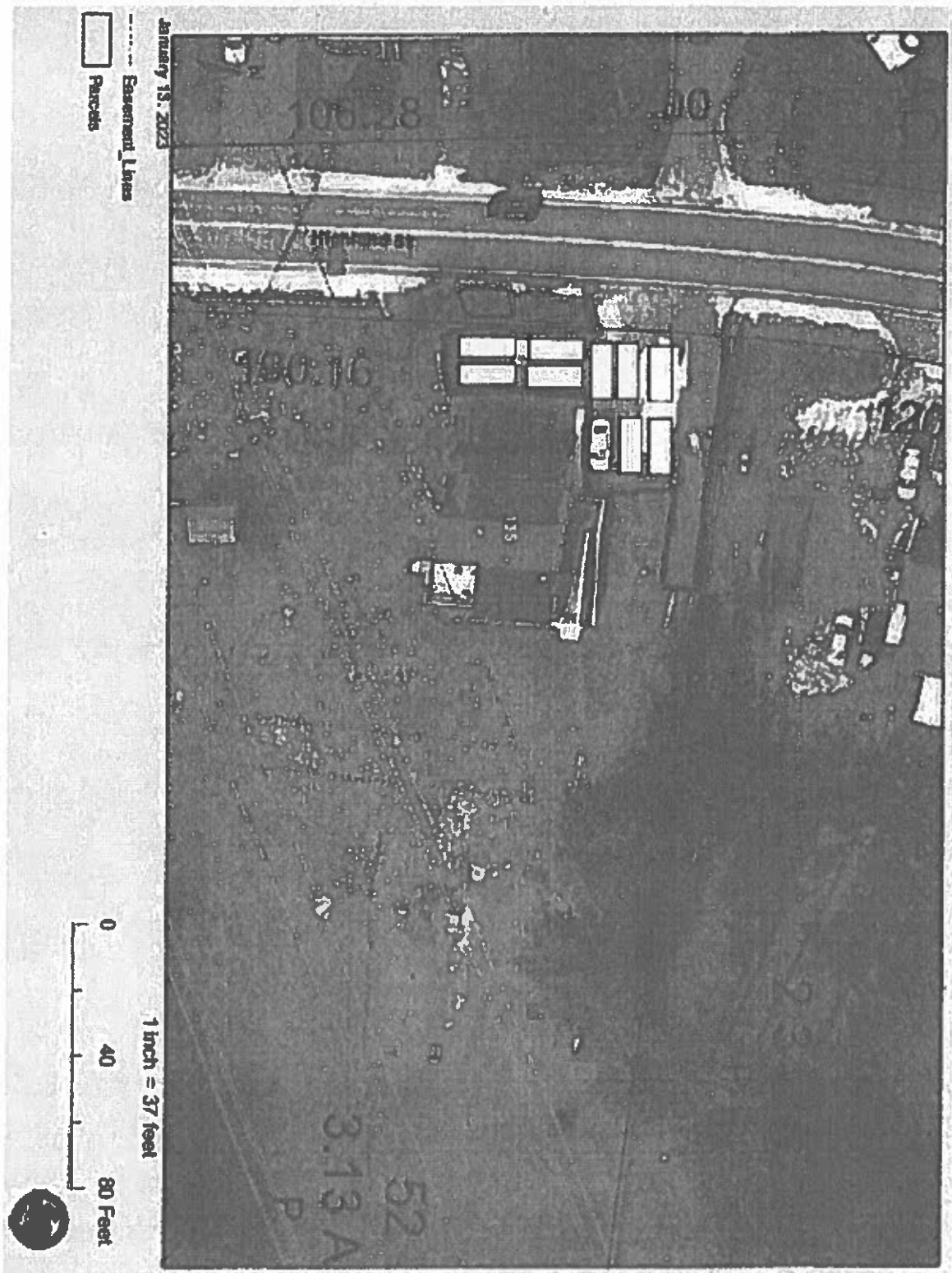


Parking Area

Highland Street

111

# Parking Plan





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

REQUEST FOR REVIEW/COMMENTS:

Case: 167-052 (11-16-23) (VARIANCE)

Property Location: 135 Highland Street

*For Town Use*

Plan Routing Date: 10/31/2023 Reply requested by: 11/07/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

EZD                      Name: ElvisDhima                      Date: 11/01/2023  
(Initials)

DEPT.  Town Engineer     Fire/Health Department     Town Planner

1. This property is served by Town water and sewer and has no restriction to the proposed use.
2. Applicant shall provide a schedule of drop off and pick up to clearly show that the site has no restriction or issues related to the vehicle traffic related to the proposed use.

H

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

REQUEST FOR REVIEW/COMMENTS:

Case: 167-052 (11-16-23) (**VARIANCE**)

Property Location: 135 Highland Street

*For Town Use*

Plan Routing Date: 10/31/2023 Reply requested by: 11/07/2023 ZBA Hearing Date: 11/16/2023

I have no comments  I have comments (see below)

DRH Name: David Hebert Date: 11/01/2023  
(Initials)

DEPT.  Town Engineer  Fire/Health Department  Town Planner

See attached

H11



# TOWN OF HUDSON

FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISION



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12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

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

Scott Tice  
Chief of Department

TO: Christopher Sullivan  
Zoning Administrator

FR: David Hebert  
Fire Marshal

DT: November 1, 2023

RE: 135 Highland Street, Family Group Child Care Home

Licensing shall be obtained from the State of NH, DHHS  
State required inspections shall be performed and approved prior to operating

David Hebert  
Fire Marshal



I

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 167-052 (11-16-23) (VARIANCE)

Property Location: 135 Highland Street

*For Town Use*

Plan Routing Date: 10/31/2023 Reply requested by: 11/07/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

BG Name: Brian Groth Date: 11/03/2023  
(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 **11/16/2023**, the Zoning Board of Adjustment heard **Case 167-052**, being a case brought by **Ausama Mohamed Ali & Soukayna El Bouayadi, 135 Highland St., Hudson, NH** requesting a **Variance to allow a Family group day-care home with a maximum of 12 preschool children and 5 school age children with assistant staff. This is an Accessory Use prohibited in the R-2 Zone.** [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article II: Terminology; §334-6, Definitions and NH State RSA 170-E:2, IV(b).]

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

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

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

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

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

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

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

(Continued)

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

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

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

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(2) The proposed use is a reasonable one.

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**Y**  
**N**

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

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

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

Sitting member of the Hudson ZBA

Date

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

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

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TOWN OF HUDSON

OCT 30 REC'D  
2023

T6

APPLICATION FOR A VARIANCE

Zoning Department

Zoning Board of Adjustment  
Town of Hudson

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

Case No. 167-052 (11-16-23)

Date Filed 10/30/23

Name of Applicant Ausama Mohamed Ali  
Soukayna EL Bouayadi Map: 167 Lot: 052 Zoning District: R-2

Telephone Number (Home) (857) 891-9306 (Work) \_\_\_\_\_

Mailing Address 135 Highland Street, Hudson, NH 03051

Owner Soukayna EL Bouayadi , Ausama Mohamed Ali

Location of Property 135 Highland Street , Hudson, NH 03051  
(Street Address)

EL Bouayadi , Ali 10/22/2023  
Signature of Applicant Date

EL Bouayadi & W , Ali 10/22/2023  
Signature of Property-Owner(s) Date

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

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

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

Date received: 10/30/23

COST:

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

9 Abutter Notice:  
Direct Abutters x Certified postage rate \$ 5.01 = \$ 45.09

5 Indirect Abutters x First Class postage rate \$ 0.66 = \$ 3.30

**Total amount due:** \$ 233.39

Amt. received: \$ 233.39

Receipt No.: 750, 223

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  
Visa

# 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>AA</u>	Please review the completed application with the Zoning Administrator or staff <b>before making copies in next step.</b>	<u>SPK</u>
<u>AA</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen (13) <b>single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	<u>CJS</u>
<u>AA</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>CJS</u>
<u>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>CJS</u>
<u>AA</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>CJS</u>
<u>AA</u>	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>CJ</u>
<u>AA</u>	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>CJS</u>
<u>AA</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>CJS</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>NA</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) <u>N/A</u> | 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.  | <u>NA CS</u> |
| b) <u>  </u>  | The plot plan shall be up-to date and dated, and shall be no more than three years old.   | <u>  </u>    |
| c) <u>  </u>  | The plot plan shall have the signature and the name of the preparer, with his/her/their seal.   | <u>  </u>    |
| d) <u>  </u>  | 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.<br>(NOTE: A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> ) | <u>  </u>    |
| e) <u>  </u>  | The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.)   | <u>  </u>    |
| f) <u>  </u>  | 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.  | <u>  </u>    |
| g) <u>  </u>  | The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments.  | <u>  </u>    |
| h) <u>  </u>  | The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance.   | <u>  </u>    |
| i) <u>  </u>  | The plot plan shall indicate all parking spaces and lanes, with dimensions.   | <u>  </u>    |

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

E. Bouvard, [Signature]  
Signature of Applicant(s)

10-17-2023  
Date

E. Bouvard, [Signature]  
Signature of Property Owner(s)

10-17-2023  
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
167	052	*Include Applicant & Owner(s) Ansama Mohamed Ali Soukaya EL Bouayadi	135 Highland street, Hudson, NH 03051
167	031	Jones, Shanna	128 Highland street, Hudson, NH 03051
167	046	Parent, Bryan P. ; Parent, Meaghan	132 Highland street, Hudson, NH 03051
167	047	Roussel, Ronald A., TR; Roussel, Winifred E., TR.	134 Highland Street, Hudson, NH 03051
167	048	Dearborn, Gerald A., TR; Dearborn, Clarice R., TR	136 Highland street, Hudson, NH 03051
167	051	Valenzuela, Ismael	PO Box 413, Burlington, MA 01803
167	053	Livingston, Michael P., TR; Livingston, Terry L., TR.	129 Highland street, Hudson, NH 03051
167	080	Witt, Dennis, JR,	15 Washington Dr., Hudson, NH 03051
167	082	Plante, Alan G.	6 Monroe Street, Hudson, NH 03051

**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

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

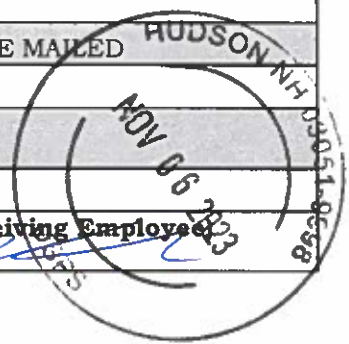
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
167	045	Bizarro, Evaristo S.; Bizarro, Maria M.	3 Bonnie Lane, Hudson, NH 03051
167	050	Moreau, Kevin C., TR.; Moreau, Pamela A., TR.	139 Highland Street, Hudson, NH 03051
167	054	Daigle, Bruce A.; Daigle, Bernadette	127 Highland Street, Hudson, NH 03051
167	079	Bradbury, Susan; Bradbury, Walter J.	17 Washington ST., Hudson, NH 03051
167	083	Foden, Christopher M.	10 Monroe ST., Hudson, NH 03051-3812
167	084	Town of Hudson	12 School Street, Hudson, NH 03051




**USPS-Verified Mail**

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 167-052 135 Highland Street Map 167/Lot 052-000 VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/16/2023 ZBA Meeting
1	7022 2410 0001 2971 7313	ALI, AUSAMA MOHAMED; BOUAYADI, SOUKAYNA EL	APPLICANT/OWNER NOTICE MAILED
		135 HIGHLAND STREET, HUDSON, NH 03051	
2	7022 2410 0001 2971 7320	JONES, SHANNA	ABUTTER NOTICE MAILED
		128 HIGHLAND ST., HUDSON, NH 03051	
3	7022 2410 0001 2971 7337	PARENT, BRYAN P.; PARENT, MEAGHAN	ABUTTER NOTICE MAILED
		132 HIGHLAND STREET, HUDSON, NH 03051	
4	7022 2410 0001 2971 7344	ROUSSEL, RONALD A., TR.; ROUSSEL, WINIFRED E., TR.	ABUTTER NOTICE MAILED
		134 HIGHLAND STREET, HUDSON, NH 03051	
5	7022 2410 0001 2971 7351	DEARBORN, GERALD A., TR; DEARBORN, CLARICE R., TR	ABUTTER NOTICE MAILED
		136 HIGHLAND STREET, HUDSON, NH 03051	
6	7022 2410 0001 2971 7368	VALENZUELA, ISMAEL	ABUTTER NOTICE MAILED
		PO BOX 413, BURLINGTON, MA 01803	
7	7022 2410 0001 2971 7375	LIVINGSTON, MICHAEL P., TR.; LIVINGSTON, TERRY L., TR.	ABUTTER NOTICE MAILED
		129 HIGHLAND STREET, HUDSON, NH 03051	
8	7022 2410 0001 2971 7382	WITT, DENNIS, JR.	ABUTTER NOTICE MAILED
		15 WASHINGTON DR., HUDSON, NH 03051	
9	7022 2410 0001 2971 7399	PLANTE, ALAN G.	ABUTTER NOTICE MAILED
		6 MONROE STREET, HUDSON, NH 03051	
10			
	Total Number of pieces listed by sender 9	Total number of pieces rec'vd at Post Office 9	Postmaster (receiving Employee)

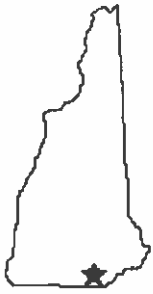


**USPS-Verified Mail**

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 167-052      VARIANCE 135 Highland Street Map 167/Lot 052-000      1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>11/16/2023 ZBA Meeting</b>
1	Mailed First Class	BIZARRO, EVARISTO S.; BIZARRO, MARIA M.	ABUTTER NOTICE MAILED
2	Mailed First Class	3 BONNIE LANE, HUDSON, NH 03051 MOREAU, KEVIN C., TR.;	ABUTTER NOTICE MAILED
3	Mailed First Class	139 HIGHLAND STREET, HUDSON, NH 03051 DAIGLE, BRUCE A.;	ABUTTER NOTICE MAILED
4	Mailed First Class	127 HIGHLAND STREET, HUDSON, NH 03051 BRADBURY, SUSAN;	ABUTTER NOTICE MAILED
5	Mailed First Class	17 WASHINGTON ST., HUDSON, NH 03051 FODEN, CHRISTOPHER M.	ABUTTER NOTICE MAILED
6	Town notified by receipt of Zoning application-N/C for abutter notification	10 MONROE ST., HUDSON, NH 03051 - 3812 TOWN OF HUDSON	
7		12 SCHOOL STREET, HUDSON, NH 03051	
8			
9			
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20			
21	<b>Total # of pieces listed by sender</b>	<b>Total # of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>
	5	5	



Indirect First Class



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

---

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

November 6, 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, 11/16/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 167-052 (11-16-23): Ausama Mohamed Ali & Soukayna El Bouayadi, 135 Highland St., Hudson, NH requests a Variance to allow a Family group day-care home with a maximum of 12 preschool children and 5 school age children with assistant staff. This is an Accessory Use prohibited in the R-2 Zone. [Map 167, Lot 052-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article II: Terminology; §334-6, Definitions and NH State RSA 170-E:2, IV(b).]**

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.

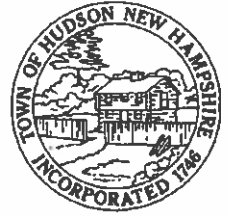
Respectfully,

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

November 6, 2023

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

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

Respectfully,

Chris Sullivan

Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article V of HZO Section(s) 334-22 in order to permit the following:

I'm changing original varnos from to  
adding 8 children total 17

**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.”)

Please see (1) on attached sheet

- 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.”)

Please see (2)

- 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.)

Please see (3)

- 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.)

Please see (4)

**FACTS SUPPORTING THIS REQUEST: (Continued)**

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

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

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

please see SA (1)

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

please see (2)

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

## Explanations for pages 7 and 8

1. The granting of the requested variance will not be contrary to the public interest, as it is fully aligned with the existing ordinance and poses no threat to public safety, health, or the neighborhood. This child care facility is already licensed by the state of New Hampshire, demonstrating its compliance with stringent state regulations that prioritize the well-being and safety of children. Increasing the facility's capacity will not result in any adverse consequences; instead, it will help address the growing demand for child care services in the community, contributing positively to the welfare of families and promoting accessibility to quality child care options. Granting this variance will enable us to continue providing quality child care, which is essential for the local community's support and growth.

2. The proposed increase in child care capacity will observe the spirit of the local ordinances by complying with zoning laws, safety regulations, and licensing requirements.

Our expansion directly contributes to the ordinance's underlying purpose, which is to support the well-being of families and children in the community. By increasing our capacity, we can better meet the demand for high-quality child care services, thus aligning with the ordinance's objectives.

Furthermore, increasing the capacity of our child care facility will not alter the essential character of the neighborhood. The facility will continue to operate within a residential area.

Additionally, the proposed increase in child care capacity is designed to uphold public health, safety, and welfare. All necessary safety standards and regulations will continue to be followed to ensure the well-being of the children in care. This includes all state regulations governing child care, including staff-to-child ratios, safety measures, health standards, and traffic management. While we do have ample parking space available, our priority remains to maintain an orderly traffic flow. According to our experience, parents typically do not arrive at the same time for dropping off and picking up their children. Nevertheless, we will continue to encourage this practice to maintain a smooth flow of traffic, thereby maintaining a high level of service and care.

By granting this variance, we support the accessibility of quality child care services, which is essential for working parents and the overall well-being of our community. It will not only benefit families but also have a positive economic impact by enabling more parents to participate in the workforce. In summary, the requested variance is in complete alignment with both local regulations and the public interest, fostering a safer and more inclusive community for all.



3. Expanding our daycare capacity through the grant of a variance can promote substantial justice for the property owner by maximizing property utilization, generating economic benefits, and enhancing the property's value, all while contributing positively to the community and ensuring regulatory compliance. This collaborative approach not only improves community relations and creates job opportunities but also assures that it will not harm the general public or other individuals, making a strong case for granting the variance.

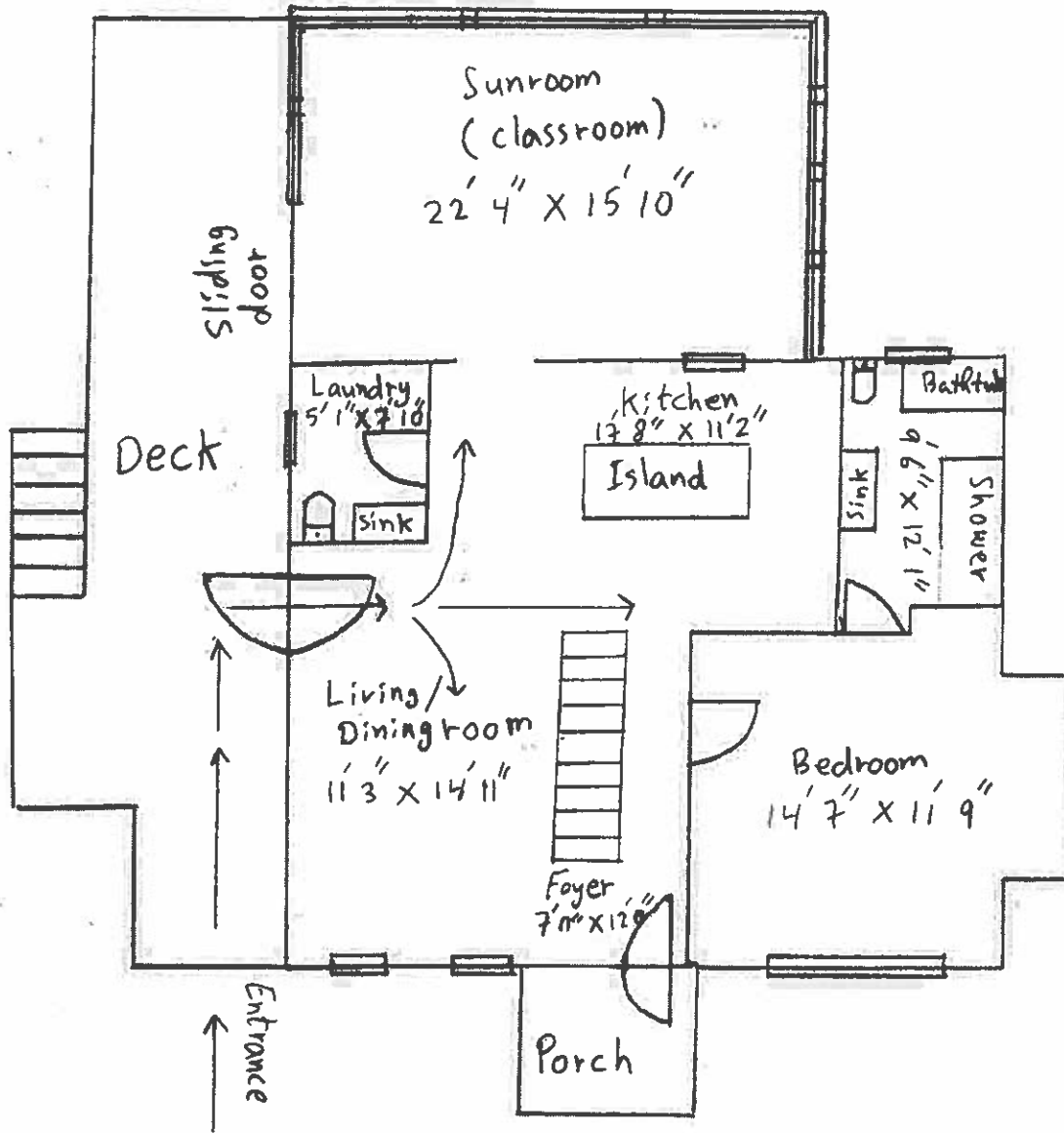
4. Expanding our childcare capacity will not diminish the values of surrounding properties for several reasons. Firstly, it can increase housing demand as more families with young children are attracted to the area, potentially stabilizing or increasing property values. Additionally, convenient childcare facilities can encourage families to stay, adding to the neighborhood's appeal. Diverse services and improved infrastructure can enhance neighborhood desirability. Strict regulations ensure quality, and property values depend on various factors beyond childcare. Lastly, adapting to evolving social norms regarding childcare can be viewed positively by homebuyers. Overall, childcare expansion can contribute positively to a neighborhood's attractiveness and property values.

5. A

1. The special conditions that restrict our house to a family day-care home may not be fair and reasonable. This is because our house has the space to accommodate more children. Additionally, the state licensing coordinator mentioned during their last visit that our house could qualify to be a family group day-care home.

2. The special conditions of our property have a significant impact on the reasonableness of increasing our day-care's child capacity. These conditions, which include ample space, suitable safety measures, and a welcoming environment, make it not only reasonable but also advantageous to expand our capacity. The spacious setting ensures that children have room to play and learn comfortably, while the safety measures guarantee their well-being. Furthermore, the property's conditions create an environment that is conducive to child development and socialization, making the increase in capacity a rational and beneficial choice for the well-being of the children in our care and the community as a whole.

# First Floor Childcare floor plan



Parking Area

---

Highland Street

# Parking Plan



January 13, 2023

----- Easement Lines  
□ Parcels

1 inch = 37 feet



FEES:	\$10.60
SURCHARGE:	\$2-
CASH:	-

Mary Ann Crowell  
Register of Deeds, Hillsborough County

#  
A43 Hudson Zoning Board

Send recorded copy to:

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

**NOTICE OF DECISION**

**Map 167, Lot 052-000, Zone R-2 (Residential-Two), Case # 167-052**

**ZBA Decision 2/23/2023**

**Home Occupation Special Exception (day-care) - GRANTED**

Property Owner & Address: Ausama Mohamed Ali and Soukayna El Bouayadi  
135 Highland Street, Hudson, NH 03051

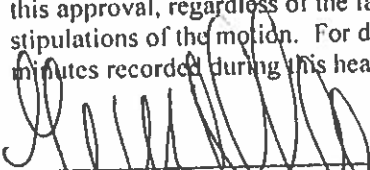
Property Location: 135 Highland Street, Hudson, NH 03051

Action sought: A Home Occupation Special Exception to allow a Family day-care home business for up to nine (9) children to include six (6) pre-school aged children and three (3) school-aged children.


Zoning Ordinance Articles: II: Terminology §334-6, Definitions (Family Day-Care Home), V: §334-22, Table of Permitted Accessory Uses, VI: Special Exceptions, §334-24 Home Occupations and NH State RSA 170-E:2, IV(a).

Action granted: After consideration of the testimony, review of the internal floor plan, the parking plan as revised by the Town Engineer and aerial view of the property; and with the understanding that the State of NH Division of Health and Human Services (DHHS) would review, evaluate the safety concerns raised pertaining to the location of the outdoor play area and inspect prior to the issuance of a license to conduct a home day care operation; and after review of the Special Exception Home Occupation criteria and determining that each criterion was satisfied, motion made, seconded and voted 4:1 to grant the Special Exception Home Occupation.

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

  
\_\_\_\_\_  
Gary M. Daddario, ZBA Chairman

3/23/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bruce Buttrick, Zoning Administrator

3-13-23  
\_\_\_\_\_  
Date



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-133 (REV)

October 23, 2023

Ausama Mohamed Ali  
and Soukayna El Bouayadi  
135 Highland St  
Hudson, NH 03051

First Class Mail and Email

Re: 135 Highland St Map 167 Lot 052-000  
**District: Residential Two (R-2)**

Dear Ausama and Soukayna,

**Your request:** Is to change the number of children from 9 to 17 at your home daycare.

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

In this zoning district, per §334-22 Table of Permitted Accessory Uses, this use is not permitted and would need a variance to have a **Family Group Daycare**. **Family Group Daycare is:**

*An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.*

**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 "Chris Sullivan". The signature is written in a cursive, flowing style.

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

cc: Public File  
B. Groth, Town Planner  
File

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

Property Location: 135 HIGHLAND ST  
 Vision ID: 2722 Account #: 8613

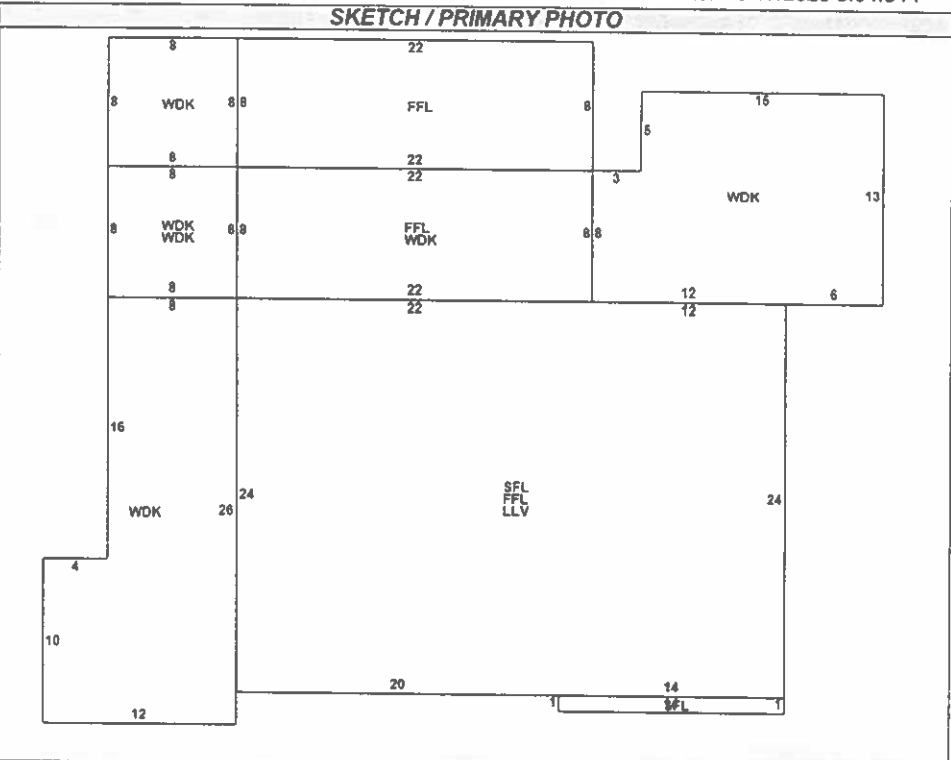
Parcel ID: 1671 052/ 000/ 1  
 Bldg #: 1

Card Address:  
 Card #: 1 of 1

LUC: 1070  
 Print Date: 10/17/2023 3:34:54 P

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	2		Extra Kitchens	1	
Style:	03	Colonial	Add Kitchen Ra	AV	
Grade:	C+	Avg/Good			Average
(Liv) Units	2				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	9				
Bedrooms	4				
Full Baths	2				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	GD	Good			
Half Bath Rating	AV	Average			
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Rating	1				
WS Flues	1				
Color	TAUPE				
Avg Ht/FL	8				
Extra Kitchens	1				

COST / MARKET VALUATION	
Building Value New	391,744
Year Built	1994
Effective Year Built	2010
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	12
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	88
RCNLD	344,700
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
POOLDK	Abv Grnd Pool Wood Deck	L	640	UNITS	0.00	2010	AV	60	0
SHEDWD	Shed-Wood	L	168	UNITS	31.02	2004	GD	80	4,200
SHEDWD	Shed-Wood	L	240	UNITS	31.02	2011	EX	95	7,100
XALLLV	Finished Living Area, ALU in	B	694	SQ. FT	52.50	1994	AV	88	32,100

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
FFL	First Floor, Finished	1,168	1,168	1,168	159.96	186,834
LLV	Lower Level, Unfinished	0	816	367	71.94	58,706
SFL	Second Floor, Finished	830	830	830	159.96	132,767
WDK	Wood Deck, or Composite Dk	0	835	84	16.09	13,437
Total Liv Area/Gr. Area/Eff Are		1,998	3,649	2,449	Total Value	391,744



CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
ALI, AUSAMA MOHAMED		RE	Residential Average		2023	1070	376,800	2023	1070	376,800	2022	1070	376,800
BOUAYADI, SOUKAYNA EL		<b>TOPO</b>	<b>UTILITIES</b>			1070	159,800		1070	159,800		1070	159,800
135 HIGHLAND STREET		Steep	Town Water			1070	11,300		1070	11,300		1070	11,300
HUDSON NH 03051			Town Sewer										
					Total		547,900	Total		547,900	Total		547,900

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
ALI, AUSAMA MOHAMED		9528 156	09-17-2021	Q	I	500,000	00	Grantor: THOMPSON, DAVID A.	Appraised Bldg. Value (Card)				344,700
THOMPSON, DAVID A.		8844 0723	03-18-2016	U	I	0	38	Grantor: THOMPSON, DAVID A.	Appraised Xf (B) Value (Bldg)				32,100
THOMPSON, DAVID A.		7189 2663	03-22-2004	Q	I	299,000	00	Grantor: THOMPSON, DAVID A.	Appraised Ob (B) Value (Bldg)				11,300
YASSMINE, MARISOL		7117 0887	08-31-2003	U	I	0	38	Grantor: YASSMINE, MARISOL	Appraised Land Value (Bldg)				159,800
LOPEZ, MARISOL		6222 0348	03-24-2000	U	I		99	Grantor: LOPEZ, MARISOL	Special Land Value				0
									Total Appraised Parcel Value				547,900
									Valuation Method				C
									Total Appraised Parcel Value				547,900

SUPPLEMENTAL DATA			CURRENT ASSESSMENT										
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Assoc Pid#	Descript	Code	Appraised	Assessed		
167-052-000	R2:Residential-2	A				167-052-000		BLDG	1070	376,800	376,800		
								LAND	1070	159,800	159,800		
								OB	1070	11,300	11,300		
								<b>Total:</b>		547,900	547,900	Total Appraised Parcel Value	

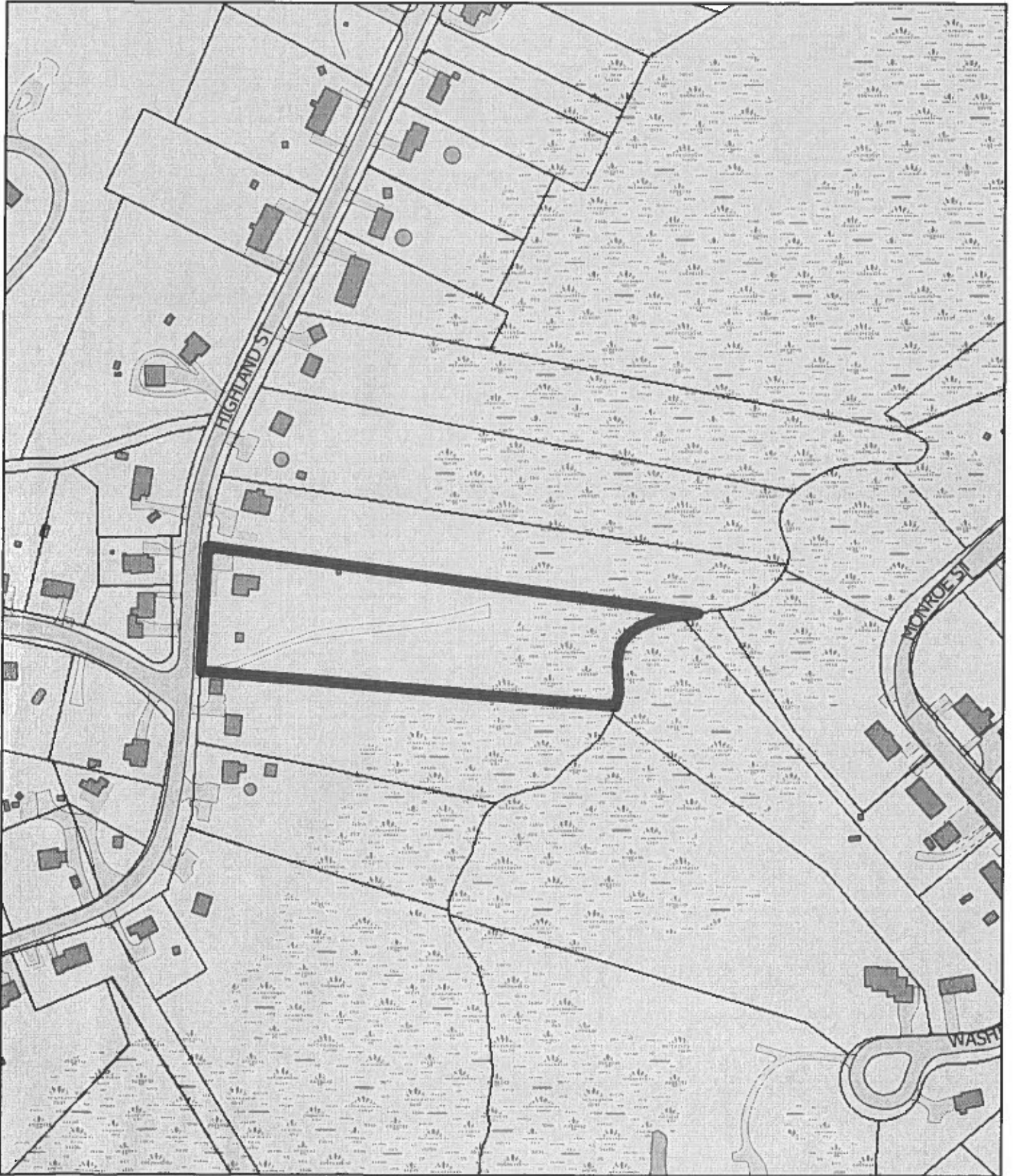
NOTES		VISIT / CHANGE HISTORY			
		Date	Id	Cd	Purpost/Result
JUNE 2006 - PERMIT VISIT FOR ALU, INSPEC TED. COMPLETE. ALU HAS 1 FB, WOOD AND CER. TILE FLOORS, AND NEW DECK/WHIRLPOOL TUB IN UPSTAIRS BATHROOM.8X30 SHD BENEAT H EFP ESTIMATED, LOOSE DOG.2/21 JS CLOS E TO POWER LINES		08-17-2022	01	18	Hearing - Change
2022 - EG - REAR FENCED - EST - FPL		07-19-2022	24	45	Field Review
		03-29-2022	23	04	Info At Door
		03-29-2022	23	02	Measured
		02-26-2021	18	02	Measured
		02-26-2021	18	04	Info At Door
		05-12-2020	21	15	Permit Visit
		03-07-2012	12	15	Permit Visit

BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments	
2023-01009	09-01-2023	SI		40	O	Soukayna El Bouayadi		18" X 24" day care sign	
2019-00288	04-17-2019	DK	Deck	1,000	C				
2018-00650	07-02-2018	DRV	Driveway		C				
2015-00120	02-17-2015	MECH	Mechanical	0	C			Visit Notes: Free Stand Gas Fp;	
2011-00440	08-30-2011	SH	Shed	3,000	C			Visit Notes: Const 8x30 Shed Under Deck/Encl;	
2006-805	11-21-2006	PO	Porch	32,000	C				
2005-318	03-11-2005	IR	Int Renov	14,000	C			Visit Notes: Alu Completed Prior To 04-01-06.;	
2002-195	10-18-2001	DK	Deck	10,627	C			Visit Notes: 12 X 30;	

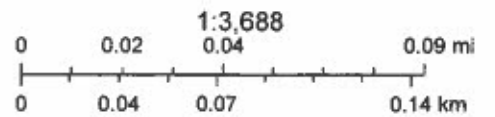
LAND LINE VALUATION SECTION																	
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value	
1	1070	ACCESSORY LIVING U	Site	1.000	AC	170,000	1.00	5	1.00	RE	1.00	Topo	0.95		0.95	PSNH EASEMENT;	153,400
1	1070	ACCESSORY LIVING U	Excess	2.130	AC	6,000	1.00	0	1.00	RE	1.00	Topo	0.50		1.00		6,400
Total Card Land Units:				3.130	AC	Parcel Total Land Area:				3.130	AC	Total Land Value:			159,800		



# 135 Highland St (Map/Lot 167-052-000)



10/29/2023



Printed  
10/30/2023  
3:47PM  
Created  
10/30/2023  
3:42 PM

# Transaction Receipt

Receipt# 750,223  
publicw

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

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-11/16/23 ZBA Mtg 135 Highland St Map /Lot 167-052-000 (Zone-R-2) Variance Application	0.00	233.3900	0.00
			Total:	233.39

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
MOHAMED ALI/AUSAMA	CREDIT	1275	233.39	0.00	233.39
			Total Due:		233.39
			Convenience Fee:		6.89
			Total Tendered:		240.28
			Total Change:		0.00
			Net Paid:		240.28

### 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.

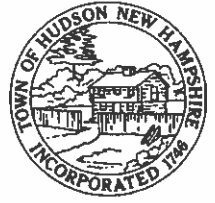
SIGNED:  DATE: 10/30/2023 Type: MC Visa Amex



# 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 Meeting Date: November 16, 2023

CJS  
11/16/23

**Case 236-020 (11-16-23):** Carl & Debrah Howes, 2 Glenview Dr., Hudson, NH requests a Variance to build a proposed 12 ft. x 12 ft. deck on the rear of the house which will encroach the rear yard setback approx. 4.5 feet leaving approx. 10.5 feet where 15 feet is required. [Map 236, Lot 020-000, Zoned Residential -Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

**Address:** 2 Glenview Dr.

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

#### Summary:

The applicant is requesting a variance to construct a 12'X12' deck 4.5' into the side setback leaving 10.5' where 15' is required per **§334-27, Table of Minimum Dimensional Requirements.**

#### Property description:

This as a developed lot of record that is 44,866.8 sf. The property is in the residential 2 zone and there is a single family residence.

#### In-House comments:

**Town Engineer:** No Comment

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

#### **Town Planner:**

The proposal abuts the Musquash Conversation area but appears to be outside of the wetland buffer area.

#### **Attachments:**

“A” Zoning Determination #32-132 (October 23, 2023)

“B” 2022 Aerial

“C” Town Engineer’s comments (November 1, 2023)

“D” Inspectional Services/Fire Dept. (November 1, 2023)

“E” Town Planner: (November 1, 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 #23-132

October 23, 2023

Carl Howes  
2 Glenview Drive  
Hudson, NH 03051

Re: 2 Glenview Drive Map 236 Lot 020-000  
District: (R-2)

Dear Mr. Howes,

**Your request:** To determine if a variance is required for the construction of a deck.

**Zoning Review / Determination:** Parcels within the R-2 zone have minimum side and rear setbacks of 15 feet. Based on the documentation provided, part of the deck would fall within the side setback and would require a variance per **§ 334-27 Table of Dimensional Requirements**. Please contact me with any questions.

Sincerely,

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

cc: Public File  
B. Groth, Town Planner  
File

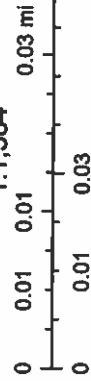
*NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.*

# 2 Glenview Drive



11/6/2023

1:1,584



(B)

(C)

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

REQUEST FOR REVIEW/COMMENTS:

Case: 236-020 (11-16-23) (VARIANCE)

Property Location: 2 Glenview Drive

*For Town Use*

Plan Routing Date: 10/31/2023 Reply requested by: 11/07/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

EZD                      Name: Elvis Dhima, PE                      Date: 11/01/2023  
(Initials)

DEPT.  
 Town Engineer     Fire/Health Department     Town Planner

D

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

REQUEST FOR REVIEW/COMMENTS:

Case: 236-020 (11-16-23) (VARIANCE)

Property Location: 2 Glenview Drive

*For Town Use*

Plan Routing Date: 10/31/2023 Reply requested by: 11/07/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

DRH \_\_\_\_\_ Name: David Hebert Date: 11/01/2023  
(Initials)

DEPT.  Town Engineer     Fire/Health Department     Town Planner

[Empty rectangular box for comments]

E

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

REQUEST FOR REVIEW/COMMENTS:

Case: 236-020 (11-16-23) (VARIANCE)

Property Location: 2 Glenview Drive

*For Town Use*

Plan Routing Date: 10/31/2023 Reply requested by: 11/07/2023 ZBA Hearing Date: 11/16/2023

I have no comments     I have comments (see below)

BG Name: Brian Groth Date: 11/03/2023  
(Initials)

DEPT:  Town Engineer     Fire/Health Department     Town Planner

The proposal abuts the Musquash Conversation area but appears to be outside of the wetland buffer area.



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

On **11/16/2023**, the Zoning Board of Adjustment heard **Case 236-020**, being a case brought by **Carl & Debrah Howes, 2 Glenview Dr., Hudson, NH** requesting a **Variance to build a proposed 12 ft. x 12 ft. deck on the rear of the house which will encroach the rear yard setback approx. 4.5 feet leaving approx. 10.5 feet where 15 feet is required.** [Map 236, Lot 020-000, Zoned Residential -Two (R-2); 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.”

---

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

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

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

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

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

(Continued)

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

**5.**

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

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

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(2) The proposed use is a reasonable one.

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**Y**  
**N**

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

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

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

Sitting member of the Hudson ZBA

Date

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

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

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APPLICATION FOR A VARIANCE

OCT 31 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. 236-020 (11-16-23)

Date Filed 10/31/23

Name of Applicant Carl & Debrah Howes Map: 236 Lot: 20 Zoning District: R2

Telephone Number (Home) 603 889 3510 (Work) 603 930 9249

Mailing Address 2 Glenview Dr Hudson

Owner Carl & Debrah Howes

Location of Property 2 Glenview Dr  
(Street Address)

[Signature] Debrah Howes 30 Oct 23  
Signature of Applicant Date

[Signature] Debrah Howes 30 Oct 23  
Signature of Property-Owner(s) Date

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

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

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

Date received: 10/31/23

**COST:**

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

5 Abutter Notice:

5 Direct Abutters x Certified postage rate \$ 5.01 = \$ 25.05

3 Indirect Abutters x First Class postage rate \$ 0.66 = \$ 1.98

**Total amount due:** \$ 212.03

Amt. received: \$ 212.03

Receipt No.: 750,310

Received by: [Signature]

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

check#  
500

# 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>CH</u>	Please review the completed application with the Zoning Administrator or staff <b>before making copies in next step.</b>	<u>TG</u>
<u>CH</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen (13) <b>single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>CH</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>CH</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>CH</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: ✓ <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>CH</u>	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>TG</u>
<u>CH</u>	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>CH</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <u>N</u> (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>



**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
236	20	*Include Applicant & Owner(s) Carl & Deborah Howes	2 Glenview Dr Hudson, NH 03051
236	1	<sup>Carter</sup> Brian D, Tr. & Tiffany M, Tr	3 Little Holes Ln Hudson, NH 03051
242	35	John D. & Kiral A. Furtado	1 Little Holes Ln Hudson, NH 03051
242	36	Francis M Fedo	4 Glenview Dr Hudson, NH 03051
242	49	Scott A. & Susan M. Infantino	3 Glenview Dr Hudson, NH 03051
236	019	Town of Hudson State of NH - NHDES - Pond owner	12 School St Hudson, NH 03051

\* N/C (16)  
for notice

**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
236	2	Jeanne M & James A French	83 Musquash Rd Hudson, NH 03051
247	37	Lynne M & Garry Poegel	6 Glenview Dr Hudson, NH 03051
247	48	Sandra J Goodwin	5 Glenview Dr Hudson, NH 03051
242	050	Town of Hudson	12 School St. Hudson, NH 03051

#N/C  
 TG  
 for  
 Notice


USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 236-020 2 Glenview Dr Map 236/Lot 020-000 <b>VARIANCE</b> 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	11/16/2023 ZBA Meeting
1	7022 2410 0001 2971 7405	Carl B. & Debra L. Howes	APPLICANT/OWNER NOTICE MAILED
		2 Glenview Dr., Hudson, NH 03051	
2	7022 2410 0001 2971 7412	Brian D. Carter, Tr.; Tiffany M. Carter, Tr.	ABUTTER NOTICE MAILED
		3 Little Hales Ln., Hudson, NH 03051	
3	7022 2410 0001 2971 7429	John D. Furtado; Kira P. Furtado	ABUTTER NOTICE MAILED
		1 Little Hales Ln., Hudson, NH 03051	
4	7022 2410 0001 2971 7436	Francis M. Feda	ABUTTER NOTICE MAILED
		4 Glenview Dr., Hudson, NH 03051	
5	7022 2410 0001 2971 7443	Scott A. Infantino; Susan M. Infantino	ABUTTER NOTICE MAILED
		3 Glenview Dr., Hudson, NH 03051	
6	7022 2410 0001 2971 7511	State of NH-NHDES-Pond Owner	RE: 236-019-000 (74 Musquash Rd., Hudson, NH)
		29 Hazen Drive, PO Box 95, Concord, NH 03302-0095	
		Town of Hudson	Town notified by receipt of Zoning application-N/C for abutter notification
		12 School St., Hudson, NH 03051	
7			
8			
9			
10			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)





**USPS-Verified Mail**

<b>SENDER:</b>	<b>TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051</b>	<b>US POSTAL SERVICE - FIRST CLASS MAIL</b>	<b>Case# 236-020 2 Glenview Dr Map 236/Lot 020-000</b>	<b>VARIANCE 1 of 1</b>
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>11/16/2023 ZBA Meeting</b>	
1	Mailed First Class	Jeanne M. French; James A. French 83 Musquash Rd., Hudson, NH 03051	ABUTTER NOTICE MAILED	
2	Mailed First Class	Lynne M. Poegel; Garry Poegel 6 Glenview Dr., Hudson, NH 03051	ABUTTER NOTICE MAILED	
3	Mailed First Class	Sandra J. Goodwin 5 Glenview Dr., Hudson, NH 03051	ABUTTER NOTICE MAILED	
4	Town notified by receipt of Zoning application -N/C for abutter notification	TOWN OF HUDSON 12 SCHOOL STREET, HUDSON, NH 03051		
5				
6				
7				
8				
9				
10				
11				
12				
13				
	<b>Total # of pieces listed by sender</b>	<b>Total # of pieces rec'vd at Post Office</b>	<b>Postmaster (received Employee)</b>	
	3	3		



# 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

November 6, 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, 11/16/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**Case 236-020 (11-16-23): Carl & Debrah Howes, 2 Glenview Dr., Hudson, NH requests a Variance to build a proposed 12 ft. x 12 ft. deck on the rear of the house which will encroach the rear yard setback approx. 4.5 feet leaving approx. 10.5 feet where 15 feet is required. [Map 236, Lot 020-000, Zoned Residential -Two (R-2); 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

November 6, 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, 11/16/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

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

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

Respectfully,

Chris Sullivan

Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VII of HZO Section(s) 339-27 in order to permit the following:

Construction of a 10x12 deck that encroaches  
the 15' setback leaving approximately 17.5'  
of setback

**FACTS SUPPORTING THIS REQUEST:**

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

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

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

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

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

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

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

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

**FACTS SUPPORTING THIS REQUEST:**

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

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

*The deck will not be in public view and it will not impact setback from existing or any possible future residential abutters.*

- 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.”)

*10' Setback provided is from a rear property line abutting an unbuildable back lot.*

- 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.)

*There is not another possible location for a private deck due to furnace and water heater direct vents.*

- 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 deck is in keeping with residential use.*

**FACTS SUPPORTING THIS REQUEST: (Continued)**

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

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

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

*The setback encroached upon is to an unbuildable lot owned by the town,*

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

*The house was built in the only feasible location on an unusually sloped lot. The construction allowed for a future deck.*

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



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Determination #23-132

October 23, 2023

Carl Howes  
2 Glenview Drive  
Hudson, NH 03051

Re: **2 Glenview Drive Map 236 Lot 020-000**  
**District: (R-2)**

Dear Mr. Howes,

**Your request:** To determine if a variance is required for the construction of a deck.

**Zoning Review / Determination:** Parcels within the R-2 zone have minimum side and rear setbacks of 15 feet. Based on the documentation provided, part of the deck would fall within the side setback and would require a variance per **§ 334-27 Table of Dimensional Requirements**. Please contact me with any questions.

Sincerely,

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

cc: Public File  
B. Groth, Town Planner  
File

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

CURRENT OWNER		ASSESSING NEIGHBORHOOD			PREVIOUS ASSESSMENTS (HISTORY)								
		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
HOWES, CARL B.		RF	Residential Good		2023	1010	246,700	2023	1010	246,700	2022	1010	246,700
HOWES, DEBRAH L.		<b>TOPO</b>				1010	186,700		1010	186,700		1010	186,700
2 GLENVIEW DRIVE		<b>UTILITIES</b>				1010	2,200		1010	2,200		1010	2,200
HUDSON NH 03051		Rolling											
		Septic											
					Total		435,600	Total		435,600	Total		435,600

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
HOWES, CARL B.		5257 0276	05-22-1991	Q	I	110,000	00	Grantor: N/A	Appraised Bldg. Value (Card)				246,700
									Appraised Xf (B) Value (Bldg)				0
									Appraised Ob (B) Value (Bldg)				2,200
									Appraised Land Value (Bldg)				186,700
									Special Land Value				0
									Total Appraised Parcel Value				435,600
									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 Appraised Parcel Value
236-020-000	R2:Residential-2	C				236-020-000	BLDG	1010	246,700	246,700	435,600
							LAND	1010	186,700	186,700	
							OB	1010	2,200	2,200	
							<b>Total:</b>		435,600	435,600	435,600

NOTES		VISIT / CHANGE HISTORY			
		Date	Id	Cd	Purpost/Result
12-2010 FULL INSP:Both baths have cerami c flooring=good///Kitchen has granite co unertops and ceramic flooring=Good12/20		07-20-2022	28	45	Field Review
18: GD COND-N/C		12-11-2018	18	02	Measured
		12-21-2010	14	14	Inspected
		12-14-2010	14	02	Measured
		02-06-2009	10	15	Permit Visit
		03-03-2007	06	02	Measured
		07-30-2002	00	19	Hearing - No Chg
		08-17-2001	00	14	Inspected

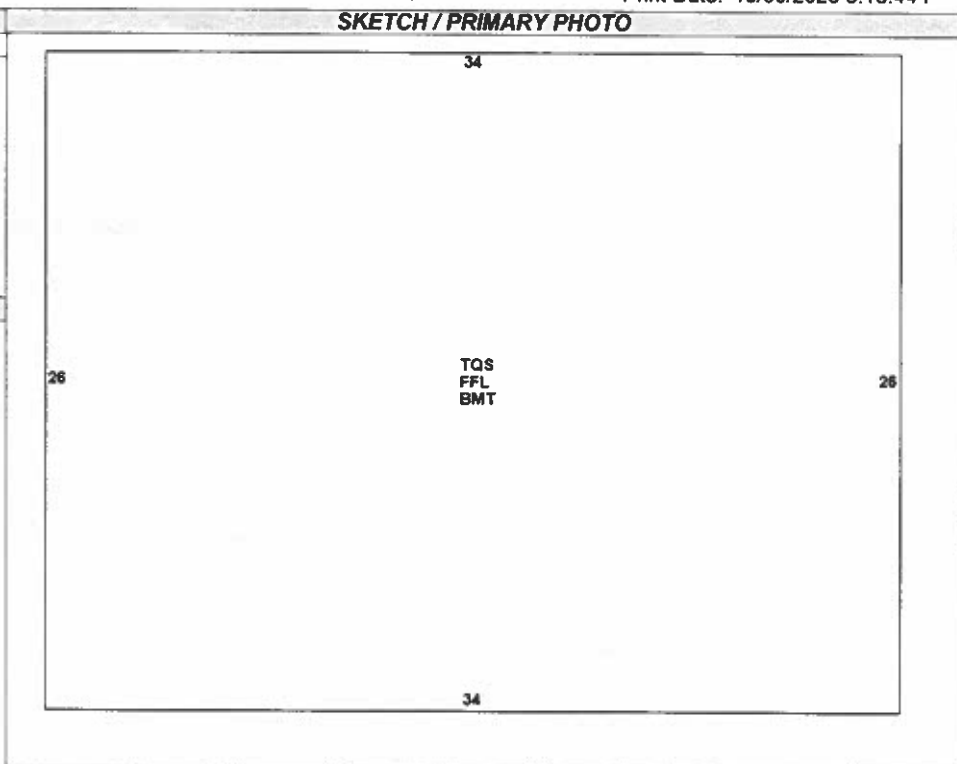
BUILDING PERMIT RECORD								Comments	
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft		
2008-495	09-15-2008	SH	Shed	2,844	C		10x12;		

LAND LINE VALUATION SECTION																
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	1.000	AC	170,000	1.00	5	1.00	RF	1.05	Topo	0.95		1.10	186,500
1	1010	SINGLE FAMILY RES	Excess	0.030	AC	6,000	1.00	0	1.00	RF	1.05					200
Total Card Land Units:				1.030 AC		Parcel Total Land Area:				1.030 AC		Total Land Value:			186,700	



CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.75		Extra Kitchens	0	
Style:	04	Cape Cod	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	20	Comp Clapboard			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	04	Propane			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	0				
Total Rooms	6				
Bedrooms	3				
Full Baths	2				
3/4 Baths	0				
Half Baths	0				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	GD	Good			
Half Bath Rating					
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color	GREEN				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	274,108
Year Built	1991
Effective Year Built	2012
Depreciation Code	GD
Remodel Rating	
Year Remodeled	
Depreciation %	10
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	90
RCNLD	246,700
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

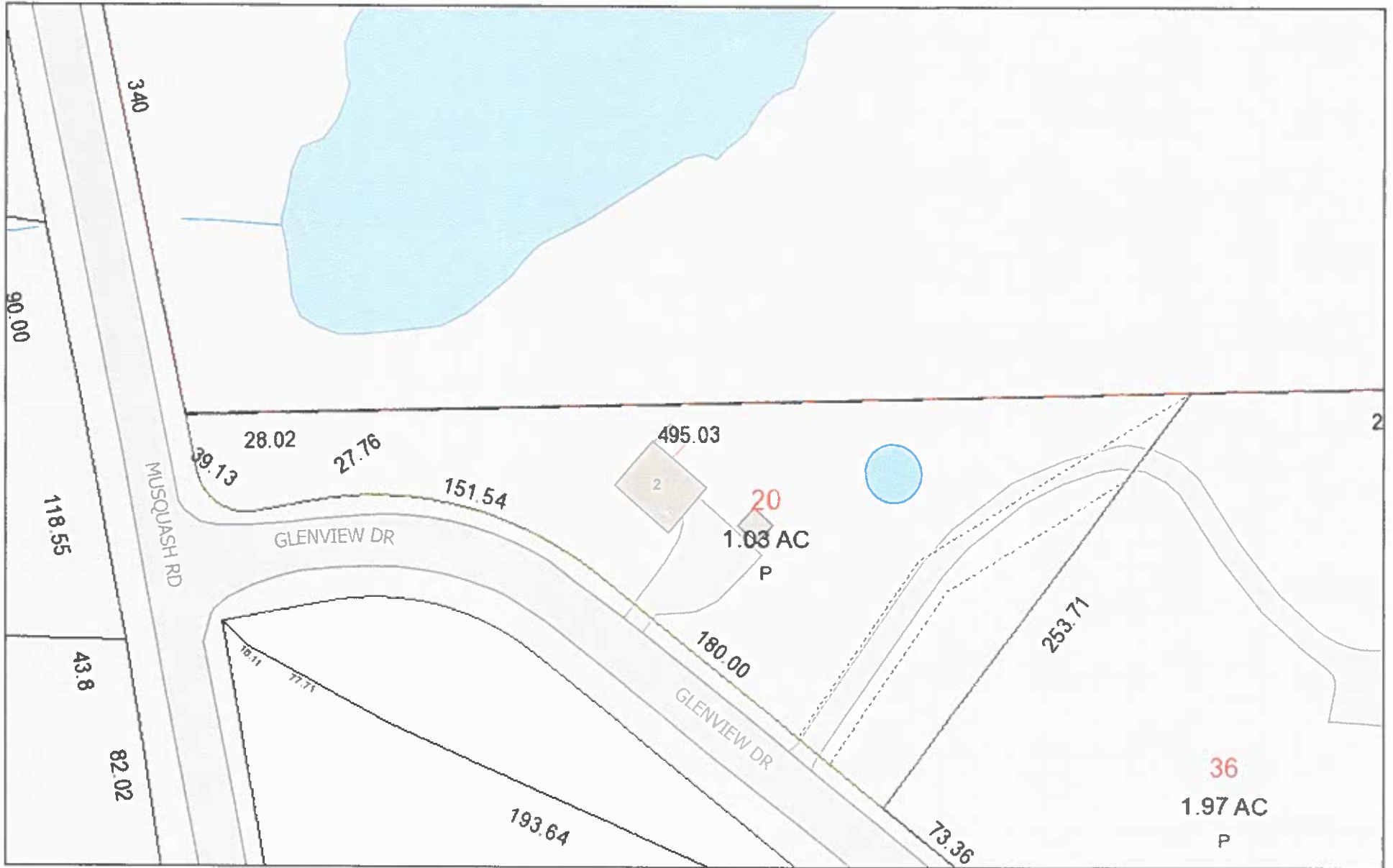


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value	
SHEDWD	Shed-Wood	L	120	UNITS	31.02	2008	AV	60	2,200	

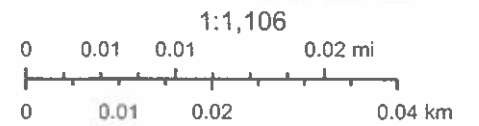
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	884	221	38.76	34,264
FFL	First Floor, Finished	884	884	884	155.04	137,054
TQS	3/4 Story, Finished	663	884	663	116.28	102,791
Total Liv Area/Gr. Area/Eff Are		1,547	2,652	1,768	Total Value	274,109



plan view 1



10/20/2023





# Town of Hudson, NH - GIS

Geographic Information System

Search by Owner, Address, or ID

## Parcels

Select

Buffer

Zoom



### Property Details

LOCATION: 2 GLENVIEW DR  
PARCEL ID: 236-020-000  
ACCOUNT: 936  
BUILDING TYPE: Cape Cod  
YEAR BUILT: 1991

### Ownership

CDM  
Smith



Buffer Markup Measure Layers

10.42 ft

495.0

**Measure**

Unit: Feet (US)

Distance: 10.42 ft

New measurement

XY -71.3998096°, 42.7174289°

Hudson, NH

Powered by Esri



# Town of Hudson, NH - GIS

Geographic Information System

Search by Owner, Address, or ID

## Parcels

Select

Buffer

Zoom



### Property Details

LOCATION: 2 GLENVIEW DR.

PARCEL ID: 236-020-000

ACCOUNT: 936

BUILDING TYPE: Cape Cod

YEAR BUILT: 1991

### Ownership

CDM  
Smith

Buffer

Markup

Measure

Layers

### Measure

Unit

Feet (US)

Distance

35.71 ft

New measurement

XY

-71.3998126°, 42.7173397°





# Town of Hudson, NH - GIS

Geographic Information System

Search by Owner, Address, or ID



## Parcels



Select



Buffer



Zoom



Google

### Property Details

LOCATION: 74 MUSQUASH RD

PARCEL ID: 236-019-000

ACCOUNT: 919

BUILDING TYPE:

YEAR BUILT:

CDM  
Smith



Buffer

Markup

Measure

Layers

### Measure



Unit

Square feet (US)

Area

144.13 ft<sup>2</sup>

Perimeter

48.04 ft

New measurement

495.03  
144.13 ft<sup>2</sup>

XY

-71.3997968°, 42.7173466°



Hudson, NH

Powered by Esri

Printed  
10/31/2023  
11:43AM  
Created  
10/31/2023  
11:41 AM

# Transaction Receipt

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

Receipt# 750,310  
tgoodwyn

<u>Description</u>		<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>	
1.00	Zoning Application-11/16/23 ZBA Mtg 2 Glenview Drive Map 236 Lot 020-000 Zone- R-2 Variance Application	0.00	212.0300	0.00	
			Total:	212.03	
<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
C.Howes	CHECK	CHECK# 500	212.03	0.00	212.03
			Total Due:		212.03
			Total Tendered:		212.03
			Total Change:		0.00
			Net Paid:		212.03



# TOWN OF HUDSON

## Zoning Board of Adjustment

Gary M. Daddario, Chairman      Dillon Dumont, Selectmen Liaison

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

### MEETING MINUTES – October 26, 2023 - draft

The Hudson Zoning Board of Adjustment met on Thursday, October 26, 2023 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH.

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

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.

**III. ATTENDANCE**

**IV. SEATING OF ALTERNATES**

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

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

- 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.]

Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 10/17/2023 and reported that no in-house comments or concerns were received from the Town Engineer, Town Planner or Inspectional Services.

Mr. Martin asked and received confirmation that the existing dwelling on the premise is a two-family structure and according to the Assessor's Card, it was converted to a two-family in 2013, per the owner.

Craig Parks introduced himself and noted that his surveyor, Greg Jeffrey, LLS, was not able to attend the meeting and proceeded to address the Variance criteria. The information shared included:

- 48  
49 (1) *not contrary to public interest*  
50 • The proposed use, a single-family dwelling, is consisteant with other  
51 properties in the neighborhood  
52 •  
53 (2) *will observe the spirit of the Ordinance*  
54 • The proposed modest single--family dwelling will be consistent with other  
55 houses in the immediate neighborhood  
56 • The proposed use will add character in the immediate neighborhood  
57 •  
58 (3) *substantial justice done*  
59 • The ~~the~~lot is 20,332 Square Feet (SF), which is more than double the  
60 permitted area in the TR Zone  
61 • The Applicant wishes to utilize his property to its fullest and not leave the  
62 majority of the property vacant  
63 •  
64 (4) *not diminish surrounding property values*  
65 • The proposed use is ~~eonsistant~~consistent with existing houses in the  
66 neighborhood  
67 • The addition of a new house in the neighborhood will serve to bolster the  
68 property values of the surrounding dwellings  
69 •  
70 (5) *hardship*  
71 • Of the 14 properties within 200' of the lot, 7 of them have less than 75' of  
72 frontage  
73 • Granting a lot with 80' of frontage would not be inconsistent with the area  
74 and frontages with existing lots in the neighborhood  
75

76 Mr. Pacocha inquired about the size of the remaining lot and whether it would require  
77 an address change. Mr. Martin noted that the current house has its frontage and  
78 address on School Street. Mr. Dillon stated that according to the plan presented by  
79 LLS Jeffrey, there is enough frontage on First Street for the remaining lot and noted  
80 that it is the Fire Department who would be responsible and advise of a needed  
81 address change. Mr. Sullivan confirmed that it would require a change of address.  
82 Mr. Pacocha noted that the existing duplex would become even more non-conforming  
83 on a smaller lot and questioned the existing foundation that would be bisected with  
84 the proposed lot subdivision. Mr. Parks stated that the existing foundation has  
85 already been removed.  
86

87 Mr. Thompson stated that he toured the area today and noticed a Toyota parked in the  
88 setback and that it appeared that the other lots in the neighborhood were the result of  
89 a subdivision. Mr. Parkes responded that the Toyota is his neighbor's vehicle and it is  
90 parked on his neighbor's property, in their setback.  
91

92 Mr. Martin stated that he does not see a hardship on the property. Mr. Parks stated  
93 that he discounted including in a dog-leg to the subdivision to accommodate the  
94 required frontage. Mr. Dumont asked and received confirmation that a Variance  
95 would not be needed if the subdivision included a dog-leg to meet the frontage  
96 requirement.



97  
98 Public hearing opened at 7:26 PM. Nancy O'Neil Molnare, 13 ~~Beckett-Second~~ Street-,  
99 asked for specifics regarding the proposed house, the number of bedrooms,  
100 bathrooms, style and garage, and added that she actually grew up in the  
101 neighborhood and has lived there since 1945. Mr. Daddario responded that the  
102 Zoning Board is to address the land Use only, that structure specifics could be  
103 addressed by the Planning Board and that a Building Permit would be required for its  
104 construction along with inspections. Mr. Parks added that the proposed structure  
105 would be a ~~single-single~~-family residence. Being no one else to address the Board,  
106 public testimony closed at 7:30 PM.  
107

108 Mr. Dion stated that the hardship criteria is a tough one to satisfy, that it generally  
109 relies on some uniqueness the land offers, that, in this case, the inclusion of a dogleg  
110 would satisfy the frontage requirement and negate needing a variance and that, like  
111 Mr. Martin, does not believe the hardship criteria has been satisfied. Mr. Dillon  
112 countered and stated that the neighborhood is the hardship, and that it is better  
113 planning to not present the dogleg. Mr. Lanphear stated that, in his opinion, the  
114 property line could be straightened out and Mr. Dumont noted that the odd line was  
115 probably established because it satisfied the existing building's setback to the new  
116 property line. Mr. Martin stated that odd shaped lots and odd property lines are  
117 common and noted that the Applicant already has good use of his property and added  
118 that the hardship criteria is per State Law and is not a Town regulation  
119

120 Mr. Dumont sated that another criteria is "like and kind" and to develop/subdivide  
121 this property in like and kind to fit into the neighborhood is what causes the hardship.  
122 Mr. Sullivan noted that the proposed subdivision is consistent with other lots in the  
123 neighborhood. Mr. Martin disagreed that the TR Zone poses the hardship and Mr.  
124 Dion noted that the simple addition of a dogleg to satisfy the frontage requirement is a  
125 ready solution especially considering that property lines are not visible by the general  
126 public. Mr. Daddario concurred, that is, until a fence is added, then it is quite  
127 apparent.  
128

129 Board questioned the timing of when the TR Zone was established and the existing  
130 structure. Mr. Lanphear questioned whether there is enough square footage on the  
131 remaining lot for a two-family residence. Mr. Martin stated that according to the  
132 Property Card, it was converted to a two-family structure in 2013. Mr. Pacocha  
133 questioned whether the TR Zone was established before 2013 when the structure was  
134 converted to a two-family as it appears the neighborhood is all single family. Mr.  
135 Daddario noted that the existing two-family structure is a pre-existing non-conformity  
136 and ~~noted questioned whether that~~ the Zoning Ordinance changed to require ninety  
137 feet (90') of frontage ~~before or~~ after it was constructed. Mr. Nicolas stated that it is  
138 hard to see any hardship from the property. Mr. Pacocha countered that substantial  
139 justice would be done versus leaving half the property vacant. Mr. Parks noted that  
140 prior to that conversion it was a three-family structure and that there are several two-  
141 family structures in the neighborhood.  
142

143 Mr. Dumont explored the possibility of creating the subdivision with a dogleg, thereby  
144 avoiding ZBA and the need for a Variance, then apply to the Planning Board for a Lot  
145 Line Adjustment. Mr. Dion responded and stated that the Planning Board cannot

146 create a non-conforming lot and the Applicant would need to come to the ZBA and  
147 would still face the need to satisfy the hardship criteria.

148

149 Mr. Dumont stated that the hardship is trying to fit into the character of the  
150 neighborhood. Mr. Martin stated that it is not the ZBA's job to find the hardship or  
151 how it is satisfied.

152

153 Mr. Martin made the motion to not grant the Variance request as the hardship criteria  
154 has not been satisfied. Mr. Dion seconded the motion.

155

156 Mr. Martin spoke to his motion stating that it would not be contrary to public interest,  
157 that it may observe the spirit of the Ordinance, that of course it would be beneficial to  
158 the owner, that it would add value to the surrounding properties as new construction  
159 increases property values but it does not satisfy the hardship criteria as ~~thereat~~ is no  
160 hardship on the property, the hardship is ~~self-self~~-created by subdividing the property  
161 and maybe it is a reasonable use, but the applicant the there-already ihas reasonable  
162 use of the property.

163

164 Mr. Dion spoke to his second stating that the proposal does not alter the character of  
165 the neighborhood as the surrounding lots are of similar size, that it does not threaten  
166 public health or rights or welfare but it doesn't conflict with the implicit purpose of the  
167 neighborhood, that the granting of the variance would not bring harm to the general  
168 public, that the proposed use of adding another house would not diminish the  
169 surrounding value of the surrounding properties but the hardship criteria is not met,  
170 there is no special conditions on the property that could impede the homeowner from  
171 doing their plan, and that even the proposed use is reasonable, the hardship is self  
172 inflicted.

173

174 Mr. Pacocha voted not to grant the Variance request stating that it is subjective  
175 whether granting the request would be contrary to the public interest, that he  
176 disagrees that the spirit of the Ordinance is to create uniformity, that substantial  
177 justice would be done to the property owner and that the hardship presented is self  
178 created.

179

180 Mr. Nicolas voted not to grant the variance stating that no evidence was given of a  
181 threat to public health or safety, that the surrounding homes are of similar size, that  
182 no evidence was given that the essential character of the neighborhood would be  
183 disturbed and that even though the proposed use is reasonable, the property could be  
184 subdivided with other plans/layout without coming to the ZBA, that the land seems to  
185 have no hardship placed upon it and that subdividing as per the plan proposed would  
186 create where there is none from the land.

187

188 Mr. Daddario voted to grant the variance as there is no change in the character of the  
189 neighborhood, no harm to the public, that even though the applicant could subdivide  
190 otherwise the proposal presented better serves the public, that there is no evidence or  
191 reason why another residence would diminish other property values and that the lot is  
192 of sufficient size to subdivide and that hardship exists because the existing house was  
193 placed so the lot could be subdivided and prior to the change requiring ninety foot  
194 (90') of frontage ~~requirement~~.

195

196 Vote was 4:1 not to grant the Variance as the hardship criteria was not satisfied. The  
197 30-day Appeal period was noted.

198  
199

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

210

211 Mr. Sullivan read the Case into the record, referred to his Staff Report initialed  
212 10/17/2023 and noted that comments were received from the Town Planner stating  
213 that Site Plan Review would be required if the Variance is granted and from the Town  
214 Engineer who noted that from a traffic standpoint a residential use of the property  
215 would be preferred compared to a commercial use that could generate more traffic in  
216 and out of the parcel. Mr. Dumont recused himself as he manages a property that is a  
217 direct abutter and left the Board table.

218

219 Benjamin Mercuri introduced himself as the Applicant and that he seeks a Variance to  
220 build an eight-unit multifamily dwelling serviced by public (Municipal) water and  
221 ~~sewer-sewer~~ and added that each unit would be 960 SF with two (2) bedrooms, one  
222 and a half (1 1/2) bathrooms and a full basement. Mr. Mercuri addressed the criteria  
223 for the granting of a Variance and the information shared included:

224

225 (1) *not contrary to public interest*

- 226 • Not contrary to public interest as additional housing units are needed in  
227 Hudson and southern New Hampshire
- 228 • Will not alter the character of the neighborhood but will rather maintain and  
229 attractively add to existing character which is mixed use and residential
- 230 • The intensity of the proposed development and its use will be minimal and  
231 that it will not be a threat to public health, safety, welfare or otherwise  
232 injure public rights

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

- 234 • The proposed development would revive a lot of record that has been sitting  
235 vacant in recent years
- 236 • The proposed development would be preserving and adding to the character of  
237 this section of town which in recent years has experienced an increase in  
238 new development, new uses and new growth
- 239 • which will limit view of the shed from the road and surrounding neighbors

240 (3) *substantial justice done*

- 241 • it would be an injustice to deny this project as the public gain outweighs  
242 any potential public loss
- 243 • housing units are much needed throughout Hudson

- 244 • a denial of the project would result in no gain and a much bigger loss to the  
 245 public, versus the applicant  
 246 • allowing residential multifamily housing on this lot serves substantial  
 247 justice to a very undersized business zone  
 248 • proposed building would be consistent with the current uses in this area  
 249 (4) *not diminish surrounding property values*  
 250 • The proposed use would “breathe life” back into an existing undersized  
 251 vacant business-zones lot  
 252 • Proposed development would improve the cosmetic appearance, landscape  
 253 and functional appeal of this lot  
 254 • Property maintenance and landscaping would be routinely maintained and  
 255 can only help add to the value of this property, but more importantly,  
 256 add to the marketability of the neighborhood resulting in an increase of  
 257 the value on the surrounding and neighboring properties as well  
 258 (5) *hardship*  
 259 • Proposed use is reasonable since it continues with the use of the property  
 260 that is similar in nature to neighboring and surrounding properties  
 261 • The proposed use is less intensive on the property that current uses allowed  
 262 on this property  
 263 • The proposed use is more in line with the needs of “today” and housing and  
 264 residential use is currently the number one need in Hudson which is why  
 265 redeveloping and/or repurposing this property is reasonable and best  
 266 use for the parcel  
 267 • Due to the unique size, topography and current zoning of the property, it  
 268 seems that the current zoning restrictions prohibit reasonable use of the  
 269 property as the property is located in the business zone, is irregularly  
 270 shaped with topography challenges and, also, the property has  
 271 challenges with the access on and off Lowell Road – County Road  
 272 intersection  
 273 • Proposed use challenges that it could serve a bigger and better need of  
 274 residential use rather than a business use  
 275 • Granting the variance would enable a reasonable use of the parcel  
 276

277 Public hearing opened at 8:15 PM. No one addressed the Board. Mr. Sullivan stated  
 278 that two (2) emails had been received

- 279 (1) Julia Paquin, 29 Atwood Avenue, email sent 10/25/2023 that expressed  
 280 serious concerns with traffic and accidents at the intersection of County  
 281 Road and Lowell Road and neighbors entering and exiting Atwood Avenue.  
 282 (2) Ronald F. Maynard and Jerilyn O. Maynard, 104 Lowell Road, email sent  
 283 10/26/2023 expressing their “extreme opposition” that included traffic  
 284 concerns, need for unit parking (to be eight or sixteen?), visitor parking,  
 285 school aged children and play area and bus stops, tree removal etc.  
 286

287 Public testimony closed at 8<sup>21</sup>:21 PM.  
 288

289 Mr. Mercuri stated that there is no plan to cut trees, weeds and shrubs, yes, that  
 290 there is a ball field in the neighborhood and that he has spoken with Elvis Dhima,  
 291 Town Engineer, that the property has two (2) curb cut possibilities, one from County

292 Road and one from Lowell Road. Mr. Lanphear stated that his preference would be a  
293 curb cut from County Road.

294  
295 Mr. Nicolas asked to have the street view displayed. Mr. Lanphear noted that County  
296 Road is a speedway and the intersection of County Road with Lowell Road is a  
297 dangerous intersection.

298  
299 Mr. Thompson questioned the elevation views presented, that it only showed six (6) units  
300 to which Mr. Mercuri responded that it is one of his past developments, that he  
301 proposes to add two (2) more units for a total of eight (8) units for this property, that  
302 there would be two (2) parking spots for each unit and that with regard to visitor  
303 parking, that would be determined by the Planning Board during Site Plan Review.

304  
305 Mr. Thompson questioned the square footage - what it has versus what it needs - and  
306 his calculation is that the Applicant is asking for 56% forgiveness?!? Mr. Dion  
307 questioned how the Applicant deduced that he needed eight (8) units to which Mr.  
308 Mercuri responded that it was derived by adding the cost of material to the land  
309 purchase and noted that proposing a three-family or a duplex would not work cost  
310 wise.

311  
312 Mr. Thompson questioned how ZBA can deal with the traffic concerns. Mr. Sullivan  
313 stated that it is a Planning Board issue to resolve. Mr. Martin disagreed and noted  
314 that the first criteria deal with safety and directly ties to traffic. Mr. Mercuri stated that  
315 traffic is already a safety concern for the intersection.

316  
317 Mr. Lanphear questioned how many units would be allowed for the square footage of  
318 this lot. Both Mr. Daddario and Mr. Sullivan responded that three (3) units would be  
319 allowed. Mr. Pacocha asked of the proposed dwelling units would be for sale or be just  
320 rental units. Mr. Mercuri responded that they would be rental units with a firewall  
321 separation between units.

322  
323 Mr. Martin stated that safety and hardship criteria have not been satisfied, that the  
324 Variance request is based upon square footage of the lot, that it is a small ~~low-lot~~ in  
325 need of topsoil and could have a business but the land does not present a hardship  
326 and the Zoning Ordinance did not create a hardship. Mr. Dion stated that he has  
327 concerns regarding the safety, that his preference would be for housing versus a  
328 business on the lot as there are single family houses in the neighborhood, that a  
329 three-unit dwelling could be on the lot with existing square footage ~~but-but~~ stretching  
330 it to eight (8) units is a self-imposed hardship. Mr. Thompson referred to the  
331 11/5/2021 accident at the intersection and stated that criteria 2, 4 & 5 have not been  
332 satisfied, that the applicant only has 44% of what is required and there is a public  
333 safety threat.

334  
335 Mr. Martin made the motion not to grant the variance as it failed to satisfy criteria #  
336 1, 2 & 5. Mr. Pacocha seconded the motion.

337  
338 Mr. Martin spoke to his motion stating that the project will threaten public safety, that  
339 this project appears to be the best use of the property but it still poses a public safety  
340 risk to the renters and motoring public, that granting the variance always does  
341 substantial justice to the property owner and new construction does seem to increase

342 neighboring property values, and that there is no evidence presented that this  
343 property has a hardship on it, that it seems to be a reasonable use but the square  
344 footage of the property is one that is self created with the proposed number of units.

345  
346 Mr. Pacocha spoke to his second stating that it will be contrary to public interest as  
347 demonstrated by the emails sent to the Board opposing this proposal, that the  
348 proposal is extremely out of compliance with the Ordinance, that it is subjective  
349 whether justice would be done to the property owner, that multifamily dwellings tend  
350 to reduce adjoining property values and disagree that the proposed use is a reasonable  
351 use because there are reasonable uses available that would not require a variance and  
352 there are no conditions from the land to satisfy the hardship criteria. Mr. Pacocha's  
353 recap: criteria 1, 2, 4 & 5 failed. No amendment proposed to include criteria 4 onto  
354 the motion.

355  
356 Mr. Dion voted not to grant the variance as the density of the proposed housing is too  
357 high for the neighborhood and does not meet the character of the neighborhood, that  
358 the intersection is too dangerous to the potential families or guests, that the character  
359 of the neighborhood would change based on the density of the housing, that justice  
360 would be done but does not outweigh the threat to public safety, that the value would  
361 not diminish as new construction typically tends to increase value and that there are  
362 no hardships on the property based on the land, that even though the proposed use is  
363 reasonable, the amount of units requested puts the required square footage far  
364 outside what is allowed. Mr. Dion's recap: criteria 1, 2, 3 & 5 failed. No amendment  
365 proposed to include criteria 3 onto the motion.

366  
367 Mr. Nicolas voted not to grant as there is conflict with the implicit purpose of the  
368 Ordinance, that the lot size is 34,848 SF but 78,560 SF is needed, that the existing lot  
369 size only provides 44.4% of the SF needed for eight units leaving 55.6% requiring a  
370 variance, that the essential character of the neighborhood would not be altered if the  
371 correct amount were to be built, that there would be justice to the property owner,  
372 that improvements to land usually does not diminish property values and that the  
373 hardship criteria has not been satisfied, that enforcement of the Ordinance does not  
374 create a hardship, that it would be reasonable use if the correct amount of units were  
375 to be built, otherwise the proposed use on land does not seem reasonable due to the  
376 amount of footage needed. Mr. Nicolas's recap: criteria 1 & 5 failed. No amendment  
377 proposed to remove criteria 2 from the motion.

378  
379 Mr. Daddario voted not to grant stating that the neighborhood has business and single  
380 family residences, not multi-families of this nature, that harm to the public takes  
381 precedence, that a variance would be needed for three units and eight are being  
382 proposed, that the Applicant did not submit any evidence of a substantial relationship  
383 between the general public purpose and his request, that the Ordinance does have a  
384 substantial relationship to the request because we are dealing with ~~a want the amount~~  
385 of development allowed with the available square footage of the lot, that it is unclear  
386 if a reasonable use is prohibited because it could be used with a different building or  
387 lesser number of units. Mr. Daddario's recap: criteria 1, 2, 3 & 5 failed. No  
388 amendment proposed to include criteria 3 into the motion.

389  
390 Roll call vote was 5:0 to not grant the Variance as the request failed to satisfy criteria

- 391 1. is contrary to public interest, does conflict with the purpose of the  
392 Ordinance, alters the essential character of the neighborhood, threaten  
393 public safety and injure public rights;  
394 2. does not observe the spirit of the Ordinance and does alter the essential  
395 character of the neighborhood, threaten public health, safety or welfare or  
396 otherwise injure public rights; and  
397 5. hardship was not demonstrated, the land presents no hardship  
398

399 Variance denied. The 30-day appeal period was noted.  
400

401  
402 Mr. Nicolas left the meeting at 9:00 PM.  
403

404 **VI. REQUEST FOR REHEARING:**  
405

406 No requests were received for Board consideration.  
407

408 **VII. REVIEW OF MINUTES:**

409 9/28/23 edited Draft Minutes  
410

411 Motion made by Mr. Martin, seconded by Mr. Dion and unanimously voted to approve the  
412 9/28/2023 Minutes as edited.  
413

414 **VIII. OTHER**  
415

- 416 1. ZORC – Zoning Ordinance Review Committee – scheduled to meet 11/9/2023  
417  
418 2. November ZBA Meeting – scheduled for 11/16/2023 due to the Thanksgiving  
419 holiday  
420

421 **IX. ADJOURNMENT**  
422

423 Motion made by Mr. Martin, seconded by Mr. Dion and unanimously voted to adjourn  
424 the meeting. The 10/26/2023 ZBA meeting adjourned at 9:02 PM  
425

426 Respectfully submitted,  
427 Louise Knee, Recorder  
428  
429

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