



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

MEETING AGENDA – December 14, 2023

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **December 14**, **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 HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

- <u>Case 148-071 (12-14-23)</u>: Jason and Rena Hand, 18 Towhee Dr., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. 6 ft. into the rear yard setback leaving approx. 9 ft. where 15 feet is required. [Map 148, Lot 071-000, Zoned Residential-One (R-l); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]
- <u>Case 118-049 (12-14-23)</u>: Kenneth Doubleday, Jr. and Jennifer Doubleday, 58 Griffin Rd., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. 10 ft. into the side yard setback leaving approx. 5 ft. where 15 feet is required. [Map 118, Lot 049-000, Zoned General-One (G-l); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

V. REQUEST FOR REHEARING: None

VI. **REVIEW OF MINUTES:** 11/16/23 edited draft Minutes

VII. OTHER:

- 2024 ZBA Meeting Schedule
- Next Regulary Scheduled ZBA Meeting- Thursday, January 25, 2024
- Annual Election of Officers: Chair, Vice-Chair, Clerk- Thursday, January 25, 2024

VIII. **ADJOURN:**

Chris Sullivan, Zoning Administrator

Legal Notice

TOWN OF HOOKSETT PUBLIC HEARING NOTICE

The Hooksett Town Council will be holding a public hearing on Wednesday, December 13, 2023 @ 6:00pm at the Hooksett Town Hall Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is for Hooksett Cemetery Commission to update Cemetery regulations and interment fees. For documentation or questions contact the Hooksett Administration Department at 603-485-8472. (UL - Dec. 6)

Going Online? See more public notices at www.unionleader.com

Legal Notice

THE STATE OF **NEW HAMPSHIRE** JUDICIAL BRANCH NH CIRCUIT COURT 9th Circuit - Family Division Manchester 35 Amherst St. Manchester NH 03101-1801 Telephone: 1-855-212-1234 TTY/TDD Relay: (800) 735-2964 https://www.courts.nh.gov CITATION BY PUBLICATION -

TERMINATION OF PARENTAL RIGHTS TO: LINDSEY POISSON 53 LINDSTROM COURT **MANCHESTER, NH 03104** Case Number: 656-2023 TR-00089 &

656-2023-TR-00090 **Preliminary Hearing** A petition to terminate paren-

tal rights over your minor child(ren) has been filed in this Court. You are hereby cited to appear at a Court to respond to

this petition as follows: Date: January 17, 2024 Time: 1:00 PM **Time Allotted: 30 Minutes** 35 Amherst St. Manchester NH 03101 Courtroom 302-9th Circuit-**Family Division-Manchester** CAUTION TO RESPONDENT

It is very important that you personally appear in this Court on the date, time and place provided in this notice. If you fail to personally appear, you may be defaulted and your parental rights may be terminated even if you are represented by an attorney who has filed a written appearance and/or per-sonally appears at this hearing. IMPORTANT RIGHTS

OF PARENTS

THIS PETITION IS TO DETER-MINE WHETHER OR NOT YOUR PARENTAL RIGHTS OVER YOUR CHILD(REN) SHALL BE TERMINA-TED. TERMINATION OF THE PA-RENT/CHILD RELATIONSHIP MEANS THE TERMINATION SHALL DIVEST YOU OF ALL LEGAL RIGHTS, PRIVILEGES, DUTIES AND OBLIGATIONS, IN-CLUDING BUT NOT LIMITED TO THE LOSS OF ALL RIGHTS TO CUSTODY, VISITATION AND COMMUNICATION WITH YOUR CHILD(REN). IF TERMINATION IS GRANTED, YOU WILL RECEIVE NO NOTICE OF FUTURE LEGAL PROCEEDINGS CONCERNING YOUR CHILD(REN).

You are hereby notified that you have a right to be represented by an attorney. You also have the right to oppose the proceedings, to attend the hearing and to present

please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held TBD. (UL - Dec. 6)

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 F. Coburn Jr. (the "Mortgagor") to Birt & Briggs Mortgage Consul-tants, LLC, and now held by Federal National Mortgage As-sociation (the "Mortgagee"), said mortgage dated June 25, 2003, and granded in the Hildbarguet and recorded in the Hillsborough Registry of Deeds in Book 6971, Page 1834, (the "Mortgage"), pur-suant 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 January 10, 2024 at 11:00 AM Said sale to be held on the mortgaged premises hereinafter described and having a present address of 100 Cove Street, Goffs-town, Hillsborough County, NH 03045.

NOTICE

PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORT-GAGED PREMISES ARE SITU-ATED, 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 Federal National Mortgage Association, c/o R. Scott Luttrull, 5600 Granite Parkway, Plano, TX 75024. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The 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

<u>nhbd@banking.nh.gov</u>. 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**

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 attor-ney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the

partment is:

New Hampshire Banking Department 53 Regional Drive, Suite 200 Concord, NH 03301 nhbd@banking.nh.gov

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

For information on getting help with housing and foreclosure issues, please call the foreclosure nformation hotline at -800-437-5991. The hotline is a information 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 November 2, 2023. Lakeview Loan Servicing, LLC.

By its Attorneys Marinosci Law Group, P.C. 275 West Natick Road, Suite 500 Warwick, RI 02886 Telephone: 401-234-9200 MLG File No.: 20-00439 (UL - Nov. 29; Dec. 6, 13)

Legal Notice

THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH SUPERIOR COURT

Carroll Superior Court 96 Water Village Rd., Box 3

Ossipee NH 03864 Telephone: 1-855-212-1234 TTY/TDD Relay: (800) 735-2964 http://www.courts.state.nh.us CITATION FOR PUBLICATION Superior Court Rule 4(d)

Case Name: U.S. Bank Trust National Asso-

ciation as Trustee of Treehouse Series V Trust v Chad DeWitt; Colt DeWitt; Heirs, Devisees and Legal Representatives of the Estate of Cheryl M. Westfall/Smith; Chelsie Salvatore; Danielle Westfall

Case Number: **212-2023-CV-00179**

The above entitled action is now pending in this Court. The original pleading is on file and may be examined by interested parties. The Court has issued an Order for Service by Publication on defendant(s) Heirs, Devisees and Legal Representatives of the Estate of

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 fil-

Once you have responded to the Complaint, you can access docu-ments electronically filed through our Case Access Portal by going to https://odypa.nhecourt.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: Michael E. Swain, ESQ., Demerle Hoeger LLP, 10 City Square, 4th Fl., Boston, MA 02129-3740; Heirs, Devisees and Legal Representatives of the Estate of Cheryl M. West-fall/Smith, 22 Clough Road, Ef-Mingham, NH 03882; Danielle Westfall, 22 Clough Road, Effing-ham, NH 03882; Chelsie Salvatore, 166 Old Pound Road, Effingham, NH 03882; Chad DeWitt, II Sarah Lane, Northfield, NH 03276; Colt DeWitt, 48 Old Pound Road, Effingham, NH 03882; Donald A. Kennedy, ESQ., Law Office of Donald A. Kennedy, 908 Hanover St., Unit 1, Manchester, NH 03101. BY ORDER OF THE COURT November 15, 2023

Abigail Albee

Clerk of Court (126849)

(UL - Nov. 22 29; Dec. 6)

Legal Notice

NOTICE OF SECURED LIENHOLDER SALE PURSUANT TO RSA 205-A:4-a

and RSA 382-A:9-610 Please be advised that pursuant to the powers set forth in RSA 205-A:4-a and RSA 382-A:9-610, that **KT Mobile Home Park, LLC**, intends to foreclose upon and sell, in exercise of its secured lienholder rights, the manufactured hous-ing, located at **5 Princess Lane,** Kings Towne Mobile Home Park, Epsom, Merrimack Coun-ty, New Hampshire 03234, titled in name of Bernice B. Oliver. The premises are more particularly described in a certain Deed to Bernice B. Oliver, a single person, dated September 30, 1997, recorded in the Merrimack County Registry of Deeds (MCRD) at **Book 2073, Page 30.**

The premises will be sold at: PUBLIC AUCTION On January I 0, 2024

10:00 am at 5 Princess Lane Kings Towne Mobile Home Park

Town of Epsom Merrimack County New Hampshire 03234

You are hereby notified that you have a right to petition the Superior Court for the County in which the Premises are situated, with service upon the lienholder, and upon such bond as the Court may require to enjoin the scheduled lienholder foreclosure sale.

The lienholder's name and ads is: **KT** ess for service of proc

reserves the right to bid at the sale, to reject any and all bids, to cancel or continue the sale, and to amend or change the terms of sale by written or oral announcement made before or during the foreclosure sale. Any questions regarding the foreclosure sale should be directed to Durbin Law Offices PLLC at: 603-287-4764. It is requested that you register for the auction in advance thereof by emailing your contact information to: durbinlawoffices@gmail.com. Please write "Register for Auction at 5 Princess Lane, Epsom" in the subject line of the email. Dated at Portsmouth, New Hampshire, on November 17,

2023 KT Mobile Home Park, LLC

By its Attorneys, Durbin Law Offices, PLLC Darcy C. Peyser, Esq. Derek R. Durbin, Esq. 144 Washington Street Portsmouth, NH 03801 darcy@durbinlawoffices.com derek@durbinlawoffices.com 603-287-4764

(UL - Nov. 22, 29; Dec. 6)

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 Paul Reno a/k/a Paul E. Reno and Lisa Reno a/k/a Lisa A. Reno (the "Mortgagor") to Wells Fargo Bank, N.A., and now held by Federal National Mortgage Association (the "Mortgagee"), said mortgage dated November 4, 2005, and recorded in the Hillsborough Registry of Deeds in Book 7581, Page 360, (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

January 10, 2024 at 10:00 AM Said sale to be held on the mortgaged premises hereinafter described and having a present address of 252 Tirrell Hill Rd, Goffstown, Hillsborough County, NH 03045.

NOTICE

PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MODE COUNTY IN WHICH THE MORT-GAGED PREMISES ARE SITU-ATED, 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 Federal National Mortgage Association, c/o R. Scott Luttrull, 5600 Granite Parkway, Plano, TX 75024. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The 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 <u>nhbd@banking.nh.gov</u>. 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

Mortgage Association By its Attorney, Bozena Wysocki Brock & Scott, PLLC 270 Farmington Ave, Suite 151 Farmington, CT 06032 (UL - Nov. 29; Dec. 6, 13)

Legal Notice

Blais Towing 16 Polly Peabody Rd. Bedford NH 03110 Auction Date: December 08, 2023

Time : 8:15 am Vehicle : 2012 Hyundai Sonata VIN # 5NPEC4AC1CH481381 2015 GMC SILVERODO VIN # 1GCNKPEC9FZ404091 (UL - Dec. 6))

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 Brian J Dowling and Amy Dowling (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for Merrimack Mortgage Company, LLC, and now held by HarborOne Mortgage, LLC (the "Mortgagee"), said mortgage dated August 25, 2015, and recorded in the Hillsborough Registry of Deeds in Book 8786, Page 1353, as affected by a Loan Modification dated February 4, 2022 and recorded in the Hillsborough County Registry of Deeds in Book 9605, Page 2031; (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

January 10, 2024 at 01:00 PM Said sale to be held on the mortgaged premises hereinafter described and having a present address of 30 Schaefer Circle, Hudson, Hillsborough County, NH 03051.

NOTICE

NOTICE PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORT-CACED DEPEMBER ADD STU GAGED PREMISES ARE SITU-ATED, 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 C T Corporation System, 2 1/2 Beacon Street, Concord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Bank-ing Department by e-mail at nhbd@banking.nh.gov.

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

evidence. If you desire an attorney, you may notify this Court within ten (10) days of receiving this notice and upon a finding of indigency, the Court will appoint an attorney without cost to you. If you enter an appearance, notice of any future hearings regarding this child(ren) will be by first class mail to you, your attorney and all other interested parties not less than ten (10) days prior to any scheduled hearing. Additional informa-tion may be obtained from the Family Division Court identified in the heading of this Order of Notice.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625:11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT Mary A. Barton, Clerk of Court (608)C: Heidi B Barba, ESQ (UL - Dec. 6, 13)

Legal Notice

Town of Raymond Planning Board Planning Board: Notice is

hereby given that the Raymond Planning Board will consider the following application for a public hearing regarding the following on TUESDAY, December 21, 2023, **beginning at 7:00 p.m.** The meeting will be held in the Media Center (library) at Raymond High School, 45 Harriman Hill Road.

Applications #2023-012 and 2023-013 Autumn Trail Realty: A Site Plan and Conditional Use Application has been submitted by Brandon Richards of Fieldstone Land Consultants, PLLC on behalf of Autumn Trail Realty, LLC. The applicant is proposing an 8,000 S.F. commercial building and Conditional Use Permit for exceedance of 15% impervious surface within the Groundwater Conservation District. The property is identified as Raymond Tax Map 32, Lot 72 located 1000 feet south of the Deerfield Rd. and Long Hill Rd. intersection within the Town of Raymond and is within the C1 zoning district.

You are invited to attend. or you may submit written comments to: Town of Raymond, Community Development De-partment, Office of Planning & Zoning, 4 Epping Street, Ray-mond, NH 03077. If you require audio or visual aids, sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale. Dated at Farmington, Connecti-

cut, on November 17, 2023. Federal National

Mortgage Association By its Attorney, Bozena Wysocki Brock & Scott, PLLC 270 Farmington Avenue Suite 151 Farmington, CT 06032

(UL - Nov. 29; Dec. 6, 13)

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 **Jeffrey J. Audy and Kimberly Joyce** (the 'Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for PMAC Lending Services, Inc. and now held by Lakeview Loan Servicing, LLC (the "Mortgagee"), said mortgage dated August 21, 2015, and recorded with the Rockingham County Registry of Deeds in Book 5647 at Page 2314 (the "Mortgage"), as affected by that certain Loan Modification Agreement dated February 13, 2019, and recorded with the Rockingham County Registry of Deeds in Book 5986 at Page 1062, 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 20, 2023

at 11:00 AM Said sale to be held on the

mortgaged premises having a present address of 516 Raymond Road, Chester, Rockingham County, New Hampshire. The premises are more particularly described in the mortgage.

For Mortgagor's Title see deed recorded in Book 5647 at Page 2312 with the Rockingham County Registry of Deeds

NOTICE PURSUANT TO NEW HAMP-SHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORT-GAGED PREMISES ARE SITU-ATED, 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 De-

Chervl M. Westfall/Smith. The Court ORDERS:

U.S. Bank Trust National Association as Trustee of Treehouse Series V Trust shall give notice to Heirs, Devisees and Legal Representatives of the Estate of Cheryl M. Westfall/Smith 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 30, 2023 Also, ON OR BEFORE

30 days after the last publica-

tion - Heirs, Devisees and Legal Representatives of the Estate of Cheryl M. Westfall/Smith shall electronically file an Appearance and Answer or other responsive pleading with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

January 20, 2024 - U.S. Bank Trust National Association as Trustee of Treehouse Series V Trust 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 Heirs, Devisees and Legal Representatives of the Estate of Cheryl M. Westfall/Smith: 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.co urts.state.nh.us, select the Electronic Services icon and then select the option for a self-

TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearings **THURSDAY, DECEMBER 14, 2023**

The Hudson Zoning Board of Adjustment will hold a public meeting on Thursday, December 14, 2023 at 7:00 PM in the Community Development Paul Buxton Meeting Room in the basement of Hudson Town Hall, 12 School St., Hudson, NH (please enter by ramp entrance at right side).

PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

- 1. Case 148-071 (12-14-23): Jason and Rena Hand, 18 Towhee Dr., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. 6 ft. into the rear yard setback leaving approx. 9 ft. where 15 feet is required. [Map 148, Lot 071-000, Zoned Residential-One (R-l); HZO Article VII: Dimensional Requirements; §334-27 Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]
- 2. Case 118-049 (12-14-23): Kenneth Doubleday, Jr. and Jennifer Doubleday, 58 Griffin Rd., Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. 10 ft. into the side yard setback leaving approx. 5 ft. where 15 feet is required. [Map 118, Lot 049-000, Zoned General-One (G-l); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

Chris Sullivan, Zoning Administrator

Mobile Home Park, LLC, 1 Circle, Epsom, NH Archers 03234.

The premises will be sold subject to the lienholder's lien in the premises and all unpaid real estate taxes, lot rent and all other liens and encumbrances which may be entitled to precedence over the lienholder's secured interest in the premises. Notwithstanding any title information contained in this notice, the lienholder expressly disclaims any representations as to the state of the title to the premises involved as of the date of the notice of the date of sale. The premises are to be sold at the sale is "AS IS. WHERE IS"

The description of the premises contained in the current deed to the premises shall control in the event of an error in this publication. The sale to any successful bidder at auction will be contingent upon application and appro-val of residency within the manufactured housing park.

A deposit of four thousand and 00/100 dollars (\$4.000.00) in the form of a bank check payable to Durbin Law Offices PLLC will be required to be delivered at or before the time the bid is offered and accepted. The successful bidder will also be required to sign a Purchase & Sales Agreement unless the successful bidder is KT Mobile Home Park, LLC. If any successful bidder fails to comply with the terms of the Purchase & Sales Agreement, the successful bidder's deposit may, at the option of KT Mobile Home Park. LLC. be retained as full liquidated damages for breach of the contract. KT Mobile Home Park, LLC

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 attor-ney. 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 17, 2023.

of sale. The property to be sold at the sale is "AS IS WHERE IS".

TERMS OF SALE

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 17, 2023. HarborOne Mortgage, LLC

By its Attorney, Bozena Wysocki Brock & Scott, PLLC 270 Farmington Avenue Suite 151 Farmington, CT 06032

Federal National (UL - Nov. 29; Dec. 6, 13)

REQUEST FOR PROPOSAL NASHUA HOUSING AND **REDEVELOPMENT AUTHORITY** FEE ACCOUNTANT SERVICES

In accordance with HUD Notice PIH 90-47, the Nashua Housing and Redevelopment Authority (NHRA) is requesting proposals from Certified Public Accountants to provide full accounting services for a two-year term beginning February 1. 2024. The respondent must be a Certified Public Accountant licensed to practice by the State of New Hampshire.

All proposals will be received until 2:00 p.m. on Wednesday, January 3, 2024 at which time they will opened and results recorded and reviewed for negotiations at the NHRA office, 40 East Pearl Street, Nashua, New Hampshire. If mailed, the Authority must receive proposals no later than the time and date stated above. All proposals shall be in a sealed envelope marked with the words "Proposal Documents - Fee Accountant Services". Faxed proposals will not be accepted.

A pre-bid teleconference is scheduled to occur Wednesday, December 20, 2023 at 10:00 a.m. At this teleconference the proposal process will be reviewed, and questions will be taken. Participation is recommended but not mandatory. To participate in the pre-bid teleconference, please call the following number:

Dial 1-848-777-1212, and when prompted enter 0025661#

Contract Documents may be obtained by contacting the NHRA's Purchasing Department at (603) 883-5661 ext. 306.

The successful firm will be required to hold the proposal price for not less than 60 days, Saturdays, Sundays, and holidays excluded, from the proposal opening and will begin work as prescribed in the Notice to Proceed.

The NHRA reserves the right to reject any or all proposals and to waive any formalities, and reserves the right to award the contract as it deems in its best interest. The NHRA is an Equal Opportunity/Affirmative Action Agency.

NASHUA HOUSING AND **REDEVELOPMENT AUTHORITY** James Tollner, Chairperson



Dates: November 29 and December 6, 2023

Land Use Division

Hudson, New Hampshire 03051 • Tel: 603-886-6008 • Fat



12 School Street

Zoning Administrator Staff Report

Meeting Date: December 14, 2023

<u>Case 148-071 (12-14-23)</u>: Jason and Rena Hand, **18 Towhee Dr., Hudson, NH** requests an Equitable Waiver of Dimensional Requirement to allow the shed to remain in its current location which encroaches approx. 6 ft. into the rear yard setback leaving approx. 9 ft. where 15 feet is required. [Map 148, Lot 071-000, Zoned Residential- One (R-I); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and RSA 674:33-a.I.]

Address: 18 Towhee Dr. Zoning district: Residential One (R-1)

Property Description:

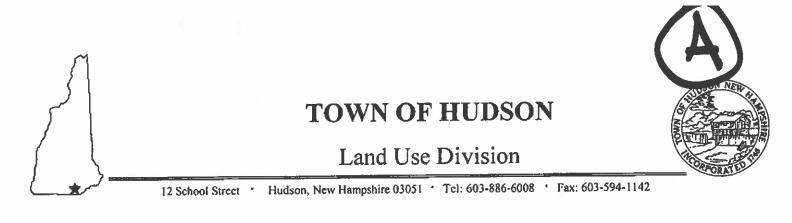
Our records indicate this parcel is an existing lot of record. The lot is 43,560 SF where 43,560 SF is required, and use is as residential single family.

In-House comments:

Town Engineer: no comments Inspectional Services/Fire Dept.: no comments Town Planner: no comments

History/Attachments:

A: Zoning Determination/Notice of Non-conformance - 23-97 (July 19, 2023)
B: Foundation Location plan dated: 8-10-23
C: 2022, 2015, 2005 aerials
D: Town Engineer comments: 11-28-23
E: Inspectional Services/Fire Dept. comments: 12-4-23
F: Town Planner: 11-28-23



Zoning Determination #23-97 Notice of non-conformance

July 19, 2023

Janson and Rena Hand 18 Towhee Dr. Hudson, NH 03051

Re: <u>18 Towhee Map 148 Lot 078-000</u> District: Residential One (R-1)

Subject: Shed encroachment.

Dear Mr. and Mrs. Hand

I am in receipt of a recently certified plot plan that indicates 1 violation of the Zoning Ordinance.

Zoning Review / Determination:

Your property is a lot of records in the R-1 zone. Your property is 1 acre in size. On your property, the required rear setback is 15 ft. from the property lines. There was a certified plot plan submitted and it indicates 1 violation as follows:

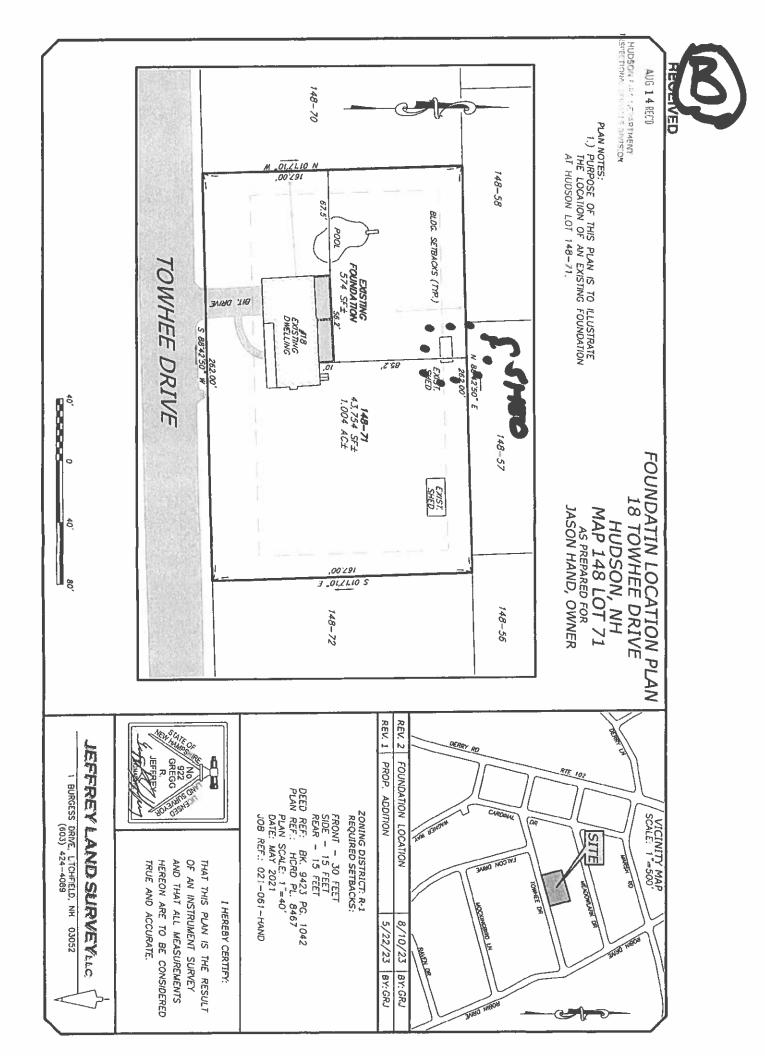
1) Lack of required setback per §334-27 <u>Table of Dimensional Requirements</u>. There is a shed located within the required 15' rear setback. Please remove/move the shed into compliance, or apply for an <u>Equitable Waiver of Dimensional Requirement</u> from the Zoning Board of Adjustment.

Sincerely,

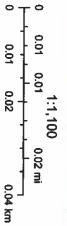
Chris Syllivan Zoning Administrator/Code Enforcement Officer (603) 816-1275<u>csullivan@hudsonnh.gov</u>

Encl.: 5-22-23 Certified Plot Plan, cc: Public Folder B. Groth, Town Planner File

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



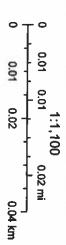






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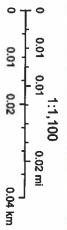




12/5/2023









 REQUEST FOR REVIEW/COMMENTS:

 Case: 118-049 (12-14-23)

 (Equitable Waiver of

 Property Location: 58 Griffin Rd

 Dimensional Requirement)

For Town Use	
Plan Routing Date: 11/28/2023 Reply requested by: 12/04/20	23ZBA Hearing Date: 12/14/2023
I have no comments I have comments (see	e below)
EZD Name: Elvis Dhima	Date: 11/28/2023
DEPT. Town Engineer Fire/Health Department	Town Planner

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 REQUEST FOR REVIEW/COMMENTS:

 Case: 148-071 (12-14-23)

 (Equitable Waiver of

 Property Location: 18 Towhee Drive

 Dimensional Requirement)

For Town Use	
Plan Routing Date: 11/27/2023 Reply requested by: 12/01/20	25ZBA Hearing Date: 12/14/2023
I have no comments I have comments (see	e below)
DRH Name: David Hebert	Date: 12/04/2023
(Initials)	
DEPT. Town Engineer Fire/Health Department	Town Planner

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REQUEST FOR REVIEW/COMMENTS: Case: <u>148-071 (12-14-23)</u> (Equitable Waiver of Property Location: <u>18 Towhee Drive</u> Dimensional Requirement)

For Town Use	
Plan Routing Date: 11/27/2023 Reply requested by: 12/01/2023	ZBA Hearing Date: <u>12/14/2023</u>
I have no comments I have comments (see b	elow)
(Initials) Name: Brian Groth	Date: 11/28/2023
DEpT. Town Engineer Fire/Health Department	Town Planner

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HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET Option 1- (Per RSA 674:33-a, I)

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

On **12-14-2023**, the Hudson Zoning Board of Adjustment heard Case **148-071**, being a request by Jason and Rena Hand, **18 Towhee Dr.**, Hudson, NH for an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. 6 ft. into the rear yard setback leaving approx. 9 ft. where **15 feet is required**. [Map 148, Lot 071-000, Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

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

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

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

Y	Ν	

Y

Y

Y

Ν

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

Member Decision:

Signed: _____

Sitting Member of the Hudson ZBA

Date

Print name: _____

NOV 2 2 MED TO APPLICATION FOI	R AN EQUITABLE WAIVER
Jor ^{Toning} Dep Zoning Board of Adjustment Town of Hudson	Entries in this box are to be filled out by Land Use Division personnel Case No. $\frac{ 48-07 (2- 4-23) }{ 22 23 }$ Date Filed $\frac{ 1 22 23 }{ 23 }$
Name of Applicant Jason Hand	Map: 148 Lot: 71 Zoning District: R-1
Telephone Number (Home) 603-475-9166 Mailing Address 18 Towhee Dr. Hudson N Owner Jason & Rena Hand	(Work) <u>603-233-7259</u> IH 03051
Location of Property 18 Towhee Dr. Hudson NH (Street Addre Signature of Applacant Signature of Property-Dwper(s)	

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

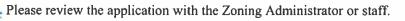
If you are not the property owner, you must provide written documentation signed by the property owner(s) to confirm that the property owner(s) are allowing you to speak/represent on his/ her/ their behalf or that you have permission to seek the described Equitable Waiver.

Items in this box are to be filled out by I	and Use Division p	ersonnel	
COST:	Date receive	ed: 11/22/23	
Application fee (processing, advertising & recording) (non-refundable):	\$ <u>185.00</u>	
Abutter Notice: Direct Abutters x Certified postage rate Indirect Abutters x First Class postage rate Total amount due		\$ <u>40.08</u> \$ <u>3.96</u> \$ <u>229.04</u>	Coal
	Amt. received:	\$ 229.04	#1798
Received by:	Receipt No.:	752,524	1210
By determination of the Zoning Administrator, the foll Engineering Fire Dept Health Officer		_	

TOWN OF HUDSON, NH Application Checklist

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

Applicant mials



A separate application shall be submitted for each request, with a separate

or any representative to apply on the behalf of the property owner(s).

by check, make the check payable to the Town of Hudson.

application until this document has been supplied.)

The applicant must provide the original (with wet signatures) of the complete filledout application form and all required attachments listed below together with 10 (ten) single-sided copies of the assembled application packet. (Paper clips, no staples)

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

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



Staff

Initials





Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use

(**NOTE**: if such an authorization is required, the Land Use Division will not process the

(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.)



GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief.

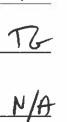
A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use

Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)

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.



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 <u>other than</u> above-ground pools, sheds, decks and use variances, the application must include a copy of a certified plot plan from a licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).

- a) _____ The plot plan shall be drawn to scale on an $8\frac{1}{2}$ " 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.
 - 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.

Signatu pplicant(s øf Signature of Property

i)

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.

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
148	56	*Include Applicant & Owner(s) Joseph Bakunczyk	15 Meadowlark Drive Hudson NH 03051
148	57	Robert Shultz	13 Meadowlark Drive Hudson NH 03051
148	58	David Ford	11 Meadowlark Drive Hudson NH 03051
148	70	John Hanlon	16 Towhee Drive Hudson NH 03051
148	72	Susan Hardman	20 Towhee Drive Hudson NH 03051
148	79	lain Henderson	19 Towhee Drive Hudson NH 03051
148	80	Lisa Merrill	17 Towhee Drive Hudson NH 03051
148	71	Jason Hand	18 Towhee Drive Hudson NH 03051

(Use additional copies of this page if necessary)

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.

MAP LOT NAME OF PROPERTY OWNER MAILING ADDRESS 17 Meadowlark Drive 148 55 Thomas Roberts Hudson NH 03051 9 Meadowlark Drive 148 William Craig 59 Hudson NH 03051 11 Cardinal Drive 148 Ellen Kotheimer 60 Hudson NH 03051 23 Towhee Drive 148 John Bowen Hudson NH 03051 77 21 Towhee Drive 78 Brittany Caron 148 Hudson NH 03051 3 Falcom Drive 148 Peter Muzykov 81 Hudson NH 03051

(Use additional copies of this page if necessary)

SENDER:		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 148-071 EQUITABLE WAIVER OF DIM. REQ. 18 Towhee Dr. Map 148/Lot 071-000 1 of 1	
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	12/14/2023 ZBA Meeting	
1	9589 073	0 5270 0646 5600 40	HAND, JASON C & RENA	APPLICANT/OWNER NOTICE MAILED	
			18 TOWHEE DR., HUDSON, NH 03051		
2	9589 071	0 5270 0646 5600 57 💻	BAKUNCZYK, JOSEPH P. & KAREN M.	ABUTTER NOTICE MAILED	
-	1001 014		15 MEADOWLARK DR., HUDSON, NH 03051		
3	9589 071	.0 5270 0646 5600 64	SHULTZ, ROBERT D. & BEVERLY S.	ABUTTER NOTICE MAILED	
			13 MEADOWLARK DRIVE, HUDSON, NH 03051		
4	9589 071	0 5270 0646 5600 71	FORD, DAVID J. & MARIE J.	ABUTTER NOTICE MAILED	
	1301 013		11 MEADOWLARK DRIVE, HUDSON, NH 03051		
5	9589 07	0 5270 0646 5600 88	HANLON, JOHN F. JR.	ABUTTER NOTICE MAILED	
-	1301 01.		16 TOWHEE DRIVE, HUDSON, NH 03051		
6	9589 07	LO 5270 O646 5600 95	HARDMAN, SUSAN P.	ABUTTER NOTICE MAILED	
-	1001 01.		20 TOWHEE DRIVE, HUDSON, NH 03051		
7	9549 071	0 5270 0646 5601 01 📃	HENDERSON, IAIN J. & ERIN	ABUTTER NOTICE MAILED	
	1201 013		19 TOWHEE DR., HUDSON, NH 03051		
8	9589 0710 5270 0646 5601 18		MERRILL, LISA M. & JUDITH A.	ABUTTER NOTICE MAILED	
-	1301 01.		17 TOWHEE DRIVE, HUDSON, NH 03051		
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USPS-Verified Mail

	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 148-071 EQUITABLE WAIVER OF DIM. REQ. 18 Towhee Dr.	
ENDER:			Map 148/Lot 071-000 1 of 1	
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	12/14/2023 ZBA Meeting	
10.12	Mailed First Class	ROBERTS, THOMAS L. & ANN BETH	ABUTTER NOTICE MAILED	
		17 MEADOWLARK DRIVE, HUDSON, NH 03051		
201010		CRAIG JR., WILLIAM ;		
	Mailed First Class	CRAIG, SARAH	ABUTTER NOTICE MAILED	
		9 MEADOWLARK DR., HUDSON, NH 03051		
	Mailed First Class	KOTHEIMER, ELLEN E.	ABUTTER NOTICE MAILED	
		11 CARDINAL DR., HUDSON, NH 03051		
2	Mailed First Class	BOWEN, JOHN C. & TASHA	ABUTTER NOTICE MAILED	
		23 TOWHEE DRIVE, HUDSON, NH 03051		
Marine .	A CONTRACTOR AND A CONTRACT AND A CO	CARON, BRITTANY A.;		
	Mailed First Class	KING, NICHOLAS A.	ABUTTER NOTICE MAILED	
		21 TOWHEE DR., HUDSON, NH 03051		
-0020-1	Mailed First Class	MUZYKOV, PETER G.	ABUTTER NOTICE MAILED	
		3 FALCON DR., HUDSON, NH 03051		
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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

December 1, 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**, **12/14/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 148-071 (12-14-23)</u>: Jason and Rena Hand, <u>18 Towhee Dr.</u>, Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. 6 ft. into the rear yard setback leaving approx. 9 ft. where 15 feet is required. [Map 148, Lot 071-000, Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and RSA 674:33-a.I.]

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





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

December 1, 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**, 12/14/2023 starting at 7:00 **P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 148-071 (12-14-23)</u>: Jason and Rena Hand, <u>18 Towhee Dr.</u>, Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. 6 ft. into the rear yard setback leaving approx. 9 ft. where 15 feet is required. [Map 148, Lot 071-000, Zoned Residential-One (R-l); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and RSA 674:33-a.I.]

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 comments before 4:00 prior to the meeting Email PM 03051. to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan Zoning Administrator

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

Per RSA674:33-a, I, Equitable Waiver of Dimensional Requirement: **(OPTION 1)** When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

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

The structure was in place at the time we purchased the property in 2017. We first became aware of the issue when notice was sent in connection with a plot plan submitted for an unrelated extension to the main house. I think the shed has been in place for more than ten years, but cannot substantiate this.

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

When purchasing the property, we conducted normal diligence and did not discover the issue. We did submit an accurate plot plan in connection with an extension to the main residence and this led to the discovery / notification that the shed was not entirely within the setback.

- (c) NO NUISANCE. Please explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and Minor intrusion to offset with a modest garden shed.
- (d) HIGH CORRECTION COST. Please explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.
 - The shed is installed on a concrete foundation and has no joists or other flooring, making it hard to move. Moving would involve removing and replacing the foundation and when I include replacement of the structure itself (as I doubt it could be moved intact), I estimate costs ranging over \$25,000





Land Use Division

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

Zoning Determination #23-97 Notice of non-conformance

July 19, 2023

Janson and Rena Hand 18 Towhee Dr. Hudson, NH 03051

Re: <u>18 Towhee Map 148 Lot 078-000</u> District: Residential One (R-1)

Subject: Shed encroachment.

Dear Mr. and Mrs. Hand

I am in receipt of a recently certified plot plan that indicates 1 violation of the Zoning Ordinance.

Zoning Review / Determination:

Your property is a lot of records in the R-1 zone. Your property is 1 acre in size. On your property, the required rear setback is 15 ft. from the property lines. There was a certified plot plan submitted and it indicates 1 violation as follows:

1) Lack of required setback per **§334-27** <u>Table of Dimensional Requirements</u>. There is a shed located within the required 15' rear setback. Please remove/move the shed into compliance, or apply for an <u>Equitable Waiver of Dimensional Requirement</u> from the Zoning Board of Adjustment.

Sincerely,

Chris Syllivan Zoning Administrator/Code Enforcement Officer (603) 816-1275<u>csullivan@hudsonnh.gov</u>

Encl.: 5-22-23 Certified Plot Plan, cc: Public Folder B. Groth, Town Planner File

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



Land Use Division



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

Notice of Violation

1st Class Mail

November 3, 2023

Jason & Rena Hand 18 Towhee Dr. Hudson, NH 03051

Re: <u>18 Towhee Dr. Map 148 Lot 071-000</u> District: Residence One (R-1)

Dear Jason and Rena,

I am looking for an update on the shed. I understand the addition to your home takes a lot of time. Please update me on what you want to do with the shed.

Complaint: On 8/8/23 I mail you a Zoning determination/Notice of non-conformance letter. The letter was for the shed that is at the rear of your property it appears to be location in the 15' rear setback.

Violation: This is a violation of the Zoning Ordinance section: §334-27 - Table of Dimensional Requirements.

Order:

Please contact me to check the location of the shed No, later than November 13, 2023.

Please be further advised that in accordance with the Hudson Zoning Ordinance §334-79 (HZO) and RSA § 676:17, you are subject to a civil penalty of \$275.00 first offenses, and \$550.00 for subsequent offenses, for each day that your Property is found to continue in violation of the HZO after the date you receive this notice, with each day that the violations continue being a separate offense. If the Town must pursue legal action against you, the Town shall be entitled to recover its costs and reasonable attorney fees if it is found to be a prevailing party.

Sincerely,

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

cc: Public Folder Brian Groth - Town Planner File

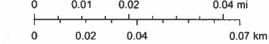
NOTE: this determination may be appealed to the Hudson Zoning Board of Adjustment within 30 days of the receipt of this letter.

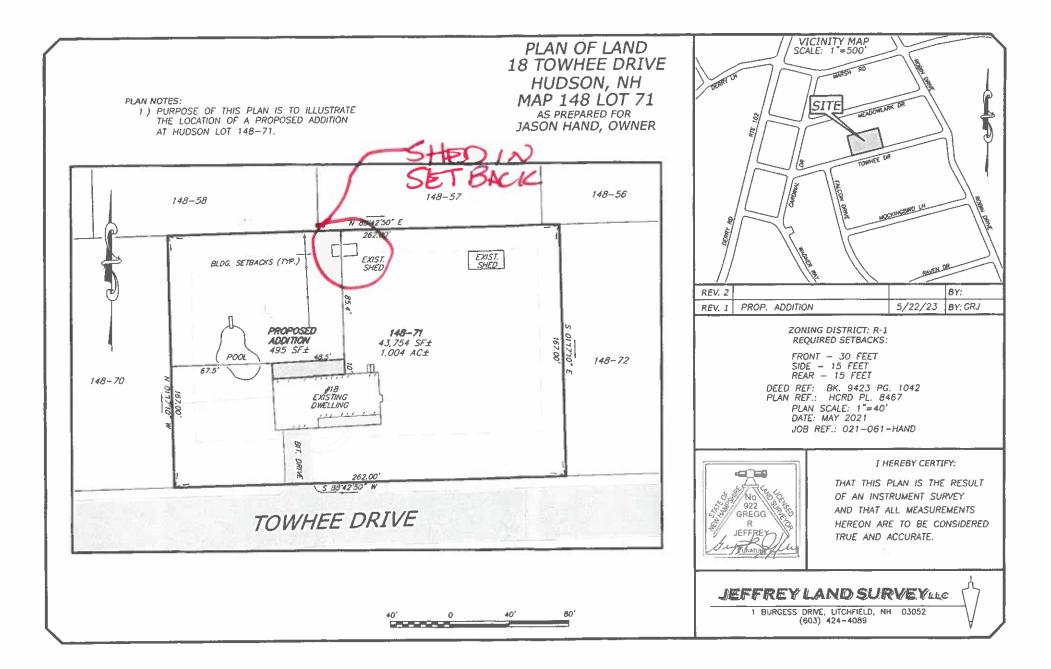
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Letter ANSI A Landscape







Printed 11/22/2023 4:15PM

Created 11/22/2023 4:11 PM

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

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application- 12/14/23 ZBA Mtg. 18 Towhee Dr. Map 148-071-000 Zone (R-1) Equitable Waiver App	0.00	229.0400	0.00
			Total:	229.04

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Jason C Hand	CHECK	CHECK# 1298	229.04	0.00	229.04
			Total Due:	229.04	
			Total Tendered:		229.04
			Total Change:		0.00
			Net Paid:		229.04



Land Use Division



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

Zoning Administrator Staff Report Meeting Date: December 14, 2023

<u>Case 118-049 (12-14-23)</u>: Kenneth Doubleday, Jr. and Jennifer Doubleday, **58 Griffin Rd.**, **Hudson**, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. 10 ft. into the side yard setback leaving approx. 5 ft. where 15 feet is required. [Map 118, Lot 049-000, Zoned General-One (G-l); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

Address: 58 Griffin Rd. Zoning district: General-One (G-l)

Property Description:

Our records indicate this parcel is an existing lot of record. The lot is 47,916 SF where 43,560 SF is required. There is a residential single family home on the lot.

In-House comments: Town Engineer: no comments Inspectional Services/Fire Dept.: no comments Town Planner: no comments

History/Attachments: A: Zoning Determination/Notice of Non-conformance - 23-97 (July 19, 2023) B: Shed GIS Blowup C: 2011, 2017, 2022, Aerial D: Town Engineer comments: 11-28-23 E: Inspectional Services/Fire Dept. comments 12-4-23 F: Town Planner: 11-28-23



Land Use Division

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

Notice of Complaint

October 20, 2023

Kenneth and Jennifer Doubleday 58 Griffin Rd Hudson, NH 03051

Re: <u>58 Griffin Rd. Map 118 Lot 049</u> District: General One (G-1)

Dear Brittany and Nicholas,

Complaint: During the review for a building permit, we noticed that there are 2 Sheds a small shed and a larger shed that are located within the 15' side setback. The larger shed looks like it is over 200 sq. ft. and would need a building permit. (Any sheds greater than 200 sq. ft. require a building permit).

Violation: These are the violations of the Hudson Zoning Ordinance section(s): §334-16 (B) - Building Permits §334-27 - Table of Dimensional Requirements.

Order:

You can move the sheds into compliance or, you can also get an Equitable Waiver for the location of the shed from the Zoning Board of Adjustment. You are required to file for a building permit for the shed. Please contact me so I can check the location and sizes of the sheds, and discuss what you want to do with the sheds **No, later than November 3, 2023.**

<u>See Attachments:</u> (A) GIS Ariel from 2022

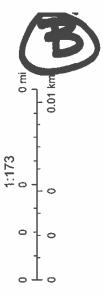
Sincerely,

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

cc: Public Folder Brian 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.





58 Griffin Rd (Shed in the setback)

12/5/2023



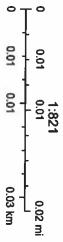
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58 Griffin - 2011



 REQUEST FOR REVIEW/COMMENTS:

 Case: 118-049 (12-14-23) (Equitable Waiver of

 Property Location: 58 Griffin Rd
 Dimensional Requirement)

For Town Use
Plan Routing Date: <u>11/28/2023</u> Reply requested by: <u>12/04/2023</u> ZBA Hearing Date: <u>12/14/2023</u>
I have no comments I have comments (see below)
EZD Name: Elvis Dhima Date: 11/28/2023
DEPT. Town Engineer Fire/Health Department Town Planner

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

 REQUEST FOR REVIEW/COMMENTS:

 Case: 118-049 (12-14-23)

 (Equitable Waiver of

 Dimensional Requirement)

For Town Use	
Plan Routing Date: 11/28/2023 Reply requested by: 12/04/2023	ZBA Hearing Date: 12/14/2023
I have no comments I have comments (see b	pelow)
DRH Name: David Hebert	Date: 12/04/2023
(Initials)	
DEPT. Town Engineer Fire/Health Department	Town Planner

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

REQUEST FOR REVIEW/COMMENT	<u>`S:</u>
Case: 118-049 (12-14-23)	(Equitable Waiver of
Property Location: 58 Griffin Rd	Dimensional Requirement)

For Town Use	
Plan Routing Date: 11/28/2023 Reply requested by: 12/	04/2023 ZBA Hearing Date: 12/14/2023
I have no comments I have commen	
Constants Name: Brian Groth	Date: 11/28/2023
DEPT. Town Engineer Fire/Health Departm	entTown Planner

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HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET Option 1- (Per RSA 674:33-a, I)

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

On **12-14-2023**, the Hudson Zoning Board of Adjustment heard Case **118-049**, being a request by Kenneth Doubleday, Jr. and Jennifer Doubleday, **58** Griffin Rd., Hudson, NH for an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. **10** ft. into the side yard setback leaving approx. **5** ft. where **15** feet is required. [Map 118, Lot 049-000, Zoned General-One (G-l); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

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

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

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

Y	Ν

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Y

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

Member	Decision:
Member	Decision.

Signed:

Sitting Member of the Hudson ZBA

Date

Print name:

NON 28 MEN 3	Entries in this box are to be filled out by
LE .	Land Use Division personnel
To: Zoning Board of Adjustment Town of Hudson	Case No. 118-049
	Date Filed 11/28/23
Name of Applicant Kenneth Doubled	Map: Lot:Zoning District:
Telephone Number (Home) 978 - 337-33	282 (Work)
Mailing Address 58 Griffin R	2
Owner Kenneth Doubleday,	/ JenniFER Doubleday
Location of Property 58 Griffin, Rd	
Venneth Douledy Nar A	11/14/2023
Signature of Applicant	Date 11/14/2023

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 Equitable Waiver.

Items in this box are to be filled out by	Land Use Division p	ersonnel	
	Date receive	ed: 11/28/23	
COST: Application fee (processing, advertising & recording	g) (non-refundable):	\$ 185.00	
Abutter Notice:	\$ <u>5.01</u> = \$ <u>0.66</u> =	\$ <u>30.06</u> \$ <u>3.96</u> \$ <u>2/9.02</u>	c. hi
	Amt. received:	\$ 219.02	1149
Received by:	Receipt No.:	752,796	1176
By determination of the Zoning Administrator, the fol Engineering Fire Dept Health Officer		review is required: ner	

OR

TOWN OF HUDSON, NH Application Checklist

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

Initials Please review the application with the Zoning Administrator or staff.

The applicant must provide the original (with wet signatures) of the complete filledout application form and all required attachments listed below together with 10 (ten) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)

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.

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.)

Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website:

https://www.hudsonnh.gov/community-development/page/gis-public-use

(NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)

16-

GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief.

A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use

Applicant

Provide a copy of all **single sided pages** of the assessor's card. (NOTE: these copies are available from the Assessor's Office)



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.

NA

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.

Staff

Initials

TG

11/15/2

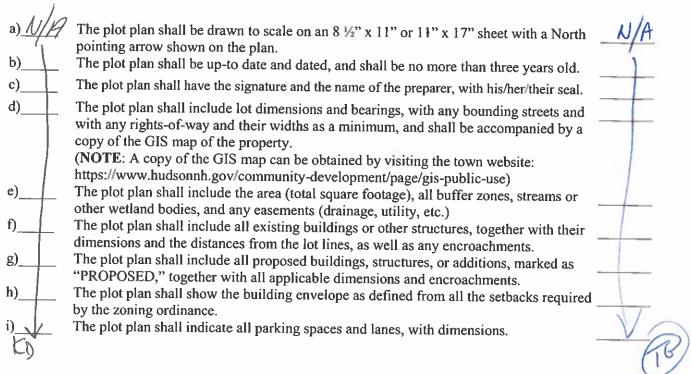




CERTIFIED PLOT PLAN:

Requests <u>other than</u> 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).



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

pplican Signature of Property

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.

MAP LOT NAME OF PROPERTY OWNER MAILING ADDRESS *Include Applicant & Owner(s) 58 Grippin Rd 118-049 000 Kennon Doubleday JenniFER Dabled-y HUDSON NH 03051 SCOTT F. SHERMAN JACQUELINE S. Smith 60 Griffin Rd 118.050 -000 HUDSON NH 03051 RANDALL C. HATEM 61 GrIFFFN Rd 118-046 000 EVELYN M. Brundige HUDSON NH 03051 CHERYL E. MURPhy 59 Griffin Rd 118-047 000 HUDSON NH 03051 SHAUNA L. MARSHALL 56 GRIFFIN Rd 118-048 000 BENSAMIN M MARSHALL HUDSON NH 03051 JOSEPH S. MILLER 25 DAVID DR 118-052 000 LOR: ANN MILLER HUDSON NH 03051

(Use additional copies of this page if necessary)

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
118-054	000	MARLENE MCGILVARY	31 DAVID DR
		JAMES E DANIELS	HUDSON NH 03051
126-033	000	DEBRA S. DANIELS	57 A Griffin Rd
118-046	000	EVELYN M. Brundige	HUDSON NH 03051 2 BRIAN DR
10-010	002	TRUSTEE	LONDON DERRY NH 03053
118-053	000	CARL TUTTLE	33 DAVID DR
		SHNET TUTTLE	HUDSON NH 03051
26-032	000	LAVINIA MillER	50 Griffin Rd
	mal	VERTICAL Bridse/Eco SitE	HUDSON NH 03051 750 PARK OF COMMERCE DR
26-032	00		Suite 200 BOCH RATON, FL 334

		TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 118-049 EQUITABLE WAIVER OF DIM. REQ. 58 Griffin Rd Map 118/Lot 049-000 1 of 1	
		ARTICLE NUMBER	Name of Addressee, Street, and post office address	12/14/2023 ZBA Meeting	
	9589 072	10 5270 0646 5601 25	DOUBLEDAY, KENNETH W., JR.; DOUBLEDAY, JENNIFER	APPLICANT/OWNER NOTICE MAILED	
2	9589 07	10 5270 O646 5601 32	58 GRIFFIN RD., HUDSON, NH 03051 SHERMAN, SCOTT F.; SMITH, JACQUELINE S.	ABUTTER NOTICE MAILED	
3	9589 07	10 5270 0646 5601 49	60 GRIFFIN RD., HUDSON, NH 03051 HATEM, RANDALL C.; BRUNDIGE, EVELYN M.	ABUTTER NOTICE MAILED	
4	9589 07	10 5270 0646 5601 56	61 GRIFFIN RD., HUDSON, NH 03051 MURPHY, CHERYL E.	ABUTTER NOTICE MAILED	
5	9589 07:	10 5270 0646 5601 63	59 GRIFFIN RD., HUDSON, NH 03051 MARSHALL, SHAUNA L.; MARSHALL, BENJAMIN M.	ABUTTER NOTICE MAILED	
6	9589 07	10 5270 0646 5601 70	56 GRIFFIN RD., HUDSON, NH 03051 MILLER, JOSEPH S.; MILLER, LORI ANN	ABUTTER NOTICE MAILED	
			35 DAVID DRIVE, HUDSON, NH 03051		
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9		and the second second		HUDS	
10				18	
		Total Number of pieces listed by sender 6	Total number of pieces rec've at Post Office	Postmaster (receiving Imployee)	

Page 1

Town of Hudson 12 School Street Hudson, nh 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 118-049 EQUITABLE WAIVER OF DIM. REQ. 58 Griffin Rd Map 118/Lot 049-000 1 of 1
ARTICLE NUMBER		12/14/2023 ZBA Meeting ABUTTER NOTICE MAILED
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Mailed First Class	31 DAVID DRIVE, HUDSON, NH 03051 DANIELS, JAMES E.; DANIELS, DEBRA S.	ABUTTER NOTICE MAILED
	57A GRIFFIN ROAD, HUDSON, NH 03051	
Mailed First Class	BRUNDIGE, EVELYN M. TRUSTEE; BRUNDIGE, EVELYN M. REV. TRUST	ABUTTER NOTICE MAILED
	2 BRIAN DR., LONDONDERRY, NH 03053	
Mailed First Class	TUTTLE, JANET	ABUTTER NOTICE MAILED
	33 DAVID DRIVE, HUDSON, NH 03051	
Mailed First Class	MILLER, LAVINIA	ABUTTER NOTICE MAILED
	50 GRIFFIN ROAD, HUDSON, NH 03051	
Mailed First Class	VERTICAL BRIDGE/ECO SITE 750 PARK OF COMMERCE DRIVE, SUITE 200, BOCA RATON, FL 33487	ABUTTER NOTICE MAILED
		HUDSON
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Total # of pieces listed by sender	Total # of pieces rec'vd at Post Office	Postmaster receiving Employe
	12 SCHOOL STREET HUDSON, NH 03051 ARTICLE NUMBER Mailed First Class Mailed Fi	12 SCHOOL STREET US POSTAL SERVICE - FIRST CLASS MAIL HUDSON, NH 03051 Name of Addressee, Street, and post office address Mailed First Class MCGILVARY, MARLENE 31 DAVID DRIVE, HUDSON, NH 03051 DANIELS, JAMES E.; Mailed First Class STA GRIFFIN ROAD, HUDSON, NH 03051 BRUNDIGE, EVELYN M. TRUSTEE; BRUNDIGE, EVELYN M. REV. TRUST 2 BRIAN DR., LONDONDERRY, NH 03053 TUTTLE, CARL; Mailed First Class TUTTLE, CARL; Mailed First Class WILLER, LAVINIA 50 GRIFFIN ROAD, HUDSON, NH 03051 MILLER, LAVINIA 50 GRIFFIN ROAD, HUDSON, NH 03051 Sto GRIFFIN ROAD, HUDSON, NH 03051 Mailed First Class VERTICAL BRIDGE/ECO SITE 750 PARK OF COMMERCE DRIVE, SUITE 200, BOCA RATON, FL 33487 DOCA RATON, FL 33487 Socal RATON, FL 33487 Sto GRIFFIN ROAD, HUDSON, NH 03051 Mailed First Class Total # of pieces listed by sometric for the first of pieces rec'vd at Bott Office



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

December 1, 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**, **12/14/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

<u>Case 118-049 (12-14-23)</u>: Kenneth Doubleday, Jr. and Jennifer Doubleday, <u>58 Griffin Rd.</u>, Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a shed to remain in its current location which encroaches approx. 10 ft. into the side yard setback leaving approx. 5 ft. where 15 feet is required. [Map 118, Lot 049-000, Zoned General-One (G-l); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and RSA 674:33-a.I.]

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

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

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

Respectfully,

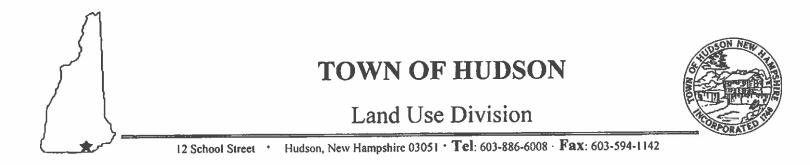
Chris Sullivan Zoning Administrator

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

Per RSA674:33-a, I, Equitable Waiver of Dimensional Requirement: **(OPTION 1)** When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

- (a) DISCOVERED TOO LATE. Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and This WAS'LT am not SURE why discoverd before AISO Permit. above this \mathcal{I} Pulkd for Ground 2 my POOL and the She this SPUT WAS in AT mat Time So SURE WAS'NT Brought Well why 1+ Ŧ *U0*7 pm 40 ATTENTION POINT an
- (b) INNOCENT MISTAKE. Explain how the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; and FIRST time AS a HUME NWNER \mathcal{T} W#S UN ANDIR OF The nles LAUS OF where could PACE my shed The TIM Large CARPOIT OF PURCHASE There WAS a il This SPOT 50 replacin THKING it NÛ ThAT SAW HARM ٥F and SMAIL SHed Τ WASNY Trying TO CAUSE Prublins
- NO NUISANCE. Please explain how the physical or dimensional violation does not constitute (c) a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and NOT is LARSE SHEd That This 15 NOT 6 FALLY iN BACKYAND and 17'5 m√ AMDST OUT si Really DUNT See it Being Problem FOC 6 others 70 he m REING SUR Fir ANY 10 The COSNES PACT 0F RACK mЧ
- (d) **HIGH CORRECTION COST**. Please explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

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Notice of Complaint

October 20, 2023

Kenneth and Jennifer Doubleday 58 Griffin Rd Hudson, NH 03051

Re: <u>58 Griffin Rd. Map 118 Lot 049</u> District: General One (G-1)

Dear Brittany and Nicholas,

Complaint: During the review for a building permit, we noticed that there are 2 Sheds a small shed and a larger shed that are located within the 15' side setback. The larger shed looks like it is over 200 sq. ft. and would need a building permit. (Any sheds greater than 200 sq. ft. require a building permit).

Violation: These are the violations of the Hudson Zoning Ordinance section(s): \$334-16 (B) - Building Permits \$334-27 - Table of Dimensional Requirements.

Order:

You can move the sheds into compliance or, you can also get an Equitable Waiver for the location of the shed from the Zoning Board of Adjustment. You are required to file for a building permit for the shed. Please contact me so I can check the location and sizes of the sheds, and discuss what you want to do with the sheds **No**, later than November 3, 2023.

<u>See Attachments:</u> (A) GIS Ariel from 2022

Sincerely,

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

cc: Public Folder Brian 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.

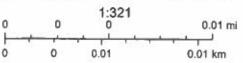
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58 Griffin Rd





Created 11/28/2023 8:11 AM

Transaction Receipt

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

Remitter		Рау Туре	Reference	Tendered	Change	Net Paid
				Total:		219.02
	Equitable Waiver App		0.00	219.0200		0.00
1.00	Zoning Application- 12/ <mark>58 Griffin Rd</mark> Map 118 Lot 049-000 Z		eeting			
	Description		Current Invoice	<u>Payment</u>	Baland	<u>ce Due</u>

Remitter	Pay Type	Reterence	Tendered	Change	NetFalu
Jennifer and Kenneth Doubleday Jr	CHECK	CHECK# 1148	219.02	0.00	219.02
			Total Due:		219.02
			Total Tendered:		219.02
			Total Change:		0.00
			Net Paid:		219.02



TOWN OF HUDSON



Zoning Board of Adjustment

Gary M. Daddario, Chairman Dillon Dumont, Selectmen Liaison

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

MEETING MINUTES – November 16, 2023 - draft

8 The Hudson Zoning Board of Adjustment met on Thursday, November 16, 2023 at 9 7:00 PM in the Community Development Paul Buxton Meeting Room in the lower 10 level of Hudson Town Hall, 12 School St., Hudson, NH.

12 I. CALL TO ORDER

13 II. PLEDGE OF ALLEGIANCE

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15 Chairman Gary Daddario called the meeting to order at 7:01 PM, invited everyone to 16 stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board's 17 Bylaws) regarding the procedure and process of the meeting.

18 19 **III. ATTENDANCE**

20

Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate), Tim 21 22 Lanphear (Alternate), Normand Martin (Regular/Vice Chair), Marcus Nicolas (Regular), 23 Jim Pacocha (Regular), Dean Sakati (Regular) and Edward Thompson (Alternate/Clerk). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, 24 25 Recorder (remote), and Chris Sullivan, Zoning Administrator.

26

$\frac{27}{28}$ IV. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

29 1. Case 101-006 (11-16-23): Bejamin Bosowski, Mgr, Bosowski Properties, LLC., 30 40 Temple St., Nashua, NH, requests a Variance for **19 West Rd., Hudson, NH** 31 to allow three (3) multi-tenant buildings with nine (9) Industrial Uses not allowed 32 in the Business District which includes: (E.2.) Research laboratories, 33 manufacture of equipment, electronics industry, assembling of electrical 34 appliances; (E.3.) Welding shop; (E.4.) Machine shop; (E.6.) Manufacturing; 35 (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 36 37 parking of recreational vehicles, buses and/or boats; (E.15.) Contractor's vard or 38 landscaping business. [Map 101, Lot 006-000; Zoned Business (B); HZO Article 39 V: Permitted Uses; §334-21, Table of Permitted Principal Uses.]

40

41 Mr. Sullivan read the Case into the record, referenced his Staff Report initialed

42 11/7/2023 and noted the Town Planner's comment that this site has received

43 Planning Board approval, for a two-lot Subdivision and suggestion that if this Variance

44 is granted, to add a condition for the abandonment of the approved, but not yet

45 recorded Subdivision, and that Site Plan approval would be needed to develop this

- 46 site. The Town Planner also acknowledged the industrial neighborhood and that the
- 47 ZORC (Zoning Ordinance Review Committee) has been discussing changing the Zone

48	on this side West Street to Industrial. Mr. Martin questioned the validity of adding the
49	abandonment of Planning Board Subdivision approval as part of a ZBA decision.
50	
51	Atty. Morgan Hollis of Gottesman & Hollis, PA, Pearl Street, Nashua, NH, introduced
52	himself as representing the Property Owner Benjamim Bosowski, Manager of Bosowski
53	Properties, LLC, and noted that this is an unusual application. Atty. Hollis stated that
54	before the finalization of the Subdivision application, the question of Uses arose and
55 56	resulted in their decision to pursue a Variance for the whole lot for Industrial Uses as
50 57	the Zone across the street is the Industrial Zone and the neighborhood is all Industrial Uses and the potential Uses allowed in the Business Zone are inappropriate for the
58	neighborhood. Atty. Hollis read the Business Uses from the Table of Permitted Uses.
59	
60	Atty. Hollis stated that the lot is a large 10.52 acre parcel with the land sloping up
61	towards the rear with an existing ballfield and wetlands at the rear. The plan is to
62	construct three (3) nine thousand square feet (9,000 SF) buildings with dimensions of
63	150' x 60'.
64 65	Atta Hallia address the Variance oritoria. The information channel included
65 66	Atty. Hollis address the Variance criteria. The information shared included:
67	(1) not contrary to public interest
68	• Public interest is served when there is no conflicting Uses in the neighborhood
69	• The Industrial Zone is across the Street with existing Industrial Uses and the
70	abutting Uses in the Business zone are industrial in nature
71	• The area is fully developed
72 73	• The Uses which are permitted in the Business Zone are not reasonable Uses for this location and would not be in keeping with the character of the
73 74	neighborhood
75	• Allowing the proposed multi-tenant industrial uses, which are permitted in
76	the Industrial Zone, is not contrary to the public interest
77	• In the case Belanger vs Nashua, the court ruled that reasonable Uses should
78	be available
79	(2) will observe the spirit of the Ordinance
80	• Lot is zoned Business, which allows for retail sales, not industrial Uses
81	• Nearly all existing Uses in the neighborhood are industrial Uses, including
82 83	direct abutters • The purpose of the Zoning Ordinance is to keep similar Uses together to
83 84	protect property values and protect against adverse impacts on neighbors
85	• There will be no harm to the general public or any other individual if the
86	Variance is granted
87	• The proposed multi-tenant buildings, with industrial Uses, would be in
88	keeping with the essential character of the neighborhood and would not
89	threaten public health, safety or welfare
90	• There is more than adequate space on the lot for sewage/septic requirements
91	for industrial uses
92 03	 There is public (Municipal) water on site Denial of this Variance will impress substantial harm to the Applicant that is
93 94	• Denial of this Variance will impose substantial harm to the Applicant that is not outweighed by harm to the public
95	(3) substantial justice done

96 97	• No Permitted Uses in the Business District is reasonable for this lot and requiring such Uses while prohibiting Industrial Uses is of great harm to
98	the owner
99	• There will be no harm to the general public or any other individual if the
100	Variance is granted to allow multi=tenant industrial uses
101	• There is more than adequate space on the lot for sewage/septic requirements
102	for industrial uses
103	 There is public (Municipal) water on site
104	• Denial will impose substantial harm to the Applicant that is not outweighed
105	by harm to the public
106	(4) not diminish surrounding property values
107	 The proposed use is consistent with the neighborhood
108	• Granting of the Variance will not cause any real change to the neighborhood
109	• There is a fuel storage area to one side of the property and a manufacturer
110	to the other side with industrial Uses across the street
111	• There are business Uses to the rear of the property with access by way of
112	other roads not in the vicinity of the proposed access for this property
113	• The proposed use will have no adverse effect on the values of the
114	surrounding properties as the proposed Use will be similar in nature to
115	the existing properties accessing from West Road
116	(5) hardship
117	• The property is unique in that it is a large parcel (10.52 acres) surrounded
118	by Industrial Uses on West Road in an area fully developed by existing
119 120	Uses permitted in the Industrial Zone and not in the Business Zone
120	• Enforcing the Ordinance to only require Business Uses are not functional for this lot and not allowing the proposed multi-tenant Industrial Uses has
121	no fair and substantial relationship to the purpose of the Zoning
122	Ordinance
123	• The Permitted Business Uses do not belong on this low and Industrial Uses
125	should be permitted to match the character of the neighborhood
126	• The [proposed Use is similar to the industrial Uses surrounding it and is a
120	reasonable Use
128	• The lot is the sole remaining undeveloped lot in the Zoning district and is
129	surrounded by existing Industrial Uses
130	• None of the Permitted Uses in the Business Zone are reasonable due to its
131	size, location and surrounding Uses
132	Relief is necessary and the proposed Use is reasonable
133	
134	Public testimony opened at 7:32 PM. No one addressed the Board.
135	
136	Mr. Lanphear questioned where tractor trailers would enter, travel through and park
137	on the proposed plan prepared by Maynard & Paquette Engineering Associates, LLC,
138	dated 8/29/2023. Atty. Hollis responded that those details will be defined during Site
139	Plan Review with the Planning Board.
140	
141	Mr. Dumont stated that ZORD is leading to extend the Industrial Zone to this side of
142	West Road. Mr. Sakati noted that the Applicant is being held hostage to poor Zoning
143	delineation and questioned whether the Board should consider adding a condition to
144	keep the ballfield and to perhaps add that a tree buffer between the building and the

145 ballfield. Mr. Dumont stated that would not be necessary as keeping the ballfield was 146 spoken to in this meeting and is now part of the official record and the Planning Board 147 can require a tree buffer during Site Plan Review.

148

149 Mr. Martin made the motion to grant the Variance as requested. Mr. Nicolas seconded

- 150 the motion. Mr. Martin spoke to his motion noting that allowing industrial Uses in
- 151 the Business Zone is not something he would usual support, it is reasonable for this
- 152 parcel in this neighborhood, that it will observe the spirit of the Ordinance and provide
- 153 substantial justice to the Property Owner, that there was no information presented 154 that the granting of this request would affect surrounding property values, that
- 155 allowing only Business Uses on this site is contrary to public interest and the
- 156 proposed Use is a reasonable Use. Mr. Martin voted to grant the motion.
- 157
- 158 Mr. Nicolas spoke to his second stating that the proposed Use does not conflict with
- 159 the purpose of the Ordinance and does not greatly affect the character of the
- 160 neighborhood as the essential character of the neighborhood will not be changed, that
- 161 the benefit to the Property Owner does not outweigh any harm to the general public,
- 162 that it is not easy to diminish value of surrounding properties, that the hardship
- 163 seems to be the current Zoning to the Business District and that it is a reasonable use
- 164 of the property. Mr. Nicolas voted to grant the motion.
- 165
- Mr. Sakati voted to grant the motion noting that there is no harm to the public, that it 166
- 167 does not observe the spirit of the Ordinance for the Business Zone and that other
- 168 properties in the neighborhood are industrial, that there is no harm to the public and 169
- no diminution to surrounding property values and that the hardship is met with poor 170 Zoning to the Business District on this side of West Road.
- 171
- 172 Mr. Pacocha voted to grant as all the criteria have been satisfied.
- 173 174 Mr. Daddario voted to grant and stated that the neighborhood is industrial now, that 175 there would be no harm to the public, that there would be no diminution of 176 surrounding properties as they are all industrial and that the hardship criteria is 177 satisfied by the size, shape and location of the property and surrounding Uses all 178 being industrial, that the Permitted Uses for the Business Zone are not reasonable in 179 the area while the proposed Uses are and that the proposed use is reasonable.
- 180
- 181 Roll call vote was 5:0. Variance granted. The 30-day Appeal period was noted. 182
- 183 2. Case 166-011 (11-16-23): Todd A. Boyer, Trustee of The Boyer Family 184 Revocable Trust of 2019, 2 Merrill Street, Hudson, NH, requests a Variance for 185 **32 Ledge Rd.**, **Hudson**, **NH** for a proposed 4-lot subdivision to allow three (3) 186 lots within the R-2 Zone with lot areas of 12,192 SF and 12,401 SF and 21,088 187 SF where 43,560 square feet is required for each lot. [Map 166, Lot 011-000; 188 Split Zoned Residential-Two (R-2) and Town Residence (TR); HZO Article VII: 189 Dimensional Requirements; §334-27, Table of Permitted Principal Uses.] 190
- 191 Mr. Sullivan read the Case into the record, referenced his Staff Report initialed
- 11/7/2023, noted that two (2) of the abutters are cemeteries which require a twenty-192
- 193 five setback of their boundaries and that comments were received from the Town

194 Engineer and Town Planner each referring that the fact that this lot is not serviced by 195 Municipal water or sewer, like the rest of the neighborhood.

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197 Atty. Elizabeth Hartigan of Gottesman & Hollis P.A. in Nashua NH introduced herself 198 as representing the Property Owner, the Boyer Family Revocable Trust of 2019, and 199 introduced Trustee Todd Boyer.

201 Atty. Hartigan stated that Municipal water and sewer exist on Ledge Road to the 202 abutting lot and only a small extension would be needed to extend the service to the 203 new lots. Atty. Hartigen stated that this 1.3-acre lot is undeveloped and bordered on 204 three (3) sides with cemeteries and is split between the TR (Town Residence) Zone and 205 the R-2 (Residential Two) Zone. The proposed subdivision would have the first lot 206 entirely in the TR Zone, the second lot would be split between the TR and R-2 Zones 207 and the third and fourth lot would be entirely in the R-2 Zone. They are aware that 208 the Board of Selectmen would need to approve the extension of the water and sewer 209 lines to the new lots.

- Atty. Hartigan addressed the Variance criteria. The information shared included: 211 212
 - (1) not contrary to public interest
 - It is in the public interest to have similar lots in a neighborhood
 - This lot is at the end of a Town Residence Zoning District neighborhood and is by far the largest residential lot in the immediate neighborhood aside from the cemetery
 - It is a split zoned lot between TR and 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 requirement to have one-acre lots in the R-2 Zone would not be in keeping with the residential neighborhood
 - Granting the Variance will not alter the character of the neighborhood as there would be no visible difference from the current lot sizes in the area
 - Allowing the new lots to comply with the TR Zone lot size for this split zoned lot would not be contrary to the public interest and, as Municipal water and sewer will be provided, the granting will not threaten public or private health, safety or welfare
 - (2) will observe the spirit of the Ordinance
 - The purpose of the Zoning Ordinance is to keep similar uses together to protect property values and to protect against adverse impacts on neighbors
 - Due to the split Zone, the first proposed lot is in the TR Zone that abuts a TR neighborhood and carries a minimum lot size of 10,000 SF. The remainder of the lot in the R-2 Zone carries a minimum lot size of 43,560 SF which would be the largest in the neighborhood. The lot is bordered on three sides by cemetery and has no relationship to the properties in the R-2 Zone after the cemetery
- 239 • The proposed subdivision creates lots that fit in the TR Zone and will not alter 240 the essential character of the neighborhood and will not threaten public 241 health, safety or welfare
- (3) substantial justice done 242

243	• The requirement that the remainder of the lot must meet the larger lot size
244	of 43,560 SF is not reasonable when all the residential lots in the
245	immediate neighborhood are in the TR Zone with significantly smaller lot
246	sizes of 10,000 SF
247	• If the Variance is granted to meet the TR lot size of the immediate
248	neighborhood there will be no harm to the general public or any other
249	individual
250	• The proposed lot sizes would be in keeping with the essential character of
251	the neighborhood and would not threaten public health, safety or welfare
252	• The lots would be serviced by Municipal water and sewer and will meet the
253	setback requirements and lot size of the TR Zone
254	• Denial will impose substantial harm to the Applicant that is not outweighed
255	by harm to the public
256	(4) not diminish surrounding property values
257	• The granting of the Variance will not cause any real change to the
258	neighborhood as the only developed residential lots abutting this
259	property are in the TR Zone and have smaller lot sizes than required in
260	the R-2 Zone
261	• Allowing the new lots to comply with the existing TR Zone requirements
262	rather than the R-2 Zone will have no adverse effect on the values of the
263	surrounding properties as the proposed use will be similar in nature to
264	the existing properties on Ledge Road before the cemeteries
265	(5) hardship
266	• The property is unique in that it is a large parcel surrounded by cemetery
267	and the TR Zone with its primary access through the TR Zone
268	neighborhood
269	• Other than the cemetery, which is on three sides of the lot, lots of 10,000 SF
270	are the closest in proximity
271	• Enforcing the Ordinance to require that the new lots comply with the R-2
272	Zone requirements when the abutting residential parcels are smaller and
273	in the TR Zone has no fair and substantial relationship to the purpose of
274	the Zoning Ordinance in that Municipal water and sewer will be available
275	and the neighboring lot sizes are of similar size
276	 R-2 residential lot size does not belong in this neighborhood
277	 TR lot size match the character of the neighborhood
278	• Lot is surrounded by the cemetery and the only residential abutter is in the
279	TR Zone
280	• The proposed lot size is similar to the surrounding TR lots and is a
281	reasonable use
282	• The lot is the sole remaining undeveloped residential lot in the neighborhood
283	and is surrounded by cemetery and TR lots
284	• Requiring the lot to comply with R-2 lot size requirement is not reasonable
285	 Relief is necessary and the proposed use is reasonable
286	
287	Mr. Sakati inquired about the proposed house dimensions as only one of the new lots
288	has identified a 58'x24' structure. Atty. Hartigan responded that all the houses would
289	be of similar size and Mr. Boyer added that they would be of similar sizes as the
290	neighborhood. Mr. Martin noted that the front setback for the R-2 Zone is fifty feet
291	(50') whereas in the TR Zone the front setback is thirty feet (30').

292

293 Public testimony opened at 8:02 PM. Marion Dewyngaert, 28 Ledge Road, addressed 294 the Board, stated that she opposes the project, that she has lived in the neighborhood 295 for forty four (44) years, that approximately three (3) years ago a man wanted to build 296 one (1) house on the lot and after the land was cleared and graded the project was 297 abandoned and left the lot in disarray where it once was filled with beautiful pines and lady slippers, that none of her neighbors want four (4) new houses, that they would 298 299 support two (2) and realize that lots in the R-2 Zone are to be at least one acre in size 300 and that there are wetlands at the end of the lot.

301

302 Atty. Hartigan responded that the first lot is entirely in the TR Zone and compliant 303 with all TR requirements. Mr. Boyer stated that he has been a resident of Hudson all 304 his life, runs a business and had issues in the past and added that he could ask for a 305 duplex in the R-2 Zone but that does not fit into the neighborhood, that there will be 306 water and sewer for the new lots and that the wetlands are at the tip of the triangle 307 and not part of the buildable area for the last lot. Atty. Hartigan noted that the 308 Planning Board will deal with the wetlands on site.

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310 Mr. Daddario asked if anyone else wished to address the Board. No one responded. 311 Public testimony closed at 8:15 PM.

312

Mr. Martin stated that the lot is stuck between the TR and the R-2 Zones, that it 313 314 almost appears to be spot zoning. Mr. Sullivan stated that what is being asked is the 315 ability to create three (3) smaller lots in the R-2 portion of the property. An aerial view 316 of the site was displayed. Mr. Daddario commented that the proposal is consistent 317 with the abutting neighborhood. Mr. Dion commented that the Applicant has created 318 a self-induced hardship with the request for three (3) lots in the R-2 section of the 319 property. Mr. Dumont disagreed and stated that there is a hardship on this property 320 and noted that they could add a duplex or a large home without the need for a 321 Variance and that would be inconsistent with the neighborhood. Mr. Thompson 322 stated that it would still be compatible if only two (2) lots were proposed in the R-2 323 section of the property. Mr. Daddario stated that the math appears to show that the 324 proposed lots are consistent with the neighborhood. Mr. Dion stated that the wetland 325 still remains and is unbuildable land and the Board must rely on the Planning Board 326 to verify whether three (3) lots are possible after the verification of the wetland and its 327 buffer. Mr. Lanphear asked and received confirmation that the water and sewer 328 extension to the new lots will be paid by the Applicant, that the wetland and buffer will 329 be verified by the Planning Board and that the cemetery setback will not be violated.

330

331 Mr. Nicolas made the motion to grant the Variance with the stipulation that the 332 cemetery twenty five foot (25') setback shall not be violated. Mr. Martin seconded the 333 motion.

334

335 Mr. Nicolas spoke to his motion stating that the proposed use will not conflict with the 336 purpose of the Ordinance and will not threaten public safety, health or welfare, that 337 the essential character of the neighborhood will remain unchanged as the new lots will 338 be similar in size to the surrounding area, that property values will not be diminished, 339 that the hardship is satisfied due to the two (2) Zones on the property and that the

- 340 proposed use seems reasonable. Mr. Nicolas voted to grant.
- 341

342 Mr. Martin spoke to his second stating that the granting of the Variance will not 343 threaten public health, safety or welfare, that it will be keeping in character with the 344 current neighborhood and will observe the character of the neighborhood, that 345 substantial justice would be done to the Property Owner with no harm to the general 346 public, that it will only add value to the existing properties, that the split-zone on the 347 property is causing the hardship and the proposed is a reasonable Use. Mr. Martin 348 voted to grant the Variance with the stipulation that the twenty-five foot (25) cemetery 349 shall not be violated.

350

351 Mr. Pacocha voted to grant with the stipulation noting that the criteria were satisfied, 352 that the proposed use does not conflict with the purpose of the Ordinance, does not 353 alter the character of the neighborhood, that the proposed lot sizes are consistent with 354 the neighborhood, that there is no actual harm to the general public, that new 355 construction tends to add value to surrounding properties.

356

Mr. Sakiti voted to deny the Variance as it does conflict with the purpose of the 357 Ordinance and does not observe the spirit of the R-2 Zone, that it may not alter the 358 359 character of the neighborhood and Abutter submitted a statement signed by thirteen (13) neighbors indicating that it would harm to neighborhood and that hardship is not 360 361 met as the Applicant has a choice to build four (4) houses or two (2) or three (3) and 362 has chosen the maximum possible. Applicant failed to satisfy criterion 2, 3 & 5. 363

- 364 Mr. Daddario voted to grant the Variance with the stipulation that the cemetery 365 twenty-five foot (25') setback shall not be violated stating that the proposed lots are 366 consistent with the other lots on Ledge Road and are in keeping with the neighborhood, that substantial justice would be done to the Property Owner with no 367 368 harm brought to the public, that the surrounding property values will not be diminished, that if the Ordinance was strictly enforced it would result in a significant 369 370 mix-match, the proposed use is a reasonable use as it is the same use as others on 371 the street, that the parcel is odd-shape, oddly located, surrounded on three (3) sides 372 by cemetery and containing two (2) Zoning Districts.
- 373

374 Roll call vote was 4:1 to grant the Variance with the stipulation that the mandatory 375 twenty-five foot (25') cemetery shall not be violated. Mr. Sakati opposed. The 30-day 376 Appeal period was noted.

- 377
- 378 3. Case 218-024 (11-16-23): Alan Simoneau, C/O Brett W. Allard, Esq., 379 Shaughnessy Allard, PLLC, 24 Eastman Ave., Suite C3, Bedford NH, requests 380 two (2) Variances for 4 Homestead Lane, Hudson, NH [Map 218, Lot 024-000; 381 Zoned General One (G-1)] as follows: 382 **a.** To allow the continued existing (non-permitted) mixed principal uses: (A.1.) 383 Residential Use- Single family detached dwelling and (E.15.) Industrial Use-384 Contractor's yard on the lot where mixed uses on a lot are not permitted in 385 the G-1 district. [HZO Article III: General Regulations; §334-10 A, Mixed or 386 dual use on a lot.]
- 387 **b.** To allow the continued accessory use of existing (non-permitted) garaging or 388 parking of heavy commercial vehicles and equipment where these uses are 389 not permitted in the G-1 district if the property is not served by Town water 390 and sewer. [HZO Article V: Permitted Uses; §334-22, Table of Permitted Accessory Uses and HZO Article III: General Regulations; §334-15 B.(2).] 391

392

393 Mr. Sullivan read the requests into the record and referenced his Staff Report initialed 394 11/6/2023 and noted that Review Comments have been received from both the Town 395 Engineer and the Town Planner. The Town Engineer expressed concern regarding the 396 driveway, that it appears to be located not entirely on the property or outside the 397 building setback. The Town Planner noted that Site Plan Review (SPR) would be 398 required from the Planning Board (PB) if the Variances are granted and would include 399 the concerns raised by the Town Engineer. 400 401 Atty. Brett W. Allard of Shaughnessy Allard, PLLC, 24 Eastman Avenue, Suite C3, 402 Bedford, NH, introduced himself as representing the Applicant Alan Simoneau and 403 Property Owner Earl W. Simoneau. In response to Mr. Daddario's question, both 404 Variances would be presented together and the Board would make a motion of each individually. 405 406 407 Atty. Allard stated that his client was the original developer of this three-lot 408 subdivision, built his single-family home on this long narrow lot in 1988 complete with 409 a septic system and well, and that in 2001 he started parking equipment behind the house and not visible from Homestead Lane. Atty. Allard noted that in 2022 there was 410 411 a Zoning Amendment to eliminate requiring a Special Exception for Mixed Uses. Mr. 412 Dumont stated that the intent of the Zoning Amendment was to simplify the Mixed 413 Use process. 414 415 Atty. Allard addressed the Variance criteria. The information shared included: 416 417 (1) not contrary to public interest • The proposal is not contrary to public interest, does not conflict with the 418 Ordinance and does not threaten public health, safety or welfare 419 • The purpose of the G-1 District is to "permit a wide diversity of land uses at a 420 421 density appropriate to the rural nature of the area, the natural constraints 422 of the land and the lack of infrastructure." 423 • Contractor's vard is a Permitted Use in the G-1 Zone and the garaging/parking of heavy commercial vehicles and equipment is a 424 425 reasonably ancillary function 426 • The equipment and garage are not visible from Homestead Lane 427 • No customers come to the site 428 • No work is done on site, with the exception of vehicle and equipment 429 maintenance 430 • The driveway encroachment onto abutting State of NH property has been resolved, yet remains in the side setback 431 432 (2) will observe the spirit of the Ordinance 433 • Granting the Variance will not alter the essential character of the 434 neighborhood 435 • The site is surrounded by a dense wooded buffer that the Applicant intends to 436 maintain and this wooded buffer shields sight lines into the property 437 from abutting properties

438 • The proposed Use is compatible with the character of the area and as such, 439 the Applicant's use of the property will remain consistent with the

440 441	residential character of the neighborhood and the storage of vehicles and equipment does not in any way threaten public health, safety or welfare
442	(3) substantial justice done
443	• Substantial justice would be done to the Applicant that is not outweighed by
444	a gain to the general public
445	• There is no public gain with the denial of the Variances
446	• Denial would be a loss to the Applicant because he would then be prevented
447	from storing his vehicles and equipment in between jobs on his property
448	that is uniquely situated to support such a use without compromising
449	the character of the area and abutting residential uses
450	• The vehicles and equipment are stored within the confines of a thick wooded
451	buffer that precludes the storage use from having any visual impact on
452	the surrounding area
453	• The storage use does not generate any additional traffic than would a solely
454	residential Use
455	(4) not diminish surrounding property values
456	• The granting of the Variance will not cause any change to the neighborhood
457	or adversely impact property values
458	(5) hardship
459	• This property is unique in that it is a large 5-acre parcel, more than double
460	the size of the other lots on Homestead Lane, surrounded by a dense
461	wooded buffer and is extremely private with a long driveway and garage
462	located behind the residence opposite the roadside
463	• This privacy uniquely situates the property in such a way that it can
464	support the Applicant's storage use without interfering with neighboring
465 466	properties and with sufficient screening to protect sight lines into the
400 467	 property Contractor's Yard is a Permitted Use in the G-! Zone
467	
408 469	• The proposed dual Use is a reasonable use
409	Board reviewed the Site Plan prepared by M.J. Grainger Engineering, Inc. dated
471	10/20/2022 and several aerial views. Mr. Martin expressed frustration at the lack of
472	dimensions and distances on the Site Plan and questioned if the Applicant could have
473	pursued a Home Occupation Special Exception given that Contractor's yard is a
474	permitted Use in the G-1 District. Mr. Dion questioned how many vehicles and how
475	much equipment is stored on site and Mr. Simoneau responded that it varies, that
476	they come to the site in between jobs and they get serviced mostly in the garage. Mr.
477	Lanphear asked how it gets to the garage or even the barn without trespassing and
478	Mr. Simoneau responded that his sons are very good drivers and to add to the
479	challenge, they usually reverse the vehicles to the garage.
480	
481	Case 218-024 Variance a : To allow the continued existing (non-permitted) mixed
482	principal uses: (A.1.) Residential Use – Single family detached dwelling and (E.15.)
483	Industrial Use – Contractor's yard on the lot where mixed uses on a lot are not
484	permitted in the G-1 district
485	
486	Mr. Martin made the motion to grant the Variance to allow the continued existing
487	mixed Principal Uses. Mr. Pacocha seconded the motion.
488	

489 Mr. Martin spoke to his motion stating that the granting of the Variance is not 490 contrary to public interest, does not threaten public health, safety or welfare, observes 491 the spirit of the Ordinance, does do justice to the Property Owner, been in operation 492 for years and no one has complained about their property values, and although both 493 Uses are permitted in the District, Zoning requires that the property owner go through 494 the Variance process, and it is a reasonable use. Mr. Martin voted to grant the 495 Variance. 496 497 Mr. Pacocha spoke to his second stating that the granting would not be contrary to the 498 public interest, would not alter the essential character of the neighborhood, will 499 observe the spirit of the Ordinance and does not conflict with the purpose of the 500 Ordinance, that there is no harm to the general public, that there would be no 501 diminution to surrounding property values, that it is shielded and there are no other 502 properties in the area and that it is a reasonable use. Mr. Pacocha voted to grant the 503 Variance. 504 505 Mr. Nicolas voted to grant stating that the granting will not be contrary to public 506 interest, that the character of the neighborhood will not be altered, that no one's rights 507 will be injured, tht he benefits to the property owner do not outweigh harm to the 508 general public, that the surrounding properties will not be negatively impacted, that 509 the elongated strange shape of the land is the hardship and the hardship is further 510 exasperated due to the recent change to the Ordinance and that the use is reasonable. 511 512 Mr. Sakati voted to grant stating that it is not contrary to public interest, it adheres to 513 the purpose of the Ordinance and does not injure public rights, that justice is done to 514 the property owner, that there is no diminution of surrounding property values and 515 that the hardship is the contrariness in Zoning. 516 517 Mr. Daddario voted to grant stating that it is an extremely secluded lot, that the 518 current building and uses have been there for over twenty (20) years, that there is no 519 harm to the public, testimony presented that amendment to the Zoning Ordinance 520 was intended to make requiring a Variance unnecessary, that there is no harm to the 521 public, that no evidence was presented or reason to presume that there would be any 522 diminution of surrounding property values, that the amendment to the Zoning 523 Ordinance was intended to allow this type of mixed use without needing a Variance, 524 that the proposed use is a reasonable one, and that this is a long lot extremely 525 secluded and greater that twice the size of the others on Homestead Lane. 526 527 Roll call vote was 5:0. Variance A to allow continued mixed Principal Uses to exist on 528 site granted. The 30-day Appeal period was noted. 529 530 Case 218-024 Variance **b**: To allow the continued accessory use of existing (non-531 permitted) garaging or parking of heavy commercial vehicles and equipment where 532 these uses are not permitted in the G-1 district if the property is not served by Town 533 water and sewer. 534 535 Mr. Daddario opened public testimony at 9:26 PM. No one addressed the Board. 536

537 Mr. Nicolas made to the motion to grant the Variance to allow continued accessory 538 use. Mr. Martin seconded the motion.

539

540 Mr. Nicolas spoke to his motion stating that the granting of the Variance will not be 541 contrary to public interest, that the site is secluded and equipment not visible, that 542 the character of the neighborhood will not be altered, that the benefit to the Applicant 543 doesn't outweigh harm to the general public, that surrounding properties will not be 544 negatively impacted and no property values will diminish, that the recent changes to 545 the Zoning Ordinance brought on the hardship and that the use is a reasonable use.

- 546 Mr. Nicolas voted to grant.
- 547
- 548 Mr. Martin spoke to his second stating that it will not be contrary to the public
- 549 interest and will observe the spirit of the Ordinance and substantial justice will be 550 done, that there will not be diminishment to surrounding property values and that the 551 Zoning Ordinance became explicit that the owner gain a variance for this use, that the 552 proposed use is a reasonable use. Mr. Martin voted to grant.
- 553
- Mr. Sakati voted to grant stating that it is not contrary to public interest, that the 554 555 character of the neighborhood is not altered, that it adheres to the purpose of the Ordinance and causes no injury to public rights, that justice is served, that there is no 556 557 diminution of surrounding property values and that the hardship is caused by Zoning contradiction.
- 558 559

Mr. Pacocha voted to grant and stated that the granting will not be contrary to public 560 561 interest and will not alter the essential character of the neighborhood, that it observes 562 the spirit of the Ordinance and does not conflict with the purpose of the Ordinance 563 and does not alter the essential character of the neighborhood, that there is no harm 564 to the general public, that surrounding property values would not diminish, and that

- 565 hardship is met by the size and shape of the lot and the proposed use is reasonable.
- 566

567 Mr. Daddario voted to grant stating that it is an extremely secluded lot, that the 568 current building and uses have been there for over twenty (20) years, that there is no 569 harm to the public, testimony presented that amendment to the Zoning Ordinance 570 was intended to make requiring a Variance unnecessary, that there is no harm to the 571 public, that no evidence was presented or reason to presume that there would be any 572 diminution of surrounding property values, that the amendment to the Zoning 573 Ordinance was intended to allow this type of mixed use without needing a Variance, 574 that the proposed use is a reasonable one, and that this is a long lot extremely

- 575 secluded and greater that twice the size of the others on Homestead Lane.
- 576

577 Roll call vote was 5:0. Variance B to allow the continued accessory use of existing 578 garaging or parking of heavy commercial vehicles and equipment on site that is not 579 served by Town water and sewer granted. The 30-day Appeal period was noted.

580

581 4. Case 167-052 (11-16-23): Ausama Mohamed Ali & Soukayna El Bouayadi, 135 582 Highland St., Hudson, NH requests a Variance to allow a Family group day-care 583 home with a maximum of 12 preschool children and 5 school age children with 584 assistant staff. This is an Accessory Use prohibited in the R-2 Zone. [Map 167, 585 Lot 052-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-586 22, Table of Permitted Accessory Uses and HZO Article II: Terminology; §334-6, 587 Definitions and NH State RSA 170-E:2, IV(b).]

589 Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 590 11/6/2023, stated that the ZBA granted a Home Occupation Special Exception for a 591 Day Care in February 2023 and that comments were received from the Town Engineer 592 and Inspectional Services 593 594 Ausama Mohamed Ali & Soukayna El Bouayadi sat at the Applicant's table, 595 introduced themselves and proceeded to address the Variance criteria. The 596 information shared included: 597 598 (1) not contrary to public interest 599 • The granting of the Variance will not be contrary to the public interest and 600 poses no threat to public safety, health or welfare or to the neighborhood • The child care facility is already licenses by the State of NH demonstrating its 601 602 compliance with stringent State regulations that prioritize the well being 603 and safety of the children 604 • Increasing the facility's capacity will not result in any adverse consequences 605 and will help address the growing demand for child care services in the 606 community • Granting this Variance will enable us to continue providing quality day care 607 which is essential for the local community's support and growth 608 609 (2) will observe the spirit of the Ordinance • The proposed increase in child care capacity will observe the spirit of the 610 Ordinance by complying with Zoning laws, safety regulations and 611 612 licensing requirements • The expansion of our business directly contributes to the Ordinance's 613 614 underlying purpose, which is to support the well-being of families in the 615 community • Increasing the capacity will not alter the essential character of the 616 617 neighborhood • The facility will continue to operate within the residential area 618 • The proposed increase is designed to uphold public health, safety and welfare 619 • All necessary safety standards and regulations will continue to be followed, 620 including all State regulations, staff-to-child ratios, safety measures, 621 health standards and traffic management 622 623 • There is ample parking available 624 • The requested Variance is in complete alignment with both local regulations 625 and public interest fostering a safer and more inclusive community for all 626 (3) substantial justice done 627 • Expanding the daycare capacity would provide substantial justice for the 628 property owner by maximizing property utilization, generating economic 629 benefits and enhancing property's value 630 • Childcare expansion will not harm the general public or other individuals 631 (4) not diminish surrounding property values • The expansion will not diminish the values of surrounding properties 632 633 • Diverse services and improved infrastructure can enhance neighborhood 634 desirability 635 Overall the childcare expansion can contribute positively to • а 636 neighborhood's attractiveness and property values 637 (5) hardship

638 • The special conditions that restrict our house to a family daycare home may 639 not be fair and reasonable because the house has the space to 640 accommodate more children 641 The State Licensing Coordinator mentioned at their last visit that the house • 642 could qualify to be a family group daycare home 643 Special conditions of the property have a significant impact on the • 644 reasonableness of increasing our daycare's child capacity 645 The special conditions include ample space, suitable safety measures and a • 646 welcoming environment 647 The spacious setting ensures children have room to play and learn 648 comfortably while the safety measures guarantee their well-being 649 650 Ms. Bouayadi stated that her two-year-old son is one of the six (6) pre-school aged children she is licensed for the daycare and even though she has been in business less 651 652 than a year, she already has a waiting list. Mr. Nicolas asked when she opened for 653 business and Ms. Bouayadi responded that it was this past June after the Board (ZBA) 654 granted he a Special Exception for nine (9) children to be comprised of six (6) preschool age and three (3) school age children. Ms. Bouayadi stated that she would like 655 to expand to have twelve (12) pre-school aged children and five (5) school aged 656 657 children and will need to hire one (1) employee. 658 659 Mr. Lanphear asked Ms. Bouavadi if she's seen the email of 11/16/2023 from 660 Bernadette Daigle of 127 Highland Street as president of the Highland Street Sewer 661 Association who manages the pump station for seven (7) houses and their concern with excessive use by the daycare. Ms. Bouayadi stated that she spoke with Ms. 662 663 Daigle that morning and explained that not all the children are potty-trained and that 664 they understand the concern and have no problem paying more. Mr. Martin stated that is a civil matter and should there be a dispute, it would be a civil dispute and not 665 involve the Board. Mr. Daddario asked if there have been any issues or complaints 666 667 received from the neighbors and Mr. Sullivan responded that he has not heard of any. 668 Mr. Thompson inquired about the State inspections and Mr. Sullivan responded that 669 670 according to his knowledge, there is no set schedule for State inspections, they just show up unannounced. Ms. Bouayadi concurred. 671 672 Mr. Dion asked if there were to be any changes to the internal floor plan or drop off & 673 pick up plan? Ms. Bouayadi responded that there will be no changes, that she will 674 continue to work with the parents for smooth transition of drop offs and pick ups. 675 676 Public testimony opened at 10:01 PM. No one addressed the Board. 677 678 Mr. Martin stated that the Board granted a Home Occupation Special Exception HO 679 SE) for a Daycare in March 2023, and now the Applicant is looking for a Variance for a 680 business that will increase the number of children and include the hiring of staff, yet a 681 condition of the HO SE, Section 224-24.C, specifically state that there shall be no 682 employees. Mr. Martin suggested deferring the hearing until Town Counsel can be 683 consulted. Mr. Dumont questioned that because if the Applicant had nothing yet 684 there would not have a HO SE and would not need a HO SE. Mr. Martin disagreed 685 and stated that every business needs a HO SE if it is being conducted within a 686 residence. Mr. Sakati suggested to add consult with Town Counsel as a condition of

687 approval. Mr. Pacocha asked that if the Applicant is expanding into a business, would 688 they also not need a Variance for a dual use? Mr. Daddario stated that, in his 689 opinion, it would not because it is being conducted in an "occupied residence". 690 Discussion continued on the fate of the HO SE.

691

692 Discussion arose on the definition of a daycare center, a daycare facility, a family 693 daycare, a group child daycare center. Mr. Pacocha asked if the limit is just for one (1) 694 employee. Mr. Sullivan responded that if the facility goes beyond seventeen (17) 695 children is becomes a "center". Mr. Lanphear questioned how the business is legally 696 characterized and Mr. Ali responded that they have a State ID Number so it is treated 697 like a DBA (Doing Business As).

698

699 Mr. Martin noted that the hardship criteria is not satisfied as the land poses no 700 hardship to overcome. Mr. Sakati stated that literal enforcement causes the hardship. 701

702 Mr. Nicolas made the motion to grant the Variance to allow a family group daycare 703 with a maximum of twelve (12) preschool children and five (5) school age children with 704 an assistant staff. Mr. Sakati seconded the motion.

705

706 Mr. Nicolas spoke to his motion stating that it is not contrary to public interest and 707 does not conflict with the purpose of the Ordinance and will not alter the essential 708 character of the neighborhood, that benefit to the property owner does not outweigh 709 harm to the public, that property values won't diminish and that the hardship lies 710 with classification of the home as literal enforcement will bring about hardship, and

711 the proposed Use seems reasonable. Mr. Nicolas voted to grant the Variance.

712

713 Mr. Sakati spoke to his second stating that it is not contrary to public interest, will not 714 alter the character of the neighborhood, that it observes the spirit of the Ordinance, 715 that justice will be done by allowing additional child care, that there will be no

716 diminution of property values and that literal enforcement would cause unnecessary

717 hardship. Mr. Sakati voted to grant the Variance.

718

719 Mr. Pacocha voted to grant stating that it will not be contrary to public interest and 720 does not conflict with the purpose of the Ordinance and serves the purpose of the 721 Ordinance, and justice would be done to the property owner that is not outweighed by 722 harm to the general public, that it will not diminish the value of surrounding

723 properties, and that the proposed use is a reasonable one.

724

725 Mr. Martin voted not to grant and stated that it will be contrary to the public interest 726 and does not observe the spirit of the Ordinance, that it would provide benefit to the

727 property owner that is not outweighed by harm to the general public, that allowing a

728 larger business in the neighborhood will diminish the values if the surrounding

729 properties, that no hardship exists on the property, and that it is not reasonable

- 730 turning the family home into a business with an employee.
- 731

732 Mr. Daddario voted to grant stating that there will be no changes to the exterior

- 733 appearance of the home, that it is an existing use and brings no harm to the public,
- 734 that there has been no evidence given or reason to presume diminution of surrounding
- 735 property values with no exterior changes, that a daycare already exists so literal

736 enforcement dies not serve the purpose of the Zoning Ordinance, that the daycare is 737 reasonable and the Ordinance does provide for a family group daycare. 738 739 Roll call vote was 4:1. Mr. Martin opposed. Variance granted. The 30-day Appeal 740 period was noted. 741 742 5. Case 236-020 (11-16-23): Carl & Debrah Howes, 2 Glenview Dr., Hudson, NH 743 requests a Variance to build a proposed 12 ft. x 12 ft. deck on the rear of the 744 house which will encroach the rear yard setback approx. 4.5 feet leaving approx. 745 10.5 feet where 15 feet is required. [Map 236, Lot 020-000, Zoned Residential -746 Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of 747 Minimum Dimensional Requirements.] 748 749 Mr. Sullivan read the Case into the record and referenced his Staff Report initialed 750 11/6/2023 and noted that the Town Planner commented that the lot abuts the 751 Musquash Conservation area but appears to be outside the wetland buffer area. 752 753 Carl Howes, property owner, introduced himself, noted that the lot to the rear is not 754 755 buildable and addressed the Variance criteria. The information shared included: 756 (1) not contrary to public interest • The deck will not be in public view and will not impact the view from existing 757 758 or any possible future residential abutters 759 • It is not contrary to public interest 760 (2) will observe the spirit of the Ordinance • The encroachment into the setback is to the rear property line that abuts an 761 762 unbuildable back lot 763 (3) substantial justice done 764 • Justice would be done as there is not another possible location for a provate 765 deck due to the furnace and water heater direct vents (4) not diminish surrounding property values 766 767 • The deck is in keeping with residential use and should not diminish any 768 surrounding property values 769 (5) hardship 770 • The setback encroached upon us to an unbuildable lot owned by the Town 771 The house was built in the only feasible location on an unusually shaped lot 772 and the construction allowed for a future deck 773 774 Board viewed the aerial view of the lot and Mr. Howes confirmed that the placement of 775 the deck would be in the back on the left hand side. 776 777 Public testimony opened at 10:42 PM. No one addressed the Board. 778 779 Mr. Martin made the motion to grant the Variance as requested. Mr. Nicolas seconded 780 the motion. 781 782 Mr. Martin spoke to his motion stating that the granting will not be contrary to the 783 public interest, that it will observe the spirit of the Ordinance, that substantial justice 784 would be done and is not outweighed by harm to the general public, that it will not 785 diminish surrounding properties and that hardship does exist on this property

786 because abutting property has a wetland and it is a reasonable use. Mr. Martin voted 787 to grant the Variance.

788

789 Mr. Nicolas spoke to his second stating that it is not contrary to public interest and 790 doesn't alter the essential character of the neighborhood and won't injure public 791 rights, safety or welfare, that the benefit to the homeowner doesn't outweigh harm to 792 the general public, that there will not diminish surrounding property values and that 793 hardship is due to the awkward shape of the land and that the house sits awkwardly 794 on the land and it is a reasonable use. Mr. Nicolas voted to grant the Variance.

795

796 Mr. Sakati voted to grant the Variance stating that it is not contrary to public interest, 797 does not threaten public health, safety or welfare, does observe the spirit of the 798 Ordinance and does not alter the character of the neighborhood, that justice is done 799 with the granting of the Variance, that it does not diminish surrounding property 800 values and that literal enforcement would result in unnecessary hardship.

801

802 Mr. Pacocha voted to grant the Variance stating that it is not contrary to public 803 interest, does not alter the character of the neighborhood, does observe the spirit of 804 the Ordinance, does not conflict with the purpose of the Ordinance, that justice would 805 be done with no harm to the public, that there would be no diminution to other 806 property values and the placement of the home is in close proximity to a wetland. 807

808 Mr. Daddario voted to grant the motion stating that a deck is consistent with the 809 residential character and creates no harm to the public, that it observes the spirit of 810 the Ordinance, that the encroachment is slight and to an unbuildable lot, there is no 811 harm to the public and no evidence or reason to presume it would diminish 812 surrounding property values, that there is no need to enforce a setback to an unbuildable lot, that a rear deck is reasonable and common use at a residence, and 813 the shape and size of the lot and how the house was situated on the lot creates the 814 815 hardship. 816

Roll call vote was 5:0. Variance granted. The 30-day Appeal period was noted. 817 818

- 819 **REQUEST FOR REHEARING:** V.
- 820 821 No requests were received for Board consideration
- 822 823 **REVIEW OF MINUTES:** VI.
- 824 825

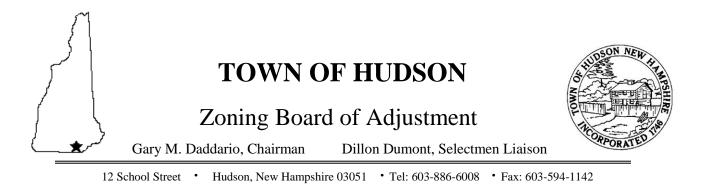
826

- 10/26/23 edited draft Minutes
- 827 Motion made by Mr. Martin, seconded by Mr. Nicolas and unanimously voted to approve 828 the 10/26/2023 Minutes as edited.
- 829 830
- VII. **OTHER** 831

832 The December meeting is scheduled for Thursday 12/14/2023 at 7:00 PM/ 833

834 VIII. **ADJOURNMENT**

- Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to 836 adjourn the meeting. The 11/16/2023 ZBA meeting adjourned at 10:51 PM. 837
- 838 839
- 840 Respectfully submitted,
- Louise Knee, Recorder 841
- 842
- 843
- 844



YEAR 2024 ZBA MEETING SCHEDULE

The Town of Hudson Zoning Board of Adjustment regularly meets on the **fourth Thursday** of every month in the "Buxton Community Development Conference Room". All meetings begin **at 7:00 p.m.** ***The November and December meetings will be held on an alternate Thursday of the month due to the Thanksgiving and Christmas Holidays. **Final** (<u>complete</u>) Application Submission Deadline are due by 12:00 p.m.

Application Review for Completeness Deadline	Final Application Submission Deadline (12:00 Noon)	Meeting Date
January 2 nd	January 9 th	January 25 th
January 30 th	February 6 th	February 22 nd
March 5 th	March 12 th	March 28 th
April 2 nd	April 9 th	April 25 th
April 30 th	May 7 th	May 23 rd
June 4 th	June 11 th	June 27 th
July 2 nd	July 9 th	July 25 th
July 30 th	August 6 th	August 22 nd
September 3 rd	September 10 th	September 26 th
October 1 st	October 8 th	October 24 th
October 22 nd	October 29 th	***November 14 th
November 19 th	November 26 th	***December 12 th

Year 2024 ZBA Meeting Schedule