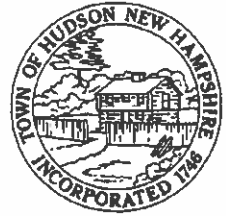


# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

### MEETING AGENDA – 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:**

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-1); 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-1); 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 Regularly 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





# TOWN OF HUDSON

## Land Use Division

CJS  
12/5/23



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

### Zoning Administrator Staff Report Meeting Date: December 14, 2023

**Case 148-071 (12-14-23):** 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-1); 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

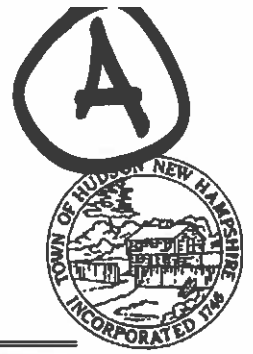
**E:** Inspectional Services/Fire Dept. comments: 12-4-23

**F:** Town Planner: 11-28-23



# TOWN OF HUDSON

## 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: **18 Towhee Map 148 Lot 078-000**  
**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 Table of Dimensional Requirements**. There is a shed located within the required 15' rear setback. Please remove/move the shed into compliance, or apply for an **Equitable Waiver of Dimensional Requirement** from the Zoning Board of Adjustment.

Sincerely,

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

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.*



RECEIVED

AUG 14 REC'D

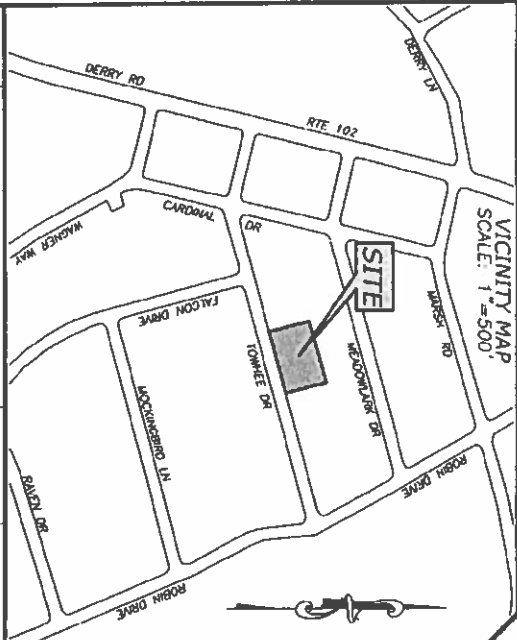
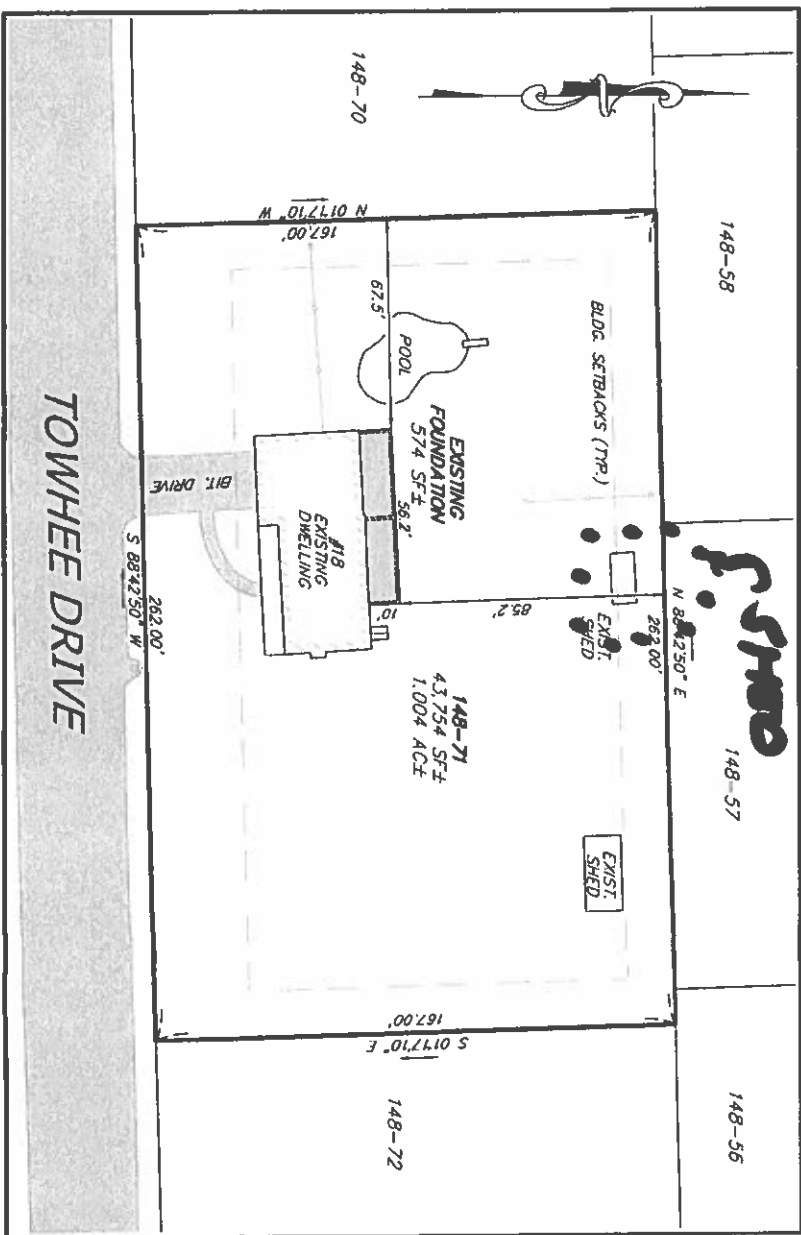
HUDSON PLANNING DEPARTMENT  
INSPECTION SERVICES DIVISION

PLAN NOTES:  
1.) PURPOSE OF THIS PLAN IS TO ILLUSTRATE  
THE LOCATION OF AN EXISTING FOUNDATION  
AT HUDSON LOT 148-71.

AS PREPARED FOR  
JASON HAND, OWNER

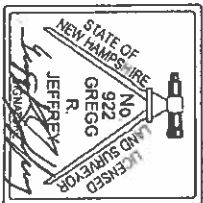
### FOUNDATTIN LOCATION PLAN 18 TOWHEE DRIVE HUDSON, NH

#### MAP 148 LOT 71



REV. 2	FOUNDATION LOCATION	8/10/23	BY: GRJ
REV. 1	PROP. ADDITION	5/22/23	BY: GRJ

ZONING DISTRICT: R-1  
 REQUIRED SETBACKS:  
 FRONT - 30 FEET  
 SIDE - 15 FEET  
 REAR - 15 FEET  
 DEED REF.: BK. 9423 PG. 1042  
 PLAN REF.: HCRD PL. 8467  
 PLAN SCALE: 1"=40'  
 DATE: MAY 2021  
 JOB REF.: 021-061-HAND



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

**JEFFREY LAND SURVEY LLC**

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

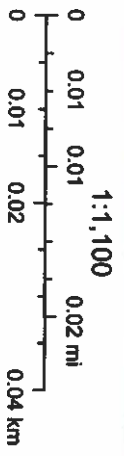




# 18 Towhee (2022)



12/5/2023

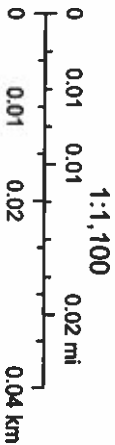




# 18 Towhee (2015)



12/5/2023

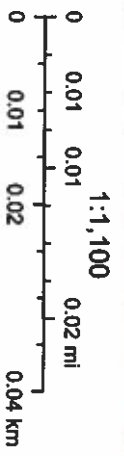




# 18 Towhee (2005)



12/5/2023







**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  
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 comments (see below)

EZD Name: Elvis Dhima Date: 11/28/2023  
(Initials)

DEPT:  
 Town Engineer  Fire/Health Department  Town Planner



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

**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: 12/01/2023 ZBA Hearing Date: 12/14/2023

I have no comments     I have comments (see below)

DRH                      Name: David Hebert                      Date: 12/04/2023  
(Initials)

DEPT:  
 Town Engineer     Fire/Health Department     Town Planner



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

**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: 12/01/2023 ZBA Hearing Date: 12/14/2023

I have no comments  I have comments (see below)

BG Name: Brian Groth Date: 11/28/2023  
(Initials)

DEPT.  Town Engineer  Fire/Health Department  Town Planner

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

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

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

On 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.]

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

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

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

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

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

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

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

TOWN OF HUDSON

NOV 22 REC'D  
2023

76

Zoning Department

APPLICATION FOR AN EQUITABLE WAIVER

Zoning Board of Adjustment  
Town of Hudson

Entries in this box are to be filled out by  
Land Use Division personnel  
Case No. 148-071 (12-14-23)  
Date Filed 11/22/23

Name of Applicant Jason Hand Map: 148 Lot: 71 Zoning District: R-1

Telephone Number (Home) 603-475-9166 (Work) 603-233-7259

Mailing Address 18 Towhee Dr. Hudson NH 03051

Owner Jason & Rena Hand

Location of Property 18 Towhee Dr. Hudson NH 03051  
(Street Address)

Signature of Applicant

11/22/2023  
Date

Signature of Property Owner(s)

11/22/2023  
Date

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

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

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

Date received: 11/22/23

COST:

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

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

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

Total amount due: \$ 229.04

Amt. received: \$ 229.04

Receipt No.: 752,524

Received by: JSG










check #1298

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

# TOWN OF HUDSON, NH

## Application Checklist

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

Applicant Initials		Staff Initials
	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with <b>10 (ten) single-sided</b> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>TG</u>
	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

**CERTIFIED PLOT PLAN:**

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

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

see  
Plan  
dated 5/22/2

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

N/A.  
↓  
16

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

Signature of Applicant(s)

4/22/2023  
Date

Signature of Property Owner(s)

4/22/2023  
Date

**ALL DIRECT ABUTTERS**

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
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	Iain 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



**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

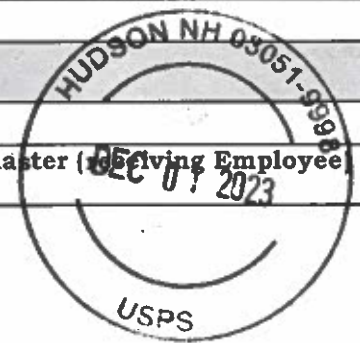
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

(Use additional copies of this page if necessary)

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

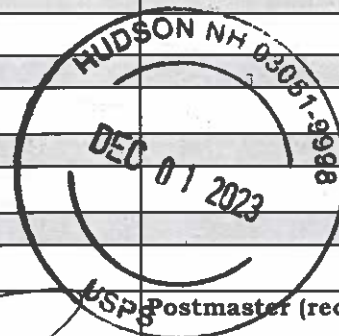
**USPS-Verified Mail**

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - <b>CERTIFIED MAIL</b>	Case# 148-071 <b>EQUITABLE WAIVER OF DIM. REQ.</b> 18 Towhee Dr. Map 148/Lot 071-000      1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>12/14/2023 ZBA Meeting</b>
1	9589 0710 5270 0646 5600 40	HAND, JASON C & RENA 18 TOWHEE DR., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5600 57	BAKUNCZYK, JOSEPH P. & KAREN M. 15 MEADOWLARK DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5600 64	SHULTZ, ROBERT D. & BEVERLY S. 13 MEADOWLARK DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5600 71	FORD, DAVID J. & MARIE J. 11 MEADOWLARK DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5600 88	HANLON, JOHN F. JR. 16 TOWHEE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5600 95	HARDMAN, SUSAN P. 20 TOWHEE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5601 01	HENDERSON, IAIN J. & ERIN 19 TOWHEE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5601 18	MERRILL, LISA M. & JUDITH A. 17 TOWHEE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9			
10			
	<b>Total Number of pieces listed by sender 8</b>	<b>Total number of pieces rec'vd at Post Office</b>	<b>Postmaster (Receiving Employee)</b>

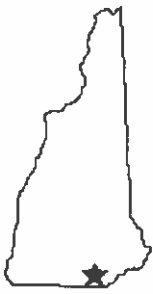


**USPS-Verified Mail**

<b>SENDER:</b>	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. Map 148/Lot 071-000 1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>12/14/2023 ZBA Meeting</b>
1	Mailed First Class	ROBERTS, THOMAS L. & ANN BETH 17 MEADOWLARK DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	CRAIG JR., WILLIAM ; CRAIG, SARAH 9 MEADOWLARK DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	KOTHEIMER, ELLEN E. 11 CARDINAL DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	BOWEN, JOHN C. & TASHA 23 TOWHEE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	CARON, BRITTANY A.; KING, NICHOLAS A. 21 TOWHEE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	MUZYKOV, PETER G. 3 FALCON DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7			
8			
9			
10			
11			
12			
13			
	<b>Total # of pieces listed by sender</b> 6	<b>Total # of pieces rec'vd at Post Office</b>	<b>USPS Postmaster (receiving Employee)</b>



Indirect First Class



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

---

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

December 1, 2023

### APPLICANT NOTIFICATION

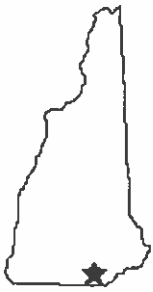
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, 12/14/2023** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

**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-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



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

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.

**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-1); 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 03051. Email comments before 4:00 PM prior to the meeting to: [csullivan@hudsonnh.gov](mailto:csullivan@hudsonnh.gov). In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan  
Zoning Administrator

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

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

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

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



# TOWN OF HUDSON

## 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: 18 Towhee Map 148 Lot 078-000  
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 Table of Dimensional Requirements.** There is a shed located within the required 15' rear setback. Please remove/move the shed into compliance, or apply for an **Equitable Waiver of Dimensional Requirement** from the Zoning Board of Adjustment.

Sincerely,

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

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.*



# TOWN OF HUDSON

## Land Use Division



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

### Notice of Violation

1<sup>st</sup> Class Mail

November 3, 2023

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

Re: **18 Towhee Dr. Map 148 Lot 071-000**  
**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  
[csullivan@hudsonnh.gov](mailto: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.*



Property Location: 18 TOWHEE DR  
 Vision ID: 2728 Account #: 4041

Parcel ID: 148/071/000//  
 Bldg #: 1

Card Address:  
 Card #: 1 of 1

LUC: 1010  
 Print Date: 11/22/2023 1:30:54 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
HAND, JASON C. HAND, RENA 18 TOWHEE DR.  HUDSON NH 03051		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RG	Residential Very Good			2023	1010	449,100	2023	1010	449,100	2022	1010	449,100
		TOPO	UTILITIES				1010	187,000		1010	187,026		1010	187,026
		Level	Town Water				1010	30,300		1010	23,200		1010	23,200
			Septic											
Total						666,400		Total		659,326		Total		659,326

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
HAND, JASON C.		9423 1042	12-29-2020	U	I	0	38	Grantor: HAND, JASON C.,	Appraised Bldg. Value (Card)			413,700
HAND, JASON C.		9035 1431	12-13-2017	Q	I	400,000	00	Grantor: BELANGER, JULIE ANN,	Appraised Xf (B) Value (Bldg)			35,400
BELANGER, JULIE ANN, TRUSTEE		6551 1557	12-04-2001	U	I	0	38	TRUSTEE,	Appraised Ob (B) Value (Bldg)			30,300
BELANGER, JULIE ANN		6117 1400	05-26-1999	U	I		99	Grantor: BELANGER, JULIE ANN,	Appraised Land Value (Bldg)			187,000
BELANGER, NORMAND		5231 1872	01-15-1991	Q	I	248,000	00	Grantor: BELANGER, NORMAND Grantor: N/A	Special Land Value			0
Total									Total Appraised Parcel Value			666,400
Total									Valuation Method			C
Total									Total Appraised Parcel Value			666,400

SUPPLEMENTAL DATA				CURRENT ASSESSMENT				VISIT / CHANGE HISTORY			
Parcel ID	148-071-000	Descrpt	Code	Appraised	Assessed	Date	Id	Cd	Purpost/Result		
Zoning	R1:Residential-1	BLDG	1010	449,100	449,100	05-15-2023	21	15	Permit Visit		
Flood Hazard	C	LAND	1010	187,000	187,000	07-15-2022	27	45	Field Review		
Neigh/Abut1		OB	1010	30,300	30,300	08-16-2018	12	30	Sales Data Verification		
Neigh/Abut2		Total:		666,400	666,400	04-28-2017	12	14	Inspected		
Neigh/Abut3	PREV 0024-0007-0000	Total:		666,400	666,400	01-04-2017	16	02	Measured		
GIS ID	148-071-000	Assoc Pid#				10-23-2009	10	03	Meas/Inspect		
						03-26-2006	08	02	Measured		
						06-17-2005	01	71	Acreage Adjustment From New Map		

NOTES										

BUILDING PERMIT RECORD										
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments		
2023-00911	10-02-2023	RM		160,000	O	Bradbuilt Construction		addition of sunroom and extended kitchen		
2023-00911-4	09-27-2023	MG		975	C	Shaun Parsons		Gas piping for addition and sunroom,kitchen		
2023-00911-3	09-27-2023	PL		9,800	C	Shaun Parsons		Plumbing stove for addition of sunroom and extended kitchen		
2023-00911-2	08-11-2023	EL		22,000	O	Wanyi Guignard		Electrical and service move for addition of sunroom and extended kitchen w/o 14160286.		
2023-00911-1	07-21-2023	FD		160,000	O	Bradbuilt Construction		addition of sunroom and extended kitchen		
2022-00947	08-23-2022	SH		25,424	C	HAND, JASON C. HA		Place 12 x 24 garden shed on concrete slab for general storage of garden furniture and eq		
2010-00481	08-27-2010	MECH	Mechanical	480	C			Visit Notes: Gas Hook-Up;		

LAND LINE VALUATION SECTION														
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	1.000 AC	170,000		1.00	5	1.00	RG	1.10			187,000
1	1010	SINGLE FAMILY RES	Excess	0.004 AC	6,000		1.00	0	1.00	RG	1.10			0
Total Card Land Units:				1.004 AC		Parcel Total Land Area:				1.004 AC		Total Land Value:		187,000

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

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

COST / MARKET VALUATION	
Building Value New	470,164
Year Built	1975
Effective Year Built	2010
Depreciation Code	GD
Remodel Rating	
Year Remodeled	
Depreciation %	12
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	88
RCNLD	413,700
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

SKETCH / PRIMARY PHOTO					
10	28	FFL	10	10	42
	16.47			11.53	
	16.47			11.53	
			7	7	SFL
					FFL
					BMT
24		GAR	11	11	28
					42
					42
			6	6	OFF
					42

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value	
PATIO	Patio	L	216	UNITS	7.30	1975	AV	60	900	
POOLIG	Pool - Gunite In Ground Pool	L	576	UNITS	57.47	1975	AV	60	19,900	
SHEDWD	Shed-Wood	L	128	UNITS	31.02	1975	AV	60	2,400	
XFRRM	Rec Room, Fin, BMT	B	894	SQ. FT	45.00	1975	AV	88	35,400	
SHEDWD	Shed-Wood	L	288	UNITS	31.02	2022	GD	80	7,100	

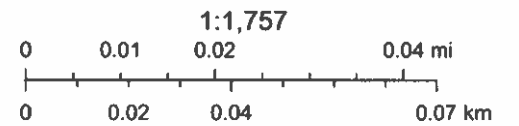
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,176	294	36.61	43,048
FFL	First Floor, Finished	1,456	1,456	1,456	146.42	213,192
GAR	Garage	0	672	235	51.20	34,409
OFF	Open Frame Porch	0	252	50	29.05	7,321
SFL	Second Floor, Finished	1,176	1,176	1,176	146.42	172,193
	<b>Total Liv Area/Gr. Area/Eff Are</b>	<b>2,632</b>	<b>4,732</b>	<b>3,211</b>	<b>Total Value</b>	<b>470,163</b>



# Letter ANSI A Landscape



8/30/2023

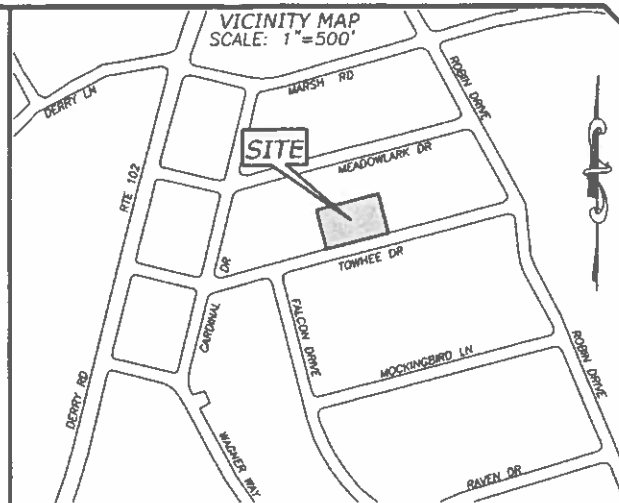
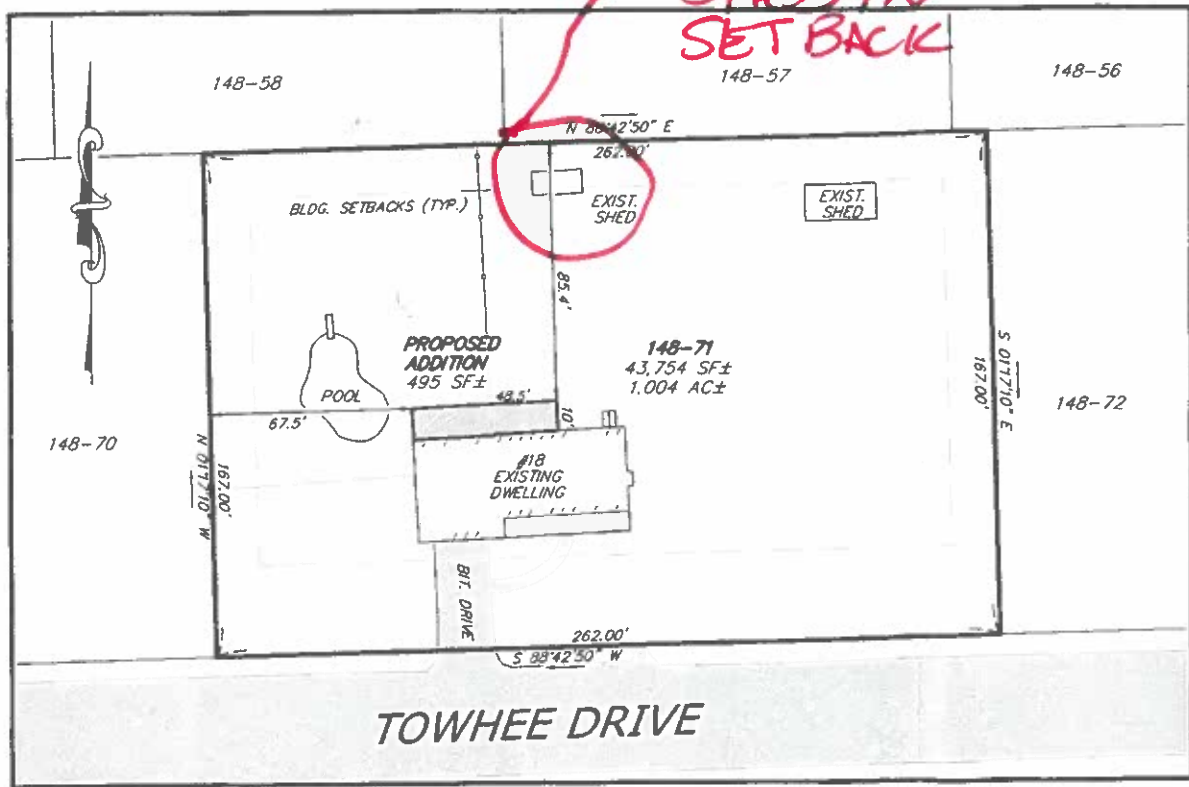


PLAN OF LAND  
18 TOWHEE DRIVE  
HUDSON, NH  
MAP 148 LOT 71  
AS PREPARED FOR  
JASON HAND, OWNER

PLAN NOTES:

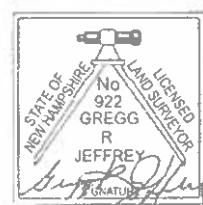
- 1) PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF A PROPOSED ADDITION AT HUDSON LOT 148-71.

*SHED IN SET BACK*



REV. 2			BY:
REV. 1	PROP. ADDITION	5/22/23	BY: GRJ

ZONING DISTRICT: R-1  
REQUIRED SETBACKS:  
FRONT - 30 FEET  
SIDE - 15 FEET  
REAR - 15 FEET  
DEED REF: BK. 9423 PG. 1042  
PLAN REF.: HCRD PL. 8467  
PLAN SCALE: 1"=40'  
DATE: MAY 2021  
JOB REF.: 021-061-HAND



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

**JEFFREY LAND SURVEY, LLC**

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



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

Receipt# 752,524  
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
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
			<b>Total:</b>	<b>229.04</b>

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
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:	<b>229.04</b>



# TOWN OF HUDSON

## Land Use Division



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

### Zoning Administrator Staff Report Meeting Date: December 14, 2023

CJS  
12/5/23

**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-1); 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-1)**

#### 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



# TOWN OF HUDSON

## 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: **58 Griffin Rd. Map 118 Lot 049**  
**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.**

**See Attachments:**  
**(A) GIS Ariel from 2022**

Sincerely,

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

1:173



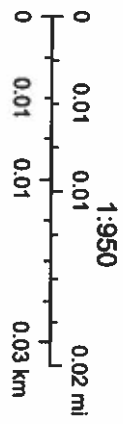




58 Griffin Rd



11/29/2023

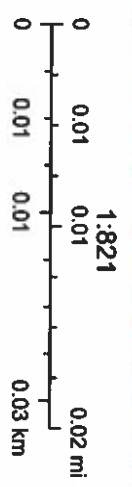




# 58 Griffin - 2017



11/30/2023

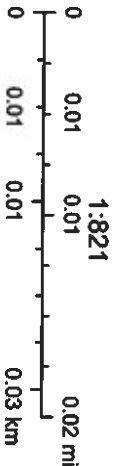


3

58 Griffin - 2011



11/30/2023





**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  
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 comments (see below)

EZD Name: Elvis Dhima Date: 11/28/2023  
(Initials)

DEPT.  Town Engineer  Fire/Health Department  Town Planner



**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  
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 comments (see below)

DRH \_\_\_\_\_ Name: David Hebert Date: 12/04/2023  
(Initials)

DEPT:  Town Engineer  Fire/Health Department  Town Planner



**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  
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 comments (see below)

BG Name: Brian Groth Date: 11/28/2023  
(Initials)

DEPT.  Town Engineer  Fire/Health Department  Town Planner

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

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

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

On 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-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

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

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

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

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

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

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

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

TOWN OF HUDSON

NOV 28 REC'D  
2023 TG

APPLICATION FOR AN EQUITABLE WAIVER

To: Zoning Board of Adjustment  
Zoning Department  
Town of Hudson

Entries in this box are to be filled out by  
Land Use Division personnel  
Case No. 118-049  
Date Filed 11/28/23

Name of Applicant Kenneth Doubleday Map: 118 Lot: 049 Zoning District: G-1

Telephone Number (Home) 978-337-3282 (Work) \_\_\_\_\_

Mailing Address 58 Griffin Rd

Owner Kenneth Doubleday / Jennifer Doubleday

Location of Property 58 Griffin Rd  
(Street Address)

Kenneth Doubleday Signature of Applicant 11/14/2023 Date

Kenneth Doubleday Signature of Property-Owner(s) 11/14/2023 Date

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

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

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

Date received: 11/28/23

**COST:**

Application fee (processing, advertising & recording) (non-refundable):	\$	<u>185.00</u>
<u>6</u> Abutter Notice:		
<u>6</u> Direct Abutters x Certified postage rate \$ <u>5.01</u> =	\$	<u>30.06</u>
<u>6</u> Indirect Abutters x First Class postage rate \$ <u>0.66</u> =	\$	<u>3.96</u>
<b>Total amount due:</b>	\$	<u>219.02</u>
Amt. received:	\$	<u>219.02</u>
Receipt No.:		<u>752,796</u>

Received by: TSG

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

Check #  
1148



# TOWN OF HUDSON, NH

## Application Checklist

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

Applicant Initials		Staff Initials
<u>KD</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u> 11/15/21
_____	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with <del>10 (ten)</del> <b>13</b> <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>KD</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>KD</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a> (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>KD</u>	<b>GIS LOCATION PLAN:</b> Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: <a href="https://www.hudsonnh.gov/community-development/page/gis-public-use">https://www.hudsonnh.gov/community-development/page/gis-public-use</a>	<u>TG</u>
<u>KD</u>	Provide a copy of all <b>single sided pages</b> of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>KD</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or N (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

**CERTIFIED PLOT PLAN:**

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

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

- a) N/A The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan. N/A
- b) \_\_\_\_\_ The plot plan shall be up-to date and dated, and shall be no more than three years old. \_\_\_\_\_
- c) \_\_\_\_\_ The plot plan shall have the signature and the name of the preparer, with his/her/their seal. \_\_\_\_\_
- d) \_\_\_\_\_ The plot plan shall include lot dimensions and bearings, with any bounding streets and with any rights-of-way and their widths as a minimum, and shall be accompanied by a copy of the GIS map of the property.  
(NOTE: A copy of the GIS map can be obtained by visiting the town website:  
<https://www.hudsonnh.gov/community-development/page/gis-public-use>)
- e) \_\_\_\_\_ The plot plan shall include the area (total square footage), all buffer zones, streams or other wetland bodies, and any easements (drainage, utility, etc.) \_\_\_\_\_
- f) \_\_\_\_\_ The plot plan shall include all existing buildings or other structures, together with their dimensions and the distances from the lot lines, as well as any encroachments. \_\_\_\_\_
- g) \_\_\_\_\_ The plot plan shall include all proposed buildings, structures, or additions, marked as "PROPOSED," together with all applicable dimensions and encroachments. \_\_\_\_\_
- h) \_\_\_\_\_ The plot plan shall show the building envelope as defined from all the setbacks required by the zoning ordinance. \_\_\_\_\_
- i) CO The plot plan shall indicate all parking spaces and lanes, with dimensions. 16

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

Kenneth Doolittle for ally  
Signature of Applicant(s)

11/14/2023  
Date

Kenneth Doolittle for ally  
Signature of Property Owner(s)

11/14/2023  
Date

**ALL DIRECT ABUTTERS**

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
118-049	000	*Include Applicant & Owner(s) Kenneth Doubleday JENNIFER Doubleday	58 Griffin Rd HUDSON NH 03051
118-050	-000	SCOTT F. SHERMAN JACQUELINE S. SMITH	60 GRIFFIN RD HUDSON NH 03051
118-046	000	RANDALL C. HATEM EVELYN M. BRUNDIGE	61 GRIFFIN RD HUDSON NH 03051
118-047	000	CHERYL E. MURPHY	59 GRIFFIN RD HUDSON NH 03051
118-048	000	SHAUNA L. MARSHALL BENJAMIN M. MARSHALL	56 GRIFFIN RD HUDSON NH 03051
118-052	000	JOSEPH S. MILLER LORI ANN MILLER	35 DAVID DR HUDSON NH 03051

**ALL INDIRECT ABUTTERS WITHIN 200 FEET**

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

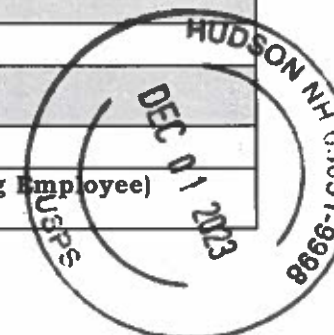
(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
118-054	000	MARLENE MCGILVARY	31 DAVID DR HUDSON NH 03051
126-033	000	JAMES E DANIELS DEBRA S. DANIELS	57 A GRIFFIN RD HUDSON NH 03051
118-046	002	EVELYN M. BRUNDIGE TRUSTEE	2 BRIAN DR LONDONDERRY NH 03053
118-053	000	CARL TUTTLE JANET TUTTLE	33 DAVID DR HUDSON NH 03051
126-032	000	LAVINIA MILLER	50 GRIFFIN RD HUDSON NH 03051
126-032	001	VERTICAL BRIDGE/ECO SITE	750 PARK OF COMMERCE DR SUITE 200 BOCA RATON, FL 33487

USPS-Verified Mail

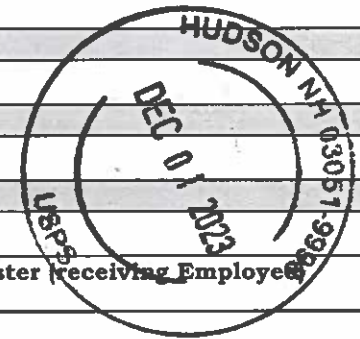
<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 118-049 EQUITABLE WAIVER OF DIM. REQ. 58 Griffin Rd Map 118/Lot 049-000 1 of 1
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>12/14/2023 ZBA Meeting</b>
1	9589 0710 5270 0646 5601 25	DOUBLEDAY, KENNETH W., JR.; DOUBLEDAY, JENNIFER 58 GRIFFIN RD., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5601 32	SHERMAN, SCOTT F.; SMITH, JACQUELINE S. 60 GRIFFIN RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5601 49	HATEM, RANDALL C.; BRUNDIGE, EVELYN M. 61 GRIFFIN RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5601 56	MURPHY, CHERYL E. 59 GRIFFIN RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5601 63	MARSHALL, SHAUNA L.; MARSHALL, BENJAMIN M. 56 GRIFFIN RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5601 70	MILLER, JOSEPH S.; MILLER, LORI ANN 35 DAVID DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7			
8			
9			
10			
	<b>Total Number of pieces listed by sender 6</b>	<b>Total number of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>

Direct Certified



**USPS-Verified Mail**

<b>SENDER:</b>	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - <b>FIRST CLASS MAIL</b>	Case# 118-049 <b>EQUITABLE WAIVER OF DIM. REQ.</b> 58 Griffin Rd Map 118/Lot 049-000 <b>1 of 1</b>
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>12/14/2023 ZBA Meeting</b>
1	Mailed First Class	MCGILVARY, MARLENE	ABUTTER NOTICE MAILED
		31 DAVID DRIVE, HUDSON, NH 03051	
2	Mailed First Class	DANIELS, JAMES E.; DANIELS, DEBRA S.	ABUTTER NOTICE MAILED
		57A GRIFFIN ROAD, HUDSON, NH 03051	
3	Mailed First Class	BRUNDIGE, EVELYN M. TRUSTEE; BRUNDIGE, EVELYN M. REV. TRUST	ABUTTER NOTICE MAILED
		2 BRIAN DR., LONDONDERRY, NH 03053	
4	Mailed First Class	TUTTLE, CARL; TUTTLE, JANET	ABUTTER NOTICE MAILED
		33 DAVID DRIVE, HUDSON, NH 03051	
5	Mailed First Class	MILLER, LAVINIA	ABUTTER NOTICE MAILED
		50 GRIFFIN ROAD, HUDSON, NH 03051	
6	Mailed First Class	VERTICAL BRIDGE/ECO SITE 750 PARK OF COMMERCE DRIVE, SUITE 200, BOCA RATON, FL 33487	ABUTTER NOTICE MAILED
7			
8			
9			
10			
11			
12			
13			
	<b>Total # of pieces listed by sender</b> 6	<b>Total # of pieces rec'vd at Post Office</b>	<b>Postmaster (receiving Employee)</b>



*[Handwritten Signature]*

Indirect First Class



# TOWN OF HUDSON

## Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

---

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

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.

**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-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



# 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](mailto:csullivan@hudsonnh.gov). In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan  
Zoning Administrator



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

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

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

- (a) **DISCOVERED TOO LATE.** Explain how the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and  
I am not sure why this wasn't discovered before this. I also pulled a permit for my above ground pool and the shed was in this spot at that time as well so I am not sure why it wasn't brought to my attention at that point.
- (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  
AS a FIRST TIME HOME OWNER I WAS UNAWARE OF THE RULES OR LAWS OF WHERE I COULD PLACE MY SHED. AT THE TIME OF PURCHASE THERE WAS A LARGE CARPORT IN THIS SPOT SO I SAW NO HARM OF TAKING THAT DOWN AND REPLACING IT WITH A SMALL SHED I WASN'T TRYING TO CAUSE ANY PROBLEMS.
- (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  
BEING THAT THIS IS NOT A LARGE SHED NOR IS IT FALLING APART AND IT'S IN MY BACKYARD ALMOST OUT OF SIGHT I REALLY DON'T SEE IT BEING A PROBLEM FOR OTHERS OR BEING A EYE SORE FOR ANYONE TO BE LOOKING AT SEEING AS ITS IN THE CORNER PART OF MY BACKYARD.
- (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.  
TO HAVE TO MOVE THIS SHED WHERE YOU WOULD LIKE ME TO WOULD COST MORE THEN THE SHED IS WORTH ESPECIALLY SINCE I HAD TO PAY ALOT TO MOVE IT ONCE AND WITH PRICES NOW IT WOULD PROBERLY COSY MORE TO MOVE IT AGAIN IT JUST DOESN'T MAKE SINCE TO HAVE TO PAY TO MOVE IT AGAIN. THANK YOU



# TOWN OF HUDSON

## 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: **58 Griffin Rd. Map 118 Lot 049**  
**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.**

**See Attachments:**

**(A) GIS Ariel from 2022**

Sincerely,

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

Property Location: 58 GRIFFIN RD  
 Vision ID: 5715 Account #: 3176

Parcel ID: 118/049/000//  
 Bldg #: 1

Card Address:  
 Card #: 1 of 1

LUC: 1010  
 Print Date: 10-27-2023 3:38:20 P

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
DOUBLEDAY, KENNETH W., JR. DOUBLEDAY, JENNIFER 58 GRIFFIN RD. HUDSON NH 03051		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RE	Residential Average			2023	1010	322,300	2023	1010	322,300	2022	1010	322,300
		TOPO	UTILITIES				1010	170,600		1010	170,600		1010	170,600
		Level	Priv Water				1010	39,100		1010	39,100		1010	39,100
			Septic											
						Total	532,000		Total	532,000		Total	532,000	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
DOUBLEDAY, KENNETH W., JR.		9193 1761	07-30-2019	U	I	215,000	27	\$430,000 with both deeds // Grantor: DANIELS, DRAKE H., SR., TR. Grantor: DANIELS, DRAKE H., SR., TR. Grantor: DANIELS, DRAKE H., SR., TR. Grantor: DANIELS, DRAKE H., SR.	Appraised Bldg. Value (Card)				310,100
DOUBLEDAY, KENNETH W., JR.		9193 1757	07-30-2019	Q	I	215,000	00		Appraised Xf (B) Value (Bldg)				12,200
DANIELS, DRAKE H., SR., TR.		8843 1127	03-29-2016	U	I	0	44		Appraised Ob (B) Value (Bldg)				39,100
DANIELS, DRAKE H., SR., TR.		8843 1125	03-29-2016	U	I	0	44		Appraised Land Value (Bldg)				170,600
DANIELS, DRAKE H., SR.		8843 1123	03-29-2016	U	I	0	38		Special Land Value				0
									Total Appraised Parcel Value				532,000
									Valuation Method				C
									Total Appraised Parcel Value				532,000

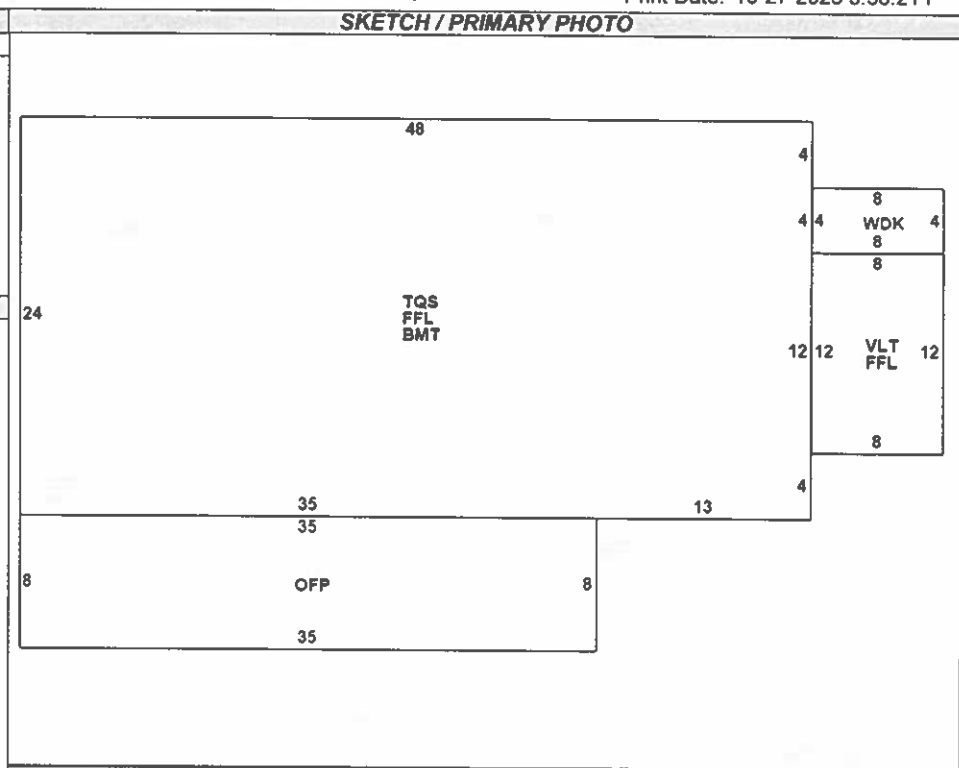
SUPPLEMENTAL DATA			CURRENT ASSESSMENT				VISIT / CHANGE HISTORY				
Parcel ID	118-049-000		Descript	Code	Appraised	Assessed	Date	Id	Cd	Purpost/Result	
Zoning	G1:General-1		BLDG	1010	322,300	322,300	07-20-2022	26	45	Field Review	
Flood Hazard	C		LAND	1010	170,600	170,600	01-27-2020	21	30	Sales Data Verification	
Neigh/Abut1	MVRP		OB	1010	39,100	39,100	08-27-2015	15	14	Inspected	
Neigh/Abut2							08-25-2015	15	01	Left Notice	
Neigh/Abut3		PREV 0040-0003-0032					02-19-2014	15	15	Permit Visit	
GIS ID	118-049-000	Assoc Pid#					02-23-2012	12	15	Permit Visit	
			Total:		532,000	532,000	01-22-2008	03	06	Info By Phon	
							01-16-2008	10	15	Permit Visit	

NOTES		BUILDING PERMIT RECORD	
PDAS. OTH FIX = XSINK BMT AND BATH UP. G AR IS HEATED//PDA' S//20-EST TQS FIN 100%		Permit Id	Issue Date
		Permit C	Description
		Amount	Status
		Applicant	SQ ft
		Comments	
		2019-00780-1	08-15-2019
		ELEC	Electrical
		2019-00780	08-07-2019
		AP	Ab-Grnd Pool
		2013-00163	06-20-2013
		ELEC	Electrical
		500	C
		2013-00169	04-23-2013
		AD	Addition
		18,000	C
		2011-00609	12-01-2011
		ELEC	Electrical
		2,500	C
		2006-516	05-09-2006
		AD	Addition
		10,000	C
		2005-529	05-25-2005
		PO	Porch
		12,000	C
		2005-401	03-29-2005
		ER	Ext Renov
		25,000	C

LAND LINE VALUATION SECTION													
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	
1	1010	SINGLE FAMILY RES	Site	1.000	AC	170,000	1.00	5	1.00	RE	1.00		
1	1010	SINGLE FAMILY RES	Excess	0.102	AC	6,000	1.00	0	1.00	RE	1.00		
Total Card Land Units:				1.102 AC		Parcel Total Land Area:				1.102 AC		Total Land Value:	170,600

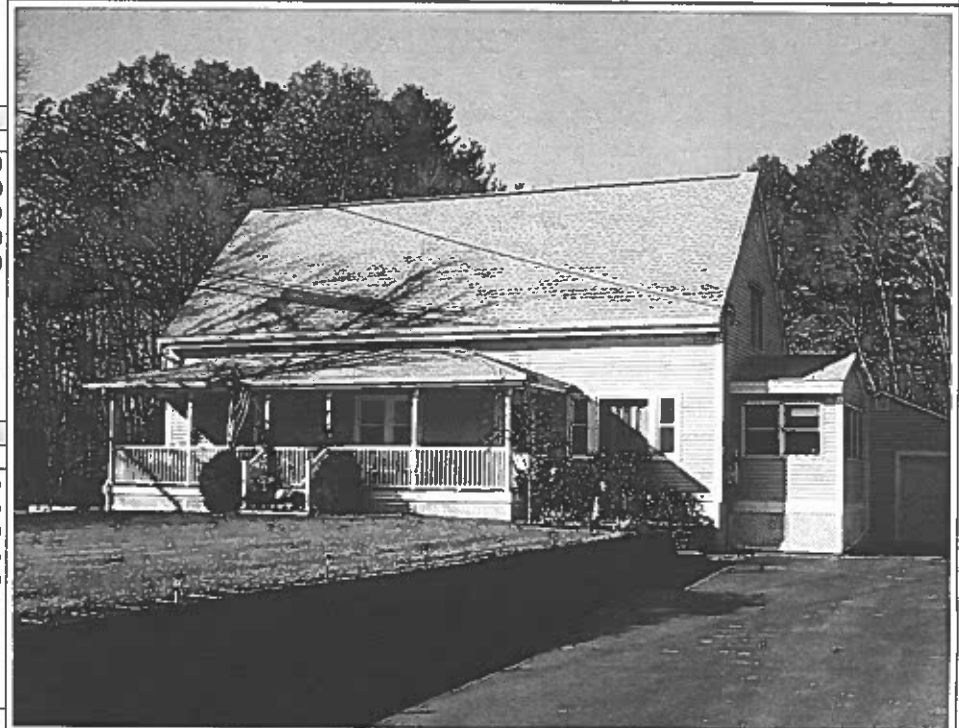
Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.75		Extra Kitchens	0	
Style:	04	Cape Cod	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	04	Propane			
Heat Type	03	Forced Hw			
# Heat Systems	2				
AC Percent	0				
Total Rooms	7				
Bedrooms	4				
Full Baths	1				
3/4 Baths	1				
Half Baths	1				
Extra Fixtures	2				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	GD	Good			
Half Bath Rating	GD	Good			
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color	GRAY				
Avg Ht/FL	8				
Extra Kitchens	0				
			<b>COST / MARKET VALUATION</b>		
			Building Value New		329,945
			Year Built		1984
			Effective Year Built		2016
			Depreciation Code		EX
			Remodel Rating		
			Year Remodeled		
			Depreciation %		6
			Functional Obsol		
			External Obsol		
			Trend Factor		1.000
			Condition		
			Condition %		
			Percent Good		94
			RCNLD		310,100
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd	% G	Assd. Value
GAR1	Garage, 1 story	L	960	SQ. FT	33.70	1984	GD	80	25,900
GENR	Residential Generator	L	20	UNITS	500.00	2012	EX	95	9,500
POOLAC	Round Above Ground Pool	L	27	UNITS	0.00	2019	EX	95	0
SHEDWD	Shed-Wood	L	200	UNITS	31.02	1996	AV	60	3,700
XFRRM	Rec Room, Fin, BMT	B	288	SQ. FT	45.00	1984	AV	94	12,200

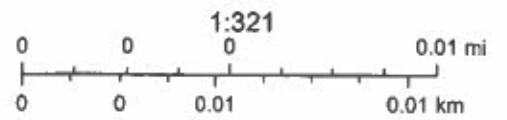
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,152	288	33.48	38,565
FFL	First Floor, Finished	1,248	1,248	1,248	133.91	167,115
OFFP	Open Frame Porch	0	280	56	26.78	7,499
TQS	3/4 Story, Finished	864	1,152	864	100.43	115,695
VLT	Vaulted Ceiling Area, not Sq. F	0	96	5	6.97	670
WDK	Wood Deck, or Composite Dk	0	32	3	12.55	402
<b>Total Liv Area/Gr. Area/Eff Are</b>		<b>2,112</b>	<b>3,960</b>	<b>2,464</b>	<b>Total Value</b>	<b>329,946</b>



58 Griffin Rd



10/20/2023



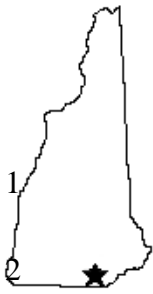
Printed  
11/28/2023  
8:14AM  
Created  
11/28/2023  
8:11 AM

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

Receipt# 752,796  
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application- 12/14/23 ZBA Meeting 58 Griffin Rd Map 118 Lot 049-000 Zone (G-1) Equitable Waiver App	0.00	219.0200	0.00
			Total:	219.02

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
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

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

#### I. CALL TO ORDER

#### II. PLEDGE OF ALLEGIANCE

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

#### III. ATTENDANCE

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

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

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

Mr. Sullivan read the Case into the record, referenced his Staff Report initialed 11/7/2023 and noted the Town Planner's comment that this site has received Planning Board approval, for a two-lot Subdivision and suggestion that if this Variance is granted, to add a condition for the abandonment of the approved, but not yet recorded Subdivision, and that Site Plan approval would be needed to develop this site. The Town Planner also acknowledged the industrial neighborhood and that the ZORC (Zoning Ordinance Review Committee) has been discussing changing the Zone

Not Official until reviewed, approved and signed.

D R A F T

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 resulted in their decision to pursue a Variance for the whole lot for Industrial Uses as  
56 the Zone across the street is the Industrial Zone and the neighborhood is all Industrial  
57 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 Atty. Hollis address the Variance criteria. The information shared included:  
66

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 • The Uses which are permitted in the Business Zone are not reasonable Uses  
73 for this location and would not be in keeping with the character of the  
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 direct abutters
- 83 • The purpose of the Zoning Ordinance is to keep similar Uses together to  
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 • There is public (Municipal) water on site
- 93 • Denial of this Variance will impose substantial harm to the Applicant that is  
94 not outweighed by harm to the public

95 (3) *substantial justice done*



- 96 • No Permitted Uses in the Business District is reasonable for this lot and  
97 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 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  
121 this lot and not allowing the proposed multi-tenant Industrial Uses has  
122 no fair and substantial relationship to the purpose of the Zoning  
123 Ordinance
- 124 • The Permitted Business Uses do not belong on this lot 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  
127 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

166 Mr. Sakati voted to grant the motion noting that there is no harm to the public, that it  
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  
192 11/7/2023, noted that two (2) of the abutters are cemeteries which require a twenty-  
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.

196

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.

200

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. Hartigan 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.

210

211 Atty. Hartigan addressed the Variance criteria. The information shared included:

212

213 (1) *not contrary to public interest*

214

- 215 • It is in the public interest to have similar lots in a neighborhood
- 216 • This lot is at the end of a Town Residence Zoning District neighborhood and is  
217 by far the largest residential lot in the immediate neighborhood aside from  
the cemetery
- 218 • It is a split zoned lot between TR and R-2 – however it is not really a part of  
219 the R-2 Zoning District
- 220 • The lot's only residential abutter is located in the TR Zone
- 221 • The requirement to have one-acre lots in the R-2 Zone would not be in  
222 keeping with the residential neighborhood
- 223 • Granting the Variance will not alter the character of the neighborhood as  
224 there would be no visible difference from the current lot sizes in the area
- 225 • Allowing the new lots to comply with the TR Zone lot size for this split zoned  
226 lot would not be contrary to the public interest and, as Municipal water and  
227 sewer will be provided, the granting will not threaten public or private  
228 health, safety or welfare

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

230

- 231 • The purpose of the Zoning Ordinance is to keep similar uses together to  
232 protect property values and to protect against adverse impacts on  
neighbors
- 233 • Due to the split Zone, the first proposed lot is in the TR Zone that abuts a TR  
234 neighborhood and carries a minimum lot size of 10,000 SF. The  
235 remainder of the lot in the R-2 Zone carries a minimum lot size of 43,560  
236 SF which would be the largest in the neighborhood. The lot is bordered  
237 on three sides by cemetery and has no relationship to the properties in  
238 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

242

(3) *substantial justice done*

Not Official until reviewed, approved and signed.

D R A F T

- 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  
298 lady slippers, that none of her neighbors want four (4) new houses, that they would  
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.

309  
310 Mr. Daddario asked if anyone else wished to address the Board. No one responded.  
311 Public testimony closed at 8:15 PM.

312  
313 Mr. Martin stated that the lot is stuck between the TR and the R-2 Zones, that it  
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  
357 Mr. Sakiti voted to deny the Variance as it does conflict with the purpose of the  
358 Ordinance and does not observe the spirit of the R-2 Zone, that it may not alter the  
359 character of the neighborhood and Abutter submitted a statement signed by thirteen  
360 (13) neighbors indicating that it would harm to neighborhood and that hardship is not  
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  
367 neighborhood, that substantial justice would be done to the Property Owner with no  
368 harm brought to the public, that the surrounding property values will not be  
369 diminished, that if the Ordinance was strictly enforced it would result in a significant  
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. Sakiti 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  
391 Accessory Uses and HZO Article III: General Regulations; §334-15 B.(2).]

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  
405 individually.

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  
410 house and not visible from Homestead Lane. Atty. Allard noted that in 2022 there was  
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*

418

- 419 • The proposal is not contrary to public interest, does not conflict with the  
Ordinance and does not threaten public health, safety or welfare
- 420 • The purpose of the G-1 District is to “permit a wide diversity of land uses at a  
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 yard is a Permitted Use in the G-1 Zone and the  
424 garaging/parking of heavy commercial vehicles and equipment is a  
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  
431 resolved, yet remains in the side setback

432

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

433

- 434 • Granting the Variance will not alter the essential character of the  
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 residential character of the neighborhood and the storage of vehicles and  
441 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 properties and with sufficient screening to protect sight lines into the  
466 property
- 467 • Contractor's Yard is a Permitted Use in the G-1 Zone
- 468 • The proposed dual Use is a reasonable use

469

470 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

554 Mr. Sakati voted to grant stating that it is not contrary to public interest, that the  
555 character of the neighborhood is not altered, that it adheres to the purpose of the  
556 Ordinance and causes no injury to public rights, that justice is served, that there is no  
557 diminution of surrounding property values and that the hardship is caused by Zoning  
558 contradiction.

559

560 Mr. Pacocha voted to grant and stated that the granting will not be contrary to public  
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 than 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).]

588

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
- 601 • The child care facility is already licensed by the State of NH demonstrating its  
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
- 607 • Granting this Variance will enable us to continue providing quality day care  
608 which is essential for the local community's support and growth

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

- 610 • The proposed increase in child care capacity will observe the spirit of the  
611 Ordinance by complying with Zoning laws, safety regulations and  
612 licensing requirements
- 613 • The expansion of our business directly contributes to the Ordinance's  
614 underlying purpose, which is to support the well-being of families in the  
615 community
- 616 • Increasing the capacity will not alter the essential character of the  
617 neighborhood
- 618 • The facility will continue to operate within the residential area
- 619 • The proposed increase is designed to uphold public health, safety and welfare
- 620 • All necessary safety standards and regulations will continue to be followed,  
621 including all State regulations, staff-to-child ratios, safety measures,  
622 health standards and traffic management
- 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*

- 632 • The expansion will not diminish the values of surrounding properties
- 633 • Diverse services and improved infrastructure can enhance neighborhood  
634 desirability
- 635 • Overall the childcare expansion can contribute positively to a  
636 neighborhood's attractiveness and property values

637 (5) *hardship*

Not Official until reviewed, approved and signed.

D R A F T

- 638
- 639
- 640
- 641
- 642
- 643
- 644
- 645
- 646
- 647
- 648
- 649
- The special conditions that restrict our house to a family daycare home may not be fair and reasonable because the house has the space to accommodate more children
  - The State Licensing Coordinator mentioned at their last visit that the house could qualify to be a family group daycare home
  - Special conditions of the property have a significant impact on the reasonableness of increasing our daycare's child capacity
  - The special conditions include ample space, suitable safety measures and a welcoming environment
  - The spacious setting ensures children have room to play and learn comfortably while the safety measures guarantee their well-being

650 Ms. Bouayadi stated that her two-year-old son is one of the six (6) pre-school aged  
651 children she is licensed for the daycare and even though she has been in business less  
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) pre-  
655 school age and three (3) school age children. Ms. Bouayadi stated that she would like  
656 to expand to have twelve (12) pre-school aged children and five (5) school aged  
657 children and will need to hire one (1) employee.

658

659 Mr. Lanphear asked Ms. Bouayadi 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  
662 with excessive use by the daycare. Ms. Bouayadi stated that she spoke with Ms.  
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  
665 that is a civil matter and should there be a dispute, it would be a civil dispute and not  
666 involve the Board. Mr. Daddario asked if there have been any issues or complaints  
667 received from the neighbors and Mr. Sullivan responded that he has not heard of any.

668

669 Mr. Thompson inquired about the State inspections and Mr. Sullivan responded that  
670 according to his knowledge, there is no set schedule for State inspections, they just  
671 show up unannounced. Ms. Bouayadi concurred.

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 does 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 buildable and addressed the Variance criteria. The information shared included:

755

756 (1) *not contrary to public interest*

757 • The deck will not be in public view and will not impact the view from existing  
758 or any possible future residential abutters

759 • It is not contrary to public interest

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

761 • The encroachment into the setback is to the rear property line that abuts an  
762 unbuildable back lot

763 (3) *substantial justice done*

764 • Justice would be done as there is not another possible location for a private  
765 deck due to the furnace and water heater direct vents

766 (4) *not diminish surrounding property values*

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  
813 unbuildable lot, that a rear deck is reasonable and common use at a residence, and  
814 the shape and size of the lot and how the house was situated on the lot creates the  
815 hardship.

816  
817 Roll call vote was 5:0. Variance granted. The 30-day Appeal period was noted.

818  
819 **V. REQUEST FOR REHEARING:**

820  
821 No requests were received for Board consideration

822  
823 **VI. REVIEW OF MINUTES:**

824  
825 10/26/23 edited draft Minutes

826  
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**

835

836 Motion made by Mr. Martin, seconded by Mr. Sakati and unanimously voted to  
837 adjourn the meeting. The 11/16/2023 ZBA meeting adjourned at 10:51 PM.

838

839

840 Respectfully submitted,

841 Louise Knee, Recorder

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843

844

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DRAFT





# 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

## 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 (complete) Application Submission Deadline are due by 12:00 p.m.**

### Year 2024 ZBA Meeting Schedule

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