



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 – May 23, 2024

The Hudson Zoning Board of Adjustment will hold a meeting on Thursday, **May 23, 2024**, 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. Please enter by ramp entrance at right side.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

IV. SEATING OF ALTERNATES

V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 184-021 (05-23-24):** Ryan T. Burke, **152 Belknap Rd., Hudson, NH** [Map 184, Lot 021, Sublot-000; Zoned Residential-Two (R-2)] requests the following:
 - a. A **Variance** to install a proposed 21 ft. diameter above ground pool 8.5 feet in the side yard setback leaving 6.5 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
 - b. An **Equitable Waiver of Dimensional Requirement** to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]
2. **Case 214-012 (05-23-24):** Daniel Barowski, Survey Project Mgr. of Fieldstone Land Consultants, PLLC, 206 Elm St., Milford, NH proposes a two-lot subdivision which requires the following two (2) Variances for **173 Bush Hill Road, Hudson, NH** [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1)]:
 - a. A **Variance** to allow the lot area with the existing dwelling (after subdivision) to contain 0.833 acres where 2 acres of contiguous land exclusive of any wetland and slopes in excess of 25% is required. [HZO Article VII: Dimensional Requirements; §334-27.1.B., General requirements and §334-27.2, Lot requirements for subdivision of land and §334-27, Table of Minimum Dimensional Requirements]
 - b. A **Variance** to develop a 30 ft. x 40 ft. single-family home on the vacant new lot with 194.66 feet of frontage where 200 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

VI. REQUEST FOR REHEARING: None

VII. REVIEW OF MINUTES: 04/25/2024 edited draft Meeting Minutes

VIII. OTHER:

IX. ADJOURNMENT:


Chris Sullivan, Zoning Administrator

Legal Notice

Request for Proposals Grease Removal and Disposal Services

The State of New Hampshire, Department of Environmental Services, Winnepesaukee River Basin Program (WRBP) is requesting proposals for Grease Removal and Disposal Services from Five (5) pump stations and Six (6) scum collection pits within the WRBP collection system.

A copy of the Request for Proposal (RFP) can be picked up at the WRBP maintenance facility in Laconia, a copy can be requested by calling 603-528-6746, or RFPs may be downloaded from https://apps.das.nh.gov/bidscontracts/bids.aspx.

Proposals must be received by 1pm on May 24, 2024 at the Winnepesaukee River Basin Program, Maintenance Facility, 202 Water St. Laconia, New Hampshire 03246 or emailed to timothy.pelletier@des.nh.gov. Firms responsible for confirming receipt of their proposal before the deadline. (UL - May 15)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of an execution of the Power of Sale contained in a certain mortgage given by James B. Ganley (the "Mortgagor") to Fleet National Bank, and now held by Bank of America, N.A., successor by merger to Fleet National Bank (the "Mortgagee"), said mortgage dated January 4, 2005, and recorded in the Merrimack Registry of Deeds in Book 2742, Page 890, (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction on June 12, 2024 at 04:00 PM Said sale to be held on the mortgaged premises hereinafter described and having a present address of 13 Van Ger Dr, Bow, Merrimack County, NH 03304.

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

The name and address of the mortgagee's agent for service of process is Bank of America, N.A. c/o Jeffrey J. Hardiman, Esq., 23 Messenger Street, Second Floor, Plainville, MA 02762. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at nhbd@banking.nh.gov.

Said auction is subject to a mortgage recorded in the Merrimack Registry of Deeds Book 2530 Page 308.

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

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

Dated at Farmington, Connecticut, on April 26, 2024.

Bank of America, N.A., successor by merger to Fleet National Bank By its Attorney, Bozenna Wysocki Brock & Scott, PLLC 270 Farmington Avenue Suite 151 Farmington, CT 06032 (UL - May 1, 8, 15)

Legal Notice

THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH SUPERIOR COURT Merrimack Superior Court

5 Court Street Concord NH 03301 Telephone: 1-855-212-1234 TTY/TDD Relay: (800) 735-2964 http://www.courts.state.nh.us CITATION FOR PUBLICATION Superior Court Rule 4(d) Case Name: NEWREZ LLC DBA Shellpoint Mortgage Servicing v Heirs, Devises, and Legal Representatives of David M. McKay Jake McKay, as Guardian of Jade Evelyn McKay and Dorian Ryan McKay. Case Number: 217-2024-CV-00280 The above entitled action is now pending in this Court. The original pleading is on file and may be examined by interested parties. The Court has issued an Order for Service by Publication

on defendant(s) Heirs, Devises, and Legal Representatives of David M. McKay; Jake McKay, as Guardian of Jade Evelyn McKay and Dorian Ryan McKay.

The Court ORDERS: NEWREZ LLC DBA Shellpoint Mortgage Servicing shall give notice to Heirs, Devises, and Legal Representatives of David M. McKay of this action by publishing a verified copy of this Citation for Publication once a week for three successive weeks in the Union Leader, a newspaper of general circulation. The last publication shall be on or before June 21, 2024

Also, ON OR BEFORE 30 days after the last publication - Heirs, Devises, and Legal Representatives of David M. McKay shall electronically file an Appearance and Answer or other responsive pleading with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

July 12, 2024 - NEWREZ LLC DBA Shellpoint Mortgage Servicing shall electronically file the Return of Publication with this Court. Failure to do so may result in this action being dismissed without further notice.

Notice to Heirs, Devises, and Legal Representatives of David M. McKay: If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party. Complete the registration/log in process then select "I am filing into an existing case". Enter the case number above and click Next. Follow the instructions to complete your filing.

Once you have responded to the Complaint, you can access documents electronically filed through our Case Access Portal by going to https://odvpa.nhescourt.us/portal and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you do not comply with these requirements, you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to: Sarah A Billeri, ESQ, Brock & Scott PLLC, 23 Messenger St, 2nd Fl, Plainville, MA 02762

BY ORDER OF THE COURT May 07, 2024 Jennifer L. Houshe Clerk of Court

(1082)

(UL - May 15, 22, 29)

Legal Notice

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

May 15, 2024 Ignatius MacLellan Managing Director, Management and Development New Hampshire Housing Finance Authority PO Box 5087 Manchester, NH 03108

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by New Hampshire Housing Finance Authority (NHHFA).

Request for Release of Funds On or about May 31, 2024, New Hampshire Housing Finance Authority will submit a request to the U.S. Department of Housing & Urban Development (HUD) to release FY2022 Economic Development Initiative Community Project Funding (CPF), to be used for a project known as Cottages at Back River, located at 54 Back River Road in Dover, NH. The proposed activities at the subject property include the continued development of the site with a community of tiny homes, which are single bedroom homes targeted for workforce housing. Overall, the proposed project includes the new construction of 44 cottage homes, utility connections, access driveway and parking lots, bioretention basin, state-listed endangered species habitat conservation easement, snow storage, retaining wall, walking path and wooden platform, sidewalks, and landscaping. At the time of federalization (7/18/2022), all ground disturbing activities associated with site preparation, the construction of temporary roads and driveways, the retaining wall and stormwater retention pond, and all utilities had been completed.

The estimated total cost of the project is approximately \$6,300,000 including approximately \$1,000,000 in CPF. Finding of No Significant Impact New Hampshire Housing Finance Authority has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. No recognized environmental conditions are known to exist at this property. Additional project information is contained in the Environmental Review Record (ERR) on file at New Hampshire Housing Finance Authority, 32 Constitution Drive, Bedford, NH, where the ERR can be examined or copied Monday - Thursday 8:30 am to 4:30 pm and Friday 8:30 am to 4:00 pm.

Public Comments Any individual, group, or agency may submit written comments on the ERR for consideration by the NHHFA, to Christine Lavallee, Senior Program Manager, Housing Grants, Multifamily Housing Division, New Hampshire Housing Finance Authority, PO Box 5087, Manchester, NH 03108 attention Ignatius MacLellan. All comments received by May 30, 2024, will be considered by the Agency prior to

taking any administrative action or requesting the release of funds from HUD on the date listed above. Comments must specify which Notice they are addressing: the Finding of No Significant Impact or the Request for the Release of Funds.

Environmental Certification

The Agency is certifying to HUD that Robert Dapice, in his official capacity as Executive Director, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows CPF to be used for the proposed project.

Objections to Release of Funds

HUD will accept objections to its release of funds and NHHFA's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer; (b) NHHFA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD, except as allowed by HUD guidance in FV2022 Economic Development Initiative Community Project Funding Grant Guide; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76)

Objections shall be addressed to the HUD Director of Community Planning and Development. CPDRROFBOS@HUD.gov.

Potential objectors should contact HUD to verify the actual last day of the objection period.

Robert Dapice, Executive Director (UL - May 15)

Public Notices

They're how you know! Public Notices help citizens to stay alert to what is happening in the community.

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by Bruce Hannula a/k/a Bruce M. Hannula ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for PHH Mortgage Corporation, dated July 27, 2013 and recorded in the Hillsborough County Registry of Deeds in Book 8591, Page 1321, (the "Mortgage"), which mortgage is held by Federal National Mortgage Association, the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:

Public Auction on June 26, 2024 at 3:00 PM

Said sale being located on the mortgaged premises and having a present address of 233 Stonebridge Drive, Unit 233, Millstone Village II, a Condominium, Nashua, Hillsborough County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor(s)' title see deed recorded with the Hillsborough County Registry of Deeds in Book 7814, Page 2251.

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

The address of the mortgagee for service of process is Federal National Mortgage Association (Fannie Mae), Legal Department, Granite Park VII, 5600 Granite Parkway, Plano, TX 75024 and the name of the mortgagee's agent for service of process is R. Scott Luttrull.

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

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

TERMS OF SALE A deposit of Five Thousand (\$5,000.00) Dollars in the form of a certified check or bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price

shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Dated at Newton, Massachusetts, on April 30, 2024.

Federal National Mortgage Association By its Attorney, Nicholas J Danforth Harmon Law Offices, P.C. PO Box 610389 Newton Highlands, MA 02461 617-558-0500 25108 (UL - May 8, 15, 22)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of an execution of the Power of Sale contained in a certain mortgage given by John J. Canepa, Jr. (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for LoanDepot.com, LLC, and now held by LOANDEPOT.COM, LLC (the "Mortgagee"), said mortgage dated December 26, 2017, and recorded in the Merrimack Registry of Deeds in Book 3583, Page 1020, (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction on June 21, 2024 at 10:00 AM

Said sale to be held on the mortgaged premises hereinafter described and having a present address of 140 West Roby District Road, Warner, Merrimack County, NH 03278.

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

The name and address of the mortgagee's agent for service of process is Registered Agent Solutions, Inc., 10 Ferry Street, Suite 313, Concord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at nhbd@banking.nh.gov.

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

TERMS OF SALE

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

Dated at Farmington, Connecticut, on April 26, 2024.

LOANDEPOT.COM, LLC By its Attorney, Bozenna Wysocki Brock & Scott, PLLC 270 Farmington Avenue Suite 151 Farmington, CT 06032 (UL - May 1, 8, 15)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by Charlene Cote f/k/a Charlene Craig, Robert J. Cote ("the Mortgagor(s)") to 1-800-East-West Mortgage Company Inc., dated June 28, 2002 and recorded in the Rockingham County Registry of Deeds in Book 3796, Page 828, (the "Mortgage"), which mortgage is held by MTGLQ Investors, L.P., the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:

Public Auction on June 14, 2024 at 4:00 PM

Said sale being located on the mortgaged premises and having a present address of 6 Michael Avenue, Derry, Rockingham County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor(s)' title see deed recorded with the Rockingham County Registry of Deeds in Book 3268, Page 2782.

NOTICE PURSUANT TO NEW HAMPSHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE

SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

The address of the mortgagee for service of process is 2 1/2 Beacon Street, Concord, NH 03301 and the name of the mortgagee's agent for service of process is CT Corporation System.

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

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

TERMS OF SALE

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

Dated at Newton, Massachusetts, on April 24, 2024.

MTGLQ Investors, L.P. By its Attorney, Nicholas J Danforth Harmon Law Offices, P.C. PO Box 610389 Newton Highlands, MA 02461 617-558-0500 2015060398 (UL - May 1, 8, 15)

Legal Notice

MORTGAGEE'S SALE OF REAL ESTATE

By virtue of an execution of the Power of Sale contained in a certain mortgage given by James F. Blackington, Jr. to Morgan Stanley Dean Witter Credit Corporation, dated December 10, 2004 and recorded with the Hillsborough County Registry of Deeds in Book 7380, Page 0848, of which mortgage HSBC Bank USA, National Association as Trustee for Sequoia Mortgage Trust 2005-2 is the present holder by assignment, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at 8 Dunnington Way f/k/a 86 Gault Road, Bedford, Hillsborough County, New Hampshire will be sold at a Public Auction at 12:00 PM on May 29, 2024, being the premises described in the mortgage to which reference is made for a more particular description thereof. Said public auction will occur on the Mortgaged Premises.

For mortgagor's title, see deed recorded with the Hillsborough County Registry of Deeds in Book 6872, Page 2152.

NOTICE TO THE MORTGAGOR AND ALL INTERESTED PARTIES: YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE. THE AGENTS FOR SERVICE OF PROCESS ARE: HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR

SEQUOIA MORTGAGE TRUST 2005-2, 1800 Tysons Boulevard, Suite 50, McLean, VA 22102 (Mortgagee)

PHH MORTGAGE CORPORATION, C/O CORPORATION SERVICE COMPANY, 10 Ferry Street, Suite 313, Concord, NH 03301 (Mortgagee Servicer)

You can contact the New Hampshire Banking Department at 53 Regional Drive #200, Concord, NH 03301 Tel (603) 271-3561 and by email at nhbd@banking.nh.gov

FOR INFORMATION ON GETTING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE INFORMATION HOTLINE AT 800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMPSHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS CALL.

LIENS AND ENCUMBRANCES: The Mortgaged Premises shall be sold subject to any and all easements, unpaid taxes, liens, encumbrances and rights, title and interests of third persons of any and every nature whatsoever which are or may be entitled to precedence over the Mortgage.

NO WARRANTIES: The Mortgaged Premises shall be sold by the Mortgagee and accepted by the successful bidder "AS IS" AND "WHERE IS" and with all faults. Except for warranties arising by operation of law, if any, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any express or implied warranties whatsoever, including, without limitation, any representations or warranties with respect to title, possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. All risk of loss or damage to the Mortgaged Premises shall be assumed and borne by the successful bidder immediately after the close of bidding.

TERMS OF SALE: To qualify to bid, bidders must register to bid and present to the Mortgagee or its agent the sum of Five Thousand Dollars and 00/100 (\$5,000.00) by certified check or other form of payment acceptable to the Mortgagee or its agent prior to the commencement of the public auction. The balance of the purchase price must be paid in full by the successful bidder by certified check within thirty (30) days from the date of the public auction, or on delivery of the foreclosure deed, at the option of the Mortgagee. The deposits placed by unsuccessful bidders shall be returned to those bidders at the conclusion of the public auction. The successful bidder shall execute a Memorandum of Foreclosure Sale immediately after the close of bidding. If the successful bidder fails to complete the purchase of the Mortgaged Premises, the Mortgagee may, at its option, retain the deposit as liquidated damages.

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclosure sale. Such change(s) or amendment(s) shall be binding on all bidders.

Other terms to be announced at sale.

HSBC Bank USA, National Association as Trustee for Sequoia Mortgage Trust 2005-2 Present holder of said mortgage, by its Attorneys Susan W. Cody Korde & Associates, P.C. 900 Chelmsford Street, Suite 3102 Lowell, MA 01851 (978) 256-1500 POW 16-024981 Blackington Jr.

Legal Notice

Public Auction J&M Towing and Recovery 410 South Stark Highway Weare, NH 03281

May 25, 2024 at 10:00 am VIN: JF1GUABC1R8260928 2022 Toyota VIN: 2T3P1RFV0NC312584 2008 Honda VIN: 5FN9F18598B003743 (UL - May 15)

TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearings THURSDAY, MAY 23, 2024

The Hudson Zoning Board of Adjustment will hold a public meeting on Thursday, May 23, 2024 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 (please enter by ramp entrance at right side).

PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

- 1. Case 184-021 (05-23-24): Ryan T. Burke, 152 Belknap Rd., Hudson, NH [Map 184, Lot 021, Sub lot-000; Zoned Residential-Two (R-2)] requests the following: a. A Variance to install a proposed 21 ft. diameter above ground pool 8.5 feet into the side yard setback leaving 6.5 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements] b. An Equitable Waiver of Dimensional Requirement to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]
- 2. Case 214-012 (05-23-24): Daniel Barowski, Survey Project Mgr. of Fieldstone Land Consultants, PLLC, 206 Elm St., Milford, NH proposes a two-lot subdivision of 173 Bush Hill Rd., Hudson, NH [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1)] which requires the following two (2) Variances: a. A Variance to allow the lot area with the existing dwelling (after subdivision) to contain 0.833 acres where 2 acres of contiguous land exclusive of any wetland and slopes in excess of 25% is required. [HZO Article VII: Dimensional Requirements; §334-27.1.B., General requirements and §334-27.2, Lot requirements for subdivision of land and §334-27, Table of Minimum Dimensional Requirements] b. A Variance to develop a 30 ft. x 40 ft. single-family home on the vacant new lot with 194.66 feet of frontage where 200 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Chris Sullivan, Zoning Administrator



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: May 23, 2024

CJS
5/13/24

Case 184-021 (05-23-24): Ryan T. Burke, 152 Belknap Rd., Hudson, NH [Map 184, Lot 021, Sublot-000; Zoned Residential-Two (R-2)] requests the following:

- a. A Variance to install a proposed 21 ft. diameter above-ground pool 8.5 feet in the side yard setback leaving 6.5 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
- b. An Equitable Waiver of Dimensional Requirement to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]

Address: 152 Belknap Rd. Map 184, Lot 021-000

Zoning district: Residential Two (R-2)

Property Description:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 21,344.4 sq. ft. where 43,560 is required. The lot is classified as a single-family residence. The home was constructed in 1957. The shed has been on the property since at least 2003 located in a different location. Sometime between 2015 and 2017, it was placed in its current location.

In-House comments:

Town Engineer:

a. Variance:

The applicant shall provide the location of the water discharge hose or how they will deal with backwash discharge

b. Equitable Waiver of Dimensional Requirement:

The applicant shall provide the location of the water discharge hose or how they will deal with backwash discharge

Inspectional Services/Fire Dept.: no comments

Associate Town Planner: no comments

History/Attachments:

AERIAL / PHOTOS

A: Aerials

B: Aerials: 2005, 2017 and 2022 (Shed)

Plans:

C: GIS Lot Plan

BUILDING PERMITS

D: BP# 2003-412 to construct a 8'X10' Prefab shed (3-25-03)

E: BP# 2004-654 Consturct a 27' X 20' Deck. (6-15-04)

ZONING ADMINISTRATOR/CODE ENFORCEMENT CORRESPONDENCE

F: Zoning Determination #24-043 (4-25-24)

DEPARTMENTAL COMMENT SHEETS

G: Engineering - Request for review (5-6-24)

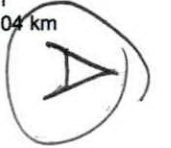
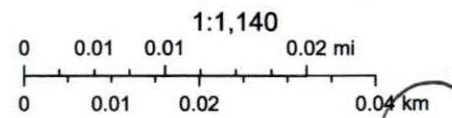
H: Inspectional Services/Fire Dept. Request for review (5-6-24)

I: Planning Department - Request for review (5-7-24)

152 Belknap Rd (2022)



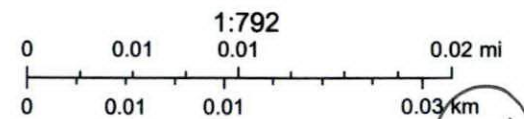
5/9/2024



152 Belknap Rd (Shed) 2022



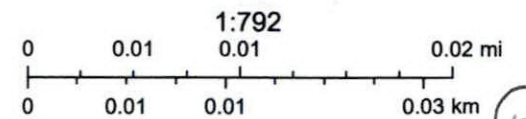
5/7/2024



152 Belknap Rd (Shed) 2017



5/7/2024

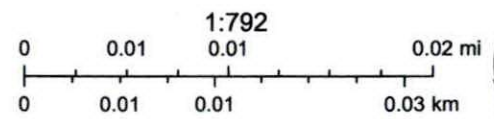


(W)

152 Belknap Rd (Shed) 2005

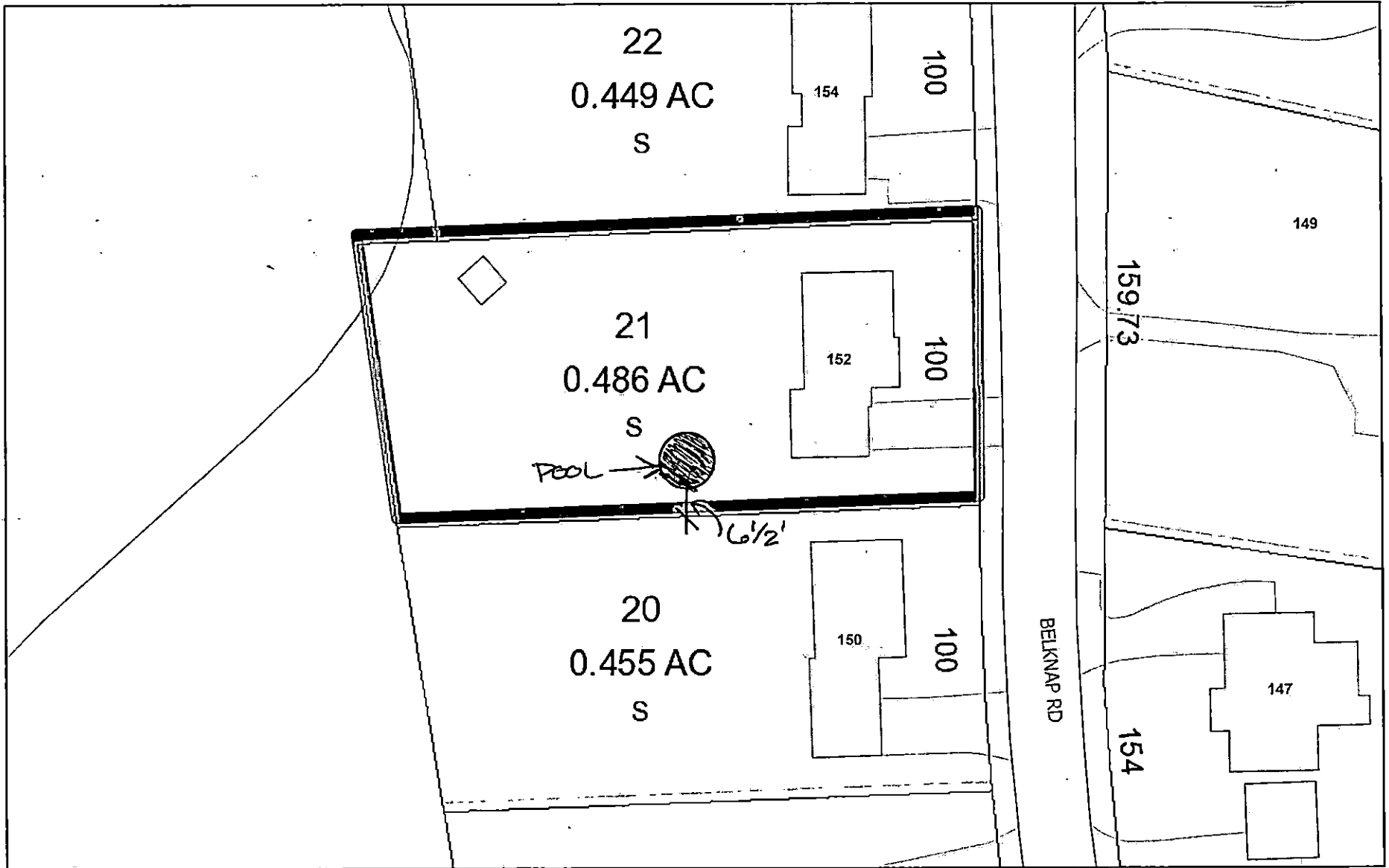


5/7/2024

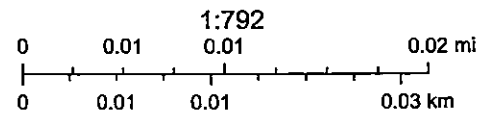


(Handwritten signature)

152 Belknap Rd



5/9/2024





Building Permit

Amount Paid

Date 28-Mar-2003 Permit# 2003-412

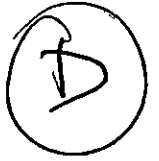
Applicant Amy Fleming 152 Belknap Road Contractor's License
 Permit To Shed 0 Story One Family # of Dwelling Units 0

At (Location) 152 Belknap Road	Zoning District
Between Central Street	And Lowell Road

Subdivision Map 58 Lot 57 Sublot Lot Size .0
 Building is to be 0 ft. Wide by 0 ft. Long by 0 ft. in Height and Shall Conform in Construction
 to Type Wood Frame Use Group Foundation Type

Remarks All construction must conform to Hudson Town Codes.
 Construct a 8' x 10' shed (prefab). Shed must be located at least 15 feet off the side and rear property lines.

Area or Volume 0 Estimated Cost \$ \$1,200.00 Permit Fee \$ ^{\$75.00}
 Owner Amy Fleming Approved William A. O'Brien
 Address 152 Belknap Road, Hudson, NH 03051 Date MAR 28 2003



BUILDING PERMIT DISTRIBUTION

Permit # 2003-412 Date 3/25/03
Applicant Amy Fleming 152 Belknap Road
Permit Fee \$0.00
Notes
Type of Improvement Shed
Map/Lot/Sublot 58 57
Location 152 Belknap Road
Owner Amy Fleming
Address 152 Belknap Road, Hudson, NH 03051

Date

Sent to Fire Dept

Sent to Engineering

Sent to Planning

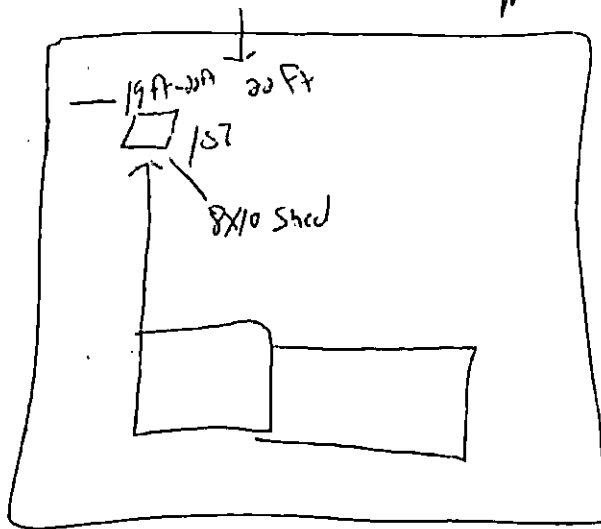
Sent to Building 3/25/03 3-26-03

Sent to Zoning STS 3/27/03

The shed must be located
at least 15 feet off the side
& rear property lines.

①

Shed



(E)

Building Permit

Date 15-Jun-2004 Permit# 2004-654

Applicant Shawn Fleming

152 Belknap Road

Contractor's License

Permit To Deck

0 Story One Family

of Dwelling Units 0

At (Location) 152 Belknap Road	Zoning District
Between County Road	And Melendy Road

Subdivision Map 184 Lot 21 Sublot Lot Size 0

Building is to be 0 ft. Wide by 0 ft. Long by 0 ft. in Height and Shall Conform in Construction

to Type Wood Frame Use Group Foundation Type

Remarks All construction must conform to Hudson Town Codes.
Construct a 27' x 20' deck.

Area or Volume 0 Estimated Cost \$ \$1,500.00 Permit Fee \$ \$40.00

Owner Shawn Fleming

Approved

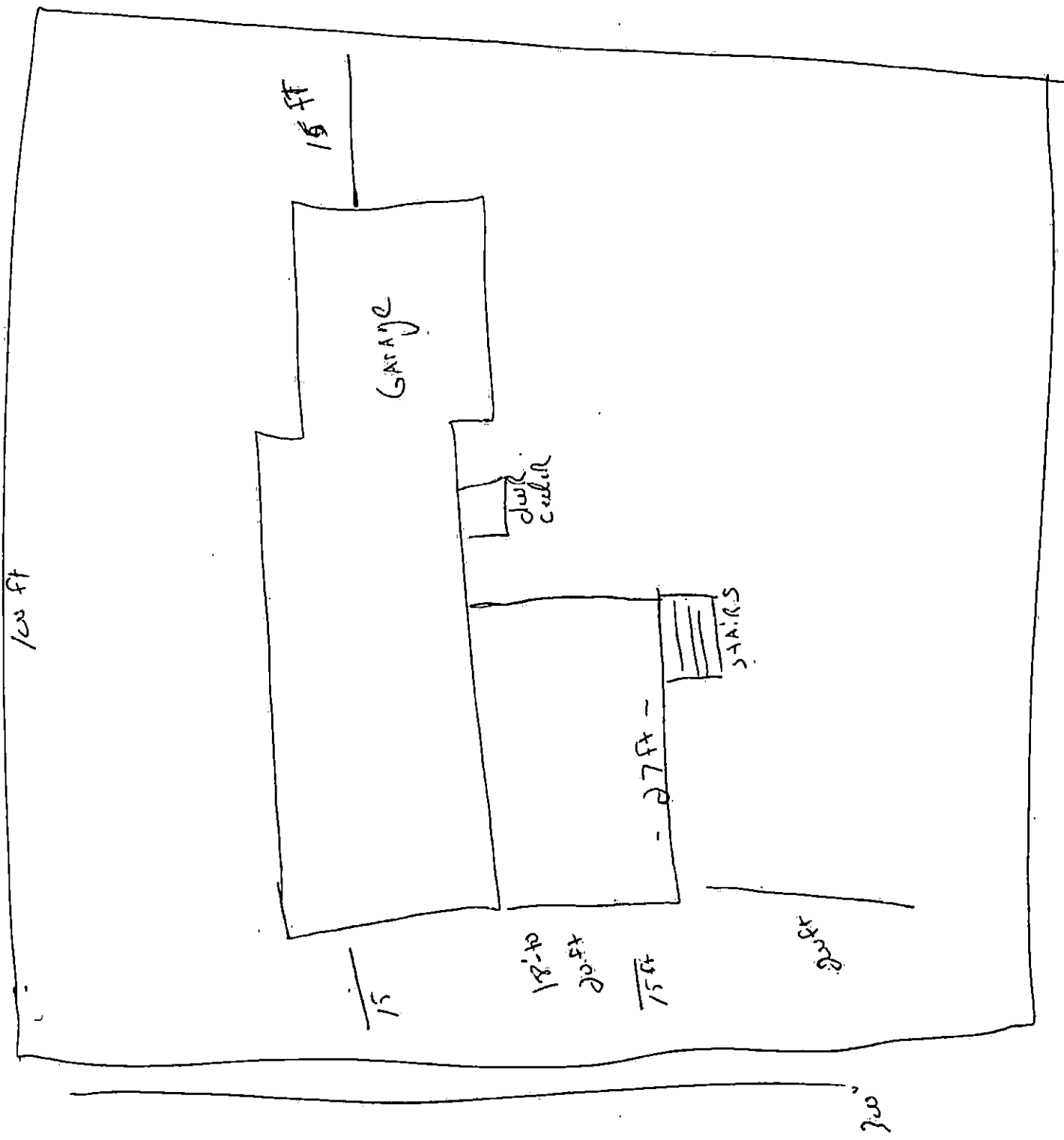
William A. Olszewski

Address 152 Belknap Road, Hudson, NH 03051

Date

JUN 15 2004

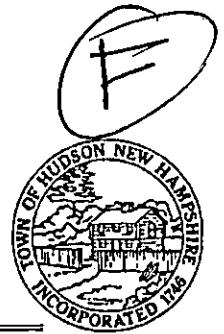
111





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-043

April 25, 2024

Ryan Burke
152 Belnap Rd
Hudson, NH 03051

Re: 152 Belnap Rd Map 184 Lot 021-000
District: Residential Two (R-2)

Dear Mr. Burke,

Your request: is to install an 18' diameter above-ground pool 6 ½' from the property line. (Sketch Provided)

Zoning Review / Determination:

After reviewing your sketch of the location of your proposed above-ground pool you are encroaching 8 ½' in the side yard setback leaving 6 ½' where 15' is required. To locate your pool in this location you will need a variance from the Zoning Board of Adjustment per §334-27 - Table of Dimensional Requirements.

During the review, we noticed that your shed looks to be 6' from the property line. There is a 15' side yard setback on your property and the shed is 9' into the side yard setback.

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

Order: You can move the shed into compliance or request an equitable waiver from the Zoning Board of Adjustment. Please call me for a verification inspection no later than May 15, 2024.

Sincerely,

Chris Sullivan
Zoning Administrator/Code Enforcement Officer
(603) 886-6000 (ext. 1275)
csullivan@hudsonnh.gov

cc: Public File
File

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

G

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

REQUEST FOR REVIEW/COMMENTS:

Case: 184-021 (05-23-24) a. **Variance and**
Property Location: 152 Belknap Rd b. **Equitable Waiver of Dimensional Requirement**

For Town Use

Plan Routing Date: 05/03/2024 Reply requested by: 05/10/2024 ZBA Hearing Date: 05/23/2024

I have no comments I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 05/06/2024
(Initials)

DEPT.
 Town Engineer Fire/Health Department Associate Town Planner

a. Variance:

The applicant shall provide location of the water discharge hose or how they will deal with backwash discharge

b. Equitable Waiver of Dimensional Requirement:

The applicant shall provide location of the water discharge hose or how they will deal with backwash discharge

1

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

REQUEST FOR REVIEW/COMMENTS:

Case: 184-021 (05-23-24) **a. Variance and**
Property Location: 152 Belknap Rd **b. Equitable Waiver of Dimensional Requirement**

For Town Use

Plan Routing Date: 05/03/2024 Reply requested by: 05/10/2024 ZBA Hearing Date: 05/23/2024

I have no comments I have comments (see below)

BWG _____ Name: Benjamin Witham-Gradert Date: 05/07/2024
(Initials)

DEPT. _____
 Town Engineer Fire/Health Department Associate Town Planner

a. Variance:

b. Equitable Waiver of Dimensional Requirement:

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

On **05/23/2024**, the Zoning Board of Adjustment heard **Case 184-021 a.**, being a case brought by **Ryan T. Burke, 152 Belknap Rd., Hudson, NH** requesting a **Variance to install a proposed 21 ft. diameter above ground pool 8.5 feet into the side yard setback leaving 6.5 feet where 15 feet is required.** [Map 184, Lot 021, Sub lot-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

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

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

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

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

(Continue-next page-Hardship Criteria)

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

(Continued)

Y
N
N/A

5.

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

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

(2) The proposed use is a reasonable one.

Y
N

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

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Print name: _____

Stipulations: _____

TOWN OF HUDSON

MAY 01 REC'D
2024

TG

APPLICATION FOR A VARIANCE

Zoning Department

Zoning Board of Adjustment
Town of Hudson

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

Case No. 184-021 a (05-23-24)

Date Filed 5/1/24

Name of Applicant Ryan Burke Map: 184 Lot: 21 Zoning District: R-2

Telephone Number (Home) (978) 618-5064 (Work) (978) 323-4778

Mailing Address 152 Belknap Rd Hudson NH 03051

Owner Ryan & Sarah Burke

Location of Property 152 Belknap Rd Hudson NH 03051
(Street Address)

Ryan Burke
Signature of Applicant Date 4/25/2024

Ryan Burke
Signature of Property-Owner(s) Date 4/25/2024

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

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

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

Date received: 5/1/24

COST:

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

<u>6</u> Abutter Notice:		
Direct Abutters x Certified postage rate	\$ <u>5.08</u> =	\$ <u>30.48</u>
<u>7</u> Indirect Abutters x First Class postage rate	\$ <u>0.68</u> =	\$ <u>4.76</u>
Total amount due:		\$ <u>220.24</u>

Amt. received: \$ 220.24 CC

Receipt No.: 772,741

Received by: TSG

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

Engineering Fire Dept. Health Officer Planner Other

TOWN OF HUDSON, NH

Variance Application Checklist

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

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

N/A
↓
(TB)

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

Ryan Bee
Signature of Applicant(s)

4/24/2024
Date

Ryan Bee
Signature of Property Owner(s)

4/26/2024
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)

You
First →

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
184	021	*Include Applicant & Owner(s) Ryan & Sarah Burke	152 Belknap Rd Hudson NH 03051
184	023	Walid M. Alghoul	31 Library St. Hudson NH 03051
183	085	Stanley Alukonis Sophie Alukonis	123 Central Street Hudson NH 03051
184	020	Paul & Denise Beausoleil	150 Belknap Rd Hudson NH 03051
184	022	Lynn M. Waisanen - Morin	154 Belknap Rd 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
176	004	Charles R. Nutting Cynthia R. Nutting	163 Central St Hudson NH 03051
184	019	Robert Murphy Jacob J. Trpisovsky	148 Belknap Rd Hudson NH 03051
176	001	Eileen Stott Eileen Stott Trust	156 Belknap Rd Hudson NH 03051
184	024	Kenneth & Ang Braccio Anthony J. Ashley Marie	147 Belknap Rd 27 River Rd. Hudson NH 03051
176	051	Jeffrey Yennaco	6 Hidden Valley Rd. Windham NH 03087
184	025	Selcuk & Fatma Otoro	143 Belknap Rd. Hudson NH 03051
176	003	Dennis R. Lacourse Charles J. Morrissette	169 Central St. Hudson NH 03051
184	018	Roxanne M. Couturier Dennis F. Couturier	146 Belknap Rd Hudson NH 03051

Direct *

USPS-Verified Mail

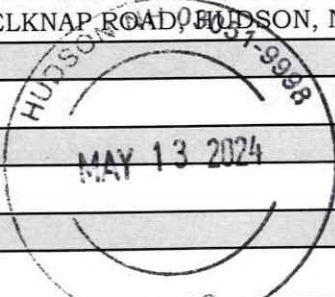
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 184-021 a + b VARIANCE + EQUITABLE WAIVER OF DIM. REQ. 152 Belknap Rd., Hudson, NH 03051 Map 184/Lot 021-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/2024 ZBA Meeting
1	9589 0710 5270 0646 5613 06	BURKE, RYAN T. & SARAH R. 152 BELKNAP RD., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5613 13	ALGHOUL, WALID M. 31 LIBRARY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5613 20	ALUKONIS, STANLEY & SOPHIE 123 CENTRAL STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5613 37	BEAUSOLEIL, PAUL J., TR.; BEAUSOLEIL, DENISE M., TR. 150 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5613 44	WAISANEN-MORIN, LYNN M. 154 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5613 51	BRACCIO, KENNETH J., TR.; Anthony J. BRACCIO, NANCY L., TR. Ashley Marie 27 River Rd. 147 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7			
8			
9			
10			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



6

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 184-021 a + b VARIANCE + EQUITABLE WAIVER OF DIM. REQ. 152 Belknap Rd., Hudson, NH 03051 Map 184/Lot 021-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/2024 ZBA Meeting
1	Mailed First Class	NUTTING, CHARLES R. & CYNTHIA R. 163 CENTRAL STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	MURPHY, ROBERT; TRPISOVSKY, JACOB J. 148 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	STOTT, EILEEN, TR.; EILEEN STOTT TRUST 156 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	YENNACO, JEFFREY 6 HIDDEN VALLEY ROAD, WINDHAM, NH 03087	ABUTTER NOTICE MAILED
5	Mailed First Class	OTOVA, SELCUK & FATMA 143 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	LACOURSE, DENNIS R.; MORRISSETTE, CHARLES J. 169 CENTRAL STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	COUTURIER, ROXANNE M. & DENNIS F. 146 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8			
9			
10			
	Total # of pieces listed by sender 7	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)



7

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

May 13, 2024

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, May 23, 2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 184-021 (05-23-24): Ryan T. Burke, 152 Belknap Rd., Hudson, NH [Map 184, Lot 021, Sub lot-000; Zoned Residential-Two (R-2)] requests the following:

- a. **A Variance** to install a proposed 21 ft. diameter above ground pool 8.5 feet in the side yard setback leaving 6.5 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
- b. **An Equitable Waiver of Dimensional Requirement** to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]

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

May 13, 2024

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, May 23, 2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 184-021 (05-23-24): Ryan T. Burke, 152 Belknap Rd., Hudson, NH [Map 184, Lot 021, Sub lot-000; Zoned Residential-Two (R-2)] requests the following:

- a. **A Variance to install a proposed 21 ft. diameter above ground pool 8.5 feet in the side yard setback leaving 6.5 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]**
- b. **An Equitable Waiver of Dimensional Requirement to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]**

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

APPLICATION FOR A VARIANCE

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

21
Install ~~2~~ Ft Diameter ~~AG~~ above ground pool,
6 1/2 Feet from ~~the~~ property line.

FACTS SUPPORTING THIS REQUEST:

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

The requested Location of the pool is mostly hidden from public via Fencing and Flora. Installation will not impact neighborhood property values.

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

The intention is to make best use of the property I have without the need of extensive construction to alter conditions as described in hardships.

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

The spirit of this town I believe is to feel like you are on vacation while at home. Taking advantage of the small unburdened section of my property will maximize this feeling for my family.

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

The pool will be fenced in surrounded by flora. Located in my backyard. Not wholly visible from street.

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

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

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

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

Jim Hedlund, owner of ASAP on Lowell Road performed a site visit on 4/24/2024 of my property. Due to tree locations, sloping of yard, water drainage concerns he recommended location on GIS map.

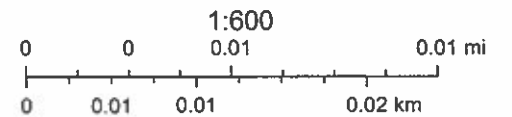
The yard is most level here, receives sunlight, not in danger of falling tree branches, and would require minimal electrical work to proceed with installation.

Any other location is under tree branches and may cause water drainage issues to the naturally sloping yard.

152 Belknap Rd (Map 184, Lot 021-000)



4/25/2024





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-043

April 25, 2024

Ryan Burke
152 Belnap Rd
Hudson, NH 03051

Re: **152 Belnap Rd Map 184 Lot 021-000**
District: Residential Two (R-2)

Dear Mr. Burke,

Your request: is to install an 18' diameter above-ground pool 6 ½' from the property line. (Sketch Provided)

Zoning Review / Determination:

After reviewing your sketch of the location of your proposed above-ground pool you are encroaching 8 ½' in the side yard setback leaving 6 ½' where 15' is required. To locate your pool in this location you will need a variance from the Zoning Board of Adjustment per §334-27 - Table of Dimensional Requirements.

During the review, we noticed that your shed looks to be 6' from the property line. There is a 15' side yard setback on your property and the shed is 9' into the side yard setback.

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

Order: You can move the shed into compliance or request an equitable waiver from the Zoning Board of Adjustment. Please call me for a verification inspection **no later than May 15, 2024**.

Sincerely,

Chris Sullivan
Zoning Administrator/Code Enforcement Officer
(603) 886-6000 (ext. 1275)
csullivan@hudsonnh.gov

cc: Public File
File

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

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
BURKE, RYAN T. BURKE, SARAH R. 152 BELKNAP RD. HUDSON NH 03051		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RD	Residential Avg/Fair			2023	1010	224,800	2023	1010	224,800	2022	1010	224,800
		TOPO	UTILITIES				1010	132,200		1010	132,200		1010	132,200
		Rolling	Town Water				1010	1,600		1010	1,600		1010	1,600
			Town Sewer											
						Total	358,600	Total	358,600	Total	358,600	Total	358,600	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY					
BURKE, RYAN T.		9105	0934	08-31-2018	Q	I	255,000	00	Grantor: PING, THEODORE J.	Appraised Bldg. Value (Card)				215,400
PING, THEODORE J.		8240	2759	09-14-2010	U	I	179,900	52	SHORT SALE II	Appraised Xf (B) Value (Bldg)				9,400
FLEMING, AMY L.		7637	1207	02-28-2006	U	I	0	38	Grantor: FLEMING, AMY L.	Appraised Ob (B) Value (Bldg)				1,600
FLEMING, AMY L.		6828	2980	01-31-2003	U	I	200,000	81	Grantor: FLEMING, AMY L. Grantor: CASEY, JOSEPHINE	Appraised Land Value (Bldg)				132,200
										Special Land Value				0
										Total Appraised Parcel Value				358,600

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY			
Parcel ID	184-021-000	PREV 0058-0057-0000 Assoc Pid#	Descript	Code	Appraised	Assessed	Total Appraised Parcel Value			
Zoning	R2:Residential-2		BLDG	1010	224,800	224,800	Valuation Method			
Flood Hazard	C		LAND	1010	132,200	132,200	C			
Neigh/Abut1			OB	1010	1,600	1,600				
Neigh/Abut2										
Neigh/Abut3										
GIS ID	184-021-000					Total:	358,600	358,600	Total Appraised Parcel Value	358,600

NOTES				VISIT / CHANGE HISTORY			
				Date	Id	Cd	Purpost/Result
				07-19-2022	28	45	Field Review
				05-06-2020	21	15	Permit Visit
				05-22-2019	12	30	Sales Data Verification
				03-20-2014	15	15	Permit Visit
				08-08-2013	15	02	Measured
				10-04-2010	14	25	Sale Data Verified And Inspected
				03-28-2007	10	02	Measured
				09-08-2005	04	15	Permit Visit

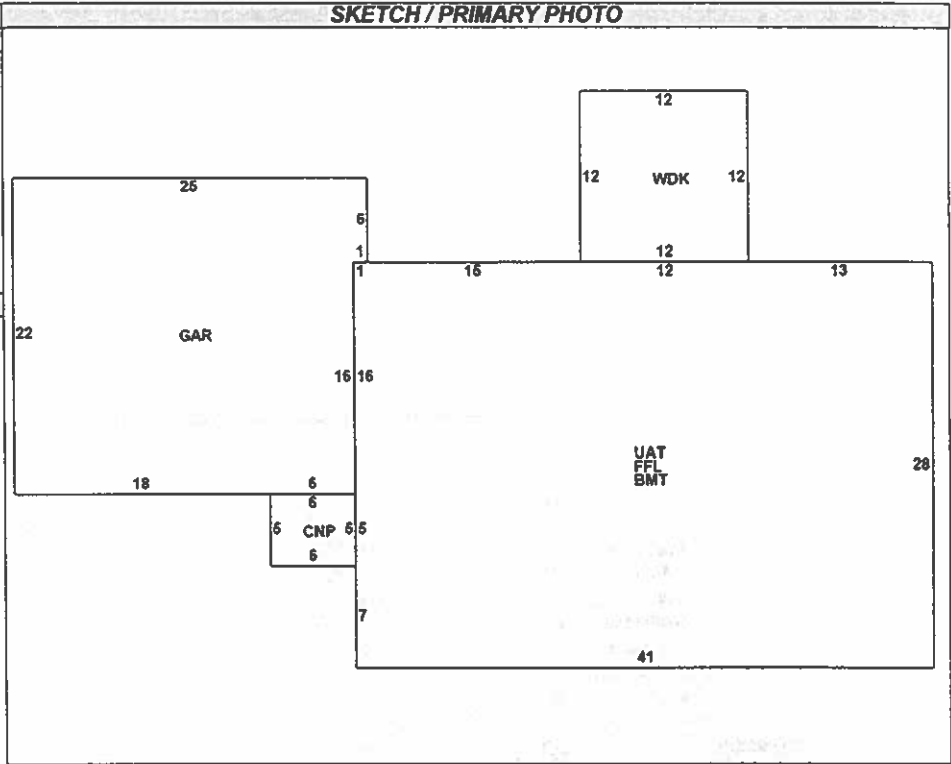
BUILDING PERMIT RECORD								Comments	
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft		
2019-00945	09-20-2019	WST	Wood, Pellet Stov		C			Visit Notes: Gas Hw Htr;	
2013-00682	11-05-2013	MECH	Mechanical	0	C			Visit Notes: Deck Cancelled By Homeowner;	
2004-654	06-15-2004	DK	Deck	1,500	C				

LAND LINE VALUATION SECTION															
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	0.486 AC	170,000		1.68	5	1.00	RD	0.95				132,200
Total Card Land Units:				0.486 AC	Parcel Total Land Area:				0.486 AC	Total Land Value:				132,200	

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.25		Extra Kitchens	0	
Style:	01	Ranch	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	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	5				
Bedrooms	3				
Full Baths	1				
3/4 Baths	1				
Half Baths	0				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating					
Bsmnt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	1				
Color	WHITE				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION

Building Value New	295,048
Year Built	1957
Effective Year Built	1995
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	27
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	73
RCNLD	215,400
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
DECKWD	Deck, Wood or Composite	L	64	SQ. FT	14.38	2009	FR	50	500
SHEDMT	Shed, Metal	L	120	SQ. FT	17.55	2000	FR	50	1,100
SHEDNV	Shed No Value - Less Than 1	L	80	UNITS	0.00	2004	AV	60	0
XFRRM	Rec Room,Fin,BMT	B	287	SQ. FT	45.00	1957	AV	73	9,400

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,148	287	38.24	43,898
CNP	Canopy	0	30	6	30.59	918
FFL	First Floor, Finished	1,148	1,148	1,148	152.95	175,591
GAR	Garage	0	534	187	53.56	28,602
UAT	Attic, Unfinished	0	1,148	287	38.24	43,898
WDK	Wood Deck, or Composite Dk	0	144	14	14.87	2,141
Total Liv Area/Gr. Area/Eff Are		1,148	4,152	1,929	Total Value	295,048

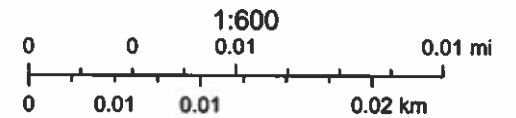


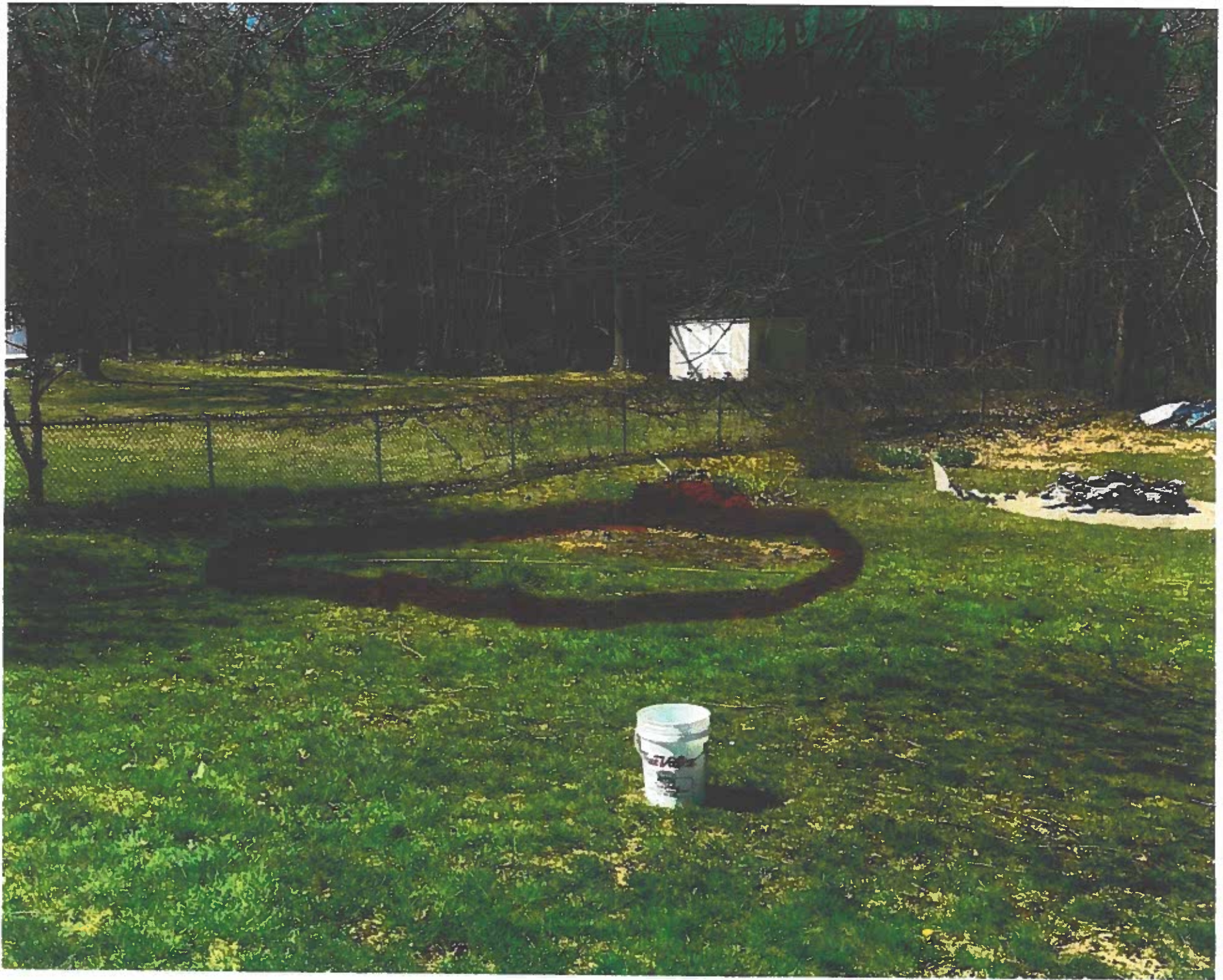
152 Belknap Rd (Map 184, Lot 021-000)

R-2 Zone



4/25/2024



















Printed
5/01/2024
3:56PM
Created
5/01/2024
3:51 PM

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

Receipt# 772,741
publicw

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-May 23, 2024 ZBA Mtg 152 Belknap Rd Map 184 Lot 02-000 Zone R-2			
	Variance	0.00	220.2400	0.00
	EQ Waiver of Dim Req	0.00	185.0000	0.00
			Total:	405.24

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
BURKE/RYAN T	CREDIT	6789	405.24	0.00	405.24

Total Due:	405.24
Convenience Fee:	11.95
Total Tendered:	417.19
Total Change:	0.00
Net Paid:	417.19

SERVICE CHARGE NOTICE

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

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

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

SIGNED:  DATE: 5/1/2024 Type: MC Visa Amex Disc

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

Option 2- (Per RSA 674:33-a, II)

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... **II. In lieu of the findings required by the board under subparagraphs I(a) and (b), the owner may demonstrate the following to the satisfaction of the board:**

On **05-23-2024**, the Hudson Zoning Board of Adjustment heard **Case 184-021 b.**, being a request by **Ryan T. Burke, 152 Belknap Rd., Hudson, NH** [Map 184, Lot 021, Sublot-000; Zoned Residential-Two (R-2)] for an **Equitable Waiver of Dimensional Requirement** to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]

Y N **TEN YEARS OR MORE:** The applicant has demonstrated that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected; 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.

Signed: _____
Sitting Member of the Hudson ZBA

Date

Print name: _____

TOWN OF HUDSON

MAY 01 REC'D

2024

TSB

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. 184-0216 (05-23-24)
Date Filed 5/1/24

Name of Applicant Ryan Burke Map: 184 Lot: 21 Zoning District: R-2

Telephone Number (Home) (978) 618-5064 (Work) (978) 323-4778

Mailing Address 152 Belknap Rd. Hudson NH 03051

Owner Ryan & Sarah Burke

Location of Property 152 Belknap Rd Hudson NH 03051
(Street Address)

Ryan Burke Signature of Applicant Date 4/29/2024

Ryan Burke Signature of Property Owner(s) Date 4/29/2024

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: 5/1/24

COST:

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

6 Abutter Notice:

6 Direct Abutters x Certified postage rate \$ 5.08 = \$ N/A

7 Indirect Abutters x First Class postage rate \$ 0.68 = \$ N/A

Total amount due: \$ _____

Amt. received: \$ 185 -

Receipt No.: 772,741 CC

Received by: TSB

By determination of the Zoning Administrator, the following Departmental review is required:
 Engineering Fire Dept. Health Officer Assn. 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
<u>RB</u>	Please review the application with the Zoning Administrator or staff.	<u>TG</u>
<u>RB</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form and all required attachments listed below together with 10 (ten) <u>13</u> <u>10</u> single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>RB</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>RB</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>TG</u> <u>N/A</u>
<u>RB</u>	Provide two (2) sets of mailing labels from the abutter notification lists (Pages 4 & 5) prepared by applicant, with the proper mailing addresses, must be dated within (30) thirty days of submittal of the application. The abutter lists can be obtained by using the Hudson Geographical Information System (GIS) on the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use (NOTE: the Land Use Division cannot process your application without the abutter lists. It is the applicant's responsibility to ensure that the abutter lists are complete and correct. If at the time of the hearing any applicable property owner is found not to have been notified because the lists are incomplete or incorrect, the Zoning Board will defer the hearing to a later date, following notification of such abutters.)	<u>TG</u>
<u>RB</u>	GIS LOCATION PLAN: Requests pertaining to above-ground pools, sheds, decks and use variances, the application must include a GIS location plan with dimensions pertaining to the subject for ZBA relief. A copy of the GIS map can be obtained by visiting the town website: https://www.hudsonnh.gov/community-development/page/gis-public-use	<u>TG</u>
<u>RB</u>	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	<u>TG</u>
<u>RB</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>RB</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <u>N</u> (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

N/A

CERTIFIED PLOT PLAN:

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

- a) _____ The plot plan shall be drawn to scale on an 8 ½" x 11" or 11" x 17" sheet with a North pointing arrow shown on the plan.
- 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
↓
TG

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

Ryan B...
Signature of Applicant(s)

4/30/2024
Date

Ryan B...
Signature of Property Owner(s)

4/30/2024
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)

You
First →

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
184	021	*Include Applicant & Owner(s) Ryan & Sarah Burke	152 Belknap Rd Hudson NH 03051
184	023	Walid M. Alghoul	31 Library St. Hudson NH 03051
183	085	Stanley Alukonis Sophie Alukonis	123 Central Street Hudson NH 03051
184	020	Paul & Denise Beausoleil	150 Belknap Rd Hudson NH 03051
184	022	Lynn M. Waisanen - Morin	154 Belknap Rd 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
176	004	Charles R. Nutting Cynthia R. Nutting	163 Central St Hudson NH 03051
184	019	Robert Murphy Jacob J. Trpisovsky	148 Belknap Rd Hudson NH 03051
176	001	Eileen Stott Eileen Stott Trust	156 Belknap Rd Hudson NH 03051
184	024	Kenneth & Arang Braccio Anthony J. Ashley Marie	147 Belknap Rd 27 River Rd. Hudson NH 03051
176	051	Jeffrey Yennaco	6 Hidden Valley Rd. Windham NH 03087
184	025	Selcuk & Fatma Ojora	143 Belknap Rd. Hudson NH 03051
176	003	Dennis R. Lacourse Charles J. Morrissette	169 Central St. Hudson NH 03051
184	018	Roxanne M. Couturier Dennis F. Couturier	146 Belknap Rd Hudson NH 03051


USPS-Verified Mail

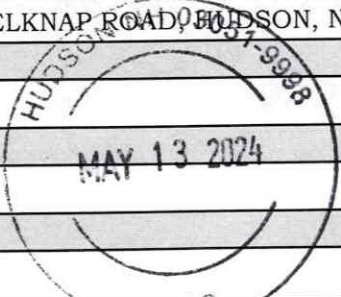
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 184-021 a + b VARIANCE + EQUITABLE WAIVER OF DIM. REQ. 152 Belknap Rd., Hudson, NH 03051 Map 184/Lot 021-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/2024 ZBA Meeting
1	9589 0710 5270 0646 5613 06	BURKE, RYAN T. & SARAH R. 152 BELKNAP RD., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5613 13	ALGHOUL, WALID M. 31 LIBRARY STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5613 20	ALUKONIS, STANLEY & SOPHIE 123 CENTRAL STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5613 37	BEAUSOLEIL, PAUL J., TR.; BEAUSOLEIL, DENISE M., TR. 150 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5613 44	WAISANEN-MORIN, LYNN M. 154 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5613 51	BRACCIO, KENNETH J., TR.; Anthony J. BRACCIO, NANCY L., TR. Ashley Marie 27 River Rd. 147 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7			
8			
9			
10			
	Total Number of pieces listed by sender 6	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



6

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 184-021 a + b VARIANCE + EQUITABLE WAIVER OF DIM. REQ. 152 Belknap Rd., Hudson, NH 03051 Map 184/Lot 021-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/2024 ZBA Meeting
1	Mailed First Class	NUTTING, CHARLES R. & CYNTHIA R. 163 CENTRAL STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	MURPHY, ROBERT; TRPISOVSKY, JACOB J. 148 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	STOTT, EILEEN, TR.; EILEEN STOTT TRUST 156 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	YENNACO, JEFFREY 6 HIDDEN VALLEY ROAD, WINDHAM, NH 03087	ABUTTER NOTICE MAILED
5	Mailed First Class	OTOVA, SELCUK & FATMA 143 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	Mailed First Class	LACOURSE, DENNIS R.; MORRISSETTE, CHARLES J. 169 CENTRAL STREET, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	Mailed First Class	COUTURIER, ROXANNE M. & DENNIS F. 146 BELKNAP ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8			
9			
10			
	Total # of pieces listed by sender 7	Total # of pieces rec'vd at Post Office 7	Postmaster (receiving Employee) 



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

May 13, 2024

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, May 23, 2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 184-021 (05-23-24): Ryan T. Burke, 152 Belknap Rd., Hudson, NH [Map 184, Lot 021, Sub lot-000; Zoned Residential-Two (R-2)] requests the following:

- a. **A Variance to install a proposed 21 ft. diameter above ground pool 8.5 feet in the side yard setback leaving 6.5 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]**
- b. **An Equitable Waiver of Dimensional Requirement to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]**

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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- b. **An Equitable Waiver of Dimensional Requirement to allow a 10 ft. x 12 ft. metal shed to remain in its current location, which encroaches approximately 9 feet into the side yard setback leaving approximately 6 feet where 15 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]**

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

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

Per RSA674:33-a, II, Equitable Waiver of Dimensional Requirement: (OPTION 2)

II. In lieu of the findings required by the board under subparagraphs I(a) and (b), the owner may demonstrate the following to the satisfaction of the board:

TEN YEARS OR MORE: Please explain how the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected; and

Purchased home with shed in 2018.
Shed appears in 2011 aerial map.
Shed has been part of assessment for years.

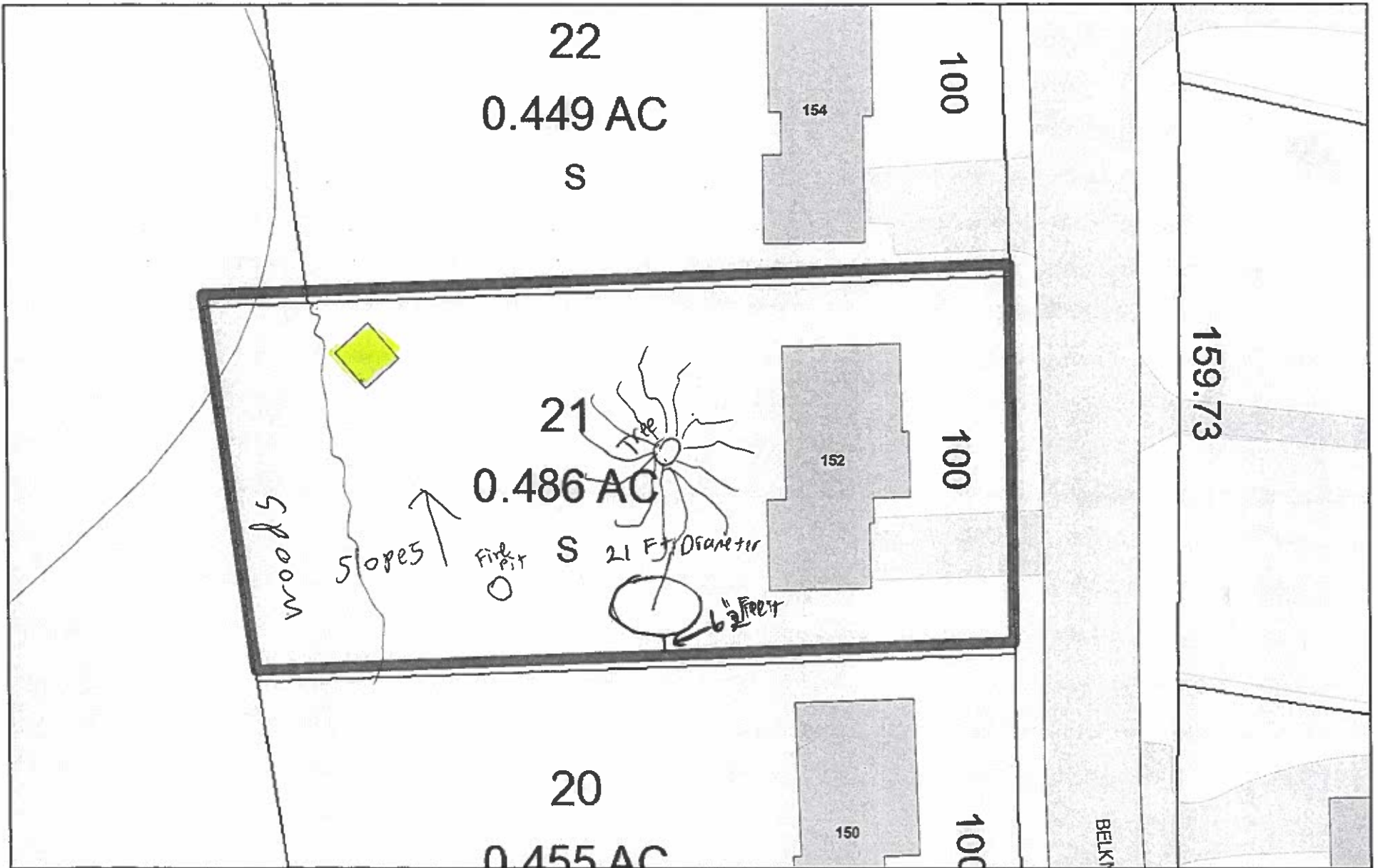
(c) **NO NUISANCE.** Please explain how the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

This shed sits where usable land meets woods line.
Far lonest corner of my property. It is in good
shape and makes for a better appearance than one
of those tent garages you see going up at other
homes.

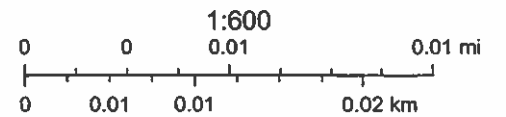
(d) **HIGH CORRECTION COST.** Please explain how that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

Attempting to move it would damage materials.
It would leave a hole in the ground at the lonest point
creating a sitting water scenario = more mosquitos.
Attempting to move it would require heavy machinery
rental destroying a path through my yard.

152 Belknap Rd (Map 184, Lot 021-000)



4/25/2024





TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-043

April 25, 2024

Ryan Burke
152 Belnap Rd
Hudson, NH 03051

Re: **152 Belnap Rd Map 184 Lot 021-000**
District: Residential Two (R-2)

Dear Mr. Burke,

Your request: is to install an 18' diameter above-ground pool 6 ½' from the property line. (Sketch Provided)

Zoning Review / Determination:

After reviewing your sketch of the location of your proposed above-ground pool you are encroaching 8 ½' in the side yard setback leaving 6 ½' where 15' is required. To locate your pool in this location you will need a variance from the Zoning Board of Adjustment per §334-27 - Table of Dimensional Requirements.

During the review, we noticed that your shed looks to be 6' from the property line. There is a 15' side yard setback on your property and the shed is 9' into the side yard setback.

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

Order: You can move the shed into compliance or request an equitable waiver from the Zoning Board of Adjustment. Please call me for a verification inspection **no later than May 15, 2024**.

Sincerely,

Chris Sullivan
Zoning Administrator/Code Enforcement Officer
(603) 886-6000 (ext. 1275)
csullivan@hudsonnh.gov

cc: Public File
File

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

184 021 000
MAP LOT SUB

1 of 1 RESIDENTIAL
CARD

TOTAL ASSESSED: 188,900
18084!

Hudson



Patriot Properties Inc.

USER DEFINED

Prior Id # 1: 0058
Prior Id # 2: 0057
Prior Id # 3: 0000
Prior Id # 1:
Prior Id # 2:
Prior Id # 3:
Prior Id # 1:
Prior Id # 2:
Prior Id # 3:
ASR Map:
Fact Dist:
Reval Dist:
Year:
LandReason:
BldReason:

PRINT
Date Time
03/20/14 13:20:38
LAST REV
Date Time
03/20/14 12:50:44
Imudge
8084

PROPERTY LOCATION

No Alt No Direction/Street/City
152 BELKNAP RD, HUDSON

OWNERSHIP

Owner 1: PING, THEODORE J.
Owner 2:
Owner 3:
Street 1: 152 BELKNAP ROAD
Street 2:
Twn/City: HUDSON
St/Prov: NH Cntry Own Occ:
Postal: 03051 Type:

PREVIOUS OWNER

Owner 1: FLEMING, AMY L.
Owner 2: FLEMING, SHAWN M.
Street 1: 152 BELKNAP ROAD
Twn/City: HUDSON
St/Prov: NH Cntry
Postal: 03051

NARRATIVE DESCRIPTION

This Parcel contains 486 ACRES of land mainly classified as ONE FAMILY with a(n) RANCH Building Built about 1957, Having Primarily VINYL Exterior and ASPH SHING Roof Cover, with 1 Units, 1 Baths, 0 HalfBaths, 0 3/4 Baths, 5 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

Table with columns: Code, Descr/No, Amount, Com. Int.

PROPERTY FACTORS

Table with columns: Item, Code, Descr, %, Item, Code, Descr. Includes rows for RESO TWO, TOWN WATE, TOWN SEWE, ROLLING.

LAND SECTION (First 7 lines only)

Table with columns: Use Code, Description, LUC Fact, No of Units, Depth / PriceUnits, Unit Type, Land Type, LT Factor, Base Value, Unit Price, Adj, Neigh, Neigh Influ, Neigh Mod, Infl 1, %, Infl 2, %, Infl 3, %, Appraised Value, Alt Class, %, Spec Land, J Code, Fact, Use Value, Notes.

IN PROCESS APPRAISAL SUMMARY

Table with columns: Use Code, Building Value, Yard Items, Land Size, Land Value, Total Value, Legal Description, User Acct, GIS Ref, Insp Date.

PREVIOUS ASSESSMENT

Table with columns: Tax Yr, Use, Cat, Bldg Value, Yrd Items, Land Size, Land Value, Total Value, Asses'd Value, Notes, Date.

SALES INFORMATION

Table with columns: Grantor, Legal Ref, Type, Date, Sale Code, Sale Price, V, Tst, Verif, Assoc PCL Value, Notes.

BUILDING PERMITS

Table with columns: Date, Number, Descr, Amount, C/O, Last Visit, Fed Code, F. Descr, Comment.

ACTIVITY INFORMATION

Table with columns: Date, Result, By, Name.

Sign:

Total AC/HA: 0.48600 Total SF/SM: 21170.16 Parcel LUC: 101 ONE FAMILY Prime NB Desc RES AV/FR

Total: 80,351 Spl Credit Total: 80,400

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro

Imudge

2014

EXTERIOR INFORMATION

Type:	19	- RANCH
Sty Ht:	1	- ONE STY
(Liv) Units:	1	Total: 1
Foundation:	1	- CONCRETE
Frame:	1	- WOOD
Prime Wall:	04	- VINYL
Sec Wall:		%
Roof Struct:	1	- GABLE
Roof Cover:	1	- ASPH SHING
Color:		WHITE
View / Desir:		

GENERAL INFORMATION

Grade:	C	- AVERAGE	
Year Blt:	1957	Eff Yr Blt:	
Alt LUC:		Alt %:	
Jurisdic:		Fact:	
Const Mod:			
Lump Sum Adj:			

INTERIOR INFORMATION

Avg Ht/FL:	STD		
Prim Int Wal:	1	- DRYWALL	
Sec Int Wall:		%	
Partition:	T	- TYPICAL	
Prim Floors:	03	- HARDWOOD	
Sec Floors:	15	- WD LAM	20 %
Bsmnt Fir:	12	- CONCRETE	
Bsmnt Gar:			
Electric:	3	- TYPICAL	
Insulation:	2	- TYPICAL	
Int vs Ext:	S		
Heat Fuel:	1	- OIL	
Heat Type:	3	- FORCED HW	
# Heat Sys:	1		
% Heated:	100	% AC:	0
Solar HW:	NO	Central Vac:	NO
% Com Wal:		% Sprinkled:	

BATH FEATURES

Full Bath:	1	Rating:	AVERAGE
A Bath:		Rating:	
3/4 Bath:		Rating:	
A 3QBth:		Rating:	
1/2 Bath:		Rating:	
A HBth:		Rating:	
OthrFix:		Rating:	

OTHER FEATURES

Kits:	1	Rating:	AVERAGE
A Kits:		Rating:	
Frpl:		Rating:	
WSFlue:		Rating:	

CONDO INFORMATION

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

DEPRECIATION

Phys Cond:	AV	- Average	32 %
Functional:			%
Economic:			%
Special:			%
Override:			%
Total:			32 %

CALC SUMMARY

Basic \$ / SQ:	80.00
Size Adj.:	1.30357146
Const Adj.:	0.98882008
Adj \$ / SQ:	103.120
Other Features:	0
Grade Factor:	1.00
Neighborhood Inf:	1.00000000
LUC Factor:	1.00
Adj Total:	156303
Depreciation:	50017
Depreciated Total:	106286

COMMENTS

RESIDENTIAL GRID

1st Res Grid	Desc:	CONV	# Units:	1								
Level	FY	LR	DR	D	K	FR	RR	BR	FB	HB	L	O
Other												
Upper												
Lvl 2												
Lvl 1												
Lower												
Totals	RMs:	5	BRs:	3	Baths:	1	HB					

REMODELING

Exterior:	
Interior:	
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	2003
Heating:	
General:	

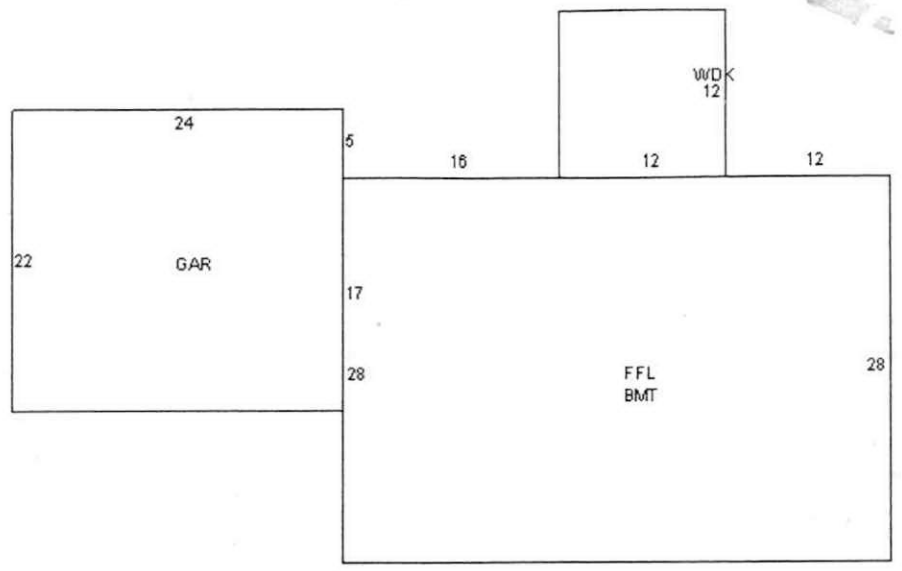
RES BREAKDOWN

No Unit	RMS	BRS	FL
1	5	3	M
Totals			
1	5	3	

COMPARABLE SALES

Rate	Parcel ID	Typ	Date	Sale Price
WtAv\$/SQ:		AvRate:		Ind.Val
Juris. Factor:		Val/Su Fin:	94.91	
Special Features:	0	Val/Su Net:	36.50	
Final Total:	106300	Val/Su SzAd:	94.91	

SKETCH



SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	
BMT	BASEMENT	1,120	20.620	23,099	
FFL	FIRST FLOOR	1,120	103.120	115,494	
GAR	GARAGE	528	27.920	14,742	
WDK	WOOD DECK	144	20.610	2,968	
Net Sketched Area:		2,912	Total:	156,303	
Size Ad	1120	Gross Area	2912	FinArea	1120

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	Qu	# Ten

SPEC FEATURES/YARD ITEMS

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod	JFact	Juris. Value
02	SHED-NV	D	Y		1 80	AV	AV	2004	0.00	T	8	101						
1	SHED-METAL	D	Y		1 10x12	FR	FR	2000	10.57	T	21.6	101			1,000			1,000
22	DECK-WOOD	D	Y		1 8X8	FR	FR	2009	21.66	T	12	101			1,200			1,200

PARCEL ID 184-021-000

More: N Total Yard Items: 2,200 Total Special Features: Total: 2,200

IMAGE

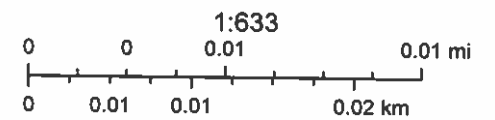
AssessPro Patriot Properties, Inc



2011 Shed Location



4/29/2024



CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
BURKE, RYAN T. BURKE, SARAH R. 152 BELKNAP RD. HUDSON NH 03051		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed	
		RD	Residential Avg/Fair		2023	1010	224,800	2023	1010	224,800	2022	1010	132,200	224,800
		TOPO	UTILITIES			1010	132,200		1010	132,200		1010	1,600	132,200
		Rolling	Town Water			1010	1,600		1010	1,600		1010		1,600
			Town Sewer											
					Total	358,600	Total	358,600	Total	358,600	Total	358,600		

RECORD OF OWNERSHIP		BK	VOL/PAGE	SALE DATE	Q/U	VII	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
BURKE, RYAN T. PING, THEODORE J. FLEMING, AMY L. FLEMING, AMY L.	9105	0934	08-31-2018	Q	I		255,000	00	Grantor: PING, THEODORE J., SHORT SALE II Grantor: FLEMING, AMY L., Grantor: FLEMING, AMY L., Grantor: CASEY, JOSEPHINE,	Appraised Bldg. Value (Card)			215,400
	8240	2759	09-14-2010	U	I		179,900	52		Appraised Xf (B) Value (Bldg)			9,400
	7637	1207	02-28-2006	U	I		0	38		Appraised Ob (B) Value (Bldg)			1,600
	6828	2980	01-31-2003	U	I		200,000	81		Appraised Land Value (Bldg)			132,200
										Special Land Value			0
										Total Appraised Parcel Value			358,600
										Valuation Method			C
										Total Appraised Parcel Value			358,600

SUPPLEMENTAL DATA		CURRENT ASSESSMENT						APPRAISED VALUE SUMMARY				
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	Descrpt	Code	Appraised	Assessed	Total Appraised Parcel Value	
184-021-000	R2:Residential-2	C				184-021-000	BLDG	1010	224,800	224,800	358,600	
							LAND	1010	132,200	132,200	358,600	
							OB	1010	1,600	1,600	358,600	
							Total:		358,600	358,600	358,600	

NOTES		VISIT/CHANGE HISTORY			
Date	Id	Cd	Purpost/Result		
07-19-2022	28	45	Field Review		
05-06-2020	21	15	Permit Visit		
05-22-2019	12	30	Sales Data Verification		
03-20-2014	15	15	Permit Visit		
08-08-2013	15	02	Measured		
10-04-2010	14	25	Sale Data Verified And Inspected		
03-28-2007	10	02	Measured		
09-08-2005	04	15	Permit Visit		

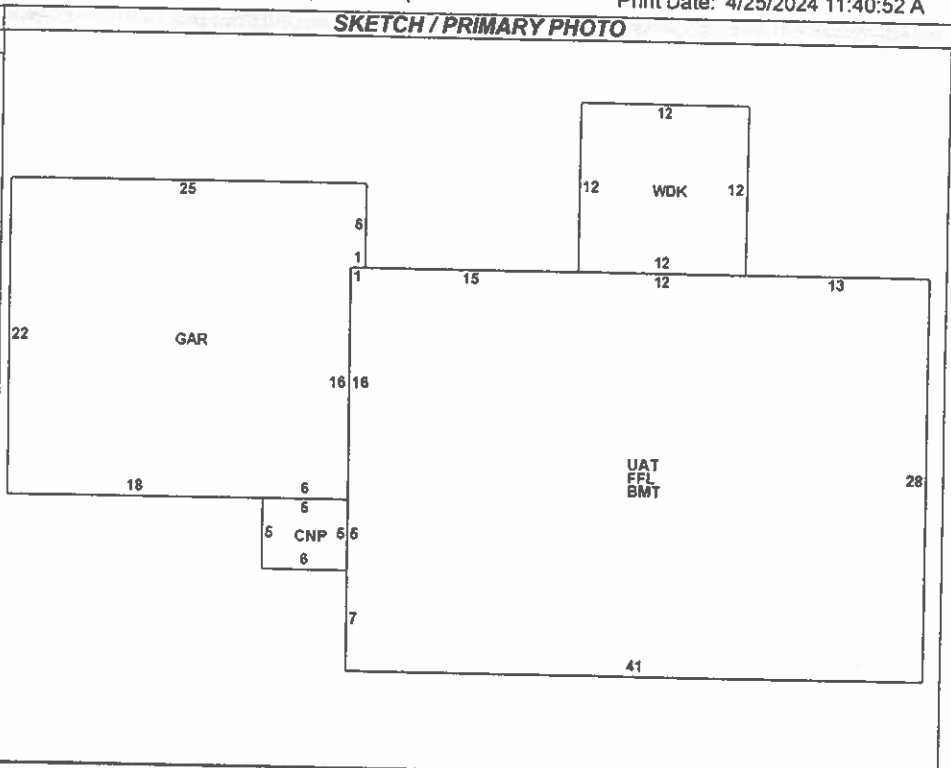
BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2019-00945	09-20-2019	WST	Wood, Pellet Stov		C			Visit Notes: Gas Hw Htr; Visit Notes: Deck Cancelled By Homeowner;
2013-00682	11-05-2013	MECH	Mechanical	0	C			
2004-654	06-15-2004	DK	Deck	1,500	C			

LAND LINE VALUATION SECTION														
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acreage Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment	Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	0.486 AC	170,000		1.68	5	1.00	RD	0.95			132,200
Total Card Land Units:				0.486 AC	Parcel Total Land Area:				0.486	AC		Total Land Value:		132,200

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

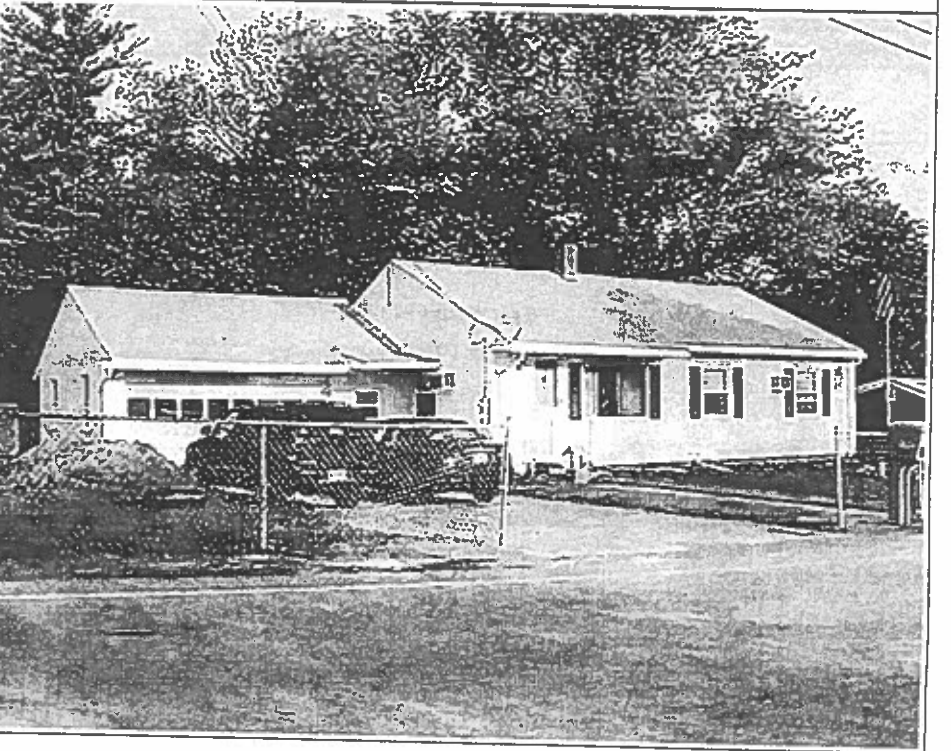
CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.25		Extra Kitchens	0	
Style:	01	Ranch	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	5				
Bedrooms	3				
Full Baths	1				
3/4 Baths	1				
Half Baths	0				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating					
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	1				
Color	WHITE				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	295,048
Year Built	1957
Effective Year Built	1995
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	27
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	73
RCNLD	215,400
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
DECKWD	Deck, Wood or Composite	L	64	SQ. FT	14.38	2009	FR	50	500
SHEDMT	Shed, Metal	L	120	SQ. FT	17.55	2000	FR	50	1,100
SHEDNV	Shed No Value - Less Than 1	L	80	UNITS	0.00	2004	AV	60	0
XFRRM	Rec Room, Fin, BMT	B	287	SQ. FT	45.00	1957	AV	73	9,400

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,148	287	38.24	43,898
CNP	Canopy	0	30	6	30.59	918
FFL	First Floor, Finished	1,148	1,148	1,148	152.95	175,591
GAR	Garage	0	534	187	53.56	28,602
UAT	Attic, Unfinished	0	1,148	287	38.24	43,898
WDK	Wood Deck, or Composite Dk	0	144	14	14.87	2,141
Total Liv Area/Gr. Area/Eff Are		1,148	4,152	1,929	Total Value	295,048





Printed
5/01/2024
3:56PM
Created
5/01/2024
3:51 PM

Transaction Receipt

Receipt# 772,741
publicw

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

Description	Current Invoice	Payment	Balance Due
1.00 Zoning Application-May 23, 2024 ZBA Mtg 152 Belknap Rd Map 184 Lot 02-000 Zone R-2			
Variance	0.00	220.2400	0.00
EQ Waiver of Dim Req	0.00	185.0000	0.00
		Total:	405.24

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
BURKE/RYAN T	CREDIT	6789	405.24	0.00	405.24

Total Due:	405.24
Convenience Fee:	11.95
Total Tendered:	417.19
Total Change:	0.00
Net Paid:	417.19

SERVICE CHARGE NOTICE

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

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

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

SIGNED:  DATE: 5/1/2024 Type: MC Visa Amex Disc



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: May 23, 2024

CSS
5-14-24

Case 214-012 (05-23-24): Daniel Barowski, Survey Project Mgr. of Fieldstone Land Consultants, PLLC, 206 Elm St., Milford, NH proposes a two-lot subdivision which requires the following two (2) Variances for **173 Bush Hill Road, Hudson, NH** [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1)]:

- a. A Variance to allow the lot area with the existing dwelling (after subdivision) to contain 0.833 acres where 2 acres of contiguous land exclusive of any wetland and slopes in excess of 25% is required. [HZO Article VII: Dimensional Requirements; §334-27.1.B., General requirements and §334-27.2, Lot requirements for subdivision of land and §334-27, Table of Minimum Dimensional Requirements]
- b. A Variance to develop a 30 ft. x 40 ft. single-family home on the vacant new lot with 194.66 feet of frontage where 200 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Address: 172 Bush Hill Rd. Map 214, Lot 012-000

Zoning district: General One (G-1)

Property Description:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 321,037.2 sq. ft. where 87,120 is required. Due to the wetland and the terrain of the property, this lot needs to subtract wetland and steep slope greater than 25% per §334-27.1 (B) **General Requirments - *The minimum buildable lot area shall not contain wetlands, as defined by the Hudson Zoning Ordinance, shall be contiguous dry land and shall contain no slopes in excess of 25%. [Added 3-9-1999; amended 3-4-2000]*** The existing lot is classified as a single-family residence. The home was constructed in 1957.

In-House comments:

Town Engineer:

Variance a.(Lot area) & Variance b.(Frontage)

1. Applicant shall provide the location of the well and septic system of the new lot
2. Applicant shall provide a plan and profile for the proposed driveway
3. Applicant shall provide sight distance plan and profile for the proposed driveway
4. The applicant shall provide approval by PSNH regarding the proposed driveway within the existing PSNH easement

Inspectional Services/Fire.Dept.: no comments

Associate Town Planner:

Variance a.(Lot area) & Variance b.(Frontage)

The applicant is required to submit to and receive approval of a subdivision plan from the Planning Board should the variances be granted.

History/Attachments:

AERIAL / PHOTOS

A: Aerials (2022)

Plans:

B: Plot Plan

See the **applicant** packet for the 2 plans (5-7-24)

BUILDING PERMITS

C: BP# 2015-0113 Structural repair and partial roof replacement due to collapse from snow load. (12-10-15)

ZONING ADMINISTRATOR/CODE ENFORCEMENT CORRESPONDENCE

D: Building Permit Application Denial (12-2-15)

E: Zoning Determination #24-043 (5-7-24)

DEPARTMENTAL COMMENT SHEETS

F: Engineering - Request for review (5-13-24)

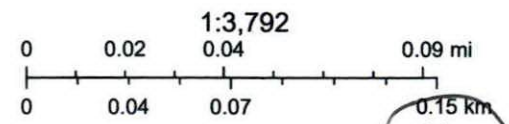
G: Inspectional Services/Fire Dept. Request for review (5-8-24)

H: Planning Department - Request for review (5-7-24)

173 Bush Hill Rd (2022)



5/9/2024



A



Town of Hudson, NH
Building Permit

Hudson Fire - Inspectional Services Division
 12 School Street
 Hudson, NH 03051
 603-886-6005

Permit Number
 2015-01113
 Date of Issue
 12/10/2015
 Expiration Date
 6/07/2016



Owner: WILLIAMS, HAROLD WILIAMS, JOAN

Applicant: Dube Plus Construction

Location of Work: 173 BUSH HILL RD
 (No. and Street) (Unit or Building)

Description of Work: Structural repair and partial roof replacement due to collapse from snow load

ZONING DATA: District: G-1 Map/Lot: 214-012-000

CONTRACTOR: Dube Plus Construction 603-944-0880

REMARKS:

A FINAL INSPECTION IS REQUIRED BY THE BUILDING DEPARTMENT PRIOR TO OCCUPANCY

• **Building Permit Issuance Conditions are as follows:**

- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
- THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
- APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
- NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PERFORMED.
- WHEN APPLICABLE, SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.
- WORK MUST BE STARTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT ISSUANCE.
- ALL CONSTRUCTION MUST CONFORM TO ALL APPLICABLE STATE OF NEW HAMPSHIRE AND HUDSON TOWN CODES.

INSPECTION APPROVALS

Building _____ / _____ / _____ Date _____
 Plumbing _____ / _____ / _____ Date _____
 Electrical _____ / _____ / _____ Date _____
 Fire Sprinklers (rough) _____ (final) _____
 Other _____ / _____ / _____ Date _____

Permit Holder: Dube Plus Construction
 (Taking Responsibility for the Work)
 Company/Affiliation: Contractor Job Site Phone Number:

Constr Cost: \$34,922 Permit Fee: \$108.00 Check No.: Cash: \$0.00

The Permit Card Shall be Posted and Visible From the Street During Construction

THIS BUILDING PERMIT AUTHORIZES ALL CODE OFFICIALS, BUILDING INSPECTOR AND ASSESSOR OR THEIR AGENTS TO CONDUCT INSPECTIONS FROM TIME TO TIME DURING AND UPON COMPLETION OF THE WORK FOR WHICH THIS PERMIT IS ISSUED.

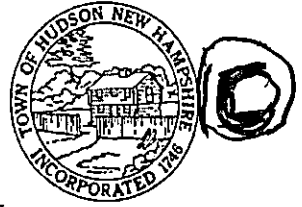
Code Official _____ Permit Holder _____ Date 12/10/2015



TOWN OF HUDSON

FIRE DEPARTMENT
INSPECTIONAL SERVICES DIVISION

12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051



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

Robert M. Buxton
Chief of Department

BUILDING PERMIT APPLICATION DENIAL

December 2, 2015

Dube Plus Construction
10 Bricketts Mill Rd
Hampstead, NH 03841

Dear Don:

Your application for a permit for property located at 173 Bush Hill Rd, Hudson NH has been reviewed and denied due to the following:

Construction plans are incomplete; please submit a complete set of construction plans.

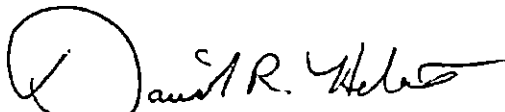
Please note that an application for a permit is deemed to be abandoned 180 days after the date of filing unless the application has been pursued in good faith or a permit has been issued. Therefore, please supply us with the required information at your earliest convenience.

Please contact me if you have any questions at 603-886-6005.

Thank you.

Sincerely,

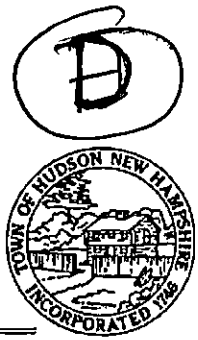
Inspectional Services


David Hebert
Inspector



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-044

Revised

Sent By: Email

May 7, 2024

Daniel Barowski
206 Elm Street
Milford NH, 03055

Re: 173 Bush Hill Road Map 214 Lot 012-000
District: (G-1)

Dear Ms. Barowski,

Your request: To request relief from dimensional requirements laid out in §334-27 Table of Dimensional Requirements, for the subdivision of Map/Lot 214-012-000. (See attached Plan Project no.3823, prepared by Fieldstone Land Consultants, PLLC)

Zoning Review / Determination:

The subdivision of Map/Lot 214-012-000 as described in the map will require two variances. The first variance is for proposed Map/Lot 214-012-001, to allow for a frontage of 197' where 200' would be required, as per §334-27 - Table of Dimensional Requirements. The second variance required is for proposed Map/Lot 214-012-000, to allow for a buildable lot area of .083 Acres, where 2 Acres would be required, as per §334-27 - Table of Dimensional Requirements. Please subtract all wetlands and all slopes in excess of 25% from the buildable lot area per §334-27.1 (B) General Requirements.

Plans submitted as part of consideration of a variance by the Zoning Board of Adjustment must be stamped by a New Hampshire licensed Land Surveyor, as well as a New Hampshire licensed Wetland Scientist when wetlands are present.

Presuming that the variances are granted, subdivision plans must receive approval from the Planning Board per §334-27.1 Site Plan Approval.

Sincerely,

Chris Sullivan
Zoning Administrator/Code Enforcement Officer
(603) 886-6000 (ext. 1275)
csullivan@hudsonnh.gov

cc: Public File
B. Dubowik, Administrative Aide
Owner
Inspectional Services
File

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

E

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

REQUEST FOR REVIEW/COMMENTS:

Case: 214-012 (05-23-24) a. Variance (Lot area)
Property Location: 173 Bush Hill Rd b. Variance (Frontage)

For Town Use

Plan Routing Date: 05/08/2024 Reply requested by: 05/13/2024 ZBA Hearing Date: 05/23/2024

I have no comments I have comments (see below)

EZD _____ Name: Elvis Date: _____
(Initials)

DEPT. Town Engineer Fire/Health Department Associate Town Planner

2- Lot Subdivision

Variance a. (Lot area)

1. Applicant shall provide location of the well and septic system of the new lot
2. Applicant shall provide plan and profile for the proposed driveway
3. Applicant shall provide sight distance plan and profile for the proposed driveway
4. Applicant shall provide approval by PSNH regarding the proposed driveway within the existing PSNH easement

Variance b. (Frontage)

1. Applicant shall provide location of the well and septic system of the new lot
2. Applicant shall provide plan and profile for the proposed driveway
3. Applicant shall provide sight distance plan and profile for the proposed driveway
4. Applicant shall provide approval by PSNH regarding the proposed driveway within the existing PSNH easement



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

REQUEST FOR REVIEW/COMMENTS:

Case: 214-012 (05-23-24) a. Variance (Lot area)
Property Location: 173 Bush Hill Rd b. Variance (Frontage)

For Town Use

Plan Routing Date: 05/08/2024 Reply requested by: 05/13/2024 ZBA Hearing Date: 05/23/2024

I have no comments I have comments (see below)

BWG _____ Name: Benjamin Witham-Gradert Date: 05/14/2024
(Initials)

DEPT. _____
 Town Engineer Fire/Health Department Associate Town Planner

2- Lot Subdivision

Variance a. (Lot area)

The applicant is required to submit to and receive approval of a subdivision plan from the Planning Board should the variances be granted.

Variance b. (Frontage)

The applicant is required to submit to and receive approval of a subdivision plan from the Planning Board should the variances be granted.

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

On **05/23/2024**, the Zoning Board of Adjustment heard **Case 214-012 a.**, being a case brought by **Daniel Barowski, Survey Project Mgr. of Fieldstone Land Consultants, PLLC, 206 Elm St., Milford, NH** proposing a two-lot subdivision for **173 Bush Hill Road, Hudson, NH** which requires a **Variance** to allow the lot area with the existing dwelling (after subdivision) to contain **0.833 acres** where **2 acres of contiguous land exclusive of any wetland and slopes in excess of 25% is required.** [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27.1.B., General requirements and §334-27.2, Lot requirements for subdivision of land and §334-27, Table of Minimum Dimensional Requirements]

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

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

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

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

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

(Continue-next page-Hardship Criteria)

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

(Continued)

Y
N
N/A

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

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

(2) The proposed use is a reasonable one.

Y
N

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

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Print name: _____

Stipulations: _____

MAY 07 2024

LAND USE DIVISION
ZONING DEPT.



APPLICATION FOR A VARIANCE

Variance a.

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

Case No. 214-012 a.(05-23-24)

Date Filed 5/7/24

Name of Applicant Fieldstone Land Consultants, PLLC Map: 214 Lot: 12 Zoning District: G-1
Daniel Barowski - Survey Project Manager

Telephone Number (Home) _____ (Work) (603) 672-5456

Mailing Address 206 Elm Street, Milford, NH 03055

Owner Trademark Homes, LLC - Mike Gallo, Manager

Location of Property 173 Bush Hill Road
(Street Address)

Daniel E Barowski
Signature of Applicant

5/6/24
Date

[Signature]
Signature of Property-Owner(s)

5/7/24
Date

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

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

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

Date received: 5/7/24

COST:

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

Abutter Notice:

10 Direct Abutters x Certified postage rate \$ 5.08 = \$ 50.80
3 Indirect Abutters x First Class postage rate \$ 0.68 = \$ 2.04

Total amount due: \$ 237.84

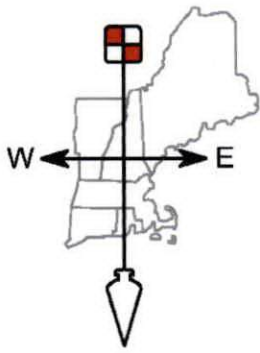
* See add'l Variance b. Amt. received: \$ 422.84 * check 1287

Receipt No.: 773,496

Received by: [Signature]

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

Engineering Fire Dept. Health Officer Associate Planner Other



FIELDSTONE

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456

www.FieldstoneLandConsultants.com

May 6, 2024

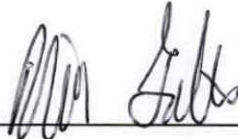
Town of Hudson
Zoning Board of Adjustment
Planning Board
12 School Street
Hudson, NH 03051

RE: Tax Map 214, Lot 12
Proposed 2-Lot Subdivision

To Whom It May Concern:

The undersigned being the owner of the above referenced lot hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking all necessary federal, state, and local approvals and variances required for the proposed 2-lot subdivision.

Very truly yours,

Signature:  _____

Print: Trademark Homes, LLC
(Mike Gallo – Manager)

Date: 5/7/2024

TOWN OF HUDSON, NH

Variance Application Checklist

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

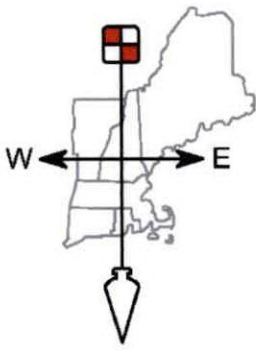
- | Applicant
Initials | | Staff
Initials |
|-----------------------|---|------------------------------|
| <u>DB</u> | Please review the completed application with the Zoning Administrator or staff before making copies in next step. | <u>TG</u> |
| <u>DB</u> | The applicant must provide the original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

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
		*See attached	



FIELDSTONE

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

May 6, 2024

FLC#3823.00 / DEB

List of Abutters
Tax Map 214 Lot Number 12
Hudson, New Hampshire

Map 214 Lot 12
Trademark Homes, LLC
P.O. Box 10088
Bedford, NH 03110

Map 214 Lot 13
Robert Paul Boutin
167 Bush Hill Road
Hudson, NH 03051

Map 214 Lot 6
Christine Cambrils
9 Woodland Drive
Hudson, NH 03051

Map 214 Lot 10
Kenneth A. Wing
Eleanor M. Hill
177 Bush Hill Road
Hudson, NH 03051

Map 214 Lot 11-1
Dominic A. Jarry
Kay E. Nash
5 Jarry Way
Hudson, NH 03051

Map 214 Lot 11-2
Anthony C. Lessard
175 B Bush Hill Road
Hudson, NH 03051

Map 208 Lot 11
Eversource Energy
P.O. Box 270
Hartford, CT 06141-0270

Map 208 Lot 12
Laurie E. & Thomas M. Vayo
172 Bush Hill Road
Hudson, NH 03051

Map 208 Lot 15
Map 214 Lot 17
Sir Isaac Way Realty Trust
166 Middle Road
Byfield, MA 01922

Map 219 Lot 3
Town of Hudson
12 School Street
Hudson, NH 03051

Engineer:
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055

INDIRECT ABUTTERS:

Map 214 Lot 15
Peter A. & Michelle R. Bajdak
1 Sir Isaac Way
Hudson, NH 03051

Map 214 Lot 7
Jeffrey A. & Michelle A. Cox
7 Woodland Drive
Hudson, NH 03051

Map 208 Lot 13
Roland & Donna Lacerte
4 Sir Isaac Way
Hudson, NH 03051

USPS-Verified Mail


SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 214-012 Two VARIANCES (a + b) 173 Bush Hill Rd., Hudson, NH 03051 Map 214/Lot 012-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/2024 ZBA Meeting
1	9589 0710 5270 0646 5613 68	TRADEMARK HOMES, LLC PO BOX 10088, BEDFORD, NH 03110	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5613 75	Fieldstone Land Consultants, PLLC 206 Elm Street, Milford, NH 03055	APPLICANT/OWNER NOTICE MAILED
3	9589 0710 5270 0646 5613 82	PUBLIC SERVICE OF NH; dba: EVERSOURCE ENERGY PO BOX 270, HARTFORD, CT 06141-0270	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5614 05	LAURIE E. & THOMAS M. VAYO, TRUSTEES 172 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5614 12	SIR ISAAC WAY REALTY TRUST 166 MIDDLE ROAD, BYFIELD, MA 01922	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5614 29	CHRISTINE CAMBRILS 9 WOODLAND DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5614 36	KENNETH A. WING; ELEANOR M. HILL 177 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5614 43	DOMINIC A. JARRY; KAY E. NASH 5 JARRY WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5614 50	ANTHONY C. LESSARD 175 B BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0646 5614 67	ROBERT PAUL BOUTIN 167 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)

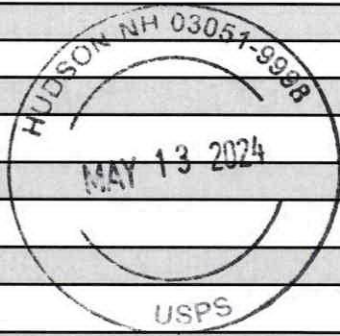


10

Direct Certified

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 214-012 Two VARIANCES (a +b) 173 Bush Hill Rd., Hudson, NH 03051 Map 214/Lot 012-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/2024 ZBA Meeting
1	Mailed First Class	ROLAND & DONNA LACERTE 4 SIR ISAAC WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	JEFFREY A. & MICHELLE A. COX 7 WOODLAND DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	PETER A. & MICHELLE R. BAJDAK 1 SIR ISAAC WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	*Direct-Certified N/C	TOWN OF HUDSON 12 SCHOOL STREET, HUDSON, NH 03051	*Application acts as Notice
5			
6			
7			
8			
9			
10			
	Total # of pieces listed by sender 3	Total # of pieces rec'vd at Post Office 3	Postmaster (receiving Employee) 





TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

May 13, 2024

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, May 23, 2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

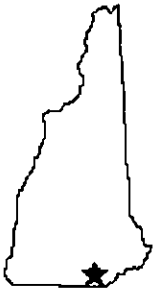
Case 214-012 (05-23-24): Daniel Barowski, Survey Project Mgr. of Fieldstone Land Consultants, PLLC, 206 Elm St., Milford, NH proposes a two-lot subdivision which requires the following two (2) Variances for 173 Bush Hill Road, Hudson, NH [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1)]:

- a. **A Variance to allow the lot area with the existing dwelling (after subdivision) to contain 0.833 acres where 2 acres of contiguous land exclusive of any wetland and slopes in excess of 25% is required. [HZO Article VII: Dimensional Requirements; §334-27.1.B., General requirements and §334-27.2, Lot requirements for subdivision of land and §334-27, Table of Minimum Dimensional Requirements]**
- b. **A Variance to develop a 30 ft. x 40 ft. single-family home on the vacant new lot with 194.66 feet of frontage where 200 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]**

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

Respectfully,

Chris Sullivan
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

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- a. **A Variance to allow the lot area with the existing dwelling (after subdivision) to contain 0.833 acres where 2 acres of contiguous land exclusive of any wetland and slopes in excess of 25% is required. [HZO Article VII: Dimensional Requirements; §334-27.1.B., General requirements and §334-27.2, Lot requirements for subdivision of land and §334-27, Table of Minimum Dimensional Requirements]**
- b. **A Variance to develop a 30 ft. x 40 ft. single-family home on the vacant new lot with 194.66 feet of frontage where 200 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]**

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article 334-27.2 of HZO Section(s) Lot Requirements for Subdivision of Land in order to permit the following:

A two lot residential subdivision with less than the required non-steep contiguous area on one lot.

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

*See attached

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

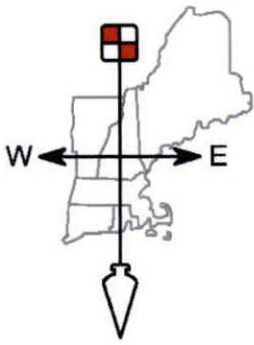
*See attached

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

*See attached

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

*See attached



FIELDSTONE

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

VARIANCE CRITERIA

(VARIANCE FROM ARTICLE 334-27.2 LOT REQUIREMENTS FOR SUBDIVISION OF LAND)

Tax Map Parcel 214-12
173 Bush Hill Road, Hudson, NH

April 30, 2024

Prepared For:
Mike Gallo, Trademark Homes LLC

A Variance is requested under Article 334-27.2, Lot requirements for Subdivision of Land of the Hudson Zoning Ordinance to permit a two-lot subdivision of Tax Map Parcel 214-12. The subject property consists of 7.37 acres of land with 394.66 feet of frontage along Bush Hill Road. The property slopes from northeast to southwest. The Musquash Brook runs through the property. An existing house, driveway, and associated improvements are located in the northeast corner of the lot, leaving most of the land undeveloped. A two-lot subdivision is proposed to develop a single-family residence on the vacant portion of the lot. Section 334-27.2 of the Zoning Ordinance specify the minimum lot requirements for subdivision of land. More specifically, the sections specify that the minimum lot area shall not contain wetland, and shall contain no slopes in excess of 25%.

The proposed subdivision of the property will ultimately result in 2 residential lots. An existing dwelling is to remain on a 111,995 square foot lot (2.57 acres), with 200.00 feet of frontage, however the largest contiguous area exclusive of wetlands and slopes over 25% is 0.83 acres. The proposed new lot will consist of 209,084 square feet (4.80 acres) with 194.66 feet of frontage, which requires relief from Article 334-27, the frontage section of the Table of Minimum Dimensional Requirements.

The numbered items below correlate to the questions asked in the Town Application for a Variance.

1. Granting the variance would not be contrary to the public interest because:
Granting this variance would allow for the productive use of the existing property. The zoning for the property is the G-1 District, which has a minimum lot size requirement of 87,120 square feet and 200 feet of frontage. The proposal for the property is a 2-lot subdivision, creating a lot with existing structures and 111,095 square feet of land with 200.00 feet of frontage, and a 209,084 square foot lot with 194.66 feet of frontage. This proposal is consistent with the surroundings as several of the lots along Bush Hill Road possess less than 2 acres of land. Both of the proposed lots exceed the minimum required lot size, however the 14,961 sq.ft. of wetlands that exist on the revised lot 214-12 are configured in such a way as to prevent a large contiguous area. As no development is proposed on the revised lot, and the existing house has been there for decades without

issue, we do not believe this subdivision would be contrary to the public interest. Granting this variance will not alter the essential character of the neighborhood or threaten the health safety or general welfare of the public. It is our belief that this proposal will have no negative impacts to the public. For all these reasons we believe that this proposal of developing a 7 plus acre parcel into 2 lots would not be contrary to the public interest.

2. If the variance were granted, the spirit of the ordinance would be observed because:

We believe this proposed subdivision is reasonable and meets the spirit of the ordinance especially when you consider the size of the parent parcel (7+ acres), the size of the lots that are proposed and the placement of the proposed building sites in relation to the surrounding lots. Section 334-27.2 of the Hudson Zoning Ordinance requires that lots have their minimum area, in this case 87,120 square feet, contiguous and exclusive of wetlands and steep slopes. We believe that the intent of this ordinance is to provide adequate separation and buffering between land owners and uses and to ensure each lot has enough usable area for development. We are seeking this variance for a lot this is already developed with a single-family residence, driveway and other associated improvements. The configuration of the wetlands on the lot, along with the steep slopes present preclude it from being subdivided conventionally. The largest section of contiguous dry, non-steep area is north of Musquash Brook, and not contiguous with the existing dwelling and improvements. The steep slopes on the revised lot 214-12 are excluded from potential development as they are almost all contained within the 50-ft. wetland buffer of Musquash Brook. The proposed lot 214-12-1 in this subdivision contains 4.80 acres, 2.94 of which are contiguous dry land with no steep slopes. We believe that since no new development is proposed on the revised lot, and the existing building and improvements are already separated from the required 2 contiguous non-steep, dry acres by Musquash Brook, this proposal meets the spirit of the ordinance. We therefore believe that granting the variance would observe the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

Granting this variance would allow for the productive use of the land on a 7+ acre parcel, and would have no impact on the general public as the proposal is small and consistent with its surroundings. The variance requested is for a lot which contains the minimum contiguous dry acreage, but is encumbered by steep slopes. Several of the lots along Bush Hill Road and in adjacent developments possess less than 2 full acres. Granting this variance will therefore not alter the essential character of the neighborhood or threaten the health safety or general welfare of the public. Based on the above, it is our belief that this proposal will have no negative impacts to the public. We believe that developing a 7 plus acre parcel into 2 lots while preserving large acreage would not be contrary to the public interest. For this and all the reasons noted above we believe granting this variance would do substantial justice and allow for the productive use of a large tract of land. The current proposal is certainly a reasonable use of the property.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

This proposal consists of subdividing a 7 plus acre parcel into 2 residential lots. The use is consistent with the zoning and the surroundings and will have no negative impacts on the surrounding properties. Since this proposal is consistent with neighboring properties and for the reasons stated above we do not believe that this proposal would have any negative impact on the surrounding properties. We believe that this proposal may increase the surrounding property values as it will allow for new construction on a larger lot.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The subject property is unique given its geometry and size and the fact that Musquash Brook bisects the property. Granting this variance would allow for the productive use of the existing property. The zoning for the property is G-1, which has a minimum lot size requirement of 87,120 square feet of contiguous area exclusive of wetlands and steep slopes with 200 feet of frontage. It is our belief that the development of this 7+ acre property into 2 residential lots is reasonable and fair when you contemplate the purpose of the ordinance provision and the specific application of that provision to the property. This proposal seeks a variance to permit a subdivision with a lot that contains 0.83 acres of contiguous dry, non-steep land on an already developed lot. The natural features, particularly spots of steep slopes along the banks of Musquash Brook, preclude a conventional subdivision from meeting the minimum area requirements. The purpose of this section of the ordinance is to provide adequate space for development. The development of the subject parcel is already completed and exists without detriment to the surrounding properties or to Musquash Brook. No new development is proposed on the revised lot, therefore we believe there is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property.

We believe this property does possess special conditions as it is very unique in its geometry, size, and natural features. As stated above, the property has 394.66 feet of frontage and over 7 acres of land. The subject property is also bisected by the Musquash Brook and associated wetland areas. The brook creates a natural boundary between the existing site improvements and the proposed new lot. Although this proposal requires a variance for contiguous non-steep lot size we believe that this style development is consistent with its surroundings and would be supported by the general public. It is our belief that this proposed subdivision meets the spirit and intent of the ordinance especially when you

consider the size of the parcel (7+ acres), the size of the lots that are proposed (2+ acres and 5+ acres) and the placement of the proposed building site in relation to the surrounding lots. It is our belief that the intent of the ordinance is to provide adequate area for development and reasonable use of the land. When you have a developed lot, encumbered with steep slopes and wetlands, we believe the natural features provide an adequate buffer between surrounding development. When you evaluate the proposal from this standpoint we believe the proposal certainly is consistent with its surroundings and in our opinion meets the spirit of the ordinance. We therefore believe that no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property and that a denial of this variance request would result in unnecessary hardship for the reasons stated above.

ii. The proposed use is a reasonable one because:

As stated above we believe that this proposal meets the spirit and intent of the ordinance as it will provide for adequate room for development on an already established lot and allow for a subdivision resulting in a large 5+ acre lot with adequate buffering. This proposal will also be consistent with its surroundings and will result in no negative impact to the public. When you evaluate the development potential for this parcel it is our opinion that the proposed 2 lot subdivision is reasonable as it will create larger lots with plenty of buffering from adjacent properties. For this and all the reasons previously stated we believe that the proposed use and development are reasonable.

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

The subject parcel consists of 7+ acres with 394.66 feet of frontage and is currently a single-family residential lot. We believe that the geometry, size, and natural features present on the property are special conditions that distinguish it from other properties in the area. The brook and steep slopes running through the property limits its reasonable use and therefore a variance is necessary to enable the proposed 2 lot subdivision which we certainly believe is a practical use when you consider the size of the lots and the separation and buffering that will exist between all proposed lots. This subdivision will be consistent with the surroundings.

This information was prepared by:

Fieldstone Land Consultants, PLLC

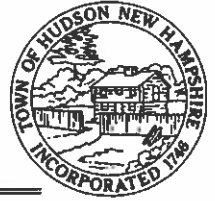


Daniel Barowski, SIT
Survey Project Manager



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-044

Revised

Sent By: Email

May 7, 2024

Daniel Barowski
206 Elm Street
Milford NH, 03055

Re: 173 Bush Hill Road Map 214 Lot 012-000
District: (G-1)

Dear Ms. Barowski,

Your request: To request relief from dimensional requirements laid out in §334-27 Table of Dimensional Requirements, for the subdivision of Map/Lot 214-012-000. (See attached Plan Project no.3823, prepared by Fieldstone Land Consultants, PLLC)

Zoning Review / Determination:

The subdivision of Map/Lot 214-012-000 as described in the map will require two variances. The first variance is for proposed Map/Lot 214-012-001, to allow for a frontage of 197' where 200' would be required, as per §334-27 - Table of Dimensional Requirements. The second variance required is for proposed Map/Lot 214-012-000, to allow for a buildable lot area of .083 Acres, where 2 Acres would be required, as per §334-27 - Table of Dimensional Requirements. Please subtract all wetlands and all slopes in excess of 25% from the buildable lot area per §334-27.1 (B) General Requirements.

Plans submitted as part of consideration of a variance by the Zoning Board of Adjustment must be stamped by a New Hampshire licensed Land Surveyor, as well as a New Hampshire licensed Wetland Scientist when wetlands are present.

Presuming that the variances are granted, subdivision plans must receive approval from the Planning Board per §334-27.1 Site Plan Approval.

Sincerely,

Chris Sullivan
Zoning Administrator/Code Enforcement Officer
(603) 886-6000 (ext. 1275)
csullivan@hudsonnh.gov

cc: Public File
B. Dubowik, Administrative Aide
Owner
Inspectional Services
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: 173 BUSH HILL RD
 Vision ID: 2312 Account #: 1694

Parcel ID: 214/012/000/1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 05-01-2024 12:56:55

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
TRADEMARK HOMES, LLC PO BOX 10088 BEDFORD NH 03110		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RE	Residential Average		2023	1010	244,500	2023	1010	244,500	2022	1010	244,500
		TOPO	UTILITIES			1010	179,800		1010	179,800		1010	179,800
		Rolling	Priv Water										
		Septic											
					Total	424,300	Total	424,300	Total	424,300	Total	424,300	

RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
TRADEMARK HOMES, LLC		9764	547	03-12-2024	U	I	341,000	51	Grantor: BETTY BULL	Appraised Bldg. Value (Card)			222,000
WILLIAMS, HAROLD		5638	1680	07-05-1995	Q	I	112,900	00		Appraised Xf (B) Value (Bldg)			22,500
										Appraised Ob (B) Value (Bldg)			0
										Appraised Land Value (Bldg)			179,800
										Special Land Value			0
										Total Appraised Parcel Value			424,300
										Valuation Method			C
										Total Appraised Parcel Value			424,300

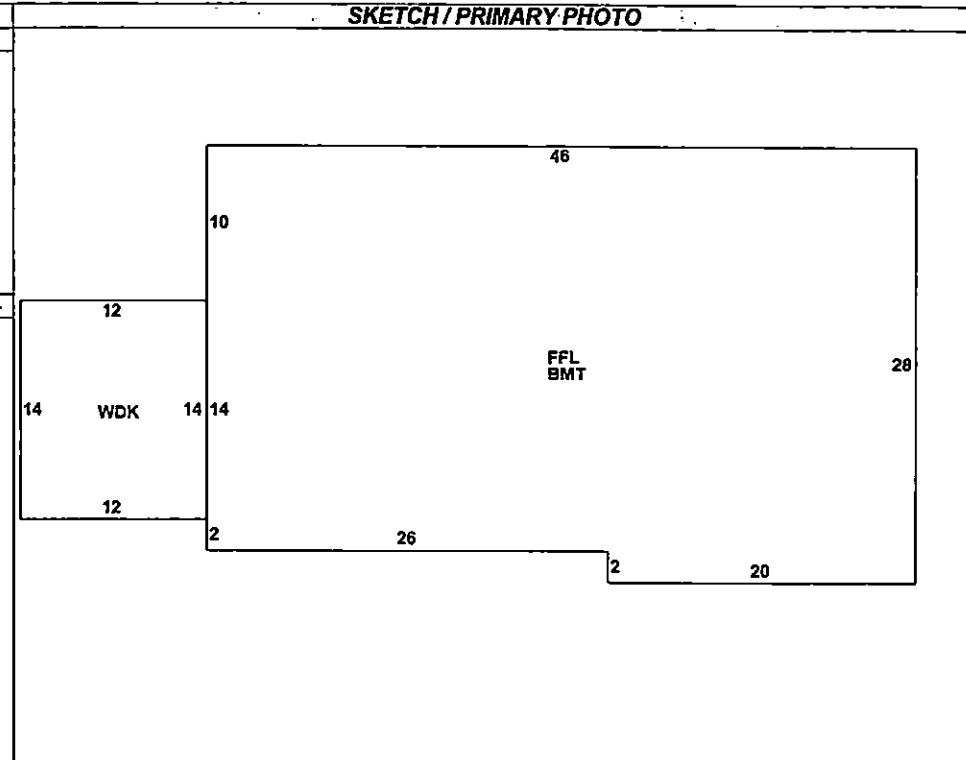
SUPPLEMENTAL DATA				CURRENT ASSESSMENT				VISIT / CHANGE HISTORY							
Parcel ID 214-012-000		Zoning G1:General-1		Flood Hazard A		Neigh/Abut1		Neigh/Abut2		Neigh/Abut3		GIS ID 214-012-000		Assoc Pid#	
		PREV 0019-0001-0003		Total:		424,300	424,300	Total Appraised Parcel Value				424,300			
NOTES 5/19 2015 BOILER, ORIGINAL KIT& FB. HB R EMODELED4/19 EXT=AVG												Date	Id	Cd	Purpost/Result
												07-21-2022	28	45	Field Review
												05-10-2019	18	14	Inspected
												04-23-2019	19	02	Measured
												05-10-2016	15	15	Permit Visit
												11-10-2010	14	03	Meas/Inspect
												11-18-2006	06	03	Meas/Inspect
												06-18-2001	00	14	Inspected
												06-07-2001	00	01	Left Notice

BUILDING PERMIT RECORD								
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments
2015-01113	12-10-2015	RO	Roof	34,922	C			Visit Notes: Roof Repair, Structure Rep;

LAND LINE VALUATION SECTION															
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	1.000	AC	170,000	1.00	5	1.00	RE	1.00	Location	0.95		161,500
1	1010	SINGLE FAMILY RES	Excess	6.371	AC	6,000	0.96	1.00	0	RE	1.00	Topo	0.50	TOPO/WET;	18,300
Total Card Land Units:				7.371		AC	Parcel Total Land Area:				7.371	AC	Total Land Value:		179,800

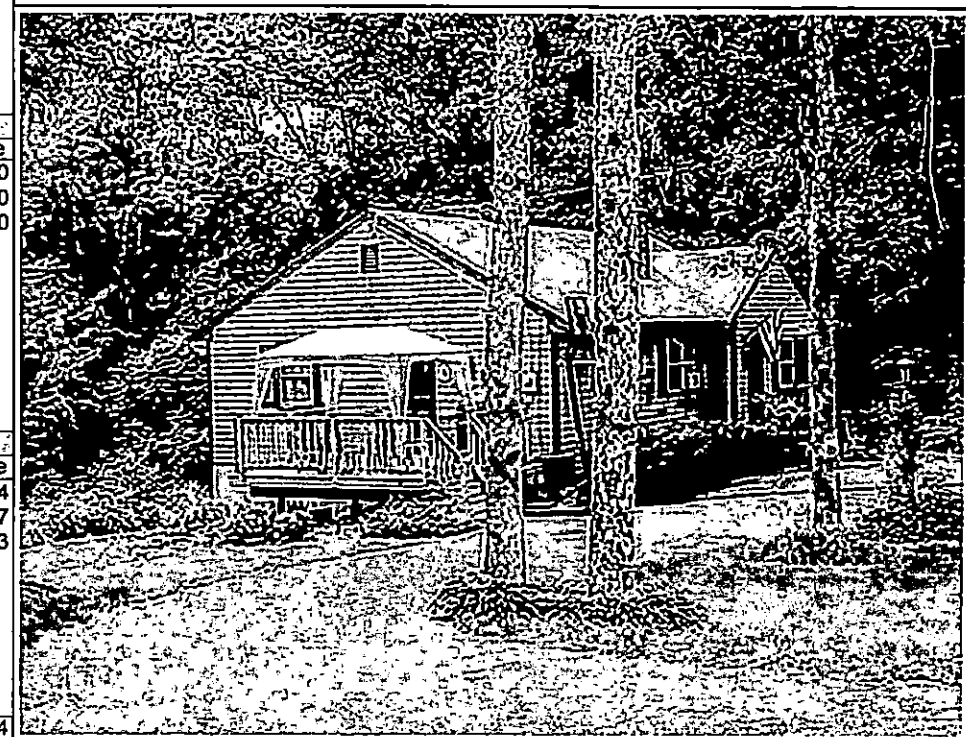
CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg H/VFL	8	
Stories:	1		Extra Kitchens	0	
Style:	01	Ranch	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	01	Wood Shingle			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	01	Oil			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	6				
Bedrooms	3				
Full Baths	1				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating	GD	Good			
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Rating	GD	Good			
WS Flues	1				
Color	GREY RED TR				
Avg H/VFL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	274,054
Year Built	1978
Effective Year Built	2003
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	19
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	81
RCNLD	222,000
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
SHEDNV	Shed No Value - Less Than 1	L	56	UNITS	0.00	2010	AV	60	0
SHEDNV	Shed No Value - Less Than 1	L	80	UNITS	0.00	1980	AV	60	0
XFRRM	Rec Room, Fin, BMT	B	618	SQ. FT	45.00	1978	AV	81	22,500

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,236	309	43.86	54,214
FFL	First Floor, Finished	1,236	1,236	1,236	175.45	216,857
WDK	Wood Deck, or Composite Dk	0	168	17	17.75	2,983
Total Liv Area/Gr. Area/Eff Are		1,236	2,640	1,562	Total Value	274,054





NOTES:

1. THE OWNER OF RECORD FOR EXISTING TAX MAP 214 LOT 12 IS TRADEMARK HOMES, LLC - PO BOX 10088, BEDFORD, NH 03110. THE DEED REFERENCE FOR THE LOT IS HCRD BK. 9764 PG. 547 DATED MARCH 12, 2024.
2. THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE PERIMETER BOUNDARY AND TO SEEK VARIANCES FOR FRONTAGE AND LOT SIZE TO ALLOW FOR A 2-LOT RESIDENTIAL SUBDIVISION OF LOT 214-12.
3. ZONING FOR THE LOT IS THE GENERAL 1 (G-1) ZONING DISTRICT. MINIMUM LOT REQUIREMENTS ARE 2 ACRES OF AREA AND 200 FEET OF FRONTAGE. BUILDING SETBACKS ARE 30 FT. FRONT, 15 FT. SIDE AND 15 FT. REAR.
4. IMPROVEMENTS SHOWN HEREON ARE PER NH GRANIT AND TOWN OF HUDSON GIS. WETLANDS SHOWN HEREON WERE DELINEATED BY CHRISTOPHER A. GUIDA, CWS AND FIELD LOCATED IN MAY, 2024. THERE IS A 50-FT BUFFER REQUIRED FROM ALL WETLANDS.
5. THE BOUNDARY INFORMATION SHOWN FOR EXISTING LOT 214-12 IS BASED ENTIRELY ON THE REFERENCE PLAN CITED HEREON.
6. HORIZONTAL ORIENTATION IS PER REFERENCE PLAN #1. VERTICAL DATUM IS NAVD 88 PER USGS LIDAR DATA.
7. LOT 214-12 IS SUBJECT TO A PSNH UTILITY EASEMENT AS RECORDED IN HCRD BK.2117 PG.495 AND RIPARIAN RIGHTS IN MUSQUASH BROOK AS SHOWN ON THE REFERENCE PLAN.

SEE SHEET EH-2
FOR LEGEND

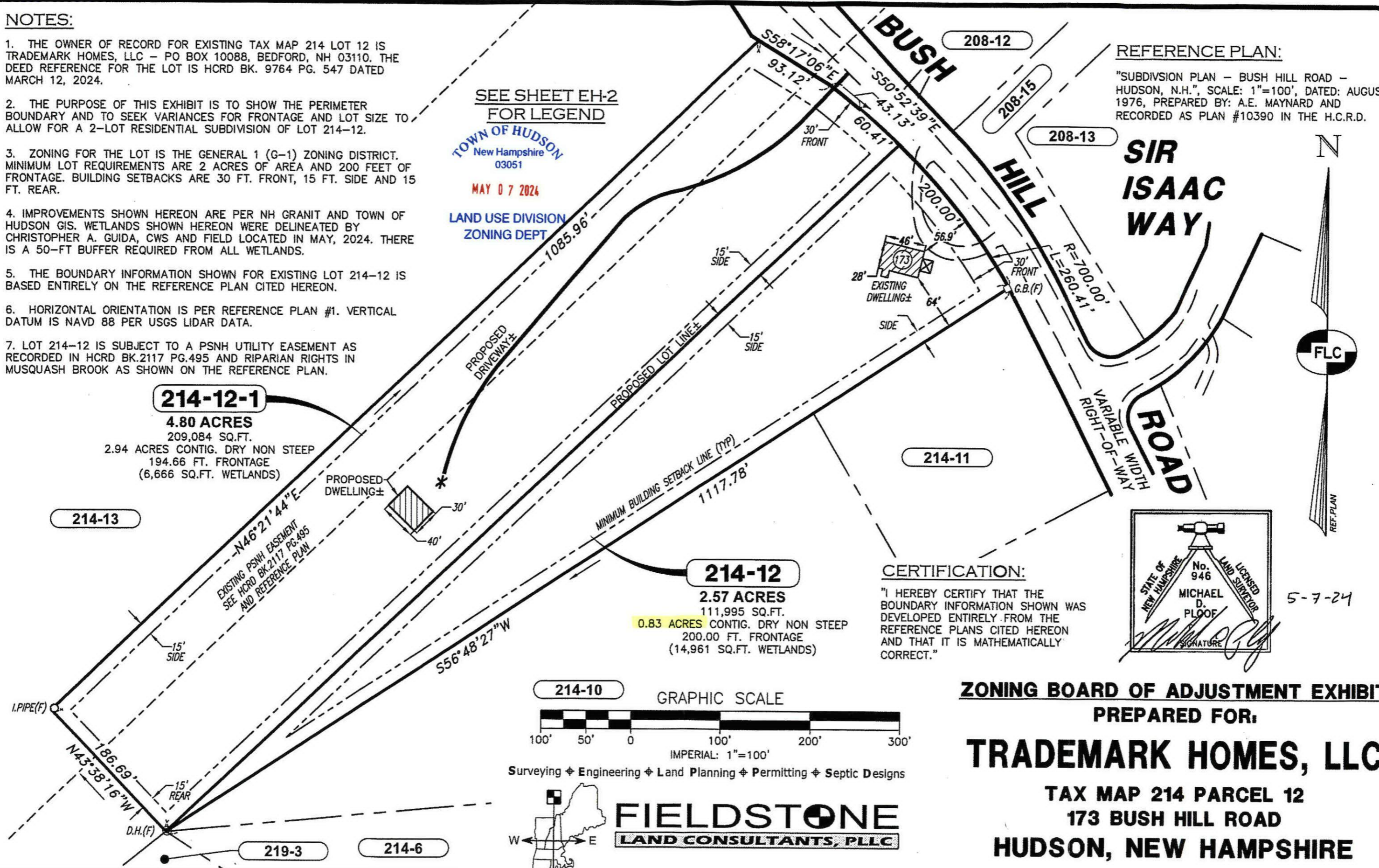
TOWN OF HUDSON
New Hampshire
03051

MAY 07 2024

LAND USE DIVISION
ZONING DEPT

REFERENCE PLAN:

"SUBDIVISION PLAN - BUSH HILL ROAD - HUDSON, N.H.", SCALE: 1"=100', DATED: AUGUST, 1976, PREPARED BY: A.E. MAYNARD AND RECORDED AS PLAN #10390 IN THE H.C.R.D.



214-12-1

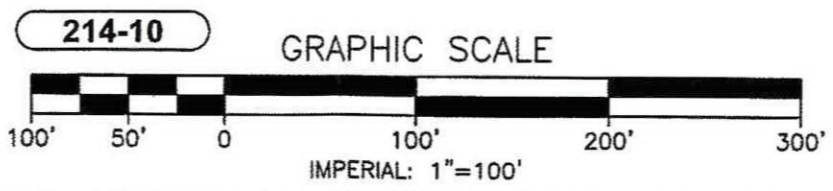
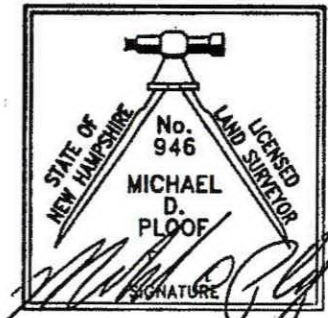
4.80 ACRES
209,084 SQ.FT.
2.94 ACRES CONTIG. DRY NON STEEP
194.66 FT. FRONTAGE
(6,666 SQ.FT. WETLANDS)

214-12

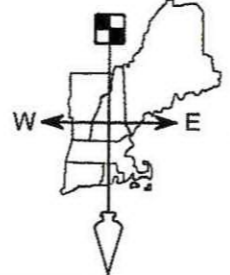
2.57 ACRES
111,995 SQ.FT.
0.83 ACRES CONTIG. DRY NON STEEP
200.00 FT. FRONTAGE
(14,961 SQ.FT. WETLANDS)

CERTIFICATION:

"I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED ENTIRELY FROM THE REFERENCE PLANS CITED HEREON AND THAT IT IS MATHEMATICALLY CORRECT."



Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs



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LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

ZONING BOARD OF ADJUSTMENT EXHIBIT

PREPARED FOR:

TRADEMARK HOMES, LLC

TAX MAP 214 PARCEL 12

173 BUSH HILL ROAD

HUDSON, NEW HAMPSHIRE

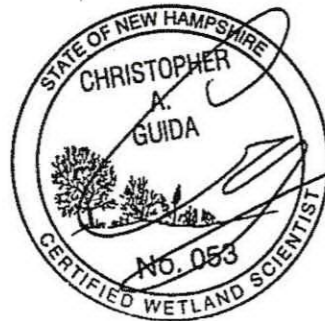
SCALE: 1" = 100'

MAY 6, 2024

REV.	DATE	DESCRIPTION	C/O	DR	CK

CERTIFICATION:

WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE US ARMY CORPS OF ENGINEERS 1987 WETLANDS DELINEATION MANUAL Y-87-1, 2012 REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHEAST AND NORTHCENTRAL REGION (VER. 2.0), AND FIELD INDICATORS FOR HYDRIC SOILS IN NEW ENGLAND (VER. 4.0), BY CHRISTOPHER A. GUIDA, C.W.S. IN MAY, 2024.



TOWN OF HUDSON
New Hampshire
03051
MAY 07 2024
LAND USE DIVISION
ZONING DEPT.

- LEGEND:**
- RIGHT-OF-WAY LINE
 - BOUNDARY LINE
 - ABUTTING LOT LINE
 - BUILDING SETBACK LINE
 - PROPOSED LOT LINE
 - EXISTING PSNH EASEMENT
 - EDGE OF PAVED ROAD
 - DELINEATED WETLANDS
 - WETLANDS BUFFER LINE
 - TAX MAP & LOT NUMBER
 - DENOTES STEEP SLOPES (>25%)

SEE SHEET EH-1
FOR NOTES &
REFERENCE PLAN

SIR ISAAC WAY



214-12-1

4.80 ACRES
209,084 SQ.FT.
2.94 ACRES CONTIG. DRY NON STEEP
194.66 FT. FRONTAGE
(6,666 SQ.FT. WETLANDS)

PROPOSED DWELLING±

214-13

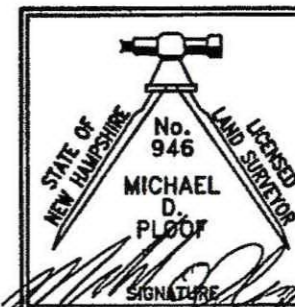
EXISTING PSNH EASEMENT
SEE HCRO BK 2117 PG. 495
AND REFERENCE PLAN

214-12

2.57 ACRES
111,995 SQ.FT.
0.83 ACRES CONTIG. DRY NON STEEP
200.00 FT. FRONTAGE
(14,961 SQ.FT. WETLANDS)

CERTIFICATION:

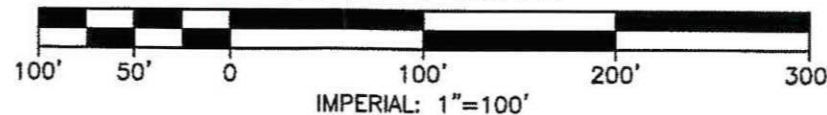
"I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED ENTIRELY FROM THE REFERENCE PLANS CITED HEREON AND THAT IT IS MATHEMATICALLY CORRECT."



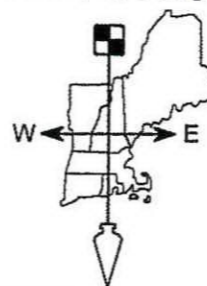
5-7-24

214-10

GRAPHIC SCALE



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ZONING BOARD OF ADJUSTMENT EXHIBIT
PREPARED FOR:

TRADEMARK HOMES, LLC

TAX MAP 214 PARCEL 12
173 BUSH HILL ROAD

HUDSON, NEW HAMPSHIRE

SCALE: 1" = 100'

MAY 6, 2024

REV.	DATE	DESCRIPTION	C/O	DR	CK

Printed
5/07/2024
3:25PM
Created
5/07/2024
3:18 PM

Transaction Receipt

Receipt# 773,496
tgoodwyn

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

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Applications- 5/23/24 ZBA Meeting 173 Bush Hill Rd Map 214 Lot 012-000 Zone G-1			
	Variance a- Lot Area	0.00	237.8400	0.00
	Variance b- Frontage	0.00	185.0000	0.00
			Total:	422.84

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Trademark Homes LLC	CHECK	CHECK 1287	422.84	0.00	422.84

Total Due:	422.84
Total Tendered:	422.84
Total Change:	0.00
Net Paid:	422.84

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

On **05/23/2024**, the Zoning Board of Adjustment heard **Case 214-012 b.**, being a case brought by **Daniel Barowski, Survey Project Mgr. of Fieldstone Land Consultants, PLLC, 206 Elm St., Milford, NH** proposing a two-lot subdivision for **173 Bush Hill Road, Hudson, NH** which requires a **Variance** to develop a **30 ft. x 40 ft. single-family home on the vacant new lot with 194.66 feet of frontage where 200 feet is required.** [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

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

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

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

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

(Continue-next page-Hardship Criteria)

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

(Continued)

Y
N
N/A

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

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

(2) The proposed use is a reasonable one.

Y
N

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

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Print name: _____

Stipulations: _____

APPLICATION FOR A VARIANCE

Variance **b.**

TOWN OF HUDSON
New Hampshire
03051

To: Zoning Board of Adjustment
Town of Hudson
LAND USE DIVISION
ZONING DEPT.

76

Entries in this box are to be filled out by
Land Use Division personnel
Case No. 214-012 b. (05-23-24)
Date Filed 5/7/24

Name of Applicant Fieldstone Land Consultants, PLLC Map: 214 Lot: 12 Zoning District: G-1
Daniel Barowski - Survey Project Manager

Telephone Number (Home) _____ (Work) (603) 672-5456

Mailing Address 206 Elm Street, Milford, NH 03055

Owner Trademark Homes, LLC - Mike Gallo, Manager

Location of Property 173 Bush Hill Road
(Street Address)

Daniel E Barowski
Signature of Applicant Date 5/6/24

Mike Gallo
Signature of Property-Owner(s) Date 5/7/24

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

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

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

Date received: 5/7/24

COST:

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

Abutter Notice:

10 Direct Abutters x Certified postage rate \$ N/A = \$ —

3 Indirect Abutters x First Class postage rate \$ N/A = \$ —

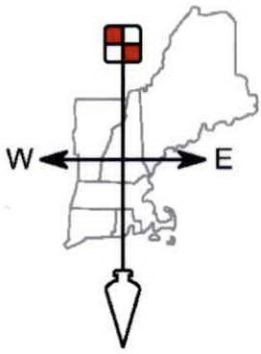
Total amount due: \$ 185.00

* See add'l Variance a. Amt. received: \$ 422.84 * Check 1287

Received by: TSG Receipt No.: 773,496

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

Engineering Fire Dept. Health Officer Assoc. Planner Other



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206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

May 6, 2024

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

RE: Tax Map 214, Lot 12
Proposed 2-Lot Subdivision

To Whom It May Concern:

The undersigned being the owner of the above referenced lot hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking all necessary federal, state, and local approvals and variances required for the proposed 2-lot subdivision.

Very truly yours,

Signature:  _____

Print: Trademark Homes, LLC
(Mike Gallo – Manager)

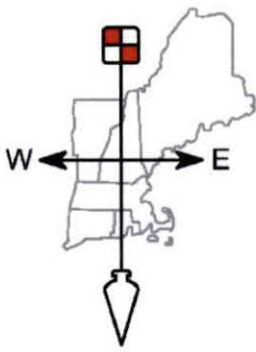
Date: 5/7/2024

TOWN OF HUDSON, NH

Variance Application Checklist

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

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



FIELDSTONE

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206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

May 6, 2024
FLC#3823.00 / DEB

List of Abutters
Tax Map 214 Lot Number 12
Hudson, New Hampshire

Map 214 Lot 12
Trademark Homes, LLC
P.O. Box 10088
Bedford, NH 03110

Map 214 Lot 13
Robert Paul Boutin
167 Bush Hill Road
Hudson, NH 03051

Map 214 Lot 6
Christine Cambrils
9 Woodland Drive
Hudson, NH 03051

Map 214 Lot 10
Kenneth A. Wing
Eleanor M. Hill
177 Bush Hill Road
Hudson, NH 03051

Map 214 Lot 11-1
Dominic A. Jarry
Kay E. Nash
5 Jarry Way
Hudson, NH 03051

Map 214 Lot 11-2
Anthony C. Lessard
175 B Bush Hill Road
Hudson, NH 03051

Map 208 Lot 11
Eversource Energy
P.O. Box 270
Hartford, CT 06141-0270

Map 208 Lot 12
Laurie E. & Thomas M. Vayo
172 Bush Hill Road
Hudson, NH 03051

Map 208 Lot 15
Map 214 Lot 17
Sir Isaac Way Realty Trust
166 Middle Road
Byfield, MA 01922

Map 219 Lot 3
Town of Hudson
12 School Street
Hudson, NH 03051

Engineer:
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055

INDIRECT ABUTTERS:

Map 214 Lot 15
Peter A. & Michelle R. Bajdak
1 Sir Isaac Way
Hudson, NH 03051

Map 214 Lot 7
Jeffrey A. & Michelle A. Cox
7 Woodland Drive
Hudson, NH 03051

Map 208 Lot 13
Roland & Donna Lacerte
4 Sir Isaac Way
Hudson, NH 03051

USPS-Verified Mail

SENDER: TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051		US POSTAL SERVICE - CERTIFIED MAIL	Case# 214-012 Two VARIANCES (a + b) 173 Bush Hill Rd., Hudson, NH 03051 Map 214/Lot 012-000 1 of 1
ARTICLE NUMBER		Name of Addressee, Street, and post office address	05/23/2024 ZBA Meeting
1	9589 0710 5270 0646 5613 68	✓ TRADEMARK HOMES, LLC PO BOX 10088, BEDFORD , NH 03110	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5613 75	✓ Fieldstone Land Consultants, PLLC 206 Elm Street, Milford, NH 03055	APPLICANT/OWNER NOTICE MAILED
3	9589 0710 5270 0646 5613 82	✓ PUBLIC SERVICE OF NH; dba: EVERSOURCE ENERGY PO BOX 270, HARTFORD, CT 06141-0270	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5614 05	✓ LAURIE E. & THOMAS M. VAYO, TRUSTEES 172 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5614 12	✓ SIR ISAAC WAY REALTY TRUST 166 MIDDLE ROAD, BYFIELD, MA 01922	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5614 29	✓ CHRISTINE CAMBRILS 9 WOODLAND DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5614 36	✓ KENNETH A. WING; ELEANOR M. HILL 177 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5614 43	✓ DOMINIC A. JARRY; KAY E. NASH 5 JARRY WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5614 50	✓ ANTHONY C. LESSARD 175 B BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0646 5614 67	✓ ROBERT PAUL BOUTIN 167 BUSH HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
Total Number of pieces listed by sender 10		Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



10

Direct Certified

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 214-012 Two VARIANCES (a +b) 173 Bush Hill Rd., Hudson, NH 03051 Map 214/Lot 012-000 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	05/23/2024 ZBA Meeting
1	Mailed First Class	ROLAND & DONNA LACERTE 4 SIR ISAAC WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	Mailed First Class	JEFFREY A. & MICHELLE A. COX 7 WOODLAND DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	PETER A. & MICHELLE R. BAJDAK 1 SIR ISAAC WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	*Direct-Certified N/C	TOWN OF HUDSON 12 SCHOOL STREET, HUDSON, NH 03051	*Application acts as Notice
5			
6			
7			
8			
9			
10			
	Total # of pieces listed by sender 3	Total # of pieces rec'vd at Post Office	Postmaster (receiving Employee)



3



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

May 13, 2024

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, May 23, 2024** starting at **7:00 P.M.**, Town Hall, 12 School Street, Hudson, NH, in the Community Development Paul Buxton Meeting Room.

Case 214-012 (05-23-24): Daniel Barowski, Survey Project Mgr. of Fieldstone Land Consultants, PLLC, 206 Elm St., Milford, NH proposes a two-lot subdivision which requires the following two (2) Variances for 173 Bush Hill Road, Hudson, NH [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1)]:

- a. **A Variance to allow the lot area with the existing dwelling (after subdivision) to contain 0.833 acres where 2 acres of contiguous land exclusive of any wetland and slopes in excess of 25% is required. [HZO Article VII: Dimensional Requirements; §334-27.1.B., General requirements and §334-27.2, Lot requirements for subdivision of land and §334-27, Table of Minimum Dimensional Requirements]**
- b. **A Variance to develop a 30 ft. x 40 ft. single-family home on the vacant new lot with 194.66 feet of frontage where 200 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]**

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

Respectfully,

Chris Sullivan
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Gary M. Daddario, Chairman

Dillon Dumont, Selectmen Liaison

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

May 13, 2024

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Case 214-012 (05-23-24): Daniel Barowski, Survey Project Mgr. of Fieldstone Land Consultants, PLLC, 206 Elm St., Milford, NH proposes a two-lot subdivision which requires the following two (2) Variances for 173 Bush Hill Road, Hudson, NH [Map 214, Lot 012, Sub lot-000; Zoned General-One (G-1)]:

- a. **A Variance to allow the lot area with the existing dwelling (after subdivision) to contain 0.833 acres where 2 acres of contiguous land exclusive of any wetland and slopes in excess of 25% is required. [HZO Article VII: Dimensional Requirements; §334-27.1.B., General requirements and §334-27.2, Lot requirements for subdivision of land and §334-27, Table of Minimum Dimensional Requirements]**
- b. **A Variance to develop a 30 ft. x 40 ft. single-family home on the vacant new lot with 194.66 feet of frontage where 200 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]**

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

APPLICATION FOR A VARIANCE

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

A two lot residential subdivision with less than the required frontage on one lot.

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

*See attached

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

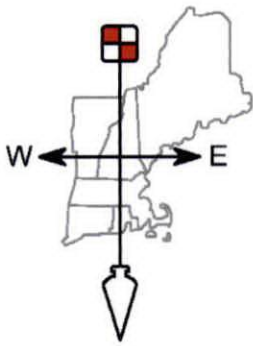
*See attached

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

*See attached

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

*See attached



FIELDSTONE

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

VARIANCE CRITERIA

(VARIANCE FROM ARTICLE 334-27 TABLE OF MINIMUM DIMENSIONS)

Tax Map Parcel 214-12

173 Bush Hill Road, Hudson, NH

April 30, 2024

Prepared For:

Mike Gallo, Trademark Homes LLC

A Variance is requested under Article 334-27, Table of Minimum Dimensional Requirements of the Hudson Zoning Ordinance to permit a two-lot subdivision of Tax Map Parcel 214-12. The subject property consists of 7.37 acres of land with 394.66 feet of frontage along Bush Hill Road. The property slopes from northeast to southwest. The Musquash Brook runs through the property. An existing house, driveway, and associated improvements are located in the northeast corner of the lot, leaving most of the land undeveloped. A two-lot subdivision is proposed to develop a single-family residence on the vacant portion of the lot. The Table of Minimum Dimensional Requirements of the Zoning Ordinance specifies the zoning district lot requirements. More specifically, the table requires that conventional frontage lots in the G-1 District have a minimum lot size of 87,120 square feet and a minimum of 200 feet of frontage on a Class V or better road.

The proposed subdivision of the property will ultimately result in 2 lots. An existing dwelling is to remain on a 111,995 square foot lot (2.57 acres), with 200.00 feet of frontage. The proposed new lot will consist of 209,084 square feet (4.80 acres) with 194.66 feet of frontage, which requires relief from Article 334-27, Table of Minimum Dimensional Requirements frontage requirements.

The numbered items below correlate to the questions asked in the Town Application for a Variance.

1. Granting the variance would not be contrary to the public interest because:

Granting this variance would allow for the productive use of the existing property. The zoning for the property is the G-1 District, which has a minimum lot size requirement of 87,120 square feet and 200 feet of frontage. The proposal for the property is a 2-lot subdivision, creating a lot of 111,995 square feet with 200.00 feet of frontage, and a 209,084 square foot lot with 194.66 feet of frontage. This proposal is consistent with the surroundings as several of the lots along Bush Hill Road possess less than 200 feet of frontage. Granting this variance will therefore not alter the essential character of the neighborhood or threaten the health safety or general welfare of the public. It is our belief that this proposal will have no negative impacts to the public. For all these reasons we believe that this proposal of developing a 7 plus acre parcel into 2 lots would not be contrary to the public interest.

2. If the variance were granted, the spirit of the ordinance would be observed because:

We believe this proposed subdivision is reasonable and meets the spirit of the ordinance especially when you consider the size of the parcel (7+ acres), the size of the lots that are proposed and the placement of the proposed building sites in relation to the surrounding lots. The Table of Minimum Dimensional Requirements of the Hudson Zoning Ordinance requires that lots have a minimum of 200 feet of frontage and a minimum of 87,120 square feet of area (2 acres). We believe that the intent of this ordinance is to provide adequate separation and buffering between land owners and uses. For example, with a 2-acre lot you would need to have 200 feet of frontage so that you have a reasonable geometry to provide for a building envelope and buffering to the abutting properties. When you have an irregularly shaped parcel like the subject lot, we believe the frontage becomes less critical, especially when you can provide for larger lots with significant separation from the proposed building site to adjacent lots. The remainder lot in this subdivision is southeast of the reduced frontage lot, and is already developed with an existing driveway. The abutting lot on the north side of Bush Hill Drive is a reduced frontage lot. The reduced frontage lot would have a driveway positioned north of Musquash Brook avoiding steep slopes. The proposed reduced frontage lot has a more than adequate buffer from abutting properties. We believe when you evaluate the project from this standpoint the proposal is certainly consistent with its surrounds and in our opinion meets the spirit of the ordinance. We therefore believe that granting the variance would observe the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

Granting this variance would allow for the productive use of the land on a 7+ acre parcel, and would have no impact on the general public as the proposal is small and consistent with its surroundings. The variance requested is for a reduction in frontage from 200 feet to 194.66 feet, a reduction of 5.34 feet. Several of the lots along Bush Hill Road possess less than 200 feet of frontage. Granting this variance will therefore not alter the essential character of the neighborhood or threaten the health safety or general welfare of the public. Based on the above, it is our belief that this proposal will have no negative impacts to the public. We believe that developing a 7 plus acre parcel into 2 lots while preserving large acreage would not be contrary to the public interest. For this and all the reasons noted above we believe granting this variance would do substantial justice and allow for the productive use of a large tract of land. The current proposal is certainly a reasonable use of the property.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

This proposal consists of subdividing a 7 plus acre parcel into 2 residential lots. The use is consistent with the zoning and the surroundings and will have no negative impacts on the surrounding properties. Since this proposal is consistent with neighboring properties and for the reasons stated above we do not believe that this proposal would have any negative

impact on the surrounding properties. We believe that this proposal may increase the surrounding property values as it will allow for new construction on larger lots.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- i. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The subject property is unique given its geometry and size. Granting this variance would allow for the productive use of the existing property. The zoning for the property is G-1, which has a minimum lot size requirement of 87,120 square feet of area with 200 feet of frontage. It is our belief that the development of this 7+ acre property into 2 residential lots is reasonable and fair when you contemplate the purpose of the ordinance provision and the specific application of that provision to the property. This proposal seeks a variance to permit a 209,084 square foot lot with 194.66 feet of frontage which is 5.34 feet short of the required 200 feet. The purpose of this section of the ordinance is to provide adequate spacing and buffering between homes and to prevent overcrowding. The development of the subject parcel will provide adequate space and buffering between homes and therefore we believe there is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property.

We believe this property does possess special conditions as it is very unique in its geometry and size. As stated above, the property has 394.66 feet of frontage and over 7 acres of land. The subject property is also bisected by the Musquash Brook and associated wetland areas. The brook creates a natural boundary between the existing site improvements and the proposed reduced frontage lot. Although this proposal requires a variance for frontage we believe that this style development is consistent with its surroundings and would be supported by the general public. It is our belief that this proposed subdivision meets the spirit and intent of the ordinance especially when you consider the size of the parcel (7+ acres), the size of the lots that are proposed (2+ acres and 5+ acres) and the placement of the proposed building site in relation to the surrounding lots. It is our belief that the intent of the ordinance is to provide adequate separation and buffering between land owners and uses. When you have an irregularly shaped parcel like the subject lot then we believe the frontage becomes less critical especially when you can provide for large lots with significant separation from the building sites to adjacent lots. When you evaluate the proposal from this standpoint we believe the proposal certainly is consistent with its surroundings and in our opinion meets the spirit of the ordinance. We therefore believe that no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property and that a denial of this variance request would result in unnecessary hardship for the reasons stated above.

ii. The proposed use is a reasonable one because:

As stated above we believe that this proposal meets the spirit and intent of the ordinance as it will provide for safe access, large lots and adequate buffering. This proposal will also be consistent with its surroundings and will result in no negative impact to the public. When you evaluate the development potential for this parcel it is our opinion that the proposed 2 lot subdivision is reasonable as it will create larger lots with plenty of buffering from adjacent properties. For this and all the reasons previously stated we believe that the proposed use and development are reasonable.

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

The subject parcel consists of 7+ acres with 394.66 feet of frontage and is currently a single-family residential lot. We believe that the geometry and size of the property are special conditions that distinguish it from other properties in the area. The frontage of the property limits its reasonable use and therefore a variance is necessary to enable the proposed 2 lot subdivision which we certainly believe is a practical use when you consider the size of the lots and the separation and buffering that will exist between all proposed lots. This subdivision will be consistent with the surroundings.

This information was prepared by:

Fieldstone Land Consultants, PLLC

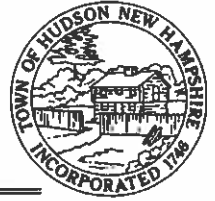


Daniel Barowski, SIT
Survey Project Manager



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-044

Revised

Sent By: Email

May 7, 2024

Daniel Barowski
206 Elm Street
Milford NH, 03055

Re: 173 Bush Hill Road Map 214 Lot 012-000
District: (G-1)

Dear Ms. Barowski,

Your request: To request relief from dimensional requirements laid out in §334-27 Table of Dimensional Requirements, for the subdivision of Map/Lot 214-012-000. (See attached Plan Project no.3823, prepared by Fieldstone Land Consultants, PLLC)

Zoning Review / Determination:

The subdivision of Map/Lot 214-012-000 as described in the map will require two variances. The first variance is for proposed Map/Lot 214-012-001, to allow for a frontage of 197' where 200' would be required, as per §334-27 - Table of Dimensional Requirements. The second variance required is for proposed Map/Lot 214-012-000, to allow for a buildable lot area of .083 Acres, where 2 Acres would be required, as per §334-27 - Table of Dimensional Requirements. Please subtract all wetlands and all slopes in excess of 25% from the buildable lot area per §334-27.1 (B) General Requirements.

Plans submitted as part of consideration of a variance by the Zoning Board of Adjustment must be stamped by a New Hampshire licensed Land Surveyor, as well as a New Hampshire licensed Wetland Scientist when wetlands are present.

Presuming that the variances are granted, subdivision plans must receive approval from the Planning Board per §334-27.1 Site Plan Approval.

Sincerely,

Chris Sullivan
Zoning Administrator/Code Enforcement Officer
(603) 886-6000 (ext. 1275)
csullivan@hudsonnh.gov

cc: Public File
B. Dubowik, Administrative Aide
Owner
Inspectional Services
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: 173 BUSH HILL RD
 Vision ID: 2312 Account #: 1694

Parcel ID: 214/ 012/ 000/ /
 Bldg #: 1

Card Address:
 Card #: 1 of 1

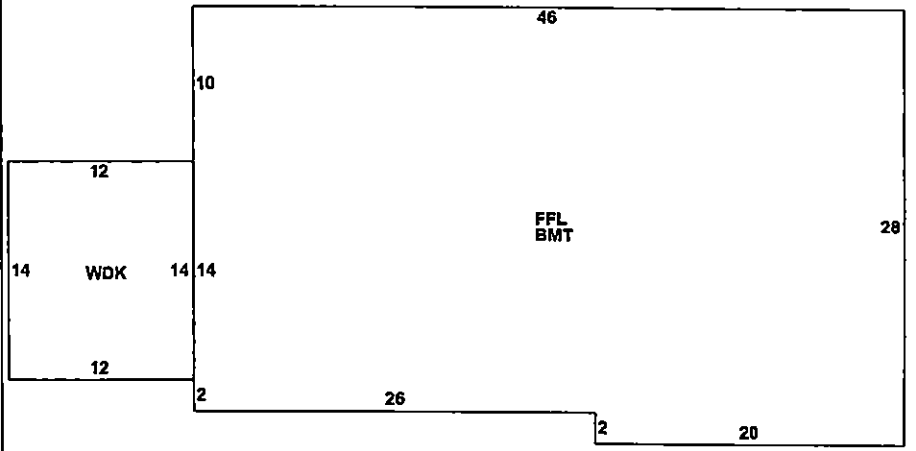
LUC: 1010
 Print Date: 05-01-2024 12:56:56

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg H/WFL	8	
Stories:	1		Extra Kitchens	0	
Style:	01	Ranch	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	01	Wood Shingle			
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	01	Oil			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	6				
Bedrooms	3				
Full Baths	1				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating	GD	Good			
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Rating	GD	Good			
WS Flues	1				
Color	GREY RED TR				
Avg H/WFL	8				
Extra Kitchens	0				

COST / MARKET VALUATION

Building Value New	274,054
Year Built	1978
Effective Year Built	2003
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	19
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	81
RCNLD	222,000
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

SKETCH / PRIMARY PHOTO



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

Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
SHEDNV	Shed No Value - Less Than 1	L	56	UNITS	0.00	2010	AV	60	0
SHEDNV	Shed No Value - Less Than 1	L	80	UNITS	0.00	1980	AV	60	0
XFRFRM	Rec Room,Fin,BMT	B	618	SQ. FT	45.00	1978	AV	81	22,500

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,236	309	43.86	54,214
FFL	First Floor, Finished	1,236	1,236	1,236	175.45	216,857
WDK	Wood Deck, or Composite Dk	0	168	17	17.75	2,983
Total Liv Area/Gr. Area/Eff Are		1,236	2,640	1,562	Total Value	274,054



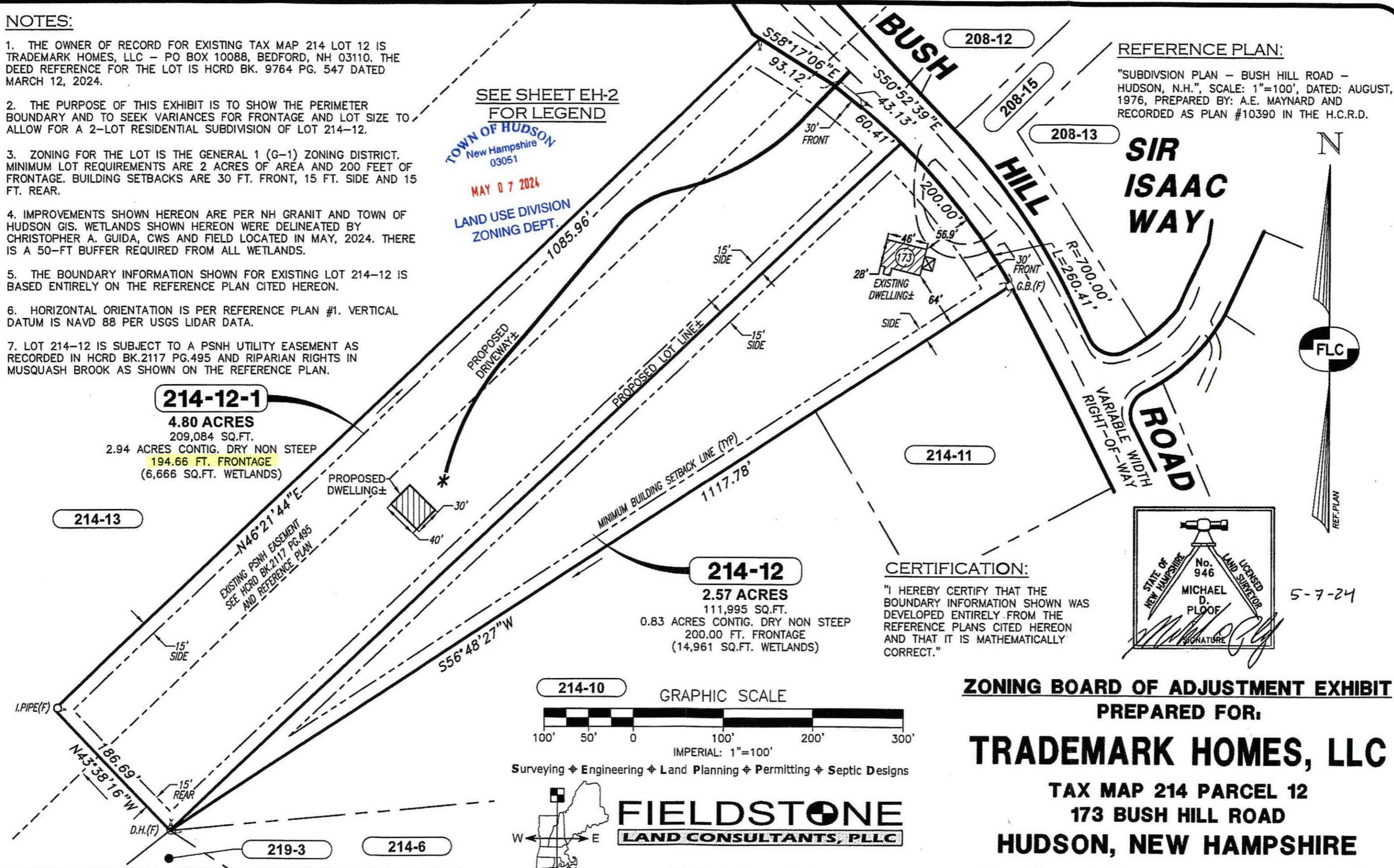


NOTES:

1. THE OWNER OF RECORD FOR EXISTING TAX MAP 214 LOT 12 IS TRADEMARK HOMES, LLC - PO BOX 10088, BEDFORD, NH 03110. THE DEED REFERENCE FOR THE LOT IS HCRD BK. 9764 PG. 547 DATED MARCH 12, 2024.
2. THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE PERIMETER BOUNDARY AND TO SEEK VARIANCES FOR FRONTAGE AND LOT SIZE TO ALLOW FOR A 2-LOT RESIDENTIAL SUBDIVISION OF LOT 214-12.
3. ZONING FOR THE LOT IS THE GENERAL 1 (G-1) ZONING DISTRICT. MINIMUM LOT REQUIREMENTS ARE 2 ACRES OF AREA AND 200 FEET OF FRONTAGE. BUILDING SETBACKS ARE 30 FT. FRONT, 15 FT. SIDE AND 15 FT. REAR.
4. IMPROVEMENTS SHOWN HEREON ARE PER NH GRANIT AND TOWN OF HUDSON GIS. WETLANDS SHOWN HEREON WERE DELINEATED BY CHRISTOPHER A. GUIDA, CWS AND FIELD LOCATED IN MAY, 2024. THERE IS A 50-FT BUFFER REQUIRED FROM ALL WETLANDS.
5. THE BOUNDARY INFORMATION SHOWN FOR EXISTING LOT 214-12 IS BASED ENTIRELY ON THE REFERENCE PLAN CITED HEREON.
6. HORIZONTAL ORIENTATION IS PER REFERENCE PLAN #1. VERTICAL DATUM IS NAVD 88 PER USGS LIDAR DATA.
7. LOT 214-12 IS SUBJECT TO A PSNH UTILITY EASEMENT AS RECORDED IN HCRD BK.2117 PG.495 AND RIPARIAN RIGHTS IN MUSQUASH BROOK AS SHOWN ON THE REFERENCE PLAN.

SEE SHEET EH-2 FOR LEGEND
 TOWN OF HUDSON
 New Hampshire
 03051
 MAY 07 2024
 LAND USE DIVISION
 ZONING DEPT.

REFERENCE PLAN:
 "SUBDIVISION PLAN - BUSH HILL ROAD - HUDSON, N.H.", SCALE: 1"=100', DATED: AUGUST, 1976, PREPARED BY: A.E. MAYNARD AND RECORDED AS PLAN #10390 IN THE H.C.R.D.



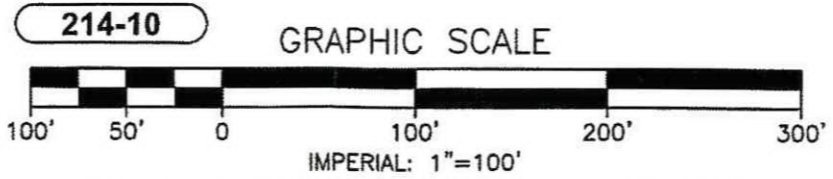
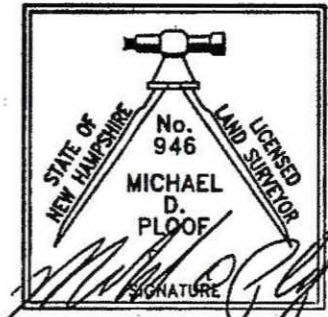
214-12-1

4.80 ACRES
 209,084 SQ.FT.
 2.94 ACRES CONTIG. DRY NON STEEP
 194.66 FT. FRONTAGE
 (6,666 SQ.FT. WETLANDS)

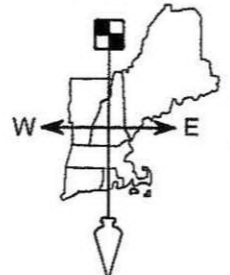
214-12

2.57 ACRES
 111,995 SQ.FT.
 0.83 ACRES CONTIG. DRY NON STEEP
 200.00 FT. FRONTAGE
 (14,961 SQ.FT. WETLANDS)

CERTIFICATION:
 "I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED ENTIRELY FROM THE REFERENCE PLANS CITED HEREON AND THAT IT IS MATHEMATICALLY CORRECT."



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FIELDSTONE
 LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
 Phone: (603) 672-5456 Fax: (603) 413-5456
 www.FieldstoneLandConsultants.com

ZONING BOARD OF ADJUSTMENT EXHIBIT
 PREPARED FOR:

TRADEMARK HOMES, LLC
 TAX MAP 214 PARCEL 12
 173 BUSH HILL ROAD
 HUDSON, NEW HAMPSHIRE

SCALE: 1" = 100' MAY 6, 2024

REV.	DATE	DESCRIPTION	C/O	DR	CK

CERTIFICATION:

WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE US ARMY CORPS OF ENGINEERS 1987 WETLANDS DELINEATION MANUAL Y-87-1, 2012 REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHEAST AND NORTHCENTRAL REGION (VER. 2.0), AND FIELD INDICATORS FOR HYDRIC SOILS IN NEW ENGLAND (VER. 4.0), BY CHRISTOPHER A. GUIDA, C.W.S. IN MAY, 2024.



5-7-24
TOWN OF HUDSON
 New Hampshire
 03051
 MAY 07 2024
 LAND USE DIVISION
 ZONING DEPT.

- LEGEND:**
- RIGHT-OF-WAY LINE
 - BOUNDARY LINE
 - - - - ABUTTING LOT LINE
 - - - - BUILDING SETBACK LINE
 - - - - PROPOSED LOT LINE
 - - - - EXISTING PSNH EASEMENT
 - EDGE OF PAVED ROAD
 - DELINEATED WETLANDS
 - - - - WETLANDS BUFFER LINE
 - 214-12 TAX MAP & LOT NUMBER
 - DENOTES STEEP SLOPES (>25%)

SEE SHEET EH-1
 FOR NOTES &
 REFERENCE PLAN

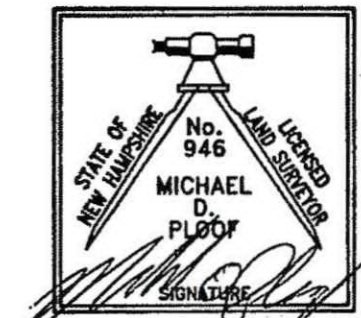


214-12-1
4.80 ACRES
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 194.66 FT. FRONTAGE
 (6,666 SQ.FT. WETLANDS)

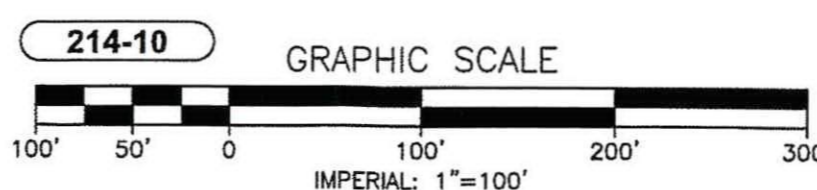


214-12
2.57 ACRES
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 0.83 ACRES CONTIG. DRY NON STEEP
 200.00 FT. FRONTAGE
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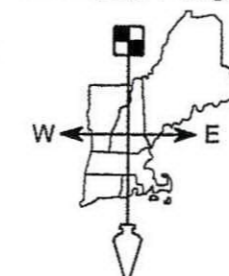
CERTIFICATION:
 "I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED ENTIRELY FROM THE REFERENCE PLANS CITED HEREON AND THAT IT IS MATHEMATICALLY CORRECT."



5-7-24



Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs



FIELDSTONE
LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
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 www.FieldstoneLandConsultants.com

ZONING BOARD OF ADJUSTMENT EXHIBIT
PREPARED FOR:

TRADEMARK HOMES, LLC
TAX MAP 214 PARCEL 12
173 BUSH HILL ROAD
HUDSON, NEW HAMPSHIRE

SCALE: 1" = 100' MAY 6, 2024

FILE: 3823EH00.dwg SHEET EH-2 PROJ. NO. 3823.00 SHEET NO. 2 OF 2

REV.	DATE	DESCRIPTION	C/O	DR	CK

Printed
5/07/2024
3:24PM
Created
5/07/2024
3:18 PM

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

Receipt# 773,496
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Applications- 5/23/24 ZBA Meeting 173 Bush Hill Rd Map 214 Lot 012-000 Zone G-1			
	Variance a- Lot Area	0.00	237.8400	0.00
	Variance b- Frontage	0.00	185.0000	0.00
			Total:	422.84

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Trademark Homes LLC	CHECK	CHECK 1287	422.84	0.00	422.84

Total Due:	422.84
Total Tendered:	422.84
Total Change:	0.00
Net Paid:	422.84



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 – April 25, 2024 - draft

The Hudson Zoning Board of Adjustment met Thursday, April 25, 2024, 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

At 7:05 PM Chairman Daddario announced that they would wait a few more minutes before starting the meeting. At 7:09 PM, Mr. Daddario called the meeting to order, 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 for the meeting.

III. ATTENDANCE

Clerk Dion called the attendance. Members present were Gary Daddario (Regular/Chair), Tristan Dion (Alternate/Clerk), Tim Lanphear (Regular), and Dean Sakati (Regular). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. Excused was Normand Martin (Regular/Vice Chair). Marcus Nicolas (Regular) has resigned. All Members present voted.

IV. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

- 1. Case 168-097 (04-25-24):** Marc and Mary Fauteux, **13 Frenette Drive, Hudson, NH** requests an Equitable Waiver of Dimensional Requirement to allow a 10 ft. x 12 ft. shed to remain in its current location which completely encroaches the side & rear yard setbacks where 15 feet is required in both setbacks. [Map 168, Lot 097, Sublot-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.II.]

Mr. Sullivan read the Case into the record, referred to his Staff Report initialed 4/16/2024 and noted that the aerials included showed the shed existed in 2005 and that the Zoning violation was noticed on the plot plan submitted for the Building Permit #2023-01422 to do renovations on 11/6/2023.

Marc Fauteux introduced himself as the owner of 13 Frenette Drive with his wife, noted that they actually live at 8 Frenette Drive, that they bought the property in September 2023 with the intent of doing renovations and selling it. Mr. Fauteux stated that he submitted a certified plot plan prepared by M. J. Grainger

Not Official until reviewed, approved and signed.

D R A F T

47 Engineering, Inc., dated 10/18/2023 with the Building Permit application to do the
48 renovations that showed the shed in the rear of the property in the back corner
49 within the setbacks and another shed within the setback that has no walls, just a
50 roof on poles, close by the house. That was when he first heard, via a letter from the
51 Town, that he was in violation. Both structures existed on the property when it was
52 purchased in 2023. The shed closest to the house will be removed next week. The
53 shed in the rear corner is a nice looking shed tucked in with the evergreens so as not
54 to be visible to his neighbor and added that the back of his lot has a chain link
55 fence, that the lot behind his is owned by the Town and that his property has a steep
56 drop off. Mr. Fauteux stated that there would be a high correction cost to relocate
57 the shed as it rests on post footings which would need to be installed in another
58 location and the shed would need to be taken apart to relocate.
59

60 Mr. Daddario asked when the shed was placed in the back corner. Mr. Fauteux
61 stated that it existed when he bought the property and that the prior owners were
62 Mr. and Mrs. Mike Millette. Mr. Sullivan stated that BP # 2004-574 to construct a
63 10'x12' shed dated 5/6/2004 was denied based on the proposed location to be in
64 violation of the Zoning Ordinance and that it appears a revised location outside of
65 the setbacks was selected and referenced Exhibit C of his Staff Report and noted
66 that the then proposed location is not in agreement with the Certified Plot Plan. It
67 was also noted that the shed has existed in violation of the setbacks for more than
68 ten (10) years.
69

70 Mr. Daddario opened the meeting to Public testimony at 7:24 PM. Mary Fauteux, co-
71 owner of 13 Frenette Drive, stated that she is in favor of granting this waiver, that
72 the shed is a nice looking shed and not a bother and existed in its current location
73 when they bought the property. Being no one else to speak, Mr. Daddario closed the
74 public hearing at 7:25 PM.
75

76 Mr. Lanphear made the motion to approve the request and grant the Equitable
77 Waiver of Dimensional Requirement. Mr. Sakati seconded the motion. Mr.
78 Lanphear spoke to his motion stating that it has existed for more than ten (10) years
79 and has received no complaints for its existence and does not create a nuisance as it
80 is well shielded with greenery and presents a high correction cost to relocate. Mr.
81 Sakati spoke to his second noting that the shed is tucked in the back with the
82 greenery and that he is in full agreement with Mr. Lanphear on why this request
83 should be granted.
84

85 Mr. Dion voted to grant for the same reasons, that the criteria have been satisfied.
86 Mr. Daddario voted to grant noting that the shed has existed since 2005, that it has
87 presented no nuisance and that there is a high correction cost to relocate as the
88 shed is built on post footings.
89

90 Roll call vote was 4:0. Motion passed, Equitable Waiver granted. The 30-day
91 Appeal Period was noted.
92

93 When questioned, Mr. Daddario stated that in order for a request to be granted, it
94 requires three (3) affirming votes, that Mr. Dion voted which brought the count to a

95 maximum of four (4) and the motion presented received affirmation from all four (4)
96 voting Members.

97

98 **V. REQUEST FOR REHEARING:**

99 No requests were presented for Board consideration.

100

101 **VI. REVIEW OF MINUTES:**

102 03/28/2024 edited draft Meeting Minutes

103

104 Mr. Lanphear stated that he found that no edits were needed. Mr. Daddario stated
105 that he only found one grammatical error where “Mr.” was represented as “Mt.”. Mr.
106 Lanphear made the motion to approve the 3/28/2024 with Mr. Daddario’s edit. Mr.
107 Sakati seconded the motion. Vote was unanimous at 4:0. The 3/28/2024 Minutes
108 were approved as edited.

109

110 4/11/2024 draft Meeting Minutes

111

112 Mr. Lanphear stated that he found that no edits were needed. No one else had edits
113 either. Mr. Lanphear made the motion, seconded by Mr. Sakati, to approve the
114 4/11/2024 as is. Vote was unanimous (4:0). The 4/11/2024 Minutes were
115 approved.

116

117 **VII. OTHER:**

- 118 • OSI Conference: Reminder: 2024 NH Office of Planning and Development’s
119 **Spring 2024 Planning and Zoning Conference.** Free full day online conference
120 on **Saturday, May 11, 2024** from **8:45 AM to 3:30 PM**. Registration is open. See
121 details on flyer or visit the website link: [https://www.nheconomy.com/office-of-](https://www.nheconomy.com/office-of-planning-and-development/what-we-do/municipal-and-regional-planning-assistance/osi-planning-and-zoning-conferences/)
122 [planning-and-development/what-we-do/municipal-and-regional-planning-](https://www.nheconomy.com/office-of-planning-and-development/what-we-do/municipal-and-regional-planning-assistance/osi-planning-and-zoning-conferences/)
123 [assistance/osi-planning-and-zoning-conferences/](https://www.nheconomy.com/office-of-planning-and-development/what-we-do/municipal-and-regional-planning-assistance/osi-planning-and-zoning-conferences/)
124

125

126 Mr. Dumont stated that these sessions are very very helpful and encouraged each
127 Member to attend. Mr. Sullivan noted that registration is required, that
128 registration is now open and the link is provided above.

129

- 129 • Resignation of Marcus Nicolas:

130 Mr. Daddario announced that Regular Member Marcus Nicolas resigned a couple
131 of weeks ago and thanked him for his service.

132

- 133 • ZBA Members needed:

134 Mr. Daddario noted that the ZBA is in need of more Members and addressed the
135 general public asking that they consider joining the Board.

136

137 **VIII. ADJOURNMENT**

138 Motion made by Mr. Lanphear, seconded by Mr. Sakati and unanimously voted to
139 adjourn the meeting. The 4/25/2024 ZBA meeting adjourned at 7:30 PM.

140

141

142

143 Respectfully submitted,

144 Louise Knee, Recorder _____