

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 – August 22, 2024

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday, August 22, 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 the ramp entrance at right side.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ATTENDANCE

IV. SEATING OF ALTERNATES

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 151-059 (08-22-24):** John Gargas, owner of Barrett Hill, LLC, 21 Continental Blvd., Door #4, Merrimack, NH requests a Variance for **75 Barretts Hill Rd.**, Hudson, NH to allow the construction of 13 condex/duplex units with the firewall located between the garages versus a firewall located between the principal dwelling units. [Map 151, Lot 059, Sublot-000; Zoned General-One (G-1); HZO Article II: Terminology; §334-6, Definitions, Duplex]

VI. REQUESTS FOR REHEARING:

1. **Case 165-049 (06-27-24) (Request deferred from 07-25-24):** Manuel D. Sousa of Sousa Realty & Development Corp., 46 Lowell Rd., Hudson, NH requests a rehearing of a Variance request for **36 Campbello St.**, Hudson, NH which was denied for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district.
2. **Case 165-021 (07-11-2024):** Brendan Burke, Manager for Keystone Estates, LLC, 343R High St., Hingham, MA requests a rehearing of an Appeal from an Administrative Decision request for **12-14 Gambia St.**, Hudson, NH where a Code Enforcement – Notice of Violation Cease & Desist letter dated May 8, 2024 was upheld by the Zoning Board of Adjustment.

VII. REVIEW OF MINUTES:

07/11/2024 draft Meeting Minutes
07/25/2024 draft Meeting Minutes

VIII. OTHER BUSINESS:

IX. ADJOURNMENT:



Chris Sullivan, Zoning Administrator

Public Notices...

They're how you know!

Public Notices help citizens to stay alert to what is happening in the community

New Hampshire Union Leader

and **New Hampshire Sunday News**

make it easy for you.

Call or email us at **603-668-4321 x 264**

or **legals@unionleader.com**

Legal Notice

STATE OF NEW HAMPSHIRE LIQUOR COMMISSION INVITATION TO SUBMIT PROPOSAL FOR: COMPACTOR REPAIR AND MAINTENANCE

The New Hampshire Liquor Commission ("NHLC" or "State") seeks to procure services for compactor services including repair and maintenance, at various NHLC Liquor and Wine Outlet store locations throughout New Hampshire. The deliverables and the NHLC's requirements are set forth in a Request for Proposal (RFP) document. Responses must be in compliance with the RFP's specifications. The RFP can be obtained by contacting Janet Donnelly via email only at janet.donnelly@liquor.nh.gov, or by downloading it at: <https://gov.liquorandwineoutlets.com/>

Completed proposals must be returned to the Liquor Commission no later than 2:00 PM on Thursday, August 29, 2024. (UL - Aug. 12, 13, 14)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **Michael M. McDonnell and Angela McDonnell** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for Nationstar Mortgage, LLC d/b/a Mr. Cooper, and now held by **Federal National Mortgage Association** (the "Mortgagee"), said mortgage dated August 20, 2021, and recorded in the Carroll Registry of Deeds in Book 3614, Page 675, (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 **September 20, 2024 at 04:00 PM**

Said sale to be held on the mortgaged premises hereinafter described and having a present address of **32 Mountain Rd, Center Tuftonboro (Tuftonboro), Carroll County, NH 03816.**

NOTICE

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

The name and address of the mortgagee's agent for service of process is Federal National Mortgage Association, c/o R. Scott Luttrull, 5600 Granite Parkway, Plano, TX 75024. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at nhbdbanking.nh.gov.

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

TERMS OF SALE

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

right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale.

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

Federal National Mortgage Association
By its Attorney,
Bozenna Wysocki
Brock & Scott, PLLC
270 Farmington Avenue
Suite 151
Farmington, CT 06032
(UL - July 31; Aug. 7, 14)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Jason Thibeault** ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for Family Choice Mortgage Corporation, dated March 21, 2008 and recorded in the Hillsborough County Registry of Deeds in Book 7965, Page 1599, (the "Mortgage"), which mortgage is held by Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2018-2, 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 **September 25, 2024 at 5:00 PM**

Said sale being located on the mortgaged premises and having a present address of 14 Bond Street, Brookline, Hillsborough County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor's(s) title see deed recorded with the Hillsborough County Registry of Deeds in Book 7965, Page 1596.

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 4000 Chemical Road Suite 200, Plymouth Meeting, PA 19462 and the name of the mortgagee's agent for service of process is Shellpoint Mortgage Servicing.

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

The Property will be sold subject to all unpaid real estate taxes and all other liens and encumbrances which may be entitled to precedence over the 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 July 29, 2024.

Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2018-2
By its Attorney,
Nicholas J Danforth
Harmon Law Offices, P.C.
PO Box 610389
Newton Highlands, MA 02461
617-558-0500
25825

(UL - Aug. 7, 14, 21)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **Emin Halilovic and Nikolija Mujakovic** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc. as nominee for GreenPoint Mortgage Funding, Inc., and now held by **RRA CP Opportunity Trust 1** (the "Mortgagee"), said mortgage dated April 10, 2007, and recorded in the Hillsborough Registry of Deeds in Book 7833, Page 2905, (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 **September 23, 2024**

at **04:00 PM**
Said sale to be held on the mortgaged premises hereinafter described and having a present address of **613 Dix Street, Manchester, Hillsborough County, NH 03103.**

NOTICE

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

The name and address of the mortgagee's agent for service of process is RRA CP Opportunity Trust 1 c/o Wilmington Savings Fund Society, FSB, 500 Delaware Avenue, 11th Floor, Wilmington, DE 19801. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at nhbdbanking.nh.gov.

Said auction is subject to a mortgage recorded in the Hillsborough Registry of Deeds in Book 7833, Page 2886.

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 August 9, 2024.

RRA CP Opportunity Trust 1
By its Attorney,
Bozenna Wysocki
Brock & Scott, PLLC
270 Farmington Avenue
Suite 151
Farmington, CT 06032
(UL - Aug. 14, 21, 28)

Public Notices...

your right to know!

Read them in **New Hampshire Union Leader** and **New Hampshire Sunday News** and online at **www.unionleader.com**

Legal Notice

Public Auction
Queen City Towing LLC
449 Hayward Street
Manchester, NH 03103
August 14, 2024 at 10:00 am
1998 Land Rover Range Rover
SALPV1447WA393302
2016 Nissan Maxima
1N4AA6AP5GC441296
2004 GMC Sierra 3500
1GDJK34U44E393597
2006 Volkswagen Beetle
3VWRG31C46M423101
2020 Hyundai ELANTRA
5NPD84LF2LH534044
(UL - Aug. 14)

Legal Notice

THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH NH CIRCUIT COURT
9th Circuit - Family Division - Manchester
35 Amherst St.
Manchester NH 03101-1801
Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>
CITATION FOR SERVICE BY PUBLICATION - ABUSE/NEGLECT OF CHILD(REN)
TO: JOSE RUEDA
LKA: 33 SOUTH RIVER RD.
BEDFORD, NH 03110
formerly of and now parts unknown
Case Number: **656-2024-JV-00212 & 656-2024-JV-00213**
Preliminary Hearing
A petition has been filed, pursuant to RSA 169-C, alleging your child(ren) has/have been abused/neglected. You are hereby cited to appear at Court, as set

forth below, to address the pending petition. If you are named in the petition as the parent alleged to have abused/neglect your child(ren), you are a petitioned parent. If you are not named in the petition as alleged to have abused/neglected your child, you are a non-petitioned parent.

Date: September 03, 2024
Time: 10:00 AM
Time Allotted: 1 Hour
35 Amherst Street
Manchester, NH 03101
Courtroom 302-9th Circuit-Family Division-Manchester
CAUTION TO RESPONDENT

It is very important that you personally appear in this Court on the date, time and place provided in this notice. If you fail to personally appear, you will be defaulted and will waive your right to object to any findings made by the Court and orders issued, including but not limited to those made and issued as follows:

- At a Preliminary Hearing, the Court will determine whether there is reasonable cause to find your child(ren) is/are abused/neglected;

- At a Notification of Rights and Consequences hearing for a non-petitioned parent, the Court will inform the parent about the impact of a finding of abuse/neglect on their parental rights;

- At an Adjudicatory Hearing, the Court will determine whether there is sufficient evidence of abuse/neglect of your child(ren) and if so, will make a finding and schedule a dispositional hearing; and
- At a Dispositional Hearing, the Court will issue a final order of abuse/neglect and issue orders for the conditions of abuse/neglect that must be corrected by parents.

Further, by failing to appear you will not be able to provide the Court with your current address, and thus the Court will have no ability to notify you of subsequent RSA 169-C hearings.

IMPORTANT RIGHTS OF PARENTS

WHETHER YOU ARE A PETITIONED OR NON-PETITIONED PARENT, IF THE COURT DETERMINES, OR HAS DETERMINED, THERE IS EVIDENCE YOUR CHILD(REN) IS(ARE) ABUSED/NEGLECTED, THE COURT'S ORDERS WILL AFFECT YOU AND YOUR CHILD(REN) AND MAY AFFECT YOUR PARENTAL RIGHTS, INCLUDING THE POSSIBILITY THAT YOUR PARENTAL RIGHTS MAY BE TERMINATED. THE POSSIBLE CONSEQUENCES TO YOUR PARENTAL RIGHTS MAY BE REVIEWED BY CLICKING ON THE COURT FORM, "Acknowledge of Possible Consequences to Parental Rights in Abuse & Neglect Cases" (**NHJB-2209-F**) at www.courts.nh.gov/courts/circuit-court/family-division/forms/juvenile-abuse-and-neglect.

Once you appear, you have the right to oppose the proceedings and to present evidence. Pursuant to RSA 169-C:10, II(a), a petitioned parent has the right to an attorney, and if such parent cannot afford an attorney, an attorney will be appointed by the Court. The Court has the discretion to appoint an attorney for a non-petitioned parent who is a household member, if such parent cannot afford an attorney. In either of these circumstances, please contact the court to obtain a financial affidavit if you wish to request court-appointed counsel. The Court has no statutory authority to appoint an attorney for a non-petitioned parent who is not a household member, however such parent may hire their own attorney.

Additional information may be obtained from the Family Division Court identified in the heading of this Citation.

If you will need an interpreter or other accommodations for this hearing, please contact the Court immediately.
Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625:11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT

August 07, 2024
Mary A. Barton, Clerk of Court (656950)
C: DCYF - Manchester District Office: Lisa M Rutherford, ESQ (UL - Aug. 14, 21)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Althea M. Carreiro, Edgar M. Carreiro** ("the Mortgagor(s)") to Beneficial Mortgage Co. of New Hampshire, dated September 3, 2004 and recorded in the Strafford County Registry of Deeds in Book 3063, Page 485 and as affected by a judgment dated March 27, 2024 and recorded with said Registry on April 5, 2024, in Book No. 5175, at Page 472, (the "Mortgage"), which mortgage is held by U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, not in its individual capacity but solely as indenture trustee, for the holders of the CIM Trust 2021-R2, Mortgage-Backed Notes, Series 2021-R2, 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 **September 13, 2024 at 2:00 PM**

Said sale being located on the mortgaged premises and having a present address of 696 Long Shores Drive, Barrington, Strafford County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor's(s) title see deeds recorded with the Strafford

County Registry of Deeds in Book 1816, Page 359, Book 1828, Page 83, Book 1024 Page 779 and Book 1024, Page 778.

NOTICE

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

The address of the mortgagee for service of process is 10 Ferry Street Suite 313, Concord, NH 03301 and the name of the mortgagee's agent for service of process is Corporation Service Company d/b/a Lawyers Incorporating Service.

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

The Property will be sold subject to all unpaid real estate taxes and all other liens and encumbrances which may be entitled to precedence over the 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 July 23, 2024.

U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, not in its individual capacity but solely as indenture trustee, for the holders of the CIM Trust 2021-R2, Mortgage-Backed Notes, Series 2021-R2
By its Attorney,
Nicholas J Danforth
Harmon Law Offices, P.C.
PO Box 610389
Newton Highlands, MA 02461
617-558-0500
24486

(UL - July 31; Aug. 7, 14)

Legal Notice

MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **Lori Aldrich** to Envoy Mortgage, Limited Partnership, dated October 18, 2017 and recorded with the Cheshire County Registry of Deeds in Book 3004, Page 426, of which mortgage Federal National Mortgage Association 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 **158 Crowningshield Road, Chesterfield, Cheshire County, New Hampshire** will be sold at a Public Auction at **12:00 PM on September 4, 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 Cheshire County Registry of Deeds in Book 3004, Page 424.

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 AGENT FOR SERVICE OF PROCESS IS:

FEDERAL NATIONAL MORTGAGE ASSOCIATION, Attn: R. Scott Luttrull, Associate General Counsel, Granite Park VII, 5600

Granite Parkway, Plano, TX 75024 (Mortgagee)

You can contact the New Hampshire Banking Department at 53 Regional Drive #200, Concord, NH 03301 Tel (603) 271-3561 and by email at nhbdbanking.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 encumbrances, 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.
Federal National Mortgage Association
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
DOV 24-045826 Aldrich

Public Notices...

They're how you know!

Public Notices help citizens to stay alert to what is happening in the community

New Hampshire Union Leader

and **New Hampshire Sunday News**

make it easy for you.

Call or email us at **603-668-4321 x 264**

or **legals@unionleader.com**

TOWN OF HUDSON ZONING BOARD OF ADJUSTMENT Notice of Public Meeting & Hearing THURSDAY, AUGUST 22, 2024

The Hudson Zoning Board of Adjustment will hold a public meeting on **Thursday, August 22, 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 APPLICATION BEFORE THE BOARD:

1. **Case 151-059 (08-22-24):** John Gargas, owner of Barrett Hill, LLC, 21 Continental Blvd., Door #4, Merrimack, NH requests a **Variance for 75 Barretts Hill Rd.**, Hudson, NH to allow the construction of 13 condex/duplex units with the firewall located between the garages versus a firewall located between the principal dwelling units. [Map 151, Lot 059, Sublot-000; Zoned General-One (G-1); HZO Article II: Terminology; §334-6, Definitions, Duplex]

Chris Sullivan, Zoning Administrator

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



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: August 22, 2024

Case 151-059 (08-22-24): John Gargas, owner of BARRETT HILL, LLC, 21 Continental Blvd., Door 4, Merrimack, NH requests a Variance for 75 Barretts Hill Rd., Hudson, NH to allow the construction of 13 condex/duplex units with the firewall located between the garages versus a firewall located between the principal dwelling units. [Map 151, Lot 059, Sublot-000; Zoned General-One (G-1); HZO Article II: Terminology; §334-6, Definitions, Duplex]

Address: 75 Barretts Hill Rd.
Map 151, Lot 059-000,

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 1,540,281 sq. ft. where 87,120 is required. The lot is classified as a vacant lot. The Planning Board approved the Barretts Hill Rd subdivision on March 27, 2024. The variance in question is purely of building design, not location. The building design is not in the purview of the Planning Board.

History/Attachments:

Plans:

Elevations of Condos 5-29-24 (See Packet)
Master Subdivision Packet 6-12-24 (see Packet)

BUILDING PERMITS

ZONING ADMINISTRATOR/CODE

ENFORCEMENT AND OTHER

CORRESPONDENCE

- A: Zoning Determination #22-028** (3-16-22)
- B: Planning Board** "Notice of Approval 3-27-24 (June 4, 2024)
- C: Zoning Determination #24-075** (8-7-24)

AERIAL / PHOTOS

Aerials (2024) 75 Barretts Hill Rd

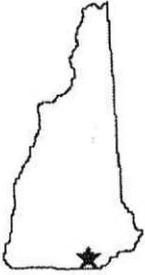


In-House comments:

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

DEPARTMENTAL COMMENT SHEETS

- D: Engineering** - Request for review (8-8-24)
- E: Inspectional Services/Fire Dept.** Request for review (8-8-24)
- F: Planning Department** - Request for review (8-9-24)



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #22-028

March 16, 2022

Sean Hamel
115 Barretts Hill Rd
Hudson, NH 03051

Re: 75 Barretts Hill Rd Map 151 Lot 059 and 115 Barretts Hill Rd Map 152 Lot 003
District: General One (G-1)

Dear Mr. Hamel,

Your requests: 1) If Map 151 Lot 059 can be subdivided as shown on attachment "A" 2) Can Map 152 Lot 003 have a deeded Access Easement through this lot to use as the frontage/access for lot # 1 as shown on Attachment "A"?

Zoning Review / Determination:

All lot subdivisions need to satisfy Article VII Dimensional Requirements, being mindful that: "*The minimum lot area shall be contiguous land and shall not be separated by a wetland, a waterway, or a right-of-way. The minimum lot area shall not contain wetland, as defined by the Hudson Zoning Ordinance, and shall contain no slopes in excess of 25%.*"

Lot #2 has insufficient frontage of 113 ft where 200 ft is required per §334-27 Table of Minimum Dimensional Requirements.

Lot 1 does not satisfy the frontage requirements of §334-6 Definitions.

Please note that any wetland and/or wetland buffers impacted on this parcel would need to satisfy NH DES and Town of Hudson Article IX Wetland Conservation District requirements respectively.

If you wish to pursue with this proposal as shown as Attachment "A", Variances would be required from the Zoning Board of Adjustment.

You may want to consult with Elvis Dhima – Town Engr (603) 886-6008 as to the Driveway regulations for access onto the proposed lots.

Sincerely,

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

A

Bruce Buttrick
Zoning Administrator/Code Enforcement Officer
(603) 816-1275
bbuttrick@hudsonnh.gov

encl: Attachment "A"
cc: Public Folder
B. Groth, Town Planner
E. Dhima, Town Engr
File

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



B

TOWN OF HUDSON

Planning Board

Timothy Malley, Chairman Robert Guessferd, Selectmen Liaison



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

NOTICE OF APPROVAL

June 4, 2024

Owner or Applicant: BARRETT HILL, LLC
21 CONTINENTAL BOULEVARD, DOOR #4
MERRIMACK, NH 03054

On Wednesday, March 27, 2024, the Hudson Planning Board heard subject case **SB# 08-23 "Barrett Hill LLC Open Space Development Subdivision Plan"**.

SUBJECT: TO DEPICT A THIRTEEN (13) LOT OPEN SPACE SUBDIVISION ON MAP 151, LOT 059, AND ALL ASSOCIATED IMPROVEMENTS.

LOCATION: 75 BARRETT'S HILL ROAD, MAP 151/LOT 059

March 27, 2024:

ACCEPTANCE:

The Planning Board accepted the subdivision application for the Barrett Hill Subdivision SB# 08-23, Map 151 / Lot 059.

The Planning Board made a motion that prior to Planning Board endorsement of the Plan, the applicant shall incorporate necessary NHDES protective well radius easements on the subdivision plan to be recorded at the HCRD.

May 29, 2024:

WAIVER:

The Planning Board granted the requested waiver §289-37.A – Plan Schedule and form, to not require a minimum construction time of two years, where it would typically be required, based on the Board's discussion, the testimony of the Applicant's representative, and in accordance with the language included in the submitted Waiver Request Form for said waiver.

APPROVAL:

The Planning Board approved the subdivision plan entitled: Barrett Hill Subdivision SB# 08-23, Map 151/Lot 059, 75 Barretts Hill Road, Hudson, New Hampshire; prepared by: Keach-Nordstrom Associates, 10 Commerce Park North Suite 3B, Bedford, NH 03110; prepared for: Barrett Hill, LLC, 21 Continental Boulevard, Merrimack NH 03054, consisting of twenty-four sheets, and general notes 1-30 on sheet 1; dated December 6, 2023, last revised May 14, 2024; and:



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

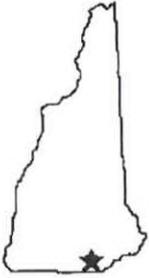
Subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Plan.
2. Prior to Planning Board endorsement of the subdivision Plan-of-Record, Town Counsel shall favorably recommend on the Development Agreement, Declaration of Covenants and Restrictions, Sight Distance, Drainage, and Cistern Easement Deeds.
3. A cost allocation procedure (CAP) amount of \$6,194.00 per unit for single-family residential, or of \$5,679.00 per unit within a duplex shall be paid prior to the issuance of a Certificate of Occupancy for the new house lots.
4. All monumentation shall be set or bonded for prior to Planning Board endorsement of the Plan-of-Record.
5. Prior to the Planning Board endorsement of the Plan, it shall be subject to final administrative review by Town Planner and Town Engineer.
6. Prior to the Planning Board endorsement of the Plan, all necessary NHDES protective well radius easements marked on sheets 6 & 7 shall be recorded at the HCRD.
7. Maintenance of the onsite drainage system shall be constructed and maintained in compliance with local and NHDES requirements for such systems, and the perpetual maintenance of the stormwater treatment structures and treatment and pocket pond outside of the ROW, shall be the responsibility of the future homeowner's association comprised of all the homeowners within this subdivision.
8. Construction activities involving the proposed undeveloped lots shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.
9. If lot development involves blasting and/or ramming of bedrock materials, said activities shall be limited to the hours between 7:00 A.M. and 5:00 P.M. Monday through Friday only. Said blasting/ramming activities shall be prohibited on Saturday and Sunday.
10. Stones from stonewalls removed due to construction activity shall be reused onsite to construct new stonewalls or for other ornamental or landscaping purposes.

Signed:  _____ Date: 7/24/2011

Timothy Malley
Chairman

cc: Keach-Nordstrom Associates, Inc.
Elvis Dhima, Town Engineer
Inspectional Services



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-075

August 7, 2024

John Gargasz
21 Continental Blvd, Door 4
Merrimack, NH 03054

Re: 75 Barretts Hill Road Map 151 Lot 059-000 & Map 151 Lot 059-1-10 & 152 Lot 070, 071, 072 -000

District: General One (G-1)

Dear Mr. Gargasz,

Your request: To construct condexes with garages separating dwelling units.

Zoning Review / Determination:

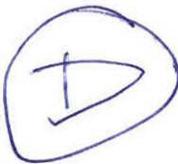
To construct a duplex with garages and a firewall separating the living spaces, as opposed to just a firewall conjoining the units is a deviation from the definition of **Duplex** as defined in §334-6 – **Definitions** as: “A residential principal building with two DWELLING UNITS, separated either vertically or horizontally, by a firewall, and with each unit having a separate entrance.”. Construction of the “dumbbell” style duplex design requested requires a variance from the Zoning Board of Adjustment. It is noted that the Planning Board has approved this project as of May 29, 2024. The variance in question is purely of building design, not location.

Sincerely,

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

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

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



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

REQUEST FOR REVIEW/COMMENTS:

Case: 151-059 (08-22-24) **(VARIANCE)**

Property Location: 75 Barretts Hill Rd

For Town Use

Plan Routing Date: 08/08/2024 Reply requested by: 08/12/2024 ZBA Hearing Date: 08/22/2024

I have no comments I have comments (see below)

EZD _____ Name: Elvis Dhima, P.E. Date: 08/08/2024
(Initials)

DEPT: Town Engineer Fire/Health Department Associate Town Planner

E

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

REQUEST FOR REVIEW/COMMENTS:

Case: 151-059 (08-22-24) **(VARIANCE)**

Property Location: 75 Barretts Hill Rd

For Town Use

Plan Routing Date: 08/08/2024 Reply requested by: 08/12/2024 ZBA Hearing Date: 08/22/2024

I have no comments I have comments (see below)

DRH Name: David Hebert Date: 08/08/2024
(Initials)

DEPT:
 Town Engineer Fire/Health Department Associate Town Planner

[Empty box for comments]

F

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

REQUEST FOR REVIEW/COMMENTS:

Case: 151-059 (08-22-24) (**VARIANCE**)

Property Location: 75 Barretts Hill Rd

For Town Use

Plan Routing Date: 08/08/2024 Reply requested by: 08/12/2024 ZBA Hearing Date: 08/22/2024

I have no comments I have comments (see below)

BWG _____ Name: Ben Witham-Gradert Date: 08/09/2024
(Initials)

DEPT. Town Engineer Fire/Health Department Associate Town Planner

[Empty box for comments]

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

On **08/22/2024**, the Zoning Board of Adjustment heard **Case 151-059**, being a case brought by **John Gargas, owner of Barrett Hill, LLC, 21 Continental Blvd., Door #4, Merrimack, NH** requests a **Variance for 75 Barretts Hill Rd., Hudson, NH to allow the construction of 13 condex/duplex units with the firewall located between the garages versus a firewall located between the principal dwelling units.** [Map 151, Lot 059, Sublot-000; Zoned General-One (G-1); HZO Article II: Terminology; §334-6, Definitions, Duplex]

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

AUG 8 2024
LAND USE DIVISION
ZONING DEPT.

To: Zoning Board of Adjustment
Town of Hudson

Entries in this box are to be filled out by Land Use Division personnel
Case No. 151-059(08-22-24)
Date Filed 8-8-24

Name of Applicant Barrett Hill LLC Map: 151 Lot: 059 Zoning District: G-1

(Map 151, Lot 059) Sublots 001-010 and Map 152 Lot 070, 071, 072) 13 Proposed subdivision lots (TG) 8/8/24

Telephone Number (Home) _____ (Work) 603 320 5123

Mailing Address 21 Continental Blvd, Door 4, Merrimack NH 03054

Owner Barrett Hill LLC, John Gargasz - Manager

Location of Property 75 Barretts Hill Rd, Hudson NH

(Street Address)

Signature of Applicant

8/8/2024
Date

Signature of Property-Owner(s)

8/8/2024
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: 8/8/24

COST:

Application fee (processing, advertising & recording) (**non-refundable**): \$ 185.00
49 Abutter Notice:
Direct Abutters x Certified postage rate \$ 5.58 = \$ 273.42
2 Indirect Abutters x First Class postage rate \$ 0.73 = \$ 1.46
Total amount due: \$ 459.88

Amt. received: \$ 459.88

Receipt No.: 786,463

check#
1037

Received by: TSG

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

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

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

[Signature]
Signature of Applicant(s)

8/8/2024
Date

[Signature]
Signature of Property Owner(s)

8/8/2024
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 def er your hearing to a later date following notification of such abutters.

(Use additional copies of this page if necessary)

Tax Map	Lot	Owner/Applicant
151	59	Barrett Hill, LLC 21 Continental Boulevard, Door #4 Merrimack, NH 03054
Tax Map	Lot	Direct Abutters
152	13-1	 LISA CARINELLI SHAYLA M.GRAVELL 85A BARRETTS HILL RD. HUDSON, NH 03051
152	13-2	David Wilkins 85B Barretts Hill Road Hudson, NH 03051
152	13-3	Shana Marie Beland 87A Barretts Hill Road Hudson, NH 03051
152	13-4	Jennifer L. Buchanan 87B Barretts Hill Road Hudson, NH 03051
152	9	Jeffrey M. Rogers 95 Barretts Hill Road Hudson, NH 03051
152	8-1	Ryan J. Mcallister & Allysa D. Lamothe 97 Barretts Hill Road Hudson, NH 03051
152	8-2	Stephen Javier Diaz & Brittany Renee Desrocher 99 Barretts Hill Road

		Hudson, NH 03051
152	7	Donald F. Jr. & Aurelie T. Connors 101 Barretts Hill Road Hudson, NH 03051
152	5	Karen A. Brown 107 Barretts Hill Road Hudson, NH 03051
152	4	Conrad & Judith Gauthier 113 Barretts Hill Road Hudson, NH 03051
152	3	Sean M. Hamel 115 Barretts Hill Road Hudson, NH 03051
152	2	Tulipani Revocable Trust Gail Marie Tulipani, Trustee 23 Mallard Drive Hudson, NH 03051
152	1	Christopher M. & Alexa G. Porembski 22 Mallard Drive Hudson, NH 03051
151	41	Thomas & Sharon Fincher Trustee 20 Mallard Drive Hudson, NH 03051
151	40	Jesse & Barbara Ciancetta 18 Mallard Drive Hudson, NH 03051
151	39	Beverly T. & David C. Salmon 16 Mallard Drive Hudson, NH 03051
151	42	Christine Byrnes PO Box 53 Nashua, NH 03061
151	43-1	Vernon & Sarah Thompson III 22A Rangers Drive Hudson, NH 03051

151	43-2	Dominic A. Jarry & Kay E. Nash 5 Jarry Way Hudson, NH 03051
151	44-1	 KAITLYN ARSENAULT 20 A RANGERS DR HUDSON, NH 03051
151	44-2	Stephanie Rusczyk 20B Rangers Drive Hudson, NH 03051
151	45	Wendy Lorentzen 18 Rangers Drive Hudson, NH 03051
151	46-1	Jasmine & Devon A. Malburne 16A Rangers Drive Hudson, NH 03051
151	46-2	Elizabeth G. Rocha 16B Rangers Drive Hudson, NH 03051
151	47-1	Gail E. Lafond 14A Rangers Drive Hudson, NH 03051
151	47-2	David J. & Kelly A. Mastroelli 14B Rangers Drive Hudson, NH 03051
151	48-1	Gary & Ellen Haugh 12A Rangers Drive Hudson, NH 03051
151	48-2	Jacqueline J. Smith 12B Rangers Drive Hudson, NH 03051
151	49-1	Dave & Nicole C. Mathieu 15 Lund Street Litchfield, NH 03052
151	49-2	Christine Mathieu 10 1/2B Rangers Drive

		Hudson, NH 03051
151	50-1	Susan P. Scalet 10A Rangers Drive Hudson, NH 03051
151	50-2	 * SHAWN PATTERSON 10 B RANGERS DR HUDSON, NH 03051
151	51-1	Daniel A. & Karen Desmarais 8A Rangers Drive Hudson, NH 03051
151	51-2	Ryan Corkery 8B Rangers Drive Hudson, NH 03051
151	55	William J. & Kathleen M. Shea 65 Barretts Hill Road Hudson, NH 03051
151	56	David S. & Judith Silva 70 Barretts Hill Road Hudson, NH 03051
151	57	John P. & Kathryn K. Burke Trustee 2 Hilltop Drive Hudson, NH 03051
151	58	Nichole A. Sullivan 76 Barretts Hill Road Hudson, NH 03051
143	11	23 Land Holding, LLC 23 Woodcrest Drive Hudson, NH 03051
160	77	Kenneth J. & June H. Kopka Trustee 14 Mallard Drive Hudson, NH 03051
160	76	Robert L. & Laura J. Lind 12 Mallard Drive Hudson, NH 03051

151	38-1	Alita Ann Wycoff 24A Rangers Drive Hudson, NH 03051
151	38-2	Sheila A. Ledoux 24B Rangers Drive Hudson, NH 03051
151	52-1	 * LESA & MICHAEL DEREPIENTIGNY 6 A RANGERS DR HUDSON, NH 03051
151	52-2	Kurt & Lisa Perry 6B Rangers Drive Hudson, NH 03051
151	53-1	Webber Revocable Trust of 2006 David E. Webber, Trustee 8400 Bridgeport Bay Cr Mount Dora, FL 32757
151	53-2	Karen P. & Sean C. Merrow 61 Sousa Boulevard Hudson, NH 03051
142	39	Damon W. & Janna D. Miller 3 Hilltop Drive Hudson, NH 03051
143	13 & 14	17 Hudson Associates
152	14	c/o CPM Inc. 80 Nashua Road Londonderry, NH 03053

Professionals to be notified:

Engineer/Surveyor
Keach-Nordstrom Associates Inc.
10 Commerce Park North, Suite 3B
Bedford, NH 03110

* WEBBER, DAVID E., TR.
WEBBER REVOCABLE TRUST OF 2006
KIBREL CT., SANDOWN, NH 03873

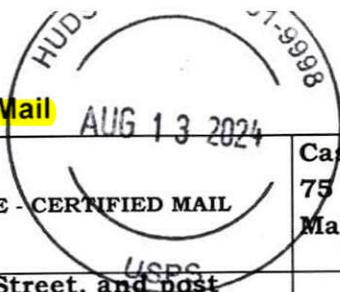
Staff Added (courtesy)

USPS-Verified Mail

SENDER:		US POSTAL SERVICE - CERTIFIED MAIL	Case# 151-059 75 Barretts Hill Rd., Hudson, NH 03051 Map 151/Lot 059-000	VARIANCE 1 of 5
ARTICLE NUMBER		Name of Addressee, Street, and post office address	08/22/2024 ZBA Meeting	
1	9589 0710 5270 0960 3546 77	BARRETT HILL, LLC 21 CONTINENTAL BLVD DOOR #4, MERRIMACK, NH 03054	APPLICANT/OWNER NOTICE MAILED	
2	9589 0710 5270 0960 3546 84	17 HUDSON ASSOCIATES, C/O CPM INC.	ABUTTER NOTICE MAILED	
3	9589 0710 5270 0960 3546 91	80 NASHUA RD., LONDONDERRY, NH 03053 23 LAND HOLDING, LLC	ABUTTER NOTICE MAILED	
4	9589 0710 5270 0960 3547 07	23 WOODCREST DR., HUDSON, NH 03051 ARSENAULT, KAITLYN	ABUTTER NOTICE MAILED	
5	9589 0710 5270 0960 3547 14	20 A RANGERS DR., HUDSON, NH 03051 BELAND, SHANA MARIE	ABUTTER NOTICE MAILED	
6	9589 0710 5270 0960 3547 21	87 A BARRETTS HILL RD., HUDSON, NH 03051 BROWN, KAREN A.	ABUTTER NOTICE MAILED	
7	9589 0710 5270 0960 3547 38	107 BARRETTS HILL ROAD, HUDSON, NH 03051 BUCHANAN, JENNIFER L.	ABUTTER NOTICE MAILED	
8	9589 0710 5270 0960 3547 45	87 B BARRETTS HILL RD., HUDSON, NH 03051 BURKE, JOHN P., TR. BURKE, KATHRYN K., TR.	ABUTTER NOTICE MAILED	
9	9589 0710 5270 0960 3547 52	2 HILLTOP DR., HUDSON, NH 03051 BYRNES, CHRISTINE	ABUTTER NOTICE MAILED	
10	9589 0710 5270 0646 5651 37	P.O. BOX 53, NASHUA, NH 03061-0053 CARINELLI, LISA GRAVELL, SHAYLA M.	ABUTTER NOTICE MAILED	
Total Number of pieces listed by sender 10		Total number of pieces rec'd at Post Office	Postmaster (receiving Employee) <i>Paula [Signature]</i> HUDSON, NH 03051 AUG 13 2024	

Direct Certified

USPS-Verified Mail



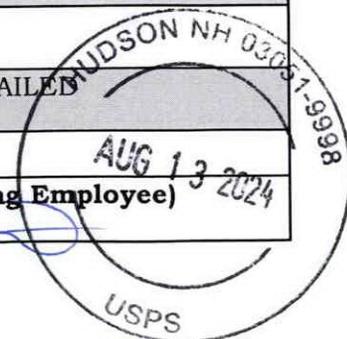
SENDER:		US POSTAL SERVICE - CERTIFIED MAIL		Case# 151-059	VARIANCE
TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051				75 Barretts Hill Rd., Hudson, NH 03051	2 of 5
ARTICLE NUMBER		Name of Addressee, Street, and post office address		08/22/2024 ZBA Meeting	
1	9589 0710 5270 0960 3547 69	CIANCETTA, JESSE CIANCETTA, BARBARA		ABUTTER NOTICE MAILED	
		18 MALLARD DRIVE, HUDSON, NH 03051			
2	9589 0710 5270 0960 3547 76	CONNORS, DONALD F. JR. CONNORS, AURELIE T.		ABUTTER NOTICE MAILED	
		101 BARRETTS HILL RD, HUDSON, NH 03051			
3	9589 0710 5270 0960 3547 83	CORKERY, RYAN		ABUTTER NOTICE MAILED	
		8B RANGERS DR., HUDSON, NH 03051			
4	9589 0710 5270 0646 5651 44	DEREPENTIGNY, LESA DEREPENTIGNY, MICHAEL		ABUTTER NOTICE MAILED	
		6 A RANGERS DR., HUDSON, NH 03051			
5	9589 0710 5270 0960 3547 90	DESMARAIS, DANIEL A. DESMARAIS, KAREN		ABUTTER NOTICE MAILED	
		8A RANGERS DRIVE, HUDSON, NH 03051			
6	9589 0710 5270 0960 3548 06	DIAZ, STEPHEN JAVIER DESROCHER, BRITTANY RENEE		ABUTTER NOTICE MAILED	
		99 BARRETTS HILL ROAD, HUDSON, NH 03051			
7	9589 0710 5270 0960 3548 13	FINCHER, THOMAS G. , TR. FINCHER, SHARON K., TR.		ABUTTER NOTICE MAILED	
		20 MALLARD DRIVE, HUDSON, NH 03051			
8	9589 0710 5270 0960 3548 20	GAUTHIER, CONRAD GAUTHIER, JUDITH		ABUTTER NOTICE MAILED	
		113 BARRETTS HILL ROAD, HUDSON, NH 03051			
9	9589 0710 5270 0960 3548 37	HAMEL, SEAN M., TR. SEAN M. HAMEL TRUST		ABUTTER NOTICE MAILED	
		115 BARRETTS HILL RD., HUDSON, NH 03051			
10	9589 0710 5270 0960 3548 44	HAUGH, GARY L., TR. HAUGH, ELLEN-JEAN, TR.		ABUTTER NOTICE MAILED	
		12A RANGERS DR. HUDSON, NH 03051			
Total Number of pieces listed by sender 10		Total number of pieces rec'vd at Post Office		Postmaster (receiving Employee)	

(10)

Paula Angelis

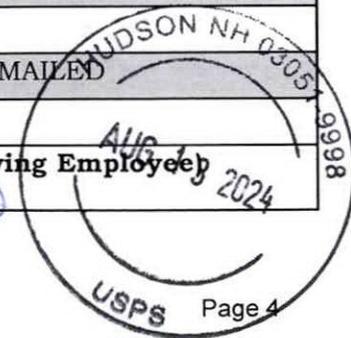
USPS-Verified Mail

SENDER:		US POSTAL SERVICE - CERTIFIED MAIL	Case# 151-059 VARIANCE 75 Barretts Hill Rd., Hudson, NH 03051 Map 151/Lot 059-000 3 of 5
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	08/22/2024 ZBA Meeting
1	9589 0710 5270 0960 3548 51	JARRY, DOMINIC A. NASH, KAY E. 5 JARRY WAY, HUDSON, NH 03051	ABUTTER NOTICE MAILED
2	9589 0710 5270 0960 3548 68	KOPKA, KENNETH J., TR. KOPKA, JUNE H., TR. 14 MALLARD DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0960 3548 75	LAFOND, GAIL E. 14A RANGERS DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0960 3548 82	LEDOUX, SHEILA A. 24B RANGERS DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0960 3548 99	LIND, ROBERT L. LIND, LAURA J. 12 Mallard Drive, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0960 3549 05	LORENTZEN, WENDY 18A RANGERS DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0960 3549 12	MALBURNE, JASMINE MALBURNE, DEVON A. 16A RANGERS DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0960 3549 29	MASTROELLI, DAVID J. MASTROELLI, KELLY A. 14B RANGERS DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0960 3549 43	MATHIEU, CHRISTINE 10 1/2 B RANGERS DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0960 3549 36	MATHIEU, DAVE MATHIEU, NICOLE C. 15 LUND ST., LITCHFIELD, NH 03052	ABUTTER NOTICE MAILED
Total Number of pieces listed by sender 10		Total number of pieces rec'vd at Post Office 10	Postmaster (receiving Employee) <i>[Signature]</i>



USPS-Verified Mail

SENDER:		US POSTAL SERVICE - CERTIFIED MAIL	Case# 151-059 75 Barretts Hill Rd., Hudson, NH 03051 Map 151/Lot 059-000	VARIANCE 4 of 5
ARTICLE NUMBER		Name of Addressee, Street, and post office address	08/22/2024 ZBA Meeting	
1	9589 0710 5270 0960 3549 50	MCALLISTER, RYAN J. LAMOthe, ALLYSA D. 97 BARRETTs HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
2	9589 0710 5270 0960 3549 67	MERROW, KAREN P. MERROW, SEAN C. 61 SOUSA BOULEVARD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	9589 0710 5270 0646 5651 51	PATTERSON, SHAWN 10 B RANGERS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	9589 0710 5270 0960 3549 74	PERRY, KURT PERRY, LISA 6B RANGERS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5	9589 0710 5270 0960 3549 81	POREMBSKI, CHRISTOPHER M. POREMBSKI, ALEXA G. 22 MALLARD DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
6	9589 0710 5270 0960 3549 98	ROCHA, ELIZABETH G. 16B RANGERS DRIVE, HUDSON, NH 03051-3534	ABUTTER NOTICE MAILED	
7	9589 0710 5270 0960 3550 01	ROGERS, JEFFREY M. 95 BARRETTs HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
8	9589 0710 5270 0646 5650 14	RUSZCZYK, STEPHANIE 20B RANGERS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
9	9589 0710 5270 0646 5650 21	SALMON, BEVERLY T. SALMON, DAVID C. 16 MALLARD DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
10	9589 0710 5270 0646 5650 38	SCALET, SUSAN P. 10A RANGERS DRIVE, 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)	



USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 151-059 75 Barretts Hill Rd., Hudson, NH 03051 Map 151/Lot 059-000	VARIANCE 5 of 5
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	08/22/2024 ZBA Meeting	
1	9589 0710 5270 0646 5650 45	SHEA, WILLIAM J. SHEA, KATHLEEN M. 65 BARRETTS HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
2	9589 0710 5270 0646 5650 52	SILVA, DAVID S. SILVA, JUDITH 70 BARRETTS HILL ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
3	9589 0710 5270 0646 5650 69	SMITH, JACQUELINE J. 12B RANGERS DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
4	9589 0710 5270 0646 5650 76	SULLIVAN, NICHOLE A. 76 BARRETTS HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
5	9589 0710 5270 0646 5650 83	THOMPSON, VERNON III THOMPSON, SARAH 22A RANGERS DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
6	9589 0710 5270 0646 5650 90	TULIPANI, GAIL MARIE, TR. TULIPANI REVOCABLE TRUST 23 MALLARD DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED	
7	9589 0710 5270 0646 5651 06	WEBBER, DAVID E., TR. WEBBER REVOCABLE TRUST OF 2006 8400 BRIDGEPORT BAY CR, MOUNT DORA, FL 32757	ABUTTER NOTICE MAILED	
8	9589 0710 5270 0646 5651 13	WILKINS, DAVID 85B BARRETTS HILL RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
9	9589 0710 5270 0646 5651 20	WYCOFF, ALITA ANN 24A RANGERS DR., HUDSON, NH 03051-3534	ABUTTER NOTICE MAILED	
	Total Number of pieces listed by sender 9	Total number of pieces rec'd at Post Office	Postmaster (receiving Employee)	

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Paula Angelo
HUDSON, NH 03051-9998
AUG 13 2024
Page 5

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - First Class	Case# 151-059 75 Barretts Hill Rd., Hudson, NH 03051 Map 151/Lot 059-000	VARIANCE 1 of 1
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	08/22/2024 ZBA Meeting	
1	Mailed First Class	MILLER, DAMON W. MILLER, JANNA D. 3 HILLTOP DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED	
2	Mailed First Class	KEACH-NORDSTROM ASSOCIATES INC. 10 COMMERCE PARK NORTH, SUITE 3B, BEDFORD, NH 03110	ABUTTER NOTICE MAILED	
3	Mailed First class (courtesy)	WEBBER, DAVID E., TR. WEBBER REVOCABLE TRUST OF 2006 KIBREL CT., SANDOWN, NH 03873	ABUTTER NOTICE MAILED	
4				
5				
6				
7				
8				
9				
10				
	Total Number of pieces listed by sender 3	Total number 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

August 12, 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, August 22, 2024 starting at 7:00 P.M.** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

Case 151-059 (08-22-24): John Gargas, owner of Barrett Hill, LLC, 21 Continental Blvd., Door #4, Merrimack, NH requests a Variance for 75 Barretts Hill Rd., Hudson, NH to allow the construction of 13 condex/duplex units with the firewall located between the garages versus a firewall located between the principal dwelling units. [Map 151, Lot 059, Sublot-000; Zoned General-One (G-1); HZO Article II: Terminology; §334-6, Definitions, Duplex]

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

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

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

Respectfully,

Chris Sullivan
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article Chapter 334-6 of HZO Section(s) Article 2 in order to permit the following:

Construction of condex units with the firewall located between the garages versus a firewall located between the principal dwelling unit.

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.”)

Granting of this request will not be contrary to the public interest because it permits construction of net zero ready and full net zero homes. These condex homes also match the existing character of the area – most recently the construction of the Granite Heights subdivision but also the immediate abutter at 85/87 Barretts Hill and the homes on Rangers Road. This actually increases the general safety with all electric design and solar power generation on site.

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.”)

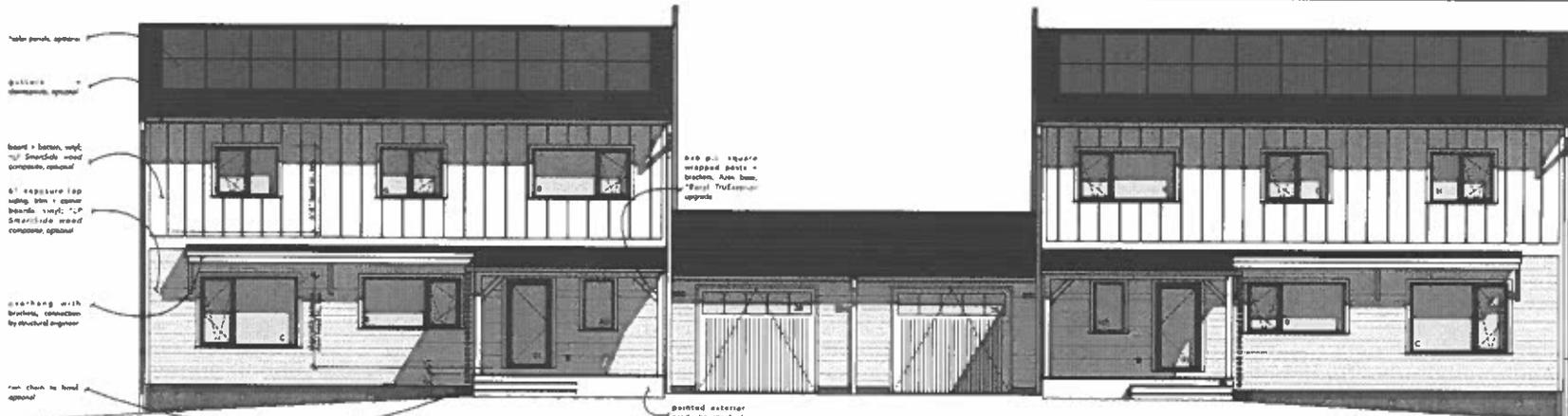
The propose use observers the spirit of the ordinance because it maintains the character of the neighborhood and matches the aesthetic of many recently built homes in the area.

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.)

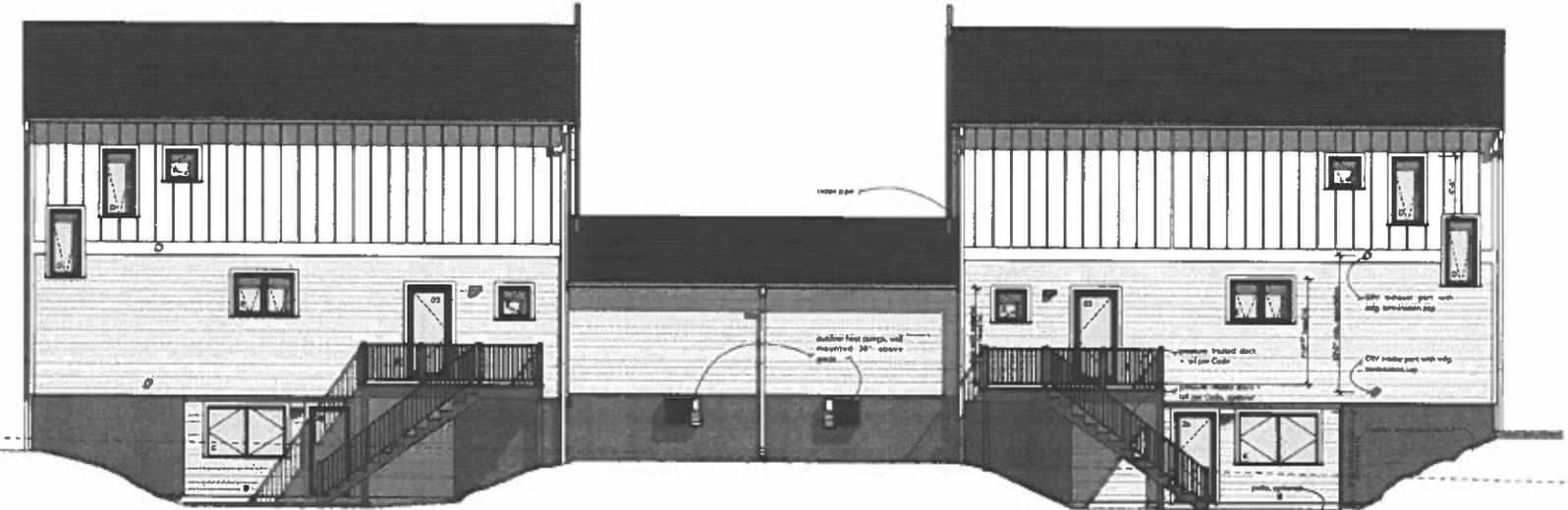
The developer has spent 10 months in the design, planning board approval, energy modeling and architecture of these net zero homes. These architectural plans were presented to the planning board during the approval process and the grading plan with center load condexes is part of the approved and recorded plan set. This has been a substantial investing to achieve a sustainable development.

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 list price of a condex unit at Barrett Hill is \$695k. A Comparative Market Analysis (CMA) for similar size homes in the area performed by Berkshire Hathaway shows an average sales price of \$630,010. So Barrett Hill homes will generally increase the value not diminish the value of the surrounding community. See attached CMA.



1 south elevation
scale: 1/4" = 1'-0"



2 north elevation
scale: 1/4" = 1'-0"

commonecology
radical architecture + design

CONTACT:
CAROL BULL, AIA
PRINCIPAL OWNER
carol@commonecology.com
443-221-1827
MARYLAND

PROJECT:
Barrett Hill, LLC Net Zero Duplex
Walk-out Version
75 Barrett's Hill
Hudson, New Hampshire 03051

photo	date
permit + construction set	05.29.24

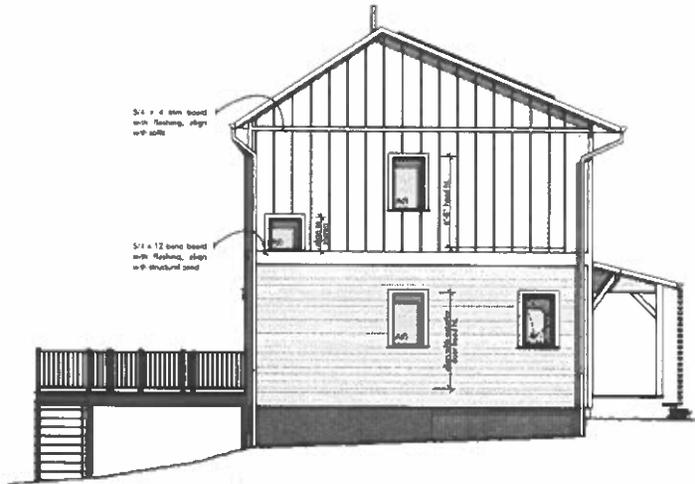


Carol Bull
exterior elevations

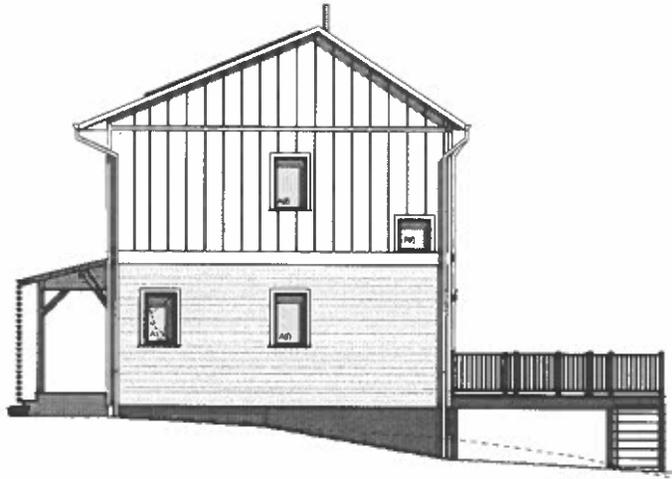


sheet no:

A6



1 west elevation
scale: 1/4" = 1'-0"



2 east elevation
scale: 1/4" = 1'-0"

commonecology
radical architecture + design

CONTRACTOR
CARRI A BEER, AIA
PRINCIPAL OWNER
carr@commonecologyaia.com
443-803-1687
MARYLAND

PROJECT:
Barrett Hill, LLC Net Zero Duplex
Walk-out Version
75 Barretts Hill
Hudson, New Hampshire 03051

phase	date
permit + construction set	05.29.24



Carri A Beer

exterior elevations



sheet no:

A7



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-075

August 7, 2024

John Gargasz
21 Continental Blvd, Door 4
Merrimack, NH 03054

Re: 75 Barretts Hill Road Map 151 Lot 059-000 & Map 151 Lot 059-1-10 & 152 Lot 070, 071, 072 -000

District: General One (G-1)

Dear Mr. Gargasz,

Your request: To construct condexes with garages separating dwelling units.

Zoning Review / Determination:

To construct a duplex with garages and a firewall separating the living spaces, as opposed to just a firewall conjoining the units is a deviation from the definition of **Duplex** as defined in §334-6 – **Definitions** as: “A residential principal building with two DWELLING UNITS, separated either vertically or horizontally, by a firewall, and with each unit having a separate entrance.”. Construction of the “dumbbell” style duplex design requested requires a variance from the Zoning Board of Adjustment. It is noted that the Planning Board has approved this project as of May 29, 2024. The variance in question is purely of building design, not location.

Sincerely,

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

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

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

Property Location: 75 BARRETTS HILL RD
 Vision ID: 4347 Account #: 1303

Parcel ID: 151/059/000/1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 0160
 Print Date: 8/7/2024 8:48:23 AM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)								
BARRETT HILL, LLC 21 CONTINENTAL BLVD DOOR #4 MERRIMACK NH 03054		Nbhd	Nbhd Name			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RE	Residential Average			2024	1300	170,000	2023	1300	170,000	2023	1300	170,000
		TOPO	UTILITIES				6100	12,610		6100	14,450		6100	14,450
							Total	182,610		Total	184,450		Total	184,450

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY				
BARRETT HILL, LLC STABLER, HELEN C.		9700 287	01-30-2023	U	V	625,000	81	and NAL 90 Grantor: CROSS, ERWIN	Appraised Bldg. Value (Card)				0
		3216 0364	03-20-1985	U	V	0	38		Appraised Xf (B) Value (Bldg)				0
									Appraised Ob (B) Value (Bldg)				0
									Appraised Land Value (Bldg)				345,200
									Special Land Value				12,610
									Total Appraised Parcel Value				345,200

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				APPRAISED VALUE SUMMARY			
Parcel ID	151-059-000	PREV 0031-0052-0000 Assoc Pid#	Description	Code	Appraised	Assessed	Valuation Method		C	
Zoning	G1:General-1		LAND	1300	170,000	170,000				
Flood Hazard	C		LAND	6100	175,200	12,610				
Neigh/Abut1					Total:	345,200	182,610	Total Appraised Parcel Value		345,200
Neigh/Abut2										
Neigh/Abut3										
GIS ID	151-059-000									

NOTES				VISIT / CHANGE HISTORY			
				Date	Id	Cd	Purpost/Result
				12-07-2023	21	30	Sales Data Verification
				06-27-2005	01	71	Acreage Adjustment From New Map
				11-16-1990	02	14	Inspected

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

LAND LINE VALUATION SECTION															
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment		Notes	Land Value
1	1300	VACANT RES LAND	Site	1.000	AC	170,000	1.00	5	1.00	RE	1.00	Easement	1.00		170,000
1	6100	CU-FARM	Excess	34.360	AC	6,000	0.85	1.00	1.00	RE	1.00	Easement	1.00		175,200
Total Card Land Units:				35.360 AC		Parcel Total Land Area:				35.360 AC		Total Land Value:		345,200	

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

Property Location: 75 BARRETT'S HILL RD
 Vision ID: 4347 Account #: 1303

Parcel ID: 151/059/000/
 Bldg #: 1

Card Address:
 Card #: 1 of 1

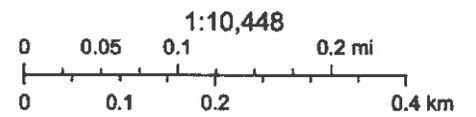
LUC: 0160
 Print Date: 8/7/2024 8:48:24 AM

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

75 Barretts Hill Rd



8/7/2024



**BERKSHIRE
HATHAWAY**
HOME SERVICES

**VERANI
REALTY**

August 8, 2024

To whom it may concern;

I am a realtor with Berkshire Hathaway HomeServices, Verani Realty out of the Londonderry, NH office. I have been in real estate since 1985 with a primary focus on new construction. I have managed the New Homes Division at Verani Realty for the past 20 years.

I am familiar with Mr. Gargas's Net Zero condex community off of Barrett Hill Rd in Hudson, NH. I have worked alongside his team with input into design and functionality for today's buyer. This community will deliver options to buyer's that want to significantly decrease high utility prices in existing homes, create a greener footprint, and have a more affordable option to new construction offerings in southern New Hampshire.

I am writing to confirm my opinion that a variance relief granted by the Hudson ZBA to allow the proposed project as presented will not in any way diminish the value of surrounding properties. This site with some amazing views will significantly improve the values with a positive impact on surrounding properties.

It should be noted that I am not being paid for or compensated for this opinion.

Feel free to contact me with any questions.

Sincerely,



Gail Nickerson
Berkshire Hathaway HomeServices Verani Realty
Sales and Marketing Manager
New Homes Division
603-845-2129 Direct
603-765-3367 Mobile

NH License 004156
MA License 009532243

Comparative Market Analysis

Hudson, NH 03051

August 7th, 2024 1:24 PM

Prepared By
Gail Nickerson

**BERKSHIRE
HATHAWAY**
HomeServices
Verani Realty

Introduction



Gail Nickerson

Cell

603-434-2377

Email

gail.nickerson@verani.com

Website

<http://www.verani.com>

Location

ONE VERANI WAY
Londonderry, NH 03053



Gail Nickerson

BHHS Verani Londonderry

Cell: 603-434-2377

gail.nickerson@verani.com | <http://www.verani.com>

Map of Comparable Properties



Subject Property 10 Sold

	Address	Status	Bed	Bath	Approx. SQFT	Price
			3	3	1,967	\$630,010
1	35A Terraceview Drive	Sold	3	3	2,004	\$620,000
2	62 Windham Road	Sold	3	3	1,868	\$675,000
3	32 Greeley Street	Sold	3	2	2,128	\$573,000
4	8 Mallard Drive	Sold	3	2	2,004	\$554,000
5	22 Beechwood Road	Sold	4	3	2,138	\$689,000
6	61 Bear Path Lane	Sold	4	3	2,168	\$753,300
7	51 Bear Path Lane	Sold	3	3	2,168	\$679,300
8	18 Sullivan Road	Sold	3	3	2,672	\$610,000
9	53 Lawrence Road	Sold	3	3	2,478	\$746,500
10	20 Rangers Drive,A	Sold	3	2	1,290	\$400,000



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Summary of Comparable Properties

Subject Property	#1 - Comparable	#2 - Comparable	#3 - Comparable	#4 - Comparable	#5 - Comparable
					
Hudson, NH 03051,	35A Terraceview Drive, Hudson, NH 03051	62 Windham Road, Hudson, NH 03051	32 Greeley Street, Hudson, NH 03051	8 Mallard Drive, Hudson, NH 03051	22 Beechwood Road, Hudson, NH 03051
List/Sold Price	\$620,000	\$675,000	\$573,000	\$554,000	\$689,000
Status	Sold	Sold	Sold	Sold	Sold
List/Sold Date	6/24/2024	7/22/2024	7/18/2024	11/22/2023	7/15/2024
Property Type	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence
Bedrooms	3	3	3	3	4
Bathrooms Full	2	2	2	2	2
Bathrooms Half	1	1	0	0	1
Approx. SQFT	2,004	1,868	2,128	2,004	2,138
\$ / SQFT	\$320 / sqft	\$361 / sqft	\$270 / sqft	\$276 / sqft	\$322 / sqft
Garage Capacity	1	2	1	2	2
Lot Size (ac)	0.37	1.19	0.67	0.99	1.10
Year Built	2024	1999	1965	1990	1979



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Summary of Comparable Properties

Subject Property	#6 - Comparable	#7 - Comparable	#8 - Comparable	#9 - Comparable	#10 - Comparable
					
Hudson, NH 03051,	61 Bear Path Lane, Hudson, NH 03051	51 Bear Path Lane, Hudson, NH 03051	18 Sullivan Road, Hudson, NH 03051	53 Lawrence Road, Hudson, NH 03051	20 Rangers Drive, .A, Hudson, NH 03051
List/Sold Price	\$753,300	\$679,300	\$610,000	\$746,500	\$400,000
Status	Sold	Sold	Sold	Sold	Sold
List/Sold Date	7/22/2024	3/15/2024	7/10/2024	12/27/2023	11/9/2023
Property Type Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence
Bedrooms 3	4	3	3	3	3
Bathrooms Full 2	2	2	2	2	1
Bathrooms Half 1	1	1	1	1	1
Approx. SQFT 1,967	2,168	2,168	2,672	2,478	1,290
\$ / SQFT \$320 / sqft	\$314 / sqft	\$295 / sqft	\$223 / sqft	\$306 / sqft	\$283 / sqft
Garage Capacity 1	2	2	N/A	2	1
Lot Size (ac) 1.00	1.00	0.83	1.05	1.28	0.71
Year Built 2024	1999	1999	1865	2007	1988



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CMA Summary Report

Suggested Price

\$630,010

\$599K - \$662K Price Range

	HIGH	LOW	AVERAGE	MEDIAN
List Price	\$759,000	\$365,000	\$613,780	\$622,900
Sold Price	\$753,300	\$400,000	\$630,010	\$647,500
Adjusted Price	\$0	\$0	\$0	\$0

Status	Address	Lot Size (ac)	Approx. SQFT	DOM	Listing Price	LP / SQFT	Sold Price	SP / SQFT
Sold	35A Terraceview Drive, Hudson, NH 03051	0.37	2,004	4	\$605,900	\$302	\$620,000	\$309
Sold	62 Windham Road, Hudson, NH 03051	1.19	1,868	4	\$675,000	\$361	\$675,000	\$361
Sold	32 Greeley Street, Hudson, NH 03051	0.67	2,128	41	\$575,000	\$270	\$573,000	\$269
Sold	8 Mallard Drive, Hudson, NH 03051	0.99	2,004	13	\$554,000	\$276	\$554,000	\$276
Sold	22 Beechwood Road, Hudson, NH 03051	1.10	2,138	6	\$689,000	\$322	\$689,000	\$322
Sold	61 Bear Path Lane, Hudson, NH 03051	1.00	2,168	7	\$680,000	\$313	\$753,300	\$347
Sold	51 Bear Path Lane, Hudson, NH 03051	0.83	2,168	5	\$639,900	\$295	\$679,300	\$313
Sold	18 Sullivan Road, Hudson, NH 03051	1.05	2,672	6	\$595,000	\$222	\$610,000	\$228
Sold	53 Lawrence Road, Hudson, NH 03051	1.28	2,478	15	\$759,000	\$306	\$746,500	\$301
Sold	20 Rangers Drive, #A, Hudson, NH 03051	0.71	1,290	5	\$365,000	\$282	\$400,000	\$310



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K7A

MAP 83

LEGEND

- GB-F GRANITE BOUND FOUND
- IR-F IRON ROD FOUND
- IR-S IRON ROD SET
- DH-F DRILL HOLE FOUND
- DRILL HOLE SET
- GRANITE BOUND TO BE SET
- IRON ROD TO BE SET
- STONEWALL
- ASUTTER LINE
- PROPERTY LINE
- R.O.W. LINE
- EASEMENT

DIG SAFE

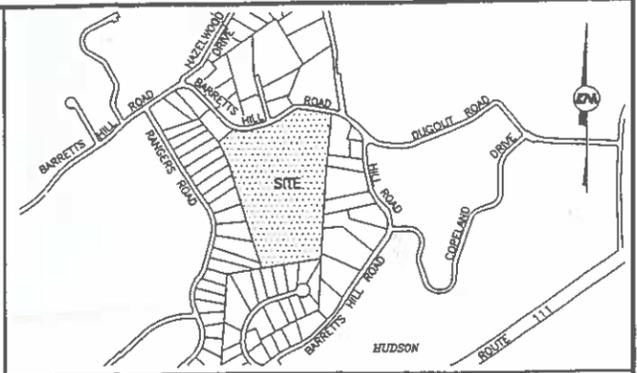
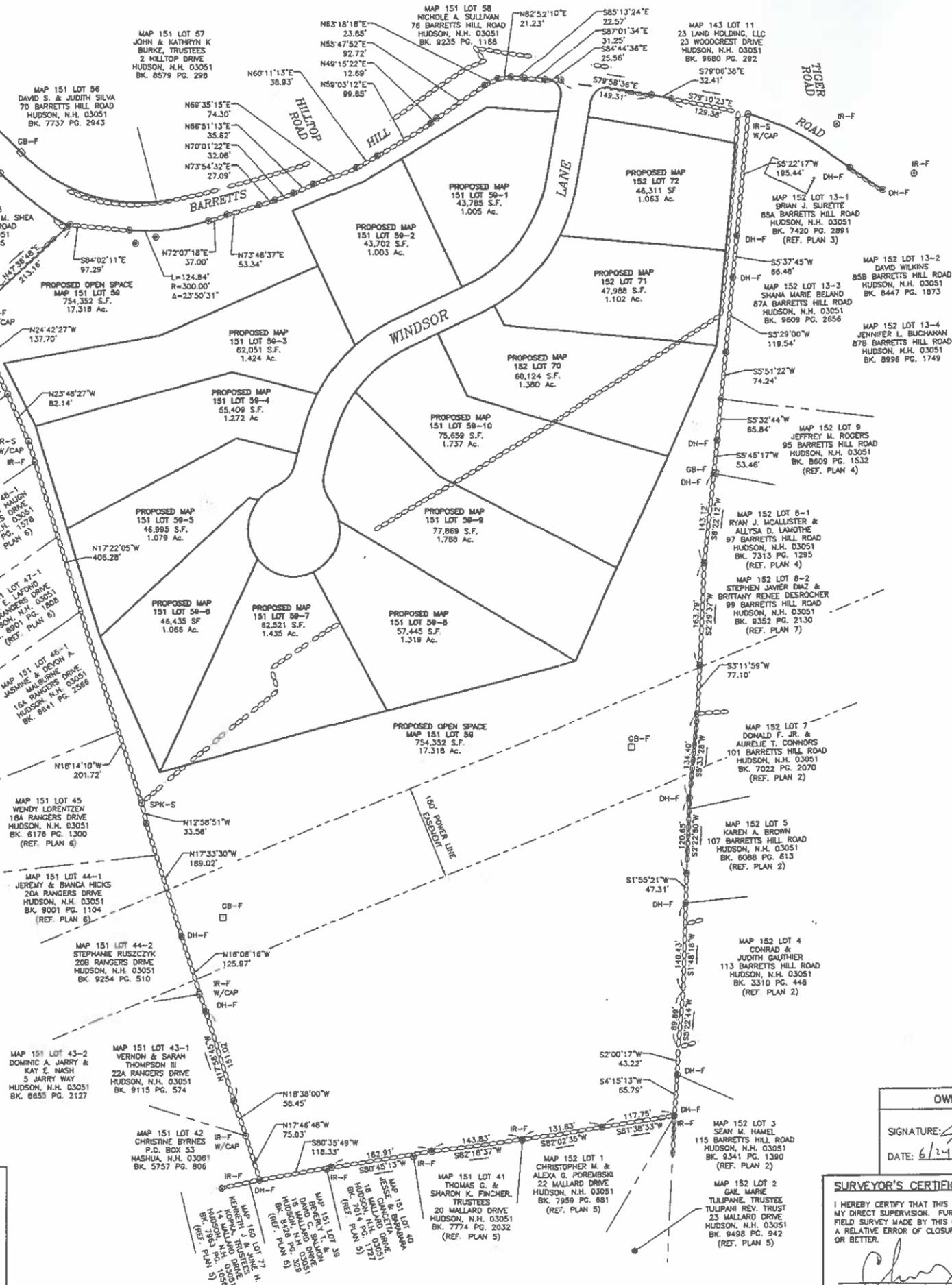


APPROVED BY THE HUDSON, NH PLANNING BOARD
DATE OF MEETING: MAY 29, 2024

SIGNATURE DATE:

SIGNATURE DATE:

SUBDIVISIONS ARE VALID FOR TWO YEARS FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FOR AN APPLICANT TO GAIN AN EXEMPTION FROM ALL SUBSEQUENT CHANGES IN SUBDIVISION REGULATIONS, SITE PLAN REGULATIONS AND CHANGES TO THE ZONING ORDINANCE, SEE NH RSA 674:39.



LOCATION PLAN
SCALE: 1" = 1000'±

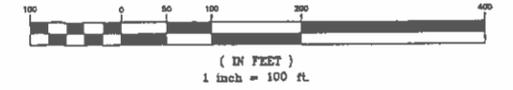
TOWN OF HUDSON
New Hampshire
03051

AUG 8 2024

LAND USE DIVISION
ZONING DEPT.

SEE SHEET 1 FOR NOTES & REFERENCE PLANS

GRAPHIC SCALE



MASTER SUBDIVISION PLAN
BARRETT HILL SUBDIVISION

MAP 151 LOT 59
75 BARRETT'S HILL ROAD
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER/APPLICANT:
BARRETT HILL, LLC
21 CONTINENTAL BLVD. DOOR #4
MERRIMACK, NH 03054
R.C.R.D. BK. 9700 PG. 287

OWNER OF MAP 151 LOT 59

SIGNATURE: [Signature]
DATE: 6/24/2024

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE DURING MAY OF 2023. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) OR BETTER.

[Signature]
LICENSED LAND SURVEYOR
DATE: 6/21/24



K7A KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 827-2881

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	3/4/24	STAFF & REVIEW ENGINEER REVS	PCM
2	4/23/24	NHDES AOT & SITE WALK REVS	PCM
3	5/14/24	NHDES AOT REVISIONS	PCM
4	6/12/24	CONDITIONS OF APPROVAL REVS	PCM

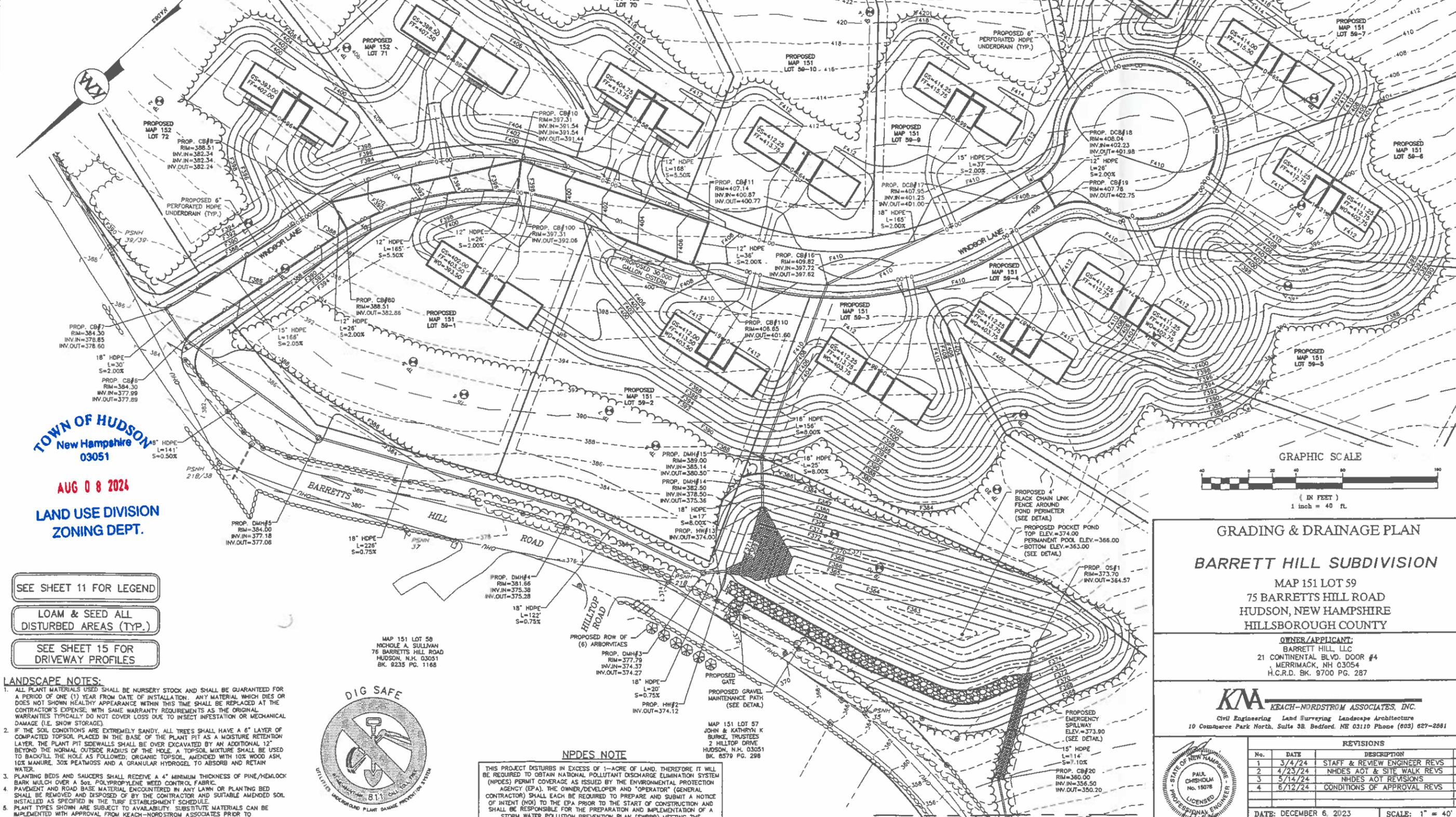
DATE: DECEMBER 6, 2023 SCALE: 1"=100'
PROJECT NO: 23-0414-1 SHEET: 2 OF 24

CONSTRUCTION NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED ROADWAY DESIGN, GRADING, AND UTILITIES FOR THIS SITE.
2. ALL WORK SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE TOWN OF HUDSON, AND SHALL BE BUILT IN A WORKMANLIKE MANNER IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS. ALL WORK PERFORMED IN THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION, APPROVED AND ADOPTED 2016 ARE HEREBY INCORPORATED BY REFERENCE.
3. CONSTRUCTION SHALL CONFORM TO THE TYPICAL SECTIONS AND DETAILS SHOWN ON THE PLANS, AND SHALL MEET THE REQUIREMENTS AND SPECIFICATIONS FOR ROAD CONSTRUCTION, PUBLIC WORKS DEPARTMENT, HUDSON, NEW HAMPSHIRE. ALL DRAINAGE PIPES SHOWN SHALL BE HDPE. CATCH BASINS SHALL BE TYPE B, AND HAVE 3" SLOTTED UNLESS OTHERWISE NOTED.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS, PRIOR TO THE START OF ANY CONSTRUCTION THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION, AND APPROPRIATE REMEDIAL ACTION TAKEN BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING "DIO SAFE" AT 811 AT LEAST 72 HOURS BEFORE DIGGING.
5. ALL DRAINAGE PIPE SHALL BE INSTALLED FOLLOWING MANUFACTURER'S INSTALLATION INSTRUCTIONS.
6. ALL LOT DEVELOPMENT SHOWN ON THIS PLAN INCLUDING BUT NOT LIMITED TO DRIVEWAYS, BUILDING LOCATIONS, AND GRADING ARE SHOWN FOR PROOF OF CONCEPT ONLY. FINAL LOT LAYOUT SHALL BE COORDINATED WITH THE OWNER, THE ENGINEER OF RECORD, AND TOWN STAFF FOR FINAL APPROVAL PRIOR TO CONSTRUCTION.

PLANT LIST

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	MATURE HEIGHT
GT 6	6	THUJAS OCCIDENTALIS 'ELEGANTISSIMA'	GOLD TIPPED ARBORVITAE	3-4' B&B	15-20'



TOWN OF HUDSON
New Hampshire
03051

AUG 08 2024

LAND USE DIVISION
ZONING DEPT.

SEE SHEET 11 FOR LEGEND

LOAM & SEED ALL DISTURBED AREAS (TYP.)

SEE SHEET 15 FOR DRIVEWAY PROFILES

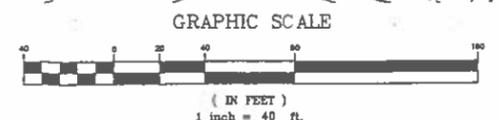
LANDSCAPE NOTES:

1. ALL PLANT MATERIALS USED SHALL BE NURSERY STOCK AND SHALL BE GUARANTEED FOR A PERIOD OF ONE (1) YEAR FROM DATE OF INSTALLATION. ANY MATERIAL WHICH DIES OR DOES NOT SHOW HEALTHY APPEARANCE WITHIN THIS TIME SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE, WITH SAME WARRANTY REQUIREMENTS AS THE ORIGINAL WARRANTIES TYPICALLY DO NOT COVER LOSS DUE TO INSECT INFESTATION OR MECHANICAL DAMAGE (I.E. SNOW STORAGE).
2. IF THE SOIL CONDITIONS ARE EXTREMELY SANDY, ALL TREES SHALL HAVE A 6" LAYER OF COMPACTED TOPSOIL PLACED IN THE BASE OF THE PLANT PIT AS A MOISTURE RETENTION LAYER. THE PLANT PIT SIDEWALLS SHALL BE OVER EXCAVATED BY AN ADDITIONAL 12" BEYOND THE NORMAL OUTSIDE RADIUS OF THE HOLE. A TOPSOIL MIXTURE SHALL BE USED TO BACKFILL THE HOLE AS FOLLOWS: ORGANIC TOPSOIL, AMENDED WITH 10% WOOD ASH, 10% MANURE, 30% PEATMOSS AND A GRANULAR HYDROGEL TO ABSORB AND RETAIN WATER.
3. PLANTING BEDS AND SAUCERS SHALL RECEIVE A 4" MINIMUM THICKNESS OF PINE/HEMLOCK BARK MULCH OVER A 5oz. POLYPROPYLENE WEED CONTROL FABRIC.
4. PAVEMENT AND ROAD BASE MATERIAL ENCOUNTERED IN ANY LAWN OR PLANTING BED SHALL BE REMOVED AND DISPOSED OF BY THE CONTRACTOR AND SUITABLE AMENDED SOIL INSTALLED AS SPECIFIED IN THE TURF ESTABLISHMENT SCHEDULE.
5. PLANT TYPES SHOWN ARE SUBJECT TO AVAILABILITY. SUBSTITUTE MATERIALS CAN BE IMPLEMENTED WITH APPROVAL FROM KEACH-NORDSTROM ASSOCIATES PRIOR TO CONSTRUCTION.



NPDES NOTE

THIS PROJECT DISTURBS IN EXCESS OF 1-ACRE OF LAND, THEREFORE IT WILL BE REQUIRED TO OBTAIN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT COVERAGE AS ISSUED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA). THE OWNER/DEVELOPER AND OPERATOR (GENERAL CONTRACTOR) SHALL EACH BE REQUIRED TO PREPARE AND SUBMIT A NOTICE OF INTENT (NOI) TO THE EPA PRIOR TO THE START OF CONSTRUCTION AND SHALL BE RESPONSIBLE FOR THE PREPARATION AND IMPLEMENTATION OF A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) MEETING THE REQUIREMENTS OF THE CURRENT CONSTRUCTION GENERAL PERMIT.



GRADING & DRAINAGE PLAN

BARRETT HILL SUBDIVISION

MAP 151 LOT 59
75 BARRETT'S HILL ROAD
HUDSON, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

OWNER/APPLICANT:
BARRETT HILL, LLC
21 CONTINENTAL BLVD. DOOR #4
MERRIMACK, NH 03054
H.C.R.D. BK. 9700 PG. 287

KEACH-NORDSTROM ASSOCIATES, INC.
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NE 03110 Phone (603) 627-2881



REVISIONS			
No.	DATE	DESCRIPTION	BY
1	3/4/24	STAFF & REVIEW ENGINEER REVS	PCU
2	4/23/24	NHDES AOT & SITE WALK REVS	PCU
3	5/14/24	NHDES AOT REVISIONS	PCU
4	6/12/24	CONDITIONS OF APPROVAL REVS	PCU

DATE: DECEMBER 6, 2023 SCALE: 1" = 40'

MATCH TO SHEET 11

Printed
8/08/2024
4:21PM
Created
8/08/2024
4:11 PM

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

Receipt# 786,463
tgoodwyn

	<u>Description</u>	<u>Current Invoice</u>	<u>Payment</u>	<u>Balance Due</u>
1.00	Zoning Application-8/22/24 ZBA Meeting 75 Barretts Hill Rd Map 151 Lot 059-000 Zone: G-1 Variance-definition	0.00	459.8800	0.00
			Total:	459.88

<u>Remitter</u>	<u>Pay Type</u>	<u>Reference</u>	<u>Tendered</u>	<u>Change</u>	<u>Net Paid</u>
Barrett Hill, LLC	CHECK	CHECK 1037	459.88	0.00	459.88
			Total Due:		459.88
			Total Tendered:		459.88
			Total Change:		0.00
			Net Paid:		459.88

Barrett Hill, LLC

1037

REMINDER:

**Please bring the Rehearing Request
Information deferred from the
07-25-24 ZBA Meeting.**

**Request for a Rehearing
Case 165-049 (06-27-24):
36 Campbello St.
Variance (Frontage)**

APPLICATION FOR A REQUEST FOR A REHEARING

TOWN OF HUDSON
New Hampshire
03051
JUL 23 2024
LAND USE DIVISION
ZONING DEPT.

Zoning Board of Adjustment
Town of Hudson

Case No. 165-049
Date of Hearing 6-27-24

Location of Property 36 26 Campbello Street Map: 165 Lot: 49

Applicant Sousa Realty & Development Corp. c/o Manuel D. Sousa

Telephone Number (Home) _____ (Work) (603) 880-7799

Mailing Address 40 Lowell Road, Hudson, NH 03051

Manuel D Sousa
Signature of Applicant

7/22/24
Date

If you believe that the Board's decision is wrong, unlawful, or unreasonable, you have the right to appeal for a rehearing. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of this case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not re-hear a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

Items in this box are to be filled out by Land Use Division personnel
Received by: TSG Date: 7/23/24

REQUEST FOR A REHEARING

Please indicate your reasons to support your request for a rehearing below or you may submit a letter to the Zoning Board of Adjustments setting forth the grounds on which it is claimed the decision is unlawful or unreasonable. Your reasons should show new evidence not available at the first hearing or show that the Zoning Board of Adjustment made an error in law in making their previous decision regarding this case. (Use additional copies of this page if necessary)

1. See attached.

2.

3.

4.

5.

Reasons to support request for rehearing.

1. Public Interest.

- A. We believe that the majority of the board erred in determining that granting the variance would alter the essential character of the area. The character of the neighborhood is single family homes on TR sized Lots. The applicant's project proposes single family homes on TR sized lots areas with in the homeowners' association. What is NOT in character with the neighborhood is the subject lot: 1 house on a 4.7 acre lot. Construction of new single family homes within an area surrounded by existing single family detached dwellings does not alter the character of the area. The number of proposed homes was cited as a basis for that determination even though the density proposed is less than allowed in the district.
- B. We believe that the majority of the board erred in stating that public safety would be threatened without the benefit of testimony from anyone charged with reviewing public safety stating such. Mr. Sullivan's Staff Report indicates that the Town Engineer, Inspectional Services/Fire Department, and the Associate Town Planner had no comments. It is fair to consider that if the very people and departments in charge of Town safety had a concern about this project, we would have heard about it. David Jordan, a NH Professional Engineer, stated that adequate access for public safety would be provided for any development on the property. This would be properly vetted during the Planning Board review process. Further, there are dozens of private roads throughout Hudson, all maintained by homeowner's or condominium associations.

2. Spirit of the Ordinance.

We believe that the majority of the board erred in determining that the spirit of the ordinance would not be observed if the variance were granted.

"As another example, consider the question of frontage requirements. Most zoning ordinances specify a minimum frontage for building lots to prevent overcrowding of the land. If a lot had ample width at the building line but narrowed to below minimum requirements where it

fronted the public street, a variance might be considered without violating the spirit and intent of the ordinance, because to do so would not result in overcrowding.”

The Zoning Board of Adjustment Handbook, 2023, p. 11-12. That is exactly what we have with this project. The 4.7 acres allows plenty of room for the proposed homes but we only have 30.37' of frontage. The development proposed on the property fully complies with all area, density, and dimensional requirements within the zoning district and therefore embraces the spirit of the ordinance.

The Notice of Decision states that the Applicant failed to meet only the Public Interest and Spirit of the Ordinance Variance criteria. We provide the following based due to Board Member discussion at the June 27, 2024 Meeting:

3. Substantial Justice.

We believe that substantial justice is done by the granting of the variance. The proposed development is consistent with the present use of the area. There is no gain to the general public through the denial of the variance and there is substantial injustice to the applicant through the denial of the ability to use and develop the property in a manner consistent with others in the area. The 1980 Atkinson Subdivision Plan shows that future development of the 4.7 acres was contemplated 44 years ago *using the same 30.37' for access.* To now deny that access is a serious injustice to the Owner and Applicant, and could amount to an unconstitutional taking of property without just compensation.

4. Hardship.

- A. We believe that denial of the variance would result in an unnecessary hardship to the applicant. As stated by board members, this property does enjoy several “special conditions.” At over 4.7 acres, this is the largest property in the area and the last of this size to have not been previously developed. Unlike other properties in the area, this lot has always existed with its current frontage

since it was created by a subdivision plan in 1980. Unlike the other properties in the area, Campbello Street comes to a dead end at this property's frontage. With the proposed density being less than what is allowed (11 homes where 15 is allowed), there is no fair and substantial reason to reject the hardship criteria.

- B. The current use as a 4.7 acre single family house lot is not reasonable for this site or the neighborhood. Every property enjoys a "use" whether it be single family, multiple units, or even as a vacant parcel. Literal enforcement of the frontage ordinance for this site does result in an unnecessary hardship to the applicant that can only be remedied through the granting of a variance. "When an area variance is sought, the proposed project is presumed to be reasonable if it is a permitted use under the Town's applicable zoning ordinance." *Vigeant v. Town of Hudson*, 151 NH 747, 752 (2005)(emphasis added). Development of this property in full compliance with all provisions of the zoning ordinance other than frontage, including the proposed use, cannot be seen as anything other than reasonable.

Send recorded copy to:

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

NOTICE OF DECISION

Map 165, Lot 049-000, Zone TR (Town Residence), Case #165-049

ZBA Decision 06/27/2024

VARIANCE – DENIED

Applicant: Manuel D. Sousa, Sousa Realty and Development Corp., 46 Lowell Road, Hudson, NH 03051

Property Owner: Joseph W. Kenny, Trustee, A. Jack Atkinson Revocable Trust,
20 Trafalgar Square, Suite 505, Nashua, NH 03063

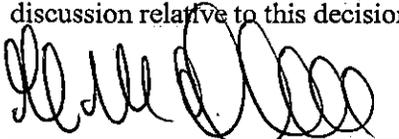
Property Location: 36 Campbello Street, Hudson, NH 03051

Action sought: Variance for the proposed construction of a new private road and 10 new single family homes plus retaining the existing single family home on a lot with 30.37 feet of frontage where a minimum of 90 feet is required in the Town Residence (TR) district.

Zoning Ordinance Article: VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements

Action denied: After consideration of the testimony and public comment, and aerial view of the surrounding area; and review of the 1980 subdivision plan prepared by Hamilton Engineering Association, Inc. dated January 1980 that created the 4.7 acre lot with its reduced frontage and that contained a notation regarding future subdivision development potential, and the proposed residential site plan prepared by Greenman-Pederson, Inc. dated November 20, 2023 for the development of the lot; and recognition that the existing residence is on a non-conforming lot due to reduced frontage that was created without a Variance; and recognition that what is before the Zoning Board is limited to the reduced frontage of 30.37 feet instead of the required 90'; and after review of the criteria required for the granting of a Variance and determining that two failed to be satisfied, motion made, seconded and voted 3:2 to deny the Variance request. The criteria that failed to be satisfied were #1, that the granting of the requested variance would be contrary to public interest as it conflicts with the purpose of the Zoning Ordinance and would alter the essential character of the neighborhood and threaten public health, safety or welfare or otherwise injure public rights; and #2 that it does not observe the spirit of the Ordinance and would alter the essential character of the neighborhood and threaten public health, safety, welfare and injure public rights.

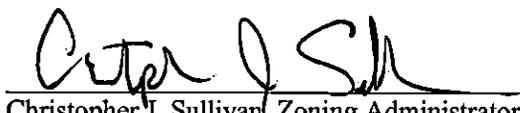
NOTE: All representations of fact or intention made by the applicant during testimony before the Zoning Board of Adjustment relative to the obtaining of this relief shall be considered part of this motion, regardless of the fact that they may not have been specifically stated in the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.



Gary M. Daddario, ZBA Chairman

7/27/24

Date



Christopher J. Sullivan, Zoning Administrator

7/18/24

Date

REHEARING REQUEST:

2. Case 165-021 (07-11-2024):
12-14 Gambia Street

Goodwyn, Tracy

From: atine tinelaw.com <atine@tinelaw.com>
Sent: Monday, August 12, 2024 12:30 PM
To: Sullivan, Christopher
Cc: David LeFevre; Goodwyn, Tracy
Subject: Re: Rehearing request for 12-14 Gambia Hudson NH

EXTERNAL: Do not open attachments or click links unless you recognize and trust the sender.

We would like to defer to have the benefit of the full 30 days to address the issues raised in the decision.

Thank you,

Andrew J. Tine, Esq.
18 Maple Avenue, #267
Barrington, RI 02806
401-396-9002 tel.

PRIVILEGED AND CONFIDENTIAL

On Aug 12, 2024, at 10:24 AM, Sullivan, Christopher <csullivan@hudsonnh.gov> wrote:

Good morning, we are scheduling your rehearing request for next week. Since the Notice of Decision was just provided to you. Would you like to defer and get the full 30 days or would you like to proceed to be heard on 8-22-2024? You could also apply for a variance as layout in the Notice of Decision. Please provide notice on what you would like to do.

Thank you
Chris Sullivan
Zoning Administrator
<image001.png>
12 School Street
Hudson, NH 03051
603-816-1275 (Direct)
603-594-1142 (Fax)

HUDSON ZONING BOARD OF ADJUSTMENT

REQUEST FOR DEFERRAL WORKSHEET

On **08-22-2024**, The Hudson Zoning Board of Adjustment heard **Case 165-021**, being a request by **Brendan Burke, Manager for Keystone Estates, LLC, 343R High St., Hingham, MA**. **The Applicant requests a deferral for a Rehearing Request of an Appeal from an Administrative Decision for 12-14 Gambia St., Hudson, NH previously denied on 07-11-24 and the Code Enforcement – Notice of Violation Cease & Desist letter dated May 8, 2024 was upheld by the Zoning Board of Adjustment.** [Map 165, Lot 021, Sublot-000; Zoned Town Residence (TR); HZO Article V: Permitted Uses; §334-20, Allowed uses provided in tables and §334-21, Table of Permitted Principal Uses and HZO Article III: General Regulations; §334-16.1, Site plan approval]

Y **N** Members sitting on the Zoning Board of Adjustment vote to accept this deferral request to date specific _____.

Signed: _____ **Date:** _____
Sitting Member of the Hudson ZBA

Print name: _____

APPLICATION FOR A REQUEST FOR A REHEARING

To: Zoning Board of Adjustment
Town of Hudson

Case No. 165-021
Date of Hearing July 11, 2024

Location of Property 12 and 14 Gambia Street Map: 165 Lot: 021-000

Applicant Keystone Estates, LLC

Telephone Number (Home) 617-755-5770 c/o Andrew J. Tine (Work) _____

Mailing Address 343R High Street, Hingham, MA 02043

Brendan Burke 8/5/24
Signature of Applicant Brendan Burke, Mngr Date

If you believe that the Board's decision is wrong, unlawful, or unreasonable, you have the right to appeal for a rehearing. In addition, any third party/parties affected by the decision also has/have the right to appeal the decision of this case. To appeal, you must first ask the Board for a rehearing; this motion for rehearing may be in the form of a letter to the Board. The rehearing request must be made in writing within thirty (30) days following the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in the Board's opinion, good reason is stated in the motion. In general, the Board will not allow a rehearing unless a majority of its sitting members conclude either that the protested decision was illegal or unreasonable or that the request for rehearing demonstrates the availability of new evidence that was not available at the original hearing. The Board will not re-hear a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal the decision to the Court(s). When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

Please refer to NH RSA Chapter 677 for more detail on rehearing and appeal procedures.

TOWN OF HUDSON
AUG 09 2024
LAND USE DIVISION
ZONING DEPT.

Items in this box are to be filled out by Land Use Division personnel
Received by: Brendan Burke Date: 8/8/2024

REQUEST FOR A REHEARING

Please indicate your reasons to support your request for a rehearing below or you may submit a letter to the Zoning Board of Adjustments setting forth the grounds on which it is claimed the decision is unlawful or unreasonable. Your reasons should show new evidence not available at the first hearing or show that the Zoning Board of Adjustment made an error in law in making their previous decision regarding this case. (Use additional copies of this page if necessary)

1. ~~The ZBA failed to render a decision on applicant's request for a reasonable accommodation, which is error and/or a denial of said requested accommodation. See letter in support dated August 4, 2024 as to why this property should be legally allowed to continue to exist as a "dwelling unit" and why the reasonable accommodation should have been granted. There will be no undue administrative burden upon the Town by allowing the present use as sober house. The use is not inconsistent with the Town's zoning scheme which allows unrelated individuals to live together in the the TR zone in the same numbers as the current occupancy.~~
2. ~~failure to provide an accommodation to disabled individuals to liver together is exclusionary and denies access to housing for the disabled.~~

3.

4.

5.

ANDREW J. TINE

ATTORNEY AT LAW

August 4, 2024

Zoning Board of Adjustment
Hudson, New Hampshire

Re: 12-14 Gambia Street, Hudson, NH (the "Property")

Dear Zoning Board of Adjustment:

This office represents Keystone Estates, LLC ("Keystone"), the owner of the Property, with respect to the appeal of the cease and desist letter dated May 8, 2024.

The Property is located in a TR Zone. A TR Zone allows for single-family homes and assisted living facilities, among other uses. A "family" is not defined in the zoning ordinance but the Town does define who may occupy a "dwelling unit" of a single-family home. The Town's zoning ordinance defines a "Dwelling Unit" as "One or more rooms arranged for living, sleeping and cooking purposes with sanitary facilities for the use of one or more individuals **living as a single housekeeping unit.**"

The Town's zoning ordinance does not define what constitutes a "single housekeeping unit." Nor does the Town's zoning ordinance define or allow "boarding houses," "rooming houses," "halfway houses" or "recovery houses" in any zone of the Town without a variance. Thus, the Town's enforcement and the issuance of violations based upon the use of these undefined terms is arbitrary and unfair.

As to the use of the Property by my client, Keystone is renting the house for use as a sober recovery home. This is not a "lodging house" or room-renting because the occupants share the entire house, all facilities and rooms, including cooking facilities, and function as a family, sharing all cleaning and domestic responsibilities. As such, the unrelated disabled occupants should be considered a single housekeeping unit and the cease and desist violation should have been overturned.

Separately, my client seeks a reasonable accommodation under the Fair Housing Act and Americans with Disabilities Act.

The failure to provide a reasonable accommodation is an independent form of discrimination under the FHA. *United States v. City of Philadelphia*, 838 F. Supp. 223, 229 (E.D. Pa. 1993), *aff'd mem.*, 30 F.3d 1488 (3d Cir. 1994). The failure of zoning officials to allow for "reasonable accommodations" in their policies to allow persons with disabilities to live in the community will violate the FHA regardless of whether the officials acted with discriminatory animus. *Community Services, Inc. v. Wind Gap Municipal Authority*, 42 F.3d 170, 177 (3d Cir. 2005) and *Good Shepherd Manor Foundation, Inc. v. City of Momence*, 323 F.3d 557, 561-62 (7th Cir. 2003).

“[T]he FHA defines discrimination to include "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford [a handicapped individual] equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B).

The concept of "equal opportunity" under the FHA generally means providing people with disabilities with the right to choose to live in single-family neighborhoods so as to end their exclusion from the American mainstream. *See Oconomowoc Residential Programs, Inc. v. City of Milwaukee*, 300 F.3d 775, 784 (7th Cir. 2002); *Lapid-Laurel, L.L.C. v. Zoning Bd. of Adjustment*, 284 F.3d 442, 459 (3d Cir. 2002); *Howard v. City of Beavercreek*, 276 F.3d 802, 806 (6th Cir. 2002).

“The reasonableness requirement calls for a fact bound balancing of the benefits that would accrue to the handicapped individual against the burdens that the accommodation would entail. *See Valencia*, 883 F.3d at 968; *Anderson v. City of Blue Ash*, 798 F.3d 338, 362 (6th Cir. 2015); *Scoggins v. Lee's Crossing Homeowners Ass'n*, 718 F.3d 262, 272 (4th Cir. 2013). The burdens that may be given weight in this balancing include both financial costs and practical detriments to the City, as well as less tangible effects on the public. *See Valencia*, 883 F.3d at 968. Typically, "[a]n accommodation is 'reasonable' when it imposes no 'fundamental alteration in the nature of the program' or 'undue financial and administrative burdens'" on the City. *Batista v. Cooperativa de Vivienda Jardines de San Ignacio*, 776 F.3d 38, 43 (1st Cir. 2015) (quoting *Howard v. City of Beavercreek*, 276 F.3d 802, 806 (6th Cir. 2002)). Thus, a person is not entitled to a waiver of a zoning or building-code rule if the waiver "is so 'at odds with the purposes behind the rule that it would be a fundamental and unreasonable change.'" *Valencia*, 883 F.3d at 968 (quoting *Oconomowoc Residential Programs, Inc. v. City of Milwaukee*, 300 F.3d 775, 784 (7th Cir. 2002)).” *Jeffrey D. Summer et al. v. City of Fitchburg et al.*, United States Court of Appeals, First Circuit, No. 18-1725, (October 8, 2019). Speculation concerning potential burdens resulting from the accommodation is insufficient to render a requested accommodation unreasonable. *See Oconomowoc Residential Programs, Inc. v. City of Milwaukee*, 300 F.3d 775, 785-87 (7th Cir. 2002).

An accommodation is "necessary" if, but for the accommodation, the plaintiff is likely to be denied an equal opportunity to enjoy the housing of their choice. *See Oconomowoc Residential Programs, Inc. v. City of Milwaukee*, 300 F.3d 775, 784 (7th Cir. 2002); *Lapid-Laurel, L.L.C. v. Zoning Bd. of Adjustment*, 284 F.3d 442, 460 (3d Cir. 2002); *Howard v. City of Beavercreek*, 276 F.3d 802, 806 (6th Cir. 2002); *Dr. Gertrude A. Barber Center, Inc. v. Peters Township*, 273 F. Supp. 2d 643, 653 (W.D. Pa. 2003); *United States v. City of Chicago Heights*, 161 F. Supp. 2d 819, 834 (N.D. Ill. 2001).

Thus, it being reasonable and necessary to treat this unrelated group of disabled individuals the same as a family to provide access to housing at 12-14 Gambia Street. A reasonable accommodation should be granted as requested.

Lastly, I would like to note that an assisted living facility (which is undefined) may exist in this TR zone without special permission. It is unfair and inequitable to allow unrelated individuals with an impairment that requires “assistance” to live in this neighborhood without

ANDREW J. TINE

ATTORNEY AT LAW

having to seek a variance but to require unrelated individuals with a substance abuse impairment to have to seek a variance. This is discriminatory. It should also be noted that the Town does not allow any of the uses suggested in its cease and desist letter within the Town without a variance, therefore the Town does not provide any access to housing for unrelated disabled individuals to live together in a supportive, family-like environment. This is exclusionary and discriminatory.

A reasonable accommodation should be granted to allow this use to continue.

Thank you.

Sincerely,

/s/Andrew J. Tine

Andrew J. Tine

Send recorded copy to:

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

NOTICE OF DECISION

Map 165, Lot 021-000, Zone TR (Town Residence), Case # 165-021

ZBA Decision 07/11/2024

Appeal from an Administrative Decision– DENIED

Notice of Violation Cease & Desist letter dated May 8, 2024 – upheld

Property Owner & Address: Keystone Estates, LLC, Brendan Burke, Manager
84 W Broadway, Suite 200, Derry, NH 03038

Property Location: 12-14 Gambia Street, Hudson, NH 03051

Legal Representative: Andrew J. Tine, Esq., Law Offices of Andrew J. Tine
18 Maple Avenue, Barrington, RI 02806

Action sought: Brendan Burke, Manager for Keystone Estates, LLC, 343R High St., Hingham, MA requests an Appeal from an Administrative Decision for 12-14 Gambia St., Hudson, NH. The applicant is appealing a Code Enforcement – Notice of Violation Cease & Desist letter dated May 8, 2024 which cites a non-permitted use of a rooming/boarding house in the Town Residence (TR) Zone and requires a variance from the Zoning Board of Adjustment and, if approved, site plan approval from the Planning Board.

Zoning Ordinance Articles: V: Permitted Uses; §334-20, Allowed uses provided in tables and §334-21, Table of Permitted Principal Uses; and Article III: General Regulations; §334-16.1, Site plan approval

Action: To uphold the Zoning Administrator’s determination. After review of the testimony from the property owner’s legal representative and oral and written public testimony regarding their observations and concerns, the Board determined the following finding of facts:

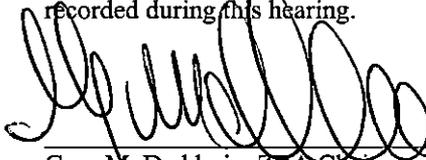
- (1) The Applicant opened a business of a recovery house in the neighborhood, a Town Residence (TR) district, and did not follow the steps for approval of this Use which is not allowed,
- (2) The Use does not fit within the typical makeup of a family unit nor does it fit within what has been outlined or argued about as a “single housekeeping unit” because it does not match the rest of the neighborhood. “Boarding House” or “transient living facility” are not defined terms in the Hudson Zoning Ordinance; therefore, definition relies on the common definition. Under common definition, the residence is being run like a business because each resident has a separate lease agreement and the residents are not subject to the State’s eviction laws and proceeding like typical residential tenants.
- (3) Other contrasting evidence received included: neighborhood households (abutters) consist of smaller numbers of 3-4 individuals where as subject property has had 7-11 males with no offer of a minimum or maximum number possible; neighbors tend to reside on a more permanent basis raising families whereas subject property leases to only adult males for a minimum of a week; households tend to be family relations whereas the tenants

are unrelated to one another, literally strangers to each other, operating independently in such basic needs as grocery shopping and meal preparation and consumption.

- (4) Regardless of who the people are, the fact that there are currently seven (7) people with seven (7) separate rental agreements within the same single-family home is the issue for the Use that turns it into something along business lines more so than a typical single-family housekeeping unit does.
- (5) According to the HZO § 334-20, only the land uses listed in the Table of Permitted Uses are allowed. "Any uses not specifically listed in the Table of Permitted Principal or Accessory Uses are hereby expressly prohibited." *Id.* According to HZO § 334-21 and the Table of Permitted Uses, the only residential uses permitted in the TR Zoning District are single-family residences, housing for older persons, and assisted living facilities.
- (6) Based on the evidence submitted, the Applicant's proposed use does not fit within the land use classifications or categories permitted in the TR Zoning District, and is therefore prohibited.
- (7) The Use, if it is to be allowed, as a reasonable accommodation or otherwise, requires affirmative zoning relief with a variance. No formal application for a variance has been submitted. The applicant argued that it is entitled to a reasonable accommodation; however, no request for a reasonable accommodation was submitted. This decision is without prejudice to the Applicant's ability to request a reasonable accommodation by filing a request for a variance.
- (8) The Use, if allowed by variance, will also require site plan review from the Planning Board.

In review of the findings, motion made, seconded and unanimously voted 5:0 to uphold the Zoning Administrator's Code Enforcement – Notice of Violation Cease and Desist letter dated May 8, 2024 and deny the Appeal.

Note: For any further details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.



Gary M. Daddario, ZBA Chairman

8/9/24

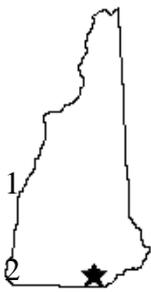
Date



Christopher J. Sullivan, Zoning Administrator

8-8-24

Date



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 – July 25, 2024 - draft Amended 7/23/2024

The Hudson Zoning Board of Adjustment met Thursday, July 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

III. ATTENDANCE

IV. SEATING OF ALTERNATES

Chairman Daddario called the meeting to order at 7:02 PM, invited everyone to stand for the Pledge of Allegiance and read the Preamble (Exhibit A in the Board’s Bylaws) regarding the procedure and process for the meeting.

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

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 144-005 (07-25-24):** Rowdy Smith, **19 Robinson Rd., Hudson, NH** requests a Variance to allow a continued existing unpermitted multi-family use in the R-2 zoning district where multi-family dwellings are not permitted. [Map 144, Lot 005, Sublot-000; Zoned Residential-Two (R-2); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

Mr. Sullivan read the Case into the record and referred to his Staff Report initialed 7/15/2024 that included a property description and a time line of events noting that in early 2015 the Code Enforcement Officer was notified that a third and fourth unit had been added, without a Building Permit or a Variance, and that on 6/15/2015 the ZBA denied the Variance request to add a third and fourth unit and that decision was confirmed on 10/2/2015 when the then property-owner, documented in writing that the property had returned to a two-family duplex unit.

Mr. Sullivan stated that in order for the Board to hear another Variance for a multi-family residence, it would have to be determined that either there is material change of circumstances affecting the merits of the new application or that the second variance request materially differs from the first variance request.

48

49 Mr. Sullivan also stated that in-house review comments have been received from the
50 Town Engineer regarding the septic system; the Fire Department/Inspectional
51 Services regarding fire alarms and sprinkler requirements and the need to perform
52 an inspection of the entire structure; and the Associate Town Planner noting that if
53 the Variance is approved, then Site Plan Review by the Planning Board is required.

54

55 Elizabeth Hartigan, attorney from Gottesman & Hollis PA in Nashua, NH introduced
56 herself and the current Property Owner, Rowdy Smith, of 19 Robinson Road.

57

58 Mr. Dumont asked if the Board is first required to determine if the Case has the
59 merit to be heard, especially as it appears to be the same multi-family request. Mr.
60 Martin stated that he is the only person on the Zoning Board today who was also
61 present on the Zoning Board then and made the motion to hear the Applicant's
62 testimony in order to determine if there is either a material change or a difference.
63 Mr. Lanphear seconded the motion. Vote was unanimous. Motion passed.

64

65 Atty. Hartigan stated that she reviewed the evidence presented in 2015, the
66 application, the Minutes and the notice of decision and noted that the applicant had
67 not addressed two of the five criteria – whether there was any impact to the
68 neighboring property values and whether there was any hardship imposed. Atty.
69 Hartigan stated that she is prepared to address both in her presentation.

70

71 Atty. Hartigan addressed the criteria necessary for the granting of a Variance. The
72 information shared included:

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(1) *not contrary to public interest*

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

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- the spirit of the Ordinance will be observed, as even though the number of units is greater than what is permitted, its appearance is similar to other properties in the area
- the character of neighborhood will not be changed as there is no exterior change proposed so there is no threat to public health, safety or welfare
- the outside footprint does not change with a duplex or the 4-units
- the character of the neighborhood remains the same

(3) *substantial justice done*

- 98 • substantial justice would be done as this property has been maintained as a
99 4-unit building since approximately 2009, that the current owner bought
100 the property in 2021 as advertised as a 4-unit building, and the
101 assessor's card has the lot listed as a 4-family
102 • denial of the variance would create harm to the property owner and the
103 tenants and are not outweighed by any harm to the public
104 • the property owner has no knowledge whether the building ever returned to
105 a duplex after the 2015 denial
106 (4) *not diminish surrounding property values*
107 • Granting the variance will not cause any real change as to what has long
108 been a 4-family use of the building in the neighborhood since
109 approximately 2009
110 • Adjacent properties will not be adversely affected as they will see no change
111 to the exterior of the building nor any practical change from what has
112 been in use for years
113 • The proposed use will not diminish surrounding property values
114 • Atty. Hartigan submitted J. Chet Rogers, MAI, Certified General Appraiser
115 NHCG-727 of Hollis, NH 6/11/2024 assessment attesting that there
116 would be no diminishment to surrounding property values
117 (5) *hardship*
118 • the special condition is satisfied due to it being a large parcel (5.79 acres)
119 with 252,212 SF where only 60,000 SF is required in the TR Zone
120 • in addition there are wetlands along the front of the property and power
121 lines along the rear of the property
122 • it has been a 4-unit building for over a decade and a half, illegal yet pre-
123 existing
124 • enforcing the density regulations against this property bears no fair and
125 substantial justice to the purpose of the zoning ordinance to prevent
126 overcrowding
127 • this large lot is in compliance with all zoning requirements except its use
128 and requiring compliance presents a hardship to the property owner and
129 tenants occupying the units and brings no relief to the neighborhood or
130 its surroundings as there would not be any exterior change to the
131 building whether it convert to a 2-unit or remain a 4-unit building
132 • the property has sufficient land area to be subdivided and where duplexes
133 would be permitted on each lot; however, the wetlands along Robinson
134 Road affecting the frontage and a significant power line easement to the
135 rear of the property, the lot cannot be subdivided.
136 • It is a reasonable use to allow the existing units to remain with no changes
137 or harm to the public.
138

139 Atty. Hartigan stated that her client bought the property in 2021, as advertised, as
140 a four-unit building and added that the building has been being taxed as a four-
141 unit building since 2015.

142
143 Mr. Sakati asked and received confirmation that all four units are occupied.
144

145 Mr. Martin referenced the Staff Report and noted that on 6/12/2007 the waste
146 disposal system was disapproved and that on 9/4/2007 there was a septic
147 inspection under BP#2007-00112. Mr. Martin concluded that the Town was aware

148 as far back as 2007 that there were four (4) units and the septic system was being
149 corrected with a Building Permit. Mr. Dumont concurred and asked if there was
150 any correspondence on file. Mr. Sullivan stated that there was in 2015 and the
151 property owner applied for a Variance to keep the four (4) units, which the ZBA
152 denied. Mr. Dumont stated that, in his opinion, it seems logical that a Property
153 Owner would assume that the Town was definitely in the know, that there were four
154 (4) units in the building. Mr. Sullivan stated that there is no record on file that a
155 Building Permit was ever pulled to create the third and fourth unit. Mr. Lanphear
156 stated that would be another item that is in need of correction.

157
158 Mr. Lanphear made to motion to accept the application for a Variance to allow
159 continued use of the four (4) units contained in the building as the Applicant has
160 demonstrated that a hardship does exist and has submitted documentation from a
161 Realtor that there is no negative impact to surrounding property values. Mr. Martin
162 seconded the motion. By unanimous roll call vote of 5:0, motion passed.

163
164 Mr. Daddario opened the meeting to the public. The following individuals addressed
165 the Board:

- 166 (1) Brian Tarr, 19A Robinson Road, stated that he has been there 4-5 years
167 now, that his parents live downstairs, that they are all close to one
168 another and look out for one another and that it would be hardship if they
169 had to move.
- 170 (2) Molly Blain, 19C Robinson Road, and Debbie Meleski, 19B Robinson
171 Road, sat at the applicant's table. Ms. Blaine stated that she lives in the
172 one-bedroom apartment, which is a beautiful apartment, and has been
173 there four (4) months not and that it would be a hardship if she had to
174 move and try to find another apartment. Ms. Meleski concurred about
175 the hardship if any were to be forced to relocate.

176
177 Being no one else to address the Board, Public testimony closed at 7:42 PM
178

179 Board discussion included whether it has been properly documented that an error
180 was made in 2015, whether the septic correction made in 2007 had inadvertently
181 communicated Town knowledge of the four units, that there is still a need regarding
182 Building Permits and addressing Town Official Review Comments and the need for
183 Site Plan Review by the Planning Board, and the acknowledgement that there would
184 be no change to the footprint of the building whether it contained two or four units.

185
186 Mr. Lanphear made the motion to grant the Variance as requested. Mr. Sakati
187 seconded the motion.

188
189 Mr. Lanphear spoke to his motion stating that it is not contrary to public interest as
190 it has been a 4-family for decades; that it observes the spirit of the Ordinance and
191 that the Town was aware that it was a 4-family unit and it has opposed no threat;
192 justice would be done as it has been taxed as a 4-unit; it will not diminish
193 surrounding property values; the residents/tenants are very close and take care of
194 one another and they would suffer a hardship if not granted and the proposed use
195 is a reasonable use. Mr. Lanphear voted to grant.

196
197 Mr. Sakati spoke to his second stating that it is not contrary to public interest and
198 does not harm the public; that it does not conflict nor threaten public health; that

199 justice is done to the property owner; that there is no change in values as the use is
200 not changing in a practical way and will remain 4 units; and that literal
201 enforcement creates the hardship and reconfiguring the dwelling to 2 units is not
202 practical; and that the proposed use is a reasonable one. Mr. Sakati voted to grant.
203

204 Mr. McDonough voted to grant stating that the public interest is maintained, that
205 the 4 units do not affect the safety on the public; that the neighborhood is
206 maintained and has functioned as such for several years; that the new owner
207 purchased under false assumptions, so substantial justice would be done to the
208 property owner; that the outer house structure remains the same regardless if the
209 unit count; and that the Town failed to correct multifamily use in earlier situations,
210 and that the proposed use is reasonable.
211

212 Mr. Martin voted to grant stating that it will not be contrary to the public interest;
213 that it will observe the spirit of the Ordinance; that substantial justice would be
214 done; that it will not diminish property values as per letter submitted by real estate
215 appraiser; and that the hardship is the fact that the Town gave an inspection of an
216 upgraded septic system yet failed to notice the number of living units on the
217 property; and that the proposed use is a reasonable one.
218

219 Mr. Daddario voted to grant stating that both the house and the character of the
220 neighborhood will have no change; that there is no threat to public and there is
221 enough square footage on site to support this use; that the current property owner
222 purchased it this way, that it has been taxed as a 4-unit and that a 4-unit septic
223 system was approved; that the 4-unit use has existed for years with no evidence to
224 suggest diminished value to other properties; and that despite the size of the lot, it
225 cannot be subdivided due to wetlands and power line easement, that the Town has
226 taxed the lot as a 4-unit and previously approved a septic system for a 4-unit, and
227 that the prior hearing had not presented a hardship argument.
228

229 Roll call vote was 5:0. Motion granted. The 30-day Appeal period was noted.
230
231

232 2. **Case 126-024-002 (07-25-24):** Todd Hirst, **9 B David Dr., Hudson, NH**
233 requests a Home Occupation Special Exception to allow the accessory use of a
234 home office for two (2) businesses including storage of tools/equipment and
235 parking of four (4) business vehicles. [Map 126, Lot 024, Sublot-002; Zoned
236 General-One (G-1); HZO Article VI: Special Exceptions; §334-24, Home
237 Occupations and HZO Article V: Permitted Uses; §334-22, Table of Permitted
238 Accessory Uses]
239

240 Mr. Sullivan read the Case into the record and referred to his Staff Report initialed
241 7/15/2024 and noted that in-house review comment has been received from the
242 Town Engineer regarding vehicle parking, and that no comments were received from
243 Inspectional Services/Fire Department and the Town Planner.
244

245 Todd Hirst sat at the Applicant table and introduced himself as the Property Owner
246 seeking a Home Occupation Special Exception for his businesses. Mr. Hirst stated
247 that there are no customers that come to his home, that he needs to run his
248 business from there which includes paying bills/office type work, telephone work
249 and some storage for his pesticide spraying business and the parking and storing of

250 trucks, trailer equipment and materials related to his irrigation company. Mr. Hirst
251 stated that the Fire Department is aware and that his sister does come over and
252 handles the receipts and files stuff in the file cabinet downstairs. Mr. Hirst stated
253 that he bought the house in 2011 and held a normal job until 2017 and then
254 started his landscaping business.

255

256 Mr. Hirst next addressed the criteria necessary to be met in order for the Board to
257 grant a Home Office Special Exception. The information shared included:

258

259

(a) nature of home office business

260

- it is the home base for both his LLCs – Hirst Mosquito and Tick, LLC
and Hirst Outdoors, LLC

261

262

- both businesses use this location for storage of materials, vehicles and
paperwork

263

264

(b) is home occupation secondary to the principal use of a home

265

- yes it is secondary – it is his primary residence and he lives there with
his two children, and dog and cats

266

267

(c) will it be carried within residence or accessory structure

268

- yes, for storage of materials and tools and paperwork

269

- tools stored in sheds, 4 trucks for landscaping business, no
landscaping materials stored on site

270

271

(d) no exterior display of the business

272

- no signs on property

273

- 2 sheds on property contain equipment, and plows in open

274

- one of the pickup trucks has lettering for the mosquito business

275

(e) no exterior storage unless screened

276

- two sheds

277

- two plows out in the open

278

- there is no storage of materials – stone, mulch etc – on site

279

(f) no objectionable circumstances such as noise, odors etc

280

- only noise will be loading and unloading of vehicles

281

(g) traffic not to exceed volume in a neighborhood

282

- no extra traffic from the business

283

- only two employees may pass through to his business

284

(h) parking to be off-street and limited to 2 vehicles at any one time

285

- no customer/client parking as they do not come to the site

286

(i) home occupation to be conducted only by residents of dwelling

287

- yes, himself, Todd Hirst

288

(j) number of vehicles for business

289

- 4 trucks – 1 truck for the Mosquito and Tick, LLC that has lettering on
the truck; and 3 trucks for Hirst Outdoors, LLC

290

291

292 Mr. Lanphear asked if any of the employees drive the trucks. Mr. Hirst responded
293 that he is the only one qualified/licensed to operate the mosquito business so he is
294 the only one to drive the lettered truck and added that the truck is also used for
295 plowing in the wintertime.

296

297 Mr. Daddario opened the meeting for public comment. No one addressed the Board.

298

Mr. Martin read into the record letter dated 7/11/2024 from Trudi J. Durham, 9A

299 David Drive, who expressed support for Mr. Hirst operating his business from his
300 home. Mr. Daddario closed public testimony at 8:09 PM.

301
302 Mr. Daddario asked about the vehicles. Mr. Hirst stated that he has his personal
303 truck, which is a back up truck for his business, an '08 F350 with a utility visor
304 which is his main work vehicle, a red '17 F250 that is the mosquito truck, '08 F250
305 that is essentially a plow truck. Mr. Lanphear asked and received confirmation that
306 all the trucks are under the GSW (Gross Vehicle Weight) of 13,000 pounds.

307
308 Mr. Sakati asked Mr. Sullivan if the Special Exception is granted, does it remain a
309 constant part of the land like a Variance would, or is it just as it pertains to this
310 applicant. Mr. Sullivan stated that it pertains to the Use, and if Mr. Hirst moves,
311 the Special Exception for this site becomes moot.

312
313 Mr. Sakati asked if any equipment is used on site that creates noise, dust et. Mr.
314 Hirst stated that he has a kidsteerer, a bobcat and a mini excavator, and all are
315 being used for his personal use as he is building a patio on his home, both in front
316 and in back, and, they are also used for his business and the noise from the
317 business is just the loading and unloading of them, not any operational noise.

318
319 Mr. Martin made the motion to grant the Home Occupation Special Exception. Mr.
320 Lanphear seconded the motion.

321
322 Mr. Martin spoke to his motion stating that it is a sales service operation that is
323 provided off-site, that the proposed use is secondary to the principal residential use
324 of the house, that the proposed use will be carried in within the house and
325 accessory structures, that there will be no sign on the property identifying that a
326 business resides within and there is lettering on one of the trucks, that there will
327 not be any objectionable noise or nuisance from the proposed use, that traffic to the
328 neighborhood will not be substantially greater, that parking will be off street, that
329 there is one employee but he takes their vehicle home, and that none of the vehicles
330 is greater than 13,000 pounds. Mr. Martin voted to grant.

331
332 Mr. Lanphear spoke to his second, agreed with Mr. Martin with exception of the first
333 stipulation in that the proposed use is not produced or provided on site and with
334 regard to the number of vehicles limited to 3-4 vehicles. Mr. Lanphear voted to
335 grant.

336
337 Mr. Sakati voted to grant
338 Mr. McDonough voted to grant.
339 Mr. Daddario voted to grant.

340
341 Vote was 5:0 to grant the Home Office Special Exception. Motion carried. The 30-
342 day Appeal period was noted.

343
344

345 **VI. REQUEST FOR REHEARING: (Addendum)**

346
347 **Case 165-049 (06-27-24):** Manuel D. Sousa of Sousa Realty & Development
348 Corp., 46 Lowell Rd., Hudson, NH requests a Variance for **36 Campello St.,**
349 **Hudson, NH** for the proposed construction of a new private road and 10 new

350 single family homes plus retaining the existing single family home on a lot with
 351 30.37 feet of frontage where a minimum of 90 feet is required in the Town
 352 Residence (TR) district. [Map 165, Lot 049, Sublot-000; Zoned Town Residence
 353 (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum
 354 Dimensional Requirements]

355
 356 Mr. Sullivan read the request into the record. Mr. Sullivan stated that basically the
 357 Board is to determine whether to accept the petition to re-hear. Mr. Daddario noted
 358 this is not a public hearing at this meeting. Mr. Dumont noted that the material
 359 pertinent to this request was placed in the meeting's supplemental purple folder. Mr.
 360 Martin stated that he was perplexed to see it on the Agenda as the Board has thirty
 361 days in which to respond. Mr. Sullivan agreed and stated that what is before the
 362 Board this evening is whether to accept the request for a re-hearing. Mr. Daddario
 363 pointed out that information in the purple folder represents the first time seen by the
 364 Board and he has not had the opportunity to review the material.

365
 366 Mr. Sakati made the motion to defer the re-hearing to the next available meeting,
 367 8/22/2024. Mr. Lanphear seconded the motion. Mr. Sakati stated that it is best for
 368 the Town and the Applicant to have the opportunity to review the material presented
 369 and not be forced into making a hasty decision. Mr. Lanphear stated that even though
 370 the request was timely filed within the thirty day window, this is the first opportunity
 371 the Board has seen the material. Mr. Dumont asked that the motion be amended to a
 372 specific date, a date certain. Mr. Martin stated that the material was received Monday,
 373 July 22 and if scheduled/placed on the Agenda for the regular meeting in August,
 374 August 22, 2024, the Board will have acted in the required timeframe. Motion
 375 amended to specify to the August regular meeting. Roll call vote was 5:0. Amended
 376 motion carried. Mr. Daddario recapped what transpired to the public.

377
 378 Member of the public asked if they would receive notice of the August meeting. Mr.
 379 Daddario stated that no notices would be sent. That the public would not be invited to
 380 speak, that the purpose and intent of the August meeting will be to review the
 381 information to determine whether to grant a re-hearing based on certain criteria and if
 382 a re-hearing is granted, then it would be a public hearing and the proper notices
 383 would be sent. Mr. Martin noted that the information contained in the purple folder is
 384 public record and, if desired, a copy could be requested.

385
 386 **VII. REVIEW OF MINUTES:**

387
 388 06/27/2024 draft-Meeting Minutes
 389 Motion made by Mr. Lanphear, seconded by Mr. Sakati and unanimously voted to
 390 approve the 6/27/2024 Minutes as edited.

391
 392 **VIII. OTHER BUSINESS:**

393 No other business was presented for Board consideration.

394
 395 **IX. ADJOURNMENT:**

396 Motion made by Mr. Martin and seconded by Mr. Lanphear to adjourn the meeting
 397 and unanimously voted to adjourn the meeting. The 7/25/2024 ZBA meeting
 398 adjourned at 8:26 PM.

399
 400 Respectfully submitted, Louise Knee, Recorder _____