

TOWN OF HUDSON

Zoning Board of Adjustment



Normand Martin, Acting Chairman

Dillon Dumont, Selectmen Liaison

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

MEETING AGENDA – April 24, 2025

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday, April 24, 2025, 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 APPLICATION BEFORE THE BOARD:

1. **Case 198-077 (04-24-25):** Raffi Massouyan, **14 Lorraine Street, Hudson, NH** requests a Variance to build a detached, 24 ft. x 24 ft., two-car garage with storage above which encroaches into the side yard setback 9.5 ft. leaving 5.5 ft. of setback where 15 feet is required. [Map 198, Lot 077, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]
2. **Case 200-005 (04-24-25):** Joshua & Caitlin M. Fuentes, **93 Pelham Rd., Hudson, NH** [Map 200, Lot 005, Sublot-000; Zoned Residential-Two (R-2)] requests two (2) Variances:
 - A. A variance to build a proposed 1,003 SF addition onto an existing nonconforming 2-story house where a nonconforming structure may not be altered or expanded, except by variance. The nonconformance is due to Pelham Rd. being a Collector Rd. where fifty (50) feet of front yard setback is required. [HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31 A, Alteration and expansion of nonconforming structures]
 - B. A variance to allow the nonconforming proposed 1,003 SF building addition to encroach into the front yard setback 16.6 feet leaving 33.4 feet (same as the existing house) where 50 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]
3. **Case 245-012 (04-24-25):** Bradford Baker Sr., **23 Fairway Drive, Hudson, NH** requests an Equitable Waiver of Dimensional Requirement to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches into both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

VI. REQUEST FOR REHEARING: None


VII. REVIEW OF MINUTES:

03/06/2025 edited draft Meeting Minutes
03/20/2025 edited draft Meeting Minutes
03/27/2025 edited draft Meeting Minutes

VIII. OTHER BUSINESS:

- **REMINDER: Registration is open for the NH Office of Planning and Development's Spring 2025 Planning and Zoning Online Conference, Saturday, May 10, 8:45 AM - 3:30 PM.** Each session will be recorded and available after the conference. The cost is free.

IX. ADJOURNMENT:


Chris Sullivan, Zoning Administrator



TOWN OF HUDSON

Land Use Division

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



Zoning Administrator Staff Report Meeting Date: April 24, 2025

CJS
4-11-25

Case 198-077 (04-24-25): Raffi Massouyan, 14 Lorraine Street, Hudson, NH requests a Variance to build a detached, 24 ft. x 24 ft., two-car garage with storage above which encroaches into the side yard setback 9.5 ft. leaving 5.5 ft. of setback where 15 feet is required. [Map 198, Lot 077, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

ADDRESS: 14 Lorraine Street.
Map 198, Lot 077-000

ZONING DISTRICT: Town Residence (TR)

Relief Requested:

Variance to build a detached, 24 ft. x 24 ft., two-car garage with storage above which encroaches into the side yard setback.

PROPERTY DESCRIPTION:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 16,117. Ft. where 10,000 is required. The lot is classified as a single-family residence. There is an existing dwelling that was constructed in 1965.

HISTORY/ATTACHMENTS

PLANS:

A: Site Plan – Solar Panels installation
(2-7-22)

BUILDING PERMITS:

B: BP# 2022-00126 – Installation of roof solar panels (2-11-22)

ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE

C: Notice of Decision Granted Variance of Article 1&3
(5-27-76)

D: Zoning Determination # 25-018 Building Permit Application Denial 2025-0019 (3-4-25)

AERIAL / PHOTOS

Aerials (2024) 93 Pelham Road





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: April 24, 2025

IN-HOUSE COMMENTS:

E: Town Engineer: (4-3-25)

Applicant shall apply for a driveway permit at the same time of the building permit

F: Inspectional Services/Fire Dept.: (4-3-25)

The proposed detached garage separation distance between the garage and the dwelling is less than five feet.

The State Adopted Building Code requires a one hour fire resistive rating on the exterior wall adjacent to the dwelling.

If the ZBA approves the variance, the construction drawings shall detail the one hour fire resistive rated wall.

G: Associate Town Planner: (4-4-25)

The plan should depict the easement associated with the sewer in the variance application.

The driveway appears to be at an angle; the proposed distance of the driveway from the side property bound at the edge of pavement and front property bound should be notated.

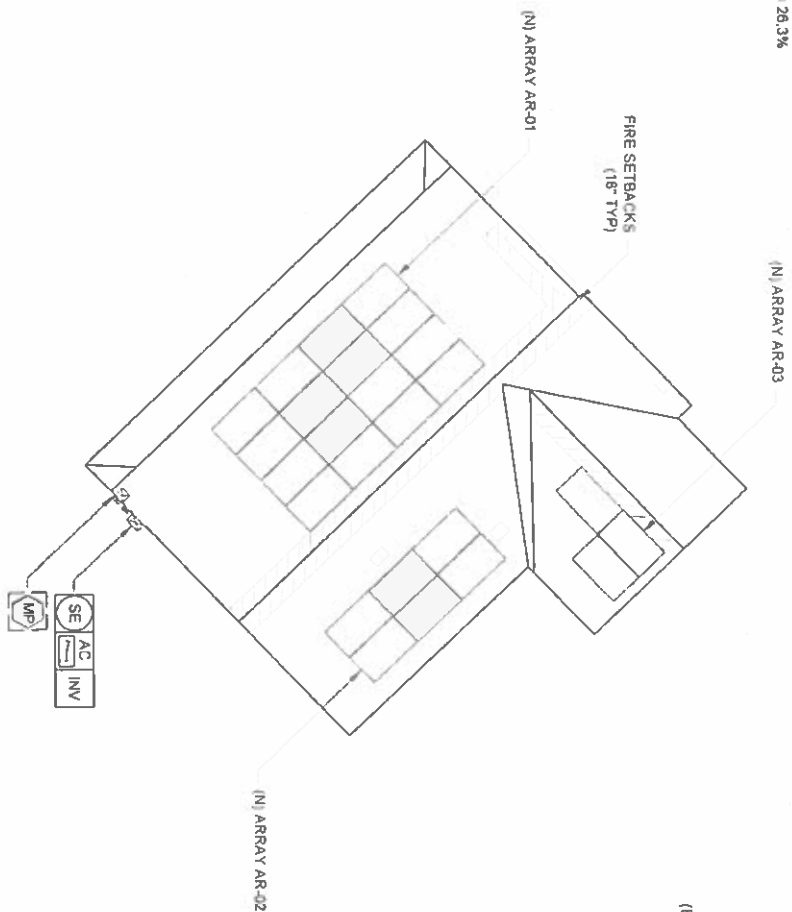


SITE PLAN - SCALE = 3/32" = 1'-0"

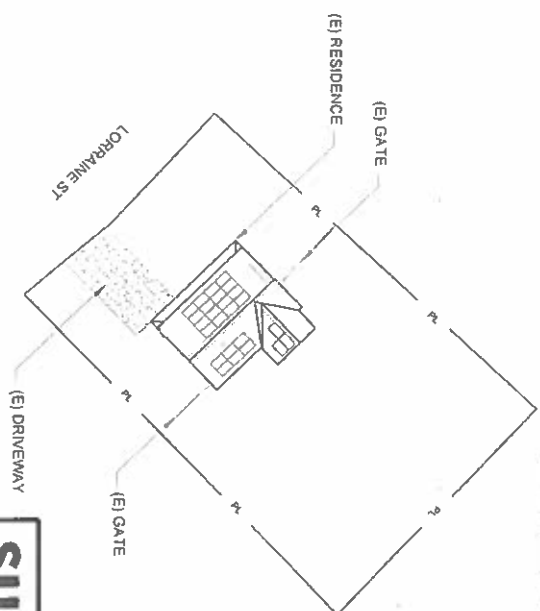


ARRAY DETAILS:

- TOTAL ROOF SURFACE AREA 1722 SQFT
- TOTAL PV ARRAY AREA 452.6 SQ FT
- PERCENTAGE PV COVERAGE (TOTAL PV ARRAY AREA/TOTAL ROOF SURFACE AREA) = 100 = 26.3%



SITE PLAN DETAIL - SCALE = 3/128" = 1'-0"



ARRAY	TRUE	MAG	PV AREA
PITCH	AZIM	AZIM	(SQ-FT)
AR-01	20°	227°	241°
AR-02	20°	47°	61°
AR-03	24°	137°	151°
			54.3

SUNRUN

#180120

200 BEACON DRIVE, WILMINGTON, MA 01897
PHONE 888.637.6577
FAX 603.229.9101

CUSTOMER RESIDENCE:
RAFFI MASSOUDYAN
14 LORRAINE ST., HUDSON, NH,
03051

TEL. (617) 806.6183
APN: HDSC-000198-000077

PROJECT NUMBER:
222R-014MASS

DESIGNER: (415) 580-8920 and
AARON VELASQUEZ

SHEET
SITE PLAN

REV A 2/7/2022

PAGE PV-2.0



Town of Hudson, NH
SOLAR PANEL

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

Permit Number

2022-00126

Date of Issue

2/11/2022

Expiration Date

8/10/2022

3

Owner: MASSOUYAN, RAFFI

Applicant: SunRun Installation Services

Location of Work: 14 LORRAINE ST
(No. and Street) (Unit or Building)

Description of Work: Install a roof mounted solar array with 25 modules

ZONING DATA: District: TR Map/Lot: 198-077-000

CONTRACTOR: SunRun Installation Services 978-872-4294

REMARKS:

The installation listed above shall meet the manufacturers installation specifications and all State adopted building and fire codes.

Building _____ / _____ / _____ Date

Electrical _____ / _____ / _____ Date

Permit Holder: SunRun Installation Services

(Taking Responsibility for the Work)

Company/Affiliation: Contractor

Job Site Phone Number:

Constr Cost: \$15,844

Permit Fee: \$63.75

Check No.:

Cash: \$0.00

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

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


Code Official

Permit Holder

2/11/2022

Date

NOTICE OF DECISION

BOARD OF ADJUSTMENT, TOWN OF HUDSON, NEW HAMPSHIRE

M 416
L 67 (C)

You are hereby notified that the request of Robert Lafavor
14 Lorraine St. for an exception under/ a variance to the
terms of Article 1 Section 3 of the Zoning Ordinance has been
granted/~~denied~~ as stated in the following resolution passed by a majority of
the appointed members of the Board of Adjustment:

Resolved, To grant variance as stated.

Resolved, that the following conditions shall be attached to such use:

The variance remains in effect for six months and expires when and if the
building permit expires.

Signed A. Boucher
Chairman,
Board of Adjustment

Date: 5/27/76 Case No. 10 Tax No. 4225

Note: Application for rehearing on any question of the above determination may
be taken within 25 days of said determination by any party to the action or
person affected thereby.

Notice: The Building Inspector is hereby notified to hold all building permits
relative to this case for which variances have been granted for a period of
25 days. After said period, the Building Inspector may release said permits
unless otherwise notified by the Board of Adjustment of an application for
rehearing.

c.c File
Building Inspector
Board of Selectmen



TOWN OF HUDSON

Land Use Division

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



Zoning Determination #25-018 Building Permit application 2025-00195 denial

March 4, 2025

Sent Via 1st Class Mail

Raffi Massouyan
14 Lorraine St.
Hudson, NH 03051

Re: 14 Lorraine St. Map 198 Lot 077-000
District: (TR) Town Residence

Dear Mr. Massouyan,

Zoning Review / Determination:

I am denying your Building Permit. The proposed garage shown on the plan that you provided is in the 15' side yard Setback. In the Town Residence Garages must adhere to principal building setbacks.

You would need to get a variance from the Zoning Board of Adjustment per Article VII §334-27 Table of Minimum Dimensional Requirements.

If you have any Questions on the process please contact us at the Zoning Department.

Sincerely,

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

cc: Public File
B. Dubowik, Administrative Aide
1st Owner
File

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

E

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

REQUEST FOR REVIEW/COMMENTS:

Case: 198-077 (04-24-25) **(VARIANCE)**

Property Location: 14 Lorraine Street

For Town Use

Plan Routing Date: 04/03/2025 Reply requested by: 04/10/2025 ZBA Hearing Date: 04/24/2025

☐ I have no comments ☒ I have comments (see below)

EZD Name: Elvis Dhima, P.E. Date: 04/03/2025
(Initials)

DEPT: ☒ Town Engineer ☐ Fire/Health Department ☐ Associate Town Planner

1. Applicant shall apply for a driveway permit at the same time of the building permit

(F)

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

REQUEST FOR REVIEW/COMMENTS:

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Property Location: 14 Lorraine Street

For Town Use

Plan Routing Date: 04/03/2025 Reply requested by: 04/10/2025 ZBA Hearing Date: 04/24/2025

☐ I have no comments ☒ I have comments (see below)

DRH Name: David Hebert Date: 04/03/2025
(Initials)

DEPT: ☐ Town Engineer ☒ Fire/Health Department ☐ Associate Town Planner

See comments below



TOWN OF HUDSON

FIRE DEPARTMENT

INSPECTIONAL SERVICES DIVISION



12 SCHOOL STREET, HUDSON, NEW HAMPSHIRE 03051

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

Scott Tice
Chief of Department

TO: Christopher Sullivan
Zoning Administrator

FR: David Hebert
Fire Marshal

DT: April 3, 2025

RE: 14 Lorraine Street

The proposed detached garage separation distance between the garage and the dwelling is less than five feet. The State Adopted Building Code requires a one hour fire resistive rating on the exterior wall adjacent to the dwelling. If the ZBA approves the variance, the construction drawings shall detail the one hour fire resistive rated wall.

David Hebert
Fire Marshal



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

REQUEST FOR REVIEW/COMMENTS:

Case: 198-077 (04-24-25) **(VARIANCE)**

Property Location: 14 Lorraine Street

For Town Use

Plan Routing Date: 04/03/2025 Reply requested by: 04/10/2025 ZBA Hearing Date: 04/24/2025

☐

I have no comments

☒

I have comments (see below)

BWG

(Initials)

Name: Benjamin Witham-Gradert

Date: 04/04/2025

DEPT:

☐

Town Engineer

☐

Fire/Health Department

☒

Associate Town Planner

The plan should depict the easement associated with the sewer in the variance application.

The driveway appears to be at an angle; the proposed distance of the driveway from the side property bound at the edge of pavement and front property bound should be notated.

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

On **04/24/2025**, the Zoning Board of Adjustment heard **Case 198-077**, being a case brought by **Raffi Massouyan, 14 Lorraine Street, Hudson, NH** requests a **Variance** to build a detached, 24 ft. x 24 ft., two-car garage with storage above which encroaches into the side yard setback 9.5 ft. leaving 5.5 ft. of setback where 15 feet is required. [Map 198, Lot 077, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

- | | | |
|----------|----------|---|
| Y | N | <p>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.”</p> <hr/> <hr/> |
| Y | N | <p>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.”</p> <hr/> <hr/> |
| Y | N | <p>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.</p> <hr/> <hr/> |
| Y | N | <p>4. The proposed use will not diminish the values of surrounding properties.</p> <hr/> <hr/> |

(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: _____

APR 02 2025
LAND USE DIVISION
ZONING DEPT.

APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 198-077 (04-24-25)

Date Filed 4/2/2025

Name of Applicant RAFFI MASSOUYAN Map: 198 Lot: 077 Zoning District: TR 16

Telephone Number (Home) (617) 806-6183 (Work) _____

Mailing Address 14 LORRAINE STREET

Owner RAFFI MASSOUYAN

Location of Property 14 LORRAINE STREET HUDSON NH
(Street Address)

Raffi Massouyan
Signature of Applicant

3-8-25
Date

Raffi Massouyan
Signature of Property-Owner(s)

3-8-25
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: 4/2/25

COST:

Application fee (processing, advertising & recording) (**non-refundable**): \$ 185.00 - 813,603

Abutter Notice:

8 Direct Abutters x Certified postage rate \$ 5.58 = \$ 44.64

10 Indirect Abutters x First Class postage rate \$ 0.73 = \$ 7.30

Total amount due: \$ 236.94

Amt. received: \$ _____

Receipt No.: 813,603 - \$185
814,458 - \$51.94

Received by: TSG

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

Engineering ☒ Fire Dept. ☒ Health Officer ☒ Planner ☒ Other _____

TOWN OF HUDSON, NH

Variance Application Checklist

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

Applicant Initials		Staff Initials
<u>JS</u>	Please review the complete collated application (includes all checklist items) with the Zoning Administrator or staff before making copies in next step.	<u>TG</u>
<u>WJ</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>PC</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>WJ</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>WJ</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.)	<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">TL</div> missing 1 set - reprint as courtesy TG
<u>WJ</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>WJ</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>WJ</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>WJ</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 NH licensed land surveyor. The required plot plan shall include all of the items listed below. Pictures and construction plans will also be helpful. (NOTE: it is the responsibility of the applicant to make sure that all of the requirements are satisfied. The application may be deferred if all items are not satisfactorily submitted).

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

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

[Signature]
Signature of Applicant(s)

7-8-25
Date


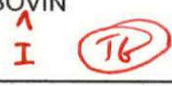
[Signature]
Signature of Property Owner(s)

7-8-25
Date

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
198	000	RAFFI MASSOUYAN	14 LORRAINE STREET HUDSON NH 03051
198	000	MICHAEL RILEY JR BRITTANY PETRINO	12 LORRAINE STREET HUDSON NH 03051
198	000	THOMAS LANE DEBORA LANE	16 LORRAINE STREET HUDSON NH 03051
198	000	JANET EPPOLITO	13 TESSIER STREET HUDSON NH 03051
198	000	RUTH ST. HILAIRE 	15 TESSIER STREET HUDSON NH 03051
198	000	JEFFREY BOVIN 	11 LORRAINE STREET HUDSON NH 03051

ALL INDIRECT ABUTTERS WITHIN 200 FEET

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

(Use additional copies of this page if necessary)

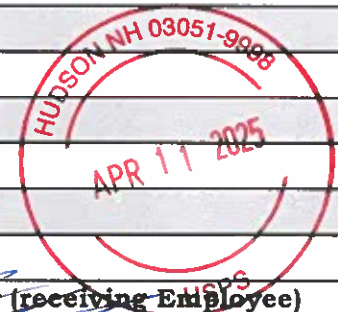
MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
198	000	RICHARD CHANDONNET <i>Diane Chandonnet</i> (TG)	10 LORRAINE STREET HUDSON NH 03051
198	000	SHAWN LUSSIER SECRET LUSSIER	18 LORRAINE STREET HUDSON NH 03051
198	000	WILLIAM WOLLENHAUPT RHONA WOLLENHAUPT	9 LORRAINE STREET HUDSON NH 03051
198	000	JOHN MILLER, TR. <i>Miller IRREV TRUST</i> (TG)	7 LORRAINE STREET HUDSON NH 03051
198	000	AMY LADUKE	6 RHONA STREET HUDSON NH 03051
198	000	JUSTIN MOORE	7 RHONA STREET HUDSON NH 03051
198	000	JUSTIN SULLIVAN KRISTIN SULLIVAN	15 LORRAINE STREET HUDSON NH 03051
198	000	JAN SCHLECHT CAREY SCHLECHT	9 TESSIER STREET HUDSON NH 03051
198	000	JAMES BOULAY JR., TR. AMY BOULAY, TR. (TG)	11 TESSIER STREET HUDSON NH 03051
198	000	BRIAN WAGNER HOLLY WAGNER	14 TESSIER STREET HUDSON NH 03051
198	000	TIMOTHY CRONIN KATIE CRONIN	4 WAYNE STREET HUDSON NH 03051
198	000	LAWRENCE MULLIN MADELINE MULLIN	6 WAYNE STREET HUDSON NH 03051

Direct *

Direct *

USPS-Verified Mail

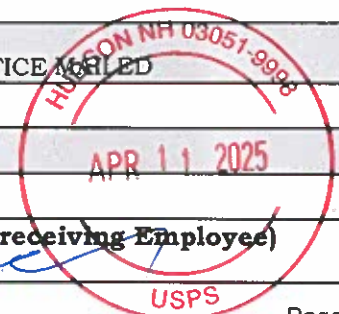
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 198-077 VARIANCE 14 Lorraine Street, Hudson, NH 03051 Map 198, Lot 077, Sublot-000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/24/2025 ZBA Meeting
1	9589 0710 5270 0646 5668 44	RAFFI MASSOUYAN	APPLICANT/OWNER NOTICE MAILED
		14 LORRAINE ST., HUDSON, NH 03051	
2	9589 0710 5270 0646 5668 51	RUTH M. ST. HILAIRE	ABUTTER NOTICE MAILED
		15 TESSIER STREET, HUDSON, NH 03051	
3	9589 0710 5270 0646 5668 68	JANET A. EPPOLITO	ABUTTER NOTICE MAILED
		13 TESSIER STREET, HUDSON, NH 03051	
4	9589 0710 5270 0646 5668 75	MICHAEL E. RILEY, JR.; BRITTANY F. PETRINO	ABUTTER NOTICE MAILED
		12 LORRAINE ST., HUDSON, NH 03051	
5	9589 0710 5270 0646 5668 82	THOMAS R. LANE; DEBORA L. LANE	ABUTTER NOTICE MAILED
		16 LORRAINE STREET, HUDSON, NH 03051	
6	9589 0710 5270 0646 5668 99	JUSTIN MOORE	ABUTTER NOTICE MAILED
		7 RHONA STREET, HUDSON, NH 03051	
7	9589 0710 5270 0646 5669 05	JEFFREY M. BOIVIN	ABUTTER NOTICE MAILED
		11 LORRAINE ST., HUDSON, NH 03051	
8	9589 0710 5270 0646 5669 12	WILLIAM WOLLENHAUPT; RHONA WOLLENHAUPT	ABUTTER NOTICE MAILED
		9 LORRAINE STREET, HUDSON, NH 03051	
9			
10			
11			
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE FIRST CLASS MAIL	Case# 198-077 VARIANCE 14 Lorraine Street, Hudson, NH 03051 Map 198, Lot 077, Sublot-000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/24/2025 ZBA Meeting
1	Mailed First Class	BRIAN R. WAGNER; HOLLY A. WAGNER	ABUTTER NOTICE MAILED
		14 TESSIER ST., HUDSON, NH 03051	
2	Mailed First Class	JAMES BOULAY, JR., TR; AMY K. BOULAY, TR.	ABUTTER NOTICE MAILED
		11 TESSIER ST., HUDSON, NH 03051	
3	Mailed First Class	JAN SCHLECHT; CAREY W. SCHLECHT	ABUTTER NOTICE MAILED
		9 TESSIER ST., HUDSON, NH 03051	
4	Mailed First Class	RICHARD L. CHANDONNET; DIANE CHANDONNET	ABUTTER NOTICE MAILED
		10 LORRAINE STREET, HUDSON, NH 03051	
5	Mailed First Class	SHAWN M. LUSSIER; SECRET M. LUSSIER	ABUTTER NOTICE MAILED
		18 LORRAINE ST., HUDSON, NH 03051	
6	Mailed First Class	TIMOTHY E. CRONIN; KATIE J. CRONIN	ABUTTER NOTICE MAILED
		4 WAYNE ST., HUDSON, NH 03051	
7	Mailed First Class	LAWRENCE P. MULLIN; MADELINE MULLIN	ABUTTER NOTICE MAILED
		6 WAYNE STREET, HUDSON, NH 03051	
8	Mailed First Class	JUSTIN W. SULLIVAN; KRISTEN J. SULLIVAN	ABUTTER NOTICE MAILED
		15 LORRAINE ST., HUDSON, NH 03051	
9	Mailed First Class	AMY J. LADUKE	ABUTTER NOTICE MAILED
		6 RHONA STREET, HUDSON, NH 03051	
10	Mailed First Class	JOHN R. MILLER, TR.; MILLER IRREV TRUST	ABUTTER NOTICE MAILED
		7 LORRAINE STREET, HUDSON, NH 03051	
11			
	Total Number of pieces listed by sender 10	Total number of pieces rec'd at Post Office 10	Postmaster (receiving Employee)

First Class





TOWN OF HUDSON

Zoning Board of Adjustment



Normand Martin, Acting Chairman

Dillon Dumont, Selectmen Liaison

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

April 10, 2025

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, April 24, 2025 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 198-077 (04-24-25): Raffi Massouyan, 14 Lorraine Street, Hudson, NH requests a Variance to build a detached, 24 ft. x 24 ft., two-car garage with storage above which encroaches into the side yard setback 9.5 ft. leaving 5.5 ft. of setback where 15 feet is required. [Map 198, Lot 077, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

Respectfully,

Chris Sullivan,
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Normand Martin, Acting Chairman

Dillon Dumont, Selectmen Liaison

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

April 10, 2025

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Case 198-077 (04-24-25): Raffi Massouyan, 14 Lorraine Street, Hudson, NH requests a Variance to build a detached, 24 ft. x 24 ft., two-car garage with storage above which encroaches into the side yard setback 9.5 ft. leaving 5.5 ft. of setback where 15 feet is required. [Map 198, Lot 077, Sublot-000; Zoned Town Residence (TR); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Please be advised, this Notice is for your information only. Your attendance is not required; however, you may attend this meeting to provide information or comments on the proposal.

If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan,
Zoning Administrator

APPLICATION FOR A VARIANCE

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

To build a 24x24 two car garage with storage above with a new driveway. The proposed garage is in the 15 ft. side yard setback!

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

I believe it will have very little impact on the aesthetic of the neighborhood. The goal of build is to stay within the zoning laws and to make sure the safety of everyone is not jeopardized

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.”)

There will be no safety issues or anything to harm the neighborhood.

Everything will be supervised during the build and will be carefully monitored

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.)

Putting the garage in the proposed spot is my only option due to the size of the lot

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.)

I believe that I will not be doing any harm to the value of my neighbors homes. I am only looking to improve my garage and driveway while keeping everyones concerns in mind

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

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

My lot is small. While looking into redoing the garage, a survey revealed that on one side there is town sewer and the only place i can possible put this is in the proposed space

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

I do not have the required 15 ft on the side where i intend to build. It is not plausible to build on the other side due to town sewer line.

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

By the hardship I have stated, the proposed spot to build in is the only space available



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #25-018 Building Permit application 2025-00195 denial

March 4, 2025

Sent Via 1st Class Mail

Raffi Massouyan
14 Lorraine St.
Hudson, NH 03051

Re: **14 Lorraine St. Map 198 Lot 077-000**
District: (TR) Town Residence

Dear Mr. Massouyan,

Zoning Review / Determination:

I am denying your Building Permit. The proposed garage shown on the plan that you provided is in the 15' side yard Setback. In the **Town Residence** Garages must adhere to principal building setbacks.

You would need to get a variance from the Zoning Board of Adjustment per **Article VII §334-27 Table of Minimum Dimensional Requirements.**

If you have any Questions on the process please contact us at the Zoning Department.

Sincerely,

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

cc: Public File
B. Dubowik, Administrative Aide
1st Owner
File

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

CURRENT OWNER			ASSESSING NEIGHBORHOOD			PREVIOUS ASSESSMENTS (HISTORY)							
MASSOUYAN, RAFFI 14 LORRAINE ST. HUDSON NH 03051			Nbhd	Nbhd Name	Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
			RE	Residential Average	2024	1010	298,900	2024	1010	298,900	2023	1010	298,900
			TOPO	UTILITIES		1010	132,000		1010	132,000			
			Level	Town Water		1010	4,800		1010	4,800			
				Town Sewer									
					Total	435,700	Total	435,700	Total	440,600			

RECORD OF OWNERSHIP	BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY	
MASSOUYAN, RAFFI FEDERAL NAT. MORT ASSOC SIMPSON, EMORY	8952	0938	03-16-2017	U	I	192,500	37	Grantor: FEDERAL NAT. MORT ASSOC. Grantor: SIMPSON, EMORY Grantor: N/A	Appraised Bldg. Value (Card)	298,900
	8929	2280	12-08-2016	U	I	181,500	51		Appraised Xf (B) Value (Bldg)	0
									Appraised Ob (B) Value (Bldg)	4,800
									Appraised Land Value (Bldg)	132,000

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				Special Land Value		0
Parcel ID	198-077-000	PREV 0046-0067-0000	Descript	Code		Appraised	Assessed	Total Appraised Parcel Value	435,700
Zoning	TR:Town Residential		BLDG	1010		298,900	298,900	Valuation Method	C
Flood Hazard	C		LAND	1010		132,000	132,000		
Neigh/Abut1			OB	1010		4,800	4,800		
Neigh/Abut2									
Neigh/Abut3									
GIS ID	198-077-000	Assoc Pid#			Total:	435,700	435,700	Total Appraised Parcel Value	435,700

NOTES						VISIT / CHANGE HISTORY			
PDAS4/19 REF INT LEFT CARD NEW SOLAR SYSTEM FOR 22 TY						Date	Id	Cd	Purpost/Result
						07-06-2022	26	45	Field Review
						03-31-2022	21	15	Permit Visit
						04-26-2019	18	02	Measured
						04-26-2019	18	11	Entry Denied
						06-20-2017	12	45	Field Review
						10-12-2011	14	03	Meas/Inspect
						06-12-2008	10	02	Measured
						08-17-2007	06	03	Meas/Inspect

BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments	
2022-00126-1- 2022-00126	02-11-2022	EL		11,090	C	SunRun Installation Ser	0	Install a roof mounted solar array with 25 modules	
	02-11-2022	SP		15,844	C	SunRun Installation Ser	0	Install a roof mounted solar array with 25 modules	

LAND LINE VALUATION SECTION																		
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj	Site Index	Cond.	Nbhd.	Nbhd Adj	Land Adjustment					Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	0.366	AC		2.12	5	1.00	RE	1.00							132,000
Total Card Land Units:			0.366 AC			Parcel Total Land Area:			0.366		AC		Total Land Value:			132,000		

Property Location: 14 LORRAINE ST
Vision ID: 6376 Account #: 3777

Parcel ID: 198/ 077/ 000/ 1

Bldg #: 1

Card Address:
Card #: 1 of 1

LUC: 1010
Print Date: 3/5/2025 9:17:27 AM

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories	2		Extra Kitchens	0	
Style	08	Raised Ranch	Add Kitchen Ra		
Grade	C	Average			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	06	Slab			
Interior Wall 1	01	Drywall			
Interior Floor 1	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	5				
Bedrooms	3				
Full Baths	1				
3/4 Baths	1				
Half Baths	0				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	GD	Good			
Half Bath Rating					
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Rating	GD	Good			
WS Flues	0				
Color	WHITE/BRICK				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION

Building Value New	335,854
Year Built	1965
Effective Year Built	2011
Depreciation Code	VG
Remodel Rating	
Year Remodeled	
Depreciation %	11
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	89
RCNLD	298,900
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

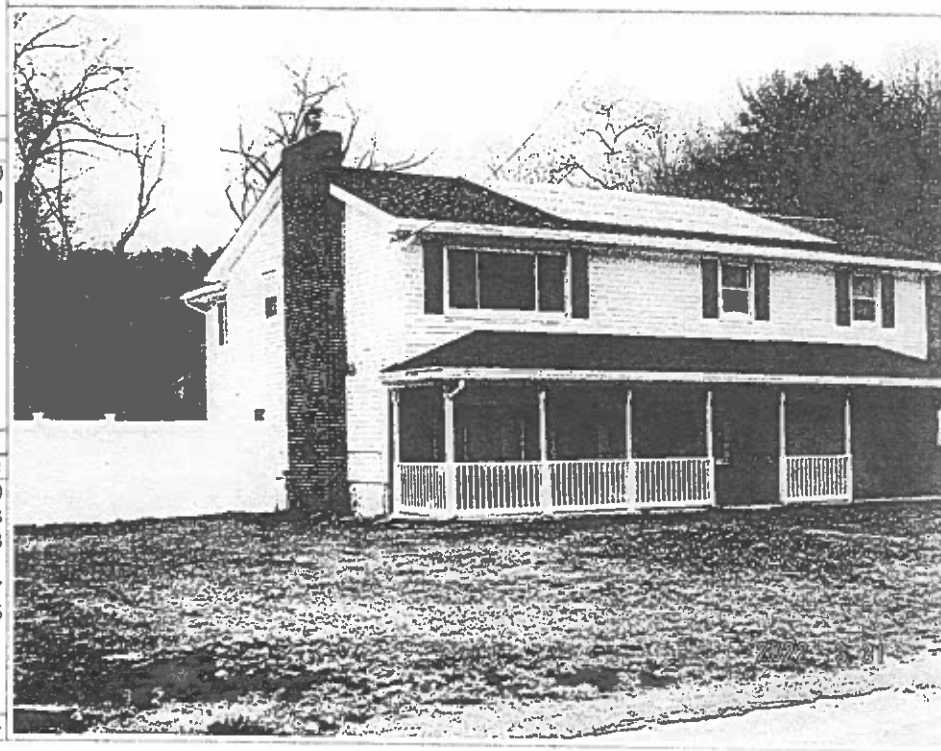
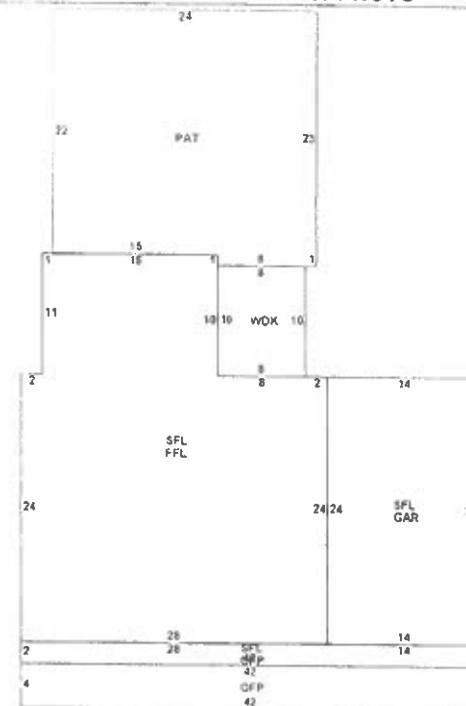
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	UOM	Unit Pri	Yr Bld	Cnd	% G	Assd Value
SHEDWD	Shed-Wood	L	256	UNITS	31.02	1965	AV	60	4,800
SOLARE	Solar Exempt	L	8	kW	0.00	2022	AV	60	0

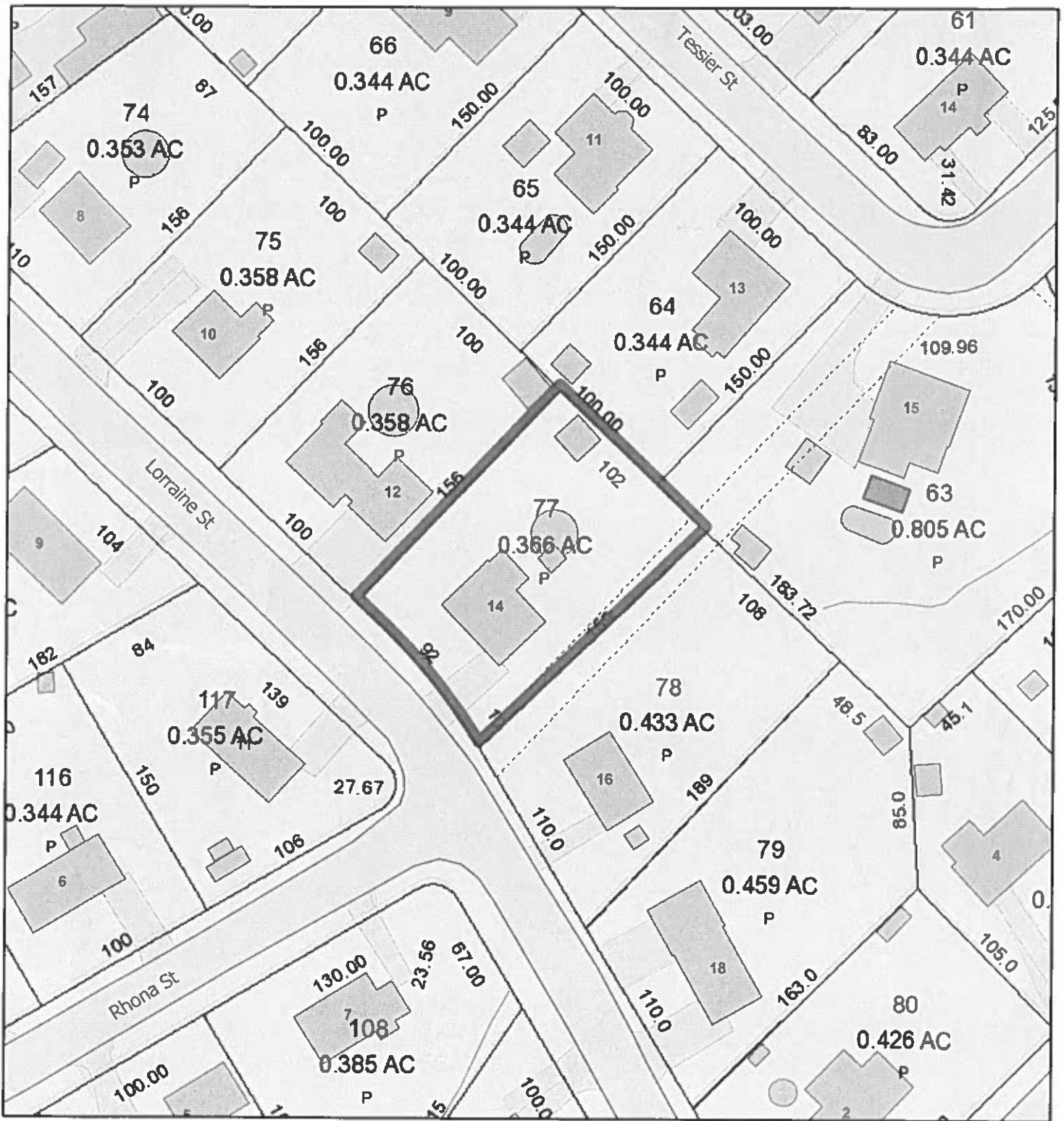
BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
FFL	First Floor, Finished	848	848	848	143.16	121,400
GAR	Garage	0	336	118	50.28	16,893
OFP	Open Frame Porch	0	252	50	28.40	7,158
PAT	Patio	0	537	54	14.40	7,731
SFL	Second Floor, Finished	1,268	1,268	1,268	143.16	181,527
WDK	Wood Deck, or Composite Dk	0	80	8	14.32	1,145
Total Liv Area/Gr. Area/Eff Are		2,116	3,321	2,346	Total Value	335,854

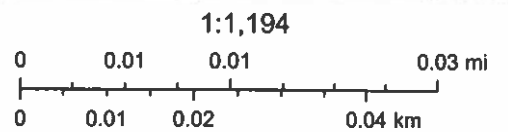
SKETCH / PRIMARY PHOTO



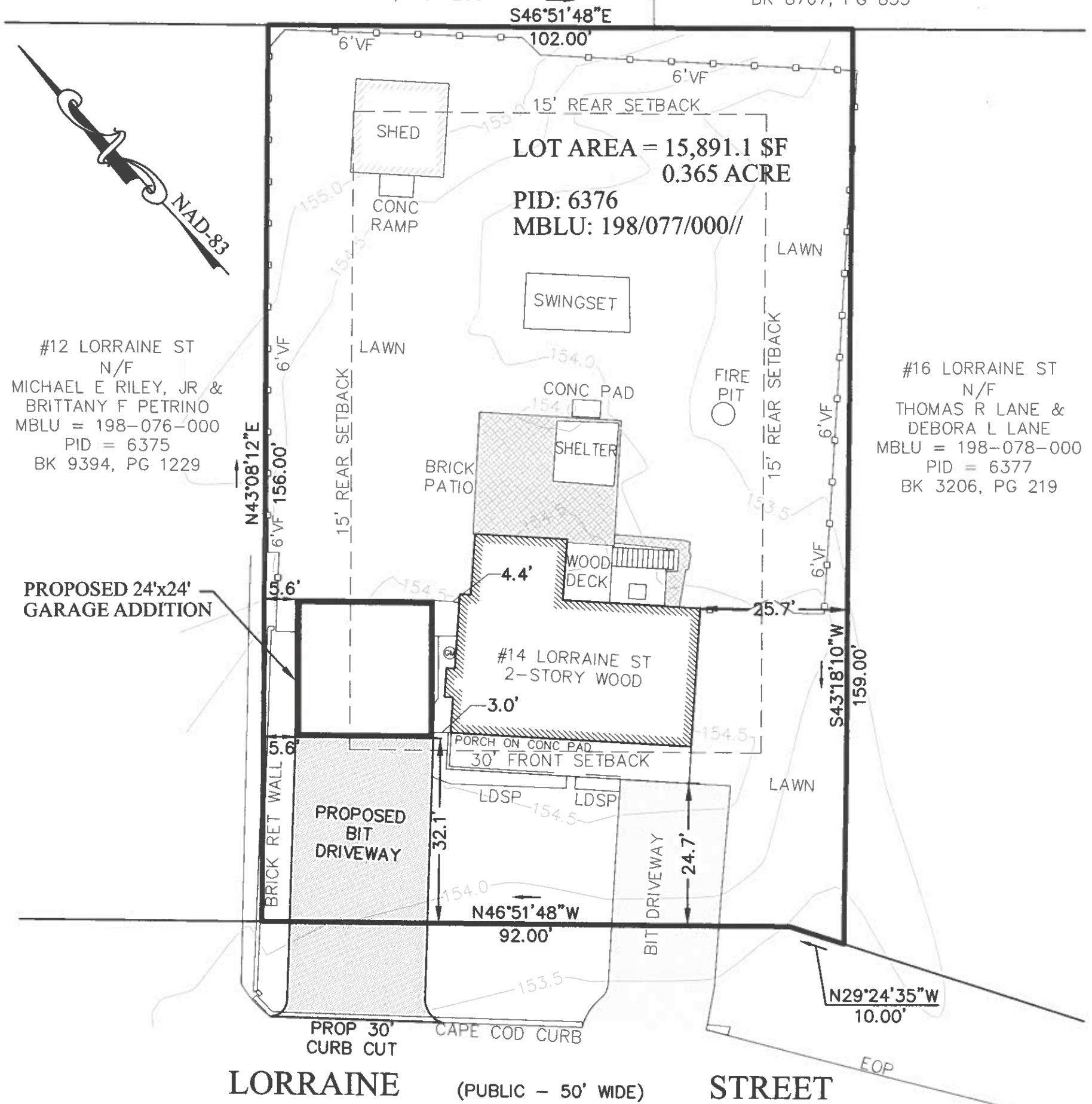
14 Lorraine St (Map 198 Lot 077-000)



3/5/2025



#15 TESSIER ST
N/F
RUTH M HILAIRE
MBU = 198-063-000
PID = 6386
BK 8767, PG 833



ZONING DISTRICT: TOWN RESIDENCE (TR)
CURRENT DIMENSIONAL REQUIREMENTS:
MIN LOT AREA: 10,000 SF
MIN LOT FRONTAGE: 90 FEET
MIN SETBACK:
FRONT: 30 FEET
SIDE: 15 FEET
REAR: 15 FEET

RAFFI MASSOUIAN
BK 8952 PG 938
MBLU = 198-077-000
PID: 6376
LOT AREA = 15891.1 SF
0.365 ACRE

EOP	EDGE OF PAVEMENT
6"VF	6" VINYL FENCE
BIT	BITUMINOUS
LDSP	LANDSCAPING
CONC	CONCRETE

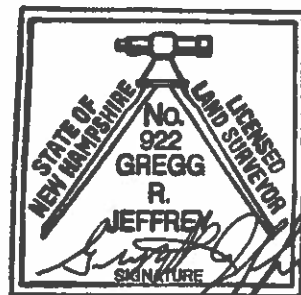
0 FEET 20 40 60

SCALE



TOWN OF HUDSON
New Hampshire
03051

APR 03 2025
LAND USE DIVISION
ZONING DEPT.



DRAFT: DC



TAJ ENGINEERING, LLC

**CIVIL & STRUCTURAL ENGINEERS, ARCHITECTS,
LAND SURVEYORS, PROJECT MANAGEMENT, PERMITTING**
225 STEDMAN ST, SUITE 36B, LOWELL, MA, 01851
PHONE: 978-250-8173 FAX: 978-770-0632
Info@tajengineering.net

© COPY RIGHT 2025, ALL RIGHT IS RESERVED. IAJ ENGINEERING, LLC.
ILLEGAL TO COPY/ PRINT THIS PLAN WITHOUT WRITTEN PERMISSION.

Printed
3/27/2025
9:13AM
Created
3/27/2025
9:10 AM

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

Receipt# 813,603
publicw



1.00 Miscellaneous: Variance Application: 14 Lorraine St. - 198-077-000 0.00

Description	Current Invoice	Payment	Balance Due
1.00 Miscellaneous Zoning	0.00	185.0000	0.00
		Total:	185.00

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Raffi - 14 Lorraine St.	CSH	CASH - PO	185.00	0.00	185.00

Total Due:	185.00
Total Tendered:	185.00
Total Change:	0.00
Net Paid:	185.00

Printed
4/02/2025
9:44AM
Created
4/02/2025
9:32 AM

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

Receipt# 814,458
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-4/24/25 ZBA Mtg 14 Lorraine Street Map 198 Lot 077-000 Zone-TR Variance	0.00	51.9400	0.00
			Total:	51.94

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Raffi Massouyan-Rainder of ZBA App fee	CSH	CASH-TG	52.00	0.06	51.94

remainder

Total Due:	51.94
Total Tendered:	52.00
Total Change:	0.06
Net Paid:	51.94



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: April 24, 2025

Case 200-005 (04-24-25): Joshua & Caitlin M. Fuentes, 93 Pelham Rd., Hudson, NH [Map 200, Lot 005, Sublot-000; Zoned Residential-Two (R-2)] requests two (2) Variances:

- A. A variance to build a proposed 1,003 SF addition onto an existing nonconforming 2-story house where a nonconforming structure may not be altered or expanded, except by variance. The nonconformance is due to Pelham Rd. being a Collector Rd. where fifty (50) feet of front yard setback is required. [HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31 A, Alteration and expansion of nonconforming structures]
- B. A variance to allow the nonconforming proposed 1,003 SF building addition to encroach into the front yard setback 16.6 feet leaving 33.4 feet (same as the existing house) where 50 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

ADDRESS: 93 Pelham Road.
Map 200, Lot 005-000

ZONING DISTRICT: Residential Two (R2)

Relief Requested:

A variance to alter and expand nonconforming structure.

A variance to allow the nonconforming proposed 1,003 SF building addition to encroach into the front yard setback

PROPERTY DESCRIPTION:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 103,672sq. ft. where 60,000 is required. The lot is classified as a single-family residence. There is an existing dwelling that was constructed in 1960.

HISTORY/ATTACHMENTS

PLANS:

A: Site Plan – Solar Panels installation (7-28-22)

BUILDING PERMITS:

B: BP# 438 -96 - Addition and handicapped access- With floor Plan (5-6-96)

C: BP# 2022-00942 – Installation of roof solar panels (8-19-22)

ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE

D: Code Enforcement Letter Possible Illegal (ADU) in the basement (12-7-11)

E: Follow up Code Enforcement Letter Possible Illegal (ADU) in the basement (1-3-12)

F: Zoning Determination (3-3-25)



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: April 24, 2025

AERIAL / PHOTOS

Aerials (2024) 93 Pelham Road



IN-HOUSE COMMENTS:

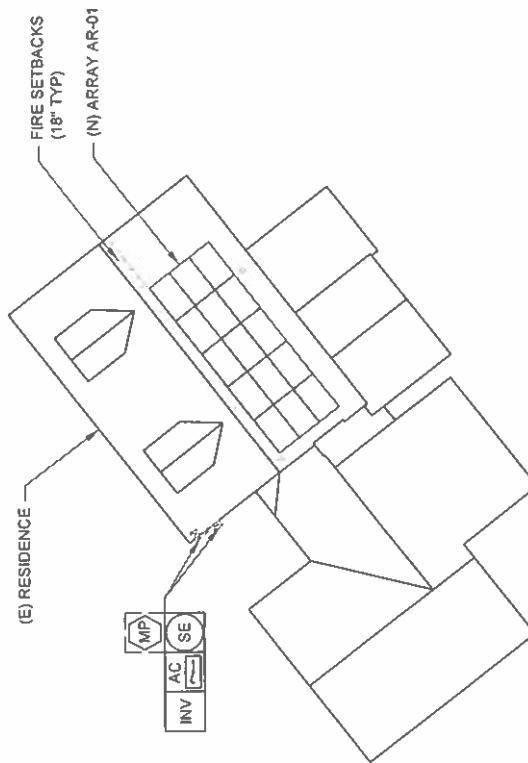
G: Town Engineer: no comments (4-8-25)

H: Inspectional Services/Fire Dept.:

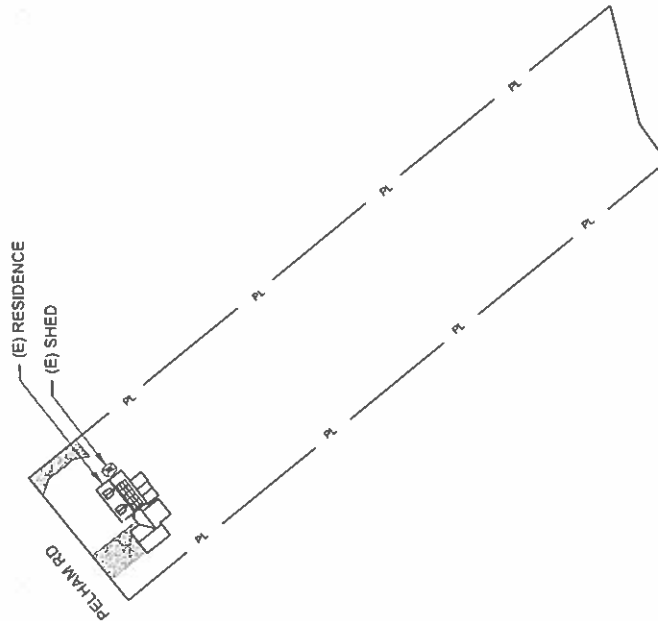
no comments (4-8-25)

I: Associate Town Planner: no comments
(4-8-25)

SITE PLAN DETAIL - SCALE = 1/16" = 1'-0"



SITE PLAN - SCALE = NTS



ARRAY DETAILS:

- TOTAL ROOF SURFACE AREA: 2907 SQFT.
- TOTAL PV ARRAY AREA: 271.6 SQ FT.
- PERCENTAGE PV COVERAGE:
(TOTAL PV ARRAY AREA/TOTAL ROOF SURFACE AREA) * 100 = 9.3%

ARRAY	TRUE PITCH	MAG AZIM	PV AREA (SQFT)
AR-01	14°	142°	271.6

SUNRUN

#180120

222 PELHAM RD, WILMINGTON, MA 01807
PHONE: 888.887.8827
FAX: 800.578.8701

CUSTOMER RESIDENCE:

CAITLIN FUENTES
93 PELHAM RD. HUDSON, NH.
03051

TEL: (603) 425-4316

APN: HD50-00200-000005

PROJECT NUMBER:
222R-093FUEN

DESIGNER: (415) 590-6920 ex3

ASHISH TRIPATHI

SHEET

SITE PLAN

REV: A2 7/28/2022

PAGE PV-2.0

A

DEPT. FILE COPY

AMOUNT
PAID

BUILDING PERMIT

MAP 18 LOT 15

VALIDATION

APPLICANT RICHARD CALLAHAN DATE MAY 15, 19 96 PERMIT NO. 438-96
ADDRESS 93 PELHAM ROAD HUDSON NH 598-4401 (STREET) (CONTR'S LICENSE)

PERMIT TO CONSTRUCT ADDITION (TYPE OF IMPROVEMENT) (1) STORY RESIDENTIAL (PROPOSED USE) ONE NUMBER OF DWELLING UNITS TWO

AT (LOCATION) 93 PELHAM ROAD (NO.) (STREET) ZONING DISTRICT

BETWEEN _____ (CROSS STREET) AND _____ (CROSS STREET)

SUBDIVISION _____ LOT _____ BLOCK _____ LOT SIZE _____

BUILDING IS TO BE _____ FT. WIDE BY _____ FT. LONG BY _____ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION _____ (TYPE)

REMARKS: CONSTRUCT ADDITION TO EXPAND EXISTING BATH TO PROVIDE HANDICAPPED ACCESS DIRECTLY
IN BACK OF HOUSE TO CENTER OF HOUSE. ELECTRICAL/PLUMBING PERMITS MAY BE REQUIRED IF
ELECTRICAL/PLUMBING WORK PROPOSED.

AREA OR VOLUME 80 SQUARE FEET (CUBIC/SQUARE FEET) ESTIMATED COST \$ 10,000.00 PERMIT FEE \$ 20.00

OWNER RICHARD CALLAHAN BUILDING DEPT BY _____
ADDRESS HUDSON NH

(Signature)

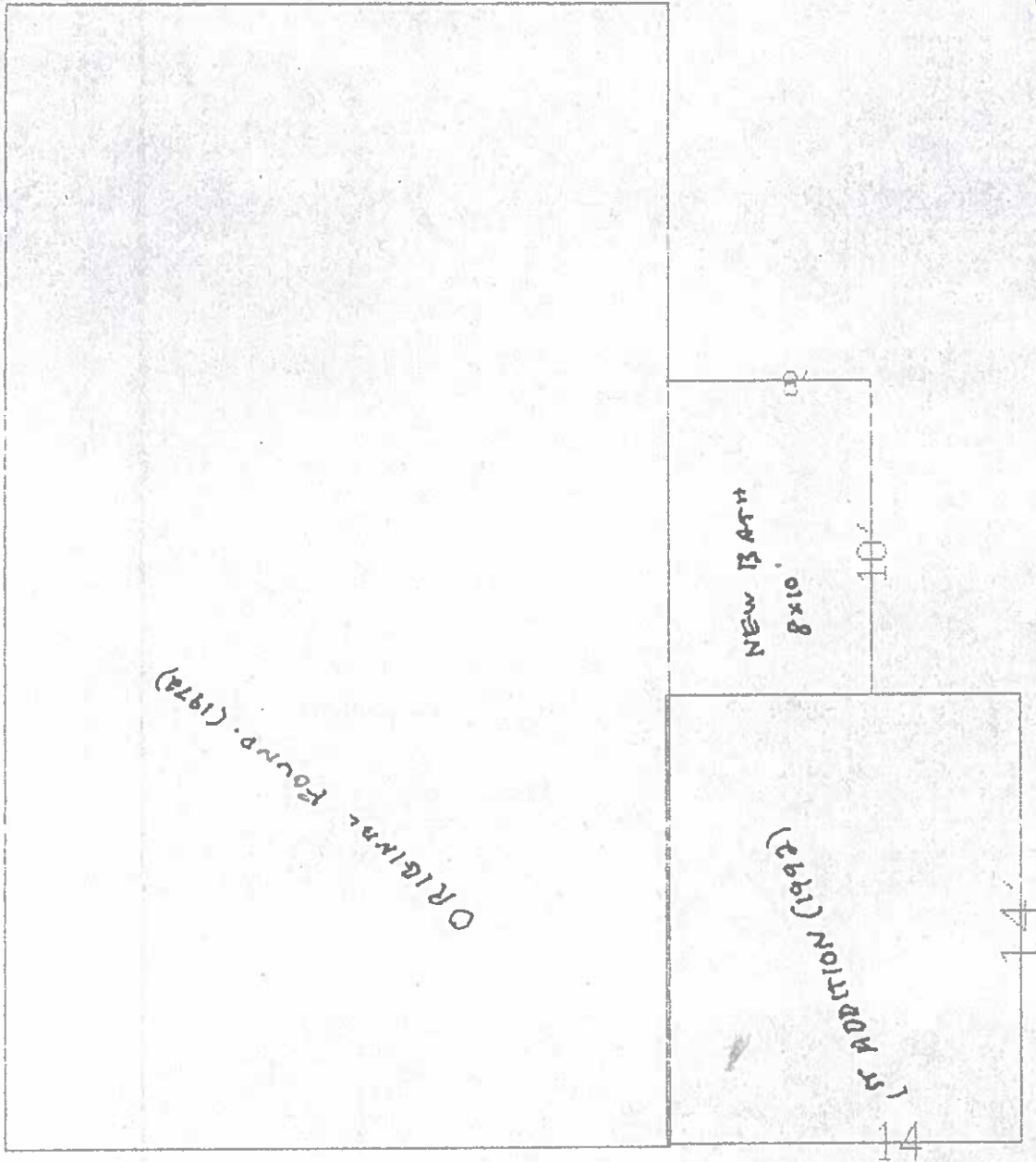
(Affidavit on reverse side of application to be completed by authorized agent of owner)

Attach to Building Permit for Cellar, 23 Nathan St.

RECEIVED

MAY 08 1996

TOWN OF HUDSON



3



Town of Hudson, NH
SOLAR PANEL

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

Permit Number

2022-00942

Date of Issue

8/19/2022

Expiration Date

2/15/2023

C

Owner: FUENTES, JOSHUA FUENTES, CAITLIN M.

Applicant: SunRun Installation Services

Location of Work: 93 PELHAM RD
(No. and Street) (Unit or Building)

Description of Work: Install roof mounted solar panels: 15(340W) panels 5.10kwdc. No structural upgrades needed per PE

ZONING DATA: District: Map\Lot: 200-005-000

CONTRACTOR: SunRun Installation Services 978-872-4294

REMARKS:

The installation listed above shall meet the manufacturers installation specifications and all State adopted building and fire codes.

Building _____/_____/_____ Date

Electrical _____/_____/_____ Date

Permit Holder: SunRun Installation Services

(Taking Responsibility for the Work)

Company/Affiliation: Contractor

Job Site Phone Number:

Constr Cost: \$9,945

Permit Fee: \$40.73

Check No. *online*

Cash:

\$0.00

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

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

[Signature]
Code Official

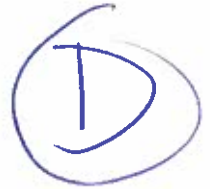
Permit Holder

8/19/2022

Date



TOWN OF HUDSON
COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF POTENTIAL VIOLATION



12 School Street • Hudson, New Hampshire 03051 • 603-886-6005 • Fax 603-594-1142

December 7, 2011

Diane Callahan
18 K Street
Concord, NH 03301

Re: 93 Pelham Road, Hudson (Map 200/Lot 005)

Dear Ms. Callahan:

It has been brought to the attention of this office that construction of an Accessory Living Unit (ALU) has occurred in the basement at the above address. We have no record of permits or appropriate Zoning Board of Adjustment approvals. In accordance with the Hudson Zoning Ordinance Article III, Section 334-16, Building permits, a building permit is required prior to commencement of work on the erection, alteration or movement of any building or structure and Article XIII A, Section 334-73, Accessory Living Units.

Please contact the Community Development Department at 603-886-6005 at your earliest convenience regarding this matter.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

William A. Oleksak
Zoning Administrator

pc: Board of Selectmen
Assistant Town Administrator
File

WO/jk



TOWN OF HUDSON
COMMUNITY DEVELOPMENT DEPARTMENT



12 School Street • Hudson, New Hampshire 03051 • 603-886-6005 • Fax 603-594-1142

January 3, 2012

Diane Callahan
18 K Street
Concord, NH 03301

Re: 93 Pelham Road, Hudson (200/Lot 005)

Dear Ms. Callahan:

This letter is a follow-up on a conversation that we had regarding the property listed above. Please be aware that this property is a single-family dwelling and if the basement is to be used as an Accessory Living Unit the buyer/new owner will need to go before the Zoning Board of Adjustment for the proper approvals prior to occupancy of the unit.

Please feel free to contact me if further information is needed.

Thank you.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

William A. Oleksak
Zoning Administrator

pc: Board of Selectmen
Assistant Town Administrator
File

WO/jk



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #25-025

March 3, 2025

Sent Via 1st Class Mail & Email

Paul Chisholm
10 Commerce Park North #3
Bedford, NH 03119

Re: 93 Pelham Rd Map 200 Lot 005-000
District: Residential Two (R-2)

Dear Mr. Chisholm,

Your request: to construct an addition by elongating the house is this a preexisting non-conforming (Plans Submitted)

Zoning Review / Determination:

93 Pelham Rd is an existing lot of record. The property has a single family home on it. It was constructed in 1960. The lot has 103,672 sq. ft. where 60,000 sq. ft is required when there is no sewer or water. This lot is preexisting nonconforming due to the front yard setback. The existing residence is at 34.4' where 50' is required. The existing residence is 15.6' into the front yard setback. This setback is due to Pelham Rd being a Collector Rd.

To add an addition to the preexisting nonconforming structure you would need two variances from the Zoning Board of Adjustment. These variances are Article VII § 334-27 Table of Minimal dimensional Requirements and, Article VIII § 334-31 Alteration and Expansion of Nonconforming Structures.

If you are successful with the Zoning Board of adjustment you Will need a build permit from Inspectional Services per Article III § 334-16 Building Permits.

Sincerely,

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

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

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

G

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

REQUEST FOR REVIEW/COMMENTS:

Case: 200-005 (04-24-25) **(VARIANCES A & B)**

Property Location: 93 Pelham Road

For Town Use

Plan Routing Date: 04/08/2025 Reply requested by: 04/11/2025 ZBA Hearing Date: 04/24/2025

☒ I have no comments ☐ I have comments (see below)

EZD _____ Name: Elvis Dhima, P.E. Date: 04/08/2025
(Initials)

DEPT. ☒ Town Engineer ☐ Fire/Health Department ☐ Associate Town Planner



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

REQUEST FOR REVIEW/COMMENTS:

Case: 200-005 (04-24-25) **(VARIANCES A & B)**

Property Location: 93 Pelham Road

For Town Use

Plan Routing Date: 04/08/2025 Reply requested by: 04/11/2025 ZBA Hearing Date: 04/24/2025

☒ I have no comments ☐ I have comments (see below)

DRH Name: David Hebert Date: 04/08/2025
(Initials)

DEPT. ☐ Town Engineer ☒ Fire/Health Department ☐ Associate Town Planner

1

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

REQUEST FOR REVIEW/COMMENTS:

Case: 200-005 (04-24-25) **(VARIANCES A & B)**

Property Location: 93 Pelham Road

For Town Use

Plan Routing Date: 04/08/2025 Reply requested by: 04/11/2025 ZBA Hearing Date: 04/24/2025

☒ I have no comments ☐ I have comments (see below)

BWG _____ Name: Benjamin Witham-Gradert Date: 04/08/2025
(Initials)

DEPT- ☐ Town Engineer ☐ Fire/Health Department ☒ Associate Town Planner

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

On **04/24/2025**, the Zoning Board of Adjustment heard **Case 200-005 A**, being a case brought by **Joshua & Caitlin M. Fuentes, 93 Pelham Rd., Hudson, NH** requests a Variance to build a proposed **1,003 SF** addition onto an existing nonconforming 2-story house where a nonconforming structure may not be altered or expanded, except by variance. The nonconformance is due to Pelham Rd. being a Collector Rd. where fifty (50) feet of front yard setback is required. [Map 200, Lot 005, Sublot-000; Zoned Residential-Two (R-2); HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31 A, Alteration and expansion of nonconforming structures]

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 | <p>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.”</p> <hr/> <hr/> <hr/> |
| Y | N | <p>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.”</p> <hr/> <hr/> <hr/> |
| Y | N | <p>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.</p> <hr/> <hr/> <hr/> |
| Y | N | <p>4. The proposed use will not diminish the values of surrounding properties.</p> <hr/> <hr/> <hr/> |

(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

ORIGINAL

APR 07 2025
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. 200-005 A (04-24-25)

Date Filed 4/7/25

Name of Applicant Joshua & Caitlin Fuentes Map: 200 Lot: 5 Zoning District: R-2

Telephone Number (Home) (239) 707-3776 (Work) (239) 707-3776

Mailing Address 93 Pelham Road, Hudson, NH 03051

Owner Joshua & Caitlin Fuentes

Location of Property 93 Pelham Road
(Street Address)

[Signature]
Signature of Applicant

04/3/2025
Date

[Signature]
Signature of Property-Owner(s)

04/3/2025
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: 4/7/25

COST:

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

8 Abutter Notice:

Direct Abutters x Certified postage rate \$ 5.58 =

\$ N/C

5 Indirect Abutters x First Class postage rate \$ 0.73 =

\$ N/C

Total amount due:

\$ 185.00

Amt. received: \$ 418.29 (Variance A+B)

Receipt No.: 815,147 Check # 2102

Received by: [Signature]

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

Engineering ☒ Fire Dept. ☒ Health Officer ☐ Planner ☒ Other ☐



KEACH-NORDSTROM ASSOCIATES, INC.

KNA Project No. 25-0213-1

OWNER AFFIDAVIT

We, Joshua & Caitlin Fuentes, owner of the property referenced on Tax Map 200 as Lot 5, located at 93 Pelham Road in Hudson, New Hampshire, hereby verify that we have authorized Keach-Nordstrom Associates, Inc. to submit on our behalf, any and all applicable State and local permit applications as they pertain to the above referenced project located in Hudson, New Hampshire.

Additionally, we hereby authorize Keach-Nordstrom Associates, Inc. to aid in the representation of these applications throughout the approval process.

Signature of Owner:

Printed Name of Owner:

Joshua Fuentes

Signature of Owner:

Printed Name of Owner:

Caitlin Fuentes

Address of Owner:

93 Pelham Road, Hudson, NH 03051

Date:

04/03/2025

Civil Engineering

Land Surveying

Landscape Architecture

10 Commerce Park North, Suite 3B

Bedford, NH 03110

Phone (603) 627-2881

Fax (603) 627-2915

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>JF</u>	Please review the complete collated application (includes all checklist items) with the Zoning Administrator or staff before making copies in next step.	<u>TG</u>
<u>JF</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen (13) single-sided copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>JF</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>JF</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>JF</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>JF</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>JF</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <u>N</u> (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

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



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

[Signature]
Signature of Applicant(s)

04/03/2025
Date

[Signature]
Signature of Property Owner(s)

4/3/25
Date

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
200	5	Owner/Applicant: Joshua & Caitlin Fuentes	93 Pelham Road, Hudson, NH 03051
200	4	Charles Noble & Olivia Cartland	91 Pelham Road, Hudson, NH 03051
193	11	Stephanie Tate	92 Pelham Road, Hudson, NH 03051
193	12	Shana & Brian Annese	94 Pelham Road, Hudson, NH 03051
193	10	Dublin Family Trust Martha Dublin, Trustee	95 Pelham Road, Hudson, NH 03051
200	6	Kenneth & Diana Forrence, Trustees	61 Bush Hill Road, Hudson, NH 03051
205	102	Town of Hudson	12 School Street, Hudson, NH 03051
N/A	N/A	Engineer/Surveyor: Keach-Nordstrom Associates, Inc.	10 Commerce Park North, Suite 3, Bedford, NH 03110

ALL INDIRECT ABUTTERS WITHIN 200 FEET

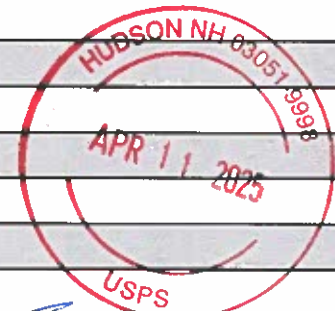
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
200	3-1	Petra Dollet	89A Pelham Road, Hudson, NH 03051
192	18	Daniel Levesque	90 Pelham Road, Hudson, NH 03051
193	13	Rene & Cecile Poulin	96 Pelham Road, Hudson, NH 03051
193	9	Desrosiers Revocable Trust Ann Desrosiers, Trustee	97 Pelham Road, Hudson, NH 03051
200	3-2	GGD Revocable Living Trust Georg & Gabrielle Dollet, Trustees	89B Pelham Road, Hudson, NH 03051

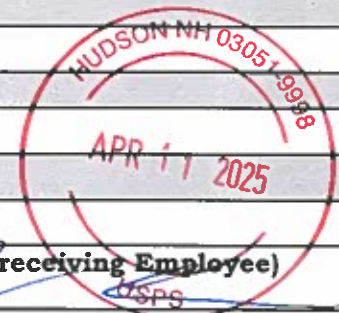
USPS-Verified Mail

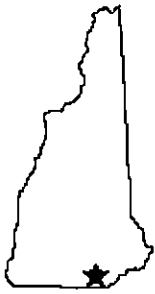
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 200-005 VARIANCES A & B 93 Pelham Rd, Hudson, NH 03051 Map 200, Lot 005, Sublot-000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/24/2025 ZBA Meeting
1	9589 0710 5270 0646 5669 29	Joshua & Caitlin Fuentes	APPLICANT/OWNER NOTICE MAILED
		93 Pelham Road, Hudson, NH 03051	
2	9589 0710 5270 0646 5669 36	Charles Noble & Olivia Cartland	ABUTTER NOTICE MAILED
		91 Pelham Road, Hudson, NH 03051	
3	9589 0710 5270 0646 5669 43	Stephanie Tate	ABUTTER NOTICE MAILED
		92 Pelham Road, Hudson, NH 03051	
4	9589 0710 5270 0646 5669 50	Shana & Brian Annese	ABUTTER NOTICE MAILED
		94 Pelham Road, Hudson, NH 03051	
5	9589 0710 5270 0646 5669 67	Dublin Family Trust; Martha Dublin, Trustee	ABUTTER NOTICE MAILED
		95 Pelham Road, Hudson, NH 03051	
6	9589 0710 5270 0646 5669 74	Kenneth & Diana Forrence, Trustees	ABUTTER NOTICE MAILED
		61 Bush Hill Road, Hudson, NH 03051	
7	9589 0710 5270 0646 5669 81	Town of Hudson	ABUTTER NOTICE MAILED
		12 School Street, Hudson, NH 03051	
8	9589 0710 5270 0646 5669 98	Keach-Nordstram Associates, Inc.	ABUTTER NOTICE MAILED
		10 Commerce Park North, Suite 3B Bedford, NH 03110	
9			
10			
11			
	Total Number of pieces listed by sender 8	Total number of pieces rec'd at Post Office <i>8</i>	Postmaster (receiving Employee)



USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE CLASS MAIL	FIRST Case# 200-005 VARIANCES A & B 93 Pelham Rd, Hudson, NH 03051 Map 200, Lot 005, Sublot-000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/24/2025 ZBA Meeting
1	Mailed First Class	Petra Dollet	ABUTTER NOTICE MAILED
		89A Pelham Road, Hudson, NH 03051	
2	Mailed First Class	Daniel Levesque	ABUTTER NOTICE MAILED
		90 Pelham Road, Hudson, NH 03051	
3	Mailed First Class	Rene & Cecile Poulin	ABUTTER NOTICE MAILED
		96 Pelham Road, Hudson, NH 03051	
4	Mailed First Class	Desrosiers Revocable Trust; Ann Desrosiers, Trustee	ABUTTER NOTICE MAILED
		97 Pelham Road, Hudson, NH 03051	
5	Mailed First Class	GGD Revocable Living Trust; George & Gabrielle Dollet, Trustees	ABUTTER NOTICE MAILED
		89B Pelham Road, Hudson, NH 03051	
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) USPS





TOWN OF HUDSON

Zoning Board of Adjustment



Normand Martin, Acting Chairman

Dillon Dumont, Selectmen Liaison

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

April 10, 2025

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, April 24, 2025 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 200-005 (04-24-25): Joshua & Caitlin M. Fuentes, 93 Pelham Rd., Hudson, NH [Map 200, Lot 005, Sublot-000; Zoned Residential-Two (R-2)] requests two (2) Variances:

A. A variance to build a proposed 1,003 SF addition onto an existing nonconforming 2-story house where a nonconforming structure may not be altered or expanded, except by variance. The nonconformance is due to Pelham Rd. being a Collector Rd. where fifty (50) feet of front yard setback is required. [HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31 A, Alteration and expansion of nonconforming structures]

B. A variance to allow the nonconforming proposed 1,003 SF building addition to encroach into the front yard setback 16.6 feet leaving 33.4 feet (same as the existing house) where 50 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

Respectfully,

Chris Sullivan,
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Normand Martin, Acting Chairman

Dillon Dumont, Selectmen Liaison

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B. A variance to allow the nonconforming proposed 1,003 SF building addition to encroach into the front yard setback 16.6 feet leaving 33.4 feet (same as the existing house) where 50 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Please be advised, this Notice is for your information only. Your attendance is not required; however, you may attend this meeting to provide information or comments on the proposal.

If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan,
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VIII of HZO Section(s) 334-31 in order to permit the following:

To permit the expansion of an existing non-conforming building.

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

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

The addition to our house will not change the character of the original use (residential), and will have no different effect upon the neighborhood. We suggest that our addition could be considered a natural expansion of a house built in 1960. The request is not contrary to public interest as it will not alter the character of the neighborhood, or adversely impact public health, safety, welfare, or rights. The existing home was built in the 1960s and is located closer than 50-ft from Pelham Road. Many of the surrounding existing homes are also located at a similar distance from the roadway. The Applicant is proposing a reasonable expansion of the existing home. The location of the proposed addition was limited due to the restrictions from the existing home location, site topography, and layout of the home.

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 proposed expansion of the existing nonconforming structure is not expected to alter the essential character of the neighborhood, or adversely impact the public in any way. Ordinances change over time creating nonconformities where none had previously existed. In this case, the construction of the existing structure pre-dates the current zoning requirement of a 50-ft front setback. Many of the existing homes in this area are also located at similar distances to the roadway, less than 50-ft. It is important to monitor alterations to these existing nonconforming structures to ensure safe conditions are being met and the proposed changes are consistent with the character of the neighborhood. The proposed expansion is consistent with the existing use and neighborhood and is not expected to impact the public therefore, the proposal will observe the spirit of the ordinance.

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 Applicant is restricted by the existing conditions and topography of the property. The existing home is located closer than 50-ft from Pelham Road and there is a significant elevation change between the front and rear yards of the home. This limits the Applicant's options for a reasonable expansion of the existing structure. The proposed addition is consistent with the existing use of the property and is not expected to negatively impact the public. Therefore, granting the variance would result in substantial justice being done.

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 proposed expansion of the structure is not expected to diminish the values of surrounding properties. The addition is consistent with the current use of the property, and the essential character of the neighborhood.

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

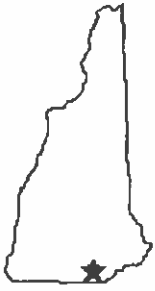
- 1) Because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a “fair and reasonable” way and

The Applicant is restricted by the existing conditions and topography of the property. The existing home is located closer than 50-ft from Pelham Road and there is a significant elevation change between the front and rear yards of the home. This limits the Applicant's options for a reasonable expansion of the existing structure. Since our addition will not change the original residential use and will not impact the neighborhood, it would not be fair and reasonable to apply the 50' collector road setback to our addition.

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

We are proposing a reasonable expansion of a residential use in a residential district. Residential uses are permitted uses in the R-2 District. The Applicant is proposing a reasonable expansion to their existing home. The home is currently located closer than the required 50-ft from Pelham Road. That in combination with other restrictions from the existing site conditions and topography, make it difficult for the Applicant to expand the structure in any way without requiring a variance.

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #25-025

March 3, 2025

Sent Via 1st Class Mail & Email

Paul Chisholm
10 Commerce Park North #3
Bedford, NH 03119

Re: 93 Pelham Rd Map 200 Lot 005-000
District: Residential Two (R-2)

Dear Mr. Chisholm,

Your request: to construct an addition by elongating the house is this a preexisting non-conforming (Plans Submitted)

Zoning Review / Determination:

93 Pelham Rd is an existing lot of record. The property has a single family home on it. It was constructed in 1960. The lot has 103,672 sq. ft. where 60,000 sq. ft is required when there is no sewer or water. This lot is preexisting nonconforming due to the front yard setback. The existing residence is at 34.4' where 50' is required. The existing residence is 15.6' into the front yard setback. This setback is due to Pelham Rd being a Collector Rd.

To add an addition to the preexisting nonconforming structure you would need two variances from the Zoning Board of Adjustment. These variances are Article VII § 334-27 Table of Minimal dimensional Requirements and, Article VIII § 334-31 Alteration and Expansion of Nonconforming Structures.

If you are successful with the Zoning Board of adjustment you Will need a build permit from Inspectional Services per Article III § 334-16 Building Permits.

Sincerely,

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

cc: Public File
B. Dubowik, Administrative Aide
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: 93 PELHAM RD
Vision ID: 2263 Account #: 4438

Parcel ID: 200/ 005/ 000/ 1

Bldg #: 1

Card Address:
Card #: 1 of 1

LUC: 1080
Print Date: 4/1/2025 11:23:34 AM

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)										
FUENTES, JOSHUA FUENTES, CAITLIN M. 93 PELHAM RD. HUDSON NH 03051		Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed		
		RE		Residential Average		2024	1080	349,000	2024	1080	349,000	2023	1080	349,000		
		TOPO		UTILITIES			1080	169,800		1080	169,800		1080	169,800		
		Rolling		Priv Water			1080	6,600		1080	6,600		1080	6,600		
				Septic												
						Total	525,400		Total	525,400		Total	525,400			
RECORD OF OWNERSHIP				BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES					APPRAISED VALUE SUMMARY	
FUENTES, JOSHUA CALLAHAN, DIANE, TR CALLAHAN, RICHARD ROBERTSON, DORTHYLU				8727 0185	02-09-2015	Q	I	253,000	00	Grantor: CALLAHAN, DIANE, TR,	Appraised Bldg. Value (Card)			300,600		
				7676 0726	05-10-2006	U	I	0	44	Grantor: CALLAHAN, RICHARD	Appraised Xf (B) Value (Bldg)			48,400		
				5909 0232	03-02-1998	U	I		38	Grantor: ROBERTSON, DORTHYLU	Appraised Ob (B) Value (Bldg)			6,600		
				5290 523	10-22-1991	Q	I	160,000	00	Grantor: BASIL DIXON	Appraised Land Value (Bldg)			169,800		
SUPPLEMENTAL DATA				CURRENT ASSESSMENT					Special Land Value					0		
Parcel ID 200-005-000 Zoning R2:Residential-2 Flood Hazard C Neigh/Abut1 Neigh/Abut2 Neigh/Abut3 GIS ID 200-005-000 PREV 0018-0015-0000 Assoc Pid#				Descript	Code			Appraised	Assessed	Total Appraised Parcel Value					525,400	
				BLDG	1080			349,000	349,000	Valuation Method					C	
				LAND	1080			169,800	169,800							
				OB	1080			6,600	6,600							
				Total:			525,400	525,400	Total Appraised Parcel Value					525,400		
NOTES										VISIT / CHANGE HISTORY						
def maintenance at time of sale per M 0 6/19: EXT=GOOD poss IN-LAW IN BMT										Date	Id	Cd	Purpost/Result			
										04-12-2023	21	15	Permit Visit			
										07-21-2022	28	45	Field Review			
										06-06-2019	19	02	Measured			
										05-13-2015	12	30	Sales Data Verification			
										10-08-2010	14	02	Measured			
										12-07-2006	03	20	Other Change			
										07-17-2006	01	71	Acreage Adjustment From New Map			
BUILDING PERMIT RECORD										04-20-2006 01 20 Other Change						
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant		SQ ft	Comments							
2022-00942-1-	08-19-2022	EL		9,945 2,338	C	SunRun Installation Ser			Electrical for roof mounted solar panels: 15(340W) panels 5.10kwdc. No structural upgrade Install roof mounted solar panels: 15(340W) panels 5.10kwdc. No structural upgrades nee 200 amp panel replacement							
2022-00942	08-19-2022	SP			SunRun Installation Ser											
2022-00829	08-03-2022	EL			SunRun Installation Ser											
LAND LINE VALUATION SECTION																
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acreage Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value
1	1080	SFR/POSSIBLE IN-LAW	Site	1.000 AC	170,000		1.00	5	1.00	RE	1.00	Location	0.95			161,500
1	1080	SFR/POSSIBLE IN-LAW	Excess	1.384 AC	6,000		1.00	0	1.00	RE	1.00					8,300
Total Card Land Units:				2.384 AC		Parcel Total Land Area:				2.384 AC		Total Land Value:			169,800	

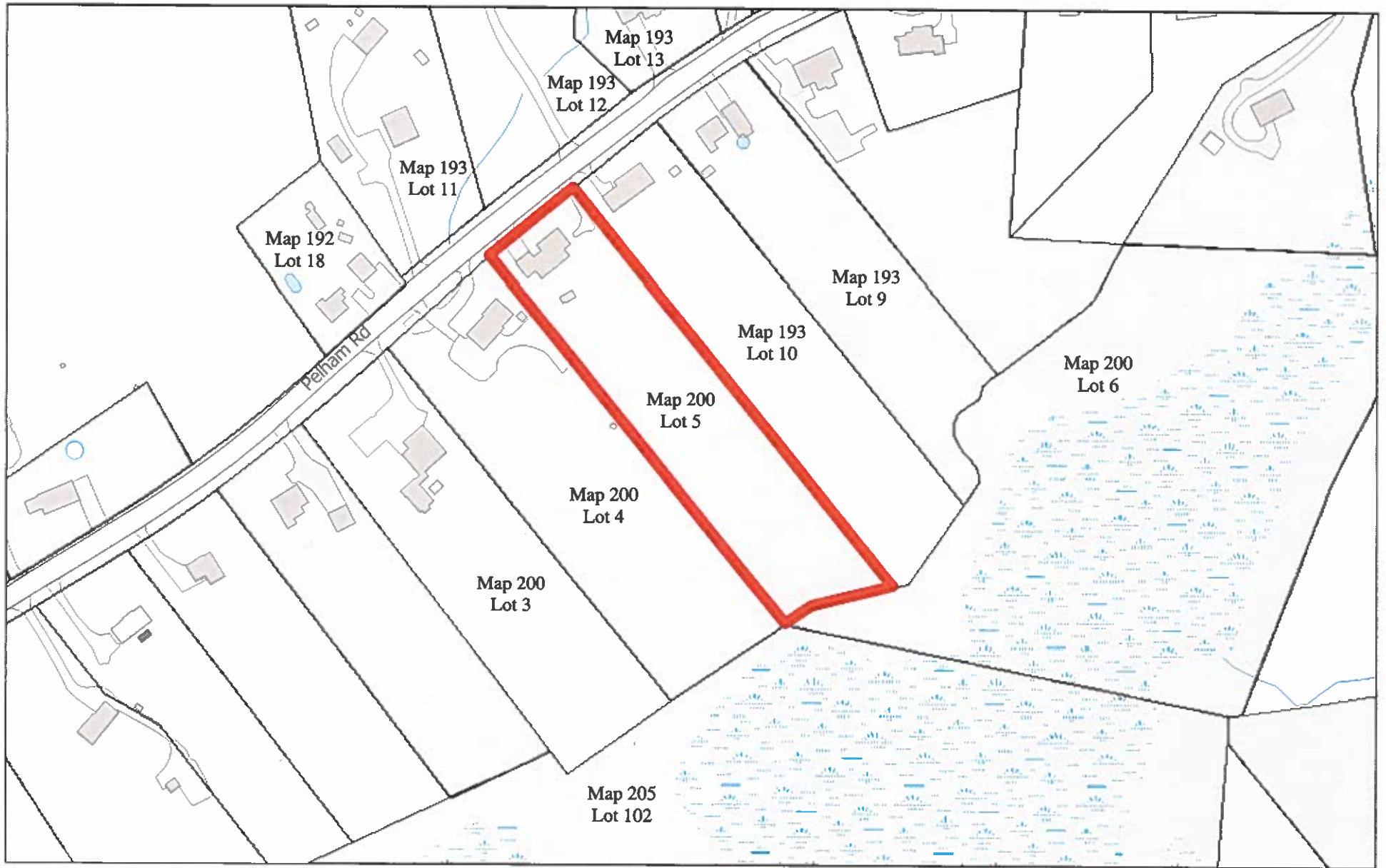
Disclaimer: This information is believed to be correct but is subject to change and is not warranted

LUC: 1080
Print Date: 4/1/2025 11:23:35 AM

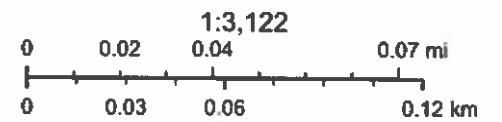
[illegible]

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,274	319	32.02	40,795
FFL	First Floor, Finished	1,575	1,575	1,575	127.89	201,419
GAR	Garage	0	624	218	44.68	27,879
OPF	Open Frame Porch	0	104	21	25.82	2,686
PAT	Patio	0	240	24	12.79	3,069
TQS	3/4 Story, Finished	741	988	741	95.91	94,763
WDK	Wood Deck, or Composite Dk	0	400	40	12.79	5,115
	Total Liv Area/Gr. Area/Eff Are	2,316	5,205	2,938	Total Value	375,726

93 Pelham Road



3/27/2025

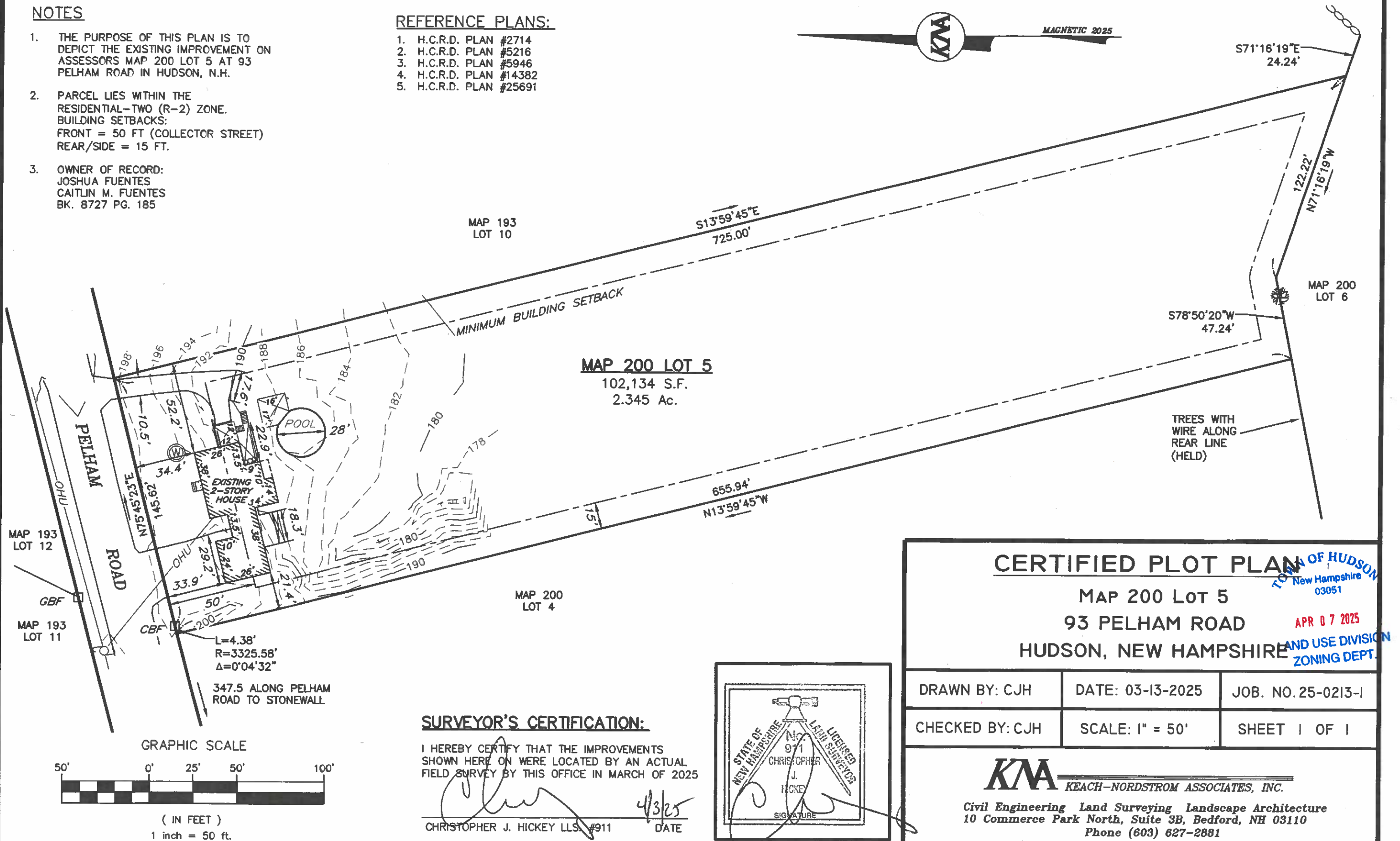


NOTES

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING IMPROVEMENT ON ASSESSORS MAP 200 LOT 5 AT 93 PELHAM ROAD IN HUDSON, N.H.
2. PARCEL LIES WITHIN THE RESIDENTIAL-TWO (R-2) ZONE.
BUILDING SETBACKS:
FRONT = 50 FT (COLLECTOR STREET)
REAR/SIDE = 15 FT.
3. OWNER OF RECORD:
JOSHUA FUENTES
CAITLIN M. FUENTES
BK. 8727 PG. 185

REFERENCE PLANS:

1. H.C.R.D. PLAN #2714
2. H.C.R.D. PLAN #5216
3. H.C.R.D. PLAN #5946
4. H.C.R.D. PLAN #14382
5. H.C.R.D. PLAN #25691

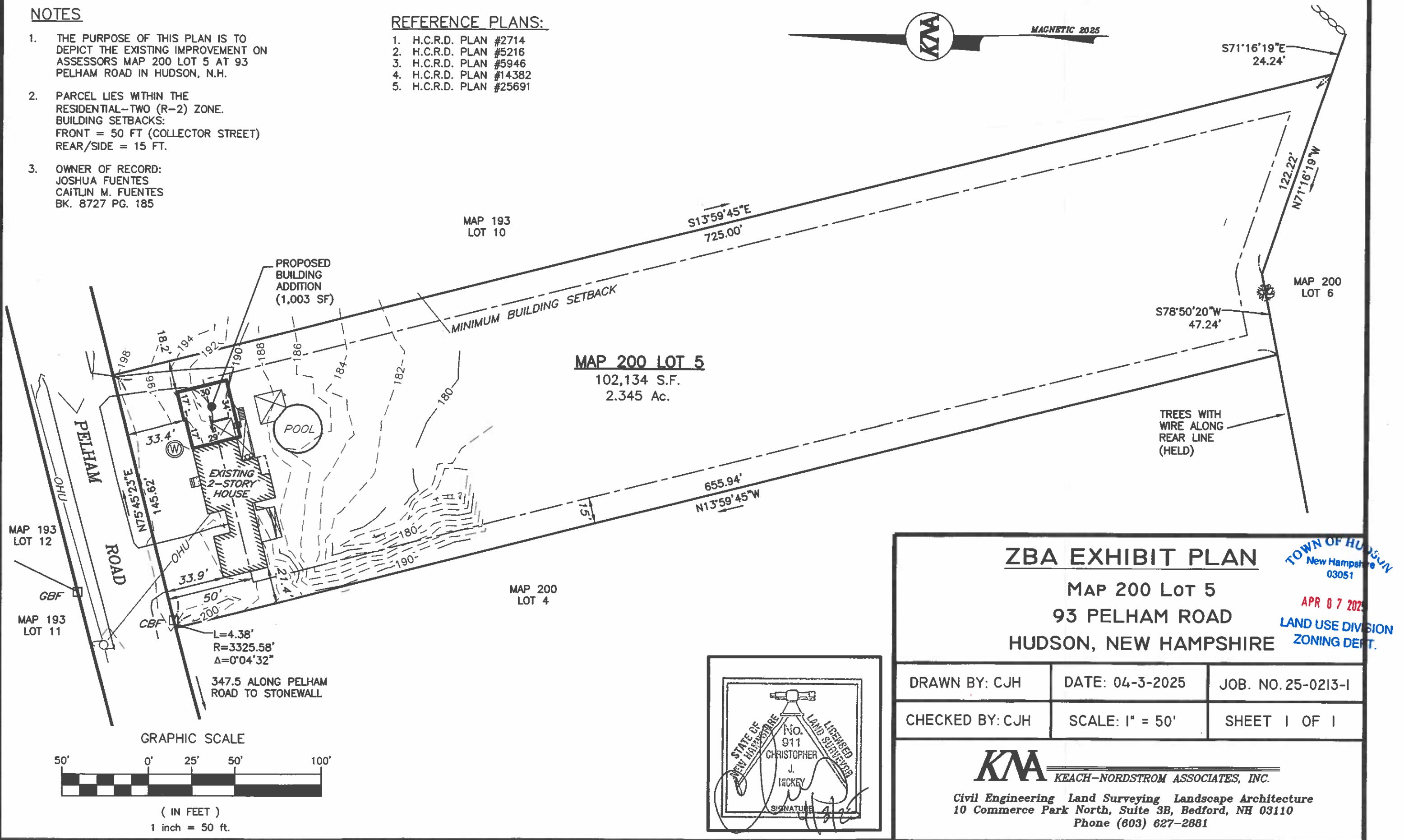


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5. H.C.R.D. PLAN #25691



CENTURY 21[®]

Cardinal

381 Main Street, Suite 1
Nashua, NH 03060
Business: (603) 889-3233
Fax: (603) 882-4474

4/4/2025

To Whom It May Concern,

Based on my 33 years of experience owning a Century 21 office, I am writing to provide my professional opinion regarding the property located at 93 Pelham Road, Hudson, NH. In my assessment, the proposed two-story addition to this property will enhance its value, as well as positively contribute to the overall value of neighboring homes.

The addition is designed in a manner consistent with the architectural character of both the existing home and the surrounding properties. Consequently, I firmly believe it will not have a detrimental impact on the neighborhood but will instead serve as an improvement to the area.

Sincerely,



Rick Cardinal

President

Century 21 Cardinal

381 Main St.

Nashua, NH 03060

603-889-3233



95 Pelham Rd

April 4, 2025

To Whom it May Concern,

I am Martha Duffin, neighbor
of Joshua and Caitlin Duffin.
I have spoken with them and
know their plans for expansion
to their home due to their growing
family.

I have seen the plans and am
in support of their request of
variances needed to add on to
their home.

They have been wonderful
and supportive neighbors for
many years.

Martha Duffin

TOWN OF HUDSON
New Hampshire
03051

APR 07 2025

LAND USE DIVISION
ZONING DEPT.

Printed
4/07/2025
3:55PM
Created
4/07/2025
3:47 PM

Transaction Receipt

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

Receipt# 815,147
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-4/24/25 ZBA Meeting 93 Pelham Road Map 200 Lot 005-000 Zone R-2			
	Variance A-Expansion	0.00	185.0000	0.00
	Variance B-Setback	0.00	233.2900	0.00
			Total:	418.29

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Pathway Homes Inc.	CHECK	CHECK# 2102	418.29	0.00	418.29

Total Due:	418.29
Total Tendered:	418.29
Total Change:	0.00
Net Paid:	418.29

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

On **04/24/2025**, the Zoning Board of Adjustment heard **Case 200-005 B**, being a case brought by **Joshua & Caitlin M. Fuentes, 93 Pelham Rd., Hudson, NH** requests a **Variance** to allow a **nonconforming proposed 1,003 SF building addition to encroach into the front yard setback 16.6 feet leaving 33.4 feet (same as the existing house) where 50 feet is required.** [Map 200, Lot 005, Sublot-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

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

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.”
<hr/>		
<hr/>		

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.
<hr/>		
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Y	N	4. The proposed use will not diminish the values of surrounding properties.
<hr/>		
<hr/>		

(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

ORIGINAL

APR 07 2025
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. 200-005(04-24-25)

Date Filed 4/7/25

Variance B

Name of Applicant Joshua & Caitlin Fuentes Map: 200 Lot: 5 Zoning District: R-2

Telephone Number (Home) (239) 707-3776 (Work) (239) 707-3776

Mailing Address 93 Pelham Road, Hudson, NH 03051

Owner Joshua & Caitlin Fuentes

Location of Property 93 Pelham Road

(Street Address)

Signature of Applicant [Signature]

Date 04/3/2025

Signature of Property-Owner(s) [Signature]

Date 04/3/2025

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: 4/7/25

COST:

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

- Variance B

8 Abutter Notice: \$ 5.58 = \$ 44.64

3 Indirect Abutters x First Class postage rate \$ 0.73 = \$ 3.65

Total amount due: \$ 233.29

(Variance A - \$185)

Amt. received: \$ 418.29

(Variance A+B)
check #
2102

Receipt No.: 815,147

Received by: [Signature]

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

Engineering ☒ Fire Dept. ☒ Health Officer ☐ Planner ☒ Other ☐



KEACH-NORDSTROM ASSOCIATES, INC.

KNA Project No. 25-0213-1

OWNER AFFIDAVIT

We, Joshua & Caitlin Fuentes, owner of the property referenced on Tax Map 200 as Lot 5, located at 93 Pelham Road in Hudson, New Hampshire, hereby verify that we have authorized Keach-Nordstrom Associates, Inc. to submit on our behalf, any and all applicable State and local permit applications as they pertain to the above referenced project located in Hudson, New Hampshire.

Additionally, we hereby authorize Keach-Nordstrom Associates, Inc. to aid in the representation of these applications throughout the approval process.

Signature of Owner:

Printed Name of Owner:

Joshua Fuentes

Signature of Owner:

Printed Name of Owner:

Caitlin Fuentes

Address of Owner:

93 Pelham Road, Hudson, NH 03051

Date:

04/3/2025

Civil Engineering

Land Surveying

Landscape Architecture

10 Commerce Park North, Suite 3B

Bedford, NH 03110

Phone (603) 627-2881

Fax (603) 627-2915

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>JF</u>	Please review the complete collated application (includes all checklist items) with the Zoning Administrator or staff before making copies in next step.	<u>TG</u>
<u>JF</u>	The applicant must provide the original (with wet signatures) of the complete filled-out application form <u>and</u> all required attachments listed below together with thirteen (13) <u>single-sided</u> copies of the assembled application packet. (Paper clips, no staples)	<u>TG</u>
<u>JF</u>	A separate application shall be submitted for each request, with a separate application fee for each request i.e.: Variance, Special Exception, Home Occupation Special Exception, Appeal from an Administrative Decision, and Equitable Waiver but only one abutter notification fee will be charged for multiple requests. If paying by check, make the check payable to the Town of Hudson.	<u>TG</u>
<u>N/A</u>	If the applicant is not the property owner(s), the applicant must provide to the Town written authorization, signed and dated by the property owner(s), to allow the applicant or any representative to apply on the behalf of the property owner(s). (NOTE: if such an authorization is required, the Land Use Division will not process the application until this document has been supplied.)	<u>N/A</u>
<u>JF</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>JF</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>JF</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>JF</u>	A copy of the Zoning Administrator's correspondence confirming either that the requested use is not permitted or that action by the Zoning Board of Adjustment is required must be attached to your application.	<u>TG</u>
<u>N/A</u>	If there is Wetland Conservation District (WCD) Impact, a Conditional Use Permit may be required. WCD Impact? Y or <u>N</u> (circle one). If yes, submit an application to the Planning Board.	<u>N/A</u>

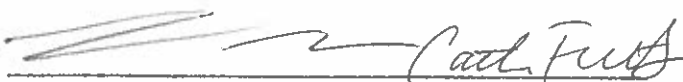
CERTIFIED PLOT PLAN:

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



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

 Carl Furt
Signature of Applicant(s)

04/3/2025
Date

 Carl Furt
Signature of Property Owner(s)

04/3/2025
Date

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
		*Include Applicant & Owner(s)	
200	5	Owner/Applicant: Joshua & Caitlin Fuentes	93 Pelham Road, Hudson, NH 03051
200	4	Charles Noble & Olivia Cartland	91 Pelham Road, Hudson, NH 03051
193	11	Stephanie Tate	92 Pelham Road, Hudson, NH 03051
193	12	Shana & Brian Annese	94 Pelham Road, Hudson, NH 03051
193	10	Dublin Family Trust Martha Dublin, Trustee	95 Pelham Road, Hudson, NH 03051
200	6	Kenneth & Diana Forrence, Trustees	61 Bush Hill Road, Hudson, NH 03051
205	102	Town of Hudson	12 School Street, Hudson, NH 03051
N/A	N/A	Engineer/Surveyor: Keach-Nordstrom Associates, Inc.	10 Commerce Park North, Suite 3, Bedford, NH 03110

ALL INDIRECT ABUTTERS WITHIN 200 FEET

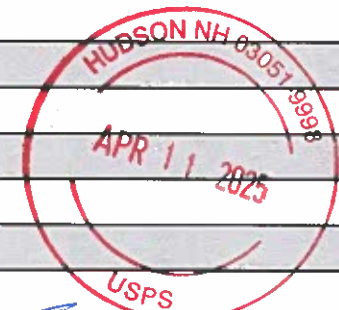
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
200	3-1	Petra Dollet	89A Pelham Road, Hudson, NH 03051
192	18	Daniel Levesque	90 Pelham Road, Hudson, NH 03051
193	13	Rene & Cecile Poulin	96 Pelham Road, Hudson, NH 03051
193	9	Desrosiers Revocable Trust Ann Desrosiers, Trustee	97 Pelham Road, Hudson, NH 03051
200	3-2	GGD Revocable Living Trust Georg & Gabrielle Dollet, Trustees	89B Pelham Road, Hudson, NH 03051

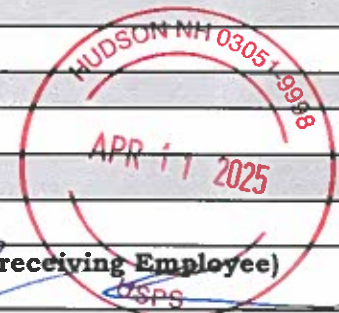
USPS-Verified Mail

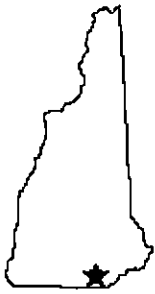
SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 200-005 VARIANCES A & B 93 Pelham Rd, Hudson, NH 03051 Map 200, Lot 005, Sublot-000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/24/2025 ZBA Meeting
1	9589 0710 5270 0646 5669 29	Joshua & Caitlin Fuentes	APPLICANT/OWNER NOTICE MAILED
		93 Pelham Road, Hudson, NH 03051	
2	9589 0710 5270 0646 5669 36	Charles Noble & Olivia Cartland	ABUTTER NOTICE MAILED
		91 Pelham Road, Hudson, NH 03051	
3	9589 0710 5270 0646 5669 43	Stephanie Tate	ABUTTER NOTICE MAILED
		92 Pelham Road, Hudson, NH 03051	
4	9589 0710 5270 0646 5669 50	Shana & Brian Annese	ABUTTER NOTICE MAILED
		94 Pelham Road, Hudson, NH 03051	
5	9589 0710 5270 0646 5669 67	Dublin Family Trust; Martha Dublin, Trustee	ABUTTER NOTICE MAILED
		95 Pelham Road, Hudson, NH 03051	
6	9589 0710 5270 0646 5669 74	Kenneth & Diana Forrence, Trustees	ABUTTER NOTICE MAILED
		61 Bush Hill Road, Hudson, NH 03051	
7	9589 0710 5270 0646 5669 81	Town of Hudson	ABUTTER NOTICE MAILED
		12 School Street, Hudson, NH 03051	
8	9589 0710 5270 0646 5669 98	Keach-Nordstram Associates, Inc.	ABUTTER NOTICE MAILED
		10 Commerce Park North, Suite 3B Bedford, NH 03110	
9			
10			
11			
	Total Number of pieces listed by sender 8	Total number of pieces rec'vd at Post Office <i>8</i>	Postmaster (receiving Employee)



USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE CLASS MAIL	FIRST Case# 200-005 VARIANCES A & B 93 Pelham Rd, Hudson, NH 03051 Map 200, Lot 005, Sublot-000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/24/2025 ZBA Meeting
1	Mailed First Class	Petra Dollet	ABUTTER NOTICE MAILED
		89A Pelham Road, Hudson, NH 03051	
2	Mailed First Class	Daniel Levesque	ABUTTER NOTICE MAILED
		90 Pelham Road, Hudson, NH 03051	
3	Mailed First Class	Rene & Cecile Poulin	ABUTTER NOTICE MAILED
		96 Pelham Road, Hudson, NH 03051	
4	Mailed First Class	Desrosiers Revocable Trust; Ann Desrosiers, Trustee	ABUTTER NOTICE MAILED
		97 Pelham Road, Hudson, NH 03051	
5	Mailed First Class	GGD Revocable Living Trust; George & Gabrielle Dollet, Trustees	ABUTTER NOTICE MAILED
		89B Pelham Road, Hudson, NH 03051	
6			
7			
8			
9			
10			
11			
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) USPS





TOWN OF HUDSON

Zoning Board of Adjustment



Normand Martin, Acting Chairman

Dillon Dumont, Selectmen Liaison

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

April 10, 2025

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, April 24, 2025 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 200-005 (04-24-25): Joshua & Caitlin M. Fuentes, 93 Pelham Rd., Hudson, NH [Map 200, Lot 005, Sublot-000; Zoned Residential-Two (R-2)] requests two (2) Variances:

A. A variance to build a proposed 1,003 SF addition onto an existing nonconforming 2-story house where a nonconforming structure may not be altered or expanded, except by variance. The nonconformance is due to Pelham Rd. being a Collector Rd. where fifty (50) feet of front yard setback is required. [HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31 A, Alteration and expansion of nonconforming structures]

B. A variance to allow the nonconforming proposed 1,003 SF building addition to encroach into the front yard setback 16.6 feet leaving 33.4 feet (same as the existing house) where 50 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

Respectfully,

Chris Sullivan,
Zoning Administrator



TOWN OF HUDSON

Zoning Board of Adjustment



Normand Martin, Acting Chairman

Dillon Dumont, Selectmen Liaison

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

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B. A variance to allow the nonconforming proposed 1,003 SF building addition to encroach into the front yard setback 16.6 feet leaving 33.4 feet (same as the existing house) where 50 feet is required. [HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

Please be advised, this Notice is for your information only. Your attendance is not required; however, you may attend this meeting to provide information or comments on the proposal.

If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan,
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article VII of HZO Section(s) 334.27 in order to permit the following:

To permit a proposed building addition to be located closer than 50-ft to Pelham Road.

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

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

The request is not contrary to public interest as it will not alter the character of the neighborhood, or adversely impact public health, safety, welfare, or rights. The existing home was built in the 1960s and is located closer than 50-ft from Pelham Road. Many of the surrounding existing homes are also located at a similar distance from the roadway. The Applicant is proposing a reasonable expansion of the existing home. The location of the proposed addition was limited due to the restrictions from the existing home location, site topography, and layout of the home.

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 purpose of a front yard setback is to prevent our homes from encroaching or overcrowding our streets and roadways. We don't have that with the addition to our house. Further, the proposed addition is not expected to impact the public or alter the essential character of the neighborhood. The construction of the existing home pre-dates the current zoning regulations and is therefore located closer than 50-ft to Pelham Road. This is the case for many of the surrounding homes. The Applicant is restricted by the location, and layout of the existing home as well as the existing site topography. Due to these existing conditions, a reasonable expansion of the home is required to be located within the front yard setback. The proposed addition is consistent with the existing use and neighborhood and is not expected to impact the public therefore, the proposal will observe the spirit of the ordinance.

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 existing home is located within the front yard setback. In order to reasonably expand this existing nonconforming structure with consideration given to the existing layout and site topography, the addition will also need to be located within the front yard setback. The proposed addition is consistent with the character of the neighborhood and is not likely to adversely impact the public in any way. Therefore, granting the variance would result in substantial justice being done.

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 proposed expansion of the structure is not expected to diminish the values of surrounding properties. The addition is consistent with the current use of the property, and compatible with the essential character of the neighborhood.

FACTS SUPPORTING THIS REQUEST: (Continued)

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

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

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

The special conditions of our lot is the sloping topography away from the back of our house which prevents locating the addition here. The only reasonable location for the addition is to the side of our home. The Applicant is restricted by the existing conditions and topography of the property. The existing home is located closer than 50-ft from Pelham Road and there is a significant elevation change between the front and rear yards of the home. This limits the Applicant's options for a reasonable expansion of the existing structure. The elevation change in our back yard makes it impractical to put the addition out back. It would therefore not be fair and reasonable to apply the 50' collector road setback to our addition.

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

We are proposing a reasonable expansion of a residential use in a residential district. Residential uses are permitted uses in the R-2 District. The Applicant is proposing a reasonable expansion to their existing home. The home is currently located closer than the required 50-ft from Pelham Road. That in combination with other restrictions from the existing site conditions and topography, make it difficult for the Applicant to expand the structure in any way without requiring a variance.

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



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #25-025

March 3, 2025

Sent Via 1st Class Mail & Email

Paul Chisholm
10 Commerce Park North #3
Bedford, NH 03119

Re: 93 Pelham Rd Map 200 Lot 005-000
District: Residential Two (R-2)

Dear Mr. Chisholm,

Your request: to construct an addition by elongating the house is this a preexisting non-conforming (Plans Submitted)

Zoning Review / Determination:

93 Pelham Rd is an existing lot of record. The property has a single family home on it. It was constructed in 1960. The lot has 103,672 sq. ft. where 60,000 sq. ft is required when there is no sewer or water. This lot is preexisting nonconforming due to the front yard setback. The existing residence is at 34.4' where 50' is required. The existing residence is 15.6' into the front yard setback. This setback is due to Pelham Rd being a Collector Rd.

To add an addition to the preexisting nonconforming structure you would need two variances from the Zoning Board of Adjustment. These variances are Article VII § 334-27 Table of Minimal dimensional Requirements and, Article VIII § 334-31 Alteration and Expansion of Nonconforming Structures.

If you are successful with the Zoning Board of adjustment you Will need a build permit from Inspectional Services per Article III § 334-16 Building Permits.

Sincerely,

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

cc: Public File
B. Dubowik, Administrative Aide
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: 93 PELHAM RD
Vision ID: 2263 Account #: 4438

Parcel ID: 200/ 005/ 000/ 1

Bldg #: 1

Card Address:
Card #: 1 of 1

LUC: 1080
Print Date: 4/1/2025 11:23:34 AM

CURRENT OWNER		ASSESSING NEIGHBORHOOD		PREVIOUS ASSESSMENTS (HISTORY)								
FUENTES, JOSHUA FUENTES, CAITLIN M. 93 PELHAM RD. HUDSON NH 03051		Nbhd	Nbhd Name	Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RE	Residential Average	2024	1080	349,000	2024	1080	349,000	2023	1080	349,000
		TOPO	UTILITIES		1080	169,800		1080	169,800		1080	169,800
		Rolling	Priv Water		1080	6,600		1080	6,600		1080	6,600
			Septic									
				Total		525,400	Total		525,400	Total		525,400

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY		
FUENTES, JOSHUA	8727	0185	02-09-2015	Q	I	253,000	00	Grantor: CALLAHAN, DIANE, TR	Appraised Bldg. Value (Card)	300,600	
CALLAHAN, DIANE, TR	7676	0726	05-10-2006	U	I	0	44	Grantor: CALLAHAN, RICHARD			
CALLAHAN, RICHARD	5909	0232	03-02-1998	U	I		38	Grantor: ROBERTSON, DORTHYLU	Appraised Xf (B) Value (Bldg)	48,400	
ROBERTSON, DORTHYLU	5290	523	10-22-1991	Q	I	160,000	00	Grantor: BASIL DIXON	Appraised Ob (B) Value (Bldg)	6,600	
									Appraised Land Value (Bldg)	169,800	

SUPPLEMENTAL DATA			CURRENT ASSESSMENT				Special Land Value	0	
Parcel ID	200-005-000	PREV 0018-0015-0000	Descript	Code		Appraised	Assessed	Total Appraised Parcel Value	525,400
Zoning	R2:Residential-2		BLDG	1080		349,000	349,000	Valuation Method	C
Flood Hazard	C		LAND	1080		169,800	169,800		
Neigh/Abut1			OB	1080		6,600	6,600		
Neigh/Abut2									
Neigh/Abut3									
GIS ID	200-005-000	Assoc Pid#	Total:			525,400	525,400	Total Appraised Parcel Value	525,400

NOTES						VISIT / CHANGE HISTORY			
def maintenance at time of sale per M 0						Date	Id	Cd	Purpost/Result
6/19: EXT=GOOD						04-12-2023	21	15	Permit Visit
pos IN-LAW IN BMT						07-21-2022	28	45	Field Review
						06-06-2019	19	02	Measured
						05-13-2015	12	30	Sales Data Verification
						10-08-2010	14	02	Measured
						12-07-2006	03	20	Other Change
						07-17-2006	01	71	Acreage Adjustment From New Map
						04-20-2006	01	20	Other Change

BUILDING PERMIT RECORD										04-20-2005		01	20	Other Change
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments						
2022-00942-1-	08-19-2022	EL		9,945	C	SunRun Installation Ser		Electrical for roof mounted solar panels: 15(340W) panels 5.10kwdc. No structural upgrade Install roof mounted solar panels: 15(340W) panels 5.10kwdc. No structural upgrades nee 200 amp panel replacement						
2022-00942	08-19-2022	SP			C	SunRun Installation Ser								
2022-00829	08-03-2022	EL			2,338	C								SunRun Installation Ser

LAND LINE VALUATION SECTION																		
B #	Land/Use Code	Description	Land Type	Land Units	Unit Price	Acreage Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment				Notes	Land Value	
1	1080	SFR/POSSIBLE IN-LAW	Site	1.000	AC	170,000		1.00	5	1.00	RE	1.00	Location	0.95				161,500
1	1080	SFR/POSSIBLE IN-LAW	Excess	1.384	AC	6,000		1.00	0	1.00	RE	1.00						
Total Card Land Units:				2.384 AC		Parcel Total Land Area:				2.384		AC		Total Land Value:			169,800	
Disclaimer: This information is believed to be correct but is subject to change and is not warranted.																		

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

Property Location: 93 PELHAM RD
Vision ID: 2263 Account #: 4438

Parcel ID: 200/ 005/ 000/ /
Bldg #: 1

Card Address:
Card #: 1 of 1

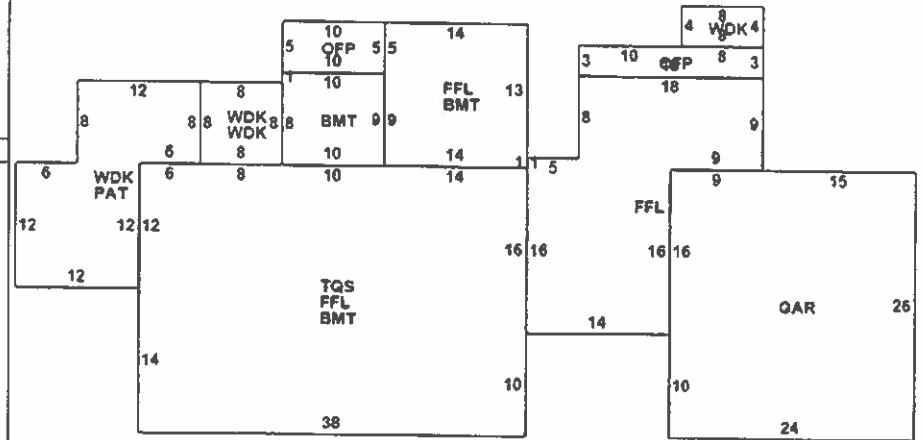
LUC: 1080
Print Date: 4/1/2025 11:23:35 AM

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1.75		Extra Kitchens	0	
Style:	04	Cape Cod	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	2				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	04	Carpet			
Heat Fuel	04	Propane			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	0				
Total Rooms	9				
Bedrooms	3				
Full Baths	2				
3/4 Baths	0				
Half Baths	1				
Extra Fixtures	0				
Kitchens	2				
Kitchen Rating	AV	Average			
Bath Rating	AV	Average			
Half Bath Rating	AV	Average			
Bsmt Garage	0				
Fireplace(s)	1				
Fireplace Rating	FR	Fair			
WS Flues	1				
Color	GRAY				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION

Building Value New	375,726
Year Built	1960
Effective Year Built	2002
Depreciation Code	GD
Remodel Rating	
Year Remodeled	
Depreciation %	20
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	80
RCNLD	300,600
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

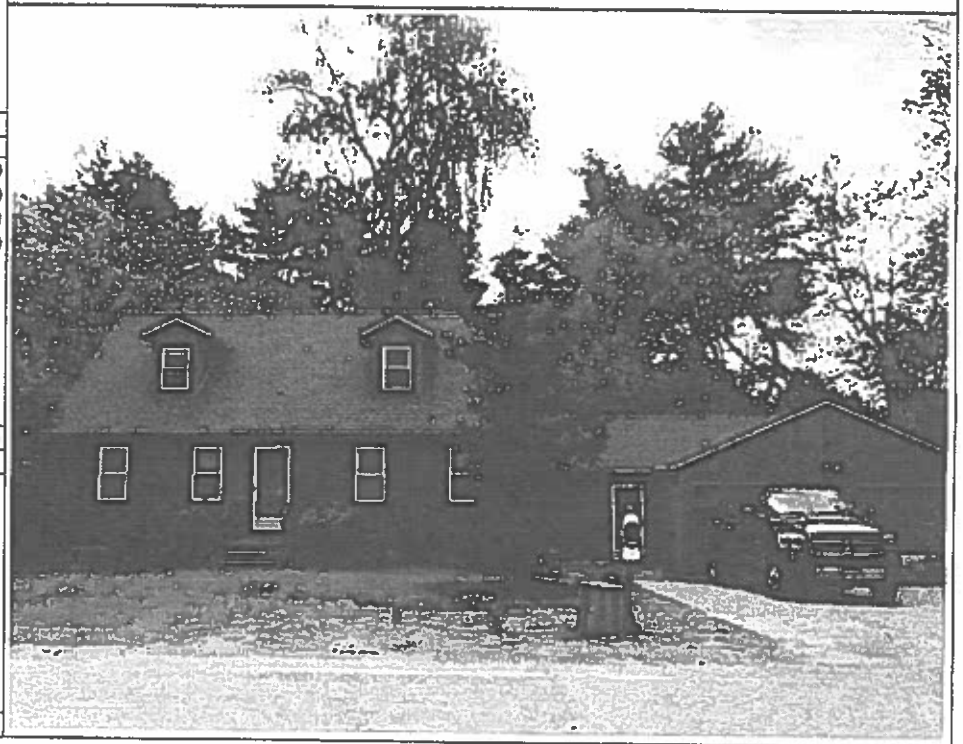
SKETCH / PRIMARY PHOTO



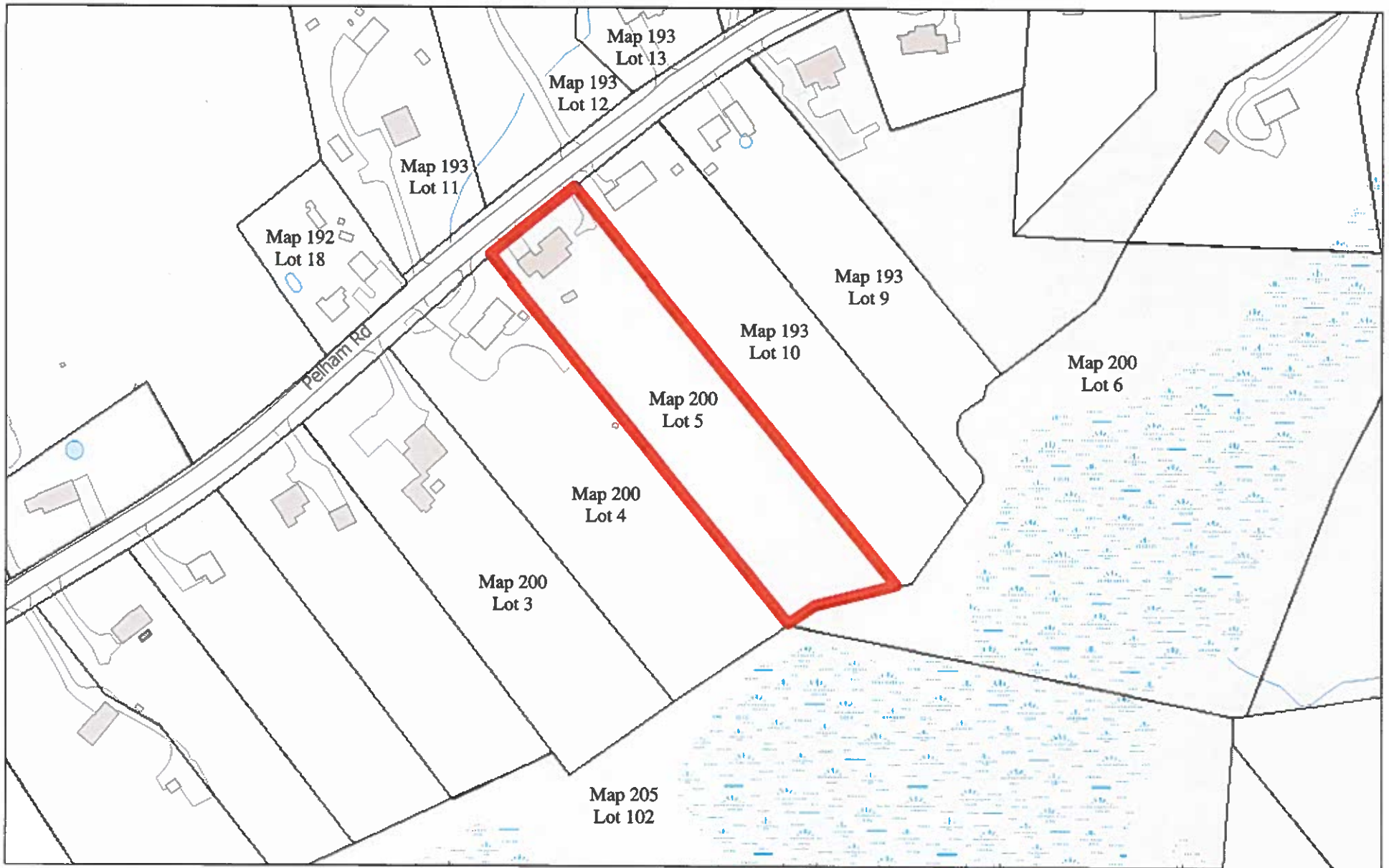
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Pri	Yr Bld	Cnd.	% G	Assd. Value	
HTUB	Hot Tub	L	4	UNITS	500.00	2019	AV	60	1,200	
SHEDMT	Shed, Metal	L	120	SQ. FT	17.55	2019	AV	60	1,300	
XFFLA	Fin Living Area, LLV	B	1,210	SQ. FT	50.00	1960	AV	80	48,400	
SOLAR	Solar Photovoltaic Attached	L	5	kW	1000.0	2022	GD	80	4,100	

BUILDING SUB-AREA SUMMARY SECTION

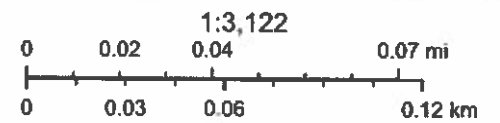
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,274	319	32.02	40,795
FFL	First Floor, Finished	1,575	1,575	1,575	127.89	201,419
GAR	Garage	0	624	218	44.68	27,879
OFF	Open Frame Porch	0	104	21	25.82	2,686
PAT	Patio	0	240	24	12.79	3,069
TQS	3/4 Story, Finished	741	988	741	95.91	94,763
WDK	Wood Deck, or Composite Dk	0	400	40	12.79	5,115
Total Liv Area/Gr. Area/Eff Are		2,316	5,205	2,938	Total Value	375,726



93 Pelham Road



3/27/2025

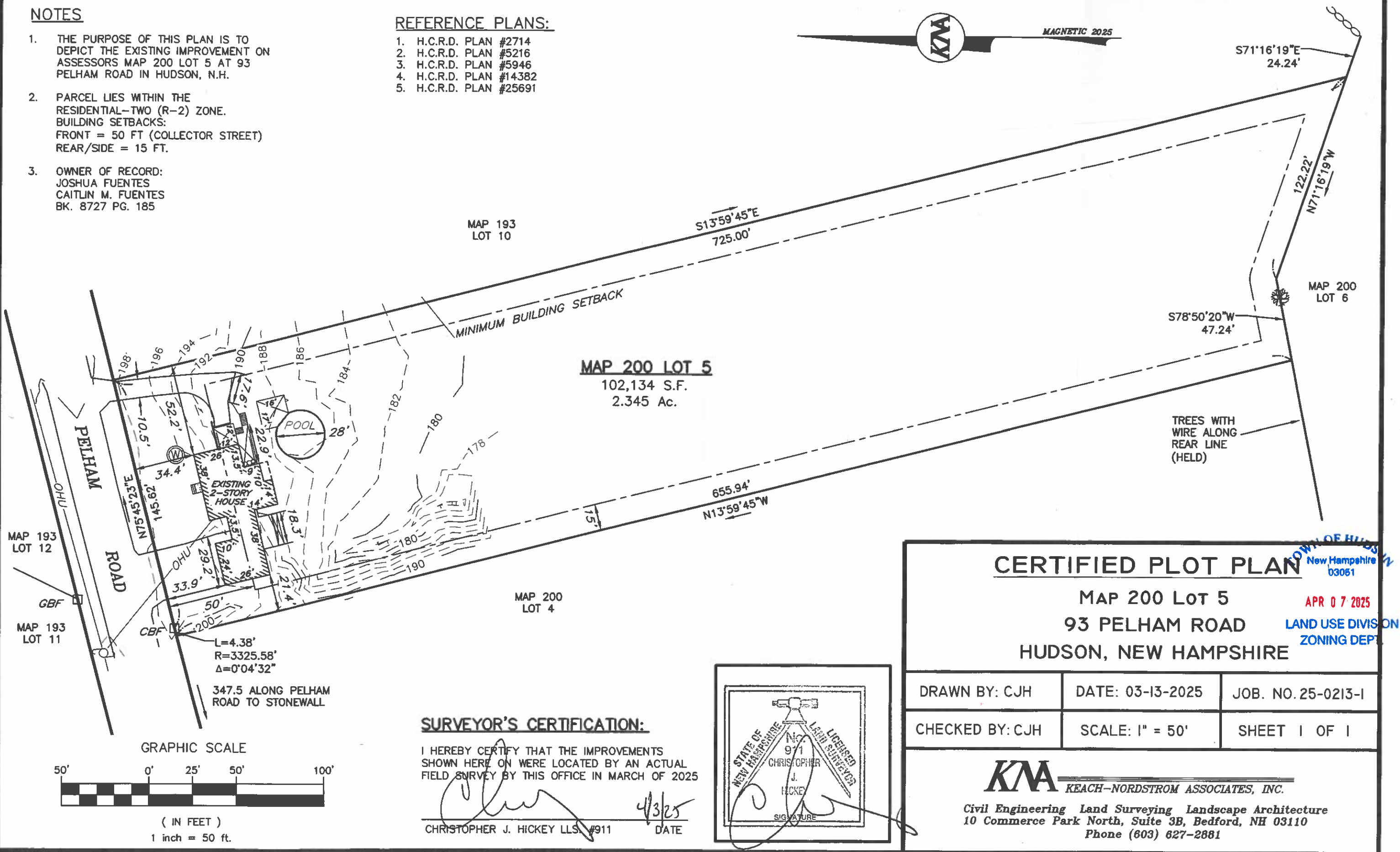


NOTES

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING IMPROVEMENT ON ASSESSORS MAP 200 LOT 5 AT 93 PELHAM ROAD IN HUDSON, N.H.
2. PARCEL LIES WITHIN THE RESIDENTIAL-TWO (R-2) ZONE. BUILDING SETBACKS:
FRONT = 50 FT (COLLECTOR STREET)
REAR/SIDE = 15 FT.
3. OWNER OF RECORD:
JOSHUA FUENTES
CAITLIN M. FUENTES
BK. 8727 PG. 185

REFERENCE PLANS:

1. H.C.R.D. PLAN #2714
2. H.C.R.D. PLAN #5216
3. H.C.R.D. PLAN #5946
4. H.C.R.D. PLAN #14382
5. H.C.R.D. PLAN #25691



CERIFIED PLOT PLAN

MAP 200 LOT 5
93 PELHAM ROAD
HUDSON, NEW HAMPSHIRE

DRAWN BY: CJH	DATE: 03-13-2025	JOB. NO. 25-0213-1
CHECKED BY: CJH	SCALE: 1" = 50'	SHEET 1 OF 1

KMA KEACH-NORDSTROM ASSOCIATES, INC.

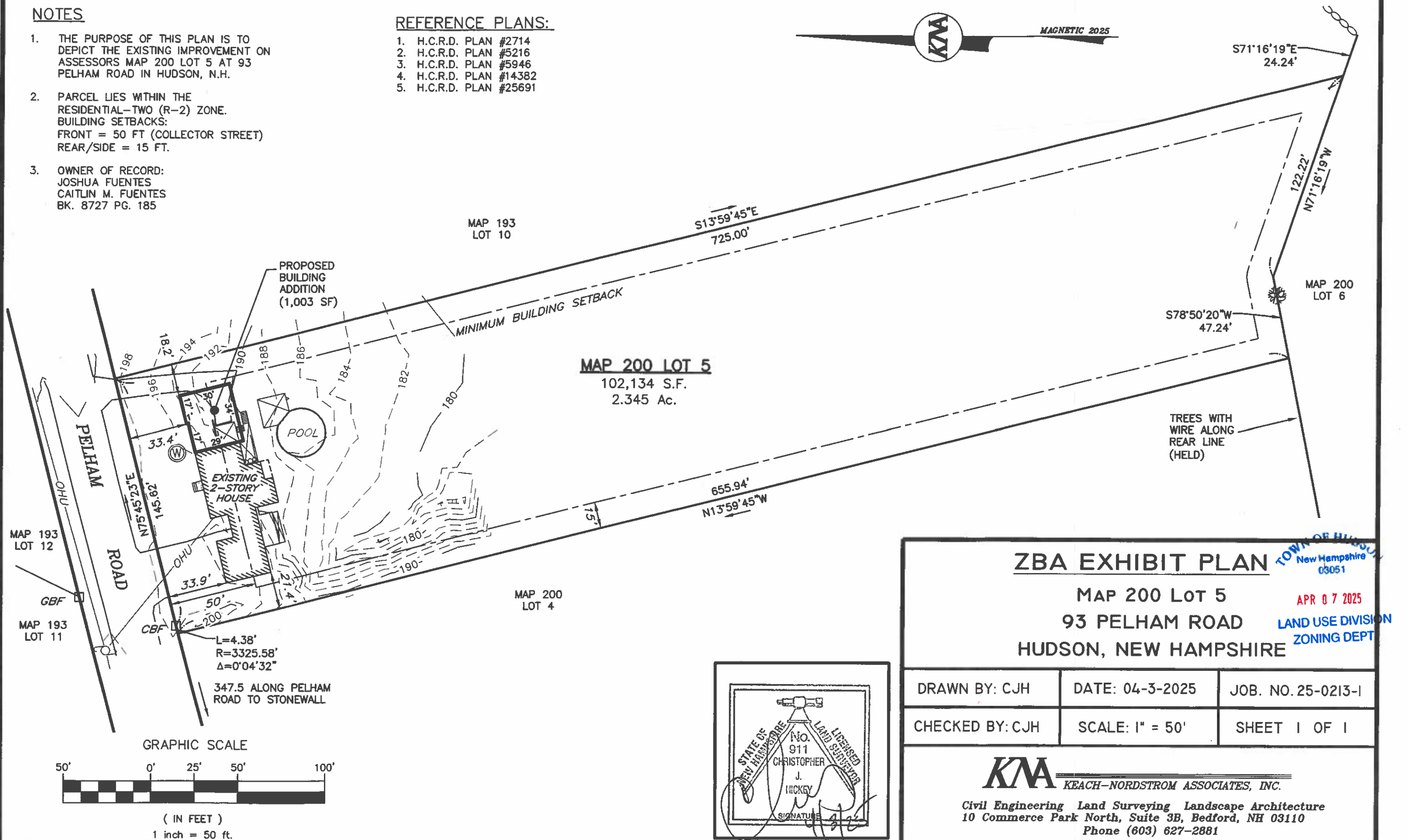
Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110
Phone (603) 627-2881

NOTES

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING IMPROVEMENT ON ASSESSORS MAP 200 LOT 5 AT 93 PELHAM ROAD IN HUDSON, N.H.
2. PARCEL LIES WITHIN THE RESIDENTIAL-TWO (R-2) ZONE.
BUILDING SETBACKS:
FRONT = 50 FT (COLLECTOR STREET)
REAR/SIDE = 15 FT.
3. OWNER OF RECORD:
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4. H.C.R.D. PLAN #14382
5. H.C.R.D. PLAN #25691



CENTURY 21[®]

Cardinal

381 Main Street, Suite 1
Nashua, NH 03060
Business: (603) 889-3233
Fax: (603) 882-4474

4/4/2025

To Whom It May Concern,

Based on my 33 years of experience owning a Century 21 office, I am writing to provide my professional opinion regarding the property located at 93 Pelham Road, Hudson, NH. In my assessment, the proposed two-story addition to this property will enhance its value, as well as positively contribute to the overall value of neighboring homes.

The addition is designed in a manner consistent with the architectural character of both the existing home and the surrounding properties. Consequently, I firmly believe it will not have a detrimental impact on the neighborhood but will instead serve as an improvement to the area.

Sincerely,



Rick Cardinal

President

Century 21 Cardinal

381 Main St.

Nashua, NH 03060

603-889-3233



95 Pelham Rd

April 4, 2025

To Whom it May Concern,

I am Martha Duttin, neighbor
of Joshua and Caitlin Amato.
I have spoken with them and
know their plans for expansion
to their home due to their growing
family.

I have seen the plans and am
in support of their request of
variances needed to add on to
their home.

They have been wonderful
and supportive neighbors for
many years.

Martha Duttin

Printed
4/07/2025
3:57PM
Created
4/07/2025
3:47 PM

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

Receipt# 815,147
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-4/24/25 ZBA Meeting 93 Pelham Road Map 200 Lot 005-000 Zone R-2			
	Variance A-Expansion	0.00	185.0000	0.00
	Variance B-Setback	0.00	233.2900	0.00
			Total:	418.29

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Pathway Homes Inc.	CHECK	CHECK# 2102	418.29	0.00	418.29

Total Due: 418.29
Total Tendered: 418.29
Total Change: 0.00
Net Paid: 418.29



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 ^{EJS} Meeting Date: April 24, 2025 ^{4/11/25}

Case 245-012 (04-24-2025): Bradford Baker Sr., 23 Fairway Drive, Hudson, NH requests an Equitable Waiver of Dimensional Requirement to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches into both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

ADDRESS: 23 Fairway DR.
Map 245, Lot 012-000,

ZONING DISTRICT: Residential One (R-1)

Relief Requested: Equitable Waiver of Dimensional Requirement

PROPERTY DESCRIPTION:

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 99,316.8 sq. ft. where 60,000 is required. The lot is classified as a single-family residence. There is an existing Dwelling that was constructed in 1980. The project received a foundation permit only. The structure was installed without a building permit. The owner was unaware her needed a certified foundation plan. After they survey was completed this is when they found the issues, the concrete pad was installed in the side and front setback.

On January 23, 2025 the Zoning Board of Adjustment denied the Equitable Wavier. The applicant asked for a rehearing and that was granted on March 27, 2025.

HISTORY/ATTACHMENTS

PLANS:

A: Original 59.67' x 41.25 Garage Layout and Size (6-7-23)

BUILDING PERMITS:

B: Original BP 59.67' x 41.25 (never permitted)

C: Revised 1" Page BP 39' x 41'

ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE

D: Zoning Determination BP Denial (6-16-23)

E: Zoning Determination (11-24-24)

F: Notice of Decision (01-27-25)

AERIAL / PHOTOS

Aerials (2024) 9 Cumming Street





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: April 24, 2025

IN-HOUSE COMMENTS:

***All comment are still the same for this application**

G: Town Engineer: no comments (12-31-24)

H: Inspectional Services/Fire Dept.:
(12-31-24)

1. Structure was built without a building permit
2. Building permit and inspections are required
3. Foundation only permit clearly states in bold letters that a certified foundation plan is required prior to the issuance of a framing/building permit

I: Associate Town Planner: no comments
(12-31-24)



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6005 • Fax: 603-594-1142



BUILDING PERMIT APPLICATION - PLEASE PRINT

Address: <u>23 Fairway Drive</u> Unit # _____		Office use: Map _____ Lot _____ Zone _____ Permit # _____
Site/Sub Plan: _____ HCRD _____		
Residential <input checked="" type="checkbox"/> Single family detached <input type="checkbox"/> Modular Homes <input type="checkbox"/> Duplex <input type="checkbox"/> 3+ family dwelling (# of units _____) <input type="checkbox"/> Other _____	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion of +/- dwelling units <input type="checkbox"/> Other _____ <input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input checked="" type="checkbox"/> Garage <input type="checkbox"/> Carport	
Commercial <input type="checkbox"/> Office/Bank/Professional <input type="checkbox"/> Hospital/Medical <input type="checkbox"/> Industrial/Warehouse <input type="checkbox"/> Restaurant <input type="checkbox"/> Other _____ <input type="checkbox"/> Garage <input type="checkbox"/> School <input type="checkbox"/> Store <input type="checkbox"/> Utility	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion from residential to commercial space <input type="checkbox"/> Other _____ <input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input type="checkbox"/> Interior Demo	
Will the applicant/owner manufacture, assemble or produce any product, regardless of water use? Yes <input type="checkbox"/> (Need IDA Form) No <input type="checkbox"/> (Need IDA Checklist) *Please consult the Town Engineer at 886 6008 with any questions		
Total Cost of Project: \$ <u>85000</u>	General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use. <u>Rectangle detached garage. 39X59</u>	
Square Footage	Footprint <u>39X59</u>	Renovated/added _____
	Living area of new home (exclude unfinished areas and garage) _____	Number of stories <u>1</u> Total area of bldg _____
Principal Type of Frame	<input type="checkbox"/> Masonry (wall bearing) <input type="checkbox"/> Wood Frame <input checked="" type="checkbox"/> Structural steel <input type="checkbox"/> Reinforced concrete <input type="checkbox"/> Other-Specify _____	
Type of Sewage Disposal	<input type="checkbox"/> Town or private company (requires Town permit) <input type="checkbox"/> Private (septic tank, etc.)	



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street · Hudson, New Hampshire 03051 · Tel: 603-886-8005 · Fax: 603-594-1142

(B)

Type of Water Supply		Type of Heat Source		
<input type="checkbox"/> Town		<input type="checkbox"/> Gas		
<input checked="" type="checkbox"/> Private (well, cistern)		<input type="checkbox"/> Oil		
		<input checked="" type="checkbox"/> Electric		
Owner	Name <u>Bradford Baker</u>	Address <u>23 Fairway Drive</u>	City/State/Zip <u>Hudson NH 03051</u>	Phone <u>6178956144</u>
Lessee				
Contractor				
Architect				
Engineer	<u>Hooshmand S. Afshar</u>	<u>225 Steadman St.</u>	<u>Lowell MA</u>	<u>9782308173</u>
<p>I hereby certify the owner of record authorizes the proposed work and I have been authorized by the owner to make this application as his agent and to conform to all applicable laws of the Town of Hudson. I hereby attest all statements made on this application are true to the best of my knowledge. The signature on this building permit authorizes all Code Officials, Building Inspector and Assessor or their Agents to conduct inspections from time to time during and upon completion of the work for which this permit is issued. If said structure is commercial or industrial I understand that an as-built plan is required prior to occupancy of the structure.</p>				
Signature of applicant <u>Bradford Baker</u>		Digitally signed by Bradford Baker Date 2023.06.12 16:01:43 -04'00'		Date _____
Address <u>23 Fairway Drive</u>				
Email: <u>bbaker@ast.net</u>		Phone: <u>6178956144</u>		
Filing fee	\$ _____	Receipt #	_____ Date _____	
Building permit fee	\$ _____	Receipt #	_____ Date _____	
THIS BUILDING PERMIT IS				
_____ Issued subject to the following condition(s)		_____ Denied for the following reason(s)		
_____ _____ _____				
<input type="checkbox"/> Plans received		Date _____		Use group: _____
Comments: _____				Construction type _____
				Live loading _____
Certificate of Occupancy _____ Required _____ Final Inspection (Building & HFD)				
Comments: _____		Occupancy load _____		
Approved _____				
Denied _____				
Inspectional Services Official or Designee				Date _____

* Electrical Permit, Plumbing Permit, Mechanical Permit, Certificate of Occupancy, Water, Sewer and Driveway are to be applied for separately, when applicable.



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6005 • Fax: 603-594-1142

C

BUILDING PERMIT APPLICATION - PLEASE PRINT

Address: <u>23 Fairway Drive</u> Unit # _____		Office use:
Site/Sub Plan: _____ HCRD _____		Map _____
		Lot _____
		Zone _____
		Permit # _____
Residential <input checked="" type="checkbox"/> Single family detached <input type="checkbox"/> Modular Homes <input type="checkbox"/> Duplex <input type="checkbox"/> 3+ family dwelling (# of units _____) <input type="checkbox"/> Other _____	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion of +/- dwelling units <input type="checkbox"/> Other _____ <input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input checked="" type="checkbox"/> Garage <input type="checkbox"/> Carport	
Commercial <input type="checkbox"/> Office/Bank/Professional <input type="checkbox"/> Hospital/Medical <input type="checkbox"/> Industrial/Warehouse <input type="checkbox"/> Restaurant <input type="checkbox"/> Other _____ <input type="checkbox"/> Garage <input type="checkbox"/> School <input type="checkbox"/> Store <input type="checkbox"/> Utility	Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Conversion from residential to commercial space <input type="checkbox"/> Other _____ <input type="checkbox"/> Deck <input type="checkbox"/> Shed <input type="checkbox"/> Swim Pool <input type="checkbox"/> Interior Demo	
Will the applicant/owner manufacture, assemble or produce any product, regardless of water use? Yes <input type="checkbox"/> (Need IDA Form) No <input type="checkbox"/> (Need IDA Checklist) *Please consult the Town Engineer at 886-6008 with any questions		
Total Cost of Project: \$ <u>85000</u>	General Description of Work and Use Include dimensions of building, room, shed, pool, etc. List # of bedrooms and bathrooms if new home or added. If use of existing building is being changed, enter proposed use. <u>Rectangle detached garage. 39X41</u>	
Square Footage	Footprint <u>39X59</u>	Renovated/added _____
	Living area of new home (exclude unfinished areas and garage) _____	Number of stories <u>1</u>
		Total area of bldg _____
Principal Type of Frame	<input type="checkbox"/> Masonry (wall bearing) <input type="checkbox"/> Reinforced concrete	<input type="checkbox"/> Wood Frame <input type="checkbox"/> Other-Specify _____ <input checked="" type="checkbox"/> Structural steel
Type of Sewage Disposal	<input type="checkbox"/> Town or private company (requires Town permit) <input type="checkbox"/> Private (septic tank, etc.)	



TOWN OF HUDSON

FIRE DEPARTMENT - INSPECTIONAL SERVICES DIVISION

12 School Street • Hudson, New Hampshire 03051 • Tel: 603-886-6005 • Fax: 603-594-1142

C

Type of Water Supply		Type of Heat Source	
<input type="checkbox"/> Town		<input type="checkbox"/> Gas	
<input checked="" type="checkbox"/> Private (well, cistern)		<input type="checkbox"/> Oil	
<input checked="" type="checkbox"/> Electric			

	Name	Address	City/State/Zip	Phone
Owner	Bradford Baker	23 Fairway Drive	Hudson NH 03051	6178956144
Lessee				
Contractor				
Architect				
Engineer	Hooshmand S. Afshar	225 Steadman St.	Lowell MA	9782308173

I hereby certify the owner of record authorizes the proposed work and I have been authorized by the owner to make this application as his agent and to conform to all applicable laws of the Town of Hudson. I hereby attest all statements made on this application are true to the best of my knowledge. The signature on this building permit authorizes all Code Officials, Building Inspector and Assessor or their Agents to conduct inspections from time to time during and upon completion of the work for which this permit is issued. If said structure is commercial or industrial I understand that an as-built plan is required prior to occupancy of the structure.

Signature of applicant Bradford Baker Digitally signed by Bradford Baker Date: 2023.06.12 16:01:43 -04'00' Date _____

Address 23 Fairway Drive

Email: bbaker@ast.net Phone: 6178956144

Filing fee	\$ _____	Receipt # _____	Date _____
Building permit fee	\$ _____	Receipt # _____	Date _____

THIS BUILDING PERMIT IS

_____ Issued subject to the following condition(s) _____ Denied for the following reason(s)

<input type="checkbox"/> Plans received _____ Date _____	Use group: _____
Comments: _____	Construction type _____
Certificate of Occupancy _____ Required _____ Final Inspection(Building & HFD)	Live loading _____
Comments: _____	Occupancy load _____

_____ Approved

_____ Denied

_____ Inspectional Services Official or Designee _____ Date _____

* Electrical Permit, Plumbing Permit, Mechanical Permit, Certificate of Occupancy, Water, Sewer and Driveway are to be applied for separately, when applicable.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #23-084 Building Permit Denial B/P# 2023-00728

June 16, 2023

Bradford Baker Sr.
23 Fairway Dr.
Hudson, NH 03051

Re: 23 Fair Way Map 245 Lot 012-000
District: General One (G-1)

Zoning Review / Determination:

Your request is to construct a 39'x59' garage in the General One Zone.

General Requirements:

The size of this garage does not meet 334-16 Building Permits C. Conditions of issuance (1) No permit, however, shall be issued unless the structure will present a reasonable appearance and will be in keeping with the neighborhood and unless the building is to be finished on the exterior in a permanent manner and is to be suitably painted on the outside whenever the same is of wood or a material customarily painted. This is intended to eliminate the erection of structures obviously out of place for the neighborhood as judged by the property values and neighborhood character. You can appeal this to the Zoning Board of Adjustment.

Sincerely,

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

cc: Public Folder
B. Groth, Town Planner
R Abair, Building Official
File

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



TOWN OF HUDSON

Land Use Division

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



Zoning Determination #24-100

November 24, 2024

Sent Via Email and 1st Class Mail

Bradford Baker
23 Fairway Dr
Hudson, NH 03051

Re: 23 Fairway Dr, Map 245 Lot 012-000
District: Residential One (R-1)

Dear Mr. Baker,

Your request: The Contractor doing the sitework misplaced the foundation of my Metal Garage. 2' into the side yard setback and eight 'into the front yard setback. (Certified Foundation Plan Provided). We also had a complaint the garage does not meet the criteria of the neighborhood.

Zoning Review / Determination:

After reviewing your certified foundation, the location of your proposed garage is encroaching into the side yard setback leaving thirteen' where fifteen' is required. The foundation is also encroaching in the front yard setback leaving twenty-two' where thirty' is required. To leave your garage in this location you will need an Equitable Waiver from the Zoning Board of Adjustment per Article VII §334-27 - Table of Dimensional Requirements.

Violation: We have received a complaint that your garage does not meet Article III §334-16 – C (1) – Building Permits

Conditions of issuance.

- (1) No permit, however, shall be issued unless the structure will present a reasonable appearance and will be in keeping with the neighborhood and unless the building is to be finished on the exterior in a permanent manner and is to be suitably painted on the outside whenever the same is of wood or a material customarily painted. This is intended to eliminate the erection of structures obviously out of place for the neighborhood as judged by the property values and neighborhood character.

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

(E)

Order: You will need to make changes to the design of your structure so that it fits into the appearance of the neighborhood or supply drawings that show it meets the ordinance or get a variance Zoning Board of Adjustment per Article III §334-16 – C (1) – **Building Permits.** Please call for an update on how you plan to correct the violation or apply for a variance. **no later than January 3, 2025**

Sincerely,



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

cc: Public Folder
Brooke Dubowik (Planning Admin Aide
Inspection Services
File

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

F

Send recorded copy to:

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

NOTICE OF DECISION

Map 245 Lot 012-000, Zone R-1 (Residential-One), Case # 245-012

ZBA Decision 01/23/2025

Equitable Waiver of Dimensional Requirement – DENIED

Property Owner: Bradford Baker, Sr., 23 Fairway Drive, Hudson, NH 03051

Property Location: 23 Fairway Drive, Hudson, NH 03051

Action sought: An Equitable Waiver of Dimensional Requirement to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required.

Zoning Ordinance: Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I, Equitable Waiver of Dimensional Requirement.

Action Denied: After consideration of the testimony from the property owner; oral and written testimony from concerned neighbors and the public regarding their observations and concerns; Board discussion; and after review of the criteria for the granting of an Equitable Waiver of Dimensional Requirement, the majority of the Board determined that the criteria necessary for the granting of this Waiver had not been satisfied; The reasons for denial cited by Board members were as follows:


1. **DISCOVERED TOO LATE:** Although a foundation permit was pulled, a building permit for the structure was not and therefore, the process was not followed. It was determined that the dimensional error would have been discovered before the structure was built on the foundation.
2. **INNOCENT MISTAKE:** Because the structure was installed without a building permit, it was determined that this would have given the owner a chance to catch the dimensional error sooner making it easier to remedy the situation. There was a failure of the owner to inquire or not knowing or understanding the ordinance. However, it was felt that it was not an innocent mistake on the part of the contractor and that measurement checks should have been taken to ensure the placement was correct.
3. **NO NUISANCE:** It was found that there was an imposition because the foundation and structure are in the front yard setback approximately 30%. This was found to be significant and considered a nuisance to abutters that live within the immediate proximity.
4. **HIGH CORRECTION:** All board members agreed that there would be a high correction cost and that this criterion did not fail but only that the cost might have been less if the building permit process was followed.

A motion was made, seconded and voted 3:1 to deny the requested Equitable Waiver of Dimensional Requirement.

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


Gary M. Daddario, ZBA Chairman


Date


Christopher J. Sullivan, Zoning Administrator


Date



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

REQUEST FOR REVIEW/COMMENTS:

Case: 245-012 (01-23-25) (Equitable Waiver of
Property Location: 23 Fairway Drive Dimensional Requirement)

For Town Use

Plan Routing Date: 12/31/2024 Reply requested by: 01/06/2025 ZBA Hearing Date: 01/23/2025

☒ I have no comments ☐ I have comments (see below)

EZD _____ Name: Elvis Dhima, P.E. Date: 12/31/2024
(Initials)

DEPT. ☒ Town Engineer ☐ Fire/Health Department ☐ Associate Town Planner



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

REQUEST FOR REVIEW/COMMENTS:

Case: 245-012 (01-23-25) (Equitable Waiver of
Property Location: 23 Fairway Drive Dimensional Requirement)

For Town Use

Plan Routing Date: 12/31/2024 Reply requested by: 01/06/2025 ZBA Hearing Date: 01/23/2025

☐ I have no comments ☒ I have comments (see below)

DRH Name: David Hebert Date: 12/31/2024
(Initials)

DEPT. ☐ Town Engineer ☒ Fire/Health Department ☐ Associate Town Planner

Structure was built without a building permit
Building permit and inspections are required
Foundation only permit clearly states in bold letters that a certified foundation plan is
required prior to the issuance of a framing/building permit

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

REQUEST FOR REVIEW/COMMENTS:

Case: 245-012 (01-23-25) (Equitable Waiver of
Property Location: 23 Fairway Drive Dimensional Requirement)

For Town Use

Plan Routing Date: 12/31/2024 Reply requested by: 01/06/2025 ZBA Hearing Date: 01/23/2025

☒ I have no comments ☐ I have comments (see below)

BWG _____ Name: Ben Witham-Gradert Date: 12/31/2024
(Initials)

DEPT: ☐ Town Engineer ☐ Fire/Health Department ☒ Associate Town Planner

No Comment.

HUDSON ZONING BOARD OF ADJUSTMENT

EQUITABLE WAIVER DECISION WORKSHEET

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

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

On **04-24-2025**, the Hudson Zoning Board of Adjustment heard **Case 245-012**, being a request by **Bradford Baker Sr., 23 Fairway Drive, Hudson, NH** for an **Equitable Waiver of Dimensional Requirement** to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches into both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

- | | | |
|--------------------------|--------------------------|---|
| Y | N | DISCOVERED TOO LATE. The applicant has demonstrated that the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value; and |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| Y | N | INNOCENT MISTAKE. The applicant has successfully demonstrated that the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority; and |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| Y | N | NO NUISANCE: The applicant has successfully demonstrated that the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| Y | N | HIGH CORRECTION COST: The applicant has successfully demonstrated that due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected. |
| <input type="checkbox"/> | <input type="checkbox"/> | |

Member Decision: _____

Signed: _____
Sitting Member of the Hudson ZBA Date

Print name: _____

APR 08 2025
LAND USE DIVISION
ZONING DEPT.

APPLICATION FOR AN EQUITABLE WAIVER

To: Zoning Board of Adjustment
Town of Hudson

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

Case No. 245-012 (04-24-25)

Date Filed 4/8/25

Name of Applicant Bradford Baker Sr. Map: 245 Lot: 12 Zoning District: R-1

Telephone Number (Home) (617) 895-6144 (Work) (617) 895-6144

Mailing Address 23 Fairway Dr., Hudson, NH 03051

Owner Bradford Baker Sr.

Location of Property 23 Fairway Drive, NH 03051
(Street Address)

Signature of Applicant [Signature] Date 040825

Signature of Property-Owner(s) [Signature] Date 040825

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

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

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

Date received: 4/8/25

COST:

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

5 Abutter Notice:
Direct Abutters x Certified postage rate \$ 5.58 = \$ 27.90

3 Indirect Abutters x First Class postage rate \$ 0.73 = \$ 2.19

Total amount due: \$ 215.09

Amt. received: \$ 215.09

Receipt No.: 815,337

Received by: [Signature]

Check #
18728

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

Engineering _____ Fire Dept. _____ Health Officer _____ Planner _____ Other _____

BRADFORD BAKER, SR.
23 FAIRWAY DRIVE
HUDSON, NH 03051

April 8, 2025

Via hand-delivery

Town of Hudson
Zoning Board of Adjustment
12 School St.,
Hudson, NH 03051

Dear Chairman,

I, Bradford Baker, Sr., hereby authorize Gottesman & Hollis, P.A. to represent me, owner of 23 Fairway Drive, Hudson, NH in my application for equitable waiver and the presentation to the Zoning Board of Adjustment thereof.

Thank you,

A handwritten signature in black ink, appearing to read 'B. Baker', written over a horizontal line.

Bradford Baker, Sr.

TOWN OF HUDSON, NH

Application Checklist

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

Applicant Initials		Staff Initials
EMH	Please review the complete collated application (includes all checklist items) with the Zoning Administrator or staff before making copies in next step.	TG
EMH	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)	TG
EMH	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.	TG
EMH	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.)	TG
EMH	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.)	TG
EMH	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	TG
EMH	Provide a copy of all single sided pages of the assessor's card. (NOTE: these copies are available from the Assessor's Office)	TG
EMH	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.	TG
EMH	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.	N/A


CERTIFIED PLOT PLAN:

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



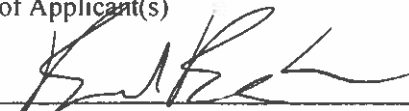
The applicant and owner have signed and dated this form to show his/her awareness of these requirements.



Signature of Applicant(s)

040825

Date



Signature of Property Owner(s)

040825

Date

ALL DIRECT ABUTTERS

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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
245	012	*Include Applicant & Owner(s) Bradford Baker, Sr.	23 Fairway Drive Hudson, NH 03051
245	013	John & Samantha King	21 Fairway Drive Hudson, NH 03051
245	011	Charles W. & Lynn K. Ashworth	25 Fairway Drive Hudson, NH 03051
245	022	Richard D. & Maureen D. Speer, Tr.	22 Fairway Drive Hudson, NH 03051
239	011	Target Corporation	1000 Nicollet Mall, TPN 12H Minneapolis, MN 55403

ALL INDIRECT ABUTTERS WITHIN 200 FEET

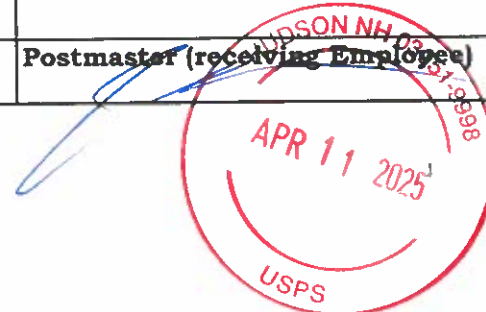
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective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

(Use additional copies of this page if necessary)

MAP	LOT	NAME OF PROPERTY OWNER	MAILING ADDRESS
245	014	Leonard J. & Johannah M. Leone	19 Fairway Drive Hudson, NH 03051
245	010	James M. & Christine L. McDowell	27 Fairway Drive Hudson, NH 03051
		Elizabeth Hartigan, Esq. Gottesman & Hollis, P.A.	39 E. Pearl St., Nashua, NH 03060

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL + first class	Case# 245-012 EQUITABLE WAIVER OF DIM. REQ. 23 Fairway Dr., Hudson, NH 03051 Map 245, Lot 012, Sublot-000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	04/24/2025 ZBA Meeting
1	9589 0710 5270 0646 5670 01	BRADFORD BAKER, SR.	APPLICANT/OWNER NOTICE MAILED
		23 FAIRWAY DRIVE, HUDSON, NH 03051	
2	9589 0710 5270 0646 5670 18	CHARLES W. ASHWORTH, JR., TR.; LYNN K. ASHWORTH, TR.	ABUTTER NOTICE MAILED
		25 FAIRWAY DRIVE, HUDSON, NH 03051	
3	9589 0710 5270 0646 5670 25	JOHN & SAMANTHA KING	ABUTTER NOTICE MAILED
		21 FAIRWAY DRIVE, HUDSON, NH 03051	
4	9589 0710 5270 0646 5670 32	RICHARD & MAUREEN SPEER, TRUSTEES	ABUTTER NOTICE MAILED
		22 FAIRWAY DRIVE, HUDSON, NH 03051	
5	9589 0710 5270 0646 5670 49	TARGET CORPORATION	ABUTTER NOTICE MAILED
		1000 NICOLLET MALL, TPN 12H MINNEAPOLIS, MN 55403	
6	Mailed First Class	JAMES M. MCDOWELL, TR.; CHRISTINE L. MCDOWELL, TR.	ABUTTER NOTICE MAILED
		27 FAIRWAY DRIVE, HUDSON, NH 03051	
7	Mailed First Class	LEONARD & JOHANNAH LEONE	ABUTTER NOTICE MAILED
		19 FAIRWAY DRIVE, HUDSON, NH 03051	
8	Mailed First Class	Elizabeth M. Hartigan, Esq.	APPLICANT/OWNER NOTICE MAILED
		39 E. Pearl St., Nashua, NH 03060	
9			
10			
	Total Number of pieces listed by sender 8	Total number of pieces rec'd at Post Office 8	Postmaster (receiving Employee)





TOWN OF HUDSON

Zoning Board of Adjustment



Normand Martin, Acting Chairman

Dillon Dumont, Selectmen Liaison

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

April 10, 2025

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, April 24, 2025 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 245-012 (04-24-25): Bradford Baker Sr., 23 Fairway Drive, Hudson, NH requests an **Equitable Waiver of Dimensional Requirement** to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches into both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I.]

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



Normand Martin, Acting Chairman

Dillon Dumont, Selectmen Liaison

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

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Please be advised, this Notice is for your information only. Your attendance is not required; however, you may attend this meeting to provide information or comments on the proposal.

If you are unable to attend, you may also mail or email your comments prior to the ZBA meeting. Submit written comments by mail to ZBA, c/o Chris Sullivan, Zoning Administrator, Town of Hudson, 12 School Street, Hudson, NH 03051. Email comments before 4:00 PM prior to the meeting to: csullivan@hudsonnh.gov. In either instance, include your full name, address and the case you wish to make your comment.

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

Respectfully,

Chris Sullivan,
Zoning Administrator

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

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

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

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

See attached

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

See attached

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

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

See attached

- a) **Discovered Too Late**: The encroachment was not found until the foundation pad was completed and the anchors and building arches had been erected. Approximately 151 square feet (73 sf in the front and 151 sf along the side) of the overall 1,521 square feet of the structure is within the setbacks. This was discovered after the Applicant obtained a certified plot plan and realized that the contractor did not follow the surveyed pins correctly, but such realization was after the structure was substantially complete.
- b) **Innocent Mistake**: The Applicant hired a surveyor to layout the location of the structure to comply with the Town of Hudson Zoning requirements. However, the contractor misread the pins and poured the foundation in the incorrect location as shown on the certified plot plan. The Applicant hired professionals to ensure that the measurements were correct; however, there was a mistake in the reading of the pins which lead to the structure encroaching in the setbacks. While the side of the structure is encroaching along the side yard setback, the structure and foundation are not constructed square to the street, the entire front of the structure is not encroaching in the front yard setback; only an area of approximately 73 square feet is in the front yard setback (see the attached highlighted certified plot plan attached hereto as **Exhibit A**). While the Applicant he did not obtain the second portion of the building permit prior to the erection of the arches, the foundation had already been poured pursuant to a lawful permit and the result is the same, an encroachment within the setback due to a contractor's error with significant costs to the Application to remediate. The location of the structure was a miscalculation by the contractor, that it was not ignorance of the law, failure to inquire or a bad faith failure to obey the setback requirements of the Town of Hudson
- c) **No Nuisance**: A garage is a permitted use in the zone, a permitted use with a total of 151 square feet of encroachment does not rise to the level of a public or private nuisance. The location of the garage allows sufficient access to the backyard of the property and leaves space between the neighbors. Further, the Application is working with an engineer and can provide evidence that the encroachment does not impact the safety or site distances on the road. There is no threat that the encroachment endangers health, safety, peace and enjoyment of the community or neighborhood due to any emissions; further, the encroachment does not substantially and unreasonably interfere with the use and enjoyment of others use of their property. Furthermore, attached hereto as **Exhibit B** is a letter from J. Chet Rogers, LLC detailing why the encroachments do not rise to the level of nuisance nor would there be a diminishment of value of the surrounding property.
- d) **High Correction Cost**: The cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected. The violation is 2 feet along the side setback and the abutter has not complained about the encroachment and 73 sf in the front yard setback. Attached as **Exhibit C** is an estimate of the scope of work in the amount of nearly \$70,000 which is not outweighed by the benefit to the public by moving the structure approximately 8 feet.



TOWN OF HUDSON

Land Use Division



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

Zoning Determination #24-100

November 24, 2024

Sent Via Email and 1st Class Mail

Bradford Baker
23 Fairway Dr
Hudson, NH 03051

Re: **23 Fairway Dr. Map 245 Lot 012-000**
District: Residential One (R-1)

Dear Mr. Baker,

Your request: The Contractor doing the sitework misplaced the foundation of my Metal Garage. 2' into the side yard setback and eight 'into the front yard setback. (Certified Foundation Plan Provided). We also had a complaint the garage does not meet the criteria of the neighborhood.

Zoning Review / Determination:

After reviewing your certified foundation, the location of your proposed garage is encroaching into the side yard setback leaving thirteen' where fifteen' is required. The foundation is also encroaching in the front yard setback leaving twenty-two' where thirty' is required. To leave your garage in this location you will need an Equitable Waiver from the Zoning Board of Adjustment per Article VII §334-27 - **Table of Dimensional Requirements.**

Violation: We have received a complaint that your garage does not meet Article III §334-16 – **C (1) – Building Permits**

Conditions of issuance.

- (1) No permit, however, shall be issued unless the structure will present a reasonable appearance and will be in keeping with the neighborhood and unless the building is to be finished on the exterior in a permanent manner and is to be suitably painted on the outside whenever the same is of wood or a material customarily painted. This is intended to eliminate the erection of structures obviously out of place for the neighborhood as judged by the property values and neighborhood character.

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

Order: You will need to make changes to the design of your structure so that it fits into the appearance of the neighborhood or supply drawings that show it meets the ordinance or get a variance Zoning Board of Adjustment per **Article III §334-16 – C (1) – Building Permits.** Please call for an update on how you plan to correct the violation or apply for a variance. **no later than January 3, 2025**

Sincerely,



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

cc: Public Folder
Brooke Dubowik (Planning Admin Aide
Inspection Services
File

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

Property Location: 23 FAIRWAY DR
Vision ID: 194 Account #: 4691

Parcel ID: 245/ 012/ 000/ 1
Bldg #: 1

Card Address:
Card #: 1 of 1

LUC: 1010
Print Date: 12-19-2024 9:16:13 A

CURRENT OWNER				ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)												
BAKER, BRADFORD SR. 23 FAIRWAY DRIVE HUDSON NH 03051				Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed				
				RG		Residential Very Good		2024	1010	481,000	2024	1010	481,000	2023	1010	481,000				
				TOPO		UTILITIES			1010	186,100		1010	186,100		1010	186,100				
				Rolling		Town Water			1010	41,400		1010	41,400		1010	41,400				
						Septic														
								Total	708,500		Total	708,500		Total	708,500					
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE		Q/U	V/I	SALE PRICE		VC	SALE NOTES				APPRAISED VALUE SUMMARY			
BAKER, BRADFORD SR. LEBOURDAIS, RICHARD R. LEBOURDAIS, RICHARD R. VRABLIC, WALTER S. TR VRABLIC, WALTER S.				9419	352	01-29-2021	Q	I	564,000		00	Grantor: LEBOURDAIS, RICHARD R.				Appraised Bldg. Value (Card)		423,400		
				8578	1327	05-16-2013	U	I	0		46	Grantor: LEBOURDAIS, RICHARD R.				Appraised Xf (B) Value (Bldg)		57,600		
				7138	1450	12-16-2003	Q	I	379,900		00	Grantor: LEBOURDAIS, RICHARD R.				Appraised Ob (B) Value (Bldg)		41,400		
				7038	1225	02-12-2003	U	I	0		44	Grantor: VRABLIC, WALTER S. TR				Appraised Land Value (Bldg)		186,100		
				2742	0121	12-14-1979	Q	V	0		00	Grantor: VRABLIC, WALTER S.				Special Land Value		0		
SUPPLEMENTAL DATA				CURRENT ASSESSMENT												Total Appraised Parcel Value				
Parcel ID		245-012-000		Descript	Code	Appraised		Assessed		Total Appraised Parcel Value				708,500						
Zoning		R1:Residential-1				481,000		481,000		Valuation Method				C						
Flood Hazard		AE				186,100		186,100												
Neigh/Abut1		GM				41,400		41,400												
Neigh/Abut2																				
Neigh/Abut3		HLC-D																		
GIS ID		245-012-000		Assoc Pid#		Total:		708,500		708,500		Total Appraised Parcel Value				708,500				
NOTES												VISIT / CHANGE HISTORY								
GARAGE HAS PULL DOWN ATTIC STAIRS. 4 ZON E SYSTEM 2000 FURNACE 2008.//good siding and roof												Date	Id	Cd	Purpost/Result					
												05-03-2023	21	15	Permit Visit					
												07-15-2022	28	45	Field Review					
												06-30-2021	21	30	Sales Data Verification					
												09-14-2018	19	02	Measured					
												03-31-2011	14	15	Permit Visit					
												03-02-2010	01	27	Abate Denied					
												02-19-2010	12	03	Meas/Inspect					
												06-08-2007	06	02	Measured					
BUILDING PERMIT RECORD																				
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant		SQ ft	Comments											
2023-00728-1-	03-19-2024	FD		85,000	O	BAKER, BRADFORD S			Construct 39 x 41 detached garage.											
2023-00728-2-	09-28-2023	DR		0	O	BAKER, BRADFORD S			Driveway Permit to expand existing driveway to connect to new detached garage. DRIVEW											
2023-01017	08-11-2023	TI		0	C	Irving Energy-Amherst			Install two (2) 120 gal propane tanks.											
2022-00531-2-	07-19-2022	MG			C	Irving Energy-Amherst			Piping for 20' x 40' inground gunite pool. Pool fence by others to NH code.											
2022-00531-1-	06-03-2022	EL			C	Stephen Pagliccia			Electrical for 20' x 40' inground gunite pool. Pool fence by others to NH code.											
2022-00531	05-19-2022	PI		50,475	C	New England Pool Buil			Excavate and install a 20' x 40' inground gunite pool. Pool fence by others to NH code.											
2017-0057	01-20-2017	PRO	Propane Tk	0	C															
2010-52-1-EL	03-09-2010	ELEC	Electrical	500	C				Wire Kitchen& Etc.;											
2010-52	03-08-2010	IR	Int Renov	15,000	C				Reno Kitchen;											
LAND LINE VALUATION SECTION																				
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment				Notes	Land Value			
1	1010	SINGLE FAMILY RES	Site	1.000	AC	170,000	1.00	5	1.00	RG	1.10	Easement	0.95			RF;	177,700			
1	1010	SINGLE FAMILY RES	Excess	1.280	AC	6,000	1.00	0	1.00	RG	1.10					EASEMENT;	8,400			
Total Card Land Units:				2.280	AC	Parcel Total Land Area:				2.280	AC	Total Land Value:				186,100				

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

Property Location: 23 FAIRWAY DR
Vision ID: 194 Account #: 4691

Parcel ID: 245/ 012/ 000 /
Bldg #: 1

Card Address:
Card #: 1 of 1

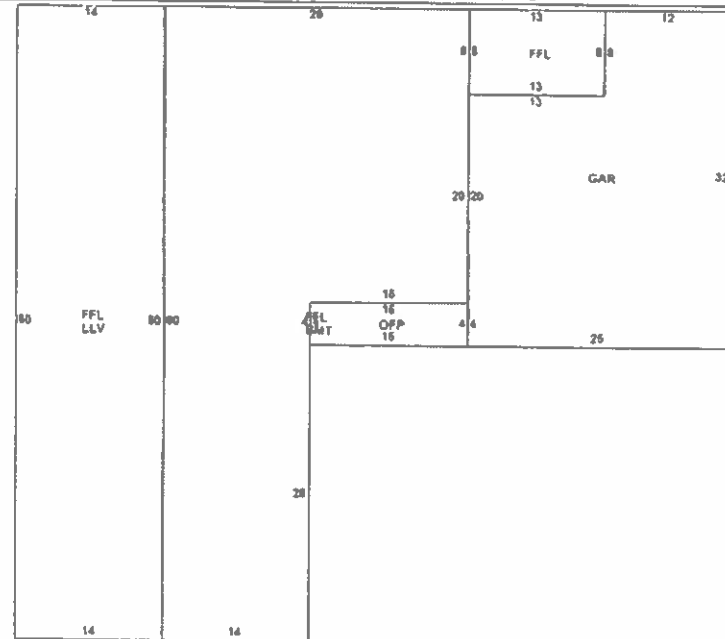
LUC: 1010
Print Date: 12-19-2024 9:16:14 A

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

COST / MARKET VALUATION

Building Value New	475,782
Year Built	1980
Effective Year Built	2011
Depreciation Code	GV
Remodel Rating	
Year Remodeled	
Depreciation %	11
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	89
RCNLD	423,400
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

SKETCH / PRIMARY PHOTO



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
PATIO	Patio	L	502	UNITS	7.30	1980	AV	60	2,200
SHEDNV	Shed No Value - Less Than 1	L	96	UNITS	0.00	1980	AV	60	0
SHEDWD	Shed-Wood	L	336	UNITS	31.02	2018	VG	90	9,400
XFFLA	Fin Living Area, LLV	B	840	SQ. FT	50.00	1980	AV	89	37,400
XFRRM	Rec Room, Fin, BMT	B	504	SQ. FT	45.00	1980	AV	89	20,200
POOLIG	Pool - Gunite In Ground Pool	L	648	UNITS	57.47	2022	GD	80	29,800

BUILDING SUB-AREA SUMMARY SECTION

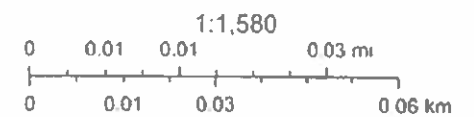
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,260	315	37.72	47,533
FFL	First Floor, Finished	2,204	2,204	2,204	150.90	332,580
GAR	Garage	0	696	244	52.90	36,819
LLV	Lower Level, Unfinished	0	840	378	67.90	57,040
OFF	Open Frame Porch	0	60	12	30.18	1,811
Total Liv Area/Gr. Area/Eff Are		2,204	5,060	3,153	Total Value	475,783

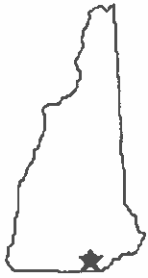


23 Fairway Dr



12/19/2024





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

February 28, 2025

Property Owner: Bradford Baker, Sr.
23 Fairway Drive
Hudson, NH 03051

Enclosed please find a copy of the Notice of Decision for the **Equitable Waiver of Dimensional Requirement – Denied on 01/23/2025 for 23 Fairway Drive, Hudson, NH.**

Sincerely,

Tracy Goodwyn

Tracy Goodwyn
Zoning and Code Enforcement
Administrative Aide II

Cc: Gottesman & Hollis, P.A.–Elizabeth Hartigan, Esq.

Send recorded copy to:

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

NOTICE OF DECISION

Map 245 Lot 012-000, Zone R-1 (Residential-One), Case # 245-012

ZBA Decision 01/23/2025

Equitable Waiver of Dimensional Requirement – DENIED

Property Owner: Bradford Baker, Sr., 23 Fairway Drive, Hudson, NH 03051

Property Location: 23 Fairway Drive, Hudson, NH 03051

Action sought: An Equitable Waiver of Dimensional Requirement to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required.

Zoning Ordinance: Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I, Equitable Waiver of Dimensional Requirement.

Action Denied: After consideration of the testimony from the property owner; oral and written testimony from concerned neighbors and the public regarding their observations and concerns; Board discussion; and after review of the criteria for the granting of an Equitable Waiver of Dimensional Requirement, the majority of the Board determined that the criteria necessary for the granting of this Waiver had not been satisfied; The reasons for denial cited by Board members were as follows:

1. **DISCOVERED TOO LATE:** Although a foundation permit was pulled, a building permit for the structure was not and therefore, the process was not followed. It was determined that the dimensional error would have been discovered before the structure was built on the foundation.
2. **INNOCENT MISTAKE:** Because the structure was installed without a building permit, it was determined that this would have given the owner a chance to catch the dimensional error sooner making it easier to remedy the situation. There was a failure of the owner to inquire or not knowing or understanding the ordinance. However, it was felt that it was not an innocent mistake on the part of the contractor and that measurement checks should have been taken to ensure the placement was correct.
3. **NO NUISANCE:** It was found that there was an imposition because the foundation and structure are in the front yard setback approximately 30%. This was found to be significant and considered a nuisance to abutters that live within the immediate proximity.
4. **HIGH CORRECTION:** All board members agreed that there would be a high correction cost and that this criterion did not fail but only that the cost might have been less if the building permit process was followed.

A motion was made, seconded and voted 3:1 to deny the requested Equitable Waiver of Dimensional Requirement.

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


Gary M. Daddario, ZBA Chairman


Date


Christopher J. Sullivan, Zoning Administrator

2-27-25
Date

Elizabeth Hartigan

From: Sullivan, Christopher <csullivan@hudsonnh.gov>
Sent: Thursday, March 27, 2025 8:05 PM
To: Elizabeth Hartigan; bradfordbaker24@gmail.com
Subject: RE: 23 Fairway

Hello

Just letting you know the ZBA granted the rehearing.

Chris

Send recorded copy to:

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

NOTICE OF DECISION

Map 245 Lot 012-000, Zone R-1 (Residential-One), Case # 245-012

ZBA Decision 03/27/2025

REQUEST FOR A REHEARING – GRANTED

Property Owner: Bradford Baker, Sr., 23 Fairway Drive, Hudson, NH 03051

Legal Representative: Gottesman & Hollis, P.A., 39 East Pearl Street, Nashua, NH 03060

Property Location: 23 Fairway Drive, Hudson, NH 03051

Action sought: A rehearing request of an Equitable Waiver of Dimensional Requirement that was denied on 1/23/2025 to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required.

Zoning Ordinance: Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I, Equitable Waiver of Dimensional Requirement.

Action granted: After consideration of the testimony; discussion; and after review of the criteria for the granting of a Rehearing and agreeing that new evidence was presented; motion made, seconded and voted 4:0 to grant the Rehearing request.

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 conditions of this approval, regardless of the fact that such facts or intentions may not have been specifically stated as stipulations of the motion. For details of specific discussion relative to this decision, please consult the public minutes recorded during this hearing.

Normand G. Martin, Acting ZBA Chairman

Date

Christopher J. Sullivan, Zoning Administrator

Date

EXHIBIT A

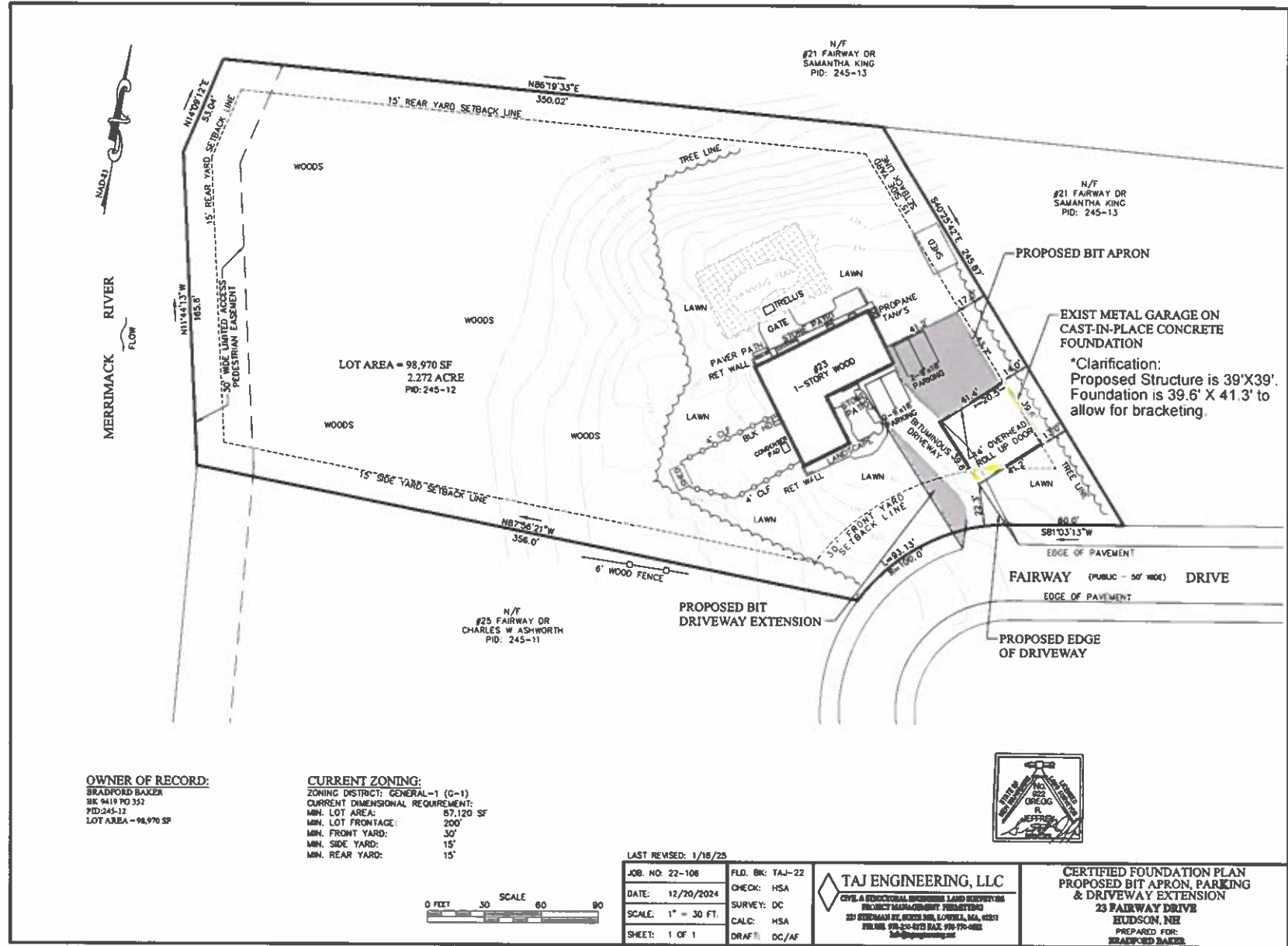


EXHIBIT B

J. CHET ROGERS, LLC
Commercial Real Estate Appraiser
P.O. Box 1138
Hollis, New Hampshire 03049

New Hampshire Certified General-NHCG-727
Maine Certified General-MECG-2590
Massachusetts Certified General-MACG-103344
www.chetrogers.com www.conservationappraisal.com

Tel: (603) 722-0663
Fax: (603) 546-7776
Email: chet@chetrogers.com

February 20, 2025

Elizabeth Hartigan, Esquire
Gottesman & Hollis, PA
39 East Pearl Street
Nashua, NH 03060

RE: 23 Fairway Drive, Hudson, New Hampshire

Dear Attorney Hartigan:

In response to your recent request, I am pleased to submit my analysis with regards to the above captioned property for a request for rehearing on a denied equitable waiver to allow a newly built detached 41.3 foot by 39.6 foot metal garage on a cast-in-place concrete foundation to remain which encroaches on both the side and front yard setbacks.

I have not performed any services regarding the Subject property within the past three years, as an appraiser or in any other capacity.

The site and abutting sites were inspected and photographed on February 18, 2025. I have reviewed and analyzed the January 23, 2025, Zoning Board information packet with associated documentation, draft minutes of said meeting, the Hudson zoning ordinance, and MLS records. With exception of the industrial property behind the Subject property, surrounding properties consist entirely of residential uses.

Background:

Subject parcel is an irregularly-shaped lot identified on Hudson Tax Map 245 Lot 12 Sublot 0, situated on 2.28 acres with frontage on the north side of Fairway Drive, with improvements thereon (i.e., one-story, ranch-style, single-family residence with swimming pool and two sheds). Subject site is situated in the Residential I (R-1) zone. The owner proposed constructing a 39 foot by 41 foot detached garage, and a Building Permit was issued on October 19, 2023 for a foundation only (i.e., garage pad).¹ The owner's proposed plan was allowed by right, and it met all zoning requirements including accessory use as a garage and minimum dimensional requirements.

¹ Permit #: 2023-00728-1-FD

Town officials report that said Foundation Only Permit is classified as “Active” and no other permits have been issued for the property. Inspectional Services/Fire Department said that the structure (i.e., metal frame) was built without a Building Permit, and noted a certified foundation plan is required prior to the issuance of a Building Permit. Following construction of the garage pad, the owner was notified that the location of the foundation encroaches into the side yard setback leaving 13 feet where 15 feet is required, and it encroaches into the front yard setback leaving 22 feet where 30 feet is required. Additionally, an order was issued to the owner to make changes to the design of the structure so that it fits into the appearance of the neighborhood or supply drawings that show it meets the ordinance.²²

On January 23, 2025, the Zoning Board denied the owner’s request for an Equitable Waiver of Dimensional Requirement. The Zoning Board has the authority to grant an equitable waiver from the requirement if the Board makes all of the following findings: Discovered Too Late, Innocent Mistake, No Nuisance, and High Correction Cost.

Diminution of Value Analysis:

I have been asked to opine on the “No Nuisance” finding, specifically to evaluate the encroachments into the side- and front-yard setbacks and provide an opinion whether said encroachments constitute a diminution of value to surrounding properties. There are three factors that have the potential for impacting market value on this and abutting properties – use, noise, and view – and I review each of these factors and their application to the Subject property below:

Use

According to Hudson’s Zoning Ordinance, accessory uses permitted by right in the R-1 zone include:

- Traditional secondary accessory uses and structures, including garages, toolsheds, parking areas, recreational facilities, outdoor in-ground swimming pools and other customary uses and structures, and
- Garaging or parking of one light commercial vehicle

Accessory uses allowed by special exception in this zone include:

- Home occupation
- Family day-care home
- Sales from vending machines where secondary to, and developed as a part of, a residential subdivision or site plan

The owner has attested that the garage, albeit large, is strictly for residential use to house vehicles and large equipment for the property which extends down to the Merrimack River. He added that he leases commercial property in town for his business needs.

²² In response to a compliant referencing a violation of Article 111 §334-16 — C (1)— Building Permits where the Condition of Issuance is predicated on a structure having a “reasonable appearance...in keeping with the neighborhood”

Noise

I expect the usual number of exterior noises from vehicles entering and exiting the garage to be consistent with that in typical residential neighborhoods. The design of the garage whereby the garage doors face the rear would likely dampen any effects of increased noise, directing the sound towards the interior of the property. Additionally, the property has a natural treed buffer along most of the perimeter, and at the suggestion of an abutting neighbor at 21 Fairway Drive, the owner has agreed to install a fence and landscaping which should also help to soften exterior noises.

I recommend placing a restriction for no outside repair other than jumpstarting vehicles or charging batteries, as anything that incurs additional noise should occur inside the garage.

View

At the January ZBA meeting, the owner provided a rendering of the garage's front, street-facing elevation, demonstrating the garage will resemble a residential home and where, as noted previously, the garage doors face the rear of the property.

At the present time, the garage frame is very visible from the road and most visible from the abutters that line the west end of Fairway Drive. The existence of mature fir and deciduous trees along the eastern boundary line offer vertical and horizontal buffering from neighbors east of the Subject, being greater in times of foliage. As mentioned in the preceding section on noise, installation of a fence and additional landscaping will only improve visual buffering.

I opine that encroachment of two feet into the side setback will have little impact. The neighborhood is rife with examples of small and large improvements encroaching on a side setback. Specifically, one or more side setbacks appear to be encroached at #4, 8, 10, and 14 Fairway Drive, at #12, 18, 24, 28 Par Lane and also at the Subject itself (23 Fairway Drive). It appears there is precedent for encroaching the side setback, which supports my opinion that such a small violation has minimal to no effect on the character of the neighborhood.

I then consider the overall impact of the encroachment into the front setback. While proposed improvements encroach 7.7 feet into the front setback, this is not represented across the entire front yard but merely the southwest corner of the building. I opine this corner equates to about 75 square feet of footprint, or less than 5% of the foundation area. While there are no examples of front setback encroachments in the neighborhood, in my experience as both an appraiser and a Planning Board member, the curve in the road dictating the resulting orientation of the building on the site is challenging and worthy of considering such a small infraction.

I recommend placing a restriction for no visible long-term storage of vehicles.

Size and style of the garage seem to be a pervasive complaint by neighbors, as documented in the minutes of those who attended the January 23, 2025, meeting and those who wrote to town officials. If the garage were to be built according to the original plan, both the size and style as proposed are allowed by right in this neighborhood. Nevertheless, I looked for similar examples with the purpose of analyzing their effect on the surrounding neighborhood and found that there is little to no evidence that the presence of this type of structure hurts neighboring residential

property values. Values tend to be negatively impacted not when a few potential buyers in the marketplace view a property feature or property type as being a negative, but rather when all or nearly all potential buyers in the marketplace view a property feature or a property type as being a negative. Town officials confirm the existence of both metal- and wood-framed structures of similar style throughout Hudson in residential neighborhoods. Two examples are outlined below:



110 Barretts Hills Road
Wood-frame structure with roof line and exterior materials comparable to Subject



114 Wason Road
Metal-frame with front façade

Like the Subject's neighborhood, these properties are both situated in residential zones in Hudson and while the style is not necessarily consistent with other structures in the neighborhood, they co-exist nonetheless. Sales of these structures and sales around them have not appeared to have suffered. The property at 114 Wason is a good example, as it is a recent sale of a 1.27-acre parcel with 3-bay garage in the R-2 zone, which was on the market for three days when it went under contract.³ Six other sales occurred in the immediate neighborhood within the past 36 months, with days on market ranging from a week to six months, and all sold with 90% of asking price. Sales records in MLS do not show these properties have suffered any adverse impact from others on this or neighboring streets.

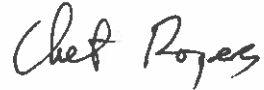
Subject's neighborhood has some examples where a garage or structure was built, and it was situated either in line with the primary structure or behind it. While the owner's placement of an accessory building that is taller than the primary structure is not necessarily consistent within Subject's neighborhood, there is precedent for large garages in front yards in Hudson.

There will likely be some individual potential buyers of nearby residences in the area who do not view the subject's proposed development as positive, but based on the data gathered and my observations, these potential buyers will not be large enough to negatively impact the market value of the surrounding properties.

³ MLS #5020060, sold for \$250,000, DOM 3; recorded in Hillsborough County Registry in Book 9819 Page 2436 on 11/20/24

In my opinion, granting the equitable waiver of dimensional requirement to allow a newly built detached 41.3 foot by 39.6 foot metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required, will NOT adversely affect the real estate values of the abutters or the neighborhood in general.

Very truly yours,

A handwritten signature in black ink that reads "Chet Rogers". The signature is written in a cursive, flowing style.

J. Chet Rogers, MAI
Certified General Appraiser NHCG-727

Attachment: Qualifications of Appraiser

***AERIAL VIEW OF SUBJECT AND ABUTTING
PROPERTIES***

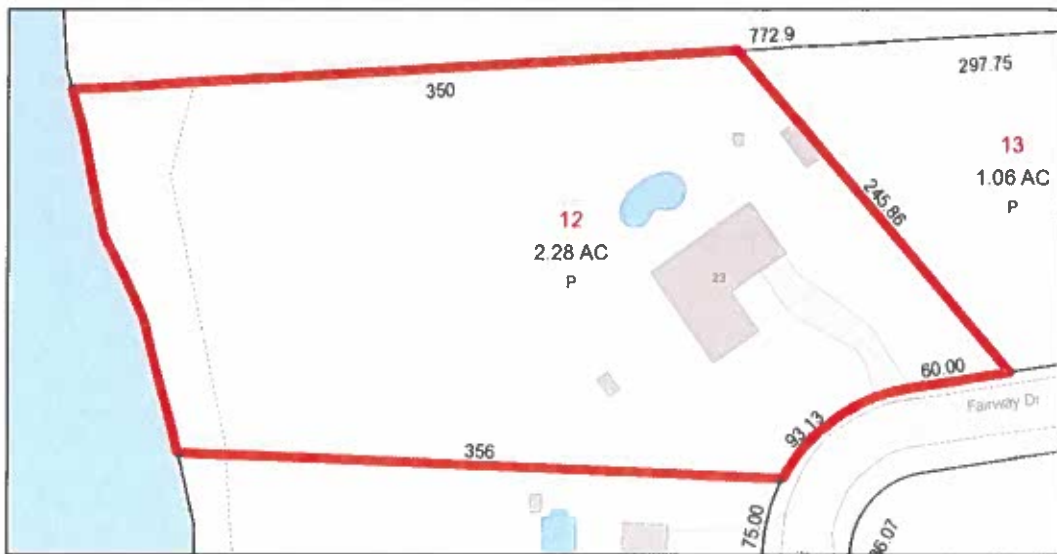


Subject Area Outlined in Red

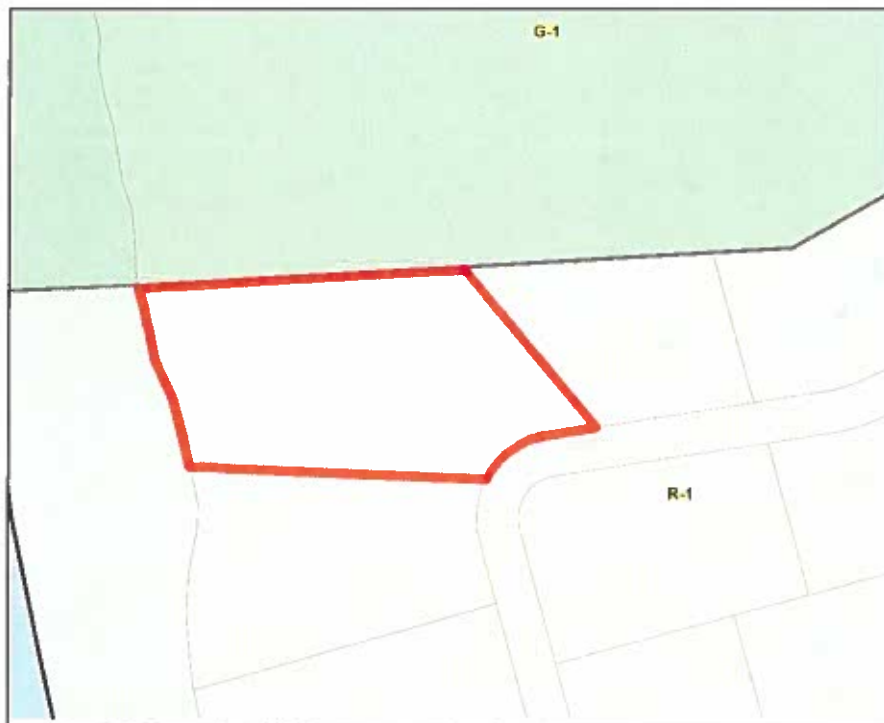


Subject Concrete Pad Visible in Aerial View

TAX MAP & ZONING MAP

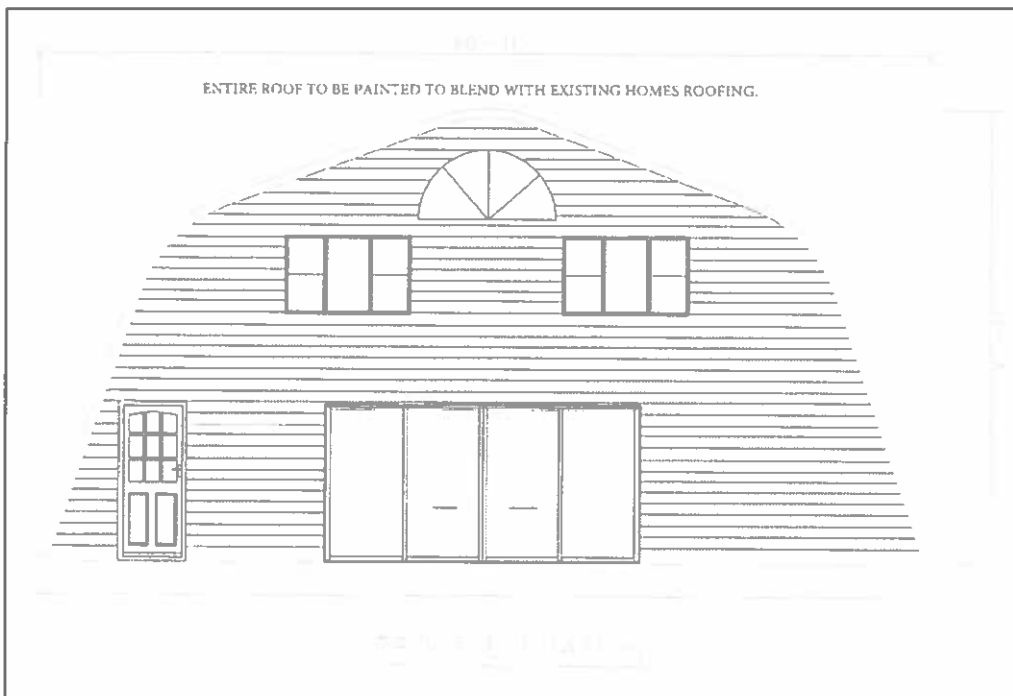
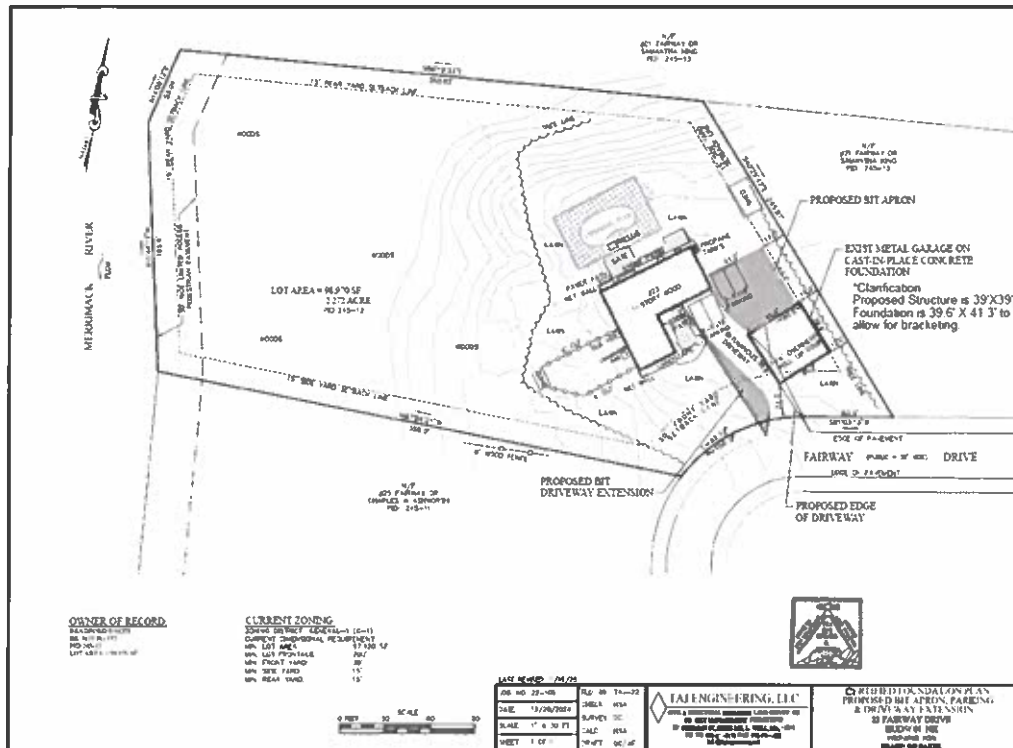


Subject Outlined in Red



Subject Outlined in Red

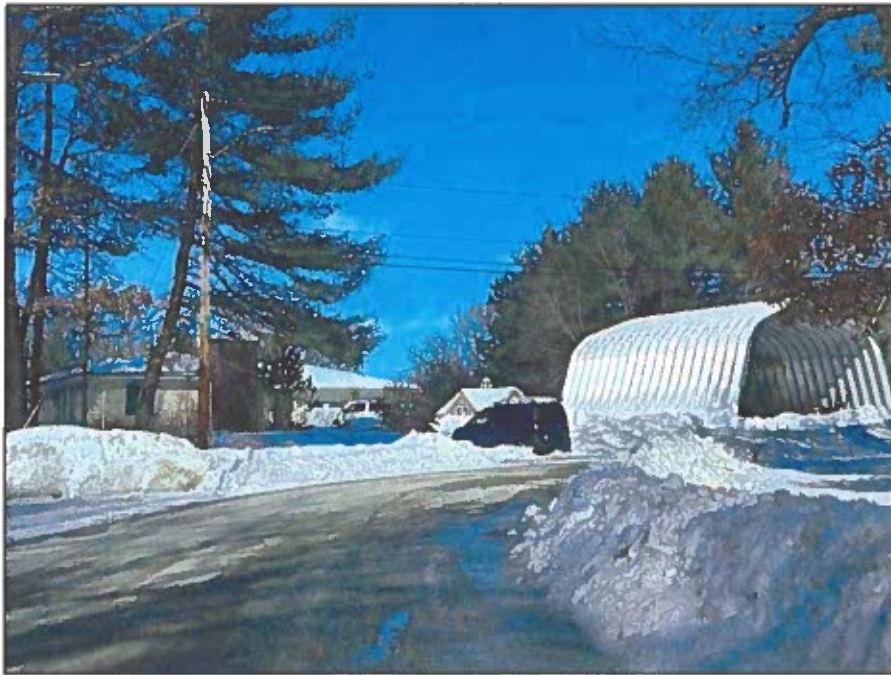
UPDATED SITE PLAN & FRONT ELEVATION



PHOTOGRAPHS



Street View Looking North on Fairway Drive
Subject property, background center



Street View, Closer
SFR, left; Accessory Garage Frame on Pad, right

Photos taken February 18, 2025

PHOTOGRAPHS



View from across Fairway Street Looking Northwest



View of Lot Line between Subject and Abutter at 21 Fairway Drive

Photos taken February 18, 2025

PHOTOGRAPHS



Street View Looking West on Fairway Drive
21 Fairway Drive, foreground right
Subject Accessory Garage, background center behind trees

Photo taken February 18, 2025

QUALIFICATIONS OF J. CHET ROGERS, MAI

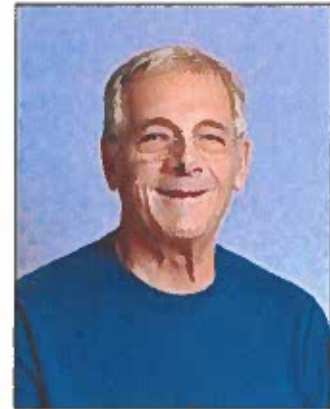
Real Estate Appraiser & Consultant
New Hampshire, Massachusetts, and Maine



P.O. Box 1138
3 Broad Street
Hollis, NH 03049

603 722-0663
chet@chetrogers.com

www.chetrogers.com
www.conservationappraisal.com



Appraisal Business Experience:

Independent commercial real estate appraiser licensed in NH, MA, and ME.
Engaged full time in the appraisal of real estate since 2003
Residential appraiser for Mickeriz Appraisal Company of Rumford, Maine 2003 to 2004
Commercial appraiser for R. G. Bramley & Co of Nashua, NH 2004 to 2010
Principal of J Chet Rogers, LLC
Commercial assignments include appraisals in connection with buying, selling, financing, eminent domain takings, bankruptcies, divorces, estate valuations, and portfolio management.
Experience in conservation easements, donations and acquisitions
Experience in IRS and "Yellow Book" appraisals.
Experience in eminent domain and tax abatement appraisals.

Licenses and Designations:

MAI designation from the Appraisal Institute
DAC, Designated Appraiser Coalition, Founding Member
New Hampshire Certified General Appraiser (NHCG-727)
Maine Certified General Appraiser (MECG-2590)
Massachusetts Certified General Appraiser (MACG-103344)
Certificate for Valuation of Conservation Easements, AI-ASA-ASFMRA-LTA
Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book)
Vermont Certified General Appraiser (VTCG-080.0091163), expired
LEED AP Accreditation, Green Building Certification Institute, expired
NH DOT Approved Appraiser 2019-2022

Education:

800 hours appraisal education (see list below)
Various technical certifications in the computer network field from Cisco, Novell and Microsoft

Universities:

Graduate work in engineering management at Northeastern University
Graduate work in electrical engineering at Syracuse University
B.S. Electrical Engineering at Virginia Tech

Appraisal Seminars, Classes, or Exams:

January 2025	Rates and Ratios: Making Sense of GIMs, OARs, and DCF
March 2024	USPAP Update 2024-2025
November 2023	Marshall & Swift Commercial Program
October 2023	How to Support and Prove Your Adjustments
January 2023	Non-Lending Appraisal Assignments
December 2022	Appraising Medical Office Buildings
July 2022	USPAP Update 2022-2023
December 2021	Small Hotel/Motel Valuation
November 2021	2021-2022 NH Market Insights
April 2021	How to Raise Appraisal Quality and Minimize Risk
March 2021	Forestland Valuation: Issues to Consider in Valuing Woodland Properties
October 2020	Land Use Seminar
October 2020	Desktop Appraisals (Bifurcated, Hybrid) and Evaluations
October 2020	Taxes, Land Use & Value in 15 New Hampshire Communities
April 2020	Appraising Automobile Dealerships
December 2019	USPAP 2020 - 2021
August 2019	Artificial Intelligence, AVMs, & Blockchain
August 2019	Subdivision Valuation
May 2019	Land Development & Residential Building Costs, AI-NH/VT
February 2019	Business Practices and Ethics, AI
April 2018	Uniform Appraisal Standards for Federal Land Acquisitions, AI
December 2017	USPAP 2018-19 Update Course, AI
November 2017	Analyzing Tenant Credit Risk and Commercial Lease Analysis, AI
May 2017	NH Shoreland Water Quality & Wetlands, NH-AI
November 2016	Eminent Domain and Condemnation, AI
November 2016	NH's Changing Economics, NH-AI
September 2016	Paragon for Appraisers, NH-AI
May 2016	Land Valuation Seminar, NH-AI
January 2016	Accessing and Understanding NH Public Data, NH-AI
January 2016	Supervisor-Trainee Course for New Hampshire, McKissock
November 2015	Drone Technology and Its Impact on Appraisers, NH-AI
October 2015	Advanced Excel for Appraisers, NH-AI
September 2015	Advanced Income Capitalization, AI
September 2015	A Pause in the Recovery, NH-AI
May 2015	Commercial Real Estate Lending and Valuation Process
January 2015	NH Past Presidents Speak, NH-AI
November 2014	Data Visualization in Appraisal, AI
November 2014	NH Department of Revenue, NH-AI
November 2014	Review of Court Decisions on Valuations, AI
October 2014	Right of Way – Three Case Studies, AI
October 2014	Business Practices and Ethics, AI
September 2014	Reaching Escape Velocity: Breaking Free of the Great Recession, NH-AI
June 2014	Conservation Easement Valuation Workshop, AI
June 2014	USPAP 2014-2015 Update, AI
May 2014	Real Estate Valuation from the Developer Perspective, NH-AI
March 2014	Residential Appraisal: Beyond the Secondary Market, NH-AI
March 2014	Appraisals of Senior Housing and Long-Term Care Properties, AI
January 2014	Accessing and Understanding NH Public Data, NH-AI

November 2013	Appraising Special Properties, NH-AI
November 2013	Valuation of Conservation Easements, AI
November 2013	Appraisal of Real Estate 14 th Edition Changes, AI
October 2013	Carving Out Your Legal Niche, AI
October 2013	Complex Litigation Appraisal Case Studies, AI
September 2013	Appraisal Reviewers Roundtable, NH-AI
May 2013	Commercial Real Estate Roundtable, NH-AI
April 2013	Commercial Bankruptcy, Workouts, and the Valuation Process
April 2013	The Appraiser as an Expert Witness, NH-AI
January 2013	NH Real Estate Appraiser Board, NH-AI
November 2012	Retail Center Analysis for Financing, AU
November 2012	New Hampshire's Shifting Growth and Demographic Forces, NH-AI
November 2012	Practical Application of the Cost Approach, AU
September 2012	Map Websites for Appraisers, NH-AI
August 2012	Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book), GL
August 2012	Site Analysis and Valuation, AU
June 2012	Federal Agencies and Appraisal: Program Updates
May 2012	Values and Trends in the Commercial Real Estate Investment Market, NH-AI
April 2012	USPAP 2012-2013, NH-AI
January 2012	Energy Efficiency Factors When Appraising Commercial Buildings, NH-AI
November 2011	Regulatory Updates from Members of the NH Appraiser Board, NH-AI
October 2011	Interagency Appraisal & Evaluation Guidelines for Appraisers & Lenders, AI
September 2011	Attacking and Defending an Appraisal in Litigation, Whitmer
July 2011	Perspectives from Commercial Review Appraisers, AI
May 2011	Uniform Mortgage Data Program, NH-AI
April 2011	Real Estate Industry Perspectives on Lease Accounting, AI <u>Appraisal</u>
March 2011	GIS Mapping, UNH
March 2011	Workforce Housing in New Hampshire, NH-AI
February 2011	Property Tax Appeals, NH-AI
January 2011	Appraising Historic Property, AU
January 2011	Making Maps the Google Way, UNH
October 2010	Technology for Narrative Appraisals, NH-AI
October 2010	Allocation of Hotel Total Assets, AI
May 2010	Appraisal Curriculum Overview, AI
May 2010	Estimating Property Damage, NH-AI
March 2010	New Hampshire Economy and Real Estate Market, NH-AI
March 2010	2010-2011 USPAP Update, NH-AI
February 2010	Contemporary Appraisal Issues with SBA Financing, AI
January 2010	Loss Prevention Seminar, LIA
November 2009	Valuation of Low-Income Housing Tax Credit (LIHTC) Properties, NH-AI
October 2009	USPAP Update, NH-AI
October 2009	New England Appraisers Expo 2009, AI
May 2009	Appraisal of Manufactured Housing Communities, NH-AI
May 2009	Evaluating Residential Construction, NH-AI
April 2009	Introducing Valuation for Financial Reporting, AI
March 2009	Develop an Effective Marketing Plan, AI
March 2009	Real Data: Analysis of Real Estate, NH-AI
January 2009	Branding in the Age of Findability, AI
January 2009	Changes to the Comprehensive Shoreline Protection Act, NH-AI
January 2009	The Real Implications of the HVCC on Appraisers & Lenders, AI
November 2008	Review Appraiser Seminar, NH-AI
October 2008	New England Appraisers Expo, MBREA
June 2008	General Demonstration of Knowledge Appraisal Report Workshop, AI
May 2008	NH Bureau of Tax and Land Appeals, NH-AI
March 2008	Valuation of Conservation Easements, AI-ASA-ASFMRA-LTA

October 2007	National USPAP Update #420, NH-AI
October 2007	Current Use Seminar, NH-AI
September 2007	Certified General exam; NH ME
May 2007	Affordable Housing Financing & Valuation; NH-AI
February 2007	MAI Comprehensive Exam; AI
October 2006	The Future of the Foundation; NH-AI
September 2006	Real Estate Values & Trends in NH; NH-AI
June 2006	Advanced Applications; AI
May 2006	Eminent Domain Appraising; NH-AI
April 2006	Scope of Work; AI
March 2006	Report Writing and Valuation Analysis; AI
January 2006	Real Data: How to use their tools in the analysis of real estate; NH-AI
January 2006	Business Practices and Ethics; AI
December 2005	Advanced Sales Comparison and Cost Approach; AI
October 2005	Appraising Conservation Easements; NH-AI
October 2005	Highest and Best Use and Market Analysis; AI
September 2005	Advanced Income Capitalization; AI
May 2005	NHREAB; NH-AI
May 2005	USPAP Update; MA-AI
March 2005	ISA & Home Inspection; NH-AI
March 2005	Appraising Convenience Stores; ME-AI
February 2005	General Demonstration Report Writing; MA-AI
February 2005	Associate Members Guidance; MA-AI
January 2005	Excavation in New Hampshire; NH-AI
October 2004	Appraising Income Properties; JMB Real Estate Academy
October 2003	Uniform Standards of Professional Appraisal Practices; AREA
October 2003	Basics of Real Estate Appraisal; JMB Real Estate Academy
September 2003	Appraising the Single-Family Home; AREA

Appraisal assignments include:

Testimony to NH BTLA	Testimony to MA ATB
Testimony to NH Superior Court	Testimony to Maine Superior Court
Conservation Easements	Bankruptcies & Workouts
Conservation Acquisitions	Zoning Variances
“Yellow Book” Appraisals	Industrial Buildings
Multi-Family Buildings	HUD Section 8 Rent Studies
Apartment Buildings	Commercial Retail Buildings
Raw land	Golf Courses
Condominiums	Self-Storage Facilities
Subdivisions	Professional Office Buildings and Condos
Gas Stations/Convenience Stores	Mobile Home Parks
Churches	Parking Lots
Restaurants	Tax Abatements
Shopping Centers	Eminent Domain Takings
Airplane Hangars	Auto Service Garages
Laundromats	Retail Buildings
Contaminations	Medical Office Buildings and Condos
Health/Fitness Clubs	Single-Family Residences
2-4 Family Dwellings	Work-force Housing
Hotels	Camp Grounds
Motels	Nordic Ski Area
Veterinary Clinics	Auto Dealerships
Ocean-front and lake-front properties	Farms
Right-of-Ways for power lines, pipelines, & rail trails	Funeral Homes

In addition to appraisal work, I have served in the following capacities:

1960-1964:	Computer Engineer for International Business Machines in Endicott, New York
1964-1975:	Computer Engineer for Honeywell in Waltham, Massachusetts
1975-1982:	Founder, Audio of New England, 6 Retail Locations and a Wholesale Business
1985-1987	Participated as a Principal in a Waterfront Subdivision in the State of Maine
1982-2004:	Founder, Micro C, Inc., a Computer and Network Support Company
1994-2003:	Founder, Micro C Training Center, a Computer Network Training Company
1993-2006:	Owner and Manager of a Commercial Office Building
2001-2007:	Race Director, Applefest Half-Marathon in Hollis, NH
2005-2006:	Founder, New England Appraiser Training
2007-Present:	Founder, J Chet Rogers LLC
2010-2016:	Appraisal Institute - New Hampshire Chapter, Board of Directors
2013-2015:	Appraisal Institute - New Hampshire Chapter, Vice President
2013-2016:	YMCA of Greater Nashua – Board of Directors
2015-Present:	Hollis, NH Planning Board – Member

EXHIBIT C

From: Mark Bickford <mwibickford24@gmail.com>
Sent: Friday, February 21, 2025 8:43 AM
To: Bradford Baker <bbaker@ast.net>
Subject: Building adjustment

M W Home Improvement llc
(978)-726-8614 Derry nh 03038

Scope of work

- pour 4 yards of concrete with 3/4 stone base as well as pinning to existing 42'x3'\$5,800.00
- taking down building shifting closer to house by 3' \$30,480.00
- Re setting sill steel to accept building move including new Hilti lags \$5,790.00
- erecting building on new concrete extension \$27,580.00

Total cost of job \$69,650.00

Customer info

Brad baker

23 fairway hudson nh

Quote #4784

Printed
4/08/2025
3:59PM
Created
4/08/2025
3:55 PM

Transaction Receipt

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

Receipt# 815,337
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-4/24/25 ZBA Meeting 23 Fairway Drive Map 245, Lot 012-000 Zone R-1 EQ WVR of Dim. Req.	0.00	215.0900	0.00
			Total:	215.09

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Gottesman & Hollis, P.A.	CHECK	CHECK# 18728	215.09	0.00	215.09
			Total Due:		215.09
			Total Tendered:		215.09
			Total Change:		0.00
			Net Paid:		215.09



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 – March 27, 2025 - draft

The Hudson Zoning Board of Adjustment met Thursday, March 27, 2025, 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

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

III. ATTENDANCE

IV. SEATING OF ALTERNATES

Clerk Dion called the attendance. Members present were Tristan Dion (Regular/Clerk), Tim Lanphear (Regular), Normand Martin (Regular/Acting Chair) and Zachary McDonough (Alternate). Excused was Dean Sakati (Regular). Also present were Louise Knee, Recorder (remote), Chris Sullivan, Zoning Administrator, and Dillon Dumont, Selectman Liaison. Alternate McDonough was appointed to vote. Mr. Martin noted that there would only be four (4) Voting Members where there would normally be five (5) and offered the Applicant the opportunity to defer their case to the next meeting in hopes there would be five (5) Members present.

V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:

1. **Case 197-177 (03-27-25):** William J. Coyne, 22 Fairway View Lane, Norton, MA requests a Variance for **8 Spruce Street, Hudson, NH** to reconstruct & expand a previous approx. 4 ft. x 5 ft. front stair structure to a current 6 ft. x 8 ft. deck where a nonconforming structure may not be altered or expanded, except by variance. The new deck encroaches the front yard setback 2.5 feet leaving 27.5 feet where 30 feet is required. [Map 197, Lot 177, Sublot-000; Zoned Town Residence (TR); HZO Article VIII: Nonconforming Uses, Structures and Lots; §334-31 A., Alteration and expansion of nonconforming structures and HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements.]

Mr. Lanphear read the Case into the record, as Mr. Sullivan is recovering from surgery on his tongue, and referred to the Zoning Administrator's Staff Report initialed 3/13/2025.

Not Official until reviewed, approved and signed.

DRAFT

Mr. Coyne introduced himself, noted that the need for a variance came as a result of a Certified Plot Plan prepared by Gate City Survey Land Surveying & Civil Engineering dated 12/12/2024 that shows the house close to the setback line and the existing stairs into the front setback. Mr. Coyne proceeded to address the criteria for the granting of a variance. The information shared included:

- (1) *not contrary to public interest*
 - increasing the safety of the deck without changing the character of the neighborhood and the house
- (2) *will observe the spirit of the Ordinance*
 - not changing the depth
- (3) *substantial justice done to property owner*
 - the wider deck will allow better accessibility for a mobility challenged resident and with any ambulatory care
- (4) *will not diminish surrounding property values*
 - the updated curb appeal helps with the look of the neighborhood which will increase home values
 - the proposed deck will blend in with the house and will resemble several other decks in the neighborhood
- (5) *hardship*
 - the deck width would make it extremely hard for an older person to get in and out of the house
 - the old deck has rotten wood and cracked and has sunk into the ground
 - the width of the proposed deck will make it safer to use

Meeting opened to receive comment either in favor, neutral or opposed from the public at 7:13 PM. No one addressed the Board.

Mr. Lanphear made the motion to grant the Variance. Mr. Dion seconded the motion.

Mr. Lanphear spoke to his motion stating that the granting would not be contrary to public interest as the increased size is better for the safety of entrance to the building, that it is an improvement to the old porch that is in bad shape and will provide an improvement for mobility, that it will not diminish surrounding property values and that the proposed use is a reasonable one. Mr. Lanphear voted to grant.

Mr. Dion spoke to his second stating that it is not contrary to public interest, that it will not threaten public safety, noted that as he drove through the neighborhood there appeared to be several houses on the setback line, that it will not change the character of the neighborhood, that it does not harm the general public, that it will not diminish surrounding property values, that the placement of the house so close to the setback line is the hardship and that the proposed use is a reasonable use. Mr. Dion voted to grant.

Mr. McDonough voted to grant noting that the granting is in line with the purpose of the Ordinance and in line with the character of the neighborhood, that it will observe the spirit of the Ordinance and will increase safety to/for those accessing

the property, that the homeowner would gain justice that is not outweighed by harm to the public as no one would be reasonably harmed, that it would increase property values and aesthetics to the neighborhood, that there is no fair reason the variance shouldn't be approved as the existing deck is within the setback and any change would require a Variance, and the proposed Use is reasonable and good for the neighborhood.

Mr. Martin voted to grant stating that the granting would not be contrary to public interest, that it will observe the spirit of the Ordinance, that substantial justice would be done to the homeowner, that it will not diminish values of surrounding properties, that literal enforcement of the Zoning Ordinance would not allow for a wider deck and a safer deck and that the proposed use is a reasonable use.

Vote was 4:0 to grant the Variance. The 30-day Appeal period was noted.

VI. REQUEST FOR REHEARING: (Board Discussion Only, No Public Input)

1. **Case 245-012 (01-23-2025):** Bradford Baker Sr., **23 Fairway Drive, Hudson, NH** by and through its counsel, Gottesman & Hollis, P.A requests a rehearing of an Equitable Waiver of Dimensional Requirement, a request which was denied on 01/23/2025 by the Zoning Board of Adjustment. The request was to allow a newly built detached 41.3 ft. x 39.6 ft. metal garage on a cast-in-place concrete foundation to remain which encroaches both the side and front yard setbacks leaving 13 feet and 22.3 feet respectively where 15 feet and 30 feet are required. [Map 245, Lot 012, Sublot-000; Zoned Residential-One (R-1); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements and NH RSA 674:33-a.I., Equitable Waiver of Dimensional Requirement.]

Mr. Lanphear read the Request into the record. Mr. Martin noted that the request is for Board consideration only with regard to the rehearing material submitted and would not receive any public input at this meeting.

Mr. Nartin nted that there are four (4) factors to be considered in the granting of a rehearing: (1) new evidence presented that was not available at the original hearing; (2) there was an error made in law; (3) there was a procedural error made; and (4) there is good reason stated in the Applicant's Motion to Rehear.

Mr. Dion norted that there is more information and requires review and noted the comparisons within in the neighborhood. Mr. Dumont noted the full Appraiser's report and the traffic study. Mr. Martin referenced RSA 674:33 and read the criteria required for the granting of an Equitable Waiver and commented how the additional information pertains to a variance and what is before the Board is an Appeal on an Equitable Waiver determination and recapped the sequence of events noting that the burden is not upon the Town to grant an Equitable Waiver because of the high correction cost that was increased by the Applicant not following procedure again.

Mr. Martin cautioned the Board regarding Pandora's Box. Mr. Dumont disagreed that there is no concern regarding Pandora's Box as the Board reviews each request on a Case by Case basis and added that the traffic study presented links directly to safety which was a consideration when the Board rendered the decision not to grant the Equitable Waiver.

Discussion continued. Prior Cases were referenced. Field operations and potential for field error do exist but when compared to the number of Building Permits pulled, the percentage is rather slight. It was noted that only one (1) criteria needs to be satisfied in order to consider granting a Rehearing.

Mr. Dion made the motion to grant the Rehearing as new information has been presented that addressed the public nuisance concerns raised in the initial hearing and noted that there were no errors made, in either law or in procedure, by the Board in the initial hearing. Mr. Dion voted to grant the Rehearing.

Mr. McDonough seconded the motion and stated that new evidence has been presented that needs to be considered, that good reason for reconsideration was presented and that there was no error made by the Board either procedurally or in law. Mr. McDonough voted to grant the Rehearing.

Mr. Lanphear voted to grant based on the new evidence presented and noted that there were no errors made by the Board, either procedurally or in law.

Mr. Martin voted to grant based on the new evidence presented and noted that there were no errors made by the Board, either procedurally or in law, and reserves comment on whether good reason was stated.

Vote was 4:0 to grant the Rehearing.

VII. REVIEW OF MINUTES:

02/27/2025 edited draft Meeting Minutes

Motion made by Mr. Lanphear, seconded by Mr. Dion and unanimously voted to approve the Minutes as edited.

VIII. OTHER BUSINESS:

- Save the date for the **NH Office of Planning and Development's Spring 2025 Planning and Zoning Online Conference, Saturday, May 10, 8:45 AM - 3:30 PM**. Each session will be recorded and available after conference. The cost is free. **Registration Opens: April 4**

Enthusiasm was expressed on the value of the conference and the fact that it is virtual attendance with availability of review after. Members encouraged to let Mr. Sullivan know their intent for registration.

- **ZORC** – Zoning Ordinance Review Committee

Not Official until reviewed, approved and signed.

DRAFT

Mr. Sullivan and Mr. Dumont spoke on the value of the Committee and their gratitude that it is slated to begin end of April to allow more time for review and asked Members to consider joining the Committee. In response to questions, Mr. Sullivan responded that they usually meet once a month

IX. ADJOURNMENT:

Motion made by Mr. Dion, seconded by Mr. Lanphear and unanimously voted to adjourn the meeting. The 3/27/2025 ZA meeting adjourned at 7:44 PM.

Respectfully submitted,

Louise Knee, Recorder

Normand G. Martin, Acting ZBA Chairman