



# 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 – MAY 22, 2025

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday, May 22, 2025 at 7:00 PM** in the Community Development Paul Buxton Meeting Room located in the lower level of **Hudson Town Hall, 12 School St., Hudson, NH**. Please enter by the ramp entrance at the right side.

#### I. CALL TO ORDER

#### II. PLEDGE OF ALLEGIANCE

#### III. ATTENDANCE

#### IV. SEATING OF ALTERNATES

#### V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

##### DEFERRED HEARING:

1. **Case 245-012 (05-22-25) (deferred from 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.]

##### NEW HEARINGS:

2. **Case 161-019 (05-22-25):** Richard N. Breault, 72 Windham Rd., Hudson, NH [Map 161, Lot 019, Sublot-000; Zoned General-One (G-1)] requests two (2) Variances as follows:
  - A. A Variance to allow a “proposed” additional single family dwelling (approx. 972 SF) to remain in the rear of the lot. The structure was previously a garage but the dwelling was constructed w/o a building permit thus changing the Use on the lot to three (3) dwelling units or a multifamily dwelling Use where this is not permitted in the General-One (G-1) district. [Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]
  - B. A Variance to allow a “proposed” Accessory Dwelling Unit (ADU) greater than 750 SF in the basement of the principal structure to remain where the size of an ADU shall not be greater than 750 square feet. The ADU currently exists constructed w/o a building permit. [Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions]

#### VI. REQUEST FOR REHEARING: None

#### VII. REVIEW OF MINUTES:

03/06/2025 edited draft Meeting Minutes  
03/20/2025 edited draft Meeting Minutes  
04/24/2025 edited draft Meeting Minutes

#### VIII. OTHER BUSINESS:

#### IX. ADJOURNMENT:

Chris Sullivan, Zoning Administrator



## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Arthur De Sellier, Shelli L. De Sellier** ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Research Center, LLC dba Veterans United Home Loans, dated September 3, 2021 and recorded in the Coos County Registry of Deeds in Book 1577, Page 954, as modified by a certain modification agreement recorded on January 20, 2023, and recorded with said Coos County Registry of Deeds in Book 1619, Page 603, (the "Mortgage"), which mortgage is held by PennyMac Loan Services, LLC, the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:

Public Auction  
on  
June 17, 2025  
at  
1:00 PM

Said sale being located on the mortgaged premises and having a present address of 81 Water Street, Lancaster, Coos County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor's(s) title see deed recorded with the Coos County Registry of Deeds in Book 1577, Page 952.

#### NOTICE

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

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

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

The Property will be sold subject to all unpaid real estate taxes and all other liens and encumbrances which may be entitled to precedence over the Mort-

gage. Notwithstanding any title information contained in this notice, the Mortgagee expressly disclaims any representations as to the state of the title to the Property involved as of the date of the notice of the date of sale. The property to be sold at the sale is "AS IS WHERE IS".

#### TERMS OF SALE

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

Dated at Newton, Massachusetts, on April 21, 2025.

PennyMac Loan Services, LLC  
By its Attorney,  
Autumn Sarzana  
Harmon Law Offices, P.C.  
PO Box 610389  
Newton Highlands, MA 02461  
617-558-0500  
27660

(UL - Apr. 30; May 7, 14)

**Going Online?**  
**See more public notices at**  
**[www.unionleader.com](http://www.unionleader.com)**

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **James T. Shields, Brooke E. Shields** ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for Homeward Residential Inc, dated August 28, 2017 and recorded in the Rockingham County Registry of Deeds in Book 5851, Page 788, (the "Mortgage"), which mortgage is held by Federal National Mortgage Association, the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:

Public Auction  
on  
June 13, 2025

at  
12:00 PM  
Said sale being located on the mortgaged premises and having a present address of 7 Drew Lane, Kingston, Rockingham County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor's(s) title see deed recorded with the Rockingham County Registry of Deeds in Book 5717, Page 1118.

#### NOTICE

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

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

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

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

#### TERMS OF SALE

A deposit of Ten Thousand (\$10,000.00) Dollars in the form of a certified check or bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Dated at Newton, Massachusetts, on April 22, 2025.

Federal National  
Mortgage Association  
By its Attorney,  
Autumn Sarzana  
Harmon Law Offices, P.C.  
PO Box 610389  
Newton Highlands, MA 02461  
617-558-0500  
27653

(UL - Apr. 30; May 7, 14)

## Legal Notice

### MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **Sarah J. Donovan and Richard K. Donovan** to Washington Mutual Bank, dated May 21, 2007 and recorded with the Grafton County Registry of Deeds in Book 3410, Page 475, of which mortgage Citibank, N.A. as Trustee for WaMu Series 2007-HE4 Trust is the present holder by assignment, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgag-

ed premises located at **1407 North Littleton Road, Littleton, Grafton County, New Hampshire** will be sold at a Public Auction at **10:00 AM on June 4, 2025**, being the premises described in the mortgage to which reference is made for a more particular description thereof. Said public auction will occur on the Mortgaged Premises.

For mortgagor's title, see deed recorded with the Grafton County Registry of Deeds in Book 3215, Page 614.

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

THE AGENTS FOR SERVICE OF PROCESS ARE:

CITIBANK, N.A. AS TRUSTEE FOR WAMU SERIES 2007-HE4 TRUST, 5800 S Corporate Pl, Sioux Falls, SD 57108 (Mortgagee) SELECT PORTFOLIO SERVING, INC., C/O CORPORATION SERVICE COMPANY, 10 Ferry Street, Suite 313, Concord, NH 03301 (Mortgagee Servicer)

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

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

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

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

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

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the foreclosure sale,

(iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclosure sale. Such change(s) or amendment(s) shall be binding on all bidders.

Other terms to be announced at sale.

Citibank, N.A. as Trustee for WaMu Series 2007-HE4 Trust  
Present holder of said mortgage, by its Attorneys  
Susan W. Cody  
Korde & Associates, P.C.  
900 Chelmsford Street, Suite 3102  
Lowell, MA 01851  
(978) 256-1500  
SPS 25-047843 Donovan

## Legal Notice

### NOTICE OF MORTGAGEE'S FORECLOSURE SALE OF REAL ESTATE

By virtue of a Power of Sale contained in a certain mortgage given by **Dianne Tarini** (the "Mortgagor(s)") to First Eastern Mortgage Corporation, dated June 12, 1998 and recorded with the Rockingham County Registry of Deeds (the "Registry") in Book 3300, Page 1027 (the "Mortgage"), which Mortgage is held by Wilmington Trust, National Association, not in its individual capacity, but solely as Trustee of MFRA Trust 2014-2 (the "Mortgagee"), the present holder of said Mortgage, and pursuant to the remedies set forth in the Mortgage and N.H. RSA 479:25, the Mortgagee, for breach of the conditions of the Mortgage and other loan documents secured thereby, and pursuant to the power of sale contained in the Mortgage, shall foreclose upon and sell at

**PUBLIC AUCTION  
ON  
JUNE 3, 2025  
AT  
11:00 A.M.**

Said sale being located on the mortgaged premises and having a present address of: 203 East Main Street, Unit #4, Hampstead, County of Rockingham, State of New Hampshire (the "Premises"), which are more particularly described in the Mortgage.

For Mortgagor's title, see deed recorded with the Rockingham County Registry of Deeds in Book 3300, Page 1024.

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

The address of the mortgagee for service of process and name of the mortgagee's agent for service of process is:

Planet Home Lending, LLC  
c/o Corporation Service Company  
10 Ferry Street, Suite 313  
Concord, NH 03301

The New Hampshire Banking Department may be reached at 53 Regional Drive, Suite 200, Concord, NH 03301, by email at [nhbd@banking.nh.gov](mailto:nhbd@banking.nh.gov), or online at [www.nh.gov/banking](http://www.nh.gov/banking). For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at (800) 437-5991. The hotline is a service of the New Hampshire Banking Department. There is no charge for this call.

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

#### TERMS OF SALE:

A deposit of Five Thousand and 00/100 (\$5,000.00) Dollars in the form of a certified check or bank treasurer's check will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale. The description of the Premises contained in said Mortgage shall control in the event of an error in this publication.

Dated at Boston, Massachusetts on this 2nd day of April 2025.

**Wilmington Trust, National Association, not in its individual capacity, but solely as Trustee of MFRA**

**Trust 2014-2**  
Present holder of said mortgage  
By its Attorneys,  
Michael Swain, Esq.  
Demerle & Associates P.C.  
10 City Square, 4th Floor  
Boston, MA 02129  
(617) 337-4444  
(UL - May 7, 14, 21)

## Legal Notice

### MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Douglas Duntun, Edna Grace Duntun** ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for BankUnited, FSB, dated May 7, 2008 and recorded in the Cheshire County Registry of Deeds in Book 2509, Page 151, and as affected by a corrective mortgage recorded with said Cheshire County Registry of Deeds in Book 2539, Page 184, as modified by a certain modification agreement recorded on January 16, 2024, and recorded with said Cheshire County Registry of Deeds in Book 3267, Page 1096, (the "Mortgage"), which mortgage is held by Federal National Mortgage Association, the present holder of said Mortgage, pursuant to and in execution of said power and for breach of conditions of said Mortgage and for the purposes of foreclosing the same will sell at:

Public Auction  
on  
June 16, 2025  
at  
2:00 PM

Said sale being located on the mortgaged premises and having a present address of 3 Crane Road, Fitzwilliam, Cheshire County, New Hampshire. The premises are more particularly described in the mortgages and modification recorded with the Cheshire County Registry of Deeds in Book 3267, Page 1096.

For mortgagors' title see deed recorded with the Cheshire County Registry of Deeds in Book 2509, Page 147.

#### NOTICE

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

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

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#### TERMS OF SALE

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Dated at Newton, Massachusetts, on April 21, 2025.

Federal National  
Mortgage Association  
By its Attorney,  
Autumn Sarzana  
Harmon Law Offices, P.C.  
PO Box 610389  
Newton Highlands, MA 02461  
617-558-0500  
27193

(UL - Apr. 30; May 7, 14)

**TOWN OF HUDSON  
ZONING BOARD OF ADJUSTMENT  
Notice of Public Meeting & Hearings  
THURSDAY, MAY 22, 2025**

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

**PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:**

**Case 161-019 (05-22-25):** Richard N. Breault, **72 Windham Rd., Hudson, NH** [Map 161, Lot 019, Sublot-000; Zoned General-One (G-1)] requests two (2) Variances as follows:

**A.** A Variance to allow a "proposed" additional single family dwelling (approx. 972 SF) to remain in the rear of the lot. The structure was previously a garage but the dwelling was constructed w/o a building permit thus changing the Use on the lot to three (3) dwelling units or a multifamily dwelling. Use where this is not permitted in the General-One (G-1) district. [Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

**B.** A Variance to allow a "proposed" Accessory Dwelling Unit (ADU) greater than 750 SF in the basement of the principal structure to remain where the size of an ADU shall not be greater than 750 square feet. The ADU currently exists constructed w/o a building permit. [Article XIII.A: Accessory Dwelling Units; §334-73.3 H. Provisions]

Chris Sullivan, Zoning Administrator

### Grafton County Public Hearing Grafton County Commissioners' Proposed Fiscal Year 2026 Budget Tuesday, May 20, 2025 @ 6:00 PM Grafton County Administration Building 3855 Dartmouth College Highway North Haverhill, NH 03774

REVENUE:	
Nursing Home	\$20,448,477
Department of Corrections	398,058
County Farm	435,250
Building Rental	380,603
Register of Deeds	1,151,000
Sheriff's Department	1,286,150
Alternative Sentencing	250,720
Misc Revenue	146,161
Interest Earned	275,300
Federal PILT	130,000
Abandon Property	110,000
County Attorney	466,706
Human Services Recoveries	100,000

Subtotal	\$25,578,425
Surplus Used to Reduce Taxes	\$ 2,250,000
Amount to be Raised by Taxes	\$29,828,722

TOTAL REVENUES	
	\$57,657,147
EXPENDITURES:	
Commissioners' Ofc	\$ 613,786
Treasurer	14,756
County Attorney	2,181,030
VAWA Grant	146,664
Victim Witness Program	322,250
VOCA15 - Victim Witness Grant	156,950
Alternative Sentencing	385,738
SUD Treatment	276,509
Medical Referee	50,000
Delegation Expenses	10,000
Register of Deeds	491,007
Human Resource Dept	121,525
Information Technology	1,177,405
Sheriff's Dept	2,454,662
Dispatch	1,755,783
Maintenance	2,117,088
Human Services	7,730,537
Grafton County Economic	40,000
Extension	384,279
Social Service	500,000
Interest	50,000
Bonded Debt	2,028,700
Capital Outlay	72,000
Wage/Benefit Adjustment	512,696
Contingency	84,000
Unemployment	5,000
Nursing Home	24,340,434
Department of Corrections	7,660,062
Community Corrections	796,153
Governor's Commission Grant	368,891
Nightwatchmen	0
Farm	665,038
Conservation District	108,204
Transfers to Capital Reserve	36,000

TOTAL EXPENDITURES	\$57,657,147
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### SALEM SCHOOL DISTRICT SCHOOL ADMINISTRATIVE UNIT #57 38 GEREMONTY DRIVE, SALEM, NH 03079 INVITATION FOR SECURITY CAMERA BID

The Salem School District is soliciting bids to supply the following cameras, installation and corresponding configuration to be done by others. The district has all Axis cameras so bid must be for the following Axis products. **This is a product only bid.**

Quantity	Part #	Camera Description
10	Axis P3267-LV	5MP, 2592x1944, IR, single lens
3	Axis P3267-LVE	5MP, 2592x1944, IR, single lens, outdoor
17	Axis P3268-LV	4K, 3840x2160, IR, single lens
21	Axis P4708-PLVE	4K, 3840x2160, IR, 2 lens
7	Axis P4707-PLVE	5MP, 2592x1944, IR, 2 lens
4	Axis P3738-PLE	4K, 3840x2160, IR, 4 lens
3	Axis P3748-PLVE	4K, 3840x2160, IR, 4 lens
3	P3738 mounting kit	T94N01D Pendant Kit, T91D61 Wall Mnt, T91A64 Corner Bracket
4	P4708 mounting kit	T94N02D Pendant Kit, T91D61 Wall Mnt, T91A64 Corner Bracket

All bids shall be clearly marked "SECURITY CAMERA BID". Emailed bids are accepted to [dpayne@sau57.org](mailto:dpayne@sau57.org). If the bid is forwarded by mail, a sealed envelope containing the bid must be enclosed in another envelope, clearly marked and mailed to:

Deborah Payne,  
Assistant Superintendent for Business Operations  
Salem School District  
38 Geremonty Drive, Salem, NH 03079

Bids must be received at the address indicated above on or before May 20, 2025 at 1:00pm. Bids will be publicly opened at that time. THE SALEM SCHOOL DISTRICT RESERVES THE UNQUALIFIED RIGHT TO REJECT ANY AND ALL BIDS OR PARTS THEREOF, OR TO ACCEPT THAT BID OR PARTS THEREOF, WHICH IN THEIR JUDGEMENT WILL BEST SERVE THE DISTRICT'S INTERESTS.

The successful bidder will be notified as soon as is practical of the acceptance of the proposal. Anticipated delivery **ASAP**.

Any questions should be directed to David Hasbany, Chief Information Officer at [david.hasbany@sau57.org](mailto:david.hasbany@sau57.org).

Deborah Payne  
Assistant Superintendent for Business Operations



**HUDSON ZONING BOARD OF ADJUSTMENT**

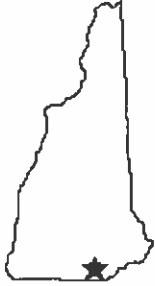
**REQUEST FOR DEFERRAL WORKSHEET**

On **5/22/2025**, The Hudson Zoning Board of Adjustment received a deferral request for **Case 245-012 (deferred from 04-24-25)** brought by **Bradford Baker Sr., 23 Fairway Drive, Hudson, NH** and through its counsel, **Gottesman & Hollis, P.A** requests a full five (5) member Board during the hearing of 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**      Members sitting on the Zoning Board of Adjustment vote to accept this deferral request to date specific, **June 26, 2025.**

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

Print Name: \_\_\_\_\_



# TOWN OF HUDSON

## Land Use Division

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



### Zoning Administrator Staff Report

Meeting Date: May 22, 2025

1. **Case 161-019 (05-22-25):** Richard N. Breault, 72 Windham Rd., Hudson, NH [Map 161, Lot 019, Sublot-000; Zoned General-One (G-1)] requests two (2) Variances as follows:

A. A Variance to allow a “proposed” additional single-family dwelling (approx. 972 SF) to remain in the rear of the lot. The structure was previously a garage but the dwelling was constructed w/o a building permit thus changing the Use on the lot to three (3) dwelling units or a multifamily dwelling Use where this is not permitted in the General-One (G-1) district. [Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

B. A Variance to allow a “proposed” Accessory Dwelling Unit (ADU) greater than 750 SF in the basement of the principal structure to remain where the size of an ADU shall not be greater than 750 square feet. The ADU currently exists constructed w/o a building permit. [Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions]

**ADDRESS:** 72 Windam Road.  
Map 161, Lot 019-000

**ZONING DISTRICT:** General One (G-1)

**Relief Requested:**

Variance to allow a “proposed” additional single-family dwelling (approx. 972 SF) to remain in the rear of the lot.

**Relief Requested Cont.:**

Variance to allow a “proposed” Accessory Dwelling Unit (ADU) greater than 750 SF in the basement of the principal structure to remain where the size of an ADU shall not be greater than 750 square feet.

**PROPERTY DESCRIPTION:**

The Town of Hudson, records indicate this parcel is an existing lot of record. The lot is 147.668 SQ Ft. where 87,120 is required. According to the assessors records the lot is assessed as a two family. According to Land Use this dwelling was never permitted to be a two family. No building permits were ever pulled and a letter dated 12/10/2012 said it was converted back to a single-family residence. The existing single-family dwelling that was constructed in 1967. There are also 2 garages with lofts at the rear of the property. One of the Garages was converted to a detached dwelling with building permits.

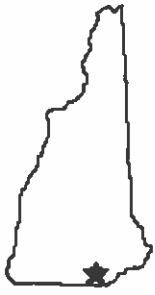
**HISTORY/ATTACHMENTS:** None

**BUILDING PERMITS:** None

**ZONING ADMINISTRATOR/CODE ENFORCEMENT AND OTHER CORRESPONDENCE**

**A: Enformment Letter 2<sup>nd</sup> Dwelling in the basement and No Building Permits**  
(1 24, 2012)

**B: 2nd Enformment Letter 2<sup>nd</sup> Dwelling in the basement and No Building Permits have been filed** (10-18-2012)



# TOWN OF HUDSON

## Land Use Division

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



### Zoning Administrator Staff Report

Meeting Date: May 22, 2025

**C:** letter from owner informing the Town that the tenant has been given notice and the dwelling will return to a single-family residence. (10-18-2012)

**D:** Notice of Violation for an illegal dwelling in the basement without a building permit and a detach dwelling at the rear of the property with is not permitted without a building permit. (12-18-24)

**E:** Updated Complaint – Violation V2024-000058: for an illegal dwelling in the basement without a building permit and a detach dwelling at the rear of the property with is not permitted without a building permit. (4-29-24)

#### AERIAL / PHOTOS

Aerials (2024) 72 Windam Road



#### IN-HOUSE COMMENTS:

**F:** Town Engineer: No Comment (5-5-25)

**G:** Inspectional Services/Fire Dept.: (5-5-25)

- Inspectional Services will require a site visit to asses and determine if a building permit can be issued for both the finished basement and the detached structure.
- If a building permit is issued, all work completed without permits shall be exposed and Conform to the current State Adopted Building and Fire Codes.

**H:** Associate Town Planner: (5-5-25)

- 2Site Plan approval is required for multi-family uses, should the variance be granted by the ZBA



TOWN OF HUDSON  
COMMUNITY DEVELOPMENT DEPARTMENT  
LOCAL LAND USE CITATION



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

CERTIFIED MAIL # 7008 1300 0001 6089 7149

January 24, 2012

Donald and Cecile Simard  
72 Windham Road  
Hudson, NH 03051

Re: 72 Windham Road, Hudson (Map 161/Lot 019)

Dear Mr. and Mrs. Simard:

It has been brought to our attention, there is a second living unit in the basement of the aforementioned property, which is in violation of the Hudson Zoning Ordinance, Section 334-16, Building permits, Section 334-16-(2)-(b), which states "Duplex residential buildings shall have a minimum of 1,500 square feet of living area.", and Section 334-16 (3), which states "No premises shall be occupied without a certificate of occupancy issued by the Building Inspector."

You are directed to bring this site into compliance within ten (10) days upon receipt of this letter, and inform the Community Development Department that the violation has been corrected. Failure to comply with the terms of this notice may result in the assessment of a civil penalty of \$275.00 for the first offense and \$550.00 for subsequent offenses for each day that such violation is found to continue, including recovery of costs and reasonable attorney's fees.

This decision may be appealed within thirty (30) days of receipt of this letter to the Zoning Board of Adjustment (ZBA). Applications for ZBA action may be obtained from the Community Development Department located at 12 School Street, Hudson, NH.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

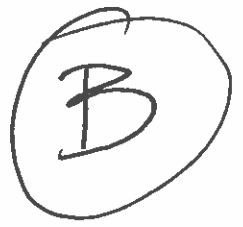
William A. Oleksak,  
Zoning Administrator

pc: Board of Selectmen  
Assistant Town Administrator  
Deputy Buxton, HFD  
File

WO/jk



TOWN OF HUDSON  
COMMUNITY DEVELOPMENT DEPARTMENT



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

October 18, 2012

Donald Simard  
72 Windham Road  
Hudson, NH 03051

Re: 72 Windham Road, Hudson (Map 161/Lot 019)

Dear Mr. Simard:

Per a previous conversation you and I had, a building permit was to be filled out for the conversion of the existing single-family dwelling to become a two-family dwelling. To date we have not received the completed building permit application (application attached). Please fill it out in its entirety and bring it in with the supporting documentation at your earliest convenience.

If you have any questions please contact me at 603-816-1272.

Thank you.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

William A. Oleksak  
Zoning Administrator/Code Enforcement Officer

pc: Board of Selectmen

File

WO/jk

Date 12/10/2012

161-019

G-1

Re. 72 Windham Rd



To Zoning Administrator  
Bill Olecsak

This is a letter to inform you that a notice by the tenant at 72 Windham Rd. was submitted to me effective Sept 1 2012.

From that time the apartment has remained vacant, and with all of the disadvantages that go with two families in one house my wife and I have decided to keep 72 Windham Road as a single family home, and would like this letter to express our intention to continue with single family status at this address.

Don Leonard





# TOWN OF HUDSON

## Land Use Division



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

### Notice of Violation

December 18, 2024

Sent Via First Class Mail

Mr. and Mrs. Breault  
72 Windham Rd  
Hudson, NH 03051

Re: 72 Windham Rd 161 Lot 19-000  
District: General (G-1)

Dear Mr. and Mrs. Breault,

I am just checking in after the letter that was sent on October 9, 2024. Your property is still a violation at your property with the mobile dwelling units.

Two-family residences at this property are permitted per the Hudson Zoning Ordinance, in the General One Zoning District (G-1) in which the property is located according to **§334-21 (A-2) Table of Permitted Principal Use**. Only single-family and two-family residential structures are allowed in the G-1 Zoning District. You could also do an Accessory Dwelling Unit (ADU). There are size requirements for both a duplex and an ADU. An ADU is not allowed as a freestanding detached STRUCTURE or as part of any STRUCTURE which is detached from the principal dwelling. MANUFACTURED HOUSING, RECREATIONAL VEHICLES, or trailers may not be erected or added to the principal dwelling as an ADU per **§334-73.3 (H) Provisions**

**H.** The size of an ADU shall not be less than 350 square feet nor greater than 750 square feet. The size of the principal dwelling shall not be reduced to less than 850 square feet to accommodate the creation of an ADU. Measurement of size shall be consistent with the Town Assessor's practices. [2-2-2019 ATM, Art. 05, adopted 3-12-2019]

#### **§ 334-16 Building Permits**

[Amended 3-14-1995 by Amdt. Nos. 7 and 8; 3-10-1998; 3-4-2000; 3-9-2004; 3-13-2012 by Amdt. Nos. 1 and 2] Any person, firm, or corporation shall obtain a building permit before commencing work on the erection, alteration, or movement of any building or structure, except as exempted under Subsection A. For one- and two-family dwellings, the Town of Hudson has

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

(D)

adopted by reference and follows the 2009 International Residential Code for One- and Two-Family Dwellings. The Town of Hudson also adopts by reference the Americans with Disabilities Act (ADA) as outlined in 28 CFR Part 36. For structures other than one- and two-family dwellings, the Town of Hudson shall enforce the current provisions of the State Building Code as promulgated pursuant to RSA 155-A:1, as may be amended from time to time. Whenever a provision of this ordinance differs from the authority of the 2009 International Residential Code for one- and two-family dwellings, the provision that imposes the greater restriction or higher standard shall be controlling.

(2) No permit shall be issued for the construction of a dwelling unless plans therefor provide for the following:

(b) Duplex residential buildings shall have a minimum of 1,500 square feet of living area.

**Abatement Order:**

Please contact me by **January 18, 2025** to set up an inspection to confirm that there is or is not an illegal unit(s) at this property. If the 2<sup>nd</sup> unit does not meet the square footage required then you will need a variance from the Zoning Board of Adjustment per **§334-73 (H) Table of Permitted Principal Use** you will need to get any necessary building and life safety permits per **§334-16 Building Permits**. You would need to contact Inspectional Services for these applications.

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

Sincerely,



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

cc: Public Folder  
Brooke Dubowik (Planning Administrative Aide)  
Inspectional Services  
File

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



# TOWN OF HUDSON

## Land Use Division

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

### Complaint - Update Violation V2024-00058

April 29, 2025

Mr. Richard N. Breault  
Mr. Richard J. Breault  
72 Windham Rd  
Hudson, NH 03051

Hand-delivered

Re: 72 Windham Rd. Map 161, Lot 019-000  
**District: General-One (G-1)**

Dear Sirs,

Thank you for having a surveyor provide a certified plot plan of your property.

- According to the Town Assessor records, the existing home is classified as a two-family dwelling based on their observations at the time of their site visit.
- A building permit and inspections were not completed for an additional dwelling unit in the basement of the principal structure. Since the utilities are not separated for the two dwelling units, the Hudson Zoning Ordinance classifies this as an Accessory Dwelling Unit (ADU). It also meets the definition of an ADU which is: "A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal DWELLING UNIT it accompanies, as defined in RSA 674:71." *[Article XIII A: Accessory Dwelling Units; § 334-73.3 F, Provisions and Article III: Terminology; § 334-6, Definitions, Accessory Dwelling Unit (ADU)].*
- Additionally, a detached dwelling unit (structure) is located at the rear of the property, which did not receive a building permit and inspections. This now re-classifies the lot having a multi-family use with three (3) units and is not permitted in the G-1 district. *[Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]*

(E)

**Because of the above violations, variances are required from the Zoning Board of Adjustment (ZBA) as follows:**

1. A variance since the unit is estimated to be greater than 750 square feet where the size of an ADU shall not be greater than 750 square feet. [*Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions*]
2. A variance to allow the continued multi-family use (3-units total) on the lot, which include the detached structure in the rear of the lot where this use is not permitted in the G-1 district. [*Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses*]

If you are successful in obtaining the above variances, you will need site plan approval from the Planning Board. Please contact the Planning Department about this process. [*Article III: General Regulations; §334-16.1, Site Plan Approval*]

Lastly, once you receive ZBA and Planning Board approvals, please contact Inspectional Services to have both dwellings inspected (ADU in basement and detached structure). Please call (603) 886-6005 for the inspections. [*Article III, General Regulations; §334-16, Building Permits*]

**Abatement Order:**

Please apply for the required variances by May 6, 2025 and contact me if you have any further questions.

Sincerely,



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

cc: Public Folder  
Brooke Dubowik (Planning Administrative Aide)  
Inspectional Services  
File

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



(F)

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

REQUEST FOR REVIEW/COMMENTS:

Case: 1601-019 (05-22-25) (VARIANCES A & B)

Property Location: 72 Windham Rd

*For Town Use*

Plan Routing Date: 05/05/2025 Reply requested by: 05/09/2025 ZBA Hearing Date: 05/22/2025



I have no comments



I have comments (see below)

EZD

(Initials)

Name: Elvis Dhima, P.E

Date: 05/05/2025

DEPT.



Town Engineer



Fire/Health Department



Associate Town Planner

Variance A (Multifamily Use)

No Comment

Variance B (Basement ADU >750 SF)

No Comment



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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 1601-019 (05-22-25) **(VARIANCES A & B)**

Property Location: 72 Windham Rd

*For Town Use*

Plan Routing Date: 05/05/2025 Reply requested by: 05/09/2025 ZBA Hearing Date: 05/22/2025

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

DRH (Initials) Name: David Hebert Date: 05/05/2025

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

**Variance A (Multifamily Use)**

See attached comments

**Variance B (Basement ADU >750 SF)**

See attached comments



# 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: Zoning Administrator

FR: David Hebert  
Fire Marshal

DT: 5/5/2025

RE: 72 Windham Road

Inspectional Services will require a site visit to assess and determine if a building permit can be issued for both the finished basement and the detached structure. If a building permit is issued, all work completed without permits shall be exposed and conform to the current State Adopted Building and Fire Codes.

David Hebert  
Fire Marshal

H

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

**REQUEST FOR REVIEW/COMMENTS:**

Case: 1601-019 (05-22-25) **(VARIANCES A & B)**

Property Location: 72 Windham Rd

*For Town Use*

Plan Routing Date: 05/05/2025 Reply requested by: 05/09/2025 ZBA Hearing Date: 05/22/2025

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

BWG \_\_\_\_\_ Name: Ben Witham-Gradert Date: 05/05/2025  
(Initials)

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

**Variance A (Multifamily Use)**

Site Plan approval is required for multi-family uses, should the variance be granted by the ZBA

**Variance B (Basement ADU >750 SF)**

No Comment



APR 30 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. 161-019<sup>A</sup>(05-22-25)

Date Filed 4/30/25

Name of Applicant Richard N. Breaux Map: 161 Lot: 019-000 Zoning District: G1

Telephone Number (Home) 281-215-3544 (Work) \_\_\_\_\_

Mailing Address 72 Windham RD Hudson NH 03051

Owner RICHARD N. BREAUX - RICHARD J. BREAUX

Location of Property 72 Windham RD Hudson NH 03051  
(Street Address)

Signature of Applicant [Signature] Date 4-27-25

Signature of Property-Owner(s) [Signature] Date 4-27-25

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: 4/30/25

## COST:

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

### Abutter Notice:

13 Direct Abutters x Certified postage rate \$ 5.58 = \$ 72.54

7 Indirect Abutters x First Class postage rate \$ 0.73 = \$ 5.11

**Total amount due:** \$ 262.65

Amt. received: \$ 262.65 CC

Receipt No.: 818,256

Received by: [Signature]

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

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

# TOWN OF HUDSON, NH

## Variance Application Checklist

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

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

### CERTIFIED PLOT PLAN:

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

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

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

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

Signature of Applicant(s)

Date

Signature of Property Owner(s)

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)	
161	019-000	Richard Braut	72 Windham RD
161	005-000	MORIN RUSSELL Sundstrom / morin / ANNE TR.	118 BARRETT'S Hill RD
161	021-000	REINA HERNANDEZ FERNANDO DOMINGUEZ	76 Windham RD
161	020-000	Scott Lawton	74A Windham RD
161	009-000	Lyman Lewis	126 BARRETT'S Hill RD
161	018-000	Arthur + Cheryl / MARSHALL	70 Windham RD
161	014-000	11.25 est + Patricia John Perry Sullivan	70R Windham RD
161	017-001	Kevin W. Mitstifer	69 B Windham RD
161	017 002	JUNA TEMALI WARREN Johnson	69A Windham RD
161	017003	Michael Joseph Couture	71B Windham RD
161	017004	Kevin D Aimee Williams	71 A Windham RD
161	017005	Derek Lawrence Neill ERICA Rosamond Neill Sen	73 Windham RD
161	008000	Ronald T LAURA E COX	124 BARRETT'S Hill RD



# ALL INDIRECT ABUTTERS WITHIN 200 FEET

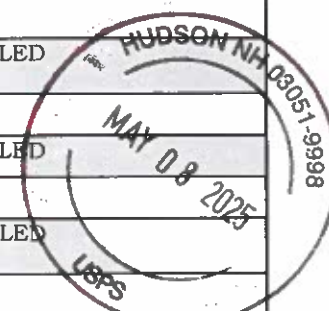
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective 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
161	022000	Russell THOMAS Flawelling	28 Windham RD
161	007000	CHAD TREASA Zink RICHARD DINOITI	122 Barretts Hill RD
161	015000	Joyce Robbins	65 Windham RD
161	010000	Stephen JARRY Donna	128 Barretts Hill RD
161	013000	Bertha Ashford	68 Windham RD
161	006001	Charles Patrick W. to Henry	120A Barretts Hill RD
161	006002	Mackenzie Radville	120B Barretts Hill RD

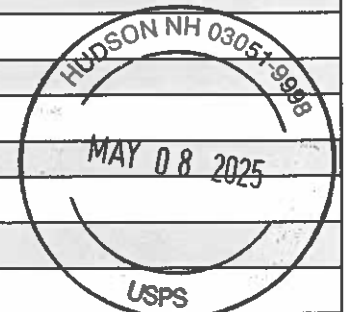
**USPS-Verified Mail**

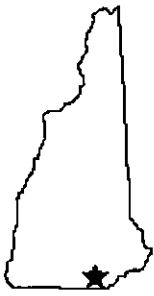
<b>SENDER:</b>	<b>TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051</b>	<b>US POSTAL SERVICE - CERTIFIED MAIL</b>	<b>Case# 161-019 VARIANCES A &amp; B 72 Windham Rd., Hudson, NH 03051 Map 161, Lot 019, Sublot-000 (1 of 1)</b>
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>05/22/2025 ZBA Meeting</b>
1	9589 0710 5270 0646 5671 48	BREAULT, RICHARD N.; BREAULT, RICHARD J. 72 WINDHAM RD., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5671 55	SUNDSTROM-MORIN, ANNE, TR.; MORIN, RUSSELL H., TR. 118 BARRETT'S HILL ROAD HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5671 62	COX, RONALD T., TR.; RITTER-COX, LAURA I., TR. 124 BARRETT'S HILL ROAD HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5671 79	LEWIS, LYMAN 126 BARRETT'S HILL ROAD HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5671 86	PERRY, JOHN P., LIFE EST; SULLIVAN, PETRINA 70 R WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5671 93	MITSTIFER, KEVIN W. 69B WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5672 09	JOHNSON, WARREN; TEMALI, JUNA 69A WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5672 16	COUTURE, MICHAEL JOSEPH 71 B WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5672 23	WILLIAMS, KEVIN D. & AIMEE 71A WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0646 5672 30	NIELSEN, DEREK LAWRENCE; NIELSEN, ERICA ROSAMOND 73 WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
11	9589 0710 5270 0646 5672 47	MARSHALL, ARTHUR; MARSHALL, CHERYL P. 70 WINDHAM ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
12	9589 0710 5270 0646 5672 54	LAWTON, SCOTT 74A WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
13	9589 0710 5270 0646 5672 61	HERNANDEZ, REINA; DOMINGUEZ, FERNANDO 76 WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
	<b>Total Number of pieces listed by sender 13</b>	<b>Total number of pieces rec'd at Post Office</b> 13	<b>Postmaster (receiving Employee)</b>



# USPS-First Class Mail

<b>SENDER:</b>	<b>TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051</b>	<b>US POSTAL SERVICE - CLASS MAIL</b>	<b>FIRST</b>	<b>Case# 161-019      VARIANCES A &amp; B 72 Windham Rd., Hudson, NH 03051 Map 161, Lot 019, Sublot-000      (1 of 1)</b>
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>		<b>05/22/2025 ZBA Meeting</b>
1	Mailed First Class	WHITEHEAD, CHARLES PATRICK 120 A BARRETTS HILL RD. HUDSON, NH 03051		ABUTTER NOTICE MAILED
2	Mailed First Class	RADVILE, MACKENZIE 120B BARRETTS HILL RD. HUDSON, NH 03051		ABUTTER NOTICE MAILED
3	Mailed First Class	ZINK, CHAD; ZINK, TREASA 122 BARRETTS HILL RD. HUDSON, NH 03051		ABUTTER NOTICE MAILED
4	Mailed First Class	JARRY, STEPHEN; JARRY, DONNA 128 BARRETTS HILL ROAD HUDSON, NH 03051		ABUTTER NOTICE MAILED
5	Mailed First Class	ASHFORD, BERTHA C. 68 WINDHAM RD., HUDSON, NH 03051		ABUTTER NOTICE MAILED
6	Mailed First Class	DINOLTI, RICHARD R.; ROBBINS, JOYCE 65 WINDHAM ROAD, HUDSON, NH 03051		ABUTTER NOTICE MAILED
7	Mailed First Class	FLEWELLING, RUSSELL R., TR.; FLEWELLING, THOMAS S., TR. 78 WINDHAM ROAD, HUDSON, NH 03051		ABUTTER NOTICE MAILED
8				
9				
10				
11				
	<b>Total Number of pieces listed by sender 7</b>	<b>Total number of pieces rec'd at Post Office</b>		<b>Postmaster (receiving Employee)</b>





# 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

May 7, 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, May 22, 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 161-019 (05-22-25):** Richard N. Breault, 72 Windham Rd., Hudson, NH [Map 161, Lot 019, Sublot-000; Zoned General-One (G-1)] requests two (2) Variances as follows:

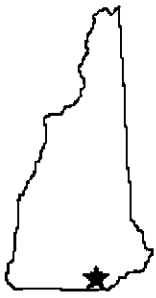
- A. A Variance to allow a “proposed” additional single family dwelling (approx. 972 SF) to remain in the rear of the lot. The structure was previously a garage but the dwelling was constructed w/o a building permit thus changing the Use on the lot to three (3) dwelling units or a multifamily dwelling Use where this is not permitted in the General-One (G-1) district. [Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]**
- B. A Variance to allow a “proposed” Accessory Dwelling Unit (ADU) greater than 750 SF in the basement of the principal structure to remain where the size of an ADU shall not be greater than 750 square feet. The ADU currently exists constructed w/o a building permit. [Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions]**

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

May 7, 2025

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- A. A Variance to allow a “proposed” additional single family dwelling (approx. 972 SF) to remain in the rear of the lot. The structure was previously a garage but the dwelling was constructed w/o a building permit thus changing the Use on the lot to three (3) dwelling units or a multifamily dwelling Use where this is not permitted in the General-One (G-1) district. [Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]**
- B. A Variance to allow a “proposed” Accessory Dwelling Unit (ADU) greater than 750 SF in the basement of the principal structure to remain where the size of an ADU shall not be greater than 750 square feet. The ADU currently exists constructed w/o a building permit. [Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions]**

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

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

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

Respectfully,

Chris Sullivan,  
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article ~~8334(A-2)~~ <sup>Article V (16)</sup> of HZO Section(s) ~~8334-23.3 (H)~~ <sup>334-21 (Table Permitted Principal Uses)</sup> (16) in order to permit the following:

Approval of Secondary Home for Family Use no to Harship.

**FACTS SUPPORTING THIS REQUEST:**

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

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

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

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

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

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

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

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

## FACTS SUPPORTING THIS REQUEST:

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

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

(See attached)

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

(see attached)

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

SEE ATTACHED

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

(See Attached)

**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

SEE Attached

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

SEE Attached.

- 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.

## **FACTS SUPPORTING THIS REQUEST**

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

The proposed use of the building as living space does not conflict with the character of the neighborhood. The structure has already been transformed into a dwelling and is not being used for any commercial or high-traffic purposes. It will remain a residential use consistent with surrounding properties and poses no threat to public health, safety, or welfare.

### **2. The proposed use will observe the spirit of the ordinance, because:**

The transformation of the garage into a residence retains the intended residential use of the property in a low-density zone. The new living space does not increase density beyond what is typical or permitted in the area, and the unit is consistent in design and use with other properties in the neighborhood.

### **3. Substantial justice would be done to the property-owner by granting the variance, because:**

Without the variance, the owner would suffer financial and personal hardship from having created a safe and livable dwelling space that now cannot be legally occupied. The variance would allow the property owner to use the space as intended without negatively affecting the community or neighbors.

### **4. The proposed use will not diminish the values of surrounding properties, because:**

The structure has been converted to a neat, modern residential unit, which improves the overall appearance and usability of the property. There are no commercial or disruptive elements. Nearby properties will not be affected in value, and the neighborhood's character is preserved.

### **5. A.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 property had an existing garage structure that was converted into livable space. It is a unique lot in terms of layout and topography, and the use as a second dwelling unit is appropriate to the space without overcrowding. The restriction creates a hardship by not allowing use of an already existing and improved structure.

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

The property is large enough to support multiple units without causing overcrowding or strain on utilities. The garage-to-living space conversion makes practical use of the space while maintaining the residential nature

of the area. It does not alter the look or density of the neighborhood.



# TOWN OF HUDSON

## Land Use Division



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

### Complaint - Update Violation V2024-00058

April 29, 2025

Mr. Richard N. Breault  
Mr. Richard J. Breault  
72 Windham Rd  
Hudson, NH 03051

Hand-delivered

Re: 72 Windham Rd. Map 161, Lot 019-000  
District: General-One (G-1)

Dear Sirs,

Thank you for having a surveyor provide a certified plot plan of your property.

- According to the Town Assessor records, the existing home is classified as a two-family dwelling based on their observations at the time of their site visit.
- A building permit and inspections were not completed for an additional dwelling unit in the basement of the principal structure. Since the utilities are not separated for the two dwelling units, the Hudson Zoning Ordinance classifies this as an Accessory Dwelling Unit (ADU). It also meets the definition of an ADU which is: "A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal DWELLING UNIT it accompanies, as defined in RSA 674:71." *[Article XIII A: Accessory Dwelling Units; § 334-73.3 F, Provisions and Article III: Terminology; § 334-6, Definitions, Accessory Dwelling Unit (ADU)].*
- Additionally, a detached dwelling unit (structure) is located at the rear of the property, which did not receive a building permit and inspections. This now re-classifies the lot having a multi-family use with three (3) units and is not permitted in the G-1 district. *[Article V: Permitted Uses; § 334-21, Table of Permitted Principal Uses]*



**Because of the above violations, variances are required from the Zoning Board of Adjustment (ZBA) as follows:**

1. A variance since the unit is estimated to be greater than 750 square feet where the size of an ADU shall not be greater than 750 square feet. [*Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions*]
2. A variance to allow the continued multi-family use (3-units total) on the lot, which include the detached structure in the rear of the lot where this use is not permitted in the G-1 district. [*Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses*]

If you are successful in obtaining the above variances, you will need site plan approval from the Planning Board. Please contact the Planning Department about this process. [*Article III: General Regulations; §334-16.1, Site Plan Approval*]

Lastly, once you receive ZBA and Planning Board approvals, please contact Inspectional Services to have both dwellings inspected (ADU in basement and detached structure). Please call (603) 886-6005 for the inspections. [*Article III, General Regulations; §334-16, Building Permits*]

**Abatement Order:**

Please apply for the required variances by May 6, 2025 and contact me if you have any further questions.

Sincerely,



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

cc: Public Folder  
Brooke Dubowik (Planning Administrative Aide)  
Inspectional Services  
File

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



# TOWN OF HUDSON

## Land Use Division



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

March 20, 2025

Sent Via First Class Mail

Mr. and Mrs. Breault  
72 Windham Rd  
Hudson, NH 03051

Re: **72 Windham Rd 161 Lot 19-000**  
**District: General (G-1)**

Dear Mr. and Mrs. Breault,

I am checking in to see if you have found a Certified NH Land Surveyor yet. Please advise.

Two-family residences are permitted per the Hudson Zoning Ordinance, in the General One Zoning District (G-1) according to **§334-21 (A-2) Table of Permitted Principal Use**. Only single-family and two-family residential structures are allowed in the G-1 Zoning District.

The unit in the basement of your home could be a Accessory Dwelling Unit (ADU). There are size requirements for both a duplex and an ADU. An ADU is not allowed as a freestanding detached STRUCTURE or as part of any STRUCTURE which is detached from the principal dwelling. MANUFACTURED HOUSING, RECREATIONAL VEHICLES, or trailers may not be erected or added to the principal dwelling as an ADU per **§334-73.3 (H) Provisions**

H. The size of an ADU shall not be less than 350 square feet nor greater than 750 square feet. The size of the principal dwelling shall not be reduced to less than 850 square feet to accommodate the creation of an ADU. Measurement of size shall be consistent with the Town Assessor's practices. [2-2-2019 ATM, Art. 05, adopted 3-12-2019]

### **§ 334-16 Building Permits**

[Amended 3-14-1995 by Amdt. Nos. 7 and 8; 3-10-1998; 3-4-2000; 3-9-2004; 3-13-2012 by Amdt. Nos. 1 and 2] Any person, firm, or corporation shall obtain a building permit before commencing work on the erection, alteration, or movement of any building or structure, except as exempted under Subsection A. For one- and two-family dwellings, the Town of Hudson has adopted by reference and follows the 2009 International Residential Code for One- and Two-Family Dwellings. The Town of Hudson also adopts by reference the Americans with Disabilities

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

Act (ADA) as outlined in 28 CFR Part 36. For structures other than one- and two-family dwellings, the Town of Hudson shall enforce the current provisions of the State Building Code as promulgated pursuant to RSA 155-A:1, as may be amended from time to time. Whenever a provision of this ordinance differs from the authority of the 2009 International Residential Code for one- and two-family dwellings, the provision that imposes the greater restriction or higher standard shall be controlling.

(2) No permit shall be issued for the construction of a dwelling unless plans therefor provide for the following:

(b) Duplex residential buildings shall have a minimum of 1,500 square feet of living area.

- All utilities must be separate for the two unit,

**Abatement Order:**

Please contact me by **April 15, 2025** to confirm you are working with a Surveyor to bring your property into compliance.

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

Sincerely,



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

cc: Public Folder  
Brooke Dubowik (Planning Administrative Aide)  
Inspectional Services  
File

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

LUC: 1040  
Print Date: 4/28/2025 9:56:38 AM

CURRENT OWNER				ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)									
BREAULT, RICHARD N. BREAULT, RICHARD J. 72 WINDHAM RD				Nbhd		Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed	
				RE		Residential Average		2024	1040	372,900	2024	1040	372,900	2023	1040	372,900	
				TOPO		UTILITIES			1040	168,700		1040	168,700		1040	168,700	
				Abv St		Town Water			1040	60,600		1040	60,600		1040	60,600	
						Town Sewer											
HUDSON NH 03051								Total		602,200	Total		602,200	Total		602,200	
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY					
BREAULT, RICHARD N. BREAULT, RICHARD N. SIMARD, DONALD N., TR. SIMARD, DONALD N.				9842	2617	03-14-2025	U	I	0	38	Grantor: SIMARD, DONALD N., TR., Grantor: SIMARD, DONALD N., Grantor: SIMARD, DONALD N.	Appraised Bldg. Value (Card)			287,000		
				9188	0977	07-15-2019	Q	I	425,000	00		Appraised Xf (B) Value (Bldg)			85,900		
				8180	2861	02-10-2010	U	I	0	44		Appraised Ob (B) Value (Bldg)			74,900		
				5414	0126	03-10-1993	Q	I		00		Appraised Land Value (Bldg)			168,700		
SUPPLEMENTAL DATA				CURRENT ASSESSMENT								Special Land Value					
Parcel ID 161-019-000 Zoning G1:General-1 Flood Hazard C Neigh/Abut1 Neigh/Abut2 Neigh/Abut3 GIS ID 161-019-000 PREV 0031-0105-0000 Assoc Pid#				Descript	Code			Appraised	Assessed	Total Appraised Parcel Value				616,500			
				BLDG	1040			372,900	372,900	Valuation Method				C			
				LAND	1040			168,700	168,700								
				OB	1040			74,900	74,900								
						Total:		616,500	616,500	Total Appraised Parcel Value			616,500				
NOTES											VISIT / CHANGE HISTORY						
ADJUSTED LAND SIZE PER PLAN #10094. ALSO HAS WELL & SEPTIC IN PLACE. BMT OF GAR HAS FURNACE.											Date	Id	Cd	Purpost/Result			
											10-08-2024	21	20	Other Change			
											05-20-2022	21	15	Permit Visit			
											10-25-2019	12	30	Sales Data Verification			
											06-26-2012	12	11	Entry Denied			
											07-10-2009	10	06	Info By Phon			
											07-09-2009	10	02	Measured			
											07-15-2005	01	71	Acreage Adjustment From New Map			
04-09-2005	06	02	Measured														
BUILDING PERMIT RECORD																	
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant		SQ ft	Comments								
2021-01059	10-06-2021	ELEC	Electrical	0	C												
2020-00423	05-29-2020	MECH	Mechanical		C												
LAND LINE VALUATION SECTION																	
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment				Notes	Land Value
1	1040	TWO-FAMILY DWELLIN	Site	1.000	AC	170,000	1.00	5	1.00	RE	1.00	Location	0.95			161,500	
1	1040	TWO-FAMILY DWELLIN	Excess	2.390	AC	6,000	1.00	0	1.00	RE	1.00	Topo	0.50			7,200	
Total Card Land Units:				3.390 AC		Parcel Total Land Area:				3.390		AC		Total Land Value:		168,700	

Property Location: 72 WINDHAM RD  
Vision ID: 4546 Account #: 5870

Parcel ID: 161/019/000//  
Bldg #: 1

Card Address:  
Card #: 1 of 1

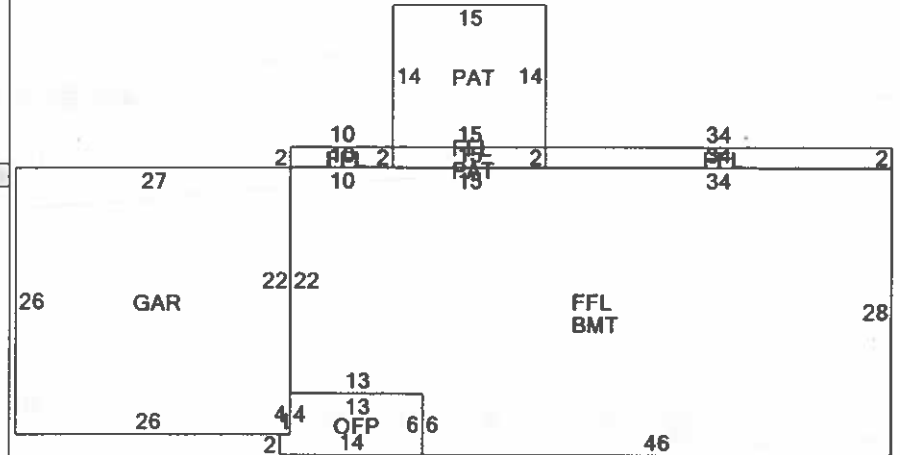
LUC: 1040  
Print Date: 4/28/2025 9:56:38 AM

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	Average
Stories:	1		Extra Kitchens	1	
Style:	01	Ranch	Add Kitchen Ra	AV	
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	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	100				
Total Rooms	6				
Bedrooms	3				
Full Baths	2				
3/4 Baths	1				
Half Baths	1				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	AV	Average			
Half Bath Rating	AV	Average			
Bsmt Garage	0				
Fireplace(s)	2				
Fireplace Rating	GD	Good			
WS Flues	0				
Color	TAN				
Avg Ht/FL	8				
Extra Kitchens	1				

#### COST / MARKET VALUATION

Building Value New	367,887
Year Built	1967
Effective Year Built	2000
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	22
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	NC
Condition %	0
Percent Good	78
RCNLD	287,000
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

#### SKETCH / PRIMARY PHOTO



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
GAR1BL	Garage, with Bmt&Loft-Not Fi	L	936	SQ. FT	76.10	1967	GD	80	57,000
GAR1L	Garage, With Unfinished Loft	L	864	SQ. FT	41.55	1967	FR	50	17,900
XFAPT	Apartment	B	1,574	SQ. FT	70.00	1967	AV	78	85,900

#### BUILDING SUB-AREA SUMMARY SECTION

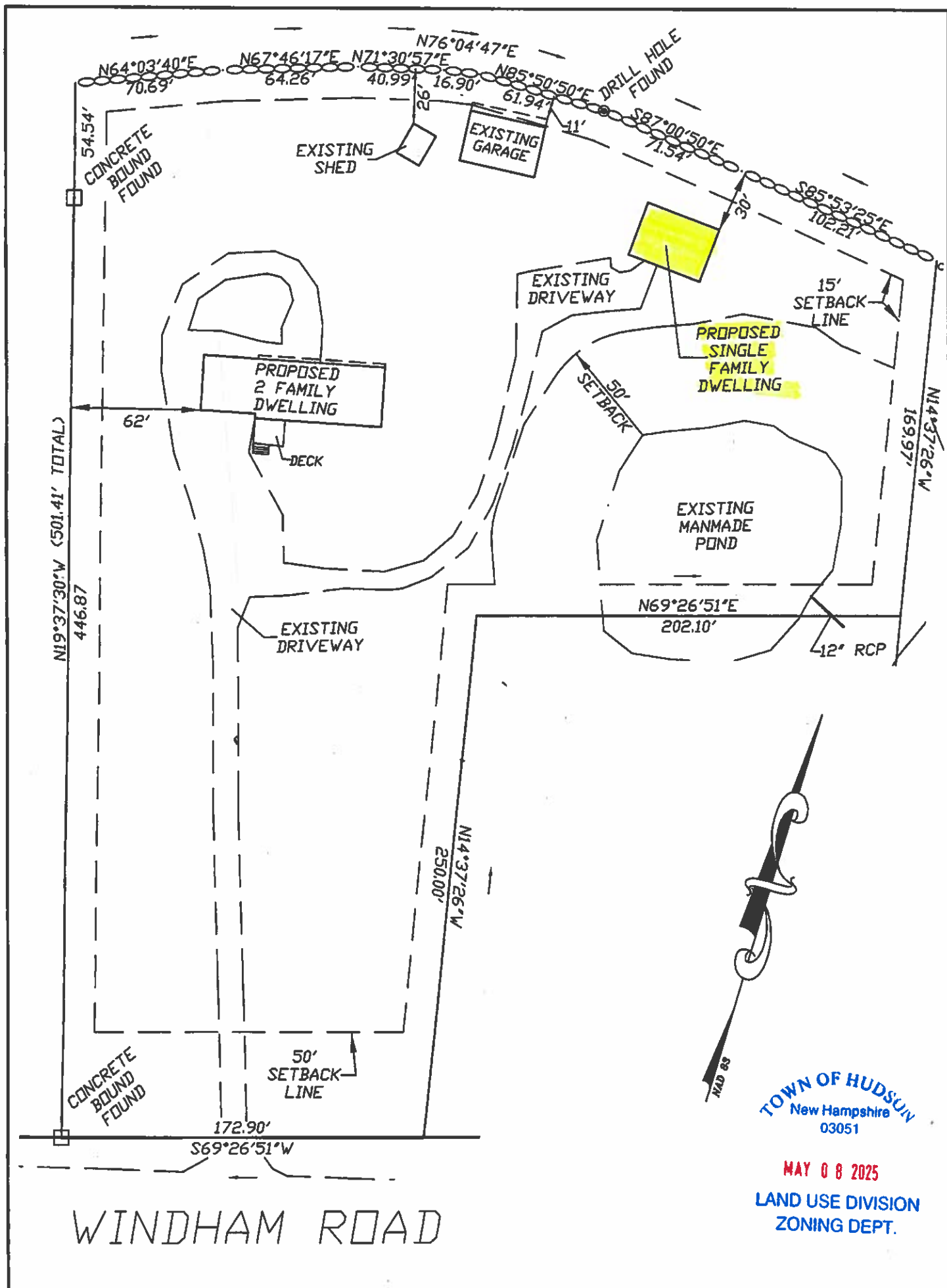
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,574	394	38.82	61,108
FFL	First Floor, Finished	1,692	1,692	1,692	155.10	262,422
GAR	Garage	0	702	246	54.35	38,154
OFP	Open Frame Porch	0	80	16	31.02	2,482
PAT	Patio	0	240	24	15.51	3,722
Total Liv Area/Gr. Area/Eff Are		1,692	4,288	2,372	Total Value	367,888











PROPERTY LOCATION:

I CERTIFY THAT THE IMPROVEMENTS SHOWN HERE ON ARE BASED ON ACTUAL FIELD MEASUREMENTS TAKEN IN MARCH AND APRIL 2025.

DEED REF: HCRD BK 9188 PG 977 & BK 9842 PG 2617

PLOT PLAN

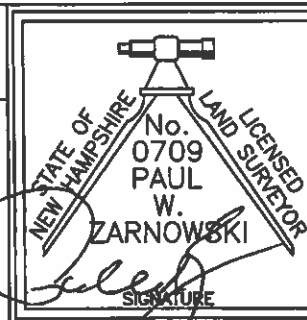
E.N. HERBERT ASSOC. INC.  
ONE FROST ROAD  
WINDHAM, N.H. 03087

PREPARED FOR:

RICHARD N. BREAUT  
72 WINDHAM ROAD  
HUDSON, NH 03051

REV. 5-8-25  
APRIL 17, 2025

SCALE: 1"=60'



Printed  
4/30/2025  
12:14PM  
Created  
4/30/2025  
12:10 PM

## Transaction Receipt

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

Receipt# 818,256  
publicw

Description		Current Invoice	Payment	Balance Due	
1.00	Zoning Application (Multifamily Use) 72 Windham Rd Map 169, Lot 019-000 Zone G-1 Variance A	0.00	262.6500	0.00	
			Total:	262.65	
Remitter	Pay Type	Reference	Tendered	Change	Net Paid
BREAULT/RICHARD	CREDIT	4783	262.65	0.00	262.65
Total Due:					262.65
Convenience Fee:					7.75
Total Tendered:					270.40
Total Change:					0.00
Net Paid:					270.40

### SERVICE CHARGE NOTICE

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

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

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

SIGNED  DATE: 4/30/25 Type: MC Visa Amex

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

On **05/22/2025**, the Zoning Board of Adjustment heard **Case 161-019 A**, being a case brought by **Richard N. Breault, 72 Windham Rd., Hudson, NH** requests a Variance to allow a “proposed” additional single-family dwelling (approx. 972 SF) to remain in the rear of the lot. The structure was previously a garage but the dwelling was constructed w/o a building permit thus changing the Use on the lot to three (3) dwelling units or a multifamily dwelling Use where this is not permitted in the General-One (G-1) district. [Map 161, Lot 019, Sublot-000; Zoned General-One (G-1); HZO Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]

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:

<b>Y</b>	<b>N</b>	<b>1.</b> 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/>		

<b>Y</b>	<b>N</b>	<b>2.</b> 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/>		

<b>Y</b>	<b>N</b>	<b>3.</b> 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/>		
<hr/>		

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

**(Continue-next page-Hardship Criteria) (TURN OVER)**

**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

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(2) The proposed use is a reasonable one.

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**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.

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

Signed: \_\_\_\_\_

Sitting member of the Hudson ZBA

Date

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

Stipulations: \_\_\_\_\_

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APR 30 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. 161-019 B (05-22-25)

Date Filed 4/30/25

Name of Applicant Richard Breault Map: 161 Lot: 019 Zoning District: 61

Telephone Number (Home) 281 215-3544 (Work) \_\_\_\_\_

Mailing Address 72 Windham Rd Hudson NH 03051

Owner Richard Breault

Location of Property 72 Windham Rd Hudson NH 03051

(Street Address)

Signature of Applicant [Signature] Date 4-29-25

Signature of Property-Owner(s) [Signature] Date 4-29-25

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: 4/30/25

## COST:

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

### Abutter Notice:

13 Direct Abutters x Certified postage rate \$ N/C = \$ -

7 Indirect Abutters x First Class postage rate \$ N/C = \$ -

**Total amount due:** \$ 185 -

Amt. received: \$ 185 -

Receipt No.: 818,317

Received by: [Signature]

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

Engineering ☒ Fire Dept. ☒ Health Officer ☒ Assoc Planner ☒ Other \_\_\_\_\_



# TOWN OF HUDSON, NH

## Variance Application Checklist

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

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



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).

- T6

*[Signature]*

4-29-25

Date \_\_\_\_\_

Signature of Applicant(s)

4-29-25

# 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)	
161	019-000	Richard Brault	72 Windham RD
161	005-000	MORIN RUSSELL Sundstrom / morin / ANNE TR.	118 BARRETT'S Hill RD
161	021-000	Reina Hernandez FERNANDO Dominguez	76 Windham RD
161	020-000	Scott Lawton	74A Windham RD
161	009-000	Lyman Lewis	126 BARRETT'S Hill RD
161	018-000	Arthur + Cheryl / Marshall	70 Windham RD
161	014-000	1. & 2nd John Perry + Patricia Sullivan	70R Windham RD
161	017-001	Kevin W. Mitstifer	69B Windham RD
161	017 002	JUNA TEMALI WARREN Johnson	69A Windham RD
161	017003	Michael Joseph Couture	71B Windham RD
161	017004	Kevin D Aimee Williams	71A Windham RD
161	017005	Derek Lawrence Neill ERICA Rosamond Neill Sen	73 Windham RD
161	008000	Ronald + LAURA I COX	124 BARRETT'S Hill RD

# ALL INDIRECT ABUTTERS WITHIN 200 FEET

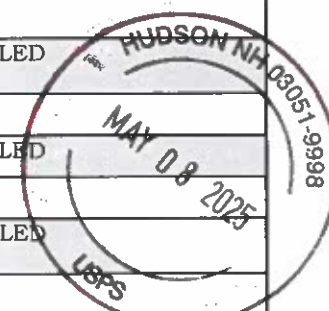
List name(s) and mailing addresses of all indirect abutters (those whose property is not contiguous but is within 200 feet from the property in question) as of the time of the last assessment of taxation made by the Town of Hudson. For indirect abutting properties being under a condominium or other collective 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
161	022000	Russell THOMAS Flavelling	78 Windham RD
161	007000	CHAD TREASA Zink RICHARD Dinoliti	122 Barretts Hill RD
161	015000	Joyce Robbins	65 Windham RD
161	010000	Stephen JARRY Donna	128 Barretts Hill RD
161	013000	Bertha Ashford	68 Windham RD
161	006001	Charles Patrick W. to Henry	120A Barretts Hill RD
161	006002	Mackenzie Radville	120B Barretts Hill RD

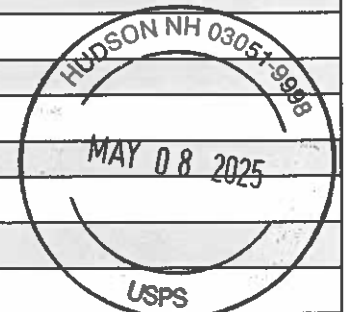
**USPS-Verified Mail**

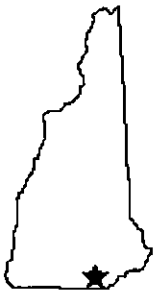
<b>SENDER:</b>	<b>TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051</b>	<b>US POSTAL SERVICE - CERTIFIED MAIL</b>	<b>Case# 161-019 VARIANCES A &amp; B 72 Windham Rd., Hudson, NH 03051 Map 161, Lot 019, Sublot-000 (1 of 1)</b>
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>	<b>05/22/2025 ZBA Meeting</b>
1	9589 0710 5270 0646 5671 48	BREAULT, RICHARD N.; BREAULT, RICHARD J. 72 WINDHAM RD., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
2	9589 0710 5270 0646 5671 55	SUNDSTROM-MORIN, ANNE, TR.; MORIN, RUSSELL H., TR. 118 BARRETT'S HILL ROAD HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	9589 0710 5270 0646 5671 62	COX, RONALD T., TR.; RITTER-COX, LAURA I., TR. 124 BARRETT'S HILL ROAD HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	9589 0710 5270 0646 5671 79	LEWIS, LYMAN 126 BARRETT'S HILL ROAD HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	9589 0710 5270 0646 5671 86	PERRY, JOHN P., LIFE EST; SULLIVAN, PETRINA 70 R WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	9589 0710 5270 0646 5671 93	MITSTIFER, KEVIN W. 69B WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	9589 0710 5270 0646 5672 09	JOHNSON, WARREN; TEMALI, JUNA 69A WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	9589 0710 5270 0646 5672 16	COUTURE, MICHAEL JOSEPH 71 B WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	9589 0710 5270 0646 5672 23	WILLIAMS, KEVIN D. & AIMEE 71A WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	9589 0710 5270 0646 5672 30	NIELSEN, DEREK LAWRENCE; NIELSEN, ERICA ROSAMOND 73 WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
11	9589 0710 5270 0646 5672 47	MARSHALL, ARTHUR; MARSHALL, CHERYL P. 70 WINDHAM ROAD, HUDSON, NH 03051	ABUTTER NOTICE MAILED
12	9589 0710 5270 0646 5672 54	LAWTON, SCOTT 74A WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
13	9589 0710 5270 0646 5672 61	HERNANDEZ, REINA; DOMINGUEZ, FERNANDO 76 WINDHAM RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
	<b>Total Number of pieces listed by sender 13</b>	<b>Total number of pieces rec'd at Post Office</b> 13	<b>Postmaster (receiving Employee)</b> <i>[Signature]</i>



# USPS-First Class Mail

<b>SENDER:</b>	<b>TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051</b>	<b>US POSTAL SERVICE - CLASS MAIL</b>	<b>FIRST</b>	<b>Case# 161-019      VARIANCES A &amp; B 72 Windham Rd., Hudson, NH 03051 Map 161, Lot 019, Sublot-000      (1 of 1)</b>
	<b>ARTICLE NUMBER</b>	<b>Name of Addressee, Street, and post office address</b>		<b>05/22/2025 ZBA Meeting</b>
1	Mailed First Class	WHITEHEAD, CHARLES PATRICK 120 A BARRETTS HILL RD. HUDSON, NH 03051		ABUTTER NOTICE MAILED
2	Mailed First Class	RADVILE, MACKENZIE 120B BARRETTS HILL RD. HUDSON, NH 03051		ABUTTER NOTICE MAILED
3	Mailed First Class	ZINK, CHAD; ZINK, TREASA 122 BARRETTS HILL RD. HUDSON, NH 03051		ABUTTER NOTICE MAILED
4	Mailed First Class	JARRY, STEPHEN; JARRY, DONNA 128 BARRETTS HILL ROAD HUDSON, NH 03051		ABUTTER NOTICE MAILED
5	Mailed First Class	ASHFORD, BERTHA C. 68 WINDHAM RD., HUDSON, NH 03051		ABUTTER NOTICE MAILED
6	Mailed First Class	DINOLTI, RICHARD R.; ROBBINS, JOYCE 65 WINDHAM ROAD, HUDSON, NH 03051		ABUTTER NOTICE MAILED
7	Mailed First Class	FLEWELLING, RUSSELL R., TR.; FLEWELLING, THOMAS S., TR. 78 WINDHAM ROAD, HUDSON, NH 03051		ABUTTER NOTICE MAILED
8				
9				
10				
11				
	<b>Total Number of pieces listed by sender 7</b>	<b>Total number of pieces rec'd at Post Office</b>		<b>Postmaster (receiving Employee)</b>





# 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

May 7, 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, May 22, 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 161-019 (05-22-25):** Richard N. Breault, 72 Windham Rd., Hudson, NH [Map 161, Lot 019, Sublot-000; Zoned General-One (G-1)] requests two (2) Variances as follows:

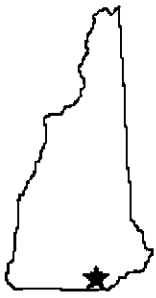
- A. A Variance to allow a “proposed” additional single family dwelling (approx. 972 SF) to remain in the rear of the lot. The structure was previously a garage but the dwelling was constructed w/o a building permit thus changing the Use on the lot to three (3) dwelling units or a multifamily dwelling Use where this is not permitted in the General-One (G-1) district. [Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]
- B. A Variance to allow a “proposed” Accessory Dwelling Unit (ADU) greater than 750 SF in the basement of the principal structure to remain where the size of an ADU shall not be greater than 750 square feet. The ADU currently exists constructed w/o a building permit. [Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions]

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

May 7, 2025

### **ABUTTER NOTIFICATION**

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**Case 161-019 (05-22-25): Richard N. Breault, 72 Windham Rd., Hudson, NH [Map 161, Lot 019, Sublot-000; Zoned General-One (G-1)] requests two (2) Variances as follows:**

- A. A Variance to allow a “proposed” additional single family dwelling (approx. 972 SF) to remain in the rear of the lot. The structure was previously a garage but the dwelling was constructed w/o a building permit thus changing the Use on the lot to three (3) dwelling units or a multifamily dwelling Use where this is not permitted in the General-One (G-1) district. [Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]**
- B. A Variance to allow a “proposed” Accessory Dwelling Unit (ADU) greater than 750 SF in the basement of the principal structure to remain where the size of an ADU shall not be greater than 750 square feet. The ADU currently exists constructed w/o a building permit. [Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions]**

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

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

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

Respectfully,

Chris Sullivan,  
Zoning Administrator

APPLICATION FOR A VARIANCE

This form constitutes a request for a variance from the literal provisions of the Hudson Zoning Ordinance Article XIII of HZO Section(s) 334-73.3 H in order to permit the following:

APPROVAL OF ADD. 7750 SF  
BECAUSE I LIVE WITH MY DISABLED SON AND USE BASEMENT AS ADD FOR MY GRANDSON WITH WHOM I RAISED AND HAD CUSTODY OF WITH MY WIFE AND STAYS WITH ME AND MY SON AND WE USE AS GAME ROOM

**FACTS SUPPORTING THIS REQUEST:**

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

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

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

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

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

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

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

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

## FACTS SUPPORTING THIS REQUEST:

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

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

(See attached)

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

(see attached)

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

SEE ATTACHED

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

(see Attached)

**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

SEE Attached

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

SEE Attached.

- 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.

## **Variance Request Responses for ADU Conversion**

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

The requested variance would allow an existing in-law apartment to be used as an ADU, which is in line with the growing public interest in supporting multi-generational living and creating flexible housing options. The unit is already built, safe, and has functioned without any disturbance to neighbors. Allowing this variance would not alter the character of the neighborhood or create any negative health, safety, or welfare impacts. The building footprint and appearance will remain unchanged.

### **2. The proposed use will observe the spirit of the ordinance, because:**

The purpose of ADU ordinances is to increase housing opportunities in a safe and regulated manner. This in-law apartment already exists on the property and was designed for residential use. While it is slightly over 750 sq ft, it fits the spirit of the ordinance by remaining subordinate to the main home, fitting within the lot, and having no adverse effect on the neighborhood.

### **3. Substantial justice would be done to the property-owner by granting the variance, because:**

Denying the variance would create unnecessary hardship, as the unit already exists and was intended to serve as housing for family members. Granting the variance would allow the homeowner to make reasonable use of their property in a way that causes no harm to the public or neighboring properties. Additionally, the unit would provide housing for the applicant's son, who is legally blind, making it a critical accommodation for a family member with a disability. Granting this variance supports safe, independent living in close proximity to family assistance if needed.

### **4. The proposed use will not diminish the values of surrounding properties, because:**

The in-law apartment has been part of the property without any reported issues or complaints. It is fully enclosed, consistent with the appearance of the home, and well-maintained. There is no evidence to suggest that granting the variance will impact surrounding property values - in fact, additional housing flexibility may increase neighborhood value over time.

MAY 02 2025  
LAND USE DIVISION  
ZONING DEPT.

## Variance Application - ADU Size Exception

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:

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:

This property has always included an in-law apartment as part of its original construction. Due to the existing layout and the unit's square footage—over 750 sq ft—strict enforcement of the ADU ordinance would require substantial alterations or a reduction in living space that would serve no practical purpose. The space has long functioned as a self-contained living area and already meets all criteria for safe, independent, and accessible housing. The proposed ADU designation is for a legally blind adult son who requires this type of accommodation to live independently. The existing structure already supports this need without any changes to the neighborhood or property footprint.

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

The property's original design and current configuration already provide a fully functional, separate living space. This makes it uniquely suited for an ADU designation without requiring expansion or modification. The intended use—for a legally blind adult son—supports both independence and proximity to family for support. Allowing the ADU designation is a reasonable and necessary accommodation that ensures safe, accessible, multi-generational housing in line with the town's goals. The use is consistent with the neighborhood and does not negatively impact surrounding properties.





# TOWN OF HUDSON

## Land Use Division



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

### Complaint - Update Violation V2024-00058

April 29, 2025

Mr. Richard N. Breault  
Mr. Richard J. Breault  
72 Windham Rd  
Hudson, NH 03051

Hand-delivered

Re: 72 Windham Rd. Map 161, Lot 019-000  
District: General-One (G-1)

Dear Sirs,

Thank you for having a surveyor provide a certified plot plan of your property.

- According to the Town Assessor records, the existing home is classified as a two-family dwelling based on their observations at the time of their site visit.
- A building permit and inspections were not completed for an additional dwelling unit in the basement of the principal structure. Since the utilities are not separated for the two dwelling units, the Hudson Zoning Ordinance classifies this as an Accessory Dwelling Unit (ADU). It also meets the definition of an ADU which is: "A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal DWELLING UNIT it accompanies, as defined in RSA 674:71." *[Article XIII A: Accessory Dwelling Units; § 334-73.3 F, Provisions and Article III: Terminology; § 334-6, Definitions, Accessory Dwelling Unit (ADU)].*
- Additionally, a detached dwelling unit (structure) is located at the rear of the property, which did not receive a building permit and inspections. This now re-classifies the lot having a multi-family use with three (3) units and is not permitted in the G-1 district. *[Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses]*

**Because of the above violations, variances are required from the Zoning Board of Adjustment (ZBA) as follows:**

1. A variance since the unit is estimated to be greater than 750 square feet where the size of an ADU shall not be greater than 750 square feet. [*Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions*]
2. A variance to allow the continued multi-family use (3-units total) on the lot, which include the detached structure in the rear of the lot where this use is not permitted in the G-1 district. [*Article V: Permitted Uses; §334-21, Table of Permitted Principal Uses*]

If you are successful in obtaining the above variances, you will need site plan approval from the Planning Board. Please contact the Planning Department about this process. [*Article III: General Regulations; §334-16.1, Site Plan Approval*]

Lastly, once you receive ZBA and Planning Board approvals, please contact Inspectional Services to have both dwellings inspected (ADU in basement and detached structure). Please call (603) 886-6005 for the inspections. [*Article III, General Regulations; §334-16, Building Permits*]

**Abatement Order:**

Please apply for the required variances by May 6, 2025 and contact me if you have any further questions.

Sincerely,



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

cc: Public Folder  
Brooke Dubowik (Planning Administrative Aide)  
Inspectional Services  
File

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

Property Location: 72 WINDHAM RD  
Vision ID: 4546 Account #: 5870

Parcel ID: 161/ 019/ 000/ 1

Bldg #: 1

Card Address:  
Card #: 1 of 1

LUC: 1040  
Print Date: 4/28/2025 9:56:38 AM

Vision ID: 4546		Account #: 5870		Orig #:		PREVIOUS ASSESSMENTS (HISTORY)							
CURRENT OWNER		ASSESSING NEIGHBORHOOD			Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
BREAUULT, RICHARD N.		Nbhd	Nbhd Name		2024	1040	372,900	2024	1040	372,900	2023	1040	372,900
BREAUULT, RICHARD J.		RE	Residential Average										
72 WINDHAM RD		TOPO	UTILITIES										
		Abv St	Town Water										
			Town Sewer										
HUDSON NH 03051					Total	602,200	Total	602,200	Total	602,200			

RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE	Q/U	VI	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY		
BREAUULT, RICHARD N. BREAUULT, RICHARD N. SIMARD, DONALD N. , TR. SIMARD, DONALD N.		9842	2617	03-14-2025	U	I	0	38	Grantor: SIMARD, DONALD N. , TR., Grantor: SIMARD, DONALD N. , Grantor: SIMARD, DONALD N. ,	Appraised Bldg. Value (Card)		287,000
		9188	0977	07-15-2019	Q	I	425,000	00		Appraised Xf (B) Value (Bldg)		85,900
		8180	2861	02-10-2010	U	I	0	44		Appraised Ob (B) Value (Bldg)		74,900
		5414	0126	03-10-1993	Q	I		00		Appraised Land Value (Bldg)		168,700
									Special Land Value		0	
CURRENT ASSESSMENT												

SUPPLEMENTAL DATA			CURRENT ASSESSMENT					
Parcel ID	161-019-000	PREV 0031-0105-0000 Assoc Pid#	Descript	Code	Appraised	Assessed		
Zoning	G1:General-1		BLDG	1040	372,900	372,900		
Flood Hazard	C		LAND	1040	168,700	168,700		
Neigh/Abut1			OB	1040	74,900	74,900		
Neigh/Abut2			Total:		616,500	616,500		
Neigh/Abut3								
GIS ID	161-019-000							

NOTES				VISIT / CHANGE HISTORY			
ADJUSTED LAND SIZE PER PLAN #10094. ALSO HAS WELL & SEPTIC IN PLACE. BMT OF GAR HAS FURNACE.				Date	Id	Cd	Purpost/Result
				10-08-2024	21	20	Other Change
				05-20-2022	21	15	Permit Visit
				10-25-2019	12	30	Sales Data Verification
				06-26-2012	12	11	Entry Denied
				07-10-2009	10	06	Info By Phon
				07-09-2009	10	02	Measured
				07-15-2005	01	71	Acreage Adjustment From New Map
				04-09-2005	06	02	Measured

BUILDING PERMIT RECORD									
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments	
2021-01059 2020-00423	10-06-2021 05-29-2020	ELEC MECH	Electrical Mechanical	0	C C				

LAND LINE VALUATION SECTION																	
B #	Land Use Code	Description	Land Type	Land Units	Unit Price	Acreage Disc	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment				Notes	Land Value
1	1040	TWO-FAMILY DWELLIN	Site	1.000	AC	170,000		1.00	5	1.00	RE	1.00	Location	0.95			161,500
1	1040	TWO-FAMILY DWELLIN	Excess	2.390	AC	6,000		1.00	0	1.00	RE	1.00	Topo	0.50			7,200
Total Card Land Units:				3.390	AC	Parcel Total Land Area:				3.390	AC	Total Land Value:				168,700	

Property Location: 72 WINDHAM RD  
Vision ID: 4546 Account #: 5870

Parcel ID: 161/ 019/ 000/ 1  
Bldg #: 1

Card Address:  
Card #: 1 of 1

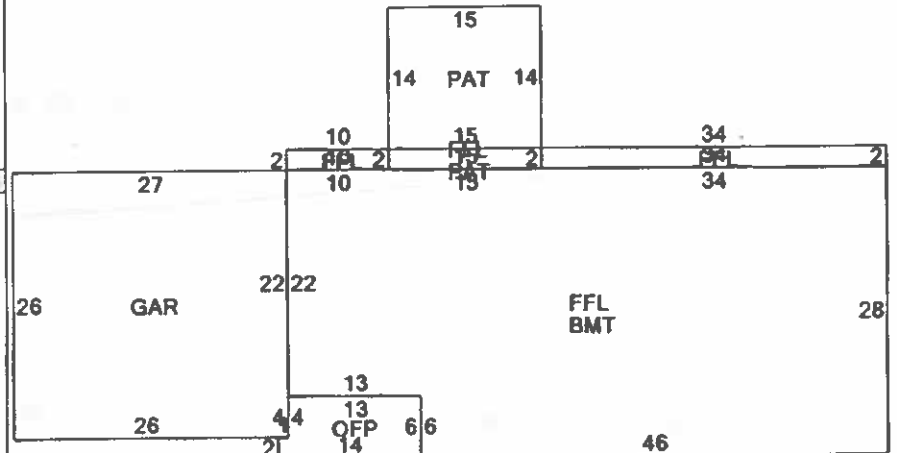
LUC: 1040  
Print Date: 4/28/2025 9:56:38 AM

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1		Extra Kitchens	1	
Style:	01	Ranch	Add Kitchen Ra	AV	Average
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	03	Hardwood			
Heat Fuel	02	Gas			
Heat Type	03	Forced Hw			
# Heat Systems	1				
AC Percent	100				
Total Rooms	6				
Bedrooms	3				
Full Baths	2				
3/4 Baths	1				
Half Baths	1				
Extra Fixtures	0				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	AV	Average			
Half Bath Rating	AV	Average			
Bsmt Garage	0				
Fireplace(s)	2				
Fireplace Rating	GD	Good			
WS Flues	0				
Color	TAN				
Avg Ht/FL	8				
Extra Kitchens	1				

#### COST / MARKET VALUATION

Building Value New	367,887
Year Built	1967
Effective Year Built	2000
Depreciation Code	AV
Remodel Rating	
Year Remodeled	
Depreciation %	22
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	NC
Condition %	0
Percent Good	78
RCNLD	287,000
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

#### SKETCH / PRIMARY PHOTO



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value
GAR1BL	Garage, with Bmt&Loft-Not Fi	L	936	SQ. FT	76.10	1967	GD	80	57,000
GAR1L	Garage, With Unfinished Loft	L	864	SQ. FT	41.55	1967	FR	50	17,900
XFAPT	Apartment	B	1,574	SQ. FT	70.00	1967	AV	78	85,900

#### BUILDING SUB-AREA SUMMARY SECTION

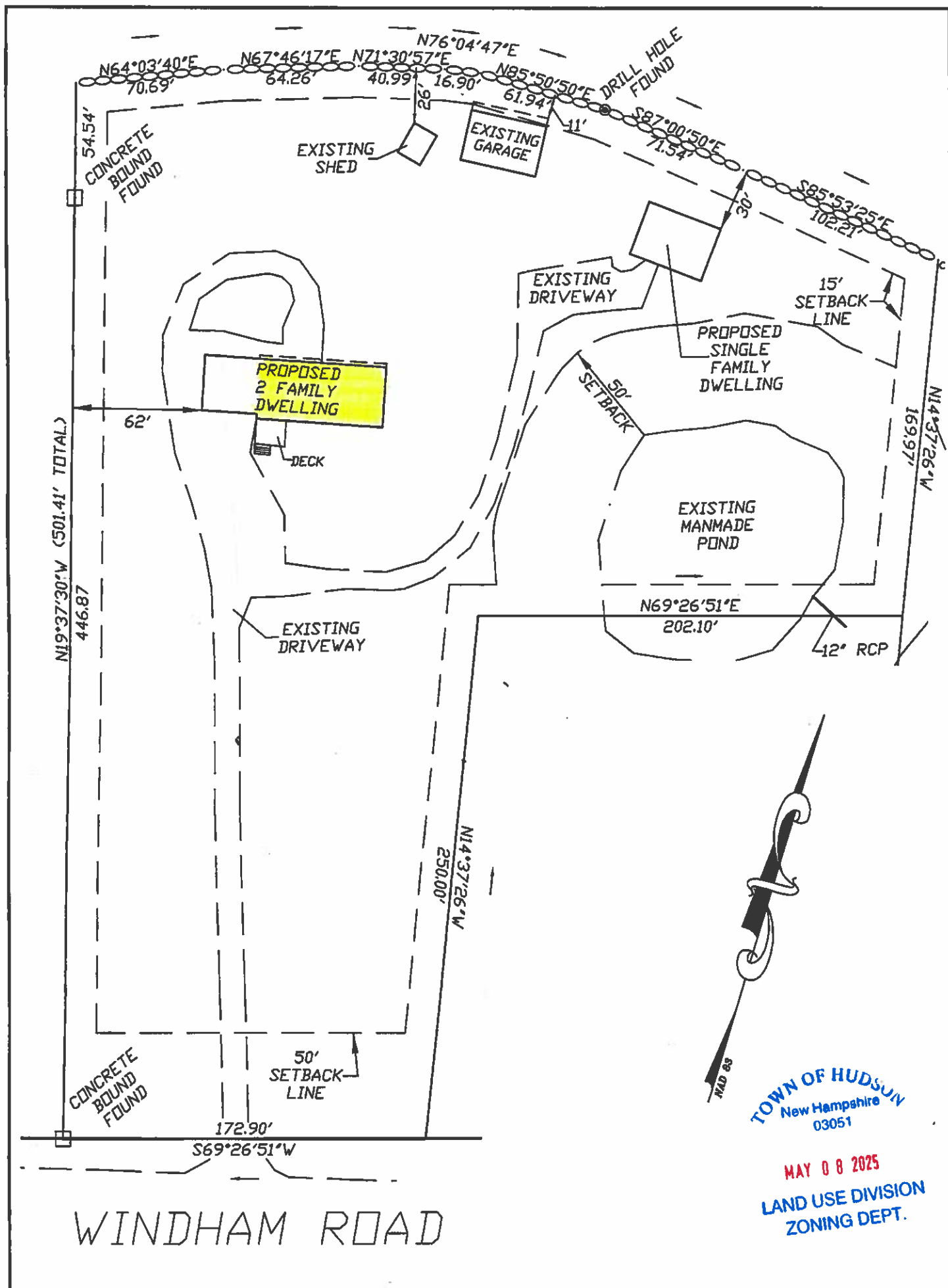
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BMT	Basement, Unfinished	0	1,574	394	38.82	61,108
FFL	First Floor, Finished	1,692	1,692	1,692	155.10	262,422
GAR	Garage	0	702	246	54.35	38,154
OPF	Open Frame Porch	0	80	16	31.02	2,482
PAT	Patio	0	240	24	15.51	3,722
Total Liv Area/Gr. Area/Eff Are		1,692	4,288	2,372	Total Value	367,888











TOWN OF HUDSON  
New Hampshire  
03051

MAY 08 2025  
LAND USE DIVISION  
ZONING DEPT.

PROPERTY LOCATION:

I CERTIFY THAT THE IMPROVEMENTS SHOWN HERE ON ARE BASED ON ACTUAL FIELD MEASUREMENTS TAKEN IN MARCH AND APRIL 2025.

DEED REF: HCRD BK 9188 PG 977 & BK 9842 PG 2617

PLOT PLAN

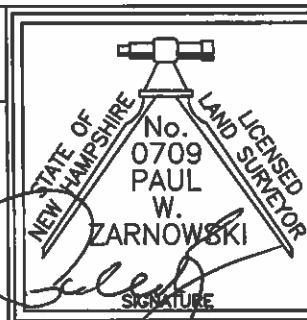
E.N. HERBERT ASSOC. INC.  
ONE FROST ROAD  
WINDHAM, N.H. 03087

PREPARED FOR:

RICHARD N. BREAUT  
72 WINDHAM ROAD  
HUDSON, NH 03051

REV. 5-8-25  
APRIL 17, 2025

SCALE: 1"=60'



Printed  
4/30/2025  
3:27PM  
Created  
4/30/2025  
3:19 PM

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

Receipt# 818,317  
tgoodwyn

Description		Current Invoice	Payment	Balance Due	
1.00	Zoning Application-5/22/25 ZBA Mtg. 72 Windham Rd Map 161, Lot 019-000 Zone G-1 Variance B (ADU>750)	0.00	185.0000	0.00	
			Total:	185.00	
Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Chad Breault	CSH	CASH-TG	185.00	0.00	185.00
			Total Due:	185.00	
			Total Tendered:	185.00	
			Total Change:	0.00	
			Net Paid:	185.00	

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

On **05/22/2025**, the Zoning Board of Adjustment heard **Case 161-019 B**, being a case brought by **Richard N. Breault, 72 Windham Rd., Hudson, NH** requests a Variance to allow a “proposed” Accessory Dwelling Unit (ADU) greater than 750 SF in the basement of the principal structure to remain where the size of an ADU shall not be greater than 750 square feet. The ADU currently exists constructed w/o a building permit. [Map 161, Lot 019, Sublot-000; Zoned General-One (G-1); HZO Article XIII A: Accessory Dwelling Units; § 334-73.3 H. Provisions]

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:

<b>Y</b>	<b>N</b>	<b>1.</b> 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/>		

<b>Y</b>	<b>N</b>	<b>2.</b> 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/>		

<b>Y</b>	<b>N</b>	<b>3.</b> 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/>		
<hr/>		

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

**(Continue-next page-Hardship Criteria) (TURN OVER)**

**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**

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(2) The proposed use is a reasonable one.

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**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.

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

Signed: \_\_\_\_\_

Sitting member of the Hudson ZBA

\_\_\_\_\_ Date

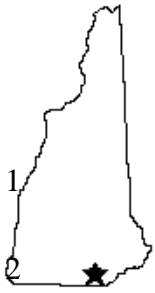
Print name: \_\_\_\_\_

Stipulations: \_\_\_\_\_

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# 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 MINUTES – April 24, 2025 - draft

The Hudson Zoning Board of Adjustment met 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.

#### I. CALL TO ORDER

#### II. PLEDGE OF ALLEGIANCE

#### III. ATTENDANCE

#### IV. SEATING OF ALTERNATES

Acting Chairman Normand Martin called the meeting to order at 7:00 PM, invited everyone to stand for the Pledge of Allegiance and presented the Preamble (Exhibit A in the Board's Bylaws) regarding the procedure and process for the meeting.

Clerk Dion called the attendance. Members present were Tristan Dion (Regular/Clerk), Tim Lanphear (Regular), Normand Martin (Regular/Vice Chair).and Dean Sakati (Regular). Excused was Zachary McDonough (Alternate). Also present were Dillon Dumont, Selectman Liaison, Louise Knee, Recorder (remote) and Chris Sullivan, Zoning Administrator. It was noted that there would only be four (4) Voting Members where there would normally be five (5) and the Applicants were offered 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 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.]

Mr. Sullivan read the Case into the record, referred to his Staff Report initialed 4/11/2025 and noted that In-House comments have been received from the Town Engineer, Inspectional Services/Fire Department and the Associate Town Planner. The Town Engineer noted that a driveway permit should be pulled at the same time as the Building Permit. The Fire Department noted that the separation between the existing house and the proposed detached garage is less than five feet (5') so it would require a one-hour fire resistive rating on the exterior wall of the adjacent dwelling. The Associate Town Planner stated that the plan should show easement associated with the sewer and that the driveway distances from the side property line.

Raffi Massouyan introduced himself, stated that he wants to add a detached two-car garage on the opposite side of where his driveway is currently and proceeded to address the criteria required for the granting of a Variance. The information shared included:

(1) *not contrary to public interest*

- there will be very little impact on the aesthetics of the neighborhood
- the goal of the build is to stay within the zoning laws and to make sure the safety of everyone is not jeopardized

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

- there will be no safety issues or anything to harm the neighborhood

Not Official until reviewed, approved and signed.

D R A F T



- everything will be supervised during the build and will be carefully monitored
- it will not alter the character of the neighborhood
- (3) *substantial justice done to property owner*
  - placing the garage in the proposed spot is the only option due to the size of the lot and the sewer easement
- (4) *will not diminish surrounding property values*
  - do not believe I will be doing any harm to the value of my neighbors homes
  - am only looking to improve my garage and driveway while keeping everyone's concerns in mind
- (5) *hardship*
  - the lot is small
  - while looking into redoing the garage, the survey revealed that on one side there is Town sewer
  - the only place the two-car garage can be located is on the other side in the proposed space
  - the proposed use is reasonable

Meeting opened for public comment at 7:15 PM. No one addressed the Board.

Mr. Martin asked if both driveways would be kept. Mr. Massouyan responded that they would not. Mr. Sakati asked about the existing garage and Mr. Massouyan responded that the existing garage would become part of the house. Mr. Dumont asked the distance of the neighboring garage to the property line and Mr. Massouyan responded that it is about nine and a half feet (9.6'). Mr. Dumont noted that the distance of the new driveway must be at least five feet (5') from the property line. Mr. Lanphear noted that there is approximately three feet (3') between the house and proposed garage and asked why a detached garage is being pursued instead of an attached garage as that could reduce the amount of encroachment into the setback. Mr. Massouyan responded that it was considered but discarded because of the chimney on that side of the house and it would cost more money to attach. Mr. Lanphear asked if the In-House comments received should be conditions of approval and Mr. Sullivan responded that they would be addressed during the permitting process and don't have to be made conditions to the Variance.

Discussion arose on the differences between the TR Zone and the Residential Zone, the recent change to reduce driveway setbacks, whether a precedent was being set, and whether ZORC (Zoning Ordinance Review Committee) should review.

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

Mr. Lanphear spoke to his motion stating that the granting will bring no change to the neighborhood or threaten public health or safety; that it is in the spirit of the Ordinance; that it is the only location to place the garage due to the sewer line on the opposite side of the house; that it will not diminish surrounding property values; and that hardship is due to the sewer line and that the proposed use is reasonable. Mr. Lanphear voted to grant.

Mr. Dion spoke to his second noting the similar situations in the neighborhood; that it will not alter the character of the neighborhood with similar garages; that justice would be done with no harm to the public; that there would be no diminution to surrounding property values; that the lot is small and has the sewer easement to one side, and that the proposed use is reasonable. Mr. Dion voted to grant.

Mr. Sakati voted to grant as it does not alter the essential character and is consistent with this neighborhood; that there is no threat to safety; that there is no harm to the neighborhood; that there is no evidence or change to the neighborhood; that the hardship is met due to the sewer line on the other side and that the proposed use is very reasonable.

Mr. Martin voted to grant stating that it will not affect or injure public rights; that it observes the spirit of the Ordinance; that substantial justice would be done; that it could possibly enhance surrounding property values; that that hardship is met with the layout of the property and the sewer line on one side of the home does not allow

the garage to be placed anywhere else and that the proposed use is reasonable because it cannot be placed on the other side of the building.

Vote was 4:0. Variance granted. The 30-day Appeal period was noted.

At the request of Atty. Hartigan addressed the Board and asked that the third Case (Case 245-012) be addressed next as they wish to request a continuance. Mr. Lanphear made the motion to address Case #245-012 next. Mr. Dion seconded. Vote was unanimous.

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]

Mr. Sullivan read both applications into the record, noted that no in-house comments were received and that the nonconformity of the lot is the result of Pelham Road being classified as a Collector Road with the increased front setback requirement and added that the propose addition requires two (2) Variances – one for the expansion of the non-conformity and one for addition to match the existing house in its encroachment into the front setback.

Variance A: expansion of a non-conforming structure

Joshua Fuentes introduced himself and noted that his contractor, Kevin Allard with Pathway Homes, 79 Courtland Drive, Bedford, NH was also present and available to answer questions if needed. Mr. Allen stated that when they were discussing the expansion, and its expansion onto the left side of the home, he contacted Keach-Nordstrom Associates (in Bedford) to make sure there were no setback violations. After receiving confirmation that there was no violation into the side setback, they proceeded with their plan, and pulled a Building Permit and then discovered that in October 1994 Pelham Road was re-classified to a Collector Road with increased front setback to fifty feet (50'). Mr. Allard stated that the house was originally built in 1960 and honored the front setback until 1994 when Pelham Road was reclassified. Mr. Allard also noted that several houses along Pelham Road were built in what is now considered the front setback.

Mr. Fuentes addressed that criteria required for the granting of a variance and the information shared included:

*(1) not contrary to public interest*

- the proposed addition will not change the original use and will have no different effect upon the neighborhood
- the proposed addition could be considered a natural expansion of a house built in 1969
- 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 1960 and is located closer than the now required 50-foot setback from Pelham Road
- many of the surrounding existing homes are also located at a similar distance from the roadway
- the location of the proposed addition was limited due to the restrictions from the existing home location, site topography and the layout of the home
-

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

- 196 • Ordinances change over time creating nonconformities where none
- 197 previously existed
- 198 • in this case, the home was constructed before the road was reclassified
- 199 and the front setback increased
- 200 • the proposed change is consistent with the character of the neighborhood
- 201 and the proposed expansion is consistent with the existing use and
- 202 neighborhood and is not expected to impact the public interest and does
- 203 observe the spirit of the Ordinance

204 •  
205 (3) *substantial justice done to property owner*

- 206 • substantial justice is done as the Applicant is restricted by the existing
- 207 conditions and topography of the property
- 208 • the home is located closer than 50 feet from Pelham Road and there is
- 209 significant elevation change between the front and rear yards of the home
- 210 • the options for a reasonable expansion of the existing structure is limited
- 211 • the proposed addition is consistent with the existing use of the property
- 212 and is not expected to negatively impact the public
- 213 • the granting of the variance would result in substantial justice being done

214 •  
215 (4) *will not diminish surrounding property values*

- 216 • the proposed expansion of the structure is not expected to diminish the
- 217 values of surrounding properties
- 218 • the addition is consistent with the current use of the property and the
- 219 essential character of the neighborhood
- 220 • see letter from Rick Cardinal of Century 21 Cardinal dated 4/4/2025
- 221 attesting that the proposed addition would enhance the value of the home
- 222 as well as positively contribute to the overall values of neighboring homes

223 •  
224 (5) *hardship*

- 225 • the Applicant is restricted by the existing conditions and topography of
- 226 the property
- 227 • the existing home is closer than 50 feet from Pelham Road and there is a
- 228 significant elevation change between the front and rear yards of the home
- 229 • the addition will not change the original residential use and will not
- 230 impact the neighborhood
- 231 • it would not be fair and reasonable to apply the 50' Collector road setback
- 232 to the addition
- 233 • this is a reasonable expansion of a residential use in a residential district
- 234 • residential uses are permitted in the R-2 District
- 235 • the Applicant is proposing a reasonable expansion to their existing home

236 •  
237  
238  
239 Meeting opened for public input. No one addressed the Board. Mr. Martin read into  
240 the record a letter received from Martha Dublin, 95 Pelham Road, in support of  
241 granting the variance.

242  
243 General discussion arose that included the purpose of a Collector Road, the  
244 topography of the area, aerial review and the completeness of the application.

245  
246 Mr. Dion made the motion to grant the Variance as requested with no stipulations.  
247 Mr. Sakati seconded the motion.

248  
249 Mr. Dion spoke to his motion noting that the granting will not change the character  
250 of the neighborhood; will not harm the public; will not diminish surrounding  
251 property values; and hardship is met with the existing house already in the front  
252 setback and that the proposed use is a reasonable one. Mr. Dion voted to grant.

253  
254 Mr. Sakati spoke to his second stating that there would be no change in the  
255 character of the neighborhood; that the proposal is consistent with the Ordinance;  
256 that it poses no harm to the public; that it will not diminish or change property  
257 value; that there is no fair or substantial relationship between the general public  
258 purpose of the Ordinance to this application and that the proposed use is a  
259 reasonable one. Mr. Sakati voted to grant.

Mr. Lanphear voted to grant stating that granting the Variance will not change the neighborhood or threaten public health or safety; with the newer restriction it is still the only place for the addition; it will help the family and do no harm to the public or individuals; it will not diminish surrounding property values; the hardship is that this is the only place to put the addition and that the proposed use is a reasonable one.

Mr. Martin voted to grant stating that it will not be contrary to the public interest; that it does not conflict with the purpose of the Ordinance; that substantial justice would be done; that expert opinion was received that the value of surrounding properties would not be diminished; that the zoning setbacks were changed after the house was built and there is no other location on the property for the proposed addition and the proposed use is a reasonable use.

Vote was 4:0. Variance granted. The 30-day Appeal Period was noted.

Variance B: allow construction of building addition into front setback

The distinction between the two (2) Variances needed for the proposed addition was vocalized as was the need for both.

Joshua Fuentes stated that the reasons/testimony cited for the first Variance are identical to this one. Public Hearing opened at 7:56 PM and no one addressed the Board. It was noted that both the Realtor letter and the Abutter letter apply to this Variance as well.

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

Mr. Lanphear spoke to his motion noting that the reasoning is identical as the previous Variance and proceeded to review the criteria noting that each was satisfied. Mr. Lanphear voted to grant.

Mr. Martin spoke to his second stating that he too shared the same reasoning and agreed that each criterion was satisfied. Mr. Martin voted to grant.

Both Mr. Sakati and Mr. Dion both voted to grant each citing that the same reasoning applied as well as the same determination.

Vote was 4:0. Variance granted. The 30-day Appeal Period was noted.

**3. Case 245-012 (01-23-2025):** 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.]

Mr. Sullivan read the Case into the record. Atty. Elizabeth Hartigan of Gottesman & Hollis, PA introduced herself as representing the Property Owner and requested a continuance/deferment to the next meeting in hopes that a full Board would be present. Motion made by Mr. Lanphear, seconded by Mr. Dion, discussed and unanimously voted 4:0 to grant the requested deferment.

#### **VI. REQUEST FOR REHEARING:**

Case 165-021 Brendan & Julie Burke, 12-14 Gambia Street, Hudson, NH 03051  
Variance denied 3/20/2025

Mr. Sullivan read the request into the record. Mr. Dumont asked if any new information has been provided. Mr. Sullivan responded

Mr. Martin stated that Reasonable Accommodation comes into play only if the Variance criteria cannot be satisfied and according to his research it applies to



homeowners and cited an example and noted that in this particular Case, the Reasonable Accommodation would never expire because the “family members” keep changing. Mr. Martin also stated that it is the Board’s job to make assessments, to take public input into consideration all with understanding and without prejudice. Mr. Martin added that there was no evidence presented nor that there was an error made in either law of procedure.

Mr. Sakati agreed, that there was no new evidence presented, no error in judgement, that the Board has been incredibly thoughtful to the property owner and even brought in the Town’s Legal Counsel to insure that the Board was doing the right thing.

Mr. Dion made the motion to not grant the request for rehearing. Mr. Sakati seconded the motion.

Mr. Dion sated that nothing has been presented to warrant a rehearing, no new evidence was presented, the Board did not make an error either in judgement or procedurally or in law and to the extent that the Applicant is stating that the Board’s action was discriminatory is just unfounded and contrary to the reality documented in the Minutes and recordings.

Mr. Sakati agreed and voted not to grant. Mr. Lanphear agreed and voted not to grant. Mr. Martin voted not to grant.

Vote was 4:0 not to rehear as no new evidence was presented, there was no error made in law, there were no procedure errors made.

#### **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

Only the 3/27/2025 draft Minutes were presented and reviewed. Typographical errors were noted on Page 3. Motion made by Mr. Lanphear, seconded by Mr. Martin and unanimously voted to approve the 3/27/2025 Minutes as amended.

#### **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.

So noted.

#### **IX. ADJOURNMENT:**

Motion made by Mr. Lanphear, seconded by Mr. Sakati and unanimously voted to adjourn the meeting. The 4/24/2025 ZBA meeting adjourned at 8:14 PM.

Respectfully submitted,

Louise Knee, Recorder

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