

TOWN OF HUDSON

Zoning Board of Adjustment



Tristan Dion, Chairman Dillon Dumont, Selectmen Liaison

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

MEETING AGENDA – MARCH 26, 2026

The Hudson Zoning Board of Adjustment will hold a meeting on **Thursday, March 26, 2026, at 7:00 PM** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance on the right side.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL-ATTENDANCE

IV. SEATING OF ALTERNATES

V. PUBLIC HEARING OF SCHEDULED APPLICATIONS BEFORE THE BOARD:

1. **Case 122-016 (03-26-26)**: Aaron Hudson, 659 Primrose St, Haverhill, MA, requests a variance for 5 Circle Dr., Hudson, NH to build a proposed 36 ft. x 20 ft. detached garage which encroaches the front yard setback 16.4 feet leaving 13.6 feet where 30 feet is required. [Map 122, Lot 016, Sublot-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

VI. REVIEW OF MINUTES: 02/26/2026 edited draft Meeting Minutes

VII. OTHER BUSINESS:

- Review of the results of the March 10, 2026 Town Election Zoning Warrant Articles
- Training Session: Powers, Stipulations, & Re-hearings
- **Save the date:** Office of Planning and Development's Spring 2026 Planning and Zoning Conference on **Saturday, May 9, 2026, 8:45 AM - 3:30 PM**. Sessions will be online and will be recorded and available after the conference. The cost is free. **Registration opens: April 3rd**. This year's virtual conference includes three tracks: Planning Board, Zoning Board of Adjustment, and Special Topics.

VIII. ADJOURNMENT:

Ben Witham-Gradert, Associate Planner

Legal Notice

ADVERTISEMENT FOR BIDS RFB 26-22 - Application and Lamination Table

The Pease Development Authority ("PDA") invites sealed Bids for the purchase and delivery of **one (1) Application & Lamination Table** for the Pease Development Authority. Bids will be received at the office of the PDA, 55 International Drive, Portsmouth, N.H. 03801 until **2:00 P.M. local time, April 2, 2026**, at which time they will be opened publicly. The mailing address is: Pease Development Authority

Attn: Procurement
55 International Drive
Portsmouth, NH 03801
Bid documents will be available on or after March 13, 2026, by

Date: March 16, 2026
To: Prospective Construction Managers

From: Jonathan Halle, AIA
Re: Keene Housing Fortune Commons Housing, Jaffrey, NH PUBLIC NOTICE

Keene Housing Jaffrey Fortune Commons Housing Development Project Request for Construction Manager Qualifications and Proposals

Keene Housing (KH) is planning for a housing project in Jaffrey, NH. The project will deliver 30 apartments with construction starting in the Summer of 2027. All site approvals are in place, and funding is pending, a (16) sixteen-month construction duration is expected.

This project is not yet funded and is expecting to use CDBG funds and other federal funding sources subject to federal regulations including Davis Bacon Wage Rates. The funding standards will ultimately require a fixed fee contract with a Guaranteed Maximum Price (contract document AIA A133), with savings going to the Owner. Performance and payment bonds will be required, along with Davis-Bacon wage rates and certified payroll, and must follow standard federal procurement standards. **The total construction budget is in the range of \$10,000,000, which includes Carry Costs, General Conditions and Construction Management fees.**

Construction Management Firms are respectfully requested to submit an introductory letter accompanied by the AIA A305 Qualifications Statement Form to be considered for phase two services and the NHHFA fee structure form. Qualifications process will only review the AIA A305 document. Questions regarding this RFQ/P, including obtaining the Qualifications Statement and Proposal Forms may be received by contacting Jonathan Halle, Project Architect at (jh@warrenstreet.com), or call (603) 738-9004.

This project is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u), and HUD's implementing regulations at 24 CFR Part 75.

The purpose of Section 3 is to ensure that employment, training, and contracting opportunities generated by HUD financial assistance are directed, to the greatest extent feasible, to low- and very low-income persons, particularly persons who are recipients of HUD housing assistance, and to Section 3 business concerns.

The selected Construction Manager and any subcontractors will be required to comply with Section 3 requirements and make their best efforts to provide employment, training, and contracting opportunities to Section 3 workers and Section 3 business concerns, consistent with 24 CFR Part 75.

Priority for opportunities shall be provided, to the greatest extent feasible, in the following order:

1. Residents of the public housing developments for which HUD assistance is provided;
2. Residents of other public housing or Section 8 assisted housing managed by the Housing Authority;
3. Participants in YouthBuild programs; and
4. Low- and very low-income persons residing within the metropolitan area or non-metropolitan county where the project is located.

All contractors and subcontractors performing work on this project must comply with the Section 3 contract clause contained in the contract documents, including requirements to:

- Provide employment and training opportunities to Section 3 workers;
- Direct contracting opportunities to Section 3 business concerns where feasible; and
- Include the Section 3 clause in all applicable subcontracts.

Failure to comply with HUD's Section 3 requirements may result in sanctions, contract termination, or debarment from future HUD-assisted contracts.

One (1) hard copy and thumb drive containing digital files of Qualifications and CM Proposals are due **Wednesday by 2PM EST, April 8, 2026** to the office of Warrenstreet Architects, 4 Crescent St., Unit 2, Concord, NH 03303. The owner reserves the right to reject or accept any or all qualifications and price proposals in the selection process for any reason, at the sole discretion of the needs of the project. Interviews may or may not be given. This is an equal opportunity/affirmative action agency. All qualified participants will receive consideration without regard to race, color, religion, creed, age, sex, or national origin. Small businesses, minority-owned businesses, women-owned businesses, and Section 3 businesses. (UL - Mar. 18)

Public Notices

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

calling Toni-Marie Vaughn at (603) 766-9284 or emailing bids@peasedev.org. Details can also be found on our website at <https://peasedev.org/business-3/bids-and-d-opportunities>. (UL - Mar. 18)

Legal Notice

Public Notice The Community College System of New Hampshire Request for Proposals For: COMMERCIAL CLEANING SERVICES

**At: NHTI, Concord, NH
Project # CON26-01**

The Community College System of New Hampshire, CCSNH, is soliciting proposals from qualified firms for Commercial Cleaning Services at NHTI - Concord's Community College in Concord, NH. The term of the resulting contract will be for three years, ending June 30, 2029, with the option to extend the contract with two additional one-year extensions. The proposals shall be in accordance with the conditions and specifications in the request for proposal available on the Community College System of New Hampshire website at <https://www.ccsnh.edu/about-ccsnh/bidding-rfp/>. Proposals will be accepted until Friday, April 3, 2026. (UL - Mar. 18, 19, 20)

Legal Notice

Manchester Transit Authority is seeking a Letter of Interest and Qualification Statements from Insurance Brokers or Agents who would like to provide an insurance proposal for their upcoming property and casualty (general liability, auto and umbrella) insurance renewals on June 30, 2026. A letter outlining the qualification process can be picked up at Manchester Transit Authority's office on 110 Elm Street, Manchester, NH. All Letters of Interest and Qualification Statements must be received by April 8, 2026 in order to be considered. (UL - Mar. 18)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **Daniel L. Quimby** (the "Mortgagor") to **Wells Fargo Bank, N.A.**, and now held by **Wells Fargo Bank, N.A.** (the "Mortgagee"), said mortgage dated May 9, 2012, and recorded in the Belknap Registry of Deeds in Book 2772, Page 597, (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction on **May 15, 2026 at 01:00 PM**
Said sale to be held on the mortgaged premises hereinafter described and having a present address of 66 LONGRIDGE DR, Gilford, Belknap County, NH 03249.

NOTICE

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

The name and address of the mortgagee's agent for service of process is C T CORPORATION SYSTEM, 2 1/2 BEACON STREET, Concord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at nhd@banking.nh.gov.

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

TERMS OF SALE

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

made before or during the foreclosure sale.

Dated at Farmington, Connecticut, on March 13, 2026.

Wells Fargo Bank, N.A.
By its Attorney,
Jeffrey J. Hardiman
Brock & Scott, PLLC
270 Farmington Avenue
Suite 151
Farmington, CT 06032
(UL - Mar. 18, 25; Apr. 1)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of a Power of Sale contained in a certain mortgage given by **Verlie R. Trefethen** ("the Mortgagor(s)") to Mortgage Electronic Registration Systems, Inc., as nominee for American Home Mortgage, dated October 20, 2006 and recorded in the Strafford County Registry of Deeds in Book 3451, Page 64, as modified by a certain modification agreement recorded on September 26, 2013, and recorded with said Strafford County Registry of Deeds in Book 4167, Page 587, (the "Mortgage"), which mortgage is held by Federal Home Loan Mortgage Corporation, 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 **April 24, 2026 at 4:00 PM**

Said sale being located on the mortgaged premises and having a present address of 6 Elliot Park, Dover, Strafford County, New Hampshire. The premises are more particularly described in the Mortgage.

For mortgagor's(s) title see deed recorded with the Strafford County Registry of Deeds in Book 843, Page 392.

NOTICE

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

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

You can contact the New Hampshire Banking Department by e-mail at nhd@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 March 2, 2026.

Federal Home Loan Mortgage Corporation
By its Attorney,
Autumn Sarzana
Harmon Law Offices, P.C.
PO Box 610389
Newton Highlands, MA 02461
617-558-0500
29011

(UL - Mar. 11, 18, 25)

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 **Steven R. Gulezian** to Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for Mortgage Master, Inc., its successors and assigns, dated June 19, 2009

and recorded with the Rockingham County Registry of Deeds in Book 5023, Page 2305, of which mortgage MidFirst Bank is the present holder by assignment, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at **129 Treadway Lane, Unit No. 23G, of the Rolling Meadows Condominium, Londonderry, Rockingham County, New Hampshire** will be sold at a Public Auction at **2:00 PM on April 1, 2026**, 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 Rockingham County Registry of Deeds in Book 5023, Page 2303.

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

THE AGENT FOR SERVICE OF PROCESS IS:

MIDFIRST BANK, ATTN: Randy Sparks, General Counsel, 501 NW Grand Blvd, Oklahoma City, OK 73118 (Mortgagee)

You can contact the New Hampshire Banking Department at 53 Regional Drive #200, Concord, NH 03301 Tel (603) 271-3561 and by email at nhd@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 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.
MidFirst Bank
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
MMC 25-049378 Gulezian

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **Shawn D. Beltran aka Shawn David Beltran and Kerri J. Beltran aka Kerri Jane Beltran** (the "Mortgagor") to Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for OceanSide Mortgage Company, and now held by **Lakeview Loan Servicing, LLC** (the "Mortgagee"), said mortgage dated April 29, 2021, and recorded in the Rockingham County Registry of Deeds in Book 6274, Page 1668, (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at:

Public Auction on **May 15, 2026 at 04:00 PM**
Said sale to be held on the

mortgaged premises hereinafter described and having a present address of 208 Winding Hill Rd, Northwood, Rockingham County, NH 03261.

NOTICE

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

The name and address of the mortgagee's agent for service of process is Lakeview Loan Servicing, LLC, c/o Corporation Service Company, 10 Ferry Street, Suite 313, Concord, NH 03301. For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at 800-437-5991. The hotline is a service of the New Hampshire banking department. There is no charge for this call. You can contact the New Hampshire Banking Department by e-mail at nhd@banking.nh.gov.

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

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

Dated at Farmington, Connecticut, on March 13, 2026.

Lakeview Loan Servicing, LLC
By its Attorney,
Jeffrey J. Hardiman
Brock & Scott, PLLC
270 Farmington Avenue
Suite 151
Farmington, CT 06032
(UL - Mar. 18, 25; Apr. 1)

Legal Notice

Precision Towing and Recovery Inc.

**1065 Hanover Street
Manchester, NH 03104
April 1, 2026 - 9AM**

1. 2004 WHITE TOYOTA HIGHLANDER
VIN: JTPEP21A840042969
2. 2013 BLACK KIA SPORTAGE
VIN: KN2PBCA2XD7491331
3. 2005 GRAY CHEVY TRAILBLAZER
VIN: 1GNDT13S252242352
4. 2023 GREEN KAWASAKI NINJA 40C
VIN: JKAEXKG16PDAR7894
5. 2005 BLUE TOYOTA SIENNA
VIN: 5TDZAZ3CX5S228873
6. 2007 TAN CHEVY SILVERADO
VIN: 2GCEK13C871677839
7. 2019 WHITE FORD TRANSIT
VIN: 1FTYR2CM4KKK46590
8. 2004 MAROON CHEVY TRAILBLAZER
VIN: 1GNDT13S342383011
9. 2001 BURGUNDY JEEP CHEROKEE
VIN: 1J4GW58NXX1C506536
10. 2013 SILVER HYUNDAI SONATA
VIN: 5NPEB4AC3DH687337
11. 2004 WHITE CHEVY EXPRESS CUTAWAY
VIN: 1GBHG31U641195799
12. 2007 GREEN NISSAN ALTIMA
VIN: 1N4CL12E1E7C207957
13. 2009 SILVER VW JETTA
VIN: 3VWRZ71K9M037660
14. 2001 BLACK HONDA CRV
VIN: JHLRD18671C031484
15. 2008 BLUE PT CRUISER
VIN: 3A8F748B18T229780
16. 2020 WHITE MITSUBISHI OUTLANDER
VIN: JA4AD3A30LZ025672
17. 2021 RED NISSAN ALTIMA
VIN: 1N4BL4CW1MN305982
18. 2006 GRAY LEXUS ES330
VIN: JTHBA30G765153280
19. 2015 BLACK HONDA ACCORD
VIN: 1HGCR2F34FA005397
20. 2007 TAN FORD TAURUS
VIN: 1FAPP53U37A215366

(UL - Mar. 18)

Legal Notice

THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH

NH CIRCUIT COURT
8th Circuit - Probate Division - Keene

33 Winter Street, Suite 1
Keene NH 03431
Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

CITATION BY PUBLICATION
Case Name: **Estate of Eunice E. Schmalz**

Case Number: **313-2025-ET-00347**

To all persons interested in the Estate of **Eunice E. Schmalz** late of **Jaffrey, NH**. In accordance with RSA 552:8, a Structuring Conference/Hearing is scheduled for April 21, 2026 at 8:30 am on the Motion to Re-Examine Probate Will filed by Damita Sangermano.

Interested persons shall notify the executor or the court of his/her current address within 30 days of the last date of publication of this notice. Failure to do so shall result in the waiver of further notice requirements.
The petitioner is ordered to

serve this citation by publishing the same once each week for two successive weeks in a newspaper of statewide circulation in New Hampshire, the last publication to be one week at least before April 04, 2026.

February 20, 2026
/s/ Jean M. Kilham
Clerk of Court
State of New Hampshire
Cheshire County
(UL - Mar. 11, 18)

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 **Christopher C. Hughes** to Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for Low VA Rates, LLC, its successors and assigns, dated January 13, 2022 and recorded with the Merrimack County Registry of Deeds in Book 3777, Page 2891, as affected by Loan Modification Agreement as recorded in said Deeds in Book 3796, Page 516, and as further affected by Loan Modification Agreement as recorded in said Deeds in Book 3887, Page 1538, of which mortgage Village Capital & Investment LLC is the present holder by assignment, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at **135 Liberty Street, Concord, Merrimack County, New Hampshire** will be sold at a Public Auction at **10:00 AM on April 1, 2026**, 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 Merrimack County Registry of Deeds in Book 3777, Page 2889.

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

THE AGENT FOR SERVICE OF PROCESS IS:

VILLAGE CAPITAL & INVESTMENT LLC, c/o C T Corporation System 2 1/2 Beacon Street, Concord, NH, 03301 (Mortgagee)

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

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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.
Village Capital & Investment LLC
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
VCA 25-050347 Hughes

5 CIRCLE DRIVE

CASE # 122-016

STAFF REPORT

March 26, 2026

APPLICANT: Aaron Hudson, 659 Primrose St., Haverhill, MA

MAP & LOT: Map 122/Lot 016-000 — 31,320 Sq ft (0.72 Acres) & 259.19 feet of frontage.

ZONING: Residential – Two (R-2)

PROPOSAL: to construct a 36 ft. x 20 ft. detached garage adjacent to the existing single-family home.

VARIANCE REQUESTED:

1. §334-27 – Table of Minimum Dimensional Requirements: to construct a 36 x 20-foot detached garage which would encroach upon the front yard setback by 16.4 feet, leaving 13.6 feet of front setback where 30 feet is otherwise required.

ATTACHMENTS:

1. Department Comments
2. Variance Application
3. Zoning Determination #25-106
4. Provided Proposal Map, last revised February 5, 2026
5. Septic Plan dated Nov. 17, 2008

APPLICATION TRACKING:

- March 09, 2026 – Variance application filed.
- March 26, 2026 – Public hearings scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The site is approximately .72 acres and is located in the Residential – Two (R-2) district and is currently developed with a single-family residence. This development is serviced by well and septic systems, with no town utilities available. The well and its protective radius are in the rear of the property, with the septic system buried in the front yard directly in front of and to the westerly side of the house (see attached Septic Plan). The site is home to a brook that flows from the eastern edge of the parcel through to the northwestern edge at the right of way, bisecting the parcel with wetlands. The site currently has one curb cut.

DEPARTMENT COMMENTS

Engineering has provided the following comments:

1. The applicant shall apply for a driveway permit at the same time the building permit application is submitted.

2. If any portion of the 50-foot wetland buffer is impacted during construction, the disturbed area shall be restored with loam and seed.

3. Silt fence or mulch berms shall be installed prior to the start of any construction activities.

No other department has provided comment at this time.

STAFF COMMENTS

Staff notes that due to the location of the wetland and its corresponding buffer, there are few locations to place a full-sized garage. Neither staff nor departments have any objection to the proposed location. Staff notes that no modification is proposed to the driveway itself at this time, however a driveway permit will need to be applied for with the engineering department should expansion or modification of the driveway be introduced within 30' of the front setback.

RECOMMENDATION

Staff recommends hearing of the case along with applicant testimony and public comment. While decision sheets are still required, the following draft motion wording has been provided, as to remove any ambiguity regarding the variance decision and any associated stipulations.

MOTION TO GRANT/DENY A VARIANCE:

I move to (grant/deny) a variance from §334-27 – Table of Minimum Dimensional Requirements: to construct a 36 x 20-foot detached garage which would encroach upon the front yard setback by 16.4 feet, leaving 13.6 feet of front setback where 30 feet is otherwise required, based on the written and verbal testimony of the applicant, and my own findings of (*writing from Variance Decision Worksheet*):

Public Interest: _____

Spirit of the Ordinance: _____

Substantial Justice: _____

Property Values: _____

Finding of Hardship (a) OR (b): _____

(Optional) With the following stipulations: _____

Motion by: _____ Second: _____ Carried/Failed: _____

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

REQUEST FOR REVIEW/COMMENTS:

Case: _____ **(VARIANCE)**

Property Location: _____

For Town Use

Plan Routing Date: _____ Reply requested by: _____ ZBA Hearing Date: _____

_____ I have no comments _____ I have comments (see below)

_____ Name: _____ Date: _____

(Initials)

DEPT:

_____ Town Engineer _____ Fire/Health Department _____ Town Planner

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

REQUEST FOR REVIEW/COMMENTS:

Case: 122-016 (03-26-26) **(VARIANCE)**

Property Location: 5 Circle Dr

For Town Use

Plan Routing Date: 03/12/2026 Reply requested by: 03/16/2026 ZBA Hearing Date: 03/26/2026

I have no comments I have comments (see below)

DRH Name: David Hebert Date: 03/12/2026
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

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

REQUEST FOR REVIEW/COMMENTS:

Case: 122-016 (03-26-26) (**VARIANCE**)

Property Location: 5 Circle Dr

For Town Use

Plan Routing Date: 03/12/2026 Reply requested by: 03/16/2026 ZBA Hearing Date: 03/26/2026

I have no comments I have comments (see below)

BEL Name: Brooke Dubowik Date: 03/12/2026
(Initials)

DEPT. Town Engineer Fire/Health Department Town Planner

No comment.

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

On **03/26/2026**, the Zoning Board of Adjustment heard **Case 122-016**, being a case brought by **Aaron Hudson, 659 Primrose St, Haverhill, MA, to request a variance for 5 Circle Dr., Hudson, NH to build a proposed 36 ft. x 20 ft. detached garage which encroaches the front yard setback 16.4 feet leaving 13.6 feet where 30 feet is required.** [Map 122, Lot 016, Sublot-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

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

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

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

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

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

(2) The proposed use is a reasonable one.

Y
N

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

Member Decision: _____

Signed: _____

Sitting member of the Hudson ZBA

Date

Print name: _____

Stipulations: _____

MAR 03 2026

LAND USE DIVISION

Zoning Board of Adjustment
Town of Hudson

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

Case No. 122-016(03-26-26)

Date Filed 3/9/26

Name of Applicant Aaron Hudson Map: 122 Lot: 016 Zoning District: R-2

Telephone Number (Home) 603-716-4319 (Work) _____

Mailing Address 659 Primrose St Haverhill, MA 01830

Owner Donna Green

Location of Property 5 Circle Dr Hudson, NH
(Street Address)

Signature of Applicant [Signature] Date 2-26-26

Signature of Property-Owner(s) [Signature] Date 2/26/26

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: 3-10-26

COST:

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

Abutter Notice:

~~10~~ ~~6~~ Direct Abutters x Certified postage rate \$ 4.00 = \$ 36.48 ~~\$60.80~~
~~5~~ ~~6~~ Indirect Abutters x First Class postage rate \$ 0.78 = \$ 4.68 ~~\$3.90~~

Total amount due:

\$ 226.16 ~~\$249.70~~

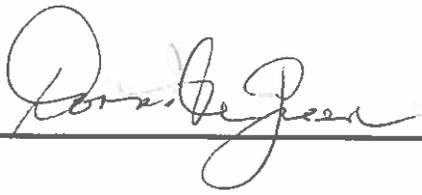
2 checks Received: #1196 → ① \$226.16 Amt. received: \$ 226.16 ~~249.70~~
#1197 → ② \$23.54

Received by: CJS Receipt No.: 857,517
\$249.70

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

To whom it may concern,

I, Donna Green, authorize Aaron Hudson of Encore Construction to apply for a variance for a garage on my property. If there are any questions going forward please feel free to contact me at the email or phone number listed below.

X 

Donna Green
5 Circle Dr.
Hudson, NH

dgreenghc@gmail.com
(857)888-9925

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

CERTIFIED PLOT PLAN:

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

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

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

[Signature]
Signature of Applicant(s)

2-26-26
Date

[Signature]
Signature of Property Owner(s)

2/26/26
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)	659 Primrose St Haverhill, MA 01830
122	016	Aaron Hudson Green, Donna M.; TR. Green living trust	5 Circle Dr. Hudson, NH 03051
122	015	Holmes, Craig J. Holmes, Melissa M.	7 Circle Dr. Hudson, NH 03051
122	017	Johnson, Kimberly Ann	6 Circle Dr Hudson, NH 03051
122	018	Meighan, Kathleen L	8 Circle Dr Hudson, NH 03051
122	019	Ayer III, John W Ayer, Susan V	35 Circle Dr Hudson, NH 03051
122	023	Thomas, Timothy Thomas, Deborah P	10 Circle Dr Hudson, NH 03051
131	001	Rodgers, Christopher Lambert, Brittney	4 Circle Dr Hudson, NH 03051
131	002	Stone, Alan Marshall, TR. Stone, Julieta Beatriz, TR.	2 Circle Dr Hudson, NH 03051
131	003	Howard, Paul A. TR. Howard, Joannet, TR.	3 Circle Dr. Hudson, NH 03051

USPS-Verified Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - CERTIFIED MAIL	Case# 122-016 VARIANCE 5 Circle Dr., Hudson, NH Map 122, Lot 016, Sublot 000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	03/26/2026 ZBA Meeting
1	7022 1670 0001 4990 8985	AARON HUDSON 659 PRIMROSE ST., HAVERHILL, MA 01830	APPLICANT/OWNER NOTICE MAILED
2	7022 1670 0001 4990 8992	GREEN, DONNA M., TR.; GREEN LIVING TRUST 5 CIRCLE DR., HUDSON, NH 03051	APPLICANT/OWNER NOTICE MAILED
3	7022 1670 0001 4990 9005	HOLMES, CRAIG J.; HOLMES, MELISSA M. 7 CIRCLE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	7022 1670 0001 4990 9012	JOHNSON, KIMBERLY ANN 6 CIRCLE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	7022 1670 0001 4990 9029	MEIGHAN, KATHLEEN L. 8 CIRCLE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
6	7022 1670 0001 4990 9036	AYER III, JOHN W.; AYER, SUSAN V. 35 CIRCLE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
7	7022 1670 0001 4990 9043	THOMAS, TIMOTHY; THOMAS, DEBORAH P. 10 CIRCLE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
8	7022 1670 0001 4990 9050	RODGERS, CHRISTOPHER; LAMBERT, BRITTNEY 4 CIRCLE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
9	7022 1670 0001 4990 9067	STONE, ALAN MARSHALL, TR.; STONE, JULIETA BEATRIZ, TR. 2 CIRCLE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
10	7022 1670 0001 4990 9074	HOWARD, PAUL A., TR.; HOWARD, JOANNE T., TR. 3 CIRCLE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
	Total Number of pieces listed by sender 10	Total number of pieces rec'vd at Post Office	Postmaster (receiving Employee)



M. L. U.

USPS-First Class Mail

SENDER:	TOWN OF HUDSON 12 SCHOOL STREET HUDSON, NH 03051	US POSTAL SERVICE - FIRST CLASS MAIL	Case# 122-016 VARIANCE 5 Circle Dr., Hudson, NH Map 122, Lot 016, Sublot 000 (1 of 1)
	ARTICLE NUMBER	Name of Addressee, Street, and post office address	-
1	Mailed First Class	STATE OF NEW HAMPSHIRE DEPT. OF TRANSPORTATION PO BOX 483; 1 Hazen Drive/Rm 204 CONCORD, NH 03302-0483	03/26/2026 ZBA Meeting ABUTTER NOTICE MAILED
2	Mailed First Class	EMANOUIL, MARK; EMANOUIL, JESSICA 9 CIRCLE DR., HUDSON, NH 03051	ABUTTER NOTICE MAILED
3	Mailed First Class	KERSEY, WAYNE E.; KERSEY, ELVIRA J. 26 CIRCLE DRIVE, HUDSON, NH 03051	ABUTTER NOTICE MAILED
4	Mailed First Class	AMBROSINO, MICHAEL R., TR.; AMBROSINO, CAROL, TR. 18 OLD DERRY RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
5	Mailed First Class	LAFONTAINE, HUGUES; FECHTCHENKO, TATIANA 20 OLD DERRY RD., HUDSON, NH 03051	ABUTTER NOTICE MAILED
6			
7			
8			
9			
	Total Number of pieces listed by sender 5	Total number of pieces rec'vd at Post Office 5	Postmaster (receiving Employee) 





TOWN OF HUDSON

Zoning Board of Adjustment

Tristan Dion, Chairman Dillon Dumont, Selectmen Liaison

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

March 13, 2026

APPLICANT NOTIFICATION

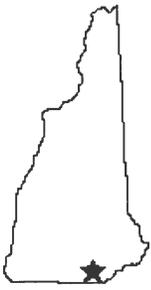
You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on **Thursday, March 26, 2026 starting at 7:00 P.M.** in the Community Development Paul Buxton Meeting Room in the lower level of Hudson Town Hall, 12 School St., Hudson, NH. Please enter by the ramp entrance at right side.

Case 122-016 (03-26-26): Aaron Hudson, 659 Primrose St, Haverhill, MA, requests a variance for 5 Circle Dr., Hudson, NH to build a proposed 36 ft. x 20 ft. detached garage which encroaches the front yard setback 16.4 feet leaving 13.6 feet where 30 feet is required. [Map 122, Lot 016, Sublot-000; Zoned Residential-Two (R-2); HZO Article VII: Dimensional Requirements; §334-27, Table of Minimum Dimensional Requirements]

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

Respectfully,

Ben Witham-Gradert
Associate Planner



TOWN OF HUDSON

Zoning Board of Adjustment



Tristan Dion, Chairman Dillon Dumont, Selectmen Liaison

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

March 13, 2026

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

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

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

Respectfully,

Ben Witham-Gradert
Associate Planner

APPLICATION FOR A VARIANCE

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

To build a new detache garage behind the current paved driveway. This will place the front corner of the garage 13.6' from the property line.

FACTS SUPPORTING THIS REQUEST:

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

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

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

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

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

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

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

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

FACTS SUPPORTING THIS REQUEST:

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

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

There is already a paved driveway. The location of the proposed garage is outside of the wetland buffer zone. There are other detached garages in the neighborhood.

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

The garage will be set back behind the paved driveway. It will not impede the wetland, snow removal, etc

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

The property owner has approximately 3/4 acre that is mostly unusable due to a wetland. The proposed area is the only area to construct one. There is also a retaining wall and septic system closer to the house so attaching it is also not an option.

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

The addition of a garage will only serve to increase the value of the property

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

There is a significant wetland buffer on the property. Additionally there is a septic pump system and retaining wall directly abutting the house preventing an attached option.

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

The existence of the wetland buffer, the location of the septic system and the existence of the retaining wall all create an immense hardship to build an enclosed space to park vehicles.

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.

The majority of the property is rendered unusable due the wetland that run directly through the middle of it.



TOWN OF HUDSON

Zoning/Code Enforcement
12 School Street
Hudson, New Hampshire 03051

Chris Sullivan, Zoning Administrator/Code Enforcement Officer
csullivan@hudsonnh.gov · Tel: 603-886-6008 · Fax: 603-594-1142

Zoning Determination # 25-106

December 18, 2025

Aaron Hanson
59 Primrose Street
Haverhill, MA 01830

Re: 5 Circle Drive
Map 122 Lot 016-000
District: Residence Two (R-2)

Dear Mr. Hanson

Your Request: To propose a 36'X20' garage 18.6' from the road. It needs a variance for the 30' front yard setback.

Zoning Review

The lot in question is 31,363 sq ft in size, with 259 linear feet of frontage on Circle Drive. There is a residential structure on the site that was built in 1964. The plan that was provided also shows a wetland and a the 50' buffer is indicated on the plan as well.

Plan Provided: ZBA Exhibit – 12-3-25

Pertinent Ordinances:

- Article VII: Dimensional Requirements; §334-27 – Table of Minimum Dimensional Requirements

Determination:

Per §334-27 – Table of Minimum Dimensional Requirements, lots within the R-2 zone on local roads require a 30-foot setback from the roadway. Our records indicate, based on a Certified Plot Plan dated December 3, 2025, that the proposed location of the new garage is 18.6 feet from the roadway, which does not meet the required setback requirement. Therefore, you will need to apply for a variance from the Zoning Board of Adjustment per §334-27 – Table of Minimum Dimensional Requirements,

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

Staff Note: The owner's name should be added to the Plot Plan title. Since the garage is being constructed for the owner of the property and not for your company's use, it is important that the documentation reflects this accordingly.

Sincerely,



Chris Sullivan

Zoning Administrator/Code Enforcement Officer

(603) 816-1275

csullivan@hudsonnh.gov

cc: Brooke Dubowik, Town Planner
Elvis Dhima, Development Services, Director
Jim Michaud, Chief Assessor
Inspectional Services
Owner
File

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

CURRENT OWNER		ASSESSING NEIGHBORHOOD				PREVIOUS ASSESSMENTS (HISTORY)							
GREEN, DONNA M., TR. GREEN LIVING TRUST 5 CIRCLE DR HUDSON NH 03051		Nbhd	Nbhd Name		Year	Code	Assessed	Year	Code	Assessed Val	Year	Code	Assessed
		RD	Residential Avg/Fair		2025	1010	303,900	2025	1010	220,900	2024	1010	249,200
		TOPO	UTILITIES										
		Rolling	Priv Water				145,500		1010	145,500		1010	145,500
			Septic										
					Total	449,400		Total	366,400		Total	394,700	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	SALE NOTES	APPRAISED VALUE SUMMARY			
GREEN, DONNA M., TR.		9857	473	05-21-2025	Q	I	609,900	00	CASH SALE/NEEDS WORK Grantor: JALBERT, WALTER/JOAN	Appraised Bldg. Value (Card)		259,500
CICCARELLI, ROBERTO		9805	1373	08-30-2024	Q	I	370,000	00		Appraised Xf (B) Value (Bldg)		44,400
JALBERT, JOHN H., TR.		9700	2986	05-18-2023	U	I	0	38		Appraised Ob (B) Value (Bldg)		0
JALBERT, JOHN H.		6017	1840	11-02-1998	U	I	86,800	99		Appraised Land Value (Bldg)		145,500
										Special Land Value		0
										Total Appraised Parcel Value		449,400
										Valuation Method		C

SUPPLEMENTAL DATA				CURRENT ASSESSMENT										
Parcel ID	Zoning	Flood Hazard	Neigh/Abut1	Neigh/Abut2	Neigh/Abut3	GIS ID	PREV	Assoc Pid#	Descript	Code	Appraised	Assessed		
122-016-000	R2:Residential-2	C				122-016-000	0033-0029-0000		BLDG	1010	303,900	303,900		
									LAND	1010	145,500	145,500		
										Total:	449,400	449,400	Total Appraised Parcel Value 449,400	

NOTES				VISIT / CHANGE HISTORY			
Date	Id	Cd	Purpost/Result				
08-11-2025	21	30	Sales Data Verification				
10-08-2024	21	30	Sales Data Verification				
07-21-2022	28	45	Field Review				
08-11-2021	19	02	Measured				
07-13-2015	15	02	Measured				
05-20-2013	01	20	Other Change				
08-27-2008	10	14	Inspected				
08-20-2008	10	02	Measured				

BUILDING PERMIT RECORD										
Permit Id	Issue Date	Permit C	Description	Amount	Status	Applicant	SQ ft	Comments		
2025-01252-1-	11-20-2025	GM		500	O	Irving Energy-Amherst		Piping for a generator		
2025-01252	11-20-2025	TI		500	C	Irving Energy-Amherst		(3) 120's for a generator		
2025-00769-1-	08-18-2025	EL		15,850	O	Granite State Solar		Electrical for installation of 39 panel roof mounted solar array with Enphase micro inverters		
2025-00769	08-18-2025	SP		64,535	O	Granite State Solar-Ele		Installation of 39 panel roof mounted solar array with Enphase micro inverters.		
2025-00720	07-21-2025	DE		10,000	O	Encore Construction		Adding a 19 X 12 Deck to an existing Deck		
2017-01029	10-10-2017	PLMG	Plumbing	600	C					

LAND LINE VALUATION SECTION																
B #	LandUse Code	Description	Land Type	Land Units	Unit Price	Acrege Disc.	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd Adj.	Land Adjustment			Notes	Land Value
1	1010	SINGLE FAMILY RES	Site	0.719	AC	170,000		1.25	5	1.00	RD	0.95				145,500

Total Card Land Units: 0.719 AC Parcel Total Land Area: 0.719 AC Total Land Value: 145,500

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

Property Location: 5 CIRCLE DR
 Vision ID: 4839 Account #: 1932

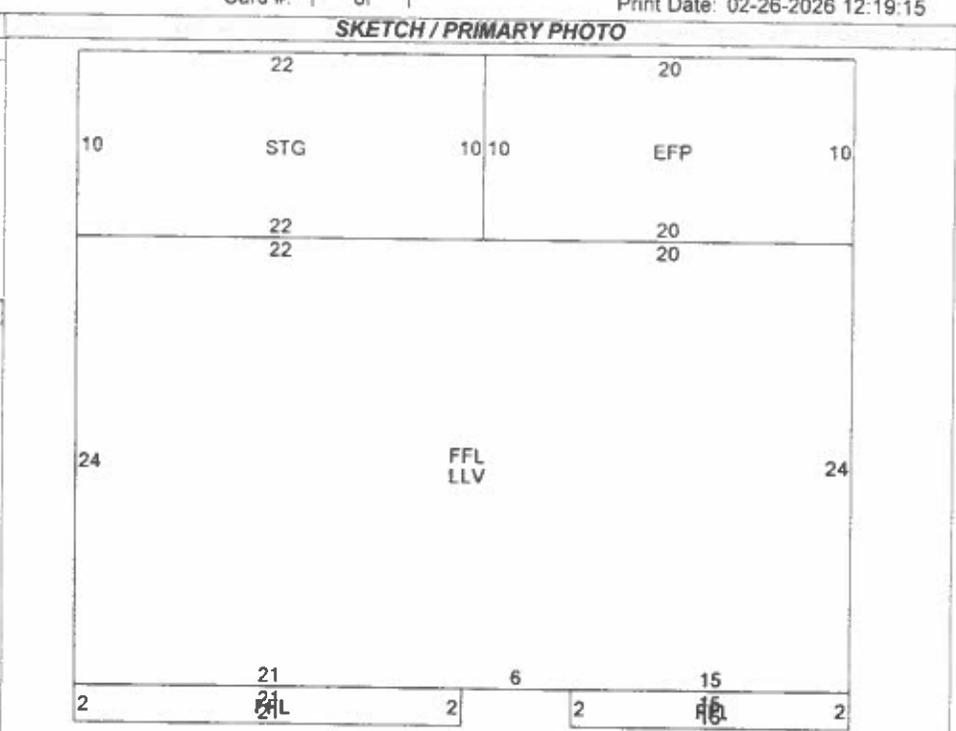
Parcel ID: 122/016/000/1
 Bldg #: 1

Card Address:
 Card #: 1 of 1

LUC: 1010
 Print Date: 02-26-2026 12:19:15

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Model	01	Residential	Avg Ht/FL	8	
Stories:	1		Extra Kitchens	0	
Style:	116	SPLIT LEVEL	Add Kitchen Ra		
Grade:	C	Average			
(Liv) Units	1				
Exterior Wall 1	04	Vinyl			
Roof Structure	01	Gable			
Roof Cover	01	Asphalt Shingle			
Frame	01	Wood			
Foundation	01	Concrete			
Interior Wall 1	01	Drywall			
Interior Floor 1	16	Vinyl Planking			
Heat Fuel	03	Electric			
Heat Type	01	Forced Air			
# Heat Systems	1				
AC Percent	100				
Total Rooms	5				
Bedrooms	3				
Full Baths	1				
3/4 Baths	1				
Half Baths	0				
Extra Fixtures	1				
Kitchens	1				
Kitchen Rating	GD	Good			
Bath Rating	GD	Good			
Half Bath Rating					
Bsmt Garage	0				
Fireplace(s)	0				
Fireplace Rating					
WS Flues	0				
Color	RED				
Avg Ht/FL	8				
Extra Kitchens	0				

COST / MARKET VALUATION	
Building Value New	294,901
Year Built	1964
Effective Year Built	2010
Depreciation Code	GV
Remodel Rating	
Year Remodeled	
Depreciation %	12
Functional Obsol	
External Obsol	
Trend Factor	1.000
Condition	
Condition %	
Percent Good	88
RCNLD	259,500
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

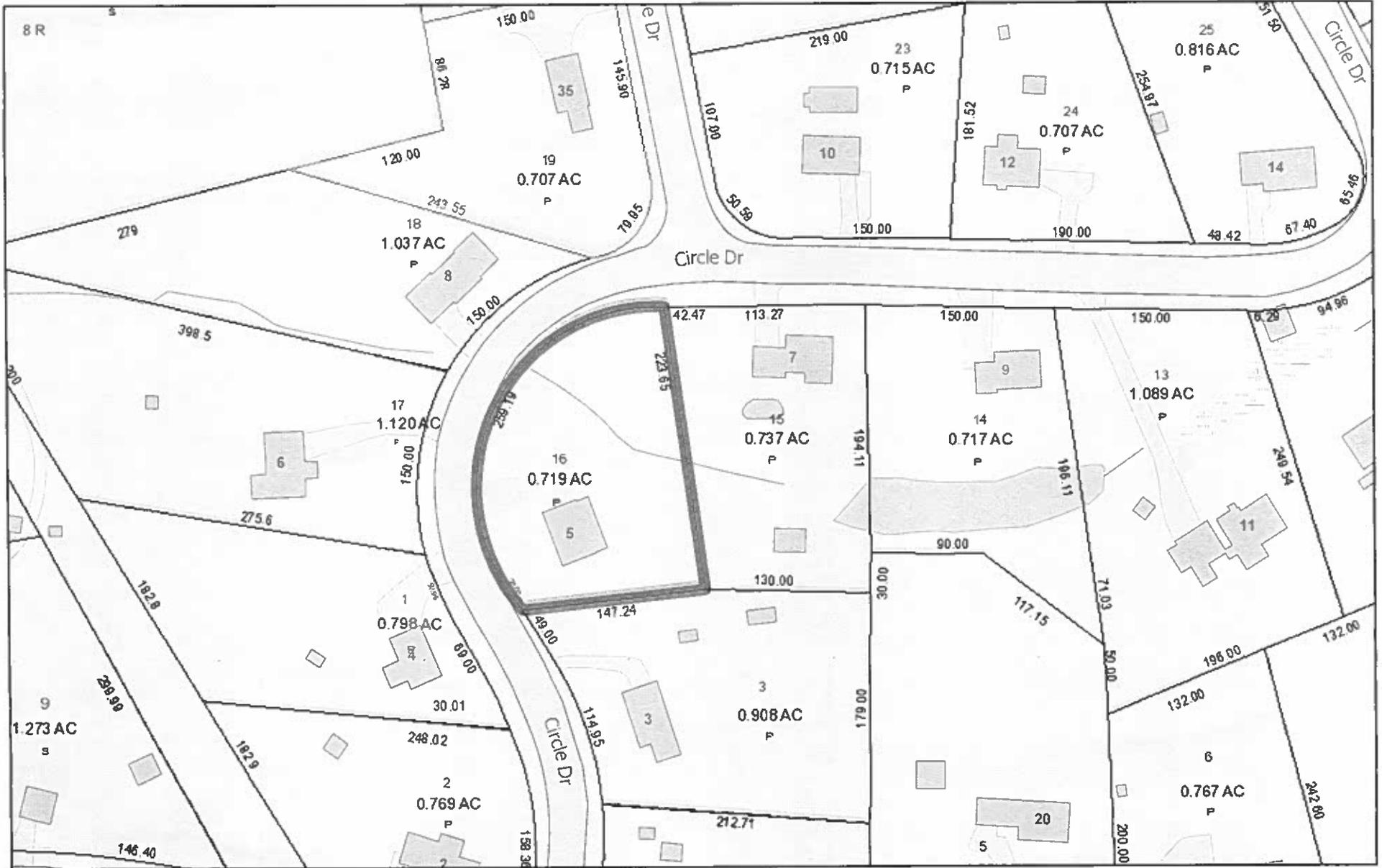


OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	UOM	Unit Pri	Yr Blt	Cnd.	% G	Assd. Value	
SHEDNV	Shed No Value - Less Than 1	L	36	UNITS	0.00	2021	AV	60	0	
XFFLA	Fin Living Area, LLV	B	1,008	SQ. FT	50.00	2024	GD	88	44,400	

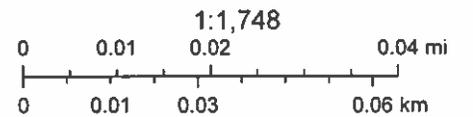
BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
EFP	Encl. Porch, Finished	0	200	140	118.64	23,728
FFL	First Floor, Finished	1,080	1,080	1,080	169.48	183,042
LLV	Lower Level, Unfinished	0	1,008	454	76.33	76,945
STG	Storage, Unfinished	0	220	66	50.84	11,186
Total Liv Area/Gr. Area/Eff Are		1,080	2,508	1,740	Total Value	294,901



5 Circle Drive



12/17/2025



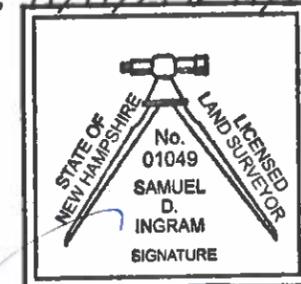
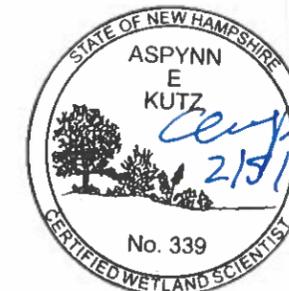


NOTES:

1. THE PURPOSE OF THIS PLAN IS TO BE USED TO PURSUE A VARIANCE(S) WITH THE HUDSON ZBA FOR TAX MAP #122 LOT #16 TO CONSTRUCT A POTENTIAL GARAGE.
2. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON REFERENCE PLAN NOTED HEREON. THIS IS NOT INTENDED TO BE A BOUNDARY SURVEY BY THIS OFFICE AT THIS TIME.
3. WETLAND SHOWN HEREON WERE DELINEATED IN ACCORDANCE WITH THE ARMY CORPS OF ENGINEERS WETLANDS MANUAL DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 AND THE NORTHEAST REGIONAL SUPPLEMENT, BY ASPYNN E. KUTZ C.W.S. OF THIS OFFICE ON 11/3/2025
4. NO UNDERGROUND UTILITY INVESTIGATION WAS PERFORMED BY THIS OFFICE AT THIS TIME.

CERTIFICATION:

"I HEREBY CERTIFY THAT THE EXISTING OBSERVABLE IMPROVEMENTS SHOWN HEREON ARE THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE ON 10/14/2025, 11/11/25 & 11/21/2025."



Samuel D. Ingram
2/5/26

ZONING BOARD OF ADJUSTMENT EXHIBIT
PREPARED FOR:

**DONNA M. GREEN,
LIVING TRUST**

TAX MAP 122 LOT 16
5 CIRCLE DRIVE

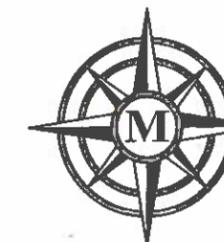
HUDSON, NEW HAMPSHIRE

SCALE: 1" = 50'

NOVEMBER 25, 2025

TOWN OF HUDSON
New Hampshire
03051

MAR 09 2026
LAND USE DIVISION
ZONING DEPT.



MERIDIAN

LAND SERVICES, INC.

ENGINEERING | SURVEYING | PERMITTING
SOIL & WETLAND MAPPING | SEPTIC DESIGN

31 OLD NASHUA ROAD, AMHERST, NH 03031 TEL. 603-673-1441
MERIDIANLANDSERVICES.COM FAX 603-673-1584

FILE: 12881M00E.dwg

PROJ. NO: 12881.00

SHEET NO: 1 OF 1

CIRCLE DRIVE

122-15

122-19

122-16

122-18

122-17

131-1

131-3

R=295.16'
L=42.76'

R=141.18'
L=259.19'

PIN.C(f)

S73°30'00"E 130.00'
(TIE COURSE)

MINIMUM BUILDING
SETBACK LINE (TYP)

S07°22'50"W
223.63'

WETLAND

DUG WELL

50'
WETLAND
BUFFER

WELL

PVC
FENCE

SHED

DECK

EXISTING
HOUSE
AS LOCATED

PROPOSED
36'x20'
GARAGE

PAVED
DRIVE

VENT

VENT

I.PIN(f)

CIRCLE DRIVE

N15°10'30"W
20.00'

147.24'

N79°16'20"W



GRAPHIC SCALE

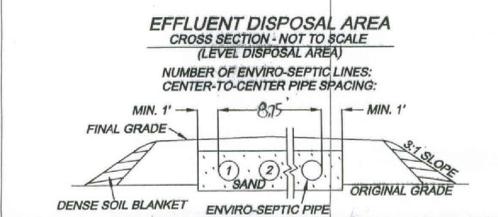
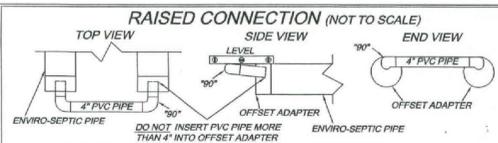


REFERENCE PLAN:

"PLAN OF DONALIER ESTATES - CIRCLE DRIVE, HUDSON, NH",
SCALE: 1"=50' DATED MAY 1963, PREPARED BY NED
SPAULDING, C.E., AND RECORDED AT THE H.C.R.D. AS PLAN
#2493.

REV.	DATE	DESCRIPTION	C/O	DR	CK
E	02/05/26	UPDATE GARAGE LOCATION	CLIENT	GDW	SDI
D	01/22/26	UPDATE GARAGE LOCATION	CLIENT	GDW	SDI
C	01/05/26	UPDATE GARAGE LOCATION	CLIENT	GDW	SDI
B	12/22/25	UPDATE OWNER NAME	TOH	GDW	KCC
A	12/03/25	UPDATE GARAGE SIZE	CLIENT	GDW	SDI

Plotted: 2/5/2026 7:53 AM By: GDW
H: \\MLS\12881\12881.00\Drawings\SURV\12881M00E.dwg



ENVIRO-SEPTIC PIPE ELEVATIONS						
LINE NUMBER	1	2	3	4	5	6
TOP OF PIPE	103	103	103	103	103	103
BOTTOM OF PIPE	102	102	102	102	102	102

DESIGN INTENT	SPOT ELEVATIONS		PIPE INDEX
(A)	(E)	(A) 4" SCH 40 PVC	(A) 4" SCH 40 PVC
(B)	(F)	(B) 4" SOLID S&D PVC	(B) 4" SOLID S&D PVC
(C)	(G)	(C) 4" PERFORATED S&D PVC	(C) 4" PERFORATED S&D PVC
(D)	(H)	(D)	(D)

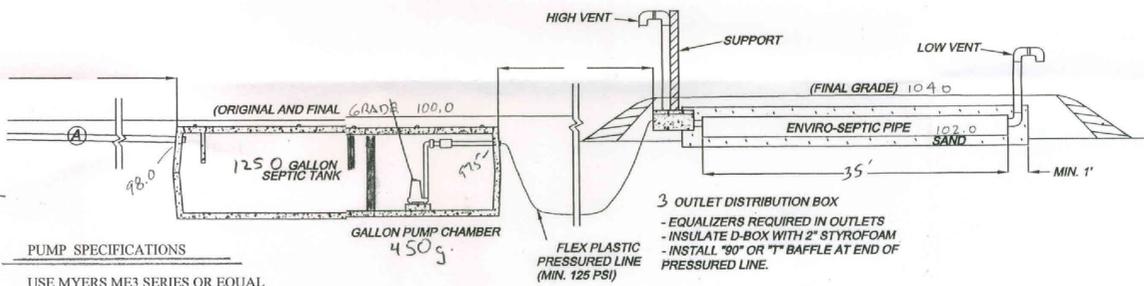


NOTES

- SYSTEM TO BE INSTALLED IN ACCORDANCE WITH PRODUCT DESIGN AND INSTALLATION MANUAL, STATE AND LOCAL REGULATIONS. FOR PRODUCT INFORMATION OR THE NEAREST DEALER CONTACT PRESBY ENVIRONMENTAL, INC. ROUTE 117 - PO BOX 617 SUGAR HILL, NH 03585 - PHONE 1-800-473-5298 - WWW.PRESBYENVIRONMENTAL.COM
- MINIMUM OF 6" OF MEDIUM TO COARSE SAND WITH LESS THAN 5% PASSING A # 200 SIEVE REQUIRED AROUND CIRCUMFERENCE OF ENVIRO-SEPTIC PIPES. (SEE DESIGN AND INSTALLATION MANUAL FOR COMPLETE SAND AND FILL SPECIFICATIONS.)
- INSTALLER ADVISED TO CONTACT DIG SAFE PRIOR TO CONSTRUCTION.
- DO NOT INSTALL SYSTEM ON FROZEN GROUND OR LEAVE SYSTEM UNCOVERED FOR EXTENDED PERIODS OF TIME.
- NO DRAINS, HOT TUBS, SAUNAS, GARBAGE DISPOSALS ETC. SHALL BE INCORPORATED INTO THIS SYSTEM UNLESS OTHERWISE SPECIFIED.
- MAINTENANCE: RECOMMEND INSPECTION OF SEPTIC TANKS AT LEAST ONCE EVERY TWO YEARS AND CLEAN IF COMBINED THICKNESS OF SLUDGE AND SCUM EQUALS MORE THAN 1/4 OF THE LIQUID DEPTH INSIDE THE TANK.
- THIS DOCUMENT IS FOR THE CONSTRUCTION OF THE EFFLUENT DISPOSAL SYSTEM SHOWN. ANYONE USING INFORMATION FROM THIS DOCUMENT FOR ANY OTHER PURPOSE DOES SO AT THEIR OWN RISK.
- SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH ENV-WS 1000. "APPROVAL FOR CONSTRUCTION" IS VALID FOR 4 YEARS FROM DATE OF ISSUE.

2 CHAMBER SEPTIC TANK WITH FILTER AT OUTLET. ACCESS MANHOLE SHALL BE PROVIDED FOR MAINTENANCE.

MANHOLE TO SURFACE, FILTER TO BE MAINTAINED ON A REGULAR BASIS.



PUMP SPECIFICATIONS

USE MYERS ME3 SERIES OR EQUAL

PUMP ELEVATION - 93 +/-

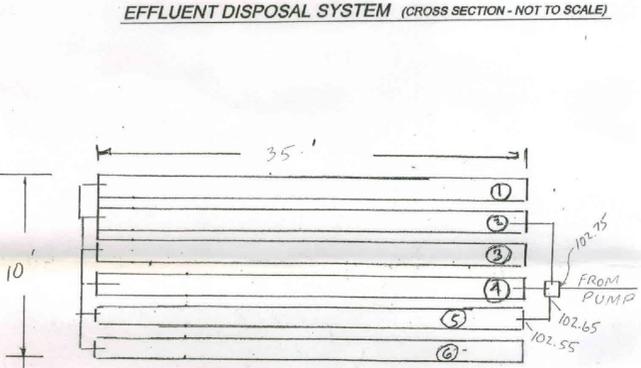
TO D-BOX ELEV - 102.75 +/-

= TDH = 10' +/-

ME3 WILL PUMP 35-40 GPM

SET PUMP @ 70-80 GALLONS/DOSE

PUMP WILL RUN 2 MIN +/- / CYCLE



TAX MAP 122 / LOT 15
JAMES W. HOLMES
7 CIRCLE DRIVE
HUDSON, NH 03051

KEY SYSTEM REQUIREMENTS

HOUSE INV. - 98.50
SEPTIC TANK IN - 98.0
SEPTIC TANK OUT - 97.70
PUMP OUT -
D-BOX IN - 102.75
D-BOX OUT - 102.65
4" PVC INV. - 102.55
BED BOTTOM - 102.0
FINISH GRADE - 104.0

DESIGN REQUIREMENTS

3 BEDROOMS FLOW - 450 gpd
PERC RATE - USE 10 MIN/IN
ENVIRO SEPTIC REQUIRED - 165 lin ft
PROVIDED - 200 lin ft
6 lines @ 35 feet
SEPTIC TANK SIZE - USE 1250 GALLONS
PUMP CHAMBER - USE 450 GALLONS

DEED REFERENCE: BOOK 6017 PAGE 1840

PLAN REFERENCE: HCRD # 2493 (LOT 9) DATED 1963

OWNER OF RECORD: JOHN H. JALBERT
5 CIRCLE DRIVE
HUDSON, NH 03051

PRESENT ZONE: GENERAL

PRESENT USE: SINGLE FAMILY RESIDENTIAL

PROPOSED USE: SINGLE FAMILY RESIDENTIAL

REVIEWED AND APPROVED

IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF HUDSON HEALTH OFFICER

SIGNED: *[Signature]*
DATE: 11/24/08

DESIGN CRITERIA

- NUMBER OF BEDROOMS: 3
- PERCOLATION RATE: 8 MIN./INCH
- ENVIRO-SEPTIC PIPE REQUIRED: 165 LINEAR FEET
- ENVIRO-SEPTIC PIPE PROVIDED: 200 LINEAR FEET
- INSTALL 6 LINES OF ENVIRO-SEPTIC PIPE 35' LONG
- SEPTIC TANK VOLUME REQUIRED: 1250 GALLONS
- SEPTIC TANK VOLUME PROVIDED: 1250 GALLONS

SOIL INFORMATION

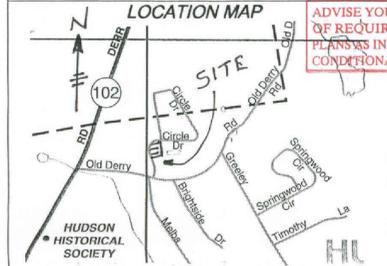
MAP SYMBOL AND NAME: WDA - WINDSOR LOAMY SAND

DATE: 11-18-2008
PERC. TEST: 8 MIN./INCH

DATE: 11-18-2008
TEST PIT:
0-4" LOAM 10YR 2/3
4"-14" 10YR S/L F.S.L., V.F., S.G. 5.6
14"-36" 10YR G/L F.S.L., F.R.S. 5.6
36"-72" 10YR 7/1 MED. SAND, F.R.S. 5.6 STR. SHWT - 48"
depth - 72" no refusal. obs water @ 72"

REVIEWED AND APPROVED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NH DEPT OF ENVIRONMENTAL SERVICES WATER DIVISION

SIGNED: *[Signature]*
DATE: 11/24/08



PREPARED BY: M.J. GRAINGER ENGINEERING INC.
PROFESSIONAL ENGINEERS-SURVEYORS-PLANNERS
220 DERRY ROAD HUDSON, N.H. (603) 882-4359

EFFLUENT DISPOSAL SYSTEM DESIGN

CLIENT: JOHN JALBERT
5 CIRCLE DRIVE
HUDSON, N.H. 03051

DATE: NOV. 17, 2008

DRAFTED BY: MJG

PLAN NO. 08-143

LOT CREATED BY SUBDIVISION
MAY 1963 HCRD # 2493
DES-SUBD APPROVAL - N/A

PREPARED BY: M.J. GRAINGER ENGINEERING INC.
PROFESSIONAL ENGINEERS-SURVEYORS-PLANNERS
220 DERRY ROAD HUDSON, N.H. (603) 882-4359

NO.	DATE	REVISIONS DESCRIPTION	BY	APP.

LOT SIZING FOR 3 BEDROOMS

LOT SIZING = $Q/1200 \times \text{FACTOR}$

Group 1 - 0.8% slope = 1.0

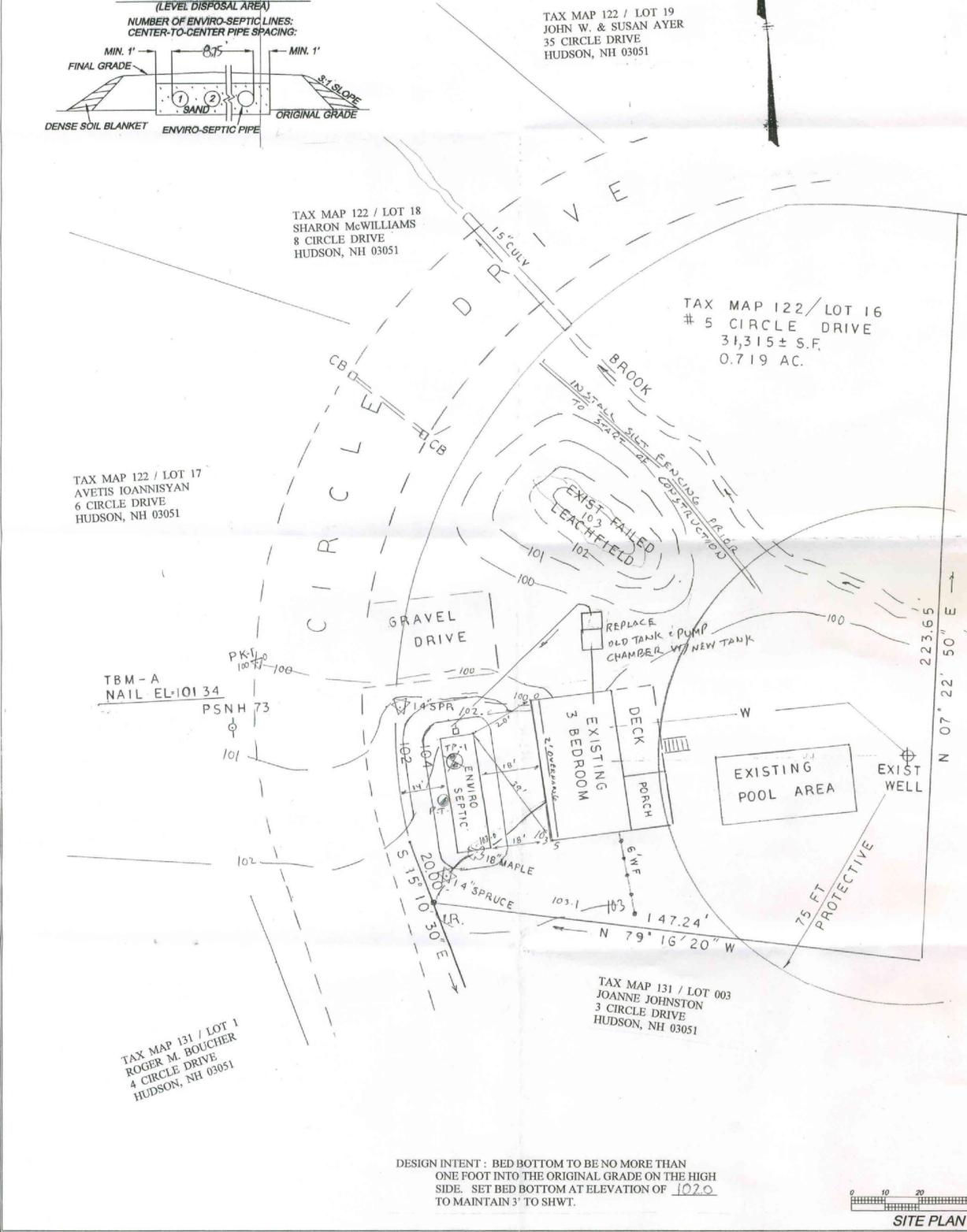
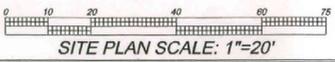
= $450/1200 \times 1.0$

= 0.225 AC = 9801 SF OUTSIDE WELL RADIUS

AREA CONTIGUOUS DRY OUTSIDE WELL RADIUS = 12500 SF ± MEETS REQUIREMENT

FAILED SYSTEM

DESIGN INTENT: BED BOTTOM TO BE NO MORE THAN ONE FOOT INTO THE ORIGINAL GRADE ON THE HIGH SIDE. SET BED BOTTOM AT ELEVATION OF 102.0 TO MAINTAIN 3" TO SHWT.



Town of Hudson
FAILED SEPTIC

Printed
3/11/2026
4:04PM
Created
3/11/2026
3:59 PM

Transaction Receipt

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

Receipt# 857,517
tgoodwyn

	Description	Current Invoice	Payment	Balance Due
1.00	Zoning Application-3/26/26 ZBA Mtg. 5 Circle Drive Map 122, Lot 016-000 Zone R-2 Variance Application	0.00	249.7000	0.00
			Total:	249.70

Remitter	Pay Type	Reference	Tendered	Change	Net Paid
Encore Construction	CHECK	CHECK #1196	226.16	0.00	226.16
Encore Construction	CHECK	CHECK # 1197	23.54	0.00	23.54

Total Due: 249.70
Total Tendered: 249.70
Total Change: 0.00
Net Paid: 249.70



TOWN OF HUDSON

Zoning Board of Adjustment



Tristan Dion, Chairman Dillon Dumont, Selectmen Liaison

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

MEETING MINUTES – FEBRUARY 26, 2026 – edited DRAFT

I. CALL TO ORDER

Mr. Dion called the meeting to order at 7:00 PM.

II. PLEDGE OF ALLEGIANCE

Mr. Dion invited all to participate in the Pledge of Allegiance and read through the Chairperson's introduction/order of business and cited housekeeping items.

III. ROLL CALL - ATTENDANCE

Mr. Dion asked the Clerk to call for attendance.

Full members present were: Tristan Dion, Tim Lanphear, Dean Sakati, Todd Boyer

Alternate members present were: Zachary McDonough (Clerk), Brendon Sullivan

Others present were: Ben Witham-Gradert – Town Liaison, Dillon Dumont (Selectman Liaison)

Remote attendance: Kristan Patenaude – Recording Secretary

IV. SEATING OF ALTERNATES

Alternate Brendon Sullivan was appointed to vote.

Mr. Boyer stated that he owns a piece of property on Central Street. He does not stand to gain anything from the outcome of the case to be heard this evening. If other Board members feel there is a conflict of interest, he will recuse himself. He believes he can maintain a fair and honest outcome to listen to the case.

Mr. Sakati asked about the nature of the property owned by Mr. Boyer. Mr. Boyer stated that he owns the four-family apartment building south of Bluebird Storage at 184-194 Central Street, approximately 70-feet. He is not employed by Mr. Dumont [applicant], he does not speak to Mr. Dumont and does not have his phone number. He stands to gain nothing positively or negatively from this case. Mr. Sakati stated that Mr. Boyer was previously concerned regarding his proximity to a property, more than 500-feet away, during a case before the Board. He is concerned with consistency but stated that he trusts Mr. Boyer's judgement.

Mr. Dion asked Mr. Boyer to confirm that this is not his primary residence. Mr. Boyer agreed. This is a rental property of his.

Mr. Dillon Dumont stated that he would step down from this case, though he is not a voting member, and seat himself in the audience.

Not Official until reviewed, approved and signed.

As edited [TG, CS, BWG]

44 Mr. Dion stated that there does not seem to be any need or request for Mr. Boyer to recuse
45 himself from this case.

46
47 **V. PUBLIC HEARING OF SCHEDULED APPLICATION BEFORE THE BOARD:**

48 **Case 176-041 (02-26-2026):** Meadows Property, LLC and Posey Investments, LLC, 195
49 R Central St., Hudson, NH requests four (4) Variances for a proposed mixed-use
50 development of commercial & multifamily containing up to the three lots of 197, 197R &
51 207 Central St., Hudson, NH as follows: (Map 176, Lots 044, 045, & 041. Sublots-000:
52 Zoned Business (B) & General (G)]

53
54 **Variance 1**— to accommodate up to three (3) proposed multifamily buildings with a
55 cumulative total of 116 units within the General (G) district, where multifamily use is not
56 permitted in the General (G) district. This variance, if approved, shall supersede the
57 variance granted on October 24, 2024 (Case #176-041 B). [Hudson Zoning Ordinance
58 (HZO), Article V: Permitted Uses; §334-21. Table of Permitted Principal Uses, and
59 Article VIII: Nonconforming Uses, Structures and Lots: §334-29 Extension or
60 enlargement of nonconforming uses]

61
62 Mr. Witham-Gradert read the Case into the record.

63
64 **Applicant Testimony:**

65 Don Dumont, 18 Hilindale Drive, explained that Meadows Property, LLC, and Posey
66 Investments, LLC, are requesting relief from Hudson Zoning Ordinance §334-14, relative to the
67 building height; §334-10, to allow multifamily in a General Zone; §334-82.F, to allow an
68 extension to be heard prior to the 90 day expiration of a Variance and for the extension of a
69 mixed-use Variance for the proposed residential and mixed-use development located at 197,
70 197R & 207 Central St., Map 176, Lots 044, 045, & 041 in Hudson. The project includes three
71 residential apartment buildings within the ~~south-central~~south-central portion of the property and
72 one mixed-use building located on the northern portion along Central Street. Two driveway
73 connections to Central Street are proposed, one for the mixed-use building and the other for the
74 residential area. It should be noted that the project also includes two proposed food truck areas,
75 each being at the two proposed driveway connections along Central Street.

76
77 Mr. Don Dumont stated that two previous Town Zoning Variances were granted on October 24,
78 2024. The variances granted allowed for a multifamily use within the (G) General District and
79 for a mixed-use residential use on the same parcel. In going through the planning process, the
80 architect found issues with the number of units and the building size, resulting in fewer units in
81 the front building along Central Street, Building A, and the back building, Building C. By adding
82 an additional building in the back, Building D, to accommodate for the lost units in Buildings A
83 and C, the change in plans was flagged by staff, and the process was put on hold in order to come
84 before the ZBA to ask for relief. During a conceptual review with the Planning Board and
85 through comments from staff, concerns were brought up about the architectural style of the
86 buildings. The goal is for these buildings to have a typical New England style look. Comments
87 from the ZBA, Planning Board, and staff reinforced this. One main way to reflect this style is
88 through the roof. In doing so, this would increase the building height to 45-feet, leading to the
89 Variance relief of up to 50-feet. The height is also critical to allow for adequate use of each floor
90 without having to expand the footprint of each building, which could lead to issues with the

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91 surrounding wetlands and wetland buffers. The requested building height is currently allowed in
92 Zones in other parts of the Town, such as the General (G) District and the (B) District abutting
93 Lowell Road/3A, the General (G) District abutting the north of the Sagamore and known locally
94 as the Friar Project, having frontage on Friar Ave., ~~a~~the portion of the General G1 District
95 located on the south of Sagamore Bridge Road, and numerous industrial zones within the Town,
96 with the closest being up the street approximately one mile at the industrial park off Central
97 Street. For those reasons, the relief being requested is fair and justified. This project will have a
98 major impact on the community and solve multiple needs. The surrounding properties are
99 commercial, except for one direct single-family home abutter off Central Street, and the owner of
100 this property has been spoken with. The request is attempting to clean up a depressed area and
101 produce a quality development that everyone can be happy with.

102
103 Mr. Don Dumont addressed the variance criteria for this requested relief. This would not alter the
104 character of the neighborhood, as this is a large parcel with virtually nothing around it. This
105 would allow for housing which the community is in need of. The proposed multifamily use is in
106 line with the spirit of the ordinance, by adhering to established guidelines and surrounding higher
107 density housing. This variance would allow the property to be developed in a successful manner
108 instead of remaining vacant, as it has been for many years. Any development of this property
109 would clean up a depressed area and improve property values for all the surrounding properties.
110 This property is bisected by two zones, and the proposed use is already allowed on the front half
111 of the parcel. Thus, the proposed use is a reasonable one and will allow for more harmonious,
112 consistent development which the Town is in need of.

113
114 **Board Questions:**

115
116 Mr. Lanphear stated that this portion of Central Street floods and he asked how this will be
117 handled through the proposal. Mr. Don Dumont explained that the existing asphalt is worse than
118 what is proposed. The existing asphalt allows the runoff to flood into the nearby wetlands and
119 cross over to the abutting streets and properties. There are beaver dams in this area which also
120 are a problem for the flooding.

121
122 Mr. Lanphear asked about the two variances originally granted in 2024 and why changes were
123 made from those approved plans. Mr. Don Dumont explained that he did not understand that he
124 would be tied to a unit count. He believed the variance received was only for the proposed use.
125 After working with the architect and staff, it seemed more transparent to come forward with the
126 revised plans, as well as to make sure that all of the variances run concurrently, as the original
127 variances are set to expire this year.

128
129 Mr. Lanphear asked if the proposed driveway will cross the wetlands. Mr. Don Dumont stated
130 that there is one small wetland crossing at the back of the site.

131
132 Mr. Lanphear noted that this was an asbestos dumping area at one point which has been capped.
133 Mr. Don Dumont stated that the State regulates work over an asbestos site and will be on site to
134 monitor this. The best cap for asbestos is asphalt. The existing cap is sand and gravel. Some of
135 this area will be made into a parking lot, which is a good cap. Mr. Lanphear noted that this could
136 be good for water penetration in the area, though that penetration has been ongoing for years.

137 Some of the asbestos may already have leached into the surrounding area. He expressed concern
138 regarding asbestos spores which may be in the area, as this will be a multifamily use.
139

140 Mr. Witham-Gradert stated that asbestos regulation is not done in any capacity by the Town.
141 This is handled entirely by DES. Most applications that go before DES have a work plan which
142 explained what will be done and how it will be done related to any asbestos work. As part of that
143 plan, DES will check the work on the site. He noted that even old wells are lined with asbestos.
144 Ultimately, the Town has no say in this process. It is carried out by DES. Mr. Lanphear stated
145 that it is the Board's job to ensure the safety of the public and he was seeking to gain more
146 information on this topic.
147

148 Mr. Sakati asked if anything has happened on the site since the original variance approvals in
149 2024. Mr. Don Dumont explained that the architect worked through plans and discussed this with
150 staff. The existing variances could be used but it seems a better idea to stay aligned with staff,
151 Board, and his own needs.
152

153 Mr. Sakati asked about any changes from the original request for 70 rental apartment units. Mr.
154 Don Dumont stated that there are fewer units proposed on the front now. There is a difference of
155 approximately four units, but these have been swapped around through the buildings due to
156 staircases and architectural.
157

158 Mr. Sakati asked if the original variance was for 70 apartments in one building and 30 in another,
159 for a total of 100 units. He asked if the applicant is now seeking 116 units in total. Mr. Don
160 Dumont stated that the total was originally approximately 112-113 units. An additional four are
161 now being sought. Building D is a newly proposed building.
162

163 Mr. Boyer asked for more information regarding the changes made to the buildings, necessitating
164 the additional units. Mr. Don Dumont stated that the architect was not accurate in the original
165 totals due to using square footages. The number of units needed to be maintained, but some
166 changes were made as the total was better determined. The number of buildings has been
167 changed to accommodate all of the units.
168

169 Mr. Dion asked about public access for a proposed trail connection shown on the plan. Mr. Don
170 Dumont stated that this would be open to the residents of the buildings. Mr. Dion asked if this
171 would be considered for an easement to get into Bensons. Mr. Don Dumont stated that this does
172 not connect directly to Bensons, though someone could use it to access that area, if they wanted
173 to. A trail easement would be up to the Planning Board. Mr. Dion asked if the road would be
174 public or private. Mr. Don Dumont stated that it would be private.
175

176 Mr. Dillon Dumont, 195 R Central Street, stated that this was originally a request from the
177 Planning Board as part of the conceptual review. It does not have to remain on the plan but was
178 included as a request. Mr. Dion stated that an easement for Town use of the trails would be nice.
179 Mr. Dillon Dumont explained that the intention was to create uses that are friendly to everyone
180 in the Town. The proposed food trucks are a nice add for the area.
181

182 Mr. Dillon Dumont stated that the original proposal included an engineered plan. An architect
183 was used to obtain final plans and determined that 34 units would be lost from one of the

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184 buildings. There is a net gain of four units for the entire project and the addition of one building
185 in order to make up for the losses to Buildings A and C. Ultimately, the use and intent are the
186 same as when discussed in 2024.

187
188 The Board noted that two of the proposed variances are to synchronize the original variances
189 with the newly requested ones and move them out two years. Mr. Dillon Dumont explained that
190 the original mixed-use variance is still valid and has not changed. The multifamily variance was
191 flagged during the planning stage due to changes on the plan. The discussion in the minutes from
192 that time does not reflect the number of buildings, and it felt proper to bring this back in front of
193 the Board. Variance 2 is a new request regarding the building height. Variance 3A is requesting
194 relief for the Board to hear the case as it is earlier than the 90 days typically allowed for an
195 extension. Variance 3B is for the extension itself, if 3A is granted.

196
197 Mr. Dion stated that a variance was previously granted and so the applicant has a right to build
198 this project, even if per the original approval. The major change proposed is to add four
199 additional units and split the large unit into two. Mr. Dillon Dumont explained the existing site is
200 problematic. There is a large parking lot with a foundation still in the wetland buffer. In order to
201 remediate that, there has to be something to offset the cost for infrastructure and fix those
202 problems. This is where the additional unit count came from. Losing approximately 40 was not
203 feasible and so the fourth building was proposed, allowing the applicant to fix the issues,
204 remediate the problems, and still make it a viable project.

205
206 Mr. McDonough asked if the applicant is proposing to remove some of the foundations within
207 the wetland areas and return it to wetland. Mr. Dillon Dumont explained that there is some
208 sloped pavement directly into the wetland and an existing foundation in that area. This will be
209 improved. There will be work within the front wetland buffer due to drainage infrastructure to
210 deal with existing runoff issues. Without this drainage work, there is a constant flow of salt,
211 runoff, and materials from cars going into the wetland.

212
213 Mr. Dion asked if the applicant has taken into account traffic accessing the site. Mr. Dillon
214 Dumont explained that a complete traffic study was conducted and provided. The goal is to
215 create a development that does not cause any issues in the area. The goal is to improve an
216 extremely depressed existing area.

217
218 Mr. Dion asked to receive public comment either in favor, neutral or opposed from the public at
219 7:40 PM.

220
221 **Public Comments in Favor:**
222 Mr. Witham-Gradert read into the record the names and addresses, when available, for those
223 public comments received in favor of the plan. All of the comments were provided to the Board
224 prior to the meeting via e-mail. These are also available as part of the case record online and in
225 Town Hall. All of the comments were received by Monday of this week. The package deadline is
226 the week prior to the meeting, and these comments are in response to the packet. The comments
227 were from those people as follows: Christine StLaurent, 8 Breakneck Road; Abby Plante, 134
228 Wason Road; Brian Dubowik, 223 Derry Street; Devin Plante, 134 Wason Road; Daniel
229 Dubowik, 2 Old Derry Road; Paul Lukitsch, 19 Hilindale Drive; Angela Schilling, 35 River
230 Road; Pamela Dyer, 13 Winnhaven Drive; Patricia Johnson, 42 Riverside Avenue. In addition,

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231 there were four comments for which no address was provided: Those are Tina Lukitsch; Lucas
232 Croteau; Evelyn Scott; and Tom Page.

233
234 Edward Thompson, 22 Burns Hill Road, asked about the variances approved in 2024 and the
235 differences between those approvals and the current request. Mr. Dion stated that the original
236 proposal was for two multifamily buildings sitting wholly within the G District. The current
237 proposal is for three buildings, fully within the G Zone. Instead of one massive 70 unit building,
238 the current proposal shows this split into two, with Building B at 24 units and the front, multiuse
239 building with eight units. The multiuse building is not part of the current variance requests. Mr.
240 Thompson asked if the applicant will be given an approval up-to a certain number of units, such
241 as 116, and not allowed to go above this. Mr. Witham-Gradert stated that the request is for a
242 cumulative total of up-to 116 units within the General Zone. The applicant could shift those units
243 within the buildings, if approved.

244
245 Mr. Thompson asked about access to Bensons Park from this property. He would like this access
246 to be under lock and key to prevent future vandalism.

247
248 Adam Garside, 19 Burnham Road, stated that he would like to see something on this dilapidated
249 site. He cuts through this property when ~~w~~alking his dog and access to Bensons(Park) would be
250 nice.

251
252 Mr. Sakati presented key themes from the public comments submitted in favor, such as
253 revitalization of the site in terms of adding additional housing, and financial benefit to the Town
254 through additional children enrolled in schools. Some of the challenges mentioned were around
255 height, concerns about the wetlands and the environment, potentially disturbing of the asbestos,
256 financial concerns such as a drain on Town resources, and potential diminution of nearby
257 property values. Some comments also expressed concern regarding conflicts of interest on the
258 Board, as the Board's liaison is also the applicant. Mr. Sakati noted that the last point does not
259 obstruct his view or objectivity on the application.

260
261 **Public Comments Neutral or Opposed:**

262 Mr. Witham-Gradert read into the record the names and addresses, when available, for those
263 public comments received in neutrality and opposition of the plan. The comments were from
264 those people as follows: Nancy Sudsbury, 18 Windham Road (neutral). In opposition, the names
265 include Suzanne Roark, 5 Gloria Avenue; Don Melanson, 4 Stoney Lane; Lisza Elliott, 6 Alvirne
266 Drive; and Susan Bailey, 33 Oliver Drive. With no address provided, in the neutral category,
267 there was Michael LaBonte, and in opposition there was Pam (no last name), Amanda Morrill,
268 Meaghan Barcelos, Leonard Bowden, Andrea Rooney, and Karen Tucker.

269
270 Mr. Witham-Gradert stated that the neutral comments included questions. From Nancy
271 Sudsbury:

- 272 1. ~~The b~~Building in the middle of wetlands which directly abut Central ~~S~~street which are
273 known to overflow into Central ~~S~~street without help from a new construction in the
274 middle of them. What is the planned mitigation to prevent this from getting worse,
275 flooding Benson's or other?
276 2. Asbestos, I'm assuming EPA will be involved and approve all plans. True?

- 277 3. 200+ additional vehicles to be parked and then enter onto Central Sstreet directly
 278 between 2 existing traffic lights. I'm thinking this will definitely cause an issue. Five
 279 O'clock traffic in that area is already a problem. Wondering how many light cycles
 280 commuters will sit thru with the additional traffic. Is there a plan to modify 111 (Central
 281 Sstreet) in that area to deal with all the entering and ~~existing~~ exiting to the development.
 282 4. MUD zoning was voted down in our last election. It's been less than a year and there is
 283 request to develop MUD. The town was pretty clear they are not for it so why is this
 284 project including MUD development.
 285 5. What is the financial impact to our current residents? Will this new project bring in more
 286 revenue to our town than it will cost us highway, school, police, etc.-?
 287

288 Deborah Putnam, 59 Rangers Drive, stated that she has not heard anything about the potential
 289 impact on Benson Park. The addition of buildings adjacent to Benson Park, up to, potentially,
 290 50-feet in height, would affect the environment, wildlife, light infiltration, and enjoyment for
 291 those in Benson Park. It is possible that the development could be a positive, but each board
 292 needs to consider the potential impact to Benson Park, including the hydrology, and wetlands.
 293 Asphaltting over the asbestos will cap it, but it will also make the ground impervious to water.
 294 Disturbing beaver dams will affect the entire hydrology and wildlife of the area. The larger
 295 picture should be examined.
 296

297 **Applicant Rebuttal:**

298
 299 Mr. Dillon Dumont stated that a lighting study was completed and submitted to the Planning
 300 Board, making sure all of the lighting will be dark sky compliant, so as to not affect the
 301 neighbors in the surrounding areas and the Park. A complete hydrology report was submitted to
 302 the Town Engineer, along with a stormwater management study, including how the project will
 303 actually improve the existing problems. As for wildlife, a study will be completed through the
 304 DOT permit process, which will be discussed during the Planning Board process. As for the
 305 access through Benson's Park, this was a request of the Planning Board merely for an easement or
 306 other type of access. If there is a strong opposition to it, it can be removed. Security at Benson's
 307 Park is important. The applicant is not tied to this one way or the other. In terms of the number of
 308 units, there was a shift due to the architectural and intention not to widen the footprint to
 309 accommodate everything within one building. In theory, the building could be made larger to
 310 accommodate for this.
 311

312 **Board Discussion:**

313
 314 Mr. Lanphear suggested shrinking the number of units a bit. The hardship of including additional
 315 units and pavement does not seem clear. There is not as much green space on this plan as there
 316 was on the original one. Mr. Dillon Dumont stated that the only difference in the current
 317 proposal is with the building of eight units, a net gain of four over the entire project. During staff
 318 review, the applicant was told to consider the entire parcel. This is a split zone, with a random
 319 line drawn through the parcel that, quite frankly, should not be there. Shrinking the site could
 320 lead to issues with fire and access because the turning movement plan shows a larger cul-de-sac
 321 and widening to create an adequate aisle for emergency service access. There may be unintended
 322 consequences of shrinking the project.
 323

324 Mr. Lanphear stated that he was suggesting shrinking the back portion only, which was
325 originally 70 units in one building and 30 in another. This proposal shows more total units. Mr.
326 Dillon Dumont stated that there was no conversation regarding number of units during the
327 original hearings. The discussion revolved around use. The five criteria at that time were
328 approved and these are the same criteria in play today. Cutting a sliver off the building would not
329 make any reasonable change to the project, though could change some things in terms of
330 drainage, infrastructure improvements, and stormwater design. Mr. Don Dumont stated that the
331 proposal pavement and parking are the same on the current proposal. Mr. Dillon Dumont stated
332 that there is more parking shown on the site than is required. If the Planning Board determined
333 that less parking would be required, the applicant would consider this. Moving the buildings
334 could cramp the access to the back building. Mr. Lanphear stated that the area nearby is a
335 wetland. The proposal will change the existing environment. Mr. Dillon Dumont stated that the
336 stormwater design will treat all runoff. The applicant is not allowed to discharge any runoff. This
337 was addressed in the stormwater management report. This will be flushed out through the
338 Planning Board process. In terms of the five criteria, there is not a difference from what was
339 originally approved.

340
341 Mr. Sakati stated that the criteria need to be reviewed again, as this is a new application. Mr.
342 Dillon Dumont agreed.

343
344 Mr. Boyer stated that he believes it is the use that the Board provides the relief for. There can be
345 a confusion or discrepancy when the applicant provides a plan that contains a number of units.
346 The Planning Board will discuss if the buildings are the correct size and feasible for the location.
347 This Board has already granted relief to use the site for multifamily units. The changes to the
348 plan do not change the approved use. Mr. Witham-Gradert stated that the ZBA is allowed to
349 place stipulations or restrictions on how nonconforming a use is. If the Board simply allowed a
350 multifamily use, the assumption would be that the applicant can maximally use the property as
351 much as they want. The ZBA is allowed to limit how nonconforming a use is. In this case, that
352 could be done by limiting building count, square footage, or unit count. The original notice of
353 decision for this property was uncommonly restrictive. Most of the time the decisions do not
354 delve into specific square footages and dimensions of buildings. The current decision is framed
355 in terms of the total non-conformance being done. The ZBA could agree to grant multifamily for
356 as many units as the applicant wants and then leave it entirely up to the Planning Board to
357 determine how many units are appropriate. The ZBA could work with the applicant to take the
358 current proposed amount and add a reasonable buffer to the number in order to create some
359 restriction or limitations. This could be added as a stipulation or part of the vote itself.

360
361 Mr. Dion asked if these will be single or multi-bedroom units. Mr. Dillon Dumont stated that
362 there are a mix of one- and two-bedroom units proposed. Floor plans change due to codes and
363 architectural. The goal is to create “the missing middle” style of housing, mentioned throughout
364 the Master Plan process. Floor plans were created, though there may be changes to these. There
365 are locker/storage areas proposed for the units. This is dependent on what space is available in
366 the buildings, leading to the request for the buffer of units. Mr. Dion stated that he would like to
367 consider the tax impact of the units, based on which units may bring in children. Mr. Dillon
368 Dumont stated that it is difficult to find small family units. The intention is to help people who
369 are just above the affordable housing line, but below the luxury housing line. These could be
370 service members, firefighters, teachers, etc. The unit mix will be based on need and is subject to

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371 change. Mr. Don Dumont stated that staff requested some confinements and he agreed. Mr.
 372 Dil|on Dumont agreed that there should be a stipulation as to what will be built on the site.

373

374 **Rebuttal Public Comments in Favor: None at this time.**

375

376 **Rebuttal Public Comments Neutral or Opposed: None at this time.**

377

378 Seeing no additional comments at this time, Mr. Dion closed the public comment period at 8:15
 379 PM.

380

381 **Board Discussion and Deliberation:**

382

383 Mr. Sakati asked how Board members are considering the hardship criterium. Mr. Dion stated
 384 that he is viewing this application as a clean slate. The Board could also consider that a similar
 385 variance was granted two years ago, and the similar reasons still apply today. The case may be a
 386 bit stronger today, as the plan is more fleshed out. The original hearing dealt with putting
 387 multifamily buildings in the G Zone where they do not belong. This slivers against the Business
 388 District. Originally, the applicant was proposing to purchase many lots, combine them, and use
 389 the back portion of the lot which had not previously been used. If the entire property had been
 390 moved west by some number of feet, or if the line did not split the property, this may not **be**
 391 before the Board at all. The applicant could build to the original plan, if nothing else. The Board
 392 needs to consider if it is comfortable with the request to split the large building into two and
 393 shuffle units across the property.

394

395 Mr. Lanphear asked if the proposal is for 116 total units in the back portion of the property,
 396 which is subject to the variance, where this area currently lists 109 on the plans. Mr. Dion stated
 397 that he believes that is correct. The intention is to include a few extra units as a buffer. The
 398 original plan showed a total of 100 units.

399

400 **Mr. Boyer moved to grant a variance from §334-21 – Table of Permitted Principle Uses: to**
 401 **accommodate up to three (3) proposed multi-family buildings with a cumulative total of**
 402 **116 units within the General (G) district, where multifamily use is not permitted in the**
 403 **General (G) district. This variance shall supersede the variance labeled as #176-041B,**
 404 **granted on October 24, 2024, based on the written and verbal testimony of the applicant,**
 405 **and with the following stipulations: There shall be a cap of 116 units in the G Zone, duly**
 406 **seconded by Mr. Sakati.**

407

408 **Board Speaking on Each Variance Criterion:**

409

410 **1. Granting this variance will not be contrary to the public interest**

411 Mr. Boyer stated that granting of the variance will not be contrary to the public interest.
 412 The majority of the public present this evening and the majority of the public comments
 413 submitted were in favor of the project. These included positive statements of the proposal
 414 cleaning up the area and providing housing for residents of Hudson.

415

416 **2. The proposed use will observe the spirit of the ordinance**

417 Mr. Boyer stated that the proposed use will observe the spirit of the ordinance. The
 418 property is located in a residential zone and is proposed to be used for residential
 419 housing. It is located off the main road and shielded by several nature effects.
 420

421 **3. Substantial justice would be done to the property owner by granting this variance**

422 Mr. Boyer stated that substantial justice would be done to the property owner by granting
 423 the variance. The property owner is developing the property with a use that he believes is
 424 helpful for the residents of Hudson by providing housing.
 425

426 **4. The proposed use will not diminish the value surrounding properties**

427 Mr. Boyer stated that the proposed will not diminish values of the surrounding properties.
 428 The applicant, along with several members of the public, stated an interest in seeing the
 429 area cleaned up, which the proposal would do.
 430

431 **5. Ordinance results in unnecessary hardship**

432 Mr. Boyer stated that the applicant established that literal enforcement of the provision of
 433 the ordinance would result in an unnecessary hardship. This is a new project. All of the
 434 same hardship criteria apply from the previous approval. The intention is to combine a
 435 group of parcels to make a development. This is the only way to make this project happen
 436 and provide benefits to it for the Town.
 437
 438

439 **Mr. Boyer – to grant**

440
 441 **1. Granting this variance will not be contrary to the public interest**

442 Mr. Sakati stated that he does not see the proposal negatively affecting public health or
 443 safety.
 444

445 **2. The proposed use will observe the spirit of the ordinance**

446 Mr. Sakati stated that combining the properties and allowing a multifamily use does not
 447 conflict with the spirit of the ordinance.
 448

449 **3. Substantial justice would be done to the property owner by granting this variance**

450 Mr. Sakati stated that the proposal does not harm the general public and there is no
 451 proposed change from the original approval.
 452

453 **4. The proposed use will not diminish the value surrounding properties**

454 Mr. Sakati stated that he does not perceive any change to surrounding property values.
 455

456 **5. Ordinance results in unnecessary hardship**

457 Mr. Sakati stated that the property is almost unusable and some remediation has to occur
 458 in order for a return to make it worth the applicant's time and effort. He thanked the
 459 public for all of the comments and encouraged the Planning Board to thoughtfully listen
 460 to all of the comments. This can be a constructive process.
 461

462 **Mr. Sakati – to grant**

463

- 464 **1. Granting this variance will not be contrary to the public interest**
 465 Mr. Lanphear stated that granting the variance will not be contrary to the public interest.
 466 The proposed ~~mixed-use~~mixed-use development will be cleaner and look much better
 467 than the existing site.
 468
- 469 **2. The proposed use will observe the spirit of the ordinance**
 470 Mr. Lanphear stated that the proposed use will observe the spirit of the ordinance. The
 471 applicant combined many parcels to make one large usable piece of property. The
 472 proposal will not hurt the neighborhood or the public safety.
 473
- 474 **3. Substantial justice would be done to the property owner by granting this variance**
 475 Mr. Lanphear stated that substantial justice would be done to the property owner in
 476 granting the variance.
 477
- 478 **4. The proposed use will not diminish the value surrounding properties**
 479 Mr. Lanphear stated that the proposed use will not diminish any surrounding property
 480 values. It will increase these property values.
 481
- 482 **5. Ordinance results in unnecessary hardship**
 483 Mr. Lanphear stated that The property itself creates a lot of hardship, due to the wetlands.
 484 The applicant has come up with creative ways to cross these different barriers. Hopefully
 485 the Planning Board will continue to uphold what the public wants to see on this site. The
 486 proposed use is a reasonable one.
 487

488 **Mr. Lanphear – to grant**
 489

- 490 **1. Granting this variance will not be contrary to the public interest**
 491 Mr. Brendon Sullivan stated that granting the requested variance will not be contrary to
 492 the public interest, based on the majority of the speakers and comments heard. Most
 493 people seem to be in favor of this use.
 494
- 495 **2. The proposed use will observe the spirit of the ordinance**
 496 Mr. Brendon Sullivan stated that the spirit of the ordinance will be observed. The spirit of
 497 the ordinance does not conflict with public health, safety, or welfare. The majority of
 498 people were in favor of this proposal, and it will allow for better use of the area.
 499
- 500 **3. Substantial justice would be done to the property owner by granting this variance**
 501 Mr. Brendon Sullivan stated that substantial justice would be done to the property owner.
 502 The proposal will do no harm to the general public.
 503
- 504 **4. The proposed use will not diminish the value surrounding properties**
 505 Mr. Brendon Sullivan that the proposed use will not diminish values of the surrounding
 506 properties. Cleaning up the area, developing it, and putting it to better use, will be a good
 507 thing for the area. ~~The direct neighbors mentioned that they have already had to install a~~
 508 ~~fence due to the current use, which impacts their property value.~~
 509
- 510 **5. Ordinance results in unnecessary hardship**

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511 Mr. Brendon Sullivan stated that this is true based on the testimony heard tonight.

512

513 **Mr. Brendon Sullivan – to grant**

514

515 **1. Granting this variance will not be contrary to the public interest**

516 Mr. Dion stated that the ordinance in the General District is meant to prevent
517 overcrowding situations. This lot is a split zone on the Business District. The proposal
518 use appears to be a good one, which does not necessarily clash with what the ordinance is
519 trying to do.

520

521 **2. The proposed use will observe the spirit of the ordinance**

522 Mr. Dion stated that the plan does not conflict with the character of the neighborhood or
523 threatening public health, safety, or welfare. The proposal may increase the makeup of
524 the current neighborhood in the area. It is a very depressed area. This is not currently a
525 ~~nice looking~~nice-looking site, and the applicant is proposing to revitalize the
526 neighborhood.

527

528 **3. Substantial justice would be done to the property owner by granting this variance**

529 Mr. Dion stated that substantial justice would be granted to the property owner. There
530 will be no harm ~~to the public~~ leveraged against the general public ~~from~~by this plan.

531

532 **4. The proposed use will not diminish the value surrounding properties**

533 Mr. Dion stated that this proposal may actually increase the value of surrounding
534 properties by making the site look better and making it more useful.

535

536 **5. Ordinance results in unnecessary hardship**

537 Mr. Dion stated that there are special conditions of this property. It is a multi-parcel and
538 multi-zoned property, half Business and half General. There is asbestos all over the site
539 which someone has to deal with. Mitigation comes at a high cost. There is a give and
540 take, which is an unnecessary hardship within itself. The applicant is proposing to clean
541 up the area, fix the existing drainage issues, and is seeking ways to fund those activities
542 through some additional units.

543

544 **Mr. Dion – to grant**

545

546 **Vote: 5-0-0 motion carried to grant the variance.**

547

548 *The Board took a ten minute recess and resumed at 8:44pm.*

549

550 **Variance 2**— to allow the up to three (3) proposed multifamily buildings within the
551 General (G) district to exceed 38 feet in height up to a maximum of 50 feet, where a
552 maximum height of 38 feet would otherwise be required. [HZO Article III: General
553 Regulations; §334-14 Building height]

554

555 Mr. Witham-Gradert read the Case into the record.

556

557 **Applicant Testimony:**

Not Official until reviewed, approved and signed.

As edited [TG, CS, BWG]

558 Mr. Don Dumont reviewed the variance criteria. He explained that the use will not alter the
559 character of the neighborhood. This is a large parcel with virtually nothing around it. The use
560 would allow for housing, which is needed in the community. The proposed multifamily use
561 aligns with the ordinance by adhering to the established guidelines and supporting higher density
562 housing. The proposed use will allow the property to be developed in a successful manner
563 instead of remaining a vacant lot, as it has been for many years. Any development of the
564 property would clean up a depressed area and improve property values for the surrounding areas.
565 The building, if limited to current ordinance, would yield insufficient unusable interior space for
566 the intended reasonable use, which is multifamily housing. The variance would allow for
567 adequate ceiling heights and the modern HVAC utilities and accessibility. The proposed building
568 height allows for adequate space without increasing the building footprint. Further increasing the
569 building footprint would impose greater impacts for the surrounding wetland and wetland
570 buffers. By allowing for a higher pitched roof, the building will better conform with similar
571 architectural throughout the Town. The proposed building height is reasonable because similar
572 and taller heights are allowed elsewhere in the Town in the same Zone. The property is
573 negatively impacted by strict conformance to the ordinance. The wetland on the property
574 increases the unique and special conditions, limiting the availability of building area. Without
575 granting relief from this ordinance, the building footprint would increase and impose a greater
576 impact to the wetlands and wetland buffers.

577

578 **Board Questions:**

579

580 Mr. McDonough asked if the additional height was related to feedback from a prior meeting. Mr.
581 Don Dumont stated that this was brought up by both the ZBA and Planning Board. The style of
582 the building at the old Friary was mentioned and so the roof pitch was increased to allow for a
583 greater New England feel. This leads to a building taller than 38-feet. The appearance of the
584 building will not be appropriate if shorter than this. Mr. Dillon Dumont stated that the building
585 height allows for adequate floor heights, modern utilities, fire suppression systems, staircases,
586 etc. To maintain the existing commercial building feel on Central Street, with New England style
587 roof pitches, the height must be increased. The buildings are proposed to be between 42-feet to
588 45-feet, but the applicant is requesting up to 50-feet to allow for a buffer.

589

590 Mr. Sakati asked what could be done with the 38-foot height, if this variance is not approved.
591 Mr. Dillon Dumont stated that this would lead to a flat roof. It is difficult with not wanting to
592 increase the footprint while wanting to meet certain architectural standards. Mr. Don Dumont
593 stated that the project will not be as eye-pleasing if the variance is not approved. He believes
594 staff, the ZBA, and Planning Board all made comments about wanting something to compliment
595 the area. The ordinance speaks to living space and the pitch of the roof is an aesthetic part of the
596 building, not living space.

597

598 Mr. Witham-Gradert stated that the ordinance speaks to that the only thing allowed above 38-feet
599 is unoccupied protuberances, such as weathervanes, steeples, etc. Wholesale roof lines may not
600 go above this height, which triggered the need for a variance. Mr. Don Dumont asked about
601 parapet walls, as these do not involve living space. Mr. Dillon Dumont explained that the
602 ordinance speaks to livable space but also mentions the highest roof line. This is contradictory
603 and can be confusing. Parapets and HVAC systems are not usually included in the height.

604

605 Mr. Lanphear stated that it seems the site was well designed for handicap parking spaces. He
606 asked if there will be elevators in the building. Mr. Dillon Dumont stated that this is currently
607 being considered in the design of the buildings. ADA compliance changes many of the first floor
608 living standards. Mr. Don Dumont noted that a flat roof would include very large HVAC systems
609 on top. These would not look attractive.

610
611 Mr. Boyer stated that Dave Hebert, Fire & Health, had no comments about this request. If the
612 Fire Department does not have a concern, then it appears there is not an issue. Mr. Lanphear
613 asked about the height of the three-story buildings on Lowell Road. Mr. Witham-Gradert stated
614 that these are 37-feet 9.5-inches tall. A variance was not needed for these. The height ordinance
615 lists specific zones and parcels by map and lot number for properties allowed to be over 50-feet.
616 Wholesale zones are not listed.

617
618 Mr. Dillon Dumont stated that approximately half a mile up on Central Street to the west there is
619 an industrial park that allows for the taller height.

620
621 In response to a question from Mr. Boyer, Mr. Witham-Gradert stated that the ordinance
622 amendment could be perceived as spot zoning, but this is not the place to comment on that.

623
624 Mr. Dion asked if there would be any residential space above the 38-foot height. Mr. Dillon
625 Dumont stated that there would not. An elevation plan was provided to the Planning Board. Mr.
626 Witham-Gradert stated that the space above 38-feet is listed as unused roofline area. The highest
627 elevation shown on the plan was 37-feet. Mr. Dillon Dumont stated that the elevation plan was
628 included in the February 11th staff report for the Planning Board meeting. Mr. Don Dumont
629 noted that it is more expensive to create a pitched roof that is aesthetically appealing than a flat
630 roof.

631
632 **Public Comments in Favor:**

633 Mr. Witham-Gradert noted that all public comments submitted also apply to this variance case.

634
635 Nancy Sudsbury, 18 Windham Road, stated that she prefers the idea of a pitched roof and agrees
636 that it will give more of an aesthetically pleasing look than a flat roof.

637
638 **Public Comments Neutral or Opposed:**

639 Ed Thompson, 22 Burns Hill Road, stated that he prefers a pitched roof. He noted that the
640 request for 116 units is what is driving the height of the buildings. Allowing this number of units
641 drives the volume of the buildings upward. Town Code §334-14 deals with building height.
642 Hudson has building height requirements in its Residential Districts, generally limiting
643 occupiable structures to 38-feet, in order to promote public health, safety, and general welfare.
644 These regulations are rooted in the zoning ordinances and aim to prevent overcrowding, ensure
645 adequate light and air, secure fire safety, and maintain the character of residential neighborhoods.
646 He expressed concern with the applicant requesting a 50-foot allowance when 38-feet is allowed
647 in the residential zone. The developer and his partner/son, who has served on the Board of
648 Selectmen, knew about the zoning laws in this Town for many years. Yet they went to the
649 Planning Board with a plan showing 50-foot buildings, knowing they were over the 38-feet to
650 begin with. He asked why the applicant did not propose two story buildings with a beautiful roof
651 line. He asked if there will be a stipulation that there be no living space allowed over 38-feet if

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652 the variance is approved. Granting this variance could set a precedence for another developer to
653 request the same thing. While each case is different, the Board could be opening the Town up for
654 workforce housing to pop up everywhere. He suggested a stipulation that there be no livable
655 space above 38-feet in the buildings.

656
657 In response to a question from Mr. Sakati, Mr. Witham-Gradert explained that the floor heights
658 would be approximately 8-feet 11 ¾-inch.

659
660 Seeing no additional comments at this time, Mr. Dion closed the public comment period at 9:15
661 PM.

662
663 **Applicant Rebuttal:**

664
665 Mr. Dillon Dumont explained that there was initially a bit of a discrepancy internally as to where
666 the applicant was in terms of zoning compliance. A week prior to the Planning Board meeting,
667 the applicant was told to come back to the ZBA. In reading through the zoning ordinance with
668 staff, it became clear that occupiable space is to the highest point of the roof lines. There are
669 unique conditions of this parcel which are not see everywhere else. The buildable area for the 26
670 acres is minimal which is an inherent hardship and gives the Board the authority to find relief to
671 be necessary. Every case is different and each applicant has to meet the criteria. If the unit count
672 is set at 116, it would not allow the addition of another floor. The heights of the floors may
673 change through the planning and grading process and so the request relief up to 50-feet is
674 reasonable, with the understanding that there are a set unit count and three floors approved
675 within the building. Mr. Don Dumont stated that the grades of the building are yet unclear. The
676 intention is to stay within certain bounds without having to come back before the Board for
677 additional relief as the process moves forward.

678
679 **Board Discussion:**

680
681 In response to a question from Mr. Sakati, Mr. Dillon Dumont stated that there will be duct work
682 and sprinkle system utilities on the third floor likely. There is nothing proposed beyond the
683 height of the buildings shown.

684
685 Mr. Lanphear asked if the applicant would be okay with a maximum height of 50-feet and a
686 maximum livable height of 38-feet. Mr. Dillon Dumont stated that he would mostly be fine with
687 this, but it a bit concerned with potential grades on the site. The intention is to stay as close to the
688 maximum heights as possible, but some of this will be further determined through the Planning
689 Board and Conservation Commission processes. Mr. Lanphear stated that he is concerned that
690 allowing for a 50-foot height could mean that the applicant chooses to put on a flat roof and a
691 fourth floor. Mr. Don Dumont stated that the minutes will include the reasoning and intention for
692 what is being sought. Mr. Dillon Dumont stated that he would not agree with the proposed
693 stipulation. The trusses for the roof line have not yet been planned out. There is no goal for a
694 fourth floor.

695
696 Mr. Dion suggested a stipulation regarding the roof line height to the top of the foundation. This
697 should be a hard figure. Mr. Don Dumont stated that the weight loads for the floors are not yet
698 known. Mr. Dion suggested a 38-foot height from the top of the foundation to the top of the

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699 living space. Mr. McDonough suggested a stipulation of three livable floors. Mr. Dillon Dumont
700 stated that he would prefer that stipulation than one with a specific footage. He noted that the
701 Board moved to approve the three buildings on the site and 116 units. Adding another floor to
702 the building is not possible with the eight additional units being requested. His reservations with
703 the specific footage come from the building not being fully designed yet.

704

705 Mr. Sakati stated that the buildings that are 50-feet in Town are huge. He asked about the look of
706 the building from Benson's Park when there are no leaves on the trees. It could be very imposing
707 to residents.

708

709 Mr. Boyer suggested a way to interpret the zoning ordinance to be pleasing to the applicant and
710 help the Board. He asked about if the 38-feet is measured from the front entrance to the livable
711 floor height of the building. Mr. Don Dumont suggested maintaining three levels of living.

712

713 Mr. Witham-Gradert stated that, ultimately, height is wholly regulated on the zoning side. When
714 an application goes before the Planning Board, it first goes out for comment from Town
715 departments. This was not flagged at that time. During the planning review, the problem was
716 caught, which is why it is now before the ZBA. If the Board wanted to do something in line with
717 what Mr. McDonough recommended, related to no more than three stories of livable space, it
718 should consider how that would be written in order for the Planning Board to understand it and
719 take it into account. The applicant could then technically create comically tall rooms, but this is
720 something that Planning could then regulate to a greater extent as part of the site plan review.

721 Mr. Dion asked about limiting it to a maximum of three floors with the expectation that there is a
722 pitched roof.

723

724 Mr. Lanphear suggested 38-feet from the foundation to the height of the top floor ceiling. This
725 would allow a certain amount of floor height for each floor. Mr. McDonough expressed concern
726 with creating a hardship by defining the maximum floor height without there being structural
727 plans available. This could create structural implications and limit the amount of usable floor
728 space for the units previously approved. Mr. Dillon Dumont stated that there is a 5-foot
729 difference in the tallest building from 45-feet to 50-feet. There is no intent to move away from
730 the current architectural plan, but he is concerned with a specific requirement for the floor height
731 for many reasons.

732

733 Mr. Witham-Gradert stated that, with a sloped roof, there is a minimum slope required. The
734 exact percent grade or angle of this roof is not yet known. The requirement for a sloped roof
735 would, by definition, take up a certain amount of height which may resolve the issue entirely.
736 Mr. Dillon Dumont noted that reducing this could lead to some structural issues that would
737 probably cause an abnormal size and width. The roof section cannot be made shorter within the
738 rules of code and compliance.

739

740 Mr. Boyer stated that the Board could impose a hardship on the applicant by making ~~constructure~~
741 ~~construction~~ constraints on the applicant. Three floors of living space may be a more reasonable
742 stipulation. Mr. Dion stated that he would like to somehow tie in the pitched roof requirement.

743

744 Mr. Sakati expressed concern regarding the variance running with the land and a future owner
745 doing something very different than the currently proposed project. 50-feet is imposing and he

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746 would have liked to see the proposed sight line from Bensons. He also expressed concern
747 regarding setting precedent for allowing variances for 50-foot buildings, where these requests
748 previously came through Warrant Articles. He would have rather seen this voted on through a
749 Warrant Article. This could open the flood gates for the Town.

750
751 Mr. Dillon Dumont stated that the ZBA exists for this purpose. The Supreme Court has found
752 that creating Warrant Articles for each parcel is not the proper procedure. That process would be
753 significantly longer. The purpose of the ZBA is to allow applicants to seek relief for unique
754 parcels. This path seems to be more appropriate than the applicant seeking a Warrant Article to
755 change the height for a single parcel. Mr. Dion stated that this is a bizarre property. There cannot
756 be full use of it. Mr. Sakati asked if there is a hardship for the 50-foot request. He likes the
757 proposed roof more than a flat roof, but it is unclear if the Board has this authority.

758
759 Mr. Don Dumont suggested limiting the project to the ~~three-story~~ three-story livable area without
760 placing requirements on the actual roof line space. Mr. Sakati agreed that this would also help
761 with including requirements for future owners. This still does not solve the problem of the sight
762 line from Bensons.

763
764 Mr. Lanphear stated that the roof line is an 18-foot height to the peak. Adding 36-feet to 18-feet
765 leads to 54-feet, not counting the drop of the ground height. This pushes the building to almost
766 60-feet high. Mr. Witham-Gradert stated that the variance requested would cap the height at 50-
767 feet, between the three stories and the roof. The variance request, as listed, does not include any
768 specific parameter or ratio between those. The Zoning Ordinance regulates the height total, not
769 the height of individual stories. Mr. Dillon Dumont stated that the reasonable approach is for a
770 stipulation of three stories of living space with a pitched roof. There are too many variables that
771 have not been fleshed out yet on the plans. The hardship is the uniqueness of the property,
772 including the wetlands and other constraints, and the usable acreage. Other properties in Town
773 could not likely meet the same hardship. The view from Bensons would likely be better as a New
774 England style building and not a flat, "chicken coop" roof.

775
776 Mr. Dillon Dumont suggested a straw poll of the Board regarding Mr. McDonough's suggested
777 stipulation.

778
779 Mr. McDonough reiterated his proposed stipulation for the variance request of assuming a 50-
780 foot maximum overall, limiting the building to three livable floors plus a pitched roof. Mr. Sakati
781 stated that he would like to discuss this further in deliberations.

782
783 Mr. Witham-Gradert stated that request for the height is for the three proposed multifamily
784 buildings, specifically for the use listed. For example, if the property was sold, a future owner
785 could not make this a mall with three stories, as it would not fall within the stipulations.

786
787 Mr. Sakati asked the applicant for anything else to allay his concerns about the Bensons
788 property. Mr. Dillon Dumont stated that the applicant heard concerns from the Board and staff
789 during the conceptual review. He would not want to construct a distasteful building. Mr. Sakati
790 stated that the applicant clearly takes pride in what he is proposing to build.

791

792 In terms of sight lines, Mr. McDonough stated that it appears there may be approximately 360-
793 feet from Bensons property line to Building D. Mr. Dillon Dumont stated that this may be
794 slightly larger. Also, there is existing vegetation between the two. Mr. Sakati asked if there are
795 wetlands between the two. Mr. Dillon Dumont stated that there are and he would have to ask the
796 Conservation Commission if plantings could be installed in this area. Mr. Boyer stated that this
797 area abuts an abandoned road into Bensons. That section of Bensons is not utilized other than
798 existing trails which have a lot of vegetation surrounding them.
799

800 Mr. Don Dumont stated that the elevation at Bensons tends to go up and so the view would be at
801 the buildings, instead of looking up at them.
802

803 Mr. Witham-Gradert noted that planting requirements are generally handled by the Planning
804 Board. Mr. Dillon Dumont noted that a full landscape and lighting plan was submitted to meet
805 the green requirements.
806

807 Mr. Boyer asked if the applicant accepts Mr. McDonough's stipulation as stated. Mr. Dillon
808 Dumont stated that the stipulation is the goal of the project and can be agreed to. Anything
809 beyond that stipulation would lead to the applicant coming back before the Board anyway.
810

811 **Rebuttal Public Comments in Favor:**

812

813 Deborah Putnam, 59 Rangers Drive, stated that she is in support of the discussions taking place
814 and is encouraged by what was stated by the applicant and Board. Precedence setting is an
815 important consideration. Stipulating three livable floors and 116 units seems to solve the
816 concerns of many.
817

818 **Rebuttal Public Comments Neutral or Opposed:** None at this time. 819

820 **Board Discussion and Deliberation:**

821

822 Mr. Dion stated that this will ultimately be a request before the Planning Board to allow for a
823 pitched roof. This is a hardship thrust upon the applicant to make the building look better by the
824 Planning Board. The applicant could make a flat roof for much cheaper.
825

826 **Mr. Lanphear moved to grant a variance from §334-14 – Building Height to allow the up to**
827 **three (3) proposed multi- family buildings within the General (G) district to exceed 38 feet**
828 **in height, where a maximum height of 38 feet would otherwise be required, based on the**
829 **written and verbal testimony of the applicant, and the stipulations that there be a**
830 **maximum building height of 50-feet, with three livable floors, and a pitched roof, duly**
831 **seconded by Mr. Boyer.**
832

833 **Board Speaking on Each Variance Criterion:**

834

835 **1. Granting this variance will not be contrary to the public interest**

836 Mr. Lanphear stated that granting this variance to the 50-foot max height will not change
837 the neighborhood and not threaten the public's health or safety in any way.
838

- 839 **2. The proposed use will observe the spirit of the ordinance**
 840 Mr. Lanphear stated that the proposed use will observe the spirit of the ordinance. The
 841 discussions between the applicant and Board led to a good compromise for everyone ~~in~~
 842 and the public.
 843
 844 **3. Substantial justice would be done to the property owner by granting this variance**
 845 Mr. Lanphear stated that substantial justice would be done to the property owner by
 846 granting this variance. A large portion of the design of this property is the roof. The
 847 proposal will not harm the public.
 848
 849 **4. The proposed use will not diminish the value surrounding properties**
 850 Mr. Lanphear stated that the proposal will not diminish the value of surrounding
 851 properties.
 852
 853 **5. Ordinance results in unnecessary hardship**
 854 Mr. Lanphear stated that the applicant established that ~~little literal~~ enforcement of the
 855 provisions of the ordinance would result in unnecessary hardship. The proposal will help
 856 with the overall look of the design and architectural for the development. The proposed
 857 use is a reasonable one.
 858

859 **Mr. Lanphear – to grant**

- 860
 861 **1. Granting this variance will not be contrary to the public interest**
 862 Mr. Boyer stated that the requested variance will not be contrary to public interest
 863 because there will not be any living space above three floors and the Fire Department had
 864 no comments.
 865
 866 **2. The proposed use will observe the spirit of the ordinance**
 867 Mr. Boyer stated that the spirit of the ordinance will be observed because the
 868 interpretation of the ordinance is in question and was discussed for this case.
 869
 870 **3. Substantial justice would be done to the property owner by granting this variance**
 871 Mr. Boyer stated that substantial justice would be done because the property owner will
 872 be able to build what he and the public would like to see on the property.
 873
 874 **4. The proposed use will not diminish the value surrounding properties**
 875 Mr. Boyer stated that it will not diminish the values per public comment. he does not
 876 ~~perceive any change to surrounding property values.~~
 877
 878 **5. Ordinance results in unnecessary hardship**
 879 Mr. Boyer stated that literal enforcement would create an unnecessary hardship because
 880 the design that is desired by the public and the property owner ~~requires-needs~~ relief from
 881 the ordinance.
 882

883 **Mr. Boyer – to grant**

- 884
 885 **1. Granting this variance will not be contrary to the public interest**

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As edited [TG, CS, BWG]

886 Mr. Sakati stated that the proposal is not contrary to the public interest and does not
 887 conflict with the explicit purpose of the ordinance. He appreciates that the applicant is
 888 trying to go above and beyond and make this look like a classy development that is good
 889 for the Town.

890
 891 **2. The proposed use will observe the spirit of the ordinance**

892 Mr. Sakati stated that the proposal does not threaten the public safety in any form or
 893 fashion.

894
 895 **3. Substantial justice would be done to the property owner by granting this variance**

896 Mr. Sakati stated that justice will be done to the property owner and there will be no harm
 897 to the public.

898
 899 **4. The proposed use will not diminish the value surrounding properties**

900 Mr. Sakati stated that he does not see any diminution of values of surrounding properties.

901
 902 **5. Ordinance results in unnecessary hardship**

903 Mr. Sakati stated that the hardship in this case is that the applicant is trying to satisfy the
 904 Planning Board's guidance and the proposed use is reasonable. He thanked all of the
 905 residents who attended the meeting and submitted comments regarding this case. This
 906 creates better outcomes. He encouraged the Board of Selectmen Chair to work with the
 907 Planning Board to try to encourage similar dialogue from the public to lead to better
 908 outcomes.

909
 910 **Mr. Sakati – to grant**

911
 912 **1. Granting this variance will not be contrary to the public interest**

913 Mr. Brendon Sullivan stated that the proposal is not contrary to the public interest. He has
 914 seen many people change their feelings on this project tonight, including himself.

915
 916 **2. The proposed use will observe the spirit of the ordinance**

917 Mr. Brendon Sullivan stated that the proposal will observe the spirit of the ordinance as it
 918 does not interfere with the public health, safety, ~~or~~ welfare, or public rights.

919
 920 **3. Substantial justice would be done to the property owner by granting this variance**

921 Mr. Brendon Sullivan stated that substantial justice will be done to the property owner by
 922 granting this variance. This is a good compromise between the builder and the public
 923 interest.

924
 925 **4. The proposed use will not diminish the value surrounding properties**

926 Mr. Brendon Sullivan stated that the proposed use will not diminish values of
 927 surrounding properties.

928
 929 **5. Ordinance results in unnecessary hardship**

930 Mr. Brendon Sullivan stated that the proposal meets all the proper requirements.

931
 932 **Mr. Brendon Sullivan – to grant**

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As edited [TG, CS, BWG]

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 977

1. Granting this variance will not be contrary to the public interest

Mr. Dion stated that he would vote to grant with the stipulations of three livable floors and a pitched roof at a maximum of 50-feet. In terms of the implicit or explicit purposes of the ordinance, height limits mostly have to do with trying to maintain the feel of the Town and make sure that people are not building skyscrapers. The proposal allows the applicant to build a bit higher doesn't box us into a situation where we're at Friar's Court, where it's been stated, we have ~~without having to create~~ a "chicken coop" building. The proposal better fits the aesthetic of the Town. Allowing a bit extra height room, is better in keeping with the purpose of the ordinance.

2. The proposed use will observe the spirit of the ordinance

Mr. Dion stated that this building being a bit taller will not threaten the public health or safety.

3. Substantial justice would be done to the property owner by granting this variance

Mr. Dion stated that the proposal will not bring harm to the general public. There was some concern regarding sight lines to the property. Through discussions had, it appears that the distance to Bensons (Park) will be fairly far with a lot of trees in the way.

4. The proposed use will not diminish the value surrounding properties

Mr. Dion stated that a building will exist on the site no matter what, as variances have already been granted. The building being slightly taller will not affect the value of surrounding properties.

5. Ordinance results in unnecessary hardship

Mr. Dion stated that this is a bizarre property. It crosses over two different zones and contains a lot of wetlands. The applicant is limited on how much they can actually build on the property. The applicant could build this within the height limits, creating a ~~two story~~ two-story building with a pitched roof, but this would likely cover a lot more of the property. The applicant is trying to meet some aesthetic and design choices from the Planning Board and public, which is also a hardship.

Mr. Dion – to grant

Vote: 5-0-0 motion carried to grant the variance with the stipulations that there are three livable floors, with a pitched roof and a maximum height of 50 feet.

The proposed two variance requests are combined and required as shown below:

Variance 3a— to allow an extension of the ~~mixed-use~~ mixed-use variance granted on October 24, —2024 (Case #176-041 A) earlier than 90 days in advance, and to align with the expiration —date of variances 1 and 2 noted above. [HZO Article XV: Enforcement and Miscellaneous Provisions; §334-82. F, Time Limit]

978 **Variance 3b**— to extend the variance granted October 24, 2024 to allow a proposed
 979 mixed principal use development with commercial uses and multifamily use on the same
 980 lot. [HZO Article III: General Regulations; §334-10, Mixed or dual use on a lot]
 981

982 Mr. Witham-Gradert read the Cases into the record. He explained that, while these are still two
 983 separate variances being granted with two public hearings, they are interdependent and can be
 984 discussed concurrently, if the Board so chooses.
 985

986 **Applicant Testimony:**

987 Mr. Don Dumont addressed the variance criteria. He stated that hearing the application two
 988 months earlier than permitted is not contrary to the public interest. By hearing the extension now,
 989 the spirit of the ordinance is preserved by managing the timeline for all the required variances.
 990 The public is also benefited by hearing the full scope of the project all at once. Granting the
 991 extension early does not affect property values. The development requires multiple variances,
 992 most of which have already been granted by the ZBA. Due to a change made in the architectural
 993 plans, the proposed uses need to be reviewed by the ZBA again. It would be reasonable to grant
 994 the variance to allow all of the requested variances to be on the same timeline as the project
 995 moves forward.
 996

997 **Board Questions:**

998
 999 There were no questions or comments from the Board at this time.
 1000

1001 Mr. Dion asked to receive public comment either in favor, neutral or opposed from the public at
 1002 10:13 PM.
 1003

1004 **Public Comments in Favor:** None at this time.
 1005

1006 **Public Comments Neutral or Opposed:** None at this time.
 1007

1008 Seeing no additional comments at this time, Mr. Dion closed the public comment period at 10:14
 1009 PM.
 1010

1011 **Board Discussion and Deliberation:**

1012
 1013 **Mr. Lanphear moved to grant a variance from §334-82.F – Time Limit: – to allow an**
 1014 **extension of the mixed-use variance granted on October 24, 2024 (Case #176-041 A) earlier**
 1015 **than 90 days in advance, and to align with the expiration date of variances 1 and 2 noted**
 1016 **above, based on the written and verbal testimony of the applicant, duly seconded by Mr.**
 1017 **Boyer.**
 1018

1019 **Board Speaking on Each Variance Criterion:**

1020
 1021 **1. Granting this variance will not be contrary to the public interest**
 1022 Mr. Lanphear stated that this proposal for extension is to align all of the variances,
 1023 including those just voted on. This will help the project to be on the same timeline.
 1024

- 1025 **2. The proposed use will observe the spirit of the ordinance**
 1026 Mr. Lanphear stated that the proposed extension will ~~observe the spirit of the~~
 1027 ~~ordinance~~ not hurt any person, health or safety.
 1028
- 1029 **3. Substantial justice would be done to the property owner by granting this variance**
 1030 Mr. Lanphear stated it will continue the development to continue moving forward. ~~that the~~
 1031 ~~proposed extension will not harm the public health, safety, or welfare.~~
 1032
- 1033 **4. The proposed use will not diminish the value surrounding properties**
 1034 Mr. Lanphear stated that the proposed use will not diminish property values in the area.
 1035
- 1036 **5. Ordinance results in unnecessary hardship**
 1037 Mr. Lanphear stated that not granting this variance would create a hardship because you
 1038 couldn't hear the next part (the extension). To continue to move forward, all of the
 1039 variances for this project should line up on the same timeline.
 1040

1041 **Mr. Lanphear – to grant**
 1042

- 1043 **1. Granting this variance will not be contrary to the public interest**
 1044 Mr. Boyer stated that granting the variance will not be contrary to the public interest
 1045 because it will allow the Board to hear another case regarding variances previously
 1046 approved.
 1047
- 1048 **2. The proposed use will observe the spirit of the ordinance**
 1049 Mr. Boyer stated the proposed variance is in the spirit of the ordinance. The ordinance is
 1050 observed by allowing the variances to expire together.
 1051
- 1052 **3. Substantial justice would be done to the property owner by granting this variance**
 1053 Mr. Boyer stated that substantial justice is done because ~~will be observed by allowing the~~
 1054 ~~variances to expire together and~~ the property owner will not have to come back to the
 1055 Zoning Board for any extensions.
 1056
- 1057 **4. The proposed use will not diminish the value surrounding properties**
 1058 Mr. Boyer stated that this variance has nothing to do with property values.
 1059
- 1060 **5. Ordinance results in unnecessary hardship**
 1061 Mr. Boyer stated that literal enforcement would create an unnecessary hardship because it
 1062 is completely unnecessary.
 1063

1064 **Mr. Boyer – to grant**
 1065

- 1066 **1. Granting this variance will not be contrary to the public interest**
 1067 Mr. Sakati stated that this variance does not conflict with the explicit or implicit purpose
 1068 of the ordinance.
 1069
- 1070 **2. The proposed use will observe the spirit of the ordinance**

1071 Mr. Sakati stated that this variance will observe the spirit of the ordinance. This has
 1072 already been approved.
 1073

1074 **3. Substantial justice would be done to the property owner by granting this variance**

1075 Mr. Sakati stated that justice ~~will be~~ done, ~~and that Re-~~approving the variance will not
 1076 cause any harm to the public.
 1077

1078 **4. The proposed use will not diminish the value surrounding properties**

1079 Mr. Sakati stated that surrounding property values will not be diminished.
 1080

1081 **5. Ordinance results in unnecessary hardship**

1082 Mr. Sakati stated that literal enforcement ~~would~~ result~~s~~ in a hardship which is not
 1083 necessary.
 1084

1085 **Mr. Sakti – to grant**

1086
 1087 **1. Granting this variance will not be contrary to the public interest**

1088 Mr. Brendon Sullivan stated that granting the variance will not threaten the public health,
 1089 safety, or welfare.
 1090

1091 **2. The proposed use will observe the spirit of the ordinance**

1092 Mr. Brendon Sullivan stated that the proposed use will not alter any parts of the
 1093 neighborhood or public health, safety, or welfare.
 1094

1095 **3. Substantial justice would be done to the property owner by granting this variance**

1096 Mr. Brendon Sullivan stated that substantial justice would be done to the property owner
 1097 by granting the variance in keeping the process moving along.
 1098

1099 **4. The proposed use will not diminish the value surrounding properties**

1100 Mr. Brendon Sullivan stated this is not applicable. that this variance does not alter the
 1101 values of surrounding properties.
 1102

1103 **5. Ordinance results in unnecessary hardship**

1104 Mr. Brendon Sullivan stated that granting the variance will allow the applicant's process
 1105 to move along at a faster speed and there is no need to impose an unnecessary hardship.
 1106

1107 **Mr. Brendon Sullivan – to ~~deny~~grant**

1108
 1109 **1. Granting this variance will not be contrary to the public interest**

1110 Mr. Dion stated that granting the variance is not contrary to the ordinance.
 1111

1112 **2. The proposed use will observe the spirit of the ordinance**

1113 Mr. Dion stated that granting the variance will not threaten public health, ~~safety, or~~
 1114 ~~welfare~~ in allowing the request to be heard 90 days earlier.
 1115

1116 **3. Substantial justice would be done to the property owner by granting this variance**

1117 Mr. Dion stated that substantial justice would be granted to the property owner as the
 1118 proposal will not harm the general public.
 1119

1120 **4. The proposed use will not diminish the value surrounding properties**

1121 Mr. Dion stated that this is not applicable in this case.
 1122

1123 **5. Ordinance results in unnecessary hardship**

1124 Mr. Dion stated that enforcing the ordinance strictly would require the applicant to
 1125 unnecessarily coming back 90 days later when we would rather deal with the case now in
 1126 a feasible, reasonable manner, from now to hear the case.
 1127

1128 **Mr. Dion – to grant**
 1129

1130 **Vote: 5-0-0 motion carried to grant the variance.**
 1131

1132 **Variance 3b**— to extend the variance granted October 24, 2024 to allow a proposed
 1133 mixed principal use development with commercial uses and multifamily use on the same
 1134 lot. [HZO Article IIIH: General Regulations; §334-10, Mixed or dual use on a lot]
 1135

1136 Mr. Witham-Gradert explained that this variance was granted at a prior hearing. The request is to
 1137 extend the already granted variance to match the timeline with the variances granted this
 1138 evening.
 1139

1140 **Applicant Testimony:**

1141 Mr. Don Dumont addressed the variance criteria. The proposed use would not alter the character
 1142 of the neighborhood. This is a large parcel with virtually nothing around it. The use would allow
 1143 for housing which the community is in need of. The proposed multifamily use aligns with the
 1144 spirit of the ordinance by adhering to the established guidelines and supporting higher density
 1145 housing. The proposal would allow the property to be developed in an accessible manner instead
 1146 of remaining vacant as it has for many years. Any development on this property would clean up a
 1147 depressed area and improve property values of surrounding properties. This property is bisected
 1148 by two zones, and the use is permitted on the front parcel. The proposed use is reasonable and
 1149 allows for a more harmonious, consistent development which the Town is in need of.
 1150

1151 Mr. Dillon Dumont explained that mixed use is allowed in the Business District today. This is
 1152 one large site plan, and mixed use is proposed where allowed on the property, but the property
 1153 happens to be bisected by different zones.
 1154

1155 **Board Questions:**
 1156

1157 Mr. Witham-Gradert recommended a stipulation that this variance extend to the date of February
 1158 26, 2028, similar to the other variances granted this evening.
 1159

1160 Mr. Dion asked to receive public comment either in favor, neutral or opposed from the public at
 1161 10:22 PM.
 1162

1163 **Public Comments in Favor:** None at this time.

Not Official until reviewed, approved and signed.

As edited [TG, CS, BWG]

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Public Comments Neutral or Opposed:

Donna Boucher, 8 Windham Road, asked about the Town vote last year regarding mixed use district and why this does not fall within that. Mr. Witham-Gradert stated that the vote last year was to establish a mixed-use district, non-defined. The vote was not that mixed-use developments were not allowed. There is specific reference to them in the zoning ordinance, and they are permitted primarily in the business zone. It was brought before the voters last year to establish larger districts which expanded these areas and provided special rules in regard to how they would be regulated. This was voted down by the voters last year. Ms. Boucher asked about the proposed building that includes both retail and residential uses, and if that goes against the vote. Mr. Witham-Gradert stated that if the singular building was subdivided and considered separately, it would be allowed within the rules of the Town as mixed-use developments are allowed within the Town business zone with specific requirements. The prior vote was for establishment of a district, including a special set of rules for a given area. This was not a vote to allow or to bar mixed-use development as a concept. If someone wanted to make a petition this upcoming year to do that, they could.

Nancy Sudsbury, 18 Windham Road, stated that she does not like mixed-use development. This feels like a city and does not look nice. More mixed use will lead to Hudson looking less like a town. This is a business zone and so likely nothing can be done to stop it.

Seeing no additional comments at this time, Mr. Dion closed the public comment period at 10:27 PM.

Board Discussion and Deliberation:

Mr. Lanphear moved to grant an extension of the variance labelled #176-041A, granted on October 24, 2024 from §334-10 – Mixed Use: to allow a proposed mixed principal use development with commercial uses and multi-family use on the same lot, to date February 26, 2028, based on the written and verbal testimony of the applicant, duly seconded by Mr. Boyer.

Board Speaking on Each Variance Criterion:

1. Granting this variance will not be contrary to the public interest

Mr. Lanphear stated that granting of this requested variance will keep it on the same timeline as the other variances because they will expire at the same time.

2. The proposed use will observe the spirit of the ordinance

Mr. Lanphear stated ~~it's irrelevant. that the proposed extension will observe the spirit of the ordinance.~~

3. Substantial justice would be done to the property owner by granting this variance

Mr. Lanphear stated that the proposed extension ~~is to will~~ keep the variances in order so the development project can continue going on. on the same timeline.

1211 **4. The proposed use will not diminish the value surrounding properties**
 1212 Mr. Lanphear stated that the proposed use will not diminish property values in the area.
 1213

1214 **5. Ordinance results in unnecessary hardship**

1215 Mr. Lanphear stated that granting this variance will line up all the variances will
 1216 allow and allow the applicant to keep the variances on the same timeline. ~~and it would be~~
 1217 ~~a hardship to deny this.~~
 1218

1219 **Mr. Lanphear – to grant**
 1220

1221 **1. Granting this variance will not be contrary to the public interest**

1222 Mr. Boyer stated that this variance is already in place. The variance will not be contrary
 1223 to the public interest because ~~nothing about~~ it is not being changed. Public safety and
 1224 welfare are still of the same matter.
 1225

1226 **2. The proposed use will observe the spirit of the ordinance**

1227 Mr. Boyer stated that the spirit of the ordinance is still in effect because ~~the that~~ variance
 1228 is still in effect. This is simply extending the date.
 1229

1230 **3. Substantial justice would be done to the property owner by granting this variance**

1231 Mr. Boyer stated that substantial justice will be done because this will allow the
 1232 previously approved substantial justice to continue.
 1233

1234 **4. The proposed use will not diminish the value surrounding properties**

1235 Mr. Boyer stated that this variance has nothing to do with property values. This is
 1236 extending a variance.
 1237

1238 **5. Ordinance results in unnecessary hardship**

1239 Mr. Boyer stated that literal enforcement would be a hardship in not allowing this
 1240 variance to continue along with all the others.
 1241

1242 **Mr. Boyer – to grant**
 1243

1244 **1. Granting this variance will not be contrary to the public interest**

1245 Mr. Sakati stated that this is not contrary to public interest. ~~It does not conflict with the~~
 1246 ~~spirit of the ordinance.~~
 1247

1248 **2. The proposed use will observe the spirit of the ordinance**

1249 Mr. Sakati stated that this variance does not conflict with the spirit of the ordinance.
 1250

1251 **3. Substantial justice would be done to the property owner by granting this variance**

1252 Mr. Sakati stated that justice will be done to the property owner. There is no harm to the
 1253 public.
 1254

1255 **4. The proposed use will not diminish the value surrounding properties**

1256 Mr. Sakati stated that ~~surrounding property values will not be diminished.~~ there is no
 1257 diminution of value.

Not Official until reviewed, approved and signed.

As edited [TG, CS, BWG]

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5. Ordinance results in unnecessary hardship

Mr. Sakati stated that ~~literal enforcement not approving would~~ creates an unnecessary hardship.

Mr. Sakti – to grant

1. Granting this variance will not be contrary to the public interest

Mr. Brendon Sullivan stated that granting this would not conflict with the ordinance or cause harm to the character of the neighborhood, public health, etc.

2. The proposed use will observe the spirit of the ordinance

Mr. Brendon Sullivan stated that the proposed use will not alter any parts of the neighborhood, ~~threaten or~~ public health, ~~etc. safety, or welfare.~~

3. Substantial justice would be done to the property owner by granting this variance

Mr. Brendon Sullivan stated that substantial justice would be done to the property owner by allowing the variance to continue on a congruent timeline.

4. The proposed use will not diminish the value surrounding properties

Mr. Brendon Sullivan that this ~~variance does not alter the values of surrounding properties is not applicable.~~

5. Ordinance results in unnecessary hardship

Mr. Brendon Sullivan stated that granting the variance will allow the applicant's process to be streamlined.

Mr. Brendon Sullivan – to deny

1. Granting this variance will not be contrary to the public interest

Mr. Dion stated this will allow the applicant to have expeditious timelines and align the dates for all of the variances.

2. The proposed use will observe the spirit of the ordinance

Mr. Dion stated that granting the variance will not threaten public health, ~~safety, or welfare by extending this variance to be all in alignment.~~

3. Substantial justice would be done to the property owner by granting this variance

Mr. Dion stated that substantial justice would be granted to the property owner.

4. The proposed use will not diminish the value surrounding properties

Mr. Dion stated that this is not applicable in this case.

5. Ordinance results in unnecessary hardship

Mr. Dion stated that the property is unique and, due to that, the planning and design for the project may take more time. Not granting this and not allowing the variances to be in

1304 alignment would be an unnecessary hardship against the property owners considering the
1305 previous variances that were just granted by the Board have a specific timeline to them.
1306

1307 **Mr. Dion – to grant with the stipulations already proposed.**

1308
1309 **Vote: 5-0-0 motion carried to grant the variance with the stipulation of expiration date of**
1310 **February 26, 2028.**

1311
1312 *Mr. Dillon Dumont retook his seat.*

1313
1314 **VI. REVIEW OF MINUTES:**
1315 01/22/2026 edited draft Meeting Minutes

1316
1317 **Mr. Lanphear moved to approve the meeting minutes of 01/22/2026, as edited, duly**
1318 **seconded by Mr. Boyer.**

1319 **Vote: 5-0-0 motion carried to approve the 01/22/2026 meeting minutes.**

1320
1321 **VII. OTHER BUSINESS:** Continued discussion of proposed ZBA Bylaws amendments:
1322 regarding deliberations in §143-9. Decision Process

1323
1324 The Board reviewed the draft language for §143-9: Decision Process. Mr. Dion explained that
1325 this language states that the Chairperson shall permit non-sitting alternates, the Select Board
1326 liaison, if present, and the Zoning Administrator or his/her designee, to ask questions and
1327 provide input, should they wish to do so.

1328
1329 Mr. Sakati expressed concern that the Board previously agreed that the Select Board Liaison
1330 would not be allowed to speak during deliberations. Then the Board reviewed the bylaws and
1331 decided to allow it, as discourse is important. However, when the lawyer met with the Board, he
1332 cautioned that this could opening the Board up to a lawsuit if the liaison is seen to be biasing the
1333 process.

1334
1335 Mr. Dumont explained that this is the last thing he would want to happen. The overall advice was
1336 to be cautious and reach out to legal counsel. He received advice from legal counsel who sits on
1337 a separate zoning board that this can be permitted per the Chair's discretion. Mr. Dion stated that
1338 this could be on a case-by-case basis. This would allow for leeway and leverage when needed for
1339 cases.

1340
1341 Mr. Dumont stated that NHMA commended Hudson on the ZBA Chair making it clear which
1342 Board members are present during meetings and their roles on cases. Mr. Dion noted that other
1343 towns allow for liaisons to be used as voting members, if need be. This could lead to concerns
1344 regarding too much leverage coming from the Board of Selectmen. He does not want to put the
1345 Board in the wrong position to not hear from those with expertise.

1346
1347 Mr. Dumont suggested at least allowing the Zoning Administrator to participate in discussions,
1348 even if the Board of Selectmen Liaison is removed from the language. Mr. Sakati stated that his
1349 only concern is with the liaison role. Mr. Dion stated that he believes it adds value for the liaison

1350 to be able to give some additional color from the side of the Board of Selectmen that the ZBA
1351 may not always know.

1352
1353 Mr. Dion stated that he watched 20-30 other NH towns to see how their ZBAs run their
1354 meetings. It is fairly common for the liaison role to at least sit and participate in discussions. Mr.
1355 Sakati stated that it seems this item has been worked through.

1356
1357 **Motion made by Mr. Boyer to approve §143-9. Decision Process as written, duly seconded**
1358 **by Mr. Lanphear.**

1359 **Vote: 5-0-0 motion carried, ~~to approve the meeting minutes.~~**

1360
1361 **VIII. ADJOURNMENT:**

1362
1363 **Motion made by Mr. Boyer, duly seconded by Mr. Lanphear and unanimously voted to**
1364 **adjourn the 02/26/2026 ZBA Meeting at 10:42PM.**

1365 **Vote: 5-0-0 motion carried to approve the meeting minutes.**

1366
1367 Respectfully submitted,
1368 Kristan Patenaude, Recording Secretary

1369
1370
1371
1372
1373 _____
Tristan Dion, ZBA Chairman

Hudson Planning Board

Proposed Zoning Amendments for 2026 Town Meeting

Item 1 Amend Article XIII A, Accessory Dwelling Units, Section 334-73.3 Provisions, to reflect changes in State Law.

§ 334-73.3 Provisions.

An ADU shall be permitted in zoning DISTRICTS that permit single-family dwellings, and only in accordance with the following provisions:

- A. An ADU is allowed only in single-family dwellings. An ADU is not allowed in two- or multifamily dwellings or in any nonresidential uses.
- B. An ADU is **not** allowed as *either* a freestanding detached STRUCTURE or as part of any STRUCTURE which is ~~detached from~~ *attached to* the principal dwelling. MANUFACTURED HOUSING, RECREATIONAL VEHICLES or trailers may not be erected or added to the principal dwelling as an ADU.
- C. Either the principal DWELLING UNIT or the ADU must be occupied by the owner of record of the principal dwelling. Upon request of the Zoning Administrator or other official with the authority to enforce this ordinance, the owner of record shall demonstrate that one of the units is his or her principal place of residence.
- D. The front face of the principal dwelling STRUCTURE is to appear as a single-family dwelling after any alterations to the STRUCTURE are made to accommodate an ADU. Any additional separate entrances must be located on the side or rear of the STRUCTURE.
- E. ~~At least one common interior access between the principal DWELLING UNIT and an ADU must exist.~~ Two external means of egress (common or separate) from both a principal DWELLING UNIT and an ADU must exist.

~~Separate utility service connections and/or meters for the principal DWELLING UNIT and an ADU shall not exist. (This does not preclude using a type of heating system for an ADU different from the type for the principal DWELLING UNIT.) Separate service connections for common areas shall be as required by building and electrical codes.~~
- F. A minimum of ~~four~~ *two* off-street paved parking spaces shall be provided to serve the combined needs of the principal DWELLING UNIT and an ADU. ~~There shall not be a separate driveway for the ADU.~~
- G. The size of an ADU shall not be less than 350 square feet nor greater than ~~750~~ *950* square feet. The size of the principal dwelling shall not be reduced to less than 850 square feet in order to accommodate the creation of an *attached* ADU. *An ADU may not be greater in size than the*

Item 3 Amend Section 334 Attachment 4, Table of Minimal Dimensional Requirements, to reduce the front-yard setback in the Town-Residential (TR) Zoning District from thirty (30) feet to twenty (20) feet and the side and rear-yard setbacks from fifteen (15) feet to ten (10) feet.

Amend 334 Attachment 4 Town of Hudson Table of Minimal Dimensional Requirements in relevant part to be as follows (language to be removed shown in **bold-strikeout**; language to be added shown in *bold italics*):

	Zoning District							
	R-1	R-2	TR	RR	B	I	G	G-1
Arterial and collector roadway	50/15/15	50/15/15	30/15/15 <i>20/10/10</i>	50/30/30	50/15/15	50/15/15	50/15/15	50/15/15
Local Roadways	30/15/15	30/15/15	30/15/15 <i>20/10/10</i>	50/30/30	50/15/15	50/15/15	30/15/15	30/15/15

Item 4 Amend Section 334-110 Growth Management - Findings, by replacing the outdated language with “Growth management practices and findings of fact shall be in accordance with the most recently adopted Master Plan”.

- ~~A. Hudson’s developable land area, as estimated by the Nashua Regional Planning Commission (NRPC), is sufficient to support extensive new growth and development. According to a 1997 study by NRPC, there are approximately 3,650 buildable, residentially zoned acres out of a total of 17,371 acres in Hudson.~~
- ~~B. Hudson’s population increased 39.3% from 1980 to 1990, and 18.5% from 1990 to 1999, for an overall increase of 65%, or 3.4% annually over the nearly twenty-year period. By contrast, the total population of the communities making up the Nashua Regional Planning Commission (NRPC region) increased by 24% from 1980 to 1990, and 13% from 1990 to 1999, for an overall increase of 44%, or 2.3% annually over the nearly twenty-year period. As evidenced by these statistics, Hudson has grown at a faster rate than the region.~~
- ~~C. The number of housing units in Hudson increased by 58% between 1980 and 1990, and by 17.5% between 1990 and 1999, for an overall increase of 85.5%, or 4.5% annually over the nearly twenty-year period. By contrast, the number of housing units in the NRPC region increased by 38.5% between 1980 and 1990, and by 10.2% between 1990 and 1999, for an overall increase of 52.7%, or 2.9% annually over the nearly twenty-year period.~~

- ~~D. The average annual rate of new housing unit construction in Hudson is greater than the average for a Hudson first tier fair share region that consists of the six adjacent communities of Litchfield, Londonderry, Nashua, Pelham, Windham, and Tyngsborough, MA. In Hudson, the average annual increase in housing units for the period 1995 to 1999 was 1.7%, compared to a first tier fair share region average annual growth rate of 1.1%.~~
- ~~E. Population projections for Hudson issued by the New Hampshire Office of State Planning (NHOSP) in 2000 project a 3,111 person, or 13.4% increase in population from 2000 to 2010.~~
- ~~F. High levels of demand for housing in Hudson are expected to continue according to the 1999 Regional Housing Needs Assessment by NRPC. With the region divided into four parts, the eastern Towns of Hudson, Litchfield, and Pelham had the largest increase in the number of home sales for the period 1991 to 1998, at 116%.~~
- ~~G. As of 1999, there were approximately 7,965 dwelling units in Hudson, according to estimates by the NHOSP. According to a build-out study performed by NRPC for the 1996 Hudson Master Plan, there is the potential to add approximately 4,700 units in Hudson's residential zoning districts, an increase of 58% over the 1999 figure.~~
- ~~H. Hudson's total population at build-out, according to the Master Plan, could approach 33,300 persons, an increase of 10,200, or 44%, over the estimated 1999 population of 23,100.~~
- ~~I. The Town of Hudson, in its Master Plan, supports controlled growth as one method of ensuring that the Town grows in a sustainable manner. Land-Use Goal B.3 states that Hudson should "[c]onsider the adoption of growth controls or development phasing to limit population increases and housing development to manageable levels." Population Goal A states that Hudson should "[p]rovide an acceptable rate of growth in relation to the regional rate of growth and in keeping with the ability of the Town to provide essential facilities and services."~~
- ~~J. Community facilities.~~
- ~~1) Many community facilities in Hudson are being adversely impacted by rapid population and housing growth in the community. The Community Facilities section of the 1996 Hudson Master Plan states that: "The significant and rapid growth that occurred in Town over the past years has caused the current Town facilities to become inadequate. The growth of the Town facilities has not kept pace with the rest of the Town." Some of the municipal facilities adversely impacted by rapid growth include:
 - ~~a) Fire Department: In its FY 2002 submittal to the Hudson Capital Improvements Plan Committee, the Fire Department noted that "the present fire stations are not conducive to providing timely responses for emergency services. The growth of the Town has passed the available level of service that the Fire Department can provide to the~~~~

~~community from its present location." As a result of this deficiency, the Town will be assessing possible locations for additional fire stations.~~

- ~~b) Hills Memorial Library: The 1996 Hudson Master Plan notes that "[w]ith just 3,645 square feet in the original building, the inadequacies of the facility and crowding have been major concerns for many years." The Library has documented the need for a new 25,000 square foot facility to meet present and future demands for library services.~~
- ~~c) Schools: The Town's rapid growth has placed severe strain on the school system. In an attempt to address the impacts of growth, the Town is building a new elementary school and renovating the middle school. Despite these improvements, the School Department reports that overcrowding will remain an issue as long as rapid growth continues.~~
- ~~d) Town Sewer: Hudson has an agreement with the City of Nashua in which the Nashua Wastewater Treatment Plant (WWTP) receives sewage flow from Hudson. Due to capacity limitations and the provisions of the inter-municipal agreement, the Nashua WWTP can only treat two million gallons per day (mgpd) of Hudson wastewater. The Town of Hudson is currently generating approximately 1.6 mgpd, which is approaching the limits of the Nashua WWTP. Constraints on the ability of the sewer system to expand results in a very limited allocation for commercial development, which is needed to sustain the tax rate.~~
- ~~e) Hudson Recreation Department: In its FY 2002 capital improvements submittal, the Town's Recreation Department noted that "[t]his rapid growth has caused an outcry for more (recreational / sports) fields." Additional sports fields are needed to meet present and future demand brought on by recent and anticipated growth. Many sports programs are at capacity at the present time. A new indoor recreation center is also needed, as the demand for many programs is now nearly double the capacity of the existing facility.~~

- ~~2) The above examples are intended to illustrate how rapid and unchecked growth impacts many of the Town's services and facilities.~~

Growth management practices and findings of fact shall be in accordance with the most recently adopted Master Plan.



PLANNING AND ZONING CONFERENCE

The Office of Planning and Development organizes an annual conference, required under RSA 673:3-a, by providing informational sessions on planning and zoning issues for members of municipal land use boards. This planning and zoning conference has been held since 1994.

SAVE THE DATE

NH Office of Planning and Development's 2026 Spring Planning and Zoning conference.

- **When:** Saturday, **May 9, 2026** from 8:45 AM to 3:30 PM
- **Where:** Online (each session will be recorded and available after conference)
- **Cost:** Free
- **Registration Opens:** April 3, 2026

Previous Planning and Zoning Conferences

- [May 10, 2025, 31st Spring Planning and Zoning Conference - Virtual](#)
- [May 11, 2024, 30th Spring Planning and Zoning Conference - Virtual](#)
- [April 29, 2023, 29th Spring Planning and Zoning Conference - Virtual](#)
- [April 30 and May 7, 2022, 28th Spring Planning and Zoning Conference - Virtual](#)
- [May 15, 2021, 27th Spring Planning and Zoning Conference - Virtual](#)
- [October 31, 2020 – in partnership with the NH Municipal Association at their 2020 Virtual Land Use Law Conference.](#)
- [June 1, 2019, 25th Spring Planning and Zoning Conference - Courtyard by Marriot - Grappone Center in Concord, NH, 70 Constitution Avenue, Concord, NH](#)

If you would like to inquire about any of OPD's past conferences and materials, please email planning@livefree.nh.gov